

Control Number: 45476



Item Number: 18

Addendum StartPage: 0

June 27, 2016

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PUBLIC UTILITY COMMISSION  
FILING CLERK

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

Re: Docket No. 45476  
Doublehorn Ranch Ltd.

In response to the NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN BURNET COUNTY, TX to amend its sewer water CCN 11137 and sewer CCN 20426 in Burnet County we request to opt out. Enclosed are the required documents.

Doublehorn Ranch, LP

By: Doublehorn Ranch Management, LLC, its General Partner

*By: Duke M. Covert, Limited Partner*

By: Duke M. Covert, Limited Partner

*By: Lynne S. Covert, Limited Partner*

By: Lynne S. Covert, Limited Partner

Cc: City of Marble Falls  
Public Works Department  
1808 2<sup>nd</sup> Street  
Marble Falls, TX 78654

**Notice to Neighboring Systems, Landowners and Cities**

**NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE  
IN BURNET COUNTY, TEXAS**

TO: Doublehorn Ranch Ltd.  
11750 D Research Blvd.  
Attn: Andra  
Austin, TX 78759

Date Notice Mailed: June 1, 2016

The City of Marble Falls has filed an application with the Public Utility Commission of Texas to amend its sewer water CCN 11137 and sewer CCN 20426 in Burnet County.

The proposed water and sewer service areas are generally located approximately within a 5 mile radius of downtown Marble Falls, and are generally bounded on the north by FM 1855; on the east by County Road 404 and County Road 341; on the south by County Road 403; and on the west by Wirtz Dam Road and FM 1980.

**See enclosed maps of the proposed water and sewer service areas.**

The proposed water service areas being requested include approximately 7700 acres and 58 current customers. The proposed sewer service areas being requested include approximately 9500 acres and 0 current customers.

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/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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 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.

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 CCN service areas, you may request to be excluded from the proposed CCN service areas (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 water and sewer CCN service areas must include a large scale 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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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

*Si desea informacion en Espanol, puede llamar al 1-888-782-8477*



**Legend**

- Railroads
- Water
- City of Marble Falls - Proposed Water CCN Service Area
- Lakes and Rivers

**City of Marble Falls Water and Sewer CCN Amendment Application**

**Water CCN Requested Area  
Docket No. 45476  
Large Scale Detail Map**



0 0.4 0.8 1.6 Miles

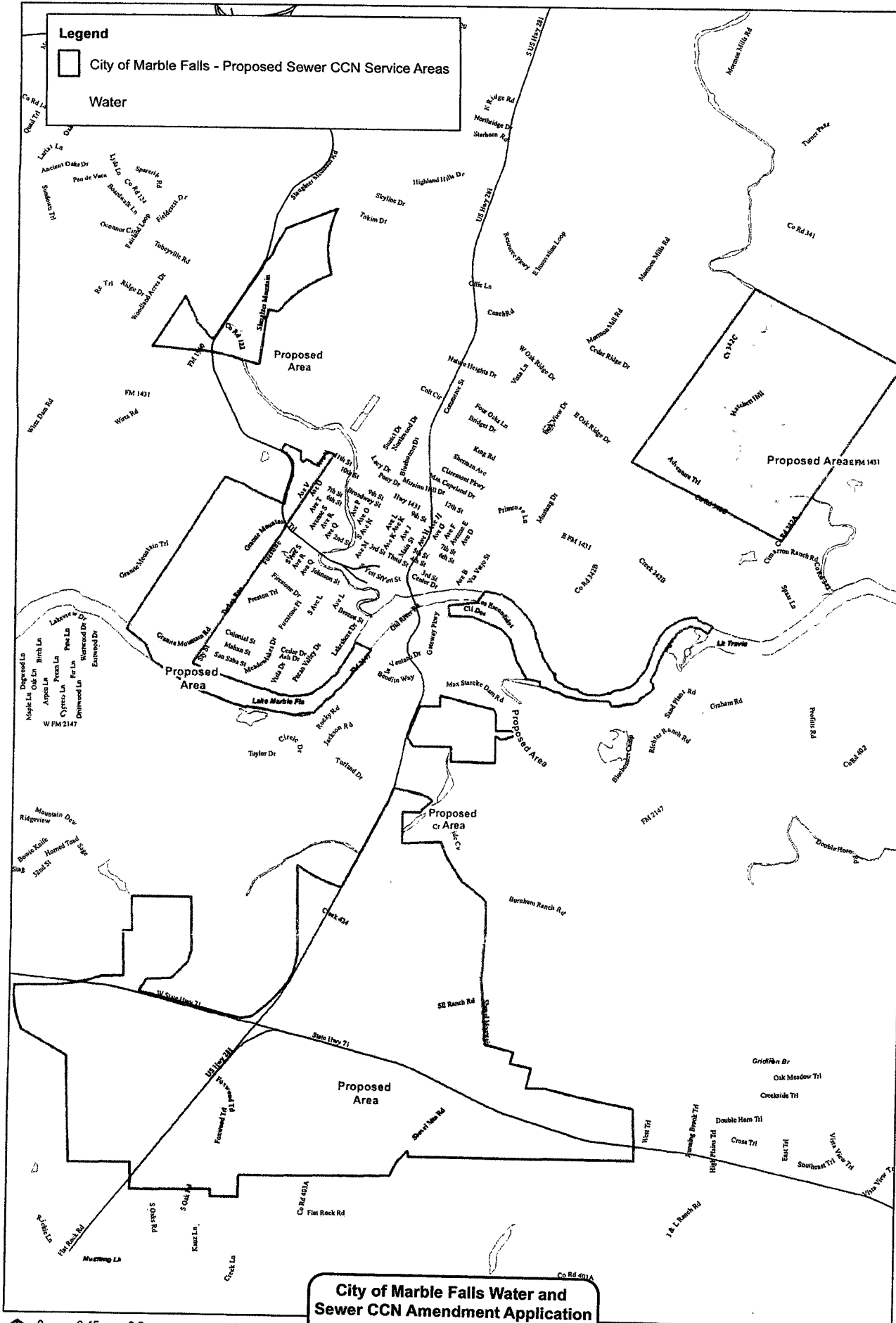
Coordinate System: GCS North American 1983;  
Datum: North American 1983; Created: 4/6/2016


