

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

To: Final Documents Team Leader **Date:** May 22, 2024
From: Fernando Salazar Martinez, Staff Attorney, Environmental Law Division
Subject: Backup Materials Filed for the Executive Director's Response to Hearing Requests

Applicant: 05 Ranch Investments, LLC
Proposed Permit No.: D-08252023-054
Program: Water Districts
TCEQ Docket No.: 2024-0667-DIS; Burford Ranch Municipal Utility District

Enclosed please find a copy of the following documents for inclusion in the background material for this district creation application:

1. Technical memo prepared by staff;
2. Temporary Directors' Affidavits; and
3. Notice of District Petition

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernando Salazar', written over a light blue rectangular background.

Fernando Salazar Martinez
Staff Attorney
Environmental Law Division

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Justin P. Taack, Manager *for* *1/5/2024*
Districts Section

Date: January 5, 2024

Thru: Michael Briscoe, Team Lead
Districts Creation Review Team

From: James Walker
Districts Creation Review Team

Subject: Petition by 05 Ranch Investments, LLC for Creation of Burford Ranch Municipal Utility District; Pursuant to Texas Water Code Chapters 49 and 54.
TCEQ Internal Control No. D-08252023-054 (TC)
CN: 606176048 RN: 111799953

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Burford Ranch Municipal Utility District (District). The petition was signed by Robert M. Tiemann as the president of RT3 Management, LLC, a Texas limited liability company, a general partner of Tiemann Legacy, LP, a Texas limited partnership, a member of 05 Ranch Investments, LLC, a Texas limited liability company (Petitioner). The petition states that the Petitioner holds title to all of the land in the proposed District and it further states that there are no lienholders on the land 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

The proposed District is located in Williamson County, Texas, approximately 1 mile northwest of the City of Coupland (City). The proposed District is located along the south side of County Road 454 (CR 454) just east of its intersection with State Highway 95. The proposed District is partially in the extraterritorial jurisdiction of the City, and a portion is not within the corporate limits or extraterritorial jurisdiction of any city. Access to the proposed District will be provided by CR 454 and State Highway 95.

Metes and Bounds Description

The proposed District contains 232.00 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 Section 42.042 and TWC Section 54.016, a petition was submitted 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 or sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by TWC Section 54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to TWC Section 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings for creation of the District and inclusion of the land within the district.

County Notification

In accordance with TWC Section 54.0161, a certified letter, dated September 8, 2023, was sent to the Commissioners Court of Williamson 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 City Secretary's office, the Williamson County Clerks' office, the TCEQ's Austin 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

Application material indicates that the property will be developed by Rowe Lane Development, Ltd. Rowe Lane Development, Ltd. has over 120 years of cumulative real estate experience in the development of over 10,000 single-family lots and creation or involvement in 14 Water Control and Improvement Districts (WCIDs) and MUDs.

Certificate of Ownership

By signed certificate dated June 21, 2023, the Williamson 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:

Adam Hughes

Derek Felderhoff

Jason Combs

Nicholas Bludau

Santo Brocato

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 October 29 and November 5, 2023, in the *Taylor Press*, a newspaper regularly published or circulated in Williamson County, the county in which the district is proposed to be located. Proper notice of the application was posted on October 25, 2023, in the Williamson County Courthouse, the place where legal notices in Williamson 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 December 5, 2023.

B. ENGINEERING ANALYSIS

The creation engineering report indicates the following:

Availability of Comparable Service

The proposed District is located within the Certificate of Convenience and Necessity (CCN) of Manville Water Supply Corporation (WSC) and will receive retail water service from Manville WSC. No other comparable water services are available in the area. The proposed District will have lots at least an acre in size and wastewater disposal will be provided by individual septic systems owned and operated by the homeowners. The proposed District will not be constructing any wastewater facilities. All water, drainage, and road projects for the proposed District will be designed and constructed in accordance with ordinances and rules adopted by the County and TCEQ. All water plans will be submitted to the TCEQ as required for review and approval prior to construction.

Water Supply and Distribution Improvements

Per the engineering report, it is estimated that the District will contain 111 equivalent single-family connections (ESFCs) at ultimate development. The proposed District is located within the CCN of Manville WSC. Manville WSC will provide retail water services to all areas of the proposed District. The District or homebuilders will be required to pay connection fees to Manville WSC for each water service connection. The proposed District will construct offsite waterlines to connect its water system to existing Manville WSC lines along State Highway 95. The proposed internal water distribution system will consist of 8-inch interconnecting loop mains providing service to all lots in the proposed District. The design of the water supply and distribution system will be based on a projection of the water demand conditions based on service connections, and the pressure at which it must be supplied. The proposed system design will meet or exceed the minimum standards established by the TCEQ.

Wastewater Collection and Treatment Improvements

The proposed District is not located within the wastewater CCN of any entity. The proposed District will have lots at least an acre in size and wastewater disposal will be provided by individual septic systems owned and operated by the homeowners. The proposed District will not construct any wastewater facilities.

Storm Water Drainage System and Drainage Improvements

The storm water runoff within the proposed District will be collected in roadside ditches, which will convey the flows overland or via underground culverts. Impervious cover associated with development is anticipated to be less than 20%. Also, the proposed development is directly adjacent to a portion of Brushy Creek that is defined as a "Detention Exempt Stream Reach" in the Williamson County Subdivision Regulations. Therefore, detention should not be required. Stormwater from the proposed drainage system will discharge into tributaries of Brushy Creek and then to the San Gabriel River and eventually to the Brazos River. The drainage system will be designed for up to a 100-year storm event. The design will be required to comply with Williamson County design standards.

Road Improvements

Application material indicates the proposed District will have two main points of access from CR 454. The proposed District will have one additional main point of access from State Highway 95. The proposed District will fund the main entrances and local streets. The developer will construct a network of collector roads and local streets to provide access to areas of the District depending on land use. All roadway facilities will be designed in accordance with criteria established by Williamson County.

Recreational Facilities

The proposed District will construct recreational facilities consisting of trails, parks, and landscaping.

Topography/Land Elevation

The topography of the proposed District consists mainly of farm and ranch land with minimal trees. The approximate elevation ranges from 530 feet above mean sea level (msl) in the northern portion to 490 feet above msl in the southern portion. The developer has no plans to significantly alter land elevations or the natural topography on land in the proposed District. Proposed lots are anticipated to maintain a natural state whenever possible. Elevations may be lowered or raised as needed to provide positive drainage. The design of street improvements based on existing natural grades will be optimized to minimize excavation. Flumes and existing draws will be used to convey runoff into creek beds with minimal excavation. Therefore, the development of the proposed District will not have any unreasonable effect on land elevation.

Floodplain

According to Federal Emergency Management Agency Flood Insurance Rate Map No. 48491C0700F, effective December 20, 2019, approximately 46.934 acres of the proposed District are located within the 100-year floodplain. The floodplain area will be incorporated into the larger residential lots.

Subsidence

The proposed District will receive its water from Manville WSC. Manville WSC's water source is from both groundwater and surface water. Manville WSC obtains any required permits and complies with all TCEQ rules for groundwater use. Therefore, the proposed District will have no effect on subsidence.

Dam Safety Analysis

The TCEQ Dam Safety Program personnel reviewed the location of the District and confirmed by letter dated August 11, 2023, there are two small ponds within the proposed District boundaries along tributaries to Brushy Creek. One is located near the center of the proposed District and on near the southwest boundary of the proposed District. The ponds will need to be evaluated to determine if they will remain or be removed. If they will remain and are classified as dams in the jurisdiction of the TCEQ, they will need to be evaluated for hydraulic adequacy and hazard classification.

Groundwater Levels/Recharge

The proposed District will receive its water from Manville WSC. Manville WSC's water source is from both groundwater and surface water. Manville WSC obtains any required permits and complies with all TCEQ rules for groundwater use. The proposed District is not located in the recharge zone of an aquifer. Runoff from the development will drain to existing streams consistent with existing drainage patterns. Therefore, the proposed District will have no effect on subsidence or aquifer recharge rate.

Natural Run-off and Drainage

Stormwater runoff within the proposed District will be collected in roadside ditches, which will convey the flows overland or via underground culverts. Lots in the proposed District will be 1 acres to 10.5 acres in size, therefore the impervious cover will be less than 20%. All drainage plans will be required to be reviewed by Williamson County and will comply with Williamson County regulations. Therefore, the proposed District will have no unreasonable effect on runoff rates or drainage.

Water Quality

All drainage projects will be designed to comply with Williamson County regulations, including any regulations related to stormwater quality. All construction within the proposed District will include erosion control measure that comply with the Storm Water Pollution Prevention Plans overseen by the TCEQ. Also, all onsite septic systems will be required to be permitted by the county which should minimize the effects on groundwater quality. Therefore, the proposed District will have no unreasonable effect on water quality.

C. SUMMARY OF COSTS

WATER, WASTEWATER, AND DRAINAGE

<u>Construction Costs</u>	<u>District Share</u> ⁽¹⁾
A. Developer Contribution Items	
1. Water Distribution System	\$ 1,132,892

2. Stormwater Drainage System	78,750
3. Erosion Control	145,712
4. Contingencies	203,603
5. Engineering	<u>203,603</u>
Total Developer Contribution Items	\$ 1,764,560
B. District Items	
1. Offsite Water Lines	\$ 142,800
2. Land Acquisition Costs	20,000
3. Contingencies	21,420
4. Engineering	<u>21,420</u>
Total District Items	\$ 205,640
 TOTAL CONSTRUCTION COSTS (69.13% of BIR)	 \$ 1,970,200
 <u>Non-Construction Costs</u>	
A. Legal Fees	\$ 85,500
B. Fiscal Agent Fees	71,250
C. Interest Costs	
1. Capitalized Interest (1 year @ 4.5%)	128,250
2. Developer Interest (2 years @ 4.5% of Construction Costs)	177,318 ⁽²⁾
D. Bond Discount (3%)	85,500
E. Bond Issuance Expenses	48,007
F. Administration and Operations	150,000
G. District Creation Expenses	80,000
H. Bond Application Report Costs	44,000
I. Attorney General Fee (0.1%)	2,850
J. TCEQ Bond Issuance Fee (0.25%)	<u>7,125</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 879,800
 TOTAL W, WW, & D BOND ISSUE REQUIREMENT	 \$ 2,850,000

Notes: (1) Assumes 100% funding of anticipated developer contribution items, where applicable.
(2) Based on developer advancing funds approximately two years prior to reimbursement.

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> ⁽¹⁾
A. Paving	\$ 2,160,342
B. Contingencies	324,051
C. Engineering	324,051
D. Land Cost for Right-of-way	<u>50,000</u>
TOTAL CONSTRUCTION COSTS (78.53% of BIR)	\$ 2,858,444

Non-Construction Costs

A. Legal Fees	\$	109,200
B. Fiscal Agent Fees		91,000
C. Interest Costs		
1. Capitalized Interest (1 year @ 4.5%)		163,800
2. Developer Interest (2 years @ 4.5% of Construction Costs)		257,260 ⁽²⁾
C. Bond Discount (3%)		109,200
D. Bond Engineering Costs		10,000
E. Bond Issuance Expenses		37,456
F. Attorney General Fee (0.1%)		<u>3,640</u>
TOTAL NON-CONSTRUCTION COSTS	\$	781,556
 TOTAL ROAD BOND ISSUE REQUIREMENT	 \$	 3,640,000

Notes: (1) Assumes 100% 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.

RECREATIONAL IMPROVEMENTS

<u>Construction Costs</u>		<u>District Share</u> ⁽¹⁾
A. Parks, Trails, and Landscaping	\$	1,000,000
B. Contingencies		100,000
C. Engineering		<u>100,000</u>
TOTAL CONSTRUCTION COSTS (75.00% of BIR)	\$	1,200,000
 <u>Non-Construction Costs</u>		
A. Legal Fees	\$	48,000
B. Fiscal Agent Fees		40,000
C. Interest Costs		
1. Capitalized Interest (1 year @ 4.5%)		72,000
2. Developer Interest (2 years @ 4.5% of Construction Costs)		108,000 ⁽²⁾
D. Bond Discount (3%)		48,000
E. Bond Issuance Expenses		36,400
F. Bond Application Report Costs		42,000
G. Attorney General Fee (0.1%)		1,600
H. TCEQ Bond Issuance Fee (0.25%)		<u>4,000</u>
TOTAL NON-CONSTRUCTION COSTS	\$	400,000
 TOTAL RECREATION BOND ISSUE REQUIREMENT	 \$	 1,600,000

Notes: (1) Assumes 100% funding of anticipated developer contribution items, where applicable.
(2) Based on developer advancing funds approximately two years prior to reimbursement.

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.

D. ECONOMIC ANALYSIS

Land Use

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

<u>Land Use</u>	<u>Acreage</u>	<u>ESFCs</u>
Single Family/Residential	170.241	104
Industrial/Warehouse	31.180	7
Open Space	8.692	0
Right-of-way	<u>21.887</u>	<u>0</u>
Total	232.000	111

Market Study

A market study, prepared in June 2023 by 360° Real Estate Analytics, was submitted in support of the creation of the proposed District. The proposed District is expected to include approximately 104 equivalent single-family connections on a tract totaling approximately 232.00 acres. The lot sizes are expected to range in size from 1 acre to 10.49 acres. The developer estimates the home prices will range from approximately \$550,000 to \$1,000,000. The developer projects to project will sell out over a 3-4 year period.

Project Financing

Per the engineering report, the projected taxable assessed valuation (AV) for the proposed District is as follows:

<u>Development Description</u>	<u>Lots</u>	<u>Developed Unit Value (per home per lot)</u>	<u>Total Buildout Value</u>
Standard single-family lots	91	\$ 630,000	\$ 57,330,000
Larger Creekfront single-family lots	13	\$ 855,000	\$ <u>11,115,000</u>
Total Assessed Valuation			\$ 68,445,000

Considering the issuance of a total of \$8,090,000 (\$2,850,000 for utilities, \$3,640,000 for roads, and \$1,600,000 for recreational) in bonds, assuming 100% financing, a coupon bond interest rate of 4.5%, and a 25-year bond life, the average annual debt service requirement would be \$545,581 (\$192,201 for utilities plus \$245,478 for roads plus \$107,902 for recreational). Assuming a 98% collection rate and an ultimate AV of \$68,445,000, a projected ultimate tax rate of approximately \$0.83 (\$0.29 for utilities, \$0.37 for roads, and \$0.17 for recreational) per \$100 AV was indicated to be necessary to meet the annual debt service requirements for the proposed District. An additional \$0.05 per \$100 AV is projected to be levied for maintenance and operating expenses, for a combined proposed District tax rate of \$0.88.

Based on the information provided and assuming 100% financing, the total year 2022 overlapping tax rates on land within the proposed District are shown as follows:

<u>Taxing Jurisdiction</u>	<u>Tax Rates</u> <u>(Williamson County)</u> ⁽¹⁾
Burford Ranch MUD (District)	\$ 0.880000 ⁽²⁾⁽³⁾
Williamson County	\$ 0.338116
Coupland Independent School District	\$ 0.949708
Williamson County FM/RD	\$ 0.037492
Lower Brushy Creek WCID	\$ 0.017374
Williamson County ESD No. 10	\$ <u>0.100000</u>
TOTAL TAX per \$100 AV:	\$ 2.322690

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

(2) Represents \$0.29 for utilities, \$0.37 for roads, \$0.17 for recreational, and \$0.05 for operation and maintenance tax.

(3) Assuming 100% funding of anticipated developer contribution items, where applicable.

Based on the proposed District tax rate and the year 2022 overlapping tax rate on land within the proposed District, and assuming 100% financing, the project is considered economically feasible.

Water and Wastewater Rates

According to information provided, the proposed District will provide retail services to the proposed District's customers. Wastewater disposal will be provided by individual septic systems owned and operated by the homeowners. The estimated monthly fee for 10,000 gallons of water would be \$60.89.

Comparative Water District Tax Rates

A tax rate of \$0.88 (\$0.29 for utilities, \$0.37 for roads, \$0.17 for recreational, and \$0.05 for operation and maintenance tax) for the proposed District is comparable to other districts in the target market area. Based on the requirements of 30 TAC Section 293.59, this project is considered economically feasible.

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, drainage facilities, parks and recreational facilities, and road facilities; a combined projected tax rate of \$0.88 per \$100 AV when assuming 100% financing; the proposed District obtaining a 4.5% 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 Burford Ranch Municipal Utility District.
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:

Adam Hughes

Derek Felderhoff

Jason Combs

Nicholas Bludau

Santo Brocato

H. ADDITIONAL INFORMATION

The Petitioner's professional representatives are:

Attorney: Mr. Richard Hamala – Tiemann, Shahady & Hamala, PC
Creation Engineer: Mr. Ken Heroy, P.E. – Jones-Heroy & Associates, Inc.

**Affidavit in Support of Request for
Consideration of Appointment as Director**

Name: Adam Hughes

Address: 7421 Tonka Lane

City: Austin Zip: 78744

Name of District: **Burford Ranch Municipal Utility District**

STATE OF TEXAS §
COUNTY OF Travis §

Before me, the undersigned authority of the State and County aforesaid, on this day personally appeared Adam Hughes who desires to be appointed as director of Burford Ranch Municipal Utility District (the "District") to serve until his successor is elected or appointed, and who being by me duly sworn on his oath deposed and said that every response and statement set forth herein is true and correct.

(1) State whether you are 18 or 21 years old (as applicable to the type of district), a resident citizen of Texas, and either own land subject to taxation in the district or are a qualified voter within the District.

Response: "I am at least eighteen years of age, a resident citizen of the State of Texas, and I will, at the time of this proposed appointment, own land subject to taxation within the District."

(2) State whether you are a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, any other member of the governing board of the district, or the manager, engineer, or attorney for the district, or other person providing professional services to the district.

Response: "I am not a developer of property in the District nor am I, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property in the District, any other proposed director of the District, or the manager, engineer, or attorney for the District, or any other person providing professional services to the District."

(3) State your present occupation and employment. Is this your main source of income? If not, please explain.

Response: "I am presently employed as Director of Operations at Sandlin Services, LLC. This employment is my main source of income."

(4) State whether you plan to live in the district. If you do not plan to live in the district, what are your plans for the use and disposition of the land?

Response: "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."

(5) Do you, or your employer, have any business or other connections with any developer of the proposed district, the attorney representing the proposed district, or the consulting engineer for the proposed district or developer? If so, please explain.

Response: "Neither my employer nor I have any business or other connections, relating to the proposed district or property located in the proposed district, with any developer of the District, the attorney representing the District, or the consulting engineer for the District or the developer. In the past I have personally known or have had business dealings with the developer or representatives of the developer, however, none of these dealings have any connection with the proposed district or property located in the proposed district."

(6) Are you aware that the district is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times?

Response: "I am aware that the District is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times."

(7) Are you aware that the district is subject to the continuing supervision of the Texas Commission on Environmental Quality, and will you fully cooperate with the Texas Commission on Environmental Quality?

Response: "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 the Texas Commission on Environmental Quality."

(8) Do you affirm that you will faithfully execute the duties of the office of director of the district of the State of Texas, and will to the best of your ability preserve, protect, and defend the constitution and laws of the United States and of the this state; do you affirm that you have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure your appointment?

Response: "I hereby affirm that, if appointed, 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 nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure my appointment."

Signature of Proposed Director: _____

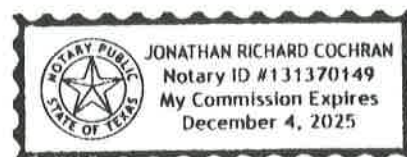
Adam Hughes

SWORN TO AND SUBSCRIBED before me on 6/8/23, 2023 by

Adam Hughes

Notary Public, State of Texas

Jonathan Richard Cochran



**Affidavit in Support of Request for
Consideration of Appointment as Director**

Name: Derek Felderhoff
Address: 102 Firebird Cove
City: Lakeway Zip: 78734
Name of District: **Burford Ranch Municipal Utility District**

STATE OF TEXAS §
COUNTY OF Travis §

Before me, the undersigned authority of the State and County aforesaid, on this day personally appeared Derek Felderhoff who desires to be appointed as director of Burford Ranch Municipal Utility District (the "District") to serve until his successor is elected or appointed, and who being by me duly sworn on his oath deposed and said that every response and statement set forth herein is true and correct.

(1) State whether you are 18 or 21 years old (as applicable to the type of district), a resident citizen of Texas, and either own land subject to taxation in the district or are a qualified voter within the District.

Response: "I am at least eighteen years of age, a resident citizen of the State of Texas, and I will, at the time of this proposed appointment, own land subject to taxation within the District."

(2) State whether you are a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, any other member of the governing board of the district, or the manager, engineer, or attorney for the district, or other person providing professional services to the district.

Response: "I am not a developer of property in the District nor am I, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property in the District, any other proposed director of the District, or the manager, engineer, or attorney for the District, or any other person providing professional services to the District."

(3) State your present occupation and employment. Is this your main source of income? If not, please explain.

Response: "I am presently employed as Director of Professional Development by Foulcare, Inc.. This employment is my main source of income."

(4) State whether you plan to live in the district. If you do not plan to live in the district, what are your plans for the use and disposition of the land?

Response: "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."

(5) Do you, or your employer, have any business or other connections with any developer of the proposed district, the attorney representing the proposed district, or the consulting engineer for the proposed district or developer? If so, please explain.

Response: "Neither my employer nor I have any business or other connections, relating to the proposed district or property located in the proposed district, with any developer of the District, the attorney representing the District, or the consulting engineer for the District or the developer. In the past I have personally known or have had business dealings with the developer or representatives of the developer, however, none of these dealings have any connection with the proposed district or property located in the proposed district."

(6) Are you aware that the district is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times?

Response: "I am aware that the District is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times."

(7) Are you aware that the district is subject to the continuing supervision of the Texas Commission on Environmental Quality, and will you fully cooperate with the Texas Commission on Environmental Quality?

Response: "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 the Texas Commission on Environmental Quality."

(8) Do you affirm that you will faithfully execute the duties of the office of director of the district of the State of Texas, and will to the best of your ability preserve, protect, and defend the constitution and laws of the United States and of the this state; do you affirm that you have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure your appointment?

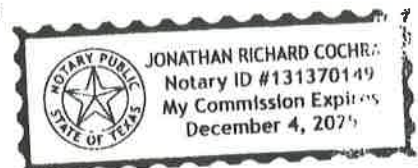
Response: "I hereby affirm that, if appointed, I will faithfully execute the duties of the office of director of the District, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure my appointment."

Signature of Proposed Director: _____

SWORN TO AND SUBSCRIBED before me on 5/31/2023, 2023 by

Derek Felderhoff

Notary Public, State of Texas



**Affidavit in Support of Request for
Consideration of Appointment as Director**

Name: Jason Combs

Address: 2209 East Side Drive

City: Austin Zip: 78704

Name of District: **Burford Ranch Municipal Utility District**

STATE OF TEXAS §
COUNTY OF Travis §

Before me, the undersigned authority of the State and County aforesaid, on this day personally appeared Jason Combs who desires to be appointed as director of Burford Ranch Municipal Utility District (the "District") to serve until his successor is elected or appointed, and who being by me duly sworn on his oath deposed and said that every response and statement set forth herein is true and correct.

(1) State whether you are 18 or 21 years old (as applicable to the type of district), a resident citizen of Texas, and either own land subject to taxation in the district or are a qualified voter within the District.

Response: "I am at least eighteen years of age, a resident citizen of the State of Texas, and I will, at the time of this proposed appointment, own land subject to taxation within the District."

(2) State whether you are a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, any other member of the governing board of the district, or the manager, engineer, or attorney for the district, or other person providing professional services to the district.

Response: "I am not a developer of property in the District nor am I, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property in the District, any other proposed director of the District, or the manager, engineer, or attorney for the District, or any other person providing professional services to the District."

(3) State your present occupation and employment. Is this your main source of income? If not, please explain.

Response: "I am presently employed as CEO of CDT Health. This employment is my main source of income."

(4) State whether you plan to live in the district. If you do not plan to live in the district, what are your plans for the use and disposition of the land?

Response: "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."

(5) Do you, or your employer, have any business or other connections with any developer of the proposed district, the attorney representing the proposed district, or the consulting engineer for the proposed district or developer? If so, please explain.

Response: "Neither my employer nor I have any business or other connections, relating to the proposed district or property located in the proposed district, with any developer of the District, the attorney representing the District, or the consulting engineer for the District or the developer. In the past I have personally known or have had business dealings with the developer or representatives of the developer, however, none of these dealings have any connection with the proposed district or property located in the proposed district."

(6) Are you aware that the district is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times?

Response: "I am aware that the District is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times."

(7) Are you aware that the district is subject to the continuing supervision of the Texas Commission on Environmental Quality, and will you fully cooperate with the Texas Commission on Environmental Quality?

Response: "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 the Texas Commission on Environmental Quality."

(8) Do you affirm that you will faithfully execute the duties of the office of director of the district of the State of Texas, and will to the best of your ability preserve, protect, and defend the constitution and laws of the United States and of the this state; do you affirm that you have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure your appointment?

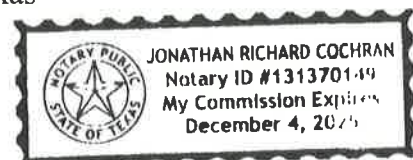
Response: "I hereby affirm that, if appointed, I will faithfully execute the duties of the office of director of the District, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure my appointment."

Signature of Proposed Director: _____

SWORN TO AND SUBSCRIBED before me on May 30th, 2023 by

Jaren Camber

Notary Public, State of Texas



**Affidavit in Support of Request for
Consideration of Appointment as Director**

Name: Nicholas Bludau
Address: 2601 Kinney Oaks Ct.
City: Austin Zip: 78704

Name of District: **Burford Ranch Municipal Utility District**

STATE OF TEXAS §
COUNTY OF Travis §

Before me, the undersigned authority of the State and County aforesaid, on this day personally appeared Nicholas Bludau who desires to be appointed as director of Burford Ranch Municipal Utility District (the "District") to serve until his successor is elected or appointed, and who being by me duly sworn on his oath deposed and said that every response and statement set forth herein is true and correct.

(1) State whether you are 18 or 21 years old (as applicable to the type of district), a resident citizen of Texas, and either own land subject to taxation in the district or are a qualified voter within the District.

Response: "I am at least eighteen years of age, a resident citizen of the State of Texas, and I will, at the time of this proposed appointment, own land subject to taxation within the District."

(2) State whether you are a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, any other member of the governing board of the district, or the manager, engineer, or attorney for the district, or other person providing professional services to the district.

Response: "I am not a developer of property in the District nor am I, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property in the District, any other proposed director of the District, or the manager, engineer, or attorney for the District, or any other person providing professional services to the District."

(3) State your present occupation and employment. Is this your main source of income? If not, please explain.

Response: "I am presently employed as Move Grove LLC. This employment is my main source of income."

(4) State whether you plan to live in the district. If you do not plan to live in the district, what are your plans for the use and disposition of the land?

Response: "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."

(5) Do you, or your employer, have any business or other connections with any developer of the proposed district, the attorney representing the proposed district, or the consulting engineer for the proposed district or developer? If so, please explain.

Response: "Neither my employer nor I have any business or other connections, relating to the proposed district or property located in the proposed district, with any developer of the District, the attorney representing the District, or the consulting engineer for the District or the developer. In the past I have personally known or have had business dealings with the developer or representatives of the developer, however, none of these dealings have any connection with the proposed district or property located in the proposed district."

(6) Are you aware that the district is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times?

Response: "I am aware that the District is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times."

(7) Are you aware that the district is subject to the continuing supervision of the Texas Commission on Environmental Quality, and will you fully cooperate with the Texas Commission on Environmental Quality?

Response: "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 the Texas Commission on Environmental Quality."

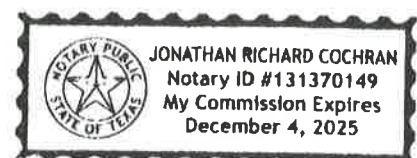
(8) Do you affirm that you will faithfully execute the duties of the office of director of the district of the State of Texas, and will to the best of your ability preserve, protect, and defend the constitution and laws of the United States and of the this state; do you affirm that you have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure your appointment?

Response: "I hereby affirm that, if appointed, 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 nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure my appointment."

Signature of Proposed Director: _____

SWORN TO AND SUBSCRIBED before me on June 1, 2023 by
Nicholas Bludau.

Jonathan Richard Cochran
Notary Public, State of Texas



**Affidavit in Support of Request for
Consideration of Appointment as Director**

Name: Santo Brocato

Address: 4417 Clawson Road

City: Austin Zip: 78745

Name of District: **Burford Ranch Municipal Utility District**

STATE OF TEXAS §
COUNTY OF Travis §

Before me, the undersigned authority of the State and County aforesaid, on this day personally appeared Santo Brocato who desires to be appointed as director of Burford Ranch Municipal Utility District (the "District") to serve until his successor is elected or appointed, and who being by me duly sworn on his oath deposed and said that every response and statement set forth herein is true and correct.

(1) State whether you are 18 or 21 years old (as applicable to the type of district), a resident citizen of Texas, and either own land subject to taxation in the district or are a qualified voter within the District.

Response: "I am at least eighteen years of age, a resident citizen of the State of Texas, and I will, at the time of this proposed appointment, own land subject to taxation within the District."

(2) State whether you are a developer of property in the district, related within the third degree of affinity or consanguinity to a developer of property in the district, any other member of the governing board of the district, or the manager, engineer, or attorney for the district, or other person providing professional services to the district.

Response: "I am not a developer of property in the District nor am I, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property in the District, any other proposed director of the District, or the manager, engineer, or attorney for the District, or any other person providing professional services to the District."

(3) State your present occupation and employment. Is this your main source of income? If not, please explain.

**Response: "I am presently employed as Head of Operations
for UpSmith. This employment is my main source of income."**

(4) State whether you plan to live in the district. If you do not plan to live in the district, what are your plans for the use and disposition of the land?

Response: "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."

(5) Do you, or your employer, have any business or other connections with any developer of the proposed district, the attorney representing the proposed district, or the consulting engineer for the proposed district or developer? If so, please explain.

Response: "Neither my employer nor I have any business or other connections, relating to the proposed district or property located in the proposed district, with any developer of the District, the attorney representing the District, or the consulting engineer for the District or the developer. In the past I have personally known or have had business dealings with the developer or representatives of the developer, however, none of these dealings have any connection with the proposed district or property located in the proposed district."

(6) Are you aware that the district is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times?

Response: "I am aware that the District is a public entity and that by law notice of its meetings must be given and the meeting must be open to the public and its records shall be available for public inspection at all reasonable times."

(7) Are you aware that the district is subject to the continuing supervision of the Texas Commission on Environmental Quality, and will you fully cooperate with the Texas Commission on Environmental Quality?

Response: "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 the Texas Commission on Environmental Quality."

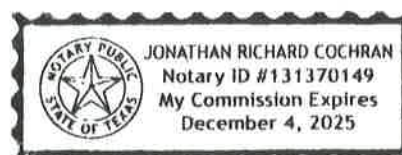
(8) Do you affirm that you will faithfully execute the duties of the office of director of the district of the State of Texas, and will to the best of your ability preserve, protect, and defend the constitution and laws of the United States and of the this state; do you affirm that you have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure your appointment?

Response: "I hereby affirm that, if appointed, 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 nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment as a reward to secure my appointment."

Signature of Proposed Director: 

SWORN TO AND SUBSCRIBED before me on 6/4/2023, 2023 by Santo Brocato.


Notary Public, State of Texas



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-08252023-054

PETITION. 05 Ranch Investments, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Burford Ranch Municipal Utility District (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 to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 232.00 acres located within Williamson County, Texas; and (4) a portion of the land within the proposed District is within the extraterritorial jurisdiction of the City of Coupland. The remainder of the land to be included within the proposed District is within the unincorporated area of Williamson County and is not within the corporate limits or extraterritorial jurisdiction of any 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 proposed District will: (1) design, construct, acquire, maintain, and operate a waterworks and sanitary sewer system for domestic and commercial purposes; (2) design, construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of waters; (4) design, acquire, construct, finance, issue bonds for, operate, maintain, and convey to the state, county, or a municipality for operation and maintenance, roads or any improvement in aid of the roads; and (5) acquire, own, develop, construct, improve, manage, maintain, and operate parks and recreational facilities, and to accomplish the design, construction, acquisition, improvement, maintenance, and operation of such additional facilities, systems, and plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created.

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 \$8,090,000 (\$2,850,000 for water and drainage, \$3,640,000 for roads, and \$1,600,000 for recreational).

The Property depicted in Exhibit "A" is located partially within the extraterritorial jurisdiction of the City of Coupland, Williamson County, Texas (the "City"). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petition states that the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. The Petition states that 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 proposed District. The information provided indicates that the 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and 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 initiate proceedings to include the land within the proposed District.

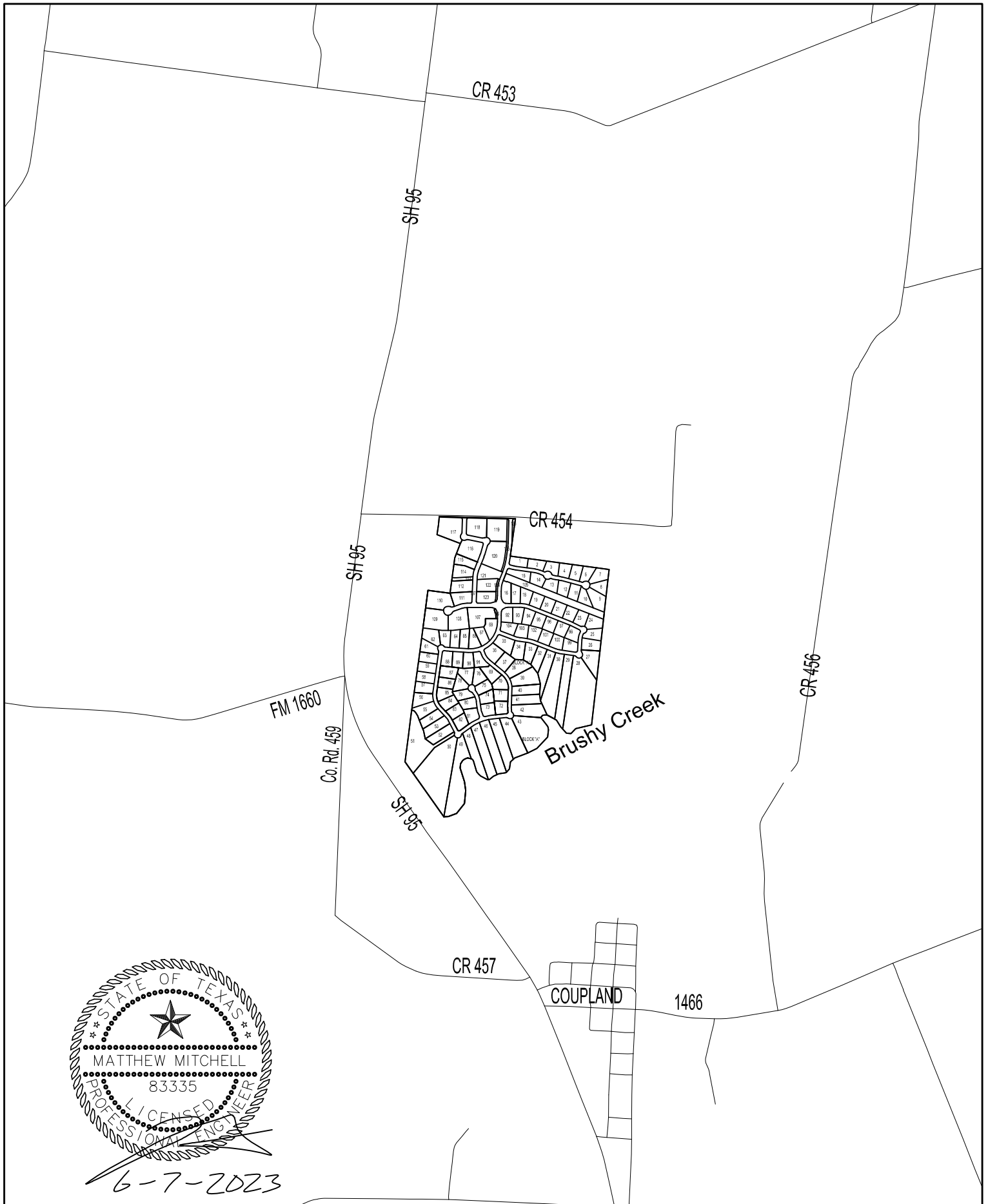
CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

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: October 16, 2023



LOCATION MAP	ALM ENGINEERING, INC. CONSULTING ENGINEERS PO BOX 536 Dripping Springs, Texas, 78620 (512) 431-9600 matt@almengr.com	SCALE: 1"=50'
CR 454		DATE: 6/7/2023
WILLIAMSON COUNTY, TX		JOB:
05 RANCH INVESTMENTS		DRAWN BY:
		CHECKED BY: