

MINUTES OF
REGULAR MEETING

December 12, 2012

STATE OF TEXAS §

COUNTY OF NUECES §

On the 12th day of December, 2012, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 2:35 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice President	Marc Teller
	Secretary	Joan Holt
	Secretary Pro-Tem	Suzette Freeman
	Director	Ed Reed
Staff:	Manager	Mark Young
	Attorney	Charles Zahn
	Finance Director	Denise Fox

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

Minutes A motion was made by Ms. Freeman and seconded by Mr. Teller to approve the minutes for the September 26th, 2012 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

Wastewater Treatment Plant Blower Room Mr. Young presented the bid for the Waste Water Treatment Plant Blower Room improvements. . After discussion, Mr. Teller made a motion to accept the bid from CSA Construction at a cost of \$155,800.00. Ms. Freeman seconded the motion and it carried unanimously.

City of Aransas Pass A motion was made by Mr. Teller to proceed to dis-annex Bay Harbor, Conn Brown Harbor and Steadman Island and allow us to enter into an interlocal agreement to serve Bay Harbor, Conn Brown Harbor and Steadman Island.

Effluent Use Agreement A motion was made by Ms. Freeman to authorize staff to commit in writing to Koontz, McCombs, LLC to advise them that the board is willing to provide effluent, subject to the agreement being acceptable to both parties. Mr. Teller seconded the motion and it carried unanimously.

Public Hearing A motion was duly made by Ms. Freeman and seconded by Mr. Teller to recess the meeting and reconvene in a Public Hearing for consideration of the following petition to add land to the District:

Irene Cochran – 4 tracts at Sunrise Shores

ORDER GRANTING PETITION FOR ANNEXATION OF REAL PROPERTY
INTO THE NUECES COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 4

Came on to be heard on this the 12th day of December, 2012 the Petition For Annexation of Real Property Into the Nueces County Water Control and Improvement District No. 4 (the "District") filed by the North End Realty Trust, seeking to add the land described on Exhibit "A" attached hereto and incorporated herein as-if set forth in full, into and making said land a part of the District. After notice and hearing the Board of Directors finds as follows:

1. The North End Realty Trust (the "Petitioner") is a trust created under the laws of the Commonwealth of Massachusetts. The Trust owns the real property described on Exhibit "A".
2. The real property described on Exhibit "A" is located within the boundaries of the District and within the area set forth in the Certificate of Convenience and Necessity issued by the Texas Water Commission (the "CNN") to the District. The CNN authorizes the District to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN.
3. The land Petitioner is seeking to be annexed into the District is within the territorial boundaries of the City of Corpus Christi but because the land is within the CNN of the District and the CNN provides that the District is to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN, including the lands owned by the Petitioner, the Petitioner is not required to obtain the consent of any incorporated city, town, including the City of Corpus Christi, Texas.
4. Petitioner has certified that no person or entity owns or holds a lien or encumbrance upon the land described in Exhibit "A", or, in the event there is a lien or encumbrance upon said land that this petition is joined in and executed by any such lien holder to evidence his, her, or its consent to the annexation requested herein.
5. That upon careful review and evaluation, it is hereby determined by the Board of Directors that the potential benefits of the proposed annexation as provided herein are likely to outweigh the potential detriments.
6. That the Petitioner has agreed that to bear its pro rata share of all indebtedness or taxes which may be owed, contracted or authorized by the District. That in the event of the granting of this annexation, Petitioner hereby agrees to assume its share of the voted but unissued bonds of the District payable in whole or in part from taxes, and the District is hereby authorized to levy a tax for such amount(s) on such property in each year while any indebtedness of the District payable in whole or in part from taxation is outstanding.
7. That the Petitioner has agreed that from and after the granting of its request for annexation of the real property described on Exhibit "A" that said property will be subject to the usual and customary rules, regulations, rates and tariffs imposed real property lying within the boundaries of the District.
8. That the District has the ability to provide a fresh supply of potable water to the real property described on Exhibit "A" and to collect, transport and treat wastewater from said tract without adversely affecting the District's ability to provide these services to its existing customers.

9. That based on the above and foregoing it is the opinion of the Board of Directors that the annexation of the real property described on Exhibit "A" is in the best interest of the District and the land to grant the Petitioner's Petition for Annexation.

RESOLUTIONS

NOW, THEREFORE, based upon all of the foregoing findings, it is hereby:

1. RESOLVED, that Petitioner's Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 substantially complies in form and content with the Constitution and laws of the State of Texas; and it is further
2. RESOLVED, that the proposed annexation described in said Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 is hereby deemed to be in the overall public interest; and it is further
3. RESOLVED, that the proposed annexation as described in said Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 is hereby approved by the Board of Directors of the Nueces County Water Control and Improvement District No. 4 .


ORDER

IT IS HEREBY ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4, notice of public hearing, written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, be filed in the Office of the County Clerk of Nueces County, Texas and that from and after the filing of this Order the real property described on Exhibit "A" attached hereto shall and is added to and shall become a part of the Nueces County Water Control and Improvement District No. 4. It is FURTHER ORDERED that from and after the date of the filing of this Order in the Office of the County Clerk of Nueces County, Texas the real property described in Exhibit "A" shall be, and is subject to the usual and customary rules, regulations, fees and tariffs uniformly applied to properties lying within the boundaries of the Nueces County Water Control and Improvement District No. 4, which rules, regulations, fees and tariffs shall be deemed to be covenants running with the real property being annexed herein.

SIGNED and ORDERED this the 12th day of December, 2012.

**NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4**

By

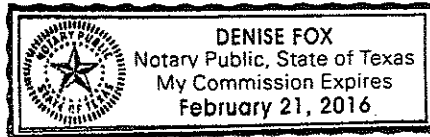

Russell Miget, its President

ACKNOWLEDGMENT

This instrument was acknowledged this the 12th day of December, 2012, by Russell Miget, President of the Nueces County Water Control and Improvement District No. 4, a water control and improvement district and political subdivision of the State of Texas, on behalf of said water control and improvement district.



NOTARY PUBLIC – STATE OF TEXAS



PREPARED IN THE LAW OFFICE OF:

Charles W. Zahn, Jr.
Attorney at Law
P.O. Box 941
Port Aransas, Texas 78373

After recording return to:

✓ Nueces County Water Control
& Improvement District No. 4
315 South 9th Street
Port Aransas, Texas
Attn: Mr. Mark Young
Its Manager

EXHIBIT "A"

A 12.909 acre tract of land, more or less, being out of a 25.838 acre tract of land out of the J.W. Waterbury Survey 596, Abstract No. 408, Land Script 167, a description of which is recorded in Volume 1690, Page 392, Deed Records, Nueces County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, Deed Records, Nueces County, Texas, for the southwest corner of said 25.838 acre tract and the southwest corner of this tract, same being the northwest corner of Admirals Row Condominium, a map of which is recorded in Volume 22, Page 225, Condominium Records, Nueces County, Texas, from which point a 5/8 inch iron rod found for a corner of said Admirals Row Condominium, bears South 30° 18' 20" West, a distance of 50.01 feet;

Thence, North 38° 18' 20" East, along the common boundary line of said Park Road 53 and said 25.838 acre tract, a distance of 325.055 feet to a point for the southwest corner of said 12.930 acre tract and the northwest corner of this tract;

Thence, South 58° 22' 00" East, along the south boundary line of said 12.930 acre tract, a distance of 1731.75 feet to a point on the east boundary line of said J.W. Waterbury Survey 596, for the northeast corner of this tract;

Thence South 30° 48' 00" West, along the said east boundary line of the J.W. Waterbury Survey 596, a distance of 325.00 feet to a point for the southeast corner of this tract;

Thence North 58° 22' 00" West, at 328.94 feet pass a 5/8 inch iron rod set for the northeast corner of said Admirals Row Condominium, at 1728.48 feet pass a 5/8 inch iron rod found 0.10 feet to the right, in all a distance of 1,728.94 feet to the "POINT OF BEGINNING" and containing 12.909 acres (562,305.52 sq. ft.) of land, more or less.

The bearings are based on the deed recorded in Volume 16, Page 392, Deed Records, Nueces County, Texas. SAVE AND EXCEPT LOSS OF LAND BASED ON M.H.W. ELEVATION AS APPROVED BY GENERAL LAND OFFICE BY LETTER DATED NOVEMBER 23, 1998.

**PETITION FOR ANNEXATION OF REAL PROPERTY INTO THE NUECES
COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

KNOW ALL MEN BY THESE PRESENTS:

**TO THE BOARD OF DIRECTORS OF THE NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4**

That the NORTH END REALTY TRUST, a trust created pursuant to the laws of the Commonwealth of Massachusetts, (herein PETITIONER), whose address is in care of Abacus Realty, P.O. Box 400, Apalachicola, Florida 32329-0400, is the owner of the tract or parcel of land in Nueces County, Texas described on Exhibit "A" attached hereto and incorporated herein as-if set forth in full.

Petitioner hereby petitions for said land to be added to and become a part of the NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4, a water control and improvement district and body politic existing by virtue of the constitution and the laws of the State of Texas, whose address is 315 South 9th Street, Port Aransas, Nueces County, Texas 78373 (hereinafter referred to as the "District") for all purposes and to bear its pro rata share of all indebtedness or taxes which may be owed, contracted or authorized by the District. In the event of annexation, Petitioner hereby agrees to assume its share of the voted but unissued bonds of the District payable in whole or in part from taxes, and the District is hereby authorized to levy a tax for such amount(s) on such property in each year while any indebtedness of the District payable in whole or in part from taxation is outstanding.

Petitioner hereby certifies that said land is located within the area set forth in the Certificate of Convenience and Necessity issued by the Texas Water Commission (the "CNN") to the District. The CNN authorizes the District to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN. The land Petitioner is seeking to be annexed into the District is within the territorial boundaries of the City of Corpus Christi but because the land is within the CNN of the District and the CNN provides that the District is to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN, including the lands owned by the Petitioner, the Petitioner is not required to obtain the consent of any incorporated city, town, including the City of Corpus Christi, Texas.

Petition hereby certifies that no person or entity owns or holds a lien or encumbrance upon the said land, or, in the event there is a lien or encumbrance upon said land that this petition is joined in and executed by any such lien holder to evidence his, her, or its consent to the annexation requested herein.

Petitioner hereby agrees to provide to the District, at Petitioner's sole expense, an abstract of title, title search, or title commitment from a title insurance company acceptable to the District which demonstrates that Petitioner owns the land requested to be annexed by this petition, as well as any liens or encumbrances thereon, but only if the District requests such abstract of judgment.

Petitioner agrees to execute any and all documents as may be required by the District in the event this petition is granted, and that said obligation as well as those undertaken herein, shall run with the land and shall be binding upon Petitioner, its successors and assigns forever.

PETITIONER IN WITNESS THEREOF, said Petitioner has duly executed this Petition on the 12 day of December, 2012.

THE NORTH END REALTY TRUST

By Irene F. Cochran, Trustee

Irene F. Cochran, Trustee

ACKNOWLEDGMENT

THE STATE OF OREGON

§

THE COUNTY OF JACKSON

§

This instrument was acknowledged this the 12 day of December, 2012 by Irene F. Cochran, Trustee for the North End Realty Trust, a Commonwealth of Massachusetts Trust, on behalf of said trust.

Tyler J. Sesock
NOTARY PUBLIC - STATE OF OREGON

PREPARED IN THE LAW OFFICE OF:

Charles W. Zahn, Jr.
Attorney at Law
P.O. Box 941
Port Aransas, Texas 78373



After recording return to:

Nueces County Water Control
& Improvement District No. 4
315 South 9th Street
Port Aransas, Texas
Attn: Mr. Mark Young
Its Manager

EXHIBIT "A"

A 12.909 acre tract of land, more or less, being out of a 25.838 acre tract of land out of the J.W. Waterbury Survey 596, Abstract No. 408, Land Script 167, a description of which is recorded in Volume 1690, Page 392, Deed Records, Nueces County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, Deed Records, Nueces County, Texas, for the southwest corner of said 25.838 acre tract and the southwest corner of this tract, same being the northwest corner of Admirals Row Condominium, a map of which is recorded in Volume 22, Page 225, Condominium Records, Nueces County, Texas, from which point a 5/8 inch iron rod found for a corner of said Admirals Row Condominium, bears South 30° 18' 20" West, a distance of 50.01 feet;

Thence, North 38° 18' 20" East, along the common boundary line of said Park Road 53 and said 25.838 acre tract, a distance of 325.055 feet to a point for the southwest corner of said 12.930 acre tract and the northwest corner of this tract;

Thence, South 58° 22' 00" East, along the south boundary line of said 12.930 acre tract, a distance of 1731.75 feet to a point on the east boundary line of said J.W. Waterbury Survey 596, for the northeast corner of this tract;

Thence South 30° 48' 00" West, along the said east boundary line of the J.W. Waterbury Survey 596, a distance of 325.00 feet to a point for the southeast corner of this tract;

Thence North 58° 22' 00" West, at 328.94 feet pass a 5/8 inch iron rod set for the northeast corner of said Admirals Row Condominium, at 1728.48 feet pass a 5/8 inch iron rod found 0.10 feet to the right, in all a distance of 1,728.94 feet to the "POINT OF BEGINNING" and containing 12.909 acres (562,305.52 sq. ft.) of land, more or less.

The bearings are based on the deed recorded in Volume 16, Page 392, Deed Records, Nueces County, Texas. SAVE AND EXCEPT LOSS OF LAND BASED ON M.H.W. ELEVATION AS APPROVED BY GENERAL LAND OFFICE BY LETTER DATED NOVEMBER 23, 1998.

ORDER GRANTING PETITION FOR ANNEXATION OF REAL PROPERTY
INTO THE NUECES COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 4

Came on to be heard on this the 12th day of December, 2012 the Petition For Annexation of Real Property Into the Nueces County Water Control and Improvement District No. 4 (the "District") filed by the Gulf Realty Trust, seeking to add the land described on Exhibit "A" attached hereto and incorporated herein as-if set forth in full, into and making said land a part of the District. After notice and hearing the Board of Directors finds as follows:

1. The Gulf Realty Trust (the "Petitioner") is a trust created under the laws of the State of Florida. The Trust owns the real property described on Exhibit "A".
2. The real property described on Exhibit "A" is located within the boundaries of the District and within the area set forth in the Certificate of Convenience and Necessity issued by the Texas Water Commission (the "CNN") to the District. The CNN authorizes the District to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN.
3. The land Petitioner is seeking to be annexed into the District is within the territorial boundaries of the City of Corpus Christi but because the land is within the CNN of the District and the CNN provides that the District is to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN, including the lands owned by the Petitioner, the Petitioner is not required to obtain the consent of any incorporated city, town, including the City of Corpus Christi, Texas.
4. Petitioner has certified that no person or entity owns or holds a lien or encumbrance upon the land described in Exhibit "A", or, in the event there is a lien or encumbrance upon said land that this petition is joined in and executed by any such lien holder to evidence his, her, or its consent to the annexation requested herein.
5. That upon careful review and evaluation, it is hereby determined by the Board of Directors that the potential benefits of the proposed annexation as provided herein are likely to outweigh the potential detriments.
6. That the Petitioner has agreed that to bear its pro rata share of all indebtedness or taxes which may be owed, contracted or authorized by the District. That in the event of the granting of this annexation, Petitioner hereby agrees to assume its share of the voted but unissued bonds of the District payable in whole or in part from taxes, and the District is hereby authorized to levy a tax for such amount(s) on such property in each year while any indebtedness of the District payable in whole or in part from taxation is outstanding.
7. That the Petitioner has agreed that from and after the granting of its request for annexation of the real property described on Exhibit "A" that said property will be subject to the usual and customary rules, regulations, rates and tariffs imposed real property lying within the boundaries of the District.
8. That the District has the ability to provide a fresh supply of potable water to the real property described on Exhibit "A" and to collect, transport and treat wastewater from said tract without adversely affecting the District's ability to provide these services to its existing customers.

9. That based on the above and foregoing it is the opinion of the Board of Directors that the annexation of the real property described on Exhibit "A" is in the best interest of the District and the land to grant the Petitioner's Petition for Annexation.

RESOLUTIONS

NOW, THEREFORE, based upon all of the foregoing findings, it is hereby:

1. RESOLVED, that Petitioner's Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 substantially complies in form and content with the Constitution and laws of the State of Texas; and it is further
2. RESOLVED, that the proposed annexation described in said Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 is hereby deemed to be in the overall public interest; and it is further
3. RESOLVED, that the proposed annexation as described in said Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 is hereby approved by the Board of Directors of the Nueces County Water Control and Improvement District No. 4 .

