

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Paul Munguia  
Office of the Chief Clerk

**Date:** February 7, 2007

**Thru:** Robert Cummins, P.E., Leader  
Districts Review Team

**From:** Diego Abrego  
Districts Review Team

**Subject:** Docket No. 2006-1849-DIS. Fort Bend County Municipal Utility District No. 93;  
Petition for Dissolution of District Pursuant to Texas Water Code Sections 49.321  
to 49.327.  
TCEQ Internal Control No. 08222006-D02  
CN:600740690 - RN:101418275

CHIEF CLERKS OFFICE

2007 FEB 15 11 48 33

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

### Backup for Agenda Item.

Docket 2006-1849-DIS

Commission Agenda Date: March 7, 2007

Original + 11 copies of Backup for Agenda Item:

- Executive Summary
- Memorandum
- Commission Order
- Mailing List
- Petition for Dissolution of District
- Certificate of Ownership, Property Description, and Notification to Minority Landowners
- Comptroller's Certificate
- Financial Dormancy Affidavits
- Notice
- Proof of Publication

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Commissioners of the Texas Commission on Environmental Quality      **Date:** October 26, 2006

**Thru:** RC Robert Cummins, P.E., Leader, Districts Review Team

**From:** Districts Review Team

**Subject:** Docket No. 2006-1849-DIS. Fort Bend County Municipal Utility District No. 93; Petition for Dissolution of District Pursuant to Texas Water Code Sections 49.321 to 49.327. TCEQ Internal Control No. 08222006-D02  
CN:600740690 - RN:101418275

### DESCRIPTION OF APPLICATION

**Petitioner:** Terrabrook Cinco Ranch Southwest, L. P., a Delaware limited partnership and owner of the majority of the land in Fort Bend County Municipal Utility District No. 93

**Request:** Dissolution of Fort Bend County Municipal Utility District No. 93.

**Type:** Dissolution.

**Authority:** Texas Water Code, Sections 49.321 to 49.327.

### STAFF RECOMMENDATIONS

Grant the request for dissolution of Fort Bend County Municipal Utility District No. 93.

### TECHNICAL INFORMATION

**General:** The District was created by the Texas Water Commission on December 14, 1987. It contains 221,372 acres of land within Fort Bend County Texas and has been dormant since its creation.

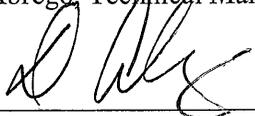
### ANTICIPATED RESPONSE

General agreement with the staff's recommendation.

### CONTACT

Diego Abrego, Technical Manager, Districts Review Team, 239-6959.

Prepared by:

  
\_\_\_\_\_  
Districts Review Team

10/26/06  
\_\_\_\_\_  
Date

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Commissioners of the Texas  
Commission on Environmental Quality

**Date:** October 26, 2006

**Thru:** RC Robert Cummins, P.E., Leader, Districts Review Team

**From:** Districts Review Team

**Subject:** Docket No. 2006-1849-DIS. Fort Bend County Municipal Utility District No. 93; Petition for Dissolution of District Pursuant to Texas Water Code Sections 49.321 to 49.327.

TCEQ Internal Control No. 08222006-D02

CN:600740690 - RN:101418275

### **A. GENERAL INFORMATION**

The petition is in an application requesting that the Commission dissolve Fort Bend County Municipal Utility District No. 93 (the "District"). The District was created by the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, on December, 14, 1987 and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code. The District contains 221.372 acres of land within Fort Bend County Texas.

The petition for the dissolution of the District was signed by Walter F. Nelson, Vice president of Terrabrook Cinco Ranch Southwest, GP, L.L.C., a Delaware limited liability company and the general partner of Terrabrook Cinco Ranch Southwest, L.P., a Delaware limited partnership (Applicant) and majority owner of the land in the District. The Ownership Certificate from the Fort Bend Central Appraisal District indicates that the Applicant holds title to 172.972 acres (78.14% of the land) located within the District. The Applicant notified, by certified mail, the owners of the remaining 48.4 acres of land in the District of his filing this petition for dissolution of the District.

The District was created for the purpose of purchasing, constructing, operating and maintaining all facilities necessary for the supply and distribution of water; the collection, transportation and treatment of wastewater; and the drainage of storm water to service the land in the District. The District has remained unimproved since its creation. The petition states that dissolution is desirable since the District is not required for development of the land.

The application material supports that, during the five consecutive years prior to the date of the petition for dissolution, the District has not performed any of the functions for which it was created. It is financially dormant, does not have any outstanding bonded indebtedness, and does not have any known assets or liabilities.

Certified copies of the Annual Financial Dormancy and Filing Affidavit for the fiscal years 2001 through 2005 were included in the application.

An affidavit from the Comptroller of Public Accounts of the State of Texas was included with the application certifying that their review of records on July 21, 2006 revealed that the District had not incurred bonded debt for the period January 1, 1986 through July 21, 2006.

**B. CONCLUSION**

Based on a review of the application and information on file, the District meets the dissolution requirements set forth in 30 Texas Administrative Code Sections 293.131 to 293.136 and Texas Water Code Sections 49.321 to 49.327.

**C. RECOMMENDATIONS**

1. Approve the request to dissolve Fort Bend County Municipal Utility District No. 93..
2. Direct that the District's assets, if any, will escheat to the State of Texas, will be administered by the Comptroller of Public Accounts of the State of Texas, and will be disposed of in the manner provided by Chapter 74, Property Code and in accordance with the Texas Water Code Sections 49.321 to 49.327 and 30 Texas Administrative Code Sections 293.131 to 293.136.

**D. ADDITIONAL INFORMATION**

The Applicants' professional representative is:

Ms. Jessica B. Holoubek, Attorney - Allen Boone Humphries Robinson L.L.P.



Diego Abrego  
Districts Review Team

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



DOCKET NO. 2006-1849-DIS

## AN ORDER AUTHORIZING THE DISSOLUTION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

On March 7, 2007, the Texas Commission on Environmental Quality (hereafter "Commission") met in regular session at its offices in Austin, Texas, with notice of the meeting issued in compliance with the Open Meetings Act, TEX. GOV'T CODE §§ 551.001 - 551.146 and the Administrative Procedure Act, TEX. GOV'T CODE §§ 2001.001 - 2001.902, to consider the petition submitted by Walter F. Nelson, authorized agent for Terrabrook Cinco Southwest Ranch, L.P., a Delaware Limited Partnership and owner of property located within Fort Bend County Municipal Utility District No. 93 (hereafter "District"); to dissolve the District pursuant to TEX. WATER CODE §§ 49.321 - 49.327 and 30 TEX. ADMIN. CODE §§ 293.131 - 293.136.

The Commission, after having considered the petition, application material, and the October 26, 2006 memorandum from the Executive Director regarding the petition, a copy of which is attached as Exhibit "A," finds that the petition for dissolution should be approved. The Commission finds that the District has performed none of the functions for which it was created for a period of five consecutive years before the day of the proceeding and has no outstanding bonded indebtedness. The District should be directed to escheat the District's assets, if any, to the State of Texas, which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROP. CODE §§ 74.001 - 74.710.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the petition for the dissolution of the District filed by Walter F. Nelson, authorized agent for Terrabrook Cinco Southwest Ranch, L.P., a Delaware Limited Partnership and owner of property in the District, is granted pursuant to TEX. WATER CODE §§ 49.321 - 49.327 and 30 TEX. ADMIN. CODE §§ 293.131 - 293.136 (Dissolution of Districts). The Commission will file a certified copy of this order of dissolution in the deed records of Fort Bend County. The District is directed to escheat the District's assets, if any, to the State of Texas which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROP. CODE §§ 74.001 - 74.710.

Issue Date:

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Kathleen Hartnett White, Chairman

Mailing List  
Docket No. 2006-1849-DIS  
Fort Bend County MUD 93  
TCEQ Internal Control No. 08222006-D02

Ms. Jessica B. Holoubek  
Allen Boone Humphries Robinson, LLP  
3200 Southwest Freeway # 2600  
Houston, TX 77027

Texas Commission on Environmental Quality

Spencer Marks, Environmental Law Division, MC-173  
Robert Cummins/Diego Abrego, Technical Manager, Utilities and Districts Section, MC-152  
Komal Patel, Utilities & Districts Section, Water Supply Division, MC-153  
Blas Coy, Office of the Public Interest Counsel, MC-103  
Jodena Henneke, Office of Public Assistance, MC-108

Don A. Thompson, Regional Director  
TCEQ Region 12  
5425 Polk St., Ste. H  
Houston, TX 77023-1452

PETITION FOR DISSOLUTION OF  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Terrabrook Cinco Southwest Ranch, L.P., a Delaware Limited Partnership (the "Petitioner"), being the owner of land situated within Fort Bend County Municipal Utility District No. 93 (the "District ") and acting pursuant to the provisions of Chapter 49, Texas Water Code, together with all amendments and additions thereto, respectfully petitions the Texas Commission on Environmental Quality (the "Commission") for the dissolution of an inactive district, Fort Bend County Municipal Utility District No. 93, pursuant to the provisions of Chapter 49, Section 49.321, Texas Water Code, as amended, and would respectfully show the following:

I.

The District, located in Fort Bend County, Texas, was created by the Texas Water Commission, now known as the Texas Commission on Environmental Quality, on December 14, 1987, and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

II.

The Petitioner holds title to land within the District as shown on the tax rolls of Fort Bend County, Texas.

III.

The District has been financially dormant and has performed no functions for the five-year period preceding the date of this Petition. The dissolution of the District is desirable or necessary because the District is not required for the development of land within its boundaries, as evidenced by its extended dormancy.

IV.

The District has no outstanding bonded indebtedness and has no assets or liabilities.

V.

The Petitioner respectfully requests that the Commission hold a hearing, after proper notice, as provided in Chapter 49, Section 49.322, Texas Water Code, as amended, and Sections 293.131-136, 30 Texas Administrative Code, as amended, to determine whether the District should be dissolved.

VI.

The Petitioner respectfully requests that the Executive Director of the Commission institute an investigation of the facts and circumstances of the District and prepare a written report concerning this investigation, as required by Section 49.323, Texas Water Code.

VII.

The Petitioner respectfully requests that the Commission (i) determine that the District has performed none of the functions for which it was created for a period of five consecutive years prior to the date of this Petition for dissolution of the District and that the District has no outstanding bonded indebtedness, and (ii) order that the District be dissolved.

Wherefore, the Petitioner respectfully prays that this Petition be properly filed as provided by law, and that the Commission order the dissolution of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93.

Respectfully submitted this 20 day of July, 2006.

[EXECUTION PAGE FOLLOWS]

TERRABROOK CINCO RANCH SOUTHWEST, L.P.,  
a Delaware limited partnership

By: Terrabrook Cinco Ranch Southwest, GP,  
L.L.C., a Delaware limited liability  
company, its general partner

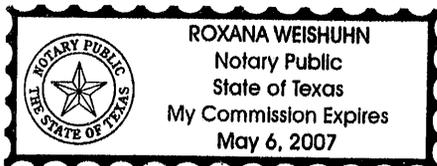
By: W. F. Nelson  
Walter F. Nelson, Vice President

ATTEST:

By: [Signature]  
Name: Jeff Eversberg  
Title: Project Manager

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF Ft. Bend   §

This instrument was acknowledged before me on the 20<sup>th</sup> day of July, 2006, by Walter F. Nelson, as Vice President of Terrabrook Cinco Ranch Southwest, GP, L.L.C., a Delaware limited liability company, and general partner of Terrabrook Cinco Ranch Southwest, L.P., a Delaware limited partnership, on behalf of said limited liability company and said limited partnership.



Roxana Weishuhn

**Fort Bend Central Appraisal District**  
**2801 B. F. Terry Blvd.**  
**Rosenberg TX 77471-5600**

**Ownership Certificate**

**Re: Cinco SW MUD NO. 2**

Date: August 3, 2006

**Certificate No. 0273**

The 2006 FBCAD appraisal roll for the land described in the legal description attached has an ownership(s) of:

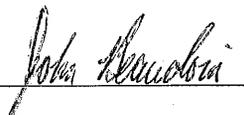
1. Terrabrook Cinco Ranch Southwest LP
2. Stephens Debra Ann Dalio & Derwana Ann Dalio Grover

Ownership is based on Instrument #:

1. 2004086008
2. 2002095408

Existing or Parent Accounts on Last Certified Roll (2005) with Appraisal Values

1. 0434-02-002-0000-914, \$12,630
2. 0434-02-001-1000-914, \$3,790
3. 0435-00-001-0000-914, \$910
4. 0435-00-002-1000-914, \$4,020
5. 0435-00-002-0000-914, \$5,200

  
\_\_\_\_\_  
John Beaudoin  
Deputy Chief Appraiser

Name: Yvonne A. Onak  
Organization: Allen Boone Humphries  
Robinson LLP

Certificate Cost: \$ 20.00

Cert0273

1 of 10

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER  
3200 SOUTHWEST FREEWAY  
SUITE 2600  
HOUSTON, TEXAS 77027  
TEL (713) 860-6400  
FAX (713) 860-6401  
abhllp.com

Direct Line: (713) 860-6427  
Direct Fax: (713) 860-6627

yonak@abhllp.com

Yvonne Onak  
Legal Assistant

July 25, 2006

FEDERAL EXPRESS

Mr. John Beaudoin  
Fort Bend Central Appraisal District  
2801 B. F. Terry Blvd.  
Rosenberg, Texas 77471

Re: Proposed Annexation into Cinco Southwest Municipal Utility District No. 2 (the "District")

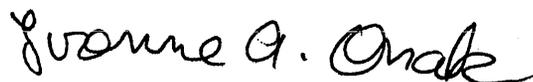
Dear Mr. Beaudoin:

Enclosed are the following:

- (1) Metes and bounds description of 221.372 acre tract (former Fort Bend County MUD No. 93; and
- (2) Map of tract.

Please prepare ten original certificates of ownership for each tract and send them to me at the address above. If you need additional information, please let me know.

Sincerely,



Yvonne A. Onak  
Legal Assistant

enclosures

Metes And Bounds Description  
Of 221.372 Acres Of Land  
Out Of The Walton, Hill & Walton  
Surveys "A" & "B", A-434, A-435  
Fort Bend County, Texas

All that certain 221.372 acres out of the East 1/2 of the 240.26 acre tract, described in a deed from M. A. McDonald, et al, to M. A. McCanliss, recorded under Volume 337, Page 177, and the West 1/2 of the 240.26 acre tract, described in a deed from M. A. McDonald to Raymond E. Hankamer, recorded under Volume 337, Page 182, Fort Bend County Deed Records, out of The Walton, Hill & Walton Surveys "A", "B", A-434, A-435, Fort Bend County, Texas and being more particularly described by metes and bounds as follows: (All bearings based on the record bearing of N 44° 42' E in the northwesterly line of the 240.26 acre tract, described in a deed recorded under Volume 337, Page 177, Fort Bend County Deed Records.)

Beginning at a 1/2" iron pipe found in the northerly right-of-way line of F.M. Highway 1093 (100' wide) at its intersection with the northwesterly line of aforesaid 240.26 acre tract common with the southeasterly line of the 816.67 acre tract, described as First Tract in a deed from Lloyd H. Smith, et ux, to University Corporation, recorded under Volume 454, Page 103, Fort Bend County Deed Records, said pipe marking the southeasterly corner of said 816.67 acre tract and the southwest corner of the herein described tract;

THENCE N 44° 42' 00" E - 4740.86' along said common line to a 1/2" iron rod found in the southwesterly right-of-way line of Katy-Gaston Road (60' wide), marking the most northerly corner of the herein described tract, from which a 1/2" iron pipe found in the center line of said Katy-Gaston Road marking the most northerly corner of said 240.26 acre tract bears N 44° 36' 27" E - 29.94';

THENCE S 45° 14' 32" E - 4068.02' along said southwesterly right-of-way line to a point in the northerly right-of-way line of aforesaid F.M. Highway 1093 for the southeast corner of the herein described tract, from which a 5/8" iron rod found in the center line of said Katy-Gaston Road bears N 88° 18' 22" E - 41.31';

THENCE S 85° 21' 24" W along said northerly right-of-way line at 3098.83' pass a found 3/4" iron pipe and continuing for a total distance of 6243.84' to the POINT OF BEGINNING of the herein described tract and containing 221.372 acres (9,642,943 square feet) of land.

Compiled by:

G.P. SURVEYORS, INC.

Job No. 294-1-A1

March 18, 1985

DHD:cb

(Doc. No. 0790t)

THIS LEGAL DESCRIPTION WAS PREPARED FOR THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93, AND IS NOT INTENDED FOR TITLE TRANSFER.



DEED

2004086008

8 PGS

**HOLD FOR**

**COMMONWEALTH TITLE**

GF # 0410054

NAME Zink

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS §  
  §  
COUNTY OF FORT BEND §

KNOW ALL MEN BY THESE PRESENTS:

GASTON 1093 JV, a Texas joint venture and JOHN BEESON, Trustee (collectively, "Grantor"), for and in consideration of the sum of \$10.00 and other good and valuable consideration, and for the further consideration of the execution and delivery by Grantee of that certain promissory note of even date herewith in the original principal sum of \$4,673,550.00 payable to the order of Grantor, the principal thereof and accrued interest thereon being payable as provided therein, the payment of which note is secured by a Vendor's Lien herein retained and is additionally secured by a Deed of Trust, Mortgage and Security Agreement of even date herewith to Philip D. Weller, Trustee, reference to which is here made for all purposes, the receipt and sufficiency of which consideration is hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, AND CONVEY unto TERRABROOK CINCO RANCH SOUTHWEST, L.P., a Delaware limited partnership ("Grantee") the real property in Fort Bend County, Texas, fully described in Exhibit A (the "Land"), together with all of Grantor's rights and interest appurtenant thereto, including all (A) adjacent streets, alleys, rights-of-way to the center line thereof and any adjacent strips and gores of real estate; (B) buildings, structures and other improvements, fixtures and landscaping located on the Land, (the "Improvements"); and (C) rights, titles and interests appurtenant to the Land and Improvements, including all easements benefiting the Land and Improvements and all reversionary interests in the Land and the Improvements (collectively, the "Property").

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit B, to the extent the same are validly existing and applicable to the Property (collectively, the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Land, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Land unto the said Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject only to the Permitted Encumbrances.

But it is expressly agreed and stipulated that the Vendor's Lien, as well as the Superior Title in and to the Property, is retained against the Property until the above-described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Special Warranty Deed shall become absolute.

Current ad valorem taxes for the year 2004 on the herein described property having been prorated, Grantee hereby assumes the payment thereof.

Grantee's address is: c/o Newland Communities, 3030 LBJ Freeway, Suite 1500, LB 6, Dallas, Texas 75234.

EXECUTED effective as of July 14<sup>th</sup> 2004.

GASTON 1093 JV, a Texas joint venture

By: Ali Ebrahimi  
Ali Ebrahimi, Joint Venturer

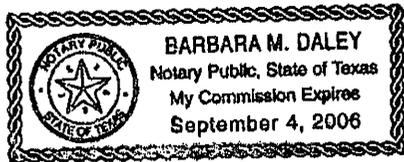
By: John S. Beeson  
John S. Beeson, Joint Venturer

John S. Beeson  
JOHN BEESON, Trustee

THE STATE OF TEXAS  
COUNTY OF Norris

This instrument was acknowledged before me on July 14, 2004, by Ali Ebrahimi, Joint Venturer of GASTON 1093 JV, a Texas joint venture, on behalf of said joint venture.

Barbara M. Daley  
Notary Public, State of Texas



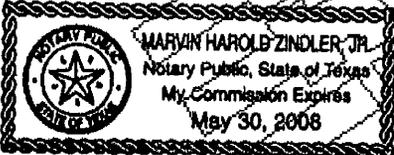
Printed Name of Notary  
My Commission Expires

THE STATE OF TEXAS

COUNTY OF HARRIS

§  
§  
§

This instrument was acknowledged before me on July 14<sup>th</sup>, 2004, by John Beeson, Joint Venturer of GASTON 1093 JV, a Texas joint venture, on behalf of said joint venture.



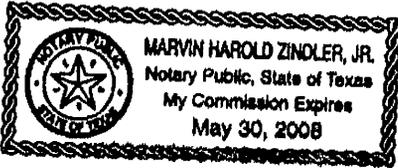
[Signature]  
Notary Public, State of Texas

Printed Name of Notary \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on July 14<sup>th</sup>, 2004, by John Beeson, Trustee.



[Signature]  
Notary Public, State of Texas

Printed Name of Notary \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

UNRECORDED

## EXHIBIT A

Being 178.04-acre (7,755,642 square feet) of land situated in the Walton, Hill & Walton Survey, A-434 and the Walton, Hill & Walton Survey, A-435, Fort Bend County, Texas and being a portion of a called 120.37-acre tract described in the deed to Jerrol W. Springer as recorded under Fort Bend County Clerk's File Number (F.N.) 1999068592 of the Fort Bend County Official Records (F.B.C.O.R.) to Gaston 1093 JV as recorded under Fort Bend County Clerk's File Number 2002082830 and all of a called 65.0506-acre tract described in the deed to John S. Beeson, Trustee recorded under F.N. 2003010565 and F.N. 2003010566 of said F.B.C.O.R.; said 178.04-acre being more particularly described by metes and bounds as follows with all bearings referenced to the Texas Coordinate System South Central Zone, North American Datum 1927:

BEGINNING at a point from which a 3/4-inch iron pipe found bears North 51 deg. 17 min. East, 0.40 feet in the northerly right-of-way line of F.M. 1093 (100 feet wide) as recorded in Volume 285, Page 292 of the Fort Bend County Deed Records at its intersection with the common survey line of the I. & G.N.R.R. Co. Survey, A-365 and the Walton, Hill & Walton Survey, A-434, same being the westerly corner of that portion of a called 120.37-acre tract lying north of F.M. 1093 the southeasterly corner of called 847.4831-acre tract described in the deed to Ferrabrook Cinco Ranch Southwest, L.P. as recorded under F.N: 2002071214 of said F.B.C.O.R.;

