Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Paul Munguia
Office of the Chief Clerk

Date: July 16, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 JUL 20 AM 10 38
CHIEF CLERKS OFFICE

Thru: Doug Holcomb, P.E., Manager, Utilities and Districts Section
Robert Cummins, P.E., Leader, Districts Review Team

From: Diego Abrego, Districts Review Team

Subject: Docket No. 2007-0498-DIS. Fort Bend Municipal Utility District No. 101 in Fort Bend County; Request for Order of Dissolution Pursuant to Texas Water Code Sections 49.321 to 49.327.
TCEQ Internal Control No. 03152007-D01
CN: 600741193 – RN: 101422541

Backup for Agenda Item.

Docket 2007-0498-DIS

Commission Agenda Date: August 22, 2007

Original + 11 copies of Backup for Agenda Item:

- Executive Summary
- Memorandum
- Commission Order
- Mailing List
- Petition for Dissolution of District
  - Exhbit "A" Description of Property
  - Exhbit "B" Financial Dormancy Affidavits (5)
  - Exhbit "C" Comptroller's Certificate
  - Exhbit "D" Third Party Attestation – District devoid of Assets or liabilities
  - Exhbit "E" Certificate of Ownership
- Notice
- Proof of Publication

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: The Commissioners of the Texas Commission on Environmental Quality

Date: May 8, 2007

Thru: RC for Doug Holcomb, P.E., Manager, Utilities and Districts Section
RC Robert Cummins, P.E., Leader, Districts Review Team

From: Districts Review Team

Subject: Docket No. 2007-0498-DIS. Fort Bend County Municipal Utility District No. 101 in Fort Bend County; Request for Order of Dissolution Pursuant to Texas Water Code Sections 49.321 to 49.327.
TCEQ Internal Control No. 03152007-D01
CN: 600741193 – RN: 101422541

DESCRIPTION OF APPLICATION

Petitioner: Union Pacific Railroad Company, L. P., a Delaware corporation and sole owner of the land in Fort Bend County Municipal Utility District No. 101

Request: Dissolution of Fort Bend County Municipal Utility District No. 101.

Type: Dissolution.

Authority: Texas Water Code, Sections 49.321 to 49.327 and 30 Texas Administrative Code Sections 293.131 – 293.136.

STAFF RECOMMENDATIONS

Grant the request for dissolution of Fort Bend County Municipal Utility District No. 101.

TECHNICAL INFORMATION

General: The District was created by the Texas Water Commission on March 9, 1988. It contains 426.6 acres of land within Fort Bend County Texas and has been dormant since its creation.

ANTICIPATED RESPONSE

General agreement with the staff's recommendation.

CONTACT

Diego Abrego, Technical Manager, Districts Review Team, 239-6959.

Prepared by: _____ May 8, 2007
Districts Review Team Date

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: The Commissioners of the Texas Commission on Environmental Quality **Date:** May 8, 2007

Thru: RC Doug Holcomb, P.E., Manager, Utilities and Districts Section
RC Robert Cummins, P.E., Leader, Districts Review Team

From: Districts Review Team

Subject: Docket No. 2007-0498-DIS. Fort Bend County Municipal Utility District No. 101 in Fort Bend County; Request for Order of Dissolution Pursuant to Texas Water Code Sections 49.321 to 49.327.
TCEQ Internal Control No. 03152007-D01
CN: 600741193 – RN: 101422541

A. GENERAL INFORMATION

On March 15, 2007 the Commission received an application, in the form of a petition, requesting the dissolution of Fort Bend County Municipal Utility District No. 101 (District). The Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, created the District on March 9, 1988. The District contains 426.6 acres of land within Fort Bend County and is subject to Texas Water Code Chapters 49 and 54.

The petition for the dissolution of the District was signed by Tony K. Love, Assistant Vice President – Real Estate of the Union Pacific Railroad Company, a Delaware Corporation (Applicant). The petition asserts that the Applicant holds title to 100% of the land within the District. A certificate of ownership from Fort Bend Central Appraisal District confirms the Applicant's ownership.

