

THOMAS SURVEYORS

Caley A. Thomas
R.P.L.S. No. 6371

304 N. Gonzales
Cuero, Texas 77954

Bus. 361-275-2716
Firm No. 10193901

2. (Now entering said Mary Cogswell Survey A-109) continue same course a total distance of 35.94 feet to a 100D nail set in the centerline of a 12" diameter cedar fence corner post found (broken) at the northwest corner of this tract, at the intersection of the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road with the presently fenced northern right of way line of said Oliver Road, at a point interior of said 648.79-Acre tract and of said Mary Cogswell Survey A-109, located:
 - a. N 47 Deg. 40 Min. 23 Sec. E, 5.09 feet from a calculated point at an angle point in the most northerly west line of said 648.79-Acre tract;
 - b. N 42 Deg. 30 Min. 28 Sec. W, 2.06 feet from the centerline of a 10" diameter steel bollard found (leaning) as a reference;

THENCE departing the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road, with the presently fenced northern right of way line of said Oliver Road, and continuing across interior portions of said 648.79-Acre tract, the following:

1. N 69 Deg. 39 Min. 50 Sec. E, 1,076.20 feet to a 5/8" diameter iron rod capped and marked 6371 set at an angle point in said line;
2. N 70 Deg. 54 Min. 25 Sec. E, the following:
 - a. At a distance of 1,114.83 feet, pass the common easterly interior line of said 648.79-Acre tract and west line of said 40-Acre tract, from which:
 - i. A 5/8" diameter iron rod found at the common northwest corner of said 40-Acre tract and interior corner of said 648.79-Acre tract, bears N 04 Deg. 58 Min. 08 Sec. W, 767.46 feet;
 - ii. A 5/8" diameter iron rod found at the common southwest corner of said 40-Acre tract and interior corner of said 648.79-Acre tract (at a point interior of said Oliver Road and of this 3.189-Acre tract), bears S 04 Deg. 58 Min. 08 Sec. E, 28.00 feet;
 - b. (Now crossing a portion of said 40-Acre tract), continue same course a total distance of 1,170.55 feet to a mag nail set on the side of a 10" diameter wood fence corner post found at another angle point in said presently fenced northern right of way line;

THENCE continuing with the presently fenced northern right of way line of said Oliver Road, and continuing across interior portions of said 40-Acre tract, the following:

1. N 70 Deg. 47 Min. 08 Sec. E, 837.61 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
2. N 70 Deg. 56 Min. 58 Sec. E, 65.32 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
3. N 70 Deg. 58 Min. 27 Sec. E, 554.50 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
4. N 70 Deg. 57 Min. 07 Sec. E, 41.06 feet to a 5/8" diameter iron rod capped and marked 6371 found at another angle point in said right of way line;
5. N 70 Deg. 52 Min. 33 Sec. E, 637.05 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;

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6. N 46 Deg. 06 Min. 34 Sec. E, 30.68 feet to a 5/8" diameter iron rod capped and marked 6371 set at the northeast corner of this tract, at the intersection of the presently fenced northern right of way line of said Oliver Road with the presently fenced western right of way line of said Road (once said Road turns and projects both northerly and southerly from this location), located (along the following call which crosses through the interior of said 40-Acre tract description, and does not run along the presently fenced western right of way line of said Oliver Road, once said road turns and projects northerly from this location), S 00 Deg. 38 Min. 39 Sec. W, 771.32 feet from a 5/8" diameter iron rod found at the common northeast corner of said 40-Acre tract and most northerly southeast corner of said 648.79-Acre tract;

THENCE crossing said Oliver Road, with the northerly and southerly prolongations of the presently fenced western right of way line of said Oliver Road (once said Road turns and runs north and south from this location), and further crossing said 40-Acre tract and a portion of said 648.79-Acre tract, S 08 Deg. 06 Min. 44 Sec. W, the following:

1. At a distance of 49.54 feet, pass the line separating the common south line of said 40-Acre tract and north interior line of said 648.79-Acre tract, also being in or near the line separating said Mary Cogswell Survey A-109 from said Wiley W. Hunter Survey A-230, from which a 5/8" diameter iron rod found at the common southeast corner of said 40-Acre tract and northeast corner of said 648.79-Acre tract, bears N 70 Deg. 58 Min. 33 Sec. E, 15.26 feet, said rod also being at or near the northeast corner of said Wiley W. Hunter Survey A-230 and the northwest corner of the John Harwood Survey A-213 of said County, and in or near the southeast line of said Mary Cogswell Survey A-109;
2. (Now entering said 648.79-Acre tract and said Wiley W. Hunter Survey A-230), continue same course a total distance of 67.02 feet to a 5/8" diameter iron rod capped and marked 6371 set at the southeast corner of this tract, at the intersection of the presently fenced western right of way line of said Oliver Road (once said road turns and projects southerly from this location) with the presently fenced southern right of way of said Oliver Road;

THENCE with the presently fenced southern right of way line of said Oliver Road, and continuing across interior portions of said 648.78-Acre tract, the following:

1. (Fence partially destroyed along the following call), N 78 Deg. 13 Min. 02 Sec. W, 25.85 feet to a cotton spindle set at an angle point in said right of way line;
2. S 70 Deg. 52 Min. 52 Sec. W, 1,169.34 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;
3. S 71 Deg. 05 Min. 52 Sec. W, 941.30 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;
4. S 70 Deg. 56 Min. 54 Sec. W, the following:
 - a. At a distance of approximately 704.60 feet pass the line separating said Wiley W. Hunter Survey A-230 from said Alex Hamilton Survey A-609;
 - b. (Now entering said Alex Hamilton Survey A-609), continue same course a total distance of 1,173.46 feet to a 5/8" diameter iron rod capped and marked 6371 set at another angle point in said right of way line;

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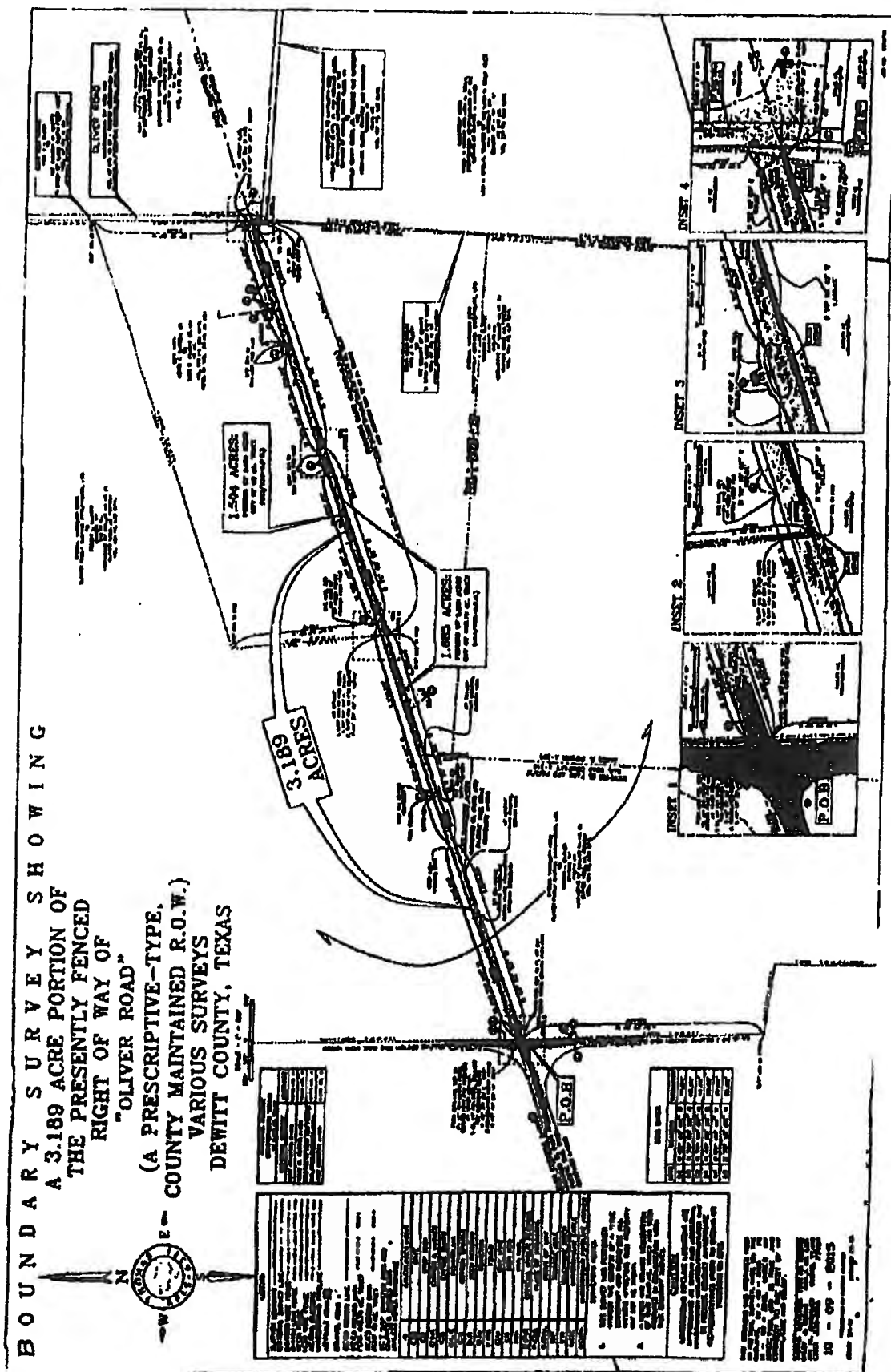
5. (Now continuing across said Alex Hamilton Survey), S 69 Deg. 22 Min. 23 Sec. W, the following:
- a. At a distance of approximately 164.70 feet pass the line separating said Alex Hamilton Survey A-609 from said Memphis El Paso and Pacific Rail Road Company Survey A-358;
 - b. (Now re-entering said Memphis El Paso and Pacific Rail Road Company Survey A-358), continue same course a total distance of 1,084.06 feet to the Place of Beginning and containing 3.189 Acres of land.

SURVEYOR'S NOTE: The Bearing Basis for this survey is between said 5/8" diameter iron rod found at the common southwest corner of said 40-Acre tract and east interior corner of said 648.79-Acre tract, and said 5/8" diameter iron rod found at the common southeast corner of said 40-Acre tract and northeast corner of said 648.79-Acre tract, being N 70 Deg. 58 Min. 33 Sec. E, 2,218.54 feet, the bearing of which is as recited in the description of said 648.79-Acre tract.

The above description was written from an actual survey made on the ground in conjunction with a drawing thereof and without the benefit of a title commitment, under my direction, and is true and correct to the best of my knowledge and belief.




Caley A. Thomas, R.P.L.S. No. 6371
Cuero, Texas October 9th, 2015



**In the
DeWitt County Commissioners Court**

**Order Adopting County Road Map
Pursuant to Chapter 258
Texas Transportation Code**

Be it remembered, that on the 25TH day of JULY, 2007, after due notice as required by law, the Commissioners Court of DeWitt County, Texas, convened in open session at 9:00 a.m. in the Commissioners Courtroom, DeWitt County Courthouse, to conduct the following business.

The Commissioners Court took up for consideration the Adoption of a final County Road Map, pursuant to Chapter 258 of the Texas Transportation Code. In this regard, the following statutory requirements and procedures have been followed:

1. A notice listing those roads in which DeWitt County has an interest as a public road maintained by DeWitt County was mailed with the 2006 ad valorem tax statement, as required by §258.005(a) of the Texas Transportation Code. In addition, said notice also advised the public:

a. Of the availability of a preliminary draft County Road Map being available for inspection at the County Judge's Office in the DeWitt County Courthouse, during business hours, beginning December 1, 2006, and

b. That a public hearing would be conducted at 10:00 a.m. on May 16, 2007, at which their protest, if any, would be heard.

2. Notice as required by §258.002(c) of the Texas Transportation Code was additionally published in a newspaper of general circulation for four consecutive weeks prior to a public hearing on the matter of the adoption of a County Road Map.

3. On May 16, 2007, at 10:00 a.m. the Commissioners Court convened in open session to receive public comment on the preliminary draft County Road Map, including any written or oral objections or protests to the preliminary draft County Road Map.

4. The Commissioners Court did not receive any written or oral objections to the County Road Map requiring the formation of a Jury of View on the date established for the filing of such objections or protests.

5. As a consequence of there being no objections requiring the formation of a Jury of View to consider modifications to the proposed County Road Map, there was no necessity to convene a Jury

of View as authorized by §258.002 (b) of the Texas Transportation Code. Therefore, having received no objection to the proposed County Road Map, it is the determination of the Commissioners Court of DeWitt County, Texas, meeting in public session after due notice, and within the period of time permitted by §258.002(e) of the Texas Transportation Code, that the final County Road Map, as set forth herein and attached to this Order, should be Adopted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioners Court of DeWitt County, Texas, in accordance with the provisions of Chapter 258 of the Texas Transportation Code, that the final County Road Map, be and is hereby ADOPTED, APPROVED AND IMPLEMENTED in accord with Chapter 258 of the Texas Transportation Code. The DeWitt County Road Map shall be filed of record in the minutes of the Commissioners Court, and the attached Notice of County Road Map shall be filed in the Deed Records of DeWitt County, Texas.

IT IS FURTHER ORDERED that notice of this action shall be included in a second notice as required by §258.005(b) of the Texas Transportation Code. As a consequence of the Adoption of the adopted version of the County Road Map, a two year period of limitations shall begin to expire on this date.

IT IS FURTHER ORDERED that any road previously maintained by DeWitt County, but not included upon the final County Road Map adopted by this Order, shall henceforth be considered as discontinued from any County maintenance schedule, and shall no longer be maintained by DeWitt County. Any discontinuance of county maintenance, however, shall not serve to impair, limit or otherwise affect private property rights, including rights of access, that may rely upon, or refer to, former county roads, rights-of-way, or other easements founded upon former county roads.

Approved this 25TH day of JULY, 2007.

Don E. P. [Signature]

County Judge

[Signature]

Commissioner, Precinct 1

ABSENT

Commissioner, Precinct 2

[Signature]

Commissioner, Precinct 3

[Signature]

Commissioner, Precinct 4

Attest:

[Signature]

County Clerk, ex official Clerk of the
Commissioners Court

NOTICE OF INTEREST IN ROADS MAINTAINED BY DEWITT COUNTY, TEXAS

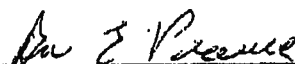
Pursuant to Chapter 258 of the Texas Transportation Code, Notice is hereby given that the DeWitt County Commissioners Court, on **JULY 25, 2007**, after due notice and public hearing, did Adopt the DeWitt County Road Map.

The DeWitt County Road Map contains a full and complete list of all county roads maintained by DeWitt County on the date of adoption. Any party wishing to contest the public status of the roads depicted on the DeWitt County Road Map must do so by filing suit in the District Court of DeWitt County, Texas no later than the second anniversary of the date of adoption of the DeWitt County Road Map, said date being the **25TH** day of **JULY, 2009**.

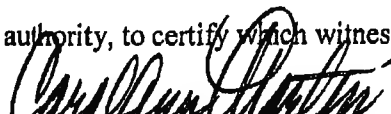
The DeWitt County Road Map is filed of record in Vol. —, Page — of the DeWitt County Minutes of the Commissioners Court.

All matters stated herein are true and correct to my personal knowledge. I hereby affix my hand in my capacity as County Judge of DeWitt County, Texas.

Signed this **25TH** day of **JULY, 2007**.

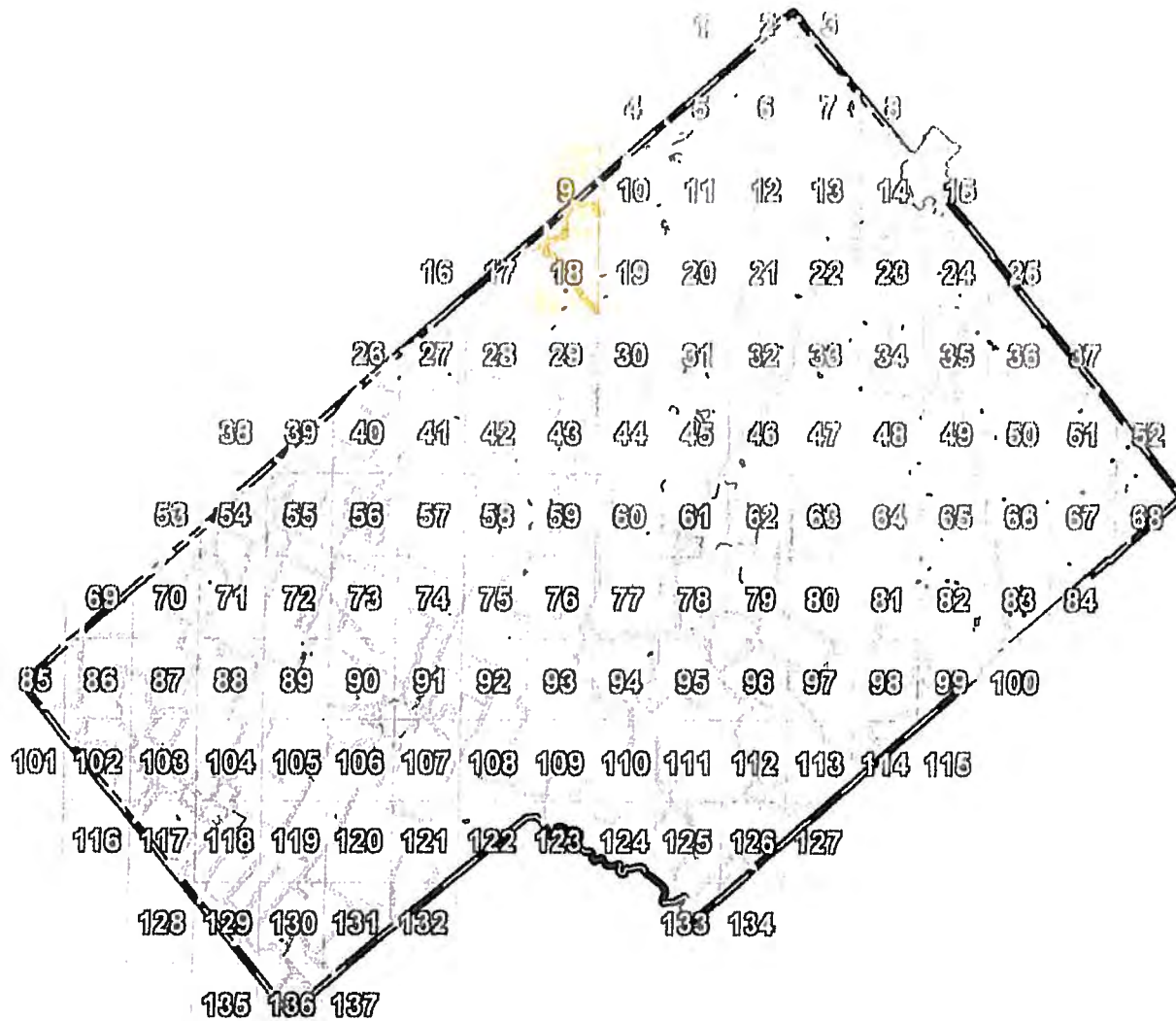

DeWitt County Judge

SUBSCRIBED AND SWORN to before me, the undersigned authority, to certify which witness my hand and seal of office.


Notary Public, State of Texas
Printed Name: Carol Ann Martin
Commission Expires: 8/02/2009



DeWitt County Grid Map



10th	90
1st	106
2nd	107
6th	106
6th	90
7th	91
8th	91
8th	90
A A Hahn	35
A Melting Rd	55
Alfred Blaschke Rd	103
Alfred Blaschke Rd	117
Alfred Blaschke Rd	118
Alfred Blaschke Rd	102
Anderson Ave	27
Anderson Rd	81
Arndt Bypass	28
Arndt Rd	28
Arneckeville Center Rd	96
Arneckeville Rd	97
Arneckeville Rd	96
Atzenhoffer Rd	95
Atzenhoffer Rd	96
Atzenhoffer Rd	79
Bachle Rd	129
Baker Rd	55
Baker Rd	39
Baptist Church Rd	49
Baptist Church Rd	48
Barnhart Ranch Rd	27
Bell Rd	77
Bellevue Cemetery Rd	18
Bellevue Cemetery Rd	29
Bellevue Cemetery Rd	30
Bellevue Cemetery Rd	9
Benbow Rd	49
Benbow Rd	35
Berger Addition	61
Berkenhoff Rd	88
Bialek Rd	84
Bialek Rd	83
Blemer Rd	75
Bill Lemke Rd	90
Blackwell Ln	77
Blackwell Ln	60
Blake Rd	39
Bluebonnet Rd	14
Bluebonnet Rd	8
Boehm Rd	44
Boehm Rd	43
Boldt Rd	43

6/18/2007
Road Name / Number

DeWitt County Road Index
Grid Map Page #

2
Comments

Boldt Rd	42
Bootlegger Ln	13
Bootlegger Ln	7
Boundary Ln	62
Boysen Rd	22
Braden Rd	5
Braden Rd	4
Bramlette Rd	32
Bramlette Rd	31
Brandt Rd	109
Brown Rd	32
Brown Rd	31
Bubba Palmer Rd	61
Buchhorn Rd	118
Bud Haun Rd	125
Buenger Rd	78
Buenger Rd	77
Buesing Rd	118
Bunjes Rd	27
Burns Rd	22
Bursch Rd	108
Cabeza Rd	102
Cabeza Rd	103
Cabeza Rd	104
Cabeza Rd	118
Cabeza Rd	86
Callahan Rd	93
Callahan Rd	108
Callahan Rd	92
Cappel Road	126
Carter	27
Catholic Church Ln	28
Catholic Church Ln	27
Cattle Guard Rd	49
Cattle Guard Rd	50
Cattle Guard Rd	51
Cattle Guard Rd	35
Center School Rd	22
Center School Rd	13
Center St	98
Chaddock Ln	30
Charco Rd	119
Charco Rd	120
Charco Rd	130
Charco Rd	106
Cheapside Rd	18
Cheapside Rd	27
Cheapside Rd	28
Cheapside Rd	17
Cheatham Rd	62
Chilek Rd	6

Chilek Rd	5
Chris House Rd	86
Chris House Rd	69
Christian Rd	33
Christian Rd	32
City of Hochheim Rd	11
City of Hochheim Rd	5
City Water Works Rd	14
Ckodre Rd	87
Ckodre Rd	86
Clinton Cemetery Rd	78
Clinton Rd	78
Community Hall Rd	91
Concrete Edgar Rd	21
Concrete Edgar Rd	32
Concrete Edgar Rd	33
Concrete Edgar Rd	20
Cook Ave	27
Cooperative Way	46
Coskey Ranch Rd	116
Coskey Ranch Rd	117
Coskey Ranch Rd	103
Cottonpatch Rd	88
Cottonwood Ln	61
Crabtree	106
Crain St	27
Crestview Dr	81
Crestview Rd	91
Crestview Rd	90
Cypress Valley Rd	114
Czaja Bros Rd	71
Czaja Bros Rd	54
Dagg Rd	8
Dagg Rd	7
Dahlman St	62
Dahse Rd	119
Dahse Rd	129
Dahse Rd	130
Davy Cemetery	54
Davy Rd	71
Davy Rd	54
Dentler Rd	128
Dentler Rd	125
Dickinson Rd	25
Dieringer Rd	6
Dlugosch Boldt Dr	93
Dlugosch Boldt Dr	76
Dreier Rd	126
Dreier Rd	125
Dreyer-Turkey Bottom Rd	2
Dubose Ranch Rd	56

6/18/2007

DeWitt County Road Index

4

Road Name / Number

Grid Map Page #

Comments

Dubose Ranch Rd	57
Dubose Ranch Rd	55
Dudlefski Rd	55
Dudlefski Rd	54
Dworaczyk Rd	87
Dworaczyk Rd	88
Dworaczyk Rd	70
Earl Williams Rd	77
Earl Williams Rd	94
Earl Williams Rd	76
Eckhardt Rd	91
Eckhardt Rd	105
Eckhardt Rd	106
Eckhardt Rd	107
Eckhardt Rd	119
Ed Blackwell Rd	45
Edgar Rd	33
Edgar-Leesville Rd	34
Edgar-Leesville Rd	48
Edgar-Leesville Rd	33
Edmund Mueller	118
Edmund Mueller	104
Edna Hattenbach Rd	40
Egg Rd	111
Elder Rd	10
Elder Rd	9
Elizabeth St	91
Ellen May Rd	14
Ellen May Rd	8
Elroyce Helmers Rd	103
Elroyce Helmers Rd	87
Emil Blank Rd	12
Emil Blank Rd	11
Emil Meyer Rd	72
Emil Zielonka Rd	123
Emil Zielonka Rd	109
Ernest Lemke Rd	108
Ernest Lemke Rd	107
Evans Rd	51
Fechner Rd	107
Fechner Rd	106
Five Mile Rd	94
Five Mile Rd	95
Five Mile Rd	93
Flato St	27
Fordtran Rd	99
Fordtran Rd	98
Fox Crossing Rd	133
Fox Crossing Rd	125
Frank Hinojosa Rd	103
Frank Hinojosa Rd	87

Frank Kozielski Rd	71
Frels Rd	20
Friar Rd	63
Friar Rd	64
Friar Rd	65
Friar Rd	66
Friar Rd	80
Friar Rd	49
Friarcliff Rd	77
Fuhrken Rd	130
Fuhrken Rd	129
Gabler Rd	70
Garfield Rd	71
Garfield Rd	88
Garfield Rd	89
Garfield Rd	70
Garrett Rd	61
Garrett Rd	67
Garrett Rd	68
Garrett Rd	51
Gerdes Rd	6
Gerhold Ln	7
Gerhold Rd	95
Gerhold Rd	78
Gilbert Mueller-Nordheim	118
Gilbert Mueller-Nordheim	117
Gilbert Mueller-Yoakum	8
Giles Rd	14
Glen Oaks Ln	62
Goehring Rd	108
Gohlke School Rd	90
Gohlke School Rd	73
Gohmert Rd	111
Gohmert Rd	110
Golly Rd	112
Golly Rd	96
Granger St	27
Green Acres Rd	91
Green Cemetary	22
Green Cemetary	21
Green Dewitt Rd	97
Green Dewitt Rd	96
Gruenau Rd	55
Gruenau Rd	72
Gruenau Rd	54
Guilford School Rd	42
Gus Meyer Rd	55
Gus O Mueller Rd	129
H Haun Rd	125
Haase Rd	56
Hagan-Mott Rd	24

6/18/2007

DeWitt County Road Index

6

Road Name / Number

Grid Map Page #

Comments

Hahn Rd	25
Hahn Rd	26
Hahn Rd	35
Hahn Rd	39
Hahn Rd	40
Hahn Rd	24
Hample Rd	23
Hannessee Rd	22
Hannessee Rd	21
Hanson Rd	130
Harms Rd	103
Hartman Rd	30
Hartman Rd	43
Hartman Rd	29
Harvest Ln	95
Harvey Haun Rd	72
Hattenbach Rd	39
Hausmann Rd	111
Hebron Church Rd	51
Hebron Church Rd	37
Hefner Ln	60
Heider Rd	59
Heinie Bade Rd	94
Heinzeville Rd	121
Hell's Gate Rd	45
Henneke Rd	96
Hennessey Rd	63
Herder Rd	14
Herder Rd	13
Herman Migura Ln	124
Herman Rd	11
Hickey Rd	15
Hickey Rd	23
Hickey Rd	24
Hickey Rd	14
Hilbrich Bypass	96
Hilbrich Rd	26
Hiller Rd	96
Hillside Dr	46
Hix Green Rd	130
Hix Green Rd	131
Hix Green Rd	119
Hochheim Cemetery Rd	11
Hoehne Rd	30
Hohn Rd	119
Hohn Rd	118
Hopkinsville Rd	95
Hopkinsville Rd	96
Hopkinsville Rd	78
Horseshoe Rd	52
Horseshoe Rd	51

Hotz Rd	98
Houston Ave	27
Howard Rd	93
Howard Rd	108
Howard Rd	92
Hules Rd	12
Hules Rd	11
Hurst Rd	132
Huth Rd	36
Huth Rd	25
Hy Koopmann Rd	72
Hy Koopmann Rd	71
I-13	72
I-13	55
Ideus Rd	125
Immenhauser Rd	21
Immenhauser Rd	12
Industrial Dr	91
Isdale Dr	14
Jackson Rd	56
Jaeger Rd	55
Jaeger Rd	54
Joe Pokluda Rd	130
Joe Pokluda Rd	129
John Pokluda Rd	88
John Pokluda Rd	87
Jutz Rd	112
Kaiser Rd	34
Kaiser Rd	23
Kaiser-Adams Rd	34
Kaiser-Adams Rd	35
Kaiser-Adams Rd	24
Kenne Road	133
Kenne Road	134
Kenne Road	128
Klein Rd	70
Koenig-McCrabb Rd	97
Koenig-McCrabb Rd	113
Koenig-McCrabb Rd	98
Kolodziejczyk Rd	122
Korth Rd	86
Korth Rd	85
Kozelski Rd	58
Kozelski Rd	42
Kubala Store Rd	56
Kubala Store Rd	57
Kubala Store Rd	74
Kubala Store Rd	55
Kulawik Rd	108
Kulawik Rd	109
Kulawik Rd	107

6/18/2007

DeWitt County Road Index

8

Road Name / Number

Grid Map Page #

Comments

Kvinta-Schneider Rd	23
L Hrabovsky Rd	13
L Hrabovsky Rd	12
Lackey Ranch Rd	70
Lakeside Dr	48
Lahey Ln	43
Lahey Ln	29
Lane St	27
Lee Alves Rd	121
Lee Ave	27
Leo Nelson Rd	54
Lincke Rd	55
Lindenau Rd	60
Live Oak Rd	63
Live Oak Rd	62
Lockhart Cemetery Rd	46
Lone Tree Rd	7
Luehr Rd	48
Lutheran Cemetery Rd	107
Lynch Ave	27
Main St	27
Mann Dairy Rd	73
Maron Rd	104
Martinez Rd	6
Matejek Rd	56
Matthew Adams Rd	48
Matthew Adams Rd	49
Matthew Adams Rd	35
McCurdy Rd	44
McCurdy Rd	30
McElroy Rd	20
McGehee Rd	21
Meischen Rd	70
Meischen Rd	69
Mertins	107
Mesquite Ln	61
Metting Rd	74
Metting School Rd	75
Metting School Rd	91
Metting School Rd	74
Meyer Rd	41
Meyer Rd	56
Meyer Rd	40
Meyersville Rd	111
Meyersville Rd	125
Meyersville Rd	110
Meza Ln.	33
Mission Valley Rd	125
Mission Valley Rd	126
Mission Valley Rd	127
Mission Valley Rd	112

6/18/2007

DeWitt County Road Index

9

Road Name / Number

Grid Map Page #

Comments

Morgan Rd	30
Morris Community Rd	13
Morris Community Rd	14
Morris Community Rd	12
Morris School Rd	22
Morris School Rd	13
Mueller Lang Rd	110
Mueller Lang Rd	94
Mueller Rd	59
Mulberry Rd	61
Muschalek Rd	70
Muschalek Rd	53
Musselman Rd	11
Myllus Rd	14
Naranjo Ln	90
Nathan Mueller Rd	89
Nau Rd	107
Neal Rd	49
Neal Rd	35
Nelson Rd	7
Nestoney Rd	78
Nessel Rd	27
Noe Hinojosa Rd	86
Noe Hinojosa Rd	85
Nolte-Boehl Rd	27
Nolte-Boehl Rd	26
Nordheim Cemetery Rd	129
Nordheim Cemetery Rd	118
Nordheim Slickfield Rd	136
Nordheim Slickfield Rd	137
Nordheim Slickfield Rd	130
North St	99
Ochoa Rd	136
Old 237	107
Old 237	91
Old Charco Rd	106
Old Cheapside Rd	61
Old Clinton Rd	78
Old Clinton Rd	61
Old Cuero Rd	22
Old Cuero Rd	23
Old Cuero Rd	33
Old Cuero Rd	14
Old Davy Rd	54
Old Davy Rd	53
Old Goliad Rd	78
Old Gonzales Rd	46
Old Gonzales Rd	61
Old Gonzales Rd	45
Old Nordheim Rd	106
Old San Antonio Rd	60

Old Victoria Rd	80
Old Weesatche	121
Old Yoakum Rd	33
Old Yoakum Rd	45
Old Yoakum Rd	46
Old Yoakum Rd	32
Old Yorktown Rd	76
Old Yorktown Rd	77
Old Yorktown Rd	75
Oliver Rd	18
Oliver Rd	9
Onken Rd	103
Otto Bolting Rd	128
Otto Bolting Rd	129
Otto Bolting Rd	117
Pargmann Rd	21
Pargmann Rd	22
Pargmann Rd	13
Pete Jablonski Rd	91
Petru Ln	8
Plasczyk Rd	54
Plasczyk Rd	70
Plasczyk Rd	53
Post Oak Way	118
Post Oak Way	62
Pridgen St	99
Procter St	27
Rabel Rd	114
Rabel Rd	113
Radio Rd	79
Radio Rd	62
Railroad St	27
Rainbow Rd	98
Rainbow Rd	97
Rappold Rd	24
Rappold Rd	23
Rathkamp Ln	7
Rathkamp-Dreyer Rd	7
Rathkamp-Dreyer Rd	6
Rau Rd	107
Rau Rd	106
Rebecca Ln	98
Redies Rd	63
Remmers Rd	119
Remmers Rd	129
Remmers Rd	118
Respondek Rd	40
Rice Rd	36
Rice Rd	35
Rice-Davis Rd	24
Rice-Davis Rd	15

Richter Rd	12
Richter Rd	6
Rio Grande Rd	46
River Oaks Rd	114
River Oaks Rd	98
River Rd	79
River Rd	78
River Ridge Rd	61
River Ridge Rd	60
Roeder Rd	105
Roeder Rd	89
Rogge-Selfert Rd	102
Rogge-Selfert Rd	86
Rosie Dunn Rd	61
Royal Oaks 1	121
Royal Oaks 1	120
Royal Oaks 2	121
Ryan Ranch Rd	117
Ryan Ranch Rd	103
SA Butler Rd	103
Salt Creek Cemetery Rd	54
Sam Morris Rd	42
Sandy Gate 1	55
Sandy Gate 2	55
Sapp Rd	48
Sauer Bade Rd	95
Scheffler Rd	104
Scheffler Rd	103
Schendel Rd	86
Schleicher St	27
Schlenstedt Rd	41
Schlenstedt Rd	27
Schlinke Rd	59
Schlinke Rd	43
Schmidt Rd	6
Schmidt Rd	2
Schneider Ranch Rd	118
Schneider Ranch Rd	104
Schorre-Pieper Rd	94
Schorre-Pieper Rd	77
Schroeder Rd	73
Schuenemann Rd	118
Schulle Rd	40
Schulle Rd	56
Schulle Rd	39
Schultz Rd	72
Schultz Rd	73
Schultz Rd	107
Schultz Rd	118
Schultz Rd	56
Seidel Rd	40

