



Control Number: 51158



Item Number: 30

Addendum StartPage: 0



Donna Brown Willis, Paralegal  
(512) 236-2245 (Direct Dial)  
(512) 391-2171 (Direct Fax)  
dwillis@jw.com

RECEIVED  
2021 FEB 26 PM 1:57

February 26, 2021  
CLERK

Public Utility Commission  
Attention: Central Records  
1701 N. Congress Avenue, Suite 8-100  
Austin, Texas 78711

VIA e filing

RE: Docket No. 51158; Petition of Johnston & Associates, LLP and Frank Carvalho to Amend Mountain Peak SUD's CCN in Johnson County

Dear Central Records:

As directed by the Order entered in the above-referenced docket issued on January 29, 2021, I enclose evidence of the recording of the Affidavit of Boundary Description of Amended Service Area for Mountain Peak Special Utility District with a certified copy of the CCN Map and Certificate in the Johnson County Real Property Records.

Please let me know if you have any questions about this filing.

Sincerely,

Donna Brown Willis  
Paralegal

Enclosure

cc: Justin C. Adkins, PUC Legal Division (Via email)  
David Tuckfield (Via email)  
Andy Barrett (Via email)  
Leonard Dougal, Jackson Walker (Via email)

28208517v.1


AFFIDAVIT OF BOUNDARY DESCRIPTION OF AMENDED WATER SERVICE  
AREA FOR MOUNTAIN PEAK SPECIAL UTILITY DISTRICT  
PUC DOCKET NO. 51158

STATE OF TEXAS            §  
COUNTY OF JOINSON      §

"I, Randel Kirk, being duly sworn, file this form as the General Manager of Mountain Peak Special Utility District; that in such capacity, I am qualified and authorized to file and verify such form, and that all such statements made and matters set forth herein are true and correct, to the best of my knowledge and belief.

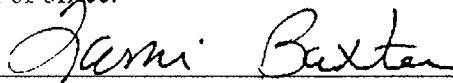
I am personally familiar with the boundary description of the service areas set out in the approved Certificate of Convenience and Necessity ("CCN") and map for *water service* which have been *removed from* CCN No. 10908, which amended area was approved by the Public Utility Commission of Texas ("PUC") on January 29, 2021, and is described in the metes and bounds description and survey map attached as Exhibit A.

A certified copy of the PUC revised CCN map segment, showing the removed CCN area, and the CCN Certificate is additionally attached to this affidavit in Exhibit B."



\_\_\_\_\_  
Randel Kirk  
General Manager

Subscribed and sworn to before me by Randel Kirk, in my capacity as General Manager of Mountain Peak Special Utility District, on this 24 day of February, 2021, to certify which witness my hand and seal of office.

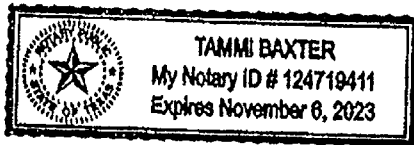


\_\_\_\_\_  
Notary Public in and for the State of Texas.

TAMMI BAXTER

Print or Type Name of Notary Public

Commission expires Nov. 6, 2023



Johnson County Clerk

Digitally signed by Becky Ivey Date: 2020.07.06 08:35:59 -05.00



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

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. E. Reynolds et al to J.P. Fielder on February 19, 1923 and recorded in Book 234, Page 514, 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 494.4/10 vrs. north 37 west of the southwest corner of said survey, thence N. 3/4 W. with the west line of said Hill Survey, 901.6/10 vrs. to the northwest corner of said tract, thence N. 60 3/4 E. 975 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. 41 E. 140 vrs. S. 86 1/2 E. 9 vrs. and S. 41 E. 231 vrs. to a point of curve, thence with same S. 25 E. 84 4/10 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

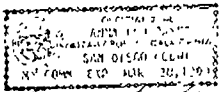
SAVE AND EXCEPT THE FOLLOWING.

