

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 Circle S Municipal Utility District of Ellis County , SOAH Docket No. 582-25-01780, TCEQ Docket No. 2024-0135-DIS, was mailed on October 4, 2024.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 4th day of October 2024.

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

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING **Circle S Middle Municipal Utility District of Ellis County** **SOAH Docket No. 582-25-01780** **TCEQ Docket No. 2024-0135-DIS** **TCEQ Internal Control No. D-08232023-047**

PETITION.

Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Circle S Middle Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 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 is one lienholder, AgTexas Farm Credit Services, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 407.5 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is located within the extraterritorial jurisdiction of the City of Midlothian (City).

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$53,300,000 (\$37,500,000 for water, wastewater, and drainage facilities and \$15,800,000 for road facilities).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and

information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

CONTESTED CASE HEARING.

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. – November 4, 2024

To join the Zoom meeting via computer:

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

Meeting ID: 161 223 8725

Password: 582CSM

or

To join the Zoom meeting via telephone:

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

Meeting ID: 161 223 8725

Password: 912902

**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, 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, telephone (512) 239-6363. 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

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: October 4, 2024

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
Circle S Middle Municipal Utility District of Ellis County
TCEQ Docket No. 2024-0135-DIS
SOAH Docket No. 582-25-01780
TCEQ Internal Control No. D-08232023-047

FOR THE APPLICANT

Ross Martin
Winstead PC
2728 North Harwood Street, Suite 500
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Ken Heroy, P.E.
Jones-Heroy & Associates, Inc.
13915 North MoPac Expressway, Suite 200
Austin, Texas 78728

INTERESTED PERSON(S)

See attached list

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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Environmental Law Division, MC-173
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Justin Taack, Technical Staff
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Ryan Vise, Deputy Director
Texas Commission on Environmental
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External Relations Division
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P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Sheldon Wayne, Attorney
Texas Commission on Environmental
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Public Interest Counsel, MC-103
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FOR ALTERNATIVE DISPUTE
RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental
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P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFiling:

Docket Clerk
Texas Commission on Environmental
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Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efiling>

CITY OF MIDLOTHIAN
HEALTH OFFICIAL
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MIDLOTHIAN TX 76065-2901

CITY OF MIDLOTHIAN
MAYOR
104 W AVENUE E
MIDLOTHIAN TX 76065-2901

ELLIS COUNTY JUDGE
COUNTY COURTHOUSE
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WAXAHACHIE TX 75165-0405

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TEXAS DEPARTMENT OF STATE HEAL
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ARLINGTON TX 76013-2262

US ARMY CORPS OF ENGINEERS REG
CESWS-PER-R
PO BOX 17300
FORT WORTH TX 76102-0300

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
3233 CURTIS DR
FORT WORTH TX 76116-5100

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TRINITY RIVER AUTHORITY OF TEX
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ARLINGTON TX 76018-1710

MR BRENTON DUNN REG MANAGER
TARRANT REGIONAL WATER DISTRICT
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FORT WORTH TX 76102-1016

LARRY JINKS
ELLIS COUNTY HEALTH OFFICER
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ENNIS TX 75119-4536

KATHY TURNER JONES MANAGER
PRAIRIELANDS GROUNDWATER CONSE
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KYTINNA SOTO OWNER
LA PRENSA COMUNIDAD
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TOLAR TX 76476-0732

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

JANE VOISARD
MIDLOTHIAN BREATHE
5030 VERNON PT
MIDLOTHIAN TX 76065-7091

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

Applicant Name: Circle S Middle MUD
TCEQ Tracking No. D-08232023-047 CID Item No. 134365
Application Type: PETITION FOR CREATION OF A DISTRICT

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF: ELLIS §

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

LISA DRAFALL, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the VP OF SALES
(title of newspaper representative)

of the MIDLOTHIAN MIRROR; that said newspaper is
(name of newspaper)

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

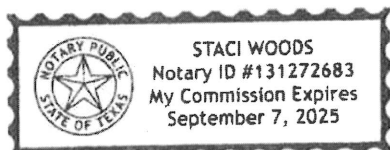
Texas; that the attached notice was published in said newspaper on the following dates:

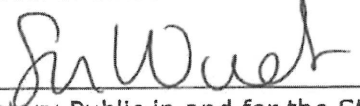
OCTOBER 12 & 19, 2023
(date or dates of publication)


Newspaper Representative's Signature

Subscribed and sworn to before me this the 19th day of October,
20 23, to certify which witness my hand and seal of office.

(Seal)




Notary Public in and for the State of Texas

Staci Woods
Print or type Name of Notary Public

My Commission Expires September 7, 2025

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION

TCEQ Internal Control No. D-08232023-047

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

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

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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 petitioner 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.

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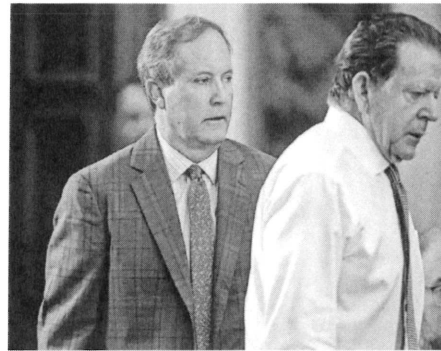
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Issued: October 2, 2023

EXHIBIT A



Published in Midlothian Mirror October 12, 19, 2023.



Texas Attorney General Ken Paxton, center, walks back to his seat after speaking privately with defense attorney Dan Cogdell before starting the ninth day of his impeachment trial in the Senate Chamber at the Texas Capitol on Sept. 15 in Austin. Sam Owens / Pool via San Antonio Express-News

Paxton to file criminal complaints against impeachment managers

Alejandro Serrano
The Texas Tribune

Texas Attorney General Ken Paxton said Monday he plans to file criminal complaints against the group of state representatives who led the impeachment against him for releasing his personal information.

"The impeachment managers clearly have a desire to threaten me with harm when they released this information last week," he said in a statement. "I'm imploring their local prosecutors in each individual district to investigate the criminal offenses that have been committed."

The 12 House representatives being targeted by Paxton led the impeachment trial in the Senate after the House overwhelmingly voted to impeach Paxton in May. Last month the Senate acquitted Paxton of 16 articles of impeachment that alleged corruption and bribery.

In a statement Monday, Paxton accused the House impeachment managers of violating a new state law with an Oct. 2 release of documents related to the case. The new legislation cited by Paxton prohibits posting an individual's personal information such as a home address or telephone number with the intent to cause harm to that individual or their family.

Paxton said he plans to file the criminal complaints in each of the counties represented by the dozen impeachment managers. It is not clear which address is in question. Several of Paxton's addresses are available through already-published public records, often found online from any location through local municipalities' appraisal district databases.

House lawyer Rusty Hardin, who prosecuted Paxton, said Monday that the documents released last week contained the same information that was included in other documents that had already been filed or were admitted into the impeachment trial without objection.

He also said that the information about Paxton's residence is available through public records, and has been for years. Further, he said the release of documents was not conducted with an intent to cause harm to Paxton as he alleged — it was "simply a repeat

of public information to anyone that wants to look into it."

If Paxton makes good on his pledge to file the criminal complaints, Hardin said his Houston law firm will consider countering with a criminal complaint against Paxton for making a false report to police.

"This is the exact kind of bullying, uninformed vengeful act that we predicted if the attorney general was not impeached," Hardin said. "He's trying to misuse the criminal justice system to cower and punish people who sought to impeach him under the law. It's just one more outrageous, vengeful act by a man who has no business being attorney general."

House impeachment manager Rep. Andrew Murr, R-Junction, said in a statement that Paxton's attack was a form of retaliation against people he deems his enemies. He suggested Paxton should "stop trying to harass legislators" and instead focus on the attorney general's office.

"Growing up on a ranch, I was taught to keep the manure on the outside of my boots. Mr. Paxton's baseless threats about filing criminal complaints are horse manure, and they are filling his boots full," he said.

District attorneys or their representatives in three counties home to impeachment managers — Brazoria, Harris and Tarrant — said they had not received any such complaints as of Monday afternoon from Paxton.

A spokesperson for the attorney general's office did not immediately respond to an inquiry seeking clarification. Neither did the other district attorney's offices who are home to other impeachment managers.

Paxton's threat of criminal prosecution against the impeachment managers may still cause alarm.

"I have no position one way or another on the impeachment itself, but it was presumably conducted in accordance with Texas law," said David Loy, legal director of the First Amendment Coalition, a nonprofit committed to freedom of speech. "It raises serious questions of abuse of power and improper retaliation from the attorney general to turn around and try to prosecute the people who prosecuted the impeachment."

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY


NOTICE OF DISTRICT PETITION
TCEQ Internal Control No. D-08232023-047

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Issued: October 2, 2023

EXHIBIT A


Published in Midlothian Mirror October 12, 19, 2023.

185-7719

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00009

CERTIFICATE OF POSTING NOTICE

THE STATE OF TEXAS §
 §
COUNTY ELLIS §

I, Tina Chambers, do hereby certify that at 8:46 am/pm on Oct 10, 2023, I posted the attached and foregoing Notice of District Petition for Creation of Circle S Middle Municipal Utility District of Ellis County from the Texas Commission on Environmental Quality on the bulletin board used for posting legal notices at the Ellis County Clerk's Office as required by 30 Texas Administrative Code §293.12(b)(2).

EXECUTED this 10th day of October, 2023.

By: Tina Chambers
Name: Tina Chambers
 Deputy

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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TCEQ Internal Control No. D-08232023-047

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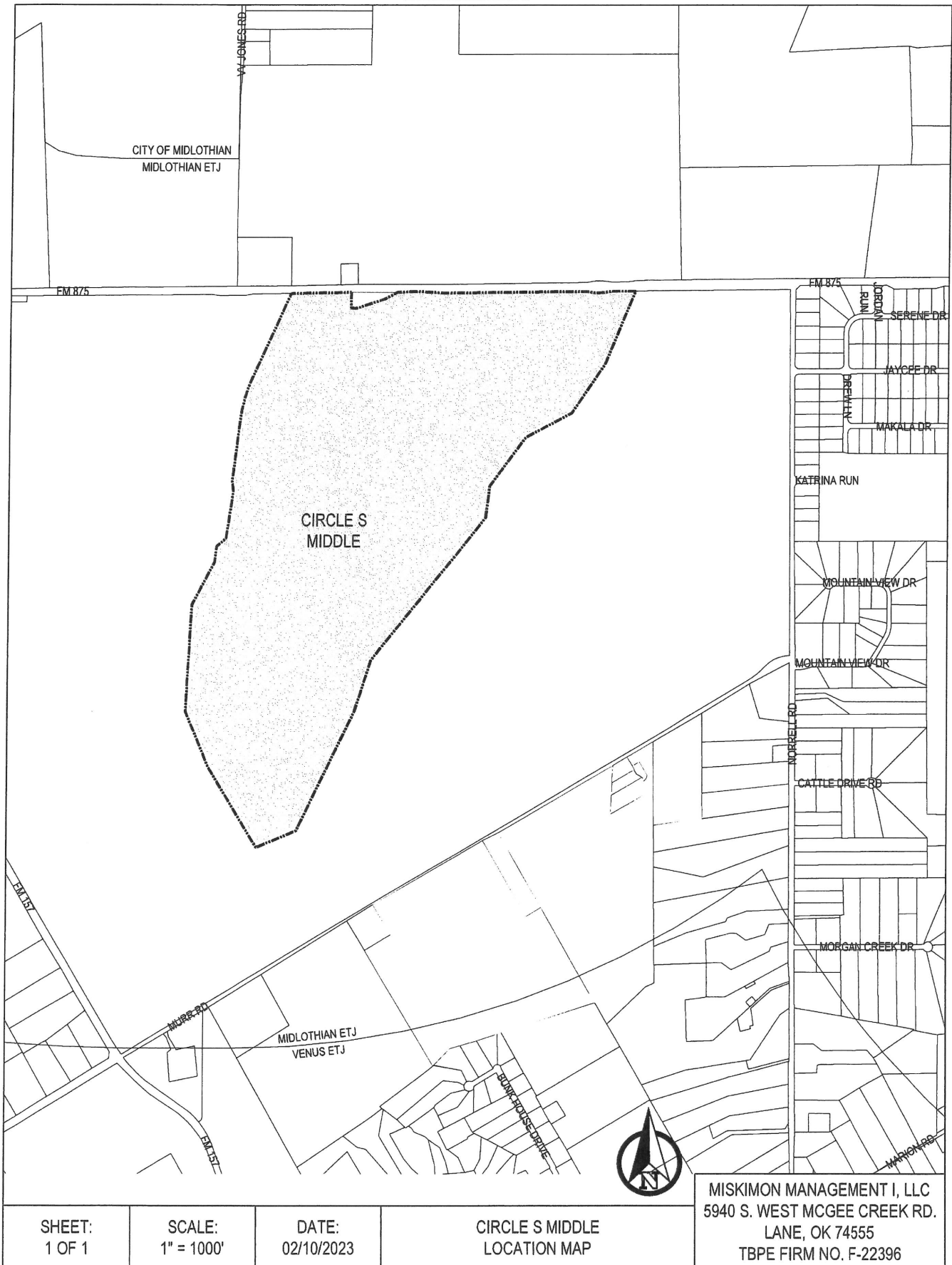
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request 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 2, 2023

EXHIBIT A



SHEET:
1 OF 1

SCALE:
1" = 1000'

DATE:
02/10/2023

CIRCLE S MIDDLE
LOCATION MAP

MISKIMON MANAGEMENT I, LLC
5940 S. WEST MCGEE CREEK RD.
LANE, OK 74555
TBPE FIRM NO. F-22396

Juliet Varra

From: Hahn, Vicki <vhahn@winstead.com>
Sent: Thursday, October 19, 2023 1:21 PM
To: PROOFS
Cc: Dennis Mostowy
Subject: Circle S Middle Municipal Utility District of Ellis County - D-06082023-020 ("District") - Proofs of Publishing and Posting Notice of District Petition
Attachments: Circle S Middle MUD - Affidavit of Publication and tear sheets for the Notice of District Petition - 10-12-23 and 10-19-23 4869-3056-7816~.pdf; Circle S Middle MUD - Certificate of Posting Notice of District Petition - Ellis County - 10-10-23 4886-7476-0838 1.pdf

Good afternoon,

In accordance with 30 T.A.C. 293.12, attached are the following proofs for the District:

1. Affidavit of Publication for the Notice of District Petition and the tear sheets for the Midlothian Mirror for October 12, 2023 and October 19, 2023; and
2. Certificate of Posting of Notice of District Petition by the county dated October 10, 2023.

If you need anything else, please let me know.

Best regards,

Vicki

Vicki Hahn

Paralegal

Winstead PC | 401 Congress Avenue, Suite 2100 | Austin, Texas 78701
(512) 370-2931 *direct* | (310) 490-5060 *cell* | vhahn@winstead.com | www.winstead.com

Information contained in this transmission is attorney privileged and confidential. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-08232023-047

PETITION. Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Circle S Middle Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 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 is one lienholder, AgTexas Farm Credit Services, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 407.5 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is located within the extraterritorial jurisdiction of the City of Midlothian (City).

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

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$53,300,000 (\$37,500,000 for water, wastewater, and drainage facilities and \$15,800,000 for road facilities).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable

contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

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

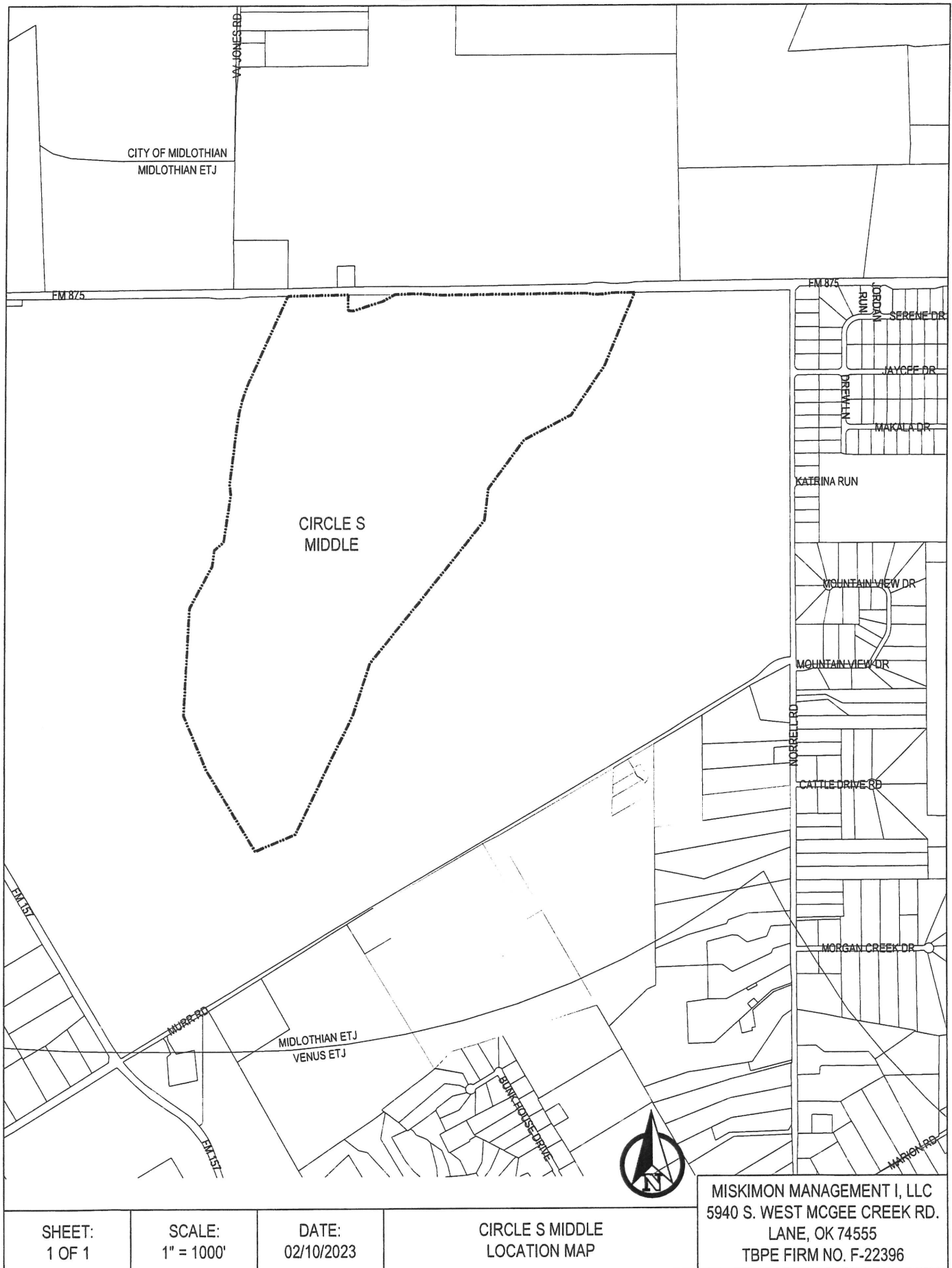
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request 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 2, 2023

EXHIBIT A



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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

October 2, 2023

Mr. Ross Martin
Winstead PC
500 Winstead Building
2728 North Harwood Street
Dallas, Texas 75201

Re: Publication of Notice of District Petition regarding creation of Circle S Middle
Municipal Utility District of Ellis County
TCEQ Internal Control No. D-08232023-047

Dear Mr. Martin:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact Dennis Mostowy in the District Administration Office at 512/239-5232 if the notice is found to be in error.

This full notice, including Exhibit A, must be published in accordance with 30 Texas Administrative Code Section 293.12, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the proposed district is to be located. Publication shall be once a week for two consecutive weeks. The 30-day comment period will begin on the day after the date of the **second** publication.

In addition, pursuant to 30 Texas Administrative Code 293.12, you are required to post the enclosed notice, including Exhibit A, on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located. This notice should be posted so that it is available to the public no later than the date of your second newspaper publication.

After notice has been published and posted in accordance with 293.12, please provide proof of these actions to the Chief Clerks Office (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. The proof of posting can be in the form of an affidavit signed by a representative for the proposed district, stating all facts of the posting action.

The Chief Clerk's Office should receive all affidavits no later than 14 days after the

second publication of the notice in the newspaper.

If you have any questions regarding these publication requirements, please contact Georgia Carroll-Warren in this office at 512/239-3314.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Laurie Gharis
Chief Clerk

LG/ka
Enclosures

cc: To all on attached mailing list.

MAILING LIST

Circle S Middle Municipal Utility District of Ellis County
TCEQ Internal Control No. D-08232023-047

Mr. Ross Martin
Winstead PC
500 Winstead Building
2728 North Harwood Street
Dallas, Texas 75201

Mr. Ken Heroy, P.E.
Jones-Heroy & Associates, Inc.
13915 North Mopac Expressway, Suite 408
Austin, Texas 78728

Ms. Melissa Lopez
Circle S Midlothian, LLC
5940 South West McGee Road
Lane, Oklahoma 74555

AgTexas Farm Credit Services
117 South Burleson Boulevard
Burleson, Texas 76028

Ms. Cassie Gibson
Residential Strategies, Inc.
16980 North Dallas Parkway, Suite 101
Dallas, Texas 75248

Ms. Alyssa Taylor
TCEQ Region 4
2309 Gravel Drive
Fort Worth, Texas 76118

The Honorable Brian Harrison
100 North College Street, Suite 306
Waxahachie, Texas 75165

The Honorable Brian Birdwell
1315 Waters Edge Drive, Suite 116
Granbury, Texas 76048

The Honorable Krystal Valdez
County Clerk, Ellis County
109 South Jackson Street
Second Floor / Ground Floor
Waxahachie, Texas 75165

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173
Bobby Salehi, Staff Attorney, Environmental Law Division, MC-173

Justin Taack, Manager, Districts Section, MC-152
Daniel Finnegan, Team Leader, Districts Bond Team, MC-152
Dennis Mostowy, P.E., Bond Reviewer, Districts Bond Team, MC-152
Michelle Voytko, Data Infrastructure Specialist, Drinking Water Special
Functions Section, MC-155
Garrett T. Arthur, Office of the Public Interest Counsel, MC-103

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

Applicant Name: Circle S Middle MUD
TCEQ Tracking No. D-08232023-047 CID Item No. 134365
Application Type: PETITION FOR CREATION OF A DISTRICT

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF: _____ §

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

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

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

of the _____ ; that said newspaper is
(name of newspaper)

regularly published or circulated in _____ County/Counties,
(name of county or counties)

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

(date or dates of publication)

Newspaper Representative's Signature

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

Notary Public in and for the State of Texas

(Seal)

Print or type Name of Notary Public

My Commission Expires _____

ROSS MARTIN
WINSTEAD PC
500 WINSTEAD BUILDING
2728 N HARWOOD ST
DALLAS, TX 75201

KEN HEROY, P.E.
JONES-HEROY & ASSOCIATES, INC.
13915 N MOPAC EXPY, STE 408
AUSTIN, TX 78728

MELISSA LOPEZ
CIRCLE S MIDLOTHIAN, LLC
5940 SOUTH WEST MCGEE RD
LANE, OK 74555

AGTX FARM CREDIT SERVICES
117 S. BURLESON BOULEVARD
BURLESON, TX 76028

CASSIE GIBSON
RESIDENTIAL STRATEGIES, INC.
16980 N DALLAS PARKWAY, STE 101
DALLAS, TX 75248

THE HONORABLE BRIAN HARRISON
100 N COLLEGE ST, STE 306
WAXAHACHIE, TX 75165

THE HONORABLE BRIAN BIRDWELL
1315 WATERS EDGE DR, STE 116
GRANBURY, TX 76048

THE HONORABLE KRYSTAL VALDEZ
COUNTY CLERK, ELLIS COUNTY
109 S JACKSON ST
SECOND FLOOR / GROUND FLOOR
WAXAHACHIE, TX 75165

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Notice Team Leader
Office of the Chief Clerk

Date: September 28, 2023

From: Dennis Mostowy
Districts Bond Team

Subject: Petition for Creation of Circle S Middle Municipal Utility District of Ellis County
TCEQ Internal Control No. D-08232023-047
CN: 606174803 RN: 111797585

The above referenced application was declared administratively complete on August 23, 2023. Pursuant to Title 30 Texas Administrative Code Section 293.12, please send a copy of the appropriate notice to the applicant indicating that an application has been received and notifying interested persons of the procedures for requesting a public hearing. Please advise the applicant to carefully review the notice for accuracy before publishing and to contact our office if any errors are found.

The applicant is requesting approval to create Circle S Middle Municipal Utility District of Ellis County under Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The proposed District shall consist of approximately 407.5 acres of land depicted in the vicinity map designated as Exhibit "A".

Attachments: Notice
Map (Exhibit "A")
Mailing List
Petition for Creation

contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

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

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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: **DRAFT**

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST

Circle S Middle Municipal Utility District of Ellis County
TCEQ Internal Control No. D-08232023-047

Mr. Ross Martin
Winstead PC
500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

Mr. Ken Heroy, P.E.
Jones-Heroy & Associates, Inc.
13915 N. Mopac Expressway, Suite 408
Austin, Texas 78728

Ms. Melissa Lopez
Circle S Midlothian, LLC
5940 South West McGee Road
Lane, Oklahoma 74555

AgTexas Farm Credit Services
117 S. Burleson Boulevard
Burleson, Texas 76028

Ms. Cassie Gibson
Residential Strategies, Inc.
16980 North Dallas Parkway, Suite 101
Dallas, Texas 75248

Ms. Alyssa Taylor
TCEQ Region 4
2309 Gravel Dr
Fort Worth, Texas 76118

The Honorable Brian Harrison
100 N College Street, Suite 306
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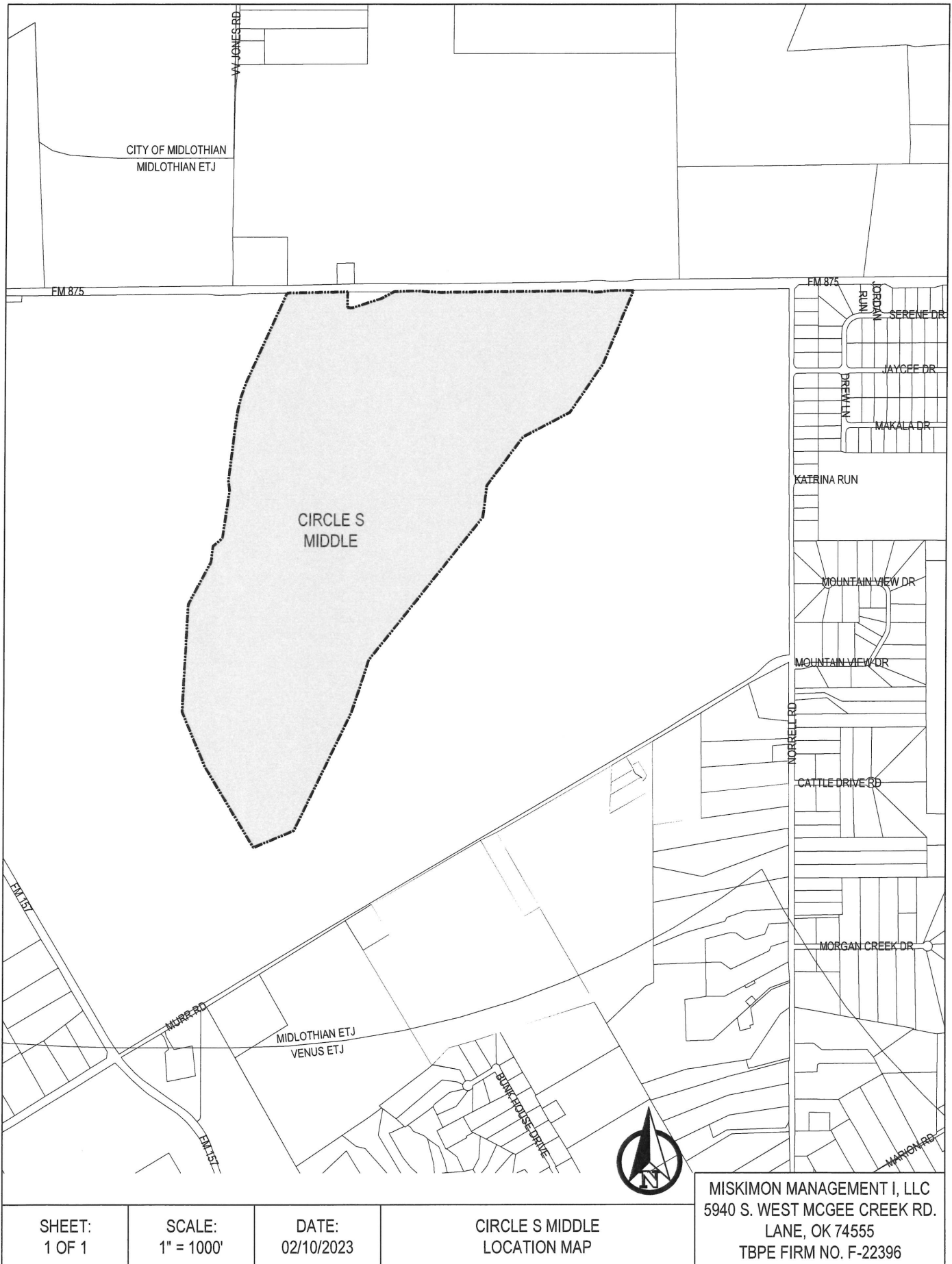
The Honorable Brian Birdwell
1315 Waters Edge Drive, Suite 116
Granbury, Texas 76048

