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Item Number: 1

Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION
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PETITION OF MONTGOMERY
ESTATES, LLC TO AMEND C C
WATER WORKS, INC.'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY NO. 13038 IN
CHAMBERS COUNTY BY
STREAMLINED EXPEDITED
RELEASE UNDER TEXAS WATER
CODE § 13.2541 AND 16
TAC § 24.245(h) §
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BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS

PETITION OF MONTGOMERY ESTATES, LLC TO AMEND C C WATER WORKS, INC.'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 13038 IN CHAMBERS COUNTY BY STREAMLINED EXPEDITED RELEASE UNDER TEXAS WATER CODE § 13.2541 AND 16 TAC § 24.245(h)

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Montgomery Estates, LLC (the Petitioner), and hereby files with the Public Utility Commission of Texas (the Commission) this Petition to Amend Water Certificate of Convenience and Necessity (CCN) No. 13038, held by C C Water Works, Inc. (C C Water Works), in Chambers County by Streamlined Expedited Release (Petition) under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). In support thereof, the Petitioner would respectfully show as follows:

I. PETITION

1. Under certain circumstances, TWC § 13.2541 and 16 TAC § 24.245(h) provide the owner of a tract of land the right to petition the Commission for the streamlined, expedited release of all or a portion of the tract of land from the service area associated with a water and/or sewer CCN. Specifically, the Commission must grant a petition for streamlined expedited release of land from a CCN if the following conditions are met: (a) the tract of land to be released is at least twenty-five (25) acres in size; (b) the tract of land is not receiving service of the type authorized by the CCN from which release is sought; (c) at least a part of the tract of land is located within the service area of the CCN from which release is sought; and (d) at least some of the tract of land to be released is located in a "qualifying county," as such term is defined in TWC § 13.2541(b).

- EXHIBIT**
2. Based on the criteria in TWC § 13.2541 and 16 TAC § 24.245(h), the Petitioner is entitled to streamlined expedited release of approximately 98.883 acres of land from C C Water Work's water CCN No. 13038 (the C C Water Works CCN), located in Chambers County, Texas.
 3. Specifically, Petitioner owns a tract of land in Chambers County, Texas, containing approximately 100 acres (the Tract). A copy of the recorded deed evidencing Petitioner's ownership of the Tract, and containing a metes and bounds description of the Tract, is attached hereto as **Exhibit A**.
 4. A 98.883-acre portion of the Tract lies within the boundaries of the C C Water Works CCN (the Release Tract).
 5. The Release Tract is depicted by large and small scale maps as well as a CD-ROM containing projectable digital data, with metadata, which are attached hereto as **Exhibit B**.
 6. Petitioner has never received retail water service from C C Water Works at the Release Tract.
 7. Petitioner is not currently receiving retail water service from C C Water Works at the Release Tract.
 8. Petitioner has never requested that C C Water Works provide water service to the Release Tract.
 9. Petitioner has no contracts with C C Water Works for the provision of water service to the Release Tract.
 10. Petitioner has not received any bills from C C Water Works for water service to the Release Tract.
 11. **Exhibits A and B** show that the Release Tract is located wholly in Chambers County, Texas. The Commission's streamlined expedited release "Approved List of Counties" guidance document indicates that Chambers County is a qualifying county, meeting the requirements of TWC § 13.2541 and 16 TAC § 24.245(h)(2).¹
 12. Simultaneously with the filing of this Petition with the Commission, the Petitioner is serving a copy of the Petition on C C Water Works. Attached hereto as proof that a copy of the Petition was mailed to C C Water Works via certified mail on the same day the Petitioner submitted this Petition with the Commission is **Exhibit C**, a U.S. Postal Service Certified Mail Receipt.

¹ See also, Public Utility Commission of Texas, "Streamlined Expedited Release Guidance." Available at: www.puc.texas.gov/industry/water/utilities/Streamline.pdf.

13. Also attached hereto, as **Exhibit D**, is a notarized affidavit of Iqbal "John" Khowaja, President of Montgomery Estates, LLC, which verifies and affirms the information provided herein.

