

**AGENDA ITEM 29**

Discuss and take appropriate action on order designating a location of monthly trustee sale.

**Assistant County Attorney Dale Rye** and **County Clerk Nancy E. Rister** addressed the Court.

No action was taken on Agenda Item 29, which was moved to the agenda of the meeting of June 15, 2004.

**AGENDA ITEM 30**

Consider authorizing Co. Judge to execute documentation consenting to annexation of certain county property into Williamson County Municipal Utility Dist. #11.

Charlie Crossfield addressed the Court.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To authorize County Judge to execute documentation consenting to annexation of certain county property into Williamson County Municipal Utility Dist. #11.

Vote: **4 – 0**

< Attachment >

May 19, 2004

04-05-18 23:15 RCVD

NEWLAND  
COMMUNITIES

Charles D. Crossfield  
Sheets & Crossfield, P. C.  
309 E. Main  
Round Rock, TX 78664

04-05-18 23:15 RCVD

Via: Hand Delivery

Re: Williamson County Municipal Utility District No. 11 - Annexation

Dear Charlie,

As we discussed previously, Newland desires to proceed with annexation the tracts associated with the relocation of Chandler Road at FM 1460, into MUD #11. The total annexation is 5.176 acres being comprised of 1.6631 acres owned by Newland, situated between the existing and new rights of way for Chandler Road, and 3.5169 acres owned by Williamson County, being that portion of the existing Chandler Road right of way to be deeded to Newland upon completion of construction of the relocated roadway.

Transmitted herewith, you will find the following:

1. A map of Municipal Utility District No. 11 Annexation No. 2, prepared by Bury Partners that shows the tracts comprising this annexation;
2. Five originals of the petition to the City of Round Rock for Consent To Annex Land into MUD #11. Each of these originals has been executed by Newland and requires execution by Williamson County.
3. Five originals of the petition to Williamson County MUD #11 to Annex Land into MUD #11. Each of these originals has been executed by Newland and requires execution by Williamson County.
4. Five copies of a Certificate Of Authority to be executed by Williamson County.

Please place this item on the earliest available Commissioners Court agenda for their approval and execution.

Thank you for your assistance, and if we may provide additional information, please contact me.

Sincerely,  
Newland Communities, LLC.

A handwritten signature in black ink, appearing to read "Jim Powell".

James E. Powell  
Senior Vice-President, Texas Division

enclosures

Cc: Frankie Limmer w/o attachments  
Jim Boone w/o attachments

NEWLAND TEXAS

Office:

1717 N. IH-35, Suite 130

Round Rock, Texas 78664-2914

512-244-6667

512-244-6875 Fax

Mailing Address:

P.O. Box 1268

Round Rock, Texas 78680-1268

CERTIFICATE OF AUTHORITY

THE STATE OF CALIFORNIA   §  
   §  
 COUNTY OF SAN DIEGO       §

I, the undersigned officer of NNP-TV Management, LLC, a Delaware limited liability company ("NNP-TV"), hereby certify that:

1. NNP-TV is the general partner of NNP-TV Communities, LP ("NNP Communities"), the general partner of NNP-Teravista, LP ("NNP-Teravista");
2. Laura C. Wending is the Vice President of NNP-TV, and James E. Powell is the Vice President of NNP-TV;
3. in such capacity they executed the Petition for Consent to Annex Land into Williamson County Municipal Utility District No. 11, the Petition for Addition of Certain Land to Williamson County Municipal Utility District No. 11 (the "District"), and other documents related to the annexation of land to the District on behalf of NNP-Teravista (the "Annexation Documents");
4. such execution of the Annexation Documents was duly authorized in accordance with NNP-TV's organizational documents, NNP Communities' limited partnership agreement, and NNP-Teravista's limited partnership agreement; and
5. NNP-TV, as the general partner of NNP Communities, the general partner of NNP-Teravista, is authorized to execute any and all such documents in connection with the creation of the District, including, but not limited to, the Annexation Documents.

WITNESS MY HAND, this the 20<sup>th</sup> day of July, 2004.

NNP-TV MANAGEMENT, LLC,  
 a Delaware limited liability company

By: Martha K. Guy  
 Name: Martha K. Guy  
 Title: VP & Secretary

By: Dolores A. Valle  
 Name: Dolores A. Valle  
 Title: Assistant Secretary

PETITION FOR ADDITION OF CERTAIN LAND INTO  
WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 11

THE STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON       §

TO: THE BOARD OF DIRECTORS OF WILLIAMSON COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 11:

NNP-Teravista, a Texas limited partnership, and Williamson County, Texas the owners of the land hereinafter described (the "Petitioners"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Sections 49.301(a)-49.301(f), together with all amendments and additions thereto, petitions this Honorable Board to add the land described by metes and bounds in Exhibit "A" attached hereto (the "Land") to the District, and in support of this petition the Petitioners represent, covenant and agree as follows:

Section 1: The Land lies entirely within Williamson County, Texas, is in the vicinity of the District, and is accurately described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes.

Section 2: Petitioners hold fee simple title to and full ownership of all the Land, as indicated by the certificates of ownership provided by the Williamson County Appraisal District.

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

Section 4: The addition of the Land to the District is feasible, practical and to the advantage of the District, and the water, sewer and drainage systems and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District.

Section 5: This petition shall constitute an election on the part of the Petitioners, their 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 District in the same manner and to the same extent as other lands and improvements in the District are liable for the District's debts.

Section 6: Without limiting the generality of Section 5 above, the Petitioners hereby agree that the Land, and all improvements thereon presently existing or to be constructed, hereby assume their share of liability for the payment of any and all bonds or other obligations of the District: (i) that are currently outstanding or hereafter issued; and (ii) that are currently or hereafter voted but unissued. Petitioners also hereby agree that the Land, and all improvements thereon presently existing or to be constructed, shall be taxed equally with all other property in the District. The Petitioners acknowledge, consent to, and affirmatively request the assumption by the Land of a pro rata share of all obligations of the District, and of the taxes levied or hereafter to be levied by the District.

Section 7: This petition shall further be considered as consent and authorization of the Petitioners, their successors and assigns, for all the Land and all improvements now existing or to be constructed thereon, to be taxed uniformly and equally on an ad valorem basis with all other taxable property within the District for: (1) the payment of principal of and interest on any and all of the District's outstanding unlimited tax bonds and unlimited tax refunding bonds; (2) the payment of principal of and interest on any and all of the District's unissued bonds that have been or may hereafter be authorized by the voters; (3) a maintenance tax not to exceed the amount per \$100 of assessed valuation that has been heretofore authorized by the voters or as may hereafter be authorized by the voters; and (4) all other purposes for which the District may lawfully levy taxes.

Section 8: The Petitioners hereby certify that there are no qualified voters residing on the Land.

Section 9: The Petitioners hereby certify that there are no lienholders on the Land.

WHEREFORE, the Petitioners pray that this Petition be granted; that the Land be added to and become a part of the District; and that this Petition, if granted, be filed for record and be recorded in the Official Records of Williamson County, Texas, and filed with the Texas Commission on Environmental Quality.

**[EXECUTION PAGES FOLLOW]**

RESPECTFULLY SUBMITTED this 14 day of May, 2004.

PETITIONERS:

NNP-TERAVISTA, LP,  
a Texas limited partnership

By: NNP-TV Communities, LP,  
a Texas limited partnership  
its general partner

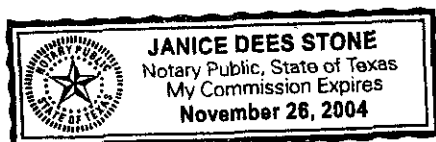
By: NNP-TV Management, LLC,  
a Delaware limited liability company  
its general partner

By: [Signature]  
Name: LAURA C. WENDING  
Title: VICE PRESIDENT

By: [Signature]  
Name: JAMES E. POWELL  
Title: VICE PRESIDENT

THE STATE OF TEXAS       §  
  §  
COUNTY OF WILLIAMSON   §

This instrument was acknowledged before me on this 13<sup>th</sup> day of May, 2004, by James E. Powell, Vice President of NNP-TV Management, LLC, a Delaware limited liability company, on behalf of said company in its capacity as general partner of NNP-TV Communities, LP, a Texas limited partnership, in its capacity as general partner of NNP-TERAVISTA, LP, a Texas limited partnership, on behalf of said company and limited partnership.



(NOTARY SEAL)

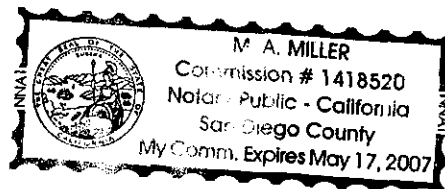
Janice Dees Stone  
Notary Public, State of Texas

THE STATE OF CALIFORNIA   §  
   §  
 COUNTY OF SAN DIEGO       §

This instrument was acknowledged before me on this 14 day of May, 2004,  
 by LAURA C. WENDING of NNP-TV Management,  
 LLC, a Delaware limited liability company, on behalf of said company in its capacity as  
 general partner of NNP-TV Communities, LP, a Texas limited partnership, in its capacity as  
 general partner of NNP-TERAVISTA, LP, a Texas limited partnership, on behalf of said  
 company and limited partnership.

M. A. Miller  
 Notary Public, State of California

(NOTARY SEAL)

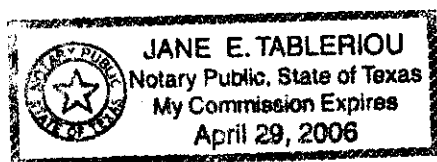


## WILLIAMSON COUNTY, TEXAS

By: John C. Doerfler 6-8-04  
Name: John C. Doerfler  
Title: County Judge

THE STATE OF TEXAS       §  
  §  
COUNTY OF Williamson   §

This instrument was acknowledged before me on the 8<sup>th</sup> day of June, 2004, by John C. DOERFLER, as Co. Judge, of Williamson County, Texas, on behalf of Williamson Co.



Jane E. Tableriou  
Notary Public, State of Texas

(NOTARY SEAL)



## EXHIBIT A

5.176 ACRES  
CHANDLER ROAD ANNEXATION  
NEWLAND COMMUNITIES

FN. NO. 04-068(MM)  
MARCH 15, 2004  
BPI JOB NO. 1149-25.97

## DESCRIPTION

OF A 5.176 ACRE TRACT OF LAND OUT OF THE BARNEY C. LOW SURVEY, ABSTRACT NO. 385; SITUATED IN WILLIAMSON COUNTY, TEXAS BEING THAT CERTAIN 3.5169 ACRE PORTION OF EXISTING CHANDLER ROAD (R.O.W. VARIES) HAVING BEEN ABANDONED AND CONVEYED TO JOHN S. AVERY, TRUSTEE BY QUITCLAIM DEED NOT YET OF RECORD AND THAT CERTAIN 1.6631 ACRE TRACT OF LAND CONVEYED TO NNP-TERAVISTA, LP BY DEED OF RECORD IN DOCUMENT NO. 2003095049 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 5.176 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the intersection of the northerly right-of-way line of existing Chandler Road (R.O.W. varies), with the westerly right-of-way line of F.M. 1460, being the northeasterly corner of said 3.5169 acre tract, for the northeasterly corner hereof;

**THENCE**, S08°16'29"E, leaving the northerly line of Chandler Road, along the easterly line of said 3.5169 acre tract and the easterly line of said 1.6631 acre tract, being the easterly line hereof, a distance of 88.22 feet to a 1/2 inch iron rod with cap set for an angle point, being the intersection of the westerly line of F.M. 1460 with the northerly line of proposed Chandler Road (R.O.W. varies);

**THENCE**, along the southerly line hereof, being the southerly line of said 1.6631 acre tract and a portion of the southerly line of said 3.5169 acre tract, same being the northerly line of proposed Chandler Road, the following nine (9) courses and distances:

- 1) S32°42'35"W, a distance of 153.77 feet to a 1/2 inch iron rod found for the southeasterly corner hereof;
- 2) S80°57'38"W, a distance of 146.67 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;
- 3) Along said non-tangent curve to the left having a radius of 1080.00 feet, a central angle of 10°16'40", an arc distance of 193.73 feet and a chord which bears S75°52'07"W, a distance of 193.47 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 4) N50°00'00"W, a distance of 26.30 feet to a 1/2 inch iron rod with cap set for an angle point;

FN 04-068 (MM)  
MARCH 15, 2004  
PAGE 2 OF 3

- 5) S55°16'48"W, a distance of 109.52 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;
- 6) Along said non-tangent curve to the left having a radius of 1080.00 feet, a central angle of 20°45'21", an arc distance of 391.24 feet and a chord which bears S53°58'36"W, a distance of 389.10 feet to a 1/2 inch iron rod found at the end of said non-tangent curve;
- 7) S43°37'05"W, a distance of 606.31 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the right;
- 8) Along said non-tangent curve to the right having a radius of 1000.00 feet, a central angle of 25°58'05", an arc distance of 453.23 feet and a chord which bears S56°35'50"W, a distance of 449.36 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 9) S69°34'48"W, a distance of 118.33 feet to a 1/2 inch iron rod with cap set for the southwesterly corner hereof;

**THENCE**, N20°46'55"W, leaving the northerly line of proposed Chandler Road, along the westerly line of said 3.5169 acre tract, being the westerly line hereof, a distance of 0.14 feet to a 1/2 inch iron rod with cap set in the northerly line of existing Chandler Road, being the southerly line of a 26.71 acre portion of that certain 75.81 acre tract of land conveyed to NNP-Teravista, L.P. by deed of record in Document No. 9906275 of the Official Records of Williamson County, Texas, same being the southeasterly corner of that certain 19.00 acre tract of land conveyed to Pinnacle Towers by deed of record in Document No. 2000023063 of the Official Public Records of Williamson County, Texas for the northwesterly corner hereof;

**THENCE**, along the northerly line hereof, being the northerly line of said 3.5169 acre tract, same being a portion of the southerly line of said 26.71 acre tract, the following seven (7) courses and distances:

- 1) Along a non-tangent curve to the left having a radius of 1185.00 feet, a central angle of 39°35'16", an arc distance of 818.76 feet and a chord which bears N48°55'07"E, a distance of 802.57 feet to a 1/2 inch iron rod found for the end of said non-tangent curve;


