

Control Number: 50442



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. 50442

PETITION BY MM WALDEN POND, LLC.  
FOR STREAMLINED EXPEDITED  
RELEASE FROM WATER CCN NO. 10841  
HELD BY HIGH POINT WATER SUPPLY  
CORPORATION IN KAUFMAN COUNTY

§  
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§  
§  
§

BEFORE THE  
2020 JAN 13 4:11 PM  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**PETITION OF MM WALDEN POND, LLC. 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, MM Walden Pond, LLC ("MM Walden") and hereby files with the Public Utility Commission of Texas (the "Commission") this Petition to Decertify 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, MM Walden 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.<sup>1</sup> 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."<sup>2</sup> 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

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<sup>1</sup> TWC § 13.2541.

<sup>2</sup> *Id.*

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

## **II. REQUEST FOR STREAMLINED EXPEDITED RELEASE**

MM Walden 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, MM Walden 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**

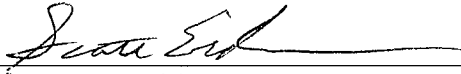
Texas Water Code Section 13.2541 entitles MM Walden to streamlined expedited release of the Property described herein and in the attached exhibits from CCN No. 10841. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Kaufman County. Under Section 13.2541(c), the Commission should grant this Petition no later than the 60<sup>th</sup> day after the date of filing. MM Walden 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.

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<sup>3</sup> 16 Tex. Admin. Code §24.245(l)

Respectfully submitted,

WINSTEAD PC

By: \_\_\_\_\_

Scott W. Eidman  
State Bar No. 24078468  
[seidman@winstead.com](mailto:seidman@winstead.com)

Ross S. Martin  
State Bar No. 24037035  
[rmartin@winstead.com](mailto: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 10<sup>th</sup> day of January, 2020, 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(1).

Via Certified Mail, RRR  
High Point Water Supply Corporation  
16983 Valley View  
Forney, Texas 75126

**Certified Article Number**

9314 8699 0430 0067 5011 93

**SENDER'S RECORD**

  
\_\_\_\_\_  
Scott W. Eidman

**EXHIBIT A**  
**AFFIDAVIT OF MEHRDAD MOAYEDI**

**PUC DOCKET NO. \_\_\_\_\_**

PETITION BY MM WALDEN POND, LLC.	§	BEFORE THE
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 MEHRDAD MOAYEDI 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 Mehrdad Moayedi, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. “My name is Mehrdad Moayedi, 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 authorized to sign on behalf of MM Walden Pond, LLC, the Petitioner in the above-captioned matter. MM Walden Pond, LLC, owns approximately 213 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 10841 issued to High Point Water Supply Corporation.

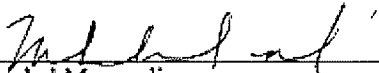
3. The Property is located in Kaufman County, Texas, is over 25 acres in size, and consists of contiguous tracts of land.

4. 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 CCN.

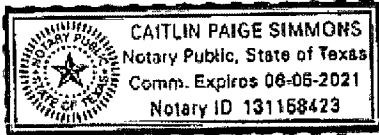
5. As of the date of this affidavit, the Property is not receiving water service from High Point Water Supply Corporation.

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

FURTHER AFFIANT SAYETH NOT.

  
Mehrdad Moayedi

SWORN TO AND SUBSCRIBED TO BEFORE ME by Mehrdad Moayedi on  
January 10, 2020



(SEAL)


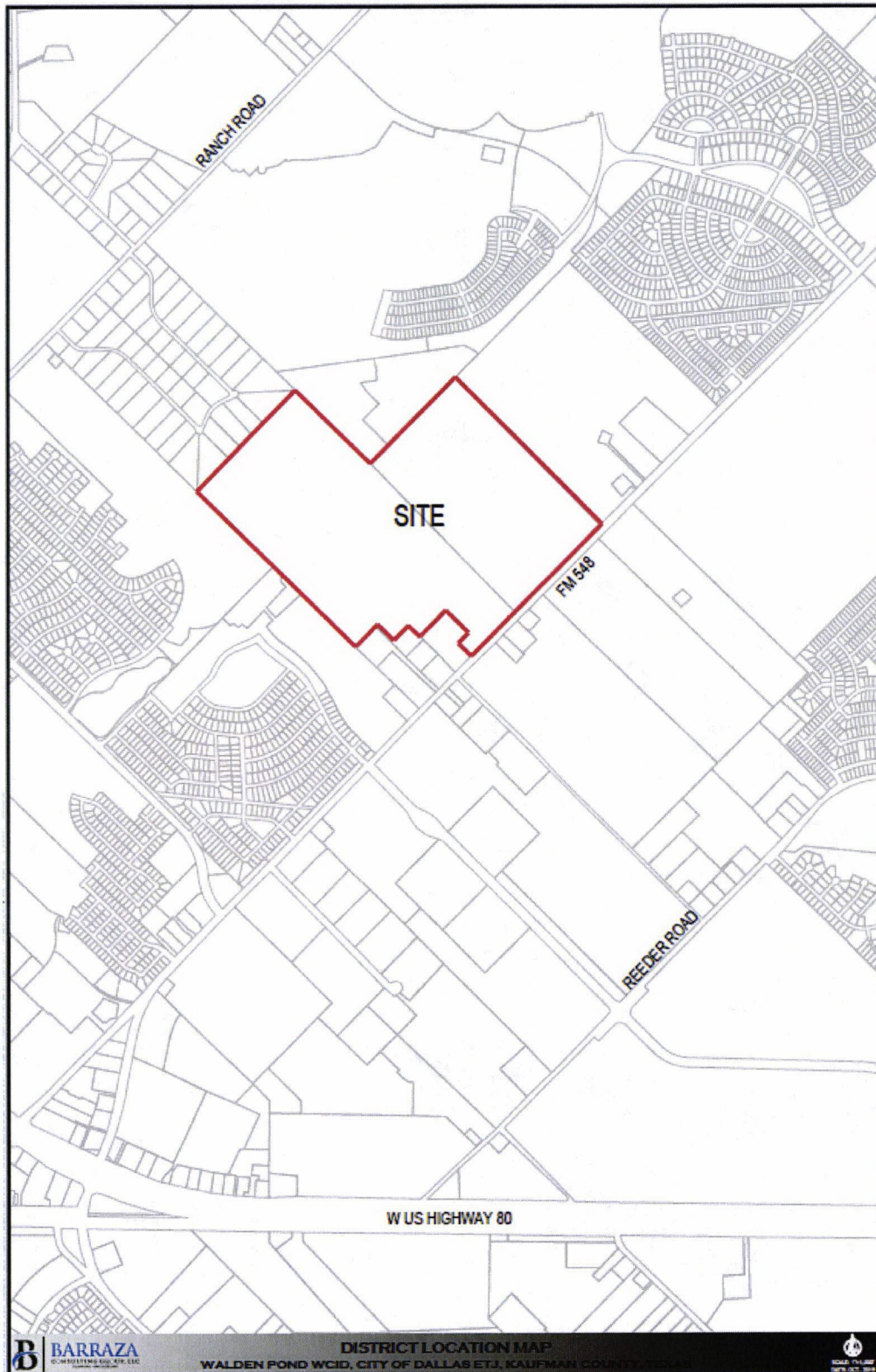
  
Notary Public, State of Texas

EXHIBIT B  
GENERAL LOCATION MAP



4836-4081-0410v.2

**EXHIBIT C**  
**DETAILED PROPERTY MAP**



**EXHIBIT D**

**DEED**

**Kaufman County  
Laura Hughes  
County Clerk**

**Instrument Number: 2020-0000527**

**Billable Pages: 7  
Number of Pages: 8**

<b>FILED AND RECORDED - REAL RECORDS</b>	<b>CLERKS COMMENTS</b>
<b>On:</b> 01/07/2020 at 02:50 PM	E-RECORDING
<b>Document Number:</b> <u>2020-0000527</u>	
<b>Receipt No:</b> <u>201-530</u>	
<b>Amount:</b> \$ <u>50.00</u>	
<b>Vol/Pg:</b> <u>V 6262 P 549</u>	



**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:** Jennifer Holbrook, 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:**  
SILVER STAR TITLE, LLC DBA SENDERA TITLE  
1409 SUMMIT AVENUE  
FORT WORTH, TX 76102



Sendera Title

GF# 1802494-VCJQ

**NOTICE OF CONFIDENTIALITY RIGHTS: 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 WITH VENDOR'S LIEN**

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

THAT, HARLAN PROPERTIES, INC., a Texas corporation ("**Grantor**"), for and in consideration of the sum of \$10.00 cash in hand paid by MM WALDEN POND, LLC, a Texas limited liability company ("**Grantee**"), whose address is 1800 Valley View Lane, Suite 300, Farmers Branch, TX 75234, and a note ("Note") of even date herewith executed by Grantee and payable to the order of Grantor in the principal amount of \$9,650,000.00, which Note is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien Deed of Trust of even date herewith from Grantee to John A. Wise, Trustee, the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain real property situated in Kaufman County, Texas, described in Exhibit A attached hereto and made a part hereof for all purposes (the "**Land**"), together with, all and singular, all improvements thereon and all rights and appurtenances pertaining thereto, including, without limitation, any rights, title, and interests of Seller in and to adjacent streets, alleys, or rights-of-way, whether open or proposed, to the center line of said streets, alleys or rights-of-way, and any strips or gores between the above-described Land and adjacent land, and any land lying in or under the bed of any creek, stream or waterway, in, or across, abutting or adjacent to the Land, (the Land and all improvements, rights, and appurtenances thereto are herein referred to as the "**Property**").

This conveyance is made by Grantor and accepted by Grantee subject to any easements, restrictions and other matters described in Exhibit B attached hereto and incorporated herein by reference (collectively, the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject only to the Permitted Exceptions, Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's 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.

But it is expressly agreed and stipulated that the vendor's lien against and superior title to the Property are hereby retained until the Note and all amounts due thereunder and under the Deed of Trust are fully paid according to the face, tenor, effect and reading thereof, at which time this Special Warranty Deed will become absolute, and the vendor's lien and superior title herein retained shall be automatically released and discharged.

EXECUTED to be effective the 7<sup>th</sup> day of January, ~~2019~~ 2020

**GRANTOR:**  
**HARLAN PROPERTIES, INC.**

By: [Signature]  
Suresh Shridharani  
Its: President

STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 7<sup>th</sup> day of January, 2020, by Suresh Shridharani, as the President of Harlan Properties, Inc., a Texas corporation, on behalf of said corporation.

[Signature]  
Notary Public, State of Texas



AFTER RECORDING RETURN TO:  
MM WALDEN POND, LLC  
1800 Valley View Lane, Suite 300  
Farmers Branch, Texas 75234  
Attn: Mehrdad Moayed

SEND TAX NOTICES TO:  
MM WALDEN POND, LLC  
1800 Valley View Lane, Suite 300  
Farmers Branch, Texas 75234  
Attn: Mehrdad Moayed

**EXHIBIT A TO DEED**

**Description of the Property**

**BEING** that certain tract of land situated in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being all of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 2035, Page 129, of the Deed Records of Kaufman County, Texas (DRKCT), and part of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 1942, Page 350, DRKCT, and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod with cap stamped "RPLS No. 5111" found on the Northwest right-of-way line of Farm to Market Road No. 548 (called 100 foot R.O.W.), and being the Southeasterly corner of Lot 1, Block 1, Sunbelt Storage XVII Addition, an addition to Kaufman County, Texas according to Final Plat recorded in Cabinet 3, Slide 402, of the Plat Records of Kaufman County, Texas (PRKCT);

**THENCE** North 45°44'37" West, leaving said Northwest right-of-way line of Farm to Market Road No. 548, and with a Northeast line of said Lot 1, Block 1, a distance of 224.90 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

**THENCE** North 44°40'43" East, with a Southeast line of said Lot 1, Block 1, a distance of 179.77 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

**THENCE** North 45°47'41" West, with a Northeast line of said Lot 1, Block 1, a distance of 390.01 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

**THENCE** South 44°41'36" West, with a Northwest line of said Lot 1, Block 1, a distance of 449.39 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

**THENCE** North 45°51'13" West, with a Southwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, and the Northeast line of that certain tract of land described in deed to William L. Nale, Jr. recorded in Volume 2953, Page 642, DRKCT, a distance of 193.36 feet to a 3/8 inch iron rod found for corner;

**THENCE** South 44°53'20" West, with a Southeast line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, and the Northwest line of said William L. Nale, Jr. tract, a distance of 243.57 feet to an aluminum post found for corner at a

**Southeasterly corner of that certain tract of land described in deed to High Point Water Supply Corporation recorded in Volume 3157, Page 287, DRKCT;**

**THENCE North 46°04'03" West, with a Northeast line of said High Point Water Supply Corporation tract, a distance of 275.13 feet to an aluminum post found for corner;**

**THENCE South 44°09'39" West, with a Northwest line of said High Point Water Supply Corporation tract, a distance of 379.91 feet to a 5/8-inch iron rod with plastic cap stamped "BCG 10194538" set for corner, from which a 5/8 inch iron rod found bears South 45°47'03" East, a distance of 1.43 feet;**

**THENCE North 45°47'03" West, with a Southwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 2702.78 feet to a 5/8-inch iron rod with plastic cap stamped "BCG 10194538" set for corner, from which a 5/8 inch iron rod found bears South 44°17'47" West, a distance of 0.37 feet;**

**THENCE North 44°17'47" East, with the Northwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 1715.39 feet to a 5/8 inch iron rod found for corner;**

**THENCE South 45°47'19" East, with the Northeast line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, and the Southwest line of Devonshire Village 4A & 4B1, an addition to Kaufman County, Texas according to Final Plat recorded in Cabinet 3, Slide 375, PRKCT, a distance of 1276.90 feet to a 1/2" inch iron rod with cap marked "JYC" found for corner at the Southwesterly corner of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT;**

**THENCE North 44°42'34" East, with the Northwest line of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT, a distance of 1474.21 feet to an aluminum disk stamped "Devonshire Village" found for corner at the Southwesterly corner of that certain tract of land described in deed to Devonshire (Dallas) ASLI VIII, LLC recorded in Volume 5902, Page 136, (Instrument No. 2019-0000296), DRKCT**

**THENCE South 44°59'53" East, with the Southwest line of said Devonshire (Dallas) ASLI VIII, LLC tract, a distance of 2519.88 feet to a 1/2 inch iron rod with cap stamped "PATE ENGINEERING" found for corner, said iron rod being located on said Northwest right-of-way line of Farm to Market Road No. 548;**

**THENCE South 44°50'55" West, with said Northwest right-of-way line of Farm to Market Road No. 548, a distance of 1461.02 feet to a 1/2 inch iron rod found for corner at the**

**Northeasterly corner of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT;**

**THENCE South 44°32'23" West, continuing with said Northwest right-of-way line of Farm to Market Road No. 548, a distance of 794.07 feet to the POINT OF BEGINNING of herein described tract, containing 213.925 acres of land.**

**PAGE 5**

**EXHIBIT B TO DEED**

**Terminated Reservations**

1. Standby fees, taxes and assessments by any taxing authority for the year 2020 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 whether listed in this Exhibit B or not.

