

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 18, 2010

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, Texas 78711-3087

Re: Docket No. 2010-0297-DIS
Greenhawe Water Control and Improvement District No. 2; Application for Approval of
Additional Powers for Drainage, Pursuant to Texas Water Code Sections 51.331-51.333
TCEQ Internal Control Number 10302009-D01(TC)
CN: 601520968 RN: 102975521

Dear Ms. Castañuela:

Enclosed, please find the original and 7 copies of the agenda backup for the above referenced matter which is set for the December 14, 2010 Commission agenda. The backup consists of 1) a draft order; 2) Attachment A - the Technical Memorandum; 3) the Greenhawe Water Control and Improvement District No. 2 Vicinity/Location Map; 4) the mailing list; 5) the Certificate for Resolution Requesting the Addition of Drainage Powers; and 6) the Executive Summary.

Sincerely,

A handwritten signature in cursive script that reads "Dinniah C. Tadema".

Dinniah C. Tadema
Staff Attorney
Environmental Law Division

cc: Mailing List

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



DOCKET NO. 2010-0297-DIS

AN ORDER AUTHORIZING ADDITIONAL POWERS TO GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2

On December 14, 2010, 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. GOVT. CODE §§ 551.001–551.146, and the Administrative Procedure Act, TEX. GOVT. CODE §§ 2001.001–2001.902, to consider the application of Greenhawe Water Control and Improvement District No. 2 (hereafter "District") for additional powers to provide drainage services within the District pursuant to TEX. WATER CODE §§ 51.331–51.333 and 30 TEX. ADMIN. CODE § 293.15.

Proper notice of the hearing was published on October 20 and October 27, 2010, in the *San Marcos Daily Record*, a newspaper generally circulated in Hays County, the county in which the District is located. Accordingly, the notice requirements of 30 TEX. ADMIN. CODE § 293.15(c) have been satisfied.

The Commission, after having considered the application as a whole and the memorandum dated July 28, 2010, from the Executive Director, a copy of which is attached and made a part hereof as Attachment A, finds that the District's request for additional powers to provide drainage services within the District should be approved. The Commission finds that expanding the powers of the District to include drainage facilities will give it control of its drainage systems for continued maintenance and operation. The Commission finds that the District's request for additional drainage powers is feasible and practical, will benefit the land, and will further public welfare.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the application of Greenhawe Water Control and Improvement District No. 2 for additional powers to provide drainage services within the District is approved pursuant to TEX. WATER CODE §§ 51.331–51.333 and 30 TEX. ADMIN. CODE § 293.15.

Issue Date:

Bryan W. Shaw, Ph.D., Chairman

Attachment A

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Linda Brookins, Director
Water Supply Division

Date: July 28, 2010

Thru: ~~Sammy~~ Sammy Benter, Manager, Utilities and Districts Section
~~Alex A.~~ Alex A. (Skip) Ferris, P.E., Leader, Districts Bond Team

From: Districts Bond Team

Subject: Docket No. 2010-0297-DIS. Greenhawe Water Control and Improvement District No. 2; Application for Approval of Additional Powers for Drainage; Pursuant to Texas Water Code Sections 51.331-51.333.
TCEQ Internal Control No. 10302009-D01 (TC)
CN: 601520968 RN: 102975521

A. GENERAL INFORMATION

The Commission received an application from Greenhawe Water Control and Improvement District No. 2 of Hays County (the "District") requesting approval for additional powers to provide drainage services as provided in Texas Water Code Section 51.331 and 30 Texas Administrative Code (TAC) Section 293.15.

The District is located in Hays County, approximately 10 miles southwest of downtown Dripping Springs and approximately 24 miles southwest of downtown Austin. The District includes three tracts, two (Rimrock and Rutherford West) are contiguous and are located south of Farm-to-Market Road 1826, and north of Farm-to-Market Road 967, near Shelf Rock Road, and the third (Greenhawe) is located along the south side of Farm-to-Market Road 967, and approximately 0.5 miles west of Brangus Street. The District is partially located within the extraterritorial jurisdiction of Dripping Springs.

The District was created by order of the Hays County Commissioners Court on April 17, 2001. At the time of creation the District contained 544.50 acres. There have been changes in the District's boundary since creation resulting in a current acreage of 2,546.50. There are 139 existing equivalent single-family connections (ESFCs) as of April 5, 2010, and the development plan projects 968 ESFCs at ultimate build out for single-family development within the District's current area. The projections are within the Rimrock and Rutherford West tracts.

On February 7, 2004, the District's voters authorized the issuance of \$47,900,000 in unlimited tax bonds for water and drainage, and authorized a maintenance tax not to exceed \$1.00 per \$100 assessed valuation. The District has issued one bond issue in 2009 and has outstanding debt of \$2,600,000 with a District tax of \$0.99 (\$0.62 for debt service and \$0.37 for maintenance).

The District operates under Chapters 49 and 51 of the Texas Water Code.

B. ECONOMIC ANALYSIS

According to a Hays Central Appraisal District certificate, the District's January 1, 2008 certified taxable assessed valuation is \$45,756,240. The District currently levied a maintenance tax of \$0.85 in 2008 and, according to information provided with its 2009 bond issue is projecting to levy a maintenance tax of \$0.37 in the future.

Considering an estimated bond issue requirement of \$47,900,000 (assuming 100% financing) levied in twelve series, a bond interest rate of 6.0%, and a 25-year bond life per series, the average annual debt service requirement would be \$2,531,127. Assuming a 98% collection rate, and an ultimate assessed valuation of \$543,800,000, a tax rate of approximately \$0.65 per \$100 valuation was shown to be necessary to meet the annual debt service requirement. The resulting combined projected tax rate of \$1.02 (\$0.65 debt service plus \$0.37 maintenance) is less than the \$1.20 limit prescribed by 30 TAC Section 293.59(k)(3)(B).

C. ENGINEERING ANALYSIS

Water Supply

The District's source of water is surface water provided by the Lower Colorado River Authority (LCRA) pursuant to the "Water Services Agreement between LCRA and LSM Ranch, Ltd.," dated March 31, 2003, as amended December 1, 2003 and March 29, 2004; "Water Sale Contract between LCRA and LSM Ranch Ltd., dated April 1, 2003, as amended April 1, 2004; "Water Services Agreement between LCRA and SGL Investments, Ltd.," dated March 31, 2003, as amended December 1, 2003 and March 29, 2004; "Water Sale Contract between LCRA and SGL Investments, Ltd.," dated April 1, 2003, as amended April 1, 2004; and "Water Utility Facilities Acquisition Agreement Between LCRA, LSM Ranch, Ltd., Wilson Family Communities, Inc., and Greenhawe WCID No. 2" dated March 26, 2008. The District is served by the LCRA's West Travis County Regional water system. The LCRA acquired the Uplands Company Water Supply System in 1994, and information provided in a 2009 bond issue indicates the plant has a capacity of 11.8 MGD. The agreements provide for water capacity for a total of 966 ESFCs. According to the March 26, 2008 agreement with the District, LCRA provides retail water service to the District customers.

Wastewater Treatment

The District does not provide wastewater service; therefore, the District does not levy wastewater service charges. Private on-site septic treatment systems will be installed at each individual home at the expense of each landowner.

Storm Water Drainage

Storm water from within the District generally drains through roadside ditches to natural channels, and then to Bear Creek and Onion Creek, and finally to Colorado River.

Federal Emergency Management Agency flood insurance rate map panels 48209CO105E and 48209CO110E both dated February 18, 1998, shows portions of the District in the 100-year floodplain.

D. SUMMARY OF COSTS

<u>Construction Costs</u>	<u>District's Share</u> ⁽¹⁾
A. Developer Contribution Items	
1. Water and Drainage	\$7,140,441
2. Contingency (20% of item no. 1)	1,428,088
3. Engineering (15% of item nos. 1 and 2)	<u>1,285,279</u>
Total Developer Contribution Items	\$9,853,808
B. District Items	
1. Water Plant	\$15,749,518
2. Contingency (20% of item no. 1)	3,149,904
3. Engineering (15% of item nos. 1 and 2)	2,834,913
4. Endangered Species and Environmental Mitigation	<u>750,000</u> ⁽²⁾
Total District Items	\$22,484,335
TOTAL CONSTRUCTION COSTS (67.5% of BIR)	\$32,338,143
<u>Nonconstruction Costs</u>	
A. Legal Fees (3%)	\$1,437,000
B. Fiscal Agent Fees (2%)	958,000
C. Interest	
1. Capitalized Interest (24 months @ 7%)	6,706,000 ⁽³⁾
2. Developer Interest (24 months @ 7%)	4,527,340 ⁽³⁾
D. Bond Discount (3%)	1,437,000
E. Creation Expenses	100,000
F. Operating Expenses	156,767
G. Bond Application Report Costs	120,000
H. TCEQ Bond Issuance Fee (0.25%)	<u>119,750</u>
TOTAL NONCONSTRUCTION COSTS	\$15,561,857
TOTAL BOND ISSUE REQUIREMENT	\$47,900,000

Notes: (1) Assumes 100% funding of anticipated developer contribution items.

(2) 30 TAC Section 293.44(a)(22) limits a district to funding 70% of endangered species costs, which is not subject to a 30% developer contribution requirement.

(3) The cost summary provided indicated an estimated interest rate of 7%, whereas financial information shows an interest rate of 6%. An interest rate of 6% would result in lower costs.

E. SPECIAL CONSIDERATIONS

1. District Location

Information provided indicates that a portion of the District is in the extraterritorial jurisdiction of the City of Dripping Springs. Information provided supports that the City of Dripping Springs received a copy of the Districts resolution requesting drainage powers on February 26, 2010.

2. Voter Authorization

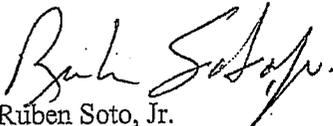
Information on file indicates that District voters authorized the issuance of \$47,900,000 in bonds for water and drainage facilities on February 7, 2004.

