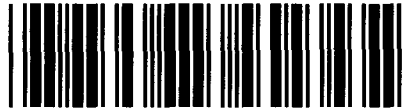




Control Number: 48944



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO.

48944

2018 DEC -3 PM 2:29

PETITION BY MM WALDEN POND, §  
LLC FOR EXPEDITED RELEASE §  
FROM WATER CCN NO. 10841 §  
HELD BY HIGH POINT WATER §  
SUPPLY CORPORATION IN §  
KAUFMAN COUNTY §

BEFORE THE  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**PETITION BY MM WALDEN POND, LLC FOR EXPEDITED RELEASE  
PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

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

COMES NOW, MM Walden Pond, LLC ("MM Walden") and files this Petition with the Public Utility Commission of Texas (the "PUC") for expedited release from Certificate of Convenience and Necessity ("CCN") No. 10841, held by High Point Water Supply Corporation ("High Point WSC") pursuant to (i) Texas Water Code Section 13.254(a-5); and (ii) Rule 24.245(l) of the Commission's Rules found at 16 Tex. Admin. Code Section 24.245; and in support thereof would respectfully show as follows:

**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 that is not receiving water or sewer service may petition for expedited release of the area from a CCN.<sup>1</sup> 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."<sup>2</sup> The rule adopted by the PUC pursuant to Section 13.254(a-5) provides the same, and it recognizes that Kaufman County is a county in

<sup>1</sup> Tex. Water Code Ann. § 13.254(a-5) (West 2008 and Supp. 2016) (TWC).

<sup>2</sup> *Id.*

which owners of at least 25 acres are entitled to expedited release.<sup>3</sup> Under Section 13.254(a-6), the PUC “shall grant a petition received under Subsection (a-5) not later than the 60<sup>th</sup> day after the date the landowner files the petition.”

## **II. REQUEST FOR EXPEDITED RELEASE**

MM Walden owns 245 acres of contiguous property in Kaufman County (the “Property”). All of the Property is within the boundaries of Water CCN No. 10841 held by High Point WSC. None of the Property receives service from any water or sewer service provider. In support of this Petition, MM Walden has attached the following exhibits:

1. Affidavit in support of this Petition is attached hereto as Exhibit A;
2. General Location Map is attached hereto as Exhibit B;
3. Detailed Property Map is attached hereto as Exhibit C; and
4. Property records (special warranty deeds including metes and bounds descriptions) are attached hereto as Exhibit D.

## **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 Kaufman County. Under Section 13.254(a-6), the PUC should grant this Petition no later than the 60<sup>th</sup> 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 are within the boundaries of water CCN No. 10841 from CCN No. 10841.

---

<sup>3</sup> 16 Tex. Admin. Code §24.245(l)

Respectfully submitted,

WINSTEAD PC

By:   
Scott W. Eidman  
State Bar No. 24078468  
[seidman@winstead.com](mailto:seidman@winstead.com)

Ross S. Martin  
State Bar No. 24037035  
[rmartin@winstead.com](mailto:rmartin@winstead.com)

2728 N. Harwood Street  
Suite 500  
Dallas Texas 75201  
Telephone: (214) 745-5484  
Facsimile: (214) 745-5390

**ATTORNEYS FOR PETITIONER  
MM WALDEN POND, LLC**

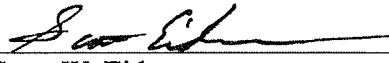


**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of November, 2018, a true and correct copy of the Petition by MM Walden Pond, LLC for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5) was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

High Point Water Supply Corporation  
16983 Valley View Rd.  
Forney, Texas 75126

*Via Certified Mail, RRR*

  
\_\_\_\_\_  
Scott W. Eidman

**EXHIBIT A**  
**AFFIDAVIT OF MEHRDAD MOAYEDI**

PETITION BY MM WALDEN POND,	§	BEFORE THE
LLC FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 10841	§	PUBLIC UTILITY COMMISSION
HELD BY HIGH POINT WATER	§	
SUPPLY CORPORATION IN	§	OF TEXAS
KAUFMAN COUNTY	§	

**AFFIDAVIT OF MEHRDAD MOAYEDI IN SUPPORT OF PETITION  
FOR EXPEDITED RELEASE FROM WATER CCN NO. 10841 HELD  
BY HIGH POINT WATER SUPPLY CORPORATION PURSUANT TO  
TEXAS WATER CODE SECTION 13.254 (A-5)**

STATE OF TEXAS           §  
   §  
COUNTY OF DALLAS    §

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

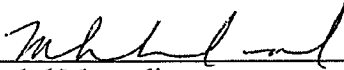
1.       “My name is Mehrdad Moayedi, I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2.       I am authorized to sign on behalf of MM Walden Pond, LLC, the Petitioner in the above-captioned matter. MM Walden Pond, LLC, owns approximately 245 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 10841 issued to High Point Water Supply Corporation. The Property is located in Kaufman County, Texas, is over 25 acres in size, and consists of contiguous tracts of land. **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.

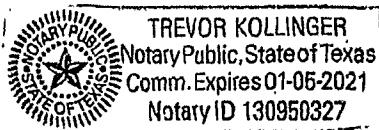
3.       The Property is not receiving water service from High Point Water Supply Corporation. MM Walden Pond, LLC has not requested water service from High Point Water Supply Corporation or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.

4.       I request that the Public Utility Commission of Texas release this Property from Water CCN No. 10841.”

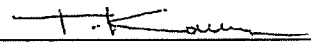
FURTHER AFFIANT SAYETH NOT.

  
Mehrdad Moayedi

SWORN TO AND SUBSCRIBED TO BEFORE ME by Mehrdad Moayedi on  
November 22, 2018



(SEAL)

  
Notary Public, State of Texas

**EXHIBIT B**  
**GENERAL LOCATION MAP**



## REGIONAL LOCATION MAP

WALDEN POND  
KAUFMAN COUNTY, TEXAS



**PETITT BARRAZA**  
ENGINEERING PLANNING SURVEYING

TBPS FIRM REGISTRATION NO. 1488  
TBPLS FIRM REGISTRATION NO. 101058-00

1651 N Glenville Drive, Suite 212  
Richardson, Texas 75081

Tel. No. (214) 221-9955  
Fax No. (214) 340-3550

DATE: OCT. 2018

SCALE: 1"= 1 MILE

JOB NO. 18002-00

**EXHIBIT C**  
**DETAILED PROPERTY MAP**





W US Highway 80

DISTRICT LOCATION MAP  
WALDEN POND DEVELOPMENT  
CITY OF DALLAS ET AL, KOUNTYMAN COUNTY, TEXAS



PETITT BARRAZA  
ENGINEERING PLANNING SURVEYING  
DATE: OCT. 2018



**EXHIBIT D**

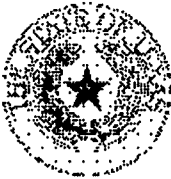
**DEEDS**

Kaufman County  
Laura Hughes  
County Clerk

Instrument Number: 2018-0018683

Billable Pages: 4  
Number of Pages: 5

FILED AND RECORDED – REAL RECORDS	CLERKS COMMENTS
<b>On:</b> 07/31/2018 at 08:08 AM	H-RECORDING
<b>Document Number:</b> <u>2018-0018683</u>	
<b>Receipt No:</b> <u>18-16707</u>	
<b>Amount:</b> \$ <u>38.00</u>	
<b>Vol/Pg:</b> <u>V:5754 P:226</u>	



STATE OF TEXAS  
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me  
and was duly recorded in the Official Public Records of Kaufman County, Texas.

*Laura A. Hughes*

Laura Hughes, County Clerk

Recorded By: Kylie Doss, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED  
REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER  
FEDERAL LAW.