ORDER

IT IS HEREBY ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4, notice of public hearing, written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, be filed in the Office of the County Clerk of Nueces County, Texas and that from and after the filing of this Order the real property described on Exhibit "A" attached hereto shall and is added to and shall become a part of the Nueces County Water Control and Improvement District No. 4. It is FURTHER ORDERED that from and after the date of the filing of this Order in the Office of the County Clerk of Nueces County, Texas the real property described in Exhibit "A" shall be, and is subject to the usual and customary rules, regulations, fees and tariffs uniformly applied to properties lying within the boundaries of the Nueces County Water Control and Improvement District No. 4, which rules, regulations, fees and tariffs shall be deemed to be covenants running with the real property being annexed herein.

SIGNED and ORDERED this the 12th day of December, 2012.

**NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4**

By

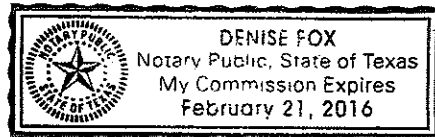

Russell Miget, its President

ACKNOWLEDGMENT

This instrument was acknowledged this the 12th day of December, 2012, by Russell Miget, President of the Nueces County Water Control and Improvement District No. 4, a water control and improvement district and political subdivision of the State of Texas, on behalf of said water control and improvement district.



NOTARY PUBLIC – STATE OF TEXAS



PREPARED IN THE LAW OFFICE OF:

Charles W. Zahn, Jr.
Attorney at Law
P.O. Box 941
Port Aransas, Texas 78373

After recording return to:

✓ Nueces County Water Control
& Improvement District No. 4
315 South 9th Street
Port Aransas, Texas
Attn: Mr. Mark Young
Its Manager

EXHIBIT A
LEGAL DESCRIPTION OF LAND

GF No. 04754509

Fieldnote description for a 12.930 acre tract of land, more or less, a description of which is recorded in Volume 2065, Page 54, of the Deed Records of Nueces County, Texas, being out of a 25.838 acre tract of land which is out of the J.W. Waterbury Survey 596, Abstract No. 408. Land script 167, a description of which is recorded in Volume 1690, Page 392, of the Deed Records of Nueces County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, of the Deed Records of Nueces County, Texas, for the northwest corner of this tract, same being the southwest corner of Lot 7, Block 1, Sunrise Shores, a map of which is recorded in Volume 46, Pages 81 and 82 of the Map Records of Nueces County, Texas, from which point a 5/8 inch iron rod found for the common west lot corner of Lot 2 and Lot 3, of said Sunrise Shores, bears North 30°18'20" East, a distance of 391.88 feet,

Thence, South 58°22'00" East, along the south boundary line of said Lot 7, Sunrise Shores, at 0.45 feet pass a 5/8 inch iron rod found 0.28 feet to the left, at 1134.94 feet pass a 5/8 inch iron rod found for a reference point for said Sunrise Shores, at 1,665.91 feet pass the southeast corner of aforementioned Lot 7, Sunrise Shores, in all a distance of 1734.55 feet to a point on the east boundary line of said J.W. Waterbury Survey 596, for the northeast corner of this tract;

Thence, South 30 48'00" West, along the said east boundary line of the J.W. Waterbury Survey 596, a distance of 325.00 feet to a point for the southeast corner of this tract:

Thence, North 58°22'00" West, a distance of 1731.75 feet to a point on the east boundary line of said Park Road No. 53 for the southwest corner of this tract;

Thence, North 30°18'20" East, along the said east right-of-way line of Park Road No. 53. a distance of 325.055 feet to the "Point of Beginning" and containing 12.930 acres (563,215.05 Sq. Ft.) of land, more or less. SAVE AND EXCEPT that 3.500 acre tract of land conveyed to the City of Corpus Christi, under Document No. 1999012218, Official Public Records of Nueces County, Texas, further described by metes and bounds as follows:

Fieldnote description for a 3.500 acre tract of land out of a 12.930 acre tract, a description of which is recorded in Volume 2065, Page 54, of the Deed Records of Nueces County, Texas, being out of a 25.838 acre tract of land which is out of the J.W. Waterbury Survey 596, Abstract No. 408, Land Scrip 167, a description of which is recorded in Volume 1690, Page 392, of the Deed Records of Nueces County, Texas, and being more

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particularly described by metes and bounds as follows:

Beginning at a 5/8 inch iron rod set on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, of the Deed Records of Nueces County, Texas, for the northwest corner of this tract, same being the southwest corner of Lot 7, Block 1, Sunrise Shores, a map of which is recorded in Volume 46, Pages 81 and 82 of the Map Records of Nueces County, Texas, from which point a 5/8 inch iron rod found for the northwest corner of said Sunrise Shores, bears North 30°18'20" East, a distance of 501.65 feet, and a 1 inch iron pipe found for the intersection of the said east right-of-way line of Park Road No. 53 and the common boundary line of Survey 595, Land Scrip 56 and Survey 596, Land Scrip 167 bears North 30°18'20" East, a distance of 1750.73 feet:

Thence, South 58°22'00" East, along the south boundary line of said Lot 7, Sunrise Shores, at 0.45 feet pass a 5/8 inch iron rod found on line, at 1134.95 feet pass a 5/8 inch iron rod found on line for a reference point for said Sunrise Shores, at 1,435.38 feet pass a 5/8 inch iron rod set on line, in all a distance of 1,585.38 feet to a point on the shoreline boundary of this tract being the Mean High Water found to be at Elevation 0.92 feet NAVD88 October 26, 1998 and approved by the General Land Office by letter dated November 23, 1998 and map filed as Nueces County Rolled Sketch No. 128, which shoreline boundary is a constantly changing boundary due to nature, for the northeast corner of this tract;

Thence, South 30°43'42" West, along the said shoreline boundary, a distance of 110.01 feet to a point for the southeast corner of this tract:

Thence, North 58°22'00" West, at 150.00 feet pass a 5/8 inch iron rod set on line, in all a distance of 314.80 feet to a 5/8 inch iron rod set for a corner of this tract;

Thence, North 31°38'00" East, a distance of 30.00 feet to a 5/8 inch iron rod set for a corner of this tract;

Thence, North 58°22'00" West, a distance of 729.77 feet to a 5/8 inch iron rod set for a corner of this tract:

Thence, South 31°38'00" West, a distance of 30.00 feet to a 5/8 inch iron rod set for a corner of this tract;

Thence, North 58°22'00" West, a distance of 540.00 feet to a 5/8 inch iron rod set on the aforementioned east right-of-way line of Park Road No. 53 for the southwest corner of this tract;

Thence, North 30°18'20" East, along said east right-of-way line, a distance of 110.03 feet to the "Point of Beginning" and containing 3.500 acres (152,448.36 Sq. Ft.) of land.

The bearings are based on the south boundary line of the plat of
Continued on next page

0.1 A

LEGAL DESCRIPTION OF LAND CONTINUED.

Sunrise Shores, a map of which is recorded in Volume 46, pages 81 and 82 of the map Records of Nueces County, Texas; SAVE & EXCEPT loss of land based on M.H.W. Elevation as approved by General Land Office by letter dated November 23, 1998.

TRACT II:

BEING LOTS FOUR (4), FIVE (5), SIX (6), and SEVEN (7), BLOCK ONE (1), SUNRISE SHORES, a subdivision on Mustang Island, Nueces County, Texas, as shown by map or plat thereof recorded in Volume 46, Pages 81-81, map Records of Nueces County, Texas, to which reference is herein made.

**PETITION FOR ANNEXATION OF REAL PROPERTY INTO THE NUECES
COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

KNOW ALL MEN BY THESE PRESENTS:

**TO THE BOARD OF DIRECTORS OF THE NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4:**

That THE GULF REALTY TRUST, a trust created pursuant to the laws of the State of Florida, (herein PETITIONER), whose address is in care of Abacus Realty, P.O. Box 400, Apalachicola, Florida 32329-0400, is the owner of the tract or parcel of land in Nueces County, Texas described on Exhibit "A" attached hereto and incorporated herein as-if set forth in full.

Petitioner hereby petitions for said land to be added to and become a part of the NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4, a water control and improvement district and body politic existing by virtue of the constitution and the laws of the State of Texas, whose address is 315 South 9th Street, Port Aransas, Nueces County, Texas 78373 (hereinafter referred to as the "District") for all purposes and to bear its pro rata share of all indebtedness or taxes which may be owed, contracted or authorized by the District. In the event of annexation, Petitioner hereby agrees to assume its share of the voted but unissued bonds of the District payable in whole or in part from taxes, and the District is hereby authorized to levy a tax for such amount(s) on such property in each year while any indebtedness of the District payable in whole or in part from taxation is outstanding.

Petitioner hereby certifies that said land is located within the area set forth in the Certificate of Convenience and Necessity issued by the Texas Water Commission (the "CNN") to the District. The CNN authorizes the District to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN. The land Petitioner is seeking to be annexed into the District is within the territorial boundaries of the City of Corpus Christi but because the land is within the CNN of the District and the CNN provides that the District is to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN, including the lands owned by the Petitioner, the Petitioner is not required to obtain the consent of any incorporated city, town, including the City of Corpus Christi, Texas.

Petition hereby certifies that no person or entity owns or holds a lien or encumbrance upon the said land, or, in the event there is a lien or encumbrance upon said land that this petition is joined in and executed by any such lien holder to evidence his, her, or its consent to the annexation requested herein.

Petitioner hereby agrees to provide to the District, at Petitioner's sole expense, an abstract of title, title search, or title commitment from a title insurance company acceptable to the District which demonstrates that Petitioner owns the land requested to be annexed by this petition, as well as any liens or encumbrances thereon, but only if the District requests such abstract of judgment.

Petitioner agrees to execute any and all documents as may be required by the District in the event this petition is granted, and that said obligation as well as those undertaken herein, shall run with the land and shall be binding upon Petitioner, its successors and assigns forever.

PETITIONER IN WITNESS THEREOF, said Petitioner has duly executed this Petition on the 12 day of December, 2012.

THE GULF REALTY TRUST

By *Irene F. Cochran*,
Irene F. Cochran, Trustee

ACKNOWLEDGMENT

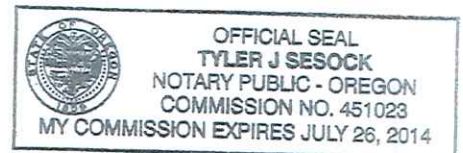
THE STATE OF OREGON §
 §
THE COUNTY OF JACKSON §

This instrument was acknowledged this the 12 day of December, 2012 by Irene F. Cochran, Trustee for the Gulf Realty Trust, a State of Florida Trust, on behalf of said trust.

Tyler J. Sesock
NOTARY PUBLIC - STATE OF OREGON

PREPARED IN THE LAW OFFICE OF:

Charles W. Zahn, Jr.
Attorney at Law
P.O. Box 941
Port Aransas, Texas 78373



After recording return to:

Nueces County Water Control
& Improvement District No. 4
315 South 9th Street
Port Aransas, Texas
Attn: Mr. Mark Young
Its Manager

EXHIBIT A
LEGAL DESCRIPTION OF LAND

GF No. 04754509

Fieldnote description for a 12.930 acre tract of land, more or less, a description of which is recorded in Volume 2065, Page 54, of the Deed Records of Nueces County, Texas, being out of a 25.838 acre tract of land which is out of the J.W. Waterbury Survey 596, Abstract No. 408. Land script 167, a description of which is recorded in Volume 1690, Page 392, of the Deed Records of Nueces County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, of the Deed Records of Nueces County, Texas, for the northwest corner of this tract, same being the southwest corner of Lot 7, Block 1, Sunrise Shores, a map of which is recorded in Volume 46, Pages 81 and 82 of the Map Records of Nueces County, Texas, from which point a 5/8 inch iron rod found for the common west lot corner of Lot 2 and Lot 3, of said Sunrise Shores, bears North 30°18'20" East, a distance of 391.88 feet,

Thence, South 58°22'00" East, along the south boundary line of said Lot 7, Sunrise Shores, at 0.45 feet pass a 5/8 inch iron rod found 0.28 feet to the left, at 1134.94 feet pass a 5/8 inch iron rod found for a reference point for said Sunrise Shores, at 1,665.91 feet pass the southeast corner of aforementioned Lot 7, Sunrise Shores, in all a distance of 1734.55 feet to a point on the east boundary line of said J.W. Waterbury Survey 596, for the northeast corner of this tract;

Thence, South 30 48'00" West, along the said east boundary line of the J.W. Waterbury Survey 596, a distance of 325.00 feet to a point for the southeast corner of this tract:

Thence, North 58°22'00" West, a distance of 1731.75 feet to a point on the east boundary line of said Park Road No. 53 for the southwest corner of this tract;

Thence, North 30°18'20" East, along the said east right-of-way line of Park Road No. 53. a distance of 325.055 feet to the "Point of Beginning" and containing 12.930 acres (563,215.05 Sq. Ft.) of land, more or less. SAVE AND EXCEPT that 3.500 acre tract of land conveyed to the City of Corpus Christi, under Document No. 1999012218, Official Public Records of Nueces County, Texas, further described by metes and bounds as follows:

Fieldnote description for a 3.500 acre tract of land out of a 12.930 acre tract, a description of which is recorded in Volume 2065, Page 54, of the Deed Records of Nueces County, Texas, being out of a 25.838 acre tract of land which is out of the J.W. Waterbury Survey 596, Abstract No. 408, Land Scrip 167, a description of which is recorded in Volume 1690, Page 392, of the Deed Records of Nueces County, Texas, and being more

Continued on next page

Q

particularly described by metes and bounds as follows:

Beginning at a 5/8 inch iron rod set on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, of the Deed Records of Nueces County, Texas, for the northwest corner of this tract, same being the southwest corner of Lot 7, Block 1, Sunrise Shores, a map of which is recorded in Volume 46, Pages 81 and 82 of the Map Records of Nueces County, Texas, from which point a 5/8 inch iron rod found for the northwest corner of said Sunrise Shores, bears North 30°18'20" East, a distance of 501.65 feet, and a 1 inch iron pipe found for the intersection of the said east right-of-way line of Park Road No. 53 and the common boundary line of Survey 595, Land Scrip 56 and Survey 596, Land Scrip 167 bears North 30°18'20" East, a distance of 1750.73 feet:

Thence, South 58°22'00" East, along the south boundary line of said Lot 7, Sunrise Shores, at 0.45 feet pass a 5/8 inch iron rod found on line, at 1134.95 feet pass a 5/8 inch iron rod found on line for a reference point for said Sunrise Shores, at 1,435.38 feet pass a 5/8 inch iron rod set on line, in all a distance of 1,585.38 feet to a point on the shoreline boundary of this tract being the Mean High Water found to be at Elevation 0.92 feet NAVD88 October 26, 1998 and approved by the General Land Office by letter dated November 23, 1998 and map filed as Nueces County Rolled Sketch No. 128, which shoreline boundary is a constantly changing boundary due to nature, for the northeast corner of this tract;

Thence, South 30°43'42" West, along the said shoreline boundary, a distance of 110.01 feet to a point for the southeast corner of this tract:

Thence, North 58°22'00" West, at 150.00 feet pass a 5/8 inch iron rod set on line, in all a distance of 314.80 feet to a 5/8 inch iron rod set for a corner of this tract;

Thence, North 31°38'00" East, a distance of 30.00 feet to a 5/8 inch iron rod set for a corner of this tract;

Thence, North 58°22'00" West, a distance of 729.77 feet to a 5/8 inch iron rod set for a corner of this tract:

Thence, South 31°38'00" West, a distance of 30.00 feet to a 5/8 inch iron rod set for a corner of this tract;

Thence, North 58°22'00" West, a distance of 540.00 feet to a 5/8 inch iron rod set on the aforementioned east right-of-way line of Park Road No. 53 for the southwest corner of this tract;

Thence, North 30°18'20" East, along said east right-of-way line, a distance of 110.03 feet to the "Point of Beginning" and containing 3.500 acres (152,448.36 Sq. Ft.) of land.

The bearings are based on the south boundary line of the plat of
Continued on next page

LEGAL DESCRIPTION OF LAND CONTINUED.

Sunrise Shores, a map of which is recorded in Volume 46, pages 81 and 82 of the map Records of Nueces County, Texas; SAVE & EXCEPT loss of land based on M.H.W. Elevation as approved by General Land Office by letter dated November 23, 1998.

TRACT II:

BEING LOTS FOUR (4), FIVE (5), SIX (6), and SEVEN (7), BLOCK ONE (1), SUNRISE SHORES, a subdivision on Mustang Island, Nueces County, Texas, as shown by map or plat thereof recorded in Volume 46, Pages 81-81, map Records of Nueces County, Texas, to which reference is herein made.

Doc# 2012049672
Pages 12
12/20/2012 2:22PM
Official Records of
NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
Fees \$59.00

Any provision herein which restricts the Sale,
Rental or use of the described
REAL PROPERTY because of Race, Color,
Religion, Sex, Handicap, Familial Status, or
National Origin is invalid and unenforceable
under FEDERAL LAW, 3/12/89.

STATE OF TEXAS
COUNTY OF NUECES
I hereby certify that this instrument was FILED
in file number sequence on the date and at the
time stamped herein by me, and was duly RECORDED
in the Official Public Records of
Nueces County, Texas
Diana T. Barrera



Diana T. Barrera

ORDER GRANTING PETITION FOR ANNEXATION OF REAL PROPERTY
INTO THE NUECES COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 4

Came on to be heard on this the 12th day of December, 2012 the Petition For Annexation of Real Property Into the Nueces County Water Control and Improvement District No. 4 (the "District") filed by the Poseidon Realty Trust, seeking to add the land described on Exhibit "A" attached hereto and incorporated herein as-if set forth in full, into and making said land a part of the District. After notice and hearing the Board of Directors finds as follows:

1. The Poseidon Realty Trust (the "Petitioner") is a trust created under the laws of the State of Florida. The Trust owns the real property described on Exhibit "A".
2. The real property described on Exhibit "A" is located within the boundaries of the District and within the area set forth in the Certificate of Convenience and Necessity issued by the Texas Water Commission (the "CNN") to the District. The CNN authorizes the District to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN.
3. The land Petitioner is seeking to be annexed into the District is within the territorial boundaries of the City of Corpus Christi but because the land is within the CNN of the District and the CNN provides that the District is to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN, including the lands owned by the Petitioner, the Petitioner is not required to obtain the consent of any incorporated city, town, including the City of Corpus Christi, Texas.
4. Petitioner has certified that no person or entity owns or holds a lien or encumbrance upon the land described in Exhibit "A", or, in the event there is a lien or encumbrance upon said land that this petition is joined in and executed by any such lien holder to evidence his, her, or its consent to the annexation requested herein.
5. That upon careful review and evaluation, it is hereby determined by the Board of Directors that the potential benefits of the proposed annexation as provided herein are likely to outweigh the potential detriments.
6. That the Petitioner has agreed that to bear its pro rata share of all indebtedness or taxes which may be owed, contracted or authorized by the District. That in the event of the granting of this annexation, Petitioner hereby agrees to assume its share of the voted but unissued bonds of the District payable in whole or in part from taxes, and the District is hereby authorized to levy a tax for such amount(s) on such property in each year while any indebtedness of the District payable in whole or in part from taxation is outstanding.
7. That the Petitioner has agreed that from and after the granting of its request for annexation of the real property described on Exhibit "A" that said property will be subject to the usual and customary rules, regulations, rates and tariffs imposed real property lying within the boundaries of the District.
8. That the District has the ability to provide a fresh supply of potable water to the real property described on Exhibit "A" and to collect, transport and treat wastewater from said tract without adversely affecting the District's ability to provide these services to its existing customers.

9. That based on the above and foregoing it is the opinion of the Board of Directors that the annexation of the real property described on Exhibit "A" is in the best interest of the District and the land to grant the Petitioner's Petition for Annexation.

RESOLUTIONS

NOW, THEREFORE, based upon all of the foregoing findings, it is hereby:

1. RESOLVED, that Petitioner's Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 substantially complies in form and content with the Constitution and laws of the State of Texas; and it is further
2. RESOLVED, that the proposed annexation described in said Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 is hereby deemed to be in the overall public interest; and it is further
3. RESOLVED, that the proposed annexation as described in said Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4 is hereby approved by the Board of Directors of the Nueces County Water Control and Improvement District No. 4 .

ORDER

IT IS HEREBY ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Petition for Annexation of Real Property Into The Nueces County Water Control and Improvement District No. 4, notice of public hearing, written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, be filed in the Office of the County Clerk of Nueces County, Texas and that from and after the filing of this Order the real property described on Exhibit "A" attached hereto shall and is added to and shall become a part of the Nueces County Water Control and Improvement District No. 4. It is FURTHER ORDERED that from and after the date of the filing of this Order in the Office of the County Clerk of Nueces County, Texas the real property described in Exhibit "A" shall be, and is subject to the usual and customary rules, regulations, fees and tariffs uniformly applied to properties lying within the boundaries of the Nueces County Water Control and Improvement District No. 4, which rules, regulations, fees and tariffs shall be deemed to be covenants running with the real property being annexed herein.

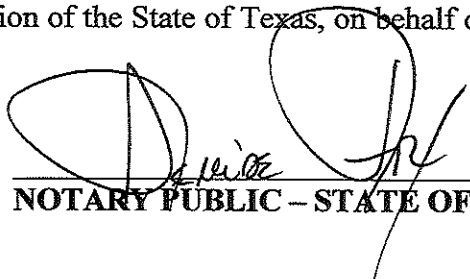
SIGNED and ORDERED this the 12th day of December, 2012.

**NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4**

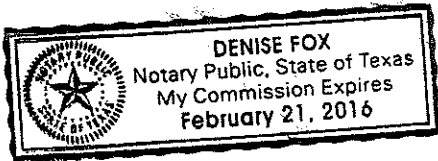
By 
Russell Miget, its President

ACKNOWLEDGMENT

This instrument was acknowledged this the 12th day of December, 2012, by Russell Miget, President of the Nueces County Water Control and Improvement District No. 4, a water control and improvement district and political subdivision of the State of Texas, on behalf of said water control and improvement district.



NOTARY PUBLIC - STATE OF TEXAS



PREPARED IN THE LAW OFFICE OF:

Charles W. Zahn, Jr.
Attorney at Law
P.O. Box 941
Port Aransas, Texas 78373

After recording return to:

✓ Nueces County Water Control
& Improvement District No. 4
315 South 9th Street
Port Aransas, Texas
Attn: Mr. Mark Young
Its Manager

EXHIBIT "A"

A 12.909 acre tract of land, more or less, being out of a 25.838 acre tract of land out of the J.W. Waterbury Survey 596, Abstract No. 408, Land Script 167, a description of which is recorded in Volume 1690, Page 392, Deed Records, Nueces County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, Deed Records, Nueces County, Texas, for the southwest corner of said 25.838 acre tract and the southwest corner of this tract, same being the northwest corner of Admirals Row Condominium, a map of which is recorded in Volume 22, Page 225, Condominium Records, Nueces County, Texas, from which point a 5/8 inch iron rod found for a corner of said Admirals Row Condominium, bears South 30° 18' 20" West, a distance of 50.01 feet;

Thence, North 38° 18' 20" East, along the common boundary line of said Park Road 53 and said 25.838 acre tract, a distance of 325.055 feet to a point for the southwest corner of said 12.930 acre tract and the northwest corner of this tract;

Thence, South 58° 22' 00" East, along the south boundary line of said 12.930 acre tract, a distance of 1731.75 feet to a point on the east boundary line of said J.W. Waterbury Survey 596, for the northeast corner of this tract;

Thence South 30° 48' 00" West, along the said east boundary line of the J.W. Waterbury Survey 596, a distance of 325.00 feet to a point for the southeast corner of this tract;

Thence North 58° 22' 00" West, at 328.94 feet pass a 5/8 inch iron rod set for the northeast corner of said Admirals Row Condominium, at 1728.48 feet pass a 5/8 inch iron rod found 0.10 feet to the right, in all a distance of 1,728.94 feet to the "POINT OF BEGINNING" and containing 12.909 acres (562,305.52 sq. ft.) of land, more or less.

The bearings are based on the deed recorded in Volume 16, Page 392, Deed Records, Nueces County, Texas. SAVE AND EXCEPT LOSS OF LAND BASED ON M.H.W. ELEVATION AS APPROVED BY GENERAL LAND OFFICE BY LETTER DATED NOVEMBER 23, 1998.

**PETITION FOR ANNEXATION OF REAL PROPERTY INTO THE NUECES
COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

KNOW ALL MEN BY THESE PRESENTS:

**TO THE BOARD OF DIRECTORS OF THE NUECES COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4**

That THE POSEIDON REALTY TRUST, a trust created pursuant to the laws of the State of Florida, (herein PETITIONER), whose address is in care of Abacus Realty, P.O. Box 400, Apalachicola, Florida 32329-0400, is the owner of the tract or parcel of land in Nueces County, Texas described on Exhibit "A" attached hereto and incorporated herein as-if set forth in full.

