

## **Summary of Application Requirements for the Creation of Municipal Utility Districts**

Below you'll find a summary of the application requirements for the creation of municipal utility districts; if you need clarification of the requirements, see Commission Rules regarding district creations. The list below is designed to ensure a 120-day expedited review of a submitted district creation application. Upon receipt of the application with the items listed below completed and signed, staff will determine if the documentation provided in support of the listed items is adequate. If adequate, staff will initiate review. If inadequate, i.e., an item from the list is not provided, or the information provided in support of the items is inadequate, a notice of deficiency (NOD) letter will be prepared and the application may take up to 180 days before the final approval is given.

A notice will be sent to the applicant to be published in a newspaper that is regularly published or circulated in the County(ies) in which the district is located, and posted on the bulletin board used for posting legal notices within the same County(ies). If the applicant publishes and posts the notice according to these requirements, within 14 days of receiving the notice from the Commission's Office of the Chief Clerk, staff will ensure an expedited review and a completed memorandum and order within 120 days, assuming no protests are filed. If the notice is not published and posted within 14 days of the applicant receiving the notice from the Commission's Office of the Chief Clerk, a memorandum and order may take up to 180 days before the final approval is given, assuming no protests are filed.

### **Creation applications for all Municipal Utility Districts shall contain the following:**

- \$700 nonrefundable application fee
- Petition signed by persons holding title to land representing a total value of more than 50% of the value of all land in the proposed District
- Petition names all lien holders or a separate affidavit stating all lien holders
- Lien holders consent
- If the petitioner is a corporation, trust, partnership, or joint venture, documentation evidencing the person signing the petition is authorized to sign the petition on behalf of the corporation, trust, partnership, or joint venture
- Evidence that the petition was filed with the appropriate city secretary or clerk
- Evidence that the petition was filed with the appropriate TCEQ regional office
- Evidence that the petition was filed with the appropriate county clerk(s)
- Evidence that notification was provided to each Senator and Representative in whose respective Senate and/or House District the proposed district is located.
- Consent from any municipality in whose limits or extraterritorial jurisdiction the proposed District is located
  - evidence that the application conforms substantially to the city consent
  - evidence that the city consent does not place any conditions or restrictions on the proposed District
- Indicate whether the metes and bounds description and the vicinity map were provided to the TCEQ's Dam Safety program (contact Warren Samuelson 512-239-5195), along with the response from the TCEQ's Dam Safety program indicating no dam safety concerns.

- Market study
  - Not more than 6 months old as of date petition is filed with the Commission
  - Indicates projections (i.e. units per year and specific years) for proposed development including single family, commercial, retail etc.
- Developer's financial statement and experience with districts
  - If the developer and the petitioner are different, documentation explaining the relationship between the developer and the petitioner
- For creations which include anticipated recreational facilities
  - detailed summary of the proposed recreational facility projects
  - estimated costs
  - proposed financing methods
- Boundary map showing metes and bounds, and survey closure computation sheet
- Vicinity Map
- Preliminary plan including:
  - Existing facilities
  - Proposed facilities
  - Any area of the proposed District contained in the 100-year flood plain (if the district contains land within the 100-year floodplain, provide a narrative statement indicating how this land will be developed or removed from the flood-plain)
- Engineering report including:
  - Description of existing area, conditions, topography, and proposed improvements
  - Land use plan
  - 100-year flood computations or source of information.
  - Existing and projected populations
  - Cost estimates for proposed improvements and cost summary for anticipated bond issue requirement
  - Projected tax rate and water and wastewater rates
  - Availability for comparable service, including copies of corresponding with utilities within two miles of the proposed district
  - Evaluation of the effect the district will have on:
    - land elevation
    - subsidence
    - groundwater level within the region
    - recharge capability of a groundwater source
    - natural run-off rates and drainage
    - water quality
- Table summarizing the District's most recent overlapping tax rates
- Certificate from the central appraisal district. Certificate must:
  - State the name of the proposed District
  - State that the proposed District's metes and bounds description has been reviewed
  - Include an attached metes and bounds description for the proposed District
  - State owners names
  - State acreages and property values
- If within a city, evidence of any city rebate for like services
- Temporary director affidavits

- If application includes a request for a fire plan approval, include application requirements for fire plan approval applications

We submit the following creation application request for an expedited 120-day review by TCEQ Staff. TCEQ Staff will assume that we have submitted all available documentation pursuant to the above application requirements, and will not request additional information. If the documentation is found to be insufficient, staff will send a Notice of Deficiency (NOD) resulting in a 180-day review.

Engineer \_\_\_\_\_ Date: \_\_\_\_\_

Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_