

THE STATE OF TEXAS

COUNTY OF SMITH

On this the 30<sup>th</sup> day of DECEMBER, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session at the regular meeting place thereof, with the following members present,

to-wit:

JOHN M. NEVES,	President
L. W. MORRIS,	Director
R. B. ROWLETT,	Director
E. F. TEDDER,	Director
ROBERT F. McLEEMEE,	Secretary

and, among other proceedings had, were the following:

Director TEDDER introduced a resolution and order and moved its adoption. The motion was seconded by Director MORRIS. The motion, carrying with it the adoption of the resolution and order, prevailed by the following vote:

AYES: Directors MORRIS, ROWLETT,  
TEDDER, McLEEMEE;

NOES: NONE.

The resolution and order is as follows:

RESOLUTION AND ORDER

ORDERING AN ELECTION TO BE HELD IN SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN) FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, WHO OWN TAXABLE PROPERTY IN THE DISTRICT AND WHO HAVE DULY RENDERED THE SAME FOR TAXATION, THE QUESTION OF THE ISSUANCE OF BONDS OF SAID DISTRICT.

WHEREAS, Smith County Water Control and Improvement District No. 1 (Owentown) has been heretofore legally organized under the Constitution and Laws of the State of Texas; and

WHEREAS, the Board of Directors of said District has adopted a plan for improvements designed to furnish a waterworks system

and a sanitary sewer system for service in the area of said District; and

WHEREAS, there has been filed in the office of the District a report of the District's Engineer covering the plans and improvements to be constructed, together with maps, plats, profiles, and data fully showing and explaining the same, and containing a detailed estimate of the cost of such improvements, including the cost of any property to be purchased and an estimate of the time required to complete said improvements so that service therefrom can be commenced, all of which plans and estimates are now on file and open to inspection in the office of the District. The said Engineer's estimate of the cost of the improvements, including the cost of the purchase of any property to be purchased, is as follows:

Purchase existing system and make immediate water and sewer improvements	\$ 480,000.00
Proposed future trunk water mains	263,352.00
Proposed future water supply and storage	294,000.00
Proposed future trunk sewer mains	276,768.00
Proposed future sewage plant additions	84,306.00
Proposed future water and sewer lateral mains	<u>101,574.00</u>
GRAND TOTAL ESTIMATED COST	\$1,500,000.00

AND WHEREAS, the Board of Directors deems it necessary and advisable that the proposition for the issuance of bonds of said District be submitted to the qualified electors of said District who own taxable property therein and have duly rendered the same for taxation;

THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

1. That the report of the District's Engineer referred to in the preamble hereof is hereby approved and adopted by this Board of Directors.

2. That an election is hereby ordered to be held on the 4<sup>th</sup> day of FEB, 1961, in said District, for the purpose of submitting to the qualified electors of said District, who own taxable property therein and have duly rendered the same for taxation, the following proposition:

PROPOSITION

Shall the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) be authorized to issue bonds of said District in the maximum amount of \$1,500,000.00, to mature serially or otherwise over a period of not more than forty (40) years from their date, and to bear interest at a rate not to exceed six (6%) per cent per annum; and if there shall be annually levied and collected on all the taxable property in said District for the current year and annually thereafter while said bonds, or any of them, are outstanding and unpaid, a tax sufficient to pay the current interest on said bonds and to pay the principal as the same becomes due, the payment of said bonds to be additionally secured by a pledge of the net revenues of the District's waterworks system and sanitary sewer system; such bonds to be issued for the purpose of financing the purchase, construction, extension and improvement of a waterworks system and a sanitary sewer system for said District, including acquisition of necessary lands and equipment therefor and all other things necessary or incidental thereto.

3. The ballots for said election shall have written or printed thereon the words:

OFFICIAL BALLOT

FOR THE ISSUANCE OF BONDS, THE PLEDGE OF NET REVENUES AND THE LEVY OF TAXES ADEQUATE TO PROVIDE FOR THE PAYMENT THEREOF.

AGAINST THE ISSUANCE OF BONDS, THE PLEDGE OF NET REVENUES AND THE LEVY OF TAXES ADEQUATE TO PROVIDE FOR THE PAYMENT THEREOF.

Each voter shall vote on the proposition hereby submitted by scratching or marking out one of the above expressions, thus leaving the other as indicating his vote.

4. That for the purpose of said election the entire District is hereby constituted one voting precinct. The polling place for said election shall be the Owen Development Co. Office, Owentown, Texas, in said District, and the following named persons are hereby appointed to act as election officers:

Loyd E. Mayfield, Presiding Judge  
W. L. MOORE, Assistant Judge  
MAURINE NEVES, Clerk  
Mrs. CLIA McLEMER, Clerk.

5. The election officers shall make and deliver the returns of said election in triplicate, one being retained by the Presiding Judge, one delivered to the President of the District, and one delivered to the Secretary of the District. The ballot box and other election supplies and records shall be delivered to the Secretary at the office of the District and shall be preserved in said office as provided by law.

6. That the Secretary of the Board of Directors is hereby directed to publish a substantial copy of this resolution and order, or notice containing the same, signed by the President and Secretary of the Board, once a week for four consecutive weeks in a newspaper having a general circulation in Smith County, Texas, the first of said publications to be made at least twenty-eight (28) full days prior to the date fixed for said election.

7. The said election shall be held and conducted in accordance with the laws of the State of Texas for holding general elections, except as otherwise provided by Chapter 3A, Title 128, of the Revised Civil Statutes of Texas, as amended.

8. All persons who are resident qualified property taxpaying voters, who own taxable property in said District and who have duly rendered the same for taxation, shall be entitled to vote at said election.

PASSED AND APPROVED, this the 30 day of Dec.,  
1960.

John M. Neves  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

Robert F. McTernel  
SECRETARY.

NOTICE OF BOND ELECTION

THE STATE OF TEXAS  
COUNTY OF SMITH

TO THE RESIDENT QUALIFIED VOTERS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

TAKE NOTICE that an election will be held on the 4<sup>TH</sup> day of FEBRUARY, 1961, within said District, in obedience to a resolution and order duly entered by the Board of Directors on the 30<sup>TH</sup> day of DECEMBER, 1960, which is as follows:

RESOLUTION AND ORDER

ORDERING AN ELECTION TO BE HELD IN SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN) FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, WHO OWN TAXABLE PROPERTY IN THE DISTRICT AND WHO HAVE DULY RENDERED THE SAME FOR TAXATION, THE QUESTION OF THE ISSUANCE OF BONDS OF SAID DISTRICT.

WHEREAS, Smith County Water Control and Improvement District No. 1 (Owentown) has been heretofore legally organized under the Constitution and Laws of the State of Texas; and

WHEREAS, the Board of Directors of said District has adopted a plan for improvements designed to furnish a waterworks system and a sanitary sewer system for service in the area of said District; and

WHEREAS, there has been filed in the office of the District a report of the District's Engineer covering the plans and improvements to be constructed, together with maps, plats, profiles and data fully showing and explaining the same, and containing a detailed estimate of the cost of such improvements, including the cost of any property to be purchased and an estimate of the time required to complete said improvements so that service therefrom can be commenced, all of which plans and estimates are now on file and open to inspection in the office of the District. The said Engineer's estimate of the cost of the improvements, including the cost of the purchase of any property to be purchased, is as follows:

Purchase existing system and make immediate water and sewer improvements	\$ 480,000.00
Proposed future trunk water mains	263,352.00
Proposed future water supply and storage	294,000.00
Proposed future trunk sewer mains	276,768.00
Proposed future sewage plant additions	84,306.00
Proposed future water and sewer lateral mains	<u>101,574.00</u>
GRAND TOTAL ESTIMATED COST	\$1,500,000.00

AND WHEREAS, the Board of Directors deems it necessary and advisable that the proposition for the issuance of bonds of said District be submitted to the qualified electors of said District who own taxable property therein and have duly rendered the same for taxation;

THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

1. That the report of the District's Engineer referred to in the preamble hereof is hereby approved and adopted by this Board of Directors.

2. That an election is hereby ordered to be held on the A day of FEBRUARY, 1961, in said District, for the purpose of submitting to the qualified electors of said District, who own taxable property therein and have duly rendered the same for taxation, the following proposition:

PROPOSITION

Shall the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) be authorized to issue bonds of said District in the maximum amount of \$1,500,000.00, to mature serially or otherwise over a period of not more than forty (40) years from their date, and to bear interest at a rate not to exceed six (6%) per cent per annum; and if there shall be annually levied and collected on all the taxable property in said District for the current year and annually thereafter while

said bonds, or any of them, are outstanding and unpaid, a tax sufficient to pay the current interest on said bonds and to pay the principal as the same becomes due, the payment of said bonds to be additionally secured by a pledge of the net revenues of the District's waterworks system and sanitary sewer system; such bonds to be issued for the purpose of financing the purchase, construction, extension and improvement of a waterworks system and a sanitary sewer system for said District, including acquisition of necessary lands and equipment therefor and all other things necessary or incidental thereto.

3. The ballots for said election shall have written or printed thereon the words:

OFFICIAL BALLOT

FOR THE ISSUANCE OF BONDS, THE PLEDGE OF NET REVENUES AND THE LEVY OF TAXES ADEQUATE TO PROVIDE FOR THE PAYMENT THEREOF.

AGAINST THE ISSUANCE OF BONDS, THE PLEDGE OF NET REVENUES AND THE LEVY OF TAXES ADEQUATE TO PROVIDE FOR THE PAYMENT THEREOF.

Each voter shall vote on the proposition hereby submitted by scratching or marking out one of the above expressions, thus leaving the other as indicating his vote.

4. That for the purpose of said election the entire District is hereby constituted one voting precinct. The polling place for said election shall be the Owen Development Co. Office, Owentown, Texas, in said District, and the following named persons are hereby appointed to act as election officers:

Loyd E May Field Presiding Judge

W. L. MOORE, Assistant Judge

MAURINE NEVES, Clerk

MRS. I. A. McNEEMEE Clerk.

5. The election officers shall make and deliver the returns of said election in triplicate, one being retained by the Presiding Judge, one delivered to the President of the District, and

one delivered to the Secretary of the District. The ballot box and other election supplies and records shall be delivered to the Secretary at the office of the District and shall be preserved in said office as provided by law.

6. That the Secretary of the Board of Directors is hereby directed to publish a substantial copy of this resolution and order, or notice containing the same, signed by the President and Secretary of the Board, once a week for four consecutive weeks in a newspaper having a general circulation in Smith County, Texas, the first of said publications to be made at least twenty-eight (28) full days prior to the date fixed for said election.

7. The said election shall be held and conducted in accordance with the laws of the State of Texas for holding general elections, except as otherwise provided by Chapter 3A, Title 128, of the Revised Civil Statutes of Texas, as amended.

8. All persons who are resident qualified property taxpaying voters, who own taxable property in said District and who have duly rendered the same for taxation, shall be entitled to vote at said election.

PASSED AND APPROVED, this the 30 day of December,  
1960.

John M. News  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

Robert A. Mc Leme  
SECRETARY

ORDER ON EXCLUSION HEARING

THE STATE OF TEXAS  
COUNTY OF SMITH

On this the 30th day of December, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session, at the regular meeting place with the following members thereof present, to-wit:

JOHN M. NEVES,	President
L. W. MORRIS,	Director
R. B. ROWLETT,	Director
E. F. TEDDER,	Director
ROBERT F. McLEEMEE,	Secretary

when, among other proceedings had, were the following:

Director McLemee introduced an order and moved its adoption. The motion was seconded by Director Rowlett. The motion, carrying with it the adoption of the order, prevailed by the following vote:

AYES: Directors Morris, Rowlett,  
McLemee, Tedder;

NOES: NONE.