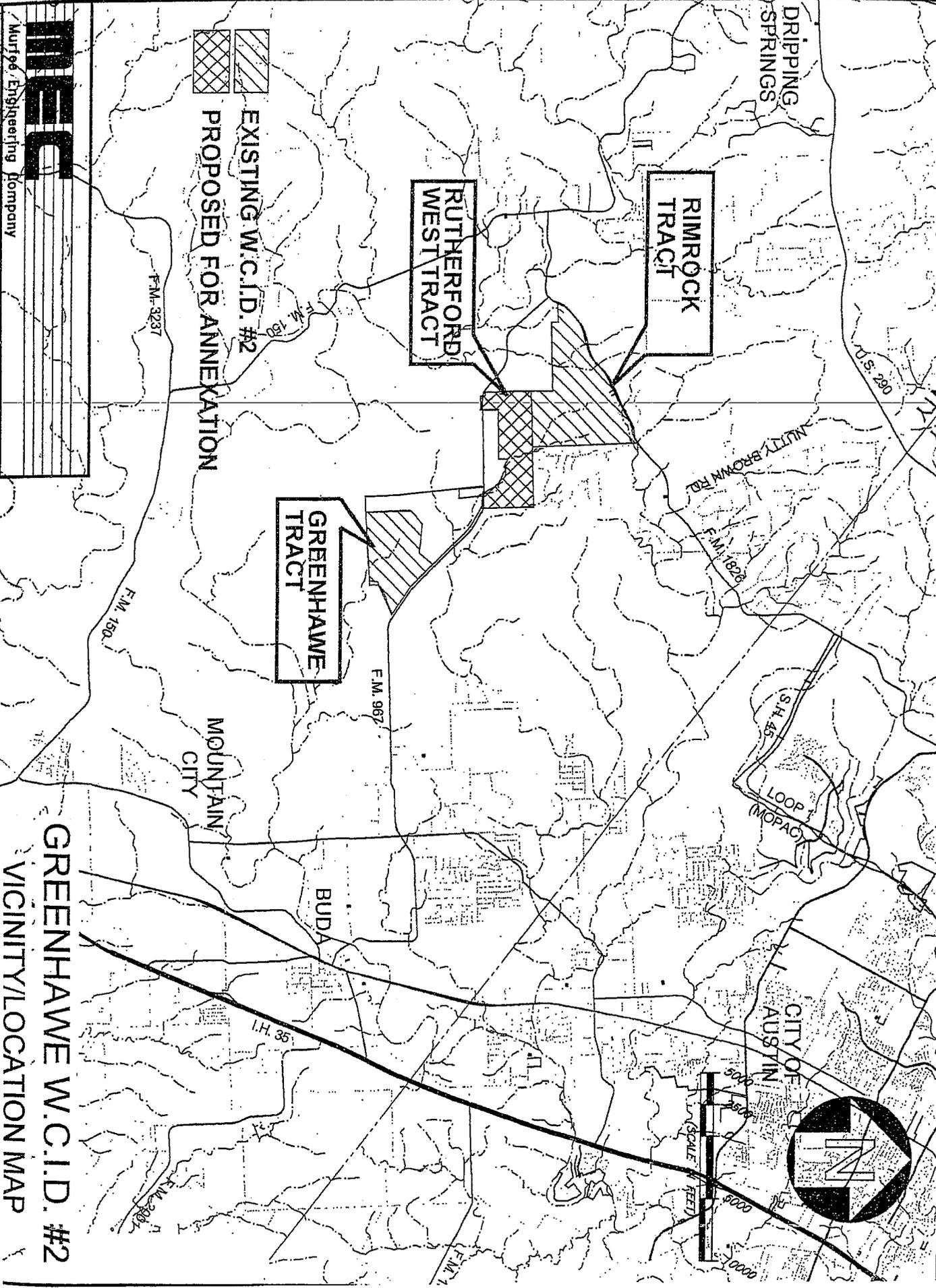
F. CONCLUSIONS

1. Based on a review of the application and supporting documents, the District's request to have the authority to provide for the purchase, maintenance, and operation of drainage facilities for its customers is considered feasible.
2. The recommendations are made under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

G. RECOMMENDATIONS

Grant the District's request for additional powers to provide drainage services in accordance with Texas Water Code Sections 51.331- 51.333 and 30 TAC Section 293.15.


Ruben Soto, Jr.
Districts Review Team



MEC
 Murfee Engineering Company

GREENHAWE W.C.I.D. #2
 VICINITY/LOCATION MAP

MAILING LIST

Docket No. 2010-0297-DIS
Greenhawe Water Control and Improvement District No. 2
TCEQ Internal Control No. 10302009-D01

Ms. Sharlene Collins
Armbrust and Brown LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744

Mr. Robert Ferguson, P.E.
Murfee Engineering Company, Inc.
1101 South Capital of Texas Highway, Building D
Austin, Texas 78746-6445

Ms. Cheryl Allen
Southwest Securities, Inc.
701 Brazos Street, Suite 400
Austin, Texas 78701-3273

Mr. Mike Gideon, President
Greenhawe WCID 2
2602 Comburg Castle Way
Austin, Texas 78748-5218

Ms. Patty Reeh
TCEQ Region 11
2800 South IH35, Suite 100
Austin, Texas 78704-5700

Hays County Clerk
Attn: Linda C. Fritsche
137 North Guadalupe Street
San Marcos, Texas 78666

City of Dripping Springs, City Hall
Attn: Jo Ann Touchstone, City Secretary
511 Mercer Street
Dripping Springs, Texas 78620

Capital Area Council of Governments
Betty Voights, Executive Director
6800 Burleson Road
Austin, Texas 78744

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

cc: Todd Galiga, Senior Attorney, Environmental Law Division, MC-173
Dinniah Tadema, Attorney, Environmental Law Division, MC-173
Komal Patel, Utilities & Districts Section, MC-153
Blas Coy, Office of Public Interest Counsel, MC-103

