



OFFICE OF THE CITY MANAGER

May 26, 2010

Office of the Chief Clerk, MC 105  
TCEQ  
P.O. Box 13087  
Austin, Texas 78711-3087

DIS  
7/7/07

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

CHIEF CLERKS OFFICE

2010 MAY 27 AM 10:01

**Re: Applicant: Green Valley Special Utility District  
Application: For Authority to Levy Impact Fees  
TCEQ Internal Control No.: 09232009-DO1**

Dear Madam/Sir:

Please accept this letter as a **Request for a Contested Case Hearing** from the City of New Braunfels with regard to the Application by Green Valley Special Utility District (the "Application") for authority to levy an impact fee on single-family connections for water facilities. The City received the Notice of District Application on May 3, 2010 by certified mail from Green Valley Special Utility District although notice was issued on February 12, 2010. The information concerning the contestant is as follows:

Name: City of New Braunfels, Texas  
c/o Michael E. Morrison, City Manager  
  
Address: P.O. Box 311747  
424 S. Castell Avenue  
New Braunfels, Texas 78131-1747  
  
Phone: 830-221-4280  
Fax: 830-626-5578

Applicant's Name: Green Valley Special Utility District  
TCEQ Internal Control No.: 09232009-D01

The City of New Braunfels (the "City") is a home rule city whose extraterritorial jurisdiction ("ETJ") extends into the water service area of the Green Valley Special Utility District. The assessment of impact fees on single-family connections for water facilities by Green Valley Special Utility District will have an adverse impact upon residential development within the City's ETJ that is served by Green Valley and impacts the growth of the City.

Handwritten initials: CMW

The City requests a contested case hearing on this Application so that it, its citizens and future citizens, and the public, will have the opportunity to review the documentation presented by Applicant, contest and question the same, and assure itself, and its citizens, that no adverse impacts to the City will occur.

Applicant will not suffer harm as a result of this Request for Contested Hearing since TCEQ has already received a separate hearing request, and, to City's knowledge, a hearing has not been scheduled on the Application.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Morrison", with a long horizontal flourish extending to the right.

Michael E. Morrison  
City Manager

cc: Mayor R. Bruce Boyer and Members of the City Council  
Pat Allen, General Manager, Green Valley Special Utility District  
D. Lee Edwards, ETA D. Lee Edwards Realty, Inc.  
Alan C. Wayland, City Attorney

Monday, May 24, 2010

2010 MAY 24 PM 2:03

CHIEF CLERKS OFFICE

TCEQ  
Office of the Chief Clerk MC 105,  
P.O. Box 13087  
Austin, TX 78711-3087

DIS  
7-7-10

To Whom It May Concern,

My name is Rick Shumake and I am a principal of Zipp Meadows, LLC and serve as the official representative. We own a parcel of land within the district that Green Valley Special Utility District (GVSUD) services.

We are requesting a hearing to contest the application that Green Valley Special Utility District has made to increase the impact fees that are currently in place.

We have attempted since August of 2007 to reach an acceptable agreement with the Green Valley Special Utility District to provide water to a parcel of land that we plan to develop. Multiple attempts have been made to reach a reasonable agreement with GVSUD. Each time that we have come close to an agreement then GVSUD changes the terms. In this case they have attempted to escalate the fees to a point that will cause our development as well as others in the district to fail.

We respectfully request that you accept our request and convene the hearing at your earliest convenience. We are not able to proceed with our plans for development until an agreeable solution to the GVSUD policy is in place.

Sincerely,



Rick Shumake  
Zipp Meadows, LLC  
Managing Member

**Please see the following page for information regarding the applicant and contestant.**

**Information concerning this request:**

**Applicant:** Green Valley Special Utility District  
TCEQ Internal Control # 09232009-DOI

**Contestant:** Zipp Meadows, LLC  
24165 IH 10 W #217-498  
San Antonio, Texas 78257

Contact: Rick Shumake (Managing Member)  
Phone: 210-771-4040  
Fax: 210-881-6786  
Email: [Rick@Shumake.net](mailto:Rick@Shumake.net) ✓