



Control Number: 51842



Item Number: 1

Addendum StartPage: 0

PUC DOCKET No. **51842**

RECEIVED
2021 FEB 26 PM 2:27
PUBLIC UTILITY COMMISSION
FILING CLERK

PETITION BY BERNADINE C. KING,	§	
TRUSTEE OF THE HINSVARK	§	
FAMILY TRUST, PURSUANT	§	PUBLIC UTILITY COMMISSION
TO TEXAS WATER CODE	§	OF TEXAS
SECTION 13.2541	§	

PETITION BY BERNADINE C. KING, TRUSTEE OF THE HINSVARK FAMILY TRUST,
PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Bernadine C. King, trustee of the Hinsvark Family Trust ("Hinsvark") and files this Petition with the Public Utility Commission of Texas (the "PUC") for streamlined expedited release from sewer certificate of convenience and necessity ("CCN") No. 21116 held by Aqua Texas, Inc. ("Aqua") pursuant to (i) Texas Water Code Section 13.2541; and (ii) Rule 24.245(h) of the Commission's Rules found at 16 Tex. Admin. Code Section 24.245; and in support thereof would respectfully show as follows:

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 that is not receiving water or sewer service may petition for streamlined expedited release of the area from a CCN.¹ 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."² The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Bastrop County is

¹ TWC § 13.2541.

² *Id.*

a county in which owners of at least 25 acres are entitled to expedited release.³ Under Section 13.2541 (c), the PUC “shall grant a petition received not later than the 60th day after the date the landowner files the petition.”

II. REQUEST FOR STREAMLINED EXPEDITED RELEASE

Hinsvark owns a tract of land containing 269.692 acres located in Bastrop County, Texas (the “Property”). The Property is located within the boundaries of sewer CCN No. 21116, held by Aqua. None of the Property receives service from any water or sewer service provider. In support of this Petition, Hinsvark has attached the following exhibits:

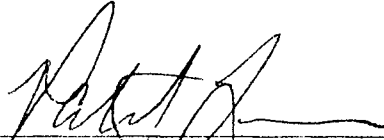
1. Affidavit in support of this Petition is attached hereto as **Exhibit “A”**.
2. General Location Map is attached hereto as **Exhibit “B”**.
3. Detailed Property Map is attached hereto as **Exhibit “C”**; and
4. Property records (deed including metes and bounds description) is attached hereto as **Exhibit “D”**.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Hinsvark to expedited release of the Property described herein and in the attached exhibits from sewer CCN No. 21116. 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. Hinsvark respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Property that are within the boundaries of sewer CCN No. 21116.

³ 16 Tex. Admin. Code §24.245(h)

Respectfully submitted,
DAVIDSON, TROILO, REAM & GARZA, PC

By: 

Patrick W. Lindner
State Bar No.
plindner@dtgclaw.com
601 NW Loop 410, Suite 100
San Antonio, Texas 78216
(210) 349-6484
(210) 349-0041 Facsimile

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February, 2021, a true and correct copy of the Petition by Bernadine C. King, trustee of the Hinsvark Family Trust Pursuant to Texas Water Code Section 13.2541 was sent via certified mail, return receipt requested to the following recipient at the address indicated.

VIA Certified Mail RRR
Aqua Texas, Inc.
1106 Clayton Lane, Suite 400
Austin, Texas 78723



Patrick W. Lindner

PUC DOCKET No. _____

PETITION BY BERNADINE C. KING,	§	
TRUSTEE OF THE HINSVARK	§	
FAMILY TRUST PURSUANT	§	PUBLIC UTILITY COMMISSION
TO TEXAS WATER CODE	§	OF TEXAS
SECTION 13.2541	§	

AFFIDAVIT OF ROBERT J. GILLILAND, JR. IN SUPPORT OF PETITION
BY BERNADINE C. KING, TRUSTEE OF THE HINSVARK FAMILY TRUST
PURSUANT TO TEXAS WATER CODE SECTION 13.2541

STATE OF CALIFORNIA §
 §
COUNTY OF RIVERSIDE §

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

1. “My name is Robert J. Gilliland, Jr. I am over the age of eighteen 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.

