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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 29, 2014

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. 2014-1402-DIS; Consideration of the application by JPH Capital, Ltd. for the creation of Travis County Municipal Utility District No. 22 ("District") in Travis County.

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 January 21, 2015, agenda item on the above referenced matter:

1. Petition;
2. Applicant's Map;
3. Technical Memorandum;
4. Executive Director's Response to the Hearing Request;
5. TCEQ map; and,
6. Caption.

Please do not hesitate to contact me at (512) 239-4761 if you have any questions regarding this material. Thank you for your attention to this matter.

Respectfully submitted,

Kayla Murray

Kayla Murray, Staff Attorney
Environmental Law Division

Enclosures

cc: Mailing list

PETITION FOR CREATION OF
TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 22

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

TO THE HONORABLE TEXAS COMMISION ON ENVIRONMENTAL QUALITY:

The undersigned (herein the "Petitioners"), being the majority in value of the holders of title of the land within the proposed district as indicated by the tax rolls in Travis County, Texas, and acting pursuant to the provisions of Chapter 54, Texas Water Code, petition the Texas Commission on Environmental Quality (the "Commission") for creation of a municipal utility district to be known as Travis County Municipal Utility District No. 22 (the "District") and would show the following:

I.

The name of the proposed District shall be Travis County Municipal Utility District No. 22.

II.

The District shall contain an area of approximately 910.923 acres of land, more or less, situated in Travis County, Texas, more particularly described in **Exhibit "A"**. No portion of the proposed District lies within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code) of any municipality.

III.

All lienholders have consented to the inclusion of the property into the corporate boundaries of the District. Attached hereto as **Exhibit "B"** is a true and correct copy of the lienholder consent to inclusion of the property into the corporate boundaries of the District. By execution below, Petitioner certifies that the lienholder identified on **Exhibit "B"** is the sole lienholder.

IV.

The District shall be created for the purposes included in Chapter 54, Texas Water Code, including providing water, wastewater and drainage facilities and services, providing park and recreation facilities and services, and road improvements, for the land within the boundaries of the District, and the construction, purchase, acquisition, maintenance, ownership and operation of such facilities and services for residential and related development.

V.

There is, for the following reasons, a necessity for the above-described work: there is not now available within the area, which will be developed as a residential subdivision, an adequate waterworks, sanitary sewer, and drainage system, park and recreation facilities, and road improvements. The health and welfare of the present and future inhabitants of the area require the construction, acquisition, maintenance, and operation of an adequate waterworks, sanitary sewer, and drainage system, roadway system, and park and recreation facilities and services. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks, sanitary sewer, and drainage system, park and recreation facilities and services, and road improvements, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. For the same reasons, the land to be included and the residents of the proposed District will be benefited by the creation of the District and the creation of the District will further the public welfare.

VI.

The proposed improvements are feasible and practical. A preliminary investigation has been made to determine the cost of purchasing and constructing the proposed District projects, and it is now estimated by Petitioner, from such information as it has at this time, that such cost will be approximately $81,050,000.

WHEREFORE, Petitioner pray that this Petition be properly filed as provided by Chapter 54, Texas Water Code; that it be set for hearing as set forth therein; that notice of the hearing be given as provided therein; that this Petition be heard and granted in all respects; that the District be created; that five directors be appointed by the Commission; that the Commissioners authorize the inclusion of the land described herein with the District; and that such other orders, acts, procedures and relief be granted as are necessary and proper to the creation and organization of the District.

RESPECTFULLY SUBMITTED this 26 day of November, 2013.

PETITIONERS:

JPH CAPITAL, LTD.,
a Texas limited partnership

By: JPH Enterprises, LLC,
its General Partner

By: _____
Name: John Hatchett
Title: President and General Manager

_____
John Hatchett

_____
Sandra Hatchett

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 26 day of November, 2013, by John Hatchett, President and General Manager of JPH Enterprises, LLC, a Texas limited liability company, General Partner of JPH Capital, Ltd., a Texas limited partnership on behalf of said general partner and limited partnership.

(Seal and Expiration)

ADAM L. WHITENACK
Notary Public, State of Texas
My Commission Expires
DECEMBER 21, 2013

_____
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 26 day of November, 2013, by John Hatchett.

(Seal and Expiration)

ADAM L. WHITENACK
Notary Public, State of Texas
My Commission Expires
DECEMBER 21, 2013

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 26 day of November, 2013, by Sandra Hatchett.

(Seal and Expiration)

ADAM L. WHITENACK
Notary Public, State of Texas
My Commission Expires
DECEMBER 21, 2013

Notary Public, State of Texas

Exhibit "A"
Description of Property

JAMES E. GARON
& ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Fax 512-321-2107
jgaron@austin.rr.com

November 12, 2013

LEGAL DESCRIPTION: BEING A 910.923 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT THE:

> SAMUEL WILDY SURVEY NO. 528, ABSTRACT 799; WILLIAM McINTIRE SURVEY NO. 91, ABSTRACT 533; R.H. GRAHAM SURVEY NO. 501, ABSTRACT 334; W. FAWCETT SURVEY NO. 420, ABSTRACT 298; E. HALLMAN SURVEY NO. 61, ABSTRACT 2245; J. KELLER SURVEY NO. 25, ABSTRACT 2169; J. MOAT SURVEY NO. 528, ABSTRACT 559 AND THE JAMES M. DICKSON SURVEY NO. 423, ABSTRACT 228,

ALL IN TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN

> 0.861-ACRE TRACT OF LAND CONVEYED TO JOHN AND SANDRA HATCHETT BY DEED RECORDED IN VOLUME 13161, PAGE 1813; 1.865 ACRE, 10.056-ACRE AND 4.810-ACRE TRACT OF LAND CONVEYED TO JOHN HATCHETT BY DEED RECORDED IN DOCUMENT NO. 1999017119, 516.144-ACRE TRACT OF LAND CONVEYED TO JOHN AND SANDRA HATCHETT BY DEED RECORDED IN VOLUME 13161, PAGE 1746; 8.84 ACRE TRACT OF LAND CONVEYED TO JOHN AND SANDRA HATCHETT BY DEED RECORDED IN VOLUME 13272, PAGE 1307; 12.423-ACRE TRACT OF LAND CONVEYED TO JOHN HATCHETT BY DEED RECORDED IN DOCUMENT NO. 1999090356 AND 333.609 ACRE, 21.210 ACRE AND 0.859 ACRE TRACT OF LAND CONVEYED TO JPH CAPITAL, LTD. BY DEED RECORDED IN DOCUMENT NO. 2004153390,