THENCE, North 42 deg. 22 min. 31 sec. East, along the said common line and passing a 5/8-inch iron rod with cap stamped "BENCHMARK ENG" found at 2,461.38 feet for the south corner of a called 125.000-acre tract described in the deed to Katy Independent School District as recorded under F.N. 2002029242 of said F.B.C.O.R. and an easterly corner of said 847.4831-acre tract for a total distance of 4,742.10 feet to a 5/8-inch iron rod with cap stamped "BENCHMARK ENG" found for the north corner of this herein described tract, said point being on the southwesterly right-of-way line of Katy-Gaston Road (60 feet wide);

THENCE, South 46 deg. 27 min. 24 sec. East, along said southwesterly right-of-way line of Katy-Gaston Road a distance of 54.80 feet for the northeasterly corner of called 120.37-acre tract and the northwesterly corner of said 48.4704-acre tract described in the deed to Carl Lee Dalio, Jr. as recorded under F.N. 9644828 of said F.B.C.O.R. to a 5/8-inch iron rod with cap stamped "BENCHMARK ENG" found for an angle point of this herein described tract;

THENCE, South 47 deg. 35 min. 14 sec. East, continuing along said southwesterly right-of-way line of Katy-Gaston Road a distance of 1,475.26 feet to a 5/8-inch iron rod with cap stamped "BENCHMARK ENG" found for the northeasterly corner of this herein described tract;

THENCE, South 02 deg. 06 min. 33 sec. West, departing said southwesterly right-of-way line of Katy-Gaston Road a distance of 1,951.53 feet to a 5/8-inch iron rod with cap stamped "BENCHMARK ENG" found for the southeasterly corner of this herein described tract, being on the north right-of-way line of said F.M. 1093.

THENCE, South 83 deg. 01 min. 35 sec. West, along the north right-of-way line of said F.M. 1093 a distance of 4,284.89 feet to the POINT OF BEGINNING and containing a computed area of 178.04-acre (7,755,642 square feet) of land.

## EXHIBIT B

### PERMITTED EXCEPTIONS

1. An easement forty (40) feet wide for right of way purposes, located along the Northwest property line, as granted to the State of Texas, by instrument dated November 25, 1950, recorded in Volume 285, Page 289 of the Deed Records, Fort Bend County, Texas and as shown on the Survey.
2. An easement for Katy-Gaston Road recorded in Volume 589, Page 550 of the Deed Records of Fort Bend County, Texas, being located in the northeast corner of subject property and as shown on the Survey.
3. A pipeline easement and right-of-way fifty (50) feet wide, granted to Dow Chemical Company, together with provisions for additional pipelines, as set forth in instrument dated February 27, 1945, recorded in Volume 227, Page 346 of the Deed Records of Fort Bend County, Texas, said right-of-way being located on the northeast line of subject property and described by instrument dated September 7, 1962, recorded in Volume 435, Page 473 of the Deed Records of Fort Bend County, Texas, adjacent to the right of way of Katy-Gaston Road as described by instrument dated December 22, 1967, recorded in Volume 497, Page 693 of the Deed Records of Fort Bend County, Texas and conveyed and assigned to Entex, Inc. by instrument dated March 6, 1984, recorded in Volume 1405, Page 638 of the Official Records of Fort Bend County, Texas. Bill of Sale and Assignment executed June 13, 1989 by Dow Chemical Company to ENTEX, a division of Arkla, Inc. as described by instrument filed for record under Fort Bend County Clerk's File No. 8932259, all as shown on the Survey.
4. Right of way and pipeline easement to Acacia Natural Gas Corporation, dated December 8, 1997, being thirty feet (30') in width, executed by West Houston 1993M L.L.C., as recorded under Fort Bend County Clerk's File No. 9818017, executed by Dalio Management Trust as recorded under Fort Bend County Clerk's File No. 9818008 and executed by the McArthur Hartt IRA Rollover, recorded under File Number 9818017 in the Official Public Records of Fort Bend County, Texas and as shown on the Survey.
5. Electric service line to water well pump at the southwest corner and guy wire for an electric light pole at the southwest corner as granted in instrument recorded in Volume 589, Page 550 of the Deed Records of Fort Bend County, Texas as shown on the Survey.
6. A 1/32nd non-participating royalty interest in all oil, gas and other minerals as set forth by instrument(s) recorded in Volume 337, Page 182 of the Deed Records of Fort Bend County, Texas.
7. A 1/32nd non-participating royalty interest in all oil, gas and other minerals as set forth by instrument(s) recorded in Volume 428, Page 590 of the Deed Records of Fort Bend County, Texas.

8. A 3.75 percent non-participating royalty interest in all oil, gas and other minerals as set forth by instrument(s) recorded in Volume 993, Page 116 of the Deed Records of Fort Bend County, Texas.

9. All oil, gas and other minerals, as set forth by instrument(s) recorded in Volume 1510, Page 820 of the Official Records of Fort Bend County, Texas. (Surface rights waived therein)

10. Mineral Lease dated October 7, 1997, filed for record under Fort Bend County Clerk's File No(s) 9804924.

Amendment to Oil, Gas and Mineral Lease dated October 3, 2000 executed by and between Harvey R. Houck, Jr., Trustee and Hanson Production Company and filed for record under Fort Bend County Clerk's File No. 2000091743.

The Addendum attached to the Mineral Lease filed for record under Fort Bend County Clerk's File No. 9804924 states "Lessee shall not have the right to use the surface of the leased premises for conducting operations without the express written consent of the then-surface owner."

Ratification of Lease filed for record under Harris County Clerk's File Numbers 2001096010, 2001096012, 2002005651, 2002005652, 2002005653, 2002005657, 2002005659 and 2002007976.

11. Easement or lessee right arising by the way of the power poles, telephone pedestals, underground telephone cable marker and Broadwing buried fiber optic cable along the right-of-way of State Farm to Market Road 1093, all as shown on the Survey.

12. Building set back line being twenty five feet (25') in width adjacent to the right of way of State Farm to Market Road 1093 as shown on the Survey.

13. Reservation to M.A. MacAnliss and wife, Joy Ray MacAnliss of One-half (1/2) of all oil, gas and other minerals as set forth by instrument(s) recorded in Volume 383, Page 410 of the Deed Records of Fort Bend County, Texas. (Surface rights waived)

14. Mineral Deed, as to a 25% interest, dated September 13, 2001, executed by National Fiduciary Services, N.A., Trustee of the Lena Hartt IRA, to Lena Hartt as described by instrument filed for record on October 1, 2001 under Fort Bend County Clerk's File Number 2001092008.

Reservation of all surface rights by grantor, National Fiduciary Services, N.A., Trustee of the Lena Hartt IRA, as described within said Mineral Deed.

Surface rights conveyed to John S. Beeson, Trustee by National Fiduciary Services, N.A., as Trustee of the Lena Edna Hartt IRA, as described by Special Warranty Deed dated May 29, 2002, filed for record under Fort Bend County Clerk's File No. 2002095119.

15. Special Warranty Mineral Deed of Distribution, as to a 25% interest, executed July 11, 2002 by Carl Lee Dalio, Jr. and Bettye Louise Dalio, as Co-Trustees of the Dalio Management Trust to Carl Lee Dalio, Jr. and Bettye Louise Dalio as described by instrument filed for record on July 18, 2002 under Fort Bend County Clerk's File Number 2002076531.

