



## Filing Receipt

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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 A. J. Malone 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 A. J. Malone 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 7724

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746  
PHONE: (512) 469-7987 FAX: (512) 469-9408  
[coatrose.com](http://coatrose.com)

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI  
000001.000001\4826-1659-9801.v1

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

PETITION BY A. J. MALONE	§	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 A. J. MALONE FOR EXPEDITED RELEASE PURSUANT TO TEXAS  
WATER CODE SECTION 13.2541**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

A. J. Malone (“Petitioner”) files his 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. 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 60<sup>th</sup> day after the date the landowner files the petition.” *See* TEX. WATER CODE § 13.2541(c).

## II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 103.44 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 67.671 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 (the Overall Property), portion of a detailed map (the Requested Area) and a general location map of the tract. Petitioner is owner of this land as evidenced by the Warranty Deed, attached as Exhibit C-1. Digital mapping in polygon shapefile format 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 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

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](mailto:jbethke@coatsrose.com) (Email)

**ATTORNEYS FOR PETITIONER**  
**A. J. MALONE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of September, 2021, a true and correct copy of the Petition by A. J. Malone 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 A. J. Malone

(will supplement with signed, notarized copy)

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

PETITION BY A. J. MALONE § 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 A. J. MALONE 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 A. J. Malone the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. “My name is A. J. Malone. 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 Petitioner in the above-captioned matter. I own approximately 103.44 acres of land (the “Overall Property”), which is located within the boundaries of water CCN No. 10150 issued to Marilee SUD. I seek to have approximately 62.671 acres (the Requested Area) located within the Overall Property released from water CNN No. 10150. The 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 (the Overall Property), portion of a detailed map (the “Requested Area”) and a general location map of the tract. I am the owner of this land as evidenced by the Warranty Deed, attached as Exhibit C-1. Digital polygon shapefiles will also be submitted in this docket.

3. The 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 Properties.

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

FURTHER AFFIANT SAYETH NOT.

\_\_\_\_\_  
A. J. Malone

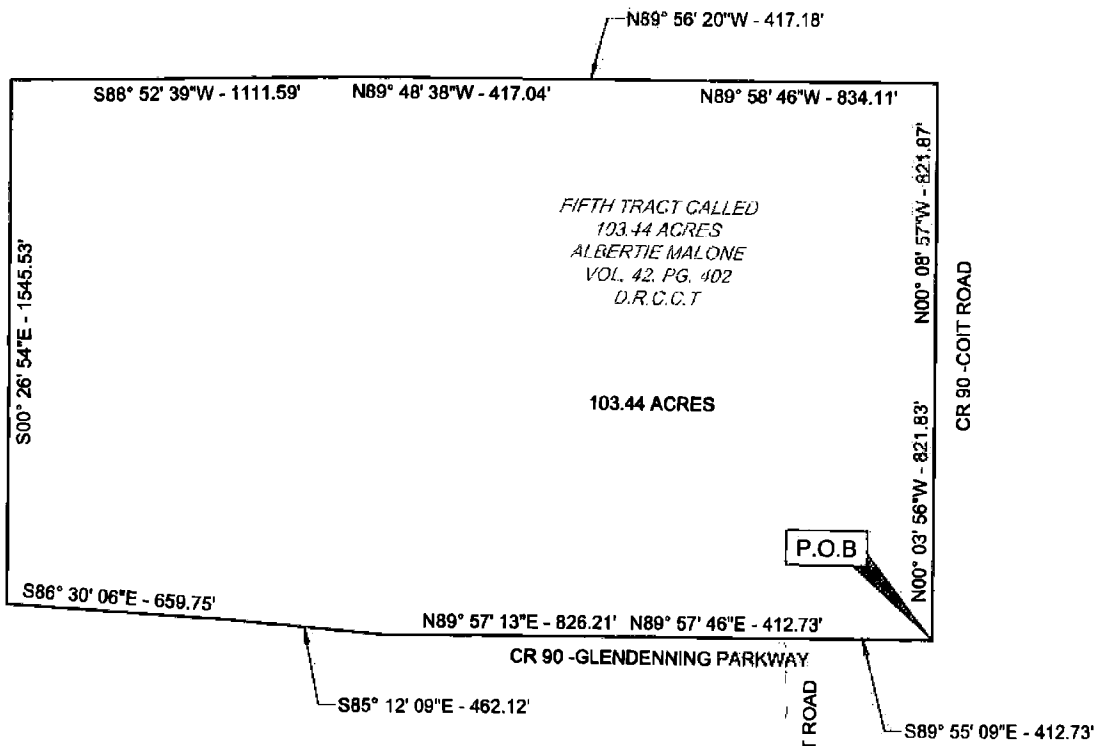
SWORN TO AND SUBSCRIBED TO BEFORE ME by A. J. Malone on this \_\_ day of  
September, 2021.

\_\_\_\_\_  
Notary Public, State of Texas



EXHIBIT "B-1"

Entire Tract Map  
(Malone Tract – Overall Property)

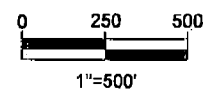


FIFTH TRACT CALLED  
 103.44 ACRES  
 ALBERTIE MALONE  
 VOL. 42, PG. 402  
 D.R.C.C.T

103.44 ACRES

P.O.B

ENTIRE TRACT (FROM DEED)  
 OWNED BY ALBERTIE MALONE  
 - 103.44 ACRES  
 LEVIN ROUTH SURVEY, A-779  
 COLLIN COUNTY, TEXAS



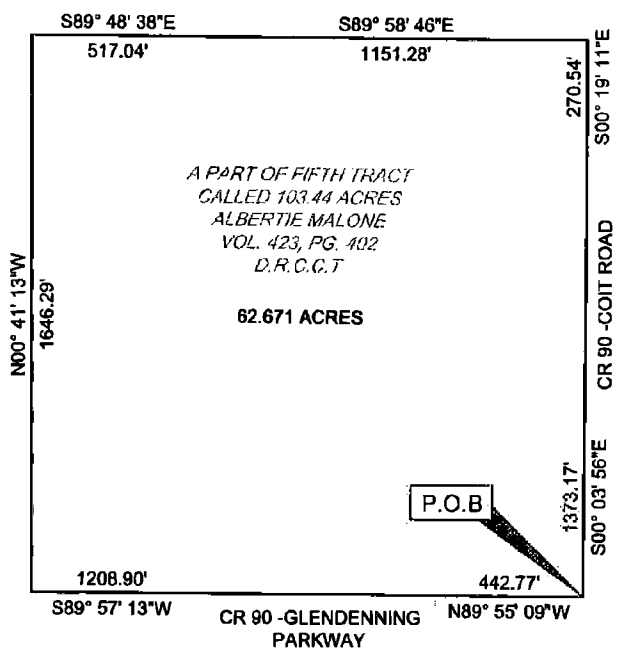
3501 OLYMPUS BLVD, SUITE 100  
 DALLAS, TEXAS 75019  
 PHONE: (469) 899-0536  
 WWW.KFM-LLC.COM  
 TBPE #: F-20821

DATE:  
 2021/08/20

K:\projects\10006\_10021\cad\text\10021\0817\_pac\_cad\text\10021\0817\_pac\_cad.dwg, bwright-2023-02-17 6:36 PM

EXHIBIT "B-2"

Detailed Location Map – To Be Released  
(Malone Tract)

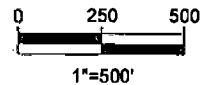
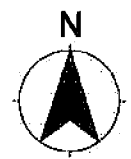


A PART OF FIFTH TRACT  
 CALLED 103.44 ACRES  
 ALBERTIE MALONE  
 VOL. 423, PG. 102  
 D.R.C.G.T

62.671 ACRES

P.O.B

PORTION OF TRACT OWNED BY  
 ALBERTIE MALONE TO BE  
 RELEASED FROM CCN 10150  
 62.671 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