FN 04-068 (MM)  
MARCH 15, 2004  
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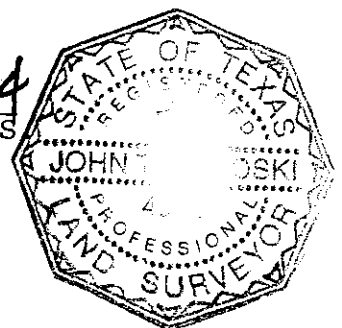
- 2) N29°15'49"E, a distance of 151.51 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the right;
- 3) Along said non-tangent curve to the right having a radius of 1085.00 feet, a central angle of 51°33'13", an arc distance of 976.26 feet and a chord which bears N54°55'12"E, a distance of 943.66 feet to a 1/2 inch iron rod found at the point curvature of a compound curve to the right;
- 4) along said compound curve to the right having a radius of 928.77 feet, a central angle of 04°12'25", an arc distance of 68.20 feet and a chord which bears N78°40'26"E, a distance of 68.18 feet to a 1/2 inch iron rod found at the point of curvature of a reverse curve to the left;
- 5) Along said reverse curve to the left having a radius of 928.77 feet, a central angle of 04°12'37", an arc distance of 68.25 feet and a chord which bears N78°31'12"E, a distance of 68.23 feet to a 1/2 inch iron rod found for the end of said reverse curve;
- 6) N80°35'28"E, a distance of 119.89 feet to a 1/2 inch iron rod found at the point of curvature of non-tangent curve to the left;
- 7) Along said non-tangent curve to the left having a radius of 35.00 feet, a central angle of 90°03'20", an arc distance of 55.01 feet and a chord which bears N35°34'20"E, a distance of 49.52 feet to the POINT OF BEGINNING, containing an area of 5.176 acres (225,474 sq. ft.) of land, more or less, within these metes and bounds.

**BEARING BASIS:** REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE BASED ON PUBLISHED NAD 83/93 HARN VALUES FOR THE CITY OF GEORGETOWN MONUMENTATION NETWORK.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION COMPLETED DURING THE MONTH OF MARCH, 2003.

BURY+PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD  
SUITE 200  
AUSTIN, TEXAS 78746

  
3/15/04  
JOHN T. BILNOSKI, R.P.L.S.  
NO. 4998  
STATE OF TEXAS



CERTIFICATE

THE STATE OF TEXAS           §

COUNTY OF WILLIAMSON   §

I, the undersigned Secretary of the Board of Directors of Williamson County Municipal Utility District No. 11, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Addition Of Certain Land to said District that was filed with the Board of Directors of the District on the 18th day of May, 2004.

WITNESS MY HAND AND SEAL OF SAID DISTRICT this 18<sup>th</sup> day of May, 2004.

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Secretary, Board of Directors

(SEAL)

PETITION FOR CONSENT TO ANNEX LAND INTO  
WILLIAMSON MUNICIPAL UTILITY DISTRICT NO. 11

THE STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON      §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

The undersigned, WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 (the "District"), NNP-TERAVISTA, L.P., a Texas limited partnership, and Williamson County, Texas (the "Petitioners") acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Round Rock, Texas, for its written consent to the annexation by the District of the tracts of land described by metes and bounds in Exhibit "A" (the "Land"). In support of this petition, the undersigned would show the following:

I.

The District was created by the Texas Natural Resource Conservation Commission on May 14, 1999. The District is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioners hold fee simple title to the Land sought to be annexed to the District, as indicated by the certificates of ownership provided by the Williamson County Appraisal District.

III.

The Land is situated wholly within Williamson County, Texas. No part of the Land is within the limits of any incorporated city, town or village, and no part of the Land is within the extra territorial jurisdiction (as such term is defined in Local Government Code Section 42.001 et seq., as amended) of any city, town or village except the City of Round Rock, Texas. All of the territory proposed to be annexed may properly be annexed into the District.

IV.

The Land is described by metes and bounds in Exhibit "A," which is attached hereto and incorporated herein for all purposes.

## V.

The general nature of the work to be done in the area sought to be annexed into the District is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system and a drainage and storm sewer system.

## VI.

There is, for the following reasons, a necessity for the above-described work. The Land proposed to be annexed into the District, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City of Round Rock, Texas, is in close proximity to populous and developed sections of Williamson County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the area sought to be annexed to the District an adequate waterworks and sanitary sewer system nor an adequate drainage system, and it is not presently economically feasible for the area sought to be annexed to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and storm sewer system, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage and storm sewer system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

## VII.

The District agrees and hereby covenants that if the requested consent to the annexation of the Land to the District is given, the District will adopt and abide by the conditions set forth in Exhibit "B," attached hereto and incorporated herein for all purposes.

## VIII.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land sought to be annexed is \$\_\_\_\_\_ and will not require the authorization of additional bonds by the District.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City of Round Rock, Texas, give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

WILLIAMSON COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 11

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

By: \_\_\_\_\_  
Secretary, Board of Directors

(SEAL)

THE STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON    §

This instrument was acknowledged before me on this \_\_\_\_\_ day of May, 2004,  
by \_\_\_\_\_, as \_\_\_\_\_ of the Board of Directors of  
Williamson County Municipal Utility District No. 11, a political subdivision of the State  
of Texas, on behalf of said political subdivision.

