







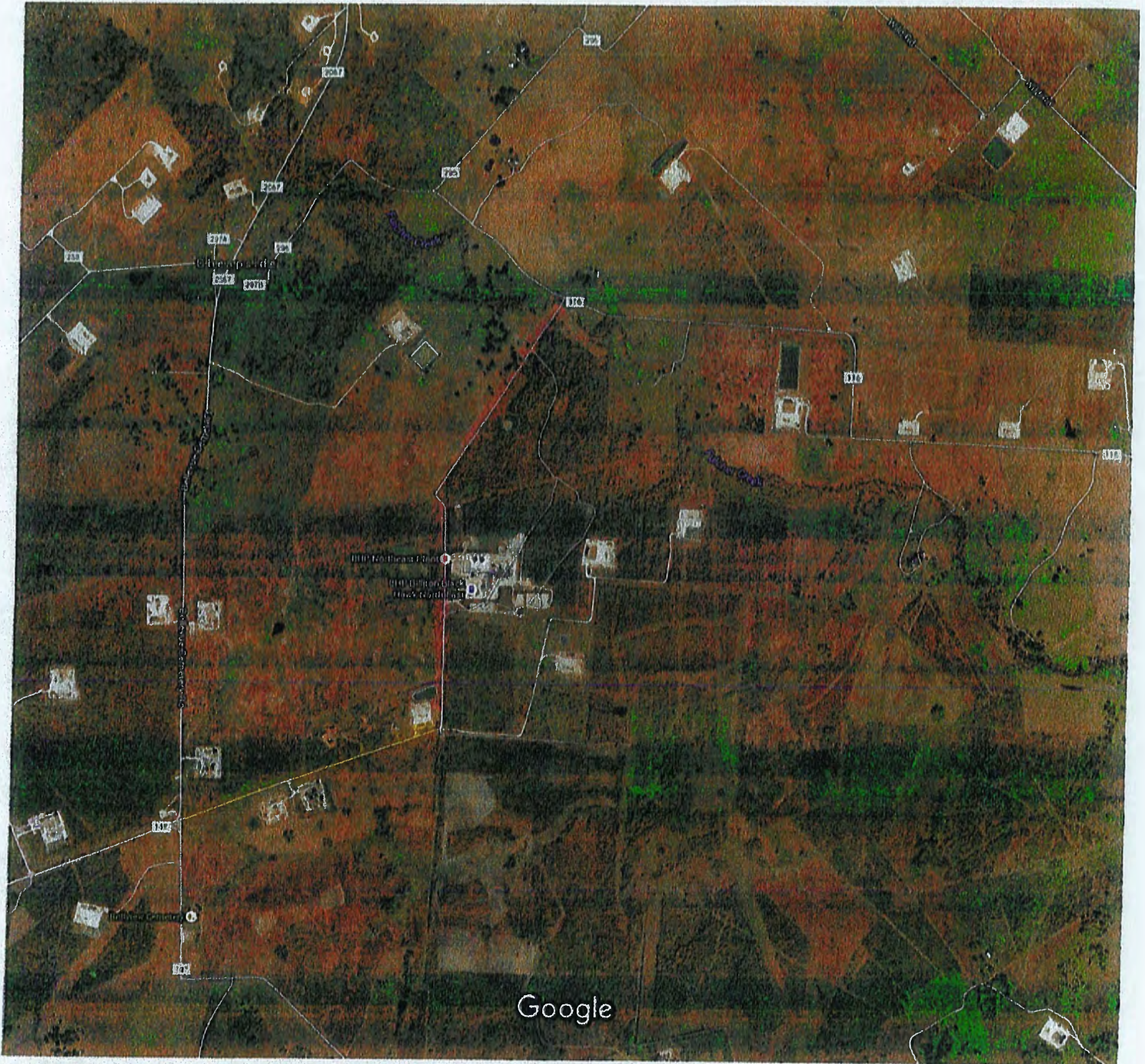
EXHIBITS PRESENTED BY:

WALTON RAMEE



OPPONENT EXH 2  
page 1 of 2

Google Maps



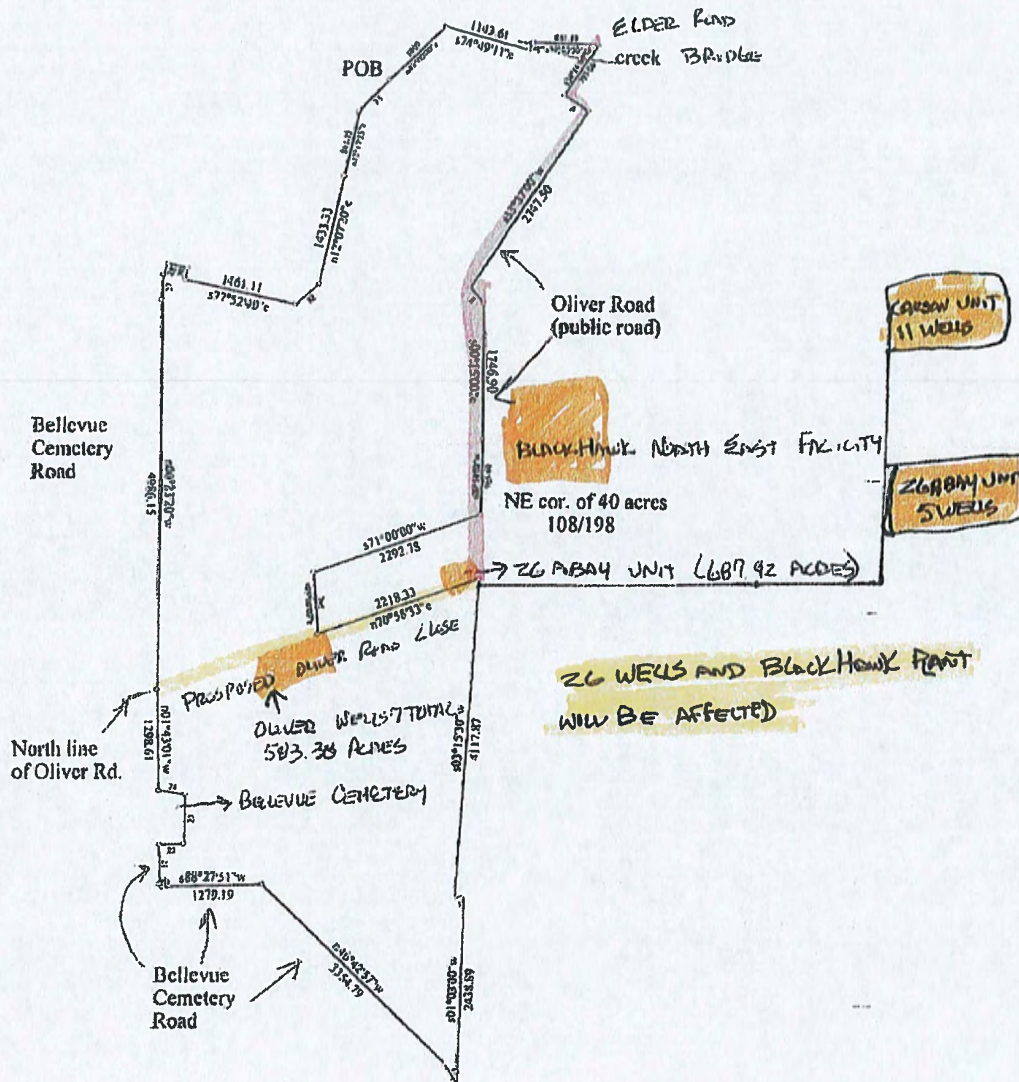
Imagery ©2016 DigitalGlobe, Texas General Land Office, Texas Orthoimagery Program, USDA Farm Service Agency, Map data ©2016 Google

1000 ft

Google Maps



OPPOSITION EXH 2  
 page 2 of 2  
 Prepared by Apache  
 Title Co.



Title:	798/231 tract 1	Scale 1547	Date: 03-17-2016
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# Watershed of Ramee Crossing on Fulcher's Creek Map