K:\projects\10051\02\casfiles\102210817\_plat\_eabh\title\title.apr\_barej\_ext.dwg-survey-0222021 6:46 PM

**LEGAL DESCRIPTION**

Being all that certain tract or parcel of land situated in the Charles P. Rice Survey, Abstract No. 771, Collin County, Texas, being a part of that certain called 62.671 acre tract described as a part of the Fifth Tract of a called 103.44 acre tract conveyed to Albertie Malone by deed of record in Volume 423, Page 402 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds and follows:

BEGINNING at a 1/4" Iron Rod Found at the northwest corner of said Fifth Tract of the called 103.44 acre tract, same being the northeast corner of a called 41.549 acre tract conveyed to Joseph A Miller, by instrument No. 20160506000552620 of the Official Public Records of Collin County, Texas, from which a 1/2" Iron Rod Found bears N89°56'42"W a distance of 458.95 feet;

THENCE with the north line of the Fifth Tract of the called 103.44 acre tract the following two (2) bearing and distances:

- 1.S89°48'38"E a distance of 517.04 feet to a 1/2" Iron Rod Found at the southeast corner of a called 1.95 acre tract conveyed to Cary T. Carroll by instrument of record in Document No. 20120831010002200 of the Official Public Records of Collin County, Texas;
- 2.S89°58'46"E a distance of 1151.28 feet to a 5/8" Iron Rod Set with plastic cap which reads "LANDPOINT" in County Road 90 and the west line of a called 517.454 acre tract conveyed to The Parks At Wilson Creek, L.P. by instrument of record Document No. 20130830001229380 of the Official Public Records of Collin County, Texas, for the northeast corner of the Fifth Tract of the called 103.44 acre tract, from which a Mag Nail Found bears North 89°16'35" East, a distance of 9.17 feet;

THENCE S00°19'11"E, along the centerline of County Road 90, same being the east line of the Fifth Tract of the called 103.44 acre tract, same being the west line of said 517.454 acre tract, a distance of 270.54 feet to an Iron Rod Set at a southeast corner of said 517.454 acre tract, same being the northwest corner of a called 62.700 acre tract of land conveyed to Clifton McKnight and Bryan Jeffrey McKnight by instrument of recorded in Document No. 20181116001414940 of the Official Public Records of Collin County, Texas, and being at the apparent intersection of the centerline of County Road 92 running east and west and the centerline County Road 90 running north and south.

THENCE S00°03'56"E, continuing along the centerline of County Road 90, the east line of the Fifth Tract of the called 103.44 acre tract, and the west line of said 62.700 acre tract, a distance of 1373.17 feet to an Iron Rod Set at southeast corner of the Fifth Part of the called 103.44 acre tract, same being the southwest corner of said 62.700 acre tract, the north line of a called 119.024 acre tract of land conveyed to Celina Land Development LLC by instrument of record in Document No. 201901110000397300 of the Official Public Records of Collin County, Texas, and being at the apparent intersection of the centerline of County Road 90 running east and west and the centerline County Road 90 running north and south.

THENCE with the south line of the Fifth Tract of the called 103.44 acre tract and the centerline of County Road 90, the following two (2) bearing and distances:

- 1.N89°55'09"W a distance of 442.77 feet to a Mag Nail Found at the northwest corner of said 119.024 acre tract, same being the northeast corner of a called 44.25 acre tract conveyed to Celina Independent School District by instrument of record in Document No. 2019092331175910 of the Official Public Records of Collin County, Texas;
- 2.S89°57'13"W a distance of 1208.90 feet to a 1/4" Iron Rod Found at the southwest corner of the Fifth Tract of the called 103.44 acre tract, same being the southeast corner of said 41.549 acre tract;
- 3.THENCE N00°41'13"W along the west line of the Fifth Tract of the called 103.44 acre tract, same being the east line of 41.549 acre tract, a distance of 1646.29 feet to the POINT OF BEGINNING and containing 62.671 acres of land.

