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May 30, 2019

Engineering Report to
Texas Commission on Environmental Quality
Bond Application No. 6
Bay Colony West Municipal Utility District

Alan D. Hirshman, P.E.
District Engineer

5/30/19

May 30, 2019

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

Gentlemen:

The attached report is submitted to provide the required data for Bond Application No. 6 for Bay Colony West Municipal Utility District. The Bond Application is being submitted showing cost summaries to support a 100% reimbursement in the amount of $7,085,000. A bond rating and insurance for this bond issue is anticipated. The proposed bond installment relates to water, wastewater, drainage, engineering, and other soft costs related to such to serve the District.

We trust that the information submitted fulfills the requirements of the Commission. If you have any questions or require further information, please contact me at your convenience.

Very truly yours,

Alan D. Hirshman, P.E.
District Engineer

w/attachments
xc: Texas Commission on Environmental Quality – Houston

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BAY COLONY WEST MUNICIPAL UTILITY DISTRICT
GALVESTON COUNTY
$7,085,000 – 100% REIMBURSEMENT
SIXTH BOND ISSUE

SECTION 1 — GENERAL INFORMATION

Laws, Elections, and Acreage:

(i) **Authority Creating District:** Bay Colony West Municipal Utility District (MUD) was created by order of the Texas Commission on Environmental Quality on March 2, 2004.

(ii) **Governing Law:** The District was created and the District operates under Chapter 49 and under the terms and conditions of Article XVI, Section 59, of the Constitution of Texas and Chapter 54 of the Texas Water Code, together with all amendments and additions thereto.

(iii) **Confirmation Election:** The creation of the District was confirmed at an election on November 2, 2004 by a vote of 2 to 0. (SEE ATTACHMENT 1)

(iv) **Acreage:** At creation of the District contained 337.69 acres in northern Galveston County. On June 22, 2004, 194.48 acres were annexed into the District, and on August 16, 2006, 5.058 acres were annexed into the District. The annexation orders with metes and bounds for the listed annexations are provided as ATTACHMENT 2. The current District acreage is approximately 537.228 acres.

(v) **Boundary Map:** A current district boundary map is included as ATTACHMENT 3.

(B) Location:

Bay Colony West Municipal Utility District is located in Northern Galveston County along F.M. 517, North of State Highway 6, West of Interstate 45, and South of F.M. 518. The entire District lies within Galveston County and the City of League City.

The District is composed of five tracts of 125.74 acres, 94.29 acres, 117.66 acres, 194.48 acres, and 5.058 acres for a total of 537.228 acres in the Perry and Austin Upper League, Abstract No. 19. F.M. 517 is located along the Southern boundary of the site. The Eastern boundary is adjacent to Galveston County MUD No. 14 & 15. The Western boundary includes a subdivision and undeveloped acreage. The Northern boundary is undeveloped acreage.

ATTACHMENT IV shows the location of the District with respect to Galveston County.

SECTION 2 — PROPOSED BOND ISSUE

(A) Purpose:

The District exists to provide water, sanitary sewer, and storm sewer service to the property within its boundaries. The District has previously and is currently constructing these facilities to allow for the orderly development of the property and service to the public.

The District proposes, with proceeds from this bond issue, to reimburse the developer for portions of design and construction of: Underground Utilities to serve Bay Colony Pointe West, Sections 8, 9, 10, & 11; Underground Utilities to serve Bay Colony Meadows West, Section 3, Phases I, II, III, & Detention; Underground Utilities to serve Bay Colony Pointe West, Section 3, Phases II, III, & Detention; for material testing fees, geotechnical fees, survey fees, engineering fees, storm water prevention pollution fees, weekly site inspection fees, and impact fees . A detailed listing is found in *Section 4 Summary of Costs*.

(B) Bond and Maintenance Tax Authorization:

(i) Bond Authorization:

On November 2, 2004, the voters of the District authorized issuance of $44,000,000 in bonds. The total amount of bonds authorized by the voters is $44,000,000.

DATE OF ELECTION	PURPOSE	AMOUNT APPROVED	AMOUNT CANCELED
11/12/2004	Water, Wastewater, Drainage	$44,000,000	$0

(ii) Maintenance Tax:

On November 2, 2004, the voters of the District authorized a maximum maintenance tax of $1.50/$100. The tax is authorized to be applied to maintenance purposes, including funds for planning, maintaining, repairing, an operating all necessary plants, works, facilities, improvements, appliances, and equipment of the district and for playing costs of proper services, engineering and legal fees, organization, and administration expenses. A copy of the order calling the election and the order canvassing the results of the maintenance tax election is provided by labeled ATTACHMENT I.

DATE OF ELECTION	PURPOSE	MAXIMUM TAX APPROVED (per each $100 of AV)	CANCELED PRIOR AUTHORIZATION
11/2/2004	General Operating	$1.50	

(C) Prior Bond Issues:

The previous and proposed bond issues are listed below:

BOND ISSUE NO.	AMOUNT	DATE	AMOUNT SOLD
1	$2,560,000	January, 2007	$2,560,000
2	$3,065,000	September, 2008	$3,065,000
3	$4,185,000	February, 2011	$4,185,000
4	$4,800,000	March, 2015	$4,800,000
5	$4,300,000	March, 2016	$4,300,000
6	$7,085,000	November, 2018	Proposed
TOTAL:	**$25,995,000**		**$18,910,000**

The amount of remaining voted, but unissued bonds, assuming the sale of this proposed bond issue is $18,005,000.

At this time, it is the opinion of the District's Engineer that the remaining authorized but unissued bonds will be sufficient to complete the development within the District.

(D) Type:

The voters of the District have approved unlimited tax bonds. The District seeks Commission approval to issue unlimited tax bonds.

(E) Interest Rate:

The District petitions the Commission's approval of a 4.75% interest rate for this proposed issuance of bonds.

(F) Land-Use Plan:

Each development within the District will benefit from prior development in the District. The utilities are designed so extensions can be made as development continues in the future. This method allows for propagation of District utilities to new sections of development for an organized and orderly development within the District.

ATTACHMENT VI shows all previous and proposed bond projects through this bond issue.

(G) Recreational Facilities:

There are not any recreational facilities proposed in this bond issue.

(H) Roads:

Does the District have authority to fund roads? ___ Yes _x_ No.

SECTION 3 FACILITIES PROPOSED FOR FUNDING

(A) Purchase of Existing Facilities and/or Assumption of Existing Contracts:

The following is a detailed list of facilities to be purchased by the District under this bond issue:

CONTRACT DESCRIPTION	CONTRACTOR	PERCENT COMPLETE (DATE)	TOTAL CONTRACT AMOUNT	DISTRICT SHARE (1)	
Bay Colony Pointe West, Section 8	R Construction Company	100% (3/20/2014)	$238,142.00	$64,021.47	(2)
Bay Colony Pointe West, Section 9	Monarch Civil Constructors, LLC	100% (11/5/2014)	$328,368.40	$328,368.40	(3)
Bay Colony Pointe West, Section 10	Monarch Civil Constructors, LLC	100% (11/5/2014)	$184,858.72	$184,858.72	(4)
Bay Colony Pointe West, Section 11	Crostex Construction, Inc	100% (10/30/2017)	$636,917.75	$636,917.75	(5)
Bay Colony Meadows West, Section 3, Phase I	Pace Services, LP	100% (12/21/2006)	$451,463.88	$33,256.16	(6)
Bay Colony Pointe West, Section 3, Phase II	Jaho, Inc.	100% (11/15/2017)	$369,957.75	$369,957.75	(7)
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention	Double Oak Construction	100% (10/11/2017)	$375,631.00	$375,631.00	(8)
Bay Colony Pointe West, Section 3, Phase III	Jaho, Inc.	100% (1/12/2018)	$626,677.55	$626,677.55	(9)
Bay Colony Meadows West, Section 3, Phase II	Jaho, Inc.	100% (1/12/2018)	$337,609.00	$337,609.00	(10)
Bay Colony Meadows West, Section 3, Phase III	Jaho, Inc.	100% (1/12/2018)	$719,036.65	$719,036.65	(11)
Bay Colony Pointe and Meadows West Detention	Jaho, Inc.	100%	$429,493.00	$429,493.00	(12)

Notes:

(1) The District has requested a waiver of the 30% developer contribution requirement.

