

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 2, 2019

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 2457, as Filed by Senator Brandon Creighton - Relating to the creation of the Montgomery County Municipal Utility District No. 175; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel La Caille".

Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Brandon Creighton, Texas Senate

Enclosure

**SB 2457, as Filed by Senator Brandon Creighton
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Montgomery County Municipal Utility District No. 175 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Comments on Powers/Duties Different from Similar Types of Districts:

The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election; the bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; the bill grants the District authority for road projects; this bill allows the District to divide; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

MC175



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

ALLEN BOONE HUMPHRIES ROBINS 0000187936 HC054570320
RAN A LEGAL NOTICE
SIZE BEING: 2 x115 L

Product
CNCC-The Courier

Date
Feb 3 2019

Class
Legal Notices

Page

Victoria Bond AK Clark
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 3rd Day of February A.D. 2019



Delilah Metzger
Notary Public in and for the State of Texas

NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS

Notice is hereby given of the intention to introduce in the Regular Session of the 86th Legislature of Texas a bill creating and establishing a special district partially in the extraterritorial jurisdiction of the City of Conroe, Montgomery County, under the provisions of Article XVI, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to municipal utility districts operating pursuant to Chapters 49 and 54, Texas Water Code, with road powers pursuant to Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. The proposed boundaries of the district will include all or part of the following land situated in Montgomery County, Texas:

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, IN MONTGOMERY COUNTY, TEXAS AND CONTAINING 857.061 ACRES OF LAND NOW OR FORMERLY OWNED BY GEORGE P. MITCHELL AND BEING ALL OR PART OF THE FOLLOWING SURVEYS: WILLIAM LOWE SURVEY A-325 AND MATTHEW MORSE SURVEY A-337. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. BEGINNING AT A FENCE CORNER BEING THE SOUTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED AND BEING AT ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY OF STATE HIGHWAY NO. 149 (100' R.O.W.) AND BEING ALSO ON THE SOUTH BOUNDARY OF THE WILLIAM LOWE SURVEY A-325, BEING A COMMON BOUNDARY WITH THE NORTH BOUNDARY OF THE WILLIAM McNINN NUNER SURVEY A-401. SAID POINT OF BEGINNING HAVING A TEXAS STATE PLANE COORDINATE VALUE OF X=3,462,817.99, Y=363,395.89. THENCE N02° 59' 17"W, 3,465.49 FEET ALONG THE WEST BOUNDARY OF THIS TRACT AS FENCED AND OCCUPIED AND ALONG THE EAST RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. 149 TO A FENCE CORNER AND POINT FOR CORNER FOR THIS TRACT. SAID CORNER BEING COMMON WITH THE SOUTHWEST CORNER OF "177 LAKE ESTATES SUBDIVISION." THENCE N87° 05' 50"E, 2,735.87 FEET ALONG A NORTH BOUNDARY OF THIS TRACT AS FENCED AND OCCUPIED, BEING ALSO THE SOUTH BOUNDARY OF SAID "177 LAKE ESTATES SUBDIVISION" AND BEING ALSO THE NORTH BOUNDARY OF SAID WILLIAM LOWE SURVEY TO A POINT FOR CORNER MARKED BY A 4" BOILER PIPE (FOUND) AT FENCE CORNER. THENCE N03° 28' 09"W, 2,738.46 FEET ALONG A WEST BOUNDARY OF THIS TRACT AS FENCED AND OCCUPIED, BEING COMMON WITH THE EAST BOUNDARY OF SAID "177 LAKE ESTATES SUBDIVISION" AND BEING ALSO A WEST BOUNDARY OF THE MATTHEW MORSE SURVEY TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF THIS TRACT AND BEING AT ITS INTERSECTION WITH THE SOUTH RIGHT-OF-WAY KEENAN CUT OFF ROAD, AND MARKED BY A 4" BOILER PIPE (FOUND). THENCE N86° 45' 31"E, 4,030.41 FEET ALONG A NORTH BOUNDARY OF THIS TRACT, SAME BEING THE NORTH BOUNDARY OF SAID MATTHEW MORSE SURVEY AND THE SOUTH RIGHT-OF-WAY OF KEENAN ROAD TO A POINT FOR CORNER AND FENCE CORNER. SAID CORNER BEING ALSO THE NORTHWEST CORNER OF THE T.J. NICHOLS SURVEY. THENCE ALONG A COMMON BOUNDARY BETWEEN THE MATTHEW MORSE SURVEY AND THE T.J. NICHOLS SURVEY AS FENCED AND OCCUPIED AS FOLLOWS: S03° 06' 04"E, 2,334.84 FEET TO A FENCE CORNER, AND POINT FOR CORNER. AND N87° 21' 40"E, 1,301.13 FEET TO A POINT FOR CORNER MARKED BY A 4" BOILER PIPE (FOUND) AT FENCE CORNER AND BEING AT ITS INTERSECTION WITH THE WEST BOUNDARY OF THE JAMES HALL SURVEY. THENCE ALONG THE EAST BOUNDARY OF SAID MATTHEW MORSE SURVEY AS FENCED AND OCCUPIED, SAME BEING THE WEST BOUNDARY OF SAID JAMES HALL SURVEY AND THE M.J. KIRBY AS FOLLOWS: S02° 58' 28"E, 2,103.25 FEET TO A POINT FOR CORNER MARKED BY A 1/4" IRON PIPE (FOUND). S03° 24' 06"E, 21,203.26 FEET TO A POINT FOR CORNER MARKED BY A 1/4" IRON PIPE (FOUND). AND S03° 50' 21"E, 346.32 FEET TO A POINT FOR CORNER AT ITS INTERSECTION WITH THE NORTH BOUNDARY OF A 20.00 ACRE TRACT OWNED BY GEORGE P. MITCHELL. THENCE ALONG THE SOUTH BOUNDARY OF THIS TRACT SEVERING THE MATTHEW MORSE SURVEY ALONG THE NORTH AND WEST BOUNDARY OF ABOVE MENTIONED 20.00 ACRE TRACT AS FOLLOWS: S89° 31' 14"W, 1,727.72 FEET TO A POINT FOR CORNER MARKED BY A 5/8" IRON ROD WITH ALUMINUM CAP (FOUND). AND S00° 28' 46"E, 500.00 FEET TO A POINT FOR CORNER ON THE SOUTH LINE OF SAID MATTHEW MORSE SURVEY BEING COMMON WITH THE NORTH BOUNDARY OF THE DANIEL ROPER SURVEY. THENCE S89° 31' 14"W, 2,144.18 FEET ALONG THE ABOVE MENTIONED COMMON SURVEY LINE TO A POINT FOR CORNER. THENCE SEVERING SAID MATTHEW MORSE SURVEY AND THE WILLIAM LOWE SURVEY AS FOLLOWS: N02° 59' 17"W, 913.97 FEET TO A POINT FOR CORNER MARKED BY A 5/8" IRON ROD WITH ALUMINUM CAP (FOUND). S89° 31' 14"W, 1,868.81 FEET TO A POINT FOR CORNER ON THE CENTERLINE OF THE TEXAS EASTERN PIPELINE RIGHT-OF-WAY RECORDED IN VOLUME 336, PAGE 429 OF THE DEED RECORDS OF MONTGOMERY COUNTY, TEXAS (50 FEET WIDE PIPELINE RIGHT-OF-WAY). AND S44° 01' 41"W, 1,280.36 FEET ALONG THE CENTERLINE OF SAID PIPELINE RIGHT-OF-WAY TO A POINT FOR CORNER AT ITS INTERSECTION WITH THE SOUTH BOUNDARY OF SAID WILLIAM LOWE SURVEY AND BEING COMMON WITH THE NORTH BOUNDARY OF THE DANIEL ROPER SURVEY. THENCE S89° 31' 14"W, 83.12 FEET ALONG THE ABOVE MENTIONED COMMON SURVEY LINE TO POINT FOR CORNER MARKED BY A 4" BOILER PIPE AT FENCE CORNER AND BEING ALSO THE NORTHWEST CORNER OF THE DANIEL ROPER SURVEY. THENCE S86° 11' 16"W, 1,285.65 FEET ALONG THE SOUTH BOUNDARY OF THE WILLIAM LOWE SURVEY BEING ALSO THE NORTH BOUNDARY OF THE WILLIAM McNINN NUNER SURVEY AS FENCED AND

0000187936 ALLEN BOONE HUMPHRIES ROBINS

Page 3 of 3

Houston Chronicle
CLASSIFIED

BOUNDARY OF THE W.M. MURPHY SURVEY AS FENCED AND
OCCUPIED TO THE POINT OF BEGINNING AND CONTAINING 857.061
ACRES OF LAND.