



Control Number: 51249



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **51249**



**PETITION BY CROOK ROSE, INC.,
FOR EXPEDITED RELEASE FROM
LINDALE RURAL WATER SUPPLY
CORPORATION, WATER CCN
NO. 10758, IN SMITH COUNTY**

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§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**PETITION FOR STREAMLINED EXPEDITED RELEASE
FROM LINDALE WSC'S WATER CCN 10758
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Crook Rose, Inc., files this Petition for Streamlined Expedited Release of its property from the Water CCN No. 10758 held by Lindale Rural Water Supply Corporation ("Lindale Rural") in Smith County, Texas, pursuant to Texas Water Code §13.2541 and 16 Texas Administrative Code §24.245(h), and in support thereof would show the following:

I. AUTHORITY

Pursuant to Texas Water Code § 13.2541 and 16 TAC §24.245(h), the owner of a tract of land that is at least 25 acres and that is not receiving service may petition the Commission for expedited release of the area from a water or sewer CCN if the property is located in a qualifying county, including Smith County. Petitioner meets these criteria.

II. REQUEST FOR DECERTIFICATION

The following documents support Petitioner's request for decertification:

- Exhibit A – Affidavit of William B. Crook, III, President Crook-Rose, Inc.
- Exhibit B – Location map for the Tract
- Exhibit C – Large scale detailed map of the Tract
- Exhibit D – Deeds and appraisal district records
- Exhibit E – Digital mapping data (Transmitted by Email)

As these documents demonstrate, Petitioner owns a 69.197-acre tract in Smith County (the "Tract"). The Tract is greater than 25 acres and is located inside Lindale Rural's CCN and inside of a qualifying county. They also demonstrate that the Tract is not receiving water utility service from Lindale Rural or any other water utility provider.

A copy of this Petition is being sent to Lindale Rural by certified mail on the same day that the Petition is being filed at the Commission.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that the Commission grant this Petition and release Petitioner's property from Water CCN No. 10758 pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h).

Respectfully submitted,



C. Joe Freeland
State Bar No. 07417500

Mathews & Freeland, LLP
8140 N. MoPac Expy, Ste 4-200
Austin, Texas 78759
Telephone (512) 404-7800
Facsimile (512) 703-2785

Exhibit A

**Affidavit of William B. Crook, III,
President Crook-Rose, Inc.**

AFFIDAVIT OF WILLIAM B. CROOK, III

THE STATE OF TEXAS §
 §
COUNTY OF SMITH §

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

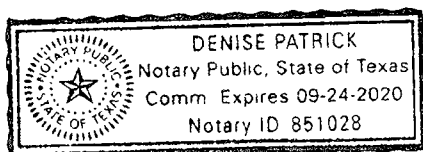
1. My name is William B. Crook, III. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. Crook Rose, Inc., owns a 69.197-acre tract in Smith County, Texas (the "Tract"). The deed and appraisal district records demonstrating Crook Rose, Inc.'s ownership are attached as Exhibit D to the Petition. The Tract lies wholly within Lindale Rural Water Supply Corporation's Water CCN No. 10758. The Tract is over 25 acres in size and is identified in Exhibits B – E of the Petition.
3. Crook Rose, Inc., is a Texas corporation. I am the President of the corporation, and I am authorized to act on behalf of the corporation.
4. The exhibits attached to the Petition are as follows: Exhibit A is this affidavit; Exhibit B is a true and correct copy of a map showing the location of the Tract; Exhibit C is a true and correct copy of a map showing a more detailed version of the boundaries of the Tract; Exhibit D reflects deed and appraisal district records describing the Tract; and Exhibit E reflects the required digital mapping data derived from the deed records.
5. The Tract is not receiving retail water utility service from Lindale Rural Water Supply Corporation, nor from any other retail water utility. The Tract is currently undeveloped.
6. On behalf of Crook Rose, Inc., I request the Public Utility Commission of Texas to release the Tract from Water CCN No. 10758.

FURTHER AFFIANT SAYETH NAUGHT

Crook Rose, Inc.

By: William B. Crook
William B. Crook, III, *President*

Subscribed and Sworn before me by William B. Crook, III, on behalf of Crook Rose, Inc., on this 2ND day of September, 2020, to certify which witness my hand and seal of office.

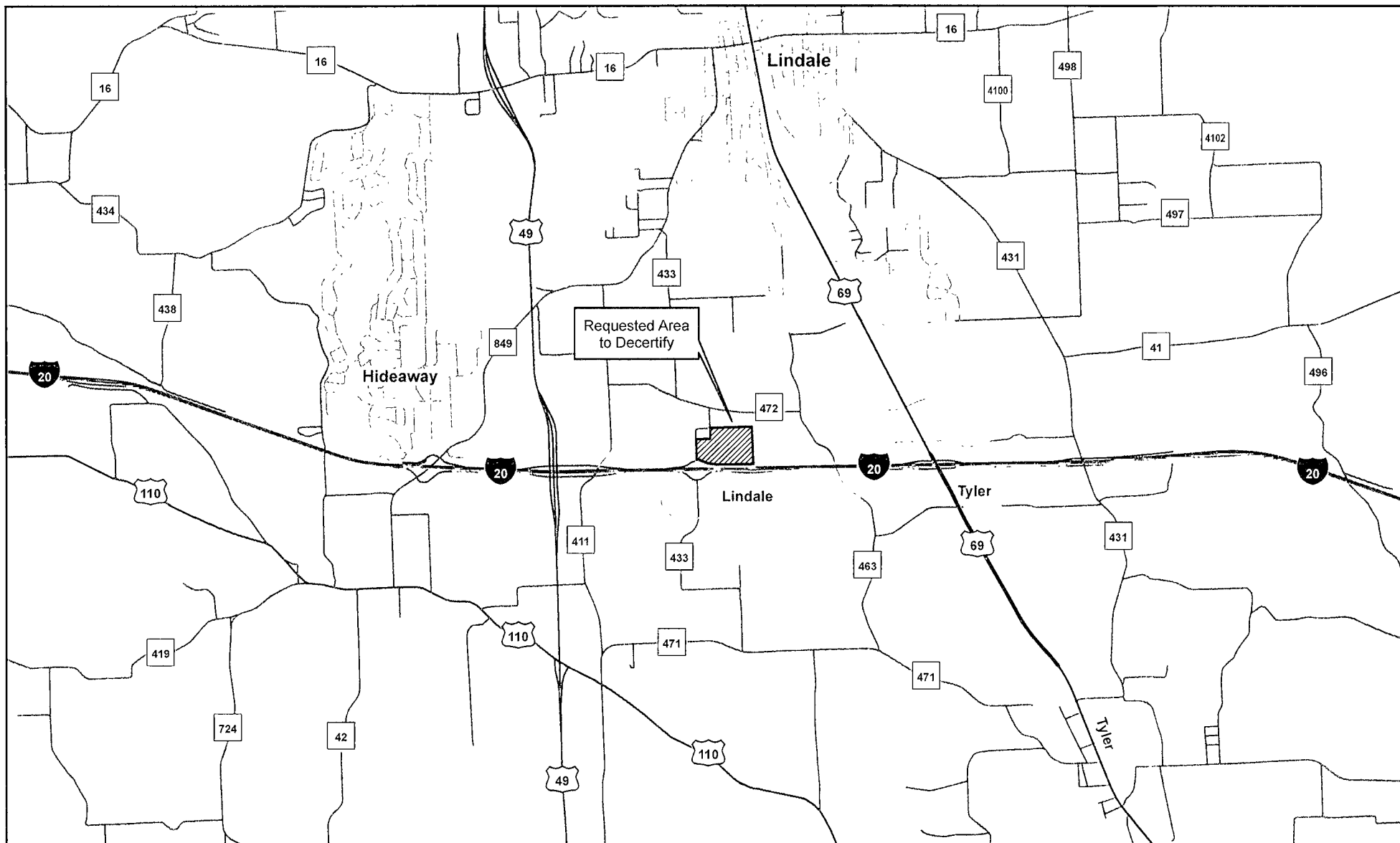


Denise Patrick
Notary Public in and for the State of Texas

Print or type name of Notary Public
Commission Expires _____


Exhibit B

Location map for the Tract

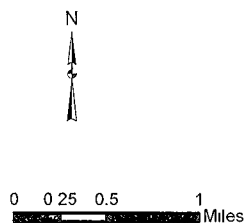


General Location

Petition by Crook Rose, Inc., for Expedited Release from Lindale Rural Water Supply Corporation, Water CCN No. 10758
in Smith County

 Requested Area to Decertify - 69.197 acres

City Limits - Smith CAD



Map by S. Burt, ASBGI
Date August 31, 2020
Base TxDOT Roadways 2019, City Limits - Smith CAD
Project General Location

Exhibit C

Large scale detailed map of the Tract



Detail Map on Imagery

Petition by Crook Rose, Inc., for Expedited Release from Lindale Rural Water Supply Corporation, Water CCN No. 10758
in Smith County



0 100 200 400
Feet



Requested Area to Decertify - 69.197 acres

Map by: S. Burt, ASBGI
Date: August 31, 2020
Base: ESRI World Imagery
Project: Crook Rose on Imagery

Exhibit D

Deeds and Appraisal District records

VOL 3004 PAGE 168

V-L-90-211 (L-843)
Asset No. 5993351000026(D)

10265

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS §
COUNTY OF SMITH §

KNOW ALL MEN BY THESE PRESENTS:

Date: April 23, 1990 but effective April 25, 1990

Grantor: FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF ROSE CAPITAL
BANK, TYLER, TEXAS

Grantor's Mailing Address (including county):

P. O. Box 802090
Dallas, Dallas County, Texas 75380

Grantee: CROOK ROSE, INC.

Grantee's Mailing Address (including county):

Route 22, Box 953

Tyler, TX 75704

Consideration:

TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, including the sum of FORTY-EIGHT THOUSAND AND NO/100 (\$48,000.00) DOLLARS being paid to Grantor by LINDALE STATE BANK at the special instance and request of, and for the benefit of the Grantee, as evidenced by that certain promissory note of even date herewith in the principal sum of \$48,000.00, made, executed and delivered by Grantee, bearing interest as therein provided, said note, principal and interest, being payable to the order of Lindale State Bank as therein provided. Said note is secured by a vendor's lien retained in favor of Lindale State Bank in this deed.

1990 APR 25 PM 3:52
Oliver H. Haskins

Property (including any improvements):

Being 69.197 acres of land situated within the John W. Guest Survey, Abstract No. 388, Smith County, Texas, said 69.197 acres of land being the same called 69.428 acres of land conveyed by T. C. Harvey, Jr. and wife, Sylvia Orwig Harvey, to Rose Capital Bank in a Deed in Lieu of Foreclosure, dated January 31, 1989, and recorded in Volume 2881, Page 806, of the Deed Records of Smith County, Texas, said 69.197 acres of land being more fully described as follows:

BEGINNING at a $\frac{1}{2}$ " Rebar, set for the Northeast corner of said 69.428 acre tract, same being called the Northeast corner of a called 100 acre tract conveyed by J. W. Wood, et al, to R. C. Wood in a called 100 acre tract conveyed by J. W. Wood, et al, to R. C. Wood in a deed dated August 29, 1912 and recorded in Volume 239, Page 191, of the Deed Records of Smith County, Texas, said $\frac{1}{2}$ " Rebar, also being an inner corner of a tract of land presently owned by Clint Reeves, and called to be in the North line of the John W. Guest Survey;

THENCE S 1 deg. 14 min. 30 sec. E - 1524.84 ft., generally with an old fence line to a $\frac{1}{2}$ " Iron Pipe, found for the Southeast corner of said 69.428 acre tract, in the occupied North right-of-way line of Interstate Highway No. 20;

THENCE with the occupied North right-of-way line of Interstate Highway No. 20 as follows;

