



Control Number: 48935



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO.

**489351**

2018 NOV 30 PM 3: 25

PETITION BY  
AIRW 2017-7, L.P., A TEXAS  
LIMITED PARTNERSHIP,  
FOR STREAMLINED  
EXPEDITED RELEASE  
FROM CCN NO. 20071

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BEFORE THE PUBLIC UTILITY  
FILING CLERK

COMMISSION OF TEXAS

**VERIFIED PETITION FOR STREAMLINED EXPEDITED RELEASE  
FROM CCN NO. 20071 PURSUANT TO SECTION 13.254(a-5),  
TEXAS WATER CODE, AND 16 TAC § 24.245(l)**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

COMES NOW AIRW 2017-7, L.P., a Texas limited partnership ("Petitioner"), and files this Verified Petition with the Public Utility Commission of Texas ("PUC" or "Commission") for Streamlined Expedited Release from the retail sewer service Certificate of Convenience and Necessity ("CNN") No. 20071 pursuant to (i) Texas Water Code Section 13.254(a-5), (ii) Rule 24.245(l) of the Commission's Rules (16 TAC); and in support thereof would show the Executive Director as follows:

**I.**

**BACKGROUND FACTS**

1.1 Based upon Petitioner's research of the records of the PUC, the City of McKinney, Texas, is the holder of Certificate of Convenience and Necessity No. 20071 in Collin County, Texas.

1.2 AIRW 2017-7, L.P., a Texas limited partnership, is the owner of a tract of land containing 138.413 contiguous acres of land, more or less, in Collin County more particularly described in those certain Special Warranty Deed dated September 14, 2018, and recorded as Document No. 20180918001174030 in the Official Public Records of Collin County, Texas (the "Subject Property") (See **Exhibit "1"** Special Warranty Deed into Petitioner).

1.3 Attached hereto as **Exhibit "2,"** and incorporated by reference for all purposes, is the Affidavit of Matthew J. Hiles, acting in his capacity as Vice President and authorized representative of AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership, which owns the Subject Property. Acting in his capacity as Vice President and authorized representative of AIRW 2017-7, L.P. Mr. Hiles has been involved directly in and overseen the acquisition and development of the Subject Property. Accordingly, he has firsthand knowledge of the Subject Property and is able to provide the Affidavit attached hereto as **Exhibit "2,"** which provides evidence of certain jurisdictional facts recited herein.

1.4 The Petitioner plans to develop the Subject Property for multi-family residential and light commercial purposes and seeks to secure centralized retail sewer service for the Subject Property at an economically reasonable cost from a private qualified reliable provider.

1.5 The Subject Property is located within the boundaries of Certificate of Convenience and Necessity No. 20071 for purposes of retail centralized sewer service ("CCN 20071"). The City of McKinney, Texas (the "City"), is currently the holder of CCN 20071. A copy of the Map downloaded from the CCN Viewer on the website of the Public Utility Commission of Texas ([www.puc.texas.gov](http://www.puc.texas.gov)) is attached hereto as **Exhibit "3."** The location of the Subject Property within the territory authorized by CCN 20071 is generally depicted on the Map attached hereto as **Exhibit "4."**

1.6 Although the City has the exclusive right to provide centralized retail sewer service to the Subject Property pursuant to its CCN 20071, the City historically has *not* provided retail centralized sewer services to the Subject Property, and presently does *not* provide any such services to the Subject Property, nor does it have any facilities or infrastructure at or on the Subject Property to provide such sewer services. See **Exhibit "2."** Accordingly, Petitioner files this

Petition for the streamlined expedited release of the Subject Property from CCN 20071, pursuant to Section 13.254(a-5), Texas Water Code, and Rule 24.245(l) of the Commission's Rules (16 TAC).

1.7 The Subject Property contains 138.413 contiguous acres and, therefore, satisfies the statutory threshold criteria for streamlined expedited release and decertification of 25 acres from CCN 20071 pursuant to Texas Water Code 13.254(1-5) and Commission Rule 24.245(l)(2)(A) (16 TAC). *See Exhibit "1."* Additionally, the Subject Property has the following qualifying characteristics:

(i) The Subject Property is located entirely in Collin County, Texas, which is a "qualifying county" as described in Section 13.254(a-5) and 16 TAC § 24.245(l)(2)(D), *i.e.*, a county with a population of at least 1 million persons or adjacent to a county with a population of at least 1 million persons. Collin County is estimated by some to meet that population number, and is adjacent to Dallas County, Texas, with an estimated population in excess of two (2) million persons. *See Exhibits "1," "2" and "4"-"7."*

(ii) The Subject Property is *not* receiving retail centralized sewer service from the City of McKinney, Texas, the holder of CCN No. 20071, which authorizes the exclusive right to provide such service to the Subject Property. There are no facilities or infrastructure at or on the Subject Property that would allow the City of McKinney to provide such sewer utility services. *See Exhibit "2."*

(iii) The Subject Property is located entirely within the boundaries of CCN No. 20071, Texas Water Code § 13.254(a-5); 16 TAC § 24.245(l)(2)(c); *see Exhibits "3"-"7."*



## II.

### **MAPPING INFORMATION PRESCRIBED BY PUC RULE 24.245(m)**

2.1 Pursuant to Commission Rule 24.245(m) (16 TAC), the following information is being provided in support of the Petition:<sup>1</sup>

(i) A general-location map identifying the tract of land in reference to the nearest county boundary, city, or town (Rule 24.245(m)(1)(A)). *See Exhibit "4"* appended hereto and incorporated herein by reference.

(ii) A detailed map identifying the tract of land in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. Rule 24.245(m)(1)(B)). *See Exhibit "5"* appended hereto and incorporated herein by reference.

(iii) Each of the following for the tract of land (Rule 24.245(m)(1)(C)):

1. a metes-and-bounds survey sealed or embossed by either a licensed state land surveyor or a registered professional land surveyor *See Exhibit "6"* appended hereto and incorporated herein by reference; and
2. digital mapping data in a shapefile (SI-IP) format georeferenced in either NAD 83 Texas State Plane Coordinate System (US feet) or in NAD 83 Texas Statewide Mapping System (meters). The digital mapping data shall include a single, continuous polygon record. *See Exhibit "7"* appended hereto and incorporated herein by reference.

## III.

### **NOTICE TO THE CCN HOLDER, CITY OF MCKINNEY**

3.1 Pursuant to Section 13.254, Texas Water Code and Commission Rule 24.245(l)(4)(A)(vi) (16 TAC), on the date this Petition was filed with the Commission, November 29, 2018, a copy of the same was mailed to the Holder of CCN No. 20071, the City of McKinney, Collin County, Texas, by postage prepaid, certified United States Mail, return receipt requested, to the following representatives of the City at the addresses shown below:

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<sup>1</sup> 16 Tex. Admin. Code §24.245(m)(1).

City of McKinney  
Attn: Paul Grimes, City Manager  
P.O. Box 517  
McKinney, Texas 75070

City of McKinney  
Attn: Honorable George Fuller, Mayor  
P.O. Box 517  
McKinney, Texas 75070

City of McKinney  
Attn: David Brown, Public Works  
P.O. Box 517  
McKinney, Texas 75070

City of McKinney  
Attn: Mark Houser, City Attorney  
P.O. Box 517  
McKinney, Texas 75070

3.2 Attached hereto as **Exhibit "8"** is an Affidavit of Mailing and Filing confirming the mailing to the representatives of the Certificate Holder on the date the Petition was filed with the Commission. **Exhibit "8"** is incorporated herein by reference. Included with the Affidavit is a copy of the certified receipts and the addressed envelopes. Upon receipt of the returned "green cards" from the addressee, Petition will file a supplemental affidavit as evidence of receipt of the same with the Commission.

#### IV.

#### CONCLUSION & PRAYER

4.1 WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the Commission process this Petition on a streamlined and accelerated basis and, thereafter, grant the following requested relief:

- (i) Amend the City of McKinney, Texas' CCN No. 20071 to exclude the Subject Property pursuant to Section 13.254(a-5), Texas Water Code, and Commission Rule 24.245(l) (16 TAC), by processing the Petition for Streamlined Expedited Release of the Subject Property in Collin County from CCN No. 20071; and, thereafter,
- (ii) Issue an appropriate Order pursuant to Section 13.254(a-5), Texas Water Code, and Commission Rule 24.245(l) (16 TAC), amending CCN No. 20071 to release the burdened portion of Petitioner's Subject Property from CCN No. 20071 in Collin County, Texas.

