

Brooke T. Paup, *Chairwoman*  
Catarina Gonzales, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 14, 2025

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

Re: Application by Finch FP, Ltd. and BEF Trust for the creation of Lakeview MUD  
No. 1 Municipal Utility District of Ellis County (D-11082024-010);  
TCEQ Docket No. 2025-0878-DIS.

Dear Ms. Gharis:

I have enclosed the following copies of documents to be included in the Administrative Record for the above-referenced case as required by 30 Tex. Admin Code § 80.118. The documents included are as follows:

- Petition for Creation
- Metes and Bounds Description
- Executive Director Staff Technical Memorandum
- Temporary Directors' Affidavits
- Notice of District Petition and Territory Map

Sincerely,

A handwritten signature in cursive script, reading "Allie Soileau".

Allie Soileau  
Staff Attorney  
Environmental Law Division

**PETITION FOR THE CREATION OF  
LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY**

**THE STATE OF TEXAS                   §**

**COUNTY OF ELLIS                   §**

**TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:**

FINCH FP, LTD., a Texas limited partnership, and BEF TRUST (collectively, the "Petitioners"), respectfully petition the Commissioners of the Texas Commission on Environmental Quality (the "Commission") for the creation of a municipal utility district in Ellis County, Texas. The Petitioners hold title to a majority of the assessed value of the real property described in Exhibit "A" attached hereto and incorporated herein for all purposes, as indicated by the appraisal rolls of Ellis County, Texas. The Petitioners, acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, would respectfully show the following:

**I.**

The name of the proposed district shall be "LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY" (the "District"). There is no other conservation or reclamation district in Ellis County, Texas with the same name.

**II.**

The District shall be created and organized and shall exist under the terms and provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

**III.**

The area proposed to be within the District is approximately 513.044 acres (the "Property"), situated in Ellis County, Texas. The Property consists of two tracts described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes. The approximately 513.044 acres described in Exhibit "A" is located within the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas (the "City"), and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village. All of the Property may be properly included in the District.

**IV.**

The Petitioners constitute the holders of title to all of the value of the land within the proposed District, as indicated by the tax rolls of the central appraisal district of Ellis County, Texas, and by conveyances of record since the date of preparation of said tax rolls. There are no lienholders on the Property.

V.

Pursuant to Section 42.042, Texas Local Government Code, should a municipality such as the City fail or refuse to give its consent to the creation of the District within ninety (90) days after the date the governing body of the City receives a written request for consent, the owners of at least fifty (50%) percent of the land in the proposed District may petition the governing body of the City to make available to the area the water, sanitary sewer services, or both, that would be provided by the District.

Furthermore, if, within one hundred twenty (120) days after the date the governing body of the City receives the petition for water and sanitary sewer services, the City fails to make a contract with the owners of the land in the proposed District to provide those services, such failure constitutes the City's consent to the creation of the proposed District and authorizes the landowners to initiate proceedings through the Commission to create the District.

The City has not consented to the creation of the District and has failed to execute a contract providing for the water or sanitary sewer services requested by the Petitioners within the time limits prescribed by Section 42.042, Texas Local Government Code.

VI.

On December 14, 2023, the Petitioners filed a Petition for Consent to Creation of Lakeview Municipal Utility District No. 1 of Ellis County, dated December 6, 2023, with the City (the "Petition for Consent"). A copy of the Petition for Consent is attached hereto as Exhibit "B." A copy of the receipt of delivery of the Petition for Consent (the "City Consent Receipt of Delivery") is attached hereto as Exhibit "C." The Petitioners have not received any response from the City related to the Petition for Consent.

On March 6, 2024, the Petitioners published a Notice of Petition for Water and Sanitary Sewer Service to the City of Waxahachie (the "Notice of Petition"), attached hereto as Exhibit "D," in *The Waxahachie Sun*, a newspaper of general circulation within and around the District. The affidavit of publication of the Notice of Petition (the "Affidavit of Publication") is attached hereto as Exhibit "E."

On March 1, 2024, the Petitioner posted the Notice of Petition in three places convenient to the public within the boundaries of the Property sought to be included in the District. The affidavit of posting of the Notice of Petition (the "Affidavit of Posting") is attached hereto as Exhibit "F."

On March 28, 2024, the Petitioner filed a Petition for Water Service and Sanitary Sewer Service (the "Petition for Service") with the City. A copy of each Petition for Service is attached hereto as Exhibit "G." The Receipt of Delivery of the Petition for Service (the "Receipt of Petitions for Service") is attached hereto as Exhibit "H."

The Petitioner has not received any response from the City related to the Petition for Service.

## **VII.**

The general nature of the work proposed to be done by the District at the present time is to 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; to collect, transport, process, dispose of and control domestic and commercial wastes; to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; to design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and to purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description. It is further proposed that the District be granted road powers pursuant to Texas Water Code, Section 54.234.

## **VIII.**

There is, for the following reasons, a necessity for the above-described work, services and improvements: the area proposed to be within the District is in a developing area of Ellis County, Texas, and within the foreseeable future will experience a substantial and sustained residential growth. There is not now available within the area, which will be developed as residential subdivisions, an adequate water supply and distribution system, sanitary sewer system, drainage system, and public road system. The protection of the purity and sanitary condition of the State's water and the health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension, and development of an adequate water supply and distribution system, sanitary sewer system, and drainage system. A public necessity therefore exists for the organization of the District to provide for the purchase, construction, acquisition, improvement, extension, and development of a water supply and distribution system, sanitary sewer system, drainage system, and roadway system.

## **IX.**

The proposed improvements are feasible and practicable, and the terrain of the territory to be included within the District is such that a waterworks system, a sanitary sewer system, a drainage and storm sewer system, and a roadway system can be constructed and developed at a reasonable cost. A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Petitioners, from such information as it has at this time, that the ultimate cost of the project contemplated will be approximately \$127,150,000.00.



**X.**

The following named persons are each and all over eighteen (18) years of age, resident citizens of the State of Texas, owners of land subject to taxation within the District, and are otherwise qualified to serve as directors of the District under the provisions of the Texas Water Code:

1. Scott Colling
2. James Crawford
3. Kevin Merrill
4. Evan Powell
5. Robert Sukenik

**XI.**

WHEREFORE, the Petitioners respectfully pray that this Petition be properly filed, as provided by law, that notice of the application be given as provided therein, that a hearing be held if necessary and that this Petition be in all things granted, that the proposed municipal utility district be organized and five (5) temporary directors named herein be appointed to serve until their successors are duly elected and qualified, and for such other orders, acts, procedures and relief as are proper, necessary, and appropriate to the purpose of creating and organizing the District and to the execution of the purposes for which the District shall be organized, as you may deem proper and necessary.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED this the 22<sup>nd</sup> day of August, 2024.

PETITIONER:

FINCH FP, LTD.,  
a Texas limited partnership

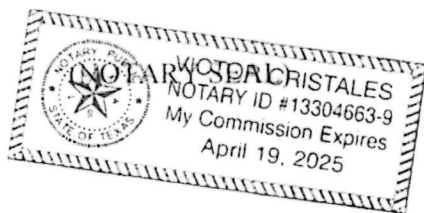
By: Finch FP Management Company, LLC,  
a Texas limited liability company  
its General Partner

By: Brian Finch  
Name: Brian Finch  
Title: President

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 22<sup>nd</sup> day of August, 2024 by Brian Finch, President of Finch FP Management Company, LLC, a Texas limited liability company, General Partner of Finch FP, Ltd., a Texas limited partnership, on behalf of said entity.

Uth Cristales  
Notary Public in and for the State of Texas



PETITIONER:

BEF TRUST,  
a Texas limited partnership

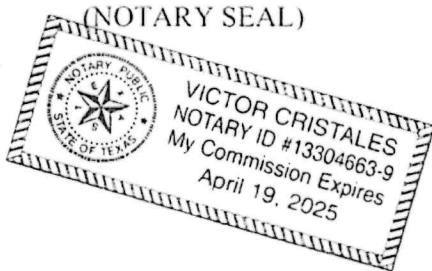
By: Brian Finch  
Brian Finch, Trustee

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 22nd day of August, 2024 by Brian Finch, Trustee of the BEF Trust, on behalf of said Trust.

Victor Cristales  
Notary Public in and for the State of Texas



## EXHIBIT "A"

### TRACT 1

**BEING** a part of that tract of land situated in the C. Self Survey, Abstract Number 994, the B. Berry Survey, Abstract Number 98 and the A. Newton Survey, Abstract Number 806, Ellis County, Texas recorded in deed to RB Finch Family Partnership recorded in Volume 1409, Page 781 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.), and all of those tracts described by deed to LVTP Holdings LLC recorded in Instrument Number 2151089 and by deed to Omar Matthew Simon, recorded in Instrument Number 2208852 O.P.R.E.C.T., and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southwest corner of said Simon tract, being the southeast corner of a tract of land described by deed to Greg Wimbish and Tammy Wimbish, recorded in Instrument Number 1408190 O.P.R.E.C.T., being in the north line of Lot 1, Lakeside Acres as recorded in Cabinet C, Slide 475 O.P.R.E.C.T. and a bend in the approximate centerline of Black Champ Road;

**THENCE** N 00° 44' 14" W, 1,746.34 feet with the approximate centerline of said Black Champ Road, the west line of said Simon tract and said Finch tract to a point for corner in the east line of that tract of land described by deed to Clay G. Allison & Sheila D. Allison recorded in Instrument Number 1903015 O.P.R.E.C.T. and being the southwest corner of that tract of land described by deed to Donald R. Cheney, recorded in Volume 638, Page 502 O.P.R.E.C.T.;

**THENCE** N 89° 15' 46" E, 3,204.83 feet with the north line of said Finch tract and with the south line of said Cheney tract to the southeast corner of said Cheney tract;

**THENCE** N 00° 13' 02" W, 1,360.33 feet with the east line of said Cheney tract and the north line of said Finch tract, to a point for corner in the east line of that tract of land described by deed to Gay Goodman Revocable Trust, recorded in Volume 2410, Page 475 O.P.R.E.C.T.;

**THENCE** departing the west line of said Finch tract and said east line, over and across said Finch tract the following courses and distances:

N 88° 54' 18" E, 81.73 feet to the beginning of a curve to the left;

With said curve to the left, an arc distance of 338.21 feet, through a central angle of 31° 36' 41", having a radius of 613.00 feet, and a long chord which bears N 73° 05' 57" E, 333.93 feet;

N 57° 17' 37" E, 670.66 feet to the beginning of a curve to the right;

With said curve to the right, an arc distance of 392.16 feet, through a central angle of 32° 42' 23", having a radius of 687.00 feet, and a long chord which bears N 73° 38' 48" E, 386.86 feet to the south line of that tract of land described by deed to BEF Trust recorded in Instrument Number 2216383 O.P.R.E.C.T.;

**THENCE** S 90° 00' 00" E, 335.99 feet, with said south line to the beginning of a non-tangent curve to the left;

**THENCE** over and across said Finch tract 502.00 feet parallel and perpendicular to the westerly right-of-way line of FM Highway 664 (Ovilla road, a variable width right-of-way) and approximately 2.00 feet westerly of the City of Waxahachie City Limits the following courses and distances:

Departing said south line, with said non-tangent curve to the left, an arc distance of 1,028.22 feet, through a central angle of 71° 49' 06", having a radius of 820.30 feet, and a long chord which bears S 54° 59' 34" E, 962.21 feet;

N 89° 19' 04" E, 56.41 feet;

S 00° 40' 56" E, 39.88 feet;

S 00° 56' 40" E, 2032.70 feet;

S 00° 52' 39" E, 2,158.60 feet the north line of that tract of land described as Tract 1 (A) by deed to Arbors Development, LLC, recorded in Instrument Number 1715451 O.P.R.E.C.T.;

