



Filing Receipt

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Control Number - 52293
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PUC DOCKET NO. 52293

PETITION OF MERITAGE HOMES OF	§	PUBLIC UTILITY COMMISSION
TEXAS, LLC, TO AMEND THE CITY OF	§	
MELISSA’S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

**PETITION BY MERITAGE HOMES OF TEXAS, LLC,
FOR STREAMLINED EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Meritage Homes of Texas, LLC (“Meritage”) 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. 11482 held by the City of Melissa (“Melissa”) 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 Collin County is a

¹ TWC § 13.2541.

² *Id.*

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

Meritage owns approximately 273.5 acres of contiguous property in Collin County, Texas that is located within the municipal boundaries of the City of Princeton (the “Property”). The Property is located within the boundaries of water CCN No. 11482, held by Melissa. None of the Property receives service from any water or sewer service provider. In support of this Petition, Meritage 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 Meritage to expedited release of the Property described herein and in the attached exhibits from CCN No. 11482. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Collin County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60th day after the date of filing. Meritage 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. 11482.

³ 16 Tex. Admin. Code §24.245(h)

Respectfully submitted,

WINSTEAD PC

By: /s/ Scott Eidman
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 certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 23, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Eidman
Scott W. Eidman

EXHIBIT A

PETITION OF MERITAGE HOMES OF TEXAS, LLC, TO AMEND THE CITY OF MELISSA’S CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY BY EXPEDITED RELEASE	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**AFFIDAVIT OF DAVID AUGHINBAUGH IN SUPPORT OF PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM WATER CCN NO. 11482
HELD BY THE CITY OF MELISSA
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

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

1. “My name is David Aughinbaugh, 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 Vice President of Land for the Petitioner in the above-captioned matter. Meritage Homes of Texas, LLC owns approximately 273.5 acres of land (the “Property”) located within the municipal boundaries of the City of Princeton.

3. The Property is located within the boundaries of water CCN No. 11482 issued to the City of Melissa. The Property is located in Collin 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 CCN.

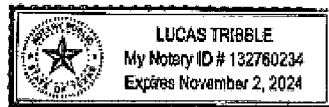
4. The Property is not receiving water or sewer service from the City of Melissa. The Petitioner has not requested water or sewer service from the City of Melissa or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.

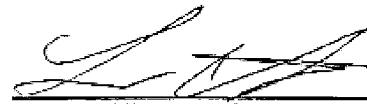
5. I request that the Public Utility Commission of Texas release this Property from water CCN No. 11482.”

FURTHER AFFIANT SAYETH NOT.


David Aughinbaugh

SWORN TO AND SUBSCRIBED TO BEFORE ME by David Aughinbaugh on
August 23, 2021




Notary Public, State of Texas

(SEAL)

LEGEND
Tract of Land to be Released from
City of Dallas (CCN No. 11452)

US HIGHWAY 75
WESTON RD
N MACDONALD ST
MILPARY LN
NEW HOPE RD E
LONGNECK RD
S 2ND ST
S BRIDGEFARMER RD
COUNTRY CLUB RD
AIRPORT DR
US HIGHWAY 380
STATE HIGHWAY 121
W FM 546
W VIRGINIA ST
W LOUISIANA ST
VIRGINIA PKWY
EL DORADO PKWY
US HWY 75
POWELL PKWY

MERITAGE TRACT

GRAPHIC SCALE: 1" = 750'
0 750'

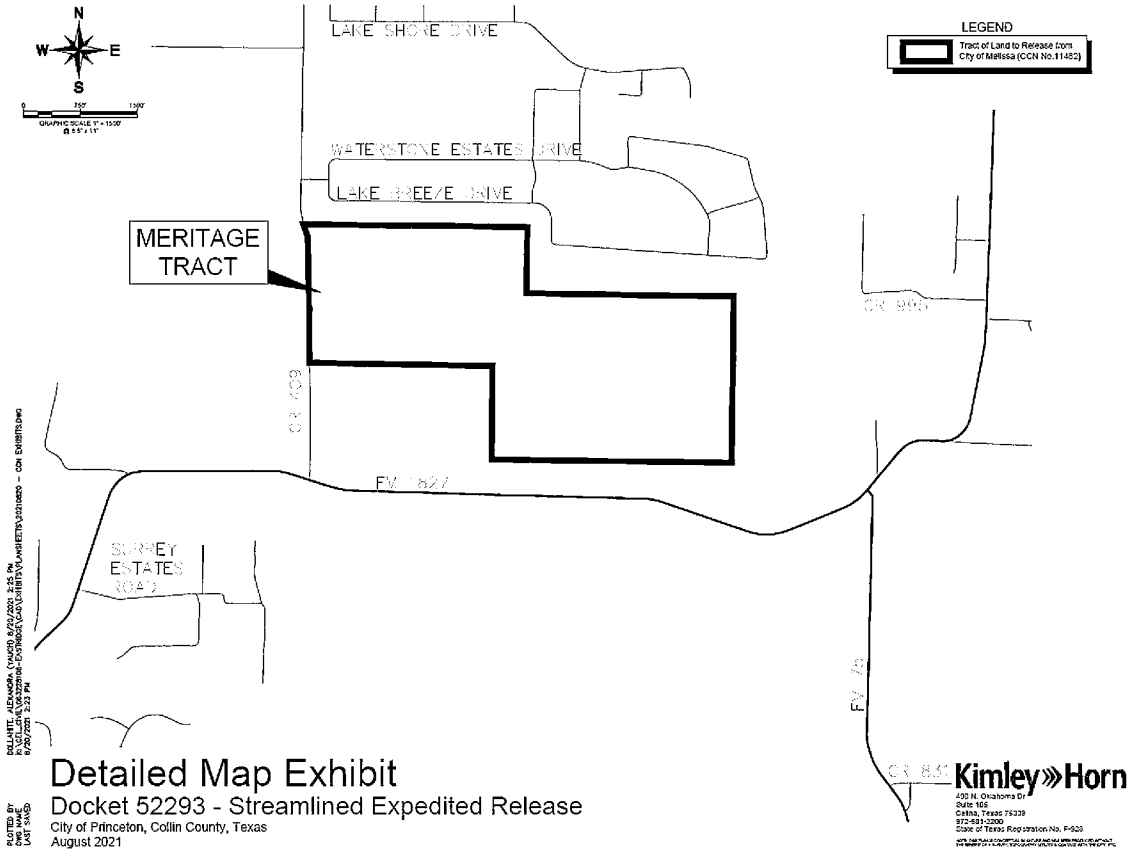
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LAST NAME
FIRST NAME
PLATTED BY

Docket 52293 - Streamlined Expedited Release
City of Princeton, Collin County, Texas
August 2021

400 N. Oklahoma Dr
Suite 102
Dallas, Texas 75208
972-921-2250
State of Texas Registration No. F-625

EXHIBIT C DETAILED PROPERTY MAP



**EXHIBIT D
DEED**

20201228002333180 12/28/2020 03:30:17 PM D1 1/6

SPECIAL WARRANTY DEED

Mailing Address of Grantee:

MERITAGE HOMES OF TEXAS, LLC
Attn: Ryan Hamilton, Esq.
8800 East Raintree Drive, Suite 300
Scottsdale, AZ 85260

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 PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

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

THAT, NORTH COLLIN 550 LAND, LLC, a Texas limited liability company (hereinafter referred to as "**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by MERITAGE HOMES OF TEXAS, LLC, an Arizona limited liability company (hereinafter referred to as "**Grantee**"), the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto Grantee, all of the tract or parcel of land described on **Exhibit A** attached hereto and made a part hereof for all purposes (the "**Land**"), together with, but without warranty, (i) all and singular the appurtenances appertaining thereto, and Grantor's rights, easements and other interests, if any, in and to adjacent streets, alleys and rights-of-way abutting such real property, (ii) any improvements situated upon the Land, and (iii) all of Grantor's rights of access to the Land, mineral rights in the Land, and utility capacities serving the Land (collectively, the "**Property**"); subject, however, to those matters set forth on **Exhibit B** attached hereto and made a part hereof by reference for all purposes.

