



Control Number: 49863



Item Number: 8

Addendum StartPage: 0

PUC DOCKET NO. 49863

PETITION OF ALAMO MISSION LLC
TO AMEND ROCKETT SPECIAL
UTILITY DISTRICT'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN ELLIS COUNTY
BY EXPEDITED RELEASE

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PUBLIC UTILITY COMMISSION
OF TEXAS

**ROCKETT SPECIAL UTILITY DISTRICT'S
RESPONSE AND OBJECTION TO PETITION FOR EXPEDITED RELEASE**

COMES NOW, ROCKETT SPECIAL UTILITY DISTRICT ("Rockett") and files this Response and Objection to the Petition for Expedited Release by Alamo Mission LLC ("Petitioner") filed with the Public Utility Commission of Texas (the "PUC") on August 16, 2019 (the "Petition"). Order No. 2 of this Docket provided the deadline of September 24, 2019 for Rockett to file a response to the administratively complete Petition; therefore, this Response is timely filed.

Overview

1. The Petition seeks to decertify approximately 167 contiguous acres of real property in Ellis County (the "Property") within Rockett's CCN pursuant to Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.245(I).

2. The Property is not eligible for expedited decertification under TWC § 13.254(a-5) and 16 TAC §24.245(I), as such statutes do not authorize expedited decertification of land that is receiving water service. Contrary to the Petition, Rockett is currently providing water service to the Property as defined by TWC § 13.002 and 16 TAC § 24.3.

Discussion

3. Rockett Special Utility District, a political subdivision of the State of Texas, is a retail public utility and operating under Chapter 65 of the Texas Water Code. Rockett



holds Certificate of Convenience and Necessity (CCN) No. 10099. Because the Property is located within its CCN, Rockett is obligated to provide service to the Property as the CCN holder, as provided by TWC § 13.250(a).

4. TWC § 13.254(a-5) authorizes expedited decertification for land that is not receiving water or sewer service. Both TWC § 13.002(21) and 16 TAC § 24.3(62) define “service” as follows:

*“Service” means **any act performed, anything furnished or supplied, and any facilities or lines committed or used** by a retail public utility in the performance of its duties ... (emphasis added).*

Rockett has performed acts in furtherance of the provision of retail water service to the Property, including without limitation, the following:

a. Rockett previously installed a 12” waterline and a water connection tap **directly on** the south portion of the Property, as both are seen in Exhibit A, attached hereto.

b. Rockett currently utilizes and transmits water to its customers through said 12” waterline.

c. Rockett has provided and continues to provide water service to the Property through a 5/8” x 3/4” water meter at the water connection tap shown in Exhibit A. In 2005, at the request of Roy Lee Filgo, Rockett initiated water service to the Property and established Account #24-0405-00 for water usage. A true and correct copy of Rockett’s system record showing receipt of the deposit for said meter and for establishing service is provided in Exhibit B.

d. In 2012, Goodloe Farms requested water service to the Property and Rockett established Account #24-0405-01 for water usage. A true and correct

copy of the service agreement between Rockett and Goodloe Farms and payment of the deposit and activation of the meter is provided in Exhibit B.

The attached Exhibit A is a true and correct map identifying the Property, the 12" waterline on the Property, and the location of the water connection tap and 5/8" x 3/4" meter were installed. The attached Exhibit B is the supporting affidavit of Kay Phillips, the general manager of Rockett.

5. Rockett refutes Petitioner's allegations in the Petition that Rockett has no facilities that would be impacted by the removal of the Property from its CCN. In fact, Rockett has facilities or lines committed or used by Rockett to serve the Property and adjacent lands of the Property.

TWC § 13.002(9) and 16 TAC § 24.3(24) define "facilities" as follows:

*"Facilities" means **all the plant and equipment** of a retail public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities **in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection** with the business of any retail public utility (emphasis added).*

Rockett installed a 12" waterline directly on the Property to service not only the Property itself but also the surrounding land within Rockett's service area. Additionally, Rockett has installed a network of waterlines to provide water service to its customers, including 12" and 6" waterlines installed near the Property, the location of which is shown in Exhibit A. Thus, such waterlines, including the 12" waterline on the Property, are facilities and lines committed or used by Rockett in the performance of its duties as a retail public utility.

6. Westfall Engineering, an engineer for the City of Red Oak (the "City"), requested Rockett's consulting engineer and management to analyze Rockett's facilities for various requested demands. The City preliminarily prepared proposed infrastructure

improvements, including the **installation of a 16" waterline** from Rockett's current existing pump station (referred to as McKenna Pump Station and also Pump Station #2) **through the Property**; the location of both are shown in the depiction prepared by the City titled "Utility Infrastructure Proposed Improvements", which is found on page 10 of the attached Exhibit C. Additionally, Westfall Engineering provided Rockett with an invoice for payment of services related to such plans. A true and correct copy of the invoice dated May 10, 2018 is included on page 17 of Exhibit C.

Moreover, there were discussions of upsizing approximately 2,600 linear feet (2,600' LF) of the proposed 16" waterline to a 24" waterline for future development on the Property and surrounding area. Thus, Rockett's Board of Directors approved the installation of the 16" waterline and 2600' LF upsized to 24" waterline in the amount of \$270,000.00 at their regular board of directors meeting, open to the public, on December 19, 2017. A true and correct copy of the approved minutes of such meeting is attached hereto as Exhibit D.

7. Rockett disputes Petitioner Alamo Mission LLC is the owner of the Property as contemplated by TWC § 13.254(a-5), as alleged in the Petition. The Special Warranty Deed provided as Exhibit D attached to the Petition states that the conveyance of the Property to Petitioner is contingent or conditioned on terms of the "Real Estate Purchase and Sale Agreement dated as of June 19, 2019" ("Sale Agreement") (Exhibit D to the Petition at p. 19). Petitioner has failed to attach as an exhibit to the Petition a copy of the Sale Agreement, which leaves in doubt the nature or extent of Petitioner's ownership claim to the Property. The claim of ownership must be rejected until and unless Petitioner provides complete documentation of the true nature of its claim to ownership.

Conclusion

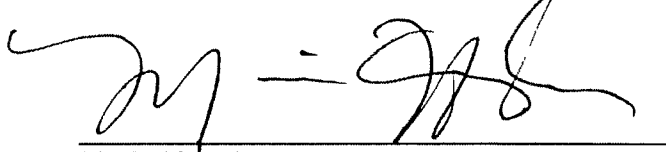
8. The Property is not eligible for expedited decertification under TWC § 13.254(a-5) and 16 TAC § 24.245(l) because Rockett provides “service” to the Property and through its “facilities” as defined under TWC 13.002 and 16 TAC § 24.3. Specifically, Rockett installed a 12” waterline on the Property and a water connection tap, has provided and continues to provide water service to the Property through a 5/8” x 3/4” water meter, and intends to provide water service to the Property and the adjacent lands through its 12” and 6” waterlines currently installed, in addition to future waterlines as service is requested.

Furthermore, Petitioner has not shown whether it is the true owner, or merely a conditional owner, of the Property, as Petitioner has not provided a copy of the Sale Agreement to verify the true nature of ownership of the Property.

9. Because the requisite statutory criteria for decertification under TWC § 13.254(a-5) and 16 TAC § 24.245(l) have not been met, Rockett Special Utility District respectfully requests that the Petition be denied in its entirety. If the PUC intends to proceed with process the Petition notwithstanding the fact that the Property is not eligible for expedited decertification, then Rockett request the opportunity to present evidence in a contested or other appropriate hearing, and that Rockett be granted any other and further relief to which it may show entitlement.

Respectfully submitted,

JAMES W. WILSON & ASSOCIATES, PLLC



Maria Huynh
 State Bar No. 24086968
 James W. Wilson
 State Bar No. 00791944
 103 W. Main Street
 Allen, Texas 75013
 Tel: (972) 727-9904
 Fax: (972) 755-0904
 mhuynh@jww-law.com
 jwilson@jww-law.com

ATTORNEYS FOR ROCKETT SPECIAL
 UTILITY DISTRICT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on the following parties of record on September 23, 2019, in accordance with 16 TAC § 22.74.

via e-mail: steven.gonzalez@puc.texas.gov

Steven Gonzalez
 Attorney-Legal Division
 Public Utility Commission
 1701 N. Congress
 P.O. Box 13326
 Austin, Texas 78711-3326
Attorney for the Commission

via e-mail: ldougal@jw.com

Leonard Dougal
 Jackson Walker L.L.P.
 100 Congress, Suite 110
 Austin, Texas 78701
Attorney for Petitioner



Maria Huynh

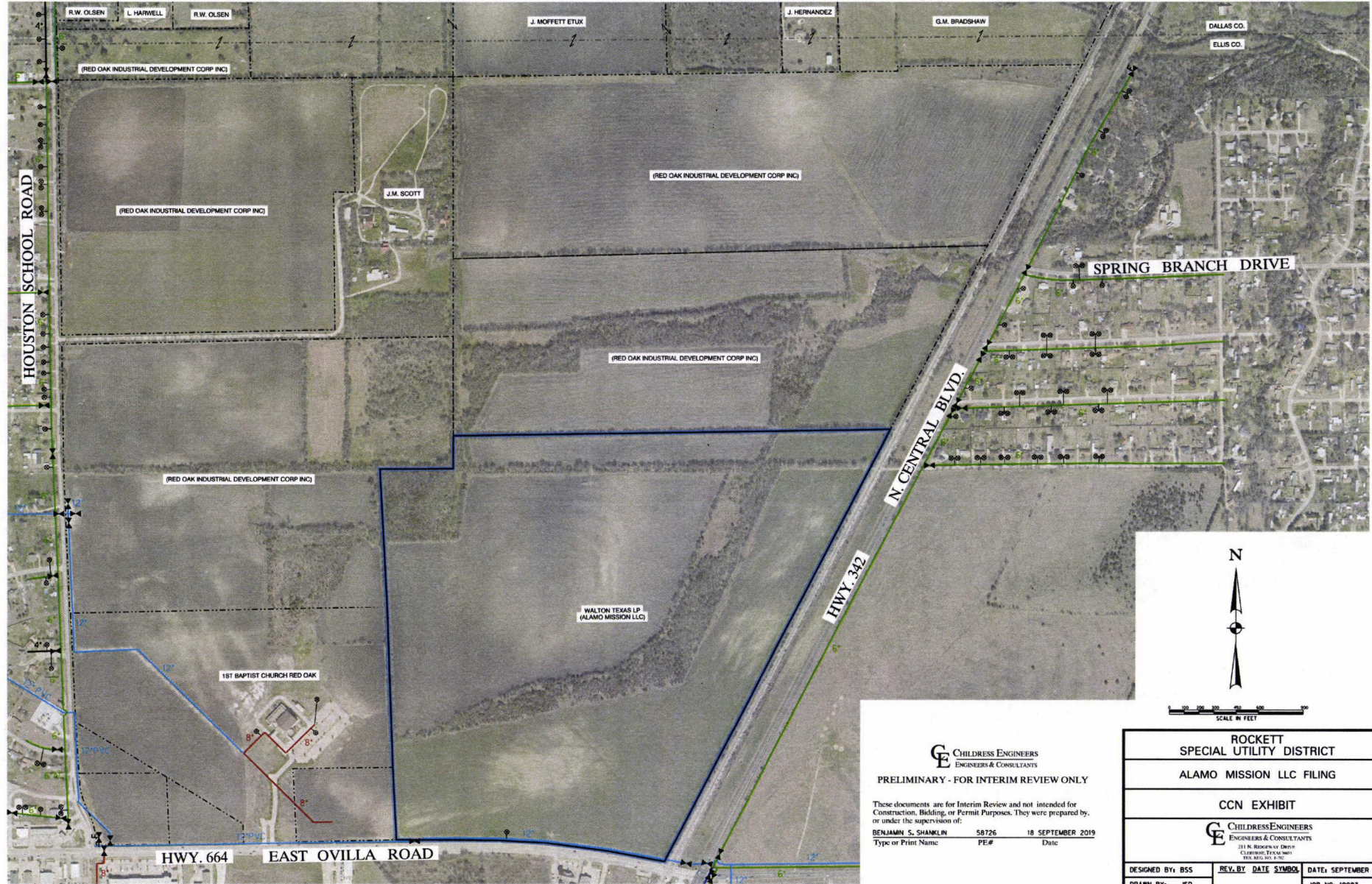
EXHIBIT A

SCALE 1"=400'

10/26/2019

PLT DATE: 9/18/2019

19083 EXHIBIT ALAMO.MXD



CHILDRESS ENGINEERS
ENGINEERS & CONSULTANTS
PRELIMINARY - FOR INTERIM REVIEW ONLY
These documents are for Interim Review and not intended for Construction, Bidding, or Permit Purposes. They were prepared by, or under the supervision of:
BENJAMIN S. SHANKLIN 58726 18 SEPTEMBER 2019
Type or Print Name PE# Date

ROCKETT SPECIAL UTILITY DISTRICT		
ALAMO MISSION LLC FILING		
CCN EXHIBIT		
CHILDRESS ENGINEERS ENGINEERS & CONSULTANTS 211 N. ROCKWELL DRIVE CLEBURG, TEXAS 76033 TEL: 817.251.4700		
DESIGNED BY: BSS	REV. BY	DATE SYMBOL
DRAWN BY: JSD		DATE: SEPTEMBER 2019
CHECKED BY: BSS		JOB NO: 19083
		SHEET NO. 1 OF 1

19083 EXHIBIT ALAMO.MXD

EXHIBIT B

SUPPORTING AFFIDAVIT OF KAY PHILLIPS

STATE OF TEXAS

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COUNTY OF ELLIS

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BEFORE ME, the undersigned authority, on said date personally appeared Kay Phillips, who being first duly sworn states as follows:

"My name is Kay Phillips. I am over the age of 18 years of age and I am of sound mind and qualified to make this affidavit. I have personal knowledge of all facts stated herein.

Since 2007, I have been the duly appointed general manager of Rockett Special Utility District (the "District") and I am custodian of the records of the District.

I have read the District's Response to the Petition for Expedited Release in Docket No. 49863 (the "Response") and each and every factual statement contained therein is true and correct.

The Exhibit A attached to the Response is a true and correct copy of a map showing a portion of the District's water system, as prepared by the District's engineer of record, Benjamin S. Shanklin, P.E. The Property that is the subject matter of Docket No. 49863 is accurately located on the map and outlined in blue.

The District installed the 12" waterline indicated on the Property and Account #24-0405-00 was established to initiate water service in 2005 to the Property through a 5/8" x 3/4" water meter and said 12" waterline. In 2012, a subsequent request for water service to the Property was made, and the District established Account #24-0405-01 to provide water service to the Property.

The following shall be referred to individually and collectively as the "Records":

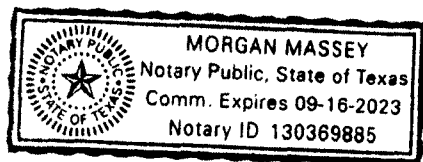
1. Attached to this Affidavit is a true and correct copy of District's records for the receipt of payment for the deposit of Account #24-0405-00, dated August 10, 2005, for customer Roy Lee Filgo;
2. Also attached to this Affidavit is a true and correct copy of the contents of the District's files for Account #24-0405-01, including a service agreement between the District and Goodloe Farms, as well as payment and receipt of the meter deposit and activation fee of the meter;
3. The invoice found in Exhibit C attached to the Response is a true and correct copy of the invoice from Westfall Engineering submitted to and paid by the District;
4. The minutes found in Exhibit D attached to the Response is a true and correct copy of the Minutes of the District's Board of Directors' regular meeting, open to the public, on December 19, 2017.

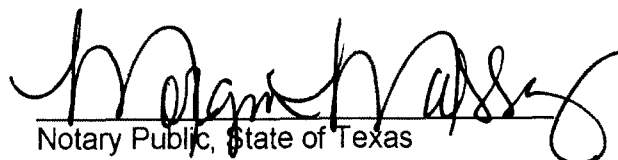
The Records were made at or near the time of each act, event or condition set forth. The Records were kept in the course of regularly conducted business activity of the District. It is the regular practice of the District activity to make the Records."



Kay Phillips, General Manager
Rockett Special Utility District

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on the 23rd day of September, 2019, by Kay Phillips, General Manager of Rockett Special Utility District, a political subdivision of the State of Texas.





Notary Public, State of Texas

Receipt
 Operator
 Terminal
 Batch
 Date
 Time

Payments

Method	Reference	Name	Amount
2-Check	1156		100.00CR

Charges

Tran Code	SYS	Account #	Name	Amount
2 0000- SECURITY DEPOSIT	USD	24-0405-00	FILGO, ROY LEE	100.00CR

Receipt

Clear

mmassey



The District is responsible for protecting the drinking water supply from contamination or pollution which could result from improper practices. This Agreement serves as notice to each customer of the restrictions which are in place to provide this protection. The District shall enforce these restrictions to ensure the public health and welfare. The following undesirable practices are prohibited by state regulations:

1. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an airgap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices must be in compliance with state plumbing codes.
2. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the proper installation of an airgap or a reduced pressure-zone backflow prevention assembly and a service agreement must exist for annual inspection and testing by a certified backflow prevention device tester.
3. All Industrial, Commercial, and Residential, will install a Backflow Device at the meter. Upon completion or construction, Rockett Special Utility District will conduct a CSI (Customer Service Inspection) to identify any other possible cross connections. Backflow Device must be tested when installed and tested annually by a certified inspector.
4. No connection which allows condensing, cooling, or industrial process water to be returned to the public drinking water supply is permitted.
5. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing on or after July 1, 1988, at any connection which provides water for human consumption.
6. No solder or flux which contains more than 2.0% lead may be used for the installation or repair of plumbing on or after July 1, 1988, at any connection which provides water for human consumption.
7. All irrigation systems must have a proper backflow prevention device installed and tested.

