



Control Number: 51355



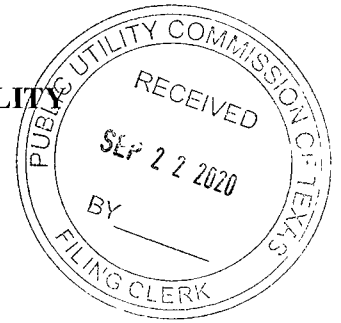
Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **151355**

**PETITION OF LDG001, LLC
TO AMEND
MOUNTAIN PEAK SPECIAL
UTILITY DISTRICT'S WATER
CCN NO. 10908 IN JOHNSON
COUNTY BY STREAMLINED
EXPEDITED RELEASE** §
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§
§

**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**



**PETITION OF LDG001, LLC 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)**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, LDG001, LLC ("Petitioner"), and files with the Public Utility Commission ("Commission") this 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(l). In support, Petitioner would respectfully show the following:

I. PETITION

1. TWC §13.2541 and 16 TAC §24.245(l), 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, Petitioner qualify for the streamlined expedited release of approximately 47.86 acres of land from Mountain Peak’s Water CCN No. 10908.
 3. Here, Petitioner owns approximately 47.86 contiguous acres of land in Johnson County Texas (“tract”) (commonly referred to as Griffin #2). A certified copy of the recorded deed showing Petitioner’s ownership and also describes the tract in metes and bounds, is attached as Exhibit A (see tract 2).
 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 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(I)(2)(C). *See*, Exhibit A and B.
 7. Simultaneously with the filing of this Petition, Petitioner are notifying Mountain Peak of this action by certified mail, return receipt requested. Exhibit C is a copy of the receipt showing that Petitioner mailed a copy of this Petition to Mountain Peak on even date herewith.
 8. Exhibit D contains an affidavit from Tim Barton, President of Carnegie Development, LLC, which is the Manager of LDG001, LLC, owner of the tract, which verifies and affirms the information contained in this Petition.

II. CONCLUSION AND PRAYER

Petitioner requests 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(I); (c) the Commission enter an order releasing the 47.86 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 47.86 acre tract from CCN No. 10908.

Respectfully submitted,

/s/ David J. Tuckfield

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 LAW OFFICE OF DAVID J. TUCKFIELD, 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 PETITIONER
LDG001, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Petition was served on Mountain Peak Special Utility District on this the 22nd day of September 2020, by Certified Mail Return Receipt Requested:

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*

Respectfully submitted,

/s/ David J. Tuckfield

David J. Tuckfield

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:
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Johnson County Clerk

Digitally signed
by Becky Ivey
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Doc-24505

***** Electronically Recorded Document *****

Johnson County

Becky Ivey
Johnson County Clerk
Cleburne, TX

Document Number: 2018-24505

Recorded As : ERX-DEED

Recorded On: September 04, 2018

Recorded At: 09:31:35 am

Number of Pages: 11

Recording Fee: \$62.00

Parties:

Direct-

Indirect-

Receipt Number: 140304

Processed By: Laura Matson

THIS PAGE IS PART OF THE INSTRUMENT



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Volume and Page of the named records in Johnson County, Texas

Any provision herein which restricts the sale, rental or use of the described Real Estate because of color race is invalid and unenforceable under Federal law.

Becky Ivey

BECKY IVEY, COUNTY CLERK
JOHNSON COUNTY, TEXAS



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SPECIAL 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: August 31, 2018

GRANTOR: PATRICK M. GRIFFIN, STEPHEN GRIFFIN, LORETTA ANN GRIFFIN and VIRGINIA BONE, all dealing in our separate property and estate

GRANTOR'S MAILING ADDRESS:

Patrick M. Griffin
535 Old Church Road
Waxahachie, TX 75165

Stephen Griffin
25190 N. Cayvea Trail
Lake Barrington, IL 60010

Loretta Ann Griffin
3515 Arista Blvd, #412
Texarkana, TX 75503

Virginia Bone
428 Meadow Wood Road
Gadsden, AL 3901

GRANTEE: LDG001, LLC

GRANTEE'S MAILING ADDRESS: 9911 Champa Drive
Dallas, Texas 75218

CONSIDERATION: TEN AND No/100 US Dollars, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: (including any improvements) All that certain lot, tract or parcel of land situated in Johnson County, Texas, being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

This conveyance is made subject and subordinate to the encumbrances and exceptions ("**Permitted Exceptions**") described in **Exhibit "B"** attached hereto and incorporated herein by reference for all purposes, but only to the extent they remain in effect or relate to the Property.



