



Control Number: 51158



Item Number: 10

Addendum StartPage: 0

CD ATTACHED

TO VIEW PLEASE CONTACT
CENTRAL RECORDS
512-936-7180

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PUC DOCKET NO. 51158

2020 SEP 17 AM 9:18

PETITION OF JOHNSTON & ASSOCIATES, LLP AND FRANK CARVALHO TO AMEND MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN JOHNSON COUNTY BY STREAMLINED EXPEDITED RELEASE § § § § § § § § §

BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

FIRST AMENDED PETITION OF JOHNSTON & ASSOCIATES, LLP AND FRANK CARVALHO TO AMEND MOUNTAIN PEAK SUD'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN JOHNSON COUNTY BY STREAMLINED EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE §13.2541 AND 16 TAC §24.245(I)

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Johnston & Associates, LLP and Frank Carvalho, jointly, ("Petitioners"), and file with the Public Utility Commission ("Commission") this First Amended Petition to Amend Mountain Peak Special Utility District's ("Mountain Peak") Water Certificate of Convenience and Necessity ("CCN") No. 10908 in Johnson County by Streamlined Expedited Release ("Petition") pursuant to Texas Water Code ("TWC") §13.2541 and 16 TAC §24.245(I). In support, Petitioners would respectfully show the following:

I. Petition

1. TWC §13.2541 and 16 TAC §24.245(I), in specific circumstances, provide the owner of a tract of land the right to petition the Commission for the release all or a portion of its property from a certificated holder's CCN. This has come to be known as a streamlined, expedited release. The statute and the rule require the Commission to release the property from a CCN under the following conditions:

- a) The tract of land requested to be released is 25 acres or greater;
b) The tract of land requested to be released is not receiving the type of service that the CCN holder is authorized to provide;

- c) At least part of the tract of land seeking release is within the service area of the subject CCN; and
 - d) At least part of the tract of land seeking is located in a “qualifying” County as defined by TWC §13.2541(b).
2. Based on the factors set out above, Petitioners qualify for the streamlined expedited release of approximately 59 acres of land from Mountain Peak SUD’s Water CCN No. 10908.
 3. Here, Petitioners own approximately 59 contiguous acres of land in Johnson County Texas (“tract”). A certified copy of the recorded deed showing Petitioners’ ownership and also describes the tract in metes and bounds, is attached as Exhibit A.
 4. The tract is entirely within the boundaries of Mountain Peak’s Water CCN. We are attaching large and small scale maps as well as a CD-ROM that has the digital data as Exhibit B. The maps further evidences that the tract is within Water CCN No. 10908.
 5. There is no retail water service from Mountain Peak SUD to the tract.
 6. The tract is entirely within Johnson County, which is included in the Commission’s streamlined expedited release “Approved Counties” list and meets the requirements of both TWC §13.2541 and 16 TAC §24.245(1)(2)(C). *See*, Exhibit A and B.
 7. Simultaneously with the filing of the Original Petition, and again with the First Amended Petition, Petitioners are notifying Mountain Peak SUD of this action by certified mail, return receipt requested. Exhibits C and C-1 are copies of the receipts showing that Petitioners mailed a copy of the Original Petition and the First Amended Petition to Mountain Peak SUD on the same dates that they were filed with the PUC.
 8. Exhibits D and E contain affidavits from Michael Johnston of Johnston & Associates, LLP and Frank Carvalho, respectively, owners of the tract, which verifies and affirms the information contained in this Petition.

II. CONCLUSION AND PRAYER

Petitioners request the following: (a) the Petition be deemed properly filed with the Commission; (b) the Petition be granted in all respects pursuant to TWC §13.2541 and 16 TAC §24.245(1); (c) the Commission enter an order releasing the 59 acre tract from Mountain Peak

SUD's Water CCN No. 10908 in Johnson County Texas; and (d) all other orders, acts, procedures and relief be granted as necessary and proper to the release of the 59 acre tract from CCN No. 10908.

Respectfully submitted,

/s/ David J. Tuckfield

ANDY BARRETT & ASSOCIATES, PLLC

Andrew N. Barrett

State Bar No. 01808900

3300 Bee Cave Road, Suite 650 #189

Austin, Texas 78746

512-600-3800

512-330-0499 FAX

THE AL LAW GROUP, PLLC

David J. Tuckfield

12400 Highway 71 West

Suite 350-150

Austin, TX 78738

(512) 576-2481

(512) 366-9949 Facsimile

david@allawgp.com

ATTORNEYS FOR PETITIONERS

Johnson & Associates, LLP

Frank Carvalho

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing First Amended Petition was served on Mountain Peak Special Utility District on this the 15th day of September 2020, as follows:

Mountain Peak Special Utility District
5671 Waterworks Road
Midlothian, TX 76065-5851

Certified Mail Return Receipt Requested

Leonard H. Dougal
Jackson Walker LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Telephone: (512) 236-2233
Facsimile: (512) 391-2112
E-mail: ldougal@jw.com

*Certified Mail Return Receipt Requested
and email*

Justin C. Adkins
State Bar No. 24101070
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7289
(512) 936-7268 (facsimile)
Justin.Adkins@puc.texas.gov

email and facsimile

/s/ David J. Tuckfield _____

David J. Tuckfield

Exhibit A



Exhibit A

I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas.

To verify the authenticity of this copy please visit:
<https://johnson.tx.publicsearch.us/verifycert/fkzSZ26X>

Johnson County Clerk

Digitally signed
By Becky Ivey
Date: 2020.07.01
14:43:36 -05:00

WD 201100028502 PAGES 4

WARRANTY DEED

Date: October 13, 2011

Grantor: R-H Land Development & Company, R.J. Carvalho, President

Grantor's Mailing Address (including county):

261 Lots Street, Rm. 125
Eagle Point, Jackson County, Oregon 97524

Grantee: Frank Carvalho, in trust for the benefit of Rocky Carvalho, Jr.

Grantee's Mailing Address (including county):

1039 Tamera Drive
Klamath Falls, Klamath County, Oregon 97602

Consideration:

\$10.00 and other good and valuable consideration.

Property (including any improvements):

All remaining interest (66.7% undivided interest) in the real property located in the City of Venus, County of Johnson, State of Texas and more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Subject to all easements and rights of way of record and any claims of the City of Venus for improvements to said property.

Subject to 33.3 % undivided interest owned by Johnston & Associates, LLP.



Johnson County Clerk

I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas To verify the authenticity of this copy please visit https://johnson.tx.publicsearch.us/verifycert/fkzSz26X

Digitally signed by Becky Ivey Date: 2020.07.01 14:43:36 -05:00

Exhibit A

BK 3718 PG 0629

FIELD NOTES for R J. Carvalho

Job no B-02065

BEING a part of the William Hill Survey, Abstract 379, Venus, Johnson County, Texas, and being the tract described in deed from Hazel Elizabeth to R-H Development and Company recorded in Volume 1853, Page 107, Official Public Records, Johnson County, Texas, and being more particularly described by its metes and bounds as follows.

BEGINNING at a steel rod set at the northwest corner of said R-H Development and Company tract, the southwest corner of the tract described in deed from Hazel Roten (Carvalho) Taylor to Billy C. Roten, et ux recorded in Volume 2341, Page 60 of said Official Public Records, in the center of County Road 214;

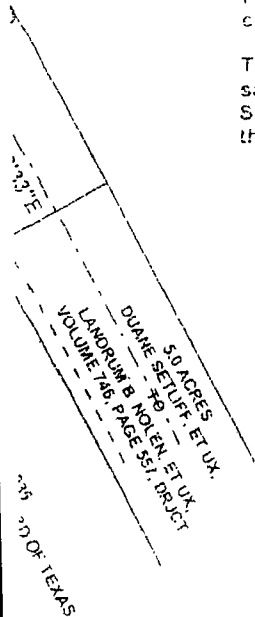
THENCE N 57°30'18" E, (bearing base line) along the boundary between said R-H Development and Company and Roten tracts, 2186.91 feet to a 1/2 inch steel rod set at their common east corner and on the westerly line of the International And Great Northern Railroad, said point being on a curve with a radius of 2939.86 feet;

THENCE Southeasterly, with said the west line of said Railroad and the arc of said curve to the left through a central angle of 23°28'56", a chord bearing and distance of S 17°06'04" E, 1196.47 feet, an arc length of 1204.88 feet to a 1/2 inch steel rod set at the end of said curve.

THENCE S 28°50'33" E, with west line of said Railroad, 179.34 feet to a 1/2 inch steel rod set on the northwest line of the tract described in deed from Duane Setliff, et ux to Landrum B. Nolan, et ux recorded in Volume 746, Page 557, Deed Records, Johnson County, Texas;

THENCE S 60°16'43" W, along the boundary between said R-H Development and Company tract and said Nolan tract, the tract described in deed from the Veterans Land Board of Texas to Landrum Bob Nolan recorded in Volume 746, Page 563 of said Deed Records and Rancho Villa, Phase 1 and Phase 3 recorded in Volume 3, Page 70 and 71, Plat Records, Johnson County, Texas, at 338.54 feet passing a 1/2 inch steel rod set at the northeast corner of said Phase 1, in all 1908.04 feet (deed, S 60°30' W, 1907.2 feet) to a 1/2 inch steel rod set in the center of said County Road, the common west corner of said R-H Development and Company tract and Phase 3, the northeast line of the tract described in deed from Tom Seeibach, et ux to Peggy S. Fothergill recorded in Volume 1778, Page 746 of said Official Public Records and on the common line of said Hill Survey and the Jackson Smith Survey, Abstract 758,

THENCE N 30°16'54" W, (deed, N 30°W) with the center of said County Road, common line of said Surveys, common line of said R-H Development and Company tract, Fothergill tract and Southern Acres subdivision recorded in Volume 4, Page 16 of said Plat Records, 1414.00 feet to the point of beginning and containing approximately 59.000 acres of land.



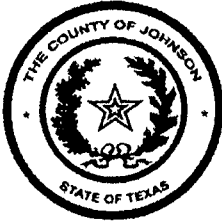
SURVEY PLAT OF 59.000 ACRES



I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas
 To verify the authenticity of this copy please visit:
<https://johnson.tx.publicsearch.us/verifycert/fKzSZ26X>

Johnson County Clerk

Digitally signed
 by Becky Ivey
 Date: 2020.07.01
 14:43:36 -05:00



Becky Williams

**BECKY WILLIAMS, COUNTY CLERK
 JOHNSON COUNTY, TEXAS**

WD 201100028502 PAGES 4

FILED FOR RECORD IN:

JOHNSON CO CLERK - RECORDING

DN: NOV 28, 2011 AT 02:31P

AS A(N) REAL PROPERTY

Becky Williams, COUNTY CLERK

CLERK NUMBER 28502 PAGES 4

AMOUNT: 24.00

RECEIPT NUMBER 11029655

BY MDAVIS STATE OF TEXAS JOHNSON CO CLERK -
 AS STAMPED HEREON BY ME. NOV 28, 2011

Becky Williams, COUNTY CLERK

Recorded: -----

WARNING --- THIS IS PART OF THE OFFICIAL RECORD
DO NOT DESTROY

**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.**



I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas. To verify the authenticity of this copy please visit <https://johnson.tx.publicsearch.us/verifycert/zeaHexkd>

Johnson County Clerk

Digitally signed
by Becky Ivey
Date: 2020.07.06
08:35:59 -05:00

003129

OK 3718PG0626

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: December 14, 2005

Grantor: R.J. Carvalho d/b/a R-H Land Development & Company

Grantors Mailing Address: 1102 Applewood St.
Klammath Falls, Oregon 97602

Grantee: Johnston & Associates, LLP, a Texas limited liability partnership

Grantee's Mailing Address: 307 W. Seventh Street, Suite 800
Fort Worth, Texas 76102

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration the receipt and adequacy of which are hereby acknowledged.

