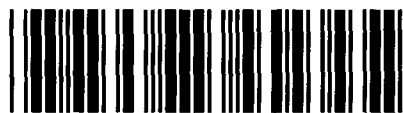


Control Number: 48015



Item Number: 1

Addendum StartPage: 0

480151

PETITION FOR RELEASE FROM CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WATER SERVICE

RECEIVED

NOV 16 2016
PUBLIC UTILITY COMMISSION
FILED

THE STATE OF TEXAS §
 §
COUNTY OF ATASCOSA §

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Centex Las Palomas, L.P. (the "Petitioner"), by and through its counsel of record, Allen Boone Humphries Robinson LLP, and files this Petition for Release from Certificate of Convenience and Necessity for Water Service pursuant to Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.113(r), and in support thereof respectfully shows the following:

I.

The Petitioner holds fee simple title to approximately 113.86 acres of land located in Atascosa County, Texas (the "Property"), as evidenced by the Deed attached hereto as **Exhibit A**. The Property is more particularly shown on the small-scale (general location) map attached hereto as **Exhibit B**, the large-scale (detailed) map attached hereto as **Exhibit C**, and in the digital data submitted on compact disc.

II.

The Property is comprised of a tract of land that is at least 25 contiguous acres and is located in Atascosa County, Texas.

III.

The Property is subject to certificate of convenience and necessity no. 11007 for water service (the "CCN") held by the City of Lytle, Texas (the "CCN Holder"). As of the date of this Petition, the Property is not receiving water service from the CCN Holder.

IV.

The undersigned certifies that a copy of this Petition has been mailed to the CCN Holder via certified mail on the day that this Petition is filed with the Commission.

V.

Petitioner's notarized Affidavit in support of the required information to be included in this Petition pursuant to 16 Texas Administrative Code § 24.113(l)(3)(A) is attached hereto as **Exhibit D**.

WHEREFORE, the Petitioner respectfully requests that this Petition be heard and granted in all respects, and that such other orders, acts, procedures, and relief be granted as are proper, necessary, and appropriate to complete the release of the Property from the CCN, as the Commission shall deem proper and necessary.

Date: January 31, 2018

Respectfully submitted,

A handwritten signature in cursive script that reads "Christina L. Miller". The signature is written in black ink and is positioned above a horizontal line.

Christina L. Miller
Allen Boone Humphries Robinson LLP
Attorneys for Petitioner
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027
(713) 860-6492
(713) 860-6692 (facsimile)
cmiller@abhr.com
State Bar No. 24065751

Attachments: Exhibit A - Deed
 Exhibit B - Small Scale (General Location) Map
 Exhibit C - Large Scale (Detailed) Map
 Exhibit D - Petitioner's Affidavit

EXHIBIT A

DEED



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 licence number.

54C-160303077-58

WARRANTY DEED WITH VENDOR'S LIEN

Date: November 14, 2017

Grantor: UNICO CATTLE CO. LTD., a Texas limited liability company

Grantor's Mailing Address: P.O. Box 696, Lytle, Atascosa County, Texas 78052

Grantor: GARY LIGHT, also known as GARY RAY LIGHT, and wife, MOLLY LIGHT, also known as MOLLY MOLLENHOFF LIGHT

Grantor's Mailing Address: P.O. Box 8, Rio Medina, Medina County, Texas 78066

Grantee: CENTEX LAS PALOMAS, L.P., A Texas limited partnership

Grantee's Mailing Address: P.O. Box 365, La Blanca, Hidalgo County, Texas 78558

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration and a note of even date executed by Grantee and payable to the order of CENTEX LAS PALOMAS INVESTORS, LLC, in the principal amount of ONE MILLION, ONE HUNDRED SEVENTY-SEVEN THOUSAND, SIX HUNDRED THIRTY-EIGHT AND NO/100 DOLLARS (\$1,177,638.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of CENTEX LAS PALOMAS INVESTORS, LLC, and by a first-lien deed of trust of even date from Grantee to RUDY SALINAS, JR., Trustee.

Property (including any improvements): All that certain tract of land containing 113.86 acres, 83.68 acres lying in the A. Bohl Survey No. 518, Abstract No. 91 and 30.18 acres lying in the A. Gerandino Survey No. 518 1/2, Abstract No. 291, Atascosa County, Texas; said property being more fully described by metes and bounds as in the attached Exhibit "A" hereto, being the field notes from a survey performed on May 1, 2017, by Walt F. Rakowitz, Registered Professional Land Surveyor No. 6435, and a plat of said land attached hereto as Exhibit "B", being a plat prepared by Walt F. Rakowitz, Registered Professional Land Surveyor No. 6435, to each of which reference is here made and the terms of which are hereby incorporated by reference the same as if copied herein fully at length.

Reservations from Conveyance:

1. For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of the free, uninterrupted, and personal use of, and a separate right to maintain, a nonexclusive easement over the passageway described in this paragraph and located on the Property. This easement is located specifically across the approximate 60 ft. by 275.25 ft. strip of land that fronts F.M. 3175 along the eastern side of the Property and across any of the Property that Grantee uses to build roads or lay utilities for any further subdivision of the Property by Grantee or Grantor's heirs, successors, and assigns.

2. For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

Grantor waives the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor.

Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas, and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

3. For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all groundwater rights associated with the Property.

Exceptions to Conveyance and Warranty: This conveyance is made and accepted subject to any and all liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing by reason any applicable water improvement or governmental district, agency, authority, etc.; and taxes for the year 2017, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes, including, but not limited, to the following:

1. Rules, regulations and orders governing residential subdivisions, sanitation and waste disposal and the construction and use of septic tanks as passed by the Atascosa County, Texas and the Texas Water Quality Board.
2. Rules, requirements and regulations of the National Flood administration as promulgated by Atascosa County, Texas, providing, inter alia, for obtaining of building permits for construction of any improvements on the above-described Property.
3. All leases, grants, exceptions or reservation of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records.
4. Terms and conditions of that certain Oil, Gas and Mineral lease dated June 28, 1951, executed by W. J. Murphy and Eva Speed Murphy to J. K. Whitley, Trustee, recorded at Volume 209, Page 506 of the Deed Records of Atascosa County, Texas.
5. Terms and conditions of that certain Oil, Gas and Mineral lease dated October 14, 1954, executed by W. J. Murphy and Eva Speed Murphy to G. R. Schimmel, recorded at Volume 237, Page 121 of the Deed Records of Atascosa County, Texas.
6. Terms and conditions of that certain Deed, Controlled Access Highway Facility dated January 16, 1965, executed by Wallis J. Murphy and Eva Speed Murphy to the State of Texas, recorded at Volume 303, Page 499 of the Deed Records of Atascosa County, Texas.

7. Easement (Drainage) for Highway Purposes dated July 28, 1970 executed by W. J. Murphy and Eva Speed Murphy to the State of Texas, recorded at Volume 359, Page 483 of the Deed Records of Atascosa County, Texas.
8. Right Of Way Easement dated September 18, 2013 executed by Gary Ray Light and Molly Mollenhoff Light to Benton City Water Supply Corporation recorded as Clerk's File No. 146506 of the Official Public Records of Atascosa County, Texas.
9. 150' Sanitary Control Easement created around an existing water well, covered well, and overhead electric as shown on survey dated May 1, 2017, prepared by Walt F. Rakowitz, Registered Professional Land Surveyor.
10. Terms and conditions of that certain Non Standard Service dated August 15, 2017, by and between Cayetano Development, LLC, Developer and Benton City Water Supply Corporation, recorded on September 11, 2017, under Clerk's File No. 182020 of the Official Public Records of Atascosa County, Texas.
11. Order Approving Variance dated June 26, 2017, executed by Atascosa County Commissioners Court to Cayetano Development, LLC, recorded under Clerk's File No. 181536 of the Official Public Records of Atascosa County, Texas; such Variance being re-recorded on October 3, 2017, under Clerk's File No. 182562 of the Official Public Records of Atascosa County, Texas.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION OR ANY OTHER MATTERS AFFECTING OR RELATING TO THE PROPERTY OR ANY IMPROVEMENTS THEREON (OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN). GRANTEE EXPRESSLY AGREES THAT, TO THE MAXIMUM EXTENT PERMITTED BY LAW THE PROPERTY AND ANY IMPROVEMENTS THEREON ARE CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTEE HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY AND ANY IMPROVEMENTS THEREON, INCLUDING WITHOUT LIMITATION, (i) THE PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY AND ANY IMPROVEMENTS THEREON, (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INCORPORATED INTO ANY SUCH IMPROVEMENTS, (iii) ANY ENVIRONMENTAL MATTERS RELATING TO THE PROPERTY, AND (iv) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY AND ANY IMPROVEMENTS THEREON. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS, OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT, OR OTHER PERSON, UNLESS THE SAME ARE SPECIFICALLY SET FORTH AS REFERRED TO HEREIN.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

CENTEX LAS PALOMAS INVESTORS, LLC, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of CENTEX LAS PALOMAS INVESTORS, LLC, and are transferred to CENTEX LAS PALOMAS INVESTORS, LLC, without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.


UNICO CATTLE CO. LTD.

BY: GARY R. LIGHT MANAGEMENT, LLC.,
General Partner

BY:

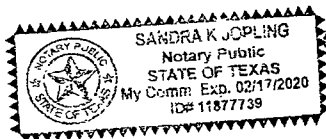

Gary R. Light, Managing Member

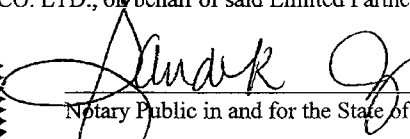

GARY LIGHT, also known as GARY RAY LIGHT


MOLLY LIGHT, also known as MOLLY
MOLLENHOFF LIGHT

THE STATE OF TEXAS §
COUNTY OF MEDINA §

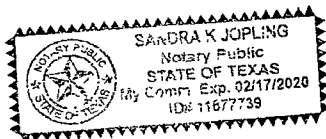
This instrument was acknowledged before me on the 14 day of November,
A.D., 2017, by GARY R. LIGHT, Managing Member of GARY R. LIGHT MANAGEMENT, LLC,
General Partner of UNICO CATTLE CO. LTD., on behalf of said Limited Partnership.

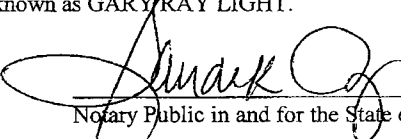



Notary Public in and for the State of Texas

THE STATE OF TEXAS §
COUNTY OF MEDINA §

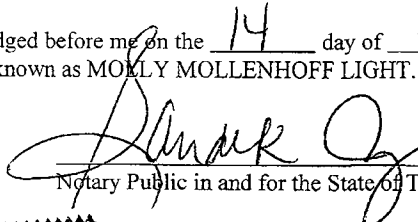
This instrument was acknowledged before me on the 14 day of November,
A.D., 2017, by GARY LIGHT, also known as GARY RAY LIGHT.



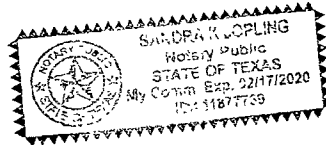

Notary Public in and for the State of Texas

THE STATE OF TEXAS §
COUNTY OF MEDINA §

This instrument was acknowledged before me on the 14 day of November,
A.D., 2017, by MOLLY LIGHT, also known as MOLLY MOLLENHOFF LIGHT.



Notary Public in and for the State of Texas



After recording return to:
Stewart Title
115 CR 4718, Ste 2
Castroville, Texas 78009

~~AFTER RECORDING, RETURN TO:~~
~~RICHARD WESLEY RUSSELL, P.C.~~
~~Attorney At Law~~
~~413 Lafayette~~
~~Castroville, Texas 78009~~

PREPARED IN THE LAW OFFICE OF:
RICHARD WESLEY RUSSELL, P.C.
Attorney At Law
413 Lafayette
Castroville, Texas 78009

EXHIBIT "A"

Clint Ivy – 16-1326 – 113.86 Acre tract – Page 1 of 3

State of Texas
County of Atascosa

Field notes for a tract of land containing 113.86 acres, 83.68 acres lying in the A. Bohl Survey No. 518, Abstract No. 91 and 30.18 acres lying in the A. Gerandino Survey No. 518 1/2, Abstract No. 291, Atascosa County, Texas, as shown on the accompanying plat of survey prepared for Clint Ivy, dated May 1, 2017, and revised November 1, 2017.

A tract of land containing 113.86 acres, being a portion of a 85.00 acre tract of land, called tract "B", described in instrument recorded as Clerk's File No. 86415, of the Official Public Records of Atascosa County, Texas, and all of a 70.02 acre tract of land, called tract "C", described in instrument recorded in Book 184, Page 299, of the Official Public Records of Atascosa County, Texas, lying in the A. Bohl Survey No. 518, Abstract No. 91 and the A. Gerandino Survey No. 518 1/2, Abstract No. 291, Atascosa County, Texas, said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch steel rod monument, found lying on the west right-of-way line of F.M. Highway 3175, being the Northeast corner of said 70.02 acre tract of land, and the Southeast corner of a 34.47 acre tract of land, described in instrument recorded in Book 230, Page 214, of the Official Public Records of Atascosa County, Texas, said point of beginning being the Northeast corner of this tract of land;

Thence South 00° 11' 08" East, 319.99 feet, along the west right-of-way line of F.M. Highway 3175, being the East line of said 70.02 acre tract of land, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an exterior corner of this tract of land,

Thence across said 70.02 acre tract of land the following courses;

South 29° 09' 20" West, 427.14 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an exterior corner of this tract of land;

South 66° 46' 40" West, 71.55 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

South 00° 10' 27" East, 470.83 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land,

North 89° 24' 30" East, 275.25 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set in the West right-of-way line of F.M. Highway 3175, being the East line of said 70.02 acre tract of land, said point being an exterior corner of this tract of land;

Thence South 00° 11' 08" East, 60.00 feet, along the West right-of-way line of F.M. Highway 3175, being the East line of said 70.02 acre tract of land, to a point marked by a 5/8 inch steel rod

monument, with cap stamped Rakowitz Engineering & Survey, set for an exterior corner of this tract of land;

Thence across said 70.02 acre tract of land the following courses;

South 89° 24' 30" West, 275.26 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

South 00° 10' 27" East, 659.54 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set in the south line of said 70.02 acre tract of land, being the North line of a 29.89 acre tract of land, described in instrument recorded in Book 157, Page 452, of the Deed Records of Atascosa County, Texas, which bears South 89° 27' 10" West, 275.39 feet, from a 5/8 inch steel rod monument, found for the Southeast corner of said 70.02 acre tract of land, being the Northeast corner of said 29.89 acre tract of land, said point being the Southeast corner of this tract of land;

Thence South 89° 27' 10" West, along the South line of said 70.02 acre tract of land, being the North line of said 29.89 acre tract of land, at 683.96 feet passing the Southwest corner of said 70.02 acre tract of land, being the Southeast corner of said 85.00 acre tract of land, continuing along the South line of said 85.00 acre tract of land, in all a total distance of 1799.82 feet, to a corner post, found for an interior corner of said 85.00 acre tract of land, being at the Northwest corner of said 29.89 acre tract of land, said point being an interior corner of this tract of land;

Thence South 00° 08' 32" West, 624.58 feet, along the East line of said 85.00 acre tract of land, being the West line of said 29.89 acre tract of land, to a 1/2 inch steel rod monument, found at the most Southerly Southeast corner of said 85.00 acre tract of land, the Northwest corner of said 29.89 acre tract of land and lying on the North line of the remainder of a 17.5 acre tract of land, described in instrument, recorded in Book 8, Page 75, of the Official Public Records of Atascosa County, Texas, said point being an exterior corner of this tract of land;

Thence South 89° 36' 58" West, 901.34 feet, along the South line of said 85.00 acre tract of land, being the North line of said remainder of 17.5 acre tract of land, continuing along the North line of a 26.668 acre tract of land, described in instrument, recorded in Book 149, Page 285, of the Deed Records of Atascosa County, Texas, to a 1/2 inch steel rod monument, found at the Southeast corner of a 10.154 acre tract of land, described in instrument, recorded in Book 602, Page 290 and Book 644, Page 161, of the Deed Records of Atascosa County, Texas, said point being the Southwest corner of this tract of land;

Thence North 00° 19' 49" West, 681.59 feet, along the West line of said 85.00 acre tract of land, being the East line of said 10.154 acre tract of land, to a 1/2 inch steel rod monument, found at the Northeast corner of said 10.154 acre tract of land, being at the Southeast corner of a 0.71 acre tract of land, described in instrument, recorded in Book 77, Page 327, of the Plat Records of Medina County, Texas, said point being an exterior corner of this tract of land;

Thence North 00° 16' 26" West, 771.01 feet, along the East line of said 0.71 acre tract of land, the East line of a 0.608 acre tract of land, described in instrument recorded as Clerk's File No. 166010, of the Official Public Records of Atascosa County, Texas, the East line of a 0.60 acre tract of land,

described in instrument recorded as Clerk's File No. 106113, of the Official Public Records of Atascosa County, Texas, the East line of a 2.06 acre tract of land, described in instrument, recorded in Book 265, Page 1087, of the Plat Records of Medina County, Texas, being a common line of said 85.00 acre tract of land, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, which bears South 48° 32' 15" West, 4.52 feet, from a 1/2 inch steel rod monument, found at the Northeast corner of said 2.06 acre tract of land, said point being the most Westerly Northwest corner of this tract of land;

Thence across said 85.00 acre tract of land the following courses;

