

Filing Receipt

Received - 2021-09-01 02:06:26 PM Control Number - 52497 ItemNumber - 1



NATALIE SCOTT DIRECTOR A PROFESSIONAL CORPORATION

NSCOTT@COATSROSE.COM DIRECT: (512) 541-3846 FAX: (512) 469-9408

September 01, 2021

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

Via Electronic Filing

Re: New PUC Docket; Petition by HC Celina 414, LLC for Expedited Release from Water CCN No. 10150 Held by Marilee Special Utility District in Collin County

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Petition by HC Celina 414, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541, as well as the corresponding digital data (polygon shapefiles) which were electronically filed today with the PUC.

Very truly yours,

Natalie BDcolf

Natalie B. Scott

NBS:mzp Enclosures

Cc (w/encl.):

Marilee Special Utility District Attn.: Donna Loiselle, General Manager 2300West Pecan Street

Celina, Texas 75009

Via Certified Mail, Return Receipt Requested No. 7020 1810 0002 0061 7694

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746
PHONE: (512) 469-7987 FAX: (512) 469-9408

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HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI 017016.000006\4832-3360-6393.v1

PUC DOCKET NO.	
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PETITION BY HC CELINA 414, LLC FOR EXPEDITED RELEASE FROM	§	BEFORE THE
WATER CCN NO. 10150	§ §	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY DISTRICT IN COLLIN COUNTY	§ §	OF TEXAS

# PETITION BY HC CELINA 414, LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541

# TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

HC Celina 414, LLC, ("Petitioner") files its Petition with the Public Utility Commission of Texas (the "PUC") for expedited release from Marilee Special Utility District ("Marilee SUD") water and certificate of convenience and necessity ("CCN") No. 10150 pursuant to (i) Texas Water Code Section 13.2541 and (ii) 16 Texas Administrative 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. See Tex. Water Code § 13.2541. 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 rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Collin County is a county in which owners of at least 25 acres are entitled to expedited release. See 16 Tex. Admin. Code § 24.245(h). 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." See Tex. Water Code § 13.2541(c).

### II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 413.88 acres of contiguous property in Collin County (the "Property"). The Property is within the boundaries of water CCN No. 10150, held by Marilee SUD. The Property does not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit "A." This property is located in Collin County, Texas. Exhibits "B-1 and B-2" attached to this Petition are true and correct copies of a general location map and a detailed map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed ("Deed"), attached as Exhibits C-1.

# 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 Petition no later than the 60<sup>th</sup> day after the date of filing. Petitioner 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. 10150.

Respectfully submitted,

COATS | ROSE

By:

Natalie B. Scott

State Bar No. 24027970

nscott@coatsrose.com

Terrace 2

2700 Via Fortuna, Suite 350

Austin, Texas 78746

(512) 469-7987 Telephone

(512) 469-9408 Telecopier

ATTORNEY FOR PETITIONER

HC CELINA 414, LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of September, 2021, a true and correct copy of the Petition by HC Celina 414, LLC for Expedited Release Pursuant to Texas Water Code Section 13.254.1 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Marilee Special Utility District Attn.: Donna Loiselle, General Manager 2300 West Pecan Street Celina, Texas 75009

Via Certified Mail, RRR

Matalie B. Scott

4832-7797-7845.v1

# EXHIBIT "A"

# Affidavit of Phillip Huffines

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

PETITION BY HC CELINA 414, LLC § BEFORE THE
FOR EXPEDITED RELEASE FROM §
WATER CCN NO. 10150 § PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY §
DISTRICT IN COLLIN COUNTY § OF TEXAS

AFFIDAVIT PHILLIP HUFFINES IN SUPPORT OF PETITION FOR EXPEDITED RELEASE FROM WATER CCN NO. 10150. HELD BY MARILEE SPECIAL UTILTIY DISTRICT PURSUANT, TEXAS WATER CODE SECTION 13.2541