The Commission created the District for the purpose of purchasing, constructing, operating and maintaining all facilities necessary for the supply and distribution of water; the collection, transportation and treatment of wastewater; and the drainage of storm water to service the land in the District. The District has remained inactive since its creation. The petition states that dissolution is desirable because ". . . none of the development for which the District was created has ever taken place . . . and the District no longer has any function to perform or duties to fulfill . . ." and consequently, the District's statutory services are not needed for the land comprising the territory of the District.

The petition is supported by documents affirming that the District has performed none of the functions for which it was created for five consecutive years preceding the date of the petition.

Re: Docket No. 2007-0498-DIS. Fort Bend County Municipal Utility District No. 101

In addition, the District has been financially dormant since its creation, does not have outstanding bonded indebtedness, and has no known assets or liabilities.

Affirming the District's dormancy are certified copies of the Annual Financial Dormancy and Filing Affidavit (Affidavit) for the calendar years 2002 through 2006. Affirming that the District does not have any outstanding debt is a certification from the Comptroller of Public Accounts of the State of Texas (Comptroller).

The certification from the Comptroller was included with the application. It certifies that their review of records on January 23, 2007 revealed that the District had not incurred bonded debt for the period January 1, 1986 through January 23, 2007.

B. CONCLUSION

Based on a review of the application and information on file, the District meets the dissolution requirements set forth in the Texas Water Code Sections 49.321 to 49.327 and 30 Texas Administrative Code Sections 293.131 to 293.136.

C. RECOMMENDATIONS

1. Approve the request to dissolve Fort Bend County Municipal Utility District No. 101.

2. Direct that the District's assets, if any, will escheat to the State of Texas, will be administered by the Comptroller of Public Accounts of the State of Texas, and will be disposed of in the manner provided by Texas Property Code Chapter 74 and in accordance with Texas Water Code Section 49.327 and 30 Texas Administrative Code Section 293.134.

D. ADDITIONAL INFORMATION

The Applicants' professional representative is:

Abraham I. Rubinsky – Schwartz, Page & Harding, LLP

Diego Abrego
Districts Review Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOCKET NO. 2007-0498-DIS

AN ORDER AUTHORIZING THE DISSOLUTION
OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

On August 22, 2007, the Texas Commission on Environmental Quality (hereafter "Commission") met in regular session at its offices in Austin, Texas, with notice of the meeting issued in compliance with the Open Meetings Act, TEX. GOV'T CODE §§ 551.001 - 551.146 and the Administrative Procedure Act, TEX. GOV'T CODE §§ 2001.001 - 2001.902, to consider the petition submitted by Tony K. Love, authorized agent for the Union Pacific Railroad Company which is the owner of property located within Fort Bend County Municipal Utility District No. 101 (hereafter "District"), to dissolve the District pursuant to TEX. WATER CODE §§ 49.321 - 49.327 and 30 TEX. ADMIN. CODE §§ 293.131 - 293.136.

The Commission, after having considered the petition, application material, and the May 8, 2007 memorandum from the Executive Director regarding the petition, a copy of which is attached as Exhibit "A," finds that the petition for dissolution should be approved. The Commission finds that the District has performed none of the functions for which it was created for a period of five consecutive years before the day of the proceeding and has no outstanding bonded indebtedness. The District should be directed to escheat the District's assets, if any, to the State of Texas, which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROP. CODE §§ 74.001 - 74.710.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the petition for the dissolution of the District filed by Tony K. Love, authorized agent for Union Pacific Railroad Company which is the owner of property in the District, is granted pursuant to TEX. WATER CODE §§ 49.321 - 49.327 and 30 TEX. ADMIN. CODE §§ 293.131 - 293.136 (Dissolution of Districts). The Commission will file a certified copy of this order of dissolution in the deed records of Fort Bend County. The District is directed to escheat the District's assets, if any, to the State of Texas, which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROP. CODE §§ 74.001 - 74.710.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Kathleen Hartnett White, Chairman

Mailing List
Docket No. 2007-0498-DIS
Fort Bend County MUD 101
TCEQ Internal Control No. 03152007-D01

Mr. Abraham I. Rubinsky
Schwartz Page & Harding, LLP
1300 Post Oak Blvd. # 1400
Houston, TX 77056 - 6760

Texas Commission on Environmental Quality

Pinar Dogru, Environmental Law Division, MC-173
Robert Cummins/Diego Abrego, Technical Manager, Utilities and Districts Section, MC-152
Komal Patel, Utilities & Districts Section, Water Supply Division, MC-153
Blas Coy, Office of the Public Interest Counsel, MC-103
Jodena Henneke, Office of Public Assistance, MC-108

Donna Phillips, Regional Director
TCEQ Region 12
5425 Polk St., Ste. H
Houston, TX 77023-1452

IN RE: PETITION FOR DISSOLUTION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PETITION BY
UNION PACIFIC RAILROAD COMPANY
FOR DISSOLUTION OF
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW UNION PACIFIC RAILROAD COMPANY ("Petitioner"), a Delaware corporation, under the authority of 30 TAC § 293.131, to petition the Texas Commission on Environmental Quality pursuant to the Texas Water Code § 49.321 and 30 TAC §293.131(2)(A) to dissolve Fort Bend County Municipal Utility District No. 101, and in support thereof shows the following:

I.

BACKGROUND

Fort Bend County Municipal Utility District No. 101 (the "District") was created by the Texas Water Commission under Article XVI, Section 59 of the Constitution of Texas and Chapter 54 of the Texas Water Code by Order dated March 9, 1988. The District contains approximately 426.6 acres as more fully described by metes and bounds in **Exhibit "A"** attached hereto. Although the creation of the District was predicated on the prompt development of the property within the District, no development was undertaken by the original developer. To the

best knowledge and belief of Petitioner, the majority in acreage and in value of the property within the District is now owned by Petitioner.

Petitioner desires to dissolve the District because none of the development for which the District was created has ever taken place and the owners of the property within the District no longer desire the existence of the District; therefore, there is no longer any need for the continued existence of the District, and the District no longer has any function to perform or duties to fulfill, and dissolution of the District is desirable and necessary.

II.

INACTIVITY AND FINANCIAL DORMANCY

The District has been inactive for a period of five consecutive years or more. Texas Water Code §49.321; 30 TAC §293.131(2)(B). The District has not performed any of the functions for which it was created for a period of five consecutive years or more. Texas Water Code §49.321; 30 TAC §293.131(2)(B). The District has been financially dormant for the preceding five year period, as evidenced by the copies of Financial Dormancy and Filing Affidavits for the years 2002 through 2006, attached hereto as **Exhibit "B"** and incorporated herein by reference. 30 TAC §293.131(2)(C).

III.

NO OUTSTANDING BONDED INDEBTEDNESS

The District has no outstanding bonded indebtedness (Texas Water Code §§49.321 and 49.324; 30 TAC §293.131(2)(D)), as evidenced by statements made to the Petitioner by the District's attorneys and by a detailed review conducted by Petitioner of the District's files, and as further evidenced by the original Certificate of No Bonded Indebtedness, provided by the

Comptroller of Public Accounts of the State of Texas, attached hereto as **Exhibit "C"** and incorporated herein by reference, in which the Comptroller certifies that the District has never registered any bonds with the Comptroller.

IV.

ASSETS AND LIABILITIES

A review of the District's files by the District's attorneys and the attached letter dated January 24, 2007 from Municipal Accounts & Consulting, L.P., the bookkeeper for the District, indicate that the District has no assets or liabilities (see **Exhibit "D"**).

V.

NOTICE TO OTHER LANDOWNERS

A recent Ownership Certificate provided by the Fort Bend Central Appraisal District pertaining to property within the District, attached hereto as **Exhibit "E"** and incorporated herein by reference, reflects the Petitioner as the owner of all of the property within the District. Therefore, no notice to other landowners is required.

