



Control Number: 52160



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. _____

52160

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PETITION BY SEWELL FAMILY §
PARTNERSHIP, LTD., FOR §
STREAMLINED EXPEDITED RELEASE §
FROM WATER CCN NO. 10081 HELD BY §
JOHNSON COUNTY SPECIAL UTILITY §
DISTRICT §

PUBLIC UTILITY COMMISSION
OF TEXAS

**PETITION BY SEWELL FAMILY PARTNERSHIP, LTD.,
FOR STREAMLINED EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Sewell Family Partnership, Ltd. (“Sewell”) and files this Petition with the Public Utility Commission of Texas (the “PUC”) for streamlined expedited release from water certificate of convenience and necessity (“CCN”) No. 10081, held by Johnson County Special Utility District (“Johnson County SUD”) 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 Tarrant 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

Sewell owns approximately 297 acres of contiguous property in Tarrant County, Texas (the “Property”). The Property is located within the boundaries of water CCN No. 10081, held by Johnson County SUD. None of the Property receives service from any water or sewer service provider. In support of this Petition, Sewell 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 (special warranty deed including metes and bounds description) is attached hereto as **Exhibit D**.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Sewell to expedited release of the Property described herein and in the attached exhibits from CCN No. 10081. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Tarrant County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60th day after the date of filing. Sewell 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 water CCN No. 10081.

³ 16 Tex. Admin. Code §24.245(h)

Respectfully submitted,

WINSTEAD PC

By: 

Scott W. Eidman

State Bar No. 24078468

seidman@winstead.com

2728 N. Harwood Street

Suite 500

Dallas Texas 75201

Telephone: (214) 745-5484

Facsimile: (214) 745-5390

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ~~25th~~ day of May, 2021, a true and correct copy of the Petition by Sewell Family Partnership, Ltd., for Streamlined Expedited Release 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


Johnson County Special Utility District
P.O. Box 509
Cleburne, Texas 76033-0509

Via Certified Mail, RRR

Johnson County Special Utility District
2849 S Hwy 171
Cleburne, Texas 76033

Via Certified Mail, RRR

Attorney for Johnson County SUD
Cain & Associates
Attn: Scott Cain
508 N. Ridgeway Drive
Cleburne, Texas 76033



Scott W. Eidman

EXHIBIT A

PETITION BY SEWELL FAMILY	§	PUBLIC UTILITY COMMISSION
PARTNERSHIP, LTD. FOR	§	
STREAMLINED EXPEDITED RELEASE	§	OF TEXAS
FROM WATER CCN NO. 10081 HELD BY	§	
JOHNSON COUNTY SPECIAL UTILITY	§	
DISTRICT		

**AFFIDAVIT OF SHIRLEY SEWELL BUTTS IN SUPPORT OF PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM WATER CCN NO. 10081
HELD BY JOHNSON COUNTY SPECIAL UTILITY DISTRICT
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

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

1. “My name is Shirley Sewell Butts, 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 the President of Sewell Family Partnership, Ltd., the Petitioner in the above-captioned matter. Sewell Family Partnership, Ltd. owns approximately 297 acres of land (the “Property”).

3. The Property is located within the boundaries of water CCN No. 10081 issued to Johnson County Special Utility District. The Property is located in Tarrant County, Texas, is over 25 acres in size, and consists of contiguous tracts of land. Exhibit B attached to this Petition is a true and correct copy of a map identifying the Property, its location, and the area of the CCNs.

4. The Property is not receiving water or sewer service from Johnson County Special Utility District. The Petitioner has not requested water or sewer service from Johnson County 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.

5. I request that the Public Utility Commission of Texas release this Property from water CCN No. 10081.”

FURTHER AFFLIANT SAYETH NOT.

Shirley Sewell Butts
Shirley Sewell Butts

SWORN TO AND SUBSCRIBED TO BEFORE ME by Shirley Sewell Butts on
May 13th, 2021



(SEAL)

Ariel English
Notary Public, State of Texas

LEGEND

- Project Boundary
- Fort Worth City Limits (2020)
- Fort Worth ETJ (2020)
- County Line

SEWELL TRACT
LOCATION MAP
FORT WORTH ETJ, TEXAS

PAPE-DAWSON ENGINEERS
 FORT WORTH | SAN ANTONIO | AUSTIN | HOUSTON | DALLAS
 6500 WEST FAY, SUITE 700 | FORT WORTH, TX 76116 | 817.870.3688
 TYPED FROM REGISTRATION MAPS | TOPICS FROM REGISTRATION WORKBOOK

EXHIBIT C DETAILED PROPERTY MAP



EXHIBIT D
DEED



SEWELL FAMILY PARTNERSHIP LTD
2000 WEST CLEBURNE-CROWLEY ROAD

CROWLEY TX 76036

Submitter: REPUBLIC TITLE OF TEXAS INC

SUZANNE HENDERSON
TARRANT COUNTY CLERK
TARRANT COUNTY COURTHOUSE
100 WEST WEATHERFORD
FORT WORTH, TX 76196-0401

DO NOT DESTROY
WARNING - THIS IS PART OF THE OFFICIAL RECORD.

Filed For Registration: 02/14/2006 04:03 PM
Instrument #: D206044638
WD 7 PGS \$36.00



D206044638

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

0418754

This correction Special Warranty Deed is given in correction, but not in lieu, of that certain Special Warranty Deed dated August 1, 2001, executed by JENNY WAKELAND SEWELL, recorded in Volume 15104, Page 348, Deed Records of Tarrant County, Texas, for the purpose of correcting the legal description, and this Special Warranty Deed is now being executed and acknowledged due to the said prior error and for no other purpose.

CORRECTION SPECIAL WARRANTY DEED

Date: December 28, 2005, to be effective August 1, 2001

Grantor: JENNY WAKELAND SEWELL

Grantee: SEWELL FAMILY PARTNERSHIP, LTD., a Texas limited partnership

Grantee's Mailing Address (including County):

2000 West Cleburne-Crowley Road
Crowley, Texas 76036
In the County of Tarrant

FILED
TARRANT COUNTY TEXAS
2006 FEB 14 PM 4:04
BY _____
SHIRLEY L. JOHNSON
COUNTY CLERK

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, ALL CASH, paid to Grantor herein by Grantee herein, the receipt and sufficiency of which are hereby acknowledged and confessed.

Property (including any improvements):

Two Tracts of land out of a 391 acre tract of land being more particularly described in Exhibit "A" attached hereto and incorporated herein.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time, relating to the hereinabove described property: Restrictions of record, if any, Reservations of mineral and/or royalty interests of record, if any, Easements of record, if any, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any.

Grantee hereby assumes payment of all ad valorem taxes and assessments and all special assessments of whatever kind and character affecting the Property for the year 2001 and subsequent years.

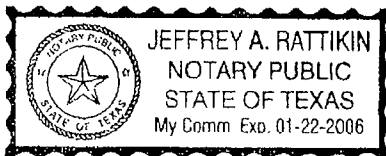
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, **grants, sells and conveys** to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, **to have and hold** it to Grantee, Grantee's heirs, executors, administrators, successors or assigns, forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators and successors to **warrant and forever defend** all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under Grantor, but not otherwise.


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


Jenny Wakeland Sewell

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

THIS INSTRUMENT was acknowledged before me on the 28 day of December, 2005, by
JENNY WAKELAND SEWELL.




Notary Public, State of TEXAS

AFTER RECORDING, RETURN TO:

Sewell Family Partnership, Ltd.
2000 West Cleburne-Crowley Road
Crowley, Texas 76036

EXHIBIT "A"

Tract No. 1

The East one-half (E ½) of the following described 391.46 acre tract of real property located in Tarrant County, Texas:

A 391.46 acre tract of land, containing all of a 160 acre tract of land, a 16.277 acre tract of land, a 120-2/3rd acre tract of land, and a 97.3 acre tract of land, **situated in the J. R. Leath Survey, A-962, H. K. Maples Survey, A-1023, A. Castello Survey, A-271, and the A. Fernandes Survey, A-506, located in Tarrant County, Texas.** Said 160 acre tract is recorded in Volume 2667, Page 446 of the Deed Records of Tarrant County, Texas. Said 16.277 acre tract is recorded in Volume 7233, Page 1224 of the Deed Records of Tarrant County. Said 120 2/3rd acre tract is recorded in Volume 359, Page 39 of the Deed Records of Tarrant County, Texas, and said 97.3 acre tract is recorded in Volume 2667, Page 446 of the Deed Records of Tarrant County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING: at a 5/8" Iron Rod with cap (Y = 332,745.36, X = 2,027,820.40), found in the east right-of-way line of County Road 1035, being the Northwest corner of said 16.277 acre tract, for the Northwest corner of this herein described tract;

THENCE: S 89E56'31" E - 2832.00 feet along the north boundary line of said 16.277 acre tract, the north survey line of said H. K. Maples Survey to a point, being the Northwest corner of said 120 2/3rd acre tract, the Northeast corner of said 16.277 acre tract, the Northeast corner of said H. K. Maples Survey, the Northwest corner of said A. Castello Survey, for an interior corner of this herein described tract.