The order is as follows:

WHEREAS, on the 28th day of November, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) passed an order setting down a hearing on the exclusion of lands or other property from said District, which hearing was set down for the 30th day of December, 1960; and

WHEREAS, notice of such hearing was given for the time and in the manner prescribed by law, which notice gave advice to all interested property owners in the District of their right to present petitions for exclusions and to offer evidence in support thereof, or to contest any proposed exclusion and offer evidence in support thereof, whether based on a petition or upon the Board's own conclusions; and

900 000 : 868

WHEREAS, said Board was duly convened at the time and place fixed for said hearing, at which time no petitions were presented to the Board for the exclusion of lands or other property from the District; and

WHEREAS, upon consideration of all engineering data in hand and all other evidence, the Board of Directors now finds and determines that it would be advisable and to the best interest of said District that certain lands be excluded from the District, based on the Board's own conclusions;

THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

I.

That certain lands, based on the Board's own conclusions, be excluded from Smith County Water Control and Improvement District No. 1 (Owentown), on the grounds that to retain said lands in the District and to extend to same, either presently or in the future, the benefits, services or protection of the District's works and facilities, cannot be done without creating an undue and economic burden on the remainder of the District; the lands to be so excluded being described as follows:

All that certain tract or parcel of land, situated in the County of Smith, State of Texas, a part of the JOHN S. DRAPER SURVEY, Abstract No. 300, being part of that certain 94.38 acre tract, called first tract, conveyed to Owen Development Company by George Blicht, and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a point for corner, in the South corporate limits line of the Town of Winona, at the intersection of the South line of the John S. Draper Survey and the East R. O. W. Line of the St. Louis & Southwestern Railroad.

THENCE WEST, with the South line of said Draper Survey and North line of the M. B. Clark Survey, a distance of 1600.00 feet more or less to a point for corner, the Southwest corner of the corporate limits of the Town of Winona.

THENCE N 28° 00' E, with the most Southerly West line of the Town of Winona, as mentioned above, a distance of 1200.00 feet, more or less to a point for corner, in the North line of the above mentioned 94.38 acre tract.

THENCE EAST, with the North line of said 94.38 acre tract, to a point for corner, the Northeast corner of said 94.38 acre tract.

THENCE SOUTH, with the East line of said John S. Draper Survey, a distance of 90.00 feet to a point for corner, in the East R. O. W. Line of the St. Louis Southwestern Railroad.

THENCE in a Southwesterly direction with the East R. O. W. Line of said Railroad, a distance of 1042.40 feet, to the place of beginning, containing 40.39 acres of land.

II. VOL 999 PAGE 369

That the boundaries of Smith County Water Control and Improvement District No. 1 (Owentown), after excluding the above described lands therefrom, be, and the same are hereby defined by metes and bounds as follows:

999-374

III.

That a certified copy of this order shall be filed with the County Clerk of Smith County, Texas, to be recorded in the Deed Records of said County.

PASSED AND APPROVED, this the 30th day of December, 1960.

John W. J. J. J.  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

no sent

[Signature]  
SECRETARY.

THE STATE OF TEXAS  
COUNTY OF SMITH I HEREBY CERTIFY THAT THE FOREGOING  
DEED OR INSTRUMENT OF WRITING WAS FILED IN MY OFF-  
ICE FOR RECORD AT 4:14 O'CLOCK P.M. ON THE 13  
DAY OF Jan. 1961 AND THAT THE SAME TO-  
GETHER WITH THE CERTIFICATE OF AUTHENTICATION WAS  
ON THIS DAY CORRECTLY RECORDED ON PAGES 367-374  
IN VOLUME 999 RECORD OF DEEDS \_\_\_\_\_  
OF SMITH COUNTY, TEXAS.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE IN TYLER, TEX-  
AS THIS 16 DAY OF Jan. 1961  
ERNEST L. HENRIKSON County Clerk, Smith County, Texas  
BY [Signature] Deputy

ORDER ON EXCLUSION HEARING

THE STATE OF TEXAS  
COUNTY OF SMITH

On this the 30th day of December, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session, at the regular meeting place with the following members thereof present, to-wit:

JOHN M. NEVES,	President
L. W. MORRIS,	Director
R. B. ROWLETT,	Director
E. F. TEDDER,	Director
ROBERT F. McLEMER,	Secretary

when, among other proceedings had, were the following:

Director McLEMER introduced an order and moved its adoption. The motion was seconded by Director ROWLETT. The motion, carrying with it the adoption of the order, prevailed by the following vote:

AYES: Directors Morris, ROWLETT,  
McLEMER, TEDDER;

NOES: NONE.

The order is as follows:

WHEREAS, on the 28th day of November, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) passed an order setting down a hearing on the exclusion of lands or other property from said District, which hearing was set down for the 30th day of December, 1960; and

WHEREAS, notice of such hearing was given for the time and in the manner prescribed by law, which notice gave advice to all interested property owners in the District of their right to present petitions for exclusions and to offer evidence in support

thereof, or to contest any proposed exclusion and offer evidence in support thereof, whether based on a petition or upon the Board's own conclusions; and

WHEREAS, said hearing was duly held on the 30th day of December, 1960, and no petitions were presented to this Board for exclusions, and no exclusions were proposed by said Board of Directors;

THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

1. That a public hearing on the exclusion of lands or other property from Smith County Water Control and Improvement District No. 1 (Owentown) was duly held on this the 30th day of December, 1960, pursuant to an order passed by said Board of Directors of said District on the 28th day of November, 1960, and pursuant to proper notice of such hearing.

2. That no petitions for exclusion of lands or other property were presented to this Board of Directors, and no exclusions were proposed by said Board of Directors, and that, therefore, the boundaries of said Smith County Water Control and Improvement District No. 1 (Owentown) remain unchanged, and the metes and bounds thereof as set out in the Order Confirming Organization of District, passed by said Board of Directors on the 28th day of November, 1960, which order is of record in Volume 997, Pages 15-20, of the Deed Records of Smith County, Texas, are the true and proper metes and bounds of said District.

PASSED AND APPROVED, this the 30th day of December, 1960.

ATTEST:

Robert J. Mc Lamee  
SECRETARY.

John M. Neves.  
PRESIDENT, BOARD OF DIRECTORS.

December 30, 1960

REVISED

FIELD NOTES FOR SMITH COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 1

All that certain tract or parcel of land, situated in the County of Smith, State of Texas, part of the ELIJAH CHISHUM SURVEY, Abstract No. 198, NICH. WREN SURVEY, Abstract No. 1014, WM. B. HARDIN SURVEY, Abstract No. 481, JAMES S. LINN SURVEY, Abstract No. 560, K. H. MUSE SURVEY, Abstract No. 650, F. H. K. DAY SURVEY, Abstract No. 285, JOHN O'NEAL SURVEY, Abstract No. 749, M. B. CLARK SURVEY, Abstract No. 187, JOHN DRAPER SURVEY, Abstract No. 300, ELISHA STEPHENSON SURVEY, Abstract No. 940 and the SAMUEL BARNETT SURVEY, Abstract No. 100 and being more completely described as follows, to-wit:

BEGINNING at a point for corner, the NW corner of the F. H. K. Day Survey and the NW corner of a certain tract conveyed to Owen Development Company, as tract -2-, and recorded in Volume 948 page 379 of the Deed Records of Smith County, Texas.

THENCE S 88° 00' E, with the North line of said F. H. K. Day Survey, a distance of 7468.88 feet to the NE corner of said F. H. K. Day Survey and the NW corner of the John O'Neal Survey.

THENCE SOUTH, with the East line of said F. H. K. Day Survey and the West line of the John O'Neal Survey, a distance of 500.0 feet more or less to the intersection of the East line of said Day Survey and a branch, the NW corner of a certain 171.354 acre tract, called 3rd tract, and recorded in Volume 948 page 379 of the Deed Records of Smith County, Texas.

THENCE EASTERLY, with the center line of said branch, the North line of said 171.354 acre tract, to the intersection of same with the East line of said John O'Neal Survey and the West line of the M. B. Clark Survey.

THENCE NORTH, with the West line of said M. B. Clark Survey, East line of the John O'Neal Survey and the Louis Velard Survey, a distance of 3981.6 feet more or less to corner on the South line of the old Dallas - Shreveport Road.

THENCE in a Northeasterly direction with said old Dallas - Shreveport Road, a distance of 1995.0 feet, more or less, the NE corner of a certain 30 acre tract conveyed to Owen Development Company by C. M. Hadded, recorded in Volume 880 page 173 of the Deed Records of Smith County, Texas.

FIELD NOTES FOR SMITH COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 1

All that certain tract or parcel of land, situated in the County of Smith, State of Texas, part of the ELIJAH CHISHUM SURVEY, ABST. No. 198, NICH. WREN SURVEY, ABSTRACT No. 1014, WM. B. HARDIN SURVEY, ABST. No. 481, JAMES S. LINN SURVEY, ABST. No. 560, K. H. MUSE SURVEY, ABSTRACT No. 650, F. H. K. DAY SURVEY, ABSTRACT No. 285, JOHN O'NEAL SURVEY, ABSTRACT No. 749, M. B. CLARK SURVEY, ABSTRACT No. 187, JOHN DRAPER SURVEY, ABSTRACT No. 300, ELISHA STEPHENSON SURVEY, ABSTRACT No. 940 and the SAMUEL BARNETT SURVEY, ABSTRACT No. 100 and being more completely described as follows, to-wit:

BEGINNING at a point for corner, the NW corner of the F. H. K. Day survey and the NW corner of a certain tract conveyed to Owen Development Company, as tract -2-, and recorded in Vol. 948 page 379 of the Deed Records of Smith County, Texas,

THENCE S 88 deg. 00 min. E, with the North line of said F. H. K. Day Survey, a distance of 7468.88 ft. to the NE corner of said F. H. K. Day Survey and the NW corner of the John O'Neil Survey.

THENCE SOUTH, with the East line of said F. H. K. Day Survey and the West line of the John O'Neil Survey, a distance of 500.0 ft. more or less to the intersection of the East line of said Day Survey and a branch, the NW corner of a certain 171.354 acre tract, called 3rd. tract, and recorded in Vol. 948 page 379 of the Deed Records of Smith County, Texas.

THENCE EASTERLY, with the center line of said branch, the North Line of said 171.354 acre tract, to the intersection of same with the East line of said John O'Neil Survey and the West line of the M. B. Clark Survey.

THENCE NORTH, with the West line of said M. B. Clark Survey, East line of the John O'Neil Survey and the Louis Velard Survey, a distance of 3981.6 ft. more or less to corner on the South line of the old Dallas - Shreveport Road.

THENCE in a North Easterly direction with said old Dallas - Shreveport Road, a distance of 1995.0 ft., more or less, the NE corner of a certain 30 acre tract conveyed to Owen Development Co. by C. M. Haddad, recorded in Vol. 880 page 173 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of a certain 60 acre tract, called 4th tract, conveyed to Owen Development Company by George Blicht, and recorded in Vol. 828 page 556 of the Deed Records of Smith County, Texas, West line of a certain 150 acre tract, called 3rd tract, conveyed to Owen Development Company by George Blicht and recorded in the above mentioned Vol. and Page. to a point for corner, the NW corner of said 150.0 acre tract, in the North line of M. B. Clark Survey and the South line of the John S. Draper Survey.

THENCE WEST, with the North line of the M. B. Clark Survey and the South line of the John S. Draper Survey, to a point for corner, the SW corner of said Draper Survey, and being the SW corner of a certain 94.38 acre tract, called 1st. tract, conveyed to Owen Development Company by George Blicht, and recorded in Vol. 828 page 556 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of the John S. Draper Survey and the West line of said 94.38 acre tract, a distance of 1130.4 ft. to the NW corner of said tract.

THENCE EAST, with the North line of said 94.38 acre tract, to a point for corner, the NE corner of said 94.38 acre tract.

THENCE SOUTH, with the East line of the John S. Draper Survey, a distance of 90.0 ft., more or less, the East R. O. W. Line of the St. Louis and Southwestern Rail Road.

THENCE in a Southwesterly direction with the East R. O. W. Line of said Rail Road, a distance of 1042.40 ft. to the South line of the John S. Draper Survey.

THENCE EAST, with the South line of said Draper Survey, a distance of 25.00 ft., more or less, to a point for corner.

THENCE in a Southwesterly direction, with the East R. O. W. Line of the St. Louis Southwestern Rail Road, a distance of 930.00 ft., more or less, to a point for corner, in Harris Creek, the North corner of a certain 10.0 acre tract, called 2nd. tract, conveyed to Owen Development by George Blicht and recorded in Vol. 828 page 556 of the Deed Records of Smith County, Texas.

THENCE in a Southeasterly direction, with the meanders of Harris creek, to the SE corner of said 10.0 acre tract.

THENCE WEST, with the South line of said 10.0 acre tract, a distance of 605.0 ft., more or less, to the SW corner of said 10.0 acre tract, in the East R. O. W. Line of the above mentioned St. Louis Southwestern Rail Road.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said St. Louis Southwestern Rail Road to the intersection of same with the North line of a certain 575.26 acre tract conveyed to Owen Development Company by C. M. Haddad, and recorded in Vol. 880 page 173 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said 575.26 acre tract, a distance of 1550.0 ft., more or less, to the center line of Harris Creek, the NE corner of said 575.26 acre tract.

THENCE in a Southwesterly direction, with the meanders of said Harris Creek, to the South line of the M. B. Clark Survey and the North Line of the K. H. Muse Survey, being also the SE corner of the above mentioned 575.26 acre tract.

THENCE WEST, with the South line of the M. B. Clark Survey and the North line of the K. H. Muse Survey, a distance of 3150.0 ft., more or less, to the NE corner of the Sewer Disposal tract of 22.10 acres, being described in Vol. 601 page 277 of the Deed Records of Smith County, Texas.

THENCE S 2 deg. 06 min. E, with the East line of said 22.10 acre tract, at 1038.90 ft., pass the SE corner of said 22.10 acre tract, and at 2509.0 ft., more or less, in all, to the East R. O. W. Line of the St. Louis Southwestern Rail Road.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said Rail Road, a distance of 6942.0 ft., more or less, to the intersection of same with the North R. O. W. Line of Highway No. 271, being also the SE corner of a certain 147.10 acre tract conveyed to Owen Development Company and recorded in Vol. 576 page 391 of the Deed Records of Smith County, Texas.

THENCE in a Southwesterly direction, with the North R. O. W. line of said Highway No. 271, to the intersection of same with the South line of the Elijah Chisum Survey and the North line of the James Jacobs Survey.

THENCE WEST, with the South Line of the Elijah Chisum Survey, South line of the Samuel Barnett Survey and the North line of the James Jacobs Survey, a distance of 2805.5 ft. to the old Tyler - Winona Road.

THENCE S 58 deg. 00 min. W, with said Road, a distance of 143.6 ft. to a point for corner.

THENCE NORTHWEST, a distance of 125.00 ft. to a point for corner, the SE corner of a certain 9.6 acre tract.

THENCE NORTH, with the East line of said 9.6 acre tract, a distance of 1058.3 ft. to the NE corner of same.

THENCE WEST, with the North line of said 9.6 acre tract, a distance of 291.7 ft. to a point for corner, in the West line of the Samuel Barnett Survey.

THENCE NORTH, with the West line of said Barnett Survey, a distance of 1750.0 ft. to the NW corner of same, being also the most Westerly NW corner of a certain 2271.12 acre tract conveyed to the State of Texas by U. S. A., July 28, 1948 and recorded in Vol. 601, page 277 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said Samuel Barnett Survey to the SW corner of tract D-319 as referred to in Vol. 601 page 277 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of said tract D-319, a distance of 252.8 ft. to the NW corner of same.

THENCE EAST, with the North line of said tract D-319, as mentioned above, a distance of 1319.44 ft. to the NE corner of same, in the East line of the Elisha Stephenson Survey.

THENCE NORTH, with the East line of said Stephenson Survey, a distance of 597.2 ft. to corner.

THENCE EAST, a distance of 1597.0 ft. to corner on the West line of the Elijah Chisum Survey.

THENCE NORTH, passing the NW Corner of said Chisum Survey, a distance of 1728.0 ft. to corner in the South line of the Center School and Church lot.

THENCE EAST, with the said South line of the School and Church tract 16.7 ft. to its most SE corner, continuing east in all a total distance of 996.7 ft. to the SE corner of a certain 100 acre tract conveyed to the Winona Independent School District by U. S. A., Feb. 2, 1960 and recorded in Vol. 971 Page 147 of the Deed Records of Smith County, Texas.

THENCE NORTH, with East line of said 100 acre tract a distance of 3100 feet to NE corner of same.

THENCE WEST, with North line of said 100 acre tract a distance of 1475.83 feet, to NW corner of said 100 acre tract, said corner being on the West line F. H. K. Day Survey and the East line of Jas. Jarman Survey.

THENCE NORTH, with the West line of said F. H. K. Day Survey, East line of the Jas. Jarman and, Samuel J. Cliphant Surveys, to the place of beginning, containing 3931.84 acres of land, more or less.

December 30, 1960

REVISED

FIELD NOTES FOR SMITH COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 1

All that certain tract or parcel of land, situated in the County of Smith, State of Texas, part of the ELLJAH CHISHUM SURVEY, Abstract No. 198, NICH. WREN SURVEY, Abstract No. 1014, WM. B. HARDIN SURVEY, Abstract No. 481, JAMES S. LINN SURVEY, Abstract No. 560, K. H. MUSE SURVEY, Abstract No. 650, F. H. K. DAY SURVEY, Abstract No. 285, JOHN O'NEAL SURVEY, Abstract No. 749, M. B. CLARK SURVEY, Abstract No. 187, JOHN DRAPER SURVEY, Abstract No. 300, ELISHA STEPHENSON SURVEY, Abstract No. 940 and the SAMUEL BARNETT SURVEY, Abstract No. 100 and being more completely described as follows, to-wit:

BEGINNING at a point for corner, the NW corner of the F. H. K. Day Survey and the NW corner of a certain tract conveyed to Owen Development Company, as tract -2-, and recorded in Volume 948 page 379 of the Deed Records of Smith County, Texas.

THENCE S  $88^{\circ} 00'$  E, with the North line of said F. H. K. Day Survey, a distance of 7468.88 feet to the NE corner of said F. H. K. Day Survey and the NW corner of the John O'Neal Survey. ✓

THENCE SOUTH, with the East line of said F. H. K. Day Survey and the West line of the John O'Neal Survey, a distance of 500.0 feet more or less to the intersection of the East line of said Day Survey and a branch, the NW corner of a certain 171.354 acre tract, called 3rd tract, and recorded in Volume 948 page 379 of the Deed Records of Smith County, Texas. ✓

THENCE EASTERLY, with the center line of said branch, the North line of said 171.354 acre tract, to the intersection of same with the East line of said John O'Neal Survey and the West line of the M. B. Clark Survey. ✓

THENCE NORTH, with the West line of said M. B. Clark Survey, East line of the John O'Neal Survey and the Louis Velard Survey, a distance of 3981.6 feet more or less to corner on the South line of the old Dallas - Shreveport Road. ✓

THENCE in a Northeasterly direction with said old Dallas - Shreveport Road, a distance of 1995.0 feet, more or less, the NE corner of a certain 30 acre tract conveyed to Owen Development Company by C. M. Hadded, recorded in Volume 880 page 173 of the Deed Records of Smith County, Texas. ✓

THENCE NORTH, with the West line of a certain 60 acre tract, called 4th tract, conveyed to Owen Development Company by George Blich, and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas, West line of a certain 150 acre tract, called 3rd tract, conveyed to Owen Development Company by George Blich and recorded in the above mentioned Volume and page, to a point for corner, the NW corner of said 150.0 acre tract, in the North line of M. B. Clark Survey and the South line of the John S. Draper Survey.

THENCE WEST, with the North line of the M. B. Clark Survey and the South line of the John S. Draper Survey, to a point for corner, the SW corner of said Draper Survey, and being the SW corner of a certain 94.38 acre tract, called 1st tract, conveyed to Owen Development Company by George Blich, and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of the John S. Draper Survey and the West line of said 94.38 acre tract, a distance of 1130.4 feet to the NW corner of said tract.

THENCE EAST, with the North line of said 94.38 acre tract, a distance of 2500.0 feet more or less to a point for corner in the most Southerly West line of the Town of Winona as recorded, in Petition for Incorporation, in Volume 946 page 395 of the Deed Records of Smith County, Texas.

THENCE S 28° 00' W, with the most Southerly West line of the Town of Winona, as mentioned above, a distance of 1200.00 feet more or less, to a point for corner, the SW corner of said Town of Winona, in the South line of the John S. Draper Survey, Abstract No. 300.

THENCE EAST, with the South line of said Draper Survey and the North line of the M. B. Clark Survey, a distance of 1600.00 feet more or less, to a point for corner in the East. R. O. W. Line of the St. Louis Southwestern Railroad.

THENCE in a Southwesterly direction, with the East R. O. W. Line of the St. Louis Southwestern Railroad, a distance of 930.00 feet, more or less, to a point for corner, in Harris Creek, the North corner of a certain 10.0 acre tract, called 2nd tract, conveyed to Owen Development Company by George Blich and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas.

THENCE in a Southeasterly direction, with the meanders of Harris Creek, to the SE corner of said 10.0 acre tract.

THENCE WEST, with the South line of said 10.0 acre tract, a distance of 605.0 feet, more or less, to the SW corner of said 10.0 acre tract, in the East R. O. W. Line of the above mentioned St. Louis Southwestern Railroad.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said St. Louis Southwestern Railroad to the intersection of same with the North line of a certain 575.26 acre tract conveyed to Owen Development Company by G. M. Haddad, and recorded in Volume 880 page 173 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said 575.26 acre tract, a distance of 1550.0 feet, more or less, to the corner line of Harris Creek, the NE corner of said 575.26 acre tract.

THENCE in a Southwesterly direction, with the meanders of said Harris Creek, to the South line of the M. B. Clark Survey and the North line of the K. H. Muse Survey, being also the SE corner of the above mentioned 575.26 acre tract.

THENCE WEST, with the South line of the M. B. Clark Survey and the North line of the K. H. Muse Survey, a distance of 3150.0 feet, more or less, to the NE corner of the Sewer Disposal tract of 22.10 acres, being described in Volume 601 page 277 of the Deed Records of Smith County, Texas.

THENCE S 2° 06' E, with the East line of said 22.10 acre tract, at 1038.90 feet, pass the SE corner of said 22.10 acre tract, and at 2509.0 feet, more or less, in all, to the East R. O. W. Line of the St. Louis Southwestern Railroad.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said Railroad, a distance of 6942.0 feet, more or less, to the intersection of same with the North R. O. W. Line of Highway No. 271, being also the SE corner of a certain 147.10 acre tract conveyed to Owen Development Company and recorded in Volume 576 page 391 of the Deed Records of Smith County, Texas.