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GRANTOR, BY, THROUGH AND UNDER GRANTOR AND NOT OTHERWISE, 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 to hold it to GRANTEE, GRANTEE's heirs, executors, administrators, successors, or assigns forever. GRANTOR binds GRANTOR and GRANTOR's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to GRANTEE and GRANTEE's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warrant, by, through and under me, but not otherwise.

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



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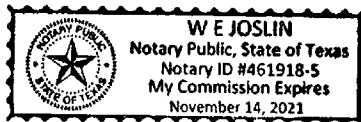
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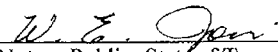

PATRICK M. GRIFFIN

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF ELLIS §

This document was acknowledged before me this 30th day of August, 2018, by
PATRICK M. GRIFFIN




Notary Public, State of Texas



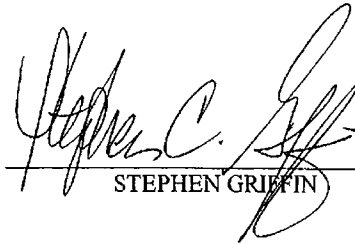
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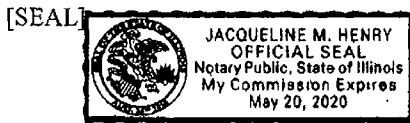

STEPHEN GRIFFIN

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

I, the undersigned, a Notary Public in and for said County in the State aforesaid, CERTIFY THAT Stephen Griffin, personally known to me to be the same person whose name is subscribed to the foregoing instrument, and appeared before me on this day in person, and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this day of 30th August, 2018.


NOTARY PUBLIC



My Commission Expires: May 20, 2020




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.

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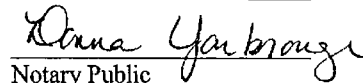
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VIRGINIA BONE

STATE OF ALABAMA)
Etowah COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Virginia Bone, whose name(s) is/are signed to the foregoing instrument, and who is/are known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, she, executed the same voluntarily on the day the same bears date. Given under my hand and official seal this 31st day of August, 2018.



Notary Public
My commission expires: 11-17-2018





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.

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Johnson County Clerk

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Loretta A Griffin
LORETTA ANN GRIFFIN

ACKNOWLEDGEMENT

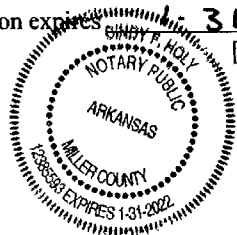
STATE OF ARKANSAS §
COUNTY OF Miller §

On this 30 day of August 2018, before me, a Notary Public, (or before any officer within this State or without the State now qualified under existing law to take acknowledgments.) appeared the within named Loretta Ann Griffin, to me personally well known (or satisfactorily proven to be such person), who stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30 day of August, 2018.

Cindy F. Holy
Notary Public

My Commission expires 31-22 [SEAL]



AFTER RECORDING RETURN TO:
LDG001, LLC
9911 Champa Drive
Dallas, TX 75218

PREPARED IN THE LAW OFFICE OF:
CHAPMAN & CHAPMAN ATTORNEYS PLLC
1001 US Highway 77 North
Waxahachie, Texas 75165
Tel: (972) 938-2720
Fax: (972) 937-9446



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Exhibit "A"

TRACT ONE:

Being a 153.9273 acre tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 93 being part of that certain called 156 acre tract of land described in from Henry C. Griffin, JR to Patrick M. Griffin and recorded in Volume 3130, Page 714, of the Deed Records of Johnson County, Texas, said 153.9273 acre tract to be more particularly described by meets and bounds as follows.

BEGINNING at a 1/2" iron rod found for corner at Southwest corner of the H.H.B. & C. Railroad Company Survey, the Northwest corner of the Jackson Smith Survey, Abstract No. 758 and being in the East line of Philip P. Barnes Survey, same being the Southwest corner of said 156 acre tract, the Northwest corner of Lot 2 of Plainview Acres, Phase 3, to the Johnson County, Texas and recorded in Volume 8, Page 248 of said Deed Records and also being in the East line of that certain called 94.26 Acre tract of land from Edeco Farms, Inc. and Fairview Farms, Inc. to Harper Cattle, L.L.C. and recorded in Volume 2304, Page 895 and also being at the intersection of County Road 213 (60' right-of-way) and County Road 110 (60' right-of-way),

THENCE North 30°31'39" West with said County Road 213, the West line of said 156 acre tract and the East line of said 94.26 acre tract a distance of 2,640.00 feet to a point for corner at the Northwest corner of said 156 acre tract, the Southwest corner of that certain called 1.074 acre tract described in deed from called 1.074 acre tract from J.W. Martin to H.C. Griffin and recorded in Volume 1583, Page 241 of said Deed Records;

THENCE North 59°28'21" East with the North line of said 156 acre tract and the South line of said 1.074 acre tract at a distance of 30.00 feet passing a 1/2" iron rod with plastic marked "SANDS" set for reference corner in said Right-of-Way and continuing a total distance of 869.98 feet to a 1/2" iron rod with plastic marked "SANDS" set for corner in the North line of said 156 acre tract, the East corner of said 1.074 acre tract and also being in the South line of G. C. & S. F. Railroad (100 foot wide Right-of-Way);

THENCE North 66°32'57" East with the South line of said Railroad a distance of 682.02 feet to a 1/2" iron rod with plastic marked "SANDS" set for corner in said South line at the beginning of a curve to the right;

THENCE in a Northeasterly direction with said curve to the right having a radius of 2595.97 feet, whose chord bears North 70°50'32" East - 388.67 feet for an arc length of 389.03 feet to 1/2" iron rod with plastic marked "SANDS" set for corner in South line of said Railroad.

THENCE North 75°08'08" East with said South line a distance of 756.88 feet to a 1/2" iron rod with plastic marked "SANDS" set for corner in the East line of said 156 acre tract and being in the West line of that certain called 184.887 acre tract of land conveyed to Billy C. Roien by deed recorded in Volume 1248, Page 742 of said Deed Records,

THENCE South 30°31'39" East with the East line of said 156 acre tract and the West line of said 184.887 acre tract at a distance of 2,245.02 feet passing a 1/2" iron rod with plastic marked "SANDS" set for reference in the North Right-of-Way of said County Road No. 110 and continuing a total distance of 2,275.02 feet a point for corner at the Southeast corner of said 156 acre tract and being in the Southerly edge of County Road 110 (60' right-of-way);

THENCE South 59°28'21" West with said road and the South line of said 156 acre tract a distance of 860.80 feet a point for corner in said road and being at the Southeast corner of that certain called 1.003 acre tract of land described in deed from Patrick M. Griffin to Kaleb L. Hazard and recorded in Instrument No. 201000025372 of said Deed Records;

THENCE North 30°31'39" West across said 156 acre tract and with the East line of said 1.003 acre tract at a distance of 30.00 feet passing a 1/2" iron rod with plastic marked "SANDS" set for reference in the East line of said 1.003 acre tract and continuing a total distance of 226.67 feet to a 1/2" iron rod with plastic marked "SANDS" set for corner at the Northeast corner of said 1.003 acre tract;

THENCE South 59°32'03" West across said 156 acre tract and the North line of said 1.003 acre tract a distance of 192.78 feet to a 1/2" iron rod with plastic marked "SANDS" set for corner at the Northwest corner of said 1.003 acre tract;

THENCE South 30°31'39" East across said 156 acre tract and the West line of said 1.003 acre tract at a distance of 196.88 feet to a 1/2" iron rod with plastic marked "SANDS" set for reference in the West line of said 1.003 acre tract and continuing a total distance of 226.88 a point for corner at the Southwest corner of said 1.003 acre tract and in the Southerly line of County Road 110

THENCE South 59°28'21" West with said County Road 110 and the South line of said 156 acre tract a distance of 1603.10 feet back to the Point of Beginning and Containing 6,705,073 Square feet and 153.9273 acres of land of which 3.4944 acres lie within County Roads, leaving a net acreage of 150.4329 acres of land, more or less.



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TRACT TWO:

Being a 47.8572 acre tract of land situated in the Jackson Smith Survey, Abstract No. 758, Johnson County, Texas, being all of that certain called 47-1/2 acre tract of land described in deed from Henry C. Griffin, Jr. to Patrick M. Griffin and recorded in Volume 3130, Page 714 of the Deed Records of Johnson County, Texas, said 46.9003 acre tract to be more particularly described by meets and bounds as follows:

COMMENCING at a 1/2" iron rod found for corner at the Northwest corner of said Jackson Smith Survey, same being the Southwest corner of the B.B.B. & C.R.R. Co. Survey, Abstract No. 93 and being at the intersection of County Road No. 213 (60' right-of-way) with County Road No. 110 (60' right-of-way);