The District shall maintain a copy of this Agreement as long as the Customer and/or premises are connected to the public water system. The Customer agrees to permit their property to be inspected for possible cross-connections, potential contamination hazards, and illegal lead materials. These inspections shall be conducted by the District or its designated agent prior to initiating service and periodically thereafter. The inspections shall be conducted during the District's normal business hours, except in emergencies.

The District shall notify the Applicant in writing of any cross-connections or other potential contamination hazard which has been identified during the initial or the periodic reinspection. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on their premises. The Applicant shall, at his/her expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District as required. Failure to comply with the terms of this service agreement shall cause the District to terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

ENFORCEMENT: If the Customer fails to comply with the terms of this Agreement the District shall, at its option, terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.



COST OF SERVICE NOTICE

(Residential Service)

APPLICANT(S): GOODLOE FARMS

DATE January 3, 2012

PROPERTY: PASTURE OVILLA RD

The District has determined the cost for providing service to your property in the amount stated below. By signing this notice, you acknowledge that all charges and fees for service are non-refundable except for the Deposit. If you sell or vacate the property, you must request a final monthly bill and provide a forwarding address. The District will apply your Deposit to the final bill and refund the difference. This notice is provided in accordance with Section E 2(b)(5) of the District's Rate Order and shall remain in effect for thirty (30) days from the date above.

Check all that apply:

<u>XX</u>	Deposit	\$	100.00
<u>XX</u>	Activation Fee		50.00
<u> </u>	Hydraulic Analysis Fee		200.00
<u> </u>	Connection Fee		3,500.00
<u> </u>	Sewer and/or Garbage Service Deposit		<u> </u>
<u> </u>	Easement Fee		<u> </u>
<u> </u>	Street Crossing County Road		<u> </u>
<u> </u>	Street Crossing State Highway		<u> </u>
<u> </u>	(Other) <u> </u>		<u> </u>

TOTAL: \$ 150.00

Customer Signature [Signature]

DL #

Co- Customer

DL #

NON-DISCLOSURE

I/we hereby request that the District keep the personal information in my/our account record confidential, including my/our address, telephone number and social security number(s), to the extent permitted by federal and state law.

[Signature]
 Customer Signature



EMERGENCY LEAK AGREEMENT

Customer(s) GOODLOE FARMS Phone _____
Account Number(s) 24-0405-01

I, the customer/applicant, request that Rockett SUD notify the person(s) listed below or turn off my meter service if a water leak is discovered on my property and I am not available.

In case of emergency contact

1 Name _____ Phone _____

2 Name _____ Phone _____

YES / NO I hereby authorize District personnel to turn off my meter valve in case of a water leak or other type of emergency on my property.

By signing this agreement I agree to pay applicable service trip charges and understand that these charges must be paid with the next monthly utility service bill or my service will be disconnected in accordance with Section E.14(a) of the District's Rate Order

I ALSO UNDERSTAND AND ACKNOWLEDGE THAT THE DISTRICT IS UNDER NO OBLIGATION OR LIABILITY TO LOOK FOR ANY WATER LEAKS OCCURRING ON MY PROPERTY AND THAT THE DISTRICT MAY NOT KNOW WHEN OR IF A LEAK IS ON MY PROPERTY.

Customer Signature [Signature] Date: January 3, 2012

District Witness M Cadena Date: January 3, 2012



Is an irrigation system located on the Property? ☐ YES ☒ NO

Do you plan on installing [or replacing] an irrigation system on the Property? ☐ YES ☒ NO

(Initials: WJG) The Customer understands that prior to the installation or replacement of an irrigation system on the Property, the Customer must submit an irrigation system plan and obtain the District's written approval of such plan. The customer further understands that failure to obtain prior written approval for the installation of an irrigation system will result in substantial penalties being assessed by the District.

All water furnished by the District shall be metered by meters installed, maintained and owned by the District. The meter and connection is for the sole use of Customer and is to provide service to only one (1) dwelling or one (1) business. Any attempt to tamper with or to by-pass a meter, or to divert water utility service from one property to another, or to share, resell or sub meter water to any other person, dwelling, business or property is prohibited. Unauthorized users of District services shall be prosecuted to the extent allowed by law under the Texas Penal Code § 28.03.

Customer agrees to hold the District harmless from any and all claims or demands for damage to real or personal property occurring from the point the user ties onto the District's meter to the final destination of customer service line installed on the property by Customer.

The District shall have the right to select the location of the water service meter, pipe and appurtenant equipment on Customer's property necessary to connect Customer to the District's water system. The District shall have access to its meter and equipment located on Customer's property at all reasonable times for any purpose connected with or in the furtherance of the District's business operations, and upon disconnection or discontinuance of service, the District shall have the right to remove any of the District's property from Customer's property.

In the event that Customer leases or rents the property, it is understood and agreed that Customer's Deposit shall guarantee the payment of the lessee's/renter's monthly bills for service to the property, and all charges in connection therewith, as though Customer was the user of said service.

Customer: GOODLOE FARMS

Co-customer: _____

Billing Address

PO BOX 882

RED OAK, TEXAS 75154

Property Legal Description/Service Address: PASTURE OVILLA RD

Account No.: 24-0405-01

Work Order No.: 345118


ACCEPTED AND APPROVED:

Rockett Special Utility District

By: Don Werner
President of the Board

Customer Signature

[Signature]

R L OR BRIAN GOODLOE CATTLE ACCOUNT P O BOX 125 RED OAK, TX 75154		2658 00-400/1119 01
Date <u>1-3-12</u>		
Pay to the Order of	<u>Rockett SUT</u>	\$ <u>150.00</u>
<u>One Hundred Fifty & 00/100</u> Dollars		<input checked="" type="checkbox"/> Security Features Displayed as Seen
 300 Highway 77 N • Waco, Texas 76706 www.vintagebank.net		
For	<u>Water meter</u> <u>R L Goodloe</u>	

Noted Clerk GUARANTY SAFETY BLUE

Rockett Special Utility District

Box 40 Phone (972) 617-3524

RED OAK, TEXAS 75154

NEW SERVICE

NAME OF FARMER

DATE 01/11/12

Name of Customer

PO BOX #

Billing Address

RED OAK, TEXAS 75154

(972) 617-3524

Zip Code

New Service

Deposit 100.00

Activation Fee 50.00

Total \$150.00

Previous Owner:

Legal Description:

MARIA C. CADENA

Taken By:

EXHIBIT C



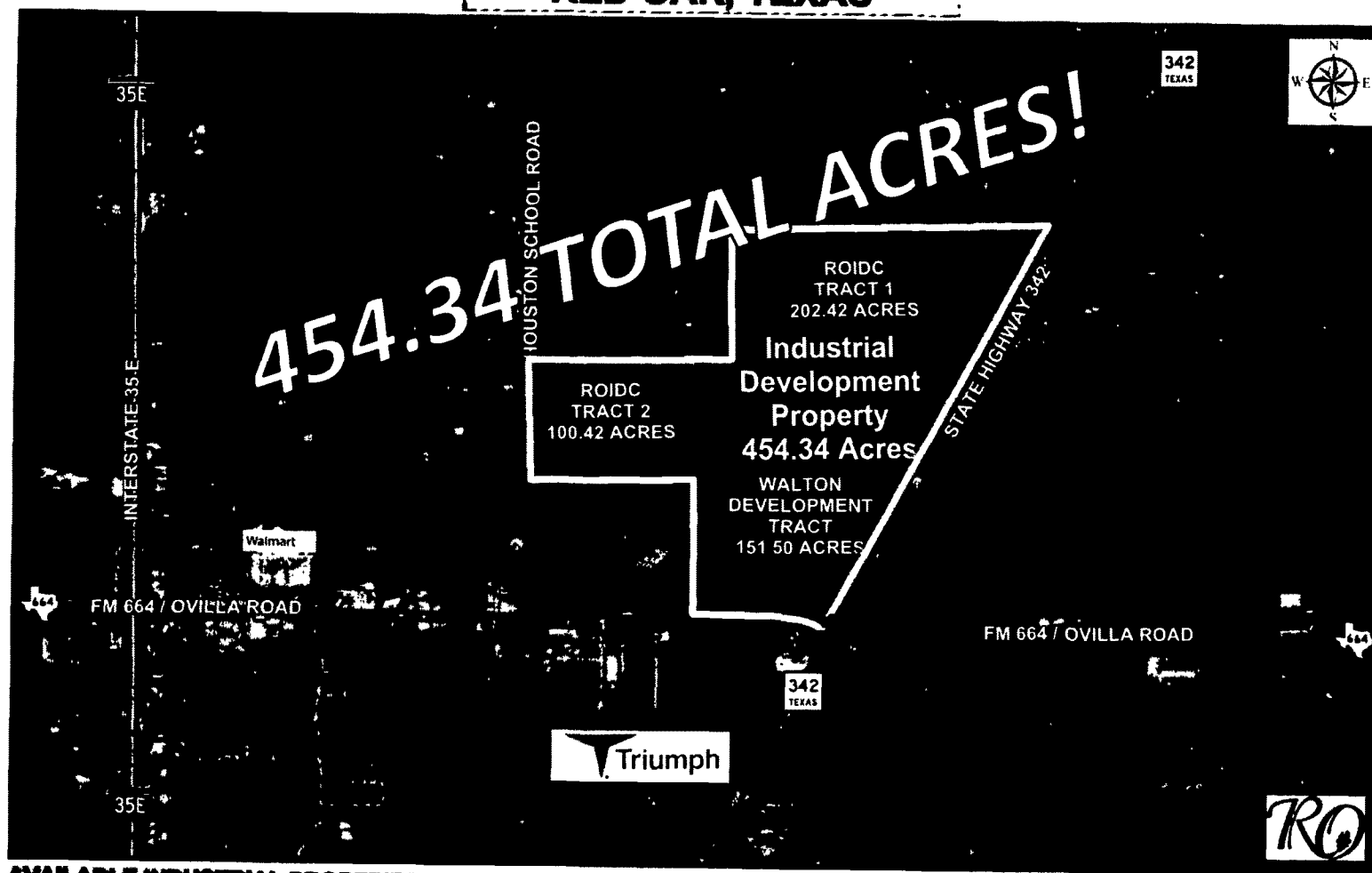
RED OAK, TEXAS

INDUSTRIAL PROPERTY

SECTION 12 - INDUSTRIAL PROPERTY

- INDUSTRIAL PROPERTIES (450+ TOTAL ACRES AVAILABLE)
 - PROPERTY DESCRIPTIONS (DIMENSIONS, SURVEY, FIELD NOTES)
 - EXISTING INFRASTRUCTURE (PUBLIC & PRIVATE UTILITIES)
 - PROPOSED INFRASTRUCTURE (PUBLIC & PRIVATE UTILITIES)
 - TRANSPORTATION INFRASTRUCTURE (HIGHWAY, RAIL, INTERMODAL, PORTS OF AUTHORITY)
 - FIRM MAP (FLOODPLAIN)
 - TOPOGRAPHY (ELEVATIONS AND CONTOUR LINES)
 - GEOTECHNICAL DATA (SOIL ELEMENTS AND MAP)

INDUSTRIAL PROPERTIES RED OAK, TEXAS



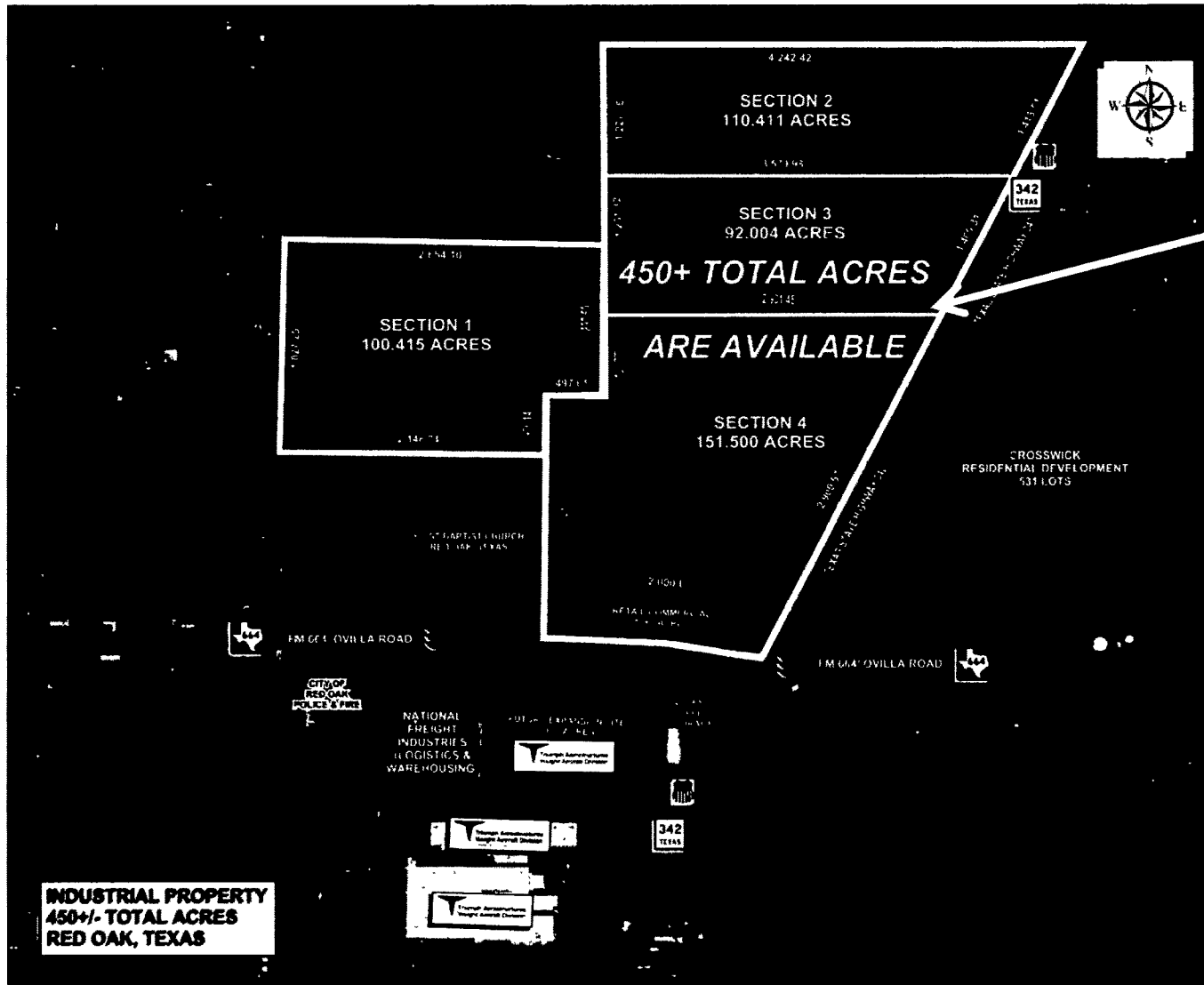
AVAILABLE INDUSTRIAL PROPERTY

RED OAK INDUSTRIAL DEVELOPMENT CORPORATION (ROIDC): 302.84 ACRES

WALTON DEVELOPMENT & MANAGEMENT - SOUTH USA: 151.50 ACRES

PROPERTY DESCRIPTION

PROPERTY ZONING



INDUSTRIAL PROPERTY

- 450+ TOTAL ACRES
IMMEDIATELY AVAILABLE
- SECTION 4:
150 ACRES
ZONED
INDUSTRIAL
- SECTIONS 1- 3:
TO BE ZONED
INDUSTRIAL:
~60 DAYS TIME
REQUIRED



**100.4145
ACRES
AVAILABLE**

16

REF390: a tract or piece of land situated in the City of Red Oak, Ellis County, Texas and being part of the A. J. Parks Survey, Abstract 880 and the John Spruce Survey Abstract 1014 and being the 100.415 acre tract of land conveyed to P&S 1 and Investment, be deed recorded in Volume 2186 Page 123 of the Deed Records of Ellis County and being more particularly described as follows:

MECHANIC at a point line corner of a 40-acre tract and set of the northwesterly corner of said 100.41-acre tract and being in the corner of Houston School Road and also being the northwesterly corner of said 57.714-acre tract of land conveyed to First Baptist Church in Red Oak, by deed recorded in Volume 1993 Page 250 of the Official Public Records of Ellis County.

THEMCE North 1° 24' West (dip bearing) along the westerly line of said (004) is
acres tract and the center of Houston School Road a distance of 565.75 feet to an
angle point at a 1/4 acre and act.

THENCE North 0° 22' 01" East (North 0° 22' East, dead) along the westerly line of said 100.414 acre tract and the corner of Houston School Road a distance of 863.5 feet to a point for corner at a 14' iron nail set.

1148-96 ± due Paul (record bearing) along the northerly line of said 100-415 acre tract and the southerly line of said 14-993¹/₄ acre tract conveyed to James Morris by deed recorded in Volume 1148 Page 177 of the Official Public Records of Elbert County a distance of 266.4 ± feet to a point in a corner of a 2" iron pipe found.

TTH-NC1. Court D-89 West filed hearing along the center line of said 101.15 acre tract and a survey line of Tract II conveyed to William H. Cross, County 12 by deed recorded in Volume 2606 Page 1744 of the Official Public Records of 17th County a distance of 997.5 feet as a point for corner at a 94° iron rod and

THE NCE South 1/2 of Section 27, Township 36N, Range 10E, contains an exactly line of said 160 41A acre tract and the westerly line of said Tract is 0.36 14 feet to a point for corner at a '5' iron rod found

Tract 1, North 1/4 18 1/4, West (dead bearing) along a westerly line of land (Tract 1) a distance of 497.61 feet to a point for corner of a 1/2" iron rod found.

THENCE due West (dead bearing) along the southerly line of said 100.41st acre tract and the northerly line of said First Baptist Church Bldg Chk. 57.214 acre tract a distance of 2146.34 feet to THE PLACE OF BEGINNING and containing 100.4145 acres.

