



Control Number: 52090



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. 52090

RECEIVED

PETITION BY REDBIRD §  
DEVELOPMENT, LLC FOR §  
EXPEDITED RELEASE §  
FROM WATER CCN NO. 11052 §  
HELD BY DOBBIN PLANTERSVILLE §  
WATER SUPPLY CORPORATION §

BEFORE THE 2021 MAY -6 AM 10:53

PUBLIC UTILITY COMMISSION  
OF TEXAS

**PETITION BY REDBIRD DEVELOPMENT, LLC FOR EXPEDITED  
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Redbird Development, LLC (Redbird or Petitioner) and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from Dobbin Plantersville Water Supply Corporation (Dobbin Plantersville WSC) water certificate of convenience and necessity (CCN) No. 11052, pursuant to Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245 found at and, in support thereof, would respectfully show the following:

**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 is not receiving water or sewer service may petition for expedited release of the area from a CCN. Tex. Water Code § 13.2541(b). 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.” *Id.* The PUC rule provides the same, and it recognizes that Montgomery County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TAC § 24.245(h). Under Section

13.2541(c), the PUC “shall grant the petition not later than the 60th day after the date the landowner files the petition.”

## **II. REQUEST FOR EXPEDITED RELEASE**

Petitioner owns 388.4992 acres of contiguous property in Montgomery County, Texas (Property).<sup>1</sup> Most of the Property is within the boundaries of water CCN No. 11052 held by Dobbin Plantersville WSC.<sup>2</sup> The Property does not receive water service from Dobbin Plantersville or from any other water provider. An affidavit in support of this Petition is attached hereto as **Exhibit A**. Maps showing the locations of the Property, along with the digital data, are attached hereto as **Exhibit B**. The deed showing the ownership of the Property is attached hereto as **Exhibit C**. A copy of this Petition has been mailed to Dobbin Plantersville via certified mail.

## **III. CONCLUSION AND PRAYER**

Texas Water Code § 13.2541 entitles the Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water service from Dobbin Plantersville, and is within Montgomery County, Texas. Pursuant to Section 13.2541(c), the Petitioner respectfully requests that the PUC grant this Petition no later than the 60<sup>th</sup> day after the date of filing and issue an order releasing the Property from water CCN No. 11052.

Respectfully submitted,

Emily W. Rogers  
State Bar No. 24002863  
[erogers@bickerstaff.com](mailto:erogers@bickerstaff.com)

---

<sup>1</sup> The deed for the Property rounded the acreage amount to 388.5 acres.

<sup>2</sup> Please note that a small portion of the property overlaps with the CCN for the City of Montgomery. The Petitioner is not requesting to be released from the City of Montgomery’s CCN. Also note that a small piece of the Property is not located in any water service area.

Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expressway  
Building One, Suite 300  
Austin, TX 78746  
Telephone: (512) 472-8021  
Facsimile: (512) 320-5638

BY: Emily W. Rogers  
Emily W. Rogers

**CERTIFICATE OF SERVICE**

I hereby certify by my signature below that on the 6<sup>th</sup> day of May, 2021, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Dobbin Plantersville Water Supply Corporation, P.O. Box 127, Plantersville, TX, 77363.

Emily W. Rogers  
Emily W. Rogers

# **Exhibit A**

PUC DOCKET NO. \_\_\_\_\_

<b>PETITION BY REDBIRD</b>	<b>§</b>	<b>BEFORE THE</b>
<b>DEVELOPMENT, LLC FOR</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	
<b>FROM WATER CCN NO. 11052</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>HELD BY DOBBIN PLANTERSVILLE</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION</b>	<b>§</b>	<b>OF TEXAS</b>

**AFFIDAVIT OF PERRY SENN IN SUPPORT OF PETITION FOR EXPEDITED  
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS           §  
                                          §  
COUNTY OF HARRIS       §

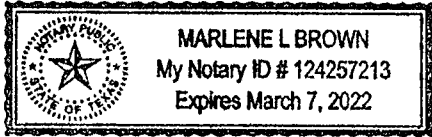
BEFORE ME, the undersigned notary, personally appeared Perry Senn, the affiant, a person who is known to me. After administering an oath, the affiant testified that:


1. “My name is Perry Senn. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.
2. I am the Manager of Redbird Development, LLC (Redbird), the Petitioner in the above-captioned matter. Redbird has authorized the filing of its Petition for Expedited Release from the Dobbin Plantersville Water Supply Corporation (Dobbin Plantersville WSC) pursuant to Texas Water Code § 13.2541.
3. Redbird owns approximately 388.5 acres of land, which is located within the boundaries of water Certificate of Convenience and Necessity No. 11052 issued to Dobbin Plantersville WSC Company. This property is located in Montgomery County, Texas. Exhibit B attached to Redbird’s Petition are true and correct copies of the maps identifying the property’s location. Exhibit C attached to Redbird’s Petition are true and correct copy of the deed demonstrating ownership of the property.
4. The property in question is not receiving water service from Dobbin Plantersville WSC or any other water provider.
5. I request that the Public Utility Commission on Texas release this property from water CCN No. 11052.”

FURTHER AFFIANT SAYETH NOT.

  
Perry Senn

SWORN AND SUBSCRIBED TO BEFORE ME by Perry Senn on  
May 3, 2021.



  
Notary Public State of Texas

# **Exhibit B**



**OLD DOBBIN PLANTERSVILLE**

Old Dobbin Plantersville Road

**SUNNYFIELD FARM**

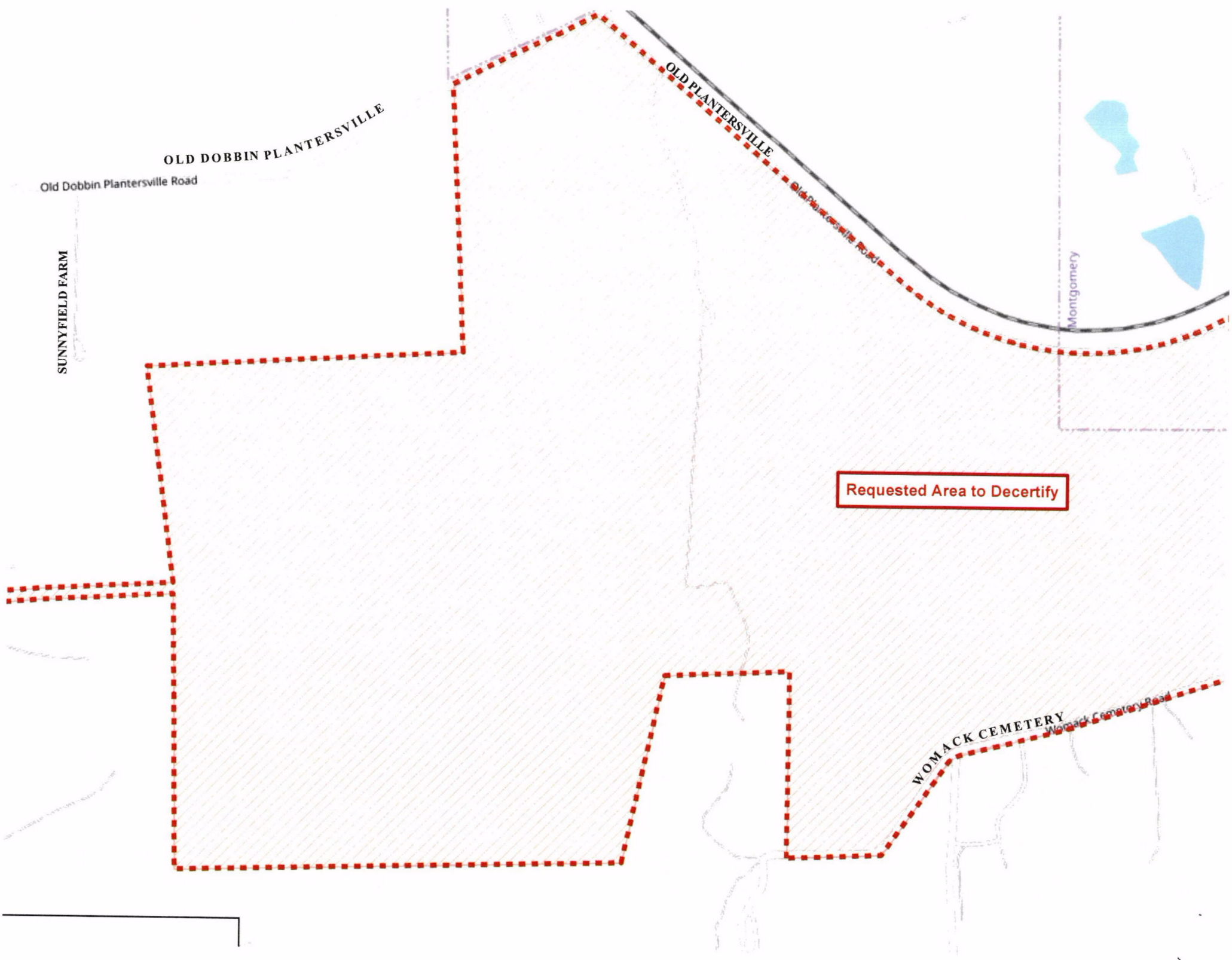
**OLD PLANTERSVILLE**

Montgomery

**Requested Area to Decertify**

**WOMACK CEMETERY**

Womack Cemetery Road





# **Exhibit C**





Michael Kammerer  
MICHAEL J. KAMMERER

Judith L. Kammerer  
JUDITH L. KAMMERER

ACCEPTED BY GRANTEE:

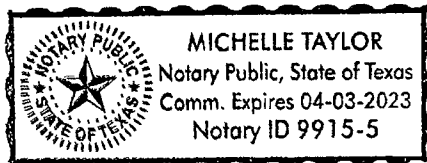
REDBIRD DEVELOPMENT, LLC  
a Texas limited liability company

By: [Signature]  
Name: Nancy Seew  
Title: Manager

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 14 day of April, 2021, by MICHAEL J. KAMMERER and spouse, JUDITH L. KAMMERER.

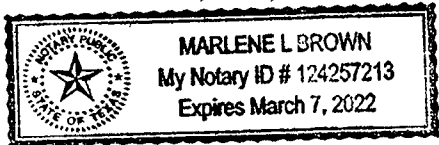


[Signature]  
Notary Public, State of Texas

STATE OF TEXAS §

HARRIS  
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 14<sup>th</sup> day of April, 2021, by REDBIRD DEVELOPMENT, LLC, a Texas limited liability company, in the capacity herein stated.



[Signature]  
Notary Public, State of Texas

After recording return to:  
REDBIRD DEVELOPMENT, LLC,  
