

**COMMISSIONERS COURT
SPECIAL SESSION**
April 28, 2003

The Hunt County Commissioners Court met this day at 9:00A.M. with Commissioners Martin & Latham present, Commissioner Thornton & Green were absent, with Judge Joe Bobbitt presiding. Also present from the Huffines Group were Donald B. Huffines, Fred Brown, Teg Harris, Jay Morris, Bob Wright, Ted Wilson from RSI Marketing Analysis and Julie Peak with 1st Southwest. Our attorney Clay E. Crawford & his associate Ross Martin of Houston, Texas were also present to discuss the creation of the Verandah Fresh Water Supply District of Hunt County, Texas. Commissioner Thornton arrived at 9:15A.M. Mr. Crawford advised the Court all necessary requirements have been filed with the County Clerk pertaining to the Petition for the Creation of the Verandah Fresh Water Supply District. This District shall be created under the terms & provisions of Art. XVI, Sec 59, of the Constitution of Texas & Chpt 49 & 53 – Texas Water Code. Master plan community lots will be ranging from \$18,000 to \$22,000 with homes ranging from \$90,000 to \$155,000, which will attract move-out buyers from the metroplex. The Court also discussed the sewer treatment plant which will have temporary units until permanent units are installed, which will be operated like all municipalities in handling their slugh due to regulations by the State of Texas. BHP Water Supply will supply the water for this community. Julie Peak from 1st Southwest advised the Court their firm has 300 of these projects, she has reviewed everything on this project – due to selling bonds in the future there are strict regulations now in place by the State (TCEQ). The projected tax rate will be .54¢ per \$100 valuations, estimating \$346,000,000 should be generated by this project. The Court noted the road district would have to be calculated on top of that amount.

8712 On the motion by Phillip Martin, second by Jim Latham, the Court approved order upon hearing and granting a Petition for the Creation of Verandah Fresh Water Supply District of Hunt County, Texas. For: Martin, Latham, Thornton, Judge Bobbitt. Against: None. Absent: Ralph Green. Motion passes. *See Attachments.*

_____ Court Adjourned at 9:45A.M. Minutes approved this 2 day of May, 2003.

Attest:

Linda Braden
Hunt County Clerk

Joe A. Bobbitt
Hunt County Judge

8712

FILED FOR RECORD
at 1 o'clock P M

APR 28 2003

LINDA BROOKS
County Clerk, Hunt County, Tex
By [Signature]

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF HUNT §

We, the undersigned officers of the Commissioners Court of Hunt County, Texas, hereby certify as follows:

1. The Commissioners Court of said County convened in REGULAR SESSION on the 28th day of April, 2003, at the designated meeting place, and the roll was called of the duly constituted officers and members of said Commissioners Court of Hunt County, Texas, to wit:

Joe A. Bobbitt, County Judge
Kenneth Thornton, Commissioner, Precinct 1
Ralph Green, Commissioner, Precinct 2
Philip Martin, Commissioner, Precinct 3
Jim Latham, Commissioner, Precinct 4

and all of said persons were present, except the following absentees: Ralph Green, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

ORDER UPON HEARING AND GRANTING A PETITION FOR THE CREATION OF VERANDAH FRESH WATER SUPPLY DISTRICT OF HUNT COUNTY, TEXAS

was duly introduced for the consideration of said Commissioners Court and read in full. It was then duly moved and seconded that said Order be adopted; and, after due discussion, said motion carrying with it the adoption of said Order, prevailed and carried by the following vote:

AYES: All Members of said Board shown present above voted "Aye", except _____.

NOES: _____.

ABSTENTIONS: _____.

2. That a true, full, and correct copy of the aforesaid Order adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Order has been duly recorded in said Commissioners Court minutes of said Meeting; that the above and foregoing paragraph is a true, full, and correct excerpt from said Commissioners Court minutes of said Meeting pertaining to the adoption of said Order; that the persons named in the above and foregoing paragraph are the duly chose, qualified, and acting officers and members of said Commissioners Court as indicated therein; and that each of the officers and members of said Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Order would be introduced and considered for adoption at said Meeting; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 28TH DAY OF April, 2003.

Linda Brash
County Clerk

Jan A. Ball
County Judge



THE STATE OF TEXAS §

COUNTY OF HUNT §

**ORDER UPON HEARING AND GRANTING PETITION FOR THE CREATION
OF VERANDAH FRESH WATER SUPPLY DISTRICT
OF HUNT COUNTY, TEXAS**

Whereas, there has been presented to and came to be considered by Commissioners Court of Hunt County, Texas (the "County"), a Petition for the Creation of Verandah Fresh Water Supply District of Hunt County, Texas (the "Petition"), signed by a majority of the electors who own land within the proposed District as well as current landowners of the property to be included within the proposed District, such property being described on Exhibit "A" attached hereto and incorporated herein for all purposes, praying for the creation and establishment of a fresh water supply district to be known as Verandah Fresh Water Supply District of Hunt County, Texas (the "District"), situated wholly within the County, which Petition has been considered by the Commissioners Court, and was set down for hearing and notice of said hearing was given for the time and in the manner prescribed by law.

WHEREAS, the Commissioners Court having conducted said hearing and having heard the evidence, both oral and documentary, of all persons who appeared and offered evidence with reference thereto, find the following:

I.

That on April 11, 2003, the Petition duly signed by a majority of the electors who own land within the District as well as current landowners of the property to be included within the District, praying for the creation and establishment of the District, was presented to the County Judge of the County; that \$100 has been deposited with the County Clerk of the County, to cover expenses incident to the hearing for the creation of the District; that the Petition fully meets the requirements of law relating thereto and specifically conforms to Chapter 53.014, Texas Water Code; and that upon due consideration of the Petition, the same was by the County Judge set down for hearing before this Court on this date at 9:00 o'clock a.m., Commissioners Court Room, at the Hunt County Courthouse, 2500 Lee Street, Greenville, Hunt County, Texas.

II.

That notice of such hearing has been duly given by posting a copy of such notice, duly issued by the County Clerk of the County, at the door of the Courthouse of the County and a copy of same at four different public places within the District, which posting was done more than ten (10) days prior to the date fixed for such hearing, and

that proper affidavit of the person posting said notices of his action in respect to such posting has been made and returned to the County Clerk of the County as provided by law.

III.

That this Commissioners Court has jurisdiction to hear the Petition to determine whether or not the District shall be created under the provisions of, and endowed with the powers granted by, Section 59 of Article XVI of the Constitution of the State of Texas and Chapter 49 and 53, Texas Water Code, together with all amendments and additions thereto, that no part of the area described in the Petition is included within the limits of any other fresh water supply district, and that no part of the area is within the limits or extraterritorial jurisdiction of any incorporated city, and all of said territory may be properly included in the District.

IV.

That, after full hearing and granting every interested person a full and complete opportunity to present evidence on the form and allegations of the Petition heretofore filed herein, the necessity and feasibility of the District and the benefits to accrue to the land situation therein by the construction and operation of the improvements contemplated to be made and whether or not the creation of the District and the construction and operation of such improvements would be a public utility and benefit and whether or not a necessity exists for the creation and establishment of the District and the construction and operation of said improvements, this Court affirmatively finds that the Petition has been signed by a majority of the qualified electors who own land within the District as well as current landowners of the property to be included within the District, and meets all of the requirements of law, both as to form and allegations, and that the creation and establishment of the District and the construction and operation of the improvements contemplated to be made therein, is necessary, practical and feasible and would be of a benefit to the land situated therein and to the inhabitants included therein, and will be a public benefit and utility and that a necessity exists therefor;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS:

I.

That the Petition be and the same is hereby in all things granted and the District is hereby created and established for the purposes and with the powers set out under Section 59 of Article XVI of the Constitution of Texas and Chapter 49 and 53, Texas Water Code, together with all amendments and additions thereto, which District shall be organized to conserve, transport, and distribute fresh water from any sources for domestic and commercial purposes inside and/or outside the boundaries of the District, which District may, subject to compliance with the requirements of Section 53.121, Texas Water Code, as amended, purchase, construct, acquire, own, operate, repair, improve, and

extend sanitary sewer systems to control wastes. The boundaries of the District shall be as set forth on Exhibit "A" attached hereto and incorporated herein for all purposes. The District shall have the powers of government and authority to exercise the rights, privileges, and functions given to it by Chapter 49 and 53, Texas Water Code, as amended, or by any other State law.

II.

The following named persons are hereby appointed as temporary supervisors to serve on the board of the District until permanent supervisors are elected:

James David Knight
Joshua James Wright
Robert Zachariah Taylor
Sarah Nichole Harper
Rodney Boren

III.

A certified copy of this order shall be filed with the County Clerk of the County and shall be filed with the executive director of the Texas Commission on Environmental Quality within 60 days after the date hereof.

IV.

The County Judge and County Clerk are each hereby authorized and directed to execute, attest, seal and deliver any and all certificates, documents, and other papers, with respect to the Petition for the Creation of Verandah Fresh Water Supply District of Hunt County, Texas and to carry out the intents for purposes of this Order including the preambles hereto.

* * *

EXHIBIT "A"

* METES & BOUNDS DESCRIPTION *

BEING all that certain lot, tract or parcel of land located in the J. Beckton Survey, Abstract No. 91 and the James Mays Abstract, Abstract 1297, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in County Road No. 2650 (an undefined width public roadway), said point being South 89 deg. 32 min. 23 sec. West, a distance of 447.40 feet, from the Northeast corner of said J. Beckton Survey, said point also being the most Northerly Northwest corner of Manana One, an addition to Hunt County, Texas, according the plat filed for record in Volume 400, Page 1365, Plat Records, Hunt County, Texas;

THENCE along the West boundary line of said Manana One as follows;

South 00 deg. 27 min. 31 sec. West, departing said County Road No. 2650, a distance of 718.43 feet;

South 89 deg. 15 min. 03 sec. West, a distance of 417.33 feet;

South 00 deg. 27 min. 31 sec. West, a distance of 2100.73 feet, to the Southwest corner of said Manana One;

THENCE North 89 deg. 15 min. 51 sec. East, along the South boundary line of said Manana One, a distance of 864.76 feet, to a point in County Road No. 2648 (an undefined width public roadway), said point being the Southeast corner of said Manana One, and being on the East line of said J. Beckton Survey;

THENCE South 00 deg. 27 min. 31 sec. West, generally along said County Road No. 2648 and the East line of said J. Beckton Survey, a distance 3449.09 feet, to a point on the North right-of-way line of Interstate 30 (a variable width right-of-way);

THENCE departing the East line of said J. Beckton Survey, and along the North right-of-way line of said Interstate 30 as follows;

South 73 deg. 18 min. 58 sec. West, a distance of 51.38 feet;

South 28 deg. 18 min. 58 sec. West, a distance of 138.60 feet, to the beginning of a non-tangent curve to the right having a radius of 5542.58 feet;

Along said non-tangent curve to the right and in a Southwesterly direction, through a central angle of 13 deg. 37 min. 35 sec., an arc length of 1318.17 feet, said curve also having a long chord which bears South 81 deg. 39 min. 48 sec. West, 1315.07 feet;

THENCE North 00 deg. 46 min. 09 sec. West, departing the North right-of-way line of said Interstate 30, a distance of 752.54 feet;

THENCE South 89 deg. 04 min. 29 sec. West, a distance of 377.76 feet;

THENCE North 01 deg. 07 min. 02 sec. West, a distance of 891.49 feet, to the South line of the aforementioned James Mays Survey and the South line of the aforementioned J. Beckton Survey;

THENCE South 88 deg. 58 min. 27 sec. West, along the common line between said James Mays Survey and the J. Beckton Survey, a distance of 1440.90 feet;

