



Control Number: 43360



Item Number: 30

Addendum StartPage: 0

June 14, 2015

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Wheeler Heritage LTD
P.O. Box 267
Pleasanton, TX 78064

Public Utility Commission of Texas
Central Records
1701 N. Congress, PO Box 13326
Austin, TX 78711-3326

Re: Water & Sewer Utility Service

To Whom It May Concern:

I have read the Notice to Neighboring Systems, Landowners and Cities, Docket No. 43360, dated June 19, 2015, notice of application to obtain a Certificate of Convenience and Necessity (CCN) to provide water & sewer utility service in Atascosa County, Texas. However, I am requesting to be excluded from the proposed area (to "opt out") by providing you with this written notice and a copy to the applicant, The City of Pleasanton.

Enclosed, please find a Cash Deed dated September 14, 1999, filed in the Atascosa County Courthouse.

Thank you for your attention to this matter.

Sincerely,



James R. Wheeler
Wheeler Heritage LTD
(210) 213-5044

Copy: The City of Pleasanton
File
Enclosure

33378
FILED FOR RECORD

CASH DEED

Date: ~~August 20, 1999~~ September 14, 1999 99 OCT -5 PH 2: 55

Grantor: L. GLENN EVANS, joined by his wife, SHIRLEY EVANS, pro forma. LAQUITA HAYDEN (4)
COUNTY CLERK
BY C. M. DEPUTY Pd. 15.00

Grantor's Mailing Address: 4004 Lexington,
Dallas, Dallas County, Texas 75205

Grantee: ATASCOSA LIVESTOCK EXCHANGE, INC.

Grantee's Mailing Address: Box 267 Pleasanton
Pleasanton, Atascosa County, Texas 78064

Consideration: TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Property (including any improvements):

All of Grantor's right title and interest in and to 557.18 acres of land, more or less and being more particularly described as follows:

BEING 576.59 ACRES OF LAND, MORE OR LESS, 157.50 ACRES OUT OF THE WM. MOORE SURVEY NO. 898, ABSTRACT NO. 818; 417.48 ACRES OUT OF THE WM. MOORE SURVEY NO. 899, ABSTRACT NO. 630 AND 1.33 ACRES OUT OF THE ALEJO OROSCO SURVEY NO. 387, ABSTRACT NO. 853, ATASCOSA COUNTY, TEXAS AND OUT OF A 600.71 ACRE TRACT OF LAND RECORDED IN VOLUME 670, PAGES 223-227, DEED RECORDS, ATASCOSA COUNTY, TEXAS. SAID 576.59 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a fence corner for the northeast corner of this tract, the northeast corner of the 600.71 acre tract and the northeast corner of the Wm. Moore Survey No. 899.

THENCE S 89 deg. 36' 43" W, 2710.91 feet along a fence line and the north line of the William Moore Survey No. 899 to a fence corner for a corner of this tract.

THENCE S 75 deg. 14' 04" W, 731.17 feet along a fence line to a fence corner for a corner of this tract.

THENCE N 08 deg. 28' 38" W, 827.75 feet along a fence line to an iron pin on the Southeast line of State Highway No. 97 for a corner of this tract.

THENCE S 52 deg. 49' 00" W, 68.41 feet along the Southeast line of State Highway No. 97 to an iron pin for a corner of this tract.

THENCE 08 deg. 28' 38" E, 592.87 feet to an iron pin for a corner of this tract.

THENCE S 52 deg. 49' 00" W, 207.77 feet to an iron pin for a corner of this tract.

THENCE N 37 deg. 11' 00" E 520.00 feet to an iron pin on the southeast line of State Highway No. 97 to an iron pin for a corner of this tract.

THENCE S 52 deg. 49' 00" W, 60.00 feet along the southeast line of State Highway No. 97 to an iron pin for a corner of this tract.

THENCE S 37 deg. 11' 00" E 635.00 feet to an iron pin at a point of curvature.

THENCE along a curve concave to the west a distance of 23.56 feet to an iron pin at a point of tangency. The curve has a radius of 15.00 feet and a delta angle of 90 deg. 00' 00".

THENCE S 52 deg. 49' 00" W, 1294.15 feet to a point for a corner of this tract.