TO HAVE AND TO HOLD the above described Land (subject to the foregoing), unto Grantee and Grantee's assigns, successors and legal representatives FOREVER, and Grantor does hereby bind Grantor and Grantor's legal representatives, successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Property unto Grantee and Grantee's assigns, successors and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise.

GRANTEE ACKNOWLEDGES THAT, EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THIS DEED AND EXCEPT FOR THE REPRESENTATIONS, WARRANTIES AND COVENANTS OF GRANTOR (COLLECTIVELY THE "**REPRESENTATIONS, WARRANTIES AND COVENANTS**") SET FORTH IN THAT CERTAIN AGREEMENT OF PURCHASE AND SALE DATED NOVEMBER 3, 2020, BY AND BETWEEN GRANTOR AND GRANTEE (AS AMENDED AND PARTIALLY ASSIGNED, THE "**AGREEMENT**"), THE PROPERTY IS CONVEYED AND TRANSFERRED TO GRANTEE "AS IS, WHERE IS AND WITH ALL FAULTS". EXCEPT FOR THE REPRESENTATIONS, WARRANTIES AND COVENANTS, GRANTOR DOES NOT WARRANT OR MAKE ANY REPRESENTATION, EXPRESS OR IMPLIED, AS TO FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY, DESIGN, QUANTITY, QUALITY, LAYOUT, FOOTAGE, PHYSICAL CONDITION, OPERATION, COMPLIANCE WITH SPECIFICATIONS, ABSENCE OF LATENT DEFECTS, OR COMPLIANCE WITH LAWS AND REGULATIONS (INCLUDING, WITHOUT LIMITATION, THOSE RELATING TO HEALTH, SAFETY AND THE ENVIRONMENT) OR ANY OTHER MATTER AFFECTING THE PROPERTY, AND GRANTOR SHALL BE UNDER NO OBLIGATION WHATSOEVER TO UNDERTAKE ANY REPAIRS, ALTERATIONS OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY PORTION OF THE PROPERTY. INFORMATION PROVIDED BY GRANTOR IN RESPECT

OF THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES. GRANTOR DID NOT MAKE AN INDEPENDENT INVESTIGATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS THEREOF. EXCEPT WITH RESPECT TO THE REPRESENTATIONS, WARRANTIES AND COVENANTS, PURCHASER HEREBY ASSUMES ALL RISK AND LIABILITY RESULTING FROM THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY, WHICH GRANTEE INSPECTED AND ACCEPTS "AS IS". IN THIS REGARD, GRANTEE ACKNOWLEDGES THAT (A) GRANTEE MADE ITS DECISION TO PURCHASE THE PROPERTY BASED UPON THE REPRESENTATIONS, WARRANTIES AND COVENANTS AND GRANTEE'S OWN DUE DILIGENCE AND INVESTIGATIONS, (B) GRANTEE HAS SUCH KNOWLEDGE AND EXPERIENCE IN REAL ESTATE INVESTMENT TO EVALUATE THE MERITS AND RISKS OF THIS TRANSACTION, AND (C) GRANTEE IS FINANCIALLY ABLE TO BEAR THE ECONOMIC RISK OF THE LOSS OF THIS REAL ESTATE INVESTMENT AND THE COST OF DUE DILIGENCE AND INVESTIGATIONS.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXECUTED to be effective as of the 23 day of December, 2020.

GRANTOR:

NORTH COLLIN 550 LAND, LLC,
a Texas limited liability company

By: Astra Investments I, LLC,
a Texas limited liability company,
its Managing Member

By: 
Justin Bono, Manager

STATE OF TEXAS

§

§

COUNTY OF DALLAS

§

This instrument was acknowledged before me on December 23, 2020, by Justin Bono, Manager of Astra Investments I, LLC, a Texas limited liability company, as Managing Member of NORTH COLLIN 550 LAND, LLC, a Texas limited liability company.

[NOTARY STAMP]


Notary Public, State of Texas
My Commission Expires: _____

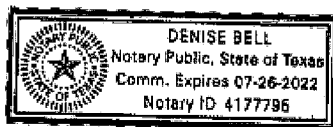
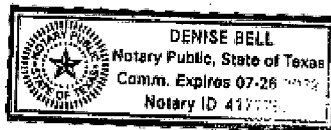
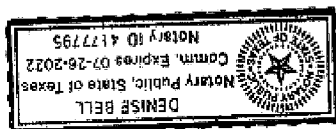


EXHIBIT A
TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION OF THE LAND

BEING a tract of land situated in the Thomas A. Rhodes Survey, Abstract No. 741, Collin County, Texas, and being a portion of that tract of land conveyed to North Collin 550 Land, LLC, according to the document filed of record in Instrument Number 20190906001095320, Official Public Record, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the east line of County Road 409 for the northwest corner of this tract;

THENCE South 89°18'09" East, a distance of 602.28 feet to a 1/2" iron rod found for a corner of this tract;

THENCE South 89°26'54" East, a distance of 1155.72 feet to a 1/2" iron rod found for a corner of this tract;

THENCE South 89°08'08" East, a distance of 1211.83 feet to a 1/2" iron rod found for a corner of this tract;

THENCE South 1°01'25" West, a distance of 875.39 feet to a 1/2" iron rod found for a corner of this tract;

THENCE South 89°02'05" East, a distance of 1751.12 feet to a point for a corner of this tract;

THENCE South 89°20'21" East, a distance of 997.42 feet to a 1/2" iron rod found for a corner of this tract;

THENCE South 0°16'34" West, a distance of 236.92 feet to a point for a corner of this tract;

THENCE South 0°46'47" West, a distance of 285.45 feet to a point for a corner of this tract;

THENCE South 0°51'33" West, a distance of 318.63 feet to a 1/2" iron rod found for a corner of this tract;

THENCE South 0°48'17" West, a distance of 1365.62 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a corner of this tract;

THENCE North 89°11'43" West, a distance of 3179.16 feet to 5/8" iron rod with plastic cap stamped "KHA" set for a corner of this tract;

THENCE North 0°35'37" East, a distance of 1239.52 feet to a section of railroad rail found for a corner of this tract;

THENCE North 89°02'23" West, a distance of 2426.53 feet to a point for a corner of this tract;

THENCE North 0°13'41" West, a distance of 669.33 feet to a point for a corner of this tract;

THENCE North 1°08'28" West, a distance of 1000.14 feet to a point for a corner of this tract;

THENCE North 19°27'14" West, a distance of 175.38 feet to the **POINT OF BEGINNING** and containing 273.5105 acres or 11,914,117 square feet of land, more or less.

EXHIBIT B
TO SPECIAL WARRANTY DEED

PERMITTED EXCEPTIONS

1. Restrictive covenants recorded under Clerk's File No. 94-0040411, Real Property Records of Collin County, Texas.
2. Rights of David McMahan, as tenants only, in possession under unrecorded lease agreements.
3. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed or not.
4. Easement granted Bi-Stone Fuel Company, recorded 11/20/62 in Volume 608, Page 203, Real Property Records, Collin County, Texas and shown on survey dated June 25, 2019 and revised November 18, 2020, by White Land Surveying, Inc., prepared by Joel Wilhite, Registered Professional Land Surveyor Number 5190, Job Number 20191223.
5. Easement granted to Matador Pipelines, Inc., recorded 08/20/81 in Volume 1421, Page 692, Real Property Records, Collin County, Texas and shown on survey dated June 25, 2019 and revised November 18, 2020, by White Land Surveying, Inc., prepared by Joel Wilhite, Registered Professional Land Surveyor Number 5190, Job Number 20191223.
6. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated January 28, 1981, by and between Woodrow Walker and wife, Ernestene Walker, as Lessor, and Jack E. Klinger, as Lessee, recorded July 27, 1981 at Volume 1411, Page 457 of the Official Records of Collin County, Texas.
7. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated January 28, 1981, by and between Woodrow Walker and wife, Ernestene Walker, as Lessor, and Jack E. Klinger, as Lessee, recorded July 27, 1981 at Volume 1411, Page 501 of the Official Records of Collin County, Texas.
8. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated April 20, 1981, by and between Woodrow Walker and wife, Ernestene Walker, as Lessor, and Jack E. Klinger, as Lessee, recorded July 27, 1981 at Volume 1411, Page 672 of the Official Records of Collin County, Texas.
9. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated November 5, 1981, by and between Woodrow Walker and Ernestene Walker, as Lessor, and Provincial Oil Corporation, as Lessee, recorded December 2, 1981 at Volume 1453, Page 273 of the Official Records of Collin County, Texas.
10. Easements and rights incidental thereto, as reserved in Judgment of Court in Absence of Objection, recorded 06/13/01 in Volume 4938, Page 783, Real Property Records, Collin County, Texas and shown on survey dated June 25, 2019 and revised November 18, 2020, by White Land Surveying, Inc., prepared by Joel Wilhite, Registered Professional Land Surveyor Number 5190, Job Number 20191223.
11. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey, Job No.: 20191223 Dated: June 25, 2019 and revised November 18, 2020, prepared by Joel Wilhite, Registered Professional Land Surveyor Number 5190 as follows: variable fence lines along most Western property line encroaching and/or protruding as shown.

Exhibit B

Special Warranty Deed




Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
12/28/2020 03:30:17 PM
\$46.00 TBARNETT
20201228002333180

Stacey Kemp



0 750' 1500'
GRAPHIC SCALE 1" = 1500'
@ 8.5" x 11"

LEGEND

 Tract of Land to Release from
City of Melissa (CCN No.11482)

MERITAGE
TRACT

LAKE SHORE DRIVE

WATERSTONE ESTATES DRIVE

LAKE BREEZE DRIVE

CR 409

FM 1827

SURREY
ESTATES
ROAD

CR 995

FM 75

CR 831

Kimley»Horn

400 N. Oklahoma Dr.
Suite 105
Celina, Texas 75009
972-501-2200
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT
THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

