



Control Number: 51824



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. **51824**

**PETITION BY SAM HILL VENTURE  
FOR STREAMLINED EXPEDITED  
RELEASE FROM TOWN OF LITTLE  
ELM'S WATER CCN NO. 11202 IN  
DENTON COUNTY, TEXAS**

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**BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

**PETITION FOR STREAMLINED EXPEDITED RELEASE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Sam Hill Venture, a Texas Joint Venture ("Petitioner") and files this Petition with the Public Utility Commission of Texas ("PUC") for streamlined expedited release from the Town of Little Elm's water Certificate of Convenience and Necessity ("CCN") No. 11202 pursuant to Texas Water Code §13.2541 and Title 16 Texas Administrative Code ("TAC") §24.245(h), and in support thereof would respectfully show as follows:

**I. INTRODUCTION AND LEGAL AUTHORITY**

Petitioner files this petition seeking the streamlined expedited release of a 16.209-acre portion of 79.149 contiguous acres of property owned by the Petitioner. The 79.149 contiguous acres of land are being developed as a master-planned community and is currently located entirely within the incorporated city limits of the City of Lakewood Village. The 79.149 contiguous acres of land are located within the City of Lakewood Village's water CCN No. 10201, except for the 16.209-acre northern portion which is currently located within the Town of Little Elm's water CCN No. 11202. Pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h), the owner of a tract of land that is at least 25 acres and that is not receiving water service may petition the PUC for an expedited release of the property from an existing water CCN area and is entitled to release

if the property meets all qualification requirements set forth in the statute and implementing PUC rules.

According to PUC rules at 16 TAC Sec. 24.245(h)(1)(C), at least part of the tract of land must be located in the current CCN holder's CCN area. According to the PUC's Streamlined Expedited Release guidance document, a tract of land is qualified for streamlined expedited CCN release if (i) the subject property owned by the same property owner (whether through one or more corresponding deeds); (ii) the subject property is composed of contiguous tracts; (iii) the deed or deeds total at least 25 acres (note: according to the PUC guidance document, not all the subject property needs to be within the CCN from which release is sought, but the total acreage must be at least 25 acres); (iv) the subject property is not receiving water service; and (v) the subject property is located within one of the designated counties, one of which is Denton County. As more fully set out herein, Petitioner meets the legal criteria supporting the requested streamlined expedited CCN release.

## **II. SUPPORTING DOCUMENTS**

In support of this request for decertification, Petitioner has attached the following documents:

Exhibit A: Affidavit of Jim Williams, Jr. on behalf of Petitioner and its general partner, JW Partners Ltd., a Texas limited partnership. As testified by Mr. Williams, the 16.209-acre northern portion of the 79.149-acre tract is located within the Town of Little Elm's water CCN No. 11202, while the remaining 62.94 acres of the 79.149 contiguous acres is currently located in the City of Lakewood Village's water CCN No. 10201.

Exhibit B: Deed showing Petitioner's ownership of the 62.94-acre tract located within the City of Lakewood Village's water CCN No. 10201. According to the Affidavit of Jim Williams, Jr., Sam Hill Venture's ownership of the 62.94-acre tract is embodied within the Exhibit B deed which is for 77.89 acres, but in January 2021, Sam Hill Ventures conveyed 14.95 acres of the 77.89 acres to Little Elm I.S.D. Therefore, the remaining 62.94 acres plus the 16.209-acre tract for which streamlined expedited release is sought equal the 79.149 contiguous acres owned by Sam Hill Ventures.

Exhibit C: Deed showing Petitioner's ownership of the 16.209-acre tract for which streamlined expedited CCN release is being sought.

Exhibit D-1: General location map of the 79.149 contiguous acres and the 16.209-acre northern portion of which is being sought for streamlined expedited CCN release.

Exhibit D-2: Closer-scale general location map of the 79.149 contiguous acres and the 16.209-acre northern portion of which is being sought for streamlined expedited CCN release.

Exhibit E: Detailed map in relation to verifiable landmarks of the 16.209-acre tract which is being sought for streamlined expedited CCN release.

Exhibit F: Digital mapping data of the 16.209-acre tract shown in Exhibit E in the format required by PUC rules at 16 TAC Sec. 24.245(k)(1). This digital mapping information has been uploaded to the PUC Interchange filing system for this docket.

Exhibit G: Copy of certified mail "green card" showing mailing of this petition to the Town of Little Elm.

### **III. DECERTIFICATION REQUEST**

As described in the affidavit of Petitioner's authorized representative Jim Williams, Jr. attached as Exhibit A and as evidenced by the deeds attached as Exhibit B and Exhibit C, Petitioner owns 79.149 contiguous acres of land in Denton County, the 16.209-acre northern portion of which Petitioner seeks to decertify from water CCN No. 11202 held by the Town of Little Elm. Denton County is a qualifying county as set forth in PUC Rules at 16 TAC §24.245(h)(2) and as stated in the PUC's Streamlined Expedited Release guidance document. As attested in the Exhibit A affidavit, neither the 16.209-acre tract for which CCN release is being sought, nor the southern adjacent 62.94-acres currently receives water service from any provider. The general location of the 79.149 contiguous acres including the 16.209-acre northern portion for which CCN release is being sought is shown in the maps attached as Exhibit D-1 and Exhibit D-2. The closer-scale boundaries of the subject 16.209-acre northern portion of the 79.149 contiguous acres in relation to verifiable landmarks (e.g., public roads; rivers; railroad lines) is shown in the detailed map

attached as Exhibit E. As required by PUC rules, the digital mapping data for the 16.209-acre tract in the PUC-required format has been uploaded to the PUC's Interchange filing system as referenced as Exhibit F. A true and correct copy of this Petition including all attachments is being sent to the Town of Little Elm by certified mail, return receipt requested on the same day that this Petition is being filed at the PUC as shown by the copy of the certified mail green card attached hereto as Exhibit G.

Pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h), Petitioner requests that the PUC grant expedited release of the 16.209-acre northern portion of the 79.149 contiguous acres from the Town of Little Elm's water CCN No. 11202.

#### **CONCLUSION AND PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that the PUC accept and process this Petition pursuant to its applicable rules and release the 16.209-acre tract from the Town of Little Elm's water CCN No. 11202.

Respectfully submitted,



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Stephen C. Dickman  
State Bar No. 05836500  
Law Office of Stephen C. Dickman  
6005 Upvalley Run  
Austin, Texas 78731  
Telephone: (512) 922-7137  
Facsimile: (512) 454-8495  
Email: [sdickmanlaw@att.net](mailto:sdickmanlaw@att.net)  
**ATTORNEY FOR SAM HILL VENTURE**

### **CERTIFICATE OF SERVICE**

I hereby certify that pursuant to PUC Rules at 16 TAC §24.245(h)(3)(F), a copy of the foregoing Petition for Streamlined Expedited Release was served on the CCN holder, the Town of Little Elm at the address shown below via certified mail, return receipt requested on this the 22nd day of February, 2021.

Town of Little Elm  
c/o Mayor David Hillock  
100 W. Eldorado Parkway  
Little Elm, Texas 75068

A handwritten signature in black ink, reading "Stephen C. Dickman", with a long horizontal flourish extending to the right.

---

Stephen C. Dickman

**EXHIBIT A**

AFFIDAVIT of Jim Williams, Jr. for Sam Hill Venture

THE STATE OF TEXAS                   §  
  §  
COUNTY OF DENTON                 §

BEFORE ME, the undersigned authority, personally appeared Jim Williams, Jr. ("Affiant"), a person who is known to me. After administering an oath, the Affiant testified as follows:

1. My name is Jim Williams, Jr. I am over the age of 18 years, of sound mind, and am capable of making this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.
2. I am the Managing Member and President of Texas Land Management, L.L.C., a Texas limited liability company, which is the General Partner of JW Partners, Ltd., a Texas limited partnership, which in turn is the General Partner of Sam Hill Venture, a Texas joint venture. I am duly authorized by Texas Land Management, L.L.C. and JW Partners, Ltd. to execute this affidavit on behalf of Sam Hill Venture and to act on behalf of Sam Hill Venture in filing the accompanying Petition with the Public Utility Commission of Texas. As part of my job functions with Texas Land Management, L.L.C., I am personally familiar with Sam Hill Venture's properties in Texas as well as its financial accounts and information related to such properties.
3. As shown in the copy of the deed dated March 5, 2004 attached to the accompanying Petition as Exhibit B, Sam Hill Venture owned 77.89 acres of land in Denton County, Texas generally situated within the north-central portion of incorporated city limits of Lakewood Village. In January of 2021, Sam Hill Venture conveyed 14.95 acres out of the 77.89-acre tract to Little Elm I.S.D. thus leaving a 62.94-acres currently owned by Sam Hill Venture. As shown in the copy of the deed dated January 22, 2021 attached to the Petition as Exhibit C, the 16.209-acre tract immediately adjacent to the north side of the 62.94 acres was acquired by Sam Hill Venture so that now the 62.94-acre tract and the 16.209-acre tract constitute 79.149 contiguous acres of land owned by Sam Hill Venture.

4. The 16.209-acre tract was annexed into the incorporated city limits of Lakewood Village on January 14, 2021, and thus the entire 79.149 contiguous acres of property are now wholly within the incorporated city limits of Lakewood Village.
5. The 62.94-acre southern portion of the 79.149 contiguous acres is within the water CCN No. 10201 held by Lakewood Village while the northern adjacent 16.209-acre tract is in the water CCN No. 11202 held by the Town of Little Elm. By the attached Petition, Sam Hill Venture is requesting streamlined expedited release of the 16.209-acre northern portion of the 79.149 contiguous acres owned by Sam Hill Ventures so that the 16.209 acres will be released from the Town of Little Elm's water CCN.
6. The general location of the 79.149 contiguous acres including the 16.209-acre northern portion of that property is shown in the maps attached to the accompanying Petition as Exhibit D-1 and Exhibit D-2. The specific boundaries of the 16.209-acre tract for which streamlined expedited release is being sought is shown on the detailed map attached to the accompanying Petition as Exhibit E. Digital mapping data supporting the Exhibit E map of the 16.209-acre tract is attached to the Petition as Exhibit F.
7. No part of the 79.149 contiguous acres is receiving water service from the City of Lakewood Village, or from the Town of Little Elm, or from any other water service provider. There are no billing records or any other documents evidencing an existing water service account for any portion of the 79.149 contiguous acres. I am not aware of any water lines, meters or other water service facilities owned or operated by any water service provider on the 79.149 contiguous acres.
8. On behalf of Sam Hill Venture, I hereby request that the Public Utility Commission of Texas release the 16.209-acre northern portion of the 79.149 contiguous acres from water CCN No. 11202 pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h).
9. A true and correct copy of this Petition and all attached Exhibits are being mailed via certified mail return receipt requested to the Town of Little Elm, c/o Mayor David Hillock, 100 W. Eldorado Parkway, Little Elm, Texas 75068 on the same day this Petition is filed at the PUC.

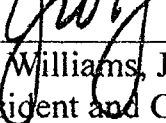


FURTHER AFFIANT SAYETH NAUGHT.

