

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



RECEIVED
AUG 29 2024
County Judge's
Office

A handwritten signature in blue ink, appearing to be "P. J. Keel", written over the "County Judge's Office" stamp.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 20, 2024

Mr. Trey Lary
Allen Boone Humphries Robinson LLP
919 Congress Avenue, Suite 1500
Austin, Texas 78701

Re: Park Place Municipal Utility District of Guadalupe County, Order approving the Creation of the District

Dear Mr. Lary:

Enclosed is a certified copy of an Order issued by the Texas Commission on Environmental Quality regarding the referenced matter. This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Should you have a question, please contact Mr. Daniel Harrison at (512) 239-1224.

Sincerely,

A handwritten signature in black ink, appearing to be "Michele Risko", written in a cursive style.

Michele Risko, Deputy Director
Water Supply Division

MR/dh

Enclosures

ccs: Mailing list

MAILING LIST

Park Place Municipal Utility District of Guadalupe County
TCEQ Internal Control No. D-04102024-031

<p>Mr. Trey Lary Allen Boone Humphries Robinson LLP 919 Congress Avenue, Suite 1500 Austin, Texas 78701</p> <p>Mr. Ken Heroy, P.E. Jones-Heroy & Associates, Inc. 13915 North Mopac Expressway, Suite 200 Austin, Texas 78728</p> <p>Mr. George Ortiz, Regional Director TCEQ Region 13 14250 Judson Road San Antonio, Texas 78233-4480</p> <p>The Honorable Donna Campbell Texas Senate District 25 229 Hunters Village, Suite 105 New Braunfels, Texas 78132</p> <p>The Honorable John Kuempel Texas House District 44 200 North River Street, #100-E Seguin, Texas 78155</p> <p>City of New Braunfels Attn: Gayle Wilkinson, City Secretary 550 Landa Street New Braunfels, Texas 78130</p> <p>Guadalupe County Judge Honorable Kyle Kutscher Guadalupe County Courthouse 110 East Court Street Seguin, Texas 78155</p> <p>Guadalupe County Clerk Attn: Honorable Teresa Kiel 211 West Court Street Seguin, Texas 78155</p>	<p>Texas Commission on Environmental Quality P. O. Box 13087 Austin, Texas 78711-3087</p> <p>Todd Galiga, Senior Attorney, Environmental Law Division, MC-173</p> <p>Bradford Eckhart, Staff Attorney, Environmental Law Division, MC-173</p> <p>Daniel Harrison, Technical Reviewer, Districts Bond Team, MC-152</p> <p>Justin P. Taack, Manager, Districts Section, MC-152</p> <p>Michelle Voytko, Data Infrastructure Specialist, Water Supply Division, MC-153</p> <p>Garrett T. Arthur, Office of the Public Interest Counsel, MC-103</p>
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AUG 20 2024

OF THE COMMISSION, GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON
Laurne Gharis
LAURNE GHARIS, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER GRANTING THE PETITION FOR CREATION OF PARK PLACE MUNICIPAL UTILITY DISTRICT OF GUADALUPE COUNTY AND APPOINTING TEMPORARY DIRECTORS

A petition by Century Land Holdings II, LLC (Petitioner) was presented to the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for approval of the creation of Park Place Municipal Utility District of Guadalupe County (District) pursuant to Article XVI, § 59 and Article III, § 52 of the TEXAS CONSTITUTION and TEX. WATER CODE Chapters 49 and 54.

The TCEQ, after having considered the petition, application material, and memorandum from the Executive Director dated August 8, 2024 (Memorandum), attached as Exhibit "B," finds that the petition for creation should be approved.

The TCEQ finds that the creation of the proposed District as set out in the application is feasible, practicable, and necessary, and would be a benefit to the land to be included in the proposed District.

The TCEQ further finds that the proposed District and its system and subsequent development within the proposed District will not have an unreasonable effect on land elevation, subsidence, and groundwater level within the region, recharge capability of a groundwater source, natural runoff rates and drainage, water quality, or total tax assessments on all land located within the proposed District.

All of the land and property proposed may properly be included within the proposed District.

All statutory and regulatory requirements for creation of Park Place Municipal Utility District of Guadalupe County have been fulfilled in accordance with TEX. WATER CODE § 54.021 and 30 TEX. ADMIN. CODE §§ 293.11-293.12.

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

1. The petition for the creation of Park Place Municipal Utility District of Guadalupe County is hereby granted.
2. The District is created under the terms and conditions of Article III, § 52 and Article XVI, § 59 of the TEXAS CONSTITUTION and TEX. WATER CODE Chapters 49 and 54.
3. The District shall have, and shall be subject to, all of the rights, duties, powers, privileges, authority, and functions conferred and imposed by the TCEQ and the general laws of the State of Texas relating to municipal utility districts, including road powers, under TEX. WATER CODE § 54.234, subject to the requirements of the TCEQ and the general laws of the State of Texas relating to the exercise of such powers.

4. The District shall be composed of the area described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

5. The Memorandum dated August 8, 2024, attached as Exhibit "B," is hereby incorporated as part of this Order.

6. The persons listed in Recommendation No. 4 of the Memorandum are hereby named and appointed as temporary directors and shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oaths 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 not constitute approval or recognition of the validity of any provision in City of New Braunfels Resolution No. 2024-R34 regarding consent to creation of the District, nor any utility agreement between the City of New Braunfels and the District or Petitioners, nor any other ordinance/resolution incorporated therein by reference to the extent that such provision exceeds the authority granted to the City of New Braunfels by the laws of the State of Texas.

8. This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration.

9. The Chief Clerk of the TCEQ 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: **August 15, 2024**



For the Commission



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

EXHIBIT A

PARK PLACE MUNICIPAL UTILITY DISTRICT
METES AND BOUNDS DESCRIPTION
FOR A 70.817 ACRE TRACT OF LAND

Being a 70.817 acre tract of land out of the Sarah DeWitt Survey No. 48, Abstract No. 103, and the J.S. Johnson Survey No. 47, Abstract No. 190, Guadalupe County, Texas, being comprised of the following six tracts:

1. The residue of a 179.75 acre tract, Conveyed to O Union Wine Rd, LLC, recorded in Document No. 202199007490, Official Public Records, Guadalupe County, Texas.
2. A called 0.010 of an acre tract, Tract 1, described in Document No. 202399002383, Official Public Records, Guadalupe County, Texas.
3. A called 0.093 of an acre tract, Tract 2, described in Document No. 202399002383, Official Public Records, Guadalupe County, Texas.
4. A called 0.007 of an acre tract, Tract 3, described in Document No. 202399002383, Official Public Records, Guadalupe County, Texas.
5. A called 0.003 of an acre tract, Tract 4, described in Document No. 202399002383, Official Public Records, Guadalupe County, Texas.
6. A called 0.137 of an acre tract, Tract 5, described in Document No. 202399002383, Official Public Records, Guadalupe County, Texas.

Said 70.817 acre tract being more fully described as follows:

BEGINNING at a found 1/2" iron pin in the Northeast line of the residue of a called 128 acre tract, conveyed to Zipp Heritage Properties, recorded in Document No. 2021992179, Official Public Records, Guadalupe County, Texas, same being the Westernmost Northern corner of a called 193.397 acre tract, recorded in Document No. 202199023875, Official Public Records, Guadalupe County, Texas, and a Southwestern corner of the said 179.75 acre residue tract;

THENCE with Northeast line of said residue of a called 128 acre tract and the Southwestern line of said 179.75 acre residue tract, N 52°45'34" W, a distance of 912.10 feet to a found 1/2" iron pin with cap "HMT" for a corner in the Southeast right of way line W. Zipp Road, a 30' wide right of way dedication (no road in place at time of survey) recorded in New Braunfels Sports Complex Plat, Volume 9, Pages 618-623, Map and Plat Records, Guadalupe County, Texas, same point being the North corner of said 128 acre tract, the Westernmost corner of said 179.75 acre residue tract, and the West corner of the herein described tract;

THENCE with the said 30' R.O.W. dedication for Zipp Road and the Northwest line of said 179.75 acre residue tract, N 44°16'48" E, a distance of 1218.19 feet to a found 60D nail in the top of a wood fence post for a corner of said Southeast right of way line W. Zipp Road, and a Northwest corner of the herein described tract;

THENCE continuing with the Southeast right of way line W. Zipp Road and the Northwest line of said 179.75 acre residue tract, N 44°19'44" E, a distance of 194.70 feet to a point for the West corner of a called 0.010 of an acre tract, "Tract 1", recorded in Document No. 202399002383, Official Public Records, Guadalupe County, Texas, same point being the North corner of the 179.75 acre residue tract, and a corner of the herein described tract;

THENCE along the Northwest line of said 0.010 of an acre tract and the Southeast right of way line of W. Zipp Road, N 44°20'02" E, a distance of 15.00 feet to a set 1/2" iron pin with cap "HMT" for the North corner of said 0.010 acre tract, lying in the South right of way line of W. Zipp Road dedicated by Park Place, Unit 1B, recorded in Volume 10, Pages 88-89, Map and Plat Records, Guadalupe County, Texas, for a corner of the herein described tract;



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ENGINEERING & SURVEYING

THENCE across the South right of way line of W. Zipp Road and the Northeast line of said 0.010 of an acre tract, S 45°40'16" E, a distance of 30.09 feet to a found 1/2" Iron pin with cap "HMT" for a corner in the Northwest line of Lot 905, Block 9, Park Place, Unit 1B, for the East corner of said 0.010 of an acre tract, and a corner of the herein described tract;

THENCE with the Southeast line of said 0.010 of an acre tract and the Northwest line of Lot 905, S 44°18'23" W, a distance of 15.00 feet to a found 1/2" iron pin with cap "HMT" for the South corner of said 0.010 of an acre tract, same point being the Southwest corner of Lot 905, a North corner of said 179.75 acre residue tract, and a corner of the herein described tract;

THENCE with the North line of said 179.75 acre residue tract and the Southwest line of Park Place, Unit 1B, the following five (5) calls:

1. S 45°40'16" E, a distance of 14.90 feet to a found 1/2" iron pin with cap "HMT" for a corner;
2. S 36°16'25" E, a distance of 65.50 feet to a found 1/2" iron pin with cap "HMT" for a corner;
3. S 49°31'51" E, a distance of 77.91 feet to a found 1/2" iron pin with cap "HMT" for a corner;
4. S 66°11'40" E, a distance of 56.63 feet to a found 1/2" iron pin with cap "HMT" for a corner;
5. S 78°25'16" E, a distance of 90.20 feet to a found 1/2" iron pin with cap "HMT" for a West corner of a called 0.093 of an acre tract of land, "Tract 2", recorded in Document No. 202399002383, Official Public Records, Guadalupe County, Texas, same point being a South corner of Lot 5, Block 9, Park Place, Unit 1B, and a corner of the herein described tract;

THENCE with the North line of said 0.093 of an acre tract of land and the Southwest line of Park Place, Unit 1B, the following five (5) calls:

1. S 61°01'10" E, a distance of 33.59 feet to a found 1/2" iron pin with cap "HMT" for a corner;
2. S 78°25'16" E, a distance of 79.89 feet to a found 1/2" iron pin with cap "HMT" for a corner;
3. S 74°00'15" E, a distance of 43.49 feet to a found 1/2" iron pin with cap "HMT" for a corner;
4. S 54°07'31" E, a distance of 43.34 feet to a found 1/2" iron pin with cap "HMT" for a corner;
5. S 19°12'09" W, a distance of 45.89 feet to a found 1/2" iron pin with cap "HMT" for a Southeast corner of said 0.093 of an acre tract, same point being the West corner of Lot 12, Block 9, Park Place, Unit 1B, a Northern corner of said 179.75 acre residue tract, and a corner of the herein described tract;

THENCE with the North line of said 179.75 acre residue tract and the Southwest line of Park Place, Unit 1B, the following three (3) calls:

1. S 29°09'36" E, a distance of 36.46 feet to a found 1/2" iron pin with cap "HMT" for a corner;
2. S 11°00'51" E, a distance of 68.23 feet to a found 1/2" iron pin with cap "HMT" for a corner;
3. S 09°50'20" W, a distance of 24.70 feet to a found 1/2" iron pin with cap "HMT" for the Northwest corner of Lot 15, Block 9, Park Place, Unit 1B, same point being the North corner, of a called 0.007 of an acre tract, "Tract 3", recorded in Document No. 202399002383, Official Public Records, Guadalupe County, Texas, a Northern corner of said 179.75 acre residue tract, and a corner of the herein described tract;

THENCE with the East line of said 0.007 of an acre tract and the Southwest line of Park Place, Unit 1B, the following two (2) calls:

1. S 05°53'08" E, a distance of 40.15 found 1/2" iron pin with cap "HMT" for a corner;
2. S 10°54'09" E, passing the South corner of said 0.007 of an acre tract, lying in the Southwest line of Lot 16, Block 9, at a distance of 30.82 feet, passing a point for the North corner of a called 0.003 of an acre tract of



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land, "Tract 4", recorded in Document No. 202399002383, Official Public Records, Guadalupe County, Texas, at a distance of 110.28 feet, continuing with the Southwest line Park Place, Unit 1B and the East line of said 0.003 of an acre tract, a total distance of 131.90 feet to a found 1/2" iron pin with cap "HMT" for the East corner of said 0.003 of an acre tract of land, same point being the South corner of Lot 18 and the Northernmost West corner of Lot 19, Block 9, Pak Place, Unit 1B, and a corner of the herein described tract;

THENCE with the East line of said 0.003 of an acre tract and the West line of Lot 19, S 01°39'59" W, a distance of 56.88 feet to a found 1/2" iron pin with cap "HMT" for the Southwest corner of Lot 19, same point being the South corner of said 0.003 of an acre tract, a northern corner of said 179.75 acre residue tract, and a corner of the herein described tract;

THENCE with the South line of Park Place, Unit 1B, and the North line of said 179.75 acre residue tract, the following ten (10) calls:

1. S 04°11'43" W, a distance of 536.58 feet to a point for a corner;
2. S 85°54'27" E, a distance of 44.24 feet to a point for a corner, and the beginning of a curve;
3. Along the arc of a curve to the right, having a radius of 50.00 feet, an arc length of 68.38 feet, and a chord bearing and distance of N 40°55'01" E, 63.17 feet to a point for a corner, and the beginning of a reverse curve;
4. Along the arc of a curve to the left, having a radius of 15.00 feet, an arc length of 10.18 feet, and a chord bearing and distance of N 60°39'34" E, 9.98 feet to a point for a corner;
5. N 41°13'27" E, a distance of 425.05 feet to a found 1/2" iron pin with cap "HMT" for a corner;
6. S 48°46'33" E, crossing Havisham Pass, a distance of 50.00 feet to a found 1/2" iron pin with cap "HMT" for a corner;
7. N 41°13'27" E, a distance of 10.00 feet to a found 1/2" iron pin with cap "HMT" for a corner, and the beginning of a curve, at the Intersection of Havisham Pass and Hobbiton Way;
8. Along the arc of a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing and distance of N 86°13'27" E, 21.21 feet to a found 1/2" iron pin with cap "HMT" for a corner;
9. S 48°46'33" E, a distance of 40.00 feet to a found 1/2" iron pin with cap "HMT" for a corner;
10. N 41°13'27" E, crossing Hobbiton Way, a distance of 50.00 feet to a found 1/2" iron pin with cap "HMT" for a Southeast corner of Hobbiton Way, same point being the South corner of a called 0.137 of an acre tract of land, "Tract 5", recorded in Document No. 202399002383, Official Public Records, Guadalupe County, Texas, a Northern corner of said 179.75 acre residue tract, and a corner of the herein described tract;

THENCE with the Southeast right of way line of Hobbiton Way, the Northwest line of said 0.137 of an acre tract, continuing with the Southeast right of way line of Havisham Pass, the following three (3) calls:

1. N 48°46'33" W, a distance of 35.00 feet to a found 1/2" iron pin with cap "HMT" for a corner, and the beginning of curve;
2. Along the arc of a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing and distance of N 03°46'33" W, 21.21 to a found 1/2" iron pin with cap "HMT" for a corner;
3. N 41°13'27" E, a distance of 105.00 feet to a found 1/2" iron pin with cap "HMT" in the Southeast right of way line of Havisham Pass, for the North corner of said 0.137 of an acre tract, same point being the West corner of Lot 1, Block 11, Park Place, Unit 1B, and a corner of the herein described tract;

THENCE departing the Southeast right of way line of Havisham Pass, with the Southwest line of said Lot 1, Block 11, and the Northeast line of said 0.137 of an acre tract, S 48°46'33" E, a distance of 50.00 feet to a found 1/2" iron pin with cap "HMT" for the South corner of said Lot 1, Block 11, the Northeast corner of said 0.137 of an acre tract, a North corner of said 179.75 acre residue tract, and a corner of the herein described tract;

THENCE with the North line of said 179.75 acre residue tract and the Southeast line of Park Place, Unit 1B, the following four (4) calls:



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1. N 41°13'27" E, passing both Clarisse Street and Danforth Streets, a distance of 460.00 feet to a found 1/2" iron pin with cap "HMT" for a corner;
2. N 48°46'33" W, a distance of 35.00 feet to a found 1/2" Iron pin with cap "HMT" for a corner, and the beginning of a curve;
3. Along the arc of a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing and distance of N 03°46'33" W, 21.21 feet to a found 1/2" iron pin with cap "HMT" for a corner;
4. N 41°13'27" E, passing the East corner of said Havisham Pass, same point being a Southwestern corner of a called 36.631 acre tract of land recorded in Document No. 202199044617, Official Public Records, Guadalupe County, Texas, at 80.00 feet, continuing a total distance of 90.00 feet to a set 1/2" Iron pin with cap "HMT" for a North corner of said 179.75 acre residue tract, a Southwest corner of said 36.631 acre tract, and a corner of the herein described tract, and the beginning of a curve;

THENCE with the Southwest line of said 36.631 acre tract and the North line of said 179.75 acre residue tract, the following two (2) calls:

1. Along the arc of a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing and distance of N 86°13'27" E, 21.21 feet to a set 1/2" Iron pin with cap "HMT" for a corner;
2. S 48°46'33" E, a distance of 1077.97 feet to a set 1/2" Iron pin with cap "HMT" in the Southwest line of said 36.631 acre tract, for a Northern corner of a called 63.449 acre tract of land recorded in Document No. 202399006736, Official Public Records, Guadalupe County, Texas, same point being an East corner of said 179.75 acre residue tract, and a corner of the herein described tract, from which a found 1/2" Iron pin with cap "HMT" for the South corner of said 36.631 acre tract bears S 48°46'33" E, 15.82 feet;

THENCE departing the Southwest line of said 36.631 acre tract, continuing with the Northwest line of said 63.449 acre tract and the South line of said 179.75 acre residue tract, the following sixteen (16) calls:

1. S 32°17'28" W, a distance of 57.21 feet to a set 1/2" Iron pin with cap "HMT" for a corner;
2. S 16°44'15" W, a distance of 55.26 feet to a set 1/2" iron pin with cap "HMT" for a corner;
3. S 25°45'57" W, a distance of 62.88 feet to a set 1/2" iron pin with cap "HMT" for a corner;
4. S 39°27'16" W, a distance of 62.93 feet to a set 1/2" iron pin with cap "HMT" for a corner;
5. S 38°05'04" W, a distance of 121.85 feet to a set 1/2" iron pin with cap "HMT" for a corner;
6. S 33°52'18" W, a distance of 77.15 feet to a set 1/2" iron pin with cap "HMT" for a corner;
7. S 20°32'45" W, a distance of 81.87 feet to a set 1/2" iron pin with cap "HMT" for a corner;
8. S 16°49'32" W, a distance of 37.63 feet to a set 1/2" iron pin with cap "HMT" for a corner;
9. S 09°11'08" W, a distance of 209.39 feet to a set 1/2" iron pin with cap "HMT" for a corner;
10. S 01°05'33" E, a distance of 51.79 feet to a set 1/2" iron pin with cap "HMT" for a corner;
11. S 44°19'56" W, a distance of 253.98 feet to a set 1/2" iron pin with cap "HMT" for a corner;
12. S 67°13'41" W, a distance of 168.24 feet to a set 1/2" iron pin with cap "HMT" for a corner;
13. N 69°52'50" W, a distance of 480.41 feet to a set 1/2" iron pin with cap "HMT" for a corner;
14. N 62°46'20" W, a distance of 40.31 feet to a set 1/2" iron pin with cap "HMT" for a corner;
15. N 79°13'07" W, a distance of 107.03 feet to a set 1/2" iron pin with cap "HMT" for a corner;
16. N 86°51'31" W, a distance of 87.44 feet to a set 1/2" iron pin with cap "HMT" in the Northeast line of the aforementioned 193.397 acre tract of land, recorded in Document No. 202199023875, Official Public Records, Guadalupe County, Texas, for a corner of the herein described tract;