VI.

NOTICE OF HEARING

As required by Texas Water Code §49.322(b) and 30 TAC §293.132, Petitioner will publish at its own cost the Notice of Hearing provided by the Chief Clerk pursuant to Texas Water Code §49.322(a) and 30 TAC §293.132. Petitioner understands that the Commission will give the Notice of Hearing to the members of the Board of Directors of the District according to the last record on file with the Executive Director as required by Texas Water Code §49.322(c) and 30 TAC §293.132.

VII.

ORDER OF DISSOLUTION

The Commission will enter an order that the District be dissolved if the Commission finds that the District has performed none of the functions for which it was created for a period of five consecutive years before the day of the hearing and the District has no outstanding bonded indebtedness. Petitioner understands and agrees that, pursuant to Texas Water Code §49.327 and 30 TAC §293.134, the assets of the District, if any, shall escheat to the State of Texas and shall be administered by the Comptroller of Public Accounts (as successor to the State Treasurer) and disposed of in the manner provided by law.

VIII.

CERTIFIED COPY OF ORDER

Petitioner understands and agrees that, pursuant to Texas Water Code §49.325 and 30 TAC §293.135, the Commission will cause to be filed a certified copy of the Order of Dissolution of the District in the Deed Records of Fort Bend County, Texas.

IX.

FILING FEE

Included with the filing of this petition, Petitioner has provided the One Hundred Dollar ($100.00) filing fee required by 30 TAC §293.136.

WHEREFORE, Petitioner respectfully prays that this petition be properly filed, as provided by law; that it be set down for hearing at a date to be fixed in keeping with the provisions of Chapter 49 and Chapter 54, Texas Water Code, as amended; that Notice of Hearing be given as provided therein; that the hearing be held and this petition be in all things granted;

that the Texas Commission on Environmental Quality dissolve Fort Bend County Municipal Utility District No. 101, and that such other orders, acts, procedure and relief be granted as are proper and necessary and appropriate to the dissolution of the District, as your Honorable Commission shall deem proper and necessary.

RESPECTFULLY SUBMITTED and effective this 5th day of MARCH, 2007.

UNION PACIFIC RAILROAD COMPANY,
a Delaware corporation

By: Tony K Love
Printed Name: TONY K. LOVE
Title: Assistant Vice President – Real Estate

THE STATE OF NEBRASKA §
§
COUNTY OF DOUGLAS §

This instrument was acknowledged before me on this 5th day of MARCH, 2007, by TONY K. LOVE, Assistant Vice President – Real Estate of Union Pacific Railroad Company, a Delaware corporation, on behalf of said corporation.

Annette M. Aughe
Notary Public in and for the
State of Nebraska

GENERAL NOTARY - State of Nebraska
ANNETTE M. AUGHE
My Comm. Exp. Sept. 2, 2007

F:\9128\pet.diss.fb101.doc

EXHIBIT "A"

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

Metes and Bounds Description
of 426.6 Acres of Land
Out of the J. F. Dyer Survey, A-371,
the B.B.B. & C.R.R. Co. Survey, A-133
and the Henry Scott League, A-83
Fort Bend County, Texas

All that certain 426.6 acres of land out of the J. F. Dyer Survey, A-371, the B.B.B. & C.R.R. Co. Survey, A-133 and the Henry Scott League, A-83, Fort Bend County, Texas, and being more particularly described by metes and bounds as follows: (All bearings based on record bearing of N 88° 30′ E in the southerly line of the 545.6 acre tract described as the "Third Tract" in a partition deed from Abe Robinowitz, et al, to H. J. Robinowitz, et al, recorder under Volume 130, Page 11, Fort Bend County, Texas)

BEGINNING at a 1" iron pipe found for the southeast corner of said 1428.321 acre tract described in a deed from Herbert Robins, et al, to American Breco Corporation, recorded under File No. 8521306, Fort Bend County Real Property Records, common to the southeast corner of the herein described tract, in the northern right-of-way line of the G. H. and S. A. Railroad (100′ R.O.W.);