Respectfully submitted,

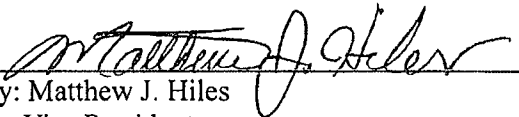
**MCCARTHY & MCCARTHY, LLP**  
1122 Colorado St., Suite 2399  
Austin, Texas 78701

By: /s/ Edmond R. McCarthy, Jr.  
Edmond R. McCarthy, Jr.  
State Bar No. 13367200  
(512) 904-2313 (Tel)  
(512) 692-2826 (Fax)  
ed@ermlawfirm.com  
**ATTORNEYS FOR PETITIONER,**  
**AIRW 2017-7, L.P., a Texas limited partnership**

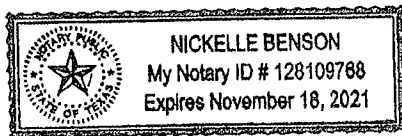
**VERIFICATION OF PETITION BY  
AIRW 2017-7, L.P., A TEXAS LIMITED PARTNERSHIP,  
FOR STREAMLINED EXPEDITED RELEASE FROM CCN No. 20071**


STATE OF TEXAS           §  
                                     §  
COUNTY OF COLLIN      §

BEFORE ME, the undersigned authority, on this day personally appeared Matthew J. Hiles, acting in his capacity as Vice President and authorized representative of AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership, "Petitioner" in the foregoing Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity No. 20071 pursuant to (i) Texas Water Code Section 13.254(a-5) and (ii) Rule 24.245(l) of the Commission's Rules (16 TAC), who, after being by me duly sworn, did upon his oath depose and say that he has read the foregoing Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity No. 20071, inclusive of the Exhibits attached hereto and incorporated by reference, and that the same are true and correct to the best of his personal knowledge and belief.

  
By: Matthew J. Hiles  
Its: Vice President

SWORN TO AND SUBSCRIBED BEFORE ME by Matthew J. Hiles, acting in his capacity as Vice President and authorized representative of AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership, on this, the 30<sup>th</sup> day of November, 2018, to certify which witness my hand and seal of office.



  
Notary Public, State of Texas  
Printed Name: Nickelle Benson  
Notary No.: 128109788  
My Commission Expires: November 18, 2021

Notary Seal: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify by my signature below, that on this the 30<sup>th</sup> day of November, 2018, a true and correct copy of the foregoing Petition for Streamlined Expedited Release from Certificate of Convenience and Necessity No. 20071 was:

- (i) electronically and manually filed with the Commission pursuant to Rule 22.74;
- (ii) sent via postage prepaid Certified Mail to provide Notice of the Petition to representatives of the Holder of CCN No. 20071, the City of McKinney, pursuant to Section 13.254, Texas Water Code and Commission Rule 24.245(l)(3)(A)(vi) (16 TAC), as shown in the Petition and Exhibit 8 attached hereto; and
- (iii) forwarded via postage prepaid regular first-class mail and/or e-mail, where available, to the Parties or their legal counsel at the locations shown on the attached service list.

/s/ Edmond R. McCarthy, Jr.  
Edmond R. McCarthy, Jr.

## SERVICE LIST

**Nathan M. Rosen**

Nathan M. Rosen, P.C.  
Attorneys & Counselors  
One Bent Tree Tower  
16475 Dallas Parkway, Suite 660  
Addison, Texas 75001  
Tel.: (972) 818-7600  
Fax: (972) 818-7606  
E-mail: [nrosen@txrelaw.com](mailto:nrosen@txrelaw.com)

Representing Petitioner - AIRW 2017-7, L.P.,  
a Texas limited partnership

Legal Division  
Public Utility Commission of Texas  
P.O. Box 13326  
Austin, Texas 78711  
Tel.: (512) 936-7260  
Fax: (512) \_\_\_\_ - \_\_\_\_  
E-mail: \_\_\_\_@puc.texas.gov

Representing Public Utility Commission of Texas –  
Legal Division

City of McKinney  
Attn: Paul Grimes, City Manager  
P.O. Box 517  
McKinney, Texas 75070

Representing City of McKinney for purposes of  
Commission Rule 24.245(l)(3)(A)(vi) (16 TAC)

City of McKinney  
Attn: David Brown, Public Works  
P.O. Box 517  
McKinney, Texas 75070

Representing City of McKinney for purposes of  
Commission Rule 24.245(l)(3)(A)(vi) (16 TAC)

City of McKinney  
Attn: Honorable George Fuller, Mayor  
P.O. Box 517  
McKinney, Texas 75070

Representing City of McKinney for purposes of  
Commission Rule 24.245(l)(3)(A)(vi) (16 TAC)

City of McKinney  
Attn: Mark Houser, City Attorney  
P.O. Box 517  
McKinney, Texas 75070

Representing City of McKinney for purposes of  
Commission Rule 24.245(l)(3)(A)(vi) (16 TAC)

**EXHIBITS TO AIRW 2017-7, L.P.'S PETITION FOR  
STREAMLINED EXPEDITED RELEASE FROM  
CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 20071**

| <b>Exhibit No.</b> | <b>Description</b>                                                                                                                                                                                                                                                                               |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                  | Special Warranty Deed Recorded as Document No. 20180918001174030 in the Official Public Records of Collin County showing title to the Subject Property in Petitioner                                                                                                                             |
| 2                  | Affidavit of Matthew J. Hiles, acting in his capacity as Vice President and authorized representative of AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership |
| 3                  | Map of CCN No. 20071 downloaded from the PUC's CCN Viewer at <a href="http://www.puc.texas.gov">www.puc.texas.gov</a>                                                                                                                                                                            |
| 4                  | Map reflecting the location of the Subject Property within CCN No. 20071 in reference to the nearest county boundary, city, or town (Rule 24.245(m)(1)(A))                                                                                                                                       |
| 5                  | Map reflecting the location of the land in in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads (Rule 24.245(m)(1)(B))                                                                                                                                |
| 6                  | A metes-and-bounds survey sealed or embossed by either a licensed state land surveyor or a registered professional land surveyor (Rule 24.245(m)(1)(C))                                                                                                                                          |
| 7                  | CD Containing Digital Mapping Data in shapefile format (Rule 24.245(m)(1)(C))                                                                                                                                                                                                                    |
| 8                  | Affidavit of Temple Noble regarding mailing/filing of Petition                                                                                                                                                                                                                                   |

**Exhibit "1"**

**Special Warranty Deed Recorded as  
Document No. 20180918001174030 in the  
Official Public Records of Collin County showing  
title to the Subject Property in Petitioner**



**SPECIAL WARRANTY DEED**

STATE OF TEXAS           §  
                                  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN       §

**GRANTORS:**

JEFF ISENSTADT, as Successor Trustee of The ERNEST MAHARD, JR. ADMINISTRATIVE TRUST, as created under the Ernest Mahard Jr. Living Trust, dated September 24, 2012, as amended;

WILLIAM J. EGAN;

BRIAN LEIGH EGAN;

TIMOTHY ADAM WILLIS, as Independent Executor of the Estate of PATSY WILLIS, deceased; and

GEORGE LEIGH.

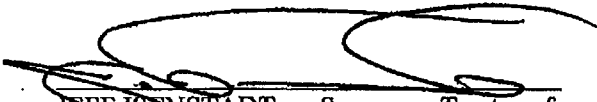
For \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the above named Grantors hereby GRANT AND CONVEY to AIRW 2017-7, L.P., a Texas limited partnership having a mailing address at 2505 N. State Highway 360, Suite 800, Grand Prairie, TX 75050, ("Grantee"), that certain tract or parcel of real property located in Collin County, Texas, as specifically described in Exhibit A attached hereto, (the "Land"), together with all of Grantors' right, title and interest, if any, in and to (i) all and singular the rights, benefits, privileges, easements, and appurtenances thereon or in anywise appertaining to or benefitting the Land, (ii) all strips or gores, roads, streets, alleys, drainage facilities, rights-of-way, open or proposed, bounding the Land; (iii) all utility capacity, utilities, water rights, mineral rights, licenses, permits, entitlements, and bonds, if any, and all other rights and benefits attributable to the Land; and (iv) all rights of ingress and egress to the Land (collectively, the "Property").

TO HAVE AND TO HOLD the Property, together with all the rights and appurtenances lawfully accompanying it, by the Grantee and the successors and assigns forever. Grantors bind themselves and their successors and assigns to warrant and forever defend the Property against every person lawfully claiming or to claim all or any part of the Property by, through, or under the Grantors but not otherwise.

PROVIDED HOWEVER, this conveyance is made subject to those matters (the "Permitted Exceptions") set forth upon Exhibit B attached hereto and made a part hereof. Taxes for 2018 have been prorated and payment thereof has been assumed by Grantee.

EFFECTIVE on the 14<sup>th</sup> day of September, 2018

GRANTOR:

  
JEFF ISENSTADT, as Successor Trustee of  
The ERNEST MAHARD, JR.  
ADMINISTRATIVE TRUST, as created  
under the Ernest Mahard Jr. Living Trust,  
dated September 24, 2012, as amended

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

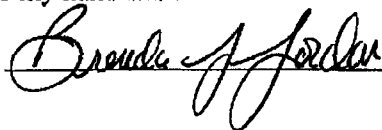
STATE OF CALIFORNIA       §  
                                          §  
COUNTY OF LOS ANGELES   §

On SEPTEMBER 12, 2018, before me, \_\_\_\_\_, Notary Public, personally appeared JEFF ISENSTADT, as Successor Trustee of The ERNEST MAHARD, JR. ADMINISTRATIVE TRUST, as created under the Ernest Mahard Jr. Living Trust, dated September 24, 2012, as amended, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

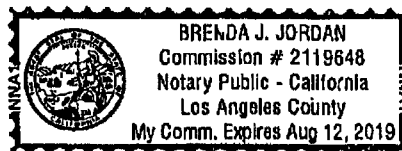
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(For notary seal or stamp)



GRANTOR:

WILLIAM J. EGAN

STATE OF TEXAS

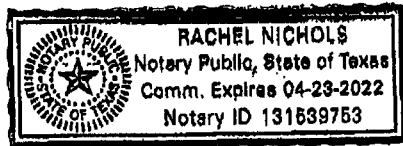
COUNTY OF Dallas

§  
§  
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This instrument was acknowledged before me on the 10<sup>th</sup> day of September, 2018, by  
WILLIAM J. EGAN.

