

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 12, 2016

Bridget C. 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. 2016-1129-DIS; Consideration of a Petition for Creation of Meyer Ranch Municipal Utility District

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 October 5, 2016 agenda item on the above-referenced matter:

1. Proposed Order;
 - a. Exhibit A: Metes and Bounds Description;
 - b. Exhibit B: Staff Memorandum;
2. Petition for Creation;
3. Affidavit of Publication: Notice of Petition; and
4. Caption.

Please do not hesitate to contact me at linda.horn@tceq.texas.gov or (512) 239-0676 if you have any questions regarding this material. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Horn".

Linda Horn
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

MAILING LIST
MEYER RANCH MUNICIPAL UTILITY DISTRICT OF COMAL COUNTY
DOCKET NO. 2016-1129-DIS;
INTERNAL CONTROL NO. D-11122015-056

FOR THE APPLICANT:

Anthony Corbett
Freeman & Corbett, LLP
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Austin, Texas 78759-7811
Tel: (512) 451-6689
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FOR THE EXECUTIVE DIRECTOR

via electronic mail:

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FOR THE CHIEF CLERK:

via electronic filing:

Bridget C. Bohac
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REQUESTER(S):

Corey Henderson
3311 South Cranes Mill Road, Unit 3
New Braunfels, Texas 78132-1649

INTERESTED PERSON(S):

Terrell Lee Graham
18645 State Highway 239 West
Kenedy, Texas 78119-4739

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER Granting the Petition for Creation of Meyer Ranch
Municipal Utility District of Comal County and
Appointing Temporary Directors; TCEQ Docket
No. 2016-1129-DIS

On October 5, 2016, the Texas Commission on Environmental Quality (Commission) met in regular session at its offices in Austin, Texas, with notice of the meeting issued in compliance with the Open Meetings Act, Texas Government Code §§ 551.001-551.146, and the Administrative Procedure Act, Texas Government Code §§ 2001.001-2001.902, to consider the petition filed by Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves, as authorized, to create Meyer Ranch Municipal Utility District of Comal County (District) pursuant to Article XVI, § 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code.

The Commission has jurisdiction to consider this matter and the following Findings of Fact and Conclusions of Law are appropriate after examining the application and supporting documentation:

FINDINGS OF FACT

1. On November 12, 2015, an application (including a Petition) by Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves (Petitioners) was filed with the Commission pursuant to Chapter 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code for the creation of Meyer Ranch Municipal Utility District of Comal County.
 - a. The Petition was signed by the Petitioners, which states that they represent a majority in value of title to the land to be included within the proposed District's boundaries in accordance with TEX. WATER CODE § 54.014.
 - b. The application contains the matters required by TEX. WATER Code § 54.015 and 30 TEX. ADMIN. CODE § 293.11.
 - c. The Petitioners represent that there are no lienholders on the land in the proposed District.
2. Proper notice of this application was given pursuant to TEX. WATER Code

§ 49.011 and 30 TEX. ADMIN. CODE § 293.12.

- a. Proper notice of the application was published on June 1 and June 8, 2016, in the New Braunfels *Herald-Zeitung*, a newspaper regularly published and generally circulated in Comal County, Texas, which is the county in which the proposed District is to be located.
 - b. On May 31, 2016, proper notice of the application was posted on the bulletin board used for posting legal notices in Comal County, Texas, which is the county in which the proposed District is to be located.
3. The appropriate and necessary deposits and fees associated with the filing of the application for creation of the proposed District have been paid to the Commission.
4. Submitted within the application were notarized affidavits for each of the proposed temporary directors, listed as follows and indicating that each meets the qualification requirements of 30 TEX. ADMIN. CODE § 293.32:
- | | | |
|-------------------|-----------------------|------------------|
| Ian McAngus | Eugene J. Crouch, Jr. | Robert W. Fisher |
| Madison Inselmann | David Gaines | |
5. During the creation notice comment period, the Commission received one hearing request from a property owner and resident adjacent to the proposed District.
6. All of the property to be included within the proposed District is not located within the corporate limits or the extraterritorial jurisdiction of any municipality.
7. The metes and bounds description of the proposed District has been checked by the Commission's staff.
8. The Memorandum dated July 12, 2016, attached as Exhibit "B," is hereby incorporated as part of this Order.
9. The creation of the District as set out in the application is feasible, practicable, necessary, and would be a benefit to the land to be included in the District.
10. The proposed District and its system and subsequent development within the proposed District will not have an unreasonable effect on land elevations, subsidence, groundwater level within the region, recharge capability of a groundwater source, natural run-off rates and drainage, water quality, and total tax assessments on all land located within the proposed District.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider this application and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the creation of the proposed District.
2. All of the land and property proposed may properly be included within the District.
3. All statutory and regulatory requirements for creation of Meyer Ranch Municipal Utility District of Comal County have been fulfilled in accordance with TEX. WATER Code § 54.021 and 30 TEX. ADMIN. CODE §§ 293.11-293.13.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The Petition for the creation of Meyer Ranch Municipal Utility District of Comal County is hereby granted.
2. The District is created under the terms and conditions of Article XVI, § 59 of the Texas Constitution and Chapter 54, Texas Water Code.
3. The District shall have, and shall be subject to, all of the rights, duties, powers, privileges, authority, and functions conferred and imposed by the Commission and the general laws of the State of Texas relating to municipal utility districts.
4. The District shall be composed of the area situated wholly within Comal County, Texas, described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.
5. The following persons are hereby named and appointed as temporary directors of the District to serve until their successors are elected or have been appointed in accordance with applicable law:

Ian McAngus	Eugene J. Crouch, Jr.	Robert W. Fisher
Madison Inselmann	David Gaines	
6. The foregoing temporary directors shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oath of office. All such bonds shall be approved by the Board of Directors of the District and each bond and oath shall be filed with the District and retained in its records.
7. This Order shall in no event be construed as an approval of any proposed agreement provided in support of the petition for creation, nor as a commitment or requirement of the Commission in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for Commission consideration.

8. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to all affected persons.

9. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., P.E., Chairman

THE
Schultz Group
INC.

P.O. BOX 310483 • NEW BRAUNFELS, TX 78131-0483 • Phone: (830) 606-3913 • Fax: (830) 625-2204

Exhibit "A"
LEGAL DESCRIPTION

OF

(Meyer Tract 691.451 acres)

691.451 acres of land located in Comal County, Texas, and being out of and a part of the following Surveys: Henry Busch Survey No. 637, Abstract No. 59, Joshua Woody Survey No. 551, Abstract No. 661, J.H. Pleasant Survey No. 389, Abstract No. 475, Franz Heimer ¼ Section Survey No. 912, Abstract No. 911, the William Kingston Survey No. 303, Abstract No. 333, and the L. Groenke Survey No. 869, Abstract No. 810, Comal County, Texas and being all of a 711.145 acre tract as described in a PARTITION DEED, executed on February 1, 1993 and recorded in Volume 870, Pages 200-219 of the Official Public Records of Comal County, Texas, and a 3.998 acre tract designated as Tract 1, and a 25.785 acre tract designated as Tract 2 and conveyed to VICKY LYNN MEYER GRAVES by GIFT DEED, dated January 3, 2003, and recorded in Document No. 200306000153 of the Official Public Records of Comal County, said 691.451 acres of land being more particularly described as follows:

BEGINNING: at a found 3" dia. Cedar post at the approximate Westernmost corner of said Henry Busch Survey No. 637 and the Westernmost corner of said 711.145 acre tract and the Southernmost corner of a 3 acre tract designated (3) and conveyed by GENERAL WARRANTY DEED to JACQUELINE JOY HENDERSON, filed for record on September 18, 1978 and recorded in Volume 272, Pages 53-58 of the Deed Records of Comal County, Texas;

THENCE: the following courses along the Northwest line of this parcel and said 711.145 acre tract and the Southeast line of said 3 acre tract:

(1) NORTH 52 deg. 41' 35" East, (all bearings in this description are based on Grid North of the Texas Coordinate System NAD 83(93) CORS, South Central Zone (4204)), a distance of 1440.93 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point; and

(2) NORTH 39 deg. 36' 49" East, a distance of 20.18 feet to a 10" dia. Cedar post being the Northernmost corner of this parcel and said 711.14 acre tract and the Easternmost corner of said 3 acre tract;

THENCE: the following courses along the Northeast line of this parcel and said 711.145 acre tract and the Southwest line of a 567.71 acre tract and designated as TRACT 1 and recorded in said Volume 272, Pages 53-58 of the Deed Records of Comal County, Texas:

CONSULTING ENGINEERS AND LAND SURVEYORS

(3) SOUTH 37 deg. 36' 19" East, a distance of 2844.46 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(4) SOUTH 38 deg. 25' 36" East, a distance of 325.98 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(5) SOUTH 44 deg. 28' 04" East, a distance of 51.98 feet to a to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(6) SOUTH 37 deg. 03' 47" East, a distance of 1439.49 feet to a 10" dia. Cedar post being an interior corner of this parcel and said 711.145 acre tract and the Southernmost corner of said 567.71 acre tract;

THENCE:

(7) NORTH 51 deg. 27' 44" East, a distance of 2200.87 feet along the center of an old rock wall being the Northwest line of this parcel and 711.145 acre tract and the Southeast line of said 567.71 acre tract to a found ½" iron pin being an exterior corner of this parcel and said 711.145 acre tract;

THENCE:

along the Northeast line of this parcel and said 711.145 acre tract and the Northwest, Southwest and South line of a 44.430 acre out tract and the Southwest Right-of-Way Line of Cranes Mill Road as follows:

(8) SOUTH 47 deg. 51' 44" East, a distance of 341.59 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(9) severing said 711.45 acre tract, South 52 deg. 28' 54" West, a distance of 308.72 feet along the Southeast line of this parcel to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(10) SOUTH 03 deg. 12' 28" West, a distance of 650.62 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(11) SOUTH 27 deg. 12' 06" East, a distance of 1691.64 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(12) SOUTH 52 deg. 02' 40" East, a distance of 258.37 feet to a set iron pin with plastic cap stamped "4233" being an angle point;

(13) NORTH 76 deg. 28' 59" East, a distance of 686.04 feet to a set ½" iron pin with plastic cap stamped "4233" being an exterior corner of this parcel and said 711.145 acre tract;

(14) SOUTH 33 deg. 38' 08" East, a distance of 447.09 feet to a 5" dia. Cedar post being an angle point;

(15) SOUTH 37 deg. 16' 02" East, a distance of 577.83 feet to a 5" dia. Cedar post being an angle point;

(16) SOUTH 24 deg. 55' 02" East, a distance of 822.64 feet to a found ½" iron pin being an angle point;

(17) SOUTH 31 deg. 55' 03" East, a distance of 900.17 feet to a 6" dia. Cedar post being an angle point;

(18) SOUTH 53 deg. 41' 29" East, a distance of 29.73 feet to a 5" dia. Cedar post being an angle point;

(19) SOUTH 66 deg. 04' 48" East, a distance of 69.07 feet to a 5" dia. Cedar post being an angle point;

(20) SOUTH 71 deg. 37' 14" East, a distance of 222.54 feet to a 6" dia. Cedar post being an angle point;

(21) SOUTH 65 deg. 34' 01" East, a distance of 41.52 feet to a 6" dia. Cedar post being an angle point;

(22) SOUTH 55 deg. 21' 47" East, a distance of 94.53 feet to a found 1/2" iron pin being an angle point;

(23) SOUTH 40 deg. 51' 57" East, a distance of 220.34 feet to a found 1/2" iron pin being an angle point;

(24) SOUTH 25 deg. 40' 01" East, a distance of 266.51 feet to a 6" dia. Cedar post being an angle point;

(25) SOUTH 33 deg. 43' 34" East, a distance of 36.44 feet to a 6" dia. steel post being an angle point; and

(26) SOUTH 53 deg. 18' 00" East, a distance of 50.24 feet to a 5" dia. Cedar post being the Easternmost corner of this parcel and said 711.145 acre tract and the Northernmost corner of a 9.949 acre tract as conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JOHN W. MILLAR III and wife, JO MARIE MILLAR, executed on December 27, 2006 and recorded in Document No. 200706002726 of the Official Public Records of Comal County, Texas;

THENCE:

(27) SOUTH 47 deg. 42' 10" West, a distance of 816.40 feet along the Southeast line of this parcel and said 711.145 acre tract and the Northwest line of said 9.949 acre tract to a 3" dia. Cedar post being the Westernmost corner of said 9.949 acre tract;

THENCE:

(28) SOUTH 22 deg. 27' 38" East, a distance of 928.07 feet along the Northeast line of the parcel and said 711.145 acre tract and the Southwest line of said 9.949 acre tract and a 4.184 acre tract as conveyed by GENERAL WARRANTY DEED WITH VENDOR'S LIEN, to SUSAN NATE and PATRICK NATE, wife and husband, dated March 26, 2004 and recorded in document No. 200406011442 of the Official Public Records of Comal County, Texas to a 5" dia. Cedar post being the Southernmost corner of said 4.184 acre tract and a corner of a 14.97 acre tract as conveyed by GENERAL WARRANTY DEED to CAROLYN GREGORY-BARCLAY,

A MARRIED PERSON, dated December 27, 2005, and recorded in Document No. 200506048892 of the Official Public Records of Comal County, Texas;

THENCE:

(29) SOUTH 00 deg. 28' 43" East, a distance of 562.61 feet along the East line of this parcel and said 711.145 acre tract and the West line of said 14.97 acre tract to a 10" dia. Cedar post being the Southwest corner of said 711.145 acre tract and said 14.97 acre tract; and the Northernmost corner of an 18.75 acre tract as conveyed to BIG EASTEX #1 LTD., dated June 7, 2004, and recorded in Document No. 200406021825, and the Easternmost corner of a 3.205 acre tract being out of said 25.820 acre tract;

THENCE:

the following courses along the Southeast line of this parcel and said 3.205 acre tract and said 25.820 acre tract and the Northwest line of said 18.75 acre tract:

(30) SOUTH 72 deg. 14' 54" West, a distance of 82.78 feet to a 20" dia. Live Oak tree being an angle point;

(31) SOUTH 54 deg. 54' 53" West, a distance of 160.80 feet to a 24" dia. Live Oak tree being an angle point;

(32) SOUTH 48 deg. 47' 16" West, a distance of 699.76 feet to a 20" dia. Red Oak tree being an angle point;

(33) SOUTH 60 deg. 06' 49" West, a distance of 220.58 feet to an 8" dia. Live Oak tree being an angle point;

(34) SOUTH 63 deg. 02' 50" West, a distance of 277.75 feet to a 14" Elm tree being an angle point; and

(35) SOUTH 63 deg. 11' 03" West, a distance of 111.39 feet to a found 1/2" iron pin being the Southernmost corner of this parcel and said 3.205 acre tract and said 25.820 acre tract and the Westernmost corner of said 18.75 acre tract;

THENCE:

the following courses along the South line of this parcel and 3.205 acre tract and a said 25.785 acre tract and the North Right-of-Way Line of State Highway 46:

(36) NORTH 87 deg. 35' 06" West, a distance of 552.02 feet to a 6" dia. Cedar post being an angle point; and

(37) NORTH 87 deg. 41' 19" West, a distance of 569.91 feet to a 10" dia. Cedar post being the Southwest corner of this parcel and said 25.785 acre tract and the Southeast corner of a 77.1324 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN to FORD E. WAGNER and wife LYNDA L. WAGNER, dated June 1, 1998 and recorded in

Document No. 9806013052 of the Official Public Records of Comal County, Texas;

THENCE:

the following courses along the West and Southwest line of this parcel and said 25.785 acre tract and the 711.145 acre tract and the East and Northeast line of said 77.1324 acre tract:

(38) NORTH 23 deg. 49' 13" West, a distance of 707.52 feet to a 6" dia. Cedar post being an angle point;

(39) NORTH 39 deg. 25' 30" West, a distance of 60.50 feet to a 6" dia. Cedar post being an angle point;

(40) NORTH 13 deg. 09' 22" West, a distance of 1083.65 feet to a 4" dia. Cedar post being an angle point and the Westernmost corner of said 25.785 acre tract; and

(41) NORTH 37 deg. 48' 21" West, a distance of 1558.94 feet to a 6" dia. Cedar post being the Northernmost corner of said 77.1324 acre tract; and being a corner of a 49.0246 acre tract as conveyed by SPECIAL WARRANTY DEED to SUSAN R. DOOLEY, dated December 22, 1995 and recorded in Document No. 9606001455 of the Official Public Records of Comal County, Texas;

THENCE:

the following courses along the Northwest and Southwest line of this parcel and said 711.145 acre tract and the Southeast and Northeast line of said 49.0246 acre tract:

(42) NORTH 32 deg. 02' 34" East, a distance of 293.74 feet to a 6" dia. Cedar post being an angle point;

(43) NORTH 37 deg. 36' 14" West, a distance of 911.82 feet to a 5" dia. Cedar post being an angle point;

(44) NORTH 37 deg. 20' 45" West, a distance of 2053.91 feet to an 8" dia. Cedar post being the Northernmost corner of LOT 8, HERITAGE OAKS UNIT TWO as recorded in Volume 10, Pages 316-319 of the Map and Plat Records of Comal County, Texas;

THENCE:

the following courses along the Southwest line of this parcel and said 711.145 acre tract and the Northeast line of said HERITAGE OAKS UNIT TWO:

(45) NORTH 67 deg. 07' 31" West, a distance of 679.22 feet to an 8" dia. Cedar post being an angle point;

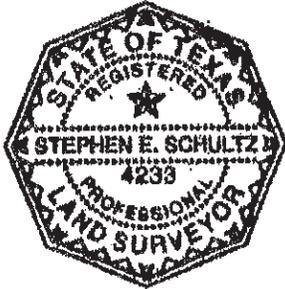
(46) NORTH 54 deg. 17' 30" West, a distance of 15.94 feet to a 6" dia. Cedar post being an angle point; and

(47) NORTH 37 deg. 44' 32" West, a distance of 3769.89 feet to a 5" dia. Cedar post being the Northernmost corner of HERITAGE OAKS UNIT TWO and the Easternmost corner of a 160 acre tract as described in WARRANTY DEED to Wm. F. Remmler, dated January 15, 1912 and recorded in Volume 33, Page 270-271 of the Deed Records of Comal County, Texas, and being the same 160 acres as conveyed by GENERAL WARRANTY DEED to JACQUELINE JOY HENDERSON, filed for record on September 18, 1978, and recorded in Volume 272, Pages 53-58 of the Deed Records of Comal County, Texas;

THENCE:

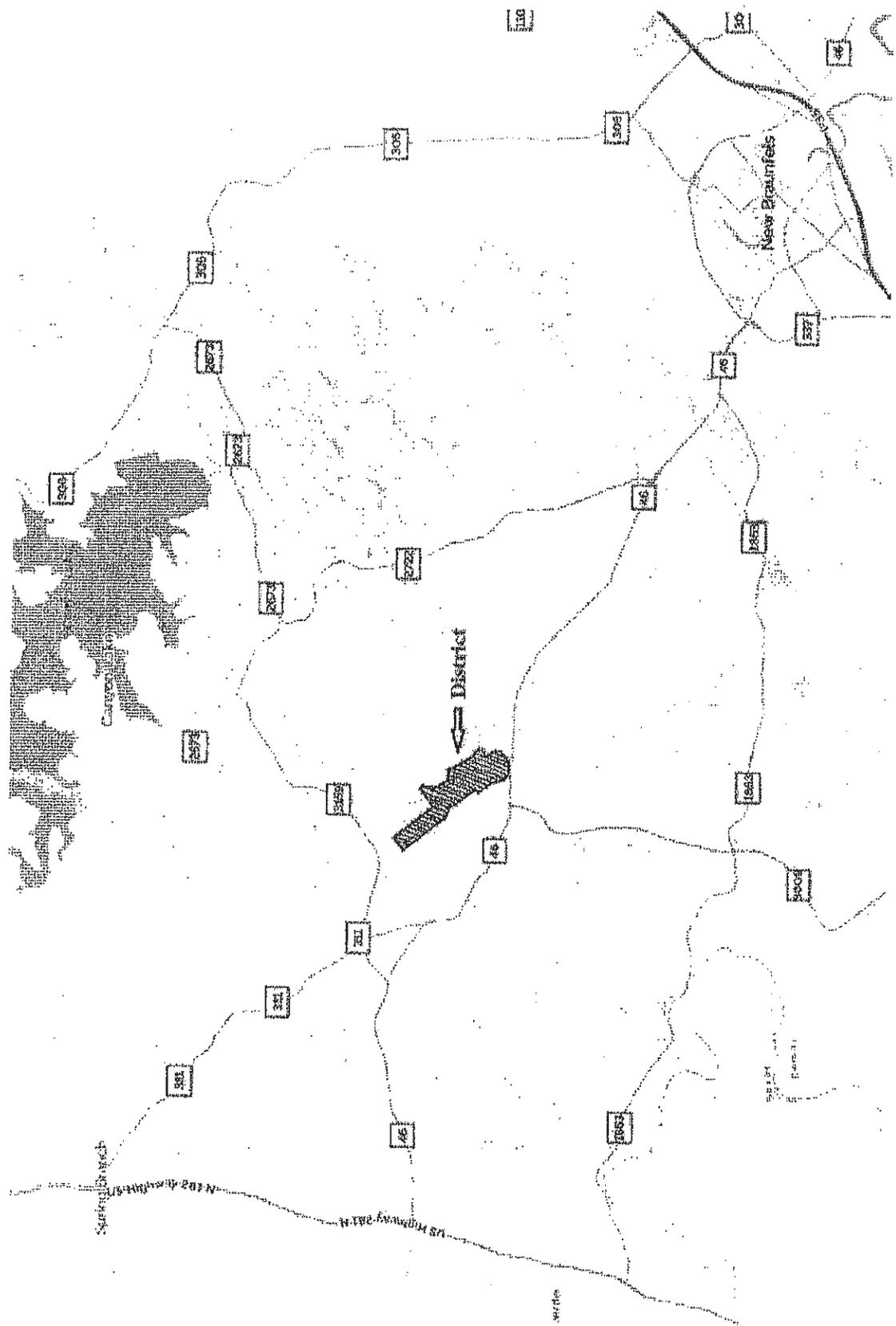
(48) NORTH 37 deg. 40' 45" West, a distance of 1199.26 feet to a 3" dia. Cedar post being the **POINT OF BEGINNING**, containing 691.451 acres of land.