THENCE South 01 deg. 07 min. 02 sec. East, departing said common line, a distance of 1448.72 feet;

THENCE South 88 deg. 52 min. 58 sec. West, a distance of 105.10 feet;

THENCE South 01 deg. 07 min. 02 sec. East, a distance of 199.00 feet, to the North right-of-way line of the aforementioned Interstate 30;

THENCE South 88 deg. 52 min. 58 sec. West, along the North right-of-way line of said Interstate 30, a distance of 1130.57 feet;

THENCE North 00 deg. 43 min. 44 sec. West, a distance of 3530.34 feet;

THENCE North 88 deg. 45 min. 48 sec. East, a distance of 334.04 feet;

THENCE North 00 deg. 02 min. 29 sec. West, a distance of 231.12 feet;

THENCE North 88 deg. 45 min. 48 sec. East, a distance of 1558.81 feet;

THENCE North 00 deg. 51 min. 29 sec. West, a distance of 2829.71 feet, to a point in the aforementioned County Road No. 2650;

THENCE North 89 deg. 32 min. 39 sec. East, along said County Road No. 2650 and the North line of said J. Beckton Survey, a distance of 2263.20 feet, to the POINT OF BEGINNING and containing 447.539 acres (19,494,804 square feet), of land.

8712

**PETITION FOR THE CREATION OF
VERANDAH FRESH WATER SUPPLY DISTRICT,
OF HUNT COUNTY, TEXAS**

THE STATE OF TEXAS §

COUNTY OF HUNT §

TO THE HONORABLE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS:

We, the undersigned electors who own land within and landowners of the territory hereinafter described by metes and bounds, being a majority of the electors who own land within and landowners of said territory, acting pursuant to the provisions of Chapter 53, Texas Water Code, as amended, together with all amendments and additions thereto, respectively petition your Honorable Body for creation of a fresh water supply district, and would respectfully show the following:

I.

The name of the proposed district shall be VERANDAH FRESH WATER SUPPLY DISTRICT, OF HUNT COUNTY, TEXAS (the “District”).

II.

The District shall be created under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas and Chapter 53, Texas Water Code, as amended, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 447.539 acres of land, situated within Hunt County, Texas, described by metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes. No part of the District lies within the extraterritorial jurisdiction or corporate limits of any city, town or village.

IV.

The undersigned constitute a majority of the electors who own land within the District, as well as current landowners of the property to be included within the District.

V.

The District shall be created for all of the purposes set forth in Chapter 49 and 53, Texas Water Code, as amended, including, without limitation, to conserve, transport, and distribute fresh water from any sources for domestic and commercial purposes inside and/or outside the boundaries of the District. In addition, subject to compliance with the requirements of Section 53.121, Texas Water Code, as amended, the District may purchase, construct, acquire, own, operate, repair, improve, and extend sanitary sewer systems to control wastes.

The aforementioned purposes are to be accomplished by any and all mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the end that public health and welfare may be conserved and promoted and the purity and sanitary condition of the State's waters protected, effected and restored.

VI.

The District shall have the powers of government and authority to exercise the rights, privileges, and functions given to it by Chapter 49 and 53, Texas Water Code, as amended, or by any other State law.

VII.

The general nature of the work to be done by and within the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes, the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, including the purchase and sale of sewer services, for domestic and commercial purposes, and such other construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VIII.

There is a necessity for the improvements above described because the District is located within an area which will experience a substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water and sanitary sewer facilities or services. The health and welfare of the future inhabitants of the District and of the inhabitants of the area adjacent thereto require the acquisition and installation of an adequate waterworks system and sanitary sewer collection system and disposal system.

The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and sanitary sewer collection and disposal systems will conserve and preserve the natural resources of this State by promoting and protecting the

purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of the District.

IX.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks and sanitary sewer system can be constructed at a reasonable cost with reasonable tax rates and water and sewer rates, and said territory will be developed for residential and commercial purposes.

X.

WHEREFORE, the undersigned respectfully pray that this petition be properly filed, as provided by law, and that it be set down for hearing at a date to be fixed in keeping with the provisions of Chapter 53, Texas Water Code, and that notice of such hearing be given as provide therein, and such hearing be held and that this petition be in all things granted, and that five temporary supervisors be appointed to serve until permanent supervisors are elected in accordance with law, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of organizing the District and the execution of the purposes for which the District shall be organized, as your Honorable Body shall deem proper and necessary.

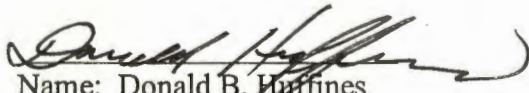
RESPECTFULLY SUBMITTED the 11th day of APRIL, 2003.

SIGNATURE AND ACKNOWLEDGMENT OF ELECTORS AND
LANDOWNERS CONSENTED TO:

LANDOWNER AND
CONTRACT PURCHASER:

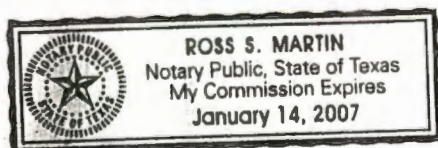
VERANDAH COMMUNITIES, L.P.
a Texas limited partnership

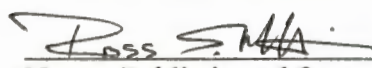
By: DBH Enterprises, Inc.,
a Texas corporation
General Partner

By: 
Name: Donald B. Huffines
Title: President


THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §
 §
 §

This instrument was acknowledged before me on this the 11th day of
APRIL, 2003, by Donald B. Huffines, President of DBH Enterprises,
Inc., general partner of Verandah Communities, L.P., a Texas limited partnership.




