

**AGENDA ITEM 25**

Consider nullifying Super Circuits Tax Abatement agreement due to the fact that they did not meet the conditions of Article 7 pertaining to number of employees.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Heiligenstein**

Motion: To authorize nullifying the Super Circuits Tax Abatement agreement due to the fact that they did not meet the conditions of Article 7 pertaining to number of employees.

Vote: **5 - 0**

**AGENDA ITEM 26**

Hold Public Hearing on Petition Requesting Creation of a Water Control and Improvement District (Williamson County Water Control and Improvement District No. 2).

Judge Doerfler announced the public hearing on the Petition Requesting Creation of a Water Control and Improvement District (Williamson County Water Control and Improvement District No. 2) open at 10:45 a.m.

Mike Willatt, representing the landowners who are requesting the creation of the WCID, addressed the court and submitted documentation.

Judge Doerfler announced the public hearing closed at 10:49 a.m.

**AGENDA ITEM 27**

Discuss and take appropriate action on Order Granting Petition Requesting Creation of Williamson County Water Control and Improvement District No. 2.

Moved: **Commissioner Heiligenstein**

Seconded: **Judge Doerfler**

Motion: To approve an Order Granting Petition Requesting Creation of Williamson County Water Control and Improvement District No. 2.

Vote: **4 – 0. Commissioner Limmer was absent from the dais.**

<Attachment>

THE STATE OF TEXAS  
COUNTY OF WILLIAMSON

I, Frankie Limmer (name) as a member of the Williamson County Commissioners Court make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the Williamson County Commissioners Court as those terms are defined in Chapter 171 of the Local Government Code. The business entity or real property is:

WCID #2, Norman's Crossing, Texas  
(name and address of business and/or description of property)

Wife, Judy Limmer, and I, Frankie Limmer are partial owners.  
("I") or name of relative and relationship

(have/has) a substantial interest in this business entity or real property for the following reasons (circle all which are applicable):

- (1) the interest is ownership of 10% or more of the voting stock or shares of the business entity;  
(2) the interest is ownership of 10% or \$5,000 or more of the fair market value of the business entity;  
(3) funds received from the business entity exceed 10% of \_\_\_\_\_ (my/his/her) income for the previous year;  
(4) real property is involved and I, she (I/he/she) (have/has) an equitable or legal ownership with a fair market value of at least \$2,500.

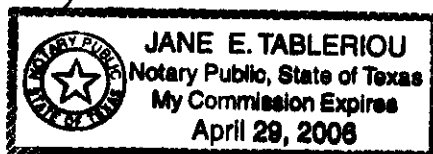
Upon the filing of this affidavit with the official recordkeeper for the County, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this 29<sup>th</sup> day of July 2003.

Frankie Limmer  
Signature of public official

Commissioner pct. 4  
Title

BEFORE ME, the undersigned authority, this day personally appeared FRANKIE LIMMER (name of affiant) and by oath stated that the facts hereinabove stated are true and correct to the best of (his/her) knowledge or belief. Sworn to and subscribed before me on this 29 day of July, 2003.



Jane E. Tableriou  
Notary Public in and for the State of Texas  
My commission expires: 4-29-06

**WILLATT & FLICKINGER**  
**ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9148

July 24, 2003

Hon. John C. Doerfler  
County Judge  
710 Main Street, Ste. 201  
Georgetown, Texas 78626

Hon. Mike Heiligenstein  
Commissioner Pct. #1  
400 Main Street, #216  
Round Rock, Texas 78664

Hon. Greg Boatwright  
Commissioner Pct. #2  
350 Discovery Blvd., Ste. 201  
Cedar Park, Texas 78613

Hon. David Hays  
Commissioner Pct. #3  
3151 S.E. Inner Loop, Ste. C  
Georgetown, Texas 78626

Hon. Frankie Limmer  
Commissioner Pct. #4  
412 Vance, Ste. 213, Box 6  
Taylor, Texas 76574

Re: Proposed Williamson County WCID No. 2

Dear Judge and Commissioners:

I am writing with respect to the creation of Williamson County Water Control and Improvement District No. 2 which is on the Commissioner's Court agenda next Tuesday, July 29, 2003. There will be a public hearing on this matter, followed by consideration of an order creating the District and an order appointing five (5) temporary directors.

We enclose copies of the following paperwork:

- ✓ 1. Petition Requesting Creation of the District.
  - ✓ 2. Order of the County Judge Setting the Public Hearing.
  - ✓ 3. Sheriff's Return evidencing posting and publication of Notice of the Hearing.
  - ✓ 4. Proposed Order Creating the District.
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WILLATT &amp; FLICKINGER

July 24, 2003

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5. Proposed Order Appointing Five Temporary Directors.

We will present evidence that the district is necessary, that it would be a public utility or benefit to the land in the district, and that it would be feasible and practicable.

The District is necessary because the land is in a developing part of the county. The major builders and developers in the area require financing of water, wastewater and drainage facilities from bond proceeds in order to make their projects competitive with other developments. The District will be a water control and improvement district, which is a public utility and an appropriate political entity to provide water, wastewater and drainage service. The engineer's review has shown that the District will be feasible and practicable.

Pursuant to our meeting with Gene Taylor and Dale Rye on Tuesday we are furnishing them a copy of this letter and the attachments.

Please call if any questions arise. We look forward to appearing before you next Tuesday.