THENCE continuing with the South lines of said 179.75 acre residue tract and the North lines of said 193.397 acre tract, the following two (2) calls:

1. N 56°38'35" W, a distance of 958.77 feet to a found 1/2" iron pin (no cap) for a corner;
2. S 45°49'44" W, a distance of 483.32 feet to the POINT OF BEGINNING, containing 70.817 acres of land in Guadalupe County, Texas.



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Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.

Written July 26, 2023, Revised 10/05/2023.

Reference survey of said 70.817 acre tract of land prepared this same date.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

10-5-23

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Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Justin P. Taack, Manager
Districts Section

Date: August 8, 2024

Through: Dan J. Finnegan, Team Lead
Districts Bond Team

From: Daniel Harrison, Technical Reviewer
Districts Bond Team

Subject: Petition by Century Land Holdings II, LLC for Creation of Park Place Municipal Utility District of Guadalupe County; Pursuant to Texas Water Code Chapters 49 and 54.
TCEQ Internal Control No. D-04102024-031 (TC)
CN: 606251551 RN: 111954152

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Park Place Municipal Utility District of Guadalupe County (District). The petition was signed by Eric Runge, Authorized Signatory and VP of Century Land Holdings II, LLC, a Colorado limited liability company, (Petitioner). The petition states that the Petitioner holds title to a majority in value of the land to be included in the proposed District. The petition also states that there are no lienholders for the land to be included in the District.

The District is proposed to be created and organized according to the terms and provisions of Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code (TWC).

Location and Access

The proposed District is located in Guadalupe County, Texas and within the extra-territorial jurisdiction (ETJ) of the City of New Braunfels (City). Physically, the proposed District is located approximately six miles south of the center of the City. The District is near the intersection of Farm-to-Market (FM) Road 1044 and West Klein Road. Access to the proposed District will be by FM Road 1044 and West Klein Road.

Metes and Bounds Description

The proposed District contains one tract of land that includes 70.817 acres. The metes and bounds legal description has been checked by the TCEQ's staff and has been found to form an acceptable closure.

City Consent

The City has consented to creation of the proposed District and inclusion of the land within the District in Resolution No. 2024-R34 passed, adopted and approved on March 26, 2024. Accordingly, the requirements of Texas Local Government Code Section 42.042 and TWC Section 54.016 have been satisfied.

Exhibit "B"

County Notification

In accordance with TWC Section 54.0161, as amended in 2013, a certified letter, dated April 30, 2024, was sent to the Commissioners Court of Guadalupe County, and in which TCEQ provided notice of the proposed District's pending creation application and provided them an opportunity to make a recommendation. To date, the county has not responded to this notification.

Statements of Filing Petition

Evidence of filing the petition with the Guadalupe County Clerk's Office, the applicable Texas state representative, the applicable Texas state senator and TCEQ's San Antonio Regional office has been provided.

Type of Project

The proposed District will be considered a "developer project" as defined by 30 Texas Administrative Code (30 TAC) Section 293.44(a). Therefore, developer cost participation in accordance with 30 TAC Section 293.47 will be required.

Developer Qualifications

Century Communities, Inc. will be the developer of the land within the proposed District. Information provided states that Century Communities, Inc. has considerable experience in land development and home construction in Texas and 17 other states.

Certificate of Ownership

By affidavit dated January 24, 2024, the Guadalupe Appraisal District has certified that its tax rolls indicate that the land for the proposed District is owned by Century Land Holdings II, LLC.

Temporary Director Affidavits

The TCEQ has received affidavits for consideration of the appointment of temporary directors for the following:

Jeffrey J. Czar, Jr.	Paul Landa	Carlos Rodriguez, Jr.
Ricardo Turrubiates	Zachary Wiedower	

Each of the above persons named is qualified, as required by 30 TAC Section 293.32(a), to serve as a temporary director of the proposed District as each (1) is at least 18 years old; (2) is a resident citizen of the State of Texas; and (3) either owns land subject to taxation within the proposed District, or is a qualified voter within the proposed District. Additionally, as required by TWC Section 54.022, the majority are residents of the county in which the proposed District is located, a county adjacent to the county in which the proposed District is located, or if the proposed District is located in a county that is in a metropolitan statistical area designated by the United States Office of Management and Budget or its successor agency, a county in the same metropolitan statistical area as the county in which the proposed District is located.

Notice Requirements

Proper notice of the application was published on July 3, 2024, and July 10, 2024, in the *Seguin Gazette*, a newspaper regularly published or circulated in Guadalupe County, the county in which the district is proposed to be located. Proper notice of the application was posted on July 1, 2024, on the bulletin board used for posting legal notices in the Guadalupe County Courthouse. Accordingly, the notice requirements of 30 TAC Section 293.12(b) have been satisfied.

B. ENGINEERING ANALYSIS

The preliminary engineering report indicates the following:

Availability of Comparable Service

The preliminary engineering report indicates that the proposed District is located within the Certificate of Convenience and Necessity (CCN) of Green Valley Special Utility District (GVSUD), and the TCEQ has verified this and that GVSUD purchases water from the Guadalupe-Blanco River Authority (GBRA). GVSUD will provide retail water services within the District. In addition, the proposed District is not within the CCN of any wastewater service provider, and this has been verified by the TCEQ. According to the preliminary engineering report, the District will obtain wastewater service for the residents of the District from the GBRA, which will provide service from its wastewater lines and an existing wastewater treatment plant (WWTP).

Water Supply

The preliminary engineering report states that the proposed District will obtain retail water service from GVSUD, whose water supply is sourced from surface water from Canyon Lake through GBRA and Western Canyon Lake Water Supply. The District will connect to a GVSUD water transmission line near the northern boundary of the District. GVSUD will require the developer or homebuilder to pay improvement charges for each water connection.

Water Distribution Improvements

The proposed water distribution system will consist of a network of 8-inch distribution lines and interconnecting 8-inch loop mains. The water system design will meet or exceed the minimum standards established by the TCEQ and the City, according to the preliminary engineering report.

Wastewater Treatment Improvements

The District will obtain wastewater service from GBRA, which has agreed to provide the District with retail wastewater capacity in its existing WWTP and to connect its existing wastewater lines to the District. The District will charge impact fees to the developer or homebuilder for connection to GBRA's wastewater system. Based on a wastewater flow criteria of 300 gallons-per-day (gpd) per connection and 310 projected equivalent single-family connections (ESFCs), the District's full development will require 93,000 gpd of wastewater treatment capacity, according to the preliminary engineering report.

Wastewater Collection

The internal wastewater collection system for the proposed District consists of gravity lines that will connect to an existing GBRA wastewater line running through the District. All wastewater facilities will be designed to meet or exceed City and TCEQ minimum requirements, according to the preliminary engineering report.

Storm Water Drainage

Storm water runoff within the proposed District will be collected by a curb and gutter street system to underground lines, and detention ponds that will discharge to tributaries of Long Creek and ultimately to the Guadalupe River. The proposed storm drainage system will be designed to accommodate 2-year and 100-year storm events. The storm sewer and drainage system will be designed in accordance with City requirements, according to the preliminary engineering report.

Road Improvement

Access to the District will be from FM Road 1044 and West Klein Road. The preliminary engineering report indicates that the developer will construct a network of local streets and main entrances. All roadways will be designed in accordance with Guadalupe County standards.

Topography/ Floodplain / Elevation

The proposed District is located within the Guadalupe River basin, and the natural drainage is southeasterly to tributaries of Long Creek, thence to Long Creek, and ultimately discharging to the Guadalupe River. Elevations within the District range from approximately 630 feet above mean sea level (AMSL) in the southeastern portion to 640 feet AMSL in the northwestern portion.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Panels No. 48187C-0115G, with an effective date of March 27, 2024, approximately 17.12 acres of land in the District is in the 100-year floodplain. The preliminary engineering report states that the floodplain will be contained within drainage easements and open space.

According to the engineering report, elevations may be lowered or raised as needed to provide positive drainage, but the developer does not plan to significantly alter the natural topography of the land. Proposed lots are anticipated to maintain a natural state whenever possible. The design of street improvements will be based on existing natural grades to minimize excavation.

Effect of District on Land Subsidence

The District will receive its water from GVSUD, whose source of water supply is and surface water from Canyon Lake. The Edwards Aquifer Authority regulates groundwater use in the area; therefore, the proposed District will have no unreasonable effect on subsidence, according to the engineering report.

Effect of District on Groundwater Level in Region

According to the engineering report, for the same reasons above as for land subsidence related to groundwater use regulation by the Edwards Aquifer Authority and the District's water supply being sourced from surface water, the District should have no unreasonable effect on groundwater levels in the region.

Effect of District on Recharge Capability of Groundwater Source

The District is not located in a recharge zone, according to the preliminary engineering report. Runoff from the District will drain to existing streams and follow existing drainage patterns, such that development of the District will not have an unreasonable effect on aquifer recharge.