Notary Public in and for
the State of TEXAS

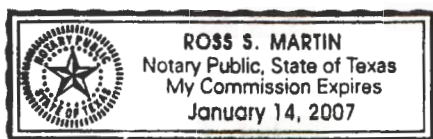
CONSENTED TO:


James David Knight,
RESIDENT ELECTOR

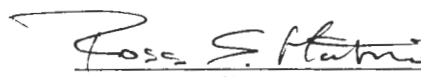
THE STATE OF TEXAS §

COUNTY OF HUNT §

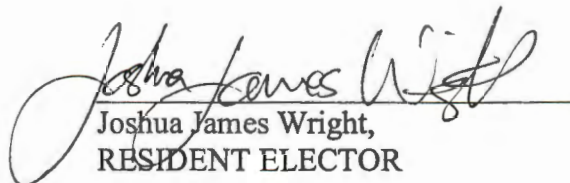
This instrument was acknowledged before me on this 11th day of April, 2003,
by James David Knight, as Resident Elector.



(SEAL)


Notary Public Signature

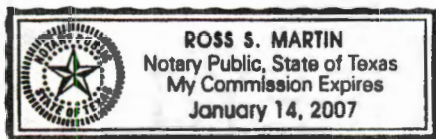
CONSENTED TO:


Joshua James Wright,
RESIDENT ELECTOR

THE STATE OF TEXAS §

COUNTY OF HUNT §

This instrument was acknowledged before me on this 11th day of APRIL, 2003,
by Joshua James Wright, as Resident Elector.



(SEAL)


Notary Public Signature

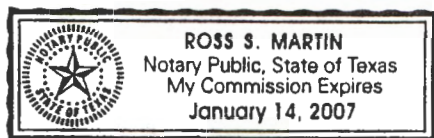
CONSENTED TO:


Robert Zachariah Taylor
RESIDENT ELECTOR

THE STATE OF TEXAS §

COUNTY OF HUNT §

This instrument was acknowledged before me on this 11th day of APRIL, 2003,
by Robert Zachariah Taylor, as Resident Elector.



(SEAL)


Notary Public Signature

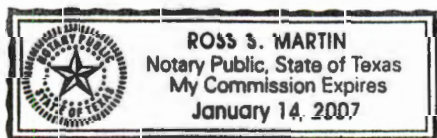
CONSENTED TO:

Sarah Nichole Harper
Sarah Nichole Harper
RESIDENT ELECTOR

THE STATE OF TEXAS §

COUNTY OF HUNT §

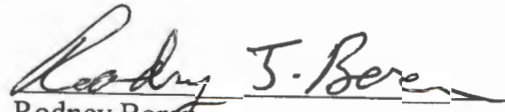
This instrument was acknowledged before me on this 11th day of April, 2003,
by Sarah Nichole Harper, as Resident Elector.



(SEAL)

Ross S. Martin
Notary Public Signature

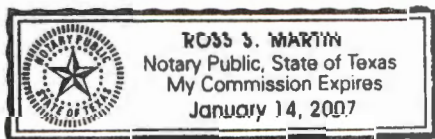
CONSENTED TO:


Rodney Boren
RESIDENT ELECTOR

THE STATE OF TEXAS §

COUNTY OF HUNT §

This instrument was acknowledged before me on this 11th day of APRIL, 2003,
by Rodney Boren, as Resident Elector.



(SEAL)


Notary Public Signature

EXHIBIT "A"*** METES & BOUNDS DESCRIPTION ***

BEING all that certain lot, tract or parcel of land located in the J. Beckton Survey, Abstract No. 91 and the James Mays Abstract, Abstract 1297, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in County Road No. 2650 (an undefined width public roadway), said point being South 89 deg. 32 min. 23 sec. West, a distance of 447.40 feet, from the Northeast corner of said J. Beckton Survey, said point also being the most Northerly Northwest corner of Manana One, an addition to Hunt County, Texas, according the plat filed for record in Volume 400, Page 1365, Plat Records, Hunt County, Texas;

THENCE along the West boundary line of said Manana One as follows;

South 00 deg. 27 min. 31 sec. West, departing said County Road No. 2650, a distance of 718.43 feet;

South 89 deg. 15 min. 03 sec. West, a distance of 417.33 feet;

South 00 deg. 27 min. 31 sec. West, a distance of 2100.73 feet, to the Southwest corner of said Manana One;

THENCE North 89 deg. 15 min. 51 sec. East, along the South boundary line of said Manana One, a distance of 864.76 feet, to a point in County Road No. 2648 (an undefined width public roadway), said point being the Southeast corner of said Manana One, and being on the East line of said J. Beckton Survey;

THENCE South 00 deg. 27 min. 31 sec. West, generally along said County Road No. 2648 and the East line of said J. Beckton Survey, a distance 3449.09 feet, to a point on the North right-of-way line of Interstate 30 (a variable width right-of-way);

THENCE departing the East line of said J. Beckton Survey, and along the North right-of-way line of said Interstate 30 as follows;

South 73 deg. 18 min. 58 sec. West, a distance of 51.38 feet;

South 28 deg. 18 min. 58 sec. West, a distance of 138.60 feet, to the beginning of a non-tangent curve to the right having a radius of 5542.58 feet;

Along said non-tangent curve to the right and in a Southwesterly direction, through a central angle of 13 deg. 37 min. 35 sec., an arc length of 1318.17 feet, said curve also having a long chord which bears South 81 deg. 39 min. 48 sec. West, 1315.07 feet;

04-08-2003 03:50pm From-CLAY E CRAWFORD,PC

713-621-3909

T-585 P.002/002 F-143

THENCE North 00 deg. 46 min. 09 sec. West, departing the North right-of-way line of said Interstate 30, a distance of 752.54 feet;

THENCE South 89 deg. 04 min. 29 sec. West, a distance of 377.76 feet;

THENCE North 01 deg. 07 min. 02 sec. West, a distance of 891.49 feet, to the South line of the aforementioned James Mays Survey and the South line of the aforementioned J. Beckton Survey;

THENCE South 88 deg. 58 min. 27 sec. West, along the common line between said James Mays Survey and the J. Beckton Survey, a distance of 1440.90 feet;