X:\2021\21-0300\Working\Bose Mops\21-0300 - Zoning\Legals\McKNIGHT\_E-W.dwg

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

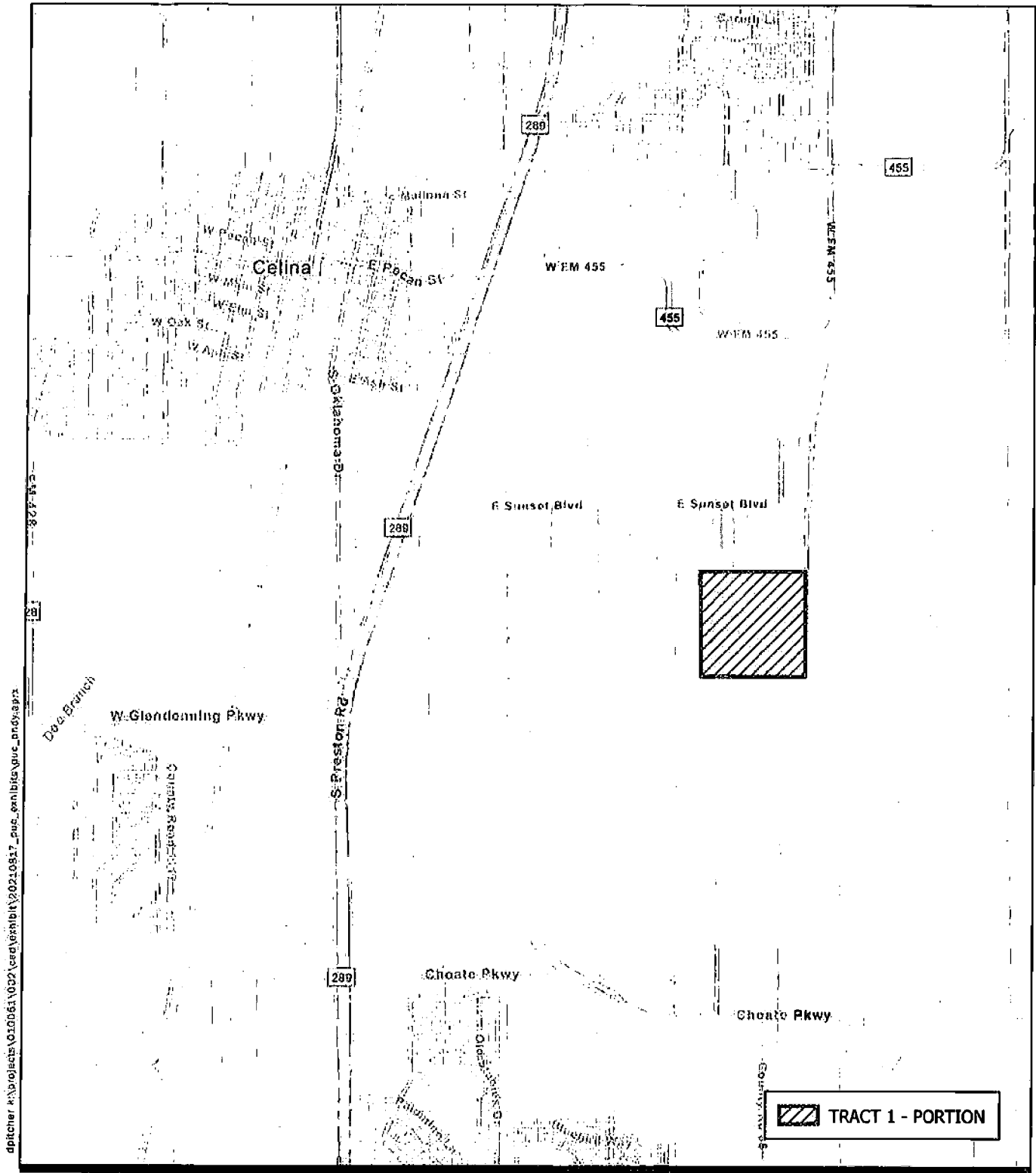
**62.671 ACRES**  
**CHARLES P. RICE SURVEY, A-771**  
**COLLIN COUNTY, TEXAS**



6410 SOUTHWEST BLVD. STE. 127  
FORT WORTH, TX 76109  
(817) 554-1805  
www.landpoint.net  
TBPELS REG. NO. 10194220

EXHIBIT "B-3"

General Location Map  
(Malone Tract)



d:\projects\010061\002\ceq\exhibit\20210817\_pos\_exn\bitvgus\_0000001.dwg

**KFM**  
ENGINEERING & DESIGN

3501 OLYMPUS BLVD., SUITE 100  
DALLAS, TEXAS 75019  
817.418.4536  
WWW.KFM-LLC.COM

TBPE: F-20821

**TITLE**  
**TRACT 1 - PORTION**  
GENERAL LOCATION MAP

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**PROJECT**  
**TUSCANY ESTATES**  
CELINA, TEXAS

**CLIENT**  
**CORSON CRAMER**

PROJECT NUMBER:  
010061002

AUGUST 17, 2021

**1 of 1**

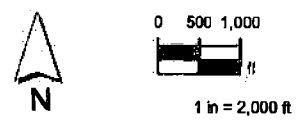


EXHIBIT "C-1"

Warranty Deed



Elm Mkd X. bears N. 18° 30' E. 18 Varas and another Brs. N. 18° 40' E 12 varas Mkd X. Thence East 1900 varas to a stake from which an Elm mkd X. bra N. 17° E. 15 Varas, and another same Mark bears N. 48° W. 18 varas :----Thence North 950 varas to the place of beginning,

Whereby relinquishing to him the said Charles Rector and his heirs or assigns forever all the right and title in and to said land heretofore held and possessed by the said State and I do hereby issue this letter patent for the same. FILED 1430  
Fannin

In Testimony whereof I have caused the seal of the State to be affixed as well as the seal of the General land office .

Done at the City of Austin on the fifteenth day of December in the Year of our Lord one Thousand Eight Hundred and Fifty Seven

S. Crosby Commissioner of the Gl. Ld. E. M. Bease  
Governor  
Office

(L.S.)

GENERAL LAND OFFICE AUSTIN TEXAS APL 22 1925.

I J. T. Robison Commissioner of the General Land Office of the State of Texas hereby certify that on the reverse hereof is a true and correct copy of the original of this instrument now on file in this office together with all endorsements thereon.

IN TESTIMONY WHEREOF I hereunto set my hand and affix the seal of said office the day and date first above written.

(L.S.) J. T. Robison  
Commissioner of General Land Office.

Filed for record at 2:30 o'clock P.M. on 14 day of May 1925. Recorded May 30, 1925.

*Minnie Beckwith*  
Clerk County Court, Collin County Texas.

H. A WITTLIFF & COMPANY

TO WARRANTY DEED

A. J. MALONE

THE STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS: That H. A. Wittliff & Company a cor- COUNTY OF COLLIN Corporation, by and through its President duly authorized so to act domiciled in the City of Ft. Worth of the County of Tarrant State of Texas for and in consideration of the sum of Sixty Five Hundred Thirty Seven and No/100 Dollars cash to it in hand paid by A. J. Malone, the receipt of which is hereby acknowledged and confessed and the assumption of that certain promissory note dated July 16th, 1923, executed by T. H. Phelps and Nannie Phelps, payable to the order of THE DALLAS JOINT STOCK LAND BANK OF Dallas at Dallas, Texas said note being in the principal sum of SEVEN THOUSAND (\$7,000.00) Dollars bearing interest at the rate of six (6%) per cent per annum, payable semi annually conditioned for the payment of said sum and interest on the amortization plan in sixty-five equal semi-annual payments each equal to 3.5 per cent of principal of said note, and sixty sixty or final payment equal to 2.923 per cent thereof, unless sooner matured by extra payment same being more particularly described in that certain deed of trust from T. H. Phelps and wife Nannie Phelps to H. W. Ferguson, Trustee, duly of record in the Deed of trust Records of Collin County Texas, in Vol. 64 page 131 deed of trust records of Collin County Texas to which record reference is here made for a more full and complete description of said lien and deed of trust it being provided herein that the said A. J. Malone assumes the payment of all interest and payments due upon said note for the year 1925, and further assumes the payment of any and all taxes that may be due upon said premises hereinafter described for the year 1925.

