

Public Hearing Commissioners' Court

March 14, 2002 2:00 P.M.

Members of the Court Present:

Jack Leath	County Judge
Keith Clark	Commissioner Pct. #1
Doyle Dickerson	Commissioner Pct. #3
Gene Nethery	Commissioner Pct. #4
Janice McDaniel	County Clerk

Judge Leath called the meeting to order. He said the public hearing had started on March 7th and was adjourned until today. The hearing is to define the boundaries of the proposed District. We have a written physical description and a map that clearly outlines the boundaries. Since it is a continuation of the public hearing, the Court gave the audience a chance to comment.

There was a brief session of questions and answers from the audience and the Court.

Commissioner Nethery moved to accept the District boundaries as outlined in the map and as outlined in the narrative. Commissioner Dickerson seconded. All voted for. Motion carried.

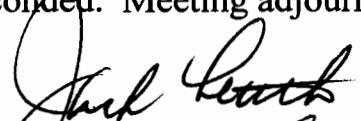
Motion was made by Judge Leath and seconded by Commissioner Clark to appoint the following as the temporary Board of Directors for the Sabine County Fresh Water Supply District #1. All voted for. Motion carried.

- | | |
|------------------|------------------|
| 1. Phil Yocom | 2. George Carney |
| 3. Jerry Pickard | 4. Bernard Max |
| 5. Jamie Payne | |

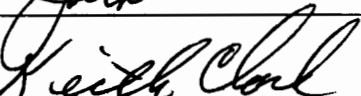
Alts: Clyde Brewer Mac Provost David Lindow

Judge Leath moved to adopt the Order Granting the Petition and appointing supervisors and that those supervisors be as previously named. Commissioner Nethery seconded. All voted for. Motion carried.

Commissioner Nethery moved to adjourn. Commissioner Dickerson seconded. Meeting adjourned.



COUNTY JUDGE



COMMISSIONER PCT. #1

Not Present _____ COMMISSIONER PCT. #2

Doyle DeRosa _____ COMMISSIONER PCT. #3

R. S. Sweeney _____ COMMISSIONER PCT. #4

ATTEST:

Janice McDaniel _____ COUNTY CLERK

VOI KK PD 664

CERTIFICATE OF SECRETARY

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On March 1~~4~~⁹, 2002, the Commissioners Court (the "Governing Body") of the Sabine County, Texas (the "County") convened in regular session at its regular meeting place in the Governing Body (the "Meeting"), the duly constituted members of the Governing Body being as follows:

Jack H. Leath	County Judge
Keith C. Clark	Commissioner
Lynn Smith	Commissioner
Doyle Dickerson	Commissioner
Gene Nethery	Commissioner

and all of such persons were present at the Meeting, except the following: _____

thus constituting a quorum. Among other business considered at the Meeting, the attached order (the "Order") entitled:

ORDER GRANTING PETITION AND APPOINTING SUPERVISORS

was introduced and submitted to the Governing Body for passage and adoption. After presentation and discussion of the Order, a motion was made and seconded that the Order be finally passed and adopted. The motion was carried by the following vote:

5 voted "For" 0 voted "Against" 0 abstained

all as shown in the official Minutes of the Governing Body for the Meeting.

2. The attached Order is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Governing Body on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Governing Body was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Order would be considered; and the Meeting and deliberation of the aforesaid public business, including the subject of the Order, was posted and given in advance thereof in compliance with the provisions of Texas Government Code chapter 551, as amended.

IN WITNESS WHEREOF. I have signed my name this March 14, 2002.

Janice McDaniel
County Clerk
Sabine County, Texas



#45153812v1<Transactional> -sabine COUNTY 02 order re-granting petition. wpd/09806882