THENCE South 01 deg. 07 min. 02 sec. East, departing said common line, a distance of 1448.72 feet;

THENCE South 88 deg. 52 min. 58 sec. West, a distance of 105.10 feet;

THENCE South 01 deg. 07 min. 02 sec. East, a distance of 199.00 feet, to the North right-of-way line of the aforementioned Interstate 30;

THENCE South 88 deg. 52 min. 58 sec. West, along the North right-of-way line of said Interstate 30, a distance of 1130.57 feet;

THENCE North 00 deg. 43 min. 44 sec. West, a distance of 3530.34 feet;

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THENCE North 00 deg. 51 min. 29 sec. West, a distance of 2829.71 feet, to a point in the aforementioned County Road No. 2650;

THENCE North 89 deg. 32 min. 39 sec. East, along said County Road No. 2650 and the North line of said J. Beckton Survey, a distance of 2263.20 feet, to the POINT OF BEGINNING and containing 447.539 acres (19,494,804 square feet), of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest simplified or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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COMMISSIONERS COURT
REGULAR SESSION
April 28, 2003

The Hunt County Commissioners Court met this day with all Commissioners present with Judge Joe Bobbitt presiding. Minutes of the previous meeting were approved as presented.

NEW BUSINESS:

8712-A On the motion by Phillip Martin, second by Kenneth Thornton, the Court approved the Hunt County Quarterly Investment Report for January thru March, 2003 presented by County Treasurer Delores Shelton.

8713 On the motion by Martin, second by Thornton, the Court approved the \$10,000 funding for the 1st Phase parking area for the Hunt County War Memorial, which John Reynolds estimates will cost \$30,000.

8714 On the motion by Ralph Green, second by Martin, the Court approved the Quarterly Report from the Boys & Girls Club for their Smart Moves Delinquency Program from January 3 thru March 27, 2003 which serves Greenville, Terrell, Paris & Rockwall presented by David Lavaseur.

8715 On the motion by Thornton, second by Latham, the Court approved the Quarterly Report from the Audie Murphy / American Cotton Museum for January thru March, 2003 presented by Adrien Witkofsky.

8716 On the motion by Thornton, second by Latham, the Court approved the Annual Report from County Trapper – Ronnie Dickens.

8717 On the motion by Thornton, second by Martin, the Court approved application for property tax exemption for the following organizations engaged primarily in charitable activities: *See Attachment.*

Miller Masonic Lodge #224 – Celeste, Texas (didn't get application in - Court needs to extend exemption)

Caddo Mills Masonic Lodge – (pending application being received)

8718 On the motion by Martin, second by Latham, the Court approved the Intergovernmental Emergency Mutual Aid Agreement between Hunt County & Smith County, which will allow our Counties to work together if a disaster type situation should occur. *See Attachment.*

'Discuss and possibly approve request of Tracey Lerich for onsite sewage/land variance of giving 2 daughters 1 acre each, and sharing a septic system on property located on PR2329 in the Whispering Oaks Phase 4 subdivision.' After much discussion by the Court and advisement by Joe Lilly of the Health Dept. requesting Ms. Lerich to contact by letter each surrounding property owner of this change – of which, only 1 letter was received by Ms. Lerick. —

8719 On the motion by Green, second by Latham, the Court agreed to have 2 acre tracts with 2 aerobic water systems variance for this being between family members. Also, the plat requires mets & bounds. Court authorized for the County Judge to sign agreement for the Court.

8720 On the motion by Green, second by Martin, the Court approved high bids received for resale properties R47399 & R73661. *See Attachment.* Deeds to be filed in Real Property/Official Public Records of Hunt County.

— 'Discuss and possibly take action on approval of replat of Lot 1, Highland Ridge in Pct 2:' Commissioner Green advised lots may be revised, per Restrictive Covenants Sec 405, he is requesting a letter from the Architect Control Committee. Agreement was made to place item back on the Agenda when letter is received.

8721 On the motion by Martin, second by Thornton, the Court approved request of FEC Electric to construct electrical power distribution facilities along and across CR3403 in Pct 3 with the usual stipulations.

8722 On the motion by Latham, second by Thornton, the Court approved 200' of road upgrade of dirt to rock on CR4903 in Pct 4. Money has been deposited into Escrow.

8723 On the motion by Thornton, second by Green, the Court approved 387' road upgrade from dirt to rock on CR1102 in Pct. 1. Money has been deposited into Escrow.

8724 On the motion by Martin, second by Green, the Court approved bid received from Bryan & Bryan for road oil. Bid on file in the Personnel Office.

8725 On the motion by Green, second by Martin, the Court approved bid received from Pleasant Oil Company for commercial gasoline card reader. Bid on file in the Personnel Office.

8726 On the motion by Judge Bobbitt, second by Green, the Court approved bid received from AVL Elevator for 5-year maintenance on the Courthouse elevator and the dumb waiter located at the Juvenile Detention Dept. The Court noted there is a separate contract on the New Jail's elevator. All bids on file in the Personnel Office.

8727 On the motion by Judge Bobbitt, second by Martin, the Court approved delinquent tax collectors assess fee on the end of collection cycle to be raised from 15% to 20%, which will be paid by tax attorneys. *See Attachment.*

8728 On the motion by Martin, second by Latham, the Court approved the findings of the County Auditors examination of the Jail Commissary Account activity for FYE 9-30-02 (LGS Sec. 351.0415).

HEAR & DISCUSS REPORTS:

The County Auditor advised the Court he has located funds thru COG for the purchase of a new 911 recorder with 12 channel recorder for sale price of \$15,245

COG to pay	<u>10,000</u>
Total amount needed	\$ 5,245

Judge Bobbitt ask to send request for funding from COG.

