

Control Number: 48506



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**McWILLIAMS & McWILLIAMS
ATTORNEYS**

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McKinney, Texas 75071
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**PUBLIC UTILITY COMMISSION
FILING CLERK**

ALEX M. ORR (1929-1988)
STANLEY R. McWILLIAMS
TIMOTHY R. McWILLIAMS

TELEPHONE (972) 542-1251
FACSIMILE (972) 562-9881

FROM THE DESK OF: TIMOTHY R. McWILLIAMS
tm@m-tlaw.com

September 20, 2018
Via First Class Mail

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

City of Celina
City Hall
142 North Ohio Street
Celina, TX 75009

**Re: Opt Out Request; Mullaney Revocable Trust; City of Celina Application to
amend Sewer CCN No. 20764, Collin County, Texas** *Docket No 48506*

Dear Commissioner:

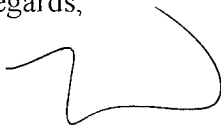
Please be advised that I have been retained by the Mullaney Revocable Trust (the "Trust") in regard to the above referenced Application.

Please accept this letter at notice that the Trust does hereby Opt Out of the referenced CCN.

Enclosed herewith are several documents including: the Notice received by Trust dated August 27, 2018, various "large scale maps" as specifically required, and, vesting instruments containing metes and bounds descriptions of the subject property.

Please do not hesitate to contact me with any questions or concerns.

Regards,



Timothy R. McWilliams

Cc. The Mullaney Revocable Trust
Encl.:

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION OF THE CITY OF CELINA TO AMEND ITS SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN COLLIN, TEXAS**

To: MULLANEY REVOCABLE TRUST
(Neighboring System, Landowner or City)
8496 CR 92
(Address)
CELINA, TX 75009
(City State Zip)

Date Notice Mailed: Aug 27, 2018

City of Celina filed an application with the Public Utility Commission of Texas to amend its sewer CCN No. 20764 in Collin County, Texas.

The requested area is located approximately .75 miles north, east, and south of downtown Celina, Texas, and is generally bounded on the north by Collin and Grayson county line; on the east by Honey Creek; on the south by Frontier Parkway; and on the west by Collin and Denton county line. The total area for the sewer utility service being requested includes approximately 28.806 total acres of land and 0 current customers. **See enclosed map of the proposed service area.**

