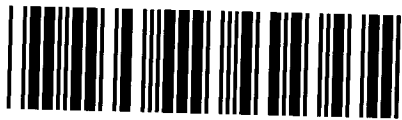


Control Number: 46148



Item Number: 1

Addendum StartPage: 0

PUC Docket No. **46148**

PETITION BY LAS COLINAS SAN § BEFORE THE PUBLIC UTILITY
MARCOS PHASE I LLC FOR §
EXPEDITED RELEASE FROM §
CRYSTAL CLEAR SPECIAL UTILITY §
DISTRICT'S WATER CCN NO. 10297 § COMMISSION OF TEXAS

RECEIVED
2016 JUL 11 PM 2:07
PUBLIC UTILITY COMMISSION
FILING CLERK

**PETITION FOR EXPEDITED RELEASE FROM CRYSTAL CLEAR SPECIAL
UTILITY DISTRICT'S WATER CCN NO. 10297 PURSUANT TO SECTION 13.254(a-5),
TEXAS WATER CODE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Las Colinas San Marcos Phase I LLC ("Petitioner") and files this Petition with the Public Utility Commission of Texas ("PUC") for Expedited Release from Crystal Clear Special Utility District's water Certificate of Convenience and Necessity ("CCN") No. 10297 pursuant to (i) Texas Water Code Section 13.254(a-5); and (ii) 16 Texas Administrative Code Section 24.113(r); and in support thereof would respectfully show as follows:

I. PURPOSE OF THE PETITION AND DECERTIFICATION CRITERIA

Petitioner files this petition seeking the expedited release of property owned by Petitioner in Hays County, Texas, from water CCN No. 10297 currently held by Crystal Clear Special Utility District. Pursuant to Texas Water Code § 13.254(a-5) and 16 Tex. Admin. Code § 24.113(r), the owner of a tract of land that is at least 25 acres and that is not receiving service may petition the PUC for expedited release of the area from a water CCN and is entitled to release if the property is located in Hays County, among other counties.

II. REQUEST FOR DECERTIFICATION

In support of its request for decertification, Petitioner has attached the following documents:

Exhibit 1 – Affidavit of Reagan T. Dickerson

Attachment A to Exhibit 1 – Location Map for Property

Attachment B to Exhibit 1 – Large Scale detailed map

Attachment C to Exhibit 1 – Deed Records

Attachment D to Exhibit 1 – Metes and Bounds Survey

Petitioner owns 79.964 contiguous acres of land in Hays County, Texas (the “Property”), which Petitioner seeks to decertify from water CCN No. 10297. *See* Exhibit 1. The Property is made up of two contiguous tracts of land identified in a single deed. *See* Exhibit 1, Attachment C. The Property is more than 25 acres and is not receiving water service from Crystal Clear Special Utility District. *See* Exhibit 1 ¶ 4.

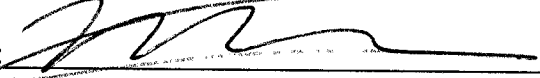
Petitioner requests that the PUC grant expedited release of the Property from water CCN No. 10297. The area Petitioner requests to be released is depicted in Attachments A and B to Exhibit 1 and in the metes and bounds survey certified by a registered professional land surveyor in Attachment D to Exhibit 1. A copy of this petition is being sent to Crystal Clear Special Utility District by certified mail on the same day that this original petition is being submitted to the PUC.

III. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that the PUC process this Petition and release Petitioner’s property from water CCN No. 10297 pursuant to Section 13.254(a-5), Texas Water Code, and PUC Rule 24.113(r).

Respectfully submitted,

JACKSON WALKER L.L.P.

By: 

Mark Walters - State Bar No. 00788611

100 Congress, Suite 1100

Austin, Texas 78701

E: mwalters@jw.com

T: (512) 236-2360

F: (512) 391-2153

ATTORNEYS FOR PETITIONER LAS
COLINAS SAN MARCOS PHASE I LLC

CERTIFICATE OF SERVICE

I hereby certify that pursuant to PUC Rule 24.113(s), the above and foregoing Petition for Expedited Release from CCN No. 10297 was served on the CCN Holder, and to all parties shown below, via certified mail, return receipt requested to the addresses shown below on this 11th day of July 2016:

CCN No. 10297 Holder
Crystal Clear Special Utility District
Attn: Mike Taylor, General Manager
2370 FM 1979
San Marcos, Texas 78666

General Counsel
Public Utility Commission of Texas
1701 North Congress Ave.
P.O. Box 13326 (mailed)
Suite 8-100 (delivered)
Austin, Texas 78711-3326

Office of the Public Utility Counsel
Public Utility Commission of Texas
1701 North Congress Ave.
P.O. Box 13326 (mailed)
Suite 8-100 (delivered)
Austin, Texas 78711-3326



Mark Walters

Exhibit 1

PETITION BY LAS COLINAS SAN
MARCOS PHASE I LLC FOR
EXPEDITED RELEASE FROM
CRYSTAL CLEAR SPECIAL UTILITY
DISTRICT'S WATER CCN NO. 10297

§
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§

BEFORE THE PUBLIC UTILITY

COMMISSION OF TEXAS

AFFIDAVIT OF REAGAN DICKERSON

STATE OF TEXAS §

COUNTY OF HAYS §

BEFORE ME, the undersigned notary, personally appeared Reagan T. Dickerson, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. "My name is Reagan T. Dickerson. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am Managing Partner of Las Colinas San Marcos Phase I, LLC, the petitioner in the above-captioned matter. In this position, I am familiar with the properties that it owns and the bills and accounts pertinent to those properties.
3. Las Colinas San Marcos Phase I, LLC owns approximately 79.964 acres of land (the "Property"), located within the boundaries of water CCN No. 10297 issued to Crystal Clear Special Utility District. The property is located within Hays County, Texas, is over 25 acres in size, and consists of two contiguous tracts of land as more specifically described in Attachments A, B, C, and D to this Affidavit. Attachment A is a true and correct copy of a map showing the location and boundaries of the Property, Attachment B is a true and correct map identifying the boundaries of the Property, Attachment C is a true and correct copy of the deed records which make up the Property, and Attachment D is a true and correct copy of a metes and bounds survey prepared and certified by a registered professional land surveyor on behalf of Las Colinas San Marcos Phase I, LLC.
4. The Property is not receiving water service from Crystal Clear Special Utility District, or any other water service provider. There are no billing records or other documents indicating an existing account for the Property. I am not aware of any meters, lines, or other facilities owned or operated by Crystal Clear Special Utility District on the Property.

Affidavit of Reagan T. Dickerson
CCN. No. 10297

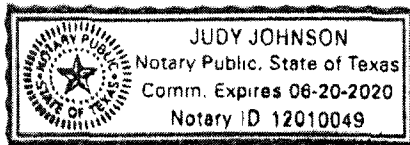
5. On behalf of Las Colinas San Marcos Phase I, LLC, I request that the Public Utility Commission of Texas release this Property from water CCN No. 10297."

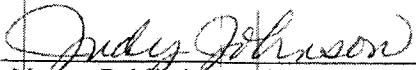
FURTHER AFFIANT SAYETH NAUGHT.

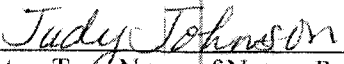
Las Colinas San Marcos Phase I LLC
A Texas Limited Liability Company
by


Managing Member Reagan T. Dickerson

Subscribed and sworn to before me by Reagan T. Dickerson, Managing Partner of Las Colinas San Marcos Phase I, LLC, on this 8th day of July, 2016, to certify which witness my hand and seal of office.




Notary Public in and for the State of Texas.


Print or Type Name of Notary Public
Commission expires June 20, 2020

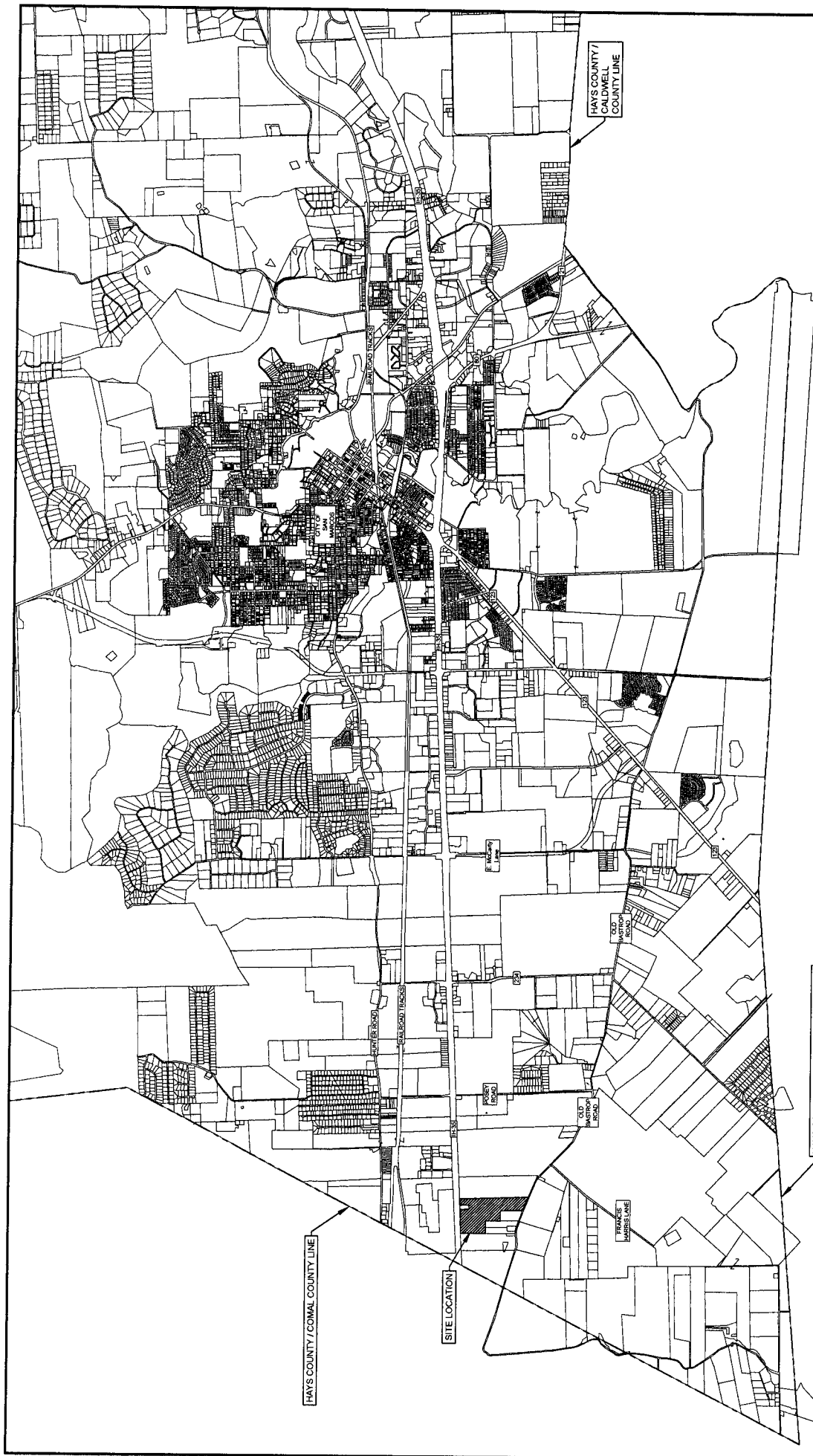
Affidavit of Reagan T. Dickerson
CCN. No. 10297

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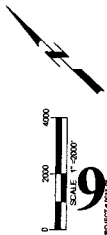
Attachment A

to

Exhibit 1



LAS COLINAS SAN MARCOS SMALL SCALE (GENERAL LOCATION) MAP



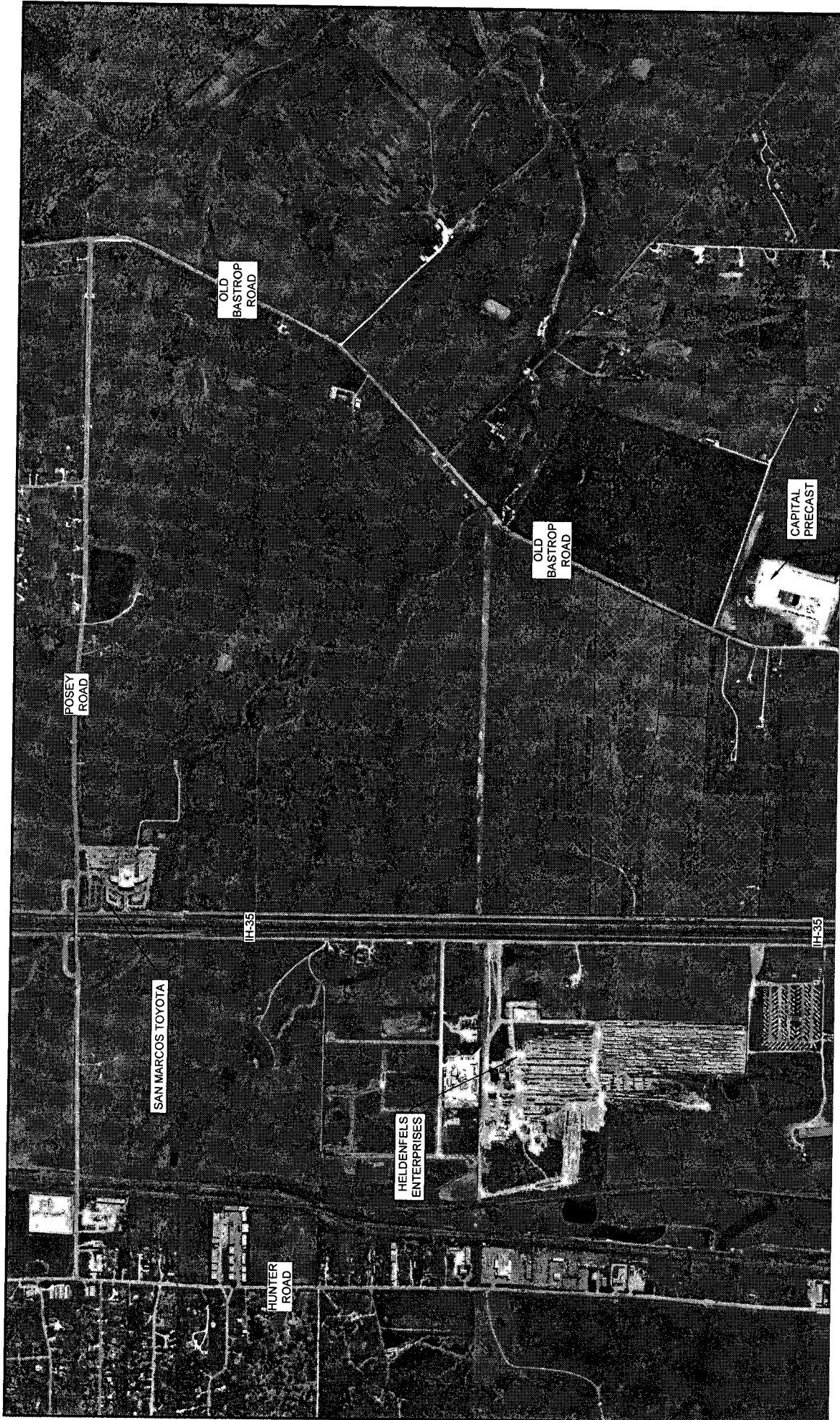
FEAL
 & ASSOCIATES, INC.
 CIVIL ENGINEERING • SURVEYING • CONSTRUCTION

1 CHISHOLM TRAIL #4150
 ROUND ROCK, TEXAS 78681
 P 512-394-7126 F 512-436-3903
 TBP# FIRM #F-17145
 TBP# S FIRM #10194151

Attachment B

To

Exhibit 1



LAS COLINAS SAN MARCOS
LARGE SCALE (DETAILED) MAP

AREA TO BE REMOVED FROM
CRYSTAL CLEAR SERVICE



PEAL
& ASSOCIATES, INC.
CIVIL ENGINEERING • SURVEYING • CONSTRUCTION TBPE FIRM #17145

1 CHISHOLM TRAIL #5150
ROUND ROCK, TEXAS 78681
P. 512-394-7126 F. 512-436-3903

Attachment C to Exhibit 1

Independence Title Company
GF# 1505649NRF

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

When Recorded, Return to:

Las Colinas San Marcos Phase I, LLC
Attn: Michael Wallace
5225 South Interstate 35
San Marcos, Texas 78666

**SPECIAL WARRANTY DEED
WITH VENDOR'S LIEN**

THE STATE OF TEXAS

§

COUNTY OF HAYS

§

§

That FLYING TZ, LP ("**Grantor**"), for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration to it in hand paid by LAS COLINAS SAN MARCOS PHASE I, LLC, a Texas limited liability company ("**Grantee**"), whose address for mailing purposes is 5225 Interstate Highway 35 South, San Marcos, Texas 78666, the receipt and sufficiency of which are hereby acknowledged and confessed, and in further consideration of certain sums paid by SCHERTZ BANK & TRUST, a Texas banking association ("**Beneficiary**") at the special instance and request of Grantee, the receipt and sufficiency is hereby acknowledged and confessed, and as evidence of the advance of such sums as, among other things, a part of the purchase price for the Property (as defined below), Grantee has executed a Promissory Note of even date herewith payable to the order of Beneficiary, which Promissory Note bears interest at the rate provided therein and contains provisions for attorneys' fees and is secured by the Vendor's Lien hereinafter retained and reserved, and is additionally secured by a Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing of even date herewith executed by Grantee to Mark Sunderman, Trustee, containing provisions for foreclosure under power of sale, reference to which is here made for all purposes, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of the real property situated in Hays County, Texas, described on EXHIBIT A which is attached hereto and made a part hereof for all purposes, together with all of Grantor's right, title and interest in and to all related rights and appurtenances, including all right, title and interest of Grantor in and to (i) any land lying in the bed of any street adjoining such land, (ii) any oil, gas or other minerals laying under such land, (iii) any easements benefiting such land, (iv) any strips and gores adjoining such land, and (v) all buildings, structures, parking areas, sidewalks, landscaping, other improvements and fixtures located on such land.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

By Grantee's acceptance of this Deed, Grantee acknowledges and agrees as follows: EXCEPT FOR (1) THE SPECIAL WARRANTY OF TITLE CONTAINED IN THIS DEED, AND (2) ANY REPRESENTATIONS AND WARRANTIES CONTAINED IN ANY OTHER DOCUMENTS DATED AS OF THE DATE OF THIS DEED AND DELIVERED BY GRANTOR TO GRANTEE, GRANTOR SPECIFICALLY DISCLAIMS ALL WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE (INCLUDING WARRANTIES OF MERCHANTABILITY AND WARRANTIES OF FITNESS FOR USE OR ACCEPTABILITY FOR THE PURPOSE INTENDED BY GRANTEE) WITH RESPECT TO THE PROPERTY OR ITS CONDITION OR THE CONSTRUCTION, PROSPECTS, OPERATIONS OR RESULTS OF OPERATIONS OF THE PROPERTY. THE DISCLAIMERS IN THIS DEED SPECIFICALLY EXTEND TO (1) MATTERS RELATING TO HAZARDOUS MATERIALS AND COMPLIANCE WITH ENVIRONMENTAL LAW, (2) GEOLOGICAL CONDITIONS, INCLUDING SUBSIDENCE, SUBSURFACE CONDITIONS, WATER TABLE, UNDERGROUND STREAMS AND RESERVOIRS AND OTHER UNDERGROUND WATER CONDITIONS, LIMITATIONS REGARDING THE WITHDRAWAL OF WATER, EARTHQUAKE FAULTS, AND MATTERS RELATING TO FLOOD PRONE AREAS, FLOOD PLAIN, FLOODWAY OR SPECIAL FLOOD HAZARDS. (3) DRAINAGE, (4) SOIL CONDITIONS, INCLUDING THE EXISTENCE OF INSTABILITY, CONDITIONS OF SOIL FILL, SUSCEPTIBILITY TO LANDSLIDES, AND THE SUFFICIENCY OF ANY UNDERSHORE, (5) ZONING AND SUBDIVISION AND COMPLIANCE WITH ZONING AND SUBDIVISION LAWS, (6) THE VALUE AND PROFIT POTENTIAL OF THE PROPERTY, AND (7) DESIGN, QUALITY, SUITABILITY, STRUCTURAL INTEGRITY, AND PHYSICAL CONDITION OF THE PROPERTY AND COMPLIANCE OF THE PROPERTY WITH ANY LAWS (INCLUDING BUILDING CODES AND SIMILAR LAWS, THE AMERICANS WITH DISABILITIES ACT OF 1990 AND THE FAIR HOUSING AMENDMENTS ACT OF 1988, EACH AS AMENDED). GRANTEE IS ACQUIRING THE PROPERTY "AS IS" AND "WHERE IS" AND WITH ALL FAULTS, DEFECTS OR OTHER ADVERSE MATTERS.

But it is expressly agreed and stipulated that an express Vendor's Lien and Superior Title are retained against the Property in favor of Grantor, and are hereby assigned to Beneficiary until the above described Promissory Note, together with all interest and other sums to accrue thereon or to become due and payable under the terms thereof, are fully paid in accordance with the face, tenor, effect and reading of such Promissory Note, when this Deed shall become absolute.

IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor to be effective as of the 11th day of March, 2015.

Grantor:

Flying TZ, L.P.,
a Texas limited partnership

By: Flying TZ Management, LLC,
a Texas limited liability company,
general partner

By: 

Name: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the 11th day of March, 2015, by Reagan T. Stevenson.