THENCE with the North line of said Jackson Smith Survey and the South line of said B.B.B. & C.R.R. Co. Survey and with County Road No. 110 a distance of 2,656.62 feet to a point for corner in the Southerly line of said County Road 110, same being the Northwest corner of said 47-1/2 acre tract, the Northeast corner of that certain called 50 acre tract described in deed from Elzy Ray Brown to Judith Louise Brown and recorded in Volume 3119, Page 27 of said Deed Records, the Southeast corner of that certain called 156 acre tract described in deed from Henry C. Griffin Jr. to Patrick M. Griffin and recorded in Volume 3130, Page 714 of said Deed Records and the Southwest corner of that certain called 184.887 acre tract described in deed to Bill C. Roten and recorded in Volume 1248, Page 472 of said Deed Records and being at the POINT OF BEGINNING;

THENCE North 59°28'21" East with the North line of said 47-1/2 acre tract and with said County Road 110 a distance of 826.39 feet to a point for corner at the Northeast corner of said 47-1/2 acre tract, the Northwest corner of that certain called 70.74 acres tract of land described in deed from Schitano-Reagar, JV to Duane Schifano and recorded in Instrument No. 201200024756 of said Deed Records and also being in the South line of said 184.887 acre tract;

THENCE South 30°31'39" East with the East line of said 47-1/2 acre tract and the West line of said 70.74 acre tract at a distance of 30.00 feet passing a 1/2" iron rod with plastic marked "SANDS" set for reference and counting at a distance of 1,721.56 feet passing a 1" iron found for corner at the Southwest corner of said 70.74 acre tract, same being the Northwest corner of that certain called 15.004 acre tract of land described in Deed from Walter Glenn Cariste to RES Land Holding and recorded in Volume 3507, Page 398 of said Deed Records and continuing at a distance of 2,088.49 feet passing a 1" iron bar found for corner at the Southwest corner of said 15.004 acre tract, same being the Northwest corner of that certain called 0.78 acre tract of land described in deed from Erica Denise Vesper to Daniel H. Vesper, Sr. and recorded in Instrument No. 201000011279 of said Deed Records and counting at a distance of 2442.17 feet passing a 1/2" iron rod with plastic marked "SANDS" set for reference and continuing a total distance of 2,472.17 feet to a point for corner at the Southeast corner of said 47.5 acre tract, the Southwest corner of said 0.78 acre tract, and being in County Road 109 (60' right-of-way) and also being in the North line of Southern Acres, Phase 1, an addition to Johnson County, Texas;

THENCE South 59°28'21" West with the South line of said 47.5 acre tract and the North line of said Southern Acres a distance of 843.25 feet to a point for corner in said County Road 109 and being in the North line of that certain called Lot 2R-1, Block 1 of Harden Estates, an addition to Johnson County, Texas, according to the Plat thereof recorded in Volume 10, Page 463 of said Deed Records, same being the Southeast corner of said above mentioned 50 acre tract;

THENCE North 30°31'39" West with the West line of said 47-1/2 acre tract and the West line of said 50 acre tract a distance of 30.00 feet passing to a 1/2" iron rod with plastic marked "SANDS" set for reference and counting a total distance of 2472.17 feet back to the Point of Beginning and Containing 2,084,662 Square feet or 47.8572 acres of which 1.1616 acre lie within County Road leaving a net acreage of 46.6956 acres of land, more or less.



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EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Any titles or rights asserted by anyone, including but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the right of access to that area or easement along and across that area.
2. Standby fees, taxes and assessments by any taxing authority for the year 2018, and subsequent years.
3. 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 Exhibit B or not.
4. Rights, if any, of third parties with respect to any portion of the subject property lying within the boundaries of a public or private road.
5. Easement granted by Sam Griffin to Texas Power and Light Company, filed 08/16/1957, recorded in Volume 417, Page 118, Real Property Records, Johnson County, Texas.
6. Easement granted by H.C. Griffin, Jr., et al to Texas Power & Light Company, filed 01/18/1984, recorded in Volume 980, Page 241, Real Property Records, Johnson County, Texas.
7. Easement granted by H.C. Griffin to United Electric Cooperative Services, Inc., filed 05/17/2002, recorded in Volume 2829, Page 418, Real Property Records, Johnson County, Texas.
8. Easement granted by Patrick Griffin to EOG Resources, Inc., filed 03/16/2007, recorded in Volume 4047, Page 128, Real Property Records, Johnson County, Texas.
9. Mineral lease together with all rights, privileges and immunities incident thereto, to Sam Griffin, et ux from R.C. Erwin described in instrument filed 04/02/1959, recorded in Volume 10, Page 245, Real Property Records, Johnson County, Texas.
10. Mineral lease together with all rights, privileges and immunities incident thereto, to Humble Oil & Refining Company from Bessie Griffin, a widow, et al described in instrument filed



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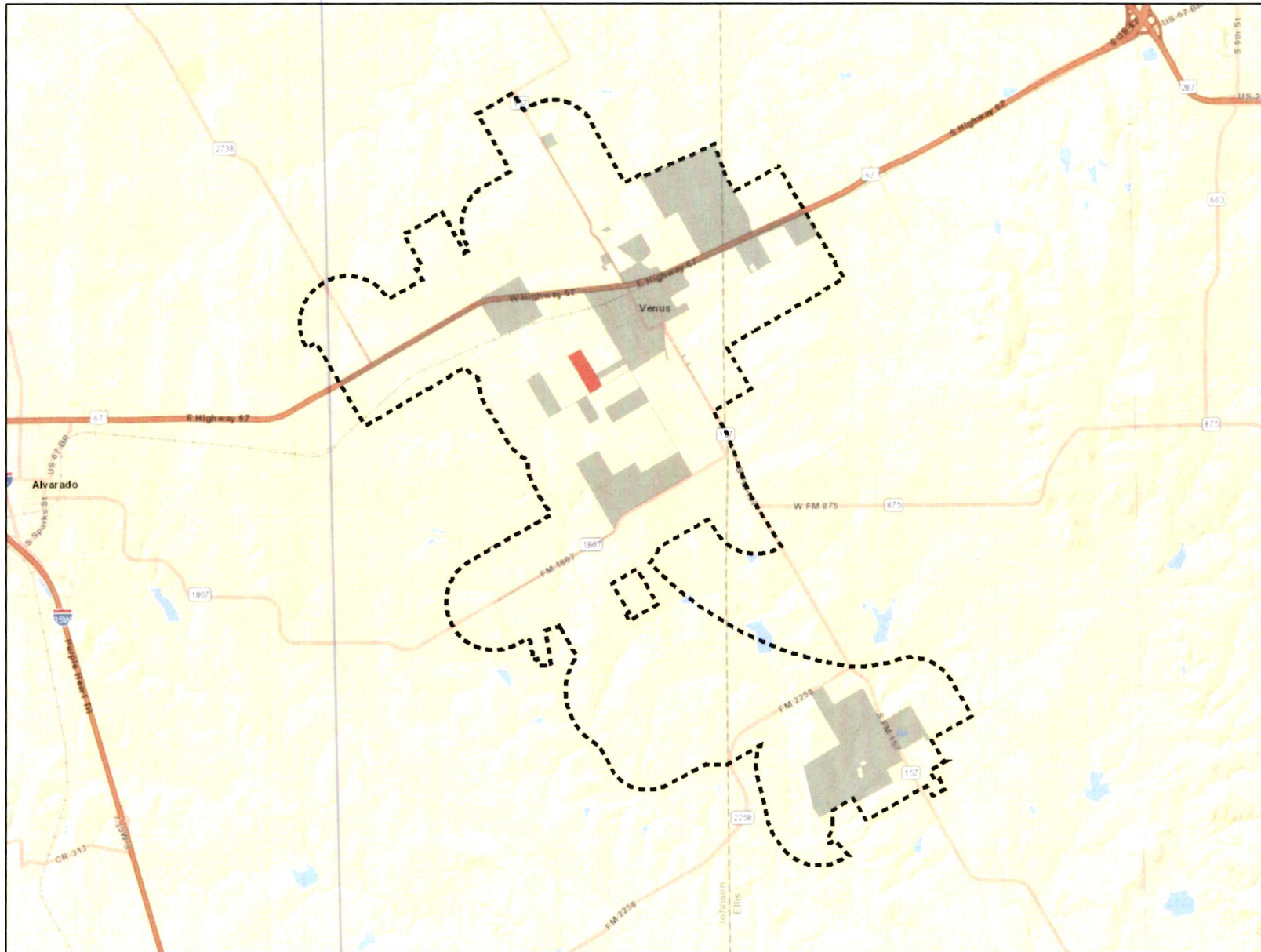
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12/09/1960, recorded in Volume 11, Page 365, Real Property Records, Johnson County, Texas.

11. Mineral lease together with all rights, privileges and immunities incident thereto, to Pecos Oil Properties from H.C. Griffin, Jr., a/k/a Henry C. Griffin, Jr., a single man described in instrument filed 02/21/2005, recorded in Volume 3477, Page 847, Real Property Records, Johnson County, Texas.
12. Mineral lease, together with all rights privileges and immunities incident thereto, to Pecos Oil Properties from H.C. Griffin, Jr., a/k/a Henry C. Griffin, Jr., a single man, as evidenced by Memorandum of Oil and Gas Lease, filed 08/02/2001, recorded in Volume 2673, Page 277, Real Property Records, Johnson County, Texas.
13. Mineral Deed including all coal, lignite, oil, gas and other minerals together with all rights, privileges and immunities incident thereto executed by Stephen C. Griffin, Independent Executor of the Estate of Henry Clay Griffin, Jr., Deceased, to Patrick M. Griffin, et al, filed 05/22/2007, recorded in Volume 4100, Page 67, Real Property Records Johnson County, Texas.
14. Mineral Deed including all coal, lignite, oil, gas and other minerals together with all rights, privileges and immunities incident thereto executed by Patrick M. Griffin and Krystal Griffin, to Derrell Leonard, filed 02/27/2009, recorded in Volume 4544, Page 752, Real Property Records Johnson County, Texas.
15. Terms, provisions, and conditions of Memorandum of Option to Purchase Pipeline Easements filed 04/03/2006, recorded in Volume 3768, Page 203, Real Property Records, Johnson County, Texas.
16. Terms, provisions, and conditions of Stipulation Agreement and Cross Conveyance filed 07/19/2007, recorded in Volume 4144, Page 494, Real Property Records, Johnson County, Texas.
17. Terms, provisions, and conditions of Water Well Sharing Agreement filed 09/09/2010, recorded in cc# 2010-26155, Real Property Records, Johnson County, Texas.
18. Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by a survey prepared by J.Scott Cole for and on behalf of Sands Surveying Corporation, Job No. 1810470, dated June 14, 2018, last revised____, 2018 shows the following:
 - a. Railroad right of way adjacent to Tract One of the Land

Exhibit B



VICINITY MAP

Scale: 1 inch equals 5 miles

LEGEND

-  Venus City Limits
-  Venus ETJ
-  Tract

GRIFFIN 2 TRACT

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

GRIFFIN 2 TRACT

JOHNSON COUNTY, TEXAS



1 inch = 300 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



FIELD NOTES
GRIFFIN TRACT 2

BEING a 47.86 acre tract of land situated in the Jackson Smith Survey, Abstract No. 758, Johnson County, Texas, being all of that certain called 47.5 acre tract of land described in deed to LDG001, LLC, and recorded in Document No. 2018-24505 of the Deed Records of Johnson County, Texas, said 47.86 acre tract to be more particularly described by meets and bounds as follows;

COMMENCING at a 1/2" iron rod found for corner at the Northwest corner of said Jackson Smith Survey, same being the Southwest corner of the B.B.B. & C.R.R. Co. Survey, Abstract No. 93 and being at the intersection of County Road No. 213 (60' right-of-way) with County Road No. 110 (60' right-of-way);

THENCE North 59 Degrees 28 Minutes 21 Seconds East, with the North line of said Jackson Smith Survey and the South line of said B.B.B. & C.R.R. Co. Survey and with County Road No. 110, a distance of 2,656.62 feet to a point for corner in the southerly line of said County Road 110, same being the Northwest corner of said 47-1/2 acre tract, the Northeast corner of that certain called 50 acre tract described in deed to Judith Louise Brown and recorded in Volume 3119, Page 27 of said Deed Records, the Southeast corner of that certain called 156 acre tract described in deed to Patrick M. Griffin and recorded in Volume 3130, Page 714 of said Deed Records and the Southwest corner of that certain called 184.887 acre tract described in deed to Bill C. Roten and recorded in Volume 1248, Page 472 of said Deed Records and being the **POINT OF BEGINNING**;

THENCE North 59 Degrees 28 Minutes 21 Seconds East, with the North line of said 47-1/2 acre tract and with said County Road 110 a distance of 843.25 feet to a point for corner at the Northeast corner of said 47-1/2 acre tract, the Northwest corner of that certain called 70.74 acres tract of land described in deed to Duane Schifano and recorded in Instrument No. 201200024756 of said Deed Records and also being in the South line of said 184.887 acre tract;

