

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 6, 2023

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

RE: Petition by Cipriani Island Laguna Azure, LLC for the Creation of Johnson County  
Municipal Utility District No. 2  
TCEQ DOCKET NO. 2023-0847-DIS

Dear Ms. Gharis:

Transmitted herewith for filing with the Texas Commission on Environmental Quality (Commission or TCEQ) are the following items to be filed as backup materials for the October 25<sup>th</sup> Agenda on hearing requests for the creation of Johnson County Municipal Utility District No. 2:

- Petition
- Temporary Director Affidavits
- Technical Memo
- Notice

Please do not hesitate to contact me at [Harrison.Malley@tceq.texas.gov](mailto:Harrison.Malley@tceq.texas.gov) if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cole Malley".

Cole Malley, Staff Attorney - Environmental Law Division

**PETITION FOR THE CREATION OF  
JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2**

THE STATE OF TEXAS	§
	§
COUNTY OF JOHNSON	§

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned petitioner, (herein the “Petitioner”, whether one or more), being a majority of the landowners who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of said area described by metes and bounds in Exhibit “A” attached hereto (the “Land”), respectfully petitions the Texas Commission on Environmental Quality (“TCEQ”) for the creation of a municipal utility district in Johnson County, Texas, pursuant to the provisions of Texas Local Government code Sec. 42.042 and 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 “Johnson County Municipal Utility District No. 2” (the “**District**”). There is no other conservation or reclamation district in Johnson County, Texas with the same name.

II.

As of December 6, 2022, Cipriani Island Laguna Azure, LLC (“Cipriani”) holds title to all of the land situated within the metes and bounds set forth in Exhibit “A.” By Warranty Deed recorded October 18, 2022, Cipriani became owner of the land previously owned by Sherman Kenneth Pressley, Loretta Pressley, Keith Pressley, David W. Cooley and Kathy Cooley. By Warranty Deed recorded December 6, 2022, Cipriani became owner of the land previously owned by NWBB Corporation. Sherman Kenneth Pressley, Loretta Pressley, Keith Pressley, David W. Cooley, Kathy Cooley and NWBB Corporation are hereinafter referred to as the “Prior Petitioners.”

III.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law as amended, together with all amendments and additions thereto.

#### IV.

The District shall contain an area of approximately 184.30 acres of land, situated within Johnson County, Texas, described by metes and bounds in **Exhibit A**, which is attached hereto and made a part hereof for all purposes. The described property is wholly located within the extraterritorial jurisdiction of the City of Mansfield, Texas.

#### V.

On March 3, 2022, Prior Petitioners served the Petition for Consent to Include Land in Johnson County Municipal Utility District No. 2 (the “**Petition for Consent**”) onto the City Secretary for the City of Mansfield. A copy of the Petition for Consent is attached hereto as **Exhibit B**. The Prior Petitioners or the Petitioner have not received any response from the City related to the Petition for Consent.

#### VI.

On May 20, 2022, Prior Petitioners posted the Notice of Petition in three places convenient to the public within the boundaries of the Land sought to be added to the District. The affidavit of posting of the Notice of the Petition (the “**Affidavit of Posting**”) is attached hereto as **Exhibit C**.

On May 19, 2022, the Prior Petitioners published Notice of Petition to City of Mansfield, Texas for Water and Sanitary Sewer Service (the “**Notice of Petition**”) in the Cleburne-Times Review, a newspaper of general circulation within and around the District. The affidavit of publication of the Notice of Petition (the “**Affidavit of Publication**”) and the Notice of Petition are attached hereto as **Exhibit D**.

#### VII.

On June 6, 2022, Prior Petitioners petitioned the City to provide water and sanitary sewer services to the Land in accordance with TLGC 42.042(b). Such petition is attached hereto as **Exhibit E**. The City has not contractually agreed to provide water and wastewater service to the Land, nor have they engaged Prior Petitioners or Petitioner in negotiations to do so, and now more than 120 days have passed since Prior Petitioners submitted its request for service to the City. The City has thus failed to execute a contract for service to the Land within the time limits prescribed by TLGC § 42.042(c).

#### VIII.

Petitioner is the record owner of the described land, as evidenced by the execution of this Petition. Petitioners represent that there are two lienholders, First Guaranty Bank and MCI Preferred Income Fund IV, LLC, with respect to the Land.

## IX.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law.

## X.

The general nature of the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

## XI.

There is a necessity for the improvements described above for the following reasons: The area of the District is urban in nature and is in close proximity to populous and developed sections of Johnson County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services or with adequate drainage facilities and does not have adequate fire suppression facilities, parks and recreational land and facilities, or roads or improvements in aid thereof. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system, an adequate drainage system for and within the area of the District, adequate fire suppression facilities, adequate parks and recreational land and facilities, and roads or improvements in aid thereof.

A public necessity exists for the organization of such District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities, such fire suppression facilities, parks and recreational land and facilities, and roads or improvements in aid thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

## XII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage, storm sewer and roadway system can be constructed at a reasonable

cost, currently estimated at \$30,980,000, with reasonable ad valorem tax and assessment rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The District shall be designated a noncity service district in the meaning of Section 54.016, Texas Water Code, as the District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the District, as of the date this Petition is filed.

### XIII.

The following named persons are (i) all over eighteen (18) years of age, (ii) resident citizens of the State of Texas, (iii) reside in Johnson County or a county in the same metropolitan statistical area as Johnson County, (iv) owners of land subject to taxation within the District, and (v) are otherwise qualified to serve as directors of the District under the provisions of the Texas Water Code:

1. Patrical McNeary
2. Aaron Mabry
3. Carrie Mendez
4. Lorraine Stacy
5. Deshell Fennell

WHEREFORE, the undersigned respectfully pray that this Petition be properly filed, as provided by law; that a hearing be held if necessary and that this Petition be in all things granted; that the proposed municipal utility district be organized; that the five (5) persons named herein be appointed to serve as temporary directors 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.

[SIGNATURE PAGE FOLLOWS]

RESPECTFULLY SUBMITTED, this 23 day of February, 2023

PETITIONER:

CIPRIANI ISLAND LAGUNA AZURE, LLC,  
a Wyoming limited liability company

By: \_\_\_\_\_

Name: Armin Afzalipour\_

Title: Co-President\_

THE STATE OF TEXAS

§

§

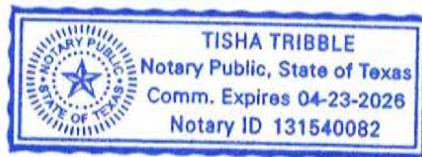
COUNTY OF DALLAS

§

This instrument was acknowledged before me on this the 23 day of February, 2023, by Armin Afzalipour, Co-President of Cipriani Island Laguna Azure, LLC, on behalf of said limited liability company.

Tisha Tribble  
Notary Public, State of Texas

(SEAL)





**EXHIBIT "A"**  
**Legal Description**

**FIGURE 2**  
**JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT 2**  
184.30 ACRES  
JOHNSON COUNTY, TEXAS  
June 3, 2022

184.30 Acres

B.B.B. & C.R.R. Survey, Abstract Number 83  
K. Johnson Survey, Abstract Number 464

**BEING** all that certain lot, tract, or parcel of land, situated in the B.B.B. & C.R.R. Company Survey, Abstract Number 83, and the K. Johnson Survey, Abstract Number 464, Johnson County, Texas, and being all of that certain called 172.165 acre tract of land, described in deed to Sherman T. Pressley, and S. K. Pressley, recorded in Volume 1069, Page 176, Deed Records, Johnson County, Texas, being all of that certain called 10.062 acre tract of land, described as Tract II in deed to NWBB Corp., recorded in Instrument Number 2021-15400, Real Property Records, Johnson County, Texas, being all of that certain called 6.3793 acre tract of land, out of said 172.165 acre tract, described in deed to Kathy Cooley & David W. Cooley, recorded in Volume 4034, Page 106, Deed Records, Johnson County, Texas, and being more particularly described as follows:

**BEGINNING** at the most southerly southwest corner of said 172.165 acre tract, and being in County Road 617;

**THENCE** N 30°00'00" W, with the west line of said 172.165 acre tract, a distance of 519.45 feet;

**THENCE** S 60°00'00" W, with the west line of said 172.165 acre tract, a distance of 430.56 feet to the westerly southwesterly corner thereof;

**THENCE** N 30°00'00" W, with the west line of said 172.165 acre tract, a distance of 2450.00 feet to the northwest corner thereof;

**THENCE** N 60°00'00" E, with the north line of said 172.165 acre tract, a distance of 2372.22 feet to the northeast corner thereof, and being the northwest corner of that certain called 14.955 acre tract of land, described as Tract I in said deed to NWBB Corp.;

**THENCE** S 30°03'47" E, with the east line of said 172.165 acre tract, and the west line of said Tract I, a distance of 600.48 feet, to the southwest corner thereof, and being the northwest corner of said Tract II;

**THENCE** N 60°24'21" E, with the south line of said Tract I, and the north line of said Tract II, a distance of 1446.42 feet to the northeast corner thereof and being in the approximate center of Mesquite Drive;

THENCE S 29°39'22" E, with the east line of said Tract II and with said Mesquite Drive, a distance of 303.53 feet;

THENCE S 60°25'43" W, with the south line of said Tract II, and a north line of that certain called 547.277 acre tract of land, described in deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, a distance of 1444.27 feet to the southwest corner of said Tract II, and being in the east line of said 172.165 acre tract;

THENCE S 30°03'47" E, with the west line of said Sunbelt Land tract, and the east line of said 172.165 acre tract, a distance of 2852.15 feet to the southeast corner thereof;

THENCE S 81°59'59" W, with the south line of said 172.165 acre tract, a distance of 2098.61 feet to the POINT OF BEGINNING, and containing approximately 184.30 acres of land.