(2) The original contract for Bay Colony Pointe West, Section 8 underground utilities was for $208,393.00. With the addition of Change Order No. 1 in the amount of $29,749.00 and with final quantity adjustments the final contract amount was $238,142.00. Change Order No. 1 includes increase in water, sanitary sewer, and storm drainage facilities. In the 2017 Surplus Funds, the District funded a pro-rata share of 73.11% of the final contract amount of $238,142.00, which is $174,120.53 ($238,142.00*0.7311 = $174,120.53) In this bond issue The district request to reimburse the remaining $64,021.47 (26.89%) of the final contract amount. See Final Pay Estimate for Bay Colony Pointe West, Section8 in Volume 4.

(3) See Volume 5 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Pointe West, Section 9.

(4) See Volume 5 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Pointe West, Section 10.

(5) See Volume 6 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Pointe West, Section 11.

(6) The original contract amount for Bay Colony Meadows West, Section 3, Phase I underground was for $445,112.28, with the addition of *Change Order No. 1* in the amount of $6,352 and with final quantity adjustments the final contract amount was $451,463.88. *Change Order No. 1* included quantity increase in water facilities, construction entrance, waterline bore, HDPE interceptors, and removal of sidewalk. Excludes the $16,642.50 remaining non reimbursable amount was for the removal of fence and haul off in the miscellaneous section. In Bond Issue Number 4 the District only funded 100% of the sanitary sewer facilities, storm water pollution prevention, and change order no. 1. The total amount funded in Bond Issue No. 4 was $142,486.40. In Bond Issue Number 5 the District funded only 50% of the offsite water distribution. The total amount the District funded in Bond Issue Number 5 is $26,710.39. In 2017 Surplus Funds, the District funded remaining 50% of the offsite water, storm drainage, and only requesting 57.23% of water distribution. The total amount funded in 2017 Surplus Funds was $232,368.43. In this bond issue the District is requesting to reimburse the remaining 42.77% water distribution construction cost, which totals to $33,256.16. There is developer interest expenses associated with this project, which will be reimbursed in future applications. Bay Colony Meadows West, Section 3, Phase I in Volume 7.

(7) See Volume 8 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Pointe West, Section 3, Phase II.

(8) See Volume 9 for Final Pay Estimate for Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention.

(9) See Volume 10 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Pointe West, Section 3, Phase III.

(10) See Volume 10 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Meadows West, Section 3, Phase II.

(11) See Volume 10 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Meadows West, Section 3, Phase III.

(12) See Volume 10 for Final Pay Estimate for Construction of Underground Utilities to serve Bay Colony Meadows West and Pointe West Detention and Channel Improvements.

(B) <u>Facilities to be Constructed:</u>

All facilities for this bond issue are at 100% complete.

SECTION 4 - SUMMARY OF COSTS

CONSTRUCTION COSTS	CONTRACT AMOUNT	DISTRICT SHARE	
A. DEVELOPER CONTRIBUTION ITEMS			
1 *Bay Colony Pointe West, Section 8*			(2)
a Water Distribution	$ 23,275.00	$ 6,257.19	
b Sanitary Sewer	$ 123,767.00	$ 33,273.19	
c Storm Drainage	$ 74,100.00	$ 19,920.85	
d Miscellaneous	$ 17,000.00	$ 4,570.24	
Paid in 2017 Surplus Funds Application	$ -	$ (174,120.53)	
SUBTOTAL	$ 238,142.00	$ 64,021.47	
2 *Bay Colony Pointe West, Section 9*			(3)
a Water Distribution	$ 68,762.00	$ 68,762.00	
b Sanitary Sewer	$ 85,102.00	$ 85,102.00	
c Storm Drainage	$ 173,545.00	$ 173,545.00	
d Miscellaneous	$ 959.40	$ 959.40	
SUBTOTAL	$ 328,368.40	$ 328,368.40	
3 *Bay Colony Pointe West, Section 10*			(4)
a Water Distribution	$ 48,651.00	$ 48,651.00	
b Sanitary Sewer	$ 57,339.00	$ 57,339.00	
c Storm Drainage	$ 78,265.00	$ 78,265.00	
d Miscellaneous	$ 603.72	$ 603.72	
SUBTOTAL	$ 184,858.72	$ 184,858.72	
4 *Bay Colony Pointe West, Section 11*			(5)
a Sanitary Sewer	$ 180,012.00	$ 180,012.00	
b Water Distribution	$ 108,580.00	$ 108,580.00	
c Storm Drainage	$ 339,425.75	$ 215,091.51	
d Stom Water Pollution Prevention	$ 8,900.00	$ 8,900.00	
SUBTOTAL	$ 636,917.75	$ 512,583.51	
5 *Bay Colony Meadows West, Section 3, Phase I*			(6)
a Water Distribution	$ 77,764.40	$ 33,256.16	
b Offsite Water Distribution	$ 53,420.78	$ -	
c Sanitary Sewer Collection System	$ 135,539.80	$ -	
d Storm Drainage System	$ 161,149.80	$ -	
e Stom Water Pollution Prevention	$ 595.00	$ -	
f Miscellaneous	$ 16,642.50	$ -	
Change Order No. 1	$ 6,351.60	$ -	
Paid in BI #4	$ -	$ (142,486.40)	
Paid in BI #5	$ -	$ (26,710.39)	
Paid in 2017 Surplus Funds Application		$ (232,368.43)	
SUBTOTAL	$ 451,463.88	$ 33,256.16	