Very truly yours,



Mike Willatt

MW/jc

Enclosures

cc: Mr. Eugene Taylor  
Williamson County Attorney  
Criminal Justice Annex Building  
405 S. MLK Street  
Georgetown, Texas 78626  
(w/ enclosures)

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WILLATT & FLICKINGER

July 24, 2003

Page 3

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Mr. Dale Rye  
Assistant Williamson County Attorney  
Criminal Justice Annex Building  
405 S. MLK Street  
Georgetown, Texas 78626  
(w/ enclosures)

## AFFIDAVIT

THE STATE OF TEXAS

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§

COUNTY OF WILLIAMSON

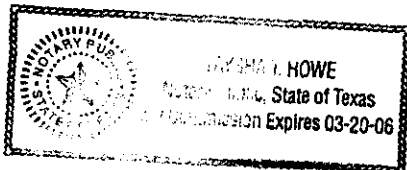
§ KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, a notary public in and for said state and county, on this day personally appeared Joseph W. Ponder, Deputy Tax Assessor of Williamson County, Texas, known to me to be the person whose name is subscribed hereto, who, after having been by me first duly sworn upon his/her oath, deposed and said:

I have examined the Petition Requesting Creation of a Water Control and Improvement District (Williamson County Water Control and Improvement District No. 2), a copy of which is attached hereto, and I hereby certify that the petition is signed by a majority of the persons who hold title to land in the proposed district which represents a total value of more than 50 percent of the value of all the land in the proposed district as indicated by the Williamson County tax rolls.

Joseph W. Ponder  
Deputy Tax Assessor,  
Williamson County, Texas

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25<sup>th</sup> DAY OF July, 2003.



Joseph J. Howe  
Notary Public, State of Texas

My Commission Expires 3/20/06

(SEAL)

**PETITION REQUESTING CREATION OF A  
WATER CONTROL AND IMPROVEMENT DISTRICT  
(WILLIAMSON COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO.2)**

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THE STATE OF TEXAS                   §  
                                                 §  
COUNTY OF WILLIAMSON           §

The undersigned ("Petitioners"), being a majority of the persons who hold title to land which represents a total value of more than 50 percent of the value of the land hereinafter described by metes and bounds, acting pursuant to the provisions of Chapter 51, Title 4, Texas Water Code, respectfully petition the honorable Commissioners Court of Williamson County, Texas for the creation of a water control and improvement district (the "District") and would respectfully show the following:

**I.**

The name of the proposed District shall be Williamson County Water Control and Improvement District No. 2.

**II.**

The territory within the proposed district consists of two contiguous tracts of land, one being the tract conveyed by deed from Edna Werchan, to Emzy R. Boehm, et al, dated December 28, 1993, recorded at Volume 2440, Page 327, Official Records, Williamson County, Texas, and the other being the tract conveyed by deed from Alan M. McGraw, Trustee to Walnut Corner, L.L.C., dated May 9, 2003, recorded as document 2003043723, Official Records, Williamson County, Texas. The District shall contain an area of approximately 548.82 acres of land, more or less, situated wholly in Williamson County, Texas, and its boundary is described by metes and bounds in Exhibit "A", which Exhibit is attached hereto and incorporated herein for all purposes. No part of such area is within the extraterritorial jurisdiction of any incorporated city, town, village, or municipal corporation.

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### III.

The District shall be organized, created, and established and shall exist under, and shall have the powers authorized by, the terms and provisions of Article 16, Section 59, Constitution of Texas, and Chapters 49 and 51, Title 4, Texas Water Code, except for those powers and functions provided in Section 51.331, Texas Water Code.

### IV.

The District shall be created and organized for the purposes of:

- (1) the control, storage, preservation, and distribution of its water and flood water and the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land which needs irrigation;
- (3) the reclamation, drainage, conservation, and development of its forests, water, and hydroelectric power;
- (4) the navigation of its coastal and inland water;
- (5) the control, abatement, and change of any shortage or harmful excess of water;
- (6) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (7) the preservation and conservation of all natural resources of the state.

### V.

The general nature of the work to be done by the District at the present time is the acquisition, construction, operation, and maintenance of a waterworks system, for municipal, domestic, industrial, and commercial purposes; the acquisition, construction, operation, and maintenance of a drainage system to control, store, preserve, and distribute flood water, and the control, abatement, and change of harmful excesses of water; and all such other purchase, construction, acquisition, ownership, lease,



operation, maintenance, repair, improvement, and extension of such additional improvements, facilities, plants, equipment, and appliances that are or shall be authorized by law. The project, including the proposed improvements, is practicable and feasible, in that there is an ample supply of water available and the terrain of the territory to be included in the District is of such a nature that a waterworks system and a drainage system can be constructed at a reasonable cost. In addition, there is a public necessity for the project and the project would be a benefit to the land to be included in the District, in that such territory will be rapidly developed and will continue so to develop until the majority of the territory located therein is used for residential and commercial purposes, thereby furthering the public welfare.

#### VI.

It is now estimated by Petitioners, from such information as is available at this time, that the ultimate cost of the project described in paragraph V hereof will be approximately \$39,500,000.00.

#### VII.

Petitioners are a majority of the persons who hold title to land in the proposed District which represents a total value of more than 50 percent of the value of all the land in the proposed District, as indicated by the tax rolls of Williamson County, Texas, as supplemented.

#### VIII.

There is, for the following reasons, a necessity for the above-described work: The area proposed to be within the District is in proximity to populous and developed sections of Williamson County, Texas, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the area an adequate waterworks system nor an adequate drainage system. The health and welfare of the present and future inhabitants of the District and of territories adjacent thereto require the acquisition, construction, maintenance, and operation of an adequate waterworks system and drainage system. A public necessity therefore exists for the organization of the District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks system and drainage system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

WHEREFORE, Petitioners respectfully request and pray as follows:

1. That this Petition be filed in the office of the County Clerk of Williamson County, Texas, and there recorded in a book kept for that purpose.
2. That a hearing on the Petition be set before the Commissioner's Court of Williamson County, Texas.
3. That notice of the hearing include a statement of the nature and purpose of the district and the date, time, and place of the hearing.
4. That notice be prepared with one original and three (3) copies, the County Clerk retaining one copy in her files and the original and two (2) copies being delivered to the Sheriff of Williamson County, Texas.
5. That the Sheriff post one copy of the notice at the Courthouse door, 15 days before the date of the hearing and publish one copy in a newspaper of general circulation in the County once a week for two consecutive weeks, the first newspaper publication being made at least 20 days before the date of hearing.
6. That before the hearing, the Sheriff make due return of service of the notice with copy and affidavit of publication attached to the original.
7. That this Petition be granted in all respects; and the proposed district be created.
8. That five (5) temporary directors be appointed to serve until their successors are elected or appointed in accordance with law.
9. That the undersigned Petitioners have such other orders, proceedings, and relief as are proper, necessary or appropriate for the creation and organization of the proposed district.