\_\_\_\_\_  
Notary Public, State of Texas

(NOTARY SEAL)

D NNP-TERAVISTA, LP,  
a Texas limited partnership

By: NNP-TV Communities, LP,  
a Texas limited partnership  
its general partner

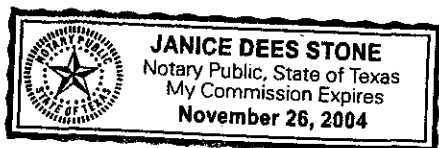
By: NNP-TV Management, LLC,  
a Delaware limited liability company  
its general partner

By: *Laura C. Wending*  
Name: LAURA C. WENDING  
Title: VICE PRESIDENT

By: *James E. Powell*  
Name: James E. Powell  
Title: Vice President

THE STATE OF TEXAS       §  
  §  
COUNTY OF WILLIAMSON   §

This instrument was acknowledged before me on this 13<sup>th</sup> day of May, 2004, by JAMES E. POWELL, Vice President of NNP-TV Management, LLC, a Delaware limited liability company, on behalf of said company in its capacity as general partner of NNP-TV Communities, LP, a Texas limited partnership, in its capacity as general partner of NNP-TERAVISTA, LP, a Texas limited partnership, on behalf of said company and limited partnership.



*Janice Dees Stone*  
Notary Public, State of Texas

(NOTARY SEAL)



THE STATE OF CALIFORNIA §  
 COUNTY OF SAN DIEGO §

This instrument was acknowledged before me on this 14 day of May, 2004, by LAURA C. WENDING of NNP-TV Management, LLC, a Delaware limited liability company, on behalf of said company in its capacity as general partner of NNP-TV Communities, LP, a Texas limited partnership, in its capacity as general partner of NNP-TERAVISTA, LP, a Texas limited partnership, on behalf of said company and limited partnership.

M. A. Miller  
 Notary Public, State of California

(NOTARY SEAL)

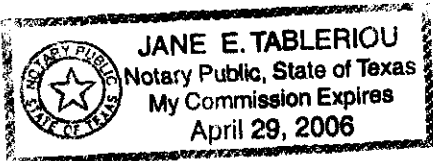


## WILLIAMSON COUNTY, TEXAS

By: John C. Dierfler  
Name: John C. Dierfler  
Title: County Judge

THE STATE OF TEXAS       §  
  §  
COUNTY OF WILLIAMSON   §

This instrument was acknowledged before me on the 8<sup>th</sup> day of JUNE, 2004, by John C. Dierfler, as Co. Judge of Williamson County, Texas, on behalf of WILLIAMSON Co.



Jane E. Tableriou  
Notary Public, State of Texas

(NOTARY SEAL)

## EXHIBIT A

5.176 ACRES  
CHANDLER ROAD ANNEXATION  
NEWLAND COMMUNITIES

FN. NO. 04-068(MM)  
MARCH 15, 2004  
BPI JOB NO. 1149-25.97

## DESCRIPTION

OF A 5.176 ACRE TRACT OF LAND OUT OF THE BARNEY C. LOW SURVEY, ABSTRACT NO. 385, SITUATED IN WILLIAMSON COUNTY, TEXAS BEING THAT CERTAIN 3.5169 ACRE PORTION OF EXISTING CHANDLER ROAD (R.O.W. VARIES) HAVING BEEN ABANDONED AND CONVEYED TO JOHN S. AVERY, TRUSTEE BY QUITCLAIM DEED NOT YET OF RECORD AND THAT CERTAIN 1.6631 ACRE TRACT OF LAND CONVEYED TO NNP-TERAVISTA, LP BY DEED OF RECORD IN DOCUMENT NO. 2003095049 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 5.176 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found at the intersection of the northerly right-of-way line of existing Chandler Road (R.O.W. varies), with the westerly right-of-way line of F.M. 1460, being the northeasterly corner of said 3.5169 acre tract, for the northeasterly corner hereof;

**THENCE**, S08°16'29"E, leaving the northerly line of Chandler Road, along the easterly line of said 3.5169 acre tract and the easterly line of said 1.6631 acre tract, being the easterly line hereof, a distance of 88.22 feet to a 1/2 inch iron rod with cap set for an angle point, being the intersection of the westerly line of F.M. 1460 with the northerly line of proposed Chandler Road (R.O.W. varies);

**THENCE**, along the southerly line hereof, being the southerly line of said 1.6631 acre tract and a portion of the southerly line of said 3.5169 acre tract, same being the northerly line of proposed Chandler Road, the following nine (9) courses and distances:

- 1) S32°42'35"W, a distance of 153.77 feet to a 1/2 inch iron rod found for the southeasterly corner hereof;
- 2) S80°57'38"W, a distance of 146.67 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;
- 3) Along said non-tangent curve to the left having a radius of 1080.00 feet, a central angle of 10°16'40", an arc distance of 193.73 feet and a chord which bears S75°52'07"W, a distance of 193.47 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 4) N50°00'00"W, a distance of 26.30 feet to a 1/2 inch iron rod with cap set for an angle point;

