

Jessica A. Lacy, Owner
Zanzibar Farms
21414 Broze Road,
Humble, Texas 77338

August 31, 2009

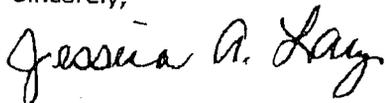
LaDonna Castanuela,
Chief Clerk Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

RE: 301 LONE OAK PARTNERS, LTD.; TCEQ DOCKET NO. 2009-0869-MWD

Dear Ms. Castanuela:

Enclosed for filing is Jessica A. Lacy and Co-Owners of Zanzibar Farms Reply to Responses in the above entitled matter.

Sincerely,



Jessica A. Lacy, Co-Owner
Zanzibar Farms

Enclosure

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 AUG 31 PM 4: 49
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ Docket Number 2009-0869-MWD

2009 AUG 31 PM 4:49

APPLICATION BY	X	BEFORE THE
301 LONE OAK PARTNERS,	X	CHIEF CLERKS OFFICE
LTD.	X	TEXAS COMMISSION ON
FOR TPDES PERMIT NO.	X	
WQ0014870001	X	ENVIRONMENTAL QUALITY

JESSICA A. LACY AND CO-OWNERS OF ZANZIBAR FARMS REPLY TO RESPONSES

Jessica A. Lacy and Co-Owners; Mary A. Sitton Lacy, James E. Smith, and Jennifer Sitton Lacy of Zanzibar Farms respectfully shows the following.

I. INTRODUCTION

A. Background History of Ownership of Property Owners

Jessica A. Lacy, Mary A. Sitton Lacy, James E. Smith, and Jennifer Sitton Lacy are all co-owners of the Estate of E. R. Sitton's 50 Acre tract of land which is located at 21414 Broze Road, Humble, Texas 77338. Our tract of land is situated directly adjoining the proposed TPDES.

Jessica A. Lacy owns the additional 5 Acre tract of land directly adjoining the Estate property. Jessica A. Lacy's 5 Acre tract of land directly adjoins the Northern Boundary line of the HC MUD 454 district.

Our property has been in the family since 1943 and was developed into a family farm in 1993. Jessica A. Lacy resides on the 50 Acre Estate property and has operated Zanzibar Farms as a family farm since the 1993 development.

B. Location of Land in Relation to Proposed STP

The SW boundary line of our 50 Acre tract of land, also known as Zanzibar Farms, is 150' from the proposed STP.

C. Group Status

Jessica A. Lacy, Mary A. Sitton Lacy, James E. Smith, and Jennifer Sitton Lacy also known as co-owner's of Zanzibar Farms hereby request associational standing under Section 55.205. Mary A. Sitton Lacy, Independent Executrix for the Estate of E. R. Sitton has enclosed her letter to the Chief Clerk setting forth our request. The group's representative for receiving future correspondence is Mary A. Sitton Lacy. Jessica A. Lacy resides at 21414 Broze Road, Humble, Texas 77338 and operates the family farm. The family farm is located 150' from the proposed STP. Jessica A. Lacy's enjoyment and safe use of her property would be effected as well as all the co-owners of Zanzibar Farms.

II. RELEVANT ISSUES

A. Developers Plans Changed/Land Up for Sale

The proposed wastewater treatment facilities engineers design is based on an 800 unit residential housing development. Of major concern is the fact that the Applicant has offered the 193 acres of land which comprise the HC Mud 454 District for sale for multi-purpose uses which include commercial, industrial, multi-family and single family residential. **(Attachments enclosed for review: McDade, Smith, Gould, Johnston, Mason & Company internet advertising.)**

Selling the 193 acre HC Mud 454 District land owned by Lone Oak Partners, Ltd. and Skinner Nurseries indicates the original proposed Lone Oak Estates Subdivision is no longer in their development plans. The engineer's plans for the STP are now obsolete and not relevant to this permit as the hydraulic calculations for the wastewater plant were submitted based on the 800 unit residential housing development.

In the original application submitted for review, The Technical Design Report for 250,000 GPD Sewage Treatment Plant for Harris County Municipal Utility District 454 specifically states in item #2: Description of Property The proposed project will be a residential community that will include some light commercial centers. There is no mention of industrial, multi-family or heavy commercial in this report.

If the 193 acre HC Mud District Land is developed for commercial and industrial as well as multi-family and single family residential, the Technical Design Report for this proposed STP needs to be resubmitted with accurate data to encompass the greatly increased scale of this future development.

B. Questions for the Commission

My Question to the Honorable Commissioners of the TCEQ is: Is it just to grant this permit based on inaccurate and undisclosed information when all the affected landowner's and the public have not been properly notified of the actual development plans for HC MUD 454?

In the ED's Response # 18 on Page 20 to Hearing Request, the ED states: TCEQ evaluates applications for wastewater treatment plants based on the information provided in the application.

If the information provided by the Applicant in the TCEQ application is not correct, does the TCEQ not have the authority to request updated and accurate information? Is it not the duty of the TCEQ to provide the updated and accurate information to all Adjacent Landowner's listed on the original application?

All Adjacent Landowner's are entitled to full disclosure of the scale of this development to provide them with accurate information. This will rightly allow the Adjacent Landowner's to make an informed decision as to the total impact on the receiving waters and downstream property owners' as well as impact to groundwater and air quality. Contamination of surface water runoff is also an issue.