ALL OFFICIAL PUBLIC (DEED) RECORDS, TRAVIS COUNTY, TEXAS; SAID 910.923 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND FROM PREVIOUS SURVEYS PERFORMED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES:

BEGINNING at a point on the northerly right-of-way (width varies) line of R.M. #3238, called Hamilton Pool Road, for the southwesterly corner of said Hatchett 0.861 acre tract and the southeasterly corner of the remainder of that certain 44.978 acre tract of land conveyed to Joseph D. Priour and Paula P. Priour by deed recorded in Volume 11081, Page 1163 of said deed records;

THENCE along the west line of said Hatchett 0.861-acre tract the following three (3) calls:

1. N 02°56'24" E a distance of 817.94 feet to an iron rod found for angle point;
2. N 18°36'00" E a distance of 298.33 feet to an iron pipe found for angle point;
3. N 24°27'15" E a distance of 141.02 feet to an iron pipe found for corner on a southerly line of said Hatchett 516.144 acre tract;

THENCE with said Hatchett 516.144 acre tract the following thirty-six (36) calls:

1. N 71°53'24" W a distance of 1634.15 feet along the common line of the Samuel Wildy Survey and R.H. Graham Survey to an iron rod found for the southwesterly corner of said Graham Survey and a corner of that certain 389.034 acre tract of land conveyed to Jan M. Harris et al by deed recorded in Volume 12542, Page 260 of said deed records;
2. N 18°21'06" E a distance of 1607.65 feet to an iron rod found for corner on the southeast line of the James M. Dickson Survey;
3. S 68°41'27" W a distance of 471.33 feet to an iron rod found for the southerly corner of said Dickson Survey;
4. N 20°51'25" W a distance of 1369.11 feet to an iron rod found for angle point;
5. N 40°01'34" W a distance of 167.19 feet to an iron rod found for angle point;
6. N 21°10'30" W a distance of 1125.39 feet to an iron rod found for the westerly corner of said Dickson Survey;
7. N 66°30'32" E a distance of 2662.98 feet to an iron rod found for the northerly corner of said Dickson Survey;
8. N 64°22'47" E a distance of 108.35 feet to an iron rod found for the southwesterly corner of the E. Hallman Survey;
9. N 04°31'05" W a distance of 902.80 feet to an iron rod found for angle point;
10. N 04°28'14" W a distance of 172.49 feet to an iron rod found for angle point;
11. N 03°55'15" W a distance of 193.91 feet to an iron rod found for angle point;
12. N 05°11'38" W a distance of 70.85 feet to an iron rod found for angle point;
13. N 04°08'08" W a distance of 265.85 feet to an iron rod found on an easterly line of said Harris 389.034 acre tract for a corner of that certain 799.1064 acre tract of land conveyed to WSI (II)-COS, Ltd. by deed recorded in Document No. 2011102858 of said deed records;
14. N 82°59'34" E a distance of 862.82 feet to a 60D nail found for angle point;
15. N 50°52'03" E a distance of 943.75 feet to an iron rod found for the northerly corner of the J. Moat Survey;
16. S 51°29'53" E a distance of 856.01 feet to an iron rod found for angle point;
17. S 39°45'40" E a distance of 439.63 feet to an iron rod found for angle point;
18. S 35°20'47" E a distance of 452.16 feet to an iron rod found for angle point;
19. S 35°54'16" E a distance of 264.77 feet to an iron rod found for angle point;
20. S 35°46'01" E a distance of 417.83 feet to an iron rod found for angle point;
21. S 41°52'47" E a distance of 63.62 feet to an iron rod found for angle point;
22. S 49°55'22" E a distance of 58.28 feet to an iron rod found for angle point;
23. S 43°23'20" E a distance of 53.70 feet to an iron rod found for angle point;

24. S 35°53'29" E a distance of 117.99 feet to an iron rod found for angle point;
25. S 33°45'17" E a distance of 19.81 feet to an iron rod found for angle point;
26. S 29°24'23" E a distance of 45.86 feet to an iron rod found for angle point;
27. S 27°33'49" E a distance of 47.37 feet to an iron rod found for angle point;
28. S 23°20'56" E a distance of 91.43 feet to an iron rod found for angle point;
29. S 25°20'44" E a distance of 20.35 feet to an iron rod found for angle point;
30. S 28°26'15" E a distance of 61.31 feet to an iron rod found for angle point;
31. S 24°55'32" E a distance of 51.26 feet to an iron rod found for angle point;
32. S 29°38'51" E a distance of 60.06 feet to an iron rod found for angle point;
33. S 28°19'25" E a distance of 67.75 feet to an iron rod found for angle point;
34. S 32°04'40" E a distance of 77.94 feet to an iron rod found for angle point;
35. S 45°27'39" E a distance of 135.39 feet to an iron rod found for a southerly corner of said WSI (II)-COS, Ltd. 799.1064 acre tract on a northwesterly line of that certain 238.530 acre tract of land conveyed to Henry R. Heffington and Ruth Heffington by deed recorded in Volume 5246, Page 2045 of said deed records;
36. S 40°48'10" W a distance of 836.82 feet to an iron rod found for a westerly corner of said Heffington 238.530 acre tract and a common corner of said Hatchett 516.144 acre tract and said JPH Capital, Ltd. 333.609 acre tract;

THENCE S 32°46'17" E a distance of 1320.91 feet along said JPH Capital, Ltd. 333.609 acre tract and the remainder of said Heffington 238.530 acre tract to an iron rod found in the approximate center of Little Barton Creek and a westerly or northwesterly corner of Destiny Hills Subdivision Section One as recorded by plat in Book 100, Page 97 plat records, Travis County, Texas;

THENCE along the westerly line of Destiny Hills Section One the following four (4) calls:

1. S 32°46'07" E a distance of 509.10 feet to an iron rod found for angle point;
2. S 31°50'44" E a distance of 1831.99 feet to an iron rod found for angle point and northerly corner of said JPH Capital, Ltd. 21.210 acre tract;
3. S 70°53'28" E a distance of 900.66 feet to an iron rod found for angle point and common corner of Lots 1 and 2, Block "A"; Destiny Hills Section One;
4. S 09°05'43" E a distance of 821.90 feet to an iron rod found on the northerly right-of-way line of R.M. #3238, called Hamilton Pool Road, for the southeasterly corner of said JPH Capital, Ltd. 21.210 acre tract;

THENCE along said right-of-way line of R.M. #3238, called Hamilton Pool Road, the following eight (8) calls:

1. S 81°07'11" W a distance of 350.53 feet to a concrete right-of-way monument found for angle point;
2. S 83°27'22" W a distance of 349.65 feet to a concrete right-of-way monument found for angle point;
3. S 87°44'44" W a distance of 90.10 feet to an iron rod set for the southwesterly corner of said JPH Capital, Ltd. 21.210 acre tract;
4. S 75°06'15" W a distance of 45.97 feet to a concrete right-of-way monument found for angle point;
5. S 83°29'51" W a distance of 36.19 feet to an iron rod set for the beginning of a curve to the left;
6. a distance of 383.51 feet along the arc of said curve to the left having a radius of 1196.16 feet and a chord bearing S 75°05'52" W 381.87 feet to an iron rod set for endpoint;
7. S 75°05'52" W a distance of 50.55 feet to an iron rod set for angle point;
8. S 57°33'01" W a distance of 88.81 feet to a fence post found for a corner of said JPH Capital, Ltd. 333.609 acre tract the easterly corner of that certain 16.727 acre tract of land conveyed to Irvin Voudouris;

THENCE N 62°23'40" W a distance of 1252.46 feet to an iron rod found for the northerly corner of said Voudouris 16.727 acre tract;

THENCE S 28°19'46" W a distance of 2184.88 feet to a fence post found for the easterly corner of that certain 4.590 acre tract of land conveyed to Cecelia P. Dixon and Michael Dixon by deed recorded in Document No. 2002239374 of said deed records;

THENCE N 60°30'52" W a distance of 446.23 feet to an iron rod found for the northerly corner of said Dixon 4.590 acre tract and easterly corner of said JPH Capital, Ltd. 0.859 acre tract;

THENCE S 29°15'22" W a distance of 523.60 feet to an iron rod found on the northerly right-of-way line of R.M. #3238, called Hamilton Pool Road, for the westerly corner of said Dixon 4.590 acre tract and southerly corner of said JPH Capital, Ltd. 0.859 acre tract;

THENCE N 78°13'43" W a distance of 73.39 feet along said right-of-way line to an iron rod set for the westerly corner of said JPH Capital, Ltd. 0.859 acre tract and remainder of that certain 6.96 acre tract of land conveyed to Bobby and Stacey Scheffel by deed recorded in Volume 11628, Page 936 of said deed records;

THENCE N 29°15'22" E a distance of 545.63 feet to an iron rod set for the northerly corner of said JPH Capital, Ltd. 0.859 acre tract;

THENCE N 60°45'41" W a distance of 929.20 feet to an iron rod found for the northerly corner of that certain 8.520 acre tract of land conveyed to Bobby and Stacey Scheffel by deed recorded in Volume 11628, Page 936 of said deed records and easterly corner of that certain 8.00 acre tract of land conveyed to James C. Kuykendall by deed recorded in Document No. 2006180878 of said deed records;

THENCE N 60°38'54" W a distance of 437.37 feet to an iron pipe found on a southeasterly line of said Hatchett 12.423 acre tract for the northerly corner of said Kuykendall 8.00 acre tract and a corner of said JPH Capital, Ltd. 333.609 acre tract;

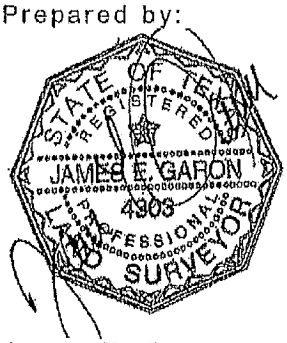
THENCE S 27°33'58" W a distance of 962.62 feet to an iron rod found on the northerly right-of-way line of R.M. #3238, called Hamilton Pool Road, for the southeasterly corner of said Hatchett 10.056 acre tract;

THENCE along said right-of-way line of R.M. #3238, called Hamilton Pool Road, the following five (5) calls:

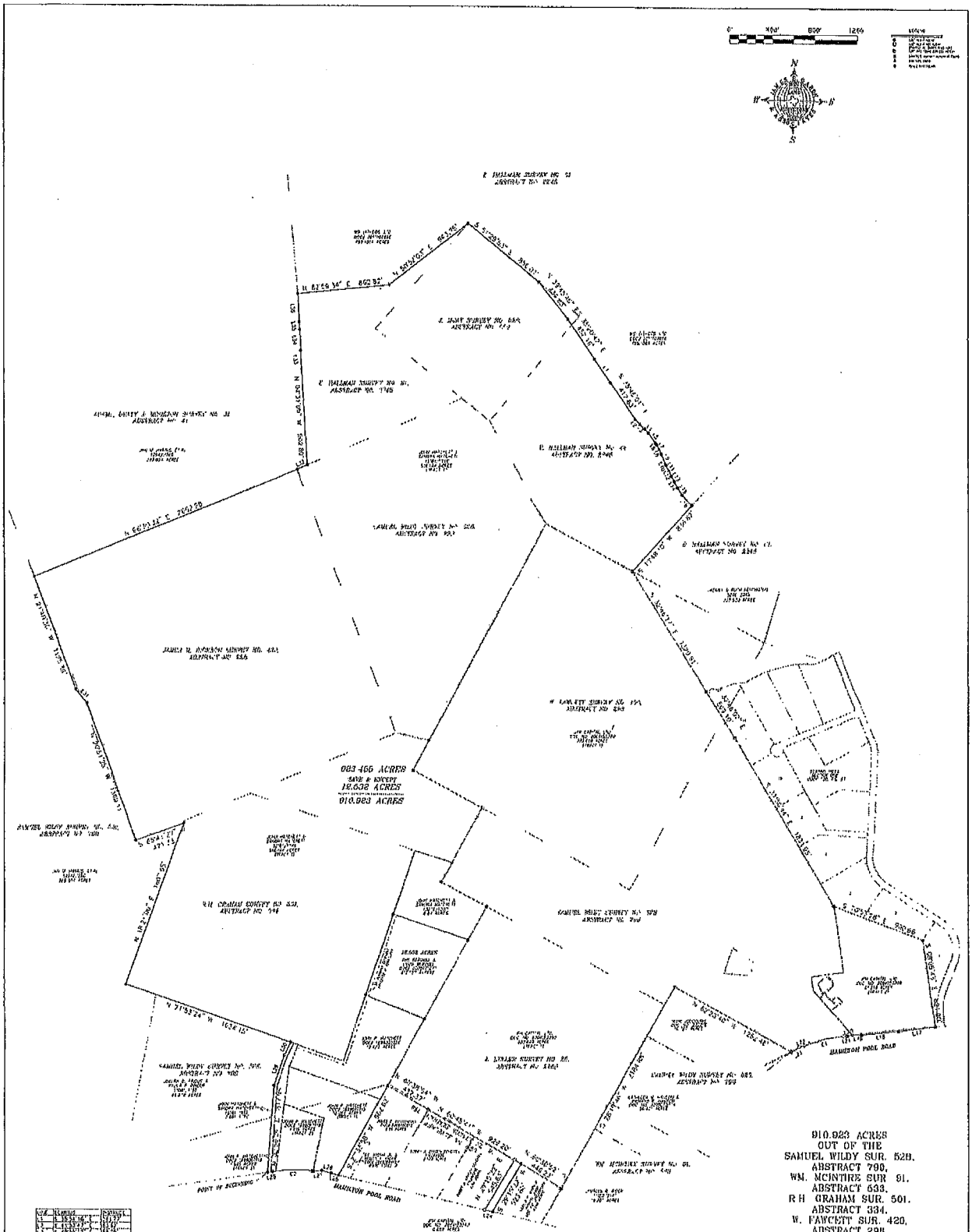
1. N 75°44'57" W a distance of 72.40 feet to an iron rod found for angle point;
2. N 75°59'40" W a distance of 87.44 feet to an iron rod found for angle point;
3. S 85°20'24" W a distance of 84.78 feet to a concrete right-of-way monument found for the beginning of a curve to the left and the common corner of said Hatchett 10.056 acre tract and 4.810 acre tract;
4. a distance of 386.52 feet along the arc of said curve to the left having a radius of 1482.39 feet and a chord bearing S 87°52'04" W 385.42feet to an iron rod found for endpoint;
5. S 80°23'51" W a distance of 45.67 feet

