



## Filing Receipt

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# COATS | ROSE

REGULATORY SERVICES GROUP

NATALIE SCOTT  
DIRECTOR

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

September 07, 2021

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

*Via Electronic Filing*

Re: New PUC Docket; *Petition by East Tioga 581 LP 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 East Tioga 581 LP 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 7700

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  
000001.000001\4812-8903-7049.v1

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

PETITION BY EAST TIOGA 581 LP	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN GRAYSON COUNTY	§	OF TEXAS

**PETITION BY EAST TIOGA 581 LP FOR EXPEDITED RELEASE PURSUANT TO  
TEXAS WATER CODE SECTION 132541**

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

East Tioga 581 LP (“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 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 S 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 13.254.1 provides the same, and it recognizes that Grayson County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE s 24.245. 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.”

## II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 580.889 acres of contiguous property in Grayson 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 Grayson 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, attached as Exhibit C-1. Digital mapping will also be filed in this docket in polygon shapefile format.

## 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 Grayson 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,

By: **COATS | ROSE**  
  
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  
EAST TIOGA 581, LP**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7 day of September 2021, a true and correct copy of the Petition by East Tioga 581 LP for Expedited Release Pursuant to Texas Water Code Section 13.2541 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

EXHIBIT "A"

Affidavit of Ryan Griffin

PUC DOCKET NO.

PETITION BY EAST TIOGA 581 LP § BEFORE THE  
FOR EXPEDITED RELEASE FROM §  
WATER CCN NO. 10150 § PUBLIC UTILITY COMMISSION  
HELD BY MARILEE SPECIAL UTILITY §  
DISTRICT IN GRAYSON COUNTY § OF TEXAS

AFFIDAVIT OF RYAN GRIFFIN 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 \_\_\_\_\_ §

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

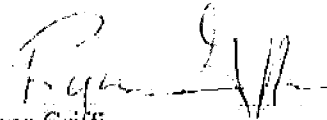
1. "My name is Ryan Griffin. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the Manager of East Tioga 581 LP, the Petitioner in the above-captioned matter. Petitioner owns approximately 580.889 acres of land, which is located within the boundaries of water and sewer CCN No. 10150 issued to Marilee SUD (the "Property"). The Property is located in Grayson 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 the Property as evidenced by the Special Warranty Deed ("Deed"), attached as Exhibit C-1. Digital mapping in the form of polygon shapefiles will also be submitted in this docket.

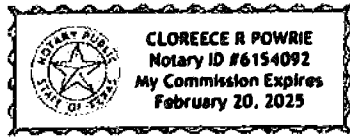
3. The Property is not receiving water or sewer service from Marilee SUD or any other water or sewer service provider. The Property has not requested water or sewer service from Marilee SUD or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the Property.

4. I request that the Public Utility Commission of Texas release the Property from sewer CCN No. 10150"

FURTHER AFFIANT SAYETH NOT.

  
Ryan Griffin

SWORN TO AND SUBSCRIBED TO BEFORE ME by Ryan Griffin on 3rd  
September, 2021.

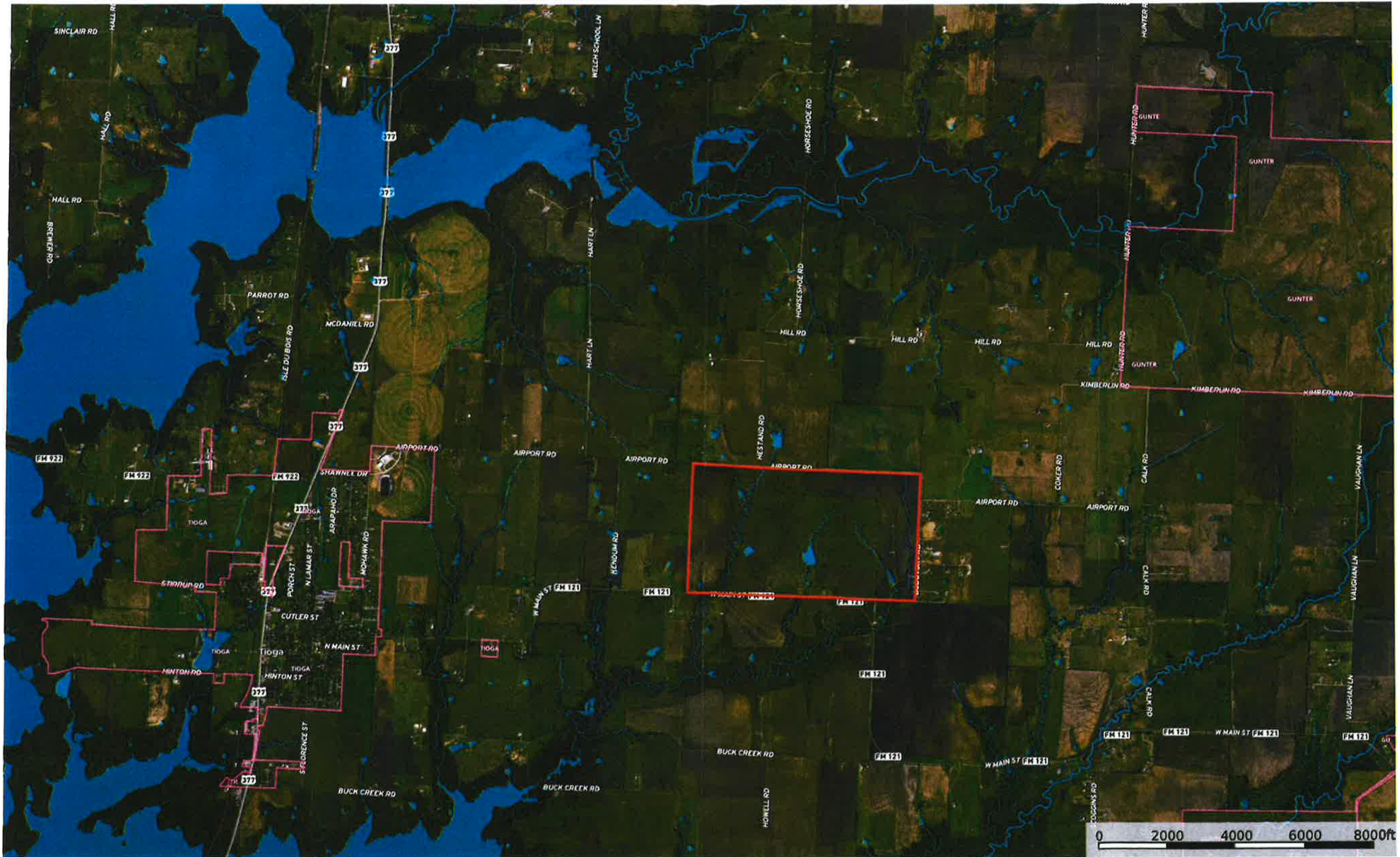


Cloreece R. Powrie  
Notary Public, State of Texas



EXHIBIT "B-1"  
General Location Map

Tioga 581  
 Crayson County, Texas, AC +/-

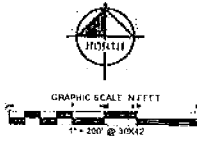


▭ Boundary    
 ▬ Stream, intermittent    
 ▬ River/Creek    
 ▭ Water Body

M
 This information contained herein was derived from publicly available data. The user assumes all liability for any errors or omissions.

EXHIBIT "B-2"

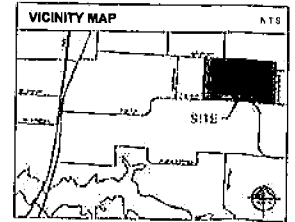
Detailed Map



- NOTES**
1. No visible evidence of current earth moving work, building construction or existing additions were observed at the time of survey.
  2. All bearings shown are based on the North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Transverse Mercator Factor (TMF) of 0.9999012314.
  3. According to Map No. 4654724757 and 4654725068, dated 10/26/18 of the National Flood Insurance Program, Federal Emergency Management Agency, Federal Insurance Administration, this project is not within a Special Flood Hazard Area. It is to be noted that the National Flood Insurance Program does not provide flood insurance for areas that are not within a Special Flood Hazard Area. The project owner should consult the National Flood Insurance Program website for more information on flood insurance and flood risk.
  4. The survey was made on the ground and there are no visible above ground obstructions except as shown.

**LEGEND**

1	Survey Boundary
2	Property Boundary
3	Right-of-Way Boundary
4	Water Course
5	Other



**ALTANSPS LAND TITLE SURVEY**  
580.889 ACRES

SARAH CROSS SURVEY,  
ABSTRACT NO. 210  
CITY OF TIOGA, GRAYSON  
COUNTY, TEXAS

**Kimley»Horn**

No.	DATE	REVISION DESCRIPTION	BY	CHECKED BY	DATE	SCALE	DATE	BY	DATE
1	7/29/19	UPDATE LEGAL DESCRIPTION							
2	7/29/19	UPDATE LEGAL DESCRIPTION ADD							
3	7/29/19	UPDATE LEGAL DESCRIPTION							



EXHIBIT "C-1"  
Special Warranty Deed



**Grayson County  
Wilma Bush  
County Clerk  
Sherman, TX 75090**

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**Instrument Number: 2019 - 18001**

ERecordings-RP

**Recorded On: July 30, 2019 08:13 AM**

**Number of Pages: 7**

**Parties: B-29 CORRIDOR HOLDINGS LLC**

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**" Examined and Charged as Follows: "**

Total Recording: \$46.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described Document because of color or race is invalid and unenforceable under federal law.

**File Information:**

**Document Number: 18001**  
**Receipt Number: 20190730000006**  
**Recorded Date/Time: July 30, 2019 08:13 AM**  
**User: Cort M**  
**Station: CLERK07**

**Record and Return To:**

Simplifile



**STATE OF TEXAS  
COUNTY OF GRAYSON**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

**Wilma Bush  
County Clerk  
Grayson County, TX**





Grantee, by its acceptance of this Special Warranty Deed, assumes payment of all standby charges, ad valorem taxes, and assessments for the 2019 calendar year and later calendar years not yet due and payable, each to the extent attributable to all or part of the Property. If this conveyance or Grantee's use of the Property after the date hereof results in the assessment of additional taxes, penalties or interest ("Assessments") for periods prior to the date hereof, the Assessments will be the obligation of Grantee. If Assessments are imposed because of Grantor's use or change in use of the Property prior to the date hereof, the Assessments will be the obligation of Grantor.

IN WITNESS WHEREOF, this Special Warranty Deed is executed by Grantor to be effective for all purposes as of the 29 day of July 2019.

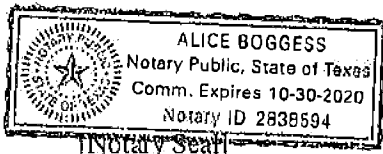
**GRANTOR:**

**B-29 CORRIDOR HOLDINGS, LLC,**  
a Texas limited liability company

By: [Signature]  
Name: Mitchell Wood  
Title: Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF Collin   §

This instrument was acknowledged before me on this 29<sup>th</sup> day of July 2019, by Mitchell Wood, Vice President of **B-29 CORRIDOR HOLDINGS, LLC**, a Texas limited liability company, known 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, in the capacity therein stated and as the act and deed of said limited liability company.



[Signature]  
Notary Public  
My commission expires: 10-30-2020

**GRANTEE'S ADDRESS:**  
East Tioga 581 LP  
9558 John W. Elliott Drive, Suite 106  
Frisco, Texas 75033  
Attn: Ryan Griffin

**EXHIBIT "A"**  
**Description of Property**

**BEING** a tract of land situated in the Sarah Cross Survey, Abstract No. 201, City of Tioga, Grayson County, Texas and being all of the property described in a deed to B-29 Corridor Holdings, LLC, as recorded in Instrument No. 2017-21197, of the Official Records of Grayson County, Texas, and being more particularly described as follows:

**BEGINNING** at wood post found for the southwest corner of said B-29 tract, common to the southeast corner of a called 80.268 acre tract of land described in a deed to William Henry Ledbetter and Wife, Janice K. Ledbetter as recorded in Volume 1456, Page 570, of the Deed Records of Grayson County, Texas, same being on the northerly right of way line of West Main Street (F.M. Highway 121), a variable width right-of-way;

**THENCE** North 01°44'40" East, departing the northerly right of way line of said West Main Street, and along the westerly line of said B-29 tract, the easterly line said 80.268 acre tract, and the easterly line of called 104.170 acre tract of land described in a deed to 104 Airport Road Partners, LLC, as recorded in Instrument Number 2017-23365 of said Official Records, a distance of 3784.98 feet to a mag nail found for the northwest corner of said B-29 tract, common to the northeast corner of said 104.170 acre tract, same being on the southerly line of a called 111.74 acre tract of land described in a deed to Latigo Assets, LLC, as recorded in Instrument Number 2018-27771 of said Official Records, and being in the centerline of Airport Road, a variable width right-of-way, no record found;

**THENCE** South 88°16'44" East, along the northerly line of said B-29 tract and the southerly lines of said 111.74 acre tract, a tract of land described as "Tract One" in a deed to Latigo Assets, LLC, as recorded in Volume 5104, Page 717 of said Official Records, a tract of land described as "First Tract" in a deed to Frank Loncar and Wife, Charlotte Loncar, as recorded in Volume 1556, Page 801 of said Deed Records, tracts of land described as "Tract No. 1" and "Tract No. 2" in a deed to William B. Parks, et al, as recorded in Volume 1795, Page 665 of said Deed Records, and a called 24.05 acre tract of land described in a deed to Martin Lon Shelly and Crisana Lyn Shelly Hutchings, as recorded in Instrument Number 2018-26, of said Official Records, and along the centerline of said Airport Road, a distance of 6705.82 feet to a 60D nail found for the northeast corner of said B-29 tract, common to the southeast corner of said 24.05 acre tract, same being on the westerly line of a called 140.263 acre tract of land described in a deed to Lawrence J. Freeman and Lois D. Freeman, as recorded in Volume 4053, Page 1, of said Official Records;

**THENCE** South 01°38'26" West, along the easterly line of said B-29 tract, the westerly line of said 140.263 acre tract, and along the centerline of Airport Road, a distance of 799.69 feet to a 60D nail found for the southwest corner of said 140.263 acre tract, being at the intersection of the centerlines of Airport Road and Bodovsky Road, a variable width right-of-way, no record found;

**THENCE** South 01°47'30" West, continuing along the easterly line of said B-29 tract and along the centerline of Bodovsky Road, a distance of 2981.45 feet to a 5/8 inch iron rod found for the southeast corner of said B-29 tract, common to an ell corner along the centerline of said Bodovsky Road, and being on the northerly line of a called 407.689 acre tract of land described in a deed to Tioga 408 Partners, Ltd., as recorded in Instrument No. 2017-20365, of said Official Records;

**THENCE** North 88°41'18" West, continuing along the centerline of said Bodovsky Road, along the southerly line of said B-29 tract and the northerly line of said 407.689 acre tract, a distance of 1160.58 feet to a cotton spindle found for the northwest corner of said 407.689 acre tract, common to the northeast corner of a called 3.594 acre tract of land described in a deed to Clifton G. Goodrum, as recorded in Volume 4072, Page 597, of said Official Records;

**THENCE** North 88°28'06" West, continuing along the centerline of said Bodovsky Road and the southerly line of said B-29 tract, and along the northerly line of said 3.594 acre tract and the northerly line of a called 1.291 acre tract of land described in a deed to Clifton G. Goodrum, as recorded in Volume 4072, Page 580, said Official Records, a distance of 638.23 feet to a 60D nail found for the northwest corner of said 1.291 acre tract, being on the northerly right-of-way line of aforesaid West Main Street;

**THENCE** departing the centerline of said Bodovsky Road, continuing along the southerly line of said B-29 tract and along the northerly right of way line of said West Main Street, the following courses and distances:

North 03°31'51" East, a distance of 26.40 feet to a concrete monument found for corner;

North 88°20'02" West, a distance of 329.26 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 09°00'44", a radius of 1185.92 feet, a chord bearing and distance of North 84°03'00" West, 186.34 feet, from which, a concrete monument found for witness bears South 88°20' East, a distance of 1.9 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 186.54 feet to a concrete monument found for corner;

North 88°33'22" West, a distance of 2041.14 feet to a concrete monument found for corner;

North 89°31'35" West, a distance of 1045.61 feet to a concrete monument found for corner;

North 85°44'15" West, a distance of 151.33 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 89°31'35" West, a distance of 447.45 feet to a 5/8 inch iron rod for corner;

North 88°04'58" West, a distance of 706.78 feet to the **POINT OF BEGINNING** and containing 580.889 acres (25,303,505 square feet) of land, more or less.

