



MUD Special Session – November 7, 2022

The Board of Directors of the Emerald Bay Municipal Utility District met in special session on Monday, October 10, 2022 at the District Office, 155 LaSalle Road, Bullard, TX 75757.

Present were Directors Dwight Cole, Cayla Washburn, Inge Grant, Bill Harris and Becky Kirkpatrick. Also in attendance was Business Manager Laurie Threet.

President Harris called the meeting to order at 4:41 PM.

President Harris made a motion to approve the minutes of the MUD Regular Session meeting of October 17, 2022. Director Cole seconded, and the motion passed unanimously.

President Harris informed the Board that the date of November 14, 2022, which had been approved by the Board on October 10, 2022 as the date for hearing on the petition for annexation of the land outlined and specified at that meeting, would need to be changed to December 8, 2022.

President Harris then made a motion to approve the order fixing the time and place for hearing on the petition for annexation of land at the request of the majority in value of the owners pursuant to §49.302, Texas Water Code as **Thursday, December 8, 2022, 4:45 PM. The location to be the Emerald Bay Municipal Utility District Office, 155 LaSalle Road, Bullard, TX 75757.**

Director Grant seconded the motion, and the Directors were polled individually. Director Harris answered affirmatively. Director Cole answered affirmatively. Director Washburn answered affirmatively. Director Grant answered affirmatively. Director Kirkpatrick answered affirmatively. There being no objections, the motion passed unanimously.

There being no further business, Director Harris adjourned the meeting at 4:45 PM.

Becky Kirkpatrick, Secretary

William Harris, President

Attachments:

- Order Fixing Time & Place for Hearing on Annexation as December 8, 2022
- Field Notes for Emerald Bay Municipal Utility District relating to Well #1
- Exhibit A Weill Site #1 0.131 Acre Tract
- Field Notes for Emerald Bay Municipal Utility District relating to Well #2
- Exhibit B Well Site #2 0.069 Acre Tract

ORDER FIXING THE TIME AND PLACE FOR HEARING ON
THE PETITION FOR ANNEXATION OF LAND AT THE
REQUEST OF THE MAJORITY IN VALUE OF THE OWNERS
PURSUANT TO §49.302, TEXAS WATER CODE

Whereas, Emerald Bay MUD is the owner of the real property more fully described in the attached Exhibit consisting of 0.319 of an acre, which is the location of Well Site #1, and 0.228 of an acre, which is the location of Well Site #2;

Whereas, Cowan Land and Cattle Co., Inc is the owner of the real property more fully described in the attached Exhibit consisting of .131 of an acre, which adjoins the property that is the location of Well Site #1;

Whereas, Cowan Land and Cattle Co., Inc is the owner of the real property more fully described in the attached Exhibit, consisting of 0.069 of an acre, which adjoins the property that is the location of Well Site #2;

Whereas, Section 49.302 of the Texas Water Code authorizes the District to annex defined areas of land, whether or not they are contiguous to the District, on a petition requesting the annexation, signed by a majority in value of the owners of land in the defined area, as shown by the tax rolls of the central appraisal district of the county or counties in which such area is located;

Whereas, Emerald Bay MUD is the majority in value of the owners of the land described in the attached Exhibit as shown by the tax rolls of the Smith County Appraisal District;

Whereas, Emerald Bay MUD has filed a Petition For Annexation of Land with the Secretary of the Board of Emerald Bay MUD Pursuant to §49.302, Texas Water Code;

Whereas, it is the duty of the Board to pass an order fixing a time and place at which the petition for annexation shall be heard which is not less than 30 days from the day of the order calling the hearing;

Whereas, the secretary of the board shall issue a notice setting forth the time and place of the hearing and describing the area proposed to be annexed;

Whereas, notice of the hearing shall be given by posting copies of the notice in three public places in the district and in one public place in the area proposed to be annexed for at least 14 days before the day of the hearing and by publishing a copy of the notice in a newspaper of general circulation in the county in which the area proposed to be annexed is located one time at least 14 days before the day of the hearing;

Now therefore, Emerald Bay MUD orders a hearing on the Petition at the following time and place, which is more than 30 days from the date of this Order:

DATE and TIME: December 8, 2022 at 4:45 P.M.