SURVEYORS DECLARATION

I hereby declare that this true and accurate survey was on the ground under my personal supervision on October 14, 2015, correctly shows the relation of the buildings and other structures to the property lines of the land indicated hereon, and that there are no encroachments or overlaps onto adjoining property or property covered by this survey, or of adjoining buildings or structures on said land, except as shown, noted or described on the survey. This survey is subject to any easements and violations of record.

[Signature]
SURVIVOR

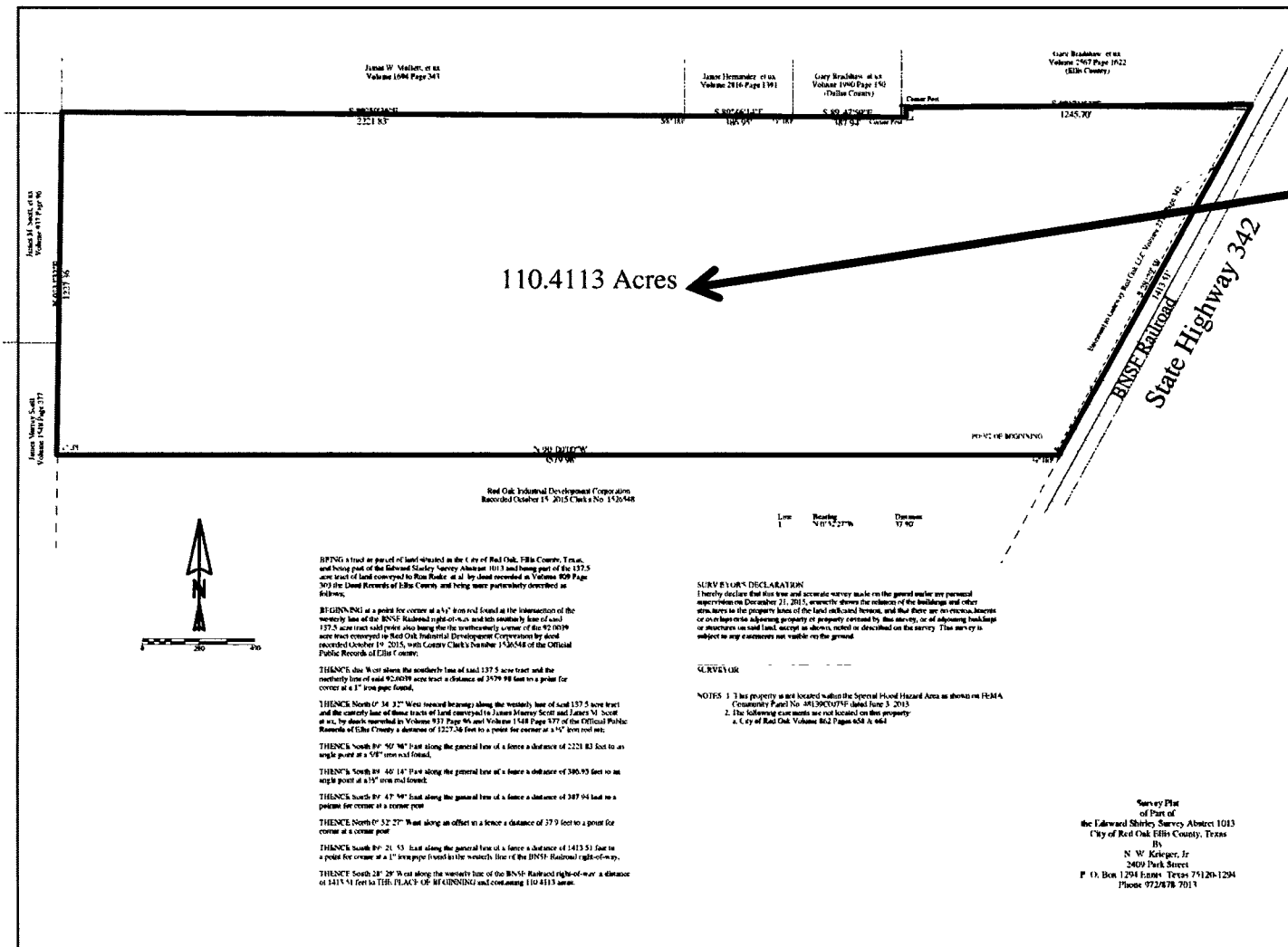
NOTES: 1. This property is not

- NOTES: 1 This property is not depicted within the Special Flood Hazard Area as shown on FEMA Community Panel #09037, dated June 1, 2011.
- 2 The encumbrance in Rockledge Water recorded in Volume 511 Page 556 & Volume 1046 Page 241 are "Blanket" encumbrances and do not contain sufficient information to be accurately located.
- 3 The encumbrance to T P & L recorded in Volume 561 Page 173 does not contain sufficient information to determine its location.
- 4 The encumbrance to T P & L recorded in Volume 357 Page 137 is not located on this property.

Survey Plan
of Part of
the A. J. Porter Survey Abstract 850
&
the Edwards Sherley Survey Abstract 1013
City of Red Oak, Ellis County, Texas
By
N. W. Krueger, Jr.
2409 Park Street
P. O. Box 1294 Ennis, Texas 75120-1294
Phone 972/878-7613

RO
RED OAK, TEXAS

SECTION 2 SURVEY & FIELD NOTES

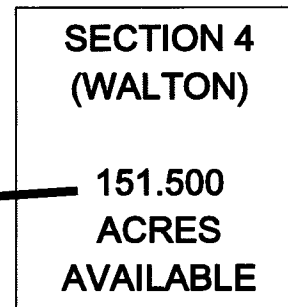




**92.0039
ACRES
AVAILABLE**

1

RO
RED OAK, TEXAS

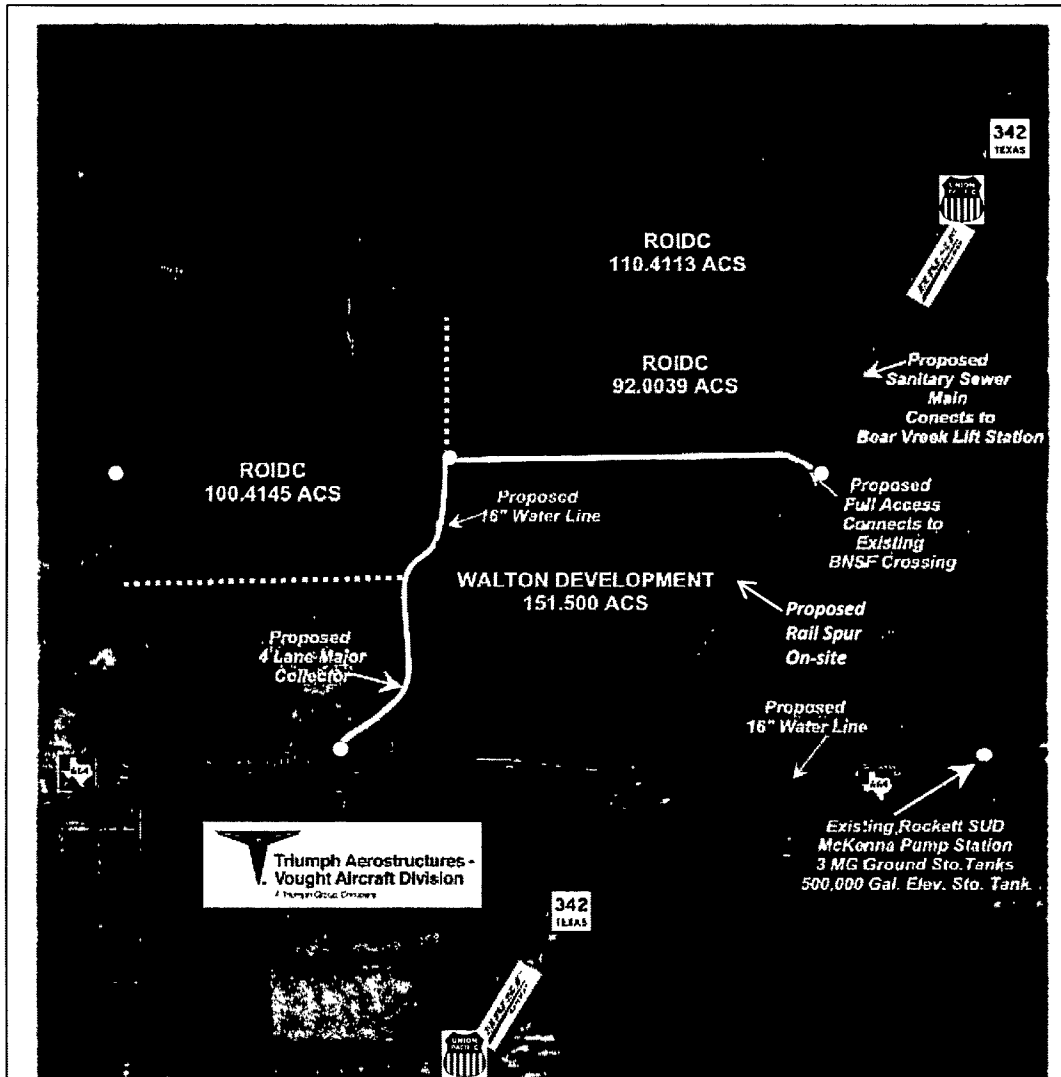




- ✓ HIGHWAYS:
 - 5 INTERSTATES < 45 MINS.
 - TEXAS SH 342
 - FM 664 (OVILLA RD.)
- ✓ RAIL:
UNION PACIFIC- OPERATOR
BNSF - OWNER
- ✓ WATER:
36" MAIN & 12" MAIN
- ✓ NATURAL GAS:
6" TRANSMISSION
- ✓ ELECTRICITY:
138kV TRANSMISSION MAIN
- ✓ ELECTRIC SUBSTATION:
47 MVA TRANSFORMERS (2 EA.)
- ✓ WASTEWATER:
14" FORCE MAIN
 - LIFTSTATION



