

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 16, 2015

Ms. Bridget Bohac, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2014-1424-DIS; Consideration of a request for a Commission order approving the dissolution of Wood Trace Municipal Utility District No. 2

Dear Ms. Bohac:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the original plus seven copies of the following backup materials for the February 4, 2015 agenda item on the above referenced matter:

1. Staff Memorandum;
2. Proposed Order;
3. Financial Dormancy and Filing Affidavits for 2009 through 2013;
4. Notice of Hearing;
5. Affidavit of Publication;
6. Mailing List;
7. Caption.

Please do not hesitate to contact me at (512) 239-0676 if you have any questions regarding this material. Thank you for your attention to this matter.

Respectfully submitted,

  
Linda Horng  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List

# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

**To:** Texas Commission on Environmental Quality      Date: October 24, 2014

**Thru:** Justin P. Taack, Manager,  
Districts Section

**Thru:** Seyed Miri, P.E., Leader,  
Districts Creation Review Team

**From:** Jeeva Anandham  
Districts Creation Review Team

**Subject:** Docket No. 2014-1424-DIS: Wood Trace Municipal Utility District No. 2 of  
Montgomery County; Application for Dissolution of District; Pursuant to Texas  
Water Code §§ 49.321-49.327.  
TCEQ Internal Control No. D-07212014-024 (TC)  
CN: 601366594      RN: 102693397

### **A. GENERAL INFORMATION**

The Texas Commission on Environmental Quality (TCEQ), in accordance with 30 Texas Administrative Code (30TAC) § 293.131 (1), received an application from Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company (Applicant) requesting approval to dissolve Wood Trace Municipal Utility District No. 2 of Montgomery County (District). The District was created by House Bill 2382, Acts of the 72<sup>nd</sup> Legislature, Regular Session, 1991. The District contains 261.268 acres of land within Montgomery County, outside the corporate limits or extraterritorial jurisdiction of any city. The District is governed by Chapters 49 and 54 of the Texas Water Code (TWC).

The application includes a petition for the dissolution of the District signed by John W. Hammond, vice president of Lennar Texas Holding Company, general partner of Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company (Petitioner). The petition asserts and is evidenced by a Certificate of Ownership from Montgomery Central Appraisal District, dated June 23, 2014, that the applicant holds title to all of the property located within the District. The District was created to serve a public use and benefit. The District has remained unimproved since its creation. The petition states that dissolution is desirable so that the property, consisting of the District, can be annexed into and serviced by an adjacent active district, which will promote regionalization of the area's water and wastewater resources.

The application material supports that the District has performed none of the functions for which it was created for five consecutive years preceding the date of this petition. The District is financially dormant and has no outstanding bonded indebtedness. The District reportedly has no known assets or liabilities.

Certified copies of the annual "Financial Dormancy and Filing Affidavit" for the five calendar years 2009 through 2013 were included in the application.

An affidavit from the Comptroller of Public Accounts of the State of Texas has been included in the application certifying that a review of their records on May 15, 2014, found no evidence of bonded indebtedness for the District since January 1, 1986.

**B. CONCLUSION**

Based on a review of the application and information on file, the District meets the dissolution requirements set forth in 30 Texas Administrative Code (30TAC) §§ 293.131–293.136 and TWC §§ 49.321–49.327.

**C. RECOMMENDATIONS**

1. Approve the request to dissolve Wood Trace Municipal Utility District No. 2 of Montgomery County.
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, pursuant to TWC § 49.327 and 30 TAC § 293.134.

**D. ADDITIONAL INFORMATION**

The District's professional representative is:

Mr. Peter T. Harding – Schwartz, Page & Hardings, LLP

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**DOCKET NO. 2014-1424-DIS**

## **AN ORDER AUTHORIZING THE DISSOLUTION OF WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 2 OF MONTGOMERY COUNTY**

On Wednesday, February 4, 2015, the Texas Commission on Environmental Quality (Commission) met in regular session at its offices in Austin, Texas, to consider the application submitted by Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company (Applicant), being the owner of all of the property located within Wood Trace Municipal Utility District No. 2 of Montgomery County (District); requesting approval to dissolve the District pursuant to TEX. WATER CODE §§ 49.321 - 49.327 and 30 TEXAS. ADMIN. CODE §§ 293.131-293.136.

