

IN THE COMMISSIONERS' COURT OF TYLER COUNTY
STATE OF TEXAS

RATIFICATION ORDER

On this 20th day of October, 2016, the Commissioners' Court of Tyler County, Texas, considered the Judgment of the District Court of Tyler County, Texas, denying the appeal by Leigh Gottlab-Cowart of the "Order Granting Request For Creation of Lake Amanda Water Control and Improvement District No. 1 of Tyler County, Texas; Appointing Temporary Directors; Containing Findings of Fact; and Conclusions of Law and Granting Other Relief Prayed For," dated August 8, 2016.

After considering the District Court Judgment, the Commissioners' Court of Tyler County, Texas, reaffirms, readopts, and ratifies its August 8, 2016 Order, a copy of which is attached to this Order and incorporated into it by reference for all purposes.

Upon the foregoing proposed Order being read and considered by the Commissioners' Court, 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 members of the Commissioners'
Court present voting as follows:

Ayes _____

Nos _____

Jacque Blanchette, County Judge

IN THE COMMISSIONERS' COURT OF TYLER COUNTY
STATE OF TEXAS

ORDER GRANTING REQUEST FOR CREATION OF LAKE AMANDA
WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1
OF TYLER COUNTY, TEXAS;
APPOINTING TEMPORARY DIRECTORS;
CONTAINING FINDINGS OF FACT;
AND CONCLUSIONS OF LAW
AND GRANTING OTHER RELIEF PRAYED FOR

On August 8, 2016 at 11:00 o'clock a.m., the Commissioners' Court of Tyler County, Texas (the "Commissioners' Court") convened at a duly called special meeting at the Commissioners' Courtroom, of the Tyler County Courthouse located at 100 West Bluff Street, Woodville, Texas. The roll was called of the duly constituted members of said Commissioners' Court, to-wit:

Jacques Blanchette, County Judge
Martin Nash, Commissioner
James T. Hughes, Commissioner
Michael Marshall, Commissioner
Julius Walston, Commissioner

with all such members being present except the following absentees: none, thus constituting a quorum.

There came on for hearing a Petition for Creation of Lake Amanda Water Control and Improvement District No. 1 (the "District") to be situated wholly within Tyler County, Texas, the appointment of five (5) temporary directors for such proposed district, and

such other orders, acts, procedure, and relief as may be necessary and proper in connection therewith.

Upon the hearing being convened, the following persons entered their appearance in their respective capacities on behalf of the signatories to said Petition (herein the "Petitioners"):

John D. Stover, Attorney;
Kirwin Drouet, Representative of Petitioner;
Don Sousley, Representative of Petitioner;
Heyward Fetner, Representative of Petitioner;
Gene Cappadonna, Representative of Petitioner; and
Kaye Mendoza, Representative of Petitioner.

Following the administration of oaths to all persons appearing, the Petitioners moved and the Commissioners' Court 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 the status of the Beaumont Enterprise as a newspaper of general circulation within the county in which the proposed District is to be situated.

Petitioners thereupon submitted for the record and as evidence: (1) affidavits of publication of notice of such hearing once a week for two (2) consecutive weeks in the Beaumont Enterprise, the first such publication occurring at

least fourteen (14) days prior to the date of such hearing; and
(2) notice showing the posting thereof at the Tyler County
Courthouse.

The Commissioners' Court then invited any interested person
to offer testimony or other evidence on the sufficiency of the
Petition and the allegations contained in it. Thereupon, the
person appearing on behalf of the Petitioners 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. Petitioners offered evidence and exhibits
relative to the land use, projections and requirements within
the proposed district and the Petitioners' ability to accomplish
same. Petitioners offered further testimony as to the economic
feasibility, necessity and practicability of the District and
its proposed projects; the public necessity or need for the
District; and the furtherance to the public welfare by the
District.

