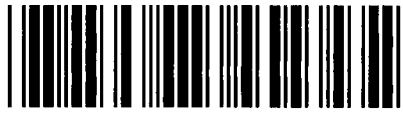




Control Number: 51423



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **51423**



PETITION BY WEST BASTROP VILLAGE, LTD FOR EXPEDITED RELEASE FROM WATER CCN NO. 10294 HELD BY AQUA WATER SUPPLY CORPORATION §
§
§
§
§

BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

PETITION BY WEST BASTROP VILLAGE LTD. FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, West Bastrop Village, Ltd. (Petitioner), and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from Aqua Water Supply Corporation’s (Aqua) water certificate of convenience and necessity (CCN) No. 10294 pursuant to Texas Water Code Section 13.2541 and 16 Texas Administrative Code (TAC) § 24.245 and, in support thereof, would respectfully show the following:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and is not receiving water or sewer service may petition for expedited release of the area from a CCN. Tex. Water Code Ann. § 13.2541(b). For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract “is entitled to that release.” *Id.* The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Bastrop County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TAC § 24.245. Under Section 13.2541(c), the PUC “shall grant the petition not later than the 60th day after the date the landowner files the petition.”

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 347.9 acres of contiguous property in Bastrop County (Property). The Property is within the boundaries of water CCN No. 10294 held by Aqua. The Property does not receive service from any water provider. An affidavit in support of this Petition is attached hereto as **Exhibit A**. Maps showing the location of the Property, along with the digital data, are attached hereto as **Exhibit B**. The deed showing ownership of the Property is attached hereto as **Exhibit C**. A copy of this Petition has been mailed to Aqua via certified mail.

Aqua has agreed to the decertification and has already been compensated by virtue of Aqua's provision of wholesale water through the City of Bastrop to the Petitioner. The Joint Filing between Aqua and Petitioner, a copy of which is attached to this Petition as **Exhibit D**, verifies that Aqua and the Petitioner have reached an agreement as to compensation and that Aqua has received such compensation. The Joint Filing is being filed with the PUC simultaneously with this Petition.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Bastrop County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60th day after the date of filing, and declare that Aqua and the Petitioner have agreed to compensation and such compensation has been paid to Aqua. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing the Property from water CCN No. 10294 and finding that Aqua and the Petitioner agreed to compensation pursuant to 16 TAC § 24.245(i)(1) and that compensation has been paid to Aqua.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 16th day of October, 2020, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Aqua Water Supply Corporation, 415 Old Austin Hwy, Drawer P, Bastrop, TX 78602.

Emily W. Rogers
Emily W. Rogers

Exhibit A

PUC DOCKET NO. _____

PETITION BY WEST BASTROP	§	BEFORE THE
VILLAGE, LTD FOR EXPEDITED	§	
RELEASE FROM WATER CCN	§	PUBLIC UTILITY COMMISSION
NO. 10294 HELD BY AQUA	§	
WATER SUPPLY CORPORATION	§	OF TEXAS

**AFFIDAVIT FOR PETITION BY WEST BASTROP VILLAGE LTD. FOR
EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned notary, personally appeared Myra J. Goepp, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. "My name is Myra J. Goepp. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.
2. I am the manager of WBV GP, LLC, which is the general partner of West Bastrop Village, Ltd., a Texas limited partnership, the Petitioner in the above-captioned matter. West Bastrop Village, Ltd. owns approximately 347.9 acres of land, which is located within the boundaries of water Certificate of Convenience and Necessity No. 10294 issued to Aqua Water Supply Corporation. This property is located in Bastrop County, Texas. Exhibit B attached to this Petition is a true and correct copy of a map identifying the property, its location, and the area of the CCN. Exhibit C attached to this Petition is a true and correct copy of the deed demonstrating ownership of the tract.
3. The property in question is not receiving water service from Aqua Water Supply Corporation or any other water service provider. The property has not requested water service from Aqua Water Supply Corporation or paid any fees or charges to initiate or maintain water, and there are no billing records or other documents indicating an existing account for the property.
4. I request that the Public Utility Commission on Texas release this property from water CCN No. 10294."

FURTHER AFFIANT SAYETH NOT.

WEST BASTROP VILLAGE, LTD.

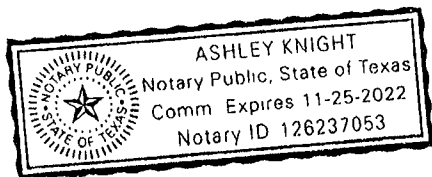
a Texas limited partnership

By: WBV GP, LLC

a Texas limited liability company, general partner

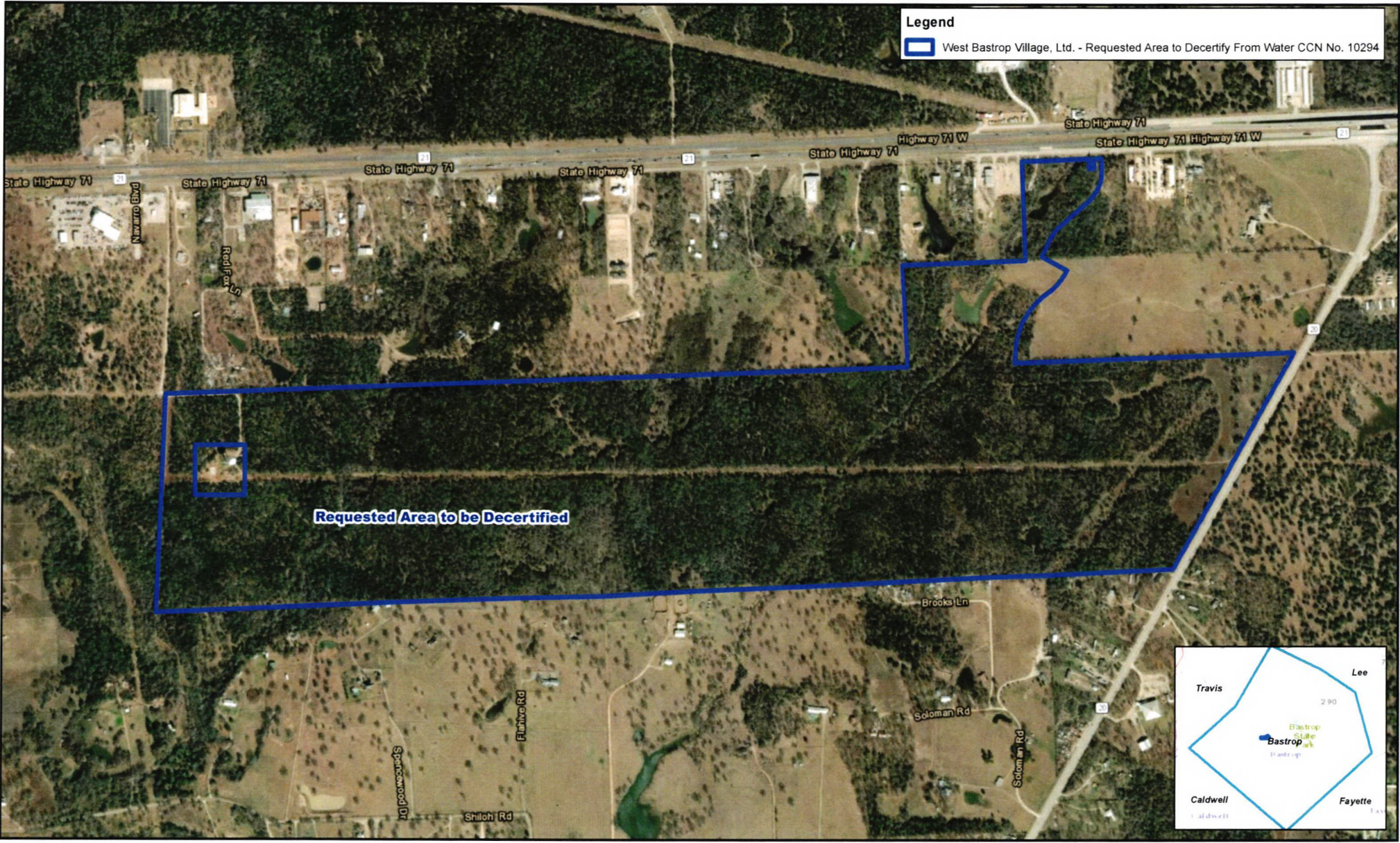
By: *Myra J. Goepf*
Myra J. Goepf, Manager

SWORN AND SUBSCRIBED TO BEFORE ME by *Myra Goepf*
October 6, 2020.



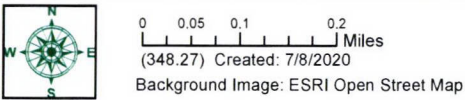
Ashley Knight
Notary Public State of Texas

Exhibit B



Legend
 [Blue Outline] West Bastrop Village, Ltd. - Requested Area to Decertify From Water CCN No. 10294

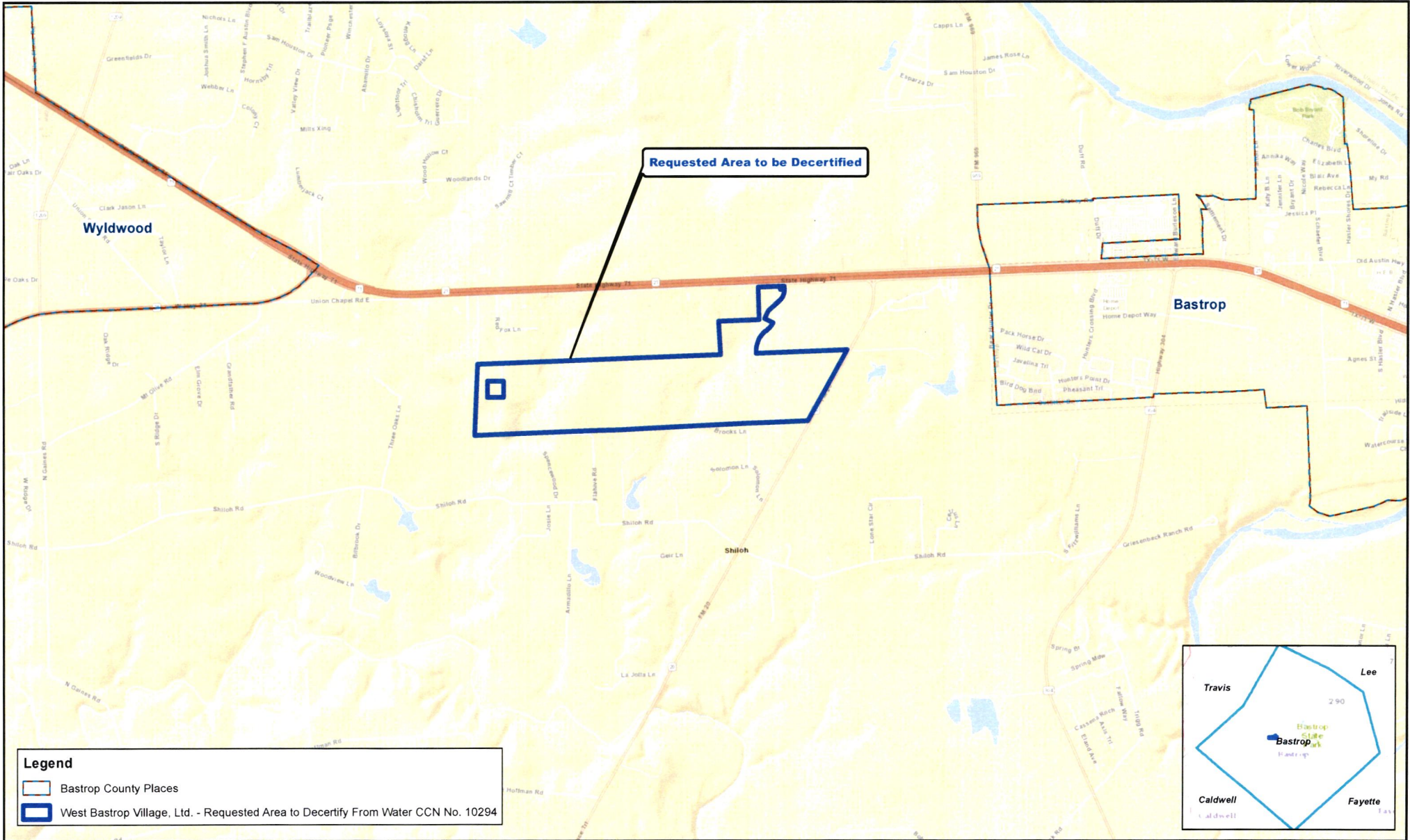
Requested Area to be Decertified



West Bastrop Village, Ltd.
Request for Portion of Water CCN No 10294 to be Decertified
from Aqua WSC to West Bastrop Village, Ltd.
DETAIL MAP

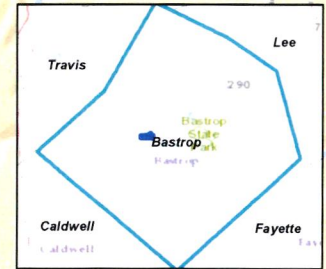
© 2020 Bickerstaff Heath Delgado Acosta LLP
 Data Source: West Bastrop Village LTD obtained from Pate Engineers as shapefile;





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(348.27) Created: 7/8/2020
Background Image: ESRI Street Map

**West Bastrop Village, Ltd.
Request for Portion of Water CCN No 10294 to be Decertified
from Aqua WSC to West Bastrop Village, Ltd.
GENERAL LOCATION MAP**



© 2020 Bickerstaff Heath Delgado Acosta LLP
Data Source: West Bastrop Village LTD obtained from Pate Engineers as shapefile;



Exhibit C

ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

4/1/2015 12:26 PM

FEE: \$76.00

ROSE PIETSCH, County Clerk

Bastrop, Texas

DEED 201503938

16-1503427 - Com/DPP

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.

CORRECTION
SPECIAL WARRANTY DEED

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF BASTROP

§

THAT JDW Bastrop West Ventures, L.L.C., a Texas limited liability company (hereinafter referred to as "Grantor" for and in consideration of cash and a Promissory Note of even date executed by Grantee and payable to the order of Libertad Bank, SSB ("Lender"), in the principal amount of \$2,200,000 (the "Note"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto West Bastrop Village, Ltd., a Texas limited partnership (hereinafter referred to as "Grantee", whose address is c/o Benchmark Land & Exploration, Inc., 200 Congress Avenue, Suite 9A, Austin, Texas 78701, the property located in Bastrop County, Texas which is more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (hereinafter referred to as the "Land"); together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and any right, title or interest of Grantor in and to any land lying in the bed of any street, road or highway in front of or adjoining the Land, together with any strips or gores relating to the Land (all of the foregoing being hereinafter collectively referred to as the "Property"). The Note is secured by a first and superior vendor's lien and superior title retained in this deed and by a Deed of Trust (Security Agreement and Financing Statement) of even date from Grantee to, A. Rick Hightower, Trustee, for the benefit of Lender.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Property unto the said Grantee's 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, subject only to those conditions, covenants, restrictions, liens, encumbrances and other matters as are set forth on Exhibit "B" attached hereto and incorporated herein by reference (the "Permitted Exceptions").

16-1503427 - Com/DP

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.

CORRECTION
SPECIAL WARRANTY DEED

STATE OF TEXAS
COUNTY OF BASTROP

§
§
§

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THAT **JDW Bastrop West Ventures, L.L.C.**, a Texas limited liability company (hereinafter referred to as "Grantor" for and in consideration of cash and a Promissory Note of even date executed by Grantee and payable to the order of Libertad Bank, SSB ("Lender"), in the principal amount of \$2,200,000 (the "Note"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto **West Bastrop Village, Ltd.**, a Texas limited partnership (hereinafter referred to as "Grantee", whose address is c/o Benchmark Land & Exploration, Inc., 200 Congress Avenue, Suite 9A, Austin, Texas 78701, the property located in Bastrop County, Texas which is more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (hereinafter referred to as the "Land"); together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and any right, title or interest of Grantor in and to any land lying in the bed of any street, road or highway in front of or adjoining the Land, together with any strips or gores relating to the Land (all of the foregoing being hereinafter collectively referred to as the "Property"). The Note is secured by a first and superior vendor's lien and superior title retained in this deed and by a Deed of Trust (Security Agreement and Financing Statement) of even date from Grantee to, A. Rick Hightower, Trustee, for the benefit of Lender.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Property unto the said Grantee's 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, subject only to those conditions, covenants, restrictions, liens, encumbrances and other matters as are set forth on Exhibit "B" attached hereto and incorporated herein by reference (the "Permitted Exceptions").

Ad valorem taxes for the year 2013 have been prorated between Grantor and Grantee as of the date hereof, and Grantee assumes the obligations to pay the same as they become due and payable subsequent to the date hereof.

The vendor's lien against and superior title to the Property are retained until the Note is fully paid according to its terms, at which time this deed will become absolute. To secure the payment of the Note, Grantor does hereby expressly retain a Vendor's Lien and Superior Title upon and against the Property to the extent that proceeds of the Note are used towards the payment of the purchase price of the Property until said amount of proceeds under the Note is fully paid according to the face, tenor, effect and reading of said Note, whereupon this Deed shall become absolute. The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to Lender, its successors and assigns, the payee named in the Note, without recourse or warranty. The Note is further and additionally secured by a Deed of Trust of even date herewith executed by Grantee covering the Property, to which reference is here made for all relevant purposes.

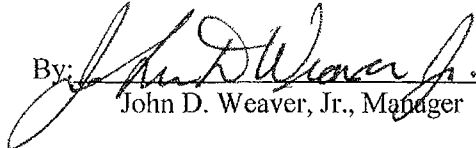
[Signature Page to Follow]

This Correction Special Warranty Deed is being re-recorded as a correction to the Special Warranty Deed recorded in Volume 2221, Page 213, of the Official Public Records of Bastrop County, Texas, wherein by error or mistake, the legal description was incorrectly stated.

Dated to be effective March 28, 2013.

GRANTOR:

JDW BASTROP WEST VENTURES, L.L.C.,
a Texas limited liability company

By: 
John D. Weaver, Jr., Manager

GRANTEE:

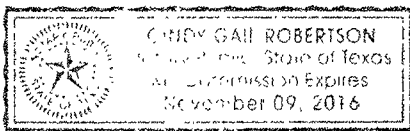
WEST BASTROP VILLAGE, LTD.

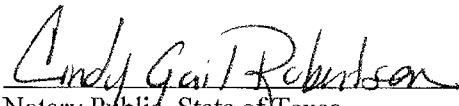
By: WBV GP, L.L.C., Its General Partner

By: 
David C. Mahn, Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

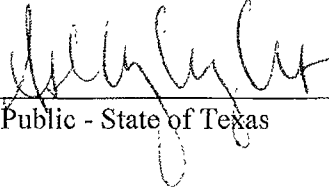
This instrument was acknowledged before me on MARCH 31, 2015, by John D. Weaver, Jr., Manager of JDW Bastrop West Ventures, L.L.C., a Texas limited liability company, on behalf of such limited liability company.




Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on March 20, 2015, by DAVID C. MAHN, MANAGER of WBV GP, LLC, a Texas limited liability company, as General Partner of WEST BASTROP VILLAGE, LTD., a Texas limited partnership on behalf of said company and partnership.



Notary Public - State of Texas

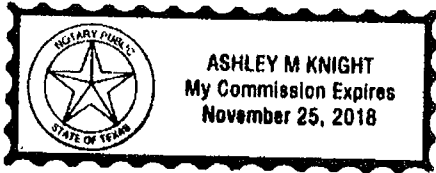


EXHIBIT A

See Exhibits A-1 and A-2 immediately following.

EXHIBIT A-1

Being that certain tract of land calculated to contain 346.518 net acres, more or less, being out of the NANCY BLAKEY SURVEY, ABSTRACT NO. 98 and out of the P. O'LEARY SURVEY, ABSTRACT NO. 271, Bastrop County, Texas and including all Lot 1, Block A, SURBURBIA ESTATES Amended Plat - Tracts 5-8, recorded in Plat Cabinet No. 5, Page 19B, Plat Records of Bastrop County, Texas, in Bastrop County, Texas, as said 346.518 net acres is described on the immediately following pages consisting of:

1. Field notes for a 351.525 acre parcel consisting of three pages;
2. Field notes for SAVE AND EXCEPT PARCEL 1, being a 2.002 acre parcel description on a single page;
3. Field notes for SAVE AND EXCEPT PARCEL 2, being a 1.504 acre parcel description on a single page; and
4. Field notes for SAVE AND EXCEPT PARCEL 3, being a 1.501 acre parcel description on a single page.

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, AND THE P. O'LEARY SURVEY, ABSTRACT NUMBER 271, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THE REMAINDER OF 344.305 ACRE TRACT OF LAND CONVEYED TO WEST BASTROP VILLAGE LTD IN VOLUME 1903, PAGE 479, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, (O.P.R.B.C.TX.), AND BEING ALL OF LOT 1, BLOCK A, SUBURBIA ESTATES AMENDED PLAT - TRACTS 5-8, RECORDED IN CABINET 1, SLIDE 148, P.R.B.C.TX. 14.19 ACRES IN THE NANCY BLAKEY SURVEY, A-98 BASTROP COUNTY, TEXAS, A SUBDIVISION RECORDED IN CABINET 5, PAGE 19B, PLAT RECORDS OF BASTROP COUNTY, TEXAS, (P.R.B.C.TX.), SAID 346.518 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2" Iron rod found in the western right-of-way line of F.M. 20 (R.O.W. varies), also being the southeastern corner of said remainder of 344.305 acre tract, and also being the northeastern corner of a 0.999 acre tract of land conveyed to Jesus Alfaro in Volume 1342, Page 709, O.P.R.B.C.TX., for the southeastern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract, said 0.999 acre tract and a 7.217 acre tract of land conveyed to Carl S. & Becky A. Clardy in Volume 1765, Page 703, O.P.R.B.C.TX., S86°58'02"W, a distance of 980.81 feet to a 5/8" iron rod found, in the southern line of said remainder of 344.305 acre tract, also being the northwestern corner of said 7.217 acre tract and also being the northeastern corner of a 10.000 acre tract of land conveyed to Pampered Lawns Austin Inc., in Volume 1588, Page 787, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 10.000 acre tract, S88°16'07"W, a distance of 451.48 feet to a 1/2" iron rod found, in the southern line of said remainder of 344.305 acre tract, also being the northwestern corner of said 10.000 acre tract and also being the northeastern corner of a 1.000 acre tract of land conveyed to Brian C. & Sharla J. Baldwin, in Volume 1654, Page 666, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 1.000 acre tract, a 1.081 acre tract of land conveyed to Robert & Lidia Mendoza in Volume 1839, Page 51, O.P.R.B.C.TX., a 1.477 acre tract conveyed to Phillip L. & Cheryl N. Burton in Volume 1790, Page 862, O.P.R.B.C.TX., and a 1.19 acre tract of land conveyed to Jay L. & Susan C. Rougeau in Volume 1954, Page 583, O.P.R.B.C.TX., S87°10'40"W, a distance of 966.14 feet to a 1/2" iron rod found, in the southern line of said remainder of 344.305 acre tract, also being the northwestern corner of said 1.19 acre tract and also being the northeastern corner of a 80.549 acre tract of land conveyed to Floyd & Allan Kelley, in Volume 446, Page 222, Deed Records of Bastrop County, Texas, (D.R.B.C.TX.),

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 80.549 acre tract, S87°08'00"W, a distance of 2085.36 feet to a 1/2" iron rod found, in the southern line of said remainder of 344.305 acre tract, also being the northwestern corner of said 80.549 acre tract and also being the northeastern corner of a 7.124 acre tract of land conveyed to David M. Flahive, in Volume 2305, Page 247, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 7.124 acre tract, S88°41'14"W, a distance of 656.89 feet to a concrete monument found, in the southern line of said remainder of 344.305 acre tract, also being the northwestern corner of said 7.124 acre tract and also being the northeastern corner of a 19.968 acre tract of land conveyed to Joseph Mark & Patricia A. Flahive, in Volume 1261, Page 231, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 19.968 acre tract, S87°59'32"W, a distance of 886.05 feet to a capped 1/2" iron rod set, in the southern line of said remainder of 344.305 acre tract, also being in the northern line of said 19.968 acre tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 19.968 acre tract, a 29.997 acre tract of land conveyed to Brenda Greene & George Scott in Volume 2039, Page 889, O.P.R.B.C.TX., a 10.453 acre tract of land conveyed to Kerri McFarland in Volume 1582, Page 644, O.P.R.B.C.TX., a 17.891 acre tract of land conveyed to Robert & Angela Rountree in Volume 2246, Page 251, O.P.R.B.C.TX., and a 15.000 acre tract of land conveyed to Victoriano Jr & Necedalla Deleon in Volume 1751, Page 687, O.P.R.B.C.TX., S87°34'59"W, a distance of 1963.48 feet to a 5/8" iron rod found, for the southwestern corner of said remainder of 344.305 acre tract and also being in the northern line of said 15.000 acre tract and

J: 4722\SURVEY\FIELD NOTES\FN-TITLE.doc

also being the southeastern corner of Lot 4, Oakwood Estates, a subdivision recorded in Cabinet 3, Page 181A, P.R.B.C.TX., for the southwestern corner of the herein described tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said Lot 4, N02°14'51"E, a distance of 1704.78 feet to a concrete monument found, for the northwestern corner of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4 and also being the southwestern corner of a 4.710 acre tract of land conveyed to Roger C. & Patricia Mathis in Volume 1796, Page 147, O.P.R.B.C.TX., for the northwestern corner of the herein described tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 4.710 acre tract, N87°23'27"E, a distance of 283.82 feet to a ½" Iron rod found, in the northern line of said remainder of 344.305 acre tract, also being the southeastern corner of said 4.710 acre tract and also being the southwestern corner of a 5 acre tract of land conveyed to Janet H. Price in Volume 1880, Page 374, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 5 acre tract and a 4.965 acre tract of land conveyed to Janet H. Price in Volume 2079, Page 382, O.P.R.B.C.TX., N88°19'00"E, a distance of 819.05 feet to a capped ½" Iron rod set, in the northern line of said remainder of 344.305 acre tract, also being the southeastern corner of said 4.965 acre tract and also being the southwestern corner of a 23.452 acre tract of land conveyed to Larry & Mona Humphreys in Volume 1650, Page 149, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 23.452 acre tract, N87°36'04"E, a distance of 1599.08 feet to a ¾" Iron pipe found, in the northern line of said remainder of 344.305 acre tract, also being the southeastern corner of said 23.452 acre tract and also being the southwestern corner of a 21.300 acre tract of land conveyed to Thelma L. Berry in Volume 2301, Page 831, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 21.300 acre tract, N88°27'51"E, a distance of 1056.66 feet to a fence post found, from which a ½" Iron pipe found bears S77°35'24"E, a distance of 0.84 feet, in the northern line of said remainder of 344.305 acre tract, also being the southeastern corner of said 21.300 acre tract and also being the southwestern corner of a 36.557 acre tract of land conveyed to The First Baptist Church in Volume 1096, Page 488 & 493, O.P.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 36.557 acre tract, N87°33'37"E, a distance of 2076.92 feet to a 60d nail found, for an interior corner of said remainder of 344.305 acre tract, also being the southeastern corner of said 36.557 acre tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said 36.557 acre tract, N03°25'47"W, a distance of 798.79 feet to a ½" Iron rod found, for an northern corner of said remainder of 344.305 acre tract, also being the northeastern corner of said 36.557 acre tract, and also being in the southern line of Lot 13, Suburbia Estates, a subdivision recorded in Cabinet 1, Page 14B, P.R.B.C.TX., for a northern corner of the herein described tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract, and the said Suburbia Estates, the following two (2) courses and distances, numbered 1 and 2,

1. N87°50'48"E, a distance of 769.63 feet to a ½" Iron rod found, and
2. N87°51'57"E, a distance of 200.05 feet to a ½" Iron rod found, for a northern corner of said remainder of 344.305 acre tract, also being the southwestern corner of said Lot 1, Block A, Suburbia Estates Amended Plat,

THENCE, with the common boundary line of said Lot 1, Block A, Suburbia Estates Amended Plat, and the said Suburbia Estates, N02°13'33"W, a distance of 769.73 feet to a capped Iron rod found marked "Chaparral" for the northwestern corner of said Lot 1, Block A, Suburbia Estates Amended Plat, also being the northeastern corner of Lot 9 of said Suburbia Estates and also being in the southern right-of-way line of State Highway 71 (R.O.W. varies),

THENCE, with the common boundary line of said Lot 1, Block A, Suburbia Estates Amended Plat, and the said State Highway 71, N87°41'07"E, a distance of 526.09 feet to a capped ½" Iron rod set, for a northern corner of said Lot 1, Block A, Suburbia Estates Amended Plat, also being the northwestern corner of Lot 2, Block A, of said Suburbia Estates Amended Plat, and also being in the southern right-of-way line of said State Highway 71,

THENCE, with the common boundary line of said Lot 1, Block A, Suburbia Estates Amended Plat, and said Lot 2, Block A, Suburbia Estates Amended Plat, the following three (3) courses and distances, numbered 1 through 3,

