

Control Number: 46868



Item Number: 1

Addendum StartPage: 0

COATS | ROSE

A Professional Corporation

46868

RECEIVED

MINDY L KOEHNE

2017 FEB 17 AM 9:26

mkoehne@coatsrose.com
Direct Dial
(972) 982-8461

PUBLIC UTILITY COMMISSION
FILING CLERK

February 16, 2017

VIA FEDERAL EXPRESS

Filing Clerk
Public Utility Commission of Texas
Central Records
1701 N. Congress, Suite 8-100
Austin, Texas 78701

Re: Petition for Expedited Release from Water Certificate of Convenience held by
Marilee Special Utility District

To Whom It May Concern:

Enclosed for filing please find the original and nine copies of a three Petitions for Expedited Release from Water Certificate of Convenience and Necessity held by Marilee Special Utility District. I have also enclosed seven CDs of each mapping of the property and seven hard copies of all of each property. Please direct all communications regarding this matter to me. Thank you.

Very truly yours,



Mindy L. Koehne by MSM

Enclosures

14755 Preston Road, Suite 600, Dallas, Texas 75254
Phone: (972) 788-1600 Fax: (972) 702-0662
Web: www.coatsrose.com

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

4845-5086-6499.v1

1. 11/11/11

AFFIDAVIT

THE STATE OF TEXAS

§

COUNTY OF DALLAS

§

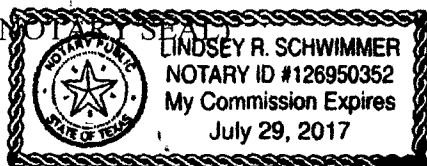
I, Melisa Montague, the undersigned, hereby state that on February 16, 2017, I mailed via certified/return receipt U.S. Mail the attached true and correct copy of three (3) Petitions for Expedited Release from Water Certificate of Convenience and Necessity to Marilee Special Utility District at 230 West Pecan Street, Celina, Texas 75009.

Melisa Montague
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME this the 16th day of February, 2017.

[Signature]

Notary Public in and for the State of Texas



**PETITION FOR EXPEDITED RELEASE
FROM WATER CERTIFICATE OF CONVENIENCE AND NECESSITY**

THE STATE OF TEXAS §

COUNTY OF COLLIN §

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

The undersigned, Legacy Stables, LLC (herein the "Petitioner"), hereby files this Petition for Expedited Release from Water Certificate of Convenience and Necessity pursuant to Section 13.254(a-5), Texas Water Code. Petitioner respectfully requests that the Public Utility Commission of Texas (the "Commission") release approximately 71.71 acres of land owned by Petitioner from water Certificate of Convenience and Necessity ("CCN") No. 10150, held by Marilee Special Utility District.

I.

Petitioner owns approximately 71.71 acres of land (the "Property"), which is at least 25 contiguous acres, located in Collin County. A metes and bounds description of the Property is attached hereto as Exhibit "A." A map showing the location of the Property is attached hereto as Exhibit "B." A deed showing ownership of the Property by Petitioner is attached hereto as Exhibit "C."

II.

The Property is located wholly within water CCN No. 10150. The Property is not receiving water service from the holder of the CCN, Marilee Special Utility District.

III.

Petitioner therefore respectfully requests that the Commission grant this petition and release the land identified herein from water CCN No. 10150, as provided by Section 13.254(a-6), Texas Water Code and 16 Texas Administrative Code, Section 24.113(r).

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED, the 10th day of February, 2017.

PETITIONER:

Legacy Stables, LLC

By: [Signature]
Name: Jody O'Donnell
Title: President

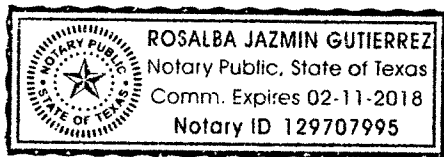
THE STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on the 10th day of February, 2017, by Jody O'Donnell, President of Legacy Stables, LLC.

