

Control Number: 49366



Item Number: 1

Addendum StartPage: 0



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March 22, 2019 PUBLIC UTILITY COMMISSION
FILING CLERK

Post Office Box 1600
San Antonio Texas 78296 1600

Public Utility Commission of Texas
PO Box 13326
Austin, Texas 78711-3326


Re: Freeman Educational Foundation; Petition for Streamlined Expedited Release from the San Marcos Water Certificate of Convenience and Necessity; CCN No. 10298 in Hays County, Texas

Dear Commissioners:

In accordance with TWC § 13.254(a-5) and Section 24.245(1) of Title 16 of the Texas Administrative Code (the "Commission rules"), a landowner of 25 or more acres of land located in a CCN may request streamlined, expedited release from a Certificate of Convenience and Necessity "CCN." Frost Bank National Bank, as Trustee of the Freeman Educational Foundation, is the landowner of more than 25 acres; the property is not receiving water service from the current CCN holder, the City of San Marcos; and, at least part of the tract of land is located in the current CCN holder's certificated service area and in Hays County, which is a qualifying county.

Exhibit A is a copy of the recorded Warranty Deed that describes the property for exclusion from the City of San Marcos Water. The property includes approximately 476 acres of land within CCN No. 10298, and the property is located in Hays County a qualifying County under Section 24.113(1). Exhibit B, attached as a CD-ROM, is a digital mapping data in a shapefile (.shp) formatted to PUC specifications for the area that the PUC must remove from the City of San Marcos Water CCN Area. Exhibit C, attached, is a copy of the U.S. Postal Service Certified Mail Receipt evidencing that mailing of a copy of this petition to the City of San Marcos, the current CCN holder. Exhibit D is a sealed, metes & bounds description of the property. Exhibit E is the Commission's water CCN map showing the location of the property within the San Marcos water CCN.

If you have any questions or need additional information, please do not hesitate to contact our legal counsel in regard to this matter, Randall B. Wilburn with Gilbert Wilburn, PLLC, at 512-535-1661.

Sincerely,

Robert K. Wynn, SVP

Enclosures

Cc: City of San Marcos
603 East Hopkins
San Marcos, Texas 78666

EXHIBIT A

149315

15 00

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. Reviewed 1-1-76. To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.

FILED

JUN 20 1970

SPECIAL WARRANTY DEED (LONG FORM) HAYS COUNTY, TEXAS

JUN 25 AM 9 02

THE STATE OF TEXAS COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

CLERK

That I, HAROLD M. FREEMAN, a single man

of the County of Bexar and State of Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00)

DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged,

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto FROST NATIONAL BANK, Independent Executor and Trustee under the Will of Joseph Freeman, acting by and through its authorized officers

of the County of Bexar and State of Texas, all of the following described real property in Hays County, Texas, to-wit:

EXHIBIT A

Vol. 359 p. 371

a one-half (1/2) undivided interest in 525.22 acres of land of which 324.0 acres is out of the S. A. & M. G. Railroad Survey No. 10, 32.53 acres out of the Wm. West Survey No. 2, 150.22 acres out of the Jesse W. Wilson Survey and 18.47 acres out of the 627 acre Survey patented to James P. Hector, Assignee of the S. A. & M. G. Railroad Company by patent No. 534, Vol. 7, dated March 24, 1880, in Hays County, Texas, and being more particularly described by metes and bounds described on Exhibit "A".

SAVE AND EXCEPT, however, that the Grantor herein reserves, and it is expressly agreed that he should have, for himself and his assigns, the full possession, benefit and use of the above described premises, as well as the rents, revenues and profits thereof, for and during his natural life.

RECORDED
MAY 19 1911

SAVE AND EXCEPT, the Grantor reserves all of the oil, gas, coal, lignite, sulphur, uranium, thorium, molybdenum and other fissionable minerals, together with all other minerals, whether similar or dissimilar, in, on and under the Hays County Tract together with all reversions, if any, of outstanding term interest and together with the right of ingress and egress for the purpose of mining, drilling, leaching, strip mining, exploring said land for oil, gas, uranium and other fissionable minerals together with all other minerals and removing same therefrom. It is understood and agreed that the exercise of all exploration or development activities with respect to all said minerals shall be wholly at the option of Grantee, its successors and assigns.

