

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



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

July 15, 2016

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. 2016-0249-DIS; Consideration of a request for a Commission order approving the Conversion of Kaufman County Fresh Water Supply District No. 6 to Municipal 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 3, 2016 agenda item on the above referenced matter:

1. Staff Memorandum
2. Proposed Order
3. Resolution Requesting Conversion To a Municipal Utility District
4. Notice of Hearing
5. Affidavit of Publication
6. Mailing List
7. Caption

Please do not hesitate to contact me at (512) 239-2253 if you have any questions regarding this material. Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Hollis Henley".

Hollis Henley  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **AN ORDER**

Granting the Application for Conversion of Kaufman County Fresh Water Supply District NO. 6 to a Municipal Utility District; TCEQ Docket No. 2016-0249-DIS

On August 3, 2016, 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, Texas Government Code §§ 551.001-551.146, and the Administrative Procedure Act, Texas Government Code §§ 2001.001-2001.902, to consider the application filed by Kaufman County Fresh Water Supply District No. 6 (District) for its 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 October 9, 2015, an application (including a District Resolution) requesting the conversion of the District into a municipal utility district was filed with the Commission pursuant to TEX. WATER CODE Chapters 49 and 54 and 30 TEX. ADMIN. CODE Chapter 293.
2. The Resolution adopted by the governing body of the District on August 10, 2015, declared that in the judgment of the governing body, conversion of the District into a municipal utility district would serve the best interests of the District and would be a benefit to the land and property included in the District, and the governing body requested that the Commission hold a hearing on the question of the conversion of the District pursuant to TEX. WATER CODE § 54.030.
3. The Executive Director reviewed the application and found that conversion to a municipal utility district would serve the best interests of the District and would be a benefit to the land within the District's boundaries. The Executive Director recommended approving the District's application requesting the conversion of the District from a fresh water supply district to a municipal utility district.
4. Proper notice of the application was given by publication on June 16, 2016 and June 23, 2016 in the *Forney Messenger*, a newspaper which is regularly published and generally circulated in Kaufman County, where the District is located, pursuant to TEX. WATER CODE § 54.032 and 30 TEX. ADMIN. CODE § 293.15.
5. The appropriate and necessary deposits and fees associated with the filing of the application 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 and 30 TEX. ADMIN. CODE §§ 293.15 and 293.201 and 293.202 and 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 §§ 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 Districts Section's memorandum dated July 15, 2016, is hereby attached as Exhibit "A" and incorporated as part of this order. The District's request for conversion of the District from a fresh water supply district operating under TEX. WATER CODE Chapters 49 and 53 to a municipal utility district operating under TEX. WATER CODE Chapters 49 and 54 is hereby approved.

The Utilities and Districts Section's memorandum dated July 15, 2016, is hereby attached as Exhibit "A" and incorporated as part of this order.

The name of the District is Kaufman County Municipal Utility District No. 6.

The District shall file a copy of this Commission Order in the deed records of Kaufman 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:

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For the Commission

# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

**To:** Cari-Michel La Caille, Director  
Water Supply Division

**Date:** July 15, 2016

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

**From:** Sheresia Perryman  
Districts Creation Review Team

**Subject:** Docket No. 2016-0249-DIS. Kaufman County Fresh Water Supply District No. 6; Application for Conversion to a Municipal Utility District. Pursuant to Texas Water Code, Chapters 49 and 54.  
TCEQ Internal Control No. D-10092015-021 (TC)  
CN: 604645861 RN: 107614190

### A. GENERAL INFORMATION

On October 9, 2015, the Texas Commission on Environmental Quality (TCEQ) received the above reference application from Kaufman County Fresh Water Supply District No. 6 (District). The resolution within the application requests TCEQ approval to convert the District from a fresh water supply district (FWSD) to a municipal utility district (MUD).

#### Location

The District is located in Kaufman County, approximately 2 miles south of the City of Forney (City), and approximately 7 miles north of the City of Crandall. The District is located within the extraterritorial jurisdiction (ETJ) of the City of Forney.

The District contains 330.221 acres and currently consists of open vegetated pastureland with miscellaneous agricultural and livestock structures. Construction has started on the first phase of a single family residential project within the District. The District's current land plan consists of single-family residential, commercial and recreation/open space development.

#### History

The District was created by the Kaufman County Commissioners Court by order dated December 27, 2010, and was confirmed by an election held in the District on May 9, 2015. The District currently operates under Chapters 49 and 53 of the Texas Water Code. The board of directors of the District have determined that conversion to a MUD under Chapter 54 of the Texas Water Code, and Article XVI, § 59 of the Texas Constitution would best serve the interest of the District and would be a benefit to the land and property that's included in the District.

**B. ENGINEERING ANALYSIS**

1. Water Supply

The District's water supply is provided by Talty Water Supply Corporation (WSC). All water supply and distribution system improvements to the District will be designed in accordance with criteria established by the TCEQ, Kaufman County and Talty WSC. An impact fee of \$3,200 per unit is required by Talty WSC to connect to their system.

2. Wastewater Treatment

The City will provide wholesale wastewater treatment services to the District. Wastewater generated within the District will be collected at a lift station at the northwest corner of the District and pumped to an existing lift station in the City. An impact fee of \$1,770 per unit is required by the City to connect to their system.

3. Storm Water Drainage

The District's storm drainage collection system will consist of curbs and gutters with inlets and reinforced concrete lines from 18 inches to multiple box culverts. Storm water detention is not required and will be provided on an as-needed basis to minimize the effects of downstream flooding.

4. Paving and Road Improvements

All paving and road improvements within the District will be designed in accordance with criteria established by the City, Kaufman County, and the Texas Department of Transportation.

**C. SUMMARY OF COSTS**

<u>CONSTRUCTION COSTS</u>	<u>District's Share</u>	<sup>(1)</sup>
A. Developer Contribution Items		
1. Water, Wastewater, and Drainage Facilities	\$ 6,903,078	
2. Contingencies (10%)	690,308	
3. Engineering Costs (12% of Items 1 - 2)	<u>911,207</u>	
Total Developer Contribution Items	\$ 8,504,593	
B. District Items		
1. Lift Station and Offsite Wastewater	\$ 1,326,129	
2. Paving Improvements	7,156,007	<sup>(2)</sup>
3. Contingencies (10% of Items 1 - 2)	848,214	
4. Engineering Costs (12% of Items 1 - 3)	1,119,642	
5. Water Impact Fee (\$3,200 x 1,172 ESFCs)	2,625,280	
6. Wastewater Impact Fee (\$1,770 x 1,1752 ESFCs)	1,452,108	
Total District Items	<u>\$ 14,527,380</u>	
<b>TOTAL CONSTRUCTION COSTS</b>	\$ 23,031,973	

NON-CONSTRUCTION COSTS

A. Creation Costs	\$ 75,000
B. Land Acquisition	75,000
C. Legal Fees (2.0%)	646,000
D. Financial Advisor Fees (2.0%)	646,000
C. Interest	
1. Capitalized Interest (18 months @ 5.50%)	2,664,750
2. Developer Interest (24 months @ 5.50%)	3,553,000
D. Bond Discount (3.0%)	969,000
E. Administrative Costs	158,527
F. Operating Expenses	150,000
G. TCEQ Bond Issuance Expenses	80,750
H. Bond Application Report Costs	250,000
TOTAL NON-CONSTRUCTION COSTS	\$ <u>9,268,027</u>
TOTAL BOND ISSUE REQUIREMENT	\$ <b>32,300,000</b>

Notes:

- (1) Assumes 70% funding of anticipated developers contribution items.
- (2) Represents road projects to be funded in future road bond issues.

Eligibility of costs for District funding and 30% developer contribution requirements will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

**D. PROJECT FEASIBILITY**

Project Financing

The estimated total assessed valuation of the proposed District at completion is as follows:

<u>Land Use</u>	<u>No. of Units</u>	<u>Unit Value</u>	<u>Total Value at Build-out</u>
Single-family homes (50' X 115')	396 homes	\$190,000	\$75,240,000
Single-family homes (50' X 120')	300 homes	\$220,000	\$66,000,000
Single-family homes (60' X 115')	308 homes	\$250,000	\$77,000,000
Commercial	34 acres	\$1,200,000/ac	<u>\$40,800,000</u>
<b>Total Project Assessed Valuation</b>			<b>\$259,040,000</b>

The District's ability to amortize the required bond debt is based on ultimate improvements and full development of the District. Each particular bond issue will be reviewed and justified on its own economic feasibility merits prior to the issuance of any bonds by the District.

