

Control Number: 43146



Item Number: 8

Addendum StartPage: 0

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 3921 Bobbin Lane
 Addison, TX 75001
 RECEIVED
 2015 FEB -3 AM 10:22
 PUBLIC UTILITY COMMISSION
 FILING CLERK

January 31, 2015

Public Utility Commission of Texas
 Central Records
 1701 N Congress, Suite 8-100
 Austin, Texas 78711

RE: Docket #43146 (Avalon Water Supply and Sewer Services Corporation)

Dear PUC:

While it is reassuring to finally see some action being taken on my complaint originally filed on July 14, 2014, I do feel that the PUC erred in not taking action sooner.

In a letter dated, September 29, 2014, I wrote, "At this time, the Board is continuing to conduct meetings that do not comply with the Texas Open Meetings Act (TOMA) or the bylaws of the corporation. Until the meetings are held according to the law and the bylaws, I will continue to have concerns since I am not only a member of the corporation but an adjoining land owner to the waste water facility. This is not a grudge as AWS&SSC has claimed in their meetings. This is about making sure that my family's land is not a target of another attempted illegal "taking" in the future costing my family tens of thousands of dollars in additional legal fees. I need reassurance that any future attempt to obtain our land will be done legally. And, until the meetings are held legally I have no such assurance."

Little did I know at that time, but plans were already being made by Avalon Water Supply and Sewer Services Corporation to place a 1,309 foot water pipe on my property without informing me. In fact, a permit application was submitted by Dakota Utility Contractors to Ellis County on September 25, 2014 at 3:15 PM to place a 2 inch water pipe "from the mainline" in the right-of-way on my property south of Avalon. The permit application was approved on September 26, 2014 without my knowledge. On October 9, 2014 I drove by my property and found three men digging in our recently plowed and fertilized field with a large backhoe. I stopped my car, got out, and asked them who they worked for and what they were doing. One of the men replied, "It's no concern of yours." When I stated that the land belonged to me, he said, "No it doesn't. It's the right-of-way."

This is a different tract of property than AWS&SSC tried unsuccessfully to "take" by eminent domain in 2012 or adverse possession in February 2014. My family ended our original conflict over land near the waste water facility in Avalon in May 2014 by selling the corporation a little over one acre of land. That land contained a 150 pipe that was installed on our property without an easement. So, now we have a 1,309 foot pipe on another tract of land!!!

Research has shown that the adjacent land owner to my property purchased a water meter on or about July 24, 2014. I was told by one of the Directors that AWS&SSC did not want to ask me to "give" them an easement, so it was decided to obtain a right-of-way permit from the county. But here's the problem. W.W. Road next to my land is an old, very narrow unpaved road. The right-of-way is very narrow on this 10 foot wide road. County records show it to be 30 feet, 15 feet from the center of the road. However, the county admits that the road is by prescriptive easement since there are no deeds, easements, or dedications recorded. If it is by prescriptive easement, then the right-of-way is much less. My attorney and the county are both researching this now.

There are also questions as to who actually installed this pipe. The quality of work is not would one would expect from a licensed utility contractor. I understand that the General Manager of AWS&SSC has asked for an invoice from Dakota Utility Contractors, but has been unable to obtain one. AWS&SSC's employee was just leaving the area as I arrived on October 9th and the adjacent land owner was there. Two other men present declined to speak with me, but did not appear to work for Dakota.

AWS&SSC claims the right-of-way is 60 feet. However, the only county roads with 60 foot right-of-ways are concrete roads in new subdivisions. This 40 acre tract of land has been in our family for over 100 years. The pipe was placed over 20 feet

rom the center of the road in our field where we grow crops. That is at least 5 feet over, and maybe more, outside of any right-of-way that the county may have.

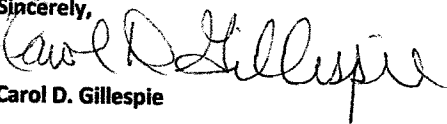
All new memberships with AWS&SSC in the past have been discussed at length in meetings. This water meter was apparently the only membership sold in 2014, and was not discussed in an open meeting other than to state a new meter had been sold. The Board obviously did not want me to know that the adjoining land owner to my property purchased a water meter. Also, since the meter was purchased in July but not installed until October there obviously were issues with providing service to this location which should have been discussed in a meeting. I can only assume that the delay was to allow for harvest of crops in the area to assure that the installation of the pipe would not be seen. My family grew wheat on this property in 2014, and the harvest was complete by early June. They were not waiting for the crop on that property to be harvested. They were waiting on ALL crops in the area to be harvested.

If this new water meter and concern for installation of pipe from the mainline to the new member's property had been discussed in an open meeting, then perhaps I would not have been so shocked or angry to find men digging with heavy equipment on my property. And, perhaps, we would not be headed to court to have the pipe removed. *I was denied any chance to voice my opposition to installing this pipe on my property.*

AWS&SSC refuses to discuss this issue in an open meeting. And, I have had limited chance to discuss with them since according to their attorney I am not allowed to speak with anyone associated with the corporation or to go into their office. There was a meeting on October 9th, but that was the same day that I found the pipe installation being completed. I did not want to address the Board until I had the facts. Plus, they had at least a 2 and a half hour closed session and by the time "Open Forum" came up, I was the only member left. There was no "Open Forum" at the October 23th Special Meeting. There was no "Open Forum" at the November 13th regular meeting because a Director stormed out of closed session. There were not enough Directors left for a quorum, and the meeting was ended. There was no "Open Forum" at the November 20th Special Meeting. There was no December meeting because the Board did not have a quorum. The General Manager only made a one sentence reference to the issue in the January meeting. She stated she had a meeting with county officials regarding the pipe.

Less than 2 weeks after I discovered this pipe on my property, two Directors resigned from the Board. And, AWS&SSC's long-time employee of 18 years gave notice of his resignation. Less than a month later, a new General Manager was hired. This indicates that there are issues within the corporation on how this was handled.

Sincerely,



Carol D. Gillespie



PERMIT NO: 1178

DATE: 09-26-14

PERMIT TO INSTALL
UTILITY LINE ON ELLIS COUNTY RIGHT-OF-WAY

TO: ELLIS COUNTY DEPARTMENT
OF DEVELOPMENT
1201 N. HWY 77, STE. 100
WAXAHACHIE, TX 75165
972-825-5200/FAX: 972-825-5205

Formal notice is hereby given that DAKOTA UTILITY CONTRACTORS, INC purposes to place a 2" water line from Mainline within the right-of-way of WW Road as follows:
(state location, length, general design, method of construction, etc.)

See attached

All types of utility and communication lines will be constructed and maintained in accordance with the provisions of Minute Order No. 9180 dated July 14, 2008 which is herewith attached and becomes a part of this permit. Our firm understands that it is responsible for proper traffic control and that the County considers proper traffic control measures to be those complying with Vernon's Ann. Civ. St. art.6701d "Traffic Regulations".

The location and description of the proposed line and appurtenances are more fully shown on the attached drawing.

Construction of this line to begin on or after the 29TH day of SEPTEMBER, 2014.

FIRM: Dakota Utility Contractors Inc.

BY: Art Aaron Graff

TITLE: President

ADDRESS: 1410 S. Kaufman St.
Emis, Tx. 75119

PHONE: 972-875-6344

FAX: 972-875-6342

SIGNATURE OF APPLICANT: [Signature]

Be it known that Dakota Utility Contractors, Inc. is hereby given permission to perform construction on County Right-of-way on County Road(s) WW Road, near Goodwin Rd + Gillespie Rd

[Signature]
Department of Development
Ellis County

[Signature]
County Commissioner - Pct. 2
Ellis County

Ellis County, Texas

Abridged Transportation Study

October 17, 2011

Ellis County Roads Assessment
Surface Evaluation

ROAD_NAME	RD_ST	et	SURFACE_TV	SURFACE_CO	DRAINAGE	NOTES	SURFACE_MA	WIDTH	ROW	L_Feet	L_Miles	Percent
THISTLE	RD		CHIP_SEAL	POOR	Good	15' joints no center joint	Pea Gravel	14.0	30	311	0.06	2
THOROUGHSHED	RD		CONCRETE	POOR	Good		Concrete	22.0	60	872	0.17	2
TIMS	RD		CHIP_SEAL	FAILED	Needs Maint.			13.0	30	4,372	0.83	2
TOM SAWYER	RD		CHIP_SEAL	FAIR	Needs Maint.		Crushed Aggregate	12.0	40	4,068	0.77	2
TOM SAWYER	RD		CHIP_SEAL	FAIR	Good	ALMOST GOOD	Crushed Aggregate	12.0	40	1,928	0.37	2
TOTH	RD		CHIP_SEAL	EXCELLENT	Good		Lt. Wgt.	16.0	40	3,346	0.63	2
TROJACK	RD		CHIP_SEAL	EXCELLENT	Good		Lt. Wgt.	17.0	40	5,432	1.03	2
TURNER	RD		GRAVEL	POOR	Needs Maint.	THIN TOP LAYER	Crushed Aggregate	11.0	30	7,791	1.48	2
UNION HILL	RD		CHIP_SEAL	POOR	Needs Maint.	SOME RAVELLING EDGE CRACKING SLIGHT RUTTING	Pea Gravel	16.0	40	5,402	1.02	2
UNION HILL	RD		CHIP_SEAL	GOOD	Needs Maint.	POTHLES BEGINNING	Pea Gravel	19.0	40	10,415	1.97	2
UNION HILL	RD		CHIP_SEAL	FAIR	Needs Maint.	POTHLES BEGINNING	Pea Gravel	18.0	40	11,273	2.14	2
UNION HILL	RD		CHIP_SEAL	POOR	Needs Maint.	EDGES CRACKING UNEVEN RIDE	Pea Gravel	18.0	40	8,347	1.58	2
VALDEZ	RD		CHIP_SEAL	FAILED	Needs Maint.	AUGMENTED WITH GRAVEL	Pea Gravel	16.0	40	3,992	0.76	2
VALEK	RD		CHIP_SEAL	FAILED	Good		Pea Gravel	14.0	40	3,201	0.61	2
VALEK	RD		CHIP_SEAL	FAILED	Good		Pea Gravel	13.0	40	1,011	0.19	2
VANNESON	RD		GRAVEL	POOR	Poor		Pea Gravel	13.0	40	3,038	0.58	2
VICTORIAN DR	RD		CONCRETE	FAIR	Good	LONGITUDINAL CRACKING STARTING	Crushed Aggregate	13.0	30	2,850	0.54	2
VICTORIAN DR	RD		CONCRETE	POOR	Good	10-Excellent		20.0	40	211	0.04	2
VICTORIAN DR	RD		CHIP_SEAL	POOR	Good		Pea Gravel	25.0	40	412	0.08	2
VICTORIAN DR	RD		CONCRETE	POOR	Good		Pea Gravel	25.0	40	2,526	0.48	2
VINTAGE DR	RD		CHIP_SEAL	FAIR	Good	10-Excellent	Pea Gravel	25.0	40	358	0.07	2
VIRGINIA	RD		CHIP_SEAL	FAIR	Needs Maint.	POOR SHOULDERS	Pea Gravel	25.0	40	1,586	0.30	2