a Texas limited liability company  
5910 FM 2920 Road, Suite B  
Spring, Texas 77388

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

A **METES & BOUNDS** description of a certain 388.5 acre (16,923,690 square feet) tract of land situated in the Zachariah Landrum Survey, Abstract No. 22, in Montgomery County, Texas, being a portion of the remainder of a called 454.2890 acre tract conveyed to Michael J. Kammerer and spouse, Judith L. Kammerer, by deed recorded in Clerk's File No. 9401426, Montgomery County Official Public Records of Real Property; said 388.5 acre (16,923,690 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, Central Zone, NAD 83, 2001 Adjustment:

**COMMENCING** at a 5/8-inch iron rod found on a south line of the remainder of said called 454.2890 acre tract, being the northwest corner of a called 49.956 acre tract conveyed to Scott T. Kammerer and wife, Kimberly K. Kammerer, by deed recorded in Clerk's File No. 2006-111859, Montgomery County Official Public Records of Real Property, also being the northeast corner of a called 251.96 acre tract conveyed to Steven L. Havens by deed recorded in Clerk's File No. 9403259, Montgomery County Official Public Records of Real Property,

THENCE, South 88°19'34" West, along said south line of the remainder of said called 454.2890 acre tract and the north line of said called 251.96 acre tract, a distance of 151.98 feet to a 5/8-inch iron rod (with cap) found, being the **POINT OF BEGINNING** of the herein described tract;

THENCE, South 88°19'34" West, continuing along said south line of the remainder of said called 454.2890 acre tract and the north line of said called 251.96 acre tract, 2,414.45 feet to a fence post found, being the southeast corner of a called 29.510 acre tract conveyed to Eco World Construction LLC by deed recorded in Clerk's File No. 2017075464, Montgomery County Official Public Records;

THENCE, North 01°03'09" West, along the east line of said called 29.510 acre tract, 936.63 feet to a 1/2-inch iron rod (with cap) found, being the northeast corner of said called 29.510 acre tract, also being the southeast corner of a called 18.285 acre tract conveyed to Cullan Morris Cotton and spouse, Angela Carolyn Cotton, by deed recorded in Clerk's File No. 2013123600, Montgomery County Official Public Records,

THENCE, North 01°18'35" West, along the east line of said called 18.285 acre tract, 538.33 feet to a 1/2-inch iron rod (with cap) found;

THENCE, along the north line of said called 18.285 acre tract, the following two (2) courses and distances:

1. South 86°44'07" West, 713.98 feet to a 5/8-inch iron rod (with cap stamped Manhard) set,
2. South 84°52'41" West, 788.26 feet to a mag nail in asphalt set in the approximate centerline of Spring Branch Road;

THENCE, North 07°58'17" West, along said approximate centerline of Spring Branch Road, 60.07 feet to a mag nail in asphalt set for a northwest corner of the remainder of said called 454.2890 acre tract;

THENCE, North 84°52'41" East, along a north line of the remainder of said called 454.2890 acre tract, at a distance of 53.58 feet passing a 5/8-inch iron rod found for the southwest corner of a called 5.74 acre tract conveyed to Ty Russell by deed recorded in Clerk's File No. 2002-029580, Montgomery County Official Public Records of Real Property, in all a distance of 792.22 feet to a 1-inch iron pipe found, being the southeast corner of said called 5.74 acre tract, also being the southwest corner of a called 14.929 acre tract conveyed to Carl M. Wilson, Jr. by deed recorded in Clerk's File No. 2012019241, Montgomery County Official Public Records;

THENCE, North 86°44'07" East, continuing along said north line of the remainder of said called 454.2890 acre tract and along the south line of said called 14.929 acre tract, 717.13 feet to a 1/2-inch iron rod (with cap) found, being the southeast corner of said called 14.929 acre tract;

THENCE, North 07°47'11" West, along a west line of the remainder of said called 454.2890 acre tract, 1,165.08 feet to a 5/8-inch iron rod (with cap stamped Manhard) set, being the southwest corner of a called 44.201 acre tract conveyed to Promocon USA LLC by deed recorded in Clerk's File No. 2019008141, Montgomery County Official Public Records,

THENCE, North 86°39'25" East, along a north line of the remainder of said called 454.2890 acre tract and the south line of said called 44.201 acre tract, 1,710.81 feet to a 1-inch iron pipe found, being the southeast corner of said called 44.201 acre tract;

THENCE, North 03°01'49" West, along a west line of the remainder of said called 454.2890 acre tract and the east line of said called 44.201 acre tract, at a distance of 1,403.16 feet passing a 5/8-inch iron rod found for the northeast corner of said called 44.201 acre tract, in all a distance of 1,436.78 feet to a mag nail in asphalt set in the approximate centerline of Old Dobbin Road;

THENCE, along the approximate centerline of said Old Dobbin Road, the following three (3) courses and distances:

1. North 63°02'56" East, 319.69 feet to a mag nail in asphalt set;
2. North 65°05'57" East, 303.42 feet to a mag nail in asphalt set;
3. North 62°20'23" East, 242.77 feet to a mag nail in asphalt set in the approximate centerline of Old Plantersville Road;

THENCE, along said approximate centerline of Old Plantersville Road, the following five (5) courses and distances:

1. South 50°02'03" East, 484.20 feet to a mag nail in asphalt set;
2. South 49°34'13" East, 603.77 feet to a mag nail in asphalt set;
3. South 49°43'52" East, 594.81 feet to a mag nail in asphalt set;



the left;

5. Along said curve to the left in an easterly direction, with a radius of 1,540.00 feet, a central angle of 70°15'24", an arc length of 1,888.37 feet, and a chord bearing of South 84°56'56" East, 1,772.26 feet to a mag nail in asphalt set;

THENCE, South 03°00'07" East, along the east right-of-way line of Womack Cemetery Road, at a distance of 898.45 feet passing a 5/8-inch iron rod found, being the southwest corner of a called 9.35 acre tract conveyed to Donald Davis and Sharon Davis, by deed recorded in Clerk's File No. 2014059226, Montgomery County Official Public Records, also being the northwest corner of a called 3.000 acre tract (Tract Two) conveyed to Edward R. Lofton and wife, Marian Lofton, by deed recorded in Clerk's File No. 9513228, Montgomery County Official Public Records of Real Property, at a distance of 1,138.56 feet passing a 5/8-inch iron rod found, being the southwest corner of said called 3.000 acre tract (Tract Two), also being the northwest corner of a called 3.000 acre tract conveyed to James Edward Thrower, III and Tanya Thrower, a married couple, by deed recorded in Clerk's File No. 2018030495, Montgomery County Official Public Records, at a distance of 1,398.43 feet passing a 5/8-inch iron rod found, being the southwest corner of a called 7.544 acre tract (Tract One) conveyed to Edward R. Lofton and wife, Marian Lofton, by said deed recorded in Clerk's File No. 9513228, Montgomery County Official Public Records of Real Property, also being the northwest corner of a 20 foot wide (called 0.695 acre) ingress/egress easement (Tract Two) conveyed to David Solomon by deed recorded in Clerk's File No. 2020115162, Montgomery County Official Public Records, in all a distance of 1,913.12 feet to a 1/2-inch iron rod found, being on the west line of a called 10.758 acre tract conveyed to Ford Hal Bazar by deed recorded in Clerk's File No. 2001-040245, Montgomery County Official Public Records of Real Property, also being the northeast corner of a called 18.43 acre tract conveyed to Van Stovall and Jeanne Stovall by deed recorded in Clerk's File No. 99050272, Montgomery County Official Public Records of Real Property, also being on the south right-of-way line of Womack Cemetery Road;

THENCE, along said south right-of-way line of Womack Cemetery Road, the following six (6) courses and distances:

1. South 71°44'11" West, 497.65 feet to a 5/8-inch iron rod (with cap stamped Manhard) set, being the northwest corner of said called 18.43 acre tract, also being the northeast corner of a called 8.0793 acre tract conveyed to Samuel Schefer and Tanya Scheler, husband and wife, by deed recorded in Clerk's File No. 2013100439, Montgomery County Official Public Records;

2. South 71°58'44" West, along the north line of said called 8.0793 acre tract and the north line of a called 9.434 acre tract conveyed to Micah D. Tomlinson and spouse, Diane Tomlinson, by deed recorded in Clerk's File No. 2006-009043, Montgomery County Official Public Records of Real Property, 493.64 feet to a 5/8-inch iron rod (with cap stamped Manhard) set on the north line of said called 9.434 acre tract;

3. South 75°35'39" West, along the north line of said called 9.434 acre tract and the north line of a called 15.1045 acre tract conveyed to Lester W. Gallatin and Cynthia J. Gallatin, husband and wife, by deed recorded in Clerk's File No. 2003-152894, Montgomery County Official Public Records of Real Property, at a distance of 431.76 feet passing a 5/8-inch iron rod found, in all a distance of 604.23 feet to a 1/2-inch iron rod found, being the northwest corner of said called 15.1045 acre tract;

4. South 55°21'52" West, 55.10 feet to a 1/2-inch iron pipe found, being the north corner of a called 2.221 acre tract conveyed to 11845 Womack Cemetery Road Joint Venture by deed recorded in Clerk's File No. 2018057068, Montgomery County Official Public Records,

5. South 35°03'48" West, 625.59 feet to a 1-inch iron pipe found, being the southwest corner of said called 2.221 acre tract, being on the north line of said called 49.956 acre tract;

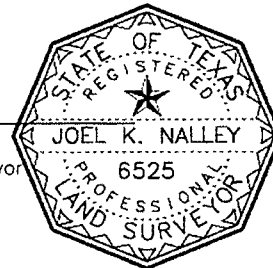
6. South 87°25'18" West, along the north line of said called 49.956 acre tract, a distance of 512.09 feet to a 5/8-inch iron rod (with cap) found,

THENCE, over and across the remainder of said called 454.2890 acre tract, the following three (3) courses and distances.

1. North 00°05'49" East, 998.33 feet to a 5/8-inch iron rod (with cap) found;
2. South 87°23'22" West, 677.53 feet to a 5/8-inch iron rod (with cap) found;
3. South 12°17'49" West, 1,028.95 feet to the POINT OF BEGINNING, CONTAINING 388.5 acres (16,923,690 square feet) of land in Montgomery County, Texas, filed in the offices of Manhard Consulting, Ltd. in The Woodlands, Texas.