THENCE in a Southwesterly direction, with the North R. O. W. Line of said Highway No. 271, to the intersection of same with the South line of the Elijah Chishum Survey and the North line of the James Jacobs Survey.

THENCE WEST, with the South line of the Elijah Chishum Survey, South line of the Samuel Barnett Survey and the North line of the James Jacobs Survey, a distance of 2805.5 feet to the old Tyler - Winona Road.

THENCE S 58° 00' W, with said Road, a distance of 143.6 feet to a point for corner.

THENCE NORTHWEST, a distance of 125.00 feet to a point for corner, the SE corner of a certain 9.6 acre tract.

THENCE NORTH, with the East line of said 9.6 acre tract, a distance of 1958.3 feet to the NE corner of same.

THENCE WEST, with the North line of said 9.6 acre tract, a distance of 291.7 feet to a point for corner, in the West line of the Samuel Barnett Survey.

THENCE NORTH, with the West line of said Barnett Survey, a distance of 1750.0 feet to the NW corner of same, being also the most Westerly NW corner of a certain 2271.12 acre tract conveyed to the State of Texas by U. S. A., July 28, 1948, and recorded in Volume 601, page 277 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said Samuel Barnett Survey to the SW corner of tract D-319 as referred to in Volume 601 page 277 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of said tract D-319, a distance of 252.8 feet to the NW corner of same.

THENCE EAST, with the North line of said tract D-319, as mentioned above, a distance of 1319.44 feet to the NE corner of same, in the East line of the Elisha Stephenson Survey.

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THENCE NORTH, with the East line of said Stephenson Survey, a distance of 597.2 feet to corner.

THENCE EAST, a distance of 1597.0 feet to corner on the West line of the Elijah Chishum Survey.

THENCE NORTH, passing the NW corner of said Chishum Survey, a distance of 1728.0 feet to corner in the South line of the Center School and Church lot.

THENCE EAST, with the said South line of the School and Church tract 16.7 feet to its most SE corner, continuing east in all a total distance of 996.7 feet to the SE corner of a certain 100 acre tract conveyed to the Winona Independent School District by U. S. A., February 2, 1960, and recorded in Volume 971, page 147 of the Deed Records of Smith County, Texas.

THENCE NORTH, with East line of said 100 acre tract a distance of 3100 feet to NE corner of same. ✓

THENCE WEST, with North line of said 100 acre tract a distance of 1475.83 feet, to NW corner of said 100 acre tract, said corner being on the West line F. H. K. Day Survey and the East line of Jas. Jarman Survey. ✓

THENCE NORTH, with the West line of said F. H. K. Day Survey, East line of the Jas. Jarman and, Samuel J. Oliphant Surveys, to the place of beginning, containing 3891.45 acres of land, more or less. ✓

NOTICE OF SPECIAL MEETING

TO THE MEMBERS OF THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

NOTICE IS HEREBY GIVEN that a special meeting of the Board of Directors will be held on the 28th day of November, 1960, at 4:30 o'clock, P.M., at the Office of the District, for the purpose of passing an order declaring the result of a confirmation and director election held in said District on November 19, 1960, an order confirming the organization of the District, and an order setting down a hearing on the exclusion of lands or other property from the District.

DATED the 25th day of November, 1960.

John M. Neves  
PRESIDENT

(SEAL)

CONSENT TO MEETING

We, the undersigned members of the Board of Directors, hereby accept service of the foregoing notice, waiving any and all irregularities in such service and such notice, and consent and agree that said Board shall meet at the time and place therein named and for the purposes therein stated.

Law Morris  
R. F. McLenne  
E. F. Jester  
R. B. Rowlett

DIRECTORS.

ORDER SETTING DOWN A HEARING FOR THE EXCLUSION  
OF LANDS OR OTHER PROPERTY FROM SMITH COUNTY  
WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1  
(OWENTOWN)

---

THE STATE OF TEXAS  
COUNTY OF SMITH

On this the 28th day of November, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session, at the regular meeting place with the following members thereof present, to-wit:

JOHN M. NEVES,	President
L. W. MORRIS,	Director
R. B. ROWLETT,	Director
E. F. TEDDER,	Director
ROBERT F. McLEEMEE,	Secretary

when, among other proceedings had, were the following:

Director E. F. Tedder introduced an order and moved its adoption. The motion was seconded by Director R. F. McLeeme. The motion, carrying with it the adoption of the order, prevailed by the following vote:

AYES: Directors MORRIS, ROWLETT,  
TEDDER, McLEEMEE;

NOES: NONE.

The order is as follows:

WHEREAS, Smith County Water Control and Improvement District No. 1 (Owentown) having been heretofore properly created and established and directors of said District appointed by the State Board of Water Engineers, and the Board of Directors of said District having made and approved preliminary surveys and adopted plans for the purchase, construction, extension, improvement, maintenance and operation of a waterworks system, and the

purchase, construction, extension, improvement, maintenance and operation of a sanitary sewer system, said Board of Directors now deems it necessary and advisable that a public hearing be held for the purpose of considering petitions for the exclusion of lands or other property from such District;

THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

1. That a public hearing be held in said Smith County Water Control and Improvement District No. 1 (Owentown) at 9:00 o'clock, A.M., on the 30 day of December, 1960, at Water District Office, (Owentown), in said District, at which time and place the Directors of said District will announce their own conclusions as to the exclusion of lands or other property and will receive petitions for exclusion of lands or other property.

2. Notice of such hearing shall be published in one or more newspapers having a general circulation in said District, which notice shall be published once each week for three consecutive weeks, the date of first publication being not less than thirty (30) nor more than forty (40) days prior to the date of said hearing. Said notice shall give advice to all interested property owners in the District of their right to present petitions for exclusions and to offer evidence in support thereof, or to contest any proposed exclusion and to offer evidence in support thereof, whether based on a petition or upon the Board's own conclusions.

3. Petitions for exclusion of lands must accurately describe the metes and bounds of such lands. Petitions for exclusion of other property shall describe the same for identification.

4. All petitions for exclusion shall be filed with the District not later than ten (10) days prior to the date fixed

for said hearing, and said petitions must clearly set out the particular grounds on which the exclusion is sought and consideration shall be confined to the stated grounds.

5. Said hearing may be adjourned from one day to another and until all persons who desire to be heard are heard.

6. The Secretary of the Board of Directors is hereby authorized and directed to prepare and publish said notice of hearing.

PASSED AND APPROVED, this the 28th day of November, 1960.

John M. Nevel  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

R. F. McLenis  
SECRETARY.

NOTICE OF HEARING ON EXCLUSION OF LANDS  
OR OTHER PROPERTY FROM SMITH COUNTY WATER  
CONTROL AND IMPROVEMENT DISTRICT NO. 1  
(OWENTOWN)

---

THE STATE OF TEXAS  
COUNTY OF SMITH

NOTICE IS HEREBY GIVEN to all persons owning property, real, personal or mixed, located within Smith County Water Control and Improvement District No. 1 (Owentown), and to all others interested in the exclusion of lands or other property from the district, THAT A HEARING will be held at 9:00 o'clock, A..M., on the 30th day of December, 1960, at WATER DISTRICT OFFICE (OWENTOWN), in said District, at which time and place the Directors of said District will announce their own conclusions as to the exclusion of lands or other property and will receive petitions for exclusion of lands or other property.

All interested property owners in said District may present petitions for exclusions and offer evidence in support thereof or contest any proposed exclusion and offer evidence in support thereof, whether based on a petition or upon the Board's own conclusions

Petitions for exclusion of lands must accurately describe the metes and bounds of such lands. Petitions for exclusion of other property shall describe the same for identification. All petitions for exclusion shall be filed with the District not later than ten (10) days prior to the date fixed for said hearing, and said petitions must clearly set out the particular grounds on which the exclusion is sought and consideration shall be confined to the stated grounds.

Said hearing may be adjourned from one day to another and until all persons who desire to be heard are heard.

THIS NOTICE is given in pursuance of an order passed by the Board of Directors of said District on the 28th day of November, 1960.

R. J. McLeavel  
SECRETARY, BOARD OF DIRECTORS.

AFFIDAVIT OF PUBLICATION OF NOTICE OF  
ELECTION

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THE STATE OF TEXAS  
COUNTY OF SMITH

BEFORE ME, the undersigned authority, on this day personally appeared Calvin Clyde, Jr., known to me, who being first duly sworn, deposed and upon his oath said:

1. That he is the publisher of Tyler Courier-Times, a newspaper of general circulation published in Smith County, Texas, and that he caused the attached NOTICE OF ELECTION to be published in said newspaper on the following dates, to-wit:

~~October 26~~ \_\_\_\_\_, 1960

~~November 2~~ \_\_\_\_\_, 1960

~~November 9~~ \_\_\_\_\_, 1960

2. That the publication made is a true and correct copy of said notice, a printed copy of which is attached hereto.

Calvin Clyde Jr

SUBSCRIBED AND SWORN TO before me, this the 29 day  
of November, 1960.

Mr. J. R. Long  
NOTARY PUBLIC, SMITH COUNTY, TEXAS.

(SEAL)

ORDER DECLARING RESULT OF ELECTION

THE STATE OF TEXAS  
COUNTY OF SMITH

On this the 28th day of November, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session at the regular meeting place in said District, with the following members thereof present, to-wit:

JOHN M. NEVES,	President
L. W. MORRIS,	Director
R. B. ROWLETT,	Director
E. F. TEDDER,	Director
ROBERT F. McLEEMEE,	Secretary

and passed the following order:

There came on to be considered the returns of an election held in Smith County Water Control and Improvement District No. 1 (Owentown) on the 19th day of November, 1960, upon the questions of the confirmation of the District, and the election of directors therefor; and

IT APPEARING affirmatively that said election was regularly ordered and that notice thereof was regularly given for the time and in the manner provided by law, and that said election was regularly held and that returns of said election were regularly made to this Board as provided by law; and

IT FURTHER APPEARING AFFIRMATIVELY from such returns that 46 votes were cast "FOR CONFIRMATION OF DISTRICT", and 0 votes were cast "AGAINST CONFIRMATION OF DISTRICT"; and that for Directors of the District, the following named persons received votes respectively as follows, to-wit:

<u>NAME OF CANDIDATE</u>	<u>TOTAL NUMBER OF VOTES RECEIVED</u>
R. B. Rowlett	<u>42</u>
E. F. Tedder	<u>42</u>
Robert F. McLemee	<u>43</u>
John M. Neves	<u>25</u>
L. W. Morris	<u>43</u>
Leonard Moore	<u>24</u>
Roy Scape	<u>2</u>

IT IS THEREFORE RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

I.

That the proposition for the confirmation of the District was carried, and that, therefore, the creation and organization of Smith County Water Control and Improvement District No. 1 (Owentown) has been duly and legally confirmed.

II.

That R. B. Rowlett, E. F. Tedder, Robert F. McLemee, John M. Neves and L. W. Morris were duly and legally elected directors of said District; and that these are the same persons who were appointed by the State Board of Water Engineers and that they have heretofore made bond as such directors as provided by law, and that, therefore, it is not necessary that they or any of them furnish new bonds but shall be continued in office.

The foregoing order being read, it was moved and seconded that same do pass. Thereupon, the question being called for, the following Directors voted AYE: L. W. Morris, R. B. Rowlett, E. F. Tedder, Robert F. McLemee; and NONE voted NO.

ATTEST:

Robert F. McLemee  
SECRETARY.