RESPECTFULLY SUBMITTED this 30th day of June, 2003.

Edna Werchan  
Edna Werchan

Emzy R. Boehm  
Emzy R. Boehm

Bari Bryce Bodden  
Bari Bryce Bodden

Judy Lynn Limmer  
Judy Lynn Limmer

WALNUT CORNER, L.L.C.

By: Alan M. McGraw  
Alan M. McGraw, Manager

County: Williamson  
Project: Limmer  
Project No. P030620

**FIELD NOTES FOR 548.82 ACRE TRACT**

BEING A 548.82 ACRE TRACT OF LAND LOCATED IN THE JOHN KUYKENDALL SURVEY, ABSTRACT 378, THE R.S. NEIGHBORS SURVEY, ABSTRACT 483, THE CHARLES GERLACK SURVEY, ABSTRACT 260, AND THE WILLIAM MULLEN SURVEY, ABSTRACT 446 IN WILLIAMSON COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THE REMAINDER OF A CALLED 506.25 ACRE TRACT OF LAND RECORDED IN THE NAME OF MAX BOEHM IN VOLUME 287, PAGE 182 OF THE WILLIAMSON COUNTY DEED RECORDS (W.C.D.R.), AND A PORTION OF A CALLED 156.80 ACRE TRACT OF LAND RECORDED IN THE NAME OF WILBERT VORWERK IN DOCUMENT NUMBER 20011004234 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY (O.P.R.W.C.), AND CONSISTING OF TWO CONTIGUOUS TRACTS OF LAND, ONE BEING THE TRACT CONVEYED BY DEED FROM EDNA WERCHAN, TO EMZY R. BOEHM, ET AL, DATED DECEMBER 28, 1993, RECORDED AT VOLUME 2440, PAGE 327, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND THE OTHER BEING THE TRACT CONVEYED BY DEED FROM ALAN M. McGRAW, TRUSTEE TO WALNUT CORNER, L.L.C., DATED MAY 9, 2003, RECORDED AS DOCUMENT 2003043723, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearings are based on the easterly line of said 156.80 acre tract being South 7 degrees 26 minutes 31 seconds West);

**BEGINNING** at a point on the easterly line of said 156.80 acre tract, said point also being on the westerly Right-of-Way (R.O.W.) line of Farm to Market (F.M.) Road 3349;

Thence, with the easterly line of said 156.80 acre tract, South 7 degrees 26 minutes 31 seconds West, a distance of 2,214.64 feet to the southeast corner of said 156.80 acre tract;

Thence, with the southerly line of said 156.80 acre tract, North 82 degrees 40 minutes 43 seconds West, a distance of 1,230.12 feet to the easterly line of aforesaid 506.25 acre tract, from which the northeast corner of said 506.25 acre tract bears North 7 degrees 19 minutes 17 seconds East, a distance of 14.44 feet;

Thence, with the easterly line of said 506.25 acre tract, South 7 degrees 19 minutes 17 seconds West, a distance of 4,975.66 feet to a point;

Thence, continuing with said easterly line, South 7 degrees 49 minutes 17 seconds West, a distance of 2,604.31 feet to a point;

Thence, through and across said 506.25 acre tract the following two (2) courses and distances;

1. North 58 degrees 10 minutes 43 seconds West, a distance of 197.91 feet to a point;
  2. South 8 degrees 14 minutes 09 seconds West, a distance of 1,166.31 to the southerly
-

line of said 506.25 acre remainder tract, also being the northerly R.O.W. line of F.M. 1660;

Thence, with the southerly line of said 506.25 acre remainder tract and the northerly R.O.W. line of said F.M. 1660, North 70 degrees 51 minutes 26 seconds West, a distance of 390.61 feet to the southwest corner of said 506.25 acre remainder tract;

Thence, with the westerly line of said 506.25 acre tract, North 6 degrees 49 minutes 17 seconds East, a distance of 1,273.97 feet to an ell corner of said 506.25 acre tract;

Thence, with the southerly line of said 506.25 acre tract, North 58 degrees 10 minutes 43 seconds West, a distance of 2,418.60 feet to a corner of said 506.25 acre tract;

Thence, with the westerly line of said 506.25 acre tract, North 7 degrees 49 minutes 17 seconds East, a distance of 6,321.72 feet to the northwest corner of said 506.25 acre tract;

Thence, with the northerly line of said 506.25 acre tract, South 82 degrees 40 minutes 43 seconds East, a distance of 2,192.52 feet the southwest corner of aforesaid 156.80 acre tract;

Thence, with the westerly line of said 156.80 acre tract, North 7 degrees 23 minutes 13 seconds East, a distance of 2,250.96 feet to a point;

Thence, through and across said 156.80 acre tract the following three (3) courses and distances;

1. South 82 degrees 52 minutes 52 seconds East, a distance of 580.38 feet;
2. South 74 degrees 39 minutes 14 seconds East, a distance of 323.07 feet; and,  
South 82 degrees 11 minutes 14 seconds East, a distance of 899.97 feet to the POINT OF BEGINNING and containing 548.82 acres of land, more or less.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Nancy E. Rister*

06-30-2003 03:00 PM 2003060801  
ANDERSON \$21.00  
NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

June 26, 2003

limmer.wpd

① *Mike Willath,*  
*2001 North Lamar*  
*Austin, Tex. 78705*  
*476-6604*

THE STATE OF TEXAS

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§  
§

COUNTY OF WILLIAMSON

**ORDER SETTING HEARING DATE FOR PETITION REQUESTING  
CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT  
(WILLIAMSON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2)**

WHEREAS, there has come on for consideration the filing and setting of a hearing date for the Petition Requesting Creation of a Water Control and Improvement District, petitioning for creation of Williamson County Water Control and Improvement District No. 2 to be situated wholly within Williamson County, Texas;

WHEREAS, said Petition appears to conform in all respects to the requirements of Section 51.014 of the Texas Water Code;

WHEREAS, Section 51.017 of the Texas Water Code requires the County Judge to issue and order setting the date of hearing on the Petition by the Commissioners Court; and

NOW THEREFORE, based on the foregoing, it is hereby ORDERED  
THAT:

I.

The Petition Requesting Creation of a Water Control and Imposition District, petitioning for creation of Williamson County Water Control and Improvement District No. 2, is hereby accepted and set for public hearing before Commissioners Court at 10:30 a.m., on Tuesday, July 29, 2003 in the County Commissioners Courtroom, 2<sup>nd</sup> Floor, Williamson County Courthouse, 710 Main, Georgetown, , Williamson County, Texas.

II.

Notice of the public hearing of the Petition shall be posted and published in the form set out in Exhibit A, attached hereto with such posting to be accomplished at the County Courthouse door 15 days before the day of hearing and with such publication to be published in a newspaper of general circulation in Williamson County, Texas once a week for two consecutive weeks with the first newspaper publication at least 20 days before the day of hearing, all in accordance with Section 51.018, Texas Water Code.

SIGNED this June 30, 2003.

John C. Doerfler 6-30-03  
John C. Doerfler, Williamson County Judge

1/1mmr/order-HD  
6/24/03

**NOTICE OF PUBLIC HEARING ON PETITION  
REQUESTING CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT  
(WILLIAMSON COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO. 2)**

Notice is hereby given that a Public Hearing will be held by the Commissioners Court of Williamson County, Texas ("Commissioners Court") at 10:30 a.m., on Tuesday, July 29, 2003 in the County Commissioners Courtroom, 2<sup>nd</sup> Floor, Williamson County Courthouse, 710 Main, Georgetown, , Williamson County, Texas, in keeping with an Order duly signed by the Williamson County Judge, upon a Petition for Creation of a Water Control and Improvement District (the "Petition"), petitioning for creation of the proposed Williamson County Water Control and Improvement District No. 2 (the "District") wholly within Williamson County, Texas, under the provisions of Chapter 51, Texas Water Code.

The District shall be a water control and improvement district under the provisions of Article 16, Section 59, Texas Constitution, and Chapter 51, Texas Water Code; and shall be created for the purposes and have the powers provided for in Chapter 51, Texas Water Code and applicable general law, except the powers and functions provided in Section 51.331, Texas Water Code.

The proposed district is located east of the City of Hutto extraterritorial jurisdiction, south of Hwy. 79 and north of FM 1660. The boundary of the district is described on Exhibit "A" attached hereto.

**EXHIBIT "A"**



## Exhibit "A"

County: Williamson  
Project: Limmer  
Project No. P030620

## FIELD NOTES FOR 548.82 ACRE TRACT

BEING A 548.82 ACRE TRACT OF LAND LOCATED IN THE JOHN KUYKENDALL SURVEY, ABSTRACT 378, THE R.S. NEIGHBORS SURVEY, ABSTRACT 483, THE CHARLES GERLACK SURVEY, ABSTRACT 260, AND THE WILLIAM MULLEN SURVEY, ABSTRACT 446 IN WILLIAMSON COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THE REMAINDER OF A CALLED 506.25 ACRE TRACT OF LAND RECORDED IN THE NAME OF MAX BOEHM IN VOLUME 287, PAGE 182 OF THE WILLIAMSON COUNTY DEED RECORDS (W.C.D.R.), AND A PORTION OF A CALLED 156.80 ACRE TRACT OF LAND RECORDED IN THE NAME OF WILBERT VORWERK IN DOCUMENT NUMBER 20011004234 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY (O.P.R.W.C.), AND CONSISTING OF TWO CONTIGUOUS TRACTS OF LAND, ONE BEING THE TRACT CONVEYED BY DEED FROM EDNA WERCHAN, TO EMZY R. BOEHM, ET AL, DATED DECEMBER 28, 1993, RECORDED AT VOLUME 2440, PAGE 327, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND THE OTHER BEING THE TRACT CONVEYED BY DEED FROM ALAN M. McGRAW, TRUSTEE TO WALNUT CORNER, L.L.C., DATED MAY 9, 2003, RECORDED AS DOCUMENT 2003043723, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearings are based on the easterly line of said 156.80 acre tract being South 7 degrees 26 minutes 31 seconds West);

BEGINNING at a point on the easterly line of said 156.80 acre tract, said point also being on the westerly Right-of-Way (R.O.W.) line of Farm to Market (F.M.) Road 3349;

Thence, with the easterly line of said 156.80 acre tract, South 7 degrees 26 minutes 31 seconds West, a distance of 2,214.64 feet to the southeast corner of said 156.80 acre tract;

Thence, with the southerly line of said 156.80 acre tract, North 82 degrees 40 minutes 43 seconds West, a distance of 1,230.12 feet to the easterly line of aforesaid 506.25 acre tract, from which the northeast corner of said 506.25 acre tract bears North 7 degrees 19 minutes 17 seconds East, a distance of 14.44 feet;

Thence, with the easterly line of said 506.25 acre tract, South 7 degrees 19 minutes 17 seconds West, a distance of 4,975.66 feet to a point;