8729 On the motion by Martin, second by Latham, the Court approved accounts payable.

8730 On the motion by Green, second by Martin, the Court approved line item budget transfers.

PERSONNEL AND PAYROLL:

Constable Pct 4:	Add Jan Stennett as fill in Clerk at \$6.00 per hour, effective 4-25-03.
County Clerk:	Remove Michelle Gilmore as part time Records Clerk, due to her resignation, effective 4-17-03.
Emergency Mgmt:	Add Stephen Bowen as part time Deputy Fire Marshall at \$13.00 per hour, effective 4-17-03. Add Terry Ellsworth as part time Deputy Fire Marshal at \$13.00 per hour, effective 4-17-03.
8331 Juvenile Detention:	Remove Cynthia Booth, effective 4-25-03

8731

Approved on the motion by Martin, second by Latham.

_____ The Court recessed at 11:30A.M. Court to reconvene at 11:40A.M. for an Executive Session as permitted per L.G.C. Sec 551.071 to consult with attorney with no action taken. Court adjourned. Minutes approved this 12 day of May, 2003.

Attest:

Linda Braoh

Hunt County Clerk

W. A. Ballitt
Hunt County Judge

#8713



COMPUTER ART BY GORDON THOMAS

Future Hunt County War Memorial

The Hunt County War Memorial

Chris Kilmer of Kilmer Associates and Gordon Thomas, sculptor of the 10 foot bronze statue of Audie Murphy, collaborated on the design the memorial wall. This is a concept design, the engineering plan has not been finished as of yet. The memorial will incorporate the statue, three 30-foot flagpoles, sprinkler system, and lighting from Phase I. The 42 feet wide wall will consist of six black granite blocks on gray granite footings and a capped archway. The combination of the block and footing will be approximately eight feet tall with the block being 6 ft. high, 5 ft. wide, and 1 foot thick and the gray footing approximately 2 feet high. The archway is 11 feet tall with two 7 foot gray granite columns set on the gray granite footing. The 2 feet tall gray granite cap will be inscribed with a quote from Audie Murphy. Each granite block will be etched with the names of veterans from Hunt County that died during combat in one of the wars of the 20th century. Through the archway at the center rear of the memorial a sidewalk will join the Memorial to a small paved parking lot, which includes handicap parking. Engraved brick pavers will cover the memorial floor and sidewalk from the parking lot to the Memorial. This Project will cost between \$100,000 and \$150,000 to complete. Two sizes of engraved brick paver (4x8 and 8x8) are for sell for \$50 and \$150. Anyone can purchase a paver and choose the engraving to honor or memorialize anyone they choose. Applications are available at the Museum. A 1/12 scale bronze model of the Murphy Statue is available to purchase for \$1000. Order forms are available at the Museum. For further info please call (903) 450-4502.

By LINDA BROOKS
County Clerk, Hunt County, Tex.

APR 28 2003

FILED FOR RECORD
at _____ o'clock _____ M

TP=520.00

PROPOSED PARKING

TP=518.5

64'

TP=518

TP=517.5

26'

9'

TP=518.5

TP=518

6'

19'

6'

518

#8713



JOE A. BOBBITT
HUNT COUNTY JUDGE
(903) 408-4146
(903) 408-4299 Fax

HUNT COUNTY

POST OFFICE BOX 1097 • GREENVILLE, TEXAS 75403-1097

FILED FOR RECORD
at 1 o'clock P M

APR 28 2003

LINDA BROOKS
County Clerk, Hunt County, Tex.
By *Linda Brooks*

4-8717

RESOLUTION FOR ADOPTING PROPERTY TAX EXEMPTION FOR CHARITABLE ORGANIZATIONS OF HUNT COUNTY Miller Masonic Lodge #224 AF & AM

WHEREAS, Charitable Services Organizations of Hunt County are an integral part of the communities of Hunt County; and

WHEREAS, said Charitable Service Organizations have incorporated into their by-laws a requirement to perform Charitable Work and Public Service; and

WHEREAS, these and other charitable works benefit people throughout Hunt County and Texas. These charitable works have proven up through Affidavit that no profit or other benefits are derived from said properties.

WHEREAS, the Texas Comptroller of Public Accounts has determined that the Hunt County charitable organizations are eligible for a property tax exemption; now,

THEREFORE be it RESOLVED, on this 28th day of April, 2003, that Hunt County does hereby adopt an exemption from ad valorem taxation, beginning in the 2003 tax year, as allowed by Section 11.184 of the Texas Tax Code, for any charitable organization that provides adequate proof to Hunt County and recommends that said tax exemption be granted by the Hunt County Central Appraisal District.

Signatures:

Joe A. Bobbitt
Joe A. Bobbitt
Hunt County Judge

**MILLER MASONIC LODGE No. 224
RESOLUTION REQUESTING TAX EXEMPTION**

WHEREAS, Miller Masonic Lodge No. 224 is an integral part of this county and community since June 1856; and

WHEREAS, Miller Masonic Lodge No. 224 has incorporated into its Bylaws a requirement to perform Charitable Work and Public Service; and

WHEREAS, Miller Masonic Lodge No. 224 and Its Members have supported, and continue to support such great Masonic Charities, as the Texas Scottish Rite Hospital for Children; the Shrine Hospitals for Children; the Shrine Burn Institutes; the Masonic Home and School for Children; the Texas Masonic Retirement Center; the Eastern Star Home for Elderly; the Scottish Rite Dormitory for Girls in Austin; the International Order of Rainbow for Girls Sunshine Assembly #375 of Hunt County; a yearly scholarship to a deserving student at Celeste High School; the yearly recognition of outstanding teachers at the Celeste Independent School District; a program of recognition of a community builder in Celeste and,

WHEREAS, these and other charitable works benefit people throughout this great state and country; and,

WHEREAS, the Texas Comptroller of Public Accounts has determined that Miller Masonic Lodge No. 224 is a charitable organization eligible for a property tax exemption; now, therefore, be it

RESOLVED, on this 4th day of April 2003, that Miller Masonic Lodge No. 224 hereafter make application to the Hunt County Commissioners Court requesting adoption of an exemption from ad valorem taxation, beginning in the 2003 tax year, as allowed by Section 11.184 of the Texas Tax Code, and requesting that said taxing entity formally recommend said tax exemption to the Hunt County Central Appraisal District.



