Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

CHIEF CLERKS OFFICE
2008 SEP 25 AM 10: 18
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

To: The Commissioners of the Texas Commission on Environmental Quality **Date:** June 25, 2008

Thru: Doug Holcomb, P.E., Manager, Utilities and Districts Section
Alex A. (Skip) Ferris, P.E., Leader, Districts Review Team

From: Districts Review Team

Subject: Docket No. 2008-0878-DIS. Fort Bend County Municipal Utility District No. 20; 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: 600737159 – RN: 101398477

A. GENERAL INFORMATION

On May 5, 2008 the Commission received a petition requesting the dissolution of Fort Bend County Municipal Utility District No. 20 (District). The 60th Texas Legislature created the District on June 16, 1967. The District contains 164.95 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 James M. Casey, executive vice president of TCGKRS Associates, Inc., managing member of TC-CH Realty IV Venture, LLC, managing member of Lakeview BP Land GP, LLC, general partner of LAKEVIEW BP LAND, LP ("Petitioner"). The petition asserts that the Petitioner holds a majority of the land within the District. A certificate of ownership from Fort Bend 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. Affirming the District's dormancy are certified copies of the Annual Financial Dormancy and Filing Affidavit (Affidavit) for the calendar years 2000 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 April 3, 2008.

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. 20.

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:

J. Ron Young – Young & Brooks
Alia Vinson – Allen Boone Humphries Robinson LLP

Greg Charles
Districts Review Team

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 JUL -1 PM 1:28
CHIEF CLERKS OFFICE

To: Melissa Chao
Office of the Chief Clerk

Date: June 30, 2008

Thru: DH 7/1
Doug Holcomb, P.E., Manager, Utilities and Districts Section
Alex A. (Skip) Ferris, P.E., Leader, Districts Review Team

From: GC
Greg Charles, Districts Review Team

Subject: Docket No. 2008-0878-DIS. Fort Bend County Municipal Utility District No. 20; Request for Order of Dissolution Pursuant to Texas Water Code Sections 49.321 to 49.327.
TCEQ Internal Control No. 05052008-D02
CN: 600737159 – RN: 101398477

Agenda Item Date Request for the Subject Application.

Note: The applicant has requested the earliest possible Agenda date.

Please send a copy of the appropriate notice of the public hearing to the applicant and interested parties.

Attachments:
Agenda Item Request/Caption
Agenda Executive Summary
Notice/Mailing List
Staff Memorandum

Legal Staff approval of attachments: June 27, 2008 – Legal Staff: Kayla Murray

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: The Commissioners of the Texas Commission on Environmental Quality **Date:** June 30, 2008

Thru: DH 7/1
Doug Holcomb, P.E., Manager, Utilities and Districts Section
Alex A. (Skip) Ferris, P.E., Leader, Districts Review Team

From: Districts Review Team

Subject: Docket No. 2008-0878-DIS. Fort Bend County Municipal Utility District (MUD) No. 20; 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. 05052008-D02 CN: 600737159 – RN: 101398477

DESCRIPTION OF APPLICATION

Petitioner: LAKEVIEW BP LAND, LP sole owner of the land in Fort Bend County MUD No. 20.

Request: Dissolution of Fort Bend County Municipal Utility District No. 20.

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 Fort Bend County MUD No. 20 (FBCMUD 20).

TECHNICAL INFORMATION

General: The 60th Texas Legislature created Willowisp MUD (WMUD) on June 16, 1967. On July 1, 1975 WMUD was converted to FBCMUD 20. It contains 164.95 acres of land within Fort Bend 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 June 30, 2008
Districts Review Team Date

NOTICE OF DISTRICT HEARING
TCEQ Docket No. 2008-0878-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. 20 (District). The Application was filed with the TCEQ and includes a petition by Lakeview BP Land, LP, the 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, MXXX DX, 200X
Building E, Room 201S
12100 Park 35 Circle
Austin, Texas

The District was created by the 60th Texas Legislature, on June 16, 1967, as Willowisp MUD, and was converted to District on July 1, 1975, by the Texas Water Rights Commission 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 164.95 acres of land within Fort Bend County Texas. Pursuant to 30 TAC Section (§) 293.131, 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. The District has no known assets or liabilities.

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.

CONTESTED CASE 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 información 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.

Mailing List
Docket No. 2008-0878-DIS
Fort Bend County MUD 20
TCEQ Internal Control No. 05052008-D02

Mr. J. Ron Young
Young & Brooks
1415 Louisiana Street – Fifth Floor
Houston, TX 77002 - 7349

Ms. Alia Vinson
Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

Mr. Jerry Knauff
830 N. Wilcrest
Houston, Texas 77079

Mr. Bobby J. Palmer – Director
Fort Bend County Municipal Utility District No. 20
914 Overland
Houston, Texas 77071

Mr. R. L. Curtis – Secretary
Fort Bend County Municipal Utility District No. 20
10603 Chimney Rock
Houston, Texas 77035

Robert W. Simmer – Treasurer
Fort Bend County Municipal Utility District No. 20
50 Bendwood
Sugarland, Texas 77478

City Secretary
City of Missouri City
1522 Texas Parkway
Missouri City , Texas 77489

Texas Commission on Environmental Quality

Kayla Murray, Environmental Law Division, MC-173
Greg Charles, 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

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

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: The Commissioners of the Texas Commission on Environmental Quality **Date:** June 25, 2008

Thru: Doug Holcomb, P.E., Manager, Utilities and Districts Section
Alex A. (Skip) Ferris, P.E., Leader, Districts Review Team

From: Districts Review Team

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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. Affirming the District's dormancy are certified copies of the Annual Financial Dormancy and Filing Affidavit (Affidavit) for the calendar years 2000 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 April 3, 2008.

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. 20.

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:

J. Ron Young – Young & Brooks
Alia Vinson – Allen Boone Humphries Robinson LLP

Greg Charles
Districts Review Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOCKET NO. 2008-0878-DIS

AN ORDER AUTHORIZING THE DISSOLUTION
OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 20

On xxxx xx, 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 Lakeview BP Land, LP, the owner of property located within Fort Bend County Municipal Utility District No. 20 (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 xxxx xx, 2008 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 Lakeview BP Land, LP, 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

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Buddy Garcia, Chairman