[Signature]
Notary Public in and for the State of Texas

(NOTARY SEAL)



[Handwritten mark]

EXHIBIT "A"

PROPERTY DESCRIPTION

BEING a tract of land situated in the B. B. B. & C. RR. Company Survey, Abstract No. 130 and the Hezekiah, Culwell Survey, Abstract No. 186, Collin County, Texas, and being a portion of a called 76.551 acre tract of land, conveyed to Legacy Stables LLC, as evidenced in a Deed, recorded in Volume 5045, Page 190, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 76.551 acre tract, same being on the approximate centerline of a gravel road, known as County Road 130;

THENCE South $89^{\circ}10'46''$ West, along the southerly line of said 76.551 acre tract and generally along the centerline of said County Road 130, a distance of 792.78 feet to a corner;

THENCE North $00^{\circ}49'14''$ West, departing the southerly line of said 76.551 acre tract, said County Road 130 and crossing said 76.551 acre tract, a distance of 800.00 feet to a corner;

THENCE South $89^{\circ}10'46''$ West, continuing across said 76.551 acre tract, a distance of 450.00 feet to a corner;

THENCE South $00^{\circ}49'14''$ East, continuing across said 76.551 acre tract, a distance of 200.00 feet to a corner;

THENCE North $89^{\circ}10'46''$ East, continuing across said 76.551 acre tract, a distance of 250.00 feet to a corner;

THENCE South $00^{\circ}49'14''$ East, continuing across said 76.551 acre tract, a distance of 600.00 feet to a corner on the southerly line of said 76.551 acre tract, same being on the centerline of aforesaid County Road 130;

THENCE South $89^{\circ}10'46''$ West, along the southerly line of said 76.551 acre tract and generally along the centerline of said County Road 130, a distance of 657.29 feet to the southwest corner of said 76.551 acre tract;

THENCE in a northerly direction, departing said County Road 130 and along the westerly line of said 76.551 acre tract, the following:

North $08^{\circ}03'48''$ East, a distance of 123.07 feet to a corner;

North $38^{\circ}59'36''$ East, a distance of 364.43 feet to a corner;

North $04^{\circ}52'07''$ West, a distance of 282.14 feet to a corner;

North $12^{\circ}40'03''$ East, a distance of 87.53 feet to a corner;

South $57^{\circ}12'42''$ East, a distance of 80.32 feet to a corner;

North $11^{\circ}22'42''$ West, a distance of 293.00 feet to a corner;

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North 42°52'42" West, a distance of 948.00 feet to a corner;

North 04°51'06" West, a distance of 166.08 feet to the northwest corner of said 76.551 acre tract, same being the southwest corner of a called 93.492 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4801, Page 1372, Land Records of Collin County, Texas and the southeast corner of a called 0.432 acre tract of land, conveyed to Celina Partners, Ltd., as evidenced in a Deed, recorded in Volume 4817, Page 2629, Land Records of Collin County, Texas;

THENCE in an easterly direction, along the northerly line of said 76.551 acre tract and the southerly line of said 93.492 acre tract, the following:

North 89°16'37" East, a distance of 1,059.04 feet to a corner;

North 06°37'09" East, a distance of 75.27 feet to a corner;

North 20°16'16" West, a distance of 99.40 feet to a corner;

North 39°38'11" West, a distance of 195.00 feet to a corner;

North 79°57'41" East, a distance of 285.00 feet to a corner;

South 62°08'53" East, a distance of 198.86 feet to a corner;

North 58°12'43" East, a distance of 293.75 feet to a corner;

South 69°41'36" East, a distance of 106.63 feet to a corner;

South 84°57'58" East, a distance of 122.08 feet to a corner;

North 33°58'00" East, a distance of 256.39 feet to the northeast corner of said 76.551 acre tract;

THENCE South 01°48'30" East, along the easterly line of said 76.551 acre tract, a distance of 2,461.12 feet to the **POINT OF BEGINNING** and containing 71.710 acres of land, more or less.

EXHIBIT "B"

MAP OF PROPERTY

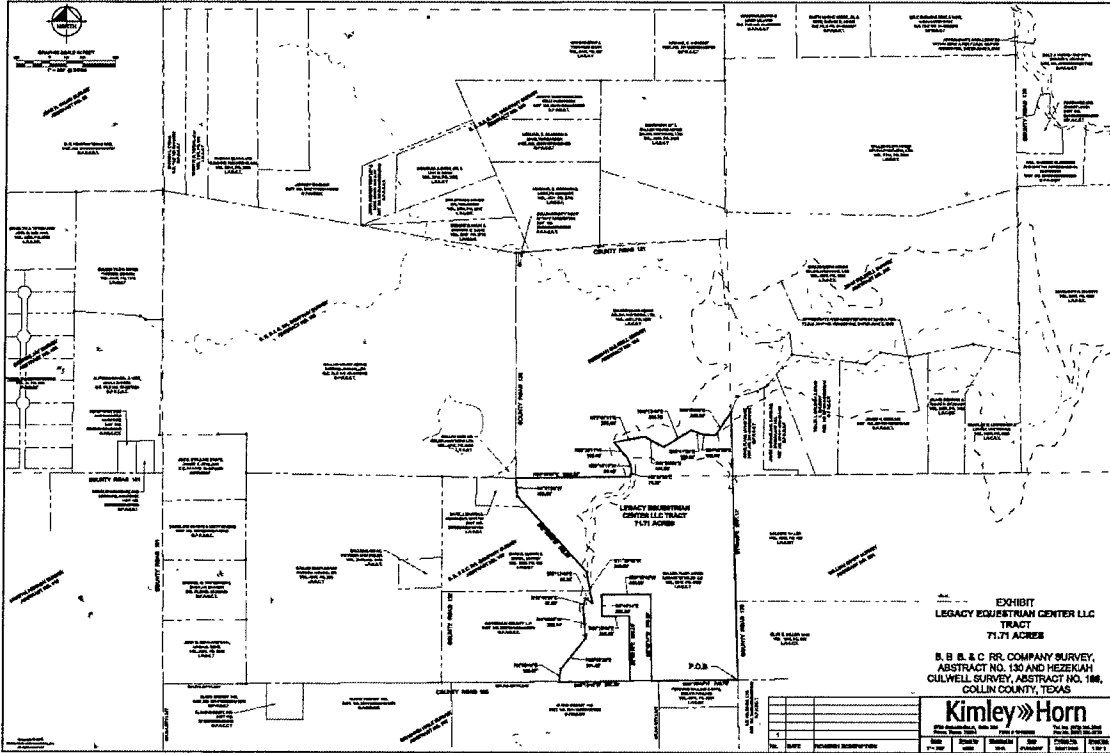


EXHIBIT "C"

DEED SHOWING OWNERSHIP

5045 0190 2001- 0145034

GENERAL WARRANTY DEED

STATE OF TEXAS {
 { KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COLLIN {

That Jody M. O'Donnell and Anita O'Donnell (collectively, the "Grantor"), whose address is 1437 Halsey Way, Carrollton, Texas 75007-4410, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Legacy Stables LLC, a Texas limited liability company (the "Grantee"), whose mailing address is set forth hereinbelow, the receipt and sufficiency of which are hereby acknowledged and confessed, subject to the exceptions, liens, encumbrances, terms and provisions hereinafter set forth and described, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents DOES HEREBY GRANT, BARGAIN, SELL and CONVEY, unto Grantee those two (2) certain tracts of land located in Collin County, Texas, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (collectively, the "Property"), together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in any way pertaining thereto; provided, however, this conveyance is made and accepted subject and subordinate to those matters set forth on Exhibit "B" attached hereto and incorporated herein by reference for all purposes (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto Grantee, Grantee's successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, personal representatives, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof; provided, however, the foregoing warranty of title (and any other warranty of title), which may be expressed or implied herein (or otherwise), is hereby expressly disclaimed as to any subsequent grantee other than the Grantee defined herein as the Grantee.

For the same consideration as provided herein, Grantor hereby conveys unto Grantee, all right, title and interest, if any, of Grantor in any and all strips and gores between the Property and abutting properties and any land lying in or under the bed of any street, avenue, alley, road or right-of-way, opened, closed or proposed, abutting or adjacent to the Property.

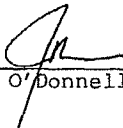
By acceptance of this General Warranty Deed (the "Deed"), Grantee assumes payment of all real property taxes and personal property taxes on the Property for the current year and subsequent years.

IN WITNESS WHEREOF, this Deed has been executed by Grantor as of November 1, 2001.

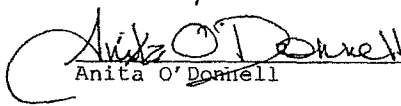
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5045 0191

GRANTOR:



Jody M. O'Donnell



Anita O'Donnell

GRANTEE'S ADDRESS:

Legacy Stables LLC
1437 Halsey Way
Carrollton, Texas 75007-4410
Attn: Mr. Jody M. O'Donnell


**AFTER RECORDING,
PLEASE RETURN TO:**

Gerald D. Quast, P.C.
3011 Montecito Drive
Suite 200
Denton, Texas 76205-8517
Attn: Gerald D. Quast, President

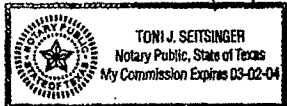
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Jody M. O'Donnell known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 2nd day of November, 2001.



Notary Public, State of Texas
Notary's name printed:
Toni J. Seitsinger
My Commission expires: 03/02/04



5045 0192

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

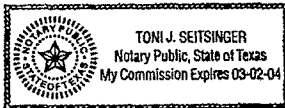
BEFORE ME, the undersigned authority, on this day personally appeared Anita O'Donnell known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 2nd day of November, 2001.

Toni J. Seitsinger
Notary Public, State of Texas

Notary's name printed:

Toni J. Seitsinger
My Commission expires: 03/02/04



5045 0193

EXHIBIT "A"

TRACT ONE:

All that certain tract or parcel of land situated in the B.B.B. & C.R.R. Survey, Abstract Number 130, and the Hezekiah Culwell Survey, Abstract Number 186, County of Collin, State of Texas; said tract being all of a tract as described in Deed to Bobby Thomas Davis, filed 20 February 1992, and recorded at 92-0088726 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the Southeast corner of the tract being described herein at a found 1/2 inch steel rebar, said rebar being the Southeast corner of said Davis tract, and in the center of Collin County road Number 130 (a gravel surfaced public road), and near the West line of Collin County Road Number 128 (a gravel surfaced public road);

THENCE North 89 deg. 26 min. 32 sec. West, with the South line of said Davis tract, and with said road, a distance of 1650.06 feet to a set railroad spike for the Southwest corner of said Davis tract, said spike being in said road #130, and the center line of Long Branch;

THENCE with the center line of said Long Branch the following 4 (four) calls:

1. North 09 deg. 26 min. 30 sec. East, a distance of 123.07 feet;
2. North 40 deg. 22 min. 18 sec. East, a distance of 364.43 feet;
3. North 03 deg. 29 min. 25 sec. West, a distance of 282.14 feet;
4. North 14 deg. 02 min. 45 sec. East, a distance of 87.53 feet;

THENCE South 55 deg. 50 min. 00 sec. East, a distance of 80.32 feet to a found 1/2 inch steel square tubing for a corner;

THENCE North 10 deg. 00 min. 00 sec. West, a distance of 293.00 feet to a found 1/2 inch steel square tubing for a corner;

THENCE North 41 deg. 30 min. 00 sec. West, a distance of 948.00 feet to a wood fence corner post for a corner;

THENCE North 15 deg. 13 min. 43 sec. West, a distance of 168.12 feet to a wood fence corner post for a West corner of said Davis tract;

THENCE South 89 deg. 33 min. 06 sec. East, with the North line of said Davis tract, a distance of 1093.10 feet to the center line of said Long Branch for a corner;

THENCE with the center line of said Long Branch the following 9 (nine) calls:

1. North 07 deg. 59 min. 51 sec. East, a distance of 75.27 feet;
2. North 18 deg. 53 min. 39 sec. West, a distance of 99.40 feet;
3. North 38 deg. 15 min. 29 sec. West, a distance of 195.00 feet;
4. North 81 deg. 20 min. 23 sec. East, a distance of 285.00 feet;
5. South 60 deg. 46 min. 11 sec. East, a distance of 198.86 feet;
6. North 59 deg. 35 min. 25 sec. East, a distance of 293.75 feet;
7. South 68 deg. 18 min. 54 sec. East, a distance of 106.63 feet;
8. South 83 deg. 35 min. 16 sec. East, a distance of 122.08 feet;
9. North 35 deg. 20 min. 42 sec. East, a distance of 256.39 feet to the Northeast corner of said Davis tract;

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5045 0194

THENCE South 00 deg. 25 min. 48 sec. East, with the East line of said Davis tract, a distance of 2461.13 feet to the POINT OF BEGINNING and containing 76.551 acres of land, more or less.

TRACT TWO:

All that certain tract or parcel of land situated in the Aaron Huffstettler Survey, Abstract Number 443, County of Collin, State of Texas; said tract being shown by Deed to Bobby Thomas Davis, filed 20 November 1992, and recorded at 92-0088726 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the Northwest corner of the tract being described herein at a found 1/2 inch rebar, said rebar being the Northwest corner of said Davis tract, said rebar also being in Collin County Road Number 128 (a gravel surfaced public road);

THENCE South 89 deg. 18 min. 04 sec. East, with the North line of said Davis tract, a distance of 144.67 feet to a found 1/2 inch rebar on the North right of way line of Farm-to-Market Road Number 455, said rebar also being the start of a curve to the left whose radius is 363.31 feet, central angle of 32 deg. 15 min. 18 sec.;

THENCE with said curve, an arc length of 204.53 feet to a found 1/2 inch rebar for the corner of said Davis tract;

THENCE North 00 deg. 02 min. 02 sec. East, a distance of 142.43 feet to the POINT OF BEGINNING and containing 0.192 (8,370.7 sq. ft.) of an acre of land, more or less.