II. CONCLUSION & PRAYER

For these reasons, Petitioner, Montgomery Estates, LLC, respectfully requests that: (a) this Petition be deemed properly filed with the Commission; (b) this Petition be granted in all respects as provided under TWC § 13.2541 and 16 TAC § 24.245(h); (c) the Commission enter an order releasing the 98.883-acre Release Tract from C C Water Works, Inc.'s water Certificate of Convenience and Necessity No. 13038 in Chambers County, Texas; and (d) all other orders, acts, procedures, and relief be granted as are necessary and proper to the release of the 98.883-acre Release Tract from C C Water Works, Inc.'s water Certificate of Convenience and Necessity No. 13038 in Chambers County, Texas.

Respectfully submitted,

LLOYD GOSSELINK
ROCHELLE & TOWNSEND, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 787012
(512) 322-5800
(512) 472-0532 (Fax)

DAVID J. KLEIN
State Bar No. 24041257



DANIELLE LAM
State Bar No. 24121709

**ATTORNEYS FOR MONTGOMERY
ESTATES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery, and/or regular, first class mail on this the 24th day of March, 2021 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.

A handwritten signature in cursive script, appearing to read "Danielle Lam", is written above a horizontal line.

Danielle Lam

Exhibit A

Copy of Recorded Deed Evidencing Petitioner's Ownership

**WARRANTY DEED WITH VENDOR'S LIEN
(Vendor's Lien Reserved to Grantor)**

THE STATE OF TEXAS *
***** **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF CHAMBERS *

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.

THAT THE UNDERSIGNED, **WYNONA MARIE MONTGOMERY and DONNA LYNN MONTGOMERY BRITT**, hereinafter called "Grantor," whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by the Grantee of that one certain promissory note of even date herewith in the principal sum of ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00), payable to the order of GRANTOR, as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to BRANDON E BENOIT, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents, subject to the reservations and exceptions hereinafter contained, does GRANT, SELL AND CONVEY unto **MONTGOMERY ESTATES, LLC, a Texas limited liability company**, herein referred to as "Grantee," whether one or more, all of the real property described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR
ALL INTENTS AND PURPOSES

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Chambers County, Texas. Grantor hereby reserves all of the oil, gas and other minerals in, on or under, or that may be produced on or from the above described premises for the purpose of developing said minerals. Grantor further covenants and agrees that he will not execute any oil, gas or other mineral leases in

the future that will permit any drilling or production operations or structures anywhere on the subject property. Exploration, drilling or production of oil, gas or other minerals will be completed by pooling, unitization, off set drilling or slant hole drilling which is permitted by and/or through such tract of land with the bottom hole being below the surface of this tract or any other tract of land. Grantor expressly waives any rights of ingress and/or egress to or from the surface of the subject property for the purpose of production of said oil, gas and other minerals or for any other purpose, and further waives the right to use the surface for any purpose whatsoever.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, executors, administrators, successors and assigns forever; and Grantor does hereby bind Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns against every person whomsoever claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Taxes for the year 2019 have been prorated as of the date of this Deed; payment thereof shall be assumed by Grantee.

EXECUTED, this 26 day of February, 2019.

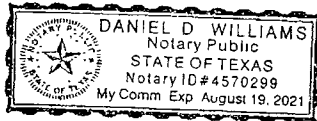

WYNONA MARIE MONTGOMERY



DONNA LYNN MONTGOMERY BRITT

THE STATE OF TEXAS X
 X
COUNTY OF CHAMBERS X

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared WYNONA MARIE MONTGOMERY, known to me/proved to me through Driver's License, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 26 day of February, 2019.



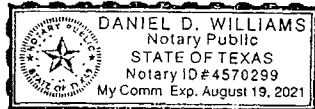



Notary Public, State of Texas

THE STATE OF TEXAS X
 X
COUNTY OF CHAMBERS X

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared DONNA LYNN MONTGOMERY BRITT, known to me/proved to me through Driver's License, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 26 day of February, 2019.





Notary Public, State of Texas

GF 284075 33/sd
Grantee's Mailing Address:

14242 Joubert Ct

Sugarland TX 77498

EXHIBIT "A" LEGAL DESCRIPTION

File No. 284075

FIELD NOTES of a 100.0 acre tract of land situated in the Ben Winfree Survey, Abstract No. 28, Chambers County, Texas being out of and a part of 115.2 acres conveyed to Edgar Montgomery by Elmer R. Kilgore, et al in deed dated March 23, 1920, recorded in Volume 15 at Page 309 of the Deed Records of Chambers County, Texas. This 100.0 acre tract of land is more particularly described by metes and bounds as follows to-wit

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE SOUTH LINE OF SAID 115.2 ACRES. REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION. ALL SET 1/2 INCH IRON RODS ARE MARKED WITH A PLASTIC CAP STAMPED "MCHANDLER5292".

BEGINNING at a capped iron rod found for the Southwest corner of this tract of land, the Southwest corner of said 115.2 acres, the Southeast corner of 14.61 acres conveyed to Charles Raymond Harper by Elizabeth Rushwam Delling in deed dated July 29, 2010, recorded in Volume 1210 at Page 271 of the Official Public Records of Chambers County, Texas, and in the North line of Winfree Bayou Estates Section One Final Plat recorded at Clerk's File No. 118837 of the Map Records of Chambers County, Texas

THENCE North 01°56'05" East with the West line of this tract of land, the West line of said 115.2 acres, the East line of said 14.61, and the East line of 18.87 acres conveyed to Jim P. Farris and Ann Wismer by Elizabeth Amanda Rushwam in deed dated September 26, 2018, recorded at File No 2018-136241 of the Official Public Records of Chambers County, Texas a distance of 1687.68 feet to a set 1/2 inch iron rod for Northwest corner of this tract of land, in the West line of said 115.2 acres, and in the East line of said 18.87 acres. From this corner a found nail for the Northwest corner of said 115.2 acres bears North 01°56'05" East 254.29 feet.

THENCE South 89°00'00" East with the North line of this tract of land, over and across said 115.2 acres a distance of 2581.43 feet to a set 1/2 inch iron rod for the Northeast corner of this tract of land, in the East line of said 115.2 acres, and in the West line of 50 acres conveyed to Chap. B. Cain by Blanche H. Piercy, et vir in deed dated March 19, 1964, recorded in Volume 23 at Page 320 of the Deed of Trust Records of Chambers County, Texas. From this corner a found 2 1/2 inch iron pipe for the Northeast corner of said 115.2 acres bears North 01°56'11" East 248.66 feet.

THENCE South 01°56'11" West with the East line of this tract of land, the East line of said 115.2 acres, and the West line of said 50 acres a distance of 1687.68 feet to a set 1/2 inch iron rod for the Southeast corner of this tract of land, the Southeast corner of said 115.2 acres, the Northeast corner of 2.80 acres conveyed to Winfree Bayou Estates, LLC by Cecil V. Winfree II in deed dated June 5, 2018, recorded at File No. 133227 of the Official Public Records of Chambers County, Texas, and in the West line of said 50 acres. From this corner a found iron rod at iron pipe tall bears South 59°41'57" East 1.01 feet.

THENCE North 89°00'00" West with the South line of this tract of land, the South line of said 115.2 acres, the North line of said 2.80 acres, the North line of 220.7 acres conveyed to Winfree Bayou Estates, LLC by Cecil V. Winfree II, et al in deed dated April 10, 2015, recorded in Volume 1561 at Page 148 of the Official Public Records of Chambers County, Texas, and the North line of said Winfree Bayou Estates at a distance of 231.07 feet found a capped iron rod, in all a total distance of 2581.37 feet to the PLACE OF BEGINNING, containing within said boundaries 100.0 acres of land, more or less.

FILED FOR RECORD IN
Chambers County Clerk
On 03/01/2019 9:19AM
Doc Number: 2019-140088
Number of Pages 5
Amount \$38.00
Order#: 20190301000003
By AM
Heather H. Hawthorne



