

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Melissa Chao
Office of the Chief Clerk

Date: December 19, 2008

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

From: Ruben Soto, Jr.
Districts Review Team

Subject: Docket No. 2008-1461-DIS; Fort Bend County Fresh Water Supply District No. 2;
Petition for Conversion to a Municipal Utility District. Pursuant to Texas Water
Code Chapters 49 and 54.
TCEQ Internal Control No. 02292008-D01
CN: 600740179 RN: 101415040

Backup for Agenda.

Docket 2008-1461-DIS

Commission Agenda Date: May 20, 2009

7 copies each of Backup for Agenda:

- Executive Summary
- Staff Memorandum
- Commission Order
- Mailing List
- Applicant's request letter
- District Resolution for Conversion of the District
- Notice of District Petition
- Metes and Bounds (Exhibit "A")
- Map (Exhibit "B")

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAY - 1 AM 11: 57

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Texas Commission on Environmental Quality **Date:** December 19, 2008

Thru: ^{DH} Doug Holcomb, P.E., Manager, Utilities and Districts Section
^{AK for} Alex A. (Skip) Ferris, P.E., Leader, Districts Review Team

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Subject: Docket No. 2008-1461-DIS; Fort Bend County Fresh Water Supply District No. 2;
Application for Conversion to a Municipal Utility District; Pursuant to Texas
Water Code, Chapters 49 and 54.
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DESCRIPTION OF APPLICATION

Petitioner: Fort Bend County Fresh Water Supply District No. 2 (District)
Request: Conversion into a Municipal Utility District
Type: Conversion
Authority: Texas Water Code, Chapters 49 and 54

STAFF RECOMMENDATIONS

Grant the District's request to be converted into a Municipal Utility District

TECHNICAL INFORMATION

General: The District was created on January 23, 2001, under Article XVI, Section 59 of the Texas Constitution by the Fort Bend County Commissioners court as a FWSD to provide water service. The order creating the District indicated that the District is located in the extra territorial jurisdiction (ETJ) of the cities of Rosenberg and Houston. The District requests conversion to have drainage powers.

ANTICIPATED RESPONSE

General agreement with staff recommendations.

CONTACT

Ruben Soto, Jr., Technical Manager, Districts Review Team - 239-4571.

Prepared by: Ruben Soto, Jr.
Districts Review Team

Date: December 19, 2008

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Todd Chenoweth, Director
Water Supply Division

Date: December 19, 2008

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

From: Districts Review Team

Subject: Docket No. 2008-1461-DIS; Fort Bend County Fresh Water Supply District No. 2; Application for Conversion to a Municipal Utility District; Pursuant to Texas Water Code, Chapters 49 and 54.
TCEQ Internal Control No. 02292008-D01 (TC)
CN: 600740179 RN: 101415040

A. GENERAL INFORMATION

The Commission received an application from Fort Bend County Fresh Water Supply District No. 2 (District) requesting Commission approval for conversion to a municipal utility district (MUD). The District currently operates under Texas Water Code Chapters 49 and 53 as a fresh water supply district (FWSD).

History

The District was created on January 23, 2001, by the Fort Bend County Commissioners court as a FWSD to provide water service. The order creating the District indicated that the District is located in the extra territorial jurisdiction (ETJ) of the cities of Rosenberg and Houston, that City of Rosenberg consent was obtained prior to creation, and that creation is subject to City Houston consent. By ordinance no. 2000-963, adopted November 8, 2000, the City of Houston consented to the creation of the District with an area of 2,150 acres.

Location

The District is comprised of two non-contiguous tracts. The Four Corners tract includes approximately 1,775 acres within the ETJ of the City of Houston, located west of State Highway 6, east of Farm-to-Market Road 1464, south of Bissonnet Street, and north of West Airport Blvd., and currently includes single family residences and light industrial development. The Rio Brazos tract includes approximately 350 acres within the ETJ of the City of Rosenberg located east of F.M. 723 and just north of the Brazos River, and also includes single family and light industrial developments.

B. ENGINEERING ANALYSIS

1. Status of Development

The District's existing population is approximately 1,000 residents. At full development, the District is projected to serve 2,500 people (approximately 604 single-family residences and 31 commercial acres). The projected total assessed valuation of the District is \$109,200,000, (604 times \$150,000 plus 31 acres times \$600,000 per acre).

2. Water Supply

Water supply for the District is provided by purchased capacity from a water treatment plant originally constructed by Kingsbridge MUD to provide potable water to Four Corners. Rio Brazos has its own water plant.

3. Wastewater Treatment

Currently the District does not have a centralized wastewater system. The District intends on funding wastewater treatment and collection facilities with United States Department of Agriculture (USDA) grant/loan funds. The District is negotiating with Kingsbridge MUD to purchase wastewater treatment capacity for Four Corners. The District may contract with others to purchase capacity for Rio Brazos or construct its own 60,000 gpd wastewater treatment plant for the Rio Brazos area.

4. Storm Drainage

Storm water run-off within the District is limited to roadside ditches or overland flow that convey runoff to Red Gully in Four Corners and the Brazos River in Rio Brazos.

C. SUMMARY OF COSTS

<u>Construction Costs</u>	<u>District's</u> ⁽¹⁾
	<u>Share</u>
A. Developer Contribution Items	
1. Drainage	\$ 5,725,746
2. Detention Facilities	1,294,313
3. Miscellaneous	300,300
4. Contingencies (10% of items 1-3)	732,036
5. Engineering (20% of items 1-4)	<u>1,610,479</u>
Total Developer Contribution Items	\$ 9,662,874
B. District Items	
Land Costs, Contingencies, and Engineering	\$ <u>2,018,082</u> ⁽²⁾
TOTAL CONSTRUCTION COSTS (73.0% of BIR)	\$ 11,680,956
<u>Nonconstruction Costs</u>	
A. Legal Fees (3.5%)	\$ 560,000
B. Fiscal Agent Fees (1%)	160,000

C. Interest	
1. Capitalized Interest (24 months @ 7.5%)	2,400,000
2. Developer Interest	256,274
D. Bond Discount (3%)	480,000
E. Bond Issuance Expenses	242,770
F. Bond Application Reports	120,000
G. Creation Costs	60,000
H. TCEQ Bond Issuance Fee (0.25%)	<u>40,000</u>
TOTAL NONCONSTRUCTION COSTS	\$ 4,319,044
TOTAL BOND ISSUE REQUIREMENT	\$ 16,000,000

Notes: (1) Represents 100% funding.

(2) Includes \$350,790 (106.3 acres at \$3,300 per acre) plus \$1,667,292 in other land costs.

Eligibility of costs and 30% developer contribution requirements will be determined at the time bond applications are reviewed.

D. PROJECT FEASIBILITY

1. Project Financing

Considering an estimated bond issue requirement of \$16,000,00 (assuming 100% financing), a coupon bond interest rate of 7.5%, and a 35-year bond life, the average annual debt service requirement would be approximately \$1,303,727. Assuming a 95% collection rate and an ultimate taxable assessed valuation of \$109,200,00, a tax rate of about \$1.25 per assessed valuation would be necessary to meet the annual debt service requirements.

Application material indicates that the District levied a maintenance tax of \$0.50 in 2007 and intends on reducing the maintenance tax to \$0.25 once debt is in place. The combined District tax rate would be \$1.50 (\$1.25 debt and \$0.25 maintenance). The Four Corners area would have a total tax rate of \$3.27 (\$0.50 Fort Bend County, \$1.27 Fort Bend ISD, and \$1.50 for the District). The Rio Brazos area would have a total tax rate of \$3.30 (\$0.50 Fort Bend County, \$1.30 Lamar Consolidated ISD, and \$1.50 for the District).

2. Water and Wastewater Rates

Based on the District's rate information provided with the application, the costs for 10,000 gallons of water and wastewater service for a single family residence is \$70.00 (\$35.00 for water and \$35.00 for wastewater) per month. The costs for 10,000 gallons of water and wastewater service for non-single family residence is \$80.00 (\$40.00 for water and \$40.00 for wastewater) per month.

E. SPECIAL CONSIDERATIONS

1. Conversion to a MUD

The District desires to convert to a MUD to have drainage powers. The District considers that having drainage powers will attract new development.

2. Waiver of the Preliminary Plan and Preliminary Engineering Report Requirements

The District has requested a waiver of the preliminary plan and preliminary engineering report requirements pursuant to 30 TAC Section 293.15(b)(3) and (4), based on the District having limited funds available to pay for the cost of engineering (\$27,000). Commission staff requested a preliminary plan and preliminary engineering report to adequately assess the proposed conversion to a MUD.

F. CONCLUSIONS

1. Based on the review of the application, engineering report and supporting documents, the District meets the requirements in 30 TAC Section 293.15 for conversion to a MUD.
2. The recommendations are made under authority delegated by the Executive Director of the Texas Commission on Environment Quality.

G. RECOMMENDATIONS

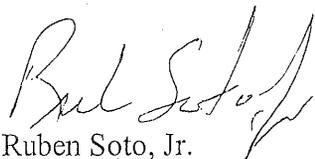
Grant the District's request for conversion from a Fresh Water Supply District operating under Chapters 49 and 53 of the Texas Water Code to a Municipal Utility District operating under Chapters 49 and 54 of the Texas Water Code.

H. ADDITIONAL INFORMATION

The District's consultants are listed as follows:

Attorney: Ms. Terrie L. Sechrist – Sechrist & Duckers, L.L.P.

Engineer: Mr. John K. Sherrington, P.E. – Sherrington, Inc.



Ruben Soto, Jr.
Districts Review Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER AUTHORIZING THE CONVERSION OF FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 2 INTO A MUNICIPAL UTILITY DISTRICT

DOCKET NO. 2008-1461-DIS

On May 20, 2009, the Texas Commission on Environmental Quality (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 ANN. §§ 551.001 - 551.146 and the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.001 - 2001.902, to consider the application of Fort Bend County Fresh Water Supply District No. 2 (District) for conversion into a municipal utility district pursuant to TEX. WATER CODE §§ 54.030 - 54.036 and 30 TEX. ADMIN. CODE § 293.15.

The Commission has jurisdiction to consider this matter and the following Findings of Fact and Conclusions of Law are appropriate after examining the application and supporting documentation:

FINDINGS OF FACT

1. On February 29, 2008, an application (including the District's Resolution) requesting the conversion of the District into a municipal utility district was filed with the Commission pursuant to TEX. WATER CODE, Chapter 54, and 30 TEX. ADMIN. CODE § 293.15.
2. The Resolution adopted by the governing body of the District on February 19, 2008, declares that in the judgment of the governing body, conversion of the District into a municipal utility district will serve the best interests of the District and will be of benefit to the land and property within its boundaries, and the governing body requests that the Commission hold a hearing on the question of the conversion of the District pursuant to TEX. WATER CODE § 54.031.
3. The Executive Director reviewed the application and found that conversion to a municipal utility district will serve the best interests of the District and will be a benefit to the land within the District's boundaries.
4. The District desires to convert to a MUD to have drainage powers to attract new development in the District.
5. Proper notice of the application was given by publication on March 29, 2009, and April 5, 2009, in the Fort Bend Herald newspaper regularly published and generally circulated in Fort Bend County, Texas where the District is located, pursuant to TEX. WATER CODE ANN. § 54.032 and 30 TEX. ADMIN. CODE § 293.15.