III. REQUEST TO THE COMMISSION

We hereby respectfully request that the Commission grant our Contested Case Hearing Request and review the enclosed real estate advertising for the proposed Developments. We also request all required data be updated and submitted by the Applicant for review by the TCEQ and this data be forwarded to all Adjacent Landowners to ensure a fair and just process as entitled by law.

We thank the Commission for your time in this matter.

Respectfully submitted,



Jessica A. Lacy, Co-Owner
Representative for Mary A. Sitton Lacy,
James E. Smith, & Jennifer Sitton Lacy

MARY A. SITTON LACY
 1211 Nashua Street
 Houston, Texas 77008
 Phone: 713-862-2396

August 30, 2009

La Donna Castanuela, Chief Clerk
 Texas Commission on Environmental Quality
 Office of the Chief Clerk (MC-105)
 P.O. Box 13087
 Austin, Texas 78711-3087

RE: Commissioner's Meeting September 9, 2009
 Docket No. 2009-0869-MWD
 301 Lone Oak Partners, Ltd.
 Request(s) filed on Permit No. WQ0014870001

CHIEF CLERKS OFFICE

2009 AUG 31 PM 4:49

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY

Dear Ms. Castanuela:

My name is Mary A. Sitton Lacy and I am the Independent Executrix for the Estate of E. R. Sitton and Enid Wells Sitton, Deceased. The Estate owns 50 acres, more or less, situated in close proximity to the proposed Sewerage Treatment Plant for HC Mud 454. (See enclosed color-coded plats submitted as Exhibits)

At the TCEQ Public Meeting held on January 20, 2009 in Houston, Texas, I was present and so were my daughters, Jessica Ashley Lacy and Jennifer Sitton Lacy. Both myself and Jessica spoke at some length regarding our concerns about the STP, the POD, the open disposal canal route and other issues.

Our property is owned by four co-owners as follows: Mary A. Sitton Lacy, Jessica A. Lacy, Jennifer Sitton Lacy and my son James E. Smith. When Jessica A. Lacy submitted her request for a contested hearing she did so at the request of all of the co-owners. The concerns she voiced in her request for a contested hearing are the concerns of all the co-owners of the Estate Property. Our property has been in the family since 1943 and was developed into a family farm in 1993. Jessica Lacy lives on the property and raises registered Black Angus cattle. These cattle are sold to the general public for human consumption as well as breeding purposes. We are all highly concerned over groundwater contamination. One of our two wells is extremely close to Cougar Gully which traverses the entire length of our property (See Exhibit Plat).

Of more recent concern is the fact that Lone Oak Partners, Inc. in conjunction with Skinner Nurseries have offered their 193 acres (HC MUD 454 DISTRICT) for sale for multi-purposes uses which include commercial, industrial, multi-family and single family residential (see For Sale Information Exhibits). Selling the 193 acres of land jointly owned by Lone Oaks Partners, Inc. and Skinner Nurseries indicates that they have no intention of developing the 800 unit single-family residential Lone Oak Estates Subdivision. Obviously they don't have the funds or funding to go through with developing the proposed subdivision. The specs and engineering plans that were based on an 800 unit single-family residential subdivision and submitted to the TCEQ, are now obsolete.

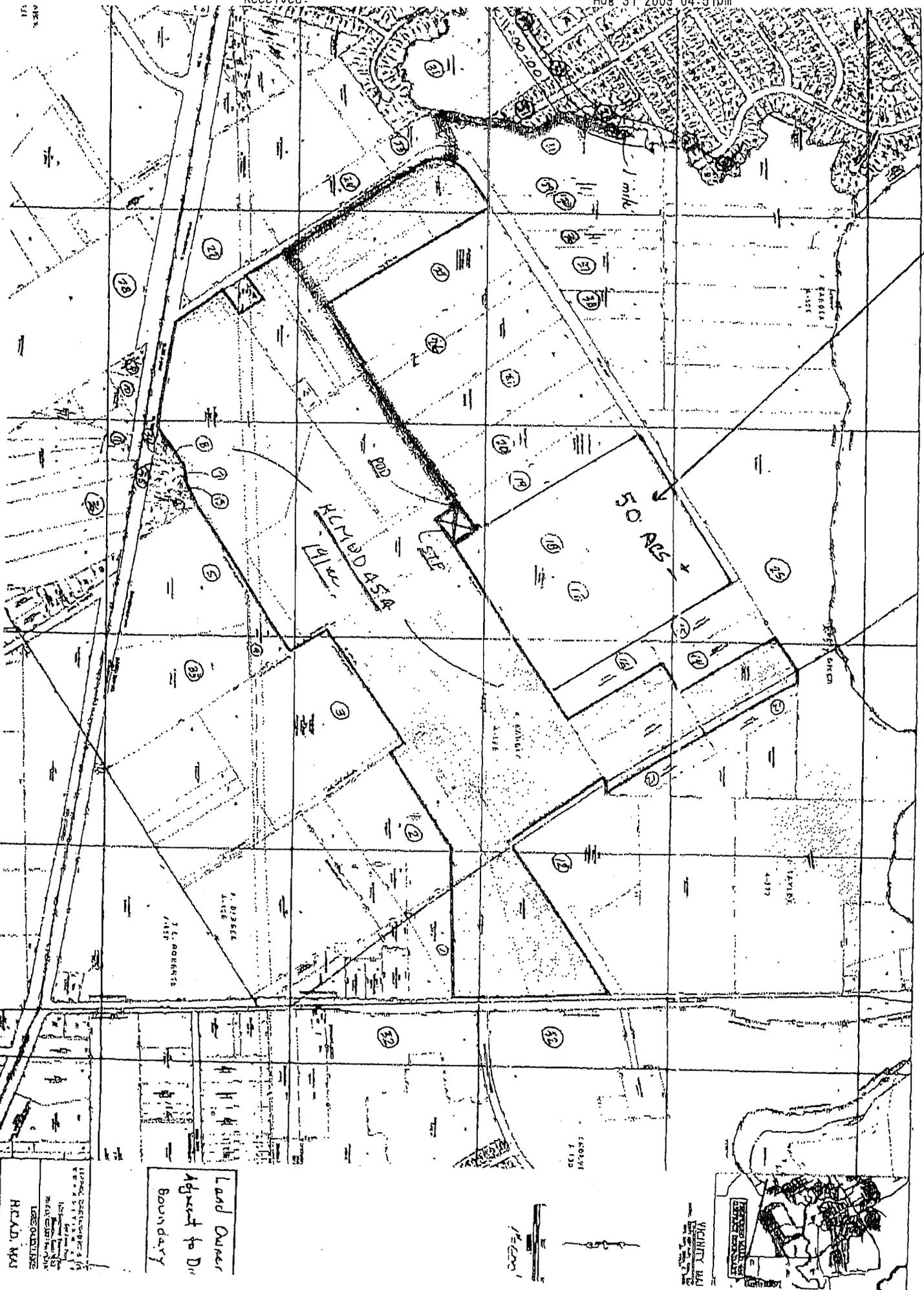
When reviewing the TCEQ Requirements to obtain a "Group" status (30 TAC 55.205 and 30 TAC 55.209), it would appear that our family meets all requirements. I am requesting that our four family members (E.R. Sitton Estate Heirs and Co-Owners) be placed in a Group classification.

