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LORI J. KASPAR

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JEFFREY JACKSON

ASSISTANT COUNTY ATTORNEYS

JUL 26 2007

July 20, 2007 OPEN RECORDS DIVISION

RQ-0606-GA

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RECEIVED

JUL 26 2007

OPINION COMMITTEE

FILE # ML-45282-07
I.D. # 45282

Dear Attorney General Abbott,

At the request of two Hood County Commissioners, Mike Sympton and Dick Roan, I seek your opinion to a question concerning the county's responsibility to maintain roads in residential subdivisions in Hood County, Texas. Like several other counties that have sought your opinion, the Hood County commissioners court has approved numerous subdivision plats with provisions that (1) the roads within the subdivisions were not accepted, or (2) the roads were accepted for their location, but not for maintenance.

The county requests an opinion on whether GA-0513 establishes county responsibility for Hood County subdivision roads despite important distinctions between the circumstances giving rise to GA-0513 and the present case. The county also requests clarification as to whether the repair of a subdivision road with county equipment—but without approval of the commissioners court—subsequently obligates the county to maintain that road and/or all roads in a subdivision.

Attached to this letter is a brief detailing the county's position on these issues. If you need additional information, please do not hesitate to contact my office.

Sincerely,

R. Kelton Conner
Hood County Attorney

Lori J. Kaspar
Assistant County Attorney

Attorney General Opinion Request

Brief on behalf of Hood County

Facts

Hood County has a population of less than 50,000, but has grown rapidly since Lake Granbury was built in the 1960s. The county's proximity to Dallas and Fort Worth, the availability of lakefront property, and the attraction of a relaxed country lifestyle have prompted the development of numerous subdivisions in the county.

Hill Country Estates is one such subdivision. As evidenced by the recording information on the plat, the commissioners court approved the plat of Hill Country Estates on September 26, 1983. (Exhibit A). Included in the developer's dedication of the roads and easements on the plat was the following notation, "The 60' roads are not maintained by the county." The commissioners court approved the plat on the same date but specifically withheld approval of the roads in the subdivision. (Exhibit B). Hence, both the plat and the minutes contain language indicating that the county did not accept the roads in Hill Country Estates.

Some time between 1983 and 2000,¹ a former commissioner utilized county resources to perform work on at least one road in the subdivision without the approval of the commissioners court. The section of road on which the work was performed is highlighted in yellow on the plat. (Exhibit A). Several residents in the subdivision contend that other roads throughout the subdivision received similar county maintenance, an allegation the former commissioner denies; however, a search of the records has revealed no record regarding commissioners court approving any roadwork in the subdivision. Additionally, it has been suggested that a former

¹ In 1997 the commissioners court authorized a Unit Road System under Chapter 252, Subchapter C of the Transportation Code. In 2000, citizens voted for Subchapter D.

county attorney wrote an advisory opinion concerning the road improvements, but no copy of a legal opinion relating to the roadwork can be found.

Although the roads are dedicated to the public, the commissioners court did not accept the roads. The public has openly used the subdivision roads without obstruction or challenge for many years. No court of competent jurisdiction has declared the roads to be public roads in accordance with Chapter 281, Transportation Code.

Hill Country Estates recorded covenants and restrictions (Covenants) on September 23, 1983. (Exhibit C). The Covenants stated that the seller, The Hill Country, Ltd., would be responsible for road construction and maintenance within the subdivision. *Id.* at 2. Additionally, the Covenants specified that, "All roads will be private and will not be maintained by the County." *Id.* The Covenants further declared that all restrictions would terminate in twenty years unless a majority of the property owners voted to extend the Covenants. *Id.* The Hood County Clerk has no record that the property owners ever extended or modified the Covenants.

Hill Country Estates landowners have not had an election authorized by Chapter 253, Transportation Code. Since the platting of the subdivision, the Hood County Commissioner's Court has not formally accepted the dedication of the roads in Hill Country Estates. The commissioners have neither purchased nor condemned the roads.

The commissioners believe that, according to their training, if the county performs work on a private road it is a violation of the law. They also believe that if the county performs work on a public road, the county must add that road to the county road count; furthermore, the county must maintain that road at the same level to which they have improved the road.