6	*Bay Colony Pointe West, Section 3, Phase II*				(7)
	a Sanitary Sewer	$	95,878.00	$	95,878.00
	b Water Distribution	$	78,295.75	$	78,295.75
	c Storm Drainage	$	179,844.00	$	173,106.08
	d Stom Water Pollution Prevention	$	11,210.00	$	11,210.00
	e Utility Spoils	$	4,730.00	$	4,730.00
	SUBTOTAL	$	369,957.75	$	363,219.83
7	*Clearing of Bay Colony Pointe West, Section 3 Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention*				(8)
	a Clearing and Grubbing	$	371,581.00	$	371,581.00
	b SWPPP	$	4,050.00	$	4,050.00
	SUBTOTAL	$	375,631.00	$	375,631.00
8	*Bay Colony Pointe West, Section 3, Phase III*				(9)
	a Sanitary Sewer	$	198,596.30	$	135,492.23
	b Water Distribution	$	121,898.65	$	121,898.65
	c Storm Drainage	$	287,267.80	$	-
	d Stom Water Pollution Prevention	$	18,914.80	$	18,914.80
	SUBTOTAL	$	626,677.55	$	276,305.68
9	*Bay Colony Meadows West, Section 3, Phase II*				(10)
	a Sanitary Sewer	$	118,325.85	$	72,889.72
	b Water Distribution	$	44,035.25	$	44,035.25
	c Storm Drainage	$	166,652.90	$	-
	d Stom Water Pollution Prevention	$	8,595.00	$	8,595.00
	SUBTOTAL	$	337,609.00	$	125,519.97
10	*Bay Colony Meadows West, Section 3, Phase III*				
	a Sanitary Sewer	$	170,255.50	$	170,255.50 (11)
	b Water Distribution	$	86,552.25	$	86,552.25
	c Storm Drainage	$	453,694.90	$	413,950.64
	d Stom Water Pollution Prevention	$	8,534.00	$	8,534.00
	SUBTOTAL	$	719,036.65	$	679,292.39
11	*Bay Colony Pointe and Meadows West Detention*	$	429,493.00	$	429,493.00 (12)
	SUBTOTAL	$	429,493.00	$	429,493.00
12	Material Testing Fees	$	95,427.55	$	- (13)
13	Geotech Fees	$	3,040.00	$	3,040.00 (14)
14	Survey	$	15,070.00	$	15,070.00 (15)
15	Engineering Fees	$	661,868.93	$	661,868.93 (16)
16	Storm Water Pollution Prevention Fees	$	78,899.00	$	74,583.50 (17)
17	Weekly Site Inspections	$	13,400.00	$	11,425.86 (18)
18	Miscellaneous	$	450.00	$	450.00 (19)
19	City of League City Review/Inspection Fees	$	116,221.48	$	116,221.48 (20)
20	Attorney Fees	$	3,091.25	$	3,091.25 (21)
21	Environmental Fees	$	166,247.56	$	166,247.56 (22)
22	Land Aqusition:				(23)
	a. Detention basins and drainage channel to serve Bay Colony Meadows West, Section 3, Phase 2 , Bay Colony Meadows West - Section 3, Phase 3 and Bay Colony Pointe West - Section 3, Phase 3	$	482,822.03	$	482,822.03
TOTAL DEVELOPER ITEMS		$	7,720,296.00	$	4,907,370.73

B. DISTRICT ITEMS

1 Impact Fees (24)

a	Water and Wastewater Capacity - Bay Colony Meadows West, Sections1&2	$ 5,281.14	$ 5,281.14	
b	Water and Wastewater Capacity - Enclaves at Bay Colony Sec. 1, Phase III	$ 5,634.00	$ 5,634.00	
c	Water and Wastewater Capacity - Bay Colony Pointe West, Section 8	$ 11,268.00	$ 11,268.00	
d	Water and Wastewater Capacity - Bay Colony Pointe West, Section 11	$ 219,726.00	$ 219,726.00	
e	Water and Wastewater Capacity - Bay Colony Pointe West, Sec. 3, Phase II	$ 196,571.00	$ 196,571.00	
f	Water and Wastewater Capacity - Bay Colony Meadows West, Sec. 3, Phase II	$ 266,322.00	$ 266,322.00	
g	Water and Wastewater Capacity - Bay Colony Pointe West, Sec. 3, Phase III	$ 329,732.00	$ 329,732.00	
h	Water and Wastewater Capacity - Bay Colony Meadows West, Sec. 3, Phase III	$ 38,046.00	$ 38,046.00	
		$ 1,072,580.14	$ 1,072,580.14	

TOTAL DISTRICT ITEMS	$ 1,072,580.14	$ 1,072,580.14	
TOTAL CONSTRUCTION COSTS (89% of BIR)	$ 8,792,876.14	$ 5,979,950.87	

Non-Construction Costs

A	Legal Fees ($36,000 +3% of all over $1,000,000)	$ 218,550.00	$ 218,550.00	(25)
B	Financial Advisor Fees (2%)	$ 141,700.00	$ 141,700.00	(26)
C	Interest Costs			
	1 Capitalized Interest	$ -	$ -	(27)
	2 Developer Interest	$ 456,680.92	$ 456,680.92	(28)
D	Bond Discount (2%)	$ 141,700.00	$ 141,700.00	
E	Bond Issuance Expenses	$ 56,620.71	$ 56,620.71	
F	Bond Application Report Cost	$ 65,000.00	$ 65,000.00	
G	Attorney General's Fee (0.10%)	$ 7,085.00	$ 7,085.00	
H	TCEQ Bond Issuance Fee (0.25%)	$ 17,712.50	$ 17,712.50	(29)
	TOTAL NON-CONSTRUCTION COSTS (11% of BIR)	$ 1,105,049.13	$ 1,105,049.13	
	TOTAL BOND ISSUE REQUIREMENT	**$ 9,897,925.27**	**$ 7,085,000.00**	

NOTES:

(1) The District has requested a waiver of the 30% developer contribution requirement.

(2) The original Contract for Bay Colony Pointe West, Section 8 underground utilities was for $208,393.00. With the addition of Change Order No. 1 in the amount of $29,749.00 and with final quantity adjustments the final contract amount was $238,142.00. Change Order No. 1 includes increase in water, sanitary sewer, and storm drainage facilities. In the 2017 Surplus Funds The District funded a pro-rata share of 73.11 % of the final contract amount of $238,142.00, which is $174,120.53 ($238,142.00 * 0.7311 = $ 174,120.53) In this bond issue The district request to reimburse the remaining $64,021.47 (26.89%) of the final contract amount. See Final Pay Estimate for Bay Colony Pointe West, Section 8 in Volume 4.

(3) See Volume 5 for Final Pay Estimate for *Construction of Underground Utilities to serve Bay Colony Pointe West, Section 9*

(4) See Volume 5 for Final Pay Estimate for *Construction of Underground Utilities to serve Bay Colony Pointe West, Section 10*

(5) See Volume 6 for Final Pay Estimate for *Construction of Underground Utilities to serve Bay Colony Pointe West, Section 11.* $124,334.24 (36.6%) of Storm Drainage will be reimbursed on a future bond issue

(6) The original contract amount for Bay Colony Meadows West, Section 3, Phase I underground utilities was for $445,112.28, with the addition of Change Order No. 1 in the amount of $6,352.60 and with final quantity adjustments the final contract amount was $451,463.88. Change Order No. 1 included quantity increase in water facilities, construction entrance, waterline bore, HDPE interceptors, and removal of sidewalk. Excludes the $16,642.50 remaining non reimbursable amount was for the removal of fence and haul off in the miscellaneous section. In Bond Issue Number 4 the District only funded 100% of the sanitary sewer facilities, storm water prevention pollution prevention, and change order no. 1. The total amount funded in Bond Issue No. 4 was $142,486.40. In Bond Issue Number 5 the District Funded only 50% of the offsite water distribution. The total amount the District funded in Bond Issue Number 5 is $26,710.39. In 2017 Surplus funds The District funded remaining 50% of the offsite water, storm drainage, and only requesting 57.23 percent of the water distribution. The total amount funded in 2017 Surplus Funds was $232,368.43. In this bond issue The District is requesting to reimburse the remaining 42.77% water distribution construction cost, which totals to $33,256.16. There is developer interest expenses associated with this project, which will be reimbursed in future applications. Bay Colony Meadows West, Section 3, Phase I in Volume 7

(7) See Volume 8 for Final Pay Estimate for *Construction of underground Utilities to serve Bay Colony Pointe West, Section 3, Phase II*. $6,737.92 (3.74%) of Storm Drainage will be reimbursed on a future bond issue.

