



Control Number: 49359



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **49359**

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**PETITION BY TEXAS 903
PARTNERS LP FOR EXPEDITED
RELEASE FROM WATER CCN NO 11295
HELD BY CITY OF CRANDALL IN
KAUFMAN COUNTY**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS**

**PETITION BY TEXAS 903 PARTNERS LP FOR EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.254(a-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, TEXAS 903 PARTNERS LP, a Texas limited partnership ("Petitioner"), and files this Petition with the Public Utility Commission of Texas (the "PUC") for expedited release from Certificate of Convenience and Necessity ("CCN") No. 11295, held by the City of Crandall ("Crandall") 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.¹ 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."² The rule adopted by the PUC pursuant

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

² *Id.*

5/2/05

to Section 13.254(a-5) provides the same³, and Kaufman County is a county in which owners of at least 25 acres are entitled to expedited release because it is adjacent to Dallas County, which has a population of at least one million. Under Section 13.254(a-6), the PUC “shall grant a petition received under Subsection (a-5) not later than the 60th day after the date the landowner files the petition.”⁴

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 320 acres of contiguous property in Kaufman County (the “Property”). All of the Property is within the boundaries of Water CCN No. 11295, held by Crandall. None of the Property receives service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” A metes and bounds description and a map showing the location of the Property are attached hereto as Exhibit “B.” A deed showing ownership of the Property is attached hereto as Exhibit “C.”

III. CONCLUSION AND PRAYER

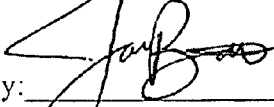
Texas Water Code Section 13.254(a-5) entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Kaufman County. Under Section 13.254(a-6), the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.254(a-5) releasing all portions of the Property that are within the boundaries of water CCN No. 11295 from CCN No. 11295.

³ 16 Tex. Admin. Code § 24.245(l).

⁴ Tex. Water Code Ann. § 13.254(a-5).

Respectfully submitted,

COATS ROSE, P.C.

By: 

JOSHUA A. BETHKE
State Bar No. 24105465
14755 Preston Road, Suite 600
Dallas, Texas 75254
(972) 982-8454 (Telephone)
(972) 702-0662 (Facsimile)
jbethke@coatsrose.com (Email)

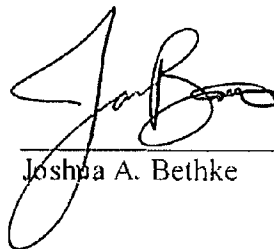
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2019, a true and correct copy of the Petition 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.

Attn: Jana Shelton, City Manager
City of Crandall
P.O. Box 279
Crandall, Texas 75114

Via Certified Mail, RRR



Joshua A. Bethke

EXHIBIT "A"

AFFIDAVIT

**PETITION BY TEXAS 903
PARTNERS LP FOR EXPEDITED
RELEASE FROM WATER CCN NO 11295
HELD BY CITY OF CRANDALL IN
KAUFMAN COUNTY**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**AFFIDAVIT IN SUPPORT OF PETITION BY TEXAS 903 PARTNERS LP FOR
EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

STATE OF TEXAS §

COUNTY OF DALLAS §

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

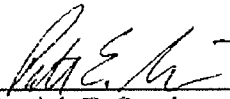
1. “My name is Patrick E. Sessions. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am President of Texas 903 Partners LP, the Petitioner in the above-captioned matter. Texas 903 Partners LP owns approximately 320 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 11295 issued to the City of Crandall. 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 contains a true and correct copy of a map identifying the Property and its location.

3. The Property is not receiving water service from the City of Crandall or any other water service provider. Texas 903 Partners LP has not requested water service from the City of Crandall 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.

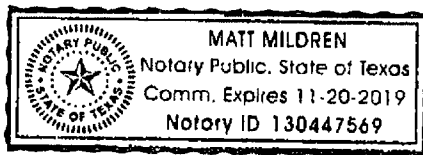
4. I request that the Public Utility Commission of Texas release this Property from Water CCN No. 11295.”

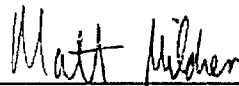
FURTHER AFFIANT SAYETH NOT.



Patrick E. Sessions

SWORN TO AND SUBSCRIBED TO BEFORE ME by Patrick E. Sessions on
March 18, 2019.





Notary Public, State of Texas

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION AND MAP

LEGAL DESCRIPTION
320.00 ACRES

BEING A 320.00 ACRE TRACT OF LAND SITUATED IN THE J. MOORE SURVEY, ABSTRACT NUMBER 309, CITY OF CRANDALL (E.T.J.), KAUFMAN COUNTY, TEXAS, AND BEING ALL OF A 320.00 ACRE TRACT OF LAND CONVEYED TO TEXAS 903 PARTNERS LP, AS RECORDED IN VOLUME 5808, PAGE 134, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS. SAID 320.00 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011)EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ELLIS CORS ARP (PID-DF8988), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND FOR THE NORTH CORNER OF A 183.486 ACRE TRACT OF LAND CONVEYED TO LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., AS RECORDED VOLUME 5785, PAGE 209, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS AND THE NORTHEAST CORNER OF A 607.680 ACRE TRACT OF LAND CONVEYED AS "TRACT 3" TO HEARTLAND 1800 INVESTMENT LAND, L.P., AS RECORDED IN VOLUME 3119, PAGE 142, DEED RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING ON THE SOUTHWEST LINE OF A 716.699 ACRE TRACT OF LAND CONVEYED TO JLM 717 KAUFMAN LP, AS RECORDED IN VOLUME 5628, PAGE 293, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT ALSO BEING IN EVANS ROAD/COUNTY ROAD NO 260 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, SOUTH 47 DEGREES 51 MINUTES 17 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID 183.486 ACRE TRACT AND THE SOUTHWEST LINE OF SAID 716.699 ACRE TRACT, A DISTANCE OF 1243.00 FEET TO A 5/8 INCH CAPPED IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" FOUND FOR THE **POINT OF BEGINNING** AT THE NORTHERN MOST CORNER OF SAID 320.00 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 183.486 ACRE TRACT;

THENCE, SOUTH 47 DEGREES 51 MINUTES 42 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID 320.00 ACRE TRACT AND THE SOUTHWEST LINE OF SAID 716.699 ACRE TRACT, A DISTANCE OF 156.77 FEET TO A 3/8 INCH CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND FOR CORNER;

THENCE, SOUTH 46 DEGREES 15 MINUTES 13 SECONDS EAST, ALONG SAID COMMON LINE AND THE SOUTHWEST LINE OF AN 11 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO FITZPATRICK LTD, AS RECORDED IN VOLUME 1166, PAGE 380, DEED RECORDS, KAUFMAN COUNTY, TEXAS, A DISTANCE OF 4196.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE EAST CORNER OF SAID 320.00 ACRE TRACT, AND THE COMMON SOUTH CORNER OF SAID 716.699 ACRE TRACT, SAID POINT BEING AT THE INTERSECTION OF SAID EVANS ROAD AND COUNTRY WOODS ROAD/COUNTY ROAD 261 (A PRESCRIPTIVE RIGHT-OF-WAY) AND BEING

ON THE NORTHWEST LINE OF A 489.248 ACRE TRACT OF LAND CONVEYED TO CRANDALL AND 489 PARTNERS LTD, AS RECORDED IN VOLUME 3074, PAGE 72, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, SOUTH 44 DEGREES 01 MINUTES 54 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID 320.00 ACRE TRACT AND THE NORTHWEST LINE OF SAID 489.248 ACRE TRACT, A DISTANCE OF 3158.02 FEET TO A POINT FOR A SOUTH CORNER OF SAID 320.00 ACRE TRACT, SAID POINT BEING AN EAST CORNER OF A 1.000 ACRE TRACT OF LAND CONVEYED TO GARY BRATCHER, AS RECORDED IN VOLUME 5712, PAGE 457, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, ALONG THE COMMON LINES OF SAID 320.00 ACRE TRACT AND AFORESAID 1.000 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 45 DEGREES 58 MINUTES 06 SECONDS WEST, A DISTANCE OF 199.99 FEET TO A POINT FOR CORNER;