Special Warranty Mineral Deed of Gift executed July 11, 2002 by Carl Lee Dalio, Jr. and Bettye Louise Dalio to Derwana Ann Dalio Grover and Debra Ann Dalio Stephens as described by instrument filed for record on July 18, 2002 under Fort Bend County Clerk's File Number 2002076532.

Reservation to Derwana Ann Dalio Grover and Debra Ann Dalio Stephens the respective interest in and to the oil, gas and all other minerals as described in the Exchange and Partition Deed to John S. Beeson, Trustee, filed for record under Fort Bend County Clerk's File Numbers 2003010565 and 2003010566.

(Surface rights waived therein)

16. Mineral Lease dated May 15, 1997, executed by Marshall A. MacAnliss and Wife, Joy R. MacAnliss, filed for record under Fort Bend County Clerk's File No(s). 9758241.

Amendment to Oil, Gas and Mineral Lease to Extend Primary Term executed March 30, 2000, filed for record on May 9, 2000 under Fort Bend County Clerk's File Number 2000037731.

Ratification of Lease filed for record on January 16, 2002 under Fort Bend County Clerk's file Numbers 2002005660 and 2002005661.

17. Mineral Lease dated January 7, 1998, executed by Dalio Management Trust, filed for record under Fort Bend County Clerk's File No(s). 9827045. (Surface rights waived therein)

Amendment to Oil, Gas and Mineral Lease dated January 3, 2001 executed by Dalio Management Trust, filed for record on January 30, 2001 under Fort Bend County Clerk's File No. 2001007933.

18. Mineral Lease dated September 5, 1997, executed by McArthur Hartt IRA Rollover, filed for record under Fort Bend County Clerk's File No(s). 9767492.

Amendment to Oil, Gas and Mineral Lease to Extend Primary Term executed March 30, 2000 by McArthur Hartt IRA Rollover, filed for record on July 13, 2001 under Fort Bend County Clerk's File Number 2001063966.

Amendment to Oil, Gas and Mineral Lease to Extend Primary Term executed May 15, 2000 by Lena Edna Hartt, filed for record on October 17, 2001 under Fort Bend County Clerk's File No. 2001098020.

Ratification of Lease filed for record on November 8, 2002 under Fort Bend County Clerk's File Number 2002122947.

19. Designation of Gas Unit Dalio Well No. 1 executed effective May 14, 2002 by Phillips Petroleum Company and other parties as described by instrument filed August 6, 2002 under Fort Bend County Clerk's File Number 2002084008.

THIS DOCUMENT WAS FILED  
BY AND RETURNED TO:  
COMMONWEALTH  
LAND TITLE - HOLD

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dr. Dianne Wilson*

2004 Jul 15 01:18 PM

2004085008

DA \$21.00

Dianne Wilson, Ph.D. COUNTY CLERK  
FT BEND COUNTY TEXAS

# ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER  
3200 SOUTHWEST FREEWAY  
SUITE 2600  
HOUSTON, TEXAS 77027  
TEL (713) 860-6400  
FAX (713) 860-6401  
abhllp.com

Direct Line: (713) 860-6491  
Direct Fax: (713) 860-6691

jholoubek@abhllp.com

Jessica Holoubek  
Associate

August 16, 2006

*Via Certified Mail*

Derwana Ann Dalio Grover  
10634 Fairland  
Houston, Texas 77024

Re: Fort Bend County Municipal Utility District No. 93

Dear Ms. Grover:

The purpose of this letter is to inform you that an application has been submitted to the Texas Commission on Environmental Quality (the "Commission") requesting authorization for the Dissolution of Fort Bend County Municipal Utility District (the "District"). According to the Fort Bend County Central Appraisal District, you are the owner of a 48.4-acre tract of land located within the boundaries of the District. Therefore, you are entitled by the Commission regulations to receive notice of this application.

The Commission will schedule and hold a public hearing to consider the District's dissolution. Please contact the Commission at (512)239-4691 for additional information.

Sincerely,



Jessica B. Holoubek

# ALLEN BOONE HUMPHRIES ROBINSON LLP

## ATTORNEYS AT LAW

PHOENIX TOWER  
3200 SOUTHWEST FREEWAY  
SUITE 2600  
HOUSTON, TEXAS 77027  
TEL (713) 860-6400  
FAX (713) 860-6401  
abhllp.com

Direct Line: (713) 860-6491  
Direct Fax: (713) 860-6691

jholoubek@abhllp.com

Jessica Holoubek  
Associate

August 16, 2006

### *Via Certified Mail*

Debra Ann Dalio Stephens  
4834 Durham Lane  
Sugar Land, Texas 77479

Re: Fort Bend County Municipal Utility District No. 93

Dear Ms. Stephens:

The purpose of this letter is to inform you that an application has been submitted to the Texas Commission on Environmental Quality (the "Commission") requesting authorization for the dissolution of Fort Bend County Municipal Utility District No. 93 (the "District"). According to the Fort Bend County Central Appraisal District, you are the owner of a 48.4-acre tract of land located within the boundaries of the District. Therefore, you are entitled by the Commission regulations to receive notice of this application.

The Commission will schedule and hold a public hearing to consider the District's dissolution. Please contact the Commission at (512) 239-4691 for additional information.

Sincerely,



Jessica Holoubek

102595-02-M-1540

7004 0750 0000 7703 4697

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

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**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To Debra Stephens  
 Street, Apt. No.,  
 or PO Box No. 4834 Durham  
 City, State, ZIP+4 Sugar Land TX 77479

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Debra Ann Dalio Stephens  
4834 Durham Ln  
Sugar Land Tx 77479

2. Article Number 7004 0750 0000 7703 4697  
 (Transfer from service lat.)  
 PS Form 3811, February 2004 Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE OR TOP OF THE RETURN ADDRESS. FOLD TO POINTED END.

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_
- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below: \_\_\_\_\_  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

7003 3110 0004 2929 4630

U.S. Postal Service™  
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**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To Derwana Grover  
 Street, Apt. No.,  
 or PO Box No. 10634 Fairland  
 City, State, ZIP+4 Hou TX 77024

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Derwana Ann Dalio Grover  
10634 Fairland  
Houston, TX 77024

2. Article Number 7003 3110 0004 2929 4630  
 (Transfer from service lat.)  
 PS Form 3811, February 2004 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_
- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below: \_\_\_\_\_  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

102595-02-M-1540

**ALLEN BOONE HUMPHRIES ROBINSON**  
ATTORNEYS AT LAW  
PHOENIX TOWER  
3200 SOUTHWEST FREEWAY  
SUITE 2600  
HOUSTON, TEXAS 77027

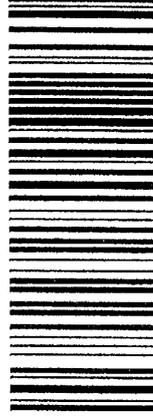


7004 0750 0000 7703 4697

**Ms. Debra Ann Dalio Stephens**  
4834 Durham Lane  
Sugar Land, TX 77479

**CERTIFIED MAIL™**

**ALLEN BOONE HUMPHRIES ROBINSON**  
ATTORNEYS AT LAW  
PHOENIX TOWER  
3200 SOUTHWEST FREEWAY  
SUITE 2600  
HOUSTON, TEXAS 77027