FN 04-068 (MM)  
MARCH 15, 2004  
PAGE 2 OF 3

- 5) S55°16'48"W, a distance of 109.52 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;
- 6) Along said non-tangent curve to the left having a radius of 1080.00 feet, a central angle of 20°45'21", an arc distance of 391.24 feet and a chord which bears S53°58'36"W, a distance of 389.10 feet to a 1/2 inch iron rod found at the end of said non-tangent curve;
- 7) S43°37'05"W, a distance of 606.31 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the right;
- 8) Along said non-tangent curve to the right having a radius of 1000.00 feet, a central angle of 25°58'05", an arc distance of 453.23 feet and a chord which bears S56°35'50"W, a distance of 449.36 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 9) S69°34'48"W, a distance of 118.33 feet to a 1/2 inch iron rod with cap set for the southwesterly corner hereof;

**THENCE**, N20°46'55"W, leaving the northerly line of proposed Chandler Road, along the westerly line of said 3.5169 acre tract, being the westerly line hereof, a distance of 0.14 feet to a 1/2 inch iron rod with cap set in the northerly line of existing Chandler Road, being the southerly line of a 26.71 acre portion of that certain 75.81 acre tract of land conveyed to NNP-Teravista, L.P. by deed of record in Document No. 9906275 of the Official Records of Williamson County, Texas, same being the southeasterly corner of that certain 19.00 acre tract of land conveyed to Pinnacle Towers by deed of record in Document No. 2000023063 of the Official Public Records of Williamson County, Texas for the northwesterly corner hereof;

**THENCE**, along the northerly line hereof, being the northerly line of said 3.5169 acre tract, same being a portion of the southerly line of said 26.71 acre tract, the following seven (7) courses and distances:


- 1) Along a non-tangent curve to the left having a radius of 1185.00 feet, a central angle of 39°35'16", an arc distance of 818.76 feet and a chord which bears N48°55'07"E, a distance of 802.57 feet to a 1/2 inch iron rod found for the end of said non-tangent curve;

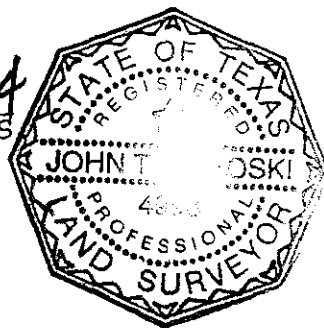
- 2) N29°15'49"E, a distance of 151.51 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the right;
- 3) Along said non-tangent curve to the right having a radius of 1085.00 feet, a central angle of 51°33'13", an arc distance of 976.26 feet and a chord which bears N54°55'12"E, a distance of 943.66 feet to a 1/2 inch iron rod found at the point curvature of a compound curve to the right;
- 4) along said compound curve to the right having a radius of 928.77 feet, a central angle of 04°12'25", an arc distance of 68.20 feet and a chord which bears N78°40'26"E, a distance of 68.18 feet to a 1/2 inch iron rod found at the point of curvature of a reverse curve to the left;
- 5) Along said reverse curve to the left having a radius of 928.77 feet, a central angle of 04°12'37", an arc distance of 68.25 feet and a chord which bears N78°31'12"E, a distance of 68.23 feet to a 1/2 inch iron rod found for the end of said reverse curve;
- 6) N80°35'28"E, a distance of 119.89 feet to a 1/2 inch iron rod found at the point of curvature of non-tangent curve to the left;
- 7) Along said non-tangent curve to the left having a radius of 35.00 feet, a central angle of 90°03'20", an arc distance of 55.01 feet and a chord which bears N35°34'20"E, a distance of 49.52 feet to the POINT OF BEGINNING, containing an area of 5.176 acres (225,474 sq. ft.) of land, more or less, within these metes and bounds.

**BEARING BASIS:** REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE BASED ON PUBLISHED NAD 83/93 HARN VALUES FOR THE CITY OF GEORGETOWN MONUMENTATION NETWORK.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION COMPLETED DURING THE MONTH OF MARCH, 2003.

BURY+PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD  
SUITE 200  
AUSTIN, TEXAS 78746

  
JOHN T. BILNOSKI, R.P.L.S.  
NO. 4998  
STATE OF TEXAS



## EXHIBIT "B"

(a) The City of Round Rock, Texas (the "City") and Newland-Round Rock Associates, L.P. shall enter into and execute an agreement for the City to provide wholesale water and sewage treatment services to the land to be included within the District, which agreement will be assigned to and accepted by the District after its creation. The District will provide retail water and sewage treatment services to the land within the District and bill the customers for such services. The District's rates for and restrictions on the provision of water and sewage treatment services to its customers shall be adopted and amended from time to time so that the District's rates shall not be less than those of the City to its in-City customers and the District's regulations and restrictions on service shall not be less restrictive than those of the City.

(b) The District will issue bonds only for the purposes authorized by law, including but not limited to, purchasing, designing and constructing, or purchasing, designing, and constructing or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, and drainage facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds must provide that the District reserves the right to redeem said bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date of the sale of such bonds. The resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of any revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City annexes the District, takes over the assets of the District and assumes all of the obligations of the District.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve such District and obtain the approval of such plans and specifications therefrom. All water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform exactly to the specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. Prior to the construction of such facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the City, stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications, and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning and Zoning Commission of the City of Round Rock of a plat which will be duly recorded in the Official Records of Williamson County, Texas, and otherwise comply with the rules and regulations of the Planning and Community Development Department and the Department of Public Works of the City of Round Rock.