3. An easement to Texas Power and Light Company, dated June 29, 1961, executed by J.E. Hambley, recorded in Volume 443, Page 360, of the Deed Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.
4. An easement to High Point Water Supply Corporation, dated March 10, 1965, executed by J.E. Hambley and wife, Doris Marie Hambley, recorded in Volume 479, Page 513, of the Deed Records, Kaufman County, Texas, as noted on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.
5. An easement to Texas Power and Light Company, dated January 27, 1966, executed by J.E. Hambley, recorded in Volume 493, Page 468, of the Deed Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

6. An easement to North Texas Municipal Water District, dated November 15, 2006, executed by Kaufman Properties, Inc., recorded in Volume 3036, Page 106, of the Deed Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

7. An easement to Kaufman County Municipal Utility District No. 3, dated April 12, 2007, executed by Kaufman Properties, Inc., recorded in Volume 3138, Page 127, of the Deed Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

8. An easement to Kaufman County Municipal Utility District, dated January 14, 2016, executed by Kaufman Properties, Inc., recorded in Instrument No. 2016-0000727 (Volume 4955, Page 450), of the Official Public Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

9. An easement to Kaufman County Municipal Utility District, dated January 14, 2016, executed by Kaufman Properties, Inc., recorded in Instrument No. 2016-0001422 (Volume 4962, Page 441), of the Official Public Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

10. An easement to Sunbelt Self Storage XVI, Ltd., dated March 15, 2017, executed by Hartman Properties, Inc., recorded in Instrument No. 2017-0005713 (Volume 5289, Page 404), of the

Official Public Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

11. An easement to Sunbelt Self Storage XVLL, Ltd., dated March 15, 2017, executed by Harlan Properties, Inc., recorded in Instrument No. 2017-0005714 (Volume 5289, Page 413), of the Official Public Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

12. An easement to Sunbelt Self Storage XVLL, Ltd., dated March 15, 2017, executed by Harlan Properties, Inc., recorded in Instrument No. 2017-0005715 (Volume 5289, Page 422), of the Official Public Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

13. Easement created in Final Judgment under cause # 60539C, recorded in Volume 2333, Page 413, Deed Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

14. An easement to Texas Power & Light Company, dated June 3, 1980, executed by J.E. Hamblen, recorded in Volume 705, Page 164, of the Deed Records, Kaufman County, Texas, as shown on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

15. Mineral and/or royalty interest, as described in instrument recorded in Volume 731, Page 355, Deed Records, Kaufman County, Texas, reference to which instrument is here made for all purposes. As affected by Release of Land Use Restrictive Covenants and Surface Waiver, filed August 6, 2008, recorded in Volume 3441, Page 263, Deed Records, Kaufman County, Texas, as noted on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

16. As to on-site Wastewater Affidavit to the Public, dated February 8, 2019, filed for record in the Office of the County Clerk Kaufman County, Texas, on February 26, 2019, and recorded in Instrument No. 20190004151, Official Public Records, Kaufman County, Texas, as noted on survey prepared by Jimmie D. Nichols RPLS 5184, dated November 11, 2019.

17. Rights or claims, if any, of adjoining property owner(s) in and to that portion of insured property lying between the fence and the boundary property lines as shown on the survey prepared by Jimmie D. Nichols, RPLS No. 5184, dated November 11, 2019.

18. The following matters shown on survey dated November 11, 2019, prepared by Jimmie D. Nichols, RPLS No. 5184:

Location of remnants of old corrals;  
Headwall with box culver located on the western northeast property line;  
Fences over and across property;  
Concrete water crossings located on property;  
Pond located on the northeast property line;  
UGM, UWM Test Station located in the central portion of property.

**OVERSIZED DOCUMENT(S)**

**TO VIEW**

**OVERSIZED DOCUMENT(S)**

**PLEASE GO TO**

**CENTRAL RECORDS**

**(512) 936-7180**

CD ATTACHED

TO VIEW PLEASE CONTACT  
CENTRAL RECORDS  
512-936-7180