6/18/2007

DeWitt County Road Index
Grid Map Page #

12

Road Name / Number

Comments

Seller Rd	105
Seller Rd	104
Shirley Ross Rd	81
Shows Bros Rd	86
Sievers Pit Rd	40
Sievers Pit Rd	41
Sievers Pit Rd	27
Simecek Rd	56
Simecek Rd	73
Simecek Rd	74
Simecek Rd	55
Simpson Ranch Rd	103
Simpson Ranch Rd	102
Smith Ranch Rd	59
Smith Ranch Rd	60
Smith Ranch Rd	75
Smith Ranch Rd	58
Sonneborn Rd	117
South Golly Rd	113
South Golly Rd	126
South Golly Rd	112
South River Rd	80
South River Rd	97
South River Rd	79
Spies Rd	75
Spies Rd	74
St Clair Rd	10
St John School Rd	59
Stanchos Rd	73
Steen Rd	5
Steen Rd	10
Steen Rd	4
Steinmann Rd	35
Steinmann Rd	24
Stockdale Rd	61
Stratton Rd	35
Striedel Ln	60
Suhr Ln	14
Sunday Ln	89
Sunday Ln	72
Swartz St	107
Sycamore Ln	81
Talk Ranch Rd	136
Talk Ranch Rd	130
Tam Rd	92
Tam Rd	107
Tam Rd	91
Taylor Rd	79
Taylor Rd	62
Terryville Church Rd	37
Terryville Church Rd	36

Thiele Rd	14
Thiele Rd	8
Thieme Rd	105
Thieme Rd	104
Thomaston River Rd	99
Thomaston River Rd	113
Thomaston River Rd	114
Thomaston River Rd	98
Tulley Rd	78
Tulley Rd	61
V F W Rd	90
Vahalik Rd	8
Vahalik Rd	7
Van Vleck Ave	27
Vasbinder Rd	103
Vasbinder Rd	87
Verhelle Rd	82
Verhelle Rd	83
Verhelle Rd	81
Von Haefen Rd	60
Von Haefen Rd	59
W. Blank Rd	12
W. Emil Blank Rd	11
Walicek Rd	23
Walicek Rd	14
Walter Mueller Rd	40
Walter Mueller Rd	55
Walter Mueller Rd	39
Ward Rd	11
Warzecha Ln	40
Wendel Rd	125
Westhoff Cemetery Rd	28
Westhoff Cemetery Rd	41
Westhoff Cemetery Rd	27
Westside Cemetery Rd	90
Whitley Rd	11
Wied Rd	117
Wild Rd	10
Wild Rd	9
Williams Rd	20
Wilson-Wagner Rd	15
Wischkaemper Rd	54
Wischkaemper Rd	55
Wischkaemper Rd	39
Wofford Ln	44
Wolf Hollow Rd	66
Wolf Hollow Rd	83
Wolf Hollow Rd	100
Wolf Hollow Rd	65
Wolf-Hartman Rd	97
Woodman Cemetery Rd	61

8/18/2007

DeWitt County Road Index
Grid Map Page #

14

Road Name / Number

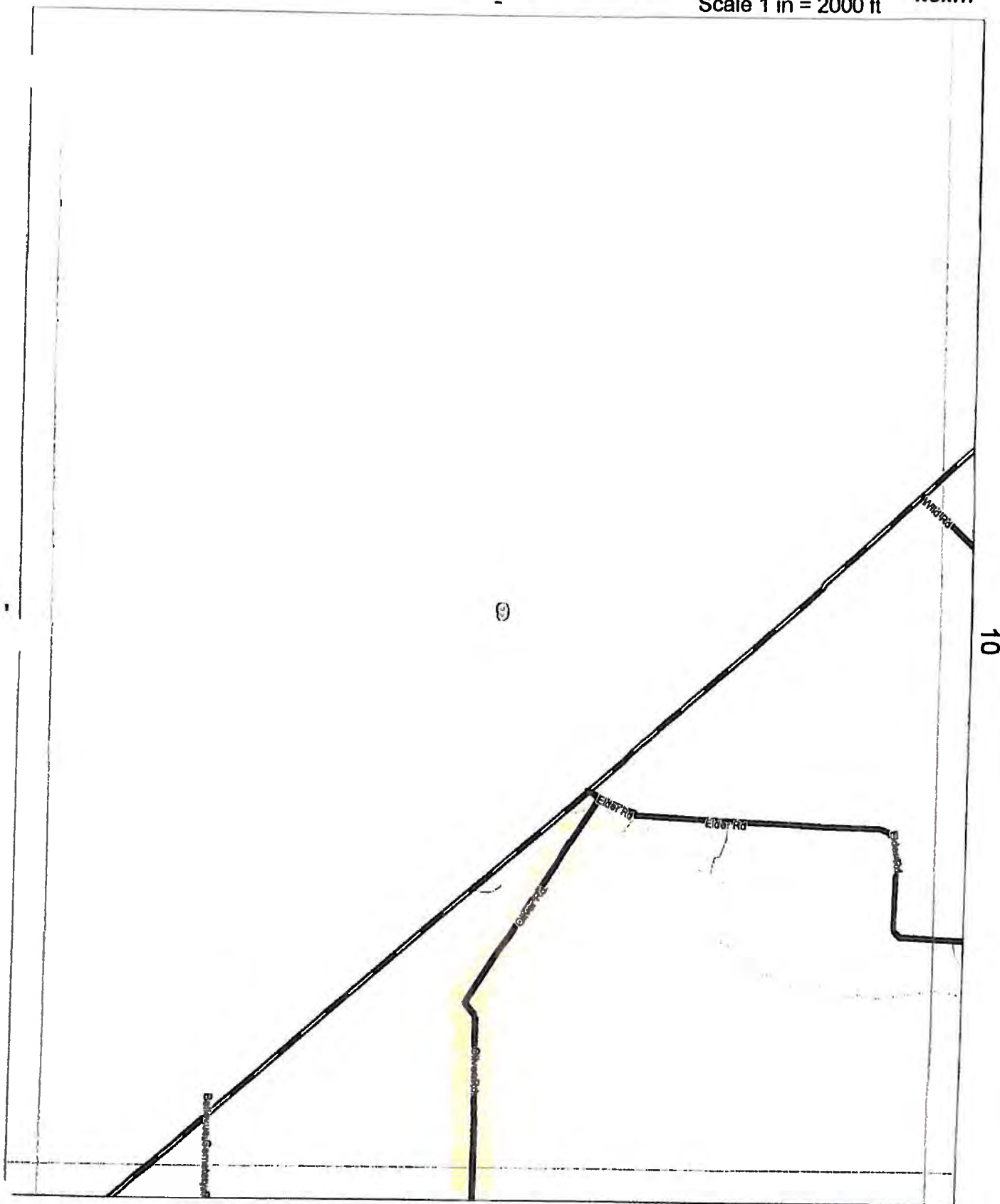
Comments

Woods Cemetery	92
Woods Rd	92
Wuench Rd	91
Wuench Rd	74
Wunderlich Rd	117
York Cemetery Rd	109
Yorktown Slickfield Rd	130
Yorktown Slickfield Rd	131
Yorktown Slickfield Rd	132
Yorktown Slickfield Rd	121
Zengerle Rd	99
Zengerle Rd	98
Zimmerman Rd	59
Zimmerman Rd	43
Zion Cemetery Rd	96
Zorn Rd	108
Zorn Rd	107

County Maintained Road
Other Road
Grid Line

DeWitt County, Texas

Scale 1 in = 2000 ft



Allison, Bass & Assoc.
512-482-0701
R.Bass@Allison-Bass.com

18

20-Oct-2006

Map #

9

Numbers Along Margins reflect
Page # of Adjacent Map Grids

County Maintained Road
Other Road
Grid Line

DeWitt County, Texas

Scale 1 in = 2000 ft

NORTH

9

17

19

18

29

20-Oct-2006

Map #

18

Allison, Bass & Assoc.
512-482-0701
R.Bass@Allison-Bass.com

Numbers Along Margins reflect
Page # of Adjacent Map Grids

MARK & BETTY ZGABAY
P.O. BOX 774
NEEDVILLE, TX 77461
979.793.4850

PEOPLES #3

Precinct 1 Commissioner
Wallace Beck
307 N. Gonzales St.
Cuero, Texas 77954

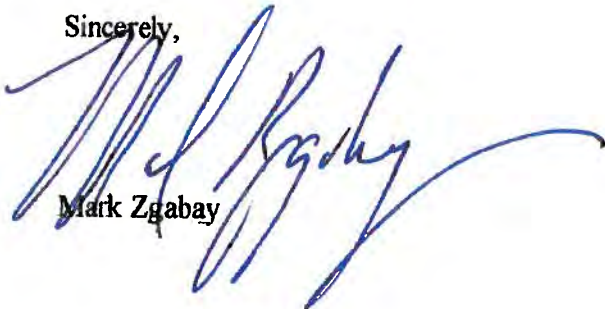
Date: December 13, 2004
Subject: Oliver Rd.

Dear Commissioner Beck,

My wife and I have recently purchased a 40-acre tract of land on Oliver Rd. near Westhoff Rd. and Cheapside Rd. (Map enclosed) We have plans to start construction on a home in late summer of 2005 and currently in the process replacing the fence on Oliver Road sides. I need to know what process to take to see if the County can do any maintenance on the road so it will be an all weather road to have egress and digress to our property. Currently as I'm sure you have seen the road is mostly virgin soil with some gravel that has settle in the top soil. We need access just past our west property line so the rest of the road could stay as is to discourage vehicular traffic. Please let me know what I can do to assist you on this matter and if there is any cost associated with this project. My day time phone number is: 281.342.0559 M-F

Again, thank you for your time and assistance.

Sincerely,



Mark Zgabay

21

PrintPal
Your Printer Best Friend

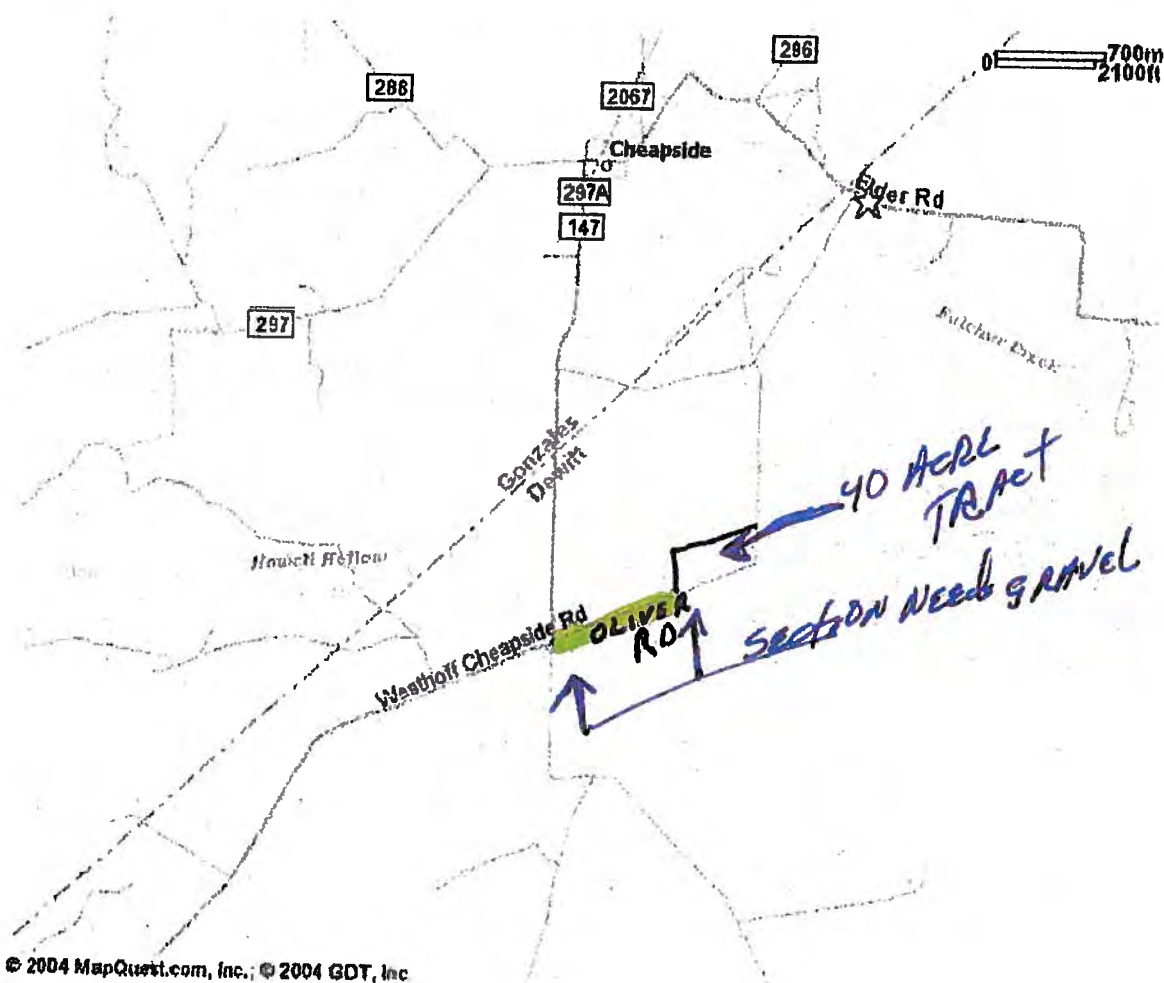
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CLICK HERE TO...
SAVE 10%
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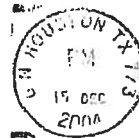