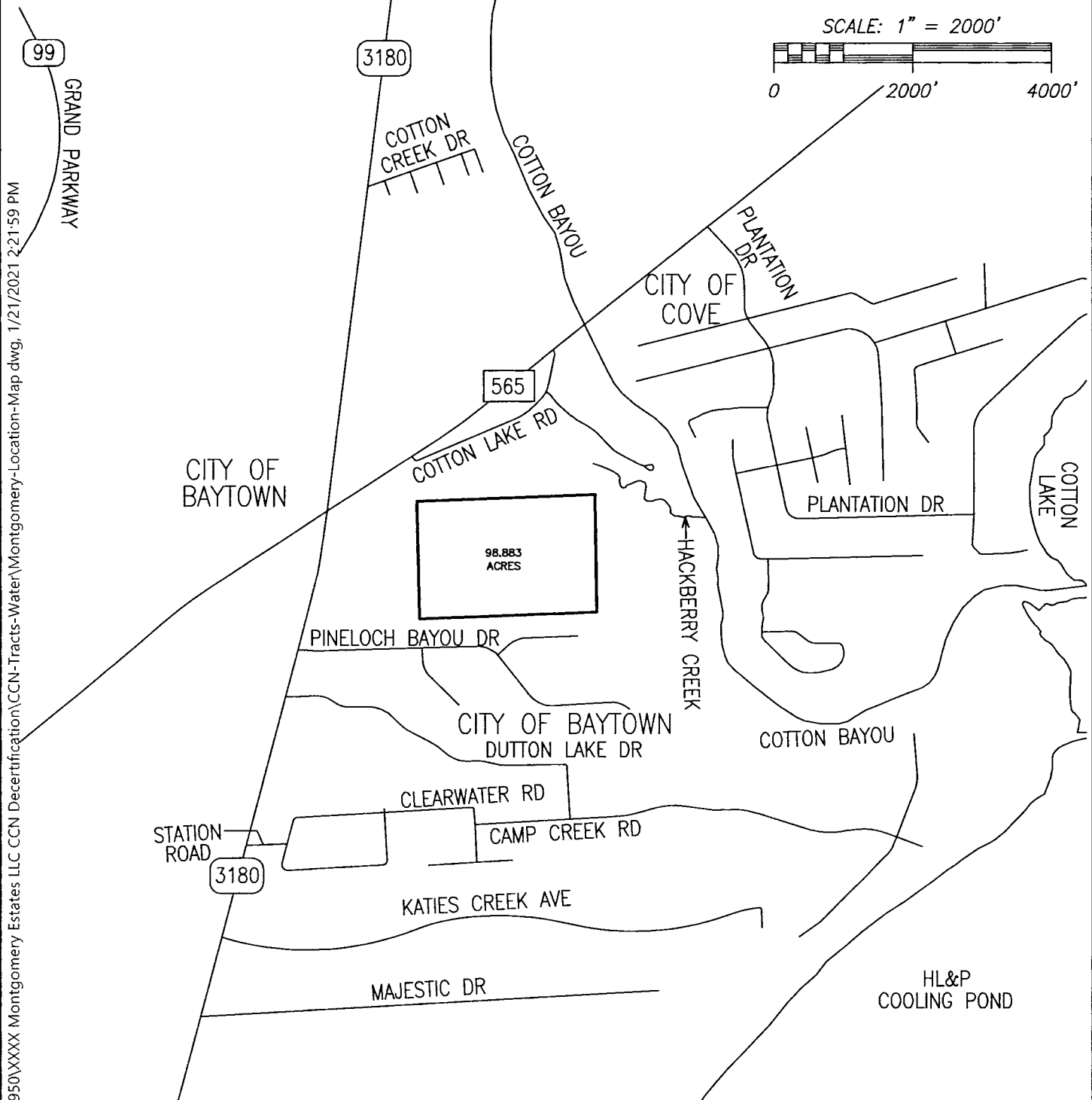
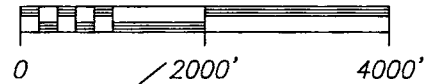
Exhibit B

Maps and Electronic Data

LOCATION MAP
MONTGOMERY ESTATES LLC TRACTS
98.883 ACRES WITHIN CC WATER WORKS INC
CCN 13038 IN CHAMBERS COUNTY, TEXAS



SCALE: 1" = 2000'



DATE: JANUARY 21, 2021

SCALE: 1" = 2000'

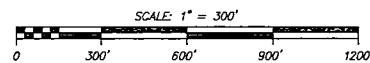
RJ SURVEYING & ASSOCIATES, INC.

2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664

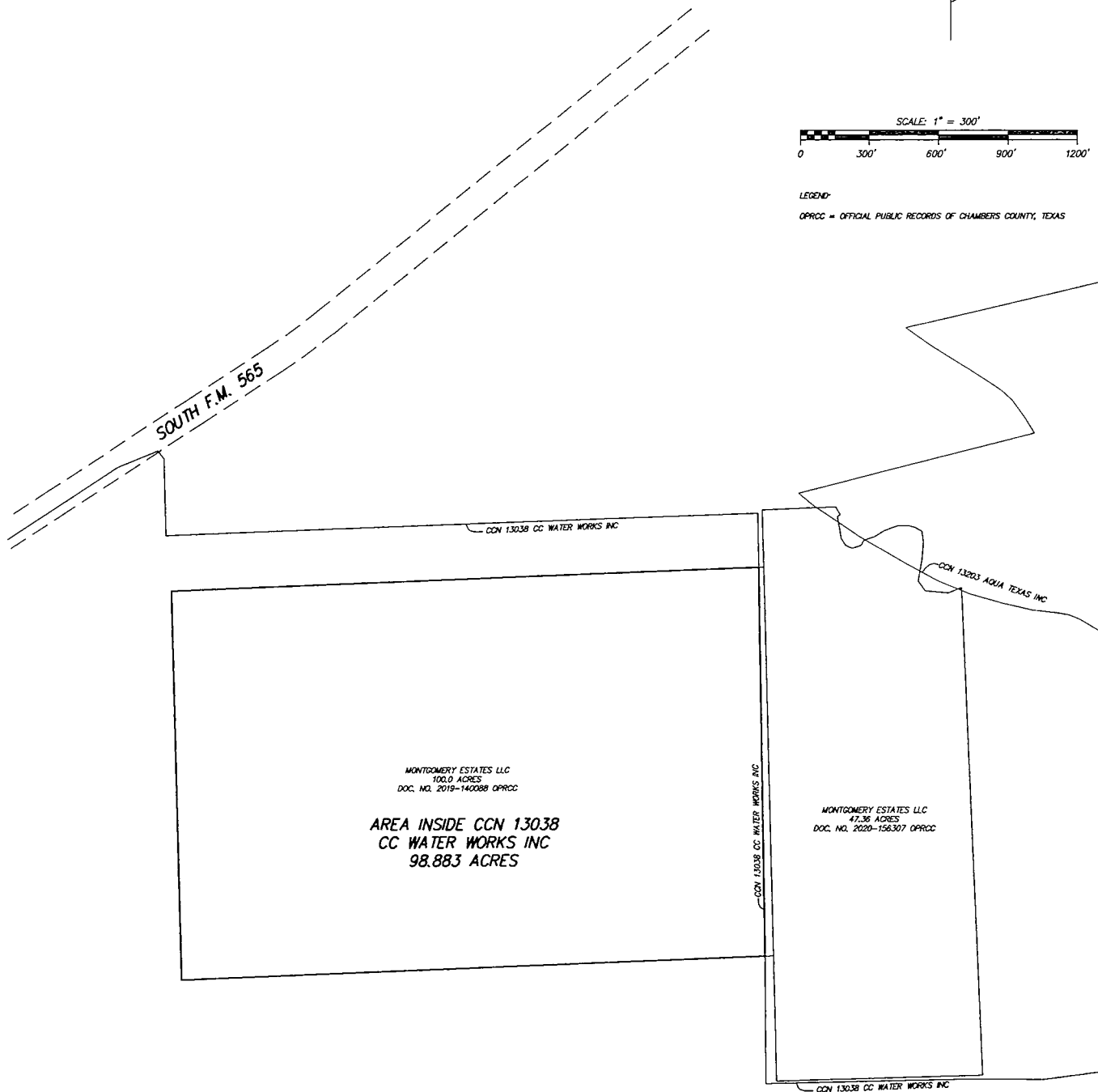
F-10015400 (512) 836-4793 FAX: (512) 836-4817

S:\CIVIL 3D 2901-2950\XXXX Montgomery Estates LLC CCN Decertification\CCN-Tracts-Water\Montgomery-Location-Map.dwg, 1/21/2021 2:21:59 PM

MONTGOMERY ESTATES LLC TRACTS
98.883 ACRES WITHIN
CC WATER WORKS INC CCN 13038
IN CHAMBERS COUNTY, TEXAS



LEGEND:
OPRCC = OFFICIAL PUBLIC RECORDS OF CHAMBERS COUNTY, TEXAS



DATE: JANUARY 21, 2021 SCALE: 1" = 300'

RANDALL JONES & ASSOCIATES ENGINEERING, INC.
2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664
(512) 836-4793 FAX: (512) 836-4817 F-9784

