



## Filing Receipt

**Received - 2021-10-08 10:08:48 AM**  
**Control Number - 51738**  
**ItemNumber - 48**

# COATS | ROSE

A PROFESSIONAL CORPORATION

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October 08, 2021

Public Utilities Commission  
P.O. Box 13326  
Austin, Texas 78711-3326

***Via Electronic Filing***

Re: PUC Docket No. 51738; *Petition of Sanctuary Texas, LLC to Amend Aqua Texas, Inc.'s Certificate of Convenience and Necessity in Denton County by Expedited Release*

Dear Sir or Madam:

On October 7, 2021 Petitioner, filed a Motion for Extension of Time, inadvertently titled "The Sanctuary Texas, LLC's Motion for Entry of Order Finding Petition Administratively Complete" (item no. 47 on the docket).

Undersigned counsel has also then learned, that Petitioner is no longer the owner of the property as of October 1, 2021. We are now therefore filing Notice of Change of Ownership and a corrected Motion for Extension of Time.

Very truly yours,



Natalie B. Scott

NBS:mzp  
Enclosures

Cc (w/encl.):  
All counsel of record

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746  
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HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI  
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PUC DOCKET NO. 51738

PETITION BY THE SANCTUARY	§	BEFORE THE
TEXAS, LLC,	§	
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 13201 HELD BY	§	PUBLIC UTILITY COMMISSION
AQUA TEXAS IN	§	
DENTON COUNTY	§	OF TEXAS

**THE SANCTUARY TEXAS, LLC'S NOTICE OF CHANGE OF OWNERSHIP AND  
MOTION FOR EXTENSION OF TIME TO FILE ITS COMPENSATION REPORT**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

Petitioner f/k/a The Sanctuary Texas, LLC (the "Sanctuary") files this Notice of Change of Ownership Motion for Extension of Time to file its report regarding compensation pursuant to Order No. 3 in this docket and shows as follows:

The Sanctuary sold the property that is the subject of this docket on or about October 1, 2021 to C and C Land, LLC ("C and C"). *See* Special Warranty Deed, attached as Exhibit "A." While the undersigned counsel expects to be engaged by C and C in this matter, she has not at this time. Accordingly, Petitioner gives Notice to the Public Utility Commission of Texas ("PUC") of the change of ownership and requests an extension of time to submit its report regarding the amount of compensation, if any, owed to the Aqua Texas ("Aqua"). Petitioner's position is that the amount of compensation owed is \$0.00 based on the filings in this docket as well as the PUC's findings in its Order. Based on the change in ownership and certain confusion in this docket regarding certain deadlines, Petitioner requests until October 28, 2021 to submit its formal compensation report in this matter. On August 19, 2021, the PUC granted an Extension to of Time on Aqua's Motion for Rehearing (the "Extension"). On August 24, 2021, Aqua filed a Motion for Rehearing and Procedural Clarification on, among other bases, that the Extension tolled the deadlines for reports regarding compensation. *See* Aqua's Motion for Rehearing and

Procedural Clarification at pp. 8-9. Petitioner agreed with Aqua's position regarding the tolling of deadlines, and calendared its deadline as running from the Extension, or 70 days from August 19, 2021, based on the Commission's refusal on rehearing. Notwithstanding its prior request for clarification of the deadline for reports on compensation, Aqua Texas filed an appraisal on October 7, 2021. Petitioner requests until October 28, 2021 to file its report for the above-described reasons.

This extension is not sought for purposes of delay but so that justice may be done and so that Petitioner is not prejudiced by the sale of the property or by lack of clarity in the deadline for compensation report.

Wherefore, Petitioner respectfully requests that the PUC take Notice of Change of Ownership and requests that an extension be granted until October 28, 2021 to file its report on compensation.

Respectfully submitted,

**COATS | ROSE**

By:



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**ATTORNEY FOR PETITIONER  
THE SANCTUARY TEXAS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of October, a true and correct copy of this document was served on all parties of record in this proceeding by electronic mail and by filing on the PUC Interchange System.

**Counsel for Aqua Texas, Inc.**

Geoffrey P. Kirshbaum  
TERRILL & WALDROP  
810 W. 10<sup>th</sup> Street  
Austin, Texas 78701  
*Email:* gkirshbaum@terrellwaldrop.com

Phillip Lehmann  
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P.O. Box 13326  
Austin, Texas 78711-3326  
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A handwritten signature in black ink, reading "Natalie B. Scott". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Natalie B. Scott

**Exhibit “A”**  
**Special Warranty Deed**

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 181598

ERecordings-RP

WARRANTY DEED

Recorded On: October 01, 2021 02:58 PM

Number of Pages: 8

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" Examined and Charged as Follows: "

Total Recording: \$54.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 181598  
Receipt Number: 20211001000774  
Recorded Date/Time: October 01, 2021 02:58 PM  
User: Darcey B  
Station: Station 21

**Record and Return To:**

Simplifile



STATE OF TEXAS  
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time  
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

**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**

THAT **THE SANCTUARY TEXAS, LLC**, a Texas limited liability company ("Grantor"), for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid and caused to be paid to Grantor by **C AND C LAND, LLC**, a Texas limited liability company ("Grantee"), whose mailing address is 4925 Greenville Avenue, Suite 604, Dallas, Texas 75206, Attn: Brian Cramer the receipt and sufficiency of which consideration are hereby acknowledged and confessed by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY, unto Grantee, certain real property described on Exhibit A attached hereto and made a part hereof for all purposes, together with any and all buildings, improvements and fixtures located thereon and any and all appurtenances, rights and privileges benefiting, belonging or pertaining to such real property, including but not limited to, all of Grantor's interests in and to all adjacent streets, alleys, rights-of-way and strips or gores, all utilities, sewage treatment capacity and water rights and capacity serving or which will server such real property, all water and mineral rights associated with and/or appurtenant to such real property, easements and other rights benefiting and/or appurtenant to such real property, and all credits, reimbursements, entitlements, permits, licenses, consents and other approvals granted by any governmental or quasi-governmental authority relating to such property (collectively, the "Subject Property").

This Special Warranty Deed (this "Deed") is expressly made subject to the conditions, restrictions, reservations and easements set forth on Exhibit B attached hereto, to the extent, but only to the extent, the same are now in force and effect and relate to the Subject Property (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Subject Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, Grantee's heirs, successors, and assigns, forever; and Grantor does hereby bind Grantor, Grantor's heirs, successors, and legal representatives, except for the Permitted Exceptions, to WARRANT and FOREVER DEFEND all and singular the Subject Property unto Grantee, Grantee's heirs, 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.

Grantor warrants payment of all ad valorem taxes on the Subject Property through calendar year 2020 have been or will be timely paid. Such taxes for the current year have been prorated as of the date of delivery hereof.



EXECUTED to be effective the 1<sup>st</sup> day of October, 2021.

**GRANTOR:**

**THE SANCTUARY TEXAS, LLC,**  
a Texas limited liability company

By: The Acquis Companies, LLC,  
a Texas limited liability company  
Its Manager

By: [Signature]  
Brian L. Banner, Managing Member

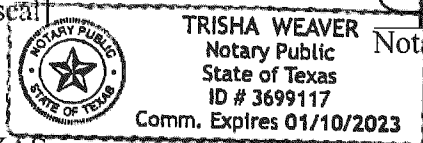
By: JRH Equity, LLC,  
a Texas limited liability company  
Its Manager

By: [Signature]  
Marlon McMakin, Managing Member

STATE OF TEXAS                   §  
COUNTY OF DALLAS           §

This instrument was acknowledged before me on the 28<sup>th</sup> day of September, 2021, by Brian J. Banner, Managing Member of The Acquis Companies, LLC, a Texas limited liability company, Manager of The Sanctuary Texas, LLC, a Texas limited liability company, on behalf of said entity.

[Notary seal]

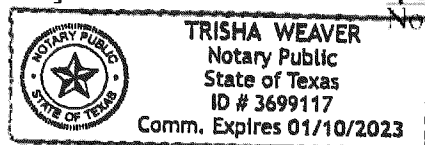


[Signature]  
Notary Public in and for the State of Texas

STATE OF TEXAS                   §  
COUNTY OF DALLAS           §

This instrument was acknowledged before me on the 28<sup>th</sup> day of September, 2021, by Marlon McMakin, Managing Member of JRH Equity, LLC, a Texas limited liability company, Manager of The Sanctuary Texas, LLC, a Texas limited liability company, on behalf of said entity.

[Notary seal]



[Signature]  
Notary Public in and for the State of Texas

**Exhibit A**  
**Description of Real Property**

Being a tract of land situated in the Christopher C. Dickson Survey, Abstract No. 339, Denton County, Texas, and being Lots 1-9 of Cardinal Ridge Estates, an Addition in Denton County, Texas, according to the map recorded in Cabinet P, Page 256, Map Records, Denton County, Texas, said being conveyed to The Sanctuary Texas LLC, a Texas limited liability company, by Special Warranty Deed recorded in Instrument No. 106441, Real Property Records, Denton County, Texas, and a tract of land conveyed to The Sanctuary Texas LLC, a Texas limited liability company, by Special Warranty Deed recorded in Instrument No. 106442, Real Property Records, Denton County, Texas, and together being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the Northeast corner of a tract of land conveyed to Kristen E. Byler and Craig Byler by Deed recorded in Document No. 2015-128423, Real Property Records, Denton County, Texas, said point being on the West right-of-way line of W. Eldorado Parkway (public right-of-way);

THENCE North 89 degrees 43 minutes 58 seconds West, along the North line of said Byler tract, a distance of 840.58 feet to a 5/8 inch iron rod found at the Northwest corner of said Byler tract (Doc. No. 2015-128423);

THENCE South 00 degrees 25 minutes 48 seconds East, along the West line of said Byler tract (Doc. No. 2015-128423), a distance of 33.54 feet to a point for corner from which a 5/8 inch iron rod found for witness with a bearing and distance of North 75 degrees 01 minutes 01 seconds West, 0.82 feet;

THENCE South 25 degrees 42 minutes 12 seconds West, continuing along said West line of Byler tract (Doc. No. 2015-128423), a distance of 263.78 feet to a 5/8 inch iron rod found at the West corner of a tract of land conveyed to Craig Byler and Rebecca J. Byler by Deed recorded in Volume 4997, Page 3818, Deed Records, Denton County, Texas;

THENCE South 64 degrees 14 minutes 49 seconds East, along the Southwest line of said Byler tract (Vol. 4997, Pg. 3818), a distance of 862.58 feet to a point for corner at the South corner of said Byler tract (Vol. 4997, Pg. 3818), said point being on the Northwest right-of-way line of said W. Eldorado Parkway;

THENCE South 26 degrees 06 minutes 08 seconds West, along said Northwest right-of-way line of W. Eldorado Parkway, a distance of 245.99 feet to a point for corner at the East corner of a tract of land conveyed to John W. Plagman and Cynthia J. Plagman by Deed recorded in Document No. 94-R0078360, Real Property Records, Denton County, Texas;

THENCE North 64 degrees 15 minutes 46 seconds West, along the Northeast line of said Plagman tract, a distance of 860.82 feet to a 5/8 inch iron rod found at the North corner of said Plagman tract;

THENCE South 25 degrees 45 minutes 30 seconds West, along the Northwest line of said Plagman tract, a distance of 737.20 feet to a point for corner at the common West corner of a tract of land conveyed to Eldorado West Property LLC, by Deed recorded in Instrument No. 107057, Real Property Records, Denton County, Texas, and the Northeast corner of a tract of land conveyed to Mitch Dudley Enterprises, Inc., by Deed recorded in Instrument No. 12560, Real Property Records, Denton County, Texas;

THENCE South 87 degrees 19 minutes 23 seconds West, along the North line of said Mitch Dudley Enterprises tract (Inst. No. 12560), passing at a distance of 4.88 feet, a 5/8 inch iron rod found at the common Northwest corner of said Mitch Dudley Enterprises (Inst. No. 12560) and the Northeast corner of a tract of land conveyed to Mitch Dudley Enterprises, Inc., by Deed recorded in Instrument No. 28970, Real Property Records, Denton County, Texas, and having a total distance of 260.64 feet to a 1/2 inch iron rod found at the common Northwest corner of said Mitch Dudley Enterprises tract (Inst. No. 28970), the Northeast corner of a tract of land conveyed to Rohwer Real Estate, LLC., by Deed recorded in Instrument No. 13467, Real Property Records, Denton County, Texas, and the Southeast corner of a tract of land conveyed to Michael Kohlsmidt and Kara Kohlschmidt by Deed recorded in Instrument No. 42768, Real Property Records, Denton County, Texas;

THENCE North 31 degrees 14 minutes 01 seconds West, along the Northeast line of said Kohlsmidt tract, a distance of 441.82 feet to a 1/2 inch iron rod found at the Northeast corner of a tract of land conveyed to Rohwer Management Trust by Deed recorded in Instrument No. 13466, Real Property Records, Denton County, Texas;

THENCE North 76 degrees 14 minutes 15 seconds West, along the North line of said Rohwer Management Trust tract, a distance of 1,496.73 feet to a 1/2 inch iron rod found at the Northwest corner of said Rohwer Management Trust tract, said point being on the East line of a tract of land conveyed to the City of Dallas by Deed recorded in Volume 192, Page 364, Deed Records, Denton County, Texas;

THENCE Northerly, traversing along said East line of City of Dallas tract as follows:

North 00 degrees 43 minutes 39 seconds West, a distance of 171.07 feet to a 5/8 inch iron rod found for corner;

North 00 degrees 45 minutes 26 seconds West, a distance of 593.96 feet to a 1/2 inch iron rod found at the Southwest corner of Lot 6X, Block B of South Oak - Phase 2, an Addition to Denton County, Texas, according to the map recorded in Document No. 2021-274, Map Records, Denton County, Texas;

THENCE North 89 degrees 36 minutes 11 seconds East, along the South line of said Lot 6X, Block B, a distance of 2,430.16 feet to a 5/8 inch iron rod found at the most Southern Northwest corner of Augusta Court right-of-way (variable width emergency access right-of-way), said point being on the South line of Lot 1, Block B of South Oak - Phase 1, an Addition in Denton County, Texas, according to the map recorded in Document No. 2019-354, Real Property Records, Denton County, Texas;

THENCE South 00 degrees 39 minutes 13 seconds East, along said Augusta Court right-of-way, a distance of 36.98 feet to a 5/8 inch iron rod found for corner;

THENCE South 89 degrees 46 minutes 35 seconds East, along said Augusta Court right-of-way, a distance of 906.95 feet to a 5/8 inch iron rod found for corner on the South line of a tract of land conveyed to Duyen Nguyen and Canh-Van Nguyen by Deed recorded in Document No. 93-R0030424, Real Property Records, Denton County, Texas, said point being on the aforementioned West right-of-way line of W. Eldorado Parkway;

THENCE South 00 degrees 25 minutes 36 seconds West, along said West right-of-way line of W. Eldorado Parkway, a distance of 309.84 feet to the POINT OF BEGINNING and containing 3,056,159 square feet or 70.16 acres of land.

**Exhibit B**  
**Permitted Exceptions**

1. Restrictive covenants contained in Judgment on Declaration of Taking and Order Fixing Date of Possession recorded in Volume 436, Page 20, Real Property Records, Denton County, Texas, and in Cabinet P, Slide 255, Plat Records, Denton County, Texas.
2. 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.
3. Easement as awarded to United States of America in Condemnation Proceedings in the United States District Court for the Eastern District of Texas, under Cause No. 1319, filed 03/18/1958, recorded in Volume 436, Page 20, Real Property Records, Denton County, Texas, and as shown on the survey prepared by Bryan Connally, RPLS No. 5513, of CBG Surveying Texas LLC, Job No. 211/231, dated 09/22/2021, last revised 09/29/2021 (the "Survey").
4. Title to all coal, lignite, oil, gas and other minerals in, under and that may be produced from the land, together with all rights, privileges, and immunities relating thereto, all of such interest, to the extent not previously reserved or conveyed, being reserved or conveyed in instrument filed 12/06/1991, recorded in Volume 3114, Page 433, Real Property Records Denton County, Texas.
5. Easement granted by Mrs. Mildred Tipton to Texas Power & Light Company, filed 06/25/1952, recorded in Volume 378, Page 64, Real Property Records, Denton County, Texas.
6. Easement granted by Dak Investments to Premier Designs, Inc., filed 12/21/1993, recorded in cc# 93-R0092191, Real Property Records, Denton County, Texas. As corrected by instrument filed 08/28/1998, recorded in Volume 4164, Page 104, Real Property Records, Denton County, Texas, and as shown on the Survey. (Affects Lot 2)
7. Easement granted by The Broderick Steve Harvey Revocable Trust to Denton County Electric Cooperative, Inc., filed 06/22/2001, recorded in Volume 4864, Page 2283, Real Property Records, Denton County, Texas, and as shown on the Survey.
8. Affidavit to the Public executed by Steve Harvey for On-Site Waste Water System, filed 05/12/1999, recorded in Volume 4337, Page 140, Real Property Records, Denton County, Texas.
9. The following easements and/or building lines, as shown on plat recorded in Cabinet P, Slide 256, Plat Records, Denton County, Texas, and as shown on the Survey:
  - 30' building line (affects all lots)
  - 30' ingress, egress, utility and drainage easement (Affects Lots 3, 8 and 9)
  - Variable width ingress, egress, utility and drainage easement (Affects Lots 4, 5, 6 and 7)
  - 30' private access easement (Affects Lot 6)

15' drainage and utility easement (Affects Lots 1 and 2)  
60' private access, utility and drainage easement (Affects Lot 2)  
Flowage easement. (Affects Lots 2 and 5)

10. Rights, if any, of third parties with respect to the following matters, as shown on the Survey:

- i) Wire fence onto the adjoining tract to the South;
- ii) Transformer pads, and any lines associated therewith;
- iii) Telephone risers, and any lines associated therewith; and
- iv) Propane tank, and any lines associated therewith.

PREPARED BY:  
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