THIS LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH A SURVEY PLAT PREPARED IN OUR OFFICE ON 10/15/14, JOB NO. 07-01-2014.



Stephen E. Schultz 10/15/14
Stephen E. Schultz, R.P.L.S. #4233

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Location Map – Proposed Meyer Ranch MUD
 Exhibit “B”

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Cari-Michel La Caille, Director
Water Supply Division

Date: July 12, 2016

Thru: Seyed Miri, P.E., Leader
Districts Creation Review Team

From: Ren Berra
Districts Creation Review Team

Subject: Docket No. 2016-1129-DIS. Petition by Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves for Creation of Meyer Ranch Municipal Utility District of Comal County; Pursuant to Texas Water Code Chapters 49 and 54.
TCEQ Internal Control No. D-11122015-056 (TC)
CN: 605008176 RN: 108874629

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Meyer Ranch Municipal Utility District of Comal County (District). The petition was signed by Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves (Petitioners). The petition states that the Petitioners hold title to all of the land in the proposed District and it further states that there are no lienholders against the property to be included in the proposed District.

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

Location and Access

The proposed District is located approximately 27 miles north/northeast of downtown San Antonio and 12 miles west/northwest of the City of New Braunfels in central Comal County. Physically, the proposed District lies 12 miles west of I-35, just north of State Highway 46 West, and west of South Cranes Mill Road. Access to the proposed District is via State Highway 46 W and South Cranes Mill Road. The petition indicates that all of the property to be included within the proposed District is not located within the corporate limits or the extraterritorial jurisdiction (ETJ) of any municipality.

Exhibit "B"

Metes and Bounds Description

The proposed District contains 691.451 acres of land. The metes and bounds description of the proposed District has been reviewed and checked by TCEQ's staff and has been found to form an acceptable closure.

City Consent

The petition asserts that the land within the proposed District is not located within the corporate limits or the extra-territorial jurisdiction of any city, town or village. Therefore, no city consent has been provided.

Statements of Filing Petition

Evidence of filing a copy of the petition with the clerk of Comal County and TCEQ's San Antonio regional office has been provided.

Type of Project

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

Developer Qualifications

As a principal and partner of CCD Meyer Ranch LLC, W. Randy Rollo will lead the development of the proposed District. Mr. Rollo has successfully developed numerous commercial, multi-family, and single-family projects in the Austin and San Antonio-Metroplex area over the past 35 years.

Certificate of Ownership

By signed certificates dated October 20, 2015, the Comal Appraisal District has certified that the tax rolls indicate that the Petitioners are the owners of all of the land in the proposed District.

Temporary Director Affidavits

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

Ian McAngus
Madison Inselmann

Eugene J. Crouch, Jr.
David Gaines

Robert W. Fisher

Each of the above persons named is qualified, as required by 30 TAC § 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 citizen 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 June 1 and June 8, 2016 in the New Braunfels *Herald-Zeitung*, a newspaper regularly published or circulated in Comal County, the county in which the district is proposed to be located. Proper notice of the application was posted on May 31, 2016, on the bulletin board used for posting legal notices in Comal County. Accordingly, the notice requirements of 30 TAC § 293.12(b) have been satisfied. The opportunity for the public to request a contested case hearing (comment period) expired July 8, 2016.

B. ENGINEERING ANALYSIS

The creation engineering report indicates the following:

Availability of Comparable Service

The proposed District is not located within the corporate limits or the ETJ of any municipality. There are no existing utility or roadway facilities within the proposed District. The creation engineering report indicates that there are no entities close enough to the proposed District to make retail water or wastewater services feasible. Therefore, the proposed District will purchase water supply from a regional water authority and construct its own wastewater treatment plant.

Water Supply Improvements

All water supply and distribution system improvements to serve the proposed District will be designed in accordance with criteria established by the TCEQ, the Texas Department of Health, and Comal County. The engineering report states that these ultimate facilities are anticipated to be able to serve 1,495 equivalent single-family connections (ESFCs) within the proposed District. The creation engineering report indicates water supply services will be provided by Canyon Regional Water Authority.

Water Distribution Improvements

The water distribution system for full development of the proposed District will consist of a looped network of approximately 38,121 linear feet (LF) of 6-inch to 12-inch diameter water lines, along with all related appurtenances. Isolation valves and fire hydrants will be provided.

Wastewater Treatment Improvements

The proposed District plans to construct, maintain, and operate one wastewater treatment facility. For the 1,495 projected ESFCs at 300 gpd per ESFC, a plant capacity of approximately 448,500 gpd would be needed. See Special Consideration No. 3.

Wastewater Collection Improvements

The internal wastewater collection system for full development of the proposed District will consist of approximately 29,615 LF of 8-inch diameter lines and manholes. The collection system will be designed to meet TCEQ and Comal County design criteria.

Storm Water Drainage System and Drainage Improvements

The storm water runoff within the proposed District will be directed along a proposed concrete curb and gutter paved street system to ultimately outfall into water quality and detention ponds prior to entering into a tributary of the Guadalupe River.

Two small and two large detention ponds, plus fifteen sand filter basins are planned for the proposed District.

The proposed internal drainage system and drainage improvements will provide adequate drainage and detention for the developed property without adversely affecting upstream or downstream landowners. All proposed detention improvements will be designed and constructed in accordance with TECQ and Comal County criteria.

Road Improvements

A north-to-south collector road, having one main point of access from State Highway 46 W will be funded by the proposed District. The developer will fund and construct a network of minor collectors and local streets to provide access to the various developed areas of the proposed District. Upon completion and inspection of the roadway facilities, all of the facilities will then be conveyed to Comal County for ownership and maintenance.