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ORDER GRANTING PETITION AND APPOINTING SUPERVISORS

PREAMBLE

1. Petitioners representing at least 50 of the electors who own land in a proposed freshwater supply district (the "*District*") have presented to this Commissioners Court (the "*Governing Body*") of Sabine County, Texas (the "*County*") a petition (the "*Petition*"), a true and correct copy of which is attached hereto as Exhibit A, requesting creation of the District under Texas Water Code chapter 53.
2. The Governing Body has reviewed the Petition and has confirmed that the signatories thereto represent at least 50 of the electors residing in the proposed District who own land in the proposed District.
3. Boundaries of the proposed District as set forth in the Petition attached hereto as Exhibit A.
4. The District is proposed for the purpose of distribution of freshwater for domestic and commercial purposes within its boundaries, to acquire by contract or otherwise water rights and privileges in connection with such distribution, and to purchase, construct, acquire, own, operate, repair, improve and extend sanitary sewer systems to control wastes, to the extent authorized under Texas Water Code chapter 53 or otherwise.
5. The District is necessary to carry out the purposes for which its creation is proposed.
6. The District is feasible based on projections of costs for the facilities which would be required to achieve the purposes for which creation of the District is proposed.
7. The proposed name of the District is Sabine County Freshwater Supply District No. 1.
8. On January 31, 2002, the Governing Body held a hearing to take evidence concerning creation of the District, at which any person was entitled to appear, to challenge the form and allegations of the Petition, and contest the proposition that the projects to be undertaken by the proposed District would benefit the land inside its boundaries, and granted its ORDER GRANTING PETITION AND APPOINTING SUPERVISORS (the "*Initial Order*").
9. Subsequent to granting the Initial Order, upon further information, the Governing Body reopened the hearing by its ORDER SETTING REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT, dated February 15, 2002.

10. On March 7, 2002, the Governing Body reopened the hearing on the petition, notice having been given pursuant to the provisions of section 53.018(a), Texas Water Code, and the adopted its ORDER ADJOURNING HEARING FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT TO MARCH 13, 2002; AND REDRAWING BOUNDARIES, pursuant to which the Hearing was adjourned until March 14, 2002, and the boundaries of the proposed District were ordered redrawn to exclude the extraterritorial jurisdiction of the Cities of Pineland and Hemphill, and the Pendleton Harbor, Frontier Park, and El Camino Bay service areas. A copy of the redrawn boundaries are attached hereto as Exhibit B, and it has been determined that at least 50 of the petitioners are located within the area of the District within the redrawn boundaries.

11. The Governing Body has determined that it is in the best interest of the land within the redrawn boundaries, a copy of which are attached hereto as Exhibit B, of the proposed District for the District to be created.

12. No land within the proposed District is located in the extraterritorial jurisdiction of any municipality.

13. Phil Yocom, George Carney, Jerry Pickard, Mac Trovist, and David Lindow have been qualified as temporary directors for the District in accordance with Texas Water Code section 49.055.

NOW, THEREFORE, BE IT ORDERED THAT

SECTION 1. *Granting of Petition.*

The Governing Body hereby grants the Petition and orders the District created, its boundaries to be the boundaries set forth in Exhibit B.

SECTION 2. *Name of District.*

The District shall be Sabine County Freshwater Supply District No. 1.

SECTION 3. *Appointment of Temporary Directors.*

Phil Yocom, George Carney, Jerry Pickard, Mac Trovist, and David Lindow are hereby appointed as temporary directors for the District in accordance with Texas Water Code section 53.020.

SECTION 4. *Recitals.*

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The section headings herein are for convenience only and shall not affect the construction hereof.

The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part hereof for all purposes and are adopted as part of the judgment and findings of the Governing Body.

SECTION 5. *Actions by County Judge and County Clerk.*

The County Judge and County Clerk of the County are hereby authorized to evidence adoption of this Order and directed to do any and all things legal and necessary to carry out the intent hereof.

SECTION 6. *Severability.*

If any provision, section, sentence, clause, or phrase of this Order is held by any reason to be invalid, such invalid portions shall not affect the validity of the remaining portion of this Order.

* * *

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EXHIBIT A

PETITION REQUESTING CREATION OF
FRESHWATER SUPPLY DISTRICT

#45153812v1 <Transactional> -sabine COUNTY 02 order re-granting petition.wpd/09806882

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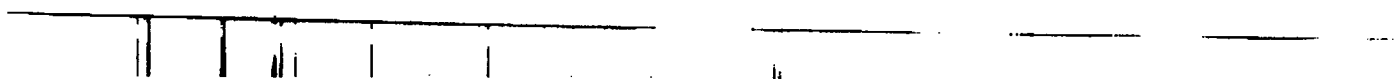


EXHIBIT B
BOUNDARIES

The boundary for the Sabine County Fresh Water Supply District includes all of Sabine County with the following exceptions:

- I. The southern district boundary line begins at a point on the west Sabine County line at coordinate $x=3,966,903.27$ feet and $y=618,168.18$ feet, proceeding in a straight line, to a point on the east Sabine County line at coordinate $x=4,098,158.17$ feet and $y=642,099.70$ feet.
- II. An area extending approximately one-half mile around the City of Pineland incorporated boundary. The extent of this excluded area begins at coordinate $x=3,975,369.75$ feet and $y=639,486.37$ feet. The excluded area boundary then proceeds east to coordinate $x=3,994,786.50$ feet and $y=639,486.37$ feet. The excluded area boundary then proceeds south to coordinate $x=3,994,786.50$ feet and $y=624,462.31$ feet. The excluded area boundary then proceeds west to coordinate $x=3,975,369.75$ feet and $y=624,462.31$ feet. The excluded area boundary then proceeds north to the beginning coordinate of $x=3,975,369.75$ feet and $y=639,486.37$ feet.
- III. An area extending approximately one-half mile around the City of Hemphill incorporated boundary. The extent of this excluded area begins at coordinate $x=4,011,361.00$ feet and $y=677,175.75$ feet. The excluded area boundary then proceeds east to coordinate $x=4,031,479.25$ feet and $y=677,175.75$ feet. The excluded area boundary then proceeds south to coordinate $x=4,031,479.25$ feet and $y=660,527.44$ feet. The excluded area boundary then proceeds west to coordinate $x=4,011,361.00$ feet and $y=660,527.44$ feet. The excluded area boundary then proceeds north to the beginning coordinate of $x=4,011,361.00$ feet and $y=677,175.75$ feet.
- IV. An area extending approximately one-half mile around the area generally referred to as Pendleton Harbor and Frontier Park. The extent of this excluded area begins at coordinate $x=4,040,080.25$ feet and $y=724,831.94$ feet. The excluded area boundary then proceeds east to coordinate $x=4,058,725.50$ feet and $y=724,831.94$ feet on the east Sabine County line. The excluded area boundary then proceeds south along the east Sabine County line to coordinate $x=4,069,749.25$ feet and $y=705,378.19$ feet on the east Sabine County line. The excluded area boundary then proceeds west to coordinate $x=4,040,080.25$ feet and $y=705,378.19$ feet. The excluded area boundary then proceeds north to the beginning coordinate of $x=4,040,080.25$ feet and $y=724,831.94$ feet.

V. An area extending approximately one-half mile around the area generally referred to as El Camino Bay. The extent of this excluded area begins at coordinate $x=4,067,839.75$ feet and $y=685,444.50$ feet. The excluded area boundary then proceeds east to coordinate $x=4,078,274.25$ feet and $y=685,444.50$ feet on the east Sabine County line. The excluded area boundary then proceeds south along the east Sabine County line to coordinate $x=4,080,587.75$ feet and $y=676,105.25$ feet on the Sabine County line. The excluded area boundary then proceeds west to coordinate $x=4,067,839.75$ feet and $y=676,105.25$ feet. The excluded area boundary then proceeds north to the beginning coordinate of $x=4,067,839.75$ feet and $y=685,444.50$ feet.

Coordinates are based on the State Plane Coordinate System, Texas Central Zone, NAD27 Datum.

Note: Reference attached Sabine County Fresh Water Supply District Proposed District Boundary Map dated March 2002.

see KK Pg 672

**PROPOSED NAMES
FOR
FRESHWATER DISTRICT
BOARD OF DIRECTORS**

1. Phil Yocom
2. George Carney
3. Jerry Pickard
4. Bernard Max
5. Jamie Payne

Alts: Clyde Brewer
Mac Provost
David Lindow

The State Of Texas
County Of Sabine

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONER COURT MINUTES OF SABINE
COUNTY, TEXAS.

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JANICE BEDARTEL COUNTY CLERK
By Louise Clark
Deputy



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