



Control Number: 52101



Item Number: 12

Addendum StartPage: 0

PUC DOCKET NO. 52101

FIRST AMENDED PETITION BY
CCD-NORTH SKY, LLC FOR EXPEDITED
RELEASE FROM WATER CCN NO. 10150
HELD BY MARILEE SPECIAL UTILITY
DISTRICT IN COLLIN COUNTY

§
§
§
§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

7881 111
-6 PM 2:51

**FIRST AMENDED PETITION BY CCD-NORTH SKY, LLC FOR
EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, CCD-North Sky, LLC, a Texas limited liability company (“Petitioner”), and files this First Amended Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Certificate of Convenience and Necessity (“CCN”) No. 10150, held by Marilee Special Utility District (“Marilee SUD”) pursuant to (i) Texas Water Code Section 13.2541; and (ii) Rule 24.245(h) of the PUC’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 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 same³, and Collin County is a county in which owners of at least 25 acres are entitled to expedited release because it is adjacent to Dallas County, which has a

¹ Tex. Water Code Ann. § 13.2541.

² *Id.*

³ 16 Tex. Admin. Code § 24.245(h).

population of at least one million. Under Section 13.2541(c), the PUC “shall grant a petition not later than the 60th day after the date the landowner files the petition.”⁴

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 220.04 acres of contiguous property in Collin County (the “Overall Property”). All of the Overall Property is within the boundaries of Water CCN No. 10150, held by Marilee SUD. Approximately 219.67 acres of the Overall Property (the “Property”) does not receive service from any water or sewer service provider. An Affidavit in support of this First Amended Petition is attached hereto as Exhibit “A.” A general location map and a detailed map of the Property are attached hereto as Exhibits “B-1” and “B-2.” Additional files containing polygon shapefiles of the Property will be submitted as separate files simultaneously with the filing of this First Amended Petition. A deed showing ownership of the Overall Property, which includes the Property, is attached hereto as Exhibit “C.” Additionally, Exhibits “D-1” and “D-2” attached to this First Amended Petition contain true and correct copies of a general location map and a detailed map identifying the Overall Property and its location. Additional files containing polygon shapefiles of the Overall Property will be submitted as separate files simultaneously with the filing of this First Amended Petition.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Collin County. Under Section 13.2541, the PUC should grant this First Amended Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this First Amended Petition and issue an order under the authority of

⁴ Tex. Water Code Ann. § 13.2541(c).

Section 13.2541 releasing all portions of the Property that are within the boundaries of water
CCN No. 10150 from CCN No. 10150.

Respectfully submitted,

COATS ROSE, P.C.

By: 

Joshua A. Bethke
State Bar No. 24105465
14755 Preston Road, Suite 600
Dallas, Texas 75254
Telephone: (972) 982-8454
Facsimile: (972) 702-0662
Email: jbethke@coatsrose.com

Natalie B. Scott
State Bar No. 24027970
Terrace 2
2700 Via Fortuna, Suite 350
Austin, Texas 78746
Telephone: (512) 469-7987
Facsimile: (512) 469-9408
Email: nscott@coatsrose.com

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2021, a true and correct copy of the First Amended Petition by CCD-North Sky, LLC was served on the following parties via electronic mail and by filing on the PUC Interchange System, in accordance with the Order Suspending Rules, issued in Project No. 50664.

Attorneys for Marilee Special Utility District:

John J. Carlton and Grayson E. McDaniel
The Carlton Law Firm, P.L.L.C.
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
Email: john@carltonlawaustin.com
Email: grayson@carltonlawaustin.com

Attorneys for PUC:

Rachelle Nicolette Robles, Division Director
Rashmin J. Asher, Managing Director

Courtney N. Dean
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Email: Courtney.dean@puc.texas.gov