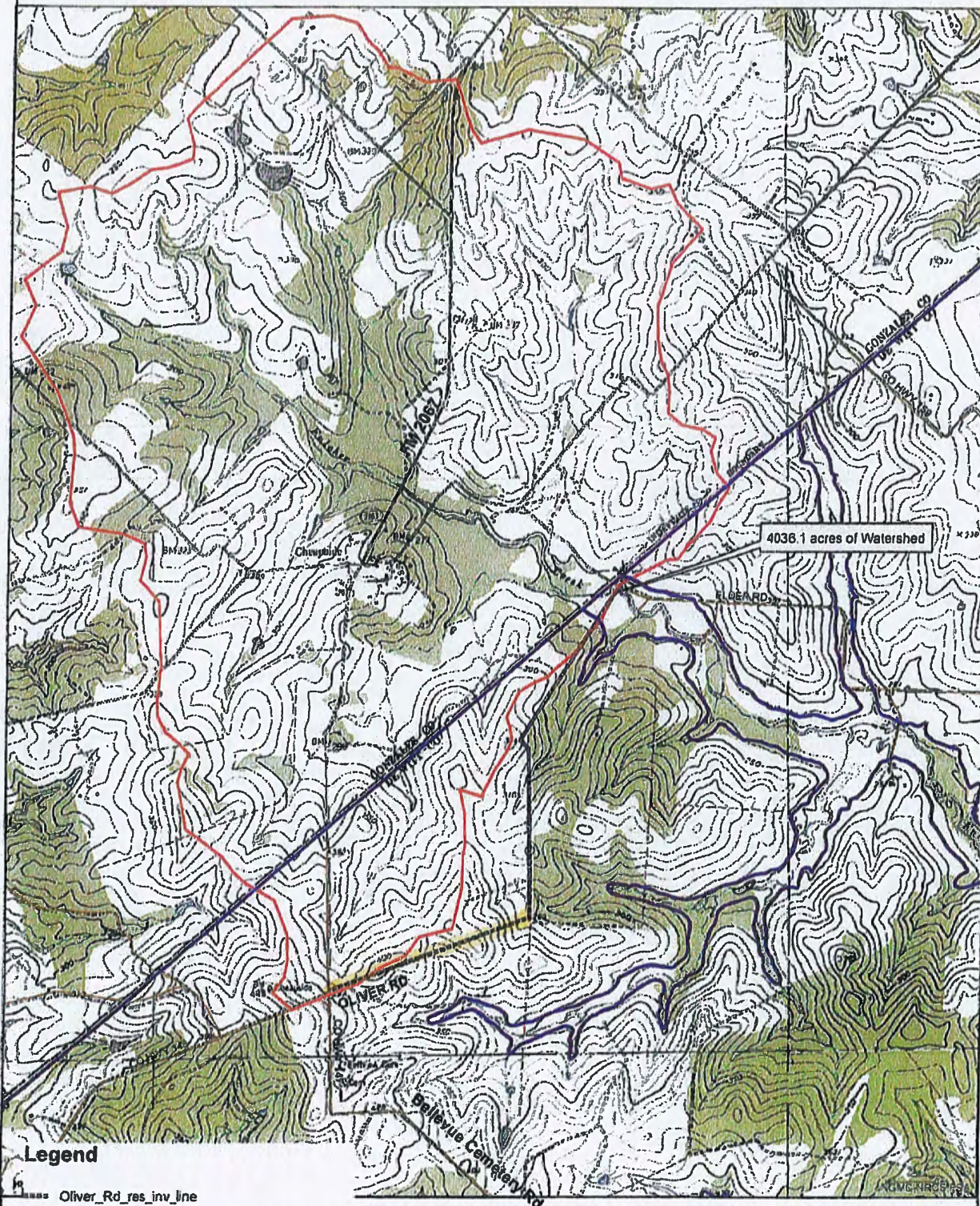
OPPOWST EXH 3

Date: 3/28/2016



Customer(s): Walton Ramee  
District: DEWITT COUNTY SWCD  
Approximate Acres: 4036.1

Field Office: CUERO SERVICE CENTER  
Agency: USDA-NRCS  
Assisted By: JANICE BARNES



## Legend

- Oliver\_Rd\_res\_inv\_line
- S\_FLD\_HAZ\_AR (FEMA 340 MAP)
- Watershed of Ramee Crossing at Fulcher's Creek
- road\_tanw\_l\_tx123

2,000 0 2,000  
Feet



Opponent EXH 4  
packet  
(10/15)

From: Erik McCowan <editor@gonzalesinquirer.com>  
Subject: Oil tank fire, front page  
Date: November 7, 2014 9:52:30 AM CST  
To: "wramee@aol.com" <wramee@aol.com>

Attachment, 4.3 MB

Please see the attached file of our front page on the fire:

Vol. 162, No. 45



75¢

TUESDAY  
Nov. 4, 2014

# The Gonzales Inquirer

OUR 162ND YEAR SERVING GONZALES COUNTY

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## SPORTS



Gonzales punches ticket to playoffs  
Sports, Page B1



Cardinals dash to undefeated district title  
Sports, Page B2

## INSIDE



Dillon and Lily Reeves  
are among the winners  
of a contest



PHOTO BY ERIK MCCOWAN/GONZALES INQUIRER

Based on emergency radio traffic, there were no significant injuries in Monday's explosion at an oil storage tank in Cheapside. The incident remains under investigation.

## Tank explosion rocks Cheapside

FROM STAFF REPORTS  
[news@gonzalesinquirer.com](mailto:news@gonzalesinquirer.com)

CHEAPSIDE — Gonzales County EMS, fire department, sheriff's deputies and DPS responded to an

oilfield fire near the Cheapside area Monday. Although calls to fire department and Devon Energy officials remain unreturned as of press time, unconfirmed reports indicated there were no serious injuries or

fatalities in the incident. A witness near the scene described hearing two large explosions, which apparently destroyed at least two holding tanks and a nearby welding truck. Officials from McMahan Welding

Services of Cuero, who had employees working at the site, declined to comment on the incident. More information will be made available as it is gathered. As always, follow us on Facebook for breaking news.

## After heated meeting, council rolls back punishment for Waelder employees

BY ROB FORD  
[rob@gonzalesinquirer.com](mailto:rob@gonzalesinquirer.com)

WAELEDER — City Council



## ELECTION 2014 Stand up, be counted



EXHIBIT #4  
(2015)

up a joint gift certificate in our costume contest. For more pictures, see Page A2

## OBITUARIES

Edna Elsie Gattlin  
Lottie B. Schults

## Celebrations Birthdays

November 4  
Cliff Davis  
Melissa Hanco  
Beverly Martinez  
Erick Schmitt  
Samantha Finch

November 5  
Paula Trank  
Haley Hittman  
Jewel Holms  
Scott Jayash

November 6  
Donald Cain  
Linda Cedillo  
Patrick DeCels  
Jesse Russell Jr.  
G.A. Salama  
Rick Tietz

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830-393-6426 (fax)  
Email: tel@title-express.com

Land Title Insurance for Gonzales County Closings offered in our Floralville office or by mail.

on Wednesday voted to reimburse two city employees who were suspended without pay for reportedly working for other companies without permission — and on the city's time.

The suspension sparked a controversy during a special called meeting that resulted in a packed city hall during, during which Mayor Becky Ayala, council members and speakers in open forum engaged in a verbal sparring match over whether or not Ayala took appropriate action in suspending the two.

One employee, Abelardo Ibarra, works for the city's electrical department, and is on call every other week from 5 p.m. Friday to 5 p.m. the next Friday. Ayala said she was informed that Ibarra was working for Crossvine Market — a store in Waelder where Ibarra works his "side job" — on a Saturday (Sept. 6) when he was on call.



PHOTO BY ROB FORD/GONZALES INQUIRER  
City officials were greeted by a packed house Wednesday.

unday (Sept. 6) when he was on call.

"It was brought to my attention that he was working while he was on city time," Ayala said. "When I asked him about it, he said he was, but that it was OK because he still made it to his call. I told him it wasn't because it violates the city's policy."

The other worker, Adolph Gonzales, is on light duty and

worker's compensation, according to Ayala, who says she contacted a business in Gillette for which Gonzales works and that they provided her with an invoice confirming he had worked for them.

"I also called [a representative] with Worker's Comp who said he was committing fraud by doing that," Ayala said. "But

See WAELDER, page A8

## St. Paul celebrates Alumni Night



COURTESY PHOTO BY LORI RAABE

Last Friday St. Paul High School celebrated Alumni Night. One of the highlights was the oldest alum present, Martha Hybner Kocian Janota. Here she is pictured with her family's four generations of St. Paul alumni: Class of 1998 Timmy Kocian, Class of 1975 Jane Kocian Kallina, Class of 1969 Andy Kocian, Class of 1941 Martha Hybner Kocian Janota, Class of 1993 Tommy Kocian, Future Class of 2027 Sloane Kocian and Future Class of 2029 Taylor Kocian.

## Waelder ISD hoping to strike oil

BY ROB FORD

rob@gonzalesinquirer.com

WAELDER — School board members on Wednesday agreed to look into leasing a two-acre tract of land in northeast Gonzales County to oil-field companies.

Last month, an oil company approached WISD about a parcel of land at the corner of FM 1680 and CR 415 that Clarence and Hazel Moore decided to the district back in 1948. The company wants to lease the land.

"It's a little different process with a school district than it is with an individual," Superintendent Mark Weisner explained. "The



board approved the determination that we're going to put it up for lease, then the intent to lease."

Weisner said WISD will next advertise in local newspapers saying anyone can bid on the lease, and at a future meeting the board will look at the bid packet.

"If anybody bids on it, then we'll have a public hearing," he said.

In other business, the board adopted an order authorizing the issuance of WISD unlimited tax re-

funding bonds.

"After 10 years, we can call for the bonds," Weisner said. "The law allows us to call a year ahead of time. Depending on what the market is doing, we can refinance those bonds."

Right now, at a 6.5 percent rate, WISD stands to gain in excess of \$200,000 off the bond. If it were to stay the same rate it is now (7.4 percent), the district would get over \$300,000.

"In mid-November, WISD's bond advisors will present the market rate, and we'll find out if we get to the 6.5 percent," Weisner said. "So the amount of money we can recoup depends on what percentage we can sell those bonds."

BY ERIK MCCOWAN

news@gonzalesinquirer.com

After months of preparation and miles of yard signs that have been planted — local, regional and state candidates are awaiting your decisions as Election Day has finally arrived. At the close of early voting on Friday, 2,018 people had already cast ballots in Gonzales County out of 12,112 eligible voters.

On the ballot, only two are all-county contests.

The race for Gonzales County Treasurer features Democratic incumbent Sheryl Barborn who faces off against Republican Jo Ann Mercer. The county treasurer is the chief custodian of all county finances and collects and disperses all county monies.

Right up the ballot is the contest for District Clerk, which finds two newcomers running for the seat. Republican Janice Sutton and Democrat Yvonne "Bonnie" San Miguel are vying for your votes. The district clerk, among many duties, sets the district court docket and lines up potential jurors.

See VOTE, page A8

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**LOOK FOR THIS GRAPHIC ON OUR HOME PAGE TO SIGN UP!**

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[click here](#)



Exhibit #4  
(3815)





EXHIBIT 4  
(4/15)

