

CAUSE NO. CV-16-10506

COLONY RIDGE DEVELOPMENT, LLC,
WILLIAM "TREY" HARRIS, III, JOHN
HARRIS, and HEATH MAREK

Plaintiffs,

VS.

LEE ANN PENTON-WALKER,

Defendant.

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IN THE DISTRICT COURT OF

LIBERTY COUNTY, TEXAS

75th JUDICIAL DISTRICT

AFFIDAVIT OF LOUIS W. BERGMAN, III, PE

BEFORE ME, the undersigned authority, on this day personally appeared Louis Bergman, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

1. "My name is Louis W. Bergman, III, PE. I am a resident of Liberty County, Texas. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I have served as the County Engineer, Flood Plain Administrator, and Designated Representative for licenses and permits for Liberty County from September 17, 2007 to the present. I am a licensed professional engineer and I am familiar with Texas land use laws and regulations in place in Liberty County, Texas.
3. As the Liberty County Engineer, I am familiar with Colony Ridge Development, Trey Harris, John Harris, and Heath Marek. I have reviewed Colony Ridge Development's plat submittals for compliance with Texas statutes and Liberty County's subdivision rules.
4. In my experience, Colony Ridge Development has been one of the best land developers in Liberty County. Colony Ridge Development has met all applicable regulations and laws related to developing subdivisions in Liberty County. Colony Ridge Development timely complies with any requests that I make and has addressed in any concerns that I have raised related to their subdivision projects.
5. Colony Ridge Development builds out their subdivision's utilities and infrastructure in a quality manner and complies with all applicable laws and regulations imposed on a land developer.



6. I have no concerns about the quality of Colony Ridge Development's utilities that they have built, including the water lines, the sewers, the electrical, and the streets and curbs.
7. Colony Ridge Development is a land developer that develops raw land by obtaining permitting for building out subdivision lots. Colony Ridge Development then sales the developed lot as a vacant lot. Colony Ridge Development is not a home builder so they are not responsible for the construction of the residential home.
8. Colony Ridge Development is not responsible for installing residential electrical poles or for running electrical lines to houses because they sell the land before the house is built so there is no way to know where the house will be located and this is not a requirement a land developer that is platting and subdividing land and installing the utility infrastructure.
9. I am familiar with the Montebello, Grand San Jacinto, and Camino Real neighborhoods located in Plum Grove, Texas, and in my opinion, Colony Ridge Development properly developed the raw land in those subdivisions.
10. I have heard Lee Ann Penton-Walker make statements about Colony Ridge Development and its owners, Trey Harris, John Harris, and Heath Marek, including statements that Colony Ridge Development failed to follow regulations and laws when it developed its subdivisions in and around Plum Grove. I believe that this is a false statement because I have verified that Colony Ridge Development has complied with laws and regulations applicable to their subdivisions.
11. In my opinion, Colony Ridge Development has built some of the best infrastructure for residential neighborhoods in Liberty County and Colony Ridge Development's lots do not create a health, safety, or welfare threat to Liberty County.
12. I have heard Lee Ann Penton-Walker make statements that Colony Ridge Development has violated environmental laws, such as regulations by the Texas Commission on Environmental Quality, and I disagree with these statements and believe they are false statements.
13. I have attended numerous Liberty County Commissioners Court meetings where I have recommended that Colony Ridge Developments' plats be approved because they comply with all applicable rules and regulations.
14. I have attended numerous Liberty County Commissioners Court meetings where Trey Harris, John Harris, and/or Heath Marek were present on behalf of Colony Ridge Development. In my opinion, Colony Ridge Development has been open to discussions about its developments and has always tried to respond to inquiries from the Liberty County Judge, the Liberty County Commissioners, and the Liberty County community. I have never seen Trey Harris, John Harris, and/or Heath Marek harass anyone or use abusive tactics in any way. Unlike some land developers, I believe that Colony Ridge Development has been honest about their developments.

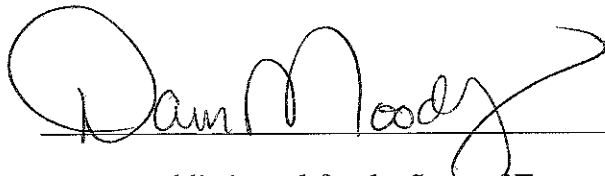
15. I respect Colony Ridge Development, Trey Harris, John Harris, Heath Marek, and their business because they have earned my respect by representing themselves with integrity and working to build quality developments.
16. The plat submittal process for developing raw land is not an overnight process. Most of the time, there are various corrections and revisions that need to be made to plat submittals to bring them into compliance with laws, regulations, and procedures. A deficiency in a plat submittal is not a violation of laws or regulations, but rather, it is something that needs to be corrected for approval of the plat. Most of the time, I provide comments to plat applications and note deficiencies in plat applications that need to be addressed to bring the plat into compliance with laws and regulations. This is part of the standard review process. When corrections are made to a plat submittal, it is reviewed again to determine compliance. It is not a violation of law for a plat submittal to have deficiencies in the initial review process.

Further Affiant sayeth not.”



Louis Bergman, III, PE, Affiant

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, on this the 29th day of April, 2016, to certify which witness my hand and official seal.



Notary Public in and for the State of Texas

