



## Filing Receipt

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**Control Number - 52531**  
**ItemNumber - 38**

PUC DOCKET NO. 52531

PETITION BY E REAL ESTATE, 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

**SECOND AMENDED PETITION BY E REAL ESTATE, LLC FOR EXPEDITED  
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

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

In response to Order No. 13, E Real Estate, LLC, (“Petitioner”) files its Second Amended 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 thereof 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 property that is divided by CR 101 into two tracts of land (“West Tract” and “East Tract”) in Collin County (the “Overall Property”) that is located within the boundaries of water CCN No. 10150, held by Marilee SUD. Petitioner seeks release of 114.53 acres of the West Tract and 370.50 acres of the East Tract, for a total of 485.03 acres of the Overall Property (the “Requested Area”) from CCN No. 10150, as reflected on the attached exhibits and submitted shapefiles. Attached as Exhibits A and B are a revised general location map and a detailed map of the tracts. Digital mapping identifying the Overall Property and Requested Area is also being filed in this docket.


The meter locations indicated in Marilee’s Verified Response are outside the maps provided as attachments to this Amended Petition for the area to be decertified. *See also* Affidavit of Van D. Nichols, attached as Exhibit C.

## **III. CONCLUSION AND PRAYER**

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Requested Area described herein. The Requested Area 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 Requested Area that are within the boundaries of Water CCN No. 10150.

Respectfully submitted,

COATS | ROSE

By: 

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**ATTORNEY FOR PETITIONER  
E REAL ESTATE, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of December, 2022, a true and correct copy of this document was served on all parties of record in this proceeding by electronic mail and by filing on the PUC Interchange System.

**Counsel for Marilee SUD:**

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The Carlton Law Firm, P.L.L.C.  
4301 Westbank Drive, Suite B-130  
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Email: [john@carltonlawaustin.com](mailto:john@carltonlawaustin.com)

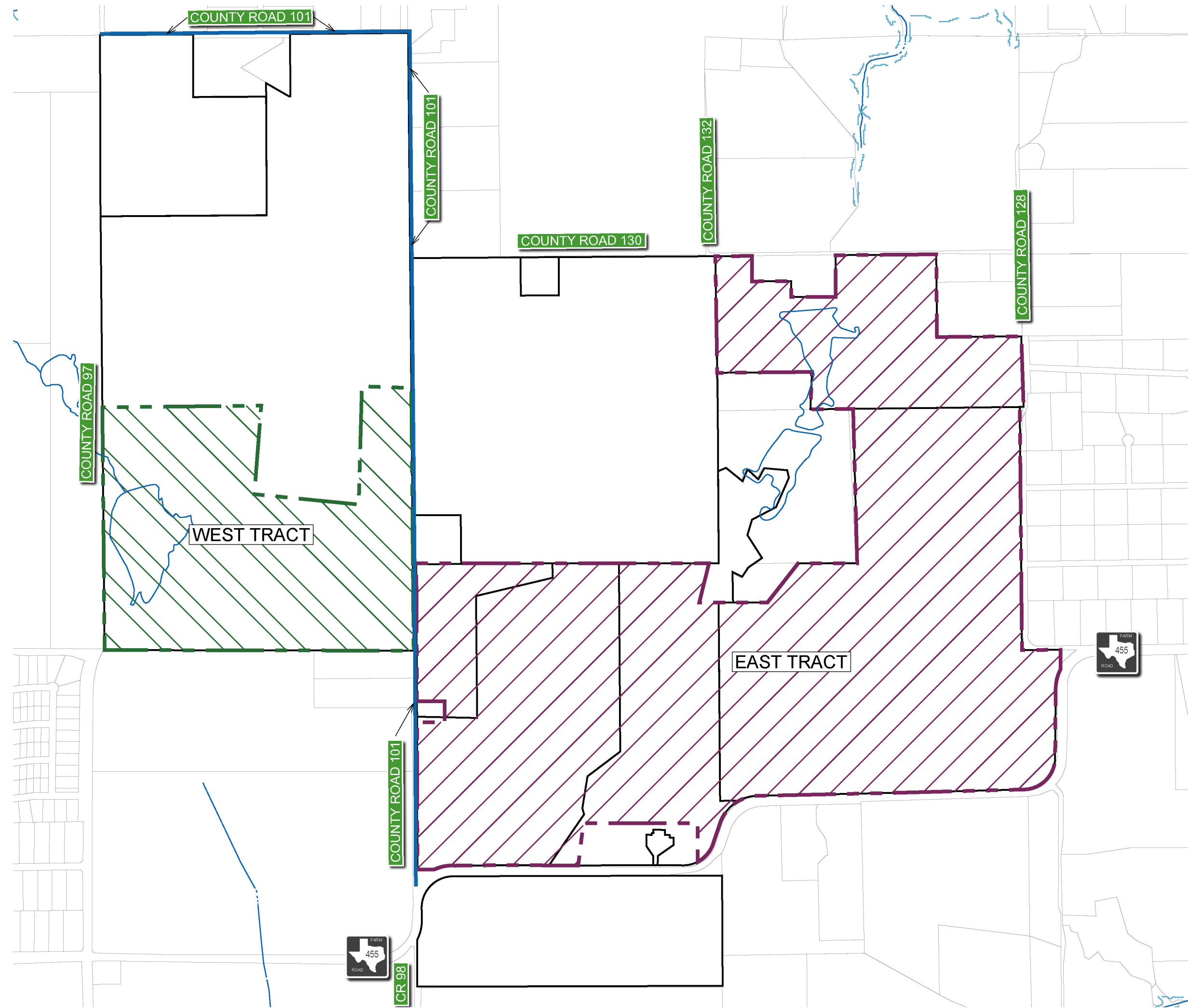
**Attorney for Commission Staff:**

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Natalie B. Scott

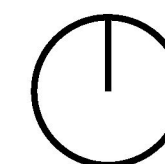
EXHIBIT “A”

General Location Map



## LEGEND

- COUNTY ROAD 101
- WEST TRACT
- EAST TRACT



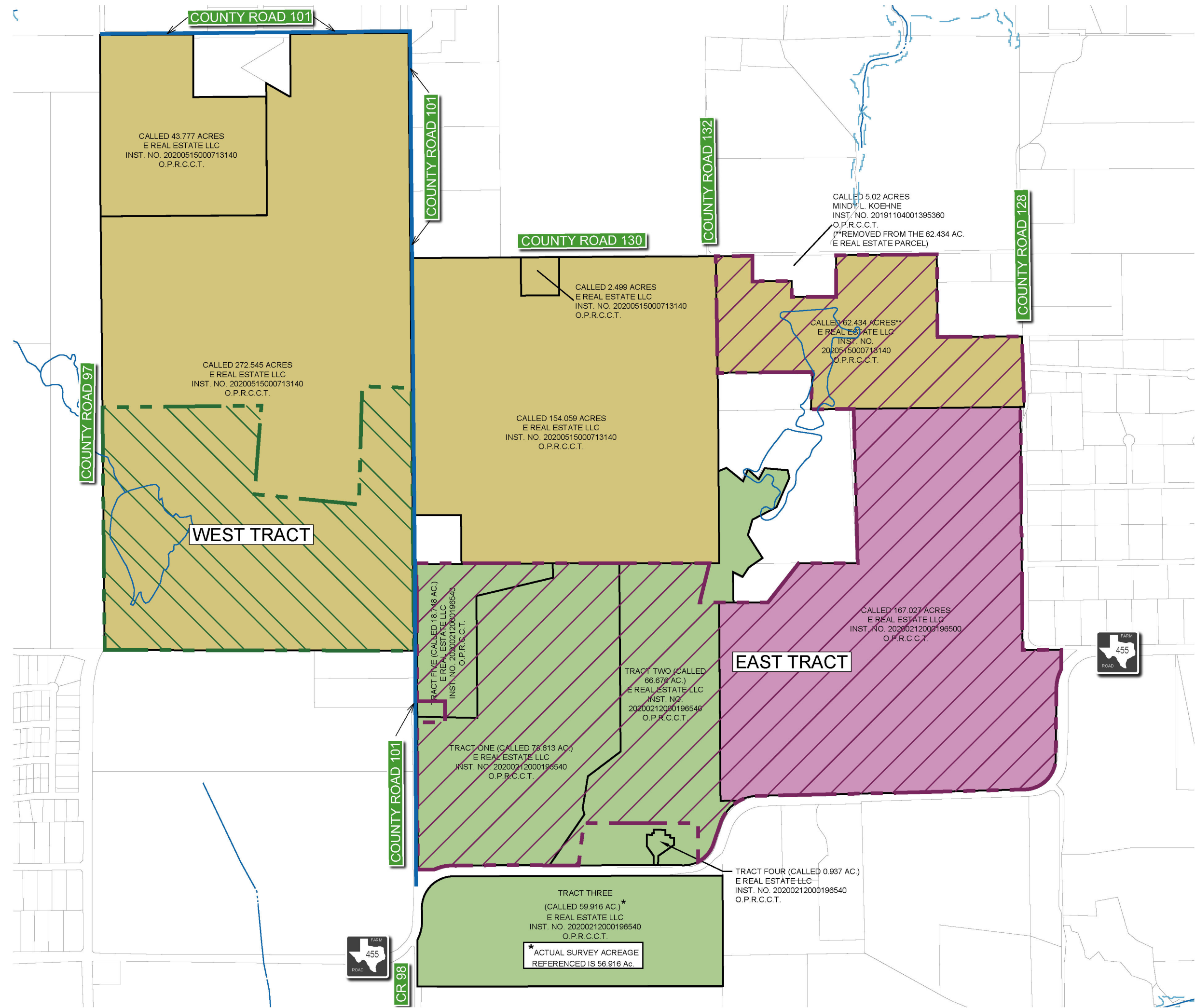
GRAPHIC SCALE IN FEET  
0 400 800 1600  
1"=800' @ 11x17

## DETAILED MAP

E REAL ESTATE  
**Eland Ranch**  
DOCKET #52531

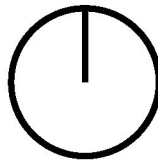
EXHIBIT “B”

Detailed Map



## LEGEND

- COUNTY ROAD 101
- WEST TRACT
- EAST TRACT



GRAPHIC SCALE IN FEET  
0 400 800 1600  
1"=800' @ 11x17

## DETAILED MAP

E REAL ESTATE  
**Eland Ranch**  
DOCKET #52531



EXHIBIT “C”

Affidavit of Van Nichols

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FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

**AFFIDAVIT OF VAN D. NICHOLS IN SUPPORT OF SECOND AMENDED PETITION  
FOR EXPEDITED RELEASE FROM WATER CCN NO. 10150. HELD BY MARILEE  
SPECIAL UTILITY DISTRICT PURSUANT, TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS                   §  
COUNTY OF DALLAS           §

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

1.       “My name is Van D. Nichols. 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.

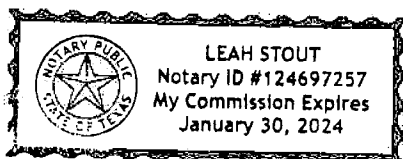
2.       I have reviewed the revised general location map and a detailed map of the tracts, attached as Exhibits A and B, which do not include any active water meters. The meters referenced by in Marilee’s Verified Response are not located in the area to be decertified.

FURTHER AFFIANT SAYETH NOT.

E REAL ESTATE LLC

By: *Van D. Nichols*  
Van. D. Nichols

SWORN TO AND SUBSCRIBED TO BEFORE ME by Van D. Nichols on the 19<sup>th</sup> of December, 2022.



*Leah Stout*  
Notary Public, State of Texas

The following files are not convertible:

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