THENCE N 37 deg. 11' 00" W, 127.28 feet to an iron pin for a corner of this tract.

THENCE S 52 deg. 49' 00" W, 550.00 feet to an iron pin for a corner of this tract.

THENCE N 37 deg. 11' 00" W, 522.72 feet to an iron pin on the southeast line of State Highway No. 97 for a corner of this tract.

(#7)

576.59 ACRES
LVE 19.41

557.18
Total 576.59

being

157.50 / Moore

A

417.48 / Moore

A

1.33 / Oro

A

out of 600.

THENCE S 52 deg. 49' 00" W, 80.00 feet along the southeast line of State Highway No. 97 to iron pin for a corner of this tract.

THENCE S 37 deg. 11' 00" E, 522.72 feet to an iron pin for a corner of this tract.

THENCE S 52 deg. 49' 00" W, 985.65 feet to a point for a corner of this tract.

THENCE N 37 deg. 11' 00" W, 522.72 feet to a point on the Southeast line of State Highway No- 97 for a corner of this tract.

THENCE S 52 deg. 49' 00" W, 1395.34 feet along the southeast line of State Highway No.97 to a fence corner for the northwest corner of this tract and the northwest corner of the 600.71 acre tract.

THENCE along a fence line and the west line of this tract the following courses:

S 09 deg. 24' 40" E, 1657.89 feet to a fence corner.

S 08 deg. 38' 10" E, 214.07 feet to a fence corner.

S 05 deg. 46' 36" E, 1331.48 feet to a fence corner on the north line of a County Road for the southwest corner of this tract and the southwest corner of the 600.71 acre tract.

THENCE N 89 deg. 42' 29" E, 1641.95 feet along a fence line and the north line of said County Road to a fence corner for the lower southeast corner of this tract and the lower southeast corner of the 600.71-acre tract.

THENCE N 00 deg. 20' 30" W, 1838.14 Feet along a fence line to a 2" iron pipe at a fence corner for a corner of this tract and a corner of the 600.71 acre tract.

THENCE N 89 deg. 22' 58" E, 5422.29 feet along a fence line to a fence corner on the east line of the William Moore Survey No.899 for the upper Southeast corner of this tract and the upper southeast corner of the 600.71 acre tract.

THENCE N 00 deg. 28' 09" W, 3627.29 feet along a fence line and the east line of the William Moore Survey No. 899 to the POINT OF BEGINNING.

EXCEPTING therefrom a 19.41 acre or 845,500 square feet tract of land, more or less, being all of that same 17.130 acre tract surveyed by Charles W. Rotha on 25th February, 1988 and out of the 600.71 acre tract described in instrument recorded in Volume 670, Pages 219-222 of the deed records of Atascosa County on May 10th 1984, out of the William Moore survey no.898, abstract no.816 of Atascosa county, Texas now in the city of Pleasanton and Atascosa County, Texas, said 19.41 acres being further described by metes and bounds as follows:

L&E 19.41
 Crime 17.
 AL

BEGINNING at a found 5/8" iron rod on the called south right-of-way line of State Highway 97, a 120-foot right-of-way, said point being on the southwest line of a pipeline and telephone or telegraph easement described in instrument recorded in Volume 108, Page 314 of the Deed Records of Atascosa County, the northernmost corner of this tract, from which a found 1/2" iron rod bears N. 52 deg. 56' 42" E, a distance of 437.78 feet at the west corner of a 9.086 acre tract.

THENCE S. 44 deg. 47' 28" E., along and with the southwest line of said easement a distance of 958.44 feet to a found 5/8" iron rod.

THENCE S. 52 deg. 49' 00" W, at 848.89 feet passing a found 5/8" iron rod, the easternmost corner of the said 17.130 acre tract and continuing for a total distance of 1024.49 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson".

THENCE N. 37 deg. 11' 00" W, a distance of 200.00 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson".

THENCE N. 52 deg. 49' 00" E, a distance of 90.00 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson".

THENCE N. 37 deg. 11' 00" W, a distance of 750.00 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson" on the called south right-of-way line of State Highway 97 from which a found 1/2" iron rod bears S. 53 deg. 28' 28" W, a distance of 150.28 feet on the northeast line of the remainder of that 18.98 acre tract, the American Legion Post #436 described in instrument recorded in Volume 187, Pages 437-438 of the Deed Records of Atascosa County, Texas.

THENCE N. 52 deg. 49' 00" E. along and with the south right-of-way line of State Highway 97 at 85.60 feet passing a found 5/8" iron rod at the westernmost corner of the 17.130 acre tract and continuing for a total distance of 807.60 feet to the POINT OF

Beginning and containing 19.41 acres, more or less, in the City of Pleasanton and Atascosa County, Texas.

Reservations from and Exceptions to Conveyance and Warranty:

- a. Right-of-way dated May 31, 1927, executed by W.J. BOWEN to HUMBLE PIPE LINE CO., recorded in Volume 108, Page 314, Deed Records, Atascosa County, Texas
- b. Easement dated January 8, 1947, executed by FRED FRANK, ET UX to CENTRAL POWER AND LIGHT COMPANY, recorded in Volume 183, Page 100, Deed Records, Atascosa County, Texas.
- c. Easement dated June 10, 1947, executed by FRED FRANK to ATLANTIC PIPE LINE COMPANY, recorded in Volume 197, Page 573, Deed Records, Atascosa County, Texas.
- d. Easement dated MAY 2, 1951, executed by FRED FRANK, ET UX to CENTRAL POWER AND LIGHT COMPANY, recorded in Volume 208, Page 240, Deed Records, Atascosa County, Texas.
- e. Easement dated February 8, 1951, executed by FRED FRANK, ET UX to CENTRAL POWER AND LIGHT COMPANY, recorded in Volume 208, Page 238, Deed Records, Atascosa County, Texas-
- f. Easement dated AUGUST 12, 1972, executed by LOYD C. SIVERT, ET UX to CENTRAL POWER AND LIGHT COMPANY, recorded in Volume 409, Page 1045, Deed Records, Atascosa County Texas.
- g. Easement dated September 4, 1977, executed by VELMA SIVERT to LOVACA GATHERING COMPANY, recorded in Volume 489, Page 458, Deed Records, Atascosa County, Texas.
- h. Right-of-way Agreement dated June 15, 1979 executed by L.C.SIVERT.ET UX to LOVACA GATHERING CO, recorded in Volume 492, Page 398, Deed Records, Atascosa County, Texas.
- i. Easement dated June 19, 1978, executed by L.C. SIVERT, ET UX to LOVACA GATHERING CO., recorded in Volume 492, Page 389, Deed Records, Atascosa County, Texas.
- j. Mineral and/or Royalty Reservation as set Out in Warranty Deed dated August 13, 1981, executed by VELMA B. SIVERT to ROY G. WHEELER AND JIM MCDANIEL, recorded in Volume 570, Page 458, Deed Records, Atascosa County, Texas; provided Grantor does not by this instrument ratify or revive said Mineral and/or Royalty Reservation.
- k. Oil Lease dated MAY 22, 1983, executed by ROY G. WHEELER, ET AL to JAMES R. THOMAS, recorded in Volume 630, Page 115, Deed Records, Atascosa County, Texas; and an Amendment to said Oil Lease recorded in Volume 638, Page 174, Deed Records, Atascosa County, Texas; provided Grantor does not by this instrument ratify or revive said Oil Lease.
- l. Mineral and/or Royalty Reservation as set out in Warranty Deed dated APRIL 20, 1984, executed by ATASCOSA LIVESTOCK EXCHANGE, INC. to DAL-PORT CORPORATION, recorded in Volume 670, Page 223, Deed Records, Atascosa County, Texas. ; provided Grantor does not by this instrument ratify or revive said Mineral and/or Royalty Reservation.
- m. Easement and Right-of-Way dated MAY 21, 1984, executed by ATASCOSA LIVESTOCK EXCHANGE, INC. and DAL-QRT CORPORATION to CENTRAL POWER AND LIGHT COMPANY, recorded in Volume 671, Page 394, Deed Records, Atascosa County, Texas.
- n. Easement Agreement dated JANUARY 9, 1989, executed by ATASCOSA LIVESTOCK EXCHANGE, INC., DALPORT CORPORATION to MCDONALD'S CORPORATION, recorded in Volume 807, Page 823, Deed Records, Atascosa County, Texas.
- o. Non-disturbance Agreement dated FEBRUARY 22, 1989, executed by MBANK DALLAS NA. F/w/a MBANK MARKET CENTER f/w/a DALLAS BANK AND TRUST COMPANY and MCDONALD'S CORPORATION to One Another recorded in Volume 808, Page 128, Deed Records, Atascosa County, Texas.
- p. Easement Agreement dated FEBRUARY 28, 1989, executed by ATASCOSA LIVESTOCK EXCHANGE, INC., ET AL to MCDONALD'S CORPORATION, recorded in

Volume 807, Page 618, Deed Records, Atascosa County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantors and Grantors' heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantees and Grantees' heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof except as to the reservations from and exceptions to warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this ^{14th} day of ~~August~~ ^{SEPT} 1999.

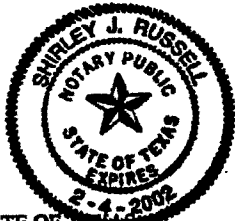
L. Glenn Evans
L. GLENN EVANS

Shirley Bracken Evans
SHIRLEY BRACKEN EVANS
Pro forma

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the ^{14th} day of ~~August~~ ^{SEPT} 1999 by L. Glenn Evans.

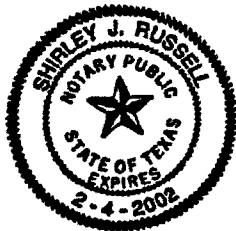


Shirley J. Russell
Notary Public, State of Texas
Printed name of Notary:
My Commission expires _____

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the ^{14th} day of ~~August~~ ^{SEPT} 1999 by Shirley Bracken Evans.



Shirley J. Russell
Notary Public, State of Texas
Printed name of Notary:
My Commission expires _____

STATE OF TEXAS COUNTY OF ATASCOSA

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the OPR records of Atascosa County, Texas stamped herein by me.



RECORDING DATE
OCT - 6 1999
LAQUITA HAYDEN

COUNTY CLERK Atascosa County, Texas

By *B. Hayden* Deputy

AFTER RECORDING, RETURN TO:
Atascosa Livestock Exchange, Inc
PO Box 267
Pleasanton, Texas 78064

PREPARED BY:
ROBERT M. KUNCZT
2200 Warner Ave., Suite 101
San Antonio, Texas 78201

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION TO OBTAIN A CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE
WATER & SEWER UTILITY SERVICE IN ATASCOSA COUNTY, TEXAS

To: Wheeler Heritage LTD
(Neighboring System, Landowner or City)
P.O. Box 267
(Address)
Pleasanton TX 78064
City State Zip

Date Notice mailed 19-Jun, 2015

The City of Pleasanton filed an application with the Public utility Commission of Texas to obtain a water and sewer Certificates of Convenience and Necessity in Atascosa County.

WATER & SEWER UTILITY SERVICE

The proposed water and sewer utility service areas is located approximately 3 miles to the north and south of downtown City of Pleasanton, Texas, and is generally bounded on the north by the intersection of US Highway 37 and Saint Augustine; on the east by Interstate highway 37; on the south by County Road 430; on the west by State Highway 16.

See enclosed map of the proposed service area.

The total area being requested for the **Proposed Water Service Area** includes approximately 17,555 acres and 4,414 current customers. The total area being requested for the **Proposed Sewer Service Area** includes approximately 24,305 acres and 3,877 current customers.

A copy of the proposed service area map is available at:

Location: 108 Second St. Pleasanton, TX 78064; Hours: 8:00 am - 5:00 pm Monday-Friday

Phone: (830) 569 - 3867

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I've/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

**Public Utility Commission of Texas
Central Records
1701 N.Congress, P.O. Box 13326
Austin, TX 78711-3326**

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

Notice to Neighboring Systems, Landowners and Cities

If a public hearing is requested, the Commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

**Public Utility Commission of Texas
Central Records
1701 N. Congress, P.O. Box 13326
Austin, TX 78711-3326**

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.