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
Commissioners' Court makes the following findings of fact:

FINDINGS OF FACT

1. Notice of this hearing and meeting of the Commissioners' Court was duly posted and published in accordance with the Open Meetings Law, Tex. Gov. Code Section 551.041, as amended;
2. The District will be situated solely within the boundaries of Tyler County, Texas;
3. Notice of the hearing containing a statement of the nature and purpose of the Petition, the date, time and place of hearing, 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 and its projects and the benefits to accrue has been published in a newspaper with general circulation in Tyler County once a week for two (2) consecutive weeks, with the first such publication occurring at least fourteen (14) days before the date of this hearing, all as required by Section 51.018 of the Texas Water Code, as amended; and said notice was posted at the courthouse as required by law;

4. The Petition contains the matters required by Section 51.014, the Texas Water Code, as amended, and has been executed by more than fifty (50) persons holding title to land within the District;

5. There is no other water control and improvement district within Tyler County, Texas, with the same name as is proposed for the District in the Petition;
6. The District includes all of the lots and property adjacent to Lake Amanda situated near Colmesneil, Tyler County. It is necessary to make repairs and modifications to the Lake Amanda Dam which will require the services of engineers and other consultants and the approval by the Texas Commission on Environmental Quality. The current Lake Amanda Property Owners Association, Inc., does not have any revenues to pledge as security for a loan to pay for the repairs. The District will be able to obtain loans and/or grants to pay for the dam repair and modification and to pay the cost to maintain the dam;
7. After consideration of the evidence before the Court:
 - A. The organization of the District as requested is feasible and practicable;

- B. The land to be included in the proposed District will be benefitted by the creation of the District;
 - C. There is a public necessity or need for the District; and
 - D. The creation of the District will further the public welfare.
8. Each of the following named persons have requested appointment as temporary directors:

Don Sousley
547 CR 3170
Colmesneil, Texas 75938

Heyward Fetner
6505 T Bar M Blvd.
Houston, Texas 77069

Kirwin Drouet
1314 Kent Oak Dr.
Houston, Texas 77077

Gene Cappadonna
29 Westchester Drive
Conroe, Texas 77304

Kaye Mendoza
2111 Walker Lane
Nederland, Texas 77627

Based upon the foregoing matters officially noticed and the findings of fact and rulings of the Commissioners' Court, the Commissioners' Court concludes and sets forth its conclusions of law as follows:

CONCLUSIONS OF LAW

1. The Commissioners' Court has duly received, filed and set this hearing upon the Petition, and the Commissioners' Court has jurisdiction and authority to

consider the request for creation of the District and to make and enter its findings of fact, rulings and orders with respect to the creation of the District;

2. The Petition submitted to and filed with the Commissioners' Court is in due, proper and sufficient form; there being more than fifty (50) persons holding title to land within the proposed District, the Petition has been signed by more than fifty (50) of them;
3. All of the allegations contained in such Petition and each of same are true, complete and correct and, taken as a whole, entitled the Petitioners to the relief prayed for in such Petition;
4. All notices of all actions, proceedings and matters had incident to this hearing and the creation of the District have been made, given, published and posted as required by applicable law;
5. All of the lands and properties proposed to be included within the District as described on the attached Exhibit "A" may properly be included within the District;

6. This hearing has been set, called, convened and conducted in full compliance with all applicable laws of the State of Texas;
7. 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
8. The request for creation should be granted by the Commissioners' Court.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT
OF TYLER COUNTY, TEXAS, THAT:

1. The Petition is hereby in all things granted, and Lake Amanda Water Control and Improvement District No. 1 of Tyler County, Texas, is hereby created, organized and established as prayed for in the Petition as to the land described in the attached Exhibit "A."
2. The District is created, organized and established under the terms and conditions of Article III, Section 52 and Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 51 of the Texas Water Code, together with all amendments and additions thereto.

3. The District shall have all the rights, powers, privileges, authority and functions conferred by and shall be subject to all duties imposed by the Texas Commission on Environmental Quality and the General Laws of the State of Texas relating to districts.
4. The District shall be composed of the area situated within Tyler 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 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:

Don Sousley
547 CR 3170
Colmesneil, Texas 75938

Heyward Fetner
6505 T Bar M Blvd.
Houston, Texas 77069

Kirwin Drouet
1314 Kent Oak Dr.
Houston, Texas 77077

Gene Cappadonna
29 Westchester Drive
Conroe, Texas 77304

Kaye Mendoza
2111 Walker Lane
Nederland, Texas 77627

6. The foregoing temporary directors shall as soon as practicable after the date of this Order execute their official bonds and take their official oaths of

office, and each bond and oath shall be filed with the Secretary of State.