UTILITY INFRASTRUCTURE PROPOSED IMPROVEMENTS



PROPOSED INFRASTRUCTURE IMPROVEMENTS

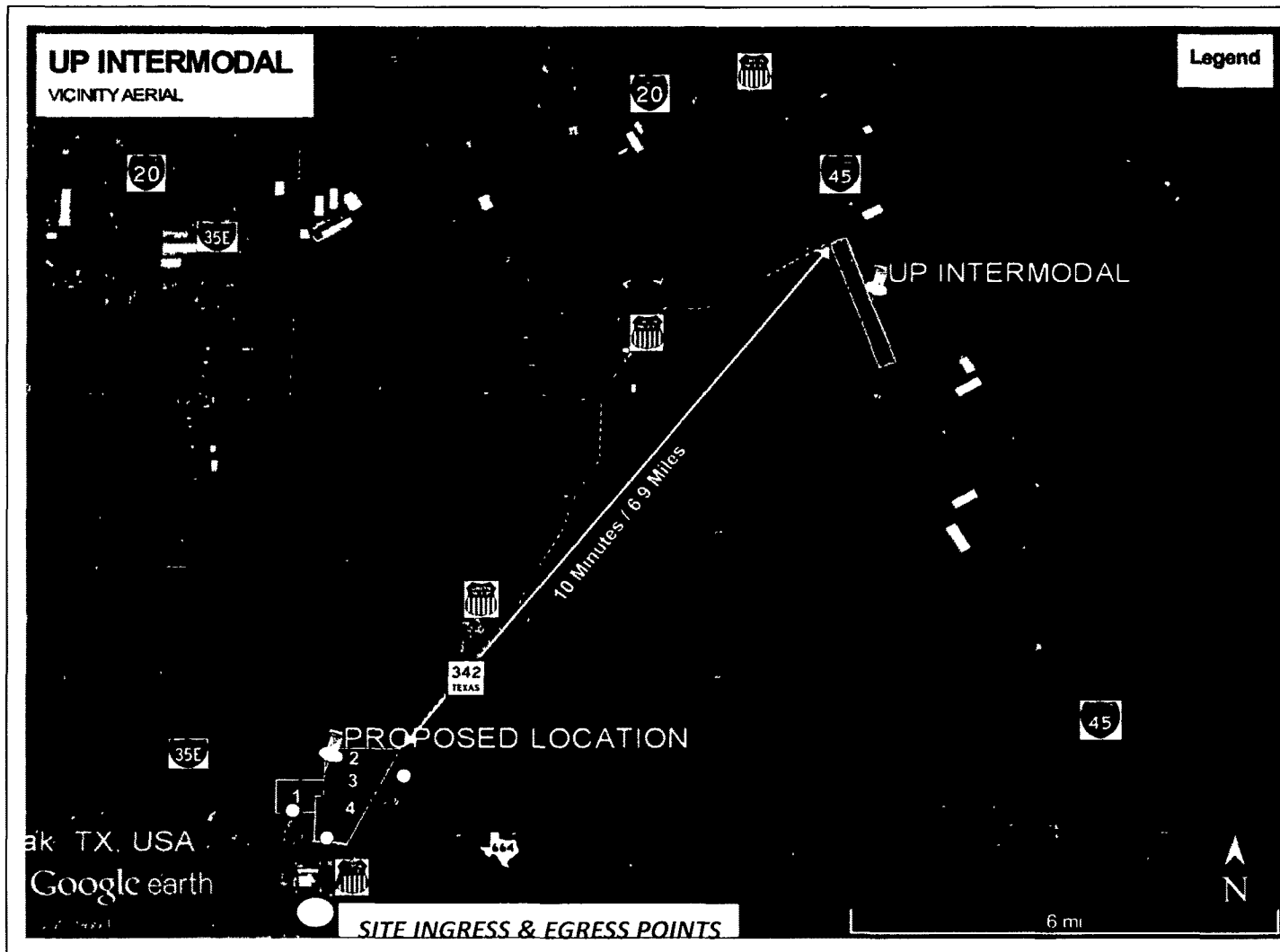
- ✓ 4 LANE MAJOR CONNECTOR ROADWAY (DIRECT CONNECTION TO FM 664)
- ✓ FULL ACCESS ROADWAY DIRECT CONNECTION TO SH 342 (EXISTING BNSF CROSSING)
- ✓ RAIL SPUR ON-SITE CONNECTS TO BNSF/UP
- ✓ REGIONAL SANITARY SEWER SYSTEM (CONNECTS TO BEAR CREEK LIFT STATION)
- ✓ 16" WATER LINE (CONNECTS TO McKENNA PUMP STATION – ROCKETT SUD)

○ SITE INGRESS & EGRESS POINTS

RO
RED OAK, TEXAS

TRANSPORTATION INFRASTRUCTURE

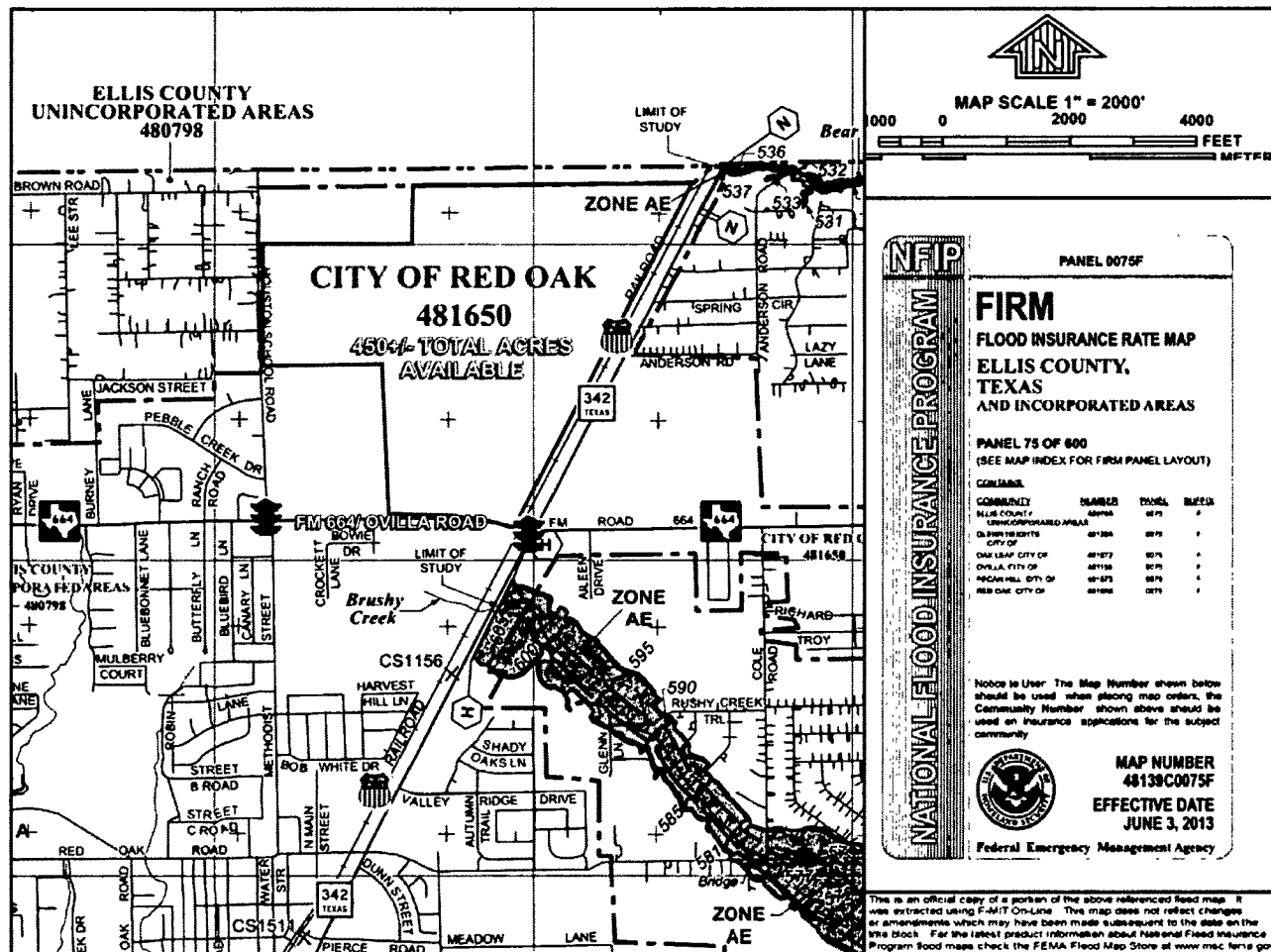
SITE INGRESS & EGRESS, INTERSTATE ROUTES, RAIL



- I-35E: 1.5 MILES
- I-20: 8.0 MILES
- FM 664: ADJACENT
- SH 342: ADJACENT
- BNSF/UP RAIL:
ADJACENT
- UP INTERMODAL:
6.9 MILES (NE)
- US 287: 10.4 MILES
- D/FW AIRPORT:
38 MILES/39 MINS.
- DALLAS LOVE:
24 MILES/26 MINS.