STATE OF TEXAS §
COUNTY OF DALLAS §

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

- 1. "My name is Phillip Huffines. 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 Manager of HC Celina 414, LLC, the Petitioner in the above-captioned matter. Petitioner owns approximately 413.88 acres of land, which appears to be located within the boundaries of water and sewer CCN No. 10150 issued to Marilee Special Utility District ("Marilee SUD"). This property is located in Collin County, Texas. Exhibits "B-1 and B-2" attached to this Petition are true and correct copies of a general location map and a detailed map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed ("Deed"), attached as Exhibit C-1.
- 3. Petitioner's property is not receiving water or sewer service from Marilee SUD or any other water or sewer service provider. The property has not requested water or sewer service from Marilee SUD or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the Properties.
- 4. I request that the Public Utility Commission of Texas release these Properties from sewer CCN No. 10150"

FURTHER AFFIANT SAYETH NOT.

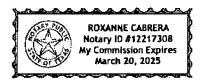
HC CELINA 414, LLC,

a Texas limited liability company

Phillip Huffines, Managing Director

SWORN TO AND SUBSCRIBED TO BEFORE ME by Phillip Huffines on the of August, 2021.

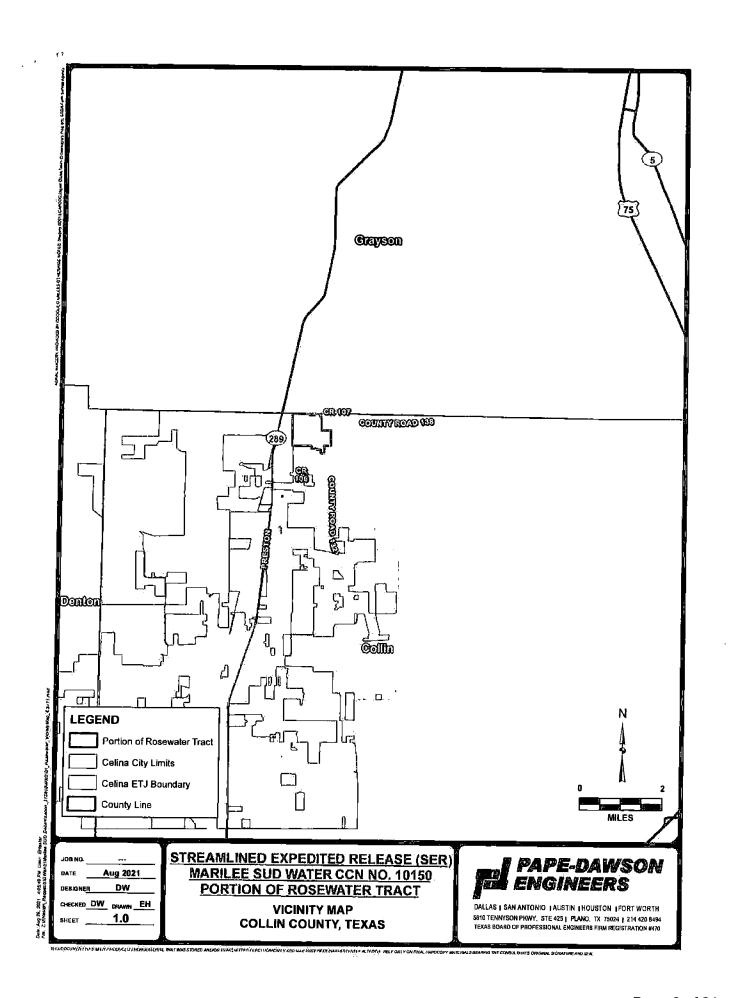
Notary Public, State of Texas



4832-7797-7845.v1

# EXHIBIT "B-1"

General Location Map



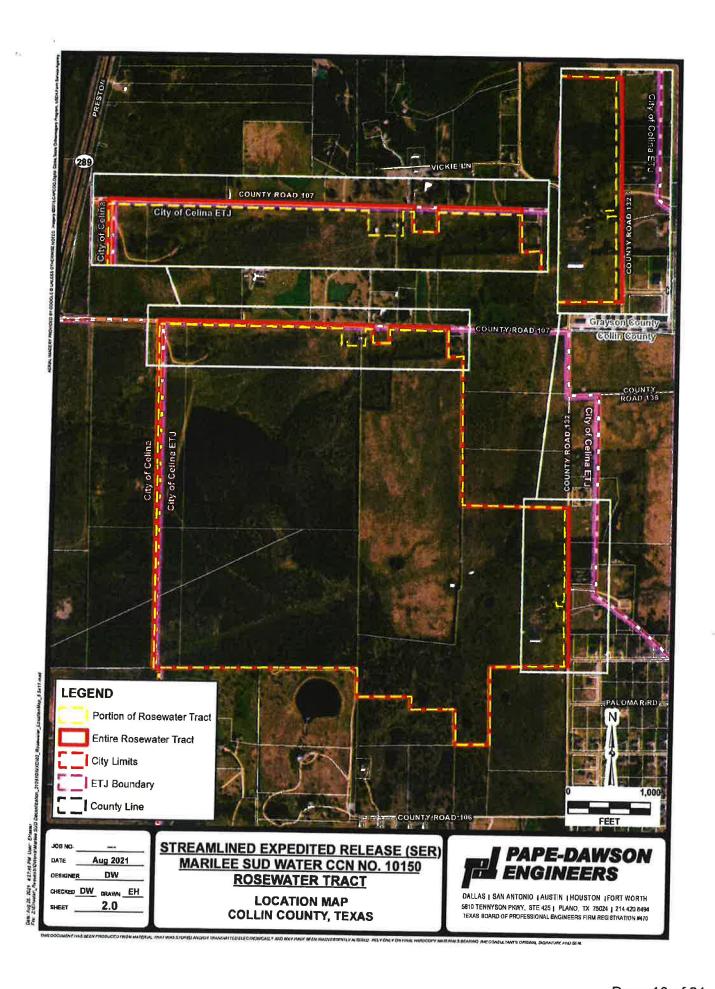
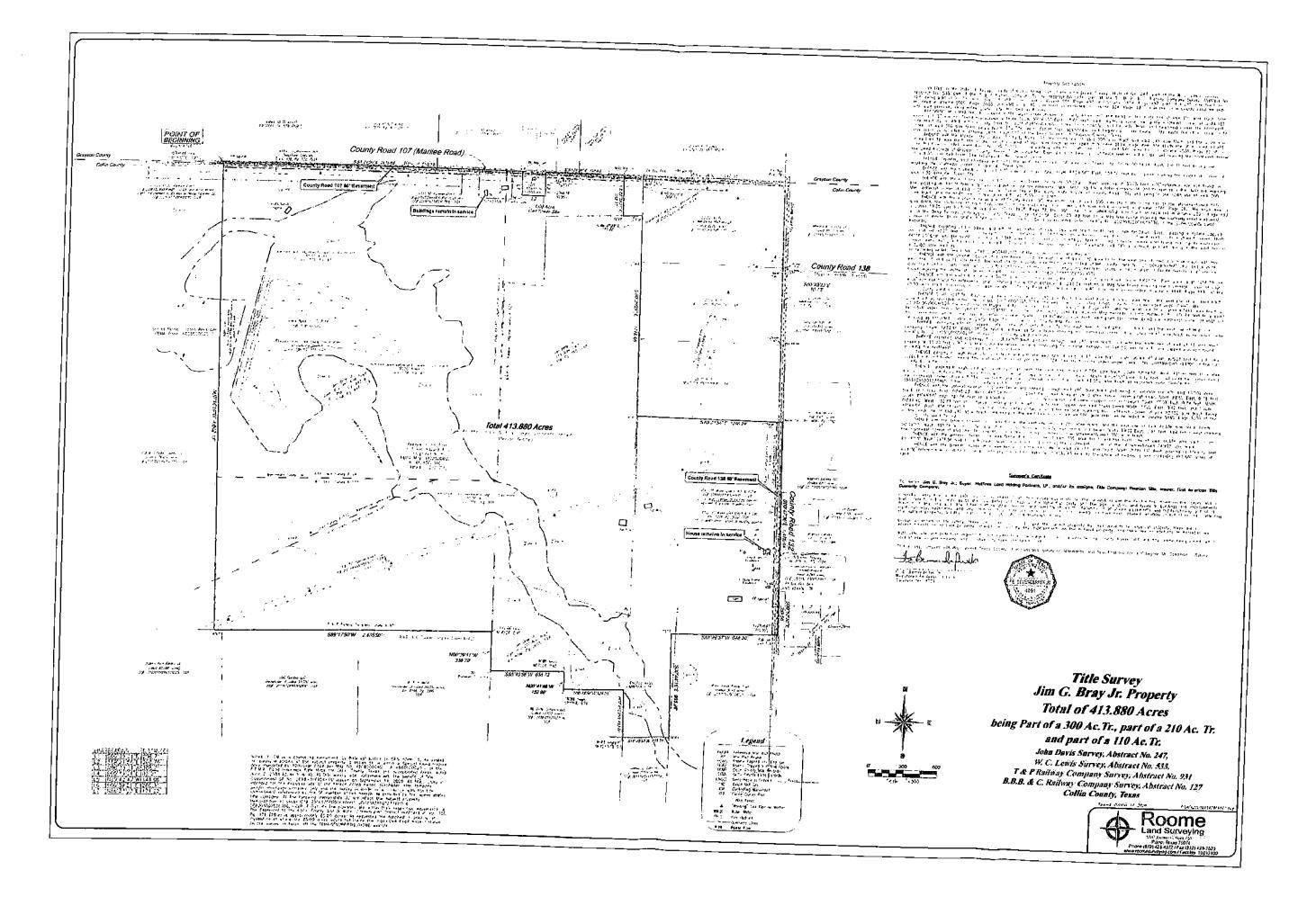


EXHIBIT "B-2"

Detailed Map



# EXHIBIT "C-1"

Special Warranty Deed

20201230002363580 12/30/2020 05:11:48 PM D1 1/8

2018-316454

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Grantee's Address is and After Recording, Return To:

HC Celina 414, LLC, a Texas limited liability company 8200 Douglas Ave.. Suite 300 Dallas, Texas 75225

THE STATE OF TEXAS

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Special Warranty Deed

COUNTY OF COLLIN

§

(Vendor's Lien)

### **Definitions**

The following terms shall have the meanings indicated, wherever these terms are used in this instrument:

Date Hereof:

The effective date of this instrument, which shall be December 30, 2020.

Grantor:

Jim G. Bray, Jr., being joined herein proforma by my wife, Linda Bray

Grantee:

HC Celina 414, LLC, a Texas limited liability company

8200 Douglas Ave., Suite 300

Dallas, Texas 75225

Lender:

PlainsCapital Bank

Attention: Blake Rogers

8200 Douglas Avenue, Suite 200

Dallas, Texas 75225 (214) 525-4624

Trustee:

Darrell G. Adams

Note Date:

December 30, 2020

Note Amount:

\$4.350,000.00

Note Maker:

Grantee

Note:

That certain Promissory Note in the original principal sum of the Note

Amount, dated as of the Note Date, executed by Note Maker, payable to the

order of Lender.

9195.139wd

Special Warranty Deed - Page 1

Deed of Trust:

That certain Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of the Note Date, securing the Note, executed by Note Maker to Trustee for the benefit of Lender, covering the Property.

Property (including

any improvements): The real property situated in Collin County, Texas, as more particularly described on Exhibit "A" attached hereto and made a part hereof

Exceptions:

The exceptions from the coverage of Grantor's warranties of title set forth in this instrument which are as follows:

- (1) Ad valorem taxes for the year 2021 and subsequent years not yet due and payable.
- (2) 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.
- (3) Easement granted by John J. Renshaw to Collin County Soil and Water Conservation District, filed 07/09/1969, recorded in Volume 736, Page 471, Real Property Records, Collin County, Texas.
- (4) Mineral estate and interest in coal, lignite oil, gas and other minerals together with all rights, privileges and immunities thereto described in instrument filed 11/20/1948, recorded in Volume 396, Page 459, Real Property Records, Collin County, Texas.
- (5) Easement granted by Jim G. Bray, Jr. to Energy Transfer Fuel, LP, filed 08/06/2007, recorded in cc# 20070816001143610, Real Property Records, Collin County, Texas.
- (6) Easement granted by Jim G. Bray, Jr. to Enterprise Texas Pipeline, LLC, filed 05/29/2008, recorded in cc# 20080529000646810, Real Property Records, Collin County, Texas. Amended Grant of Easement filed 04/07/2009, recorded in cc# 20090407000403890, Real Property Records, Collin County, Texas.
- (7) Mineral estate and interest, and all rights incident thereto, described in instrument filed 11/24/1968, recorded in Volume 396, Page 461, Real Property Records, Collin County, Texas.
- (8) Easement granted by Jim G. Bray to Southwestern Bell Telephone Company, filed 08/17/1966, recorded in Volume 678, Page 132, Real Property Records, Collin County, Texas.
- (9) Easement granted by Jim G. Bray, Jr. to Gunter Rural Water Supply Corporation, filed 12/28/2001, recorded in Volume 5074, Page 5022,

9195.139wd Special Warranty Deed - Page 2 Real Property Records, Collin County, Texas.

- (10) Easement granted by Jim G. Bray, Jr. to the County of Collin, filed 04/05/2006, recorded in cc# 20060405000443600, Real Property Records, Collin County, Texas.
- (11) Easement granted by Jim G. Bray, Jr. to Marilee Special Utility District, filed 11/17/2011, recorded in cc#20111117001249080, Real Property Records, Collin County, Texas.

Consideration:

All of the following consideration, the receipt and sufficiency of which are hereby acknowledged and confessed:

- (1) Ten Dollars (\$10.00) cash in hand paid by Grantee to Grantor.
- (2) The execution and delivery by Grantee of the Note, secured by the Deed of Trust, which Note is additionally secured by the vendor's lien ("Vendor's Lien") herein retained.

#### Grant

For and in consideration of the Consideration, Grantor has granted, bargained, sold and conveyed, and does by these presents hereby grant, bargain, sell and convey the Property to Grantee, subject only to the Exceptions.

### Habendum et Tenendum

To have and to hold the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, and unto Grantee's successors and assigns forever; and Grantor does hereby bind Grantor's heirs, successors and assigns to warrant and forever defend all and singular the said premises unto the said Grantee, and unto Grantee's

successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise; subject however, to the Exceptions.

#### Vendor's Lien

But it is expressly agreed that the Vendor's Lien, as well as the superior title in and to the above-described premises, is retained against the Property, premises and improvements until the Note and all interest thereon are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute, said Vendor's Lien being retained in favor of Lender, as if same had been retained by Grantor and assigned by proper assignment unto Lender, without recourse upon Grantor, Lender being thus fully subrogated to same.

## **Execution and Effective Date**

This instrument is effective as of the Date Hereof. This instrument was executed on the date or dates of the acknowledgment or respective acknowledgments set forth below.

Grantor:

Aim M. Oray

Jim G. Bray, Jr.

Lih da Bray

Linda Bray

COUNTY OF Collin

Before me Loretta Bod dy (Notary printed name) on this day personally appeared Jim G. Bray, Jr. and Linda Brdy, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 29th day of December, 2020.

LORETTA BODDY
Hotary Public
State of Tenas
ID # 6470366
Comm. Expires 07/27/2024

Notary Public, State of Texas

#### EXHIBIT A

SITUATED in the State of Texas, County of Collin, being part of the John Davis Survey, Abstract No. 247, part of the W. C. Lewis Survey, Abstract No. 533, part of the T & P Railway Company Survey, Abstract No. 931, part of the B. B. B. & C. Railway Company Survey, Abstract No. 127, being part of a 300 acre tract of land as recorded in Volume 758, Page 493 and Volume 1154, Page 497, part of a 210 acre tract as recorded in Volume 5086, Page 2603, and part of a 110 acre tract as recorded in Volume 334, Page 397 all in the Collin County Land Records, with said premises being more particularly described as follows:

BEGINNING at a Mag Nail for corner in the approximate middle of County Road 107 and being in the north line of said 300 acre tract, from which a 1/2" iron rod found for reference bears South 00°16'10" East, 17.81 feet, said beginning corner being the northeast corner of a 74.937 acre tract as recorded under County Clerk No. 20150521000592850 of the Collin County Land Records, from said beginning corner the northwest corner of said 300 acre tract bears North 89°21'56" West, 748.16 feet, additionally said beginning corner being in the south line of a called 66.38 acre tract as recorded in Volume 2611, Page 680 of the Deed Records of Grayson County, Texas;