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

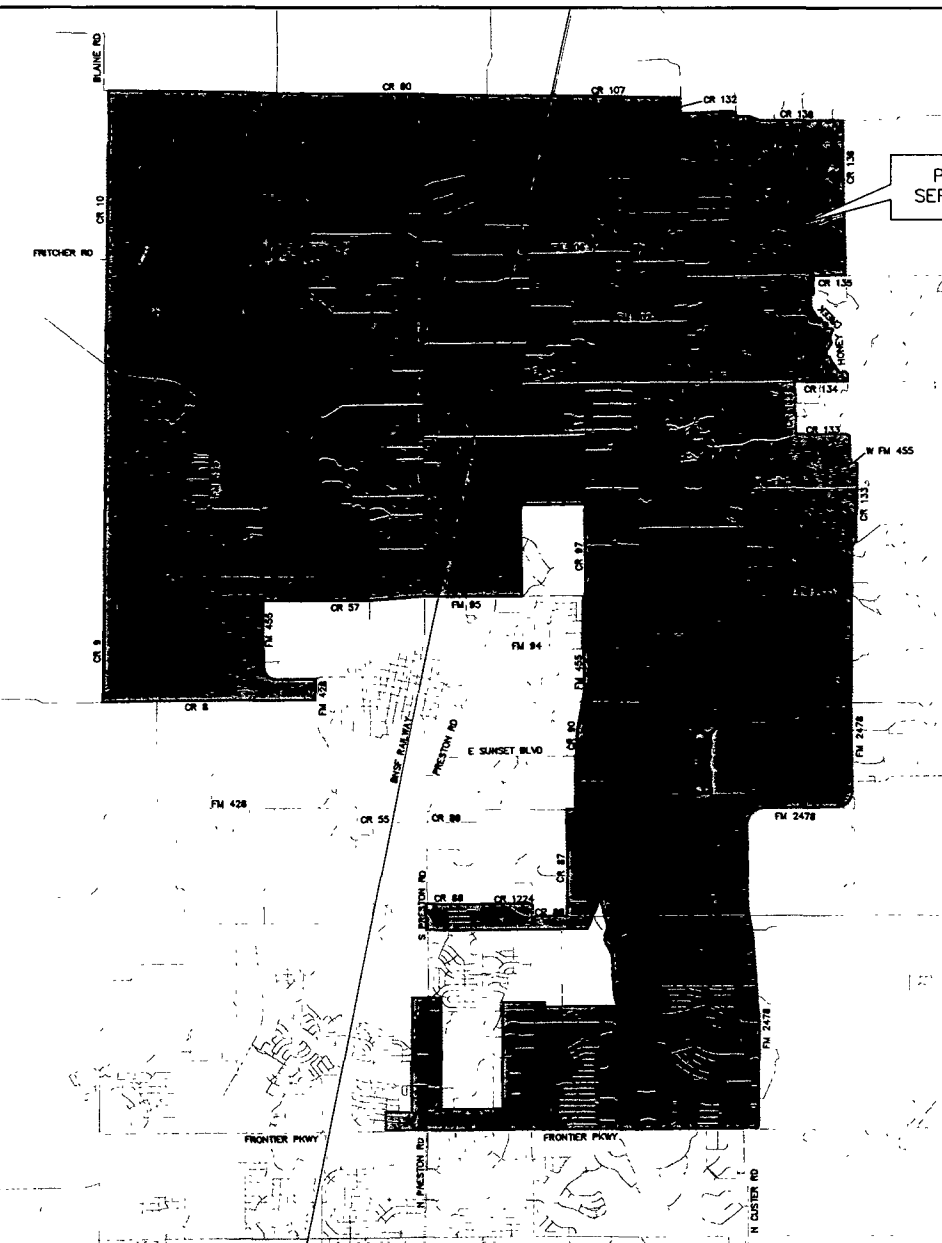
A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the applicant. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

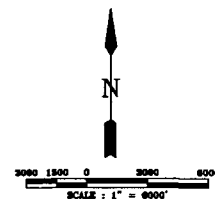
In addition, the landowner must also send a copy of the opt-out to the applicant. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.



Callin County
make a round
a part of your
property. copy of deed

Opt out
take action -
Recent case complete.



ATTACHMENT 9

DETAILED MAP
APPLICATION TO
AMEND CITY OF CELINA
SEWER CCN NO. 20764



TRC ENGINEERS, INC
700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76010
T.B.P.E. FIRM REGISTRATION # F-0632
(817) 522 - 1080