Witness

EXHIBIT A

559 . 372

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee, its ^{SUCCESSORS} and assigns forever, and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, its ^{SUCCESSORS} and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under me, but not otherwise.

This conveyance is made and accepted subject to easements and restrictions of record.

The property conveyed herein is that portion of the herein described property which Grantor owns in fee simple and does not affect the other one-half (1/2) undivided interest in the property subject to that one certain Life Estate granted to Harold M. Freeman in the Will of Joseph Freeman probated in Cause Number 131,487, County Courts, Bexar County, Texas, Sitting in Matters Probate and recorded in Volume 1191 at Page 664, Probate Minutes, Bexar County, Texas.

EXECUTED EFFECTIVE the 14th day of October, A. D. 19 79.

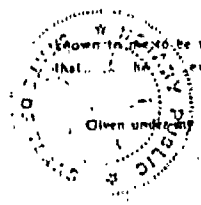
Harold M. Freeman
HAROLD M. FREEMAN

RECORDED

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared HAROLD M. FREEMAN

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Given under my hand and seal of office on this the 13th day of JUNE, A. D. 19 81

Anabel Harris
Notary Public in and for Bexar County, Texas
My commission expires 8-14, 1984
ANABEL HARRIS
NOTARY PUBLIC
BEXAR COUNTY, TEXAS

EXHIBIT C

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

SAN MARCOS, TX 78666

Certified Mail Fee	\$3.50	0128
Postage	\$1.30	04
Total Postage and Fees	\$4.80	

Postmark Here
03/22/2019

Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 40.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Sent To City of San Marcos
Street and Apt. No., or PO Box No. 603 East Hopkins
City, State, ZIP+4® San Marcos, TX 78666

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 3560 0000 1362 2792

EXHIBIT D



METES AND BOUNDS DESCRIPTION FOR A 290.256 ACRE TRACT OF LAND

Being a 290.256 acre tract of land out of the William West Survey No. 2, Abstract No. 488, the S.A. & M.G. RR Company Survey No. 10, Abstract No. 819, the J. W. Wilson Survey, Abstract No. 481, the J. McGuire Survey No. 60, Abstract No. 320, and the W. Burnett Survey No. 59, Abstract No. 56, situated in Hays County, Texas, being out of the remaining portion of a called 525.22 acre tract of land, as conveyed to Frost National Bank, Independent Executor and Trustee under the Will of Joseph Freeman, and recorded in Volume 359, Page 870, of the Official Public Records of Hays County, Texas, and said 290.256 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the Northerly end of a cutback line between the Northeasterly Right-of-Way (R.O.W.) line of Redwood Road (C.R. 245) (a variable width R.O.W.) and the Southeasterly R.O.W. line of Old Bastrop Highway (a variable width R.O.W.), and being a Westerly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE departing the cutback line between said Redwood Road and said Old Bastrop Highway, with the Southeasterly R.O.W. line of said Old Bastrop Highway, and with the Northwesterly line of the remaining portion of said 525.22 acre tract of land, the following courses:

- N 61° 35' 58" E, a distance of 119.71 feet to a point for a Northwesterly corner;
- N 56° 31' 12" E, a distance of 211.60 feet to a point for a Northwesterly corner;
- N 62° 05' 50" E, a distance of 3,055.43 feet to a point for a Northwesterly corner;
- N 62° 06' 00" E, a distance of 1,688.60 feet to a point for a Northerly corner;
- N 52° 43' 00" E, a distance of 229.90 feet to a point for a Northerly corner;
- N 46° 45' 00" E, a distance of 278.80 feet to a point for a Northeasterly corner;

