



Control Number: 51367



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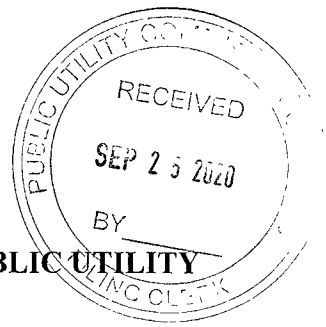
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PUC DOCKET NO. **51367**



**PETITION OF DESTINY
DEVELOPMENT, LLC FOR A
STREAMLINED EXPEDITED RELEASE
FROM WEST WISE SPECIAL UTILITY
DISTRICT, CCN NO. 10284, PURSUANT
TO TWC § 13.2541 IN WISE COUNTY**

**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**

PETITION FOR EXPEDITED RELEASE

COMES NOW Destiny Development, LLC (“Petitioner”) and files this Petition for Streamlined Expedited Release Pursuant to Texas Water Code § 13.2541 and 16 Tex. Admin. Code § 24.245(h) (“Petition”) to be released from the water certificate of convenience and necessity (“CCN”) area of West Wise Special Utility District, CCN No. 10284 (“West Wise”) in Wise County. The Petitioner shows as follows:

PETITION

1. Ms. Cyd Bailey owns the subject property. Her declaration, provided pursuant to Texas Civil Practice and Remedies Code § 132.001, demonstrating her consent for this action by the Petitioner is attached hereto and incorporated herein for all purposes as Exhibit A. The subject property (“Subject Property”) is the property described in the deed contained in Exhibit A.¹
2. The Subject Property is one tract of land.
3. As evidenced in the declaration of Ms. Cyd Bailey in Exhibit A, the Subject Property is:
 - a. at least 25 acres in size;
 - b. located in Wise County; and
 - c. not receiving water or sewer service from West Wise.

¹ The deed is contained in Exhibit 1 to Exhibit A.

4. Contemporaneous with the submission of the Petition, a copy of the Petition was mailed to West Wise Special Utility District, PO Box 566, Bridgeport, Texas 76426 via United States Postal Service First Class mail.
5. The required mapping documents are contained in Exhibit B, attached hereto and incorporated herein for all purposes.
6. A metes and bounds description of the Subject Property may be found on the deed attached in Exhibit A.
7. The undersigned has been engaged by Petitioner to represent them before the Public Utility Commission of Texas in this proceeding. All correspondence should be directed to the undersigned.

Respectfully submitted,

Russell Rodriguez Hyde Bullock LLP
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

**ATTORNEY FOR DESTINY
DEVELOPMENT, LLC**

STATE OF TEXAS
COUNTY OF WISE

DECLARATION OF CYD BAILEY

Pursuant to Texas Civil Practices and Remedies Code Section 132.001, CYD BAILEY, hereby subscribes to the following declarations under penalty of perjury:

1. My name is Cyd Bailey, my date of birth is 05/16/1957, and my address is 1801 Country Road 1326, BRIDGEPORT, TX 76417 declare under the penalty of perjury that all information in this document is true and correct.
2. On or about February 4, 2020, I purchased an approximately 31.139-acre parcel of property. The deed to said property is attached hereto as **Exhibit No. 1** and incorporated into this declaration for all purposes. The property conveyed in Exhibit No. 1 to me is hereinafter referred to as the "Subject Property."
3. I own the entirety of the Subject Property and can make all decisions regarding the Subject Property.
4. The Subject Property is composed of a singular tract of land.
5. The Subject Property totals at least 25 acres.
6. The Subject Property is located in Wise County, Texas.
7. The Subject Property is within the water certificate of convenience and necessity of West Wise Special Utility District, No. 10284 ("CCN No. 10284").
8. The Subject Property is not receiving water or sewer service from West Wise Special Utility District.
9. I hereby authorize Destiny Development, LLC and its attorneys to seek a streamlined expedited release of the Subject Property from CCN No. 10284 pursuant to Texas Water Code Section 13.2541 and 16 Texas Administrative Code Section 24.245(h) for the Subject Property and act on


my behalf regarding such action.

EXHIBIT A

10. Contemporaneous with the submission of the petition for expedited release, a copy of the petition was mailed to West Wise Special Utility District, PO Box 566, Bridgeport, Texas 76426.

11. I declare under the penalty of perjury that the foregoing is true and correct.

SIGNED in WISE County, Texas on 9/21, 2020

_____

CYD BAILEY

COPY

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

WCTC GF#19-45506-DRL

WARRANTY DEED

Date: February 4, 2020

Grantor: JERRY L. BROOKS, individually, a married man, not joined by his spouse as the Property is not part of personal nor business homestead, and as Independent Executor of the Estate of ANNIE MAE BROOKS,
 JOYCE E. VERMILLION, a single woman;
 DENNIS E. BROOKS, a married man, not joined by his spouse as the Property is not part of personal nor business homestead;
 PHILLIP M. BROOKS a married man, not joined by his spouse as the Property is not part of personal nor business homestead; and
 TOMMY W. BROOKS, a married man, not joined by his spouse as the Property is not part of personal nor business homestead

Grantor's Mailing Address:

Jerry L. Brooks
 3011 Wildhorse Rd.
 Decatur, Texas 76234

Joyce E. Vermillion
 18651 Angelbird Ct.
 Lindale, Texas 75771

Dennis E. Brooks
 321 PR 1383
 Alvord, Texas 76225

Phillip M. Brooks
 619 CR 4280
 Decatur, Texas 76234

Tommy W. Brooks
 9743 Burney Dr.
 Dallas, Texas 75243

202001513 MD
 02/06/2020 04:06:21 PM Total Pages: 9 Fee \$4.00
 Sherry Lemon, County Clerk - Wise County, Texas

Grantee: CYD BAILEY, a single woman

Grantee's Mailing Address: 1801 County Road 1326, Texas 76426

Consideration:

Ten and more dollars and other good and valuable consideration paid to the undersigned Grantor by the Grantee herein named, the receipt and sufficiency of which is hereby acknowledged and confessed.

Property (including any improvements):

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE S. W. SORRELL SURVEY, ABSTRACT NUMBER 1098, WISE COUNTY, TEXAS, BEING A PART OF A CALLED 70.50 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO MARSHALL E. BROOKS AND WIFE ANNIE MAE BROOKS, RECORDED IN VOLUME 407, PAGE 412 OFFICIAL RECORDS, WISE COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CAPPED IRON ROD FOUND FOR CORNER THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED HEREIN, IN THE WEST LINE OF A CALLED 19.093 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO JIMMY HAND AND WIFE ANNA HAND AS RECORDED IN VOLUME 1507, PAGE 247 OFFICIAL RECORDS, WISE COUNTY, TEXAS AT THE NORTHEAST CORNER OF A 11.306 ACRE TRACT OF LAND SURVEYED UNDER THE DIRECTION AND SUPERVISION OF R.P.L.S. #4857 ON 5-03-19 ;

THENCE NORTH 89 DEGREES 28 MINUTES 21 SECONDS WEST WITH THE NORTH LINE THEREOF A DISTANCE OF 1322.03 FEET TO A CAPPED IRON ROD FOUND FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED HEREIN IN THE EAST RIGHT-OF-WAY LINE OF SAID FM #2952;

THENCE NORTH 00 DEGREES 18 MINUTES 36 SECONDS EAST WITH THE EAST RIGHT-OF-WAY LINE FARM-TO-MARKET ROAD 2952 A DISTANCE OF 1021.46 FEET TO A CAPPED IRON ROD SET FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED HEREIN;

THENCE NORTH 89 DEGREES 55 MINUTES 20 SECONDS EAST ALONG OR NEAR THE SOUTH SIDE OF AN ASPHALT SURFACE ROADWAY UNDER APPARENT PUBLIC USE POSTED AS PARK ROAD A DISTANCE OF 1315.83 FEET TO A PK NAIL SET FOR CORNER AT THE NORTHWEST CORNER OF SAID 19.093 ACRE TRACT;

THENCE SOUTH 00 DEGREES 02 MINUTES 04 SECONDS EAST A DISTANCE OF 1035.04 FEET TO THE POINT OF BEGINNING AND ENCLOSING 31.139 ACRES OF LAND, MORE OR LESS.