Joshua A. Bethke Natalie B. Scott

EXHIBIT "A"
AFFIDAVIT

FIRST AMENDED PETITION BY	§	BEFORE THE
CCD-NORTH SKY, LLC FOR EXPEDITED	§	
RELEASE FROM WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**AFFIDAVIT IN SUPPORT OF FIRST AMENDED PETITION BY CCD-NORTH SKY,
 LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE
SECTION 13.2541**

STATE OF TEXAS §

COUNTY OF COLLIN §

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

1. "My name is Lawrence A. Corson. 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 Co-Manager of CCD-North Sky, LLC, a Texas limited liability company ("North Sky"), the Petitioner in the above-captioned matter. North Sky owns approximately 220.04 acres of land (the "Overall Property"), which is located within the boundaries of Water CCN No. 10150 issued to Marilee Special Utility District. North Sky seeks to have approximately 219.67 acres (the "Property"), located within the Overall Property, released from Water CCN No. 10150. The Property is located in Collin County, Texas, is over 25 acres in size, and consists of contiguous tracts of land. Exhibits "B-1" and "B-2" attached to this First Amended Petition contain true and correct copies of a general location map and a detailed map identifying the Property and its location. Additional files containing polygon shapefiles of the Property will be submitted as separate files simultaneously with the filing of this First Amended Petition. North Sky is the owner of the Overall Property, which includes the Property, as evidenced by the deed attached as Exhibit "C." Exhibits "D-1" and "D-2" attached to this Petition contain true and correct copies of a general location map and a detailed map identifying the Overall Property and its location. Additional files containing polygon shapefiles of the Overall Property will be submitted as separate files simultaneously with the filing of this Petition.

3. The Property is not receiving water service from Marilee Special Utility District or any other water service provider. North Sky has not requested water service from Marilee Special Utility District or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.

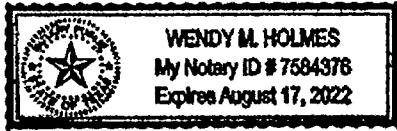
4. I request that the Public Utility Commission of Texas release this Property from Water CCN No. 10150."

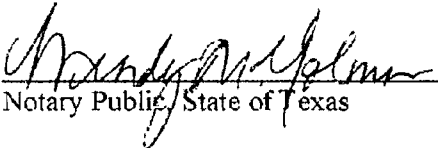
FURTHER AFFIANT SAYETH NOT.



Lawrence A. Corson

SWORN TO AND SUBSCRIBED TO BEFORE ME by Lawrence A. Corson on
July 6, 2021.

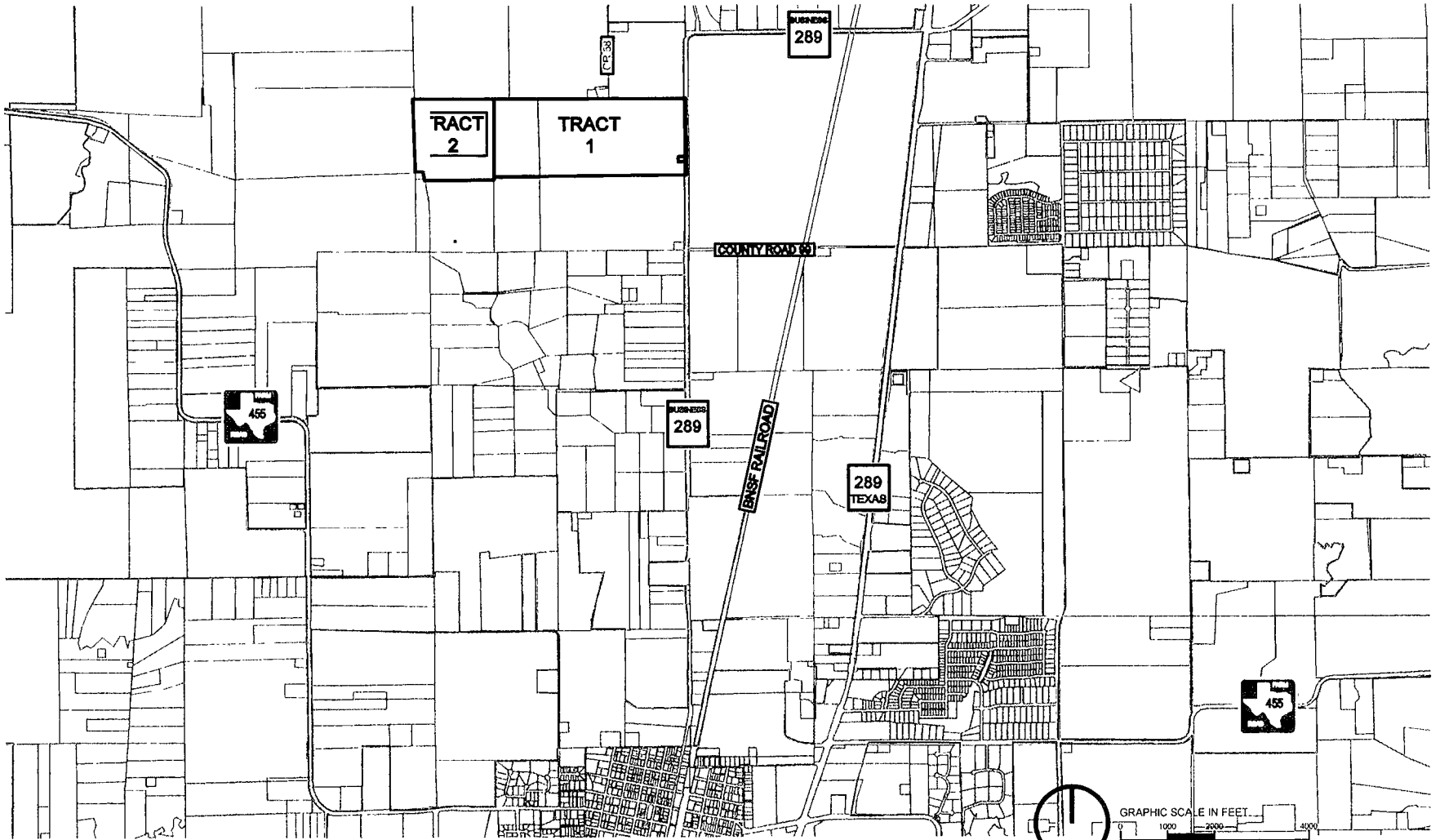




Notary Public, State of Texas

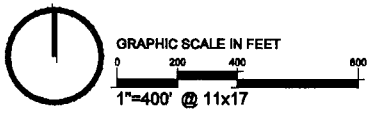
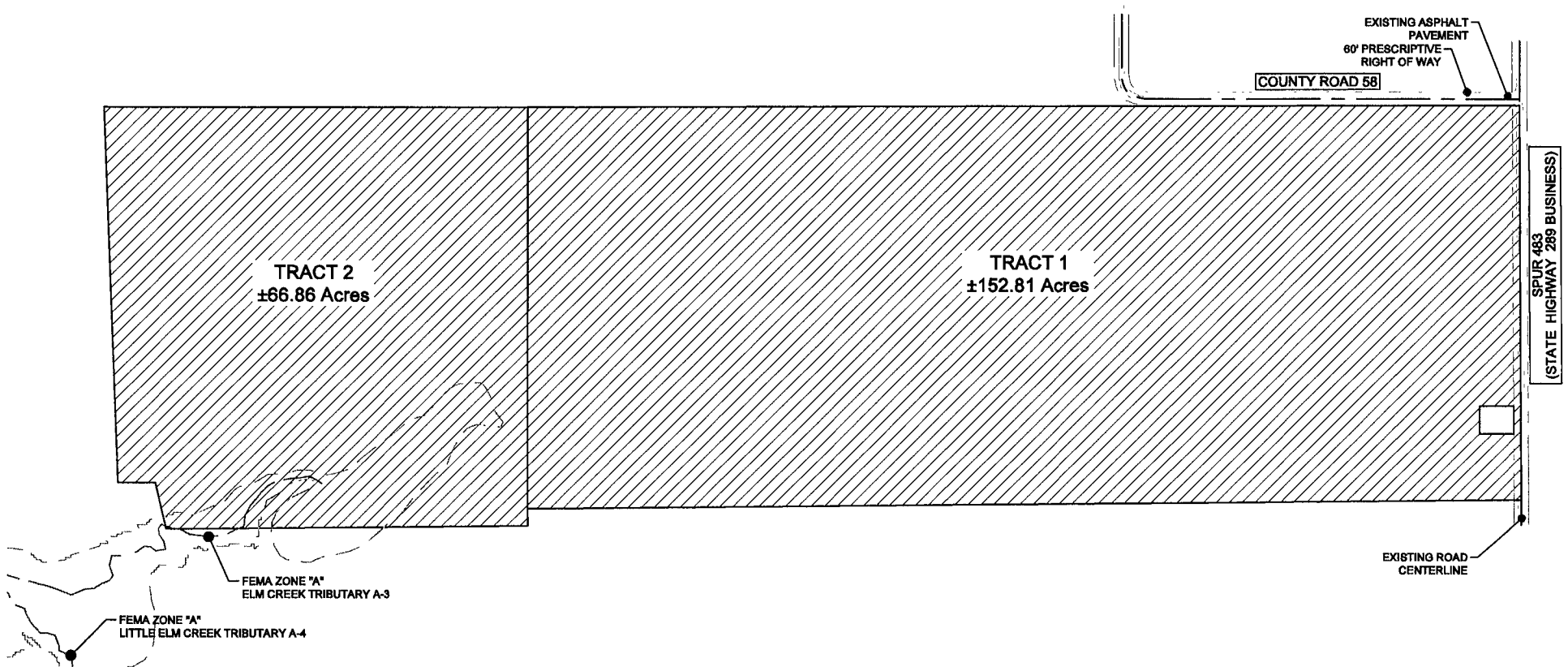
EXHIBIT "B-1"
GENERAL LOCATION MAP OF PROPERTY

DENTON COUNTY
COLLIN COUNTY



GENERAL MAP
North Sky Celina

EXHIBIT "B-2"
DETAILED MAP OF PROPERTY



DETAILED MAP

North Sky Celina

PORTION OF PROPERTY

EXHIBIT "C"

DEED

2018-329197

“NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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.”

SPECIAL WARRANTY DEED WITH VENDOR’S LIEN

STATE OF TEXAS §
COUNTY OF COLLIN § KNOW ALL PERSONS BY THESE PRESENTS:

THAT, PILATUS INVESTMENTS, LLC, a Texas limited liability company (“Grantor”) for and in consideration of the sum of *Ten and No/100 Dollars* (\$10.00) and other good and valuable consideration in hand paid by CCD – NORTH SKY, LLC, a Texas limited liability company (“Grantee”), and the further consideration of that certain promissory note (the “Note”) in the principal sum of *Three Million Two Hundred Thousand and No/100 Dollars* (\$3,200,000.00), payable to PILATUS INVESTMENTS, LLC, a Texas limited liability company (the “Lender”), as secured by the Vendor’s Lien herein, and as further secured by a Deed of Trust of even date to G. Randal Hullett, as Trustee the receipt and sufficiency of which is hereby acknowledged; has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee that certain real property located in Celina, Collin County, Texas, and being more particularly described in Exhibit A attached hereto and incorporated herein by this reference for all purposes, together with all and singular the improvements, buildings, structures and fixtures located thereon or attached thereto (the “Property”);

This conveyance is made and accepted subject to all those certain easements, covenants, restrictions and other matters more particularly described in Exhibit B attached hereto and incorporated herein by this reference for all purposes, to the extent that same are valid and subsisting and affect the Property (the “Permitted Exceptions”).

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the Property or any part thereof, by, through or under Grantor, but not otherwise; subject only, however, to the Permitted Exceptions.

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

Lender, at Grantee’s request, has paid in cash to Grantor, that portion of the purchase price of the Property as is evidenced by the Note. The first and superior vendor’s lien, against the Property.

TO THE EXTENT OF THAT PORTION OF THE PURCHASE PRICE EVIDENCED BY THE NOTE, are retained for the benefit of Lender and are TRANSFERRED AND ASSIGNED to Lender without recourse against Grantor, and Lender and its successors and assigns shall have the right to release said Vendor's Lien upon the payment of the Note.

EXECUTED effective as of the 24th day of March, 2021.

Pilatus Investments, LLC, a Texas limited liability company

By: *Van D. Nichols*
Van D. Nichols, President

STATE OF TEXAS §
§
COUNTY OF Collin §

This instrument was acknowledged before me on the 23rd day of March, 2021, by Van D. Nichols, President of Pilatus Investments, LLC, a Texas limited liability company, on its behalf.

Loretta Boddy
Notary Public, State of Texas

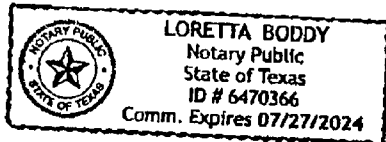


Exhibit A
Property Description

TRACT 1:

BEING a tract of land situated in the German Emigration Co. Survey, Abstract No, 357, and also the G. A. Wilson Survey, Abstract No. 1072, Collin County, Texas and being all of a 153.177 Acre Tract as conveyed to Chi Chu Chan, Tsun Huei Chan, and Paul Chan and recorded in Volume 5404, Page 5581 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING in the centerline of Spur 483 (Business 289) at a Mag Nail set for corner, and said Mag Nail being at the northeast corner of said German Emigration Survey, and said Mag Nail also being at the southeast corner of a 57.555 Acre tract as recorded in County Clerk No. 20190208000135760 of the Official Public Records of Collin County, Texas;

THENCE South 0 degrees 18 minutes 44 seconds East following the center line of said Spur 483 a distance of 1626.11 feet to a Mag Nail set for corner

THENCE South 89 degrees 28 minutes 14 seconds West following the general course of a wire fence a distance of 4074.68 feet to a bolt found in the top of a 12 dia. wood fence corner post;

THENCE North 00 degrees 02 minutes 20 seconds East following the general course of a wire fence a distance of 1653.08 feet to a 1/2" iron rod found for corner;

THENCE North 89 degrees 50 minutes 58 seconds East the general course of a wire fence a distance of 4064.53 feet to the POINT OF BEGINNING and containing 6,672,397 square feet or 153.177 acres of land.

TRACT 2:

BEING a 66.862 acre tract of land situated in the George A. Wilson Survey, Abstract No. 1072, and the MEP and PRR Co. Survey, Abstract No. 654, in Collin County, Texas, and being part of a 115.71 tract of land conveyed to Willie Douglas Moore, Trustee of the Willie Douglas Moore Revocable Trust and recorded in Collin County Clerk No. 20160526000647060 of the Official Public Records of Collin County, Texas, and being more particularly described in metes and bounds as follows:

BEGINNING at a Bolt found for corner in a fence post at the northwest corner of a 35' access easement as recorded in Collin County Document No. 94-0073233 and in Collin County Document No. 99-0002867 of the Official Public Records of Collin County, Texas and said Bolt being the southwest corner of a called 153.177 acre tract of land as conveyed to Chi Chu Chan, Tsun Huei Chan, and Paul Chan and recorded in Volume 5404, Page 5581 of the Deed Records of Collin County, Texas;

THENCE S 00°36'40" E a distance of 70.00' to a capped 1/2" iron rod stamped "4613" set for the southeast corner;

THENCE S 89°29'14" W across the called 115.71 acre tract of land a distance of 1479.14' to a capped 1/2" iron rod stamped "4613" set for corner in the east line of a called 174.64 acre tract of land as conveyed to Ownsby 1880 Farms, LTD. and recorded in Volume 4332, Page 1047 of the Deed records of Collin County Texas;

THENCE N 13°30'40" W a distance of 195.48' to a capped 1/2" iron rod stamped "4613" set for corner;

THENCE S 89°38'20" W a distance of 152.20' to a 1" Pipe found for the southeast corner of a called 161.190 acre tract of land as conveyed to Dynavest Joint Venture in Volume 288, Page 125 of the Deed Records of Collin County, Texas;

THENCE N 02°06'19" W a distance of 1548.42' to a wood corner post found for the southwest corner of a called 155.26 acre tract of land as conveyed to LMR Holdings, LTD and recorded in Collin County Clerk No. 20090213000158800 of Official Public Records of Collin County, Texas;

THENCE S 89°59'40" E a distance of 1734.20' to a 1/2" iron rod found for the northwest corner of the called 153.177 acre tract of land;

THENCE S 00°02'20" W a distance of 1688.08' to the POINT OF BEGINNING and containing 2,912,529 Square Feet or 66.862 acres of land.

TRACT 3 (Easement Estate):

NON-EXCLUSIVE EASEMENT RIGHTS CREATED BY THAT CERTAIN EASEMENT FOR RIGHT-OF-WAY FILED 05/05/1958, RECORDED IN VOLUME 539, PAGE 86, AND BY EASEMENT FOR RIGHT-OF-WAY FILED 03/19/1990, RECORDED IN VOLUME 3235, PAGE 922, REAL PROPERTY RECORDS, COLLIN COUNTY, TEXAS.

Exhibit B
Permitted Exceptions

1. Easement granted by W. C. Rolater to Lone Star Gas Company, filed 12/13/1955, recorded in Volume 507, Page 368, Real Property Records, Collin County, Texas. (Affects Tract 1)
2. Easement granted by C. F. Wilder and wife, Nona M. Wilder to Gunter Water Supply Corporation, filed 09/26/1972, recorded in Volume 838, Page 24, Real Property Records, Collin County, Texas. (Affects Tract 1)
3. Easement granted by W. Douglas Moore to Crosstex North Texas Pipeline, L.P., filed 10/06/2005, recorded in Volume 6018, Page 1969, amended by Volume 6044, Page 2155, Real Property Records, Collin County, Texas. (Affects Tract 2)
4. Easement granted by W. Douglas Moore to Energy Transfer Fuel, LP, filed 04/25/2009, recorded in cc# 20070425000556950, Real Property Records, Collin County, Texas. (Affects Tract 2)
5. Easement granted by W. Douglas Moore to Energy Transfer Fuel, LP, filed 11/27/2007, recorded in cc# 20071127001585470, Real Property Records, Collin County, Texas. (Affects Tract 2)
6. Terms, provisions, and conditions of Development Agreements filed 03/11/2021, recorded in recorded in cc# 20210310000475960, cc# 20210310000475970, and cc# 20210311000485810, Real Property Records, Collin County, Texas, Real Property Records, Collin County, Texas. (Affects Tracts 1 and 2)
7. Easement rights as reserved in Special Warranty Deed executed by Willie Douglas Moore, as Trustee of The Willie Douglas Moore Revocable Trust to Pilatus Investments, L.L.C., a Texas limited liability company, recorded in the Real Property Records, Collin County, Texas. (Affects Tract 3)
8. Easement granted by Pilatus Investments, L.L.C., a Texas limited liability company to Willie Douglas More, Trustee of the Willie Douglas Moore Revocable Trust, recorded in the Real Property Records, Collin County, Texas. (Affects Tract 2)