HAVE GRANTED, SOLD AND CONVEYED, and by these presents do grant sell and convey unto the said A. J. Malone of the County of Collin State of Texas all that certain lot, tract or parcel of land situated in Collin County State of Texas, to-wit:

Being a part of a survey originally granted to Collin County School Land Survey #14, and Charles P. Rice and being part of a tract of land conveyed to T. H. Phelps by R Phelps et al by partition deed dated Jan. 9, 1914; and recorded in Vol. 202, page 306 deed records for said County.

Beginning at the S. E. C. of said tract of land, at stk, in the South line of the said Charles P. Rice survey same being the S. W. C. of the B. F. Johnson farm,-----Thence North with the West line of the said Johnson tract 24.80 chs to the N. E. C. of the Tract conveyed to said T. H. Phelps.-----Thence West 42.10 chs to the N. E. C. of an 18.55 acre tract conveyed by T. H. Phelps and wife to James A. Gearheart Oct. 15, 1917.-----Thence South with the East line of said 18.55 acre tract 24.35 chs. to the S. E. C. of said tract a stk. in the West line of said tract conveyed to said T. H. Phelps.-----Thence East with said line 42.10 chs to the place of beginning, containing 103.44 acres of land, more or less. And being the same land conveyed to T. H. Phelps by O. D. Tucker by deed dated September 30, 1922; filed for record July 10, 1923; Deed Records Collin County Texas; and also described in the deed of trust from T. H. Phelps and Nannie Phelps to H. W. Ferguson, Trustee dated July 16th, 1923, duly of record in the Deed of trust Records Vol. 64 page 131 of Collin County, Texas, to each of which records reference is here made for a more full and complete description of the lands herein conveyed.

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 A. J. Malone, his heirs and assigns forever; and It does hereby bind itself, its successors and assigns to Warrant and forever defend, all and singular the said premises unto the said A. J. Malone his heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the hand of its President at Fort Worth, Texas, and its corporate seal this day of May A. D. 1925.  
(I. R. STAMPS \$7.00)

ATTEST:

D. D. Norton Secretary.

H. A. Wittliff & Company

H. A. Wittliff President

THE STATE OF TEXAS [ Before me, a Notary Public of Tarrant County, Texas on this day per- COUNTY OF TARRANT ] sonally appeared H. A. Wittliff known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said H. A. Wittliff & Company a corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 9th day of May A. D. 1925.

Lucile Strong Notary Public

(L.S.)

Tarrant County, Texas.

Filed for record this 14 day of May A. D. 1925, at 10:30 o'clock A. M. Recorded June 1, 1925

*William Brown*  
Clerk County Court Collin County Texas.

-----oo0000-----

The following files are not convertible:

MALONE\_ENTIRE.dbf  
MALONE\_ENTIRE.idx  
MALONE\_ENTIRE.prj  
MALONE\_ENTIRE.shp  
MALONE\_ENTIRE.shx  
MALONE\_PORTION.CPG  
MALONE\_PORTION.dbf  
MALONE\_PORTION.prj  
MALONE\_PORTION.sbn  
MALONE\_PORTION.sbx  
MALONE\_PORTION.shp  
MALONE\_PORTION.shx

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

Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.