Reservations from and Exceptions to Conveyance and Warranty:

There is excepted from the grant and conveyance hereby made, and from the warranty hereinafter contained, and RESERVED unto the Grantor herein, and Grantor's heirs and assigns, forever, all of Grantor's interest in and to all of the oil, gas and other minerals on, in and under said land. Grantor does not reserve and retain implied rights of ingress and egress and of reasonable use of the Property (including surface minerals) for mining, drilling, exploring, operating, developing, or removing the oil, gas, and other minerals.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO title to all of the oil, gas and other minerals in and under the Property, together with right of ingress and egress, mining and oil drilling privileges appurtenant thereof, heretofore reserved by predecessors in title, as their interests may appear of record in the Public Records of Wise County, Texas.

The grant and conveyance hereby made, and the warranty hereinafter contained, are and shall be SUBJECT TO all easements, restrictive covenants, zoning ordinances, 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 of Wise County, Texas; and SUBJECT TO Taxes for 2020, the payment of which Grantee assumes; and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

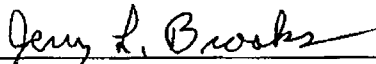

JERRY L. BROOKS, individually and as
Independent Executor of the Estate of
ANNIE MAE BROOKS

EXHIBIT A

Joyce E. Vermillion
JOYCE E. VERMILLION

Dennis E. Brooks
DENNIS E. BROOKS

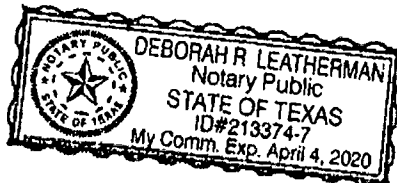
Phillip M. Brooks
PHILLIP M. BROOKS

Tommy W. Brooks
TOMMY W. BROOKS

(Acknowledgment)

STATE OF TEXAS
COUNTY OF WISE

This instrument was acknowledged before me on the 4 day of February, 2020, by JERRY L. BROOKS, individually and as Independent Executor of the Estate of ANNIE MAE BROOKS.



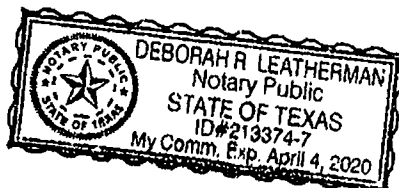
Deborah R. Leatherman

Notary Public, State of Texas
Notary's name(printed):
Notary's commission expires:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF WISE

This instrument was acknowledged before me on the 4 day of February, 2020, by JOYCE E. VERMILLION.



Deborah R. Leatherman

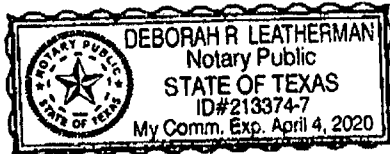
Notary Public, State of Texas
Notary's name(printed):
Notary's commission expires:

EXHIBIT A

(Acknowledgment)

STATE OF TEXAS
COUNTY OF WISE

This instrument was acknowledged before me on the 4 day of February,
2020, by DENNIS E. BROOKS.



Deborah R Leatherman

Notary Public, State of Texas

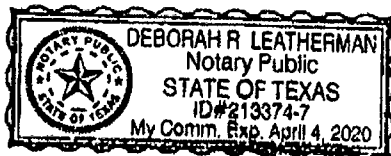
Notary's name(printed):

Notary's commission expires:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF WISE

This instrument was acknowledged before me on the 4 day of February,
2020, by PHILLIP M. BROOKS.



Deborah R Leatherman

Notary Public, State of Texas

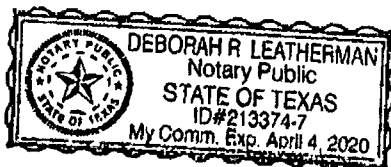
Notary's name(printed):

Notary's commission expires:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF WISE

This instrument was acknowledged before me on the 24 day of February,
2020, by TOMMY W. BROOKS.



