



Control Number: 50209



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. 50209

PETITION BY HARLAN PROPERTIES, §
INC. FOR STREAMLINED EXPEDITED §
RELEASE FROM WATER CCN NO. 10841 §
HELD BY HIGH POINT WATER SUPPLY §
CORPORATION IN KAUFMAN COUNTY §
BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**PETITION OF HARLAN PROPERTIES, INC. TO DECERTIFICATE AND AMEND
HIGH POINT WATER SUPPLY CORPORATION'S WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY NO. 10841 IN KAUFMAN COUNTY BY
STREAMLINED EXPEDITED RELEASE UNDER TEXAS WATER CODE § 13.2541(b)
AND 16 TAC § 24.245(l)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Harlan Properties, Inc. ("Harlan") and hereby files with the Public Utility Commission of Texas (the "Commission") this Petition to Decertificate and Amend a Portion of High Point Water Supply Corporation's ("High Point") water Certificate of Convenience and Necessity ("CCN") No. 10841 in Kaufman County by Streamlined Expedited Release ("Petition") under Tex. Water Code ("TWC") § 13.2541 and 16 Tex. Admin Code ("TAC") § 24.245(l). In support thereof, Harlan would respectfully show as follows:

I. APPLICABLE REGULATIONS

TWC §13.2541 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 streamlined 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 Commission pursuant to TWC § 13.2541 provides the same, and it recognizes that Kaufman County is a county in which

¹ TWC § 13.2541.

² *Id.*

owners of at least 25 acres are entitled to streamlined expedited release.³ Under TWC § 13.2541(c), the Commission “shall grant a petition received not later than the 60th day after the date the landowner files the petition.”

II. REQUEST FOR STREAMLINED EXPEDITED RELEASE

Harlan owns approximately 213 acres of contiguous property in Kaufman County, Texas (the “Property”). The Property is located within the boundaries of water CCN No. 10841, held by High Point. None of the Property receives service from any water or sewer service provider. In support of this Petition, Harlan has attached the following exhibits:

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

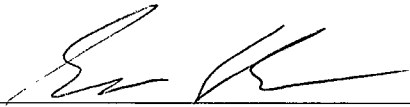
III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Harlan to streamlined expedited release of the Property described herein and in the attached exhibits from CCN No. 10841. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Kaufman County. Under Section 13.2541(c), the Commission should grant this Petition no later than the 60th day after the date of filing. Harlan respectfully requests that the Commission grant this Petition and issue an order under the authority of TWC § 13.2541 releasing all portions of the Property that are within the boundaries of water CCN No. 10841.

³ 16 Tex. Admin. Code §24.245(l)

Respectfully submitted,

WINSTEAD PC

By: 

Scott W. Eidman
State Bar No. 24078468
seidman@winstead.com

Ross S. Martin
State Bar No. 24037035
rmartin@winstead.com

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

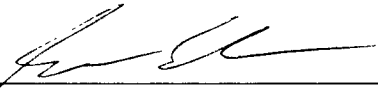
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2019, a true and correct copy of the foregoing document was transmitted by certified mail, return receipt requested, to the following recipient at the address indicated in accordance with 16 Tex. Admin. Code § 24.245(l).

Via Certified Mail, RRR

High Point Water Supply Corporation
1983 Valley View Rd.
Forney, Texas 75126



Scott W. Eidman

EXHIBIT A
AFFIDAVIT OF SURESH SHRIDHARANI

PUC DOCKET NO. _____

PETITION BY HARLAN PROPERTIES,	§	BEFORE THE
INC. FOR STREAMLINED EXPEDITED	§	
RELEASE FROM WATER CCN NO. 10841	§	PUBLIC UTILITY COMMISSION
HELD BY HIGH POINT WATER SUPPLY	§	
CORPORATION IN KAUFMAN COUNTY	§	OF TEXAS

**AFFIDAVIT OF SURESH SHRIDHARANI IN SUPPORT OF PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM WATER CCN NO. 10841
HELD BY HIGH POINT WATER SUPPLY CORPORATION**

STATE OF TEXAS	§
	§
COUNTY OF DALLAS	§

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

1. "My name is Suresh Shridharani, 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 the President of Harlan Properties, Inc., the Petitioner in the above-captioned matter. Harlan Properties, Inc., owns approximately 213 acres of land (the "Property").