(8) See Volume 9 for Final Pay Estimate for *Clearing of Bay Colony Pointe West, Section 3 Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention.*

(9) See Volume 10 for Final Pay Estimate for *Construction of underground Utilities to serve Bay Colony Pointe West, Section 3, Phase III.* All $287,267.80 (100%) of Storm Drainage and $63,104.07 (31.78%) of Sanitary Sewer will be reimbursed on a future bond issue.

(10) See Volume 10 for Final Pay Estimate for *Construction of underground Utilities to serve Bay Colony West Meadows, Section 3, Phase II*. All $166,652.90 (100%) of Storm Drainage and $45,436.13 (38.4%) of Sanitary Sewer will be reimbursed on a future bond issue.

(11) See Volume 10 for Final Pay Estimate for *Construction of underground Utilities to serve Bay Colony West Meadows, Section 3, Phase III*. $39,744.26 (8.76%) of Storm Drainage will be reimbursed on a future bond issue.

(12) See Volume 10 for Final Pay Estimate for Construction of underground Utilities to serve *Bay Colony West Meadows and Pointe West Detention and Channel Improvements*

(13) Material Testing Fees to be reimbursed in future bond issue.

(14) See labeled Attachment 8b for a breakdown of the Geotech fees.

(15) See labeled Attachment 8c for a breakdown of the Survey fees

(16) See labeled Attachment 8d for a breakdown of Engineering fees.

(17) See labeled Attachment 8e for a breakdown of Storm Water Pollution Prevention fees.

(18) See labeled Attachment 8f for a breakdown of Weekley Site Inspection Fees

(19) See labeled Attachment 8g for a breakdown of Miscellaneous Fees

(20) See labeled Attachment 8h for a breakdown of Review/Inspection Fees

(21) See labeled Attachment 8i for a breakdown of Attorney Fees

(22) See labeled Attachment 8j for a breakdown of Environmental Fees

(23) Represents the cost of 21.37 acres for detention basin and drainage channel to serve Bay Colony Meadows West, Section 3, Phase II, Bay Colony Meadows West, Section3, Phase III, and Bay Colony Pointe West, Section 3, Phase III at a price of $24,651.62 per acre ($22,593.45 per acre plus $2,058.17 interest per acre) total cost of $526,805.13.

(24) See labeled Attachment 8k for a breakdown of Capital Recovery fees.

(25) Pursuant to the contract provided, fees are 3 % of the first $3,000,000 in bonds issued; plus 2.5% for bonds between $3,000,000 and $5,000,000; plus 2% of the bonds issued over $5,000,000. See labled Attachment 11

(26) Pursuant to the contract provided, fees are 2% of bonds issued [Commission Rule 293.45(b)]. See Labled Attachment 11.

(27) See Attachment 64 for a letter from the District Financial Advisor regarding the feasibility of including less than one year of capitalized interest.

(28) Estimated at 4.75% through September 30, 2019 for bond issue funded costs. The District has requested only two years of interest in accordance with 30 TAC 293.50(b). See labled Attachment 13.

(29) All bond issues approved by the Commission are subject to a 0.25% bond-issuance fee [Commission Rule 293.45(b)].

SECTION 5 — DEVELOPMENT STATUS AND LAND USE

The following information represents development as of 5/1/2019

(A) Land-Use Table:

LAND USES	ACREAGE	EQUIVALENT CONNECTIONS	
		EXISTING	PROJECTED
Developable Acreage:			
Developed from prior bond issues (see table B below):	195.66	802	802
To be developed from the bonds (see Table C below):	102.47	284	366
Currently developed with facilities to be funded in future bonds (see Table D below):	0	0	0
Remaining developable acreage:	101.798	0	836
Subtotal Developable Acreage:	**399.928**		**1,752**
Undevelopable Acreage:			
Detention:	52.60	0	0
Grand Parkway:	8.20	0	0
Collector Streets:	32.20	0	0
Lift Station Sites:	0.38	0	0
Pipeline Easements:	9.50	0	0
Drainage Easements:	29.60	0	0
Landscaping and open spaces:	4.82	0	0
Subtotal Undevelopable Acreage:	**137.30**	**0**	**0**
Total Acreage	**537.228**	**1086**	**1,752**

Notes:

These are the current active connections as of May 1, 2019:
1086 Residential Connections
0 Commercial

The District is funding a total of 175 impact fees overall, in this Bond Issue

The District is funding a total of 5 impact fees from Table B in this Bond Issue, including:
2 lots from Bay Colony Meadows West Sections 1 & 2
1 lot from Enclaves at Bay Colony Section 1, Phase 3
2 lots from Bay Colony Pointe West Section 6

The District has funded a total of 128 impact fees in previous Bond Issues including:
19 lots from Bay Colony West Section 7, in Table C
16 lots from Bay Colony West Section 8, in Table C
39 lots from Bay Colony West Section 9, in Table C
54 lots from Bay Colony Meadows West Section 3, Phase 1, in Table B

A total of 53 impact fees are eligible to be reimbursed in a future Bond Issue, including:
9 lots from Bay Colony West Section 7, in Table C
14 lots from Bay Colony West Section 8, in Table C
17 lots from Bay Colony West Section 10, in Table C
13 lots from Bay Colony Meadows West Section 3, Phase 1, in Table B

(B) Development from Prior Bonds:

SECTION	TYPE OF DEVELOPMENT	NO. OF LOTS	ACREAGE	EQUIV. CONNECTIONS	
				EXISTING	AT FULL DEVELOPMENT
Bay Colony West Phase I Detention	Detention Pond	N/A	14.92	0	0
Bay Colony Rough Cut Detention	Detention Pond	N/A	11.32	0	0
Lift Station & Sanitary Force Main	Lift Station Site	N/A	0.10	0	0
Bay Colony Pointe West, Section One & Two	Single-Family Residential	198	44.90	198	198
Bay Colony West Lift Station & 18-inch Force Main	Lift Station Site	N/A	0.28	0	0
Borden's Gully Rectification Phase II Detention	Detention Pond	N/A	11.60	0	0
Bay Colony Meadows West, Section One & Two	Single-Family Residential	133	38.50	133	133
y Colony West Phase III Borden's Gully and Linear Detention	Detention	N/A	15.07	0	0
The Enclave at Bay Colony Phase I	Single-Family Residential	39	8.48	39	39
Bay Colony Pointe West, Section Three, Phase I	Single-Family Residential	150	37.30	150	150
Bay Colony Meadows West, Section Three, Phase I	Single-Family Residential	67	18.16	67	67
Enclave at Bay Colony, Section One, Phase II	Single-Family Residential	40	7.81	40	40
Enclave at Bay Colony, Section One, Phase III	Single-Family Residential	41	6.46	41	41
Calder Road Extension to F.M. 517	Underground Utilities	N/A	N/A	0	0
Bay Colony Pointe West, Section Four	Single-Family Residential	71	19.65	71	71
Bay Colony Pointe West, Section Five	Single-Family Residential	20	4.31	20	20
Bay Colony Pointe West, Section Six	Single-Family Residential	43	10.09	43	43
TOTALS		**802**	**248.95**	**802**	**802**

(C) Development from Proposed Bonds:

SECTION	TYPE OF DEVELOPMENT	NO. OF LOTS	ACREAGE	EQUIV. CONNECTIONS	
				EXISTING	AT FULL DEVELOPMENT
Bay Colony Pointe West, Section Seven	Single-Family Residential	28	6.15	28	28
Bay Colony Pointe West, Section Eight	Single-Family Residential	30	6.78	30	30
Bay Colony Pointe West, Section Nine	Single-Family Residential	39	8.20	39	39
Bay Colony Pointe West, Section Ten	Single-Family Residential	17	5.16	17	17
Bay Colony Pointe West, Section Eleven	Single-Family Residential	77	26.3	39	77
Bay Colony Pointe West, Section 3, Phase II	Single-Family Residential	31	10.88	31	31
Clearing of Bay Colony Pointe West, Section 3 Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention	Single-Family Residential Detention	N/A	N/A	0	0
Bay Colony Pointe West, Section 3, Phase III	Single-Family Residential	52	16.73	52	52
Bay Colony Meadows West, Section 3, Phase II	Single-Family Residential	42	8.38	42	42
Bay Colony Meadows West, Section 3, Phase III	Single-Family Residential	50	13.89	6	50
Bay Colony Pointe and Meadows West Detention	Detention	N/A	21.37	0	0
TOTALS		**366**	**123.84**	**284**	**366**

(D) Currently Developed with Facilities to be Funded with Future Bonds (by Section if Available):

CURRENT DEVELOPMENT TO BE FUNDED
(Future Bonds)

SECTION	TYPE OF DEVELOPMENT	NO. OF LOTS	ACREAGE	EQUIV. CONNECTIONS	
				EXISTING	AT FULL DEVELOPMENT
Bay Colony Meadows West, Section Three, Phase I Developer Interest	Single-Family Residential	N/A	N/A	N/A	N/A
TOTALS		**N/A**	**N/A**	N/A	**N/A**

(E) Historical Build-Out:

The District was created on March 2, 2004.

(F) Floodplain Information:

A 6.9-acre portion of the District did lie within the 100-year flood plain according to Federal Emergency Management Agency Flood Insurance Rate Maps No, 4854880030E, dated September 22, 1999, as shown in ATTACHMENT 18. A LOMR was filed with FEMA to remove the 6.9-acres from the flood plain. The Flood Insurance Rate Map for the community was revised by the LOMR on March 31, 2006. According to these maps an additional 11 acres lies within Zone X, within the 500 year flood plain and the remainder of the District lies in Zone X, outside the 500 year flood plan.

(i) What is being done (if anything) to remove the areas of the District, if any, currently in the official floodplain?

A LOMR was filed with FEMA and approved to remove the 6.9-acres from the flood plain by fillwork. The area has since been removed from the flood plain and the LOMR has been approved by FEMA. Refer to labeled ATTACHMENT 38 for this LOMR and the approval letter.

(ii) Are any of the improvements proposed for purchase or construction funding through the proceeds of this bond issue currently in the official floodplain? __Yes ✓ No.

(iii) Are areas currently in the official floodplain used in the build-out projections used to support this bond issue? __Yes ✓ No.

(iv) Who is charged with maintaining minimum floor slab elevations in the District area?
City of League City

(v) Are any sites or easements to be funded in the bond issue currently in the floodplain? ✓ Yes __No.

SECTION 6 — SOURCE OF WATER SUPPLY, WASTEWATER TREATMENT FACILITIES, AND STORM-WATER DRAINAGE FACILITIES

(A) Water Supply:

(i) Water Supply Source:

(a.) Ground Water: The District acquires all of its water supply from the City of League City, which provides treated surface water.

(b.) Surface Water: The District acquires all its water supply from the City of League City, which provides surface water. See ATTACHMENT 22 for a letter from League City regarding existing capacities.

(ii) **Water Supply Facilities Inventory:** NOT APPLICABLE since water comes from the City of League City. See labeled ATTACHMENT 22.

(iii) **Interconnects:** This District is tied directly to the City of League City water system.

(iv) The City of League City water supply is capable of serving 1,752 ESFCs, which is sufficient to serve the current total of ESFCs necessary to support the feasibility of this proposed bond issue.

(B) Wastewater Treatment:

(i) **Wastewater Treatment Facilities:** The City of League City provides permanent wastewater capacity for the District. The in-place trunk lines transport the flow to the League City Dallas Salmon wastewater plant (TNRCC Permit No. WQ10568-005). The District currently shares with Galveston County Municipal Utility District No. 14 a commitment for the City in the current Dallas Salmon Facility for approximately 4,014 connections. Of this amount, 1,752 connections are committed to Bay Colony West Municipal Utility District (See ATTACHMENT 22). This commitment can be expanded as needed with payment of wastewater capital recovery fees to League City and any required lift station improvements. ATTACHMENT 22 contains a letter from League City documenting the plant's available capacity.

(ii) A copy of executed contracts for capacity being leased to or from, sold to, or purchased from another the City of League City is provided as a labeled ATTACHMENT 26.

(iii) **The District's wastewater capacity is capable of serving 1,752 ESFCs, which is sufficient to serve the 872 ESFCs necessary to support the feasibility of this proposed bond issue.** There is an existing lift station within Galveston County Municipal Utility District No. 14 (GCMUD No. 14) that has capacity for the development. League City Engineering has recommended that the District construct a collection system within the development and tie into the Bay Colony West lift station which pumps to the GCMUD No. 14 lift station. League City has informed us that the existing Wastewater Treatment Plant has capacity for the new development.

(C) Storm-Water Drainage Facilities:

(i) In general, all the land in which the District lies drains directly by sheet flow into the primary channel of the respective watersheds, Borden's Gully and Magnolia Bayou. There are no major tributaries or other minor channels of the primary channel that convey runoff from the land in the District.

(ii) The District's development will be served by storm sewer, which will discharge into the detention basin. Borden's Gully will be improved from an existing drop structure, which will be removed to approximately 1,960-ft upstream, where a new drop structure will be placed. The improvement section will have a 10-foot bottom, 5-to-1 side slopes and a grade of 0.05%. Magnolia Bayou will be improved in future bond issues.

(iii) This bond issue shall reimburse storm drainage facilities for Enclave at Bay Colony, Section 1, Phase I, Enclave at Bay Colony, Section 1, Phase II, Enclave at Bay Colony, Section 1, Phase

III, Calder Road Extension to F.M. 517, Bay Colony Pointe West, Section 4, Bay Colony Pointe West, Section 5, and Bay Colony Pointe West, Section 6.

(iv) **If local, state, or federal regulations require storm-water quality facilities, state the name of the entity requiring such facilities and describe the district storm-water quality treatment facilities, if any, to be funded by the proposed bond issue.** (NOT APPLICABLE)

SECTION 7 — BASIS OF DESIGN

(C) Conformity with Regulatory Requirements:

The facilities proposed for funding in this application are designed in accordance with the applicable criteria established by regulatory authorities unless otherwise noted.

(i) **Texas Commission on Environmental Quality: Yes ✓ No ___ N/A ___**

(ii) **City of League City: Yes ✓ No ___ N/A ___**

(iii) **Commission Permit Required by Water Code 16.236: Yes ___ No ___ N/A ✓**

(B) Oversizing:

Is the District constructing any facility with capacity in excess of that reasonably anticipated for future in-district uses? ✓ Yes ___ No.

