

RE: CREATION OF ELLIS COUNTY MUNICIPAL UTILITY DISTRICT FM 984: TCEQ CN605858745, RN11191680; DOCKET NO. 2021-1560-DIS

APPLICANT'S RESPONSE TO REQUESTED CASE HEARING BY CITY OF ENNIS

1. ENNIS MISSTATES THE LAW IN ITS REQUEST, AND HAS ALREADY CONSENTED TO THE CREATION OF MUD FM 984.

Ennis states:

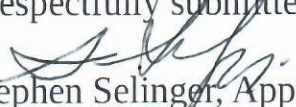
“The City does no consent to its creation. Pursuant to Texas Water Code 54.016(a), land within the City’s ETJ cannot be included within the boundaries of a MUD without the City’s consent.” (page 1, 3rd paragraph of Bickerstaff August 13, 2001 letter requesting a contested case hearing.”)

However, Texas Water Code 54.016(a) specifically references the City granting its consent “to the inclusion of the land within the district in accordance with Section 42.042 Local Government Code.” And 42.042(c) states that if within 120 days after the petition to the City for water/sewer service, the City fails to make a contract to provide the services, **“THAT FAILURE CONSTITUTES THE GOVERNING BODY’S CONSENT TO THE CREATION OF THE PROPOSED POLITICAL SUBDIVISION.”**

It is undisputed that Ennis was presented with a petition for water and sewer service and failed to provide a contract for such service.

Thus, contrary to the City’s filing, and per 42.042(c), Ennis **has indeed consented to the creation of MUD FM 984. Ennis’s prior consent to the creation of MUD FM 984--by operation of LGC 42.042(c)-- estopps it from now objecting to the creation of such MUD and asking for a contested hearing. Fundamental principles of fairness prevent Ennis from revoking its consent. And TCEQ would have an unworkable situation if parties were free to switch back and forth between consenting and then objecting to MUDS. Ennis’s request should be denied.**

Respectfully submitted,


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