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

The undersigned officer of the Board of Directors of Greenhawe Water Control and Improvement District No. 2 hereby certifies as follows:

1. The Board of Directors of Greenhawe Water Control and Improvement District No. 2 convened in a regular meeting on the 12th day of February, 2008, at the offices of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas, and the roll was called of the duly constituted officers and members of the Board, to wit:

- Michael Gideon - President
- Scott Roberts - Vice President
- Dan Raley - Secretary
- Michael A. Schroder - Treasurer
- James A. Huffcut, Jr. - Assistant Secretary/Treasurer

and all of said Directors were present, except Director _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting:

RESOLUTION REQUESTING ADDITION OF DRAINAGE POWERS

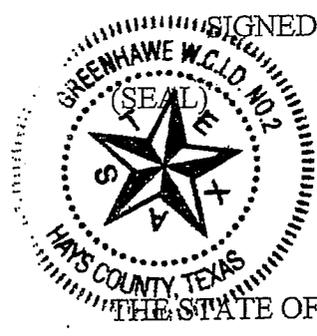
was introduced for the consideration of the Board. It was then duly moved and seconded that the Resolution be adopted, and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed and carried by majority of the Board.

2. A true, full and correct copy of the Resolution adopted at the meeting described in the above paragraph is attached to this certificate; the Resolution has been duly recorded in the Board's minutes of the meeting; 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, 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; the meeting was open to the public as required by law; and public notice of the time, place and subject to the meeting was given as required by Chapter 551 of the Government Code.

2010 APR 6 PM 4 43
WATER SUPPLY DIV.
REC'D
RECEIVED

29 March, 2010

SIGNED AND SEALED this ~~12th~~ day of February, 2008.



Dan Raley

Dan Raley, Secretary
Board of Directors

THE STATE OF TEXAS

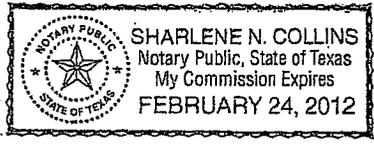
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COUNTY OF HAYS

March 29, 2010

This instrument was acknowledged before me on ~~February 12, 2008~~, by Dan Raley, Secretary of the Board of Directors of Greenhawe Water Control and Improvement District No. 2, on behalf of said District.

(Seal)



[Handwritten Signature]

Notary Public Signature

RESOLUTION REQUESTING ADDITION OF DRAINAGE POWERS

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

WHEREAS, the Greenhawe Water Control and Improvement District No. 2 ("District"), was duly created by order of the Commissioners Court of Hays County, Texas, on April 17, 2001, with the power and authority established pursuant to Chapters 49 and 51 of the Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code with jurisdiction over the land lying within the boundaries described by metes and bounds in such order of the Commissioners Court; and

WHEREAS, a copy of the Order creating the District is attached hereto as Exhibit "A"; and

WHEREAS, the Board of Directors of the District has determined that the District should have the additional power to provide drainage service to the District pursuant to §51.331 of the Texas Water Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 THAT:

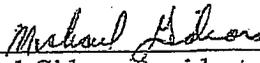
Section 1. The District hereby requests approval of the Texas Commission on Environmental Quality ("Commission") for the addition of drainage powers pursuant to Texas Water Code, §51.331 and the provisions of the 30 T.A.C. 293.15 of the Commission Rules.

Section 2. The District hereby requests that the Commission hold a hearing on the question of the addition of drainage powers for the District in accordance with 30 T.A.C. 293.15.

Section 3. The Board of Directors directs its engineers, Murfee Engineering Company, Inc. to prepare a preliminary engineering report and associated information in accordance with 30 T.A.C. 293.15 and its attorneys, Armbrust & Brown, L.L.P., to do all things necessary to submit and process this request.

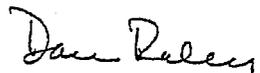
PASSED AND APPROVED this 12th day of February, 2008.