DOLLARITE, ALEXANDRA (YAUCH) 8/20/2021 2:25 PM
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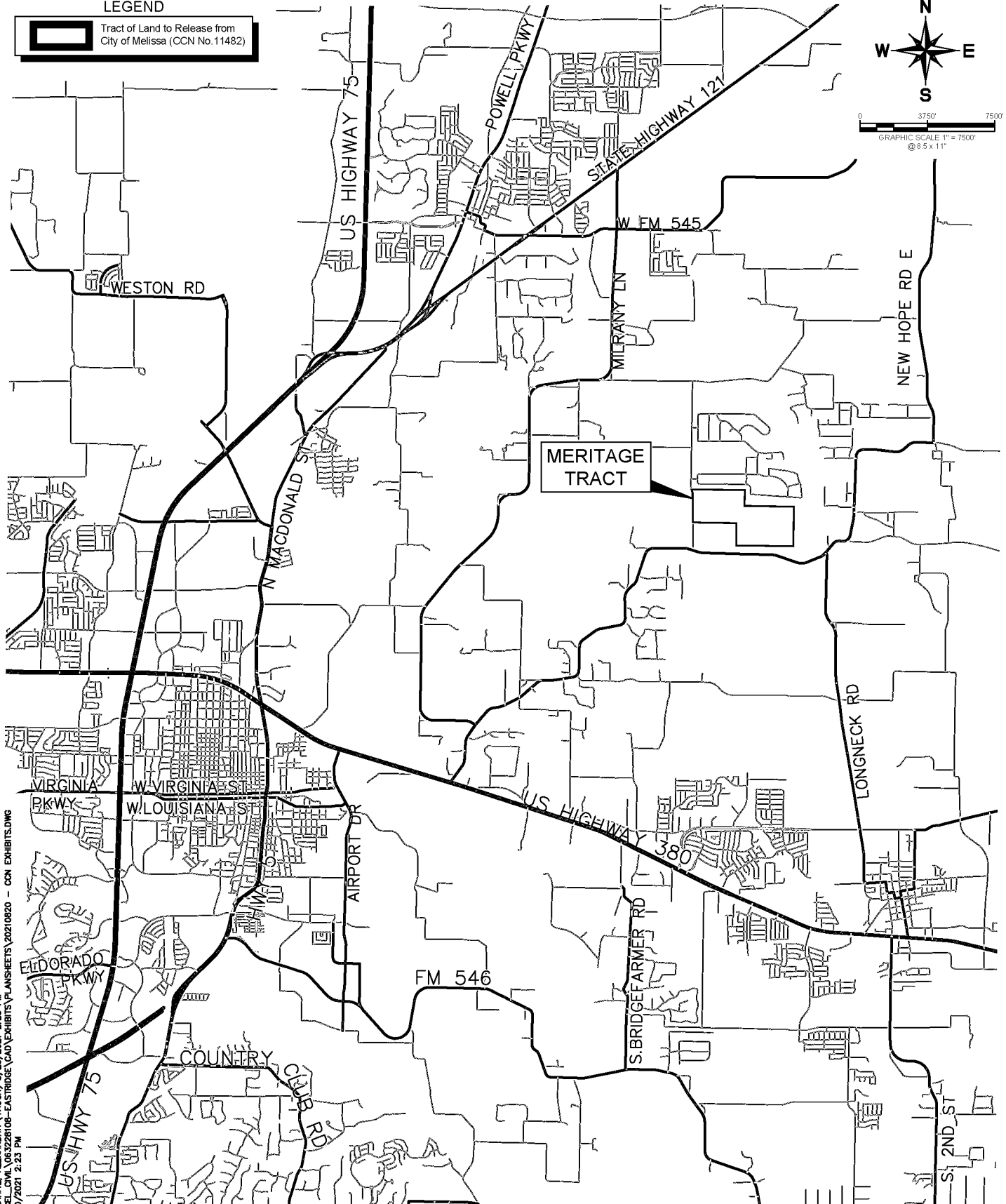
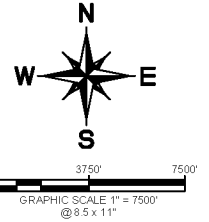
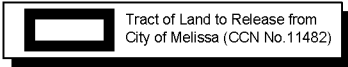
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DWG NAME
LAST SAVED

Detailed Map Exhibit

Docket 52293 - Streamlined Expedited Release

City of Princeton, Collin County, Texas
August 2021

LEGEND



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8/20/2021 2:23 PM

General Location Map

Docket 52293 - Streamlined Expedited Release

City of Princeton, Collin County, Texas
August 2021

PLOTTED BY
DWG NAME
LAST SAVED

Kimley»Horn

400 N. Oklahoma Dr.
Suite 105
Celina, Texas 75009
972-501-2200
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

The following files are not convertible:

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Meritage_52293_SPNC.sbn
Meritage_52293_SPNC.sbx
Meritage_52293_SPNC.shp
Meritage_52293_SPNC.shx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.