Deborah R Leatherman

Notary Public, State of Texas

Notary's name(printed):

Notary's commission expires:

PREPARED IN THE LAW OFFICE OF:

The Berry White Law Firm, P.L.L.C.
1602 Halsell Street
Bridgeport, Texas 76426

AFTER RECORDING RETURN TO:

WISE COUNTY TITLE COMPANY
405 Park West Court
Decatur, Texas 76234

EXHIBIT A

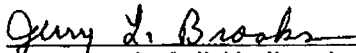
GF#: 19-45506-DRL
SELLERS: JERRY L. BROOKS, JOYCE E. VERMILLION, DENNIS E. BROOKS, PHILLIP M. BROOKS, TOMMY W. BROOKS
BORROWERS: CYD BAILEY
PROPERTY: 1022 PARK ROAD, CHICO, TX 76431
31.139 ACRES, SW SORRELL SURVEY, A#108

NOTICE TO PURCHASERS OF REAL PROPERTY

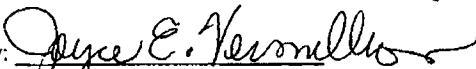
The real property, described below, which you are about to purchase is located in the WISE COUNTY WATER CONTROL IMPROVEMENT District #1 OR #2. The district has taxing authority separate from any other taxing authority, and may subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date the most recent rate of taxes levied by the district on real property located in the district is \$.01 OR \$.03 on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or say, at this date, be issued is \$N/A, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the district and payable in whole or in part from property taxes is \$N/A.


The district has the authority to adopt and impose a standby fee on property in the district that has district-financed water or sewer facilities and services available but not connected. The district may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$N/A. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.


The purpose of this district is to provide water, sewer, drainage and flood control facilities and services within the district through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district. The legal description of the property which you are acquiring is briefly described above.



Jerry L. Brooks, Individually and as Ind Exec of the Estate of Annie Mae Brooks, deceased

By: 
Joyce E. Vermillion

By: 
Dennis E. Brooks

By: 
Phillip M. Brooks

By: 
Tommy W. Brooks

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to execution of a binding contract for the purchase of the real property described in such notice or at closing or purchase of the real property.


Cyd Bailey

(Note: Correct district name, tax rate, bond amounts, and legal description are to be placed in the appropriate space by seller. Except for notices included as part of a purchase contract, the notice shall be executed by the seller and purchaser, as indicated, and the

EXHIBIT A

correct acknowledgments shall be provided for both seller and purchaser below. If the district does not propose to provide one or more of the specified facilities and services, the appropriate purpose may be eliminated. If the district has not yet levied taxes, a statement to such effect together with the district's projected rate, if any, of debt service tax estimated at the time of the creation of the district shall be substituted.)

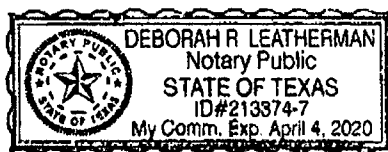
PROPERTY DESCRIPTION: (AS DESCRIBED ABOVE)

(ACKNOWLEDGMENT)

STATE OF TEXAS

COUNTY OF WISE

This instrument was acknowledged before me on this 4 day of February, 2020, by Jerry L. Brooks , Joyce E. Vermillion , Dennis E. Brooks , Phillip M. Brooks , Tommy W. Brooks .



Deborah R. Leatherman

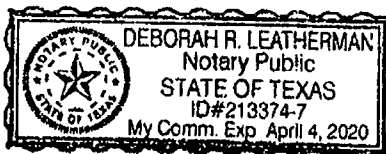
NOTARY PUBLIC, STATE OF TEXAS

(ACKNOWLEDGMENT)

STATE OF TEXAS

COUNTY OF WISE

This instrument was acknowledged before me on this 4 day of February, 2020, by Cyd Bailey.



Deborah R. Leatherman

NOTARY PUBLIC, STATE OF TEXAS

FILED AND RECORDED

Instrument Number: 202001513

Filing and Recording Date: 02/06/2020 04:05:21 PM Pages: 9 Recording Fee: \$54.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the RECORDS of Wise County, Texas.



