



Control Number: 48587



Item Number: 7

Addendum StartPage: 0

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BEFORE THE PUBLIC

PUBLIC UTILITY COMMISSION
FILING CLERK

PETITION OF RAYMOND MARTIN TO §
AMEND HIGH POINT WATER SUPPLY §
CORPORATION'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
ROCKWALL COUNTY BY EXPEDITED §
RELEASE §

COMMISSION OF TEXAS

FIRST AMENDED PETITION FOR STREAMLINED EXPEDITED RELEASE

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

On or about July 9, 2018, Raymond and Sherry Martin (the "Petitioners") filed a petition for expedited release. The Petitioners hereby file this First Amended Petition for Streamlined Expedited Release. Acting pursuant to § 13.254 (a-5), Tex. Water Code, and § 24.113(l), Title 16, Texas Administrative Code, Petitioners hereby respectfully request the Public Utility Commission of Texas (the "PUC" or the "Commission"), for the streamlined expedited release of certain real property it owns in Rockwall County, Texas from the water certificate of convenience and necessity service area covered by High Point Water Supply Corporation's ("HPWSC") Certificate of Convenience and Necessity ("CCN") No. 10841, and would show the following:

1. Petitioners are acting pursuant to the authority granted to it by the Texas Legislature in § 13.254 (a-5) *et. seq.*, Texas Water Code, and asserts to the Commission that the real property that is the subject of this petition comprises approximately 50.00 acres, and is located in Rockwall County, Texas (the "Property"). The Property is not receiving water or sewer service. The deed, which contains the legal description of the Property, is attached as Exhibit A.
2. Rockwall County is a county adjacent to a county with a population of at least one million.
3. Raymond Martin verifies the veracity of the statements contained herein. The verification is provided as Exhibit B.
4. A copy of this petition is being contemporaneously sent to the CCN holder, HPWSC. The proof of mailing by certified mail to HPWSC is provided in Exhibit C.
5. The maps and digital data required by PUC Rule 24.113(l), 22.71, and 22.72 are provided in Exhibit D.

WHEREFORE, Petitioner prays that the Commission grant this Petition and order the

decertification of the Property from Certificate of Convenience and Necessity No.10002.

Respectfully submitted,

Russell & Rodriguez, L.L.P.
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

**ATTORNEY FOR
RAYMOND AND SHERI MARTIN**

**EXHIBIT A
DEED OF PROPERTY**

GF No. R172890R

WARRANTY DEED WITH VENDOR'S LIEN

Notice of confidentiality rights: If you are a natural person, you may remove or strike any and 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.

DATE: January 31, 2018

GRANTOR: Rockwall Rental Properties, L.P., a Texas limited partnership

GRANTOR'S ADDRESS: P O Box 818, Terrell, TX 75160

GRANTEE: Raymond Guy Martin and Sherry Zmolik Martin

GRANTEE'S ADDRESS: P O Box 1355, Rockwall, TX 75087

CONSIDERATION: Cash and a note of even date executed by Grantee in the principal amount of \$480,000.00, and is payable to the order of Heritage Land Bank, FLCA. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Heritage Land Bank, FLCA and by a first-lien deed of trust of even date from Grantee to William M., Tandy, Trustee.

PROPERTY (INCLUDING ANY IMPROVEMENTS): BEING a tract or parcel of land situated in Rockwall County, Texas, being part of the King Latham Survey, Abstract No. 133, being part of a 99.93 acre tract of land as described in a Warranty Deed with Vendor's Lien from Alta Mesa Holdings, Inc. to Rockwall Rental Properties, LP as recorded in Volume 5555 at Page 302 of the Official Public Records of Rockwall County, Texas and being further described as follows on Exhibit A attached hereto and made a part hereof:

RESTRICTIONS:

Grantor hereby imposes the following additional restrictions upon the aforementioned described land, which restrictions shall be deemed appurtenant to and for the benefit of the land herein conveyed to Grantee: Home construction not less than 2000 square feet, Site built homes only, No mobile homes, No pig farms, No junk cars.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

The herein described property is conveyed subject to any and all easements, restrictions, reservations, whether of minerals or other kinds, covenants and agreements of record, if any, as same may affect said property, including but not limited to the following:

Mineral reservation in deed dated November 1, 1960 from J. Alvis Thomas and wife, Frances B. Thomas to Hallie May Hailey and Jane T. Clark and husband Jack M. Clark recorded in Volume 62, Page 256, Deed Records, Rockwall County, Texas.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to 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 shall become absolute.

