

Consideration and Possible  
Approval

Order Adopting Engineering  
Report for Road Bond Election

CERTIFICATE FOR ORDER ADOPTING ENGINEERING REPORT AND PLAN  
FOR ROADS SERVING THE DEFINED AREA

THE STATE OF TEXAS §  
COUNTY OF HARDIN §  
LUMBERTON MUNICIPAL UTILITY DISTRICT §

We, the undersigned officers of the Board of Directors (the "Board") of Lumberton Municipal Utility District (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, on the 19<sup>th</sup> day of August, 2024, at a designated location inside the boundaries of the District, and the roll was called of the members of the Board to-wit:

Nick Carter	President
Roger Smith	Vice President
David Pitchford	Secretary
James Burk	Assistant Secretary
David L. Desormeaux	Assistant Secretary

All members of the Board were present except: \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

ORDER ADOPTING ENGINEERING REPORT AND PLAN  
FOR ROADS SERVING THE DEFINED AREA

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted; and, after due discussion, such motion, carrying with it the adoption of said Order, prevailed and carried by the following vote:

AYES: All Present

NOES: None

2. A true, full, and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Order has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Order; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance of the time, place, and purpose of such meeting and that such Order would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A. Government Code, Chapter 551, as amended.

SIGNED AND SEALED on the 19<sup>th</sup> day of August, 2024.

  
\_\_\_\_\_  
Secretary, Board of Directors

(DISTRICT SEAL)

  
\_\_\_\_\_  
President, Board of Directors

ORDER ADOPTING ENGINEERING REPORT AND PLAN  
FOR ROADS SERVING THE DEFINED AREA

THE STATE OF TEXAS §

COUNTY OF HARDIN §

LUMBERTON MUNICIPAL UTILITY DISTRICT §

WHEREAS, Lumberton Municipal Utility District (the “District”) Lumberton Municipal Utility District (the “District”) was created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto; and

WHEREAS, on July 15, 2019 the District adopted an order, subject to electoral confirmation, under the terms and provisions of Subchapter J of Chapter 54 of the Texas Water Code, designating a defined area, encompassing approximately 3,200 acres of developable land within the District (the “Defined Area”); and

WHEREAS on November 5, 2019, qualified resident electors of the Defined Area voted to designate a defined area Pursuant to Chapter 54 of the Texas Water Code; and

WHEREAS, the District’s Engineer, Elevation Land Solutions, LLC, has filed with and submitted to the Board of Directors an Engineering Report for Roads serving the Defined Area recommending the construction of facilities incident to the development of \$472,000,000 of road facilities (“Engineering Report”) and covering the works, improvements, facilities, equipment, and appliances to be purchased, constructed or otherwise acquired, and constructed on behalf of the District, and the property, contract rights, rights of use, and interest in property to be purchased or otherwise acquired, as well as the estimated cost of all the foregoing, together with maps, plats, profiles and data showing and explaining the report. A copy of the Engineering Report is attached hereto as Exhibit “A”; and

WHEREAS, the Engineering Report recommends \$ 472,000,000 for refunding purposes to develop roads serving the Defined Area

WHEREAS, the Board of Directors has fully considered said plans.

NOW, BE IT THEREFORE ORDERED BY THE BOARD OF DIRECTORS OF LUMBERTON MUNICIPAL UTILITY DISTRICT THAT:

I.

The Board of Directors and the District hereby adopt and approve said Engineering Report and Plan for Roads recommending construction or other acquisition of road facilities, as presented by Elevation Land Solutions, LLC.

II.

Said plans shall be filed in the office of the District and shall be open to inspection by any interested person.

III.

The President or Vice President is authorized to execute and the Secretary or Assistant Secretary is authorized to attest this Order on behalf of the Board of Directors; and the President is authorized to do all other things proper and necessary in connection with the adoption of said Engineering Report by the District.

*[signature page follows]*

PASSED AND APPROVED this 19<sup>th</sup> day of August, 2024.

ATTEST:



Secretary, Board of Directors



President, Board of Directors

# EXHIBIT A



**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**DEFINED AREA**  
**PROJECTED BOND REQUIREMENTS**  
**SUMMARY OF ESTIMATE PROJECT COSTS WITH ESCALATION**  
**PAVING BONDS**  
**August 14, 2024**

<u>CONSTRUCTION COSTS</u>	<u>Amount</u>	<u>District Share</u>
1. Major Thoroughfare Paving	\$ 2,878,000	\$ 2,878,000
2. Collector Road Paving	8,197,000	8,197,000
3. Internal Paving	68,667,000	68,667,000
4. Traffic Signal	900,000	900,000
5. Collector Road Culvert Crossings	3,053,000	1,526,500
6. Contingencies (20% of Items 1-5)	8,370,000	8,220,000
7. Engineering, Geotechnical, and Materials Testing (20% of Items 1-5)	16,740,000	16,430,000
8. Escalation of Construction Costs <sup>(1)</sup>	179,887,000	176,603,000
<b>Total Construction Costs</b>	<b>\$ 288,692,000</b>	<b>\$ 283,421,500</b>
	<i>% of Total Bond Issue</i>	<i>60.0%</i>
 <u>NONCONSTRUCTION COSTS</u>		
A. Legal Fees (3%)		\$ 14,160,000
B. Fiscal Agent Fees (2%)		9,440,000
C. Interest Costs		
1. Capitalized Interest (2 years @ 6%) <sup>(2)</sup>		56,640,000
2. Developer Interest (5 years @ 6%) <sup>(2)</sup>		85,026,450
D. Bond Discount (3%)		14,160,000
E. Land Acquisition Costs for Right-of-Way		7,500,000
F. Attorney General Fee (0.1%)		472,000
G. Administrative & Issuance Expenses		1,180,050
<b>Total Non-Construction Costs</b>		<b>\$ 188,578,500</b>
	<i>% of Total Bond Issue</i>	<i>40.0%</i>
<b>Total Bond Issue Requirement:</b>		<b>\$ 472,000,000</b>

Notes:

<sup>1)</sup> Compounding Interest for 20 years at 5% for Items 1-7.

<sup>2)</sup> Simple Interest



May 22, 2024

Texas Commission on Environmental Quality  
1200 Park 35 Circle  
Austin, Texas 78753

Attn: Mr. James Walker (Mail Code 156)  
Districts Review Team  
Utilities & Districts Section  
Water Supply Division

Re: Lumberton Municipal Utility District  
Preliminary Engineering Report for the Acquisition of Road Powers

Dear Commission:

Lumberton Municipal Utility District (the "District") was created by House Bill 1696, 63<sup>rd</sup> Texas Legislature, Regular Session, 1973. The law was revised by House Bill No. 2619, 81<sup>st</sup> Texas Legislature, Regular Session, 2009, codified as Chapter 8230, Special District Local Laws Code. A copy of Chapter 8230 is included in Exhibit 6 of the attached submittal. On November 5, 2019, an election was held within the District designating a Defined Area. A copy of the Order Canvassing the results of the election are included in Exhibit 7.

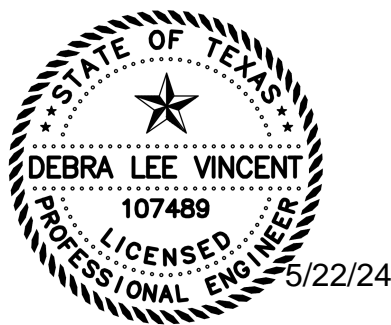
We have been authorized by the District's Board of Directors to prepare the attached engineering report to support the District's petition for the acquisition of road powers within the Defined Area. The Board resolution authorizing the petition, the petition, the filing fee receipt, and the District's Annual Audit are enclosed.

We prepared the engineering report in conformance with the requirements under 30 TAC §293.201 and §293.202. We trust that all the information required for your review is included in the attached submittal. Should you have any questions or need additional information, please feel free to contact me.

Sincerely,  
Elevation Land Solutions  
TBPE Registration No. F-22671

A handwritten signature in blue ink, appearing to read "Debra L. Vincent".

Debra L. Vincent, P.E.  
Special District Manager



cc: Board of Directors, Lumberton MUD  
Mr. Timothy Green, Coats Rose, P.C.

PRELIMINARY ENGINEERING REPORT  
FOR THE ACQUISITION OF ROAD POWERS

BY

LUMBERTON  
MUNICIPAL UTILITY DISTRICT

MAY 2024







## **Engineering Report**

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## **List of Attachments**

Table 1	Land Use Summary
Table 2	Construction Cost Estimate
Table 3	Summary of Costs
Table 4	Debt Service Tax Rate Calculations
Exhibit 1	Vicinity Map
Exhibit 2	District Boundary Map
Exhibit 3	Floodplain Map
Exhibit 4	Land Use Map
Exhibit 5	Road Improvements
Exhibit 6	Special District Local Laws Code Chapter 8230
Exhibit 7	Order Canvassing the Results of the November 5, 2019 Election confirming the Defined Area



## **SECTION 1 – INTRODUCTION**

### **(A) Purpose:**

The purpose of this engineering report, prepared by Elevation Land Solutions, is to support the acquisition of Road Powers for Lumberton Municipal Utility District (the “District”). This report provides the necessary engineering, economic, and background information as required by the Texas Commission on Environmental Quality (“TCEQ”) and described in the Texas Administrative Code (“TAC”) §293.202 for application for acquisition of road powers.

### **(B) Scope:**

This report evaluates the feasibility of reimbursing the developer for the construction of certain roadway projects to serve the District in a specific area of the district called the Long Leaf Defined Area (the “Defined Area”). The proposed improvements included for consideration for reimbursement through road powers will serve single-family residential and commercial development.

The report includes preliminary cost estimates for these roadway projects. Exhibits are provided illustrating the proposed improvements. The total projected bond issuance requirements, projected assessed valuation, and tax rate are also provided for the analysis of the economic feasibility of the proposed road powers. The report shows that acquisition of road powers is economically feasible.

## **SECTION 2 – DESCRIPTION OF EXISTING AREA, CONDITIONS, TOPOGRAPHY, FLOODPLAIN AND EXISTING DEVELOPMENT**

### **(A) Location:**

The District is located in southeast Hardin County. It completely encompasses the corporate limits of the City of Lumberton. It also lies partially within the City of Lumberton extraterritorial jurisdiction (“ETJ”), the City of Beaumont ETJ, and unincorporated Hardin County (“the County”). The Defined Area encompasses 3,200 acres within the western central part of the District. The Defined area is generally bounded on the east by existing Temple Road (dirt road) and on the south by existing development off of Kieth Road. FM 421 bisects the northwestern portion of the Defined Area running east and west. A location map of the District and Defined Area is included as **Exhibit 1**.