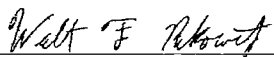
North 89° 34' 06" East, 905.91 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

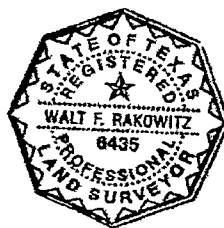
North 00° 25' 52" West, 1113.21 feet, to a point marked by a 1/2 inch steel rod monument, found for an interior corner of said 85.00 acre tract of land and the Southwest corner of said 34.47 acre tract of land, said point being the Northwest corner of this tract of land

Thence South 89° 38' 13" East, 2081.95 feet, along a Northerly line of said 85.00 acre tract of land, being the South line of said 34.47 acre tract of land and continuing along the North line of said 70.02 acre tract of land, to the Point of Beginning;

Bearings recited in this description are determined from GNSS observation, Texas coordinate system, NAD 83, taken at time of survey.

I, Walt F. Rakowitz, being a Registered Professional Land Surveyor, registered in the state of Texas, do hereby certify that the foregoing field notes for a tract of land containing 113.86 acres, as shown on the accompanying plat of survey prepared for Clint Ivy, dated May 1, 2017, and revised November 9, 2017, were prepared from an actual survey done under my supervision and that to the best of my knowledge and belief they are a true and correct representation of said survey.


Walt F. Rakowitz R.P.L.S. 6435
Rakowitz Engineering and Surveying
PO Box 172
Pleasanton, Texas 78064
830-281-4060



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Diana Gonzales

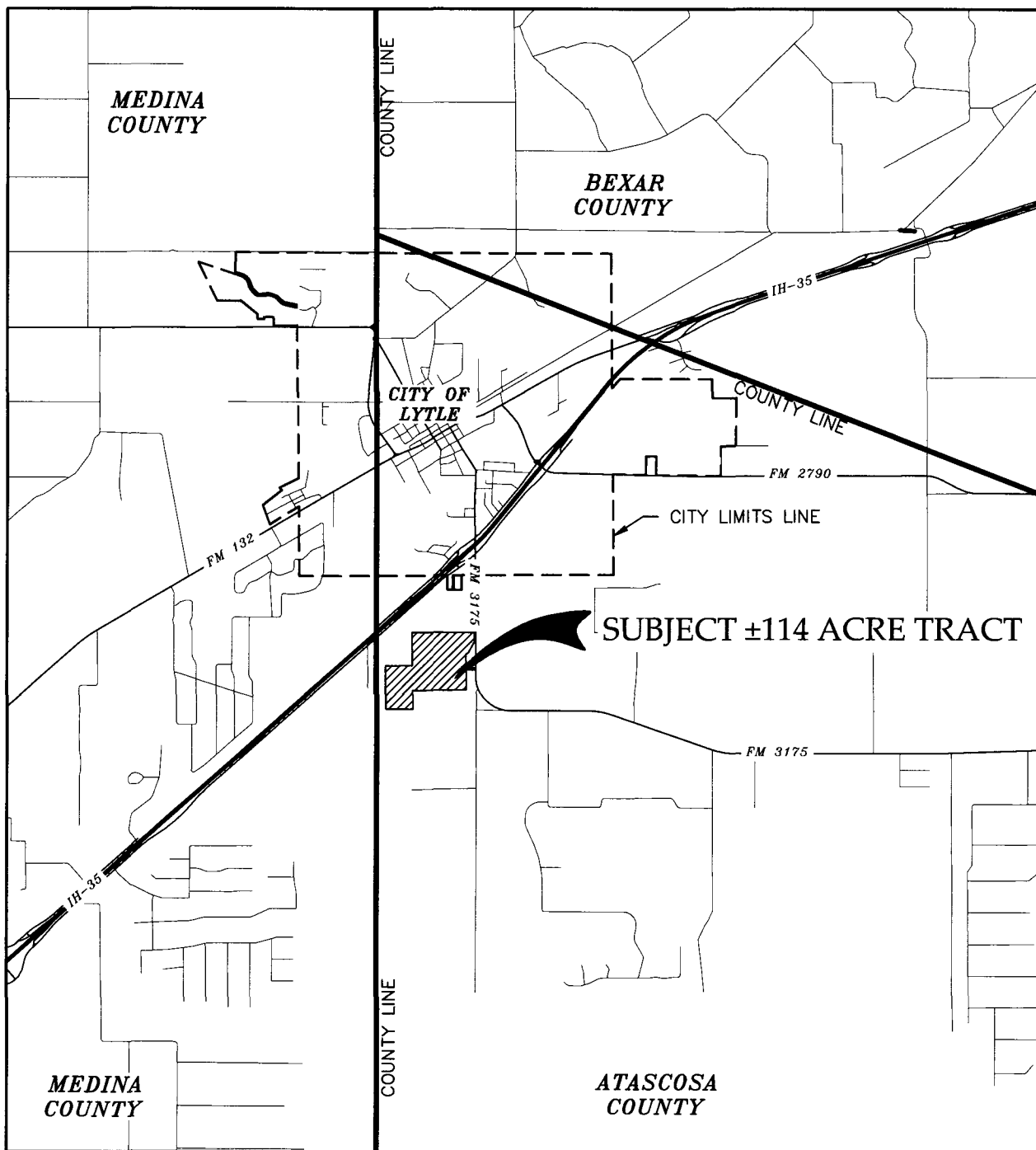
Diana Gonzales, County Clerk
Atascosa County, Texas

November 16, 2017 11:51:27 AM

FEE: \$58.00 KPONTON 183434
WDVL

EXHIBIT B

SMALL-SCALE (GENERAL LOCATION) MAP



LAS PALOMAS SUBDIVISION
LYTLE, TEXAS
GENERAL LOCATION MAP



Rakowitz
ENGINEERING & SURVEYING

TEXAS REGISTERED ENGINEERING FIRM F-9155
TEXAS LICENSED SURVEYING FIRM 101812-00

830.281.4060

PO BOX 172

PLEASANTON, TX 78064



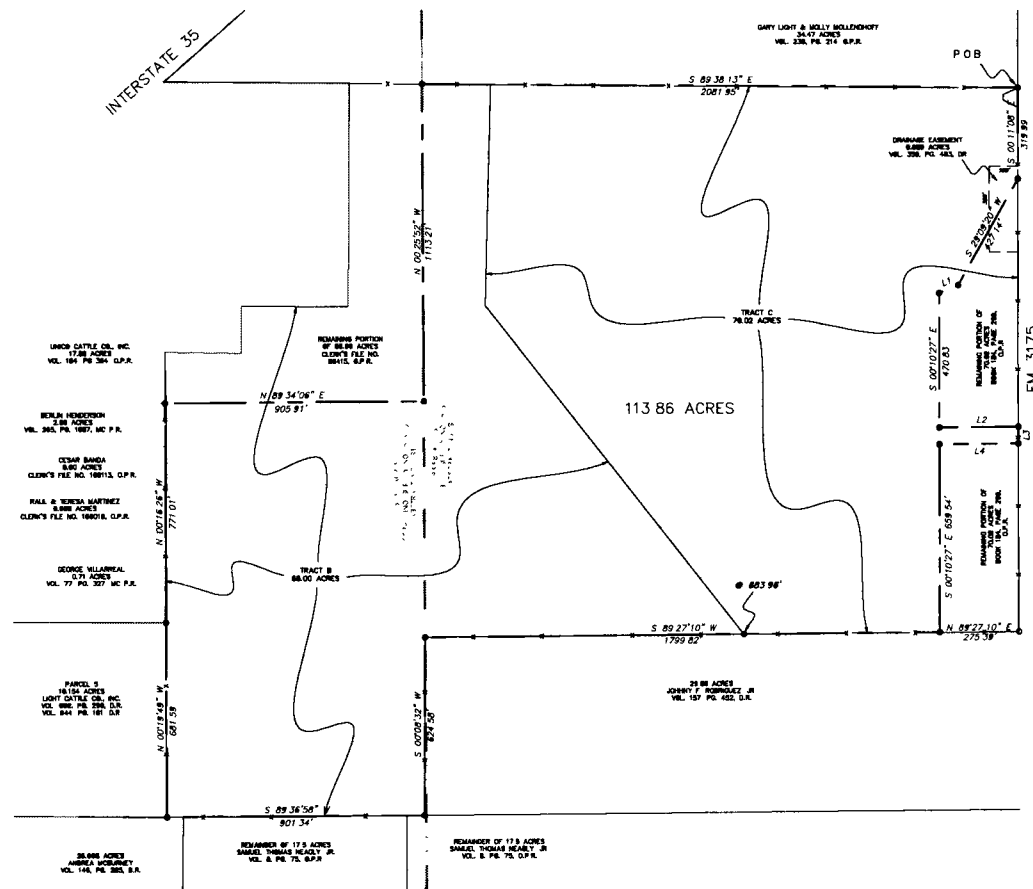
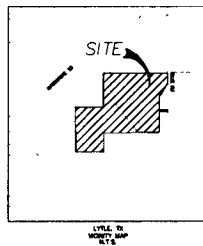
1" = 5,000'

EX-1

EXHIBIT C
LARGE-SCALE (DETAILED) MAP

OF

A 113.86 ACRE TRACT OF LAND, BEING A PORTION OF A 70.02 ACRE TRACT OF LAND, CALLED TRACT "C" AND A PORTION OF A 85.00 ACRE TACT OF LAND, CALLED TRACT "B", LYING IN THE A. BOHL SURVEY NO. 518, ABSTRACT NO. 91 AND IN THE A. GERANDINO SURVEY NO. 518 1/2, ABSTRACT NO. 291, ATASCOSA COUNTY, TEXAS



SCALE OF FEET
1" = 200'

BEARINGS ON THIS PLAT
ARE DETERMINED FROM
ONE'S OBSERVATION
TEXAS COORDINATE
SYSTEM, AND IS TAKEN
AT THAT OF SURVEY.

LINE	BEARING	DISTANCE
1.1	S 88°48'40" W	71.53
1.2	N 88°24'30" E	272.95
1.3	S 88°11'00" E	68.00
1.4	S 88°00'00" W	81.53

LEGEND

- Set 5/8 inch steel rod monument with cap stamped: **Rakewitz Engineering & Surveying**

- ☐ Found steel rod monument
☐ 3 inch steel post

-  3 inch steel post
 Boundary line
 Backed fence line

Subject Tracks

Prepared by
 [Signature]

REFERENCE:

DEED Clerk's File No 00415 OPR
Book 184 Page 209 OPR



Date December 07, 2017

Job No 16-1326

EXHIBIT D
PETITIONER'S AFFIDAVIT

AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF ATASCOSA §

BEFORE ME, the undersigned authority, on this day personally appeared Kyndel W. Bennett, whom, being first duly sworn by me, upon his oath stated:

1. My name is Kyndel W. Bennett, acting in my capacity as President of Centex Las Palomas GP, LLC, general partner of Centex Las Palomas, L.P. (the "Petitioner"). I am of sound mind, more than eighteen (18) years of age, and am capable of making this affidavit.
2. The Petitioner is submitting a Petition for Release from Certificate of Convenience and Necessity for Water Service (the "Petition") with the Public Utility Commission of Texas (the "Commission").
3. The Petition is being submitted pursuant to Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.113(r).
4. The Property (as defined in the Petition) is at least 25 contiguous acres in size.
5. The Property is subject to certificate of convenience and necessity no. 11007 for water service (the "CCN") held by the City of Lytle (the "CCN Holder"), and is located in Atascosa County, Texas.
6. As evidenced in the CCN Holder's Ordinance Number 396 attached hereto as Attachment 1, the Property is not receiving water service from the CCN Holder, and the CCN Holder does not object to the Petitioner's request for expedited release of the portion of its CCN that is located on the Property.
7. The Petitioner owns the Property, as evidenced by the deed submitted with the Petition.
8. A copy of the Petition shall be mailed to the CCN holder via certified mail on the day the Petition is filed with the Commission.
9. The required mapping documents are being submitted to the Commission with the Petition.

