

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Highland Lakes Municipal Utility District No. 1, SOAH Docket No. 582-22-07138, TCEQ Docket No. 2022-0532-DIS, was mailed on August 22, 2022.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 22nd day of August 2022.

A handwritten signature in cursive script that reads "Laurie Gharis".

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Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

**SEAL**

MAILING LIST  
for  
Highland Lakes Municipal Utility District No. 1 of Ellis County  
TCEQ Docket No. 2022-0532-DIS  
TCEQ Internal Control No. D-11302021-043

FOR THE APPLICANT:

Natalie B. Scott  
Coats Rose, P.C.  
Terrace 2  
2700 Via Fortuna, Suite 350  
Austin, Texas 78746

Tim Green  
Mindy Koehne  
Coats Rose, P.C.  
14755 Preston Road, Suite 600  
Dallas, Texas 75254

Thomas Coppin  
Kimley-Horn & Associates, Inc.  
6160 Warren Parkway, Suite 210  
Frisco, Texas 75034

INTERESTED PERSONS:

Emily W. Rogers  
Bickerstaff Heath Delgado Acosta LLP  
3711 South Mopac Expressway  
Building One, Suite 300  
Austin, Texas 78746

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

Bobby Salehi, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

James Walker, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Supply Division MC-152  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Eli Martinez, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR ALTERNATIVE DISPUTE  
RESOLUTION via electronic mail:

Kyle Lucas, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

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

AUDRA DAHL  
5641 MULBERRY LN  
MIDLOTHIAN TX 76065-5297

C R DAUBITZ JR  
481 N WARD RD  
MIDLOTHIAN TX 76065-5021

PHILLIP GANDY ENVIRONMENTAL SCIENTI  
CHAPARRAL STEEL MIDLOTHIAN LP  
300 WARD RD  
MIDLOTHIAN TX 76065-9646

THOMAS D JEFFERSON  
294 ARROWHEAD RD  
WAXAHACHIE TX 75167-8613

KIMBERLY G KELLEY  
BLDG 1, STE 300  
3711 S MOPAC EXPY  
AUSTIN TX 78746-8013

ROSANA NAREZ  
TEX MEX NOTICIAS  
PO BOX 1796  
GRANBURY TX 76048-8796

ROSANA NAREZ  
PO BOX 93331  
SOUTHLAKE TX 76092-0113

DOROTHY PRACHYL  
1005 S PARIS ST  
ENNIS TX 75119-6614

EMILY W ROGERS  
BICKERSTAFF HEATH DELGADO ACOSTA LI  
BLDG 1 STE 300  
3711 S MOPAC EXPY  
AUSTIN TX 78746-8013

AILEEN SAARTY  
RJN GROUP INC  
STE 710  
14755 PRESTON RD  
DALLAS TX 75254-6815

KYTINNA SOTO OWNER  
LA PRENSA COMUNIDAD  
PO BOX 732  
TOLAR TX 76476-0732

GLENN & SUSIE TOAL  
1401 NEWTON RD  
FERRIS TX 75125-9457

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING  
HIGHLAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1  
OF ELLIS COUNTY  
SOAH Docket No. 582-22-07138  
TCEQ Docket No. 2022-0532-DIS  
TCEQ Internal Control No. D-11302021-043**

**PETITION.**

Highland Lakes Midlothian I, LLC, a Texas limited liability company (Petitioner) filed an amended petition for creation of Highland Lakes Municipal Utility District No. 1 of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The amended 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 amended 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 is one lienholder, Community National Bank & Trust of Texas, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 2,153.6 acres located within Ellis County, Texas; and (4) some of the land within the proposed District is within the extraterritorial jurisdiction of the City of Midlothian and some of the land within the proposed District is within the extraterritorial jurisdiction of the City of Waxahachie.

In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a petition to the City of Midlothian and the City of Waxahachie, requesting each City's consent to the creation of the District. After more than 90 days passed without receiving consent, the petitioner submitted a petition to each City to provide water or 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 the information provided indicates that the Petitioners and the Cities 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 district.

The amended petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and

turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. Additionally, it is further proposed that the District be granted road powers pursuant to Texas Water Code, Section 54.234.

According to the amended 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 \$277,834,884 (\$167,464,247 for water, wastewater, and drainage plus \$110,370,637 for roads).

