

February 8, 2008

NOTICE OF MEETING

The Board of Commissioners of the Port of Bay City Authority of Matagorda County, Texas, a political subdivision of the State of Texas, hereby gives notice in accordance with the Texas Government Code, section 551 et seq, that a public meeting is to be held at the office of the Authority, **1305 Seventh Street, Bay City, Texas, Wednesday, February 13, 2008 at 7:00pm.** The purpose of the meeting is for:

- 1) Action of the minutes of the regular meeting of January 10, 2008 and special called meeting of January 29, 2008;
- 2) Presentation and approval of bills;
- 3) Presentation of financial reports;
- 4) Review and take required action on the monthly billing for the Port of Bay City;
- 5) Discuss and take required action on delinquent accounts and pending suits for collection;
- 6) Discuss and take required action on activity at the Port and Matagorda Harbor;
- 7) Discuss and take required action regarding removing the payphone at Matagorda Harbor;
- 8) Executive Session pursuant to Section 551.071 and Section 551.072 of the Texas Government Code regarding litigation and/or settlement offers, and the purchase, exchange, lease, or value of real property;
  - a) Discuss Cause No. 06-E-01613-C; Port of Bay City Authority of Matagorda County, Texas vs. SSJCGS, LLC, Cain, Smith and Strong II, LP, CSS Lake Jackson Property, LP, Cain, Smith and Strong, LLC, Gil Smith, John J Certa, Skelly Strong, Jr, CSS Richman Drive, LP and Starco Energy, LP seeking a Declaratory Judgment with regard to the 1.24 or 1.57 acres partially assigned to CSS II, LP by Starco Energy, LP;
  - b) Discuss Cause No. 23,606; John Certa, et al, Plaintiffs vs. Nancy Cain, Thomas Cain Individually and In His Capacity as an Administrative Member

of Cain, Smith, and Strong, LLC, et al, Defendants; In the 12<sup>th</sup> Judicial Court of Walker County, Texas;

- c) Discuss Cause No. 06-E-0767-C; Port of Bay City Authority of Matagorda County, Texas, plaintiff, vs. Mary Jean Boyce and the Unknown Heirs of Asenath B. Davidson, Deceased, in the 130<sup>th</sup> Judicial Court, Matagorda County, Texas;
  - d) Discuss the status of Cause No. 07-E-0629-C; Port of Bay City Authority of Matagorda County, Texas, Plaintiff, vs. Mike Mobley, and Doris B. Moberley as Trustee of the Oscar R. Moberley Estate, Defendants regarding the acquisition by condemnation of real property being approximately 44.7525 acres more or less described as all of Coastal Tract One in the Wightman Coast Tracts AB 101, Volume 1, Page 35 of the map or plat records of the Matagorda County Clerk's Office, Matagorda County, Texas, currently owned by David Michael Mobley and/or Doris Moberly located adjacent to the existing Harbor in Matagorda, Texas;
  - e) Discuss the status of Cause No. 07-H-0514-C; Port of Bay City Authority of Matagorda County, Texas, Plaintiff, vs. Robert William Sanders, III, John O'Keeffe, Phyllis O'Keeffe, Merrill Lynch Business Financial Services, Inc., Defendants regarding the condemnation of real property being 8.1104 acres of land more or less out of the townsite of Matagorda in the E. R. Whightman Survey, Abstract 101, recorded in Volume 1, Page 35 of the Map or Plat Records of Matagorda County, Texas, being a portion of the Southern one-half of Coastal Tract Three (3) to the north boundary of the Gulf Intracoastal Waterway, said land a portion of certain residue of land deeded from William Dunbar and Harriett Dunbar to Nancy Stapp, recorded in Volume 45, Page 123, of the Map or Plat Records of Matagorda County, Texas said property owned by Robert William Sanders III;
  - f) Discuss the purchase or acquisition of real property;
- 9) Regular Session at the conclusion of Executive Session to authorize any actions concerning litigation, settlement offers, purchase, exchange, lease or value of real property;
- a) Discuss and take any required action regarding Cause No. 06-E-01613-C; Port of Bay City Authority of Matagorda County, Texas vs. SSJCGS, LLC, Cain, Smith and Strong II, LP, CSS Lake Jackson Property, LP, Cain, Smith