Property: An undivided 1/3 (one-third) interest as tenant in common in and to that certain tract or parcel of real property located in the City of Venus, County of Johnson, State of Texas and described by metes and bounds on Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

Reservations from and Exceptions to Conveyance and Warranty

All presently recorded and validly existing easements, rights-of-way, and prescriptive rights, and all other presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2006.

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



I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas
 To verify the authenticity of this copy please visit:
<https://johnson.tx.publicsearch.us/verifycert/zeaHexkd>

Johnson County Clerk

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 by Becky Ivey
 Date: 2020 07 06
 08:35:59 -05:00

BK 3718PG0627

against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from the exceptions to conveyance and warranty.

R. J. Carvalho

R. J. Carvalho d/b/a R-H Land Development & Company

STATE OF Oregon §
 COUNTY OF Klamath §

This instrument was acknowledged before me on the 4 day of January 2020, 2005, by R. J. Carvalho d/b/a R-H Land Development & Company.



Sandra Coffman
 NOTARY PUBLIC, State of Oregon

After recording, return to:
 Johnston + Associates, LLP
 307 W. Seventh St., Suite 800
 Fort Worth, TX 76102



I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas.

To verify the authenticity of this copy please visit: <https://johnson.tx.publicsearch.us/verifycert/zeaHexkd>

Johnson County Clerk

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Date: 2020.07.06 08:35:59 -05:00

BK 3718PG0628

EXHIBIT A

All that certain lot or tract of land, situated in the Wm. Hill Survey in Johnson County, Texas, and is a part of a 185-57/100 acre tract deed by T.F. Reynolds et al to J.P. Fielder on February 19, 1923 and recorded in Book 234, Page 515, etc. of the Deed Records of said County and is described by field notes as follows: BEGINNING at a stake on the west line of said Hill survey, at the northwest corner of a 60 acre tract, to be deeded to L.M. Rice off of the 185-57/100 acre tract, and 49 4/10 vrs. north 30 west of the southwest corner of said survey, Thence N. 30 W. with the west line of said Hill Survey, 201.6/10 vrs. to the northwest corner of said tract, Thence N. 60 3/4 E. 275 vrs. to the northeast corner of said tract on the west line of right of way of the I & G N. Ry. Co. Thence with the line of right of way of said Railroad S. 4 1/2 E. 140 vrs. S. 85 1/2 E. 9 vrs. and S. 4 1/2 E. 231 vrs. to a point of curve, Thence with same N. 29 E. 84 6/10 vrs. to the northeast corner of said 60 acre tract. Thence with north line thereof S. 60 1/2 W. 686 6/10 vrs. to the place of beginning containing 125-57/100 acres of land more or less.

BK 1853PG0108

SAVE AND EXCEPT THE FOLLOWING:

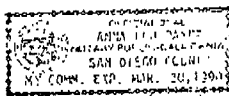
BEING a part of the William Hill Survey, Johnson County, Texas, and also being a part of that certain tract of land conveyed to J.C. Fielder et al and recorded in Vol. 240, Page 439, Deed Records of Johnson County, Texas, BEGINNING at a steel rod in the west line of the I & G N. Railroad at its intersection with the centerline of Cherry Street in Venus, Johnson County, Texas;

THENCE--South 4 deg. and 50 min. East with the West line of said Railroad, 138.5 feet to a steel rod;
THENCE--South 60 deg. and 00 min. West, 147.1 feet to a steel rod;
THENCE--North, 30 deg. and 00 min. West at 94.3 feet, passing a steel rod, in all 116.3 feet to a point in a County Road;
THENCE--North 60 deg. and 00 min. East with the South line of Venus, Texas, 1525.8 feet to the point of beginning and containing 4.00 acres of land; as surveyed by Harrell L. Hamilton, Registered Public Surveyor No. 1460, on July 30, 1969.

AND

BEING a part of the William Hill Survey, also being a part of that certain tract of land conveyed by J.P. Fielder et al to J.E. Roten and recorded in Vol. 240, Page 439, Deed Records of Johnson County, Texas, BEGINNING at a point in the center of a County Road, said point being South 60 deg. and 00 min. West, 1525.8 feet from the intersection of the centerline of Cherry Street in Venus, Johnson County, Texas, and the West line of the I & G N. Railroad;
THENCE--South 30 deg. and 00 min. East at 22 feet, passing a steel rod, in all 138.3 feet to a steel rod;
THENCE--South 60 deg. and 00 min. West, 749.1 feet to a steel rod;
THENCE--North 30 deg. and 00 min. West, at 116.3 feet, passing a steel rod, in all 138.3 feet to a point in the center of said County Road;
THENCE--North 60 deg. and 00 min. East with said County Road, 749.1 feet to the place of beginning and containing 2.38 acres of land; as surveyed by Harrell L. Hamilton Registered Public Surveyor No. 1460 on July 30, 1969.

THIS deed of trust applies to South 50 acres to maximum of 59 acres being part of 99 plus acre William Hill Survey #379. The balance of 40 plus acres is to be retained by Hazel E. Carvalho. The 99 plus acre William Hill Survey is located in Venus, Johnson County, Texas. William Hill Survey A #379 property has free hook-up to utilities per R.J. and H.E. Carvalho agreement with Venus School District and City of Venus, Texas 1982.



Christine Lee Pappas



I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas.

To verify the authenticity of this copy please visit:
<https://johnson.tx.publicsearch.us/verifycert/zeaHexkd>

Johnson County Clerk

Digitally signed
 by Becky Ivey
 Date: 2020.07.06
 08:35:59 -05:00

Exhibit A

BK 3718 PG 0629

FIELD NOTES for R.J. Curvish

Job no. B-02565

BEING a part of the Wilton Hill Survey, Abstract 379, Venus, Johnson County, Texas, and being the tract described in deed from Hazel Elizabeth to R-H Development and Company recorded in Volume 1953, Page 107, Official Public Records, Johnson County, Texas, and being more particularly described by its metes and bounds as follows.

BEGINNING at a steel rod set at the northwest corner of said R-H Development and Company tract, the southwest corner of the tract described in deed from Hazel Ruten (Carvalho) Taylor to Billy C. Ruten, et ux recorded in Volume 2341, Page 60 of said Official Public Records, in the center of County Road 214,

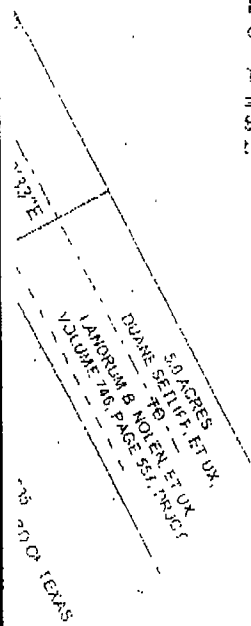
THENCE N 57° 30' 19" E, (bearing base line) along the boundary between said R-H Development and Company and Ruten tracts, 2185.91 feet to a 1/2 inch steel rod set at their common east corner and on the westerly line of the International And Great Northern Railroad, said point being on a curve with a radius of 2939.86 feet:

THENCE Southeasterly, with said the west line of said Railroad and the arc of said curve to the left through a central angle of 23° 28' 56", a chord bearing and distance of S 17° 06' 04" E, 1156.47 feet, an arc length of 1204.82 feet to a 1/2 inch steel rod set at the end of said curve.

THENCE S 28° 50' 33" E, with west line of said Railroad, 173.34 feet to a 1/2 inch steel rod set on the northwest line of the tract described in deed from Duane Setliff, et ux to Landrum B. Nolen, et ux recorded in Volume 748, Page 657, Deed Records, Johnson County, Texas;

THENCE S 60° 16' 43" W, along the boundary between said R-H Development and Company tract and said Nolen tract, the tract described in deed from the Veterans Land Board of Texas to Landrum Bob Nolen recorded in Volume 748, Page 653 of said Deed Records and Rancho Villa, Phase 1 and Phase 3 recorded in Volume 3, Page 70 and 71, Plat Records, Johnson County, Texas, at 333.54 feet passing a 1/2 inch steel rod set at the northeast corner of said Phase 1, in all 1903.04 feet (deed, S 60° 30' W, 1907.2 feet) to a 1/2 inch steel rod set in the center of said County Road, the common west corner of said R-H Development and Company tract and Phase 3, the northeast line of the tract described in deed from Tom Seelbach, et ux to Peggy S Fothergill recorded in Volume 1778, Page 746 of said Official Public Records and on the common line of said Hill Survey and the Jackson Smith Survey, Abstract 753,

THENCE N 30° 15' 54" W (deed, N 30° W) with the center of said County Road, common line of said Surveys, common line of said R-H Development and Company tract, Fothergill tract and Southern Acres subdivision recorded in Volume 4, Page 16 of said Plat Records, 1414.60 feet to the point of beginning and containing approximately 59,000 acres of land.



SURVEY PLAT OF
 59 000 ACRES



I do hereby certify that this is a true and correct copy of the original record now on file in the Official Public Records of Johnson County, Texas
 To verify the authenticity of this copy please visit.
<https://johnson.tx.publicsearch.us/verifycert/zeaHexkd>

Johnson County Clerk

Digitally signed
 by Becky Ivey
 Date: 2020.07.06
 08:35:59 -05:00

BK 3718P60630

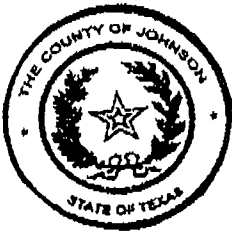
WARNING --- THIS IS PART OF THE OFFICIAL RECORD
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Filed For Record 3:50 AM PM

JAN 25 2006

County Clerk Johnson County
 By DP Deputy

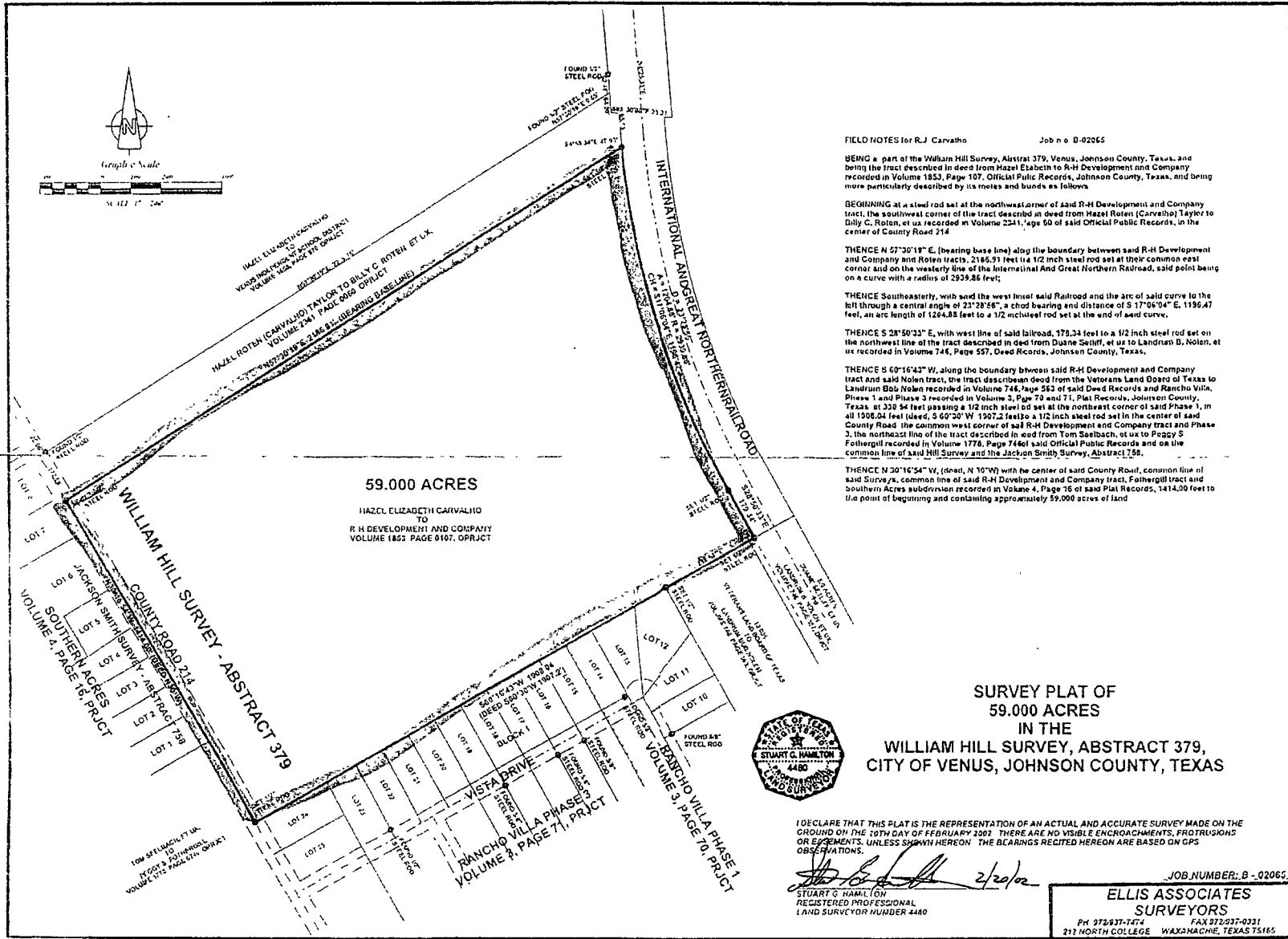
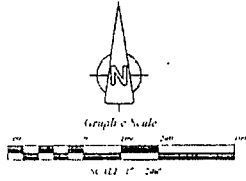
ANY PROVISION HEREIN WHICH
 RESTRICTS THE SALE, RENTAL
 OR USE OF THE DESCRIBED REAL
 PROPERTY BECAUSE OF COLOR
 OR RACE IS INVALID AND
 UNENFORCEABLE UNDER FEDERAL LAW



STATE OF TEXAS
 COUNTY OF JOHNSON

that I hereby certify this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS in the Volume and Page as shown heron.

C.H. Douglas
 CURTIS H. DOUGLAS, COUNTY CLERK
 JOHNSON COUNTY, TEXAS



FIELD NOTES for R.J. Carvalho Job no. B-02065

BEING a part of the William Hill Survey, Abstract 379, Venus, Johnson County, Texas, and being the tract described in deed from Hazel Elizabeth to R-H Development and Company recorded in Volume 1851, Page 107, Official Public Records, Johnson County, Texas, and being more particularly described by its notes and bounds as follows:

BEGINNING at a steel rod set at the northwest corner of said R-H Development and Company tract, the southwest corner of the tract described in deed from Hazel Rolen (Carvalho) Taylor to Dilly C. Rolen, et ux recorded in Volume 2341, page 60 of said Official Public Records, in the center of County Road 214

THENCE N 57°30'18" E, (bearing base line) along the boundary between said R-H Development and Company and Rolen tracts, 2185.31 feet to a 1/2 inch steel rod set at their common east corner and on the westerly line of the International and Great Northern Railroad, said point being on a curve with a radius of 2939.86 feet;

THENCE Southeastly, with said the west line of said Railroad and the arc of said curve to the left through a central angle of 23°28'56", a chord bearing and distance of S 17°06'04" E, 1196.47 feet, an arc length of 1224.88 feet to a 1/2 inch steel rod set at the end of said curve.

THENCE S 28°50'33" E, with west line of said railroad, 178.34 feet to a 1/2 inch steel rod set on the northwest line of the tract described in deed from Duane Seiffert, et ux to Landrum B. Nolan, et ux recorded in Volume 745, Page 557, Deed Records, Johnson County, Texas.

THENCE S 60°16'43" W, along the boundary between said R-H Development and Company tract and said Nolan tract, the tract described in deed from the Veterans Land Board of Texas to Landrum Bob Nolan recorded in Volume 746, Page 563 of said Deed Records and Rancho Villa, Phase 1 and Phase 3 recorded in Volume 3, Page 70 and 71, Plat Records, Johnson County, Texas, at 330.34 feet passing a 1/2 inch steel rod set at the northeast corner of said Phase 1, in all 1308.04 feet (used, S 60°30' W 1907.2 feet) to a 1/2 inch steel rod set in the center of said County Road, the common west corner of said R-H Development and Company tract and Phase 3, the northeast line of the tract described in deed from Tom Seibach, et ux to Peggy S. Fothergill recorded in Volume 1778, Page 746 of said Official Public Records and on the common line of said Hill Survey and the Jackson Smith Survey, Abstract 758.