H.C. ROUTH SUR.
A-765

DANIEL HOWELL SUR.
A-394

S. QUEEN SUR.
A-731

CHAS. P.R. SUR.
A-771

J.P. WILMETH SUR.
A-985

7. SALLA BRADSHAW 1,609 AC
93-0113062
8 JANE C WILLARD 3483-292 2 AC

ISAAC WALKER SUR.
A-1056

W.B. SMITH SUR.
A-843

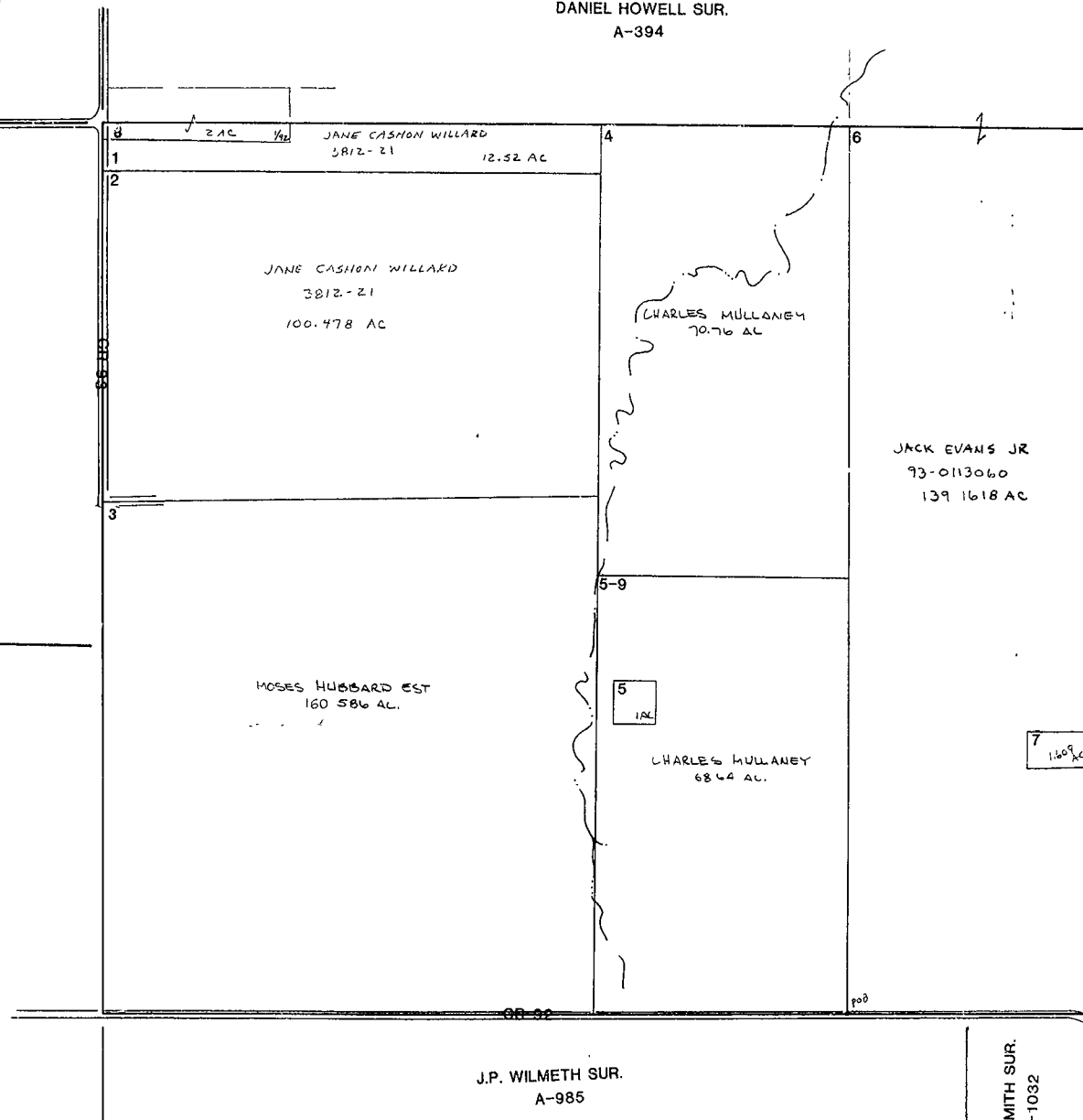
J.B. SMITH SUR.
A-1032

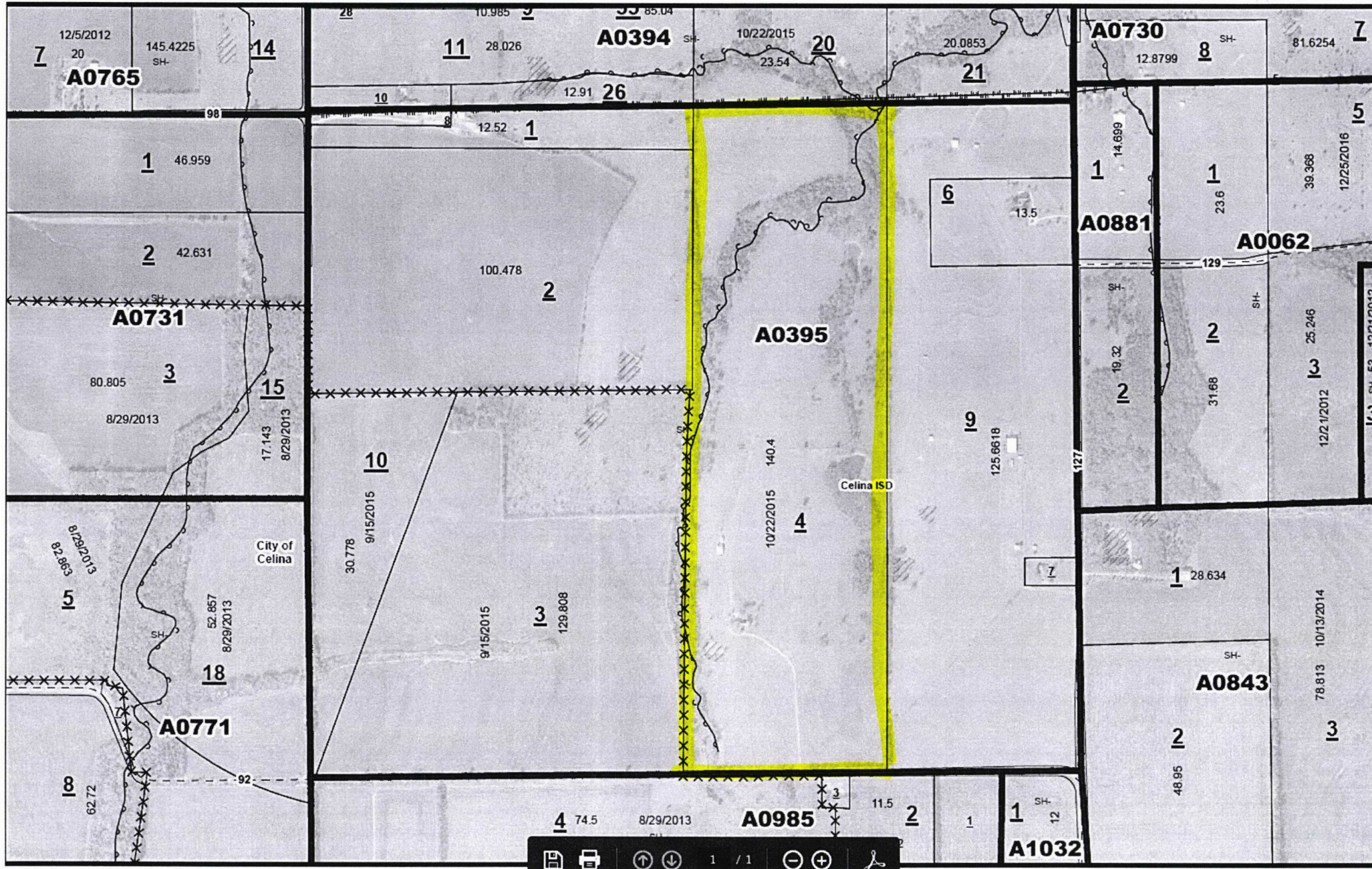
MARY HOWELL SURVEY

CENTRAL APPRAISAL DISTRICT
COLLIN COUNTY

0 400 800 1200
SCALE : 1" = 400'