Considering an estimated bond issue requirement of \$37,692,277 (assuming 100% financing), a bond coupon interest rate of 5.50%, a 25-year bond life, the average annual debt service requirement would be \$2,809,935. Assuming a 95% collection rate and an ultimate assessed valuation (AV) of \$259,040,000, a tax of approximately \$1.14 per \$100 AV would be necessary to meet the annual debt service requirements.

The total year 2015 overlapping tax rates on land within the proposed District are shown in the following table:

<b>Taxing Jurisdiction</b>	<b>Tax Per \$100 Valuation for Kaufman County</b>
Proposed Kaufman County FWSD No. 6	\$1.0000 <sup>(1)</sup>
Kaufman County	\$0.5022
Forney ISD	\$1.5400
Kaufman County ESD No. 6F	\$0.0300
Road & Bridge	<u>\$0.0740</u>
<b>Total Projected Tax</b>	<b>\$3.1462</b>

Note: (1) The TCEQ feasibility rules limit the projected tax rate to \$1.00 or less.

#### Water and Wastewater Rates

Based on the District's rate information provided with the application, the costs for 10,000 gallons of water for a single family residence is \$67.50 per month and \$65.10 per month for wastewater.

#### **D. SPECIAL CONSIDERATIONS**

##### 1. District Name Change

By Board Resolution dated August 10, 2015, the District requested that the name of the District remain the same after conversion.

##### 2. Feasibility Concerns

Based on information provided the District projects a total debt service tax rate of \$1.14; however, 30 Texas Administrative Code (30 TAC) § 293.59(k)(3)(B) limits the projected tax rate to \$1.00. Bond issues will need to be staggered to meet the TCEQ requirement.

#### **E. CONCLUSIONS**

1. Based on a review of application material, the conversion to a MUD meets the requirements of the economic feasibility rules of 30 TAC § 293.59.
2. The conversion to a MUD would be a benefit to the land and serve the best interest of the District.

#### **F. RECOMMENDATIONS**

1. Grant the request of Kaufman County Fresh Water Supply District No. 6 for its 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.
2. The District should be directed to discuss with its consultants the requirements of the TCEQ's feasibility rules, especially 30 TAC § 293.59(k)(3)(B) regarding the combined projected tax rate.

Cari-Michel La Caille, Director

Page 5

July 15, 2016

3. The name of the District after conversion should be Kaufman County Municipal Utility District No. 6.

**G. ADDITIONAL INFORMATION**

The District's consultants are listed as follows:

Ms. Angela Stepherson - Coats Rose, PC - 14755 Preston Road, Suite 600 - Dallas, Texas  
75254

Mr. Robert L. Wright, P.E. - 1600 Syracuse Drive - Richardson, Texas 75081

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 28, 2015

Mr. Bryan Lucchesi, President  
Kaufman County FWSD No. 6  
c/o Crawford & Jordan, LLP  
19 Briar Hollow Lane Suite 245  
Houston, Texas 77027-2858

Re: Kaufman County Fresh Water Supply District No. 6; Application for Conversion to a Municipal Utility District; Pursuant to Texas Water Code Chapters 49 and 54.  
TCEQ Internal Control Number: D-10092015-021  
CN: 604645861 RN: 107614190

Dear Mr. Lucchesi:

The above referenced application was received by the Texas Commission on Environmental Quality (TCEQ) on October 9, 2015. An administrative review of the application has been conducted and the application was declared administratively complete on October 28, 2015.

Please refer to Internal Control Number D-10092015-021 when corresponding regarding this specific application.

**This application has been forwarded to Ms. Antonieta Arteaga, Districts Section (Mail Code 152), Water Supply Division, to complete the technical review. If additional information is needed during the technical review of the application, you will be notified by the TCEQ of the deficiency and be requested to supplement the application. In addition, a meeting to discuss the information in your application may be scheduled at your request, or at the request of the TCEQ, to discuss the information in your application or notice of deficiency response in greater detail. To schedule a meeting at your request, please contact the technical manager assigned to review your application, preferably within the first 60 days.**

**To track the status of this application**, please log on to our web site at [www10.tceq.state.tx.us/iwud/](http://www10.tceq.state.tx.us/iwud/). Once you are on our home page, go to the site search and enter the Water District Name or Number. To open the district, click on the name, and then click on the documents icon. Then click to select the specific document you wish to track.

If you should have any questions on the administrative review portion of this application, please call Jennifer Evangelista at (512) 239-3148. For questions about the technical review phase of your application, please contact **Ms. Antonieta Arteaga by phone (512) 239-4627, or by email at [Antonieta.Arteaga@tceq.texas.gov](mailto:Antonieta.Arteaga@tceq.texas.gov)**. When corresponding with TCEQ regarding your application by email, **please also copy Mr. Seyed Miri at [Seyed.Miri@tceq.texas.gov](mailto:Seyed.Miri@tceq.texas.gov) and Mr. Tom Glab at [Tom.Glab@tceq.texas.gov](mailto:Tom.Glab@tceq.texas.gov)**.

# COATS | ROSE

ANGELA M. STEPHERSON  
OF COUNSEL

astepherson@coatsrose.com  
Direct Dial  
(972) 982-8455  
Fax  
(972) 982-8451

October 7, 2015

VIA OVERNIGHT DELIVERY

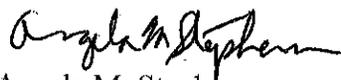
Andrew Paynter  
TCEQ Districts Creation Review Team – MC 156  
12100 Park 35 Circle  
Building F  
Austin, TX 78753

RECEIVED  
OCT 09 2015  
Districts Section

Dear Mr. Paynter:

Enclosed please find Kaufman County Fresh Water Supply District No. 6's application to convert to a municipal utility district. I have also enclosed a check in the amount of \$700.00 for the filing fee. Please direct correspondence regarding this application to me at the address below. Thank you.

Very truly yours,

  
Angela M. Stepherson

Enclosures

COATS | ROSE | YALE | RYMAN | LEE  
*A Professional Corporation*

Two Lincoln Centre, 5420 LBJ Freeway, Suite 600 Dallas, Texas 75240

Phone: 972-982-8450 Fax: 972-982-8451

Web: [www.coatsrose.com](http://www.coatsrose.com)

4822-3442-4361.v1

RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

WHEREAS, Kaufman County Fresh Water Supply District No. 6 (the "District") is a fresh water supply district duly created by the Kaufman County Commissioners Court by order dated December 27, 2010; and

WHEREAS, the creation of the District was confirmed at an election held in the District on May 9, 2015; and

WHEREAS, the District operates under Chapters 49 and 53, Texas Water Code; and

WHEREAS, the Board of Supervisors (the "Board") hereby declares pursuant to Section 54.030, Texas Water Code, that in the Board's judgment, conversion into a municipal utility district operating under Chapter 54, Texas Water Code, and under Article XVI, Section 59, of the Texas Constitution, would serve the best interest of the District and would be a benefit to the land and property included in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 THAT:

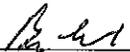
1. The Board hereby authorizes application to the Texas Commission on Environmental Quality (the "Commission") requesting conversion of the District to a municipal utility district. The President and/or Vice President and Secretary and/or Assistant Secretary of the Board of Supervisors, the District's Engineer, JBI Partners, Inc. and Robert L. Wright, P.E., and the District's Attorney, Coats, Rose, Yale, Ryman & Lee, P.C., are authorized and directed to do any and all things necessary and proper in connection with the application.

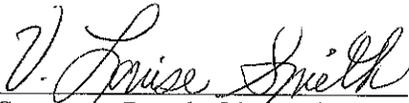
2. The Board hereby requests that the Commission hold a hearing on the question of whether of whether the District should be converted to a municipal district and that the Commission approve such conversion.

3. The Board requests that the District retain its name and that the powers provided under Section 53.029, Texas Water Code, be reserved to the District after conversion to a municipal utility district.

PASSED, APPROVED, and ADOPTED this 10<sup>th</sup> day of August, 2015.