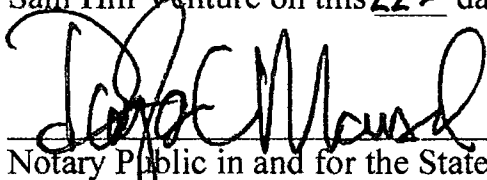
Sam Hill Venture, a Texas joint venture

By: JW Partners, Ltd., a Texas limited partnership  
its General Partner

By: Texas Land Management, L.L.C.  
A Texas limited liability company,  
Its General Partner

By:   
Jim Williams, Jr.  
President and Chairman

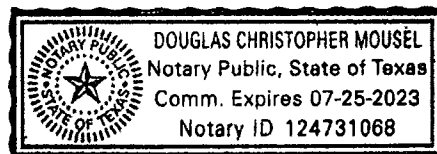
Subscribed and Sworn to before me by Jim Williams, Jr. on behalf of  
Sam Hill Venture on this 22<sup>nd</sup> day of February, 2021.

  
Notary Public in and for the State of Texas

Douglas C. Mousel [name printed]

My Commission expires 7/25/23 [date]

SEAL:





70 2004 00039575

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202

Instrument Number: 2004-39575

As

Recorded On: March 31, 2004

Warranty Deed

Parties: PALMETTO ASSOCIATES

To

Billable Pages: 7

Number of Pages: 7

Comment:

**\*\* Examined and Charged as Follows: \*\***

Warranty Deed	26 00
Total Recording:	26.00

\*\*\*\*\* 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: 2004-39575  
Receipt Number: 98497  
Recorded Date/Time: March 31, 2004 10 33A

**Record and Return To:**

D LAWRENCE LAW FIRM  
5430 LBJ FWY STE 260  
DALLAS TX 75240

User / Station E McCorkle - Cash Station 2



THE 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

*Cynthia Mitchell*

County Clerk  
Denton County, Texas

7-11-04 417436-34 - DL

Prepared By and After Recording Return to:

D. Lawrence Law Firm, PLLC  
5430 LBJ Freeway, Suite 260  
Dallas, TX 75240  
GF# 417436-34

**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 DRIVERS'S LICENSE NUMBER.**

**WARRANTY DEED**

STATE OF TEXAS )

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DENTON )

**THAT, PALMETTO ASSOCIATES, INC., a Delaware corporation** (hereinafter referred to as "Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has **GRANTED, SOLD AND CONVEYED** and by these presents does **GRANT, SELL AND CONVEY** unto **SAM HILL VENTURE, a Texas joint venture** (hereinafter referred to as "Grantee"), whose address is **5400 Dallas Parkway, Frisco, TX 75034**, the following described property:

See Exhibit "A" attached hereto and made a part hereof; (hereinafter called the "Property");

**SUBJECT, HOWEVER,** to the following:

1. The Permitted Exceptions described on Exhibit "B" attached hereto and made a part hereof; and
2. Taxes for the year 2004, and subsequent years;


**TO HAVE AND TO HOLD** the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging to Grantor, unto the Grantee, its legal representatives, successors and assigns **FOREVER**, and Grantor does hereby bind itself and its legal representatives, successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property unto the Grantee, its successors, legal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part.

Grantee, by its acceptance hereof, hereby assumes payment of all standby charges, ad valorem real estate taxes and assessments with respect to the 2004 calendar year and subsequent calendar years not yet due and payable, each to the extent attributable to all or any portion of the Property; **PROVIDED HOWEVER**, that Grantor represents to Grantee that no agricultural use open space exemptions were claimed or applied for by Grantor for the tax years 1999 through 2003, and Grantee **DOES NOT ASSUME** payment of any subsequent assessments of additional taxes, penalties or interest for periods prior to the date hereof..

EXECUTED effective the ~~26th~~ <sup>05</sup> day of ~~February~~ <sup>March</sup>, 2004.

GRANTOR:

PALMETTO ASSOCIATES, INC.,  
a Delaware corporation

  
MANFRED LOEB  
President

By:   
GAETAN PIRET,  
Director

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

))  
))

THIS instrument was acknowledged before me on ~~February~~ <sup>March</sup> 5, 2004, by MANFRED LOEB,  
President of PALMETTO ASSOCIATES, INC., a Delaware corporation, on behalf of said entity,  
and GAETAN PIRET, Director

\_\_\_\_\_  
Notary Public, ~~State of~~ \_\_\_\_\_

The undersigned, Jean-Philippe LAGAE,  
Notary public at Brussels, Belgium,  
hereby certifies that this (there) is (are)  
the true signature(s) of  
M. MANFRED LOEB  
M. GAETAN PIRET  
Brussels, 05 March 2004



## EXHIBIT "A"

BEING a 77.89 acre tract of land situated in the C.C. Dickson Survey, Abstract Number 339, the William H. Dickson Survey, Abstract Number 336, the Benjamin C. Shahan Survey, Abstract Number 1169, the William Loftin Survey Abstract Number 750, and the William H. Pea Survey, Abstract Number 1044, in the City of Lakewood Village, Denton County, Texas and being more particularly described as follows:

BEGINNING at a set iron rod at the Northwest corner of Lakewood Village, Second Section, in Denton County, Texas, according to the plat thereof recorded in Volume 7, Page 1 of the Plat Records of Denton County, Texas;

THENCE South 03 degrees 25 minutes 31 seconds East, along the West line of said addition, a distance of 145.46 feet to a found  $\frac{1}{2}$  inch iron rod;

THENCE South 87 degrees 08 minutes 47 seconds West, for 30.03 feet to a found  $\frac{1}{2}$  inch iron rod in the west line of Highridge Drive;