**THENCE** with the south line of said Finch tract and the north line of said Tract 1 (A) the following courses and distances:

S 88° 43' 10" W, 1,611.13 feet;

S 00° 12' 42" E, 174.27 feet;

S 89° 20' 41" W, 1963.44 feet;

**THENCE** S 89° 08' 54" W, 1,200.66 feet departing the south line of said Finch tract and the north line of said Tract 1 (A), over and across said Finch tract to a point in the approximate Black Champ Road;

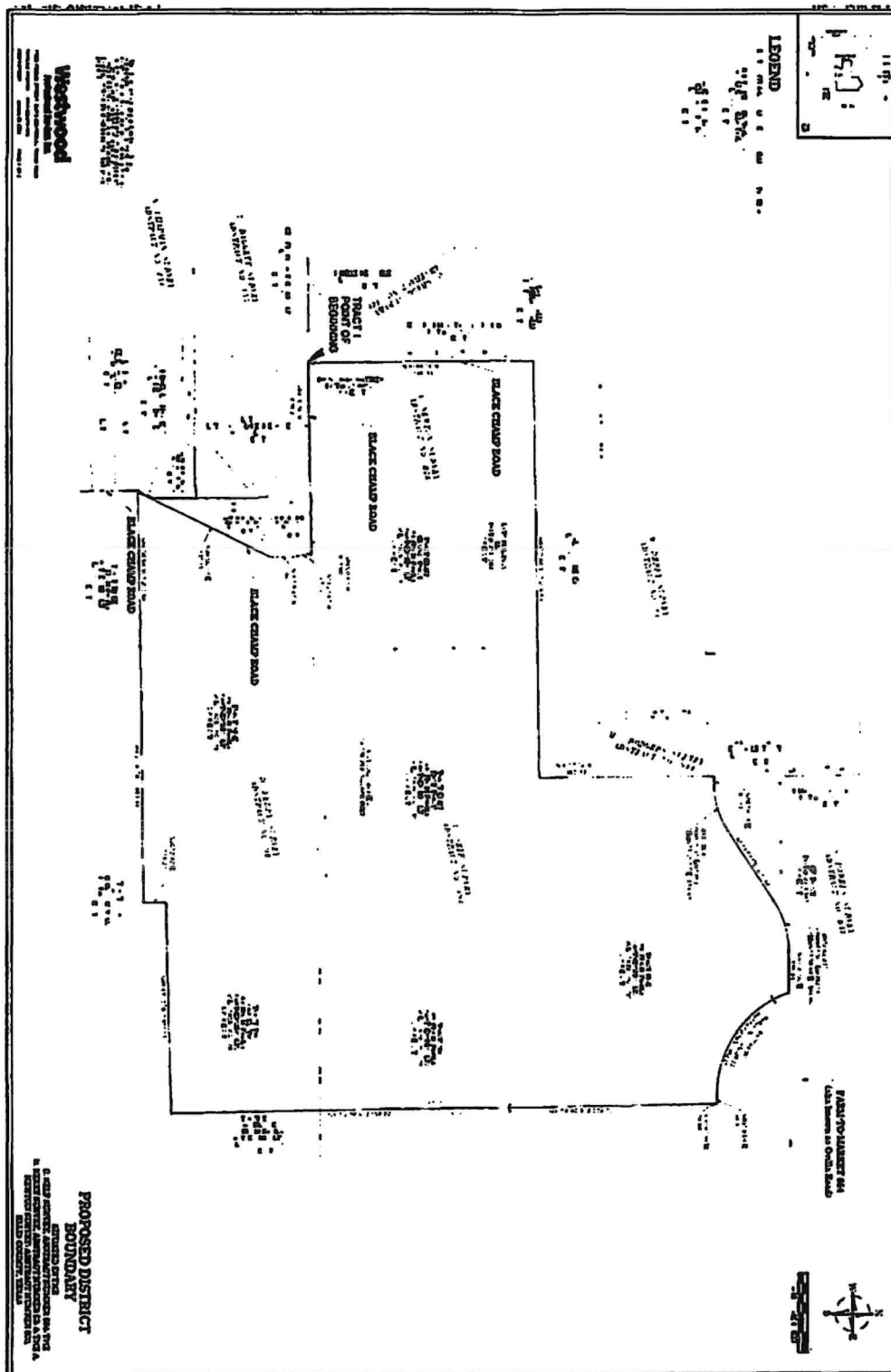
**THENCE** N 26° 00' 17" E, 1,135.15 feet with the west line of said Finch tract and the east lines of those tracts described by deed to Michael L Chambers & Janice M. Chambers recorded in Volume 2638, page 1915, James E. Kocian & Melinda J. Kocian recorded in Volume 1232, page 149 and Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 00° 08' 47" W, 196.10 feet with the west line of said Finch tract and the east line of said Kocian tract recorded in Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 13° 23' 47" W, 123.10 feet continuing with the common line of said Finch tract and said Kocian tract and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 04' 40" W, 817.98 feet continuing with the common line of said Finch tract, said Kocian tract, and the north line of that tract of land described by deed to Christopher Neil Taylor & Caroline Drucilla Taylor and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 16' 36" W, 638.20 feet with the south line of said Finch tract, the north line of the aforementioned Lakeside Acres and the approximate centerline of said Black Champ Road to the **POINT OF BEGINNING** and containing 19,736,268 square feet or 453.082 acres more or less.



**TRACT 2**

**BEING** a part of that tract of land situated in the U. Bagget Survey, Abstract Number 155 and the N Chapman Survey, Abstract Number 251, Ellis County, Texas described in deed to JEEM Finch Partnership LTD recorded in Volume 1655, Page 894 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.) and being more particularly described by metes and bounds as follows:

**COMMENCING** at the northwest corner of said JEEM Finch Partnership LTD tract, being in the southwest corner of that tract of land described by deed to Michelle Henggeler recorded in Volume 2761, Page 1005 O.P.R.E.C.T. and being in the approximate centerline of Long Branch Road;

**THENCE** N 89°27'52" E, 792.00 feet with the north line of said JEEM Finch Partnership LTD tract and the south line of said Henggeler tract to the **POINT OF BEGINNING** being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

**THENCE** N 89° 27' 52" E, 1,958.31 feet with the north line of said JEEM FINCH PARTNERSHIP LTD tract and the south line of said Henggeler tract to the southeast corner of said Henggeler tract, the northwest corner of Lakeside Acres an addition to Ellis County recorded in Cabinet C, Slide 475 O.P.R.E.C.T. the southwest corner of that tract of land described in deed to Greg Wimbish & Tammy Wimbish recorded in Volume 2761, Page 1026 and the approximate centerline of a creek;

**THENCE** with the east line of said JEEM Finch Partnership LTD tract and the approximate centerline of said creek the following courses and distances:

S 18° 16' 36" W, 650.00 feet with the west line of said Lakeside Acres;

S 07° 58' 24" E, 383.33 feet with said west line to the southwest corner of said Lakeside Acres and the northwest corner of Lot 1 & 2 Block A Reeves Addition, an addition to Ellis County recorded in Cabinet H, Slide 705 O.P.R.E.C.T.;

S 10° 16' 36" W, 408.95 feet with the west line of said Reeves Addition;

S 01° 24' 08" E, 297.01 feet continuing with said west line to the southwest corner of said Reeves Addition;

**THENCE** departing said east line, over and across said JEEM Finch Partnership LTD tract the following courses and distances:

N 73° 50' 48" W, 700.06 feet;

N 84° 07' 46" W, 521.76 feet;

N 57° 44' 42" W, 633.04 feet to a point being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

N 00° 47' 26" W, 1,091.97 feet parallel and perpendicular to said City Limit line to the **POINT OF BEGINNING** and containing 2,611,943 square feet or 59.962 acres more or less.





**EXHIBIT "B"**

**Petition for Consent to Creation**

PETITION FOR CONSENT TO CREATION OF  
LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY

THE STATE OF TEXAS                   §

COUNTY OF ELLIS                   §

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

The undersigned (collectively, the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code, respectfully petitions this Honorable Council for its consent to the creation of a municipal utility district, and for cause would respectfully show the following:

I.

The name of the proposed District shall be "Lakeview Municipal Utility District No. 1 of Ellis County" (the "District").

II.

The District shall be organized under the terms and provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 513.044 acres of land (the "Property"), situated within Ellis County, Texas, described by metes and bounds in Exhibit "A," attached hereto and incorporated herein. The District is located wholly within the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas, and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

IV.

The undersigned constitutes a majority in value of the holders of title to the lands in the proposed District, as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls.

V.

The proposed District shall be organized for the following purposes:

- (1) provide a water supply for the District for municipal and domestic uses;
- (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
- (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District;
- (4) construct, acquire, improve, maintain and operate macadamized, graveled, or paved roads and turnpikes, or other improvements in aid of those roads; and
- (5) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

The aforementioned purposes may be accomplished by any mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the extent authorized by law and the creation of the District, to the end that public health and welfare may be conserved and promoted, and the purity and sanitary condition of the State's waters protected, effected and restored.

## VI.

The general nature of the work anticipated to be done by the District at the present time is: (i) the construction of a water distribution system for domestic purposes; (ii) the construction of a sanitary sewer system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction and financing of macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (v) such other construction, installation, maintenance, purchase and operation of such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

## VII.

There is a necessity for the improvements above described because the District is located within an area which will experience a substantial and sustained residential growth within the foreseeable future, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities and services, or roads. The health and welfare of the future inhabitants of the District require the provision of adequate water, storm and sanitary sewer facilities and services, and roads.

The provisions of such water, storm and sanitary sewer facilities and services, and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of said District.

The property cannot be developed without the creation of the District to finance the water, sanitary sewer, and drainage facilities and services, and roads; therefore, a public necessity exists.

VIII.

The proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the proposed District is of such nature that water, storm and sanitary sewer facilities and services, and roads can be constructed or provided at a reasonable cost; and said territory will be rapidly developed for residential use.

IX.

A preliminary investigation has been instituted to determine the cost of the proposed improvements to be constructed by the District, and it is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of such improvements will be approximately \$128,300,000.

X.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Waxahachie, Texas, adopt a resolution giving its written consent to the creation of the District.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESPECTFULLY SUBMITTED this the 6th day of December, 2023.

**PETITIONER:**

FINCH FP, LTD.,  
a Texas limited partnership

By: Finch FP Management Company, LLC,  
a Texas limited liability company  
Its General Partner

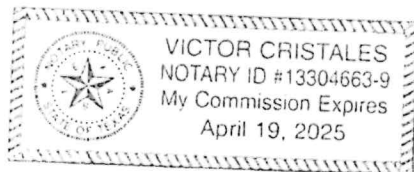
By: Brian Finch  
Name: Brian Finch  
Its: President

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 6th day of December 2023 by, Brian Finch, President of Finch FP Management Company, LLC, a Texas limited liability company, General Partner of Finch FP, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Victor Cristales  
Notary Public in and for the State of Texas

(SEAL)




**PETITIONER:**

BEF TRUST

By:   
Brian Finch, Trustee

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 6th day of December, 2023 by, Brian Finch, Trustee of the BEF Trust, on behalf of said Trust.

  
Notary Public in and for the State of Texas

(SEAL)

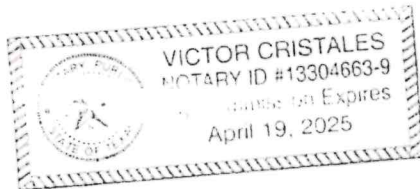




EXHIBIT "A"

## Westwood

### TRACT 1

**BEING** a part of that tract of land situated in the C. Self Survey, Abstract Number 994, the B. Berry Survey, Abstract Number 98 and the A. Newton Survey, Abstract Number 806, Ellis County, Texas recorded in deed to RB Finch Family Partnership recorded in Volume 1409, Page 781 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.), and all of those tracts described by deed to LVTP Holdings LLC recorded in Instrument Number 2151089 and by deed to Omar Matthew Simon, recorded in Instrument Number 2208852 O.P.R.E.C.T., and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southwest corner of said Simon tract, being the southeast corner of a tract of land described by deed to Greg Wimbish and Tammy Wimbish, recorded in Instrument Number 1408190 O.P.R.E.C.T., being in the north line of Lot 1, Lakeside Acres as recorded in Cabinet C, Slide 475 O.P.R.E.C.T. and a bend in the approximate centerline of Black Champ Road;

**THENCE** N 00° 44' 14" W, 1,746.34 feet with the approximate centerline of said Black Champ Road, the west line of said Simon tract and said Finch tract to a point for corner in the east line of that tract of land described by deed to Clay G. Allison & Sheila D. Allison recorded in Instrument Number 1903015 O.P.R.E.C.T. and being the southwest corner of that tract of land described by deed to Donald R. Cheney, recorded in Volume 638, Page 502 O.P.R.E.C.T.;

**THENCE** N 89° 15' 46" E, 3,204.83 feet with the north line of said Finch tract and with the south line of said Cheney tract to the southeast corner of said Cheney tract;

**THENCE** N 00° 13' 02" W, 1,360.33 feet with the east line of said Cheney tract and the north line of said Finch tract, to a point for corner in the east line of that tract of land described by deed to Gay Goodman Revocable Trust, recorded in Volume 2410, Page 475 O.P.R.E.C.T.;

**THENCE** departing the west line of said Finch tract and said east line, over and across said Finch tract the following courses and distances:

N 88° 54' 18" E, 81.73 feet to the beginning of a curve to the left;

With said curve to the left, an arc distance of 338.21 feet, through a central angle of 31° 36' 41", having a radius of 613.00 feet, and a long chord which bears N 73° 05' 57" E, 333.93 feet;

N 57° 17' 37" E, 670.66 feet to the beginning of a curve to the right;

With said curve to the right, an arc distance of 392.16 feet, through a central angle of 32° 42' 23", having a radius of 687.00 feet, and a long chord which bears N 73° 38' 48" E, 386.86 feet to the south line of that tract of land described by deed to BEF Trust recorded in Instrument Number 2216383 O.P.R.E.C.T.;

**THENCE** S 90° 00' 00" E, 335.99 feet, with said south line to the beginning of a non-tangent curve to the left;

**THENCE** over and across said Finch tract 502.00 feet parallel and perpendicular to the westerly right-of-way line of FM Highway 664 (Ovilla road, a variable width right-of-way) and approximately 2.00 feet westerly of the City of Waxahachie City Limits the following courses and distances:

# Westwood

Departing said south line, with said non-tangent curve to the left, an arc distance of 1,028.22 feet, through a central angle of 71° 49' 06", having a radius of 820.30 feet, and a long chord which bears S 54° 59' 34" E, 962.21 feet;

N 89° 19' 04" E, 56.41 feet;

S 00° 40' 56" E, 39.88 feet;

S 00° 56' 40" E, 2032.70 feet;

S 00° 52' 39" E, 2,158.60 feet the north line of that tract of land described as Tract 1 (A) by deed to Arbors Development, LLC, recorded in Instrument Number 1715451 O.P.R.E.C.T.;

**THENCE** with the south line of said Finch tract and the north line of said Tract 1 (A) the following courses and distances:

S 88° 43' 10" W, 1,611.13 feet;

S 00° 12' 42" E, 174.27 feet;

S 89° 20' 41" W, 1963.44 feet;

**THENCE** S 89° 08' 54" W, 1,200.66 feet departing the south line of said Finch tract and the north line of said Tract 1 (A), over and across said Finch tract to a point in the approximate Black Champ Road;

**THENCE** N 26° 00' 17" E, 1,135.15 feet with the west line of said Finch tract and the east lines of those tracts described by deed to Michael L Chambers & Janice M. Chambers recorded in Volume 2638, page 1915, James E. Kocian & Melinda J. Kocian recorded in Volume 1232, page 149 and Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 00° 08' 47" W, 196.10 feet with the west line of said Finch tract and the east line of said Kocian tract recorded in Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 13° 23' 47" W, 123.10 feet continuing with the common line of said Finch tract and said Kocian tract and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 04' 40" W, 817.98 feet continuing with the common line of said Finch tract, said Kocian tract, and the north line of that tract of land described by deed to Christopher Neil Taylor & Caroline Drucilla Taylor and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 16' 36" W, 638.20 feet with the south line of said Finch tract, the north line of the aforementioned Lakeside Acres and the approximate centerline of said Black Champ Road to the **POINT OF BEGINNING** and containing 19,736 square feet or 453.082 acres more or less.

**TRACT 2**

**Westwood**

**BEING** a part of that tract of land situated in the U. Bagget Survey, Abstract Number 155 and the N Chapman Survey, Abstract Number 251, Ellis County, Texas described in deed to JEEM Finch Partnership LTD recorded in Volume 1655, Page 894 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.) and being more particularly described by metes and bounds as follows:

**COMMENCING** at the northwest corner of said JEEM Finch Partnership LTD tract, being in the southwest corner of that tract of land described by deed to Michelle Henggeler recorded in Volume 2761, Page 1005 O.P.R.E.C.T. and being in the approximate centerline of Long Branch Road;

**THENCE** N 89°27'52" E, 792.00 feet with the north line of said JEEM Finch Partnership LTD tract and the south line of said Henggeler tract to the **POINT OF BEGINNING** being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

**THENCE** N 89° 27' 52" E, 1,958.31 feet with the north line of said JEEM FINCH PARTNERSHIP LTD tract and the south line of said Henggeler tract to the southeast corner of said Henggeler tract, the northwest corner of Lakeside Acres an addition to Ellis County recorded in Cabinet C, Slide 475 O.P.R.E.C.T. the southwest corner of that tract of land described in deed to Greg Wimbish & Tammy Wimbish recorded in Volume 2761, Page 1026 and the approximate centerline of a creek;

**THENCE** with the east line of said JEEM Finch Partnership LTD tract and the approximate centerline of said creek the following courses and distances:

S 18° 16' 36" W, 650.00 feet with the west line of said Lakeside Acres;

S 07° 58' 24" E, 383.33 feet with said west line to the southwest corner of said Lakeside Acres and the northwest corner of Lot 1 & 2 Block A Reeves Addition, an addition to Ellis County recorded in Cabinet H, Slide 705 O.P.R.E.C.T.;

S 10° 16' 36" W, 408.95 feet with the west line of said Reeves Addition;

S 01° 24' 08" E, 297.01 feet continuing with said west line to the southwest corner of said Reeves Addition;

**THENCE** departing said east line, over and across said JEEM Finch Partnership LTD tract the following courses and distances:

N 73° 50' 48" W, 700.06 feet;

N 84° 07' 46" W, 521.76 feet;

N 57° 44' 42" W, 633.04 feet to a point being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

N 00° 47' 26" W, 1,091.97 feet parallel and perpendicular to said City Limit line to the **POINT OF BEGINNING** and containing 2,611,943 square feet or 59.962 acres more or less.

**EXHIBIT "C"**  
**City Consent Delivery Receipt**

CERTIFICATE OF RECEIPT OF PETITION FOR CONSENT TO CREATION OF  
LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY

THE STATE OF TEXAS §

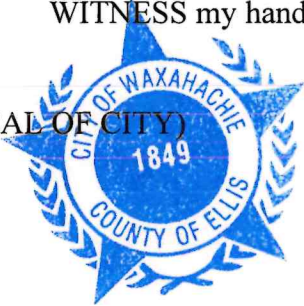
COUNTY OF ELLIS §

CITY OF WAXAHACHIE §

I, Jami Bonner <sup>Assistant</sup> City Secretary of the City of Waxahachie, Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Petition for Consent to Creation of Lakeview Municipal Utility District No. 1 of Ellis County, dated December 6, 2023, which was received by my office on the 14<sup>th</sup> day of December, 2023.

WITNESS my hand and the Seal of said City this 15<sup>th</sup> day of December, 2023.

(SEAL OF CITY)



Assistant

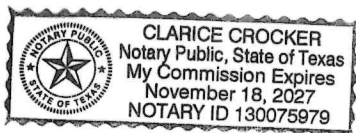
Jami Bonner  
~~Amber Villarreal~~ Jami Bonner  
City Secretary  
City of Waxahachie, Texas

THE STATE OF TEXAS §  
COUNTY OF ELLIS §

This instrument was acknowledged before me on this 15<sup>th</sup> day of December, 2023, by ~~Amber Villarreal~~ <sup>cc</sup> ~~Assistant~~ Jami Bonner, City Secretary of the City of Waxahachie, Texas.

Clarice Crocker  
Notary Public in and for the State of Texas

(NOTARY SEAL)



**EXHIBIT "D"**

**Notice of Petition for Water and Sanitary Sewer Service**

NOTICE OF PETITION TO CITY OF WAXAHACHIE, TEXAS  
FOR WATER SERVICE AND SANITARY SEWER SERVICE

TO THE OWNERS OF PROPERTY AND VOTERS WITHIN THE REAL PROPERTY DESCRIBED IN THE ATTACHED EXHIBIT "A" AND ALL OTHER PERSONS INTERESTED IN THE PETITION FOR WATER SERVICE AND SANITARY SEWER SERVICE TO BE SUBMITTED TO THE CITY OF WAXAHACHIE FOR SUCH PROPERTY:

Notice is hereby given that a Petition for Water Service and Sanitary Sewer Service (the "Petition") will be submitted to the City of Waxahachie, Texas (the "City") requesting that the City make available to the approximately 513.044 acres of land described in the attached Exhibit "A" the water service and sanitary sewer contemplated to be provided by the proposed Lakeview Municipal Utility District No. 1 of Ellis County.

PETITIONER:

FINCH FP, LTD.,  
a Texas limited partnership

By: Finch FP Management Company, LLC,  
a Texas limited liability company  
Its General Partner

By: \_\_\_\_\_  
Name: Brian Finch  
Its: \_\_\_\_\_

PETITIONER:

BEF TRUST

By: \_\_\_\_\_  
Brian Finch, Trustee

PETITION FOR WATER SERVICE AND SANITARY SEWER SERVICE

THE STATE OF TEXAS                   §

COUNTY OF ELLIS                   §

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

The undersigned, acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Sections 42.042 and 42.043 of the Texas Local Government Code, respectfully petitions the governing body of the City of Waxahachie, Texas (the "City") to make available



water service and sanitary sewer service to serve the land described below and located within the City's extraterritorial jurisdiction.

I.

On December 14, 2023, Finch FP, Ltd. and the BEF Trust filed with the City a Petition for Consent to Creation of Lakeview Municipal Utility District No. 1 of Ellis County (the "Petition"), requesting the City's consent to creation of Lakeview Municipal Utility District No. 1 of Ellis County (the "District").

II.

The proposed District will contain approximately 513.044 acres of land depicted by map and described in Exhibit "A" attached hereto and incorporated herein (the "Land"). The proposed District, including the Land, is located within the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas, and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

III.

The City has failed to give its consent to the creation of the District within ninety (90) days after the Petition was filed with the City.

IV.

The undersigned estimates that the District will require water service and sanitary sewer service to approximately 2,630 equivalent single-family connections within the proposed District's boundaries.

V.

The undersigned hereby petitions the governing body of the City and requests that the City make available water service and sanitary sewer service to the Land by entering into a mutually agreeable contract with the undersigned providing for the requested water service and sanitary sewer service as provided under Sections 54.016(b) and (c), Texas Water Code, as amended, and Sections 42.042(b) and (c), Texas Local Government Code, as amended. To further discuss this project and the provision of water service and sanitary sewer service, please contact Mindy L. Koehne at (972) 982-8461 or [mkoehne@coatsrose.com](mailto:mkoehne@coatsrose.com).

RESPECTFULLY SUBMITTED this the \_\_\_\_ day of \_\_\_\_\_, 2024.

**PETITIONER:**

*Pursuant to Section 42.043(a)(6),  
Texas Local Government Code, the*

FINCH FP, LTD.,  
a Texas limited partnership

*Petitioner owns approximately  
498.602 acres of the Land to be serviced.*

By: Finch FP Management Company, LLC,  
a Texas limited liability company  
its General Partner

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

Name: Brian Finch

Title: President

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the \_\_\_\_ day of March, 2024 by, Brian Finch, President of Finch FP Management Company, LLC, a Texas limited liability company, General Partner of Finch FP, Ltd., a Texas limited partnership, on behalf of said limited partnership.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the State of Texas

**PETITIONER:**

*Pursuant to Section 42.043(a)(6),  
Texas Local Government Code, the  
Petitioner owns approximately  
0.560 acres of the Land to be serviced.*

BEF TRUST

By: \_\_\_\_\_  
Brian Finch, Trustee

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the \_\_\_\_ day of March, 2024 by, Brian Finch, Trustee of the BEF Trust, on behalf of said Trust.

(SEAL)

\_\_\_\_\_  
Notary Public in and for the State of Texas

## EXHIBIT "A"

### TRACT 1

**BEING** a part of that tract of land situated in the C. Self Survey, Abstract Number 994, the B. Berry Survey, Abstract Number 98 and the A. Newton Survey, Abstract Number 806, Ellis County, Texas recorded in deed to RB Finch Family Partnership recorded in Volume 1409, Page 781 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.), and all of those tracts described by deed to LVTP Holdings LLC recorded in Instrument Number 2151089 and by deed to Omar Matthew Simon, recorded in Instrument Number 2208852 O.P.R.E.C.T., and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southwest corner of said Simon tract, being the southeast corner of a tract of land described by deed to Greg Wimbish and Tammy Wimbish, recorded in Instrument Number 1408190 O.P.R.E.C.T., being in the north line of Lot 1, Lakeside Acres as recorded in Cabinet C, Slide 475 O.P.R.E.C.T. and a bend in the approximate centerline of Black Champ Road;

**THENCE** N 00° 44' 14" W, 1,746.34 feet with the approximate centerline of said Black Champ Road, the west line of said Simon tract and said Finch tract to a point for corner in the east line of that tract of land described by deed to Clay G. Allison & Sheila D. Allison recorded in Instrument Number 1903015 O.P.R.E.C.T. and being the southwest corner of that tract of land described by deed to Donald R. Cheney, recorded in Volume 638, Page 502 O.P.R.E.C.T.;

**THENCE** N 89° 15' 46" E, 3,204.83 feet with the north line of said Finch tract and with the south line of said Cheney tract to the southeast corner of said Cheney tract;

**THENCE** N 00° 13' 02" W, 1,360.33 feet with the east line of said Cheney tract and the north line of said Finch tract, to a point for corner in the east line of that tract of land described by deed to Gay Goodman Revocable Trust, recorded in Volume 2410, Page 475 O.P.R.E.C.T.;

**THENCE** departing the west line of said Finch tract and said east line, over and across said Finch tract the following courses and distances:

N 88° 54' 18" E, 81.73 feet to the beginning of a curve to the left;

With said curve to the left, an arc distance of 338.21 feet, through a central angle of 31° 36' 41", having a radius of 613.00 feet, and a long chord which bears N 73° 05' 57" E, 333.93 feet;

N 57° 17' 37" E, 670.66 feet to the beginning of a curve to the right;

With said curve to the right, an arc distance of 392.16 feet, through a central angle of 32° 42' 23", having a radius of 687.00 feet, and a long chord which bears N 73° 38' 48" E, 386.86 feet to the south line of that tract of land described by deed to BEF Trust recorded in Instrument Number 2216383 O.P.R.E.C.T.;

**THENCE** S 90° 00' 00" E, 335.99 feet, with said south line to the beginning of a non-tangent curve to the left;

**THENCE** over and across said Finch tract 502.00 feet parallel and perpendicular to the westerly right-of-way line of FM Highway 664 (Ovilla road, a variable width right-of-way) and approximately 2.00 feet westerly of the City of Waxahachie City Limits the following courses and distances:

Departing said south line, with said non-tangent curve to the left, an arc distance of 1,028.22 feet, through a central angle of 71° 49' 06", having a radius of 820.30 feet, and a long chord which bears S 54° 59' 34" E, 962.21 feet;

N 89° 19' 04" E, 56.41 feet;

S 00° 40' 56" E, 39.88 feet;

S 00° 56' 40" E, 2032.70 feet;

S 00° 52' 39" E, 2,158.60 feet the north line of that tract of land described as Tract 1 (A) by deed to Arbors Development, LLC, recorded in Instrument Number 1715451 O.P.R.E.C.T.;

**THENCE** with the south line of said Finch tract and the north line of said Tract 1 (A) the following courses and distances:

S 88° 43' 10" W, 1,611.13 feet;

S 00° 12' 42" E, 174.27 feet;

S 89° 20' 41" W, 1963.44 feet;

**THENCE** S 89° 08' 54" W, 1,200.66 feet departing the south line of said Finch tract and the north line of said Tract 1 (A), over and across said Finch tract to a point in the approximate Black Champ Road;

**THENCE** N 26° 00' 17" E, 1,135.15 feet with the west line of said Finch tract and the east lines of those tracts described by deed to Michael L Chambers & Janice M. Chambers recorded in Volume 2638, page 1915, James E. Kocian & Melinda J. Kocian recorded in Volume 1232, page 149 and Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 00° 08' 47" W, 196.10 feet with the west line of said Finch tract and the east line of said Kocian tract recorded in Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 13° 23' 47" W, 123.10 feet continuing with the common line of said Finch tract and said Kocian tract and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 04' 40" W, 817.98 feet continuing with the common line of said Finch tract, said Kocian tract, and the north line of that tract of land described by deed to Christopher Neil Taylor & Caroline Drucilla Taylor and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 16' 36" W, 638.20 feet with the south line of said Finch tract, the north line of the aforementioned Lakeside Acres and the approximate centerline of said Black Champ Road to the **POINT OF BEGINNING** and containing 19,736,268 square feet or 453.082 acres more or less.



## **TRACT 2**

**BEING** a part of that tract of land situated in the U. Bagget Survey, Abstract Number 155 and the N Chapman Survey, Abstract Number 251, Ellis County, Texas described in deed to JEEM Finch Partnership LTD recorded in Volume 1655, Page 894 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.) and being more particularly described by metes and bounds as follows:

**COMMENCING** at the northwest corner of said JEEM Finch Partnership LTD tract, being in the southwest corner of that tract of land described by deed to Michelle Henggeler recorded in Volume 2761, Page 1005 O.P.R.E.C.T. and being in the approximate centerline of Long Branch Road;

**THENCE** N 89°27'52" E, 792.00 feet with the north line of said JEEM Finch Partnership LTD tract and the south line of said Henggeler tract to the **POINT OF BEGINNING** being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

**THENCE** N 89° 27' 52" E, 1,958.31 feet with the north line of said JEEM FINCH PARTNERSHIP LTD tract and the south line of said Henggeler tract to the southeast corner of said Henggeler tract, the northwest corner of Lakeside Acres an addition to Ellis County recorded in Cabinet C, Slide 475 O.P.R.E.C.T. the southwest corner of that tract of land described in deed to Greg Wimbish & Tammy Wimbish recorded in Volume 2761, Page 1026 and the approximate centerline of a creek;

**THENCE** with the east line of said JEEM Finch Partnership LTD tract and the approximate centerline of said creek the following courses and distances:

S 18° 16' 36" W, 650.00 feet with the west line of said Lakeside Acres;

S 07° 58' 24" E, 383.33 feet with said west line to the southwest corner of said Lakeside Acres and the northwest corner of Lot 1 & 2 Block A Reeves Addition, an addition to Ellis County recorded in Cabinet H, Slide 705 O.P.R.E.C.T.;

S 10° 16' 36" W, 408.95 feet with the west line of said Reeves Addition;

S 01° 24' 08" E, 297.01 feet continuing with said west line to the southwest corner of said Reeves Addition;

**THENCE** departing said east line, over and across said JEEM Finch Partnership LTD tract the following courses and distances:

N 73° 50' 48" W, 700.06 feet;

N 84° 07' 46" W, 521.76 feet;

N 57° 44' 42" W, 633.04 feet to a point being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

N 00° 47' 26" W, 1,091.97 feet parallel and perpendicular to said City Limit line to the **POINT OF BEGINNING** and containing 2,611,943 square feet or 59.962 acres more or less.





**EXHIBIT "E"**  
**Affidavit of Publication**

**PUBLISHER'S AFFIDAVIT**

STATE OF TEXAS  
COUNTY OF ELLIS

Before me, the undersigned authority in and for said State and County, on this day personally appeared Scott Brooks to me known, who, after being by me first duly sworn, on oath, says: that he is Publisher of the Waxahachie Sun which is a newspaper of general circulation, published in the City of Waxahachie, Ellis County, Texas and that said writ and notice was printed and published in said newspaper once each consecutive week for the period of time required, and on the following date(s):

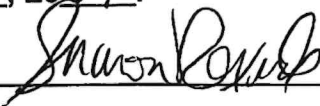
2/7, 2024, as  
appeared from a copy thereof attached.

Witness my hand this 11 day of March,  
2024.



Scott Brooks

Subscribed and sworn to before me this 11 day of  
March, 2024.



Sharon Rexrode  
Notary Public in and for  
Ellis County, Texas



Notary Seal

**PETITIONER:**

FINCH FP, LTD.,

a Texas limited partnership

By: Finch FP Management Company, LLC,

a Texas limited liability company

its General Partner

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

Name: Brian Finch

Its: \_\_\_\_\_

**PETITIONER:**

BEF TRUST

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

Brian Finch, Trustee

**PETITION FOR WATER SERVICE AND SANITARY SEWER SERVICE**

THE STATE OF TEXAS           §

COUNTY OF ELLIS           §

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

The undersigned, acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Sections 42.042 and 42.043 of the Texas Local Government Code, respectfully petitions the governing body of the City of Waxahachie, Texas (the "City") to make available water service and sanitary sewer service to serve the land described below and located within the City's extraterritorial jurisdiction.

I.

On December 14, 2023, Finch FP, Ltd. and the BEF Trust filed with the City a Petition for Consent to Creation of Lakeview Municipal Utility District No. 1 of Ellis County (the "Petition"), requesting the City's consent to creation of Lakeview Municipal Utility District No. 1 of Ellis County (the "District").

II.

The proposed District will contain approximately 513.044 acres of land depicted by map and described in Exhibit "A" attached hereto and incorporated herein (the "Land"). The proposed District, including the Land, is located within the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas, and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

III.

The City has failed to give its consent to the creation of the District within ninety (90) days after the Petition was filed with the City.

IV.

The undersigned estimates that the District will require water service and sanitary sewer service to approximately 2,630 equivalent single-family connections within the proposed District's boundaries.

V.

The undersigned hereby petitions the governing body of the City and requests that the City make available water service and sanitary sewer service to the Land by entering into a mutually agreeable contract with the undersigned providing for the requested water service and sanitary sewer service as provided under Sections 54.016(b) and (c), Texas Water Code, as amended, and Sections 42.042(b) and (c), Texas Local Government Code, as amended. To further discuss this project and the provision of water service and sanitary sewer service, please contact Mindy L. Koehne at (972) 982-8461 or mkoehne@coatsrose.com.

RESPECTFULLY SUBMITTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

*Pursuant to Section 42.043(a)(6),  
Texas Local Government Code, the  
Petitioner owns approximately  
498.602 acres of the Land to be serviced.*

**PETITIONER:**

FINCH FP, LTD.,

a Texas limited partnership

By: Finch FP Management Company, LLC,

a Texas limited liability company

its General Partner

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

Name: Brian Finch

Title: President

STATE OF TEXAS           §

COUNTY OF DALLAS           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of March, 2024 by, Brian Finch, President of Finch FP Management Company, LLC, a Texas limited liability company, General Partner of Finch FP, Ltd., a Texas limited partnership, on behalf of said limited partnership.

(SEAL)

Notary Public in and for the State of Texas

**PETITIONER:**

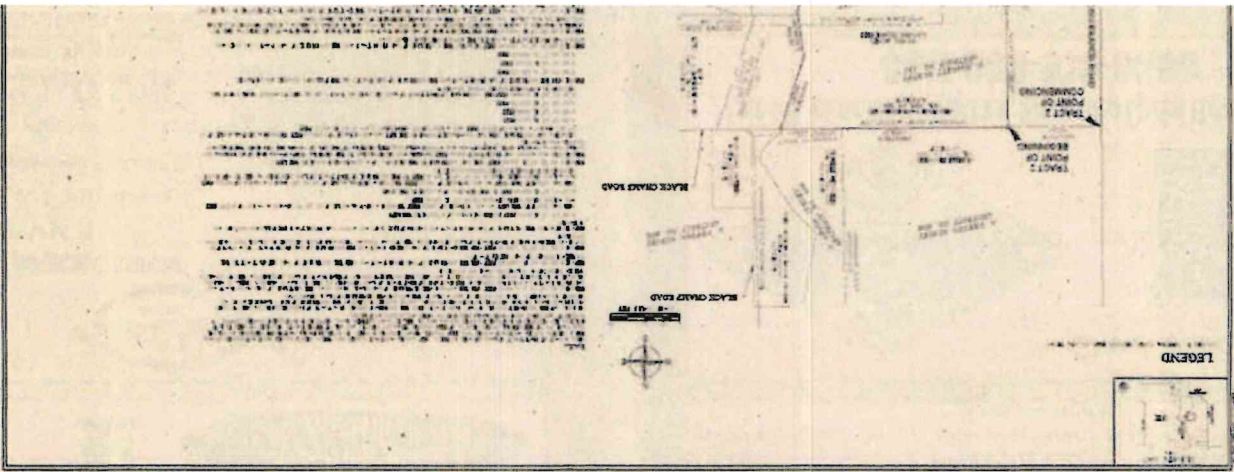
BEF TRUST



By:

மா மா

(SEAL)



**EXHIBIT "F"**  
**Affidavit of Posting**

## CERTIFICATE OF POSTING

THE STATE OF TEXAS §

COUNTY OF Collin §

BEFORE ME, the undersigned authority, on this day personally appeared Andrew Mizerek, whom, being first duly sworn by me, upon his oath stated:

1. My name is Andrew Mizerek.
2. On the 1st day of March, 2024, I posted the attached Notice of Petition to the City of Waxahachie, Texas for Water Service and Sanitary Sewer Service attached hereto in the following places convenient to the public within the boundaries of the proposed Lakeview Municipal Utility District No. 1 of Ellis County (the "District"):
  - (i) 32.4599417, -96.8937056;
  - (ii) 32.4641917, -96.8979889
  - (iii) 32.4574500, -96.904900
3. As of this date, there are no qualified voters residing within the proposed District.
4. There are approximately 513.004 acres of land in the area encompassing the proposed District.

WITNESS MY HAND this 4<sup>th</sup> day of March, 2024.

Printed Name: Andrew Mizerek

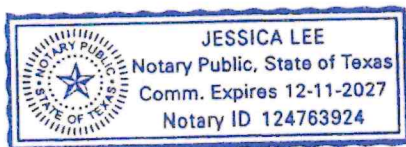
THE STATE OF TEXAS §

COUNTY OF Collin §

This instrument was sworn to, subscribed to, and acknowledged before me on the 4 day of March, 2024 by Andrew Mizerek.

Notary Public in and for the State of Texas

(NOTARY SEAL)













**EXHIBIT "G"**

**Petition for Water and Sanitary Sewer Service**

PETITION FOR WATER SERVICE AND SANITARY SEWER SERVICE

THE STATE OF TEXAS                   §

COUNTY OF ELLIS                   §

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

The undersigned, acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Sections 42.042 and 42.043 of the Texas Local Government Code, respectfully petitions the governing body of the City of Waxahachie, Texas (the "City") to make available water service and sanitary sewer service to serve the land described below and located within the City's extraterritorial jurisdiction.

I.

On December 14, 2023, Finch FP, Ltd. and the BEF Trust filed with the City a Petition for Consent to Creation of Lakeview Municipal Utility District No. 1 of Ellis County (the "Petition"), requesting the City's consent to creation of Lakeview Municipal Utility District No. 1 of Ellis County (the "District").

II.

The proposed District will contain approximately 513.044 acres of land depicted by map and described in Exhibit "A" attached hereto and incorporated herein (the "Land"). The proposed District, including the Land, is located within the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas, and the District is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

III.

The City has failed to give its consent to the creation of the District within ninety (90) days after the Petition was filed with the City.

IV.

The undersigned estimates that the District will require water service and sanitary sewer service to approximately 2,630 equivalent single-family connections within the proposed District's boundaries.

V.

The undersigned hereby petitions the governing body of the City and requests that the City make available water service and sanitary sewer service to the Land by entering into a mutually agreeable contract with the undersigned providing for the requested water service and sanitary sewer service as provided under Sections 54.016(b) and (c), Texas Water Code, as

amended, and Sections 42.042(b) and (c), Texas Local Government Code, as amended. To further discuss this project and the provision of water service and sanitary sewer service, please contact Mindy L. Koehne at (972) 982-8461 or [mkoehne@coatsrose.com](mailto:mkoehne@coatsrose.com).


RESPECTFULLY SUBMITTED this the 25<sup>th</sup> day of March, 2024.

**PETITIONER:**

*Pursuant to Section 42.043(a)(6),  
Texas Local Government Code, the  
Petitioner owns approximately  
498.602 acres of the Land to be serviced.*

FINCH FP, LTD.,  
a Texas limited partnership

By: Finch FP Management Company, LLC,  
a Texas limited liability company  
its General Partner

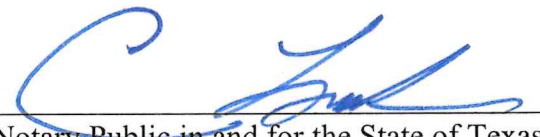
By: 

Name: Brian Finch

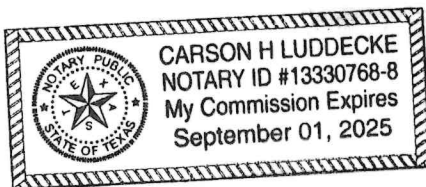
Title: President

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 25<sup>th</sup> day of March, 2024 by, Brian Finch, President of Finch FP Management Company, LLC, a Texas limited liability company, General Partner of Finch FP, Ltd., a Texas limited partnership, on behalf of said limited partnership.

  
Notary Public in and for the State of Texas

(SEAL)

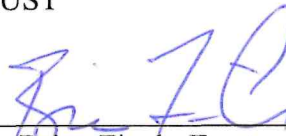


**PETITIONER:**

*Pursuant to Section 42.043(a)(6),  
Texas Local Government Code, the  
Petitioner owns approximately  
0.560 acres of the Land to be serviced.*


BEF TRUST

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

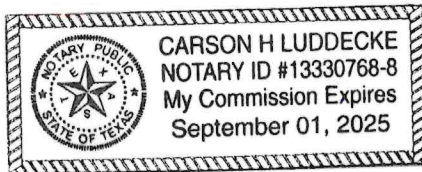
  
Brian Finch, Trustee

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 25<sup>th</sup> day of March, 2024 by, Brian Finch, Trustee of the BEF Trust, on behalf of said Trust.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

(SEAL)





## EXHIBIT "A"

### TRACT 1

**BEING** a part of that tract of land situated in the C. Self Survey, Abstract Number 994, the B. Berry Survey, Abstract Number 98 and the A. Newton Survey, Abstract Number 806, Ellis County, Texas recorded in deed to RB Finch Family Partnership recorded in Volume 1409, Page 781 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.), and all of those tracts described by deed to LVTP Holdings LLC recorded in Instrument Number 2151089 and by deed to Omar Matthew Simon, recorded in Instrument Number 2208852 O.P.R.E.C.T., and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southwest corner of said Simon tract, being the southeast corner of a tract of land described by deed to Greg Wimbish and Tammy Wimbish, recorded in Instrument Number 1408190 O.P.R.E.C.T., being in the north line of Lot 1, Lakeside Acres as recorded in Cabinet C, Slide 475 O.P.R.E.C.T. and a bend in the approximate centerline of Black Champ Road;

**THENCE** N 00° 44' 14" W, 1,746.34 feet with the approximate centerline of said Black Champ Road, the west line of said Simon tract and said Finch tract to a point for corner in the east line of that tract of land described by deed to Clay G. Allison & Sheila D. Allison recorded in Instrument Number 1903015 O.P.R.E.C.T. and being the southwest corner of that tract of land described by deed to Donald R. Cheney, recorded in Volume 638, Page 502 O.P.R.E.C.T.;

**THENCE** N 89° 15' 46" E, 3,204.83 feet with the north line of said Finch tract and with the south line of said Cheney tract to the southeast corner of said Cheney tract;

**THENCE** N 00° 13' 02" W, 1,360.33 feet with the east line of said Cheney tract and the north line of said Finch tract, to a point for corner in the east line of that tract of land described by deed to Gay Goodman Revocable Trust, recorded in Volume 2410, Page 475 O.P.R.E.C.T.;

**THENCE** departing the west line of said Finch tract and said east line, over and across said Finch tract the following courses and distances:

N 88° 54' 18" E, 81.73 feet to the beginning of a curve to the left;

With said curve to the left, an arc distance of 338.21 feet, through a central angle of 31° 36' 41", having a radius of 613.00 feet, and a long chord which bears N 73° 05' 57" E, 333.93 feet;

N 57° 17' 37" E, 670.66 feet to the beginning of a curve to the right;

With said curve to the right, an arc distance of 392.16 feet, through a central angle of 32° 42' 23", having a radius of 687.00 feet, and a long chord which bears N 73° 38' 48" E, 386.86 feet to the south line of that tract of land described by deed to BEF Trust recorded in Instrument Number 2216383 O.P.R.E.C.T.;

**THENCE** S 90° 00' 00" E, 335.99 feet, with said south line to the beginning of a non-tangent curve to the left;

**THENCE** over and across said Finch tract 502.00 feet parallel and perpendicular to the westerly right-of-way line of FM Highway 664 (Ovilla road, a variable width right-of-way) and approximately 2.00 feet westerly of the City of Waxahachie City Limits the following courses and distances:

Departing said south line, with said non-tangent curve to the left, an arc distance of 1,028.22 feet, through a central angle of 71° 49' 06", having a radius of 820.30 feet, and a long chord which bears S 54° 59' 34" E, 962.21 feet;

N 89° 19' 04" E, 56.41 feet;

S 00° 40' 56" E, 39.88 feet;

S 00° 56' 40" E, 2032.70 feet;

S 00° 52' 39" E, 2,158.60 feet the north line of that tract of land described as Tract 1 (A) by deed to Arbors Development, LLC, recorded in Instrument Number 1715451 O.P.R.E.C.T.;

**THENCE** with the south line of said Finch tract and the north line of said Tract 1 (A) the following courses and distances:

S 88° 43' 10" W, 1,611.13 feet;

S 00° 12' 42" E, 174.27 feet;

S 89° 20' 41" W, 1963.44 feet;

**THENCE** S 89° 08' 54" W, 1,200.66 feet departing the south line of said Finch tract and the north line of said Tract 1 (A), over and across said Finch tract to a point in the approximate Black Champ Road;

**THENCE** N 26° 00' 17" E, 1,135.15 feet with the west line of said Finch tract and the east lines of those tracts described by deed to Michael L Chambers & Janice M. Chambers recorded in Volume 2638, page 1915, James E. Kocian & Melinda J. Kocian recorded in Volume 1232, page 149 and Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 00° 08' 47" W, 196.10 feet with the west line of said Finch tract and the east line of said Kocian tract recorded in Volume 1163, Page 593 and the approximate centerline of said Black Champ Road;

**THENCE** N 13° 23' 47" W, 123.10 feet continuing with the common line of said Finch tract and said Kocian tract and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 04' 40" W, 817.98 feet continuing with the common line of said Finch tract, said Kocian tract, and the north line of that tract of land described by deed to Christopher Neil Taylor & Caroline Drucilla Taylor and the approximate centerline of said Black Champ Road;

**THENCE** S 89° 16' 36" W, 638.20 feet with the south line of said Finch tract, the north line of the aforementioned Lakeside Acres and the approximate centerline of said Black Champ Road to the **POINT OF BEGINNING** and containing 19,736,268 square feet or 453.082 acres more or less.





## **TRACT 2**

**BEING** a part of that tract of land situated in the U. Bagget Survey, Abstract Number 155 and the N Chapman Survey, Abstract Number 251, Ellis County, Texas described in deed to JEEM Finch Partnership LTD recorded in Volume 1655, Page 894 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.) and being more particularly described by metes and bounds as follows:

**COMMENCING** at the northwest corner of said JEEM Finch Partnership LTD tract, being in the southwest corner of that tract of land described by deed to Michelle Henggeler recorded in Volume 2761, Page 1005 O.P.R.E.C.T. and being in the approximate centerline of Long Branch Road;

**THENCE** N 89°27'52" E, 792.00 feet with the north line of said JEEM Finch Partnership LTD tract and the south line of said Henggeler tract to the **POINT OF BEGINNING** being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

**THENCE** N 89° 27' 52" E, 1,958.31 feet with the north line of said JEEM FINCH PARTNERSHIP LTD tract and the south line of said Henggeler tract to the southeast corner of said Henggeler tract, the northwest corner of Lakeside Acres an addition to Ellis County recorded in Cabinet C, Slide 475 O.P.R.E.C.T. the southwest corner of that tract of land described in deed to Greg Wimbish & Tammy Wimbish recorded in Volume 2761, Page 1026 and the approximate centerline of a creek;

**THENCE** with the east line of said JEEM Finch Partnership LTD tract and the approximate centerline of said creek the following courses and distances:

S 18° 16' 36" W, 650.00 feet with the west line of said Lakeside Acres;

S 07° 58' 24" E, 383.33 feet with said west line to the southwest corner of said Lakeside Acres and the northwest corner of Lot 1 & 2 Block A Reeves Addition, an addition to Ellis County recorded in Cabinet H, Slide 705 O.P.R.E.C.T.;

S 10° 16' 36" W, 408.95 feet with the west line of said Reeves Addition;

S 01° 24' 08" E, 297.01 feet continuing with said west line to the southwest corner of said Reeves Addition;

**THENCE** departing said east line, over and across said JEEM Finch Partnership LTD tract the following courses and distances:

N 73° 50' 48" W, 700.06 feet;

N 84° 07' 46" W, 521.76 feet;

N 57° 44' 42" W, 633.04 feet to a point being approximately 2.00 feet easterly of the City of Waxahachie City Limit line;

N 00° 47' 26" W, 1,091.97 feet parallel and perpendicular to said City Limit line to the **POINT OF BEGINNING** and containing 2,611,943 square feet or 59.962 acres more or less.



**EXHIBIT "H"**

**Receipt of Petition for Service**

CERTIFICATE OF RECEIPT

THE STATE OF TEXAS §

ELLIS COUNTY §

LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY §

I, Amber <sup>Villarreal</sup>~~Villareal~~, City Secretary for the City of Waxahachie, Texas, do hereby certify that the attached and foregoing is a true and correct copy of the Petition for Water Service and Sanitary Sewer Service related to the proposed Lakeview Municipal Utility District No. 1 of Ellis County, as was filed with the City of Waxahachie, Texas on the 28<sup>th</sup> day of March, 2024.

WITNESS my hand and the Seal of said City this 28<sup>th</sup> day of March, 2024.



(CITY SEAL)

Amber Villarreal  
Amber Villareal <sup>Villarreal</sup>~~Villareal~~  
City Secretary  
City of Waxahachie, Texas

# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

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

**Date:** Month XX, 2025

**Thru:** Michael Briscoe, Team Lead  
Districts Creation Review Team

**From:** James Walker  
Districts Creation Review Team

**Subject:** Petition by Finch FP, LTD and BEF Trust for Creation of Lakeview Municipal Utility District No. 1 of Ellis County; Pursuant to Texas Water Code Chapters 49 and 54. TCEQ Internal Control No. D-11082024-010 (TC)  
CN: 606324226 RN: 112081849

### A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Lakeview Municipal Utility District No. 1 of Ellis County (District). The petition was signed by Brian Finch as the president of Finch FP Management Company, LLC, a Texas limited liability company, general partner of Finch F.P. LTD., a Texas limited partnership and as trustee of BEF Trust, a Texas limited partnership (Petitioners). The petition states that the Petitioners hold title to a majority in value 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 southeastern Ellis County, Texas, approximately 5.6 miles northwest of downtown Waxahachie, 800 feet east of Longbranch Road, 600 feet to the west of Farm-to-Market 664 (FM 664), and approximately 0.75 miles north of Marshall Road. The proposed District lies wholly within the extraterritorial jurisdiction of the City of Waxahachie (City). Access to the proposed District will be provided by FM 664 (Ovilla Road).

#### Metes and Bounds Description

The proposed District contains two tracts of land totaling 513.044 acres of land. The metes and bounds description of the proposed District has been checked by TCEQ 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 Petitioners 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 Petitioners 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 Petitioners 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 February 13, 2025, was sent to the Commissioners Court of Ellis 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 Ellis County Clerks' office, the TCEQ's Dallas/Fort Worth 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 Petitioners will develop the property. Brian E. Finch, president of Finch FP Management Company, LLC has over 10 years of experience in corporate finance in Fortune 50 and over 20 years of experience in commercial real estate inclusive of sales, acquisitions, leasing, management, and entitlement.

#### Certificate of Ownership

By signed certificate dated August 22, 2024, the Ellis Appraisal District has certified that the appraisal rolls indicate that the Petitioners are the owners of a majority in value 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:

Evan Wayne Powell

Scott Colling

Robert A. Sukenik

James F. Crawford

Kevin Merrill

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 March 8 and March 15, 2025, in the *Waxahachie Daily Light*, a newspaper regularly published or circulated in Ellis County, the county in which the district is proposed to be located. Proper notice of the application was posted on February 27, 2025, at the place for posting legal notices at the Ellis County Courthouse. 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 April 4, 2025.

### **B. ENGINEERING ANALYSIS**

The creation engineering report indicates the following:

#### Availability of Comparable Service

The proposed District is located within the water Certificate of Convenience and Necessity (CCN) of Sardis-Lone Elm Water Supply Corporation (SLE WSC). The proposed District will construct the water supply facilities and SLE WSC will act as the retail water provider. It is anticipated that once constructed, the proposed District will convey ownership of water facilities to SLE WSC to own, operate, and maintain.

Per the engineering report, an investigation was conducted on the availability of wastewater services, and it was determined that there were no comparable wastewater services. The proposed District will be the retail wastewater provider and will construct a series of wastewater lift stations to pump wastewater to a proposed wastewater treatment plant located within the proposed District.

#### Water Supply Improvements

Per the engineering report, it is estimated that the proposed District will contain 2,803 equivalent single-family connections (ESFCs) at ultimate development. Further, the engineering report indicates that SLE WSC holds the CCN for water service and will provide the water supply to the proposed District. The proposed District will construct an onsite elevated storage tank, major on-and-offsite transmission water lines, ranging from 12-inches to 20-inches, SLE WSC Plant No. 5 upgrades, and all internal facilities that will be eventually owned, maintained, and operated by SLE WSC at its sole cost. The proposed District water lines will be looped internally and will consist of 8-inch to 20-inch water lines extensions. After each phase is constructed, the proposed District will convey ownership of water facilities to SLE WSC. All infrastructure will be designed according to applicable criteria and specifications established by Ellis County, the City, SLE WSC, and the TCEQ.

#### Water Distribution Improvements

According to the preliminary engineering report, it is understood that the decision was made to dedicate the facilities at SLE WSC's Plant No. 5 to serve the proposed District. This water

plant currently has a 625 gallons per minute (gpm) well, or 0.9 million gallons per day (MGD) and receives 1.0 MGD of water from Rockett SUD through an existing 16-inch lines. Plant No. 5 includes an existing 0.50 million gallon ground storage tank and two sets of pumps. The pumps are rated for a firm pumping capacity of approximately 2,100 gpm or 3.0 MGD.

SLE WSC requires 200 gallons of elevated storage per connection to reduce supply pumping requirements to 0.6 gpm/connection. Although that volume will also meet the total storage requirements, the proposed District will require a 1.0 million gallon ground storage tank to be added to Plant No. 5 and a 1.0 million gallon elevated storage tank within the proposed District's boundaries to facilitate the pressure required to support the proposed District. The proposed District will also require SLE WSC to obtain an additional 1.2 MGD from the Tarrant Regional Water District.

The water distribution system for the full development of the proposed District will consist of 8-inch to 20-inch polyvinyl chloride (PVC) water lines. The internal water distribution system will be looped where feasible to provide alternate service routes during emergencies and maintenance periods, and to equalize pressure in the system. Valves, fire hydrants and flushing valves will be provided at intervals as required by SLE WSC, the TCEQ, and Ellis County.

#### Wastewater Treatment and Collection Improvements

It is estimated that the District will contain 2,803 ESFCs at ultimate development, requiring 840,900 gallons per day of wastewater treatment capacity, using 300 gallons per day per connection. The wastewater generated by the development within the proposed District will partially flow by gravity through internal wastewater lines to proposed lift stations located throughout the proposed District. All wastewater flow will eventually be treated via a proposed wastewater treatment plant located wholly within the proposed District's boundaries. The major trunk lines and internal facilities will be constructed and maintained by the proposed District. All infrastructure will be designed according to applicable criteria and specifications established by Ellis County, the City, SLE WSC, and the TCEQ.

The onsite wastewater collection system will consist of 8-inch to 24-inch diameter gravity flow wastewater lines and a series of lift stations. The minimum velocities in the system for design flows will be 2 feet per second. The collection system will be designed to meet TCEQ design criteria.

#### Storm Water Drainage System and Drainage Improvements

The storm water runoff within the proposed District will be directed along a curb and gutter street system to collector lines provided by the proposed District. The storm water collection system will be designed to convey the 25-year storm within a pipe system to outfall into detention basins located throughout the proposed District and into the Long Branch Creek and its tributaries. All storm drainage improvements will be designed in accordance with the applicable design criteria established by Ellis County. All internal storm sewer collection systems will be designed using the rational method to carry the runoff from a 25-year storm.

#### Road Improvements

Application material indicates the proposed District will construct public roadways within the boundaries of the proposed District. The streets will consist of 6-inch to 8-inch reinforced concrete pavement. All roadway improvements will be designed in accordance with the



applicable design criteria established by the City and North Central Texas Council of Governments.

#### Floodplain

According to Federal Emergency Management Agency Flood Insurance Rate Map No. 48139C0175F, dated October 22, 2024, there is a Zone "A" floodplain located within the proposed District's boundaries.

#### Topography/Land Elevation

The topography of the proposed District is rolling tertian, with a moderate amount of slope towards Long Branch Creek and its tributaries. The approximate elevation ranges from 655 feet above mean sea level (msl) to 725 feet above msl. 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. 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 is not anticipated to have an unreasonable effect on land elevation.

#### Subsidence

The proposed District is located within the Prairielands Groundwater Conservation District (GCD), which regulates the use of groundwater in the proposed District's area. According to Prairielands GCD management plan, dated March 26, 2024, the proposed District has not observed subsidence as an issue of concern. Therefore, it is anticipated that the proposed District will not have an unreasonable effect on subsidence.

#### Groundwater Levels/Recharge

The proposed District is in the Prairielands GCD which protects the quality of the groundwater in the recharge zone of the Trinity aquifer. The proposed District will receive water from SLE WSC. SLE WSC uses both surface water and maintained groundwater wells. Runoff from the development will drain to existing creeks consistent with existing drainage patterns. All project plans will be reviewed and approved by jurisdiction agencies prior to construction similar to other development in the part of Ellis County. The proposed District is not located within a recharge zone; therefore, it is anticipated that, development of the proposed District will not have an unreasonable effect on groundwater levels or aquifer recharge.

#### Natural Run-off and Drainage

The proposed District is located on a gradually sloped site and existing drainage is provided through overland flow into the Long Branch Creek and its tributaries. According to the preliminary engineering report, this is adequate to drain the present undeveloped land and to accept the increased flows from the full development of the proposed District. The proposed internal drainage system, detention and ultimate major drainage improvements will provide adequate drainage for the developed property without adversely affecting adjacent landowners. Therefore, it is anticipated that the proposed District will not have an unreasonable effect on natural runoff and drainage.

Water Quality

All construction within the proposed District will include erosion control measures which comply with the Stormwater Pollution Prevention Plans overseen and approved by Ellis County. All drainage projects will be designed to comply with Ellis County regulations, including regulations related to stormwater quality. Also, all wastewater flows will be conveyed and treated in an onsite wastewater treatment plant that is permitted and approved by the TCEQ. Lastly, the proposed District will receive water from SLE WSC who provides yearly water quality reports. The 2023 water quality report meets or exceeds all federal drinking water requirements. Therefore, it is anticipated that the proposed District will not have an unreasonable effect on water quality.

Dam Safety Analysis

The TCEQ Dam Safety Program personnel reviewed the location of the District and confirmed by letter dated June 26, 2024, the Chambers Creek WS SCS Site 10 Dam (TX01271) is located southeast of the western portion of the proposed District along Long Branch Waxahachie Creek. Ellis County and the Ellis Prairie Soil and Water Conservation District should be contacted for details on any easements around the Site 10 Dam that may affect construction in the proposed District. It is recommended that no houses be built below the top of dam elevation.

**C. SUMMARY OF COSTS****WATER, WASTEWATER, AND DRAINAGE**

<u>Construction Costs</u>	<u>District Share</u> <sup>(1)</sup>
<b>A. Developer Contribution Items</b>	
1. Water Distribution System	\$ 5,962,202
2. Wastewater Collection System	6,188,043
3. Stormwater Drainage System	7,868,627
4. Erosion Control/Misc.	1,000,944
5. Engineering/Surveying/Inspection/Testing Costs	3,573,369
6. Contingencies	<u>2,459,318</u>
Total Developer Contribution Items	\$ 27,052,503
<b>B. District Items</b>	
1. Major Offsite Infrastructure Water Supply and Distribution	\$ 11,142,386
2. Major Offsite Infrastructure Wastewater	4,953,453
3. Wastewater Treatment Plant	13,598,970
4. Erosion Control/Misc.	1,484,740
5. Engineering/Surveying/Inspection/Testing Costs	5,300,523
6. Land Costs District Facilities	458,150
7. Contingencies	<u>3,648,008</u>
Total District Items	\$ 40,586,230
<b>TOTAL CONSTRUCTION COSTS (78.68% of BIR)</b>	<b>\$ 67,638,733</b>

Non-Construction Costs

A. Legal Fees	\$	2,149,250
B. Fiscal Agent Fees		1,719,400
C. Interest Costs		
1. Capitalized Interest (1 year at 4.75%)		4,083,575
2. Developer Interest (2 years at 4.75% of Construction Costs)		6,425,680 <sup>(2)</sup>
D. Bond Discount (3%)		2,579,100
E. Bond Issuance Expenses		323,367
F. Operating Advances		200,000
G. District Creation Expenses		150,000
H. Bond Application Report Costs		400,000
I. Attorney General Fee (0.1%)		85,970
J. TCEQ Bond Issuance Fee (0.25%)		<u>214,925</u>
TOTAL NON-CONSTRUCTION COSTS	\$	18,331,267

**TOTAL W, WW, & D BOND ISSUE REQUIREMENT** **\$ 85,970,000**

Notes: (1) Assumes 53.90% 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> <sup>(1)</sup>
1. Paving	\$ 20,692,667
2. Excavation	2,881,028
3. Erosion Control/Misc.	1,178,685
4. Engineering/Surveying/Inspection/Testing Costs	4,207,905
5. Contingencies	<u>2,896,028</u>
TOTAL CONSTRUCTION COSTS (79.03% of BIR)	\$ 31,856,313

Non-Construction Costs

A. Legal Fees	\$	1,007,625
B. Fiscal Agent Fees		806,100
C. Interest Costs		
1. Capitalized Interest (1 year at 4.75%)		1,914,488
2. Developer Interest (2 years at 4.75% of Construction Costs)		3,026,350 <sup>(2)</sup>
D. Bond Discount (3%)		1,209,150
E. Bond Application Report Costs		120,000
F. Bond Issuance Expenses		324,669
G. Attorney General Fee (0.1%)		<u>40,305</u>
TOTAL NON-CONSTRUCTION COSTS	\$	8,448,687

**TOTAL ROAD BOND ISSUE REQUIREMENT** **\$ 40,305,000**

Notes: (1) Assumes 53.90% funding of anticipated developer contribution items, where applicable.  
(2) Based on developer advancing funds approximately two years prior to reimbursement.

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the proposed District, and the land included within the proposed District. TCEQ's review of eligibility of costs may be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

**D. ECONOMIC ANALYSIS**

**Land Use**

The land use for the proposed District is intended to accommodate single-family residential and commercial 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 Detached	331.060	1,341
Single Family/Residential Multi-Family	40.550	972
Single Family/Residential Townhomes	57.240	432
Commercial	11.500	58
Wastewater Treatment Plant	8.882	0
Floodplain	14.210	0
Arterial/Collector Right-of-way/Open Space/Misc.	<u>49.602</u>	<u>0</u>
<b>Total</b>	<b>513.044</b>	<b>2,803</b>

**Market Study**

A market study, prepared in October 2024 by Residential Strategies Inc., was submitted in support of the creation of the proposed District. The proposed District is expected to include approximately 2,803 ESFCs on a tract totaling approximately 513.044 acres. The market study indicates that the proposed District will contain townhomes (Midlothian ISD) priced between \$335,000 and \$400,000, single-family homes on 50-foot lots (Midlothian ISD) priced between \$375,000 and \$445,000, on 60-foot lots (Midlothian ISD) priced between \$415,000 and \$500,000, townhomes (Waxahachie ISD) priced between \$320,000 and \$375,000, single-family homes on 50-foot lots (Waxahachie ISD) priced between \$355,000 and \$425,000, on 60-foot lots (Waxahachie ISD) priced between \$385,000 and \$450,000, and are expected to be absorbed at a rate of 198 to 263 units per year among all lot sizes throughout the initial five years of activity.

**Project Financing**

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

<u>Development Description</u>	<u>Number of Units</u>	<u>Average Unit Value</u>	<u>Total Buildout Value</u>
--------------------------------	------------------------	---------------------------	-----------------------------

Townhomes (Midlothian ISD)	72	\$ 400,000	\$ 28,800,000
50-foot single-family lots (Midlothian ISD)	564	\$ 445,000	\$ 250,980,000
60-foot single-family lots (Midlothian ISD)	344	\$ 500,000	\$ 172,000,000
Townhomes (Waxahachie ISD)	360	\$ 375,000	\$ 135,000,000
50-foot single-family lots (Waxahachie ISD)	115	\$ 425,000	\$ 48,875,000
60-foot single-family lots (Waxahachie ISD)	318	\$ 450,000	\$ 143,100,000
Multi-family Residential	972	\$ 175,000	\$ 170,100,000
11.5 commercial acres @ \$1,000,000/acre			\$ <u>11,500,000</u>
<b>Total Assessed Valuation</b>			<b>\$ 960,355,000</b>

Considering the issuance of a total of \$126,275,000 (\$85,970,000 for utilities and \$40,305,000 for roads) in bonds, assuming 53.90% financing, a bond coupon rate of 4.75%, and a 25-year bond life, the average annual debt service requirement would be \$8,736,352 (\$5,947,845 for utilities plus \$2,788,506 for roads). Assuming a 98% collection rate and an ultimate AV of \$960,355,000, a projected ultimate tax rate of approximately \$0.93 (\$0.63 for utilities and \$0.30 for roads) 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 \$0.98.

Based on the information provided and assuming 53.90% financing, the total year 2024 overlapping tax rates on land within the proposed District are shown as follows:

<b><u>Taxing Jurisdiction</u></b>	<b><u>Tax Rate</u></b> <sup>(1)</sup>
Lakeview MUD No. 1 of Ellis County (District)	\$ 0.980000 <sup>(2)(3)</sup>
Ellis County	\$ 0.255357
Waxahachie Independent School District	\$ 1.168100
Ellis County ESD No. 6	\$ 0.075500
Ellis County Lateral Road District	\$ <u>0.186350</u>
<b>TOTAL TAX per \$100 AV:</b>	<b>\$ 2.665307</b>
Lakeview MUD No. 1 of Ellis County (District)	\$ 0.980000 <sup>(2)(3)</sup>
Ellis County	\$ 0.255357
Midlothian Independent School District	\$ 1.106900
Ellis County ESD No. 2	\$ 0.098000
Ellis County Lateral Road District	\$ <u>0.186350</u>
<b>TOTAL TAX per \$100 AV:</b>	<b>\$ 2.626607</b>

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

(2) Represents \$0.63 for utilities, \$0.30 for roads, and \$0.05 for operation and maintenance tax.

(3) Assuming 53.90% funding of anticipated developer contribution items, where applicable.

Based on the proposed District tax rate and the year 2024 overlapping tax rate on land within the proposed District, and assuming 53.90% financing, the project is considered economically feasible.

#### Water and Wastewater Rates

According to information provided, SLE WSC will provide retail water service, and the proposed District will provide retail wastewater service to the proposed District's customers. The estimated monthly fee for 10,000 gallons of water and wastewater would be \$154.36.

#### Comparative Water District Tax Rates

A tax rate of \$0.98 (\$0.63 for utilities, \$0.30 for roads, 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 and the intent of 30 TAC Section 293.59, this project is considered economically feasible. Each particular bond issue will be evaluated based on its own economic feasibility merits and the rules and regulations in place at the time prior to the issuance of any bonds by the proposed District.

### **E. SPECIAL CONSIDERATION**

#### Request for Road Powers

A request for approval of road powers was included in the petition for creation of the proposed District. Pursuant to TWC Section 54.234, approval of road powers may be requested at the time of creation. The engineering report provided with the application included a summary of the estimated costs. The proposed roads appear to benefit the proposed District, and financing appears feasible.

### **F. CONCLUSIONS**

1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, a benefit to the land within the proposed District, and necessary as a means to finance utilities and to provide utility service to future customers.
2. Based on a review of the preliminary engineering report; market study; the proposed District's water, wastewater, drainage, and road facilities; a combined projected tax rate of \$0.98 per \$100 AV when assuming 53.90% financing; the proposed District obtaining a 4.75% bond coupon rate; and other supporting data, the proposed District is considered feasible under the intent of 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 Lakeview Municipal Utility District No. 1 of Ellis County.
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 statement:

"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:

Evan Wayne Powell

Scott Colling

Robert A. Sukenik

James F. Crawford

Kevin Merrill

**H. ADDITIONAL INFORMATION**

The Petitioner's professional representatives are:

Attorney: Mr. Victor Cristales – Coats Rose, PC

Creation Engineer: Mr. Andrew Mizerek, P.E. – Westwood Professional Services

Market Analyst: Residential Strategies Inc.

REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS       §  
COUNTY OF ELLIS         §

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared EVAN WAYNE POWELL, who expressed a desire to become a Director of LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY (hereinafter the "District"), to serve until his successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Ellis County, State of Texas, being the County in which the District is located.

[OR]

- ☐ I am a resident of \_\_\_\_\_ County, State of Texas, being a County adjacent to the County in which the District is located.
- ☒ I am resident of COLLIN County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located (Collin County, Dallas County, Denton County, Ellis County, Hunt County, Johnson County, Kaufman County, Parker County, Rockwall County, Tarrant County, Wise County).
2. I am not now and have no present plans to be a developer of property in the District. (A person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
  3. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
  4. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
  5. I am presently employed as CLIENT ENGAGEMENT MANAGER by ARMOR DEFENSE INC.. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.



6. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
7. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
8. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
9. I am aware that the District is a public agency that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
10. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
11. 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 or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

12. EVAN WAYNE POWELL  
(Full Name)

6728 GOLD DUST TRAIL  
(Home Address)

DALLAS      75252      214-280-4452  
(City)      (Zip Code)      (Telephone)

7700 WINDROSE AVE. 9300  
(Business Address)

PLANO      75024      469-480-2299  
(City)      (Zip Code)      (Telephone)

EVAN.W.POWELL@GMAIL.COM      EVAN.W.POWELL@ARMOR.COM  
(Home Email)      (Work Email)

REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS       §  
COUNTY OF ELLIS       §

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared Scott Collins, who expressed a desire to become a Director of LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY (hereinafter the "District"), to serve until his successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Ellis County, State of Texas, being the County in which the District is located.

[OR]


- ☐ I am a resident of \_\_\_\_\_ County, State of Texas, being a County adjacent to the County in which the District is located.
- ☒ I am resident of Dallas County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located (Collin County, Dallas County, Denton County, Ellis County, Hunt County, Johnson County, Kaufman County, Parker County, Rockwall County, Tarrant County, Wise County).
2. I am not now and have no present plans to be a developer of property in the District. (A person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
3. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
4. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
5. I am presently employed as Director, Training Programs by Southwest Airlines. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.

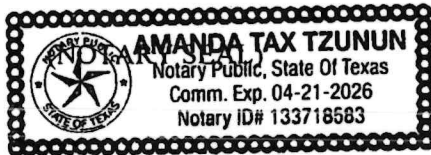
6. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
7. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
8. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
9. I am aware that the District is a public agency that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
10. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
11. 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 or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.
12. Scott Anthony Colling  
(Full Name)
- 4154 Brookport Drive  
(Home Address)
- Dallas 75229 214-850-3513  
(City) (Zip Code) (Telephone)
- 2832 Shorecross Dr  
(Business Address)
- Dallas 75235 214-850-3513  
(City) (Zip Code) (Telephone)
- Scott@modharen.com Scott.Colling@WACO.com  
(Home Email) (Work Email)

  
\_\_\_\_\_  
Signature of Affiant

THE STATE OF TEXAS     §  
                                     §  
COUNTY OF Dallas     §

SWORN TO AND SUBSCRIBED BEFORE ME this 20 day of June,  
2024.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS       §  
COUNTY OF ELLIS       §

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared ROBERT A. SUKENIK, who expressed a desire to become a Director of LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY (hereinafter the "District"), to serve until his successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Ellis County, State of Texas, being the County in which the District is located.

[OR]

- ☐ I am a resident of \_\_\_\_\_ County, State of Texas, being a County adjacent to the County in which the District is located.
- ☒ I am resident of TARRANT County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located (Collin County, Dallas County, Denton County, Ellis County, Hunt County, Johnson County, Kaufman County, Parker County, Rockwall County, Tarrant County, Wise County).
2. I am not now and have no present plans to be a developer of property in the District. (A person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
  3. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
  4. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
  5. I am presently employed as BUSINESS DEVELOPMENT MANAGER by EMPLOYER BRIDGE. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.

6. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
7. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
8. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
9. I am aware that the District is a public agency that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
10. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
11. 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 or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

12. ROBERT A. SUKENIK  
(Full Name)

2100 HERITAGE AVENUE, # 1233  
(Home Address)


EULESS      76039      865-388-1340  
(City)                      (Zip Code)                      (Telephone)

1340 POST AND Paddock, # 400  
(Business Address)

GRAND PRAIRIE      75050      972-602-0658  
(City)                      (Zip Code)                      (Telephone)

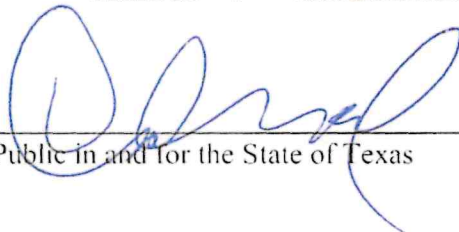
ras5893@hotmail.com  
(Home Email)

robert.sukenik@employbridge.com  
(Work Email)

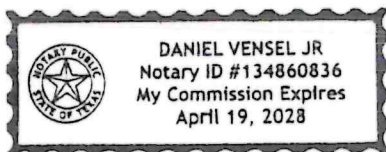
  
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Signature of Affiant

THE STATE OF TEXAS     §  
  §  
COUNTY OF Dallas     §

SWORN TO AND SUBSCRIBED BEFORE ME this 15<sup>th</sup> day of June,  
2024.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

(NOTARY SEAL)



REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS       §  
COUNTY OF ELLIS       §

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared JAMES F. CRAWFORD who expressed a desire to become a Director of LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY (hereinafter the "District"), to serve until his successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Ellis County, State of Texas, being the County in which the District is located.

[OR]

- ☒ I am a resident of DALLAS County, State of Texas, being a County adjacent to the County in which the District is located.
- ☐ I am resident of \_\_\_\_\_ County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located (Collin County, Dallas County, Denton County, Ellis County, Hunt County, Johnson County, Kaufman County, Parker County, Rockwall County, Tarrant County, Wise County).
2. I am not now and have no present plans to be a developer of property in the District. (A person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
  3. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
  4. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
  5. I am presently employed as RETIRED by \_\_\_\_\_, I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.



6. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
7. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
8. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
9. I am aware that the District is a public agency that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
10. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
11. 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 or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

12. JAMES FRANKLIN CRAWFORD  
(Full Name)

3421 LOVER LANE  
(Home Address)

DALLAS TX 75225 214-906-1818  
(City) (Zip Code) (Telephone)

N/A  
(Business Address)

\_\_\_\_\_  
(City) (Zip Code) (Telephone)

JFC917888@AOL.COM  
(Home Email) (Work Email)

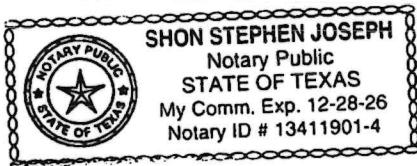
  
Signature of Affiant

THE STATE OF TEXAS     §  
                                     §  
COUNTY OF DALLAS     §

SWORN TO AND SUBSCRIBED BEFORE ME this 18<sup>th</sup> day of JUNE,  
2024.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

(NOTARY SEAL)



REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS       §  
COUNTY OF ELLIS       §

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared Kevin Merrill, who expressed a desire to become a Director of LAKEVIEW MUNICIPAL UTILITY DISTRICT NO. 1 OF ELLIS COUNTY (hereinafter the "District"), to serve until his successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Ellis County, State of Texas, being the County in which the District is located.

[OR]

- I am a resident of Collin County, State of Texas, being a County adjacent to the County in which the District is located.
  - ☒ I am resident of Collin County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located (Collin County, Dallas County, Denton County, Ellis County, Hunt County, Johnson County, Kaufman County, Parker County, Rockwall County, Tarrant County, Wise County).
2. I am not now and have no present plans to be a developer of property in the District. (A person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
  3. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
  4. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
  5. I am presently employed as an account executive by Wiz.io. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.

6. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
7. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
8. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
9. I am aware that the District is a public agency that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
10. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
11. 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 or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

12. Kevin J Merrill  
(Full Name)

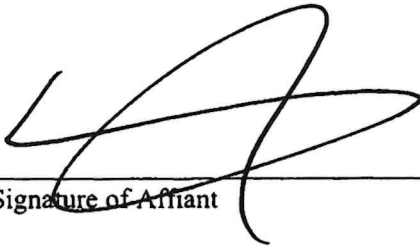
1540 Harrington Drive  
(Home Address)

plano 75075 214-435-6725  
(City) (Zip Code) (Telephone)

1 Manhattan west, 57th floor  
(Business Address)

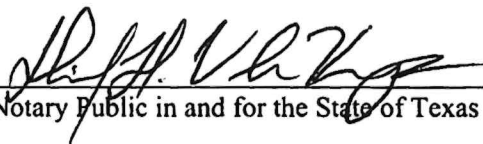
New York, NY 10001  
(City) (Zip Code) (Telephone)

Kevin.Merrill@ymail.com Kevin.Merrill@wiz.io  
(Home Email) (Work Email)

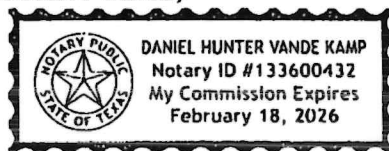
  
\_\_\_\_\_  
Signature of Affiant

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF Dallas     §

SWORN TO AND SUBSCRIBED BEFORE ME this 20<sup>th</sup> day of June,  
2024.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

(NOTARY SEAL)



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-11082024-010

**PETITION.** Finch FP, LTD., a Texas limited partnership and BEF Trust, a Texas limited partnership (Petitioners) filed a petition for creation of Lakeview Municipal Utility District No. 1 of Ellis County (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 Petitioners hold 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 513.044 acres located within Ellis County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Waxahachie.

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) 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 improvement 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 consistent with all of the purposes for which the proposed District is created. Additionally, it is further purposed that the proposed District be granted road powers pursuant to Texas Water Code, Section 54.234.

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 \$126,275,000 (\$85,970,000 for water, wastewater, and drainage and \$40,305,000 for roads.

The Property depicted in Exhibit "A" is located within the extraterritorial jurisdiction of the City of Waxahachie, Ellis County, Texas (the "City"). In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioners submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioners submitted a petition to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioners 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 Petitioners 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/>.

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