<http://www.printpal.com/map>



NAVTEQ
ON ROAD All rights reserved. Use Subject to License/Copyright | Map Legend

M. Zgabay
PO Box 7754
Needville, TX 77461



HARDIN SIGNS (Jim Hardin)
LYTHUDDO SIGN (MORO NAME)
HANDMADE BRACKETS

Commissioner Beck
307. N. Gonzales St.
Cuero, Texas
77954

77954+2900 



2550 N. Esplanade • Cuero, Texas 77954 • (361) 275-6191 • Fax (361) 275-3999 • www.cuerohospital.org
Freddie Solis, I.P. NRP--EMS Manager, F-MSC

March 16, 2016

Re: Closing of Oliver Road

Upon examining the map for the permanent road closure of Oliver Road, It is noted by Cuero EMS that seven oilfield sites and 3 residences would experience an inexplicable delay in emergency responses. Re- routing using the existing FM roads would add additional 12 minutes (4 miles) to EMS arrival time to the sick or injured patient(s). Additional 12 minutes would definitely make a difference in a life or death situation.

Also by closing this Road, The effected residences and oilfield sites may experience a greater delay in Emergency Response because the next usable FM road is in Gonzales County and Gonzales EMS maybe dispatched to Area which would add an additional 10 to 12 minutes to response time. Using Google map:

Mileage to Oliver Road:

Current:

Cuero EMS to Oliver Road 13.2 mile (20 minutes)

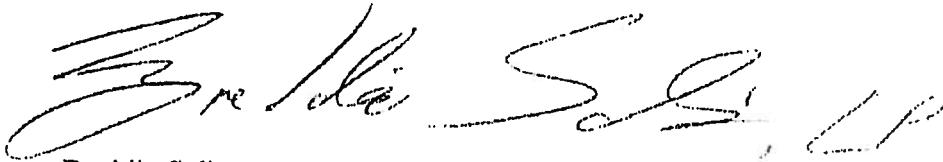
If Oliver Road is closed:

Cuero EMS to BHP plant 17.2 miles

Gonzales EMS to BHP plant 23 miles

Please let me know if additional information is needed.

Thank you,

A handwritten signature in black ink, appearing to read "Freddie Solis". The signature is fluid and cursive, with the first name "Freddie" and last name "Solis" clearly distinguishable.

Freddie Solis
Cuero EMS Director
2550 N. Esplanade Street
Cuero, Texas 77954
361-275-0521 office
361-275-3999 fax
freddies@cuerohospital.org

POEPL# 5

Judge Daryl Fowler

From: rosie.ybarra@co.dewitt.tx.us
Sent: Monday, March 14, 2016 8:13 AM
To: Daryl Fowler
Subject: FW: Re: Petition to close portion of Oliver Rd. *Time Sensitive Information*

See below.

RY

-----Original Message-----

From: "Oscar Perez" <jobscountry@gmail.com>
Sent: Saturday, March 12, 2016 5:05am
To: rosie.ybarra@co.dewitt.tx.us
Subject: Re: Petition to close portion of Oliver Rd. *Time Sensitive Information*

Rosie,

By closing this section of Oliver Rd. cut off the best access to that area in the event of an emergency.

Also if a Southeast wind blowing and an emergency that's the only access to that area.

This would add approximately 7-10 min. to our response time.

I strongly recommend that this portion of Oliver Rd. stay open, as it should be not only for our response time but for the safety of the employees of the facilities that surround that area to have opinions in the event of an emergency.

Thank you Oscar Perez

On 3/11/2016 9:42 AM, rosie.ybarra@co.dewitt.tx.us wrote:

Good Morning DeWitt TEAM,

I am writing this morning to let you know a petition has been submitted to Commissioners Court asking the court to close a portion of Oliver Road from Bellevue Cemetery Road. Due to this road's proximity to an oil and gas facility (area of concern on the map) I am requesting your written unbiased input as emergency first responders.

How would closure of this portion of Oliver Rd. affect an emergency response by your agency?

How would closure of this portion of Oliver Rd. affect ingress/egress from this facility in an emergency?

How much time would this closure add, if any, to an emergency response anywhere in this area?

Any Pro's? (emergency response related)

Any Con's? (emergency response related)

You are the first responders and I want to make sure your voices are heard. I need your written feedback, thoughts, questions, concerns regarding this issue, good or bad, as soon as possible please. All submitted written information will become a permanent record of the court. Please make sure to include all your contact information including your agencies full address. There is a public hearing scheduled for March 28, 2016 at 1:30. You are welcome to attend.

I am attaching a map for your review. Thank you for your service to our community and your attention to this matter.

Respectfully,
Rosie Ybarra
DeWitt County EMC

Honorable Daryl L. Fowler

Dewitt County Judge

307 N Gonzales

Cuero, Texas 77954

Honorable Daryl L. Fowler,

As a first responder for the Westhoff Volunteer Fire Department, I appreciate the opportunity for input in this vital matter.

A petition has been submitted to the Commissioners Court to close a portion of Oliver Road from Bellevue Cemetery Road. I feel that by closing this section of Oliver Road, it will be cutting off best access to that area in the event of an emergency. For example, an emergency situation (i.e. gas leak) and a southeast wind is blowing, that is our only approach. If that road is closed we will have to deviate, traveling out of county and return from north entrance. It would increase our response time by an additional 10 minutes risking us getting lost in an unfamiliar locale.

I strongly recommend that this portion of Oliver Road stay open, as it should be not only for our response time but for the safety of employees at the facility.

Respectfully submitted,



Oscar Perez, Fire Chief Westhoff Volunteer Fire Department

PO Box 142 Westhoff, Texas 77994

361-571-4619

POEPLES #6

Judge Daryl Fowler

From: Keith Schmidt <kschmidt@cityofgonzales.org>
Sent: Sunday, March 27, 2016 11:36 AM
To: rosie.ybarra@co.dewitt.tx.us
Cc: Daryl Fowler; Wade Zella
Subject: RE: Petition to close portion of Oliver Rd. *Time Sensitive Information*

Mrs. Yberra,

I appreciate you including me in this discussion. We have a very good relationship with the Cuero Fire Department and are always willing to assist if needed. With BHP Billiton's location approximately half way between Cuero Fire Department and Gonzales Fire Department's service areas I would anticipate us both being dispatched to this facility for a catastrophic event. I would also expect the Westhoff and Smiley Fire Departments to be asked to assist as well. All of that being said, I have always had a concern about closing any public access. When time is of the essence, a delayed response because of an outdated map or old GPS mapping software causes me concern. As with our fire department, most of my Career Firefighters do not live in Gonzales County and they rely heavily on maps and GPS's for directions. With the map provided I noticed what appears to be a large home on Oliver Road as well, how should we respond to it if it is on fire? Would it be possible to not allow thru traffic on Oliver Road as this would not effect Emergency Traffic?

I have a conflict for Monday or I would attend your Commissioners Court as I am sure my questions will be discussed.

Thank you,

Keith Schmidt

Fire Chief

City of Gonzales Fire Department

firechief@cityofgonzales.org<<mailto:firechief@cityofgonzales.org>>

Office (830) 519-4913 Cell (830) 263-0101

From: rosie.ybarra@co.dewitt.tx.us [rosie.ybarra@co.dewitt.tx.us]
Sent: Monday, March 21, 2016 10:06 AM
To: Keith Schmidt
Cc: Daryl Fowler
Subject: FW: Petition to close portion of Oliver Rd. *Time Sensitive Information*

Good morning Chief Schmidt,

After speaking to the Cuero Volunteer Fire Department I think I should have added you to this notification list. Please see below. As a possible back up for the Cuero VFD, I welcome your response.

Subject: Petition to close portion of Oliver Rd. *Time Sensitive Information*

Good Morning DeWitt TEAM,

I am writing this morning to let you know a petition has been submitted to Commissioners Court asking the court to close a portion of Oliver Road from Bellevue Cemetery Road. Due to this road's proximity to an oil and gas facility (area of concern on the map) I am requesting your written unbiased input as emergency first responders.

How would closure of this portion of Oliver Rd. affect an emergency response by your agency?

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How much time would this closure add, if any, to an emergency response anywhere in this area?

Any Pro's? (emergency response related)

Any Con's? (emergency response related)

You are the first responders and I want to make sure your voices are heard. I need your written feedback, thoughts, questions, concerns regarding this issue, good or bad, as soon as possible please. All submitted written information will become a permanent record of the court. Please make sure to include all your contact information including your agencies full address. There is a public hearing scheduled for March 28, 2016 at 1:30. You are welcome to attend.

I am attaching a map for your review. Thank you for your service to our community and your attention to this matter.

Respectfully,

Rosie Ybarra

DeWitt County EMC

POEPES
#7

March 28, 2016

Dear Commissioners Court,

My name is Rosie Ybarra, I am DeWitt County's Emergency Management Coordinator. As EMC, I am tasked by the county to work with the counties Law Enforcement, Volunteer Fire Departments and EMS as well as public officials, local industry and the public in preparing and training for emergencies and disasters. The goal we all share is ensuring the protection of lives, property and the environment for every citizen when there is a disaster.

I am here today to voice my concern regarding the possible discontinuance, vacation, and/or abandonment by the County of a portion of Oliver Road. Because disasters can strike without warning everyone understands the importance of having a plan and getting help as quickly as possible.

First responder professionals encourage every family to have an emergency plan for the safety and protection of those dearest to them. Knowing what to do and how to do it plays a very important role in the success of those plans.

If you can imagine a family's emergency plan will start with communication between family members on what is expected and what each person's role will be in each potential emergency situation. Everyone learns to depend on each other.

Next, the family will draw a floor plan of their home showing their escape plan. Allowing for several exits for each potential emergency situation.

They will choose a place away from their neighborhood where family members can meet in case they are separated and can't return home due to a disaster.

These are a few steps to help ensure the safety of the family on a small scale. By the same token, on a larger scale, the county is responsible to create an emergency plan for its family, the people of DeWitt County. In this case you have an area within the county that contains several homes and an industry partner that employs many of our neighbors. The county is responsible to ensure the safety of those families and industry partners. The county, like a family, will take similar steps in creating an emergency plan. The county utilizes first responders who know what to do and how to do it. They communicate, beforehand, on the best response to an emergency and everyone learns to depend on each other.

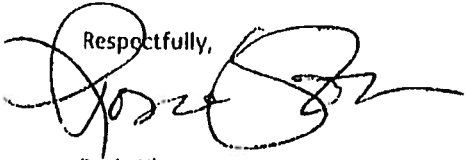
Similar to the family's plan, first responders utilize the best escape routes for those in danger and the response itself. However, in rural communities you run into the difficulty of unpaved roads, not enough roads or roads that can't be found by GPS. Every viable road is valuable in a response. A basic component of an emergency plan, in this regard, would be hindered.

In speaking to the first responders it is clear that Oliver Rd. is a road that many would have no choice but to depend on in any emergency in that location. Closing the road, in my opinion, would compromise the speed by which the first responders could reach those needing help. It would also make it more difficult for supporting emergency units to get to the scene wasting precious time and assets.

I would like to say to the court, it is not that I do not understand or respect the wishes of the property owners in DeWitt County. It is simply that we have a responsibility to our DeWitt family as a whole to ensure the protection

of life, property and the environment for everyone. I pray the court will see the importance of keeping all of Oliver Road open to the public. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rosie Ybarra', written over the word 'Respectfully,'.