Upon the foregoing proposed Order being read and considered by the Commissioners' Court, 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 members of the Commissioners' Court present voting as follows:

Ayes 5

Nos 0


Jacques Blanchette, County Judge

DESCRIPTION TO THE LIMITS OF LAKE AMANDA OCCUPYING
216.278 ACRES WITHIN THE
WILLIAM CAMPBELL SURVEY ABSTRACT 9
M. PEVITO SURVEY ABSTRACT 505, IRA PARKER SURVEY ABSTRACT 499
TYLER COUNTY, TEXAS

Being all that certain tract or parcel of land located in the William Campbell Survey Abstract 9, the M. Pevito Survey Abstract 505 and the Ira Parker Survey Abstract 499 in Tyler County, Texas, and being all of those tracts and parcels of land as described in a Special Warranty Deed to Lake Amanda Property Owners Association, Inc. dated October 2, 2002 and recorded in Volume 730, Page 906 of the Deed Records of Tyler County, Texas (D.R.T.C.T.) and being described along the outer limits as follows, to wit:

BEGINNING at an iron rod at the West Northwest corner of Lake Amanda – The Northwest Series on Lake Amanda, (originally recorded as Plat Number 47 of the Plat Records of Tyler County, Texas (P.R.T.C.T), now called the relocation of lots NW-32 thru NW-39 and Lots NW-40 thru NW-46 & W Series Lots W-1 thru W-34 of Lake Amanda – recorded as Plat Number 59 PRTCT, The Northwest Series on Lake Amanda from which a concrete monument for the Southeast corner of Skyline Park as recorded in Plat 211 PRTCT, bears N27°47'59"E, a distance of 747.91 feet;

THENCE with the North line of the aforesaid Plat 59 with the following call:

1. S71°29'18"E, a distance of 1006.00 feet to an angle point, same being the Northeast corner of the reserved area and the Northwest corner of Lot NW-31;

THENCE with the North line and the West line of the original Plat 47 with the following calls:

1. S73°17'17"E a distance of 253.93 feet, to an angle point;
2. S76°19'42"E a distance of 640.00 feet, to an angle point;
3. N17°30'25"E a distance of 1434.00 feet, to an angle point;
4. N39°29'35"W a distance of 224.00 feet, to an angle point;
5. N42°30'25"E a distance of 200.00 feet, to the North corner of Plat 47 and the limits of Lake Amanda;

THENCE N15°05'18"W, along the West limits of Lake Amanda, a distance of 141.58 feet, to the Southwest corner of a tract described in a Deed to Colmesneil I.S.D. in Volume 168, Page 463 DRTCT;

THENCE S55°55'35"E, along the Colmesneil I.S.D. tract and The North limits for Lake Amanda, a distance of 239.00 feet, to the Southeast corner of the said Colmesneil I.S.D. tract;

THENCE S38°08'34"E, continuing with the Northeast limits of Lake Amanda, a distance of 564.10 feet, to an angle point for the Northwest corner of a tract described as E-54, recorded in Volume 507, Page 977 DRTCT;

THENCE S84°24'48"E, a distance of 89.00 feet, along the North line of Lot E-54, to an angle point;

THENCE continuing with the East limits of Lake Amanda, the East boundary lines of various owners with Tracts designated from E-54 thru E-30 with the following calls:

1. S20°54'48"E, a distance of 400.45 feet, to an angle point;
2. S22°36'03"E, a distance of 99.89 feet, to an angle point and the Southeast corner of tract E-50;
3. S07°41'11"E, a distance of 9.96 feet, to an angle point, same being the Northeast corner of tract E-49;
4. S02°52'22"E, a distance of 156.20 feet, to an angle point;

5. S01°40'04"W, a distance of 115.23 feet, to an angle point;
6. S38°12'18"W, a distance of 102.00 feet, to an angle point;
7. S49°12'18"W, a distance of 101.00 feet, to an angle point;
8. S69°12'18"W, a distance of 125.00 feet, to an angle point;
9. S22°12'18"W, a distance of 210.00 feet, to an angle point;
10. S03°50'20"W, a distance of 139.37 feet, to an angle point;
11. S05°18'01"E, a distance of 210.00 feet, to an angle point;
12. S22°11'04"E, a distance of 50.55 feet, to an angle point;
13. S41°05'01"E, a distance of 399.97 feet, to the Southeast corner of tract E-30, as described in Volume 393, Page 199 DRTCT;

THENCE S48°51'41"W, along the South line of tract E-30, a distance of 195.95 feet;

