

NAVARRO COUNTY COMMISSIONER'S COURT

A SPECIAL MEETING OF THE NAVARRO COUNTY COMMISSIONER'S COURT WAS HELD ON MONDAY, 25TH DAY OF JUNE, 2007 AT 5:30 P.M., IN THE NAVARRO COUNTY COURTHOUSE, CORSICANA, TEXAS. PRESIDING JUDGE H.M. DAVENPORT, COMMISSIONER'S PRESENT KIT HERRINGTON, FAITH HOLT, WILLIAM BALDWIN, AND JAMES OLSEN.

1. MOTION TO CONVENE BY BALDWIN SEC BY OLSEN
ALL VOTED AYE
2. PRAYER BY FRED MONK
3. PLEDGE OF ALLEGIANCE
4. PUBLIC COMMENTS- BRUCE HOWARD-THANK THE COURT FOR HAVING AN EVENING MEETING AND WE NEED A COUNTY ENGINEER, ROY MESSICK THANK YOU FOR EVENING MEETING, JANET COLE-HER ROAD 2240 IN PCT#2 NEEDS WORK, LARRY SETTLE TO SPEAK ON ITEM #11, DWIGHT LARSEN HIS ROAD CR 2240 NEEDS REPAIR, JERRY SHELTON-NEED TO CONSIDER HIRING ENGINEER.

CONSENT AGENDA

- ITEMS 5-10 MOTION TO APPROVE BY BALDWIN SEC BY HOLT
ALL VOTED AYE
5. MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS MEETING OF JUNE 11, 2007 AND JUNE 15, 2007
 6. MOTION TO APPROVE AND PAY BILLS AS SUBMITTED BY THE COUNTY AUDITOR
 7. MOTION TO APPROVE THE MINUTES OF THE MAY 3, 2007 PLANNING AND ZONING MEETING **TO WIT PG 839-840**
 8. MOTION TO APPROVE SPECIAL USE PERMITS #'S 05-07-345, 05-07-336, 05-07-341, 05-07-342, 05-07-343, 05-07-344, 05-07-345, 05-07-346, 05-07-347, 05-07-348, AND 05-07-349 FOR SQUARE ONE ENERGY. THESE REQUESTS ARE FOR INJECTION WELLS AND ARE LOCATED OFF SE 0110 IN THE W.P. LANE SURVEY
 9. MOTION TO APPROVE SPECIAL USE PERMIT #'S 05-07-340, 05-07-337, 05-07-338 AND 05-07-339 FOR SQUARE ONE ENERGY. THESE REQUEST

ARE FOR OIL WELLS LOCATED OFF SE 0110 IN THE W.P. LANE SURVEY

10. MOTION TO APPROVE TREASURER'S REPORT FROM RUBY COKER
TOWIT PG 841

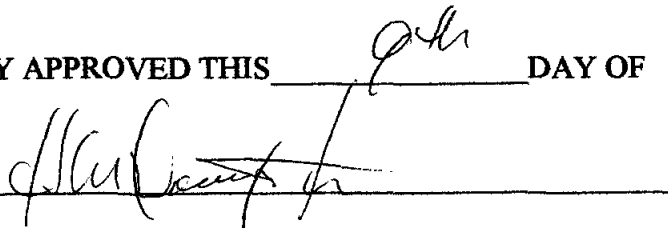
REGULAR AGENDA ITEMS

11. MOTION TO APPROVE PRESENTATION FROM LARRY SETTLE,
INDEPENDENT ENERGY CONSULTANT
NO ACTION
12. MOTION TO APPROVE RESOLUTION APPROVING THE TERMS AND
CONDITIONS OF AN AGREEMENT BY AND BETWEEN NAVARRO
COUNTY, TEXAS AND JELD-WEN, INC. FOR A
COMMERCIAL/INDUSTRIAL TAX ABATEMENT BY HERRINGTON SEC
BY OLSEN **TO WIT PG 842-852**
ALL VOTED AYE
13. MOTION TO APPROVE RESOLUTION APPROVING THE TERMS AND
CONDITIONS OF AN AGREEMENT BY AND BETWEEN NAVARRO
COUNTY, TEXAS AND GUARDIAN INDUSTRIES CORP. FOR A
COMMERCIAL/INDUSTRIAL TAX ABATEMENT BY BALDWIN SEC BY
HOLT **TO WIT PG 853-862**
ALL VOTED AYE
14. MOTION TO APPROVE RESOLUTION APPROVING AN AGREEMENT BY
AND BETWEEN THE COUNTY OF NAVARRO, TEXAS AND EQUITY
INDUSTRIAL PARTNERS CORPORATION FOR AN OFFSETTING
INDUSTRIAL IMPROVEMENT ALLOWANCE BY OLSEN SEC BY
BALDWIN (\$150,000) **TO WIT PG 863-870**
ALL VOTED AYE
15. MOTION TO APPROVE RESOLUTION APPROVING AN AGREEMENT BY
AND BETWEEN THE COUNTY OF NAVARRO, TEXAS AND EQUITY
INDUSTRIAL PARTNERS CORPORATION FOR
COMMERCIAL/INDUSTRIAL TAX ABATEMENT BY HERRINGTON SEC
BY HOLT **TO WIT PG 871-882**
ALL VOTED AYE
16. MOTION TO APPROVE CERTIFICATES OF COMPLETION OF REQUIRED
EDUCATIONAL HOURS FOR RUBY COKER, COUNTY TREASURER BY
OLSEN SEC BY HOLT **TO WIT PG 883-888**
ALL VOTED AYE

17. MOTION TO APPROVE AMENDMENT TO THE NAVARRO COUNTY FLOOD DAMAGE PREVENTION COURT ORDER (2 FT ABOVE FLOOD LEVEL) BY HERRINGTON SEC BY OLSEN TO WIT PG 889-907
ALL VOTED AYE
18. MOTION TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN NAVARRO COUNTY AND NAVARRO SOIL AND WATER CONSERVATION DISTRICT BY HOLT SEC BY BALDWIN
ALL VOTED AYE TO WIT PG 908-909
19. MOTION TO APPROVE COURT ORDER GOVERNING THE REGULATION OF INSTALLATION OF MANUFACTURED HOUSING IN NAVARRO COUNTY BY HOLT SEC BY OLSEN TO WIT PG 910-914
ALL VOTED AYE
20. MOTION TO APPROVE REPLAT OF LOT 17 A OF PECAN CREEK ESTATES (MAKE TWO LOTS 5.14 & 1.40) BY HOLT SEC BY HERRINGTON
ALL VOTED AYE
21. MOTION TO APPROVE A REQUEST FOR PROPOSAL FOR A/C HVAC SYSTEM IN THE NAVARRO COUNTY (JAIL) BY HERRINGTON SEC BY BALDWIN
ALL VOTED AYE
22. MOTION TO TABLE HIRING A COUNTY ENGINEER UNTIL LATER DATE BY HOLT SEC BY BALDWIN
ALL VOTED AYE
23. MOTION TO APPROVE COURT ORDER ADOPTING COUNTY ROAD MAP PURSUANT TO CHAPTER 258 OF THE TEXAS TRANSPORTATION CODE BY HERRINGTON SEC BY OLSEN TO WIT PG 914A
24. MOTION TO APPROVE NOTICE OF INTEREST IN ROADS MAINTAINED BY NAVARRO COUNTY, TEXAS BY OLSEN SEC BY HERRINGTON
ALL VOTED AYE TO WIT PG 915
24. MOTION TO ADJOURN BY HOLT SEC BY JUDGE DAVENPORT
ALL VOTED AYE

THESE MINUTES ARE HEREBY APPROVED THIS 9th DAY OF JULY 2007.

JUDGE HM DAVENPORT

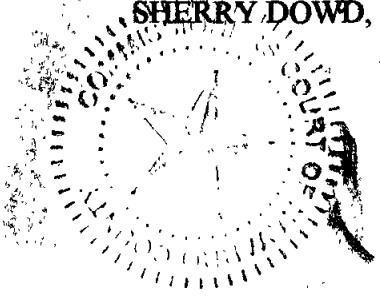


COMR.PCT.1 KIT HERRINGTON *Kit Herrington*
COMR.PCT.2 FAITH HOLT *Faith D. Holt*
COMR.PCT.3 WILLIAM BALDWIN *William Baldwin*
COMR.PCT.4 JAMES OLSEN *James Olsen*

I, SHERRY DOWD, NAVARRO COUNTY CLERK, ATTEST THAT THE FOREGOING IS A TRUE AND ACCURATE ACCOUNTING OF THE COMMISSIONERS COURT'S AUTHORIZED PROCEEDING FOR JUNE 25TH, 2007

SIGNED 9th DAY OF JULY 2007

Sherry Dowd
SHERRY DOWD, COUNTY CLERK





NAVARRO COUNTY OFFICE OF PLANNING & DEVELOPMENT

Vicki Stoecklein – Administrator
Becky Garrett – Addressing
Stanley Young – Environmental Services
Robert Gray – Code Enforcement

www.co.navarro.tx.us
300 West Third Avenue.
Suite 16
Corsicana, TX 75110

Phone: (903) 875-3312

Fax: (903) 875-3314

PLANNING AND ZONING COMMISSION MINUTES

June 14, 2007

5:30 P.M.

County Courtroom

The meeting was called to order with nine members present. The roll was called and the attendance was as follows:

Chairman Jacobson – present
Scott Watkins – absent
Carroll Sigman – present
Benny Horn – absent
Dennis Bancroft – present
Charles Irvine – present
Eben Dale Stover – absent

Vice Chairman Moe – present
Conrad Newton – absent
Wayne McGuire - present
Tom White – absent
Dolores Baldwin – present
George Walker – present
Jeff Smith - present

The first item on the agenda was the approval of the minutes of the May 5, 2007, Planning and Zoning meeting. Motion to approve by Commissioner Irvine, second by Commissioner Bancroft, all voted aye.

Item # 3 on the agenda was consideration of special use permit #'s 05-07-335, 05-07-336, 05-07-341, 05-07-342, 05-07-343, 05-07-344, 05-07-345, 05-07-346, 05-07-347, 05-07-348, and 05-07-349 for Square One Energy. These requests are for injections wells and are located off Se 0110 in the W.P. Lane Survey. Motion to approve by Commissioner Smith with the provision that fencing, as required by the Oil and Gas Ordinance, is provided around the wells, second by Commissioner Bancroft, all voted aye.

Item # 4 on the agenda was consideration of special use permit #'s 05-07-340-, 05-07-337, 05-07-338 and 05-07-339 for Square One Energy. These requests are for oil wells located off SE 0110 in the W.P. Lane Survey. Motion to approve by Commissioner Irvine with the provision that fencing, as required by the Oil and Gas Ordinance, is provided around the wells, second by Vice-Chairman Moe, all voted aye.

Planning and Zoning Minutes
June 14, 2007
Page 2

Item # 5 on the agenda was consideration of special use permit #05-07-350 for Samson Lone Star, Limited Partnership. This request is for a gas and or oil well located off S. Hwy 287 in the J. Mason Survey. A representative from Samson Lone Star was not in attendance to address the application. Motion to table by Commissioner Irvine, second by Commissioner Bancroft, all voted aye.

Adjourn.

AFFIDAVIT SUBMITTED BY
RUBY COKER
NAVARRO COUNTY TREASURER

STATE OF TEXAS

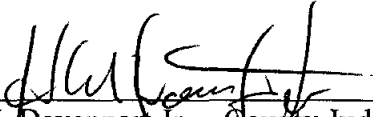
COUNTY OF NAVARRO

Before me, the undersigned authority, on this day personally appeared the following named persons, and after being duly sworn, deposes and says: Honorable H. M. Davenport, Jr., County Judge, Honorable Kit Herrington, Commissioner Pct. #1, Honorable Faith Holt, Commissioner Pct. #2, Honorable William Baldwin, Commissioner Pct. #3, and Honorable James Olsen, Commissioner Pct. 4.

I, Ruby Coker, the Navarro County Treasurer, on this 25th day of June, 2007 present to the Navarro County Commissioners Court the Monthly Financial Report for the month ending on May 31, 2007 for the court to review and approve. According to the report, Navarro County had cash on hand in the amount of \$1,053,842.37. Also, other assets totaling \$8,096,967.67 are being held by the Treasurer's office. The total interest for all accounts for the month of May, 2007 was \$41,866.75. The total disbursements for the month of May, 2007 were \$2,331,482.13. This report is in compliance with section 114.026 of the Local Government Code, so therefore we hereby execute this affidavit for publication.

With this signed affidavit, We the Commissioners Court, state that the requirements of Subsection (C) have been met with the examination of this report.

Signed and executed this 25th day of June, 2007.



H. M. Davenport Jr. - County Judge



Kit Herrington - Commissioner Pct 1



Faith Holt - Commissioner Pct 2



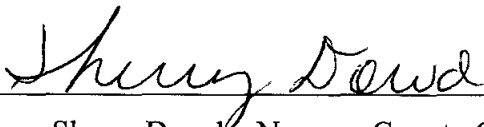
William Baldwin - Commissioner Pct 2,3



James Olsen - Commissioner Pct 4

SWORN AND SUBSCRIBED TO BEFORE ME, this 25th day of June, 2007 by H. M. Davenport, Jr., Kit Herrington, Faith Holt, William Baldwin, and James Olsen, in their official capacities as the members of the Navarro County Commissioners Court.





Sherry Dowd - Navarro County Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSIONER'S COURT OF NAVARRO COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN NAVARRO COUNTY, TEXAS AND JELD-WEN, INC. FOR A COMMERCIAL/INDUSTRIAL TAX ABATEMENT, AND AUTHORIZING ITS EXECUTION BY THE COUNTY JUDGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Navarro County Commissioners Court has been presented a proposed agreement by and between Navarro County, Texas and JELD-WEN, Inc. providing for a commercial/industrial tax abatement for certain improvements, a copy of which is attached hereto and incorporated herein by reference (hereinafter called "AGREEMENT"); and

WHEREAS, upon full review and consideration of the AGREEMENT, and all matters attendant and related thereto, the Commissioners Court is of the opinion that the terms and conditions thereof should be approved, and that the County Judge shall be authorized to execute it on behalf of Navarro County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF NAVARRO COUNTY, TEXAS:

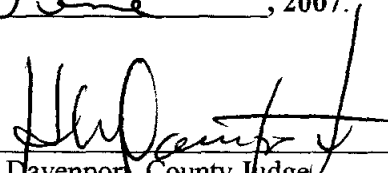
Section 1. The terms and conditions of the proposed AGREEMENT, having been reviewed by the Commissioners Court of Navarro County and found to be acceptable and in the best interests of the Navarro County and its citizens, are hereby in all things approved.

Section 2. The County Judge is hereby authorized to execute the AGREEMENT and all other documents in connection therewith on behalf of the Navarro County, substantially according to the terms and conditions set forth in the AGREEMENT.

Section 3: That this approval and execution of the AGREEMENT on behalf of the County is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

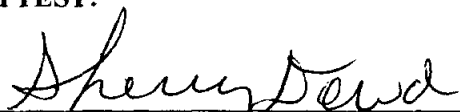
Section 4: This Resolution shall become effective from and after its passage.

PASSED and APPROVED on this the 25 day of June, 2007.



H. M. Davenport, County Judge

ATTEST:



Sherry Dowd, County Clerk



STATE OF TEXAS §

COUNTY OF NAVARRO §

AGREEMENT

This Agreement is entered into by and between Navarro County, Texas duly acting herein by and through its County Judge, hereinafter referred to as COUNTY; and JELD-WEN, inc. duly acting by and through its President hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 13th day of June, 2001, the City Council of the City of Corsicana, Texas, passed an ordinance establishing an Enterprise Zone in the City of Corsicana, Texas for commercial/industrial tax abatement, hereinafter referred to as ORDINANCE, as authorized by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has previously adopted a Tax Abatement Policy; and

WHEREAS, the Tax Abatement Policy constitutes appropriate guidelines and criteria governing tax abatement agreements to be entered into by the CITY as required by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, in order to maintain and/or enhance the commercial/industrial economic and employment base of the Corsicana area to the long term interest and benefit of the COUNTY; and

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said Enterprise Zone in accordance with the purposes for its creation and are in compliance with the COUNTY's Tax Abatement Policy;

NOW THEREFORE, the parties hereto do mutually agree as follows:

§1. The property to be the subject of this AGREEMENT shall be that property described by metes and bounds and map attached hereto as EXHIBITS "A" and "B" and made a part hereof and shall be hereinafter referred to as PROPERTY.

§2. The OWNER has begun improvements to the property and personal property acquisitions as specifically described in EXHIBIT "C" (hereinafter referred to as IMPROVEMENTS) with minimum taxable valuation of \$3,839,000.00 (herein after referred to as the INVESTMENT), which improvements will be completed on or about December 2006; provided, that OWNER shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if OWNER is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of OWNER including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of OWNER), fires, explosions or floods, and strikes. The date of completion of the IMPROVEMENTS shall be defined as the date a Certificate of Occupancy is issued by the City of Corsicana.

§3. The OWNER agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. OWNER further covenants and agrees that all construction of the IMPROVEMENTS will be in accordance with all applicable State and local laws, codes and regulations or valid waiver thereof.

§4. In the event that (a) the proposed minimum taxable INVESTMENT of \$3,839,000.00 in IMPROVEMENTS for which an abatement has been granted are not completed or made in accordance with this AGREEMENT; or, (b) the owner does not create or maintain the required number of 35 full time jobs as provided in the Company's *2006 Application for Industrial Tax Abatement*; or, (c) OWNER allows its ad valorem taxes owed the COUNTY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or, (d) OWNER breaches any of the terms or conditions of this AGREEMENT, then this AGREEMENT shall be in default. In the event that the OWNER defaults in its performance of either (a), (b), (c), or (d) above, then the COUNTY shall give the OWNER written notice of such default and if the OWNER has not cured such default within thirty (30) days of said written notice, or, if such default cannot be cured by the payment of money and cannot with due diligence be cured within a 90-day period owing to cause beyond the control of the OWNER, this AGREEMENT may be terminated by the COUNTY. Notice shall be in writing and shall be delivered by personal delivery or certified mail to the President/Owner at its Corporation Office address of record. As liquidated damages in the event of default, all taxes which otherwise would have been paid to the COUNTY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the COUNTY and shall be due, owing and paid to the COUNTY within sixty (60) days of the expiration of the above mentioned applicable cure period as the sole remedy of the COUNTY subject to any and all lawful offsets, settlements, deductions, or credits to which OWNER may be entitled. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

§5. It is understood and agreed among the parties that the PROPERTY, which is within Enterprise Zone and Reinvestment Zone shall be appraised at market value for the purposes of property tax assessment effective January 1, 2006, and continued at market value until the expiration of this AGREEMENT.

§6. The COUNTY represents and warrants that the PROPERTY does not include any property that is owned by a member of the Commissioner's Court approving, or having responsibility for the approval of this AGREEMENT.

§7. The terms and conditions of the AGREEMENT are binding upon the successors and assigns of all parties hereto. However, this AGREEMENT cannot be assigned by OWNER other than to an affiliate of OWNER unless written permission is first granted by the COUNTY, which permission shall not be unreasonably withheld.

§8. It is understood and agreed between the parties that the OWNER, in performing its obligations hereunder, is acting independently, and the COUNTY assumes no responsibility or liability in connection therewith to third parties and OWNER agrees to indemnify and hold harmless the COUNTY there from; it is further understood and agreed among the parties that the COUNTY, in performing its obligations hereunder, is acting independently, and the OWNER assumes no responsibility or liability in connection therewith to third parties and the COUNTY agrees to indemnify and hold harmless the OWNER there from.

§9. The OWNER further agrees that the COUNTY, its agents and employees, shall have reasonable right of access to the PROPERTY to inspect the IMPROVEMENTS in order to ensure that the construction of the IMPROVEMENTS is in accordance with this AGREEMENT and all applicable State and local laws and regulations or valid waiver thereof. After completion of the IMPROVEMENTS, the CITY shall have the continuing right to inspect the PROPERTY to ensure that it is thereafter maintained and operated in accordance with this AGREEMENT during the term of this AGREEMENT.

§10. Subject to the terms and conditions of this agreement, and subject to the rights of holders of any outstanding bonds of the COUNTY, a portion of personal property and ad valorem real property taxes from the PROPERTY otherwise owed to the CITY shall be abated. Said abatement shall be an amount equal to 50% per year of the taxes assessed upon the increased value of the eligible PROPERTY over the value in the year in which the project was begun and in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the OWNER shall have the right to protest and/or contest any assessment of the PROPERTY over and above the minimum INVESTMENT as required by this AGREEMENT. Said abatement shall extend for a period of ten (10) years beginning from the first day of January of the year following completion of the improvements (December 2006).

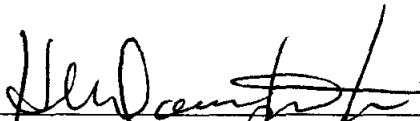
§11. This AGREEMENT was authorized by resolution of the Navarro County Commissioner's Court at its regularly scheduled meeting on the _____ day of _____, 20____, authorizing the County Judge to execute the AGREEMENT on behalf of the County.

§12. This AGREEMENT was entered into by _____ pursuant to authority granted by its Board of Directors on the _____ day of _____, 20_____.

§13. This AGREEMENT shall constitute a valid and binding agreement between the COUNTY and OWNER when executed in accordance herewith, regardless of whether any other taxing unit executes a similar agreement for tax abatement.

This AGREEMENT is performable in Navarro County, Texas, witness our hands this day of June 25, 2007.

APPROVED:



H.M. Davenport, Jr., County Judge

ATTEST:



Sherry Dowd, County Clerk



By: _____
President
JELD-WEN, inc.

*do not
have signed
copy as of
8-31-07*

The State of Texas

County of NAVARRO

3286
Know All Men By These Presents: 681

THAT **CORSICANA INDUSTRIAL FOUNDATION, INC.**, a Corporation, acting herein by and through the undersigned officers, therunto duly authorized,

of the County of Navarro State of Texas, for and in consideration of the sum of **TEN AND NO/100 (\$10.00)** ----- **DOLLARS** and other good and valuable consideration, to it cash in hand paid by **JELD-WEN, INC.**, a Corporation, the receipt of which is hereby acknowledged and confessed as being to it fully paid in cash,

have **GRANTED, BARGAINED, SOLD and CONVEYED**, and by these presents do **GRANT, BARGAIN, SELL and CONVEY** unto the said **JELD-WEN, INC.**, A Corporation
P.O. Box 1329
Klamath Falls, Oregon 97601

of the County of Klamath State of Oregon all that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Thomas Morrow Survey, A-521, and being a part of the First and Second Tracts conveyed to the Corsicana Industrial Foundation by Etta Rawson et vir George Rawson, by deed recorded in Volume 620, page 292, of the Navarro County Deed Records. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:
BEGINNING at an iron bar found at the most Westerly North corner of the above mentioned 47.00 acre Second Tract;
THENCE South 29 degrees 41 minutes East, 72.20 feet to a 1" Galvanized iron pipe found at the ell corner of the said Second Tract;
THENCE South 9 degrees 47 minutes East, crossing the Southeast line of the Second Tract and the Northwest line of the called 70.00 acre First Tract, 727.94 feet to a "T" Post set in the North right-of-way margin of State Highway 31;

82

THENCE South 80 degrees 11 minutes West, 50.00 feet from and parallel to the centerline of the West bound lanes of State Highway 31, 384.73 feet to a "T" Post found at the Southeast corner of the Texas Power and Light Co. 10.00 acre tract recorded in Volume 957, page 653;

THENCE North 9 degrees 47 minutes West 662.60 feet to a "T" Post set at the Northeast corner of the Texas Power and Light 10 acre tract;

THENCE North 59 degrees 53 minutes East, with the Northwest line of the Second Tract, 384.09 feet to the place of Beginning, and containing 6.46 acres of land.

The lands herein conveyed are conveyed subject to all existing easements burdening said lands that are now shown of record.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights, members, hereditaments and appurtenances thereto in anywise belonging unto the said

JELD-WEN, INC., a Corporation, its successors

does hereby bind itself, its successors, executors and administrators to WARRANT and forever DEFEND all and singular the said premises unto the said

JELD-WEN, INC., a Corporation, its successors

and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED

day of

April

herein at

Corsicana, Texas

this 18th

A. D. 19 84

ATTEST:

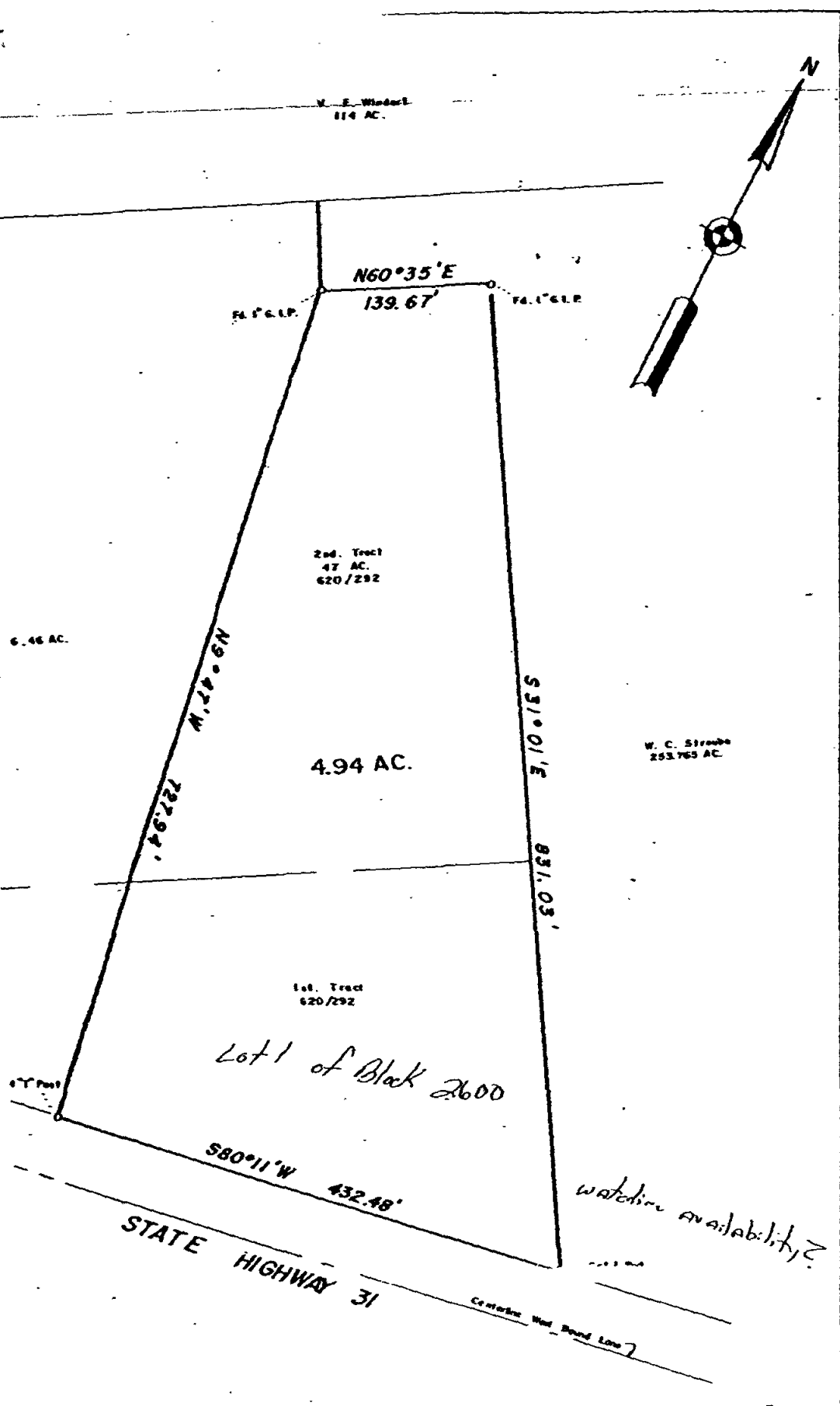
Secretary

Ray Caspberry


CORSICANA INDUSTRIAL FOUNDATION, INC.

By

President



SCALE = 1" = 100 FT.

SURVEYED TRACT WAS SURVEYED 2/21/84
 CONDITIONS SHOWN ARE HEREBY CERTIFIED TO BE TRUE
 TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JACK L. WARD
 REGISTERED PUBLIC SURVEYOR
 NO. 1496

SURVEY - THOMAS MORROW A-521	
DESCRIPTION - PART 1ST & 2ND TRACTS 620/292	
NAVARRO	COUNTY, TEXAS
SURVEY FOR - CORSICANA INDUSTRIAL FOUNDATION	
JACK L. WARD	
REGISTERED PUBLIC SURVEYOR M96	
ATTEST	

850

JELD-WEN®
WINDOWS & DOORS

Window Division

4000 E. Highway 31
Corsicana, TX
75110 USA
903 872-2426 Tel
903 872-3841 Fax
www.jeld-wen.com

January 31, 2006

Ms. Connie Standridge
City Manager
City of Corsicana, Texas
200 N. 12th Street
Corsicana, Texas 75110

Dear Ms. Standridge:

The purpose of this correspondence is to provide assurances that the planned \$3,839,000.00 Phase I (\$2,139,000) and Phase II (\$1,700,000.00) expansions of the JELD-WEN, Corsicana, Texas location will have no unacceptable environmental impact according to existing Environmental Protection Agency (EPA), Texas Commission on Environmental Quality (TCEQ), and/or the City of Corsicana, Texas codes, guidelines, and environmental regulations.

Sincerely,



Trent Middlebrooks
General Manager

2006 APPLICATION FOR INDUSTRIAL TAX ABATEMENT

Instructions: Please print or type. Submit the completed and signed original copy of the 2006 Application for Industrial Tax Abatement with attachments to: The City of Corsicana Economic Development Department, 200 North 12th Street, Corsicana, Texas 75110

1. Date 30-Jan-06

2. Name of Firm, Partnership or Corporation and mailing address

Please print or type
JELD-WEN
 4000 E. Highway 31
 Corsicana, Texas 75110

2a Have you received a previous tax abatement from the City of Corsicana?
NO (YES/NO)

2b If yes, when?
N/A

3. Number of new employees to be added ----- 35
 (*A minimum of 20 new, full-time [e.g. 40 hours/week] jobs are required.)

4. Number of acres of property to be developed ----- 4.94

4a. Plat of property and Development or Site Plan attached? ----- YES (YES/NO)
 (Official Survey with metes and bounds required)

5. Estimated value of existing real property to be developed ----- \$642,500

6. Estimated value of real property improvements ----- \$0
 (A minimum \$1,000,000 investment required)

7. Estimated value of existing inventory ----- \$971,000

8. Estimated value of inventory to be added ----- \$0

9. Estimated value of existing personal property ----- \$5,770,000

10. Estimated value of taxable personal property improvements ----- \$3,839,000

11. Total estimated value of taxable investment to be made. \$3,839,000

12. Description of real property improvements to be made:

* Phase I: \$2,139,000 in Machinery & Equipment (End of 1st Qtr 2006)
 ** Phase II: \$1,700,000 (Minimum investment) in Machinery & Equipment (End of 4th Qtr 2006)

12. Description of Public Services available for project development and new facilities and / or services required.

Water:	Existing service will meet project requirements.
Wastewater:	Existing service will meet project requirements.
Railways:	Existing service will meet project requirements.
Natural Gas:	Existing service will meet project requirements.
Electricity:	Existing service will meet project requirements.

13. One Year Development Schedule for all improvements.

1st Quarter:	\$2,139,000.00 (M&E)
2nd Quarter:	N/A
3rd Quarter:	N/A
4th Quarter:	\$1,700,000 Minimum Investment (M&E)

* Qualification for pro-rating new employees is determined on a case-by-case basis

2006 APPLICATION FOR INDUSTRIAL TAX ABATEMENT (Page 2)

14. Expected impact on the Corsicana Independent School District.

Economic impact for C.I.S.D. will be result of estimated 35 new, full time, jobs created

15. Expected benefit to the local economy.

Economic benefit to community will be result of 35 new, full time jobs created.

16. Estimated annual payroll of new employees.

\$983,000.00

17. Description of product to be manufactured or distributed.

Vinyl windows and patio doors for new construction housing market.

18. Expected life of all real property improvements.

Ten (10) years

19. Identification of all Pollutants and Emissions:

TYPE	QUANTITY
AIR:	N/A
NOISE:	N/A
SOLID WASTE:	N/A
WASTEWATER:	N/A

20. Certification of no unacceptable environmental impact as a result of the improvement and subsequent operations received.

See Attached Letter

21. Project in compliance with relevant zoning requirements.

YES

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.

sign here *Trent Middlebrooks* Date: *01/31/06*
 Trent Middlebrooks

Phone: 903.872.2426 Date:

Submitted By (Please Print)

Name: Trent Middlebrooks
 Title: General Manager
 Date: 1/31/06

Received by the City of Corsicana

Name: *[Signature]*
 Title: Economic Development Director
 Date: 1/31/06

For assistance in completing this form call the City of Corsicana, Texas - 903.654.4806. An Equal Opportunity Employer

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COMMISSIONER'S COURT OF THE COUNTY OF NAVARRO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN NAVARRO COUNTY, TEXAS AND GUARDIAN INDUSTRIES CORP. FOR A COMMERCIAL/ INDUSTRIAL TAX ABATEMENT, AND AUTHORIZING ITS EXECUTION BY THE COUNTY JUDGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Navarro County Commissioners Court has been presented a proposed agreement by and between Navarro County, Texas and Guardian Industries Corp. providing for a commercial/industrial tax abatement for certain improvements, a copy of which is attached hereto and incorporated herein by reference (hereinafter called "AGREEMENT"); and

WHEREAS, upon full review and consideration of the AGREEMENT, and all matters attendant and related thereto, the Commissioners Court is of the opinion that the terms and conditions thereof should be approved, and that the County Judge shall be authorized to execute it on behalf of Navarro County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF NAVARRO COUNTY, TEXAS:

Section 1. The terms and conditions of the proposed AGREEMENT, having been reviewed by the Commissioners Court of Navarro County and found to be acceptable and in the best interests of the Navarro County and its citizens, are hereby in all things approved.

Section 2. The County Judge is hereby authorized to execute the AGREEMENT and all other documents in connection therewith on behalf of the Navarro County, substantially according to the terms and conditions set forth in the AGREEMENT.

Section 3: That this approval and execution of the AGREEMENT on behalf of the County is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 4: This Resolution shall become effective from and after its passage.

PASSED and APPROVED on this the 25 day of June, 2007.



ATTEST:

Sherry Dowd
Sherry Dowd, County Clerk

H. M. Davenport
H. M. Davenport, County Judge

STATE OF TEXAS §

COUNTY OF NAVARRO §

AGREEMENT

This Agreement is entered into by and between Navarro County, Texas, duly acting herein by and through its County Judge, hereinafter referred to as COUNTY; and Guardian Industries Corp. duly acting by and through its President hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 13th day of June, 2001, the City Council of the City of Corsicana, Texas, passed an ordinance establishing an Enterprise Zone in the City of Corsicana, Texas for commercial/industrial tax abatement, hereinafter referred to as ORDINANCE, as authorized by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has previously adopted a Tax Abatement Policy; and

WHEREAS, the Tax Abatement Policy constitutes appropriate guidelines and criteria governing tax abatement agreements to be entered into by the COUNTY as required by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, in order to maintain and/or enhance the commercial/industrial economic and employment base of the Corsicana area to the long term interest and benefit of the COUNTY; and

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said Enterprise Zone in accordance with the purposes for its creation and are in compliance with the COUNTY's Tax Abatement Policy;

NOW THEREFORE, the parties hereto do mutually agree as follows:

§1. The property to be the subject of this AGREEMENT shall be that property described by metes and bounds and map attached hereto as EXHIBITS "A" and "B" and made a part hereof and shall be hereinafter referred to as PROPERTY.

§2. The OWNER has begun improvements to the property and personal property acquisitions as specifically described in EXHIBIT "C" (hereinafter referred to as IMPROVEMENTS) with a minimum taxable valuation of \$19,216,724.00 (hereinafter referred to as the INVESTMENT), which improvements will be completed on or about March, 2007; provided, that OWNER shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if OWNER is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of OWNER including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of OWNER), fires, explosions or floods, and strikes. The date of completion of the IMPROVEMENTS shall be defined as the date a Certificate of Occupancy is issued by the City of Corsicana.

§3. The OWNER agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. OWNER further covenants and agrees that all construction of the IMPROVEMENTS will be in accordance with all applicable State and local laws, codes and regulations or valid waiver thereof.

§4. In the event that (a) the proposed minimum taxable valuation investment of \$19,216,724.00 in IMPROVEMENTS for which an abatement has been granted are not completed or made in accordance with this AGREEMENT; or (b) OWNER does not retain and maintain the required number of 209 full time jobs as provided in the Company's *2006 Application for Industrial Tax Abatement*; (c) allows its ad valorem taxes owed the COUNTY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or (d) OWNER breaches any of the terms or conditions of this AGREEMENT, then this AGREEMENT shall be in default. In the event that the OWNER defaults in its performance of either (a), (b), (c), or (d) above, then the COUNTY shall give the OWNER written notice of such default and if the OWNER has not cured such default within thirty (30) days of said written notice, or, if such default cannot be cured by the payment of money and cannot with due diligence be cured within a 90-day period owing to cause beyond the control of the OWNER, this AGREEMENT may be terminated by the COUNTY. Notice shall be in writing and shall be delivered by personal delivery or certified mail to the President/Owner at its Corporation Office address of record. As liquidated damages in the event of default, all taxes which otherwise would have been paid to the COUNTY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the COUNTY and shall be due, owing and paid to the COUNTY within sixty (60) days of the expiration of the above mentioned applicable cure period as the sole remedy of the COUNTY subject to any and all lawful offsets, settlements, deductions, or credits to which OWNER may be entitled. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

§5. It is understood and agreed among the parties that the PROPERTY, which is within Enterprise Zone and Reinvestment Zone shall be appraised at market value for the purposes of property tax assessment effective January 1, 2008, and continued at market value until the expiration of this AGREEMENT.

§6. The COUNTY represents and warrants that the PROPERTY does not include any property that is owned by a member of the Navarro County Commissioners Court approving, or having responsibility for the approval of this AGREEMENT.

§7. The terms and conditions of the AGREEMENT are binding upon the successors and assigns of all parties hereto. However, this AGREEMENT cannot be assigned by OWNER other than to an affiliate of OWNER unless written permission is first granted by the COUNTY, which permission shall not be unreasonably withheld.

§8. It is understood and agreed between the parties that the OWNER, in performing its obligations hereunder, is acting independently, and the COUNTY assumes no responsibility or liability in connection therewith to third parties and OWNER agrees to indemnify and hold harmless the COUNTY therefrom; it is further understood and agreed among the parties that the COUNTY, in performing its obligations hereunder, is acting independently, and the OWNER assumes no responsibility or liability in connection therewith to third parties and the COUNTY agrees to indemnify and hold harmless the OWNER there from.

§9. The OWNER further agrees that the COUNTY, its agents and employees, shall have reasonable right of access to the PROPERTY to inspect the IMPROVEMENTS in order to ensure that the construction of the IMPROVEMENTS is in accordance with this AGREEMENT and all applicable State and local laws and regulations or valid waiver thereof. After completion of the IMPROVEMENTS, the COUNTY shall have the continuing right to inspect the PROPERTY to ensure that it is thereafter maintained and operated in accordance with this AGREEMENT during the term of this AGREEMENT.

§10. Subject to the terms and conditions of this agreement, and subject to the rights of holders of any outstanding bonds of the COUNTY, a portion of personal property and ad valorem real property taxes from the PROPERTY otherwise owed to the COUNTY shall be abated. Said abatement shall be an amount equal to 50% per year of the taxes assessed upon the increased value of the eligible PROPERTY over the value in the year in which the project was begun and in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the OWNER shall have the right to protest and/or contest any assessment of the PROPERTY over and above the the minimum INVESTMENT as required by this AGREEMENT and said abatement. Said abatement shall extend for a period of ten (10) years beginning from the first day of January of the year following completion of the improvements (March 2007).

§11. This AGREEMENT was authorized by resolution of the Navarro County Commissioners Court at its regularly scheduled meeting on the _____ day of _____, 20____, authorizing the County Judge to execute the AGREEMENT on behalf of the COUNTY.

§12. This AGREEMENT was entered into by Guardian Industries Corp. pursuant to authority granted by its President on the 17th day of July, 2007.

§13. This AGREEMENT shall constitute a valid and binding agreement between the COUNTY and OWNER when executed in accordance herewith, regardless of whether any other taxing unit executes a similar agreement for tax abatement.

This AGREEMENT is performable in Navarro County, Texas, witness our hands this 25th day of June, 2007.

APPROVED:

[Signature]
H.M. Davenport, Jr., County Judge

ATTEST:
[Signature]
CORPORATE ATTEST:
[Signature]
SECRETARY
GUARDIAN INDUSTRIES CORP.
DELAWARE

By: [Signature]
President
Guardian Industries Corp.

858

BOBBY E. BRUCE
REGISTERED PROFESSIONAL LAND SURVEYOR

P.O. Box 541 Corsicana, Texas 75151 903-872-0113

125.653 ACRES RANSOM HEATON SURVEY
CORNICANA, NAVARRO COUNTY, TEXAS ABSTRACT NO. 340

All that certain lot, tract, or parcel of land, being 125.653 acres situated in the Ransom Heaton Survey, Abstract No. 340, in the City of Corsicana, Navarro County, Texas, and being part of a called 144.394 acres tract described in deed from Raymond Hayes to Guardian Industries Corporation, dated August 11, 1978, and recorded in Volume 900 Page 377, in the Deed Records of Navarro County, Texas. Said 125.653 acres are more fully described as follows;

Beginning at a point for the north corner of this tract and the called 144.394 acres tract and in the southwest line of the Burlington Rock Island Railroad property;

Thence south 48 degrees 46 minutes east along the railroad property a distance of 541.2 feet to a point for corner, and being 100 feet from the center of the track;

Thence north 41 degrees 14 minutes east along the railroad property a distance of 50 feet to a point for corner, and being 50 feet from the center of the track;

Thence south 48 degrees 46 minutes east along the railroad property a distance of 788.9 feet to a point for corner, and being 50 feet from the center of the track;

Thence south 41 degrees 14 minutes west along the railroad property a distance of 50 feet to a point for corner, and being 100 feet from the center of the track;

Thence south 48 degrees 46 minutes east along the railroad property a distance of 1619.4 feet to a point for corner, and being 100 feet from the center of the track, and being in the intersection of the southwest line of the railroad property and the northwest line of Lake Halbert Road, a public road;

Thence south 58 degrees 14 minutes west along the northwest line of Lake Halbert Road a distance of 2,573.7 feet to a point for corner in the northeast line of U. S. Highway 287;

Thence north 43 degrees 48 minutes west along the northeast line of U. S. Highway 287 a distance of 1327 feet to a point for corner, and being the south corner of the First Tract, called 5.00 acres tract, (save and except), in Volume 900 Page 377;

Thence north 46 degrees 12 seconds east a distance of 792 feet to a point for the east corner of the called 5.000 acres tract;

Thence north 43 degrees 48 minutes west along the northeast lines of the called 5.000 acres tract, and the Second Tract, called 5.000 acres, (save and except), in Volume 900 Page 377, and an 8.7411 acres tract conveyed out of the called 144.394 acres tract, a distance of 1,039.93 feet to a point for the north corner of the 8.7411 acres tract, and in the northwest line of the called 144.394 acres tract;

Thence north 45 degrees 00 seconds east a distance of 1,446.98 feet to the place of beginning and containing 125.653 acres of land.

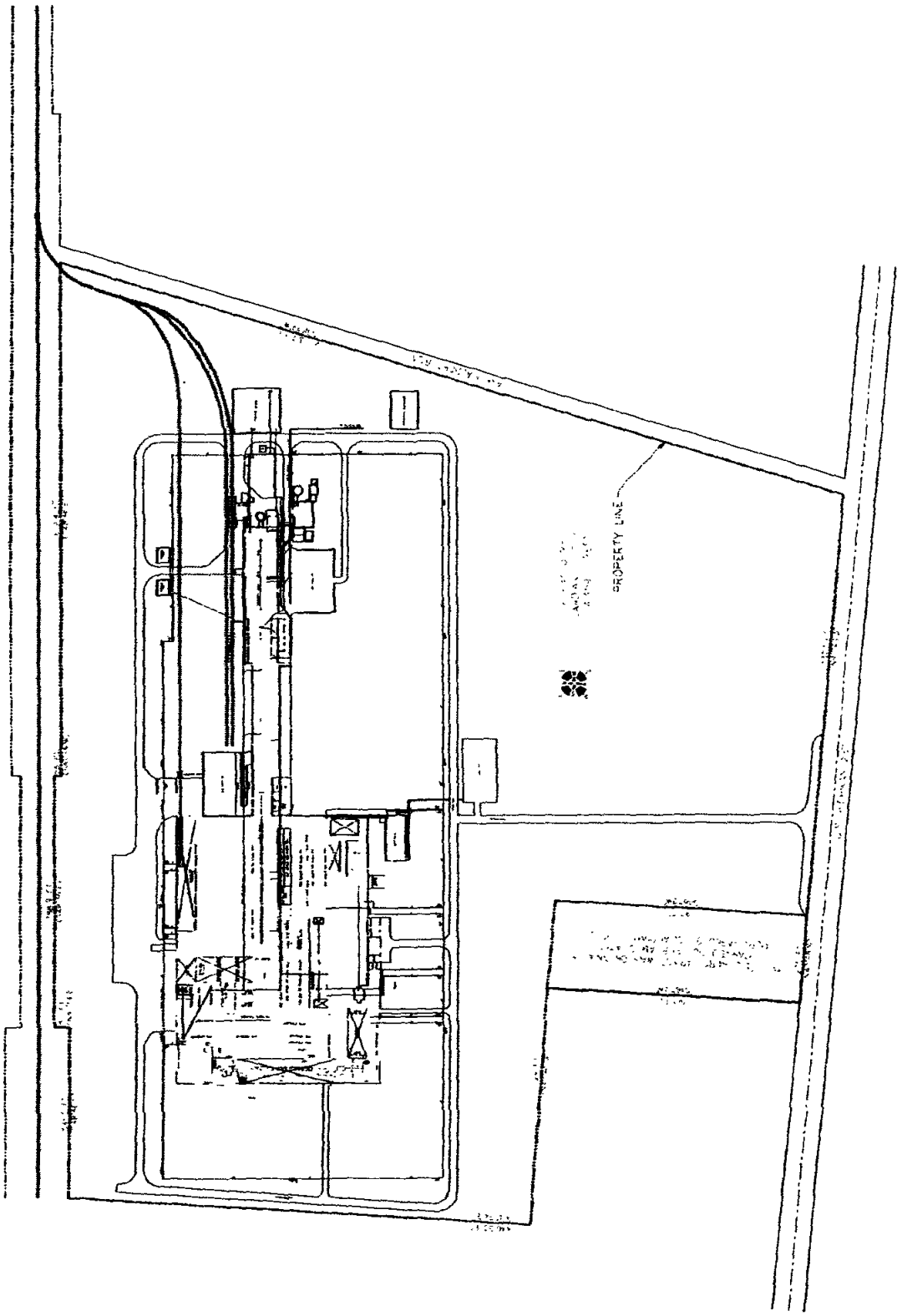
This is to certify that the foregoing field notes were prepared from deed records only.

Bobby Bruce

06-28-06

Bobby E. Bruce
Registered Professional Land Surveyor No. 4890

860



		GUARDIAN INDUSTRIES CORP. 2800 EASTPORT ROAD ALBANY, MISS., USA, 31706	
SITE PLAN CORUCANA FLOAT FACILITY		DATE: 24 APR 88	DRAWN BY: J. B. G.
SHEET NO. 1 OF 1	SCALE: 1" = 100'	PROJECT NO. 04-0100-002	DRAWING NO. 1081

2006 APPLICATION FOR INDUSTRIAL TAX ABATEMENT

Instructions: Please print or type. Submit the completed and signed original copy of the 2006 Application for Industrial Tax Abatement with attachments to: The City of Corsicana Economic Development Department, 200 North 12th Street, Corsicana, Texas 75110

1. Date 5/24/06

2. Name of Firm, Partnership or Corporation and mailing address

Please print or type:
Guardian Industries Corp.
3801 South Highway 287
Corsicana, Texas 75109

2a. Have you received a previous tax abatement from the City of Corsicana? Yes (YES/ NO)

2b. If yes, when? 1999

3. Number of new full time employees to be added _____ 209 Job Retention Project
(*A minimum of 20 new, full-time [e.g. 40 hours/week] jobs are required.)

4. Number of acres of property to be developed _____ approx 133

4a. Plat of property and Development or Site Plan attached? _____ Yes (YES/ NO)
(Official Property Survey with metes and bounds required)

5. Estimated value of existing real property to be developed _____ \$ 7,298,970

6. Estimated value of real property improvements _____ \$ -
(A minimum \$1,000,000.00 investment required)

7. Estimated value of existing inventory _____ \$ 7,426,960

8. Estimated value of inventory to be added _____ \$ -

9. Estimated value of existing personal property _____ \$ 34,711,920

10. Estimated value of taxable personal property improvements _____ \$ 19,216,724

11. Total estimated value of taxable investment to be made (Total of Items # 5, 6, 8 & 10) \$ 19,216,724

12. Description of real property improvements to be made:
Approximately \$19,216,724 in machinery and equipment including infrastructure and building improvements related to the installation of the equipment.

12. Description of Public Services available for project development and new facilities and / or services required.

Water:	Existing service will meet project requirements
Wastewater:	Existing service will meet project requirements
Railways:	Existing service will meet project requirements
Natural Gas:	Existing service will meet project requirements
Electricity:	Existing service will meet project requirements

13. One Year Development Schedule for all improvements.

2nd Quarter:	2006	\$1,000,000
3rd Quarter:	2006	\$8,000,000
4th Quarter:	2006	\$8,000,000
1st Quarter:	2007	\$2,216,724

* Qualification for pro-rating new employees is determined on a case-by-case basis.

2006 APPLICATION FOR INDUSTRIAL TAX ABATEMENT (Page 2)

14. Expected impact on the Corsicana Independent School District.

Mildred ISD - this retention project would add stability to the assessed value of the district and maintain employment of 209 employees whose jobs would otherwise be eliminated.

15. Expected benefit to the local economy.

#1 - The typical 12 month economic impact of payroll (7X) and non-payroll (3X) local spending by Guardian Corsicana is \$129,861,301. #2 - For this project there will be specialized contractors from outside the area that will require an estimated 2,044 hotel nights in a 3-month period plus the related per-diem spending in local restaurants and retailers. This project will also use many local suppliers and contractors as well as 30 days of an additional temporary labor force.

16. Estimated annual payroll of new employees.

This project will allow Guardian Corsicana to retain 209 employees with a direct payroll of \$7,255,200 annually.

17. Description of product to be manufactured or distributed.

The Corsicana plant manufactures float glass used in commercial and residential applications.

18. Expected life of all real property improvements.

Equipment and related infrastructure and building improvements will have a 15 year useful life.

19. Identification of all Pollutants and Emissions:

TYPE	QUANTITY
AIR: All within permitted levels	
NOISE:	
SOLID WASTE: Non Hazardous Refractory Disposal	7000 tons approx
WASTEWATER: all withing permitted levels	

20. Certification of no unacceptable environmental impact as a result of the improvement and subsequent operations received.

21. Project in compliance with relevant zoning requirements.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.

sign here > *Howard D. Seely*
Phone: 903-872-4871 Date: 5/24/06

Submitted By	(Please Print)
Name:	Howard D. Seely
Title:	Operations Support Manager
Date:	5/24/2006

Received by the City of Corsicana	
Name:	<i>[Signature]</i>
Title:	Economic Development Director
Date:	5/29/06

For assistance in completing this form call the City of Corsicana, Texas - 903.654.4806. An Equal Opportunity Employer.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COMMISSIONER'S COURT OF THE COUNTY OF NAVARRO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE COUNTY OF NAVARRO, TEXAS AND EQUITY INDUSTRIAL PARTNERS CORPORATION FOR AN OFFSETTING INDUSTRIAL IMPROVEMENT ALLOWANCE, AND AUTHORIZING ITS EXECUTION BY THE JUDGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County Commissioner's Court has been presented a proposed agreement by and between the County of Navarro, Texas and Equity Industrial Partners Corporation providing for an offsetting industrial improvement allowance for certain improvements, a copy of which is attached hereto and incorporated herein by reference (hereinafter called "AGREEMENT"); and

WHEREAS, upon full review and consideration of the AGREEMENT, and all matters attendant and related thereto, the Commissioner's Court is of the opinion that the terms and conditions thereof should be approved, and that the County Judge shall be authorized to execute it on behalf of the County of Navarro;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONER'S COURT OF THE COUNTY OF NAVARRO, TEXAS:

Section 1. The terms and conditions of the proposed AGREEMENT, having been reviewed by the County Commissioner's Court of the County of Navarro and found to be acceptable and in the best interests of the County of Navarro and its citizens, are hereby in all things approved.

Section 2. The County Judge is hereby authorized to execute the AGREEMENT and all other documents in connection therewith on behalf of the County of Navarro, substantially according to the terms and conditions set forth in the AGREEMENT.

Section 3: That this approval and execution of the AGREEMENT on behalf of the County is not conditional upon approval and execution of any other agreement by any other taxing entity.

Section 4: This Resolution shall become effective from and after its passage.

PASSED and APPROVED on this the 25th day of June, 2007.



ATTEST:

Sherry Dowd
Sherry Dowd, County Clerk

H.M. Davenport, Jr.
H.M. Davenport, Jr., County Judge

STATE OF TEXAS §

COUNTY OF NAVARRO §

AGREEMENT

This Agreement is entered into by and between the County of Navarro, Texas, duly acting herein by and through its Judge, (hereinafter referred to as "COUNTY"); and Equity Industrial Partners Corporation (herein referred to as COMPANY") duly acting by and through its President hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 13th day of June, 2001, the City Council of the City of Corsicana, Texas, passed an ordinance establishing an Enterprise Zone in the City of Corsicana, Texas for commercial/industrial tax abatement, hereinafter referred to as ORDINANCE, as authorized by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has previously adopted a Tax Abatement Policy; and

WHEREAS, the Tax Abatement Policy constitutes appropriate guidelines and criteria governing tax abatement agreements to be entered into by the COUNTY as required by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, in order to maintain and/or enhance the commercial/industrial economic and employment base of the Navarro County, Texas area to the long term interest and benefit of the COUNTY; and

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said Enterprise Zone in accordance with the purposes for its creation and are in compliance with the COUNTY's Tax Abatement Policy;

NOW THEREFORE, the parties hereto do mutually agree as follows:

§1. The property to be the subject of this AGREEMENT shall be that property described as 2200 South Highway 287, Corsicana, Texas, 75110, and shall be hereinafter referred to as the PROPERTY.

§2. The COMPANY, or designee, shall receive an offsetting industrial improvement allowance (the "allowance") commencing on July 1, 2007. The allowance shall be in the amount of five thousand and no/100 dollars (\$5,000.00) per month and the allowance shall continue for a term of twenty-four (24) months commencing on July 1, 2007 and continuing for said twenty-four (24) months term only after all of the following conditions have been achieved and maintained: the creation on-site at the PROPERTY of the two hundred and fifty (250) new, full time jobs; the investment on-site at the PROPERTY of at least one million six hundred thousand and no/100 dollars (\$1,600,000.00) made by the COMPANY for renovation of property and property improvements; the investment on-site in the PROPERTY of at least fifteen million and no/100 dollars (\$15,000,000.00) made by The Home Depot for property improvements; and, the investment on-site and located at the PROPERTY of at least twenty million and no/100 dollars (\$20,000,000.00) in inventory balance made and maintained by The Home Depot. The five thousand and no/100 dollars (\$5,000.00) per month in funds for the allowance shall be placed into the Corsicana/Navarro County Economic Development Commission ("CNEDC") account for payment to the COMPANY.

§3. If the number of full time equivalent employees is verified to be at least two hundred fifty (250), the COUNTY shall commence on July 1, 2007 the process of payments of the allowance pursuant to the letter from Daryl Schliem (dated March 8, 2005) and based upon the fulfillment of the commitments made by the COMPANY and The Home Depot as listed in Section 2 above.

§4. If the COMPANY fails to make the proposed Investment, maintain the proposed Investment, create and maintain the proposed number of full time employees, and/or complete the Improvements, the COUNTY, pursuant to the Texas Tax Code, reserves the right to recapture all prior taxes abated and all prior offsetting industrial improvement allowances paid, plus penalty and interest, pursuant to the Tax Abatement Agreement.

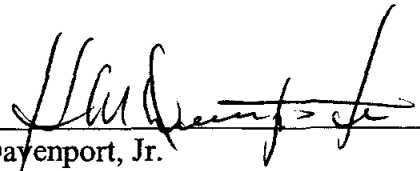
§5. This AGREEMENT was authorized by resolution of the County Commissioner's Court at its regularly scheduled meeting on the 25th day of June, 2007, authorizing the Judge to execute the AGREEMENT on behalf of the COUNTY.

§6. This AGREEMENT was entered into by Equity Industrial Partners Corporation pursuant to authority granted by its Board of Directors on the _____ day of _____, 20____.

§7. This AGREEMENT shall constitute a valid and binding agreement between the COUNTY and OWNER when executed in accordance herewith, regardless of whether any other taxing unit executes a similar agreement.

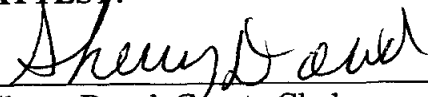
This AGREEMENT is performable in Navarro County, Texas, witness our hands this _____ day of _____, 20____.

APPROVED:



H.M. Dayenport, Jr.

ATTEST:



Sherry Dowd, County Clerk



By: _____
President
Equity Industrial Partners Corporation

*do not have
signed copy
as of 8-31-07*



Import Distribution Center 5147 • 2200 S. Business 45 • Corsicana, TX 75110
(903)875-0528 Ext. 401 • Fax: (903)875-1661

February 19, 2007

To: Lee McCleary
From: Maria Davis
Subject: 2200 S. Business 45 Tax Abatement

Lee,

In accordance with your request for employment levels at our Corsicana Distribution Center, the following information is provided:

Total Home Depot and 3PL FTE's	297
Remove Temp Labor	<u>-79</u>
Total FTE's	218

Temps work between 24-40 hours per week for up to three (3) months; 40 hours per week for nine (9) months.

79 temps x 60% - FTE =	<u>+47</u>
Total Full Time Equivalentents (FTE's)	265

Please contact me with further questions or requests. Thank you.

Respectfully,

Maria Davis
General Manager, IDC 5147



August 10, 2005

Honorable Mayor Buster Brown
City of Corsicana
200 North 12th Street
Corsicana, TX 75110

RE: Additional Information

Dear Mayor Brown:

The following are the details to the best of our knowledge as to the renovation and sale of the former K-mart Distribution Center.

Purchase price: Approximately \$22,000,000.00 (22 million dollars) as is condition.

Our Renovation Cost: Approximately 1,600,000.00 (1 million six hundred thousand)

Home Depot Improvements: Approximately \$15,000,000 (15 million dollars)

Estimated Inventory: \$20,000,000 (20 million dollars) estimated from K-mart average yearly inventory when in operation.

This will create 250 new jobs beginning September 15, 2005.

These figures still may be higher as all of our renovations are not completed at this time.

Sincerely,

Don Levene
Equity Industrial Partners Corp.

March 8, 2005

Don Levene / Lewis Heafitz
Equity Industrial Partners Corp.
145 Rosemary Street Suite E
Needham, MA 02494

RE: K-mart Distribution Center Abatement

Dear Mr. Levine:

Thank you for your interest in bringing a tenant to Corsicana, Texas and the County of Navarro. We look forward to working with you in purchasing the K-mart Distribution Center.

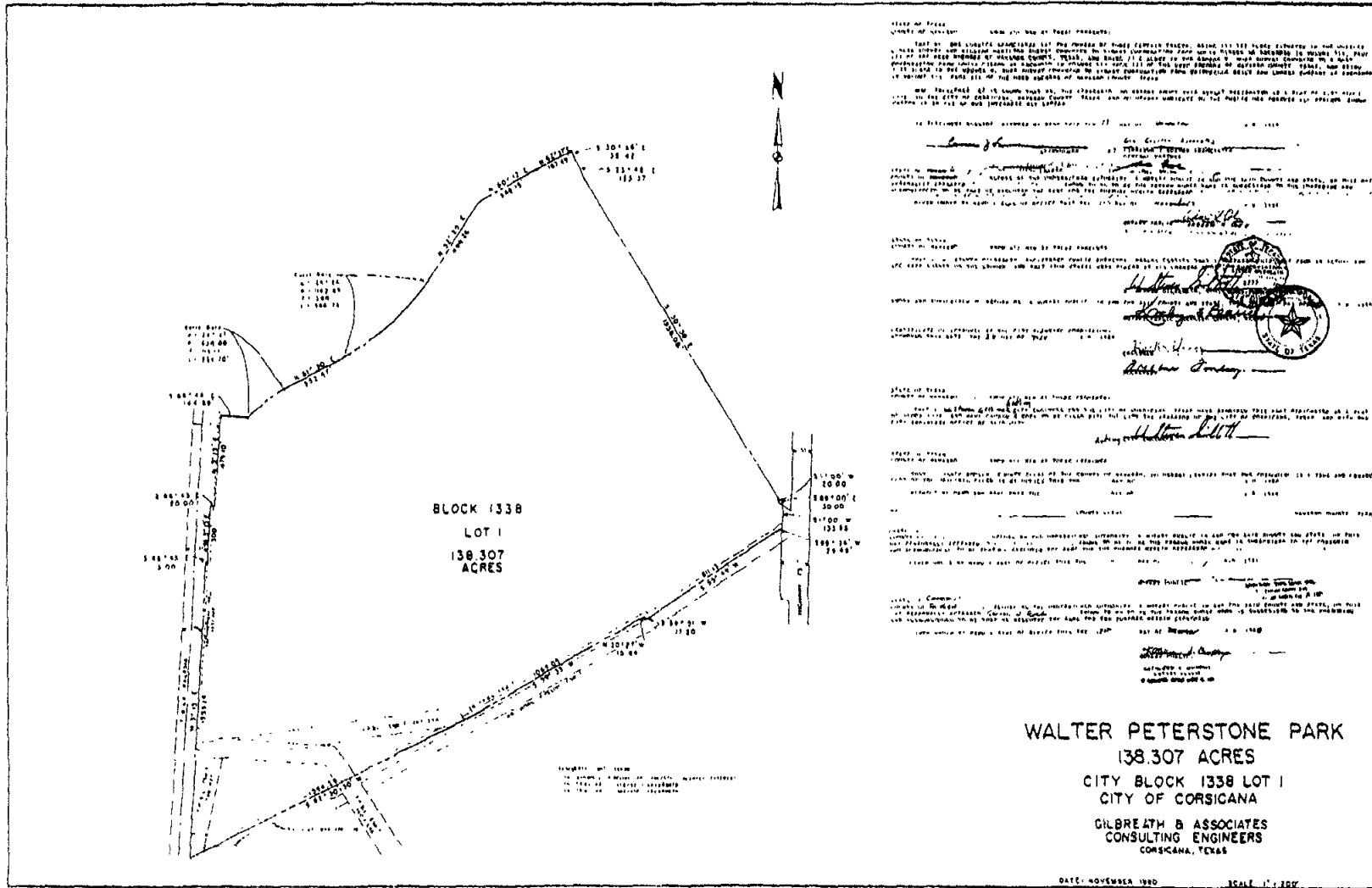
The Corsicana / Navarro County Economic Development Commission (CNEDC) has met with the City and County officials and are offering the following incentives to help you land a tenant:

1. Property Value for 2005 to be at \$6,874,580.00 (six million eight hundred seventy four thousand five hundred eighty dollars) million dollars.
2. The CNEDC will offer a 7-year (seven year) 75 % (seventy five percent) tax abatement on improvements to existing facility and F F&E.
3. The CNEDC will offer a 10 year (ten year) 30% (thirty percent) abate on inventory.
4. The CNEDC will also offer an offsetting improvement allowance. This allowance will begin in October 1, 2005 and will be for 24 months from that date. This allowance will be for \$10,000.00 (ten thousand dollars) per month (\$5,000.00 from the City and \$5,000.00 from the County). These funds will be allocated from the contribution put into the CNEDC account.

Once again, I would like to thank you on behalf of the Corsicana / Navarro County Economic Development Commission for selecting Corsicana as your new home. Please don't hesitate to call, if I can be of further assistance.

Sincerely,

Daryl W. Schliem
Executive Director / CEO



STATE OF TEXAS
COUNTY OF TARRANT

Know all men by these presents, that the undersigned, Gilbreath & Associates, Consulting Engineers, Corsicana, Texas, do hereby certify that the above and foregoing plat is a true and correct copy of the original plat as the same appears in the files of the undersigned, and that the same was prepared and filed by the undersigned in accordance with the provisions of the Act of the Legislature of the State of Texas, approved September 15, 1939, and amended by the Act of the Legislature of the State of Texas, approved September 15, 1941, and the Act of the Legislature of the State of Texas, approved September 15, 1943, and the Act of the Legislature of the State of Texas, approved September 15, 1945, and the Act of the Legislature of the State of Texas, approved September 15, 1947, and the Act of the Legislature of the State of Texas, approved September 15, 1949, and the Act of the Legislature of the State of Texas, approved September 15, 1951, and the Act of the Legislature of the State of Texas, approved September 15, 1953, and the Act of the Legislature of the State of Texas, approved September 15, 1955, and the Act of the Legislature of the State of Texas, approved September 15, 1957, and the Act of the Legislature of the State of Texas, approved September 15, 1959, and the Act of the Legislature of the State of Texas, approved September 15, 1961, and the Act of the Legislature of the State of Texas, approved September 15, 1963, and the Act of the Legislature of the State of Texas, approved September 15, 1965, and the Act of the Legislature of the State of Texas, approved September 15, 1967, and the Act of the Legislature of the State of Texas, approved September 15, 1969, and the Act of the Legislature of the State of Texas, approved September 15, 1971, and the Act of the Legislature of the State of Texas, approved September 15, 1973, and the Act of the Legislature of the State of Texas, approved September 15, 1975, and the Act of the Legislature of the State of Texas, approved September 15, 1977, and the Act of the Legislature of the State of Texas, approved September 15, 1979, and the Act of the Legislature of the State of Texas, approved September 15, 1981, and the Act of the Legislature of the State of Texas, approved September 15, 1983, and the Act of the Legislature of the State of Texas, approved September 15, 1985, and the Act of the Legislature of the State of Texas, approved September 15, 1987, and the Act of the Legislature of the State of Texas, approved September 15, 1989, and the Act of the Legislature of the State of Texas, approved September 15, 1991, and the Act of the Legislature of the State of Texas, approved September 15, 1993, and the Act of the Legislature of the State of Texas, approved September 15, 1995, and the Act of the Legislature of the State of Texas, approved September 15, 1997, and the Act of the Legislature of the State of Texas, approved September 15, 1999, and the Act of the Legislature of the State of Texas, approved September 15, 2001, and the Act of the Legislature of the State of Texas, approved September 15, 2003, and the Act of the Legislature of the State of Texas, approved September 15, 2005, and the Act of the Legislature of the State of Texas, approved September 15, 2007, and the Act of the Legislature of the State of Texas, approved September 15, 2009, and the Act of the Legislature of the State of Texas, approved September 15, 2011, and the Act of the Legislature of the State of Texas, approved September 15, 2013, and the Act of the Legislature of the State of Texas, approved September 15, 2015, and the Act of the Legislature of the State of Texas, approved September 15, 2017, and the Act of the Legislature of the State of Texas, approved September 15, 2019, and the Act of the Legislature of the State of Texas, approved September 15, 2021, and the Act of the Legislature of the State of Texas, approved September 15, 2023, and the Act of the Legislature of the State of Texas, approved September 15, 2025.

WALTER PETERSTONE
GILBREATH & ASSOCIATES
CONSULTING ENGINEERS
CORSICANA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSIONER'S COURT OF NAVARRO, COUNTY TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN NAVARRO COUNTY, TEXAS AND EQUITY INDUSTRIAL PARTNERS CORPORATION FOR A COMMERCIAL/ INDUSTRIAL TAX ABATEMENT, AND AUTHORIZING ITS EXECUTION BY THE COUNTY JUDGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Navarro County Commissioners Court has been presented a proposed agreement by and between Navarro County, Texas and Equity Industrial Partners Corporation providing for a commercial/industrial tax abatement for certain improvements, a copy of which is attached hereto and incorporated herein by reference (hereinafter called "AGREEMENT"); and

WHEREAS, upon full review and consideration of the AGREEMENT, and all matters attendant and related thereto, the Commissioners Court is of the opinion that the terms and conditions thereof should be approved, and that the County Judge shall be authorized to execute it on behalf of Navarro County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF NAVARRO COUNTY, TEXAS:

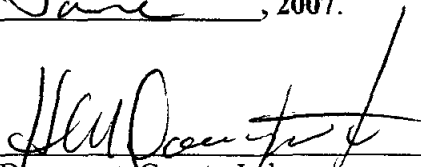
Section 1. The terms and conditions of the proposed AGREEMENT, having been reviewed by the Commissioners Court of Navarro County and found to be acceptable and in the best interests of the Navarro County and its citizens, are hereby in all things approved.

Section 2. The County Judge is hereby authorized to execute the AGREEMENT and all other documents in connection therewith on behalf of the Navarro County, substantially according to the terms and conditions set forth in the AGREEMENT.

Section 3: That this approval and execution of the AGREEMENT on behalf of the County is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 4: This Resolution shall become effective from and after its passage.

PASSED and APPROVED on this the 25 day of June, 2007.



H. M. Davenport, County Judge



ATTEST:


Sherry Dowd, County Clerk

STATE OF TEXAS §

COUNTY OF NAVARRO §

AGREEMENT

This Agreement is entered into by and between Navarro County, Texas, duly acting herein by and through its County Judge, hereinafter referred to as COUNTY; and Equity Industrial Partners Corporation duly acting by and through its President hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 13th day of June, 2001, the City Council of the City of Corsicana, Texas, passed an ordinance establishing an Enterprise Zone in the City of Corsicana, Texas for commercial/industrial tax abatement, hereinafter referred to as ORDINANCE, as authorized by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has previously adopted a Tax Abatement Policy; and

WHEREAS, the Tax Abatement Policy constitutes appropriate guidelines and criteria governing tax abatement agreements to be entered into by the COUNTY as required by Chapter 312, Texas Tax Code; and

WHEREAS, the COUNTY has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, in order to maintain and/or enhance the commercial/industrial economic and employment base of the Corsicana area to the long term interest and benefit of the COUNTY; and

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said Enterprise Zone in accordance with the purposes for its creation and are in compliance with the COUNTY's Tax Abatement Policy;

NOW THEREFORE, the parties hereto do mutually agree as follows:

§1. The property to be the subject of this AGREEMENT shall be that property described by metes and bounds and map attached hereto as EXHIBITS "A" and "B" and made a part hereof and shall be hereinafter referred to as PROPERTY.

§2. The OWNER shall make improvements to the property and personal property acquisitions as specifically described in EXHIBIT "C" (hereinafter referred to as IMPROVEMENTS) with a minimum taxable valuation of \$51,071,124.00, more specifically defined as a minimum \$4,071,124.00 in real property improvements and a minimum \$47,000,000.00 in inventory (hereinafter referred to as INVESTMENT) to be added, and substantially complete the same on or about September 2005;

provided, that OWNER shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if OWNER is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of OWNER including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of OWNER), fires, explosions or floods, and strikes. The date of completion of the IMPROVEMENTS shall be defined as the date a Certificate of Occupancy is issued by the City of Corsicana.

§3. The OWNER agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. OWNER further covenants and agrees that all construction of the IMPROVEMENTS will be in accordance with all applicable State and local laws, codes and regulations or valid waiver thereof.

§4. In the event that (a) the proposed initial minimum taxable investment of \$51,071,124.00 in IMPROVEMENTS for which an abatement has been granted are not completed or made in accordance with this AGREEMENT; or (b) OWNER fails to complete or maintain the minimum value of \$47,000,000.00 in inventory to be added, as provided by the AGREEMENT; or (c) OWNER does not create and maintain the required number of 250 full time jobs as provided in the Company's *2006 Application for Industrial Tax Abatement*; (d) OWNER allows its ad valorem taxes owed the COUNTY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or (e) OWNER breaches any of the terms or conditions of this AGREEMENT, then this AGREEMENT shall be in default. In the event that the OWNER defaults in its performance of either (a), (b) or (c) above, then the COUNTY shall give the OWNER written notice of such default and if the OWNER has not cured such default within thirty (30) days of said written notice, or, if such default cannot be cured by the payment of money and cannot with due diligence be cured within a 90-day period owing to cause beyond the control of the OWNER, this AGREEMENT may be terminated by the COUNTY. Notice shall be in writing and shall be delivered by personal delivery or certified mail to the President/Owner at its Corporation Office address of record. As liquidated damages in the event of default, all taxes which otherwise would have been paid to the COUNTY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the COUNTY and shall be due, owing and paid to the COUNTY within sixty (60) days of the expiration of the above mentioned applicable cure period as the sole remedy of the COUNTY subject to any and all lawful offsets, settlements, deductions, or credits to which OWNER may be entitled. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

§5. It is understood and agreed among the parties that the PROPERTY, also known as the Enterprise Zone and Reinvestment Zone shall be appraised at market value for the purposes of property tax assessment effective January 1, 2007, and continued at market value until the expiration of this AGREEMENT.

§6. The COUNTY represents and warrants that the PROPERTY does not include any property that is owned by a member of the County Commissioners Court approving, or having responsibility for the approval of this AGREEMENT.

§7. The terms and conditions of the AGREEMENT are binding upon the successors and assigns of all parties hereto. However, this AGREEMENT cannot be assigned by OWNER other than to a wholly-owned subsidiary of OWNER unless written permission is first granted by the COUNTY, which permission shall not be unreasonably withheld.

§8. It is understood and agreed between the parties that the OWNER, in performing its obligations hereunder, is acting independently, and the COUNTY assumes no responsibility or liability in connection therewith to third parties and OWNER agrees to indemnify and hold harmless the COUNTY therefrom; it is further understood and agreed among the parties that the COUNTY, in performing its obligations hereunder, is acting independently, and the OWNER assumes no responsibility or liability in connection therewith to third parties and the COUNTY agrees to indemnify and hold harmless the OWNER therefrom.

§9. The OWNER further agrees that the COUNTY, its agents and employees, shall have reasonable right of access to the PROPERTY to inspect the IMPROVEMENTS in order to ensure that the construction of the IMPROVEMENTS is in accordance with this AGREEMENT and all applicable State and local laws and regulations or valid waiver thereof. After completion of the IMPROVEMENTS, the COUNTY shall have the continuing right to inspect the PROPERTY to ensure that it is thereafter maintained and operated in accordance with this AGREEMENT during the term of this AGREEMENT.

§10. Subject to the terms and conditions of this agreement, and subject to the rights of holders of any outstanding bonds of the COUNTY, a portion of ad valorem real property taxes and certain personal property taxes for inventory in place on January 1st of each year from the PROPERTY taxes otherwise owed to the COUNTY shall be abated. Said real property abatement shall be an amount equal to seventy five percent (75%) per year for a seven (7) year term of the taxes assessed upon the increased value of the eligible PROPERTY over the value in the year in which the project was begun; said personal property tax abatement for inventory in place on January 1st of the year shall be an amount equal to thirty percent (30%) per year for a ten (10) year term of the taxes assessed; in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the OWNER shall have the right to protest and/or contest any assessment of the PROPERTY over and above the minimum INVESTMENT as required by this AGREEMENT. Said abatement(s) shall extend for a period of seven (7) years as applicable to real property tax abatement, and for a term of ten (10) years as applicable to the personal property (for inventory in place) tax abatement beginning from the first day of January of the year following completion of the improvements and shall be in effect as long as the minimum \$47,000,000.00 in inventory to be added is created and maintained and the required number of 250 full time jobs are created and maintained as provided in the Company's 2006 Application for Industrial Tax Abatement.

§11. This AGREEMENT was authorized by resolution of the County Commissioners Court at its regularly scheduled meeting on the 25th day of June, 2007, authorizing the Judge to execute the AGREEMENT on behalf of the COUNTY.

§12. This AGREEMENT was entered into by Equity Industrial Partners Corporation pursuant to authority granted by its Board of Directors/Owner on the 28 day of June, 2007.

§13. This AGREEMENT shall constitute a valid and binding agreement between the COUNTY and OWNER when executed in accordance herewith, regardless of whether any other taxing unit executes a similar agreement for tax abatement.

This AGREEMENT is performable in Navarro County, Texas, witness our hands this 25 day of June, 2007.

APPROVED:

H.M. Davenport, Jr.
H.M. Davenport, Jr., County Judge

ATTEST:

Sherry Dowd

By: Donald A. Levine
President
Equity Industrial Partners Corporation.



Jarvis Boy

EXHIBIT "A"

FIELD NOTES

LOT 1, BLOCK 1338

All that certain lot, tract, or parcel of land, situated in the Charles L. Harr Survey and the William Hamilton Survey conveyed to K-Mart Corporation from Louis Gibson as platted as Lot 1, Block 1338, of the Plat Records of the City of Corsicana, Texas in File 20, Map 15. Said Lot 1, Block 1338, being more particularly described by metes and bounds as follows:

BEGINNING in the Northwest corner of Lot 1, Block 1338:

THENCE to the South 30 degrees 58 minutes East a distance of 35.42 feet to a point;

THENCE to the South 25 degrees 45 minutes East a distance of 123.37 feet to a point;

THENCE to the South 30 degrees 58 minutes East a distance of 1,956.08 feet to a corner;

THENCE to the South 1 degree 00 minutes West a distance of 20.00 feet to a corner;

THENCE to the South 89 degrees 00 minutes East a distance of 30.00 feet East to a corner;

THENCE to the South 1 degree 00 minutes West a distance of 133.95 feet West to a corner;

THENCE to the South 68 degrees 36 minutes West a distance of 29.49 feet West to a point;

THENCE to the South 55 degrees 49 minutes West a distance of 811.13 feet to a point;

THENCE to the South 59 degrees 51 minutes West a distance of 17.20 feet to a corner;

THENCE to the North 30 degrees 27 minutes West a distance of 15.84 feet to a corner;

THENCE to the South 59 degrees 33 minutes West a distance of 1,069.05 feet to a point;

THENCE to the South 62 degrees 30 minutes 30 seconds West a distance of 1,594.28 feet to a corner;

THENCE to the North 3 degrees 15 minutes East a distance of 1,553.14 feet to a corner;

THENCE to the South 86 degrees 45 minutes East a distance of 5.00 feet to a corner;

THENCE to the North 3 degrees 15 minutes East a distance of 300 feet to a corner;

THENCE to the South 86 degrees 45 minutes East a distance of 20.00 feet to a corner;

PAGE 2: EXHIBIT "A" - FIELD NOTES (LOT 1, BLOCK 1338)

THENCE to the North 3 degrees 15 minutes East a distance of 479.10 feet to a corner;

THENCE to the South 86 degrees 45 minutes East a distance of 144.69 feet to a point;

THENCE to the North and along a curve to the right with a delta of 24 degrees 27 minutes East, a radius of 530.00 feet, a tangent of 119.17 feet, and a length of curve 234.70 feet to a point;

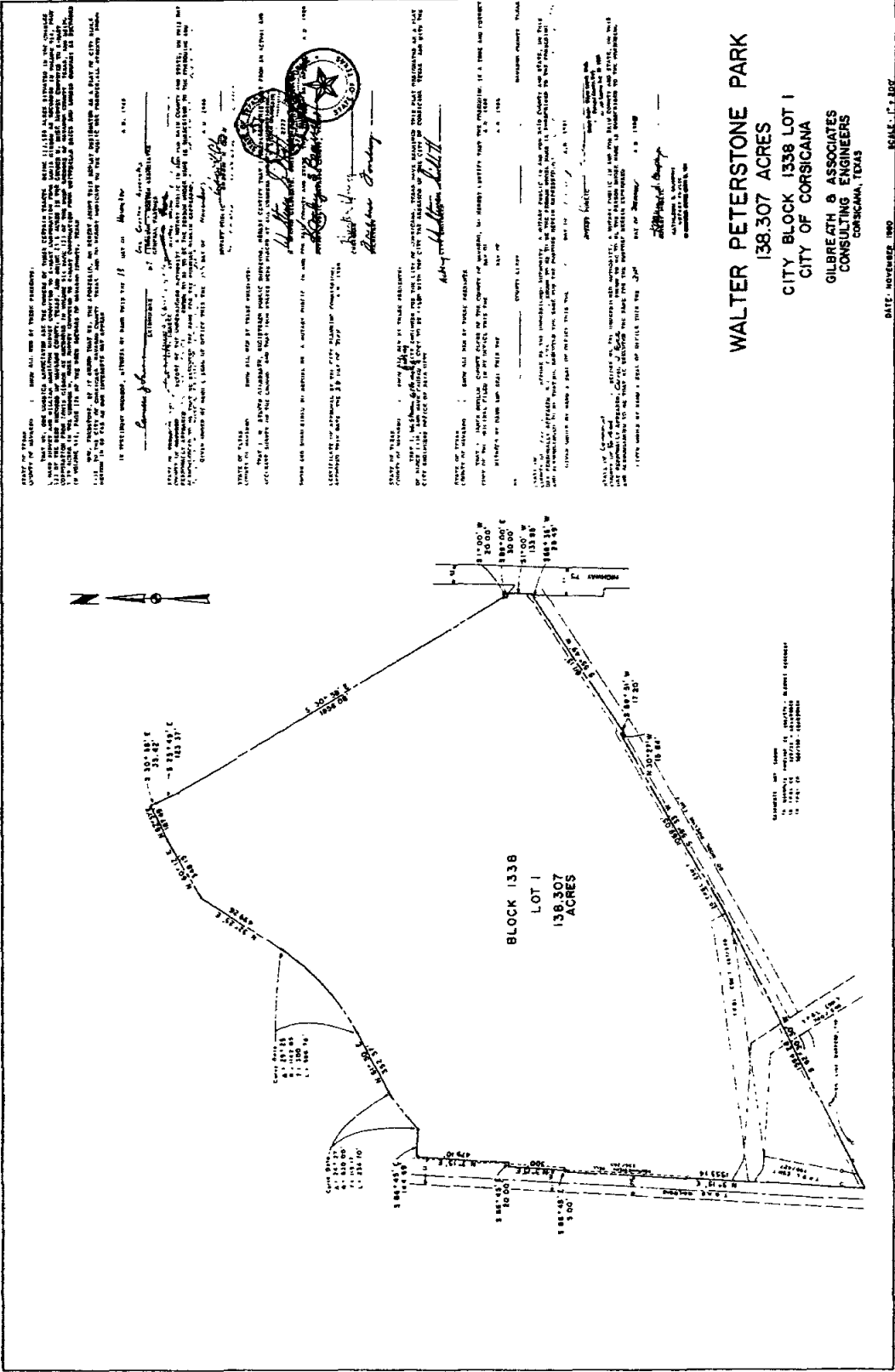
THENCE to the North 61 degrees 50 minutes East a distance of 352.57 feet to a point;

THENCE to the North and along a curve to the left with a delta of 29 degrees 25 minutes East, a radius of 1,142.85 feet, a tangent of 300 feet, and a length of curve 586.76 feet to a point;

THENCE North 32 degrees 25 minutes East a distance of 499.26 feet to a point;

THENCE to the North 60 degrees 12 minutes East a distance of 348.15 feet to a point;

THENCE to the North 62 degrees 37 minutes East a distance of 187.49 feet to the POINT OF BEGINNING.



DIONNE & GASS LLP

BRENDA L. BICKHAM
bb@dionnegass.com

August 25, 2006

VIA FEDEX

Mr. Lee McCleary
Economic Development Director
City of Corsicana/Navarro County
200 North 12th Street
Corsicana, TX 75110

Re: EIP Tax Abatement, Corsicana, TX

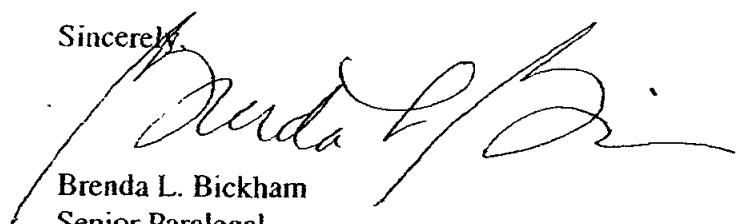
Dear Mr. McCleary:

Enclosed for your review and consideration are the following documents in connection with Equity Industrial Partners Tax Abatement process:

- 1. 2006 Application for Industrial Tax Abatement; and
- 2. EIP's letter addressed to Ms. Connie Standridge, Corsicana's City Manager.

If there is any additional information you need to process this request, please let me know.

Sincerely,



Brenda L. Bickham
Senior Paralegal

cc: Jon Levine

2006 APPLICATION FOR INDUSTRIAL TAX ABATEMENT

Instructions: Please print or type. Submit the completed and signed original copy of the 2006 Application for Industrial Tax Abatement with attachments to: The City of Corsicana Economic Development Department, 200 North 12th Street, Corsicana, Texas 75110

1. Date

2. Name of Firm, Partnership or Corporation and mailing address

Please print or type:
Equity Industrial Partners Corporation
145 Rosemary Street
Suite E
Needham, MA 02494

2a. Have you received a previous tax abatement from the City of Corsicana?
 (YES/NO)

2b. If yes, when?

3. Number of new full time employees to be added _____
*(*A minimum of 20 new, full-time [e.g. 40 hours/week] jobs are required.)*

4. Number of acres of property to be developed _____

4a. Plat of property and Development or Site Plan attached? _____ (YES/NO)
(Official Property Survey with metes and bounds required)

5. Estimated value of existing real property to be developed _____

6. Estimated value of real property improvements _____
(A minimum \$1,000,000.00 investment required)

7. Estimated value of existing inventory _____

8. Estimated value of inventory to be added _____

9. Estimated value of existing personal property _____

10. Estimated value of taxable personal property improvements _____

11. Total estimated value of taxable investment to be made (Total of Items # 5, 6, 8 & 10)

12. Description of real property improvements to be made:

12. Description of Public Services available for project development and new facilities and / or services required.

Water:	
Wastewater:	
Railways:	
Natural Gas:	
Electricity:	

13. One Year Development Schedule for all improvements.

1st Quarter:	
2nd Quarter:	
3rd Quarter:	
4th Quarter:	

* Qualification for pro-rating new employees is determined on a case-by-case basis.

2006 APPLICATION FOR INDUSTRIAL TAX ABATEMENT (Page 2)

14. Expected impact on the Corsicana Independent School District.

The C.I.S.D. will receive benefit from the increased tax valuation from estimated property improvements, and the C.I.S.D. will realize an increase in the number of students as a result of the new employees who are anticipated to be hired.

15. Expected benefit to the local economy.

Increase in the number of wage earners being employed and increase in the overall ancillary economic impact that these new jobs will create.

16. Estimated annual payroll of new employees.

\$9.4 Million - hourly, \$1.8 Million - Salaried

17. Description of product to be manufactured or distributed.

Home improvement products.

18. Expected life of all real property improvements.

[Empty box for expected life of improvements]

19. Identification of all Pollutants and Emissions:

TYPE	QUANTITY
AIR:	NONE
NOISE:	NONE
SOLID WASTE:	NONE
WASTEWATER:	NONE

20. Certification of no unacceptable environmental impact as a result of the improvement and subsequent operations received.

True - see attached letter

21. Project in compliance with relevant zoning requirements.

YES

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.

sign here >

Phone: 781-449-9000

Date: 8-25-06

Submitted By (Please Print)	
Name:	Jon Levine
Title:	Chief Financial Officer
Date:	

Received by the City of Corsicana	
Name:	
Title:	
Date:	

For assistance in completing this form call the City of Corsicana, Texas - 903.654.4806. An Equal Opportunity Employer.

EQUITY INDUSTRIAL PARTNERS CORPORATION
145 ROSEMARY STREET, SUITE E
NEEDHAM, MA 02494


Ms. Connie Standridge
City Manager
City of Corsicana, Texas
200 N. 12th Street
Corsicana, Texas 75110

Dear Ms. Standridge:

The purpose of this correspondence is to provide assurances that the planned \$1,600,000.00 (approximate) real property improvement in Corsicana, Texas for a Home Depot Warehouse location, will have no unacceptable environmental impact according to existing Environmental Protection Agency (EPA), Texas Commission on Environmental Quality (TCEQ), and the City of Corsicana, Texas codes, guidelines, and environmental regulations.

Sincerely,

EQUITY INDUSTRIAL PARTNERS CORP.



Jon R. Levine
Chief Financial Officer

AFFIDAVIT SUBMITTED BY
RUBY COKER
NAVARRO COUNTY TREASURER

STATE OF TEXAS

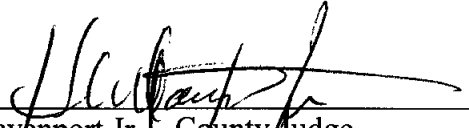
COUNTY OF NAVARRO

Before me, the undersigned authority, on this day personally appeared the following named persons, and after being duly sworn, deposes and says: Honorable H. M. Davenport, Jr., County Judge, Honorable Kit Herrington, Commissioner Pct. #1, Honorable Faith Holt, Commissioner Pct. #2, Honorable William Baldwin, Commissioner Pct. #3, and Honorable James Olsen, Commissioner Pct. 4.

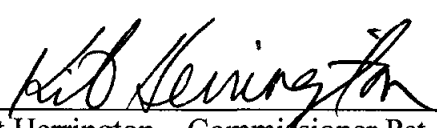
I, Ruby Coker, the Navarro County Treasurer, on this 25th day of June, 2007 present to the Navarro County Commissioners Court the attached copies of my certificates regarding the completion of my continuing education hours I have obtained as required for the office of County Treasurer, according to the Local Government Code Section 83.003. Also, the copies of the certificates regarding my completion of the educational hours required in order to serve as a Public Funds Investment Officer for Navarro County, according to the Government Code Section 2256.008 (investment training; local government).

With this signed affidavit, we, the Commissioners Court, state that Ruby Coker has obtained the educational requirements to serve as the Navarro County Treasurer according to the above mentioned Government Code Sections.

Signed and executed this 25th day of June, 2007.



H. M. Davenport Jr. - County Judge



Kit Herrington - Commissioner Pct 1



Faith Holt - Commissioner Pct 2



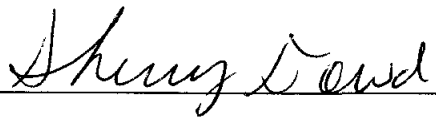
William Baldwin - Commissioner Pct 3



James Olsen - Commissioner Pct 4

SWORN AND SUBSCRIBED TO BEFORE ME, this 25th day of June, 2007 by H. M. Davenport, Jr., Kit Herrington, Faith Holt, William Baldwin, and James Olsen, in their official capacities as the members of the Navarro County Commissioners Court.





Sherry Dowd - Navarro County Clerk

Texas A&M University

Office of Continuing Education
certifies that

Ruby Coker

has earned **1.25** Continuing Education Unit(s)
for satisfactory completion of **12.5** hours
of organized instruction in

New Treasurers' Orientation

February 1, 2007 - February 2, 2007

V. G. Young Institute of County Government

Richard O. Carg

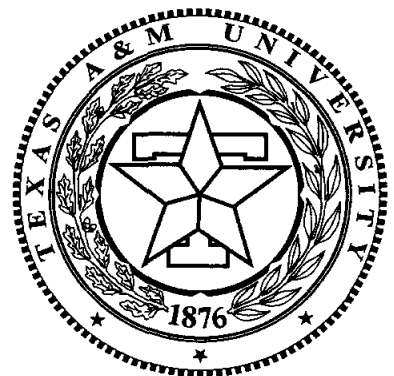
 Activity Director

John M. Schi

 Office of Continuing Education

March 30, 2007

 Date



Texas A&M University

Office of Continuing Education
certifies that

Ruby Coker

has earned **2** Continuing Education Unit(s)
for satisfactory completion of **20** hours
of organized instruction in

35th Annual County Treasurers' Continuing Education Seminar

April 2, 2007 - April 5, 2007

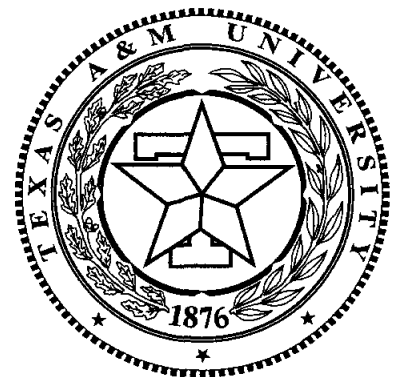
V. G. Young Institute of County Government

Richard O. Carg
Activity Director

John H. [Signature]
Office of Continuing Education

May 23, 2007

Date





Texas Cooperative
EXTENSION
 The Texas A&M University System



886

V. G. Young Institute of County Government
 Certifies that
Ruby Coker
 Participated in the
35th Annual County Treasurers' Continuing Education Seminar

*Sponsored in cooperation with
 The County Treasurers' Association of Texas &
 The Continuing and Professional Studies Office at Texas A&M University*

Austin, Texas – April 2 - 5, 2007

Edward R. Smith

Director, Texas Cooperative Extension

Jean Crosswhite

President, County Treasurers' Association of Texas

Ruby O. Coker

Director, V.G. Young Institute of County Government

Stacy Morris

Extension Program Specialist, V.G. Young Institute of County Government

V. G. Young Institute of County Government

Certifies that

Ruby Coker

*attended 5 hours of investment training pursuant to the
PUBLIC FUNDS INVESTMENT ACT as part of the*

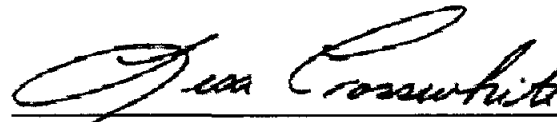
35th Annual County Treasurers' Continuing Education Seminar

*Sponsored in cooperation with
The County Treasurers' Association of Texas &
The Continuing and Professional Studies Office at Texas A&M University*


Austin, Texas ♦ April 2-5, 2007



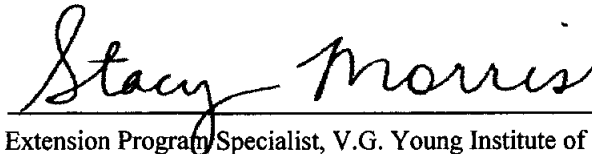
Director, Texas Cooperative Extension



President, County Treasurers Association of Texas



Director, V.G. Young Institute of County Government



Extension Program Specialist, V.G. Young Institute of County Government

888

University of North Texas Center for Public Management

and

Government Treasurers' Organization of Texas

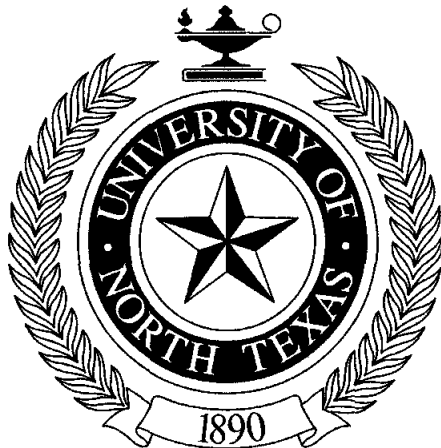
Co-Sponsored by North Central Texas Council Of Governments

Certificate of Attendance

presented to

Ruby Coker

For completion of five hours of training on the Texas Public Funds Investment Act
and related investment issues



June 4, 2007
Arlington, Texas

Patrick Shinkle

Patrick Shinkle
Center for Public Management
CPE Sponsor 007716

FLOOD DAMAGE PREVENTION COURT ORDER**ARTICLE 1****STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS****SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in Section 16.3145 & 16.315 of the Texas Water code delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners Court of Navarro County, Texas, does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Navarro County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in the floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this Court Order to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaking at the expense of the general public;
- (4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes this Court Order uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of the natural floodplains, stream channels, and the natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development, which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING- means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX- means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING- means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding of sheet flow.

AREA OF SPECIAL FLOOD HAZARD- is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD- means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASEMENT- means any area of the building its subgrade (below ground level) on all sides.

CRITICAL FEATURE- means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT- means any man-made change to improved and unimproved real estate, including, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING- means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, piling, or columns.

EXISTING CONSTRUCTION- means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING- means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OF FLOOD-PRONE AREA - means any land susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations

FLOODPLAIN MANAGEMENT REGULATIONS- means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinances and erosion control ordinance) and other applications of police power. The term describes such state or local regulations for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM- means those physical structural works for which funds have been authorized, appropriated, and expended and which has been constructed specifically to modify flooding in order to reduce the extent of the area in the community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING- means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damages to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE- means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE- means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE- means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either;

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE- means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM- means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not build so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance regulations.

MANUFACTURED HOME- means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL- means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION- means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes and subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at the minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE- means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

RIVERINE- means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA- see *Area of Special Hazard*

START OF CONSTRUCTION- (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of the construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, filling; nor does it include the installation of streets and/or walkways; nor does it include excavation basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE- means, for floodplain management purposes, a walled and roofed building, including a storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE- means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT- means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equal 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designed as a "historic structure".

VARIANCE- means a grant relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION- means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that document is provided.

WATER SURFACE ELEVATION- means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplain of coastal of riverine areas.

ARTICLE 3**GENERAL PROVISIONS****SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The Court Order shall apply to all areas of special flood hazard within the jurisdiction of Navarro County.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), Community number, 480950-0001, dated December 27, 1977, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Court Order.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Court Order and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This Court Order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this Court Order, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under States statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this Court Order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Court Order does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding and flood damages. This Court Order shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Court Order or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Director of Planning and Development is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Court Order and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this Court Order.

(4) Review permits for proposed development to assure all that is necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the TCEQ prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3 Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source, in order to administer the provisions of Article 5.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not limited to, plans in duplicate drawn scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation (in relation to mean sea level), to which any nonresidential structure shall be flood proofed;

(c) A certificate from registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section (B) (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4 Section (B) (1).

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed facility use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this Court Order.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or administration of this Court Order.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base of flood level, providing the relevant factors in Section C (2) of the Article have been fully considered. As the lot size increases beyond ½ acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such condition to the granting of this Court Order (Article 1 Section C)

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitations will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon the determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon; (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by the community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4 Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with new materials resistant to flood damage;

4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In the areas of special flood hazards where base flood elevation data has been provided and potential dam breach inundation areas have been established by breach analysis and mapping provided by the Navarro Soil and Water Conservation District, construction shall be prohibited.

In the areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction-** new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to two foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of the subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated **two foot** above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

(3) Enclosures – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designed for meeting this requirement must either certified by a registered professional engineer or architect or meet or exceed the following criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes-

(a) Require that all manufactured homes to be placed with in Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that all manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to **one foot** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is **one foot** above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this Court Order.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article C; and the provisions of Article 5 of this Court Order.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 4, Section B (8) of this Court Order.

(4) All subdivisions proposals including the placement of manufactured home parks or subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

ARTICLE 6

SEVERABILITY AND PENALTY

SECTION A. SEVERABILITY

If any section, clause, sentence, or phrase of this Court Order is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Court Order.

SECTION B. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction shall thereof be fined not less than \$100.00 and not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Navarro County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7
CERTIFICATION

APPROVED: *[Signature]*
{Community Official}
PASSED: June 25, 2007
{Adopted Date}

THIS COURT ORDER BECOMES EFFECTIVE:
June 25, 2007
{Effective Date}

I, the undersigned, Sherry Dowd, do hereby certify that the above is a true and correct copy of a Court Order duly adopted by the Navarro County Commissioners Court, at a regular meeting duly convened on _____.

Sherry Dowd
Sherry Dowd, Navarro County Clerk



NAVARRO COUNTY
MEMORANDUM OF AGREEMENT

This Agreement is made on June 25, 2007, by these parties: Navarro County and Navarro Soil and Water Conservation District.

Because the Navarro County Flood Damage Prevention Court Order, (herein after referred to as the Court Order) adopted by the Navarro County Commissioners Court on April 24, 2000, has several purposes, the most significant being:

- To better indemnify individuals from losses from flooding;
- To reduce future flood damages through community floodplain management regulations; and
- To reduce costs for disaster assistance and flood control.

Because a critical component of this Court Order is the identification and mapping of the county's floodplains to create a broad-based awareness of the flood hazard areas and to provide the data necessary for community floodplain management programs;

Because there are 111 floodwater-retarding structures in the Navarro Soil and Water conservation District, and as easement holder, the District is responsible for the operation, maintenance and inspection of these flood-retarding structures;

Because as Navarro County continues to grow, the land adjacent to and downstream of these floodwater retarding structures becomes a primary target for residential development and other special uses that pose a potential hazard to life and property, and may adversely affect the operation of the structure;

Because the Court Order restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

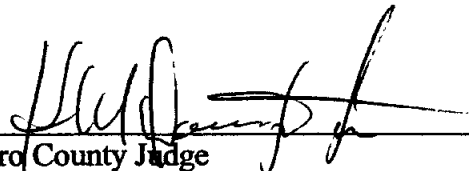
Because this Court Order controls filling, grading, dredging and other development, which may increase flood damage and prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

Because Navarro Soil and Water Conservation District is in the process of acquiring a breach analysis and mapping for each of the 111 flood retarding structures in Navarro County;

Because Navarro County has expressed a desire to cooperate with Navarro Soil and Water Conservation in the flood hazard identification process and in order to accomplish the purposes of the Court Order;


NOW, THEREFORE it is mutually agreed that the parties enter into this agreement:

The Navarro Soil and Water Conservation District will provide Navarro County with the analysis of each floodwater retarding structure and Navarro County will require a Development Permit to ensure conformance with the provisions of the Court Order. In instances where a potential dam breach inundation area has been established, construction shall be prohibited in that area.



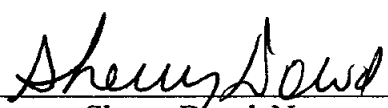
Navarro County Judge

6-25-07
Date



Navarro Soil and Water Conservation District

6-19-07
Date



Attest: Sherry Dowd, Navarro County Clerk



COURT ORDER GOVERNING THE REGULATION OF INSTALLATION OF
MANUFACTURED HOUSING IN NAVARRO COUNTY

ORDER NO. 06-07-01

On the 25th day of June, 2007 the Commissioners Court of Navarro County, Texas met in regular session with the following members present and participating, to-wit:

- H.M. Davenport, Jr., County Judge
- Kit Herrington, Commissioner Precinct 1
- Faith Holt, Commissioner Precinct 2
- William Baldwin, Commissioner Precinct 3
- James Olsen, Commissioner Precinct 4

During such session, the Court considered the adoption of an Order governing the regulation of installation of manufactured housing in the unincorporated areas of Navarro County.

WHEREAS, the Texas Department of Housing and Community Affairs, through its Manufactured Housing Division (the Division) regulates the manufactured housing industry in Texas and acts as HUD's state supervisory agent to administer certain aspects of the National Manufactured Housing Construction and Safety Standards Act of 1974;

WEREAS, under its current agreement with HUD, the Division administers parts of the Act which involves ensuring that manufactured homes are safe and are installed correctly;

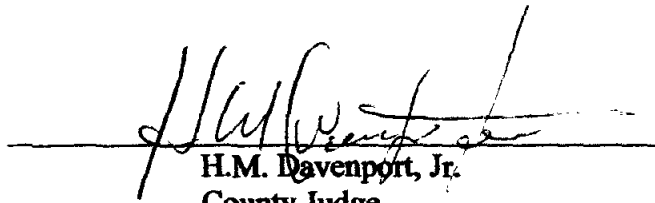
WHEREAS, it is the desire of the Navarro County Commissioners Court to adopt and enforce those portions of the regulations of the Texas Department of Housing and Community Affairs, Manufactured Housing Division that regulate the installation of manufactured homes;

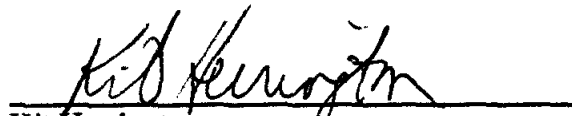
NOW THEREFORE BE IT ORDERED BY THE NAVARRO COUNTY COMMISSIONER COURT;

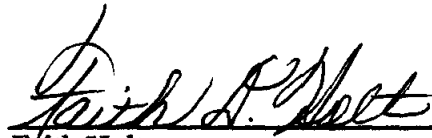
1. In order to receive a permit for a manufactured home, applicant must certify that they will install the manufactured home in accordance with federal and state law and file the Form T (required by the Division) within 15 days of installation.


- 2. Permit will be contingent upon applicant obtaining and filing Form T.
- 3. Failure to obtain and file the Form T within 15 days is a violation of this Court Order. Any person who violates this Court Order or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$100.00 and not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. In addition, the permit may be revoked and declared void. A violation of this Court Order is a misdemeanor.

APPROVED AND ORDERED by Navarro County Commissioners Court on this the 25th day of June 2007.


 H.M. Davenport, Jr.
 County Judge


 Kit Herrington
 Commissioner Precinct 1


 Faith Holt
 Commissioner Precinct 2


 William Baldwin
 Commissioner Precinct 3


 James Olsen
 Commissioner Precinct 4

ATTEST:


 Sherry Dowd, Navarro County Clerk



912

Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
 P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Pursuant to the Texas Manufactured Housing Standards Act, Chapter 1201 of the Occupations Code
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

NOTICE OF INSTALLATION (FORM T)

HUD Label or Texas Seal # (s): _____ Serial # (s): _____
 Manufacturer Name: _____ License No. _____
 Home Size - Width / Length: _____ X _____ Weight _____ Date of Manufacture: ____/____/____ Model / Name: _____

Draw A Map To Provide Directions To Home On Page 2

Consumer: _____ Phone Numbers: Home: (____) _____ Work: (____) _____
 Mailing Address: _____ ZIP: _____
 Site Address: _____ Within City Limits of _____ ZIP: _____
 County Where Home is Installed: _____
 Actual Installation Date: ____/____/____ Wind Zone on Data Plate: I (____) II (____) III (____)

	Name	Address	License #	Expiration Date	Phone #
Retailer					
Installer					

New Used Does retailer or installer provide skirting? Yes No

Is installation part of sales contract of used home? Yes No Not Applicable

The home has been installed in accordance with:

- 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- 2. State Generic Standards - Title 10 Texas Administrative Code (10 TAC) §§80.55, 56, 57, 58, and 59.
- 3. A stabilization system registered with the Department in accordance with 10 TAC §80.62 - provide name of system or reference to MHD Approval Letter or registration _____.
- 4. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to any drawing previously submitted).

**IF NO METHOD IS CHECKED, IT WILL BE PRESUMED THAT OPTION 2
 (STATE GENERIC STANDARDS) WAS USED.**

913

To be submitted to the Department along with the required fee no later than the 15th day of the month after which the installation is completed. The Installation Report (Form T) should no longer be submitted with the title documents.

I verify that I am a licensed installer, that I am responsible for the installation described, and that the information supplied is true and correct.

Signature (Retailer/Installer)

Printed Name and Title

DRAW MAP BELOW



Licensed manufactured home installers:

C & J Mobile Home Services
2400 S. 15th St.
Corsicana, Texas
903-874-4280

USA Manufactured Home Services
7958 NW CR 4060
Blooming Grove, Texas
469-583-2642

Today Homes
1131 W. 7th Ave.
Corsicana, Texas 75110
903-872-4847

State Street Capital Corp.
1200 S. McKinney
Rice, Texas
903-326-5000

Eller Homes, Inc.
5656 IH 45
Corsicana, Texas 75110
903-872-9899

DKS Investments
2450 S. McKinney
Rice, Texas
877-955-5464

Jjc Homes, Inc.
1221 Lake Halbert Rd.
Corsicana, Texas
903-875-1863

**In The
Navarro County Commissioners Court**

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

Be it remembered, that on the 25th day of June, 2007, after due notice as required by law, the Commissioners Court of Navarro County, Texas, convened in a called session at 5:30 p.m. in the Commissioners Courtroom, Navarro County Courthouse, to conduct the following business:

At such time, 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 Navarro County has an interest as a public road maintained by Navarro County was mailed with the 2006-07 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 Clerk's Office in the Navarro County Courthouse, during business hours, beginning December 1, 2006, and
 - b. That a public hearing would be conducted at 10:00 a.m. on April 5, 2007, at which their protest, if any, would be heard.
2. Notice as required by §258.002(c) of the Texas Transportation Code was Published in a newspaper of general circulation for four consecutive weeks prior to the public hearing held April 5, 2007 on the matter of the adoption of a County Road Map. Copies of the required newspaper advertising is attached to this Order and incorporated herein by reference.
3. On April 5, 2007, the Commissioners Court received public comment on Preliminary draft County Road Map, including any written or oral objections or protests to the preliminary draft County Road Map.
4. As a result of the receipt of one or more protests to the County Road map, or to specific roads contained in the County Road Map, on June 15, 2007, a Jury of View as authorized by §258.002(b) of the Texas Transportation

Code was convened and sworn as provided by law. The Jury of View was composed of:

- a. John Braly
- b. Wayne Rose
- c. Earnest Betts
- d. Lewis Tanner
- e. Gene McLain

5. After being placed upon their oath and advised of the roads in dispute, each juror stated that they had no personal interest in the outcome of the proceeding on any of the disputed roads. The Jury of View then met in public session, after due notice, to consider the protests filed pursuant to §258.002(b) of the Texas Transportation Code. The following protests were considered and ruled upon by the Jury of View:

A. Road in Dispute: CR SE 1271
 Location: Grid Map 128
 Protesting Party: Catherine Johnson, on behalf of Milligan property.
 And
 William G. Pillans

Nature of Protest: The Milligan property and the Pillans property is accessed by CR 1271, which was omitted, in error, from the County Road map.

JURY OF VIEW Determination: The road identified as CR 1271 has been maintained by Navarro County, and should be depicted as a County Road in the Navarro County Road Map upon satisfactory evidence that the road in question has in fact been maintained by Navarro County since a date prior to 1981. The County Road map shall be altered to reflect this change.

B. Road in Dispute: CR NE 3201
 Location: Grid Map 13, 24
 Protesting Party: John M. Dziminski, Rosewood Ranches, Inc.

Nature of Dispute: Mr. Dziminski, on behalf of Rosewood Ranches, Inc., contends that CR 3201 does not serve a public purpose, and that the County has not continuously maintained the road for the requisite period of time.

JURY OF VIEW Determination: The road identified as CR 3201 should be retained on the County Road Map upon satisfactory evidence that Navarro County has in fact maintained the road on a regular and routine manner sufficient to establish continuous maintenance of said road by Navarro County since a date prior to 1981.

- C. Roads in Dispute: CR NE 2090 Location: Grid 25
- CR NW 1290 Location: Grid 33
- CR NW 1050 Location: Grid 53
- CR NW 2107 Location: Grid 88
- Protesting Party: Commissioner Kit Herrington

Nature of Protest: Mr. Herrington contends that these roads have been either under fence for many years, or have been treated as private roads, or in the case of NW 1050, annexed into a municipal jurisdiction, and have not been maintained by Navarro County as county roads for many years. Therefore, the Jury of View was asked to determine the status of these roads as either private roads or a city street., and that they should not be depicted as county roads.

JURY OF VIEW Determination: The roads identified as NE 2090, NW 1290, NW 1050, and NW 2107 should be removed from the County Road Map upon the inability of Navarro County to establish continuous maintenance of said roads by Navarro County since a date prior to 1981. The county map should be altered to reflect these changes, with NE 2090, NW 1290, and NW 2107 being shown as private roads, and NW 1050 to be shown as a city street.

D. Protesting Party: J. A. Breithaupt III

Nature of Protest: Mr. Breithaupt, by and through legal counsel, announced that he would withdraw all previously filed protests against Navarro County contesting the status of several county roads.

JURY OF VIEW Determination: As a consequence of the announced withdrawal of protests, the Jury of View took no action regarding any protest filed by Mr. Breithaupt.

IT IS FURTHER ORDERED that corrected grid map pages reflecting the changes required by the finding of the Jury of View are attached to this Order and are Ordered to be inserted into the County Road Map to be adopted by this Court.

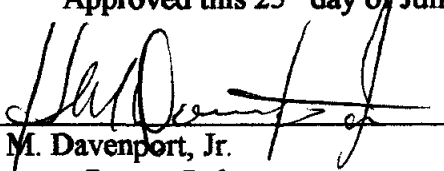
THEREFORE, it is the determination of the Commissioners Court of Navarro County, Texas, meeting in public session after due notice, and within the period of time


Permitted by §258.002(e) of the Texas Transportation Code, that the final County Road Map, as amended by action of the Jury of View, as set forth herein, should be Adopted.

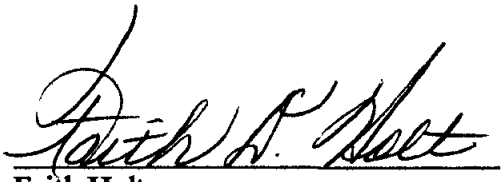
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Navarro County, Texas, in accordance with the provisions of Chapter 258 of the Texas Transportation Code, that the final County Road Map, as amended by the action of the Jury of View as set forth herein, be and is hereby **ADOPTED, APPROVED AND IMPLEMENTED** in accord with Chapter 248 of the Texas Transportation Code.

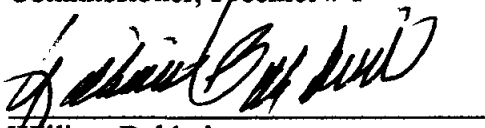
IT IS FURTHER ORDERED that notice of this action shall be included in a second notice as required by §258.005(b) of the Texas Transportation Code. As a consequence of the Adoption of the adopted version of the County Road Map, a two year period of limitations shall begin to expire on this date.


Approved this 25th day of June, 2007


H. M. Davenport, Jr.
Navarro County Judge

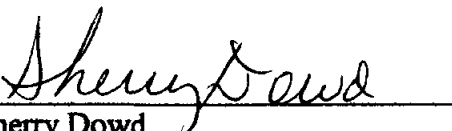

Kit Herrington
Commissioner, Precinct # 1

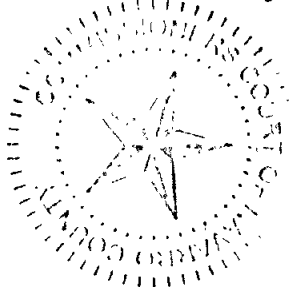

Faith Holt
Commissioner, Precinct # 2


William Baldwin
Commissioner, Precinct # 3


James Olsen
Commissioner, Precinct # 4

Attest:


Sherry Dowd
Navarro County Clerk



**NOTICE OF INTEREST IN ROADS
MAINTAINED BY NAVARRO COUNTY, TEXAS**

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

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

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

Date: 6-25-07

*See next page
Clerk Note*

*have not
received maps
as of 8-31-07
no maps 2-15-08*

Sherry Dowd
Sherry Dowd
Navarro County Clerk

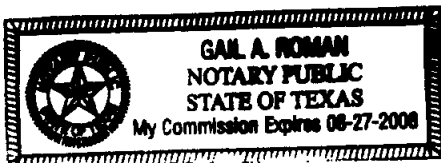
VERIFICATION

I, H. M. Davenport, Jr., County Judge of Navarro County, Texas, do hereby certify that all matters stated in the above and foregoing Notice are true and correct to my personal knowledge.

H. M. Davenport, Jr.
H. M. Davenport, Jr.
Navarro County Judge

I, Sherry Dowd, County Clerk of Navarro County, Texas do hereby certify that the verification attached hereto was signed by the County Judge of Navarro County, Texas, this 25th day of June, 2007, in the capacity stated.

Gail A. Roman
Notary Public, State of Texas
Commission expires: 08-27-2008
Printed Name: Gail A. Roman



CLERKS NOTE

Jan. 28, 2008 I still have not received maps. I showed the Judge and Commissioners this page from the order adopting county road map (that they all signed on 6-25-07) stating that the Navarro County Road Map is to be filed in Commissioners Court minutes.

I was told by Judge Davenport that Mr. Bass computer crashed so don't know when we might get them.

At this time Feb. 15, 2008 I do not have a copy of the maps nor have I ever had a copy of the maps in the Navarro County Clerks office.



Sherry Dowd Navarro County Clerk

2-15-08

REPORT OF THE JURY OF VIEW

BE IT REMEMBERED, that on the 15TH day of June, 2007, a Jury of View authorized by Chapter 258 of the Texas Transportation Code was convened and sworn in, pursuant to public notice, at 10:00 a.m., convened in the Commissioners Courtroom of the Navarro County Courthouse in Corsicana, Texas. The following oath was administered to the members of the Jury of View:

"I, _____, do solemnly affirm that I will execute the duties as a member of a Jury of View created pursuant to Chapter 258 of the Texas Transportation Code, having no interest in said road, and without favor or affection, malice or hatred, to the best of my skill and knowledge. So help me God."

JURY OF VIEW

The Jury of View was composed of the following individuals, who upon their oath stated that they had no interest in the property situated near or adjacent to the following described road, nor did they have any personal conflict with the nature of the protest, or the party filing the protest, and that they could render fair and unbiased service as a member of the Jury of View.

Members of the Jury of View:

John Braly
Post Office Box 86
Barry, Texas 75102

Wayne Rose
4570 FM 3041
Corsicana, Texas 75110

Margaret Thomas
~~8728 S Hwy 287~~
Corsicana, Texas 75109

Earnest Betts
214 Hwy 309 S
Kerens, Texas 75144

Lewis Tanner
12415 FM 642
Dawson, Texas 76639

~~Eddie Pevehouse~~
~~9580 SW CR 2300~~
Wortham, Texas 76693-4510

Todd McGraw
~~Post Office Box Y~~
~~Frost, Texas 76641~~

Gene McLain
8145 FM 642
Purdon, Texas 76679

~~Burwell Thompson
1244 W 4th Ave
Corsicana, Texas 75110~~

~~Richard Martin
506 Chambers Point Dr
Kerens, Texas 75144~~

ROAD SUBJECT OF PROCEEDING

The Jury of View, having been duly empanelled and sworn, and having stated that they had no personal interest in the road subject to this proceeding, then heard evidence on the following road:

- 1. Roads in Dispute:

NE 2090 PR	Location:	Grid 25
NW 1290 PR		Grid 51
NW 1050 CITY		Grid 53
NW 2107 PR		Grid 88

Protesting Party: Kit Harrington

Nature of Protest: Mr. Harrington contends that the identified roads are not in fact county roads. However, because a "claim of interest" was made by the County regarding these roads in the public notice, and in the map available for review, a Jury of View must hear evidence, and make a finding that the roads have not been maintained since a date prior to 1981 to "Omit" them now. Had they been identified prior to the public notice, we would have made no "claim of interest" in the roads, and could have omitted them from the map. Also, because these roads may have 911 addressing issues, we need to make sure that a simple "omission" does not eliminate the road identification for 911 purposes. It is suggested that the road simply be mapped as a PR road.

Disposition by Jury of View: After hearing evidence in a public hearing, and having considered the protest of the party identified above, a copy of the protest having been filed of record in the Minutes of the Commissioners Court, and having considered the standard of proof set forth in Chapter 258.002(b) of the Texas Transportation Code, the Jury of View has determined by a majority vote that the identified road:

Indicate your vote by striking out the option the Jury of View rejects:

1. ~~The road identified above as Road Name/Number should be retained on the County Road Map upon satisfactory evidence that Navarro County has in fact maintained the road in question for a period of time prior to 1981 to the present.~~

Or

2. The road identified above as Road Name/Number should be removed from the County Road Map upon the inability of Navarro County to establish continuous maintenance of said road by Navarro County since a date prior to 1981.

Any special instructions regarding corrections to the County Road map:

The Jury of View hereby authorizes this report, the same being executed this 14th day of June, 2007, upon a majority vote of the following members of the Jury of View, voting in accord with this Report.

- | | |
|-------------------------|-------------------------|
| 1. <u>Wayne Vase</u> | 2. <u>Earnest Betts</u> |
| 3. <u>John Brady</u> | 4. <u>Lewin Tanner</u> |
| 5. <u>Harold McLean</u> | |

Attest: Sherry A. Culp
County Clerk



REPORT OF THE JURY OF VIEW

BE IT REMEMBERED, that on the 15TH day of June, 2007, a Jury of View authorized by Chapter 258 of the Texas Transportation Code was convened and sworn in, pursuant to public notice, at 10:00 a.m., convened in the Commissioners Courtroom of the Navarro County Courthouse in Corsicana, Texas. The following oath was administered to the members of the Jury of View:

"I, _____, do solemnly affirm that I will execute the duties as a member of a Jury of View created pursuant to Chapter 258 of the Texas Transportation Code, having no interest in said road, and without favor or affection, malice or hatred, to the best of my skill and knowledge. So help me God."

JURY OF VIEW

The Jury of View was composed of the following individuals, who upon their oath stated that they had no interest in the property situated near or adjacent to the following described road, nor did they have any personal conflict with the nature of the protest, or the party filing the protest, and that they could render fair and unbiased service as a member of the Jury of View.

Members of the Jury of View:

J John Braly ✓
Post Office Box 86
Barry, Texas 75102

J Wayne Rose ✓
4570 FM 3041
Corsicana, Texas 75110

Et. Margaret Thomas ✓
8728 S Hwy 287
Corsicana, Texas 75109

J Earnest Betts ✓
214 Hwy 309 S
Kerens, Texas 75144

J Lewis Tanner ✓
12415 FM 642
Dawson, Texas 76639

~~Eddie Pevehouse~~
~~9580 SW CR 2300~~
~~Wortham, Texas 76693-4510~~

Et. Todd McGraw ✓
~~Post Office Box Y~~
Frost, Texas 76641

J Gene McLain ✓
8145 FM 642
Purdon, Texas 76679

Burwell Thompson
1244 W 4th Ave
Corsicana, Texas 75110

Richard Martin
506 Chambers Point Dr
Kerens, Texas 75144

ROAD SUBJECT OF PROCEEDING

The Jury of View, having been duly empanelled and sworn, and having stated that they had no personal interest in the road subject to this proceeding, then heard evidence on the following road:

- 1. Road in Dispute: SE 1271
 Location: Grid Map page 128
 Protesting Party: Catherine Johnson
 516 S. 15th St.
 Corsicana, Tx 75110
 903-641-0877

And

William G. Pillans
5512 FM 416
Steetman, Tx. 75859
903-229-1179

Nature of Protest: Ms. Johnson and Mr. Pillans contend that this road is a county road. The Commissioner agrees that maintenance has been conducted on road, but it was omitted from the map in error. At the present time, another landowner has sought to block use of the road. In order to "add" this road to the county inventory, evidence will have to be presented to a Jury of View that maintenance has been in existence from the present to a time prior to 1981. *This is a jury of view matter.*

Disposition by Jury of View: After hearing evidence in a public hearing, and having considered the protest of the party identified above, a copy of the protest having been filed of record in the Minutes of the Commissioners Court, and having considered the standard of proof set froth in Chapter 258.002(b) of the Texas Transportation Code, the Jury of View has determined by a majority vote that the identified road:

Indicate your vote by striking out the option the Jury of View rejects:

- 1. The road identified above as Road Name/Number should be retained on the County Road Map upon satisfactory evidence that Navarro County has in fact maintained the road in question for a period of time prior to 1981 to the present.

Or

- 2. ~~The road identified above as Road Name/Number should be removed from the County Road Map upon the inability of Navarro County to establish continuous maintenance of said road by Navarro County since a date prior to 1981.~~

Any special instructions regarding corrections to the County Road map:

The Jury of View hereby authorizes this report, the same being executed this 14th day of June, 2007, upon a majority vote of the following members of the Jury of View, voting in accord with this Report.

- 1. Harold Cool
- 3. John Brady
- 5. Harold M. ...

- 2. Earnest Betke
- 4. Joni Janner

Attest: Sherry David
County Clerk



PROTEST OF ROAD DEPICTED ON COUNTY ROAD MAP

Pursuant to Article 258.002(b) of the Texas Transportation Code, "A commissioners court that proposes a county road map under this section shall hold a public meeting at which a person asserting a private right, title, or interest in a road in which the county has claimed the existence of a public interest may appear before the commissioners court to protest the county's claim. A person asserting a private right, title, or interest in a road may also file a written protest with the county judge at any time before the public meeting."

The Navarro County Commissioners Court has scheduled a public meeting on this matter for 04/05/07, at 10:00 a.m. in the Commissioners Courtroom, Navarro County Courthouse. You may protest a road in person, or in writing, by the use of this form.

Name: ⁸⁷¹¹ William G. Pillans
Address: 5512 FM 416 City: Streetman, Tx
State: Texas Zip: 75359 Phone: 903-229-1179

I wish to protest the inclusion of the following road identified as: SE 1271, on the Navarro County Road Map. This road is depicted on page 9 of the County Road Map.

The basis of my protest is as follows:
This road had several years ago its sign stolen and needs to be replaced. Also this road if not open and sealed would land loss several land owners. This county road is over 150 years old.

Additionally, I am attaching a copy of the page depicting this road from the Navarro County Road Map, and have marked that map to reflect my objection.


I (check one):

- Request an opportunity to address the Commissioners Court on this matter.
- Submit my protest by way of this written form.

Whether you use the written form, appear before the Commissioners Court personally, or both, your protest will be taken up for consideration by the Commissioners Court.

Date: 4-5-07

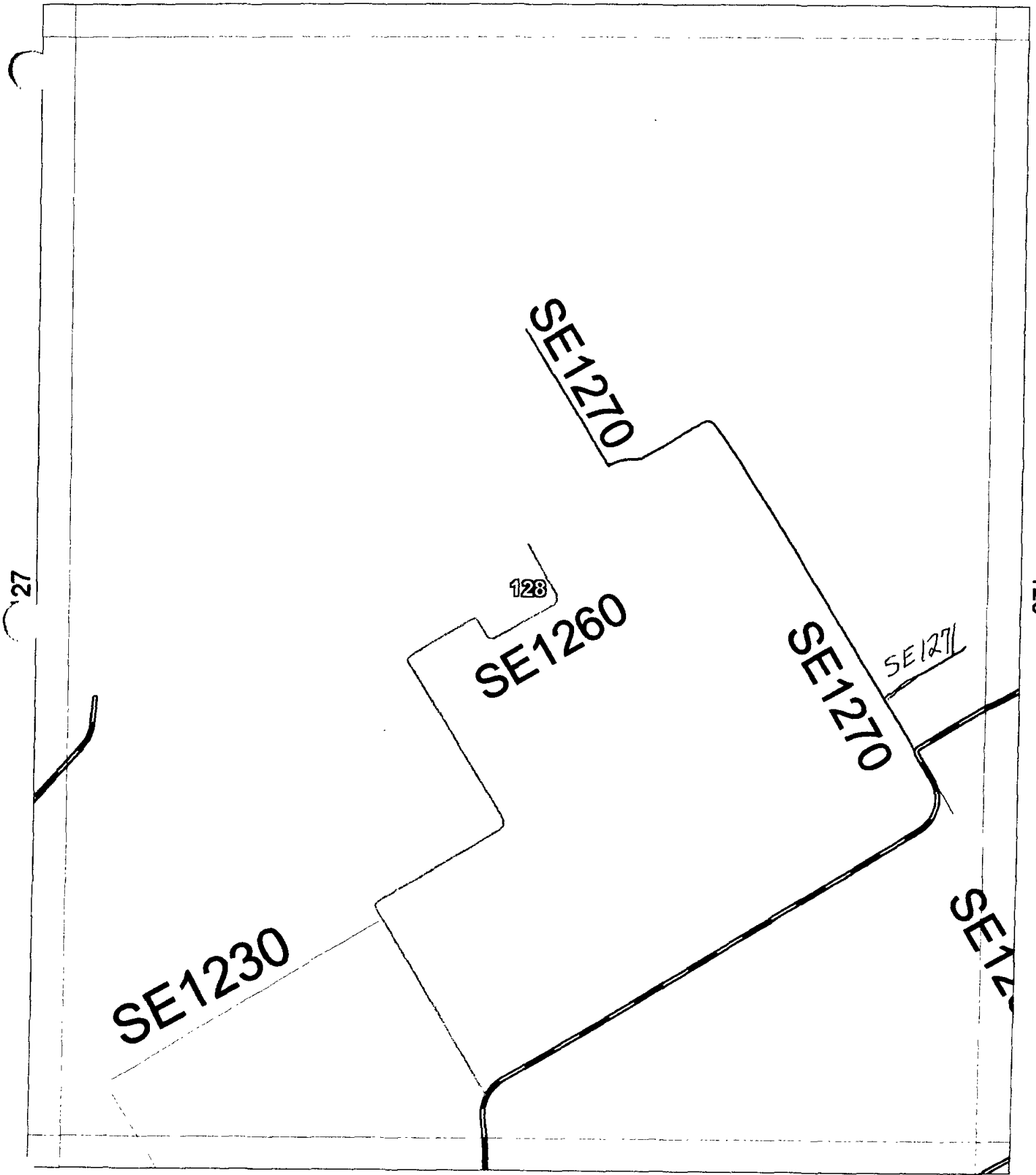
William G. Pillans
Signature

County Maintained Roads By Surface Type
- FM Hwy  Interstate 
Grid Line 

Navarro County, Texas ⁹²³

112

Scale 1 in = 2000 ft



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

141

29-Nov-2006

Map # 128

Numbers Along Margins reflect
Page # of Adjacent Map Grids

PROTEST OF ROAD DEPICTED ON COUNTY ROAD MAP

Pursuant to Article 258.002(b) of the Texas Transportation Code, "A commissioners court that proposes a county road map under this section shall hold a public meeting at which a person asserting a private right, title, or interest in a road in which the county has claimed the existence of a public interest may appear before the commissioners court to protest the county's claim. A person asserting a private right, title, or interest in a road may also file a written protest with the county judge at any time before the public meeting."

The Navarro County Commissioners Court has scheduled a public meeting on this matter for 04/05/07, at 10:00 a.m. in the Commissioners Courtroom, Navarro County Courthouse. You may protest a road in person, or in writing, by the use of this form.

Name: Catherine Johnson
Address: 516 S 15th St City: Corsicana
State: TX Zip: 75110 Phone: 903-641-0877

I wish to protest the ~~inclusion~~ ^{omission} of the following road identified as: _____, on the Navarro County Road Map. This road is depicted on page _____ of the County Road Map.

The basis of my protest is as follows: Rd # 1271 is not on county road map. Road has been maintained per county commissioner and is currently blocked by another land owner. We need to keep this road open to provide access to Milligan Cattle Co.

Additionally, I am attaching a copy of the page depicting this road from the Navarro County Road Map, and have marked that map to reflect my objection.

I (check one):

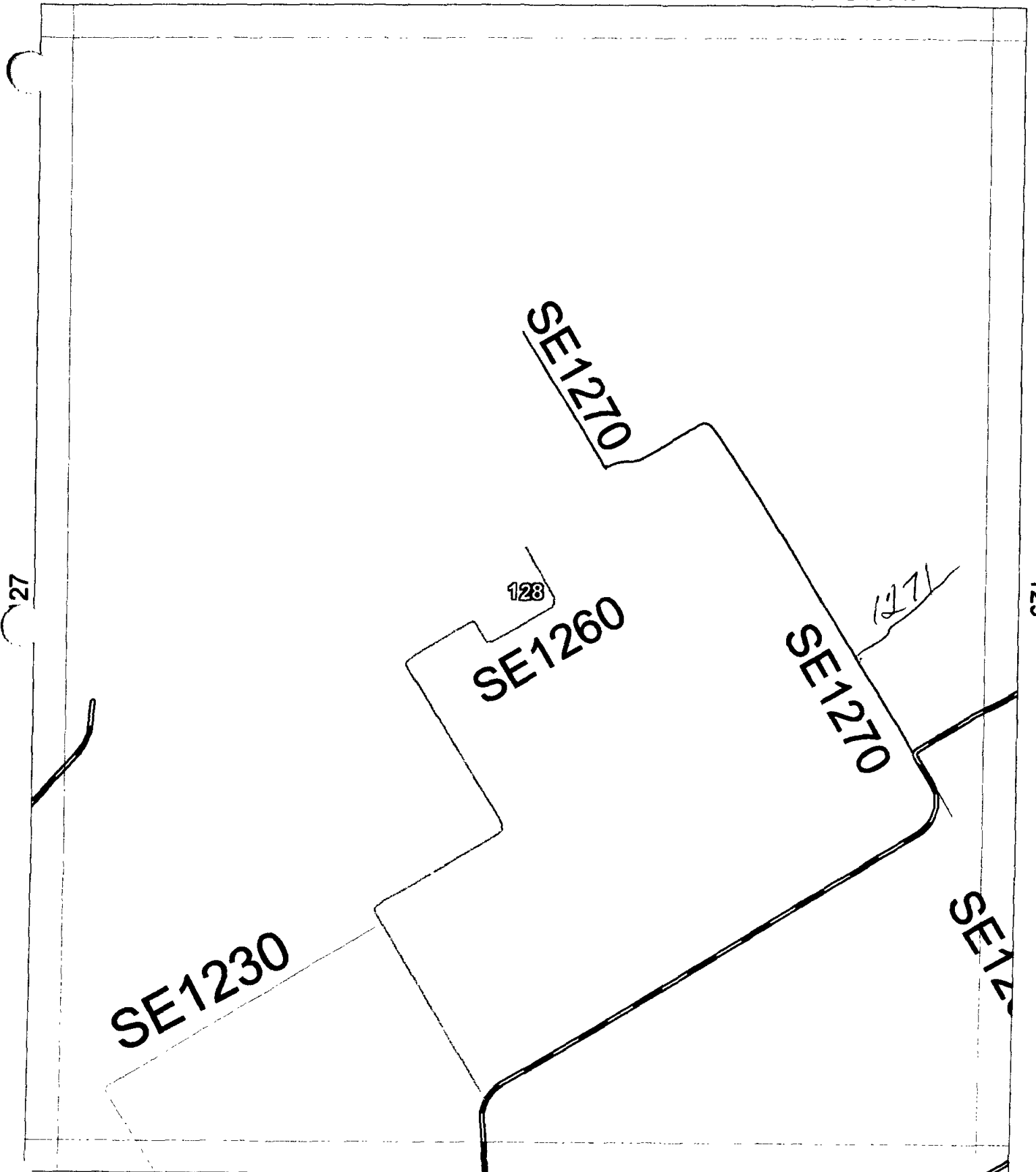
- Request an opportunity to address the Commissioners Court on this matter.
- Submit my protest by way of this written form.

Whether you use the written form, appear before the Commissioners Court personally, or both, your protest will be taken up for consideration by the Commissioners Court.

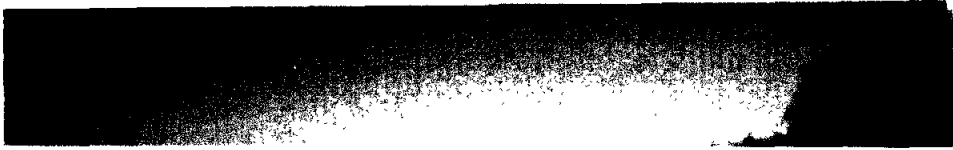
Date:

Catherine Johnson
Signature

925



926





REPORT OF THE JURY OF VIEW

BE IT REMEMBERED, that on the 15TH day of June, 2007, a Jury of View authorized by Chapter 258 of the Texas Transportation Code was convened and sworn in, pursuant to public notice, at 10:00 a.m., convened in the Commissioners Courtroom of the Navarro County Courthouse in Corsicana, Texas. The following oath was administered to the members of the Jury of View:

"I, _____, do solemnly affirm that I will execute the duties as a member of a Jury of View created pursuant to Chapter 258 of the Texas Transportation Code, having no interest in said road, and without favor or affection, malice or hatred, to the best of my skill and knowledge. So help me God."

JURY OF VIEW

The Jury of View was composed of the following individuals, who upon their oath stated that they had no interest in the property situated near or adjacent to the following described road, nor did they have any personal conflict with the nature of the protest, or the party filing the protest, and that they could render fair and unbiased service as a member of the Jury of View.

Members of the Jury of View:

John Braly
Post Office Box 86
Barry, Texas 75102

Wayne Rose
4570 FM 3041
Corsicana, Texas 75110

~~Margaret Thomas
8728 S Hwy 287
Corsicana, Texas 75109~~

Earnest Betts
214 Hwy 309 S
Kerens, Texas 75144

Lewis Tanner
12415 FM 642
Dawson, Texas 76639

~~Eddie Pevehouse
9580 SW CR 2300
Wortham, Texas 76693-4510~~

~~Todd McGraw
Post Office Box Y
Frost, Texas 76641~~

Gene McLain
8145 FM 642
Purdon, Texas 76679

Burwell Thompson
1244 W 4th Ave
Corsicana, Texas 75110

Richard Martin
506 Chambers Point Dr
Kerens, Texas 75144

ROAD SUBJECT OF PROCEEDING

The Jury of View, having been duly empanelled and sworn, and having stated that they had no personal interest in the road subject to this proceeding, then heard evidence on the following road:

- 1. Road in Dispute: NE 3201
 Location: Grid Map 13, 24
 Protesting Party: John M. Dziminski, Rosewood Ranches, Inc.
 100 Crescent Court, Suite 1700
 Dallas, Tx. 75201

 Nature of Protest: Mr. Dziminski contends that the County has not maintained the road for many years, asserts that the road is actually a private easement between two adjoining property owners. Stated a willingness to file a formal easement agreement between private parties, but does not want road to be treated as county road. *This is a Jury of View matter.*

Disposition by Jury of View: After hearing evidence in a public hearing, and having considered the protest of the party identified above, a copy of the protest having been filed of record in the Minutes of the Commissioners Court, and having considered the standard of proof set forth in Chapter 258.002(b) of the Texas Transportation Code, the Jury of View has determined by a majority vote that the identified road:

Indicate your vote by striking out the option the Jury of View rejects:

- 1. The road identified above as Road Name/Number should be retained on the County Road Map upon satisfactory evidence that Navarro County has in fact maintained the road in question for a period of time prior to 1981 to the present.

Or

- 2. The road identified above as Road Name/Number should be removed from the County Road Map upon the inability of Navarro County to establish continuous maintenance of said road by Navarro County since a date prior to 1981.

Any special instructions regarding corrections to the County Road map:

The Jury of View hereby authorizes this report, the same being executed this 14th day of June, 2007, upon a majority vote of the following members of the Jury of View, voting in accord with this Report.

- 1. William West
- 2. Tom Jann
- 3. John Brady
- 4. Earnest Bette Jr
- 5. Paul McLean

Attest: Sherry David
County Clerk



931

PROTEST OF ROAD DEPICTED ON COUNTY ROAD MAP

Pursuant to Article 258.002(b) of the Texas Transportation Code, "A commissioners court that proposes a county road map under this section shall hold a public meeting at which a person asserting a private right, title, or interest in a road in which the county has claimed the existence of a public interest may appear before the commissioners court to protest the county's claim. A person asserting a private right, title, or interest in a road may also file a written protest with the county judge at any time before the public meeting."

The Navarro County Commissioners Court has scheduled a public meeting on this matter for 4/11/07, at 10:00 a.m. in the Commissioners Courtroom, Navarro County Courthouse. You may protest a road in person, or in writing, by the use of this form.

Name: Rosewood Ranches, Inc.
Address: 100 Crescent Court, Suite 1700 City: Dallas
State: TX Zip: 75201 Phone: 214-756-6129

I wish to protest the inclusion of the following road identified as: HR3201, on the Navarro County Road Map. This road is depicted on page of the County Road Map. south of Chatfield, Texas east of FM1129

The basis of my protest is as follows:

See Attached Protest

Additionally, I am attaching a copy of the page depicting this road from the Navarro County Road Map, and have marked that map to reflect my objection.

I (check one):

- Request an opportunity to address the Commissioners Court on this matter.
- Submit my protest by way of this written form.

Whether you use the written form, appear before the Commissioners Court personally, or both, your protest will be taken up for consideration by the Commissioners Court.

Date: April 12, 2007



Signature John M. Driminski
President - Rosewood Ranches, Inc.

Written Protest for NE3201
April 12, 2007

The road named as NE3201 is a short dead end road that has always been treated as a prescriptive easement between the two owners of the property adjacent to the road. The road is currently gated (but not locked) to prevent trespassing and dumping which occur often if the road is left open.

Betty Armstrong, former Navarro County Commissioner has told our ranch manager that during her tenure (approximately 15 years) as county commissioner, she did not consider this a county road and had never authorized it to be graveled, graded, or maintained in any way. Additionally, she has told our ranch manager she is willing to testify in court should this matter require such a hearing.

Since we and the adjacent property owner have treated this road as a prescriptive easement (not recorded) we are willing to formally record an easement so that the adjacent property owner can maintain access to his property in a legally recognizable fashion provided this road is formally closed by the county commissioners.

FACSIMILE TRANSMISSION

100 CRESCENT COURT, SUITE 1700
 DALLAS, TEXAS 75201
 Telephone: 214/756-6100
 Facsimile: 214/756-6212

RECEIVED
 APR 12 2007

This facsimile transmission contains privileged and confidential information intended only for the use of the addressee(s) named below. If you are not the intended recipient of this fax or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that all dissemination or copying of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and return the original fax to us at the address set forth above by United States mail.

Date: April 12, 2007	Number of Pages to follow: 3

To:	Allison & Bass
Fax Number:	512-488-0902

From:	John Dziminiski
Comments:	<p>Kitt Harrington, Navarro County Commissioner asked me to forward the attached information to your lawfirm. Please see that it gets to the appropriate person. Thank you.</p> <p>John Dziminiski 214-756-6129</p>

If you have any problems receiving this fax, please call (214) 756-6109.

NE 3201

3/2/01

I've graded this one about
two times this year and every
time it need grading. I know of
one load of gravel being
put on this one,

John

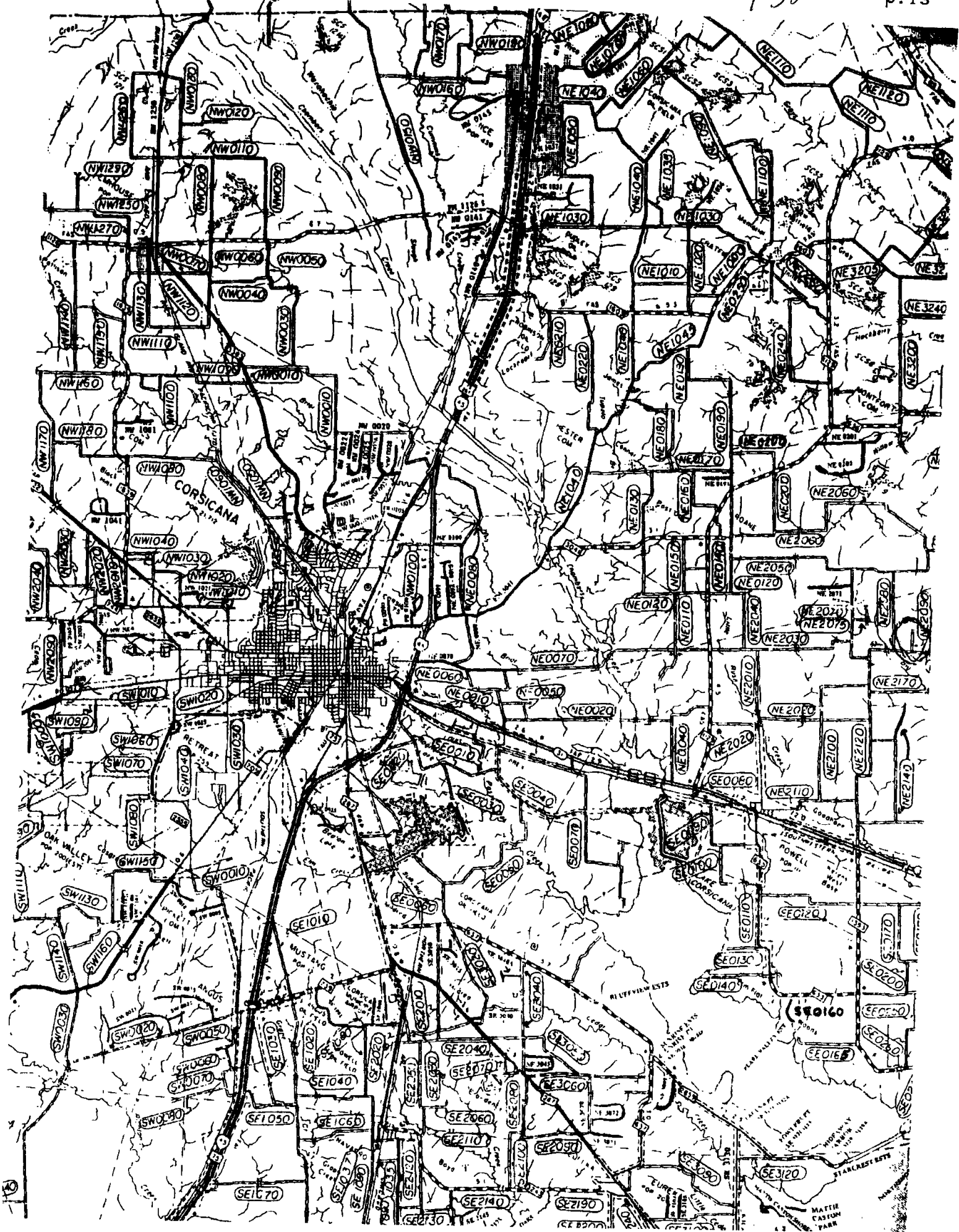
3/5/02

County Road NE 3201

I've put Rock on this Road 1 or 2
Times in the past and know that it was
Being graded in the past

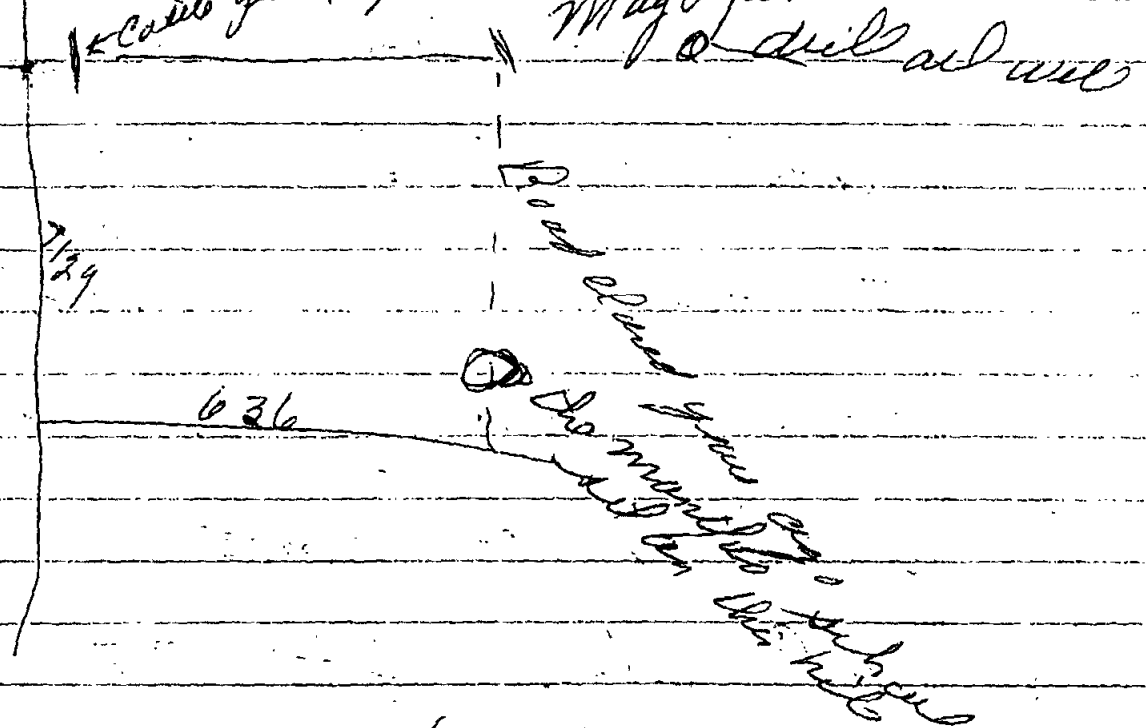
Alv Pash





This road used to be a public road
the grant was put on by oil company who
drill the well

I had the mayo lease for ten or twelve years
the county all way granted to the grant
Mayo grant



I been here 10 years
this road has been a public road
all this time

Jeant Parker

1



NAVARRO CENTRAL APPRAISAL DISTRICT

P.O. Box 3118, Corsicana, Texas 75151-3118
(903) 872-6161 • FAX (903) 874-0604

May 21, 2002

WM. B WORTHEN
Chief Appraiser

BOARD OF DIRECTORS:
Dr. James G. Price
Neal Crawford
Evin Frank
Billy McManus
Debbie Wilson
Peggy B. Moore

To Whom It May Concern:

It is my belief the road now known as Northeast County Road 3201 has always been designated a county road.

Norton Conner
Appraiser

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To	BOB BASS	
From	Kit Herrington	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

RECEIVED

APR 12 2007

941

ROSEWOOD RANCHES, INC.
100 CRESCENT COURT
SUITE 1700
DALLAS, TEXAS 75201
(214) 871-8400

June 20, 2002

The Honorable Kit Herrington
Commissioner, Precinct 1
Navarro County Courthouse
300 West 3rd Avenue
Corsicana, Texas 75110

Dear Mr. Herrington:

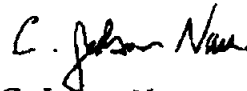
Our ranch manager reports that the county recently graded the road owned by Rosewood Ranches, Inc. that was the subject of our discussion on March 25. This act is very disappointing, since it occurred despite our request in my letter to you dated April 17 not to enter our premises. Furthermore, we never received any response from you to that letter.

Rosewood has to date received no credible evidence that the road in question is a county road. If you have any county records that support your position that the road is a county road, please send it to me. Since the law requires the commissioners court to order the opening of a public road, there should be a record of that action by the commissioners court. Bill Moore has already tried unsuccessfully to obtain a copy of any order declaring this road a public road.

Absent any evidence from the county that the road in question is a public road, Rosewood will take any action it deems appropriate to protect itself. This would include locking the gate to the road and considering the county to be trespassing if the county enters the premises or in any other way interferes with Rosewood's use of its property.

We continue to provide Loyd Gowan access to his property and will continue to do so.

Very truly yours,



C. Jedson Nau,
Senior Vice President and General Counsel
Rosewood Ranches, Inc.

By Certified Mail
#7001-0320-0003-9998-8155

Lloyd Gowan - cell
214-460-8670
903-695-2572

1844 in a country house
to the house of
Bessie Bledson April 25, 2002



LOCKE LIDDELL & SAPP LLP

ATTORNEYS & COUNSELORS

2200 ROSS AVENUE
SUITE 2200
DALLAS, TEXAS 75201-6776

AUSTIN • DALLAS • HOUSTON • NEW ORLEANS

(214) 740-8000
Fax: (214) 740-8800
www.lockeliddell.com

DIRECT NUMBER: (214) 740-8792
email: dlclaudt@lockeliddell.com

October 16, 2002

The Honorable Kit Herrington
Commissioner, Precinct 1
Navarro County Courthouse
300 W. Third Avenue
Corsicana, Texas 75110

Dear Mr. Herrington:

This firm represents Rosewood Ranches, Inc. ("Rosewood"). The matter of the private access way located on the Rosewood Tract (formerly owned by the Carolyn Hunt Trust Estate) in Navarro County, Texas has been referred to us to ensure that Rosewood's interests in its private property are protected and preserved.

It is my understanding that you have had several discussions with Rosewood employees regarding the classification of the access way. As stated in Mr. Jed Nau's April 17, 2002 letter, the access way has always been a private access and a private matter handled by the land owners. For example, shortly after Rosewood's predecessor purchased the land in 1983, Rosewood, with the concurrence of Loyd Gowan's father's landlord, placed a gate at the entrance to the access way off of FM 1129. As stated in Mr. Nau's letter, and previously to Gowan's successor, it is Rosewood's desire to be a good neighbor. Rosewood has never denied Mr. Gowan, nor his father previously, access to their property via the private access way. Rosewood does not consider Gowan's use of the access way, which in the past has been limited to agricultural purposes, to be adverse and hostile to Rosewood's use and enjoyment of its property.

Rosewood recently contacted Mr. Gowan and offered to provide him a personal easement via the private access way strictly for agricultural purposes. This grant would not provide Mr. Gowan any additional rights to those he may now possess. In addition, Rosewood offered to remove the gate on FM 1129 and erect a fence on the south side of the access way. Mr. Gowan appears to have rejected this offer and requested an unrestricted easement.

Despite Mr. Gowan's rejection of Rosewood's offer, Rosewood will continue to allow Mr. Gowan to access his property. However, in order to enforce its rights against all others, Rosewood intends to place a lock on the gate located on FM 1129. Rosewood will provide a key to Mr. Gowan in order that he may continue the same access that he currently enjoys. As to the County, Rosewood repeats its request that Navarro County cease from entering its private property for any purpose relating to the private access way. In addition, Rosewood requests that the sign on FM 1129 at the entrance to the access way, being designated "NE 3201" be removed

The Honorable Kit Herrington
October 16, 2002
Page 2

and, in the alternative, be changed to "NE 3201 PR" to reflect the access way's proper classification as a private road.

Mr. Nau stated in his letter that Rosewood has found no credible evidence of the private access way being anything other than private property. If you have any evidence that tends to show that Navarro County acquired a public interest in the access way by purchase, condemnation, dedication (either express or implied) or by a final judgment of adverse possession, please provide it to me for review and consideration. In addition, there exists no history of long continued public use of the road. Mr. Gowan and his father have been the sole users of the road for over twenty (20) years. The Gowans' use has been limited to agricultural purposes. No homestead or house exists on their parcel. In addition, there are no schools, businesses, bus routes or mail routes that have ever used the road. The only improvement in the road surface, the adding of caliche, was done by a private party. Any county maintenance that may have been performed on the access way in the past was not regular and continuing such that the general public obtained a right to use the road by prescription.

Simply put, the access way is, and always has been, private property. Rosewood intends to take all actions necessary in order to protect and preserve its rights in the property.

If you have any questions or concerns, please feel free to contact me at any time.

Sincerely,


David W. Klaut

DWK:rsd

LOCKE LIDDELL & SAPP LLP

ATTORNEYS & COUNSELORS

2200 ROSS AVENUE
SUITE 2200
DALLAS, TEXAS 75201-6776

AUSTIN • DALLAS • HOUSTON • NEW ORLEANS

(214) 740-8000
Fax: (214) 740-8800
www.lockeliddell.com

DIRECT NUMBER: (214) 740-8792
email: dklaudt@lockeliddell.com

October 16, 2002

**CERTIFIED MAIL NO. 7001 0360 0003 4266 9207
RETURN RECEIPT REQUESTED**

Mr. Loyd Gowan
P. O. Box 428
Blooming Grove, Texas 76626

Dear Mr. Gowan:

This firm represents Rosewood Ranches, Inc. The matter of the private access way across Rosewood's property in Navarro County has been referred to us for resolution. John Dziminski, Rosewood Ranch's President, offered to establish a personal easement in your favor and across Rosewood's property via the access way. The use of the easement would be limited to its current use - agricultural purposes. In addition, Mr. Dziminski offered to remove the gate on the west end of the access way next to FM 1129 and erect a fence on the south side of the access way. You apparently rejected this offer and requested an unlimited easement.

The access way is private property. Rosewood intends to exercise domain over the property in order to continue its use and enjoyment of the property. As such, Rosewood will lock the gate at FM 1129. In order to insure that you continue to enjoy any limited rights you may now have, Rosewood will provide a key to you in order that you may continue to access your property. Rosewood expects that you will lock the gate after any use in order to protect Rosewood's property.

Mr. Kit Herrington has been informed of this action. Rosewood has requested that the County respect its private property rights and refrain from entering through the FM 1129 gate for any purpose, including maintenance of the private access way.

Feel free to contact me if you have any questions or comments.

Sincerely,


David W. Klaudt

DWK:rsd
cc: The Honorable Kit Herrington

Jacobson & Edmondson, P.C.

733 West Second Avenue
Corsicana, Texas 75110
903/874-7117
Fax: 903/874-7321

Terry Jacobson
Tjacobson@country.net
Ron Edmondson
redmondson75110@yahoo.com

Of Counsel:
Arnaldo N. Cavazos, Jr.
Charles B. Hendricks
Rod L. Poirot
Alicia M. Dewey

October 24, 2002

David W. Klaudt
Locke Liddell & Sapp LLP
2200 Ross Ave., Suite 2200
Dallas, Texas 75201-6776

Loyd Gowan
RFD 1
Barry, Texas 75102

Re: Dispute between Rosewood Ranches, Inc. and Loyd Gowan

Dear Mr. Klaudt and Mr. Gowan:

Please be advised that I represent Navarro County in connection with certain litigation matters, including the potential dispute by and between Rosewood Ranches, Inc. and Mr. Gowan. If you have any further questions pertaining to this matter, please direct them to me.

The County has looked into the question of whether the road bisecting the Rosewood Ranches property in eastern Navarro County, and which leads to Mr. Gowan's property, is a County road. As you may know, many of the County roads found in rural Navarro County were never dedicated as such. In some cases, the roads were simply used over a long period of time, resulting in the creation of a road by prescription. The County's investigation into the status of the road in this dispute has turned up conflicting evidence. There is some evidence to suggest that the road may be a County road. On the other hand, there is some evidence that suggests the road is not a County road.

The road appears as a County road on some maps, but not others and persons who have personal knowledge of the road have conflicting opinions about whether the road is a County road.

Kit Herrington, the Commissioner for Precinct 1, was elected less than two years ago and does not have personal knowledge of the history of the road, although he has obviously learned a great deal about the road since this dispute arose. Because the evidence regarding the

October 24, 2002

Page 2

status of the road is conflicting, the County has decided to let Rosewood Ranches and Mr. Gowan resolve the issue, through negotiation, sale, or litigation. The County would agree to be bound by the ruling of a court of competent jurisdiction, but the County declines at this point to involve itself directly in what appears to be a civil dispute between two adjoining landowners.

If you have any further questions, please direct them to me. Otherwise, I trust that you will either resolve your dispute by negotiation, or by litigation, as the case may be, and that you will advise the County of how the matter is resolved.

Very truly yours,

Terry Jacobson

TJ:nw

cc: Honorable Alan Bristol
Navarro County Courthouse
300 W. 3rd Ave.
Corsicana, Texas 75110

Honorable Kit Herrington
Navarro County Courthouse
300 W. 3rd Ave.
Corsicana, Texas 75110

Jacobson & Edmondson, P.C.

733 West Second Avenue
Corsicana, Texas 75110
903/874-7117
Fax: 903/874-7321

Terry Jacobson
TJ/jacobson@sbglobal.net
Ron Edmondson
redmondson75110@yahoo.com

Of Counsel:
Arnaldo N. Cavazos, Jr.
Charles B. Hendricks
Rod L. Peirrot
Alicia M. Dewey

October 31, 2002

David W. Klautt
Locke Liddell & Sapp LLP
2200 Ross Ave., Suite 2200
Dallas, Texas 75201-6776

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NOV 04 2002

NAVARRO COUNTY
COMMISSIONERS' OFFICE

Loyd Gowan
RFD 1
Barry, Texas 75102

Re: Dispute between Rosewood Ranches, Inc. and Loyd Gowan

Dear Mr. Klautt and Mr. Gowan:

Please be advised that I represent Navarro County in connection with certain litigation matters, including the potential dispute by and between Rosewood Ranches, Inc. and Mr. Gowan. If you have any further questions pertaining to this matter, please direct them to me.

The County has looked into the question of whether the road bisecting the Rosewood Ranches property in eastern Navarro County, and which leads to Mr. Gowan's property, is a County road. As you may know, many of the County roads found in rural Navarro County were never dedicated as such. In some cases, the roads were simply used over a long period of time, resulting in the creation of a road by prescription. The County's investigation into the status of the road in this dispute has turned up conflicting evidence about whether the road is a County road. There is some evidence to suggest that the road may be a County road. The road has been there since the early 1900's. On the other hand, there is some evidence that suggests the road is not a County road.

The road appears as a County road on some maps, but not others and persons who have personal knowledge of the road have conflicting opinions about whether the road is a County road.

Kit Herrington, the Commissioner for Precinct 1, was elected less than two years ago and does not have personal knowledge of the history of the road, although he has obviously

October 31, 2002

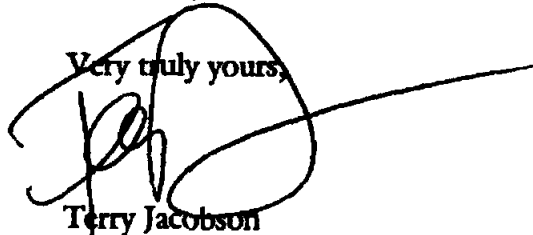
Page 2

learned a great deal about the road since this dispute arose. Because the evidence regarding the status of the road is conflicting, the County has decided to let Rosewood Ranches and Mr. Gowan resolve the issue, through negotiation, sale, or litigation. The County will agree to be bound by the ruling of a court of competent jurisdiction, but the County declines at this point to involve itself directly in what appears to be a civil dispute between two adjoining landowners.

As an aside, even if the road is not a county road, it occurs to me that because of the continuous use (100 years or more) there may be a prescriptive easement in favor of Mr. Gowan's property. Additionally, I didn't run the title, but there may very well be an easement by implication even if there is no county road. Thus, the answer to the question of whether the road is a county road may not be determinative of the question of how Mr. Gowan develops his property. I am not the Judge, but it appears to me that you would both be better off resolving this matter by negotiation, rather than litigation.

If you have any further questions, please direct them to me. Otherwise, I trust that you will either resolve your dispute by negotiation, or by litigation, as the case may be, and that you will advise the County of how the matter is resolved.

Very truly yours,

A handwritten signature in black ink, appearing to be 'TJ', is written over the typed name 'Terry Jacobson'. A long horizontal line extends from the right side of the signature.

Terry Jacobson

TJ:nw

951

October 31, 2002

Page 3

bcc: Honorable Alan Bristol
Navarro County Courthouse
300 W. 3rd Ave.
Corsicana, Texas 75110

Honorable Kit Herrington
Navarro County Courthouse
300 W. 3rd Ave.
Corsicana, Texas 75110



NAVARRO COUNTY JUDGE

CONFIDENTIAL

Alan M. Bristol, County Judge

100 West Third Avenue, Suite 102
Corsicana, TX 75110

Sherlyn Curtis, Court Coordinator

abristol@navarrocourt.org
Phone: (903) 654-3025

scurtis@navarrocourt.org
Fax: (903) 872-0778

February 23, 2004

David W. Klaudt
Locke Liddell & Sapp, L.L.P.
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

RE: County Road N.E. 3201

Dear Mr. Klaudt:

After much investigation the Navarro County Commissioner's Court has determined that the road bisecting the Rosewood Ranch property is a County road. However, the road appears to be a Class 3 county road and the County will allow the Rosewood Ranch gate to remain in place so long as it is not locked.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Alan Bristol
Navarro County Judge

- Cc: Loyd Gowan
- Robert C. Dunn, Esquire
- W. David Ralston, Jr., Esquire
- ✓ Terry Jacobson

953

NAVARRO COUNTY



STEVE A. KEATHLEY
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE
300 WEST 3RD AVENUE, SUITE 203
CORSICANA, TEXAS 75110
(903) 654-3045
FAX (903) 872-6858

May 6, 2004

Kit Herrington
300 West Third
Corsicana, Texas 75110

Re: County Road/Hunt Ranch

Dear Kit,

Please be advised that after reviewing the above referenced matter, it is my understanding that the road in question is a Navarro County road. Therefore, if you and your crew deemed it necessary to "work" this particular road, you would certainly be within your discretion. Furthermore, this would not be "trespassing" since the road is a county road.

If you have any questions regarding this matter, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Price".

Bill Price
Assistant District Attorney
Navarro County, Texas

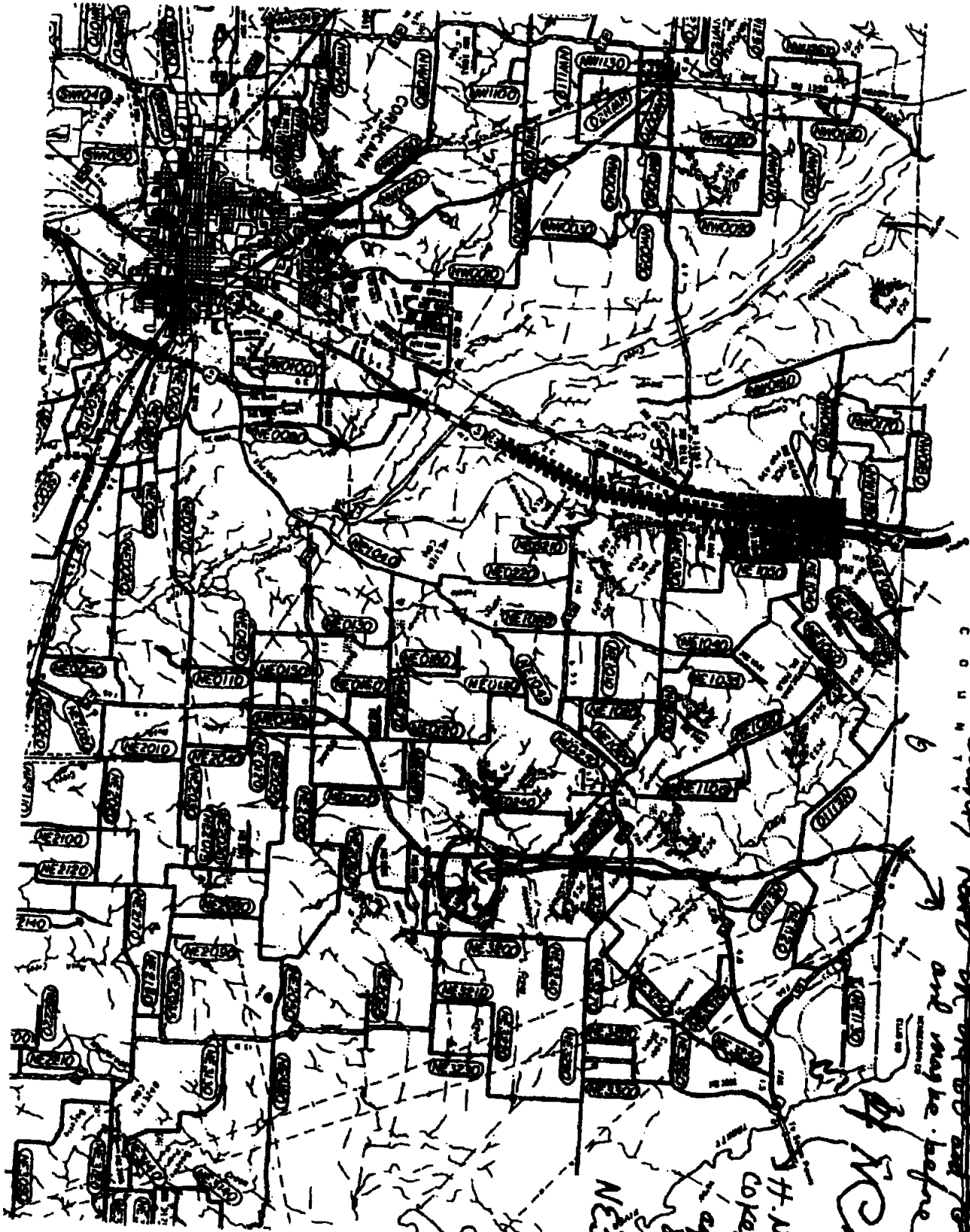
cc: SAK

RECEIVED

MAY 06 2004

NAVARRO COUNTY
COMMISSIONERS' OFFICE

954



7-24-02 We worked this as a
 county road on the 605 map
 and maybe before

S.H.N. Co. Inc.
 NE3201

955

Jacobson, Beard & Edmondson

A Professional Corporation
733 West Second Avenue
Corsicana, Texas 75110
903/874-7117 or 903/872-6257
Fax: 903/874-7321 or 903/872-6478

Terry Jacobson
tjacobson@bcglobal.net
Clay Beard
claybeard@bcglobal.net
Ron Edmondson
redmondson@bcglobal.net

Of Counsel:
Arnaldo N. Cavazos, Jr.
Charles B. Hendricks
Rod L. Poirot

June 18, 2004

David W. Klaudt
Locke Liddell & Sapp LLP
2200 Ross Ave., Suite 2200
Dallas, Texas 75201-6776

Re: Dispute between Rosewood Ranches, Inc. and Loyd Gowan

Dear Mr. Klaudt:

I believe you and I spoke in the past regarding a road that bisects Rosewood Ranch property in eastern Navarro County, and which leads to Mr. Gowan's property. The County Commissioner was going to work the road earlier this year and was told by employees of Rosewood that if his crew attempted to work the road, Rosewood would file criminal trespass charges against the Commissioner and his road crew. Thereafter, we referred the matter to the Navarro County District Attorney's office for further review. After looking at the matter, the District Attorney concluded that the road in question was probably a Navarro County road. The Navarro County District Attorney's office therefore advised Commissioner Herrington that it was within his discretion to work the road and that he would not be trespassing on the road because it is a county road.

I am enclosing a copy of the letter from Bill Price, Assistant District Attorney for Navarro County, verifying the District Attorney's position.

Towards that end, please be advised that the Commissioner's road crew will commence working the road sometime within the next several weeks. We hope that Rosewood Ranch will cooperate and that there will be no problem caused by the fact that the County Commissioner is working the road.

I am sending you this letter to give you notice of the District Attorney's position and to further give you notice of Commissioner Herrington's intent to perform maintenance work on the road in the near future. I sincerely hope that Rosewood Ranch employees will not attempt to interfere with the County road crew while they discharge their official duties.

RECEIVED

JUN 21 2004

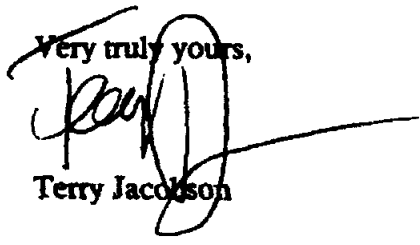
NAVARRO COUNTY
COMMISSIONERS' OFFICE

956

June 18, 2004
Page 2

If you have any questions, please feel free to call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Terry Jacobson', with a long horizontal line extending to the right.

Terry Jacobson

TJ:nw

957

June 18, 2004

Page 3

bcc: Honorable Alan Bristol
Navarro County Courthouse
300 W. 3rd Ave.
Corsicana, Texas 75110

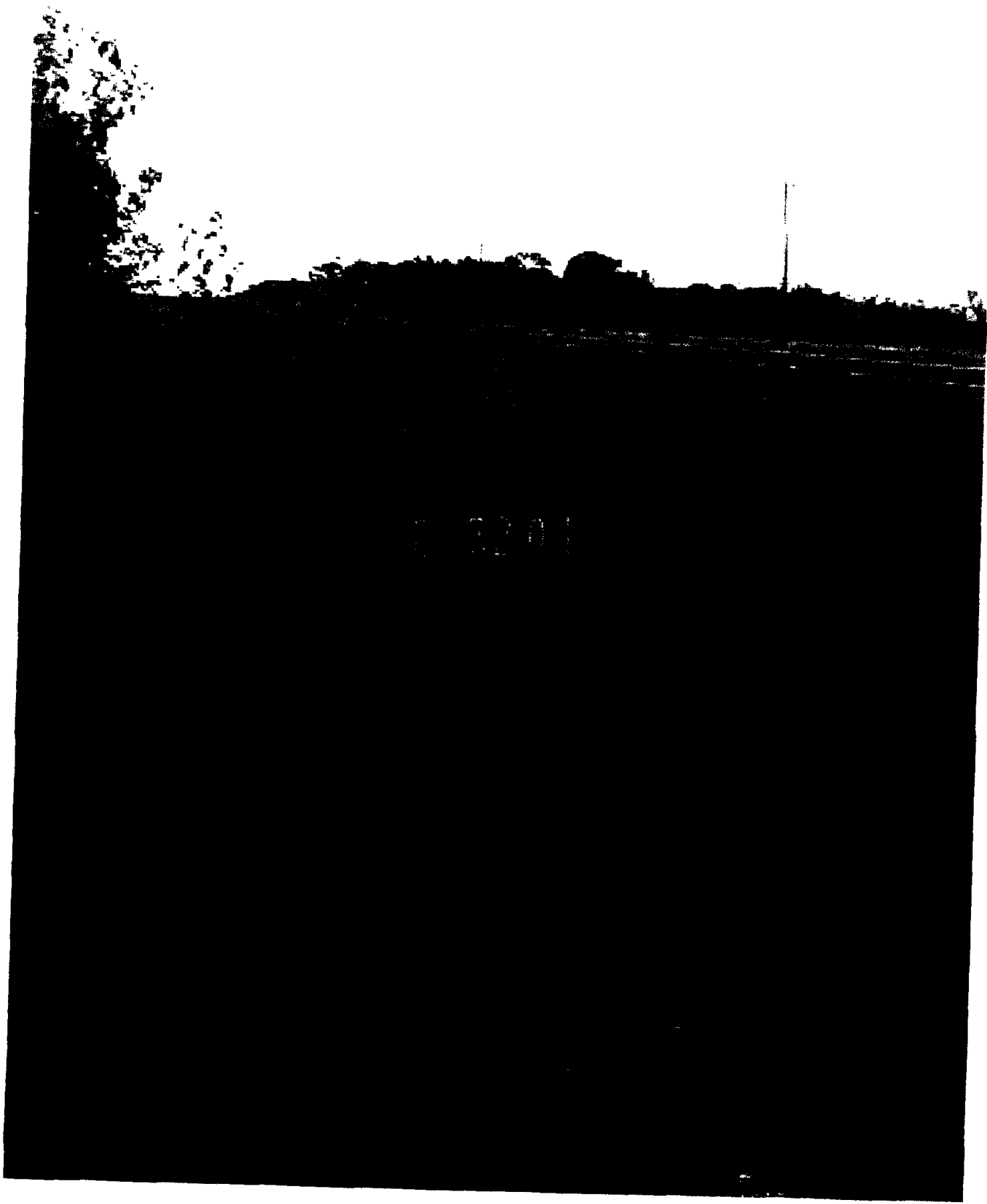
Honorable Kit Herrington
Navarro County Courthouse
300 W. 3rd Ave.
Corsicana, Texas 75110

958



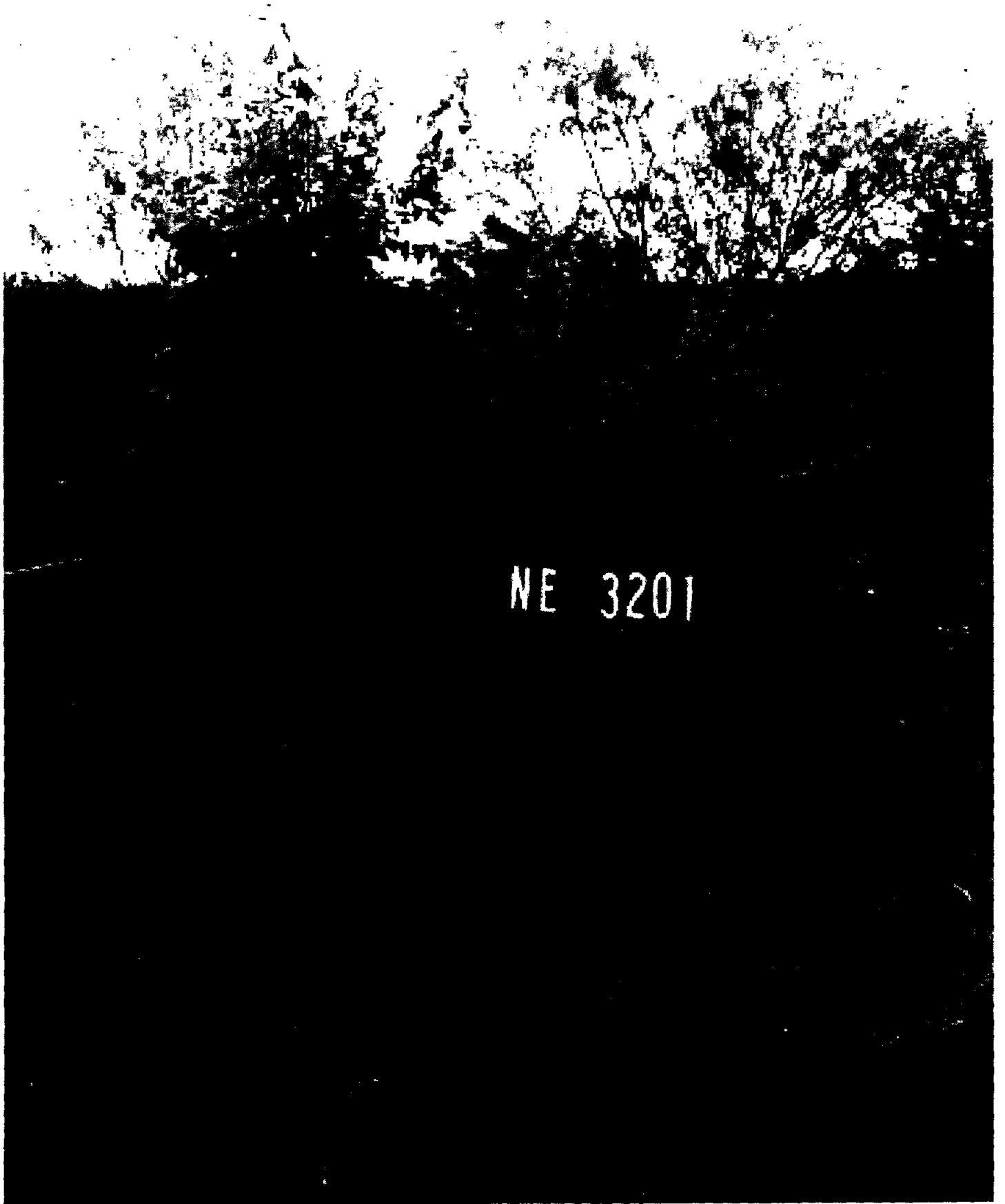
1025 2117
g
NE CR SCW

959



959

960



NE 3201

096

beginning of NE 3201

961



196

NE-3201
Looking EAST

NE-2090

462



NE 2090

NE-2090

963



NOT on index
NOT on public notice
OR grid map

NE-2090 (abandoned
years ago)
Looking NORTH

easement between two adjoining property owners. Stated a willingness to file a formal easement agreement between private parties, but does not want road to be treated as county road. This is a Jury of View matter.

- 17. Roads in Dispute:
 - NE 2090 Location: Grid 25
 - NW 1290 obie Veldman Grid 51
 - NW 1050 city H.C. Club Grid 53
 - NW 2107 out High 31. e. Thawite Grid 88
- Protesting Party: Kit Harrington


*Put PR on
off Lynn Boulevard*

Not on Public Notice
Not on index

Nature of Protest: Mr. Harrington contends that the identified roads are not in fact county roads. However, because a "claim of interest" was made by the County regarding these roads in the public notice, and in the map available for review, a Jury of View must hear evidence, and make a finding that the roads have not been maintained since a date prior to 1981 to "Omit" them now. Had they been identified prior to the public notice, we would have made no "claim of interest" in the roads, and could have omitted them from the map. Also, because these roads may have 911 addressing issues, we need to make sure that a simple "omission" does not eliminate the road identification for 911 purposes. It is suggested that the road simply be mapped as a PR road.

This is the entire list of disputes or protests received by the Court. It may well be that some of these claims can be resolved prior to the Jury of View hearing, now scheduled for June 7, 2007.

As soon as the Court has appointed the Jury of View, if you will fax a copy of the Order to me, I will notify the Jury of View members. Also, if you will have the Commissioner who is responsible for the area each of the disputed roads is within to prepare the information necessary for the Jury of View Hearing, I would be very appreciative.

Sincerely,

Bob Bass

RTB/slc
cc: Navarro County Commissioners
Enclosures

NE 20

- ① on grid map
- ② Not on index
- ③ Not on public notice
- ④ on new map
(11-1-07)
(12-2-07)

NE 2060

NE 2050

NE 31

- ① on grid map
- ② Not on index
- ③ Not on Public notice

NE 2050
NE 2070

NE 2080

NE 2090

not a county
road-
take off

per K. Herringfox

966

4/2/2007

Navarro County Road Index
Grid Map Page #

3

Comments

Road Name/Number	Grid Map Page #
NE 2025	39
NE 2025	38
NE 2030	39
NE 2030	38
NE 2035	26
NE 2035	39
NE 2035	25
NE 2035	39
NE 2040	38
NE 2050	25
NE 2050	38
NE 2050	24
NE 2060	25
NE 2060	25
NE 2060	24
NE 2064	24
NE 2065	25
NE 2065	14
NE 2070	39
NE 2070	25
NE 2071	39
NE 2071	38
NE 2075	39
NE 2075	25
NE 2080	39
NE 2080	25
NE 2100	39
NE 2110	57
NE 2110	39
NE 2110	39
NE 2120	57
NE 2120	58
NE 2120	39
NE 2125	39
NE 2135	39
NE 2140	39
NE 2140	40
NE 2140	39
NE 2140 A	39
NE 2140 A	40
NE 2160	40
NE 2160	41
NE 2160	39
NE 2170	39
NE 2170	40
NE 2170	26
NE 2180	26
NE 2190	40
NE 2200	40
NE 2210	40
NE 2220	40

NONE NE
(NO-2090)

967

25 Ranch

Trinity River



Tarrant County
Water Pipeline

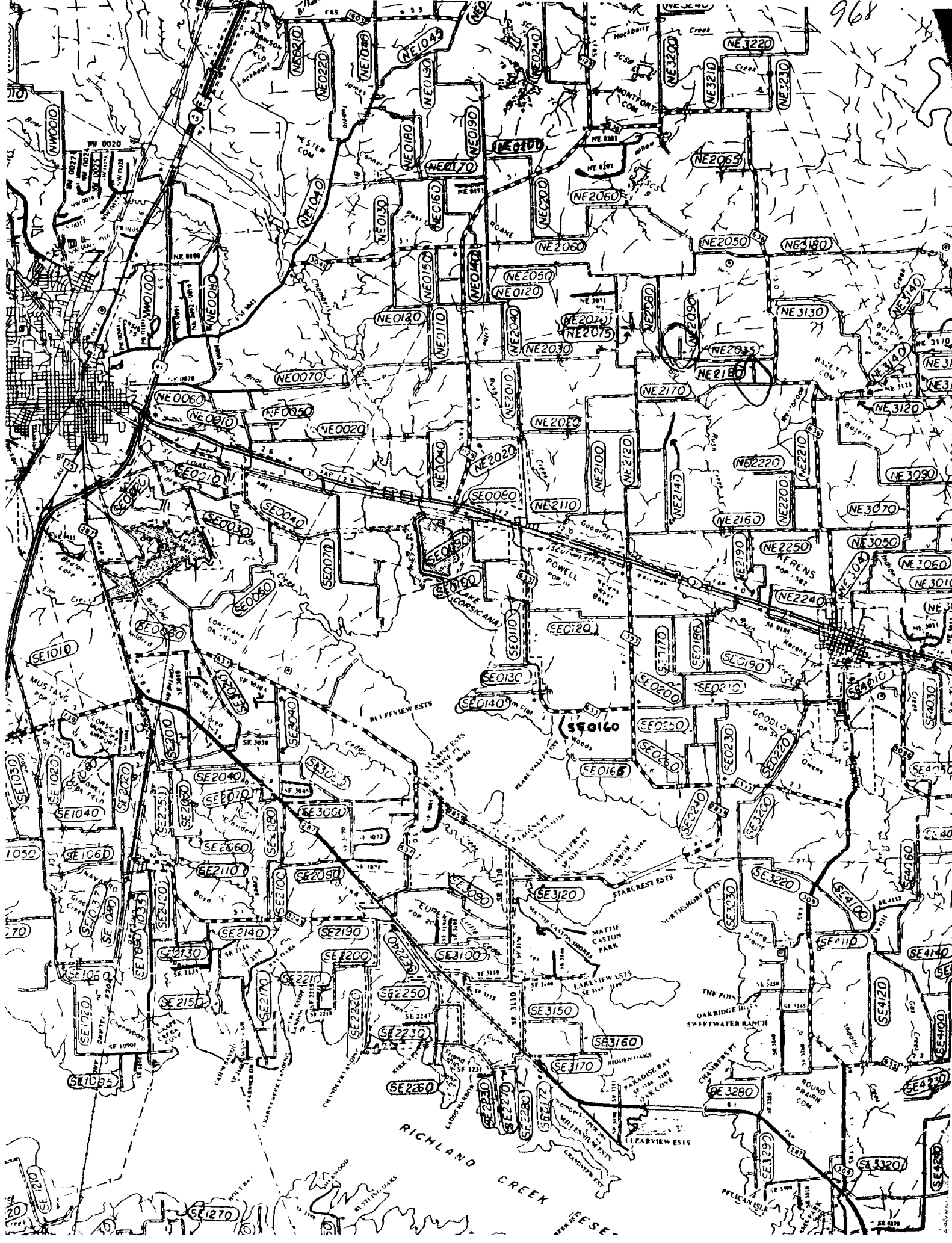
Powell

Kerens

City of Goodlow

Mildred

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SE 9990



Public Notice

Pursuant to Article 258.005(a) of the Texas Transportation Code, the Commissioners Court of Navarro County, Texas provides this notice to the public of its intention to consider the adoption of a County Road Map including each road in which the County claims the continued existence of a public interest and a right of access and egress for maintenance of an existing County Road. The roads in which the County claims a public interest have been maintained for many years, beginning some time prior to 1981. A County Road Map including each road in which the County claims a public interest will be available for inspection by the public at the County Judge's Office in the County Courthouse in Corsicana, Texas, during business hours, beginning December 1, 2006.

The Commissioners Court will conduct a public hearing on 4/5/2007, at 10:00 a.m., in the Commissioners Courtroom in the Navarro County Courthouse. At this time, pursuant to Article 258.002(b), Texas Transportation Code, any person asserting a private right, title or interest in a road may appear before the Commissioners Court to object or protest the County's claim of its right to continue maintenance of the public roads depicted on the County Road Map. Any person asserting a private right, title or interest in a road may also file a written protest with the County Judge at any time before the time and date of the scheduled public hearing. By way of this procedure, the County makes no claim affecting title, acreage, or ownership of the land, but only asserts a maintenance easement upon the surface of the land.

Black Oak Dr / SW 1094 - Oak Valley	NE 1000	NE 2071	NE 3110	NW 0007
Burr Oak Ln / SW 1095 - Oak Valley	NE 1010	NE 2075	NE 3110	NW 0008
Hamilton	NE 1020	NE 2080	NE 3120	NW 0009
/ SE 3081 - Mildred	NE 1030	NE 2080	NE 3121	NW 0010
Liberty Dr	NE 1031	NE 2100	NE 3121	NW 0011
/ SW 1090 - Oak Valley	NE 1035	NE 2110	NE 3130	NW 0012
NE 0010	NE 1036	NE 2120	NE 3140	NW 0013
NE 0020	NE 1040	NE 2125	NE 3141	NW 0014
NE 0040	NE 1041	NE 2135	NE 3150	NW 0015
NE 0050	NE 1045	NE 2140	NE 3160	NW 0016
NE 0060	NE 1050	NE 2140 A	NE 3170	NW 0017
NE 0070	NE 1055	NE 2180	NE 3170 A	NW 0018
NE 0080	NE 1060	NE 2170	NE 3170 B	NW 0020
NE 0091	NE 1070	NE 2180	NE 3180	NW 0022
NE 0092	NE 1071	NE 2190	NE 3200	NW 0024
NE 0093	NE 1080	NE 2200	NE 3201	NW 0025
NE 0084	NE 1090	NE 2210	NE 3205	NW 0026
NE 0095	NE 1090	NE 2220	NE 3210	NW 0027
NE 0100	NE 1100	NE 2240	NE 3220	NW 0028
NE 0110	NE 1110	NE 3010	NE 3240	NW 0030
NE 0120	NE 1120	NE 3011	NE 3250	NW 0040
NE 0130	NE 1130	NE 3011	NE 3251	NW 0050
NE 0150	NE 2010	NE 3012	NE 3280	NW 0060
NE 0160	NE 2020	NE 3016	NE 3270	NW 0070
NE 0170	NE 2025	NE 3020	NE 3280	NW 0080
NE 0180	NE 2030	NE 3030	NE 3300	NW 0090
NE 0190	NE 2035	NE 3040	NE 3310	NW 0100
NE 0191	NE 2040	NE 3040	NE 3320	NW 0110
NE 0200	NE 2040	NE 3050	NW 0001	NW 0120
NE 0201	NE 2050	NE 3060	NW 0002	NW 0130
NE 0202	NE 2080	NE 3070	NW 0003	NW 41 90
NE 0203	NE 2084	NE 3080	NW 0004	NW 0140
NE 0220	NE 2085	NE 3090	NW 0005	NW 0141
NE 0240	NE 2070	NE 3100	NW 0006	NW 0142
NE 0250	NE 2071	NE 3100		
NE 0260				

→ ?
NONE

This label as Private

(Two part of get all district)

easement between two adjoining property owners. Stated a willingness to file a formal easement agreement between private parties, but does not want road to be treated as county road. This is a Jury of View matter.

not on "Omit" Notice book

17. Roads in Dispute:

NE 2090 *off Lynn Boulevard* Location:
NW 1290 *obio Jeldman*
NW 1050 *city H.C. Club*
NW 2107 *out Hwy 31.*

Grid 25
Grid 51
Grid 53
Grid 88

not on Public Notice
on map -
Not on index

Protesting Party:

Kit Harrington

Nature of Protest:

Mr. Harrington contends that the identified roads are not in fact county roads. However, because a "claim of interest" was made by the County regarding these roads in the public notice, and in the map available for review, a Jury of View must hear evidence, and make a finding that the roads have not been maintained since a date prior to 1981 to "Omit" them now. Had they been identified prior to the public notice, we would have made no "claim of interest" in the roads, and could have omitted them from the map. Also, because these roads may have 911 addressing issues, we need to make sure that a simple "omission" does not eliminate the road identification for 911 purposes. It is suggested that the road simply be mapped as a PR road.

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To document
of private

Sincerely,

Bob Bass

RTB/slc

cc: Navarro County Commissioners

Enclosures

112-1111-2111
112-1111-2111
112-1111-2111
08-2-
112-1111-2111

112-1050-
112-1050-
112-1050-
112-1050-

971



- ① on grid map
- ② on index
- ③ on public notice
- ④ Not on new map.
(4-6-07)
(2-2-07)



① on map

NW 1145 ?

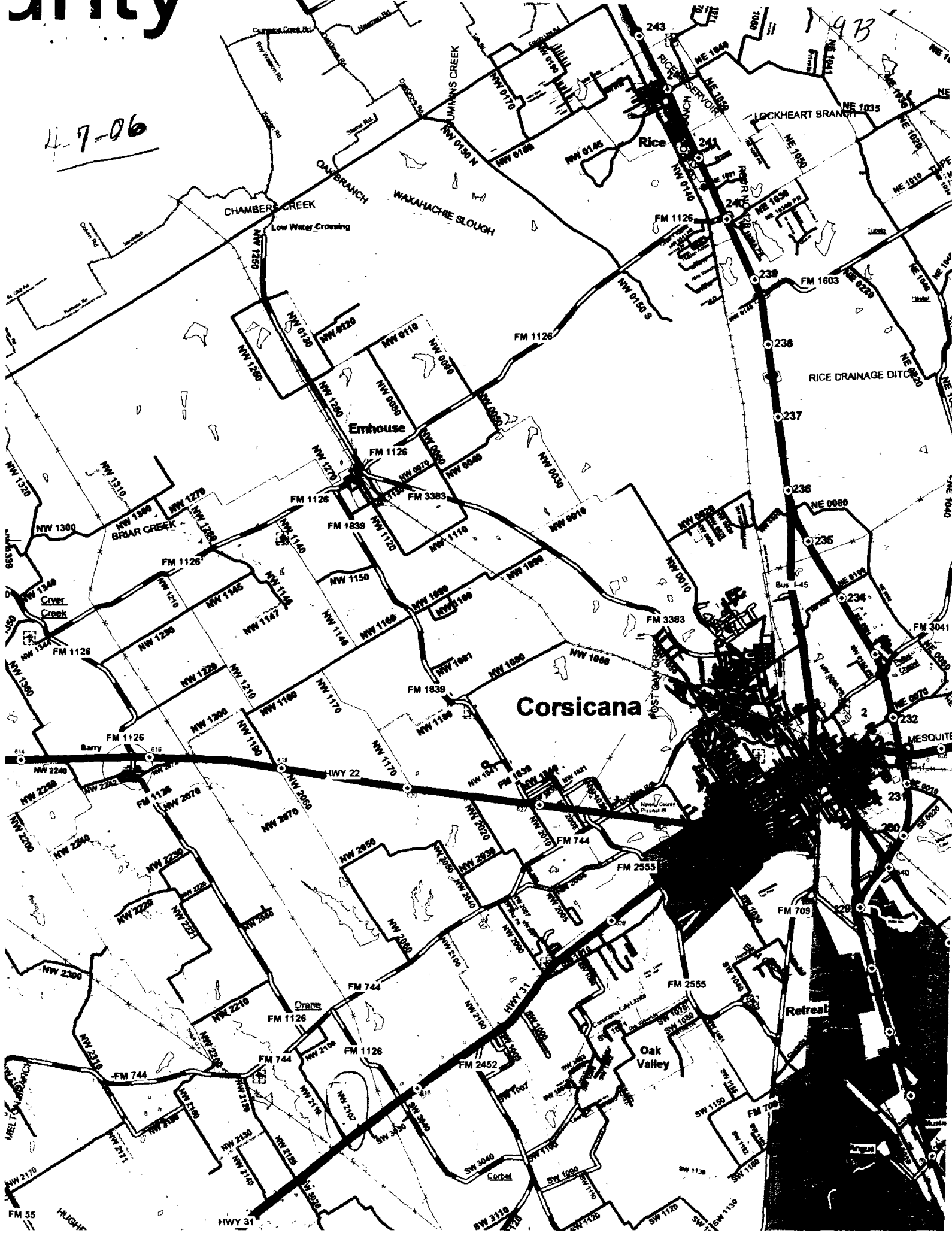
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NW 1041	52
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NW 1060	53
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NW 1090	34
NW 1100	52
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NW 1110	34
NW 1120	34
NW 1120	33
NW 1130	34
NW 1130	33
NW 1140	51
NW 1140	33
NW 1145	33
NW 1145	32
NW 1146	33
NW 1147	33
NW 1150	33
NW 1160	51
NW 1160	52
NW 1160	34
NW 1170	52
NW 1170	51
NW 1180	52
NW 1180	51
NW 1190	51
NW 1200	51
NW 1200	50
NW 1210	50
NW 1210	51
NW 1210	32
NW 1220	51
NW 1220	50
NW 1230	50
NW 1230	32
NW 1250	33
NW 1250	19
NW 1260	19
NW 1260	19
NW 1270	33
NW 1270	32
NW 1280	32
NW 1290 - take off	51 - take off
NW 1300	32

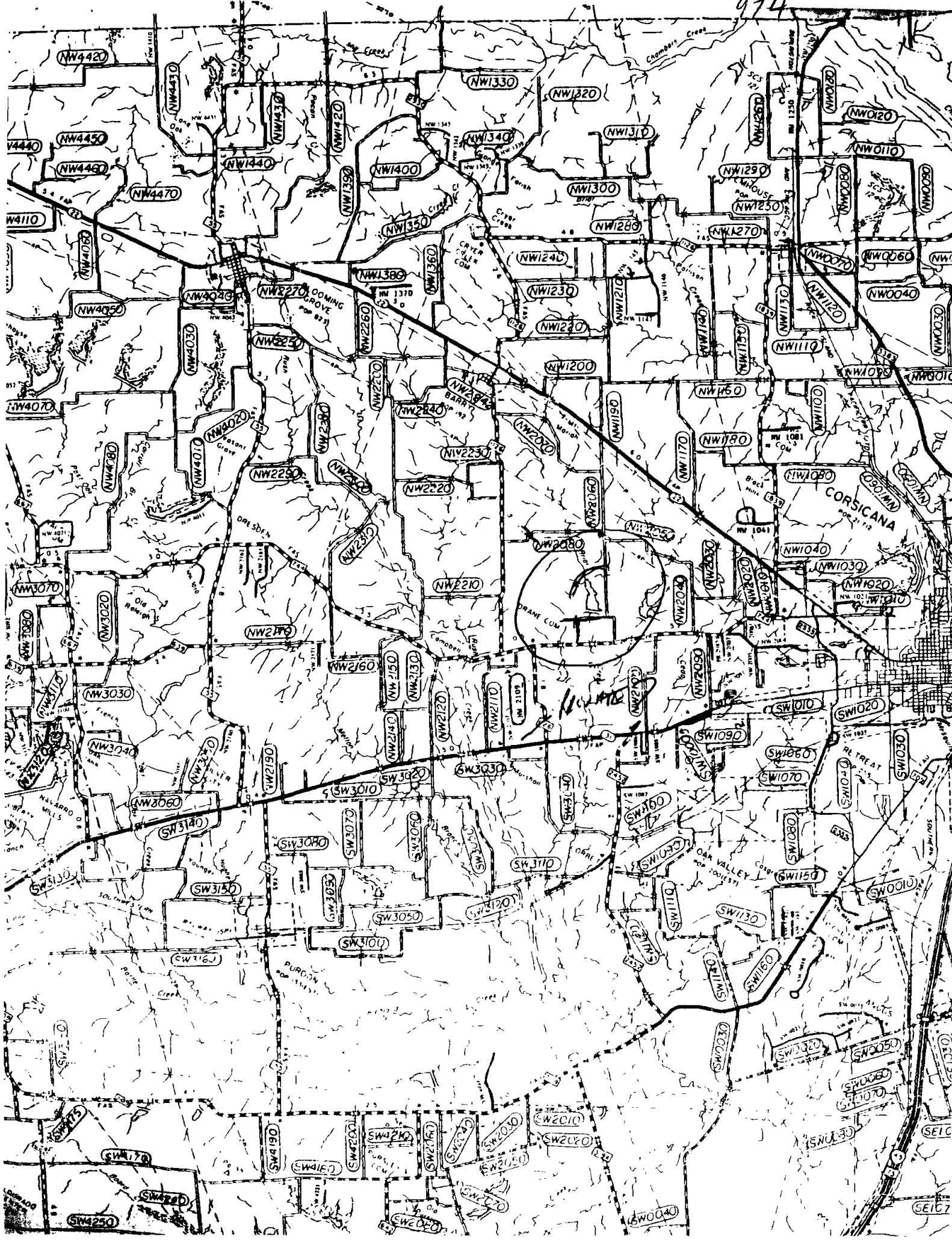
*omit from County map per
Kit Herrington 4-16-07*

ality

47-06

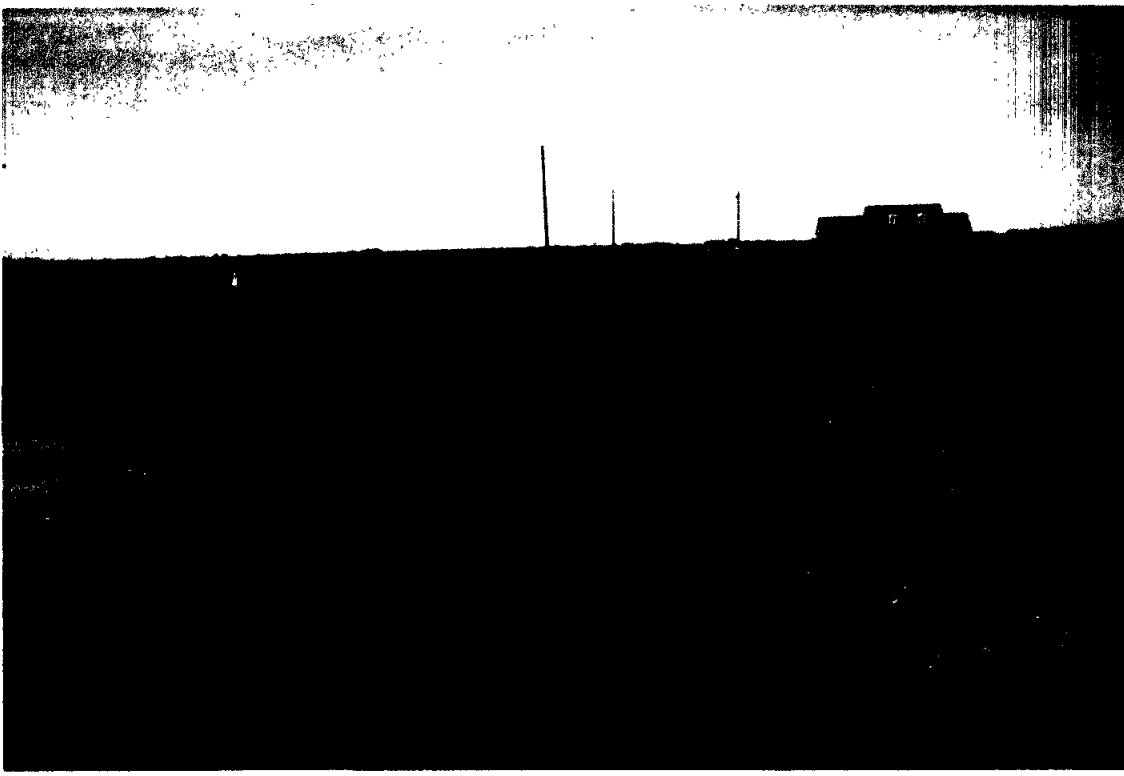
193





NW 0143	NW 1343	NW 2260	NW 3206	NW 4140
NW 0145	NW 1344	NW 2270	NW 3207	NW 4150
NW 0147	NW 1345	NW 2280	NW 3207A	NW 4160
NW 0148	NW 1347	NW 2290	NW 3208	NW 4170
NW 0149	NW 1350	NW 2300	NW 3210	NW 4180
NW 0150	NW 1360	NW 2310	NW 3220	NW 4190
NW 0160	NW 1370	NW 2340	NW 3230	NW 4194
NW 0162	NW 1380	NW 3010	NW 3240	NW 4196
NW 0170	NW 1390	NW 3020	NW 3245	NW 4197
NW 0180	NW 1400	NW 3030	NW 3246	NW 4200
NW 0190	NW 1410	NW 3040	NW 3246 A	NW 4210
NW 1010	NW 1420	NW 3050	NW 3249	NW 4220
NW 1020	NW 1430	NW 3055	NW 3250	NW 4230
NW 1021	NW 1440	NW 3060	NW 3270	NW 4240
NW 1030	NW 2004	NW 3070	NW 3280	NW 4250
NW 1040	NW 2005	NW 3080	NW 3290	NW 4260
NW 1041	NW 2006	NW 3085	NW 3300	NW 4270
NW 1050	NW 2007	NW 3090	NW 3310	NW 4280
NW 1060	NW 2008	NW 3091	NW 3316	NW 4290
NW 1080	NW 2010	NW 3092	NW 3317	NW 4300
NW 1081	NW 2017	NW 3100	NW 3318	NW 4310
NW 1090	NW 2020	NW 3108	NW 3319	NW 4320
NW 1090 B	NW 2030	NW 3110	NW 3320	NW 4330
NW 1100	NW 2040	NW 3111	NW 3321	NW 4340
NW 1110	NW 2050	NW 3112	NW 3322	NW 4350
NW 1120	NW 2060	NW 3113	NW 3323	NW 4360
NW 1130	NW 2070	NW 3114	NW 3324	NW 4370
NW 1140	NW 2072	NW 3115	NW 3325	NW 4390
NW 1145	NW 2080	NW 3116	NW 3326	NW 4400
NW 1146	NW 2080	NW 3117	NW 3328	NW 4410
NW 1147	NW 2091	NW 3118	NW 3329	NW 4420
NW 1150	NW 2100	NW 3120	NW 3330	NW 4425
NW 1160	NW 2109	NW 3121	NW 3331	NW 4430
NW 1170	NW 2110	NW 3123	NW 3380	NW 4431
NW 1180	NW 2120	NW 3125	NW 4010	NW 4440
NW 1190	NW 2130	NW 3127	NW 4011	NW 4450
NW 1200	NW 2140	NW 3130	NW 4020	NW 4460
NW 1210	NW 2150	NW 3135	NW 4021	NW 4470
NW 1220	NW 2160	NW 3137	NW 4030	Oak Valley Ln / SW 1070 - Oak Va
NW 1230	NW 2161	NW 3140	NW 4040	Pin Oak Ln / SW 1080 - Oak Valle
NW 1250	NW 2162	NW 3150	NW 4043	Post Oak Ln / SW 1072 - Oak Valle
NW 1260	NW 2170	NW 3155	NW 4043	Red Oak Ln / SW 1082 - Oak Valle
NW 1270	NW 2171	NW 3160	NW 4050	SE 0010
NW 1280	NW 2180	NW 3170	NW 4051	SE 0020
NW 1290	NW 2190	NW 3175	NW 4052	SE 0025
NW 1300	NW 2191	NW 3180	NW 4060	SE 0030
NW 1310	NW 2200	NW 3185	NW 4070	SE 0040
NW 1320	NW 2210	NW 3190	NW 4071	SE 0050
NW 1330	NW 2220	NW 3200	NW 4080	SE 0060
NW 1335	NW 2221	NW 3201	NW 4090	SE 0070
NW 1339	NW 2230	NW 3202	NW 4100	SE 0080
NW 1340	NW 2240	NW 3203	NW 4108	SE 0090
NW 1341	NW 2242	NW 3204	NW 4110	SE 090
NW 1342	NW 2250	NW 3205	NW 4130	SE 0100

976



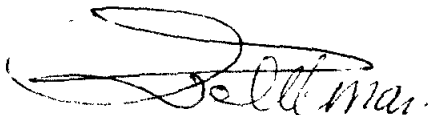
OBE VELDMAN

June 7, 2007

Navarro County Courthouse
Kit Herrington
300 W. 3rd Ave.
Corsicana, TX 75110

This letter is to state that I, Obe Veldman, and also Roy Veldman, do not oppose the closing of NWCR 1290 from the intersection of NWCR 1270 North. We do not oppose said county road becoming a private road.

Cordially,


Obe Veldman

310 N. 12th Street * Corsicana, TX 75110 * 903-875-0050 * 903-875-0045 fax

NW-1290 on grid map
on index
on public notice

abandoned
years ago

978



easement between two adjoining property owners. Stated a willingness to file a formal easement agreement between private parties, but does not want road to be treated as county road. This is a Jury of View matter.

17.	Roads in Dispute:	NE 2090	Location:	Grid 25
		NW 1290		Grid 51
		NW 1050		Grid 53
		NW 2107		Grid 88

off Lynn Boulevard
obio Jeldness
city H.C. Club
out Hwy 31.
LAUNDRY

not on "Public Notice"
not on Public Notice
on map -
not on index
not on Public Notice

Protesting Party: Kit Harrington

Nature of Protest: Mr. Harrington contends that the identified roads are not in fact county roads. However, because a "claim of interest" was made by the County regarding these roads in the public notice, and in the map available for review, a Jury of View must hear evidence, and make a finding that the roads have not been maintained since a date prior to 1981 to "Omit" them now. Had they been identified prior to the public notice, we would have made no "claim of interest" in the roads, and could have omitted them from the map. Also, because these roads may have 911 addressing issues, we need to make sure that a simple "omission" does not eliminate the road identification for 911 purposes. It is suggested that the road simply be mapped as a PR road.

PR
check it
PR
on map

This is the entire list of disputes or protests received by the Court. It may well be that some of these claims can be resolved prior to the Jury of View hearing, now scheduled for June 7, 2007.

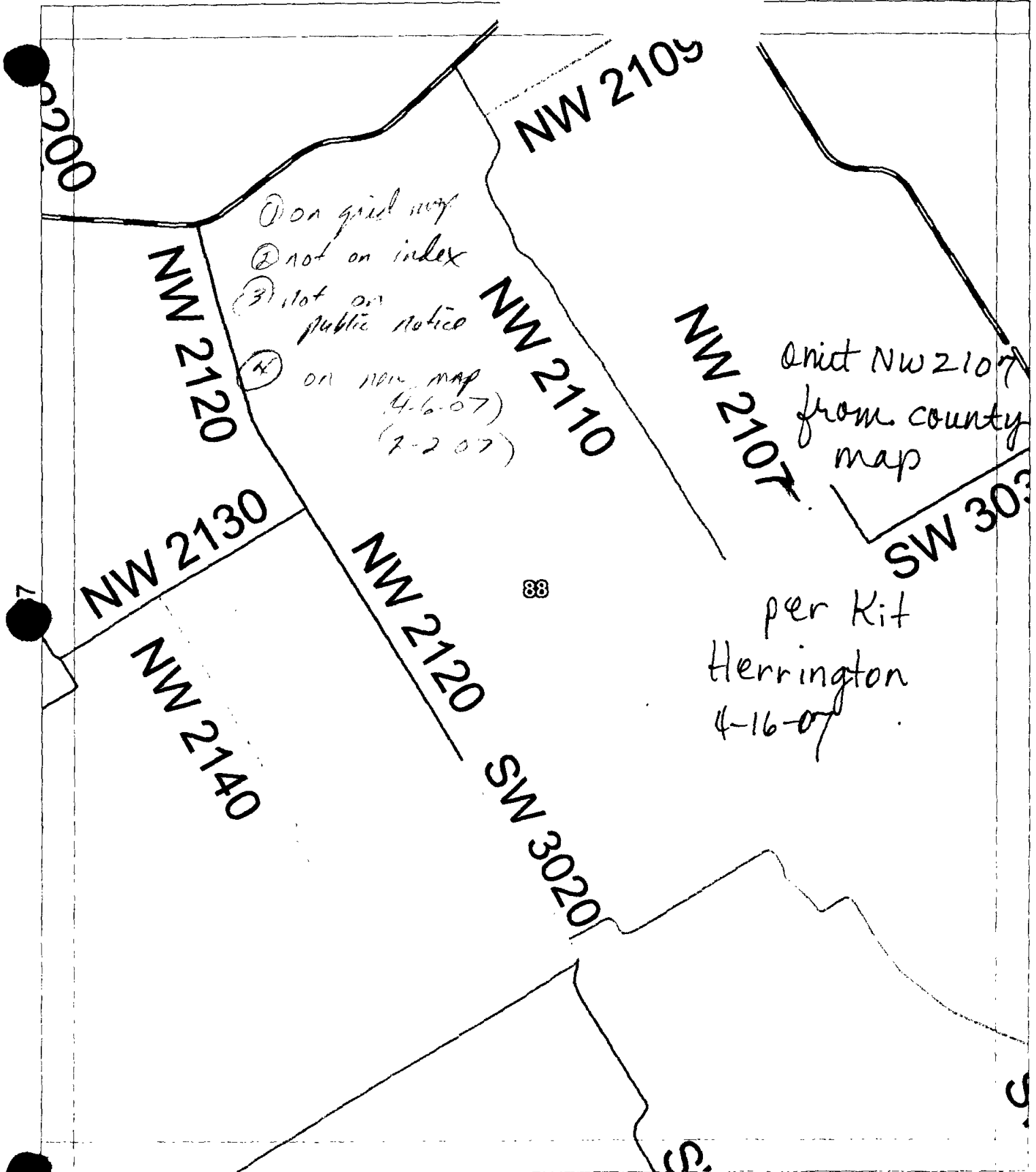
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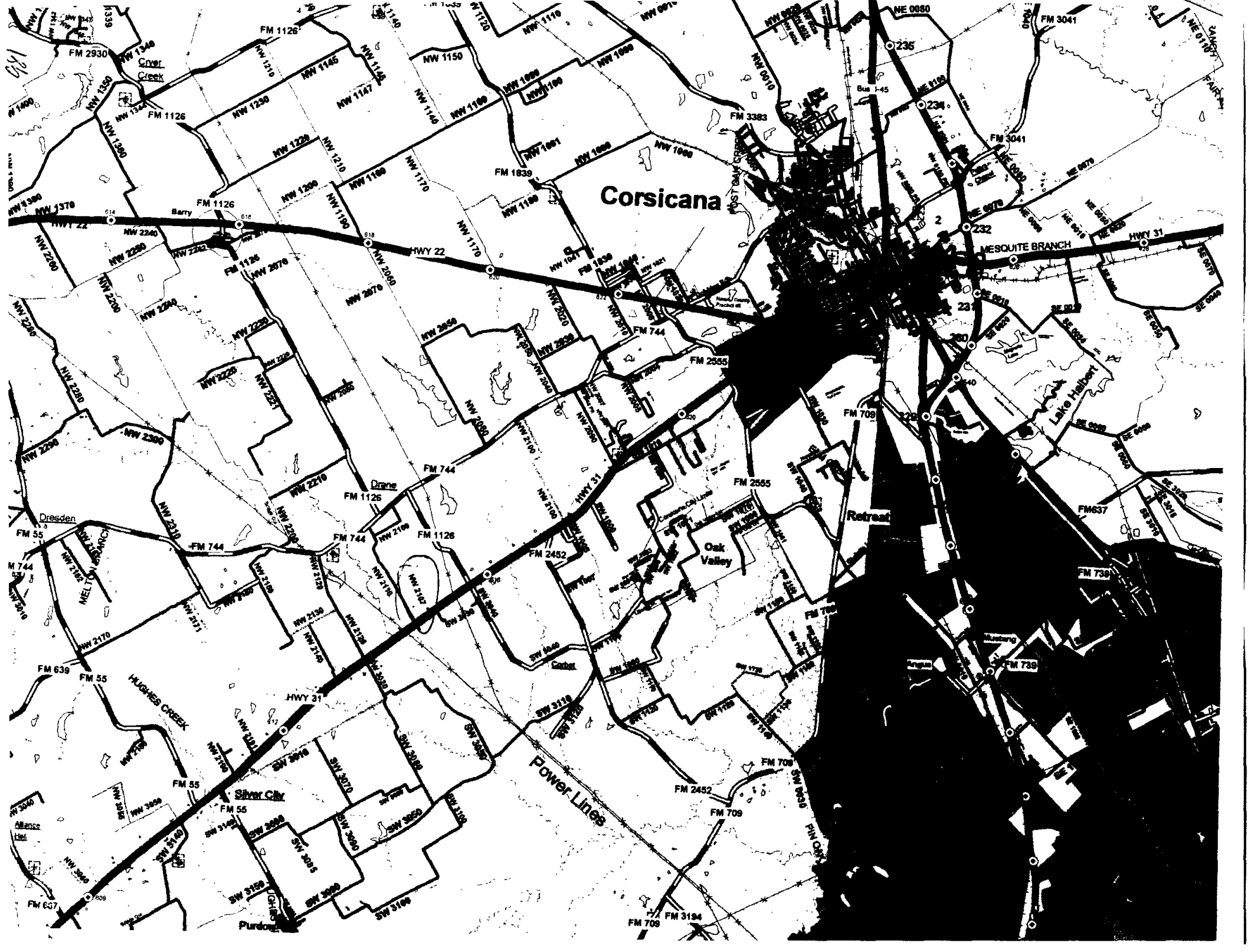
Sincerely,

Bob Bass

RTB/slc
cc: Navarro County Commissioners
Enclosures

NW-2107
on map
not on index or notice





Corsicana

MESQUITE BRANCH

Late Halbert

Retreat

Oak Valley

Power Lines

Silver City

HUGHES CREEK

Dresden

Purdum

Abilene

Carroll

Barry

Barry

Dresden

Abilene

Melton

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4/2/2007

Navarro County Road Index

Road Name/Number

Grid Map Page #

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NW 2300	67

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 SE 0090
 SE 0100

Oak Valley Ln / SW 1070 - Oak Va
 Pin Oak Ln / SW 1080 - Oak Valle'
 Post Oak Ln / SW 1072 - Oak Vaik
 Red Oak Ln / SW 1082 - Oak Vaik


easement between two adjoining property owners. Stated a willingness to file a formal easement agreement between private parties, but does not want road to be treated as county road. This is a Jury of View matter.

- 17. Roads in Dispute: NE 2090 *off Ryan Goodwin* Location: Grid 25 *Not on Public Notice*
- NW 1290 *Obie Valderrama* Grid 51
- NW 1050 *City H.C. Club* Grid 53
- NW 2107 *out Hwy 31. ROUTE* Grid 88 *on map - Not on index*
- Protesting Party: Kit Harrington



Nature of Protest: Mr. Harrington contends that the identified roads are not in fact county roads. However, because a "claim of interest" was made by the County regarding these roads in the public notice, and in the map available for review, a Jury of View must hear evidence, and make a finding that the roads have not been maintained since a date prior to 1981 to "Omit" them now. Had they been identified prior to the public notice, we would have made no "claim of interest" in the roads, and could have omitted them from the map. Also, because these roads may have 911 addressing issues, we need to make sure that a simple "omission" does not eliminate the road identification for 911 purposes. It is suggested that the road simply be mapped as a PR road.

This is the entire list of disputes or protests received by the Court. It may well be that some of these claims can be resolved prior to the Jury of View hearing, now scheduled for June 7, 2007.

As soon as the Court has appointed the Jury of View, if you will fax a copy of the Order to me, I will notify the Jury of View members. Also, if you will have the Commissioner who is responsible for the area each of the disputed roads is within to prepare the information necessary for the Jury of View Hearing, I would be very appreciative.

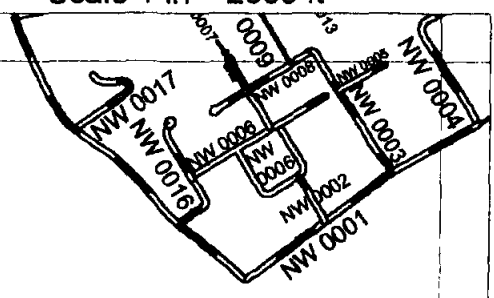
Sincerely,

Bob Bass

RTB/slc
cc: Navarro County Commissioners
Enclosures

County Maintained Roads By Su
FM Hwy  Interstate
Grid Line 

o County, Texas

Scale 1 in = 2000 ft



- ① on grid map
- ② on index
- ③ on public notice
- ④ on new map
(4-6-07)
(2-2-07)

NW 1060

NW 1050

Omit NW 1050
from county
map. per. Kit
Herrington
4-16-07

52

53

54

NW 1021

NW 1020

Dobbins Rd.

2008

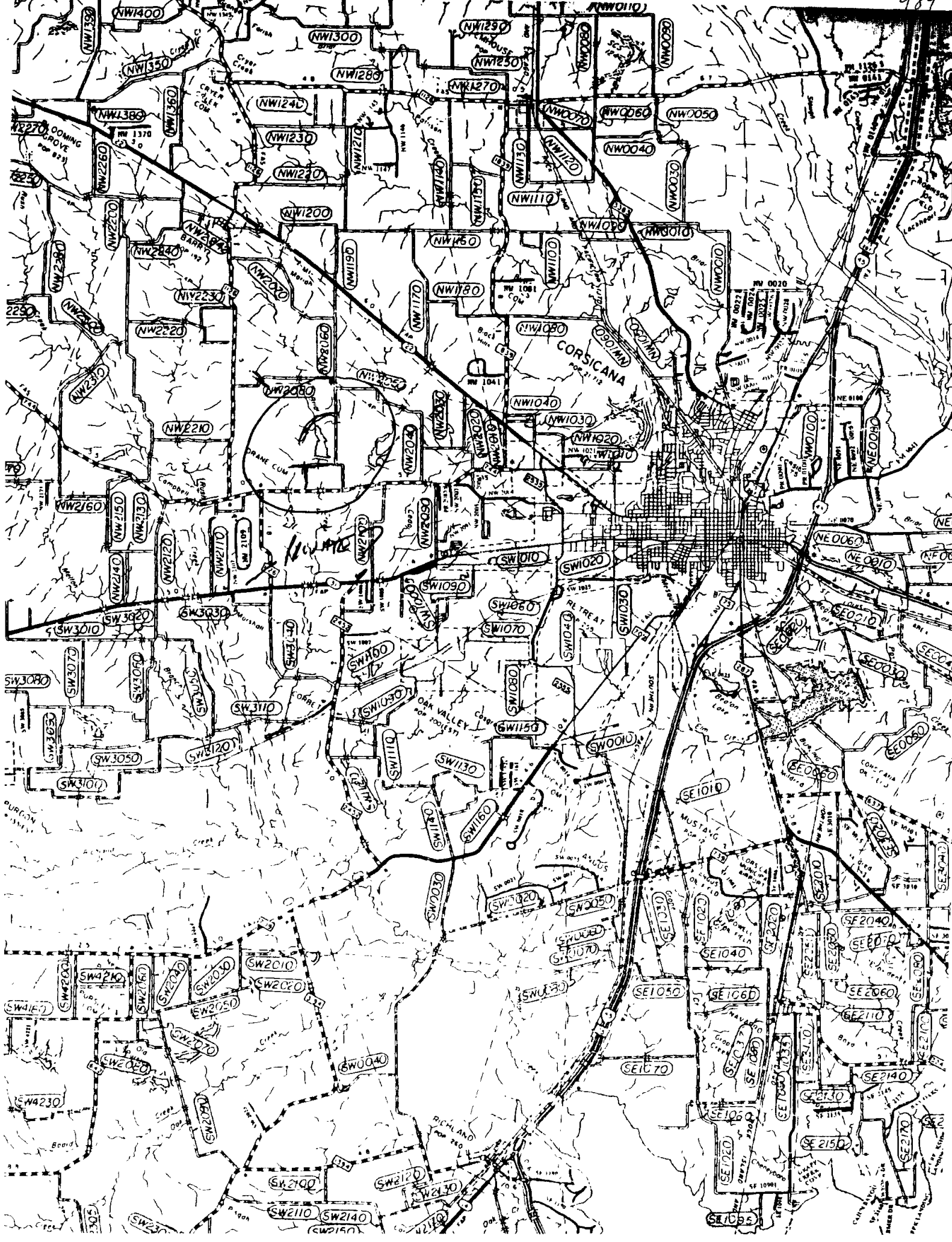
4/2/2007

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NW 1146	33
NW 1147	33
NW 1150	33
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NW 1260	19
NW 1270	33
NW 1270	32
NW 1280	32
NW 1290 - take off	51 - take off
NW 1300	32

*omit from County map per
Kit Herrington 4-16-07*





CITY OF CORSICANA, TEXAS

May 9, 2007

AKA - NW - 1050

Kit Herrington
County Commissioner
Navarro County Courthouse
300 West 3rd Avenue
Corsicana, Texas 75110

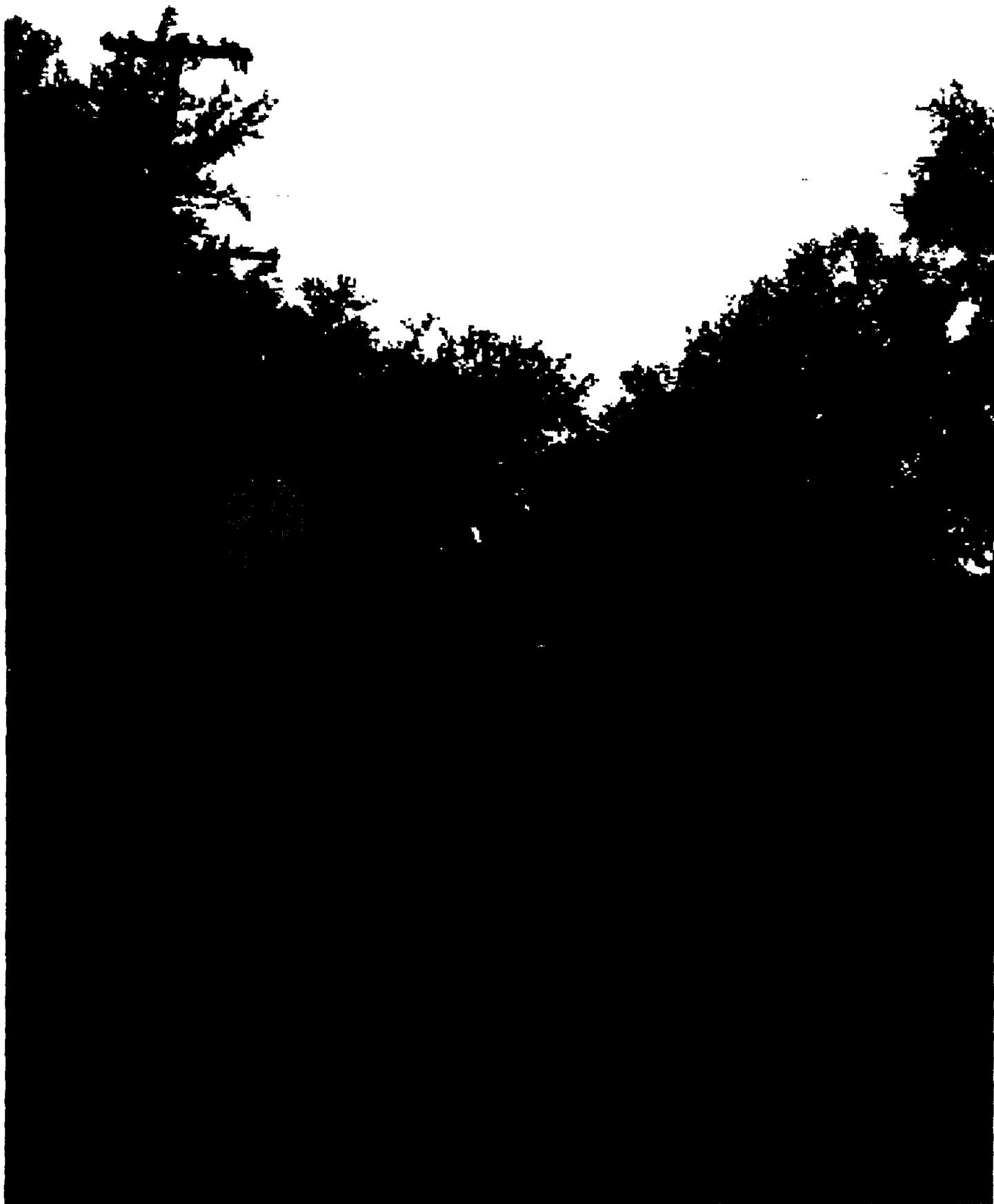
Dear Kit:

This letter is in response to our telephone conversation earlier this week. The Country Club Road from the Burlington Northern Railroad to Country Club Drive is a City street and is maintained by the City.

Sincerely,

Connie Standridge
City Manager

CS:slt



on map,
index and
notice

NW-1050 - looking south
- in city limits -