### **(B) Access:**

FM 421 is the major access road to the Defined Area. The nearest major highway intersection is FM 421 and Highway 69. Improvements to FM 421 and additional interior roads will be included as part of development of the Defined Area and will enhance accessibility within the District.



**(C) Description:**

The District contains approximately 36,480 acres of land. A copy of the District's current boundary map is included in **Exhibit 2**.

On November 5, 2019, an election was held within the District designating the 3,200 acre Defined Area within the District, authorizing issuance of \$453,320,000 in bonds, and authorizing levy of an ad valorem tax in the Defined Area. The Defined Area boundary is included in **Exhibit 1**.

**(D) Topography, Drainage, and Floodplain:**

A total of 46 acres of the 3,200 acres in the Defined Area is currently under development. This area and the eastern portion of the remaining developable acreage generally drain northeast to Boggy Creek in the Pine Island Bayou watershed. The western portion of the Defined Area generally drains west to Black Creek, also in the Pine Island Bayou watershed. The watershed leads to the Neches River and then to Sabine Lake. A detention basin and drainage channel are under construction to serve all of the land currently under development. The channel outfalls directly into Boggy Creek. The development will increase runoff rates above the current pre-development levels. The proposed storm water collection system will provide adequate drainage for the increased runoff rates from the developed property to the outfall points in the detention facilities. Detention facilities will be sized to detain the 100-year developed runoff from the site, decreasing peak flow rates into Boggy Creek and Black Creek to levels equivalent to existing condition flow rates. Therefore, upstream and downstream landowners will not be adversely affected.

The fill and/or excavation associated with the development will not cause changes in the overall land elevations other than that normally associated with the construction of the underground utility systems, drainage facilities, and paving. Therefore, development is not expected to have an unreasonable effect on overall land elevations.

According to the Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map ("FIRM") Panels 48199C0525F and 48199C0530F, revised October 6, 2010, approximately 195 acres of the District lies within the 100-year floodplain. See **Exhibit 3** for the floodplain map including the Defined Area boundary. There are no developed acres in the 100-year floodplain. There is no development proposed in the 100-year floodplain.

**(E) Existing Development:**

The Defined Area is undeveloped with 46 acres currently under development in Phase I of the LongLeaf Development. Phase I includes 110 single family lots within LongLeaf Section 1.

**SECTION 3 – DEVELOPMENT AND PROPOSED IMPROVEMENTS**

**(A) Land Use:**

The proposed development of the Defined Area is included in **Exhibit 4**. The areas under development consist of Phase I (within SF-39 & 40). See **Table 1** for a breakdown of the Defined Area's land uses, including ESFCs and population estimates.



**(B) Road System:**

The petition requests that road powers be granted in accordance with Section 54.234 of the Texas Water Code, as amended.

The development in the Defined Area of the District relies on the construction of certain road facilities. These facilities will provide access to the newly developed area and provide a main corridor for access to the commercial and residential areas of the community. Financing of these facilities will be provided through a series of property tax supported bonds.

The northern portion of the Defined Area is bisected by TxDOT Road, FM 421. Due to the development, improvements will be required along FM 421, including widening, turn lanes, and traffic signals. The District will also construct three major thoroughfares and multiple collector roads within the Defined Area. These roads will be constructed from 7-inch reinforced concrete pavement.

The District will also construct internal roads throughout the Defined Area. The roads will be constructed within public rights-of-way and in accordance with criteria established by the County. Upon completion of construction of the road improvements by the District, the roads will be conveyed to the County for ownership and maintenance.

See **Exhibit 5** for limits of roads proposed for construction by the District.

**SECTION 4 – ITEMIZED COST ESTIMATES AND BIR COST SUMMARY**

**30 TAC §293.202 (a)(8)**

**Table 2** includes a cost estimate for the road projects proposed to be reimbursed through road powers. **Table 3** includes the estimated bond issuance requirement to reimburse these projects. Construction quantities are based on the items illustrated in **Exhibit 5**.

**SECTION 5 – FEASIBILITY**

**30 TAC §293.202 (a)(9)**

**(A) Assessed Valuation and Tax Rate:**

At full development of the Defined Area, the projected total assessed valuation of taxable property is \$2,289,825,000. See **Table 4** for the calculations used to determine the total estimated value. The construction of the facilities proposed for reimbursement through road powers will require the issuance of bonds totaling \$150,000,000. See **Table 3** for the bond issuance requirement calculations. The average annual debt service requirement for roadway facilities of \$150,000,000 on bonds at an assumed 5.00% for 25 years is approximately \$10,642,869. Assuming no operating revenues available for debt service, an average ad valorem tax rate of \$0.47 per \$100 of assessed valuation will be required to amortize this road debt, assuming a 98% tax collection factor. **Table 4** shows the tax rate calculation to retire the bond issuance requirement. The District's current total tax rate is currently \$0.222701. Therefore, the District's overall tax rate within the Defined Area is projected to be \$0.692701 per \$100 assessed valuation.



**(B) Overlapping Tax Rate:**

The total overlapping tax rate for all other taxing entities for 2023 is \$1.578375. See table below. Therefore, the total combined tax rate for property within the District's Defined Area will be \$2.271076 per \$100 of assessed valuation.

<b>TAXING JURISDICTION</b>	<b>TAX RATE PER \$100 VALUATION</b>
Hardin County	\$ 0.540835
Lumberton ISD	\$ 0.949200
Hardin County Emergency Services District No. 2	\$ 0.088340
<b>TOTAL OVERLAPPING TAX RATE</b>	<b>\$ 1.578375</b>

**SECTION 6 – JUSTIFICATION FOR ACQUISITION OF ROAD POWERS**

The improvements to existing major thoroughfares and construction of new major thoroughfares, collector roads, and internal roadways are required to provide access to the District's Defined Area single-family and commercial development. The projected Defined Area assessed valuation and a District debt service tax rate for the Defined Area of \$0.47 per \$100 valuation can support the projected bond issuance requirement for road projects based on the provided cost estimates. The proposed total overlapping tax rate in the Defined Area of \$2.271076 is reasonable and acceptable for this type of development.

The proposed development should have no adverse impact on land elevation or drainage. Therefore, it is our opinion that the acquisition of road powers by the District is economically feasible, practicable, and necessary.

**TABLE 1**  
**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**TOTAL DEFINED AREA LAND USE SUMMARY**

<b>Land Use:</b>	<b>Acreage (+/-)</b>	<b>%</b>	<b>Dwelling Units</b>	<b>Estimated Population (3.25 persons/household)</b>	<b>ESFCs</b>
<b>Residential</b>	<b>1,760.6</b>	<b>55.0%</b>	<b>5,282</b>	<b>17,167</b>	<b>5,282</b>
<b>Non-Residential</b>					
Commercial	59.3	1.9%	N/A	N/A	296.5
Flex Use	55.5	1.7%	N/A	N/A	277.5
Industrial	478.5	15.0%	N/A	N/A	478.5
Floodplain	195.3	6.1%	N/A	N/A	N/A
Major/Collector Road	92.1	2.9%	N/A	N/A	N/A
School Sites	47.1	1.5%	N/A	N/A	471
Detention/Drainage/Open Space	511.6	16.0%	N/A	N/A	60
<b>Subtotal Non-Residential</b>	<b>1,439.4</b>	<b>45.0%</b>	<b>0</b>	<b>0</b>	<b>1,584</b>
<b>TOTAL</b>	<b>3,200.0</b>	<b>100.0%</b>	<b>5,282</b>	<b>17,167</b>	<b>6,866</b>

**TABLE 2**  
**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**CONSTRUCTION COST ESTIMATE**  
**DEFINED AREA PAVING FACILITIES**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>MAJOR THOROUGHFARE PAVING</b>					
1	FM 421 Turn Lane Improvement 44	1	LS	\$ 250,000	\$ 250,000
2	FM 421 Turn Lane Improvement 45	1	LS	\$ 250,000	250,000
3	FM 421 Turn Lane Improvement 46	1	LS	\$ 250,000	250,000
4	FM 421 Turn Lane Improvement 47	1	LS	\$ 250,000	250,000
5	Major Boulevard 48	1,690	LF	\$ 385	650,700
6	Major Boulevard 9	2,162	LF	\$ 385	832,400
7	Major Boulevard 10	1,024	LF	\$ 385	394,300
<b>MAJOR THOROUGHFARE PAVING - SUB TOTAL</b>					<b>\$ 2,877,400</b>
<b>COLLECTOR ROAD PAVING</b>					
1	Collector Road 2	1,664	LF	\$ 265	\$ 441,000
2	Collector Road 3	2,380	LF	\$ 265	630,700
3	Collector Road 4	3,211	LF	\$ 265	851,000
4	Collector Road 5	3,249	LF	\$ 265	861,000
5	Collector Road 6	2,093	LF	\$ 265	554,700
6	Collector Road 7	1,490	LF	\$ 265	394,900
7	Collector Road 8	3,762	LF	\$ 265	997,000
8	Collector Road 11	640	LF	\$ 265	169,600
9	Collector Road & Roudabout 12	1,628	LF	\$ 265	431,500
10	Collector Road 13	1,336	LF	\$ 265	354,100
11	Collector Road 14	1,600	LF	\$ 265	424,000
12	Industrial Collector 15	1,742	LF	\$ 265	461,700
13	Industrial Collector 16	785	LF	\$ 265	208,100
14	Collector Road 17	1,385	LF	\$ 265	367,100
15	Collector Road 18	850	LF	\$ 265	225,300
16	Collector Road & Roundabout 19	1,200	LF	\$ 300	360,000
17	Collector Road 20	595	LF	\$ 265	157,700
18	Collector Road 21	1,160	LF	\$ 265	307,400
<b>COLLECTOR ROAD PAVING - SUB TOTAL</b>					<b>\$ 8,196,800</b>
<b>INTERNAL PAVING</b>					
1	Single Family 1	50.3	AC	\$ 39,000	\$ 1,961,000
2	Single Family 2	44.1	AC	\$ 39,000	1,718,500
3	Single Family 3	27.5	AC	\$ 39,000	1,070,900
4	Single Family 4	42.9	AC	\$ 39,000	1,672,900
5	Single Family 5	55.5	AC	\$ 39,000	2,165,700
6	Single Family 6	35.4	AC	\$ 39,000	1,380,100
7	Single Family 7	38.0	AC	\$ 39,000	1,483,200
8	Single Family 8	36.0	AC	\$ 39,000	1,405,300
9	Single Family 9	52.2	AC	\$ 39,000	2,034,000



**TABLE 2**  
**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**CONSTRUCTION COST ESTIMATE**  
**DEFINED AREA PAVING FACILITIES**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>QUANTITY</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
10	Single Family 10	60.4	AC	\$ 39,000	2,354,600
11	Single Family 11	41.4	AC	\$ 39,000	1,614,000
12	Single Family 12	60.1	AC	\$ 39,000	2,344,700
13	Single Family 13	27.4	AC	\$ 39,000	1,069,500
14	Single Family 14	23.5	AC	\$ 39,000	918,300
15	Single Family 15	48.5	AC	\$ 39,000	1,890,700
16	Single Family 16	49.1	AC	\$ 39,000	1,913,700
17	Single Family 17	34.9	AC	\$ 39,000	1,361,500
18	Single Family 18	32.8	AC	\$ 39,000	1,279,900
19	Single Family 19	54.1	AC	\$ 39,000	2,109,400
20	Single Family 20	37.7	AC	\$ 39,000	1,469,800
21	Single Family 21	41.1	AC	\$ 39,000	1,603,100
22	Single Family 22	49.7	AC	\$ 39,000	1,938,000
23	Single Family 23	36.1	AC	\$ 39,000	1,407,000
24	Single Family 24	41.2	AC	\$ 39,000	1,606,500
25	Single Family 25	25.9	AC	\$ 39,000	1,008,600
26	Single Family 26	30.1	AC	\$ 39,000	1,172,600
27	Single Family 27	41.2	AC	\$ 39,000	1,605,300
28	Single Family 28	28.3	AC	\$ 39,000	1,101,900
29	Single Family 29	30.5	AC	\$ 39,000	1,190,300
30	Single Family 30	33.6	AC	\$ 39,000	1,309,700
31	Single Family 31	47.3	AC	\$ 39,000	1,844,600
32	Single Family 32	45.4	AC	\$ 39,000	1,769,700
33	Single Family 33	50.4	AC	\$ 39,000	1,967,200
34	Single Family 34	47.7	AC	\$ 39,000	1,860,100
35	Single Family 35	47.5	AC	\$ 39,000	1,850,700
36	Single Family 36	57.5	AC	\$ 39,000	2,242,700
37	Single Family 37	41.2	AC	\$ 39,000	1,606,600
38	Single Family 38	37.1	AC	\$ 39,000	1,445,300
39	Single Family 39	34.0	AC	\$ 39,000	1,326,600
40	Single Family 40	29.7	AC	\$ 39,000	1,158,700
41	Single Family 41	30.2	AC	\$ 39,000	1,176,900
42	Single Family 42	28.3	AC	\$ 39,000	1,102,900
43	Single Family 43	55.2	AC	\$ 39,000	2,153,500
<b>INTERNAL PAVING - SUB TOTAL</b>					<b>\$ 68,666,200</b>
<b>TRAFFIC SIGNALS</b>					
1	FM 421 - Traffic Signal #1	1	LS	\$ 300,000	\$ 300,000
2	FM 421 - Traffic Signal #2	1	LS	\$ 300,000	300,000
3	FM 421 - Traffic Signal #3	1	LS	\$ 300,000	300,000
<b>TRAFFIC SIGNAL - SUB TOTAL</b>					<b>\$ 900,000</b>

**TABLE 2**  
**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**CONSTRUCTION COST ESTIMATE**  
**DEFINED AREA PAVING FACILITIES**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>COLLECTOR ROAD CULVERT CROSSINGS</b>					
1	Culvert Crossing 68	1	LS	\$ 349,000	\$ 349,000
2	Culvert Crossing 69	1	LS	\$ 240,000	240,000
3	Culvert Crossing 70	1	LS	\$ 246,000	246,000
4	Culvert Crossing 71	1	LS	\$ 155,000	155,000
5	Culvert Crossing 72	1	LS	\$ 301,000	301,000
6	Culvert Crossing 73	1	LS	\$ 232,000	232,000
7	Culvert Crossing 74	1	LS	\$ 168,000	168,000
8	Culvert Crossing 75	1	LS	\$ 180,000	180,000
9	Culvert Crossing 76	1	LS	\$ 250,000	250,000
10	Culvert Crossing 77	1	LS	\$ 294,000	294,000
11	Culvert Crossing 78	1	LS	\$ 638,000	638,000
<b>COLLECTOR ROAD CULVERT CROSSINGS - SUB TOTAL</b>					<b>\$ 3,053,000</b>
<b>Total</b>					<b>\$ 83,693,400</b>

**Notes:**

<sup>1)</sup> This Engineer's Opinion of Probable Cost is made on the basis of Engineer's experience and qualifications using plan quantities and represents Engineer's best judgment as an experienced and qualified professional engineer generally familiar with the construction industry. However, since the Engineer has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, or over quantities of work actually performed, Engineer

**TABLE 3**  
**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**ESTIMATE BOND ISSUANCE REQUIREMENT**  
**DEFINED AREA ROAD BONDS**

<b>Construction Costs</b>	<b>Total</b>	<b>District Share</b>
Major Thoroughfare Paving	\$ 2,877,400	\$ 2,877,400
Collector Road Paving	8,196,800	8,196,800
Internal Paving <sup>(1)</sup>	68,666,200	68,666,200
Traffic Signal	900,000	900,000
Collector Road Culvert Crossings <sup>(2)</sup>	3,053,000	1,526,500
Contingencies (10%) <sup>(3)</sup>	8,370,000	8,220,000
Engineering (15%) <sup>(3)</sup>	12,780,000	12,330,000
Geotechnical & Construction Material Testing (3%) <sup>(3)</sup>	2,510,000	2,470,000
SWPPP (2.0%) <sup>(3)</sup>	1,670,000	1,640,000
Right-of-Way Land Acquisition <sup>(4)</sup>	7,500,000	7,500,000
<b>Total Construction Costs</b>	<b>\$ 116,523,400</b>	<b>\$ 114,326,900</b>
<b>Non-Construction Costs</b>		
Legal Fees	3%	\$ 4,500,000
Fiscal Agent Fees	2%	3,000,000
Interest Costs		
Capitalized Interest	1.5 Years @ 5.00%	11,250,000
Developer Interest	2 Years @ 5.00%	11,432,690
Bond Discount	3%	4,500,000
Attorney General Fee (0.1%)		150,000
Bond Issuance Costs <sup>(5)</sup>		840,410
<b>Total Non-Construction Costs</b>		<b>\$ 35,673,100</b>
<b>Total Bond Issue Requirement</b>		<b>\$ 150,000,000</b>

**Notes:**

<sup>1)</sup> Assumes District has full TCEQ Road Powers and can reimburse all roads.

<sup>2)</sup> 50% of the road culvert crossing is reimbursable with road bonds.

<sup>3)</sup> Share based on accumulated developer/district construction cost multiplied by % fee.

<sup>4)</sup> Calculated at \$25,000 per acre for approximately 300 acres of reimbursable land.

<sup>5)</sup> Cost based on fifteen Bond Issues.

**TABLE 4**  
**LUMBERTON MUNICIPAL UTILITY DISTRICT**  
**ESTIMATE OF TOTAL DEFINED AREA VALUE**  
**AND**  
**DETERMINATION OF REQUIRED DISTRICT DEFINED AREA ROAD DEBT SERVICE TAX RATE**

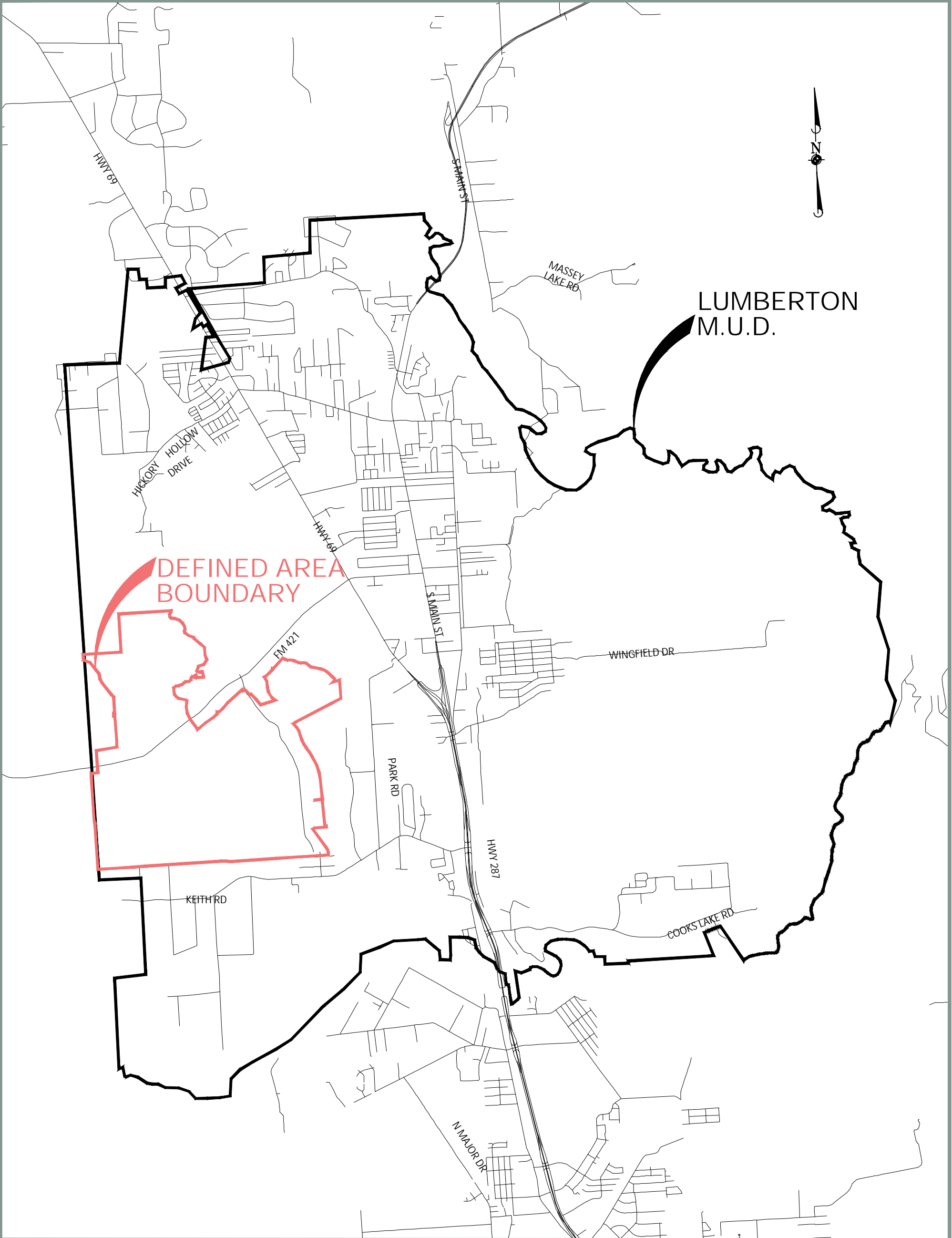
<b>Property</b>	<b>Projected Value</b>	<b>Number of Homes/Acres</b>	<b>Total Value</b>
Single Family Residential	\$ 400,000	5,282	\$ 2,112,800,000
Industrial	\$ 250,000	479	\$ 119,625,000
Commercial/Flex Use	\$ 500,000	115	\$ 57,400,000
<b>Total Estimated Future Assessed Valuation</b>		<b>5,282</b>	<b>\$ 2,289,825,000</b>
<b>TOTAL ULTIMATE DEFINED AREA ASSESSED VALUE</b>			<b>\$ 2,289,825,000</b>
Borrowing Rate	5.00%		
Term of Loan	25 Years		
Estimated Tax Collection Rate	98%		
Required Tax Rate per \$100 Valuation =	$\frac{\text{Amortization Amount per Year} \times \$100}{\text{Assessed Value} \times \text{Collection Rate}}$		
<b>100% DEVELOPER REIMBURSEMENT (ROADS)</b>			
BIR	\$ 150,000,000		
Amortization Amount per Year	\$ 10,642,869		
<b>Required Tax Rate per \$100 Valuation</b>	<b>\$ 0.47</b>		

**Exhibit 1**  
**Vicinity Map**



LUMBERTON  
M.U.D.