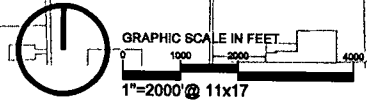
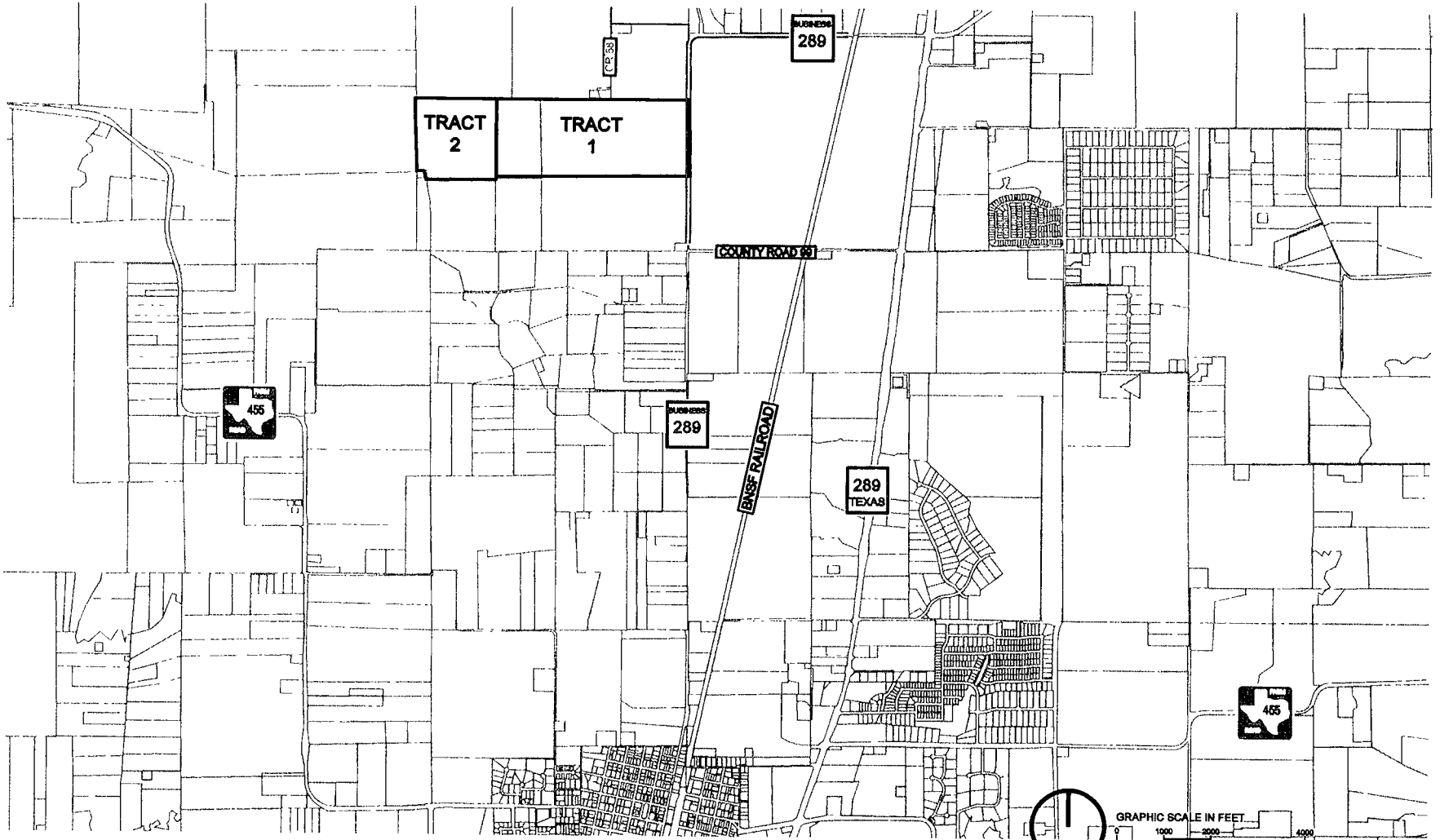
Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
03/25/2021 02:53:07 PM
\$46.00 NPRECELLA
20210325000596630