- 1) N 89 deg. 44 min. 42 sec. W - 1430.94 ft. to a Type I Highway Monument
- 2) N 80 deg. 29 min. 44 sec. W - 404.89 ft. to a Type I Highway Monument
- 3) N 64 deg. 39 min. 07 sec. W - 330.31 ft. to a Type I Highway Monument
- 4) S 89 deg. 54 min. 09 sec. W - 119.90 ft. to a Railroad Spike, found for the Southwest corner of said 69.428 acre tract in said right-of-way line and near the center of County Road No. 433, also known as Harvey Road, and being in the called West line of the John W. Guest Survey, and also being the Southeast corner of a tract of land presently owned by Gerald Alexander;

THENCE N 0 deg. 29 min. 09 sec. W - 822.05 ft. to a $\frac{1}{2}$ " Rebar, set for the Westerly Northwest corner of said 69.428 acre tract in County Road No. 433, also known as Harvey Road, and in the occupied East line of said Gerald Alexander tract and also called to be in the West line of the John W. Guest Survey, said $\frac{1}{2}$ " Rebar being the occupied Southwest corner of a tract of land presently owned by Willie Robinson;

THENCE N 89 deg. 28 min. 37 sec. E - 561.71 ft. with an old fence line, being the common occupied line between said Robinson tract and said 69.428 acre tract, to a $\frac{1}{2}$ " Rebar, set for an occupied inner corner of said 69.428 acre tract and the occupied Southeast corner of said Robinson tract;

THENCE N 1 deg. 29 min. 21 sec. E - 446.58 ft. with an old fence line between said Robinson tract and said 69.428 acre tract to a $\frac{1}{2}$ " Rebar, set for the Northerly Northwest corner of said 69.428 acre tract, in same;

THENCE N 88 deg. 44 min. 00 sec. E -1649.70 ft. with the North line of said 69.428 acre tract and generally with an old fence line, to the place of beginning and containing 69.197 acres of land.

SAVE and EXCEPT all mineral interests in the above described tracts of land that are outstanding in persons other than Grantor herein, as reflected by the records in the office of the County Clerk of Smith County, Texas.

This conveyance is made subject to all valid rights-of-way, easements and restrictions, affecting the tracts of land hereby conveyed, that may appear of record in the office of the County Clerk of Smith County, Texas.

Further, this conveyance is made subject to the following:

- (a) Any unrecorded visible and apparent easements on or across the above described property.
- (b) Any portion of the above described property that may be within the limits or boundaries of any public or private roadway and/or highway.

Grantor, for the consideration hereinbefore stated and subject to any reservations from and exceptions to conveyance and warranty stated herein, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to 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 any reservations from the exceptions to conveyance and warranty stated herein, when the claim is by, through or under Grantor but not otherwise.

But, it is expressly AGREED and UNDERSTOOD that the vendor's lien is retained against the above described property, premises and improvements in favor of Lindale State Bank, its successors and assigns, until the above described note and all interest thereon is fully paid according to its face and tenor, effect and reading, when this deed shall become absolute, and the Grantor does further GRANT, BARGAIN, SELL and CONVEY unto said Lindale State Bank, its successors and assigns, the superior title and all right, title and interest in and to the property above described existing by virtue of the vendor's lien herein expressly retained.

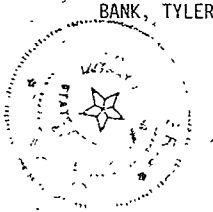
When the context requires, singular nouns and pronouns include the plural.

FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR ROSE CAPITAL BANK,
TYLER, TEXAS

By: *Deloris Kendall*
Deloris Kendall Attorney-in-Fact
Attorney-In-Fact

STATE OF TEXAS §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 23 day of
April, 1990, by **Deloris Kendall**
Attorney-In-Fact, as Attorney-In-Fact on
behalf of the FEDERAL DEPOSIT INSURANCE CORPORATION as Receiver for ROSE CAPITAL
BANK, TYLER, TEXAS.



Shirley Leopard
Notary Public in and for
the State of Texas

Notary's Printed Name:

Shirley LEOPARD

My Commission Expires:

3-28-93

STATE OF TEXAS, COUNTY OF SMITH
I hereby certify that this instrument was
filed on the date and time stamped hereon
by me and was duly recorded in the Land
Records of Smith County, Texas



APR 26 1990

MARY MORRIS
COUNTY CLERK, Smith County, Texas
By _____

Property Detail

Account Number: **100000038800001000**

Tax Year: **2020** Change Year:

2020 ▼

[Tax
History](#)

[Print
This
Page](#)

Ownership Information		Preliminary Values	
YEAR	2020	IMPROVEMENT VALUE (+)	\$0
PIN NUMBER	R028763	LAND VALUE (+)	\$1,037,955
ACCOUNT NUMBER	1-00000-0388-00-001000	MARKET VALUE (=)	\$1,037,955
OWNER	CROOK ROSE INC	AG USE REDUCTION (-)	\$1,029,236
IN CARE OF		ASSESSED VALUE (=)	\$8,719
ADDRESS	10595 COUNTY ROAD 429		
CITY	TYLER		
STATE	TX		
ZIP	75704-3807		
Jurisdictions		Estimated Tax Information*	
COUNTY	SMITH COUNTY	COUNTY	\$30.08
CITY	CITY OF LINDALE	CITY	\$41.06
ISD	LINDALE ISD	ISD	\$118.58
COLLEGE	TYLER JR. COLLEGE	COLLEGE	\$17.43
EMERGENCY SERV DIST	SCESD #1	EMERGENCY SERV DIST	\$5.90
		TOTAL TAX	\$213.05
		<small>* For Actual Tax Levy contact Gary Barber Tax Assessor/Collector at (903) 590-2920. Tax amounts shown are Estimates prepared by Smith County Appraisal District.</small>	
Legal Information			
LOCATION	14214 C R 433		
MAP NUMBER	26210		
MAP GRID	F-11.2C		
ABSTRACT	ABST A0388 J GUEST		
BLOCK/LOT/TRACT	TRACT 00001		
ACRES	69.197		
Deed Information		Exemptions	
RECORDING DATE	4/25/1990	<u>HOMESTEAD APPLICATION FORM</u>	
INSTRUMENT	SWD 1026	AGRICULTURE(1D1) EXEMPTION ✓	
VOLUME NUMBER	2974		
PAGE NUMBER	528		
Dwelling Information			

Exhibit E

Digital mapping data (Uploaded)

Interchange Filer

Filing Submitted

✓ Filing Complete

Next Steps:

YOU HAVE COMPLETED THE ELECTRONIC PORTION OF YOUR FILING, HOWEVER, IN ORDER FOR THE PUC TO BE ABLE TO PROCESS YOUR FILING, YOU MUST SUBMIT THE FOLLOWING INFORMATION TO THE CENTRAL RECORDS EMAIL (CentralRecords@puc.texas.gov (mailto:CentralRecords@puc.texas.gov)) :

1. AN ATTACHMENT OF THE FILING TO BE PRINTED BY CR STAFF
2. AN ATTACHMENT OF THE GENERATED TRACKING NUMBER SHEET

WE APPRECIATE YOUR COOPERATION AND PATIENCE DURING THIS TIME.

Central Records: (512) 936-7180

Tracking Number: NXQLLWTG

Filing **9/3/2020 2:36:38 PM**
Submitted
on

Control Number	<i>A new control number was requested.</i>
Filing Party	Crook Rose, Inc.
Filing Type	PLEADINGS
Description	Petition by Crook Rose, Inc. for Expedited Release from Lindale Rural Water Supply Corporation, Water CCN No 10758, in Smith County
Documents	2020-09-03 Petition for Expedited Release.pdf Survey_decertify.dbf Survey_decertify.prj Survey_decertify.shp Survey_decertify.shx
Addendum Included	No
Submitted By	Joe Freeland 8140 North Mopac Expressway Westpark II, Suite 260 Austin, TX 78759 (512) 404-7800 jfreeland@mandf.com (mailto:jfreeland@mandf.com)

An email confirmation has been sent to jfreeland@mandf.com. Please check your spam/junk folders.

Start a New filing (/filer/controlnumber/?Length=5)