W W	RD		DIRT/DIRT NATURAL	POOR	Poor	TWO-TRACK SOME GRAVEL FEELS PRIVATE	Natural/Dirt	9.0	40	549	0.10	2
WAKELAND	RD		GRAVEL	POOR	Good	MUDDY TWO-TRACK SOME GRAVEL ADDED	Pit Run	10.0	30	1,308	0.25	2
WAKELAND	RD		GRAVEL	FAIR	Needs Maint.		Crushed Aggregate	15.0	30	6,237	1.18	2
WALKER CREEK	RD		GRAVEL	FAIR	Needs Maint.	FREQUENTLY WASHES OUT	Crushed Aggregate	13.0	30	5,418	1.03	2
WALKER CREEK	RD		CHIP_SEAL	FAILED	Needs Maint.	LONGITUDINAL CRACKING	RAP	12.0	30	4,437	0.84	2
WALKER CREEK	RD		GRAVEL	POOR	Poor	NONEXISTENT IN PLACES	RAP	12.0	30	3,158	0.60	2
WALKER CREEK	RD		GRAVEL	POOR	Poor	NONEXISTENT IN PLACES	Crushed Aggregate	16.0	30	6,139	1.16	2
WEST	RD		CHIP_SEAL	POOR	Good	POTHLES	Crushed Aggregate	20.0	30	3,938	0.75	2
WEST	RD		CHIP_SEAL	POOR	Needs Maint.	POTHLES HIGH SHOULDERS	Pea Gravel	16.0	40	2,341	0.44	2
WEST	RD		CHIP_SEAL	POOR	Good	EDGES CRACKING RUTS FORMING MANY PATCHES	Pea Gravel	18.0	40	5,274	1.00	2
WEST	RD		GRAVEL	FAIR	Needs Maint.	SLIGHT WASHBOARDING pull shoulders	Pea Gravel	16.0	40	5,512	1.04	2
WHITEHOUSE	RD		CHIP_SEAL	FAIR	Needs Maint.	HEAVY CRACKING AND PATCHING	Crushed Aggregate	21.0	40	7,344	1.39	2
WHITEROCK	RD		CHIP_SEAL	FAILED	Non-Existant	ALIGNED WITH GRAVEL TO MAKE POSSIBLE	Pea Gravel	16.0	40	2,042	0.39	2
WHITEROCK	RD		GRAVEL	GOOD	Needs Maint.	FLOODS OFTEN	Pea Gravel	12.0	20	8,053	1.53	2
WHITEROCK	RD		GRAVEL	GOOD	Needs Maint.	FLOODS OFTEN	Flex-base	15.0	40	3,257	0.62	2
WILLOW	RD		CHIP_SEAL	FAILED	Poor	HEAVILY PATCHED WITH RAP RUTS	Flex-base	15.0	40	3,081	0.58	2
WILSON	LN		CHIP_SEAL	FAIR	Good	SHOULDER DAMAGE AT MAILBOXES	Pea Gravel	16.0	40	6,574	1.25	2
WINDHAM	RD		CHIP_SEAL	GOOD	Good		Pea Gravel	16.0	40	2,516	0.48	2
WINDHAM	RD		GRAVEL	FAIR	Good		Lt. Wgt.	16.0	40	4,405	0.83	2
YOUNGBLOOD	RD		CHIP_SEAL	POOR	Needs Maint.	SOFT RUTS CENTER VEGETATION	Flex-base	12.0	40	6,327	1.20	2
YOUNGBLOOD	RD		CHIP_SEAL	POOR	Needs Maint.	RUTTED POTHLES sections have failed	Pea Gravel	16.0	40	5,603	1.06	2
ZMOJIK	RD		CHIP_SEAL	FAILED	Needs Maint.	RUTTED POTHLES	Pea Gravel	16.0	40	3,662	0.69	2
ZMOJIK	RD		CHIP_SEAL	GOOD	Good	SECTIONS NEED MAINTAINED	Pea Gravel	16.0	40	11,886	2.25	2
Predict 2 Total				400						1,552,548	294.04	



