

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

May 14, 2024

Ms. Emily Forswall
Coats Rose
9 Greenway Plaza Ste. 1000
Houston, Texas 77046

Re: Publication of Notice of Petition for Creation of Misty Lane Municipal Utility
District No. 1 of Caldwell County
TCEQ Internal Control No. D-05062024-017

Dear Ms. Forswall:

Enclosed is a copy of the notice for the above petition. Please carefully review the notice for accuracy prior to publication and distribution. Contact Cheyenne Connors in the District Administration Office at 512/239-3583 if the notice is found to be in error.

This full notice, including Exhibit A, must be published in accordance with 30 Texas Administrative Code Section 293.12, at your client's expense, in a newspaper (or newspapers) regularly published or circulated in the county or counties in which the proposed district is to be located. Publication shall be once a week for two consecutive weeks. The 30-day comment period will begin on the day after the date of the **second** publication.

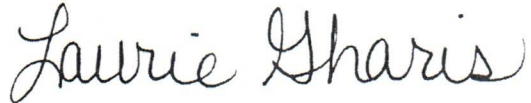
In addition, pursuant to 30 Texas Administrative Code 293.12, you are required to post the enclosed notice, including Exhibit A, on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located. This notice should be posted so that it is available to the public no later than the date of your second newspaper publication.

After notice has been published and posted in accordance with 293.12, please provide proof of these actions to the Chief Clerks Office (Mail Code 105). The proof for newspaper publication shall be the original TCEQ affidavit of publication completed and notarized by the newspaper and an original tear sheet from the newspaper. The proof of posting can be in the form of an affidavit signed by a representative for the proposed district, stating all facts of the posting action.

The Chief Clerk's Office should receive all affidavits no later than 14 days after the second publication of the notice in the newspaper.

If you have any questions regarding these publication requirements, please contact Georgia Carroll-Warren in this office at 512/239-3314.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

LG/ ev
Enclosures

cc: To all on attached mailing list.

MAILING LIST

Misty Land Municipal Utility District No. 1 of Caldwell County
TCEQ Internal Control No. D-05062024-017

Ms. Emily Forswall
Coats Rose
9 Greenway Plaza Suite 1000
Houston, Texas 77046
(713) 651-0111

Mr. Ben Green, P.E.
Kimley-Horn Associates
5301 Southwest Parkway Suite 100, Building 2
Houston, Texas 78735
(512) 646-2243

Rep. Stan Gerdes
Texas House District 17
Room E2.816
P.O. Box 2910
Austin, Texas 78768

Sen. Judith Zafftini
Texas Senate District 21
P.O. Box 12068
Capitol Station
Austin, Texas 78711

Ms. Nicole Bealle
TCEQ Region 12
5425 Polk Street, Suite H
Houston, Texas 77023-1452

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Ms. Teresa Rodriguez
Caldwell County Clerk
1703 South Colorado Street Box 1, Suite 1200
Lockhart, Texas 78644

The Honorable Hoppy Haden
Caldwell County Judge
110 South Main Street, 1st Floor
Lockhart, Texas 78644

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173

Kayla Murray, Attorney, Environmental Law Division, MC-173

Justin P. Taack, Manager, Districts Section, MC-152

Michael Briscoe, Team Leader, Districts Creation Review Team, Districts Section, MC-152

Michelle Voytko, Drinking Water Special Functions Section, MC-153

Garret Arthur, Office of the Public Interest Counsel, MC-103

TCEQ - Office of the Chief Clerk
MC-105 Attention: Notice Team
PO Box 13087
Austin TX 78711-3087

Applicant Name: MISTY LANE MUD 1 OF CALDWELL COUNTY
TCEQ Tracking No. D-05062024-017 CID Item No. 137474
Application Type: PETITION FOR CREATION OF A DISTRICT

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF: _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____ ; that said newspaper is
(name of newspaper)

regularly published or circulated in _____ County/Countries,
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

_____.
(date or dates of publication)

Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,
20 _____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

(Seal)

Print or type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-05062024-017

PETITION. Maxwell Farms Partners, LP, (Petitioner) filed a petition for creation of Misty Lane MUD 1 of Caldwell 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 Municipal Utility District of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is a lienholder on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 98.97 acres located within Caldwell County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city.

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: 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.

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 \$13,507,000 (\$8,699,000 for water, wastewater, and drainage plus, \$4,808,000.00 for roads).

