



## **Filing Receipt**

**Filing Date - 2023-05-22 11:55:11 AM**

**Control Number - 52531**

**Item Number - 46**

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


**PETITIONER'S SUPPLEMENTAL AFFIDAVIT AND MAPS**

On April 24, 2023, the administrative law judge (“ALJ”) filed Order No. 17, allowing E Real Estate, LLC, (“Petitioner”) to file with the Public Utility Commission of Texas (the “PUC”) additional evidence to supplement its petition 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. Specifically, the ALJ allowed Petitioner to file supplemental information to identify accurate locations of meter nos. 77, 360 and 381 by May 22, 2023.

In support thereof, Petitioner hereby provides the attached affidavit of Frank G. Abbott, Jr., P.E. mapping engineer with Kimley-Horn and Associates, as well as updated detailed maps identifying the tract of land owned by E Real Estate and identifying the location of meter nos. 77, 360, and 381. Petitioner respectfully requests a finding consistent with the information provided by the affidavit of Mr. Frank Abbott, as well as the supplemental attachments provided therein, that Meter Nos. 77, 360, and 381 do not lie within the boundaries of area or areas sought for decertification in this matter.

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 22<sup>nd</sup> day of May, 2023, 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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**Attorney for Commission Staff:**

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Natalie B. Scott

**ATTACHMENT 1**

Affidavit of Frank G. Abbott, Jr., P.E.

PETITION OF E REAL ESTATE, LLC § BEFORE THE  
TO AMENDED MARILEE SPECIAL §  
UTILITY DISTRICT'S CERTIFICATE OF § PUBLIC UTILITY COMMISSION  
CONVENIENCE AND NECESSITY IN §  
COLLIN COUNTY BY EXPEDITED RELEASE § OF TEXAS

**AFFIDAVIT OF FRANK G. ABBOTT, JR., P.E.**

STATE OF TEXAS §  
COUNTY OF COLLIN §

BEFORE ME, the undersigned notary, personally appeared Frank G. Abbott, Jr., P.E., the affiant, a person who is known to me. After administering an oath, the affiant testified that:

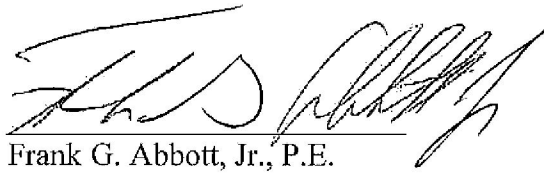
1. "My name is Frank G. Abbott, Jr., P.E. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am an engineer at Kimley-Horn and Associates (State Registration No. F-928). I have prepared the attached aerial maps Exhibits "A," "B" and "C" and they are an accurate representation of the three water meters (meter nos. 77, 360, and 381) locations on the property. These aerials are images for NEARMAP that Kimley-Horn and Associates has a license agreement with and were taken on from an aerial on January 12, 2023.

3. I have also read, and am in agreement with, the Affidavits filed by Mr. Van D. Nichols and Ms. Leah Stout on March 20, 2023 in this docket, (item no. 43). I have come to the same conclusions that the referenced meter nos. 77, 360, and 381 are not within the Eastern Tract boundaries and do not serve any areas within the Eastern Tract boundaries, that is the subject of this docket. Further meter no. 315 cannot be located, and to my knowledge is not serving any properties within the Eastern Tract boundaries.

4. I did a diligent search and an onsite observation of the meters in question in May 2023 and was unable to locate meter no. 315. This review of the referenced meter no. 315 included discussions with both Mr. Van D. Nichols and Ms. Leah Stout on May 16, 2023 The other meters do not serve any property located within the boundaries of the tract for which decertification is sought in this docket.

FURTHER AFFIANT SAYETH NOT.