**NOTE:** "This document was prepared under 22 TAC 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared".

*Eduardo Martinez* 6/3/2022

Eduardo Martinez  
Registered Professional Land Surveyor No. 5274

 **QUIDDITY**

Telephone 972-488-3880 Ext. 7177  
Texas Board of Engineers and Land Surveyors  
Engineer Registration No. F-23290  
Survey Registration No. 10046100



Issued: June 3, 2022



**EXHIBIT "B"**  
**Petition for Consent filed with City**

PETITION FOR CONSENT TO CREATION OF POLITICAL SUBDIVISION  
IN THE EXTRATERRITORIAL JURISDICTION  
OF THE CITY OF MANSFIELD, TEXAS

THE STATE OF TEXAS                   §  
   §  
COUNTY OF JOHNSON               §

TO THE HONORABLE MAYOR AND  
CITY COUNCIL OF THE CITY OF MANSFIELD:

The undersigned petitioner (herein the "Petitioner", whether one or more), being a majority of the persons who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of the land within said area as indicated by the tax rolls of the Johnson County Appraisal District, acting pursuant to the applicable provisions of the Texas Water Code, as amended, and Section 42.042, Texas Local Government Code, together with all amendments and additions thereto, respectfully petitions this Honorable Body for consent to the creation of a conservation and reclamation district and political subdivision of the State of Texas under Article XVI, Section 59 and Article III, Section 52 of the Texas Constitution within the extraterritorial jurisdiction of the City of Mansfield, Texas (the "City"), and would respectfully show the following:

I.

The name of the proposed district shall be "JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2" (the "District"). There is no other conservation or reclamation district in Johnson 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 and Article III, Section 52 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code, as amended, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 184 acres of land, situated within Johnson County, Texas, described by metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes. The described property is wholly located within the extraterritorial jurisdiction of the City of Mansfield, Texas.

4863-6732-7756v.2

IV.

The undersigned constitute the current landowners of the property to be included within the District. There are no lienholders on the property.

V.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law.

VI.

The general nature of the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

VII.

There is a necessity for the improvements described above for the following reasons: The area of the District is urban in nature and is in close proximity to populous and developed sections of Johnson County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services or with adequate drainage facilities and does not have adequate fire suppression facilities, parks and recreational land and facilities, or roads or improvements in aid thereof. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system, an adequate drainage system for and within the area of the District, adequate fire suppression facilities, adequate parks and recreational land and facilities, and roads or improvements in aid thereof.

A public necessity exists for the organization of such District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities, such fire suppression facilities, parks and recreational land and facilities, and roads or improvements in aid thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

4863-6732-7756v.2

VIII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage, storm sewer and roadway system can be constructed at a reasonable cost, currently estimated at \$82,300,000, with reasonable ad valorem tax and assessment rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The District shall be designated a noncity service district in the meaning of Section 54.106, Texas Water Code, as the District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the District, as of the date this Petition is filed.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City of Mansfield give its written consent to the creation of the District, and for such other orders, acts, procedure and relief as are proper and 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.


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4863-6732-7756v.2

EXECUTED THIS 1<sup>st</sup> day of March, 2022.

PETITIONER:

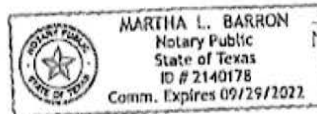
KEITH PRESSLEY


  
Keith Pressley

THE STATE OF TEXAS       §  
   §  
COUNTY OF JOHNSON     §

This instrument was acknowledged before me on this the 1<sup>st</sup> day of March, 2022, by Keith Pressley.

(SEAL)



  
Notary Public, State of Texas

EXECUTED THIS 1<sup>st</sup> day of March, 2022.

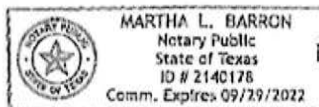
PETITIONER:

KATHY COOLEY

Kathy Cooley  
Kathy Cooley

THE STATE OF TEXAS       §  
  §  
COUNTY OF JOHNSON       §

This instrument was acknowledged before me on this the 1<sup>st</sup> day of March, 2022, by Kathy Cooley.



Martha L. Barron  
Notary Public, State of Texas

(SEAL)

EXECUTED THIS 2<sup>nd</sup> day of March, 2022.

PETITIONER:

SHERMAN KENNETH PRESSLEY

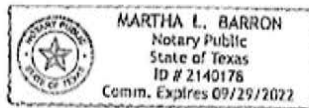
S.K. Pressley  
Sherman Kenneth Pressley

THE STATE OF TEXAS     §  
                                     §  
COUNTY OF JOHNSON   §

This instrument was acknowledged before me on this the 2<sup>nd</sup> day of March, 2022, by Sherman Kenneth Pressley.

Martha L. Barron  
Notary Public, State of Texas

(SEAL)



4863-6732-7756v.2

EXECUTED THIS 2<sup>nd</sup> day of March, 2022.

PETITIONER:

LORETTA PRESSLEY

Loretta Pressley  
Loretta Pressley

THE STATE OF TEXAS       §  
  §  
COUNTY OF JOHNSON       §

This instrument was acknowledged before me on this the 2<sup>nd</sup> day of March, 2022, by Loretta Pressley.

Martha L. Barron

(SEAL)



MARTHA L. BARRON  
Notary Public  
State of Texas  
ID # 2140176  
Comm. Expires 09/29/2022

Notary Public, State of Texas



EXHIBIT "A"

LEGAL DESCRIPTION

184.302 Acres

BEING all that certain lot, tract, or parcel of land, situated in the B. B. & C. R. R. Company Survey, Abstract Number 83, and the K. Johnson Survey, Abstract Number 464, Johnson County, Texas, and being all of that certain called 172.165 acre tract of land, described in deed to Sherman T. Pressley, and S. K. Pressley, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, being all of that certain called 10.062 acre tract of land, described as Tract II in deed to NWBB Corp., recorded in Instrument Number 2021-15400, Real Property Records, Johnson County, Texas, being all of that certain called 6.3793 acre tract of land, out of said 172.165 acre tract, described in deed to Kathy Cooley & David W. Cooley, recorded in Volume 4014, Page 106, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at the most southerly southwest corner of said 172.165 acre tract, and being in County Road 817;

THENCE N 30°00'00" W, with the west line of said 172.165 acre tract, a distance of 519.45 feet;

THENCE S 60°00'00" W, with the west line of said 172.165 acre tract, a distance of 430.56 feet to the westerly southwesterly corner thereof;

THENCE N 30°00'00" W, with the west line of said 172.165 acre tract, a distance of 2450.00 feet to the northwest corner thereof;

THENCE N 00°00'00" E, with the north line of said 172.165 acre tract, a distance of 2372.22 feet to the northeast corner thereof, and being the northwest corner of that certain called 14.955 acre tract of land, described as Tract I in said deed to NWBB Corp.;

THENCE S 30°03'47" E, with the east line of said 172.165 acre tract, and the west line of said Tract I, a distance of 600.48 feet, to the southwest corner thereof, and being the northwest corner of said Tract II;

THENCE N 60°24'21" E, with the south line of said Tract I, and the north line of said Tract II, a distance of 1446.42 feet to the northeast corner thereof and being in the approximate center of Mesquite Drive;

THENCE S 29°59'22" E, with the east line of said Tract II and with said Mesquite Drive, a distance of 303.53 feet;

THENCE S 60°25'43" W, with the south line of said Tract II, and a north line of that certain called 547.277 acre tract of land, described in deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, a distance of 1444.27 feet to the southwest corner of said Tract II, and being in the east line of said 172.165 acre tract;

4863-6732-7756v.2

THENCE S 30°03'47" E, with the west line of said Sunbelt Land tract, and the east line of said 172.165 acre tract, a distance of 2852.15 feet to the southeast corner thereof;  
THENCE N 82°00'00" W, with the south line of said 172.165 acre tract, a distance of 2098.61 feet to the POINT OF BEGINNING, and containing approximately 184.302 acres of land.

*"This document was prepared under TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interest in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."*



4863-6732-7756v.2

**EXHIBIT "C"**

**Certificate of Posting Petition for Services in 3 Locations in District**

**CERTIFICATE OF POSTING OF**  
**PETITION FOR SERVICES OTHERWISE PROVIDED BY**  
**JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2**

THE STATE OF TEXAS

COUNTY OF JOHNSON

*W. GARRETT Wesp*

I, \_\_\_\_\_, the undersigned, hereby state that I posted the Petition for Services Otherwise Provided by Johnson County Municipal Utility District No. 2 to the City of Mansfield, attached hereto, at three locations convenient to the public within each tract of land within the proposed boundaries of the district, as described in the attached Exhibit "A", on the 21<sup>st</sup> day of May, 2022, at 1:00 p.m.

*W. Garrett Wesp*

Signature of Person Posting

Printed Name of

Person Posting: W. Garrett Wesp

**EXHIBIT "D"**

**Affidavit of Publication of the Notice of Petition**

Cleburne Times  
108 South Anglin  
Cleburne, Texas 76031  
817-645-72441

**PUBLISHER'S AFFIDAVIT**

**STATE OF TEXAS  
COUNTY OF JOHNSON**

Before me on this day personally appeared Becky Dahn, the Major Accounts Sales Manager of the Cleburne Times Review, which is a newspaper of general circulation in the town of Cleburne, Texas and throughout Johnson County, Texas.

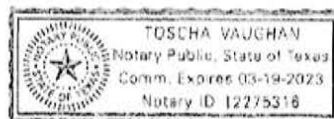
The said ad or notice was printed and published 1 time(s) in the Cleburne Times-Review on the following date(s):

05-19-2022, and the Cost of ad is \$ 1657.25

Becky Dahn  
Becky Dahn, Major Accounts Sales Manager

Subscribed and sworn to before me on this 1<sup>st</sup> day of June, 2022

Toscha Vaughan  
Notary Public in and  
for Johnson County, Texas





V.

The land sought to be served by the City of Mansfield is urban in nature, is within the growing environs of the City of Mansfield, and is in close proximity to populous and developed sections of Johnson County. There is a necessity for the improvements described above because the land sought to be served by the City of Mansfield is not supplied with adequate water, sanitary sewer, drainage or roadway facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the land sought to be served by the City of Mansfield and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for and within such land.

A public necessity exists for the service of said lands by the City of Mansfield to promote and protect the purity and sanitary condition of the State's water and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

WHEREFORE, Petitioner respectfully prays this petition be granted in all respects and that the City of Mansfield execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the time limits prescribed by Section 42.042, Texas Local Government Code, as amended.

PETITIONER:

SHERMAN KENNETH PRESSLEY

LORETTA PRESSLEY

KEITH PRESSLEY

DAVID W. COOLEY

KATHY COOLEY

EXHIBIT "A"

A portion of land situated in the B.B.B. & C.R.R. Company Survey, Abstract No. 63; and the K. Johnson Survey, Abstract No. 464, all in Johnson County, Texas. The metes and bounds description for the proposed District is on file and available for review at the offices of Winstead PC, 2728 N. Harwood Street, Suite 500, Dallas, Texas 75201.

Signature of Officer

AVISO PÚBLICO DE LA PRUEBA  
DE AUTOMÁTICA EQUIPAMIENTO DE  
TABULACIÓN

Se da aviso que el equipo de tabulación automático que será utilizado en la Elección de segunda vuelta primaria celebrada el 24 de Mayo de 2022, será probado el 22 de Mayo de 2022 a las 8:30 a.m. en la Oficina de Elecciones ubicada en 103 S. Walnut St. Cleburne, Texas, 76033 para asegurarse de que contará con precisión los votos emitidos por todos oficinas.

Patty Bourgeois

Firma de la Oficial

ZONING BOARD OF ADJUSTMENT  
OF THE CITY OF JOSHUA  
NOTICE OF SUBSTANDARD ORDER  
#2022-0510-001

The Zoning Board of Adjustment for the City of Joshua, Texas, met on Thursday, May 5, 2022, to discuss the structure located at 200 Wayside Street, whose legal description is lot 1, block 1 of the Brumbach's Addition.

Based on the evidence presented, the Zoning Board of Adjustment found that the property/structure is in violation of the City Code provisions relating to building safety and property maintenance and constitutes a dangerous and substandard building; and the Zoning Board of Adjustment has ordered the owner of the property to obtain a demolition permit, demolish, and remove the debris from the dangerous and substandard structure from the property in accordance with all applicable regulations and ordinances, within thirty (30) days from the date of this order.

A copy of the order executed on May 12, 2022.

**EXHIBIT "E"**  
Petition for Services filed with City

**PETITION FOR SERVICES OTHERWISE PROVIDED BY  
JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2**

STATE OF TEXAS

§

COUNTY OF JOHNSON

§

§

TO THE HONORABLE MAYOR AND  
CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

The undersigned petitioner (herein the "Petitioner", whether one or more), being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Johnson County, Texas, acting pursuant to the provisions of the Section 42.042, Texas Local Government Code, as amended, previously petitioned the City Council of the City of Mansfield on March 3, 2022, for consent to the creation of Johnson County Municipal Utility District No. 2 (the "District"). The City Council of the City of Mansfield failed or refused to give such consent within 90 days of the date it received the petition; therefore, Petitioner now respectfully petitions that the City of Mansfield make available to such land the water and sanitary sewer services that would otherwise be provided by the District. In support of this petition, Petitioner shows as follows:

I.

Petitioner is the sole owner of the land sought to be served by the City of Mansfield, as indicated by the tax rolls of the central appraisal district of Johnson County, Texas.

II.

The land sought to be served by the City of Mansfield contains approximately 184 acres of land, more or less, and it lies wholly within Johnson County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said land is within the extraterritorial jurisdiction of the City of Mansfield and is not within the jurisdiction of any other city.

III.

The land sought to be served by the City of Mansfield is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes. There are no lienholders on the property.



IV.

The general nature of the work proposed to be done in the area sought to be served shall be the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consistent with the purposes for which the District is organized.

V.

The land sought to be served by the City of Mansfield is urban in nature, is within the growing environs of the City of Mansfield, and is in close proximity to populous and developed sections of Johnson County. There is a necessity for the improvements described above because the land sought to be served by the City of Mansfield is not supplied with adequate water, sanitary sewer, drainage or roadway facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the land sought to be served by the City of Mansfield and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for and within such land.

A public necessity exists for the service of said lands by the City of Mansfield to promote and protect the purity and sanitary condition of the State's water and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

WHEREFORE, Petitioner respectfully prays this petition be granted in all respects and that the City of Mansfield execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the time limits prescribed by Section 42.042, Texas Local Government Code, as amended.

*[Remainder of Page Intentionally Blank]*

EXECUTED THIS 18<sup>th</sup> day of May, 2022.

PETITIONER:

SHERMAN KENNETH PRESSLEY

S.K. Pressley  
Sherman Kenneth Pressley

THE STATE OF TEXAS

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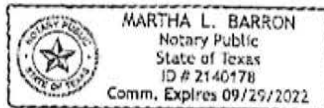
COUNTY OF JOHNSON

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This instrument was acknowledged before me on this the 18<sup>th</sup> day of May, 2022, by Sherman Kenneth Pressley.

(SEAL)



Martha L. Barron  
Notary Public, State of Texas

EXECUTED THIS 18<sup>th</sup> day of May, 2022.

PETITIONER:

LORETTA PRESSLEY

Loretta Pressley  
Loretta Pressley

THE STATE OF TEXAS

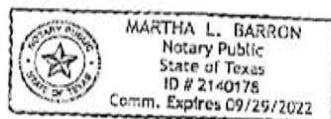
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COUNTY OF JOHNSON

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This instrument was acknowledged before me on this the 18<sup>th</sup> day of May, 2022, by Loretta Pressley.

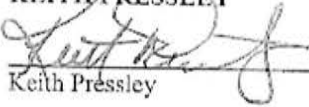


Martha L. Barron  
Notary Public, State of Texas

EXECUTED THIS 18<sup>th</sup> day of May, 2022.

PETITIONER:

KEITH PRESSLEY

  
Keith Pressley

THE STATE OF TEXAS

COUNTY OF JOHNSON


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This instrument was acknowledged before me on this the 18<sup>th</sup> day of May, 2022, by Keith Pressley.

(SEAL)



MARTHA L. BARRON  
Notary Public  
State of Texas  
ID # 2140178  
Comm. Expires 09/29/2022

  
Notary Public, State of Texas

EXECUTED THIS 18<sup>th</sup> day of May, 2022.

PETITIONER:

DAVID W. COOLEY

David W. Cooley  
David W. Cooley

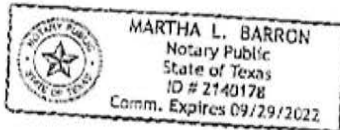
THE STATE OF TEXAS

COUNTY OF JOHNSON

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This instrument was acknowledged before me on this the 18<sup>th</sup> day of May, 2022, by David W. Cooley.

(SEAL)



Martha L. Barron  
Notary Public, State of Texas

EXECUTED THIS 18<sup>th</sup> day of May, 2022.

PETITIONER:

KATHY COOLEY

Kathy Cooley  
Kathy Cooley

THE STATE OF TEXAS

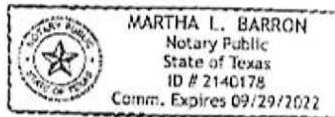
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COUNTY OF JOHNSON

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This instrument was acknowledged before me on this the 18<sup>th</sup> day of May, 2022, by Kathy Cooley.



(SEAL)

Martha L. Barron  
Notary Public, State of Texas

EXHIBIT "A"

LEGAL DESCRIPTION

184.302 Acres

BEING all that certain lot, tract, or parcel of land, situated in the B.B.D. & C.R.R. Company Survey, Abstract Number 83, and the K. Johnson Survey, Abstract Number 464, Johnson County, Texas, and being all of that certain called 172.165 acre tract of land, described in deed to Sherman T. Pressley, and S. K. Pressley, recorded in Volume 1068, Page 175, Deed Records, Johnson County, Texas, being all of that certain called 10.662 acre tract of land, described as Tract II in deed to NW38 Corp., recorded in Instrument Number 2021-15400, Real Property Records, Johnson County, Texas, being all of that certain called 6.2793 acre tract of land, out of said 172.165 acre tract, described in deed to Kathy Cooley & David W. Cooley, recorded in Volume 4014, Page 106, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at the most southerly southwest corner of said 172.165 acre tract, and being in County Road 617;

THENCE N 30°03'00" W, with the west line of said 172.165 acre tract, a distance of 519.45 feet;

THENCE S 60°00'00" W, with the west line of said 172.165 acre tract, a distance of 430.56 feet to the westerly southwesterly corner thereof;

THENCE N 30°00'00" W, with the west line of said 172.165 acre tract, a distance of 2450.00 feet to the northwest corner thereof;

THENCE N 60°00'00" E, with the north line of said 172.165 acre tract, a distance of 2372.22 feet to the northeast corner thereof, and being the northwest corner of that certain called 14.955 acre tract of land, described as Tract I in said deed to NW38 Corp.;

THENCE S 30°03'47" E, with the east line of said 172.165 acre tract, and the west line of said Tract I, a distance of 603.46 feet, to the southwest corner thereof, and being the northwest corner of said Tract II;

THENCE N 60°24'21" E, with the south line of said Tract I, and the north line of said Tract II, a distance of 1446.42 feet to the northeast corner thereof and being in the approximate center of Mesquite Drive;

THENCE S 29°39'22" E, with the east line of said Tract II and with said Mesquite Drive, a distance of 303.53 feet;

THENCE S 60°25'43" W, with the south line of said Tract II, and a north line of that certain called 547.277 acre tract of land, described in deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, a distance of 1444.27 feet to the southwest corner of said Tract II, and being in the east line of said 172.165 acre tract;



THENCE S 30°03'47" E, with the west line of said Sunbelt Land tract, and the east line of said 172.165 acre tract, a distance of 2852.15 feet to the southeast corner thereof;  
THENCE N 62°00'00" W, with the south line of said 172.165 acre tract, a distance of 2098.51 feet to the POINT OF BEGINNING, and containing approximately 124.302 acres of land.

*"This document was prepared under TAC 9663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interest in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."*



CERTIFICATE OF POSTING OF  
PETITION FOR SERVICES OTHERWISE PROVIDED BY  
JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

THE STATE OF TEXAS  
COUNTY OF JOHNSON

W. GARRETT Wesp

I, \_\_\_\_\_, the undersigned, hereby state that I posted the Petition for Services Otherwise Provided by Johnson County Municipal Utility District No. 2 to the City of Mansfield, attached hereto, at three locations convenient to the public within each tract of land within the proposed boundaries of the district, as described in the attached Exhibit "A", on the 21<sup>ST</sup> day of May, 2022, at 1:00 p.m.

W. Garrett Wesp  
Signature of Person Posting

Printed Name of  
Person Posting: W. GARRETT WESP

Cleburne Times  
108 South Anglin  
Cleburne, Texas 76031  
817-645-72441

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS  
COUNTY OF JOHNSON

Before me on this day personally appeared Becky Dahn, the Major Accounts Sales Manager of the Cleburne Times Review, which is a newspaper of general circulation in the town of Cleburne, Texas and throughout Johnson County, Texas.

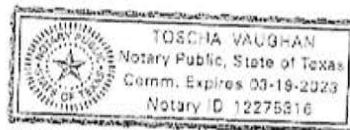
The said ad or notice was printed and published 1 time(s) in the Cleburne Times-Review on the following date(s):

05-19-2022, and the Cost of ad is \$ 657.25

Becky Dahn  
Becky Dahn, Major Accounts Sales Manager

Subscribed and sworn to before me on this 1<sup>st</sup> day of June, 2022

Toscha Vaughan  
Notary Public in and  
for Johnson County, Texas



# CLASSIFIEDS

Debut@intrepidnews.com

Email: dbughes@weatherfordemocrat.com

Phone: 817-634-7447 ext 217

147 Legal

## PETITION FOR SERVICES OTHERWISE PROVIDED BY JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

STATE OF TEXAS  
COUNTY OF JOHNSON  
TO THE HONORABLE MAYOR AND  
CITY COUNCIL OF THE CITY OF MANFORD, TEXAS:

The undersigned petitioner (being the "Petitioner", whether one or more), using the name of this to all, and therefore, a majority in value of the land situated in Johnson County, Texas, and subject to the tax rolls of the general appraisal district of Johnson County, Texas, being subject to the provisions of the Texas Local Government Code, as amended, previously petitioned the City Council of the City of Manford on March 3, 2022, for consent to the creation of Johnson County Municipal Utility District No. 2 (the "District"). The City Council of the City of Manford failed to refer to and such consent within 90 days of the date it received the petition; therefore, Petitioner now respectfully petitions that the City of Manford make available to such land the water and sanitary sewer services that would otherwise be provided by the District. In support of this petition, Petitioner makes the following:

Petitioner is the sole owner of the land sought to be served by the City of Manford, as indicated by the tax rolls of the general appraisal district of Johnson County, Texas.

The land sought to be served by the City of Manford is located approximately 164 acres of land more or less, and is for wholly within Johnson County, Texas. A part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said land is within the extrajurisdictional jurisdiction of the City of Manford and is not within the jurisdiction of any other city.

II.

The land sought to be served by the City of Manford is described by more and less in Exhibit "A" attached hereto and interested parties for all purposes. There are no encumbrances on the property.

III.

The general nature of the work proposed to be done in the area sought to be served for the construction, maintenance and operation of a wastewater system, including the purchase and sale of water, for domestic and industrial purposes, the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and industrial purposes, the transportation, distribution, maintenance, purchase and operation of a gas and electric system and improvements, and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and equipment of such additional facilities as well as associated with the purposes for which the District is organized.

IV.

The land sought to be served by the City of Manford is urban in nature, is within the growing portion of the City of Manford, and is a valuable property to residents and developed portions of Johnson County. There is a need for the improvements described above because the land sought to be served by the City of Manford is not served with adequate water, sanitary sewer, drainage or roadway facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the land sought to be served by the City of Manford and of the numerous adjacent towns require the installation and operation of adequate water and sanitary sewer facilities for and within such land.

A public hearing was held for the service of said lands by the City of Manford to promote and protect the public and sanitary condition of the State water and the health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

WHEREFORE, Petitioner respectfully prays this petition be granted in all respects and that the City of Manford execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the time limits prescribed by Section 42.042, Texas Local Government Code, as amended.

PETITIONER:

SHERMAN KENNETH PRESLEY

LORETTA PRESLEY

KEITH PRESLEY

DAVE W. COOLEY

KATHY COOLEY

SUBMITTER:

A portion of land situated in the S.W. 1/4 of G&H County Survey, Abstract No. 62, and the E. 1/2 of Johnson County Survey, Abstract No. 484, all in Johnson County, Texas. The map and aerial description for the proposed District is on file and available for review in the office of William H. (7226 N. Howard Street, Suite 500, Dallas, Texas 75246).

### LEGAL NOTICE

Johnson County Purchasing Agent, Robin Williams, is accepting sealed proposals for the following:

RFP 2022-025

Request for Bid

Maintenance and Repair of Office Equipment for Johnson County

Specifications may be obtained from the Purchasing Agent, Robin Williams, at 1111 E. Johnson Street, Suite 500, Dallas, Texas 75246.

### NOTICE OF PUBLIC HEARING

Pursuant to Chapter 232 of the Texas Local Government Code, the Johnson County Commissioners Court will consider an application and hear protests to review the recorded subdivision plat of the Interest, Phase 4, Block 42, recorded in Site C-6, Volume 9, Page 262, and Records of Johnson County, Texas.

Lots 11 and 14 in the Interest Phase 4

Block 42

147 Legal

## REQUEST FOR PROPOSALS FROM CITY OF DUBURNE

The City of Duburue, Johnson County, Texas is requesting sealed proposals for Professional Auditing Services. Proposals will be accepted at the office of the City Secretary, until June 16, 2022 at 3:00 P.M. at the address below. No sealed responses will be accepted.

City of Duburue  
Attention: City Secretary  
10 North Houston  
P.O. Box 677  
Duburue, TX 76031

Proposal Reference Number RFP-22-02

Proposal information and specifications may be obtained from the City's Purchasing Agent at 10 N. Houston, Duburue, Texas 76031, by emailing [purchasing@cityofduburue.org](mailto:purchasing@cityofduburue.org) or telephoning 817-634-0110.

The City reserves the right to accept or reject, in part or in whole, any proposal submitted and to have any modifications or alterations that are in the best interest of the City.

## PUBLIC NOTICE OF TEST OF AUTOMATIC TABULATING EQUIPMENT

Notice is hereby given that the automatic tabulating equipment that will be used in the Primary Ballot Machine test on May 24, 2022, will be tested on May 22, 2022 at 8:00 a.m. in the Election Office located at 103 S. Main St., Cleburne, Texas 76033 to ascertain that it will accurately count the votes cast for all offices.

Jeffrey DeLong  
Signature of Officer

## AVISO PÚBLICO DE LA PRUEBA DE AUTOMÁTICA EQUIPAMIENTO DE TABULACIÓN

Se da aviso que el equipo de tabulación automática que se utilizará en la Elección de los cargos públicos primarios celebrada el 24 de mayo de 2022, será probado el 22 de mayo de 2022 a las 8:00 a.m. en la Oficina de Elecciones ubicada en 103 S. Main St., Cleburne, Texas 76033 para asegurarse de que funcionará correctamente los votos emitidos por todos los electores.

Jeffrey DeLong  
Firma de un Oficio

## ZONING BOARD OF ADJUSTMENT OF THE CITY OF DUBURUE NOTICE OF SUBSTANDARD ORDER #2022-0510-001

The Zoning Board of Adjustment for the City of Duburue, Texas, met on Thursday, May 11, 2022, to discuss the application located at 300 Weymouth Street, whose legal description is at 1, block 1 of the Dunsmuir Addition.

Based on the evidence presented, the Zoning Board of Adjustment found that the property/structure is in violation of the City Code provisions, causing its building safety and security maintenance and constitutes a dangerous and substandard building and the Zoning Board of Adjustment has ordered the owner of the property to obtain a demolition permit, demolish, and remove the structure from the dangerous and substandard structure from the property in accordance with all applicable regulations and ordinances, within thirty (30) days from the date of this order.

A copy of the order was issued on May 12, 2022, and was mailed from the meeting held on May 11, 2022, to be received under return receipt registered business hours from the City Secretary's Office located at 100 S. Main Street, Duburue, Texas 76033.

### PUBLIC NOTICE

NOTICE FOR OWNERS and interested parties to submit comments on the 2020 DETERMINING VNR2020-027137AC14346

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS

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COUNTY OF Tarrant

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BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Aaron Mabry who expressed a desire to be appointed a director of Johnson County Municipal Utility District No. 2 (hereinafter the "District"), and who on oath did state:

1. I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Tarrant County, being a county adjacent to the county in which the District is located.
2. I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).
3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.
4. I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.
5. I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.
6. Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.
7. I am not a party to a contract with or along with the District (except, possibly, for the purchase of public services furnished by the District to the public generally) or a contract

with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.


13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

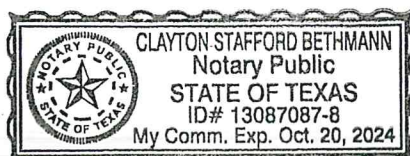
AFFIANT:

  
Aaron Mabry

SWORN AND SUBSCRIBED BEFORE ME this 6 day of October, 2022.

[SEAL]

  
Notary Public in and for the State of Texas





AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS

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COUNTY OF Denton

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BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Carrie Mendez who expressed a desire to be appointed a director of Johnson County Municipal Utility District No. 2 (hereinafter the "District"), and who on oath did state:

1. I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Denton County, a county located in the same metropolitan statistical area as the county in which the District is located.

2. I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4. I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5. I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6. Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7. I am not a party to a contract with or along with the District (except, possibly,



for the purchase of public services furnished by the District to the public generally) or a contract with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

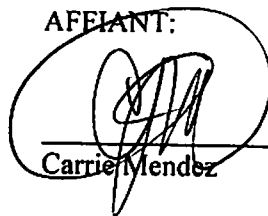
10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

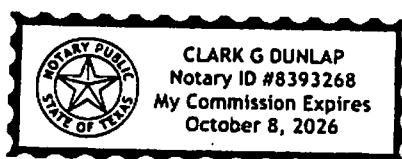
13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.


AFFIANT:

  
Carrie Mendez

SWORN AND SUBSCRIBED BEFORE ME this 6 day of October, 2022.

[SEAL]



  
Notary Public in and for the State of Texas

## AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS         §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Deshell Fennell who expressed a desire to be appointed a director of Johnson County Municipal Utility District No. 2 (hereinafter the "District"), and who on oath did state:

1.           I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, a county located in the same metropolitan statistical area as the county in which the District is located.

2.           I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3.           I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4.           I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5.           I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6.           Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7.           I am not a party to a contract with or along with the District (except, possibly,

for the purchase of public services furnished by the District to the public generally) or a contract with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

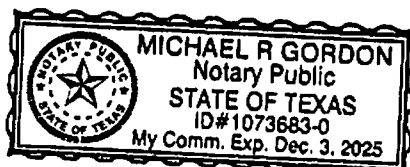
AFFIANT:



Deshell Fennell

SWORN AND SUBSCRIBED BEFORE ME this 11<sup>th</sup> day of OCTOBER, 2022.

[SEAL]



Notary Public in and for the State of Texas

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Lorraine Stacy who expressed a desire to be appointed a director of Johnson County Municipal Utility District No. 2 (hereinafter the "District"), and who on oath did state:

1.           I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, a county located in the same metropolitan statistical area as the county in which the District is located.

2.           I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3.           I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4.           I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5.           I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6.           Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7.           I am not a party to a contract with or along with the District (except, possibly,

for the purchase of public services furnished by the District to the public generally) or a contract with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

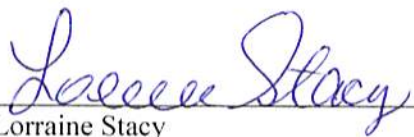
10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

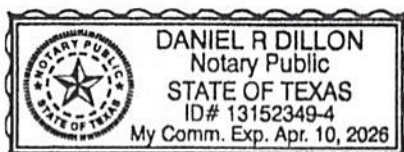
13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

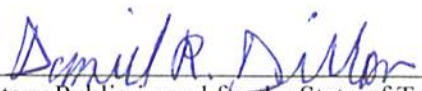
AFFIANT:

  
Lorraine Stacy

SWORN AND SUBSCRIBED BEFORE ME this 5 day of October, 2022.

[SEAL]



  
Notary Public in and for the State of Texas

**AFFIDAVIT OF TEMPORARY DIRECTOR**

THE STATE OF TEXAS

§

§

COUNTY OF DALLAS

§

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Patrical McNeary who expressed a desire to be appointed a director of Johnson County Municipal Utility District No. 2 (hereinafter the "District"), and who on oath did state:

1. I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, being a county adjacent to the county in which the District is located.

2. I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4. I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5. I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6. Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7. I am not a party to a contract with or along with the District (except, possibly, for the purchase of public services furnished by the District to the public generally) or a contract



with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

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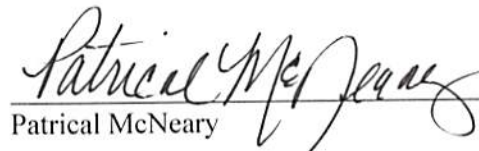
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11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

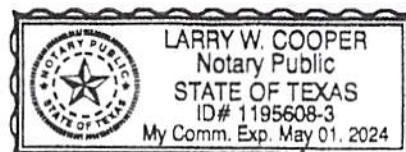
AFFIANT:

  
Patricial McNeary

SWORN AND SUBSCRIBED BEFORE ME this 28 day of 9 / September 2022.

[SEAL]

  
Notary Public in and for the State of Texas



# Texas Commission on Environmental Quality

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## TECHNICAL MEMORANDUM

**To:** Justin P. Taack, Manager  
Districts Section

  
6/2/2023

**Date:** May 31, 2023

**Thru:** Daniel Finnegan, Team Lead  
District Bond Team

**From:** Darryl Smith, P.E.  
Districts Bond Team

**Subject:** Revised Petition by Cipriani Island Laguna Azure, LLC for Creation of Johnson County Municipal Utility District No. 2 (District); Pursuant to Texas Water Code Chapters 49 and 54.  
TCEQ Internal Control No. D-10132022-026  
CN: 606069250 RN: 111588778

### **A. GENERAL INFORMATION**

The Texas Commission on Environmental Quality (TCEQ) received a revised petition (petition) within the application requesting approval for the creation of Johnson County Municipal Utility District No. 2 (District). The petition was signed by Amin Afzalipour, Co-President of Cipriani Island Laguna Azure, LLC, a Texas limited liability company (Petitioner). The petition states that the Petitioner holds title to a majority in value of the land included in the proposed District and it further states that there are two lienholders, First Guaranty Bank and MCI Preferred Income Fund IV, LLC, on 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, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code (TWC).

#### **Location and Access**

This District will be part of an overall 517.534-acre development called Cipriani which is comprised of two municipal utility districts, Johnson County MUD No. 1(JCMUD 1) and Johnson County MUD No.2 (JCMUD 2). The proposed District is approximately 25 miles southeast of Central Business District of the City of Fort Worth, Texas (via US 287 and County Road 617) within the extraterritorial jurisdiction of the City of Mansfield, Texas (City). The vicinity map indicates the District is located near the intersection of County Road (CR) 514 and County Road (CR) 617. The land tract is adjacent to JCMUD 1 and access to the District is provided by CR 514 and CR 617.

#### **Metes and Bounds Description**

The proposed District contains 184.30 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

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the proposed District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the proposed District.

### County Notification

In accordance with TWC Section 54.0161, a certified letter, dated December 7, 2022, was sent to the Commissioners Court of Johnson County which provided notice of the proposed District's pending creation application and provided them an opportunity to make their recommendations. To date, the county has not responded to this notification.

### Statements of Filing Petition

Evidence of filing a copy of the petition with the Johnson County Clerks' office, the TCEQ's regional office, the Texas state representative, and the Texas state senator was included in the application.

### Type of Project

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

### Developer Qualifications

In operation since 2005, Megatel Homes and its related entities have entitled, sold, and/or developed approximately 3,750 lots in numerous municipalities in the state of Texas. Additionally, the developer is actively entitling projects encompassing over 7,200 lots, including the subject tract. The principals of Megatel Homes have 18 years of real estate, homebuilding, and development experience. Megatel builds standard single-family homes, townhomes, multifamily, and commercial structures.

### Certificate of Ownership

By signed certificate dated February 23, 2023, the Johnson Central Appraisal District has certified that the appraisal rolls indicate that the Petitioner is the owner 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:

Aaron Mabry

Carrie Mendez

Deshell Fennell

Lorraine Stacy

Patrical McNeary

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. Additionally, as required by TWC Section 54.022, the majority are residents of the county in which the proposed District is located, a county adjacent to the county in which the proposed District is located, or if the proposed District is located in a county that is in a metropolitan statistical area designated by the United States Office of Management and Budget or its successor agency, a county in the same metropolitan statistical area as the county in which the proposed District is located.

#### Notice Requirements

Proper notice of the application was published on April 1, 2023, and April 8, 2023, in the *Cleburne Times Review*, a newspaper regularly published or circulated in Johnson County, the county in which the district is proposed to be located. Proper notice of the application was posted on March 28, 2023, in the Johnson County Courthouse, the place where legal notices in Johnson County are posted. Accordingly, the notice requirements of 30 TAC Section 293.12(b) have been satisfied. The opportunity for the public to request a contested case hearing (comment period) expired May 8, 2023.

#### **B. ENGINEERING ANALYSIS**

The creation engineering report indicates the following:

##### Availability of Comparable Service

According to the application materials, the District is not located within any city limits or municipal utility district. The District is located in the Water Certificate of Convenience and Necessity (CCN) of Johnson County Special Utility District (JCSUD). Communications with JCSUD are ongoing, however thus far JCSUD has not committed to supply water capacity or wastewater disposal capacity to the proposed District. A hydraulic report submitted by JCSUD dated August 3, 2022, indicates extensive infrastructure improvements are needed to the pressure plane to support the proposed District's water supply requirements. Based on the engineering report (including maps), the necessary water supply trunklines are not available through JCSUD in the area and there are no other adjacent active water district facilities with adequate capacity to service the proposed District. The District plans to construct and share capacity with newly created Johnson County MUD No. 1 (JCMUD No. 1) including water supply/distribution facilities and a wastewater treatment plant. Furthermore, the District will construct its own wastewater collection system, a storm drainage system, roads, and detention improvements to serve its customers.

##### Water Supply Improvements

It is anticipated that the proposed District will ultimately construct and operate one water plant and pertinent water wells that will provide service for both JCMUDs 1 and 2. At startup Water Plant No. 1 will include one (1) 200 gpm water well, one (1) 361,000 gallon ground storage tank, one (1) 15,000 gallon pressure tank and three (3) 800 gpm booster pumps. Construction will be phased to coincide with the overall rate of development. The development (including commercial building and schools) is anticipated to have approximately 2,110 equivalent single-

family connections (ESFCs); 1,579 ESFCs for JCMUD No.1 and 531 ESFCs for JCMUD No. 2. At full development, the average daily demand is estimated to be 759,582 gallons per day (gpd).

#### Water Distribution Improvements

The water distribution system within the District will consist of a combination of 16-inch, 12-inch and 8-inch water lines to ensure that all service connections are provided with an ample supply of water at adequate pressure for the District. The water distribution system will be designed with the capacity to maintain a minimum pressure of 35 psi under normal operating conditions and a minimum pressure of 20 psi under emergency operating conditions per TCEQ requirements. The water distribution and supply system improvements will be designed in accordance with applicable design criteria as established by the TCEQ, Johnson County and the City. Water will be distributed within the District by internal facilities constructed by the District as needed.

#### Wastewater Treatment Improvements

The District plans to construct, maintain, and operate its own wastewater treatment plant that will provide service for both JCMUD Nos. 1 and 2. Including commercial and schools, the development is anticipated to have approximately 2,110 equivalent single-family connections (ESFCs) with 1,579 ESFCs allocated for JCMUD No. 1 and 531 ESFCs for JCMUD No. 2. The ultimate required treatment plant capacity for the District is approximately 664,634 gallons-per-day (gpd). The wastewater treatment plant located within the proposed District boundary will be constructed in three (3) phases. Interim Phase I is limited to 0.20 MGD, Interim Phase II is limited to 0.40 MGD, and the Final Phase is limited to 1.0 MGD. The plant will ultimately discharge into a tributary of Mountain Creek. A new discharge permit will be required.

#### Wastewater Collection Improvements

The wastewater generated by development within the District will flow by gravity through internal sanitary sewer lines to the onsite wastewater treatment plant (WWTP). The District plans to use one (1) lift station and a combination of 18-inch, 15-inch, 12-inch, 10-inch and 8-inch gravity sanitary sewer line to convey flow to the proposed WWTP. The wastewater collection system will be designed in accordance with criteria established by Johnson County, the City and TCEQ.

#### Storm Water Drainage System and Drainage Improvements

The storm water collection system for full development of the District will consist of a combination of street curbs and gutters with inlets, detention ponds, and internal storm drain conduit. The District storm drainage system will complement the proposed concrete curb-and-gutter paved streets and have a minimum pipe diameter of 24 inches and a minimum flow velocity of 3 feet per second. The storm sewer conveyance will outfall into on-site detention ponds and ultimately into the Mountain Creek Watershed. The on-site drainage system will provide detention storage in conformance with Johnson County design criteria.

#### Road Improvements

Based on the Mansfield Major Thoroughfare Plan (MMTP), the District will fund main points of access by constructing thoroughfares and paved streets. In addition, the District will provide access to the main entrances, collector roads, and local streets to coincide with the land use plan. The District proposes to support the construction of major and minor roadways as

needed for development. The roadways will be designed in accordance with Johnson County standards.

#### Recreational Facilities

The proposed District is not funding parks and recreational facilities in the creation material.

#### Topography/Land Elevation

The District acreage is mostly comprised of farmland area. The existing elevations throughout the tract range from approximately 608 feet above mean sea level (msl) to 660 feet above msl. There are no plans to significantly alter land elevations in the District. Therefore, development within the proposed District is not expected to have an unreasonable effect on overall land elevations.

#### Floodplain

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel No. No. 48251C0100J dated December 4, 2012, there are 100-year floodplain areas within the District. Based on feedback from the engineer, floodplain areas will be avoided, or FEMA level drainage studies will be required and approved prior to any development activity in the floodplain.

#### Subsidence

The District is located within the Prairielands Groundwater Conservation District and will be responsible for compliance with any existing water conservation programs including water well permits/withdrawal limits. It is anticipated that the District's water usage will not have an adverse effect on land subsidence within the area.

#### Dam Safety Analysis

The TCEQ Dam Safety Program personnel reviewed the location of the proposed District and confirmed by letter dated June 3, 2022, that there are no dam safety issues associated with the proposed District.

#### Groundwater Levels/Recharge

The District is located within the recharge zones of the Trinity and Woodbine aquifers. According to the engineering report the District's impact on the recharge zones is insignificant and is not expected to affect the recharge capability of the aquifer. The District will be responsible for compliance with applicable conservation groundwater rules in the area. It is anticipated that the District will have no adverse effect on the groundwater recharge capability in the area.

#### Natural Run-off and Drainage

The land generally slopes towards a river branch that bisects the tract and in a southerly direction down Mountain Creek and ultimately into Joe Pool Lake. Development of the proposed District will increase the natural runoff rates when compared to the present undeveloped state of the land. Detention improvements within the District should prevent any significant problems from the increased run-off. All proposed detention improvements will be designed and constructed in accordance with Johnson County criteria.

Water Quality

Water supply quality will be controlled and maintained by District per drinking water standards. The treatment and disposal of wastewater from the proposed District will be provided by dedicated wastewater treatment facilities owned and operated jointly by the District, requiring applicable regulatory permits to ensure compliance. No adverse effect of the water quality of ground or surface water is anticipated as a result of this development.

**C. SUMMARY OF COSTS**

**WATER, WASTEWATER, AND DRAINAGE**

<u>Construction Costs</u>	<u>District Share</u> <sup>(1)</sup>
A. Developer Contribution Items	
1. Water Plant Facilities	\$ 3,385,847
2. Wastewater Treatment Plant Facilities	4,995,344
3. Internal Water, Sanitary, and Drainage Facilities	3,512,200
4. Trunk Water and Sanitary Sewer Facilities	550,532
5. Lift Station & Force Main Facilities	586,840
6. Detention Facilities	771,033
7. Land Costs	659,940
8. Contingencies (15% of Item Nos. 1 - 6)	2,070,269
9. Engineering and Testing (18% of Item Nos. 1 - 6)	<u>2,484,323</u>
Total Developer Contribution Items	\$ 19,016,328
 TOTAL CONSTRUCTION COSTS	 \$ 19,016,328
<u>Non-Construction Costs</u>	
A. Legal Fees	\$ 653,000
B. Fiscal Agent Fees	522,000
C. Interest Costs	
1. Capitalized Interest (1 years @ 5.0%)	1,305,000
2. Developer Interest (5.0%)	1,902,000 <sup>(2)</sup>
D. Bond Discount (3%)	783,000
E. TCEQ Bond Issuance Fee (0.25%)	65,000
F. Bond Application Report Costs	800,000
G. Market Study	20,000
H. Initial Operation Cost	300,000
I. District Creation Cost (Legal and Engineering)	100,000
J. Attorney General's Fee (0.1%)	26,000
K. Issuance Expenses	<u>607,672</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 7,083,672
 TOTAL W, WW, & D BOND ISSUE REQUIREMENT	 \$ 26,100,000

Notes: (1) Assumes 68% funding of anticipated developer contribution items, where applicable

(2) Assumes the bonds to reimburse the developer will be sold on average 2 years following the completion of facilities.

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 IMPROVEMENTS**

<u>Construction Costs</u>	<u>District Share</u> <sup>(1)</sup>
A. Roads	\$ 2,792,080
B. Contingencies (15% of Item A)	418,812
C. Engineering and Testing (18% of Item A)	<u>502,574</u>
TOTAL CONSTRUCTION COSTS	\$ 3,713,466
 <u>Non-Construction Costs</u>	
A. Legal Fees	122,000
B. Fiscal Agent Fees	\$ 98,000
C. Interest Costs	
1. Capitalized Interest (1 year @ 5.0%)	244,000
2. Developer Interest (5.0%)	371,000 <sup>(2)</sup>
D. Bond Discount (3%)	146,000
E. Bond Application Report Costs	50,000
F. Issuance, Organization and Administrative Costs	130,534
G. Attorney General's Fee (0.1%)	<u>5,000</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 1,166,534
 TOTAL ROAD BOND ISSUE REQUIREMENT	 \$ 4,880,000

Notes: (1) Assumes 68% funding of anticipated developer contribution items, where applicable.

(2) Based on developer advancing funds approximately two years prior to reimbursement.

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 may be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

## **D. ECONOMIC ANALYSIS**

### **Land Use**

The District is planned to consist of single-family home (acreage) 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 (40' Lots)	60.30	310
Single Family (50' Lots)	42.98	221

WP, WWTP & Lift Stations sites	2.50	0
Detention / Drainage / Open Space	59.20	0
Gas Wells	6.51	0
Throughfares & Collectors / Other	<u>14.81</u>	<u>0</u>
<b>Total</b>	<b>186.30</b>	<b>531</b>

Market Study

A market study, prepared in May 2022 by John Burns Real Estate Consulting has been submitted in support of the creation of the proposed District. The proposed District is expected to include approximately 531 equivalent single family connections on 103.28 acres out of a tract totaling 186.30 acres. The average home value per unit is expected to be approximately \$449,590 for a single family home on a 40' x 120' lot and \$518,203 on a 50' x 120' lot. The study indicates the anticipated absorption of 84 homes annually (48 per year for 40' lots and 36 per year for 50' lots) over a 5 year buildout period.

Project Financing

The projected taxable assessed valuation (AV) for the proposed District is as follows:

<u>Development Description</u>	<u>Units</u>	<u>*Estimated Value per Unit</u>	<u>Total Buildout Value</u>
Single Family (40' Lots)	310 Lots	\$449,562	\$139,364,220
Single Family (50' Lots)	221 Lots	\$517,666	<u>\$114,404,186</u>
<b>Total Assessed Valuation</b>			<b>\$253,768,406</b>

\*Note: Average price for homes in JCMUD 1 and JCMUD 2 as listed in the engineering report.

Considering the issuance of a total of \$30,980,000 (\$26,100,000 for utilities and \$4,880,000 for for roads) in bonds, assuming 100% financing, a bond coupon rate of 5.0%, and a 25-year bond life, the average annual debt service requirement would be \$2,198,107 (\$1,851,859 for utilities and \$346,248 for roads). Assuming a 98% collection rate and an ultimate AV of \$253,768,406, a projected ultimate tax rate of approximately \$0.89 (\$0.75 for utilities and \$0.14 for roads) per \$100 AV was indicated to be necessary to meet the annual debt service requirements for the proposed District. An additional \$0.12 per \$100 AV is projected to be levied for maintenance and operating expenses, for a combined proposed District tax rate of \$1.01.

Based on the information provided and assuming 100% financing, the total year 2021 overlapping tax rates on land within the proposed District are shown as follows:

<u>Taxing Jurisdiction</u>	<u>Tax Rates (Johnson County)</u> <sup>(1)</sup>
Johnson County MUD No. 2 (District)	\$1.010 <sup>(2)(3)</sup>
Johnson County	\$0.380
Lateral Road	\$0.040
Johnson County ESD #1	\$0.060
Alvarado ISD	\$1.372
Hill College ALS	<u>\$0.050</u>

**TOTAL TAX per \$100 AV:**

**\$ 2.912**

- Notes: (1) Tax rate per \$100 assessed valuation.  
(2) Represents \$0.75 for utilities and \$0.14 for roads, and \$0.12 for operation and maintenance tax.  
(3) Assuming 68% funding of anticipated developer contribution items, where applicable.

Based on the proposed District tax rate and the year 2021 overlapping tax rate on land within the proposed District, the project is considered economically feasible. Each bond issue will be evaluated based on its own economic feasibility merits.

**Water and Wastewater Rates**

According to information provided, the District will provide retail water and wastewater services to its customers at competitive rates as follows:

**Water rate:**

Monthly Fee

Residential (\$32.00 Flat Fee/ESFC)  
\$2.90 per 1,000 gallons  
\$3.30 per 1,000 gallons  
\$4.40 per 1,000 gallons

Water Usage

10,000 gallons or less  
10,001 to 20,000 gallons  
20,001 to 25,000 gallons  
25,001 gallons and over

**Wastewater rate:**

Monthly Fee

Residential (\$32.00 Flat Fee/ESFC)  
\$1.50 per 1,000 gallons  
\$1.75 per 1,000 gallons  
\$2.00 per 1,000 gallons

Water Usage

10,000 gallons or less  
10,001 to 20,000 gallons  
20,001 to 25,000 gallons  
25,001 gallons and over

Based on the above rates, the estimated monthly fee for 10,000 gallons of water and wastewater would be \$64.00 for residential service.

**Comparative Water District Tax Rates**

A combined projected tax rate of \$1.01 per \$100 assessed valuation, as indicated above, for 100% financing for the proposed District is comparable to other districts in the area. Each particular bond issue will be evaluated based on its own economic feasibility merits and the rules and regulations in place at the time prior to the issuance of any bonds by the District.

**E. SPECIAL CONSIDERATION**

**Request for Road Powers**

A request for approval of road powers was included in the petition for creation of the proposed District. Pursuant to TWC Section 54.234, approval of road powers may be requested at the time of creation. The engineering report provided with the application included a summary of



the estimated costs. The proposed roads appear to benefit the proposed District, and financing appears feasible.

**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 facilities and roads; a combined projected tax rate of \$1.01 per \$100 AV when assuming 100% financing; 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 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 Johnson County Municipal Utility District No. 2.
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 requirement imposed by the TCEQ and the general laws of the state 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 five persons to serve as temporary directors until permanent directors are elected and qualified:

Aaron Mabry

Carrie Mendez

Deshell Fennell

Lorraine Stacy

Patrical McNeary

**H. ADDITIONAL INFORMATION**

The Petitioner's professional representatives are:

Attorney: Ms. Mindy Koehne – Coats Rose, PC

Creation Engineer: Mr. Alex S. Pfefferkorn, P.E – Quiddity Engineering, LLC

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-10132022-026

**PETITION.** Cipriani Island Laguna Azure, LLC (Petitioner) filed a revised petition (petition) for creation of Johnson County Municipal Utility District No. 2 (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 Petitioner holds title to a majority in value of the land in the proposed District; (2) there are two lienholders, First Guaranty Bank and MCI Preferred Income Fund IV, LLC, on the property to be included in the proposed District; (3) the proposed District will contain approximately 184.30 acres located within Johnson County, Texas; and (4) all of the land within the proposed district is located wholly within the extraterritorial jurisdiction of the City of Mansfield (City).

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$30,980,000 (including \$26,100,000 for water, wastewater, and drainage plus \$4,880,000 for roads).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner 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 Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

**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.

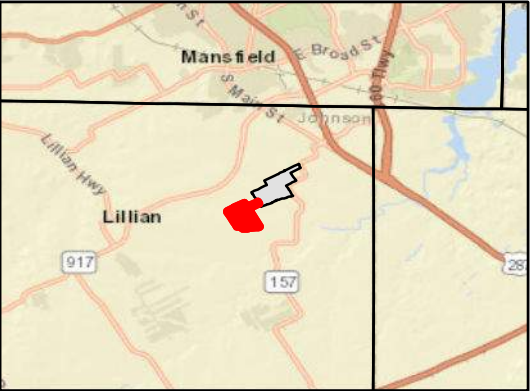
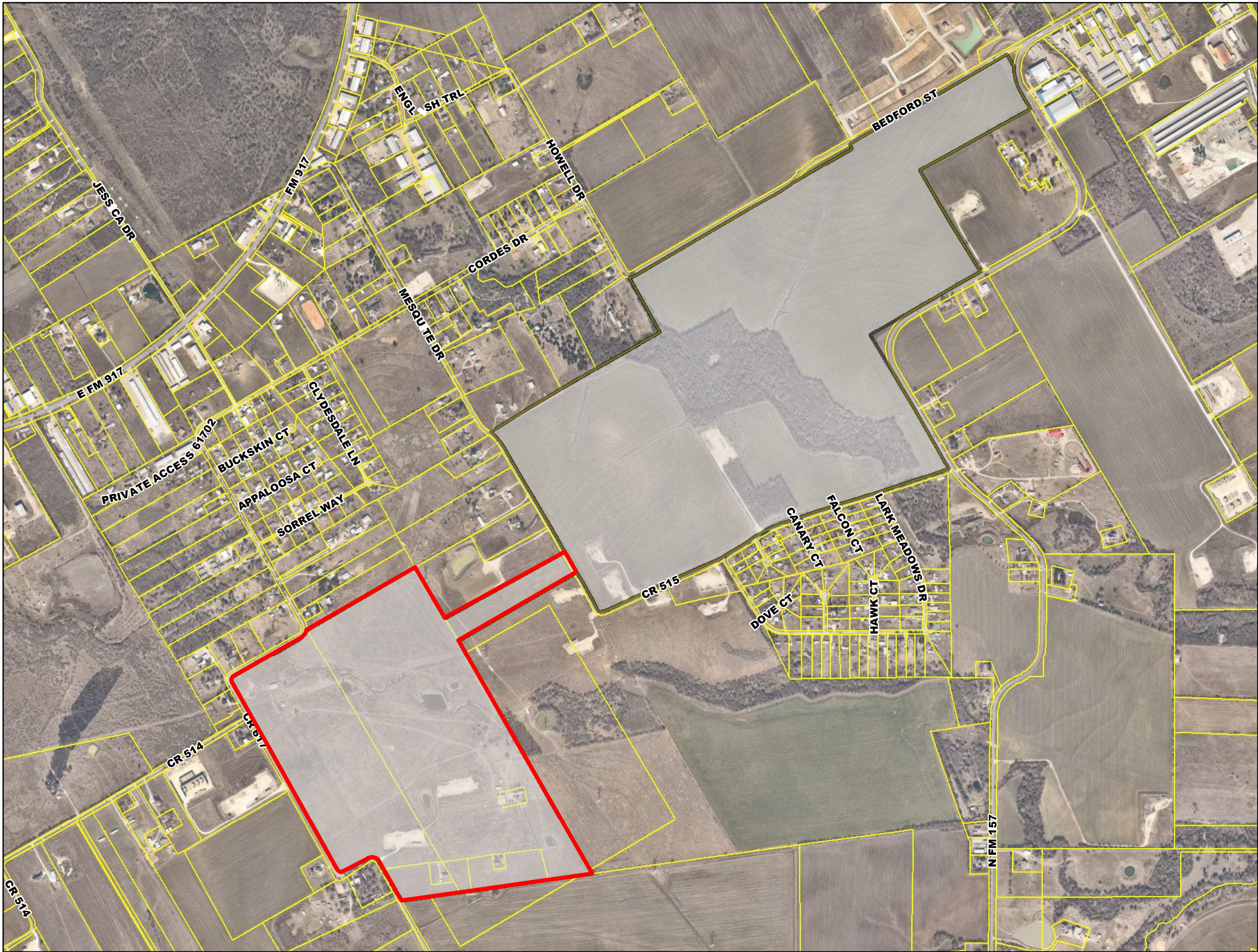
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request 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 consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site <http://www.tceq.texas.gov/>.

Issued: March 23, 2023





**VICINITY MAP**  
Scale: 1 inch equals 5 miles

# Exhibit "A"

**LEGEND**

- JCMUD 2
- Development Boundary
- Parcels

**FIGURE 3  
VICINITY MAP**

**JCMUD 2  
184.30 ACRES  
JOHNSON COUNTY**



**1 inch = 1,000 feet**

Disclaimer: This product is offered 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, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