(SEAL)



Michael Gideon, President
Board of Directors

ATTEST:



Dan Raley, Secretary
Board of Directors

EXHIBIT "A"

(Order creating District)

THE STATE OF TEXAS

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COUNTY OF HAYS

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**ORDER GRANTING PETITION REQUESTING CREATION OF
GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2**

WHEREAS, commencing at 10:00 a.m. on April 17, 2001, the Commissioners Court ("Commissioners Court") of Hays County, Texas (the "County") met in regular session at its regular meeting place in the City of San Marcos, Hays County, Texas, with the following members present, to wit:

Jim Powers, County Judge
Debbie Gonzales Ingalsbe, Commissioner
H.S. "Susie" Carter, Commissioner
William Burnett, Commissioner
Russell Molenaar, Commissioner

WHEREAS, among other business, there came on for hearing a Petition Requesting Creation of a Water Control and Improvement District (the "Petition"), dated January 21, 2000, praying for creation of a water control and improvement district to be known as Greenhawe Water Control and Improvement District No. 2 (the "District"), situated within Hays County, Texas, submitted by L.S. Ranch, Ltd. ("Petitioner"), such matters theretofore duly set for hearing before this Commissioners Court at the above-mentioned time, date, and place;

WHEREAS, all interested persons were invited and given full opportunity to appear and offer testimony on the sufficiency of the Petition and whether the District is feasible and practicable and is necessary and would be a benefit to all or any part of the land proposed to be included in the District, but no appearances were made except by representatives of Petitioner;

WHEREAS, Sharlene N. Collins of Armbrust Brown & Davis, L.L.P., attorneys, entered an appearance on behalf of Petitioner and, pursuant to the provisions of law, there was admitted into evidence and incorporated into the record all matters filed with the Commissioners Court in connection with the Petition, including particularly the following items: the Petition; the engineering report; an affidavit of the County Tax Assessor/Collector indicating ownership of land within the District as reflected on the Hays County tax rolls; and the return of service of the County Clerk of Hays County, Texas, with a copy of the Notice of Public Hearing on petition Requesting Creation of a Water Control and Improvement District and affidavit of publication attached;

WHEREAS, Commissioners Court received and considered the above-mentioned evidence, statements of counsel, and the written and oral testimony of witnesses for Petitioner;

EXHIBIT "A"

NOW, THEREFORE, BASED UPON THE AFOREMENTIONED EVIDENCE AND ON MATTERS OFFICIALLY NOTICED, IT APPEARS AND THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS HEREBY FINDS, DECLARES AND DETERMINES AS FOLLOWS:

1. Petitioner seeks organization of a water control and improvement district to exercise the powers and functions set forth in Article 16, Section 59 of the Constitution of the State of Texas and Chapter 51, Title 4, Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code.

2. The territory sought to be included in the District comprises approximately 544.50 acres, more or less, lying wholly within Hays County, Texas, and outside the extraterritorial jurisdiction or city limits of any municipality. The boundaries of such parcels of land form a closure and are described by metes and bounds shown on Exhibit "A" attached hereto and incorporated into this Order.

3. On March 20, 2001, Commissioners Court passed an Order Setting Hearing Date for Petition Requesting Creation of a Water Control and Improvement District, setting a hearing on the Petition at the time, date, and place first above-mentioned and ordering that notice thereof be given as required by law. All actions taken in connection with such Order are hereby ratified and affirmed.

4. The above described hearing on the Petition was duly and properly called and notice thereof was duly and properly given (a) pursuant to Government Code, Chapter 551, and (b) pursuant to Section 51.018, Texas Water Code, by posting by the County Clerk of Hays County, Texas, of one copy of the notice at the Hays County Courthouse door 15 days before the hearing and by publication in the *San Marcos Daily Record* once a week for two consecutive weeks of notice of the date, time, and place of such hearing informing all persons of their right to appear and present evidence and testify for or against the allegations in the Petition, the form of Petition, the necessity and feasibility of the District's project, and the benefits to accrue, the first publication thereof being made at least twenty day before the day of such hearing. Such newspaper is a newspaper of general circulation in Hays County, Texas.