3. The Property is within the boundaries of water CCN No. 10841 issued to High Point Water Supply Corporation.

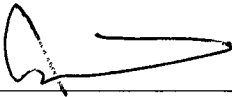
4. The Property is located in Kaufman County, Texas, is over 25 acres in size, and consists of contiguous tracts of land.

5. Exhibit "B" attached to this Petition is a true and correct copy of a map identifying the Property, its location, and the area of the CCNs.

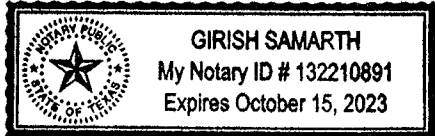
6. As of the date of this affidavit, the Property is not receiving water service from High Point Water Supply Corporation.

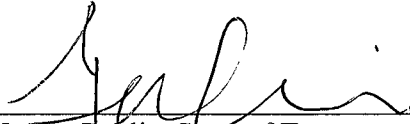
7. I request that the Public Utility Commission of Texas release this Property from water CCN No. 10841."

FURTHER AFFIANT SAYETH NOT.


Suresh Shridharani

SWORN TO AND SUBSCRIBED TO BEFORE ME by Suresh Shridharani on
November 4th, 2019

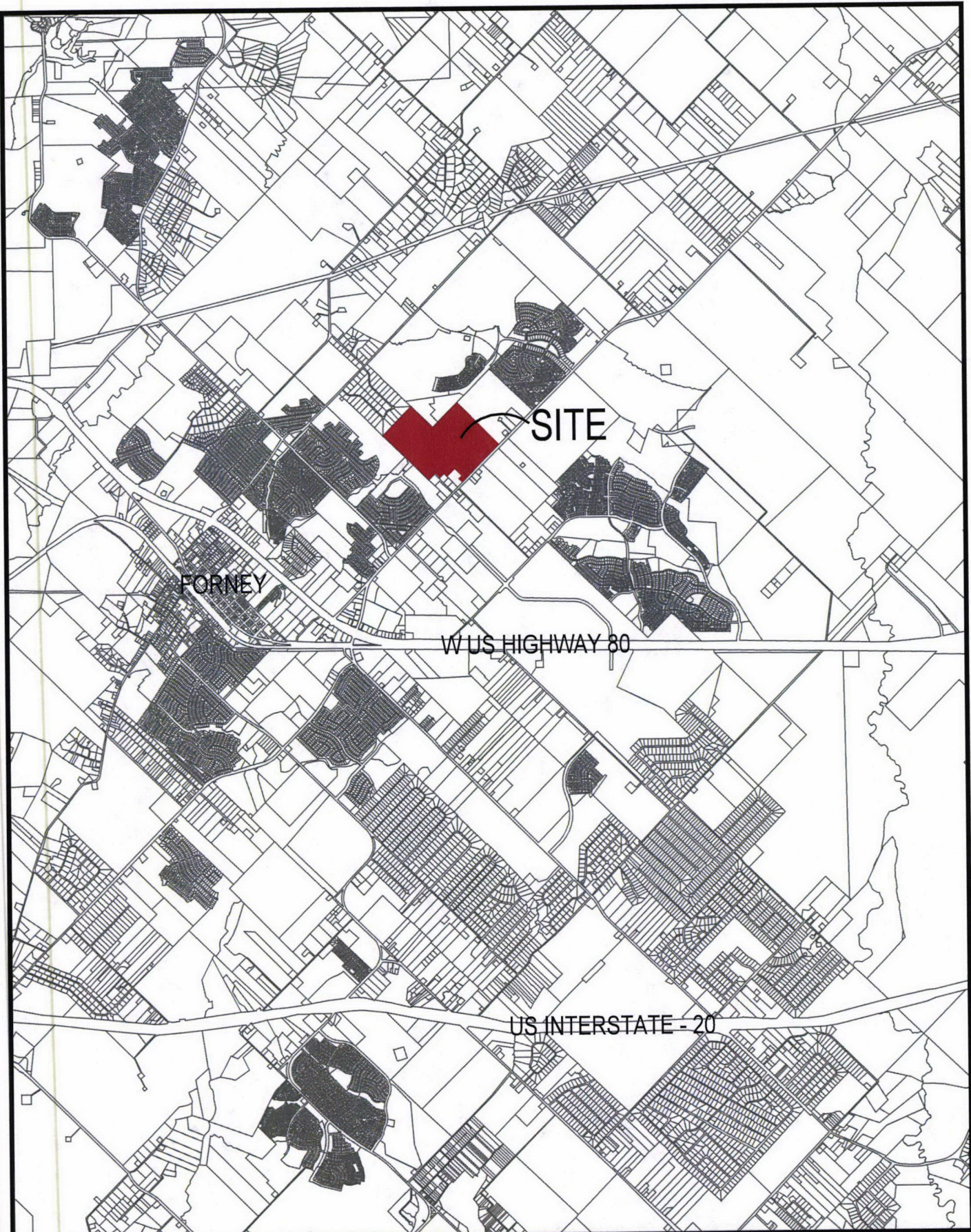



Notary Public, State of Texas

(SEAL)

EXHIBIT B
GENERAL LOCATION MAP

.