Thence, continuing with said easterly line, South 7 degrees 49 minutes 17 seconds West, a distance of 2,604.31 feet to a point;

Thence, through and across said 506.25 acre tract the following two (2) courses and distances;

1. North 58 degrees 10 minutes 43 seconds West, a distance of 197.91 feet to a point;
2. South 8 degrees 14 minutes 09 seconds West, a distance of 1,166.31 to the southerly

line of said 506.25 acre remainder tract, also being the northerly R.O.W. line of F.M. 1660;

Thence, with the southerly line of said 506.25 acre remainder tract and the northerly R.O.W. line of said F.M. 1660, North 70 degrees 51 minutes 26 seconds West, a distance of 390.61 feet to the southwest corner of said 506.25 acre remainder tract;

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South 82 degrees 11 minutes 14 seconds East, a distance of 899.97 feet to the POINT OF BEGINNING and containing 548.82 acres of land, more or less.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Nancy E. Rister*

06-30-2003 03:58 PM 2003060904  
MILLER \$17.00  
NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

June 28, 2003

lrmr.wpd

*Mike Willard  
2001 North Lamar  
Austin, Tex. 78705*

RETURN OF SERVICE

THE STATE OF TEXAS                   §  
                                                 §  
COUNTY OF WILLIAMSON           §

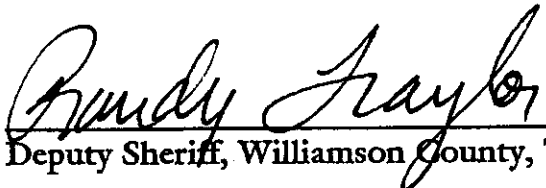
I hereby certify that on June 30, 2003, I posted the Notice of Public Hearing on Petition Requesting Creation of a Water Control and Improvement District (Williamson County Water Control and Improvement District No. 2) (the "Notice") the original of which is attached hereto, at the door of the Williamson County Courthouse, a place convenient to the public and caused the Notice to be published in the Austin American-Statesman, a copy of the affidavit of the publication of which is attached to the original Notice, all as required by Section 51.018, Texas Water Code.

## Service Fees

Travel	\$ _____	\$ _____
Services	\$ _____	
Total	\$ <u>-NA-</u>	

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on July 22, 2003.

  
Deputy Sheriff, Williamson County, Texas

**NOTICE OF PUBLIC HEARING ON PETITION  
REQUESTING CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT  
(WILLIAMSON COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO. 2)**

Notice is hereby given that a Public Hearing will be held by the Commissioners Court of Williamson County, Texas ("Commissioners Court") at 10:30 a.m., on Tuesday, July 29, 2003 in the County Commissioners Courtroom, 2<sup>nd</sup> Floor, Williamson County Courthouse, 710 Main, Georgetown, , Williamson County, Texas, in keeping with an Order duly signed by the Williamson County Judge, upon a Petition for Creation of a Water Control and Improvement District (the "Petition"), petitioning for creation of the proposed Williamson County Water Control and Improvement District No. 2 (the "District") wholly within Williamson County, Texas, under the provisions of Chapter 51, Texas Water Code.

The District shall be a water control and improvement district under the provisions of Article 16, Section 59, Texas Constitution, and Chapter 51, Texas Water Code; and shall be created for the purposes and have the powers provided for in Chapter 51, Texas Water Code and applicable general law, except the powers and functions provided in Section 51.331, Texas Water Code.

The proposed district is located east of the City of Hutto extraterritorial jurisdiction, south of Hwy. 79 and north of FM 1660. The boundary of the district is described on Exhibit "A" attached hereto.

FORWARDED

## Exhibit "A"

County: Williamson  
Project: Limmer  
Project No. P030620

## FIELD NOTES FOR 548.82 ACRE TRACT

BEING A 548.82 ACRE TRACT OF LAND LOCATED IN THE JOHN KUYKENDALL SURVEY, ABSTRACT 378, THE R.S. NEIGHBORS SURVEY, ABSTRACT 483, THE CHARLES GERLACK SURVEY, ABSTRACT 260, AND THE WILLIAM MULLEN SURVEY, ABSTRACT 446 IN WILLIAMSON COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THE REMAINDER OF A CALLED 506.25 ACRE TRACT OF LAND RECORDED IN THE NAME OF MAX BOEHM IN VOLUME 287, PAGE 182 OF THE WILLIAMSON COUNTY DEED RECORDS (W.C.D.R.), AND A PORTION OF A CALLED 156.80 ACRE TRACT OF LAND RECORDED IN THE NAME OF WILBERT VORWERK IN DOCUMENT NUMBER 20011004234 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY (O.P.R.W.C.), AND CONSISTING OF TWO CONTIGUOUS TRACTS OF LAND, ONE BEING THE TRACT CONVEYED BY DEED FROM EDNA WERCHAN, TO EMZY R. BOEHM, ET AL, DATED DECEMBER 28, 1993, RECORDED AT VOLUME 2440, PAGE 327, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND THE OTHER BEING THE TRACT CONVEYED BY DEED FROM ALAN M. MCGRAW, TRUSTEE TO WALNUT CORNER, L.L.C., DATED MAY 9, 2003, RECORDED AS DOCUMENT 2003043723, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearings are based on the easterly line of said 156.80 acre tract being South 7 degrees 26 minutes 31 seconds West);

BEGINNING at a point on the easterly line of said 156.80 acre tract, said point also being on the westerly Right-of-Way (R.O.W.) line of Farm to Market (F.M.) Road 3349;

Thence, with the easterly line of said 156.80 acre tract, South 7 degrees 26 minutes 31 seconds West, a distance of 2,214.64 feet to the southeast corner of said 156.80 acre tract;

Thence, with the southerly line of said 156.80 acre tract, North 82 degrees 40 minutes 43 seconds West, a distance of 1,230.12 feet to the easterly line of aforesaid 506.25 acre tract, from which the northeast corner of said 506.25 acre tract bears North 7 degrees 19 minutes 17 seconds East, a distance of 14.44 feet;