Effect of District on Natural Runoff Rates and Drainage

Development of the District will increase the natural runoff rates when compared to the present undeveloped state of the land; however, planned detention ponds will be designed to mitigate any effect on downstream runoff rates. Therefore, the District will have no unreasonable effect on natural runoff rates or drainage. All drainage facility construction within the District will be designed to comply with Guadalupe County regulations, including any related to stormwater quality, according to the engineering report.

Effect of District on Water Quality

All construction within the District will include erosion control measures that comply with required Storm Water Pollution Prevention Plans. In addition, wastewater treatment for the District will be by a WWTP permitted and approved by the TCEQ, which should minimize the effects on surface water quality. District drainage projects will be designed to comply with Guadalupe County regulations, as applicable, including any regulations related to stormwater quality, according to the engineering report. The engineering report concludes that the proposed District should have no adverse effect on water quality.

Dam Safety

According to a letter dated February 12, 2024, from the TCEQ Critical Infrastructure Division, there is one small pond along Long Creek within the proposed District boundaries. The letter states that the pond should be evaluated to determine if it will remain or be removed, and, if it will remain and is classified as a dam in TCEQ Critical Infrastructure jurisdiction, it will need to be evaluated for hydraulic adequacy and hazard classification.

C. SUMMARIES OF COSTS

WATER, WASTEWATER, AND DRAINAGE

Construction Costs

A. Developer Contribution Items

1. Water Facilities

District's ⁽¹⁾
Share

\$ 1,750,717

2. Wastewater Facilities	993,940
3. Drainage Facilities	223,406
4. Erosion Control	69,187
5. Sitework & Miscellaneous	308,339
6. Contingencies (15% of items no. 1-4)	455,588
7. Engineering (10% of items no. 1-4)	<u>303,725</u>
Total Developer Contribution Items	\$ 4,104,902
B. District Items	
1. Land Acquisition Costs for Detention Ponds	\$ 250,000
2. Contingencies (15% of items no. 1)	37,500
3. Engineering (10% of item no. 1)	<u>25,000</u>
Total District Items	\$ <u>312,500</u>
TOTAL CONSTRUCTION COSTS (73.6% OF BIR)	\$ 4,417,402
<u>Non-Construction Costs</u>	
A. Legal Fees (3%)	\$ 180,000
B. Fiscal Agent Fees (2.5%)	150,000
C. Interest	
1. Capitalized Interest (12 months @ 4.5%)	270,000
2. Developer Interest (2 years @ 4.5% of construction)	397,566 ⁽²⁾
D. Bond Discount (3%)	180,000
E. Operating Costs	150,000
F. Bond Issuance Costs	71,060
G. Bond Application Reports	60,000
H. Creation Costs	102,972
I. TCEQ Bond Issuance Fee (0.25%)	15,000
J. Attorney General Fee (0.1% of BIR)	<u>6,000</u>
TOTAL NON-CONSTRUCTION COSTS	\$ <u>1,582,598</u>
TOTAL W, WW, & D BOND ISSUE REQUIREMENT (BIR)	\$ 6,000,000

Notes: (1) Assumes 100% District bond funding of anticipated developer contribution items, where applicable.
 (2) Estimated based on sale of bonds for reimbursement of construction costs two years on average after construction completion, according to preliminary engineering report.

Eligibility of costs for District funding and 30% developer contribution requirements will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

ROADS

<u>Construction Costs</u>	District's ⁽¹⁾ <u>Share</u>
A. Road Construction	\$ 4,277,481
B. Sitework & Miscellaneous	308,339
C. Contingencies (15% of item A)	687,873
D. Engineering (10% of item A)	<u>458,582</u>

TOTAL CONSTRUCTION COSTS (78.5% of BIR)	\$ 5,732,275
<u>Non-Construction Costs</u>	
A. Legal Fees (3%)	\$ 219,000
B. Fiscal Agent Fees (2%)	182,500
C. Interest	
1. Capitalized Interest (12 months @ 4.5%)	328,500
2. Developer Interest (2 years @ 4.5%)	515,905 ⁽²⁾
D. Bond Discount (3%)	219,000
E. Bond Issuance Costs	66,320
F. Bond Engineering Costs	29,200
G. Attorney General Fee (0.1%)	<u>7,300</u>
TOTAL NON-CONSTRUCTION COSTS	\$ <u>1,567,725</u>
TOTAL ROAD BOND ISSUE REQUIREMENT	\$ 7,300,000

Notes: (1) Assumes 100% District bond funding.

(2) Estimated based on sale of bonds for reimbursement of construction costs two years on average after construction completion.

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the District and the land included within the District. Eligibility of costs may be subject to TCEQ review to be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

D. ECONOMIC ANALYSIS

Land Use

The land use for the proposed District is projected in the following table:

	<u>Development</u>	<u>Acres</u>	<u>ESFCs</u>
Single-Family Residential ⁽¹⁾		39.01	310
Street Right-of-Way		10.51	0
Parks/Open Space		4.18	0
Floodplain		<u>17.12</u>	<u>0</u>
Totals		70.82	310

Notes: (1) Includes some right-of-way acreage, according to information provided.