BARRAZA
CONSULTING GROUP, LLC
PLANNING • ENGINEERING

REGIONAL LOCATION MAP
WALDEN POND WCID, CITY OF DALLAS ETJ, KAUFMAN COUNTY, TEXAS



SCALE: 1"=1 MILE
DATE: OCT. 2019

EXHIBIT C
DETAILED PROPERTY MAP

RANCH ROAD

SITE

FM 548

REEDER ROAD

W US HIGHWAY 80

EXHIBIT D

DEEDS

* FILED FOR RECORD *
Kaufman County, Texas
Inst #01711 V 1942 P 350
01/25/2002 09:36am

GF# 621992-K \$13.00

(12)

3/13
WARRANTY DEED

After recording, please return to:
Lawyers Title Insurance Corporation
7557 Rambler Road, Suite 1200
Dallas, TX 75231

File # LTIC 61-2629_DS

Date: October 24, 2001

Grantor: JMS & COMPANY, a Texas General Partnership

Grantor's Mailing Address: 8201 Preston Rd., Suite 310
Dallas, TX 75225

Grantee: HARLAN PROPERTIES, INC.

Grantee's Mailing Address: 2404 Texas Dr., Suite 103
Irving, TX 75062

Consideration: the consideration of the sum of TEN AND NO/100-----

(\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the grantees herein named, the receipt of which is hereby acknowledged;

Property (including any improvements):

All that certain lot, tract or parcel of land, part of the Juan Lopez Survey, Abstract No. 286, Kaufman County, Texas, all of that certain called 138.128 acre tract conveyed to JMS & Co. by Jack A. Turpin on January 1, 1988, recorded in Vol. 921 page 98 of the Deed Records of Kaufman County, Texas and being more completely described on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made subject to any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the herein conveyed property or any part thereof.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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


SCOTT A. TURPIN


JEFFREY A. TURPIN

(Acknowledgment)

STATE OF TEXAS)

COUNTY OF DALLAS)

This instrument was acknowledged before me on the 11-th day of
December, 2001 by: SCOTT A. TURPIN and JEFFREY A. TURPIN.



June Mayfield

Notary Public, State of TEXAS

PREPARED IN THE LAW OFFICE OF:

WIDENER, LEFTWICH & WIDENER
2625 TEXAS DRIVE
IRVING, TEXAS 75062

AFTER RECORDING, RETURN TO:

HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TX 75062

EXHIBIT A

All that certain lot, tract or parcel of land, part of the Juan Lopez Survey, Abstract No. 286, Kaufman County, Texas, all of that certain called 138.128 acre tract conveyed to JMS & Co. by Jack A. Turpin on January 1, 1988, recorded in Vol. 921 page 98 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a 3/8" Iron rod set at the East corner of the above mentioned 138.128 acre tract, at the South corner of the William Robert Evans, III 199.228 acre tract, recorded in Vol. 677 page 285 of the Deed Records of Kaufman County, Texas and being in the Northwest Right of Way line of Farm to Market Road No. 548.

THENCE S 45 deg. 22 min. 50 sec. W, with said Right of Way line, a distance of 1064.19 ft. to a 3/8" Iron rod found at the East corner of the Phillip L. Elery 2.08 acre tract, recorded in Vol. 1076 page 794 of the Deed Records of Kaufman County, Texas.

THENCE N 45 deg. 02 min. 59 sec. W, with the Northeast line of said 2.08 acre tract, passing the North corner of same, continuing a total distance of 810.31 ft. to a 3/8" Iron rod found at the North corner of the Angela Cardosi Nale tract, recorded in Vol. 1267 page 711 of the Deed Records of Kaufman County, Texas.

THENCE S 45 deg. 30 min. 19 sec. W, with the Northwest line of said Nale tract, a distance of 300.07 ft. to a 3/8" Iron rod found at the West corner of same.

THENCE S 45 deg. 02 min. 23 sec. E, with the Southwest line of said Nale tract, passing the South corner of same, continuing a total distance of 810.97 ft. to a 3/8" Iron rod set at the South corner of the above mentioned 2.08 acre tract and being in the Northwest Right of Way line of Farm to Market Road No. 548.

THENCE S 45 deg. 22 min. 50 sec. W, with said Right of Way line, a distance of 50.00 ft. to a 3/8" Iron rod set at the East corner of the Glenn R. Newell 5.000 acres, save and except 0.393 of an acre, recorded in Vol. 988 page 383 of the Deed Records of Kaufman County, Texas.

THENCE N 45 deg. 02 min. 23 sec. W, with the Southwest line of said 0.393 acre tract, a distance of 726.96 ft. to a 3/8" Iron rod set at the West corner of same.

THENCE S 45 deg. 28 min. 41 sec. W, with the Northwest line of said 5.000 acre tract, a distance of 279.67 ft. to a 3/8" Iron rod found at the West corner of same and being in the Northeast line of the William E. Armentrout 295.78 acre tract, recorded in Vol. 1089 page 338 of the Deed Records of Kaufman County, Texas.

THENCE N 45 deg. 01 min. 35 sec. W, with the Southwest line of the above mentioned 138.128 acre tract, a distance of 3039.55 ft. to a 1/2" Iron rod found at the West corner of same and being at the South corner of Lot No. 16 of Rolling Acres, a subdivision shown by plat of same, recorded in Cabinet 1 page 375 of the Plat Records of Kaufman County, Texas.

THENCE N 45 deg. 02 min. 20 sec. E, with the Northwest line of said 138.128 acre tract, a distance of 1716.89 ft. to a 1/2" Iron rod found at the North corner of same, at the East corner of Lot No. 12 of said Rolling Acres and being in the Southwest line of the Gordon T. West 924 acre tract, recorded in Vol. 420 page 336 of the Deed Records of Kaufman County, Texas.

THENCE S 45 deg. 01 min. 20 sec. E, with the Northeast line of said 138.128 acre tract, a distance of 1277.23 ft. to a 5/8" Iron rod found at an angle corner in same, at the South corner of said 924 acre tract and being at the West corner of the above mentioned 199.228 acre tract.

THENCE S 44 deg. 30 min. 45 sec. E, continuing with the Northeast line of said 138.128 acre tract, a distance of 2519.93 ft. to the point of beginning, containing 138.547 acres of land.

677670-E (IR) \$15.00
4/5⁰⁰

15591

GF. # 677670-E ATC-IRVING

WARRANTY DEED

DATED: JULY 19, 2002

Grantor: WILLIAM ROBERT EVANS, III AND WIFE, FAYE LAVERNE EVANS

Grantor's Mailing Address: 14909 FM 548
FORNEY, TEXAS 75126

Grantee: HARLAN PROPERTIES, INC., A TEXAS CORPORATION

Grantee's Mailing Address: 2404 TEXAS DRIVE # 103
IRVING, TEXAS 75062

Consideration: TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged;

Property:

BEING described by metes and bounds in EXHIBIT "B" attached hereto and made a part hereof for all purposes.

Reservation from and Exceptions to Conveyance and Warranty:

This conveyance is subject to all restrictions, reservations, easements, prescriptions, rights-of-way, declarations, covenants and conditions of record, if any, in the office of the County Clerk of Dallas County, Texas, but only to the extent they are presently of record and in effect;

This conveyance shall also be subject to the restrictions described in Exhibit "A" attached hereto, which restrictions shall run with the land herein conveyed.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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

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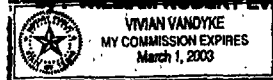
William Robert Evans III
WILLIAM ROBERT EVANS, III

Faye Laverne Evans
FAYE LAVERNE EVANS

STATE OF TEXAS

COUNTY OF KAUFMAN

This instrument was acknowledged before me on this the 22nd day of JULY, 2002
by WILLIAM ROBERT EVANS, III AND WIFE, FAYE LAVERNE EVANS



Vivian Vandoyke
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE # 103
IRVING, TX. 75062

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EXHIBIT "A"

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TYPE OF BUILDING PERMITTED:

NO MOBILE HOMES OR MANUFACTURED HOMES ARE PERMITTED.

