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September 29, 2021

Public Utility Commission of Texas  
P.O Box 13326  
Austin, Texas 78711-3326

*Via Electronic Filing*

Re: PUC Docket No. 52434; *Petition by Celina Partners, Ltd., for Expedited Release Pursuant to Texas Water Code Section 13.2541*; Public Utility Commission of Texas

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find the following:

1. Affidavit of David J. Surdukan;
2. Revised Exhibit "E" Boundary Survey of Overall Property;
3. Colored map to show each of the four tracts of the Overall Property; and
4. Digital data (polygon shapefiles) to supplement the deeds included as Exhibits "C-1" "C-2" "C-3" and "C-4" to the Petition.

Please do not hesitate to contact me should you need anything further.

Very truly yours,



Natalie B. Scott

Cc (w/encl.):

**Attorneys for Marilee Special Utility District:**

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HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI  
4827-4515-0461.v1

DOCKET NO. 52434

<b>PETITION BY CELINA PARTNERS, LTD.,</b>	<b>§</b>	<b>BEFORE THE</b>
<b>FOR EXPEDITED RELEASE FROM WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>CCN NO 10150 HELD BY MARILEE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>SPECIAL UTILITY DISTRICT IN</b>	<b>§</b>	
<b>COLLIN COUNTY</b>	<b>§</b>	

**AFFIDAVIT IN SUPPORT OF PETITION BY CELINA PARTNERS, LTD., FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §  
COUNTY OF COLLIN §

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

1. “My name is David J. Surdukan. 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 Surdukan Surveying, Inc., and a registered professional land surveyor in the State of Texas. I performed a field survey and prepared the boundary survey, dated August 11, 2021, of the 298.075 acres of land (the “Overall Property”) attached as Exhibit “E” (the “Survey”) to the Petition by Celina Partners, Ltd., for Streamlined Expedited Release Pursuant to Texas Water Code Section 13.2541 (the “Petition”).

3. The Petition included four deeds providing the Petitioner’s proof of ownership for the following tracts of land: (i) being all of the called 25.472 acre tract described in the deed to Celina Partners, Ltd., in Volume 5023, Page 2451 of the Official Public Records of Collin County, Texas; (ii) being all of the called 86.076 acre tract described in the deed to Celina Partners, Ltd., in Volume 5144, Page 3558 of the Official Public Records of Collin County, Texas; (iii) being all of the called 92.315 acre tract described in the deed to Celina Partners, Ltd., in Volume 4516, Page 1563 of the Official Public Records of Collin County, Texas; and (iv) being all of the called 93.492 acre tract described in the deed to Celina Partners, Ltd., in Volume 4801, Page 1372 of the Official Public Records of Collin County, Texas (collectively, the “Deeds”). The total acreage according to the four deeds is 297.355 acres (the “Deed Property”). The descriptions of the land included in the Deeds refer to the centerline of the creek abutting the Overall Property to the south.

4. The Survey of the Overall Property resulted in 0.72 acres more than the Deed Property as a result in a shift in the centerline of the abutting creek over the last two decades. In preparing our survey, the southern line falls in a Soil Conservation Service (“SCS”) Lake and also follows the creek for a portion of the way. The Deeds occurred before the SCS Lake was built and followed the original centerline of the creek to determine the acreage conveyed. We

were able to obtain topographic maps of this area prior to the SCS Lake being built to help us define the location of the centerline. As part of our Survey, we also surveyed the properties to the south of the original creek. The topographic maps match the properties to the south's calls for the centerline of the creek. We held those calls to establish our south line into and through the SCS Lake. As we depart the SCS Lake, the tract is called to follow the centerline of the creek. We field verified and established the centerline of the creek and this alignment was held to create the south boundary for a total of 298.075 acres of land.

5. There are three possible contributing factors to the differences in the acreage between the Survey and the Deed Property: (i) we do not know how the Deeds were originally surveyed on the ground, what instruments were being used, and the accuracy that was achieved at that time, approximately twenty years ago; (ii) we do not know if the previous surveys after the SCS Lake was built were (a) tied into the south tracts appropriately and (b) compared with topographic maps showing the creek (since the creek is now under water, there is no way to survey in the creek); and (iii) when establishing the centerline of the creek, variances will occur from one surveyor to another regarding where the centerline of the creek is as a result of the condition of the creek on the day it was surveyed (i.e. whether the creek is flowing or dry, whether there was a heavy storm that changed the perceived centerline of the creek, etc.).

