

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 17, 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. 2015-0352-DIS; Consideration of a request for a Commission order approving the dissolution of Southwest Denton County Road and Utility District

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 August 5, 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; and
7. Caption.

Please do not hesitate to contact me at (512) 239-4761 if you have any questions regarding this material.

Thank you,

A handwritten signature in cursive script that reads "Kayla Murray".

Kayla Murray
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

For
To: Justin P. Taack, Manager
Districts Section

Date: February 25, 2015

2/25/15
Thru: Seyed Miri, P.E., Leader
Districts Creation Review Team

10/21/13
From: Ren Berra
Districts Creation Review Team

Subject: Docket No. 2015-0352-DIS. Southwest Denton County Road and Utility District; Petition for Dissolution of District. Pursuant to Texas Water Code §§ 49.321-49.327. TCEQ Internal Control No. D-02232015-001 (TC) CN: 600661383 RN: 101219640

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the dissolution of Southwest Denton County Road and Utility District (District). The District was created by Senate Bill 1607, Acts of the 74th Legislature, Regular Session, 1995, under § 59, Article XVI, § 52, Article III, Texas Constitution, as a conservation and reclamation district and road district. The District contains 282,337 acres of land, more or less, in Denton County, Texas. All of the land within the District is located inside the corporate limits of the City of Fort Worth, Texas. The District is governed by Chapters 49 and 54 of the Texas Water Code.

The application includes a petition for the dissolution of the District signed by Bradley W. Ayres (Petitioner). The petition asserts that the Petitioner holds title to property located within the District. A Denton Central Appraisal District certificate of ownership supports that Bradley W. Ayres owns land in the District. The District was created for the purpose of purchasing, constructing, operating and maintaining all facilities necessary for the supply and distribution of water; the collection, transportation and treatment of wastewater; the drainage of storm water; and the construction and maintenance of roads to service the land in the District. The petition states that dissolution is desirable since the District is not required for development of the land.

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 calendar years 2009 through 2013 are included in the application.

Justin P. Taack, Manager
February 25, 2015
Page 2

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 August 19, 2014 found no evidence of bonded indebtedness for the District from 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 Title 30 Texas Administrative Code §§ 293.131-293.136 and Texas Water Code §§ 49.321-49.327.

C. RECOMMENDATIONS

1. Approve the request to dissolve Southwest Denton County Road and Utility District.
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 Chapter 74, Texas Property Code, pursuant to Texas Water Code § 49.327 and Title 30 Texas Administrative Code § 293.134.

D. ADDITIONAL INFORMATION

The Petitioner's professional representative is:

None.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER Granting the Petition for Dissolution of Southwest Denton County Road and Utility District; TCEQ Docket No. 2015-0352-DIS

On August 5, 2015, the Texas Commission on Environmental Quality (the "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 petition submitted by Bradley W. Ayres, being an owner of property within Southwest Denton County Road and Utility District (the "District"), to dissolve the District pursuant to TEX. WATER CODE §§ 49.321–49.327 and 30 TEX. ADMIN. CODE §§ 293.131–293.136.

Proper notice of the hearing was published on April 13 and April 20, 2015, in the *Denton Record-Chronicle*, a newspaper generally circulated in Denton County, the county in which the District is located. Accordingly, the notice requirements of 30 TEX. ADMIN. CODE § 293.132 have been satisfied.

The Commission, after having considered the petition, application material, and the memorandum dated February 25, 2015, from the Executive Director, a copy of which is attached and made a part hereof, finds that the petition for dissolution of the District should be approved. The Commission finds that the District has performed none of the functions for which it was created for a period of five consecutive years before the day of the proceeding. The District has no outstanding bonded indebtedness. The District should be directed to escheat the District's assets, if any, to the State of Texas, which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROPERTY CODE §§ 74.001–74.710.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the petition for the dissolution of the District filed by Bradley W. Ayres, being an owner of property located within Southwest Denton County Road and Utility 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 of dissolution in the deed records of Denton County. The District is directed to escheat the District's assets, if any, to the State of Texas which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROPERTY CODE §§ 74.001–74.710.