The Commission, after having considered the petition, application material, and the memorandum from the Executive Director regarding the application, a copy of which is attached as Exhibit "A," finds that the application 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 date the petition was submitted 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 TEXAS PROPERTY CODE §§ 74.001 - 74.710.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the application for the dissolution of Wood Trace Municipal Utility District No. 2 of Montgomery County filed by Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company, being the owner of all of the property in the District, is granted pursuant to TEX. WATER CODE §§ 49.321 - 49.327 and 30 TEX. ADMIN. CODE §§ 293.131 - 293.136. The Commission will file a certified copy of this Order in the deed records of Montgomery 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 TEXAS PROPERTY CODE §§ 74.001 - 74.710.

Issue Date:

**TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
Bryan W. Shaw, Ph.D., Chairman  
For the Commission



# MONTGOMERY CENTRAL APPRAISAL DISTRICT

MARK A. CASTLESCHOULD, RPA, RTA, CTA  
CHIEF APPRAISER

## CERTIFICATE OF OWNERSHIP

THE STATE OF TEXAS           §  
  §  
  §  
COUNTY OF MONTGOMERY   §

District: Wood Trace Municipal Utility District No. 2 -- Exclusion of Land.

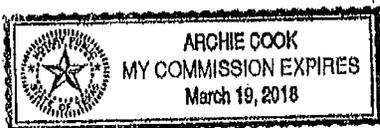
Description: 261.268 acre tract of land situated in Montgomery County, Texas in the B.B.B. & C. RR. Survey, Abstract 111, of Montgomery County, Texas.

I, the undersigned, hereby certify that I have examined the rolls of Montgomery Central Appraisal District and find that as of May 16, 2014 fee simple ownership of all of the property described in Exhibit "A" attached hereto, was assessed on the rolls of Montgomery Central Appraisal District, in the name of:

Existing or Parent Accounts on Last Certified Roll (2013) with Appraised Values:

OWNER	ACCOUNT #	ACREAGE	VALUE
LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD	0111-00-00112	261.268	1,055,320

WITNESS MY HAND AND OFFICIAL SEAL, this the 23RD day of June 2014.



By Patricia Miller  
Patricia Miller, Director of Property Transactions

*SERVICE, EXCELLENCE AND EQUITY IN AD VALOREM TAX ADMINISTRATION*

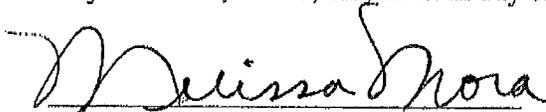
THE STATE OF TEXAS

COUNTY OF TRAVIS

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

I FURTHER CERTIFY that a review of our records on May 15, 2014, found no registration by the Comptroller of bonds issued by Wood Trace Municipal Utility District No. 2, of Montgomery County, from January 1, 1986 through May 15, 2014.

IN TESTIMONY WHEREBY, I have hereunto signed my name officially and caused to be impressed hereon the seal of the Comptroller of Public Accounts in the City of Austin, Texas, on this 15th day of May 2014.



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



FINANCIAL DORMANCY AND FILING AFFIDAVIT

STATE OF TEXAS COUNTY OF HARRIS

A. I, Peter T. Harding, being duly sworn, am an authorized; (Name)

representative of Wood Trace Municipal Utility District No. 2, of Montgomery County, Texas (Name of District)

I have personal knowledge of all financial activities of said district; and affirm that the above district had:

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

For the following period

- 1. X calendar year, January 1, 2009 through December 31, 2009
2. fiscal period, through (Date) (Date)

CHECK ONE:

B. I affirm that payments have [ ] have not [X] been made by (an) other party(ies) on behalf of the district. These payments are estimated to be \$

CHECK ONE:

C. The district has [ ] has not [X] been confirmed by voters.

A confirmation election was held on

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

1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056

(District Office Address)

E. Date 01/02/2014

By:

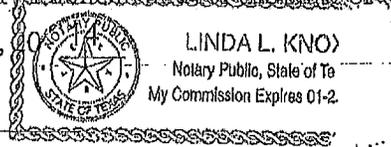
Peter T. Harding  
(Signature)

Peter T. Harding, Attorney for the District

(Name and Title)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of  
Texas this day 2nd of January

My Commission Expires on 01/28/2017



Linda L. Kno  
(Signature of Notary)

Please file the Financial Dormancy and Filing Affidavit with the Texas Commission on Environmental Quality before each January 31 the district is dormant. Districts not complying with this requirement may be referred to the Office of the Attorney General to enforce compliance.

The completed Financial Dormancy and Filing Affidavit should be mailed to:

Districts Review Team, (MC-152)  
Water Supply Division  
Texas Commission on Environmental Quality (TCEQ)  
P.O. Box 13087  
Austin, TX 78711-3087

Please call the Districts Review Team at (512) 239-4691 if you have any questions.