PLACE: The office of the Municipal Utility District located at 155 LaSalle Rd. Bullard, TX 75757.


Emerald Bay MUD further orders that the Secretary of the Board shall issue a notice setting forth the time and place of the hearing and describing the area proposed to be annexed.

Emerald Bay MUD further orders that the notice of the hearing be given by posting copies of the notice in three public places in the District and in one public place in the area proposed to be annexed, for at least 14 days before the day of the hearing and by publishing a copy of the notice in a newspaper of general circulation in Smith County one time at least 14 days before the day of the hearing.

This Order was passed by the Board of Directors of Emerald Bay Municipal District this 7th day of November, 2022.



William Harris, President of the Board



Secretary of the Board

JOHN COWAN & ASSOCIATES, INC.

Registered Professional Land Surveyors

A. W. Osborn, R.P.L.S., R.L.S.
Terry D. Cowan, R.P.L.S.
Mark C. Ellis, R.P.L.S.
Philip W. Cornett, R.P.L.S.
C.H. McGaughey, Jr., R.P.L.S.

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Tyler, Texas 75701
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John Cowan (1914-1985)
Frank Cowan (1944-1984)

FIELD NOTES FOR EMERALD BAY MUNICIPAL UTILITY DISTRICT Elijah J. DeBard League, Abstract No. 6 Smith County, Texas

All that certain lot, tract or parcel of land, part of the Elijah J. DeBard League, Abstract No. 6, Smith County, Texas, being part of that certain called 313.609 acre tract described in a deed from Luceal Cowan to Cowan Land and Cattle Company, Inc., filed on December 30, 1986 and recorded in Volume 2631, Page 417 of the Land Records of Smith County, Texas and being more completely described as follows, to-wit:

BEGINNING at a concrete monument (found) for the easterly Southwest corner of the above mentioned 313.609 acre tract, the Northwest corner of the Vincent Simpson 29.33 acre tract described in Volume 5594, Page 116, in the East line of the Gary Woodring 299.3164 acre tract described in Volume 3121, Page 317;

THENCE North 09 deg. 02 min. 00 sec. East with the southerly West line of said 313.609 acre tract, the East line of said 299.3164 acre tract, a distance of 124.81 ft. to a 1/2" iron rod (set) for corner;

THENCE North 89 deg. 06 min. 39 sec. East, a distance of 113.60 ft. to a 1/2" iron rod (set) for corner, in the West right-of-way of a 100.00 ft. wide easement described as 13.614 acres in a deed from John Cowan and Luceal Cowan to T. P. & L. on February 20, 1973 and recorded in Volume 1442, Page 203;

THENCE South 09 deg. 31 min. 03 sec. West with the West right-of-way of said T. P. & L. easement, a distance of 125.00 ft. to a 1/2" iron rod (set) for the Southwest corner of same, in the easterly South line of said 313.609 acre tract, the North line of said 29.33 acre tract;

THENCE South 89 deg. 06 min. 39 sec. West with the easterly South line of said 313.609 acre tract, the North line of said 29.33 acre tract, a distance of 112.53 ft. to the place of beginning, containing 0.319 of an acre of land.

Plat accompanies field notes.

I, TERRY D. COWAN, Registered Professional Land Surveyor No. 4139, do hereby certify that the above field notes were prepared from an actual survey made on the ground under my direction and supervision.

GIVEN UNDER MY HAND AND SEAL, this the 29th day of March, 2004.



TERRY D. COWAN
Registered Professional Land Surveyor No. 4139
04-218a



Exhibit A
Well Site #1
0.131 Acre Tract

Being a 0.131 acre tract situated in the Elijah J. DeBard League, Abstract No. 6, Smith County, Texas and being part of a called 313.609 acre tract of land described in a Deed from Luceal Cowan to Cowan Land and Cattle Company, Inc. recorded in Volume 2631, Page 417 of the Land Records of Smith County, Texas (L.R.S.C.T.), said 0.131 acre tract being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found at the Northeast corner of a called 0.319 acre tract described in a Correction Warranty Deed from Cowan Land and Cattle Company, Inc. to Emerald Bay Municipal Utility District recorded in Volume 7658, Page 303 of the Official Public Records of Smith County, Texas (O.P.R.S.C.T.);