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

Rockwall Rental Properties, L.P., a Texas limited partnership

By: Housing Property Realty, LLC, a Texas limited liability company, General Partner

By:

Randall H. Noe, Member and President

Accepted by Grantee:

Raymond Guy Martin

Raymond Guy Martin

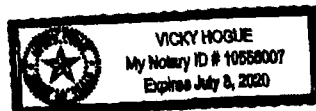
Sherry Zmolik Martin

Sherry Zmolik Martin

STATE OF TEXAS

COUNTY OF ROCKWALL

This instrument was acknowledged before me on this 31 day of January, 2018 by
Randall H. Noe, as Member and President of Housing Property Realty, LLC, a Texas limited liability company,
General Partner of Rockwall Rental Properties, L.P., a Texas limited partnership, on behalf of said partnership.



[Signature]
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF ROCKWALL

This instrument was acknowledged before me on this 31 day of January, 2018 by
Raymond Guy Martin and Sherry Zmolik Martin.



[Signature]
Notary Public, State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION

Legal description of the land:

GF Number: R172890R

BEING a tract or parcel of land situated in Rockwall County, Texas, being part of the King Latham Survey, Abstract No. 133, being part of a 99.93 acre tract of land as described in a Warranty Deed with Vendor's Lien from Alta Mesa Holdings, Inc. to Rockwall Rental Properties, LP as recorded in Volume 5555 at Page 302 of the Official Public Records of Rockwall County, Texas and being further described as follows:

BEGINNING at a 1/2 inch iron rod found for a corner at the northernmost corner of said 99.93 acre tract, said Point of Beginning being at the existing westernmost corner to Tract 3 as conveyed to Rita Carolyn Khutts as recorded in/under Document No. 2017-0000020517 of the Official Public Records of Rockwall County, Texas;

THENCE S 44°48'00" E along and leaving a fence and along the northeast line of said 99.93 acre tract, passing a 1/2 inch iron rod found on the northwest side of Khutts Road at a distance of 1473.13 feet, in all a total distance of 1508.20 feet to a 1/2 inch iron rod set for a corner at the easternmost corner of said 99.93 acre tract in the center of Khutts Road;

THENCE S 45°22'53" W along the southeast line of said 99.93 acre tract and the center of Khutts Road, a distance of 1176.20 feet to a 1/2 inch iron rod set for a corner;

THENCE N 44°56'24" W a distance of 35.46 feet to a 1/2 inch iron rod found for a corner;

THENCE S 45°01'06" W along a fence, a distance of 350.11 feet to a 1/2 inch iron rod set for a corner;

THENCE S 45°22'14" E a distance 35.41 feet to a 1/2 inch iron rod set for corner in the center of Khutts Road;

THENCE S 44°54'45" W along the southeast line of said 99.93 acre tract and along the center of Khutts Road, a distance of 90.52 feet to a 1/2" iron rod set for corner;

THENCE N 32°53'07" W a distance of 1531.47 feet to a 1/2 inch iron rod set for a corner;

THENCE N 44°52'08" E along a fence and the northwest line of said 99.93 acre tract, a distance of 1300.39 feet returning to the Point of Beginning and containing 50.000 acres of land.

EXHIBIT B
VERIFICATION

PUC DOCKET NO. 48587

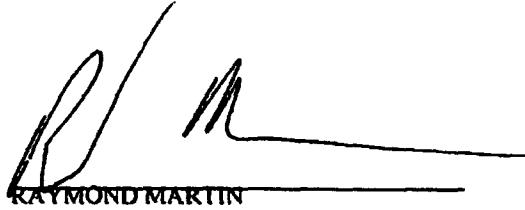
PETITION OF RAYMOND MARTIN TO	§	BEFORE THE PUBLIC UTILITY
AMEND HIGH POINT WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
ROCKWALL COUNTY BY EXPEDITED	§	
RELEASE	§	COMMISSION OF TEXAS

AFFIDAVIT OF RAYMOND MARTIN

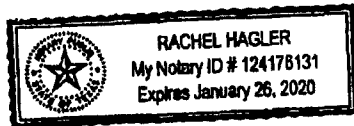
BEFORE ME, the undersigned Notary Public, on this day personally appeared Raymond Martin, who, upon having first been duly sworn, did under oath depose and state:

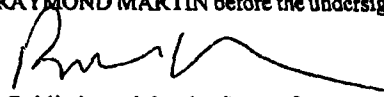
1. My name is Raymond Martin. I am over 18 years of age, have personal knowledge of the facts recited herein, and am not otherwise disqualified from making this my sworn affidavit. The information provided herein is true and correct.
2. I have authorized legal counsel to submit the Petition for Streamlined Expedited Release to the Public Utility Commission of Texas on behalf of my wife and me ("Petition").
3. I have personal knowledge of the facts contained in the foregoing Petition and to the best of my knowledge they are true and correct.
4. I am authorized to sign this affidavit.
5. The Property as defined in the Petition is at least 25 acres in size. The Property is approximately 50.00 acres. The property is legally described in Exhibit A to the Petition.
6. My wife and I own the Property.
7. The Property is not receiving retail water or sewer service from High Point Water Supply Corporation.
8. The Property is located within Rockwall County, Texas.

FURTHER Affiant sayeth not.


RAYMOND MARTIN

SWORN AND SUBSCRIBED to under oath by RAYMOND MARTIN before the undersigned
notary public on the 7th day of September 2018.




Notary Public in and for the State of Texas

SEAL

EXHIBIT C
PROOF OF MAILING

PUC DOCKET NO. 48587

PETITION OF RAYMOND MARTIN TO	§	BEFORE THE PUBLIC UTILITY
AMEND HIGH POINT WATER SUPPLY	§	
CORPORATION'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
ROCKWALL COUNTY BY EXPEDITED	§	
RELEASE	§	COMMISSION OF TEXAS

BEFORE ME, the undersigned Notary Public, on this day personally appeared ARTURO D. RODRIGUEZ, JR., who, upon having first been duly sworn, did under oath depose and state:

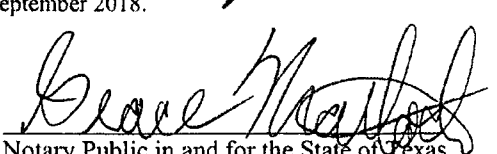
1. My name is ARTURO D. RODRIGUEZ, JR. I am over 18 years of age, have personal knowledge of the facts recited herein, and am not otherwise disqualified from making this my sworn affidavit. The information provided herein is true and correct. I am the attorney for the Petitioners in this matter.

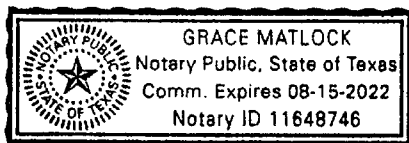
2. By signing this affidavit, I affirm that the foregoing Petition for streamlined expedited release was mailed to High Point Water Supply Corporation, 16986 Valley View Road, Forney, Texas 75126, by certified mail on the same day that the Petition was filed with the Public Utility Commission of Texas.

This ends my affidavit.


ARTURO D. RODRIGUEZ, JR., Affiant

SWORN AND SUBSCRIBED to under oath by ARTURO D. RODRIGUEZ, JR. before the undersigned notary public on the 10th day of September 2018.


Notary Public in and for the State of Texas

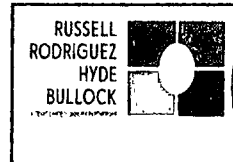


**EXHIBIT D
MAPPING**

PUC Docket No. 48587

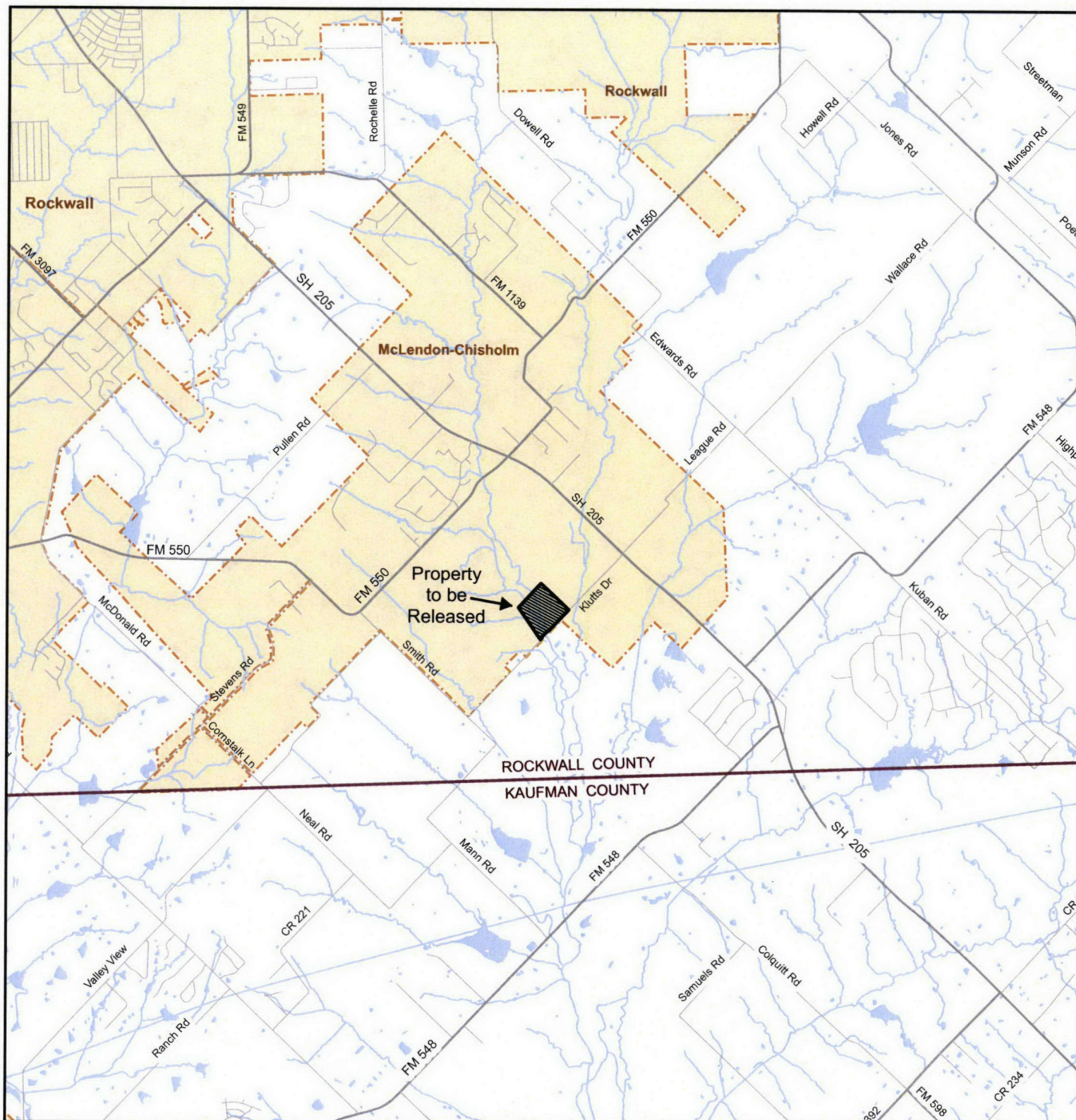
Petition of Raymond Martin to Amend
High Point WSC's CCN in Rockwall County by
Expedited Release

Attachments – Maps Required by SER Rules





Phone:
(512) 930-1317
Fax:
(866) 929-1641

Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Bldg. 2, Suite 200
Georgetown, Texas 78628



General Location

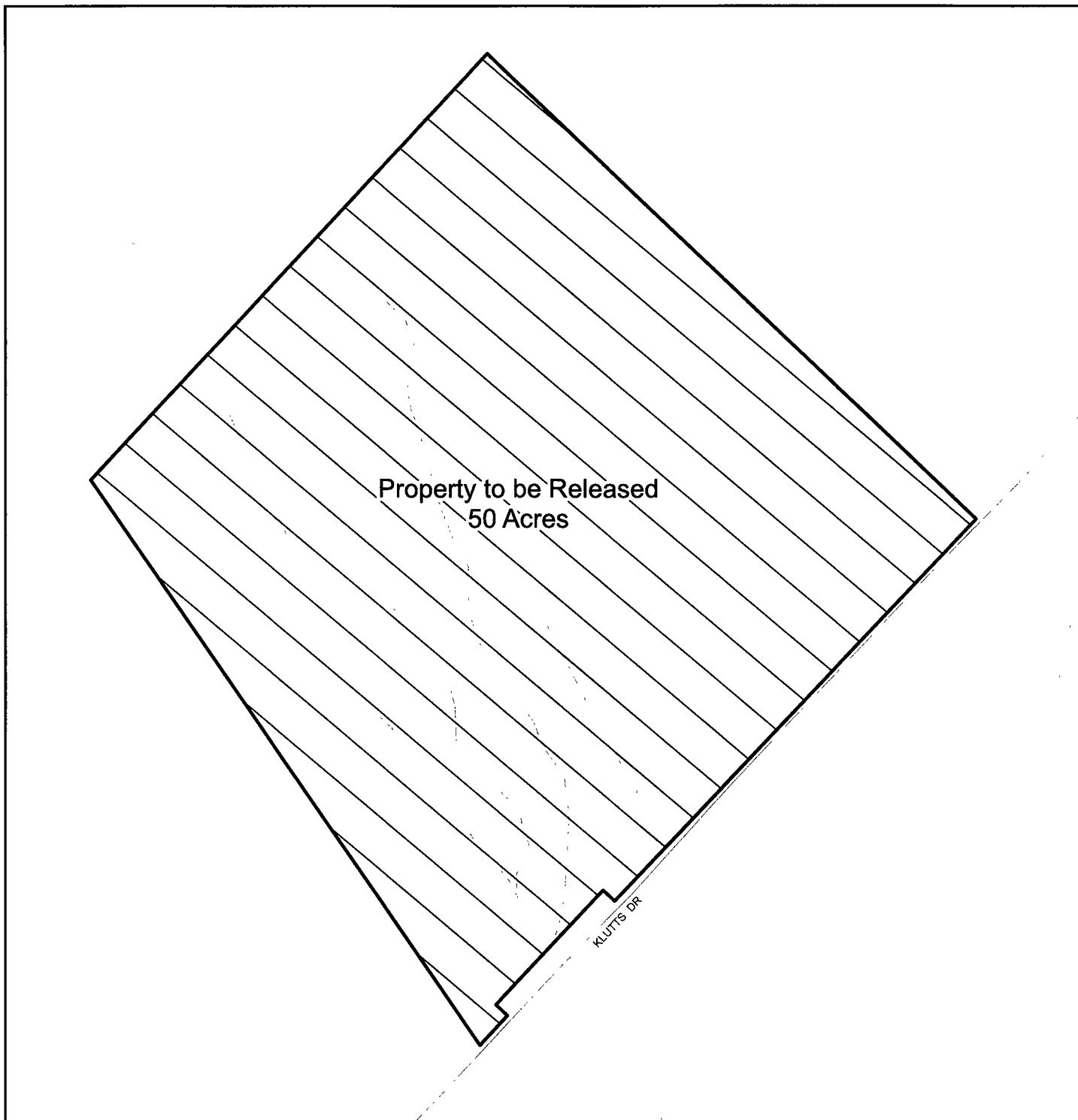
Petition of Raymond Martin and Sheri Zmolik-Martin
to Amend High Point Water Supply Corporation's CCN, No. 10841,
by Expedited Release in Rockwall County

-  Property to be Released - 50 acres
-  Cities

0 0.5 1 Miles



Map by: S. Burt, ASBGI
Date: August 17, 2018
Base: TxDOT Roadways 2015, City_TxDOT
Project: SER_TxDOT



Detailed Map

Petition of Raymond Martin and Sheri Zmolik-Martin
to Amend High Point Water Supply Corporation's CCN, No. 10841,
by Expedited Release in Rockwall County

 Property to be Released - 50 acres

0 150 300
Feet




Map by: S Burt, ASBGI
Date: August 17, 2018
Base: TxDOT Roadways 2015
Project: SER_TxDOT



Detailed Map on Imagery

Petition of Raymond Martin and Sheri Zmolik-Martin
to Amend High Point Water Supply Corporation's CCN, No. 10841,
by Expedited Release in Rockwall County

 Property to be Released - 50 acres

0 150 300
Feet



Map by: S. Burt, ASBGI
Date: August 17, 2018
Base: ESRI World Imagery
Project: SER_Imagery