RJ SURVEYING & ASSOCIATES, INC.
2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664
(512) 836-4793 FAX: (512) 836-4817

SHEET 1 OF 1 SHEETS

F-10015400

Exhibit C

U.S. Postal Service Certified Mail Receipt

CD ATTACHED

**TO VIEW PLEASE CONTACT
CENTRAL RECORDS
512-936-7180**

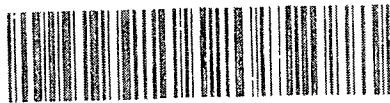
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 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*, attach PS Form 3811 to your mailpiece, for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signer to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signer to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, attach it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

PS Form 3800, April

USPS TRACKING #



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Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box.®

Lloyd Gosselink
Attn: Christina Thompson
816 Congress Avenue, Suite 1900
Austin, Texas 78701

4236-0 Petition

Exhibit D

Notarized Affidavit of Iqbal “John” Khowaja

PUC DOCKET NO. _____

PETITION OF MONTGOMERY
ESTATES, LLC TO AMEND C C
WATER WORKS, INC.'S WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY NO. 13038 IN
CHAMBERS COUNTY BY
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RELEASE UNDER TEXAS WATER
CODE § 13.2541 AND 16 TAC
§ 24.245(h)

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BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS

AFFIDAVIT OF IQBAL "JOHN" KHOWAJA

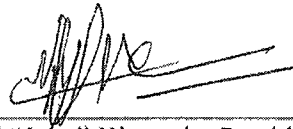
On this day, appeared before me, the undersigned notary public, Iqbal "John" Khowaja, President of Montgomery Estates, LLC ("*Montgomery Estates*"), a Texas limited liability company, and after I administered an oath to him, upon his oath, he said:

"My name is Iqbal "John" Khowaja. I am the President of Montgomery Estates. I am more than twenty-one (21) years of age and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. Montgomery Estates owns a 100-acre tract of land in Chambers County, Texas (the "*Tract*").
2. A copy of the deed demonstrating ownership of the Tract by Montgomery Estates is included as **Exhibit A** of that certain Petition of Montgomery Estates, LLC to Amend C C Water Works Inc.'s Water Certificate of Convenience and Necessity No. 13038 in Chambers County by Streamlined Expedited Release (the "*Petition*").
3. The Petition is being submitted under Texas Water Code § 13.2541 and 16 Texas Administrative Code § 24.245(h).
4. Under the Petition, Montgomery Estates seeks streamlined expedited release of those portions of the Tract located within water Certificate of Convenience and Necessity ("*CCN*") No. 13038, held by C C Water Works, Inc. ("*C C Water Works*"), collectively containing 98.883 acres (the "*Release Tract*").
5. Attached as **Exhibit B** to the Petition are general-location and detailed maps as well as a cd-rom containing digital mapping data in a shapefile format, including a single,

continuous polygon record, which depict the Release Tract and demonstrate that it is at least 25 acres in size and located within the C C Water Works CCN in Chambers County, Texas.

6. The Release Tract has never received retail water service from C C Water Works.
 7. The Release Tract is not currently receiving retail water service from C C Water Works.
 8. Montgomery Estates has never requested that C C Water Works provide water service to the Release Tract.
 9. Montgomery Estates has no contracts with C C Water Works for the provision of water service to the Release Tract.
 10. Montgomery Estates has not received any bills from C C Water Works for water service to the Release Tract.
 11. Attached as **Exhibit C** to the Petition, as proof that a copy of the Petition was mailed to C C Water Works via certified mail on the same day I submitted the Petition with the Public Utility Commission of Texas, is a U.S. Postal Service Certified Mail Receipt.”
- FURTHER AFFIANT SAYETH NOT.



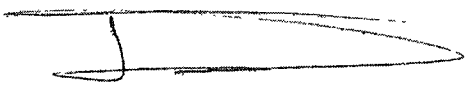
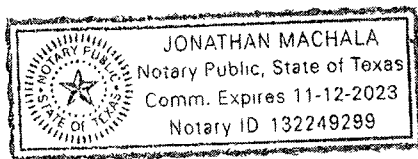
Iqbal "John" Khowaja, President
Montgomery Estates, LLC

STATE OF TEXAS

§
§
§

COUNTY OF Chambers

Sworn to and subscribed before me the undersigned authority on this the 16th day
of March, 2021.



Notary Public, State of Texas