THENCE: S 89E42'34" E - 2009.43 feet along the north boundary line of said 120 2/3rd acre tract to a found 3/8" Iron Rod (Y = 332,732.30, X = 2,032,661.79), in the south right-of-way line of County Road 1082, the Northwest corner of said 97.3 acre tract, the Northeast corner of said 120 2/3 acre tract for an interior corner of this herein described tract;

THENCE: N 89E48'28" E - 1815.96 feet along the north boundary line of said 97.3 acre tract and the south right-of-way line of said County Road 1082, to a point being the Northeast corner of said 97.3 acre tract, for the Northeast corner of this herein described tract;

THENCE: S 00E04'03" E - 2267.71 feet along the east boundary line of said 97.3 acre tract to a found 1/2" Iron Rod (Y = 330,470.69, X = 2,034,480.41) in the north right-of-way line of Farm to Market Road 1081, being the Southeast corner of said 97.3 acre tract, for the most easterly Southeast corner of this herein described tract;

THENCE: N 89E30'27" W - 1829.03 feet to a 1/2" Iron Rod (Y = 330,470.69, X = 2,034,480.41) found at the Southwest corner of said 97.3 acre tract, an interior corner of said 120 2/3rd acre tract, for an interior corner for this herein described tract;

- THENCE:** S 01E36'31" W - 384.35 feet along the west right-of-way line of said Farm to Market Road 1081, the east boundary line of said 120 2/3rd acre tract to a point, being the most easterly Southeast corner of said 120 2/3rd acre tract, for the Southeast corner of this herein described tract;
- THENCE:** S 30E00'00" W - 32.50 feet along the north right-of-way line of said Farm to Market Road 1081, the south boundary line of said 120 2/3rd acre tract to a point, being a Southeast corner of said 120 2/3rd acre tract, for a Southeast corner of this herein described tract;
- THENCE:** S 60E00'00" W - 33.00 feet along the north right-of-way line of said Farm to Market road 1081, the south boundary line of said 120 2/3rd acre tract to a point, being the most southerly Southeast corner of said 120 2/3rd acre tract, for the most southerly Southeast corner of this herein described tract;
- THENCE:** S 89E56'58" W - 1952.73 feet along the north right-of-way line of said Farm to Market Road 1081, the south boundary line of said 120 2/3rd acre tract to a point, being the Southwest corner of said 120 2/3rd acre tract, the Southeast corner of said 160 acre tract, the Southeast corner of said H. K. Maples Survey, for an interior corner of this herein described tract;
- THENCE:** N 89E23'29" W - 2824.34 feet along the north right-of-way line of said Farm to Market Road 1081, the south boundary line of said 160 acre tract to a point, in the east right-of-way line of said County Road 1035, being the Southwest corner of said 160 acre tract, for the Southwest corner of this herein described tract;
- THENCE:** N 00E01 '55" E along the east right-of-way line of said County Road 1035, the east boundary line of said 160 acre tract, at 2413.60 feet passed the Northwest corner of said 160 acre tract, the Southwest corner of said 16.277 acre tract, in all 2659.52 feet to the **POINT OF BEGINNING**, and containing within these metes and bounds, 391.46 acres (17,051,997.6 sq. ft.) of land.

All bearings and coordinates refer to the Texas State Plane Coordinate System of 1927, Texas South Zone, and are based on NGS Monument "50F C" (Y = 350,215.174, X = 1,994,756.413).

SAVE AND EXCEPT THE FOLLOWING DESCRIBED REAL PROPERTY:

The eastern 94.92 acre tract out of the east one-half (E ½) of the 391.46 acre tract described above; said 94.92 acre tract being out of the Antonio Fernandez Survey, A-506, D.R.T.C.T. and being more specifically described as follows, to-wit:

BEGINNING at the Northeast corner of the said Mrs. Charles E. Sewell 391.46 acre tract, a steel pin in the south fence line (R.O.W.) of the West Cleburne-Crowley Road (County Road No. 1018); being also the Northwest corner of a 100 acre tract owned by Schwartz and Myers;

Thence, South 2257.0 feet along the east line of said Charles E. Sewell tract (west line of said Schwartz and Myers tract) a steel pin in the north fence line (R.O.W.) of Longhorn Trail (County Road No.

1082);

Thence, West along the said north fence line of County Road 1082, 1832.0 feet to a point for the southwest corner of the tract herein described;

Thence, North 2257.0 feet to a point in the south fence (R.O.W.) line of West Cleburne-Crowley Road (No. 1018);

Thence, East 1832.0 feet along the said south fence (R.O.W.) line of West Cleburne-Crowley Road to the point of beginning, and containing 94.92 acres of land.

Tract No. 2

The West one-half (W ½) of the following described 391.46 acre tract of real property located in Tarrant County, Texas:

A 391.46 acre tract of land, containing all of a 160 acre tract of land, a 16.277 acre tract of land, a 120-2/3rd acre tract of land, and a 97.3 acre tract of land, **situated in the J. R. Leath Survey, A-962, H. K. Maples Survey, A-1023, A. Castello Survey, A-271, and the A. Fernandes Survey, A-506, located in Tarrant County, Texas.** Said 160 acre tract is recorded in Volume 2667, Page 446 of the Deed Records of Tarrant County, Texas. Said 16.277 acre tract is recorded in Volume 7233, Page 1224 of the Deed Records of Tarrant County. Said 120 2/3rd acre tract is recorded in Volume 359, Page 39 of the Deed Records of Tarrant County, Texas, and said 97.3 acre tract is recorded in Volume 2667, Page 446 of the Deed Records of Tarrant County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING: at a 5/8" Iron Rod with cap (Y = 332,745.36, X = 2,027,820.40), found in the east right-of-way line of County Road 1035, being the Northwest corner of said 16.277 acre tract, for the Northwest corner of this herein described tract;

THENCE: S 89E56'31" E - 2832.00 feet along the north boundary line of said 16.277 acre tract, the north survey line of said H. K. Maples Survey to a point, being the Northwest corner of said 120 2/3rd acre tract, the Northeast corner of said 16.277 acre tract, the Northeast corner of said H. K. Maples Survey, the Northwest corner of said A. Castello Survey, for an interior corner of this herein described tract.

THENCE: S 89E42'34" E - 2009.43 feet along the north boundary line of said 120 2/3rd acre tract to a found 3/8" Iron Rod (Y = 332,732.30, X = 2,032,661.79), in the south right-of-way line of County Road 1082, the Northwest corner of said 97.3 acre tract, the Northeast corner of said 120 2/3 acre tract for an interior corner of this herein described tract;

THENCE: N 89E48'28" E - 1815.96 feet along the north boundary line of said 97.3 acre tract and the south right-of-way line of said County Road 1082, to a point being the Northeast corner of said 97.3 acre tract, for the Northeast corner of this herein

described tract;

THENCE: S 00E04'03" E - 2267.71 feet along the east boundary line of said 97.3 acre tract to a found 1/2" Iron Rod (Y = 330,470.69, X = 2,034,480.41) in the north right-of-way line of Farm to Market Road 1081, being the Southeast corner of said 97.3 acre tract, for the most easterly Southeast corner of this herein described tract;

THENCE: N 89E30'27" W - 1829.03 feet to a 1/2" Iron Rod (Y = 330,470.69, X = 2,034,480.41) found at the Southwest corner of said 97.3 acre tract, an interior corner of said 120 2/3rd acre tract, for an interior corner for this herein described tract;

THENCE: S 01E36'31" W - 384.35 feet along the west right-of-way line of said Farm to Market Road 1081, the east boundary line of said 120 2/3rd acre tract to a point, being the most easterly Southeast corner of said 120 2/3rd acre tract, for the Southeast corner of this herein described tract;

THENCE: S 30E00'00" W - 32.50 feet along the north right-of-way line of said Farm to Market Road 1081, the south boundary line of said 120 2/3rd acre tract to a point, being a Southeast corner of said 120 2/3rd acre tract, for a Southeast corner of this herein described tract;

THENCE: S 60E00'00" W - 33.00 feet along the north right-of-way line of said Farm to Market road 1081, the south boundary line of said 120 2/3rd acre tract to a point, being the most southerly Southeast corner of said 120 2/3rd acre tract, for the most southerly Southeast corner of this herein described tract;

THENCE: S 89E56'58" W - 1952.73 feet along the north right-of-way line of said Farm to Market Road 1081, the south boundary line of said 120 2/3rd acre tract to a point, being the Southwest corner of said 120 2/3rd acre tract, the Southeast corner of said 160 acre tract, the Southeast corner of said H. K. Maples Survey, for an interior corner of this herein described tract;

THENCE: N 89E23'29" W - 2824.34 feet along the north right-of-way line of said Farm to Market Road 1081, the south boundary line of said 160 acre tract to a point, in the east right-of-way line of said County Road 1035, being the Southwest corner of said 160 acre tract, for the Southwest corner of this herein described tract;

THENCE: N 00E01 '55" E along the east right-of-way line of said County Road 1035, the east boundary line of said 160 acre tract, at 2413.60 feet passed the Northwest corner of said 160 acre tract, the Southwest corner of said 16.277 acre tract, in all 2659.52 feet to the **POINT OF BEGINNING**, and containing within these metes and bounds, 391.46 acres (17,051,997.6 sq. ft.) of land.

All bearings and coordinates refer to the Texas State Plane Coordinate System of 1927, Texas South Zone, and are based on NGS Monument "50F C" (Y = 350,215.174, X = 1,994,756.413).