ATTEST:

  
\_\_\_\_\_  
President, Board of Supervisors

  
\_\_\_\_\_  
Secretary, Board of Supervisors

CERTIFICATE FOR RESOLUTION  
REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

We, the undersigned officers of the Board of Supervisors (the "Board") of Kaufman County Fresh Water Supply District No. 6 (the "District"), hereby certify as follows:

1. The Board convened in special session, open to the public, on the 10<sup>th</sup> day of August, 2015 at a designated meeting place outside the boundaries of the District, and the roll was called of the members of the Board, to-wit:

Bryan Lucchesi	-	President
Christian Looney	-	Vice President
Louise Smith	-	Secretary
Don Harris	-	Assistant Secretary

All members of the Board were present except the following absentees: \_\_\_\_\_ thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

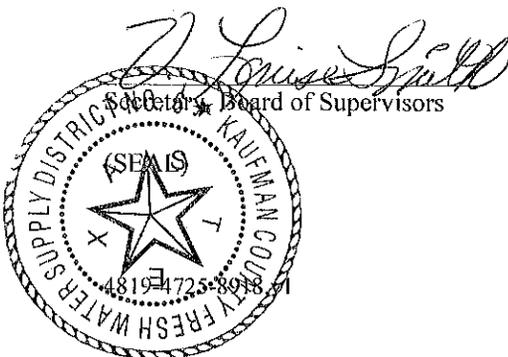
was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: 4 NOES: 0

2. 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; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; 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 such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED the 10<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
President, Board of Supervisors



**PRELIMINARY ENGINEERING REPORT**

**FOR THE CONVERSION OF**

**KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6**

**INTO A MUNICIPAL UTILITY DISTRICT**

**SEPTEMBER 2015**

Robert L. Wright, P.E.  
1600 Syracuse Drive  
Richardson, TX 75081  
972-672-1922  
[Bobwright2@tx.rr.com](mailto:Bobwright2@tx.rr.com)  
TBPE Firm No. F-12437

**PROPOSED CONVERSION OF KAUFMAN COUNTY FWSD NO. 6  
PRELIMINARY ENGINEERING REPORT**

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**PROPOSED CONVERSION OF KAUFMAN COUNTY FWSD NO. 6  
PRELIMINARY ENGINEERING REPORT**

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**TABLES**

1. Land Use Summary
2. Cost Summary – Developer Cost Participation
3. Lift Station and Offsite Wastewater
4. Paving, Water, Wastewater, and Storm Drainage Costs
5. Property Valuation Projections
6. 2015 Tax Rate

**EXHIBITS**

1. District Boundary Map
2. Proposed Land Use Plan
3. Water and Wastewater Systems
4. Storm Drainage System

**PROPOSED CONVERSION OF KAUFMAN COUNTY FWSD NO. 6  
PRELIMINARY ENGINEERING REPORT**

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**I. INTRODUCTION**

This report contains the results of a preliminary engineering study to determine the engineering and economic feasibility of converting Kaufman County Fresh Water Supply District No. 6 (the "District") into a Municipal Utility District. The purpose of this study is to develop the economic and engineering data necessary to evaluate the feasibility of this conversion.

The scope of the engineering report includes the following:

1. District boundary map.
2. Preliminary investigations to analyze water supply options, wastewater treatment and reuse options, flood hazards, and stormwater drainage patterns.
3. Review of the proposed land use plan within the District for consistency with environmental and economic requirements.
4. Preliminary design of water, wastewater, drainage, and paving improvements.
5. Preparation of preliminary cost estimates based on the preliminary design of facilities.
6. Evaluation of the economic feasibility of the District using projected bond issue requirements, projected assessed values, and calculated tax rates.
7. Recommendations on conversion of the District.

**II. GENERAL CONSIDERATIONS**

**A. Location and Description**

The District is located in Kaufman County, approximately 2 miles south of the City of Forney and approximately 7 miles north of the City of Crandall. The District is located at the northwest corner of the intersection of Interstate Highway 20 and FM 741. The total area of the District is 330.221 acres. The District is located within the extra-territorial jurisdiction (ETJ) area of the City of Forney. Permission to create the District within its ETJ was granted by the City of Forney City Council on August 3, 2010. Exhibit No. 1 shows the location and limits of the District.

**B. Access**

The District is located approximately 24 miles east of Dallas and is directly accessible from Dallas by Interstate Highway 20. Accessibility will be enhanced in the future by the phased construction of interior streets as shown on the Proposed Land Use Plan.

**C. Topography and Drainage**

The existing elevations through the tract range from approximately 426 feet above mean sea level (MSL) to approximately 480 feet MSL (elevations are based on the National Geodetic Survey datum, 1978 adjustment). The tract is generally open pastureland which is vegetated with various grasses and scrub growth.

The entire District lies within the East Fork Trinity River Watershed. Most of the District drains to the northwest to Mustang Creek. A topographic ridge runs northeast-southwest along the southern portion of the District. The portion of the District located south of this ridge drains southeast into Buffalo Creek. Both creeks drain into the East Fork Trinity River.

**D. 100-Year Flood Plain**

According to the Federal Emergency Management Agency Flood Insurance Rate Maps for Kaufman County, Community Panel Map Number 48257C0155D, revised July 3, 2012, no portion of the District lies within the 100-year flood plain.

**E. Existing Development**

The District currently consists of open pastureland that is vegetated with various grasses, scrub growth, and scattered mature trees. Existing improvements include miscellaneous agricultural and livestock structures. Construction has started on the first phase of a single family residential project within the District.

**III. PROPOSED DEVELOPMENT**

**A. Land Use Plan**

The proposed land plan for the 330.221 acres within the District, as depicted in Exhibit No. 2, consists of single-family residential, commercial, and recreation/open space.

The District's proposed land use and estimated equivalent population are provided in Table No. 1. Based on the proposed land use plan, the District will have a projected total of 1,172 equivalent single family connections (ESFCs) and a corresponding equivalent population of 4,102.

**B. Water System**

The District is located within the water Certificate of Convenience and Necessity ("CCN") of the Talty Water Supply Corporation ("Talty WSC"). Talty WSC will provide retail water service to the District. All water supply and distribution system improvements to serve the District will be designed in accordance with criteria established by the Texas Commission on Environmental Quality ("TCEQ"), Kaufman County, and Talty WSC. The design of the system will be such that the mains are capable of handling the peak demand (greater of peak hourly demand or peak daily demand plus estimated fire flow) while maintaining acceptable pressures throughout the distribution system. As part of the overall development, Talty WSC is constructing a new 12" water line along FM 741 to serve the District. An impact fee of \$3,200 per unit is required by Talty WSC to connect to their system. A portion of this impact fee will be used to offset the cost of this new 12" water line. Exhibit No. 3 shows the proposed water system.

**C. Wastewater System**

All wastewater facilities to serve the District will be designed in accordance with criteria established by the Texas Commission on Environmental Quality, Kaufman

County, and the City of Forney. The City of Forney will provide wholesale water treatment services to the District. Wastewater generated within the District will be collected at a lift station at the northwest corner of the District and pumped to an existing lift station in the City of Forney. This lift station is operated by the North Texas Municipal Water District (NTMWD) and wastewater flows are pumped from this station to the NTMWD wastewater treatment plant at Mesquite. An impact fee of \$1,770 per unit is required by the City of Forney to connect to their system. Exhibit No. 3 shows the proposed wastewater system.

**D. Storm Drainage System**

All storm drainage improvements will be designed in accordance with the criteria established by Kaufman County and the City of Forney. Channel improvements will be designed such that no negative upstream or downstream impacts exist due to the proposed development. Channel improvements will be modeled using the U.S. Army Corps of Engineers HEC-1 and HEC-2 computer models.

**1. Storm Drainage Collection**

The District's storm drainage collection system will consist of curbs and gutters with inlets and reinforced concrete storm sewers ranging in size from 18 inches to multiple box culverts.

**2. Stormwater Detention**

Stormwater detention is not required by the various governmental entities in the area. Detention will be provided on an as-needed basis to minimize the effects of downstream flooding.

**E. Paving Improvements**

All paving improvements within the District will be designed in accordance with criteria established by the City of Forney, Kaufman County, and the Texas Department of Transportation.

**IV. SUMMARY OF COSTS**

The total construction cost of the District's infrastructure is estimated to be \$28,424,250 including contingencies and engineering. Assuming 30% developer participation in the internal utility costs and based on a 5.50% interest rate for 25 years, the issuance of \$32,300,000 in bonds would be required to finance the facilities proposed by the District (refer to Table No. 2).

Engineering fees shown in Table Nos. 2 include the costs for preliminary engineering reports, construction plans, agency approval, construction phase administration, construction observation, bond reports, surveying, and soils investigations. Legal fees shown in Table Nos. 2 include the costs incurred for legal counsel for the creation of the District and issuance of the bonds.

The individual cost breakdowns for the water distribution, water supply, wastewater collections, wastewater treatment, storm drainage systems, and paving improvements are contained in Table Nos. 3 and 4. Construction quantities are based on those items shown in Exhibit Nos. 3 and 4 and on supplemental information provided by JBI Partners. Construction costs are derived from recent bids on similar work.

**V. FEASIBILITY**

**A. Projected District Tax Rate**

The current maximum allowable tax rate for the sale of bonds in Kaufman County, pursuant to the rules of the Texas Commission on Environmental Quality is \$1.00 per \$100 of assessed valuation. At full development, the projected assessed valuation of taxable property in the District is \$259,040,000 as summarized in Table No. 5 (the projected home values are based on a previous market study prepared for the District and adjusted to reflect current market conditions). Assuming 30% developer participation in the internal utility costs, the issuance of \$32,300,000 in bonds will be required to finance the improvements. The annual debt service for these bonds at 5.50% for 25 years would be approximately \$2,407,944. Assuming a 95% collection rate, the ad valorem tax rate required to amortize this debt is \$0.9786 per \$100 of assessed valuation. In addition to the debt service requirement, the District will collect an operation and maintenance tax of \$0.0214 per \$100 of assessed valuation. This results in a total tax rate of \$1.00 per \$100 of assessed valuation and this tax rate meets the requirements of TCEQ.

**PROPOSED CONVERSION OF KAUFMAN COUNTY FWSD NO. 6  
PRELIMINARY ENGINEERING REPORT**

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**B. Overlapping Tax Rate**

The total overlapping tax of all other taxing entities for 2015 was \$2.1462 per \$100 of assessed valuation (refer to Table No. 6). Therefore, the total combined tax rate for property within the District would be \$3.1462 per \$100 of assessed valuation.

**C. Water and Wastewater Rates**

The District is located within the Talty WSC CCN for retail water service and wholesale wastewater service will be provided by the City of Forney. The current Talty WSC retail rates for residential customers are as follows:

**Water**

Base Rate(Monthly)	\$25.50
Gallons Used Charge	Unit Cost (per 1000 gallons)
2,001 to 10,000	\$5.25
10,001 to 15,000	\$6.00
15,001 to 30,000	\$7.50
30,001 to 50,000	\$8.50
50,001 and up	\$9.50

The proposed residential wastewater rates for the District are as follows:

Gallons of Water Used	Rate
Base Rate (Monthly)	\$17.10
Volume Charge	\$4.80/1,000 gal.

**VI. JUSTIFICATION FOR DISTRICT**

The District conversion is necessary in order to provide adequate water supply, water distribution, wastewater collections, wastewater treatment, drainage facilities, and paving improvements to serve the proposed development in the District. The proposed development should have no adverse impact on land elevation, subsidence, groundwater levels, recharge capacity of groundwater sources, natural runoff rates,

**PROPOSED CONVERSION OF KAUFMAN COUNTY FWSD NO. 6  
PRELIMINARY ENGINEERING REPORT**

---

drainage, or water quality. The Municipal Utility District tax rate of \$1.00 meets the requirements of TCEQ and is very reasonable and acceptable for this type of development. The total combined tax rate of \$3.1462 per \$100 of assessed valuation is considered reasonable and acceptable for a development of this type. Therefore, it is our opinion that the District is feasible, practical, and necessary from an engineering and economic perspective; will benefit all the land within its boundaries; and should be converted.

**PROPOSED CONVERSION OF KAUFMAN COUNTY FWSD NO. 6  
PRELIMINARY ENGINEERING REPORT**

---

Robert L. Wright, P.E.  
1600 Syracuse Drive  
Richardson, TX 75081  
972-672-1922  
Bobwright2@tx.rr.com  
TBPE Firm No. F-12437

# 357447  
D-10092015-021  
**RECEIVED**  
OCT 09 2015  
Districts Section  
5159998

September 28, 2015

Executive Director  
Districts Section, MC 153  
Texas Commission on Environmental Quality  
P. O. Box 13087, Capitol Station  
Austin, Texas 78711

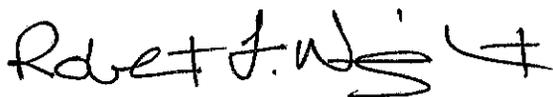
*CHK # 4083 \$700*

Reference: Preliminary Engineering Report for the Conversion of Kaufman County Fresh Water Supply District No. 6 into a Municipal Utility District

Dear Sir:

The attached Preliminary Engineering Report has been prepared to accompany and support the petition for the conversion of Kaufman County Fresh Water Supply District No. 6 into a Municipal Utility District. We trust the report provides sufficient information as required under 30 TAC Section 293.15 to completely justify conversion of the proposed District.

Sincerely,



Robert L. Wright, P.E.

cc: Ms. Angela Stepherson, Coats, Rose, Yale, Ryman, & Lee, P.C.  
Mr. James Mabrey



## **TABLES**

TABLE NO. 1

SUMMARY OF PROJECTED LAND USE AND EQUIVALENT CONNECTIONS  
AT FULL DEVELOPMENT

<u>PARCEL</u>	<u>Description</u>	<u>Total Acres</u>	<u>Units</u>	<u>ESFC</u>
TRACT SF-1	SINGLE FAMILY (50' X 115')		394	394
TRACT SF-2	SINGLE FAMILY (50 X 120')		300	300
TRACT SF-3	SINGLE FAMILY (60' X 120')		308	308
<b>TOTAL SINGLE FAMILY RESIDENTIAL</b>			<b>1,002</b>	<b>1,002</b>
<b>TOTAL COMMERCIAL</b>		<b>34</b>		<b>170</b>
<b>TOTAL DISTRICT:</b>				<b>1,172</b>

TABLE NO. 2

**BOND ISSUE REQUIREMENTS FOR FULL DEVELOPMENT  
(DEVELOPER COST PARTICIPATION)**

**CONSTRUCTION COSTS:**

<b>Developer Contribution Items</b>	<b>Estimated Costs</b>	<b>District Share (70%)</b>	<b>Developer Share (30%)</b>
Water, Wastewater, and Drainage Systems	\$ 9,861,540	\$ 6,903,078	\$ 2,958,462
<b>Subtotal:</b>	<b>\$ 9,861,540</b>	<b>\$ 6,903,078</b>	<b>\$ 2,958,462</b>
Contingencies (10%)	\$ 986,154	\$ 690,308	\$ 295,846
<b>Subtotal:</b>	<b>\$ 10,847,694</b>	<b>\$ 7,593,386</b>	<b>\$ 3,254,308</b>
Engineering & Surveying (12%)	\$ 1,301,724	\$ 911,207	\$ 390,517

<b>SUBTOTAL DEVELOPMENT CONTRIBUTION ITEMS</b>	<b>\$ 12,149,418</b>	<b>\$ 8,504,593</b>	<b>\$ 3,644,825</b>
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<b>District Items</b>	<b>Estimated Costs</b>	<b>District Share (100%)</b>	<b>Developer Share (0%)</b>
Lift Station and Offsite Wastewater	\$ 1,326,129	\$ 1,326,129	\$ -
Paving Improvements	\$ 7,156,007	\$ 7,156,007	\$ -
<b>Subtotal:</b>	<b>\$ 8,482,136</b>	<b>\$ 8,482,136</b>	<b>\$ -</b>
Contingencies (10%)	\$ 848,214	\$ 848,214	\$ -
<b>Subtotal:</b>	<b>\$ 9,330,350</b>	<b>\$ 9,330,350</b>	<b>\$ -</b>
Engineering & Surveying (12%)	\$ 1,119,642	\$ 1,119,642	\$ -

<b>SUBTOTAL DISTRICT ITEMS</b>	<b>\$ 10,449,992</b>	<b>\$ 10,449,992</b>	<b>\$ -</b>
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Water Impact Fee (\$3,200.00 X 1,172 ESFC)	3,750,400	2,625,280	1,125,120
Wastewater Impact Fee (\$1,770.00 X 1,172 ESFC)	2,074,440	1,452,108	622,332
<b>SUBTOTAL FEES</b>	<b>5,824,840</b>	<b>4,077,388</b>	<b>1,747,452</b>

<b>TOTAL CONSTRUCTION COSTS</b>	<b>\$ 28,424,250</b>	<b>\$ 23,031,973</b>	<b>\$ 5,392,277</b>
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TABLE NO. 2 (cont'd.)