to the **POINT OF BEGINNING,** containing 923.455 acres of land, more or less, save and except that certain 12.532 acre tract of land conveyed to Phil Berdoll and Linda Berdoll by deed recorded in Document No. 2009171277 of said deed records, for a net area of 910.923 acres and as shown on sketch of survey prepared herewith.

Prepared by:



James E. Garon
Registered Professional Land Surveyor
Server; co\Travis\surveys\Sam Wildy\Hatchett-overall.doc



910.923 ACRES
OUT OF THE
SAMUEL WILDY SUR. 528,
ABSTRACT 790,
WM. MCINTIRE SUR. 91,
ABSTRACT 633,
R H GRAHAM SUR. 501,
ABSTRACT 334,
W. FAWCETT SUR. 420,
ABSTRACT 298,
E. HALLMAN SUR. 61,
ABSTRACT 2245,
J KELLER SUR. 25,
ABSTRACT 2180,
J MOAT SUR. 628,
ABSTRACT 559
&
JAMES M. DICKSON SUR. 423,
ABSTRACT 228,
ALL IN
TRAVIS COUNTY, TEXAS

NOVEMBER, 2013

JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 1917
Bastrop, Texas 78602
(512) 303-4185

Exhibit "B"

Lienholder Consent

CONSENT OF LIENHOLDER

The undersigned, being the owner and holder of an existing mortgage lien upon and against the real property described in that certain Deed of Trust dated July 29, 2004 and recorded as Document No. 2004153392 in the Official Public Records of Travis County, Texas (the "Land"), hereby consents to the inclusion of the Land into the corporate boundaries of Travis County Municipal Utility District No. 22 and joins in the Petition for Creation of Travis County Municipal Utility District No. 22.

EXECUTED this 6th day of November, 2013.

LIENHOLDER:

Capital Farm Credit, FLCA

By: _____
Name: Mark Rutledge
Title: President, Austin Credit Office

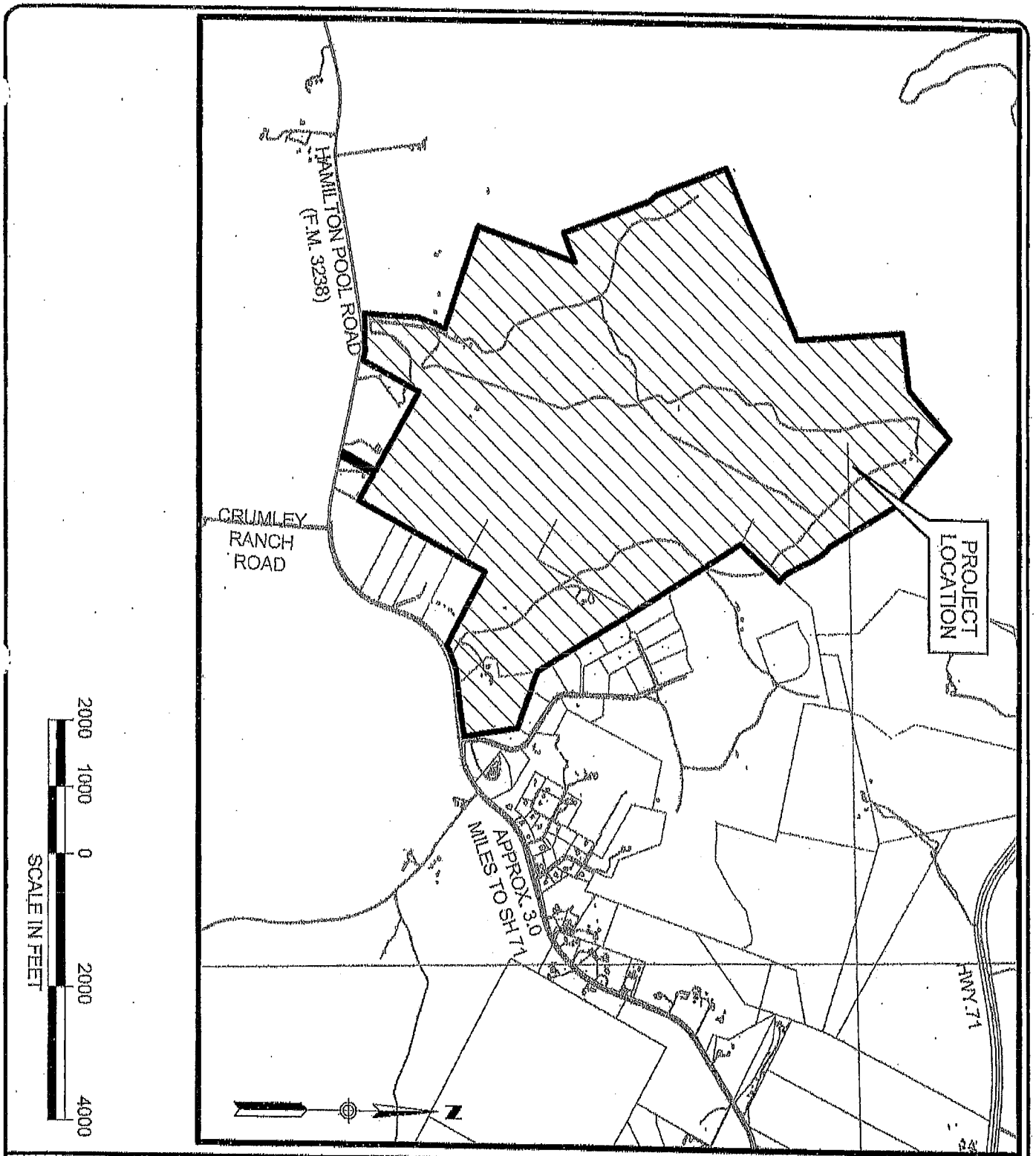
THE STATE OF TEXAS §
TRAVIS §
COUNTY OF ~~WILLIAMSON~~ §