At the request of the City of League City, the Bay Colony West Lift Station and 18-inch Force Main is oversized to allow for flows from an existing subdivision (178 lots), a school, a park and additional single-family residential (~266 lots), all of which are not within the District. The extra flow outside of the District to this lift station accounts for approximately 572 gpm of the total 2,415 gpm used in the design of this lift station. Approximately 1,843 gpm is attributed to flow within the District.

SECTION 8 — FINANCIAL INFORMATION

The District's Financial Advisor, Masterson Advisors LLC, the District's Bookkeeper, Municipal Accounts and Consulting, L.P., Attorney, Paul A. Philbin & Assoc., P.C., and the District's Tax Assesor, Assessments of the Southwest, Inc., provides the following information.

(A) Growth / No Growth:

The economic feasibility of this bond issue is based upon no growth.

The highest projected taxable value shown in the cash flow schedule is $ 189,940,931.

(B) **Latest Certified Assessed Valuation:** $175,528,903 as of January 1, 2018. Include as a labeled ATTACHMENT 34(a) a certificate indicating such valuation from the Chief Appraiser of the Galveston Central Appraisal District.

Latest Certified Estimate of Assessed Valuation: $189,940,931 as of September 1, 2018. SEE ATTACHMENT 35.

(C) Historical Tax Data:

The following information is as of February 28, 2019

YEAR COLLECTED	ASSESSED VALUATION	DEBT SERVICE TAX RATE	MAINTENANCE TAX RATE	AMOUNT COLLECTED	TOTAL
2018	$175,528,903	$0.87/$100	$0.13/$100	$1,752,491.91	97.27%
2017	$176,167,082	$0.87/$100	$0.13/$100	$1,761,694.51	99.09%
2016	$152,644,580	$0.86/$100	$0.14/$100	$1,526,445.80	99.74%
2015	$130,446,824	$0.885/$100	$0.115/$100	$1,304,500.57	99.80%
2014	$106,322,245	$0.88/$100	$0.12/$100	$1,063,230.70	99.76%
2013	$96,184,515	$0.83/$100	$0.17/$100	$961,845.15	99.75%

(D) Cash and Investment:

CASH AND INVESTMENT BALANCES As of January 23, 2019	
General Operating	$ 397,670.45
Debt Service Fund	$ 2,294,379.26
Capital Projects Fund	$ 0
Debt Service Tax Fund (if applicable)	$ 0
Maintenance Tax Fund (if applicable)	$ 0
Meter Deposit Fund (if applicable)	$ 0

(E) Outstanding Indebtedness:

(i) Bond Issues:

Category	Outstanding Debt	Proposed Debt	Combined Debt	Debt Ratio based on Current Certified or Estimated Value
Water, Wastewater, and Drainage	$15,675,000	$7,085,000	$22,760,000	11.98% (1)
Roads	0	0	0	0
Firefighting	0	0	0	0
Recreational	0	0	0	0
Totals	$15,675,000	$7,085,000	$22,760,000	11.98% (1)

Notes:

1)Based upon the Latest Certified Estimate of Assessed Valuation in the amount of $189,940,931 as of September 1, 2018.

(ii) Bond-Anticipation Notes:

There are no outstanding BANs for this district.

(iii) Were the provisions of Commission Rule 293.54 followed in the issuance of all Bond-Anticipation Notes? _ Yes ___ No. (NOT APPLICABLE)

(iv) **Tax-Anticipation Notes:** (NOT APPLICABLE)

(v) **Other Obligations:** (NOT APPLICABLE)

(F) **Financial Feasibility (to Be Completed by All Districts):**

(i) **Build-Out Projections: Is the feasibility of this bond issue based on growth? ___Yes _✓_No.** SEE ATTACHMENT 30

(ii) **Debt-Service Schedule:** SEE ATTACHMENT 31

(iii) **Revenue Projections:**

(a) **Does the District intend to use net revenues from operations for debt service payments? ___Yes _✓_ No.**

(b) **Does the District intend to use revenues received from a municipality through either a consent agreement or strategic partnership agreement for debt service payments? ___ Yes _✓_No.**

(iv) **Operating Budget:** Issuance of the bonds will not affect the District's operating budget. The District's system is operated by League City. SEE ATTACHMENT 58.

(v) **Projected Cash-Flow Analysis for Proposed and Existing Debt of District:** (NOT APPLICABLE)

(vi) **No-Growth Cash-Flow Analysis for Proposed and Existing Debt of District:** SEE ATTACHMENT 33(b)

(vii) **Cash-Flow Analysis for All Overlapping Taxing Entities Specifically Attributable to Water, Wastewater, Drainage, Firefighting, Recreation, or Roads:** N/A

(viii) Combined Tax Rate: Complete the following table:

	Projected Tax Rate	No-Growth Tax Rate
District tax rate		
a. Debt service as shown in cash-flow analysis	**$ 1.010**	**$ 1.010**
b. Maintenance Tax	**$ 0.130**	**$ 0.130**
Tax rate for overlapping entities as defined in Commission Rules 293.59(f)(2) and (f)(6) and (e)(2) and (e)(6)		
a. Debt service as shown in cash-flow analysis		
1. League City [(a)]:	**$ 0.00**	**$ 0.00**
b. Maintenance Tax		
1. League City [(a)]:	**$ 0.00**	**$ 0.00**
Equivalent surcharge for water and wastewater, if any:	**$ 0.00**	**$ 0.00**
Although the District is located within the boundaries of League City, none of League City's tax rate is attributable to water, wastewater, drainage, recreation or roads:	**$ 0.0519**	**$ 0.0519**
Less any equivalent tax rebate:	**($ 0.00)**	**($ 0.00)**
TOTAL COMBINED TAX RATE	**$ 1.1919**	**$ 1.1919**

Notes:
(a) SEE ATTACHMENT 59 for a copy of letter from League City.

(ix) Total Taxable Value of Area to be Taxed: $189,940,931 as of September 1, 2018. SEE ATTACHMENT 35.

(x) Waiver of Special Appraisal: The *Agreement Waiving Tax Exemptions* is included as labeled ATTACHMENT 44.

(xi) Overlapping Tax Rates:

TAXING JURISDICTIONS	TAX YEAR	CURRENT TAX RATE PER $100 VALUATION	PROJECTED TAX RATE PER $100 VALUATION
Bay Colony West MUD	2018	1.000000	1.000000
Galveston County	2018	0.529831	0.529831
Dickinson ISD	2018	1.520000	1.520000
City of League City	2018	0.563800	0.563800
College of the Mainland	2018	0.212755	0.212755
Galveston County Road & Flood	2018	0.002067	0.002067
TOTAL		**3.828453**	**3.828453**

(G) **Development Status:**

Does the District have a developer as defined by Water Code Section 49.052(d)? ✓ Yes ___ No.

(i) **Status of Construction:**

Does the District meet the conditions of Commission Rule 293.59(k)(6) regarding completion of facilities prior to Commission approval necessary to serve the projected development?

1. **Compliance with 293.59(k)(6)(A):** At the time of Commission approval, all underground water, wastewater, and drainage facilities to be financed with proceeds from the proposed bond issue or necessary to serve the projected build-out used to support the feasibility of the bond issue, shall be at least 95% complete as certified by the district's engineer. **✓ Yes ___ No ___ Exempt.**

2. **Compliance with 293.59(k)(6)(B):** At the time of Commission approval, all permits for groundwater, surface water, waste discharge, or other permits needed to secure capacity to support the build-out shall have been obtained. **✓ Yes ___ No ___ Exempt.** If no, provide justification to proceed with the bond sale. If exempt, explain the basis.