John M. Neves  
PRESIDENT, BOARD OF DIRECTORS

12814  
ORDER CONFIRMING ORGANIZATION OF DISTRICT

THE STATE OF TEXAS  
COUNTY OF SMITH

On this the 28th day of November, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session, at the regular meeting place with the following members thereof present, to-wit:

JOHN M. NEVES,	President
L. W. MORRIS,	Director
R. B. ROWLETT,	Director
E. F. TEDDER,	Director
ROBERT F. McLEEMEE,	Secretary

when, among other proceedings had, were the following:

An election having been held in Smith County Water Control and Improvement District No. 1 (Owentown) on the 19th day of November, 1960, for the purpose of voting upon the confirmation of the organization of said District, and said election having resulted in a vote of 46 votes for confirmation and 0 votes against confirmation of the district, the result being declared in favor of the organization. Said Smith County Water Control and Improvement District No. 1 (Owentown) is therefore declared to have been legally organized with the following boundaries:

The foregoing order being read, it was moved and seconded that same do pass. Thereupon, the question being called for, the following members of the Board voted AYE: L. W. Morris, R. B. Rowlett, E. F. Tedder, Robert F. McLemee; and the following voted NO: NONE.

93 / NOV 20

John M. Neves  
President  
E. F. Tedder  
Director  
R. F. McLemee  
Director  
L. W. Morris  
Director  
R. B. Rowlett  
Director

THE STATE OF TEXAS  
COUNTY OF SMITH

BEFORE ME, a Notary Public in and for Smith County, Texas, on this day personally appeared JOHN M. NEVES, President of the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown), known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND and seal of office, this the 20 day of November, 1960.

Stanley C. Smith  
NOTARY PUBLIC, SMITH COUNTY, TEXAS.

(SEAL)



THE STATE OF TEXAS  
COUNTY OF SMITH I HEREBY CERTIFY THAT THE FOREGOING  
DEED OR INSTRUMENT OF WRITING WAS FILED IN MY OFF-  
ICE FOR RECORD AT 10:25 O'CLOCK A.M. ON THE 29  
DAY OF November 1960 AND THAT THE SAME TO-  
GETHER WITH THE OFFICE DATE OF AUTHENTICATION WAS  
ON THIS DAY CORRECTLY RECORDED ON PAGES 15-20  
IN VOLUME 997 RECORD OF DEEDS -  
OF SMITH COUNTY, TEXAS.

GIVEN UNDER MY HAND AND SEAL OF OFFICE IN TYLER, TEX-  
AS THIS 7 DAY OF October, 1960

ERNEST CHRISTIAN, County Clerk, Smith County, Texas  
By Mary Nell Martin Deputy

STATE OF TEXAS  
COUNTY OF SMITH

Faint, mostly illegible text, possibly a continuation of a deed or a separate document. The text is too light to transcribe accurately but appears to contain several lines of a legal or official document.

ERNEST CHRISTIAN  
COUNTY CLERK  
SMITH COUNTY, TEXAS  
Mary Nell Martin

1960 NOV 29 AM 10:25

*Index*  
*George Blitch*  
*Green Development Co.*  
*24/60*

11571



Table V (Continued):

THENCE NORTH, with the West line of a certain 60 acre tract, called 4th tract, conveyed to Owen Development Company by George Blicht, and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas, West line of a certain 150 acre tract, called 3rd tract, conveyed to Owen Development Company by George Blicht and recorded in the above mentioned Volume and page, to a point for corner, the NW corner of said 150.0 acre tract, in the North line of M. B. Clark Survey and the South line of the John S. Draper Survey.

THENCE WEST, with the North line of the M. B. Clark Survey and the South line of the John S. Draper Survey, to a point for corner, the SW corner of said Draper Survey, and being the SW corner of a certain 94.38 acre tract, called 1st tract, conveyed to Owen Development Company by George Blicht, and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of the John S. Draper Survey and the West line of said 94.38 acre tract, a distance of 1130.4 feet to the NW corner of said tract.

THENCE EAST, with the North line of said 94.38 acre tract, to a point for corner, the NE corner of said 94.38 acre tract.

THENCE SOUTH, with the East line of the John S. Draper Survey, a distance of 90.0 feet, more or less, the East R. O. W. Line of the St. Louis and Southwestern Railroad.

THENCE in a Southwesterly direction with the East R. O. W. Line of said Railroad, a distance of 1042.40 feet to the South line of the John S. Draper Survey.

THENCE EAST, with the South line of said Draper Survey, a distance of 25.00 feet, more or less, to a point for corner.

THENCE in a Southwesterly direction, with the East R. O. W. Line of the St. Louis Southwestern Railroad, a distance of 930.00 feet, more or less, to a point for corner, in Harris Creek, the North corner of a certain 10.0 acre tract, called 2nd tract, conveyed to Owen Development Company by George Blicht and recorded in Volume 828 page 556 of the Deed Records of Smith County, Texas.

THENCE in a Southeasterly direction, with the meanders of Harris Creek, to the SE corner of said 10.0 acre tract.

(Continued)

THENCE WEST (Continued):

THENCE WEST, with the South line of said 10.0 acre tract, a distance of 605.0 feet, more or less, to the SW corner of said 10.0 acre tract, in the East R. O. W. Line of the above mentioned St. Louis Southwestern Railroad.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said St. Louis Southwestern Railroad to the intersection of same with the North line of a certain 575.26 acre tract conveyed to Owen Development Company by C. M. Haddad, and recorded in Volume 880 page 173 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said 575.26 acre tract, a distance of 1550.0 feet, more or less, to the center line of Harris Creek, the NE corner of said 575.26 acre tract.

THENCE in a Southwesterly direction, with the meanders of said Harris Creek, to the South line of the M. B. Clark Survey and the North line of the K. H. Muse Survey, being also the SE corner of the above mentioned 575.26 acre tract.

THENCE WEST, with the South line of the M. B. Clark Survey and the North line of the K. H. Muse Survey, a distance of 3150.0 feet, more or less, to the NE corner of the Sewer Disposal tract of 22.10 acres, being described in Volume 601 page 277 of the Deed Records of Smith County, Texas. ✓

THENCE S 2° 06' E, with the East line of said 22.10 acre tract, at 1038.90 feet, pass the SE corner of said 22.10 acre tract, and at 2509.0 feet, more or less, in all, to the East R. O. W. Line of the St. Louis Southwestern Railroad. ✓

THENCE in a Southwesterly direction, with the East R. O. W. Line of said Railroad, a distance of 6942.0 feet, more or less, to the intersection of same with the North R. O. W. Line of Highway No. 271, being also the SE corner of a certain 147.10 acre tract conveyed to Owen Development Company and recorded in Volume 576 page 391 of the Deed Records of Smith County, Texas.

THENCE in a Southwesterly direction, with the North R. O. W. line of said Highway No. 271, to the intersection of same with the South line of the Elijah Chishum Survey and the North line of the James Jacobs Survey. ✓

THENCE WEST, with the South line of the Elijah Chishum Survey, South line of the Samuel Barnett Survey and the North line of the James Jacobs Survey, a distance of 2805.5 feet to the old Tyler - Winona Road. ✓

(Continued)

~~Table~~ (Continued):

THENCE S 58° 00' W, with said Road, a distance of 143.6 feet to a point for corner.

THENCE NORTHWEST, a distance of 125.00 feet to a point for corner, the SE corner of a certain 9.6 acre tract.

THENCE NORTH, with the East line of said 9.6 acre tract, a distance of 1958.3 feet to the NE corner of same.

THENCE WEST, with the North line of said 9.6 acre tract, a distance of 291.7 feet to a point for corner, in the West line of the Samuel Barnett Survey.

THENCE NORTH, with the West line of said Barnett Survey, a distance of 1750.0 feet to the NW corner of same, being also the most Westerly NW corner of a certain 2271.12 acre tract conveyed to the State of Texas by U. S. A., July 28, 1948 and recorded in Volume 601 page 277 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said Samuel Barnett Survey to the SW corner of tract D-319 as referred to in Volume 601 page 277 of the Deed Records of Smith County, Texas.

THENCE NORTH, with the West line of said tract D-319, a distance of 252.8 feet to the NW corner of same.

THENCE EAST, with the North line of said tract D-319, as mentioned above, a distance of 1319.44 feet to the NE corner of same, in the East line of the Elisha Stephenson Survey.

THENCE NORTH, with the East line of said Stephenson Survey, a distance of 597.2 feet to corner.

THENCE EAST, a distance of 1597.0 feet to corner on the West line of the Elijah Chishum Survey.

THENCE NORTH, passing the NW corner of said Chishum Survey, a distance of 1728.0 feet to corner in the South line of the Center School and Church lot.

THENCE EAST, with the said South line of the School and Church tract 16.7 feet to its most SE corner, continuing east in all a total distance of 996.7 feet to the SE corner of a certain 100 acre tract conveyed to the Winona Independent School District by U. S. A., Feb. 2, 1960, and recorded in Volume 971 page 147 of the Deed Records of Smith County, Texas.

(Continued)

~~XXXXXXXXXX~~ (Concluded):

THENCE NORTH, with East line of said 100 acre tract a distance of 3100 feet to NE corner of same.

THENCE WEST, with North line of said 100 acre tract a distance of 1475.83 feet, to NW corner of said 100 acre tract, said corner being on the West line F. H. K. Day Survey and the East line of Jas. Jarman Survey.

THENCE NORTH, with the West line of said F. H. K. Day Survey, East line of the Jas. Jarman and Samuel J. Oliphant Surveys, to the place of beginning, containing 3931.84 acres of land, more or less.



November 3, 1950

TO THOSE INTERESTED IN THE PUBLIC WATER  
DISTRICT AT OWENTOWN:

There will be a meeting for all those interested in the public water district being organized at Owentown on Thursday, November 10, at the Consolidated Nursery's packing shed at 7:30 p.m. The lawyers and engineers who understand the mechanics and details necessary for establishing a public water district will be on hand for explanation to us. It is very important that you be present if at all possible.

BOARD OF DIRECTORS  
SMITH COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT No. 1  
(OWENTOWN)

RESOLUTION AND ORDER FOR ELECTION TO CONFIRM  
DISTRICT AND ELECT DIRECTORS THEREFOR

THE STATE OF TEXAS

COUNTY OF SMITH

On this the 2<sup>nd</sup> day of October, 1960, the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) convened in special session with the following members present, to-wit:

<u>John M. Neves</u>	, President
<u>L. W. Morris</u>	, Director
<u>R. B. Rowlett</u>	, Director
<u>E. F. Tedder</u>	, Director
<u>Robert F. McLemee</u>	, Secretary

when, among other proceedings had, were the following:

Director R. B. Rowlett introduced a resolution and order calling an election upon the questions of confirming the District and electing directors therefor, and moved its adoption. The motion was seconded by Director R. F. McLemee and carried by the following vote:

AVES: Directors	<u>Robert F. McLemee</u>	,	<u>L. W. Morris</u>	,
	<u>R. B. Rowlett</u>	,	<u>E. F. Tedder</u>	;

NOES: NONE.

The resolution and order is as follows:

RESOLUTION AND ORDER

BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN) CALLING AN ELECTION UPON THE QUESTIONS OF CONFIRMING THE DISTRICT AND ELECTING DIRECTORS FOR SAID DISTRICT.

WHEREAS, by order passed by the State Board of Water Engineers on the 10th day of October, 1960, Smith County Water Control and Improvement District No. 1 (Owentown) was created and established and directors for said District appointed; and

WHEREAS, said directors have taken the oath of office as such directors and have made bond as provided by law, and said directors have organized as provided by law;

THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

That an election be held within and for said Smith County Water Control and Improvement District No. 1 (Owentown) on the 19th day of November, 1960, for the purpose of confirming the organization of the District and electing five directors therefor.