This instrument was acknowledged before me on this 6th day of November, 2013 by Mark Rutledge, Austin Credit ~~Office President~~ of Capital Farm Credit, a corporation, on behalf said corporation.

JANICE ANNE MOSS
MY COMMISSION EXPIRES
May 5, 2017

_____
Notary Public, State of Texas
Printed Name: Janice Anne Moss
My Commission Expires: May 5, 2017

(SEAL)



TRAVIS COUNTY M.U.D. #22

TRAVIS COUNTY, TEXAS

Exhibit B

road map - c

1 OF 1

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Justin P. Taack, Manager
Districts Section

Date: July 16, 2014

From: Tom Glab, P.E.
Districts Bond Team

Subject: Petition by JPH CAPITAL, LTD for the Creation of Travis County Municipal Utility District No. 22; Pursuant to Texas Water Code Chapters 49 and 54.
TCEQ Internal Control No. D-12032013-010 (TC)
CN: 604489724 RN:107087520

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Travis County Municipal Utility District) No. 22 (the "District"). The petition was signed by John Hatchett, as president, general manager and a limited partner of JPH Enterprises, LLC and Sandra Hatchett, as a limited partner of JPH Enterprises, LLC (the "Petitioners"). The petition states that the Petitioners hold title to a majority of value of the land in the proposed District. According to the petition and by separate affidavit, the Petitioners represent that Capital Farm Credit, FLCA is the only lien holder on the land in the proposed District. An Affidavit from the lien holder consenting to the creation has been received and is on file.

The District is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code (TWC).

Location and Access

The proposed District will consist of approximately 910.92 acres in Travis County. The petition states that no portion of the proposed District lies within the extraterritorial jurisdiction of any municipality. The proposed District is located approximately 4 miles southwest of Highway 71 on Hamilton Pool Road, south of Highway 71 and north of Hamilton Pool Road. It is accessible from Hamilton Pool Road.

Metes and Bounds Description

The proposed District contains approximately 910.92 acres, consisting of ten (10) contiguous tracts of land (0.86 acres, 1.87 acres, 10.06 acres, 4.81 acres, 516.14 acres, 8.84 acres, 12.42 acres, 333.61 acres, 21.21 acres and 0.86 acres). The metes and bounds description, dated November 12, 2013, for the proposed District has been checked by the TCEQ's staff and has been found to form acceptable closures.

Statements of Filing Petition

Evidence of filing the petition with the Travis County clerk's office and the TCEQ's Austin regional office has been provided.

Type of Project

The proposed District will be considered a "developer project" as defined by Title 30 Texas Administrative Code (TAC) Section 293.44(a). Therefore, developer cost participation, in accordance with 30 TAC Section 293.47 will be required.

Developer Qualifications

The developer for the project is Masonwood Development, Inc. Masonwood Development has a purchase agreement for the five phases of the proposed development. James W. Meredith founded Masonwood Development in 1993 and has 25 years of experience as a developer in Austin and San Antonio areas.

Appraisal District Certificate

By certificate dated December 2, 2013, the Travis Central Appraisal District has certified that the tax rolls indicate that JPH Capital Ltd and John and Sandra Hatchett, the Petitioners, are the owners of the property in the proposed District.

Temporary Director Affidavits

The TCEQ has received affidavits for consideration of the appointment of temporary directors for the following:

Mark Smith
Jeff Savage
Jon Conant
George Huntington
Todd Martin

Each of the above persons named is qualified, as required by 30 TAC Section 293.32(a), to serve as a temporary director of the proposed District as each (1) is at least 18 years old; (2) is a resident of the state of Texas; and (3) either owns land subject to taxation within the proposed District, or is a qualified voter within the proposed District.

Notice Requirements

Proper notice of the application was published on April 17 and April 24, 2014 in the Lake Travis View/Westlake Picayune, a newspaper regularly published or circulated in Travis County, the county in which the district is proposed to be located. Proper notice of the application was posted on May 15, 2014, on the bulletin board used for posting legal notices in Travis County. Accordingly, the notice requirements of 30 TAC Section 293.12(b) have been satisfied.

B. ENGINEERING ANALYSIS

The creation engineering report indicates the following:

Availability of Comparable Service

The proposed District is located in an area with limited options for utilities form other providers. Groundwater supply quality is questionable and water level has been dropping steadily over time. Wells are not considered a viable option for potable water. The engineering report proposes that retail water service will be provided by the West Travis County Public Utility Agency (WTCPUA). All water utilities to serve the proposed District will be designed in accordance with criteria established by the WTCPUA, the TCEQ and Travis County.

There are no existing wastewater providers with the capacity or ability to serve this project in the general vicinity of the District. Due to the density of the development, available suitable land and character of the development an extended air central wastewater treatment facility with drip irrigation for effluent disposal is proposed to serve the District.

Water Supply

The engineering report proposes that the WTCPUA will provide retail water service to customers within the District's boundary. The water supply capacity is anticipated to be able to serve the 1,837 equivalent single-family connections (ESFCs) within the proposed District. The proposed District will be served by the WTCPUA.

Water Distribution

Water distribution will be provided by the WTCPUA. The internal water distribution system for full development of the proposed District will consist of 89,920 linear feet (LF) of 6 to 16-inch diameter internal lines.