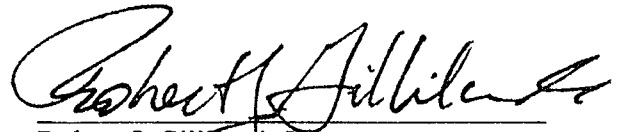
2. I am an attorney licensed in the State of California and I serve as the attorney at law for Bernadine C. King, the trustee of the Hinsvark Family Trust (“Hinsvark”) and the petitioner in this proceeding. Hinsvark owns a tract of land containing 269.692 acres located in Bastrop County (the “Property”). According to maps promulgated by the Public Utility Commission of Texas, the Property is located within the boundaries of sewer CCN No. 21116 issued to Aqua Texas, Inc. The Property is located in Bastrop County, Texas, is over 25 acres in size, and consists of a single contiguous tract of land. Exhibit “B” and Exhibit “C” attached to this petition is a true and correct copy of maps identifying the Property, its location, and the area of the CCN in relation to the Property. Exhibit “D” attached to this petition is a true and correct copy of the filed deed into Hinsvark and the deed incorporates a metes and bounds description of a survey of the Property dated January 30, 2020.

3. The Property is unimproved. The Property is not receiving sewer service from Aqua Texas, Inc. and has never received sewer service from Aqua Texas, Inc.. Hinsvark has not requested sewer service from Aqua Texas, Inc. or paid any fees or charges to initiate or maintain sewer service, and there are no billing records or other documents indicating an existing account for the Property.

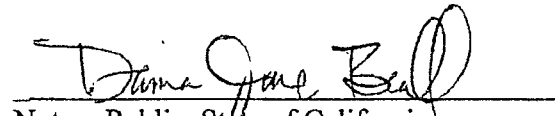
4. I request that the Public Utility Commission of Texas release this Property from sewer CCN No. 21116.”

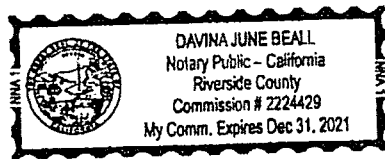
EXHIBIT A

FURTHER AFFIANT SAYETH NOT.


Robert J. Gilliland, Jr.

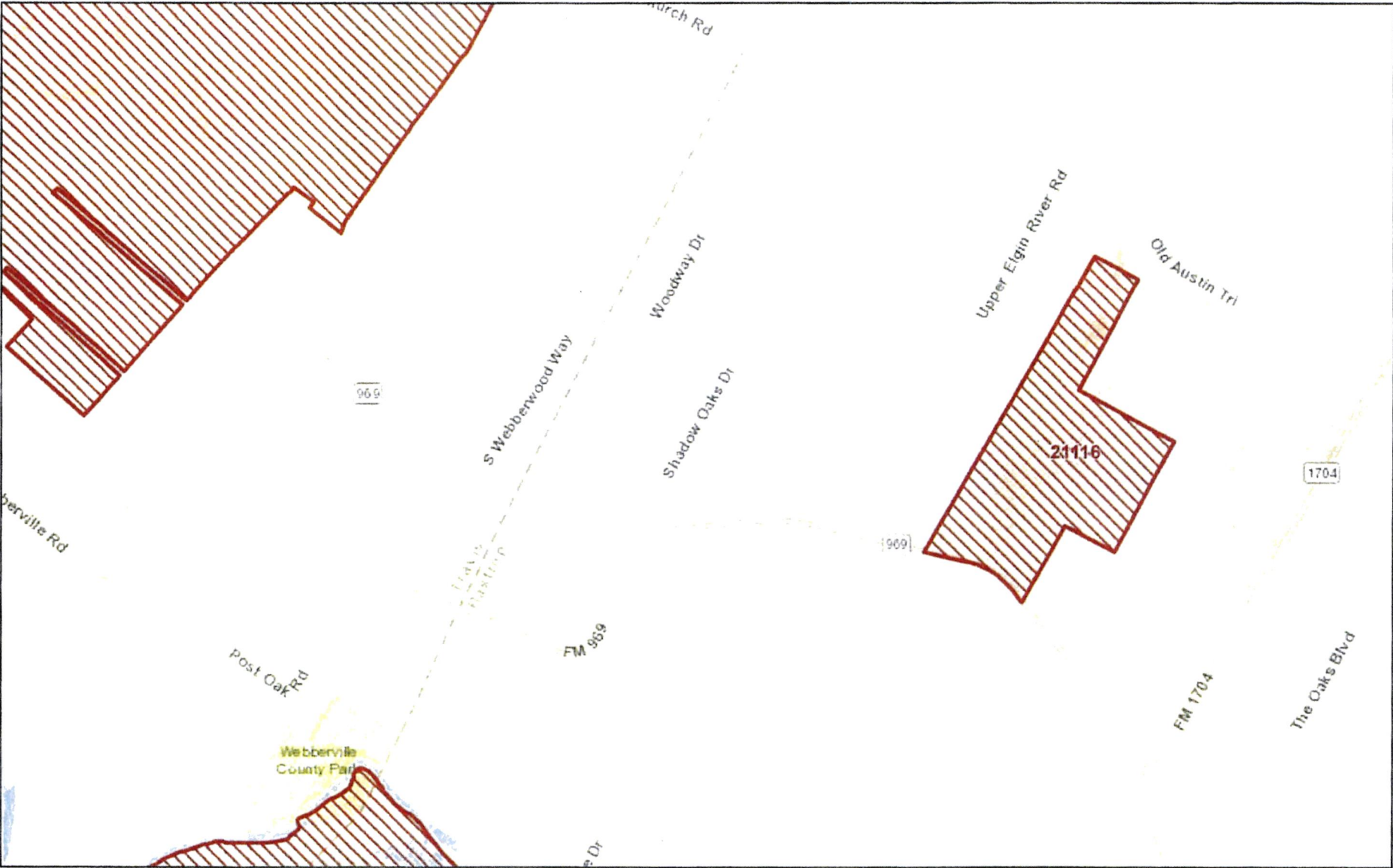
SWORN TO AND SUBSCRIBED TO BEFORE ME by Robert J. Gilliland, Jr. on
February 2, 2021.


Notary Public, State of California



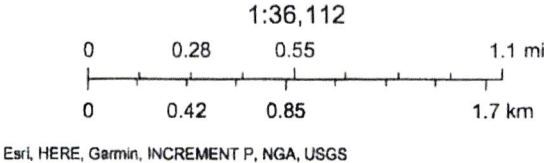
PUCT map showing boundaries of sewer CCN on and adjacent to Hilsvark Track

9

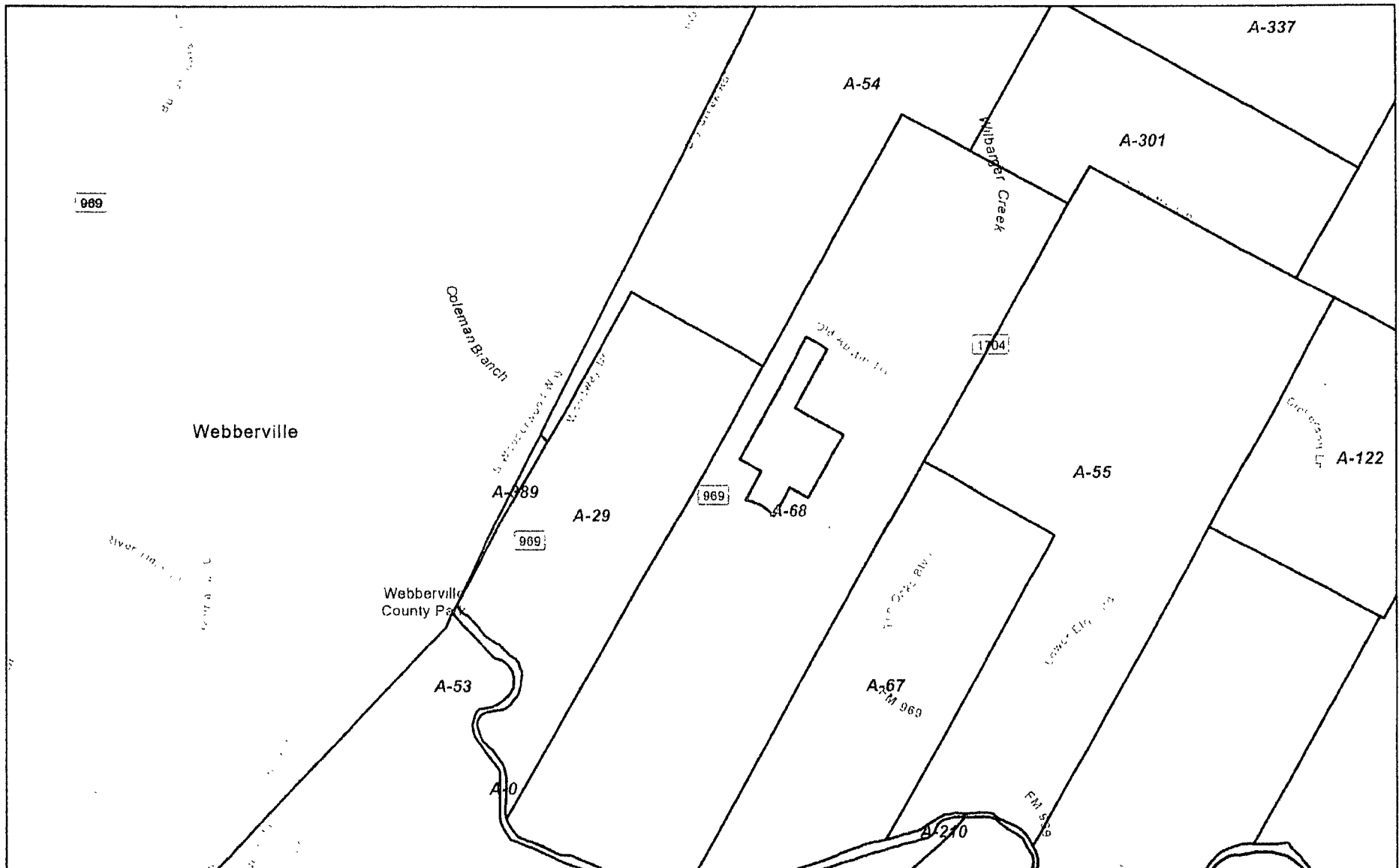


October 28, 2020

EXHIBIT B



Bastrop CAD Web Map showing Hinsvark tract

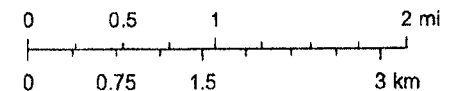


10/28/2020, 8:15:28 AM

Abstracts

EXHIBIT C

1:72,224



Austin Community College, Texas Parks & Wildlife, Esri, HERE, Garmin,

Bastrop County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

ELECTRONICALLY RECORDED

OFFICIAL PUBLIC RECORDS



Rose Pietsch

ROSE PIETSCH, County Clerk
Bastrop Texas

August 13, 2020 11:46:08 AM 202013476
FEE: \$42.00
DEED

Deed

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.

Date: July 7, 2020

Grantor: Kenneth F. Jenkins, Guardian of the estate of MADELYN HINSVARK, an incapacitated person

Grantor's Mailing Address: [Include County] P.O. BOX 699, PALM DESERT, CALIF. 92261
RIVERSIDE COUNTY

Grantee: Bernadine C. King, Trustee of the Hinsvark Family Trust dated November 7, 1994

Grantee's Mailing Address: [Include County] P.O. BOX 699, PALM DESERT, CALIF. 92261
RIVERSIDE COUNTY

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration.

Property (including any improvements):