THENCE continuing with the Southeasterly R.O.W. line of said Old Bastrop Highway, and with the Northwesterly line of the remaining portion of said 525.22 acre tract of land, N 79° 52' 00" E, a distance of 110.50 feet to a point at the intersection of the Southeasterly R.O.W. line of said Old Bastrop Highway and the Southwesterly R.O.W. line of Staples Road (F.M. 621) (a variable width R.O.W.), and being the most Northerly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

EXHIBIT D

THENCE departing the Southeasterly R.O.W. line of said Old Bastrop Highway, with the Southwesterly R.O.W. line of said Staples Road, and with the Northeasterly line of the remaining portion of said 525.22 acre tract of land, the following courses:

S 66° 55' 00" E, a distance of 83.30 feet to a point for a Northerly corner;

S 48° 33' 00" E, a distance of 843.10 feet to a point for a Northeasterly corner;

S 46° 26' 00" E, a distance of 704.10 feet to a point for a Northeasterly corner;

THENCE continuing with the Southwesterly R.O.W. line of said Staples Road, and with the Northeasterly line of the remaining portion of said 525.22 acre tract of land, S 41° 35' 41" E, a distance of 329.31 feet to a point in the Southwesterly line of said Staples Road, being the most Northerly Northeast corner of a called 45.42 acre tract of land, as conveyed to Hays County, Texas, and recorded in Document No. 16011632, of the Official Public Records of Hays County, Texas, and being a Northeasterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said Staples Road, and with the common line between the remaining portion of said 525.22 acre tract of land and said 45.42 acre tract of land, the following courses:

S 46° 07' 34" W, a distance of 10.00 feet to a point for a Northeasterly corner;

S 43° 52' 26" E, a distance of 208.95 feet to a point for a Northeasterly corner;

S 04° 17' 31" W, a distance of 206.27 feet to a point for an Easterly corner;

S 46° 43' 39" W, a distance of 343.42 feet to a point for a Southeasterly corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 953.34 feet, a radius of 3,472.00 feet, a delta angle of 15° 43' 56", a tangent length of 479.69 feet, and a chord bearing and distance of S 54° 35' 37" W, 950.35 feet to a point for a Southeasterly corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 679.00 feet, a radius of 7,972.00 feet, a delta angle of 04° 52' 48", a tangent length of 339.70 feet, and a chord bearing and distance of S 64° 53' 59" W, 678.79 feet to a point for a Southeasterly corner;

S 69° 35' 44" W, a distance of 942.30 feet to a point for a Southeasterly corner;

S 69° 35' 44" W, a distance of 1,000.00 feet to a point for a Southeasterly corner;

S 69° 35' 44" W, a distance of 1,000.00 feet to a point for a Southeasterly corner;

S 76° 25' 25" W, a distance of 338.57 feet to a point for a Southerly corner, and being at the beginning of a curve to the left;

With said curve to the left, having an arc length of 473.27 feet, a radius of 2,898.79 feet, a delta angle of 09° 21' 15", a tangent length of 237.16 feet, and a chord bearing and distance of S 76° 36' 42" W, 472.74 feet to a point for a Southerly corner;

EXHIBIT D

S 69° 35' 44" W, a distance of 177.16 feet to a point for the most Southerly corner;

N 74° 31' 15" W, a distance of 183.35 feet to a point for a Southwesterly corner,

N 41° 35' 28" W, a distance of 51.45 feet to a point for a Southwesterly corner:

THENCE continuing with the common line between the remaining portion of said 525.22 acre tract of land and said 45.42 acre tract of land, S 51° 22' 36" W, a distance of 5 76 feet to a point in the Northeasterly R.O.W. line of aforementioned Redwood Road, being the most Westerly corner of said 45.42 acre tract of land, and being a Southwesterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Redwood Road, and with the Southwesterly line of the remaining portion of said 525.22 acre tract of land, the following courses:

N 40° 10' 13" W, a distance of 1,110.31 feet to a point for a Southwesterly corner;