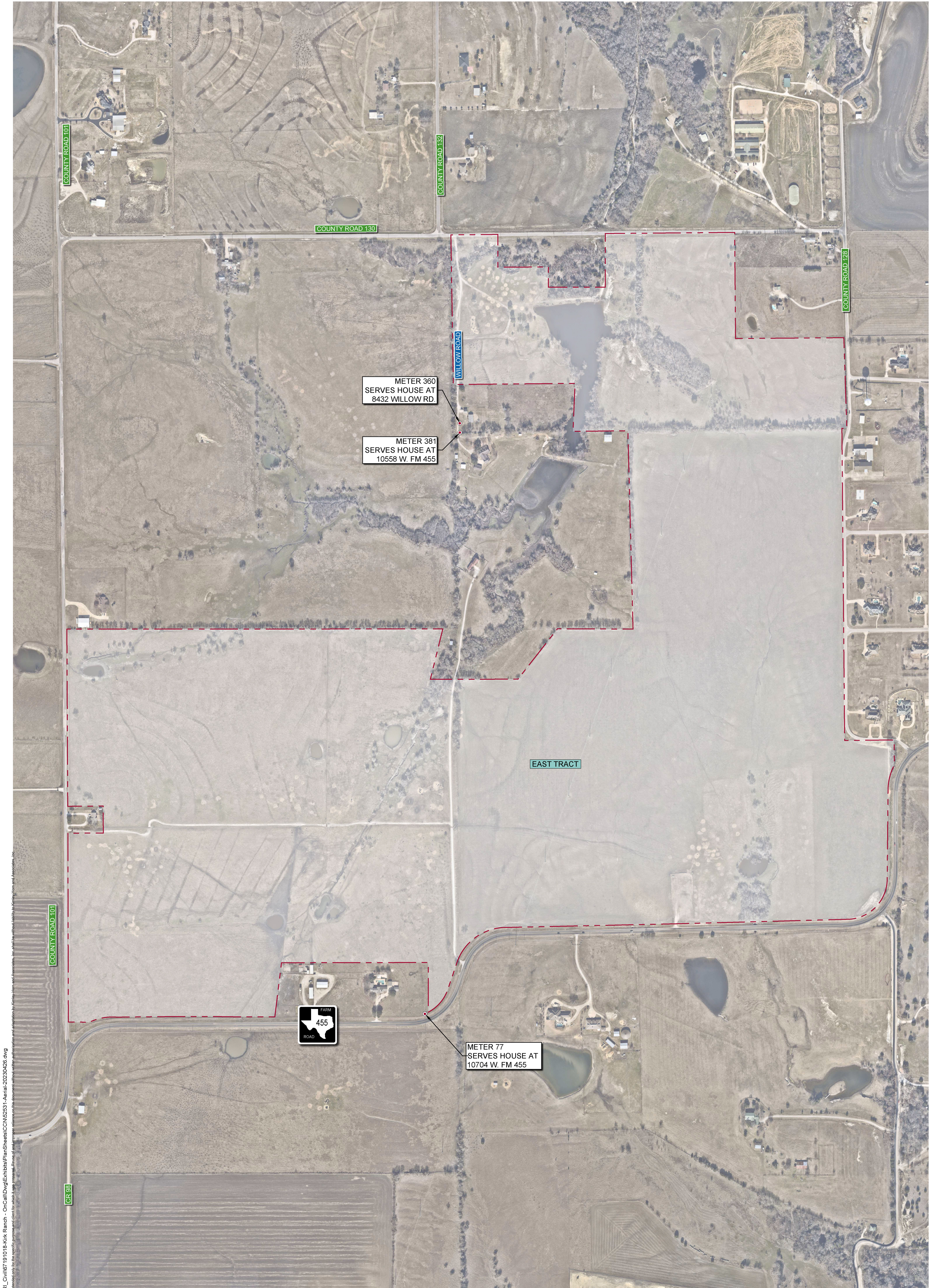
By:   
Frank G. Abbott, Jr., P.E.

SWORN TO AND SUBSCRIBED TO BEFORE ME by Frank G. Abbott, Jr., P.E. on the 19<sup>th</sup> day of May, 2023.



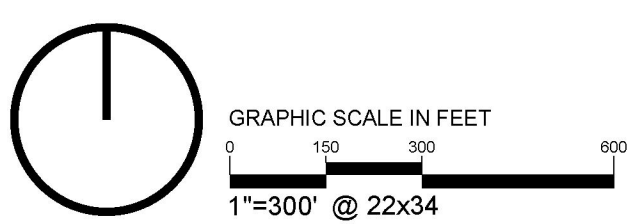
  
Notary Public, State of Texas

**EXHIBIT A**



**LEGEND**

- - - TRACT OF LAND
- IDENTIFIED METER LOCATION



**NOTES:**

1. AERIAL IMAGE TAKEN JANUARY 12, 2023 BY NEARMAP. COPYRIGHT 2023.

EXHIBIT A  
METER 77 360 & 381 LOCATIONS

E REAL ESTATE

**Eland Ranch**

PUC DOCKET #52531

**Kimley >>> Horn**

6160 Warren Parkway, Suite 210  
Frisco, Texas 75034  
P 972-335-3580  
State of Texas Registration No. F-928

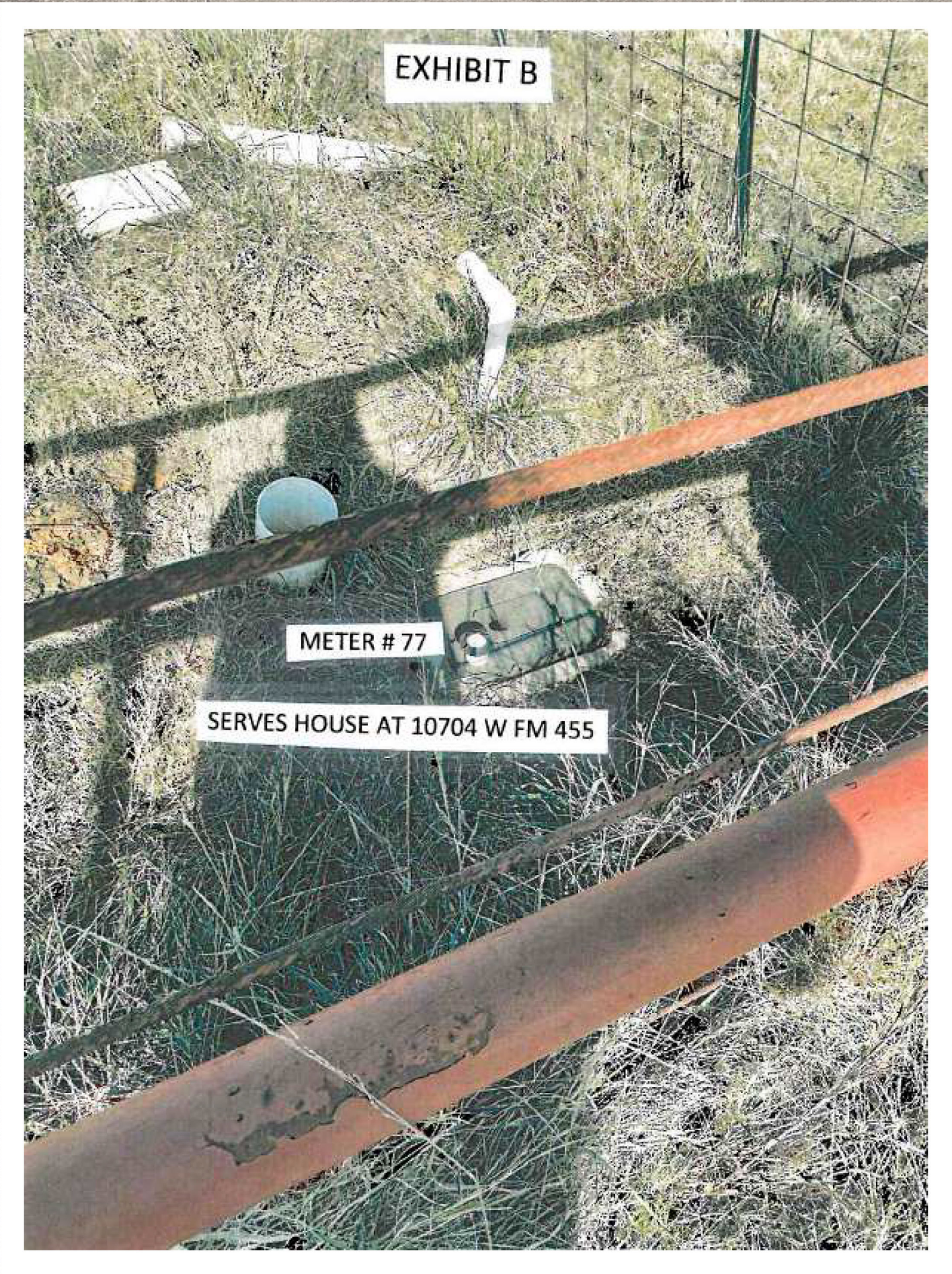
Plotted By: Ryan Date: May 22, 2023 10:32:04am File Path: K:\ERL\_Civil\67191018-Kirk Ranch - On-Call\DWG\Exhibits\PlanSheets\CON\52531-Aerial-20230426.dwg  
 This document is intended for informational purposes only. It is not a contract. The information contained herein is based on the best available information and is not a guarantee of accuracy. Kimley-Horn and Associates, Inc. is not responsible for any errors or omissions in this document.