THENCE South 30 Degrees 31 Minutes 39 Seconds East, with the East line of said 47-1/2 acre tract and the West line of said 70.74 acre tract at a distance of 30.00 feet passing a 1/2" iron rod with plastic cap marked "SANDS" set for reference and continuing for a distance of 1,721.56 feet, passing a 1" iron found for corner at the southwest corner of said 70.74 acre tract, same being the Northwest corner of that certain called 15.004 acre tract of land described in deed to RES Land Holding and recorded in Volume 3507, Page 398 of said Deed Records and continuing at a distance of 2,088.49 feet passing a 1" iron bar found for corner at the Southwest corner of said 15.004 acre tract, same being the Northwest corner of that certain called 0.78 acre tract of land described in deed to Daniel II, Vesper, Sr. and recorded in Instrument No. 201000011279 of said Deed Records and continuing at a distance of 2443.17, feet passing a 1/2" iron rod with plastic cap marked "SANDS" set for reference and continuing a

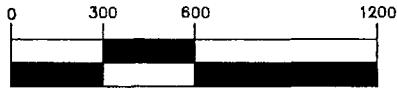
total distance of 2,472.17 feet to a point for corner at the Southeast corner of said 47.5 acre tract, the Southwest corner of said 0.78 acre tract, and being in County Road 109 (60' right-of-way) and also being in the North line of Southern Acres, Phase 1, an addition to Johnson County, Texas;

THENCE South 59 Degrees 28 Minutes 21 Seconds West, with the South line of said 47.5 acre tract and the North line of said Southern Acres a distance of 843.25 feet to a point for corner in said County Road 109 and being in the North line of that certain called Lot 2R-1, Block 1 of Harden Estates, an addition to Johnson County, Texas, according to the plat thereof recorded in Volume 10, Page 463 of said Deed Records, same being the Southeast corner of said above mentioned 50 acre tract;

THENCE North 30 Degrees 31 Minutes 39 Seconds West, with the West line of said 47-1/2 acre tract and the East line of said 50 acre tract, a distance of 2472.17 feet to the **POINT OF BEGINNING** and containing 47.86 acres of land, more or less.

“This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared”.

EXHIBIT "A"



(IN FEET)
1 inch = 600 ft.

B.B.B. & C.R.R. Co. Survey,
Abstract No. 93

BILLY C. ROTEN
CALLED 184,887 ACRES
VOL. 1248, PG. 742
D.R.J.C.T.

N 59°28'21" E
843.25'

DUANE SCHIFANO
CALLED 70.74 ACRES
INST NO. 201200024756
D.R.J.C.T.

S 30°31'39" E 2472.17'

LG0001, LLC.
CALLED 47.86 ACRES
DOC. NO. 2018-24505
D.R.J.C.T.

RES LAND HOLDING
CALLED 15.004 ACRES
VOL. 3507, PG. 398
D.R.J.C.T.

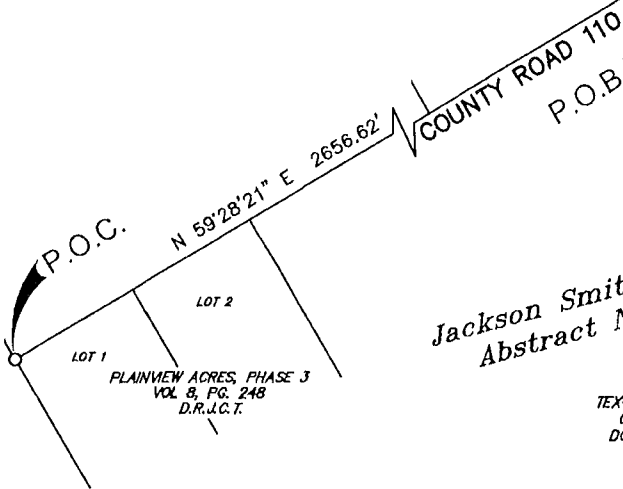
Jackson Smith Survey,
Abstract No. 758

TEX-DAL HOLDINGS, LLC
CALLED 50 ACRES
DOC NO. 2020-2093
D.R.J.C.T.

N 30°31'39" W 2472.17'

DANIEL H. VESPER, SR.
CALLED 0.78 ACRES
INST NO. 201000011279
D.R.J.C.T.

COUNTY ROAD 109
S 59°28'21" W
843.25'



Bearings are based on the Texas State Plane Coordinate System, NAD83, North Central Zone 4202.