Sincerely,



Mary A. Sitton Lacy
Independent Executrix for the Estate
Of E.R. Sitton and Enid Wells
Sitton, Deceased

Enclosures: 7 sets of 3 different exhibits



ESTATE OF E. R. SITTON - MARY A. LACY ET AL.
 CO-OWNERS: MARY A. LACY, JESSICA A. LACY, JENNIFER S. LACY AND JAMES E. SMITH

Land Owner
 Agreed to Dr.
 Boundary

Issued Certificate of
 Survey on 8/31/09
 by
 J. L. ROBERTS
 H.C.A.D., MVA

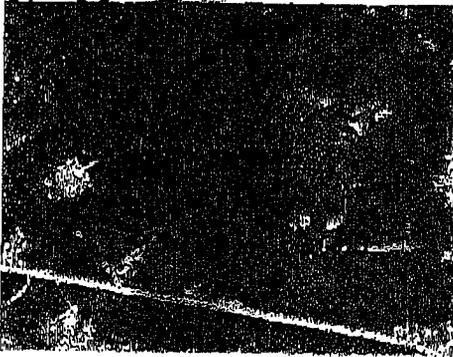


#1 In Commercial Real Estate Online:

\$405 billion of properties for sale - 6.1 billion sq. ft. of properties for lease - 3 million members

Land For Sale

95-193 Acre Multi-Use Development Opportunity Wrapping the NWC of FM 1960 & Cypresswood, Humble, TX 77338



Price:

• \$700,941 - \$8,175,000

Lot Size:

• 8.07 - 193 AC

- Total Lot Size:
 - 193 AC
- Property Type:
 - Land
- Property Sub-type:
 - Commercial/ Other (land)
- Additional Sub-types:
 - Industrial (land)
 - Multifamily (land)
 - Residential (land)
- Property Use Type:
 - Vacant/Owner-Unit
- Tax ID / APN #:
 - 0410810000124/ 0450810000092/ 0591710000003/ 0450810000033
- Features:
 - Electricity/Power
 - Irrigation
 - Water
 - Telephone
- [Find Out More...](#)

Last Verified 8/14/2009 Listing ID 16106403

7 Lots Available

Lot

Price:
\$8,175,000.30
Lot Size:
193 AC
Lot Type:
Residential (land)
Min. Divisible:
8 AC
Max. Contiguous:
193 AC

Lot

Price:
\$4,892,000.30
Lot Size:
95 AC
Lot Type:
Residential (land)

Lot

Price:
\$3,289,000
Lot Size:
98 AC
Lot Type:
Residential (land)

Lot

Price:
\$3,287,000
 Lot Size:
30 AC
 Lot Type:
 Residential (land)

Lot

Price:
\$1,625,000
 Lot Size:
65 AC
 Lot Type:
 Residential (land)

Lot

Price:
\$790,040.67
 Lot Size:
8.67 AC
 Lot Type:
 Residential (land)

Lot

Price:
\$1,400,830
 Lot Size:
21 AC
 Lot Type:
 Residential (land)

Description

1171 feet of frontage on Cypresswood
 820 feet of frontage on FM 1960
 2,500 feet of frontage on Broeze Road
 In Harris County MUD 454 (100% Reimbursements)
 On back 98 acre (Lone Oak Subdivision) - assumption of existing loan to qualified borrower.
 On front 95 acre tract - owner financing available to qualified purchaser.

