MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

P.O. BOX 1568
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(512) 404-7800
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July 13, 2009

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44734

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 JUL 15 AM 10: 26
CHIEF CLERKS OFFICE

LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Mail Code 105
PO Box 13087
Austin, TX 78711-3087

Re: Annexation Petition filed by Lancaster Municipal Utility District #1; TCEQ Internal Control No. 09252008-D02; (1612.00; 1.2)

Dear Chief Clerk,

By letter dated February 2, 2009 (copy attached) the City of Lancaster requested a contested case hearing in the above referenced matter. I am writing to inform you that our firm has been retained to represent the City in this matter and to request that all future notices and correspondence related to this matter be sent to me at the following address:

H

Jim Mathews
Mathews & Freeland, LLP
P.O. Box 1568
Austin, Texas 78767

This letter also provides notice that I will be on vacation and unavailable for hearing during the period of July 15 through July 24, 2009.

Sincerely,

Jim Mathews

JM/ndh

cc: Ricky Childers, City Manager
Robert Hager, City Attorney
Julianne Kugle, Coats, Rose, Yale, Ryman & Lee, P.C.
Todd Galiga, TCEQ

mu

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

Kimberly R. Lafferty
Email: klafferty@njdhs.com

ATTORNEYS & COUNSELORS AT LAW
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201
(214) 965-9900
Fax (214) 965-0010
Email NJDHS@NJDHS.COM

ROBERT L. DILLARD, JR. (1913-2000)
H. LOUIS NICHOLS
LAWRENCE JACKSON
OF COUNSEL

February 11, 2009

DIS
WQ734

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 12 AM 10: 28
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC 105
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

RE: Annexation Petition filed by Lancaster Municipal Utility District No. 1
TCEQ Internal Control No. 09252008-D02

Dear Chief Clerk:

As the City Attorneys for the City of Lancaster, Texas, we are writing to request a contested case hearing on the Annexation Petition filed by Lancaster Municipal Utility District No. 1 ("District"), for the annexation of approximately 217.471 acres into the District. The Texas Commission on Environmental Quality ("TCEQ") assigned this matter Internal Control No. 09252008-D02.

The City of Lancaster, Texas, (the "City") objects to the annexation of the property located within its extraterritorial jurisdiction. The District currently provides water service to 327 acres of land located in the extraterritorial jurisdiction of the City of Lancaster, under a water supply contract entered into between the City of Lancaster and the District. In order to provide water service to the proposed annexation area, the District necessarily will require an increased supply of water from the City under this Agreement. The City neither has the necessary infrastructure nor the funds for the improvements to provide the increased supply of water to the District. Additionally, the residents currently provided water services by the District have experienced poor water quality and delivery of service. Unless the District has another source for its water supply, the District would not be able to meet its obligations to provide adequate water service, sewer/wastewater service, and fire protection to the 217.471 acres of land.

Any notices related to this matter may be sent to Robert Hager, the City Attorney for the City of Lancaster, via facsimile at (214) 965-0010, or to the following address:

1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

TM 34676

In the meantime, should you have any questions or require any additional information in connection with this protest, please feel free to contact the undersigned at (214) 965-9900.

Best regards,

NICHOLS, JACKSON, DILLARD,
HAGER & SMITH

By: Kimberly R. Lafferty
Kimberly R. Lafferty

cc: Julianne Kugle
Coats Rose Yale Ryman and Lee, PC
3 Greenway Plaza, Suite 200
Houston, Texas 77046

TM 34676

NICHOLS, JACKSON, DILLARD
HAGER & SMITH, L.L.P.
Attorneys & Counselors at Law
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

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P.O. Box 13087
Austin, Texas 78711-3087

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