



Control Number: 48720



Item Number: 1

Addendum StartPage: 0

**Spindletop RV Ventures
Petition for Streamlined Expedited
Release from CCN No.10217
For 48.99 Acres in Medina County**

Proposed Order

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September 25, 2018

Filing Clerk
Public Utility Commission of Texas

1701 North Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

Re: Streamlined Expedited Release from CCN No. 10217

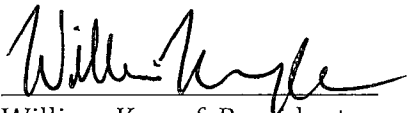
Dear Commissioners,

Per Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(l), I am requesting a streamlined expedited release from East Medina County Special Utility District (EMCSUD); Certificate of Convenience and Necessity No. 10217. The property to be released is a 48.99 acre parcel in the E. Zimmerman Survey 14, and Medina County. The property is owned by Spindletop RV Ventures LLC, of which I, William Kempf, am president.

The subject property is undeveloped, does not receive water or sanitary sewer service from any service provider, and no water or sanitary sewer service lines, meters, or other equipment lie on the property nor do any PUC approved water or sanitary sewer lines lie in any adjacent public right-of-way or utility easements.

A copy of this petition letter has been sent by certified mail to the East Medina County Special Utility District on the same date as the filing of this petition (see included copy of Certified Mail Receipt). A general location map, a detailed map and a metes and bounds sealed survey are included in the submittal and filed with this petition.

Sincerely,



William Kempf, President
Spindletop RV Ventures, LLC

PETITION BY SPINDLETOP RV VENTURES, LLC TO AMEND EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT CCN NO. 10217 BY STREAMLINED EXPEDITED RELEASE.

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Spindletop RV Ventures, LLC ("Petitioner") and files this Petition with the Public Utility Commission of Texas ("PUC") to Amend through Streamlined Expedited Release East Medina County Special Utility District (EMCSUD) Certificate of Convenience and Necessity No. 10217 pursuant to Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(l). In support of the Petition, the Petitioner would respectfully show as follows:

I. PURPOSE OF THE PETITION AND DECERTIFICATION CRITERIA

The Petitioner files this Petition requesting streamlined expedited release of property owned by the Petitioner in Medina County, Texas, through an amendment of EMCSUD CCN No. 10217.

The tract of land owned by the Petitioner:

- A. is at least 25 acres in size (48.99 acres),
- B. is not receiving water or sewer service from the current CCN holder or any provider,
- C. is wholly located in the current CCN holder's certificated service area and all of the property is located in a qualifying county (Medina).
- D. Medina County does not have a population of more than 45,000 and less than 47,500 but has an estimated population of 50,066 (US Census Bureau, July 1, 2017), and (ii) is adjacent to a county with a population of at least one million (Bexar).
- E. As provided by Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(l), an owner of a tract of land that is at least 25 acres and that is not receiving water service may petition the PUC for streamlined expedited release from a water CCN and is entitled to the expedited release if the property is located in a qualifying county.

II. REQUEST FOR DECERTIFICATION

The Petitioner requests that the PUC amend EMCSUD CCN No. 10217 by streamlined expedited release under Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(1) and release the Petitioner's Property from EMCSUD CCN No. 10217. In support of its request for streamlined expedited release from EMCSUD CCN No. 10217, the Petitioner has attached the "Required Statement of William Kempf in Support of Spindletop RV Ventures, LLC's Petition to Amend EMCSUD CCN No. 10217 by Streamlined Expedited Release (hereinafter referred to as the "Petitioner's Statement"). The Petitioner's Statement is attached hereto and incorporated as **Exhibit A**. Petitioner's Statement verifies that Spindletop RV Ventures, LLC is the owner of the Property, the Property is located in a county currently qualifying for Streamlined Expedited Release,

Medina County, Texas, the total acreage of the Property is 48.99 acres, and the Property is not receiving water service from EMCSUD. See Exhibit A.

The Petitioner's Statement also includes (1) Spindletop RV Ventures, LLCs deed for the Property; (2) a map identifying the boundaries and showing the general location of the Property and the surrounding water CCNs held by both EMCSUD and other retail public utilities in the vicinity; (3) a metes and bounds description of the property; (4) a survey of the Property. A copy of this Petition is being sent to EMCSUD by certified mail on the same day this Petition is filed with the PUC.

III. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the PUC process this Petition and release the Petitioner's Property from EMCSUDs Water CCN No. 10217 pursuant to Texas Water Code §13.254(a-5) and 16 Tex. Admin. Code §24.113(1). If for any reason the PUC finds that the information submitted with this Petition is insufficient for application acceptance, the Petitioner respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

Respectfully submitted,



William Kempf, President
Spindletop RV Ventures, LLC
PO Box 37
LaCoste, Texas 78039
Telephone: (830) 931-5610
willie.kempf@gmail.com

Additionally sent via certified mail to:

East Medina County Special Utility District
Attn: Bruce Alexander
PO Box 628
Devine, TX 78016
(830)709-3879

Certified mail receipt attached hereto.

EXHIBIT A – PETITIONER’S STATEMENT

PETITION BY SPINDLETOP RV VENTURES, LLC TO AMEND EMCSUD CCN No. 10217 IN MEDINA COUNTY BY STREAMLINED EXPEDITED RELEASE

§ § §

REQUIRED STATEMENT OF WILLIAM KEMPF IN SUPPORT OF SPINDLETOP RV VENTURES, LLC'S PETITION TO AMEND EAST MEDINA COUNTY SPECIAL UTILITY DISTRICT'S CCN No. 10217 BY STREAMLINED EXPEDITED RELEASE

BEFORE ME, the undersigned notary public, appeared William Kempf, the President of Spindletop RV Ventures, LLC, known to me to be the person whose name is subscribed to the following instrument, and stated the following:

1. My name is William Kempf. I am over twenty-one (21) years of age, am competent to make this Statement, have personal knowledge of the facts stated, and they are true and correct.
2. I am the President of Spindletop RV Ventures, LLC. I am familiar with the property that Spindletop RV Ventures, LLC owns and the bills and accounts pertinent to those properties.
3. Spindletop RV Ventures, LLC owns 48.99 acres of land (the "Property") located south of the City of Castroville on County Road 4713 in Medina County, Texas. The deed for the Property is recorded in the real property records in Medina County as document number 2018001949, and a true and correct copy of the deed is attached to this Statement as Attachment 1. Attached as Attachment 2 is a true and correct copy of a map showing the general location and identifying the boundaries of the Property. Attached as Attachment 3 is a detailed map more accurately depicting the boundaries of the Property. Attached as Attachment 4 is a true and correct copy of a map showing the surrounding CCN boundaries. Attached as Attachment 5 is a detailed map more accurately showing the surrounding CCN boundaries. Attached as Attachment 6 is a sealed metes and bounds description of the Property. Attached as Attachment 7 is a sealed Survey of the Property.
4. The Property is located in EMCSUD (the "WSC") Water Certificate of Convenience and Necessity ("CCN") No. 10217. The Property is not receiving water service from the WSC, or any other water provider. I am not aware of any meters, lines, or other facilities owned or operated by the WSC on the Property.
5. On behalf of Spindletop RV Ventures, LLC, I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10217.

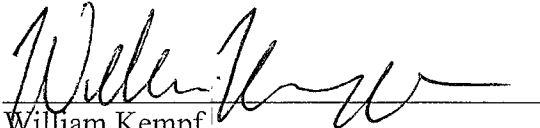
(Signature page follows)

EXECUTED this 25th day of September, 2018.

THE STATE OF TEXAS COUNTY OF MEDINA

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared William Kempf, President of Spindletop RV Ventures, LLC, known to me to be the person and officers whose name is subscribed to the foregoing instrument and affirmed and acknowledged that said instrument is correct and accurate to the best of their knowledge and belief, and that they executed the same for the purposes and in the capacity therein stated.