THENCE S 83° 30′ 00" W - 4,312.75′ along said northern right-of-way line to the southwest corner of the herein described tract in the centerline of Robinowitz Road No. 2;

THENCE N 01° 50′ 58" E - 5,244.40′ along said center line to the northwest corner of the herein described tract;

THENCE S 73° 24′ 31" E - 40.83′ to an angle corner of the herein described tract in the easterly right-of-way line of Robinowitz No. 2 Road (70′ wide), located 10′ south of the current southern right-of-way line of State Highway 36 (150′ R.O.W.);

THENCE N 52° 59′ 56" E - 37.31′ along a line 10′ south of and parallel with said southern right-of-way line of State Highway 36 to an angle corner of the herein described tract;

THENCE S 73° 27′ 33" E - 4,220.55′ continuing along said parallel line to the northeast corner of the herein described tract in the easterly line of the aforesaid 1428.321 acre tract;

THENCE S 00° 00′ 56" E - 3,562.66′ along the easterly line of said 1428.321 acre tract to the POINT OF BEGINNING of the herein described tract and containing 426.6 acres of land.

Prepared by:
Pate Engineers, Inc.
Job No. 332-001-51
Issue Date:
July 26, 1996

THIS LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO DOCUMENTS FOR MUNICIPAL UTILITY DISTRICT BOUNDARY ESTABLISHMENT.

EXHIBIT "B"

FINANCIAL DORMANCY AND FILING AFFIDAVIT

STATE OF TEXAS
COUNTY OF **FORT BEND**

FORT BEND COUNTY MUD 101

A. I, Peter T. Harding, being duly sworn, am an authorized representative of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101, OF FORT BEND COUNTY, TEXAS;**

To the best of my knowledge, I affirm that the above district had:

1. $500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources; AND
2. $500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded $5,000;

For the following period:

1. (X) calendar year, **January 1, 2002** through **December 31, 2002**
2. ( ) fiscal year, _____ through _____.
   (Date) (Date)

CHECK ONE:

B. To the best of my knowledge, I affirm that payments ( )have (X)have not been made by (an)other party(ies) on behalf of the district. These payments are estimated to be $ _____.

C. The district ( )has (X)has not been confirmed by voters. A confirmation election was held on _____.

D. I also affirm that the district has complied in full with the requirements of Section 49.194(c) of the Texas Water Code by filing copies of this affidavit in the district's office, located at:

1300 POST OAK BOULEVARD, SUITE 1400
HOUSTON, TEXAS 77056

E. Date June 17, 2003

By: _____ (Signature)
Peter T. Harding, Attorney **for the District**

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public
in and for the State of Texas

this 17th day of June, 2003.
My Commission Expires on October 9, 2004.

NOTARY PUBLIC STATE OF TEXAS
ELLEN C. BUCKMAN
Notary Public
STATE of TEXAS
My Comm. Exp.: 10-09-2004

_____ (Signature of Notary)

FINANCIAL DORMANCY AND FILING AFFIDAVIT

COPY

STATE OF TEXAS
COUNTY OF **FORT BEND**

FORT BEND COUNTY MUD 101

A. I, Peter T. Harding, being duly sworn, am an authorized representative of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101, OF FORT BEND COUNTY, TEXAS;**

To the best of my knowledge, I affirm that the above district had:

1. $500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources; AND
2. $500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded $5,000;

For the following period:

1. (X) calendar year, **January 1, 2003,** through **December 31, 2003**
2. ( ) fiscal year, _____ through _____.
(Date) (Date)

CHECK ONE:

B. To the best of my knowledge, I affirm that payments ( )have (X)have not been made by (an)other party(ies) on behalf of the district. These payments are estimated to be $ _____.