THENCE S26°11'41"E, a distance of 50.00 feet, to the Northwest corner of tract E-29, as described in Volume 461, Page 603 DRTCT;

THENCE S78°51'41"E, along the North line of tract E-29, a distance of 249.00 feet, to an angle point;

THENCE continuing with the East limits of Lake Amanda, the East boundary lines of various owners with Tracts designated from E-29 thru E-21 with the following calls:

1. S18°58'19"W, a distance of 120.00 feet;
2. S25°11'41"E, a distance of 200.00 feet;
3. S41°41'41"E, a distance of 239.86 feet, to a point in the Northwesterly line of tract E-21, as described in Volume 176, Page 259 DRTCT;

THENCE along the East limits of Lake Amanda, the North and East line of tract E-21 with the following calls:

1. N48°18'19"E, a distance of 54.00 feet;
2. S08°59'09"W, a distance of 190.00 feet, to the South corner of tract E-21 and the West corner of tract E-20;

THENCE continuing with the Northwest line of tract E-20, N49°55'12"E, a distance of 209.05 feet, to an angle point;

THENCE continuing with the East limits of Lake Amanda, the East boundary lines of various owners with Tracts designated from E-20 thru E-6 with the following calls:

1. S40°04'48"E, a distance of 478.00 feet, to an angle point;
2. S41°13'42"E, a distance of 100.00 feet, to an angle point;
3. S11°11'52"E, a distance of 239.89 feet, to an angle point;
4. S71°56'01"E, a distance of 64.89 feet, to an angle point;
5. N59°48'17"E, a distance of 160.52 feet, to the North corner of tract E-6, described in Volume 401, Page 457 DRTCT;

THENCE S30°11'43"E, along the Northeast line of tract E-6, a distance of 170.00 feet, to the East corner of tract E-6;

THENCE S64°18'37"E, along the East limit of Lake Amanda, a distance of 47.00 feet, to the Northwest corner of tract E-5 described in Volume 181, Page 410 DRTCT;

THENCE continuing with the East limits of Lake Amanda, the East boundary lines of various owners with Tracts designated from E-5 thru E-1 with the following calls:

1. S71°07'57"E, a distance of 187.00 feet, to an angle point;
2. S27°30'42"W, a distance of 80.28 feet, to an angle point;
3. S20°02'18"W, a distance of 150.00 feet, to an angle point;
4. S72°57'42"E, a distance of 150.00 feet, to an angle point;

5. S20°32'18"W, a distance of 173.00 feet, to the South corner of tract E-1 as described in Volume 578, Page 318 DRTCT;
THENCE S48°31'15"E, along the East limit of Lake Amanda, a distance of 248.83 feet, to the West line of a tract known as the Hellberg tract, described in Volume 1118, Page 479 DRTCT as the First and Second tract;

THENCE continuing along the Southeast Limits of Lake Amanda with the following calls:

1. N07°10'40"W, a distance of 325.03 feet, to an angle point;
2. S76°53'52"E, a distance of 422.92 feet, to the Northwest corner of a tract described in Volume 194, Page 453;
3. S00°30'12"E, a distance of 204.76 feet;
4. S00°36'33"E, passing at 314.25 feet, the Southeast corner of a tract described in Volume 194, Page 453, and continuing for a total distance of 437.04 feet, to the Southeast corner of the Hellberg tract;

THENCE N71°10'03"W, along the South line of the Hellberg tract, a distance of 577.75 feet, to a point on the Southeast side of Lake Amanda Dam and the South Limits of Lake Amanda;

THENCE continuing with the South limits of Lake Amanda, with the following calls:

1. S58°05'41"W, a distance of 434.40 feet, to an angle point;
2. S34°47'31"W, a distance of 104.85 feet, to an angle point;
3. N70°29'55"W, a distance of 117.21 feet, to an angle point, and the Northeast corner of a 0.634 acre tract survey for Amanda Haralson;

THENCE continuing with the South limits of Lake Amanda, around the 0.634 acre Haralson tract with the following calls:

S34°43'55"E, a distance of 83.06 feet, to an angle point;
S22°45'46"W, a distance of 198.39 feet, to an angle point;
N50°00'48"W, a distance of 113.30 feet, to an angle point;
N14°01'34"W, a distance of 111.37 feet, to an angle point;