7003 3110 0004 2929 4830

**Ms. Derwanna Ann Dailo Grover**  
10634 Fairland  
Houston, TX 77024

**SPECIAL WARRANTY DEED OF GIFT**

THE STATE OF TEXAS       §  
  §  
COUNTY OF FORT BEND     §

The undersigned, **Carl Lee Dalio, Jr., and Bettye Louise Dalio** (hereinafter called "Grantors"), for and in consideration of the love and affection provided to Grantors by Grantees named below, have GRANTED, GIVEN, and CONVEYED, and by these presents do GRANT, GIVE and CONVEY, unto (i) our daughter **Derwana Ann Dalio Grover** one-half (½) of all of Grantors' undivided one-half (½) interest and (ii) to our daughter **Debra Ann Dalio Stephens** one-half (½) of all of Grantors' undivided one-half (½) interest, as their respective separate property and estate, in and to those certain tracts of land ("Land") situated in Fort Bend County, Texas, and being more particularly described on Exhibit "A" attached hereto, together with all improvements thereon (the Land and improvements thereon are hereinafter collectively called the "Property"; and Derwana Ann Dalio Grover and Debra Ann Dalio Stephens are hereinafter collectively called "Grantees").

This Special Warranty Deed of Gift is executed by Grantors and accepted by Grantees subject to any and all valid and enforceable easements, restrictions, reservations, covenants, conditions, rights of way, encumbrances, and all outstanding mineral and royalty interests, if any, affecting the use of the Property conveyed herein, now of record in the County Clerk's Office in the county in which the Property is located, but only to the extent the same are valid and subsisting (herein collectively called the "Permitted Encumbrances").

TO HAVE AND TO HOLD said above-described undivided interests in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantees, as their respective separate property and estate, and Grantees' heirs and legal representatives, forever; and Grantors do hereby bind themselves and their heirs and legal representatives, to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Encumbrances, unto Grantees and their heirs and legal representatives against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantors, but not otherwise.

Grantees' addresses are as follows:

Derwana Ann Dalio Grover  
10634 Fairlane  
Houston, Texas 77024

Debra Ann Dalio Stephens  
4834 Durham Lane  
Sugar Land, Texas 77479

Liability for the payment of ad valorem taxes on the Property for the year 2002 are hereby assumed by Grantees.

Unrecorded Document

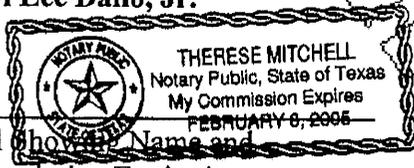
EXECUTED as of the 23rd day of August, 2002.

Carl Lee Dalio, Jr.  
Carl Lee Dalio, Jr.

Bettye Louise Dalio  
Bettye Louise Dalio

THE STATE OF TEXAS §  
§  
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 23rd day of August, 2002, by **Carl Lee Dalio, Jr.**

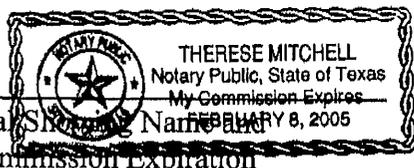


Seal Shows Name and Commission Expiration

Therese Mitchell  
Notary Public in and for the State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 23rd day of August, 2002, by **Bettye Louise Dalio.**



Seal Shows Name and Commission Expiration

Therese Mitchell  
Notary Public in and for the State of Texas

## EXHIBIT A

Property Description

## 48-ACRE TRACT(Tract One)

FIELD NOTES FOR A 48.4704 ACRE TRACT OF LAND OUT OF A 108.4704 ACRE TRACT OF LAND BEING THE NET ACRES OUT OF A 118.5787 ACRE TRACT IN THE WALTON HILL & WALTON SURVEY "A", ABSTRACT 435, FORT BEND COUNTY, TEXAS.

COMMENCING at a 1/2 inch Iron Rod found set in concrete at the point of intersection of the North line of F.M. Highway 1093 with the Southwest line of Katy-Gaston Road for the Southeast corner of the 108.4704 Acre Tract of land, said point bears North  $04^{\circ} 23'$  East 101.25 feet and North  $85^{\circ} 21'$  East 3100.27 feet from the Southwest corner of the aforementioned 118.5787 Acre Tract as located on the South line of F.M. Highway 1093, same being the North line of the S. A. & A. P. R.R. Company right-of-way;

THENCE North  $45^{\circ} 17' 02''$  West along the Southwest line of Katy-Gaston Road, same being the Northeast line of the 108.4704 Acre Tract, 2987.27 feet to a 1 inch Iron Pipe found set in concrete for the Northeast corner and Place of Beginning of the herein described 48.4704 Acre Tract;

THENCE continuing North  $45^{\circ} 17' 02''$  West along the Southwest line of Katy-Gaston Road, same being the Northeast line of the 108.4704 Acre Tract, 1029.29 feet to a 3/4 inch Iron Pipe found for the Northwest corner of the herein described 48.4704 Acre Tract and the Northwest corner of the aforementioned 118.5787 Acre Tract;

THENCE South  $04^{\circ} 23'$  West along the West line of said 108.4704 Acre Tract, same being the West line of the said 118.5787 Acre Tract, 3086.39 feet to a 3/4 inch Iron Pipe found in the North line of F.M. Highway 1093 for the Southwest corner of the herein described 48.4704 Acre Tract, same being the Southwest corner of said 108.4704 Acre Tract;

THENCE North  $85^{\circ} 21' 00''$  East along the North line of F.M. Highway 1093, same being the South line of the said 108.4704 Acre Tract, 794.48 feet to a 1 inch Iron Pipe found set in concrete for the Southeast corner of the herein described 48.4704 Acre Tract;

THENCE North  $04^{\circ} 23' 00''$  East, 2295.46 feet to the Place of Beginning and containing 48.4704 acres of land, more or less.

## 60-ACRE TRACT (Tract Two)

FIELD NOTES FOR A 60.00 ACRE TRACT OF LAND OUT OF A 108.4704 ACRE TRACT BEING THE NET ACRES OUT OF A 118.5787 ACRE TRACT IN THE WALTON HILL & WALTON SURVEY "B", ABSTRACT 434, AND THE WALTON HILL & WALTON SURVEY "A", ABSTRACT 435, FORT BEND COUNTY, TEXAS.

BEGINNING at a 1/2 inch Iron Rod set in concrete at the point of intersection of the North line of F.M. Highway 1093 with the Southwest line of Katy-Gaston Road for the Southeast corner and Place of Beginning of the herein described 60.00 Acre Tract, said point also being the Southeast corner of the 108.4704 Acre Tract of land, said point bears North  $04^{\circ} 23'$  East, 101.25 feet and North  $85^{\circ} 21'$  East, 3100.27 feet from the Southwest corner of the 118.5787 Acre Tract as located on the South line of F.M. Highway 1093, same being the North line of the S. A. & A. P. R.R. Company Right-of-Way;

THENCE North  $45^{\circ} 17' 02''$  West along the Southwest line of Katy-Gaston Road, same being the Northeast line of the 108.4704 Acre Tract, 2987.27 feet to a 1 inch Iron Pipe set in concrete on said line for the North corner of the herein described 60.00 Acre Tract;

EXHIBIT A

Page 1 OF 2 Pages

512  
62

THENCE South  $04^{\circ} 23'$  West along a line establishing the Westerly line of this 60.00 Acre Tract, 2295.46 feet to a 1-inch Iron Pipe set in concrete on the North line of F.M. Highway 1093 for the Southwest corner of the herein described 60.00 Acre Tract, said point being located North  $85^{\circ} 21'$  East, 794.48 feet from a  $3/4$  inch Iron Pipe found at the Southwest corner of the 108.4704 Acre Tract;

THENCE North  $85^{\circ} 21'$  East along the North line of said F.M. Highway 1093, same being the South line of the herein described 60.00 Acre Tract and the South line of the 108.4704 Acre Tract, 2305.79 feet to the Place of BEGINNING and containing 60.00 Acres of land.