C. The district ( )has (X)has not been confirmed by voters. A confirmation election was held on _____.

D. I also affirm that the district has complied in full with the requirements of Section 49.194(c) of the Texas Water Code by filing copies of this affidavit in the district's office, located at:

1300 POST OAK BOULEVARD, SUITE 1400
HOUSTON, TEXAS 77056

E. Date February 9, 2007

By: Peter T. Harding (KRM)
(Signature)
Peter T. Harding, Attorney **for the District**

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public
in and for the State of Texas

this 9th day of February, 2007.
My Commission Expires on October 9, 2008.

Ellen C. Buckman
(Signature of Notary)

ELLEN C. BUCKMAN
Notary Public
STATE OF TEXAS
My Comm. Exp.: 10-09-2008

FINANCIAL DORMANCY AND FILING AFFIDAVIT

COPY

STATE OF TEXAS
COUNTY OF **FORT BEND**

_____
FORT BEND COUNTY MUD 101

A. I, Peter T. Harding, being duly sworn, am an authorized representative of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101, OF FORT BEND COUNTY, TEXAS;**

To the best of my knowledge, I affirm that the above district had:

1. $500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources; AND
2. $500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded $5,000;

For the following period:

1. (X) calendar year, **January 1, 2004,** through **December 31, 2004**
2. ( ) fiscal year, _____ through _____.
   (Date) (Date)

CHECK ONE:

B. To the best of my knowledge, I affirm that payments ( )have (X)have not been made by (an)other party(ies) on behalf of the district. These payments are estimated to be $ _____.

C. The district ( )has (X)has not been confirmed by voters. A confirmation election was held on _____.

D. I also affirm that the district has complied in full with the requirements of Section 49.194(c) of the Texas Water Code by filing copies of this affidavit in the district's office, located at:

1300 POST OAK BOULEVARD, SUITE 1400
HOUSTON, TEXAS 77056

E. Date February 9, 2007

By: Peter T. Harding
(Signature) (KRM)
Peter T. Harding, Attorney **for the District**

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public
in and for the State of Texas

this 9th day of February, 2007.
My Commission Expires on October 9, 2008.

ELLEN C. BUCKMAN
Notary Public
STATE OF TEXAS
My Comm. Exp.: 10-09-2008

Ellen C. Buckman
(Signature of Notary)

FINANCIAL DORMANCY AND FILING AFFIDAVIT

COPY

STATE OF TEXAS
COUNTY OF **FORT BEND**

FORT BEND COUNTY MUD 101

A. I, Peter T. Harding, being duly sworn, am an authorized representative of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101, OF FORT BEND COUNTY, TEXAS;**

To the best of my knowledge, I affirm that the above district had:

1. $500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources; AND
2. $500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded $5,000;

For the following period:

1. (X) calendar year, **January 1, 2005,** through **December 31, 2005**
2. ( ) fiscal year, _____ through _____.
(Date) (Date)

CHECK ONE:

B. To the best of my knowledge, I affirm that payments ( )have (X)have not been made by (an)other party(ies) on behalf of the district. These payments are estimated to be $ _____.

C. The district ( )has (X)has not been confirmed by voters. A confirmation election was held on _____.

D. I also affirm that the district has complied in full with the requirements of Section 49.194(c) of the Texas Water Code by filing copies of this affidavit in the district's office, located at:

1300 POST OAK BOULEVARD, SUITE 1400
HOUSTON, TEXAS 77056

E. Date February 9, 2007 By: Peter T. Harding (KRM)
(Signature)
Peter T. Harding, Attorney **for the District**

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public
in and for the State of Texas

this 9th day of February, 2007.
My Commission Expires on October 9, 2008.

Ellen C. Buckman
(Signature of Notary)

ELLEN C. BUCKMAN
Notary Public
STATE OF TEXAS
My Comm. Exp.: 10-09-2008

COPY

FINANCIAL DORMANCY AND FILING AFFIDAVIT

STATE OF TEXAS
COUNTY OF **FORT BEND**

FORT BEND COUNTY MUD 101

A. I, Peter T. Harding, being duly sworn, am an authorized representative of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 101, OF FORT BEND COUNTY, TEXAS;**

To the best of my knowledge, I affirm that the above district had:

1. $500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources; AND
2. $500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded $5,000;

For the following period:

1. (X) calendar year, **January 1, 2006,** through **December 31, 2006**
2. ( ) fiscal year, _____ through _____.
   (Date) (Date)

CHECK ONE:

B. To the best of my knowledge, I affirm that payments ( )have (X)have not been made by (an)other party(ies) on behalf of the district. These payments are estimated to be $ _____.

C. The district ( )has (X)has not been confirmed by voters. A confirmation election was held on _____.

D. I also affirm that the district has complied in full with the requirements of Section 49.194(c) of the Texas Water Code by filing copies of this affidavit in the district's office, located at:

1300 POST OAK BOULEVARD, SUITE 1400
HOUSTON, TEXAS 77056

E. Date January 25, 2007

By: _____ (Signature)
Peter T. Harding, Attorney **for the District**

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public
in and for the State of Texas

this 25th day of January, 2007.
My Commission Expires on October 9, 2008.

ELLEN C. BUCKMAN
Notary Public
STATE OF TEXAS
My Comm. Exp.: 10-09-2008

_____ (Signature of Notary)

EXHIBIT "C"

THE STATE OF TEXAS

COUNTY OF TRAVIS

I, Melissa Mora, of the Cash and Securities Management Division of the Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY, I am a designated Assistant Bond Clerk for bond issues registered by the Comptroller of Public Accounts.

I FURTHER CERTIFY that a review of our records on January 23, 2007, found no registration by the Comptroller of bonds issued by Fort Bend County Municipal Utility District No. 101, from January 1, 1986 through January 23, 2007.

IN TESTIMONY WHEREBY, I have hereunto signed my name officially and caused to be impressed hereon the seal of the Comptroller of Public Accounts in the City of Austin, Texas, on this 23rd day of January, 2007.

Melissa Mora

Melissa Mora
Assistant Bond Clerk
Comptroller of Public Accounts of the
State of Texas

MUNICIPAL AC UNTS
& CONSULTING, L.P.

EXHIBIT "D"

January 24, 2007

Mr. Kevin McAlpin
Schwartz, Page & Harding, L.L.P.
1300 Post Oak Blvd., Suite 1400
Houston, Texas 77056

RE: Fort Bend County MUD No. 101

Dear Mr. McAlpin:

Please be advised the above referenced District does not have any assets or liabilities.

Sincerely,

Mark M. Burton
Managing Partner

1300 Post Oak Blvd. ■ Suite 1600 ■ Houston, Texas 77056 ■ Phone: 713.623.4539 ■ Fax: 713.629.6859

EXHIBIT "E"

Fort Bend Central Appraisal District

2801 B. F. Terry Blvd.
Rosenberg TX 77471-5600

Ownership Certificate Re: FBCMUD # 101

Date: January 26, 2007 **Certificate No. 0314**

The 2007 FBCAD appraisal roll for the land described in the legal description attached has an ownership(s) of:

1. Union Pacific Railroad Company
2. _____
3. _____
4. _____
5. _____

Ownership is based on Instrument #:

1. 2007001315
2. _____
3. _____
4. _____
5. _____

Existing or Parent Accounts on Last Certified Roll (2006) with Appraisal Values

1. 0083-00-000-1590-901 $34,980; 0133-00-015-0050-901 $31,140
2. 0133-00-015-0051-901 $1,000; 0133-00-015-0052-901 $1,000
3. 0133-00-015-0053-901 $1,000; 0133-00-015-0054-901 $1,000
4. 0133-00-015-0056-901 $1,000; 0133-00-015-0063-901 $1,000
5. 0371-00-002-0020-901 $78,610