Topography

The land within the proposed District is ranchland with rolling scenic Edwards hills having elevations of 1,120 feet mean-sea-level (msl) in the lower country with a wet weather creek and 1,390 feet msl in the upper country. The property contains two wells in the lower country with electric submerged pumps and one well in the high country with a windmill. The range consists of native grass and a variety of native trees.

Floodplain

Within Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel No. 48091C0245F, dated September 2, 2009, approximately 116 acres of the proposed District is located in the 100-year flood plain. The creation engineering report indicates that this area will be dedicated as drainage easements, open space or contained in the proposed District's drainage system.

Land Elevation

The proposed District is not expected to have a significant effect on overall land elevations. Land elevations are not expected to change other than that which is normally expected with the construction of streets, underground utilities, and drainage facilities.

Subsidence

The proposed District will receive water from the Canyon Regional Water Authority which will be surface water from Canyon Lake. Due to the proposed water supply and bedrock nature of the geological units, no subsidence problems are expected to occur.

Dam Safety

By letter dated July 20, 2015, the TCEQ acknowledged that there are no dam safety issues associated with the creation of the proposed District.

Groundwater Levels

The proposed District will have no adverse impact on groundwater levels in this region. The Canyon Regional Water Authority will provide the proposed District's water supply needs.

Groundwater Recharge

Water for proposed District customers will be surface water provided by the Canyon Regional Water Authority and will not have an adverse impact on recharge capability of a groundwater source. Further, the proposed District development, lying partially within the contributing zone and partially within the recharge zone of the Edwards Aquifer, will be designed to comply with the TCEQ Edwards Aquifer rules. Therefore, development of the proposed District is not expected to have any adverse impact on the aquifer recharge.

Natural Run-off and Drainage

The land within the proposed District currently drains naturally to tributaries of the Guadalupe River. The planned development for the proposed District should not have an adverse effect on the existing upstream or downstream landowners. The storm

water drainage system of the proposed District will be designed to control and minimize the storm water runoff.

Water Quality

No adverse effect of the water quality of ground or surface water is anticipated as a result of this development. The treatment and disposal of wastewater from the proposed District will be done in accordance with the terms of the waste discharge permit obtained from the TCEQ.

C. SUMMARY OF COSTS

WATER, WASTEWATER, AND DRAINAGE

<u>CONSTRUCTION COSTS</u> (Developer/District Contribution Items)	<u>District's Share</u> ⁽¹⁾
1. Water	\$ 8,291,646
2. Wastewater	15,089,483
3. Drainage	5,706,062
4. Miscellaneous	601,704
5. Contingencies	2,968,890
6. Engineering	4,453,334
7. Land	<u>600,000</u>
TOTAL CONSTRUCTION COSTS (72.45% of Bond Issue Requirement)	\$ 37,711,119
<u>NON-CONSTRUCTION COSTS</u>	
A. Legal Fees (3%)	\$ 1,561,500
B. Fiscal Agent Fees (2.5%)	1,301,250
C. Developer Interest (2 years @ 5%)	3,771,112
D. Capitalized Interest (2 years @ 5%)	5,205,000
E. Bond Discount (3%)	1,561,500
F. Operating Costs	200,000
G. Creation/Organization	100,000
H. Bond Application Report Engineering	306,344
I. Bond Issuance Fees	150,000
J. Attorney General Fee (0.1%)	52,050
K. TCEQ Bond Issuance Fee (0.25%)	<u>130,125</u>
TOTAL NON-CONSTRUCTION COSTS	\$ <u>14,338,881</u>
TOTAL W, WW, & D BOND ISSUE REQUIREMENT	\$ 52,050,000

Note: (1) Assumes 100% funding of anticipated developer contribution items, where applicable.

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.

ROAD FACILITIES

<u>CONSTRUCTION COSTS</u> (Developer/District Contribution Items)	<u>District's Share</u> ⁽¹⁾
1. Roads	\$ 998,004
2. Contingencies (10% of Item No. 1)	99,800
3. Engineering (15% of Item No. 1)	149,701
4. Land	<u>240,000</u>
TOTAL CONSTRUCTION COSTS	\$ 1,487,505
<u>NON-CONSTRUCTION COSTS</u>	
A. Legal Fees (3%)	\$ 61,500
B. Fiscal Agent Fees (2.5%)	51,250
C. Developer Interest (2 years @ 5%)	148,751
D. Capitalized Interest (2 years @ 5%)	205,000
E. Bond Discount (3%)	61,500
F. Bond Issuance Fees	32,444
G. Attorney General Fee (0.1%)	<u>2,050</u>
TOTAL NON-CONSTRUCTION COSTS	\$ <u>562,495</u>
TOTAL ROAD BOND ISSUE REQUIREMENT	\$ <u>2,050,000</u>
TOTAL W, WW, & D & ROAD BOND ISSUES REQUIREMENT	\$ 54,100,000

Note: (1) Assumes 100% funding of anticipated developer contribution items, where applicable.

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the proposed District and the land included within the proposed District. TCEQ's review of eligibility of costs will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

D. ECONOMIC ANALYSISLand Use

The land use for the proposed District is intended to accommodate single-family residential development. Planned ultimate development in the proposed District, as shown in the land use plan provided, is as follows:

<u>Land Use</u>	<u>Acreage</u>	<u>ESFCs</u>
Single Family	403.65	1,324
Condo	28.45	171
Amenity Center	7.67	-0-
Wastewater Treatment Plant	5.00	-0-
Neighborhood Commercial	3.50	-0-
Information Center	0.64	-0-
Major Roadways	52.34	-0-
Greenbelt/Recreation Fields	<u>190.20</u>	<u>-0-</u>
Total	691.45	1,495

Market Study

A market study, prepared in July 2015 by Metrostudy, has been submitted in support of the creation of the proposed District. The market study indicates home values are expected to range from \$180,000 to \$570,000 on 40-foot to estate lots. The proposed District is expected to include approximately 1,324 single-family homes and 171 condos. The market study states that it is reasonable to project an average absorption rate of approximately 82 homes in year one, increasing to 98 homes in year two, and the remaining being absorbed at approximately 112 homes in year three and through build-out.

Project Financing

The District's ability to amortize the required bond debt is based on ultimate improvements and full development of the District. Each particular bond issue will be reviewed and justified on its own economic feasibility merits prior to the issuance of any bonds by the District. The projected taxable assessed valuation (AV) for the proposed District using combined home and lot average values at full development is as follows:

<u>Development Description</u>	<u>Lots</u>	<u>Developed Unit Value</u> (per home per lot)	<u>Total Buildout Value</u>
40-foot Lot	171	\$202,000	\$ 34,627,500
50-foot Lot	385	\$262,500	101,062,500
55-foot Lot	107	\$287,500	30,762,500
60-foot Lot	310	\$302,500	93,775,000
65-foot Lot	243	\$317,500	77,152,500
70-foot Lot	138	\$342,500	47,265,000
80-foot Lot	65	\$382,500	24,862,500
100-foot Lot	62	\$417,500	25,885,000
Estate Lot	14	\$507,500	<u>7,105,000</u>
		Total Assessed Valuation	\$442,497,500

Considering the issuance of a total of \$54,100,000 (\$52,050,000 for utilities plus \$2,050,000 for roads) in bonds, assuming 100% financing, a coupon bond interest rate of 5.0%, and a 25-year bond life, the average annual debt service requirement would be \$3,838,528 (\$3,693,075 utilities plus \$145,453 roads). Assuming a 98% collection rate and an ultimate AV of \$442,497,500, a projected ultimate tax rate of approximately \$0.88 per \$100 AV (\$0.85 utilities plus \$0.03 roads) was indicated to be necessary to meet the annual debt service requirements for the proposed District. An additional \$0.10 per \$100 AV is projected to be levied for maintenance and operating expenses, for a combined proposed District tax rate of \$0.98.

