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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

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

September 03, 2021

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

Via Electronic Filing

Re: New PUC Docket; *Petition by Belknap, FP, Ltd. 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 Belknap, FP, Ltd. 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 B. Scott

NBS:mzp
Enclosures

Cc (w/encl.):
Marilee Special Utility District
Attn.: Donna Loiselle, General Manager
2300 West Pecan Street
Celina, Texas 75009

Via Certified Mail, Return Receipt Requested
No. 7020 1810 0002 0061 7717

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

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI
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PUC DOCKET NO. _____

PETITION BY BELKNAP, FP, LTD.	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**PETITION BY BELKNAP, FP, LTD. FOR EXPEDITED RELEASE PURSUANT TO
TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

BELKNAP, FP, Ltd., (“Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Marilee Special Utility District (“Marilee SUD”) water 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 shows 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 317.729 acres of contiguous property in Collin County (the "Overall Property"). The Overall Property is within the boundaries of Water CCN No. 10150 held by Marilee SUD. Approximately 80.002 acres of the Overall Property (the "Requested Area") does not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit "A." Exhibits "B-1, B-2 and B-3" attached to this Petition are true and correct copies of the entire tract location map (Overall Property), portion of a detailed map of the tract (Requested Area), and a general location map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached as Exhibit C-1. Digital Polygon shapefiles will also be submitted in this docket.

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 are entirely within Collin County. Under Section 13.2541, the PUC should grant this Petition no later than the 60th 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

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

**ATTORNEYS FOR PETITIONER
BELKNAP, FP, LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2021, a true and correct copy of the Petition by Belknap, FP, Ltd. 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



Natalie B. Scott / Joshua A. Bethke

EXHIBIT "A"

Affidavit of Ralph Belknap

(will supplement with signed, notarized copy)

PUC DOCKET NO. _____

PETITION BY BELKNAP, FP, LTD.	§	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 OF RALPH BELKNAP IN SUPPORT OF PETITION FOR EXPEDITED
RELEASE FROM WATER CCN NO. 10150 HELD BY MARILEE SPECIAL UTILITY
DISTRICT PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §

COUNTY OF COLLIN §

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

1. “My name is Ralph Belknap. 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 Belknap, FP, Ltd., the Petitioner in the above-captioned matter. Petitioner owns approximately 317.729 acres of land (the “Overall Property”), which is located within the boundaries of water CCN No. 10150 issued to Marilee SUD. Petitioner seeks to have approximately 80.002 acres (the “Requested Area”) located within the Overall Property, released from water CCN No. 10150. This Requested Area is located in Collin County, Texas. Exhibits “B-1, B-2 and B-3” attached to this Petition are true and correct copies of the entire tract location map (Overall Property), portion of a detailed map of the tract (Requested Area) and a general location map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached as Exhibit C-1. Digital polygon shapefiles will also be submitted in this docket.

3. Petitioner’s Requested Area is not receiving water or sewer service from Marilee SUD or any other water or sewer service provider. The Requested Area 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 Requested Area.

4. I request that the Public Utility Commission of Texas release the Requested Area from Water CCN No. 10150.

FURTHER AFFIANT SAYETH NOT.

