

**APPLICATION TO INCORPORATE
THE COMMUNITY OF WESTON LAKES, TEXAS
AS A TYPE B GENERAL-LAW MUNICIPALITY.**

* * * * *

**TO THE HONORABLE ROBERT HEBERT, COUNTY JUDGE OF FORT BEND
COUNTY, TEXAS:**

We, the undersigned inhabitants of the unincorporated community of Weston Lakes, Fort Bend County, Texas, desire that said community be incorporated as a Type B general-law municipality, and we pray that an election be ordered on the question of incorporation, as provided in Chapter 7, Texas Local Government Code, and any other applicable statute of the State of Texas.

We certify that each of the undersigned applicants is a qualified voter who resides within the boundaries of the proposed municipality.

The name by which the municipality shall be known, if incorporated, is the "City of Weston Lakes."

The boundaries of the proposed City of Weston Lakes is described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes. A plat of the proposed City of Weston Lakes is attached hereto and made a part hereof as Exhibit "B," which contains only territory to be used strictly for municipal purposes.

The proposed City of Weston Lakes is inhabited by more than 2,001 and less than 4,999 persons, and has a geographic area of not more than four (4) square miles.

Dated this 7th day of January 2008.

APPLICANTS:

1.

Clifton A. Adwick
Signature

CLIFTON A. ADWICK
Printed Name

April 18, 1940
Date of Birth

466985
Voter Registration Number

4410 Waterdale Dr
Fulshear, Texas 77441
Resident Address

Dec, 17 2007
Date of Signing

A

**ORDER OF SPECIAL ELECTION
(ORDEN DE ELECCION ESPECIAL)**

An election is hereby ordered to be held on May 10, 2008 in Fort Bend County, Texas for the purpose to confirm or deny the creation of the Community of Weston Lakes as a Type B General-Law Municipality as required by Title 2, Chapter 7 of the Texas Local Government Code:
(Por la presente se ordena que se lleve a cabo una eleccion el dia 10 de Mayo, 2008 en el Condado de Fort Bend, Texas, con el proposito como requerido por el Titulo 2, Capitulo 7, de el Codigo de Gobierno Local de Texas.)

The election officer appointed to preside shall be Bob French. He shall appoint two election judges and two clerks to assist in conducting the election, as prescribed by Section 743 of the Texas Local Government Code.
(El eleccion oficial designado para presidir sera Bob French. El nombrara dos jueces electorales y dos empleados para ayudar en conducir la eleccion, segun lo prescrito en la Seccion 7, 004 de el Codigo de Gobierno Local de Texas.)

§ 7.003**ORGANIZATION OF MUNICIPAL GOVERNMENT****Note 14**

meaning of Vernon's Ann.Civ.St. art. 1133 (see, now, § 7.001). *Durham v. Crutchfield* (Civ. App. 1979) 578 S.W.2d 438, ref. n.r.e..

judge to make an order for holding an election for incorporation of a city, it was not a matter within the purview of District Court's supervisory powers over Commissioners' Court. Such statute reposed responsibility of decision upon county judge only, and the matter did not concern property rights. *Wolf v. Young* (Civ. App. 1955) 277 S.W.2d 744, ref. n.r.e..

15. Review

Where Vernon's Ann.Civ.St. art. 1136 (repealed; see, now, §§ 7.003 to 7.005) made no provision for appeal from refusal of county

§ 7.004. Election Officers

The county judge shall appoint an officer to preside at an incorporation election under this chapter. The presiding officer shall appoint two election judges and two election clerks to assist in conducting the election.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

Historical and Statutory Notes**Prior Laws:**

Rev.Civ.St.1879, arts. 508, 509.
Rev.Civ.St.1895, arts. 581, 582.

Rev.Civ.St.1911, arts. 1036, 1037.
Vernon's Ann.Civ.St. art. 1136.

Library References

Municipal Corporations §12(8).
C.J.S. Municipal Corporations §§ 11, 21.

6 Texas Pl & Pr Forms, Elections § 103:13; 9
Texas Pl & Pr Forms, Municipal Corporations §§176:11, 176:42, 176:44, 176:51.

§ 7.005. Notice of Election

An incorporation election under this chapter may not be held until notice of the election has been posted at three public places in the community for the 10 days preceding the date of the election.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

Revisor's Note

The source law requires the election to be held in the manner prescribed for other elections. This provision is omitted as unnecessary because the Election Code applies to the election without a statement to that effect. See Section 1.002, Election Code.

Historical and Statutory Notes**Prior Laws:**

Rev.Civ.St.1879, arts. 508, 509.
Rev.Civ.St.1895, arts. 581, 582.

Rev.Civ.St.1911, arts. 1036, 1037.
Vernon's Ann.Civ.St. art. 1136.

Library References

Municipal Corporations §12(8).
C.J.S. Municipal Corporations §§ 11, 21.
6 Texas Pl & Pr Forms, Elections § 103:13; 9
Texas Pl & Pr Forms, Municipal Corporations §§176:11, 176:42, 176:44, 176:51.

Texts and Treatises

52 Texas Jur 3d, Mun § 20.

C

§ 7.006

Note 1

MUNICIPALITIES**Notes of Decisions**

the absence of fraud, the election was not invalid for failure to advertise it for ten days; fact that promoters of town election to determine whether town should be incorporated had procured order for election without ten days' statutory notice in order to beat neighboring town election did not invalidate the election when the judge had acted fairly and without corrupt motive. *State v. Troell* (Civ.App. 1918) 207 S.W. 610, error refused.

length of notice 1

length of notice

Requirement of Rev.Civ.St. 1911, arts. 1036, 1037, now §§ 7.003 to 7.005, that election be held after ten days' notice, was directed that 102 of 115 town electors had voted at election to determine whether town should be incorporated was proof of actual notice, and, in

§ 7.006. Qualified Voters

Each qualified voter who resides within the boundaries of the proposed municipality may vote at the election.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

Revisor's Note

(1) The source law requires that a person be 21 years old to vote. This requirement has been changed to age 18 by the Twenty-sixth Amendment to the United States Constitution and is omitted from the revised law because the requirement is reflected in Section 11.002, Election Code.

(2) The source law requires a person to reside in the municipality for six months before the person may vote in the election. Requirements of this type were declared unconstitutional by the United States Supreme Court in *Dunn v. Blumstein*, 405 U.S. 330, 92 S.Ct. 995 (1972). As a result, the six months' residency requirement is omitted.

Historical and Statutory Notes**Prior Laws:**

Rev.Civ.St.1879, art. 510.
Rev.Civ.St.1895, art. 583.

Rev.Civ.St.1911, art. 1038.
Vernon's Ann.Civ.St. art. 1137.

Cross References

Qualified voter, see V.T.C.A., Election Code § 11.002.

Library References

6 Texas Pl & Pr Forms, Elections § 103:13; 9
Texas Pl & Pr Forms, Municipal Corpora-
tions §§176:11, 176:42, 176:44, 176:51.

Texts and Treatises
52 Texas Jur 3d, Mun § 19.

Notes of Decisions

Residence 1

who did not reside therein. *Reese v. Cobb*
(Sup. 1912) 105 Tex. 399, 150 S.W. 887.

1. Residence

The incorporators must all have lived within
the limits of the new town, as no one could vote

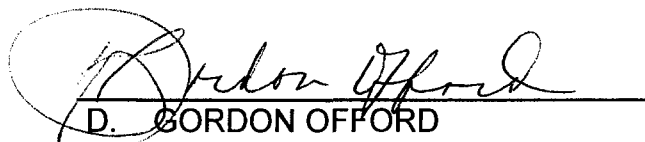
D

AFFIDAVIT
OF
D. GORDON OFFORD

I, D. Gordon Offord, being of lawful age, under oath, do hereby declare this affidavit to be my personal knowledge and belief to be true as follows:

1. I am the City Secretary of the City of Fulshear, Texas.
2. That on an unknown date, but sometime toward the end of April, 2008, a white elderly male, about 5' 6", came into my office in Fulshear.
3. I believe that he said his name was "Cliff Aldrich".
4. Mr. Aldrich asked me if I had the key to Precinct 3 building because he had been instructed to post a notice in that building; but that building was locked.
5. Mr. Aldrich had one sheet of the notice that he intend to post in Precinct 3.
6. I told Mr. Aldrich that he could obtain the key to Precinct 3 building from the Fulshear librarian.
7. I also told Mr Aldrich that if he wanted, I would post the notice on the entrance window to Fulshear City Hall.
8. Mr. Aldrich agreed.
9. I made two copies of the notice Mr. Aldrich had.
10. I taped one copy of that notice on the Fulshear City Hall entrance window.
11. Mr. Aldrich thanked me and departed.