Wastewater Treatment

The District will own and operate the wastewater collection system, lift stations, treatment plant and effluent disposal. A permit application is being prepared for a proposed 0.15 mgd treatment plant and disposal of wastewater effluent. A 0.45 mgd treatment plant is proposed to serve the ultimate development. The effluent disposal system will consist of a 1.5 million gallon storage tank, a pump station, 2,388 LF of 4 to 6-inch force main and 114.9 acres of drip irrigation.

Wastewater Collection

The internal wastewater collection system for full development of the proposed District will consist of 18,117 LF of 8 to 18 -inch diameter gravity lines, 616 LF of 6-inch force main, and one lift station.

Storm Water Drainage

The storm water runoff system within the proposed District will be directed through curb inlets and 55,131 LF of internal lines to water quality ponds. Once the required volume is captured, additional runoff will be conveyed to detention facilities or existing natural drainage channels

flowing to Little Barton Creek, Rocky Creek and Bee Creek. Flows will be maintained at pre-development levels for the 2, 10, 25 and 100 year storm events.

Topography

The land in the District generally drains from north to south within the portion located in the Rocky Creek watershed. The portion located in the Little Barton Creek watershed drains from west to east and the portion in the Bee Creek watershed drains to the north. Elevations range from 1080 feet to 1264 feet above mean sea level.

Floodplain

A small portion of the District lies in a 100-year floodplain as defined by Federal Emergency Management Agency Flood Insurance Rate Map No. 48453C0395H (September 26, 2008). Proposed water quality buffers exceed any potential floodplain by a significant margin and will control the location of lots.

Impact on Natural Resources

The creation of the proposed District is expected to have no unreasonable effect on land elevation, groundwater levels, recharge capability, subsidence, natural runoff rates and drainage, or water quality.

C. SUMMARY OF COSTS

WATER, WASTEWATER, AND DRAINAGE

CONSTRUCTION COSTS		
A. Developer Contribution Items	Total Cost[1]	District Cost[2]
1. Water Distribution	$ 7,879,525	$ 5,515,668
2. Wastewater Collection	$ 7,853,570	$ 5,497,498
3. Storm Water Drainage	$ 11,822,785	$ 8,275,950
4. Construction Materials Testing (3%)	$ 826,676	$ 578,673
5. Engineering Fees	$ 3,306,705	$ 2,314,694
Subtotal Developer Contribution Items	$ 31,689,261	$ 22,182,483
B. District Items		
1. Water Supply/Treatment Facilities	$1,400,000	$ 1,400,000
2. Wastewater Treatment Facilities	$11,583,668	$ 11,583,668
3. Regional Detention	$90,000	$ 90,000
4. Impact Fees	$11,007,304	$ 11,007,304
5. Engineering Fees	$1,568,840	$ 1,568,840
Subtotal District Items	$25,649,812	$ 25,649,812
Total Construction Costs	57,339,073	$ 47,832,295

NON-CONSTRUCTION COSTS		
A. Legal Fees (3%)	$ 2,431,500	$ 2,031,000
B. Financial Advisory Fees (2%)	$ 1,621,000	$ 1,354,000
C. Bond Discount (3%)	$ 2,431,500	$ 2,031,000
D. Capitalized Interest (2 yrs)	$ 9,726,000	$ 8,124,000
E. Developer Interest (2 yrs)	$ 6,880,689	$ 5,739,875
F. Organization & Administration	$ 56,563	$ 70,880
G. Creation Costs/Operating Advances	$ 165,000	$ 165,000
H. Bond Application Report Costs	$ 115,000	$ 115,000
I. Attorney General Fee (0.1%)	$ 81,050	$ 67,700
J. TCEQ Bond Issuance Fee (0.25%)	$ 202,625	$ 169,250
Total Non-Construction Costs	$ 23,710,927	$ 19,867,705
TOTAL W, WW & D BOND ISSUE REQUIREMENT	$81,050,000	$ 67,700,000

(1) Total Cost Column represents cost to District without Developer contribution

(2) District Cost column represents cost to District with Developer contributing 30% of construction cost in accordance with TAC Section 293.47

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. ECONOMIC ANALYSIS

Land Use

The land use for the proposed District is projected in the following table:

Development	Acres	ESFCs
Single-Family Residential	359.37	1,637
Commercial	41.72	190
Amenity Lot	6.9	10
Greenbelt/Water Quality/Drainage	274.32	-0-
Right-of-way	120.48	-0-
Wastewater Plant/Disposal	108.13	-0-
Total	**754.55**	**1,143**

Market Study

A market study, prepared by Capitol Market Research, has been submitted in support of the creation of the proposed District. The market study indicates that the proposed District will contain 1,637 single-family homes with prices ranging from $300,000 to $550,000 on 50 to 80-foot wide lots. The homes are expected to be absorbed at a rate of 149 units per year from 2015 through 2025

Project Financing

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

Lot Size	No. of Lots	Value Per Home	Total Home Value
50'	444	$300,000	$ 133,200,000
60'	512	$375,000	192,000,000
70'	465	$450,000	209,250,000
80'	216	$550,000	118,800,000
Total Assessed Value of Homes			$ 653,250,000
Total Assessed Value of Commercial Retail			$ 89,385,120
Total Assessed Value at Buildout			**$ 742,635,120**

Considering an estimated bond issue requirement of $67,700,000 ($47,832,295 for utilities), assuming 30% developer participation and 100% financing, a coupon bond interest rate of 6.0%, and a 25-year bond life, the average annual debt service requirement would be approximately $5,295,949. Assuming a 90% collection rate and an ultimate assessed valuation of $742,635,120, a tax rate of approximately $0.79 per $100 valuation would be necessary to meet the annual debt service requirements. Application material did not address a maintenance tax.

The total year 2013 overlapping tax rates on land within the proposed District are shown in the following table:

Taxing Jurisdiction	Water, Wastewater, & Drainage(1)
Lake Travis ISD	$1.4075
Travis Co. Emergency Services, District #6	0.1000
Travis County	0.5001
Travis County Health Care	0.0789
Proposed District	0.9486
Total tax per $100 valuation:	$ 3.0351

Note: (1) Tax rate per $100 assessed valuation.

Based on the proposed District tax rate of $0.79 the project is considered economically feasible.

Water and Wastewater Rates

According to information provided, the estimated residential monthly fee for 10,000 gallons of water service is $65.85 and $71.00 for wastewater service.

Comparative Water District Tax Rates

An overlapping tax rate of $3.04 for the proposed District is comparable to other districts in the area. Based on the requirements of 30 TAC Section 293.59, and the proposed District's projected tax rate of $0.95, this project is considered economically feasible.

E. SPECIAL CONSIDERATIONS: None.

F. CONCLUSIONS

1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, would be a benefit to the land within the proposed District, and would be necessary as a means to finance utilities and to provide utility service to future customers.