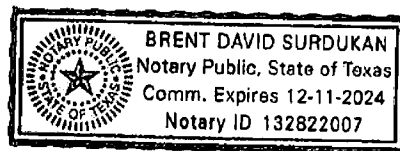
6. We have surveyed the Overall Property on the ground based on the Deeds and established the boundary line based on the best evidence found on the ground and the supporting documents available. It is not unusual for there to be a difference in acreage when a creek and/or a SCS Lake is involved. It is within my personal knowledge that, over time, acreages increase and decrease where bodies of water define the boundaries. In this particular project, the Petitioner has always owned the Overall Property to the centerline of the creek. If the creek shifts, the boundary and acreage shift with it."

FURTHER AFFIANT SAYETH NOT.

  
David J. Surdukan

SWORN TO AND SUBSCRIBED TO BEFORE ME by David J. Surdukan on September 22, 2021.





Notary Public, State of Texas

Exhibit "E"  
Boundary Survey of Overall Property

LEGAL DESCRIPTION

BEING a 298.075 Acres tract of land situated in the following Abstracts: the B.B.B. & C.R.R. Co. Survey Abstract No. 130, the H. Culwell Survey Abstract No. 186, the J. Culwell Survey Abstract No. 208, and the B. Haile Survey Abstract No. 397, all of which are in Collin County, Texas, and being all of a called 85,076 acre tract as conveyed to Calina Partners, LTD in Volume 3144, Page 3334 of the Official Public Records of Collin County, Texas, and being part of the tract described in deed to Calina Partners, LTD in Volume 5023, Page 2451 of the Official Public Records of Collin County, Texas, and being all of the called 92,315 acre tract as conveyed to Calina Partners, LTD in Volume 4516 Page 1543 of the Official Public Records of Collin County, Texas, and being all of a called 83,492 acre tract as conveyed to Calina Partners, LTD in Volume 4817, Page 2529 of the Official Public Records of Collin County, Texas, and also being all of the called 26,472 acre tract as conveyed to Calina Partners, LTD in Volume 5023 Page 2451 of the Official Public Records of Collin County, Texas, and being, more particularly, delineated by metes and bounds as follows:

BEHAVING in County Road 130 at a 1/2" iron rod set for the southeast corner of the called 78,551 acre tract, and said May Hall being the northeast corner of a called 2,000 acre tract as conveyed to Ojima and Paulino Poirino in County Clerk No. 2004051000748850 of the Official Public Records of Collin County, Texas; THENCE N 89°07'38" E a distance of 2671.78' to a 1/2" iron rod found for center in County Road 133 and said iron rod being in the west line of a called 28,104 acre tract of land as conveyed to Cynthia V. and Billy J. Harrin in County Clerk No. 2015030200217660 of the Official Public Records of Collin County, Texas; THENCE S 01°08'15" E with County Road 133 a distance of 1213.14' to a 1/2" iron rod found for the corner in the intersection of County Road 133 and County Road 131, and said iron rod being the southwest corner of a called 5,490 acre tract of land as conveyed to Martha and Noel Quasno in County Clerk No. 2015063000782570 of the Official Public Records of Collin County, Texas and said iron rod also being the northwest corner of a called 81,280 acre tract of land as conveyed to the Ingalls Trust in County Clerk No. 2018020800167270 of the Official Public Records of Collin County, Texas; THENCE S 01°26'09" E a distance of 1517.28' to a point for corner in a soil conservation lake; THENCE N 79°31'03" W a distance of 434.42' to a point for corner in a soil conservation lake; THENCE S 78°44'51" W a distance of 597.70' to a point for corner in a soil conservation lake; THENCE N 81°53'09" W a distance of 271.40' to a point for corner in a soil conservation lake; THENCE S 81°09'51" W a distance of 120.20' to a point for corner in a soil conservation lake; THENCE N 82°57'56" W a distance of 687.32' to a point for corner in a soil conservation lake; THENCE S 40°48'29" W a distance of 345.84' to a point for corner in a soil conservation lake; THENCE S 57°30'53" W a distance of 110.54' to a point for corner in a soil conservation lake; THENCE S 74°50'42" W a distance of 184.24' to a point for corner in the center line of Long Branch Creek; THENCE S 28°21'34" W a distance of 128.12' to a point for corner in the center line of Long Branch Creek; THENCE S 01°36'54" E a distance of 0.10' to a point for corner in the center line of Long Branch Creek; THENCE S 28°21'40" W a distance of 208.83' to a point for corner in the center line of Long Branch Creek; THENCE S 42°44'15" W a distance of 98.15' to a point for corner in the center line of Long Branch Creek; THENCE N 78°30'56" W a distance of 224.39' to a point for corner in the center line of Long Branch Creek; THENCE S 55°05'18" W a distance of 301.89' to a point for corner in the center line of Long Branch Creek; THENCE N 87°50'15" W a distance of 39.15' to a point for corner in the center line of Long Branch Creek; THENCE N 46°11'51" W a distance of 49.03' to a point for corner in the center line of Long Branch Creek; THENCE N 54°56'01" W a distance of 84.10' to a point for corner in the center line of Long Branch Creek; THENCE S 89°41'02" W a distance of 115.44' to a point for corner in the center line of Long Branch Creek; THENCE S 74°50'25" W a distance of 108.05' to a point for corner in the center line of Long Branch Creek; THENCE S 58°10'24" W a distance of 70.13' to a point for corner in the center line of Long Branch Creek; THENCE S 07°00'59" E a distance of 20.87' to a point for corner in the center line of Long Branch Creek; THENCE S 46°50'58" E a distance of 91.28' to a point for corner in the center line of Long Branch Creek; THENCE S 27°20'35" E a distance of 148.30' to a point for corner in the center line of Long Branch Creek; THENCE S 04°54'16" E a distance of 89.91' to a point for corner in the center line of Long Branch Creek; THENCE S 89°21'22" W a distance of 1050.84' to a point for corner; THENCE N 00°26'31" W with the east line of the said 244,344 acre tract a distance of 2095.60' to a capped 1/2" iron rod stamped "4613" found for the northeast corner of the called 83,492 acre tract; THENCE N 86°38'14" E a distance of 782.25' to a capped 1/2" iron rod stamped "4613" found for the southeast corner of a called 15,163 acre tract of land as conveyed to Luba Afon Yates, Marlyn Donelle Reardon, and Michael Darrell Reardon in County Clerk No. 20181011001271060 of the Official Public Records of Collin County, Texas; THENCE N 00°16'02" W a distance of 1511.92' to a capped 1/2" iron rod stamped "4613" set for corner in the south line of a called 18,888 acre tract as conveyed to the City of Calina in County Clerk No. 2019111400147680 of the Official Public Records of Collin County, Texas; THENCE N 00°20'24" W a distance of 203.83' to the POINT OF BEGINNING and containing 12,984,133 Square Feet or 298.075 Acres of land.

SURVEYOR'S CERTIFICATE

The survey shown hereon is a true representation of the property as determined by a survey made on the ground and under my personal supervision. All visible improvements are as shown. There are no visible encroachments, contacts, or protrusions, except as shown. This survey conforms to the Texas Board of Professional Land Surveyors' Minimum Standards of Practice, as adopted by the Board effective September 1, 2017. The property is subject to all easements of record.

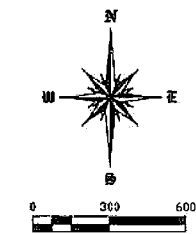
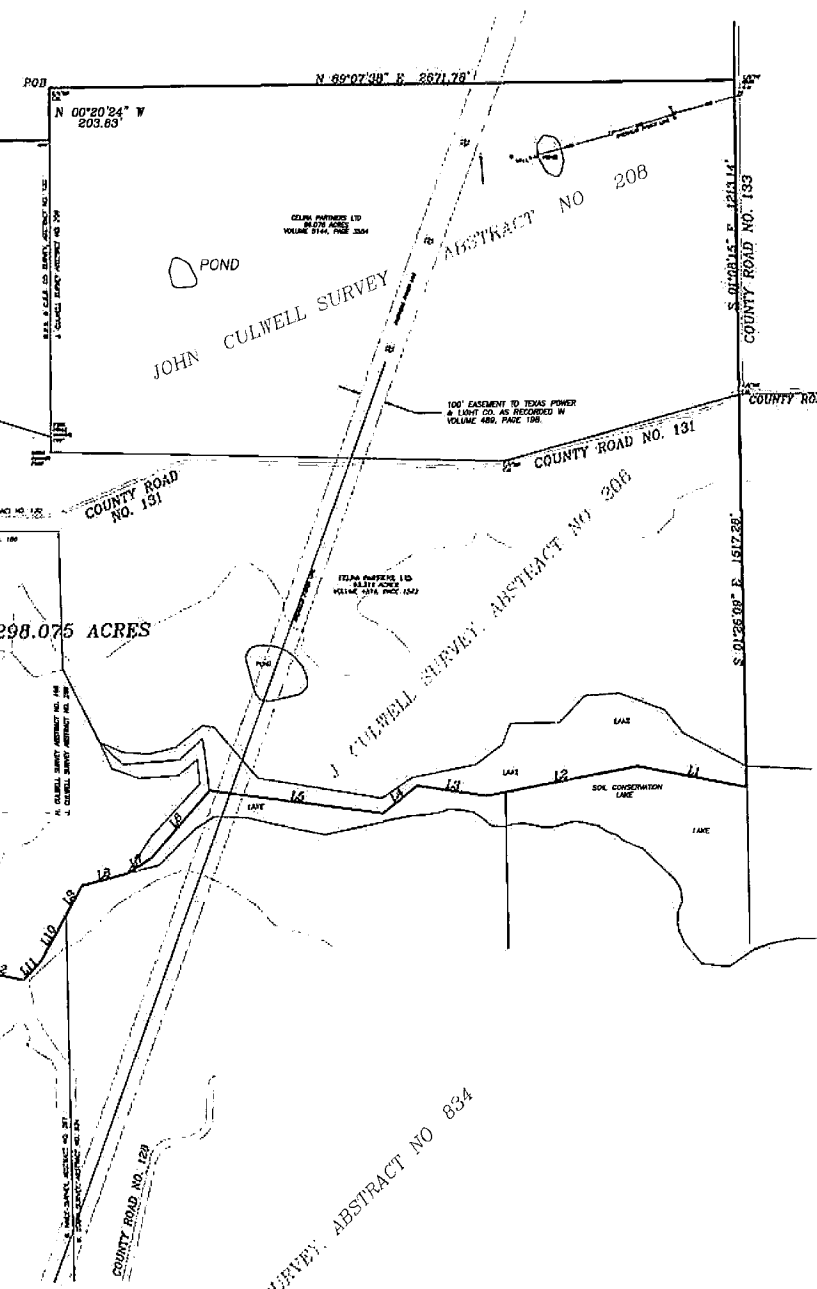
David J. Surdukan R.P.L.S. No. 4813



B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NO. 130

H. CULWELL SURVEY, ABSTRACT NO. 186

B. HAILE SURVEY, ABSTRACT NO. 397

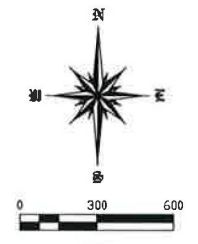
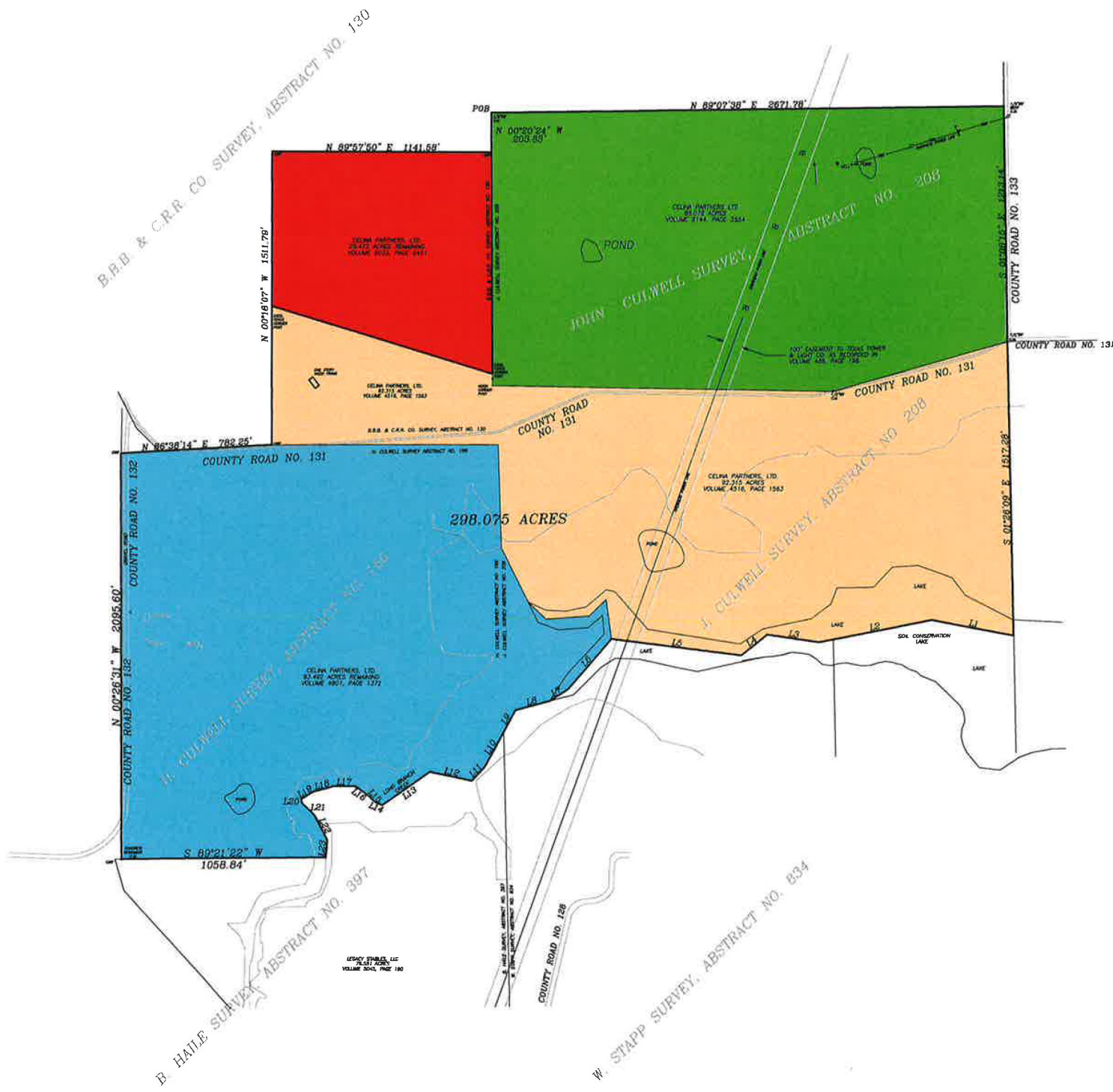


- Legend for symbols: CM - CONTROLLING MONUMENT, CMB - CAPPED 1/2" IRON ROD SET STAMPED (4613), W - IRON ROD FOUND, P - POWER POLE, U - UTILITY, S - SIGN, E - ELECTRIC METER, M - WELL, W - WATER METER, L - AC UNIT, P - LIGHT POLE, T - TELEPHONE BOY.

Table with 4 columns: DISTANCE, BEARING, POINT, and REMARKS. Lists various survey points and distances.

BOUNDARY SURVEY
298.075 ACRES
B.B.B. & C.R.R. CO. SURVEY
ABSTRACT NO. 130
H. CULWELL SURVEY
ABSTRACT NO. 186
J. CULWELL SURVEY
ABSTRACT NO. 208
COLLIN COUNTY, TEXAS

SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 624-8200
FIRM NO. 10069500



- NORTH  
SCALE 1" = 300'
- LEGEND
- CM - CONTROLLING MONUMENT
  - C/S - CAPPED 1/2" IRON ROD SET STAMPED (4612)
  - RT - IRON ROD FOUND
  - PF - POWER POLE
  - U - UTILITY
  - S - SIGN
  - EM - ELECTRIC METER
  - W - WELL
  - WM - WATER METER
  - EL - AC UNIT
  - LI - LIGHT POLE
  - TS - TELEPHONE BOX