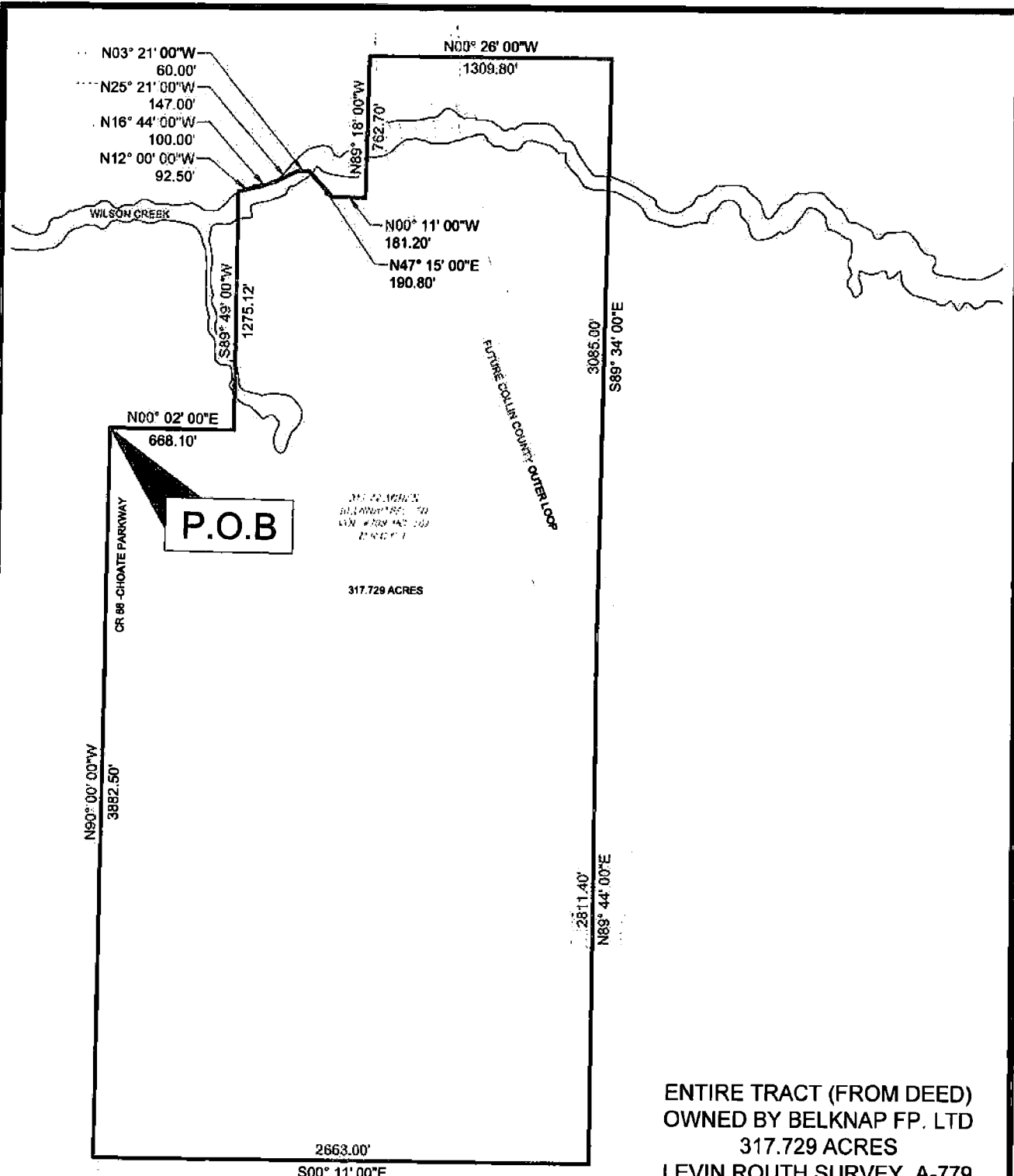
RALPH BELKNAP

SWORN TO AND SUBSCRIBED TO BEFORE ME by Ralph Belknap on ____
September, 2021.

Notary Public, State of Texas

EXHIBIT "B-1"

Entire Tract Location Map
(Belknap Tract – Overall Property)

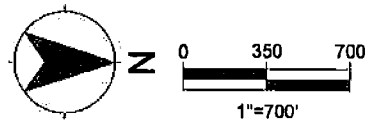


317.729 ACRES

ENTIRE TRACT (FROM DEED)
 OWNED BY BELKNAP FP. LTD
 317.729 ACRES
 LEVIN ROUTH SURVEY, A-779
 COLLIN COUNTY, TEXAS



3501 OLYMPUS BLVD, SUITE 100
 DALLAS, TEXAS 75019
 PHONE: (469) 899-0536
 WWW.KFM-LLC.COM
 TBPE #: F-20821

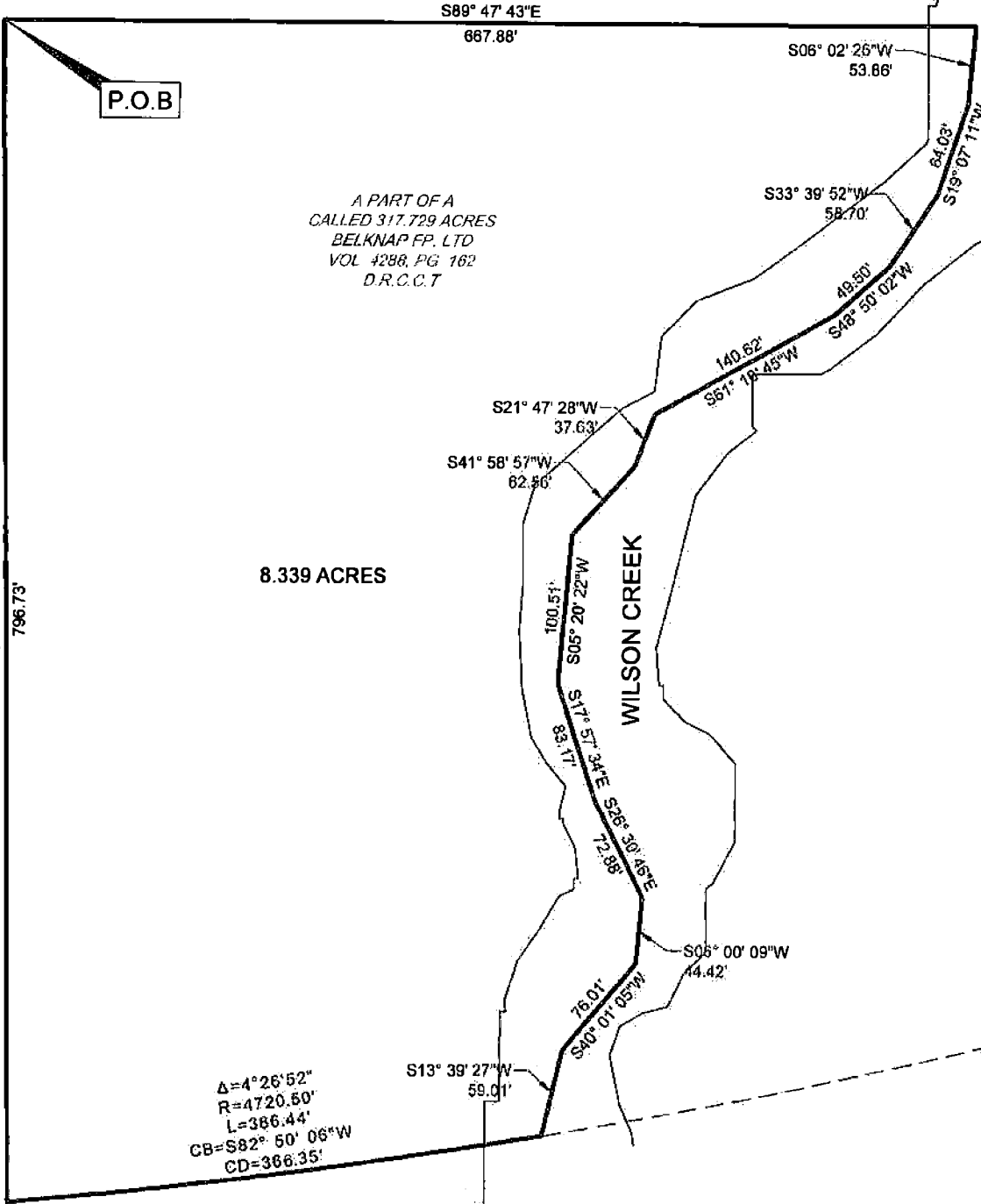


DATE:
 2021/08/20

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EXHIBIT "B-2"

Portion of Detailed Map to be Released
(Belknap Tract Portion)



A PART OF A
 CALLED 317.729 ACRES
 BELKNAP FP, LTD
 VOL 4288, PG 162
 D.R.C.C.T

8.339 ACRES

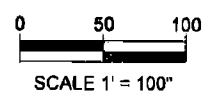
WILSON CREEK

FUTURE COLLIN COUNTY OUTER LOOP

8.339 ACRES
 PORTION OF TRACT OWNED BY BELKNAP
 FP, LTD TO BE RELEASED FROM CCN 10150
 COLLIN COUNTY, TEXAS



3501 OLYMPUS BLVD, SUITE 100
 DALLAS, TEXAS 75019
 PHONE: (469) 899-0536
 WWW.KFM-LLC.COM
 TBPE #: F-20821



DATE:
 2021/08/05

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LEGAL DESCRIPTION

Being 8.339 acres in the Levin Routh Survey, Abstract No. 779, being a part of a called 317.729 acre tract of land described in the deed to Belknap FP, LTD, recorded in Instrument No. 98-0123881, Real Property Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point in the southerly line of a called 119.024 acre tract of land described in the deed to Celina Land Development LLC, recorded in Instrument No. 201901110000397300, said Official Public Records of Collin County, Texas for the northwest corner of said 317.729 acre tract, common to the northeast corner of a called 28.731 acre tract of land described in the deed to Celina Stone, LLC, recorded in Instrument No. 20160916001237420, said Official Public Records, from which a 1/2-inch iron rod found for reference bears S00°44'32"E, a distance of 2.47 feet;

THENCE S89°47'43"E, with the northerly line of said 317.729 acre tract and the southerly line of said 119.024 acre tract, a distance of 667.88 feet to a point in or near the approximate center of Wilson Creek;

THENCE with the meanders of said creek, traversing through said 317.729 acre tract of land, the following Thirteen (13) courses and distances:

1. S06°02'26" W, a distance of 53.86 feet;
2. S19°07'11" W, a distance of 64.03 feet;
3. S33°39'52" W, a distance of 58.70 feet;
4. S48°50'02" W, a distance of 49.50 feet;
5. S61°18'45" W, a distance of 140.62 feet;
6. S21°47'28" W, a distance of 37.63 feet;
7. S41°58'57" W, a distance of 62.56 feet;
8. S05°20'22" W, a distance of 100.51 feet;
9. S17°57'34" E, a distance of 83.17 feet;
10. S26°30'46" E, a distance of 72.88 feet;
11. S06°00'09" W, a distance of 44.42 feet;
12. S40°01'05" W, a distance of 76.01 feet;
13. S13°39'27"E, a distance of 59.01 feet to a point in the North right-of-way line of Collin County Outer Loop (500 foot width right-of-way), as described in deed to Collin County, recorded in Instrument Number 20191003001242980, Official Public Records of Collin County, Texas, said point being the beginning of a curve to the right;

THENCE, with the North right-of-way line of said Collin County Loop, along said curve to the right an arc distance of 366.44 feet, having a radius of 4720.50 feet, a central angle of 04°26'52", and a chord which bears S82°50'06"W, a distance of 366.35 feet to a point, being in the West line of said 317.729 acre tract of land, same being the East line of that certain called 28.731 acre tract of land described in the deed to Celina Stone, LLC,

