

TEXAS WATER COMMISSION
STEPHEN F. AUSTIN STATE OFFICE
AUSTIN, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

ORDER GRANTING PETITION FOR CREATION OF
WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 9;
APPOINTING TEMPORARY DIRECTORS THEREFOR; CONTAINING
PROPOSED FINDINGS OF FACT AND RULINGS THEREON;
CONTAINING CONCLUSIONS OF LAW AND GRANTING OTHER
RELIEF PRAYED FOR IN SUCH PETITION

On September 9, 1987 at 10 o'clock a.m., the Texas Water Commission (the "Commission") convened in duly called session at its regular meeting place at the Stephen F. Austin State Office Building, Austin, Texas, and the roll was called of the duly constituted members of said Commission, to-wit:

Paul Hopkins, Chairman
John O. Houchins, Commissioner
B. J. Wynne III, Commissioner

with all such members being present except the following absentee: Commissioner Houchins, thus constituting a quorum, when, among other business, there came on for hearing a Petition for Creation of Williamson County Municipal Utility District No. 9 (herein the "Petition") praying for the creation, organization, and establishment of Williamson County Municipal Utility District No. 9 (herein the "District") to be situated wholly within Williamson County, Texas, the appointment of five (5) temporary directors for such proposed District, and such other orders, acts, procedures, and relief as may be necessary and proper in connection therewith.

Upon the hearing being opened, the following persons entered their appearances in their respective capacities on behalf of the signatory to said Petition (herein the "Petitioner"): Ed Willoughby of L & N Land Corp., Bill Jameson of Lichliter/Jameson

& Associates, Inc., Engineers; Raymond E. Newman of L&N Investment Company, L.P., Financial Advisor; Kent Dussair of CDS Research, Inc., Market Analysts; and Tom Leonard of Leonard Marsh Hurt & Terry, Attorneys.

Royston Lanning appeared on behalf of the Executive Director of the Commission and no one appeared on behalf of the office of Public Interest of the Commission. No persons, agencies, or parties appeared in opposition to the Petitioner.

Following the administration of oaths to all persons appearing, the Petitioner moved and the Commission duly ordered that official notice be taken and that all persons, agencies, and parties be on notice of and that the official record of the proceedings of such hearing include:

1. All memoranda of the staff of the Commission prepared and dated as of or prior to the date of such hearing and relating to the Petitioner, the Petition, the proposed District, and the subject matter of such hearing; and
2. The status of The Austin American-Statesman as a newspaper of general circulation within the county in which the proposed District is to be situated; and
3. The receipt, filing, and sufficiency of a deposit of \$600 and filing fee of \$100 by the Petitioner as required by Section 54.017 and 5.235, Texas Water Code and 31 T.A.C. Section 293.12; and
4. All petitions, certificates, resolutions, statements of consent, ratifications, ordinances, computations, reports, and related documents and data submitted to and on file with the Commission pursuant to 31 T.A.C. Section 293.11; and
5. The affidavits of five (5) proposed temporary directors of the proposed District setting forth the matters and facts required by 31 T.A.C. Sections 293.31 - 293.34 .

Petitioner thereupon submitted for the record and as evidence of the matters therein contained: an affidavit of publication of notice of such hearing once a week for two (2) consecutive weeks in The Austin American-Statesman with the first such publication occurring at least thirty (30) days prior to the date of such hearing, as required by Section 54.019 of the Texas Water Code, as amended.

The Commission then invited any interested person, agency, or party to offer testimony or other evidence on the sufficiency of the Petition and the allegations contained therein and whether the proposed District's projects are feasible, practicable, and necessary and would be a benefit to all or any part of the land and properties proposed to be included within the District. Thereupon, the persons appearing on behalf of the Petitioner offered testimony, exhibits, and documentary evidence in favor of the allegations contained in the Petition, the form thereof, the necessity and feasibility of the District's proposed projects, and the benefits to accrue therefrom. Petitioner and Petitioner's consultants offered evidence and exhibits relative to the authority of the Petitioner to execute and deliver the Petition, to the proposed land use, development, and building plans, projections, and requirements within the proposed District, and to the Petitioner's ability to accomplish same. Petitioner's market analyst offered evidence and exhibits as to the formulation, source, and reliability of the data and projections submitted to the Commission concerning the extent of the market demand for the Petitioner's proposed development. Petitioner's engineers offered evidence and exhibits as to the type, size, nature, service capability, practicability, necessity for, benefits from, and estimated costs of the District's proposed waterworks, sanitary sewer, and drainage and storm sewer projects, as well as a solid waste collection and disposal system, fire fighting facilities and parks and recreational facilities. Petitioner's financial advisor offered testimony as to the anticipated procedures for marketing the bonds, the reasonableness of the financial data and the projections submitted to the Commission, and the projected rates of taxation within the proposed District. Petitioner's engineers and consultants offered further testimony as to the economic feasibility, necessity, and practicability of the District's proposed projects.