Thence South 87 degrees 34 minutes 50 seconds West, a distance of 113.56 feet along the North boundary line of said 0.319 acre tract to a 1/2" iron rod found at the Northwest corner of same and being on the West boundary line of said 313.069 acre tract and the East boundary line of a called 216.028 acre tract described as Tract 2 in a General Warranty Deed from Olive Hill Properties, LLC and Zion Hill Properties to Gary H. Woodring recorded under Clerk's File No. 20200100027897 of said O.P.R.S.C.T. ;

Thence North 07 degrees 03 minutes 39 seconds East, a distance of 50.69 feet along the West boundary line of said 313.069 acre tract and the East boundary line of said 216.028 acre tract to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

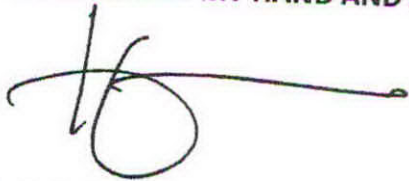
Thence North 87 degrees 34 minutes 50 seconds East, a distance of 114.39 feet along a line parallel to and 50.00 foot perpendicular distance North of the North boundary line of said 0.319 acre tract to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence South 07 degrees 59 minutes 09 seconds West, a distance of 50.84 feet to the place of beginning, containing 0.131 of an acre of land.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83, (feet), based on the 1993 adjustment of the NAD 83 System. The Control Monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

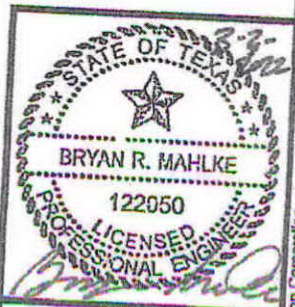
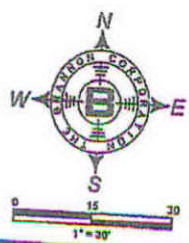
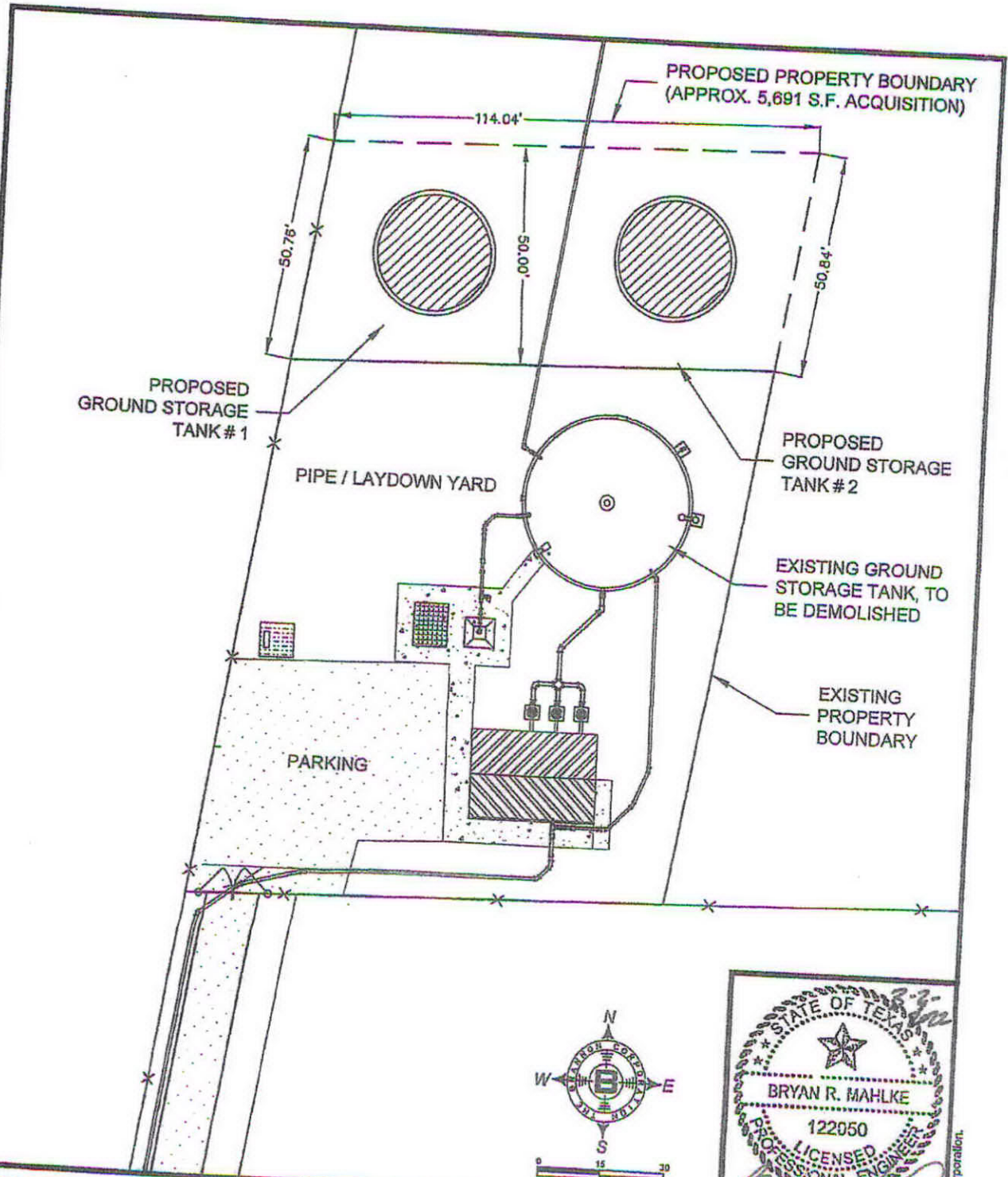
I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of August, 2022.