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Data Source: Sewer CCN service areas obtained from the Texas Public Utility Commission. Roads, Railroads, and Water obtained from the BAS Partnership Files, U.S. Census Bureau, 2015.



**Legend**

-  City of Marble Falls - Proposed Sewer CCN Service Areas
-  Water



 0 0.45 0.9 1.8 Miles  
 Coordinate System: GCS North American 1983;  
 Datum: North American 1983; Created: 4/6/2016

**City of Marble Falls Water and  
 Sewer CCN Amendment Application**  
  
**Sewer CCN Requested Area  
 Docket No. 45476  
 Large Scale Detail Map**

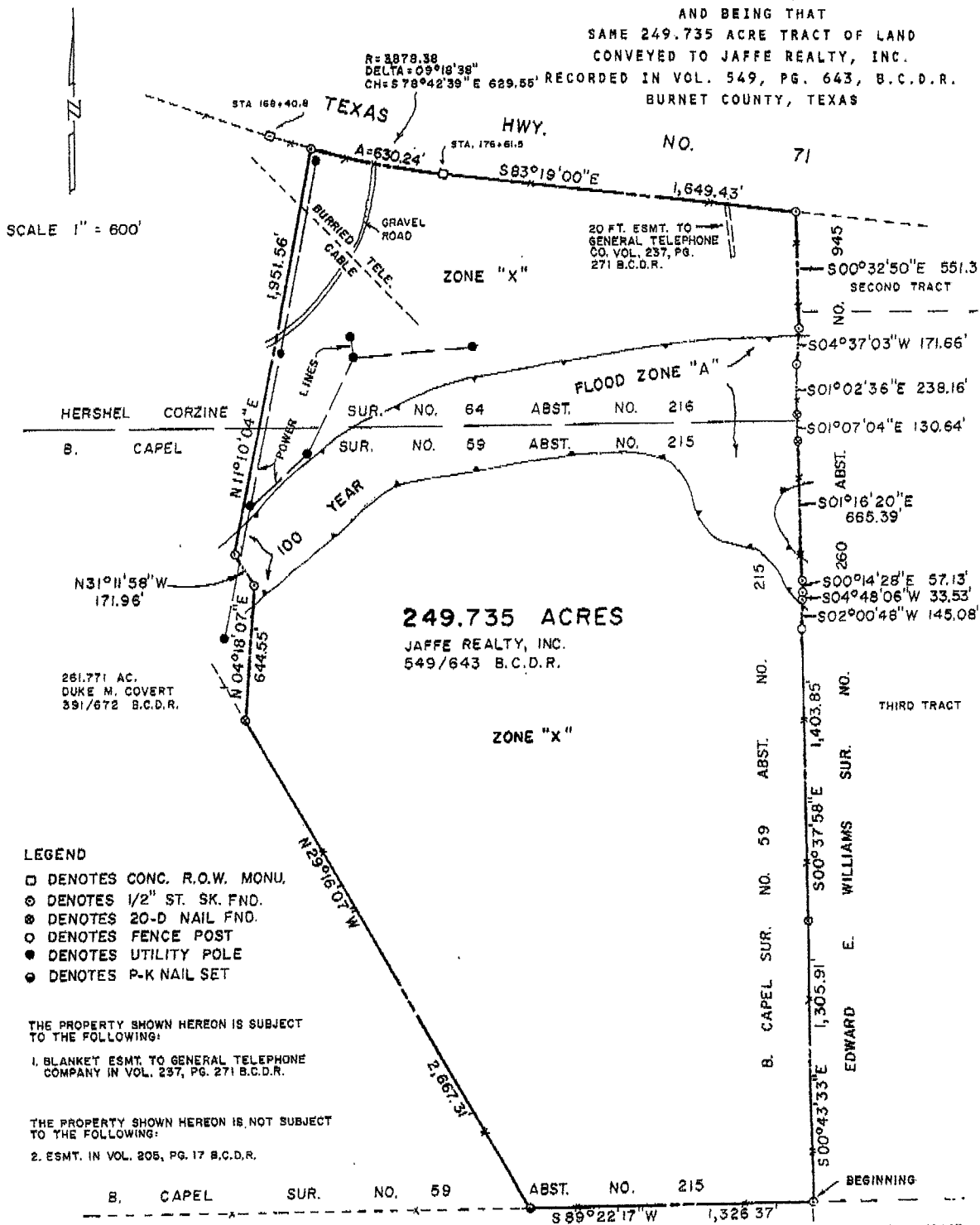
© 2016 Bickerstaff Heath Delgado Acosta LLP  
 Data Source: Sewer CCN service areas obtained  
 from the Texas Public Utility Commission.  
 Roads, Railroads, and Water obtained from  
 the BAS Partnership Files, U.S. Census Bureau, 2015.





**Willis and Associates**  
 LAND SURVEYORS AND PLANNERS  
 310 MAIN • MARBLE FALLS, TEXAS • 78854  
 (210) 693-3566 FAX (210) 693-3362

CONSISTING OF APPROX. 62.0 ACRES  
 OUT OF THE  
 HERSHEL CORZINE SURVEY NO. 64, ABST. NO. 216  
 AND APPROX. 187.7 ACRES  