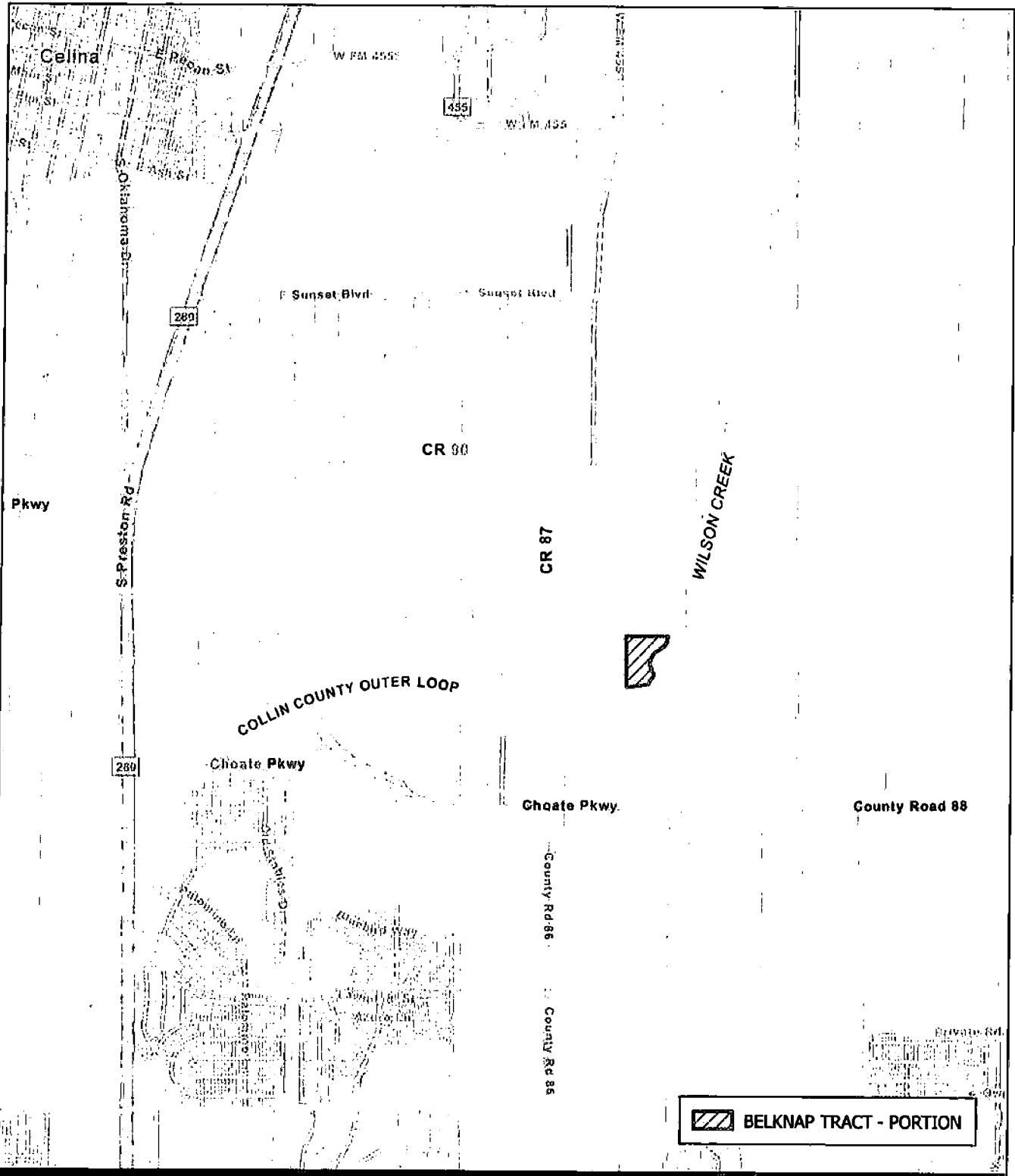
recorded in Instrument No. 20160916001237420, Official Public Records of Collin County, Texas;

THENCE N00°43'46"W, with the West line of said 317.729 acre tract of land, same being the East line of said 28.713 acre tract of land, a distance of 796.73 feet to the POINT OF BEGINNING and containing 8.339 acres of land.

EXHIBIT "B-3"

General Location Map
(Belknap Tract Portion)

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 BELKNAP TRACT - PORTION



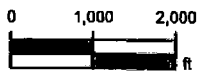
3501 OLYMPUS BLVD., SUITE 100
DALLAS, TEXAS 75019
817.416.4536
WWW.KFM-LLC.COM

TBPE: F-20821

TITLE
GENERAL LOCATION MAP
 PORTION OF TRACT OWNED BY BELKNAP FP TO BE RELEASED FROM CCN #10150

PROJECT
 TUSCANY ESTATES
 CELINA, TEXAS

CLIENT
 CORSON CRAMER



1 in = 2,000 ft

PROJECT NUMBER:
010061002
AUGUST 23, 2021

SHEET:

1 OF 1

EXHIBIT "C-1"
Special Warranty Deed

9A- 0123801

SPECIAL WARRANTY DEED

Date: October 1, 1998
Grantor: LAURA FIELD BELKNAP, dealing in her sole and separate property
Grantor's Mailing Address (including county):

3900 Shenandoah
Dallas, Dallas County, Texas 75205

Grantee: BELKNAP FP, LTD., a Texas limited partnership
Grantee's Mailing Address (including County):

3900 Shenandoah
Dallas, Dallas County, Texas 75205

CONSIDERATION:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY (including any improvements):

SEE ATTACHED EXHIBIT "A" (80.002 acre Frisco Farm) AND EXHIBIT "B" (Celine Farm), WHICH LEGAL DESCRIPTIONS ARE INCORPORATED HEREIN BY THIS REFERENCE FOR ALL PURPOSES.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property, rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements, all rights, obligations and taxes for 1998, the payment of which Grantee assumes.

