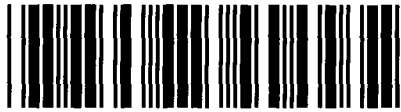


Control Number: 46727



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ANDREW J. BOLTON, ESQ.

Attorney At Law

21 Waterway Avenue Ste 300
The Woodlands, Texas 77380

936-435-1908
877-727-3601 facsimile

242 Interstate 45 South
Huntsville, Texas 77340

Tuesday, March 28, 2017

Public Utility Commission
Central Records
1701 North Congress Avenue
PO Box 13326
Austin, Texas 78711-3326

RECEIVED
2017 MAR 30 PM 2:14
PUBLIC UTILITY COMMISSION
FILING CLERK

RE: Application Of H-M-W Special Utility District To Amend Water Certificate Of Convenience and Necessity. Docket No. 46727.

Dear Public Utilities Commission:

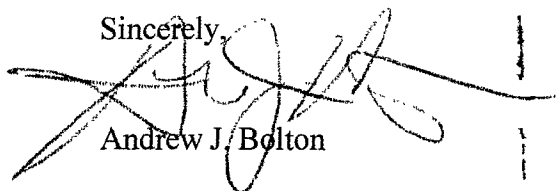
This correspondence is provided on behalf of Michael Steele *et ux.*, ("owners" herein) to notify the Public Utilities Commission of Texas that my clients opt-out and request to be excluded from the service area referenced in the Application Of H-M-W Special Utility District, docket number 46727.

The owners own a tract of approximately 57.5172 acres in Montgomery County, Texas, and are thereby entitled to exclude their tract as provided for by TEX. WATER CODE § 13.246(h) and 16 T.A.C. § 24.102(h).

Accompanying this correspondence and notice is a copy of the landowners' "Notice of Election Under Chapter 291 of the Texas Administrative Code To Exclude Landowner Tract," together with a large scale map and required metes and bounds description of the tract to be excluded. A copy of this correspondence and notice is being sent to the Application on today's date.

Any questions or comments should be made to the address and number set forth, above.

Sincerely,



Andrew J. Bolton

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**NOTICE OF ELECTION UNDER CHAPTER 291 OF THE
TEXAS ADMINISTRATIVE CODE TO EXCLUDE LANDOWNER TRACT**

WHEREAS, the H-M-W Special Utility District has filed an application with the Public Utilities Commission of Texas under Docket No. 46727 and by such filing proposes utility services for southwest Montgomery County;

WHEREAS, Michael Steele has received the document entitled "Notice of Application For Certificate of Convenience and Necessity (CCN) To Provide Water Utility Service In Montgomery County, Texas" on or about March 3, 2017;

WHEREAS, Michael Steele is the legal and beneficial owner of a certain 57.5172 acre tract of land, more or less, which tract encompasses at least 25 acres, and which is wholly or in part, located within the proposed service area (a description of said tract is attached hereto and incorporated herein as Exhibit A);

WHEREAS, Subchapter G of Chapter 291 of the Texas Administrative Code provides that a landowner who owns a tract of land that is at least 25 acres and that is wholly or partially located within the proposed service area may elect to exclude some or all of the landowner's property from the proposed service area; and

WHEREAS, the restriction against opting-out under subparagraph (i) of Section 291.102 of said Subchapter does not apply to the tract described in the attached Exhibit A;

NOW, THEREFORE, Michael Steele hereby elects to have said tract comprising 57.5172 acres, more or less, as shown on Exhibit A, excluded from the proposed service area.

Owner, Michael Steele, certifies that the attached Exhibit A, is a true and accurate "large scale map" containing metes and bounds of the property which is the subject of this election; and he further certifies that a true and correct copy of this election has been sent this 28th day of March, 2017 to the Applicant.

Dated March 28, 2017.



Michael Steele
15407 Coe Loop
Magnolia, TX 77355
713-252-0475

Description: a tract of land containing 57.5172 acres more or less, situated in the J.H. Edwards

A-13 in Montgomery County, Texas and being out of a 325 acre tract of land as described in volume 49, page 327 of the Montgomery County Deed Records a lot joining said tract in the Solomon Brown A-5 survey in Montgomery County, Texas.

BEGINNING at a found 2 inch galvanized iron pipe marking the northeast corner of a called 68 acre tract as recorded in Volume 478. Page 453 of the Montgomery County Deed Records, same being the southeast corner of a called 25.00 acre tract of land as recorded Volume 161 Page 254 of the Montgomery County Deed Records:

Thence: S 89° 43' 44" W along a barbed wire fence, a distance of 104.40 feet to a 1/2" IR for corner.

Thence: N 00° 06' 09" W generally along a barbed wire fence a distance of 674.63 feet to a 1/2" IR for corner.

Thence: N 89° 14' 25" E generally along a barbed wire fence for a distance of 104.44 feet to a 2" IP for corner, same being northeast corner of a called 25.00 acre tract of land as recorded Volume 161 Page 264 of the Montgomery County Deed Records.

Thence: S 00° 05' 59" E generally along a barbed wire fence a distance of 200.00 feet to a 2" IP for corner, same being the north west corner of that tract containing 57.5172 acres.

THENCE: N 89° 58' 21" E. generally along a barb wire fence, a distance of 1105.03 feet to a found 2 inch galvanized iron pipe for corner, same being on the west line of a called 150.00 acre tract as recorded in Volume 91, Page 131 of the Montgomery County Deed records.

THENCE: S 00° 09' 30" E. continuing along the west line of said 150.00 acre tract and generally along a barb wire fence a distance of 1070.81 feet to a found 2 inch iron pipe for corner.

THENCE: S 00° 18' 55" E. continuing along said west line and generally along a barb wire fence passing a found 1/2 inch iron rod of 1218.58 feet and continuing for a total distance of 1228.58 feet to a point on the north high bank of Spring Creek for corner.

THENCE: along the north high bank of Spring Creek the following

N 89° 08' 00" W. a distance of 95.20 feet to a point;
N 74° 20' 00" W. a distance of 168.00 feet to a point;
N 63° 33' 00" W. a distance of 103.00 feet to a point;
N 81° 04' 00" W. a distance of 280.00 feet to a point;
N 77° 44' 00" W. a distance of 141.00 feet to a point;
S 84° 53' 00" W. a distance of 91.00 feet to a point;
S 48° 10' 00" W. a distance of 63.00 feet to a point;
S 69° 49' 00" W. a distance of 103.00 feet to a point;
S 65° 52' 00" W. a distance of 36.00 feet to a point;
N 20° 07' 00" W. a distance of 50.00 feet to a point;
N 70° 18' 19" W. a distance of 62.32 feet to a found 1/2 inch galvanized iron pipe for corner.

THENCE: N 00° 12' 35" W. along the east line of the aforementioned 68 acre tract and generally along a barb wire fence a distance of 1073.04 feet to a found axle for corner:

THENCE: N 00° 09' 25" W. continuing along the east line of said 68 acre tract and generally along a barbed wire fence a distance of 650.84 feet to the POINT OF BEGINNING and containing 55.869 acres of land, more or less.