THENCE South 00 degrees 11 minutes 51 seconds East, along said West line for 332.89 feet to a found  $\frac{1}{2}$  inch iron rod;

THENCE South 18 degrees 29 minutes 00 seconds East for 986.97 feet to a found  $\frac{1}{2}$  inch iron rod at the point of curvature of a curve to the right whose chord bears South 15 degrees 23 minutes 56 seconds East for a 44.67 feet and having a central angle of 02 degrees 36 minutes 00 seconds a tangent length of 22.34 feet and a radius of 984.43 feet;

THENCE Southeasterly along said curve for an arc length of 44.67 feet to a found  $\frac{1}{2}$  inch iron rod at the Northeast corner of the Shores of Lakewood Village Section 5, Phase 3 as recorded in Cabinet L, Page 273 of the Plat records of Denton County, Texas;

THENCE North 89 degrees 19 minutes 57 seconds West leaving said West line of Highridge Drive and long the North line of said Shores of Lakewood Village for 534.03 feet to a found  $\frac{1}{2}$  inch iron rod;

THENCE South 44 degrees 43 minutes 46 seconds West, continuing along said North line for 1769.67 feet to a found  $\frac{1}{2}$  inch iron rod;

THENCE South 89 degrees 21 minutes 16 seconds West continuing along said North line for 1099.10 feet to a found concrete monument in the East line of Garza-Little Elm Reservoir;

THENCE North 49 degrees 42 minutes 30 seconds East along said East line for 42.91 feet to a found concrete monument;

THENCE North 66 degrees 24 minutes 25 seconds East along said East line for 392.32 feet to a set  $\frac{1}{2}$  inch iron rod;

THENCE North 36 degrees 29 minutes 24 seconds East continuing along said East line for 187.22 feet to a found  $\frac{1}{2}$  inch iron rod;

THENCE North 75 degrees 43 minutes 24 seconds East for 119.53 feet to a found concrete monument;

THENCE North 34 degrees 26 minutes 24 seconds East for 350.76 feet to a found concrete monument;

THENCE North 00 degrees 11 minutes 06 seconds West for 86.57 feet to a set  $\frac{1}{2}$  inch iron rod;



THENCE North 74 degrees 02 minutes 43 seconds West, a distance of 144.89 feet to a set ½ inch iron rod;

THENCE North 00 degrees 14 minutes 36 seconds West for 54.96 feet to a set ½ inch iron rod;

THENCE North 44 degrees 44 minutes 24 seconds East leaving said East line of Garza-Little Elm Reservoir for 590.32 feet;

THENCE North 00 degrees 17 minutes 11 seconds West for 844.66 feet to a set ½ inch iron rod;

THENCE North 44 degrees 21 minutes 38 seconds East for 585.57 feet to a set ½ inch iron rod;

THENCE North 00 degrees 14 minutes 57 seconds for 119.32 feet to a set ½ inch iron rod;

THENCE North 89 degrees 10 minutes 33 seconds East for 391.40 feet to a found ½ inch iron rod;

THENCE North 01 degrees 01 minutes 06 seconds West, a distance of 40.53 feet to a found ½ inch iron rod;

THENCE North 87 degrees 10 minutes 54 seconds East for 499.62 feet to a found ½ inch iron rod;

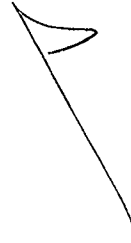
THENCE North 85 degrees 40 minutes 28 seconds East for 186.55 feet to the POINT OF BEGINNING and CONTAINING 3,393,104 square feet or 77.89 acres of land, more or less.

## EXHIBIT "B" – Permitted Exceptions

- a. Electric line easement as granted to Denton County Electric Cooperative, Inc., dated February 17, 1941, filed September 6, 1947, recorded in Volume 338, Page 315, Deed Records, Denton County, Texas.
  - b. Electric line easement as granted to Denton County Electric Cooperative, Inc., dated February 17, 1941, filed September 6, 1947, recorded in Volume 339, Page 253, Deed Records, Denton County, Texas.
  - c. Easement created in instrument executed by Ettie M. Purnell to the United States of America for an electric distribution line, dated August 12, 1955, filed August 26, 1955, recorded in Volume 412, Page 414, Deed Records, Denton County, Texas, and as shown on Survey last revised November 26, 2003, prepared by Donald S. Peebles, RPLS No. 2437.
  - d. Electric and telephone line easement as granted to Texas Power & Light Company, dated October 2, 1956, recorded in Volume 427, Page 430, Deed Records, Denton County, Texas
  - e. Electric and telephone line easement as granted to Texas Power & Light Company, dated July 2, 1958, filed September 25, 1958, recorded in Volume 440, Page 330, Deed Records, Denton County, Texas
  - f. Electric and telephone line easement as granted to Texas Power & Light Company, dated September 8, 1958, filed October 30, 1958, recorded in Volume 441, Page 249, Deed Records, Denton County, Texas.
  - g. Terms and conditions of, including but not limited to, overflow easement, contained in Quitclaim Deed from the United States of America to Mattie Jo Copeland, dated January 5, 1961, filed February 23, 1961, recorded in Volume 465, Page 88, Deed Records, Denton County, Texas, and as shown on Survey last revised November 26, 2003, prepared by Donald S. Peebles, RPLS No. 2437.
  - h. Flowage Easement to the United States of America, dated July 6, 1964, filed February 9, 1965, recorded in Volume 519, Page 193, Deed Records, Denton County, Texas, and as shown on Survey last revised November 26, 2003, prepared by Donald S. Peebles, RPLS No. 2437.
  - i. Dedication of streets and easements by Lakewood Village Development Company, by instrument dated June 14, 1979, filed July 5, 1979, recorded in Volume 960, Page 824, Deed Records, Denton County, Texas, and as shown on Survey last revised November 26, 2003, prepared by Donald S. Peebles, RPLS No. 2437.
  - j. Reservation of all oil, gas and other minerals in Deed executed by Frank E. Doran, Trustee, to Travis Oil Company, dated March 9, 1967, filed March 31, 1967, recorded in Volume 549, Page 60, Deed Records, Denton County, Texas.
- As affected by Correction Deed dated December 31, 1968, filed January 7, 1969, recorded in Volume 577, Page 455, Deed Records, Denton County, Texas.
- k. Mineral Deed executed by E. Allan Graham to Graham Family Trust, dated January 31, 1985, filed March 11, 1985, recorded in Volume 1588, Page 481, Deed Records, Denton County, Texas.

As affected by Waiver of Surface Rights dated February 5, 1985, filed March 11, 1985, recorded in Volume 1588, Page 466, Deed Records, Denton County, Texas.

- l.** Terms and conditions of Agreement by and between Lake Lewisville Resort, Inc. and Palmetto Associates, N.V., as referenced in deed from Lake Lewisville Resort, Inc. to Cordell B. Moore, Jr., Trustee, dated June 12, 1986, filed June 30, 1986, recorded in Volume 1918, Page 398, Deed Records, Denton County, Texas.
- m.** Reservation of all minerals in Deed executed by E. Allan Graham to William Allan Graham, dated July 20, 1984, filed July 23, 1984, recorded in Volume 1448, Page 150, Deed Records, Denton County, Texas.
- n.** The following matters as shown on Survey last revised November 26, 2003, prepared by Donald S. Peebles, RPLS No. 2437:
  - (i) Overhead electric lines across the Property; and
  - (ii) Mis-platting of The North Shores of Lakewood Village Section 5, Phase 3, recorded in Cabinet L, Page 273, even though the actual north line of said subdivision found in the field creates an overlap along the south boundary line of the Property.



Handwritten signature or initials.



Denton County  
Juli Luke  
County Clerk

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Instrument Number: 12442

ERecordings-RP

WARRANTY DEED

Recorded On: January 22, 2021 02:10 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: 12442  
Receipt Number: 20210122000592  
Recorded Date/Time: January 22, 2021 02:10 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**

Date: January 22, 2021

Grantor: BOARD OF TRUSTEES OF THE LITTLE ELM  
INDEPENDENT SCHOOL DISTRICT

Grantor's Mailing Address: Board of Trustees of the Little Elm Independent School District  
300 Lobo Lane  
Little Elm, TX 75068  
Phone (972) 947-9340

Grantee: SAM HILL VENTURE, a Texas joint venture

Grantee's Mailing Address: 5850 Granite Parkway, Suite 100  
Plano, Texas 75024  
Collin County

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

Property (including improvements): see Exhibit "A", attached hereto and incorporated herein.

Reservations from Conveyance and Warranty:

For Grantor and Grantor's heirs, successors and assigns forever, a reservation of all oil, gas and other minerals in and under and that may be produced from the Property.

Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor and any and all rights to disturb the surface of the Property in any manner in connection with development, exploration and/or exploitation of the portion of the mineral estate owned by Grantor.

Exceptions to Conveyance and Warranty:

Restrictive covenants described in instrument filed 12/04/1995, recorded in cc# 95-R0077656, Real Property Records, Denton County, Texas.

Easement granted by Ling Electric, Inc. to Southwestern Bell Telephone Company, filed 07/12/1972, recorded in Volume 650, Page 434, Real Property Records, Denton County, Texas, and as noted on survey prepared by Lawrence H. Ringley, RPLS No. 4701, on behalf of Ringley

& Associates, Inc., Job No. 19095, dated 01/30/2020, last revised 02/19/2020, hereinafter referred to as "Survey".

Mineral estate and interest in coal, lignite oil, gas and other minerals together with all rights, privileges and immunities thereto described in instrument filed 12/06/1991, recorded in Volume 3114, Page 433, Real Property Records, Denton County, Texas, and as noted on Survey.

Easement granted by Little Elm Independent School District to H2M Water Systems, filed 12/14/1995, recorded in cc# 95-R0077657, Real Property Records, Denton County, Texas, and as shown on Survey. (Affects Tract 1)

Easement rights, if any, related to the overhead power line crossing the southwestern end of Tract 1 and the overhead power line across Tract 2 as shown on Survey.

Easement rights, if any, as to the AT&T boxes, telephone utility markers, electric box/meter and telephone box at the southwest corner of Tract 1 as shown on Survey.

Encroachment of chain link fence along the South property line of Tract 1 as shown on Survey.

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing by reason of any Denton County water or utility district; and taxes for 2021, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

THE PROPERTY IS SOLD AND CONVEYED TO AND ACCEPTED BY GRANTEE IN ITS PRESENT CONDITION, AS IS, WHERE IS, WITH ALL FAULTS AND WITHOUT ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, OTHER THAN THE LIMITED SPECIAL WARRANTY OF TITLE INCLUDED HEREIN, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT THE SALES PRICE REFLECTS SUCH CONDITION. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, EXCEPT FOR THE LIMITED SPECIAL WARRANTY OF TITLE INCLUDED HEREIN AND THE LIMITED WARRANTIES AND REPRESENTATIONS CONTAINED IN THE CONTRACT OF SALE AND PURCHASE BY AND BETWEEN GRANTOR AND GRANTEE, THE SALE OF THE PROPERTY IS WITHOUT ANY EXPRESS OR IMPLIED WARRANTY, REPRESENTATION, AGREEMENT, STATEMENT OR EXPRESSION OF OPINION (OR LACK THEREOF) OF OR WITH RESPECT TO: (I) THE CONDITION OF THE PROPERTY OR ANY ASPECT THEREOF, INCLUDING, WITHOUT LIMITATION, ANY AND ALL EXPRESS OR IMPLIED REPRESENTATIONS OR WARRANTIES RELATED TO SUITABILITY FOR HABITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE; (II) THE SOIL CONDITIONS, DRAINAGE, TOPOGRAPHICAL FEATURES OR OTHER CONDITIONS OF THE PROPERTY OR WHICH AFFECT THE PROPERTY; (III) ANY CONDITIONS RELATING TO OR ARISING FROM ANY ARCHEOLOGICAL OR

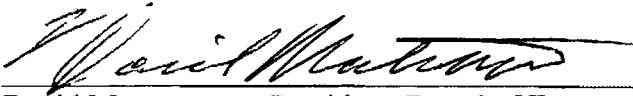
HISTORIC SITE, CEMETERY, BURIAL GROUND, ENDANGERED SPECIES HABITAT, OR OTHER SUCH CONDITION WHICH MAY AFFECT THE PROPERTY; (IV) AREA, SIZE, SHAPE, CONFIGURATION, LOCATION, CAPACITY, QUANTITY, QUALITY, VALUE, CONDITION OR COMPOSITION OF THE PROPERTY; (V) ANY ENVIRONMENTAL, GEOLOGICAL, METEOROLOGICAL, STRUCTURAL OR OTHER CONDITION OR HAZARD OR THE ABSENCE THEREOF HERETOFORE, NOW OR HEREAFTER AFFECTING IN ANY MANNER ANY OF THE PROPERTY; AND (IV) ALL OTHER EXPRESS OR IMPLIED REPRESENTATIONS AND WARRANTIES BY GRANTOR WHATSOEVER. GRANTEE HAS MADE ITS OWN PHYSICAL INSPECTION OF THE PROPERTY AND HAS SATISFIED ITSELF AS TO THE CONDITION OF THE PROPERTY FOR GRANTEE'S INTENDED USE. GRANTOR MAKES NO EXPRESS OR IMPLIED REPRESENTATIONS OR WARRANTIES AS TO THE NATURE OR QUANTITY OF THE INTERESTS THEY OWN IN ANY OIL, GAS AND OTHER MINERALS.

AFTER CLOSING, AS BETWEEN GRANTEE AND GRANTOR, THE RISK OF LIABILITY OR EXPENSE FOR ENVIRONMENTAL PROBLEMS, EVEN IF ARISING FROM EVENTS BEFORE CLOSING, WILL BE THE SOLE RESPONSIBILITY OF GRANTEE, REGARDLESS OF WHETHER THE ENVIRONMENTAL PROBLEMS WERE KNOWN OR UNKNOWN AT CLOSING. ONCE CLOSING HAS OCCURRED, GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE. **TO THE EXTENT PERMITTED BY THE LAWS AND CONSTITUTION OF THE STATE OF TEXAS, GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVES.** GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THEORIES OF PRODUCTS LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

Grantor, for the consideration and subject to the reservations from conveyance and exceptions to conveyance and warranty, grants, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, their heirs, beneficiaries, successors and assigns forever, and Grantor does hereby binds itself and its successors to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, their heirs, beneficiaries, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under Grantor but not otherwise.

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

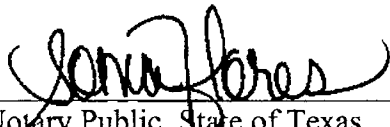
BOARD OF TRUSTEES OF THE LITTLE ELM  
INDEPENDENT SCHOOL DISTRICT

By:   
David Montemayor, President, Board of Trustees

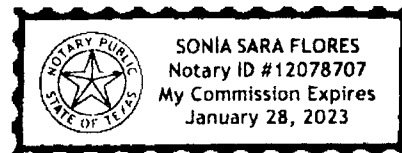
THE STATE OF TEXAS                    }  
  }  
COUNTY OF DENTON                    }      ACKNOWLEDGMENT

BEFORE ME, a Notary Public, on this day personally appeared David Montemayor, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is the President of the Board of Trustees of the Little Elm School District; that he was authorized to execute such instrument pursuant to resolution of the Board of Trustees adopted on August 19, 2019; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 21 day of January, 2021.

  
Notary Public, State of Texas

**Return to Grantee's Address:**  
Sam Hill Venture  
5850 Granite Parkway, Suite 100  
Plano, Texas 75024



## **Exhibit "A"**

### **LEGAL DESCRIPTION (Tract 1)**

SITUATED in the Christopher C. Dickson Survey, Abstract No. 339 of Denton County, Texas and being part of that certain called 16.964 acre tract (including public right-of-way) of land described in a Special Warranty Deed from the Town of Little Elm, Texas to Little Elm Independent School District, recorded in Document No. 97-0046698, Deed Records, Denton County, Texas (D.R.D.C.T.) and being all of that certain called 0.11 acre tract described in a Special Warranty Deed from Denton County, Texas to Little Elm Independent School District, recorded in Document No. 2009-41502, D.R.D.C.T. and being more particularly described by metes & bounds as follows:

BEGINNING at a 3/8 inch iron rod found at the southeast corner of the above described 16.964 acre tract and the southwest corner of Block 1 of Sunrise Bay At Lake Lewisville, an addition to Denton County, Texas, according to the plat thereof, recorded in Cabinet L, Page 224, Plat Records, Denton County, Texas (P.R.D.C.T.) and said beginning point also being on the north line of that certain called 77.89 acre tract of land described in a deed to Sam Hill Ventures, recorded in Document No. 2004-39575, D.R.D.C.T.;

THENCE: South 86 deg. 56 min. 31 sec. West, along the common line of said 16.964 acre tract and said 77.89 acre tract, a distance of 499.50 feet to a 5/8 inch iron rod found for corner;

THENCE: South 01 deg. 25 min. 12 sec. East, continuing along said common line, a distance of 40.19 feet to a 1/2 inch iron rod found for corner;

THENCE: South 88 deg. 50 min. 03 sec. West, continuing along said common line, at 391.40 feet, passing a 1/2 inch iron rod found for the northwest corner of said 77.89 acre tract and same being the northeast corner of that certain called 19.249 acre tract of land described in a deed to Philip L. Hancock and wife, Lynn A. Hancock and Stephen R. Dumaine, recorded in Document No. 2006-47468, D.R.D.C.T., and continuing for a total distance of 437.11 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for the most southerly southwest corner of this tract on the east right-of-way line of Lakecrest Drive (a public road, dedicated to Denton County, Texas, Document No. 2006-66546, D.R.D.C.T.) and said point also being the most northerly northeast corner of that certain 60 foot wide public right-of-way dedication conveyed to the City of Lakewood Village (First Tract), recorded in Volume 960, Page 824, D.R.D.C.T.;

THENCE: North 03 deg. 11 min. 05 sec. West, along the east right-of-way line of said Lakecrest drive, at 100.16 feet, passing the south corner of the above described 0.11 acre tract and continuing for a total distance of 122.44 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found at the beginning of a curve to the right, having a radius of 10.00 feet, a central angle of 59 deg. 40 min. 14 sec. and a chord that bears North 26 deg. 49 min. 03 sec. East - 9.95 feet;

THENCE: Along the westerly line of said 0.11 acre tract and with said curve to the right, an arc distance of 10.41 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for corner on the southwesterly right-of-way line of W. Eldorado Parkway (a variable width public right-of-way) and said point being the beginning of a non-tangent curve to the left, having a radius of 1,006.60 feet, a central angle of 15 deg. 31 min. 46 sec. and a chord that bears North 48 deg. 56 min. 05 sec. East - 272.00 feet;

THENCE: Along the common line of said 0.11 acre tract and said W. Eldorado Parkway, an arc distance of 272.83 feet to 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for the northern corner of said 0.11 acre tract and said point being the beginning of a non-tangent curve to the left having a radius of 590.00 feet, a central angle of 05 deg. 29 min. 04 sec. and a chord that bears North 27 deg. 19 min. 12 sec. East - 56.45 feet;

THENCE: Continuing along the southeasterly right-of-way line of said W. Eldorado Parkway and with said curve to the left, an arc distance of 56.48 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for the southeast corner of that certain called 0.587 acre tract of land described in a deed from Little Elm Independent School District to Denton County, Texas, recorded in Document No. 98-0026096, D.R.D.C.T. and said point being the beginning of another non-tangent curve to the left, having a radius of 994.93 feet, a central angle of 11 deg. 56 min. 18 sec. and a chord that bears North 31 deg. 51 min. 40 sec. East - 206.93 feet;

THENCE: Continuing along the common line of said W. Eldorado Parkway and said 0.587 acre tract, an arc distance of 207.30 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for corner at the end of said curve;

THENCE: North 25 deg. 55 min. 10 sec. East, a distance of 927.87 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found on the north line of said 16.964 acre tract and on the south line of that certain tract of land described in a deed to the Town of Little Elm (Little Elm Sunrise Bay Water Plant), recorded in Document No. 1995-0078024, D.R.D.C.T.;

THENCE: North 89 deg. 17 min. 47 sec. East, departing from said W. Eldorado Parkway, along the common line of said 16.964 acre tract and said Town of Little Elm tract, a distance of 175.42 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set in a landscaped area, next to a stone screening fence, for the northeast corner of said 16.964 acre tract and the southeast corner of said Town of Little Elm tract and said point being on the west line of the above described Block 1 of Sunrise Bay At Lake Lewisville;

THENCE: South 00 deg. 42 min. 14 sec. East, along the common line of said 16.964 acre tract and Block 1, a distance of 1,296.79 feet to the POINT OF BEGINNING and containing 706,074 square feet or 16.209 acres of land.

## LEGAL DESCRIPTION (Tract 2)

SITUATED in the Christopher C. Dickson Survey, Abstract No. 339 of Denton County, Texas and being part of that certain called 16.964 acre tract (including public right-of-way) of land described in a Special Warranty Deed from the Town of Little Elm, Texas to Little Elm Independent School District, recorded in Document No. 97-0046698, Deed Records, Denton County, Texas (D.R.D.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for the most westerly southwest corner of the above described 16.964 acre tract, on the north line of that certain called 19.429 acre tract of land described in a deed to Philip L. Hancock and wife, Lynn A. Hancock and Stephen R. Dumaine, recorded in Document No. 2006-47468, D.R.D.C.T.;

THENCE: North 08 deg. 55 min. 00 sec. West, along the most westerly west line of said 16.964 acre tract, a distance of 29.39 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found on the southern right-of-way line of W. Eldorado Parkway (a variable width public right-of-way) for the most westerly northwest corner of said 16.964 acre tract and said point being in a non-tangent curve to the left, having a radius of 614.90 feet, a central angle of 14 deg. 41 min. 56 sec. and a chord that bears North 73 deg. 25 min. 24 sec. East – 157.32 feet;

THENCE: Along the common line of said 16.964 acre tract and said W. Eldorado Parkway, an arc distance of 157.75 feet to a 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 3047", found for corner on the west right-of-way line of Lakecrest Drive (a public road, dedicated to Denton County, Texas, Document No. 2006-66546, D.R.D.C.T.);

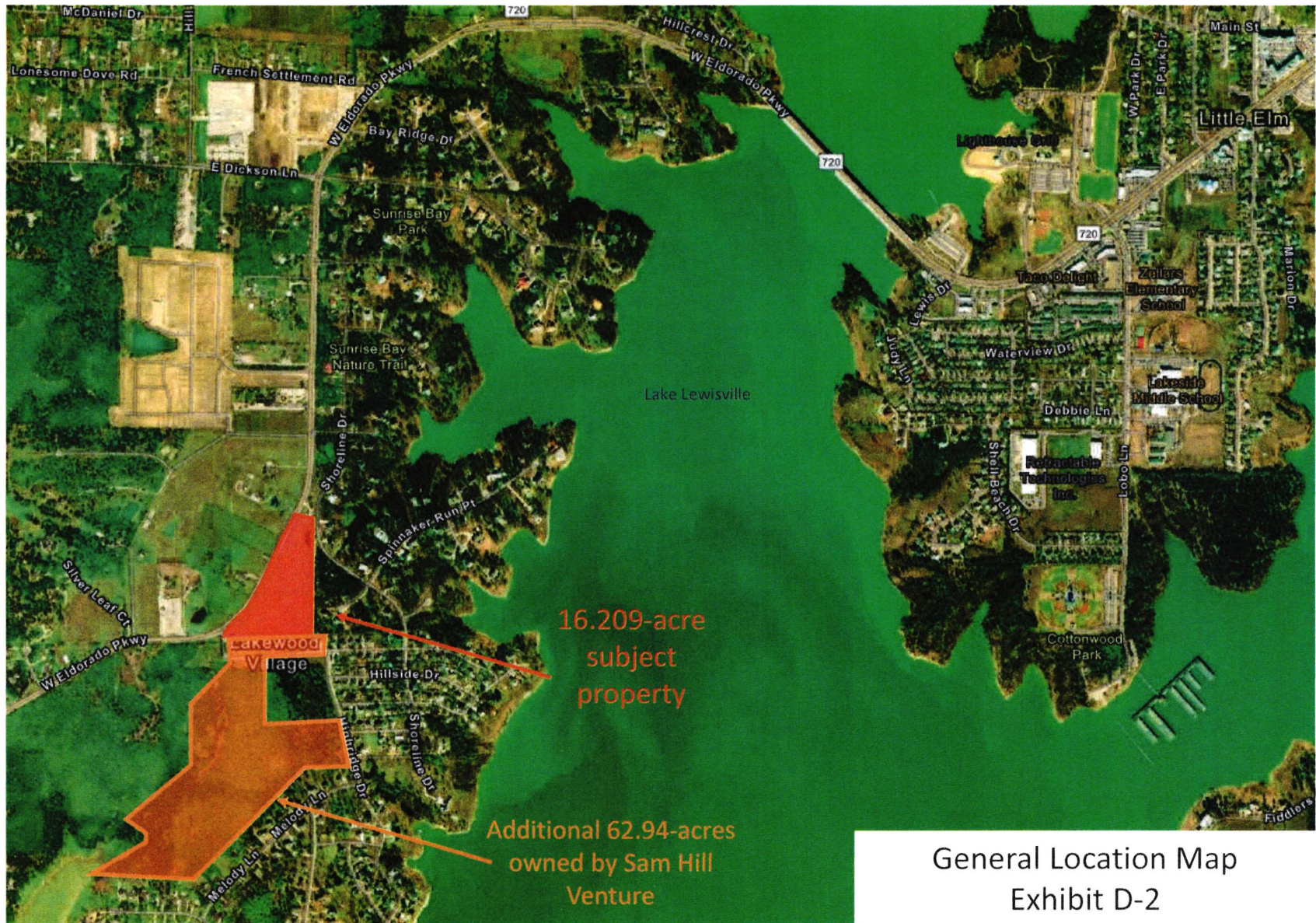
THENCE: South 03 deg. 03 min. 13 sec. East, departing from said W. Eldorado Parkway, along the west right-of-way line of said Lakecrest Drive, a distance of 70.34 feet to a 1/2 inch iron rod found for the southwest corner of said Lakecrest Drive tract, on the south line of said 16.964 acre tract and the north line of the above described 19.429 acre Hancock tract and said point also being the most northerly northwest corner of that certain 60 foot wide public right-of-way dedication conveyed to the City of Lakewood Village (First Tract), recorded in Volume 960, Page 824, D.R.D.C.T.;

THENCE: South 88 deg. 35 min. 35 sec. West, departing from said Lakecrest Drive, along the common line of said 16.964 acre tract and said 19.429 acre Hancock tract, a distance of 150.01 feet to the POINT OF BEGINNING and containing 7,035 square feet or 0.162 acres of land.









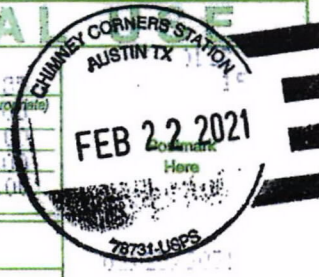
General Location Map  
Exhibit D-2





7020 1810 0000 9201 1747

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ™	
Little Elm, TX 75068	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$2.00
Total Postage and Fees	\$5.50
Sent To Town of Little Elm to Mayor D. Hillock Street and Apt. No., or PO Box No. 100 W. Eldorado Hwy City, State, ZIP+4® Little Elm, TX 75068	
PS Form 3800, April 2015 PSN 7530-02-000-907 See Reverse for Instructions	



Exh. G