Opposite side of W.W. Road was marked for utilities. There is a buried telephone line in the rather large easement on that side of road.

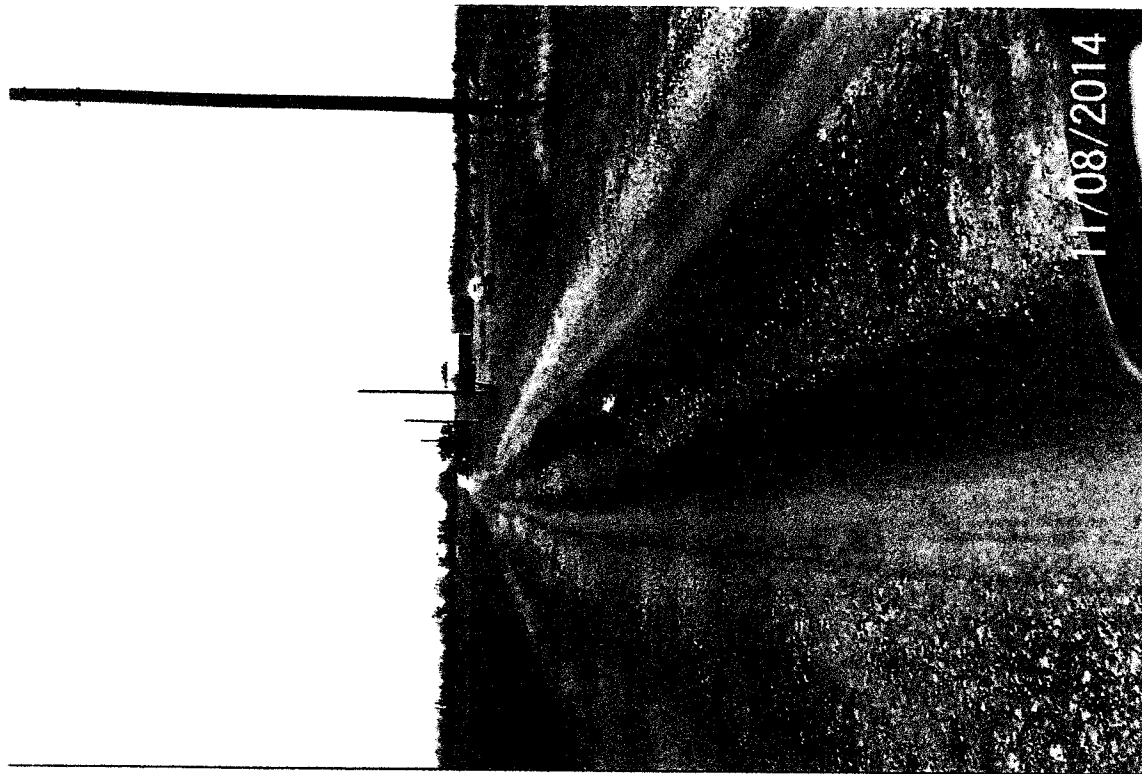


Our land facing south, from north side.
 ~ Notice ruts left in land. (Picture was taken 10 days later and after rain.) Notice how crooked trench is.



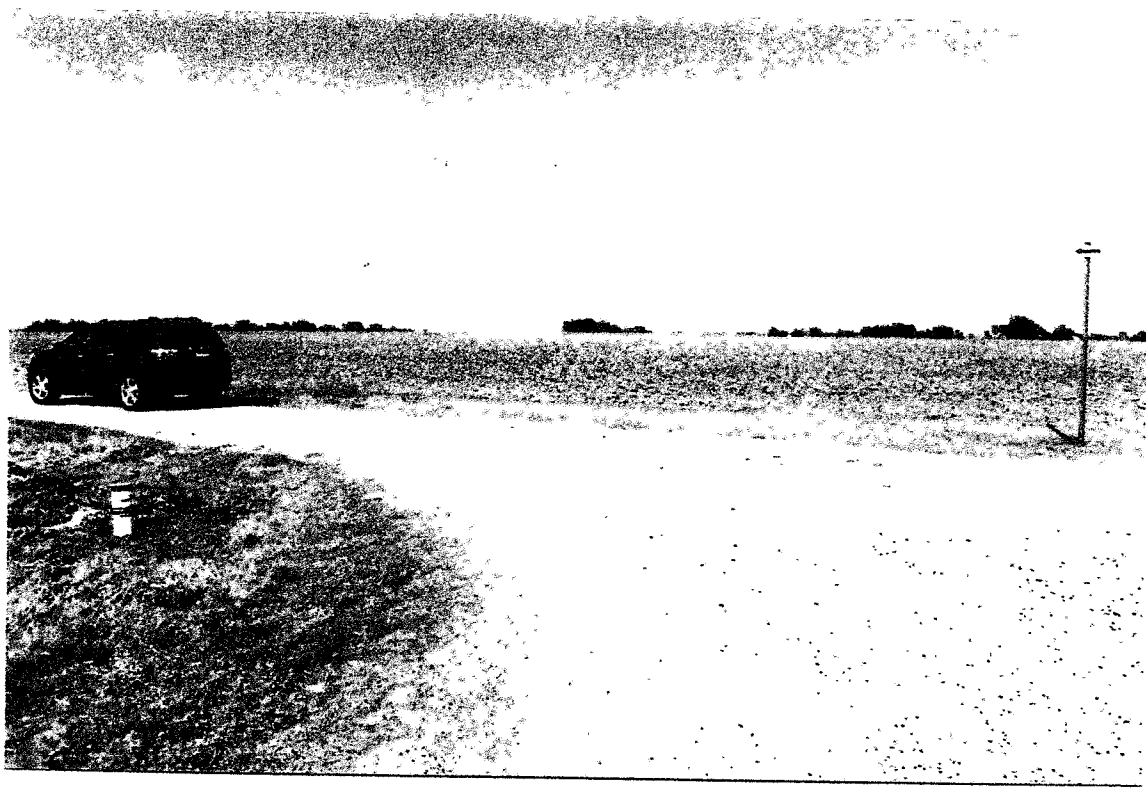
11/08/2014

This is W W Road. There is no way that this poor road has 100 foot ROWs.



11/08/2014

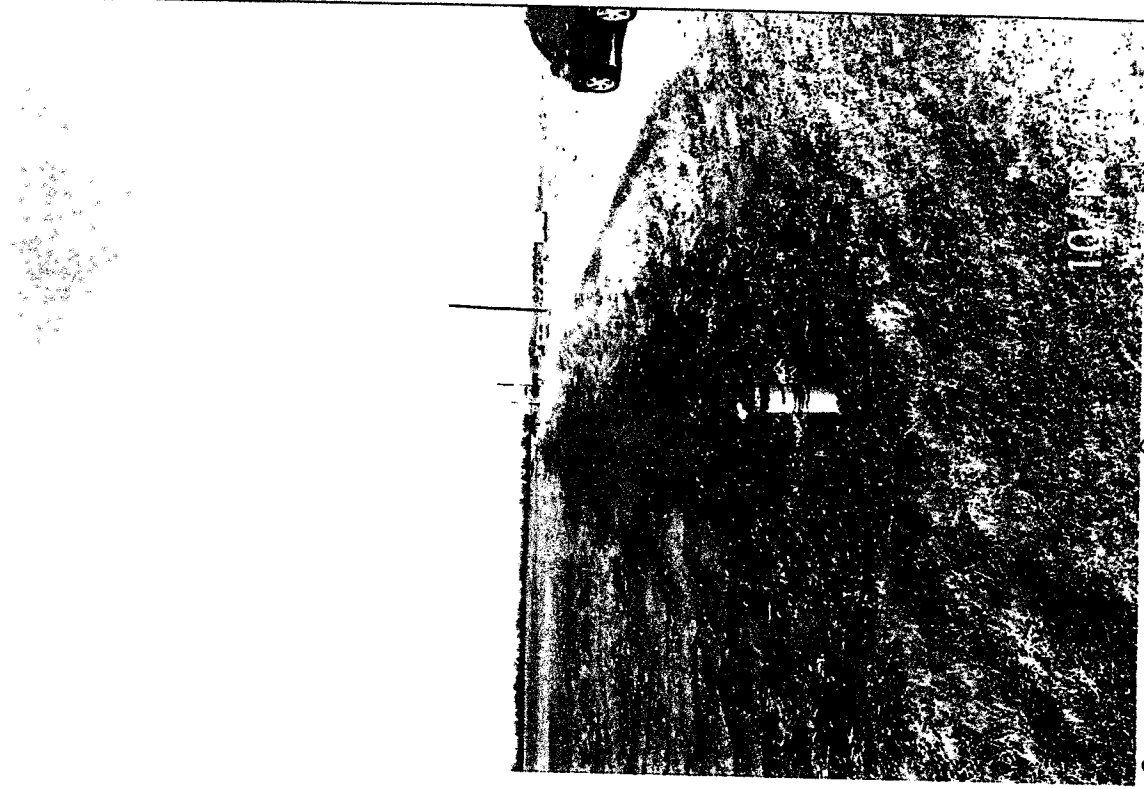
Also, notice large easement on opposite side of road.