Being 269.792 acres of land, more or less, out of the MARTIN WELLS SURVEY, ABSTRACT NO. 68, Bastrop County, Texas and being all of that certain 269.792 acre tract of land conveyed to Bernadine C. King, Trustee of the Hinsvark Family Trust by instrument under Document Number 201717966 of the Official Public Records of Bastrop County, Texas and as described in a deed recorded in Volume 792, Page 718 of the Official Records of Bastrop County, Texas and being more particularly described by metes and bounds in Exhibit "A-1" attached hereto and made a part hereof.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

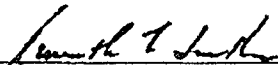
Liens, if any, described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay

This deed is executed and delivered by, Kenneth F. Jenkins, guardian of the Estate of Madelyn Hinsvark, pursuant to an Order Appointing Nonresident Guardian of Nonresident Ward's Estate dated June 9, 2020, in Cause No. G-327, In The Guardianship of Madelyn Hinsvark, An Incapacitated Person, County Court of Bastrop County, Texas.

EXHIBIT D

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

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


Kenneth F. Jenkins, guardian of the estate of
Madelyn Hinsvark, an incapacitated person

STATE OF TEXAS

COUNTY OF

This instrument was acknowledged before me July 7, 2020 by Kenneth F. Jenkins, guardian of the estate of Madelyn Hinsvark, an incapacitated person.