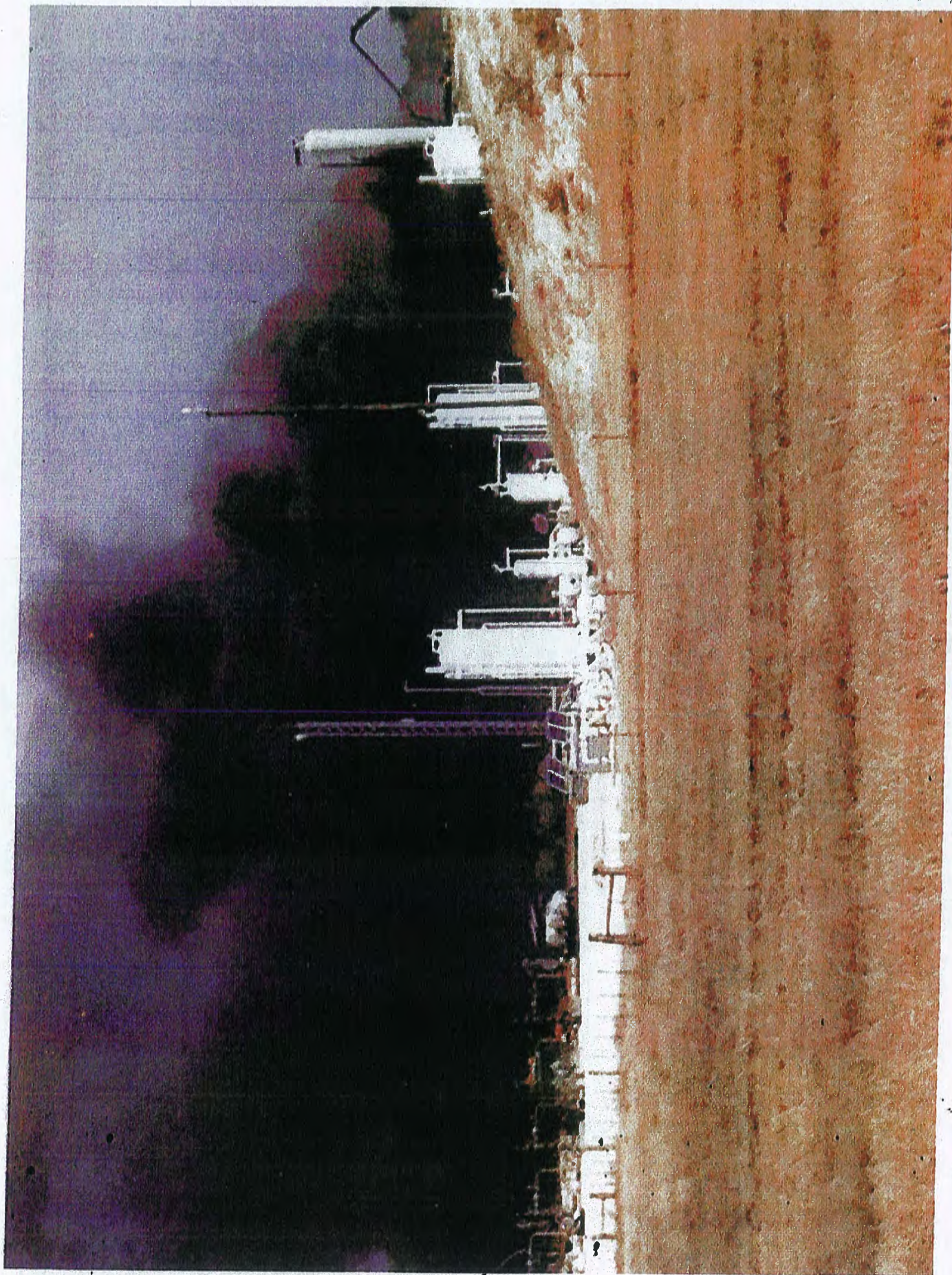




EXHIBIT #4  
(5815)

From: WALTON RAMEE <wramee@aol.com>  
Subject: Fwd: Watershed for Fulcher's Creek at your crossing  
Date: March 23, 2016 5:04:19 PM CDT

2 Attachments, 969 KB

Begin forwarded message:

From: "Barnes, Janice - NRCS, Cuero, TX" <Janice.Barnes@tx.usda.gov>  
Subject: Watershed for Fulcher's Creek at your crossing  
Date: March 23, 2016 4:41:05 PM CDT  
To: "wramee@aol.com" <wramee@aol.com>

Mr. Ramee,

My mapping program is working slow, and will finalize it later this week, but it looks like over 4000 acres of drainage is coming through your property at that end of Oliver Rd.

PS. Attached is the agenda and flyer for March 31 CEU event. Cost is \$25.00. You need to RSVP.

Janice Barnes  
Soil Conservationist  
Cuero NRCS Field Office  
1133 N. Esplanade ST  
Cuero, TX 77954  
361-275-5751 ext 3  
Fax: 844-496-7904


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Missing Plug-in

Missing Plug-in



EXHIBIT #4  
(6 of 15)

From: Walton Ramee <wramee@aol.com>   
Subject: Road  
Date: March 22, 2016 9:56:02 AM CDT  
To: WALTON RAMEE <wramee@aol.com>

1 Attachment, 1 MB



Sent from my iPhone



EXHIBIT #4  
(70815)

From: Walton Ramee <wramee@aol.com>  
Subject: Hole in road  
Date: March 22, 2016 9:56:35 AM CDT  
To: WALTON RAMEE <wramee@aol.com>

1 Attachment 951 KB



Sent from my iPhone



EXHIBIT #4  
(8 of 15)

From: Wallon Ramee <wramee@aol.com>

Subject: New grave in pot hole in the road

Date: January 6, 2015 3:41:28 PM CST

To: KEYES RAMEE <kramee@palmersteel.com>, MARIA ELENA GARZA COURTHOUSE <megarza@co.cameron.tx.us>

1 Attachment: 811 K13





AREA A 4" Rain

EXHIBIT #4  
(9 of 15)

From: Walton Ramee <wramee@aol.com>

Subject: Four inches of rain at the ranch

Date: November 22, 2014 8:56:31 PM CST

To: KEYES RAMEE <kramee@palmersteel.com>, JIM COOK J & D GUNWURKS <jimndebbie@hughes.net>

1 Attachment, 841 KB





EXHIBIT #4  
(8/15)  
100





EXHIBIT #4 (10/15)  
11

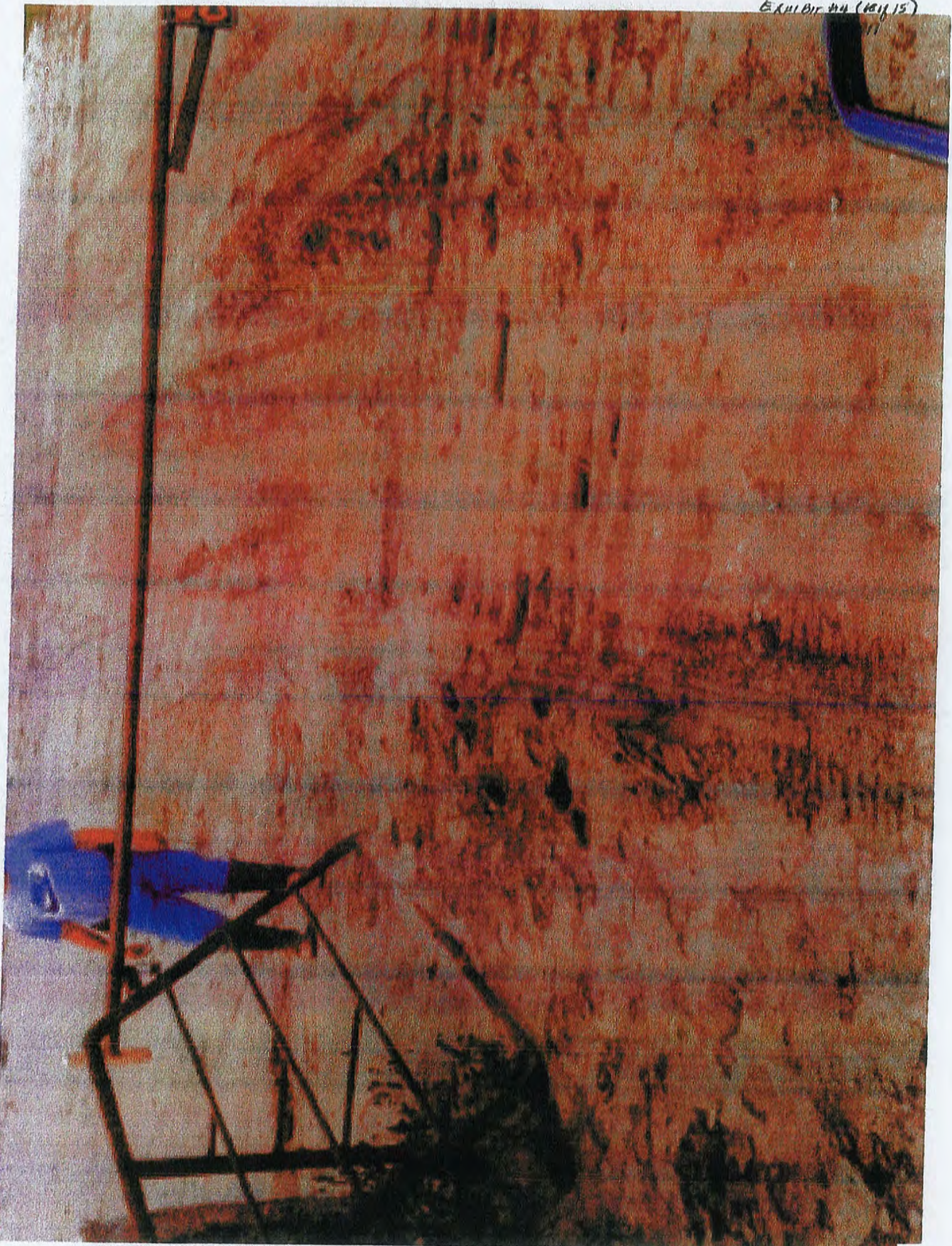




EXHIBIT 44  
(10/15)  
12





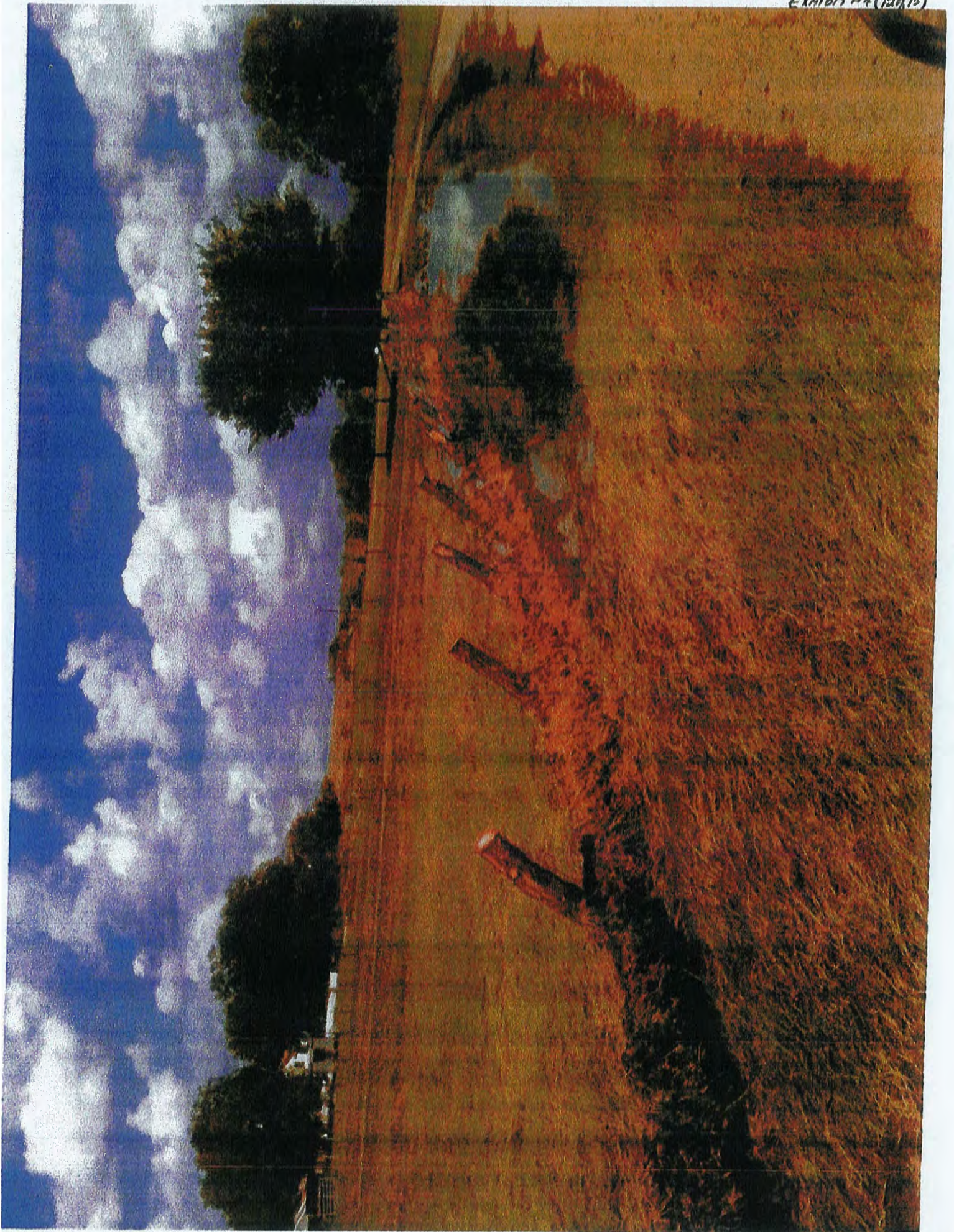




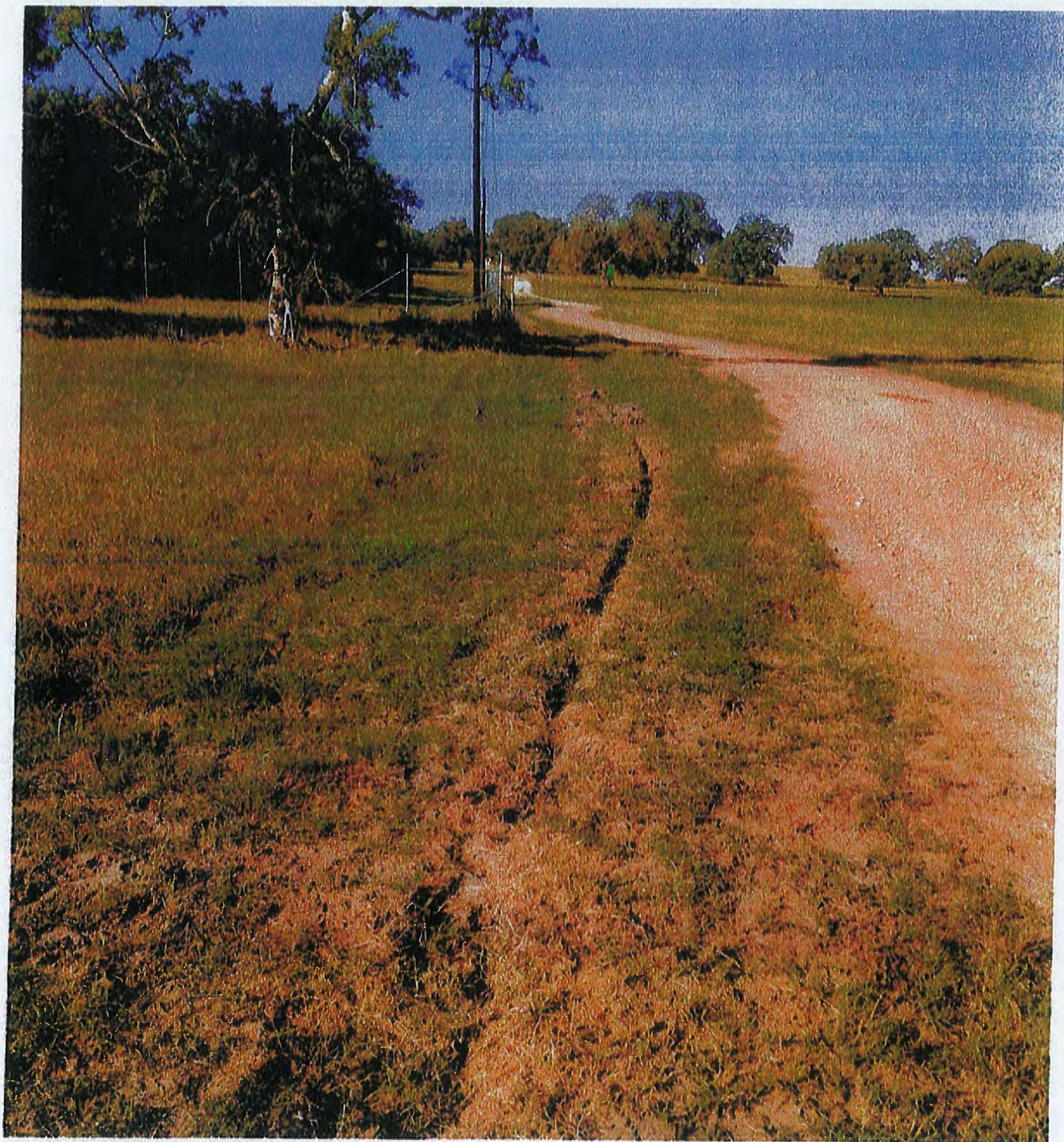




EXHIBIT #4  
(15 of 15)

From: Walton Ramee <wramee@aol.com>  
Subject: At and T phone cable  
Date: April 29, 2015 3:38:36 PM CDT  
To: KEYES RAMEE <kramee@palmersteel.com>

1 Attachment, 4.1 MB





EXHIBITS PRESENTED BY:

DAYIN Mc GINNIS



*Opponent EXN 5*

Davin McGinnis  
Direct Dial: 512.495.6308  
dmcginnis@scottdoug.com

March 24, 2016

Commissioners Court of DeWitt County  
c/o Hon. Daryl L. Fowler  
(via email daryl.fowler@co.dewitt.tx.us)  
301 N. Gonzalez Street  
Cuero, TX 77954

In Re: Opposition to Petition to Discontinue, Vacate and/or Abandon a Portion of Oliver Road, a Public Road of DeWitt County

Dear Commissioners:

Please accept this letter as Devon Energy Production Company, L.P.'s ("Devon") statement of opposition to the pending Petition requesting discontinuance, vacature and/or abandonment of a portion of Oliver Road.

The Petition is without basis, will pose an undue hardship to the citizens of the County, including Devon, by adversely impacting the mobility of the citizens, as well as first responders and emergency personnel.

Only two of the twenty-two Petitioners actually live along the relevant portion of Oliver Road. Fully half of the remaining Petitioners don't even live in DeWitt County. It is difficult to fathom what impact, if any, the Court's grant or denial of the relief requested in the Petition would have on those Petitioners who don't live on Oliver Road, particularly those who don't even live in DeWitt County.

Devon and BHP Billiton Petroleum Properties (N.A.), LP f/k/a Petrohawk Properties, LP ("BHPB") are joint working interest owners in developing the Eagle Ford Shale oil and gas resources beneath more than 80,000 acres of DeWitt County lands. BHPB and Devon have drilled and are producing hundreds of wells on those lands. This joint development has resulted in more than a billion dollars in royalty revenue for DeWitt County residents and royalty owners. In addition, BHPB and Devon have collectively paid more than \$25 million dollars per year in ad valorem taxes to DeWitt County in each of the past two years.

Devon has also strived to be a productive, responsible and generous member of the community, having contributed more than \$250,000 to various charitable causes in DeWitt

Scott Douglass & McConnico LLP Attorneys at Law

1303299  
303 Colorado Street, Suite 2400, Austin, TX 78701 | p: 512.495.6300 f: 512.495.6399 [www.scottdoug.com](http://www.scottdoug.com)



County. In 2015, Devon also contributed more than \$125,000 directly to DeWitt County for road maintenance and improvements.

A. This Court formally confirmed Oliver Road as a public County road in 2007.

It is Devon's understanding that Oliver Road (including the contested portion) has been a public road utilized and relied upon by the citizens of DeWitt County for decades.

Significantly, in 2006 and 2007, following the procedures set forth in Chapter 258 of the Texas Transportation Code, this Court confirmed the status of all DeWitt County roads, including the contested portion of Oliver Road. As a part of this process, this Court:

- Sent notice with all 2006 ad valorem tax statements that included:
  - A list of all roads which the County considered to be public roads;
  - Notice that a preliminary draft of a County Road Map was available for inspection beginning on December 1, 2006; and
  - Notice that a public hearing would be held on May 16, 2007 regarding the County Road Map, at which any protest would be heard;
- Held a hearing on May 16, 2007 to receive public comment and any protests; and
- Having heard no protest at or after the May 16, 2007 hearing, entered its Order Adopting County Road Map Pursuant to Chapter 258 Texas Transportation Code (the "2007 Order").

The 2007 Order included a complete copy of the final County Road Map, and the map clearly depicts the contested portion of Oliver Road. For your reference, the 2007 Order and relevant pages of the map depicting the contested portion of Oliver Road are attached as Exhibit A.

B. Petitioners' challenge to either the 2007 Order or the County Road Map are both time-barred.

The 2007 Order advised that pursuant to Section 258.005(b) of the Texas Transportation Code, any challenge to the County Road Map or any designated County Road was subject to a two-year limitations period. *See* 2007 Order; *see also* Tex. Trans. Code. § 258.004. Thus, Petitioners' timeframe for contesting the status of Oliver Road expired on July 25, 2009.