#### **CONTESTED CASE HEARING.**

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

**10:00 a.m. – September 21, 2022**

**To join the Zoom meeting via computer:**

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

**Meeting ID: 161 848 4695**

**Password: TCEQ738**

or

To join the Zoom meeting via telephone:

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

**Meeting ID: 161 848 4695**

**Password: 9609737**

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

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

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

**INFORMATION.**

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

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

Issued: August 22, 2022

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

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

TCEQ - Office of the Chief Clerk  
MC-105 Attention: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: Highland Lakes MUD No. 1 of Ellis Co  
TCEQ Tracking No. D-11302021-043 CID Item No. 126440  
Application Type: PETITION FOR CREATION OF A DISTRICT

**AFFIDAVIT OF PUBLICATION**

STATE OF WISCONSIN §  
COUNTY OF: Brown §

Before me, the undersigned authority, on this day personally appeared Amy Koltott, who being by me duly  
(name of newspaper representative)

sworn, deposes and says that (s)he is the Legal Clerk  
(title of newspaper representative)

of the Waukegan Daily Light; that said newspaper is  
(name of newspaper)

regularly published or circulated in Ellis County/Countries,  
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

2/2/2022 2/9/2022  
(date or dates of publication)

Amy Koltott  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 22 day of Feb,  
20 22, to certify which witness my hand and seal of office.

Vicky Felty  
Notary Public In and for the State of Wisconsin

(Seal)

VICKY FELTY  
Notary Public  
State of Wisconsin

Vicky Felty  
Print or type Name of Notary Public  
My Commission Expires 9/9/25

00008



Legal Notice

RIGHTS  
RESERVED

publisher n  
right to copy

972-937-3310

972-937-3310

South 81°40'00" West, a distance of 378.50 feet to a point;  
North 30°43'05" West, generally with a fence, a distance of 3,656.48 feet to a point;  
North 31°03'41" West, generally with a fence, a distance of 1,941.60 feet to point;  
South 58°47'48" West, a distance of 1,790.10 feet to a point for a Westerly corner of said BMB Angus Road tract;

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CERTIFICATE OF POSTING OF NOTICE OF DISTRICT PETITION

THE STATE OF TEXAS

§

COUNTY OF ELLIS

§

I, Sheryl Ground, hereby certify that I am more than eighteen (18) years of age and capable of executing this certificate; and that the attached is a true and correct copy of a Notice of District Petition for Highland Lakes Municipal Utility District No. 1 of Ellis County (TCEQ Internal Control No. D-11302021-043), which I caused to be posted on the bulletin board used for posting legal notices in Ellis County on the 28 day of January, 2022.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Ellis County Clerk, Deputy

TCEQ - Office of the Chief Clerk  
MC-105 Attention: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: Highland Lakes MUD No. 1 of Ellis Co  
TCEQ Tracking No. D-11302021-043 CID Item No. 126440  
Application Type: PETITION FOR CREATION OF A DISTRICT

## AFFIDAVIT OF PUBLICATION

STATE OF WISCONSIN §

COUNTY OF: Brown §

Before me, the undersigned authority, on this day personally appeared

Sarah Bertelsen, who being by me duly  
(name of newspaper representative)

sworn, deposes and says that (s)he is the Legal Clerk  
(title of newspaper representative)

of the Waxahachie Daily Light; that said newspaper is  
(name of newspaper)

regularly published or circulated in Ellis County/Countries,  
(name of county or counties)

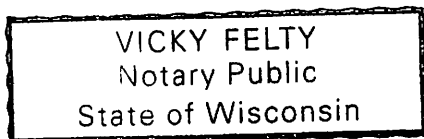
Texas; that the attached notice was published in said newspaper on the following dates:

March 13, 2022 and March 20, 2022  
(date or dates of publication)

  
Newspaper Representative's Signature

Subscribed and sworn to before me this the 22 day of March,  
20 22, to certify which witness my hand and seal of office.

(Seal)



  
Notary Public in and for the State of Wisconsin

Vicky Felty  
Print or type Name of Notary Public  
My Commission Expires 9-19-25

## WAXAHACHIE

## DAILY LIGHT CLASSIFIEDS

## LEGAL NOTICES

## NOTICE

While we are happy to take everyone's classified ads, there are some classified ads that must be pre-paid. Your classified representative will be able to tell you which ads must be pre-paid. Call (972) 937-3310 or (972) 938-1939 to place your ad.

TO BE published in the Waxahachie Daily Light on Sunday, March 13, 2022.