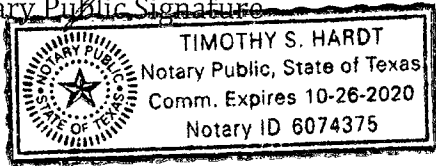
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 25th day of September, 2018.



William Kempf
President Spindletop RV Ventures, LLC



Notary Public Signature



Seal

Attachment 1 – Warranty Deed

After recording send to
MISSION TITLE
802 US Hwy 90 West
Castroville, TX 78009
GF # 1800138-22

Prepared By:

Jana Dowling for Dowling Law Group, PLLC
2227 Estate Gate
San Antonio, Texas
78260

After Recording Return To:

Spindletop RV Ventures, LLC
3250 CR 4713
LaCoste, Texas
78039

Space Above This Line for Recorder's Use

TEXAS GENERAL WARRANTY DEED

County: Medina County

State: Texas

Grantor:

Nata J. Kolton as Trustee of the Nata J. Kolton Separate Property Trust dated February 24, 1994

Grantor's Mailing Address:

8406 Silver Star, San Antonio, Texas, 78218

Grantee:

Spindletop RV Ventures, LLC, a Texas limited liability company

Grantee's Mailing Address:

3250 CR 4713, LaCoste, Texas, 78039

Conveyance:

FOR VALUE RECEIVED, Grantor has conveyed, granted, transferred and assigned, and hereby grants, conveys, transfers and assigns to Grantee, all, and no less than all, of the following described real property:

48.99 acres of land, more or less, in Medina County, Texas, in one tract more particularly described on the attached "Exhibit A" hereby incorporated into this deed by reference for all purposes.

Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to liens described as part of the Consideration; standby fees, taxes, and assessments by any taxing authority for the year 2018 and subsequent years; subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, which Grantee assumes and agrees to pay, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.

Consideration:

1. Ten and No/100 ---- (**\$10.00**) Dollars and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by Grantor;
2. Note of even date that is in the principal amount of THREE HUNDRED TWENTY THOUSAND Dollars ---- (**\$320,000**) Dollars and is executed by Grantee, payable to the order of **Castroville State Bank**, without recourse against Grantor. The Note is secured by a vendor's lien retained in favor of **Castroville State Bank** in this Deed and by a Deed of Trust of even date from Grantee to **Scott E. Tschirhart**, Trustee.

Habendum and Warranty:

TO HAVE AND TO HOLD the Subject Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's successors, personal representatives, and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors, personal representatives and assigns, to warrant and defend, all and singular, the said premises unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. The use of personal pronouns in this instrument shall be construed in context, with the masculine to include the feminine, when appropriate, and the singular to include the plural, when appropriate.

Nata J. Kolton Date: March 20, 2018
Grantor

8406 Silver Star, San Antonio, Texas, 78218

NOTARY ACKNOWLEDGMENT

State of Texas

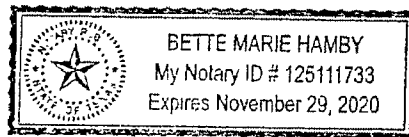
County of ~~Bexar~~ Medina

This instrument was acknowledged before me by Nata Kolton as Trustee of the Nata J. Kolton Separate Property Trust.

Given under my hand this 20 day of March, 2018.

[Signature] (SEAL)

Notary Public



My Commission Expires: 11/29/2020

Exhibit A

A 48.99 Acre Tract of land situated about 16.7 miles S 85° E of Hondo in Medina County, Texas, out of Survey No. 14, Abstract No. 1354, Zimmermann, original grantee, and being all of a 55.806 Acre Tract (Tract 2) conveyed from Henry A. Halty to Nata J. (Brown) Kolton by deed dated February 15, 1990 and recorded in Volume 120, Page 540 of the Official Public Records of Medina County, Texas, save and except a 0.939 Acre Tract conveyed from Henry A. Halty to M. Ken Gully, Jr. et al by deed dated September 14, 1983 and recorded in Volume 328, Page 564 of the Deed Records of Medina County, Texas and being more particularly described as follows:

BEGINNING: At a broken 10" creosote post found in the West line of County Road 4713 and the South line of County Road 5723 for the Southeast corner of said 0.939 Acre and the Northeast corner of this tract from which the Northeast corner of said 0.939 Acre Tract bears N 03° 36' 04" E 110.54 feet:

THENCE: Along a fence and with the West line of County Road 4713 and the East line of this tract as follows:

S 03° 01' 56" E 234.91 feet to a 10" creosote post found for an angle point;

S 08° 38' 28" E 124.74 feet to a 10" creosote post found for an angle point;

S 21° 01' 12" E 23.55 feet to an 8" creosote post found for an angle point;

S 28° 10' 58" E 144.99 feet to a 10" creosote post found for an angle point;

S 54° 29' 13" E 322.11 feet to a 4" cedar post found for an angle point;

S 54° 11' 11" E 348.92 feet to a 10" creosote post found for an angle point;

S 54° 19' 54" E 218.72 feet to an 8" creosote post found for an angle point;

S 57° 10' 54" E 492.03 feet to an 8" creosote post found for an angle point;

S 40° 06' 04" E 260.51 feet to a 10" creosote post found for an angle point;

S 28° 12' 38" E 80.19 feet to a 5/8" iron pin found by a 10" creosote post for the North corner of a 2.066 Acre Tract (Volume 434, Page 114, Official Public Records) and the East corner of this tract;

THENCE: S 40° 20' 52" W 532.34 feet along a fence, at 524.56 feet pass a found 5/8" iron pin, continuing to the Southwest corner of said 2.066 Acre Tract and the Southeast corner of this tract;

THENCE: With the North and East line of the Medina River and the South and West line of this tract as follows:

S 82° 19' 38" W 102.16 feet to an angle point;

S 56° 32' 45" W 108.67 feet to an angle point;

S 37° 04' 58" W 72.31 feet to an angle point;

S 84° 26' 58" W 51.52 feet to an angle point;

N 43° 56' 01" W 70.81 feet to an angle point;

N 37° 58' 12" E 36.71 feet to an angle point;

N 24° 12' 57" W 43.55 feet to an angle point;

S 86° 36' 13" W 54.72 feet to an angle point;
N 58° 45' 17" W 42.67 feet to an angle point;
S 86° 12' 48" W 195.12 feet to an angle point;
S 75° 16' 49" W 220.30 feet to an angle point;
N 67° 19' 38" W 83.21 feet to an angle point;
N 30° 19' 31" W 308.14 feet to an angle point;
N 44° 15' 27" W 203.94 feet to an angle point;
N 34° 51' 43" W 68.00 feet to an angle point;
N 42° 27' 24" W 144.49 feet to an angle point;
N 21° 47' 08" W 352.09 feet to an angle point;
N 17° 27' 17" W 277.10 feet to an angle point;
S 87° 15' 37" W 39.00 feet to an angle point;
N 31° 07' 44" W 221.44 feet to an angle point;
N 20° 33' 47" W 133.13 feet to an angle point;
N 13° 32' 23" E 289.66 feet to an angle point;
N 32° 22' 48" E 169.31 feet a 5/8" iron pin set for the Southwest corner of
said 0.939 Acre Tract and the Northwest corner of this tract;

THENCE: With the South line of County Road 5723 and said 0.939 Acre Tract and
the North line of this tract as follows:

N 89° 27' 18" E 47.11 feet to a 5/8" iron pin set for an angle point;
N 54° 37' 40" E 176.54 feet to a 5/8" iron pin set for an angle point;
S 89° 36' 43" E 300.14 feet along a fence to the POINT OF BEGINNING.

FILED AND RECORDED

Instrument Number: 2018001949

Filing and Recording Date: 03/21/2018 01:02:14 PM Pages: 6 Recording Fee: \$42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the PUBLIC RECORDS of Medina County, Texas.



Gina Champion

Gina Champion, County Clerk
Medina County, Texas

Filed By The system user Deputy

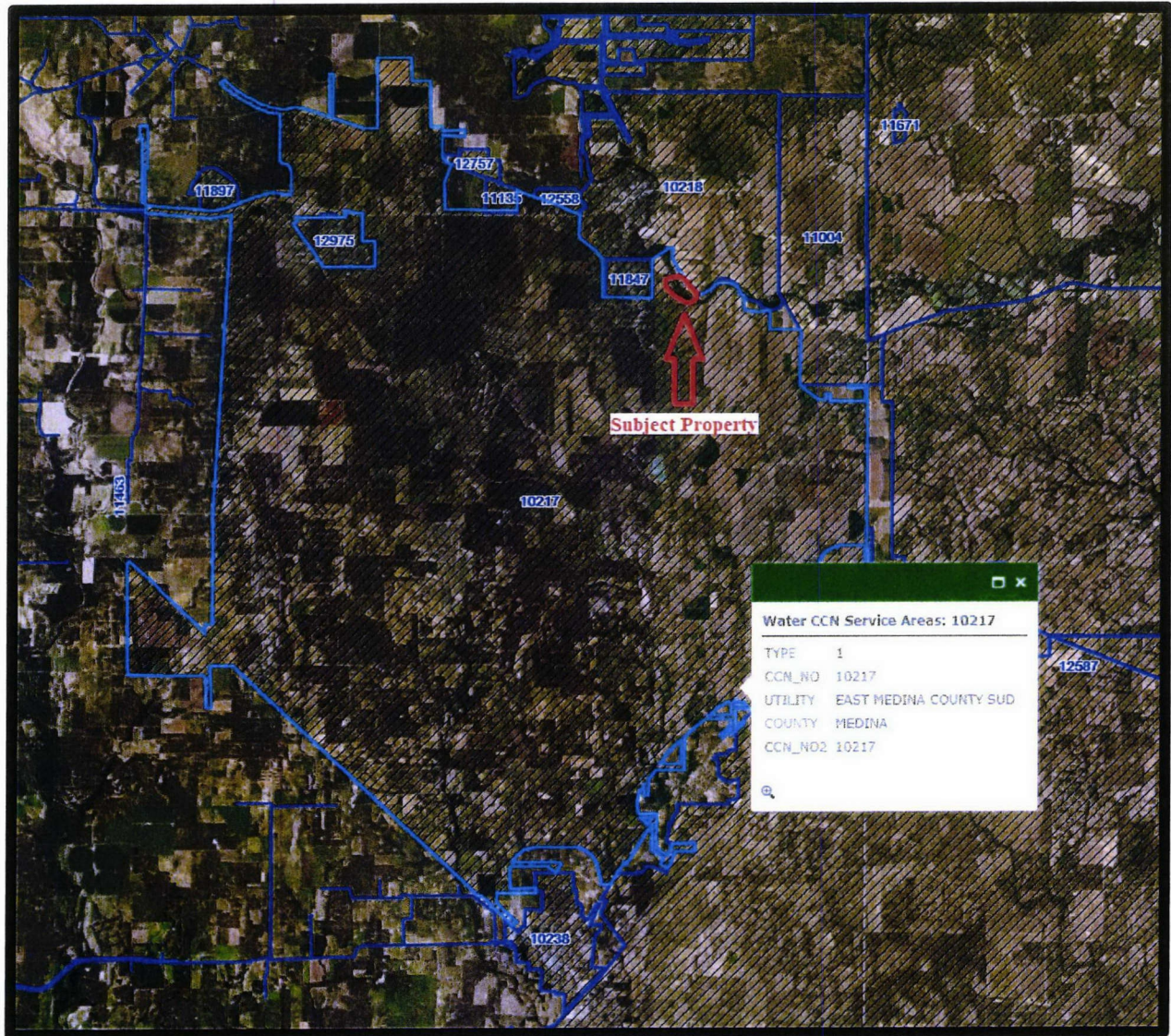
Attachment 2 – General Location Map



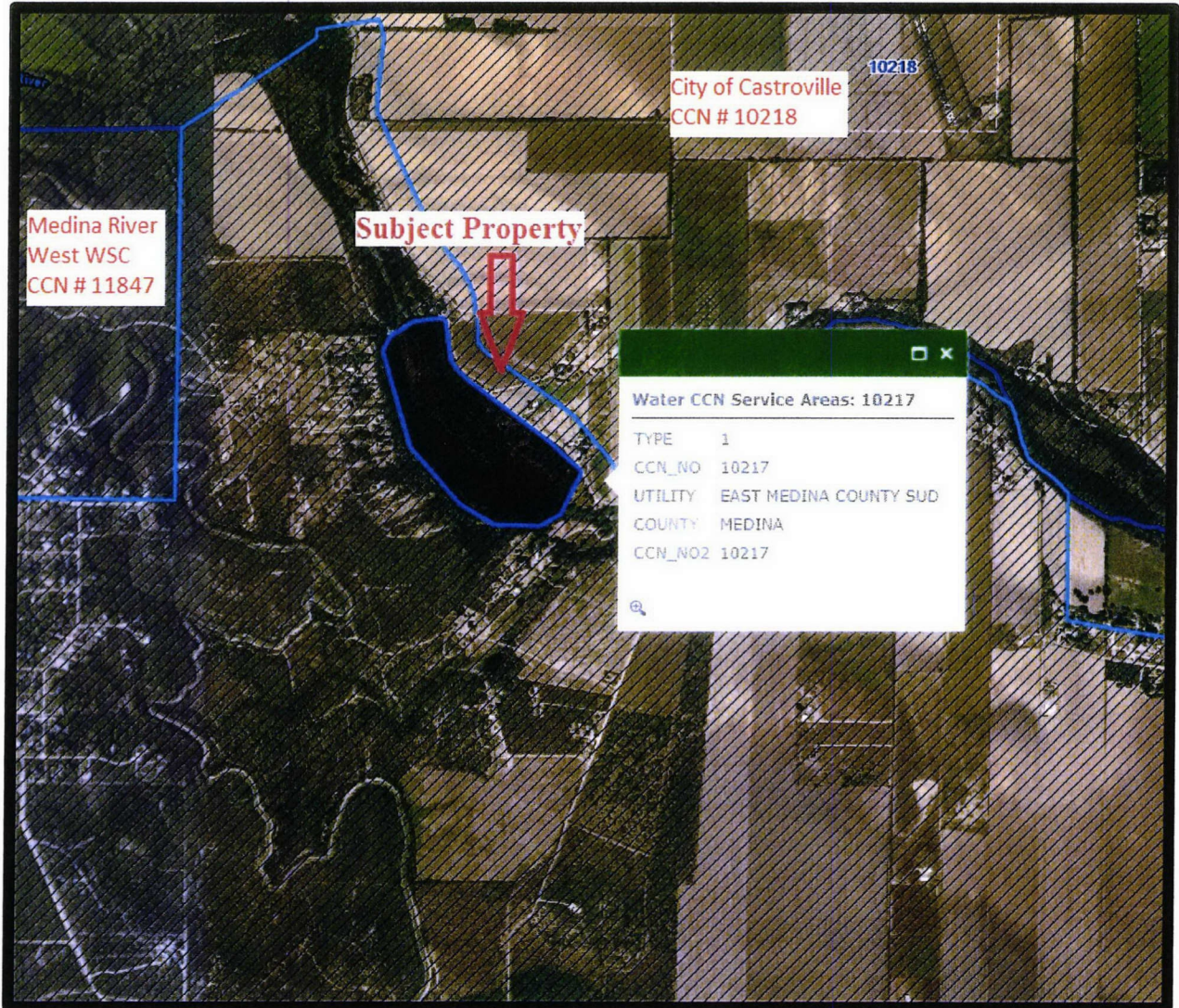
Attachment 3 – Detailed Map



Attachment 4 – CCN General Coverage Map



Attachment 5 – CCN Coverage Detailed Map



Attachment 6 – Metes-and-Bounds Property Description

STATE OF TEXAS
COUNTY OF MEDINA

PREPARED FOR: Nata J. Kolton Trust - Seller
Rodney Hitzfelder - Buyer

FIELD NOTES TO DESCRIBE

A 48.99 Acre Tract of land situated about 16.7 miles S 85° E of Hondo in Medina County, Texas, out of Survey No. 14, Abstract No. 1354, Zimmermann, original grantee, and being all of a 55.806 Acre Tract (Tract 2) conveyed from Henry A. Halty to Nata J. (Brown) Kolton by deed dated February 15, 1990 and recorded in Volume 120, Page 540 of the Official Public Records of Medina County, Texas, save and except a 0.939 Acre Tract conveyed from Henry A. Halty to M. Ken Gully, Jr. et al by deed dated September 14, 1983 and recorded in Volume 328, Page 564 of the Deed Records of Medina County, Texas and being more particularly described as follows:

BEGINNING: At a broken 10" creosote post found in the West line of County Road 4713 and the South line of County Road 5723 for the Southeast corner of said 0.939 Acre and the Northeast corner of this tract from which the Northeast corner of said 0.939 Acre Tract bears N 03° 36' 04" E 110.54 feet;

THENCE: Along a fence and with the West line of County Road 4713 and the East line of this tract as follows:

S 03° 01' 56" E 234.91 feet to a 10" creosote post found for an angle point;

S 08° 38' 28" E 124.74 feet to a 10" creosote post found for an angle point;

S 21° 01' 12" E 23.55 feet to an 8" creosote post found for an angle point;

S 28° 10' 58" E 144.99 feet to a 10" creosote post found for an angle point;

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THENCE: S 40° 20' 52" W 532.34 feet along a fence, at 524.56 feet pass a found 5/8" iron pin, continuing to the Southwest corner of said 2.066 Acre Tract and the Southeast corner of this tract;

THENCE: With the North and East line of the Medina River and the South and West line of this tract as follows:

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S 56° 32' 45" W 108.67 feet to an angle point;

S 37° 04' 58" W 72.31 feet to an angle point;

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N 24° 12' 57" W 43.55 feet to an angle point;

48.99 Acres – Nata J. Kolton Trust to Rodney Hitzfelder

S 86° 36' 13" W 54.72 feet to an angle point;
N 58° 45' 17" W 42.67 feet to an angle point;
S 86° 12' 48" W 195.12 feet to an angle point;
S 75° 16' 49" W 220.30 feet to an angle point;
N 67° 19' 38" W 83.21 feet to an angle point;
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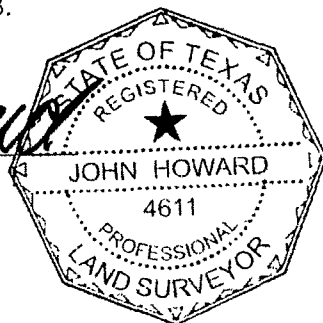
N 89° 27' 18" E 47.11 feet to a 5/8" iron pin set for an angle point;
N 54° 37' 40" E 176.54 feet to a 5/8" iron pin set for an angle point;
S 89° 36' 43" E 300.14 feet along a fence to the POINT OF BEGINNING.

Bearings shown herein are from GPS observations Texas Coordinate System NAD (83).

I hereby certify that the foregoing field note
description and accompanying plat were prepared
from an actual survey performed on the ground,
under my supervision and that to the best of my belief
and knowledge they are true and correct.

This the 1st day of March 2018.


John Howard, R.P.L.S. No. 4611
Howard Surveying, LLC
TBPLS Firm No. 10125700
402 State Highway 173 South
Hondo, Texas 78861
(830) 426-4776



Attachment 7 – Sealed Survey