DEFINED AREA  
BOUNDARY



HARDIN COUNTY, TEXAS

ZIP CODE 77657

LOCATION MAP

1" = 5000'

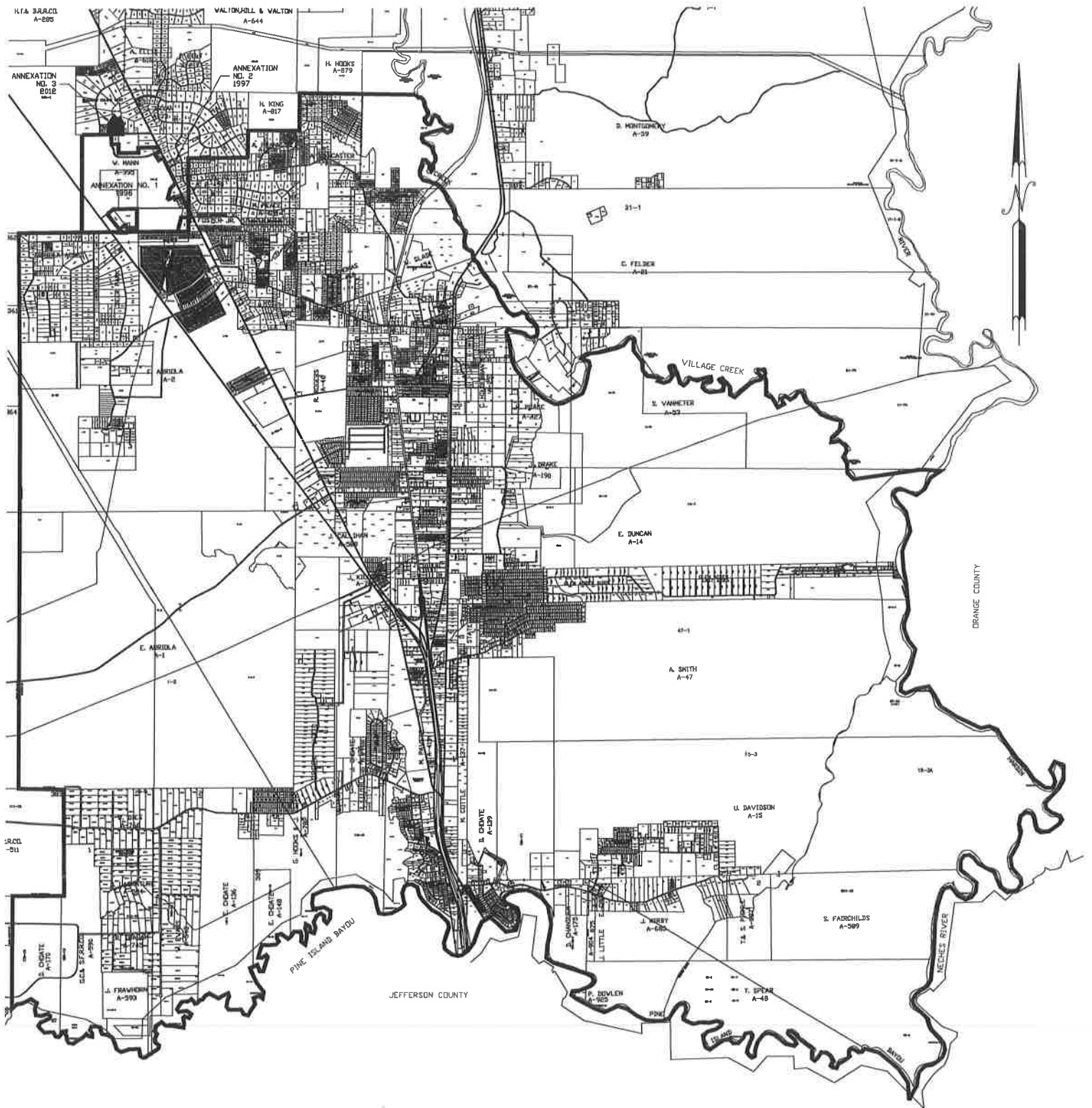
VICINITY MAP

LUMBERTON M.U.D.



**Exhibit 2**  
**District Boundary Map**

# Exhibit "A"



## LUMBERTON MUNICIPAL UTILITY DISTRICT BOUNDARY MAP

HARDIN COUNTY, TEXAS  
FEBRUARY 2012



LUMBERTON MUNICIPAL UTILITY DISTRICT

FIELD NOTES

BEGINNING at the mouth of Pine Island Bayou where the same intersects Neches River;

THENCE West with the meanders of Pine Island Bayou to the East line of the Walker Petit Survey;

THENCE North with the East line of said Walker Petit Survey to the Northeast corner of the Keeton M. Jones Survey;

THENCE East in the South line of the W.C.R.R. Co. #383 Survey to its Southeast corner;

THENCE North to its Northeast corner;

THENCE West to the Southwest corner of the Edward Arriola Survey;

THENCE North to the Northwest corner of the Francisco Arriola Survey;

THENCE East to the Southeast corner of the William Mann Survey;

THENCE North to the Northwest corner of the J. Walea Survey;

THENCE East with the North line of the J. Walea Survey to the Southeast corner of the John Bryan Survey;

THENCE North to the Northwest corner of the A. Franklin Survey;

THENCE East to the Southeast corner of the H. G. King Survey;

THENCE North to the Northwest corner of the A. Lancaster Survey;

THENCE East with the North line of the Lancaster Survey to Village Creek;

THENCE Southeast with the meanders of Village Creek to the mouth of Village Creek and Neches River;

~~THENCE South with the meanders of the Neches River to the place of beginning.~~

SC

S

~~TRAVE AND EXCEPT~~ the Hereinafter described two (2) tract of land:

All the certain strip, tract or parcel of land situated in the David  
Choa Survey; the Ann Cotter Survey; the Charles Peveto Survey; Elisha Duncan  
Survey of the State Meter Survey and the W. Bumstead Survey in Hardin  
County Texas, the particular description of which is as follows:  
S. Van derheyden Survey  
County Texas

HARDIN COUNTY, KOUNTZE, TX  
GLENDA ALSTON, COUNTY CLERK

01/25/2007 #2007-654  
02:05:29PM B-1601 P-659

LUMBERTON MUNICIPAL UTILITY DISTRICT  
FIELD NOTES  
Page 2

BEGINNING at a point in the center line of The Atchison, Topeka and Santa Fe Railway Company's main track as now located in Hardin County, Texas, said point being the intersection of said main track center line and the center of Pine Island Bayou;

THENCE South  $57^{\circ} 18'$  West, at right angles to said main track center line and along the center of Pine Island Bayou, 50.0 feet to a point;

THENCE Northwesterly and Northeasterly, as follows:

- (1) North  $32^{\circ} 42'$  West, 2132.6 feet to the beginning of a curve;
- (2) Northwesterly and Northeasterly, along a curve to the right having a radius of 5779.65 feet, a central angle of  $33^{\circ} 31'$ , an arc distance of 3380.96 feet to a point of tangency;
- (3) North  $0^{\circ} 49'$  East, 26,165.4 feet to the beginning of a curve;
- (4) Northeasterly, along a curve to the right having a radius of 1960.08 feet, a central angle of  $32^{\circ} 38'$ , an arc distance of 1116.38 feet to a point of tangency;
- (5) North  $33^{\circ} 27'$  East, 1308.3 feet to a corner in the center of Village Creek;

THENCE South  $56^{\circ} 33'$  East, along the center of Village Creek, at 50.0 feet a point in the said main track center line, in all a distance of 100.0 feet to a point for corner;

THENCE Southwesterly, as follows:

- (1) South  $33^{\circ} 27'$  West, 1308.3 feet to the beginning of a curve;
- (2) Southwesterly, along a curve to the left having a radius of 1860.08 feet, a central angle of  $32^{\circ} 38'$ , an arc distance of 1059.43 feet to a point of tangency;
- (3) South  $0^{\circ} 49'$  West, 5204.0 feet to a point for corner;
- ~~(4) South  $89^{\circ} 11'$  East, 50.0 feet to a point for corner;~~
- ~~(5) South  $0^{\circ} 49'$  West 1000.0 feet to a point for corner;~~
- (6) North  $89^{\circ} 11'$  West, 50.0 feet to a point for corner;
- (7) South  $0^{\circ} 49'$  West, 19,961.4 feet to the beginning of a curve;
- (8) Southwesterly and Southeasterly along a curve to the left having a radius of 5679.65 feet, a central angle of  $33^{\circ} 31'$ , an arc distance of 3322.46 feet to a point of tangency;

LUMBERTON MUNICIPAL UTILITY DISTRICT  
FIELD NOTES  
Page 3

(9) South  $32^{\circ} 41'$  East, 2132.6 feet to a point for corner in the center of Pine Island Bayou;

THENCE South  $57^{\circ} 18'$  West, along the center of Pine Island Bayou, 50.0 feet to the place of BEGINNING, containing 79.31 acres, more or less.

TRACT NO. 2:

All those certain tracts of lands of Southern Pacific Transportation Company located in the Francisco Arriola, R. C. Rogers, F. Callahan, J. Kilgore and M. Peveto Surveys, Hardin County, Texas, more particularly described as follows:

BEGINNING at the intersection of the North line of the Francisco Arriola Survey and Southern Pacific Transportation Company's Beaumont to Dunagan branch tract being opposite Southern Pacific Engineering Station 857 + 43.8 and extending in a Southeasterly direction 32,321 feet as measured along the center line of the said track to the Northwest right of way of U. S. Highway 69 and containing 126.26 acres of land, more or less.