John Beaudoin
Deputy Chief Appraiser

Name: Ellen Buckman
Organization: Schwartz, Page & Harding, LLP

Certificate Cost: $30.00

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT HEARING
TCEQ Docket No. 2007-0498-DIS

APPLICATION. The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Fort Bend County Municipal Utility District No. 101 (District). The Application was filed with the TCEQ and included a petition from Union Pacific Railroad Company, which is an owner of property located within the District. The TCEQ will conduct this hearing under the authority of Chapters 49 and 54 of the Texas Water Code (TWC), Title 30, Chapter 293 of the Texas Administrative Code (TAC) and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday,
August 22, 2007
Building E, Room 201 S
12100 Park 35 Circle
Austin, Texas

The District was created by the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, on March 9, 1988 and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code. The District contains 426.6 acres of land within Fort Bend County, Texas. Pursuant to 30 TAC Section (§) 293.13 1, the petition filed with the Application states that dissolution is desirable and necessary because the District is not required for the development of land within its boundaries.

The petition filed with the Application states that the District: (1) has not performed any of the functions for which it was created for five consecutive years preceding the date of the Application, (2) is financially dormant; and (3) has no outstanding bonded indebtedness.

An affidavit from the State Comptroller of Public Accounts was included in the Application certifying that the District has no bonded indebtedness.

Pursuant to TWC §49.327, if the request for dissolution is approved, the District's assets, if any, will escheat to the State of Texas and will be administered by the State Comptroller of Public Accounts and disposed of in the manner provided by Chapter 74 of the Texas Property Code.

HEARING. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the Application. At the hearing, pursuant to TWC §49.324, the TCEQ will determine if the District should be dissolved.

INFORMATION. For information regarding the date and time this application will be heard before the TCEQ, please submit written inquiries to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. For additional information, individual members of the public may contact the Districts Review Team at 512-239-4691. General information regarding TCEQ is available on the internet at www.tceq.state.tx.us.

Si desea informacion en Español, puede llamar al 1-512-239-0200.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 800-687-4040 or 800-RELAY-TX (TDD) at least one week prior to the hearing.

Issued: 6/7/07

LaDonna Castañuela
Chief Clerk
Texas Commission
on Environmental Quality

Fort Bend Herald

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

'07 JUL -2 PM 3:06

CHIEF CLERKS OFFICE

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO Box 13087
Austin TX 78711-3087

Fort Bend County MUD 101
Docket No. 2007-0498-DIS CID # 57770
Application for Dissolution of District

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF Fort Bend

Before me, the undersigned authority, on this day personally appeared

David Lyons, who being by me duly sworn,
(name of newspaper representative)

deposes and says that (s)he is the Publisher
(title of newspaper representative)

of the Fort Bend Herald; that said newspaper is regularly
(name of newspaper)

published or circulated in Fort Bend County/Counties,
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

6-15, 6-22-07.
(date or dates of publication)

David Lyons
Newspaper Representative's Signature

Subscribed and sworn to before me this the 25th day of June,

2007, to certify which witness my hand and seal of office.

Marie Lopez
Notary Public in and for the State of Texas

(Seal)

Marie Lopez
Print or Type Name of Notary Public

MARIE LOPEZ
Notary Public, State of Texas
My commission expires
02-26-2009

My Commission Expires 02/26/09

CarMello Manning - Fort Bend County MUD 101 / Docket No. 2007-0498-DIS / Dissolution

From: CarMello Manning
To: Diego Abrego
Date: 7/5/2007 12:11 PM
Subject: Fort Bend County MUD 101 / Docket No. 2007-0498-DIS / Dissolution
CC: Melissa Chao; Paul Munguia; Robert Cummins

We have received proof of newspaper publication for the above referenced, evidencing publication on June 15 and June 22, 2007 in the Fort Bend Herald. The affidavit states said newspaper is regularly published or circulated in Fort Bend County, Texas.

Based on the above information, the comment period ends at the close of business on Wednesday, August 22, 2007.

The documents are being prepared for filing and will be available for viewing by requesting the file at the front desk of OCC within the next few days.