Seal:

Rachel Nichols  
Notary Public, State of Texas



GRANTOR:

Brian Leigh Egan  
BRIAN LEIGH EGAN

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA §  
COUNTY OF Mendocino §

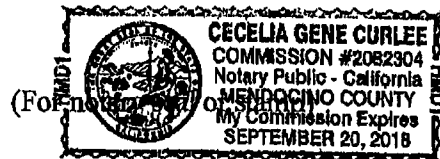
On 09/11/2018, before me, Cecelia Gene Curlee, Notary Public, personally appeared BRIAN LEIGH EGAN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

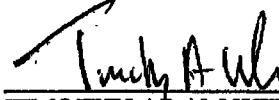
WITNESS my hand and official seal.

Signature

Cecelia Gene Curlee



GRANTOR:



TIMOTHY ADAM WILLIS, as Independent  
Executor of the Estate of PATSY WILLIS,  
deceased

STATE OF TEXAS

COUNTY OF DALLAS

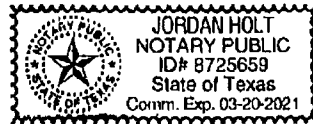
§  
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This instrument was acknowledged before me on the 11<sup>th</sup> day of SEPT, 2018,  
by TIMOTHY ADAM WILLIS, as Independent Executor of the Estate of PATSY WILLIS,  
deceased.

Seal:



Notary Public, State of Texas

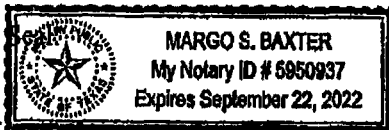


GRANTOR:

George Leigh  
GEORGE LEIGH

STATE OF TEXAS       §  
                                  §  
COUNTY OF collin   §

This instrument was acknowledged before me on the 13 day of September, 2018,  
by GEORGE LEIGH



Margo S. Baxter  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

WESTERN RIM INVESTMENT ADVISORS, INC.  
2505 N. State Highway 360, Suite 800  
Grand Prairie, TX 75050  
Attn: Marcus Hiles

## **EXHIBIT A**

**BEING** a tract of land situated in the John Crutchfield Survey, Abstract No. 206, Collin County, Texas and being a portion of a called 145-acre tract of land described in a Warranty Deed to Alvin Leigh and Mary Leigh, recorded in Volume 394, Page 156, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a MAG nail with washer, stamped "KHA", set for the northwest corner of said 145-acre tract and the northeast corner of a called 66.609-acre tract of land described in a Special Warranty Deed to Clark Partners, L.P., recorded in Volume 5763, Page 1199, Land Records of Collin County, Texas, same being on the southerly line of a called 27.752-acre tract of land described in a Limited General Warranty Deed to St. Andrews Interests, LLC, recorded in Instrument No. 20070907001252710, Official Public Records of Collin County, Texas, same also being in an asphalt road, known as Bloomdale Road (County Road 123), a recognized public road, no record found, from said corner, a found PK nail bears South 12°07' West, 7.69 feet;

**THENCE** North 89°45'02" East, along the northerly line of said 145-acre tract and the apparent southerly line of said 27.752-acre tract, passing the southeasterly corner of said 27.752-acre tract, and continuing along the southerly line of called 388.054-acre tract of land described in Correction Limited Warranty Deed to Seeing Stars, Ltd., recorded in Instrument No. 20070907001252680, Official Public Records of Collin County, Texas, and generally along said Bloomdale Road (County Road 123), a distance of 1854.23 feet to a MAG nail with washer, stamped "KHA", set for corner at the intersection of said Bloomdale Road (County Road 123) with County Road 124, a recognized public road, no record found;

**THENCE** in a southerly direction, departing the northerly line of said 145-acre tract and said Bloomdale Road (County Road 123), crossing said 145-acre tract and generally along County Road 124, the following:

**South** 01°24'59" East, a distance of 226.92 feet to a MAG nail with washer, stamped "KHA", set at the beginning of a tangent curve to the right having a central angle of 09°52'20", a radius of 295.00 feet, a chord bearing and distance of South 03°31'10" West, 50.77 feet;

**In a southwesterly direction**, with said curve to the right, an arc distance of 50.83 feet to a MAG nail with washer, stamped "KHA", set for corner;

**South** 08°27'20" West, a distance of 133.28 feet to a MAG nail with washer, stamped "KHA", set for corner;

**South** 04°22'23" West, a distance of 97.12 feet to a MAG nail with washer, stamped "KHA", set at the beginning of a tangent curve to the left having a central angle of 16°15'21", a radius of 305.00 feet, a chord bearing and distance of South 03°45'18" East, 86.24 feet;

## **EXHIBIT A**

**In a southeasterly direction, with said curve to the left, an arc distance of 86.53 feet to a MAG nail with washer, stamped "KHA", set for corner;**

**South 11°52'43" East, a distance of 41.62 feet to a MAG nail with washer, stamped "KHA", set for corner;**

**South 16°55'32" East, a distance of 52.50 feet to a MAG nail with washer, stamped "KHA", set for corner on the southerly line of said 145-acre tract, same being on the northerly line of a called 136.8517-acre tract of land described in a Warranty Deed to CB Parkway Business Center XIV, Ltd., recorded in Volume 6082, Page 1767, Land Records of Collin County, Texas;**

**THENCE South 81°34'46" West, departing said County Road 124, along the common line of said 145-acre tract and said 136.8517-acre tract, passing at a distance of 20.2 feet, a found 6-inch metal fence corner post, continuing for a total distance of 322.73 feet to a 1/2-inch iron rod found near a fence corner post, for a southwesterly corner of said 145-acre tract;**

**THENCE North 09°55'39" West, continuing along the common line of said 145-acre tract and said 136.8517-acre tract, and generally along a barbed wire fence, a distance of 190.79 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA", set for corner;**

**THENCE South 80°58'54" West, continuing along the common line of said 145-acre tract and said 136.8517-acre tract, and generally along a barbed wire fence, passing at a distance of 1889.77 feet a 5/8-inch iron rod with a red plastic cap, stamped "KHA", set for a reference corner, continuing for a total distance of 2311.13 feet to a point in Wilson Creek, and being the westerly common corner of said 145-acre tract and said 136.8517-acre tract, same being on the easterly corner of aforesaid Clark Partners, L.P. 66.609-acre tract;**

**THENCE in a northerly direction, along the common line of said 145-acre tract and said 66.609-acre tract, and along the meanders of Wilson Creek, the following:**

**North 15°51'47" West, a distance of 48.89 feet to a corner;**

**North 65°40'14" West, a distance of 61.20 feet to a corner;**

**North 02°32'05" East, a distance of 57.67 feet to a corner;**

**North 78°37'52" West, a distance of 91.42 feet to a corner at the intersection of said Wilson Creek and a tributary creek;**

**THENCE in a northerly direction, continuing along the common line of said 145-acre tract and said 66.609-acre tract, and along the meanders of tributary creek, the following:**

**North 00°48'48" West, a distance of 81.60 feet corner;**



South 75°35'04" East, a distance of 52.65 feet to a corner;  
North 12°12'05" East, a distance of 64.94 feet to a corner;  
North 30°39'08" East, a distance of 104.35 feet to a corner;  
North 23°59'46" East, a distance of 130.63 feet to a corner;  
North 37°23'37" East, a distance of 45.02 feet to a corner;  
North 84°28'17" East, a distance of 63.84 feet to a corner;  
South 69°46'18" East, a distance of 80.30 feet to a corner;  
North 51°47'45" East, a distance of 97.83 feet to a corner;  
North 11°49'25" West, a distance of 72.28 feet to a corner;  
North 71°18'43" East, a distance of 44.76 feet to a corner;  
North 43°54'08" East, a distance of 84.17 feet to a corner;  
North 22°14'11" West, a distance of 103.36 feet to a corner;  
South 84°02'21" East, a distance of 55.25 feet to a corner;  
North 16°36'38" East, a distance of 108.29 feet to a corner;  
North 51°42'51" East, a distance of 53.24 feet to a corner;  
North 17°01'53" East, a distance of 95.84 feet to a corner;  
South 48°59'56" East, a distance of 88.93 feet to a corner;  
North 85°12'41" East, a distance of 35.45 feet to a corner;  
North 30°25'25" East, a distance of 58.09 feet to a corner;  
North 05°37'42" West, a distance of 98.38 feet to a corner;  
North 53°03'58" West, a distance of 52.35 feet to a corner;  
North 08°27'47" East, a distance of 78.13 feet to a corner;  
North 24°56'46" East, a distance of 66.51 feet to a corner;