ANNEXED INTO DISTRICT 4/26/96  
(ANNEXATION NO. 1)  
JOHN BOYKIN, JR. TRACT

**453.365 ACRES**

Being 453.365 acres of land, more or less, in the William Mann Survey, Abstract Number 395 in Hardin County, Texas, being the remainder of a 479.227 acre tract that was conveyed as a 104.275 acre tract, 41.034 acre tract, 313.918 acre tract and 20.00 acre tract to John Boykin, Jr. in deeds recorded in Volume 921, Page 745; Volume 921, Page 752; Volume 929, Page 802 and Volume 1039, Page 337, respectively, of the Official Public Records of Hardin County, Texas and a 5.802 acre tract that was in the Southern Pacific Railroad easement and reverted to John Boykin, Jr. when said railroad removed rails from said easement and abandoned said easement for use as a railroad and being described as follows:

**BEGINNING** at a Kirby concrete monument stamped "1-684" for the southwest corner of this tract, same being the southwest corner of said William Mann Survey, Abstract Number 395, and the most southerly southeast corner of the Bentura Yonjoso League, Abstract Number 531 in Hardin County, Texas, and said corner being in the north line of the Francisco Arriola League, Abstract Number 2 in Hardin County, Texas;

**THENCE** North 00° 35' 43" West with the west line of said William Mann Survey and a east line of said Bentura Yonjoso League a distance of 5049.11 feet to a Kirby concrete monument stamped "1-695" for the northwest corner of this tract, same being the northwest corner of said William Mann Survey, the most easterly northeast corner of said Bentura Yonjoso League and being in the south line of the John Bryan Heirs Survey, Abstract Number 73 in Hardin County, Texas;

**THENCE** North 89° 23' 38" East with the north line of said William Mann Survey and south line of said John Bryan Heirs Survey a distance of 1691.91 feet to a spike for the most northerly northeast corner of this tract, being in Paula Road;

**THENCE** South 00° 38' 03" East at 25.00 feet a ½ inch iron rod for the northwest corner of that 2.00 acre tract out of said 479.227 acre tract conveyed to D. S. Newell in deed recorded in Volume 1016, Page 333 of the Official Public Records of Hardin County, Texas, continuing for a total distance of 460.60 feet to a ½ inch iron rod for corner, being the southwest corner of said 2.00 acre tract;

**THENCE** North 89° 23' 38" East with the south line of said 2.00 acre tract a distance of 200.00 feet to a ½ inch iron rod for corner, same being the southeast corner of said 2.00 acre tract and being in the west line of that called 20.98 tract conveyed to L. Gordy in deed recorded in Volume 381, Page 90 of the Deed Records of Hardin County, Texas;

**THENCE** South 00° 38' 03" East with the west line of said Gordy tract a distance of 499.70 feet to a concrete monument for corner, being the southwest corner of said Gordy tract;

**THENCE** North 89° 19' 29" East with the south line of said Gordy tract a distance of 932.76 feet to a concrete monument for an angle point in the south line of said Gordy tract;

**THENCE** South 80° 44' 38" East a distance of 23.94 feet to a chain link fence corner post for corner, being the southeast corner of said Gordy tract;

THENCE North 01° 12' 12" West with the east line of said Gordy tract a distance of 276.78 feet to a ½ inch iron rod for corner, same being the southwest corner of that 1.00 acre tract out of said 479.227 acre tract conveyed to D. C. Challie in deed recorded in Volume 987, Page 228 of the Official Public Records of Hardin County, Texas;

THENCE North 89° 23' 16" East with the south line of said 1.00 acre tract a distance of 942.91 feet to a ½ inch iron rod for the northeast corner of this tract, same being the southeast corner of said 1.00 acre tract and being in the west right of way line of U. S. Highway 69 & 287;

THENCE South 27° 01' 54" East with the west right of way line of said Highway a distance of 280.00 feet to a ½ inch iron rod for corner, being the northeast corner of that 2.00 acre tract out of said 479.227 acre tract conveyed to T. B. Short in deed recorded in Volume 1034, Page 681 of the Official Public Records of Hardin County, Texas;

THENCE South 62° 58' 06" West with the north line of said 2.00 acre tract a distance of 268.06 feet to a ½ inch iron rod for corner, being the northwest corner of said 2.00 acre tract;

THENCE South 27° 01' 54" East with the west line of said 2.00 acre tract a distance of 325.00 feet to a ½ inch iron rod for corner, being the southwest corner of said 2.00 acre tract;

THENCE North 62° 58' 06" East with the south line of this tract a distance of 268.06 feet to a ½ inch iron rod for corner, being the southeast corner of said 2.00 acre tract and being in the west right of way line of U. S. Highway 69 & 287;

THENCE South 27° 01' 54" East with the west right of way line of said Highway a distance of 1519.22 feet to a ½ inch iron rod for corner, being the northeast corner of that 5.648 acre tract out of said 479.227 acre tract conveyed to Few Ready Mix Concrete Company;

THENCE South 46° 19' 25" West with the north line of said 5.648 acre tract a distance of 299.39 feet to a ½ inch iron rod for corner, being the northwest corner of said 5.648 acre tract;

THENCE with the west line of said 5.648 acre tract as follows:  
South 23° 08' 06" West a distance of 118.99 feet to a ½ inch iron rod for corner,  
South 14° 08' 14" West a distance of 343.58 feet to a ½ inch iron rod for corner,  
South 19° 33' 06" West a distance of 177.55 feet to a ½ inch iron rod for corner, same being the southwest corner of said 5.648 acre tract;

THENCE North 62° 54' 15" East with the south line of said 5.648 acre tract a distance of 370.35 feet to a ½ inch iron rod for corner, being the northwest corner of that 1.00 acre tract out of said 479.227 acre tract conveyed to Fab-Weld Contractors, Inc. in deed recorded in Volume 1061, Page 304 of the Official Public Records of Hardin County, Texas;

THENCE South 27° 01' 54" East with the west line of said 1.00 acre tract a distance of 120.00 feet to a ½ inch iron rod for corner, being the southwest corner of said 1.00 acre tract;

THENCE North 62° 54' 15" East with the south line of said 1.00 acre tract a distance of 363.00 feet to a ½ inch iron rod for corner, being the southeast corner of said 1.00 acre tract, and being in the west right of way line of said U. S. Highway 69 & 287;

THENCE South 27° 01' 54" East with the west right of way line of said Highway, at 761.27 feet an concrete monument in the west line of said William Mann Survey and in the east line of the J. Walea Survey, Abstract Number 490 in Hardin County, Texas, continuing for a total distance of 936.45 feet to a concrete monument for the most easterly southeast corner of this tract, being in the south line of said J. Walea Survey and in the north line of the Tim Foster, Jr. Survey, Abstract Number 617 in Hardin County, Texas;

THENCE South 89° 45' 39" West with the south line of said J. Walea Survey and north line of said Tim Foster, Jr. Survey a distance of 79.00 feet to a concrete monument for corner, being the southwest corner of said J. Walea Survey and the northwest corner of said Tim Foster, Jr. Survey and being in the east line of said William Mann Survey;

THENCE South 00° 25' 49" East with the east line of said William Mann Survey and west line of said Tim Foster, Jr. Survey a distance of 217.40 feet to a ½ inch iron rod for corner, being the northeast corner of that 7.301 acre tract out of said 479.227 acre tract conveyed to Murel Slaydon in deed recorded in Volume 962, Page 632 of the Official Public Records of Hardin County, Texas;

THENCE South 89° 15' 57" West with the north line of said 7.301 acre tract a distance of 316.15 feet to a iron rod for corner, being the northwest corner of said 7.301 acre tract;

THENCE South 14° 43' 23" West with the west line of said 7.301 acre tract a distance of 789.59 feet to a ½ inch iron rod for the most southerly southeast corner of this tract, being the southwest corner of said 7.301 acre tract and being in the south line of said William Mann Survey and in the north line of said Francisco Arriola League, and being in the north line of Pleasant Bend Subdivision, plat of which is recorded in Volume 3, Page 173 of the Plat Records of Hardin County, Texas;

THENCE South 88° 48' 30" West with the south line of said William Mann Survey and north line of said Francisco Arriola League and said Pleasant Bend Subdivision a distance of 1961.40 feet to a Kirby concrete monument stamped "1-1153" to an angle point in said line, and same being the northwest corner of said Pleasant Bend Subdivision and the northeast corner of Deer Park Subdivision, plat of which is recorded in Volume 3, Page 112 of the Plat records of Hardin County, Texas;

THENCE South 88° 47' 50" West with the south line of said William Mann Survey and north line of said Francisco Arriola League a distance of 2880.61 feet to the place of BEGINNING.

Said tract of land herein described contains 482.457 acres of land, more or less, SAVE AND EXCEPT from the above described tract 27.092 acre of land which is comprised of that tract that was conveyed to Jack Mossburg in deed recorded in Volume 1021, Page 572 of the Official Public Records of Hardin County, Texas and that tract of land conveyed to Alfred Carter in deed recorded in Volume 540, Page 30 of the Deed Records of Hardin County, Texas, leaving a net total of 453.365 acre of land, more or less.

ANNEXED INTO DISTRICT 4/16/97  
(ANNEXATION NO. 2)

VOL. 1123 PAGE 894

PINEWOOD MANOR MOBILE HOME PARK  
8.953 Acre Tract

Being a 8.953 acre tract of land, more or less, being all of lots 3, 4 and 12 of Block D of the Beaumont Colony South Subdivision in Hardin County, Texas as shown on the plat recorded in Volume 3, Page 102 of the Plat Records of Hardin County, Texas and being the same tract conveyed to Marie Grace Whittington, D. L. Beaumont and Diana L. Beaumont by deed of record in Volume 1109, Page 373 of the Deed Records of Hardin County, Texas.

BEGINNING at a 1/2" iron rod found for the northwest corner of said Lot 3 and being in the east right of way line of U. S. Highway 69 & 287;

THENCE North 62° 59' 59" East with the north line of said Lot 3 a distance of 487.73 feet to a 1" iron rod found for the northeast corner of said Lot 3;

THENCE South 14° 17' 00" East with the east line of said Lot 3 a distance of 82.30 feet to a 3/4" iron rod found for the northwest corner of said Lot 12;

THENCE South 76° 50' 26" East with the north line of said Lot 12 a distance of 410.38 feet to a 3/4" iron rod found for the northeast corner of said Lot 12 and being in the west line of Bryan Lane;

THENCE in a southerly direction with the east line of said Lot 12 and the west line of Bryan Lane on a curve to the left with a radius of 430.00 feet and a central angle of 38° 11' 50" to the left a distance of 286.67 feet to a 1/2" iron rod found for the southeast corner of said Lot 12, the chord for said curve is South 07° 57' 38" East and 281.39 feet in length ;

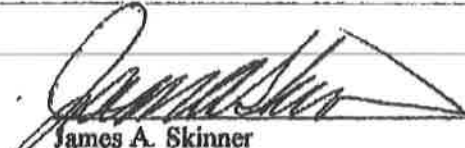
THENCE South 62° 58' 30" West with the south line of said Lots 12 and 4 a distance of 650.09 feet to a 1/2" iron rod found for the southerly southwest corner of said Lot 4;

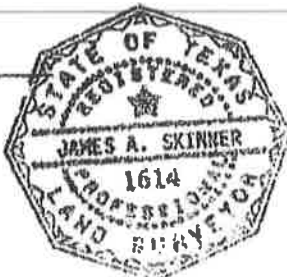
THENCE North 26° 50' 53" West with the Easterly west line of said Lot 4 a distance of 50.01 feet to a 3/4" iron rod found for corner;

THENCE South 62° 55' 50" West With the northerly south line of said Lot 4 a distance of 50.03 feet to a 3/4" iron rod found for the westerly southwest corner of said Lot 4 and being in the east right of line of said U. S. Highway 69 & 287;

THENCE North 27° 01' 30" West with the west lines of said Lot 3 and 4 and the east right of way line of said U. S. Highway 69 & 287 a distance of 550.16 feet to the place of BEGINNING.

Said tract of land herein described contains 8.953 acres of land, more or less.

  
James A. Skinner  
R. P. L.S. No.1614

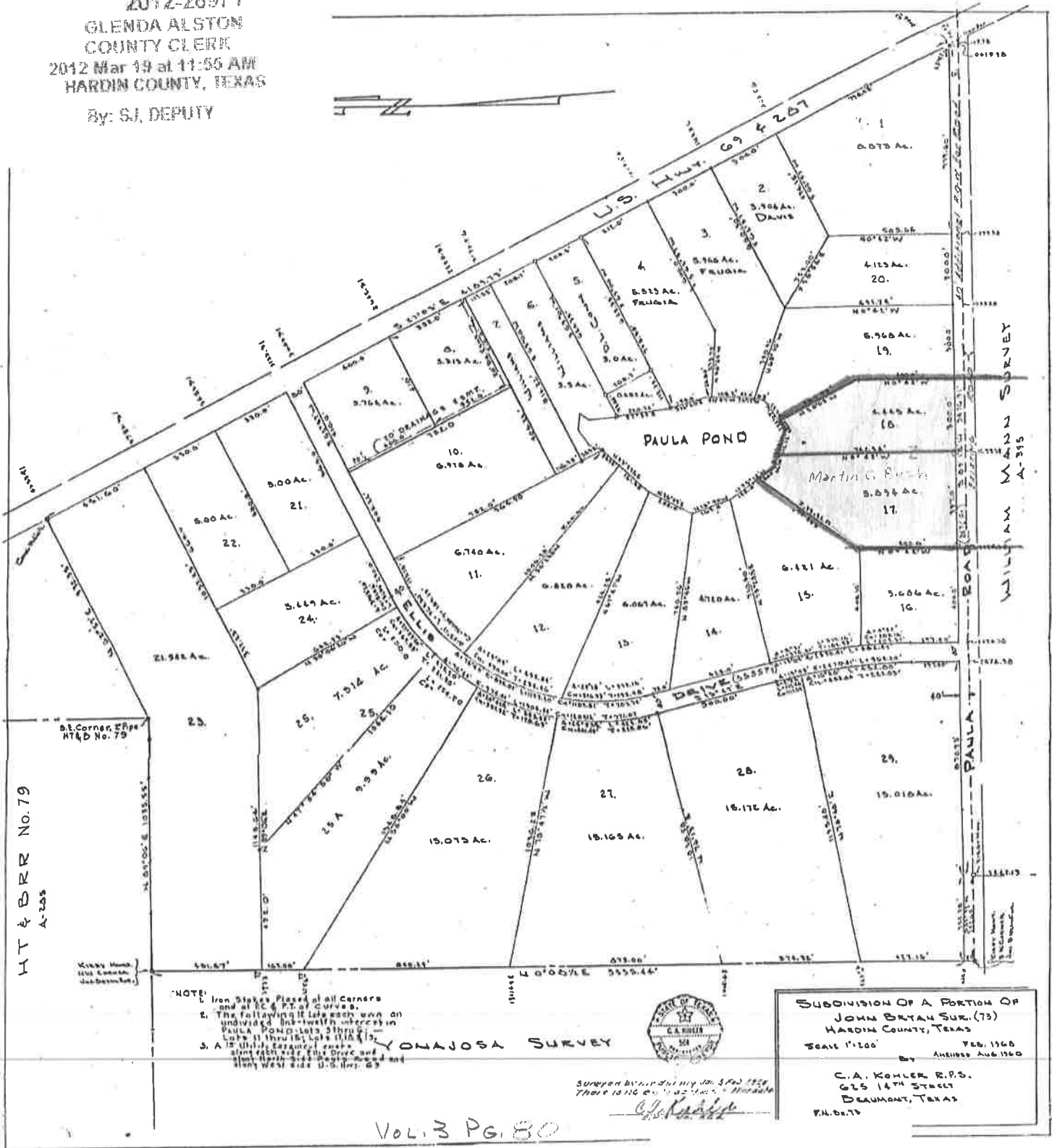


HARDIN COUNTY, KOUNTZE, TX  
GLENDA ALSTON, COUNTY CLERK

01/25/2007 #2007-654  
02:05:29PM B-1601 P-665

ANNEXED INTO DISTRICT 12/15/11  
(ANNEXATION NO. 3)

2012-26971  
 GLENDA ALSTON  
 COUNTY CLERK  
 2012 Mar 19 at 11:55 AM  
 HARDIN COUNTY, TEXAS  
 By: S.J. DEPUTY



NOTE:  
 1. Iron Stakes Placed at all Corners and at 1/2 & 3/4 of Curves.  
 2. The following is taken from an undivided plat which intersects Paula Pond into 3 tracts:  
 Lots 11 through 15, 17 & 18.  
 3. A 12' utility easement exists along both sides of Ellie Drive and along North Side Paula Pond and along West side U.S. Hwy. 29.



SUBDIVISION OF A PORTION OF  
 JOHN BRYAN SUR. (75)  
 HARDIN COUNTY, TEXAS  
 Scale 1"=100' FEB. 1966  
 By: A. H. BERRY, AUG. 11, 1960  
 C.A. KOHLER, R.P.S.  
 615 14th STREET  
 DAUGHTON, TEXAS  
 P.H. 6-76

Vol. 3 Pg. 80  
 Plat Records



ANNEXED INTO DISTRICT 9/24/12  
(ANNEXATION NO. 4)

**TRACT I**

PROPERTY OF TOM B. SHORT

Being 2.00 acres of land, more or less, out of and a part of the William Mann Survey, Abstract Number 395 in Hardin County, Texas and being out of and a part of the 281.138 acre tract of land conveyed to John Boykin, Jr. by deed of record in Volume 929, Page 802 of the Deed Records of Hardin County, Texas.

BEGINNING at a  $\frac{1}{2}$ " iron rod set for the northeast corner of this tract and being in the east line of said 281.138 acre tract and the west right of way line for U. S. Highway 69 and 287 and being located South 27° 01' 54" East a distance of 1046.68 feet from a boat spike found for the northeast corner of said 281.138 acre tract and same being at the intersection of the south line of a proposed 60 foot wide road and said east property line and highway west right of way line;

THENCE South 27° 01' 54" East with the east line of said tract and the west right of way line of said highway a distance of 325.00 feet to a  $\frac{1}{2}$ " iron rod set for the southeast corner of this tract;

THENCE South 62° 58' 06" West a distance of 268.06 feet to a  $\frac{1}{2}$ " iron rod set for the southwest corner of this tract;

THENCE North 27° 01' 54" West a distance of 325.00 feet to a  $\frac{1}{2}$ " iron rod set for the northwest corner of this tract and being in the south line of said 60 foot road;

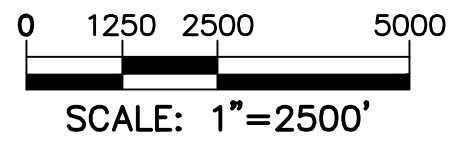
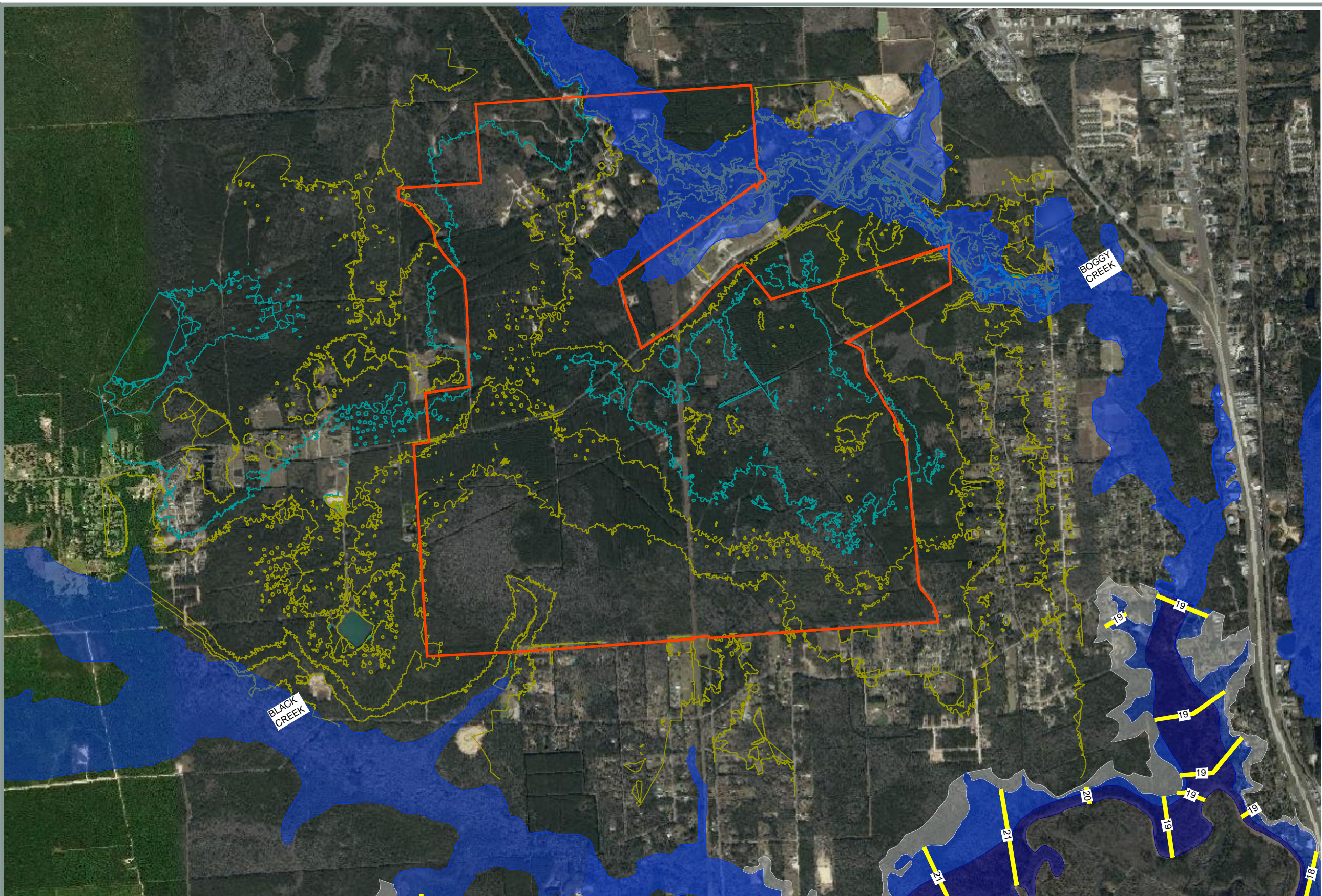
THENCE North 62° 58' 06" East with the south line of said 60 foot road a distance of 268.06 feet to the place of BEGINNING.