Because the county performed some work on a road in the subdivision—albeit without the approval of the commissioners court—the residents of Hill Country Estates assert that the

roads have become part of the county road system and the county is now obligated to maintain all of the roads in Hill Country Estates under GA-0359.

Questions Presented

Question 1:

Under Tex. Att'y Gen. Op. No. GA-0513, must a county with a population under 50,000 maintain the roads in a subdivision when (1) the subdivision Covenants state that the roads are private and not maintained by the county, (2) the county has expressly refused to maintain the roads at the time of platting, (3) the official minutes of the commissioner's court states that the county accepted none of the roads and (4) the county has not acquired a public interest in the roads under Transportation Code §281.002?

Question 2:

If a county is not required to maintain the roads in a subdivision under Question 1, if a county commissioner—without the approval of the commissioners' court—uses the county road crew to repair one road in such a subdivision, is the county subsequently obligated to:

- (a) Maintain only the road or portion of the road repaired at the request of the commissioner; or
- (b) Maintain all of the roads in the subdivision?

Question 3:

If evidence subsequently shows that the commissioner in Question 2 performed work on more than one road and/or on more than one occasion, would that alter your opinion concerning the obligation of Hood County to maintain the subdivision roads?

Argument

The Hood County Commissioners Court contends that it has no responsibility to maintain the roads in Hill Country Estates. Commissioners expressly rejected any interest in the roads by not accepting the roads on September 26, 1983. (Exhibit A). Since then, the court has neither formally accepted dedication of the roads in Hill Country Estates, nor has the county purchased or condemned those roads. No court of competent jurisdiction has declared the roads to be public roads by adverse possession or implied dedication. Additionally, the commissioners court has never sanctioned the use of county equipment or personnel to repair or maintain the roads in Hill Country Estates.

- I. The county has not acquired a public interest in the roads in Hill Country Estates under Transportation Code §281.002 as the county has not purchased, condemned, or accepted the dedication of the roads and no court of competent jurisdiction has rendered a judgment of adverse possession.

Discrepancies exist as to whether the roads in Hill Country Estates are public or private. For example, the subdivision Covenants clearly established all subdivision roads as private roads (Exhibit C) while the plat designated the roads as public (Exhibit A). Regardless of this distinction, the commissioners court did not accept the dedication of the roads at the time the court accepted the plat. (Exhibit B). Therefore, because the two-step process of offer (Exhibit A) and acceptance (Exhibit B) was incomplete, the roads did not become county roads under §281.002(3). TEX. TRANSP. CODE ANN. (Vernon 2006).

Additionally, the county did not acquire an interest in the roads in Hill Country Estates via adverse possession. The public has openly used the subdivision roads for many years; emergency vehicles and mail carriers have also used the roads without obstruction or challenge. However, a county such as Hood County with a population of less than 50,000 may not legally determine that a road has become a public road by adverse possession as that determination must come from a court of competent jurisdiction making a final judgment. Because no court of competent jurisdiction has determined that the Hill Country Estates roads have become public roads, the county has not acquired a public interest in the roads through adverse possession under §281.002(4). TEX. TRANSP. CODE ANN. (Vernon 2006).

Finally, the county has neither purchased nor condemned the roads in Hill Country Estates under §281.002 (1)(2). Therefore, because none of the conditions under Transportation Code § 281.002 has been satisfied, Hood County has not acquired a public interest in the roads in Hill Country Estates in accordance with the statute.²

II. Hood County is not responsible for the maintenance of the roads in Hill Country Estates under GA-0513 because (1) the plat's dedication disclaims a county interest in the roads, (2) the commissioners court expressly rejected the roads dedicated in the plat and (3) the subdivision Covenants designated the roads as private and not maintained by the county.

According to GA-0513, when a county accepts a plat containing a public road dedication, the acceptance makes the roads county roads. Tex. Att'y Gen. Op. No. GA-0513 (2007) at 2.

² Additionally, Hood County has no authority to maintain private roads because its population is greater than 5,000. See Tex. Att'y Gen. Op. No. JC-0288 (200) at 2.

However, the facts giving rise to the *Hill County* opinion differ significantly from the facts in Hood County.

First, the Hood County plat in question expressly disclaimed the county's interest in the roads. The face of the plat states, "The 60' roads are not maintained by the county." (Exhibit A). In contrast, in *Hill County* there was no evidence that the plat approved by the commissioners contained similar wording. Hill County Brief at 1.