6. The appropriate and necessary deposits and fees associated with the filing of the petition have been paid to the Commission.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider the application and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the request for conversion of the District into a municipal utility district.

2. The application of the District conforms in all respects to TEX. WATER CODE §§ 54.030 - 54.036 and 30 TEX. ADMIN. CODE § 293.15, is in proper and legal form, and the purposes thereof are lawful.

3. All statutory and regulatory requirements for conversion of the District into a municipal utility district have been fulfilled pursuant to TEX. WATER CODE ANN. §§ 54.030 - 54.036 and 30 TEX. ADMIN. CODE § 293.15.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the District's request for conversion of the District into a Municipal Utility District (MUD) is hereby granted. The converted district shall operate under the terms and conditions of Article XVI, Section 59 of the TEXAS CONSTITUTION and TEX. WATER CODE, Chapters 49 and 54. The District shall have and may exercise all the powers, authority, functions, duties, and privileges provided in TEX. WATER CODE, Chapter 54 in the same manner and to the same extent as if the district had been created under that chapter including drainage powers. The District shall file a copy of this Commission Order in the deed records of Fort Bend County, Texas. The Chief Clerk of the Commission shall forward a copy of this Order to all affected persons. If any provision, sentence, clause or phrase of this Order is, for any reason, held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

For the Commission

Mailing List
Docket No. 2008-1461-DIS
Fort Bend County Fresh Water Supply District No. 2
TCEQ Internal Control No. 02292008-D01

Mr. Stuart Goldie, President
Fort Bend County FWSD No. 2
530 Rustic Lane
Rosenberg, TX 77471-9767

Ms. Terrie L. Sechrist
Sechrist & Duckers, L.L.P.
770 South Post Oak Lane, Suite 410
Houston, TX 77056

Mr. John K. Sherrington, PE
Sherrington, Inc.
14870 Skinner Road
Cypress, Texas 77429

Ms. Phyllis Smith Herbst
P.O. Box 858
Rosharon, Texas 77583

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

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173
Komal Patel, Utilities & Districts Section, Water Supply Division, MC-153
Blas Coy, Office of the Public Interest Counsel, MC-103

MCDONALD & SECHRIST LLP

ATTORNEYS AT LAW

770 SOUTH POST OAK LANE, SUITE 410
HOUSTON, TEXAS 77056

TERRIE L. SECHRIST, P.C.

Telephone: (713) 395-4200, x102

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tsechrist@mcdonaldsechrist.com

(RS)

JEANNE H. MCDONALD, P.C.

Telephone: (281) 313-2213

Telefax: (281) 313-2514

jmcdonald@mcdonaldsechrist.com

February 27, 2008

VIA FEDERAL EXPRESS

Ms. Mary Ann France

Texas Commission on Environmental Quality
Utilities & Districts Section (MC152)

P.O. Box 13087

Austin, Texas 78711-3087

02292008-DO1
RECEIVED
FEB 29 2008
UTILITIES & DISTRICTS SECTION
3066 100
N/A
RN 101415040
CN 600740179

Re: Fort Bend County Fresh Water Supply District No. 2 (the "District") – Resolution Authorizing Application for Conversion to a Municipal Utility District (the "MUD Conversion Resolution")

Dear Ms. France:

Enclosed for filing please find a certified copy of the captioned MUD Conversion Resolution submitted pursuant to Section 293.15 of the Texas Administrative Code. Also enclosed is the District's check in the amount of \$700 representing payment of the required application fee. Please file-stamp the enclosed copy of the MUD Conversion Resolution and return it to the undersigned in the enclosed self-addressed, stamped envelope.

Should you have any questions regarding this application or need additional information, please do not hesitate to contact the undersigned at (713) 395-4200, extension 102

Very truly yours,

Terrie L. Sechrist

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Enclosures

(Acct # 90790440
\$7875 past due)

Ms. Mary Ann France
Texas Commission on Environmental Quality
February 27, 2008
Page 2

cc: Margaret Wallace (w/encl.)
City of Houston
Planning & Development Department
P.O. Box 1562
Houston, Texas 77251

City of Rosenberg (w/encl.)
Planning & Engineering Department
2110 Fourth Street
Rosenberg, Texas 77471

VIA EMAIL (w/encl.)
Board of Supervisors
Fort Bend County Fresh Water Supply District No. 2

VIA EMAIL (w/encl.)
Mr. Harold T. Hunter, Sr.
Community Resource Group

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned officer of the Board of Supervisors of Fort Bend County Fresh Water Supply District No. 2, hereby certify as follows:

1. The Board of Supervisors of Fort Bend County Fresh Water Supply District No. 2 convened in regular session on the 19th day of February, 2008, at the regular meeting place thereof, inside the boundaries of the District, and the roll was called of the duly constituted officers and members of the Board to-wit:

Carmen Martinez	President
Mario Alberto Campos	Secretary
Lionel Parker	1 st Vice President/Assistant Secretary
Suntera Scott	2 nd Vice President/Assistant Secretary
Stewart J. Goldie	Assistant Secretary

and all of said persons were present, except Supervisor(s) Campos, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

**RESOLUTION AUTHORIZING APPLICATION
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TO CONVERT FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 2
INTO A MUNICIPAL UTILITY DISTRICT**

was introduced for the consideration of the Board. It was then duly moved and seconded that the resolution be adopted, and, after due discussion, the motion, carrying with it the adoption of the resolution, prevailed and carried unanimously.

2. That a true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Resolution has been duly recorded in the Board's minutes of the meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED the 19th day of February, 2008.



Lionel Parker
Asst. Secretary, Board of Supervisors

**RESOLUTION AUTHORIZING APPLICATION
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TO CONVERT FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 2
INTO A MUNICIPAL UTILITY DISTRICT**

WHEREAS, Fort Bend County Fresh Water Supply District No. 2 (the "District") was organized, created and established pursuant to an Order of the Fort Bend County Commissioners' Court dated January 23, 2001, in accordance with the terms and provisions of Article XVI, Section 59 of the Constitution of the State of Texas and Chapter 53 of the Texas Water Code, as amended; and

WHEREAS, the creation of the District was confirmed at an election held within and for the District on May 5, 2001 (the "Confirmation Election"); and

WHEREAS, the District operates pursuant to the general laws of the State of Texas applicable to fresh water supply districts and conservation and reclamation districts, including Chapters 49 and 53 of the Texas Water Code; and

WHEREAS, pursuant to Chapter 53 of the Texas Water Code, the District has the power to conserve, transport and distribute fresh water for domestic and commercial purposes; and

WHEREAS, at an election held within the District on May 4, 2002, a majority of the voters gave the District the power to purchase, construct, acquire, own, operate, repair, improve and extend a sanitary system; and

WHEREAS, the Board of Supervisors of the District (the "Board") has determined that it will not be able to attract new development in the District unless and until it has drainage powers and that is in the best interest of the District to acquire such drainage powers; and

WHEREAS, pursuant to Section 293.15 of the Texas Administrative Code, the District may submit an application to the Texas Commission on Environmental Quality (the "Commission") and request conversion into a municipal utility district that, among other powers, drainage powers. Now, therefore,

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 2 THAT:

Section 1: The District hereby requests that the Commission hold a hearing on the question of converting the District into a municipal utility district.

Section 2: The District hereby requests that the Commission waive the requirement that a preliminary plan showing the location of existing facilities (as discussed in Section 293.15(b)(3) of the Commission rules) and that a preliminary engineering report (as discussed in Section 293.15(b)(4) of the Commission rules) be waived because the District has limited funds available for to pay its engineer the \$27,000 quoted to prepare the preliminary plan and/or the preliminary engineering report because only a small percentage of the land within its boundaries is improved (and generally such improvements are not new improvements) and it does not have

an active developer of property within its boundaries. Therefore, at this time, the District does not know, at this time, the proposed location of drainage/storm sewer facilities that owners of undeveloped property in the District may want to install. The District respectfully requests that it be allowed to delay the preparation of a preliminary plan and a preliminary engineering report until such time as it calls a bond election to authorize the issuance of unlimited tax bonds to finance the construction of water, sanitary sewer and drainage facilities within its boundaries.

Section 3: By this request, the District assures the Commission that it will abide by the terms and conditions prescribed by the Commission.

Section 4: The President and Secretary of the Board and the District's engineers, attorneys and bookkeepers are hereby authorized and directed to do any and all things necessary and proper in connection with this Resolution.

Section 5: A certified copy of this Resolution shall constitute an application and request on behalf of the District to the Commission for additional drainage powers, as described above.

Section 6: This Resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED this 19th day of February, 2008.

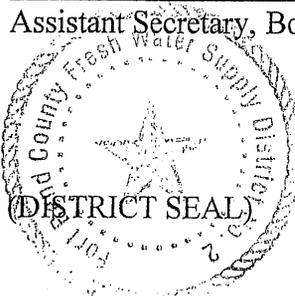
/s/ Carmen Martinez

President, Board of Supervisors

ATTEST:

/s/ Lionel Parker

Assistant Secretary, Board of Supervisors



NOTICE OF DISTRICT PETITION

TCEQ Internal Control No. 02292008-D01

PETITION. Fort Bend Fresh Water Supply District (FWSD) No. 2 (Petitioner) has filed a petition with the Texas Commission on Environmental Quality (TCEQ) to convert Fort Bend FWSD No. 2 to a Municipal Utility District (MUD). The business address to Fort Bend MUD No. 2 will be: 770 South Post Oak Lane, Suite 410, Houston, Texas 77056. The petition was filed pursuant to TEX. WATER CODE Chapter 54 and 30 TEX. ADMIN. CODE § 293.15.

The nature of the services presently performed by Fort Bend FWSD No. 2 is to provide water and wastewater services. The District requests conversion to a MUD to have the powers to provide drainage services.

The proposed District is located in Fort Bend County and is comprised of two non-contiguous tracts (Four Corners (Approx. 1,775 acres) and Rio Brazos (Approx. 350 acres)) containing approximately 3.32 square miles. The territory to be included within the proposed District is set forth in the following boundary description designated as Exhibit "A". The proposed District is also depicted in the following vicinity map designated as Exhibit "B".

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested hearing case, you must submit the following: (1) your name (or for a group or association, and official representative), mailing address, daytime telephone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries.

You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerks at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director may not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance, at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us.

Issued:

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

Fort Bend County Fresh Water Supply District Number 2

Tract #1: Beginning at the Northwest corner of Diocese of Galveston-Houston, 9.083 acre tract being the Southwest corner of Fort Bend Independent School District, 46.380 acre tract, in the I. & G.N. Survey, A-361. Beginning point being in the East Right of Way line of FM 1464.