THENCE with the approximate middle of County Road 107, the north line of said 300 acre tract and said 210 acre tract, and the south line of said 66.38 acre tract, the south line of a called 45.927 acre tract as recorded in Volume 3539, Page 866, the south line of a called 19.985 acre tract as recorded under Doc. No. 2017-11996, and partway with the south line of a called 3.00 acre tract in Volume 2508, Page 93 all in the Deed Records of Grayson County, Texas, South 89°21'56" East (Basis of Bearing), 2579.69 feet to a P.K. Nail set marking the northwest comer of a 1.00 acre Cell Tower Site retained by the current owner;

THENCE departing said roadway and along the west line of said 1.00 acre Cell Tower Site, South 00°39'21" East, 208.71 feet to a point marking the southwest corner of said Cell Tower Site;

THENCE with the south line of said 1.00 acre Cell Tower Site, South 89°21'56" East, 208.76 feet to a point marking the southeast corner of said 1.00 acre Cell Tower Site;

THENCE with the east line of said 1.00 acre Cell Tower Site, North 00°39'21" West, passing at 30.00 feet a ½" reference iron rod found on line, passing at 193.71 feet a ½" iron rod set on line for reference, and continuing for a total distance of 208.71 feet to a P.K. Nail set marking the northeast corner of said 1.00 acre Cell Tower Site in the approximate middle of County Road

Page 1 of 4

107, and being in the north line of said 300 acre tract, and the south line of the aforementioned 3.00 acre tract;

THENCE with the approximate middle of County Road 107, the north line of said 300 acre tract, the north line of the aforementioned 110 acre tract, the south line of said 3.00 acre tract, the south line of a called 2.40 acre tract recorded in Volume 2386, Page 212, the south line of a called 10.25 acre tract as recorded in Volume 1625, Page 78, the south line of a called 60.9 acre tract as recorded in Volume 2521, Page 687 all in the Deed Records of Grayson County, Texas, South 89°21′56″ East, 701.69 feet to a Mag Nail found marking the northerly most northwest corner of William Drummond's 1.363 acre tract Correction Deed as recorded under Clerk's No. 20200922001614070 of the Collin County Land Records;

THENCE departing said roadway and with the perimeter of said 1.363 acre tract as follows: South 00°39'21" East, passing a Roome capped iron rod set 92.21 feet, and continuing for a total distance of 353.37 feet to a Roome capped iron rod found marking its southwest corner; North 86°37'23" East with the south line of said 1.363 acre tract, a distance of 171.22 feet to a wood fence corner post found marking its southeast corner, same being in the east line of said 110 acre tract, the west line of the aforementioned 210 acre tract, and also being in the west line of a 22.02 acre tract as recorded under Clerk's No. 20181204001480170 of the Collin County Land Records;

THENCE with the general course of a wire fence along the east line of said 110 acre tract, the west line of said 210 acre tract, with the west line of said 22.02 acre tract, the west line of a 20.00 acre tract as recorded under County Clerk No. 202006290009911040, and a 20.00 acre tract under County Clerk No. 20200817001339900 of the Collin County Land Records, South 00°39'21" East, 1,746.66 feet to a ½" iron rod found marking the southwest corner of said 20.00 acre tract (CC#20200817001339900);

THENCE with the south line of said 20.00 acre tract, and passing through said 210 acre tract, South 89°21'56" East, passing at 1266.39 feet a ½" iron rod found for reference, and continuing for a total distance of 1296.39 feet to a Mag Nail found marking the southeast corner of said 20.00 acre tract, and being in the approximate of County Road 132, and a called 9.40 acre tract as recorded in Volume 4646, Page 1192 of the Collin County Land Records;

THENCE South 00°47'36" East along the east line of said 210 acre tract, the west line said 9.40 acre tract, the west line of a called 69.3 acre tract as recorded under Clerk's No. 20170605000723319, the west line of a called 1.500 acre tract as recorded under Clerk's No. 20180606000696520, the west line of Magnum Estates as recorded in Volume 2019, Page 157, and the west line of a called 4.3441 acre tract as recorded under Clerk's No. 20191216001595160 all in the Collin County Land Records or Map Records, a total distance of

1,476.44 feet to a point for corner from which a P.K. Nail for reference bears North 31°48'49" West, 0.38 feet, said point for corner being the northwest corner of Highland Crossing as recorded in Volume 2019, Page 300 of the Collin County Map Records;

THENCE continuing with the approximate middle of County Road 132, the east line of said 210 acre tract, and the west line of Highland Crossing, South 00°52'38" East, 380.56 feet to a Railroad Spike found marking the northeast corner of a called 26.13 acre tract as recorded under Clerk's No. 20170502000560210 of the Collin County Land Records;

THENCE departing said roadway, South 88°49'57" West, passing through said 210 acre tract, and with the north line of said 26.13 acre tract, passing at 15.00 feet a ½" iron rod found for reference, and continuing for a total distance of 948.30 feet to a Roome capped iron rod found marking the northwest corner of said 26.13 acre tract;

THENCE passing through said 210 acre tract and with the west line of said 26.13 acre tract, South 00°44'16" East, 905.28 feet to a Roome capped iron rod found marking the northeast corner of Laborde's 7.734 acre tract as recorded under Clerk's No. 20110915000983700 of the Collin County Land Records;

THENCE passing through said 210 acre tract, and with the north line of said 7.734 acre tract, South 88°49'58" West, 415.91 feet to a steel fence corner post found for corner from which a Roome capped iron rod found bears North 69°28'57" East, 0.32 feet, said point for corner being the northwest corner of said 7.734 acre tract, and the southeast corner of a called 13.552 acre tract as recorded under Clerk's No. 20091015001273960 of the Collin County Land Records;

THENCE with the general course of a wire fence and passing through said 210 acre tract and along a common line with said 13.552 acre tract as follows: North 00°45′23″ West, 413.01 feet to a point for corner from which a steel fence corner post bears North 88°50′ East, 0.78 feet; South 88°49′58″ West, 529.56 feet to a steel fence corner post from which a Roome capped iron rod bears South 70°09′ East. 0.79 feet; North 00°41′46″ West, 152.89 feet to a fence corner post from which a Roome capped iron rod found bears North 73°22′ East, 0.42 feet; and South 88°49′58″ West, 656.73 feet to a point for corner between two existing fences and marking the northwest corner of said 13.552 acre tract, being in the west line of said 210 acre tract, and being in the east line of a called 99.376 acre tract as recorded in Volume 5145, Page 3200 of the Collin County Land Records;

THENCE with the general course of a wire fence, the west line of said 210 acre tract, and the east line of said 99.376 acre tract, North 00°39'11" West, 338.79 feet to a fence post for corner from which a ½" iron rod found bears North 59°22'East, 0.41 feet, said fence post marking the

northeast corner of said 99.376 acre tract, and the southeast corner of the aforementioned 300 acre tract;

THENCE with the general course of a wire fence, the south line of said 300 acre tract, and the north line of said 99.376 acre tract, South 89°17'50" West, 2438.96 feet to a Roome capped iron rod found marking the southeast corner of the aforementioned 74.937 acre tract;

THENCE with the general course of a wire fence, and the east line of said 74.937 acre tract, North 00°16'10" West, passing at 4064.32 feet said ½" reference iron rod found, and continuing for a total distance of 4082.13 feet to the place of beginning and containing 413.880 acres of land

Filed and Recorded Official Public Records Stacey Kemp, County Clerk Collin County, TEXAS 12/30/2020 05:11:48 PM 854.00 TBARNETT 20201230002363580

Rosewater\_Partial.dbf Rosewater\_Partial.sbn Rosewater\_Partial.sbx Rosewater\_Partial.shp

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

Rosewater\_Partial.shp.xml

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

Rosewater\_Partial.shx
RosewaterTract.CPG
RosewaterTract.dbf
RosewaterTract.prj
RosewaterTract.sbn
RosewaterTract.sbx
RosewaterTract.shp

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

RosewaterTract.shp.xml

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

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