Additionally, there is no evidence that the Hood County Commissioners Court ever intended to exert any control over the subdivision roads. In fact, the minutes of the commissioners court underscore the court's express rejection of the subdivision roads with the statement, "None of the roads in said subdivisions were accepted by the County." (Exhibit B). Moreover, the Hood County commissioners never imposed restrictions on the development of any subdivision roads, further demonstrating the commissioners' intention to disclaim any future responsibility for the roads. *Id.* Unlike Hood County, the *Hill County* Commissioners Court accepted the dedication of the roads but also stated that the acceptance did not obligate the county to maintain the roads. Hill County Brief at 1. The *Hill County* resolution also required that all future roads within the subdivision must meet minimum county standards. *Id.* This restriction alone plainly indicates *Hill County's* desire to exert at least some control over subdivision roads.

Furthermore, the actions of the precinct commissioners in Hood and Hill counties are also dissimilar. In Hood County, for example, there is evidence that the commissioner repaired a road within the subdivision on at least one occasion. In *Hill County*, however, the commissioner acknowledged maintaining the subdivision roads in his precinct for at least ten years. Hill County Brief at 1.

In addition, the actions of the property owners in both counties differ. In Hood County, subdivision landowners have expressed no willingness to donate money to the county to improve or maintain any roads. In contrast, the *Hill County* landowners had volunteered donations to the county to pave one of the subdivision's roadways. Hill County Brief at 1.

In this case, the subdivision Covenants explicitly established the roads as private. (Exhibit C). The Covenants also clearly stated that the county had no responsibility to construct or maintain the roads. *Id.* Therefore, property owners within Hill Country Estates had no expectation that the county would assume responsibility for the roads. Any county work performed on Hill Country Estates' roads occurred while the Covenants were in effect—that is, while the roads were private. The county has performed no work on the subdivision roads since the termination of the Covenants in 2003. Hence, there is no evidence that the county subsequently acquired a county interest in the roads.

Because of the vast differences between the Hood County case in question and the *Hill County* case then, Hood County should not be responsible for the maintenance of the subdivision roads under GA-0513.

There is no evidence that Hood County commissioners ever intended to take responsibility for the private roads in Hill Country Estates. In fact, commissioners went to great lengths to disclaim any interest in the roads in the subdivision. The plat clearly stated that the county would not maintain the roads, the commissioners court stated that it would accept no responsibility for the roads, and the court imposed no restrictions on building the roads. The only affirmative undertaking was one commissioner's use of county staff and equipment to repair a section of a subdivision road on at least one occasion. To date, none of the residents of Hill Country Estates has approached the commissioners with offers to donate money for

upgrading the roadways. The Hill Country Estates Covenants state that the roads are private and not entitled to county maintenance. (Exhibit C)

On the contrary, in *Hill County* the commissioners sent mixed messages to landowners regarding the control of subdivision roads. While the commissioners initially stated that they would not maintain the roads, the county nevertheless required that all roads be built according to county standards. Furthermore, county equipment and staff maintained the roadways for at least ten years. Finally, residents offered to pay the county to pave one roadway in their subdivision.

Therefore, because of the differences between the actions of the commissioners and the subdivision property owners in Hood County and the actions of commissioners and subdivision property owners in the *Hill County* case, Hood County should not be obligated to maintain the roads in Hill Country Estates under GA-0513.

III. Hood County is not responsible for the maintenance of the roads in Hill Country Estates under GA-0359 because that opinion applies exclusively to roads created under Transportation Code Chapter 253.

The residents of Hill Country Estates have cited opinion GA-0359 to support their contention that, because the county performed *some* work on a subdivision road, the road has become part of the county road system by virtue of the repairs. The county disagrees with this position and maintains that GA-0359 does not apply to the roads in Hill Country Estates.

In support of the residents' position, some commissioners believe—based on their training in various seminars—that any county work performed on a public road automatically

adds the road to the county road count and obligates the county to maintain the road. The county has found no statute, case, or opinion that supports this rule. However, even if this rule is valid, the roads in Hill Country Estates have not become part of the county system because the commissioners court did not authorize any work on the subdivision roads. An individual commissioner may not unilaterally bind the county by accepting a new road into the county system. *See* Tex. Att’y Gen. Op. No JM-1155 (1990) at 2.

