

Control Number: 51400

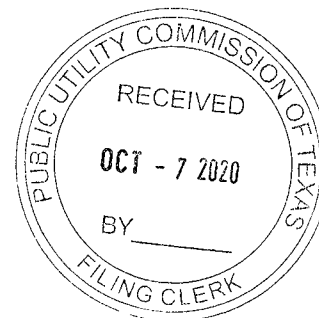


Item Number: 1

Addendum StartPage: 0



51400



September 22, 2020

Public Utility Commission of Texas
Central Records
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

Re: Hempstead Rail Park Development
Request for Streamlined Expedited Release

To whom it may concern,

WGA Consulting Engineers is filing this petition on behalf of our client, **RCR Hempstead Rail, L.P.** This petition is to request a streamlined expedited release from the Certificate of Convenience and Necessity (CCN No. 12391) owned by *G&W Water Supply Corporation* as detailed and allowed under *Texas Water Code (TWC) 13.2541* and *16 Texas Administrative Code (TAC) 24.245(h)*. The request is for the release of two (2) contiguous tracts of land located in Waller County, Texas and owned by **RCR Hempstead Rail, L.P.** that encompass 119.30 acres and 17.74 acres respectively for a total of 137.04 acres. Enclosed in this petition are the deeds for both tracts showing our client as the current owner, and metes and bound surveys certified by a licensed land surveyor in the state of Texas for both tracts. Additionally, please note that these tracts are currently undeveloped and do not receive water or sewer service from *G&W Water Supply Corporation* at this time.

A copy of this petition has been mailed to *G&W Water Supply Company* via certified mail on the date of this letter.

If you have any comments or require additional information, please contact me at (713) 234-6093 or email Paul Tilly at PTilly@wga-llp.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J G Ince", followed by the letters "PE" in a larger, bolder script.

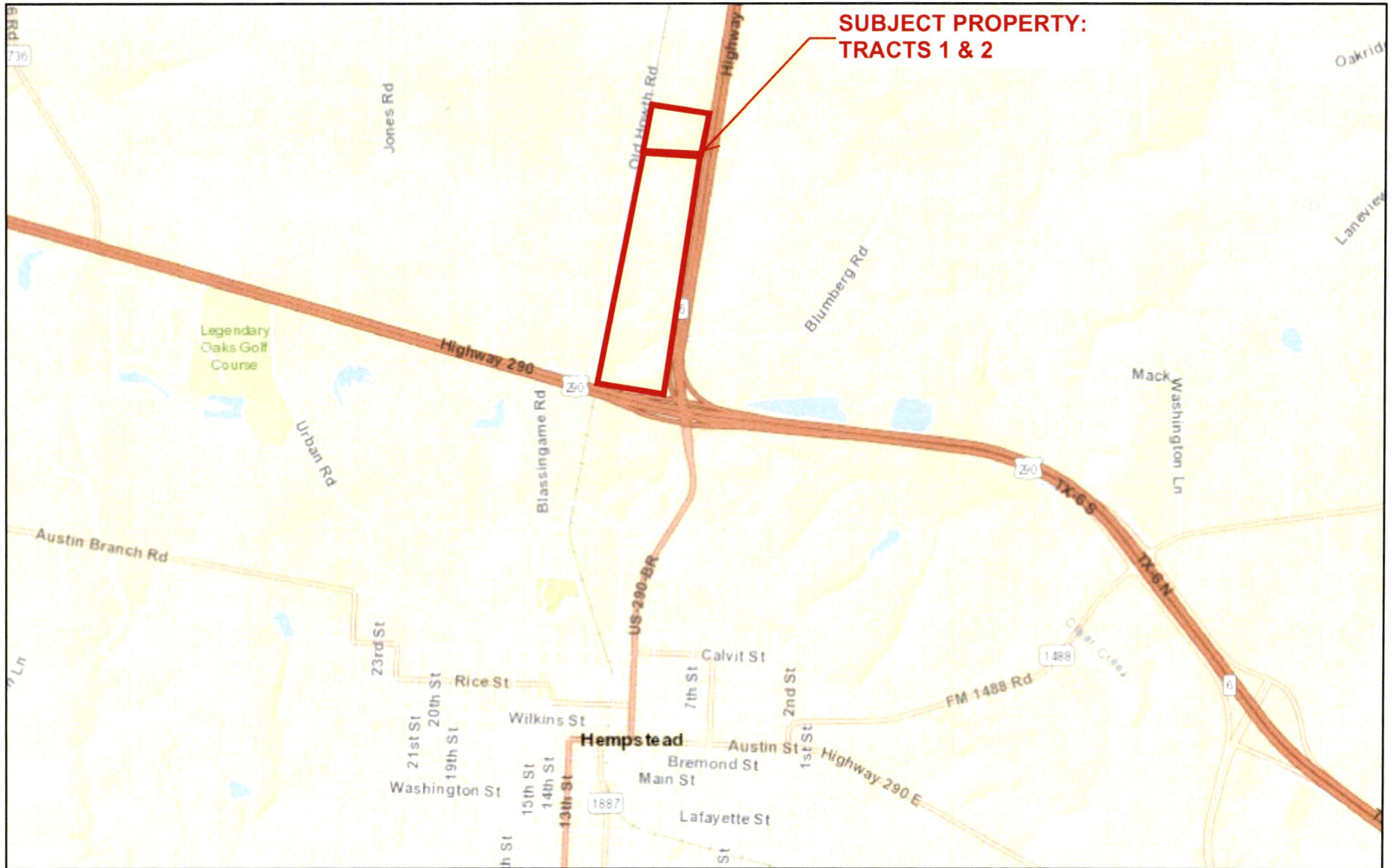
Jerry G. Ince
Ward, Getz & Associates, PLLC