Rosie Ybarra
Emergency Management Coordinator
DeWitt County

Texas Legislature Online Actions

PEOPLE'S EXHIBIT # 8
HB1117 LEGISLATIVE CALENDAR

Bill: HB 1117

Legislative Session: 78(R)

Author: Keffer, Jim

Actions: (descending date order)

Description	Comment	Date ▼	Time	Journal Page
E Effective on 9/1/03		06/18/2003		
E Signed by the Governor		06/18/2003		6671
E Sent to the Governor		05/22/2003		3666
S Signed in the Senate		05/21/2003		2050
H Signed in the House		05/21/2003		3370
H Reported enrolled		05/21/2003	08:19 AM	3485
H Senate passage reported		05/20/2003		3290
S Nonrecord vote recorded in Journal		05/20/2003		1847
S Passed		05/20/2003		1847
S Read 3rd time		05/20/2003		1847
S Record vote		05/20/2003		1847
S Three day rule suspended		05/20/2003		1847
S Nonrecord vote recorded in Journal		05/20/2003		1846
S Read 2nd time & passed to 3rd reading		05/20/2003		1846
S Nonrecord vote recorded in Journal		05/20/2003		1846
S Rules suspended		05/20/2003		1846
S Placed on intent calendar		05/20/2003		
S Not again placed on intent calendar		05/19/2003		
S Placed on intent calendar		05/12/2003		
S Committee report printed and distributed		05/08/2003	05:24 PM	
S Reported favorably w/o amendments		05/08/2003		1478
S Considered in public hearing		05/07/2003		
S Scheduled for public hearing on		05/07/2003		
S Left pending in committee		05/05/2003		
S Considered in public hearing		05/05/2003		
S Scheduled for public hearing on		05/05/2003		
S Left pending in committee		04/28/2003		
S Testimony taken in committee		04/28/2003		
S Considered in public hearing		04/28/2003		
S Scheduled for public hearing on		04/28/2003		
S Referred to Infrastructure Dev & Security		04/09/2003		918
S Read first time		04/09/2003		918
S Received from the House		04/07/2003		831
H Reported engrossed		04/03/2003	04:12 PM	1261
H Passed		04/03/2003		1223
H Read 3rd time		04/03/2003		1223

H Passed to engrossment	04/02/2003	1179
H Read 2nd time	04/02/2003	1179
H Placed on General State Calendar	04/02/2003	
H Considered in Calendars	03/31/2003	
H Committee report sent to Calendars	03/27/2003	
H Committee report printed and distributed	03/26/2003 07:19 PM	
H Comte report filed with Committee Coordinator	03/26/2003	1029
H Reported favorably as substituted	03/25/2003	
H Committee substitute considered in committee	03/25/2003	
H Considered in public hearing	03/25/2003	
H Left pending in committee	03/18/2003	
H Testimony taken in committee	03/18/2003	
H Considered in public hearing	03/18/2003	
H Scheduled for public hearing on	03/18/2003	
H Referred to Transportation	02/26/2003	411
H Read first time	02/26/2003	411
H Filed	02/19/2003	

BILL ANALYSIS

C.S.H.B. 1117
By: Keffler, Jim
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Prescriptive easement is the right to use another person's property if it does not adversely affect the property owner. Case law prior to 1981 found that if a road is used by the public and is maintained by the county for a period of over ten years, then the road becomes public. In brief, if a property owner acquiesces the use of this road over a period of time, then the public has gained the right to use it, and the county to maintain it. Since 1981, counties of 50,000 or less cannot acquire a road by prescriptive easement. Roads in those counties can now only be acquired by purchase, condemnation, dedication, or a court judgment of adverse possession. It takes a clear action of the commissioners' court to accept one of those four methods. It is illegal for a county commissioner to maintain a private road with public funds. Roads acquired by prescriptive easement prior to 1981 are not affected by this law.

Under the present law, a property owner may challenge the status of a pre-1981 prescriptive easement roads by filing a lawsuit, or by placing a locked gate on the road, thereby forcing the county into court. No matter which party initiates the lawsuit, the county has the burden of proving that the road was maintained prior to 1981, and acquired by prescriptive easement. As the years progress, counties will be unable to produce personal testimony. Taking affidavits at the present time for a possible lawsuit in the future is not recommended, as such affidavits are generally not admissible. Any landowner can challenge the status of a road at any time. There is no statute of limitations.

In the future, as counties are unable to provide "live bodies" with firsthand knowledge, they will most likely lose in court. To lose the right to maintain what the county considers a public road will endanger the rights of those interior landowners who use the road to access their property.

There is nowhere the county can go to find out the ownership of each piece of land adjoining a county road. The appraisal district can determine who is on the tax rolls of each piece of land, but that is not necessarily ownership. An ownership search for each property could bankrupt the counties, especially rural counties. If the owners could be determined, the litigation necessary to prove up each road would overwhelm the courts.

CSHB 1117 authorizes the commissioners court of a county to adopt a proposed county road map and include in the map all roads in which the county claims a public interest. The bill requires a county laying claim to a road provide notice to all affected landowners by publication in the newspaper, and by two separate mailings in two years in the tax notice. Landowners could protest in a public hearing or by mail. A jury of view shall determine the validity of the county's claim. After two years, if the landowner does not protest, the road becomes the responsibility of the county. If, after that two year period, the landowner decides to protest, the burden is on the landowner, not the county, to prove their case.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Title 6C, Transportation Code, by adding Chapter 258, as follows:

CHAPTER 258. CLARIFICATION OF EXISTENCE OF PUBLIC INTEREST IN ROAD BY ADOPTION OF COUNTY ROAD MAP

Sec. 258.001. CLARIFICATION OF PUBLIC INTEREST IN ROAD. Authorizes a county, notwithstanding Chapter 281, to clarify a public interest in a road as provided by this chapter.

Sec. 258.002. ADOPTION OF COUNTY ROAD MAP. (a) Authorizes the commissioners court of a county to propose a county road map that includes each road in which the county claims a public interest under Chapter 281 or other law; or as a result of having continuously maintained the road with public funds beginning before September 1, 1981.

(b) Requires a commissioners court that proposes a county road map under this section to hold a public meeting at which a person asserting a private right, title, or interest in a road in which the county has claimed a public interest may appear before the commissioners court to protest the county's claim. Authorizes a person asserting a private right, title, or interest in a road to also file a written protest with the county judge at any time before the public meeting. Requires the commissioners court to appoint a jury of view consisting of five property owners who have no interest in the outcome of the protest to determine, by a majority vote after a public hearing and an examination of the county's road maintenance records and other information, the validity of the county's claim of public interest in the road. Provides that a county has a valid claim in a road if it provides written records or other information documenting the county's continuous maintenance of the road beginning before September 1, 1981. Provides that the determination of the jury of view is binding on the commissioners court, and the commissioners court is required to revise the proposed county road map accordingly.

(c) Requires the commissioners court to publish at least once a week in a newspaper of general circulation in the county for at least four consecutive weeks preceding the date of the public meeting a notice meeting certain requirements.

(d) Requires the commissioners court to display the proposed map at the location and during the time described in the notice from the date on which notice is first published through the date on which the commissioners court formally adopts the proposed map. Requires the map to be legible and requires that not less than one inch equals 2,000 feet in scale.

(e) Authorizes the commissioners court to formally adopt the proposed map, as revised after public comment and a determination by the jury of view, only at a public meeting held before the 90th day following the date of the initial public meeting required by Subsection (b).

(f) Requires the county clerk to keep a county road map adopted under this section in a place accessible to the public.

(g) Provides that the failure to include on a county road map adopted under this section a road in which the county has previously acquired a public interest by purchase, condemnation, dedication, or a court's final judgment of adverse possession does not affect the status of the omitted road.

(h) Defines "continuous maintenance."

Sec. 258.003. CONCLUSIVE EVIDENCE. Provides that, except as provided by Section 258.004, a county road map adopted under Section 258.002 is conclusive evidence of the public's right of access over a road included on the map, and the county's authority to spend public money to maintain a road included on the map.

Sec. 258.004. CONTEST. (a) Authorizes a person asserting a private right, title, or interest in a road in which a public interest is asserted under this chapter to contest the inclusion of the road in the county road

map by filing a suit in a district court in the county in which the road is located not later than the second anniversary of the date on which the county road map including the road was adopted.

(b) Provides that the county has the burden of proving that the county has continuously maintained, as that term is defined by Section 258.002, the road in question.

Sec. 258.005. TRANSFER OF INTEREST. (a) Requires the commissioners court to include a notice of its intention to consider adoption of the county road map with the ad valorem tax statements for the year before the adoption of a county road map under Section 258.002. The notice must include a list of all roads in which the county will claim the existence of a public interest by adoption of the map, the date the commissioners' court will hold the public meeting, and a statement that a landowner has a right to protest. Requires the commissioners court, if a property owner tenders a warranty deed to the county for property included in the right-of-way of a county road, to accept and file the warranty deed.

(b) Requires the commissioners court to include a notice of the adoption of the county road map with the ad valorem tax statements for the year after the year in which the county adopts a map under Section 258.002. Requires the notice to include a list of all roads in which the county has claimed a public interest by adoption of the map, the date of the adoption, and the date on which the statute of limitations will bar a landowner from filing a suit in district court to dispute the county's claim.

Sec. 258.006. TAX ABATEMENT; REVERSION OF INTEREST. (a) Provides that a private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which the county has acquired a public interest under this chapter is exempt from ad valorem taxation by any taxing authority.

(b) Provides that a right, title, or interest described in Subsection (a) reverts completely to the person who held the right, title, or interest at the time the county acquired the public interest in the land if the county ceases to maintain the road, and the person is liable for all ad valorem taxes levied on that right, title, or interest on or after the reversion.

(c) Requires the taxing authority, in order to levy and collect an ad valorem tax on a right, title, or interest described in Subsection (a) that has reverted to the landowner under Subsection (b), to obtain from the county an order stating that the county has ceased to maintain the road. Provides that the owner of the right, title, or interest will be liable for any ad valorem tax levied on the right, title, or interest on or after the date of the county's order.

Sec. 258.007. Provides for expiration of the chapter on September 1, 2009.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1117 differs from the original bill by adding text to Sec. 258.005 that states the notice must include a list of all roads in which the county will claim the existence of a public interest by adoption of the map, the date the commissioners court will hold the public meeting required by Section 258.002(b), and a statement that the landowner has a right to protest under Section 258.002(b).

CSHB 1117 also differs from the original in that the substitute includes a repealing provision.

ENROLLED VERSION

H.B. No. 1117

1 AN ACT

2 relating to the clarification by a county of the existence of a
3 public interest in certain roads.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle C, Title 6, Transportation Code, is
6 amended by adding Chapter 258 to read as follows:

7 CHAPTER 258. CLARIFICATION OF EXISTENCE OF PUBLIC INTEREST IN
8 ROAD BY ADOPTION OF COUNTY ROAD MAP

9 Sec. 258.001. CLARIFICATION OF PUBLIC INTEREST IN ROAD.
10 Notwithstanding Chapter 281, a county may clarify the existence of
11 a public interest in a road as provided by this chapter.

12 Sec. 258.002. ADOPTION OF COUNTY ROAD MAP. (a) The
13 commissioners court of a county may propose a county road map that
14 includes each road in which the county claims the existence of a
15 public interest:

16 (1) under Chapter 281 or other law; or

17 (2) as a result of having continuously maintained the
18 road with public funds beginning before September 1, 1981.

19 (b) A commissioners court that proposes a county road map
20 under this section shall hold a public meeting at which a person
21 asserting a private right, title, or interest in a road in which the
22 county has claimed the existence of a public interest may appear
23 before the commissioners court to protest the county's claim. A
24 person asserting a private right, title, or interest in a road may

1 also file a written protest with the county judge at any time before
2 the public meeting. The commissioners court shall appoint a jury of
3 view consisting of five property owners who have no interest in the
4 outcome of the protest to determine, by a majority vote after a
5 public hearing and an examination of the county's road maintenance
6 records and other information, the validity of the county's claim
7 of the existence of a public interest in the road. A county has a
8 valid claim of the existence of a public interest in a road if it
9 provides written records or other information documenting the
10 county's continuous maintenance of the road beginning before
11 September 1, 1981. The determination of the jury of view is binding
12 on the commissioners court, and the commissioners court shall
13 revise the proposed county road map accordingly.