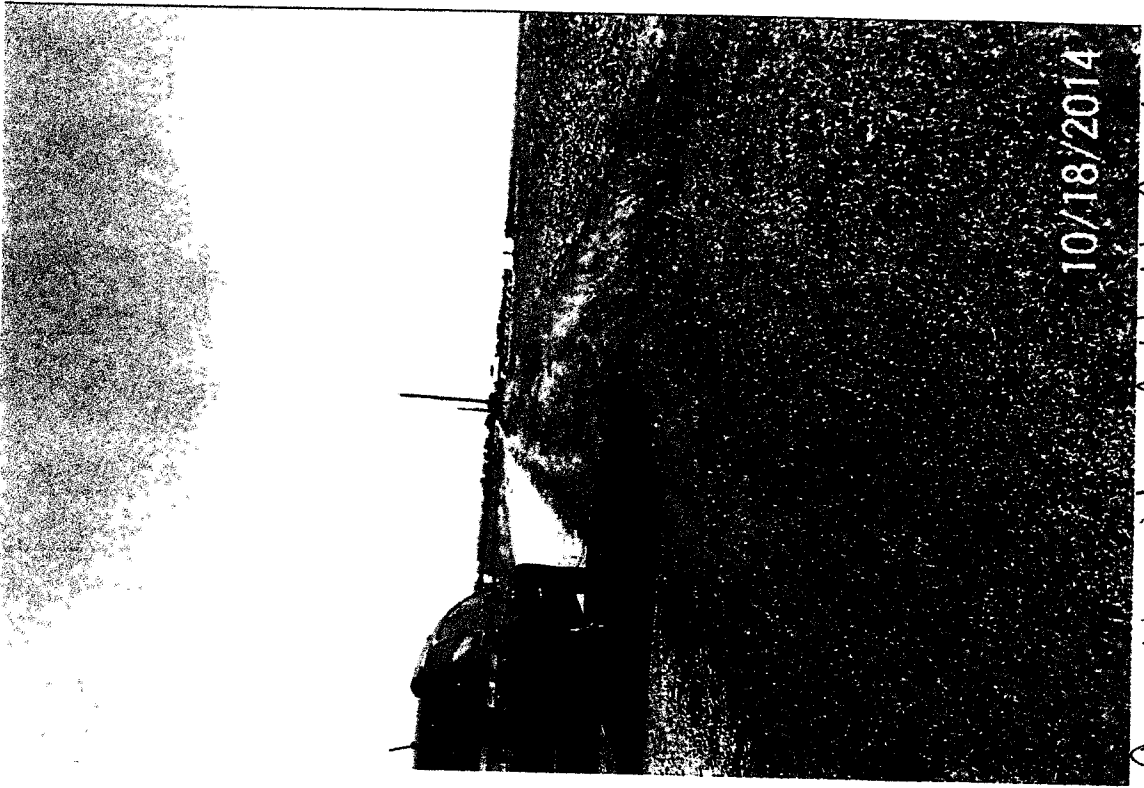
Notice water tap on mail line
sticking up. Hazard to farm
equipment.



Notice how far into field on
private property that installers
drove backhoe.



Our property from south side, looking north. Notice tap sticking up out of ground.



Opposite side of W.W. Road was marked for buried phone lines—orange spray paint, and overhead power lines.