

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 2 OF ELLIS COUNTY
SOAH Docket No. 582-22-0259
TCEQ Docket No. 2021-0571-DIS
TCEQ Internal Control No. D-11042020-004

PETITION.

Finch FP, Ltd. and Brian Edward Finch (Petitioners) filed a petition for the creation of Lakeview Municipal Utility District No. 2 of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ).

The petition states that: (1) the Petitioners hold title to a majority of the assessed value 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 209.355 acres located within Ellis County, Texas; (4) the proposed District is within the extraterritorial jurisdiction of the City of Waxahachie (City), Texas; and (5) although the City has not consented to the creation of the District, the Petitioners have satisfied the requirements of Texas Water Code (TWC) § 54.016(b) and (c) and Texas Local Government Code (LGC) § 42.042, so that the authorization for inclusion of the land in the proposed District may be assumed pursuant to the cited statutes.

The petition further states that the proposed District will (1) construct, purchase, acquire, 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, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; (4) design, acquire, construct, finance, improve, maintain and operate macadamized, graveled or paved roads, and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, 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. It further states that the planned residential development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the protection of the purity and sanitary condition of the State's waters and the public health and welfare of the community, thereby constituting a public necessity.

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 \$35,605,000.

In accordance with LGC § 42.042 and TWC § 54.016, the Petitioners submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioners submitted a petition to the City to provide water or sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the TWC § 54.016(c) expired and the information provided indicates that the Petitioners and the City have not executed a mutually agreeable contract for service. Pursuant to TWC § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to initiate proceedings to include the land within the district.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – November 1, 2021

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 231 6683

Password: 0259MUD2

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 231 6683

Password: 42121474

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapters 49 and 54, Texas Water Code; Chapter 395, Texas Local Government Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 293; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, contact the TCEQ Water Supply Division, Districts Section (MC 152), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: October 4, 2021

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality