



Control Number: 46649



Item Number: 1

Addendum StartPage: 0

PETITION BY MCALISTER
OPPORTUNITY FUND 2014, L.P.
TO AMEND HMW SPECIAL
UTILITY DISTRICT'S
WATER CCN NO. 10342 IN HARRIS
COUNTY BY EXPEDITED RELEASE

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PUBLIC UTILITY -7 PM 3:49
COMMISSION OF TEXAS

**MCALISTER OPPORTUNITY FUND 2014, L.P. TO AMEND
HMW SPECIAL UTILITY DISTRICT'S WATER CCN NO. 10342
BY EXPEDITED RELEASE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, McAlister Opportunity Fund 2014, L.P. ("Petitioner") and files this Petition with the Public Utility Commission of Texas ("PUC") to Amend through Expedited Release HMW Special Utility District's ("SUD") Water Certificate of Convenience and Necessity ("CCN") No. 10342 pursuant to Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113. In support of the Petition, the Petitioner would respectfully show as follows:

I. PURPOSE OF THE PETITION AND DECERTIFICATION CRITERIA

The Petitioner files this Petition requesting expedited release of property owned by the Petitioner in Harris County, Texas, through an amendment of the SUD's Water CCN No. 10342. The tract of land owned by the Petitioner contains 49.61 acres, is comprised of two contiguous parcels, and is located on FM 2920 between Highways 290 and 249 in Harris County, Texas (the "Property"). As provided by Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r), an owner of a tract of land that is at least 25 acres and that is not receiving water service may petition the PUC for expedited release from a water CCN and is entitled to the expedited release if the property is located in Harris County, among other counties.

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II. REQUEST FOR DECERTIFICATION

The Petitioner requests that the PUC amend the SUD's Water CCN No. 10342 by expedited release under Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r) and release the Petitioner's Property from the SUD's Water CCN No. 10342. In support of its request for expedited release from the SUD's Water CCN No. 10342, the Petitioner's have attached the "Affidavit of Hyde McAlister in Support of McAlister Opportunity Fund 2014, L.P.'s Petition to Amend HMW SUD's Water CCN No. 10342 by Expedited Release" (hereinafter referred to as the "Petitioner's Affidavit"). The Petitioner's Affidavit is attached hereto and incorporated as **Exhibit A**. Petitioner's Affidavit verifies that McAlister Opportunity Fund 2014, L.P. is the owner of the Property, the Property is located in Harris County, Texas, total acreage of the Property is 49.61 acres, and the Property is not receiving water service from the SUD. *See Exhibit A*.

The Petitioner's Affidavit also includes (1) McAlister Opportunity Fund 2014, L.P.'s deeds for the Property; (2) a map showing the general location of the Property; (3) a map identifying the boundaries of the Property and the surrounding water CCNs held by both the SUD and other retail public utilities in the vicinity; (4) a survey of the Property; (5) an "Agreement for the Release of Certified Retail Public Water Utility Service Area" ("Agreement") dated August 18, 2016 whereby the SUD has indicated it does not object to the Petition for Expedited Release. In addition to the Petitioner's Affidavit and its attachments, attached to this Petition is a compact disc containing the projectable digital data with metadata for the area to be released which corresponds to the maps attached to the Petitioner's Affidavit. *See Exhibit B*. A copy of this Petition is being sent to the SUD by certified mail on the same day this Petition is filed with the PUC.

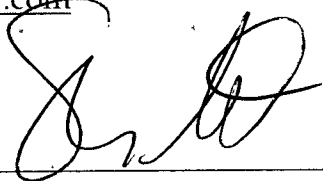
III. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the PUC process this Petition and release the Petitioner's Property from the SUD's Water CCN No. 10342 pursuant to Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(r). If for any reasons the PUC Finds that the information submitted with this Petition is insufficient for application acceptance, the Petitioner respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully submitted,

ALLEN BOONE HUMPHRIES ROBINSON LLP
1108 Lavaca, Suite 510
Austin, Texas 78701
Telephone: (512) 518-2424
Facsimile: (512) 518-2415
sabbott@abhr.com

By: _____


Sean David Abbott
State Bar No. 24069267

ATTORNEYS FOR PETITIONERS
MCALISTER OPPORTUNITY FUND 2014, L.P

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 7th day of December, 2016, a true and correct copy of the above and foregoing document was sent via certified mail to the following:

HMW Special Utility District
Attn: William K. Coe, General Manager
PO Box 837
Pinehurst, TX 77362

Via Certified Mail

A handwritten signature in black ink, appearing to read 'Sean D. Abbott', written over a horizontal line.

Sean David Abbott

EXHIBIT "A"

Affidavit of Hydie McAlister

PETITION BY MCALISTER	§	PUBLIC UTILITY
OPPORTUNITY FUND 2014, L.P.	§	
TO AMEND HMW SPECIAL	§	COMMISSION OF TEXAS
UTILITY DISTRICT'S	§	
WATER CCN NO. 10342 IN HARRIS	§	
COUNTY BY EXPEDITED RELEASE	§	

**AFFIDAVIT OF HYDIE MCALISTER IN SUPPORT OF
 MCALISTER OPPORTUNITY FUND 2014, L.P.'S PETITION TO AMEND
 HMW SPECIAL UTILITY DISTRICT'S WATER CCN NO. 10342
BY EXPEDITED RELEASE**

BEFORE ME, the undersigned notary public, appeared Hydie McAlister, the Manager of MOF 2014 GP, LLC, General Partner of McAlister Opportunity Fund 2014, L.P., known to me to be the person whose name is subscribed to the following instrument, and who having been duly sworn upon her oath, deposed and stated as follows:

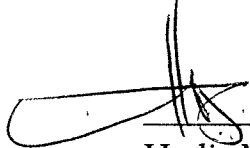
1. My name is Hydie McAlister. I am over twenty-one (21) years of age, am competent to make this Affidavit, and have personal knowledge of the facts stated in this Affidavit, and they are true and correct.
2. I am the Manager of MOF 2014 GP, LLC, the General Partner of McAlister Opportunity Fund 2014, L.P. I am familiar with the property that McAlister Opportunity Fund 2014, L.P. owns and the bills and accounts pertinent to those properties.
3. McAlister Opportunity Fund 2014, L.P. owns 49.61 acres of land (the "Property") located on FM 2920 between Highways 290 and 249 in Harris County, Texas. The deeds for the Property are recorded in the real property records in Harris County as document numbers 20140445295 and 20150107598, and true and correct copies of the deeds are attached to this Affidavit as Attachment 1. Attached as Attachment 2 is a true and correct copy of a map showing the general location of the Property. Attached as Attachment 3 is a true and correct map identifying the boundaries of the Property. Attached as Attachment 4 is a true and correct copy of the survey of the Property. Attached as Attachment 5 is a true and correct copy of the Agreement for the Release of Certified Retail Public Water Utility Service Area.

4. The Property is located in the HMW Special Utility District's (the "SUD") Water Certificate of Convenience and Necessity ("CCN") No. 10342. The Property is not receiving water service from the SUD, or any other water provider. I am not aware of any meters, lines, or other facilities owned or operated by the SUD on the Property.
5. The SUD, by its signature to the "Agreement for the Release of Certified Retail Public Water Utility Service Area" (the "Agreement") dated August 18, 2016, does not object to McAlister Opportunity Fund 2014, L.P.'s petition for expedited release of the portion of its CCN that is included on the Property. Attached as Attachment 5 is a true and correct copy of the Agreement.
6. On behalf of McAlister Opportunity Fund 2014, L.P., I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10342.

[Execution page to follow]

FURTHER AFFIANT SAYETH NOT.

EXECUTED this 1 day of December, 2016.

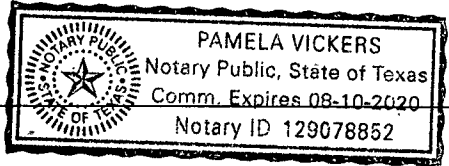


Hydie McAlister, Manager
McAlister Opportunity Fund 2014, L.P., a
Delaware limited partnership by MOF 2014
GP, LLC, a Delaware limited liability
company, its General Partner

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Hydie McAlister, Manager of MOF 2014 GP, LLC, General Partner of McAlister Opportunity Fund 2014, L.P., known to me to be the persons and officers whose names are subscribed to the foregoing instrument and affirmed and acknowledged that said instrument is correct and accurate to the best of their knowledge and belief, and that they executed the same for the purposes and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of December, 2016.





Notary Public, State of Texas

ATTACHMENT 1

Property Deeds

WD
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6.0767 ac

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

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT WESTFIELD REAL PROPERTY, L.P., a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by **MCALISTER OPPORTUNITY FUND 2014, L.P.**, a Delaware limited partnership ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), the following (collectively, the "Property"): all of that certain real property located in Harris County, Texas, more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), together with any and all buildings, improvements, fixtures, furniture, equipment and other personal property thereon or therein, all easements, tenements, hereditaments, privileges, and appurtenances belonging or appertaining thereto, including all utility capacities allocated or reserved thereto, all development rights and rights gained and/or reserved by virtue of the payment of impact fees with respect thereto, and any right, title and interest of Grantor in and to the lands situated within the right-of-way of all publicly-dedicated (but not private) roads, streets and alleys, or rights-of-way, and Grantor's interest in and to all leases and rents attributable to the Land.

1EE

This conveyance is made by Grantor and accepted by Grantee expressly subject to the following (collectively, the "Permitted Exceptions"): the liens securing payment of real estate ad valorem taxes for the current and all subsequent years; and those matters set forth on Exhibit B attached hereto and made a part hereof.

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 subject to the above described Permitted Exceptions, Grantor does hereby bind itself and its successors, 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.

Address of Grantee: 2211 Norfolk St., Suite 803
 Houston, Texas 77098

[SIGNATURE ON FOLLOWING PAGE]

STEWART TITLE

GF# 4000331618/DD/33

ER 061 - 82 - 0854

EXECUTED effective as of October 2, 2014.

GRANTOR:

WESTFIELD REAL PROPERTY, L.P.
a Texas limited partnership

2OR

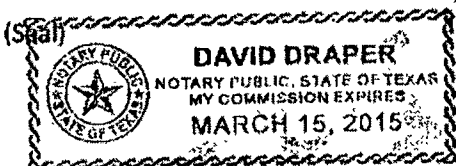
By: Westfield Real Estate, L.L.C.,
a Texas limited liability company
as its General Partner

By: [Signature]
Homer B. Saye, Manager

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on October 2, 2014, by Homer B. Saye, Manager of Westfield Real Estate, L.L.C., a Texas limited liability company, as the general partner of Westfield Real Property, L.P., a Texas limited partnership, on behalf of same.

[Signature]
Notary Public Signature



ER 061 - 82 - 0855

Exhibit A

LAND

All that certain tract or parcel containing 6.0767 acres of land situated in the Abraham Roberts Survey, A-63 in Harris County, Texas, said 6.0767 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. Y354214 and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod (found) in the Southeasterly right-of-way line of F.M. 2920, (100.00 feet in width), marking the Northerly-Northwest corner of that certain call 19.974 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. T078618 and the Northeast corner of that certain call 6.000 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. E448347;

THENCE S 54°05'26" W, (call S 54°00'00" W), a distance of 64.00 feet along the Southeasterly right-of-way line of said F.M. 2920 to a concrete monument (found) in the North line of said 6.000 acre tract of land marking the beginning of a curve to the right having a radius of 2,914.83 feet;

THENCE Southwesterly, along the Southeasterly right-of-way line of said F.M. 2920, with said curve to the right through a central angle of 03°18'01", (call 03°18'18"), a chord bearing and distance of S 55°38'09" W, 167.87 feet, an arc distance of 167.89 feet, (call 168.14 feet) to a 1/2" iron rod (found) marking the Northwest corner of said 6.000 acre tract of land and the Northeast corner and POINT OF BEGINNING of the herein described 6.0767 acre tract of land, from which point a 3/8" iron rod (found) bears S 40°43'39" W, 23.60 feet;

THENCE S 00°01'02" W, along the common line of said 6.000 acre and said 6.0706 acre tracts of land, passing at 158.45 feet a 5/8" iron rod with EIC cap (found) for reference, passing at 616.90 feet a 5/8" iron rod with EIC cap (found) for reference and passing at 800.01 feet a 5/8" iron rod with EIC cap (found) for reference, a total distance of 1306.37 feet to a 1/2" iron rod (found) in the lower North line of said 19.974 acre tract of land marking the Southwest corner of said 6.000 acre tract of land and the Southeast corner of the herein described 6.0767 acre tract of land, from which point a 1/2" iron rod (found) marking the Southeast corner of said 6.000 acre tract of land and an interior corner of said 19.974 acre tract of land bears N 89°58'11" E, 190.68 feet, (call EAST, 190.58 feet);

THENCE N 89°55'07" W, a distance of 213.71 feet along the common line of said 19.974 acre and said 6.0767 acre tracts of land to a 1/2" iron rod (found) in the East line of that certain call 43.883 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. D784556 marking the Westerly-Northwest corner of said 19.974 acre tract of land and the Southwest corner of the herein described 6.0767 acre tract of land;

THENCE N 00°00'51" W, a distance of 1,166.92 feet along the common line of said 43.883 acre and said 6.0767 acre tracts of land to a 1/2" iron rod (found) in the Southeasterly right-of-way line of said F.M. 2920 marking the Northeast corner of said 43.883 acre tract of land and the Northwest corner of the herein described 6.0767 acre tract of land;

THENCE N 57°00'55" E, a distance 255.59 feet along the Southeasterly right-of-way line of said F.M. 2920 to the POINT OF BEGINNING and containing 6.0767 acres of land.

ER 061 - 82 - 0856

D

Exhibit B

PERMITTED EXCEPTIONS

1. All of the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted herefrom and not conveyed hereunder, as the same are set forth in Instrument recorded in Volume 1848, Page 59 of the Deed Records of Harris County, Records.

ER 061 - 82 - 0857

ER 061 - 82 - 0858

20140445295
Pages 5
10/02/2014 15:39:23 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 28.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically,
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

Address of Grantee: 2211 Norfolk St., Suite 803
Houston, Texas 77098

EXECUTED effective as of March 16, 2015.

GRANTOR:

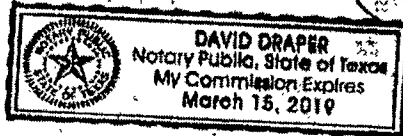
Ronald Wayne Martens 10R
RONALD WAYNE MARTENS

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on March 16, 2015, by Ronald Wayne Martens.

Notary Public Signature

(Seal)



ER 067 - 12 - 0005

ER 067 - 12 - 0006

Exhibit A
PROPERTY

All that certain tract or parcel containing 43.5360 acres of land situated in the Abraham Roberts Survey, A-63 in Harris County, Texas, said 43.5360 acre tract being that same tract described as 43.883 acres of land in a deed filed for record under Harris County Clerk's File No. 20130430619 and being more particularly described by metes and bounds as follows:

D

COMMENCING at a 3/8" iron rod (found) in the Southerly right-of-way line of F. M. 2920, (A.K.A. Waller-Tomball Road, 100.00 feet in width), marking the Northwest corner of that certain call 43.6981 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20070568553;

THENCE N 70°00'23" E, a distance of 959.50 feet along the Southerly right-of-way line of F. M. 2920 and the North line of said 43.6981 acre tract of land to a 1/2" iron rod (found) for angle point marking the Northeast corner of said 43.6981 acre tract of land and the Northwest corner and POINT OF BEGINNING of the herein described 43.5360 acre tract of land;

THENCE N 69°51'14" E, a distance of 423.44 feet, (call N 70°18'00" E, 423.98 feet), feet along the Southerly right-of-way line of F. M. 2920 and the North line of said 43.5360 acre tract of land to a concrete monument (found) marking the beginning of a curve to the left having a radius of 2,914.83 feet;

THENCE Northeasterly, along the Southerly right-of-way line of F. M. 2920 and the North line of said 43.5360 acre tract of land, with said curve to the left through a central angle of 06°34'02", (call 06°42'57"), a chord bearing and distance of N 69°55'21" E, 333.92 feet, an arc distance of 334.10 feet, (call 341.65 feet), to a 5/8" iron rod with EIC cap (set) marking a point of tangency;

THENCE N 56°41'43" E, (call N 70°18'00" E), a distance of 74.71 feet along the Southerly right-of-way line of F. M. 2920 and the North line of said 43.5360 acre tract of land to a 1/2" iron rod (found) marking the Northwest corner of that certain call 6.0767 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20140445295 and the Northeast of the herein described 43.5360 acre tract of land;

THENCE S 00°20'03" E, (call South), a distance of 1,166.92 feet along the common line of said 6.6067 acre and said 43.5360 acre tracts of land to a 1/2" iron rod (found) for angle point marking the Southwest corner of said 6.0767 acre tract of land and the Westerly Northwest corner of that certain call 19.974 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. T-078618;

THENCE S 00°19'33" E, (call South), a distance of 294.99 feet along the common line of said 19.974 acre and said 43.5360 acre tracts of land to a 1/2" iron rod (found) for angle point

marking the Southwest corner of said 19.974 acre tract of land and the Westerly Northwest corner of that certain call 100.5037 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20130187290;

THENCE S 00°19'07" E, (call South), a distance of 1,130.35 feet along the common line of said 100.5037 acre and said 43.5360 acre tracts of land to a 5/8" iron rod with EIC cap (set) in the South line of said Abraham Roberts Survey, the North line of the C. Frazier Survey, A-266 in said Harris County, Texas and the North line of that certain call 258.7394 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20070401525 marking the Southwest corner of said 100.5037 acre tract of land and the Southeast corner of the herein described 43.5360 acre tract of land;

THENCE S 89°25'29" W (call S 89°40'00" W), a distance of 782.02 feet along the common line of said Abraham Roberts Survey, said C. Frazier Survey, said 258.7394 acre tract of land and said 43.5360 acre tract of land to a 1/2" iron rod (found) marking the Southeast corner of said 43.6981 acre tract of land and the Southwest corner of the herein described 43.5360 acre tract of land;

THENCE N 00°09'33" W, a distance of 2,298.59 feet, (call North, 2,302.07 feet), along the common line of said 43.6981 acre and said 43.5360 acre tracts of land to the POINT OF BEGINNING and containing 43.5360 acres of land.

ER 067 - 12 - 0007

ADOC TVDI 130N

Exhibit B

PERMITTED EXCEPTIONS

Fence outside the north property line as reflected by the survey by Craig A. Laney, RPLS No. 4507 dated November 25, 2014.

ER 067 - 12 - 0008

2000 1000 1000 1000

ER 067 - 12 - 0009

20150107598
Pages 6
03/18/2015 08:03:12 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 32.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

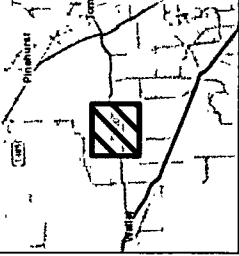
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

ATTACHMENT 2

Map reflecting the general location of the Property .



VICINITY MAP
Scale: 1 inch equals 10 miles

- LEGEND**
- McAlister Opportunity Fund 2014 LP
 - CCN Release
 - Boundary
 - HCAD Parcels

Aerial Imagery from January 2014

Exhibit A
Location Map

HCMUD No. 547
Harris County, Texas

1 inch equals 1,000 feet



JONES CARTER
Team. Meet at Professional. Program. Progress. No. 1. 437

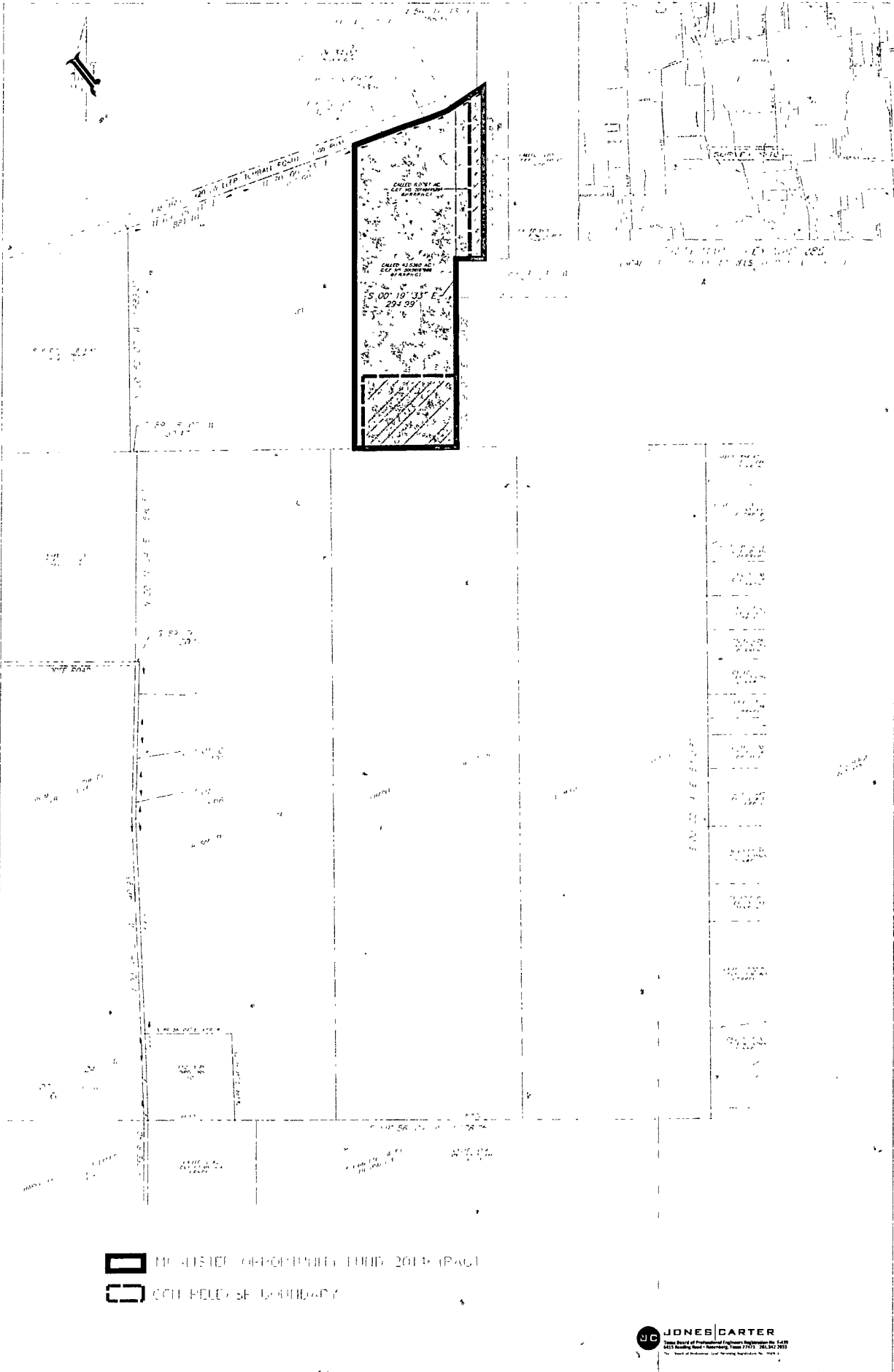


ATTACHEMENT 3

Map identifying the boundaries of the Property

ATTACHEMENT 3

Survey of the Property



MOBILE OPPORTUNITY TRAIL 2018 IMPACT
 CDD FIELD OF VISION

ATTACHMENT 4

Agreement for the Release of Certified Retail Public Water Utility Service Area

**AGREEMENT FOR THE RELEASE OF CERTIFIED
RETAIL PUBLIC WATER UTILITY SERVICE AREA**

This Agreement is between McAlister Opportunity Fund 2012, L.P., a Texas limited partnership ("Landowner") and HMW Special Utility District of Harris and Montgomery Counties, a water and special utility district operating pursuant to Chapters 49 and 65, Texas Water Code (the "SUD") for the release and removal of real property owned by Landowner from the certified retail public water utility service area of the SUD.

This Agreement is made pursuant to Chapter 13, Texas Water Code. It shall be contingent upon the Public Utility Commission of Texas (the "PUC") approval as provided by law.

RECITALS:

WHEREAS, Landowner owns approximately 634 acres of unplatted land in the extraterritorial jurisdiction of the City of Houston, Harris County (the "Tract") and Landowner intends to develop the Tract for single family and commercial uses;

WHEREAS, the SUD holds certificate of convenience and necessity ("CCN") No. 10342, to provide water service to its service area, of which, approximately 40 acres of the Tract are located within the CCN as shown on the attached Exhibit "A;" (the "Release Tract");

WHEREAS, the SUD has never provided and does not plan to provide utility service to the Release Tract as it has no water utility service or facilities immediately available to serve the projected service demands for the Release Tract;

WHEREAS, Landowner has petitioned the Texas Commission on Environmental Quality for the creation of Harris County Municipal Utility District No. 547 (the "MUD") over its Tract and intends to obtain water and sewer service for the entire Tract from the MUD upon its creation;

WHEREAS, the Landowner has received the consent of the City of Houston for the creation of the MUD over the Tract; and

WHEREAS, the SUD will agree to amend its boundaries and release and decertify the Release Tract from its CCN in exchange for \$2,500 in total compensation for facilities allocated to the Release Tract.

Now Therefore, in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the SUD and Landowner agree as follows:

AGREEMENT:

1. SUD does not plan to provide utility service to timely meet the projected service demands of the Release Tract and, therefore, agrees to amend its CCN boundaries to release or decertify the Release Tract, as more particularly described in Exhibit "A".
2. In consideration of the amendment to its boundaries, Landowner shall pay the SUD \$2,500 for compensation of facilities related to the Release Tract. These funds will be paid by Landowner to the SUD at the address below on or before September 15, 2016.
3. Landowner shall prepare, prosecute, and bear all expenses for an application to the PUC in order to amend the boundaries of the CCN and decertify the Release Tract under the terms of this Agreement and the rules of the PUC.
4. The SUD, its engineer, employees, and consultants agree to fully cooperate with all reasonable requests relating to decertifying the Release Tract from CCN No. 10342, including but not limited to signing required documents and providing information or maps to be included in the decertification process.
5. The Agreement may be assigned by Landowner upon written notice to the SUD.
6. Any notices to the parties shall be in writing to the addresses provided below:

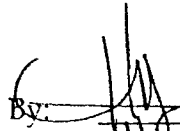
HMW Special Utility District
P.O. Box 837
Pinehurst, TX 77362
Attention: William K. Coe, General Manager

Mr. Paul Connor
McAlister Investments Real Estate
2211 Norfolk Street, Suite 803
Houston, TX 77098

ENTERED INTO AND TO BE PERFORMED IN HARRIS COUNTY, TEXAS ON
THE 18 DAY OF AUGUST, 2016.

**McALISTER OPPORTUNITY FUND 2012,
L.P., a Delaware limited partnership**

By: MOF 2012 GP, LLC, a Delaware limited
liability company, its General Partner

By: 
Name: Carrie McAlister
Manager

HMW Special Utility District:

BY: _____
NAME: _____
TITLE: _____

ENTERED INTO AND TO BE PERFORMED IN HARRIS COUNTY, TEXAS ON
THE ____ DAY OF AUGUST, 2016.

**MCALISTER OPPORTUNITY FUND 2012,
L.P., a Delaware limited partnership**

By: MOF 2012 GP, LLC, a Delaware limited
liability company, its General Partner

By: _____
Name: _____
Manager

HMW Special Utility District:

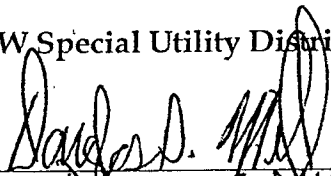
BY: 
NAME: DOUGLAS S MILLER
TITLE: PRESIDENT

EXHIBIT "A"

Map and metes and bounds description of the Release Tract



S-DR

PINE

ROBILLDR
CARDINAL-DR

GARDIN-DR

N-MEIGS CIR

W-MEIGS CIR

FAYEST

MEADOWVIEW C

HERITAGE RD

D-MAMBRO LN

WALTON DR
MIDWAY DR
RACINOS CDR
RACE

W-2901 W

ROBERTS CEMETARY RD

3.1 Acre
Tract 1

4.8 Acre
Tract 2

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES & BOUNDS** description of a 3.1 acre tract of land in the Abraham Roberts Survey, Abstract 63, Harris County, Texas, being out of and a part of that certain called 6.0767 acre tract recorded under County Clerk's File Number 20140445295, Official Public Records of Real Property, Harris County, Texas, and being that portion of said called 6.0767 acre tract located within the boundaries of the H-M-W Special Utility District, with all bearings based upon a portion of the northerly line of that certain called 585.2333 acre tract recorded under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas, same being the southerly right-of-way line of F. M. Highway 2920; as being North 69 degrees 45 minutes 11 seconds East (called North 69 degrees 45 minutes 11 seconds East under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas).

4 **Beginning** at the northeast corner of said called 6.0767 acre tract, same being the northwest corner of an adjoining called 6.000 acre tract recorded under County Clerk's File Number E448347, Official Public Records of Real Property, Harris County, Texas, for the northeast corner and **Place of Beginning** of the herein described tract, said point being in the southerly right-of-way line of F. M. Highway 2920 (100-foot wide);

Thence South 00 degrees 18 minutes 10 seconds East along the east line of said called 6.0767 acre tract, same being the west line of said adjoining called 6.000 acre tract, 1,306.37 feet to the southeast corner of said called 6.0767 acre tract, same being the southwest corner of said adjoining called 6.000 acre tract, and being in the lower north line of an adjoining called 19.974 acre tract recorded under County Clerk's File Number T078618, Official Public Records of Real Property, Harris County, Texas;

Thence South 89 degrees 45 minutes 41 seconds West along the south line of said called 6.0767 acre tract, same being the lower north line of said adjoining called 19.974 acre tract, approximately 107.25 feet to the intersection of the south line of said called 6.0767 acre tract and a west line of said H-M-W Special Utility District for the southwest corner of the herein described tract;

Thence North 00 degrees 18 minutes 10 seconds West along a west line of said H-M-W Special Utility District, crossing said called 6.0767 acre tract, approximately 1,236.60 feet to the intersection of the north line of said called 6.0767 acre tract and a west line of said H-M-W Special Utility District for the northwest corner of the herein described tract, being in the south right-of-way line of F. M. Highway 2920;

Thence North 56 degrees 41 minutes 43 seconds East along the north line of said called 6.0767 acre tract, same being the south right-of-way line of F. M. Highway 2920, approximately 127.88 feet to the **Place of Beginning** and containing 3.1 acres of land, more or less..

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

This description is based on information from surveys by Craig A. Laney, RPLS 4507, dated August 18, 2014, and November 25, 2014, and Emil Haddad, RPLS 5072, dated June 13, 2014.


August 29, 2016

Job Number 00181-0051-00

Jones & Carter, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033

Texas Board of Professional Land Surveying
Registration Number 10046104




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

Harris County Municipal Utility District No. 547
H-M-W SUD Tract 2 – 44.8 Acres

Abraham Roberts Survey, Abstract 63
Charles Frazier Survey, Abstract 266
Lawrence Long Survey, Abstract 514

STATE OF TEXAS §

COUNTY OF HARRIS §

A METES & BOUNDS description of a 44.8 acre tract of land in the Abraham Roberts Survey, Abstract 63, the Charles Frazier Survey, Abstract 266, and the Lawrence Long Survey, Abstract 514, Harris County, Texas, being out of and a part of that certain called 43.5360 acre tract recorded under County Clerk's File Number 20150107598, Official Public Records of Real Property, Harris County, Texas, and that certain called 585.2333 acre tract recorded under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas, and being those portions of said called 43.5360 acre tract and said called 585.2333 acre tract located within the boundaries of the H-M-W Special Utility District, with all bearings based upon a portion of the northerly line of said called 585.2333 acre tract, same being the southerly right-of-way line of F. M. Highway 2920, as being North 69 degrees 45 minutes 11 seconds East (called North 69 degrees 45 minutes 11 seconds East under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas).

Beginning at the southeast corner of said called 43.5360 acre tract, same being the southwest corner of an adjoining called 100.503 acre tract recorded under County Clerk's File Number 20140310898, Official Public Records of Real Property, Harris County, Texas; for a reentry corner and **Place of Beginning** of the herein described tract, said point being in the south line of said Abraham Roberts Survey, Abstract 63, same being the north line of said Charles Frazier Survey, Abstract 266, and the lower north line of the aforementioned called 585.2333 acre tract;

Thence North 89 degrees 25 minutes 29 seconds East along the lower north line of said called 585.233 acre tract, same being the south line of said adjoining called 100.503 acre tract, being the south line of said Abraham Roberts Survey, Abstract 63, same being the north line of said Charles Frazier Survey, Abstract 266, and the north line of said Lawrence Long Survey, Abstract 514, approximately 1,197.04 feet to the intersection of the lower north line of said called 585.233 acre tract and an east line of said H-M-W Special Utility District for the lower northeast corner of the herein described tract;

Thence South 00 degrees 56 minutes 28 seconds East along an east line of said H-M-W Special Utility District, approximately 808.55 feet to the southeast corner of the herein described tract;

Thence South 88 degrees 53 minutes 32 seconds West along the south line of said H-M-W Special Utility District, approximately 1,911.29 feet to the southwest corner of the herein described tract;

Thence North 00 degrees 55 minutes 33 seconds West along a west line of said H-M-W Special Utility District, approximately 1,355.26 feet to the northwest corner of the herein described tract;

Harris County Municipal Utility District No. 547
H-M-W SUD Tract 2 – 44.8 Acres

Abraham Roberts Survey, Abstract 63
Charles Frazier Survey, Abstract 266
Lawrence Long Survey, Abstract 514

Thence North 87 degrees 19 minutes 11 seconds East along a lower north line of said H-M-W Special Utility District, approximately 720.27 feet to intersection of the lower north line of said H-M-W Special Utility District and the east line of said called 43.5360 acre tract for the upper northeast corner of the herein described tract, said point being in the east line of said called 43.5360 acre tract, same being the west line of the aforementioned adjoining called 100.503 acre tract;

Thence South 00 degrees 19 minutes 07 seconds East along the east line of said called 43.5360 acre tract, same being the west line of said adjoining called 100.503 acre tract, approximately 555.40 feet to the **Place of Beginning** and containing 44.8 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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August 29, 2016

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Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

EXHIBIT "B"

Compact disc with projectable digital data for areas to be released
(will be provided as soon as possible)