(e) The District shall accept, operate and maintain street lighting or security lighting

constructed by an owner or developer of property within the District and located within public utility easements or public rights-of-way within the boundaries of the district to the extent of its legal authority to do so and in accordance with Section 54.236, Texas Water Code.

(f) The District reserves the right to assign all or part of its obligations under Subsection (e) of this Exhibit "B" to another governmental entity, a homeowners association or a similar entity, subject to the consent of the City, which consent shall not be unreasonably withheld or delayed.

CERTIFICATE

THE STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON       §

I, the undersigned Secretary of the Board of Directors of Williamson County Municipal Utility District No. 11, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Consent To Annex Land Into Williamson County Municipal Utility District No. 11 that was filed with the Board of Directors of the District on May 18, 2004.

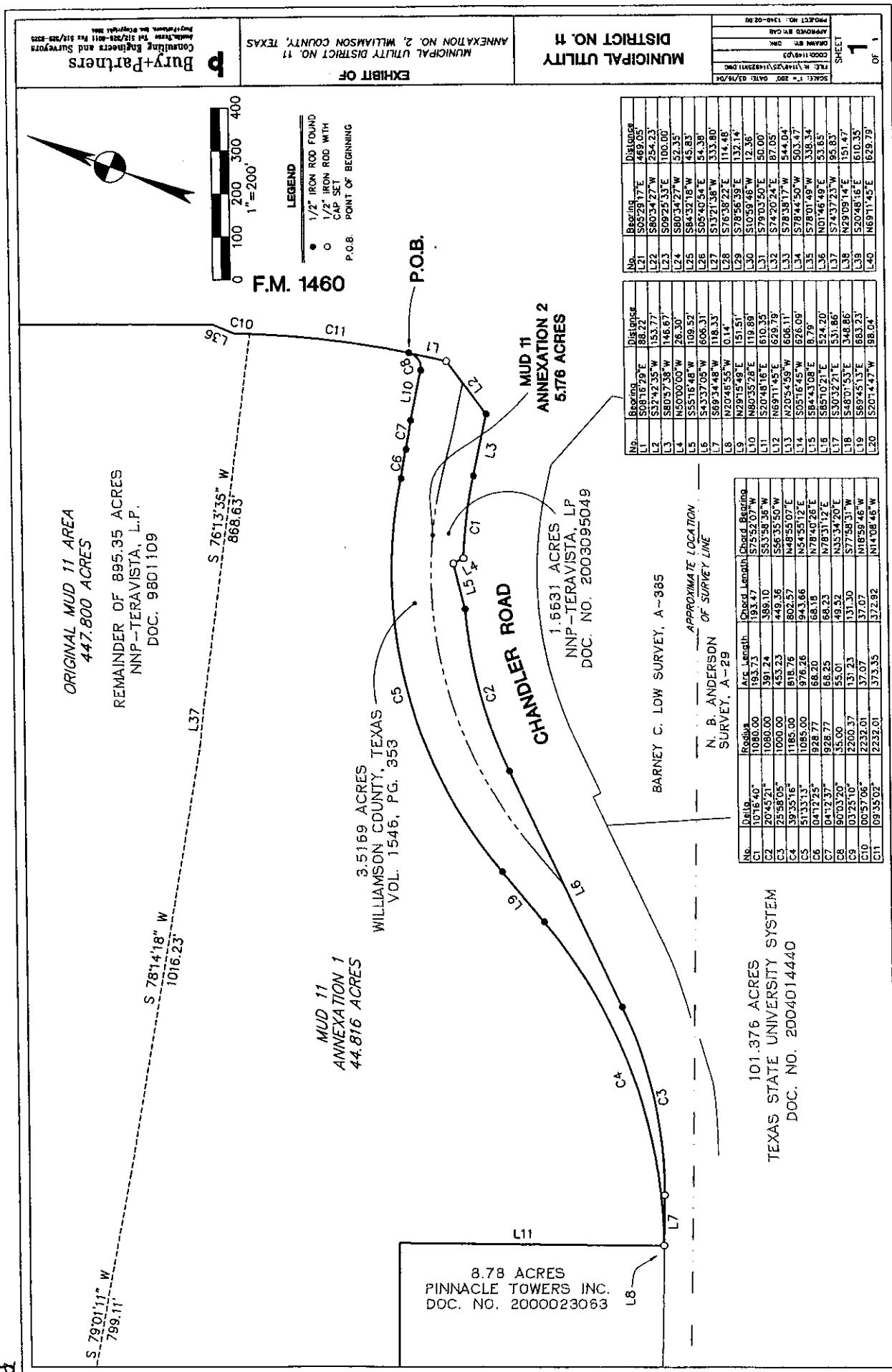
WITNESS MY HAND AND SEAL OF SAID DISTRICT this 18<sup>th</sup> day of May, 2004.