[Execution Page Follows]

WITNESS MY HAND this 17 day of January, 2018.

CENTEX LAS PALOMAS, L.P.
a Texas limited partnership

By: **CENTEX LAS PALOMAS GP, LLC**
a Texas limited liability company,

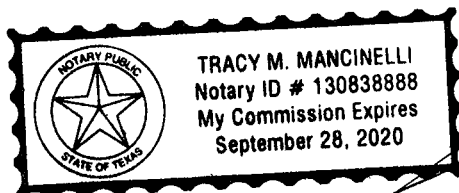
Its: General Partner

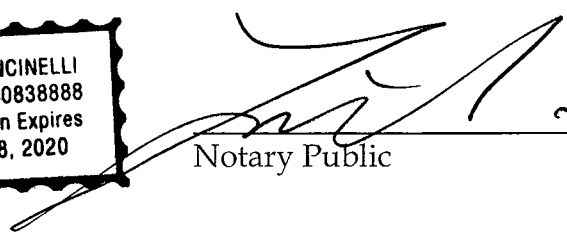
By: 
KYNDEL W. BENNETT, President

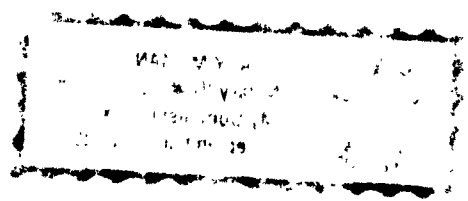
THE STATE OF Texas §
§
COUNTY OF Travis §

This instrument was acknowledged before me on the 17 day of January, 2018, by Kyndel W. Bennett, President of Centex Las Palomas GP, LLC, a Texas limited liability company, general partner of Centex Las Palomas, L.P., a Texas limited partnership.

(NOTARY SEAL)




Notary Public



ORDINANCE NUMBER

396

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LYTLE, TEXAS BY AUTHORIZING BENTON CITY WATER SUPPLY CORPORATION TO PROVIDE RETAIL WATER UTILITY SERVICE WITHIN A DESIGNATED AREA OF THE CITY OF LYTLE'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11007 AND AUTHORIZING BENTON CITY WATER SUPPLY CORPORATION TO PROVIDE RETAIL WATER UTILITY SERVICE WITHIN THE DESIGNATED AREA AND TO REMOVE THE DESIGNATED AREA FROM THE CITY'S CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11007 AND TO ADD THE DESIGNATED AREA TO BENTON CITY WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12587 AND FURTHER PROVIDING THAT THE CITY OF LYTLE DOES NOT HAVE ANY OBJECTION TO BENTON CITY WATER SUPPLY CORPORATION ADDING AN UNASSIGNED AREA TO BENTON CITY'S CERTIFICATE OF CONVENIENCE AND NECESSITY AND, PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of Lytle holds water utility certificate of convenience and necessity no. 11007 (the "City's CCN");

WHEREAS, the City Council of Lytle, Texas has investigated and determined that it would be advantageous and beneficial to the citizens of the City, and is necessary for the government, interest, welfare, or good order of the City, and serves to promote public health, safety and welfare of the citizens to adopt this Ordinance allowing Benton City Water Supply Corporation ("Benton City") to supply retail water utility service to the specifically proposed development described as a 114 acre, more or less, tract of land, located in Atascosa County, Texas, and described by metes and bounds by Exhibit A attached hereto, and said development being further depicted by the map attached hereto as Exhibit B (the "Property");

WHEREAS, only a small portion, approximately 5.5 acres, of the Property is located within the City's CCN, and a larger portion of the Property is also located within the water utility CCN No. 12587 held by Benton City, and the remainder is not located within any certificate of convenience and necessity as depicted on Exhibit C attached hereto;

WHEREAS, the City does not want to provide water service to any portion of the Property;

WHEREAS, the owner of the Property, the City of Lytle, and Benton City agree that it is in each entity's best interest for Benton City to provide retail water utility service to and within the Property; and

WHEREAS, this ordinance was deliberated and adopted by the city council at a regular meeting and notice of the deliberation and adoption of this ordinance was properly posted in accordance with the Texas Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS:

SECTION 1. RECITALS. The recitals set forth above are true and complete.

SECTION 2. CONSENT. The City of Lytle consents to and authorizes Benton City to provide retail water utility service within the entirety of the Property.

SECTION 3. AMENDMENT OF CERTIFICATE OF CONVENIENCE AND NECESSITY. The City of Lytle consents to and authorizes Benton City to pursue regulatory actions that Benton City may choose to pursue with the Public Utility Commission of Texas to obtain authorization to provide retail water utility service within the entirety of the Property and to remove the Property from the City's CCN and place all of the Property within Benton City's CCN. All of said regulatory actions shall be at Benton City's and/or Property owner's cost.

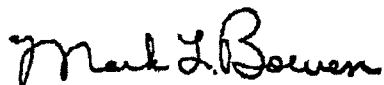
SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be stricken from the ordinance, and such holding shall not affect the validity of the remaining portions thereof. The balance of the ordinance shall be construed as one instrument and as if the offending portion had not been included. If any cost is attempted to be assigned to City, City shall seek compensation for the loss of water service revenue.

SECTION 5. SAVINGS CLAUSE. All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 6. CODE OF ORDINANCES. It is the intention of the City Council of the City of Lytle that this ordinance shall become a part of the Code of Ordinances of the City of Lytle and may be renumbered and codified therein accordingly.

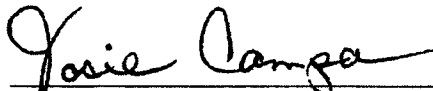
SECTION 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, approval, and official publication as provided by law.