Manhard Consulting, Ltd  
2445 Technology Forest Blvd, Suite #200  
The Woodlands, Texas 77381  
(832) 823-2200  
*Texas Board of Professional Engineers &  
Land Surveyors Firm Reg. No. 10194379*

  
Acting By/Through Joel K. Nalley  
Registered Professional Land Surveyor  
No. 6525  
jnalley@manhard.com



12 December 2020

A 30 foot roadway easement along the Westerly property boundary line, as granted to Montgomery County in instrument executed by C. E. Stanley, dated March 3, 1937, recorded in Volume 192, Page 141 of the Deed Records of Montgomery County, Texas, said roadway being subject to the rights of third parties in and to the use of same, and as shown by the survey dated December 12, 2020 by Joel K. Nalley, RPLS No. 6525, State of Texas.

Subject to that that portion of the subject property that lies within the boundaries of Spring Branch Road and Montgomery - Dobbin Road as as shown and as shown by the survey dated December 12, 2020 by Joel K. Nalley, RPLS No. 6525, State of Texas.

Right of Way Agreement and Easement dated May 6, 1970, granted to Diamond Shamrock Corporation as set forth in instrument recorded in Volume 709, page 353 of the Deed Records of Montgomery County, Texas and as shown by the survey dated December 12, 2020 by Joel K. Nalley, RPLS No. 6525, State of Texas..

Easement granted to Gulf States Utilities Company as set forth in instrument recorded in Volume 981, page 426 of the Deed Records of Montgomery County, Texas.

Blanket Easement granted to Dobbin-Plantersville Water Supply Corporation in instrument executed by J. V. Blacklock, Independent Executor of the C. E. Stanley Estate, dated July 23, 1981, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 8308895.

Blanket Easement granted to Mid-South Electric Cooperative, Inc., in instrument executed by Michael J. Kammerer, dated June 22, 1999, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 99076969.

Blanket Easement granted to Mid-South Electric Cooperative, Inc., in instrument executed by Michael J. Kammerer, dated July 20, 2000, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2000-068069.

Blanket Easement granted to Mid-South Electric Cooperative, Inc., in instrument executed by Michael J. Kammerer, dated May 24, 2001, recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2001-110343.

Easement granted to Texas Express Pipeline, LLC as set forth in instrument dated June 7, 2012, filed under Clerk's File No. 2012064928 of the Real Property Records of Montgomery County, Texas.

An undivided 1/2 of all oil, gas and other minerals of every character in and under the herein described property reserved by James V. Blacklock, Individually and as Trustee of the Lillian V. Stanley Great Grandchildren's Trust, et al, in instrument recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 9401426, reference to which instrument is here made for all purposes. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. The minerals so reserved being subject to Surface Use Agreement as set forth therein.

Terms, conditions and stipulations of that certain Affidavit regarding on-site wastewater treatment permits as set forth in instrument filed under Clerk's File No. 99076371 and 2000-080222 of the Real Property Records of Montgomery County, Texas.

Subject to any portion of the subject property that lies within Womack Cemetery (called Old Cemetery tract) as purported in Volume 94, page 637 of the Deed Records and Clerk's File No. 9401426 of the Real Property Records of Montgomery County, Texas. The approximate location is shown by the survey dated December 12, 2020 by Joel K. Nalley, RPLS No. 6525, State of Texas.

Any portion of subject property lying within the boundaries of Womack Cemetery Road or any public or private roadway whether dedicated or not, and subject to the rights of third parties in and to the use of same, as shown by the survey dated December 12, 2020 by Joel K. Nalley, RPLS No. 6525, State of Texas..

Subject property lies within the Dobbin-Plantersville water and sewer utility service area as evidenced by document filed under Clerk's File No. 2007-008577 of the Real Property Records of Montgomery County, Texas.

Terms, conditions and provisions of month to month cattle lease as reflected by the purchase contract.

Power poles and overhead power lines located on and crossing the subject property; gas pipelines crossing the property; fence encroachments and overlaps; guy anchors, various signs; telephone pedestals, water meters, iron storm pipe located on the property; subject to that portion of the property that lies within the boundaries of Old Dobbin Road, Old Plantersville Road and Womack Cemetery Road, and subject to the rights of third parties in and to use of same, as shown and reflected by the survey dated December 12, 2020 by Joel K. Nalley, RPLS No. 6525, State of Texas.

**E-FILED FOR RECORD**

04/15/2021 02:15PM

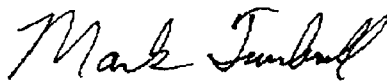


COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number  
sequence on the date and time stamped herein  
by me and was duly e-RECORDED in the Official Public  
Records of Montgomery County, Texas.