Return to

Beverly Veal  
Schlanger, Mills, Mayer & Silver, L.L.P.  
109 North Post Oak Lane, Suite 300  
Houston, Texas 77024

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2002 SEP 04 01:03 PM 2002095408  
DBC \$13.00  
DIANNE WILSON, COUNTY CLERK  
FORT BEND COUNTY, TEXAS

Unofficial's Document

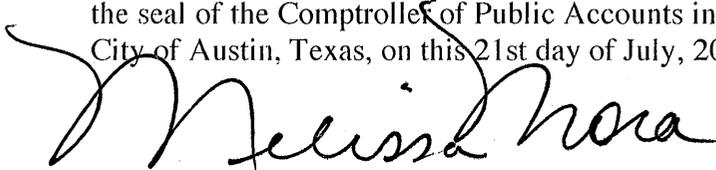
THE STATE OF TEXAS

COUNTY OF TRAVIS

I, Melissa Mora, of the Cash and Securities Management Division of the Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY, I am a designated Assistant Bond Clerk for bond issues registered by the Comptroller of Public Accounts.

I FURTHER CERTIFY that a review of our records on July 21, 2006, found no registration by the Comptroller of bonds issued by Fort Bend Municipal Utility District No. 93, from January 1, 1986 through July 21, 2006.

IN TESTIMONY WHEREBY, I have hereunto signed my name officially and caused to be impressed hereon the seal of the Comptroller of Public Accounts in the City of Austin, Texas, on this 21st day of July, 2006.

A handwritten signature in black ink, reading "Melissa Mora". The signature is written in a cursive style with a large, looping initial "M".

Melissa Mora  
Assistant Bond Clerk  
Comptroller of Public Accounts of the  
State of Texas

FINANCIAL DORMANCY AFFIDAVIT

STATE OF TEXAS  
COUNTY OF HARRIS

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

A. Teague G. Harris III, being duly sworn, am an authorized representative of Fort Bend County Municipal Utility District No. 93 ("District"), of Fort Bend County, Texas;

To the best of my knowledge, I affirm the following:

1. Pate Engineers, Inc. is, and has been since creation, the Engineer of Record for the District;
2. Pate Engineers has not conducted any business on behalf of the District, or communicated with any official of the District, in at least five years;
3. Pate Engineers has not billed nor received any payment from the District, or any other party on behalf on the District, in the last five fiscal years;
4. Pate Engineers never prepared construction plans for any facilities to be constructed within the District;
5. Pate Engineers is not aware that the District ever sold bonds;
6. Pate Engineers is not aware of any meetings of the Board of Directors in at least five years; and
7. I believe it is accurate to describe the District as financially dormant during fiscal year ending 2001.

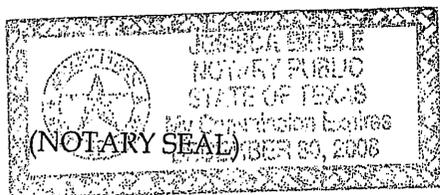
B. Date: August 23 2006

By: *Teague G. Harris III*

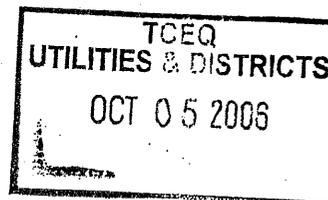
Teague G. Harris III, P.E.  
Pate Engineers, Inc., Engineer for District

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public  
in and for the State of Texas

This \_\_\_\_\_ day of July, 2006.  
My Commission Expires on: \_\_\_\_\_



*Jessica Briddle*  
(Signature of Notary)



FINANCIAL DORMANCY AFFIDAVIT

STATE OF TEXAS  
COUNTY OF HARRIS

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

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2. Pate Engineers has not conducted any business on behalf of the District, or communicated with any official of the District, in at least five years;
3. Pate Engineers has not billed nor received any payment from the District, or any other party on behalf on the District, in the last five fiscal years;
4. Pate Engineers never prepared construction plans for any facilities to be constructed within the District;
5. Pate Engineers is not aware that the District ever sold bonds;
6. Pate Engineers is not aware of any meetings of the Board of Directors in at least five years; and
7. I believe it is accurate to describe the District as financially dormant during fiscal year ending 2002.

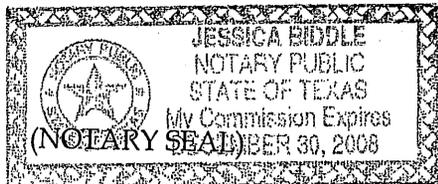
B. Date: August 23, 2006

By: *Teague G. Harris III*

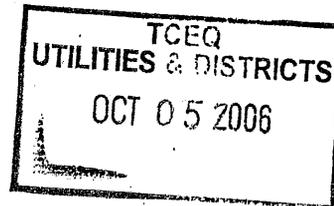
Teague G. Harris III, P.E.  
Pate Engineers, Inc., Engineer for District

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public  
in and for the State of Texas

This \_\_\_\_\_ day of July, 2006.  
My Commission Expires on: \_\_\_\_\_



*J. Biddle*  
(Signature of Notary)



FINANCIAL DORMANCY AFFIDAVIT

STATE OF TEXAS  
COUNTY OF HARRIS

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

A. Teague G. Harris III, being duly sworn, am an authorized representative of Fort Bend County Municipal Utility District No. 93 ("District"), of Fort Bend County, Texas;

To the best of my knowledge, I affirm the following:

1. Pate Engineers, Inc. is, and has been since creation, the Engineer of Record for the District;
2. Pate Engineers has not conducted any business on behalf of the District, or communicated with any official of the District, in at least five years;
3. Pate Engineers has not billed nor received any payment from the District, or any other party on behalf on the District, in the last five fiscal years;
4. Pate Engineers never prepared construction plans for any facilities to be constructed within the District;
5. Pate Engineers is not aware that the District ever sold bonds;
6. Pate Engineers is not aware of any meetings of the Board of Directors in at least five years; and
7. I believe it is accurate to describe the District as financially dormant during fiscal year ending 2003.

B. Date: August 23, 2006

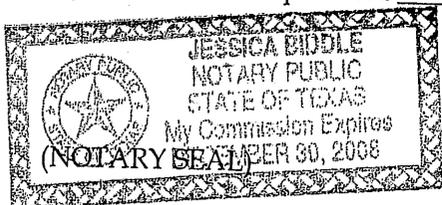
By: Teague G. Harris III

Teague G. Harris III, P.E.  
Pate Engineers, Inc., Engineer for District

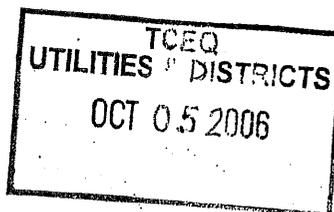
SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public  
in and for the State of Texas

This \_\_\_\_\_ day of July, 2006.

