



Control Number: 48846



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **48846**

RECEIVED

PETITION BY SIG-WAUKEGAN
WILLIS LLC FOR EXPEDITED
RELEASE FROM WATER CCN
NO. 11615 HELD BY THE TOWN
OF CUT AND SHOOT IN
MONTGOMERY COUNTY

§
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§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

2018 NOV -2 AM 11:42
PUBLIC UTILITY COMMISSION
FILING CLERK

**PETITION BY SIG-WAUKEGAN WILLIS LLC FOR EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Sig-Waukegan Willis LLC, (Petitioner) and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from the Town of Cut and Shoot's (Town) water certificate of convenience and necessity (CCN) No. 11615, pursuant to Texas Water Code Section 13.254 (a-5) and Rule 24.113(l) of the PUC's Rules found at 16 Texas Administrative Code Section 24.113 and, in support thereof, would respectfully show the following:

I. APPLICABLE REGULATIONS

Section 13.254(a-5) of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and is not receiving water or sewer service may petition for expedited release of the area from a CCN. TEX. WATER CODE ANN. § 13.254(a-5). For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract "is entitled to that release." *Id.* The rule adopted by the PUC pursuant to Section 13.254(a-5) provides the same, and it recognizes that Montgomery County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE § 24.113(l). Under Section 13.254(a-6), the PUC "shall grant a petition received under Section (a-5) not later than the 60th day after the date the landowner filed the petition."

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 262.89 acres of contiguous property in Montgomery County (Property). The Property is within the boundaries of water CCN No. 11615 held by the Town of Cut and Shoot. The Property does not receive service from any water or sewer provider. An affidavit in support of this Petition is attached hereto as Exhibit A. Maps showing the location of the Property, along with the digital data, are attached hereto as Exhibit B. The deed showing ownership of the Property is attached hereto as Exhibit C. A copy of this petition has been mailed to the Town via certified mail.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.254(a-5) entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Montgomery County. Under Section 13.254(a-6), the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.254(a-5) releasing all portions of the Property that is within the boundaries of water CCN. No. 11615.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 2nd day of November, 2018, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to the Town of Cut and Shoot, Attn: Mayor, P.O. Box 7364, Cut and Shoot, Texas, 77306.



Emily W. Rogers

Sig-Waukegan Willis LLC

Petition for Expedited Release

Exhibit A

PUC DOCKET NO. _____

PETITION BY SIG-WAUKEGAN	§	BEFORE THE
WILLIS LLC FOR EXPEDITED	§	
RELEASE FROM WATER CCN	§	PUBLIC UTILITY COMMISSION
NO. 11615 HELD BY THE TOWN	§	
OF CUT AND SHOOT IN	§	
MONTGOMERY COUNTY	§	OF TEXAS

**PETITION BY SIG-WAUKEGAN WILLIS LLC FOR EXPEDITED RELEASE
PUSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

State of Texas §

County of Montgomery §

BEFORE ME, the undersigned notary, personally appeared Daniel K. Signorelli, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

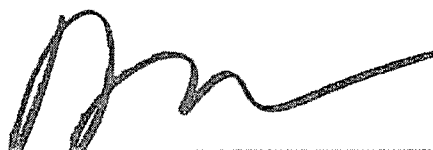
1. "My name is Daniel K. Signorelli. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

2. I am the Manager of Sig-Waukegan Willis LLC, the Petitioner in the above-captioned matter. Sig-Waukegan Willis LLC owns approximately 262.89 acres of land, which appears to be located within the boundaries of water Certificate of Convenience and Necessity No. 11615 issued to Town of Cut and Shoot. This property is located in Montgomery County, Texas. Exhibit B attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCN.

3. The property in question is not receiving water or sewer service from Town of Cut and Shoot or any other water or sewer service provider. The property has not requested water or sewer service from Town of Cut and Shoot or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the property.

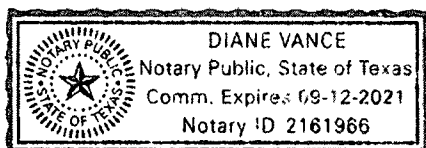
4. I request that the Public Utility Commission on Texas release this property from water CCN No. 11615."


FURTHER AFFIANT SAYETH NOT.



Daniel K. Signorelli

SWORN TO AND SUBSCRIBED TO BEFORE ME by Daniel K. Signorelli on 30th October, 2018.



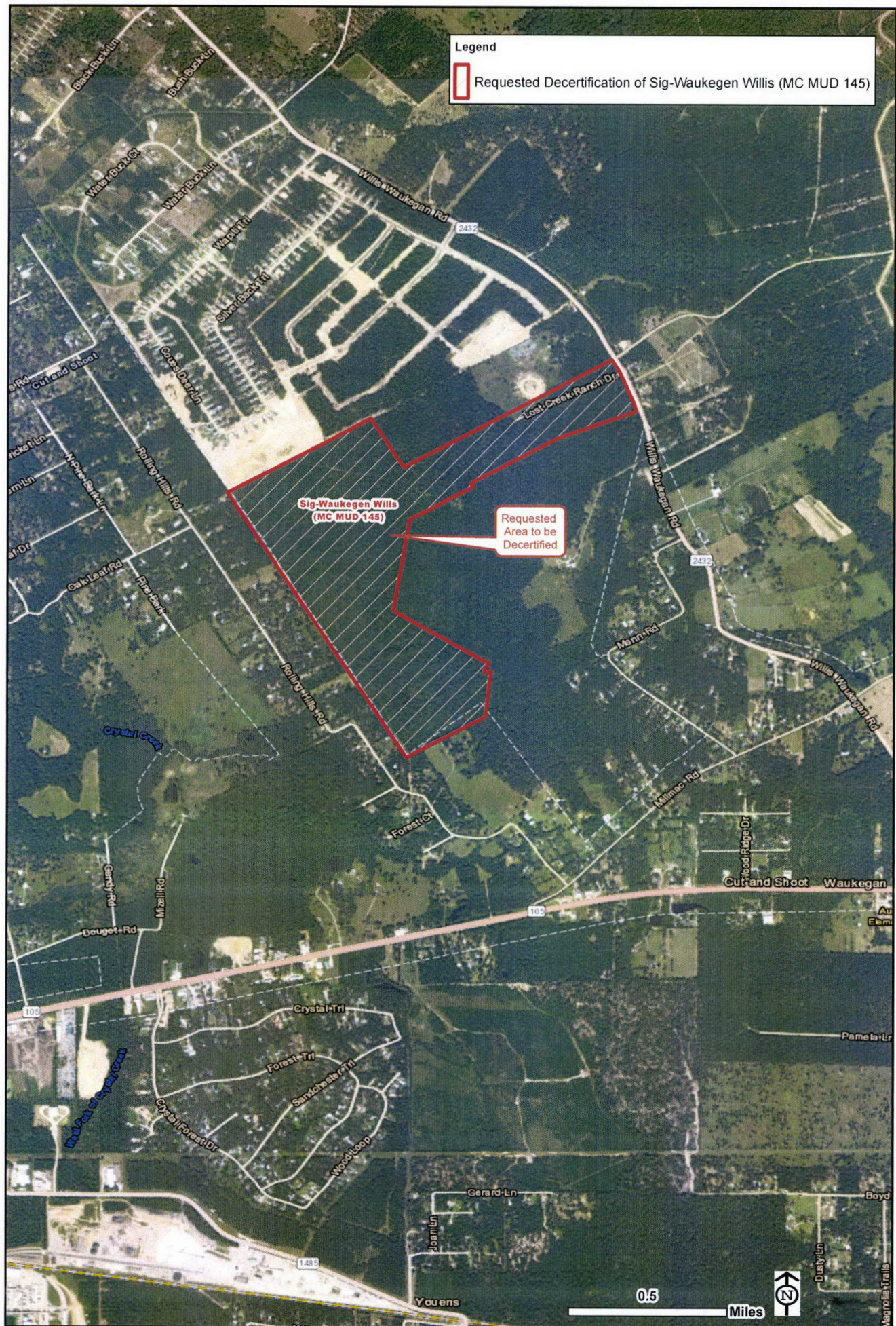


Notary Public State of Texas

Sig-Waukegan Willis LLC

Petition for Expedited Release

Exhibit B



Coordinate System: GCS North American 1983;
Datum: North American 1983; Created: 10/30/2018
Background Image: ESRI Aerial Map