 OUT OF THE  
 B. CAPEL SURVEY NO. 59, ABST. NO. 215  
 AND BEING THAT  
 SAME 249.735 ACRE TRACT OF LAND  
 CONVEYED TO JAFFE REALTY, INC.  
 BURNET COUNTY, TEXAS



SCALE 1" = 600'

**249.735 ACRES**  
 JAFFE REALTY, INC.  
 549/643 B.C.D.R.

- LEGEND**
- DENOTES CONC. R.O.W. MONU.
  - ⊙ DENOTES 1/2" ST. SK. FND.
  - ⊙ DENOTES 20-D NAIL FND.
  - DENOTES FENCE POST
  - DENOTES UTILITY POLE
  - ⊙ DENOTES P-K NAIL SET

THE PROPERTY SHOWN HEREON IS SUBJECT TO THE FOLLOWING:  
 1. BLANKET ESMT. TO GENERAL TELEPHONE COMPANY IN VOL. 237, PG. 271 B.C.D.R.

THE PROPERTY SHOWN HEREON IS NOT SUBJECT TO THE FOLLOWING:  
 2. ESMT. IN VOL. 205, PG. 17 B.C.D.R.

B. CAPEL	SUR. NO. 59	ABST. NO. 215
F. FISSLER	SUR. NO. 532	ABST. NO. 327

Note:  
 A portion of the property shown hereon is within the 100 year flood zone "A" of Double Horn Creek as scaled from the Burnet County "FIRM" Map No. 48053C0375 C, dated Nov. 16, 1990; also a portion of the property shown hereon is within Zone "X" areas determined to be outside the 500 year flood plain as shown on above said "FIRM" Map.

ROBERT LEE EBELING  
 FIRST TRACT  
 305.9 AC.  
 110/276 B.C.D.R.