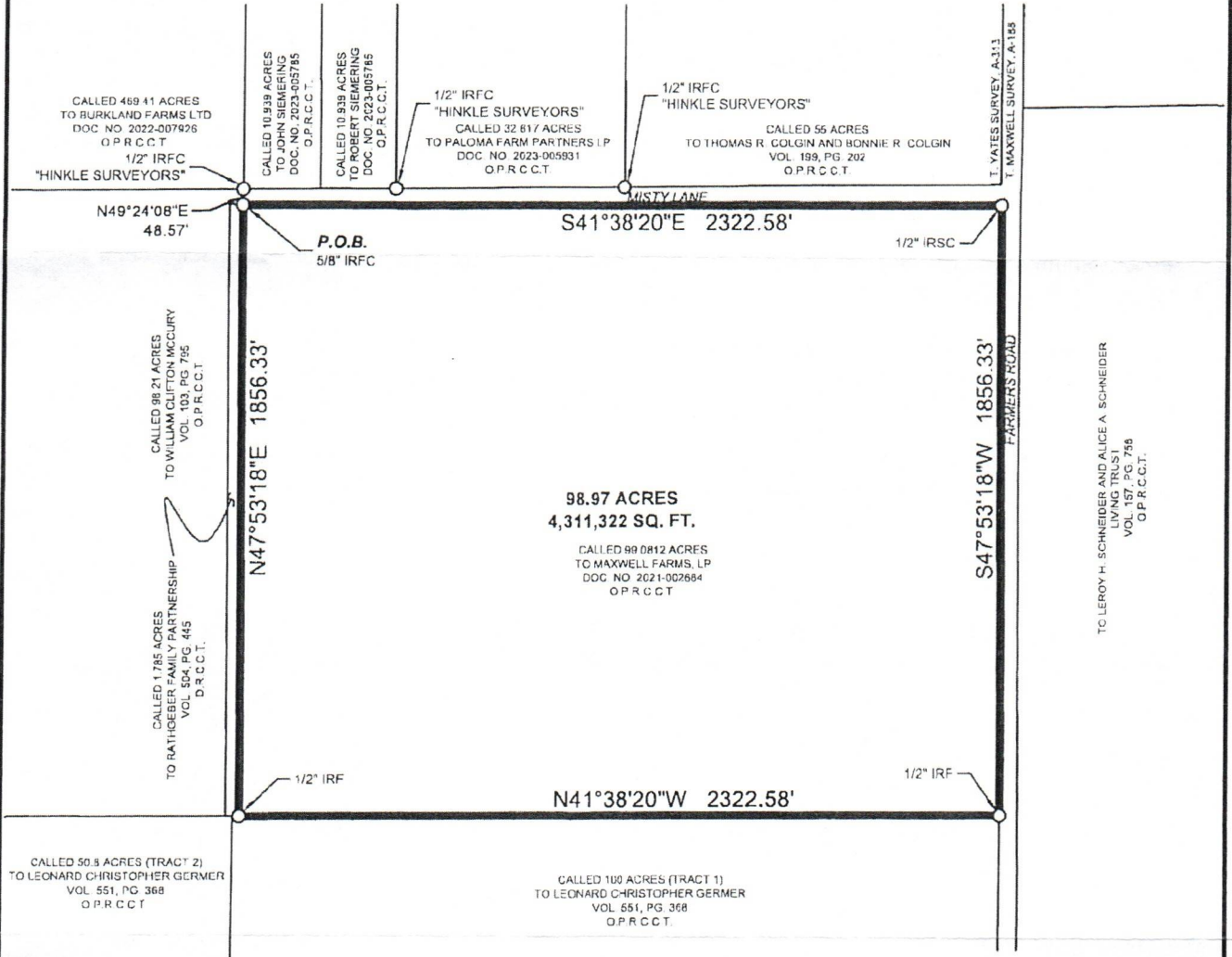
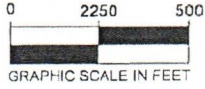
CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

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/>.

Issued: May 14, 2024



NOTES

Bearing system based on the Texas State Plane Coordinate System of 1983, South Central Zone, North American Datum of 1983 (NAD 83).

LEGEND

P.O.B. = POINT OF BEGINNING
IRSC = 1/2" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS

**MISTY LANE
MUD NO. 1
THOMAS YATES SURVEY
ABSTRACT NO. 313
CALDWELL COUNTY, TEXAS**

Kimley»Horn

400 North Oklahoma Dr., Suite 105
Celina, Texas 75009 FIRM # 10194503 Tel. No. (469) 501-2200
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 500'	MJS	DRA	Apr. 2024	069310204	2 OF 2

EXHIBIT A

MISTY LANE MUD NO. 1 DESCRIPTION - 98.97 ACRES

BEING a tract of land situated in the Thomas Yates Survey, Abstract No. 313, Caldwell County, Texas and being all of a called 99.0812 acre tract of land conveyed to Maxwell Farms, LP by deed recorded in Document No. 2021-002684, Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found capped for the northwest corner of said 99.0812 acre tract, being in the south line of Misty Lane, and from which a 1/2-inch iron rod found capped (stamped "Hinkle Surveyors") for a southwest corner of a called 10.939 acre tract of land conveyed to John Siemering by deed recorded in Document No. 2023-005785, O.P.R.C.C.T., and for a southeast corner of a called 469.41 acre tract of land conveyed to Burkland Farms LTD by deed recorded in Document No. 2022-007926, O.P.R.C.C.T., bears North 49°24'08" East, 48.57 feet;


THENCE South 41°38'20" East, along the north line of said 99.0812 acre tract, and south line of said Misty Lane, 2,322.58 feet to a 1/2-inch iron rod set capped (stamped "KHA") for the northeast corner of said 99.0812 acre tract, being in the west line of Farmers Road;

THENCE South 47°53'18" West, along the east line of said 99.0812 acre tract, and west line of said Farmers Road, 1,856.33 feet to a 1/2-inch iron rod found for the southeast corner of said 99.0812 acre tract;

THENCE North 41°38'20" West, along the south line of said 99.0812 acre tract, 2,322.58 feet to a 1/2-inch iron rod found for the southwest corner of said 99.0812 acre tract, and being the southeast corner of a called 1.785 acre tract of land conveyed to Rathgeber Family Partnership by deed recorded in Volume 504, Page 445, O.P.R.C.C.T.,

THENCE North 47°53'18" East, along the west line of said 99.0812 acre tract, and east line of said 1.785 acre tract, 1,856.33 feet to the POINT OF BEGINNING and containing 4,311,327 square feet or 98.97 acres of land.

I hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey prepared by Kimley-Horn.


Daniel Arthur
Registered Professional Surveyor No. 5933
Kimley-Horn
400 North Oklahoma Drive., Suite 105
Celina, Texas 75009

04/18/2024
Date



MISTY LANE
MUD NO. 1
THOMAS YATES SURVEY
ABSTRACT NO. 313
CALDWELL COUNTY, TEXAS

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N/A	MJS	DRA	Apr. 2024	089310204	1 OF 2