Robert C. Pierce
Master
Miller Masonic Lodge No. 224
207 Hwy. 69N
Celeste, TX 75423
903/496-7317

AFFIDAVIT
By
Miller Lodge No. 224

The property stated in the attached request by Miller Lodge No. 224 located at 205 Hwy 69 in Celeste, County of Hunt, State of Texas is used only for conducting the business, social, and charitable functions of the organization and is not a primary residence nor does it generate revenues for other than operational, charitable and community services.

Attest:



Robert C. Pierce
Miller Lodge No. 224
Ancient Free and Accepted Masons

#8718

**INTERGOVERNMENTAL EMERGENCY MUTUAL AID AGREEMENT BETWEEN
THE COUNTIES OF SMITH AND HUNT**

FILED FOR RECORD
at _____ o'clock _____ M
APR 28 2003
By County Clerk, Hunt County, Tex.
LINDA BROOKS

WHEREAS, Texas law authorizes local governments to contract with each other to provide services, and

WHEREAS, the Counties of Smith and Hunt find it to be in their best interest to have such mutual aid agreements between the two counties,

NOW, THEREFORE, in consideration of the above recitals and the covenants contained herein, the parties hereto agree as follows:

Section One- Purpose

The purpose of this agreement is to ensure the protection of the citizens of each county in the event of a major emergency or disaster. This agreement recognizes that the prompt and effective utilization of resources, including personnel, equipment, and supplies are a necessary component of responding to an emergency or disaster situation. This agreement further recognizes that in the event of a major emergency or disaster situation, the welfare of our citizens may require the assistance of other governmental entities in order to provide adequate protection and services.

Section Two- Responsibilities

1. Each County hereby agrees to provide such mutual aid as may be requested by a governmental unit, which has emergency conditions as defined by Texas law. The aid rendered shall be to the extent of available personnel and equipment not required for minimum needs of the responding County. The judgment of the providing entity shall be final as to the personnel and equipment so available.
2. Personnel dispatched to aid another entity shall remain employees of the responding entity, but shall work under the supervision of the requesting entity. Each county retains the right to withdraw any and all aid/personnel upon direction of the providing entity.
3. The providing entity will submit a claim for reimbursement including a list of hourly rates, equipment costs, and hours worked for all such aid rendered under this agreement. Claims for reimbursement for any loss or damage to any equipment will specify the equipment lost or damaged and the actual costs for replacement of or repairs to the equipment. Damage to equipment that is not related to performing eligible work, or damage that was reasonably avoidable is not eligible for reimbursement.
4. The requesting entity shall compensate any claim for costs incurred pursuant to this agreement at reasonable and customary labor and equipment rates.
5. All requests for mutual aid under this agreement shall be made by the local Emergency Management Coordinator or Director as set forth in the respective Emergency Management Plan for each county.

Section Three - Liability

Each covered entity will maintain workers compensation coverage for its employees and liability coverage for its vehicles and equipment. Any uninsured or extraordinary expenses may be a part of claimed costs for reimbursement. The requesting entity agrees to maintain adequate liability insurance under state law and to hold harmless and indemnify the providing entity for any and all claims occurring while its personnel and equipment are working under the direction of the requesting entity. These indemnities shall include attorney's fees and costs that may arise from providing aid pursuant to this agreement.

Neither party to this agreement shall be liable, for its failure or refusal to render aid pursuant to this agreement. The requesting entity shall have sole discretion to determine the manner in which such emergency aid may be used.

Section Four - Finance

The purpose of these recitals is to insure that any covered entity providing aid to another covered entity is reimbursed for all costs, damages, and expenses incurred from the provision of aid and assumes no additional liabilities as a result of this agreement. Each covered entity shall provide such reimbursement within 30 days of receipt of a claim for reimbursement from a covered entity from whom aid was requested.

Section Five – Severability

Should any term or condition of this agreement be found to be in violation of any law of the State of Texas or the United States, it shall be considered severed from this agreement and all other terms and conditions shall remain in full force and effect as if the illegal term or condition did not exist.


Section Six – Termination

The term of this agreement shall begin upon the date of signing by the participating parties and shall continue in full force and effect until such time as terminated according to the terms of this agreement.

Either Party may terminate this agreement upon ninety (90) days written notice sent to the Emergency Management Director of each participating entity and the Commissioners Court of each County.

IN WITNESS THEREOF, this Agreement, being approved by the Commissioners Court of each County, is duly executed by the parties subscribed below and is binding upon the providing and the requesting entity.

COUNTY OF SMITH

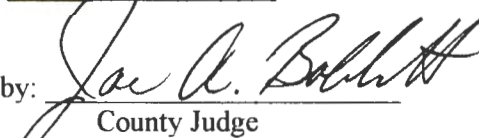
by: 
County Judge

Date signed 4-14-03

Approved as to Form:


Attorney for Smith County

COUNTY OF HUNT

by: 
County Judge

Date signed 4-28-03

Approved as to Form:


Attorney for Hunt County



HUNT COUNTY

POST OFFICE BOX 1042 • GREENVILLE, TEXAS 75403-1042

TAX ASSESSOR-COLLECTOR

JOYCE J. BARROW

(903) 408-4000

FAX (903) 455-3202

E-MAIL: hctax@koyote.com

Attn: Shawna Padilla
County Judge's Office
Hunt County Court House

8720

FILED FOR RECORD
at 1 o'clock P M
APR 28 2003
By LINDA BROOKS
County Clerk, Hunt County, Tex.

April 21, 2003

Re: Agenda Request

Please place the following on your next Commissioners Court agenda for consideration:

Consider acceptance of high bids on the following **RESALE** properties:

ACC#	PROPERTY ADDRESS	PURCHASER	MIN. BID	BID RCVD
R47399	3109 SIMPSON ST.	LEONARDO GOMEZ	\$321.04	\$322.00
R73661	2606 SOCKWELL ST.	COOPER ENT. ,LLC	\$891.04	\$891.04

If accepted and approved please return signed and notarized documents to my attention.