2. Based on a review of the preliminary engineering report; market study; the proposed District's water, wastewater and drainage; a combined projected tax rate of $0.95; the proposed District obtaining a 6.0% bond coupon interest rate; and other supporting data, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC Section 293.59.

3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

G. RECOMMENDATIONS

1. Grant the petition for creation of Travis County Municipal Utility District No. 22.

2. Grant the District's request to acquire road powers in accordance with TWC Section 54.234 and 30 TAC Sections 293.11(d)(11), 293.201, and 293.202, subject to the requirements imposed by the TCEQ and the general laws of the State of Texas relating to the exercise of such powers.

3. The order granting the petition should include the following statements:

   "This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration."

4. Appoint the following to serve as temporary directors until permanent directors are elected and qualified:

   Todd Martin
   George Huntington
   Jon Conant
   Jeff Savage
   Mark Smith

H. ADDITIONAL INFORMATION

The petitioners' professional representatives are:

Attorney: Mr. Anthony Corbett – Freeman & Corbett, LLP
Engineer: Mr. Daniel Ryan, P.E. – LJA Engineering, Inc.
Market Analyst: Mr. Charles H. Heimsath – Capitol Market Research, Inc.

TCEQ DOCKET NO. 2014-1402-DIS

APPLICATION FOR THE CREATION OF TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 22	§ § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") files this Response to Hearing Request on the petition by JPH Capital, Ltd. for the creation of Travis County Municipal Utility District No. 22 ("District").

The proposed District would contain approximately 910.92 acres, located within Travis County. It is located in southwest Travis County, approximately 1.7 miles southwest of the City of Bee Cave on Hamilton Pool Road, approximately 4 miles southwest of Highway 71 on Hamilton Pool Road and north of Hamilton Pool Road. It is accessible from Hamilton Pool Road. The proposed District is not located within the corporate limits or extraterritorial jurisdiction of any city in Travis County.

The petition states that the purpose of the proposed District will be to provide water, wastewater and drainage facilities and services, providing park and recreation facilities and services, and road improvements for the land within the boundaries of the District, and the construction, purchase, acquisition, maintenance, ownership, and operation of such facilities and services for residential and related development.

II. PROCEDURAL HISTORY

The Petitioners filed an application for the creation of the District on December 3, 2013. The application was declared administratively complete on December 18, 2013. The Petitioners published the Notice of District Petition in the *Lake Travis View/Westlake Picayune*, a newspaper generally circulated in Travis County, where the district is proposed to be located, on April 17, 2014 and April 24, 2014. On May 15, 2014, proper notice of the application was posted on the bulletin board used for posting legal notices in Travis County, Texas. The TCEQ received one timely letter and one supplemental letter from a group opposing the creation of the district. The period to request a contested case hearing ended May 27, 2014.

The Office of the Chief Clerk sent notice of the agenda setting for the Commission's consideration of the hearing requests on January 21, 2014.

III. THE CREATION OF MUNICIPAL UTILITY DISTRICTS

A municipal utility district (MUD) may be created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59, of the Texas Constitution. *TEX. WATER CODE § 54.011.* The District in this case is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59, of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code.

A MUD may be created for the following purposes:

(1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes;
(2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
(3) the reclamation and drainage of its overflowed land and other land needing drainage;
(4) the conservation and development of its forests, water, and hydroelectric power;
(5) the navigation of its inland and coastal water;
(6) the control, abatement, and change of any shortage or harmful excess of water;
(7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
(8) the preservation of all natural resources of the state.

TEX. WATER CODE § 54.012.

The commission has jurisdiction to hear this case and create the district. *TEX. WATER CODE §§ 54.014.*

The Commission must grant or deny a MUD creation application in accordance with Section 54.021 of the Texas Water Code. In order to grant an application, the Commission must find that organization of the district as requested is feasible and practicable and is necessary and would be a benefit to the land to be included in the district. *Tex. Water Code § 54.021(a); 30 TEX. ADMIN. CODE § 293.13(b)(1).* If the commission fails to make these findings, it shall refuse to grant the petition. *TEX. WATER CODE § 54.021(d); 30 TEX. ADMIN. CODE § 293.13(a).*

In determining if the project is feasible and practicable and if it is necessary and would be a benefit to the land included in the district, the commission shall consider:

(1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;
(2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and
(3) whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:

(A) land elevation;
(B) subsidence;
(C) groundwater level within the region;
(D) recharge capability of a groundwater source;
(E) natural run-off rates and drainage;
(F) water quality; and
(G) total tax assessments on all land located within a district.

TEX. WATER CODE § 54.021(b).

The Commission, however, must exclude the areas that it finds would not be benefited by the creation of the district and must redefine the boundaries of the proposed district according to its findings. *30 TEX. ADMIN. CODE § 293.13(b)(2); TEX. WATER CODE § 54.021(c).*

IV. THE EVALUATION PROCESS FOR HEARING REQUESTS

District creation applications are subject to the requirements of Title 30, Chapter 55, Subchapter G, Sections 55.250-55.256 of the Texas Administrative Code. The Commission, the Executive Director, the applicant or affected persons may request a contested case hearing on this application. *30 TEX. ADMIN. CODE § 55.251(a).* The Commission must evaluate the hearing requests and may take one of the following actions:

(1) determine that the hearing requests do not meet the rule requirements and act on the application;
(2) determine that the hearing requests do not meet the rule requirements and refer the application to a public meeting to develop public comment before acting on the application;
(3) determine that the hearing requests meet the rule requirements and refer the application to the State Office of Administrative Hearings ("SOAH") for a hearing; or

(4) refer the hearing requests to SOAH for a hearing on whether the hearing requests meet the rule requirements.

30 TEX. ADMIN. CODE § 55.255(a).

The regulations provide that a hearing request made by an affected person must be in writing and must be filed with the Office of the Chief Clerk within the time provided in the Notice of District Petition. *30 TEX. ADMIN. CODE § 55.251(b)* and *(d).* These two requirements are mandatory. The affected person's hearing request must also substantially comply with the following:

(1) give the name, address, and daytime telephone number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
(2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public;
(3) request a contested case hearing; and
(4) provide any other information specified in the public notice of application.