**Record and Return To:**

ALDS, LP - CAMP BOWIE  
5320 CAMP BOWIE BLVD., SUITE  
FORT WORTH, TX 76107



Sender's Title

GF# 1700752-VC 89

**AFTER RECORDING RETURN TO:**

MM Walden Pond, LLC

1800 Valley View Lane, Suite 300 Farmers Branch, Texas 75234

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

**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.**

**Date:** July 30, 2018

**Grantor:** HARLAN PROPERTIES, INC., a Texas corporation

**Grantor's Address:** 2404 Texas Dr., Irving, Texas 75062

**Grantee:** MM WALDEN POND, LLC, a Texas limited liability company

**Grantee's Address:** 1800 Valley View Lane, Suite 300, Farmers Branch, Texas 75234

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration to Grantor, in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged; and the further consideration of the execution and delivery by Grantee of that one certain Promissory Note ("Note") in the principal amount of Six Million and 00/100 dollars (\$6,000,000.00), payable to Grantor, secured by a first and superior vendor's lien ("Vendor's Lien") and superior title ("Superior Title") herein retained and by a first-lien Deed of Trust ("Deed of Trust") of even date herewith to John A. Wise, as Trustee

**Property:** That certain real property located in Kaufman County, Texas, being more particularly described in Exhibit A attached hereto and incorporated by reference herein for all purposes, together with all benefits, privileges, tenements, hereditaments, rights and appurtenances thereon or pertaining to such real property, but excepting therefrom any rights to water contracts with respect to such real property.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:** The exceptions listed in Exhibit B attached hereto and incorporated herein for all purposes

Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold the Property unto Grantee, its heirs or assigns forever. Grantor does hereby bind Grantor and its heirs, executors, and administrators to warrant and forever defend all and singular the Property unto Grantee and its heirs, successors, and assigns against every person whomsoever, lawfully claiming or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

But it is expressly agreed and stipulated that the Vendor's Lien as well as Superior Title in and to the Property are hereby retained until the Note and all amounts due thereunder and under the Deed of Trust are fully paid according to the face, tenor, effect and reading thereof, at which time this Special Warranty Deed shall become absolute, and the Vendor's Lien and Superior Title herein retained shall be automatically released and discharged.

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

EXECUTED AND DELIVERED on this the 30<sup>th</sup> day of July, 2018.

**GRANTOR:**

HARLAN PROPERTIES, INC., a Texas corporation

By: \_\_\_\_\_

Name: Suresh Shridharani

Title: President

STATE OF TEXAS       §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned and duly commissioned Notary Public in and for the State of Texas, on this day personally appeared Suresh Shridharani who is known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same as the act of Harlan Properties, Inc., a Texas corporation, as its President, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30<sup>th</sup> day of July, 2018.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

My Commission Expires:

\_\_\_\_\_  
Printed Name of Notary



EXHIBIT "A" TO SPECIAL WARRANTY DEED

**Legal description of land:**

BEING that certain tract or of land situated in the Samuel Smith Survey, Abstract No. 450, in Kaufman County, Texas, and being all of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 3961, Page 248 of the Deed Records of Kaufman County, Texas (DRKCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1 pipe at the base of a 12 inch wood corner post found at the east corner of said Harlan Properties, Inc. tract, and the north corner of that certain tract of land described in deed to EQK Windmill Farms, LLC, recorded in Instrument No. 2007-00027358, DRKCT;

THENCE South 45°13'22" West, with the southeast line of said Harlan Properties, Inc. tract, a distance of 2001.86 feet to a 1/2 inch iron rod with cap stamped "USA" found for corner at the west corner of that certain tract of land described in deed to 130 Windmill Farms, LP, recorded in Volume 3061, Page 276, DRKCT, and the north corner of that certain tract of land described in deed to EQK Windmill Farms, LLC, recorded in Instrument No. Volume 3348, Page 65, DRKCT;

THENCE South 45°07'15" West, with the southeast line of said Harlan Properties, Inc. tract, passing at a distance of 300.01 feet a 1/2 inch iron rod with cap stamped "USA" found at the west corner of said EQK Windmill Farms, LLC tract, continuing in all, a total distance of 1931.41 feet to a 12 inch wood corner post (leaning) found for corner at the southerly corner of said Harlan Properties, Inc. tract;

THENCE North 46°00'08" West, with the southwest line of said Harlan Properties, Inc. tract, a distance of 2716.64 feet to a 1/2 inch iron rod with cap stamped "RSCI" found at the westerly corner of said Harlan Properties, Inc. tract, and being located on the southeast right-of-way line of Farm to Market Road No. 548 (FM Road 548 - called 100 foot R.O.W.);