**04/15/2021**



County Clerk  
Montgomery County, Texas

OLD DOBBIN PLANTERSVILLE  
Old Dobbin Plantersville Road

SUNNYFIELD FARM

OLD PLANTERSVILLE

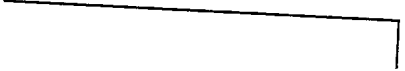
Old Plantersville Road

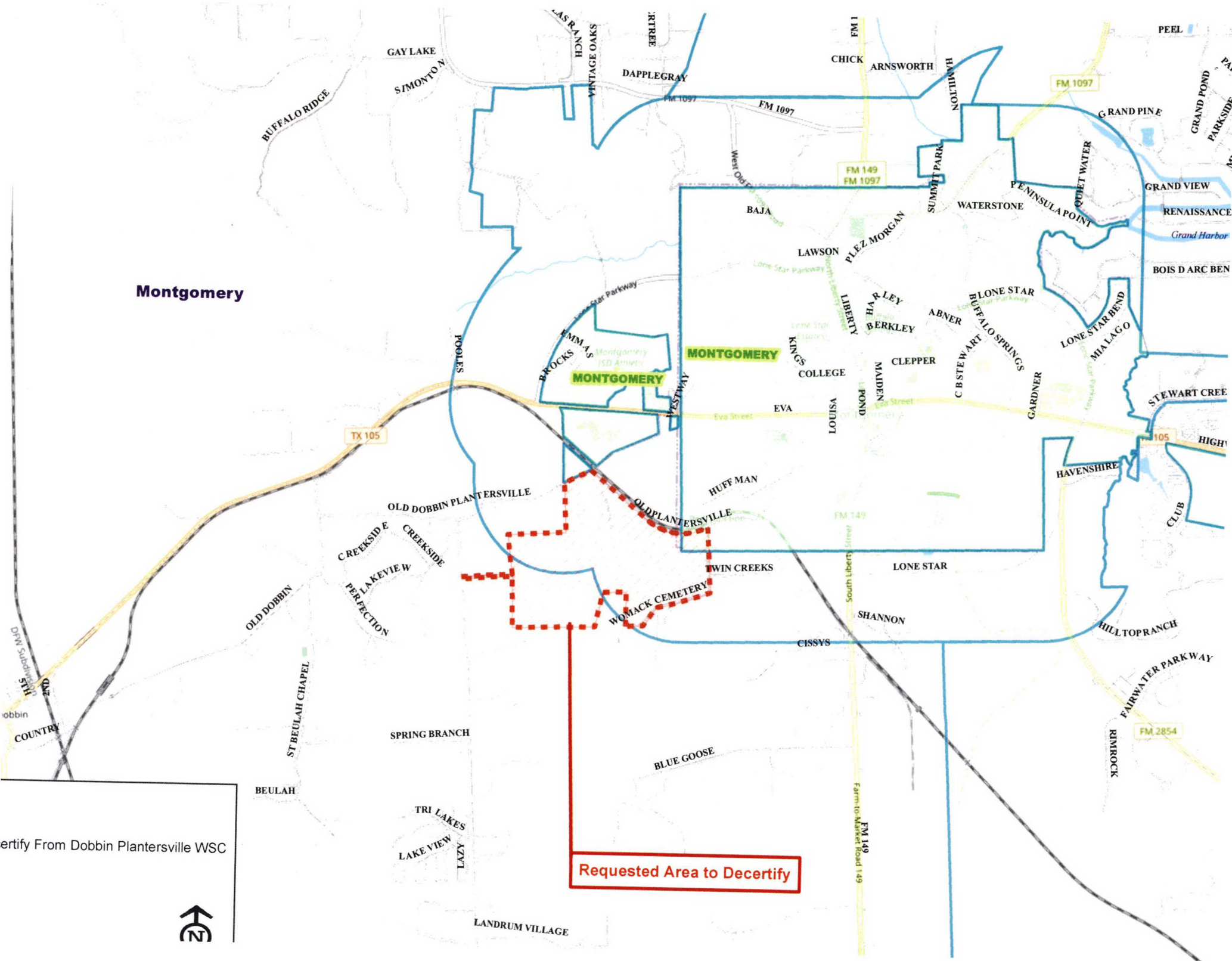
Montgomery

Requested Area to Decertify

WOMACK CEMETERY

Womack Cemetery Road





Montgomery

Requested Area to Decertify

Certify From Dobbin Plantersville WSC