WILL SUBDIVIDE**FRONT 95 ACRE TRACT:**

\$51,494.74 per gross acre on total +/- 95 acres
 \$25,000 per gross acre on back +/- 65 acres
 \$2.50 PSF on front +/- 30 acres

Stabilized land and drainage system in place

BACK 98 ACRE TRACT:

\$23,500 per gross acre on total +/- 98 acres
 \$1.75 PSF per gross acre on front +/- 21 acres
 \$2.25 PSF per gross acre on front +/- 8 acres

95-193 Acres wrapping the Northwest Corner of Cypresswood and FM 1960 in Humble, Harris County, Texas.

Close proximity to Deerbrook Mall, Bush IAH and US 59.

Attachments

- Front 95 Acre Flyer (1 MB)
- Back 98 Acre Flyer - Lone Oak Subdivision (3 MB)

Map of Wrapping the NWC of FM 1960 & Cypresswood, Humble, TX 77338 (Harris County)

[Hide Map](#)

**McDade
Smith
Gould
Johnston
Mason
+ company**

Available +/- 95 Acres Multi-Use Development Opportunity Humble, Texas

	1-mile	2-mile	3-mile
Population	3,260	28,599	63,793
Households	1,145	9,640	22,789
Avg. Household Income	\$56,982	\$62,815	\$63,208



- 1 Deerbrook Mall
- 2 Walmart
- 3 Proposed Academy Sports
- 4 Deerbrook Estates
- 5 Jesse H. Jones County Park
- 6 Kenswick
- 7 Foxwood
- 8 Cypresswood Country Club
- 9 Cypresswood Green
- 10 Lone Oak Subdivision
- 11 Proposed Medical Complex

Location:	Located on the west side Cypresswood just north of FM 1960 Humble, Texas 77338
Key Map:	334 K
Land Area:	Approximately 95 Gross Acres
Frontage:	Approximately 820 ft. on FM 1960 / 2,500 ft. on Broze Rd.
Utilities:	Harris County MUD #454
School District:	Aldine ISD
TPDES Permit:	Texas Pollution Discharge Elimination System; Discharge Permit # WQ0003076000
Asking Price:	\$51,494.74 per gross acre on total +/- 95 acres \$25,000 per gross acre on back +/- 65 acres \$2.50 PSF on front +/- 30 acres
Terms:	Seller willing to offer terms to qualified purchaser
Comments:	* Close proximity to FM 1960, Deerbrook Mall and Bush IAH * Adjacent +/- 98 acre Lone Oak Subdivision also for sale by MSGJM * Ideal for industrial or multi-use development * Stabilized land and drainage system in place