Said tract of land herein described contains 2.00 acres of land, more or less.

EXHIBIT A

2013-35728  
GLENDA ALSTON  
COUNTY CLERK  
2013 Mar 08 at 11:24 AM  
HARDIN COUNTY, TEXAS  
By: SJ, DEPUTY

**Exhibit 3**  
**Floodplain Map**



**LEGEND**

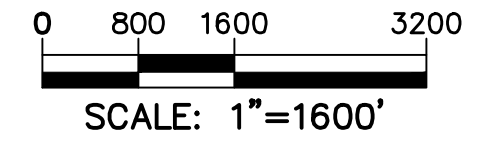
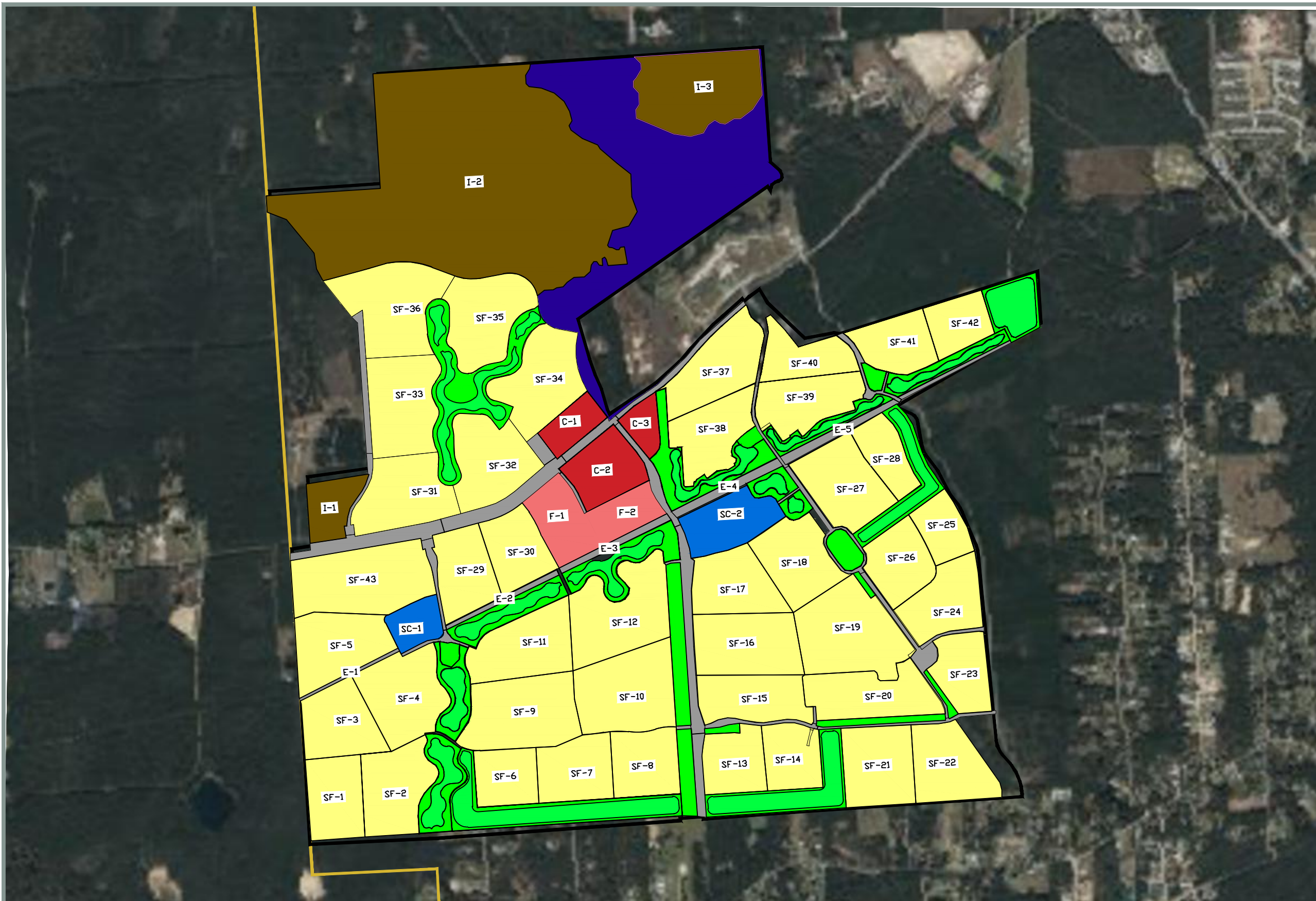
- DEFINED AREA BOUNDARY
- 19 BASE FLOOD ELEV.
- █ FLOODWAY
- █ 100-YR FLOODPLAIN
- █ 500-YR FLOODPLAIN

# FLOODPLAIN DELINEATION MAP

LUMBERTON M.U.D. DEFINED AREA



**Exhibit 4**  
**Land Use Map**



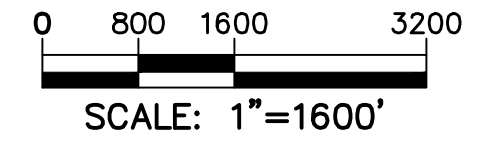
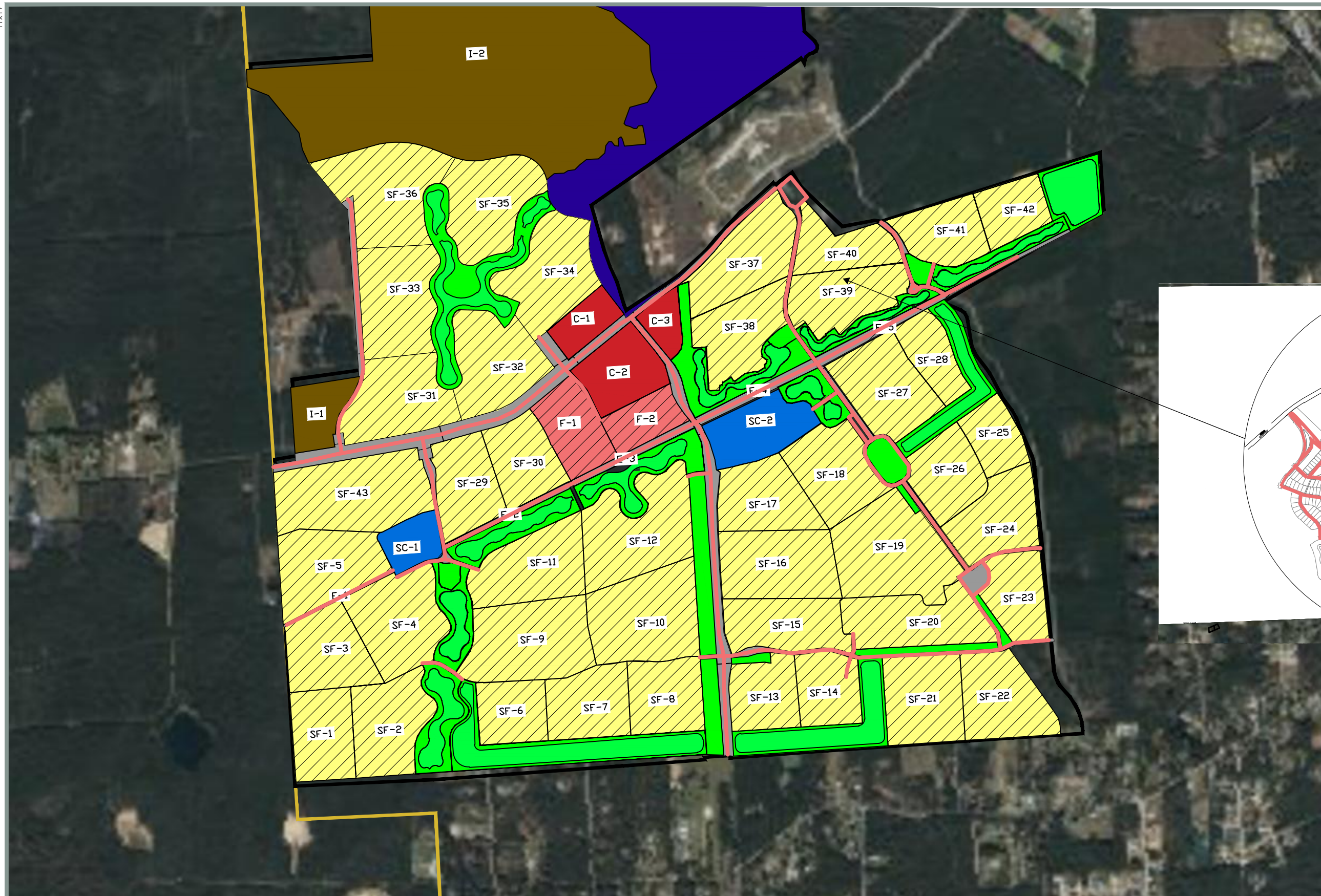
- Schools
- Flex Use
- Commercial / Retail
- Mid-Density Residential
- Single Family Residential
- Road Surface
- Detention/Drainage/Open Space
- Floodplain
- Industrial