**EXHIBIT B**

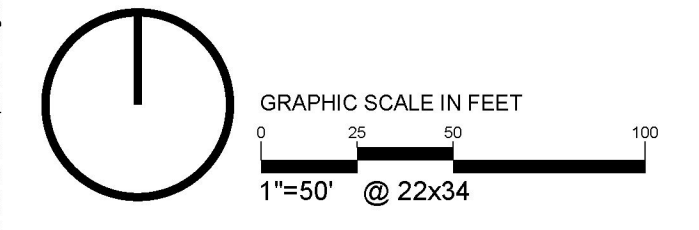


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**LEGEND**

- - - TRACT OF LAND
- IDENTIFIED METER LOCATION

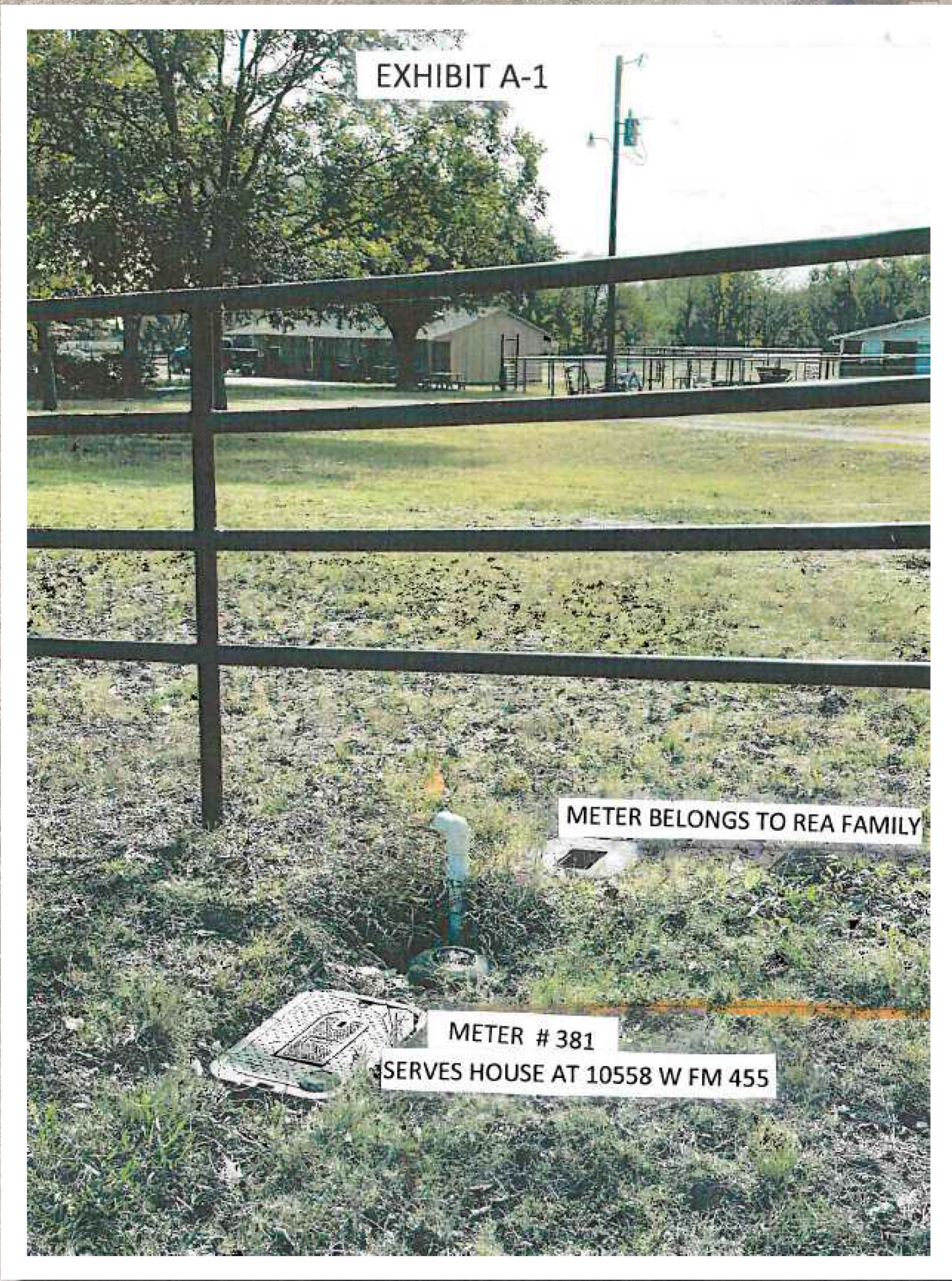
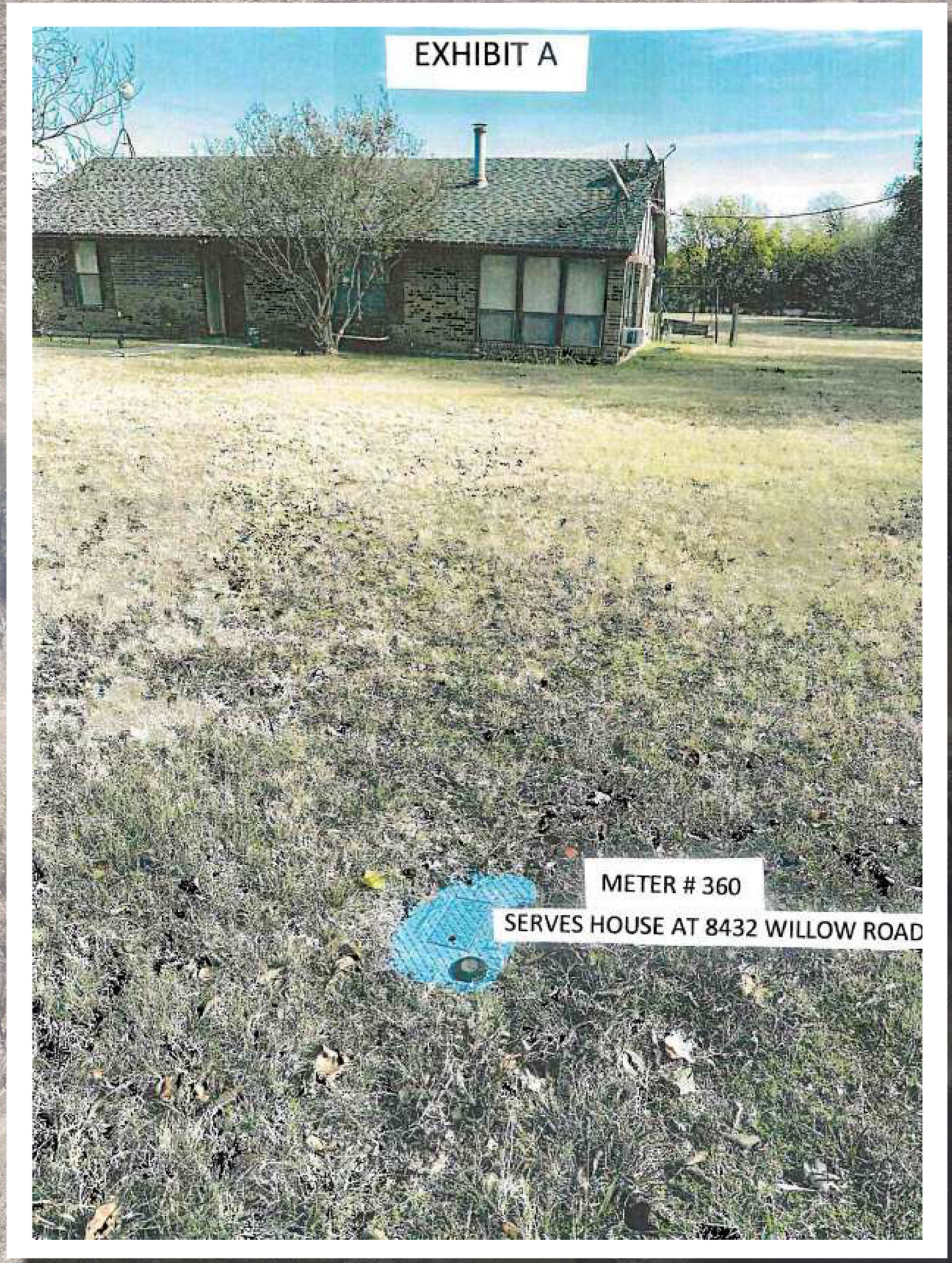


**NOTES:**

- AERIAL IMAGE TAKEN JANUARY 12, 2023 BY NEARMAP. COPYRIGHT 2023.

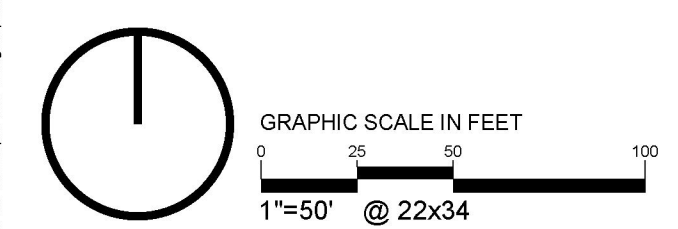
EXHIBIT B  
 METER 77 LOCATION  
 E REAL ESTATE  
**Eland Ranch**  
 PUC DOCKET #52531  
**Kimley»Horn**  
6160 Warren Parkway, Suite 210  
 Frisco, Texas 75034  
 P 972-335-3580  
 State of Texas Registration No. F-928

**EXHIBIT C**



**LEGEND**

- - - TRACT OF LAND
- IDENTIFIED METER LOCATION



**NOTES:**  
 1. AERIAL IMAGE TAKEN JANUARY 12, 2023 BY NEARMAP. COPYRIGHT 2023.

EXHIBIT C  
 METER 360 & 381 LOCATIONS  
 E REAL ESTATE  
**Eland Ranch**  
 PUC DOCKET #52531  
**Kimley»Horn**  
 6160 Warren Parkway, Suite 210  
 Frisco, Texas 75034  
 P 972-335-3580  
 State of Texas Registration No. F-928

Plotted By: Feist, Ryan Date: May 22, 2023 10:45:47am File Path: K:\FR\Comp\67191018-Kite Ranch - On-Call\DWG\Exhibits\PlanSheets\CON\62531\Aerial\20230522.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Review of and approval of any drawings or plans shall be without liability to Kimley-Horn and Associates, Inc. shall be assumed to constitute an acknowledgment of the accuracy of the information and data furnished to Kimley-Horn and Associates, Inc.