EXHIBIT A

North 13°07'15" West, a distance of 53.30 feet to a corner;  
North 35°20'03" East, a distance of 55.43 feet to a corner;  
North 31°41'26" West, a distance of 36.17 feet to a corner;  
North 06°34'38" East, a distance of 150.81 feet to a corner;  
North 22°57'38" West, a distance of 96.10 feet to a corner;  
South 63°46'37" West, a distance of 59.61 feet to a corner;  
North 27°28'26" West, a distance of 46.80 feet to a corner;  
North 08°07'59" East, a distance of 79.44 feet to a corner;  
South 44°29'56" West, a distance of 82.72 feet to a corner;  
North 68°46'53" West, a distance of 43.24 feet to a corner;  
North 12°01'53" West, a distance of 172.10 feet to a corner;  
North 35°39'19" East, a distance of 48.57 feet to a corner;  
North 23°41'01" West, a distance of 131.42 feet to a corner;  
North 63°52'26" East, a distance of 86.86 feet to a corner;  
South 55°46'50" East, a distance of 49.24 feet to a corner;  
North 73°16'22" East, a distance of 61.59 feet to a corner;  
North 02°34'39" East, a distance of 133.95 feet to a corner;  
North 63°46'28" West, a distance of 11.95 feet to a corner;  
South 41°49'48" West, a distance of 45.83 feet to a corner;  
North 74°21'10" West, a distance of 33.38 feet to a corner;  
North 17°17'43" West, a distance of 43.57 feet to a corner;  
North 34°35'31" East, a distance of 29.97 feet to a corner;  
North 03°47'54" West, a distance of 85.25 feet to a corner;

EXHIBIT A

South 89°17'55" West, a distance of 55.71 feet to a corner;  
North 22°38'30" West, a distance of 29.00 feet to a corner;  
North 71°53'33" East, a distance of 31.32 feet to a corner;  
North 23°59'17" East, a distance of 74.94 feet to a corner;  
North 10°31'45" East, a distance of 32.96 feet to a corner;  
North 19°17'46" East, a distance of 25.07 feet to a corner;  
North 53°26'05" East, a distance of 34.63 feet to a corner;  
South 58°43'41" East, a distance of 73.87 feet to a corner;  
North 62°50'24" East, a distance of 25.92 feet to a corner;  
North 07°35'30" East, a distance of 38.70 feet to a corner;  
North 45°46'15" West, a distance of 18.49 feet to a corner;  
North 20°21'32" West, a distance of 23.06 feet to a corner;  
North 81°27'18" East, a distance of 24.17 feet to a corner;  
North 11°17'51" West, a distance of 37.82 feet to a corner;  
North 39°13'35" East, a distance of 19.72 feet to a corner;  
South 54°37'20" East, a distance of 17.37 feet to a corner;  
North 39°49'46" East, a distance of 51.43 feet to a corner;  
North 04°04'59" West, a distance of 25.08 feet to a corner;  
North 89°57'23" East, a distance of 24.97 feet to a corner;  
North 49°29'23" East, a distance of 32.55 feet to a corner;  
South 55°45'14" East, a distance of 17.32 feet to a corner;  
North 05°24'29" East, a distance of 68.44 feet to a corner;  
North 45°30'14" East, a distance of 64.61 feet to a corner;

EXHIBIT A

**North 03°51'22" East, a distance of 60.20 feet to a corner;**

**North 14°09'30" West, a distance of 88.44 feet to the POINT OF BEGINNING and containing 138.413 acres (6,029,288 square feet) of land, more or less.**

**EXHIBIT A**

**EXHIBIT B**  
**(Permitted Exceptions)**

1. Easement granted by A.J. Leigh and Lucy Leigh to Denton County Electric Cooperative Inc., filed 03/18/1953, recorded in Volume 468, Page 56, Real Property Records, Collin County, Texas.
2. Easement granted by Alvin Leigh and Mary Leigh to Danville Water Supply Corporation, filed 08/01/1975, recorded in Volume 963, Page 688, Real Property Records, Collin County, Texas.
3. Easement granted by Alvin Leigh and Mary Leigh to Matador Pipelines, Inc., filed 07/20/1981, recorded in Volume 1408, Page 864, Real Property Records, Collin County, Texas.
4. Easement granted by Mary Ouida Leigh Estate to ONEOK NGL Pipeline, L.L.C., filed 12/10/2013, recorded in cc# 20131210001627960, Real Property Records, Collin County, Texas.
6. Easement or lesser rights of third parties, if any, as evidenced by overhead electric lines, power poles, and guy anchors located along the northern property line and southeast corner of the Land, the location of which are as shown on the survey prepared by Kimley-Horn and Associates, Inc., certified by Michael B. Marx, R.P.L.S. No. 5181, Project No. 063237001, and dated 01/19/2018, last revised 9/6/18.

EXHIBIT B



Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
09/18/2018 03:20:35 PM  
\$74.00 DFOSTER  
20180918001174030

*Stacey Kemp*

**Exhibit "2"**

**Affidavit of Matthew J. Hiles, acting in his capacity  
as Vice President and authorized representative of  
AIRW 17-7, LLC, a Texas limited liability company,  
general partner RW GenPar 17-7, L.P., a Texas limited partnership,  
general partner of AIRW 2017-7, L.P., a Texas limited partnership**

PUC DOCKET NO. \_\_\_\_\_

|                      |   |                     |
|----------------------|---|---------------------|
| PETITION BY          | § | BEFORE THE PUBLIC   |
|                      | § | UTILITY             |
| AIRW 2017-7, L.P., A | § |                     |
| TEXAS LIMITED        | § |                     |
| PARTNERSHIP,         | § |                     |
| FOR STREAMLINED      | § | COMMISSION OF TEXAS |
| EXPEDITED RELEASE    | § |                     |
| FROM CCN NO. 20071   | § |                     |
| STATE OF TEXAS       | § |                     |
|                      | § |                     |
| COUNTY OF DALLAS     | § |                     |

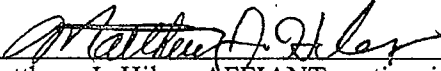
**Affidavit of Matthew J. Hiles, Vice President, AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership**

Matthew J. Hiles, having been duly sworn by the undersigned authority, does state under oath the following:

1. My name is Matthew J. Hiles. I am over the age of 18 and competent to make this affidavit. I have personal knowledge of the facts stated in this affidavit and they are true and correct.
2. My business address is 2505 N State Hwy 360, Suite 800, Grand Prairie, Dallas County, Texas 75050.
3. I give this affidavit in my capacity as Vice President and authorized representative of AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership.
4. The property that is the subject of the petition filed by AIRW 2017-7, LP ("Petitioner"), for a Streamlined Expedited Release from CCN No. 20071, was acquired by Petitioner on September 14, 2018, by Special Warranty Deed (the "Subject Property"). The Subject Property includes approximately 138.313 acres, more or less, in Collin County, Texas, and is more particularly described in the Special Warranty Deed, which is recorded in the Official Public Records of Collin County, Texas, as Document No. 20180918001174030 (the "Deed").

5. A copy of the Deed is attached hereto as **Exhibit "A,"** and incorporated by reference for all purposes.
6. As part of the pre-acquisition due diligence investigation of the Subject Property, I participated in discussions with City of McKinney Representatives, e.g., [Engineers and/or Utility Operators] and the Seller, related to discussions about potable water and sewer services for the Subject Property. Based upon those discussions, I confirmed the information learned during field reconnaissance of the Subject Property that there was no retail wastewater service being provided to the Subject Property.
7. At the time the purchase of the Subject Property was closed and acquired by AIRW 2017-7, L.P., it was undeveloped farmland. There was no evidence of any wastewater facilities, infrastructure or connections on or at the Subject Property, and no evidence that wastewater service had been, or was being provided to the Subject Property.
8. Based upon my personal knowledge of the Subject Property, which was developed both during the negotiation for and due diligence associated with the acquisition of the Subject Property, which I oversaw in my official capacity leading up to AIRW 2017-7, LP's acquiring the same, and my subsequent work post-closing related to the planning and development of the Subject Property, including the provision of adequate potable water and centralized sewer utility services, the Subject Property is located in Collin County within the City of McKinney, Texas' Certificate of Convenience and Necessity No. 20071 for retail sewer services. The subject property is not currently receiving, nor is there any evidence that it ever received or was provided, retail sewer utility services from the City of McKinney, Texas, or any other retail sewer utility provider. There is also no evidence of any facilities or infrastructure related to or capable of providing retail sewer services located at or on the Subject Property owned, operated or otherwise controlled by the City of McKinney, Texas.
9. As of the date of this affidavit, the Subject Property does not receive retail wastewater service from the City of McKinney, Texas, holder of CCN No. 20071.
10. The statements made in paragraphs 1 through 9, above, inclusive are true and correct and within my personal knowledge.

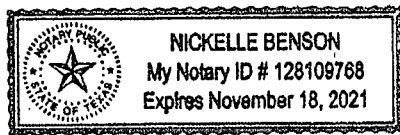
Further Affiant Sayeth Not.

  
Matthew J. Hiles, AFFIANT, acting in his official capacity as Vice President, AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership

Executed in Dallas County, State of Texas, on this 20<sup>th</sup> day of November, 2018.