**Request for Expedited Decertification of
Sig-Waukegen Willis from the Town of Cut and Shoot
Water CCN Service Area No. 11615
DETAIL MAP**

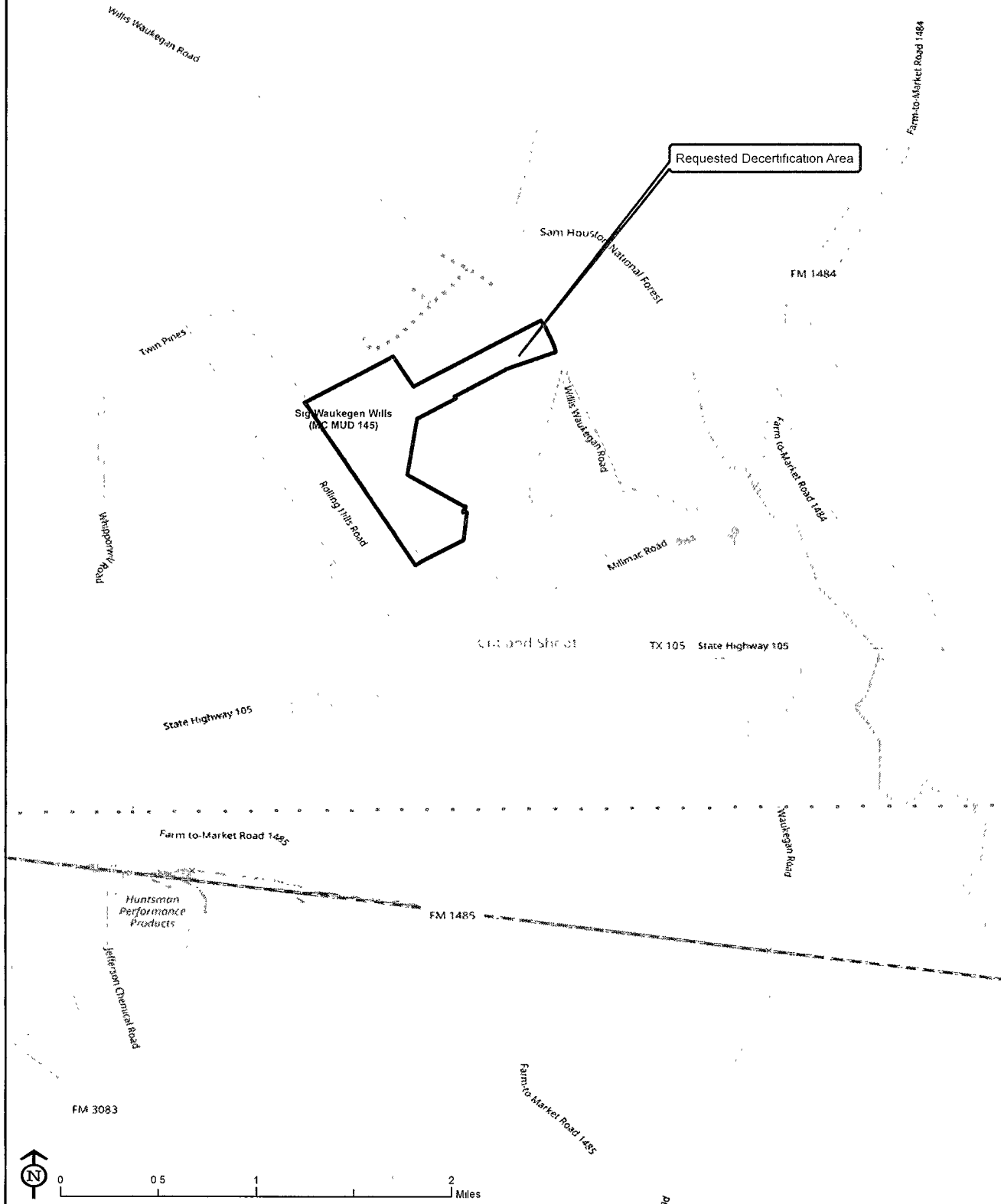
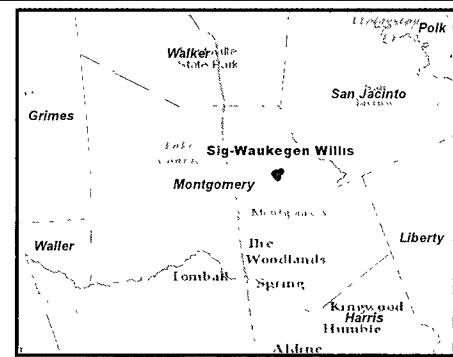
© 2018 Bickerstaff Heath Delgado Acosta LLP
Data Source: Montgomery County MUD 145 obtained
from Montgomery County Appraisal District.
Water and Sewer CCN Boundaries obtained from
Public Utility Commission of Texas.