Issue Date:

Bryan W. Shaw, Ph.D., P.E., Chairman



FINANCIAL DORMANCY AND FILING AFFIDAVIT

STATE OF TEXAS COUNTY OF Denton

A. I, Brad Ayres, being duly sworn, am an authorized; (Name)

representative of Southwest Denton County Road and Utility District (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:

3890 W. Northwest Hwy, Ste 100, Dallas, TX 75220 (District Office Address)



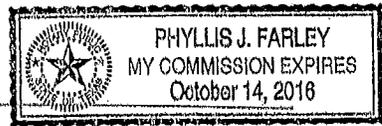
UTILITIES & DISTRICTS SECTION

E. Date 3rd September 2014 By: Brad Ayres
(Signature)

Brad Ayres, Vice President of the Board
(Name and Title)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of
Texas this day 3rd of Sept., 20 14

My Commission Expires on _____
Phyllis J. Farley
(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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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, 2010 through December 31, 2010
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 \$

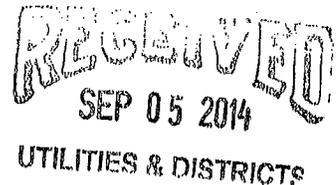
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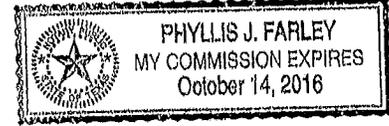


E. Date 9/3/14 By: *Brad Ayres*
(Signature)

Brad Ayres, Vice President of the Board
(Name and Title)

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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, 2011 through December 31, 2011
2. fiscal period, through (Date) (Date)

CHECK ONE:

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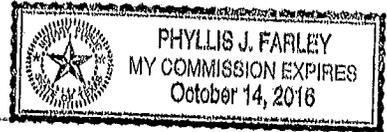
RECEIVED SEP 05 2014 UTILITIES & DISTRICTS SECTION

E. Date 9/3/14 By: Brad Ayres
(Signature)

Brad Ayres, Vice President of the Board
(Name and Title)

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(Name)

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(Name of District)

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- 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, 2012 through December 31, 2012
2. fiscal period, through

CHECK ONE:

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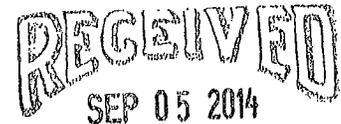
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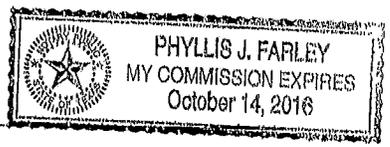
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3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded \$5,000;

For the following period

- 1. X calendar year, January 1, 2013 through December 31, 2013
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 \$

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RECEIVED SEP 05 2014 UTILITIES & DISTRICTS SECTION

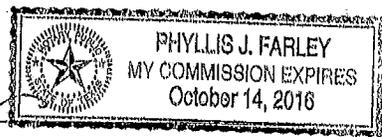
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- Water Code Section 49.158 - Fiscal Year

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF DISTRICT HEARING
TCEQ Docket No. 2015-0352-DIS**

APPLICATION. The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Southwest Denton County Road and Utility District (District). The Application was filed with the TCEQ and includes a petition by Bradley W. Ayres (a landowner within the District) requesting dissolution of the District. The TCEQ will conduct this hearing under the authority of Texas Water Code Chapters 49 and 54, Title 30 Texas Administrative Code Chapter 293, and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

**9:30 a.m., Wednesday, August 5, 2015
Building E, Room 201S
12100 Park 35 Circle
Austin, Texas**

The District was created by Senate Bill 1607, Acts of the 74th Legislature, Regular Session, 1995, under § 59, Article XVI, § 52, Article III, Texas Constitution, as a conservation and reclamation district and road district. The District contains 282,337 acres of land, more or less, within Denton County, Texas. The petition states that dissolution is desirable since the District is not required for development of the land.

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.

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

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

publication of this notice. The TCEQ may approve the Application unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Applicant and the TCEQ Docket Number; (3) the statement "I/we request a contested case hearing"; and (4) a brief description of how you would be affected by the request in a way uncommon to the general public. You may also submit your proposed adjustments to the Application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

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 Bond Team at 1-512-239-4691. General information regarding the TCEQ can be found at our Web site at <www.tceq.state.tx.us>.

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

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD) at least one week prior to the hearing.

Issued: March 30, 2015

Print Form

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

Applicant Name: SW DENTON COUNTY ROAD & UTILITY DIST
TCEQ Tracking No. 2015-0352-DIS CID Item No. 96725
Application Type: NOTICE OF PUBLIC HEARING ON A
DISSOLUTION OF A DISTRICT

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERK'S OFFICE
2015 APR 27 AM 10:48

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF: DENTON §

Before me, the undersigned authority, on this day personally appeared Bill Patterson, who being by me duly
(name of newspaper representative)

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

of the Denton Record - Chronicle; that said newspaper is
(name of newspaper)

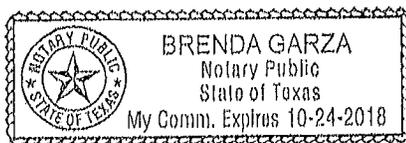
regularly published or circulated in Denton County/Counties,
(name of county or counties)

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

April 13, 2015 & April 20, 2015
(date or dates of publication)

Newspaper Representative's Signature

Subscribed and sworn to before me this the 20 day of April,
20 15, to certify which witness my hand and seal of office.