SEE ATTACHED CERTIFICATE
Notary Public, State of Texas

GF#603962-GP

STATE OF CALIFORNIA)
)
) SS.
COUNTY OF RIVERSIDE)

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Kelly J. Lamm

 KELLY J. LAURICH
Notary Public – California
Riverside County
Commission # 2183167
My Comm. Expires Mar 11, 2021

10

EX "A 1"

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS
& CIVIL ENGINEERS

185 McAllister Road
Bastrop, Texas 78602
512-303-4185
Survey Firm #10058400
Engineering Firm #F-20386
jgaron@austin.rr.com

January 30, 2020

LEGAL DESCRIPTION: BEING A 269.692 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF THE MARTIN WELLS SURVEY, ABSTRACT 68 IN BASTROP COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 269.792 ACRE TRACT OF LAND CONVEYED TO BERNADINE C. KING, TRUSTEE OF THE HINSVARK FAMILY TRUST BY INSTRUMENT #201717966 OFFICIAL RECORDS, BASTROP COUNTY, TEXAS AND AS DESCRIBED IN VOLUME 792, PAGE 718 OF SAID OFFICIAL RECORDS; SAID 269.692 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES, INC. IN SEPTEMBER, 2017:

BEGINNING at a 5/8" iron rod found in the southerly line of Lot 17, Texas Heritage Subdivision as recorded by plat in Cabinet 1, Page 83A plat records, Bastrop County, Texas for the northwesterly corner hereof and the northeasterly corner of Lot 15, Texas Heritage Subdivision;

THENCE with Texas Heritage Subdivision the following five (5) calls:

1. S 62°06'59" E a distance of 578.88 feet to a 1/2" iron rod found for angle point;
2. S 56°55'40" E a distance of 330.73 feet to a cedar post in concrete found for the southeasterly corner of Lot 18;
3. S 26°32'41" W a distance of 1336.22 feet to a 5/8" iron rod found for angle point in Lot 21;
4. S 28°03'19" W a distance of 1146.35 feet to a 1/2" iron rod found for the southwesterly corner of Lot 22;
5. S 62°20'22" E a distance of 1636.95 feet to a 5/8" iron rod found at fence corner for the southeasterly corner of Lot 23 and a corner of that certain 212.854 acre tract of land conveyed to 41 Burleson LLC by instrument #201710019 of said official records;

THENCE along the common lines with said 41 Burleson LLC 212.854 acre tract the following four (4) calls:

1. S 62°07'34" E a distance of 445.62 feet to a 1/2" iron rod found at fence corner post;
2. S 28°04'58" W a distance of 2686.29 feet to a fence corner post;

January 30, 2020

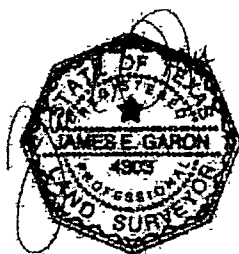
3. N 63°24'55" W a distance of 806.41 feet to a 1/2" iron rod found at fence corner post;
4. S 27°33'45" W a distance of 1251.73 feet to a 1/2" iron rod found in the northerly right-of-way line of F.M. 969 for the southeasterly corner hereof;

THENCE along F.M. 969 the following three (3) calls:

1. N 37°11'15" W a distance of 41.36 feet to a concrete right-of-way monument found for the beginning of a curve to the left;
2. a distance of 1015.48 feet along the arc of said curve to the left having a radius of 1457.97 feet and a chord bearing N 57°56'29" W a chord length of 995.08 feet to a broken concrete right-of-way monument found for endpoint of curve;
3. N 77°40'41" W a distance of 218.41 feet to a 1/2" iron rod with cap stamped "4094 RDS" found for the southwesterly corner hereof and the southeasterly corner of that certain 29.348 acre tract of land conveyed to Alamo Concrete Products, Ltd. by deed recorded in Volume 1724, Page 610 of said official records;

THENCE N 27°47'25" E a distance of 1223.46 feet to a 9" cedar fence corner post found for the northeasterly corner of said Alamo Concrete Products, Ltd. 29.348 acre tract and N 62°02'15" W a distance of 936.54 feet to a 5/8" iron rod found in the easterly line of Lot 4, Texas Heritage Subdivision for the northwesterly corner of said Alamo Concrete Products, Ltd. 29.348 acre tract;

THENCE along the west line hereof, common with Texas Heritage Subdivision, N 27°54'31" E a distance of 3342.08 feet to a 1/2" iron rod found for angle point in the east line of Lot 12 and N 26°52'47" E a distance of 1864.09 feet to the **POINT OF BEGINNING**, containing 269.692 acres of land, more or less, and as shown on sketch of survey prepared herewith.



Surveyed by:
James E. Garon
Registered Professional Land Surveyor
Co\Bastrop\Surveys\Martin Wells\62417