

U

IN THE COMMISSIONERS COURT  
OF  
WISE COUNTY, TEXAS

**ORDER TO REMOVE BLOCKAGE FROM SANDY CREEK ON APPROXIMATELY  
208 ACRES OF REAL PROPERTY OWNED BY TRINITY MATERIALS ON/NEAR  
COUNTY ROAD 1590  
PURSUANT TO TEXAS TRANSPORTATION CODE §254.008**

On this 12th day of October, 2015, the Commissioners Court of Wise County, Texas, upon the motion of Commissioner *Burns*, seconded by Commissioner *Kennedy*, duly passed and carried the following Order to Remove Blockage from a watercourse (namely Sandy Creek) on approximately 208 acres of real property owned by Trinity Materials on/near CR 1590 in Precinct 2 recorded in the Wise County Records at Volume 907, Page 567 (attached):

WHEREAS, there is a County Road, identified as County Road 1590 and the ditch or waterway on the aforesaid road connects to a watercourse, namely Sandy Creek, on the real property mentioned above; and

WHEREAS, during the heavy rains, it becomes apparent a blockage of the watercourse has occurred on the real property causing the county road and adjoining landowners to have flood waters on their lands for several weeks.

WHEREAS, this blockage restricts the county's ability to maintain the road and interferes with the public right of travel over and upon County Road 1590. In addition, has caused a public safety hazard by threatening the continued integrity of the road; and

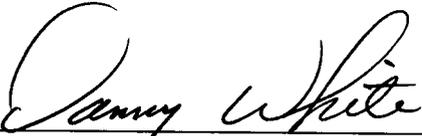
WHEREAS, the Commissioners Court is vested with general control over county roads by §§251.003, 251.008, 254.008 and 251.016 of the Texas Transportation Code. This authority includes the authority to remove blockage in private ditches; and

WHEREAS, prior to the entry upon this land, the Commissioners Court will provide a twenty (20) day notice to the landowner of the necessity of removing this blockage from the ditch or watercourse on their real property,

FURTHERMORE, Trinity Materials, through a plant manger, Tommy Weatherly, has agreed to allow the county to enter and remove the blockage.

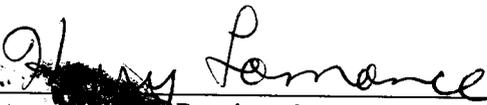
IT IS THEREFORE ORDERED, pursuant to the authority cited herein, that the Commissioners Court of Wise County ORDERS the removal of the blockage from the Sandy Creek on the real property of the owner mentioned above, and authorizes the Commissioner for Precinct Two, Commissioner Burns, whose precinct includes the geographic area in which the real property is located, to enter upon the real property and to remove this blockage that is connected to the drainage on County Road 1590 at the earliest opportunity.

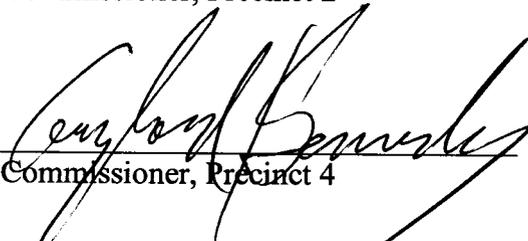
Signed this 12th day of October, 2015.

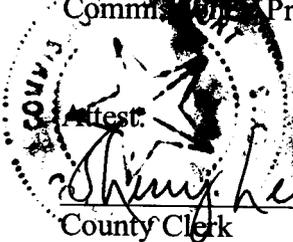
  
\_\_\_\_\_  
Commissioner, Precinct 1

  
\_\_\_\_\_  
County Judge, Wise County, Texas

  
\_\_\_\_\_  
Commissioner, Precinct 2

  
\_\_\_\_\_  
Commissioner, Precinct 3

  
\_\_\_\_\_  
Commissioner, Precinct 4



GTC: GF#993297

WARRANTY DEED

Date: October 14, 1999

Grantor: ROY PEYTON, not joined herein by his spouse as the property described herein does not constitute any part of their homestead.

