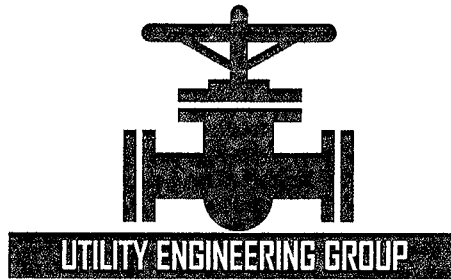


Control Number: 48957



Item Number: 12

Addendum StartPage: 0



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2019 FEB 28 PM 12:50  
PUBLIC UTILITY COMMISSION  
FILING CLERK

February 28, 2019

Filing Clerk  
Public Utility Commission of Texas  
1701 N. Congress Ave., 8<sup>th</sup> Floor  
Austin, Texas 78701

RE: Green Valley Special Utility District – Petition of Dirt Dealers XII, Ltd., to amend the District's Sewer Certificate of Convenience and Necessity - Docket No. 48957  
Certified Copy of the Approved Certificate, Map, and Boundary Description

Dear Filing Clerk,

In accordance with TWC § 13.257(r) and (s), attached is one unbound copy and nine bound copies of the recorded approved certificate, CCN map, and boundary description of the service area for Docket No. 48957. The approved certificate, CCN map, and service area description was recorded in the Official Public Records of Guadalupe County, Texas on February 21, 2019, Document No. 201999003800. If you have any questions or need any additional information, feel free to contact me. Thank you.

David Kneuper, P.E.  
Utility Engineering Group, PLLC  
Office: (830) 214-0521  
davidk@uegpros.com

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11/12

201999003800



STATE OF TEXAS

§

COUNTY OF GUADALUPE

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**AFFIDAVIT OF DAVID KNEUPER**

Before me, the undersigned notary, on this day personally appeared David Kneuper, a person whose identity is known to me. After being by me duly cautioned to tell the truth, subject to the penalties for perjury, she did affirm and testify as follows:

1. My name is David Kneuper. I am over the age of eighteen (18) years, am of sound mind, competent, and am fully capable of making this affidavit.
2. I am a Civil Engineer, licensed to practice in the State of Texas and who represents Green Valley Special Utility District in the petition of Dirt Dealers XII, Ltd., to amend the District's Sewer Certificate of Convenience and Necessity in Guadalupe County (Texas Public Utility Commission Docket No. 48957).
3. **Exhibit "A"**, attached hereto and incorporated herein for all purposes, is the boundary description of the service area in accordance with TWC § 13.257(r)
4. **Exhibit "B"**, attached hereto and incorporated herein for all purposes, is a true, correct copy of the Texas Public Utility Commission's approval of the aforementioned application.

Further Affiant sayeth not.

  
 \_\_\_\_\_  
 David Kneuper

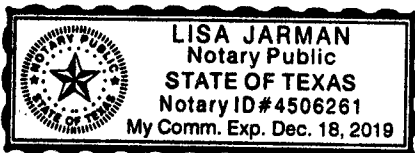
STATE OF TEXAS

§

COUNTY OF COMAL

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SUBSCRIBED AND SWORN TO BEFORE ME on this 21st day of February, 2019, by David Kneuper.



  
 \_\_\_\_\_  
 NOTARY PUBLIC, STATE OF TEXAS



EXHIBIT "A"

Description of a 38.095 acre tract, being 21.46 acres, +/- out of the Wm. Pate Survey, Abstract No. 259 and 16.61 acres, +/- out of the N. Ximenez Survey, Abstract No. 347, Guadalupe County, Texas, and being all of that certain called 38.167 acre tract as fenced and monumented upon the ground, conveyed by Richard C. Keller and wife, Mary C. Keller to Michael E. Mueller by deed dated April 3, 1979 and recorded in Volume 575 on pages 291-294 of the Deed Records of Guadalupe County, Texas, said 38.095 acre tract described more particularly by metes and bounds as follows:

BEGINNING at a capped 1/2" re-bar rod found in the fenced County Line between Comal and Guadalupe County, Texas, in the Northwest line of the Michael E. Mueller called 38.167 acre tract, for the South corner of a 9.812 acre tract conveyed to Roland Wohlfahrt by deed dated September 11, 1959 and recorded in Volume 117 on pages 598-600 of the Deed Records of Comal County, Texas, for the East corner of a 205.981 acre Tract 2 conveyed to Morningside 227, Ltd. by deed dated September 13, 2005 and recorded as Document No. 200506035116 of the Official Public Records of Comal County, Texas;