Applicable Statutes:

- Water Code Section 49.197 - Financially Dormant Districts
- Water Code Section 49.198 - Audit Report Exemption (Financial Reports)
- Water Code Section 49.194 - Filing of Audits, Affidavits and Financial Reports
- Water Code Section 49.158 - Fiscal Year



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4. no cash or investments that exceeded \$5,000;

For the following period

1. X calendar year, January 1, 2010 through December 31, 2010

2. fiscal period, through (Date) (Date)

CHECK ONE:

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Peter T. Harding  
(Signature)

Peter T. Harding, Attorney for the District

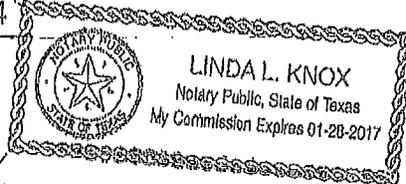
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4. no cash or investments that exceeded \$5,000;

For the following period

- 1. X calendar year, January 1, 2011 through December 31, 2011
2. fiscal period, through (Date) (Date)

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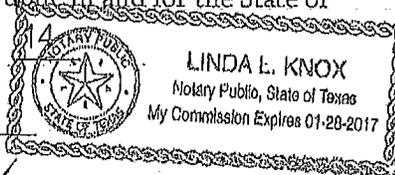
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4. no cash or investments that exceeded \$5,000;

For the following period

- 1. X calendar year, January 1, 2012 through December 31, 2012
2. fiscal period, through (Date) (Date)

CHECK ONE:

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E. Date 01/02/2014

By:

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(Signature)

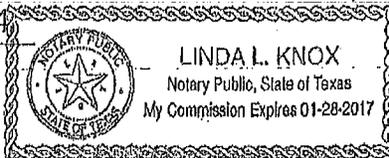
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4. no cash or investments that exceeded \$5,000;

For the following period

1. X calendar year, January 1, 2013 through December 31, 2013

2. \_\_\_\_\_ fiscal period, \_\_\_\_\_ through \_\_\_\_\_  
(Date) (Date)

**CHECK ONE:**

B. I affirm that payments have  have not  been made by (an) other party(ies) on behalf of the district. These payments are estimated to be \$ \_\_\_\_\_

**CHECK ONE:**

C. The district has  has not  been confirmed by voters.

A confirmation election was held on \_\_\_\_\_

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(District Office Address)

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(Signature)

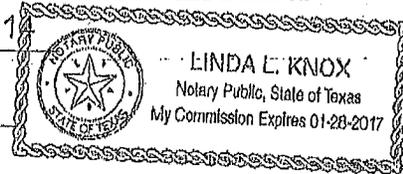
Peter T. Harding, Attorney for the District

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- Water Code Section 49.158 - Fiscal Year

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT HEARING TCEQ Docket No. 2014-1424-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Wood Trace Municipal Utility District No. 2 of Montgomery County (District). The Application was filed with the TCEQ and includes a petition by John W. Hammond, vice president of Lennar Texas Holding Company, general partner of Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company (Petitioner) requesting dissolution of the District. The TCEQ will conduct this hearing under the authority of Texas Water Code Chapters 49 of the Texas Water Code (TWC), Texas Administrative Code (30TAC) Chapter 293, and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9.00 a.m., Wednesday, February 4, 2015  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District was created by House Bill 2382, Acts of the 72<sup>nd</sup> Legislature, Regular Session, 1991. The District contains 261,268 acres of land within Montgomery County, outside the corporate limits or extraterritorial jurisdiction of any city. The District is governed by Chapters 49 and 54 of the Texas Water Code (TWC). The petitioner states that dissolution is desirable because the District has remained unimproved since its creation.

The petition filed with the Application states that the District: (1) has performed none 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 has been included in the Application certifying that the District has no bonded indebtedness.

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

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

**INFORMATION.** For information regarding the date and time this application will be heard before the TCEQ, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Office of Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Team at 1-512-239-4747. General information regarding the TCEQ can be found at our Web site at <[www.tceq.state.gov](http://www.tceq.state.gov)>.

**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 1-800-687-4040 or 1-800-RELAY-TX (TDD) at least one week prior to the hearing.