A. David Schwarz III, SIOR

713-358-1232

adavidschwarz@msgjm.com

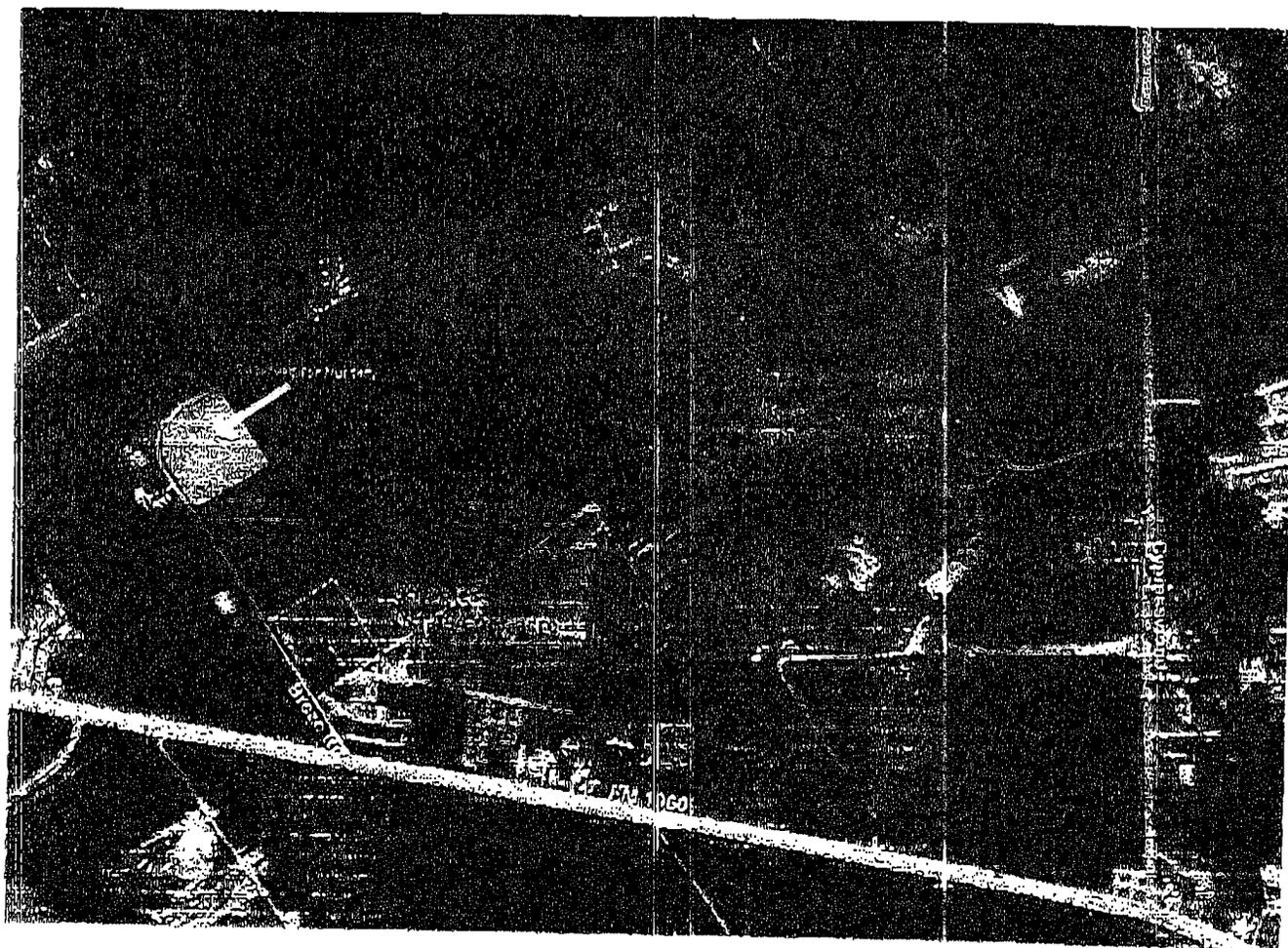
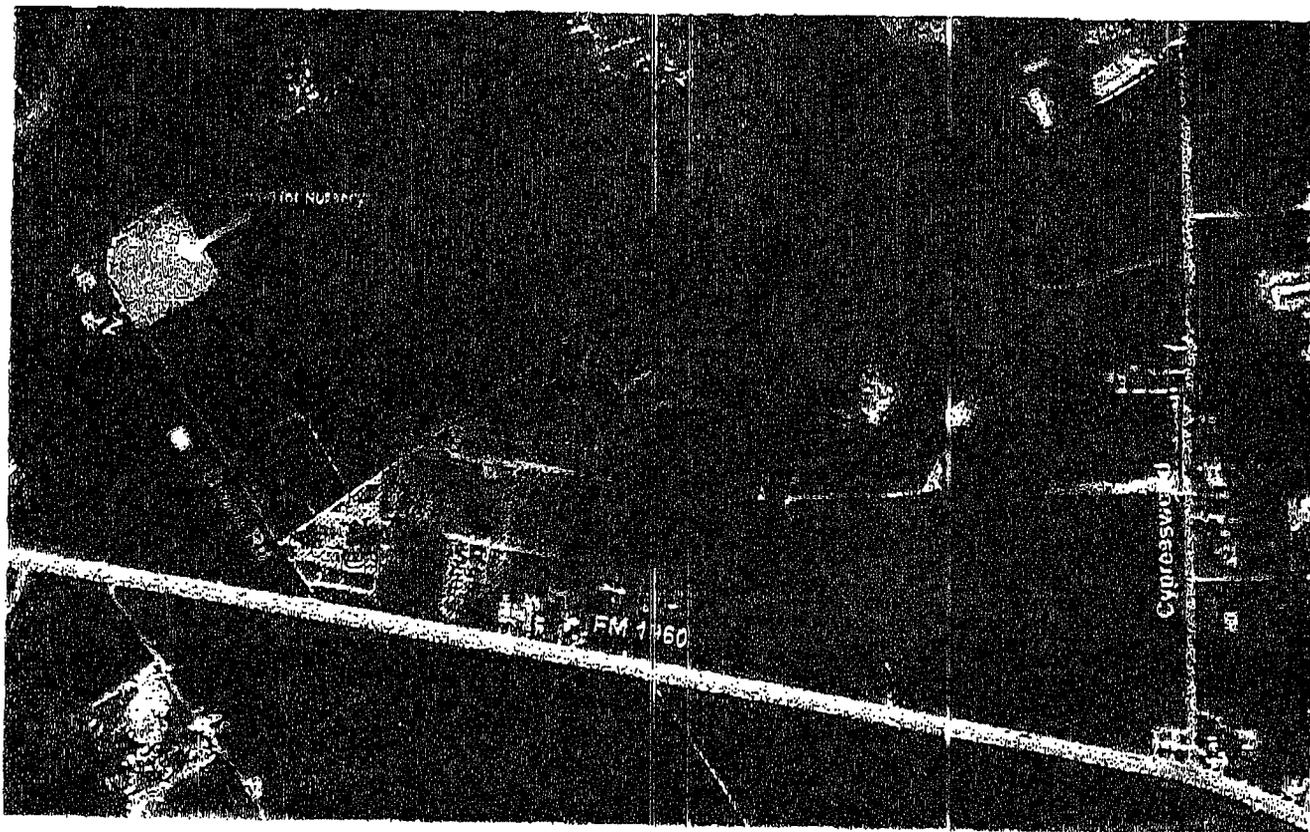
Stephen Hausser