THENCE S74°15'00"W, continuing with the South limits of Lake Amanda, a distance of 127.72 feet, to the Southeast corner of Lot 1, of a Subdivision Plat entitled "S.W. Lakefront, Lake Amanda", as surveyed by T.B. Barclay RPLS Number 108 – in September of 1974, an unrecorded subdivision;

THENCE continuing with the Southwest limits of Lake Amanda, the West and South boundary lines of various owners with Tracts designated from Lot 1 thru Lot 46 with the following calls:

S88°25'19"W, along the South line of Lot 1, a distance of 191.50 feet, to an angle point;
N17°42'19"E, a distance of 285.15 feet, to an angle point;
N44°54'38"W, a distance of 331.74 feet, to an angle point;
N42°21'23"W, a distance of 462.00 feet, to an angle point;
S75°31'19"W, a distance of 441.65 feet, to an angle point;
S87°59'22"W, a distance of 654.14 feet, to an angle point;
N78°18'15"W, a distance of 385.00 feet, to an angle point;
N62°25'19"W, a distance of 151.00 feet, to an angle point;
N57°08'53"W, a distance of 359.88 feet, to an angle point;
N79°21'05"W, a distance of 354.67 feet, to an angle point;
S32°27'35"W, a distance of 115.00 feet, to the Southwest corner of Lot 46, to an angle point;

THENCE N57°32'25"W, along the Southwest line of Lot 46, a distance of 135.00 feet, to an angle point;

THENCE N53°11'10"W, along the West limits of Lake Amanda, a distance of 338.44 feet, to the Southeast corner of Lot W-64, of a Plat entitled "Lot W-36 thru W-64 on Lake Amanda of the Haralson Lakes Development", as recorded in Plat 95 PRCT; THENCE continuing with the West limits of Lake Amanda, the North boundary lines of various owners of Lots designated from W-64 thru W-36 with the following calls:

1. THENCE N77°54'09"W, along the South line of Lot W-64, a distance of 222.17 feet;
2. THENCE N11°56'25"E, a distance of 273.45 feet, to an angle point;
3. THENCE N49°54'43"E, a distance of 473.59 feet, to an angle point;
4. THENCE N67°59'17"E, a distance of 282.18 feet, to an angle point;
5. THENCE S79°03'33"E, a distance of 296.84 feet, to an angle point;
6. THENCE N81°30'20"E, a distance of 346.03 feet, to an angle point;
7. THENCE S64°01'14"E, a distance of 495.49 feet, to an angle point;
8. THENCE N72°03'03"E, a distance of 479.68 feet, to an angle point, same being on the West line of Lot W-34 of the aforesaid Plat 95 PRCT;

THENCE continuing with the West limits of Lake Amanda, the South and North boundary lines of various owners with Lots designated from W-34 thru W-1 with the following calls:

1. N43°48'58"W, a distance of 588.18 feet, to an angle point;
2. N63°09'56"W, a distance of 1179.71 feet, to an angle point;
3. N73°10'24"W, a distance of 885.67 feet, to the Southwest corner of Lot W-1;
4. N18°40'20"E, a distance of 178.46 feet, to the Northwest corner of Lot W-1;

THENCE N16°49'19"W, with the West limits of Lake Amanda, a distance of 265.00 feet, to an angle point;

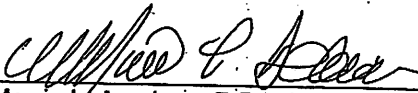
THENCE N49°52'18"E, with the West limits of Lake Amanda, a distance of 52.88 feet, to the Southwest corner of Lot NW-46 of the aforesaid Plat 59;

THENCE continuing with the West limits of Lake Amanda, the West line of Lot NW-46 with the following calls:

1. N31°29'18"W, a distance of 90.00 feet, to an angle point;
2. N18°30'42"E, a distance of 200.00 feet to the Point of Beginning of Lake Amanda, to the Point of Beginning and containing an area of 216.85 acres, more or less.

NOTE: This description is based on information taken off a survey performed by Goodwin – Laster during August through September of 1995, various maps and/or deed compilation or known surveys performed and are for graphic purposes only. This does not represent a current on the ground survey.

Bearings are based on Plat of survey for Haralson Property by Goodwin – Lasiter.


Morrie L. Apodaca, R.P.L.S. No. 5613
Lufkin, Texas June 29, 2016



Goodwin – Lasiter – Strong
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Lufkin, Texas 75901
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