Grantor's Mailing Address (include county):  
505 CR 1593, Alvord, Wise County, Texas 76225.

Grantee: TRINITY MATERIALS, INC., A DELAWARE CORPORATION.

Grantee's Mailing Address (include county):  
850 Pine Street, Beaumont, Jefferson County, Texas 77726.

Consideration:  
Ten and more (\$10.00) Dollars cash, the receipt of which is hereby acknowledged.

Property (including any improvements):

Being 208.308 acres of land, more or less, in the R. D. Price Survey, Abstract No. 675, Wise County, Texas, and being part of that certain tract described in deed to Robert Reese Bowen and wife, Sara Bowen in Volume 415, Page 646, Deed Records, Wise County, Texas, said 208.308 acres being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron stake found in a rock pile set by Owen T. Funk on May 27, 1954, said iron being the southwest corner of said Bowen tract in a fence line;

THENCE with a fence, North 3470.47 feet to a point in Pringle Creek;

THENCE with the center of Pringle Creek, South 69° 54' 32" East 153.26 feet to a point in Pringle Creek;

THENCE with the center of Pringle Creek, South 84° 28' 39" East 572.29 feet to a point in Pringle Creek;

THENCE with the center of Pringle Creek, South 70° 34' 21" East 320.58 feet to a point in the intersection of Pringle Creek with Big Sandy Creek and a manmade ditch;

THENCE with the center of Big Sandy Creek, North 57° 10' 19" East 1205.12 feet to a point in Big Sandy Creek;

THENCE with the center of Big Sandy Creek, North 54° 17' 00" West 175.00 feet to a point in Big Sandy Creek;

THENCE leaving said creek, and with a fence following the south line of County Road No. 1590, North 49° 17' 3" East 601.97 feet to a post for corner;

THENCE with the south line of County Road No. 1590 and with a fence, North 73° 30' 26" East 965.40 feet to a post found for the northeast corner of said Bowen Tract;

THENCE with a fence and the east line of said Bowen tract, South 01° 18' 27" East 1925.99 feet to an iron stake found for corner;

THENCE with a fence, South 45° 09' 20" West 2844.16 feet to a point in Big Sandy Creek;

THENCE with the center of Big Sandy Creek, South 34° 21' 33" West 947.26 feet to a point in Big Sandy Creek;

THENCE leaving said creek, and with a fence, North 87° 22' 50" West 762.00 feet to the POINT OF BEGINNING, and containing 208.308 acres of land, more or less.

Reservations from and Exceptions to Conveyance and Warranty:

SAVE AND EXCEPT all oil, gas and other minerals in, on and under the above described land together with the perpetual right of ingress and egress for the purpose of exploring, mining and developing same.

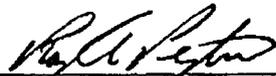
The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT to:

- (1) Any valid and subsisting oil, gas and mineral lease of record in the office of the County Clerk of Wise County, Texas.
- (2) Any visible easements or recorded easements or restrictive covenants affecting the property as shown of record in the office of the County Clerk of Wise County, Texas.
- (3) Rights of the Wise County Water Control Improvement District #1 to levy taxes and issue bonds.
- (4) Lone Star Gas Pipeline Company GAS PIPELINE as shown on survey dated September 13, 1999, as prepared by Tommy T. Edwards R.P.L.S. 1896.
- (5) Natural Gas Pipeline Company of America GAS PIPELINES as shown on survey dated September 13, 1999, as prepared by Tommy T. Edwards R.P.L.S. 1869.

- (6) Any claim or right of adjoining property owners to that strip of land lying between the fence and the boundary line on the West side of the property as shown on survey dated September 13, 1999, prepared by Tommy T. Edwards, R.P.L.S. No. 1869.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

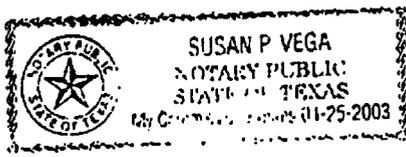
When the context requires, singular nouns and pronouns include the plural.