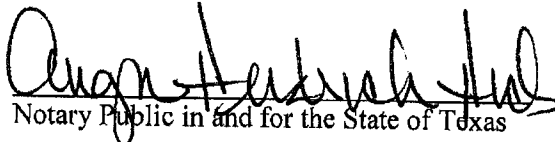

Notary Public in and for the State of Texas



EXHIBIT A

LEGAL DESCRIPTION

Tract 1

Being 40.241 acres of land, more or less, out of the SAMUEL CRAFT SURVEY, ABSTRACT NO. 89, Hays County, Texas, being that same tract of land conveyed to Flying TZ, LP and described on page 1 on Exhibit A in Special Warranty Deed recorded in Volume 3273, Page 149, Official Public Records, Hays County, Texas;

Tract 2

Being 39.785 acres of land, more or less, out of the SAMUEL CRAFT SURVEY, ABSTRACT NO. 89, Hays County, Texas, being that same tract of land conveyed to Flying TZ, LP and described on page 2 of Exhibit A in Special Warranty Deed recorded in Volume 3273, Page 149, Official Public Records, Hays County, Texas (the "Land").

Attachment D

to

Exhibit 1

EXHIBIT "A"

Las Colinas Development
79.964 Acres

07-06-16

Being 79.964 acres of land in the Samuel Craft Survey, Abstract 89, Hays County, Texas, and being all of a called 40.241 acre tract and a called 39.785 acre tract to Flying TZ, LP, described in Volume 3273, Page 149 of the Hays County Official Public Records, (H.C.O.P.R.), Said 79.964 acre tract being more particularly located and described as follows, (Bearings of lines refer to Grid North of the Texas Coordinate System of 1983, (South Central Zone) as computed from GPS vectors; Parenthetical bearings and distances refer to record information):

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "EAGLE" found in the easterly boundary line of a called 4.705 acre tract to the State of Texas described in Volume 166, Page 357 of the Hays County Deed Records (H.C.D.R.), now occupied by Interstate Highway 35, (IH35), at a common westerly corner of said 40.241 acre tract and a called 85.00 acre tract to San Marcos 197 Acre Associates LLC described in Volume 4015, Page 561 of the H.C.O.P.R. for the **POINT OF BEGINNING** of this tract;

THENCE, South 45°55'06" East, (South 45°26'11" East) with the common boundary line of said 40.241 acre tract and said 85.00 acre tract, a distance of 3,273.63 feet (3,273.42 feet) to a 1/2-inch iron rod found on the westerly right-of-way line of County Road 266 (CR 266), also known as the Old Bastrop Highway, (Right-Of-Way varies, record information not found), for the easternmost corner of this tract;

THENCE, with easterly boundary lines of said 40.241 acre tract and the westerly right-of-way lines of said CR 266, the following three (2) courses and distances:

1. South 68°43'31" West, (South 69°13'50" West), a distance of 542.37 feet (542.47 feet) to a 1/2-inch iron rod found leaning;
2. South 66°15'06" West, (South 66°07'39" West), a distance of 178.33 feet (180.12 feet) to a 5/8-inch iron rod with an aluminum cap stamped "PEAL & ASSOCIATES" set at a common easterly corner of said 40.241 acre tract and a called 10.0000 acre tract to Las Colinas San Marcos Phase I LLC described in Volume 4810, Page 491 of the H.C.O.P.R.;

THENCE, North 44°19'14" West, (South 43°45'06" East), along the common boundary line of said 10.0000 acre tract and said 40.241 acre tract, a distance of 1,016.27 feet (1,019.33 feet) to a 5/8-inch iron rod with an aluminum cap stamped "CHARLES SWART" as point 21 found, at a common corner of said 10.0000 acre tract and said 39.785 acre tract;

THENCE, South 45°55'53" West, (North 46°14'54" East), with the common boundary line of said 39.785 acre tract and said 10.0000 acre tract, a distance of 473.11 feet (471.00 feet), to a 5/8-inch iron rod with an aluminum cap stamped "CHARLES SWART" as point 16 found, at a common corner of said 10.0000 acre tract and said 39.785 acre tract;

THENCE, North 44°41'40" West, (North 44°12'31" West), with the common boundary line of said 39.785 acre tract and Lot 4, Phase Two, Richter Addition, a subdivision in Hays County as recorded in Volume 6, Page 245 of the Hays County Map Records (H.C.M.R.), a distance of 732.75 feet (732.78 feet) to a 1/2-inch iron rod found at an internal corner of said 39.785 acre tract and the northernmost corner of said Lot 4;

THENCE, South 45°44'05" West, (South 46°12'30" West), with the common boundary line of said 39.785 acre tract and Lots 3 & 4 of said Phase Two, Richter Addition, a distance of 590.78 feet (591.03 feet) to a 1/2-inch iron rod found on the northerly boundary line of a called 48.02 acre tract to Lloyd Mutschlechner and Helen Dean Mutschlechner described in Volume 179, Page 597 of the H.C.D.R. for a southwesterly corner of this tract;