That for the purpose of said election the entire District is hereby constituted one voting precinct. The polling place for said election shall be Owen Development Co. Office in said District, and the following named persons are hereby appointed to act as election officers:

<u>L. E. Mayfield</u>	, Presiding Judge
<u>W. L. Moore</u>	, Assistant Judge
<u>Mrs. Ila McLemee</u>	, Clerk
<u>Mrs. Maurine Neves</u>	, Clerk.

The ballots for said election shall contain the proposition:  
"FOR CONFIRMATION OF DISTRICT".

"AGAINST CONFIRMATION OF DISTRICT".

There shall also be printed on the ballots the names of the five directors who have been appointed by the State Board of Water Engineers, and blank spaces shall be left on the ballot in which the voters may write in the names of other persons, as follows:

FOR DIRECTORS:

R. B. Rowlett

E. F. Tedder

Robert F. McLamee

John M. Neves

L. W. Morris

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Only resident qualified voters in said District shall be qualified to vote at said election.

Said election shall be held and conducted and returns made to this Board of Directors in accordance with the provisions of Chapter 25, General Laws enacted by the Thirty-ninth Legislature at its Regular Session in 1925, and amendments thereto, so far as the same make provisions for such election, and in matters not therein provided for the election proceedings shall be in accordance with the general laws of Texas.

The officers holding said election shall make returns of said election to this Board within five days after the date of said election, and shall deliver the ballot box to the Secretary of this Board for safekeeping.

A substantial copy of this resolution and order, or notice containing the same, signed by the President and Secretary of this Board of Directors, shall constitute proper notice of said election, and the President and Secretary of this Board of Directors are hereby authorized and directed to cause such notice of said election to be given by publication of such

notice once each week for three consecutive weeks in some newspaper having general circulation in Smith County, the first publication to be at least twenty-one (21) days before the date of such election.

PASSED AND APPROVED, this the 24th day of October,  
1960.

John M. Nerea  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

R. F. McJannet  
SECRETARY.

MINUTES OF FIRST MEETING OF THE BOARD OF  
DIRECTORS OF SMITH COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN)

THE STATE OF TEXAS  
COUNTY OF SMITH

On this the 24th day of October, 1960, the first meeting of the Board of Directors of Smith County Water Control and Improvement District No. 1 (Owentown) was held at Owentown, Texas, at which meeting the following members of the Board were present: R. B. Rowlett, E. F. Tedder, Robert F. McLemee, John M. Neves, and L. W. Morris, and the following absent:

Director John M. Neves was selected as temporary chairman of the meeting and declared same open for such business as might come before it.

By order passed on the 10th day of October, 1960, the State Board of Water Engineers created said Smith County Water Control and Improvement District No. 1 (Owentown), and appointed the above-named five directors. It duly appears that all five directors have accepted their appointments as directors of the district and have previously qualified by making bond and taking the oath of office as provided by law and are willing to serve as directors.

The temporary chairman stated that the organization of the Board of Directors and the election of officers was in order and called for nominations for president of the Board of Directors. Director John M. Neves was nominated for that office. There being no further nominations for president, the nominations were closed. The temporary chairman called for a vote and John M. Neves was unanimously elected president, all directors present voting for him for that office and no one voting for any other director. The temporary chairman declared

John M. Neves  
~~L. W. Morris~~

as the duly elected President of the Board of Directors.

The President took the chair and called for nominations for the office of vice-president, whereupon Director L. W. Morris was nominated for that office. There being no further nominations for vice-president, the nominations were closed. The President called for a vote, and Director L. W. Morris was unanimously elected vice-president, all directors present voting for him for that office and no one voting for any other director. The President declared Director L. W. Morris as the duly elected vice-president of the Board of Directors.

It was moved, seconded and unanimously carried that the office of Secretary-Treasurer of the District be combined, and the President called for nominations for secretary-treasurer, whereupon Director R. F. McLeane was nominated for that office. There being no further nominations for secretary-treasurer, the nominations were closed. The President called for a vote and Director R. F. McLeane was unanimously elected Secretary-Treasurer, all members present voting for him for that office and no one voting for any other director. The President declared Director R. F. McLeane as the duly elected Secretary-Treasurer of the Board of Directors.

It was moved, seconded and unanimously carried that the regular office of the District for the conduct of the District's business be established and maintained at Queen Development Office  
Queenton.

DATED the 24 day of October, 1960.

John M. Neves  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

R. F. McLeane  
SECRETARY.

NOTICE OF ELECTION

THE STATE OF TEXAS  
COUNTY OF SMITH

TO THE RESIDENT QUALIFIED VOTERS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

NOTICE IS HEREBY GIVEN that an election will be held on the 19th day of November, 1960, at Owen Development Co. Office, Owentown, Texas, in said District, in accordance with the provisions and upon the questions contained in the following resolution and order passed by the Board of Directors on the 24th day of October, 1960:

RESOLUTION AND ORDER

BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN) CALLING AN ELECTION UPON THE QUESTIONS OF CONFIRMING THE DISTRICT AND ELECTING DIRECTORS FOR SAID DISTRICT.

WHEREAS, by order passed by the State Board of Water Engineers on the 10th day of October, 1960, Smith County Water Control and Improvement District No. 1 (Owentown) was created and established and directors for said District appointed; and

WHEREAS, said directors have taken the oath of office as such directors and have made bond as provided by law, and said directors have organized as provided by law;

THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

That an election be held within and for said Smith County Water Control and Improvement District No. 1 (Owentown) on the 19th day of November, 1960, for the purpose of confirming the organization of the District and electing five directors therefor.

That for the purpose of said election the entire District is hereby constituted one voting precinct. The polling place for said election shall be Owen Development Co. Office, Owentown, Texas, in said District, and the following named persons are hereby appointed to act as election officers:

L. E. Mayfield, Presiding Judge  
W. L. Moore, Assistant Judge  
Mrs. Ila McLemee, Clerk  
Mrs. Maurine Neves, Clerk.

The ballots for said election shall contain the proposition:  
"FOR CONFIRMATION OF DISTRICT".  
"AGAINST CONFIRMATION OF DISTRICT".

There shall also be printed on the ballots the names of the five directors who have been appointed by the State Board of Water Engineers, and blank spaces shall be left on the ballot in which the voters may write in the names of other persons, as follows:

FOR DIRECTORS:

R. E. Rowlett  
E. F. Tedder  
Robert F. McLemee  
John M. Neves  
L. W. Morris

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Only resident qualified voters in said District shall be qualified to vote at said election.

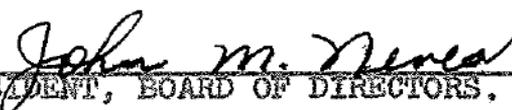
Said election shall be held and conducted and returns made to this Board of Directors in accordance with the provisions of

Chapter 25, General Laws enacted by the Thirty-ninth Legislature at its Regular Session in 1925, and amendments thereto, so far as the same make provisions for such election, and in matters not therein provided for the election proceedings shall be in accordance with the general laws of Texas.

The officers holding said election shall make returns of said election to this Board within five days after the date of said election, and shall deliver the ballot box to the Secretary of this Board for safekeeping.

A substantial copy of this resolution and order, or notice containing the same, signed by the President and Secretary of this Board of Directors, shall constitute proper notice of said election, and the President and Secretary of this Board of Directors are hereby authorized and directed to cause such notice of said election to be given by publication of such notice once each week for three consecutive weeks in some newspaper having general circulation in Smith County, the first publication to be at least twenty-one (21) days before the date of such election.

PASSED AND APPROVED, this the 24th day of October,  
1960.

  
\_\_\_\_\_  
PRESIDENT, BOARD OF DIRECTORS.

ATTEST:

  
\_\_\_\_\_  
SECRETARY.

October 24, 1960

As a result of discussions between the parties hereto had in connection with a proposal to form Smith County Water Control and Improvement District No. 1 (Owentown), a public agency, having powers to construct facilities essential for water conservation and impounding and borrowing money for such purposes, and/or for the purpose of purchasing an existing water and sewer system and for the construction of necessary water and sewer facilities, it appears that a Water Control and Improvement District as authorized by Texas laws will be most effective. In view of the detailed steps required incident to the organization of such a District and to secure funds for purchase of certain properties and construction purposes, and since a material expenditure of time and money will be required before full powers to secure the necessary funds may be obtained, it is considered advisable that the parties hereto at this time enter into an Agreement for the accomplishment of all the purposes in accordance with the provisions hereof. Therefore, it is agreed by and between Parties of the First Part (hereinafter referred to as the "District") and Parties of the Second Part (hereinafter referred to as "James C. Tucker & Co., Inc.") that:

1. District has selected Gibson, Spence & Gibson, Bond Attorneys, Austin, Texas, to prepare and direct all legal proceedings and procedure incident to the proper, appropriate and legal formation of the District, including the creation and organization, and the proceedings to be had incident to the authorization issuance, and delivery of bonds, including the giving of a final and unqualified approving opinion as to the validity of such bonds. James C. Tucker & Co., Inc. agrees that they will cooperate and assist such Bond Attorneys to the best of their ability as may be required.
2. District has selected Wisenbaker & Fix, as Engineers, for the project or projects to be undertaken, and James C. Tucker & Co., Inc. agrees to assist and cooperate with such Engineers to the best of their ability as may be required.

and the fees of any other attorneys who may be retained by District, except as hereinafter provided. James C. Tucker & Co., Inc. shall pay actual expenses necessarily required for all advertising, traveling and securing of appropriate information and data. In the event District is formed and bonds are authorized, James C. Tucker & Co., Inc. will pay the cost of the bond blanks and the printing of the bonds, and all expenses incident to the obtaining of the approval of the Attorney General and the State Board of Water Engineers and the expense of delivering the bonds to James C. Tucker & Co., Inc., Austin, Texas, the purchasers.

4. James C. Tucker & Co., Inc. at the proper time shall assist and advise with District in determining the details of the bonds to be issued, including maturities, rate or rates of interest, place of payment and option features, it being understood that such details shall in all instances be within any limitations prescribed by law. The District agrees to sell and James C. Tucker & Co., Inc. agrees to purchase all bonds authorized from time to time in minimum installments of \$125,000 at a price of \$950 for each \$1,000 bonds bearing interest at  $4\frac{3}{4}\%$ , or at an effective interest rate or combination of rates that will reflect an interest cost the same as it would have been had the bonds been sold for \$950 for each \$1,000 bonds bearing interest at  $4\frac{3}{4}\%$ .

5. Acceptance of this proposal is based on the District having an Assessed Valuation whereby the total debt will not exceed 25% of the Assessed Valuation and the Assessed Valuation shall not exceed 65% of the estimated or Actual Value.

6. The District agrees to levy a tax of not less than \$0.50 per \$100.00 of Assessed Valuation in the 1960-61 tax year.

7. The District agrees to deposit from the bond proceeds at the time the bonds are taken up and paid for by James C. Tucker & Co., Inc., a total of  $1\frac{1}{2}$  years interest in advance and this money shall be deposited and left in the Interest and Sinking Fund Account. This account may be invested in

U. S. Treasury Obligations maturing prior to the respective interest payment dates.

2. The District agrees to escrow any construction funds under a regular escrow agreement to be drawn by the attorney and approved by James C. Tucker & Co., Inc.

This agreement shall be from date hereof until such time as shall be sufficient to accomplish the purposes hereof.

John M. Neves  
John M. Neves

Robert F. McLemee  
Robert F. McLemee

Parties of the First  
Part

L. W. Morris  
L. W. Morris

E. F. Tedder  
E. F. Tedder

R. B. Rowlett  
R. B. Rowlett

Party of the Second  
Part

James C. Tucker & Co., Inc., Tyler-August

Lewis R. Linder



*Developers of Industrial and Residential Property*  
OWENTOWN RT. 1 \* PHONE TR 7-3361 \* TYLER, TEXAS  
C. E. OWEN *President* \* GEO. A. BLITCH *General Manager*

Oct. 29, 1960

Mr. John M. Neves, President  
Board of Directors  
Smith County Water Control And  
Improvement District No. 1  
Route #1  
Tyler, Texas

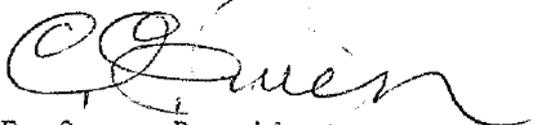
Dear Mr. Neves:

At the meeting of the Board of Directors of Smith County Water Control and Improvement District No. 1 On Oct. 24, 1960, there was discussion regarding the acquisition of water and sewer facilities in the District.

This letter is to let you know that the Board of Directors of Owen Development Company has given authority to enter negotiations with you for the conveyance of the water and sewer facilities owned by this company. Consideration for the transfer of these facilities are to be based on the appraisal by Wisenbaker, Fix and Associates, Tyler, Texas, which appraisal and engineering report was included in the minutes of the State Board of Water Engineers ordering the creation of Smith County Water Control and Improvement District No. 1 at its regular meeting on Oct. 10, 1960.

When the water district is ready, this company is ready to complete the transactions and get the public water district in operation. Please keep us informed of your plans.

Very truly yours,  
OWEN DEVELOPMENT CO.

  
C.E. Owen, President

CEO/im

ORDER UPON HEARING - GRANTING PETITION  
CREATING WATER CONTROL AND IMPROVEMENT  
DISTRICT AND APPOINTING DIRECTORS

THE STATE OF TEXAS )  
OFFICE OF STATE BOARD OF WATER ENGINEERS )  
AUSTIN, TEXAS )

On this the 10th day of October, 1960, the State Board of Water Engineers convened in regular session, at their regular meeting place in the City of Austin, Travis County, Texas, with the following members present, to-wit:

<u>Durwood Manford</u>	, CHAIRMAN
<u>R. M. Dixon</u>	, MEMBER
<u>O. F. Dent</u>	, MEMBER

WHEREAS, on the 10th day of October, 1960, there came on to be considered the petition of more than fifty landowners within the proposed district, praying for the creation and establishment of Smith County Water Control and Improvement District No. 1 (Owentown), in Smith County, Texas, which petition had been theretofore set down for hearing before this Board at this time; and

WHEREAS, all persons whose land is included in or would be affected by the creation of such district were particularly invited to offer testimony and to show that such district is or is not necessary, would or would not be feasible or practicable, and would or would not be a benefit to the lands in said district or a public utility; also all interested persons were invited to offer testimony with reference thereto, and some such persons did appear and offer testimony with reference thereto; and at the close of the hearing, this Board made and adopted the following order and resolution:

IT AFFIRMATIVELY APPEARS AND THIS BOARD AFFIRMATIVELY SO  
FINDS AND DECLARES:

I.

That on the 23rd day of August, 1960, a petition was presented to this Board praying for the creation and establishment of a water control and improvement district to be known as Smith County Water Control and Improvement District No. 1 (Owentown), and that said petition has been filed and recorded in the office of the County Clerk of Smith County, Texas, as provided by law, and thereupon said petition was set down for hearing before this Board on this the 10th day of October, 1960.

II.

That notice of such hearing was given by the Sheriff of Smith County by posting notice thereof on the bulletin board used for posting legal notices at the Courthouse door of Smith County, Texas, at least fifteen (15) days prior to the date of such hearing, and by causing such notice to be published in THE TYLER COURIER-TIMES, a newspaper of general circulation published in Smith County, once each week for two consecutive weeks, the date of the first publication thereof being at least twenty (20) days prior to the date of the hearing.

III.

That said petition is signed by more than fifty persons owning land within the proposed district.

IV.

That the territory of said proposed district lies entirely within Smith County, Texas.

V.

That this Board has jurisdiction to entertain said petition and to conduct said hearing under the provisions of Chapter 3A, Title 128, Revised Civil Statutes of 1925, together with all amendments and additions thereto and particularly an addition thereto by the provisions of Chapter 280, Acts of the 41st Legislature, 1929.

That the general nature of the work to be done is set out in said petition, and that negotiations are under way for the financing of the proposed improvements and that the estimated cost thereof is set out in said petition, and that said petition was accompanied by a deposit of \$250.00 to pay all costs which may be incurred in such proceedings.

## VII.

That the organization of such District as prayed for is feasible and practicable, and that the lands to be included and the residents thereof will be benefited thereby, and that there is a public necessity therefor, and the creation of such district will further the public welfare.

## VIII.

That no persons appeared at such hearing asking that their lands be excluded from the district, and no exclusions of lands were deemed necessary by this Board.

IT IS THEREFORE ORDERED AND RESOLVED BY THE BOARD OF WATER ENGINEERS OF THE STATE OF TEXAS:

1. That said petition be and the same is hereby granted, and thereupon Smith County Water Control and Improvement District No. 1 (Owentown) be, and the same is hereby created and established as prayed for in said petition.

2. That said Smith County Water Control and Improvement District No. 1 (Owentown) is created, established and organized under the terms and provisions of Section 59, of Article 16, of the Constitution of Texas, and Chapter 3A, Title 128, Revised Civil Statutes of 1925, together with all amendments and additions thereto.

3. That said district is organized for certain purposes specified in said Chapter 3A, of Title 128, as follows:

(1) The control, storing, preservation and distribution of its waters and flood waters, the waters of its rivers and streams, including waterworks purposes, sanitary sewer purposes, and all other useful purposes; with power to control, abate and amend any shortage, or harmful excess of waters, and to protect, preserve and, when necessary, restore, the purity and sanitary condition of waters within the district. These objects may be accomplished by any and all practical means.

(2) To provide, own, maintain, operate, and control all works, facilities, plants, equipment and appliances in any and all manner incident to, or helpful or necessary to the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether of fluids, solids or composites, and further to gather, conduct, divert and control local storm waters, and other local harmful excesses of water. The foregoing ends may be accomplished by any and all mechanical or chemical means or processes, incident, necessary or helpful to such purposes, to the end that the public health and welfare may be conserved and promoted, and the purity and sanitary condition of the State's waters protected, effected or restored.

4. The following five persons, each of whom is a resident citizen of the State of Texas and owns land subject to taxation in the District: R. B. ROWLETT, E. F. Tedder,  
ROBERT F. McLEMBE, JOHN M. NEVES and L. W. MORRIS

are hereby appointed directors for said District, and they shall serve until their successors are elected or appointed; and such directors shall within fifteen (15) days from this date file their official bonds in the office of the County Clerk of Smith County and the same shall be presented to the County Judge of Smith County for approval, as provided in Article 7880-22, Revised Civil Statutes.

5. That said District lies entirely within Smith County, Texas, and is described by metes and bounds as follows, to-wit:

6. A certified copy of this order and resolution shall be filed and recorded in the office of the County Clerk of Smith County, Texas.

The foregoing order and resolution having been read, it was moved by Member Dixon, and seconded by ~~Member~~ Chairman Manford, that it be passed, and upon the question being called for, it was unanimously passed, all members present voting AYE and NONE voting NO.

PASSED, approved and ordered at Austin, Texas, this the 10th day of October, 1960.

(SEAL)

/s/ Durwood Manford  
CHAIRMAN

ATTEST:

/s/ Ben F. Looney, Jr.  
SECRETARY.

PETITION FOR WATER CONTROL AND IMPROVEMENT DISTRICT

THE STATE OF TEXAS     |

COUNTY OF SMITH        |

TO THE HONORABLE STATE BOARD OF WATER ENGINEERS OF THE  
STATE OF TEXAS:

Pursuant to Articles 7880-1 to 7880-147, inclusive, Vernon's Civil Statutes of Texas, 1925, and all amendments thereto, we, the undersigned land owners within the boundaries hereinafter set forth, hereby respectfully petition your Honorable Board for the organization of a Water Control and Improvement District within the terms and provisions of Section 59, of Article 16, of the Constitution of Texas, and in respect to the organization of such district, respectfully show as follows:

I.

That the name of said proposed district shall be SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (OWENTOWN):

II.

That said proposed district contains an area of approximately 3931.84 ~~3300.01~~ acres, more or less, and lies wholly within the County of Smith and the State of Texas.

III.

That the boundaries of said proposed district shall be as follows, to-wit:

All that certain tract or parcel of land, situated in the County of Smith, State of Texas, part of the ELIJAH CHISHUM SURVEY, ABST. No. 198, NICH. WREN SURVEY, ABSTRACT No. 1014, WM. B. HARDIN SURVEY, ABST. No. 481, JAMES S. LINN SURVEY, ABST. No. 560, K.H. MUSE SURVEY, ABSTRACT No. 650, F. H. K. DAY SURVEY, ABSTRACT No. 285, JOHN O'NEAL SURVEY, ABSTRACT No. 749, M. B. CLARK SURVEY, ABSTRACT No. 187 and part of the JOHN DRAPER SURVEY, ABSTRACT No. 300, and being more completely described as follows, to-wit:

BEGINNING at a point for corner, the NW corner of the F. H. K. Day survey and the NW corner of a certain tract conveyed to Owen Development Company, as tract -2-, and recorded in Vol. 948 page 379 of the Deed Records of Smith County, Texas, ✓

THENCE S 88 deg. 00 min. E, with the North line of said F. H. K. Day Survey, a distance of 7468.88 ft. to the NE corner of said F. H. K. Day Survey and the NW corner of the John O'Neil Survey. ✓

THENCE SOUTH, with the East line of said F. H. K. Day Survey and the West line of the John O'Neil Survey, a distance of 500.0 ft. more or less to the intersection of the East line of said Day Survey and a branch, the NW corner of a certain 171.354 acre tract, called 3rd. tract, and recorded in Vol. 948 page 379 of the Deed Records of Smith County, Texas. ✓

THENCE EASTERLY, with the center line of said branch, the North line of said 171.354 acre tract, to the intersection of same with the East line of said John O'Neil Survey and the West line of the M. B. Clark Survey. ✓

THENCE NORTH, with the West line of said M. B. Clark Survey, East line of the John O'Neil Survey and the Louis Velard Survey, a distance of 3981.6 ft. more or less to corner on the South line of the old Dallas - Shreveport Road. ✓

THENCE in a North Easterly direction with said old Dallas - Shreveport Road, a distance of 1995.0 ft., more or less, to the NE corner of a certain 30 acre tract conveyed to Owen Development Co. by C. M. Haddad, recorded in Vol. 880 page 173 of the Deed Records of Smith County, Texas. ✓

THENCE NORTH, with the West line of a certain 60 acre tract, called 4th tract, conveyed to Owen Development Company by George Blicht, and recorded in Vol. 828 page 556 of the Deed Records of Smith County, Texas, West line of a certain certain 150 acre tract, called 3rd tract, conveyed to Owen Development Company by George Blicht and recorded in the above mentioned Vol. and Page. to a point for corner, the NW corner of said 150.0 acre tract, in the North line of M. B. Clark Survey and the South line of the John S. Draper Survey. ✓

THENCE WEST, with the North line of the M. B. Clark Survey and the South line of the John S. Draper Survey, to a point for corner, the SW corner of said Draper Survey, and being the SW corner of a certain 94.38 acre tract, called 1st. tract, conveyed to Owen. ✓

Development Company by George Blicht, and recorded in Vol. 828 page 556 of the Deed Records of Smith County, Texas.

THENCE NORTH, WITH THE West line of the John S. Draper Survey and the West line of said 94.38 acre tract, a distance of 1130.4 ft. to the NW corner of said tract. ✓

THENCE EAST, with the North line of said 94.38 acre tract, to a point for corner, the NE corner of said 94.38 acre tract.

THENCE SOUTH, with the East line of the John S. Draper Survey, a distance of 90.0 ft., more or less, to the East R. O. W. Line of the St. Louis and Southwestern Rail Road.

THENCE IN a Southwesterly direction with the East R. O. W. Line of said Rail Road, a distance of 1042.40 ft. to the South line of the John S. Draper Survey.

THENCE EAST, with the South line of said Draper Survey, a distance of 25.00 ft., more or less, to a point for corner.

THENCE in a Southwesterly direction, with the East R. O. W. Line of the St. Louis Southwestern Rail Road, a distance of 930.00 ft., more or less, to a point for corner, in Harris Creek, the North corner of a certain 10.0 acre tract, called 2nd tract, conveyed to Owen Development by George Blicht and recorded in Vol. 828 page 556 of the Deed Records of Smith County, Texas.

THENCE in a Southeasterly direction, with the meanders of Harris creek, to the SE corner of said 10.0 acre tract.

THENCE WEST, with the South line of said 10.0 acre tract, a distance of 605.0 ft., more or less, to the SW corner of said 10.0 acre tract, in the East R. O. W. Line of the above mentioned St. Louis Southwestern Rail Road.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said St. Louis Southwestern Rail Road to the intersection of same with the North line of a certain 575.26 acre tract conveyed to Owen Development Company by C. M. Haddad, and recorded in Vol. 880 page 173 of the Deed Records of Smith County, Texas

THENCE EAST, with the North line of said 575.26 acre tract, a distance of 1550.0 ft., More or less, to the center line of Harris Creek, the NE corner of said 575.26 acre tract.

THENCE in a Southwesterly direction, with the meanders of said Harris Creek, to the South line of the M. E. Clark Survey and the North Line of the K. H. Muse Survey, being also the SE corner of the above mentioned 575.26 acre tract.

THENCE WEST, with the South line of the M. E. Clark Survey and the North line of said K. H. Muse Survey, a distance of 3860.0 ft., more or less, to the East R. O. W. Line of Highway No. 155.

THENCE IN a Southwesterly direction, with the East R. O. W. Line of said Highway No. 155, to the NW corner of a certain 557.97 acre tract, called 2nd tract, conveyed to Owen Development Company and recorded in Vol. 594 page 112 of the Deed Records of Smith County, Texas.

THENCE EAST, with the North line of said 557.97 acre tract, a distance of 1225.0 ft. to the SE corner of the Sewage Disposal plant.

THENCE S 2 deg. 06 min. E, a distance of 1470.0 ft., more or less, to the East R. O. W. Line of the St. Louis Southwestern Rail Road.

THENCE in a Southwesterly direction, with the East R. O. W. Line of said Rail Road, a distance of 6942.0 ft., more or less, to the intersection of same with the North R. O. W. Line of Highway No. 271, being also the SE corner of a certain 147.10 acre tract conveyed to Owen Development Company and recorded in Vol. 576 page 391 of the Deed Records of Smith County, Texas.

THENCE in a Southwesterly direction, with the North R. O. W. Line of said Highway No. 271, to the intersection of same with the East or SE R. O. W. Line of Highway No. 155.

THENCE in a Northeasterly direction, with the SE R. O. W. Line of Highway No. 155, to the SW corner of a certain 29.36 acre tract conveyed to Owen Development Company by Joe Zeppa, and recorded in Vol. 948 page 301 of the Deed Records of Smith County, Texas.

THENCE N 38 deg. 28 min. E, with the East R. O. W. Line of said Highway No. 155, to an intersection of the SW line of a certain 13.80 acre tract conveyed to Owen Development Company, called Second Tract, by Joe Zeppa and recorded in Vol. 948 page 301 of the Deed Records of Smith County, Texas.

THENCE N 43 deg. 03 min. W, 657.0 ft. to the SW corner of said 13.80 acre tract.

THENCE N 38 deg. 28 min. E, with the NW line of said 13.80 acre tract, a distance of 988.8 ft. to a point for corner, in the South line of a certain 38.818 acre tract, called fifth tract, conveyed to Owen Development Company by Joe Zeppa and recorded on Vol. 948 page 301 of the Deed Records of Smith County, Texas.

THENCE WEST, to the West line of the Elijah Chisum Survey, being also the SW corner of a certain 297.62 acre tract being conveyed to Owen Development Company by General Services Administration.

THENCE NORTH, passing the NW corner of the Elijah Chisum Survey, in all, 1860.0 ft. more or less, the most Westerly NW corner of said 297.62 acre tract.

THENCE EAST, a distance of 996.66 ft. to a point for corner, an E11 corner of said 297.62 acre tract.

THENCE NORTH, with the most Northerly West line of said 297.62 acre tract, a distance of 3100.0 ft., more or less, to the NW corner of same.

THENCE WEST, with the South line of a certain 718.343 acre tract conveyed to Owen Development Company and recorded in Vol. 948 page 379 of the Deed Records of Smith County, Texas, to the SW corner of said tract and in the West line of the F. H. K. Day Survey.

THENCE NORTH, with the West line of the F. H. K. Day Survey and the West line of the above mentioned 718.343 acre tract, a distance of 4423.0 ft., more or less to the place of beginning, containing 3300.01 acres of land.

#### IV.

That said proposed district is to be organized under the provisions of Section 59, Article 16, of the Constitution of Texas, and Chapter 3A, of Title 128, Revised Civil Statutes of Texas, 1925, and all amendments and additions thereto.

#### V.

Said district shall be organized for certain purposes specified in said Chapter 3A, of Title 128, as follows:

(1) The control, storing, preservation and distribution of its waters and flood waters, the waters of its rivers and streams, including waterworks purposes, sanitary sewer purposes, and all other useful purposes; with power to control, abate and amend any shortage, or harmful excess of waters, and to protect, preserve and, when necessary, restore, the purity and sanitary condition of waters within the district. These objects may be accomplished by any and all practical means.

(2) To provide, own, maintain, operate, and control all works, facilities, plants, equipment and appliances in any and all manner incident to, or helpful or necessary to the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether of fluids, solids or composites, and further to gather, conduct, divert and control local storm waters, and other local harmful excesses of water. The foregoing ends may be accomplished by any and all mechanical or chemical means or processes, incident, necessary or helpful to such purposes, to the end that the public health and welfare may be conserved and promoted, and the purity and sanitary condition of the State's waters protected, effected or restored.

#### VI.

That the general nature of the work to be done is the purchase, construction, extension, improvement, maintenance and

operation of a waterworks system for domestic, industrial and commercial purposes, and the purchase, construction, extension, improvement, maintenance and operation of a sanitary sewer system, and to control, abate and amend the harmful excess of waters, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, to which reference is here made for more detailed description, and such other construction, purchase, installation, maintenance and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the district is organized.

#### VII.

That a public necessity exists for the organization of such district to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks system and sanitary sewer system, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

#### VIII.

That said projects are practicable and feasible, due to the availability of water and the nature of the soil and contour of the land, and will serve and be a benefit to all the land within the district and the residents thereof, and will be a public benefit and utility, and that the creation of the said district will further the public welfare.

#### IX.

That it is estimated by your petitioners from information available at this time that the cost of such project will be approximately \$ \_\_\_\_\_.

OFFICE OF STATE BOARD OF WATER ENGINEERS )  
AUSTIN, TEXAS )

I, the undersigned, Secretary of the State Board of Water Engineers of the State of Texas, hereby certify that the foregoing is a true and correct copy of an order of the State Board which was made and entered on this the 10th day of October, 1960, together with a copy of so much of the minutes as show the convening of the Board, the names of the members present and the passage of the order, as same appears of record in the Minutes of said Board.

WITNESS MY HAND and seal of office, this the 10th day of October, 1960.

  
SECRETARY

(SEAL)

# COPY

## SIGNATURES ON PETITION FOR CREATION OF SMITH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (Owentown)

1. C. E. Owen
2. Edwin Russell
3. Louise F. Russell
4. Cliff B. Owen
5. Alexandra Owen
6. Wyndell Owen
7. Robert K. Owen
8. W. A. Huff
9. A. S. Genecov
10. Bennie Roosth
11. Sol Edelman
12. Trent Zeppa
13. Chris Zeppa
14. Joe Zeppa by Chris Zeppa,  
Attorney in Fact
15. G. W. Zeppa by Chris Zeppa,  
Attorney in Fact
16. K. V. Zeppa by Chris Zeppa,  
Attorney in Fact
17. Calvin Clyde, Jr.
18. Sarah Butler by Calvin Clyde, Jr.,  
Agent
19. Wilton Daniel
20. J. M. Stephens
21. Edgar H. Vaughn
22. Jim M. Vaughn
23. S. P. Reynolds
24. C. M. Haddad
25. Paul Bass
26. Olney Davis
27. C. B. "Jack" Owen
28. W. Z. Luman and
29. Mrs. W. Z. Luman by Mrs. O. T. Moore
30. Sidney T. Parker and
31. Mrs. Sidney T. Parker -Owentown Ser.Sta.
32. Gary S. Moore - Owentown Garage
33. Henry Smith
34. A. S. Branch and
35. Mrs. A. S. Branch
36. Sue Choate
37. Joe Gilbreath
38. John M. Neves and
39. Mrs. John M. Neves - Neves Elec. Ser.
40. Mrs. Archie Bradshaw
41. Cecil Perry and
42. Mrs. Cecil Perry
43. Bryant McCombs and
44. Mrs. Bryant McCombs
45. Vernon E. Brewer
46. L. E. Mayfield and
47. Mrs. L. E. Mayfield
48. C. L. Bradshaw and
49. Mrs. C. L. Bradshaw
50. Vernon L. Bradshaw
51. Mrs. Katie Young
52. K. L. Brush - Rose City Nursery
53. E. S. Moffett and
54. Mrs. E. S. Moffett by Mrs. E. S.  
Moffett
55. W. Singleton and
56. Mrs. W. Singleton
57. William Cooper
58. L. W. Morris
59. B. J. Lambright and
60. Mrs. B. J. Lambright
61. Homer Lansberry and
62. Mrs. Homer Lansberry
63. Jimmie Boultinghouse and
64. Mrs. Jimmie Boultinghouse
65. Roy Soape and
66. Mrs. Roy Soape
67. Mrs. M. D. Conley
68. J. L. Conley
69. Dewey Choate
70. Lena Choate
71. E. E. Alexander
72. Audrey Alexander
73. R. B. Rowlett
74. Douglas M. Rowlett
75. Geo. A. Elitch
76. S. C. Smith
77. Paul R. McDonald
78. Joseph W. Gary
79. Margaret E. Brewer
80. Harry C. Dellar
81. Louis Squyres
82. Leslie D. Lynch and
83. Mrs. Leslie D. Lynch
84. C. F. Houser
85. Paul E. Richard
86. F. A. Cotey
87. Ray Calvert
88. Boyd Baker and
89. Mrs. Boyd Baker
90. L. B. Strickland and
91. Mrs. L. B. Strickland
92. Jack L. Pirtle and
93. Mrs. Jack L. Pirtle

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94. Robert Mullin and
95. Mrs. Robert Mullin -
96. L. R. Rogers
97. Mr. Gage and -
98. Mrs. Gage -
99. Bobby Pitt and
100. Mrs. Bobby Pitt
101. R. F. McLemee and
102. Mrs. R. F. McLemee