- C. Any timely challenge to the 2007 Order should have been made in the district court.

If it were not time-barred, Petitioners' challenge to the public designation of this portion of Oliver Road must be made in the district court of DeWitt County, not here. Section 258.004 of the Texas Transportation Code specifically provides that "[a] person. . . 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." In addition to being untimely, Petitioners have chosen the wrong forum to challenge the public nature of Oliver Road.

- D. Devon relies on Oliver Road to access twenty-five (25) wells at six (6) pad sites.

In its submission in opposition to Petitioners' requested relief, BHPB has attached an annotated aerial photograph and map depicting the general area, including the contested portion of Oliver Road (the "Map"). A copy of the Map is attached to this letter as Exhibit B. The contested portion of Oliver Road is the east-west segment of Oliver Road indicated in yellow.

Devon uses the contested portion of Oliver Road to access twenty-five (25) wells that it operates on six (6) separate pad sites in the area. The location of these six pad sites are indicated with green circles on the map. These wells were drilled by BHPB and are owned by BHPB and Devon as joint working interest owners.

In order to access these pad sites, Devon and BHPB have built private access roads connecting the pad sites to Oliver Road. These roads were connected to Oliver Road in reliance upon the continued ability to access and utilize the contested portion of Oliver Road for ingress and egress, both now and in the future. The safe and efficient operation of these twenty-five wells requires reliable, unencumbered access by large trucks and (occasionally) heavy machinery. Devon relies upon use of the contested portion of Oliver Road for this access.

Closing the contested portion of Oliver Road would be unfair, improper and impose an undue hardship on Devon and BHPB. Further, under the current facts and circumstances, it would be inconsistent with prior holdings of Texas courts. *Cf. More v. Commissioners Court of McCulloch Cty.*, 239 S.W.2d 119, 121 (Tx. Civ. App.—Austin 1951, writ refused) ("We are unable to find any authority for a Commissioners Court to close or order closed a public road over the protest of an owner of land abutting a public road previously maintained as a part of highway in which owner having bought his property in relation to such road as owner had acquired the property interest in the public road or highway. This property interest entitled the plaintiff to its use free from obstruction or hindrance by the appellee.").



- E. Closure or discontinuance of Oliver Road would leave no viable alternative route to Devon's six (6) pad sites and twenty-five (25) wells.

Section 251.051(c) of the Transportation Code provides that "the Commissioners court of a county may not discontinue a public road until a new road designated by the court as a replacement is ready to replace it." This requirement cannot be met here.

Since receiving Petitioners' request to close the contested portion of Oliver Road, Devon has explored whether alternative routes to its pad sites exist that would not require travel down the contested portion of Oliver Road. Devon has concluded that there are no viable alternatives.

As shown on the Map, two of Devon's pad sites abut the contested portion of Oliver Road and are inaccessible from any other route. There are only three conceivable alternate routes to Devon's other pad sites. The first is a route via Elder Road (depicted in pink on the Map). The second is a route via Cheapside (depicted in green on the Map). The third is a route via Wild Road (depicted in orange on the Map). None of these routes are safe or reliable.

Each of these three alternative routes converge on the northern, uncontested portion of Oliver Road, depicted in blue on the Map. This northern portion of Oliver Road affords access to these pad sites from the north rather than the west. This northern portion of Oliver Road is not designed or constructed to handle the heavy truck and machinery traffic that must be able to access the six pad sites. It is a heavily rutted, unpaved dirt road. To complicate matters, at the intersection of this northern portion of Oliver Road (blue) with Elder Road (pink) and Cheapside (green), there is a low water crossing that floods in heavy rain, leaving access to Devon's property – literally – dependent on the weather.

Relatedly, this intersection, and a considerable portion of this northern section of Oliver Road, is in the floodplain. It is therefore prone to flooding not only at the low water crossing, but also along large portions of the road. See Exhibit C (aerial photograph reflecting the floodplain).

It would cost hundreds of thousands of dollars to improve this northern portion of Oliver Road to the point that it would provide a comparable, safe alternative route of access in lieu of the contested portion of Oliver Road. And even then, each of the three possible alternative routes leading to this northern portion of Oliver Road would still not be adequate to handle the necessary traffic to the pad sites.

Aside from the common problems along the northern portion of Oliver Road just discussed above, each of the three potential alternative routes are problematic and present legitimate access and safety issues, including: (1) narrow roads, making two-way traffic difficult, if not dangerous, (2) sharp curves causing limited visibility, (3) large low-hanging branches



crossing the road that present clearance issues; (4) narrow cattle guards that are difficult to navigate with large trucks and heavy machinery and that could be damaged by heavy equipment; and (5) utility poles along the road which limit maneuverability. These issues are documented in photographs submitted as attachments to BHPB's opposition letter.

A substantial portion of Elder Road route (in pink), like the northern portion of Oliver Road, is in the floodplain and is therefore prone to flooding and washouts, making it impassible during – and after – heavy rains.

The Cheapside route (in green) is problematic for the additional reason that it includes a weight restricted bridge near the intersection of Cheapside and Wild Road. This wooden bridge is not suitable for use by heavy trucks and equipment.

The Wild Road route (in orange), is a tight dirt road that includes a number of hairpin curves which would be difficult, if not impossible, for large trucks and equipment to navigate.

Because no viable alternative route exists, the requirements of Section 251.051(c) of the Transportation Code are not met. The Petition should be denied.

- F. Even if otherwise viable, the shortest alternative route requires three times more travel on County roads than the route using the contested portion of Oliver Road.

Even if any of the three alternative routes were otherwise viable, it is significant to note that each of them is significantly longer than the route Devon currently uses. The current route requires just .8 miles of travel on County roads. The shortest of the three (unsuitable) alternative routes involves nearly two additional miles of County road travel, meaning that every trip to a Devon pad site will involve three times as much travel on County roads as the current route. Forcing trucks and heavy equipment to travel additional distances on County roads will inevitably cause greater wear and tear on DeWitt County's roads.

- G. Increasing the distance that must be traveled to access Devon's 25 wells will necessarily increase emergency response time to this portion of DeWitt County.

If Petitioners' request for closure is granted, emergency response personnel would have to travel significantly greater distances in the event of an emergency at any of Devon's six pad sites. Any emergency response would come from Cuero. If Oliver Road is closed, the Cuero Volunteer Fire Department would be forced to travel at least two additional miles to Devon's gas wells in comparison to the current route.

In addition, the fact that these alternative routes all require travel through a floodplain and across a low water crossing means that these alternative routes will periodically be impassible to emergency vehicles.



Devon takes great effort to ensure that all of its pad sites and wells are safely maintained, but, nevertheless, accidents are possible. If this road is closed and a fire, explosion or other incident occurs at one of the six pad sites near Oliver Road, emergency personnel would be forced to take a less reliable, longer route to access the pad sites, and that would severely interfere with efforts to quickly, safely and efficiently address any emergencies.

- H. Forcing traffic to utilize alternate routes would redistribute, not reduce overall traffic on county roads.

It is important to note that a closure of the contested portion of Oliver Road will not in any way reduce the number of trucks traveling DeWitt County roads. Closure would only force those trucks through alternate routes on other County roads. These alternate routes, as discussed above, are significantly longer and will cause truck traffic that Petitioners are currently complaining of to be redistributed to other portions of the County. And because these alternate routes are longer and pass by more residences<sup>1</sup> any inconvenience caused by use of these alternative routes will necessarily affect more road, more people and more property because of the increased distances these trucks must travel to get to and from the same points.

- I. Petitioners' request for closure of the contested portion of Oliver Road is ironic and unfair.

As discussed at the outset, Devon and BHP's development of the Eagle Ford Shale in DeWitt County has generated more than a billion dollars in royalty payments to county residents and property owners. Of particular interest here is the fact that the signatories to the Petition for closure of this portion of Oliver Road have themselves been paid substantial royalties from Devon and BHPB, much of which was a result of production from the very wells accessed through the contested portion of Oliver Road. It is patently unfair for Petitioners to now seek to close a road that has contributed so materially to their substantial economic gain.

It is also ironic and unfair that Petitioner Robert Oliver, who owns three-quarters of the acreage abutting this contested portion of Oliver Road, seeks closure of this portion of Oliver Road. Oliver purchased this property in August of 2013, long after oil and gas development in this area had begun in earnest, and after five of the six pad sites had been built. He knew (or should have known) of the road traffic when he purchased this property. Oliver should not now be allowed to demand closure of the road because he finds the truck and equipment traffic to be inconvenient or a nuisance. See *City of Weslaco v. Turner*, 237 S.W.2d 635, 646 (Tex. Civ. App.—Waco 1951, writ refused n.r.e.) (Denying injunction to prevent drainage into lake where

---

<sup>1</sup> As reflected on the Map, there is only one permanent house along the contested portion of Oliver Road. There are between five and ten residences along each of the alternative routes.



property owners built their homes near lake with knowledge that drainage existed as a result of local industry practice).

J. Conclusion.

Petitioners' request for closure of the contested portion of Oliver Road will substantially impair mobility and transportation in this portion of DeWitt County and, in particular, substantially impair Devon's ability to regularly, reliably and safely access the six pad sites and 25 wells currently accessed through this portion of Oliver Road. Regular, safe and reliable access is essential to ensure continued safe operation of these wells. And continued use of the current route across Oliver Road minimizes the cumulative miles driven by the trucks and equipment visiting the pad sites, thereby generally minimizing the overall impact to the County roads and its residents.

For these and other reasons that may be presented at the hearing on this matter, Devon respectfully requests that this Court deny the Petition and leave the road in its currently recognized public status.

Respectfully submitted,



Devin McGinnis  
Attorney for Devon Energy Production Co., L.P.

DMc:lbb

Attachments



# **EXHIBIT A**



**In the  
DeWitt County Commissioners Court**

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

Be it remembered, that on the 25<sup>TH</sup> 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 25<sup>TH</sup> day of JULY, 2007.

Don F. 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 25<sup>TH</sup> 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 25<sup>TH</sup> day of **JULY, 2007**.