Thence, with the easterly line of said 506.25 acre tract, South 7 degrees 19 minutes 17 seconds West, a distance of 4,975.66 feet to a point;

Thence, continuing with said easterly line, South 7 degrees 49 minutes 17 seconds West, a distance of 2,604.31 feet to a point;

Thence, through and across said 506.25 acre tract the following two (2) courses and distances;

1. North 58 degrees 10 minutes 43 seconds West, a distance of 197.91 feet to a point;
2. South 8 degrees 14 minutes 09 seconds West, a distance of 1,166.31 to the southerly

line of said 506.25 acre remainder tract, also being the northerly R.O.W. line of F.M. 1660;

Thence, with the southerly line of said 506.25 acre remainder tract and the northerly R.O.W. line of said F.M. 1660, North 70 degrees 51 minutes 26 seconds West, a distance of 390.61 feet to the southwest corner of said 506.25 acre remainder tract;

Thence, with the westerly line of said 506.25 acre tract, North 6 degrees 49 minutes 17 seconds East, a distance of 1,273.97 feet to an ell corner of said 506.25 acre tract;

Thence, with the southerly line of said 506.25 acre tract, North 58 degrees 10 minutes 43 seconds West, a distance of 2,418.60 feet to a corner of said 506.25 acre tract;

Thence, with the westerly line of said 506.25 acre tract, North 7 degrees 49 minutes 17 seconds East, a distance of 6,321.72 feet to the northwest corner of said 506.25 acre tract;

Thence, with the northerly line of said 506.25 acre tract, South 82 degrees 40 minutes 43 seconds East, a distance of 2,192.52 feet the southwest corner of aforesaid 156.80 acre tract;

Thence, with the westerly line of said 156.80 acre tract, North 7 degrees 23 minutes 13 seconds East, a distance of 2,250.96 feet to a point;

Thence, through and across said 156.80 acre tract the following three (3) courses and distances;

1. South 82 degrees 52 minutes 52 seconds East, a distance of 580.36 feet;
2. South 74 degrees 39 minutes 14 seconds East, a distance of 323.07 feet; and,  
South 82 degrees 11 minutes 14 seconds East, a distance of 899.97 feet to the POINT OF BEGINNING and containing 548.82 acres of land, more or less.

VARA LAND SURVEYING, INC.

Ph: (512) 836-2022

June 20, 2003

lrmr.wpd

**Austin American-Statesman**

PO#:  
Ad ID#: 71NN05000  
Acct#: 5124766604  
Account Name: WILLATT & FLICKINGER

WILLATT & FLICKINGER  
2001 N LAMAR BLVD  
AUSTIN, TX

78705

**AFFIDAVIT OF PUBLICATION**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,  
State of Texas, on this day personally appeared:

Catrina Daniels

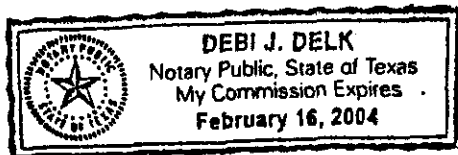
Classified Advertising Agent of the Austin American-Statesman, a daily newspaper  
published in said County and State that is generally circulated in Travis, Hays, Burnet  
and Williamson Counties, who being duly sworn by me, states that the attached  
advertisement was published in said newspaper on the following dates, to wit:

First Published:	7/4/03	Last Published:	7/11/03
Times Published:	2	Classification:	9980
Lines:	196	Cost:	\$1,811.04

and that the attached is a true copy of said advertisement.

Catrina Daniels

SWORN AND SUBSCRIBED TO BEFORE ME, this the 11 day of July 2003.



Debi J. Delk  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3832

PETITION REQUESTING  
 CREATION OF A WATER  
 CONTROL AND IMPROVEMENT  
 DISTRICT, WILLIAMSON COUNTY,  
 TEXAS, WATER CONTROL AND  
 IMPROVEMENT DISTRICT NO. 2.  
 Notice is hereby given that a  
 Public Hearing will be held by  
 the Commissioners Court of Wil-  
 liamson County, Texas, Com-  
 missioners Court at 10:30 a.m.  
 on Tuesday, July 29, 2003, in the  
 County Commissioners Court  
 room, 2nd Floor, Williams-  
 son County Courthouse, 710 Main  
 Street, Georgetown, Williamson County,  
 Texas. In keeping with an Order  
 duly signed by the Williamson  
 County Judge, upon a Petition  
 for Creation of a Water Control  
 and Improvement District (the  
 "Petition") petitioning for cre-  
 ation of the proposed William-  
 son County Water Control and  
 Improvement District No. 2 (the  
 "District") wholly within Wil-  
 liamson County, Texas, under the  
 provisions of Chapter 51, Texas  
 Water Code, the following is  
 the District shall be a water  
 control and improvement dis-  
 trict under the provisions of Ar-  
 ticle 3, Section 59, Texas  
 Constitution, and Chapter 51,  
 Texas Water Code, and shall be  
 created for the purpose and  
 have the powers provided for in  
 Chapter 51, Texas Water Code,  
 except the powers and functions  
 provided in Section 51.331, Texas  
 Water Code, as amended.  
 The proposed district is located  
 east of the City of Pinto, outside  
 the jurisdiction south of Hwy  
 79 and north of FM 1660. The  
 boundary of the district is de-  
 scribed on Exhibit "A" attached  
 hereto.

# **RECORDERS MEMORANDUM**

All or part of the text on this page was not  
 clearly legible for satisfactory recordation.

Exhibit "A"  
 FIELD NOTES FOR  
 548.82 ACRE TRACT  
 BEING A 548.82 ACRE TRACT OF  
 LAND LOCATED IN THE JOHNY  
 KUYKENDALL SURVEY, ABSTRACT  
 378, THE R.S. NEIGH-  
 BORS SURVEY, ABSTRACT 485,  
 THE CHARLES GERLACK SURVEY,  
 ABSTRACT 250, AND THE WIL-  
 LIAM MULLEN SURVEY, AB-  
 STRACT 446 IN WILLIAMSON  
 COUNTY, TEXAS, AND BEING  
 COMPRISED OF A PORTION OF  
 THE REMAINDER OF A CALLED  
 506.25 ACRE TRACT OF LAND  
 RECORDED IN THE NAME OF  
 MAX BOEHM IN VOLUME 287,  
 PAGE 182 OF THE WILLIAMSON  
 COUNTY DEED RECORDS  
 (W.C.D.R.), AND A PORTION OF A  
 CALLED 156.80 ACRE TRACT OF  
 LAND RECORDED IN THE NAME  
 OF WILBERT VORWERK IN DOCU-  
 MENT NUMBER 20011004234 OF  
 THE OFFICIAL PUBLIC RECORDS  
 OF WILLIAMSON COUNTY  
 (O.P.R.W.C.), AND CONSISTING  
 OF TWO CONTIGUOUS TRACTS  
 OF LAND, ONE BEING THE TRACT  
 CONVEYED BY DEED FROM  
 EDNA WERCHAN TO EMY R.  
 BOEHM, ET AL, DATED DECEM-  
 BER 28, 1995, RECORDED AT  
 VOLUME 2440, PAGE 327, OFFI-  
 CIAL RECORDS, WILLIAMSON  
 COUNTY, TEXAS, AND THE OTH-  
 ER BEING THE TRACT CONVEYED  
 BY DEED FROM ALAN M.  
 MCGRAW, TRUSTEE TO WALNUT  
 CORNER, L.L.C. DATED MAY 9,  
 2003, RECORDED AS DOCUMENT  
 2003043723, OFFICIAL RECORDS,  
 WILLIAMSON COUNTY, TEXAS,  
 AND BEING MORE PARTICULAR-  
 LY, DESCRIBED BY METES AND  
 BOUNDS AS FOLLOWS: (bearing  
 are based on the easterly line of  
 said 156.80 acre tract being  
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 BEGINNING at a point on the  
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 Thence with the easterly line of  
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 Thence, with the southerly line  
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 from which the northeast corner  
 of said 506.25 acre tract bears  
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 feet to a point;  
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 West, a distance of 4,975.56 feet  
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 2. South 5 degrees 14 minutes  
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 West, a distance of 390.61 feet to  
 the southwest corner of said  
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 Thence, with the westerly line of  
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 East, a distance of 1,273.97 feet  
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 Thence, with the southerly line  
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 Thence, with the westerly line of  
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 containing 548.82 acres of land,  
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THE STATE OF TEXAS                   §  
                                                 §  
COUNTY OF WILLIAMSON           §

**ORDER GRANTING PETITION REQUESTING CREATION OF  
WILLIAMSON COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO. 2**

WHEREAS, on July 29, 2003, the Commissioners Court ("Commissioners Court") of Williamson County, Texas (the "County") met in special session at its regular meeting place in the City of Georgetown, Williamson County, Texas, with the following members present, to wit:

John C. Doerfler, County Judge  
Mike Heiligenstein, Commissioner  
Greg Boatright, Commissioner  
David Hays, Commissioner  
Frankie Limmer, Commissioner

WHEREAS, among other business, there came on for hearing a Petition Requesting Creation of a Water Control and Improvement District (the "Petition"), dated June 30, 2003, praying for creation of a water control and improvement district to be known as Williamson County Water Control and Improvement District No. 2 (the "District"), situated within Williamson County, Texas, submitted by Walnut Corner, L.L.C., Edna Werchan, Emzy R. Boehm, Bari Bryce Bodden, and Judy Lynn Limmer ("Petitioners"), such matters theretofore duly set for hearing before this Commissioners Court at 10:30 a.m. on and at the above mentioned date and place;

WHEREAS, all interested persons were invited and given full opportunity to appear and offer testimony on the sufficiency of the Petition and whether the District is feasible and practicable and is necessary and would be a benefit to all or any part of the land prosed to be included in the District, but no appearances were made except by representatives of Petitioners;

WHEREAS, Mike Willatt of Willatt & Flickinger, attorneys, entered an appearance on behalf of Petitioners and, pursuant to the provisions of law, there was admitted into evidence and incorporated into the record all matters filed with the Commissioners Court in connection with the Petition, including particularly the following items: the Petition; the Order Setting Hearing Date for Petition Requesting Creation of Water Control and Improvement District (Williamson County Water

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Control and Improvements District No. 2); an affidavit of the County Tax Assessor indicating ownership of land within the District as reflected in the records of the Williamson County Tax Assessor's Office; and the return of service of the Sheriff of Williamson County, Texas, with copy of the Notice of Public Hearing on Petition Requesting Creation of a Water Control and Improvement District and affidavit of publication attached.

WHEREAS, Commissioners Court received and considered the above-mentioned evidence, statements of counsel, and the testimony of witnesses for Petitioners;

NOW THEREFORE, BASED UPON THE AFOREMENTIONED EVIDENCE AND ON MATTERS OFFICIALLY NOTICED, IT APPEARS AND THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS HEREBY FINDS, DECLARES, AND DETERMINES AS FOLLOWS:

1. Petitioners seeks organization of a water control and improvement district to exercise the powers and functions set forth in Article 16, Section 59 of the Constitution of the State of Texas and Chapter 51, Title 4, Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code.

2. The territory sought to be included in the District comprises approximately 548.82 acres of land, lying wholly within Williamson County, Texas, more particularly described in Exhibit A attached hereto. The boundaries of such parcels of land form a closure and are described by metes and bounds in Exhibit A attached hereto.