**EXHIBIT "B"**  
**Permitted Exceptions**

1. 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 in this Exhibit "B" or not.
2. An unrecorded Farm and Ranch Lease dated December 28, 2017, between B-29 Corridor Holdings, LLC, a Texas limited liability company and Robert Kubala, Tenant.
3. Channel Easement as shown in instrument from Rayford Wilbanks to State of Texas, recorded January 22, 1951 in Volume 638, Page 282, Deed Records, Grayson County, Texas, as shown on survey dated July 11, 2019, last revised July 29, 2019, prepared by Sylviana Gunawan, R.P.L.S. No. 6461 with Kimley-Horn and Associates, Inc. (the "Survey").
4. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Warranty Deed executed by J. B. Walling and wife, Iola Walling to Earney Madewell and wife, Essie Madewell, recorded February 25, 1952 in Volume 679, Page 353, of the Deed Records of Grayson County, Texas, as noted on the Survey.
5. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Warranty Deed executed by Ora Wakefield, a feme sole, individually and as a Trustee of the Trust created in deed from Dorothy Seely, et al to Ora E. Wakefield, dated April 12, 1954, recorded in Volume 838, Page 459, of the Deed Records of Grayson County, Texas; Dorothy Seely, wife of Walter T. Seely; Joe Anne Martischang, wife of Andrew L. Martischang, and Mary Hathorn, a feme sole to Emmett J. Dalton, recorded July 31, 1958 in Volume 874, Page 638, of the Deed Records of Grayson County, Texas, as noted on the Survey.
6. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Warranty Deed executed by Henry L. Seale and wife, Ernestine Seale to Fladger F. Tannery, recorded July 9, 1969 in Volume 1138, Page 295, of the Deed Records of Grayson County, Texas, as noted on the Survey.
7. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, by and between Ora Wakefield, a feme sole, individually and as a trustee of the trust created in deed from Dorothy Seely, et al to Ora E. Wakefield, as Lessor, and W.S. Dorset, as Lessee, recorded June 14, 1956 in Volume 838, Page 439, of the Deed Records of Grayson County, Texas, as ratified and confirmed by Agreement recorded June 4, 1957 in Volume 856, Page 279, of the Deed Records of Grayson County, Texas, as noted on the Survey.

8. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, by and between Andrew Martischang and wife, Joe Anne Martischang, as Lessor, and W.S. Dorset and R.C. Sewell, as Lessee, recorded June 14, 1956 in Volume 838, Page 440, of the Deed Records of Grayson County, Texas, as ratified and confirmed by Agreement recorded June 4, 1957, in Volume 856, Page 279, of the Deed Records of Grayson County, Texas, as noted on the Survey.
9. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, by and between Walter T. Seely and wife, Dorothy Seely and Mary Hathorn, a femme sole, as Lessor, and W.S. Dorset and R.C. Sewell, as Lessee, recorded June 14, 1956 in Volume 838, Page 442, of the Deed Records of Grayson County, Texas; as ratified and confirmed by Agreement recorded June 4, 1957 in Volume 856, Page 279, of the Deed Records of Grayson County, Texas, as noted on the Survey.
10. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, by and between Emmett J. Dalton and wife Mildred Lea Dalton, as Lessor, and The British-American Oil Producing Company, as Lessee, recorded May 5, 1965 in Volume 1029, Page 375, of the Deed Records of Grayson County, Texas, as noted on the Survey.
11. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in Oil, Gas and Mineral Deed, Assignment and Bill of Sale, executed by L. Glenn Evans, Individually and as Trustee to Evans Family Partnership, Ltd., recorded April 5, 2005 in Volume 3835, Page 438, of the Deed Records of Grayson County, Texas, as noted on the Survey.
12. Rights or claims, if any, of adjoining property owner(s) in and to that portion of the Property lying between the fence and the North, South and East property lines as shown on the Survey.
13. The following matters as shown on the Survey:
  - (a) That portion of the subject property lying within the boundaries of Airport Road, Bodovsky Road, Farm-to-Market Road No. 121, and gravel road;
  - (b) Overhead electric lines, meters, guy wires, power poles, electric and telephone boxes, cable tv and telephone markers, sanitary sewer and gas storage tanks and petroleum valves located on subject property;
  - (c) Location of oil wells on subject property.

The following files are not convertible:

BOUNDARY.shp

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.