1. S02°10'49"E, a distance of 75.11 feet to a capped iron rod found marked 'Chaparral',
2. N87°40'43"E, a distance of 40.00 feet to a capped iron rod found marked 'Chaparral', and
3. N02°17'42"W, a distance of 75.11 feet to a capped iron rod found marked 'Chaparral', in the northern line of said Lot 1, Block A, Suburbia Estates Amended Plat, also being the northeastern corner of said Lot 2, Block A, Suburbia Estates Amended Plat, and also being in the southern right-of-way line of said State Highway 71,

THENCE, with the common boundary line of said Lot 1, Block A, Suburbia Estates Amended Plat, and the said State Highway 71, N87°41'07"E, a distance of 57.97 feet to a capped iron rod found marked 'Chaparral', for the easternmost northeastern corner of said Lot 1, Block A, Suburbia Estates Amended Plat, also being the northernmost northwestern corner of Lot 3, Block A, of said Suburbia Estates Amended Plat and also being in the southern right-of-way line of said State Highway 71,

THENCE, with the common boundary line of said Lot 1, Block A, Suburbia Estates Amended Plat, and said Lot 3, Block A, Suburbia Estates Amended Plat, the following five (5) courses and distances, numbered 1 through 5,

1. S02°18'09"E, a distance of 95.28 feet to a capped iron rod found marked 'Chaparral', at a point of curvature to the right,
2. with said curve to the right having a radius of 300.00 feet, an arc length of 267.35 feet and whose chord bears S23°13'40"W, a distance of 258.59 feet to a capped iron rod found marked 'Chaparral',
3. S48°45'29"W, a distance of 310.48 feet to a capped iron rod found marked 'Chaparral', at a point of curvature to the left,
4. with said curve to the left having a radius of 257.78 feet, an arc length of 104.50 feet and whose chord bears S37°08'41"W, a distance of 103.79 feet to a capped iron rod found marked 'Chaparral', and
5. S25°31'52"W, a distance of 161.99 feet to a capped iron rod found marked 'Chaparral', for an angle corner of said Lot 1, Block A, Suburbia Estates Amended Plat, and said Lot 3, Block A, Suburbia Estates Amended Plat,

THENCE, with the common boundary line of said Lot 1, Block A, Suburbia Estates Amended Plat, and said Lot 3, Block A, Suburbia Estates Amended Plat, said remainder of 344.305 acre tract and a 0.200 acre tract of land conveyed to Weaver-WBV, Ltd., in Volume 1783, Page 116, O.P.R.B.C.TX., S61°42'46"E, a distance of 226.42 feet to a capped iron rod found marked 'Chaparral', at a point of curvature to the right, for an eastern corner of said remainder of 344.305 acre tract also being the southernmost corner of said 0.200 acre tract and also being in the western boundary line of the remainder of a 59.2 acre tract conveyed to George B. Talley & Bobble Jean Talley in Volume 245, Page 502, D.R.B.C.TX.,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said remainder of 59.2 acre tract, the following four (4) courses and distances, numbered 1 through 4,

1. with said curve to the right having a radius of 545.00 feet, an arc length of 252.31 feet and whose chord bears S41°25'22"W, a distance of 250.06 feet to a capped iron rod found marked 'Chaparral', at a point of curvature to the left,
2. with said curve to the left having a radius of 555.00 feet, an arc length of 490.33 feet and whose chord bears S29°29'58"W, a distance of 474.54 feet to a capped iron rod found marked 'Bury',
3. S04°09'15"W, a distance of 122.40 feet to a capped iron rod found marked 'Bury', and
4. N87°45'12"E, a distance of 2188.99 feet to a ½" capped iron rod set, for the southeastern corner of said remainder of 59.2 acre tract, also being the easternmost northeastern corner of said remainder of 344.305 acre tract and also being in the western right-of-way line of said F.M. 20,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said F.M. 20 right-of-way, S29°08'02"W, a distance of 1941.58 feet to the POINT OF BEGINNING and containing 351.525 acres of land.

SAVE AND EXCEPT PARCEL ONE:

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, AND THE P. O'LEARY SURVEY, ABSTRACT NUMBER 271, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A 2.000 ACRE TRACT OF LAND CONVEYED TO AQUA WATER SUPPLY CORPORATION IN VOLUME 619, PAGE 164, OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 2.002 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete monument found for the northwestern corner of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4 and also being the southwestern corner of said 4.710 acre tract, for the POINT OF COMMENCEMENT of the herein described tract,

THENCE, crossing said remainder of 344.305 acre tract, S39°33'19"E, a distance of 516.52 feet to a 5/8" Iron rod found for the northwestern corner of a 2.000 acre tract conveyed to Aqua Water Supply Corporation in Volume 619, Page 164, D.R.B.C.TX., also being the northernmost northeastern corner of a 1.504 acre tract conveyed to Aqua Water Supply Corporation in Volume 906, Page 291, O.P.R.B.C.TX., for the northwestern corner and POINT OF BEGINNING of the herein described tract,

THENCE, with the boundary line of said 2.000 acre tract the following two (2) courses and distances, numbered 1 and 2,

1. S89°59'18"E, a distance of 295.31 feet to a 5/8" Iron rod found,
2. S00°01'29"W, a distance of 295.26 feet to a 3/4" Iron rod found, for the southeastern corner of said 2.000 acre tract, also being the northernmost southeastern corner of said 1.504 acre tract, for the southeastern corner of the herein described tract,

THENCE, with the common boundary line of said 2.000 acre tract and said 1.504 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. N89°58'22"W, a distance of 295.30 feet to a 3/4" Iron rod found, and
2. N00°01'21"E, a distance of 295.18 feet to the POINT OF BEGINNING and containing 2.002 acres of land.

SAVE AND EXCEPT PARCEL TWO:

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, AND THE P. O'LEARY SURVEY, ABSTRACT NUMBER 271, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A 1.504 ACRE TRACT OF LAND CONVEYED TO AQUA WATER SUPPLY CORPORATION IN VOLUME 906, PAGE 291, OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 1.504 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete monument found for the northwestern corner of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4 and also being the southwestern corner of said 4.710 acre tract, for the POINT OF COMMENCEMENT of the herein described tract,

THENCE, crossing said remainder of 344.305 acre tract, S39°33'19"E, a distance of 516.52 feet to a 5/8" Iron rod found for the northwestern corner of a 2.000 acre tract conveyed to Aqua Water Supply Corporation in Volume 619, Page 164, D.R.B.C.TX., also being the northernmost northeastern corner of a 1.504 acre tract conveyed to Aqua Water Supply Corporation in Volume 906, Page 291, O.P.R.B.C.TX., for the northwestern corner and POINT OF BEGINNING of the herein described tract,

THENCE, with the common boundary line of said 2.000 acre tract and said 1.504 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. S00°01'21"W, a distance of 295.18 feet to a 3/4" Iron rod found, and
2. S89°58'22"E, a distance of 295.30 feet to a 3/4" Iron rod found,

THENCE, with the boundary line of said 1.504 acre tract the following four (4) courses and distances, numbered 1 through 4,

1. S00°01'29"W, a distance of 95.53 feet to a 3/4" Iron rod found,
2. N89°57'48"W, a distance of 390.77 feet to a 5/8" Iron rod found, for the southwestern corner of said 1.504 acre tract, also being the northeastern corner of a 1.5 acre tract conveyed to Jeanmarie Ficken et al in Volume 1903, Page 1, O.P.R.B.C.TX., for the southwestern corner of the herein described tract,
3. N00°01'23"E, a distance of 390.62 feet to a 3/4" Iron rod found, and
4. S89°59'18"E, a distance of 95.46 feet to the POINT OF BEGINNING and containing 1.504 acres of land.

SAVE AND EXCEPT PARCEL THREE:

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, AND THE P. O'LEARY SURVEY, ABSTRACT NUMBER 271, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A 1.500 ACRE TRACT OF LAND DESCRIBED IN DEEDS TO JEANMARIE FICKEN IN VOLUME 1903, PAGE 1, KALINDA HOWE IN VOLUME 1903, PAGE 9, LYNN FRANK IN VOLUME 1903, PAGE 24, JULIE HULS, AND CHRIS SUTTON IN VOLUME 2119, PAGE 28, ALL OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 1.501 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete monument found for the northwestern corner of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4 and also being the southwestern corner of said 4.710 acre tract, for the POINT OF COMMENCEMENT of the herein described tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said Lot 4, S02°14'51"W, a distance of 789.27 feet to a capped iron rod found marked 'PATE' in the western line of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4, also being the northwestern corner of said 1.501 acre tract, for the northwestern corner and POINT OF BEGINNING of the herein described tract

THENCE, with the boundary line of said 1.501 acre tract the following three (3) courses and distances, numbered 1 through 3,

1. S89°57'39"E, a distance of 264.26 feet to a 5/8" iron rod found, for the northeastern corner of said 1.501 acre tract, also being the southwestern corner of said 1.504 acre tract, for the northeastern corner of the herein described tract,
2. S00°00'14"E, a distance of 243.03 feet to a capped iron rod found marked 'PATE', for the southeastern corner of the herein described tract, and
3. N89°57'59"W, a distance of 273.81 feet to a capped iron rod found marked 'PATE', in the western boundary line of said 1.501 acre tract, also being in the eastern line of said Lot 4, for the southwestern corner of the herein described tract,

THENCE, with the common boundary line of said 1.504 acre tract and said Lot 4, N02°14'51"E, a distance of 243.24 feet to the POINT OF BEGINNING and containing 1.501 acres of land.

EXHIBIT A-2

Being an undivided 2/7ths interest in the following described tract of land:

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, AND THE P. O'LEARY SURVEY, ABSTRACT NUMBER 271, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A 1.500 ACRE TRACT OF LAND DESCRIBED IN DEEDS TO JEANMARIE FICKEN IN VOLUME 1903, PAGE 1, KALINDA HOWE IN VOLUME 1903, PAGE 9, LYNN FRANK IN VOLUME 1903, PAGE 24, JULIE HULS, AND CHRIS SUTTON IN VOLUME 2119, PAGE 28, ALL OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 1.501 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete monument found for the northwestern corner of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4 and also being the southwestern corner of said 4.710 acre tract, for the POINT OF COMMENCEMENT of the herein described tract,

THENCE, with the common boundary line of said remainder of 344.305 acre tract and said Lot 4, S02°14'51"W, a distance of 789.27 feet to a capped iron rod found marked 'PATE' in the western line of said remainder of 344.305 acre tract, also being in the eastern line of said Lot 4, also being the northwestern corner of said 1.501 acre tract, for the northwestern corner and POINT OF BEGINNING of the herein described tract

THENCE, with the boundary line of said 1.501 acre tract the following three (3) courses and distances, numbered 1 through 3,

1. S89°57'39"E, a distance of 264.26 feet to a 5/8" iron rod found, for the northeastern corner of said 1.501 acre tract, also being the southwestern corner of said 1.504 acre tract, for the northeastern corner of the herein described tract,
2. S00°00'14"E, a distance of 243.03 feet to a capped iron rod found marked 'PATE', for the southeastern corner of the herein described tract, and
3. N89°57'59"W, a distance of 273.81 feet to a capped iron rod found marked 'PATE', in the western boundary line of said 1.501 acre tract, also being in the eastern line of said Lot 4, for the southwestern corner of the herein described tract,

THENCE, with the common boundary line of said 1.504 acre tract and said Lot 4, N02°14'51"E, a distance of 243.24 feet to the POINT OF BEGINNING and containing 1.501 acres of land.