Issued: November 12, 2014

TCEQ - Office of the Chief Clerk  
MC-105 Attention: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: WOOD TRACE MUD 2  
TCEQ Tracking No. 2014-1424-DIS CID Item No. 94307  
Application Type: PETITION FOR DISSOLUTION OF A DISTRICT

CHIEF CLERK'S OFFICE  
2014 OCT -11 PM 2:49  
OFFICE OF THE CHIEF CLERK

### AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF: Montgomery §

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

Kevin Lee  
(name of newspaper representative)

, who being by me duly

sworn, deposes and says that (s)he is the Advertising Consultant  
(title of newspaper representative)

of the Conroe Courier ; that said newspaper is  
(name of newspaper)

regularly published or circulated in Montgomery County/Counties,  
(name of county or counties)

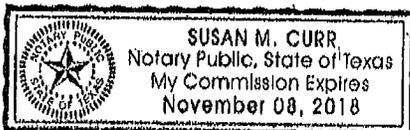
Texas; that the attached notice was published in said newspaper on the following dates:

November 21, 2014 and November 28, 2014.  
(date or dates of publication)

[Signature]  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 22 day of November,  
20 14, to certify which witness my hand and seal of office.

(Seal)



Susan M Curr  
Notary Public in and for the State of Texas

Susan M Curr  
Print or type Name of Notary Public

My Commission Expires 11/08/18

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT HEARING  
TCEQ Docket No. 2014-1424-DIS

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The petition filed with the Application states that the District: (1) has performed none 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.

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

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

**INFORMATION.** For information regarding the date and time this application will be heard before the TCEQ, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Office of Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Team at 1-512-239-4747. General information regarding the TCEQ can be found at our Web site at <[www.tceq.state.gov](http://www.tceq.state.gov)>

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 1-800-687-4040 or 1-800-RELAY-TX (TDD) at least one week prior to the hearing.

Issued: November 12, 2014

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GINA M. VON STERNBERG

December 2, 2014

2014 DEC 2 PM 2:49  
CHIEF CLERKS OFFICE

CONFIDENTIAL

VIA FEDERAL EXPRESS

Ms. Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental  
Quality (MC 105)  
12100 Park 35 Circle  
Austin, Texas 78753

Re: Publication of Notice of Public Hearing on Dissolution of Wood Trace Municipal Utility  
District No. 2; TCEQ Internal Control No. D-07212014-024; Docket # 2014-1424-DIS

Dear Ms. Bohac:

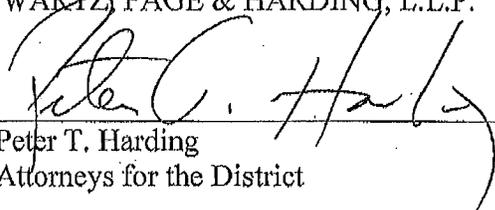
In accordance with your letter of November 12, 2014, enclosed please find originals of  
the following documentation:

1. *The Conroe Courier* Affidavit of Publication with tear sheet attached.

Should you have any questions regarding the enclosed or require any additional  
information, please do not hesitate to call on me.

Very truly yours,

SCHWARTZ, PAGE & HARDING, L.L.P.

By: 

Peter T. Harding  
Attorneys for the District

Enclosures  
357526

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT HEARING TCEQ Docket No. 2014-1424-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Wood Trace Municipal Utility District No. 2 of Montgomery County (District). The Application was filed with the TCEQ and includes a petition by John W. Hammond, vice president of Lennar Texas Holding Company, general partner of Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company (Petitioner) requesting dissolution of the District. The TCEQ will conduct this hearing under the authority of Texas Water Code Chapters 49 of the Texas Water Code (TWC), Texas Administrative Code (30TAC) Chapter 293, and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9.00 a.m., Wednesday, February 4, 2015  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District was created by House Bill 2382, Acts of the 72nd Legislature, Regular Session, 1991. The District contains 261.268 acres of land within Montgomery County, outside the corporate limits or extraterritorial jurisdiction of any city. The District is governed by Chapters 49 and 54 of the Texas Water Code (TWC). The petitioner states that dissolution is desirable because the District has remained unimproved since its creation.

The petition filed with the Application states that the District: (1) has performed none 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 has been included in the Application certifying that the District has no bonded indebtedness.

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

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

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Si desea información en español, puede llamar al 1-512-239-0200.

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Issued: November 12, 2014

**MAILING LIST**

**Docket No. 2014-1424-DIS**  
**Wood Trace Municipal Utility District No. 2 of Montgomery County**  
**TCEQ Internal Control No. D-07212014-024**

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Schwartz Page & Harding LLP  
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Ms. Linda K. Vasse, P.G.  
TCEQ Region 12  
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Montgomery County Clerk  
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Justin Taack, Technical Manager, Districts Section, MC-152  
Komal Patel, Districts Section, MC-153  
Office of Public Interest Counsel, MC-103

Wood Trace MUD No. 2 Caption

2014-1424-DIS. Consideration of a petition from Friendswood Development Company (Petitioner), for the dissolution of Wood Trace Municipal Utility District (MUD) No. 2, pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. (Justin Taack, Linda Horng)