



Control Number: 49190



Item Number: 3

Addendum StartPage: 0

2019 MAR -4 PM 1:01
MISSION

PUBLIC UTILITY COMMISSION
OF TEXAS

FILE NO. 62-100000-5104

1. The legal name and all assumed names, if any, under which the applicants conduct business. If the applicants use an assumed name, provide a currently valid certificate of assumed name.

2. The form of business in Texas (*e.g.*, corporation, partnership, sole proprietorship). Charter or Authorization number, date of business was formed, and date change was made (if applicable).

Valley Ranch MUD is not a business entity. It is a political subdivision (a municipal utility district) created by the Texas Commission on Environmental Quality (TCEQ) pursuant to Article XVI, Section 59 of the Texas Constitution and Texas Water Code Chapters 49 and 54. A copy of the TCEQ's January 12, 2006 order creating Valley Ranch MUD is attached here to as Attachment No. 1.

3

Provide the state and date in which the parent company is registered. (*The Commission requires registration with the Secretary of State for all forms of business, except sole proprietorships.*)

Valley Ranch MUD does not have a parent company.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Kimberly Grinnan Kelley
State Bar No. 24086651
kkelley@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: Emily W. Rogers
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 4th day of March, 2019, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record.

Emily W. Rogers

ATTACHMENT NO. 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S
JANUARY 12, 2006 ORDER GRANTING THE PETITION FOR THE CREATION OF
VALLEY RANCH MUNICIPAL UTILITY DISTRICT NO. 1 AND APPOINTING
TEMPORARY DIRECTORS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



JAN 23 2006

AN ORDER GRANTING THE PETITION FOR CREATION OF
VALLEY RANCH MUNICIPAL UTILITY DISTRICT NO 1. AND
APPOINTING TEMPORARY DIRECTORS

A petition by Sig-Valley Ranch, LTD (hereafter "Petitioner") was presented to the Executive Director of the Texas Commission on Environmental Quality (hereafter "Commission") for approval of the creation of Valley Ranch Municipal Utility District No.1 of Montgomery County (hereafter "District") pursuant to Article XVI, Section 59 of the TEXAS CONSTITUTION and TEX. WATER CODE , Chapters 49 and 54.

The Commission has jurisdiction to consider this matter, and the following Findings of Fact and Conclusions of Law are appropriate after examining the application and supporting documentation:

FINDINGS OF FACT

1. On June 23, 2005, a petition for the creation of Valley Ranch Municipal Utility District No.1 of Montgomery County was filed with the Commission pursuant to TEX. WATER CODE , Chapter 54.
 - a. The petition for creation of the proposed District was signed by duly authorized officers of the Applicants, which represents they hold a majority in value of title to the land to be included within the proposed District's boundaries in accordance with TEX. WATER CODE § 54.014 (Vernon 2002).
 - b. The application contains the matters required by TEX. WATER CODE § 54.015 (Vernon 2002) and 30 TEX. ADMIN. CODE ("TAC") § 293.11 (2005).
 - c. The Petitioner represents that there is one lienholders on the land in the proposed District.
2. Proper notice of this application was given pursuant to TEX. WATER CODE § 49.011 (Vernon 2000) and 30 TAC § 293.12 (2005).
 - a. Proper notice of the application was published on August 11, 2005 and August 18, 2005 in the Houston Chronicle, a newspaper regularly published and generally circulated in Montgomery County, Texas, which is the county in which the proposed District is to be located.

EXHIBIT B

- b. On August 9, 2005, proper notice of the application was posted on the bulletin board used for posting legal notices in Montgomery County, Texas, which is the county in which the proposed District is to be located.
3. The appropriate and necessary deposits and fees associated with the filing of the application for creation of the proposed District have been paid to the Commission.
4. The affidavits of proposed temporary directors of the proposed District have been received. The proposed temporary directors are:
- | | | |
|----------------|------------------|---------------------|
| John Sebastian | Barkley Spikes | Michael B. Stoecker |
| Chris Baughman | Neal J. Brussell | |
5. Each of the persons named in Finding of Fact No. 4 is qualified 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; (3) either owns land subject to taxation within the proposed District, or is a qualified voter within the District; and (4) has completed and filed with the Commission an application for consideration of appointment as temporary director in the form and substance required by the Rules of the Commission.
6. The entire proposed District will be situated within the extraterritorial jurisdiction of the City of Houston, Texas, and wholly within the boundaries of Montgomery County, Texas, and no part of the proposed District will be located within the corporate limits or extraterritorial jurisdiction of any other city, town or village of the State of Texas.
7. The metes and bounds description of the proposed District has been checked by the Commission's staff and was found to form an acceptable closure.
8. By City of Houston, Texas, Ordinance No. 2004-1255, effective December 8, 2004, the City of Houston, Texas, has consented to the creation of the proposed District, as required by TEX. WATER CODE § 54.016 (Vernon 2002) and TEX. LOC. GOV'T CODE § 42.042 (Vernon 1999).
9. The proposed project as set out in the application is feasible and practicable.
- a. There is an ample supply of water available, and the terrain of the area to be included in the proposed District is such that waterworks, wastewater, and drainage and storm sewer systems can be constructed or acquired at reasonable cost.
- b. Projected construction cost for the project is reasonable at approximately \$30,750,000.
- c. The proposed District's combined projected tax rate of \$1.1413 per \$100 assessed valuation is reasonable and comparable to tax rates in the surrounding area.
- d. Projected water and wastewater rates are reasonable.
- e. A market study was provided which indicates that there is growth potential to support the proposed District.

10. The creation of the proposed District as set out in the application is necessary and would be a benefit to the land to be included in the proposed District.
11. The proposed District and its system and subsequent development within the proposed District will not have an unreasonable effect on land elevation, subsidence, groundwater level within the region, recharge capability of a groundwater source, natural run-off rates and drainage, water quality, and total tax assessments on all land located within the proposed District.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider this application and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the creation of the proposed District.
2. All of the land and property proposed may properly be included within the proposed District.
3. All statutory and regulatory requirements for creation of Valley Ranch Municipal Utility District No.1 have been fulfilled in accordance with TEX. WATER CODE § 54.021 (Vernon 2002) and 30 TAC §§ 293.11-293.13.

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The petition for the creation of Valley Ranch Municipal Utility District No.1 is hereby granted.
2. The District is created under the terms and conditions of Article XVI, Section 59 of the Texas Constitution and TEX. WATER CODE , Chapter 54.
3. The District shall have all of the rights, powers, privileges, authority, and functions conferred and shall be subject to all duties imposed by the Texas Commission on Environmental Quality and the general laws of the State of Texas relating to municipal utility districts.
4. The District shall be composed of the area situated wholly within Montgomery County, Texas, described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes.
5. The following persons are hereby named and appointed as temporary directors of the District, to serve until their successors are elected or have been appointed in accordance with applicable law:

John Sebastian
Chris Baughman

Barkley Spikes
Neal J. Brussell

Michael B. Stoecker

6. The foregoing temporary directors shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oath of office. All such bonds shall

be approved by the Board of Directors of the District and each bond and oath shall be filed with the District and retained in its records.

7. This Order shall in no event be construed as an approval of any proposed agreement or of any particular item in any document provided in support of the petition for creation, nor as a commitment or requirement of the Commission in the future to approve or disapprove any particular item or agreement in future applications submitted by the District for Commission consideration.
8. This Order shall not constitute approval or recognition of the validity of any provision in the City of Houston, Texas, Ordinance No. 2004-1255, effective December 8, 2004, nor any other ordinance/resolution incorporated therein by reference to the extent that such provision exceeds the authority granted to the City of Houston by the laws of the State of Texas.
9. The Chief Clerk of the Commission shall forward a copy of this Order to all affected persons.
10. If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: **JAN 12 2006**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



For the Commission

NOV-17-2005 17:06 FROM: SIGNORELLI COMPANY 9365391968

TO: 713 527 6456

P.2/4

GeoMatics

Land Surveying & Land Planning

10095 West Shore Drive
Willis, Texas 77318

Phone: 281 455.1007

Fax: 936 890 0534

Metes and Bounds

563.429 ACRES
MUNICIPAL UTILITY DISTRICT
NEW CANEY, TEXAS
WILLIAM MASSEY SURVEY, A-387
MONTGOMERY COUNTY, TEXAS

Being: 563.429 acres of land situated in the William Massey Survey, Abstract Number 387, Montgomery County, Texas and being all of that certain tract called 383.416 acres as described under Film Code Number 234-01-1452 of the Real Property Records of Montgomery County, Texas and a part of that certain called 655.270 acres as described under Film Code Number 877-01-0662 of the Real Property Records of Montgomery County, Texas, said 563.429 acres being more particularly described by metes and bounds as follows with all bearings referenced to the called 383.416 acre deed;

COMMENCING at a 1 inch iron pipe, found for the Northeast corner of said 383.416 acres, same being the Southeast corner of said called 655.270 acres, said 1 inch iron pipe being further located in the West right-of-way of U S Highway 59;

THENCE South 15 degrees 05 minutes 28 seconds West (Call: South 15 degrees 07 minutes 00 seconds West), along the East line of said called 383.416 acres and the West right-of-way of U.S. Highway 59, a distance of 717.67 feet (Call: 710.74 feet) to a concrete monument;

THENCE South 22 degrees 02 minutes 58 seconds West (Call: South 22 degrees 14 minutes 30 seconds West), continuing along the East line of said 383.416 acres and the West right-of-way of U.S. Highway 59, a distance of 200.40 feet (Call: 201.56 feet) to a 1/2 inch iron rod with survey cap;

THENCE South 15 degrees 07 minutes 00 seconds West, continuing along the East line of said 383.416 acres and the West right-of-way of U.S. Highway 59, a distance of 178.21 feet to a point in the centerline of White Oak Creek for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE in a Southwesterly direction, continuing along the East line of the herein described tract, common to the West right-of-way of U.S. Highway 59 as follows:

South 15 degrees 07'00 seconds West 71.75 feet to a concrete monument

South 7 degrees 59'30 seconds West 201.56 feet to a concrete monument

South 15 degrees 06'54 seconds West 1167.64 feet to a point for the Southeast corner of the herein described tract,

THENCE South 89 degrees 26'11 seconds West 734.28 feet to a point for corner;

THENCE North 0 degrees 30'46 seconds West (Call: North 00 degrees 30 minutes 00 seconds West), a distance of 535.12 feet to a 1/4 inch iron rod;

NOV-17-2005 17:06 FROM: SIGNORELLI COMPANY 9365391968

TO: 713 527 6456

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THENCE South 89 degrees 29 minutes 17seconds West (Call: South 89 degrees 30 minutes 00 seconds West), along the Northerly most South line of the herein described tract, common to the North line of said called 40 acres, passing at a distance of 1319.40 feet, a 1/4 inch iron rod, found for the Northwest corner of said called 40 acres and the Northeast corner of that certain called 20 acres as described in Volume 744, Page 940 of the Deed Records of Montgomery County, Texas, continuing in all a distance of 1979.47 feet (Call: 1980.00 feet) to a 1/2 inch iron pipe, found for the Northwest corner of said called 20 acres and being an interior corner of the herein described tract;

THENCE South 0 degrees 30 minutes 45seconds East (Call: South 00 degrees 30 minutes 00 seconds East), a distance of 814.60 feet (Call: 815.00 feet) to a 1/4 inch iron pipe, found for corner and being the Northeast corner of FOREST COLONY, SECTION ONE, according to the map or plat thereof, recorded in Cabinet P, Sheet 51 of the Map Records of Montgomery County, Texas;

THENCE South 89 degrees 31 minutes 28 seconds West (Call: 89 degrees 30 minutes 00 seconds West), along the South line of the herein described tract, common to the North line of FOREST COLONY, SECTION ONE, passing at a distance of 915.87 feet, the Northwest corner of FOREST COLONY, SECTION ONE, continuing in all a distance of 3397.53 feet (Call: 3396.87 feet), to a 1/4 inch iron rod, found for the Southwest corner of the herein described tract, same being the Northwest corner of the residual area of that certain called 99.058 acres as recorded under Clerk's File Number 99105350 of the Real Property Records of Montgomery County, Texas and being in the East line of that certain called 67.0 acres as described in Volume 529, Page 457 of the Deed Records of Montgomery County, Texas;

THENCE North 0 degrees 00 minutes 00 seconds East 111.08 feet to a 5/8 inch iron rod;

THENCE North 0 degrees 38 minutes 28seconds West 508.93 feet to a 5/8 inch iron rod;

THENCE North 0degrees06 minutes 44seconds West 539.95 feet to a 1/4 inch pinched top iron pipe;

THENCE North 0degrees02 minutes 40seconds West 382.19 feet to a 1/4 inch pinched top iron pipe;

THENCE North 0degrees22 minutes 44seconds West 381.04 feet to a 1/4 inch pinched top iron pipe;

THENCE North 0degrees33 minutes 27seconds West 765.56 feet to a 1/4 inch pinched top iron pipe;

THENCE North 0degrees36 minutes 01seconds West 197.78 feet to a 1/4 inch pinched top iron pipe found for the Southwest corner of said called 655.2704 acres,,

THENCE North 0degrees10 minutes 52seconds West continuing along the West line of the herein described tract, a distance of 3251.25 feet to a point in the centerline of White Oak Creek for the Northwest corner of the herein described tract,

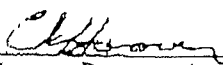
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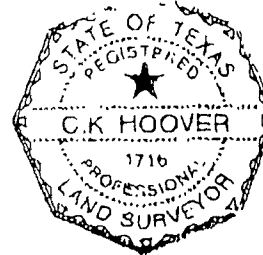
10:713 7.6456

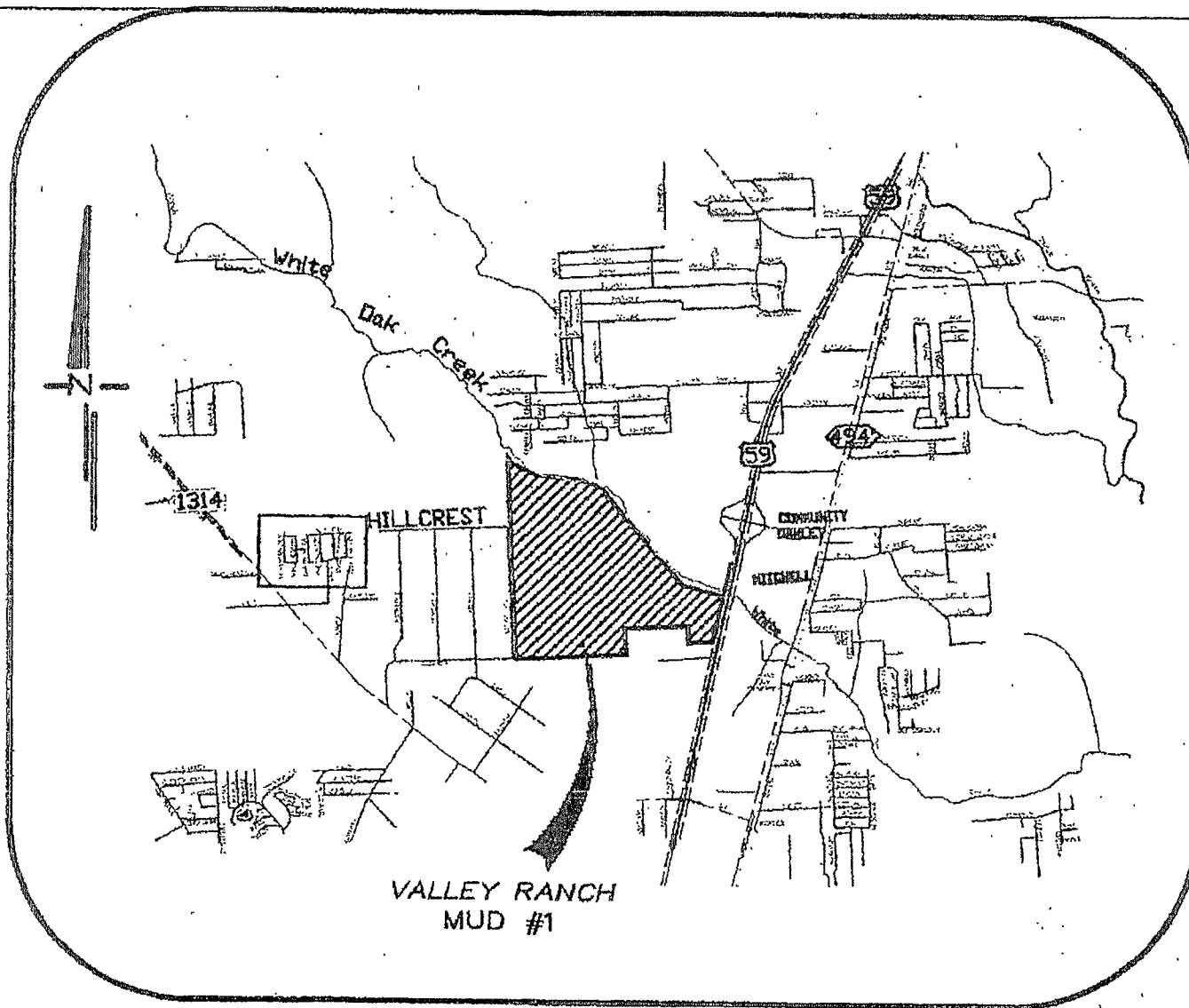
P.4/4

THENCE in a Southeasterly direction, along and with the centerline meanders of White Oak Creek as follows,

South 38degrees09 minutes 00seconds East 203.12 feet;
South 62degrees17 minutes 00seconds East 788.00 feet;
South 83degrees14 minutes 00seconds minutes ast 1292.00 feet;
South 68degrees24 minutes 00seconds East 840.00 feet;
South 26degrees45 minutes 00seconds East 290.00 feet;
South 39degrees00 minutes 00seconds East 3550.00 feet;
South 72degrees00 minutes 07seconds East 1305.51 feet back to the POINT OF BEGINNING and containing 563.429 acres of land as computed.


C.K. Hoover, Registered Professional Land Surveyor Number 1716





V i c i n i t y M a p