After official notice of the foregoing matters and following receipt of all testimony, other evidence, exhibits, and statements of counsel for all persons, agencies, and parties, the Commission received and reviewed the following proposed findings of fact submitted by the Petitioner and the form of a proposed order submitted by the Petitioner for adoption by the Commission:

PROPOSED FINDINGS OF FACT

1. All petitions, certificates, resolutions, statements of consent, ratifications, ordinances, computations, reports, and related documents and data required of Petitioner pursuant to 31 T.A.C. § 293.11 have been duly and timely submitted to and filed with the Executive Director of the Commission; and

2. By Order of the Chief Clerk of the Texas Water Commission dated July 23, 1987, the time, date, subject, and place of this hearing was set; and
3. Copies of the Petition have been mailed to the city secretary of the city in whose extraterritorial jurisdiction the entire proposed District is to be located and to the Commissioners Court of the county in which the entire proposed District is to be located; and
4. No city having extraterritorial jurisdiction in the county in which the proposed District is to be situated has formally requested notice of the creation of all districts in such county, as provided by Section 54.019 of the Texas Water Code, as amended; and
5. Notice of this hearing and meeting of the Commission was duly posted and published in accordance with the Open Meetings Law, Article 6252-17, Vernon's Annotated Texas Civil Statutes, as amended, and the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Texas Civil Statutes; and
6. Notice of this hearing containing a statement of the nature and purpose of the Petition, the date, time, and place of this hearing, a vicinity map showing the location of the proposed District in relation to roads and other landmarks, and 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's projects, and the benefits to accrue, and stating that any prepared testimony to be offered into evidence at this hearing should be filed five (5) days prior to this date has been published in a newspaper with general circulation in the county in which the proposed District is to be situated once a week for two (2) consecutive weeks with the first such publication occurring at least thirty (30) days before the date of this hearing, all as required by Section 54.019(a) of the Texas Water Code, as amended, and 31 T.A.C. § 293.14; and
7. The entire proposed District will be situated within the exclusive extraterritorial jurisdiction of the City of Round Rock, Texas, and wholly within the boundaries of Williamson County, Texas, and no part of the District will be located within the exclusive

extraterritorial jurisdiction of any other city, town, or village of the State of Texas; and

8. Notice of this hearing has been sent by the Commission to every city in whose extraterritorial jurisdiction any portion of the District is located and to the Commissioners Court of the county in which the proposed District is to be located; and
9. By resolution duly adopted, the City of Round Rock, Texas, has heretofore consented to the inclusion of lands within its extraterritorial jurisdiction within the boundaries of the proposed District, as required by Section 54.016, Texas Water Code, as amended; and
10. The Petition contains the matters required by Section 54.015, Texas Water Code, as amended, and has been executed by the duly authorized officers of the Petitioner representing a majority in value of the holders of title to the land to be included within the proposed District, as indicated by the Tax Rolls of Williamson County, Texas; and
11. There is no other municipal utility district within Williamson County, Texas, with the same name as is proposed for the District in the Petition; and
12. There are presently no waterworks, sanitary sewer, or drainage and storm sewer systems or facilities situated within the proposed District or otherwise available within the immediate vicinity for serving the needs of the proposed District; and
13. The nature of the works and projects proposed to be done and accomplished by the proposed District and the estimated costs for such works and projects are generally as set forth in the Petition and in the accompanying preliminary engineering report on file with the Commission, and same are consonant with the purposes for which the proposed District is to be created; and
14. There is a reasonable expectancy of an adequate market demand for the proposed development of the proposed District and of the production, growth, and maintenance of tax revenues and net operating revenues within the proposed District at competitive rates of charge and taxation; and

15. No negative or unreasonable effects will result from the District's proposed works and systems and from the Petitioner's proposed development upon land elevations, subsidence, groundwater levels within the region, recharge capabilities of groundwater sources, natural run-off rates, drainage, water quality, and total tax assessments on all land and properties located within the proposed District; and
16. Each of the following named persons is over the age of eighteen (18) years, is a resident citizen of the State of Texas, owns land subject to taxation within the proposed District, has completed and filed with the Commission affidavits in form and substance as required by 31 T.A.C. Sections 293.31 - 293.34, and has no disqualifying relationship or interest as described in such Rules:

Tommy Cowan
J. P. Kirksey
John Kuykendall
James S. Wilson
Keith E. Young

Following consideration of all issues of fact and law relative to the aforesaid hearing, the Commission rules on the proposed findings of fact and form of order submitted by the Petitioner as follows:

RULINGS ON PROPOSED FINDINGS OF FACT

1. The Commission rules that all of the foregoing proposed findings of fact and each specific proposed finding of fact are true, complete, and correct; and
2. The form and substance of the proposed order submitted by the Petitioner for the Commission's consideration is true, complete, and correct and should be adopted.