CELINA ISD
ABSTRACT 395





A0394

A075

2550

2565

7032

6867

A088

Celina ISD

A0395

8486

2400

A084



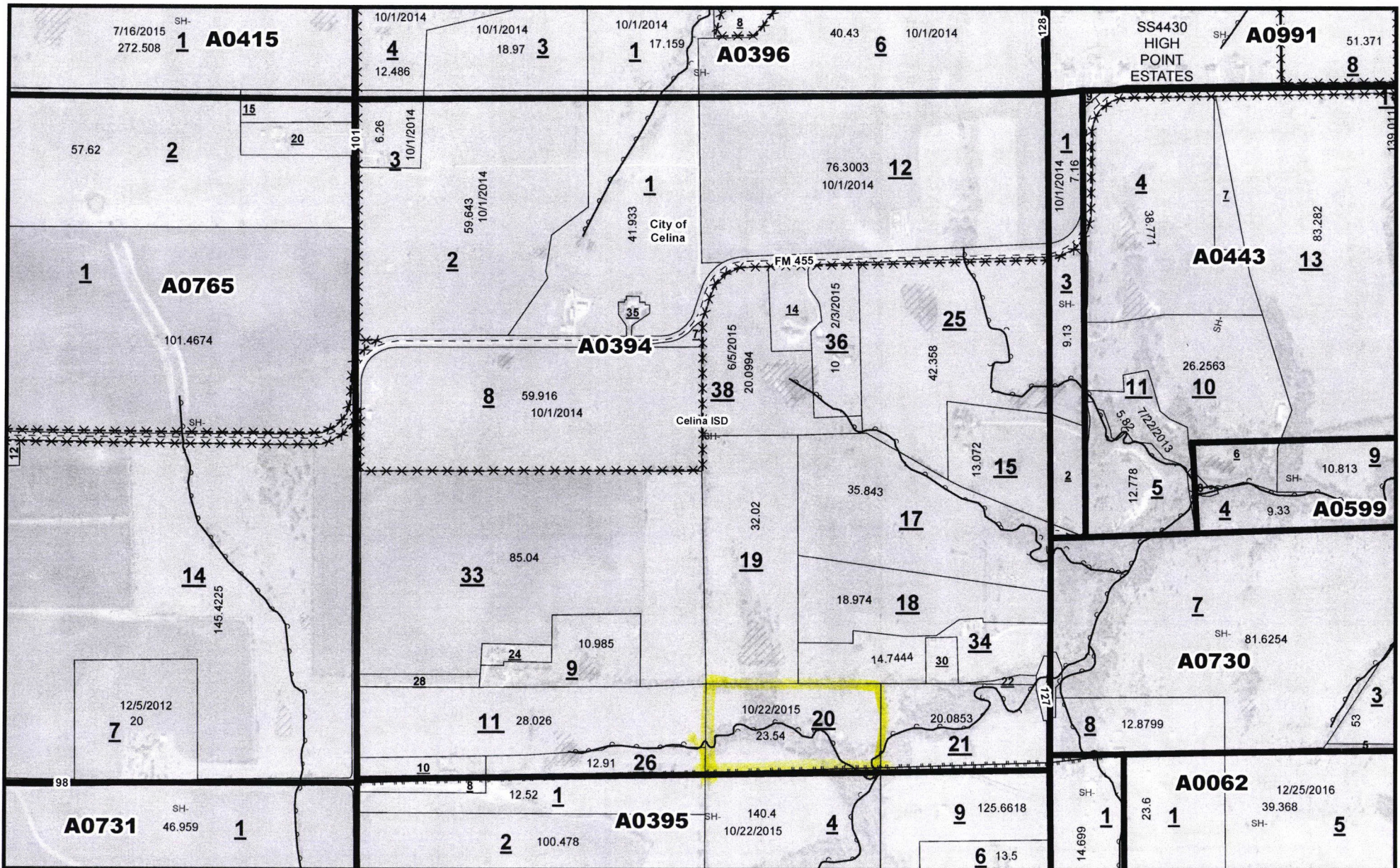


EXHIBIT "A"

Being a part of the Daniel Howell Survey, Abstract No. 394, and a part of the Mary Howell Survey, Abstract No. 395, and being a re-survey and consolidation of a 94.307 acre tract described in a deed recorded in Volume 736, Page 413 and a 69.638 acre tract described in a Deed recorded in Volume 823, Page 686, containing a total of 163.945 acres of land, and being that same lot, parcel or tract described in that certain Warranty Deed With Vendor's Lien dated, February 9, 1978, by and between First City Bank of Dallas, as Grantor, and Charles F. Mullaney and wife, Ann L. Mullaney, as Grantees, recorded in Volume 1094, Page 646, Deed Records, Collin County, Texas.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
11/16/2015 02:29:53 PM
\$38.00 DFOSTER
20151116001442810



The State of Texas,

4743

County of COLLIN.

Know All Men by These Presents:

VOL. 1094 PAGE 645

That undersigned, FIRST CITY BANK OF DALLAS, formerly named TEXAS BANK & TRUST COMPANY OF DALLAS, a corporation, acting herein by and through its duly authorized officers,

of the County of Dallas State of Texas for and in consideration

of the sum of -----

TEN and no/100 (\$10.00) -----DOLLARS

CASH, and other good and valuable considerations,
to it paid, and secured to be paid, by CHARLES F. MULLANEY and wife, ANN L. MULLANEY,
hereinafter called Grantees, the receipt of which is hereby fully acknowledged and
confessed, as follows:

The sum of \$85,000.00 CASH to undersigned in hand paid by THE FEDERAL LAND BANK OF HOUSTON, the receipt of which is hereby fully acknowledged, which sum is advanced to undersigned by said Bank at the special instance and request of the Grantees herein as part of the purchase money for the herein conveyed property, to evidence which they have executed one certain promissory note, of even date herewith, in the principal sum of \$85,000.00, payable to the order of THE FEDERAL LAND BANK OF HOUSTON and bearing interest as therein provided; and in addition to the Vendor's Lien herein retained, said note is also secured by Deed of Trust of even date therewith to George W. Cunningham, Trustee upon the herein conveyed property; and as further security for the payment of said note, the superior title is hereby transferred and assigned to THE FEDERAL LAND BANK OF HOUSTON;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

CHARLES F. MULLANEY and wife, ANN L. Mullaney

of the County of Dallas State of Texas all that certain lot, tract or parcel of land, lying and being situated in Collin County, Texas, to-wit: BEING a part of the DANIEL HOWELL SURVEY, ABSTRACT NO. 394, and a part of the MARY HOWELL SURVEY, ABSTRACT NO. 395, and being a re-survey and consolidation of a 94.307 acre tract described in a deed recorded in Volume 736, Page 413 and a 69.638 acre tract described in a Deed recorded in Volume 823, Page 686 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as described in Exhibit "A" attached thereto and incorporated therein for all purposes at this point.

BEGINNING at a corner post at the Northwest corner of the said 94.307 acre tract in the center line of an abandoned public road;

THENCE South 89 deg. 59 min. East with an established fence along the center line of an abandoned road a distance of 1334.4 feet to an iron stake by a corner post at the North-east corner thereof;

THENCE South 0 deg. 12 min. West with an established fence line and hedge row along the East line of the tract a distance of 5296.9 feet to an iron stake at the Southeast corner thereof. Said stake being in the center line of a public road;

THENCE South 89 deg. 45 min. West with the center line of a public road a distance of 1356.7 feet to an iron stake at the Southwest corner of the said 69.638 acre tract;

THENCE in a Northerly direction with an established fence line along the West line of the said tract as follows:

NORTH 9 deg. 03 min. East a distance of 2250.5 feet to a corner post;

(Property description continued)

NORTH 1 deg. 46 min. West a distance of 410.7 feet to a corner post;
SOUTH 89 deg. 23 min. East a distance of 14.5 feet to a corner post;
NORTH 0 deg. 15 min. East a distance of 2642.8 feet to the PLACE OF BEGINNING, containing 163.945 acres of land.

This conveyance is made and accepted SUBJECT TO reservation of an undivided 1/2 interest in all oil, gas and other minerals reserved in favor of the Grantor in that certain Deed from George H. Smith, Jr., and wife, Dorothy Smith, to Clara Cox McAdams, dated July 8th, 1955, filed and recorded in Volume 510, Page 348 of the Deed Records of Collin County, Texas.

Grantees herein assume the payment of taxes for the current year.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said **GRANTEES, their**

signed does
heirs and assigns forever and under-/~~xxx~~ hereby bind **itself, its successors**
~~to Warrant and Forever Defend, all and singular the said premises~~
unto the said **GRANTEES, their**

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, **without recourse, without warranties, express or otherwise.**

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described note, and all interest thereon are fully paid according to **its** face and tenor, effect and reading, when this deed shall become absolute.

~~XXXXXX~~EXECUTED ~~xxxx~~ at Dallas, Texas,
this 9th day of February 1978.

FIRST CITY BANK OF DALLAS, formerly named
TEXAS BANK & TRUST COMPANY OF DALLAS

By *D. L. [Signature]*
VICE - President