SOUTH 44 DEGREES 01 MINUTES 54 SECONDS WEST, A DISTANCE OF 217.80 FEET TO A POINT FOR THE WEST CORNER OF SAID 1.000 ACRE TRACT, AND A COMMON SOUTH CORNER OF AFORESAID 320.00 ACRE TRACT, SAID POINT BEING AN ANGLE POINT ON THE EAST LINE OF A 582.951 ACRE TRACT OF LAND CONVEYED TO TEXAS 903 PARTNERS LP, AS RECORDED IN VOLUME 5808, PAGE 120, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINE OF SAID 320.00 ACRE TRACT AND THE EAST LINE OF AFORESAID 582.951 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 22 DEGREES 19 MINUTES 15 SECONDS WEST, A DISTANCE OF 900.00 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21 DEGREES 00 MINUTES 31 SECONDS, A RADIUS OF 3000.00 FEET AND A LONG CHORD THAT BEARS NORTH 32 DEGREES 49 MINUTES 30 SECONDS WEST, A DISTANCE OF 1093.85 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 1100.00 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 09 DEGREES 32 MINUTES 57 SECONDS, A RADIUS OF 1500.00 FEET AND A LONG CHORD THAT BEARS NORTH 38 DEGREES 33 MINUTES 16 SECONDS WEST, A DISTANCE OF 249.71 FEET;

ALONG SAID REVERSE CURVE TO THE RIGHT, AN ARC DISTANCE OF 250.00 FEET TO A POINT FOR CORNER;

NORTH 33 DEGREES 45 MINUTES 52 SECONDS WEST, A DISTANCE OF 582.83 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

SOUTH 40 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 572.19 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

SOUTH 61 DEGREES 27 MINUTES 37 SECONDS WEST, A DISTANCE OF 354.61 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 46 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 87.63 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 52 DEGREES 49 MINUTES 55 SECONDS WEST, A DISTANCE OF 187.55 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 59 DEGREES 11 MINUTES 58 SECONDS WEST, A DISTANCE OF 285.08 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 44 DEGREES 28 MINUTES 09 SECONDS WEST, A DISTANCE OF 171.05 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 79 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 133.04 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR AN ANGLE POINT ON THE WEST LINE OF SAID 320 ACRE TRACT AND A COMMON ANGLE POINT ON THE EAST LINE OF AFORESAID 582.951 ACRE TRACT, SAID POINT ALSO BEING ON THE SOUTHEAST LINE OF AFORESAID 183.486 ACRE TRACT;

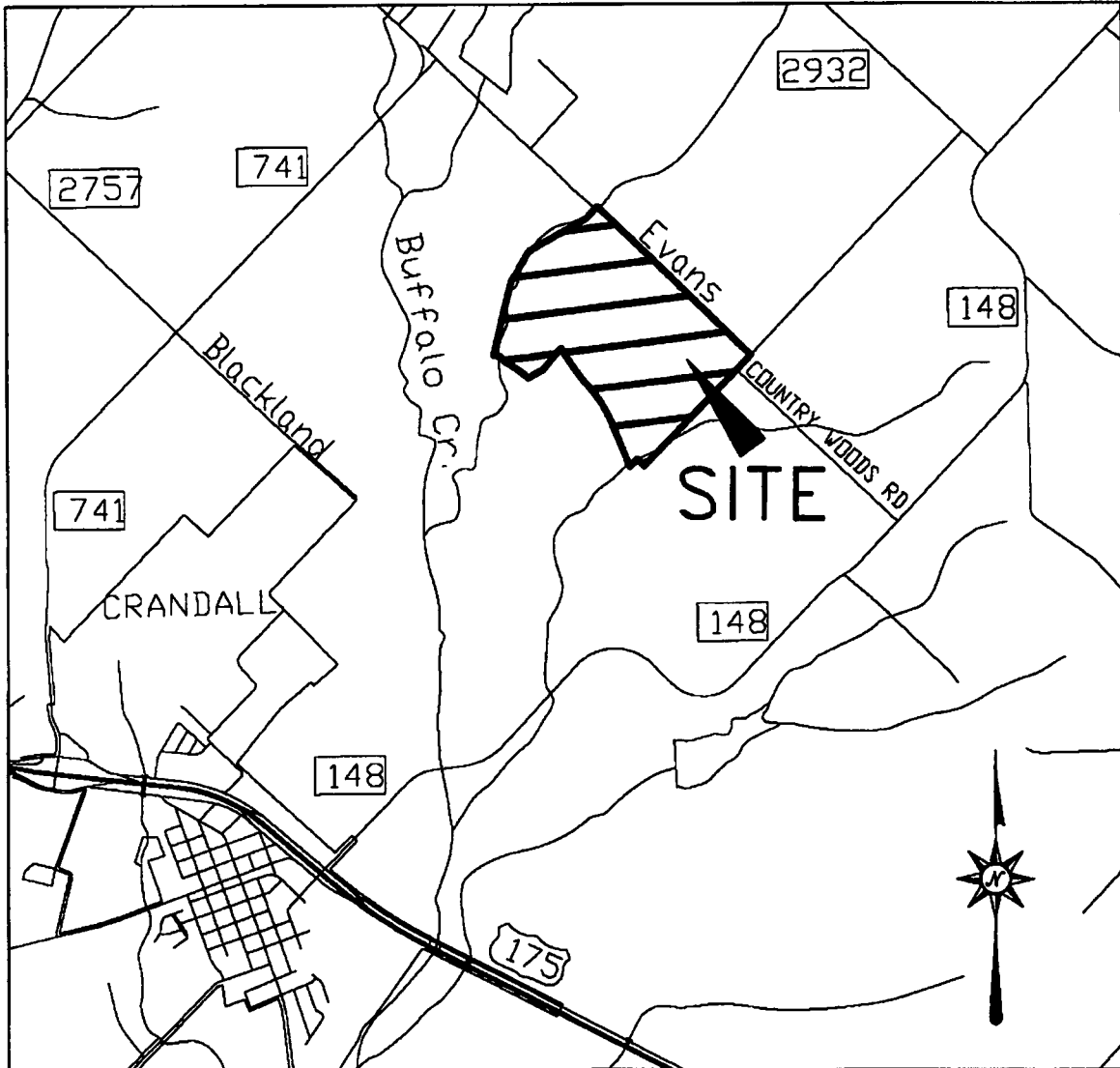
THENCE, ALONG THE NORTHWEST LINE OF SAID 320 ACRE TRACT AND THE COMMON SOUTHEAST LINE OF AFORESAID 183.486 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 13 DEGREES 50 MINUTES 45 SECONDS EAST, A DISTANCE OF 1502.87 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 30 DEGREES 26 MINUTES 56 SECONDS EAST, A DISTANCE OF 733.64 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 60 DEGREES 58 MINUTES 20 SECONDS EAST, A DISTANCE OF 1369.70 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 42 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 328.27 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 320.00 ACRES OF LAND, OR 13,939,160 SQUARE FEET.



VICINITY MAP N.T.S.