EXHIBIT "B"

5045 0195

1. Restrictions recorded in Volume 1437, Page 91; Volume 1729, Page 880; Volume 1583, Page 581 and Volume 2313, Page 36, Collin County Land Records.
2. Easement to Texas Power and Light Company, recorded in Volume 494, Page 368, Collin County Land Records.
3. Easement granted to Texas Power and Light Company, recorded in Volume 493, Page 468, Collin County Land Records.
4. Easement granted to Gunter Water Supply Corporation, recorded in Volume 817, Page 502, Collin County Land Records.
5. Easement granted to Gunter Water Supply Corporation, recorded in Volume 817, Page 407, Collin County Land Records.
6. Easement granted to Collin County Soil Conservation District, recorded in Volume 675, Page 396, Collin County Land Records.
7. An undivided one-fourth (1/4) in all oil, gas and minerals as reserved by Grantor in deed dated December 7, 1982, from Kemp Engineering Company, Inc. to Gary Pierce and wife, Diana J. Pierce, as recorded in Volume 1583, Page 581, Collin County Land Records.
8. Mineral Deed executed by Mrs. F.M. Helms to Edith Hogg, dated July 10, 1936, filed September 3, 1936, recorded in Volume 308, Page 71, Collin County Land Records, conveying one-half (1/2) interest in and to all the oil, gas and other minerals which may be found or produced in, on and under subject property.
9. Mineral Deed executed by T.D. Brown to Edith Hogg, dated July 10, 1936, filed September 3, 1936, recorded in Volume 308, Page 65, Collin County Land Records, conveying one-half (1/2) interest in and to all the oil, gas and other minerals which may be found or produced in, on and under subject property.
10. One-half (1/2) royalty interest in all of the oil, gas and other minerals in and under the herein described property, reserved in deed from Marvin L. Collins and Corinne Collins Calvert to Craig Glendenning, dated April 15, 1982, filed April 15, 1981, and recorded in Volume 1375, page 526, Collin County Land Records.
11. Subject to that portion of subject property which lies within the boundaries of County Road No. 130 and County Road No. 128, as shown on the survey dated May 1, 2001, prepared by Don K. Cox, R.P.L.S. No. 4577. (Affects Tract One)
12. Location of fence along the North, East and South property lines as shown on the survey dated May 1, 2001, prepared by Don K. Cox, R.P.L.S. No. 4577. (Affects Tract One)
13. Overhead electric lines and poles as shown on the survey dated May 1, 2001, prepared by Don K. Cox, R.P.L.S. No. 4577. (Affects Tract One)
14. Subject to that portion of subject property which lies within the boundaries of County Road No. 128, as shown on the survey dated May 1, 2001, prepared by Don K. Cox, R.P.L.S. No. 4577. (Affects Tract Two)
15. Deed of Trust executed by Jody M. O'Donnell and Anita O'Donnell to Ted F. Conover, Trustee, for the benefit of Heritage Land Bank, FLCA, recorded in the Real Property Records of Collin County, Texas, securing a promissory note in the original principal amount of \$660,200.00 executed by Jody M. O'Donnell and Anita O'Donnell payable to the order of Heritage Land Bank, FLCA.

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5045 0196

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 (COUNTY OF COLLIN)
(THE STATE OF TEXAS) (THE STATE OF TEXAS)
County Clerk (and SA) instrument was FILED in the Public Records on the date and the time stamped hereon by me and was duly RECORDED in the Official Public Records of Real Property of Collin County, Texas on

NOV 13 2001

Helen Starnes



Filed for Record in:
Collin County, McKinney TX
Honorable Helen Starnes
Collin County Clerk

On Nov 13 2001
At 8:37am

Doc/Num : 2001- 0145034

Recording/Type:D1 21.00
Receipt #: 37508

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OVERSIZED MAP

**TO VIEW OVERSIZED MAP or
DOCUMENTS,**

**PLEASE CONTACT CENTRAL
RECORDS**

at 512.936.7180