Thence Easterly along the North property line of Diocese of Galveston-Houston, 9.083 acres tract, Delise J. Roy, Tract 6, 0.95 acres, Zeola Morehead, Tract 7 (PT), 0.50 acres, Emma Obanioni, Tract 2, 3.25 acres, Ruth Burton, Tract 2 (PT), 3.75 acres, to the Northeast corner of the said Remigio Z. Castillo & Yolanda Garcia, 0.75 acre tract, in the West line of Betty Garmond, 7.48 acres tract;

Thence Northerly along the West line of the said Betty Garmond, 7.48 acres tract to the Northwest corner of said Betty Garmond 7.48 acres tract;

Thence Easterly along the North line of Betty Garmond, 7.48 acres tract, Betty Garmond, 2 acre tract, Virginia Ruth Robinson, Tract A, 2.726 acres, Bahman M. Khodae, Tract B, 2.726 acres, Bahman M. Khodae, Tract C, 2.726 Acres, Bahman M. Khodae, Tract D, 2.726 acres, Leon & Louetta Weams, 0.6545 acre, Brazos Valley Schools Credit Union, 2.0 acres, McGee Chapel Baptist Church, 9.5760 acre, Darlene Hurd, 1.00 acre, Joyce M. Broussard, 1 acre, W.G. Hurd, Sr., 9.342 acres, Callie Adkins, 3.816 acres, Southwell Investment Group, I, 20.007 acres, Charles M. Lusk, 15.326 acres, Jalil & Sharon M. Sadat, tract 4 (PT), 8.388 acre tract crossing Gaines Road to the West line of Morton A. Cohn, 2.553 acre tract;

Exhibit "A"

Thence Northerly along the East Right of Way line of Gaines Road, being the West line of Morton A. Cohn, 2.553 acre tract to the Northwest corner of Morton A. Cohn, 2.553 acre tract;

Thence Easterly along the North line of Morton A. Cohn, 2.553 acre tract, Sadell Persons, 12.5 acre tract, Robert L. Foster, 3.33 acre tract, Abraham Washington, 0.99 acre tract, Louis Harris, Jr., 1.5 acre tract, Charles T. Dogan, et al, 12.001 acres tract, Lot 16 (PT), Brown U/R S/D to the Northeast corner of Charles T. Dogan, 12.001 acres tract, Lot 16 (PT), Brown U/R S/D, being an interior corner in the South line of Kingsbridge Place, Section 1, being the most Northerly Northeast corner of the Subject Tract #1;

Thence Southerly with the East line of Charles T. Dogan, et al, 12.001 acres tract, Lot 16 (PT), Brown U/R S/D, Anthony R. Dogan, 1.0 acre tract, passing the Southeast corner of Anthony R. Dogan, 1.0-acre tract, to the North Right of Way of Old Richmond Road;

Thence Easterly along the North Right of Way of Old Richmond Road to the Northerly projection of the East line of Memorial Hermann Hospital System, 5.152 acre tract, for the most Easterly Northeast corner of the subject Tract #1;

Thence Southerly along the East line of Memorial Hermann Hospital System, 5.152 acre tract & 34.348 acre tract, to the Southeast corner of Memorial Hermann Hospital System, 34.348 acre tract, also being the Southeast corner of Jas Hodge Survey, A-193, for the most Easterly Southeast corner of the subject Tract #1;

Thence Westerly along the South line of the Jas Hodge Survey, A-193, and the South line of Memorial Hermann Hospital System, 34.348 acre tract, Coriner Rushin, 35.4 acre tract, to the Southwest corner of Coriner Rushin, 35.4 acre tract and the Northeast corner of Miguel & Anita

Rubio, Block 9F-2, 0.481 acre tract, U/R Martinez Subdivision, for an interior corner of the subject Tract #1;

Thence Southerly along the East line of Miguel & Anita Rubio, Block 9F-2, 04.81 acre tract, U/R Martinez Subdivision, Steve & Mary A. Martinez, Tract 10-F, 0.91 acres, Cartwright Trust, 8.5976 acre tract, East end of Dora Lane, Injal Investments, 7.842 acre tract, crossing McKaskle Road, Fu Yu International Foundation Holy Temple, 3.634 acres, Fu Yu International Holy Temple, 3.054 acres, to the Southeast corner of said tract, and the Northeast corner of Oak Lake Estates, Section 1, for a Southeast corner of the subject Tract #1;

Thence Westerly along the North line of the said Oak Lakes Estates, Section 1, and the South line of Fu Yu International Foundation Holy Temple, 3.054 acres, Stephen J. & Angela Donohue, 4.519 acres, R.W. Hill, Tract H & (PT) Tract 1, 5.364 acres, Edward & Jeanne Golik, 10.000 acres, Edward & Jeannette Golik, 5.00 acres, Johnnie Drabek, 5.00 acre tract, Wilton Trahan, 3.00 acre tract, to the Northwest corner of the said Oak Lake Estates, Section 1, for an interior corner of the subject Tract #1;

Thence Southerly along the West line of the said Oak Lake Estates, Section 1, and the East line of James B. Humble Trust, 3.64 acre tract, to the Southeast corner of James B. Humble Trust, 3.64 acre tract, for the most Southern Southeast corner of the subject Tract #1;

Thence Westerly along the South line of James B. Humble Trust, 3.64 acre tract and the projection Westerly to the East line of Robert Beamon Trust, 2.0 acre tract crossing Gaines Road for the most Southern Southwest corner of the subject Tract #1;

Thence Northerly with West Right of Way of Gaines Road and the East line of the Village of Oak Lakes, Section 2, to the Northeast corner of the Village Oak Lakes, Section 2,

and the Southeast corner of William E. & Chun Brooks, 1.091 acre tract, for an interior corner of the subject Tract #1;

Thence Westerly with the North line of the Village of Oak Lakes, Section 2 & Section 1 to the Northwest corner of Lot 69, Block 2, Village of Oak Lake Section 2, being the Southwest corner of William E. & Chun Brooks, 8.597 acre tract, for an interior corner of the subject Tract #1;