I HEREBY CERTIFY THAT THE PLAT HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.  
 THIS SURVEY WAS MADE FOR THE BENEFIT OF DUKE M. COVERT AND COMMERCIAL TITLE OF AUSTIN:  
 \_\_\_\_\_ DATE 5/11/99  
 DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877

JOB NO. - 5963 OFFICE - D. CLARK FIELD - D. WILLIS D. CLARK



STATE OF TEXAS:  
COUNTY OF BURNET:

Field notes to accompany a survey plat of 249.735 acres consisting of approximately 62.0 acres out of the Hershel Corzine Survey No. 64, Abstract No. 216 and approximately 187.7 acres out of the B. Capel Survey No. 59, Abstract No. 215 in Burnet County, Texas, and being that same 249.735 acre tract of land conveyed to Jaffe Realty, Inc., recorded in Volume 549, Page 643 of the Burnet County Deed Records;

BEGINNING at a 1/2" steel stake found beside a fence corner post in the West line of the Edward E. Williams Survey No. 260, Abstract No. 945, being the Southeast corner of said B. Capel Survey No. 59, as fenced and used upon the ground, also being the Southeast corner of said 249.735 acre tract, also being the Southwest corner of a tract of land described as Third Tract in a deed to Harriet Lynn Lewis and Jenny Lou Lewis Rapoport recorded in Volume 223, Page 857 Burnet County Deed Records, also being the Northeast corner of First Tract of 305.9 acres conveyed to Robert Lee Ebeling recorded in Volume 110, Page 276, Burnet County Deed Records;

THENCE with a fence for the South line of said 249.735 acres, the North line of said First Tract, the common line between the F. Fissler Survey No. 532 Abstract No. 327 and said Capel Survey No. 59 as fenced and used upon the ground S 89°22'17" W 1,326.37 ft. to a P-K Nail set therein in concrete beside a fence post for the Southwest corner hereof, being the Southeast corner of a 261.771 acre tract of land conveyed to Duke M. Covert recorded in Volume 391, Page 672 Burnet County Deed Records;

THENCE leaving the North line of said First Tract with a fence for the East line of said 261.771 acre tract and the West line hereof N 29°16'07" W 2,667.31 ft. to a 20-D Nail found beside a corner post;

THENCE leaving said fence and continuing with the East line of said 261.771 acre tract and the West line hereof with points as follows:  
N 04°18'07" E 644.55 ft. to a 1/2" steel stake found; N 31°11'58" W 171.96 ft. to a 1/2" steel stake found and N 11°10'04" E 1,951.56 ft. to a 1/2" steel stake found in the South Right-of-Way of Texas Hwy. No. 71, being the Northeast corner of said 261.771 acre tract and the Northwest corner hereof, also being in a curve to the left, the radius of which bears N 15°56'41" E 3,878.38 ft.;

THENCE with the North line hereof, the South Right-of-Way line of said Texas Hwy. No. 71 and said curve to the left, the radius of which is 3,878.38 ft., thru a delta angle of 09°18'38", an arc of 630.24 ft. and a chord bearing and distance of S 78°42'39" E 629.55 ft. to a concrete Right-of-Way monument found at Engineers Sta. No. 176+61.5 being the P.T. of said curve;

THENCE continuing with the North line hereof and the South line of said Texas Hwy. No. 71 S 83°19'00" E 1,649.43 ft. to a 1/2" steel stake found therein beside a corner post for the Northeast corner hereof in the East line of said Corzine Survey No. 64 as fenced and used upon the ground, also being in the West line of a tract of and, Second Tract, conveyed to Harriet Lynn Lewis and Jenny Lou Lewis Rapoport recorded in Volume 223, Page 857 Burnet County Deed Records;

THENCE leaving the South Right-of-Way line of said Texas Hwy. No. 71 with a fence for the East line hereof, the West line of said Williams Survey No. 260 as fenced and used upon the ground, and said tracts recorded in Volume 223, Page 857 with points as follows:





*Willis and Associates*  
LAND SURVEYORS AND PLANNERS  
310 MAIN • MARBLE FALLS, TEXAS • 78654  
(210) 693-3568 FAX (210) 693-5352

Page 2 of 2 - 249.735 Acres

S 00°32'50" E 551.31 ft. to a 1/2" steel stake found; S 04°37'03" W 171.66 ft. to a 1/2" steel stake found; S 01°02'36" E 238.16 ft. to a 20-D Nail found; S 01°07'04" E 130.64 ft. to a 20-D Nail found; S 01°16'20" E 665.39 ft. to a 1/2" steel stake found; S 00°14'28" E 57.13 ft. to a 1/2" steel stake found; S 04°48'06" W 33.51 ft. to a 1/2" steel stake found; S 02°00'48" W 145.08 ft. to a fence post; S 00°37'58" E 1,403.85 ft. to a 20-D Nail found and S 00°43'33" E 1,305.91 ft. to the Place of Beginning.



I HEREBY CERTIFY THAT THE FIELD NOTES HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF DUKE M. COVERT.



DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877  
NO. - 5563 OFFICE - D. CLARK

DATE 5/11/94

FIELD - D. CLARK AND D. WILLIS



Willis and Associates

LAND SURVEYORS & PLANNERS

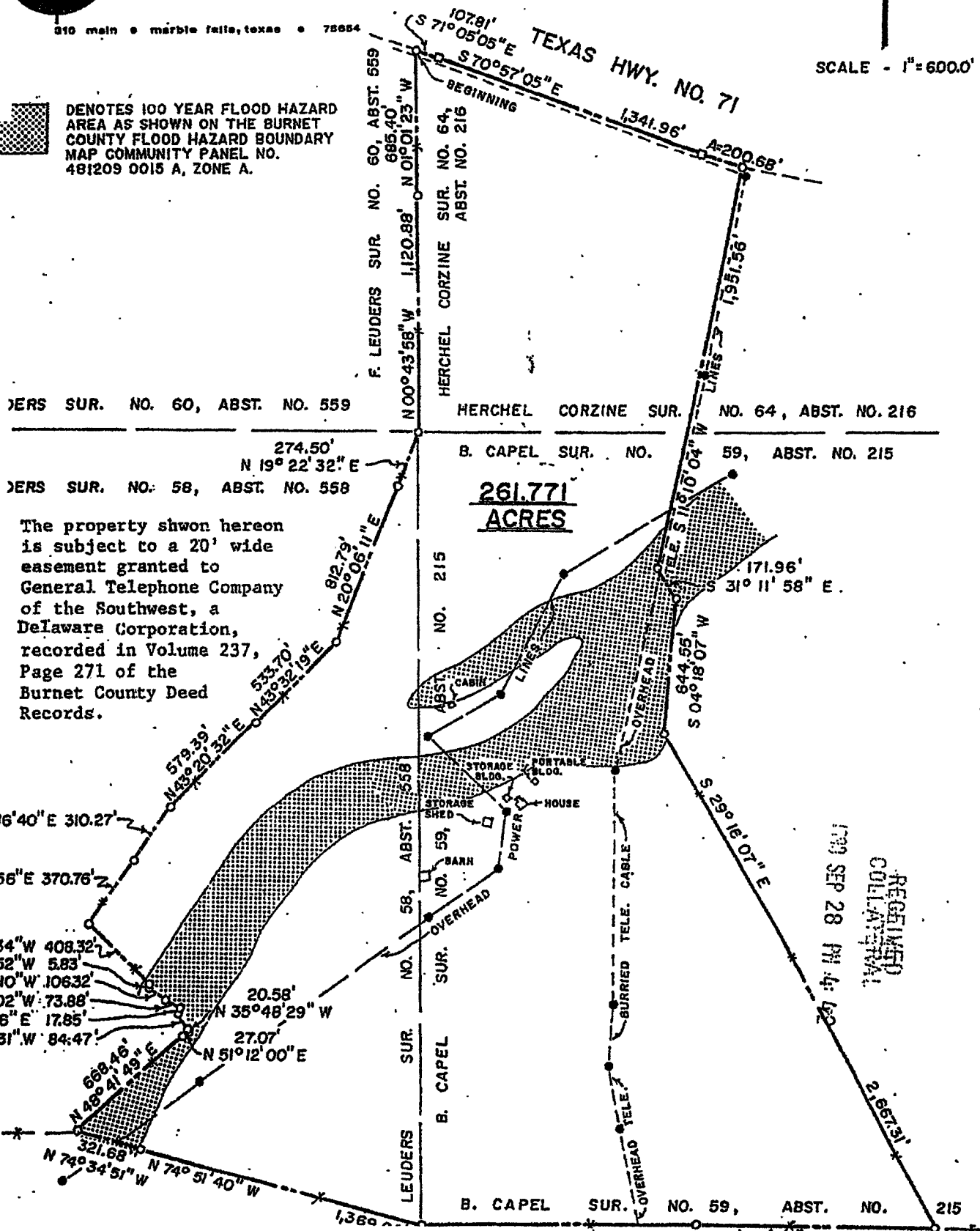
310 main • marble falls, texas • 78654



SCALE - 1"=600.0'



DENOTES 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE BURNET COUNTY FLOOD HAZARD BOUNDARY MAP COMMUNITY PANEL NO. 481209 0015 A, ZONE A.