SWORN TO AND SUBSCRIBED BEFORE ME by Matthew J. Hiles, acting in his capacity as Vice President and authorized representative of AIRW 17-7, LLC, a Texas limited liability company, general partner RW GenPar 17-7, L.P., a Texas limited partnership, general partner of AIRW 2017-7, L.P., a Texas limited partnership, on behalf of said partnership, this the 30<sup>th</sup> day of November, 2018, to certify which witness my hand and seal of office.



Nickelle Benson  
Notary Public, State of Texas  
Printed Name: Nickelle Benson  
Notary No.: 128109768  
My Commission Expires: November 18, 2021

Notary Seal

**Exhibit "A"**

**Special Warranty Deed to the Subject Property,  
Containing 138.313 acres, more or less, located in  
Collin County, Texas, and recorded as Document  
No. 20180918001174030, in the Official Public  
Records of Collin County, Texas**

**SPECIAL WARRANTY DEED**

STATE OF TEXAS           §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN       §

**GRANTORS:**

JEFF ISENSTADT, as Successor Trustee of The ERNEST MAHARD, JR. ADMINISTRATIVE TRUST, as created under the Ernest Mahard Jr. Living Trust, dated September 24, 2012, as amended;

WILLIAM J. EGAN;

BRIAN LEIGH EGAN;

TIMOTHY ADAM WILLIS, as Independent Executor of the Estate of PATSY WILLIS, deceased; and

GEORGE LEIGH.

For \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the above named Grantors hereby GRANT AND CONVEY to AIRW 2017-7, L.P., a Texas limited partnership having a mailing address at 2505 N. State Highway 360, Suite 800, Grand Prairie, TX 75050, ("Grantee"), that certain tract or parcel of real property located in Collin County, Texas, as specifically described in Exhibit A attached hereto, (the "Land"), together with all of Grantors' right, title and interest, if any, in and to (i) all and singular the rights, benefits, privileges, easements, and appurtenances thereon or in anywise appertaining to or benefitting the Land, (ii) all strips or gores, roads, streets, alleys, drainage facilities, rights-of-way, open or proposed, bounding the Land; (iii) all utility capacity, utilities, water rights, mineral rights, licenses, permits, entitlements, and bonds, if any, and all other rights and benefits attributable to the Land; and (iv) all rights of ingress and egress to the Land (collectively, the "Property").

TO HAVE AND TO HOLD the Property, together with all the rights and appurtenances lawfully accompanying it, by the Grantee and the successors and assigns forever. Grantors bind themselves and their successors and assigns to warrant and forever defend the Property against every person lawfully claiming or to claim all or any part of the Property by, through, or under the Grantors but not otherwise.

PROVIDED HOWEVER, this conveyance is made subject to those matters (the "Permitted Exceptions") set forth upon Exhibit B attached hereto and made a part hereof. Taxes for 2018 have been prorated and payment thereof has been assumed by Grantee.

EFFECTIVE on the 14<sup>th</sup> day of September, 2018

GRANTOR:



JEFF ISENSTADT, as Successor Trustee of  
The ERNEST MAHARD, JR.  
ADMINISTRATIVE TRUST, as created  
under the Ernest Mahard Jr. Living Trust,  
dated September 24, 2012, as amended

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

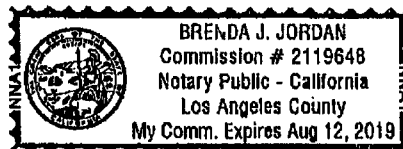
STATE OF CALIFORNIA       §  
                                          §  
COUNTY OF LOS ANGELES   §

On September 12, 2018, before me, \_\_\_\_\_, Notary Public, personally appeared JEFF ISENSTADT, as Successor Trustee of The ERNEST MAHARD, JR. ADMINISTRATIVE TRUST, as created under the Ernest Mahard Jr. Living Trust, dated September 24, 2012, as amended, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.


I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Brenda J. Jordan (For notary seal or stamp)



GRANTOR:

  
WILLIAM J. EGAN

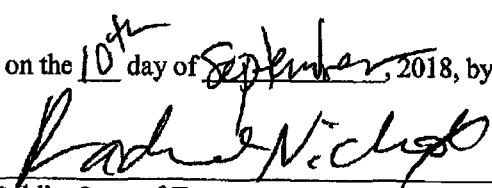
STATE OF TEXAS

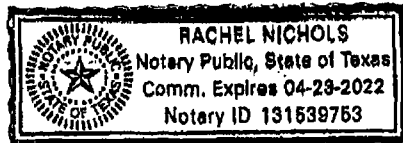
COUNTY OF Dallas

§  
§  
§

This instrument was acknowledged before me on the 10<sup>th</sup> day of September, 2018, by  
WILLIAM J. EGAN.

Seal:

  
Notary Public, State of Texas



GRANTOR:

Brian Leigh Egan  
BRIAN LEIGH EGAN

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

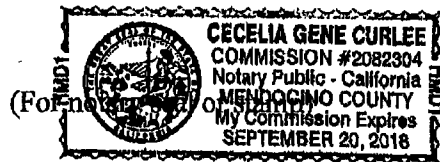
STATE OF CALIFORNIA §  
COUNTY OF Mendocino §

On 09/11/2018, before me, Cecelia Gene Curlee, Notary Public, personally appeared BRIAN LEIGH EGAN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cecelia Gene Curlee



GRANTOR:

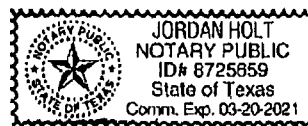
Timothy A Willis  
TIMOTHY ADAM WILLIS, as Independent  
Executor of the Estate of PATSY WILLIS,  
deceased

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 11<sup>th</sup> day of SEPT, 2018,  
by TIMOTHY ADAM WILLIS, as Independent Executor of the Estate of PATSY WILLIS,  
deceased.

Seal:

Jordan Holt  
Notary Public, State of Texas



GRANTOR:

George Leigh  
GEORGE LEIGH

STATE OF TEXAS       §  
                                  §  
COUNTY OF collin   §

This instrument was acknowledged before me on the 13 day of September, 2018,  
by GEORGE LEIGH



Margo S. Baxter  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

WESTERN RIM INVESTMENT ADVISORS, INC.  
2505 N. State Highway 360, Suite 800  
Grand Prairie, TX 75050  
Attn: Marcus Hiles



## **EXHIBIT A**

**BEING a tract of land situated in the John Crutchfield Survey, Abstract No. 206, Collin County, Texas and being a portion of a called 145-acre tract of land described in a Warranty Deed to Alvin Leigh and Mary Leigh, recorded in Volume 394, Page 156, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:**

**BEGINNING at a MAG nail with washer, stamped "KHA", set for the northwest corner of said 145-acre tract and the northeast corner of a called 66.609-acre tract of land described in a Special Warranty Deed to Clark Partners, L.P., recorded in Volume 5763, Page 1199, Land Records of Collin County, Texas, same being on the southerly line of a called 27.752-acre tract of land described in a Limited General Warranty Deed to St. Andrews Interests, LLC, recorded in Instrument No. 20070907001252710, Official Public Records of Collin County, Texas, same also being in an asphalt road, known as Bloomdale Road (County Road 123), a recognized public road, no record found, from said corner, a found PK nail bears South 12°07' West, 7.69 feet;**

**THENCE North 89°45'02" East, along the northerly line of said 145-acre tract and the apparent southerly line of said 27.752-acre tract, passing the southeasterly corner of said 27.752-acre tract, and continuing along the southerly line of called 388.054-acre tract of land described in Correction Limited Warranty Deed to Seeing Stars, Ltd., recorded in Instrument No. 20070907001252680, Official Public Records of Collin County, Texas, and generally along said Bloomdale Road (County Road 123), a distance of 1854.23 feet to a MAG nail with washer, stamped "KHA", set for corner at the intersection of said Bloomdale Road (County Road 123) with County Road 124, a recognized public road, no record found;**

**THENCE in a southerly direction, departing the northerly line of said 145-acre tract and said Bloomdale Road (County Road 123), crossing said 145-acre tract and generally along County Road 124, the following:**

**South 01°24'59" East, a distance of 226.92 feet to a MAG nail with washer, stamped "KHA", set at the beginning of a tangent curve to the right having a central angle of 09°52'20", a radius of 295.00 feet, a chord bearing and distance of South 03°31'10" West, 50.77 feet;**

**In a southwesterly direction, with said curve to the right, an arc distance of 50.83 feet to a MAG nail with washer, stamped "KHA", set for corner;**

**South 08°27'20" West, a distance of 133.28 feet to a MAG nail with washer, stamped "KHA", set for corner;**

**South 04°22'23" West, a distance of 97.12 feet to a MAG nail with washer, stamped "KHA", set at the beginning of a tangent curve to the left having a central angle of 16°15'21", a radius of 305.00 feet, a chord bearing and distance of South 03°45'18" East, 86.24 feet;**

## **EXHIBIT A**

**In a southeasterly direction, with said curve to the left, an arc distance of 86.53 feet to a MAG nail with washer, stamped "KHA", set for corner;**

**South 11°52'43" East, a distance of 41.62 feet to a MAG nail with washer, stamped "KHA", set for corner;**

**South 16°55'32" East, a distance of 52.50 feet to a MAG nail with washer, stamped "KHA", set for corner on the southerly line of said 145-acre tract, same being on the northerly line of a called 136.8517-acre tract of land described in a Warranty Deed to CB Parkway Business Center XIV, Ltd., recorded in Volume 6082, Page 1767, Land Records of Collin County, Texas;**

**THENCE South 81°34'46" West, departing said County Road 124, along the common line of said 145-acre tract and said 136.8517-acre tract, passing at a distance of 20.2 feet, a found 6-inch metal fence corner post, continuing for a total distance of 322.73 feet to a 1/2-inch iron rod found near a fence corner post, for a southwesterly corner of said 145-acre tract;**

**THENCE North 09°55'39" West, continuing along the common line of said 145-acre tract and said 136.8517-acre tract, and generally along a barbed wire fence, a distance of 190.79 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA", set for corner;**

**THENCE South 80°58'54" West, continuing along the common line of said 145-acre tract and said 136.8517-acre tract, and generally along a barbed wire fence, passing at a distance of 1889.77 feet a 5/8-inch iron rod with a red plastic cap, stamped "KHA", set for a reference corner, continuing for a total distance of 2311.13 feet to a point in Wilson Creek, and being the westerly common corner of said 145-acre tract and said 136.8517-acre tract, same being on the easterly corner of aforesaid Clark Partners, L.P. 66.609-acre tract;**

**THENCE in a northerly direction, along the common line of said 145-acre tract and said 66.609-acre tract, and along the meanders of Wilson Creek, the following:**

**North 15°51'47" West, a distance of 48.89 feet to a corner;**

**North 65°40'14" West, a distance of 61.20 feet to a corner;**

**North 02°32'05" East, a distance of 57.67 feet to a corner;**

**North 78°37'52" West, a distance of 91.42 feet to a corner at the intersection of said Wilson Creek and a tributary creek;**

**THENCE in a northerly direction, continuing along the common line of said 145-acre tract and said 66.609-acre tract, and along the meanders of tributary creek, the following:**

**North 00°48'48" West, a distance of 81.60 feet corner;**

South 75°35'04" East, a distance of 52.65 feet to a corner;  
North 12°12'05" East, a distance of 64.94 feet to a corner;  
North 30°39'08" East, a distance of 104.35 feet to a corner;  
North 23°59'46" East, a distance of 130.63 feet to a corner;  
North 37°23'37" East, a distance of 45.02 feet to a corner;  
North 84°28'17" East, a distance of 63.84 feet to a corner;  
South 69°46'18" East, a distance of 80.30 feet to a corner;  
North 51°47'45" East, a distance of 97.83 feet to a corner;  
North 11°49'25" West, a distance of 72.28 feet to a corner;  
North 71°18'43" East, a distance of 44.76 feet to a corner;  
North 43°54'08" East, a distance of 84.17 feet to a corner;  
North 22°14'11" West, a distance of 103.36 feet to a corner;  
South 84°02'21" East, a distance of 55.25 feet to a corner;  
North 16°36'38" East, a distance of 108.29 feet to a corner;  
North 51°42'51" East, a distance of 53.24 feet to a corner;  
North 17°01'53" East, a distance of 95.84 feet to a corner;  
South 48°59'56" East, a distance of 88.93 feet to a corner;  
North 85°12'41" East, a distance of 35.45 feet to a corner;  
North 30°25'25" East, a distance of 58.09 feet to a corner;  
North 05°37'42" West, a distance of 98.38 feet to a corner;  
North 53°03'58" West, a distance of 52.35 feet to a corner;  
North 08°27'47" East, a distance of 78.13 feet to a corner;  
North 24°56'46" East, a distance of 66.51 feet to a corner;

EXHIBIT A

North 13°07'15" West, a distance of 53.30 feet to a corner;  
North 35°20'03" East, a distance of 55.43 feet to a corner;  
North 31°41'26" West, a distance of 36.17 feet to a corner;  
North 06°34'38" East, a distance of 150.81 feet to a corner;  
North 22°57'38" West, a distance of 96.10 feet to a corner;  
South 63°46'37" West, a distance of 59.61 feet to a corner;  
North 27°28'26" West, a distance of 46.80 feet to a corner;  
North 08°07'59" East, a distance of 79.44 feet to a corner;  
South 44°29'56" West, a distance of 82.72 feet to a corner;  
North 68°46'53" West, a distance of 43.24 feet to a corner;  
North 12°01'53" West, a distance of 172.10 feet to a corner;  
North 35°39'19" East, a distance of 48.57 feet to a corner;  
North 23°41'01" West, a distance of 131.42 feet to a corner;  
North 63°52'26" East, a distance of 86.86 feet to a corner;  
South 55°46'50" East, a distance of 49.24 feet to a corner;  
North 73°16'22" East, a distance of 61.59 feet to a corner;  
North 02°34'39" East, a distance of 133.95 feet to a corner;  
North 63°46'28" West, a distance of 11.95 feet to a corner;  
South 41°49'48" West, a distance of 45.83 feet to a corner;  
North 74°21'10" West, a distance of 33.38 feet to a corner;  
North 17°17'43" West, a distance of 43.57 feet to a corner;  
North 34°35'31" East, a distance of 29.97 feet to a corner;  
North 03°47'54" West, a distance of 85.25 feet to a corner;

EXHIBIT A

South 89°17'55" West, a distance of 55.71 feet to a corner;  
North 22°38'30" West, a distance of 29.00 feet to a corner;  
North 71°53'33" East, a distance of 31.32 feet to a corner;  
North 23°59'17" East, a distance of 74.94 feet to a corner;  
North 10°31'45" East, a distance of 32.96 feet to a corner;  
North 19°17'46" East, a distance of 25.07 feet to a corner;  
North 53°26'05" East, a distance of 34.63 feet to a corner;  
South 58°43'41" East, a distance of 73.87 feet to a corner;  
North 62°50'24" East, a distance of 25.92 feet to a corner;  
North 07°35'30" East, a distance of 38.70 feet to a corner;  
North 45°46'15" West, a distance of 18.49 feet to a corner;  
North 20°21'32" West, a distance of 23.06 feet to a corner;  
North 81°27'18" East, a distance of 24.17 feet to a corner;  
North 11°17'51" West, a distance of 37.82 feet to a corner;  
North 39°13'35" East, a distance of 19.72 feet to a corner;  
South 54°37'20" East, a distance of 17.37 feet to a corner;  
North 39°49'46" East, a distance of 51.43 feet to a corner;  
North 04°04'59" West, a distance of 25.08 feet to a corner;  
North 89°57'23" East, a distance of 24.97 feet to a corner;  
North 49°29'23" East, a distance of 32.55 feet to a corner;  
South 55°45'14" East, a distance of 17.32 feet to a corner;  
North 05°24'29" East, a distance of 68.44 feet to a corner;  
North 45°30'14" East, a distance of 64.61 feet to a corner;

EXHIBIT A

**North 03°51'22" East, a distance of 60.20 feet to a corner;**

**North 14°09'30" West, a distance of 88.44 feet to the POINT OF BEGINNING and containing 138.413 acres (6,029,288 square feet) of land, more or less.**

**EXHIBIT A**

**EXHIBIT B**  
**(Permitted Exceptions)**

1. Easement granted by A.J. Leigh and Lucy Leigh to Denton County Electric Cooperative Inc., filed 03/18/1953, recorded in Volume 468, Page 56, Real Property Records, Collin County, Texas.
2. Easement granted by Alvin Leigh and Mary Leigh to Danville Water Supply Corporation, filed 08/01/1975, recorded in Volume 963, Page 688, Real Property Records, Collin County, Texas.
3. Easement granted by Alvin Leigh and Mary Leigh to Matador Pipelines, Inc., filed 07/20/1981, recorded in Volume 1408, Page 864, Real Property Records, Collin County, Texas.
4. Easement granted by Mary Oulda Leigh Estate to ONEOK NGL Pipeline, L.L.C., filed 12/10/2013, recorded in cc# 20131210001627960, Real Property Records, Collin County, Texas.
6. Easement or lesser rights of third parties, if any, as evidenced by overhead electric lines, power poles, and guy anchors located along the northern property line and southeast corner of the Land, the location of which are as shown on the survey prepared by Kimley-Horn and Associates, Inc., certified by Michael B. Marx, R.P.L.S. No. 5181, Project No. 063237001, and dated 01/19/2018, last revised 9/6/18.