Petitioner hereby petitions for said land to be added to and become a part of the NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4, a water control and improvement district and body politic existing by virtue of the constitution and the laws of the State of Texas, whose address is 315 South 9th Street, Port Aransas, Nueces County, Texas 78373 (hereinafter referred to as the "District") for all purposes and to bear its pro rata share of all indebtedness or taxes which may be owed, contracted or authorized by the District. In the event of annexation, Petitioner hereby agrees to assume its share of the voted but unissued bonds of the District payable in whole or in part from taxes, and the District is hereby authorized to levy a tax for such amount(s) on such property in each year while any indebtedness of the District payable in whole or in part from taxation is outstanding.

Petitioner hereby certifies that said land is located within the area set forth in the Certificate of Convenience and Necessity issued by the Texas Water Commission (the "CNN") to the District. The CNN authorizes the District to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN. The land Petitioner is seeking to be annexed into the District is within the territorial boundaries of the City of Corpus Christi but because the land is within the CNN of the District and the CNN provides that the District is to provide potable water to and collect, transport and treat waste water from the land located within the boundaries set forth in the CNN, including the lands owned by the Petitioner, the Petitioner is not required to obtain the consent of any incorporated city, town, including the City of Corpus Christi, Texas.

Petition hereby certifies that no person or entity owns or holds a lien or encumbrance upon the said land, or, in the event there is a lien or encumbrance upon said land that this petition is joined in and executed by any such lien holder to evidence his, her, or its consent to the annexation requested herein.

Petitioner hereby agrees to provide to the District, at Petitioner's sole expense, an abstract of title, title search, or title commitment from a title insurance company acceptable to the District which demonstrates that Petitioner owns the land requested to be annexed by this petition, as well as any liens or encumbrances thereon, but only if the District requests such abstract of judgment.

Petitioner agrees to execute any and all documents as may be required by the District in the event this petition is granted, and that said obligation as well as those undertaken herein, shall run with the land and shall be binding upon Petitioner, its successors and assigns forever.

PETITIONER IN WITNESS THEREOF, said Petitioner has duly executed this Petition on the 12 day of December, 2012.

THE POSEIDON REALTY TRUST

By 
Irene F. Cochran, Trustee

ACKNOWLEDGMENT

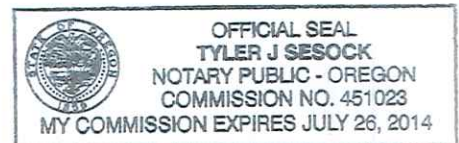
THE STATE OF OREGON §
§
THE COUNTY OF JACKSON §

This instrument was acknowledged this the 12 day of December, 2012 by Irene F. Cochran, Trustee for the Poseidon Realty Trust, a State of Florida Trust, on behalf of said trust.


NOTARY PUBLIC - STATE OF OREGON

PREPARED IN THE LAW OFFICE OF:

Charles W. Zahn, Jr.
Attorney at Law
P.O. Box 941
Port Aransas, Texas 78373



After recording return to:

Nueces County Water Control
& Improvement District No. 4
315 South 9th Street
Port Aransas, Texas
Attn: Mr. Mark Young
Its Manager

EXHIBIT "A"

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Beginning at a point on the east right-of-way line of Park Road No. 53, a description of which is recorded in Volume 620, Page 582, Deed Records, Nueces County, Texas, for the southwest corner of said 25.838 acre tract and the southwest corner of this tract, same being the northwest corner of Admirals Row Condominium, a map of which is recorded in Volume 22, Page 225, Condominium Records, Nueces County, Texas, from which point a 5/8 inch iron rod found for a corner of said Admirals Row Condominium, bears South 30° 18' 20" West, a distance of 50.01 feet;

Thence, North 38° 18' 20" East, along the common boundary line of said Park Road 53 and said 25.838 acre tract, a distance of 325.055 feet to a point for the southwest corner of said 12.930 acre tract and the northwest corner of this tract;

Thence, South 58° 22' 00" East, along the south boundary line of said 12.930 acre tract, a distance of 1731.75 feet to a point on the east boundary line of said J.W. Waterbury Survey 596, for the northeast corner of this tract;

Thence South 30° 48' 00" West, along the said east boundary line of the J.W. Waterbury Survey 596, a distance of 325.00 feet to a point for the southeast corner of this tract;

Thence North 58° 22' 00" West, at 328.94 feet pass a 5/8 inch iron rod set for the northeast corner of said Admirals Row Condominium, at 1728.48 feet pass a 5/8 inch iron rod found 0.10 feet to the right, in all a distance of 1,728.94 feet to the "POINT OF BEGINNING" and containing 12.909 acres (562,305.52 sq. ft.) of land, more or less.

The bearings are based on the deed recorded in Volume 16, Page 392, Deed Records, Nueces County, Texas. SAVE AND EXCEPT LOSS OF LAND BASED ON M.H.W. ELEVATION AS APPROVED BY GENERAL LAND OFFICE BY LETTER DATED NOVEMBER 23, 1998.

As there was no comments or objections to the petitions, Mr. Miget closed the Public Hearing and reconvened the Regular Meeting.

Annexation:

A motion was made by Ms. Freeman and seconded by Mr. Teller to approve the petition to add the land in accordance with the order and to authorize the President to sign the utility agreement. The motion carried unanimously. (The petition and Utility Services Agreement are attached and becomes a permanent part of these minutes.)

**Financial
Reports**

Denise presented the Financial Reports for October of 2012. After review, Ms. Holt made a motion to accept the reports as presented. Ms. Freeman seconded the motion and it carried unanimously. (A copy of the financial reports are on file in the District's office.)

**Manager's
Report**

Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT NO. 4

ATTEST:


Marc Teller, Vice-President


Joan Holt, Secretary

MINUTES OF
REGULAR MEETING
SEPTEMBER 26, 2012

STATE OF TEXAS §

COUNTY OF NUECES §

On the 26th day of September, 2012, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice President	Marc Teller
	Secretary	Joan Holt
	Director	Ed Reed
	Secretary Pro-Tem	Suzette Freeman
Staff:	Manager	Mark Young
	Attorney	Charles Zahn
	Finance Director	Denise Fox

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

Minutes

A motion was made by Mr. Reed and seconded by Mr. Teller to approve the minutes for the May 10th, 2012 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

Oath of Office

Ms. Fox, as Notary for the District, administered the oath of office to Mr. Miget, Mr. Reed and Ms. Freeman and the official documents were executed for the district's records.

Board Reorganization

Mr. Miget called for nominations to reorganize the Board of Directors. A motion was made by Mr. Reed to close the nominations and cast a ballot to return the same slate of officers. Mr. Teller seconded the nomination and it passed by acclamation.

Information Form

The Information Form (as required by Section 49.455, Chapter 715 §2) was signed by each board member and notarized by Denise Fox to be filed with the Nueces County Clerk.

TCDRS Plan

The authorization to maintain the current TCDRS plan provision for 2013 was presented to the board. After discussion, Ms. Holt made a motion to approve the TCDRS 2013 plan year. Ms. Freeman seconded the motion and it passed unanimously.

Personnel Policy

Mr. Young presented the amended Personnel Policy to the Board. After discussion, Mr. Reed made a motion to approve the Personnel Policy. Mr. Teller seconded the motion and it carried unanimously. A copy of the amendment is attached and becomes a permanent part of the Policy Book.

**Bulk
Water
Contracts**

Mr. Young presented a review of the Harbor Island Bulk Water contracts for their renewal. Ms. Freeman made a motion to approve the contracts as presented and authorized execution by the District Manager. Ms. Holt seconded the motion and it carried unanimously. (These contracts are on file in the District's Office.)

**Effluent
Water
Contract**

After discussing the effluent water contract, Mr. Reed made a motion to maintain the 46 cents pending the closing of the sale of the current contract or six months from the date of this meeting, whichever comes first. Ms. Holt seconded the motion and it carried unanimously.

**City of
Aransas
Pass**

After discussion, Ms. Freeman made a motion to authorize management to negotiate with Aransas Pass for the following items:

- a. De-annexing Bay Harbor Subdivision
- b. Interlocal agreement to permit Aransas Pass to serve water and wastewater to areas of Nueces County WCID#4's CCN
- c. Interlocal agreement to authorize Nueces County WCID #4's permission to construct a transmission main in the City of Aransas Pass's right-of-way.

Ms. Holt seconded the motion and it carried unanimously.

**Regional
Water
Meetings**

Mr. Young and Mr. Zahn updated the board on the Regional Water Meetings.