Stacey Kemp

EXHIBIT "D-1"

GENERAL LOCATION MAP OF OVERALL PROPERTY

BERN COUNTY
COLLIN COUNTY

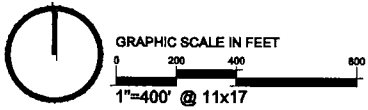
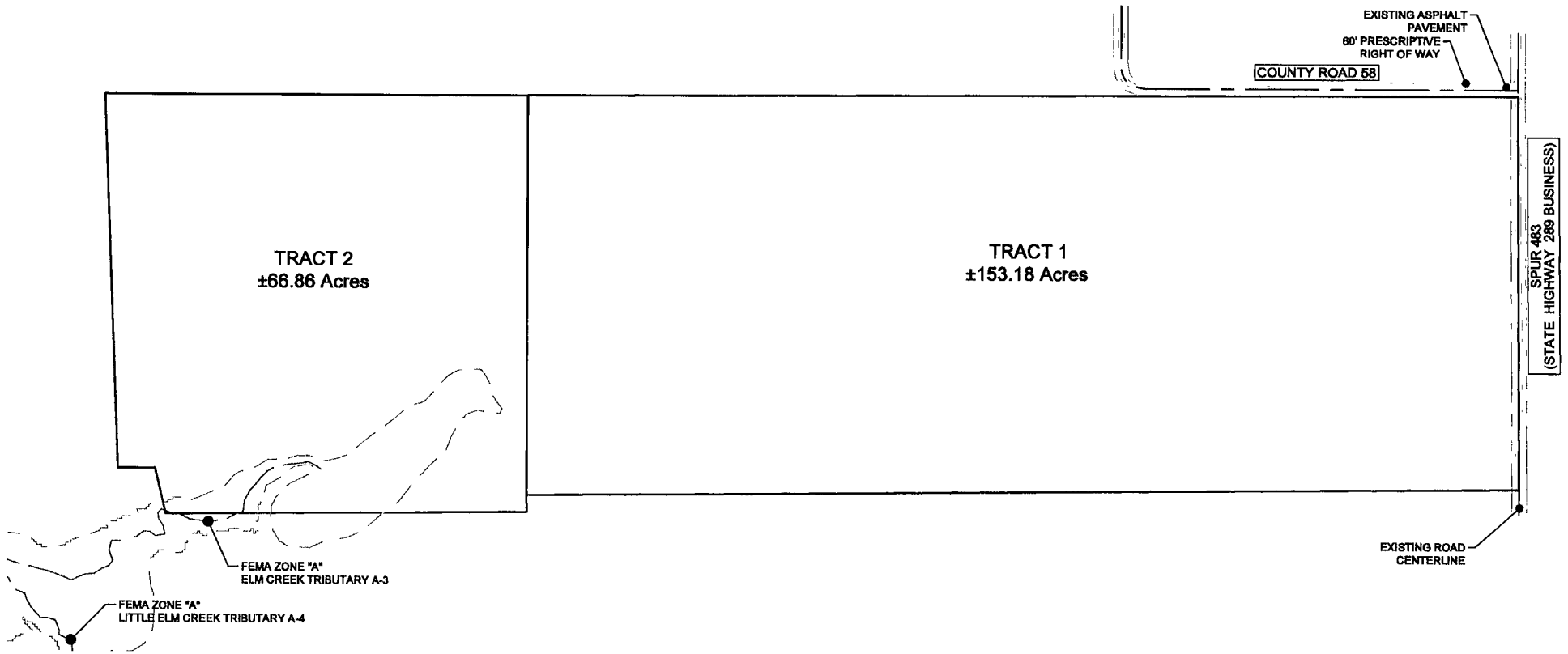


GENERAL MAP
North Sky Celina



EXHIBIT "D-2"

DETAILED MAP OF OVERALL PROPERTY



DETAILED MAP

North Sky Celina

ENTIRE PROPERTY