If a county wants to improve a subdivision road, it must do so under chapter 253 of the Transportation Code. Tex. Att’y Gen. Op. No. GA-0359 (2005) at 3. A commissioners court must first determine that the improvement of the road is necessary for the safety and welfare of the residents. TEX. TRANSP. CODE ANN. § 253.003 (Vernon 2006). Then commissioners must post a notice, hold a public hearing concerning the proposed improvements, and send ballots to all property owners in the subdivision. TEX. TRANSP. CODE ANN. § 253.004-06 (Vernon 2006). If the measure passes, the county orders the improvements and assesses the costs against the property owners. TEX. TRANSP. CODE ANN. § 253.007 (Vernon 2006). Once a county improves a subdivision road under chapter 253, the road becomes a county road and the county must maintain it “according to county road standards.” *Id.*; TEX. TRANSP. CODE ANN. § 253.011 (Vernon 2006).

There is no evidence that the county improved the road or roads in accordance with Chapter 253. The County Road Administration denies improving any roads in Hill Country Estates and there are no commissioners court minutes approving any improvements to the roads in the subdivision. There was no public hearing concerning road improvements and there was no affirmative vote by property owners. Therefore, contrary to the assertions of the residents of Hill

Country Estates the county is not responsible for the maintenance of the subdivision roads under GA-0359.

IV. Hood County is not responsible for the maintenance of the roads in Hill Country Estates because even though county equipment was used to maintain a portion of a subdivision road, the act of a single commissioner without the approval of commissioners court does not bind the county.

A county may act only through its commissioners court—the acts of one commissioner may not bind the county by a commissioner's individual actions. *Wilson v. County of Calhoun*, 489 S.W.2d 393, 397 (Tex. Civ. App.—Corpus Christi 1972, writ ref'd n.r.e.); Tex. Att'y Gen. Op. No. JM-1155 (1990) at 2. In the present case, a single commissioner acted outside the authority of the commissioners court by repairing a road in Hill Country Estates. There is no record of the County Road Administration approving any road improvements in Hill Country Estates.

Therefore, this act by one commissioner without the official approval of the commissioners court does not obligate Hood County to maintain the road or other roads in the Hill Country Estates subdivision.

Conclusion

Since their inception, the roads in Hill Country Estates have been private. The plat indicates their private character and the property owners' Covenants affirm this. The commissioners court specifically disclaimed any interest in the roads when it accepted the plat

but not the roads. No official act by the Hood County Commissioners Court has intervened to alter the nature of these private subdivision roads.

The Hood County Commissioners Court has the authority to exercise its discretion over which public roads it maintains. Section 251.003 of the Transportation Code grants commissioners courts the right to maintain public roads, stating that, “the commissioners court of a county may make and enforce all necessary rules and orders for the construction and maintenance of public roads.” TEX. TRANSP. CODE ANN. (Vernon 2006). In 1983, the commissioners court neither accepted nor claimed responsibility for the private roads in Hill Country Estates. Since then, there have been no affirmative actions by the commissioners court to add the roads in Hill Country Estates to the county road system. The commissioners court has never authorized the county to use county equipment or personnel to improve or maintain the subdivision roads and the roads have not become public by adverse possession. Therefore, the Hood County Commissioners Court should have no responsibility to maintain the roads in Hill Country Estates.

The act of a single commissioner repairing a subdivision road with county equipment—when the commissioners court has not approved the action—should not create a county interest in the road or obligate the county to continue maintenance on that road or other subdivision roads, particularly given that work was done while the subdivision Covenants deemed the roads private. Even if the county subsequently obtains evidence that this single commissioner repaired more than one road on a few occasions, the commissioners court never approved any such actions. Isolated instances of a commissioner acting autonomously to repair roads should not establish a county interest in the roads or obligate the county to future maintenance of subdivision roads.

STATE OF TEXAS
 COUNTY OF HOOD

***** COMMISSIONERS COURT

BE IT KNOWN, that on this the 26th day of September, 1983, the Honorable Commissioners Court of Hood County, Texas, was duly convened in Special Session in Room #7 of the Courthouse, thereof in the City of Granbury, Hood County, Texas, for the following purposes, to wit:

1. MINUTES PRESENTED FOR APPROVAL _____
2. DISCUSS & ACT ON:
 - (1) Subdivision Plats Presented for Approval _____
 - (2) Correct List of 1984 Fiscal Year Holidays _____
 - (3) Purchase of Property for Maintenance Headquarters in Precinct No. 2 _____
 - (4) Request for County to Accept Maintenance of Williamsburg & Mathis Lane Road _____
 - (5) Routine Budget & Fiscal Matters & Departmental Requests _____

The following members were present:

- JOE BROWN, Commissioner Precinct #1
- MELVIN GIFFORD, Commissioner Precinct #2
- W. A. SHRYOCK, Commissioner Precinct #3
- ALBERT W. HALL, Commissioner Precinct #4
- MILTON MEYER, County Judge

Judge Meyer called the meeting to order at approximately 11:00 A.M.

REGARDING Item number 1: No action to be taken until Regular Meeting.

REGARDING Item number 2.1: Motion to approve plat of THE BLUFFS made by Commissioner Gifford. Seconded by Commissioner Brown. All voted aye. Motion carried. MOTION to approve plat of THE HILL COUNTRY made by Commissioner Brown. Seconded by Commissioner Hall. All voted aye. Motion carried. MOTION to approve plat of SECTION E, THE OLD W D RANCH, made by Commissioner Brown. Seconded by Commissioner Hall. All voted aye. None of the roads in said subdivisions were accepted by the County.

REGARDING Item number 2.2: Motion to approve the following revised list of County Holidays, made by Commissioner Hall. Seconded by Commissioner Brown. All voted aye. Motion carried.

| | | |
|----------------------|------------------|-----------------|
| NOVEMBER 11, 1983 | VETERANS DAY | FRIDAY |
| NOVEMBER 24&25, 1983 | THANKSGIVING DAY | THURSDAY&FRIDAY |
| DECEMBER 23-26 | CHRISTMAS | FRIDAY&MONDAY |
| JANUARY 2, 1984 | NEW YEARS DAY | MONDAY |
| FEBRUARY 20, 1984 | PRESIDENTS DAY | MONDAY |
| APRIL 20, 1984 | GOOD FRIDAY | FRIDAY |
| MAY 28, 1984 | MEMORIAL DAY | MONDAY |
| JULY 4, 1984 | INDEPENDENCE DAY | WEDNESDAY |
| SEPTEMBER 3, 1984 | LABOR DAY | MONDAY |

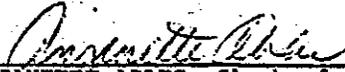
REGARDING Item number 2.3: Motion to approve the purchase of property adjoining the current Maintenance Headquarters in Precinct No. 2, made by Commissioner Gifford. Seconded by Commissioner Brown. All voted aye. Motion carried.

REGARDING Item number 2.4: Motion to accept Williamsburg-Mathis Lane as a County Road, made by Commissioner Brown. Seconded by Commissioner Shryock. All voted aye. Motion carried. (see pages 439 & 440)

REGARDING Item number 2.5: Salary change requests were approved as shown on pages 441 thru 449. MOTION to approve Line Item Changes made by Commissioner Shryock. Seconded by Commissioner Gifford. All voted aye. Motion carried. (see pages 450 & 451) MOTION to approve bills as presented for payment made by Commissioner Shryock. Seconded by Commissioner Gifford. All voted aye. Motion carried. (see pages 452 thru 457)

Motion to adjourn made by Commissioner Shryock. Seconded by Commissioner Hall. All voted aye. Motion carried.

COURT ADJOURNED.


ANJANETTE ABLES, Clerk of County Court
Hood County, Texas

Approved:

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EXHIBIT (A)

RESTRICTIONS - THE HILL COUNTRY, UNIT I & II

11007

It is mutually agreed by and between the parties hereto that the property herein described shall be subject to the following restrictions, covenants and reservations, which shall be binding on the parties hereto and all persons claiming under them, to-wit:

1. All buildings erected or maintained on any tract in said subdivision must have design approved by the restrictions committee, have the exterior completed within one year after building has been started and shall not contain less than 600 square feet of floor space unless an exception is granted by the restrictions committee. Not more than one single family residence per lot except as provided in (a) below. Mobile homes shall be not less than 700 square feet of floor space, not more than five years old, and it shall be underwritten not more than 60 days from date of placing on lot.
 - a. No lot shall be subdivided, without express written permission of property owners association.
 - b. Mobile homes will be allowed only in designated areas.
2. Livestock must be fenced in on owner's tract. Under no circumstance will swine be kept or raised on any tract.
3. No tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean sanitary condition. No junk, wrecking or auto storage yards shall be located on any tract, nor shall any inoperative vehicle be allowed to remain parked out of a covered parking area for longer than 30 days. Material of any kind stored on said property shall be arranged in an orderly manner on the rear one-third of said property, shall be properly covered and shall be allowed so long as Seller deems such storage to be in the best interest of the property.
4. No noxious or offensive trade or activity shall be carried on upon any tract, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood.
5. All fences along a property line which fronts or borders a road must be approved by Seller before construction, unless they are set back 50 feet from property line which fronts or borders a road. All fences will be well maintained and not allowed to detract from the property.
6. No building or structure shall be occupied or used until the exterior thereof is completely finished. No outside toilet shall be installed or maintained on any premises, and all plumbing shall be connected with a sanitary sewer or septic tank with a minimum of 250 feet lateral lines approved by the State and Local Department of Health.
7. No outbuilding or basement erected on any tract shall at anytime be used as a dwelling, temporarily or permanently.
8. Easements are reserved along and within 10 feet on the rear line, front line, and side lines of all tracts in this subdivision for the construction and perpetual maintenance of conduits, poles, wires and fixtures for electric lights, telephone, water mains, sanitary and storm sewers, road drains, and other public and quasi-public utilities and to trim any trees which at any time may interfere or threaten with the maintenance of such lines, with right of ingress to and egress from across said premises to employees of said utilities. Said easement to also extend along any owners side and rear property lines in case of fractional tracts.
9. The property owners association may amend these restrictions by a majority vote of property owners. Grantors shall appoint a committee of 5 to serve on the property owners association. After 1/1/83, the property owner shall elect such a committee.



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- 10. If the owner of any tract in said subdivision, or any other person, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.
- 11. Roads shall be constructed by seller and each tract shall be assessed \$30 per year for maintenance. All roads will be private and will not be maintained by the County.
- 12. These covenants and restrictions shall be binding upon the Purchaser, his successors, heirs and assigns. These covenants and restrictions are for the benefit of the entire subdivision above described.
- 13. Invalidation of any one or more of these covenants and restrictions by judgment of any Court shall in no wise affect any of the other covenants, restrictions and provisions herein contained, which shall remain in full force and effect.
- 14. These restrictions shall terminate 20 years from date hereof unless extended by a majority vote of the property owners association.

THE HILL COUNTRY, LTD.

W. A. Betzel

 W. A. Betzel, General Partner

THE STATE OF TEXAS }
 COUNTY OF HOOD }

Before Me, the undersigned authority, on this date personally appeared W. A. Betzel known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23rd day of September, A. D. 1983.

(L.S.)

Maryann Holman

 Notary Public in and for the State of Texas

My Commission Expires: 11-30-86



MARYANN HOLMAN
 Notary Public, State of Texas
 My Commission Expires Nov. 30, 1986

FILED FOR RECORD
 AT 11:00 A.M.

SEP 26 1983

Anjnette Ables
 Clerk County Court, Hood County, TX

STATE OF TEXAS }
 COUNTY OF HOOD }

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED on 9/26/83 in the Volume and Page of the REAL RECORDS of Hood County, Texas, as stamped hereon by me.



METRO (817) 461-2051 429-3797
 PAGING (817) 261-0335
 CODE 8049

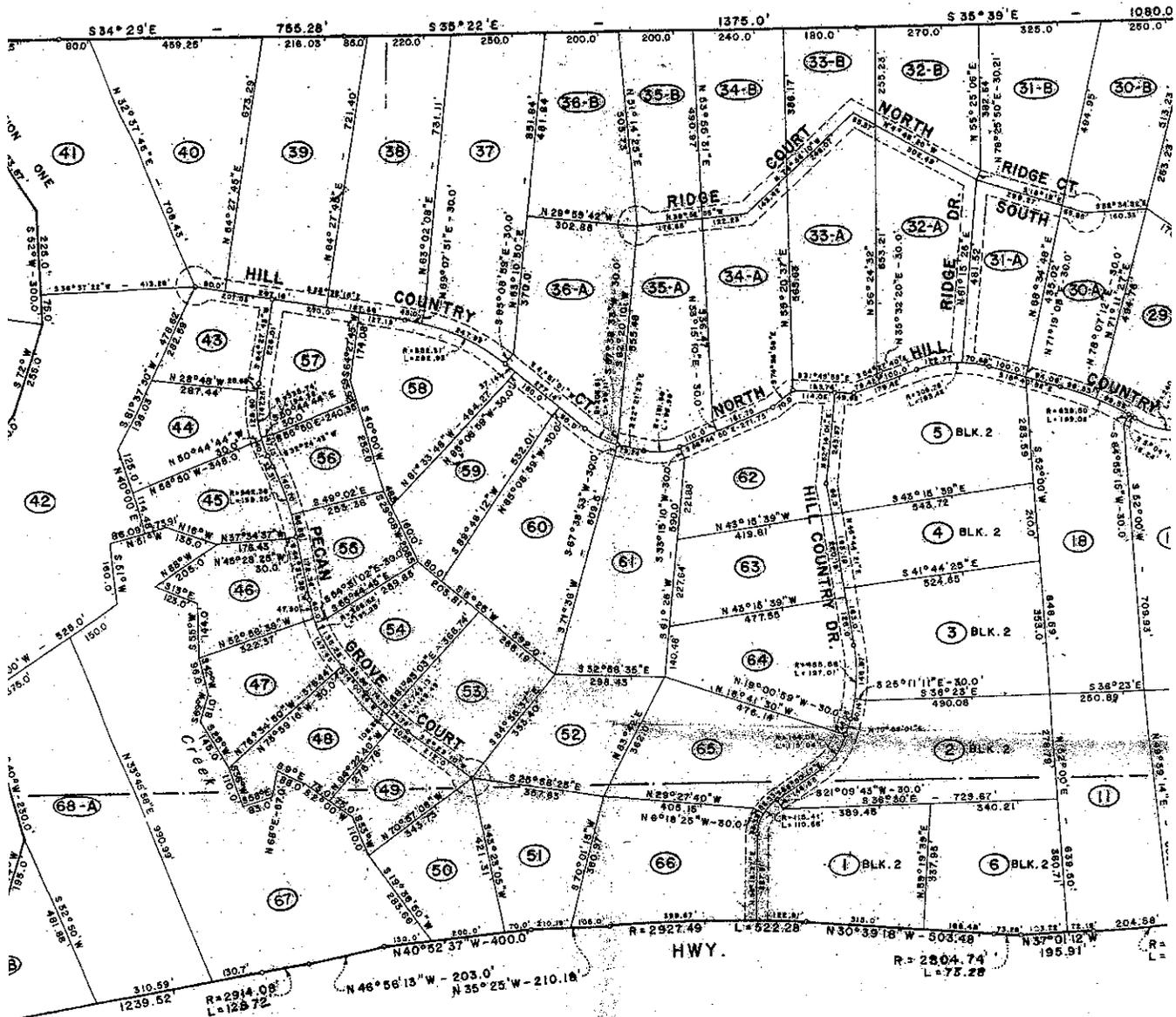


Anjnette Ables

 County Clerk, Hood County, Texas

W. A. BETZEL
 BROKER - ZONING CONSULTANT

P. O. BOX 669
 ARLINGTON, TEXAS 76010



OWNER: THE HILL COUNTRY, LTD.

KNOW ALL MEN BY THESE PRESENTS:
 That The Hill Country, Ltd. is the owner of the land, as shown hereon and does hereby declare to the public that the same is the same as shown on the above map, this 22 day of September, 1983.
 The above are not admitted by the county.

W. A. Burt
 General Partner

THE STATE OF TEXAS
 Before me, Notary Public in and for the State of Texas, on this day personally appeared *W. A. Burt*, and known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
 Given under my hand and seal of office this 22 day of September, 1983.

M. J. Dalma
 Notary Public in and for the State of Texas

County Judge of Hood County:
How Meyer
 Sept 26, 83

I, C. E. Rezer, Registered Public Surveyor, Johnson County, Texas, do hereby certify that this is a true and correct copy of the original records and documents as surveyed and plotted by me on the 22 day of September, 1983.

C. E. Rezer
 C. E. Rezer, Registered Public Surveyor, No. 1334