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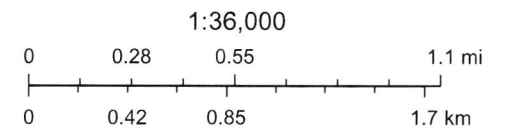
LOCATION MAPS

ArcGIS WebMap



September 21, 2020

- Interstate Highway
- Major Highway



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

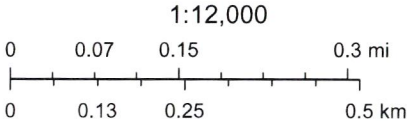
ArcGIS WebApp Builder

ArcGIS WebMap



September 21, 2020

- Interstate Highway
- Major Highway



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,



PROPERTY DEED:
TRACT 1 – 119.30 ACRES

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

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
 COUNTY OF WALLER §

THAT **MCALISTER OPPORTUNITY FUND 2014, L.P.**, a Delaware limited partnership, as to an undivided 20.0577% interest and **HEMPSTEAD 282 EQUITY VENTURE, L.P.**, a Texas limited partnership, as to an undivided 79.9423% interest (together, as tenants in common, "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by **RCR HEMPSTEAD RAIL, L.P.**, a Texas limited partnership ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), the following (collectively, the "Property"): all of that certain real property located in Waller County, Texas, more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), together with any and all buildings, improvements, fixtures, furniture, equipment and other personal property thereon or therein, all easements, tenements, hereditaments, privileges, and appurtenances belonging or appertaining thereto, including all utility and drainage rights and capacities allocated or reserved thereto, all oil, gas and other minerals, all water rights, all development rights and rights gained and/or reserved by virtue of the payment of impact fees with respect thereto, and any right, title and interest of Grantor in and to the lands situated within the right-of-way of all publicly-dedicated (but not private) roads, streets and alleys, or rights-of-way, and Grantor's interest in and to all leases and rents attributable to the Land.

This conveyance is made by Grantor and accepted by Grantee expressly subject to the following (collectively, the "Permitted Exceptions"): the liens securing payment of real estate ad valorem taxes for the current and all subsequent years; and those matters set forth on Exhibit B attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and subject to the above described Permitted Exceptions and other matters set forth herein, Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

Address of Grantee: 2211 Norfolk St., Suite 803
 Houston, Texas 77098

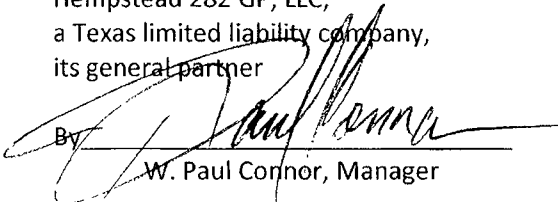
EXECUTED effective as of 29th of June, 2018.

GRANTOR:

HEMPSTEAD 282 EQUITY VENTURE, L.P.,
a Texas limited partnership

By: Hempstead 282 GP, LLC,
a Texas limited liability company,
its general partner

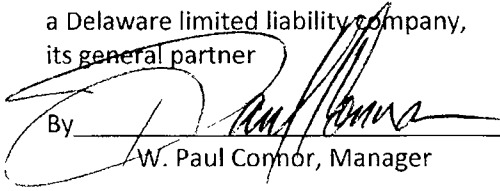
By


W. Paul Connor, Manager

MCALISTER OPPORTUNITY FUND 2014, L.P.,
a Delaware limited partnership

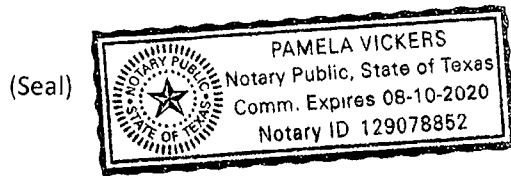
By: MOF 2014 GP, LLC,
a Delaware limited liability company,
its general partner

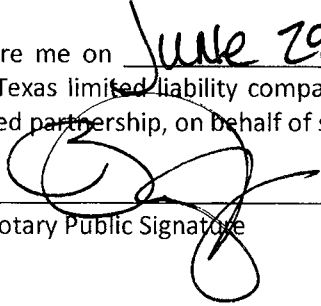
By


W. Paul Connor, Manager

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 29, 2018 by W. Paul Connor, Manager of Hempstead 282 GP, LLC, a Texas limited liability company, as General Partner of Hempstead 282 Equity Venture, L.P., a Texas limited partnership, on behalf of same.

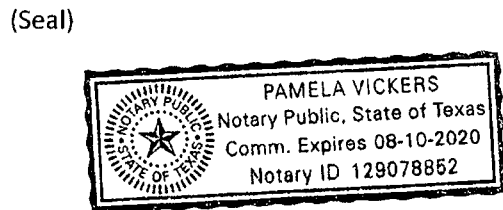




Notary Public Signature

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 29, 2018 by W. Paul Connor, Manager of MOF 2014 GP, LLC, a Texas limited liability company, as General Partner of McAlister Opportunity Fund 2014, L.P., a Delaware limited partnership, on behalf of same.





Notary Public Signature

Exhibit A**PROPERTY**

A METES & BOUNDS description of a certain 119.30 acre tract situated in the Joseph Baker Survey, Abstract No. 11 in Waller County, Texas, being a portion of a called 100 acre tract described in Volume 46, Page 251 of the Deed Records of Waller County, a portion of a called 51.50 acre tract described in Volume 54, Page 390 of the Deed Records of Waller County, and a portion of a called 138.6 acre tract referenced in Volume 49, Page 368 (better described in Oil and Gas Lease described in Volume 54, Page 273 of the Deed Records of Waller County,) all of the aforementioned also being a portion of the land described in a General Warranty Deed from Duella Sue Templet, et al to The Lauraine Group recorded in Volume 463, Page 331 of the Deed Records of Waller County; said 119.30 acre tract being more particularly described as follows with all bearings based on the Texas Coordinate System of 1983, South Central Zone;

BEGINNING at a set 5/8 inch iron rod (with cap stamped "Jones&Carter") being the northwest corner of said 100 acre tract, being in the east line of Union Pacific Railroad 100 foot right-of-way easement held by prescription, as shown on Union Pacific Railroad Map Number 42809-02-07-21-29, also in the south line of a called 17.766 acre tract conveyed to John D. Pappas by Deed recorded in Volume 229, Page 628 of the Deed Records of Waller County, also being in the common survey line of the Lancelot Abbott Survey, A-1 and the Joseph Baker Survey, A-11, and being the northwest corner of the herein described 119.30 acre tract, from which a found 5/8-inch iron rod bears South 86°48'42" West, 1.75 feet marking the southwest corner of said 17.766 acre tract;

THENCE North 87°12'49" East, along said survey line, being common with the south line of said 17.766 acre tract, and the north line of said 100 acre tract, passing at 0.78 feet a found 1/2-inch iron rod (with cap stamped "Goodwin-Lasiter"), continuing in all a total distance of 1172.15 feet to a set 5/8-inch iron rod (with cap stamped "Jones&Carter") marking the southeast corner of said 17.766 acre tract, being common with the northeast corner of said 100 acre tract, from which a found 1/2-inch iron rod (with cap stamped "Goodwin Lasiter") bears North 74°23'47" West, 2.67 feet, and being in the west right-of-way of State Highway 6;

THENCE with the west right-of-way of said State Highway 6, being common with the east lines of aforementioned 100 acre tract, 51.50 acre tract, and 138.6 acre tract, the following four (4) courses and distances:

- 1.) South 07°40'16" West, passing at 2486.21 feet (2.68 feet right) a found 1/2-inch iron rod (with cap stamped "Goodwin-Lasiter") continuing in all a total distance of 2945.52 feet to a found metal TxDOT disk in concrete;
- 2.) South 13°29'07" West, 1071.00 feet to a found metal TxDOT disk marking the beginning of a curve to the left;
- 3.) Along a curve to the left, having a radius of 955.37 feet, an arc length of 289.04 feet, a delta angle of 17°20'03", a chord bearing of South 04°54'46" West, and a chord length of 287.93 feet to a found metal TxDOT disk;
- 4.) South 49°46'46" West, 172.39 feet to a found concrete monument marking an angle point in said 138.6 acre tract;

THENCE with the south line of said 138.6 acre tract, being common with the north right-of-way of U.S. Highway 290, the following three (3) courses and distances:

- 1.) South 59°57'36" West, 179.98 feet to a found concrete monument;
- 2.) South 89°36'12" West, 232.91 feet to a found metal TxDOT disk;
- 3.) North 76°42'00" West, passing at 531.50 feet a found metal TxDOT disk, continuing in all a total distance of 533.19 feet to a set 5/8-inch iron rod (with cap stamped "Jones&Carter") marking the southeast corner of a called 1.4445 acre tract (Parcel "A") conveyed to J.R. Simplot Company by Special Warranty Deed recorded in Volume 1213, Page 782 of the Deed Records of Waller County, being common with the southwest corner of said 138.6 acre tract, and being in the north right-of-way of said U.S. Highway 290;

THENCE North 03°35'17" West, along the east line of said 1.4445 acre tract, being common with the west line of said 138.6 acre tract, passing at 0.38 feet a found 1/2-inch iron rod, passing at 763.36 feet a found 1/2-inch iron rod, continuing in all a total distance of 765.19 feet to a set 5/8-inch iron rod (with cap stamped "Jones&Carter") marking the north corner of said 1.445 acre tract, being common with the northwest corner of said 138.6 acre tract, being the southwest corner of aforementioned 51.50 acre tract, and being in the east line of the aforementioned Union Pacific Railroad 100 foot right-of-way;

THENCE North 09°27'11" East, along the east line of said Union Pacific Railroad 100 foot right-of-way, being common with the west lines of said 51.50 acre tract, and said 100 acre tract, 3555.49 feet to the **POINT OF BEGINNING, CONTAINING** 119.30 acres of land in Waller County, Texas as shown on Dwg No. 1331 filed in the offices of Jones|Carter in College Station, Texas.

Exhibit B

PERMITTED EXCEPTIONS

Title to, and easements in, any portion of the land lying within any highways, roads, streets, or other ways.

Rights of the following tenant, as tenant only, under currently effective unrecorded lease agreements: Rusty Templet and Jeff Arnett, "Lessee".

An easement granted to M. & M. Pipe Line Co., Inc. by instrument recorded in/under Volume 53, Page 569 of the Deed Records of Waller County, Texas.

An easement 30 feet in width granted to Texas Southeastern Gas Company by instrument recorded in/under Volume 180, Page 163 of the Deed Records of Waller County, Texas, and as reflected on survey drawing made by Christopher E. Curtis, R.P.L.S. No. 6111, dated June 1, 2016 in Job No. 00181-0052.

Easements granted to San Bernard Electric Cooperative, Inc. by instrument recorded in/under Volume 365, Page 457 and Volume 365, Page 528 of the Deed Records of Waller County, Texas, and as reflected on survey drawing made by Christopher E. Curtis, R.P.L.S. No. 6111, dated June 1, 2016 in Job No. 00181-0052.

Easements granted to San Bernard Electric Cooperative, Inc. by instrument recorded in/under Volume 463, Page 10 of the Deed Records of Waller County, Texas, and as reflected on survey drawing made by Christopher E. Curtis, R.P.L.S. No. 6111, dated June 1, 2016 in Job No. 00181-0052.

Terms, conditions and provisions of the right-of-way easements granted to the County of Waller by instruments recorded in/under Volume 18, Page 29 and Volume 18, Page 30 of the Deed Records of Waller County, Texas.

Limitations of access as set forth in instrument recorded in/under Volume 455, Page 149 of the Deed Records of Waller County, Texas.

All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, as same are set forth in instruments recorded in/under Volume 52, Page 166 and Volume 52, Page 221 of the Deed Records of Waller County, Texas. Surface rights waived.

A 1/4 royalty interest in and to all oil, gas and other minerals on, in, under or that may be produced from the subject property as the same is set forth in instrument recorded in/under Volume 136, Page 360 of the Deed Records of Waller County, Texas. Surface rights waived.

Any rights, easements, interests or claims which may exist by reason of the following items, as reflected on survey drawing made by Christopher E. Curtis, R.P.L.S. No. 6111, dated June 1, 2016 in Job No. 00181-0052:

- i. Electric lines, power poles, natural gas pipeline marker, meter pole and guy anchor(s) across the middle portion of the subject property and as shown on survey provided.
- ii. Electric lines, power poles, meter pole(s), guy anchors, electric box, telephone cable markers, telephone pedestals, natural gas pipeline marker and underground cable on, near and along the southerly property lines and the easterly property lines and as shown on survey provided.
- iii. Variance of fence line from the property lines and as shown on survey provided.

FILED AND RECORDED

Instrument Number: 1805181

Filing and Recording Date 07/02/2018 08 48 51 AM Pages 7 Recording Fee \$36 00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



Debbie Hollan, County Clerk
Waller 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

CSC, Deputy

Returned To