Thank you,

Lisa Kinder
Special Collections
Property Management

8727

RESOLUTION

THE STATE OF TEXAS §

COUNTY OF HUNT §

FILED FOR RECORD
 at _____ o'clock _____ M
 APR 28 2003
 By County Clerk LINDA BROOKS
 Hunt County, Tex.

WHEREAS, Hunt County wishes to defray its costs of collection, as authorized by TEX. TAX CODE §§ 33.07 and 33.08, that it incurs under a contract for collection of delinquent property taxes between said County and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Sections 33.07 and 33.08, the governing body of Hunt County is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm;

NOW, THEREFORE,

BE IT RESOLVED BY THE COMMISSIONERS COURT OF HUNT COUNTY, SITTING AS THE GOVERNING BODY OF SAID COUNTY, THAT:

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: (a) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS 2002 AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.07, TEXAS TAX CODE, IN THE AMOUNT OF 20% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER FEBRUARY 1 OF A YEAR BUT NOT LATER THAN MAY 1 OF THAT YEAR AND REMAINS DELINQUENT ON JULY 1 OF THE YEAR IN WHICH THE TAX BECOMES DELINQUENT; AND

(b) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS 2002 AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.08, TEXAS TAX CODE, IN THE AMOUNT OF 20% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER JUNE 1 UNDER SECTION 26.07(F), 26.15(E), 31.03, 31.031, 31.032, OR 31.04, TEX. TAX CODE.

PASSED, APPROVED and ADOPTED this 28th day of April, 2003.

HUNT COUNTY

BY:


 JOE BOBBITT, COUNTY JUDGE

ATTEST:


 COUNTY CLERK

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STATE OF TEXAS)
)
)
 COUNTY OF HUNT)

#18727

FILED FOR RECORD
 COUNTY CLERK
 03 APR 23 AM 11:49
 BY: J. Brash
 DEPUTY

**AMENDMENT NO. 1
 TO THE CONTRACT ("Contract") BETWEEN
 COUNTY OF HUNT AND
 LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**

WHEREAS, on June 10, 2002, the County of Hunt (hereinafter "COUNTY") approved a Contract between the COUNTY and the law firm of Linebarger Goggan Blair Peña & Sampson, LLP (now known as Linebarger Goggan Blair & Sampson, LLP) (hereinafter "FIRM"); and

WHEREAS, Texas Property Tax Code Sections 33.07 and 33.08 were amended by the Seventy Seventh Legislature by Act of May 17, 2001 to provide that certain taxes may incur an additional penalty to defray costs of collection;

NOW THEREFORE, by execution of this Amendment No. 1, the Contract is amended hereby as set forth below.

**I.
 PURPOSE**

The following language is hereby substituted for Section VI of the Contract:

COUNTY agrees to pay to FIRM as compensation for services required hereunder twenty percent (20%) of the amount of all delinquent taxes, penalty and interest of the years covered by this contract, actually collected and paid to the collector of taxes during the term of this contract as and when collected. Provided, however, that COUNTY agrees to pay to FIRM as compensation hereunder fifteen percent (15%) of the amount of all delinquent taxes, penalty and interest for the tax years 2001 and prior. All compensation above provided for shall become the property of the FIRM at the time payment of taxes, penalty and interest is made to the collector. The collector shall pay over said funds monthly by check.

In bankruptcy proceedings, the FIRM will be entitled to a fee of twenty percent (20%) of all amounts actually collected and paid to the COUNTY. Provided, however, that COUNTY agrees to pay to FIRM as compensation hereunder fifteen percent (15%) of the amount of all delinquent taxes, penalty and interest for the tax years 2001 and prior. FIRM agrees to perform the additional services enumerated in Exhibit A attached hereto and incorporated by reference herein as though fully set forth herein word for word.

**II.
EFFECT OF THE AMENDMENT**

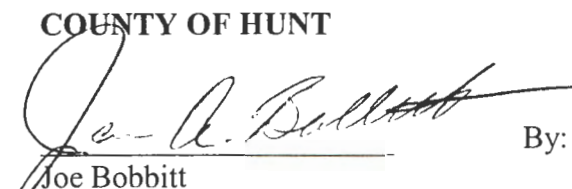
By execution of this Amendment No. 1, the Contract is amended. No other sections, provisions, clauses or conditions of the Contract are waived or changed hereby and they shall all remain in full force and effect throughout the term of the Contract and any duly authorized extensions.

IN WITNESS WHEREOF, by their signatures below, the duly authorized representatives of County of Hunt and of Linebarger Goggan Blair & Sampson, LLP do hereby agree and append this Amendment No. 1 to the Contract dated June 10, 2002.

EXECUTED THIS the 28 day of April, 2003.

COUNTY OF HUNT

By:


Joe Bobbitt
Hunt County Judge

**LINEBARGER GOGGAN BLAIR
& SAMPSON, LLP**

By:


DeMetris Sampson
Partner

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
UNIVISION CENTER
SUITE 1600
2323 BRYAN STREET
DALLAS, TEXAS 75201-2644

(214) 880-0089
(800) 441-0960
FAX (214) 754-7167

Exhibit A

April 25, 2003

Judge Joe Bobbitt
County Judge
Hunt County
P.O. Box 1097
Greenville, Texas 75403

Dear Judge Bobbitt:

This letter describes the enhanced services that Linebarger Goggan Blair & Sampson, LLP will provide Hunt County in consideration for the contract amendment which is scheduled before your jurisdiction for consideration. We will increase the number of mass demand mailings we conduct for Hunt County along with our pre-litigation telephone efforts.

Thank you for your consideration in this matter. We appreciate the opportunity to represent you.

Sincerely,



DeMetris A. Sampson
Partner

DAS:rla