3. On June 30, 2003 the County Judge signed an Order Setting Hearing Date for Petition Requesting Creation of a Water Control and Improvement District, setting a hearing on the Petition at the time, date, and place first above-mentioned and ordering that notice thereof be given as required by law. All actions taken in connection with such Order are hereby ratified and affirmed.

4. The above described hearing on the Petition was duly and properly called and notice thereof was duly and properly given (a) pursuant to Chapter 551, Government Code, and (b) pursuant to Section 51.018, Texas Water Code, by posting by the Sheriff of Williamson County, Texas, of one copy of the notice at the Williamson County Courthouse door 15 days before the hearing and by publication in the Austin American-Statesman once a week for two consecutive weeks of notice of the date, time, and place of such hearing informing all persons of their right to appear and present evidence and testify for or against the allegations in the Petition, the form of the petition, the necessity and feasibility of the District, and the benefits to accrue, the first

publication thereof being made at least twenty days before the day of such hearing. Such newspaper is a newspaper of general circulation in Williamson County, Texas.

5. The Petition is signed by a majority of the persons who hold title to land in the District which represents a total value of more than 50 percent of the value of all of the land in the District, as indicated by the Williamson County tax rolls. The Petition describes the boundaries of the District by metes and bounds, states the general nature of the work proposed to be done, the necessity for the work and the cost of the project as then estimated by Petitioners, and designates the District "Williamson County Water Control and Improvement District No. 2," which name is not used to designate any other water control and improvement district in Williamson County, Texas.

6. The purposes for which organization of the District is sought are as described in the Petition and are purposes for which a water control and improvement district may be lawfully created. The general nature of the work to be done and the estimated cost of the project proposed to be undertaken by the District are as described in the Petition.

7. No part of the area within the District is within the extraterritorial jurisdiction of any incorporated city, town, village or municipal corporation.

8. The Commissioners Court has duly received, held a hearing on, and heard all testimony and evidence for or against the Petition; the Commissioners Court has jurisdiction of this proceeding; all notices, proceedings, and actions had incident to this hearing and the filing of the Petition have been given taken, made, and had as required by law.

9. The Petition conforms to the requirements of Section 51.013 of the Texas Water Code and is sufficient for filing.

10. The organization of the District as requested is feasible and practicable.

11. The land to be included and the residents of the District will be benefitted by the creation of the District.

12. There is a public necessity or need for the District.

13. The creation of the District would further public welfare.

NOW THEREFORE, THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS HEREBY ORDERS:

That the Petition be and is hereby granted and that Williamson County Water Control and Improvement District No. 2 be and is hereby organized, created, and established as a water control and improvement district under the terms and provisions and with the power and authority established by Chapter 51 of the Texas Water Code, except the powers and functions provided in Sections 51.331, Texas Water Code, with jurisdiction over the land lying within the boundaries described by metes and bounds in Exhibit "A" attached hereto.

PASSED, APPROVED, and ADOPTED in Georgetown, Williamson County, Texas, this July 29, 2003.

By: John C. Daehler 7-29-03  
County Judge

ATTEST:

By: Nancy E. Rister  
County Clerk

EXHIBIT "A" TO ORDER CREATING  
WILLIAMSON COUNTY WATER CONTROL A1  
IMPROVEMENT DISTRICT NO. 2

County: Williamson  
Project: Limmer  
Project No. P030620

FIELD NOTES FOR 548.82 ACRE TRACT

BEING A 548.82 ACRE TRACT OF LAND LOCATED IN THE JOHN KUYKENDALL SURVEY, ABSTRACT 378, THE R.S. NEIGHBORS SURVEY, ABSTRACT 483, THE CHARLES GERLACK SURVEY, ABSTRACT 260, AND THE WILLIAM MULLEN SURVEY, ABSTRACT 446 IN WILLIAMSON COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THE REMAINDER OF A CALLED 506.25 ACRE TRACT OF LAND RECORDED IN THE NAME OF MAX BOEHM IN VOLUME 287, PAGE 182 OF THE WILLIAMSON COUNTY DEED RECORDS (W.C.D.R.), AND A PORTION OF A CALLED 156.80 ACRE TRACT OF LAND RECORDED IN THE NAME OF WILBERT VORWERK IN DOCUMENT NUMBER 20011004234 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY (O.P.R.W.C.), AND CONSISTING OF TWO CONTIGUOUS TRACTS OF LAND, ONE BEING THE TRACT CONVEYED BY DEED FROM EDNA WERCHAN, TO EMZY R. BOEHM, ET AL, DATED DECEMBER 28, 1993, RECORDED AT VOLUME 2440, PAGE 327, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND THE OTHER BEING THE TRACT CONVEYED BY DEED FROM ALAN M. MCGRAW, TRUSTEE TO WALNUT CORNER, L.L.C., DATED MAY 9, 2003, RECORDED AS DOCUMENT 2003043723, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearings are based on the easterly line of said 156.80 acre tract being South 7 degrees 26 minutes 31 seconds West);

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2. South 74 degrees 39 minutes 14 seconds East, a distance of 323.07 feet; and, South 82 degrees 11 minutes 14 seconds East, a distance of 899.97 feet to the POINT OF BEGINNING and containing 548.82 acres of land, more or less.

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

June 26, 2003

lmmr.wpd

**AGENDA ITEM 28**

**Discuss and take appropriate action on Order Appointing Temporary Directors of Williamson County Water Control and Improvement District No. 2.**

**Moved: Commissioner Boatright**

**Seconded: Commissioner Hays**

**Motion: To approve an Order Appointing Temporary Directors of Williamson County Water Control and Improvement District No. 2 as follows:**

Douglas Coe

Gene Finley

Elton K. Malish

David E. Riggan, Sr.

Russell L. Schmidt, Sr.

**Vote: 4 - 0. Commissioner Limmer was absent from the dais.**

<Attachment>