  
DeWitt County Judge

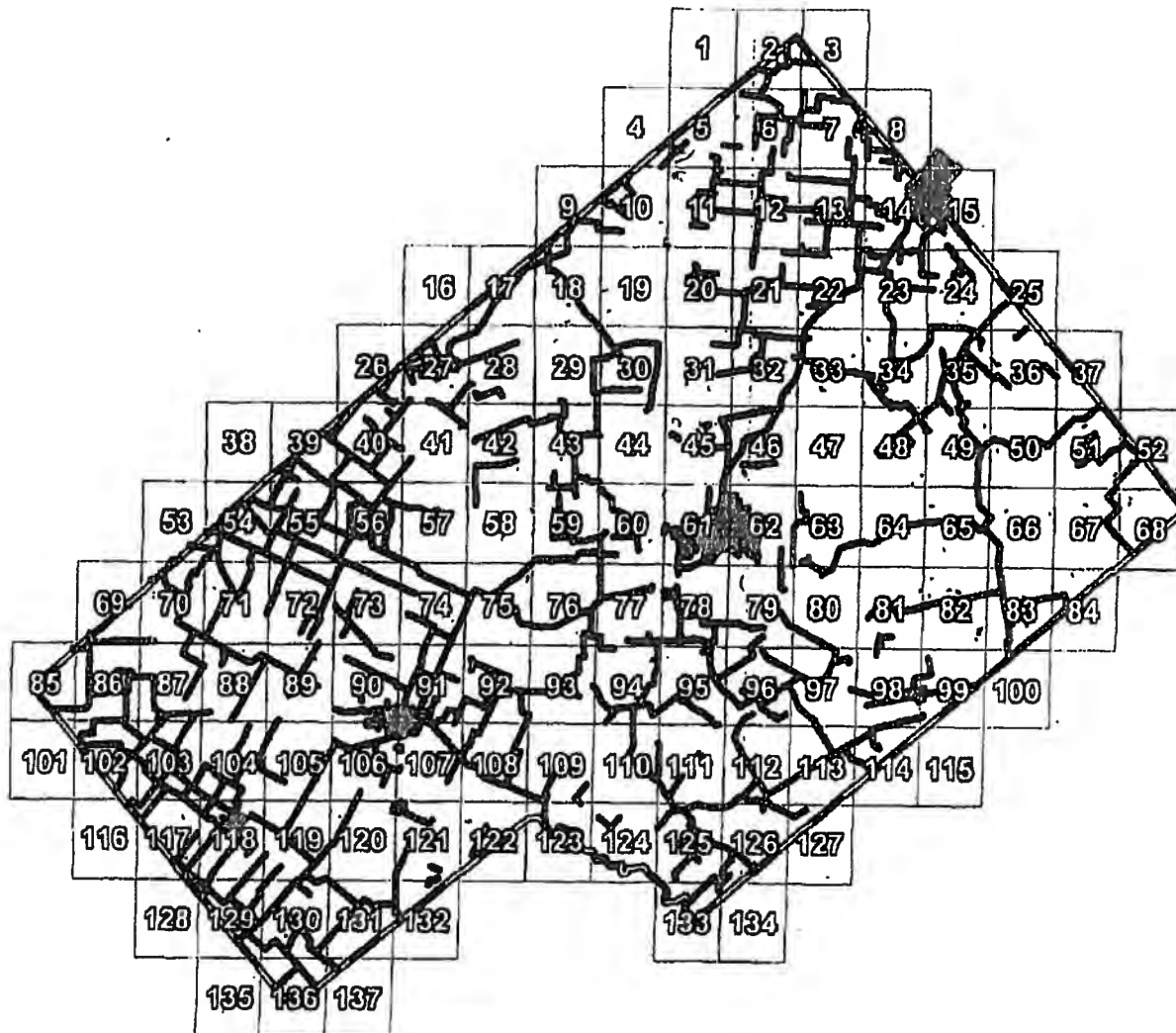
SUBSCRIBED AND SWORN to before me, the undersigned authority, to certify which witness my hand and seal of office.

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





# DeWitt County Grid Map





6/18/2007

DeWitt County Road Index  
Grid Map Page #

10

Road Name / Number

Comments

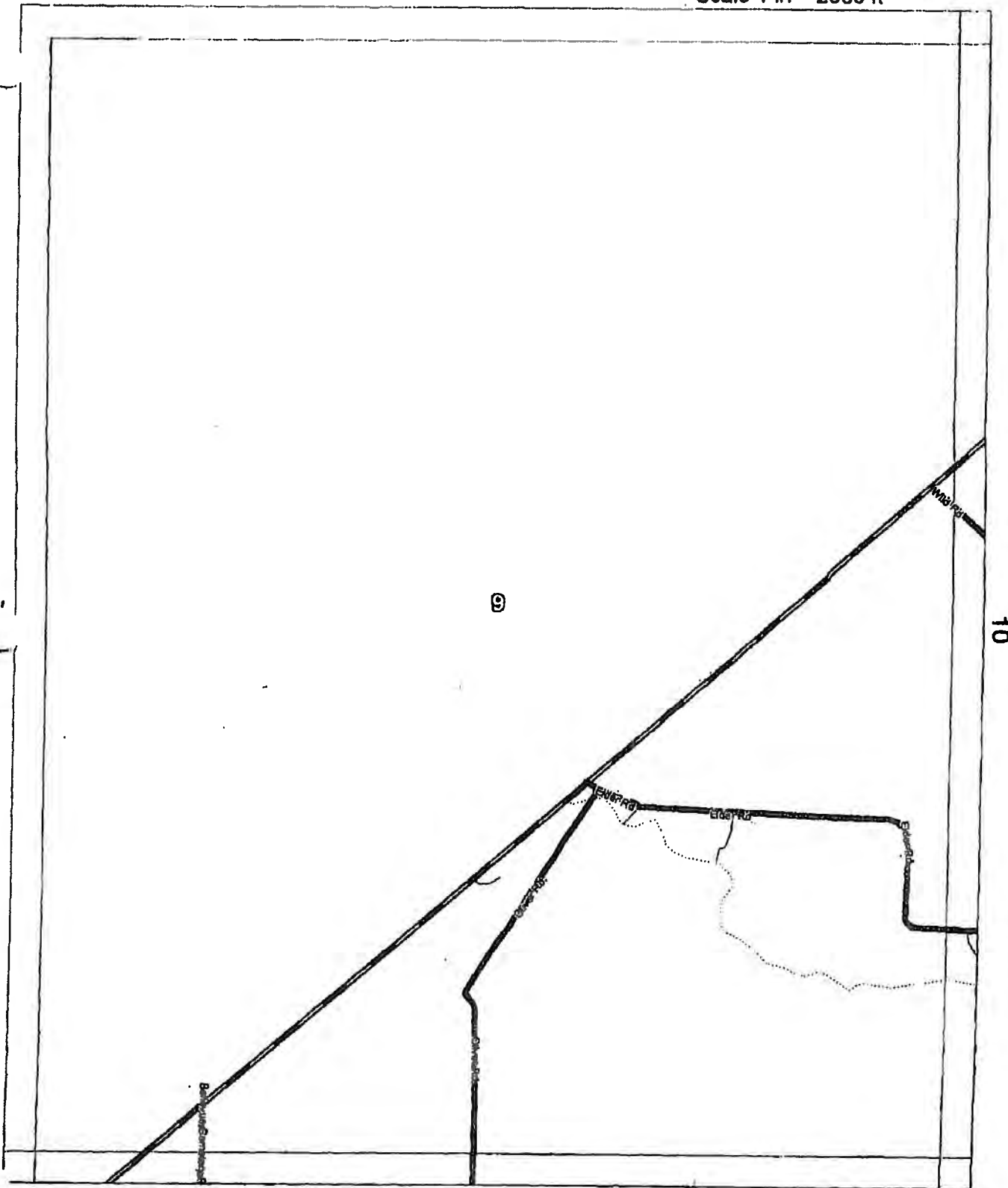
Old Victoria Rd	80
Old Weesatche	121
Old Yoakum Rd	33
Old Yoakum Rd	45
Old Yoakum Rd	46
Old Yoakum Rd	32
Old Yorktown Rd	76
Old Yorktown Rd	77
Old Yorktown Rd	75
Oliver Rd	18
Oliver Rd	9
Onken Rd	103
Otto Bolling Rd	128
Otto Bolling Rd	129
Otto Bolling Rd	117
Pargmann Rd	21
Pargmann Rd	22
Pargmann Rd	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	108
Rebecca Ln	98
Redies Rd	63
Remmers Rd	119
Remmers Rd	129
Remmers Rd	118
Responddek Rd	40
Rice Rd	36
Rice Rd	35
Rice-Davis Rd	24
Rice-Davis Rd	15



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  
Numbers Along Margins reflect  
Page # of Adjacent Map Grids

