

WILLATT & FLICKINGER
ATTORNEYS AT LAW

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February 13, 2004

Mr. Frank Salvato
City Manager
400 Porter Street
Taylor, Texas 76574

Re: Williamson County WCID No. 2

Dear Mr. Salvato:

Pursuant to a request from Frankie Limmer, I enclose a proposed resolution whereby the City of Taylor consents to the creation of Williamson County Water Control and Improvement District No. 2.

Please let me know if any further information is needed.

Very truly yours,



Mike Willatt

MW/jc
Enclosure

cc: Mr. Frankie Limmer
12510 FM 1660
Taylor, Texas 76574

RESOLUTION NO. R04-7

A RESOLUTION OF THE CITY OF TAYLOR, TEXAS, TO GRANT CONSENT TO THE CREATION OF WILLIAMSON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2, AS CREATED BY THE WILLIAMSON COUNTY COMMISSIONER'S COURT PURSUANT TO THE ATTACHED ORDER.

WHEREAS, On July 29, 2003, pursuant to Chapter 51 of the Texas Water Code, the Commissioner's Court of Williamson County, Texas created Williamson County Water Control and Improvement District No. 2, by an Order Granting Petition Requesting Creation of Williamson County Water Control and Improvement District No. 2, (the "Order") a copy of which order is attached hereto; and

WHEREAS, the land within the District is described in Exhibit A to the Order; and

WHEREAS, at the time of creation of the District by the Williamson County Commissioner's Court, the land within the District, was thought not to be within the extraterritorial jurisdiction of the City of Taylor; and

WHEREAS, after the creation, it was discovered that the land within the District is in fact within the City of Taylor's extraterritorial jurisdiction; and

WHEREAS, Sec. 42.042, Local Government Code provides that "A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and the Water Code"; and

WHEREAS, the City Council is of the opinion that it should consent to creation of the District.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS:

The City of Taylor does hereby grant its consent to the creation of Williamson County Water Control and Improvement District No. 2, as created by the Williamson County Commissioner's Court pursuant to the attached Order.

PASSED and **APPROVED** the _____ day of February 2004.

Donald R. Hill, Mayor
Taylor City Council

Attest:

Susan Brock, Assistant City Clerk

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

**EXHIBIT "A" TO
CITY OF TAYLOR RESOLUTION**

CERTIFIED TO BE A TRUE AND
CORRECT COPY



**NANCY E. RISTER, County Clerk
Williamson County**

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. Daefler 7-29-03
County Judge

ATTEST:

By: Nancy E. Rister
County Clerk

I:\limmer\order-GP
7/24/03

CERTIFIED TO BE A TRUE AND
CORRECT COPY



NANCY E. RISTER, County Clerk
Williamson County

EXHIBIT "A" TO ORDER CREATING
WILLIAMSON COUNTY WATER CONTROL AND
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);

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 feet to the southerly



NANCY E. FISTER, County Clerk
Williamson County

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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.

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

June 26, 2003

limmer.wpd

CERTIFIED TO BE A TRUE AND
CORRECT COPY



NANCY E. RISTER, County Clerk
Williamson County

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