and Strong, LLC, Gil Smith, John J Certa, Skelly Strong, Jr, CSS Richman Drive, LP and Starco Energy, LP seeking a Declaratory Judgment with regard to the 1.24 or 1.57 acres partially assigned to CSS II, LP by Starco Energy, LP;

- b) Discuss Cause No. 23,606; John Certa, et al, Plaintiffs vs. Nancy Cain, Thomas Cain Individually and In His Capacity as an Administrative Member of Cain, Smith, and Strong, LLC, et al, Defendants; In the 12<sup>th</sup> Judicial Court of Walker County, Texas;
- c) Discuss and take any required action regarding Cause No. 06-E-0767-C; Port of Bay City Authority of Matagorda County, Texas, plaintiff, vs. Mary Jean Boyce and the Unknown Heirs of Asenath B. Davidson, Deceased, in the 130<sup>th</sup> Judicial Court, Matagorda County, Texas;
- d) Discuss and take any required action regarding Cause No. 07-E-0629-C; Port of Bay City Authority of Matagorda County, Texas, Plaintiff, vs. Mike Mobley, and Doris B. Moberley as Trustee of the Oscar R. Moberley Estate, Defendants regarding the acquisition by condemnation of real property being approximately 44.7525 acres more or less described as all of Coastal Tract One in the Wightman Coast Tracts AB 101, Volume 1, Page 35 of the map or plat records of the Matagorda County Clerk's Office, Matagorda County, Texas, currently owned by David Michael Mobley and/or Doris Moberly located adjacent to the existing Harbor in Matagorda, Texas;
- e) Discuss and take any required action regarding Cause No. 07-H-0514-C; Port of Bay City Authority of Matagorda County, Texas, Plaintiff, vs. Robert William Sanders, III, John O'Keefe, Phyllis O'Keefe, Merrill Lynch Business Financial Services, Inc., Defendants regarding the condemnation of real property being 8.1104 acres of land more or less out of the townsite of Matagorda in the E. R. Whightman Survey, Abstract 101, recorded in Volume 1, Page 35 of the Map or Plat Records of Matagorda County, Texas, being a portion of the Southern one-half of Coastal Tract Three (3) to the north boundary of the Gulf Intracoastal Waterway, said land a portion of certain residue of land deeded from William Dunbar and Harriett Dunbar to Nancy Stapp, recorded in Volume 45, Page 123, of the Map or Plat Records of Matagorda County, Texas said property owned by Robert William Sanders III;

- f) Discuss and take required action regarding the purchase or acquisition of real property;
- 10) Discuss, consider, and take any required action regarding a proposal from the Matagorda County Tax Office and it's attorneys concerning the current delinquent tax owed on the warehouse/packing plant/terminal at the Port of Bay City facility;
- 11) Update from Mike Griffith regarding the Project Development Team – Mouth of Colorado Rehabilitation Project;
- 12) Monthly report form Port's Attorney;
- 13) Monthly report from Matagorda County Economic Development Corporation;
- 14) Public comments and comments from the Commissioners;
- 15) Any new or unfinished business.

Mike Griffith  
 By: Lacey B. Lowry

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Copy: Ms Gail Denn  
 County Clerk

RECEIVED AND POSTED THIS \_\_\_\_ DAY OF FEBRUARY 2008 AT \_\_\_\_\_ PM  
 GAIL DENN, COUNTY CLERK

BY \_\_\_\_\_ DEPUTY

The Port of Bay City Authority of Matagorda County, Texas is committed to compliance with the Americans with Disability Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the Office of the Authority at 979-245-5831 at least 24 hours in advance if accommodation is needed.