N 40° 01' 28" W, a distance of 177.86 feet to a point for a Westerly corner;

N 34° 29' 47" W, a distance of 106.35 feet to a point for a Westerly corner:

N 39° 53' 30" W, a distance of 122.46 feet to a point for the most Westerly corner, being at the Southerly end of aforementioned cutback line between the Northeasterly R.O.W. line of said Redwood Road and the Southeasterly R.O.W. line of said Old Bastrop Highway;

THENCE with said cutback line between the Northeasterly R.O.W. line of said Redwood Road and the Southeasterly R.O.W. line of said Old Bastrop Highway, N 10° 51' 13" E, a distance of 43.36 feet to the POINT OF BEGINNING, and containing 290.256 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Volume 359, Page 870, of the Official Public Records of Hays County, Texas.

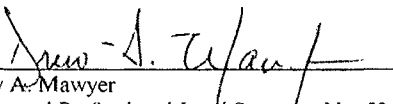

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
LJA047- NW TRACT- PRELIM- 031519



EXHIBIT D



METES AND BOUNDS DESCRIPTION FOR A 187.163 ACRE TRACT OF LAND

Being a 187.163 acre tract of land out of the William West Survey No. 2, Abstract No. 488, the S.A. & M.G. RR Company Survey No. 10, Abstract No. 819, the J. W. Wilson Survey, Abstract No. 481, the W. Burnett Survey No. 59, Abstract No. 56, and the 627 acre Survey patented to James P. Hector, Assignee of the S.A. & M.G. RR Company by patent No. 534, Volume 7, recorded in Hays County, Texas, being situated in Hays County, Texas, being out of the remaining portion of a called 525.22 acre tract of land, as conveyed to Frost National Bank, Independent Executor and Trustee under the Will of Joseph Freeman, and recorded in Volume 359, Page 870, of the Official Public Records of Hays County, Texas, and said 187.163 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Southwesterly Right-of-Way (R.O.W.) line of Staples Road (F.M. 621) (a variable width R.O.W.), being the most Northerly corner of a called 11.44 acre tract of land, as conveyed to Andra Sue Moore, and recorded in Volume 1340, Page 622, of the Official Public Records of Guadalupe County, Texas, and being the most Easterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly R.O.W.) line of said Staples Road, with the Northwesterly line of said 11.44 acre tract of land, the Northwesterly line of a called 2.06 acre tract of land, as conveyed to Adam and Susan Harwood, and recorded in Document No. 2016000615, of the Official Public Records of Guadalupe County, Texas, the Northwesterly line of a called 10.02 acre tract of land, as conveyed to C Reynolds Enterprises, LLC, and recorded in Document No. 2016001445, of the Official Public Records of Guadalupe County, Texas, and with the Southeasterly line of the remaining portion of said 525.22 acre tract of land, S 50° 00' 00" W, a distance of 1,968.20 feet to a point in the Northwesterly line of said 10.02 acre tract of land, and being a Southeasterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE with the Northwesterly line of said 10.02 acre tract of land, the Northwesterly line of a called 10.02 acre tract of land, as conveyed to Chad L. Reynolds, and recorded in Volume 2276, Page 653, of the Official Public Records of Guadalupe County, Texas, with the Northwesterly lines of Lots 315 through 339, of Rancho Vista Subdivision, as recorded in Volume 4, Page 317-318, of the Map and Plat Records of Guadalupe County, Texas, and with the Southeasterly line of the remaining portion of said 525.22 acre tract of land, S 50° 00' 00" W, a distance of 3,852.77 feet to a point for the most Westerly corner of said Lot 339, being in the Northeasterly R.O.W. line of Redwood Road (C.R. 245) (a variable width R.O.W.), and being the most Southerly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