LINE	BEARING	DISTANCE
1	N 89°57'59" E	1141.58'
2	N 00°20'24" W	803.89'
3	N 86°38'14" E	782.25'
4	N 00°26'31" W	2025.60'
5	S 80°21'22" W	1058.84'
6	S 01°28'09" E	1512.28'
7	S 02°07'38" E	2671.78'
8	N 00°18'07" W	1511.79'
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199	S 02°07'38" E	2671.78'
200	N 00°18'07" W	1511.79'
201	N 00°20'24" W	803.89'
202	N 89°57'59" E	1141.58'
203	N 86°38'14" E	782.25'
204	N 00°26'31" W	2025.60'
205	S 80°21'22" W	1058.84'
206	S 01°28'09" E	1512.28'
207	S 02°07'38" E	2671.78'
208	N 00°18'07" W	1511.79'
209	N 00°20'24" W	803.89'
210	N 89°57'59" E	1141.58'
211	N 86°38'14" E	782.25'
212	N 00°26'31" W	2025.60'
213	S 80°21'22" W	1058.84'
214	S 01°28'09" E	1512.28'
215	S 02°07'38" E	2671.78'
216	N 00°18'07" W	1511.79'
217	N 00°20'24" W	803.89'
218	N 89°57'59" E	1141.58'
219	N 86°38'14" E	782.25'
220	N 00°26'31" W	2025.60'
221	S 80°21'22" W	1058.84'
222	S 01°28'09" E	1512.28'
223	S 02°07'38" E	2671.78'
224	N 00°18'07" W	1511.79'
225	N 00°20'24" W	803.89'
226	N 89°57'59" E	1141.58'
227	N 86°38'14" E	782.25'
228	N 00°26'31" W	2025.60'
229	S 80°21'22" W	1058.84'
230	S 01°28'09" E	1512.28'
231	S 02°07'38" E	2671.78'
232	N 00°18'07" W	1511.79'
233	N 00°20'24" W	803.89'
234	N 89°57'59" E	1141.58'
235	N 86°38'14" E	782.25'
236	N 00°26'31" W	2025.60'
237	S 80°21'22" W	1058.84'
238	S 01°28'09" E	1512.28'
239	S 02°07'38" E	2671.78'
240	N 00°18'07" W	1511.79'
241	N 00°20'24" W	803.89'
242	N 89°57'59" E	1141.58'
243	N 86°38'14" E	782.25'
244	N 00°26'31" W	2025.60'
245	S 80°21'22" W	1058.84'
246	S 01°28'09" E	1512.28'
247	S 02°07'38" E	2671.78'
248	N 00°18'07" W	1511.79'
249	N 00°20'24" W	803.89'
250	N 89°57'59" E	1141.58'
251	N 86°38'14" E	782.25'
252	N 00°26'31" W	2025.60'
253	S 80°21'22" W	1058.84'
254	S 01°28'09" E	1512.28'
255	S 02°07'38" E	2671.78'
256	N 00°18'07" W	1511.79'
257	N 00°20'24" W	803.89'
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276	N 00°26'31" W	2025.60'
277	S 80°21'22" W	1058.84'
278	S 01°28'09" E	1512.28'
279	S 02°07'38" E	2671.78'
280	N 00°18'07" W	1511.79'
281	N 00°20'24" W	803.89'
282	N 89°57'59" E	1141.58'
283	N 86°38'14" E	782.25'
284	N 00°26'31" W	2025.60'
285	S 80°21'22" W	1058.84'
286	S 01°28'09" E	1512.28'
287	S 02°07'38" E	2671.78'
288	N 00°18'07" W	1511.79'
289	N 00°20'24" W	803.89'
290	N 89°57'59" E	1141.58'

The following files are not convertible:

25.472 AC.dbf  
25.472 AC.prj  
25.472 AC.shp  
25.472 AC.shx  
86.076 AC.dbf  
86.076 AC.prj  
86.076 AC.shp  
86.076 AC.shx  
92.315 AC.dbf  
92.315 AC.prj  
92.315 AC.shp  
92.315 AC.shx  
93.492 AC.dbf  
93.492 AC.prj  
93.492 AC.shp  
93.492 AC.shx

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