

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) 2464, as Filed by Senator Brandon Creighton - Relating to the creation of the Montgomery County Municipal Utility District No. 163; 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 2464, 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. 163 (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; the 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; and 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.

MC163



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:

CITY OF CONROE

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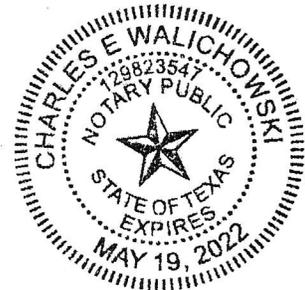
Date
Feb 23 2019

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Victoria Bond A McCant
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 1st Day of March A.D. 2019



Charles E. Walichowski
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 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 description of a 1229 acre tract of land, located in the Alfonzo Steel Survey, Abstract 477 the T. & N.O. Railroad Company, Section 4 Survey, Abstract 741, and the John Bricker Survey, Abstract 98, in Montgomery County, Texas; out of the 273.466 acre tract of land referenced as Tract III, Parcel 1, out of the 195.961 acre tract of land referenced as Tract 2, Parcel 2, out of the 90.860 acre tract referenced as Tract 2, Parcel 3, and out of that 648.855 acre tract describes as Tract I as described in the deed recorded under Document Number 2018042236 of the Official Public Records of Montgomery County, Texas and more particularly described as follows:

BEGINNING at the northeast corner of said Tract I, and the northeast corner of T. & N.O. Railroad Company, Section 4 Survey;

THENCE South 00° 06' 00" West - 4845.80', along the east line of said Tract I, and the east line of said T. & N.O. Railroad Company, Section 4 Survey, to the southeast corner of said Tract I, and the southeast corner of said T. & N.O. Railroad Company, Section 4 Survey;

THENCE North 89° 57' 02" West - 5148.33', along the south line of said tract I and the south line of said T. & N.O. Railroad Company, Section 4 Survey, to the southwest corner of said Tract I, and the southwest corner of said T. & N.O. RR. CO, Section 4 Survey, in the east line of aforesaid Tract 2, Parcel 2, and the east line of aforesaid John Bricker Survey;

THENCE South 30° 09' 50" East - 826.43', along the east line of aforesaid Tract 2, Parcel 2, and along the east line of said John Bricker Survey, to a southeast corner of said Tract 2, Parcel 2, and a southeast corner of the John Bricker Survey, lying in the north right-of-way line of State Highway 242;

THENCE South 30° 34' 35" East - 220.69', continuing along said northeast line of said John Bricker Survey to a point for corner in the south right-of-way line of said State Highway 242, in the north line of said Tract 2, Parcel 3;

THENCE South 30° 15' 03" East - 688.49', along the northeast line of said Tract 2, Parcel 3, and along the northeast line of said John Bricker Survey, to the east corner of said Tract 2, Parcel 3, and the southeast corner of said John Bricker Survey;

THENCE South 59° 13' 35" West - 3060.96', along the southeast line of said Tract 2, Parcel 3 and the southeast line of said John Bricker Survey, to the intersection of said southeast lines, and the east right-of-way line of FM 1314 (Conroe Porter Road), being the south corner of said Tract 2, Parcel 3;

THENCE North 24° 51' 16" West - 778.41', along said east right-of-way line, and the west line of Tract 2, Parcel 3 to a point for corner;

THENCE, North 22° 10' 36" West - 597.39', continuing along said common line, to a point for corner;

THENCE, North 19° 50' 32" West - 241.38', continuing along said common line, to at the south end of the southeasterly cutback corner, and the northwest corner of aforesaid Tract 2, Parcel 3, at the intersection of the aforesaid east right of way line of FM 1314 (Conroe Porter Road) and the south line of State Highway 242;

THENCE, North 16° 50' 19" West - 538.64', continuing along said east right-of-way line, to the north end of the southeasterly cutback corner of the said intersection, and the south corner of aforesaid Tract 2, Parcel 2, at the intersection of the aforesaid east right of way line of FM 1314 (Conroe Porter Road) and the south line of State Highway 242;

THENCE, North 23° 14' 55" West - 200.33', continuing along said east right-of-way line, and the west line of aforesaid Tract 2, Parcel 2 to a point for corner;

THENCE, North 13° 30' 38" West - 995.85', continuing along said common line, to a point for corner;

THENCE, North 12° 01' 58" West - 2102.94', continuing along said common line, to a point for corner;

THENCE North 12° 33' 22" West - 1.21', along the aforesaid east right of way line, and aforesaid west line of Tract 2, Parcel 2, and the aforesaid west line of Tract III, Parcel 1, to the point of beginning of curve to the left;

THENCE, 1212.26', continuing along said east right-of-way line, and the west line of said Tract III, Parcel 1 along said curve to the left, having a radius of 1959.86', a central angle of 35° 26' 24", and a chord bearing and distance of North 30° 16' 34" West - 1193.03', to the end of curve;

THENCE North 48° 01' 22" West - 2935.99', continuing along said common line, to the intersection of said common line, and the north line of the Alfonzo Steel Survey, being the northwest corner of said Tract III, Parcel 1;

THENCE, North 58° 58' 24" East - 3695.00', along said north line to the north corner of said Tract III, Parcel 1, being the most northerly west corner of the 178 acre tract of land described in the deed recorded under Volume 20, Page 612 of the Deed Records of Montgomery County, Texas;

THENCE South 30° 57' 11" East - 3592.37', along the east line of said Tract III Parcel 1 and the southwest line of said 178 acre tract, to an interior corner of said 178 acre tract;

THENCE South 59° 02' 57" West - 1387.45', along the south line of said Tract III, Parcel 1 and the north line of said 178 acre tract, to the most southerly west corner of said 178 acre tract;

THENCE South 30° 43' 40" East - 411.55', along a southwest line of said 178 acre tract, to the south corner of said 178 acre tract, in the south line of aforesaid Alfonzo Steel Survey, common to a northwest line of aforesaid T. & N.O. Railroad Company, Section 4 Survey;

THENCE North 59° 36' 50" East - 3196.12', along said northwest line, the northwest line of Tract 2, Parcel 2, the northwest line of aforementioned Tract I, the southeast line of said Alfonzo Steel Survey, and the southeast line of said 178 acre tract, to an interior corner of said T. & N.O. Railroad Company, Section 4 Survey, common to the east corner of said Alfonzo Steel Survey, and the east corner of said 178 acre tract;

THENCE North 30° 28' 49" West - 375.00', along the northwest line of said Tract I, northwest line of said T. & N.O. Railroad Company, Section 4 Survey, the northeast line of said Alfonzo Steel Survey, and the northeast line of said 178 acre tract, to the most northerly northwest corner of said Tract I and T. & N.O. Railroad Company, Section 4 Survey;

THENCE North 89° 56' 58" East - 4636.24, along the north line of said Tract I and T. & N.O. Railroad Company, Section 4 Survey, to the POINT OF BEGINNING and containing 1229 acres of land, more or less.