PAGE 5
OF 7

DATE: 03/06/19
DRWN BY: S.E.B.
CHKD BY: M.J.B.
PROJ NO. 0015

EXHIBIT A
320.00 ACRES
IN THE
J. MOORE SURVEY, ABSTRACT NO. 309
CITY OF CRANDALL E.T.J., KAUFMAN COUNTY,
TEXAS

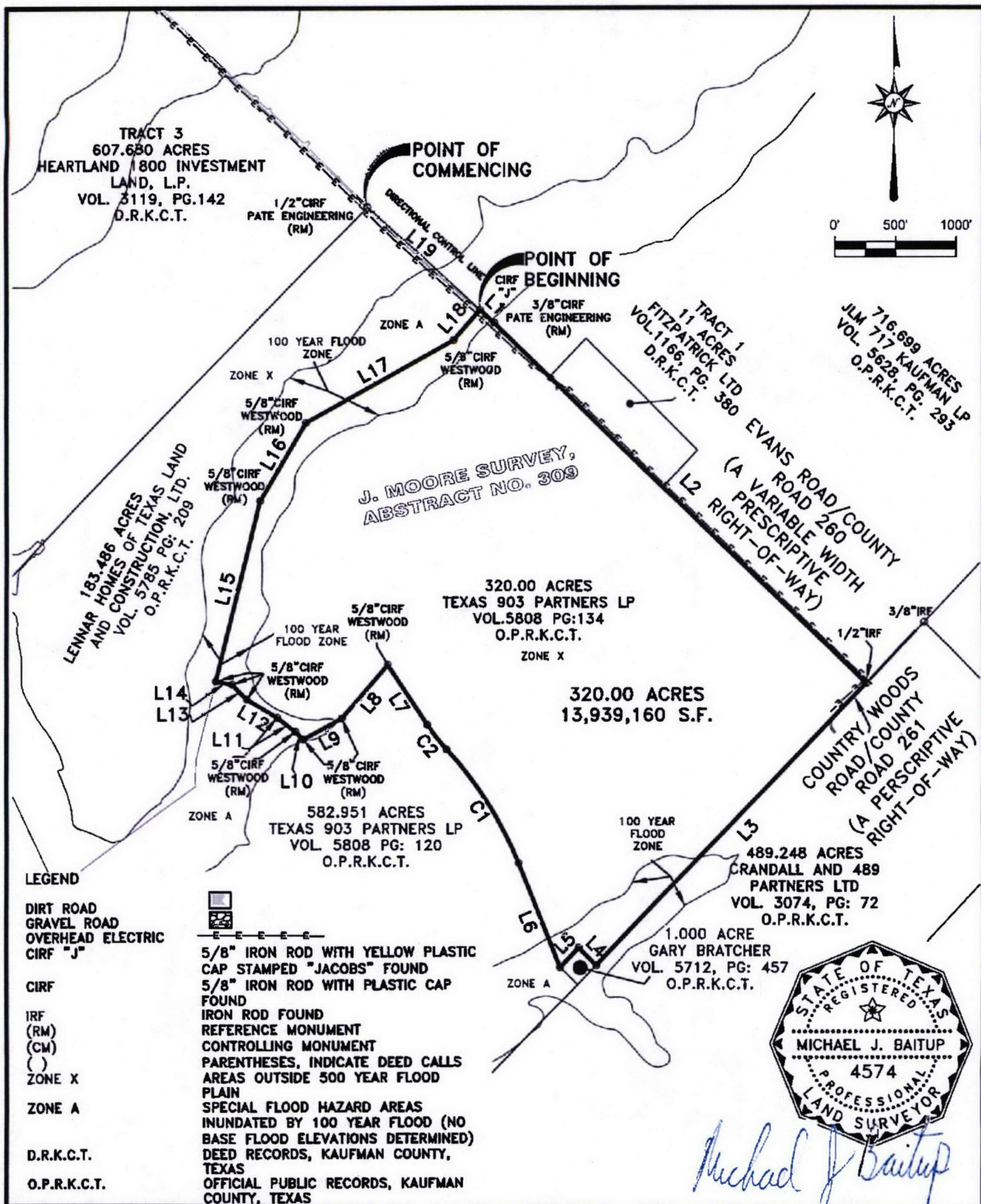
LJA Surveying, Inc.

6060 North Central Expressway
Suite 440
Dallas, Texas 75206

Phone 469.621.0710

T.B.P.L.S. Firm No. 10194465





PAGE 6
OF 7

DATE: 03/06/19
DRWN BY: S.E.B.
CHKD BY: M.J.B.
PROJ NO. 0015

EXHIBIT A
320.00 ACRES
IN THE
J. MOORE SURVEY, ABSTRACT NO. 309
CITY OF CRANDALL E.T.J., KAUFMAN COUNTY,
TEXAS

LJA Surveying, Inc.
6060 North Central Expressway
Suite 440
Dallas, Texas 75206
Phone 469.621.0710
T.B.P.L.S. Firm No. 10194465

LINE	BEARING	DISTANCE
L1	S47°51'42"E	156.77'
L2	S46°15'13"E	4196.49'
L3	S44°01'54"W	3158.02'
L4	N45°58'06"W	199.99'
L5	S44°01'54"W	217.80'
L6	N22°19'15"W	900.00'
L7	N33°45'52"W	582.83'
L8	S40°41'36"W	572.19'
L9	S61°27'37"W	354.61'
L10	N46°12'45"W	87.63'
L11	N52°49'55"W	187.55'
L12	N59°11'58"W	285.08'
L13	N44°28'09"W	171.05'
L14	N79°10'22"W	133.04'
L15	N13°50'45"E	1502.87'
L16	N30°26'56"E	733.64'
L17	N60°58'20"E	1369.70'
L18	N42°08'33"E	328.27'
L19	S47°51'17"E	1243.00'

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	21°00'31"	3000.00'	N32°49'30"W	1093.85'	1100.00'
C2	9°32'57"	1500.00'	N38°33'16"W	249.71'	250.00'

GENERAL NOTES:

1. BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011)EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ELLIS CORS ARP (PID-DF8988)
2. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.
3. FLOOD ZONE DESIGNATION FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48257C01750, DATED JULY 03, 2012.

PAGE 7
OF 7

DATE: 03/06/19
DRWN BY: S.E.B.
CHKD BY: M.J.B.
PROJ NO. 0015

EXHIBIT A
320.00 ACRES
IN THE
J. MOORE SURVEY, ABSTRACT NO. 309
CITY OF CRANDALL E.T.J., KAUFMAN COUNTY,
TEXAS

LJA Surveying, Inc.

6060 North Central Expressway
Suite 440
Dallas, Texas 75206

Phone 469.621.0710

T.B.P.L.S. Firm No. 10194465

EXHIBIT "C"

DEED

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2018-0023653

Billable Pages: 7
Number of Pages: 8

FILED AND RECORDED - REAL RECORDS

CLERKS COMMENTS

On: 09/18/2018 at 11:07 AM

E-RECORDING

Document Number: 2018-0023653

Receipt No: 18-20926

Amount: \$ 50.00

Vol/Pg: V. 5808 P. 134



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: Maribel Vazquez, 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



IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

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

Kingsborough Development LLC ("Grantor"), in consideration of the sum of \$10.00 and other good and valuable consideration in hand paid by Texas 903 Partners LP, a Texas limited partnership, whose address is 255 Alhambra Circle, Suite 1160, Coral Gables, Florida 33134 ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, the real property located in Kaufman County, Texas which is more particularly described on Exhibit A attached hereto (the "Land"), together with all right, title and interest of Grantor (if any) in and to (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said land and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said Land and any of Grantor's rights to use same; (v) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding said Land, including any awards made or to be made relating thereto including any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same; (vi) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said Land; (vii) any and all air rights relating to said Land; and (viii) all reversionary interests in and to said Land (collectively, the "Property"), subject to the terms and conditions set forth in this Special Warranty Deed (the "Deed").

This conveyance is made and accepted subject to (collectively the "Permitted Exceptions") (a) real estate taxes on the Property for the current year, (b) the reservations contained in this Deed, (c) the items on Exhibit B attached hereto, to the extent same are valid and affect the Property, and (d) the following restriction, which is hereby imposed against the Property, touches and concerns the Property and shall constitute a covenant running with the land as to the Property for the benefit of Grantor, its successors and assigns:

No owner of all or a part of the Property may use or incorporate into its or their trademarks, advertising promotions, subdivision name, development name, or otherwise the designation "Heartland" or any derivative thereof.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns FOREVER, subject to the Permitted Exceptions, and, subject to the Permitted Exceptions, Grantor does hereby

bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its 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.

Real property ad valorem taxes and assessments having been prorated to the date hereof. Grantee hereby assumes and agrees to pay when due all such ad valorem property taxes and assessments for the year 2018 and subsequent years.

If the Property has been assessed for ad valorem real estate tax purposes at such rates (by exemption or otherwise) as would result in additional taxes or assessments being due in connection with the change in ownership of the Property or a change in the use of the Property for time periods prior to or after the date of this Deed, Grantee agrees to pay all such taxes and assessments, and Grantee indemnifies and agrees to defend and hold Grantor harmless from any claim, expense or liability relating to such taxes or assessments.

Effective Date: September 14, 2018

[Remainder of page intentionally left blank; signature is on the following page.]

Executed to be effective as of the Effective Date.

GRANTOR:

KINGSBOROUGH DEVELOPMENT, LLC,
a Texas limited liability company.

By: _____

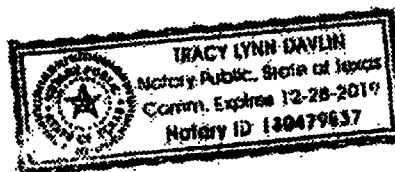
James Mabrey
Managing Member

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 14th day of September, 2018, by James L. Mabrey, Manager of KINGSBOROUGH DEVELOPMENT LLC, a Texas limited liability company, on behalf of said entity.

Tracy Lynn Davlin
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

[Official Notary Stamp]



[Signature page to Special Warranty Deed]

**EXHIBIT A
PROPERTY**

BEING A 320.00 ACRE TRACT OF LAND SITUATED IN THE J. MOORE SURVEY, ABSTRACT NUMBER 309, CITY OF CRANDALL (E.T.J.), KAUFMAN COUNTY, TEXAS, AND BEING ALL OF A 320.00 ACRE TRACT OF LAND CONVEYED TO THE JEITO FOUNDATION, AS RECORDED IN VOLUME 3787, PAGE 104, DEED RECORDS KAUFMAN COUNTY, TEXAS. SAID 320.00 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011)EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ELLIS CORS ARP (PID-DF8988), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND FOR THE NORTH CORNER OF A CALLED 785.779 ACRE TRACT OF LAND CONVEYED TO JLM 786 KAUFMAN COUNTY, LLC., AS RECORDED VOLUME 5215, PAGE 177, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS AND THE NORTHEAST CORNER OF A 607.680 ACRE TRACT OF LAND CONVEYED AS "TRACT 3" TO HEARTLAND 1800 INVESTMENT LAND, L.P., AS RECORDED IN VOLUME 3119, PAGE 142, DEED RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING ON THE SOUTHWEST LINE OF A 52 ACRE TRACT OF LAND CONVEYED AS "SECOND TRACT" TO A.J. LAYDEN AND ALBERTA ANN LAYDEN, AS RECORDED IN VOLUME 1073, PAGE 232, DEED RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT ALSO BEING IN EVANS ROAD/COUNTY ROAD NO 260 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, SOUTH 47 DEGREES 51 MINUTES 17 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID 785.779 ACRE TRACT AND THE SOUTHWEST LINE OF SAID 52 ACRE TRACT AND THE SOUTHWEST LINE OF A 313.5 ACRE TRACT OF LAND CONVEYED AS THE "FIRST TRACT" TO A.J. LAYDEN AND ALBERTA ANN LAYDEN, AS RECORDED IN VOLUME 1073, PAGE 232, DEED RECORDS, KAUFMAN COUNTY, TEXAS, A DISTANCE OF 1243.00 FEET TO A 5/8 INCH CAPPED IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE POINT OF BEGINNING AT THE NORTHWEST CORNER OF SAID 320.00 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 785.779 ACRE TRACT;

THENCE, SOUTH 47 DEGREES 51 MINUTES 42 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID 320.00 ACRE TRACT AND THE SOUTH LINE OF SAID FIRST TRACT, A DISTANCE OF 156.72 FEET TO A 3/8 INCH CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND FOR CORNER;

THENCE, SOUTH 46 DEGREES 15 MINUTES 13 SECONDS EAST, ALONG SAID COMMON LINE AND THE SOUTHWEST LINE OF A 11 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO FITZPATRICK LTD, AS RECORDED IN VOLUME 1166, PAGE 380, DEED RECORDS, KAUFMAN COUNTY, TEXAS, A 325 ACRE TRACT OF