THENCE continuing with the fenced County Line, with the Southwest line of the Wohlfahrt 9.812 acre tract, with the Northwest line of the Mueller called 38.167 acre tract, N. 63° 53' 03" E. 646.12 feet to a 3/8" re-bar rod found at a corner post for the West corner of a 1.905 acre tract conveyed to Clarence W. Marcoursels and wife by deed dated April 23, 1987 and recorded in Volume 805 on pages 518-520 of the Real Property Records of Guadalupe County, Texas, for the North corner of the called 38.167 acre tract, for the North corner of this 38.095 acre tract;

THENCE with the fence, the West line of the Marcoursels 1.905 acre tract, the East line of the called 38.167 acre tract, S. 05° 43' 36" W. 664.80 feet to a 3/8" re-bar rod found for the Southwest corner of the 1.905 acre tract, for a corner of the called 38.167 acre tract, for a corner of this 38.095 acre tract;

THENCE with a portion of an old County Road, with the East line of the called 38.167 acre tract, S. 08° 05' 50" W. 31.40 feet to a capped 1/2" re-bar rod set in the curving West R.O.W. line of F. M. Road 1044;

THENCE with the West line of F. M. Road 1044, with the East line of the called 38.167 acre tract, in a Southerly direction, along the arc of a curve to the left, having a radius of 2,332.00 feet, a length of arc distance of 292.77 feet (chord bears S. 13° 19' 57" W. 292.58 feet) to a capped 1/2" re-bar rod

set for the Northeast corner of a 5.575 acre tract conveyed to John F. Williams and wife by deed dated October 16, 1978 and recorded in Volume 565 on pages 726-728 of the Deed Records of Guadalupe County, Texas, for the Southeast corner of the called 38.167 acre tract, for the Southeast corner of this 38.095 acre tract, from said rod set, a concrete R.O.W. Monument bears S. 07° 54' 23" W. 148.90 feet;

THENCE with the fence, the North line of the Williams 5.575 acre tract, the South line of the called 38.167 acre tract, N. 82° 00' 25" W. 830.81 feet to a 3/8" re-bar rod found for the Northwest corner of the Williams 5.575 acre tract, for the Northeast corner of a 25.000 acre tract conveyed to Howard T. Franks and wife by deed dated April 11, 1977 and recorded in Volume 534 on pages 126-129 of the Deed Records of Guadalupe County, Texas;

THENCE with the fence, the Northwest line of the Franks 25.000 acre tract, the Southeast line of the called 38.167 acre tract, S. 79° 00' 00" W. 569.61 feet to a 1/2" re-bar rod set at a post, and S. 64° 24' 33" W. 1,067.15 feet to a 5/8" re-bar rod found at a corner post for the West corner of the Franks 25.000 acre tract, for an interior corner of the called 38.167 acre tract, for an interior corner of this 38.095 acre tract;

THENCE with a fence, the fenced and occupied Southwest line of the Franks 25.000 acre tract, S. 25° 36' 51" E. 483.11 feet (25.000 acre deed call S. 26° 09' W. 481.09 feet), to a capped nail set in the top of a corner post in the fenced Northwest line of a 68.863 acre tract conveyed to A. C. Searight, Jr. and wife by deed dated March 17, 1978 and recorded in Volume 538 on pages 709 of the Deed Records of Guadalupe County, Texas, for the occupied South corner of the Franks 25.000 acre tract, for an East corner of this 38.095 acre tract; from said nail in post, a 1/2" iron pipe found, as called for in the Franks 25.000 acre deed, bears N. 64° 47' 07" E. 521.48 feet (25.000 acre deed call S. 63° 51' W. 516.31 feet);

THENCE with the fence, the Northwest line of the Searight 68.863 acre tract, with the Southeast line of the called 38.167 acre tract, S. 64° 47' 42" W. 947.48 feet (38.167 acre deed call S. 64° 57' W. 953.46 feet), to a capped 1/2" re-bar rod set at a corner post in the Northeast line of a 99.17 acre tract conveyed to Milton W. Schaefer & wife by deed dated November 1, 1951 and recorded in Volume 256 on pages 34-35 of the Deed Records of Guadalupe County, Texas, for the West corner of the Searight 68.863 acre tract, for the South corner of the called 38.167 acre tract, for the South corner of this 38.095 acre tract;

THENCE with the fence, the Northeast line of the Schaefer 99.17 acre tract, the Southwest line of the called 38.167 acre tract, N. 24° 40' 07" W. 690.35 feet to a capped 1/2" re-bar rod found in the fenced County Line between Comal and Guadalupe County, in the Southeast line of the aforesaid Morningside 227, Ltd. 205.981 acre Tract 2, for the North corner of the Schaefer 99.17 acre tract, for the West corner of the called 38.167 acre tract, for the West corner of this 38.095 acre tract;

38.095 ACRE TRACT, PAGE 3.

THENCE with the fenced County Line, with the Southeast line of the Morningside 227, Ltd. 205.981 acre Tract 2, with the Northwest line of the called 38.167 acre tract, N. 64° 58' 27" E. 1,303.99 feet (REFERENCE LINE) to a capped 1/2" re-bar rod found, and N. 64° 02' 07" E. 1,843.48 feet to the Place of Beginning.

Fedex-fidelity National Title  
18618 Tuscanwy Stone Ste 240  
San Antonio Tx 78258

Page 3 of 3 of Exhibit "A"

FILED FOR RECORD  
2009 JUL 30 AM 11:48

TERESA KIEL  
COUNTY CLERK GUADALUPE COUNTY

BY Cheryl A Reed

STATE OF TEXAS  
COUNTY OF GUADALUPE  
I certify this instrument was FILED on the  
date and at the time stamped hereon and  
was duly recorded in the Official Public  
Records of Guadalupe County, Texas.



Teresa Kiel  
TERESA KIEL  
Guadalupe County Clerk

DOCKET NO. 48957

RECEIVED

2019 FEB 11 PM 12:55

PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION  
FILING CLERK

OF TEXAS

PETITION OF DIRT DEALERS XII, §  
LTD. TO AMEND GREEN VALLEY §  
SPECIAL UTILITY DISTRICT'S §  
SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
GUADALUPE COUNTY BY §  
EXPEDITED RELEASE §  
§

**NOTICE OF APPROVAL**

This Notice of Approval addresses the December 7, 2018 petition and December 14, 2018 correction to the petition of Dirt Dealers XII, Ltd. to amend Green Valley Special Utility District's sewer certificate of convenience and necessity (CCN) in Guadalupe County by expedited release. The Commission approves the petition and releases approximately 38 acres owned by Dirt Dealers from Green Valley SUD's sewer CCN number 20973 in Guadalupe County.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

**Petitioner**

1. Dirt Dealers is a domestic limited partnership registered with the Texas Secretary of State on July 16, 2009, under file number 801147479.
2. Dirt Dealers owns 38.095 contiguous acres of land located within the boundaries of Green Valley SUD's sewer CCN number 20973 in Guadalupe County.

**Petition**

3. On December 7, 2018, Dirt Dealers filed a petition for expedited release of the 38.095 acres land from the service area of Green Valley SUD CCN number 20973.
4. On December 14, 2018, Dirt Dealers filed a correction to the petition.
5. The property owned by Dirt Dealers is located in Guadalupe County.



6. Guadalupe County is adjacent to Bexar County, which is a county with a population of over one million.
7. Dirt Dealers provided a special warranty deed confirming its ownership of the tract of land and maps confirming the land's location.
8. J. Landon Kane, managing member of the general partner of Dirt Dealers, provided a notarized affidavit signed on December 5, 2018, affirming that the tract of land is owned by Dirt Dealers, is more than 25 acres, is not receiving sewer service, is within the boundaries of CCN number 20973 held by Green Valley SUD, and is located entirely in Guadalupe County.
9. In Order No. 2, issued January 14, 2019, the ALJ found the petition administratively complete.

#### Notice

10. On December 7, 2018, Dirt Dealers certified that a true and correct copy of the petition was sent via certified mail to Green Valley SUD.
11. On January 4, 2019 notice of the petition was published in the *Texas Register*.
12. In Order No. 2, issued on January 14, 2019, the ALJ found the notice sufficient.

#### Intervention

13. Green Valley SUD did not seek to intervene in this proceeding.

#### Sewer Service

14. There is no evidence that Green Valley SUD has committed or dedicated facilities or lines providing sewer service to the tract of land.
15. There is no evidence that Green Valley SUD has performed acts or supplied anything to the tract of land.
16. Green Valley SUD has not committed facilities or lines providing sewer service to the tract of land.
17. Green Valley SUD has not performed acts or supplied anything to the tract of land.
18. The tract of land is not receiving sewer service from Green Valley SUD.