## CITY OF RED OAK PUBLIC HEARING NOTICE

The Red Oak City Council will conduct a Regular Meeting on Monday March 14th, 2022, at 7:00 p.m., at the Red Oak Municipal Center, 200 Lakeview Parkway, Red Oak, Texas, 76154. Public Hearings will be open to the public and held by teleconference. If

you have questions about the cases or how to participate in the teleconference please contact Emma Cheluya, Planning & Zoning Manager by email at [echeluya@redoaktx.org](mailto:echeluya@redoaktx.org). Agendas are also posted on the City website 72 hours before the hearing and will have teleconference details. The hearings under consideration are:

Conduct a Public Hearing and Consider approving an amendment to the City of Red Oak, Texas, 2010 Comprehensive Plan, Future Land Use Map to change certain areas generally located north of FM 2377, South of Pierce Rd, East of Oglesby Drive and West of Pratt Rd from Planning Area 4, 10 and 11 (PA-4, PA-10, PA-11) to Planning Area 5 (PA-5) to allow for Industrial Uses. Requested by City Staff

## Legal Notices

## Legal Notices

## CLASSIFIED AD RATES

Have something to say? Looking to buy? Need a new place to rent? The classifieds have it all! It's easy to place an ad - just call (488) 617-1501 to place your ad!

## BUYER BEWARE!

Many ads found in these classifieds come from distant points and the Waxahachie Daily Light, Midlothian Mirror and Ellis County Trading Post cannot always know the merits of the offers. We do not purport to run ads that are fraudulent or misleading.

## Legal Notices

We suggest when you are in doubt that you call the BETTER BUSINESS BUREAU before signing any contract.

If you suspect an ad of being dishonest, please call our office at (972) 937-3310 or (972) 938-1939 and speak with Sharon.

## RIGHTS RESERVED

The publisher reserves the right to revise or reject, at its option, any advertisement which it deems objectionable either in subject or phraseology or which it may deem detrimental to its business.

TO BE Published one time in the Waxahachie Daily Light on Saturday, March 12th, 2022.

## PUBLIC NOTICE

Accessibility of SARA Title III Hazardous Substance Information

United States Code, 2011 Edition, Title 42 - THE PUBLIC HEALTH AND WELFARE, CHAPTER 116 - EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW, Subchapter III - 11044. Requires notice at least once annually informing the public of the means to access information about extremely hazardous substances that are manufactured, stored, and used within their community. Follow up emergency notices may subsequently be issued.

Accordingly, information concerning LEPIC meetings, Ellis County LEPIC Hazardous Materials Emergency Response Plan, Materials Safety Data Sheets, (MSDS), hazardous chemical inventory forms which list extremely hazardous substances manufactured, stored, or used within Ellis County can be obtained during normal business hours by contacting Ellis County's Office of Emergency Management, 101 West Main Street, Waxahachie, Texas 75165 or by telephone at (972)-825-5199.

## PERSONALS

**MEALS-ON-WHEELS** of Johnson and Ellis counties has volunteer opportunities in all Ellis County communities. Meals are delivered by volunteers around the lunch hour. For more information, please contact Meals-On-Wheels at (972) 351-8943.

## Lost

**LOST A PET?** Call Midlothian Animal Control (972) 775-7814.

## EMPLOYMENT

**NOTICE** Effective August 31, 1981. Texas law requires sellers of many business opportunities to register with the Secretary of State before advertising or selling any business opportunities. To obtain registration material, letters of exemption, or additional information, please contact the Secretary of State's Office, Business Opportunity Section, P.O. Box 13563, Austin, Texas 78711. (512) 463-5701.

## NOTICE

**Summer Internship** Oak Leaf Offers Paid Summer Internship The ideal candidate is a college student majoring in Administration, Business, or a variety of Liberal Arts majors. Must be able to work with the public, be proficient in Excel and Word and be able to work flexible hours Monday-Friday. Contact customerservice@oakleafrealestate.com or call 972-517-2660 for an application. Application deadline is 4/8/22. The City of Oak Leaf is an equal opportunity employer.

## Employment

## MT. PEAK SPECIAL UTILITY DISTRICT

Mountain Peak Special Utility District is taking applications for a position in field operations. High school diploma, personal phone, dependable transportation, and valid Texas Driver's license a must. CDL a plus. Experience a plus but will train. Must have good general attitude and good customer service skills. Submit resume or apply in person at 5671 Waterworks Rd., Midlothian Texas 76065. For more information call Randall Kirk at 972-775-3785.

## RECREATION

## AUDITION

## Cars

## SELL IT FAST!

Have a car, truck, SUV, van, boat, RV, motorcycle or any other type of vehicle for sale? You're in luck! Place your 6 line ad with a photo to run a month in the Waxahachie Daily Light, Midlothian Mirror and Ellis County Trading Post for only \$49.95 per month. Additional lines are \$2 each. All ads must be pre-paid and we accept all major credit or debit cards. cash or check!

Call today to place your ad 972-937-3310 972-938-1939

## SERVICES

## General Services

**DR Spiro Khoury MD is a Pain Management Specialist** who has recently opened a medical clinic in Midlothian (Iron Pain Management). Dr. Khoury served the patients in Ellis County from 2017-2019 and he is looking forward to re-establishing care in his new practice. Currently accepting new patients. Book your appointment today 469-964-0641

## Child Care

## STATE LAW REQUIRES

all child caring facilities to be licensed by or registered with the Texas Department of Protective and Regulatory Services to ensure that they meet minimum health and safety standards. Look for a license or registration certificate when you visit a child care facility. Call your local DHR office and ask for day care licensing if you have questions.

## MISC HANDLING

## Items For Sale

**SELL IT FAST & SAVE BIG \$\$\$** Cleaning out? Making room? We have the place to advertise your unwanted items. Call us today for our GREAT money-saving merchandise specials. Anything from computers to hand tools and so much more - we can help you sell them fast! All ads are pre-paid and we accept all major credit or debit cards, check or cash. Call today - (972) 937-3310 or (972) 938-1939.

## Advertise!

972-937-3310

## Garage Sales

## SPREAD THE WORD!

Place your Garage Sale Ad in The Waxahachie Daily Light, Midlothian Mirror and Ellis County Trading Post to spread the word and let people know to come see you.

It's Easy!! Call 469-517-1501

## FREE ADOPTIONS

Cats and dogs! Midlothian Animal Shelter. (972) 775-3333.

## LARNIA PANDA

## Livestock

## CORSIANA LIVESTOCK AUCTION

1-45 @ Angus Exit SALE EVERY TUESDAY AT NOON

## Receiving Cattle

Sunday 12:30-5:30 PM. and all day Monday

903-672-1631

Place your 6 line ad with a photo to run a month in the Waxahachie Daily Light, Midlothian Mirror and Ellis County Trading Post for only \$49.95 per month. Additional lines are \$2 each. All ads must be pre-paid and we accept all major credit or debit cards. cash or check!

Call today to place your ad 972-937-3310 972-938-1939

WEST AUCTION, INC. 28445 North 113-35 West, Texas 76691 (254) 826-3725 Day or Night 11:35-6 PM 1558

[www.westauction.us](http://www.westauction.us)

Please visit our Website [www.Westauction.us](http://www.Westauction.us)

For the most recent MARKET REPORT and MARKET ANALYSIS

Sale Every Thursday at 11:30 AM

REAL ESTATE SALE

Real Estate

Looking to sell your HOME?

We have a deal for you! You can run 8 lines of text and photo of your home for only \$55 per month. This price puts your ad in the Waxahachie Daily Light, Midlothian Mirror and Ellis County Trading Post plus [waxahachie.com](http://waxahachie.com). Additional cost for additional text. All ads are pre-paid and we accept all major credit or debit cards, cash or check.

Call today to place your ad 972-937-3310 972-938-1939

Mobile Homes

1/2 OFF SITE RENTAL

For one year when you move your home to Vaila Hills Manufactured Housing Community, Waxahachie, TX. (254) 772-7673.

REAL ESTATE REST

Commercial

HAVE A COMMERCIAL SPACE FOR LEASE?

Place your ad in the Waxahachie Daily Light, Midlothian Mirror and Ellis County Trading Post to rent it fast!! (972) 937-3310, (972) 938-1939. [waxahachie.com](http://waxahachie.com)

Classified Ads

Get Results!

972-937-3310

00012

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## NOTICE OF DISTRICT ANCHORED PETITION

TEXAS INTERNAL CODE NO. 13-0000201-043

PETITION: Important Notice: Midlothian, L.L.C. is a Texas limited liability company (LLC) that has filed a petition for a declaratory judgment with the Texas Commission on Environmental Quality (TCEQ) to determine the proper jurisdiction for the proposed project.

The petition was filed on March 10, 2022, and is currently pending before the TCEQ. The petition seeks a declaratory judgment that the proposed project is a "major federal action" and therefore requires a Section 401 permit from the TCEQ.

The proposed project is a 1.1-acre tract of land located in the City of Midlothian, Texas. The project consists of the construction of a new building and the installation of a new water supply system.

The proposed project is located on a 1.1-acre tract of land that is currently owned by Midlothian, L.L.C. The tract is located on the south side of the City of Midlothian, Texas, and is adjacent to the City's water supply system.

The proposed project is a "major federal action" and therefore requires a Section 401 permit from the TCEQ. The petition seeks a declaratory judgment that the proposed project is a "major federal action" and therefore requires a Section 401 permit from the TCEQ.

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CERTIFICATE OF POSTING OF NOTICE OF DISTRICT PETITION

THE STATE OF TEXAS

§

COUNTY OF ELLIS

§

I, Sheryl Ground, hereby certify that I am more than eighteen (18) years of age and capable of executing this certificate; and that the attached is a true and correct copy of a Notice of District Petition for Highland Lakes Municipal Utility District No. 1 of Ellis County (TCEQ Internal Control No. D-11302021-043), which I caused to be posted on the bulletin board used for posting legal notices in Ellis County on the 28 day of January, 2022.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Ellis County Clerk

Sheryl Ground

Sheryl Ground  
, Deputy

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT AMENDED PETITION TCEQ INTERNAL CONTROL NO. D-11302021-043

**AMENDED PETITION.** Highland Lakes Midlothian I, LLC, a Texas limited liability company (Petitioner) filed an amended petition for creation of Highland Lakes Municipal Utility District No. 1 of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The amended 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 amended 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 is one lienholder, Community National Bank & Trust of Texas, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 2,153.6 acres located within Ellis County, Texas; and (4) some of the land within the proposed District is within the extraterritorial jurisdiction of the City of Midlothian and some of the land within the proposed District is within the extraterritorial jurisdiction of the City of Waxahachie.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "A" and is depicted in the vicinity map designated as Exhibit "B," both of which are attached to this document.

The amended petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. Additionally, it is further proposed that the District be granted road powers pursuant to Texas Water Code, Section 54.234.

According to the amended 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 \$277,834,884 (\$167,464,247 for water, wastewater, and drainage plus \$110,370,637 for roads).

Some of the Property described in Exhibit "A" is located within the extraterritorial jurisdiction of the City of Midlothian, Ellis County, Texas, and some of the property is located in the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas. In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioner submitted a



petition to the City of Midlothian and the City of Waxahachie, requesting each City's consent to the creation of the District. After more than 90 days passed without receiving consent, the petitioner submitted a petition to each City to provide water or 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 the information provided indicates that the Petitioners and the Cities 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 Petitioners to initiate proceedings to include the land within the district.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this amended 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 amended 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 amended 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 amended 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 amended petition and will forward the amended 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: January 20, 2022



# Exhibit "A"

## **HIGHLAND LAKES MUD – Legal Description (2,153.60 ACRES)**

**BEING** a tract of land situated in the Heirs of Moses H. Davis Survey, Abstract 314, the Amasa Howell Survey, Abstract 524, the John Crawford Survey, Abstract 256, the C. Wyatt Survey, Abstract 1255, the Puerta Tierra Irrigation Company Survey, Abstract 1239, the Cresanto Vela Survey, Abstract 1101, the John Pitts Survey, Abstract 1288, the Samuel Whiting Survey, Abstract 1119 and Amasa Howell Survey, Abstract 522, the Cuacrilla irrigation Company Survey, Abstract 1205, the J.W. Singleton Survey, Abstract 1246, the H.M. Rhodus Survey, Abstract 1270, the N.N.J.J. & B.L Edwards Survey, Abstracts 339 and 340, the James L. Agee Survey, Abstract 31, the William J. Hicklin Survey, Abstracts 478 and 473, the David Fearis Survey, Abstract 378, Ellis County, Texas and being part of Tract 1, a called 2,968.956 acre tract described in a Special Warranty Deed to Bay Harbor Investment Group, LLC, as recorded in Instrument No. 1610266 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point for the most Easterly Northeast corner of said Salvation Army tract, same being the inner-ell corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to Stan Mayfield and wife, Trena Mayfield and James R. Mayfield and wife, Deanne Mayfield (hereinafter referred to as Mayfield tract), as recorded in Volume 1561, Page 847 of the Real Property Records of said county;

**THENCE** South 30°35'42" East, with the common line between said Salvation Army tract and said Mayfield and generally with a fence line, passing at a distance of 1,990.43 feet, the Southerly corner of said Mayfield tract, same being the Westerly corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to Dane Owens and Carol Owens (hereinafter referred to as Owens tract), as recorded in Volume 2629, Page 1754 of said Official Public Records, and continuing with said course and the common line between said Salvation Army tract and said Owens tract and generally with a fence line for a total distance of 2,537.48 feet to a point in Lone Elm Road for the most Easterly corner of said Salvation Army tract , same being the Northerly corner of that certain tract of land described in a Special Warranty Deed to Katherine Ann Pitts (hereinafter referred to as Pitts tract), as recorded in Volume 1133, Page 31 of said Official Public Records;

**THENCE** South 59°07'32" West, with the common line between said Salvation Army tract and said Pitts tract, a distance of 2,587.15 feet to a point for an angle point in the Easterly line of said Salvation Army tract, same being the Westerly corner of said Pitts tract;

**THENCE** South 30°19'45" East, continuing with the common line between said Salvation Army tract and said Pitts tract, a distance of 688.14 feet to a point in Lone Elm Road for an angle point in the Easterly line of said Salvation Army tract, same being the Northerly corner of that certain tract of land described in a deed to J. A. Loftis, Sr. and wife, Ola Mae Loftis (hereinafter referred to as Loftis tract), as recorded in Volume 458, Page 161 of the Deed Records of said county;

**THENCE** South 51°39'18" West, departing said Pitts tract and with the common line between said Salvation Army tract and said Loftis tract, a distance of 1,163.52 feet to a point for an angle point in the Easterly line of said Salvation Army tract;

**THENCE** South 56°34'53" West, continuing with the common line between said Salvation Army tract and said Loftis tract, a distance of 1573.15 feet to a point in the center of the South Prong Waxahachie Creek, same being the Northwesterly corner of said Loftis tract;

**THENCE** with the center of said South Prong Waxahachie Creek and the common line between said Salvation Army tract and said Loftis tract the following courses and distances:

South 38°58'41" East, a distance of 128.70 feet;

South 33°05'05" West, a distance of 52.16 feet;

South 04°39'10" West, a distance of 97.18 feet;

South 30°11'40" West, a distance of 30.12 feet;

South 64°45'47" East, a distance of 141.19 feet;

South 41°44'47" East, a distance of 378.58 feet;

South 63°44'38" East, a distance of 492.87 feet;

South 58°39'38" East, a distance of 63.68 feet;

North 88°05'52" East, a distance of 339.68 feet;

South 57°38'58" East, a distance of 102.12 feet;

South 39°47'47" East, a distance of 208.83 feet;

South 58°34'20" East, a distance of 412.95 feet;

North 74°39'15" East, a distance of 219.09 feet;

South 51°39'56" East, a distance of 87.49 feet;

South 12°35'58" West, a distance of 65.36 feet to the intersection of a Branch of said South Prong Waxahachie Creek and the center of said South Prong Waxahachie Creek;

**THENCE** with the center of said Branch and the Easterly line of said Salvation Army tract, the following courses and distances:

North 84°49'46" West, a distance of 191.86 feet;

South 23°59'39" West, a distance of 188.36 feet;

South 40°49'36" East, a distance of 66.86 feet;

South 20°52'40" West, a distance of 49.37 feet;

North 81°13'10" West, a distance of 84.55 feet;

South 01°23'02" West, a distance of 70.66 feet;

South 56°17'06" West, a distance of 64.23 feet;

South 89°26'54" West, a distance of 84.06 feet;

South 08°37'44" West, a distance of 72.32 feet;

South 23°56'40" West, a distance of 56.20 feet;

South 13°22'04" West, a distance of 48.51 feet to the north line of that certain tract of land described in a Special Warranty Deed with Vendor's Lien to MS Capital, LLC (hereinafter referred to as MS Capital tract), as recorded in Volume 2335, Page 1605 of said Official Public Records;

**THENCE** South 58°11'45" West, with the common line between said Salvation Army tract and said MS Capital tract, a distance of 2,091.87 feet to a point for a Southerly corner of said Salvation Army tract, same being an inner-ell corner of said MS Capital tract;

**THENCE** continuing with the common line between said Salvation Army tract and said MS Capital tract, the following courses and distances:

North 31°06'07" West, a distance of 3,479.94 feet to a point;

North 55°29'10" East, a distance of 29.78 feet to a point;

North 31°24'33" West, a distance of 469.23 feet to a point;

South 58°34'13" West, generally with a fence, a distance of 3,418.18 feet to a point;

South 30°42'49" East, a distance of 422.02 feet to a point;

North 59°39'08" East, a distance of 33.35 feet to a point;

South 31°16'13" East, a distance of 3,687.23 feet to a point for an angle point on the Southerly line of said Salvation Army tract, same being the Northerly corner of that certain tract of land described in a deed to J. A. Loftis, Jr. Revocable Trust (Loftis Jr. tract), as recorded in Volume 2569, Page 310 of said Official Public Records;

**THENCE** South 59°12'37" West, with the common line between said Salvation Army tract and said Loftis Jr. tract, a distance of 3,319.62 feet to an angle point in the Southerly line of said Salvation Army tract, same being the Northerly Northwest corner of said Loftis Jr. tract, same

also being an angle point on the Northeasterly line of that certain tract of land described in a Warranty Deed with Vendor's Lien to BMB Angus Road, LLC (hereinafter referred to as BMB Angus Road tract), as recorded in Instrument Number 2015-16705 of said Official Public Records;

**THENCE** with the common line between said Salvation Army tract and said BMB Angus Road tract, the following courses and distances:

South 61°40'00" West, a distance of 378.50 feet to a point;

North 30°43'05" West, generally with a fence, a distance of 3,666.48 feet to a point;

North 31°03'40" West, generally with a fence, a distance of 1,941.69 feet to point;

South 58°47'46" West, a distance of 1,790.10 feet to a point for a Westerly corner of said BMB Angus Road tract;

**THENCE** South 58°55'35" West, with a Southerly line of said Salvation Army tract, a distance of 1,478.36 feet to a point for the Northwesterly corner of that certain tract of land described in a Special Warranty Deed to Baucum Family Partners, LTD., as recorded in Volume 1292, Page 320 of said Real Property Records, same being in the Easterly line of that certain tract of land described in a deed to Tarrant Regional Water District (hereinafter referred to as Tarrant Regional Water District tract), as recorded in Volume 2698, Page 696 of said Official Public Records;

**THENCE** with the common line between said Salvation Army tract and Tarrant Regional Water District tract, the following courses and distances:

North 00°29'14" West, a distance of 1,140.43 feet to a point;

North 88°32'47" West, a distance of 2,126.58 feet to a point;

North 85°09'28" West, a distance of 181.87 feet to a point in Baucum Road;

**THENCE** North 11°11'50" West with the Westerly line of said Salvation Army tract and with said Baucum Road, a distance of 1,667.44 feet to a point in Baucum Road;

**THENCE** North 29°58'24" West continuing with the Westerly line of said Salvation Army tract and with said Baucum Road, a distance of 861.41 feet to a point in the southeasterly line of the City of Midlothian, Texas Municipal Boundary Limits, according to City of Midlothian Ordinance No. 2004-10, said point being at the beginning of a curve to the left whose long chord bears North 54°28'06" East, a distance of 5,021.89 feet;

**THENCE** Northeasterly, departing said Baucum Road and with the southeasterly line of said Municipal Boundary Limits and with said curve to the left having a radius of 5,280.00 feet, through a central angle of 56°47'29", for an arc distance of 5,233.51 feet to a point at the end of said curve, being on the common line between said Salvation Army tract and that certain tract of

land described in a Warranty Deed to Wayne Hill and Elaine Hill (hereinafter referred to as Wayne Hill tract), as recorded in Volume 685, Page 1067, of said Deed Records;

**THENCE** South 31°23'23" East, leaving the southeasterly line of said Municipal Boundary Limits and with the common line between said Salvation Army tract and said Wayne Hill tract, a distance of 3,172.72 feet to a point for the Southerly corner of said Wayne Hill tract;

**THENCE** North 58°27'52" East, continuing with the common line between said Salvation Army tract and said Wayne Hill tract, passing at a distance of 1,886.23 feet, Easterly corner of said Wayne Hill tract, same being the Southerly corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to Wayne Hill and wife, Elaine Hill (hereinafter referred to as Hill tract), as recorded in Volume 870, Page 1 of said Deed Records, and continuing with said course and common line between said Salvation Army tract and said Hill tract for a total distance of 3,798.01 feet to a point for the Easterly corner of said Hill tract;

**THENCE** North 31°56'19" West, continuing with the common line between said Salvation Army tract and said Hill tract and generally with a fence, a distance of 2,753.41 feet to a point for an inner-ell corner of said Hill tract;

**THENCE** North 60°50'56" East, continuing with the common line between said Salvation Army tract and said Hill tract, a distance of 439.06 feet to a point for the Northeasterly corner of said Hill tract, same being the existing South right-of-way line of the aforesaid F. M. Road 875;