Dated: May 20, 2008

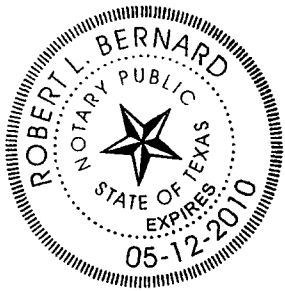

D. GORDON OFFORD

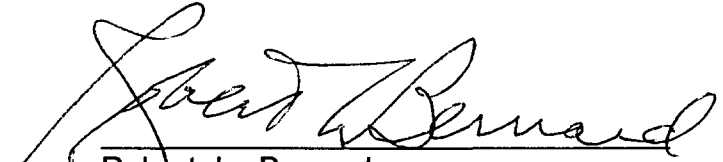
E

State of Texas

Fort Bend County

On the 20th day of May, 2008, before me personally appeared
D. Gordon Offord, known by me, who under oath swore to the truth of the above Affidavit.




Robert L. Bernard
Notary Public In and For State of Texas

E

§ 5.903**ORGANIZATION OF MUNICIPAL GOVERNMENT**

Title

(1) the governing body of the town or village adopts a resolution stating the amendment; and

(2) a certified copy of the amendment is approved by the attorney general and recorded with the secretary of state.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

Revisor's Note

The source law applied only to towns and villages incorporated before its effective date, which was June 30, 1881. The revised law is drafted accordingly.

Historical and Statutory Notes**Prior Laws:**

Acts 1881, 17th Leg., p. 83.
G.L. vol. 9, p. 175.

Rev.Civ.St.1895, arts. 613, 614.
Rev.Civ.St.1911, arts. 1062, 1063.
Vernon's Ann.Civ.St. art. 1153.

Library References**Texts and Treatises**

7 Texas Jur 3d, Atty Gen § 6; 52 Texas Jur
3d, Mun § 27.

§ 5.904. Municipality Not Governed by Corporate Law

(a) A municipality may not be considered a corporation under a state statute governing corporations unless the statute extends its application to a municipality by express use of the term "municipal corporation," "municipality," "city," "town," or "village."

(b) It is the intent of the legislature that the limitation provided by this section apply regardless of whether the municipality is acting in a governmental or proprietary function.

Added by Acts 1989, 71st Leg., ch. 1, § 2(a), eff. Aug. 28, 1989.

Historical and Statutory Notes

Section 1 of the 1989 Act provides:

"(a) This Act is enacted as part of the state's continuing statutory revision program under Chapter 323, Government Code. This Act is a revision of statutes, without substantive change, for purposes of Article III, Section 43, of the Texas Constitution and has the purposes of:

"(1) conforming the Local Government Code to laws that were passed by the 70th Legislature and that amended the laws codi-

fied by the Local Government Code or enacted new laws that should be codified in the Local Government Code;

"(2) codifying laws that were omitted from the Local Government Code;

"(3) making necessary corrective changes in the Local Government Code; and

"(4) making necessary conforming amendments to other laws.

F



Sample Ballot 12001220110021

100001052155



OFFICIAL BALLOT *BOLETA OFICIAL*

Special and Joint Election
Elección Especial y Conjunta
Fort Bend County, TX
Condado de Fort Bend, TX
May 10, 2008 - *10 de Mayo 2008*

Precinct *Precinto 3006-WL*

Instruction Text:
Please use a black or blue pen to mark your ballot. To vote for your choice in each contest, completely fill in the box provided to the left of your choice.
Nota de Instrucción:
Favor de usar una pluma de tinta negra o azul para marcar su boleta. Para votar por su selección en cada carrera, llene completamente el espacio cuadrado a la izquierda de su selección.

FORT BEND COUNTY BOND ELECTION
CONDADO DE FORT BEND
ELECCIÓN DE BONOS

Proposition 1
The issuance of Fort Bend County General obligation bonds for County Buildings in the amount of \$74,000,000
Proposición 1
La emisión de bonos de obligación general del condado de Fort Bend para edificios del condado en la cantidad de \$74,000,000
 FOR A FAVOR
 AGAINST EN CONTRA

ELECTION FOR INCORPORATION OF THE COMMUNITY OF WESTON LAKES
ELECCIÓN PARA INCORPORAR LA COMUNIDAD DE WESTON LAKES

Proposition
The community of Weston Lakes shall incorporate as a Type B, General - Law Municipality under the Provisions of Chapter 7 of the Texas Local Government Code.
Proposición
La comunidad de Weston Lakes incorporará como Tipo B de la Ley General Municipio bajo de las provisiones del Capítulo 7 de el Código de Gobierno Local de Texas
 FOR A FAVOR
 AGAINST EN CONTRA

Large empty rectangular area for marking the ballot, containing a large handwritten letter 'G' at the bottom right.