The total year 2014 overlapping tax rates on land within the proposed District are shown as follows:

<u>Taxing Jurisdiction</u>	<u>Water, Wastewater, & Drainage ⁽¹⁾</u>	<u>Water, Wastewater, Drainage & Road ⁽¹⁾</u>
Comal County	\$ 0.29	\$ 0.29
Comal County ESD No. 3	0.08	0.08
Comal ISD	1.39	1.39
Proposed District Debt Service	0.85	0.88
Proposed District Maintenance Tax	<u>0.10</u>	<u>0.10</u> ⁽²⁾⁽³⁾
TOTAL TAX per \$100 AV:	\$ 2.71	\$ 2.74

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

(2) Represents a projected maintenance tax of \$0.10 to cover normal operations of the proposed District.

(3) Represents a combined projected tax rate of \$0.98 (\$0.88 debt service plus \$0.10 maintenance tax) as defined by 30 TAC § 293.59(f).

Based on the proposed District tax rate and the year 2014 overlapping tax rate on land within the proposed District, the project is considered economically feasible.

Water and Wastewater Rates

According to information provided, Canyon Regional Water Authority will provide retail water service to the proposed District's customers. Based on their current water rates, the following single family water rates are as follows:

Water:

Base Monthly Charge	\$20.00
0 to 5,000 gallons:	\$2.50 per thousand gallons
5,001 to 10,000 gallons:	\$3.50 per thousand gallons
10,001 to 20,000 gallons:	\$4.50 per thousand gallons
20,201 to 50,000 gallons:	\$5.50 per thousand gallons
50,001 gallons or more:	\$7.00 per thousand gallons

Wastewater: Estimated from other developments in area at \$20.00 per month flat rate, plus \$4.00 per thousand gallons.

Based on the above rates, the estimated monthly fee for 10,000 gallons of water and wastewater would be \$110.00.

Comparative Water District Tax Rates

A tax rate of \$0.98 (\$2.74 total overlapping) for the proposed District is comparable to municipal utility districts within the general area of the proposed District. Based on this analysis and the requirements of 30 TAC § 293.59, this project is considered economically feasible.

E. SPECIAL CONSIDERATIONS

1. Hearing Request and Public Comment

The TCEQ may grant a contested case hearing on the petition for the creation of the proposed District if a written hearing request is filed within 30 days after the newspaper publication of creation notice. A hearing request has been received from an alleged property owner and resident adjacent to the proposed District. The respondent stated his support of the Comal County Commissioners Court previous findings, which denied the creation of a water control improvement district for the land within the proposed District.

In addition, two nearby residents submitted comments citing the denial vote of the Comal County Commissioners Court as to lack of public need or necessity to create the district.

2. County Notification

In accordance with TWC § 54.0161, as amended in 2013, a certified letter, dated December 8, 2015 was sent to the Commissioners Court of Comal County and in which, provided notice of the proposed District's pending creation application and provided them an opportunity to make its recommendations.

On January 12, 2016, the TCEQ received a letter from Ms. Donna Eccleston, Commissioner Precinct 1, Comal County, expressing her concerns and those of the citizens surrounding the property about the creation of the proposed District.

By letter dated January 7, 2016, The Honorable Ms. Donna Campbell, M.D., Texas State Senator, District 25, expressed her support of the contested case hearing relating to Texas Pollutant Discharge Elimination System (TPDES) permit no. WQ0015314001. Further, she stated her concern regarding the complete disregard of the will of the representative body that speaks for the citizens of Comal County.

On January 22, 2016, the TCEQ received a letter from The Honorable Mr. Doug Miller, Texas State Representative, District 73, expressing his opposition to the petition for creation of the proposed District. As stated, it appears to him to be no pressing need for the creation of the district at this time and that any decision for creation of the proposed District should be with the Texas Legislature.

3. Settlement Agreement (SOAH Docket No. 582-16-2586/TCEQ Docket No. 2015-1624-MWD)

Pursuant to a settlement agreement dated March 29, 2016, the applicant to TCEQ for TPDES Permit No. WQ0015314001, resolved all issues with protestants as named within above named heading docket number proceedings. All parties agreed to the approval of the permit which allows for the discharge of treated domestic wastewater collected from the within the proposed District at a daily flow not to exceed 390,000 gallons per day in its final phase. Further, all parties agreed to modifications to the permit which allows for a Chapter 210 Beneficial Reuse Authorization. The permit

holder shall use sufficient irrigable land to apply effluent that is being generated at all times at a rate no higher than the rate required for applying 390,000 gallons per day on the 200 acres without causing or resulting in runoff from the irrigation acreage.

4. Out Parcel

The Petitioners have requested the TCEQ to include, within its creation order for the proposed District, a specific restriction of its power of eminent domain. The Petitioners requested a provision stating that the proposed District cannot exercise power of eminent domain upon a tract of land of approximately 44.43 acres outside the boundaries of the proposed District.

The proposed District's power of eminent domain outside the district boundaries is already limited pursuant to TWC § 54.209. Therefore, the requested provision addressed by the proposed District for land use outside of its boundaries, as prescribed by TWC § 49.222, is unwarranted at this time.

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, a benefit to the land within the proposed District, and 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, drainage, and road facilities; a combined projected tax rate of \$0.98 per \$100 AV; the proposed District obtaining a 5.0% bond coupon interest rate; and other supporting data, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC § 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 Meyer Ranch Municipal Utility District of Comal County.
2. 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."

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

Ian McAngus
Madison Inselmann

Eugene J. Crouch, Jr.
David Gaines

Robert W. Fisher

H. ADDITIONAL INFORMATION

The Petitioner's professional representatives are:

Attorney:	Mr. Anthony S. Corbett - Freeman & Corbett LLP
Design Engineer:	Mr. Wayne Flores, P.E. - Flores Engineers, PLLC
Special Creation Engineer:	Mr. Ken Heroy, P.E. - Jones-Heroy & Associates, Inc.
Financial Advisor:	Mr. Terrell Palmer - First Southwest Company
Market Analyst:	Mr. Garrett Gray -- Metrostudy

PETITION FOR CREATION OF A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF COMAL §

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned (herein the "Petitioners"), being the holders of title to all of the land within the territory described by metes and bounds in Exhibit "A" attached hereto, as shown by the tax rolls of Comal County, Texas, respectfully petition for the creation of a municipal utility district (the "District") in Comal County, Texas, pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, and would respectfully show the following:

I.

The name of the proposed District shall be Meyer Ranch Municipal Utility District. There is no other conservation or reclamation district in Comal County, Texas, with the same name.

II.

