

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: The Commissioners of the Texas
Commission on Environmental Quality

Date: November 5, 2007

Thru: *DH* Doug Holcomb, P.E., Manager, Utilities and Districts Section
JK Kim Grona, Acting Leader, Districts Review Team

From: Districts Review Team

Subject: Docket No. 2007-1736-DIS. Harris County Municipal Utility District (MUD) No. 197;
Request for Order of Dissolution Pursuant to Texas Water Code Sections 49.321 to
49.327 and Title 30 of the Texas Administrative Code (30 TAC) Sections 293.131 to
293.136.
TCEQ Internal Control No. 08062007-D04 CN: 600741631 – RN: 101427813

CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

DESCRIPTION OF APPLICATION

Petitioner: Gordon P. Gordon, Trustee and sole owner of the land in Harris County MUD No. 197.

Request: Dissolution of Harris County Municipal Utility District No. 197.

Type: Dissolution.

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

STAFF RECOMMENDATIONS

Grant the request for dissolution of Harris County MUD No. 197.

TECHNICAL INFORMATION

General: The District was created by the Texas Commission on Environmental Quality on November 18, 1981. It contains 34,967 acres of land within Harris County Texas and has been dormant since its creation. The District has no outstanding bonded indebtedness as well as no assets or liabilities.

ANTICIPATED RESPONSE

General agreement with the staff's recommendation.

CONTACT

Greg Charles, Technical Manager, Districts Review Team, 239-4638.

Prepared by:

Greg Charles
Districts Review Team

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A. GENERAL INFORMATION

On August 6, 2007 the Commission received a petition requesting the dissolution of Harris County Municipal Utility District No. 197 (District). The Texas Commission on Environmental Quality created the District on November 18, 1981. The District contains 34.967 acres of land within Harris County and is subject to Texas Water Code Chapters 49 and 54.

The petition for the dissolution of the District was signed by Daniel P. Gordon, Trustee ("Petitioner"). The petition asserts that the Petitioner holds title to 100% of the land within the District. A certificate of ownership from Harris Central Appraisal District confirms the Petitioner'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.

Pursuant to 30 TAC Section 293.131, 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. In addition, the District has been financially dormant since its creation, does not have outstanding bonded indebtedness, and has no known assets or liabilities.

November 5, 2007

Re: Docket No. 2007-1736-DIS. Harris County Municipal Utility District No. 197

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 the District had not incurred bonded debt for the period January 1, 1986 through July 25, 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 Harris County Municipal Utility District No. 197.
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 Petitioner's professional representative is:

Joseph M. Schwartz – Schwartz, Page & Harding, LLP



Greg Charles
Districts Review Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



DOCKET NO. 2007-1736-DIS

AN ORDER AUTHORIZING THE DISSOLUTION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 197

On March 19, 2008, 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 Daniel P. Gordon, Trustee, the owner of property located within Harris County Municipal Utility District No. 197 (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 November 5, 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 Daniel P. Gordon, Trustee, 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 Harris 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

Buddy Garcia, Chairman