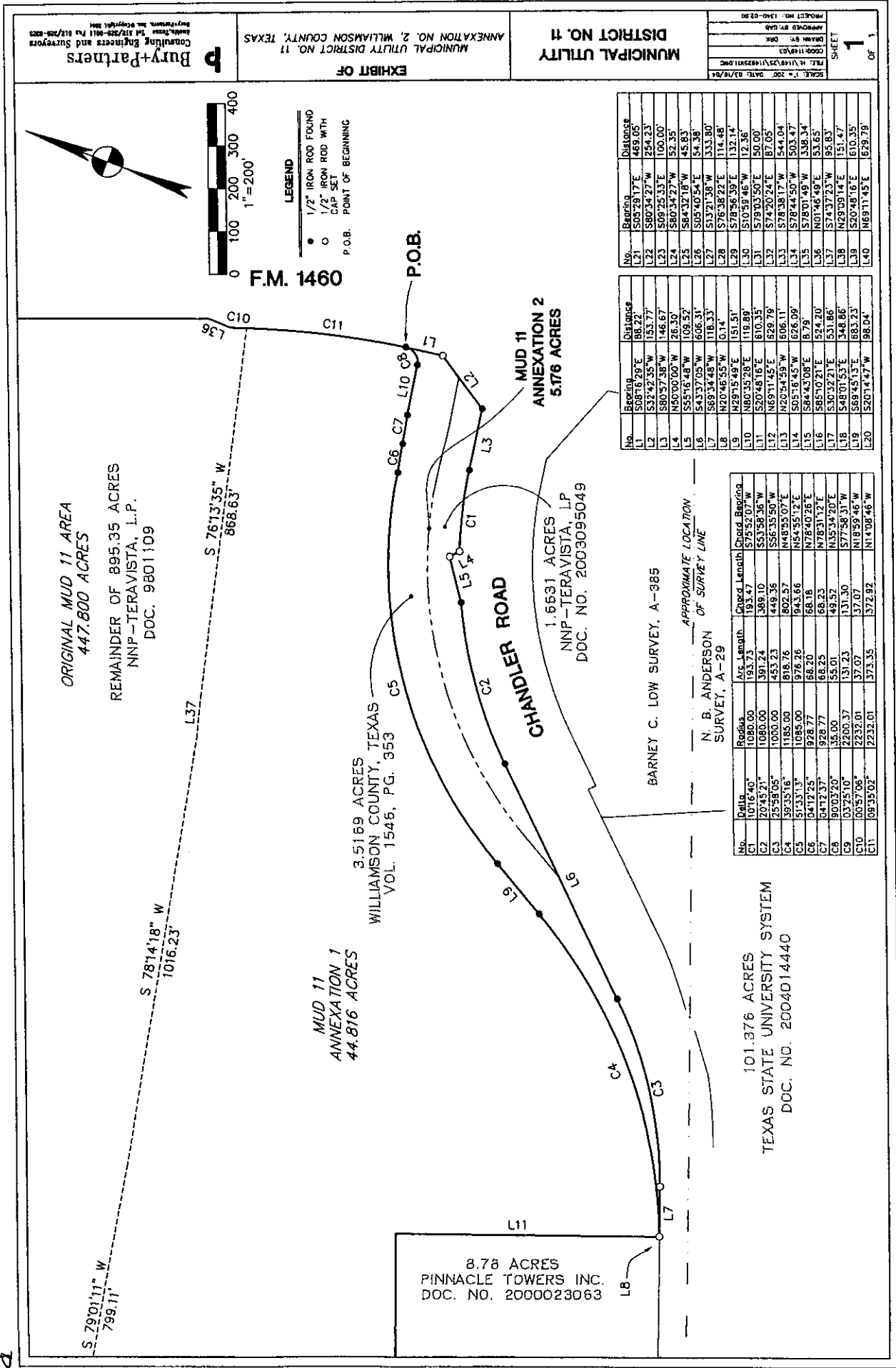
WILLIAMSON COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 11

By: \_\_\_\_\_  
Secretary, Board of Directors

(SEAL)







**EXHIBIT OF**  
MUNICIPAL UTILITY DISTRICT NO. 11  
ANNEXATION NO. 2, WILLIAMSON COUNTY, TEXAS

**MUNICIPAL UTILITY DISTRICT NO. 11**

PROJECT NO. 140-0285  
DRAWN BY: CKB  
CHECKED BY: JMB  
DATE: 03/18/04  
SCALE: 1"=200'  
SHEET 1 OF 1

**Bury+Partners**  
Consulting Engineers and Surveyors  
Austin, Texas 78751-2520  
P.O. Box 812/205-0025  
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**AGENDA ITEM 31**

Consider approving interlocal agreement for Co Rd. 176 between Williamson County and Brushy Creek Municipal Utility Dist.

Mark Dietz addressed the Court in his capacity as an attorney representing the Brushy Creek Municipal Utility District.

Moved: **Commissioner Hays**

Seconded: **Commissioner Birkman**

Motion: To approve interlocal agreement for Co Rd. 176 between Williamson County and Brushy Creek Municipal Utility Dist.

Vote: **4 – 0**

< Attachment >