  
 \_\_\_\_\_  
 Roy Peyton

THE STATE OF TEXAS §  
 COUNTY OF WISE §

 This instrument was acknowledged before me on the 14 day of \_\_\_\_\_, 1999, by Roy Peyton.

  
 \_\_\_\_\_  
 Notary Public, State of Texas.



**WATER DISTRICT  
NOTICE TO PURCHASER**

**GF# 993297**

The real property, described within this document, which you are about to purchase is located in the Wise County Water Control & Improvement District #1. The district has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the district is \$0.003 on each \$100.00 of assessed valuation. If the district has not yet levied taxes, the most recent projected rate of debt service tax, as of this date is \$(N/A) on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is \$(N/A) and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the district and payable in whole or in part from the property taxes is \$(N/A).

The district has the authority to adopt and impose a standby fee on property in the district that has water, sewer, sanitary or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The district may exercise the authority without holding an election on the matter. As of this date, the amount of the standby fee is \$(N/A\*). An unpaid standby fee is a personal obligation of the person that owed the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of the unpaid standby fees on a tract of property in the district.

The purpose of this district is to provide water, sewer, drainage, or flood control facilities and services within the district through the issuance of bonds payable in whole or in part from the property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district.

**SELLER(S):**

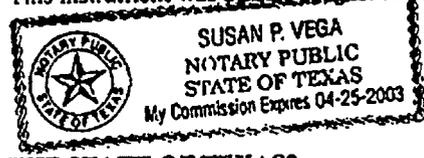
Roy Peyton  
Roy Peyton

10/14/99  
Date

\_\_\_\_\_  
Date

**ACKNOWLEDGMENT OF SELLER (S)**

THE STATE OF TEXAS §  
COUNTY OF WISE §  
This instrument was acknowledged before me on the 14 day of October, 1999, by Roy Peyton.



[Signature]  
Notary Public

THE STATE OF TEXAS §  
COUNTY OF WISE §  
This instrument was acknowledged before me on the \_\_\_\_\_ day of October, 1999.

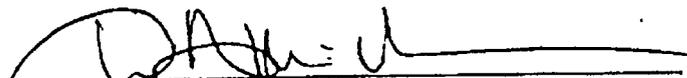
\_\_\_\_\_  
Notary Public

\*Information Not Available

**PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHED TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES TO THE INFORMATION SHOWN ON THIS FORM.**

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to the execution of a binding contract for the purchase of the real property described in such notice or at closing of purchase of the real property.

**PURCHASER(S):**  
Trinity Materials, Inc., a Delaware Corporation

  
\_\_\_\_\_  
William A. McWhirter, President

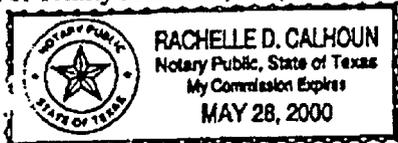
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**ACKNOWLEDGMENT (PURCHASER(S))**

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me this 14 day of October, 1999 by William A. McWhirter, President of Trinity Materials, Inc., a Delaware Corporation.



  
\_\_\_\_\_  
Notary Public

STATE OF TEXAS  
COUNTY OF WISE

This instrument was acknowledged before me this \_\_\_\_\_ day of October, 1999, by .

\_\_\_\_\_  
Notary Public

Filed for Record in:  
Wise County  
Honorable Sherry Parker  
County Clerk  
On: Oct 22, 1999 at 04:42P

As a  
Official Records

Document Number: 265276

Amount: 19.00

Receipt Number - 49762

By,  
Karen Weaver, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE  
SALE, RENTAL, OR USE OF THE DESCRIBED  
REAL PROPERTY BECAUSE OF COLOR OR RACE IS  
INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

STATE OF TEXAS COUNTY OF WISE  
I hereby certify that this instrument was  
filed on the date and time stamped hereon by me  
and was duly recorded in the volume and page  
of the named records of:  
Wise County  
as stamped hereon by me.

Oct 22, 1999

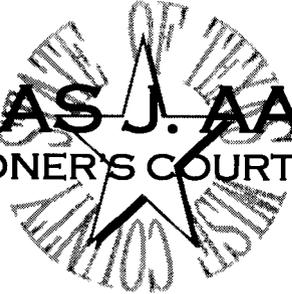
*Jamarc Stephen* Deputy

Honorable Sherry Parker, County Clerk  
Wise County

FILED FOR RECORD THE 22ND DAY OF OCTOBER A. D., 1999 AT \_\_\_\_\_ .M.  
AND DULY RECORDED THE 27TH DAY OF OCTOBER A. D., 1999 AT 3:00 P. M.

SHERRY PARKER, COUNTY CLERK, WISE COUNTY, TEXAS

BY Conda Goode DEPUTY  
Conda Goode



**THOMAS J. AABERG**  
COMMISSIONER'S COURT ATTORNEY

October 12, 2015

Tommy Weatherly  
Trinity Materials, Inc.  
P.O. Box 460  
Paradise, Texas 76073

**Delivery via Certified Mail# 70072680000163788599**  
**Return Receipt Requested**

**Re: NOTICE OF OBSTRUCTION OF SANDY CREEK ON YOUR REAL PROPERTY AND  
WISE COUNTY COMMISSIONER COURT ORDER TO REMOVE THE OBSTRUCTION  
WITHIN TWENTY DAYS OF THE DATE OF THIS LETTER**

**TO: LANDOWNER (TRINITY MATERIALS) OF LAND SITUATED ON COUNTY ROAD  
1590 IN PRECINCT TWO WISE COUNTY, TEXAS RECORDED IN THE WISE  
COUNTY CLERK DEED RECORDS AT VOLUME 907, Page 567**

Pursuant to §254.008 of the Texas Transportation Code, Wise County requests to enter and remove a blockage of a watercourse, namely Sandy Creek, located upon approximately 208 acres of real property owned by Trinity Materials (Description attached). An order (attached) was approved on October 12, 2015 to this effect by the Wise County Commissioner's Court.

This blocked watercourse is connected to a drainage ditch within Wise County's right of way along a certain part of County Road 1590, in Wise County, Texas. The blockage upon your property has caused County Road 1590 to be flooded for several weeks at a time; making the road impassable during this time to all local traffic including emergency vehicles.

On behalf of Wise County, Kevin Burns, Commissioner Precinct Two and his road hands will enter the land at a point designated by you and remove the blockage in a professional and safe manner. Commissioner Burns will also use only county employees to accomplish this task. Commissioner Burns should be contacting you about entering the property. In no manner will either party be considered an agent of the other. Any harm caused by either party's negligence will be the sole responsibility of that party.

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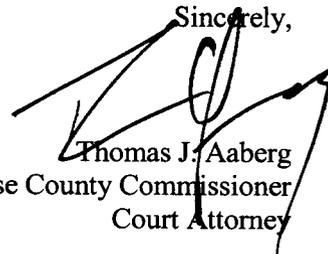
20 day notice of entry and removal of ditch blockage

Unless an earlier date is agreed upon by the parties, Wise County will not start this process until twenty (20) days after the date of this letter.

If you have any questions, or require additional information in this matter, please do not hesitate to contact me at my office number (940) 393-1507 or my email address: thomas.aaberg@co.wise.tx.us or Commissioner Kevin Burns at (940) 393-9820.

Thank you for your time and consideration. It is very much welcome and appreciated.

Sincerely,



Thomas J. Aaberg  
Wise County Commissioner  
Court Attorney



Kevin Burns  
Wise County Commissioner  
Precinct #2