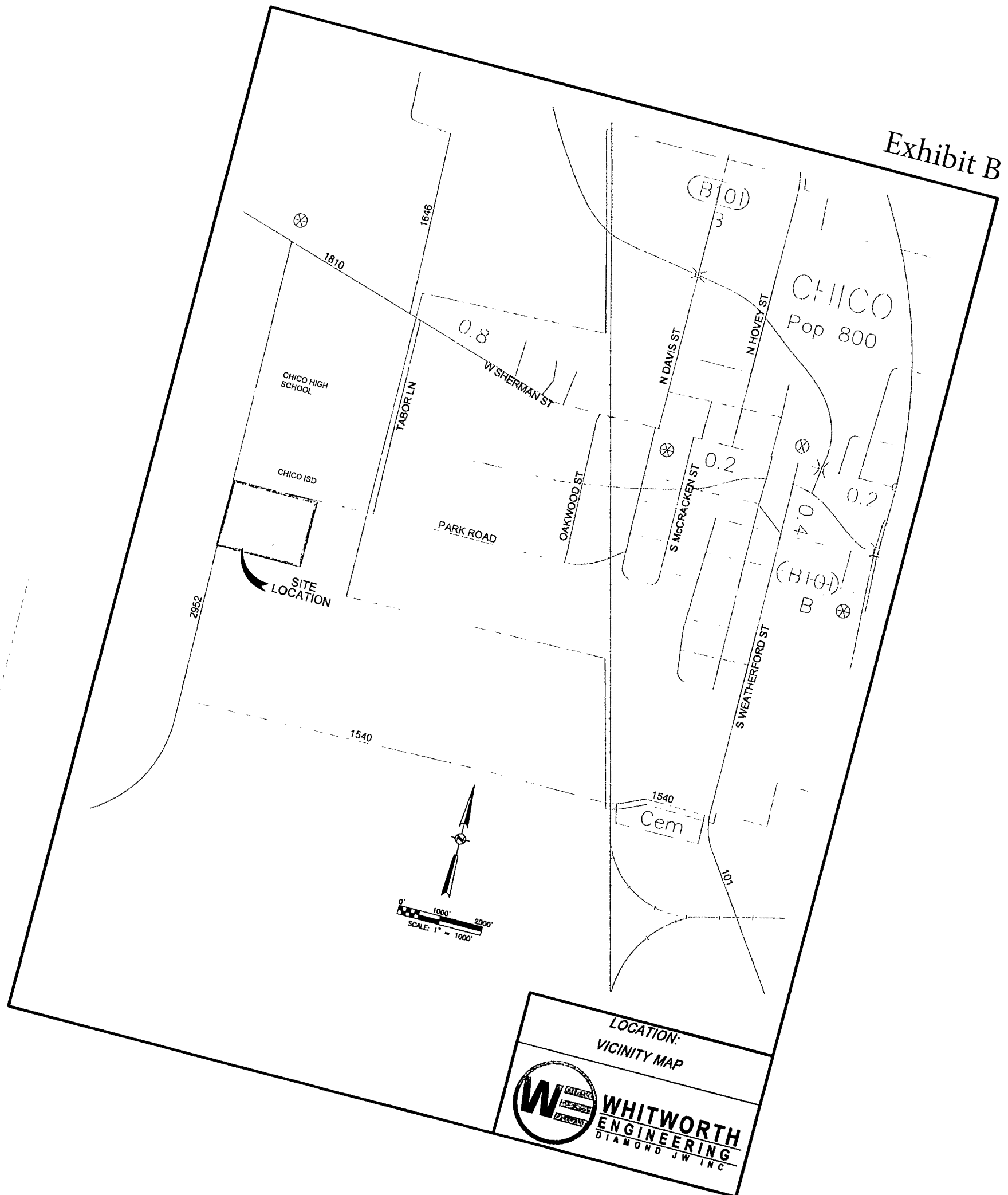
Sherry Lemon

Sherry Lemon, County Clerk
Wise County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE. DO NOT DESTROY - This document is part of the Official Record.

Deputy: Sarah Enochs

Exhibit B



REVISIONS

#	REVISION	DATE

Drawn by Development
10/12/2020
JAMES HENRY
james.henry@pva.com

SITE LOCATION

31 ACRE SUBDIVISION CHICO, TEXAS



1 OF 1
P-1.0
SHEET NUMBER
CVD-20-0021
AUGUST 27, 2020
15227702

Exhibit B