3. **Compliance with 293.59(k)(6)(C):** At the time of Commission approval, sufficient lift station, water plant, and wastewater treatment plant capacity, as applicable depending on the type of district, to serve the connections projected for a period of not less than 18 months shall either be 95% complete as certified by the district's engineer or available in existing plants in accordance with executed contracts for capacity in plant(s) owned by other entities (but in no event less than 50,000 gallons per day water plant and wastewater plant capacity) **✓ Yes ___ No ___ Exempt.** If no, provide justification to proceed with the bond sale. If exempt, explain the basis.
4. **Compliance with 293.59(k)(6)(D):** At the time of Commission approval, water supply, lift station and wastewater treatment capacity needed to support the projected build-out used to support the feasibility of the subject bond application must be existing or funds for that capacity must be included in the bond issue or secured by a letter of credit or other acceptable guarantee approved by the executive director. **✓ Yes ___ No ___ Exempt.** If no, provide justification to proceed with the bond sale. If exempt, explain the basis.

5. **Compliance with 293.59(k)(6)(E):** At the time of Commission approval, all street and road construction to provide access to the areas provided with utilities to be financed with proceeds from the proposed bond issue, or necessary to serve the projected build-out used to support the feasibility of the subject bond issue, must be 95% complete as certified by the district's engineer. All streets and roads shall be constructed in accordance with city or county standards, as appropriate. **✓ Yes ___ No ___ Exempt.** If no, provide justification to proceed with the bond sale. If exempt, explain the basis.

(ii) **Status of Growth Projected in Previous Bond Issue, if Applicable:** (NOT APPLICABLE)

Previous Bond Issue based upon no growth.

(H) Market Information:

A market study is not provided for the reason checked below. "No growth is projected in determining the feasibility of this bond issue".

SECTION 9 — SHARED FACILITIES

(A) Inventory: (NOT APPLICABLE)

(B) Calculated Pro Rata Shares: (NOT APPLICABLE)

(C) Cost-Sharing Arrangements Requested for Commission Approval: (NOT APPLICABLE)

(D) Oversizing Required by a Local Government or Other Regulatory Agency:

At the request of the City of League City, the Bay Colony West Lift Station and 18-inch Force Main is oversized to allow for flows from an existing subdivision (178 lots), a school, a park and additional single-family residential (~266 lots), all of which are not within the District. The extra flow outside of the District to this lift station accounts for approximately 572 gpm of the total 2,415 gpm used in the design of this lift station. Approximately 1,843 gpm is attributed to flow within the District.

SECTION 10 — PLANS, SPECIFICATIONS, OTHER CONSTRUCTION DOCUMENTS

Pursuant to Water Code Section 26.034(G) and Health and Safety Code Chapter 341, Subchapter C, and the Commission Rules Chapters 290 and 317, plans and specifications for construction projects which are to be funded as District projects require certain approvals. Plans and specifications shall be submitted prior to construction to:

Water Plans
Utility Technical Review Team, MC 153
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Wastewater Plans (as necessary)
Wastewater Permits Section, MC 148
Water Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

As-built plans may be requested upon completion of a project.

(A) Plans:

(i) Construction Plans:

Bay Colony Pointe West, Section 8–VOLUME 4
Bay Colony Pointe West, Section 9–VOLUME 5
Bay Colony Pointe West, Section 10–VOLUME 5
Bay Colony Pointe West, Section 11 – VOLUME 6
Bay Colony Meadows West, Section 3, Phase I– VOLUME 7
Bay Colony Pointe West, Section 3, Phase II– VOLUME 8
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention– VOLUME 9
Bay Colony Pointe West, Section 3, Phase III– VOLUME 10
Bay Colony Meadows West, Section 3, Phase II – VOLUME 10
Bay Colony Meadows West, Section 3, Phase III – VOLUME 10
Bay Colony Pointe and Meadows West Detention – VOLUME 10

(ii) Plat:

Bay Colony Pointe West, Section 8–VOLUME 4
Bay Colony Pointe West, Section 9–VOLUME 5
Bay Colony Pointe West, Section 10–VOLUME 5
Bay Colony Pointe West, Section 11 – VOLUME 6
Bay Colony Meadows West, Section 3, Phase I– VOLUME 7
Bay Colony Pointe West, Section 3, Phase II– VOLUME 8
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention– VOLUME 9
Bay Colony Pointe West, Section 3, Phase III– VOLUME 10
Bay Colony Meadows West, Section 3, Phase II – VOLUME 10
Bay Colony Meadows West, Section 3, Phase III – VOLUME 10
Bay Colony Pointe and Meadows West Detention – VOLUME 10

(B) Contract Documents:

Bay Colony Pointe West, Section 8–VOLUME 4
Bay Colony Pointe West, Section 9–VOLUME 5
Bay Colony Pointe West, Section 10–VOLUME 5
Bay Colony Pointe West, Section 11 – VOLUME 6
Bay Colony Meadows West, Section 3, Phase I– VOLUME 7
Bay Colony Pointe West, Section 3, Phase II– VOLUME 8
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention– VOLUME 9
Bay Colony Pointe West, Section 3, Phase III– VOLUME 10
Bay Colony Meadows West, Section 3, Phase II – VOLUME 10
Bay Colony Meadows West, Section 3, Phase III – VOLUME 10
Bay Colony Pointe and Meadows West Detention – VOLUME 10

(C) Construction Documents:

Bay Colony Pointe West, Section 8–VOLUME 4
Bay Colony Pointe West, Section 9–VOLUME 5
Bay Colony Pointe West, Section 10–VOLUME 5
Bay Colony Pointe West, Section 11 – VOLUME 6
Bay Colony Meadows West, Section 3, Phase I– VOLUME 7
Bay Colony Pointe West, Section 3, Phase II– VOLUME 8
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention– VOLUME 9
Bay Colony Pointe West, Section 3, Phase III– VOLUME 10
Bay Colony Meadows West, Section 3, Phase II – VOLUME 10
Bay Colony Meadows West, Section 3, Phase III – VOLUME 10
Bay Colony Pointe and Meadows West Detention – VOLUME 10

(D) Checklist:

Bay Colony Pointe West, Section 8–VOLUME 4
Bay Colony Pointe West, Section 9–VOLUME 5
Bay Colony Pointe West, Section 10–VOLUME 5
Bay Colony Pointe West, Section 11 – VOLUME 6
Bay Colony Meadows West, Section 3, Phase I– VOLUME 7
Bay Colony Pointe West, Section 3, Phase II– VOLUME 8
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention– VOLUME 9
Bay Colony Pointe West, Section 3, Phase III– VOLUME 10
Bay Colony Meadows West, Section 3, Phase II – VOLUME 10
Bay Colony Meadows West, Section 3, Phase III – VOLUME 10
Bay Colony Pointe and Meadows West Detention – VOLUME 10

SECTION 11 — SPECIAL CONSIDERATIONS

(A) Developer Projects:

Are any of the projects in the proposed bond issue developer projects as defined in Commission Rule 293.44(a)(1)? ✓ Yes ___ No.

(i) Clearing and Grubbing: All Utility Contracts in this current Bond Application have clearing and grubbing as separate bid item.

(ii) Spreading and Compacting of Fill: (NOT APPLICABLE)

(iii) Change in Development Plan: Do any of the projects in the proposed bond issue include the replacement or relocation of existing or designed facilities? ___ Yes ✓ No.

(iv) Railroad, Pipeline, or Underground-Utility Relocations: (NOT APPLICABLE)

(v) Joint-Use Engineering Studies: (NOT APPLICABLE)

(vi) Bridges and Culverts: (NOT APPLICABLE)

(vii) **Proration of Dual Lake–Detention Pond: Does the project include funds for the purchase or construction of detention pond facilities which will hold water continuously for aesthetic or recreational purposes? ___ Yes ✓ No.**

(viii) **Floodplain Mitigation: Does the project include funds for costs associated with the mitigation of floodplain areas? ___ Yes ✓ No.**

(B) **All Projects:**

(i) **Appraisals:** (NOT APPLICABLE)

(ii) **Contract Revenue bonds: Are the proposed bonds contract revenue bonds? ___Yes ✓ No.**

(iii) **Impact Fees and Capital-Recovery Fees:** Does the proposed bond issue include funding for fees calculated and collected under the provisions of Local Government Code 395? **✓ Yes ___ No.**

A copy of the engineering report used to calculate the fee as well as a copy of a contract between the District and the City of League City can be found under labeled ATTACHMENTS 45 and 26, respectively. SEE ATTACHMENT 67 for *Backup Information Related to Capital Recovery Fees*.

SECTION 12 — MISCELLANEOUS CONSIDERATIONS

(A) **Preconstruction Documents:**

SEE ATTACHMENT 46 for a preconstruction agreement between the developer and the District, which covers all construction considered in the following projects:

Bay Colony Pointe West, Section 8–VOLUME 4
Bay Colony Pointe West, Section 9–VOLUME 5
Bay Colony Pointe West, Section 10–VOLUME 5
Bay Colony Pointe West, Section 11 – VOLUME 6
Bay Colony Meadows West, Section 3, Phase I– VOLUME 7
Bay Colony Pointe West, Section 3, Phase II– VOLUME 8
Clearing of Bay Colony Pointe West, Section 3, Phase III, Bay Colony Meadows, Section 3, Phase II, and Detention– VOLUME 9
Bay Colony Pointe West, Section 3, Phase III– VOLUME 10
Bay Colony Meadows West, Section 3, Phase II – VOLUME 10
Bay Colony Meadows West, Section 3, Phase III – VOLUME 10
Bay Colony Pointe and Meadows West Detention – VOLUME 10

(B) **Bid Advertisement:**

Were the competitive bidding statutes complied with in each of the construction contracts executed? ✓ Yes ___No.

(C) **Developer's 30% Contribution Exemption Request:**

(i) **The District is requesting an *exemption* from the requirement to obtain a 30% contribution from the developer on certain construction contracts for the following reason:** (NOT APPLICABLE)

(ii) **The District is requesting a *conditional exemption* from the requirement to obtain a 30% contribution from the developer on certain construction contracts on the anticipation of one of the following conditions being met:**

✓ The District anticipates obtaining an acceptable credit rating (as such rating is defined in Commission Rule 293.47 (b)(4)) prior to the sale of the proposed bond issue. SEE ATTACHMENT 50 for letter from Financial Advisor.

(D) **Letters of Credit, Deferment of Bond Proceeds, Other Acceptable Financial Guarantees:**

(NOT APPLICABLE) All facilities are complete.

(E) **Developer Interest Reimbursement:**

Developer Interest will be reimbursed with this issue (See Section 4, Cost Summary, Footnote 20) The District is only requesting two years of interest on any construction contract.

(F) **Land and Easement Acquisition:**

(i) **Storm-Water Detention Facilities: Does the District intend to purchase easements or sites for storm-water detention facilities? ___Yes ✓ No.**

(ii) **Easements Outside the District's Boundaries: Does the District intend to purchase easements outside the District's boundaries? ___ Yes ✓ No.**

(iii) **Downstream Drainage Channels: Does the District intend to purchase easements to improve drainage channels downstream of the District that pass through other Districts? ___ Yes ✓ No.**

(iv) **Recreational-Facility Sites: Does the District intend to purchase sites for recreational facilities? ___ Yes ✓ No.**

(G) **District Participation in Regional Drainage Systems:**

Does the proposed bond issue include funds to be paid to a regional drainage authority for capacity in a regional storm-water detention system? ___ Yes ✓ No.

(i) **Adoption of System by Public Entity:** (NOT APPLICABLE)

(ii) **Participation Required by Public Entity:** (NOT APPLICABLE)

(iii) **Cost of Participation Uniform:** (NOT APPLICABLE)

(iv) Contract with Public Entity: (NOT APPLICABLE)

SECTION 13 — MISCELLANEOUS INFORMATION

(A) Contracts with Professional Consultants:

SEE ATTACHMENT 55.

(B) Compliance with Commission Rule 293.111(a)(6):

SEE ATTACHMENT 57.

(C) Key Personnel:

(i) Board of Directors	James Maglothin, President Neil Hurley, Vice President Dana Dutton, Secretary George Parker, Deputy Secretary John Wright, Director C/O Paul A. Philbin & Assoc, P.C. 6363 Woodway, Suite 725 Houston, TX 77057 (713) 783-4120
(ii) Attorney	Paul A. Philbin Paul A. Philbin & Assoc, P.C. 6363 Woodway, Suite 725 Houston, TX 77057 (713) 783-4120
(iii) Fiscal Agent	Julie Peak Greg Lentz Masterson Advisors LLC 4400 Post Oak Parkway Suite 2370 Houston, TX 77027 (713) 814-0560 (713) 814-0558
(iv) Tax Assessor-Collector	Rhonda Rushton Assessments of the Southwest, Inc. P.O. Box 1368 Friendswood, Texas 77546-1368 (281) 482-0216

Principal Developer	Mr. Brad Garner, PE Friendswood Development Company Bay Colony Expansion 369, Ltd 550 Greens Parkway Suite 100 Houston, TX 77067 (281) 874-8482
Principal Developer	Mr. Jessie Zambrano Solida (USA) Bay Colony Expansion 200, Ltd 100 E. Savannah Ave, Suite 540 McAllen, TX 78503 (956) 664-8480
(vi) Engineer	Alan D. Hirshman, PE Dannenbaum Engineering Corporation 3100 West Alabama Houston, Texas 77098 (713) 520-9570
(vii) Bookkeeper	Cindy Grimes Municipal Accounts & Consulting, L.P. 1281 Brittmoore Rd. Houston, TX 77043 (713) 623-4539
(viii) Auditor	Sherri Greenwood BKD 2800 Post Oak Blvd., Suite 3200 Houston, TX 77056 (713) 499-4600

(D) <u>Reporting Requirements:</u>

Has the District submitted a current Directors' Registration Form? ✓ Yes ___ No.

Has the District submitted a current District Information Form as required by Water Code Section 49.455? ✓ Yes ___ No.

Has the District submitted a current Audit Report or Financial Dormancy Affidavit? ✓ Yes ___ No.

(E) Name Signs:

Has the District posted at least two name signs, at two or more principal entrances to the District? ✓ Yes ___ No.

The signs are located as follows:

1. Along Calder Road just North of F.M. 517.
2. Along Colony Ridge Lane inside of the Eastern property boundary.
3. Near the intersection of Calder Road & Cross Colony Drive.

(F) Other Information:

No other information needed.