My Commission Expires on: \_\_\_\_\_



J. Middle  
(Signature of Notary)



FINANCIAL DORMANCY AFFIDAVIT

STATE OF TEXAS  
COUNTY OF HARRIS

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

A. Teague G. Harris III, being duly sworn, am an authorized representative of Fort Bend County Municipal Utility District No. 93 ("District"), of Fort Bend County, Texas;

To the best of my knowledge, I affirm the following:

1. Pate Engineers, Inc. is, and has been since creation, the Engineer of Record for the District;
2. Pate Engineers has not conducted any business on behalf of the District, or communicated with any official of the District, in at least five years;
3. Pate Engineers has not billed nor received any payment from the District, or any other party on behalf on the District, in the last five fiscal years;
4. Pate Engineers never prepared construction plans for any facilities to be constructed within the District;
5. Pate Engineers is not aware that the District ever sold bonds;
6. Pate Engineers is not aware of any meetings of the Board of Directors in at least five years; and
7. I believe it is accurate to describe the District as financially dormant during fiscal year ending 2004.

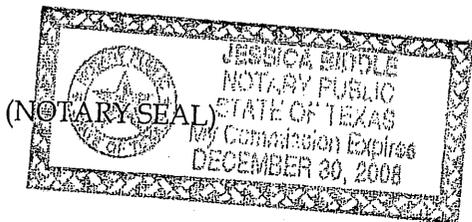
B. Date: August 23, 2006

By: *Teague G. Harris III*

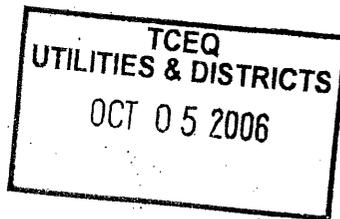
Teague G. Harris III, P.E.  
Pate Engineers, Inc., Engineer for District

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public  
in and for the State of Texas

This \_\_\_\_\_ day of July, 2006.  
My Commission Expires on: \_\_\_\_\_



*J. Buttle*  
(Signature of Notary)



FINANCIAL DORMANCY AFFIDAVIT

STATE OF TEXAS  
COUNTY OF HARRIS

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 93

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2. Pate Engineers has not conducted any business on behalf of the District, or communicated with any official of the District, in at least five years;
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4. Pate Engineers never prepared construction plans for any facilities to be constructed within the District;
5. Pate Engineers is not aware that the District ever sold bonds;
6. Pate Engineers is not aware of any meetings of the Board of Directors in at least five years; and
7. I believe it is accurate to describe the District as financially dormant during fiscal year ending 2005.

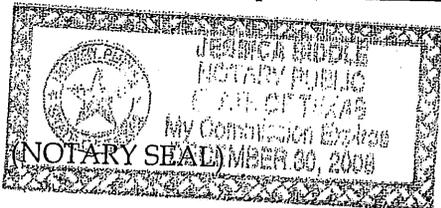
B. Date: August 23, 2006

By: *Teague G. Harris III*

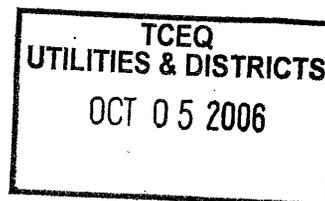
Teague G. Harris III, P.E.  
Pate Engineers, Inc., Engineer for District

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public  
in and for the State of Texas

This \_\_\_\_\_ day of July, 2006.  
My Commission Expires on: \_\_\_\_\_



*J. Waddell*  
(Signature of Notary)



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT HEARING TCEQ Docket No. 2006-1849-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Fort Bend County Municipal Utility District No. 93 (District). The Application was filed with the TCEQ and included a petition from Terrabrook Cinco Ranch Southwest, GP, L.L.C., a Delaware limited liability company and the general partner of Terrabrook Cinco Ranch Southwest, L.P, a Delaware limited partnership (Applicant), which is an owner of property located within the District. The TCEQ will conduct this hearing under the authority of Chapters 49 and 54 of the Texas Water Code, Title 30, Chapter 293 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, March 7, 2007  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District was created by the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, on December 14, 1987 and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code. The District contains 221.372 acres of land within Fort Bend County Texas. The petition filed with the Application states that dissolution is desirable and necessary because the District is not required for the development of land within its boundaries.

The petition filed with the Application states that the District: (1) has not performed any of the functions for which it was created for five consecutive years preceding the date of the Application, (2) is financially dormant, and (3) has no outstanding bonded indebtedness.

An affidavit from the State Comptroller of Public Accounts was included in the Application certifying that the District has no bonded indebtedness.

If the request for dissolution is approved, the District's assets, if any, will escheat to the State of Texas and will be administered by the State Comptroller of Public Accounts and disposed of in the manner provided by Chapter 74 of the Texas Property Code.

**HEARING.** The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the Application. At the hearing, pursuant to the Texas Water Code § 49.324, the TCEQ will determine if the District should be dissolved.

**INFORMATION.** For information regarding the date and time this application will be heard before the TCEQ, please submit written inquiries to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. For additional information, individual members of the public may contact the Districts Review Team at 512-239-4691. General information regarding TCEQ is available on the internet at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

**Si desea información en Español, puede llamar al 1-512-239-0200.**

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 800-687-4040 or 800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: December 1, 2006

**Diego Abrego - Fort Bend County MUD 93 / Docket No. 2006-1849-DIS / Dissolution of District**

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**From:** Charlene Smith  
**To:** Diego Abrego; Robert Cummins  
**Date:** Thursday, February 01, 2007 11:39 AM  
**Subject:** Fort Bend County MUD 93 / Docket No. 2006-1849-DIS / Dissolution of District  
**CC:** Melissa Chao; Paul Munguia

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Diego:

We have received proof the notice for the above referenced was published on December 28, 2006 and January 4, 2007 in the Houston Chronicle. The affidavit submitted states said newspaper is regularly published or circulated in Harris and Fort Bend Counties, Texas.

This item is set on the March 7, 2007 Commission Agenda.

Charlene

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Fort Bend County MUD 93  
Docket No. 2006-1849-DIS CID # 55625  
Application for Dissolution of District

2007 JAN 31 AM 10:07  
CHIEF CLERK'S OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**AFFIDAVIT OF PUBLICATION**

AD@ 21546045

**STATE OF TEXAS**

COUNTY OF Harris

Before me, the undersigned authority, on this day personally appeared

Vicki Eubanks, who being by me duly sworn,  
*(name of newspaper representative)*

deposes and says that (s)he is the Acct. Rec. Lead  
*(title of newspaper representative)*

of the Houston Chronicle; that said newspaper is regularly  
*(name of newspaper)*

published or circulated in Harris, Fort Bend County/Countries,  
*(name of county or counties)*

Texas; that the attached notice was published in said newspaper on the following dates:

December 28, 2006 & January 4, 2007  
*(date or dates of publication)*

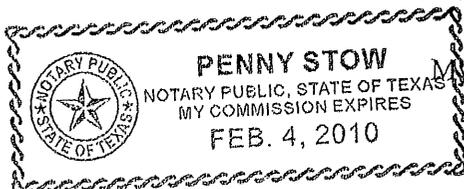
*Vicki Eubanks*  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 5th day of January,  
2007, to certify which witness my hand and seal of office.

*Penny Stow*  
Notary Public in and for the State of Texas

(Seal)

Print or Type Name of Notary Public



My Commission Expires \_\_\_\_\_

Thursday, December 28, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF DISTRICT HEARING**  
**TCEQ Docket No. 2006-1849-DIS**

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Issued: December 1, 2006