713-358-1219

stephen@msgjm.com

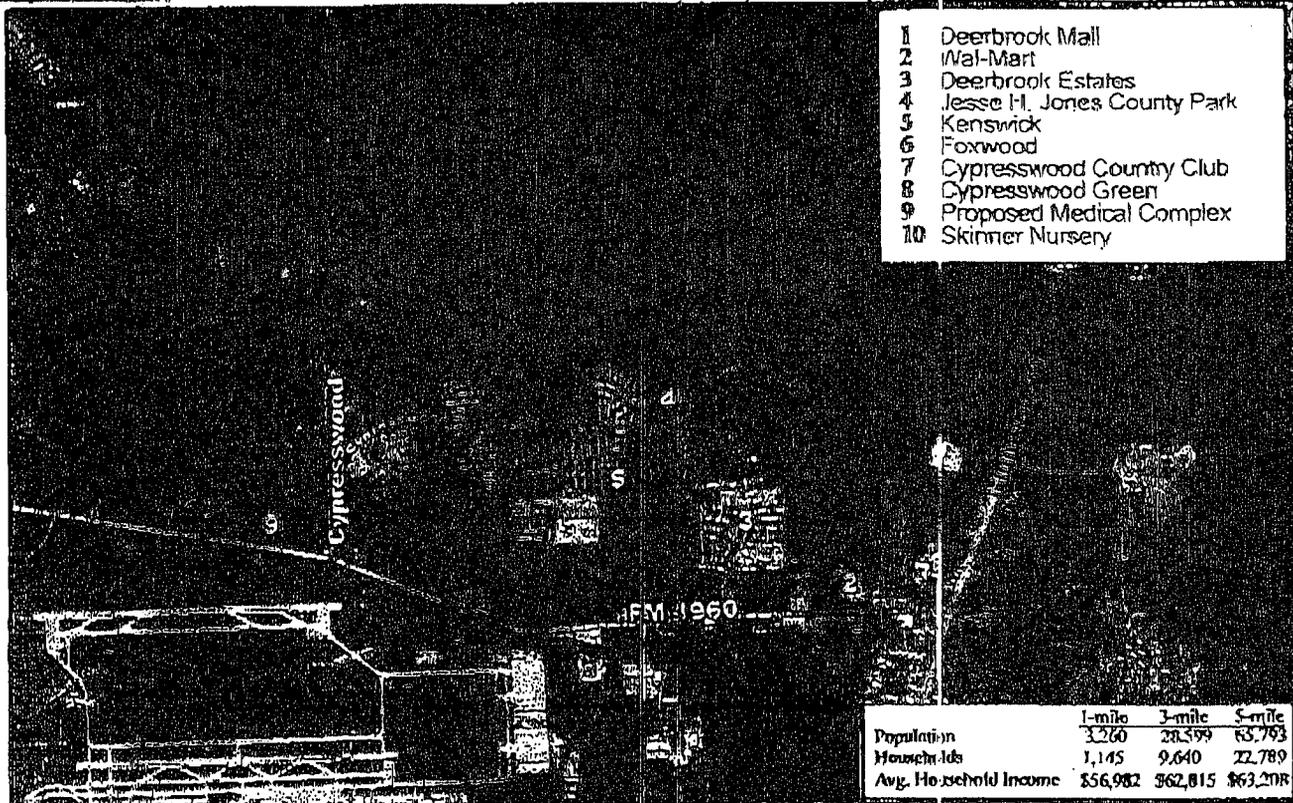
5005 Riverway, Suite 310 - Houston, TX 77056

The information contained herein has been obtained from reasonably reliable sources and we have no reason to doubt its accuracy. However, no warranty is made by the seller as to the accuracy of the information. All rights are reserved. This is not an offer to sell or lease. All information is subject to change without notice. All information is subject to change without notice.



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Could
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Mason
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+/- 98 Acres Lone Oak Subdivision Humble, Texas



Location: Located on the west side Cypresswood just north of FM 1960
Humble, Texas 77338

Key Map: 334 K

Land Area: Approximately 98 Gross Acres - Will Divide

Frontage: Approximately 1,171.37 ft on Cypresswood

Utilities: Harris County MUD #454

School District: Aldine ISD

Asking Price: (1) \$33,500 per gross acre (2) 21 Acres for multi family @ \$1.75 PSF
(3) +/- 8 Acre Frontage at \$2.25 PSF