**Amend
Rate
Schedule
and
2012-2013
Budget**

The proposed Resolution and Order Amending the Rate Schedule and the 2012-2013 Operating Budget was presented for review. After discussion, Mr. Reed made a motion to approve the Resolution and Order to amend the rate schedule and the 2012-2013 Operating Budget. Mr. Teller seconded the motion and it carried unanimously. (A copy of the Resolution and Order is attached and becomes a permanent part of these minutes.)

**Financial
Reports**

Ms. Fox presented the Financial Statements for August 2012. After review and discussion Mr. Reed made a motion to accept the financial reports. Mr. Teller seconded the motion and it carried unanimously. (A copy of the financial reports are on file in the District's office.)

**Engineer's
Report**

No report given.

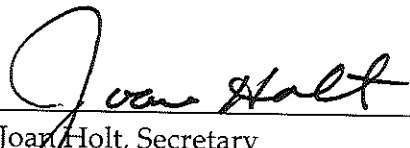
**Manager's
Report**

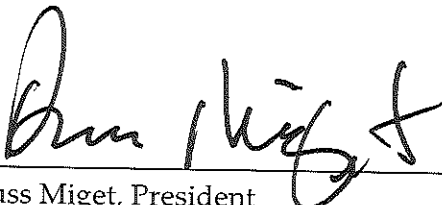
Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT NO. 4

ATTEST:


Joan Holt, Secretary


Russ Miget, President

NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4
RESOLUTION AND ORDER
AMENDING THE RATE SCHEDULE

On the 26th day of September, 2012 the Board of Directors of the Nueces County Water Control & Improvement District No. 4, convened in a Regular Meeting being open to the public at the regular meeting place thereof in said District, with the following members of the Board present:

<u>Russ Miget</u>	<u>President</u>
<u>Marc Teller</u>	<u>Vice- President</u>
<u>Joan Holt</u>	<u>Secretary</u>
<u>Suzette Freeman</u>	<u>Secretary Pro-tem</u>
<u>Ed Reed</u>	<u>Director</u>

The President of the Board presented an order amending the Nueces County Water Control and Improvement District No. 4 Rate Schedule. Minutes of the September 26th, 2012 meeting will reflect the amended rates. Therefore, the Board of Directors organized a resolution to legally establish the amended rates.

The resolution and order was read in full and, after a full discussion thereof, Ed Reed made a motion that it be adopted. The motion was seconded by Marc Teller. The motion, carrying with it the adoption of the resolution and order, prevailed by the following vote:

Ayes: 5
Nayes: -0-

The President then declared the resolution and order finally passed and adopted. The resolution and order is as follows;

BE IT ORDERED, by the Board of Directors of the Nueces County Water Control & Improvement District No. 4, that the Rate Schedule is amended as listed on the attached schedule and is effective after publication.

Passed and approved by the Board of Directors of the Nueces County Water Control & Improvement District No. 4 on the 26th day of September, 2012.

ATTEST:

Joan Holt
Joan Holt, Secretary

Russ Miget
Russ Miget, President

NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4

PERSONNEL POLICY AMENDMENT

INSURANCE POLICY

The District will pay 100% of Health and Dental Insurance for a permanent employee. The District will also provide Life Insurance on a permanent employee based on one year's salary. The District will pay up to \$150 \$200 for additional insurance coverage which may be used for coverage of family members or additional Life Insurance up to three times the amount of their yearly salary.

The District provides health benefits coverage to its retirees under the same medical and dental plan offered to active employees at the same contribution as charged for active employees for a period not to exceed the date on which the retiree qualifies for coverage under Medicare. At that time, the District's plan will become the secondary source. The District elects to provide the over age 65 retirees a Medicare Supplement as established annually by the Insurance Carrier. A retiree must meet the following criteria:

~~28 years of service and at least age 54~~

~~25 years of service and at least age 58~~

~~20 years of service and at least age 63~~

To qualify a retiree will be required to meet the criteria of the Texas County & District Retirement System's "80" rule and be an employee of the district at the time retirement becomes effective.

Job Descriptions

OFFICE MANAGER

Must meet all criteria for Customer Service Representative. Will work directly under the District Manager Finance Director and will be responsible for utility billing, coordinating and performing elections including records. Will be required to perform special projects for the Manager Finance Director as needed. Will be responsible for files, monthly data and quarterly reports for TCEQ. The office manager is expected to professionally handle customer problems and inquiries concerning billing, payments, adjustments, and other related issues as defined in District Policies. Must possess High School diploma or GED, valid Texas driver's license with driving record that meets District's guidelines, required to pass background check, and must have five years experience in related field. Some college education in a business related field is desired.

Purchasing / Inventory Clerk

Will be responsible for accurately maintaining and controlling inventory and purchasing. Will work closely with foremen and vendors to provide the types of goods and services required. Will also be required to act as a receptionist, answer the telephone, wait on customers and tend to work orders and payments. Applicant will be required to possess excellent communication and clerical skills. Works under direct supervision of the Superintendent. Must possess High School diploma or GED, valid Texas driver's license with driving record that meets District's guidelines, required to pass background check, and must have at least one year experience in related field.

FINANCE DIRECTOR

Will work directly under the District Manager and will be responsible for all office matters and the administration and reporting of all finances and investments, and all human resource duties of the District. This position will be exempt from overtime in accordance with the Federal Fair Labor Standards Act, 29 U.S. Code, Chapter 8 as well as applicable cases of the courts of the State of Texas and the United States of America, and will devote such time and efforts to the performance of his duties as are necessary to successfully perform such duties. Will be required to maintain general ledgers, financial and investment statements, personnel files and employee time records, and the District's Inventory record. Will attend Board Meetings, prepare agendas, minutes and packets for the Board Directors. Must possess High School diploma or GED, valid Texas driver's license with driving record that meets District's guidelines, required to pass background check, and must have five years experience in financing. Some college education in accounting or mathematics desired.

2012-2013 Rates

AMENDED RATES EFFECTIVE 10/01/2012

Water Rates			
Meter Size	Minimum Charge (For first 2,000 gallons)	Connect/Service Workorder Fee	
3/4"	15.00	35.00	
1"	35.00	35.00	
1 1/2"	70.00	35.00	
2"	140.00	35.00	
3"	275.00	35.00	
4"	550.00	35.00	
6"	850.00	35.00	
	Consumption / 1,000 gal. over the minimum	3.60	
Wastewater Rates			
	Single Family Minimum* (For first 2,000 gallons)	15.00	
	Multi Family & Commercial**	28.00	
	Consumption / 1,000 gal. over the minimum (Based on Water Usage)	2.45	
	Out of District (Contracted)	5.15	
* Individual Metered Apartments, SF Units, RVs, Etc are Subjected to SF Minimum Sewer Rate			
** Units Sharing a Common Meter			

Water and Wastewater Tap Fees		
Water Tap	Size	
	3/4"	*2
	1"	*1*2*3
	1 1/2"	*1*2*3
	2"	*1*2*3
	3"	*1*2*3
	4"	*1*2*3
Wastewater Tap		
		1,500.00
*1. Min charge. Final cost based on actual cost of installation and will be billed to customer.		
*2. If street crossing is required:		
Bore		400.00
Small street cut		500.00
Medium street cut		800.00
Large street cut		1,000.00
*3. Special taps (deep sewer lines, large water lines, large street patches, taps with a by-pass, or taps with special street crossing requirements) are usually contracted and will be billed at actual cost.		

Construction Water Rate	
(For first 2,000 gallons)	275.00
Consumption per 1,000 gal. over the minimum	5.50

Additional District Rates	
Fire Line (Monthly)	30.00
Return Check Fee	35.00
After Hours or Weekend call /hr.	50.00
Delinquent Fee (includes re-connect)	45.00
Delinquent Fee & After Hours Re-Connect	70.00
Unauthorized Connect or Re-Connect	100.00
Water Inspection Fee	60.00
Sewer Inspection Fee	35.00
Developer/Const. Inspection Fee (hourly)	40.00
Crew Charge (hourly) one man	40.00
Crew Charge (hourly) two man	80.00
Crew Charge (hourly) three man	100.00
Adjust Meter Size (minimum)	100.00
Raise/Lower Meter (minimum)	100.00
Test Meter (minimum)	50.00
Plan Review/Admin Fee (per hour)	60.00

Equipment Charges	
Backhoe with operator (per hour)	70.00
Compressor (per hour)	25.00
Dewatering Equipment (per day)	250.00
Dump/Water Truck w/operator (per hour)	50.00
Sewer Router w/crew (per hour)	120.00

MINUTES OF
REGULAR MEETING

May 10, 2012

STATE OF TEXAS §

COUNTY OF NUECES §

On the 10th day of May, 2012, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 pm in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

	President	Russ Miget
	Vice President	Marc Teller
	Secretary Pro-tem	Suzette Freeman
	Director	Ed Reed
	Joan Holt	Secretary
Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Attorney	Charles Zahn
	Engineer	Jim Urban
	Engineer	Doug McMullen

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

Minutes

A motion was made by Mr. Reed and seconded by Mrs. Holt to approve the minutes of the February 7, 2012 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

**Election
Cancellation**

Ms. Fox presented the Certification of Unopposed Candidates and an Order of Cancellation for the Directors Election scheduled for May 12, 2012. Mr. Reed made a motion to accept the Certification and to approve the Order to Cancel the Election. Mr. Teller seconded the motion and it carried unanimously. (The Certification and Order is attached and becomes a permanent part of these minutes.)