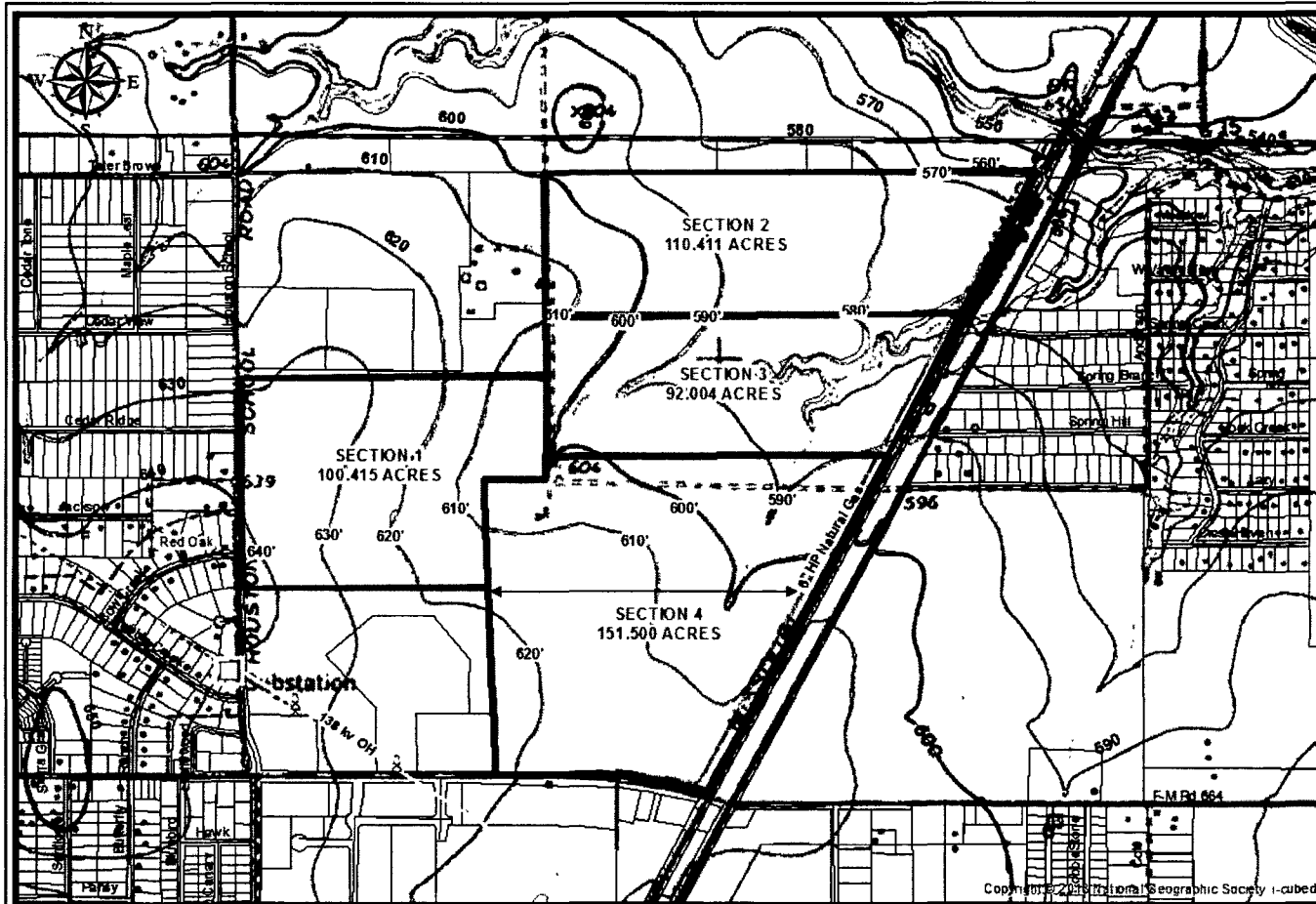
FIRM MAP

PROPOSED SITE & VICINITY



USGS TOPOGRAPHIC SITE MAP

TOPOGRAPHY & CONTOUR LINES



TOPOGRAPHY & CONTOUR LINES
PROPOSED PROPERTY
CITY OF RED OAK, TEXAS

0 500 1,000 2,000 3,000 4,000
 Feet

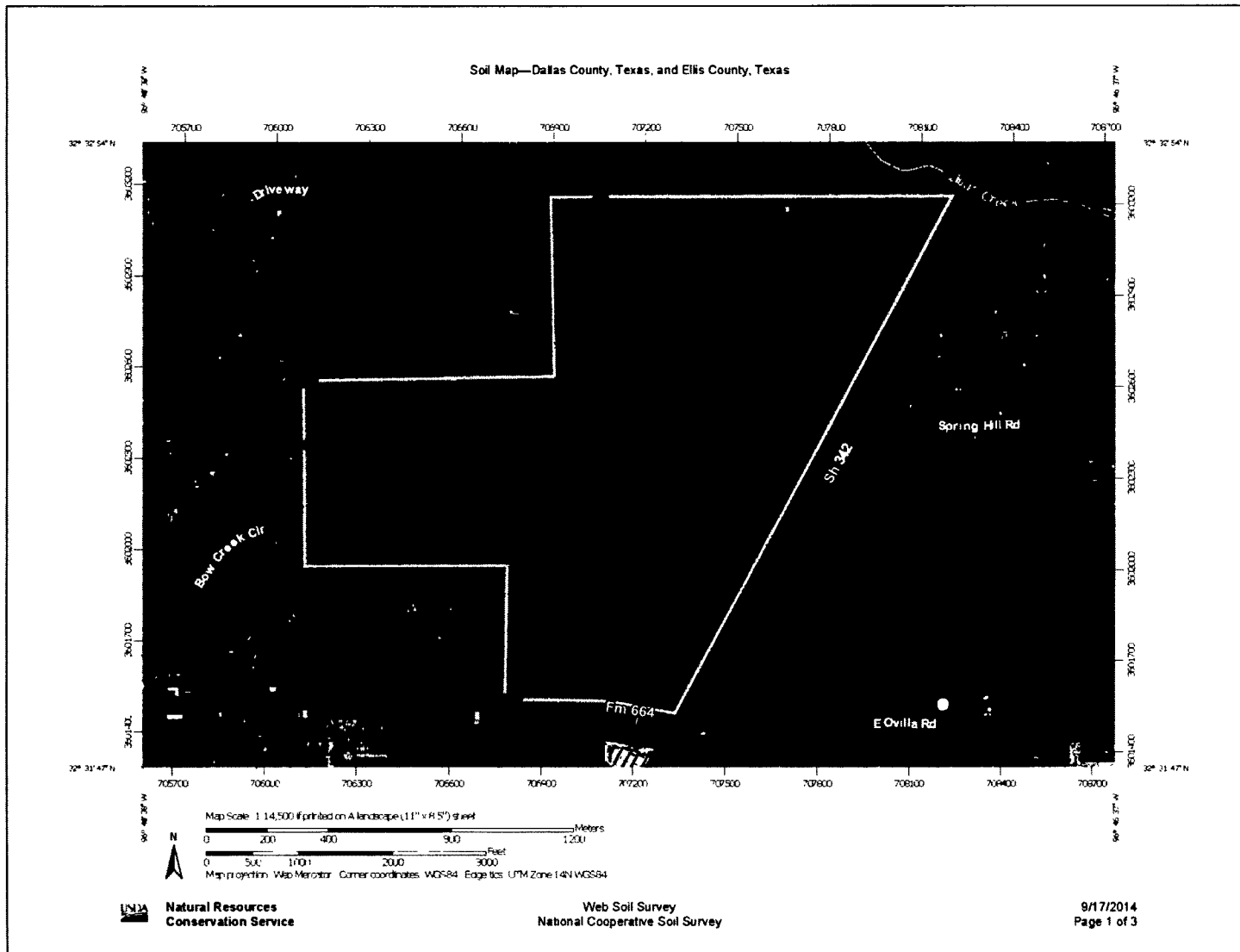
TOPOGRAPHY & CONTOUR LINES

- SECTION 1: 640' – 610'
- SECTION 2: 610' – 560'
- SECTION 3: 600' – 580'
- SECTION 4: 620' – 590'

RO
 RED OAK, TEXAS

GEOTECHNICAL DATA

SOIL SURVEY DATA & MAP





































Map Unit Legend

Dallas County, Texas (TX113)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5	Austin silty clay, 1 to 3 percent slopes	1.6	0.3%
30	Eddy-Stephen complex, 1 to 5 percent slopes	1.0	0.2%
44	Houston Black clay, 1 to 3 percent slopes	1.2	0.3%
Subtotals for Soil Survey Area		3.9	0.8%
Totals for Area of Interest		467.5	100.0%

Ellis County, Texas (TX139)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AuB	Austin silty clay, 1 to 3 percent slopes	223.3	47.8%
AuC2	Austin silty clay, 3 to 5 percent slopes, eroded	4.1	0.9%
HaB	Houston Black clay, 1 to 3 percent slopes	215.2	46.0%
SeB2	Stephen-Eddy complex, 1 to 3 percent slopes, eroded	11.1	2.4%
StB	Stephen silty clay, 1 to 3 percent slopes	9.8	2.1%
Subtotals for Soil Survey Area		463.6	99.2%
Totals for Area of Interest		467.5	100.0%

Soil Map—Dallas County, Texas, and Ellis County, Texas

MAP LEGEND

Area of Interest (AOI)		 Spill Area	
Area of Interest (AOI)		 Stony Spot	
Soils	 Soil Map Unit Polygons	 Very Stony Spot	
 Soil Map Unit Lines		 Wet Spot	
 Soil Map Unit Points		 Other	
		 Special Line Features	
Special Point Features		Water Features	
 Blowout		Streams and Canals	
 Borrow Pit			
 Clay Spot		Transportation	
 Closed Depression		 Rails	
 Gravel Pit		 Interstate Highways	
 Gravelly Spot		 US Routes	
 Landfill		 Major Roads	
 Lava Flow		 Local Roads	
 Marsh or swamp		Background	
 Mine or Quarry		 Aerial Photography	
 Miscellaneous Water			
 Perennial Water			
 Rock Outcrop			
 Saline Spot			
 Sandy Spot			
 Severely Eroded Spot			
 Sinkhole			
 Slide or Slip			
 Sodic Spot			

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Dallas County, Texas
Survey Area Data: Version 10, Dec 12, 2013

Soil Survey Area: Ellis County, Texas
Survey Area Data: Version 8, Dec 17, 2013

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 13, 2010—Feb 28, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



PO BOX 250485
PLANO, TX 75025

36 Invoice

Date	5/10/2018
Invoice #	11101-1

11101 - First Baptist Water Connection

P.O. No.

Bill To

Rockett Special Utility District
126 Alton Adams Dr.
Waxahachie, TX 75165

Terms

Net 30

Description	Amt.	U/M	Prior %	Prior Inv.	Total %	Amount Due
Task 1 - Topographic Survey	1,800.00	LS			100.00%	1,800.00
Task 2 - Waterline Design	3,500.00	LS			90.00%	3,150.00
Task 3 Easement Document/Coordination with Church	1,500.00	LS			0.00%	0.00
Task 4 - Construction Bid Tab	750.00	hr			50.00%	375.00

Total \$5,325.00

Payments/Credits \$0.00

Balance Due \$5,325.00

214-846-9397

michael@westfallengineering.com

EXHIBIT D

**ROCKETT SPECIAL UTILITY DISTRICT
OF ELLIS AND DALLAS COUNTIES, TEXAS
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
DECEMBER 19, 2017**

The Regular Meeting of the Board of Directors of Rockett Special Utility District was held Tuesday, December 19, 2017, at the District's office located at 126 Alton Adams Dr. Waxahachie, Texas 75165

Board Present: Don Werner, Allan Beutler, David Risinger, Milton Slovak, Judy McRight, Carol Anders and Ronald Session

Board Absent: Dennis Lord

Staff Present: Kay Phillips, Robert Woodall, Morgan Massey, Rhonda Carter, Deedra Trammell, Maria Huynh, and Greer Yeldell

Visitors Present: Pete Baka, Grant Rabon, Dago Cervantes, Sheila Hershberger, Penny Cardinal, and Jerry Phillips

Don Werner, President, called the Regular Meeting of the Board of Directors for December 19, 2017, to order at 7:02 pm.

Invocation was given by Don Werner.

Pledge of Allegiance.

No visitor comments.

During the December 19, 2017 Regular Meeting of the Board of Directors, Don Werner, President, presented the Service Appreciation Award to Dago Cervantes for 10 years of service, and Sheila Hershberger for 10 years of service, and Kay Phillips for 35 years of service.

The Minutes of the November 21, 2017, Regular Meeting were discussed. Ronald Session made a motion to approve the minutes of the November 21, 2017, Regular Meeting. Milton Slovak seconded. Motion carried 8-0.

The Financial Statements for November 2017 were discussed. Matthew Craig made a motion to approve the Financial Statements. Judy McRight seconded. The Board of Directors approved the Financial Statements for November 2017. Motion carried 8-0.

Grant Rabon with NewGen presented the 2018 Rate Study. Ronald Session made a motion to accept the rates 2018 Retail, Wholesale, and Bulk water rates charged by the District to its Residential, Commercial, and Wholesale customer's rates as presented, providing an effective date of January 1, 2018. Matthew Craig Seconded. Motion carried 8-0.

David Risinger made a motion to award the Cole Road line improvement contract to Circle H Contractors, LP. Carol Anders seconded. Motion carried 8-0.

Matthew Craig made a motion to participate with the City of Red Oak installing approximately 6,500' of 16" waterline on the north side of Ovilla Road, tying into Rockett's system on the west side of

Rockett's #2 pump station. The District will upsize with a 24" waterline, approximately 2,600'. The District's approximate cost is \$270,000. Ronald Session seconded. Motion carried 8-0.

Matthew Craig approved Rockett's 2018 Capital Improvement Projects as presented by Ben Shanklin. Ronald Session seconded. Motion carried 8-0.

Ben Shanklin presented the Engineer Report as follows:

CURRENT ROCKETT S.U.D. PROJECTS:

1. Easements on Future Projects – Easement acquisition time very often drives a project schedule. Matthew Whitman is working on acquiring easements along Bells Chapel, Pratt & FM 2377, the south side of FM 664 and the Pressure Plane tie-in so hopefully easements are not holding up projects.
2. Kristen Elevated Storage Tank – This project consisted of replacing the 0.5 MG Elevated Storage Tank at Plant #8 with a new composite 2 MG Elevated Storage Tank at Kristen Pump Station. **Circle H Contractors reported that the pipe and valves have been delivered and they will start this week. The contract time ends on January 5, 2018.**
3. Ring & Buchanan Road Improvements – This project consists of replacing approximately 6,800 linear feet of 2" water main with 8" and 4" water mains to improve service to customers on Ring and Buchanan Roads. This project is ready to bid and it has been scheduled on the CIP to receive bids in 2018.
4. Red Oak Line & Houston School Road Emergency Connection – This line consists of a 24" distribution line to FM 342 and a 16" line feeding of FM 664 north for additional industry needs. Two (12") connections will allow for transfer of water from Plant 2 to Plant 4 during emergencies.
5. Cole Road Improvements – This 12" line will serve Cole Manor and allow for improvement south down Cole to Pierce Road. The developer is paying for an 8" main while Rockett is paying to upgrade to a 12" main. It will also be funded by a USDA backed bank loan.

6. USDA BACKED BANK LOAN PROJECTS:

- Sokoll and Kristen Pump Improvements- This project consists of replacing the high service pumps at Kristen Pump Station and installing some higher lift pumps at the Sokoll Transfer Pump Station. The project is in the planning stages with updated cost estimates and a USDA secured bank loan that is being applied for.
- Plant #4 Pump Station Rehabilitation – This project consists of replacing or upgrading the pump house, pumps, yard piping with an air gap connection, electrical and fencing at Plant 4 in Red Oak.

Other than routine hydraulic analysis requests, no other issues are being addressed at this time.

Carol Anders made a motion to approve the 2018 Budget. Allan Beutler seconded. Motion carried 8-0.

Kay Phillips, General Manager, presented the General Manager Report:

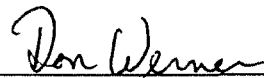
- Total active connections as of November 2017 – 12,160
(Increase of 19 connections)

- Water purchased for November 2017

Midlothian:	65,897,000
Waxahachie:	0
Sokoll WTP:	<u>58,348,000</u>
Total:	<u><u>124,245,000</u></u>
Daily Average:	4,142,000

- Developer Inquiries:
Crystal Lakes – Ovilla Rd – 70 acres
- EyeOnWater update, current users 1,192
(Increase of 25 users)
- Staff Update

Don Werner, Board President, adjourned the meeting at 9:04 pm.



Don Werner, President



Allan Beutler, Secretary