14 (c) The commissioners court shall publish at least once a
15 week in a newspaper of general circulation in the county for at
16 least four consecutive weeks preceding the date of the public
17 meeting a notice:

18 (1) advising the public that the commissioners court
19 has proposed a county road map including each road in which the
20 county claims the existence of a public interest;

21 (2) identifying a location at the courthouse at which
22 the proposed map will be available to the public during regular
23 business hours; and

24 (3) stating the date and location of the public
25 meeting.

26 (d) The commissioners court shall display the proposed map
27 at the location and during the time described in the notice from the

1 date on which notice is first published through the date on which
2 the commissioners court formally adopts the proposed map. The map
3 must be legible, and the map scale must be that not less than one
4 inch equals 2,000 feet.

5 (e) The commissioners court may formally adopt the proposed
6 map, as revised after public comment and a determination by the jury
7 of view, only at a public meeting held before the 90th day following
8 the date of the initial public meeting required by Subsection (b).

9 (f) The county clerk shall keep a county road map adopted
10 under this section in a place accessible to the public.

11 (g) The failure to include on a county road map adopted
12 under this section a road in which the county has previously
13 acquired a public interest by purchase, condemnation, dedication,
14 or a court's final judgment of adverse possession does not affect
15 the status of the omitted road.

16 (h) In this section, "continuous maintenance" means grading
17 or other routine road maintenance beginning before September 1,
18 1981, and continuing until the date of protest.

19 Sec. 258.003. CONCLUSIVE EVIDENCE. Except as provided by
20 Section 258.004, a county road map adopted under Section 258.002 is
21 conclusive evidence of:

22 (1) the public's right of access over a road included
23 on the map; and

24 (2) the county's authority to spend public money to
25 maintain a road included on the map.

26 Sec. 258.004. CONTEST. (a) A person asserting a private
27 right, title, or interest in a road in which the existence of a

1 public interest is asserted under this chapter may contest the
2 inclusion of the road in the county road map by filing a suit in a
3 district court in the county in which the road is located not later
4 than the second anniversary of the date on which the county road map
5 including the road was adopted.

6 (b) The county has the burden of proving that the county has
7 continuously maintained, as that term is defined by Section
8 258.002, the road in question.

9 Sec. 258.005. TRANSFER OF INTEREST. (a) The commissioners
10 court shall include a notice of its intention to consider adoption
11 of the county road map with the ad valorem tax statements for the
12 year before the adoption of a county road map under Section 258.002.
13 The notice must include a list of all roads in which the county will
14 claim the existence of a public interest by adoption of the map, the
15 date the commissioners court will hold the public meeting required
16 by Section 258.002(b), and a statement that a landowner has a right
17 to protest under Section 258.002(b). If a property owner tenders a
18 warranty deed to the county for property included in the
19 right-of-way of a county road, the commissioners court shall accept
20 and file the warranty deed.

21 (b) The commissioners court shall include a notice of the
22 adoption of the county road map with the ad valorem tax statements
23 for the year after the year in which the county adopts a map under
24 Section 258.002. The notice must include a list of all roads in
25 which the county has claimed the existence of a public interest by
26 adoption of the map, the date of the adoption, and the date on which
27 the statute of limitations will bar a landowner from filing a suit

1 in district court to dispute the county's claim.

2 .Sec. 258.006. TAX ABATEMENT; REVERSION OF INTEREST. (a) A
3 private right, title, or interest, other than a mineral interest,
4 held by a person in land underlying a road in which the county has
5 successfully asserted the existence of a public interest under this
6 chapter is exempt from ad valorem taxation by any taxing authority.

7 (b) A right, title, or interest described in Subsection (a)
8 reverts completely to the person who held the right, title, or
9 interest at the time the county successfully asserted the existence
10 of the public interest in the land if the county ceases to maintain
11 the road, and the person is liable for all ad valorem taxes levied
12 on that right, title, or interest on or after the reversion.

13 (c) To levy and collect an ad valorem tax on a right, title,
14 or interest described in Subsection (a) that has reverted to the
15 landowner under Subsection (b), the taxing authority must obtain
16 from the county an order stating that the county has ceased to
17 maintain the road. The owner of the right, title, or interest will
18 be liable for any ad valorem tax levied on the right, title, or
19 interest on or after the date of the county's order.

20 Sec. 258.007. EXPIRATION OF CHAPTER. This chapter expires
21 September 1, 2009.

22 SECTION 2. This Act takes effect September 1, 2003.

H.B. No. 1117

President of the Senate

Speaker of the House

I certify that H.B. No. 1117 was passed by the House on April 3, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1117 was passed by the Senate on May 20, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

Legislative Session: 78(R)

ENROLLED BILL SUMMARY

HOUSE BILL 1117

HOUSE AUTHOR: J. Keffer et al.

EFFECTIVE: 9-1-03

SENATE SPONSOR: Deuell

House Bill 1117 amends the Transportation Code to allow a county commissioners court to clarify the existence of a public interest in a road by adopting a proposed county road map that includes each road in which the county claims the existence of a public interest. The bill provides that a county has a valid claim of the existence of a public interest in a road if the county provides written records or other information documenting its continuous maintenance of the road beginning before September 1, 1981. House Bill 1117 sets forth public meeting requirements and procedures for a person who asserts a private right, title, or interest in a road to protest the inclusion of the road in the county road map, and notice requirements of the intention of the county commissioners court to adopt a county road map. It requires the county commissioners court to appoint a jury of view, which consists of five property owners who have no interest in the outcome of the protest, to determine the validity of a county's claim of the existence of a public interest in the road. The bill provides that the adoption of a county road map is conclusive evidence of the public's right of access over a road included on the map and the county's authority to spend public money to maintain a road included on the map. The provisions of House Bill 1117 expire September 1, 2009.

PEOPLE'S EXHIBIT # 12

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE C. COUNTY ROADS AND BRIDGES

CHAPTER 258. CLARIFICATION OF EXISTENCE OF PUBLIC INTEREST IN ROAD BY
ADOPTION OF COUNTY ROAD MAP

Sec. 258.001. CLARIFICATION OF PUBLIC INTEREST IN ROAD.

Notwithstanding Chapter 281, a county may clarify the existence of a public interest in a road as provided by this chapter.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Sec. 258.002. ADOPTION OF COUNTY ROAD MAP. (a) The commissioners court of a county may propose a county road map that includes each road in which the county claims the existence of a public interest:

- (1) under Chapter 281 or other law; or
- (2) as a result of having continuously maintained the road with public funds beginning before September 1, 1981.

(b) A commissioners court that proposes a county road map under this section shall hold a public meeting at which a person asserting a private right, title, or interest in a road in which the county has claimed the existence of a public interest may appear before the commissioners court to protest the county's claim. A person asserting a private right, title, or interest in a road may also file a written protest with the county judge at any time before the public meeting. The commissioners court shall appoint a jury of view consisting of five property owners who have no interest in the outcome of the protest to determine, by a majority vote after a public hearing and an examination of the county's road maintenance records and other information, the validity of the county's claim of the existence of a public interest in the road. A county has a valid claim of the existence of a public interest in a road if it provides written records or other information documenting the county's continuous maintenance of the road beginning before September 1,

1981. The determination of the jury of view is binding on the commissioners court, and the commissioners court shall revise the proposed county road map accordingly.

(c) The commissioners court shall publish at least once a week in a newspaper of general circulation in the county for at least four consecutive weeks preceding the date of the public meeting a notice:

(1) advising the public that the commissioners court has proposed a county road map including each road in which the county claims the existence of a public interest;

(2) identifying a location at the courthouse at which the proposed map will be available to the public during regular business hours; and

(3) stating the date and location of the public meeting.

(d) The commissioners court shall display the proposed map at the location and during the time described in the notice from the date on which notice is first published through the date on which the commissioners court formally adopts the proposed map. The map must be legible, and the map scale must be that not less than one inch equals 2,000 feet.

(e) The commissioners court may formally adopt the proposed map, as revised after public comment and a determination by the jury of view, only at a public meeting held before the 90th day following the date of the initial public meeting required by Subsection (b).

(f) The county clerk shall keep a county road map adopted under this section in a place accessible to the public.

(g) The failure to include on a county road map adopted under this section a road in which the county has previously acquired a public interest by purchase, condemnation, dedication, or a court's final judgment of adverse possession does not affect the status of the omitted road.

(h) In this section, "continuous maintenance" means grading or other routine road maintenance beginning before September 1, 1981, and continuing until the date of protest.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Sec. 258.003. CONCLUSIVE EVIDENCE. Except as provided by Section 258.004, a county road map adopted under Section 258.002 is conclusive evidence of:

(1) the public's right of access over a road included on the map; and

(2) the county's authority to spend public money to maintain a road included on the map.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Sec. 258.004. CONTEST. (a) A person asserting a private right, title, or interest in a road in which the existence of a public interest is asserted under this chapter may contest the inclusion of the road in the county road map by filing a suit in a district court in the county in which the road is located not later than the second anniversary of the date on which the county road map including the road was adopted.

(b) The county has the burden of proving that the county has continuously maintained, as that term is defined by Section 258.002, the road in question.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Sec. 258.005. TRANSFER OF INTEREST. (a) The commissioners court shall include a notice of its intention to consider adoption of the county road map with the ad valorem tax statements for the year before the adoption of a county road map under Section 258.002. The notice must include a list of all roads in which the county will claim the existence of a public interest by adoption of the map, the date the commissioners court will hold the public meeting required by Section 258.002(b), and a statement that a landowner has a right to protest under Section 258.002(b). If a property owner tenders a warranty deed to the county for property included in the right-of-way of a county road, the commissioners court shall accept and file the warranty deed.

(b) The commissioners court shall include a notice of the adoption of the county road map with the ad valorem tax statements for the year after the year in which the county adopts a map under

Section 258.002. The notice must include a list of all roads in which the county has claimed the existence of a public interest by adoption of the map, the date of the adoption, and the date on which the statute of limitations will bar a landowner from filing a suit in district court to dispute the county's claim.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Sec. 258.006. TAX ABATEMENT; REVERSION OF INTEREST. (a) A private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which the county has successfully asserted the existence of a public interest under this chapter is exempt from ad valorem taxation by any taxing authority.

(b) A right, title, or interest described in Subsection (a) reverts completely to the person who held the right, title, or interest at the time the county successfully asserted the existence of the public interest in the land if the county ceases to maintain the road, and the person is liable for all ad valorem taxes levied on that right, title, or interest on or after the reversion.

(c) To levy and collect an ad valorem tax on a right, title, or interest described in Subsection (a) that has reverted to the landowner under Subsection (b), the taxing authority must obtain from the county an order stating that the county has ceased to maintain the road. The owner of the right, title, or interest will be liable for any ad valorem tax levied on the right, title, or interest on or after the date of the county's order.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Sec. 258.007. APPLICATION OF CHAPTER. This chapter applies only to a county that initiates or completes compliance with the provisions of this chapter before September 1, 2011.

Added by Acts 2003, 78th Leg., ch. 236, Sec. 1, eff. Sept. 1, 2003.

Amended by:

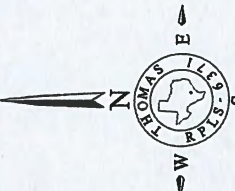
Acts 2009, 81st Leg., R.S., Ch. 1303 (H.B. 2462), Sec. 1, eff. June 19, 2009.