THENCE, North 44°35'15" West, (North 44°05'31" West), with the common boundary line of said 39.785 acre tract and said 48.02 acre tract, a distance of 1,183.07 feet (1,183.15 feet) to a 1-inch iron rod with a plastic cap stamped "LAN" found on the easterly boundary line of a called 3.401 acre tract to the State of Texas described in Volume 156, Page 359 of the H.C.D.R., now occupied by IH35, for the westernmost corner of this tract;

THENCE, North 43°30'12" East, (North 44°02'58" East), with the common boundary line of said IH35 southeasterly right-of-way line and boundary line of said 39.785 acre tract, a distance of 1,137.94 feet to the southwest corner of a called 1.970 acre tract to Regan T. Dickerson described in Volume 1926 and Page 735 of the H.C.O.P.R. marked by 1/2-inch iron rod with cap stamped "Eagle" found;

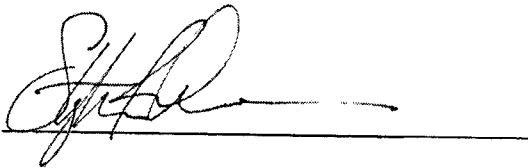
THENCE, South 46°39'12" East, (South 45°43'24" East), along the southerly boundary line of said 1.970 acre tract, a distance of 435.00 feet (435.00 feet) to a calculated point, for a corner of this tract;

THENCE, North 43°30'12" East, (North 44°26'00" East), along the east boundary line of said 1.970 acre tract, a distance of 197.27 feet (197.27 feet) to a calculated point, for a corner of this tract;

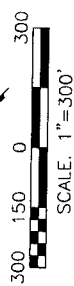
THENCE, North 46°39'12" West, (South 45°43'24" East), along the north boundary line of said 1.970 acre tract, a distance of 435.00 feet (435.00 feet) to a 1/2-inch iron rod with a cap stamped "Eagle" found in the easterly boundary line of said State of Texas 4.705 acre tract, now occupied by IH35, for a corner of this tract;

THENCE, North 43°30'12" East, (North 43°52'36" East), with the common boundary line of said IH35 and said 4.705 acre tract, a distance of 314.93 feet to the **POINT OF BEGINNING** and containing 79.964 Acres of land more or less.

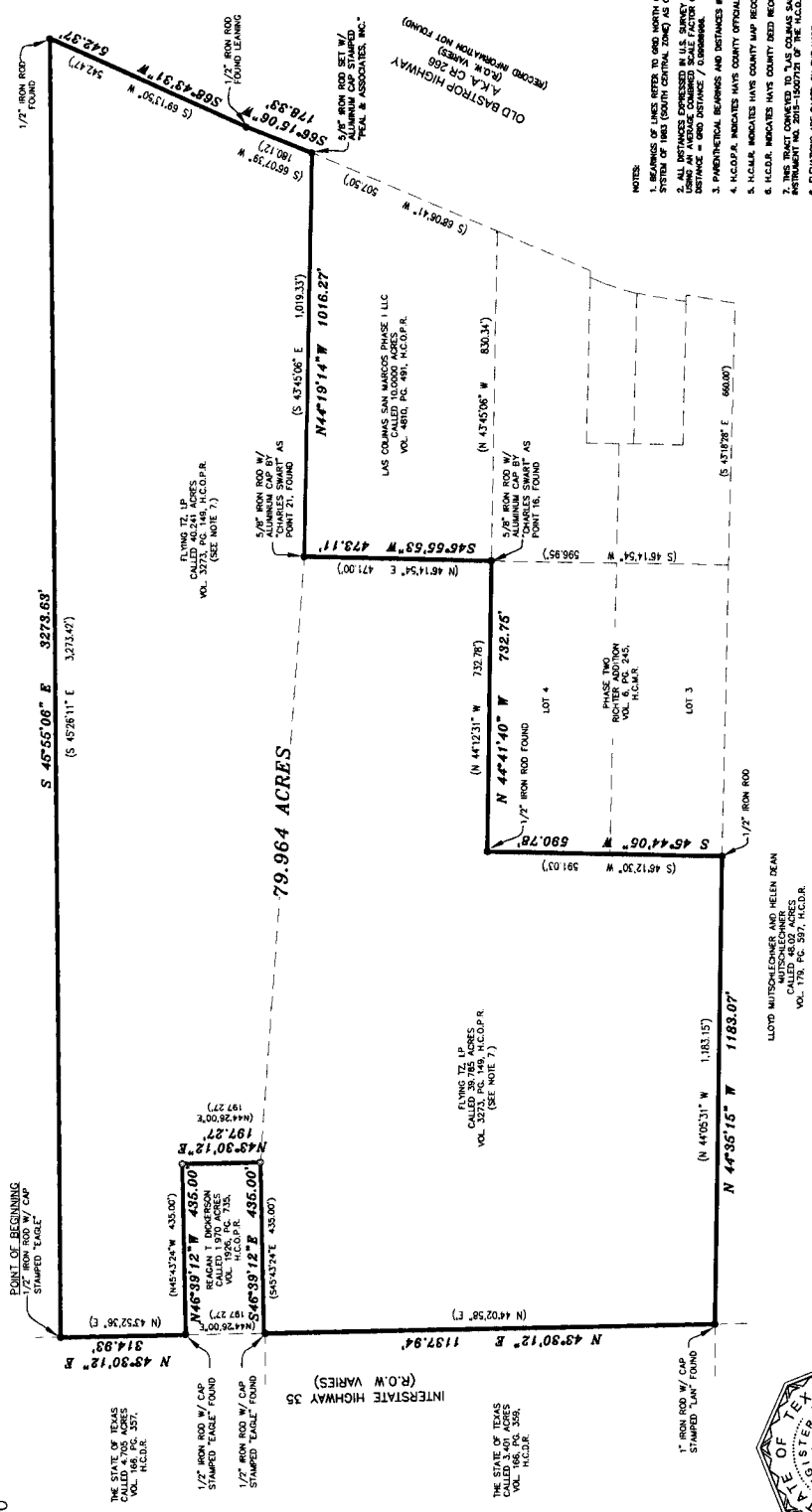
This description is accompanied by and made a part of a sketch issued by Stephen R. Lawrence, Registered Professional Land Surveyor No. 6352.