5. The Petition is signed by a majority of the persons who hold title to land in the District which represents a total value of more than 50 percent of the value of all of the land within the District, as indicated by the tax rolls of Hays County, Texas. The Petition describes the boundaries of the District by metes and bounds, states the general nature of the work proposed to be done, the necessity for the work and the cost of the project as then estimated by Petitioner, and designates the District "Greenhawe Water Control and Improvement District No. 2," which name is not used to designate any other water control and improvement district in Hays County, Texas.

6. The purposes for which organization of the District is sought are as described in the Petition and are purposes for which a water control and improvement district may be lawfully created. The general nature of the work to be done and the estimated cost of the project proposed to be undertaken by the District are as described in the Petition.

EXHIBIT "A"

7. The Commissioners Court has duly received, set a hearing on, and heard all testimony and evidence for or against the Petition; the Commissioners Court has jurisdiction of this proceeding; all notices, proceedings, and actions had incident to this hearing and the filing of the Petition have been given, taken, made, and had as required by law.

8. The Petition conforms to the requirements of Section 51.013 of the Texas Water Code and is sufficient for filing.

9. The organization of the District as requested is feasible and practicable.

10. The land to be included and the residents of the District will be benefitted by the creation of the District.

11. There is a public necessity or need for the District.

12. The creation of the District would further the public welfare.

13. Petitioner has requested the appointment of five directors for the District.

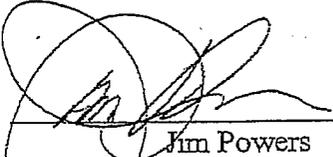
NOW, THEREFORE, upon motion duly made and seconded and carried and adopted unanimously, all Commissioners present voting "aye," it is hereby

ORDERED, that the Petition be and is granted and that Greenhawe Water Control and Improvement District No. 2 be and is organized, created, and established as a water control and improvement district under the terms and provisions and with the power and authority established by Chapters 49 and 51 of the Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code, with jurisdiction over the land lying within the boundaries described by metes and bounds above, Dan Raley, Randy McEachern, Glen Novinger, Karen Bradley Peters and Mike Gideon are hereby appointed as the temporary directors to serve until their successors are duly elected or appointed and qualified as provided by law; and.

PASSED, APPROVED, and ADOPTED in San Marcos, Hays County, Texas this 17th day of April, 2001.



Lee Carlisle
Hays County Clerk



Jim Powers
Hays County Judge

(SEAL)

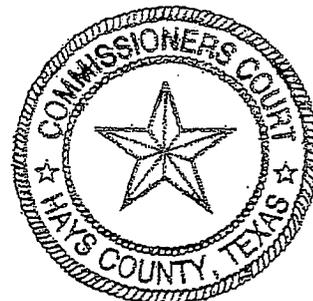


EXHIBIT "A"

STATE OF TEXAS
COUNTY OF HAYS

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DESCRIPTION, based on record information, of a 544.50 acre tract out of the Thomas F. Gray Survey No. 11, Hays County, Texas, being a portion of that 1273.08 acre tract conveyed to L.S. Ranch, Ltd., by deed recorded in Volume 1468, Page 706 of the Hays County Deed Records. The said 544.49 acre tract is more particularly described as follows:

COMMENCING at a point for the southwest corner of the said 1273.08 acre tract, being the northeast corner of that 2778.08 acre tract conveyed to Onion Creek Ranch, L.P., by deed recorded in Volume 1419, Page 298 of the said Deed Records, and a point in the east line of that 1356.08 acre tract conveyed to Bill Krykendall by deed recorded in Volume 124, Page 393 of the said Deed Records;

THENCE, N87°33'22"E, leaving the east line of the said 1356.08 acre tract, with the common line between the said 1273.08 acre tract and the 2778.08 acre tract, for a distance of 3046.53 feet to a point on a curve to the right for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, leaving the north line of the said 2778.08 acre tract, across the said 1273.08 acre tract for the following four (4) courses:

- 1) With the said curve to the right having a central angle of 23°05'41", a radius of 3545.00 feet, a chord distance of 1419.26 feet (chord bears N10°58'49"W), for an arc distance of 1428.91 feet to the point of tangency;
- 2) N00°34'01"E, 659.21 feet to the point of curvature of a curve to the right;
- 3) With the said curve to the right having a central angle of 46°18'51", a radius of 4930.00 feet, a chord distance of 3877.48 feet (chord bears N23°43'27"E), for an arc distance of 3985.09 feet to the point of tangency;
- 4) N46°52'52"E, 708.70 feet to a point on the northerly line of the said 1273.08 acre tract, being on the southerly right-of-way line of State Highway FM 967;

THENCE, with the common line between the said 1273.08 acre tract and FM 967 for the following three (3) courses:

- 1) S43°07'43"E, 3258.99 feet to the point of curvature of a non-tangent curve to the left;
- 2) With the said curve to the left having a central angle of 11°00'18", a radius of 1949.86 feet, a chord distance of 373.94 feet (chord bears S48°37'51"E), for an arc distance of 374.52 feet to a point for corner;
- 3) S54°08'13"E, 2577.65 feet to a point for the northeast corner of the said 1273.08 acre tract;

THENCE, S66°32'46"W, leaving the southerly right-of-way line of FM 967, with a southeast line of the said 1273.08 acre tract, 2607.78 feet to a point for the northeast corner of that 514.15 acre tract conveyed to Arno Heimer by deed recorded in Volume 81, Page 106 of the said Deed Records;

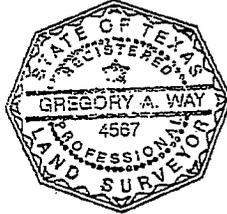
THENCE, S00°06'37"E, with the common line between the said 1273.08 acre tract and the 514.15 acre tract, 741.46 feet to a point for the southeast corner of the aforesaid 1273.08 acre tract, being the northeast corner of the said 2778.08 acre tract;

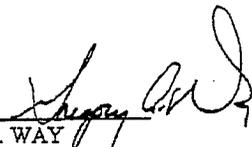
EXHIBIT "A"

THENCE, S87°33'22"W, leaving the west line of the said 514.15 acre tract, with the common line between the said 1273.08 acre tract and the 2778.08 acre tract, for a distance of 4023.75 feet to the POINT OF BEGINNING, CONTAINING 544.50 acres of land area.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC§663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 16th day of December, 1999.




GREGORY A. WAY
Registered Professional Land Surveyor
No. 4567 - State of Texas

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners of the Texas Commission on Environmental Quality
Date: November 15, 2010

Thru: ~~AAA~~ Alex A. (Skip) Ferris, P.E., Leader, Districts Bond Team

From: Ruben Soto, Jr.
Districts Bond Team

Subject: Docket No. 2010-0297-DIS. Greenhawe Water Control and Improvement District No. 2 of Hays County; Application for Approval of Additional Powers for Drainage; Pursuant to Texas Water Code Sections 51.331-51.333.
TCEQ Internal Control No. 10302009-D01
CN:601520968 RN:102975521

DESCRIPTION OF APPLICATION

Petitioner: Board of Directors of Greenhawe Water Control and Improvement District No. 2.

Request: Approval of Drainage Powers.

Type: Additional Powers.

Authority: Texas Water Code, Sections 51.331-51.333.

STAFF RECOMMENDATIONS

Grant the request for the addition of drainage powers.

TECHNICAL INFORMATION

General: The District was created by order of the Commissioners Court of Hays County, Texas, on April 17, 2001. The District is primarily a single-family residential development and contains 2,546.50 acres of land within Hays County Texas. The District is not located within the corporate limits of a city but portions of it are within the extraterritorial jurisdiction of the city of Dripping Springs.

ANTICIPATED RESPONSE

General agreement with the staff's recommendation.

CONTACTS

Skip Ferris, ext. 6355, Ruben Soto, Jr., ext. 4571, Districts Bond Team
Dinniah Tadema, ext. 0617, Staff Attorney

Prepared by: Ruben Soto, Jr.
Districts Review Team

November 15, 2010
Date