THENCE N 30°16'54" W, (true), N 10° W with the center of said County Road, common line of said Survey's, common line of said R-H Development and Company tract, Fothergill tract and Southern Acres subdivision recorded in Volume 4, Page 16 of said Plat Records, 1414.50 feet to the point of beginning and containing approximately 59,000 acres of land

**SURVEY PLAT OF
59,000 ACRES
IN THE
WILLIAM HILL SURVEY, ABSTRACT 379,
CITY OF VENUS, JOHNSON COUNTY, TEXAS**



I DECLARE THAT THIS PLAT IS THE REPRESENTATION OF AN ACTUAL AND ACCURATE SURVEY MADE ON THE GROUND ON THE 20TH DAY OF FEBRUARY 2001. THERE ARE NO VISIBLE ENCROACHMENTS, PROTRUSIONS OR EMBEZZLEMENTS, UNLESS SHOWN HEREON. THE BEARINGS RECITED HEREON ARE BASED ON GPS OBSERVATIONS.

Stuart G. Hamilton 2/20/01

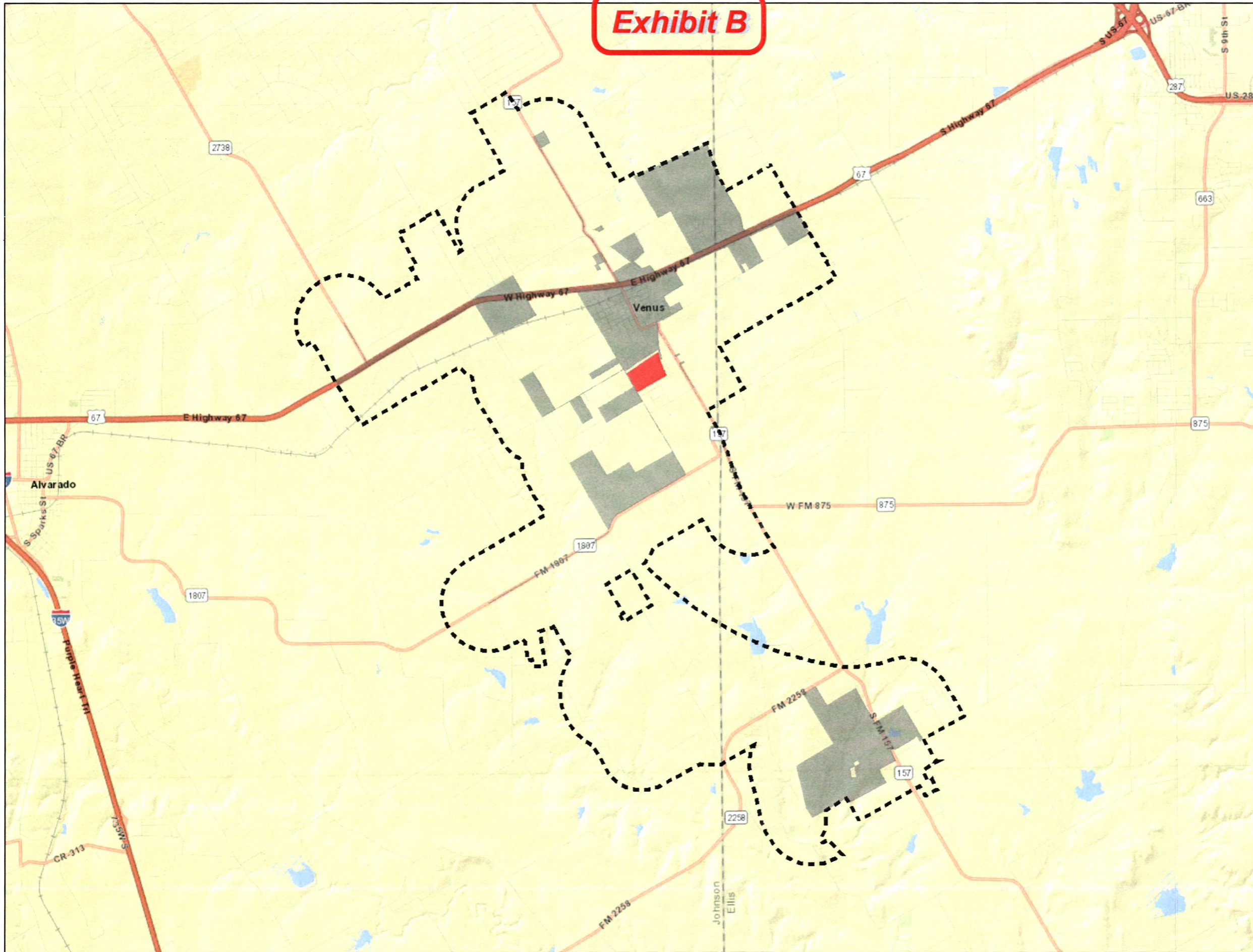
STUART G. HAMILTON
REGISTERED PROFESSIONAL
LAND SURVEYOR NUMBER 4480

JOB NUMBER: B - 02065

**ELLIS ASSOCIATES
SURVEYORS**
PH 372-937-7474 FAX 372-937-0331
211 NORTH COLLEGE WAXAHACHIE, TEXAS 75165

Exhibit B

Exhibit B



VICINITY MAP
Scale: 1 inch equals 5 miles

- LEGEND**
- Venus City Limits
 - Venus ETJ
 - Tract

JOHNSTON TRACT
59 ACRES

JOHNSON COUNTY, TEXAS



1 inch = 1 mile

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones | Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.



JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439



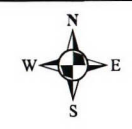
VICINITY MAP
Scale: 1 inch equals 5 miles

LEGEND

- Tract
- Parcels

**JOHNSTON TRACT
59 ACRES**

JOHNSON COUNTY, TEXAS



1 inch = 400 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones | Carter, Inc. concerning the accuracy completeness, reliability, or usability of the information included within this exhibit.



JONES CARTER
Texas Board of Professional Engineers Registration No. F-439

Johnston Legal
STREAMLINED
EXPEDITED Release
SHAPEFILE

to a live or to a Memorex™
Memorex

Exhibit C

Exhibit C



THE AL LAW GROUP

David J. Tuckfield
12400 W. Highway 71, Suite 350-150
Austin, Texas 78738

Partner
(512) 576-2481
Fax: (512) 366-9949

August 7, 2020

Via certified mail # 7016 0600 0000 3030 0716
rrr # 9590 9402 1882 6104 8100 58

Mountain Peak Special Utility District
5671 Waterworks Road
Midlothian, TX 76065-5851

Re: Petition of Johnston Legal Group and Frank Carvalho (jointly) to be removed from Mountain Peak Special Utility District's Water CCN No. 10908 by Streamlined Expedited Release

Dear Sirs:

Please find enclosed the Petition of Petition of Johnston Legal Group and Frank Carvalho (jointly) to be removed from Mountain Peak Special Utility District's Water CCN No. 10908 by Streamlined Expedited Release under Texas Water Code § 13.2541 and 16 TAC § 24.245(1). This Petition was filed with the Public Utility Commission today, August 7, 2020.

Should you have any questions or need additional information, please do not hesitate to contact me at (512) 576-2481 or david@allawgp.com.

Sincerely,

David Tuckfield
Partner
The AL Law Group, PLLC
12400 West Highway 71
Suite 350-150
Austin, TX 78738
(512) 576-2481
dtuckfield@allawgp.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 MOUNTAIN PEAK SPECIAL UTILITY DISTRICT
 5671 WATERWORKS ROAD
 MIDLOTHIAN, TX 76065-5851



9590 9402 1882 6104 8100 58

2. Article Number (Transfer from service label)
 7016 0600 0000 3030 0716

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2015 PSN 7530-02-000-9083

Domestic Return Receipt

PLEASE STICKER AT TOP OF RECEIPT TO THE RIGHT
 OF THE RETURN ADDRESS. SOLD AT POSTAGE OFFICE.
CERTIFIED MAIL



7016 0600 0000 3030 0716
 9720 0600 0000 3030 0716

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

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

Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and Fees \$ _____	

Sent To **MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**
 Street and Apt. No., or PO Box No.
5671 WATERWORKS ROAD
 City, State, ZIP+4®
MIDLOTHIAN, TX 76065-5851

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

Track Another Package +

Tracking Number: 70160600000030300716

Remove X

Your item was delivered to an individual at the address at 12:54 pm on August 11, 2020 in MIDLOTHIAN, TX 76065.

Delivered

August 11, 2020 at 12:54 pm
Delivered, Left with Individual
MIDLOTHIAN, TX 76065

Get Updates v

Text & Email Updates



Tracking History



August 11, 2020, 12:54 pm
Delivered, Left with Individual
MIDLOTHIAN, TX 76065

Your item was delivered to an individual at the address at 12:54 pm on August 11, 2020 in MIDLOTHIAN, TX 76065.

August 11, 2020, 12:46 am
Departed USPS Regional Destination Facility
FORT WORTH TX DISTRIBUTION CENTER

August 10, 2020, 3:32 pm
Arrived at USPS Regional Destination Facility
FORT WORTH TX DISTRIBUTION CENTER

August 10, 2020
In Transit to Next Facility

August 8, 2020, 2:28 am
Departed USPS Regional Facility
AUSTIN TX DISTRIBUTION CENTER

August 7, 2020, 10:56 pm
Arrived at USPS Regional Origin Facility
AUSTIN TX DISTRIBUTION CENTER

August 7, 2020, 2:07 pm
USPS in possession of item
AUSTIN, TX 78734

Product Information

Postal	Features:	See tracking for related item: 9590940218826104810058
Product: First-Class Mail®	Certified Mail™	(/go/TrackConfirmAction?tLabels=9590940218826104810058)

See Less 

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Exhibit C-1

Exhibit C-1



THE AL LAW GROUP

David J. Tuckfield
12400 W. Highway 71, Suite 350-150
Austin, Texas 78738

Partner
(512) 576-2481
Fax: (512) 366-9949

September 15, 2020

Mountain Peak Special Utility District
5671 Waterworks Road
Midlothian, TX 76065-5851

Via certified mail # 7019 2970 0001 0099 3067
rrr # 9590 9402 5691 9346 7330 39

Leonard H. Dougal
Jackson Walker LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701

Via certified mail # 7019 2970 0001 0099 3074
rrr # 9590 9402 5691 9346 7330 22

Re: First Amended Petition of Johnston & Associates, LLP and Frank Carvalho (jointly) to be removed from Mountain Peak Special Utility District's Water CCN No. 10908 by Streamlined Expedited Release

Dear Sirs:

Please find enclosed the First Amended Petition for Petition of Johnston & Associates, LLP and Frank Carvalho (jointly) to be removed from Mountain Peak Special Utility District's Water CCN No. 10908 by Streamlined Expedited Release under Texas Water Code § 13.2541 and 16 TAC § 24.245(1). This First Amended Petition was filed with the Public Utility Commission today, September 15, 2020.

Should you have any questions or need additional information, please do not hesitate to contact me at (512) 576-2481 or david@allawgp.com.

Sincerely,

David Tuckfield
Partner
The AL Law Group, PLLC
12400 West Highway 71
Suite 350-150
Austin, TX 78738
(512) 576-2481
dtuckfield@allawgp.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LEONARD H. DOUGAL
JACKSON WALKER LLP
100 Congress Ave.
Suite 1100
AUSTIN, TX 78701



9590 9402 5691 9346 7330 22

2. Article Number (Transfer from service label)

7019 2970 0001 0099 3074

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Priority Mail Express®

7019 2970 0001 0099 3074

7019 2970 0001 0099 3067

Sent To: LEONARD H. DOUGAL, JACKSON WALKER
Street and Apt. No., or PO Box No.: 100 Congress Ave., Suite 1100
City, State, ZIP+4: AUSTIN, TX 78701

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

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

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Postmark Here

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

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

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Postmark Here

Sent To: MOUNTAIN PEAK SPECIAL Utility District
Street and Apt. No., or PO Box No.: 5671 Waterworks Road
City, State, ZIP+4: MIDLOTHIAN, TX 76065-5851
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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

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

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Postmark Here

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

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

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MOUNTAIN PEAK SPECIAL Utility District
5671 Waterworks Road
Midlothian, TX 76065-5851



9590 9402 5691 9346 7330 39

2. Article Number (Transfer from service label)

7019 2970 0001 0099 3067

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Priority Mail Express®

Domestic Return Receipt

Exhibit D

EXHIBIT D

AFFIDAVIT OF MICHAEL JOHNSTON

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

BEFORE ME, the undersigned authority, personally appeared Michael Johnston, who, being by me duly sworn, deposed as follows:

“My name is Michael Johnston, I am of sound mind, capable of making this affidavit, and I am personally familiar with the facts stated herein, which are true and correct.