Based upon the foregoing matters officially noticed, and the findings of fact and rulings of the Commission, the Commission concludes and sets forth its conclusion of law as follows:

CONCLUSIONS OF LAW

1. The Commission has duly received, filed, and set this hearing upon the Petition, and the Commission has jurisdiction and authority to hear such Petition and to make and enter its findings of fact, rulings, and

orders with respect to the creation of the proposed District; and

2. The Petition submitted to and filed with the Commission is in due, proper, and sufficient form and has been duly and properly executed, approved, and ratified by the appropriate holder of title to or interests in the land proposed to be included within the District; and
3. All of the allegations contained in such Petition and each of same are true, complete, and correct and, taken as a whole, entitle the Petitioner to the relief prayed for in such Petition; and
4. All notices of all actions, proceedings, and matters had incident to this hearing and the creation of the proposed District have been made, given, published, and posted as required by applicable law; and
5. All of the lands and properties proposed to be included within the District may properly be included within the District; and
6. All of the requirements of Section 54.016 of the Texas Water Code, as amended, have been fully complied with, met, and accomplished; and
7. This hearing has been set, called, convened, and conducted in full compliance with all applicable laws of the State of Texas and the Rules of the Commission; and
8. After consideration of:
 - (a) the availability of comparable water, sanitary sewer, drainage, solid waste collection and disposal services, and parks and recreation facilities to the proposed District from other sources; and
 - (b) the reasonableness of the projected costs of construction of the District's proposed works and projects, rates of taxation, and rates of charges for water and sewer services; and
 - (c) whether or not the proposed District, its systems, and the subsequent proposed development within the District would have an unreasonable effect upon land elevation, subsidence, groundwater levels

within the region, recharge capabilities of groundwater sources, natural run-off rates, drainage, water quality, and total tax assessments on all land located within the proposed District; and

- (d) each and all of the foregoing findings of fact, rulings, and other matters submitted in evidence at such hearing;

the creation and organization of the proposed District and the proposed works and projects of the District are feasible and practical and are necessary and would be a benefit and public utility to all of the land proposed to be included within such District, and none of the land proposed to be included in such District should be excluded therefrom; and

9. The five (5) persons named above who have requested to be appointed as temporary directors of the proposed District are each and all fully qualified in all respects to serve as temporary directors of the proposed District; and
10. The Petition should be granted by the Commission.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION, THAT:

1. The Petition is hereby in all things granted, and Williamson County Municipal Utility District No. 9 is hereby created, organized, and established as prayed for in the Petition.
2. Said District is created, organized, and established under the terms and conditions of Article XVI, Section 59 of the Constitution of Texas and Chapter 54 of the Texas Water Code, together with all amendments and additions thereto.
3. Said District shall have all the rights, powers, privileges, authority, and functions conferred by and shall be subject to all duties imposed by the Commission and the General Laws of the State of Texas relating to municipal utility districts.
4. Said District shall be composed of the area situated wholly within Williamson County, Texas, described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

5. The following five (5) persons are hereby named and appointed as temporary directors of said District to serve until their successors are elected or have been appointed in accordance with applicable law:

Tommy Cowan
J. P. Kirksey
John Kuykendall
James S. Wilson
Keith E. Young

6. The foregoing temporary directors shall as soon as practicable after the date of entry of this Order execute their official bonds and take their official oaths of office, and all such bonds shall be approved by the Board of Directors of the District, and each bond and oath shall be filed with the District and retained in its records.
7. This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the creation Petition, nor as a commitment or requirement of the Commission in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for Commission consideration.
8. This Order shall not constitute approval or recognition of the validity of any provisions in the City of Round Rock Ordinance No. 2269 dated January 22, 1987, and other ordinances incorporated therein by reference to the extent that such provisions exceed the authority granted to the City of Round Rock by the laws of the State of Texas.

Upon the foregoing proposed Order being read and considered by the Commission, it was duly moved and seconded that the same be passed and adopted, and upon the question being called, said

motion, carrying with it the adoption of said Order, was duly passed and adopted, with 2 members of the Commission present voting "Aye" and 0 member voting "No."

Signed this 9th day of September, 1987.