Thence Southerly with the West line of Lots 69, 70, and 71, to the Northeast corner of the Village of Oak Lakes, Section 1, Lot 87, Block 2, being the Southeast corner of Brookins Partition, also being the Southeast corner of Ruth Reed Estate, 2.00 acre tract, Lot 8;

Thence Westerly with the South line of Brookins Partition being the North line of the Village of Oak Lakes, Block 2 and 3, to the Northwest corner of Block 4, Lot 15, Village of Oak Lakes, Section 1, being the Southwest corner Brookins Partition and Hidden Lakes Estates;

Thence Northerly with the East line of Hidden Lakes Estates and the West line of Brookins Partition, Denver Miller, 7.5 acre tract, Catherine Miller, 8.00 acre tract, to the Northwest corner of Catherine Miller, 8.00 acre tract, in the South line of All Media Properties, 39.16 acre tract;

Thence Westerly with South line of All Media Properties, 39.16 acre tract, to the southern Southwest corner of All Media Properties, 39.16 acre tract;

Thence Northerly with the West line of All Media Properties, 39.16 acre tract, to an interior corner of the subject Tract #1;

Thence Westerly along Denver Miller Road, being the South line of Richard McDonald, Est., 1.3586 acre tract, Olumbunmi T. & Grace Adeboye, Tract 2-7 (PT), 5.00 acre tract,

Lawrence D. Johnson, 0.083 acre tract, Mard E. Davis, 11.00 acre tract, to an interior of the Mard E. Davis, 11.00 acre tract;

Thence Southerly along Mard E. Davis, 11.00 acre tract, to the Southern Southeast corner of Mard E. Davis, 11.00 acre tract;

Thence Westerly with South line of the Mard E. Davis, 11.00 acres tract, to the Southwest corner of Mard E. Davis, 11.00 acre tract;

Thence Northerly along the West line of the Mard E. Davis, 11.00 acres tract, to the Southeast corner of the Randall A. Hendricks, 6.884 acre tract;

Thence Westerly with the South line of the Randall A. Hendricks, 6.884 acre tract, to the Southwest corner of the Randall A. Hendricks, 6.884 acre tract, in the East Right of Way of FM 1464 for the most Westerly Southwest corner of the subject Tract #1;

Thence Northerly along the East Right of Way of FM 1464 and the West line of Randall A. Hendricks, 6.884 acres tract, Mahesh J. & Kokola M. Parikh, 1.5 acre tract, Mahesh J. & Kokola M. Parikh, 1.576 acre tract, V.C. Richey, 1.00 acre tract, Margaret A. Willardson, 2.00 acre tract, Betty Windham, 1.00 acre tract, R.D. Garrett, 1.00 acre tract, Randall A. Hendricks, 4.00 acre tract, Bill Bounds Nursery, 3.00 acres tract, Randall A. Hendricks, 0.40 acre tract, Q4 Interests LTD, 14.197 acre tract, Robert & Frances Gonsoulin Jr., 26.8161 acre tract, Paul B. & Louise H. ABT, 1.702 acre tract, Houston Cellular Telephone Company, 0.212 acre tract, J.O. Fluitt Trustee, 1.648 acre tract, Randall A. Hendricks trust, 4.00 acre tract, Joseph P. Wolf Jr., 5.00 acre tract, Kevin W. Scott, 2.00 acre tract, Thomas W. Scott, 3.00 acre tract, Thomas W. Scott, 0.341 acre tract, T.W. Scott, 1.659 acre tract, Randall A Hendricks trust, 5.00 acre tract, Goodwill Construction Corp., Tract 2, 2.5 acre tract, James H. Wood Jr., Tract 1, 2.5 acres, Shi Hu Chou, et al, a 9.8898 acres tract, crossing Boss-Gaston Road, Elfin C. Ables III & Gladys

Ables, 7.482 acre tract, Sharpstown Church of Christ, 8.270 to the Northwest corner of Diocese
of Galveston-Houston, 9.083 acre tract to the Place of Beginning.

Tract #2: Right of Way of Cumings Road in the William Andrews Survey, Abstract 3,
Fort Bend County, Texas;

Thence along the Northerly projection of the West line of the Rio Brazos Subdivision to
the North Right of Way of Cumings Road;

Thence Easterly along the North Right of Way of Cumings Road to the West Right of
Way of Rustic Lane, also being the Southeast corner of the Laverne C. and Barbara May,
101.949 acres tract;

Thence Northerly along the West Right of Way of Rustic Lane and the East property line
of the said May tract to the Westerly projection of the Beverly Poebe, 0.601 acre North property
line;

Thence Easterly along the Westerly projected North line and continuing along the North
line of Beverly Poebe, 0.601 acre tract, to the Northerly Northeast corner of the Beverly Poebe,
0.601 acre tract;

Thence Southerly to an interior corner of Beverly Poebe, 0.601 acre tract;

Thence Easterly to the Easterly Northeast corner of Beverly Poebe, 0.601 acre tract;

Thence Southerly to the Southeast corner of Beverly Poebe, 0.601 acre tract in the North
Right of Way of Cumings Road;

Thence Easterly along the North Right of Way of Cumings Road to the Southwest corner
of Lupe Garcia, 0.50 acre tract;

Thence Northerly along the West line of Lupe Garcia, 0.50 acre tract, Pete & Sara
Alaniz, 0.50 acre tract, Gilvert Sr. & Rachel R. Garcia, 1 acre tract, John M. & Nicolaso
Arredondo, 1.00 acre tract, Joel & Bertha Cambi, 1.00 acre tract, Joe & Eulalia Garcia, 2.00 acre
tract to the Northwest corner of Joe & Eulalia Garcia, 2.00 acre tract;