20-Oct-2006  
Map # 9



County Maintained Road  
Other Road  
Grid Line

# DeWitt County, Texas

Scale 1 in = 2000 ft



9

17

18

19

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



# **EXHIBIT B**





*Yellow  
Represents  
Current Route  
only*

*NOT  
CONTESTED*

EXHIBIT B



# **EXHIBIT C**



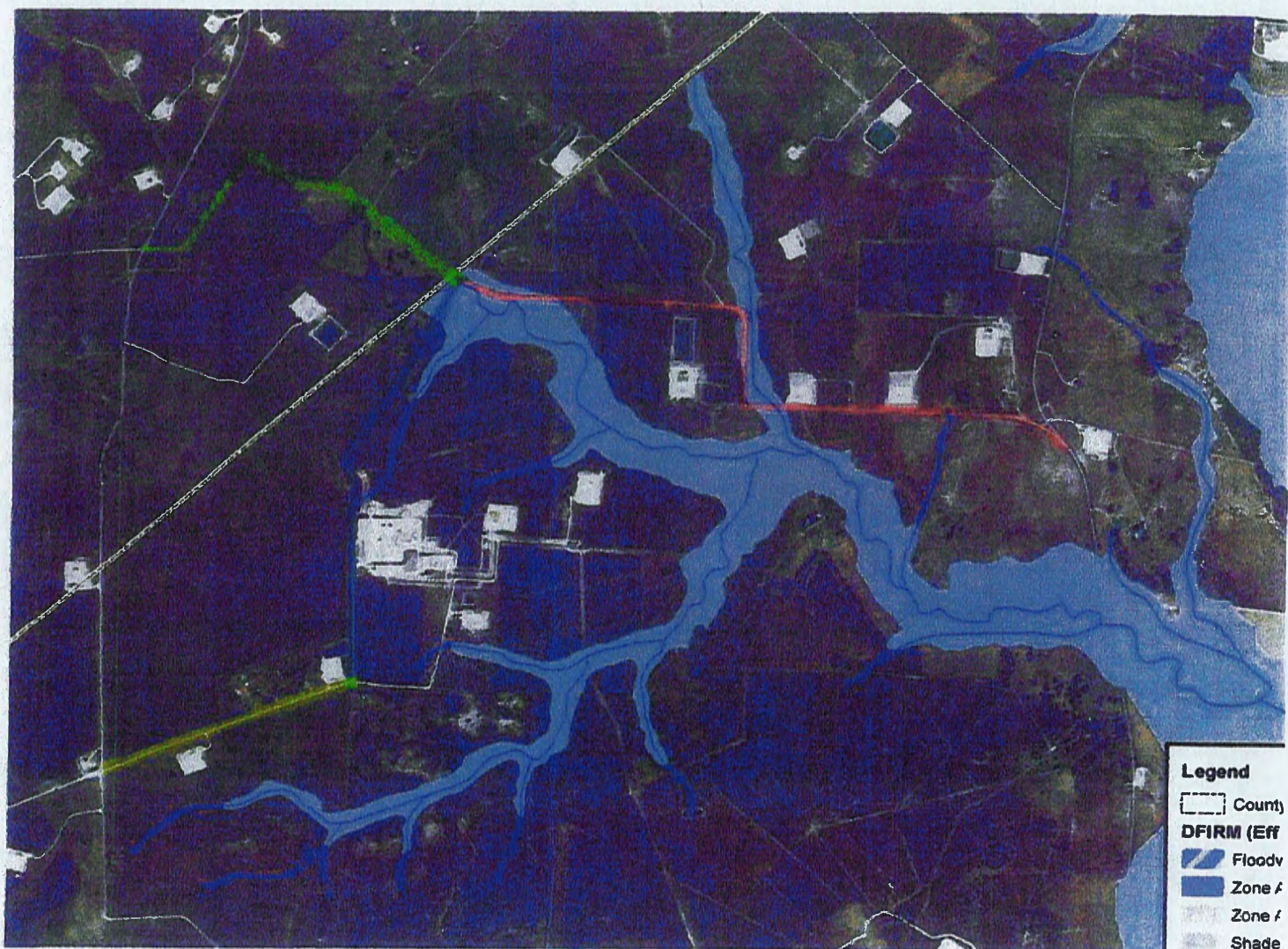


EXHIBIT C





*Opponent EXB 6*

March 25, 2016

Mr. Ronnye Leech  
Devon Energy Corporation  
22 Verhelle Road  
Cuero, Texas 77954

**Re: Floodplain along Elder Road  
Gonzales and DeWitt Counties**

Dear Mr. Leech:

Pape-Dawson Engineers, Inc. has investigated the floodplain conditions along Fulcher Creek, directly east of Cheapside, Texas in southern Gonzales County. Of particular interest is the potential flooding condition of Elder Road. This letter details our findings.

Elder Road is adjacent to Fulcher Creek, as mapped by the United States Geologic Survey (USGS) and the Federal Emergency Management Agency (FEMA). An approximate floodplain, called Zone A, is mapped for Fulcher Creek in DeWitt County; however, the mapping terminates at the county line and does not extend into Gonzales County. As a result, Pape-Dawson has applied engineering methods to delineate an approximate floodplain for Fulcher Creek in Gonzales County.

The peak discharge for Fulcher Creek was calculated using the regression equation methodology defined by the Texas Department of Transportation (TxDOT) in *Hydraulic Design Manual* dated May 2014 in Equation 4-12. Application of the methodology results in a 100-year peak discharge of 6,200 cfs for Fulcher Creek at the Gonzales/DeWitt county line.

Hydraulic calculations were completed by creating a HEC-RAS model with four (4) cross sections. Topographic data for the cross sections was derived from the 10-foot USGS contours, obtained from TNIRIS. The results of the hydraulic evaluation are used to delineate the approximate 100-year floodplain boundary adjacent to Oliver Road (see Exhibits A and B).

Between Cheapside and the county line, Elder Road crosses two streams mapped on the USGS topograph – Fulcher Creek and an unnamed tributary to Fulcher Creek. To prevent inundation of Elder Road during storm events, adequately sized crossing structures (culvert or bridge) should be constructed.

Proper sizing of a structure requires detailed survey data and engineering analysis to consider the geometry of the stream, elevation of the road, and velocity of the flow, among several other

Texas Board of Professional Engineers, Firm Registration #470

Fort Worth | San Antonio | Austin | Houston | Dallas

Transportation | Water Resources | Land Development | Surveying | Environmental

500 West Seventh St., Suite 350, Fort Worth, TX 76102 T: 817.870.3668 [www.Pape-Dawson.com](http://www.Pape-Dawson.com)



factors. A detailed crossing design is outside the scope of this project. As an alternative, Pape-Dawson prepared an estimated order of magnitude of the crossing sizes for various storm events. Based on the continuity of flow principle, defined as  $Q = vA$ , a range of crossing sizes is approximated using the peak discharge and allowable velocities of 7 fps and 10 fps. The drainage area for the unnamed tributary to Fulcher Creek is too small to apply the regression equation methodology. Instead, the peak discharge is calculated using the universally accepted methods defined by TR-55 in *Urban Hydrology for Small Watersheds* published by the Natural Resources Conservation Service (NRCS) dated June 1986. The results of this evaluation are presented below in Table 1.

**Table 1. Estimated Crossing Sizes**

Storm Event	Peak Discharge (cfs)	Opening Size (sq ft) <sup>1</sup>	Opening Size (sq ft) <sup>2</sup>
<b>FULCHER CREEK</b>			
2-year	800	80	114
10-year	2,600	260	371
100-year	6,200	620	886
<b>UNNAMED TRIBUTARY</b>			
2-year	400	40	57
10-year	1,000	100	143
100-year	2,100	210	300

<sup>1</sup> Continuity of flow calculation based on velocity of 10 fps.

<sup>2</sup> Continuity of flow calculation based on velocity of 7 fps.

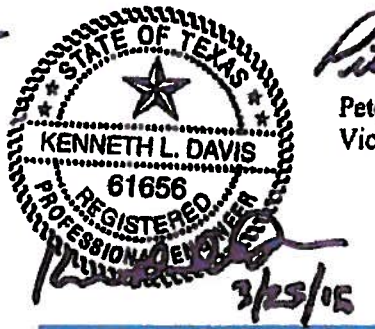
If the existing crossing structures have opening areas smaller than the sizes presented above, the road could be expected to be inundated during the storm event of interest. Note that the above calculations are not sufficient to proceed with detailed design of crossing structures. The sizes are presented as a means to approximate an order of magnitude of the required size.

If any questions or concerns arise related to the contents of this letter, please feel free to contact us at our office at 817-870-3668.

Sincerely,  
Pape-Dawson Engineers, Inc.



Kenneth L. Davis, P.E.  
Vice-President

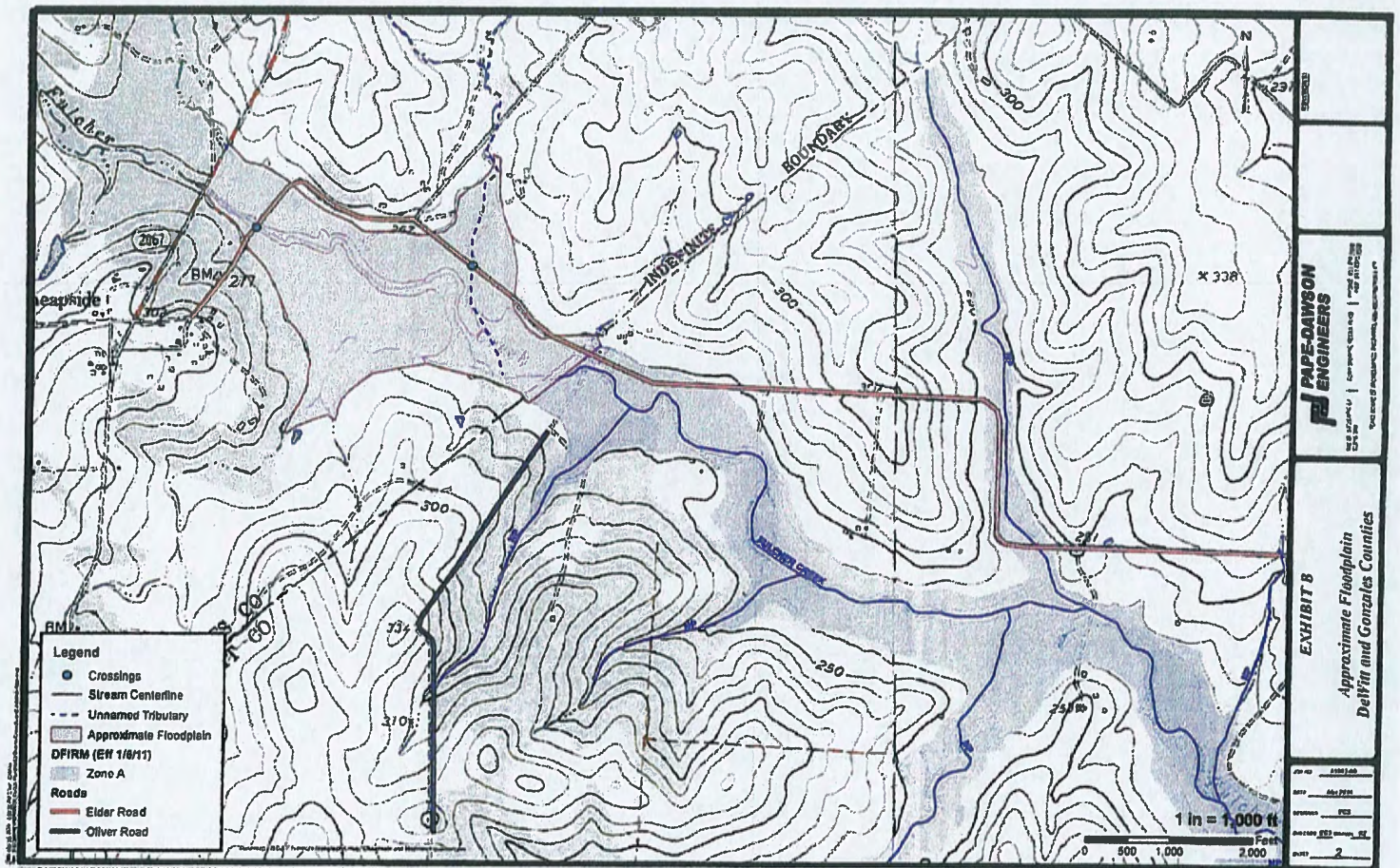



Pete McKone, CWB  
Vice-President











PEOPLES #1

Received by  
Commissioner's  
Court 2/29/16

Cause No. \_\_\_\_\_

IN THE COMMISSIONERS COURT  
OF DEWITT COUNTY, TEXAS

A PETITION BY PROPERTY OWNERS OF DEWITT COUNTY,  
REQUESTING THE COMMISSIONERS COURT  
TO DISCONTINUE, VACATE AND/OR ABANDON  
A PORTION OF A ROAD TO THE PUBLIC

POSTED  
DATE: 2/1/16 @ 1:00pm  
Notary Public  
Co. Clerk

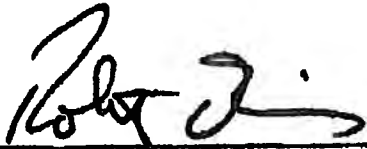
Pursuant to §§251.051, 251.052 and §251.058 of the Texas Transportation Code, the following parties, each being a property owner of land situated in Precinct 1, DeWitt County, Texas, hereby Petition the Commissioners Court of DeWitt County, Texas, to discontinue, vacate and/or abandon of a portion of a road alleged by DeWitt County to be a public road ("Road"), having first provided twenty (20) days' notice of their intent to apply to discontinue, vacate and/or abandon a portion of the road in conformity with law.

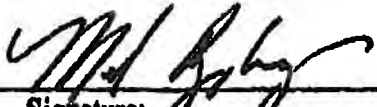
The Road, or portion thereof, to be discontinued, vacated and/or abandoned is described as follows:

The portion of the Road to be discontinued, vacated and/or abandoned is known as Oliver Road, located between Bellevue Cemetery Road and where Oliver Road turns proximately north, extending a distance of approximately 4,368.16 feet, more or less into the lands of Robert Oliver, Mark S. Zgabay and wife Betty Zgabay, Petitioners herein, and is described more fully as set forth herein on Exhibits A and B with yellow highlight:

Point of Beginning: (See Attached Exhibits A and B)  
Point of Termination: (See Attached Exhibits A and B)  
Distance: (See Attached Exhibits A and B)

The parties signed below make application for the discontinue, vacate and/or abandon a portion of said Road by filing a petition with the DeWitt County Commissioners Court on the 29<sup>th</sup> day of FEBRUARY, 2016, at a regular meeting of said Court scheduled for that date. Persons requiring further information should contact the DeWitt County Judge, Hon. Daryl L. Fowler, at the office of the county judge in the DeWitt County Courthouse, Cuero, Texas 77954. Interested parties should also plan to attend the Commissioners Court meeting on the date above.

  
1. Signature: \_\_\_\_\_  
Printed Name: **ROBERT OLIVER**  
Address: **Box 976**  
Phone #: **CUERO, TX. 77954**  
**(210) 240-5533**

  
2. Signature: \_\_\_\_\_  
Printed Name: **MARK ZGABAY**  
Address: **590 OLIVER RD**  
Phone #: **CUERO, TX**  
**361-243-6005**



*Betty Zgabay*

3. Signature  
Printed Name: Betty Zgabay  
Address: 509 Oliver Road  
Cuero, Texas 77954  
Phone #:

*Mary E. Hamilton*

5. Signature  
Printed Name: MARY E. HAMILTON  
Address: P.O. Box 729 Cuero  
Phone #: (991) 275-6676

*Gale Oliver*

7. Signature  
Printed Name: GALE H OLIVER  
Address: 823 W. 11th St. Houston, TX 77024  
Phone #: 713-962-5958

*Kathy Oliver*

8. Signature  
Printed Name: KATHY OLIVER  
Address: 1258 RIPLE CREEK  
Houston, TX 77057  
Phone #: 713-952-5557

9. Signature  
Printed Name: COYLENE OLIVER  
Address: 4812 MIRAVISTA ST.  
BRYAN, TX 77802  
Phone #: (979) 704-2825

11. Signature  
Printed Name:  
Address:  
Phone #:

*William T. Oliver Jr*

4. Signature  
Printed Name: William T. Oliver Jr  
Address: 12218 Broken Bay, Houston, TX  
Phone #: 713-876-7475 77024

*Grayson Oliver*

6. Signature  
Printed Name: Grayson Oliver  
Address: 1703 Silver St., Houston, TX 77054  
Phone #: 512-826-1064

*Kirk C. Jesulantis*

8. Signature  
Printed Name: Kirk C. Jesulantis  
Address: 7025 Wilshire Dr, Houston, TX  
Phone #: 713-857-7116 77124

*Gale Oliver III*

8. Signature  
Printed Name: GALE OLIVER III  
Address: 122 Hickory Ridge, Houston, TX  
Phone #: 713-782-0469

*William T. Oliver*

10. Signature  
Printed Name: William T. Oliver  
Address: 4812 Miravista St.  
Bryan, TX  
Phone #: 510-857-5161

12. Signature  
Printed Name:  
Address:  
Phone #:



3. Signature Betty Zgabay  
Printed Name: BETTY ZGABAY  
Address 500 Oliver Road  
Cuero, Texas 77954  
Phone #: \_\_\_\_\_

4. Signature John Leon  
Printed Name: JOHN LEON  
Address 415 Schleicher  
Phone #: 361-243-2039

5. Signature Marian Fuchs  
Printed Name: MARIAN FUCHS  
Address P.O. Box 66  
Phone #: 361-550-7669  
830-236-9365

6. Signature John R. Capelo  
Printed Name: JOHN R. CAPELO  
Address P.O. Box 183 - Westhoff, TX  
Phone #: (830) 236-5529

7. Signature Karen Fuchs  
Printed Name: KAREN FUCHS  
Address P.O. Box 166, Westhoff, TX  
Phone #: 830-236-5565 77994

8. Signature Ralph W. Manning  
Printed Name: RALPH W. MANNING  
Address 202 Oak Ridge Dr.  
Phone #: Yoakum, TX 77995  
# 361-293-6616

8. Signature Mary A. Capelo  
Printed Name: MARY A. CAPELO  
Address P.O. Box 183 - Westhoff  
Phone #: 77994  
(830) 236-5529

8. Signature Alice H. Manning  
Printed Name: ALICE H. MANNING  
Address 202 Oak Ridge Dr.  
Phone #: Yoakum, TX 77995  
361-293-6616

9. Signature L. J. Srubar  
Printed Name: L. J. SRUBAR  
Address 2840 Schulte Rd., Westhoff  
Phone #: 830-236-5949

10. Signature Carolyn E. Petru  
Printed Name: CAROLYN E. PETRU  
Address 2565 FM 531  
Phone #: Shiner, TX 77984  
361-594-2537

11. Signature Agnes Srubar  
Printed Name: AGNES SRUBAR  
Address 2840 SCHULTE RD.  
Phone #: 830-236-5949

12. Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone #: \_\_\_\_\_



Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Robert Oliver", written over a horizontal line.

Robert Oliver

A handwritten signature in dark ink, appearing to read "Mark Zgabay", written over a horizontal line.

Mark Zgabay

A handwritten signature in dark ink, appearing to read "Betty Zgabay", written over a horizontal line.

Betty Zgabay

(Property owners burdened by this portion of Oliver Road)



# **THOMAS SURVEYORS**

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

**304 N. Gonzales**  
**Cuero, Texas 77954**

**Bus. 361-275-2716**  
**Firm No. 10193901**

## **METES AND BOUNDS DESCRIPTION OF A 3.189 ACRE TRACT OF LAND REQUESTED BY MR. ROBERT OLIVER (JOB # 15092301)**

**BEING** all that certain parcel, tract or strip of land containing 3.189 Acres, being on and across portions of the following original surveys located in DeWitt County, Texas:

1. Mary Cogswell Survey A-109 (approximately 2.513 Acres covered herein);
2. Wiley W. Hunter Survey A-230 (approximately 0.203 Acre covered herein);
3. Memphis El Paso and Pacific Rail Road Company A-358 (approximately 0.368 Acre covered herein);
4. Alex Hamilton Survey A-609 (approximately 0.105 Acre covered herein);

And said 3.189-Acre tract being on and across portions of the following tracts located in said County:

1. A called 648.79-Acre tract styled Exhibit "A" described in special warranty deed to Robert L. Oliver from Oliver Family Surface Investments, Ltd. recorded in Vol. 484 Page 633 in the official public records of said County (1.685 Acres of said tract covered herein);
2. A called 40-Acre tract referenced in gift deed to Mark S. Zgabay et. ux. from Keyes F. Carson, Jr. recorded in Vol. 155 Page 536 in said official public records and described in Vol. 79 Page 83 in the deed records of said County (1.504 Acres of said tract covered herein);

Said 3.189-Acre being a portion of "Oliver Road" (a prescriptive-type, County maintained right of way varying in width at this location as presently fenced), and is more particularly described by metes and bounds as follows:

**BEGINNING** at a mag nail set in the centerline of a 12" diameter cedar fence corner post found at the southwest corner of this tract, at the intersection of the presently fenced southern right of way line of said Oliver Road, with the presently fenced eastern right of way line of County Road No. 147 / Bellevue Cemetery Road (a County maintained, variable width right of way), at a point interior of said 648.79-Acre tract and of said Memphis El Paso and Pacific Rail Road Company Survey A-358, located (along the following call which crosses through the interior of said 648.79-Acre tract description, and does not run along the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road) N 01 Deg. 27 Min. 30 Sec. W, 1,265.69 feet from a 5/8" diameter iron rod found at the most northerly southwest corner of said 648.79-Acre tract;

**THENCE** crossing said Oliver Road, with the northerly and southerly prolongations of the presently fenced eastern right of way line of said County Road No. 147 / Bellevue Cemetery Road, and crossing an interior portion of said 648.79-Acre tract, N 01 Deg. 44 Min. 08 Sec. W, the following:

1. At a distance of approximately 34.69 feet, pass the line separating said Memphis El Paso and Pacific Rail Road Company Survey A-358, from said Mary Cogswell Survey A-109;