HERCHEL CORZINE SUR. NO. 60, ABST. NO. 559

HERCHEL CORZINE SUR. NO. 64, ABST. NO. 216

HERCHEL CORZINE SUR. NO. 58, ABST. NO. 558

B. CAPEL SUR. NO. 59, ABST. NO. 215

The property shown hereon is subject to a 20' wide easement granted to General Telephone Company of the Southwest, a Delaware Corporation, recorded in Volume 237, Page 271 of the Burnet County Deed Records.

261.771 ACRES

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B. CAPEL SUR. NO. 59, ABST. NO. 215

TRACT I: Part of Block Number Four (4) in Lee's Subdivision of Outlot 78, Division D, in the City of Austin, Travis County, Texas, fronting 42 feet on 38th Street or Pitts Avenue and extending back the same width 276 feet to an alley, bounded as follows:

BEGINNING on the South line of said Block No. 4 and the North line of 38th Street or Pitts Avenue at a point 150 feet South 60° East of the Southwest corner of said block, which point is the Southeast corner of a tract sold to Lucian A. Hill;

THENCE North 30° East, 276 feet with Hill's East line to the South line of an alley;

THENCE South 60° East with said alley line 42 feet for corner;

THENCE South 30° West and parallel with the West line of said block, 276 feet to the North line of 38th Street or Pitts Avenue and the South line of said block;

THENCE North 60° West with the North line of said street and the South line of said block, 42 feet to the PLACE OF BEGINNING, and being the same property conveyed by H. H. Cullen and wife to E. Gill by deed dated August 15, 1919, of record in Volume 343, Page 188, Deed Records of Travis County, Texas.

SAVE AND EXCEPT all of the South fifteen (15) feet out of that certain tract of land out of and a part of Outlot 78, Division D, of the government outlots adjoining the Original City of Austin, Travis County, Texas, according to the plat of said government outlots on file in the General Land Office of the State of Texas, which certain tract of land was conveyed to Eula Lee Gill, a feme sole, by deed dated June 15, 1950, of record in Volume 1906, Page 506, Deed Records of Travis County, Texas.

TRACT II: Part of Outlot 25, Division D, of the government outlots adjoining the City of Austin, Travis County, Texas, according to the plat on file in the General Land Office of the State of Texas, and being all of that certain tract of land conveyed to John Tuohy et ux by deed of record in Volume 6300, Page 1109, Deed Records of Travis County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at an iron stake found at the intersection of the South right-of-way line of West 21st Street and the East right-of-way line of San Gabriel Street, same being at the Northwest corner of Outlot 25, Division D, of the government outlots of the City of Austin and the Northwest corner of that certain tract conveyed to John Tuohy et ux by deed recorded in Volume 6300, Page 1109, Deed Records of Travis County, Texas, for the Northwest corner of the tract herein described;

THENCE with the South right-of-way line of West 21st Street and the North line of Outlot 25, Division D, South 84° 00' East, 100.0 feet to a stake found at the Northeast corner of said Tuohy tract, for the Northeast corner of this tract;

THENCE with the East line of the said Tuohy tract, South 5° 43' West, 62.0 feet to an iron stake found at the Southeast corner of same, for the Southeast corner of this tract;

THENCE with the South line of the said Tuohy tract, North 84° 00' West, 100.00 feet to an iron stake found in the East right-of-way line of San Gabriel Street and the West line of Outlot 25, Division D, same being at the Southwest corner of the said Tuohy tract, for the Southwest corner of this tract;

THENCE with the East line of San Gabriel Street and the West line of Outlot 25, Division D, North 5° 43' East, 62.0 feet to the PLACE OF BEGINNING.

TRACT III: Lot 4, less the East five (5) feet thereof, Block 4, James Byrne's Subdivision out of Outlot 69, Division D, a subdivision in the City of Austin, Travis County, Texas, according to the plat of record in Book 3, Page 72, Plat Records of Travis County, Texas.

TRACT IV: Lot 11, Block E, Vallejo, an addition in Travis County, Texas, according to the plat of record in Book 4, Page 286, Plat Records of Travis County, Texas.