**Determination of Useless or Valueless Property**

19. There is no evidence that Green Valley SUD owns any property that will be rendered useless or valueless by the decertification.

**Informal Disposition**

20. More than 15 days have passed since the completion of the notice in this docket.
21. Commission Staff and Dirt Dealers are the only parties to this proceeding.
22. There were no protests, motions to intervene, or requests for hearing filed.
23. The granting of the petition will not be adverse to any party; therefore, no hearing is necessary.
24. No party disputed any issue of law or fact.
25. On January 29, 2019, Commission Staff recommended approval of the petition.

**II. Conclusions of Law**

1. The Commission has jurisdiction over this petition under Texas Water Code (TWC) § 13.254(a-5).
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code (TAC) §§ 22.55 and 24.245(l).
3. To obtain release under TWC § 13.254(a-5), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving water or sewer service.
4. Guadalupe County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.245(l).
5. The tract of land is not receiving sewer service from Green Valley SUD in accordance with TWC § 13.254(a-5).
6. Because Green Valley SUD did not intervene in this case, it can be presumed that no property has been rendered useless or valueless by the decertification; therefore, under

TWC § 13.254(d) through (g) and 16 TAC § 24.245(n)(3) no compensation is owed to Green Valley SUD.

7. Because no compensation is owed under TWC § 13.254(d) through (g), a retail public utility may render sewer service directly or indirectly to the public in the decertified area without providing compensation to Green Valley SUD.
8. Dirt Dealers has satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.245(l) by adequately demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving sewer service.
9. The Commission processed the petition in accordance with the TWC, the Administrative Procedure Act,<sup>1</sup> and Commission rules.
10. Under TWC § 13.257(r) and (s), Green Valley SUD is required to record a certified copy of the approved certificate and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
11. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission grants the petition and removes the 38.095-acre tract of land owned by Dirt Dealers from Green Valley SUD's sewer CCN number 20973.
2. The Commission amends Green Valley SUD's CCN number 20973 in accordance with this Notice of Approval.
3. The Commission's official service area boundary maps for Green Valley SUD's CCN will reflect this change, as shown on the attached map.

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<sup>1</sup> Administrative Procedure Act, Tex. Gov't Code ch. 2001.

4. Green Valley SUD must comply with the recording requirements of TWC § 13.257(r) and (s) for the area in Guadalupe County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice of Approval.
5. The Commission denies all other motions and any other requests for general or specific relief not expressly granted.

**Signed at Austin, Texas the 11th day of February 2019.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
\_\_\_\_\_  
**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Green Valley Special Utility District**

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Green Valley Special Utility District is entitled to this

### **Certificate of Convenience and Necessity No. 20973**

to provide continuous and adequate sewer utility service to that service area or those service areas in Guadalupe County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 48957 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Green Valley Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this 11<sup>th</sup> day of February 2019.

Green Valley SUD  
Portion of Sewer CCN No. 20973  
PUC Docket No. 48957  
Petition by Dirt Dealers XII, Ltd. to Amend  
Green Valley SUD's CCN by Expedited Release in Guadalupe County

Sunset Cv  
Birch Blvd  
Sawmill Ln

COMAL COUNTY  
GUADALUPE COUNTY

Area Released

CCN  
20973

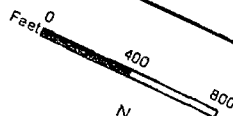
Green Valley Rd



Public Utility Commission of Texas  
1701 N. Congress Ave  
Austin, TX 78701

Sewer CCN  
20973 - Green Valley SUD

Property Boundary  
Area Released



Map by: Komal Patel  
Date created: January 18, 2019  
Project Path: n:\finalmapping\  
48957GreenValleySUD.mxd



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the foot of the record.

→ Utility Engineering Group  
191 N Union  
N.B. TX 78130

201999003800  
I certify this instrument was FILED and RECORDED  
in the OFFICIAL PUBLIC RECORDS  
of Guadalupe County, Texas on  
02/21/2019 10:40:00 AM PAGES: 12 LINDA  
TERESA KIEL, COUNTY CLERK



*Teresa Kiel*