Legend



Requested Decertification of Sig-Waukegen Willis (MC MUD 145)



0 0.5 1 2 Miles



Sig-Waukegan Willis LLC

Petition for Expedited Release

Exhibit C

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 LICENSE NUMBER.

**SPECIAL WARRANTY DEED
WITH VENDOR'S LIEN**

Date: January 17, 2018

Grantor: Willis – Waukegan, Ltd., a Texas limited partnership

Grantor's Mailing Address: 5750 West Davis
Conroe, Texas 77304

Grantee: SIG – Waukegan Willis LLC, a Texas limited liability company

Grantee's Mailing Address: 1400 Woodloch Forest Drive, Suite 200
The Woodlands, Texas 77380

Consideration: \$10 and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged. All or a portion of the consideration paid to Grantor for the Property was advanced by Citizens Bank ("Beneficiary"), at the special instance and request of Grantee, which amount constitutes the proceeds of a loan from Beneficiary to Grantee evidenced by that certain promissory note of even date herewith executed by Grantee in the original principal amount of \$2,756,000.00 (the "Note"). The Note is secured by the vendor's lien and superior title herein retained by Grantor and assigned to Beneficiary and by the lien created by that certain deed of trust of even date herewith executed by Grantee to a trustee for the benefit of Beneficiary. In consideration of Beneficiary making such loan which directly benefits Grantor, Grantor hereby transfers, sets over, assigns and conveys, without recourse, unto Beneficiary, the vendor's lien and superior title herein retained and reserved against the premises hereby conveyed.

Property (including improvements and appurtenant easements, if any): See Exhibit "A" attached hereto.

Reservations from Conveyance: It is expressly agreed and stipulated that a vendor's lien and superior title is retained against the above described property, premises and improvements, until the above described Note, and all interest thereon, is fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

ALAMO TITLE
GF# ATCH 1707499
005565.000075\4836-9757-4746.v1

Exceptions to Conveyance
and Warranty:

Subject to those easements, conditions, rights-of-way, restrictions, reservations and matters of record which are applicable to the Property and listed on Exhibit "B" attached to this Deed and made a part of this Deed by reference, but only to the extent that same are applicable to and enforceable against the Property, as well as taxes for the current year which Grantee assumes and agrees to pay and subsequent assessments for the current year and prior years due to changes in land usage or ownership (subsequent to the Date), or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the Reservations from Conveyance 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 unto Grantee and Grantee's successors and assigns forever. Grantor hereby binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty.

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

GRANTOR:

WILLIS - WAUKEGAN, LTD.,
a Texas limited partnership

By: Willis - Waukegan Operating Company, LLC,
its General Partner


By: 
Name: Scott Stevens
Title: Authorized Agent

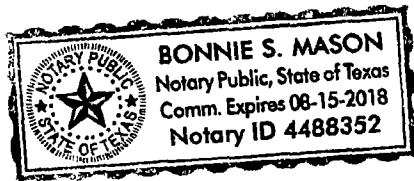
EXHIBIT LIST:

Exhibit "A" – Legal Description of Property
Exhibit "B" – Permitted Exceptions

THE STATE OF TEXAS §

COUNTY OF Montgomery §

This instrument was acknowledged before me on the 17 day of January 2018 by Scott Stevens, Authorized Agent of Willis - Waukegan Operating Company, LLC, a Texas limited liability company which is the General Partner of Willis - Waukegan, Ltd., a Texas limited partnership, on behalf of said limited partnership.



Bonnie S. Mason
Notary Public, State of Texas

Return to:

Alamo Title Company
1803 W. White Oak Terrace, Suite A
Conroe, Texas 77304
(GF # ATCH17074199)

EXHIBIT A

LEGAL DESCRIPTION

A METES & BOUNDS description of a certain 262.89 acre (11,451,285 square feet) tract of land situated in the T. P. Davey Survey, Abstract No. 162 and the Bennett Blake Survey, Abstract No. 4 in Montgomery County, Texas, being out of a called 583.12 acres conveyed to Willis-Waukegan, Ltd. by Warranty Deed with Vendor's Lien recorded under Clerk's File No. 2004095061, Montgomery County Official Public Records of Real Property; said 262.89 acre (11,451,285 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, Central Zone, NAD83;

BEGINNING at a 5/8-inch iron rod (with cap stamped "McDaniel") found, being in the northwest line of a called 2.53 acres conveyed to Tommy and Sharon Tyler by Warranty Deed with Vendor's Lien recorded under Clerk's File No. 8841970, Montgomery County Official Public Records of Real Property, being the east corner of a called Lot 53 conveyed to Calvin and Gail Douzat by Warranty Deed recorded under Clerk's File No. 2006061348, Montgomery County Official Public Records of Real Property, and being the south corner of the herein described tract;

THENCE, North 33° 15' 19" West, 5,019.97 feet to a point for corner, being in the northeast line of a called Tract 18 conveyed to Alfonzo Perez by Warranty Deed recorded under Clerk's File No. 2013086231, Montgomery County Official Public Records of Real Property, being the southwest corner of a called Restricted Reserve "A" of Deer Trail Two, Section 2 recorded under Clerk's File No. 2015016116, Montgomery County Map Records, and being the northwest corner of the herein described tract, from which a 5/8-inch iron rod (with cap stamped "2183") found bears North 33° 43' East, 2.0 feet;

THENCE, North 56° 45' 56" East, 2,400.87 feet to a point for corner, being the west corner of a called 74.119 acres conveyed to Foroutan G. and Michele Rodgers Amini by Warranty Deed with Vendor's Lien recorded under Clerk's File No. 2009010950, Montgomery County Official Public Records of Real Property, from which a 3/8-inch iron rod found bears South 33° 14' East, 0.74 feet and a 1/2-inch iron rod (with cap) found bears North 56° 45' 56" East, 3,500.73 feet;

THENCE, South 33° 13' 16" East, 919.60 feet to a 1/2-inch iron rod (with cap stamped "Moon") found, being the south corner of said called 74.119 acres;

THENCE, North 56° 46' 07" East, 3,232.99 feet to a 5/8-inch iron rod (with cap) found, being in the southwest line of said called 74.119 acres and being the west corner of a called 2.913 acres conveyed to Tracey Viehe by Special Warranty Deed recorded under Clerk's File No. 2017015986, Montgomery County Official Public Records of Real Property, said called 2.913 acres also conveyed to Eric Schramm by Special Warranty Deed recorded under Clerk's File No. 2017015987, Montgomery County Official Public Records of Real Property, said called 2.913 acres also conveyed to Terrell Daily by Special Warranty Deed recorded under Clerk's File No. 2017015988, Montgomery County Official Public Records of Real Property, said called 2.913 acres also conveyed to Keith Myrick by Special Warranty Deed recorded under Clerk's File No. 2017015989, Montgomery County Official Public Records of Real Property, said called 2.913 acres also conveyed to Robert Graham by Special Warranty Deed recorded under Clerk's File No. 2017015990, Montgomery County Official Public Records of Real Property;

THENCE, South 24° 08' 52" East, 456.03 feet to a 1/2-inch iron rod (with cap stamped "Moon") found, being the south corner of said called 2.913 acres, beginning a curve to the right;

THENCE, in a northeasterly direction along said curve to the right, having a radius of 117.52 feet, a central angle of 49° 04' 11", an arc length of 100.65 feet, and a chord bearing North 44° 39' 58" East, 97.60 feet to a 5/8-inch iron rod (with cap stamped "Moon") found, being in the south line of said called 2.913 acres;

THENCE, North 68° 05' 34" East, 204.55 feet to a 5/8-inch iron rod (with cap stamped "Moon") found, being the southeast corner of said called 2.913 acres and being in the west right-of-way of Willis-Waukegon Road;

THENCE, South 24° 09' 05" East, 234.64 feet to a 1/2-inch iron rod found, being in the west right-of-way of said called Willis-Waukegon Road;

THENCE, South 18° 53' 21" East, 153.99 feet to a 1/2-inch iron rod (with cap stamped "Moon") found, being in the west right-of-way of Willis-Waukegon Road, being the northeast corner of a called 55.955 acres conveyed to Raul and Bernardina Rodriguez by General Warranty Deed recorded under Clerk's File No. 2009008448, Montgomery County Official Public Records of Real Property, and being the most easterly corner of the herein described tract;

THENCE, South 65° 50' 46" West, 1,185.55 feet to a 1/2-inch iron rod (with cap stamped "Moon") found, being in the north line of said called 55.955 acres, beginning a curve to the left;

THENCE, in a southwesterly direction along said curve to the left, having a radius of 270.00 feet, a central angle of 09° 05' 00", an arc length of 42.80 feet, and a chord bearing South 61° 18' 49" West, 42.76 feet to a 1/2-inch iron rod (with cap stamped "Moon") found;

THENCE, South 56° 33' 17" West, 1,458.14 feet to a 1/2-inch iron rod (with cap stamped "Moon") found, being the northwest corner of said called 55.955 acres;

THENCE, South 33° 16' 19" East, 70.37 feet to a point for corner, being in the west line of said called 55.955 acres, being the north corner of a called 73.07 acres conveyed to Raul and Barnardina Rodriguez by General Warranty Deed recorded under Clerk's File No. 2011041469, Montgomery County Official Public Records of Real Property, from which a 1/2-inch iron rod found bears North 85° 42' 16" East, 4.32 feet and a 1/2-inch iron rod (with cap) found bears South 33° 16' 19" East, 946.77 feet;

THENCE, South 56° 32' 23" West, 1,060.73 feet to a point for corner, being the northwest corner of said called 73.07 acres, from which a 1/2-inch iron rod (with cap stamped "Moon") found bears North 74° 48' 38" East, 3.90 feet;

THENCE, South 06° 02' 22" West, 1,521.50 feet to a point for corner, being the most westerly corner of said called 73.07 acres, from which a 1/2-inch iron rod (with cap stamped "Moon") found bears North 56° 40' 59" East, 2.36 feet;

THENCE, South 60° 22' 27" East, 1,541.82 feet to a point for corner, being in the southwest line of said called 73.07 acres;

THENCE, South 82° 30' 38" East, 65.14 feet to a point for corner;

THENCE, following the center line of Crystal Creek:

1. South 14° 25' 45" East, 27.17 feet to a point for corner;
2. South 17° 25' 03" West, 16.81 feet to a point for corner;
3. South 32° 11' 21" West, 78.46 feet to a point for corner;
4. South 17° 13' 59" West, 31.61 feet to a point for corner;
5. South 02° 12' 16" West, 33.62 feet to a point for corner;
6. South 56° 05' 16" East, 12.71 feet to a point for corner;
7. North 82° 21' 44" East, 24.02 feet to a point for corner;

8. North 68° 42' 56" East, 50.14 feet to a point for corner;

THENCE, South 74° 27' 54" East, 9.46 feet to a point for corner, being the south corner of said called 73.07 acres, being in the west line of a called 104.1832 acres conveyed to Xin Rong Sheng Shi Investment Management (USA), LLC by General Warranty Deed recorded under Clerk's File No. 2016060700, Montgomery County Official Public Records of Real Property;

THENCE, South 03° 04' 31" West, 760.03 feet to point for corner, being the southwest corner of said called 104.1832 acres, being in the northwest line of a called Tract 1 conveyed to Maurice Hoffman by General Warranty Deed recorded under Clerk's File No. 2008053046, Montgomery County Official Public Records of Real Property, from which a 1/2-inch iron rod (with cap stamped "Moon") found bears South 58° 24' E. 0.70 feet, and from which a railroad rail found bears North 56° 48' 44" East, 2,030.84 feet;

THENCE, South 56° 48' 44" West, 1,332.85 feet to the **POINT OF BEGINNING**, CONTAINING 262.89 acres (11,451,285 square feet) of land, in Montgomery County, Texas.

EXHIBIT "B"


PERMITTED EXCEPTIONS

1. Restrictive covenants set forth in the instrument (the "Restrictions") recorded under County Clerk's File No. 2003154459 of the Real Property Records of Montgomery County, Texas (the "Property Records").
2. Building lines along roads as set forth in the Restrictions.
3. Easement for ingress and egress granted to Champion International Corporation, as set forth in instrument recorded under County Clerk's File No. 8002866 of the Property Records.
4. Terms, conditions and stipulations as contained in that certain Gate Valve Contract dated January 30, 1997, executed by Champion Realty Corporation to Explorer Pipeline Company by instrument recorded under County Clerk's File No. 9708777 of the Property Records.
5. Pipeline easement granted to Explorer Pipeline Company by instrument recorded under Volume 723, Page 449 of the Deed Records of Montgomery County, Texas (the "Deed Records").
6. Easement in favor of Spindletop Gas Distribution System as set forth and defined by instrument recorded under County Clerk's File No. 8454073 of the Property Records; said easement having been subsequently assigned to Neches Pipeline System by instrument recorded under County Clerk's File Nos 8462509 and 9804564 of the Property Records.
7. Utility easement recorded under County Clerk's File No. 2009004137 of the Property Records.
8. Drainage easement as reserved in instrument recorded under County Clerk's File No. 2009010950 of the Property Records.
9. Electric power and communication facilities easement granted to Entergy Texas, Inc., recorded under County Clerk's File No. 2011027282 of the Property Records.
10. The existence of a surface application on-site wastewater treatment system, together with the terms and conditions in regards to maintenance, as set out in the affidavit recorded under County Clerk's File Nos. 2017013642 and 2017014396 of the Property Records.
11. Reservation of a non-participating royalty interest in and to all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights as set forth in instrument recorded under Volume 199, Page 412 of the Deed Records. Said interest having been subsequently conveyed to William Howard Wootton, et al, by instruments recorded in Volume 971, Page 95, Volume 962, Page 124, Volume 962, Page 127, Volume 962, Page 130, Volume 962, Page 133, Volume 962, Page 136, Volume 962, Page 139, Volume 962, Page 142, Volume 962, Page 145, Volume 962, Page 148, Volume 968, Page 261, Volume 968, Page 266, Volume 968, Page 627, Volume 969, Page 115, Volume 969, Page 118, Volume 969, Page 121, Volume 970, Page 639, Volume 970, Page 699, Volume 973, Page 552, Volume 974, Page 892, Volume 976, Page 109, Volume 978, Page 334, Volume 981, Page 785, Volume 981, Page 790, Volume 981, Page 795, Volume 981, Volume 798, Volume 1003, Page 174 and Volume 1030, Page 675 of the Deed Records.

12. Interest in and to oil, gas and other minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document recorded under Volume 194, Page 338 of the Deed Records. Said interest having been subsequently conveyed by instrument recorded in Volume 519, Page 598, of the Deed Records.
13. Reservation of a non-participating royalty interest in and to all oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same as set forth in instrument recorded in Volume 139, Page 390 of the Deed Records.
14. Oil, Gas and Mineral Lease, together with all rights incident thereto, in favor of Texana Exploration Company, dated December 31, 1951, recorded in Volume 323, Page 581 of the Deed Records.
15. Oil, Gas and Mineral Lease, together with all rights incident thereto, in favor of Hunt Oil Company, dated January 14, 1980, recorded in County Clerk's File No. 8005768 of the Property Records.
16. Surface Use Agreement executed by and between Champion Realty Corporation and Hunt Oil Company dated July 28, 1982, recorded under County Clerk's File No. 8235669 of the Property Records, and subsequently amended by instruments recorded under County Clerk's File Nos. 8312314 and 8317586 of the Property Records.
17. Interest in and to oil, gas and minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document recorded under County Clerk's File No. 2003154459 of the Property Records.
18. Interest in and to oil, gas and other minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document recorded under County Clerk's File No. 2010098034 of the Property Records.
19. Interest in and to oil, gas and other minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document recorded under County Clerk's File No. 2016094047 of the Property Records.

E-FILED FOR RECORD

01/22/2018 03:00PM

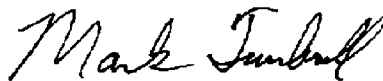


COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

01/22/2018



County Clerk
Montgomery County, Texas