**BOND ISSUE REQUIREMENTS FOR FULL DEVELOPMENT  
(DEVELOPER COST PARTICIPATION)**

**NON-CONSTRUCTION COSTS:**

<b>ITEM</b>	<b>COST</b>
Creation Costs	\$ 75,000
Land Acquisition	\$ 75,000
Legal Fees (2% of BIR)	\$ 646,000
Financial Advisor Fees (2% of BIR)	\$ 646,000
Capitalized Interest (1.5 years @ 5.50%)	\$ 2,664,750
Developer Interest (2 years @ 5.50%)	\$ 3,553,000
Bond Discount (3% of BIR)	\$ 969,000
Administration and Organization Costs	\$ 158,527
Operating Costs during Construction	\$ 150,000
TCEQ Bond Issuance Fee (0.25%)	\$ 80,750
Bond Application Report Cost	\$ 250,000
<b>TOTAL NON-CONSTRUCTION COSTS</b>	<b>\$ 9,268,027</b>
<b>TOTAL BOND ISSUANCE REQUIREMENT</b>	<b>\$ 32,300,000</b>

**TABLE NO. 3**  
**LIFT STATION AND OFFSITE WASTEWATER**

	<b>Units</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
1 15" SDR 35 PVC Pipe gravity main	LF	\$60.00	2,220	\$133,200
2 12" SDR 35 PVC Pipe gravity main	LF	\$50.00	1,378	\$68,900
3 10" SDR 35 PVC Pipe gravity main	LF	\$40.00	3,862	\$154,480
4 5' manhole	EA	\$5,000.00	18	\$90,000
5 Lift station	LS	\$500,000.00	1	\$500,000
6 8" C900 PVC Pipe force main	LF	\$30.00	4,280	\$128,400
7 Meter station	LS	\$100,000.00	1	\$100,000
8 Electricity for meter station	LS	\$50,000.00	1	\$50,000
9 Concrete encasement	LS	\$20,000.00	1	\$20,000
10 Air release valves	EA	\$2,000.00	4	\$8,000
11 Repair High Country Road	LS	\$10,000.00	1	\$10,000
12 Testing	%	\$1,262,980.00	2%	\$25,260
13 Bonds	%	\$1,262,980.00	3%	\$37,889
<b>TOTAL CONSTRUCTION COST</b>				<b>\$1,326,129</b>

**TABLE 4  
PAVING, WATER, WASTERWATER, AND STORM DRAINAGE**

<b>A. Water</b>	<b>Units</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
1 12" PVC Pipe	LF	\$38.00	8,000	\$304,000
2 8" PVC Pipe	LF	\$23.00	43,000	\$989,000
3 12" Valves	EA	\$2,150.00	38	\$81,700
4 8" Valves	EA	\$1,150.00	155	\$178,250
5 6" Valves	EA	\$850.00	115	\$97,750
6 Fire hydrant assembly	EA	\$3,250.00	115	\$373,750
7 Fittings	TON	\$5,000.00	52.00	\$260,000
8 1" Domestic service	EA	\$625.00	1,005	\$628,125
9 Testing	LF	\$1.75	51,000	\$89,250
10 Maintenance, payment & performance bonds (3%)	LS	\$90,054.75	1	\$90,055
<b>SUB-TOTAL</b>				<b>\$3,091,880</b>
<b>B. Sanitary Sewer</b>	<b>Units</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
1 8" PVC pipe	LF	\$35.00	44,500	\$1,557,500
2 4' Diameter manhole	EA	\$3,000.00	136	\$408,000
3 4" service	EA	\$450.00	1,002	\$450,900
4 Testing	LF	\$2.00	44,500	\$89,000
5 Maintenance, payment & performance bonds (3%)	LS	\$75,162.00	1	\$75,162
<b>SUB-TOTAL</b>				<b>\$2,580,562</b>
<b>C. Drainage</b>	<b>Units</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
1 3' x 2' RBC	LF	\$120.00	880	\$105,600
2 4' x 2' RBC	LF	\$145.00	370	\$53,650
3 6' x 4' RBC	LF	\$280.00	990	\$277,200
4 5' x 4' RBC	LF	\$250.00	550	\$137,500
5 48" RCP	LF	\$120.00	3,000	\$360,000
6 42" RCP	LF	\$100.00	5,200	\$520,000
7 36" RCP	LF	\$75.00	5,500	\$412,500
8 30" RCP	LF	\$60.00	5,800	\$348,000
9 24" RCP	LF	\$50.00	9,300	\$465,000
10 21" RCP	LF	\$40.00	5,300	\$212,000
11 18" RCP	LF	\$35.00	2,200	\$77,000
12 Inlet	EA	\$3,000.00	200	\$600,000
14 Manhole	EA	\$4,000.00	30	\$120,000
15 Detention Pond	LS	\$200,000.00	1	\$200,000
12 Headwall w/ rip-rap	EA	\$4,000.00	30	\$120,000
13 Testing	LF	\$1.50	39,090	\$58,635
14 Maintenance, payment & performance bonds (3%)	LS	\$122,012.55	1	\$122,013
<b>SUB-TOTAL</b>				<b>\$4,189,098</b>
<b>SUB-TOTAL WATER, WASTEWATER, &amp; STORM DRAINAGE</b>				<b>\$9,861,539</b>

<b>D. Paving</b>	<b>Units</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
1 Street Excavation	CY	\$2.20	92,400	\$203,280
2 7"-3600 PSI Concrete Streets	SY	\$37.00	30,900	\$1,143,300
3 6"-3600 PSI Concrete Streets	SY	\$32.00	140,900	\$4,508,800
4 6"-3600 PSI Concrete Alleys	SY	\$34.00	5,100	\$173,400
5 6' lime Stabilized Subgrade	SY	\$2.40	190,400	\$456,960
6 Left Turn Lane and Median	LS	\$300,000.00	1	\$300,000
7 Testing	SY	\$0.85	190,400	\$161,840
8 Maintenance, payment & performance bonds (3%)	LS	\$208,427.40	1	\$208,427
<b>SUB-TOTAL PAVING</b>				<b>\$7,156,007</b>
<b>TOTAL CONSTRUCTION COST</b>				<b>\$17,017,547</b>

**TABLE NO. 5**

**PROJECT ASSESSED VALUATION AT FULL DEVELOPMENT**

<u>LAND USE</u>	<u>QTY.</u>	<u>UNIT</u>	<u>VALUE/UNIT</u>	<u>TOTAL VALUE</u>
SINGLE FAMILY (50' X 115')	396	Lot	\$ 190,000	\$ 75,240,000
SINGLE FAMILY (50' X 120')	300	Lot	\$ 220,000	\$ 66,000,000
SINGLE FAMILY (60' X 120')	308	Lot	\$ 250,000	\$ 77,000,000
COMMERCIAL	34	Acre	\$ 1,200,000	\$ 40,800,000
<b>TOTAL PROJECT ASSESSED VALUATION</b>				<b>\$ 259,040,000</b>

TABLE NO. 6

PROJECTED DISTRICT TAX RATE AT FULL DEVELOPMENT

<u>TAXING ENTITY</u>	<u>TAX RATE</u> <u>(PER \$100 AV)</u>
Kaufman County	\$ 0.5022
Forney ISD	\$ 1.5400
Kaufman County ESD No. 6F	\$ 0.0300
Road & Bridge	\$ 0.0740
<b>Subtotal:</b>	<b>\$ 2.1462</b>
Proposed Kaufman MUD	\$ 1.0000
<b>TOTAL TAX RATE:</b>	<b>\$ 3.1462</b>

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



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

June 6, 2016

Ms. Angela Stepherson  
Coats Rose, PC  
14755 Preston Road, Suite 600  
Dallas, Texas 75254

RE: Publication of Notice of District Hearing regarding the conversion of  
Kaufman County FWSD No. 6  
TCEQ Docket No. 2016-0249-DIS  
TCEQ Internal Control No. D-10092015-021

Dear Ms. Stepherson:

Enclosed is a copy of the notice for the above referenced matter being set on the **August 3, 2016** Commissioners' Agenda. Please carefully review the notice for accuracy prior to publication and posting. Contact Sheresia Perryman in the Districts Section at (512) 239-3654, if the notice is found to contain errors.

