



## RAMSEY LAW

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August 9, 2023

To: David Yoskowitz, Ph.D.  
4200 Smith School Rd  
Austin, TX 78744

Via Certified Mail: 9407111898765418675678  
& Regular Mail

Re: The Letter addressed to Freestone County Officials from July 21, 2023

Mr. Yoskowitz,

I am writing to you on behalf of the Freestone County Commissioners in response to your letter written on July 21, 2023, ("the letter") which was addressed to Judge Linda Grant, Commissioner Andy Bonner, Commissioner Will McSwane, Commissioner Lloyd Lane, and Commissioner Clyde Ridge. The Freestone County Commissioners are disappointed with respect to some of the false statements made in your letter mentioned above which has resulted in ridicule, and has also misled the good citizens of Freestone County. The ridicule that has been endured by the Freestone County Commissioners is completely understandable in light of the false statements that were made by you and circulated throughout Freestone County. It is a false statement to say that "Freestone County officials have provided outspoken support for the use of eminent domain in order to save the Park" and that "County officials testified or submitted comment letters expressing support to the use of eminent domain if needed to save the Park". It is a fact that the Freestone County Commissioners have always supported the unique family atmosphere which the Park has provided to our citizens, along with providing an attraction to out-of-towners as a way to welcome them into our great community. It is also a fact that Freestone County Commissioners HAVE NEVER supported the idea of using eminent domain to accomplish the preservation of the Park. Therefore, you cannot say that the above-mentioned

statements were made without actual malice nor can you state in good faith that the Freestone County Commissioners have had a “dramatic change in position”, as you stated in your letter. Further, you stated that “Freestone County did not express any concerns about the use of eminent domain to Texas Parks and Wildlife Department prior to the June 21<sup>st</sup> letter.” This is misleading to publish this statement without all the details. During the 88<sup>th</sup> legislative session, the Texas State legislature REJECTED two bills that were submitted in an effort to use condemnation (i.e. eminent domain) to acquire the Fairfield State Park. As a result of this outcome, the Freestone County Commissioners did not feel like eminent domain was on the table and therefore did not see a need to express any concerns about it. On or about June 12<sup>th</sup>, the Freestone County Commissioners were informed that Texas Parks and Wildlife Department held a special meeting and voted in favor of condemning the State Park. Shortly after being informed of this, on June 21<sup>st</sup> the Freestone County Commissioners sent a letter to Texas Parks and Wildlife Department opposing the use of eminent domain to “preserve” the Park.

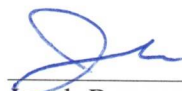
Along with the false statements mentioned above, you stated that “upon learning of the potential sale of the property, Texas Parks and Wildlife moved quickly to negotiate a strategy to acquire the park and preserve public use of the park”, and that “multiple conversations were conducted with both the previous owner, Vistra, as well as the current owner to negotiate purchase options amenable to all parties.” It is the Freestone County Commissioners’ position that this is another false statement intended to mislead the good people of Freestone County. It is the Commissioners’ understanding that Texas Parks and Wildlife learned of the potential sale of the Park in 2017 and had every opportunity to ensure that the Park remain a State Park through lease renewal or through an outright purchase of the property. In fact, it was encouraged by many that Texas Parks and Wildlife preserve the State Park before it went up for sale. It is the Freestone County Commissioners’ understanding that in October of 2021 the State Park was put on the open market. It is also the Freestone County Commissioners’ understanding that it was not until AFTER a contract was entered into between Vistra and Todd Interests that Texas Parks and Wildlife had a sudden sparked interest in “preserving” the State Park. It is very concerning to the Freestone County Commissioners that Texas Parks and Wildlife had ample opportunity to “preserve” the State Park and is now attempting to use the Governmental Power of Eminent Domain to take the Park from an unwilling seller who acquired the property on the open market

and has already put money and resources into it. The Freestone County Commissioners' concern is simply this, where does it end if Texas Parks and Wildlife is allowed to take the Park from an unwilling seller who just purchased the property all under the guise of "public use"? Are any of the Freestone County Citizens safe from having their land taken away in the name of "public use" after this? It is the Freestone County Commissioners' understanding that less than 1% of Texans utilized the Park as a State Park; it is concerning to see the government disguise this intrusion as a "necessary" intrusion for "public use".

The Freestone County Commissioners support and have always supported the right of private property ownership, which includes the right to acquire property and then determine whether or not to sell or transfer their rights without the government making that decision for them. The Freestone County Commissioners understand that the government has been given the power to acquire property from unwilling sellers for "public use" through eminent domain, but the Freestone County Commissioners do not and have not supported the government in their attempt to acquire the Lake through that abuse of power. The Freestone County Commissioners feel that it is their duty to protect the rights of private property ownership here in Freestone County, even if that means that Freestone County will no longer have a State Park.

The false statements contained in your letter dated July 21, 2023 has caused a lot of confusion and misconceptions as to the Freestone County Commissioner's stance on the Government's use of Eminent Domain with respect to the Park. In light of those false statements, the Freestone County Commissioners request that you publicly retract these false statements in an effort to mitigate the damages that you have already caused. Furthermore, the Freestone County Commissioners request that the Texas Parks and Wildlife Department reconsider their position in their attempt to invade in the private sale of the Lake by exercising the Governmental Power of Eminent Domain.

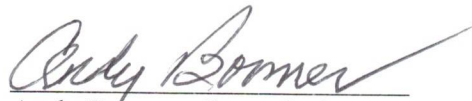
Sincerely,

A handwritten signature in blue ink, appearing to read "Jacob Ramsey", is written over a horizontal line.

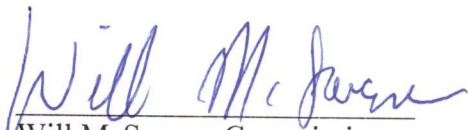
Jacob Ramsey  
Managing Attorney



This letter is approved and endorsed by the Freestone County Commissioners, as evidenced by our signatures of approval below:



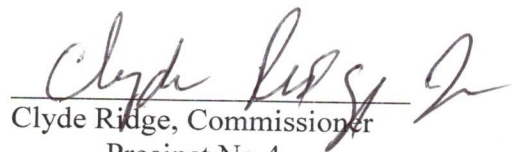
Andy Bonner, Commissioner  
Precinct No.1



Will McSwane, Commissioner  
Precinct No.2



Lloyd Lane, Commissioner  
Precinct No.3



Clyde Ridge, Commissioner  
Precinct No.4