PASSED, APPROVED, AND ADOPTED at the regular meeting held on the 9th day of May, 2017.



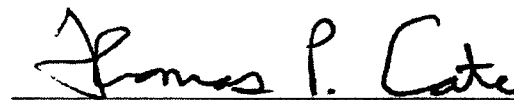
MARK L. BOWEN, MAYOR

ATTEST:



JOSIE CAMPA, City Secretary

APPROVED AS TO FORM AND LEGALITY:



THOMAS P. CATE, City Attorney

State of Texas
County of Atascosa

Field notes for a tract of land containing 113.86 acres, lying in the A. Bohl Survey No. 518, Abstract No. 91 and the A. Gerandino Survey No. 518 1/2, Abstract No. 291, Atascosa County, Texas, as shown on the accompanying plat of survey prepared for Clint Ivy, dated May 1, 2017.

A tract of land containing 113.86 acres, being a portion of a 85.00 acre tract of land, called tract "B", described in instrument recorded as Clerk's File No. 86415, of the Official Public Records of Atascosa County, Texas, and all of a 70.02 acre tract of land, called tract "C", described in instrument recorded in Book 408, Page 88, of the Deed Records of Atascosa County, Texas, lying in the A. Bohl Survey No. 518, Abstract No. 91 and the A. Gerandino Survey No. 518 1/2, Abstract No. 291, Atascosa County, Texas, said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch steel rod monument, found lying on the west right-of-way line of F.M. Highway 3175, being the Northeast corner of said 7.02 acre tract of land, and the Southeast corner of a 34.47 acre tract of land, described in instrument recorded in Book 230, Page 214, of the Official Public Records of Atascosa County, Texas, said point of beginning being the Northeast corner of this tract of land;

Thence South 00° 11' 08" East, 319.99 feet, along the west right-of-way line of F.M. Highway 3175, being the East line of said 70.02 acre tract of land, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an exterior corner of this tract of land;

Thence across said 70.02 acre tract of land the following courses;

South 29° 09' 20" West, 427.14 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an exterior corner of this tract of land;

South 66° 46' 40" West, 71.55 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

South 00° 10' 27" East, 470.83 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

North 89° 24' 30" East, 275.25 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set in the West right-of-way line of F.M. Highway 3175, being the East line of said 70.02 acre tract of land, said point being an exterior corner of this tract of land;

Thence South 00° 11' 08" East, 60.00 feet, along the West right-of-way line of F.M. Highway 3175, being the East line of said 70.02 acre tract of land, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an exterior corner of this tract of land;

Thence across said 70.02 acre tract of land the following courses;

South 89° 24' 30" West, 275.26 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

South 00° 10' 27" East, 659.54 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set in the south line of said 70.02 acre tract of land, being the North line of a 29.89 acre tract of land, described in instrument recorded in Book 157, Page 452, of the Deed Records of Atascosa County, Texas, which bears South 89° 27' 10" West, 275.39 feet, from a 5/8 inch steel rod monument, found for the Southeast corner of said 70.02 acre tract of land, being the Northeast corner of said 29.89 acre tract of land, said point being the Southeast corner of this tract of land;

Thence South 89° 27' 10" West, along the South line of said 70.02 acre tract of land, being the North line of said 29.89 acre tract of land, at 683.96 feet passing the Southwest corner of said 70.02 acre tract of land, being the Southeast corner of said 85.00 acre tract of land, continuing along the South line of said 85.00 acre tract of land, in all a total distance of 1799.82 feet, to a corner post, found for an interior corner of said 85.00 acre tract of land, being at the Northwest corner of said 29.89 acre tract of land, said point being an interior corner of this tract of land;

Thence South 00° 08' 32" West, 624.58 feet, along the East line of said 85.00 acre tract of land, being the West line of said 29.89 acre tract of land, to a 1/2 inch steel rod monument, found at the most Southerly Southeast corner of said 85.00 acre tract of land, the Northwest corner of said 29.89 acre tract of land and lying on the North line of the remainder of a 17.5 acre tract of land, described in instrument, recorded in Book 8, Page 75, of the Official Public Records of Atascosa County, Texas, said point being an exterior corner of this tract of land;

Thence South 89° 36' 58" West, 901.34 feet, along the South line of said 85.00 acre tract of land, being the North line of said remainder of 17.5 acre tract of land, continuing along the North line of a 26.668 acre tract of land, described in instrument, recorded in Book 149, Page 285, of the Deed Records of Atascosa County, Texas, to a 1/2 inch steel rod monument, found at the Southeast corner of a 10.154 acre tract of land, described in instrument, recorded in Book 602, Page 290 and Book 644, Page 161, of the Deed Records of Atascosa County, Texas, said point being the Southwest corner of this tract of land;

Thence North 00° 19' 49" West, 681.59 feet, along the West line of said 85.00 acre tract of land, being the East line of said 10.154 acre tract of land, to a 1/2 inch steel rod monument, found at the Northeast corner of said 10.154 acre tract of land, being at the Southeast corner of a 0.71 acre tract of land, described in instrument, recorded in Book 77, Page 327, of the Plat Records of Medina County, Texas, said point being an exterior corner of this tract of land;

Thence North 00° 16' 26" West, 771.01 feet, along the East line of said 0.71 acre tract of land, the East line of a 0.608 acre tract of land, described in instrument recorded as Clerk's File No. 166010, of the Official Public Records of Atascosa County, Texas, the East line of a 0.60 acre tract of land, described in instrument recorded as Clerk's File No. 106113, of the Official Public Records of Atascosa County, Texas, the East line of a 2.06 acre tract of land, described in instrument,

recorded in Book 265, Page 1087, of the Plat Records of Medina County, Texas, being a common line of said 85.00 acre tract of land, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, which bears South 48° 32' 15" West, 4.52 feet, from a 1/2 inch steel rod monument, found at the Northeast corner of said 2.06 acre tract of land, said point being the most Westerly Northwest corner of this tract of land;

Thence across said 85.00 acre tract of land the following courses;

North 89° 34' 06" East, 905.91 feet, to a point marked by a 5/8 inch steel rod monument, with cap stamped Rakowitz Engineering & Survey, set for an interior corner of this tract of land;

North 00° 25' 52" West, 1113.21 feet, to a point marked by a 1/2 inch steel rod monument, found for an interior corner of said 85.00 acre tract of land and the Southwest corner of said 34.47 acre tract of land, said point being the Northwest corner of this tract of land

Thence South 89° 38' 13" East, 2081.95 feet, along a Northerly line of said 85.00 acre tract of land, being the South line of said 34.47 acre tract of land and continuing along the North line of said 70.02 acre tract of land, to the Point of Beginning;

Bearings recited in this description are determined from GNSS observation, Texas coordinate system, NAD 83, taken at time of survey.