This full notice, including Exhibit A, must be published in accordance with 30 Texas Administrative Code Section 293.15, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the district is located. **Publication shall be once a week for two consecutive weeks. The first publication of the notice should occur no later than June 20, 2016.**

After notice has been published in accordance with 293.15, please provide proof of these actions to the Office of the Chief Clerk, Agenda Team (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. **The proof of publication should be received by the Office of the Chief Clerk no later than July 8, 2016.**

If you have any questions regarding these publication requirements, please contact  
Mehgan Taack in this office at (512) 239-3313.

Sincerely,

*Bridget C. Bohac*

Bridget C. Bohac  
Chief Clerk

BCB/mt

Enclosures

cc: To all on attached mailing list.

**MAILING LIST**  
**KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6**  
**TCEQ DOCKET NO. 2016-0249-DIS**  
**TCEQ INTERNAL CONTROL NO. D-10092015-021**

Ms. Angela Stepherson  
Coats Rose, PC  
14755 Preston Road, Suite 600  
Dallas, Texas 75254

Mr. Bryan Lucchesi, President  
Kaufman County FWSD No. 6  
c/o Coats Rose, PC  
14755 Preston Road, Suite 600  
Dallas, Texas 75254

Mr. Christopher Jordan  
Crawford & Jordan, LLP  
19 Briar Hollow Lane, Suite 245  
Houston, Texas 77027-2858

Mr. Robert L. Wright, P.E.  
1600 Syracuse Drive  
Richardson, Texas 75081

City of Forney  
Attn: Dorothy Brooks, TRMC, CMC, City Secretary  
P.O. Box 826  
Forney, Texas 75126

Kaufman County Clerk  
Attn: Laura Hughes, County Clerk  
100 W. Mulberry  
Kaufman, Texas 75142

Mr. R. Michael Eastland, Executive Director  
North Central Texas Council of Governments  
P.O. Box 5888  
616 Six Flags Drive, Suite 200  
Arlington, Texas 76005-5888

*Via Electronic Mail:*

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

Via Electronic Mail:

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173

Hollis Henley, Staff Attorney, Environmental Law Division, MC-173

Syed Miri, P.E., Districts Section, Water Supply Division, MC-152

Sheresia Perryman, Districts Section, Water Supply Division, MC-152

Bea Flores, Districts Section, Water Supply Division, MC-152

Kent Steelman, Public Drinking Water Section, Water Supply Division, MC-155

Vic McWherter, Office of the Public Interest Counsel, MC-103

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF DISTRICT HEARING  
TCEQ Docket No. 2016-0249-DIS**

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for conversion of Kaufman County Fresh Water Supply District No. 6 (District) to a Municipal Utility District (Application). The Application was filed with the TCEQ and includes a certified copy of a resolution by the District's Board of Directors (Applicant) requesting conversion 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 3, 2016  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas**

The District contains approximately 330.221 acres of land within Kaufman County. A copy of the District's site map is available for public review upon request at either the District's office or at the TCEQ's office. According to the District's resolution contained in the Application, Kaufman County Fresh Water Supply District No. 6 was created by the Kaufman County Commissioners Court by order dated December 27, 2010, and was confirmed at an election held in the district on May 9, 2015. The District operates under Chapters 49 and 53 of the Texas Water Code. The District's resolution further states that the Board of Directors of the District has determined that conversion into a municipal utility district (MUD) under Chapter 54 of the Texas Water Code, and Article XVI, § 59 of the Texas Constitution would serve the best interest of the District and would be a benefit to the land and property included in the District. The aforementioned resolution, executed August 10, 2015 is attached as Exhibit "A".

**HEARING.** As required by Texas Water Code § 54.032 and Title 30 of the Texas Administrative Code § 293.15, the above hearing regarding this application will be held no earlier than 14 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. 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 resolution.

At the hearing, pursuant to the Texas Water Code § 54.033, the TCEQ will determine if converting the current District into a municipal utility district, that operates under Texas Water Code Chapter 54, would serve the best interest of the District and would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed conversion, the TCEQ may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

**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, Texas 78711-3087, or by phone at (512) 239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Review Team at (512) 239-4691. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**Si desea información en Español, puede llamar al (512) 239-0200.**

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

Issued: June 6, 2016

RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

WHEREAS, Kaufman County Fresh Water Supply District No. 6 (the "District") is a fresh water supply district duly created by the Kaufman County Commissioners Court by order dated December 27, 2010; and

WHEREAS, the creation of the District was confirmed at an election held in the District on May 9, 2015; and

WHEREAS, the District operates under Chapters 49 and 53, Texas Water Code; and

WHEREAS, the Board of Supervisors (the "Board") hereby declares pursuant to Section 54.030, Texas Water Code, that in the Board's judgment, conversion into a municipal utility district operating under Chapter 54, Texas Water Code, and under Article XVI, Section 59, of the Texas Constitution, would serve the best interest of the District and would be a benefit to the land and property included in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 THAT:

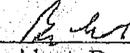
1. The Board hereby authorizes application to the Texas Commission on Environmental Quality (the "Commission") requesting conversion of the District to a municipal utility district. The President and/or Vice President and Secretary and/or Assistant Secretary of the Board of Supervisors, the District's Engineer, JBI Partners, Inc. and Robert L. Wright, P.E., and the District's Attorney, Coats, Rose, Yale, Ryman & Lee, P.C., are authorized and directed to do any and all things necessary and proper in connection with the application.

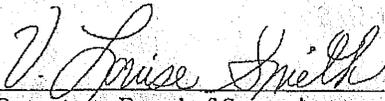
2. The Board hereby requests that the Commission hold a hearing on the question of whether of whether the District should be converted to a municipal district and that the Commission approve such conversion.

3. The Board requests that the District retain its name and that the powers provided under Section 53.029, Texas Water Code, be reserved to the District after conversion to a municipal utility district.

PASSED, APPROVED, and ADOPTED this 10<sup>th</sup> day of August, 2015.

ATTEST:

  
\_\_\_\_\_  
President, Board of Supervisors

  
\_\_\_\_\_  
Secretary, Board of Supervisors

CERTIFICATE FOR RESOLUTION  
REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

We, the undersigned officers of the Board of Supervisors (the "Board") of Kaufman County Fresh Water Supply District No. 6 (the "District"), hereby certify as follows:

1. The Board convened in special session, open to the public, on the 10<sup>th</sup> day of August, 2015 at a designated meeting place outside the boundaries of the District, and the roll was called of the members of the Board, to-wit:

Bryan Lucchesi	-	President
Christian Looney	-	Vice President
Louise Smith	-	Secretary
Don Harris	-	Assistant Secretary

All members of the Board were present except the following absentees: \_\_\_\_\_ thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

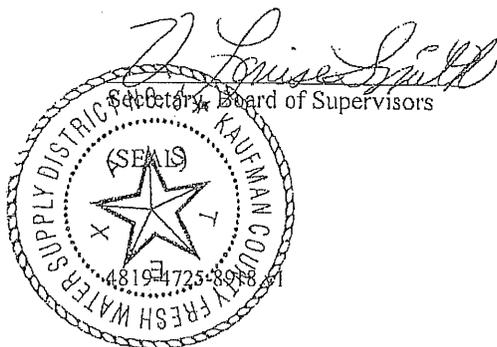
was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: 4 NOES: 0

2. 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; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; 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 such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED the 10<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
President, Board of Supervisors



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

Applicant Name: KAUFMAN COUNTY FWSD NO. 6  
TCEQ Tracking No. 2016-0249-DIS CID Item No. 101295  
Application Type: APPLICATION FOR CONVERSION OF FRESH  
WATER SUPPLY DISTRICT TO A MUNICIPAL  
UTILITY DISTRICT

**AFFIDAVIT OF PUBLICATION**

STATE OF TEXAS §  
COUNTY OF: \_\_\_\_\_ §

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

\_\_\_\_\_, who being by me duly  
*(name of newspaper representative)*

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

of the \_\_\_\_\_ ; that said newspaper is  
*(name of newspaper)*

regularly published or circulated in \_\_\_\_\_ County/Countries,  
*(name of county or counties)*

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

\_\_\_\_\_  
*(date or dates of publication)*

\_\_\_\_\_  
Newspaper Representative's Signature

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

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_

# COATS | ROSE

*A Professional Corporation*

ANGELA M. STEPHERSON  
OF COUNSEL

astepherson@coatsrose.com  
Direct Dial  
(972) 982-8455  
Fax  
(972) 982-8451

June 27, 2016

## VIA FEDERAL EXPRESS

Agenda Team  
TCEQ Chief Clerk (MC 105)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

Re: TCEQ Docket No. 2016-0249-DIS; TCEQ Internal Control No. D-10092015-021

Dear Sir or Madam:

Enclosed please find the notice affidavit and tear sheet for the above-referenced application. Thank you.

Very truly yours,



Angela M. Stepherson

Enclosures

COATS ROSE  
14755 PRESTON ROAD, SUITE 600, DALLAS, TEXAS 75254  
PHONE: (972) 788-1600 FAX: (972) 702-0662  
WEB: www.coatsrose.com

14755 PRESTON ROAD, SUITE 600, DALLAS, TEXAS 75254  
PHONE: (972) 788-1600 FAX: (972) 702-0662  
WEB: [www.coatsrose.com](http://www.coatsrose.com)

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

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

Applicant Name: KAUFMAN COUNTY FWSD NO. 6  
TCEQ Tracking No. 2016-0249-DIS CID Item No. 101295  
Application Type: APPLICATION FOR CONVERSION OF FRESH  
WATER SUPPLY DISTRICT TO A MUNICIPAL  
UTILITY DISTRICT

**AFFIDAVIT OF PUBLICATION**

CHIEF CLERK'S OFFICE  
TCEQ  
1000 N. BRUNNEN  
AUSTIN, TEXAS 78701

STATE OF TEXAS §  
COUNTY OF: KAUFMAN §

Before me, the undersigned authority, on this day personally appeared  
Cary K. Griffin, 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 FORNEY MESSENGER; that said newspaper is  
(name of newspaper)

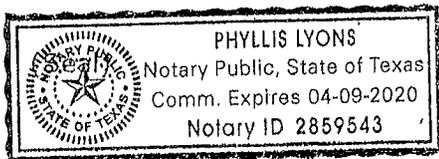
regularly published or circulated in KAUFMAN County/Countries,  
(name of county or counties)

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

6-16-2016 6-23-2016  
(date or dates of publication)

Cary K. Griffin  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 24th day of June,  
20 16, to certify which witness my hand and seal of office.



Phyllis Lyons  
Notary Public in and for the State of Texas  
Phyllis Lyons  
Print or type Name of Notary Public  
My Commission Expires 04/09/2020

ORIGIN ID:ADSA (972) 982-8455  
ANGELA STEPHENSON  
COA SIKROSE DALLAS  
14755 PRESTON ROAD  
SUITE 600  
DALLAS, TX 75254  
UNITED STATES US

SHIP DATE: 27 JUN 16  
ACTWT: 0.50 LB  
CAD: 7833725/INET3730  
BILL SENDER

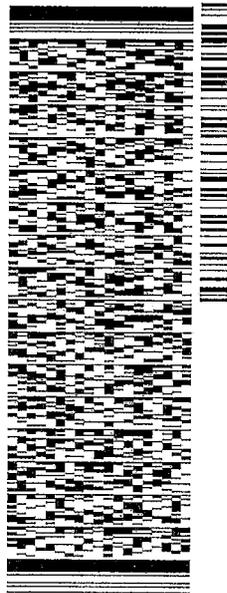
TO AGENDA TEAM

TCEO OFFICE OF CHIEF CLERK, MC-105  
BUILDING F

12100 PARK 35 CIRCLE  
AUSTIN TX 78753

(512) 239-3300 REF: 132521  
INV DEPT  
PO

540J16CBD/727F



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TRK# 7766 1839 5033  
0201

TUE - 28 JUN 10:30A

PRIORITY OVERNIGHT

DSR

78753

TX-US AUS

A8 MMRA



78753 TX US

CALL CENTER  
NO. 800.424.4646  
SERIAL

RECEIVED

JUN 28 2016

TCEO MAIL CENTER

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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

# COATS | ROSE

*A Professional Corporation*

ANGELA M. STEPHERSON  
OF COUNSEL

astepherson@coatsrose.com  
Direct Dial  
(972) 982-8455  
Fax  
(972) 982-8451

July 7, 2016

**VIA FEDERAL EXPRESS**

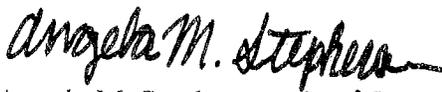
Agenda Team  
TCEQ Chief Clerk (MC 105)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

Re: TCEQ Docket No. 2016-0249-DIS; TCEQ Internal Control No. D-10092015-021

Dear Sir or Madam:

Per your request, enclosed please find the tear sheet dated June 16, 2016 to supplement the previous letter dated June 27, 2016, which included the affidavit and tear sheet dated June 23, 2016 for the above-referenced application. Please feel free to contact me if you have any questions. Thank you.

Very truly yours,

  
Angela M. Stepherson *via US*

Enclosure

14755 PRESTON ROAD, SUITE 600, DALLAS, TEXAS 75254  
PHONE: (972) 788-1600 FAX: (972) 702-0662  
WEB: www.coatsrose.com

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2016 JUL -8 PM 3:14  
CHIEF CLERK'S OFFICE  
TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY



NOTICE OF DISTRICT HEARING  
TCEQ Docket No. 2016-0249-DIS

FORNEY MESSENGER - PAGE 3-B  
THURSDAY, JUNE 16, 2016

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for conversion of Kaufman County Fresh Water Supply District No. 6 (District) to a Municipal Utility District (Application). The Application was filed with the TCEQ and includes a certified copy of a resolution by the District's Board of Directors (Applicant) requesting conversion 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 3, 2016  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District contains approximately 330.221 acres of land within Kaufman County. A copy of the District's site map is available for public review upon request at either the District's office or at the TCEQ's office. According to the District's resolution contained in the Application, Kaufman County Fresh Water Supply District No. 6 was created by the Kaufman County Commissioners Court by order dated December 27, 2010, and was confirmed at an election held in the district on May 9, 2015. The District operates under Chapters 49 and 53 of the Texas Water Code. The District's resolution further states that the Board of Directors of the District has determined that conversion into a municipal utility district (MUD) under Chapter 54 of the Texas Water Code, and Article XVI, § 59 of the Texas Constitution would serve the best interest of the District and would be a benefit to the land and property included in the District. The aforementioned resolution, executed August 10, 2015 is attached as Exhibit "A".

**HEARING.** As required by Texas Water Code § 54.032 and Title 30 of the Texas Administrative Code § 293.15, the above hearing regarding this application will be held no earlier than 14 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. 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 resolution.

At the hearing, pursuant to the Texas Water Code § 54.033, the TCEQ will determine if converting the current District into a municipal utility district, that operates under Texas Water Code Chapter 54, would serve the best interest of the District and would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed conversion, the TCEQ may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

**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, Texas 78711-3087, or by phone at (512) 239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Review Team at (512) 239-4691. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**Si desea información en Español, puede llamar al (512) 239-0200.**

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

Issued: June 6, 2016

Exhibit A

CERTIFICATE FOR RESOLUTION  
REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

We, the undersigned officers of the Board of Supervisors (the "Board") of Kaufman County Fresh Water Supply District No. 6 (the "District"), hereby certify as follows:

1. The Board convened in special session, open to the public, on the 10<sup>th</sup> day of August, 2015 at a designated meeting place outside the boundaries of the District, and the roll was called of the members of the Board, to-wit:

All members of the Board were present except the following absentees: thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

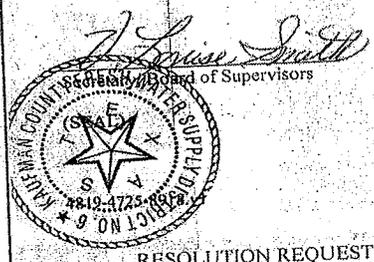
was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Resolution be adopted; and, after due discussion, such motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: 4 NOES: 0

2. 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; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; 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 such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED the 10<sup>th</sup> day of August, 2015.

*B. H.*  
President, Board of Supervisors



RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

WHEREAS, Kaufman County Fresh Water Supply District No. 6 (the "District") is a fresh water supply district duly created by the Kaufman County Commissioners Court by order dated December 27, 2010; and

WHEREAS, the creation of the District was confirmed at an election held in the District on May 9, 2015; and

WHEREAS, the District operates under Chapters 49 and 53, Texas Water Code; and

WHEREAS, the Board of Supervisors (the "Board") hereby declares pursuant to Section 54.030, Texas Water Code, that in the Board's judgment, conversion into a municipal utility district operating under Chapter 54, Texas Water Code, and under Article XVI, Section 59, of the Texas Constitution, would serve the best interest of the District and would be a benefit to the land and property included in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 THAT:

1. The Board hereby authorizes application to the Texas Commission on Environmental Quality (the "Commission") requesting conversion of the District to a municipal utility district. The President and/or Vice President and Secretary and/or Assistant Secretary of the Board of Supervisors, the District's Engineer, JBI Partners, Inc. and Robert L. Wright, P.E., and the District's Attorney, Coats, Rose, Yale, Ryman & Lee, P.C., are authorized and directed to do any and all things necessary and proper in connection with the application.

2. The Board hereby requests that the Commission hold a hearing on the question of whether or whether the District should be converted to a municipal district and that the Commission approve such conversion.

3. The Board requests that the District retain its name and that the powers provided under Section 53.029, Texas Water Code, be reserved to the District after conversion to a municipal utility district.

PASSED, APPROVED, and ADOPTED this 10<sup>th</sup> day of August, 2015.

ATTEST: *B. H.*  
President, Board of Supervisors

*L. Smith*  
Secretary, Board of Supervisors

# COATS | ROSE

*A Professional Corporation*

ANGELA M. STEPHERSON  
OF COUNSEL

astepheron@coatsrose.com  
Direct Dial  
(972) 982-8455  
Fax  
(972) 982-8451

July 7, 2016

**VIA FEDERAL EXPRESS**

Agenda Team  
TCEQ Chief Clerk (MC 105)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

Re: TCEQ Docket No. 2016-0249-DIS; TCEQ Internal Control No. D-10092015-021

Dear Sir or Madam:

Per your request, enclosed please find the tear sheet dated June 16, 2016 to supplement the previous letter dated June 27, 2016, which included the affidavit and tear sheet dated June 23, 2016 for the above-referenced application. Please feel free to contact me if you have any questions. Thank you.

Very truly yours,

  
Angela M. Stepherson *VIALS*

Enclosure

14755 PRESTON ROAD, SUITE 600, DALLAS, TEXAS 75254  
PHONE: (972) 788-1600 FAX: (972) 702-0662  
WEB: WWW.COATSROSE.COM

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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2016 JUL -8 PM 2:14  
CHIEF CLERKS OFFICE

ORIGIN ID:ADSA (972) 982-8450  
LINDSEY SCHWIMMER  
COATS ROSE  
14755 PRESTON ROAD  
SUITE 600  
DALLAS TX 75254  
UNITED STATES US

SHIP DATE: 07 JUL 16  
ACTWGT: 1.00 LB  
CAD: 7833725/N/E/13730  
BILL SENDER

TO AGENDA TEAM

TCEQ OFFICE OF CHIEF CLERK, MC-105

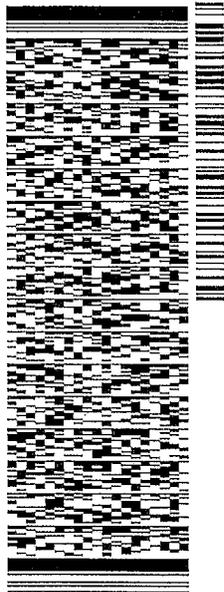
BUILDING F

12100 PARK 35 CIRCLE

AUSTIN TX 78753

(512) 239-3300 REF: 32521  
INV. DEPT.

540J15C8D/727F



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0201

FRI - 08 JUL 10:30A

PRIORITY OVERNIGHT

DSR

78753

TX-US AUS

A8 MMRA



CHIEF CLERK

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JUL 08 2016

QUALITY ENVIRONMENTAL  
COMMISSION TEXAS

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF DISTRICT HEARING**  
**TCEQ Docket No. 2016-0249-DIS**

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for conversion of Kaufman County Fresh Water Supply District No. 6 (District) to a Municipal Utility District (Application). The Application was filed with the TCEQ and includes a certified copy of a resolution by the District's Board of Directors (Applicant) requesting conversion 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 3, 2016**  
**Building E, Room 201S**  
**12100 Park 35 Circle**  
**Austin, Texas**

The District contains approximately 330.221 acres of land within Kaufman County. A copy of the District's site map is available for public review upon request at either the District's office or at the TCEQ's office. According to the District's resolution contained in the Application, Kaufman County Fresh Water Supply District No. 6 was created by the Kaufman County Commissioners Court by order dated December 27, 2010, and was confirmed at an election held in the district on May 9, 2015. The District operates under Chapters 49 and 53 of the Texas Water Code. The District's resolution further states that the Board of Directors of the District has determined that conversion into a municipal utility district (MUD) under Chapter 54 of the Texas Water Code, and Article XVI, § 59 of the Texas Constitution would serve the best interest of the District and would be a benefit to the land and property included in the District. The aforementioned resolution, executed August 10, 2015 is attached as Exhibit "A".

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**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, Texas 78711-3087, or by phone at (512) 239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Creation Review Team at (512) 239-4691. General information regarding TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**Si desea información en Español, puede llamar al (512) 239-0200.**

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

Issued: June 6, 2016

**Exhibit A**

**CERTIFICATE FOR RESOLUTION**  
**REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

We, the undersigned officers of the Board of Supervisors (the "Board") of Kaufman County Fresh Water Supply District No. 6 (the "District"), hereby certify as follows:

1. The Board convened in special session, open to the public, on the 10<sup>th</sup> day of August, 2015 at a designated meeting place outside the boundaries of the District, and the roll was called of the members of the Board,

Christian Looney  
Louise Smith  
Don Harris

Vice President  
Secretary  
Assistant Secretary

All members of the Board were present except the following absentees: thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

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

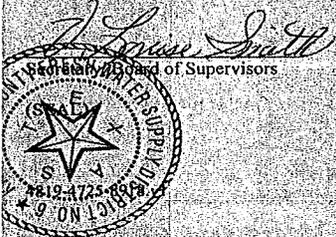
AYES: 4

NOES: 0

2. 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; such Resolution has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Resolution; 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 such meeting and that such Resolution would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED the 10<sup>th</sup> day of August, 2015.

*[Signature]*  
President, Board of Supervisors



RESOLUTION REQUESTING CONVERSION TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §  
COUNTY OF KAUFMAN §  
KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 §

WHEREAS, Kaufman County Fresh Water Supply District No. 6 (the "District") is a fresh water supply district duly created by the Kaufman County Commissioners Court by order dated December 27, 2010; and

WHEREAS, the creation of the District was confirmed at an election held in the District on May 9, 2015; and

WHEREAS, the District operates under Chapters 49 and 53, Texas Water Code; and

WHEREAS, the Board of Supervisors (the "Board") hereby declares pursuant to Section 54.030, Texas Water Code, that in the Board's judgment, conversion into a municipal utility district operating under Chapter 54, Texas Water Code, and under Article XVI, Section 59, of the Texas Constitution, would serve the best interest of the District and would be a benefit to the land and property included in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 THAT:

1. The Board hereby authorizes application to the Texas Commission on Environmental Quality (the "Commission") requesting conversion of the District to a municipal utility district. The President and/or Vice President and Secretary and/or Assistant Secretary of the Board of Supervisors, the District's Engineer, JBI Partners, Inc. and Robert L. Wright, P.E., and the District's Attorney, Coats, Rose, Yale, Ryman & Lee, P.C., are authorized and directed to do any and all things necessary and proper in connection with the application.

2. The Board hereby requests that the Commission hold a hearing on the question of whether of whether the District should be converted to a municipal district and that the Commission approve such conversion.

3. The Board requests that the District retain its name and that the powers provided under Section 53.029, Texas Water Code, be reserved to the District after conversion to a municipal utility district.

PASSED, APPROVED, and ADOPTED this 10<sup>th</sup> day of August, 2015.

ATTEST:

*[Signature]*  
President, Board of Supervisors

*[Signature]*  
Secretary, Board of Supervisors

**MAILING LIST**  
**KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 6**  
**TCEQ DOCKET NO. 2016-0249-DIS**  
**TCEQ INTERNAL CONTROL NO. D-10092015-021**

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Texas Commission on Environmental Quality

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Kent Steelman, Public Drinking Water Section, Water Supply Division, MC-155

Vic McWherter, Office of the Public Interest Counsel, MC-103

**CAPTION:** TCEQ Docket No. 2016-0249-DIS. Consideration of a resolution by the Board of Supervisors of Kaufman County Fresh Water Supply (District) for conversion of the District to a municipal utility district. The District requests that the Commission convert the District pursuant to Texas Water Code, Chapters 49 and 54. (TCEQ Internal Control No. D-10092015-021; Hollis Henley, Sheresia Perryman)