THENCE North 44°47'24" East, with the said southeast right-of-way line of FM Road 548, said southeast line according to deed to the State of Texas recorded in Volume 441, Page 482, DRKCT, a distance of 457.02 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner, from which a broken concrete monument found bears North 02°12'18" East, a distance of 1.54 feet;

THENCE North 45°07'53" East, continuing with the southeast right-of-way line of FM Road 548, passing at a distance of 3455.58 feet an "X" cut in concrete found, continuing in all, a total distance of 3488.13 feet to an "X" cut in concrete set for corner at the northerly corner of said Harlan Properties, Inc. tract;

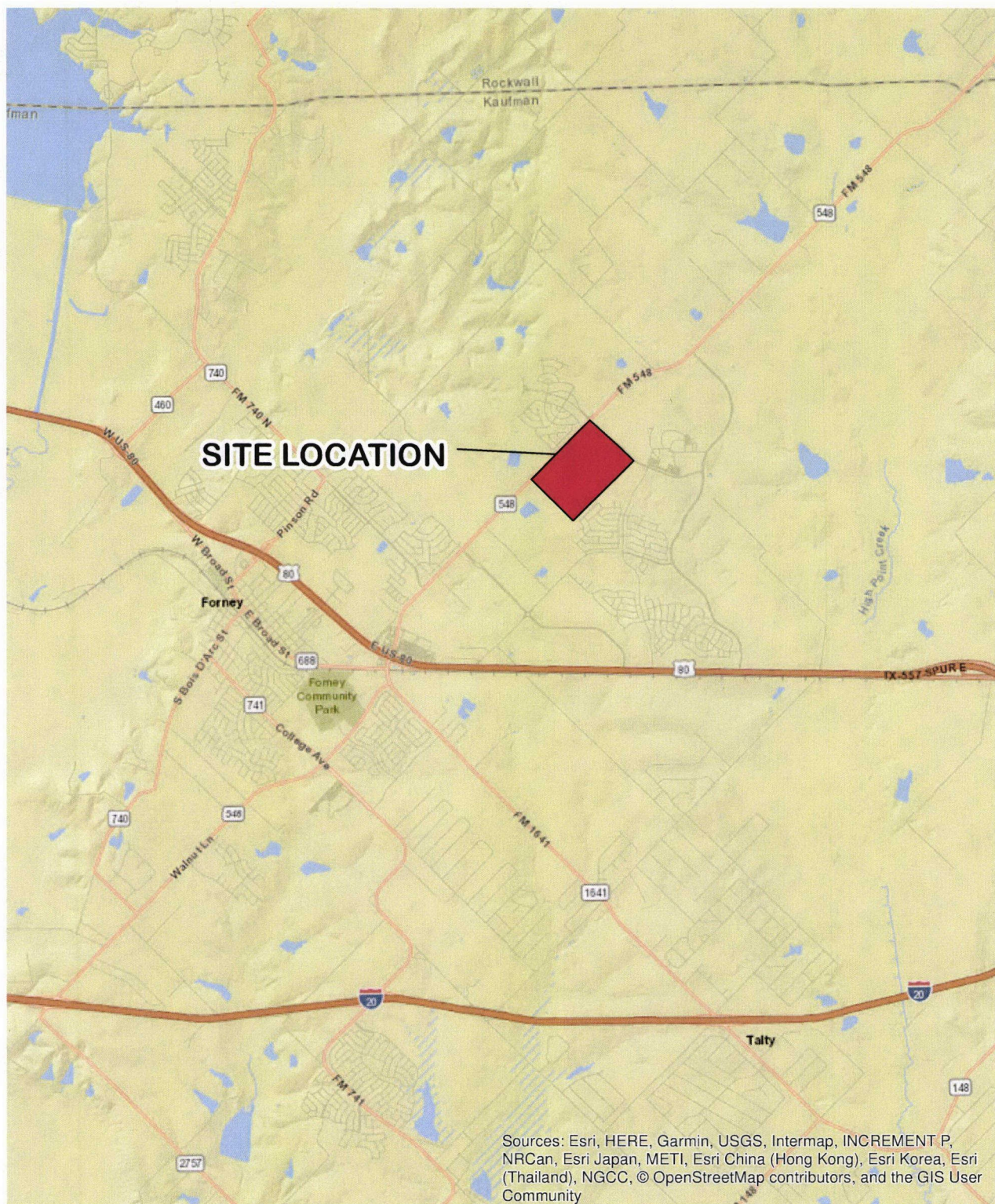
THENCE South 45°45'08" East, with the northeast line of said Harlan Properties, Inc. tract, a distance of 2721.99 feet to the POINT OF BEGINNING of herein described tract, containing 245.907 acres of land, more or less.

EXHIBIT "B" TO SPECIAL WARRANTY DEED

- a. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- b. Right-of-Way Deed dated April 18, 1961, from W.E. Chapman to the State of Texas, recorded in Volume 441, Page 482, Deed Records, Kaufman County, Texas, and as shown on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184.
- c. Easement from F.G. Chapman et al to Lone Star Gas Company, dated September 19, 1962, recorded in Volume 460, Page 8, Deed Records, Kaufman County, Texas, and as noted on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184.
- d. Street and Utility Easement dated May 16, 2008, executed by Harlan Properties, L Inc. to EQK Windmill Farms, LLC, recorded in Volume 3426, Page 541, Deed Records, Kaufman County, Texas, and as shown on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184.
- e. Easement as shown in instrument from HARLAN PROPERTIES to FARMERS ELECTRIC COOPERATIVE, INC., dated August 10, 2011 and filed in Volume 3993, Page 527, Deed Records, Kaufman County, Texas, and as noted on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184.
- f. Mineral and/or royalty interest, as described in instrument recorded in Volume 731, Page 355, Deed Records, Kaufman County, Texas, reference to which instrument is here made for all purposes. Title to said interest not checked subsequent to date of aforesaid instrument. As affected by Release of Land Use Restrictive Covenants and Surface Waiver, filed August 6, 2008, recorded in Volume 3441, Page 270, Deed Records, Kaufman County, Texas, and as noted on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184.
- g. Terms, conditions and stipulations contained in Oil, Gas or Mineral Lease dated March 24, 1981, between W.E. Armentrout and Robert F. Ritchie, as Lessor and James Worsham, as Lessee, recorded in Volume 697, Page 166, Deed Records, Kaufman County, Texas, and as noted on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184. Title to said lease not checked subsequent to date of aforesaid instrument.
- h. Terms, conditions and stipulations contained in Assignment and Assumption Agreement dated June 30, 2008 executed by and between Harlan Properties, Inc. and TCI Thornwood Apartments, filed August 22, 2011 and recorded in Volume 3992, Page 538, Deed Records, Kaufman County, Texas, and as noted on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS #5184.
- i. The following as shown on survey dated April 27, 2017, last revised July 11, 2018, prepared by Jimmie D. Nichols, RPLS No. 5184:
- fences located off of property lines
- j. Standby fees, taxes and assessments by any taxing authority for the year 2018, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
- k. Rights of parties in possession.