EXHIBIT B



Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
09/18/2018 03:20:35 PM  
\$74.00 DFOSTER  
20180918001174030

## **Exhibit “3”**

**Map of CCN No. 20071 downloaded from the  
PUC’s CCN Viewer at [www.puc.texas.gov](http://www.puc.texas.gov)**

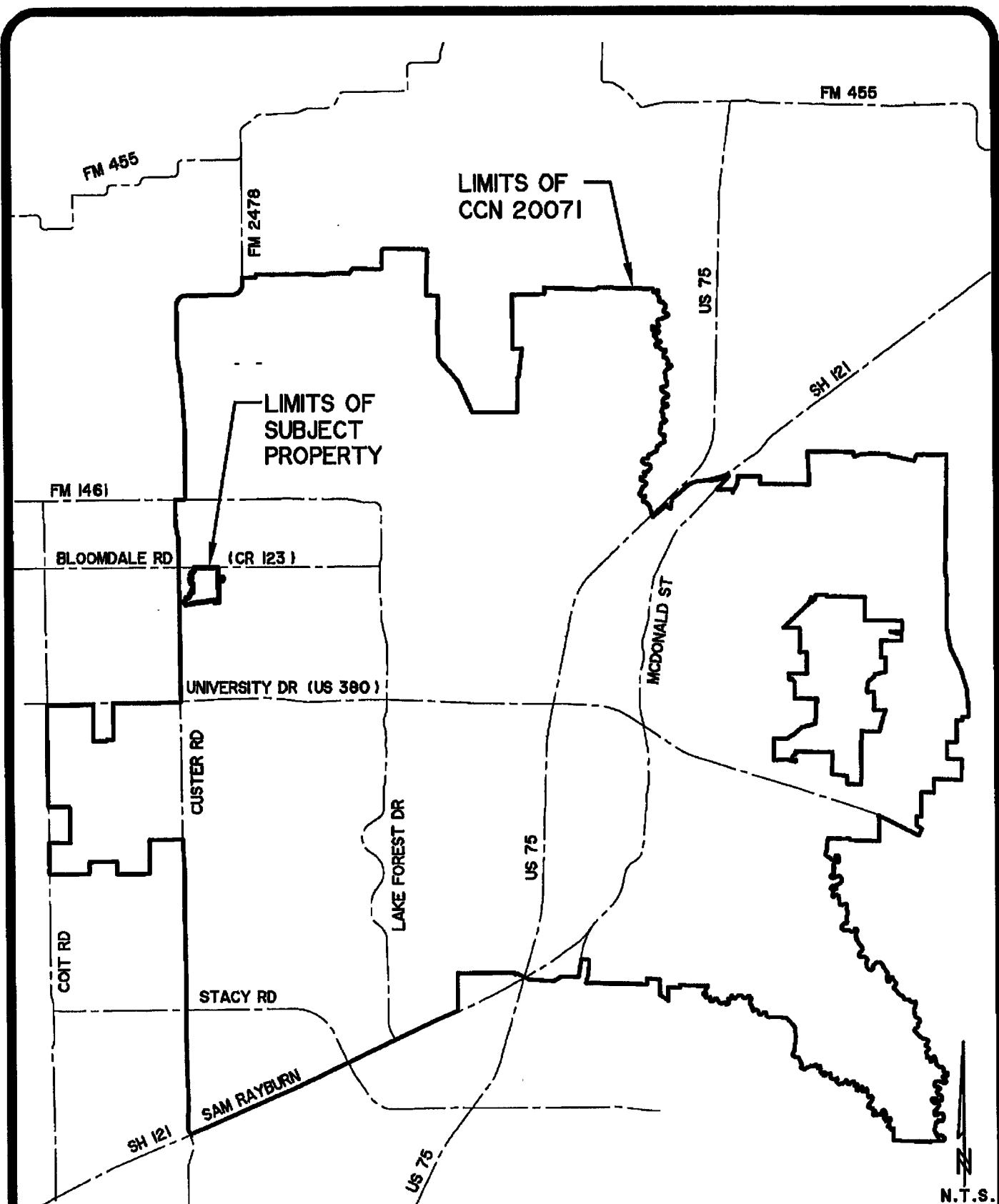






**Exhibit “4”**

**Map reflecting the location of the Subject  
Property within CCN No. 20071**



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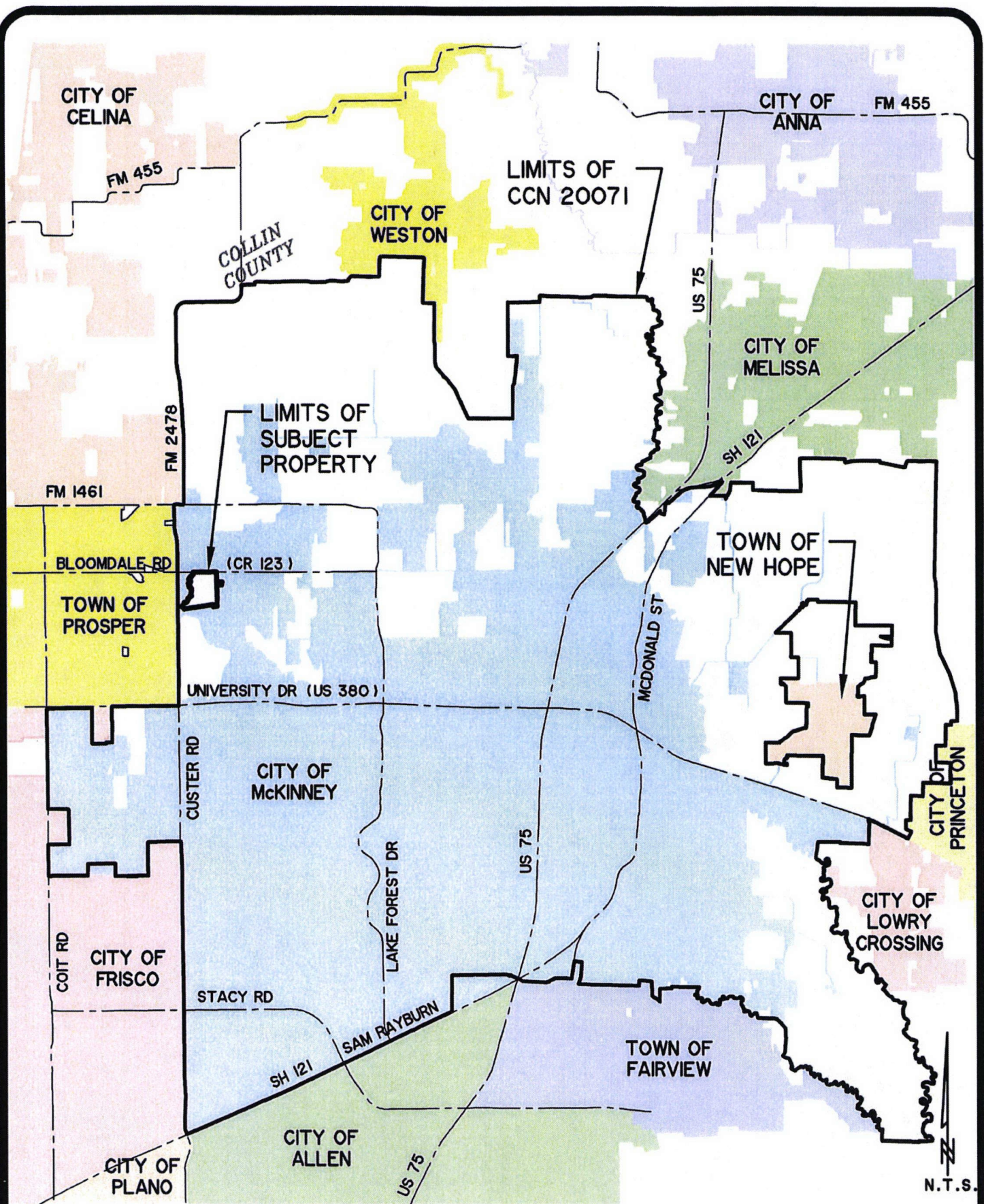
## EXHIBIT 4



**WIER & ASSOCIATES, INC.**

## **Exhibit “5”**

**Map reflecting the location of the land in reference  
to the nearest county boundary, city or town and  
natural landmarks such as roads, rivers and railroads**



