



Control Number: 48891



Item Number: 1

Addendum StartPage: 0



48891

T.B.P.E. #F-8632

700 Highlander Blvd., Suite 210
Arlington, TX 76015

817.522.1000 PHONE
www.TRCSolutions.com

RECEIVED

2018 NOV 19 AM 10:11

PUBLIC UTILITY COMMISSION
FILING CLERK

November 14, 2018

Public Utility Commission of Texas
Central Records
1701 N. Congress, Suite 8-100
Austin, TX 78701

RE: Petition by the City of Celina and Marilee Special Utility District for Approval and Enforcement of Service Area Contract under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Collin County

Marilee Special Utility District ("MSUD") and the City of Celina (the "City"), (collectively, the "Applicants"), through the City's engineer, TRC Engineers, Inc., files this Petition for Approval and Enforcement of Service Area Contract under Texas Water Code § 13.248 ("Application") to amend Certificate of Convenience and Necessity ("CCN") of the Applicants. The relief requested affects a portion of the City's water CCN No. 12667 and a portion of MSUD's water CCN No. 10150, both located in Collin County, Texas.

The Applicants file this Petition to seek Commission action to approve and enforce a contract expressing the Applicant's agreement to transfer portions of each's CCN. The specific transfer area and terms are more specifically set forth in the executed Fourth Addendum to the Full and Final Settlement Agreement and Release, attached to this Petition. There are currently no customers being served within this area. There will not be any transfer of assets or facilities between the Applicants.

The Applicants hereby provide the following information in furtherance of Commission approval for the CCN service area designations contemplated by this Petition:

1. Maps of the 2,254.74 acres transfer area, included as Attachments 1 and 2.
2. A copy of the executed agreement pertaining to this amendment, titled "Fourth Addendum to the Full and Final Settlement Agreement and Release", included as Attachment 3.
3. The number of customers to be transferred is 0.
4. Assets or facilities to be transferred is none.

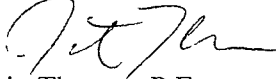
1994

November 2, 2018

Page 2 of 2

The Commission has no standardized application form for the relief sought in this Petition; thus, Applicants are relying on information from similar proceedings filed with the Commission for the contents of this Petition. Please contact this office if you need additional information.

Sincerely,



Justin Thomas, P.E.

TRC Engineers, Inc.

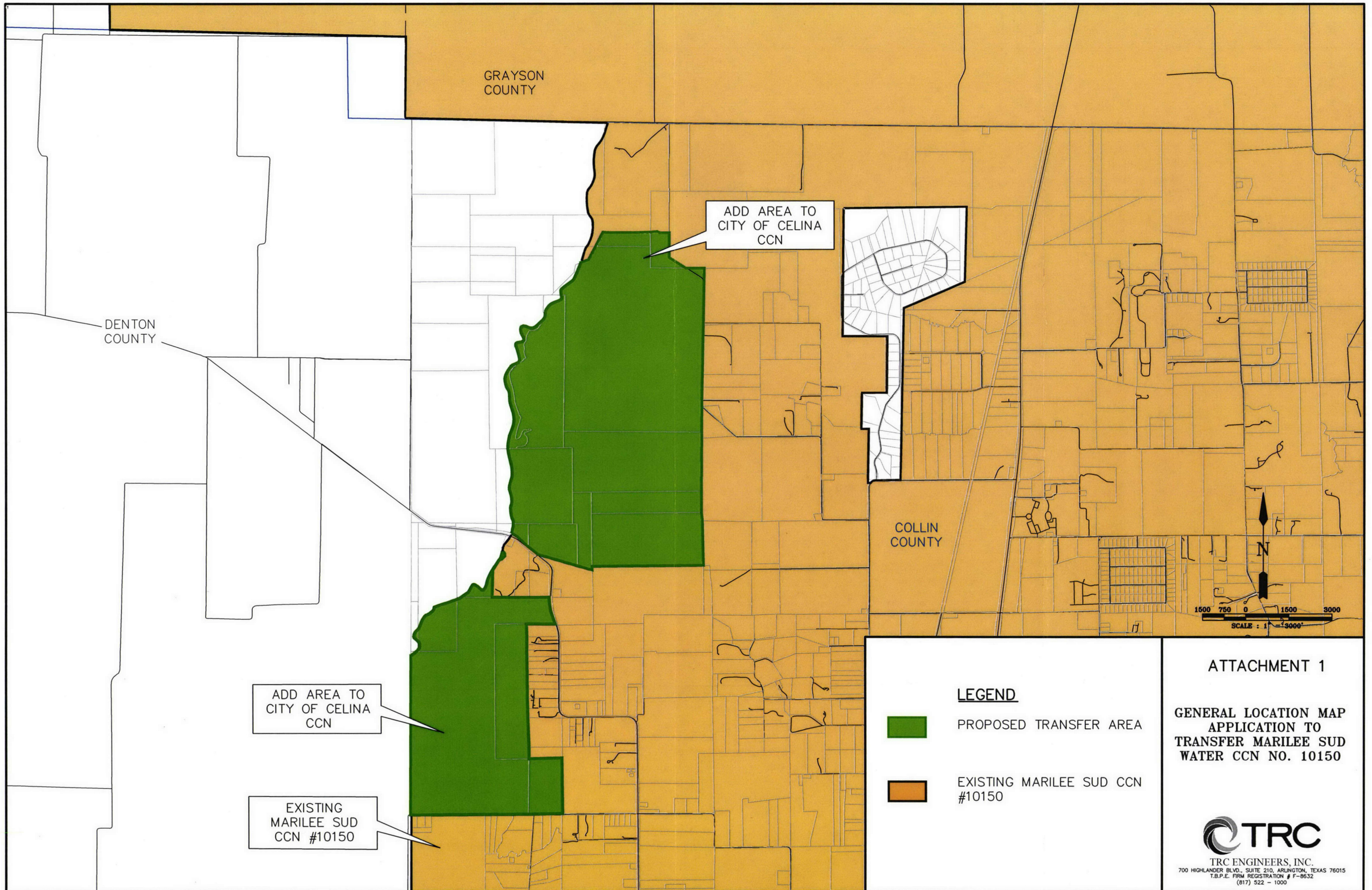
cc: Jason Laumer, PE, City Manager, City of Celina

Kimberly Brawner, PE, Director of Engineering, City of Celina

Donna Loiselle, General Manager of Marilee Special Utility District

Maria Huynh, General Counsel for Marilee Special Utility District





ATTACHMENT 1

GENERAL LOCATION MAP
APPLICATION TO
TRANSFER MARILEE SUD
WATER CCN NO. 10150

LEGEND



PROPOSED TRANSFER AREA



EXISTING MARILEE SUD CCN
#10150



TRC ENGINEERS, INC.
700 HIGHLANDER BLVD., SUITE 210, ARLINGTON, TEXAS 76015
T.B.P.E. FIRM REGISTRATION # F-8632
(817) 522 - 1000



CITY OF CELINA, TEXAS

Plaintiff

vs.

GUNTER RURAL WATER SUPPLY
CORPORATION,
Defendant.

§
§
§
§
§
§
§
§

IN THE 401st JUDICIAL

DISTRICT COURT OF

COLLIN COUNTY, TEXAS

**FOURTH ADDENDUM TO THE FULL AND FINAL SETTLEMENT
AGREEMENT AND RELEASE**

This Fourth Addendum is being entered into to modify the Full and Final Settlement Agreement and Release executed by the parties on April 24, 2001 (the "Agreement") in the above referenced case based on the following considerations:

WHEREAS, based on a modification of the policy of the City of Celina (the "City") relating to annexations, the City has requested that Marilee Special Utility District f/k/a Gunter Special Utility District f/k/a Gunter Rural Water Supply Corporation (the "District") modify Section C.9 of the Agreement and add the Exhibit 1, attached hereto and incorporated herein for all purposes, as Exhibit "I" to the Agreement; and

WHEREAS, the District has determined that it is the best interests of all concerned that Section C.9 of the Agreement be modified and add the attached Exhibit 1 to be added as Exhibit "I" to the Agreement in order to accommodate the City.

NOW THEREFORE, the City and the District agree as follows:

1. Section C.9 of the Agreement is modified to provide as follows:

"9. The term "District" shall mean Marilee Special Utility District f/k/a Gunter Special Utility District f/k/a Gunter Rural Water Supply Corporation, and being the same entity as "Gunter" or "Defendant" as defined herein this Agreement.

(a) Except for the three subdivisions set forth above in paragraph C.8 and below in paragraph C.9.(d), Celina shall pay the District within sixty (60) days from the last of the following actions to occur: (i) the voluntary annexation of any developed areas that are within the District's CCN and (ii) Celina's initiation of water service to the areas voluntary annexed, according to the following terms:

<u>Years</u>	<u>Price</u>	
2001-2009	\$750.00 per acre	\$1,500.00 per meter**
2010-2019	\$1250.00 per acre	\$2,000.00 per meter**
2020 forward	\$1750.00 per acre	\$2,500.00 per meter**

** The greater of the per meter price or the per acre price for developed areas. As used herein, compensation for meters shall be determined by the number of water meters physically located on the ground within the CCN area being annexed by Celina as of the date of an annexation ordinance.

(b) Except for the three subdivisions set forth above in paragraph C.8 and below in paragraph C.9.(d), Celina shall pay the District within sixty (60) days following the involuntary annexation of any developed areas that are within the District's CCN according to the following terms:

<u>Years</u>	<u>Price</u>	
2001-2009	\$750.00 per acre	\$1,500.00 per meter**
2010-2019	\$1250.00 per acre	\$2,000.00 per meter**
2020 forward	\$1750.00 per acre	\$2,500.00 per meter**

** The greater of the per meter price or the per acre price for developed areas. As used herein, compensation for meters shall be determined by the number of water meters physically located on the ground within the CCN area being annexed by Celina as of the date of an annexation ordinance.

(c) Except for the property set forth below in paragraph C.9.(d), Celina shall pay the District for any undeveloped area that is located wholly or partially within the District's CCN on or before the thirtieth (30th) day following Celina's approval of a final plat of any territory located wholly or partially within the District CCN.

The amount to be paid by Celina to the District for the District's CCN for undeveloped areas will be determined by the year in which the payment is due pursuant to the following:

<u>Years</u>	<u>Price</u>
2001-2009	\$750.00 per acre
2010-2019	\$1250.00 per acre
2020 forward	\$1750.00 per acre

(d) Celina shall acquire from the District the portion of the District's CCN found in Exhibit "I", attached hereto and incorporated herein for all purposes, (the "2018 Territory"), upon Celina's annexation of the 2018 Territory.

(i) The District shall receive Five Hundred Dollars (\$500.00) per acre for the 2,254.74 acres within the 2018 Territory for a total

amount not to exceed **One Million One Hundred Twenty-Seven Thousand Three Hundred Seventy Dollars (\$1,127,370.00)** from Celina. Such payment for the 2018 Territory shall be made to the District in five (5) equal annual installments at the interest rate of zero percent (0%) per annum, with each payment equaling Two Hundred Twenty-Five Thousand Four Hundred Seventy-Four Dollars (\$225,474.00) due October 15th of each year, beginning October 15, 2019.

(ii) If Celina executes a development agreement with the property owner(s) of the 2018 Territory, then Celina shall pay the District full payment and/or any remaining payments for the 2018 Territory within twelve (12) months from the executed date of such development agreement.

(e) Within ten (10) days following approval, the City will deliver to the District a true and correct copy of each final plat that is approved by the City that relates to any territory that this located wholly or partially within the District's CCN.

(f) Any payments required by this Agreement that are not paid on or before the due date will earn interest at the rate of one percent (1%) per month from and after the due date."

2. The attached Exhibit 1 to this Fourth Addendum, which depicts the 2018 Territory, shall be added to the Agreement as Exhibit "I" of the Agreement.

3. The City and the District ratify, affirm and republish the Agreement, as modified herein, as a valid and enforceable agreement between the parties pursuant to its terms.

4. The undersigned, on behalf of a party to this Addendum, by their signatures, bind, covenant, represent and warrant that they have the authority of their principal to bind it to the terms, covenants and conditions of this Addendum and the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Addendum on the dates set forth in the respective acknowledgments.

CITY OF CELINA, TEXAS

By: _____

Sean Terry, Mayor

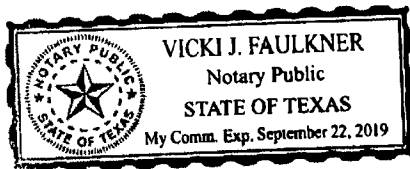
MARILEE SPECIAL UTILITY DISTRICT

By: *Denny Brackeen*
Denny Brackeen,
President of the Board of Directors

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

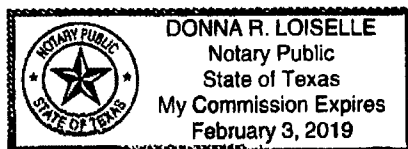
This document was acknowledged before me on the 12 day of July,
2018, by, **Sean Terry**, Mayor of the City of Celina, Texas.



Vicki J. Faulkner
Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This document was acknowledged before me on the 16th day of July,
2018, by **Denny Brackeen**, President for the Board of Directors of Marilee Special Utility
District.



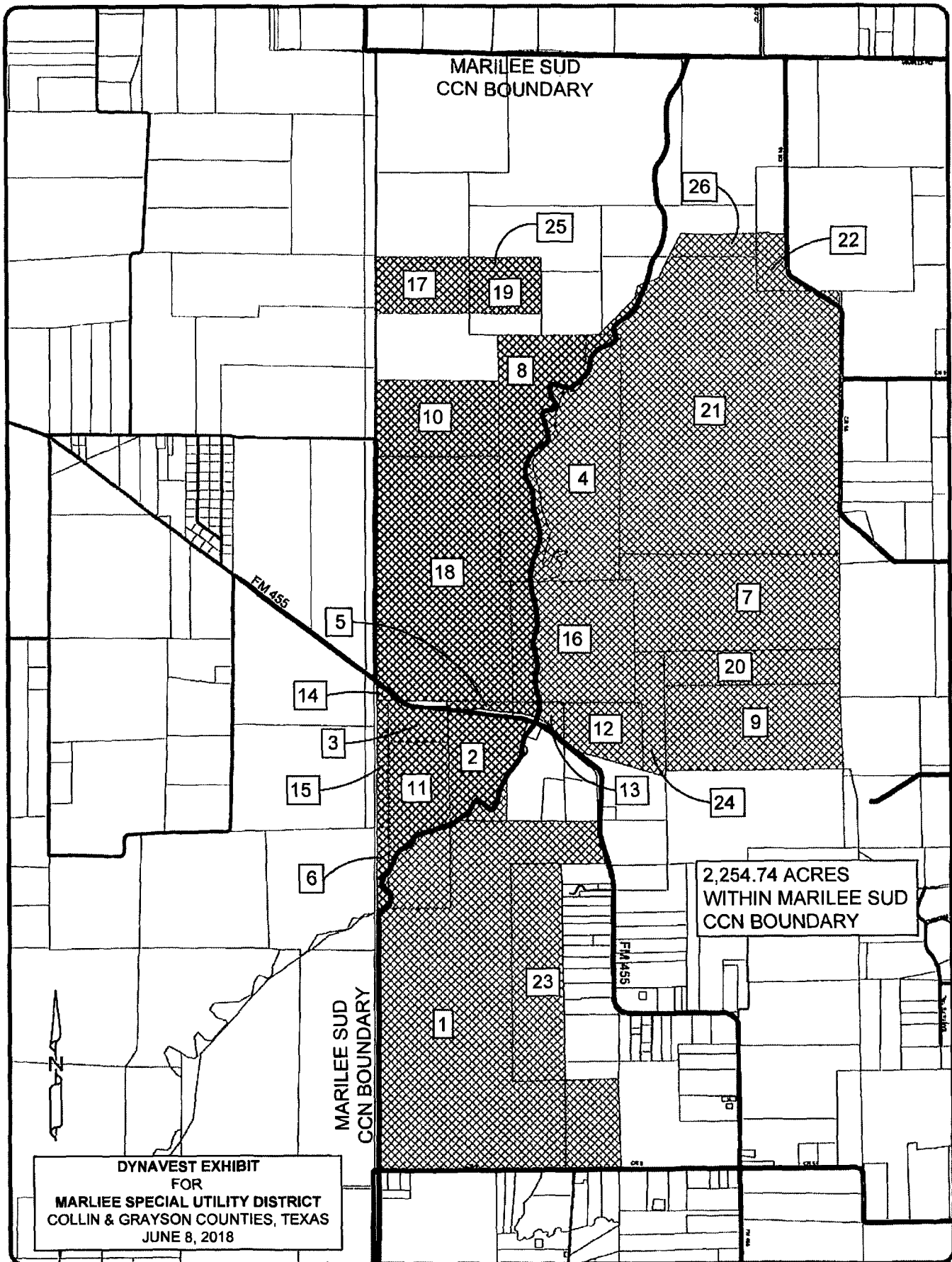
Donna R. Loisel
Notary Public in and for the State of Texas

EXHIBIT 1

TO THE

**FOURTH ADDENDUM TO THE FULL AND FINAL SETTLEMENT
AGREEMENT AND RELEASE**

EXHIBIT I



Marilee Special Utility District

Dynavest Property Located Within Certificate of Convenience and Necessity Number 10150

Metes and Bounds Description

Area 1

BEGINNING at a point located on the northwesterly corner of Dynavest tract 26;

THENCE South 87 degrees 03 minutes 11 seconds East, 266.86 feet;

THENCE South 89 degrees 20 minutes 14 seconds East, 329.62 feet;

THENCE North 89 degrees 34 minutes 32 seconds East, 340.03 feet;

THENCE North 88 degrees 27 minutes 56 seconds East, 703.54 feet;

THENCE North 84 degrees 07 minutes 12 seconds East, 116.03 feet;

THENCE North 84 degrees 07 minutes 11 seconds East, 52.89 feet;

THENCE North 84 degrees 07 minutes 12 seconds East, 67.16 feet;

THENCE South 61 degrees 13 minutes 46 seconds East, 109.95 feet;

THENCE North 89 degrees 39 minutes 20 seconds East, 43.89 feet;

THENCE North 89 degrees 39 minutes 20 seconds East, 42.72 feet;

THENCE North 89 degrees 39 minutes 20 seconds East, 222.16 feet;

THENCE South 02 degrees 45 minutes 22 seconds East, 652.45 feet;

THENCE South 02 degrees 30 minutes 59 seconds East, 61.07 feet;

THENCE South 03 degrees 24 minutes 24 seconds East, 56.42 feet;

THENCE South 05 degrees 49 minutes 35 seconds East, 33.02 feet;

THENCE South 15 degrees 40 minutes 47 seconds East, 39.69 feet;

THENCE South 28 degrees 23 minutes 35 seconds East, 28.20 feet;

THENCE South 37 degrees 34 minutes 06 seconds East, 22.26 feet;

THENCE South 37 degrees 34 minutes 08 seconds East, 10.73 feet;

THENCE South 51 degrees 34 minutes 54 seconds East, 24.82 feet;

THENCE South 57 degrees 26 minutes 09 seconds East, 590.80 feet;

THENCE South 89 degrees 39 minutes 38 seconds East, 565.24 feet;

THENCE South 00 degrees 23 minutes 16 seconds West, 4575.98 feet;

THENCE South 00 degrees 20 minutes 46 seconds West, 206.08 feet;

THENCE South 00 degrees 12 minutes 03 seconds West, 919.39 feet;
THENCE South 00 degrees 08 minutes 37 seconds West, 207.29 feet;
THENCE South 00 degrees 11 minutes 51 seconds West, 1840.81 feet;
THENCE South 00 degrees 11 minutes 50 seconds West, 747.93 feet;
THENCE South 01 degrees 31 minutes 26 seconds East, 287.23 feet;
THENCE South 01 degrees 56 minutes 12 seconds East, 1551.61 feet;
THENCE South 89 degrees 36 minutes 17 seconds West, 3854.88 feet;
THENCE South 00 degrees 36 minutes 54 seconds East, 130.20 feet;
THENCE North 73 degrees 49 minutes 55 seconds West, 522.57 feet;
THENCE North 73 degrees 49 minutes 55 seconds West, 490.85 feet;
THENCE North 73 degrees 49 minutes 56 seconds West, 169.60 feet;
THENCE North 73 degrees 49 minutes 55 seconds West, 762.97 feet;
THENCE North 51 degrees 28 minutes 32 seconds West, 144.29 feet;
THENCE North 52 degrees 30 minutes 35 seconds West, 280.59 feet;
THENCE North 49 degrees 30 minutes 00 seconds West, 288.91 feet;
THENCE North 38 degrees 42 minutes 32 seconds East, 10.12 feet;
THENCE North 47 degrees 28 minutes 47 seconds West, 256.41 feet;
THENCE North 57 degrees 16 minutes 35 seconds West, 60.80 feet;
THENCE North 57 degrees 17 minutes 56 seconds West, 0.76 feet;
THENCE North 60 degrees 39 minutes 05 seconds West, 0.67 feet;
THENCE North 60 degrees 40 minutes 16 seconds West, 71.02 feet;
THENCE North 60 degrees 40 minutes 07 seconds West, 0.62 feet;
THENCE North 64 degrees 24 minutes 07 seconds West, 0.52 feet;
THENCE North 64 degrees 23 minutes 37 seconds West, 73.80 feet;
THENCE Northerly along Little Elm Creek and the Marilee SUD CCN boundary to the POINT OF BEGINNING.

Area 2

Beginning at a point of intersection of Dynavest tract 2 and Marilee SUD CCN boundary;

THENCE South 01 degrees 04 minutes 47 seconds West, 965.61 feet;
THENCE South 89 degrees 14 minutes 08 seconds East, 759.98 feet;
THENCE North 89 degrees 52 minutes 14 seconds East, 532.33 feet;
THENCE North 89 degrees 32 minutes 38 seconds East, 688.56 feet;
THENCE South 01 degrees 52 minutes 12 seconds East, 150.97 feet;
THENCE South 06 degrees 42 minutes 35 seconds East, 166.24 feet;
THENCE South 07 degrees 07 minutes 30 seconds East, 65.25 feet;
THENCE South 11 degrees 48 minutes 09 seconds East, 110.79 feet;
THENCE South 19 degrees 49 minutes 02 seconds East, 95.49 feet;
THENCE South 18 degrees 52 minutes 20 seconds East, 335.29 feet;
THENCE South 17 degrees 35 minutes 36 seconds East, 37.46 feet;
THENCE North 89 degrees 36 minutes 25 seconds West, 998.15 feet;
THENCE South 02 degrees 06 minutes 49 seconds East, 449.28 feet;
THENCE South 00 degrees 08 minutes 53 seconds East, 266.77 feet;
THENCE South 01 degrees 33 minutes 55 seconds West, 189.84 feet;
THENCE South 00 degrees 45 minutes 50 seconds East, 229.05 feet;
THENCE South 00 degrees 45 minutes 51 seconds East, 161.30 feet;
THENCE South 00 degrees 45 minutes 50 seconds East, 253.36 feet;
THENCE South 00 degrees 45 minutes 50 seconds East, 209.64 feet;
THENCE South 00 degrees 45 minutes 50 seconds East, 247.06 feet;
THENCE South 00 degrees 45 minutes 51 seconds East, 257.24 feet;
THENCE South 00 degrees 09 minutes 48 seconds East, 328.09 feet;
THENCE South 01 degrees 21 minutes 50 seconds East, 328.52 feet;
THENCE South 02 degrees 19 minutes 30 seconds East, 26.12 feet;
THENCE South 00 degrees 38 minutes 06 seconds East, 316.33 feet;
THENCE South 00 degrees 45 minutes 50 seconds East, 1028.93 feet;
THENCE South 00 degrees 45 minutes 51 seconds East, 396.05 feet;
THENCE North 88 degrees 44 minutes 21 seconds East, 1154.40 feet;
THENCE South 01 degrees 23 minutes 21 seconds East, 1944.74 feet;

THENCE South 88 degrees 11 minutes 48 seconds West, 722.46 feet;
THENCE South 89 degrees 36 minutes 34 seconds West, 289.56 feet;
THENCE South 89 degrees 15 minutes 56 seconds West, 191.67 feet;
THENCE South 89 degrees 15 minutes 56 seconds West, 520.49 feet;
THENCE South 89 degrees 44 minutes 31 seconds West, 2854.49 feet;
THENCE South 89 degrees 35 minutes 36 seconds West, 217.99 feet;
THENCE South 89 degrees 35 minutes 35 seconds West, 275.25 feet;
THENCE North 89 degrees 23 minutes 06 seconds West, 193.10 feet;
THENCE North 00 degrees 14 minutes 13 seconds East, 16.58 feet;
THENCE North 00 degrees 14 minutes 13 seconds East, 5550.57 feet;
THENCE Northeasterly along Little Elm Creek and the Marilee SUD CCN boundary to the POINT OF BEGINNING.

Area 3

Beginning at a point of intersection of Dynavest tract 2 and Marilee SUD CCN boundary;
THENCE South 55 degrees 18 minutes 18 seconds East, 67.54 feet;
THENCE South 38 degrees 39 minutes 36 seconds East, 50.89 feet;
THENCE South 03 degrees 58 minutes 31 seconds East, 96.90 feet;
THENCE South 45 degrees 02 minutes 18 seconds West, 82.50 feet;
THENCE South 45 degrees 00 minutes 00 seconds West, 61.81 feet;
THENCE South 61 degrees 23 minutes 23 seconds West, 98.29 feet;
THENCE Northerly along Little Elm Creek and the Marilee SUD CCN boundary to the POINT OF BEGINNING.
Total Dynavest property located within the Marilee SUD CCN Number 10150 boundary is approx. 2,254.74 acres.

CD'S ATTACHED

**TO VIEW PLEASE
CONTACT CENTRAL
RECORDS 512-936-
7180**