1. I am the Managing Partner of Johnston & Associates, LLP and signing on behalf of Johnston & Associates, LLP, co-owner of approximately 59 acres in Johnson County Texas. All of this property is located within the Water Certificate of Convenience and Necessity No. 10908 held by Mountain Peak Special Utility District. This property is more properly shown on maps on Exhibit A of the Petition of Johnston & Associates, LLP and Frank Carvalho to Amend Mountain Peak SUD’s Water Certificate of Convenience and Necessity No. 10908 in Johnson County by Streamlined Expedited Release pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(l) (Petition).
2. Johnston & Associates, LLP has been an owner of this property for over 19 years and the real property does not have any water connections or meters located thereon.
3. Johnston & Associates, LLP has not requested any retail water service from Mountain Peak Special Utility District, has not paid any service reservation or standby fees, nor does it have any agreements with Mountain Peak Special Utility District to provide retail water service to the above-referenced real property.

4. The above-referenced real property does not receive any water or sewer service from Mountain Peak Special Utility District.
5. Exhibit B to the Petition contains large and small scale maps as well as a CD-ROM containing digital data, which depict the property and shows that the property is within Mountain Peak Special Utility District's CCN No. 10908 in Johnson County Texas.
6. Exhibit C to the Petition is proof that a copy of the Petition was mailed to Mountain Peak Special Utility District, Certified Mail Return Receipt Requested, on the same day that the Petition was submitted to the Commission.
7. This affidavit is in support of de-certifying Mountain Peak Special Utility District's water Certificate of Convenience and Necessity No. 10908 pursuant to Section 13.2541, *Texas Water Code* and Rules of the Commission Section 24.245(l)."

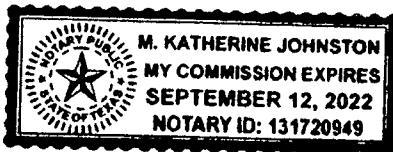
FURTHER AFFIANT SAYETH NOT.

JOHNSTON & ASSOCIATES, LLP

By: 
 Name: Michael Johnston
 Its Managing Partner

STATE OF TEXAS §
 §
 COUNTY OF TARRANT §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by Michael Johnston, Managing Partner of Johnston & Associates, LLP on behalf of Johnston & Associates, LLP on this 30 day of June 2020, to certify which witness my hand and official seal.



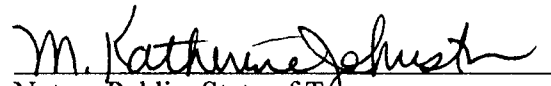

 Notary Public, State of Texas

Exhibit E

EXHIBIT E

AFFIDAVIT OF FRANK CARVALHO

STATE OF §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF §

BEFORE ME, the undersigned authority, personally appeared Frank Carvalho, who, being by me duly sworn, deposed as follows:

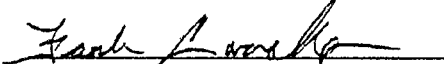
“My name is Frank Carvalho. I am of sound mind, capable of making this affidavit, and I am personally familiar with the facts stated herein, which are true and correct.

1. I am co-owner of approximately 59 acres in Johnson County Texas. All of this property is located within the Water Certificate of Convenience and Necessity No. 10908 held by Mountain Peak Special Utility District. This property is more properly shown on maps on Exhibit A of the Petition of the Johnston Legal Group and Frank Carvalho to Amend Mountain Peak SUD’s Water Certificate of Convenience and Necessity No. 10908 in Johnson County by Streamlined Expedited Release pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(l) (Petition).”
2. I have been an owner of this property for over 8 years and the real property does not have any water connections or meters located thereon.
3. I have not requested any retail water service from Mountain Peak Special Utility District, I have not paid any service reservation or standby fees, nor do I have any agreements with Mountain Peak Special Utility District to provide retail water service to the above-referenced real property.

4. The above-referenced real property does not receive any water or sewer service from Mountain Peak Special Utility District
5. Exhibit B to the Petition contains large and small scale maps as well as a CD-ROM containing digital data, which depict the property and shows that the property is within Mountain Peak Special Utility District's CCN No. 10908 in Johnson County Texas.
6. Exhibit C to the Petition is proof that a copy of the Petition was mailed to Mountain Peak Special Utility District, Certified Mail Return Receipt Requested, on the same day that the Petition was submitted to the Commission.
7. This affidavit is in support of de-certifying Mountain Peak Special Utility District's water Certificate of Convenience and Necessity No. 10908 pursuant to Section 13.2541, *Texas Water Code* and Rules of the Commission Section 24.245(l)."

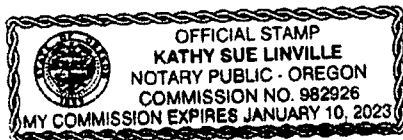
FURTHER AFFIANT SAYETH NOT.


FRANK CARAVALHO


 Frank Carvalho

STATE OF Oregon §
 COUNTY OF Clatsop §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by Frank Carvalho on this 25 day of June 2020, to certify which witness my hand and official seal.




 Notary Public, State of Texas
Oregon