The District shall be created and organized and shall exist under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

III.

The District shall have all the rights, powers, privileges, authority and functions conferred by and shall be subject to all duties imposed by the Texas Water Code and the general laws relating to municipal utility districts. The District shall contain an area of approximately 691.451 acres of land, more or less, situated wholly within Comal County, Texas. None of the land to be included in the District is within the corporate boundaries or extraterritorial jurisdiction of any municipality. All of the territory proposed to be included may properly be included in the District. The area proposed to be within the District consists of that certain tract of land described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The Petitioners are the owners of and hold title to all of the lands within the proposed District as indicated by the tax rolls of Comal County, Texas. There are no liens against lands within the proposed District.

V.

The general nature of the work proposed to be done by the District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; to collect, transport, process, dispose of and control domestic, industrial and commercial wastes; to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; to construct, maintain, improve and operate graveled or paved roads or turnpikes that serve or are intended to serve as an arterial or main feeder roads, or works, facilitates, or improvements in aid of those roads or turnpikes inside or outside the boundaries of the District, to the extent authorized by Article III, Section 52 of the Texas Constitution; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description.

VI.

There is, for the following reasons, a necessity for the above described work, services and improvements: The area proposed to be within the District within the immediate future will experience a substantial and sustained residential growth. There is not now available within the area, which will be developed as a residential subdivision, an adequate water supply and distribution system, sanitary sewer system or drainage system, or road system. The protection of the purity and sanitary condition of the State's water and the health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of an adequate water supply and distribution system, sanitary sewer system, drainage system, and a roadway system. A public necessity therefore exists for the organization of the District to provide for the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of a water supply and distribution system, sanitary sewer system, drainage system, and roadway system.

VII.

The proposed improvements are feasible and practicable, and the terrain of the territory to be included within the District is such that a waterworks system, a sanitary sewer system, a drainage and storm sewer system, and roadway system can be constructed and developed at a reasonable cost. A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Petitioners, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$54,100,000.

WHEREFORE, the Petitioners respectfully pray that this Petition be properly filed, as provided by law, that notice of the application be given as provided therein, that a hearing be held if necessary and that this Petition be in all things granted, that the proposed municipal utility district be organized and five temporary directors thereof be appointed to serve until their successors are duly elected and qualified, and for such other orders, acts, procedures and relief as are proper, necessary and appropriate to the purpose of creating and organizing the District and to the execution of the purposes for which the District shall be organized, as you may deem proper and necessary.

RESPECTFULLY SUBMITTED, this 14th day of October, 2015 .

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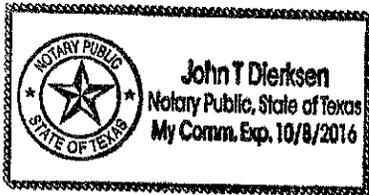
Signature Page to Petition For Creation of
Meyer Ranch Municipal Utility District

Petitioner's Signature:

Franklin Meyer
Franklin Meyer

STATE OF TEXAS §
 §
COUNTY OF COMAL §

This instrument was acknowledged before me on the 14 day of October, 2015,
by Franklin Meyer.



[Signature]
Notary Public in and for
The State of Texas

Printed/Typed Name of Notary Public

My Commission Expires: _____

**Signature Page to Petition For Creation of
Meyer Ranch Municipal Utility District**

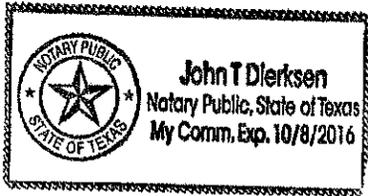
Petitioner's Signature:

Deloris Meyer
Deloris Meyer

By: Franklin Meyer
Franklin Meyer, Attorney-in-Fact

STATE OF TEXAS §
 §
COUNTY OF COMAL §

This instrument was acknowledged before me on the 14 day of October, 2015,
by Franklin Meyer, as Attorney-in-Fact on behalf of Deloris Meyer.



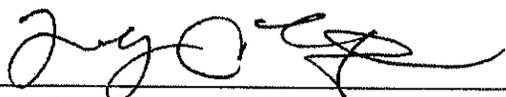
John T. Dierksen
Notary Public in and for
The State of Texas

Printed/Typed Name of Notary Public

My Commission Expires: _____

Signature Page to Petition For Creation of
Meyer Ranch Municipal Utility District

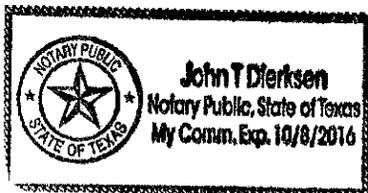
Petitioner's Signature:

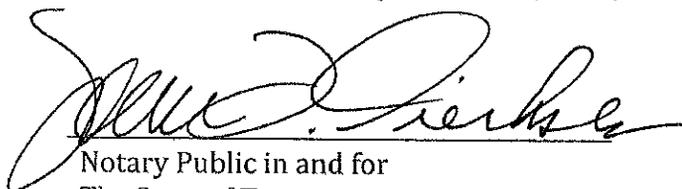


Terry Meyer

STATE OF TEXAS §
 §
COUNTY OF COMAL _ §

This instrument was acknowledged before me on the 15th day of October, 2015,
by Terry Meyer.





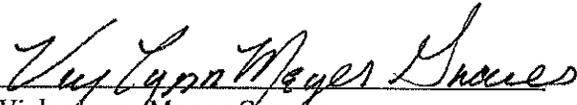
Notary Public in and for
The State of Texas

Printed/Typed Name of Notary Public

My Commission Expires: _____

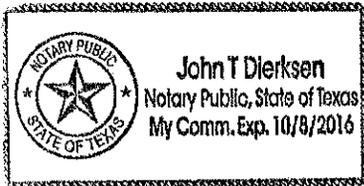
Signature Page to Petition For Creation of
Meyer Ranch Municipal Utility District

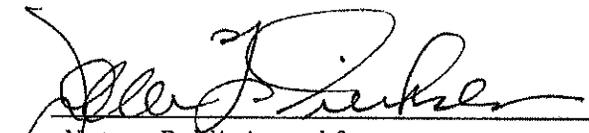
Petitioner's Signature:


Vicky Lynn Meyer Graves

STATE OF TEXAS §
 §
COUNTY OF COMAL §

This instrument was acknowledged before me on the 14th day of October, 2015,
by Vicky Lynn Meyer Graves.




Notary Public in and for
The State of Texas

Printed/Typed Name of Notary Public

My Commission Expires: _____

Rosalie Branham

From: Rosalie Branham
Sent: Tuesday, June 21, 2016 1:32 PM
To: Ren Berra
Cc: Seyed Miri; Irma Salazar
Subject: MEYER RANCH MUD- TCEQ Internal Control no. D11122015056

We have received proof of newspaper publication for the above referenced, evidencing publication on June 01, 2016 & June 08, 2016 in the *Herald-Zeitung*. The affidavit states said newspaper is regularly published or circulated in Comal County, Texas.

In addition, we have received the **Affidavit of Posting**, evidencing that the notice together with Exhibits A & B, were posted on May 31, 2016 on the bulletin board used for posting of legal notices at the Comal County Courthouse.