**Beasley
Transmission
Line**

After discussion, Ms. Holt made a motion to authorize Urban Engineering to begin Phase I engineering on Beasley Transmission Line. Mr. Teller seconded the motion and it carried unanimously.

**Auditor
Contract**

A motion was made by Mr. Teller and seconded by Mr. Reed to approve a two year employment contract between the District and Auditor Allan Lee Johnston. The motion carried unanimously.

**Wind
Storm
Insurance**

Mr. Zahn briefed the board on the Texas Department of Insurance's proposed rate increases to fund windstorm insurance. The City of Corpus Christi is seeking financial assistance from area municipalities to hire lobbyist Eddie Cavazos to fight these rate hikes. After discussion, Mr. Reed made a motion to authorize management to contribute funds to assist in this effort. Mr. Teller seconded the motion and it carried unanimously.

Regular Meeting
May 10, 2012
Page 2

**Financial
Report**

The Financial Report ending March 31, 2012 and the Quarterly Investment Report were presented to the board. After review, Ms. Freeman made a motion to accept the reports as presented. Ms. Holt seconded the motion and it carried unanimously.

**Engineer's
Report**

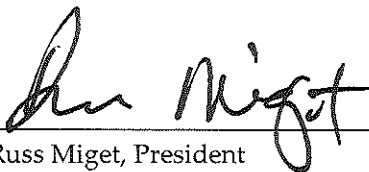
Mr. Urban reported on current district projects.

**Manager's
Report**

Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

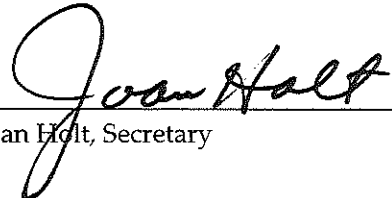
As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT NO. 4



Russ Miget, President

ATTEST:



Joan Holt, Secretary

CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF

Nueces County Water Control and Improvement District No. 4,

Nueces County, Texas

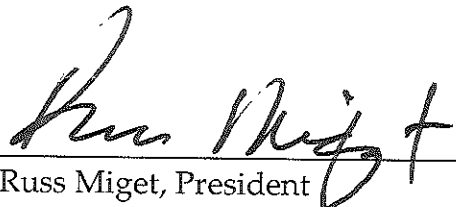
THIS IS TO CERTIFY, That the following Directors were duly elected for purposes of the general election scheduled for May 12, 2012, pursuant to the Order Declaring Unopposed Candidates Elected to Office issued canceling the election.

Suzette Freeman

Russ Miget

Ed Reed

In testimony whereof, I have hereunto signed my name and caused the Seal of NUECES COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4 to be affixed, this the 10th day of May, 2012


Russ Miget, President

CERTIFICATION OF UNOPPOSED CANDIDATES

IN THE NAME AND BY THE AUTHORITY OF
Nueces County Water Control and Improvement District No. 4,
Nueces County, Texas

As the authority responsible for having the official ballot prepared, I hereby
certify that the following candidates are unopposed for election to office of
Director for the general election scheduled to be held on May 12, 2012.

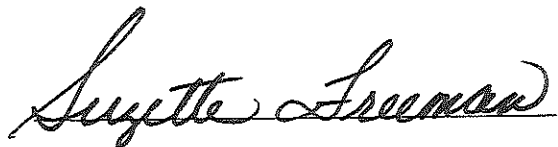
Suzette Freeman, Director

Ed Reed, Director

Russ Miget, Director

In testimony whereof, I have hereunto signed my name and caused the Seal
of Nueces County Water Control and Improvement District No. 4, to be
affixed, this the 10th day of May, 2012.

Seal



Suzette Freeman, Secretary Pro-tem

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

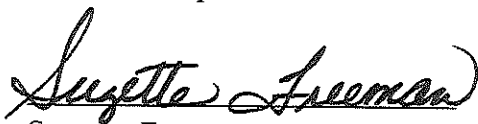
The Nueces County Water Control & Improvement District No. 4 hereby cancels the election scheduled to be held on May 12, 2012 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El Nueces County Water Control & Improvement District No. 4 por la presente cancela la elección que, de lo contrario, se hubiera celebrado el Mayo 12, 2012 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

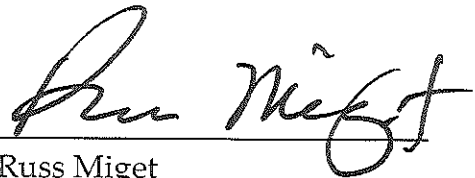
<u>Candidate(Candidato)</u>	<u>Office Sought(Cargo al que presenta candidature)</u>
Suzette Freeman	Director
Ed Reed	Director
Russ Miget	Director

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.



Suzette Freeman
Secretary Pro-tem(Provisional de secretario)



Russ Miget
President(Presidente)

(seal)

May 10, 2012
Date of Adoption

MINUTES OF
REGULAR MEETING
FEBRUARY 7, 2012

STATE OF TEXAS §

COUNTY OF NUECES §

On the 7th day of February, 2012, the Board of Directors for the Nueces County Water Control & Improvement District No. 4 convened at 5:00 p.m. in a Regular Meeting at the District Office, 315 South 9th Street, Port Aransas, Texas, there being present and in attendance the following to wit:

President	Russ Miget
Vice President	Marc Teller
Secretary	Joan Holt
Secretary Pro-tem	Suzette Freeman
Director	Ed Reed

Staff:	Manager	Mark Young
	Finance Director	Denise Fox
	Auditor	Allan L. Johnston
	Attorney	Charles Zahn

The meeting was called to order at the scheduled hour by the presiding officer, Mr. Miget, pursuant to notice posted.

Minutes

A motion was made by Mr. Reed and seconded by Mr. Teller to approve the minutes for the December 16th, 2011 meeting. The motion carried unanimously. (The minutes were mailed to each director prior to the meeting.)

2010-11

Audit

Mr. Johnston presented a review of the 2010-11 Audit. The Audit financial pages were mailed to each director prior to the meeting. The Audit, which also included a required management letter and the GASB 34 requirements, had no exceptions reported. Mr. Reed made a motion seconded by Ms. Freeman to accept the audit as presented. The motion carried unanimously.

Beasley

Transmission

Line

Mr. Young updated the board on Beasley Transmission line.

Directors'

Election

After discussing the upcoming election, Mr. Reed made a motion to call the Directors' Election to be held on May 12, 2012 and that said election be held in accordance with the Texas Election codes. Ms. Freeman seconded the motion and it carried unanimously.

**Financial
Report**

Denise presented the Financial Report ending December of 2011 and the Quarterly Investment Report. After review, Ms. Freeman made a motion to accept the reports as presented. Mr. Teller seconded the motion and it carried unanimously. (A copy of the reports are on file in the District's office.)

**Engineer's
Report**

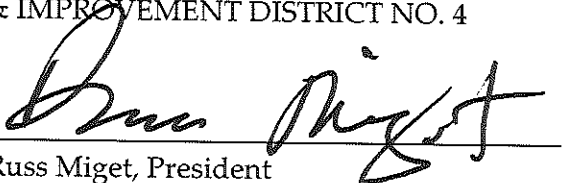
No report.

**Manager's
Report.**

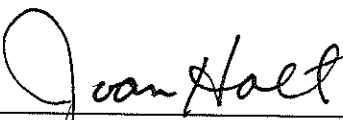
Mr. Young reported on maintenance and operations of the District. (A copy of this report is on file in the District's office.)

As there was no further business to come before the Board, a motion was duly made and seconded to adjourn.

NUECES COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT NO. 4


Russ Miget, President

ATTEST:


Joan Holt, Secretary