LEGEND:

POB	POINT OF BEGINNING
CM	CONTROL MONUMENT
R.O.W.	RIGHT OF WAY
VOL.	VOLUME
PG.	PAGE
ESMT	EASEMENT
IRF	IRON ROD FOUND
CIRF	CAPPED IRON ROD FOUND
D.R.J.C.T.	DEED RECORDS, JOHNSON COUNTY, TEXAS
O.R.J.C.T.	OFFICIAL RECORDS, JOHNSON COUNTY, TEXAS
O.P.R.J.C.T.	OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS
P.R.J.C.T.	PLAT RECORDS JOHNSON COUNTY, TEXAS

EXHIBIT GRIFFIN TRACT 2

BEING 47.86 ACRES
OUT OF THE
JACKSON SMITH SURVEY, ABSTRACT NO. 758
IN THE CITY OF VENUS
JOHNSON COUNTY, TEXAS



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439
2805 Dallas Parkway, Suite 600 • Plano, Texas 75093
972.488.3880

TEXAS BOARD OF PROFESSIONAL LAND SURVEYING
REGISTRATION NO. 100461-03

JOB #: 14728-0001 BAS/EM PAGE: 3 OF 3

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

September 22, 2020

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

Via certified mail # 7019 2970 0001 0099 3104
rrr # 9590 9402 5691 9346 7330 15

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

Via certified mail # 7019 2970 0001 0099 3098
rrr # 9590 9402 5691 9346 7330 08
and email

Re: Petition of LDG001, LLC 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 LDG001, LLC 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, September 22, 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 THIS SECTION ON DELIVERY													
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>													
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery												
MOUNTAIN PEAK SUD 5671 WATERWORKS RD. MIDLOTHIAN, TX 76065														
 9590 9402 5691 9346 7330 15	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>													
2. Article Number (Transfer from service label) 7019 2970 0001 0099 3104	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>		<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"/> 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													
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<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													
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt														

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY													
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>													
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery												
LEONARD H. DOUGAL JACKSON WALKER 100 CONGRESS AVE. SUITE 1100 AUSTIN, TX 78701														
 9590 9402 5691 9346 7330 08	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>													
2. Article Number (Transfer from service label) 7019 2970 0001 0099 3098	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>		<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"/> 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													
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt														

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

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

OFFICIAL USE

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 \$		
Postage \$		
Total Postage and Fees \$		
Sent To: MOUNTAIN PEAK SUD		
Street and Apt. No., or PO Box No.: 5671 WATERWORKS ROAD		
City, State, ZIP+4®: MIDLOTHIAN, TX 76065		
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions		

7019 2970 0001 0099 3104

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com™.

OFFICIAL USE

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 \$		
Postage \$		
Total Postage and Fees \$		
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		
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions		

7019 2970 0001 0099 3098

Exhibit D

EXHIBIT D

AFFIDAVIT OF TIM BARTON

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

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

“My name is Tim Barton, 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 President of Carnegie Development, LLC, which is the Manager of LDG001, LLC, owner of approximately 47.86 acres in Johnson County Texas. I am signing on behalf of LDG001, LLC as President of its Manager, Carnegie development, LLC. All of this property is located within the Water Certificate of Convenience and Necessity No. 10908 held by Mountain Peak Special Utility District (Mountain Peak SUD). This property is more properly shown on maps on Exhibit A of the Petition of LDG001, LLC 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(I) (Petition).
2. LDG001, LLC has been an owner of this property for approximately two years and the real property does not have any water connections or meters located thereon.
3. LDG001, LLC has not requested any retail water service from Mountain Peak SUD, has not paid any service reservation or standby fees, nor does it have any agreements with Mountain Peak SUD to provide retail water service to the above-referenced real

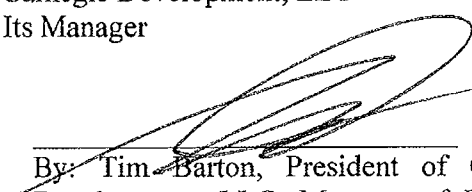
property.

4. The above-referenced real property does not receive any water or sewer service from Mountain Peak SUD.
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 SUD'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 SUD, 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 SUD'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.

LDG001, LLC

By: Carnegie Development, LLC
Its Manager


By: Tim Barton, President of Carnegie
Development, LLC, Manager of LDG001,
LLC

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by Tim Barton, as President of Carnegie Development, LLC which is the Manager of LDG001, LLC on behalf LDG001, LLC on this 18 day of September 2020, to certify which witness my hand and official seal.



Notary Public, State of Texas