MINIMUM FLOOR AREA:

ANY RESIDENCE CONSTRUCTED ON THE PROPERTY MUST HAVE A FLOOR AREA OF NOT LESS THAN 1500 SQUARE FOOT EXCLUSIVE OF OPEN OR SCREENED PORCHES, TERRACES, PATIOS, DRIVEWAYS, CARPORTS, AND GARAGES. 1/3 OF HOMES 1500 SQUARE FOOT OR GREATER, 2/3 OF HOMES 1800 SQUARE FOOT OR GREATER.


WILLIAM ROBERT EVANS, III
WILLIAM ROBERT W.R.E. III


FAYE LAVERNE EVANS

ACCEPTED AND AGREED:

HARLAN PROPERTIES, INC.

BY: 
SURESH SHRIDHARANI, PRESIDENT

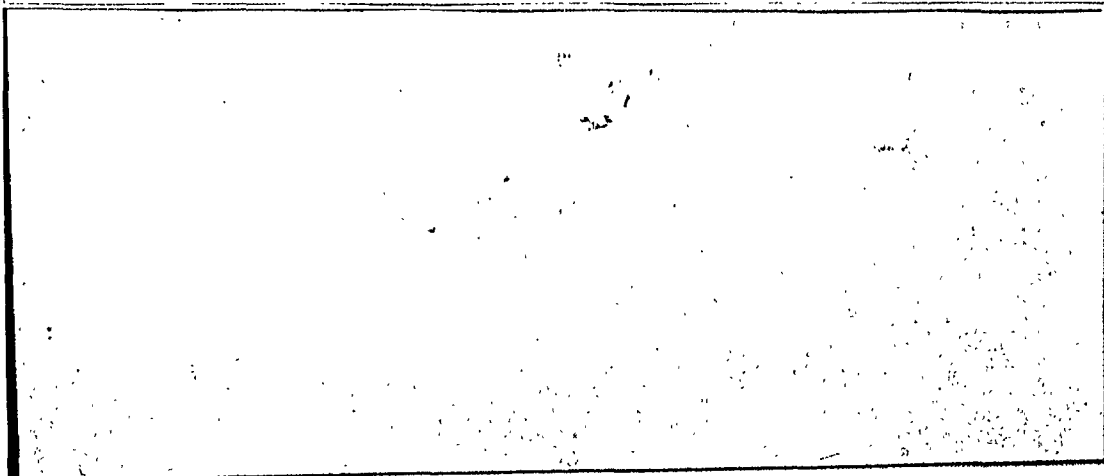


EXHIBIT "B"

BEING all that certain lot, tract or parcel of land located in the J. LOPEZ SURVEY, ABSTRACT NO. 286, Kaufman County, Texas, and being a portion of that certain called 199.228 acre tract of land conveyed to William Robert Evans, III and wife, Faye Laverne Evans, according to the deed filed for record in Volume 677, Page 285 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

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BEGINNING at a 5/8 inch iron rod found on the Northwesterly right-of-way line of Farm-Market 548 (a 100 foot wide right-of-way), said iron rod being the South corner of said called 199.228 acre tract, and being the Southeast corner of that certain called 138.128 acre tract of land conveyed to Harlan Properties, Inc., according to the deed filed for record in Volume 1942, Page 350, Deed Records, Kaufman County, Texas;

THENCE North 44 deg. 24 min. 43 sec. West, along the common boundary line between said called 199.228 acre tract and said called 138.128 acre tract, a distance of 2517.02 feet to a 5/8 inch iron rod found for the West corner of said called 199.228 acre tract, and being the Southwest corner of that certain called 924 acre tract of land conveyed to Gordon T. West according to the deed filed for record in Volume 420, Page 336, Deed Records, Kaufman County, Texas;

THENCE North 45 deg. 34 min. 57 sec. East, generally along a fence line and with the common boundary line between said called 199.228 acre tract and said called 924 acre tract, a distance of 1470.56 feet, to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

THENCE South 44 deg. 24 min. 43 sec. East, leaving the common boundary line between said called 199.228 acre tract and said called 924 acre tract, a distance of 2519.08 feet, to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", on the Northwesterly right-of-way line of the aforementioned Farm-Market 548;

THENCE South 45 deg. 39 min. 45 sec. West, along the Northwesterly right-of-way line of said Farm-Market 548, a distance of 1470.56 feet, to the POINT OF BEGINNING and containing 85.078 acres (3,702,936 square feet) of land.

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Filed for Record on 07/30/2002 @ 01:48pm
Laura Hughes, Kaufman County Clerk