Market Study

A market study, prepared by Zonda, dated January 2024, has been submitted in support of the creation of the proposed District. The market study indicates that the proposed District is located in the San Antonio Metropolitan Statistical Area. The study estimates demand for single-family homes within the District market area for the lot sizes and home prices planned for the proposed District will be sufficient to absorb approximately 54 to 66 homes per year and to absorb the planned 310 homes within just over five years.

Project Financing

The estimated total assessed valuation (AV) of land in the proposed District at completion is as follows:

<u>Development Type/Width</u>	<u>No. of Units</u>	<u>Average Unit Value</u>	<u>Value at Build Out</u>
Single-Family/40 feet	310	\$314,500	\$97,495,000

Considering estimated bond issue requirements of \$6,000,000 for water, wastewater and drainage (utilities) and \$7,300,000 for roads, for a total of \$13,300,000 (assuming 100% bond financing), a bond coupon rate of 4.5%, and a 25-year bond life, an average annual debt service of approximately \$896,939 (\$404,634 for utilities and \$492,305 for roads) would be sufficient to retire the debt for the bonds. Assuming a 98% collection rate and an ultimate AV of \$97,495,000, a tax rate of approximately \$0.9388 per \$100 of AV (\$0.4235 for utilities and \$0.5153 for roads) would be necessary to meet the annual debt service requirement. The application material also indicates that a maintenance tax of \$0.05 per \$100 of AV may be levied, resulting in a combined tax rate of \$0.9888 per \$100 of AV.

The total year 2023 overlapping tax rates on land within the proposed District are shown in the following table:

<u>Taxing Jurisdiction</u>	<u>Guadalupe County Tax Rates</u>
New Braunfels Independent School District	\$1.04
Guadalupe County	0.27
Guadalupe County Lateral Road	0.05
Proposed District	<u>0.99</u>
Total Tax per \$100 AV	\$2.35

Based on the proposed District tax rate and the year 2023 overlapping tax rate on land within the proposed District, the project is considered economically feasible.

Water and Wastewater Rates

According to information provided, the following is the single-family residential water rate for GVSUD:

Monthly Base Fee of \$32.98 for the first 2,000 gallons, plus:

Volumetric Rate:

\$4.55 per 1,000 gallons	2,001 to 5,000 gallons
\$5.87 per 1,000 gallons	5,001 to 10,000 gallons
\$7.27 per 1,000 gallons	10,001 to 15,000 gallons
\$8.85 per 1,000 gallons	15,001 to 25,000 gallons
\$11.65 per 1,000 gallons	25,001 to 50,000 gallons
\$14.57 per 1,000 gallons	above 50,000 gallons

Based on the above rates, the estimated monthly fee for 10,000 gallons of water service would be \$75.98.

According to the preliminary engineering report, the wastewater rate for GBRA is a monthly base fee of \$75.

Comparative Water District Tax Rates

A combined tax rate of \$0.99 per \$100 of AV for the proposed District is considered reasonable and acceptable for this type of development, according to the preliminary engineering report. Based on the requirements of 30 TAC Section 293.59, this project is considered economically feasible.

E. SPECIAL CONSIDERATION

Request for Road Powers

A request for approval of road powers was included in the petition for creation of the proposed District. Pursuant to TWC Section 54.234, approval of road powers may be requested at the time of creation. The engineering report provided with the application included a summary of the estimated costs. The proposed roads appear to benefit the proposed District, and financing appears feasible.

F. CONCLUSIONS

1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, would be a benefit to the land within the proposed District, and would be necessary as a means to finance utilities and to provide utility service to future customers
2. Based on a review of the preliminary engineering report; market study; the proposed District's water, wastewater, drainage, and road facilities; a combined projected tax rate of \$0.99 per \$100 of AV; the proposed District obtaining a 4.5% bond coupon rate; and other supporting data, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC Section 293.59.
3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

G. RECOMMENDATIONS

1. Grant the petition for creation of Park Place Municipal Utility District of Guadalupe County.
2. Grant the District's request to acquire road powers in accordance with TWC Section 54.234 and 30 TAC Sections 293.11(d)(11), and 293.202, subject to the requirements imposed by the TCEQ and the general laws of the State of Texas relating to the exercise of such powers.

3. The Order granting the petition should include the following statements:

“This Order shall not constitute approval or recognition of the validity of any provision in City of New Braunfels Resolution No. 2024-R34 regarding consent to creation of the District, nor any utility agreement between the City of New Braunfels and the District or Petitioners, nor any other ordinance/resolution incorporated therein by reference to the extent that such provision exceeds the authority granted to the City of New Braunfels by the laws of the State of Texas.”

“This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration.”

4. Appoint the following to serve as temporary directors until permanent directors are elected and qualified:

Jeffrey J. Czar, Jr.
Ricardo Turrubiates

Paul Landa
Zachary Wiedower

Carlos Rodriguez, Jr.

H. ADDITIONAL INFORMATION

The Petitioner’s professional representatives are:

Attorney:	Mr. Trey Lary - Allen Boone Humphries Robinson, LLP
Engineer:	Mr. Ken Heroy, P.E. - Jones-Heroy & Associates, Inc.
Market Analyst:	Mr. Bryan Glasshagel - Zonda