30 TEX. ADMIN. CODE § 55.251(c).

A group or association may request a contested case hearing only if the group or association meets all of the following requirements:

(1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
(2) the interests the group or association seeks to protect are germane to the organization's purpose; and
(3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

30 TEX. ADMIN. CODE § 55.252(a).

An affected person's personal justiciable interest must be related to a legal right, duty, privilege, power, or economic interest affected by the application belonging to the requestor and not an interest common to members of the general public. *30 TEX. ADMIN. CODE § 55.256(a).* The regulations give the Commission flexibility to determine affected person status by considering any relevant factor, including the following:

(1) whether the interest claimed is one protected by the law under which the application will be considered;
(2) distance restrictions or other limitations imposed by law on the affected interest;
(3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
(4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; and
(5) likely impact of the regulated activity on use of the impacted natural resource by the person.
(6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TEX. ADMIN. CODE § 55.256(c).

Government entities, including local governments, may be affected persons if they have authority under state law over issues contemplated by the application. *30 TEX. ADMIN. CODE § 55.256(b).*

V. THE HEARING REQUEST

Hamilton Pool Road Matters (HPR) is a nonprofit corporation that requested a contested case hearing. HPR states that it is a nonprofit corporation "whose purposes include protection of the natural environment... near Hamilton Pool Road... [and it] particularly seeks to protect surface water and groundwater sustainability, as well as minimize the adverse impact of the contamination or use of such waters on [its] residents."

HPR submitted a timely letter and a timely supplemental letter which identified a person who will be responsible for receiving all official communications and documents for the group, pursuant to 30 TAC §55.251(c)(1). HPR requested a contested case hearing pursuant to 30 TAC §55.251(c)(3). HPR also provided the TCEQ Internal Control Number for the case as required in the notice and pursuant to section 55.251(c)(4). Since HPR is a group, it must comply with the associational standing requirements set forth in 30 TAC §55.252.

30 TAC §55.252(a)(1) requires one or more members of the group or association to otherwise have standing to request a hearing in their own right. This requires the group's hearing request to demonstrate how at least one of the individuals listed complies with the requirements set forth in 30 TAC §§55.251 and 55.256. The following four HPR members were identified in HPR's hearing request: Dick and Kathie Hanson, Judy Hendricks, Mehrad Morabbi, and Jessica Tennant.

Dick and Kathie Hanson own property that is described as being adjacent to the proposed District. No address is provided but a search on the Travis Central Appraisal District website found its location and it is included on the TCEQ-generated map. The

request states that their property is adjacent to the District's boundaries and approximately 3,300 feet from the proposed wastewater treatment plant. The request also states that the Hansons own a groundwater well, and that groundwater contamination could "adversely impact the quality of groundwater" in their well. Moreover, the request states that the "impact of development ... on recharge capabilities of groundwater in the area, and groundwater levels in the area, also has the potential to impact" their well.

HPR's hearing request adequately identifies the Hansons' personal justiciable interest by providing their location in relation to the proposed District and by explaining how they could be affected by the activity in a manner not common to members of the general public. The hearing request demonstrates how the Hansons meet the definition of an affected person pursuant to 30 TAC §55.256 by alleging how the District's creation may impact their use and enjoyment of their property and by claiming an interest protected by the law under which the application will be considered. Pursuant to Texas Water Code Section 54.021(b), the TCEQ is required to consider whether the proposed District and its systems and subsequent development within the district will have an unreasonable effect on, among other factors, the groundwater level within the region, recharge capability of a groundwater source, and water quality. Therefore, HPR's hearing request demonstrates that the Hansons would have standing to request a hearing in their own right. Since 30 TAC §55.251(a)(1) only requires one of the group's members to have such standing, the ED has not assessed whether the other three HPR members identified would have standing in their own right.

The ED notes that the HPR members also claimed that alleged odors from the wastewater treatment plant and contamination from the drip fields would adversely affect their use and enjoyment of their properties. The proposed District has applied for a Texas Land Application Permit (the type of wastewater permit appropriate for this type of facility). These claims of odor and contamination would be more appropriately raised during that permitting process. Furthermore, any other required TCEQ authorizations necessary to develop the land within the proposed District, such as Edwards Aquifer WPAP or Public Water System approvals, are outside of the scope of the municipal utility district creation process.

In conclusion, the ED finds that in addition to HPR having met the first associational standing requirement in 30 TAC §55.252(a), the ED also finds that HPR met the remaining two requirements in 30 TAC §55.252(a): the interests HPR seeks to protect are germane to HPR's purpose; and there is no indication that the claims asserted or the relief requested requires the participation of the individual members of HPM.

IV. RECOMMENDATION

HPR's hearing request contained the required contact information, a request for a contested case hearing, and a description of the members' properties in relation to the boundaries of the proposed District. The hearing request adequately demonstrated that a member of the group would otherwise have standing to request a hearing in their own right, and satisfied the other associational standing requirements. Therefore, the ED recommends that HPR's hearing request be granted.

Respectfully submitted,

TEXAS COMMSSION ON
ENVIRONMENTAL QAULITY
Richard Hyde, P.E., Executive Director

Robert Martinez, Director
Environmental Law Division

By: Kayla Murray
Kayla Murray, Staff Attorney

Travis County MUD No.22

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda

Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

Date: 12/19/2014

MUD No. 22 Boundary

Requestor Location (approximate)

1. Dick & Kathie Hanson
   16400 Destiny Cove
2. Jessica Tennant
   16706 Destiny Cove
3. Mehrad Morabbi
   16716 Destiny Cove
4. Judy Hendricks
   16618 Destiny Cove

The facility is located in Travis County. The circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Travis County (red) in the state of Texas;

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The background imagery of this map is from the current Environmental Systems Research Institute (ESRI) map service, as of the date of this map.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

CRF 425865

CAPTION

TCEQ Docket No. 2014-1402-DIS

Consideration of the application by JPH Capital, Ltd. for the creation of Travis County Municipal Utility District No. 22 ("District") in Travis County. The proposed District would contain approximately 910.92 acres and would be located in southwest Travis County, approximately 1.7 miles southwest of the City of Bee Cave on Hamilton Pool Road, approximately 4 miles southwest of Highway 71 on Hamilton Pool Road and north of Hamilton Pool Road. The proposed District would be created pursuant to Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The purpose of the proposed District would be to provide water, wastewater and drainage facilities and services, provide park and recreation facilities and services, and road improvements for the land within the boundaries of the proposed District, and the construction, purchase, acquisition, maintenance, ownership, and operation of facilities and services for residential and related development. The proposed District is not located within the corporate limits or extraterritorial jurisdiction of any city. The commission will also consider all timely requests for hearing and related responses and replies. (Kayla Murray, Justin Taack)

Mailing List
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TCEQ Docket No. 2014-1402-DIS

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