TEXAS WATER COMMISSION

ATTEST:

By: /s/ Paul Hopkins
Paul Hopkins, Chairman

/s/ Karen A. Phillips
Karen A. Phillips
Chief Clerk

By: /s/ B. J. Wynne III
B. J. Wynne. III, Commissioner

(SEAL)

WCMUD3/06

A DESCRIPTION OF A 316.018 ACRE TRACT OF LAND OUT OF THE WASHINGTON ANDERSON SURVEY, ABSTRACT NO. 15, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 316.05 ACRE TRACT OF LAND CONVEYED TO SAM BASS 316 BY DEED RECORDED IN VOLUME 951, PAGE 128 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 316.018 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found at the intersection of the north right-of-way (R.O.W.) line of F.M. 1431 (a 200 foot wide R.O.W.) and the east R.O.W. line of County Road No. 175 (a variable width R.O.W.), being the southwest corner hereof;

THENCE departing the north R.O.W. line of F.M. 1431, along the east R.O.W. line of County Road No. 175, as generally fenced the following four (4) courses:

1. N 22° 05' 00" W, a distance of 1019.00 feet to a 1/2 inch iron rod found,
2. N 20° 36' 10" W, a distance of 791.13 feet to a 1/2 inch iron rod found,
3. N 21° 13' 16" W, a distance of 411.51 feet to a 1/2 inch iron rod found, and
4. N 23° 30' 15" W, a distance of 424.64 feet to a 1/2 inch rod found on the south line of that certain 511 acre tract of land conveyed to Perry O. Mayfield by deed recorded in Volume 258, Page 214 of the said deed records for the northwest corner hereof;

THENCE departing the east R.O.W. line of County Road No. 175 along the said south line of the 511 acre tract being the north line hereof, as generally fenced the following five (5) courses:

1. N 68° 57' 11" E, a distance of 1282.36 feet to a 1/2 inch iron rod found,
2. N 69° 42' 35" E, a distance of 904.69 feet to a 1/2 inch iron rod found,
3. N 69° 54' 34" E, a distance of 1074.77 feet to a 5/8 inch iron rod set,
4. N 71° 25' 13" E, a distance of 535.98 feet to a 1/2 inch iron rod found in a Mesquite stump, and
5. N 68° 08' 00" E, a distance of 1251.92 feet to a 1/2 inch iron rod found at the southeast corner of said 511 acre tract, on the west line of that certain 1437.45 acre tract of land conveyed to Tom E. Nelson, Jr. Trustee, by deed recorded in Volume 571, Page 446 of the said deed records being the northeast corner hereof;

THENCE along the west line of the said 1437.45 acre tract, as generally fenced, being the east line hereof, the following two (2) courses:

1. S 20°06'40"E, a distance of 1802.71 feet to a 1/2 inch iron rod found in a rock mound, and
2. S 20°03'30"E, a distance of 1028.48 feet to a 1/2 inch iron rod found on the curving north R.O.W. line of F.M. 1431 at the southeast corner hereof;

THENCE along the north R.O.W. line of F.M. 1431, as generally fenced, the following five (5) courses:

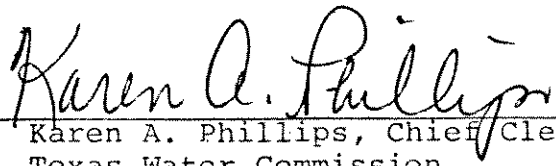
1. a distance of 86.24 feet along the arc of a curve to the right having a central angle of 0°26'06", a radius of 11359.16 feet and a chord bearing S 70°48'57"W, a distance of 86.24 feet to a 1/2 inch iron rod found at the point of tangency,
2. S 71°02'00"W, a distance of 3252.17 feet to a 1/2 inch iron rod found at the point of curvature,
3. a distance of 325.38 feet along the arc of a curve to the right having a central angle of 1°38'00", a radius of 11414.06 feet and a chord bearing S 71°51'00"W, a distance of 325.37 feet to a 1/2 inch rod found at the point of tangency
4. S 72°40'00"W, a distance of 1,132.29 feet to a 1/2 inch iron rod found at the point of curvature, and
5. a distance of 179.08 feet along the arc of a curve to the left having a central angle of 1°19'33", a radius of 7739.44 feet and a chord bearing S 72°00'14"W, a distance of 179.08 feet to the POINT OF BEGINNING, containing 316.018 acres of land more or less.

STATE OF TEXAS X

COUNTY OF TRAVIS X

I, Karen A. Phillips, Chief Clerk of the Texas Water Commission, do hereby certify that the attached and foregoing is a true and correct copy of the Order Granting Petition for Creation of WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 9, the original of which is on file in the official records of the Commission.

GIVEN UNDER MY HAND AND THE SEAL OF THE TEXAS WATER COMMISSION, this the 21st day of September, 1987.



Karen A. Phillips, Chief Clerk
Texas Water Commission

(SEAL)