LAND CONVEYED AS THE "THIRD TRACT" TO A.J. LAYDEN AND ALBERTA ANN LAYDEN, AS RECORDED IN VOLUME 1073, PAGE 232, DEED RECORDS, KAUFMAN COUNTY, TEXAS, A DISTANCE OF 4196.54 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER AT THE EAST CORNER OF SAID 320.00 ACRE TRACT THE SOUTH CORNER OF SAID 325 ACRE TRACT, SAID POINT BEING AT THE INTERSECTION OF SAID EVANS ROAD AND COUNTRY WOODS ROAD/COUNTY ROAD 261 (A PRESCRIPTIVE RIGHT-OF-WAY) AND BEING ON THE NORTHWEST LINE OF A 489.248 ACRE TRACT OF LAND CONVEYED TO CRANDALL AND 489 PARTNERS LTD, AS RECORDED IN VOLUME 3057, PAGE 229, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, SOUTH 44 DEGREES 01 MINUTES 54 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID 320.00 ACRE TRACT AND THE NORTHWEST LINE OF SAID 489.248 ACRE TRACT, A DISTANCE OF 3158.02 FEET TO A POINT FOR A SOUTH CORNER OF SAID 320.00 ACRE TRACT, SAID POINT BEING AN EAST CORNER OF A 1.000 ACRE TRACT OF LAND CONVEYED TO WILKEN RONALD DEAN ET AL, AS RECORDED IN VOLUME 3765, PAGE 473, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, NORTH 45 DEGREES 58 MINUTES 06 SECONDS WEST, ALONG A SOUTHWEST LINE OF SAID 320.00 ACRE TRACT AND THE NORTHEAST LINE OF SAID 1.000 ACRE TRACT, A DISTANCE OF 199.99 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 44 DEGREES 01 MINUTES 54 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 217.80 FEET TO A POINT FOR CORNER ON THE SOUTHWEST LINE OF SAID 320.00 ACRE TRACT AND A WEST CORNER OF SAID 1.000 ACRE TRACT, SAID POINT BEING ON THE EAST LINE OF AFORESAID 785.779 ACRE TRACT;

THENCE, ALONG THE WEST LINE OF SAID 320.00 ACRE TRACT AND THE EAST LINE OF SAID 785.779 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 22 DEGREES 19 MINUTES 15 SECONDS WEST, A DISTANCE OF 900.00 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21 DEGREES 00 MINUTES 31 SECONDS, A RADIUS OF 3000.00 FEET AND A LONG CHORD THAT BEARS NORTH 32 DEGREES 49 MINUTES 30 SECONDS WEST, A DISTANCE OF 1093.85 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 1100.00 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 09 DEGREES 32 MINUTES 57 SECONDS, A RADIUS OF 1500.00 FEET AND A LONG CHORD THAT BEARS NORTH 38 DEGREES 33 MINUTES 16 SECONDS WEST, A DISTANCE OF 249.71 FEET;

ALONG SAID REVERSE CURVE TO THE RIGHT, AN ARC DISTANCE OF 250.00 FEET TO A POINT FOR CORNER;

NORTH 33 DEGREES 45 MINUTES 52 SECONDS WEST, A DISTANCE OF 582.83 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

SOUTH 40 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 572.19 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

SOUTH 61 DEGREES 27 MINUTES 37 SECONDS WEST, A DISTANCE OF 354.61 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 46 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 87.63 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 52 DEGREES 49 MINUTES 55 SECONDS WEST, A DISTANCE OF 187.55 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 59 DEGREES 11 MINUTES 58 SECONDS WEST, A DISTANCE OF 285.08 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 44 DEGREES 28 MINUTES 09 SECONDS WEST, A DISTANCE OF 171.05 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 79 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 133.04 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 13 DEGREES 50 MINUTES 45 SECONDS EAST, A DISTANCE OF 1502.87 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 30 DEGREES 26 MINUTES 56 SECONDS EAST, A DISTANCE OF 733.64 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 60 DEGREES 58 MINUTES 20 SECONDS EAST, A DISTANCE OF 1369.70 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "WESTWOOD" FOUND FOR CORNER;

NORTH 42 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 328.27 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 320.00 ACRES OF LAND, MORE OR LESS.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Standby fees, taxes, and assessments by any taxing authority for the year 2018, and subsequent years.
2. 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.
3. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated June 10, 2005, filed June 15, 2005, in Volume 2659, Page 211, of the Official Public Records of Kaufman County, Texas.
4. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated June 13, 2005, filed June 15, 2005, in Volume 2659, Page 216, of the Official Public Records of Kaufman County, Texas.
5. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 9, 2016, filed December 14, 2016, in Volume 5215, Page 177, of the Official Public Records of Kaufman County, Texas.
6. Unrecorded Agricultural/Grazing Lease dated September 7, 2017, by and between The Jeito Foundation (Landlord) and Horton Ranches (Tenant).