

NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P.

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H. LOUIS NICHOLS
LAWRENCE JACKSON
OF COUNSEL

September 25, 2009

By Facsimile 512-239-3311 and
U. S. First Class Mail

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

DLS
68764

Re: *Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District 3; Internal Control No.: 11032008-DO*

To Whom It May Concern:

As the City Attorneys for the City of Lucas, Texas ("City"), we are writing regarding the referenced application. The City requested a hearing on the referenced application by correspondence dated August 4, 2009, from Arturo D. Rodriguez, Jr. with Russell & Rodriguez L.L.P. At this time, the City respectfully withdraws its request for a contested case hearing and does not oppose the creation of the district.

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 SEP 28 AM 11:16
CHIEF CLERK'S OFFICE

Please let me know if you have questions.

Sincerely,

NICHOLS, JACKSON, DILLARD,
HAGER & SMITH, L.L.P.

By: *Joe Gorfida, Jr.*
Joe Gorfida, Jr.

JGJ/cgo

Mu

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2009 SEP 25 PM 2: 25
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: *Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District 3; Internal Control No.: 11032008-DO1.*

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Please let me know if you have questions.

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By: Joe Gorfida, Jr.
Joe Gorfida, Jr.

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CHIEF CLERKS OFFICE

2009 SEP 25 PM 2:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

PLEASE DELIVER THE FOLLOWING TO:

NAME: Office of the Chief Clerk
COMPANY: Texas Commission on Environmental Quality
FAX NO.: 512-239-3311
DATE: September 25, 2009
FROM: Joe Gorfida, Jr.
TRANSMITTED BY: Cosmic Owens (214-665-3319)

NUMBER OF PAGES (Including Cover Sheet) 2

Re: *Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District 3; Internal Control No. 11-32008-DOI*

THE INFORMATION CONTAINED IN THIS FACSIMILE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE RECIPIENT IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY PHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

R&R
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OPA
AUG 06 2009

PHONE (512) 930-1317
FAX (866) 929-1641
WWW.TXADMINLAW.COM

BY _____
Email: arodriguez@txadminlaw.com

August 4, 2009 **H**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 AUG - 6 PM 10: 09
CHIEF CLERKS OFFICE
Ba

Via Facsimile and U.S. First Class Mail

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

DIS
68764

Re: *Petition from Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District No. 3*

To Whom It May Concern:

The City of Lucas, Texas ("City") is in receipt of the notification of the above-referenced application and requests a hearing on the application. This law firm represents the City in regard to the above referenced matter. In compliance with the notice, the City makes the following statements:

1. The City of Lucas may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 AUG - 6 AM 10: 09
CHIEF CLERKS OFFICE

2. Applicant information: *Petition from Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District No. 3*. The TCEQ Control Number is 11032008—D01.
3. The City requests a contested case hearing on the application.
4. The City is adversely affected because the petition is seeking to create a water control and improvement district within a portion of the City's extraterritorial jurisdiction ("ETJ") and the City does not consent to its creation. The City maintains a water

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Office of the Chief Clerk
August 4, 2009

utility. The City's utility has the reasonable ability to serve the property within the proposed district.

The City is concerned with the powers the proposed District seeks to retain for itself. Specifically, the City has a water utility that can provide services to all or part of the property within the proposed District. Allowing the District to provide this service will be counter to the State's long-standing move toward regionalization.

Further, the City is concerned with the District being given powers over drainage issues. The City has adopted drainage and water reclamation ordinances that would be endangered by another entity seeking to enforce or adopt different standards. Such standards sought for approval by the proposed District have not been examined. Thus, the City is skeptical of the District being granted such power.

The City is also concerned with the contamination or regulation provided by the District that may harm the nearby lake. The proposed District, if created, will be allowed to seek a wastewater treatment facility. There are adequate wastewater treatment facilities and providers that serve this part of the Collin County. Thus, the ability to provide and treat wastewater can be done by an entity other than the proposed District.

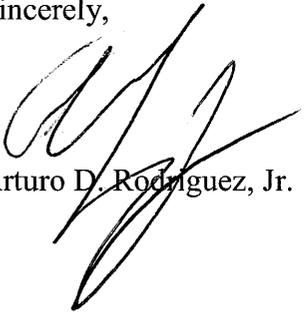
The City does not believe that an adequate investigation and evaluation of the availability of comparable services from other providers or systems, including regional utility providers, has been conducted prior to seeking the creation of the proposed district.

Like the City of Wylie, the City of Lucas is concerned that the proposed district will have a negative impact on water quality. The City has not determined if there is a complete justification for creation of the proposed district with sufficient evidence that the project is feasible, practicable, necessary, will benefit all of the land and its residents, and will further the public welfare. The land is located within a desirable area of the county with lakefront or near lakefront property. The City is interested in ensuring that the proposed project can meet these stringent requirements.

5. The proposed district boundaries are located within the City's ETJ.

Thank you for your attention to this matter.

Sincerely,


Arturo D. Rodriguez, Jr.

cc: Mr. Robert Patrick

OPA

AUG 05 2009

BY _____

R&R
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August 4, 2009

Via Facsimile and U.S. First Class Mail

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

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 AUG -4 PM 4:11
CHIEF CLERKS OFFICE

Re: *Petition from Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District No. 3*

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The City of Lucas, Texas ("City") is in receipt of the notification of the above-referenced application and requests a hearing on the application. This law firm represents the City in regard to the above referenced matter. In compliance with the notice, the City makes the following statements:

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Fax (866) 929-1641

FACSIMILE COVER PAGE

August 4, 2009

Please Deliver the Following pages to:

TCEQ Chief Clerk (512) 239-3311

Client Number: 1560-00

From: Art Rodriguez

Direct Phone: (512) 930-1317

Pages: (Including Cover Sheet)

Rc: Petition from Lavon 593 Land Investment Partners, L.P. for Creation of Collin County Water Control and Improvement District No. 3

Comments: City of Lucas's request for hearing and its opposition to the above-referenced petition.

2009 AUG -4 PM 4: 16
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY