

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzalez, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 10, 2025

VIA ELECTRONIC FILING

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

Re: Executive Director's Supplemented Backup Documents Filed for Consideration of Hearing Requests at Agenda for Petition by Sunny Jane Elizabeth Ahrens and Thomas Edward O'Kelley for the Creation of Kelly Farms Municipal Utility District of Johnson County.

Dear Ms. Gharis:

Enclosed please find a copy of the following documents for inclusion in the background material for the creation petition. If you have any questions or comments, please call me at 512-239-1439 or email me at Harrison.malley@tceq.texas.gov.

- Petition
- Metes and Bounds

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Harrison Cole Malley".

Harrison Cole Malley, *Staff Attorney*
Environmental Law Division

cc: Mailing List

**PETITION FOR THE CREATION OF
KELLY FARMS MUNICIPAL UTILITY DISTRICT OF JOHNSON COUNTY**

THE STATE OF TEXAS §

COUNTY OF JOHNSON §

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Sunny Jane Elizabeth Ahrens (f/k/a/ Jane O'Kelley Early), an individual, and Thomas Edward O'Kelley, an individual (collectively, the "Petitioners") respectfully petition the Texas Commission on Environmental Quality (the "Commission") for the creation of a municipal utility district in Johnson County, Texas. 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 Johnson County, Texas. 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 "KELLY FARMS MUNICIPAL UTILITY DISTRICT OF JOHNSON COUNTY" (the "District"). There is no other conservation or reclamation district in Johnson County, Texas with the same name.

II.

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

III.

The area proposed to be within the District is approximately 410.25 acres (the "Property"), situated in Johnson County, Texas. The Property consists of a tract of land described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes. The Property is located outside the corporate boundaries and extraterritorial jurisdiction of any municipality. All of the Property may be properly included in the District.

IV.

The Petitioners constitute a majority of the value of the holders of title of the land within the proposed District, as indicated by the tax rolls of the Central Appraisal District of Johnson County, Texas, and by conveyances of record since the date of preparation of said tax rolls. There are no lienholders on the Property.

V.

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.

VI.

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 Johnson 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, and drainage 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. Petitioners petition the Commission for the authority to design, acquire, construct, finance, and issue bonds for a roadway system consisting of macadamized, graveled or paved roads and turnpikes pursuant to Section 54.234, Texas Water Code. 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.

VII.

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 they have at this time, that the ultimate cost of the project contemplated will be approximately \$170,750,000.

VIII.

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. Jeffrey M. Lively
2. M. Aziz Bah
3. Joseph Margiotta III
4. Beau Weiss
5. Daren Harber

IX.

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 4th day of MARCH, 2025.

PETITIONER:

Sunny J Ahrens
Sunny Jane Elizabeth Ahrens (f/k/a/ Jane O'Kelley
(a/k/a Early Jane O'Kelley)

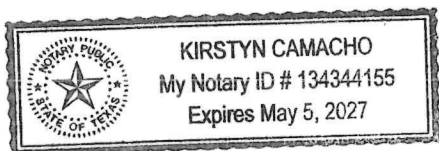
Early)

THE STATE OF TEXAS §
COUNTY OF Nueces §

This instrument was acknowledged before me on this 4th day of March, 2025 by Sunny Jane Elizabeth Ahrens (f/k/a/ Jane O'Kelley Early), in the capacity stated therein.

Kirstyn Camacho
Notary Public in and for the State of Texas

(NOTARY SEAL)



RESPECTFULLY SUBMITTED, this 13 day of February, 2025.

PETITIONER:

Thomas Edward O'Kelley
Thomas Edward O'Kelley (a/k/a (Thomas Edward))

THE STATE OF TEXAS §
COUNTY OF Johnson §

This instrument was acknowledged before me on this 13th day of February, 2025 by Thomas Edward O'Kelley, in the capacity stated therein.


Notary Public in and for the State of Texas

(NOTARY SEAL)

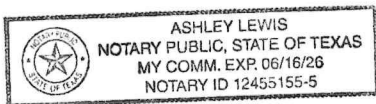


EXHIBIT "A"
JOHNSON COUNTY, TEXAS
410.25 ACRE BOUNDARY DESCRIPTION

APRIL 15, 2025
Sheet 1 of 2

LEGAL DESCRIPTION

Being 410.25 acres out of the R. E. Campbell Survey, Abstract No. 123 and the I. B. Sessions Survey, Abstract 765, Johnson County, Texas, being a part and out of a called 416.272 acre tract to Jane O'Kelley Early and Thomas Edward O'Kelley, recorded in Volume 3834, Page 59, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.), as described in deeds recorded in Volume 147, Page 591, Deed Records, Johnson County, Texas (D.R.J.C.T.), Volume 157, Page 523, Deed Records, Johnson County, Texas (D.R.J.C.T.), Volume 186, Page 605, Deed Records, Johnson County, Texas (D.R.J.C.T.), Volume 396, Page 396, Deed Records, Johnson County, Texas (D.R.J.C.T.), Volume 396, Page 397, Deed Records, Johnson County, Texas (D.R.J.C.T.) and Volume 241, Page 224, Deed Records, Johnson County, Texas (D.R.J.C.T.) said 410.25 acre tract being more particularly described by metes and bounds as follows:

Beginning (P.O.B., X: 2376880.21, Y: 6802992.80) at a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for the most westerly Northeast corner of said 410.25 acre tract within County Road 203, being the East corner of a called 48.717 acre tract of land, described in deed to Grandview Estates, LLC, recorded in Instrument No. 2021-28015, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);

THENCE South 30°09'22" East, a distance of 813.46 feet to a 1-inch iron pipe found within said County Road 203, being the Southwest corner of a called 160 acre tract of land, described in deed as Second Tract in Instrument No. 2019-30028, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);

THENCE North 59°34'06" East, along the Southeast line of said 160 acre tract, a distance of 2,532.57 feet to a fence corner post found for the most northerly Northeast corner of said 410.25 acre tract;

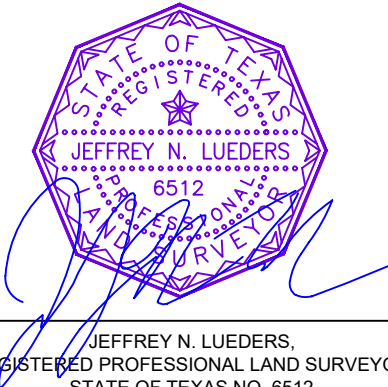
THENCE South 31°59'19" East, a distance of 69.35 feet to a fence corner post found for an angle point of said 410.25 acre tract, being the West corner of a called 140.33 acre tract of land, described in deed to John Abney and Lydia Abney, recorded in Instrument No. 2019-1744, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);

THENCE South 30°12'51" East, along the Southwest line of said 140.33 acre tract, a distance of 1,685.14 feet to a fence corner post found for the most Western corner of said 410.25 acre tract being an interior ell corner of said 140.33 acre tract;

THENCE South 59°27'11" West, along with a Northwest line of said 140.33 acre tract, a distance of 2,513.58 feet to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set within said County Road 203, being the West corner of a called 13.5 acre tract of land described in deed to Donna Welborn Bell, recorded in Instrument No. 2018-13928, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);

THENCE South 30°55'20" East, with said County Road 203, a distance of 2,325.06 feet to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for the Southeast corner of said 410.25 acre tract, being an interior ell corner on the West line of a called 193.635 acre tract of land described in deed to Jerry Davenport and Freida Davenport, recorded in Instrument No. 2022-1264, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);

THENCE South 59°48'44" West, passing a 1/2-inch iron rod found at a distance of 79.88 feet, being Northeast corner of a called 84.92 acre tract of land described in deed to Jaonn McMinn, recorded in Instrument No. 2015-2109, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.), and being the most western Northwest corner of said 193.635 acre tract, continuing a total distance of 3,142.04 feet to a 1/2-inch iron rod with cap stamped "WIER AND ASSOC", found on the Northwest line of said 84.92 acre tract, for the Southwest corner of said 410.25 acre tract and being the Southeast corner of a called 22.826 acre tract of land, described in deed to John Leighton Cox, Jr., recorded in Volume 3297, Page 381, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);



JEFFREY N. LUEDERS,
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6512
CERTIFICATION: APRIL 15, 2025
ORIGINAL SURVEY COMPLETED: SEPTEMBER 18, 2024

Topographic, Co.
481 Winscott Road Suite 200
Benbrook, TX 76126

EXHIBIT "A"
JOHNSON COUNTY, TEXAS
410.25 ACRE BOUNDARY DESCRIPTION

APRIL 15, 2025
Sheet 2 of 2

THENCE North 30°11'46" West, a distance of 1,386.90 feet to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for the for an angle corner on the Southwest line of said 410.25 acre tract, being the Northeast corner of a said 22.826 acre tract, and being the most southern Southeast corner of a called 21.50 acre tract of land, described in deed to Diveley Holding Company, LLC, recorded in Instrument No. 2018-2643, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.);

THENCE North 30°12'03" West, along the east line of said 21.50 acre tract, a distance of 36.83 feet to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for an exterior ell corner on the Southwest line of said 410.25 acre tract, being an interior ell corner on the Southeast line of a said 21.50 acre tract;

THENCE North 59°48'03" East, a distance of 1,217.41 feet to a to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for an interior ell corner on the Southwest line of said 410.25 acre tract, being the East corner of a said 21.50 acre tract;

THENCE North 30°11'57" West, a distance of 635.55 feet to a to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for an interior ell corner on the Southwest line of said 410.25 acre tract, being the North corner of a said 21.50 acre tract;

THENCE South 59°48'03" West, a distance of 1,429.73 feet to a to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for an exterior angle corner on the Southwest line of said 410.25 acre tract on the Northeast right-of-way line of Interstate Highway 35 West., being the Northwest corner of a said 21.50 acre tract, from which a destroyed TXDOT highway monument found, bears: North 11°26'12" West, a distance of 12.25 feet;

THENCE North 10°47'28" West, along said Northeast right-of-way line of Interstate Highway 35 West., passing a concrete TXDOT monument found at a distance of 12.25 feet, then passing a concrete TXDOT monument at a distance of 1452.57 feet, continuing a total distance of 1,454.84 feet to a concrete TXDOT monument found, being point on the Southeast line of a called 53.84 acre tract of land, described in deed as Third Tract to Texas Christian University of Tarrant County, recorded in Volume 536, Page 867, Deed Records, Johnson County, Texas (D.R.J.C.T.);

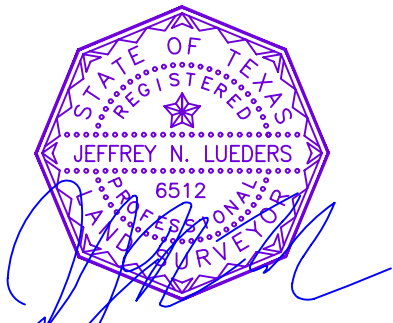
THENCE North 59°59'30" East, a distance of 408.96 feet to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set for an interior ell corner on the Southwest line of said 410.25 acre tract, being the East corner of a said 53.84 acre tract;

THENCE North 30°00'30" West, a distance of 1,455.90 feet to a 1/2-inch iron rod with cap stamped "TOPOGRAPHIC" set on the Northeast right-of-way line of S. Interstate Highway 35 West;

THENCE North 16°34'58" West, along said Northeast right-of-way a distance of 19.02 feet to a 1/2-inch iron rod with cap stamped "WIER AND ASSOC" found for the Southwest corner of said 48.717 acre tract;

THENCE North 59°58'31" East, along the Southeast line of said 48.717 acre tract, a distance of 2,402.23 fee to the place of beginning and containing 410.25 acres of land.

Topographic, Co.
481 Winscott Road Suite 200
Benbrook, TX 76126



JEFFREY N. LUEDERS,
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6512
CERTIFICATION: APRIL 15, 2025
ORIGINAL SURVEY COMPLETED: SEPTEMBER 18, 2024