EXHIBIT D

THENCE with the Northeasterly R.O.W. line of said Redwood Road, and with the Southwesterly line of the remaining portion of said 525.22 acre tract of land, N 77° 38' 31" W, a distance of 44.84 feet to a point in the Northeasterly R.O.W. line of said Redwood Road, being at the beginning of a curve to the right, and being a Southwesterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Redwood Road, same being the Southwesterly line of the remaining portion of said 525.22 acre tract of land, and with said curve to the right, having an arc length of 292.86 feet, a radius of 450.00 feet, a delta angle of 37° 17' 18", a tangent length of 151.83 feet, and a chord bearing and distance of N 58° 59' 52" W, 287.72 feet to a point in the Northeasterly R.O.W. line of said Redwood Road, and being a Southwesterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE continuing with the Northeasterly R.O.W. line of said Redwood Road, and with the Southwesterly line of the remaining portion of said 525.22 acre tract of land, N 40° 06' 35" W, a distance of 1,889.29 feet to a point in the Northeasterly R.O.W. line of said Redwood Road, being the Southwest corner of a called 45.42 acre tract of land, as conveyed to Hays County, Texas, and recorded in Document No. 16011632, of the Official Public Records of Hays County, Texas, and being a Westerly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Redwood Road, and with the common line between said 45.42 acre tract of land and the remaining portion of said 525.22 acre tract of land, the following courses:

N 49° 22' 04" E, a distance of 4.03 feet to a point for a Westerly corner;

N 39° 17' 35" W, a distance of 75.65 feet to a point for the most Westerly corner;

N 23° 45' 14" E a distance of 91.45 feet to a point for a Westerly corner;

N 69° 35' 44" E, a distance of 168.12 feet to a point for a Northwesterly corner, and being at the beginning of a curve to the left;

With said curve to the left, having an arc length of 471.38 feet, a radius of 2,900.79 feet, a delta angle of 09° 18' 38", a tangent length of 236.21 feet, and a chord bearing and distance of N 63° 55' 09" E, 470.86 feet to a point for a Northwesterly corner;

N 64° 47' 10" E, a distance of 558.42 feet to a point for a Northwesterly corner;

N 69° 25' 15" E, a distance of 573.74 feet to a point for a Northwesterly corner;

N 69° 25' 15" E, a distance of 1,000.00 feet to a point for a Northwesterly corner;

N 69° 25' 15" E, a distance of 1,000.00 feet to a point for a Northerly corner;

N 71° 51' 24" E, a distance of 1,283.82 feet to a point for a Northeasterly corner, and being at the beginning of a curve to the left;

EXHIBIT D

With said curve to the left, having an arc length of 910.18 feet, a radius of 2,020.00 feet, a delta angle of $25^{\circ} 49' 00''$, a tangent length of 462.95 feet, and a chord bearing and distance of $N 58^{\circ} 56' 54'' E$, 902.50 feet to t point for a Northeasterly corner;

$N 49^{\circ} 57' 48'' E$, a distance of 54.89 feet to a point for a Northeasterly corner;

$S 85^{\circ} 42' 29'' E$, a distance of 148.62 feet to a point for a Northeasterly corner;

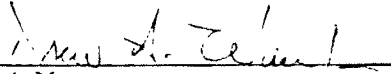
$S 45^{\circ} 06' 07'' E$, a distance of 76.41 feet to a point for a Northeasterly corner;

THENCE continuing with the common line between said 45.42 acre tract of land and the remaining portion of said 525.22 acre tract of land, $N 46^{\circ} 07' 39'' E$, a distance of 11.39 feet to a point in the Southwesterly R.O.W. line of aforementioned Staples Road, being the most Easterly corner of said 45.42 acre tract of land, and being a Northeasterly corner of the remaining portion of said 525.22 acre tract of land and this herein described tract of land;

THENCE with the Southwesterly R.O.W. line of said Staples Road, and with the Northeasterly line of the remaining portion of said 525.22 acre tract of land, $S 42^{\circ} 13' 44'' E$, a distance of 347.89 feet to the POINT OF BEGINNING, and containing 187.163 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

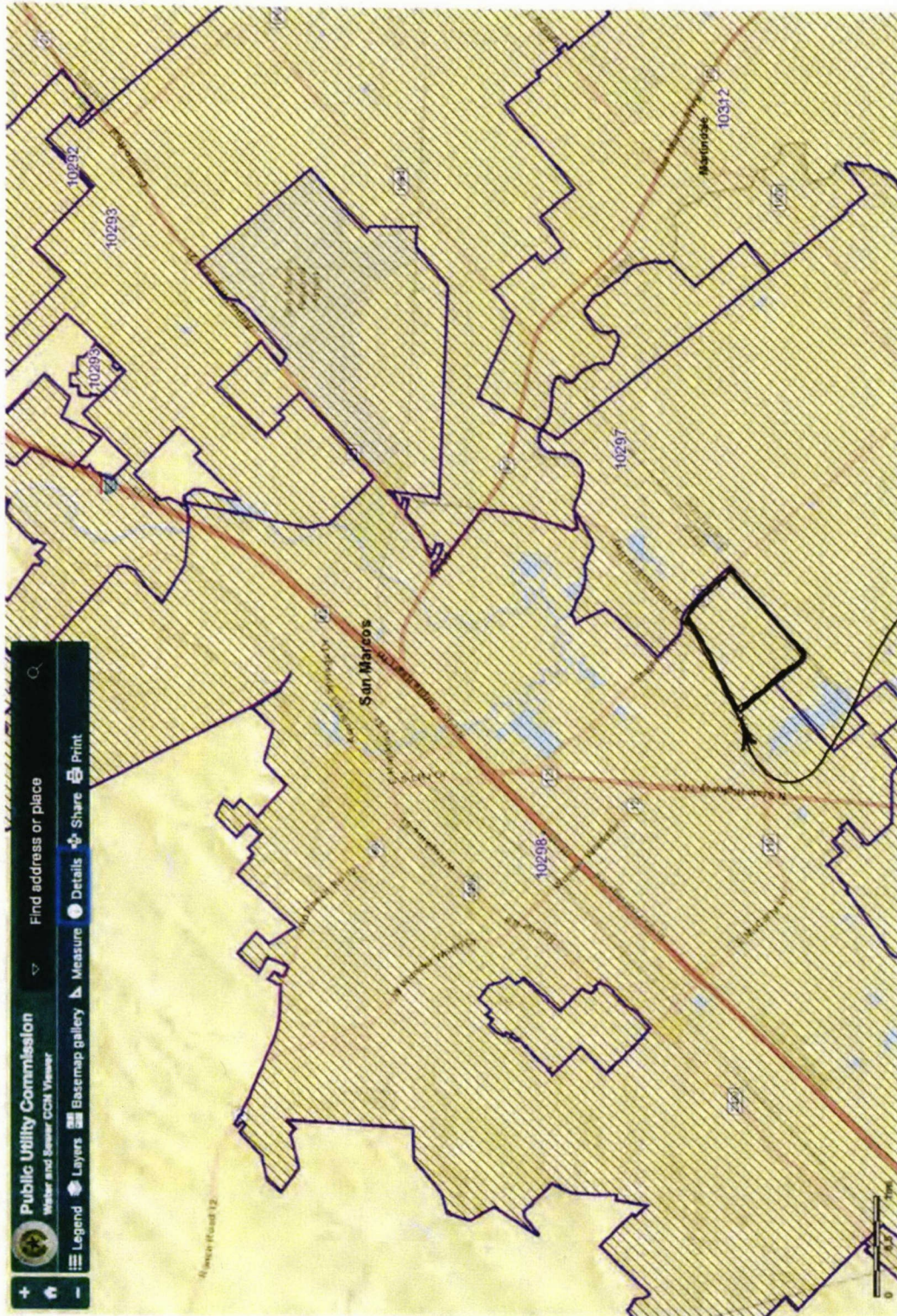
Bearings based on Volume 359, Page 870, of the Official Public Records of Hays County, Texas.



Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
LJA047- SE TRACT- PRELIM- 031519



EXHIBIT E



Freeman
Educational
Foundation
Property