Based on the above information, the comment period ends at the close of business on July 08, 2016.

The documents are being prepared for filing and will be available for viewing by requesting the file at the front desk of OCC within the next few days.

Thank you,

*Rosalie Branham
Texas Commission on Environmental Quality
Chief Clerks Office
(512) 239-3332*



TCEQ - Office of the Chief Clerk
MC-105 Attention: Notice Team
PO Box 13087
Austin TX 78711-3087

Applicant Name: MEYER RANCH MUD OF COMAL COUNTY
TCEQ Tracking No. D-11122015-056 CID Item No. 102181
Application Type: PETITION FOR CREATION OF A DISTRICT

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF: Comal §

Before me, the undersigned authority, on this day personally appeared
David Burck, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the Publisher
(title of newspaper representative)

of the Herald-Bertney; that said newspaper is
(name of newspaper)

regularly published or circulated in Comal County/Countries,
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

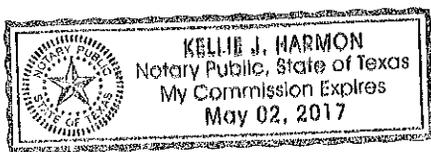
June 1st, 2016 & June 8th, 2016
(date or dates of publication)

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2016 JUN 15 PM 12:00
CHIEF CLERK'S OFFICE

David Burck
Newspaper Representative's Signature

Subscribed and sworn to before me this the 10th day of June,
20 16, to certify which witness my hand and seal of office.

(Seal)



Kellie J. Harmon
Notary Public in and for the State of Texas

Kellie J. Harmon
Print or type Name of Notary Public

My Commission Expires May 2, 2017



NOTICE OF DISTRICT PETITION
TCEQ Internal Control No. D-11122015-056

PETITION. Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves (Petitioners) filed a petition for creation of Meyer Ranch Municipal Utility District of Comal County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioners holds title to all of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 691.451 acres located within Comal County, Texas; and (4) no portion of land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as on Exhibit "A" and is depicted in the vicinity map designated as on Exhibit "B," both of which are attached to this document.

The petition further states that the proposed District will: (1) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; (2) collect, transport, process, dispose of and control domestic, industrial and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) construct, maintain, improve and operate graveled or paved roads or turnpikes that serve or are intended to serve as an arterial or main feeder roads, or works, facilitates, or improvements in aid of those roads or turnpikes inside or outside the boundaries of the proposed District to the extent authorized by Article III, § 52 of the Texas Constitution; and (5) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises shall be consonant with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$54,100,000 (\$52,050,000 for utilities plus \$2,050,000 for roads).

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their

(19) SOUTH 66 deg. 04' 48" East, a distance of 69.07 feet to a 5" dia. Cedar post being an angle point;

(20) SOUTH 71 deg. 37' 14" East, a distance of 222.54 feet to a 6" dia. Cedar post being an angle point;

(21) SOUTH 65 deg. 34' 01" East, a distance of 41.52 feet to a 6" dia. Cedar post being an angle point;

(22) SOUTH 55 deg. 21' 47" East, a distance of 94.53 feet to a found 1/2" iron pin being an angle point;

(23) SOUTH 40 deg. 51' 57" East, a distance of 220.34 feet to a found 1/2" iron pin being an angle point;

(24) SOUTH 25 deg. 40' 01" East, a distance of 265.51 feet to a 6" dia. Cedar post being an angle point;

(25) SOUTH 33 deg. 43' 34" East, a distance of 36.44 feet to a 6" dia. steel post being an angle point; and

(26) SOUTH 53 deg. 18' 00" East, a distance of 50.24 feet to a 5" dia. Cedar post being the Easternmost corner of this parcel and said 711.145 acre tract and the Northernmost corner of a 9.949 acre tract as conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JOHN W. MILLAR III and wife, JO MARIE MILLAR, executed on December 27, 2006 and recorded in Document No. 200706002726 of the Official Public Records of Comal County, Texas;

THENCE:

(27) SOUTH 47 deg. 42' 10" West, a distance of 816.40 feet along the Southeast line of this parcel and said 711.145 acre tract and the Northwest line of said 9.949 acre tract to a 3" dia. Cedar post being the Westernmost corner of said 9.949 acre tract;

THENCE:

(28) SOUTH 22 deg. 27' 38" East, a distance of 928.07 feet along the Northeast line of the parcel and said 711.145 acre tract and the Southwest line of said 9.949 acre tract and a 4.184 acre tract as conveyed by GENERAL WARRANTY DEED WITH VENDOR'S LIEN, to SUSAN NATE and PATRICK NATE, wife and husband, dated March 26, 2004 and recorded in document No. 200406011442 of the Official Public Records of Comal County, Texas to a 5" dia. Cedar post being the Southernmost corner of said 4.184 acre tract and a corner of a 14.97 acre tract as conveyed by GENERAL WARRANTY DEED to CAROLYN GREGORY-BARCLAY, A MARRIED PERSON, dated December 27, 2005, and recorded in Document No. 200506048892 of the Official Public Records of Comal County, Texas;

THENCE:

(29) SOUTH 00 deg. 28' 43" East, a distance of 562.61 feet along the East line of this parcel and said 711.145 acre tract and the West line of said 14.97 acre tract to a 10" dia. Cedar post being the Southwest corner of said 711.145 acre tract and said 14.97 acre tract; and the Northernmost corner of an 18.75 acre tract as conveyed to BIG EASTEX #1 LTD., dated June 7, 2004, and recorded in Document No. 200406021825, and the Easternmost corner of a 3.205 acre tract being out of said 25.820 acre tract:

THENCE:

the following courses along the Southeast line of this parcel and said 3.205 acre tract and said 25.820 acre tract and the Northwest line of said 18.75 acre tract;

(30) SOUTH 72 deg. 14' 54" West, a distance of 82.78 feet to a 20" dia. Live Oak tree being an angle point;

(31) SOUTH 54 deg. 54' 53" West, a distance of 160.80 feet to a 24" dia. Live Oak tree being an angle point;

(32) SOUTH 48 deg. 47' 16" West, a distance of 699.76 feet to a 20" dia. Red Oak tree being an angle point;

(33) SOUTH 60 deg. 06' 49" West, a distance of 220.58 feet to an 8" dia. Live Oak tree being an angle point;

(34) SOUTH 63 deg. 02' 50" West, a distance of 277.75 feet to a 14" Elm tree being an angle point; and

(35) SOUTH 63 deg. 11' 03" West, a distance of 111.39 feet to a found 1/2" iron pin being the Southernmost corner of this parcel and said 3.205 acre tract and said 25.820 acre tract and the Westernmost corner of said 18.75

Docket No. 2016-1129-DIS. Consideration of a petition by Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves (Petitioners) for the creation of Meyer Ranch Municipal Utility District of Comal County (District). The Petitioners request that the Commission create the District pursuant to Chapters 49 and 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code. The proposed District is comprised of approximately 691.451 acres of land in Comal County. The proposed District is not located within the corporate limits or extraterritorial jurisdiction of any municipality. The Commission will consider all timely filed hearing requests and related responses and replies. (TCEQ Internal Control No. D-11122015-056; Linda Horng, Ren Berra)