Thence Easterly along the North line of Joe & Eulalia Garcia, 2.00 acres tract, Blanca Salas, 4 acres tract, to the Northeast corner of Blanca Salas, 4 acre tract, in the West line of Tinsley Estates;

Thence Northerly along the West line of Tinsley Estates to the Northwest corner of Lot 36, being the Northwest corner of Tinsley Estates for the most Northerly Northwest corner of the subject Tract #2;

Thence Easterly along the North line of Tinsley Estates and the North line of Prayot Pochanart, 6.57 acres tract to the Northeast corner of this tract and the Northeast corner of the subject Tract #2;

Thence Southerly along the East line of Prayot Pochanart, 6.57 acres tract, Anna Rodriguez, et al, 6.57 acres tract, Aida Garcia, 2.57 acres tract, Pedro & Patricia Cantu, 2.5 acres tract, Pedro & Patricia Cantu, 0.50 acre tract, Victor & Naomi Lara, 1 acre, Diego Alvarado & Alicia Alvarado Alonzo, 2.570 acres tract, Juan Jr. & Carmen Rodriguez, 1.00 acre tract, Maria J. Esquivel & Jaime C. Castillo, 1.00 acre tract, Epifania S. Saldana, 1.00 acre tract, Basilio S. & Martha Villalobos, 5.59 acres tract, Jose V. & Janie V. Hernandez, 2.0 acres tract, passing the Southeast corner of Jose V. and Janie V. Hernandez, 2.0 acres tract, and projecting to the South Right of Way of Cumings Road for the Northerly Southeast corner of the subject Tract #2;

Thence Westerly along the South Right of Way of Cumings Road to the Northeast corner of Morton Bros., 8.56 acres tract;

Thence Southerly along the East line of Morton Bros., 8.56 acres tract, Martha Morales, et al, 4.339 acres tract, Jose & Ruth Villagomez, 3.73 acres tract, to the Southeast corner of Jose & Ruth Villagomes, 3.73 acres tract, Tract R, Duran Subdivision, in the North bank of the Brazos River;

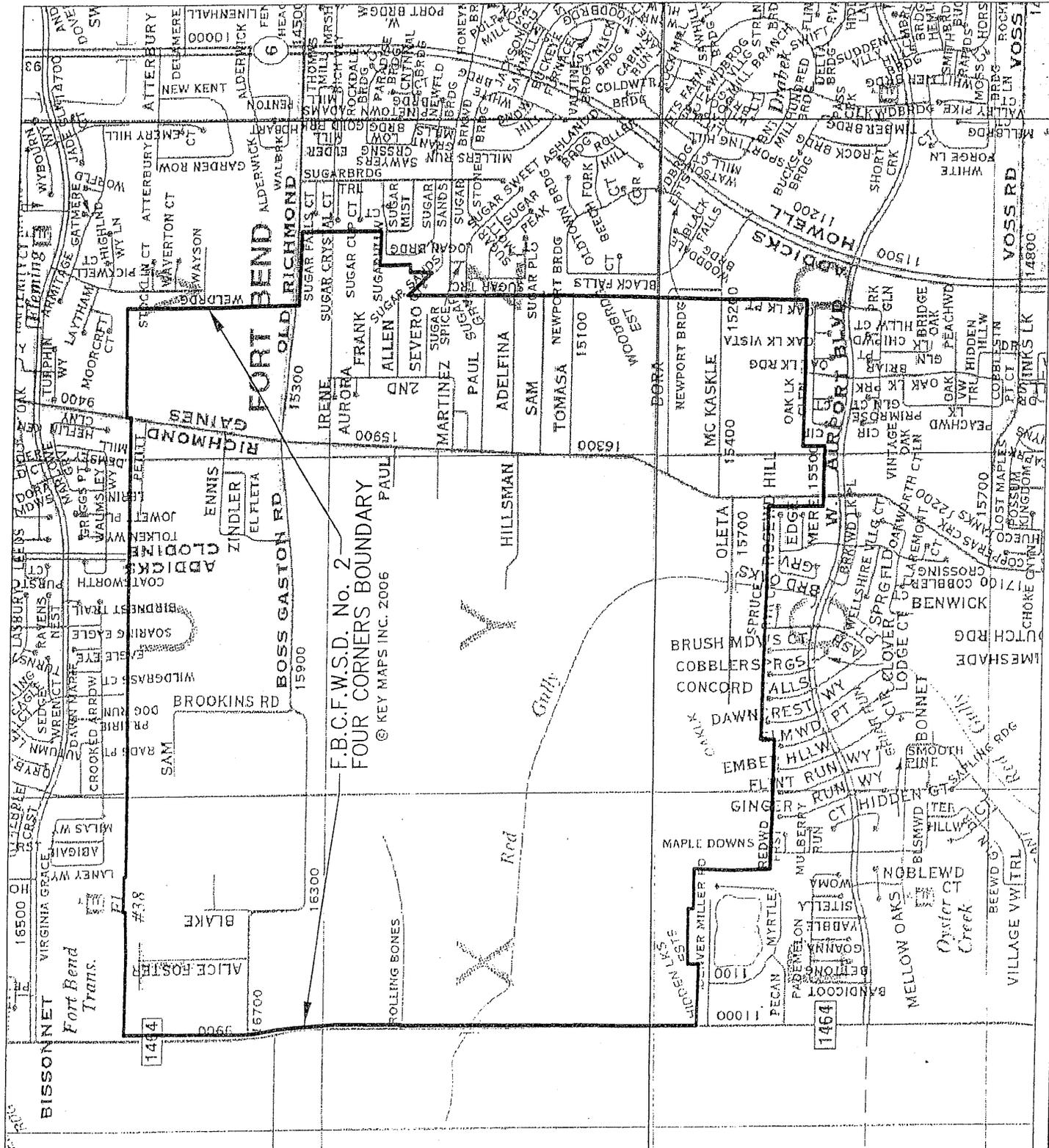
Thence Westerly along the North bank of the Brazos River to the Southwest corner of Piedad Uren, 2.495 acres tract; Lot Q, C.A. Dickerson Subdivision;

Thence Northerly along the West line of the C.A. Dickerson Subdivision, and the West line of Rio Brazos Subdivision to the Northwest corner of Rio Brazos Subdivision in the South Right of Way of Cumings Road to the Point of Beginning.