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.E. Fielder et al and recorded in Vol. 270, 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, 128.5 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 to J.P. Fielder et al to J.E. Ruten and recorded in Vol. 270, 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 1962.



Harrell L. Hamilton



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.H. Carvalho

Job no. B-02765

BEING a part of the Valhalla Hill Survey, Abstract 379, Valhalla, Johnson County, Texas, and being the tract described in deed from Hazel Elizabeth to R.H. Development and Company recorded in Volume 1353, 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 2241, Page 60 of said Official Public Records, in the center of County Road 274,

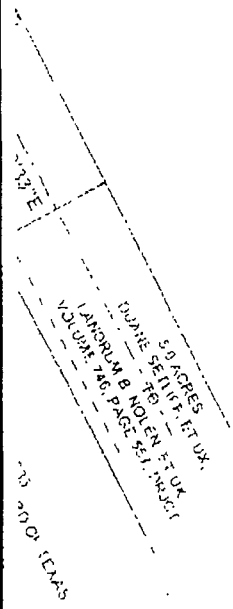
THENCE N 57° 30' 19" E, (bearing base line) along the boundary between said R.H. Development and Company and Ruten tracts, 2185.91 feet to a 1/2 inch steel rod set at their common east corner and on the westerly line of the International and Great Northern Railroad, said point being on a curve with a radius of 2939.85 feet.

THENCE Southeastward, with said the west line of said Railroad and the arc of said curve to the left through a central angle of 23° 28' 58", a chord bearing and distance of S 17° 06' 04" E 1156.47 feet, an arc length of 1201.82 feet to a 1/2 inch steel rod set at the end of said curve.

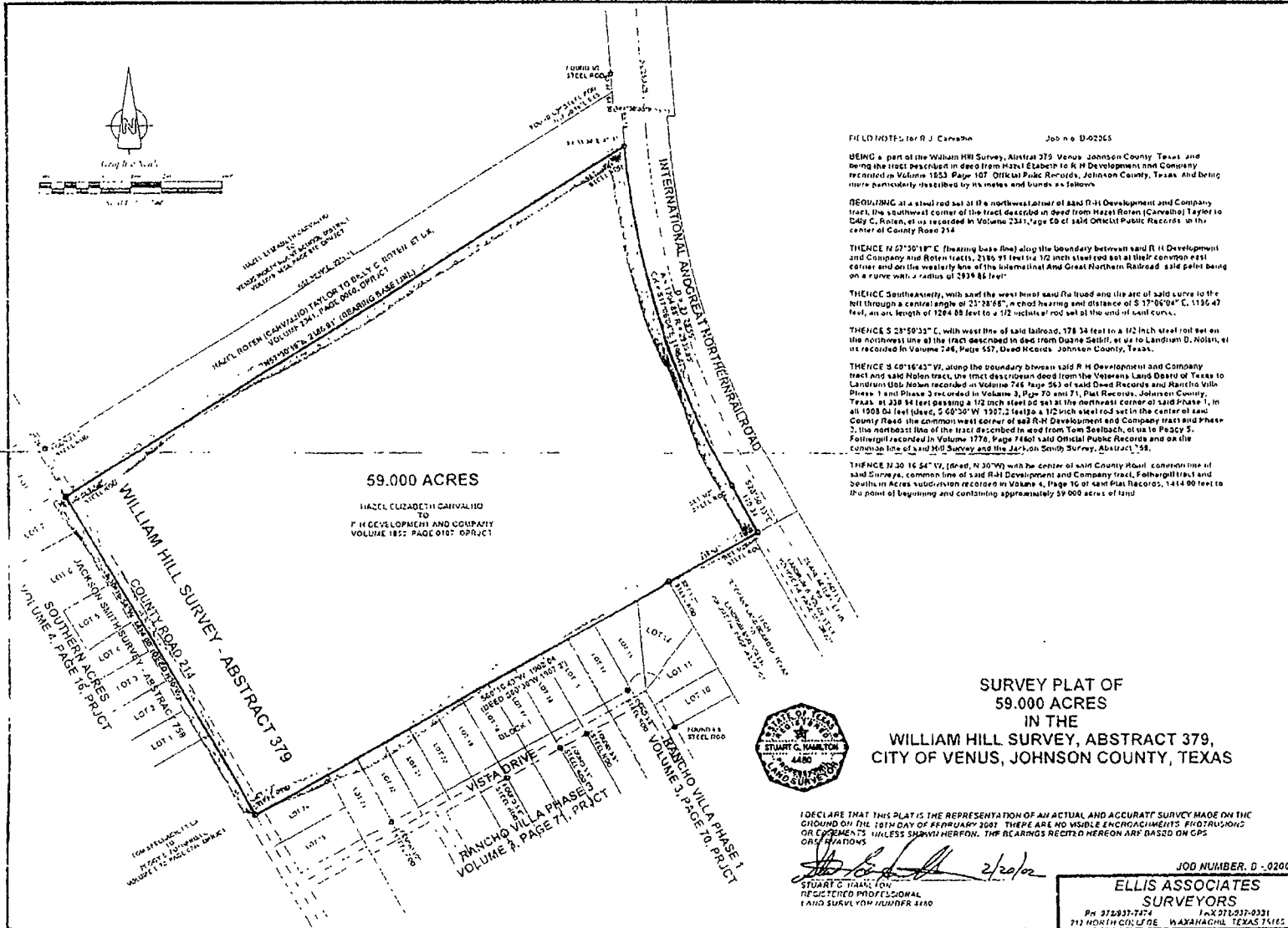
THENCE S 28° 50' 33" E with west line of said Railroad, 179.34 feet to a 1/2 inch steel rod set on the northwest line of the tract described in deed from Duane Setliff, et ux to Landrum B. Nolen, et ux recorded in Volume 746, Page 557, Deed Records, Johnson County, Texas:

THENCE S 60° 16' 43" W, along the boundary between said R.H. Development and Company tract and said Nolen tract, the tract described in deed from the Veterans Land Board of Texas to Landrum Bob Nolen 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 333.54 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° 00' 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, 1414.00 feet to the point of beginning and containing approximately 59,000 acres of land



SURVEY PLAT OF 59,000 ACRES



FIELD NOTES for R J Carvath Job # 6 D-0206

BEING a part of the William Hill Survey, Abstract 379, Venus, Johnson County, Texas, and being the tract described in deed from Hazel E. Eubank to R. H. Development and Company, recorded in Volume 1852, Page 107, Official Public Records, Johnson County, Texas, and being more particularly described by its notes and bounds as follows:

BEING, BEING 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 Eubank (Carvath) Taylor to Dale C. Rothen, et al, as recorded in Volume 2331, Page 60 of said Official Public Records, in the center of County Road 214.

THENCE N 27°30'18" E (bearing base line) along the boundary between said R. H. Development and Company and Rothen tracts, 2180.91 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 2934.86 feet.

THENCE S 81°04'58" E, with said the west line of said railroad and the arc of said curve to the left through a central angle of 23°28'58", a chord bearing and distance of S 17°06'04" E, 1136.47 feet, an arc length of 1264.88 feet to a 1/2 inch steel rod set at the end of said curve.

THENCE S 23°50'33" E, with west line of said railroad, 378.34 feet to a 1/2 inch steel rod set on the northwest line of the tract described in deed from Duane Seibert, et al to Landrum D. Nolan, et al, as recorded in Volume 246, Page 637, Deed Records, Johnson County, Texas.

THENCE S 65°18'45" W, along the boundary between said R. H. Development and Company tract and said Nolan tract, the tract description deed from the Veterans Land Board of Texas to Landrum D. Nolan recorded in Volume 746, Page 563 of said Deed Records and Rancho Villa Phase 1 and Phase 2 recorded in Volume 3, Page 70 and 71, Plat Records, Johnson County, Texas, at 238.34 feet passing a 1/2 inch steel rod set at the northeast corner of said Phase 1, in all 1908 04 feet (true, 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 2, the northeast line of the tract described in deed from Tom Seibach, et al to Percy S. Fosterlight recorded in Volume 1776, Page 746 of said Official Public Records and on the common line of said H. H. Survey and the Jackson Sundry Survey, Abstract 158.

THENCE N 30°16'54" E, (true, N 30° W) with the center of said County Road, common line of said Survey, common line of said R. H. Development and Company tract, Fosterlight tract and south 1/4 acre subdivision recorded in Volume 4, Page 16 of said Deed Records, 1416.00 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 10TH DAY OF FEBRUARY 2021. THERE ARE NO VISIBLE ENCROACHMENTS, PHOTOGRAPHS OR EVIDENCES UNLESS SHOWN HEREOF. THE BEARINGS NOTED HEREON ARE BASED ON GPS OBSERVATIONS.

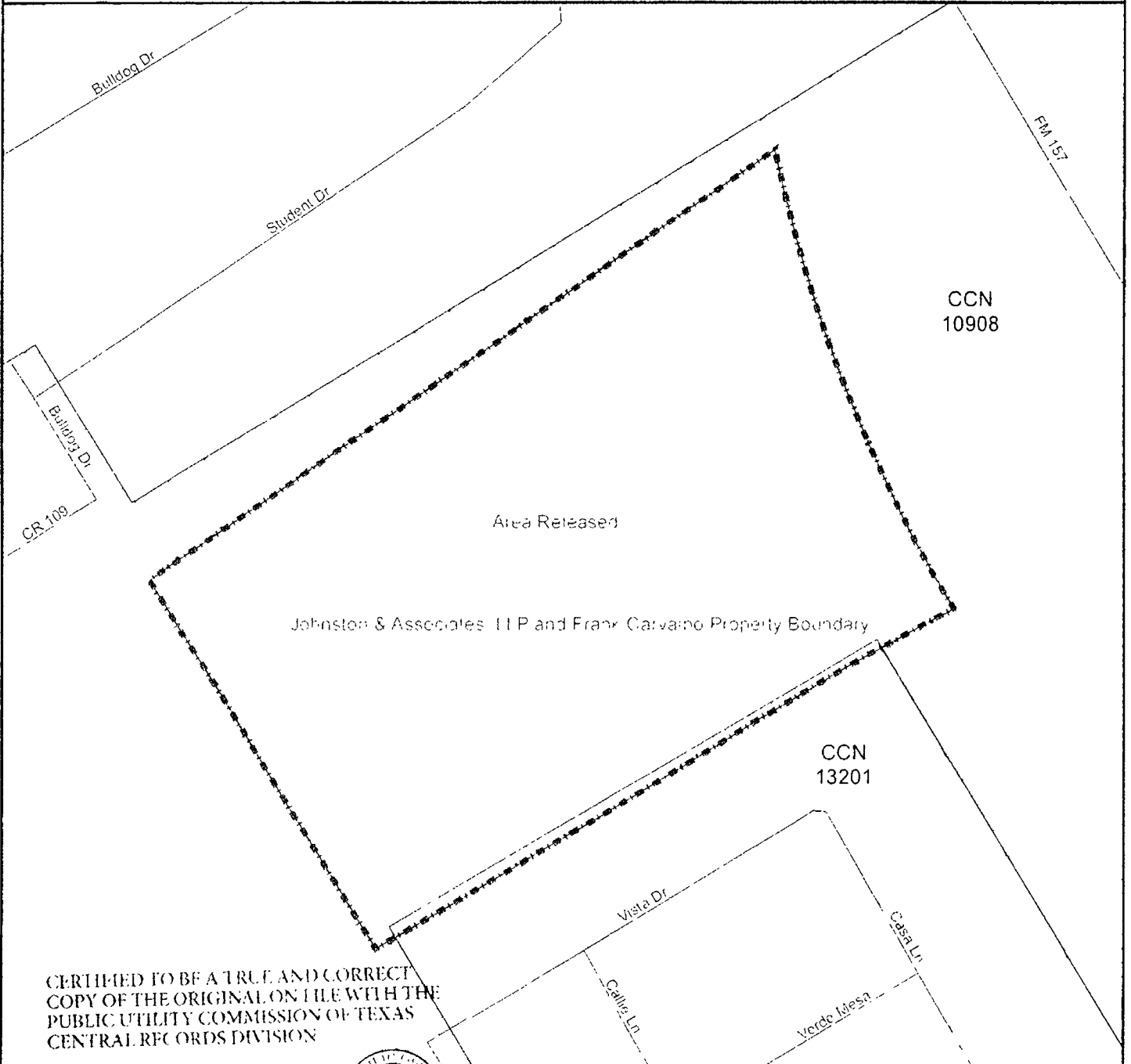
*Stuart C. Hamilton* 2/20/21  
STUART C. HAMILTON  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NUMBER 4480

JOB NUMBER, D - 0206

**ELLIS ASSOCIATES  
SURVEYORS**

PH 312337-7474 FAX 312337-0331  
213 NORTH COLLIERE WAXAHACHIA, TEXAS 75162

Mountain Peak Special Utility District  
 Portion of Water CCN No. 10908  
 PUC Docket No. 51158  
 Petition by Johnston & Associates, LLP and Frank Carvalho to Amend  
 Mountain Peak Special Utility District's CCN by Expedited Release in Johnson County





CERTIFIED TO BE A TRUE AND CORRECT  
 COPY OF THE ORIGINAL ON FILE WITH THE  
 PUBLIC UTILITY COMMISSION OF TEXAS  
 CENTRAL RECORDS DIVISION



BY: *Sandra A. ...*

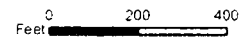


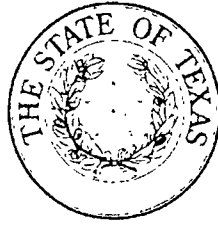
DATE: 2-9-21

**Water CCN**

-  10908 - Mountain Peak SUD
-  13201 - Aqua Texas Inc

-  Area Released
-  Property Boundary





# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

## **Mountain Peak Special Utility District**

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

### **Certificate of Convenience and Necessity No. 10908**

to provide continuous and adequate water utility service to that service area or those service areas in Johnson County as by final Order or Orders duly entered by this Commission, which Order resulting from Docket No. 51158 is on file at the Commission offices in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty Mountain Peak Special Utility District, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the 20<sup>th</sup> day of January 2021.

CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL ON FILE WITH THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
CENTRAL RECORDS DIVISION

BY: B. J. Au

DATE: 2-9-21





**Johnson County  
Becky Ivey  
Johnson County  
Clerk**

---

**Instrument Number:** 6459

eRecording - Real Property

Affidavit

Recorded On: February 25, 2021 08:46 AM

Number of Pages: 7

---

**" Examined and Charged as Follows: "**

Total Recording: \$46.00

---

**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

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.

**File Information:**

Document Number: 6459  
Receipt Number: 20210225000019  
Recorded Date/Time: February 25, 2021 08:46 AM  
User: Linda B  
Station: ccl30

**Record and Return To:**

Simplifile  
5072 North 300 West  
  
PROVO UT



**STATE OF TEXAS  
COUNTY OF JOHNSON**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Johnson County, Texas.**

Becky Ivey  
Johnson County Clerk  
Johnson County, TX

*Becky Ivey*