Terms: Assumption of existing note to qualified buyer

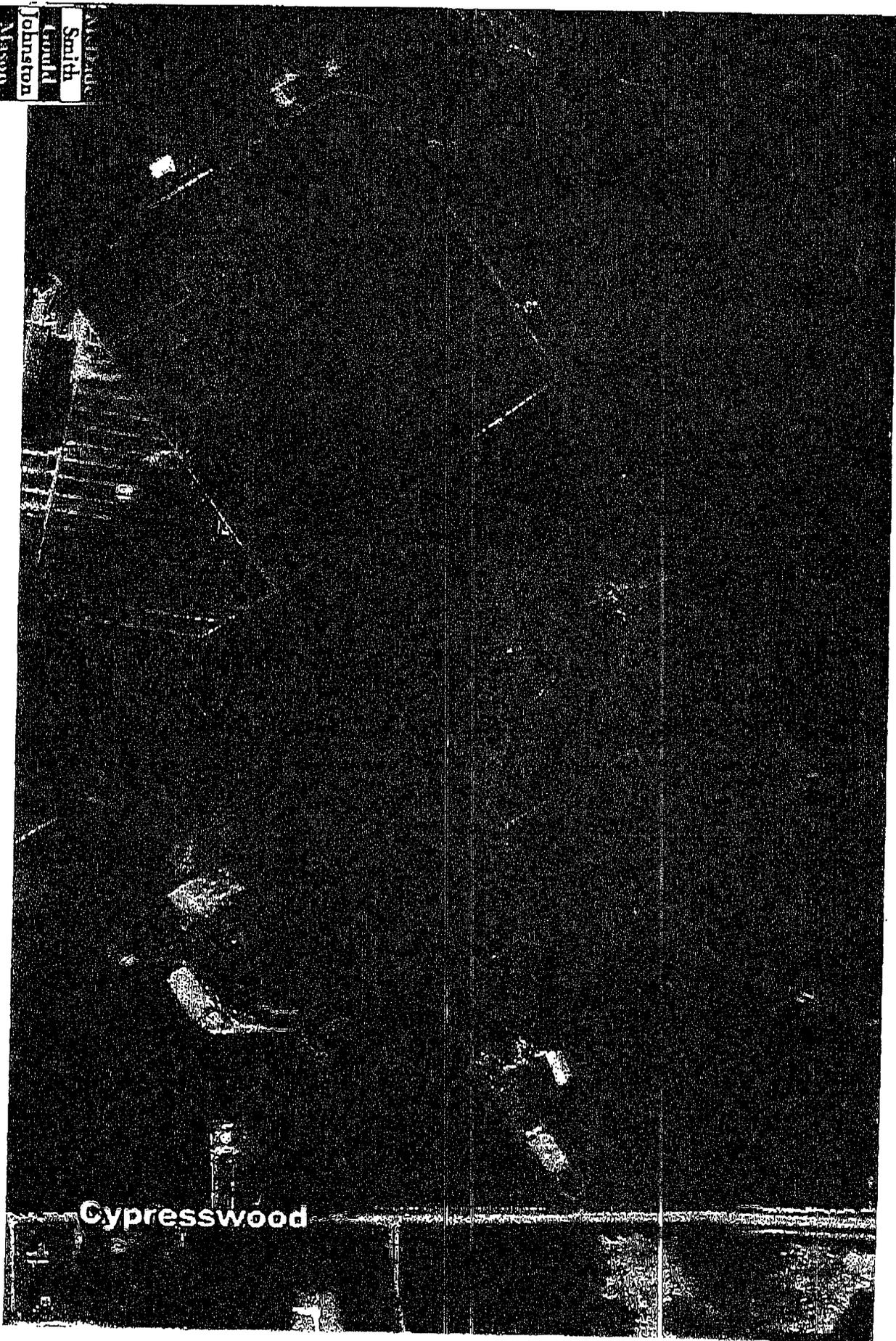
Comments: * Close proximity to FM 1960, Deerbrook Mall and Bush IAH