**THENCE** with the common line between said Salvation Army tract and the existing South right-of-way line of said F. M. Road 875, the following courses and distances:

North 87°19'26" East, a distance of 516.49 feet to a point;

North 87°00'26" East, a distance of 826.56 feet to a point for the beginning of a curve to the left, whose long chord bears North 74°09'26 seconds East, a distance of 359.82 feet;

Northeasterly, with said curve to the left having a radius of 808.94 feet, through a central angle of 25°42'00", for an arc distance of 362.85 feet to a point;

North 61°18'26" East, a distance of 73.22 feet to the center of the aforesaid South Prong Waxahachie Creek, same being the Westerly corner of that certain tract of land described in a deed to Mark C. Lepori and wife, Deweylene Lepori (hereinafter referred to as Lepori tract), as recorded in Volume 2014, Page 1794 of said Real Property Records;

**THENCE** with the common line between said Salvation Army tract and said Lepori tract and with the center of said South Prong Waxahachie Creek, the following courses and distances:

South 01°17'49" East, departing the existing South right-of-way line of said F. M. Road 875, a distance of 83.66 feet;

South 82°59'34" East, a distance of 101.00 feet;

South 54°07'31" East, a distance of 147.02 feet;

South 19°26'43" West, a distance of 162.00 feet;

South 52°38'17" East, a distance of 200.00 feet;

South 01°23'17" East, a distance of 234.00 feet;

South 19°13'17" East, a distance of 232.20 feet;

South 42°13'17" East, a distance of 282.00 feet;

North 39°41'43" East, a distance of 155.00 feet;

North 32°06'43" East, a distance of 93.00 feet;

South 75°48'17" East, passing at a distance of 54.13 feet, the Southeasterly corner of said Lepori tract and continue with said course and the Northerly line of said Salvation Army tract and with the center of said South Prong Waxahachie Creek for a total distance of 105.00 feet;

**THENCE** with the North line of said Salvation Army tract and with the center of said South Prong Waxahachie Creek, the following courses and distances:

South 36°28'17" East, a distance of 221.00 feet;

North 51°51'43" East, a distance of 194.00 feet;

South 38°53'17" East, a distance of 172.00 feet;

South 80°58'17" East, a distance of 113.00 feet;

South 39°58'17" East, a distance of 118.50 feet to an angle point in the Southerly line of that certain tract of land described in a deed to J. W. Alpine, et ux (hereinafter referred to as Alpine tract), as recorded in Volume 499, Page 474 of said Deed Records;

**THENCE** with the common line between said Salvation Army tract and said Alpine tract, the following courses and distances:

North 59°33'27" East, a distance of 1,739.86 feet to a point;

South 31°06'29" East, generally with a fence, a distance of 1,716.02 feet to a point;

North 58°38'46" East, generally with a fence, a distance of 1,068.17 feet to a point;

North 58°36'11" East, generally with a fence, a distance of 1,225.22 feet to a point;

North 29°30'11" West, generally with a fence, a distance of 2,611.26 feet to a point in the existing South right-of-way line of the aforesaid F. M. Road 875 (90' right-of-way), as recorded in Volume 425, page 314 of said Deed Records, same being the beginning of a non-tangent curve to the left, whose long chord bears North 89°19'13" East, a distance of 68.36 feet;

**THENCE** Easterly, with the common line between said Salvation Army tract and the existing South right-of-way line of said F.M. Road 875 and with said non-tangent curve to the left having a radius of 448.97 feet, through a central angle of 8°43'57", for an arc distance of 68.43 feet to a point for the Westerly corner of that certain tract of land described in a Warranty Deed to Paul T. Vinson (hereinafter referred to as Vinson tract), as recorded in Volume 2408, Page 507 of said Real Property Records;

**THENCE** South 29°27'02" East, departing the existing South right-of-way line of said F.M. Road 875 and with the common line between said Salvation Army tract and said Vinson tract, a distance of 2,576.91 feet to a point for the Southerly corner of said Vinson tract;

**THENCE** North 58°43'07" East, continuing with the common line between said Salvation Army tract and said Vinson tract, passing at a distance of 2,465.60 feet, the Easterly corner of said Vinson tract, same being an angle point on the Southwesterly line of the aforesaid Mayfield tract and continue with said course and the common line between said Salvation Army tract and said Mayfield tract for a total distance of 2,618.94 feet to the **PLACE OF BEGINNING**, and containing 2,153.600 acres or 93,810,818 square feet of land, more or less.

# Exhibit "B"