I, Walt F. Rakowitz, being a Registered Professional Land Surveyor, registered in the state of Texas, do hereby certify that the foregoing field notes for a tract of land containing 26.80 acres, as shown on the accompanying plat of survey prepared for Clint Ivy, dated May 1, 2017, were prepared from an actual survey done under my supervision and that to the best of my knowledge and belief they are a true and correct representation of said survey.

Walt F. Rakowitz R.P.L.S. 6435
Rakowitz Engineering and Surveying
PO Box 172
Pleasanton, Texas 78064
830-281-4060

OF

ATASCOSA COUNTY, TEXAS



EXHIBIT B



1. General
- Definition and of material on the top sheet of the drawing is 1:1
 - Drawing is dimensioned
 - Technical part
- is the dimension
- ONE ----- dimension is
- 2 ----- dimension is
- 3 ----- dimension is

**Translating
the top**

Verbalizing

**With what people must see
that will turn into a**



JAL:JW/ADP FOR INFO - 17 JFA ABLE:JW, (H /2004-

Date of survey: May 1, 2017
Job No. 18-1328



2. Vital P. Belovaya, *Going to England*. Translated by the author. Moscow: Progress Publishers, 1987. Pp. 192. 1 rub. 50 k.

1944 5 4 27

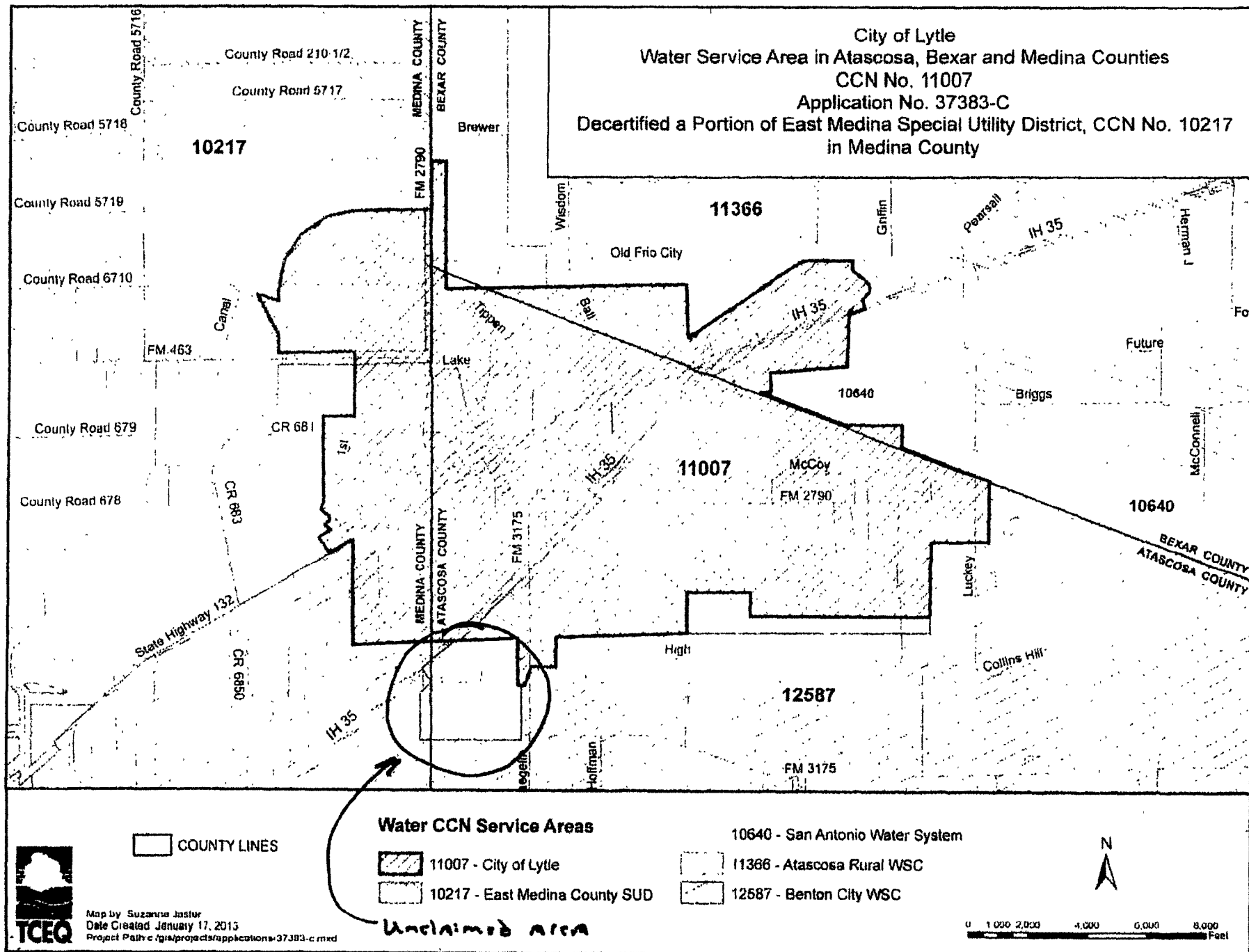


EXHIBIT C