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## **STATE OF TEXAS SUES NEWLY INCORPORATED CITY OF DOUBLE HORN**

*Lawsuit supports commercial interests of New York based Spicewood Crushed Stone*

SPICEWOOD, Texas -- On March 14, 2019, the State of Texas delivered a lawsuit to the City of Double Horn and its recently elected governing body challenging the validity of the City's incorporation as a city, which occurred in 2018, as well as the lawful right of the Mayor, five Aldermen, and City Marshall to remain in office. The State seeks a judgment declaring the incorporation to be invalid and void, for the City to be dissolved, and for the seven individuals named in the suit to be removed from office.

The State's lawsuit reveals that it is clearly intended to support the commercial interests of Spicewood Crushed Stone LLC (SCS), a subsidiary of Dalrymple, Inc., a New York-based aggregate processor that was granted a permit by the state to operate a rock crusher and quarry on land adjacent to land within the City's boundaries. The State's lawsuit refers to two statutes of the Texas Local Government Code regarding General Law municipal incorporation, but transforms those broadly written sections into very specific and onerous requirements. The lawsuit contains numerous subjective allegations about the City's goals and plans with regard to SCS stating, for example, that ... "the only apparent purpose of the city's incorporation is to prevent the development of the SCS property" and implying in another paragraph that the City included the SCS property in the city boundary solely for the purpose of taxation. Both statements are incorrect.

The purposes for Double Horn's incorporation are many, and were virtually the same as that of every other city in the state, being to protect its citizens and to maintain their community vision, health, safety, welfare, and property values. Certainly those purposes included local opposition to a rock crushing operation and related development that literally adjoins home sites in the City. However, municipal incorporation was intended to not only exert some level of restraint over SCS, but to prevent further incursions from additional operators who may file permits for rock processing plants in the area or who will develop the area in a manner that is not desired by local residents. It is particularly noteworthy that as a small, newly incorporated city, virtually the only revenues Double Horn has to address this lawsuit and other matters of government the city's voters have selected are the savings and private funds donated by the residents of Double Horn, whereas SCS and the Attorney General have brought and will prosecute this lawsuit at the expense of all Texas taxpayers.

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