A handwritten signature in black ink, appearing to read 'S. Lawrence', is written over a horizontal line.

Stephen R. Lawrence
Registered Professional Land Surveyor No. 6352



SAN MARCOS 187 ACRES ASSOCIATES, LLC
VOL. 4015, P.C. 581, H.C.O.P.R.

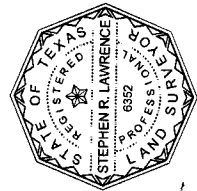


PEAL & ASSOCIATES, INC.
CIVIL ENGINEERING • SURVEYING • CONSTRUCTION

1 CHISHOLM TRAIL #5150
POUND ROCK, TEXAS 78681
P. 512-394-7126 F. 512-450-5900
TBE FIRM #F-17145
TBLFS FIRM #F10194151

PROJECT	LAS COLINAS REAGAN DICKERSON
JOB NUMBER	0011-01
DATE	07-06-16
DATE	07-06-16
SURVEYOR	STEPHEN LAWRENCE
TECHNICIAN	YIG
DRAWING	YIG
FIELDWORK	YIG
PARTY/CLIENT	MS
FIELDWORK	MS

LAS COLINAS
METES AND BOUNDS EXHIBIT
DATE 07-06-16
PROJECT # 0011-01



AS SURVEYED BY
PEAL & ASSOCIATES, INC.
FIRM REGISTRATION NO. 10194151

Signature of Stephen R. Lawrence

LEGEND	
●	IRON ROD AS NOTED
○	CALCULATED POINT

- NOTES:
1. BEARINGS OF LINES REFER TO GRID NORTH OF THE TEXAS COORDINATE SYSTEM OF 1983 (GEOID CENTRAL ZONE) AS COMPUTED FROM GPS MEASUREMENTS. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 2. THIS TRACT COMEDED TO LAS COLINAS SAN MARCOS PHASE 1 LOT 11. ELEVATIONS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83) WITH THE ORTHOMETRIC HEIGHTS AS DERIVED FROM GPS MEASUREMENTS.
 3. PHOTOMETRIC BEARINGS AND DISTANCES INDICATE RECORD INFORMATION.
 4. H.C.O.P.R. INDICATES HAYS COUNTY OFFICIAL PROPERTY RECORDS.
 5. H.C.O.P.R. INDICATES HAYS COUNTY MAP RECORDS.
 6. H.C.O.P.R. INDICATES HAYS COUNTY RECORDS.
 7. THIS TRACT COMEDED TO LAS COLINAS SAN MARCOS PHASE 1 LOT 11. ELEVATIONS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83) WITH THE ORTHOMETRIC HEIGHTS AS DERIVED FROM GPS MEASUREMENTS.
 8. ELEVATIONS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83) WITH THE ORTHOMETRIC HEIGHTS AS DERIVED FROM GPS MEASUREMENTS.