Exhibit "B"

Sherrington, Inc.
 Consulting Civil Engineer
 14870 Skinner Road
 Cypress, Texas 77429
 281-758-1531

FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT No. 2	
FORT BEND COUNTY, TEXAS	
FOUR CORNERS VICINITY MAP	
SCALE: N.T.S.	PROJECT NUMBER: 130-01-001
DESIGNED: J.K.S.	DATE: NOV. 2008
DRAWN: A.B.	EXHIBIT: 2



F.B.C.F.W.S.D. No. 2
 FOUR CORNERS BOUNDARY
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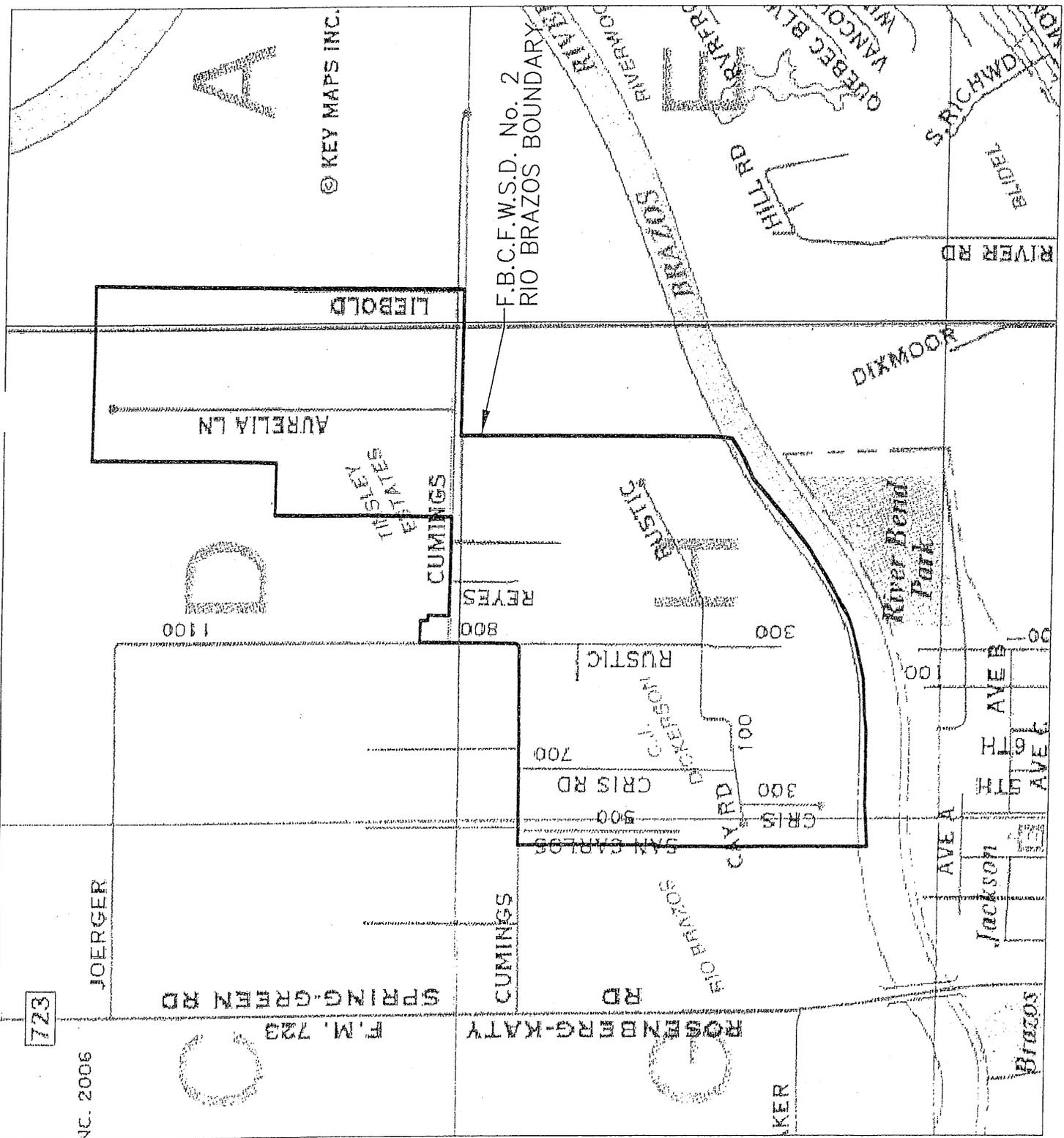


Sherrington, **I**nc.

Consulting Civil Engineer
14870 SW 14th St.
Ocala, Florida 32668
352-774-4229

FORT BEND COUNTY FRESH
WATER SUPPLY DISTRICT
No. 2
FORT BEND COUNTY, TEXAS
RIO BRAZOS VICINITY MAP

SCALE: N.T.S.	PROJECT NUMBER 130-01-001
DESIGNED: J.K.S. DRAWN: A.B.	DATE: NOV. 2008 EXHIBIT: 3



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F.B.C.F.W.S.D. No. 2
RIO BRAZOS BOUNDARY

723

NOV. 2006