The Honorable Krystal Valdez
County Clerk, Ellis County
109 S Jackson St.
Second Floor / Ground Floor
Waxahachie, Texas 75165

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173
Bobby Salehi, Staff Attorney, Environmental Law Division, MC-173

EXHIBIT A



**PETITION FOR THE CREATION OF
CIRCLE S MIDDLE MUNICIPAL UTILITY DISTRICT OF ELLIS COUNTY**

THE STATE OF TEXAS §
 §
COUNTY OF ELLIS §

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned petitioner, (herein the "Petitioner", whether one or more), being a majority of the landowners who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of said area described by metes and bounds in Exhibit "A" attached hereto (the "Land"), respectfully petitions the Texas Commission on Environmental Quality ("TCEQ") for the creation of a municipal utility district in Ellis County, Texas, pursuant to the provisions of Texas Local Government code Sec. 42.042 and Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, and would respectfully show the following:

I.

The Petitioner originally intended to create the Circle S Municipal Utility District of Ellis County as a singular district ("Original Proposed District"). The acreage for the Original Proposed District was approximately 1991.48 acres as described by metes and bounds in Exhibit "B". As of the date of this petition, the Petitioner has determined to separate the Original Proposed District into four separate districts. The entire acreage of the Land was included as a portion of the Original Proposed District.

II.

The name of the proposed district shall be "Circle S Middle Municipal Utility District of Ellis County" (the "**District**"). There is no other conservation or reclamation district in Ellis County, Texas with the same name.

III.

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

IV.

IX.

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

X.

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

XI.

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

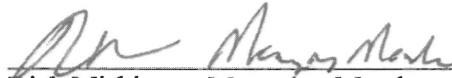
A public necessity exists for the organization of such District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities and roads or improvements in aid thereof, in order to promote and protect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

RESPECTFULLY SUBMITTED, this 15th day of May, 2023

CIRCLE S MIDLOTHIAN, LLC

a Texas limited liability company

By:



Rick Miskimon, Managing Member
Approx. acreage owned: 407.5 acres

STATE OF OKLAHOMA

§

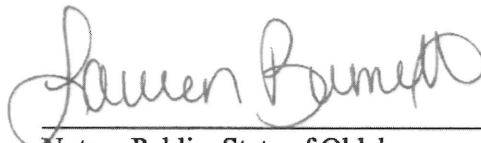
§

COUNTY OF ATOKA

§

Before me on this day personally appeared Rick Miskimon, Managing Member of Circle S Midlothian, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 15th of May, 2023.



Notary Public, State of Oklahoma

Expires: 4/9/2024



Katha Anderson

From: Dennis Mostowy
Sent: Tuesday, September 26, 2023 3:40 PM
To: OCC-DISTRICTS
Cc: Daniel Finnegan; Andrew Paynter; Michael Briscoe; Bobby Salehi
Subject: Circle S Middle MUD of Ellis County - D-08232023-047
Attachments: Circle S Middle MUD - Petition.pdf; Circle S Middle MUD - Vicinity Map.pdf; Circle S Middle MUD - Mailing List - D-08232023-047.docx; Circle S Middle MUD - Memo and Notice - D-08232023-047.docx

Hello,

Please find attached the Notice of Petition, and supporting documents, for the above mentioned application.

Please let me know if you have any questions.

Thanks,

Dennis Mostowy, P.E.
TCEQ Water Supply Division
Phone: 512-239-5232
dennis.mostowy@tceq.texas.gov