# LAND USE MAP

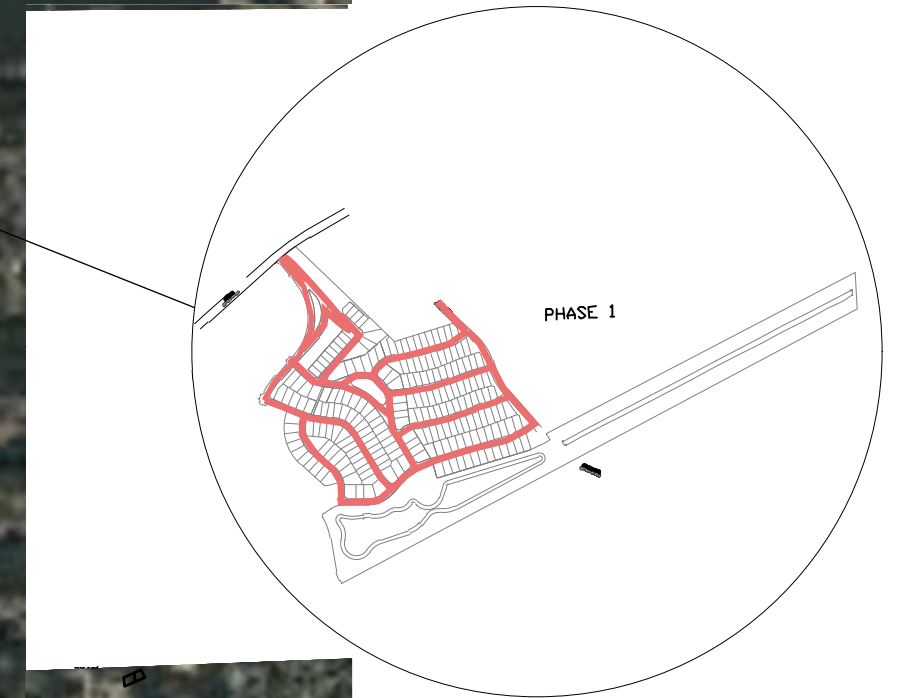
LUMBERTON M.U.D. DEFINED AREA



**Exhibit 5**  
**Road Improvements**



- DISTRICT BOUNDARY LINE
- ROADWAY IMPROVEMENTS
- ROADWAY IMPROVEMENTS



# ROAD IMPROVEMENTS

LUMBERTON M.U.D. DEFINED AREA



**Exhibit 6**

**Special District Local Laws Code Chapter 8230**



SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 6. WATER AND WASTEWATER  
SUBTITLE F. MUNICIPAL UTILITY DISTRICTS  
CHAPTER 8230. LUMBERTON MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8230.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a member of the board.
- (3) "District" means the Lumberton Municipal Utility District.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8230.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Hardin County created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8230.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8230.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 388, Acts of the 63rd Legislature, Regular Session, 1973, as that territory may have been modified under:

- (1) Subchapter H, Chapter 54, Water Code;

(2) Subchapter J, Chapter 49, Water Code; or

(3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8230.005. CERTAIN LAWS INAPPLICABLE TO CREATION OF DISTRICT. The district was created notwithstanding any provision of Section 212.003, Local Government Code, Chapter 42 or 43, Local Government Code, or Section 54.016, Water Code, and to the extent of the creation of the district only, those provisions shall have no application.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8230.051. COMPOSITION OF BOARD. The board of directors is composed of five elected directors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8230.101. MUNICIPAL UTILITY DISTRICT POWERS. The district has the rights, powers, privileges, and functions conferred and imposed by general law applicable to a municipal

utility district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.  
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

**Exhibit 7**

**Order Canvassing the Results of the November 5, 2019 Election  
confirming the Defined Area**

**LUMBERTON MUNICIPAL UTILITY DISTRICT**

**ORDER CANVASSING RETURNS AND  
DECLARING RESULTS OF DEFINED AREA AND BOND ELECTION**

STATE OF TEXAS

§

COUNTY OF HARDIN

§

§

**WHEREAS**, on the 5<sup>th</sup> day of November, 2019, Lumberton Municipal Utility (the "District") held an election at the early voting locations specified in **Exhibit "A"** and at the polling places specified in **Exhibit "B"** attached hereto for the election on a proposition to designate the defined area and a proposition for the issuance of \$453,320,000 in bonds and the levy of an ad valorem tax to retire the bonds;

**WHEREAS**, the Board of the District has investigated all matters pertaining to said election, including the ordering, giving notice, selection of officers, holding and making returns of said election;

**WHEREAS**, the official returns of said election have been delivered to the presiding officer of the Board of the District and have been certified to the Board by the presiding judge of said election; and

**WHEREAS**, it is hereby officially found and determined that the meeting in which this Order was adopted was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE LUMBERTON MUNICIPAL UTILITY DISTRICT THAT:**

Section 1: That the Board of Directors officially finds and determines that said election was duly ordered, proper notice of said election was given, proper election officers were duly appointed and selected prior to said election, the election was duly, the District complied with the Texas Election Code and related election statutes, that due returns of the election have been made and delivered, and that the Board of Directors has duly canvassed the returns, all in accordance with law and the Order calling said election.

Section 2: It is hereby found and declared that at the election described in the preamble hereto there was cast 1 ballot for proposition calling for the designation of a defined area and for proposition calling for the issuance of \$453,320,000, and that said ballots was cast for the proposition or against the proposition in the numbers indicated:

PROPOSITIONS

FOR 1 A. SHALL THE DEFINED AREA BE DESIGNATED?

AGAINST 0

FOR 1

AGAINST 0

B. SHALL THE BOARD OF DIRECTORS OF LUMBERTON MUNICIPAL UTILITY DISTRICT BE AUTHORIZED TO ISSUE THE BONDS OF SAID DISTRICT IN THE MAXIMUM AMOUNT OF \$453,320,000 MATURING SERIALLY OR OTHERWISE OVER A PERIOD NOT TO EXCEED FORTY (40) YEARS FROM THE DATE OR DATES, AND TO BE ISSUED AND SOLD AT ANY PRICE OR PRICES, AND TO BEAR INTEREST AT A RATE NOT TO EXCEED THE MAXIMUM AUTHORIZED BY LAW AT THE TIMES SUCH BONDS ARE ISSUED (IN WHOLE OR ANY PART THEREOF), ALL AS MAY BE DETERMINED BY THE BOARD OF DIRECTORS OF SAID DISTRICT, FOR THE PUPOSE OF PURCHASING, CONSTRUCTING, ACQUIRING, OWNING, OPERATING, REPAIRING, MAINTAINING, IMPROVING OR EXTENDING PLANTS, FACILITIES AND IMPROVEMENTS FOR THE WATERWORKS WASTEWATER, AND DRAINAGE SYSTEMS OF THE DISTRICT LOCATED INSIDE AND OUTSIDE ITS BOUNDARIES INCLUDING, BUT NOT LIMITED TO ALL ADDITIONS TO SUCH SYSTEM AND ALL WORKS, IMPROVEMENTS, FACILITIES, PLANTS, EQUIPMENT, APPLIANCES, INTEREST IN PROPERTY, AND CONTRACTUAL RIGHTS NEEDED THEREOF AND FOR THE PURPOSE OF PAYING ALL ORGANIZATIONAL, ADMINISTRATION, AND OPERATING COSTS DURING CREATION AND CONSTRUCTION PERIODS ALL COSTS ASSOCIATED WITH REQUIREMENTS FOR FEDERAL PERMITS INCLUDING STORMWATER AND ENDANGERED SPECIES AND ADMINISTRATIVE FACILITIES IN CONNECTION THEREWITH, FOR THE

PURPOSE OF SERVING THE DEFINED AREA, AND FOR THE PURPOSE OF REFUNDING, BY ANY MEANS NOW OR HEREAFTER AUTHORIZED BY LAW, ALL OR ANY PORTION OF BONDS AND/OR OTHER OBLIGATIONS ISSUED FOR ANY OF THE FOREGOING PURPOSES AND TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SUCH BONDS BY THE LEVY AND COLLECTION ANNUALLY OF A SUFFICIENT AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN SAID DEFINED AREA, AS AUTHORIZED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, INCLUDING PARTICULARLY (BUT NOT BY WAY OF LIMITATION) CHAPTERS 49 AND 54, TEXAS WATER CODE AS AMENDED TOGETHER WITH ALL AMENDMENTS AND ADDITIONS THERETO?

Section 3: It is hereby found and declared that the for proposition calling for the designation of a defined area and for proposition calling for the issuance of \$453,320,000.

Section 4: It is also found and declared that the election officials have duly provided to the presiding officer of the Board of Directors of the District their oath and statement of compensation. The Board of Directors has considered same and approved the compensation as therein specified for payment to the referenced election officials.

PASSED AND APPROVED the 11<sup>th</sup> day of November, 2019.

**Lumberton Municipal Utility District**

By:   
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors

**CERTIFICATE FOR ORDER**

STATE OF TEXAS

§

COUNTY OF HARDIN

§

§

I, the undersigned Secretary of the Board of Directors of the Lumberton Municipal Utility District, hereby certify as follows:

1. The Board of Directors of the Lumberton Municipal Utility District convened in a special meeting on the 11<sup>th</sup> day of November, 2019, at the regular meeting place thereof, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Nick Carter  
Roger Smith  
David Pitchford  
Jimmy Burk  
David Desormeaux

and all of said persons were present, except Roger Smith thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

**ORDER CANVASSING RETURNS AND  
DECLARING RESULTS OF DEFINED AREA AND BOND ELECTION**

was duly introduced for the consideration of said Board of Directors and read in full. It was then duly moved and seconded that said Order be adopted; and, after due discussion, said motion, carrying with it the adoption of said Order, prevailed and carried by the following vote:

AYES: 4  
NOES: 0

2. A true, full and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Order has been duly recorded in said Board of Directors' minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said Board of Director's minutes of said meeting pertaining to the adoption of said Order; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting Officers and Members of said Board of Director as indicated therein; and each of the Officers and Members of the Board of Director was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Order would be introduced and considered for adoption at the meeting, and each of the Officers and Members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place and subject of the meeting was given as required by the Texas Local Government Code, Chapter 551, as amended (the "Texas Open Meetings Law").

SIGNED AND SEALED this 11<sup>th</sup> day of November, 2019.





Secretary, Board of Directors

(SEAL)

**EXHIBIT A**

Hardin County Courthouse, 300 W. Monroe Street, Kountze, Hardin County, Texas

## **EXHIBIT B**

- **Precinct 6 Polling Location—Crestwood Baptist Church 1150 HWY 69, S. Kountze, Texas 77625**
- **Precinct 17 Polling Location—Pine Ridge Baptist Church 13480 FM 421 (Ariola Rd) Sour Lake, Texas 77659**
- **Precinct 19 Polling Location—Keith Road Fire Station 8890 Keith Road Lumberton, Texas 77657**