(Seal)

Notary Public in and for the State of Texas

Brenda Garza

Print or type Name of Notary Public

My Commission Expires 10-24-2018

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY



NOTICE OF
DISTRICT
HEARING TCEQ
Docket
No. 2015-0352-DIS

APPLICATION

The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Southwest Denton County Road and Utility District (District). The Application was filed with the TCEQ and includes a petition by Bradley W. Ayres as a landowner within the District requesting dissolution of the District. The TCEQ will conduct this hearing under the authority of Texas Water Code Chapters 49 and 64, Title 30 Texas Administrative Code Chapter 209, and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m.
Wednesday,
August 5, 2015
Building E
Room 2015
12100 Park 35
Circle
Austin, Texas

The District was created by Senate Bill 1807, Acts of the 74th Legislature, Regular Session, 1995, under § 69, Article XVI, § 62, Article III, Texas Constitution as a conservation and reclamation district and road district. The District contains 292.337 acres of land, more or less, within Denton County, Texas. The petition states that dissolution is desirable since the District is not required for development of the land.

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 unmanageable; and (3) has no other land to be developed.

Comptroller of Public Accounts has been included in the Application certifying that the District has no bonded indebtedness.

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 77 of the Texas Property Code.

CONTESTED CASE
HEARING

The TCEQ may grant a contested case hearing on this Application if a hearing request is filed within 30 days after the newspaper publication of this notice. The TCEQ may approve the Application unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Applicant and the TCEQ Docket Number; (3) the statement "I/we request a contested case hearing"; and (4) a brief description of how you would be affected by the request in a way uncommon to the general public. You may also submit your proposed adjustments to the Application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district courts.

INFORMATION

For information regarding the state and local application will be heard before the TCEQ. Please submit written inquiries to the Office of the Chief Clerk, MC 109, 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 Bond Team at 1-512-239-4691. General information regarding the TCEQ can be found at our Web site at www.tceq.state.tx.us.

For more information, contact the public information at 1-512-239-0200.

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



COPY

Eagle Oil & Gas Co.

MAR 31 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 30, 2015

Dallas, Texas
15 APR 27 AM 09:48
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Mr. Bradley W. Ayres
5950 Berkshire Lane, Suite 1100
Dallas, Texas 75225-5854

RE: Publication of Notice of Public Hearing on Dissolution of Southwest Denton
County Road and Utility District; TCEQ IC # D-02232015-001;
TCEQ Docket # 2015-0352-DIS

Dear Mr. Ayers:

Enclosed is a copy of the Notice of District Hearing for the dissolution of [entity]. Please carefully review the notice for accuracy prior to publication. Contact Reynold Berra in the District Administration Office, at 512-239-6009, if the notice is found to be in error.

You are required to publish this notice, at your client's expense, in a newspaper with general circulation in the county or counties in which the District is located. **Publication shall be once a week for two consecutive weeks. The first publication should take place no later than April 13, 2015.**

After the notice has been published please submit the original affidavit of publication, together with an original tear sheet from the newspaper in which you published the notice, to the Office of the Chief Clerk (Mail Code 105). **The Chief Clerk's Office should receive the affidavits no later than July 3, 2015.**

If you have any questions regarding these publication requirements, please contact Irma Salazar in the office at 512-239-1328.

Sincerely,

Bridget C. Bohac
Chief Clerk

BCB/is

Enclosures

cc: To all on attached mailing list

MAILING LIST

Docket No. 2015-0352-DIS

Southwest Denton County Road and Utility District
TCEQ Internal Control No. D-02232015-001

Mr. Bradley W. Ayres
5950 Berkshire Lane, Suite 1100
Dallas, Texas 75225-5854

Ms. Melinda Ramos
Senior Assistant City Attorney
City of Fort Worth Attorney's Office
1000 Throckmorton Street
Fort Worth, Texas 76102

Mr. Tony Walker
TCEQ Region 4
2309 Gravel Drive
Fort Worth, Texas 76118-6951

Denton County Clerk
Attn: Ms. Juli Luke
1450 East McKinney Street
Denton, Texas 76209-4524

North Central Texas Council of Governments
P.O. Box 5888
Arlington, Texas 76005-5888

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

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173
Kayla Murray, Attorney, Environmental Law Division, MC-173
Ren Berra, Technical Manager, Districts Creation Review Team, MC-152
Seyed Miri, P.E., Leader, Districts Creation Review Team, MC-152
Kent Steelman, Districts Section, Water Supply Division, MC-153
Vic McWherter, Office of the Public Interest Counsel, MC-103

Southwest Denton County Road and Utility District Caption

2015-0352-DIS. Consideration of a petition from Bradley W. Ayres (Petitioner), for the dissolution of Southwest Denton County Road and Utility District, 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. (Kayla Murray, Ren Berra)