Sample Ballot

1333020464



**Cumulative Report — Unofficial
Fort Bend County, TX — Special and Joint Election — May 10, 2008**

Total Number of Voters : 19,628 of 255,070 = 7.70%

Precincts Reporting 140 of 140 = 100.00%

Party	Candidate	Early	Election	Total
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Directors MUD 155, Vote For 3

Byrl Nichols	1	25.00%	0	0.00%	1	16.67%
Kevin Boyd	2	50.00%	1	50.00%	3	50.00%
Jack Dunaway	1	25.00%	1	50.00%	2	33.33%
Cast Votes:	4	44.44%	2	13.33%	6	25.00%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	5	55.56%	13	86.67%	18	75.00%

Proposition MUD 155, Vote For 1

FOR	1	33.33%	4	80.00%	5	62.50%
AGAINST	2	66.67%	1	20.00%	3	37.50%
Cast Votes:	3	100.00%	5	100.00%	8	100.00%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	0	0.00%	0	0.00%	0	0.00%

Proposition Weston Lakes, Vote For 1

FOR	420	72.04%	149	37.82%	569	58.24%
AGAINST	163	27.96%	245	62.18%	408	41.76%
Cast Votes:	583	99.66%	394	98.75%	977	99.29%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	2	0.34%	5	1.25%	7	0.71%

Directors Quail Valley UD, Vote For 3

James Pirtle	467	29.45%	328	30.17%	795	29.74%
Jack Meredith	511	32.22%	330	30.36%	841	31.46%
Thomas Pickthall	368	23.20%	252	23.18%	620	23.19%
Owen Matherne	240	15.13%	177	16.28%	417	15.60%
Cast Votes:	1,586	73.63%	1,087	66.12%	2,673	70.38%
Over Votes:	1	0.14%	0	0.00%	1	0.08%
Under Votes:	565	26.23%	557	33.88%	1,122	29.54%

H

**ORDER OF SPECIAL ELECTION
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(Por la presente se ordena que se lleve a cabo una eleccion el dia 10 de Mayo, 2008 en el Condado de Fort Bend, Texas, con el proposito como requerido por el Titulo 2, Capitulo 7, de el Codigo de Gobierno Local de Texas.)

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(El eleccion oficial designado para presidir sera Bob French. El nombrara dos jueces electorales y dos empleados para ayudar en conducir la eleccion, segun lo prescrito en la Seccion 7, 004 de el Codigo de Gobierno Local de Texas.)

Early Voting by personal appearance will be conducted at the:

(La votacion adelantada en persona se llevara a cabo de lunes a el:)

Fort Bend County Fulshear Precinct 3 Office Building
8100 FM359
Fulshear, Texas

The dates and times of early voting in person at the fort Bend County Fulshear precinct 3 Office Building.

(Los dias y horas de votacion adelantada para Fulshear Precinct 3 Office building,:)

Monday, April 28, through Saturday, May 3 8:00 am to 5:00 PM
Monday, May 5 through Tuesday, May 6 8:00 am to 5:00 PM

Voting by personal appearance will be conducted at the:

(La votacion en persona se llevara a cabo de lunes a el)

Huggins Elementary School
One Huggins Dr.
Fulshear, Texas

The date and time of voting in person at the Huggins Elementary School.

(Los solicitudes para boleta que se votaran adelantado pro correo deberan eviarse a)

Saturday, May 10, 2008 7:00 am to 7:00 pm

Applications for ballot by mail should be mailed to:

(Las solicitudes para boletas ques se votaran adelantado por correo deberan enviarse a:)

Fort Bend County Elections Administrator
4520 Reading Road
Rosenberg, Texas 77471-2133
Phone: (281) 341-8670

Applications for ballot by mail must be received no later than the close of business on Friday, May 2, 2008.

(Las solicitudes para boletas que se votaran adelantada por correo debaran recibirse para el fin de las horas de negocio el dia 2 de Mayo, 2008.)

Issued this the 26 Day of February, 2008.

(Emitada este dia 26 de febrero, 2008.)

Signed
Robert E Hebert, County Judge
(Firma del Juez del Condado)

B