UNRECORDED

04288 00162

04288 00163

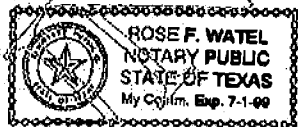
Grantor, for the consideration and subject to the Reservations From and Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee all of her right, title and interest in and to the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold unto Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, forever. Grantor 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 who in soever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by and through or under Grantor, but not otherwise.

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

Laura Field Belknap
LAURA FIELD BELKNAP

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on October 19, 1998, by LAURA FIELD BELKNAP.



Rose F. Watel
Notary Public in and for
the State of Texas

AFTER RECORDING RETURN TO:

John Crow Miller
5949 Sherry Lane
Suite 1700
Dallas, Texas 75225

C:\WORK\DATA\CA\BELKNAP\FORMS\staur2.wpl

04288 00164

FIELD NOTES TO 80.006 ACRES

SITUATED in Collin County, Texas; a part of the William Rogers Survey abstract No. 780 and a part of the Collin County School Land Survey abstract No. 148, and being a re-survey of an 81.15 acre tract as described in a deed from Lucille Ashley to Murrell Rogers et ux dated Feb. 20, 1964 and being recorded in volume 633 page 550 of the Collin County deed records, and said re-survey being more particularly described by notes and bounds as follows:

BEGINNING at an iron stake in the northwest corner of the said 81.15 acre tract in the center line of a public road in the north line of the Wm Rogers survey. Said stake bears East, 3688.5 ft. from the N. W. corner of the said Wm Rogers Survey.

THENCE in a southerly direction with an established fence and post line along the west line of the said 81.15 acre tract as follows:
S 05 deg. 30 min. W, 1160.0 ft.
S 65 deg. 40 min. W, 294.0 ft.
S 09 deg. 17 min. W, 320.8 ft. to a corner post. Said post being in the N. W. corner of a 20.35 acre tract owned by Joe Mack Baum recorded in volume 546 page 85 of the Collin County deed records.

THENCE in a south and east direction with an established fence line along the north line of the above mentioned 20.35 acre tract as follows:
E 89 deg. 29 min. E, 665.0 ft. a corner post.
E 15 deg. 16 min. E, 368.0 ft. an 18" Elm tree.
N 83 deg. 20 min. E, 872.2 ft. to an iron stake in the West R. O. W. line of the St. L. & SF R.R. Said stake being in the east line of the said 81.15 acre tract.

THENCE N 11 deg. 43 min. E with the west line of the said R R and the east line of the said tract a distance of 2149.7 ft. to an iron stake in the N. E. cor. of the said tract in the center line of a public road.

THENCE WEST with the north line of the said tract and the center line of the said road a distance of 1876.5 ft. to the place of beginning containing 80.006 acres of land.

WILSON ABSTRACT COMPANY
McKinney, Texas

EXHIBIT " A "

04288 00165

DESCRIPTION OF PROPERTY SURVEYED

Being a tract of land located in the Levin Routh Survey, Abstract 779, and the Coleman Watson Survey, Abstract 948, Collin County, Texas, being the property described in deed from Frederick S. Mulsen, Trustee, to Michael L. Hinger Trust No. 1 and Trust No. 2, recorded in Volume 1175, Page 487 of the Deed Records of Collin County, Texas, and being described more particularly as follows;

Beginning at a steel rod on the center line of an undedicated Public Road, hereinafter called Watson Road, said center line being the dividing line between the south line of said Routh Survey and the most westerly north line of said Watson Survey, said beginning point being the southeast corner of the 19.004 acre tract conveyed to Buster Webb, et ux, by deed recorded in Volume 790, Page 249 of said Deed Records, and being 2972.7 feet East of the intersection of said center line with the center line of an undedicated Public Road running northerly, hereinafter called Routh Road;

Thence N 00° 02' E, along the east line of said Webb tract, at 20.0 feet passing a steel rod on the north line of Watson Road, and continuing along an old fence and hedge, in all a distance of 668.1 feet to a steel rod found for corner;

Thence S 89° 49' W, along the general line of the remnants of the old fence along the north line of said Webb tract, crossing Wilson Creek, a distance of 1275.12 feet to a steel rod found about half way up the west bank of Wilson Creek, the northwest corner of said Webb tract and a corner on the easterly line of the Third Tract conveyed to L. L. Lewis by deed recorded in Volume 200, Page 501 of said Deed Records;

Thence northerly, along the general line of the old crooked fence on the dividing line between the easterly line of said Lewis tract and westerly lines of said Hinger tract,

- N 12° 00' W, 92.5 feet,
 - N 16° 44' W, 100.0 feet,
 - N 25° 21' W, 117.0 feet,
 - N 03° 21' W, 60.0 feet,
 - N 47° 15' E, 190.8 feet, and
 - N 00° 11' W, 181.2 feet to a steel rod for corner,
- the northeast corner of said Lewis tract;

04288 00166

Thence N 89° 18' W, along the general line of the old crooked fence and hedge on the north line of the Third and First tracts of the Third Tract in said Lewis deed, a distance of 762.7 feet to a steel rod found in the top of an old bois d' arc post, the southeast corner of the tract conveyed to James F. Tunnell by deed recorded in Volume 788, Page 610 of said Deed Records; being 957.9 feet N 89° 43' E from the center line of Routh Road;

Thence N 00° 26' W, partly along the remnants of the old fence on the east line of said Tunnell tract, a distance of 1309.8 feet to a steel rod for corner, the northeast corner of said Tunnell tract on the south line of the tract, known as 60 acres, conveyed to Mrs. Gladys M. Lewis by Partition Deed recorded in Volume 198, Page 312 of said Deed Records, and being 945.7 feet S 89° 27' E from the center line of Routh Road;

Thence S 89° 34' E, along the old fence and hedge along the line known as the south line of the north half of the Routh Survey, passing the southeast corner of said Mrs. Gladys M. Lewis tract and the southwest corner of the Second tract in deed to Clara McAdams recorded in Volume 672, Page 102 of said Deed Records, passing the east line of the Routh Survey and continuing along the dividing line between the north line of the Watson Survey and the south line of the J. M. Smith Survey, Abstract 983, a distance of 3085.0 feet to an angle in said line;

Thence N 82° 47' E, along said old fence and hedge, along the south line of the First Tract in said Clara McAdams deed, being along said survey dividing line, a distance of 2811.4 feet to a steel rod by old post, the northwest corner of the second 46.5 acre tract described in deed to Herbert Robinson, recorded in Volume 706, Page 534 of said Deed Records;

Thence S 80° 11' E, along the west lines of the Second and First tracts in said Robinson deed, at 263.0 feet passing a steel rod by old bois d' arc post on the north line of Watson Road, in all 2663.0 feet to a steel rod for corner on the center line of Watson Road;

Thence West, along the center line of Watson Road, passing the southeast corner of said Routh Survey, and continuing along the dividing line between the north line of the Routh Survey and the most westerly north line of the Watson Survey, in all a distance of 3882.5 feet to the place of beginning;

Containing 317.729 acres of land including 1.783 acres in the north half of Watson Road.

04288 00167

UNOFFICIAL

HOLMAN ROBERTSON ELDRIDGE
6949 Sherry Lane, Suite 3700
Dallas, Texas 75225
Attn: JEM

ANY REPRODUCTION OF THIS DOCUMENT IS PROHIBITED BY THE STATE OF TEXAS. THE STATE OF TEXAS HAS THE HONOR OF BEING THE FIRST TO ADOPT THIS DOCUMENT. THE STATE OF TEXAS HAS THE HONOR OF BEING THE FIRST TO ADOPT THIS DOCUMENT. THE STATE OF TEXAS HAS THE HONOR OF BEING THE FIRST TO ADOPT THIS DOCUMENT.

NOV 05 1998

Helen Starnes



CLERK OF THE DISTRICT COURT
DALLAS COUNTY, TEXAS
MEMORIAL BUILDING

NOV 05 1998

NOV 05 1998
17:00

The following files are not convertible:

BELKNAP_ENTIRE.dbf
BELKNAP_ENTIRE.idx
BELKNAP_ENTIRE.prj
BELKNAP_ENTIRE.shp
BELKNAP_ENTIRE.shx
BELKNAP_PORTION.CPG
BELKNAP_PORTION.dbf
BELKNAP_PORTION.prj
BELKNAP_PORTION.sbn
BELKNAP_PORTION.sbx
BELKNAP_PORTION.shp

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.

The following files are not convertible:

BELKNAP_PORTION.shp.xml

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

The following files are not convertible:

BELKNAP_PORTION.shx

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