GIVEN UNDER MY HAND AND SEAL, This the 11th day of August, 2022.



Kevin L. Kilgore, R.P.L.S. 4687





EMERALD BAY M.U.D.
WELL SITE #1
 PROPOSED GROUND STORAGE TANKS
 LAND ACQUISITION EXHIBIT
 SITE PLAN

BRANNON CORP
 CIVIL ENGINEERS
 THE C.T. BRANNON CORPORATION
 1321 SOUTH BROADWAY
 TYLER, TX 75701
 (903) 597-2122

DESIGNED BY: BRM
 ISSUE DATE: 3-1-2022
 ISSUED FOR: COORDINATION

PROJECT NO. 21-065
 SHEET NO.
EX.01

TX FIRM REGISTRATION #F-242
 WEBSITE: www.brannoncorp.com

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JOHN COWAN & ASSOCIATES, INC.

Registered Professional Land Surveyors

Well # 2

A. W. Osborn, R.L.S., R.L.S.
Terry D. Cowan, R.L.S.
Mark C. Ellis, R.L.S.
Philip W. Cornett, R.L.S.
C.H. McLaughlin, Jr., R.L.S.

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John Cowan (1914-1988)
Frank Cowan (1944-1984)

FIELD NOTES FOR EMERALD BAY MUNICIPAL UTILITY DISTRICT

Elijah J. DeBard League, Abstract No. 6
Smith County, Texas

All that certain lot, tract or parcel of land, part of the Elijah J. DeBard League, Abstract No. 6, Smith County, Texas, being part of that certain called 313.609 acre tract described in a deed from Luiceal Cowan to Cowan Land and Cattle Company, Inc., filed on December 30, 1986 and recorded in Volume 2631, Page 417 of the Land Records of Smith County, Texas and being more completely described as follows, to-wit:

BEGINNING at a 1/2" iron rod (set) for corner in the intersection of the South right-of-way of County Road No. 1100 with the West right-of-way of a 100.00 ft. wide easement described as 13.614 acres in a deed from John Cowan and Luiceal Cowan to T. P. & L. on February 20, 1973 and recorded in Volume 1442, Page 203, said point also being North 23 deg. 08 min. 30 sec. East - 1409.74 ft. from a concrete monument (found) for an inner corner in the South line of the above mentioned 313.609 acre tract and the easterly Northeast corner of the Gary Woodring 299.3164 acre tract described in Volume 3121, Page 317;

THENCE South 09 deg. 31 min. 03 sec. West with the West right-of-way of said 100.00 ft. wide T. P. & L. easement, a distance of 100.00 ft. to a 1/2" iron rod (set) for corner;

THENCE North 88 deg. 15 min. 30 sec. West, a distance of 100.00 ft. to a 1/2" iron rod (set) for corner;

THENCE North 09 deg. 31 min. 03 sec. East, a distance of 100.00 ft. to a 1/2" iron rod (set) for corner in the South right-of-way of County Road No. 1100;

THENCE South 88 deg. 15 min. 30 sec. East with the South right-of-way of County Road No. 1100, a distance of 100.00 ft. to the place of beginning, containing 0.228 of an acre of land.

Plat accompanies field notes.

I, **TERRY D. COWAN**, Registered Professional Land Surveyor No. 4139, do hereby certify that the above field notes were prepared from an actual survey made on the ground under my direction and supervision.

GIVEN UNDER MY HAND AND SEAL, this the 29th day of March, 2004.

TERRY D. COWAN
Registered Professional Land Surveyor No. 4139
04-218b

Exhibit B
Well Site # 2
0.069 Acre Tract

Being a 0.069 acre tract situated in the Elijah J. DeBard League, Abstract No. 6, Smith County, Texas and being part of a called 313.609 acre tract of land described in a Deed from Luceal Cowan to Cowan Land and Cattle Company, Inc. recorded in Volume 2631, Page 417 of the Land Records of Smith County, Texas (L.R.S.C.T.), said 0.069 acre tract being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found at the Northwest corner of a called 0.228 acre tract described in a Correction Warranty Deed from Cowan Land and Cattle Company, Inc. to Emerald Bay Municipal Utility District recorded in Volume 7658, Page 303 of the Official Public Records of Smith County, Texas and being on the South line of County Road No. 1106;

Thence South 07 degrees 54 minutes 16 seconds West, a distance of 99.72 feet along the West boundary line of said 0.228 acre tract to a 1/2" iron rod found at the Southwest corner of same;

Thence North 89 degrees 50 minutes 51 seconds West, a distance of 30.28 feet to a 1/2" iron rod set with plastic cap stamped "KLK #4687";


Thence North 07 degrees 54 minutes 16 seconds East, a distance of 99.72 feet along a line parallel to and 30.00 foot perpendicular distance West of the West boundary line of said 0.228 acre tract to a 1/2" iron rod set with plastic cap stamped "KLK #4687" on said South line of County Road No. 1106;

Thence South 89 degrees 50 minutes 51 seconds East, a distance of 30.28 feet along said South line of County Road No. 1106 to the **place of beginning**, containing 0.069 of an acre of land.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83, (feet), based on the 1993 adjustment of the NAD 83 System. The Control Monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of August, 2022.

GIVEN UNDER MY HAND AND SEAL, This the 11th day of August, 2022.



Kevin L. Kilgore, R.P.L.S. 4687



Exhibit "D"

1/2" IRON RODS SET AT CORNERS
BEARINGS ORIENTED TO WEST LINE OF 313.609 ACRES

ELIJAH J. DEBARD LEAGUE ABSTRACT NO. 6

Sheet # 2

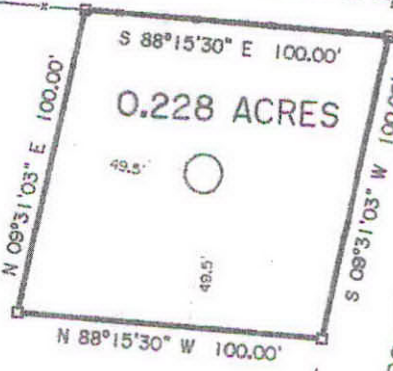
150' RADIUS
SANITATION EASEMENT

VOLUME 1442, PAGE 203

TO T.P.&L.
WIDE EASEMENT

COUNTY ROAD NO. 1100

(1.394 ACRES)



20 FEBRUARY 1973

JOHN COWAN & LUCEAL COWAN
(100.00 FT.)

30 DECEMBER 1986
LUCEAL COWAN TO

VOLUME 2631, PAGE 417
COWAN LAND & CATTLE CO.

313.609

ACRES

PLAT OF SURVEY FOR EMERALD BAY MUNICIPAL UTILITY DISTRICT SHOWING PART OF THE ELIJAH J. DEBARD LEAGUE ABSTRACT NO. 6, SMITH COUNTY, TEXAS

I, Terry D. Cowan, Registered Professional Land Surveyor No. 4139, do hereby certify that the plat shown hereon was prepared from an actual survey made on the ground under my direction and supervision.

GIVEN UNDER MY HAND & SEAL, this the 9th day of April 2004.

Terry D. Cowan

TERRY D. COWAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4139

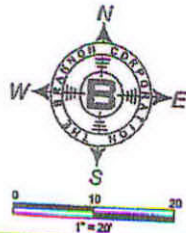
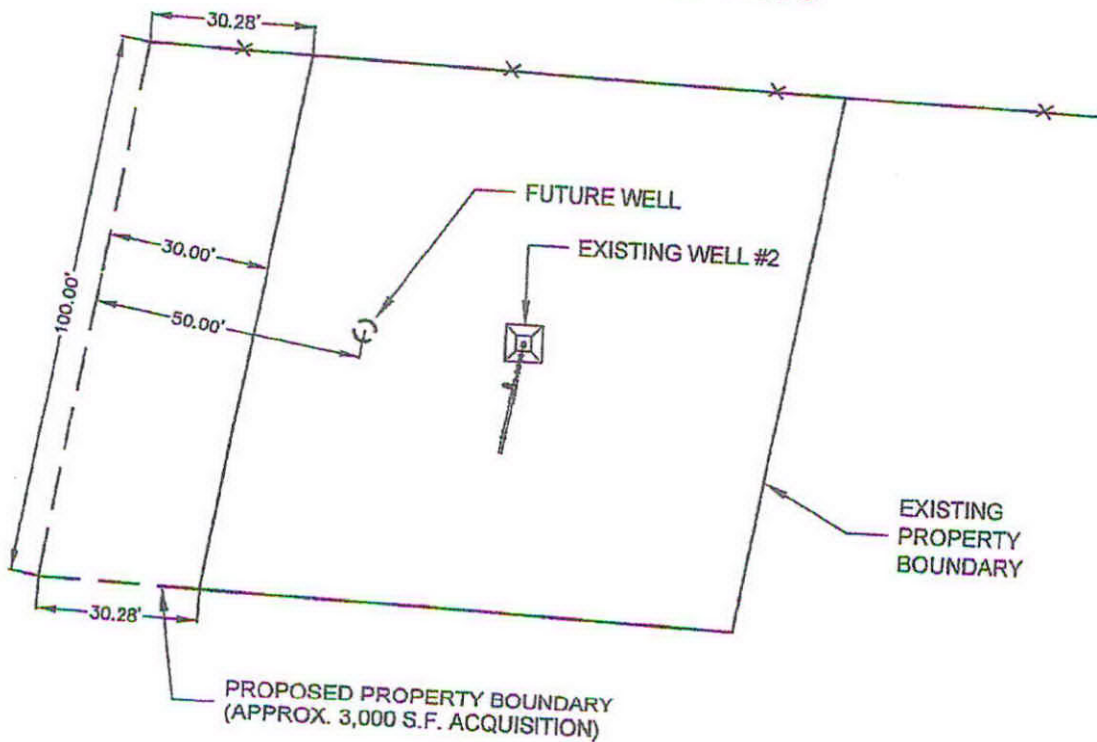


JOHN COWAN & ASSOCIATES, INC.

695 CHASE DRIVE, SUITE 107 TYLER, TEXAS 75701
TELEPHONE: (903) 581-2228 FAX: 581-0806

DRAWN BY: M. ELLIS	CHECKED BY: T. COWAN
DATE: 4/05/2004	PLD. BOOK: L.L.
SCALE: 1" = 50'	JOB NO.:

COUNTY ROAD 1106



EMERALD BAY M.U.D.
WELL SITE #2
FUTURE WELL
LAND ACQUISITION EXHIBIT
SITE PLAN

**BRANNON CORP**
CIVIL ENGINEERS
THE C.T. BRANNON CORPORATION
1321 SOUTH BROADWAY
TYLER, TX 75701
(903) 597-2122
TX FIRM REGISTRATION 02-242
WEBSITE: www.brannoncorp.com

DESIGNED BY: BRM
ISSUE DATE: 3-1-2022
ISSUED FOR: COORDINATION

PROJECT NO. 21-065
SHEET NO.
EX.02

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