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 FILE: EXHIBIT 5-SEWER.DWG  
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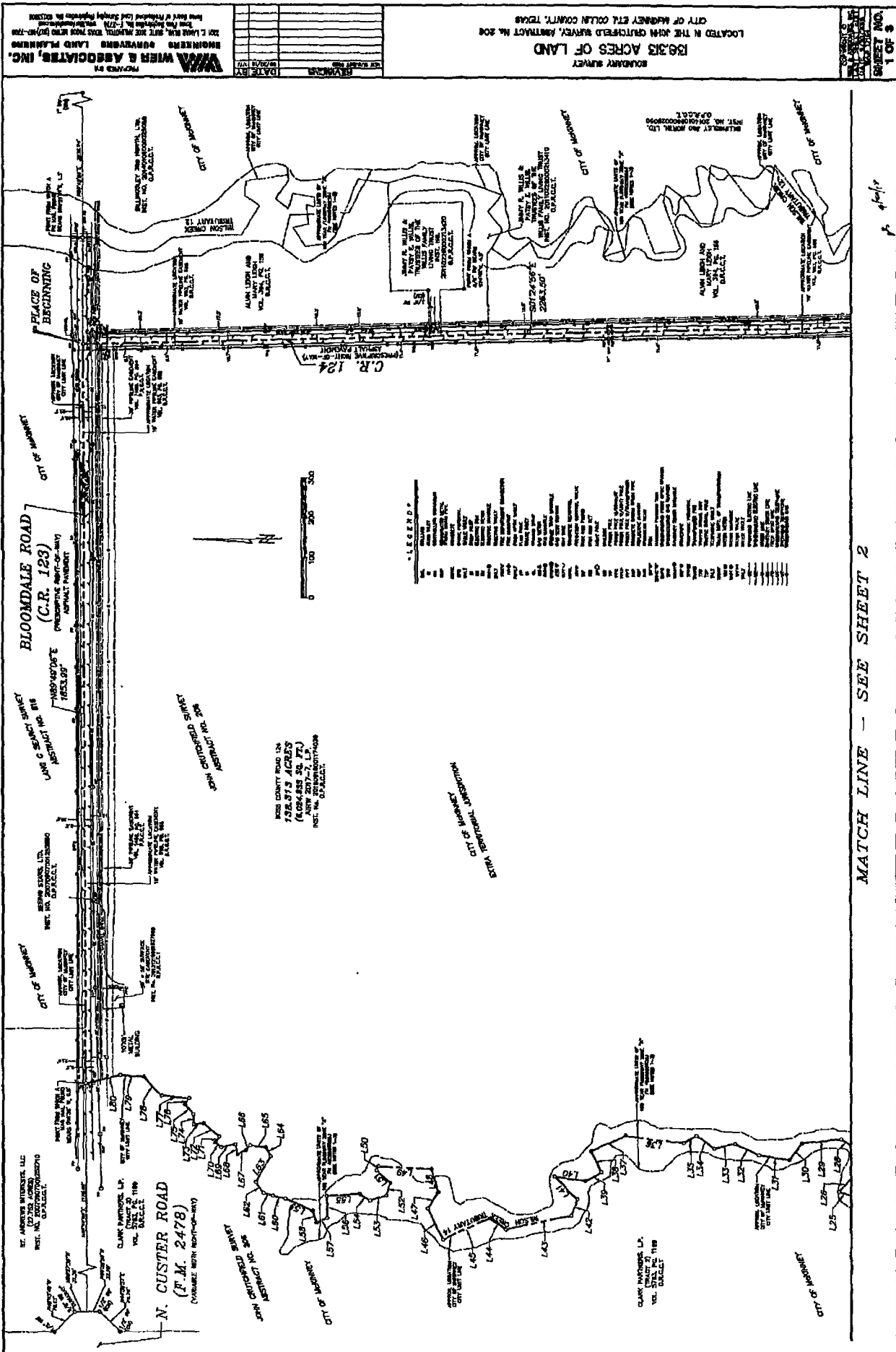
## EXHIBIT 5

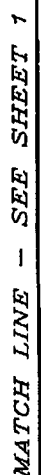
**WIA WIER & ASSOCIATES, INC.**

**Exhibit “6”**

**Metes and Bounds Survey**









A map of the study area in Madison, Wisconsin. The map shows the Mississippi River flowing through the city. A shaded rectangular area is labeled 'SITE'. The 'CITY OF MADISON' is labeled in the upper left. Major roads are shown as solid lines, and smaller roads as dashed lines. The map is enclosed in a rectangular border.

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| LINE TABLE |             |            |
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**OVERSIZED MAP(s) or DOCUMENT(s)**

**TO VIEW**

**OVERSIZED MAP(s) or DOCUMENT(s)**

**PLEASE CONTACT  
CENTRAL RECORDS  
512.936.7180**

**Thank you**

**CD'S ATTACHED**

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

**Exhibit “8”**

**Affidavit of Temple Noble regarding mailing/filing of Petition**

**PUC DOCKET NO. \_\_\_\_\_**

|                                   |          |                                  |
|-----------------------------------|----------|----------------------------------|
| <b>PETITION BY</b>                | <b>§</b> | <b>BEFORE THE PUBLIC UTILITY</b> |
| <b>AIRW 2017-7, L.P., A TEXAS</b> | <b>§</b> |                                  |
| <b>LIMITED PARTNERSHIP,</b>       | <b>§</b> |                                  |
| <b>FOR STREAMLINED</b>            | <b>§</b> | <b>COMMISSION OF TEXAS</b>       |
| <b>EXPEDITED RELEASE</b>          | <b>§</b> |                                  |
| <b>FROM CCN NO. 20071</b>         | <b>§</b> |                                  |

**AFFIDAVIT OF MAILING OF NOTICE AND FILING  
PETITION FOR STREAMLINED EXPEDITED RELEASE  
OF CCN NO. 20071**

**STATE OF TEXAS**        §  
                                 §  
**COUNTY OF TRAVIS**   §

**Date:**            November 30, 2018

**Affiant:**        Temple Noble

Affiant, Temple Noble, after having been duly sworn, on oath swears that the following statements are true and correct, and within her personal knowledge:

1. I am the Legal Assistant at the Law Firm of McCarthy & McCarthy, LLP, in Austin, Texas (the "Law Firm"), and work with Edmond R. McCarthy, Jr., attorney.
2. Mr. McCarthy and the Law Firm represent AIRW 2017-7, L.P., a Texas limited partnership ("Petitioner") in connection with its Petition for Streamlined Expedited Release from the Sewer Certificate of Convenience and Necessity ("CNN") No. 20071 held by the City of McKinney, Collin County, Texas, pursuant to (i) Texas Water Code Section 13.254 (a-5) and (ii) Rule 24.245 (l) of the Commission's Rules (16 TAC).
3. Pursuant to Section 13.254, Texas Water Code, and Commission Rule 24.245 (l)(4)(A)(vi) (16 TAC), on this 30th day of November 2018, (i) the original of the copy of the Petition attached to this affidavit as Exhibit "A" was filed with the PUC, and (ii) copies were sent to the current holder of CCN No. 20071, the City of McKinney, Collin County, Texas, to the following addresses:

City of McKinney  
Attn: Paul Grimes, City Manager  
P.O. Box 517  
McKinney, Texas 75070

City of McKinney  
Attn: Honorable George Fuller, Mayor  
P.O. Box 517  
McKinney, Texas 75070

City of McKinney  
Attn: David Brown, Public Works  
P.O. Box 517  
McKinney, Texas 75070

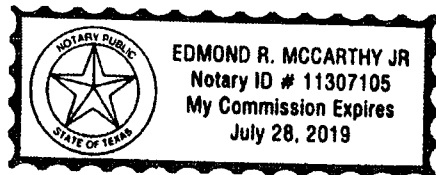
City of McKinney  
Attn: Mark Houser, City Attorney  
P.O. Box 517  
McKinney, Texas 75070

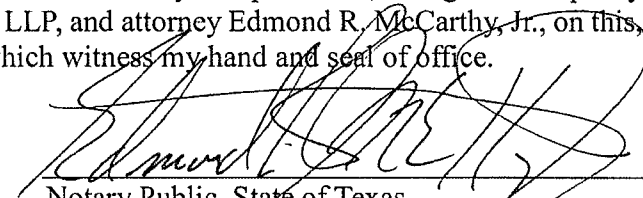
4. The mailed Petition referenced in Paragraph 3 above was sent both by postage prepaid certified mail and regular U.S. mail to the persons/addresses shown in the Certificate of Service of the Petition.
5. Affiant's statements in paragraphs 1. through 4. above, inclusive, are true and correct and within the personal knowledge of Affiant.

Further Affiant sayeth not.

  
\_\_\_\_\_  
Temple Noble, Legal Assistant, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by Temple Noble, acting in her capacity as Legal Assistant for McCarthy & McCarthy, LLP, and attorney Edmond R. McCarthy, Jr., on this, the 30th day of November, 2018, to certify which witness my hand and seal of office.



  
\_\_\_\_\_  
Notary Public, State of Texas

Printed Name: \_\_\_\_\_

Notary No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Seal: \_\_\_\_\_

**Exhibit "A"**  
**Copy of Petition for Streamlined Expedited Release**  
**of CCN No. 20071**

PUC DOCKET NO. \_\_\_\_\_

|                            |   |                           |
|----------------------------|---|---------------------------|
| PETITION BY                | § | BEFORE THE PUBLIC UTILITY |
| AIRW 2017-7, L.P., A TEXAS | § |                           |
| LIMITED PARTNERSHIP,       | § |                           |
| FOR STREAMLINED            | § | COMMISSION OF TEXAS       |
| EXPEDITED RELEASE          | § |                           |
| FROM CCN NO. 20071         | § |                           |

**VERIFIED PETITION FOR STREAMLINED EXPEDITED RELEASE  
FROM CCN NO. 20071 PURSUANT TO SECTION 13.254(a-5),  
TEXAS WATER CODE, AND 16 TAC § 24.245(l)**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

COMES NOW AIRW 2017-7, L.P., a Texas limited partnership ("Petitioner"), and files this Verified Petition with the Public Utility Commission of Texas ("PUC" or "Commission") for Streamlined Expedited Release from the retail sewer service Certificate of Convenience and Necessity ("CNN") No. 20071 pursuant to (i) Texas Water Code Section 13.254(a-5), (ii) Rule 24.245(l) of the Commission's Rules (16 TAC); and in support thereof would show the Executive Director as follows:

**I.**

**BACKGROUND FACTS**

1.1 Based upon Petitioner's research of the records of the PUC, the City of McKinney, Texas, is the holder of Certificate of Convenience and Necessity No. 20071 in Collin County, Texas.

1.2 AIRW 2017-7, L.P., a Texas limited partnership, is the owner of a tract of land containing 138.413 contiguous acres of land, more or less, in Collin County more particularly described in those certain Special Warranty Deed dated September 14, 2018, and recorded as Document No. 20180918001174030 in the Official Public Records of Collin County, Texas (the "Subject Property") (See **Exhibit "1"** Special Warranty Deed into Petitioner).