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PUBLIC UTILITY COMMISSION
FILING CLERK

FORMAL COMPLAINT OF
ADC WEST RIDGE, L.P. AND
CENTER FOR HOUSING
RESOURCES, INC. AGAINST THE
CITY OF FRISCO

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§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

MOTION FOR CONTINUANCE AND REQUEST FOR HEARING

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, Complainants ADC West Ridge, L.P. and Center for Housing Resources, Inc. and file this Motion for Continuance pursuant to 16 Tex. Admin. Code § 22.79 and 1 Tex. Admin. Code § 155.307 and request a 60 day continuance to all remaining deadlines in this proceeding.

Complainants recently discovered that on Tuesday, January 3, 2017, the City of Frisco's City Council adopted a resolution to initiate annexation proceedings for Complainants' property. A copy of the City of Frisco's resolution is attached hereto as Exhibit A. The parties have thus far proceeded on the understanding that the property at issue is located within the City of Frisco's extraterritorial jurisdiction and water and sewer CCNs but not within the City of Frisco's corporate limits. Annexation of Complainants' property could have consequences to Complainants' case by, for example, impacting the ordinances and regulations of the City of Frisco which may now apply to Complainants' property, among other consequences. In order to fully assess the consequences of the City's action and to address the City's action in Complainants' direct case, Complainants respectfully request a 60-day continuance to all remaining deadlines in this case.

There have not been any continuances thus far in this proceeding, although this is the second request by Complainants for a continuance. The City's action is a newly discovered fact that could have consequences to the case, constitutes surprise, and is sufficient grounds for a continuance. Complainants conferred with the other parties to this proceeding. PUC Staff is not opposed to the request. Counsel for the City of Frisco was conferred with at 9:30 a.m. today and has been unable to obtain a definitive response from his client as of the time of this filing.

Given that Complainants' direct case is due on Friday, January 13, 2017, Complainants respectfully request that an order from the Administrative Law Judges be issued as soon as possible. Complainants have conferred with counsel for PUC and the City of Frisco and they are available any time tomorrow, January 10, 2017, for a conference call, should the Administrative Law Judges believe that additional discussion on this matter is warranted.

Complainants respectfully request that the Administrative Law Judges grant this motion, or alternatively, schedule a conference call for tomorrow (if the Administrative Law Judges are available) to discuss this motion. If this motion is granted, the parties will confer and submit an agreed procedural schedule, along with three proposed hearing dates as required by 1 Tex. Admin. Code § 155.307.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: 

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ATTORNEYS FOR COMPLAINANTS
ADC WEST RIDGE VILLAS L.P., AND
CENTER FOR HOUSING RESOURCES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 9th day of January 2017:

Via email and U.S. First Class Mail

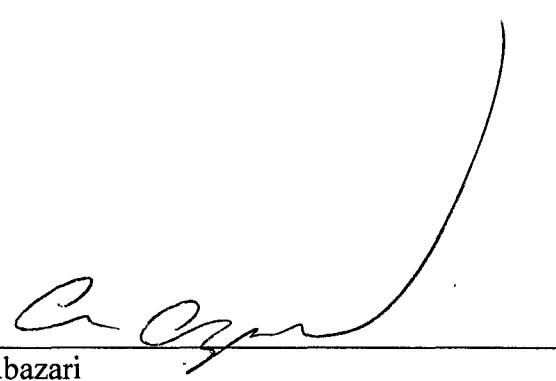
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Ali Abazari

EXHIBIT “A”

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED INVOLUNTARY ANNEXATION BY THE CITY OF FRISCO, TEXAS OF THE AREA OF LAND CONSISTING OF 79.98± ACRES GENERALLY LOCATED WEST OF CUSTER ROAD, EAST OF MEMORY LANE, SOUTH OF WESTRIDGE BOULEVARD AND NORTH OF BOOKER TRAIL, WILLOWBROOK LANE AND WINDING CREEK DRIVE AND CONTAINING THE FOLLOWING TRACTS OF LAND LOCATED IN COLLIN COUNTY, TEXAS: : (1) TRACT 1, IN THE ANDREW S. YOUNG SURVEY, ABSTRACT NO. 1037 (A/K/A RUSSWOOD ACRES), 40.167± ACRES; (2) TRACT 2, IN THE ANDREW S. YOUNG SURVEY, ABSTRACT NO. 1037, SHEET 1, TRACT 6, 19.967± ACRES; (3) TRACT 3, IN THE ANDREW S. YOUNG SURVEY, ABSTRACT NO. 1037, SHEET 1, TRACT 5, 1.2909± ACRES; (4) TRACT 4, IN THE ANDREW S. YOUNG SURVEY, ABSTRACT NO. 1037, 8.579± ACRES; (5) TRACT 5, IN THE ANDREW S. YOUNG SURVEY, ABSTRACT NO. 1037, SHEET 1, TRACT 7, 5.00± ACRES; (6) TRACT 6, IN THE ANDREW S. YOUNG SURVEY, ABSTRACT NO. 1037, 4.984± ACRES; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR HIS DESIGNEE, TO: (1) PROVIDE THE REQUIRED WRITTEN NOTIFICATIONS TO THE PROPERTY OWNERS AND ANY APPLICABLE PUBLIC AND PRIVATE ENTITIES AND RAILROAD COMPANIES; (2) NOTIFY THE PUBLIC OF SUCH PUBLIC HEARINGS; (3) OFFER ANY PRE-ANNEXATION AGREEMENT(S), AS REQUIRED BY LAW, OR AS THE CITY MANAGER, OR HIS DESIGNEE, DEEMS APPROPRIATE, AS HE OR HIS DESIGNEE SOLELY DETERMINES, FOR THE CITY OF FRISCO; AND (4) EXECUTE ANY PRE-ANNEXATION AGREEMENTS DESCRIBED HEREIN; PROVIDING FOR THE CITY COUNCIL'S DETERMINATION OF THE AREA TO BE ANNEXED BY THE CITY OF FRISCO; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Public Hearings. On the 7th day of February, 2017, at 6:30 p.m., and on the ____ day of February, 2017, at 6:30 p.m., in the City Council Chamber of the George A. Purefoy Municipal Center, 6101 Frisco Square Boulevard, City of Frisco, Texas, the City Council of the City of Frisco, Texas ("City Council") will hold public hearings, giving all interested persons the right to appear and be heard on a proposed involuntary annexation by the City of Frisco, Texas ("City") of the area of land consisting of 79.98± acres and containing the following tracts of land located in Collin County, Texas: (1) Tract 1, in the Andrew S. Young Survey, Abstract No. 1037 (a/k/a Russwood Acres), 40.167± acres; (2) Tract 2, in the Andrew S. Young Survey, Abstract No. 1037, Sheet 1, Tract 6, 19.967± acres; (3) Tract 3, in the Andrew S. Young Survey, Abstract

No. 1037, Sheet 1, Tract 5, 1.2909± acres; (4) Tract 4, in the Andrew S. Young Survey, Abstract No. 1037, 8.579± acres; (5) Tract 5, in the Andrew S. Young Survey, Abstract No. 1037, Sheet 1, Tract 7, 5.00± acres; (6) Tract 6, in the Andrew S. Young Survey, Abstract No. 1037, 4.984± acres (collectively, "Property"). The Property is generally depicted in Exhibit A, attached hereto and incorporated herein, and is generally located west of Custer Road, east of Memory Lane, south of Westridge Boulevard and north of Booker Trail, Willowbrook Lane and Winding Creek Drive.

SECTION 2: Authority to Provide Notice; Pre-Annexation Agreements. The City Manager, or his designee, is hereby authorized and directed to: (1) cause notice of such hearings to be published on the City's website and in a newspaper having general circulation in the City and in the above-described area not more than twenty (20) days or less than ten (10) days prior to the date of such hearings, in accordance with the Municipal Annexation Act (Chapter 43, Texas Local Government Code) ("Act"), and as otherwise required by law; (2) provide the required written notifications to the owners of the properties contained in the above-described area as well as any applicable public entities, railroad companies and private entities that provide services in the above-described area; (3) offer any pre-annexation agreements, as required by law, or as the City Manager, or his designee, deems appropriate, as he or his designee solely determines, for the City, in accordance with the Act; and (4) execute the form of any and all pre-annexation agreements described herein.

SECTION 3: Effective Date. This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on the 3rd day of January, 2017.

Maher Maso, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jenny Page, City Secretary

Exhibit A Depiction of Property

