



Control Number: 51933



Item Number: 8

Addendum StartPage: 0

PUC DOCKET NO. 51933

2021 MAY 26 PM 2:53

**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)**

§
§
§
§
§
§
§
§
§
§

**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

MONTGOMERY ESTATES, LLC's SUPPLEMENT TO PETITION

COMES NOW, Montgomery Estates, LLC (Petitioner), by and through its undersigned attorneys of record, and hereby files this Supplement to Petition (Supplement). In support thereof, Petitioner would respectfully show as follows:

I. BACKGROUND

On March 24, 2021, Petitioner filed its Petition to Amend CC Water Works, Inc.'s (CC Water Works) Water Certificate of Convenience and Necessity (CCN) in Chambers County by Streamlined Expedited Release Under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h) (the Petition) with the Public Utility Commission of Texas (the Commission). On April 26, 2021, Commission Staff filed their Recommendation on Administrative Completeness and Notice, and on April 28, 2021 the Administrative Law Judge issued Order No. 2 finding the Petition administratively incomplete and giving a deadline of May 26, 2021 for Petitioner to cure the deficiencies listed in Staff's memorandum dated April 26, 2021. Therefore, this pleading is filed timely.

II. SUPPLEMENTAL MATERIALS

In Commission Staff's April 26th Recommendation on Administrative Completeness and Notice (and accompanying Staff memorandum), they contended that the Petition had mapping



deficiencies because (i) the general location and detailed maps identified boundaries other than the subject property's outer boundaries and (ii) the digital mapping data was not provided in a useable, projected, polygon shapefile format. Commission Staff have requested revised general location and detailed maps, digital mapping data in shapefile format, and a metes and bounds survey of the entire subject property sealed or embossed by a licensed state surveyor or a registered professional land surveyor. Petitioner has since worked with Commission Staff to address these alleged deficiencies and provides the following responses to Commission Staff's April 26, 2021 Recommendation on Administrative Completeness and Notice (and corresponding Staff Memorandum), providing the additional information and attachments contained herein as a supplement to the Application:

- General Location Map. In response to the first request in Commission Staff's Memorandum, Petitioner provides a map depicting the general location of only the requested service area, a copy of which is attached hereto as Exhibit A.
- Detailed Map. In response to the second request in Commission Staff's Memorandum, Petitioner provides a map depicting only the requested service area in reference to verifiable man-made and natural landmarks, a copy of which is attached hereto as Exhibit B.
- Digital Mapping Data. In response to the third request in Commission Staff's Memorandum, Petitioner provides digital mapping data in shapefile format, a copy of which is attached hereto in a CD-ROM as Exhibit C.
- Metes and Bounds Survey. 16 TAC § 24.245(k)(1)(C) requires that a petition for streamlined, expedited CCN decertification include one of the following: a metes and bounds survey sealed or embossed by either a licensed state land surveyor or a registered

professional land surveyor, a recorded plat, or digital mapping data in shapefile format. Through this Supplement, Petitioner will have met the requirements of this Commission rule with the requisite digital mapping data in Exhibit C, and therefore, according to 16 TAC § 24.245(k)(1)(C), a metes and bounds survey is optional. As a courtesy, however, Petitioner is also providing a metes a bounds survey of the entire subject property that it believes is accurate for Commission Staff's convenience, a copy of which is attached hereto as Exhibit D.

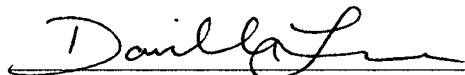
III. CONCLUSION

For these reasons, Petitioner, Montgomery Estates, LLC, respectfully requests that the Commission grant its Petition and all other and further relief to which it may be entitled.

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**

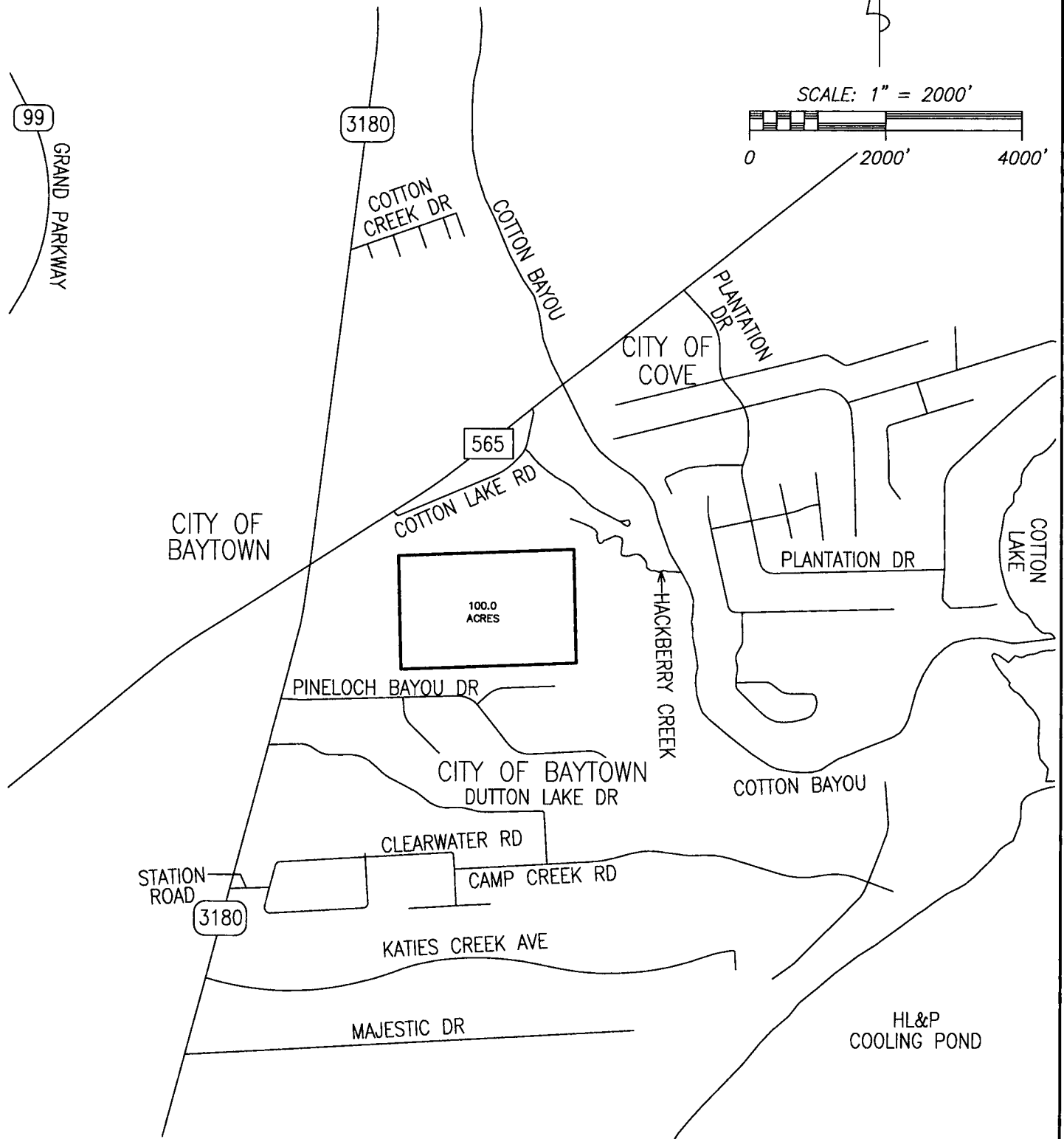
CERTIFICATE OF SERVICE

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 26th day of May, 2021 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.


Danielle Lam

Exhibit A
General Location Map

LOCATION MAP
MONTGOMERY ESTATES LLC TRACTS
100.0 ACRES IN CHAMBERS COUNTY, TEXAS



DATE: MAY 20, 2021

SCALE: 1" = 2000'

RJ SURVEYING & ASSOCIATES, INC.

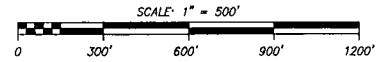
2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664

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

Exhibit B

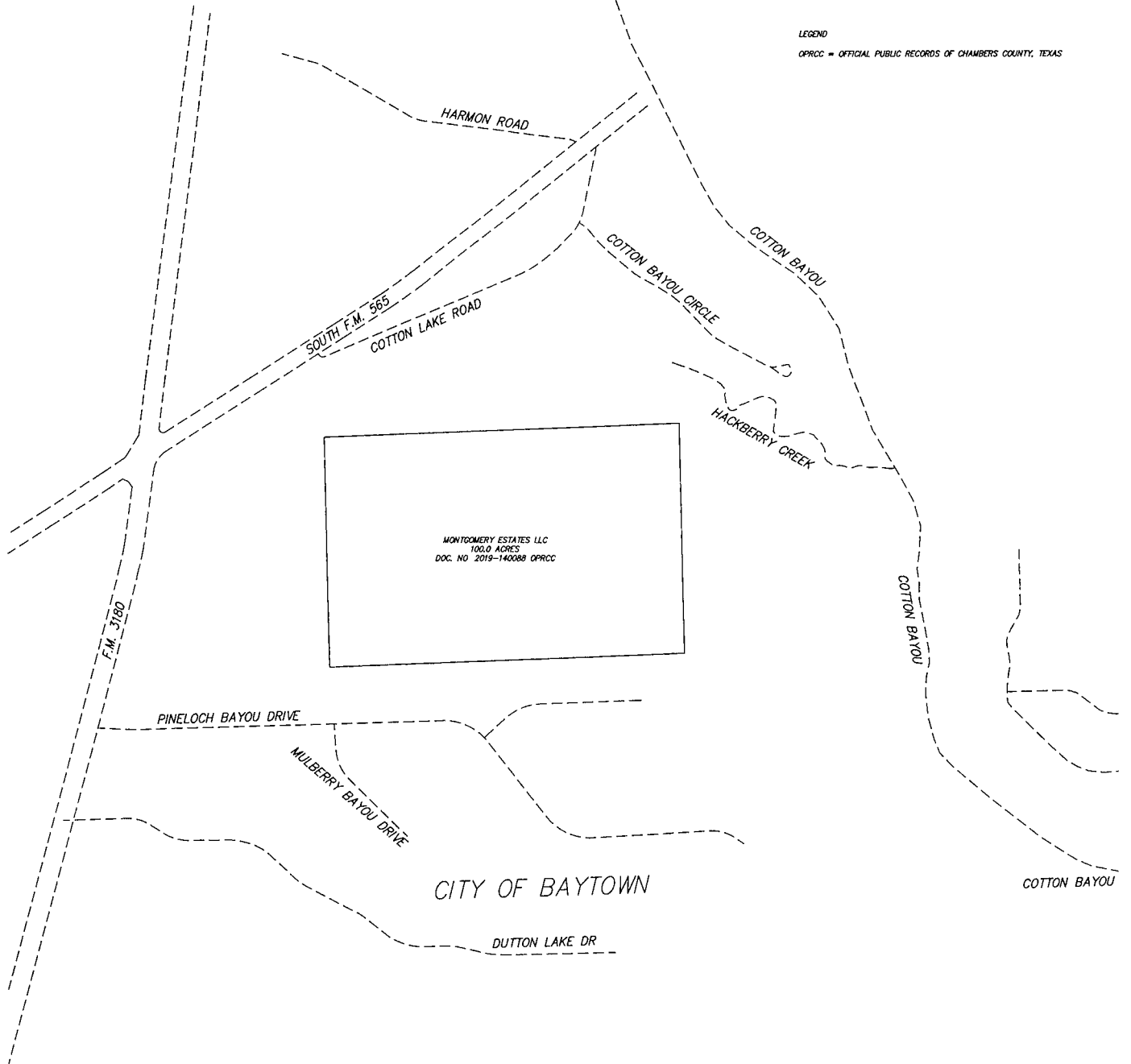
Detailed Map

MONTGOMERY ESTATES LLC TRACTS
100.0 ACRES
IN CHAMBERS COUNTY, TEXAS



LEGEND

OPRCC = OFFICIAL PUBLIC RECORDS OF CHAMBERS COUNTY, TEXAS



DATE: MAY 20, 2021

SCALE: 1" = 500'

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

F-10015400

SHEET 1 OF 1 SHEETS

Exhibit C

Digital Mapping Data

PUC DOCKET NO. 51933

Petition of Montgomery Estates, LLC to Amend
CC Water Works, Inc.'s Water CCN No. 13038 in Chambers
County by Streamlined Expedited Release Under Texas Water
Code § 13.2541 and 16 TAC § 24.245(h)

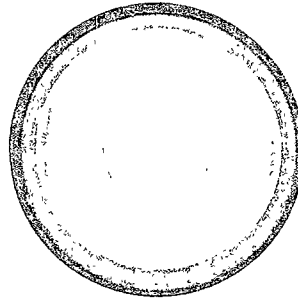


Exhibit C to Montgomery Estates, LLC's
Supplement to Petition
May 26, 2021

Exhibit D
Metes and Bounds Survey

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.

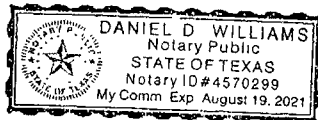

WYNONA MARIE MONTGOMERY



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.



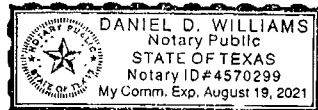


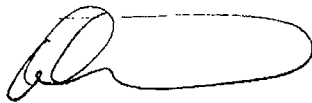
Notary Public, State of Texas

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 Jambert 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