A. David Schwarz III, SIOR
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adavidschwarz@msgjm.com

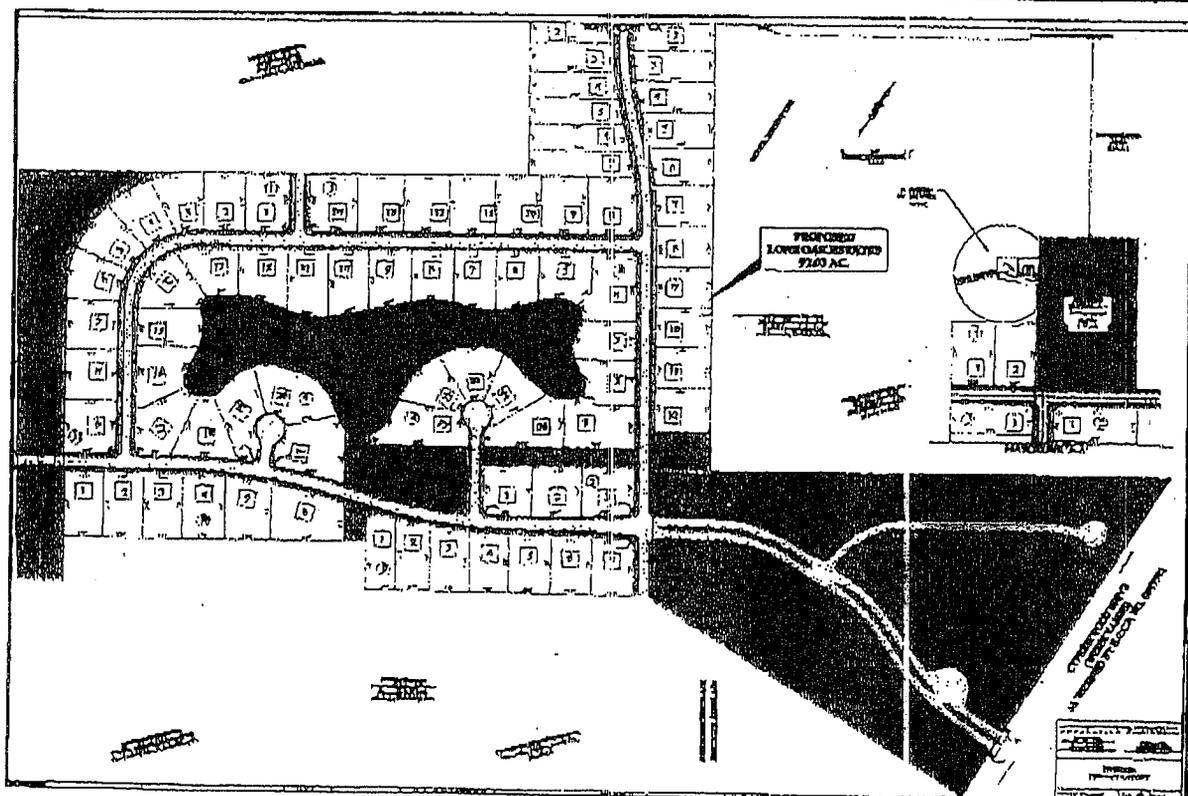
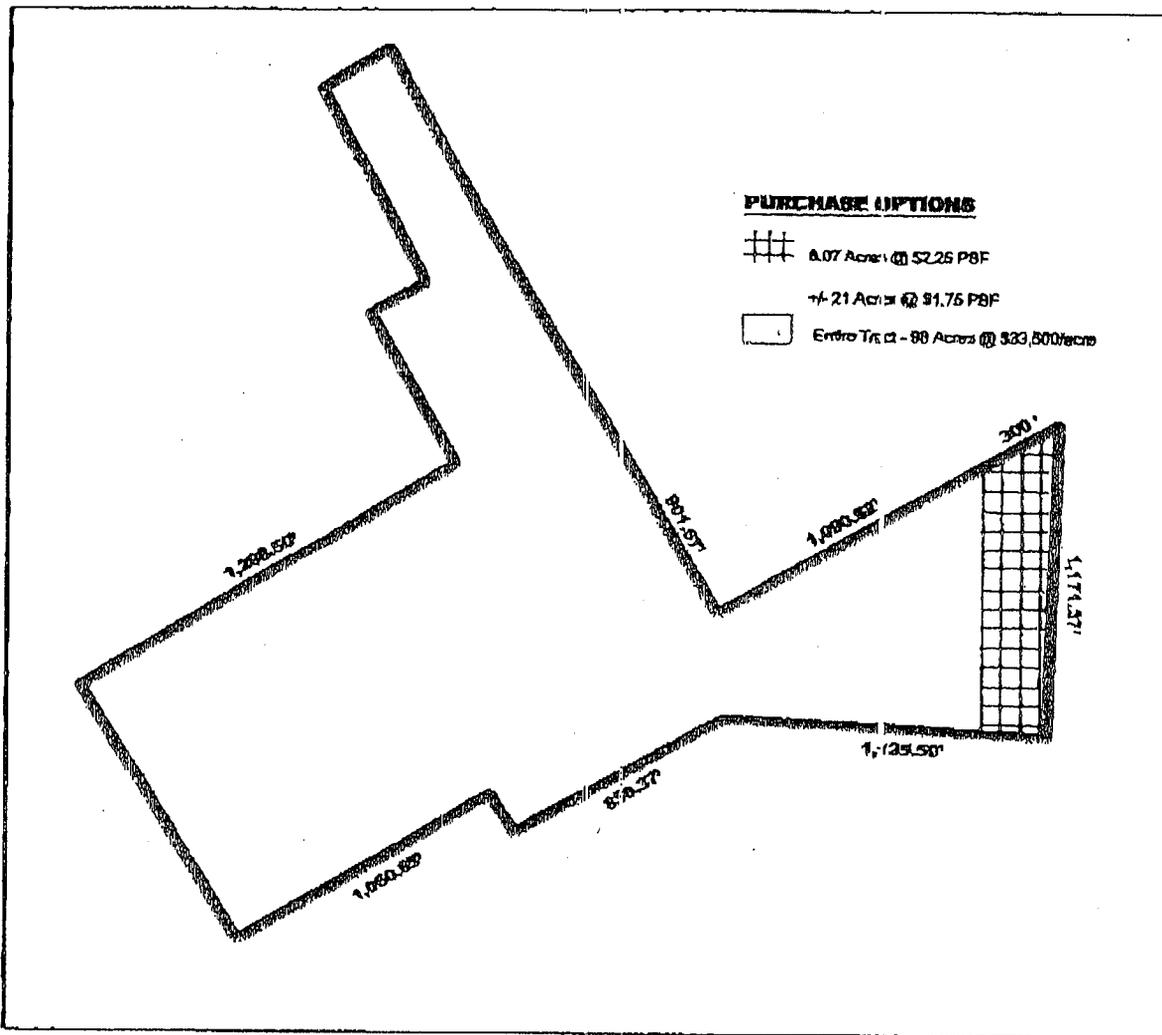
Stephen Hausser
713-358-1219
stephen@msgjm.com

5005 Riverway, Suite 310 - Houston, TX 77056

Smith
Lond
Johnston
Mason
February



Cypresswood



**McDade
Smith
and
Johnston
INCORPORATED
+ company**

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TO: TCEQ, LADONNA CASTANUELA

FROM: Jessica A Lag

FAX NUMBER: 512-239-3311

SENDER'S PHONE #: 281-807-2941

DATE: Aug 31 2009

OF PAGES: 16

CUSTOMER'S NOTES:

TCEQ DOCKET No 2009-0269-MWD

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STORE INFORMATION

**OFFICE DEPOT # 262
122 E. FM 1960 BYPASS
HUMBLE, TEXAS 77338
T. (281) 540-9005
F. (281) 540-6135**

ods00262cpc@officedepot.com

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