#2018-0018683  
Filed for Record in Kaufman County TX  
07/31/2018 08:08:03 AM





## REGIONAL LOCATION MAP

WALDEN POND  
KAUFMAN COUNTY, TEXAS



**PETITT BARRAZA**  
ENGINEERING PLANNING SURVEYING

TBPE FIRM REGISTRATION NO. 1488  
TBPLS FIRM REGISTRATION NO. 101058-00

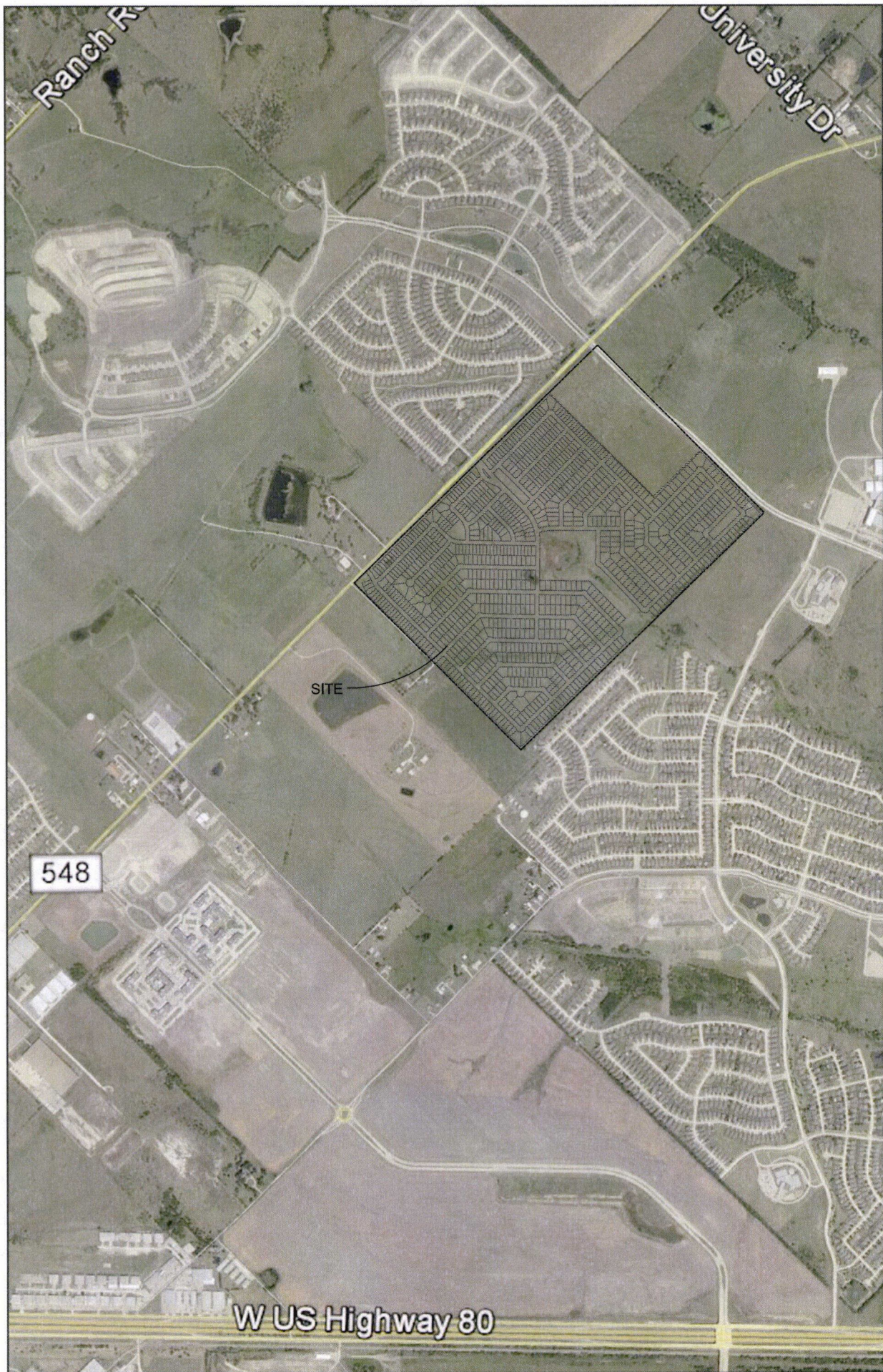
1651 N Glenville Drive, Suite 212  
Richardson, Texas 75081  
DATE: OCT. 2018

Tel. No. (214) 221-9955  
Fax No. (214) 340-3550

SCALE: 1"= 1 MILE

JOB NO. 18002-00





SITE

548

W US Highway 80

DISTRICT LOCATION MAP  
WALDEN POND DEVELOPMENT  
CITY OF DALLAS ETJ, KAUFMAN COUNTY, TEXAS

SCALE: 1"=250'

**PETITT BARRAZA**  
ENGINEERING PLANNING SURVEYING  
DATE: OCT. 2018



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

**TO VIEW**

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

**PLEASE CONTACT  
CENTRAL RECORDS  
512.936.7180**

**Thank you**