Exhibit B

Permitted Exceptions

1. Restrictive Covenants contained in Cabinet 1, Page 14-B and Cabinet 5, Pages 19-B, 20-A and 20-B of the Plat Records of Bastrop County, Texas.
2. Easement for electric transmission and distribution facilities granted to Texas Public Utilities Company as reflected in instrument recorded in Volume 80, Page 593 of the Deed Records of Bastrop County, Texas.
2. Easement executed by H.D. Higgins, et ux, to State of Texas, dated December 12, 1929, recorded in Volume 87, Page 558 of the Real Property Records of Bastrop County, Texas.
3. Electric transmission and/or distribution line easement executed by H.D. Higgins, et ux, to LCRA, dated May 23, 1940, recorded in Volume 103, Page 580 of the Real Property Records of Bastrop County, Texas.
4. Easement for electric transmission and distribution facilities granted to Lower Colorado River Authority as reflected in instrument recorded in Volume 103, Page 582 of the Deed Records of Bastrop County, Texas, and affected by Volume 1175, Page 678 of the Deed Records of Bastrop County, Texas.
5. Easement for electric transmission and distribution facilities granted to Lower Colorado River Authority as reflected in instrument recorded in Volume 106, Page 359 of the Deed Records of Bastrop County, Texas.
6. Easement for electric transmission and distribution facilities granted to Lower Colorado River Authority as reflected in instrument recorded in Volume 155, Page 173 of the Deed Records of Bastrop County, Texas.
7. Water line easement granted to Aqua Water Supply Corp. as reflected in instrument recorded in Volume 356, Page 916 of the Deed Records of Bastrop County, Texas and Volume 734, Page 127 of the Real Property Records of Bastrop County, Texas.
8. Public utility easement 10 feet in width traversing property line(s), as shown by the Plat(s) recorded in Volume 5, Page(s) 19-B of the Plat Records of Bastrop County, Texas.
9. Recreation easement conveyed to Bobbie Brock Talley, dated July 18, 2003, recorded in Volume 1350, Page 959 of the Real Property Records of Bastrop County, Texas.

10. Access easement granted to Bobbie Brock Talley, by instrument dated July 18, 2003, recorded in Volume 1350, Page 966 of the Real Property Records of Bastrop County, Texas.
11. The terms, conditions and stipulations set out in that certain Landscape Buffer Easement Agreement dated September 12, 2005, recorded in Volume 1570, Page 716 of the Official Records of Bastrop County, Texas.
12. The terms, conditions and stipulations set out in that certain Landscape and Sign Easement Agreement dated September 12, 2005, recorded in Volume 1570, Page(s) 733 of the Official Records of Bastrop County, Texas.
13. Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease between S.J. Higgins, to R.O. Miller, filed April 28, 1938, recorded in Volume 42, Page 154 of the Real Property Records of Bastrop County, Texas.
14. Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease between S.J. Higgins, to C.W. Voyles, filed August 28, 1945, recorded in Volume 55, Page 20 of the Real Property Records of Bastrop County, Texas.
15. Terms, conditions and stipulations contained in Oil, Gas and Mineral Lease between S.J. Higgins, to M. Jenkins, filed May 30, 1947, recorded in Volume 55, Page 286 of the Real Property Records of Bastrop County, Texas.
16. Rights of access and easements in favor of Aqua Water Supply Corp., conveyed to them in Volume 619, Page 164 and Volume 906, Page 291 of the Official Records of Bastrop County, Texas.
17. Mineral interest as described in instrument executed by Ivor W. Young to John Dale Weaver and wife, Charlotte Weaver dated December 29, 1960, recorded in Volume 153, Page 338 of the Real Property Records of Bastrop County, Texas, reference to said instrument is hereby made for all purposes. Title to said interest not checked subsequent to date of aforesaid instrument.
18. Mineral interest as described in instrument executed by Clarence A. Davis and wife, Beatrice L. Davis to William Thomas McAuley and wife, Emily Lydia McAuley dated July 30, 1977, filed August 2, 1977, recorded in Volume 254, Page 159, of the Real Property Records of Bastrop County, Texas, reference to said instrument is hereby made for all purposes. Title to said interest not checked subsequent to date of aforesaid instrument.

11-GF# 201200731 BKH
RETURN TO: HERITAGE TITLE
401 CONGRESS, SUITE 1500
AUSTIN, TEXAS 78701

Exhibit D

PUC DOCKET NO. _____

PETITION BY WEST BASTROP	§	BEFORE THE
VILLAGE, LTD FOR EXPEDITED	§	
RELEASE FROM WATER CCN	§	PUBLIC UTILITY COMMISSION
NO. 10294 HELD BY AQUA	§	
WATER SUPPLY CORPORATION	§	OF TEXAS

WEST BASTROP VILLAGE LTD.'S AND AQUA WATER SUPPLY CORPORATION'S JOINT FILING REGARDING COMPENSATION

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, West Bastrop Village, Ltd. (Petitioner) and Aqua Water Supply Corporation (Aqua) and files this their Joint Filing regarding Compensation in Petitioner's Petition for expedited release from water certificate of convenience and necessity No. 10294 pursuant to Texas Water Code § 13.2541 and 16 Tex. Admin. Code § 24.245(i)(1).

Petitioner and Aqua have agreed that the compensation for the decertification of Aqua's CCN overlapping Petitioner's property should be \$0.00 plus other good and valuable consideration related to provision of wholesale water to the Petitioner's property by City of Bastrop (City) using water supplied to the City through the City's wholesale water supply contract with Aqua. By this filing, Aqua acknowledges its receipt of compensation.

Petitioner and Aqua respectfully request that the PUC, through an informal disposition proceeding under 16 Tex. Admin. Code § 22.35(a), issue an order regarding the compensation to Aqua and acknowledge that such compensation has already been provided by Petitioner.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

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Austin, TX 78746
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Facsimile: (512) 320-5638

BY: *Emily W. Rogers*
Emily W. Rogers

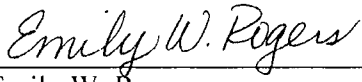
Ty H. Embrey
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Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5829
Facsimile: (512) 472-0532

BY: *Ty H. Embrey*
Ty H. Embrey

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 16th day of October, 2020, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record.



Emily W. Rogers