People Exhibit 13

BOUNDARY SURVEY SHOWING

A 3.189 ACRE PORTION OF
THE PRESENTLY FENCED
RIGHT OF WAY OF
"OLIVER ROAD"

(A PRESCRIPTIVE-TYPE,
COUNTY MAINTAINED R.O.W.)
VARIOUS SURVEYS
DEWITT COUNTY, TEXAS



SCALE - 1" = 200'

CONVEYANCE	DATE	BY	TO
ORIGINAL SURVEY	1884	JOHN A. BAKER	JOHN A. BAKER
1ST RE-CONVEYANCE	1884	JOHN A. BAKER	JOHN A. BAKER
2ND RE-CONVEYANCE	1884	JOHN A. BAKER	JOHN A. BAKER
3RD RE-CONVEYANCE	1884	JOHN A. BAKER	JOHN A. BAKER
4TH RE-CONVEYANCE	1884	JOHN A. BAKER	JOHN A. BAKER

LOCUS	REMARKS
1. SURVEY BEARING LINE	BEARING LINE
2. FENCE LINE	FENCE LINE
3. GRAVEL ROAD	GRAVEL ROAD
4. ASPHALT ROAD	ASPHALT ROAD
5. RAILROAD	RAILROAD
6. POWER LINE	POWER LINE
7. TELEPHONE LINE	TELEPHONE LINE
8. SERVICE ROAD	SERVICE ROAD
9. PLACE OF BEGINNING	PLACE OF BEGINNING
10. RIGHT OF WAY	RIGHT OF WAY
11. TELEPHONE POLE	TELEPHONE POLE
12. UNDERGROUND CABLE	UNDERGROUND CABLE
13. UNDERGROUND PIPELINE	UNDERGROUND PIPELINE
14. SURVEY NOTES	SURVEY NOTES
15. THIS SURVEY WAS MADE	THIS SURVEY WAS MADE
16. WITHOUT THE BENEFIT OF A TITLE	WITHOUT THE BENEFIT OF A TITLE
17. COMMITMENT AND THEREFORE ALL	COMMITMENT AND THEREFORE ALL
18. CLAIMS AND INTERESTS IN THIS PROPERTY	CLAIMS AND INTERESTS IN THIS PROPERTY
19. MAY NOT BE SOUND	MAY NOT BE SOUND
20. A KELLS AND BELONGS DESCRIPTION	A KELLS AND BELONGS DESCRIPTION
21. OF THIS 3.189 AC. TRACT HAS BEEN	OF THIS 3.189 AC. TRACT HAS BEEN
22. OBTAINED FROM THE DEWITT COUNTY	OBTAINED FROM THE DEWITT COUNTY
23. UNLESS NOTED OTHERWISE	UNLESS NOTED OTHERWISE

LINE	BEARING	DISTANCE
1	N 89° 00' 00" E	1.000
2	S 89° 00' 00" E	1.000
3	N 89° 00' 00" E	1.000
4	S 89° 00' 00" E	1.000
5	N 89° 00' 00" E	1.000
6	S 89° 00' 00" E	1.000
7	N 89° 00' 00" E	1.000
8	S 89° 00' 00" E	1.000
9	N 89° 00' 00" E	1.000
10	S 89° 00' 00" E	1.000



THIS DRAWING WAS PREPARED FROM
THE ORIGINAL SURVEY RECORDS
ON 10-09-2015, UNDER THE
AUTHORITY OF THE DEWITT COUNTY
CLERK, TO THE BEST OF MY
KNOWLEDGE AND BELIEF.
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015
JANUARY 10, 2015

1.504 ACRES:
PORTION OF 3.189 ACRES
OUT OF 648.79 AC. TRACT
(184/238-0.2-31)

3.189
ACRES

1.685 ACRES:
PORTION OF 3.189 ACRES
OUT OF 648.79 AC. TRACT
(64/238-0.2-31)

INSET 1

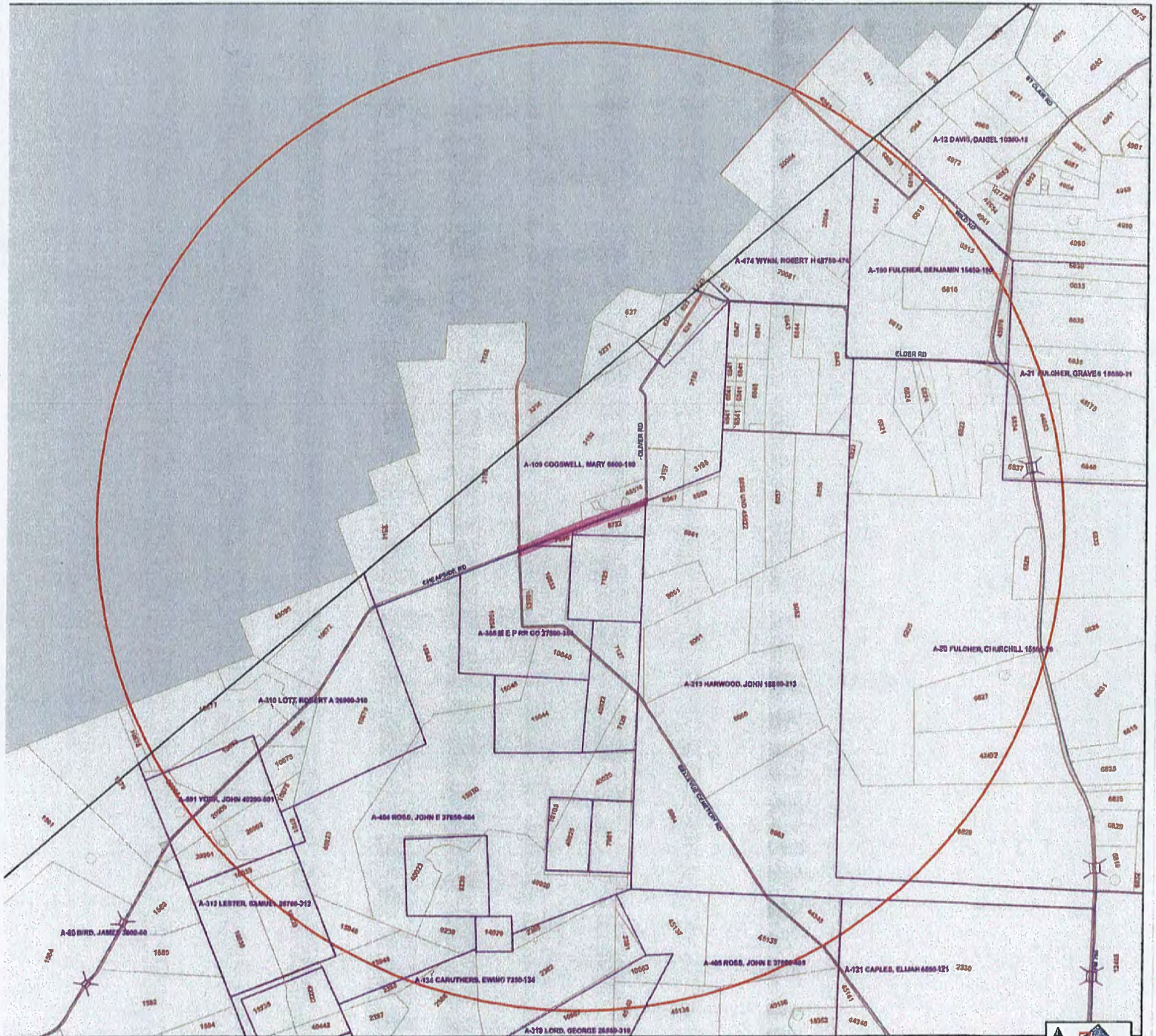
INSET 2

INSET 3

INSET 4

PEOPLE EXHIBIT 14

PEOPLE EXHIBIT



DeWitt County Appraisal District
101 S. BRADLEY ST. DALLAS, TX 75204
P 972-254-0100 F 972-254-0101
www.dewittcounty.org

1 inch = 0.3 miles
Date: 10/10/2010

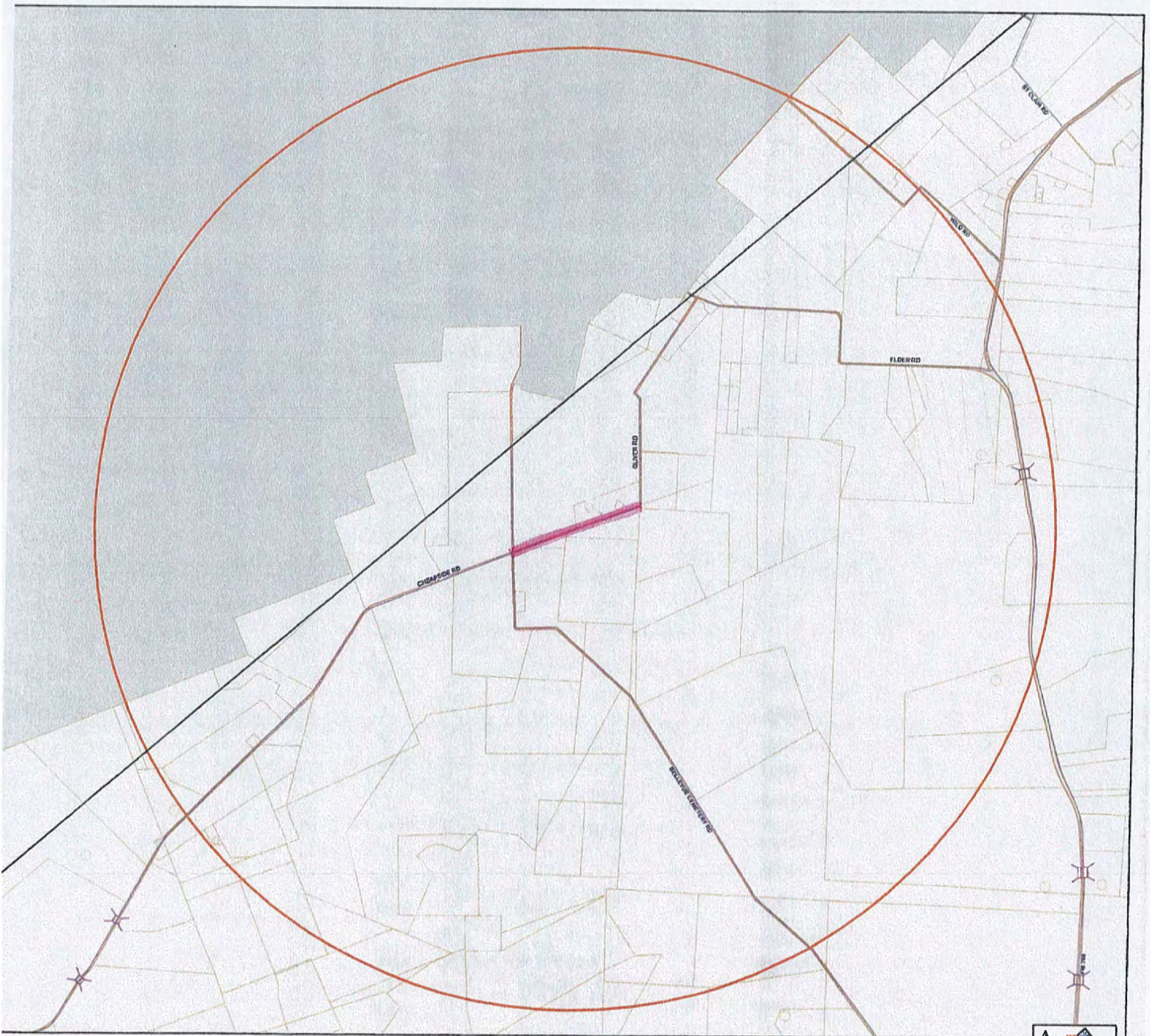
Legend:
- Road
- Water
- Rail
- Power Line
- Gas Line
- Sewer Line
- Telephone Line
- Cable Line
- Other

This map is intended to provide a general overview of the property boundaries and is not intended to be used for legal purposes. For legal purposes, please consult the official records of the DeWitt County Appraisal District.



PEOPLE EXHIBIT 15

PEOPLES EXHIBIT



DeWitt County Appraisal District
100 E. BAYVIEW ST. CLARK, TX 77054
P 361-875-0753 F 361-875-0727
www.dewittcad.org
Scale: 1 inch = 0.5 miles
Date: 01/14/2015

Legend	Water	Highway	County Road	City Street	Other Road	Feature	Other
Water	Blue	Highway	Red	City Street	Other Road	Feature	Other
Water	Blue	Highway	Red	City Street	Other Road	Feature	Other

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