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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

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

September 08, 2021

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

Via Electronic Filing

Re: New PUC Docket; *Petition by E Real Estate, LLC 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 E Real Estate, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541.

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 7854

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\4818-7259-4170.v1

PUC DOCKET NO. _____

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

PETITION BY E REAL ESTATE, LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541 (MESQUAOKEE RANCH)

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

E Real Estate, LLC, (“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 thereof would respectfully show 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 156.656 acres of contiguous property in Collin 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." The Property is located in Collin 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 Deeds, attached as Exhibit C-1 and C-2.

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 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

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
E REAL ESTATE, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2021, a true and correct copy of the Petition by E Real Estate, LLC 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
Natalie B. Scott

EXHIBIT "A"
Affidavit of Gregg Allen

PUC DOCKET NO. _____

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

**AFFIDAVIT OF GREGG ALLEN 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 Dallas §

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

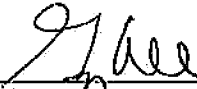
1. “My name is Gregg Allen. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am the President of E Management Corp, the manager for E Real Estate, LLC, the Petitioner in the above-captioned matter. Petitioner owns approximately 156.656 acres of land, which appears to be located within the boundaries of water and sewer CCN No. 10150 issued to Marilee SUD. This property is located in Collin 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 Deeds (“Deeds”), attached as Exhibit C-1 and C-2.

3. Petitioner’s 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 Properties.

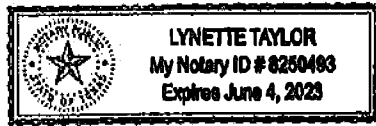
4. I request that the Public Utility Commission of Texas release these Properties from sewer CCN No. 10150”

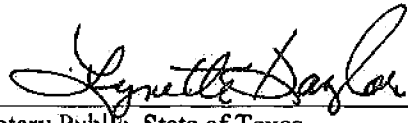
FURTHER AFFIANT SAYETH NOT.



E Real Estate, LLC
By: E Management Corp., its Manager
Gregg Allen, President

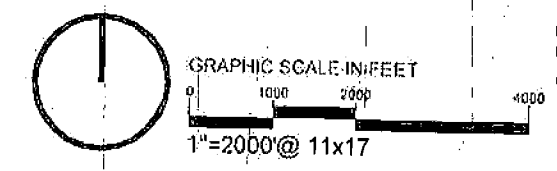
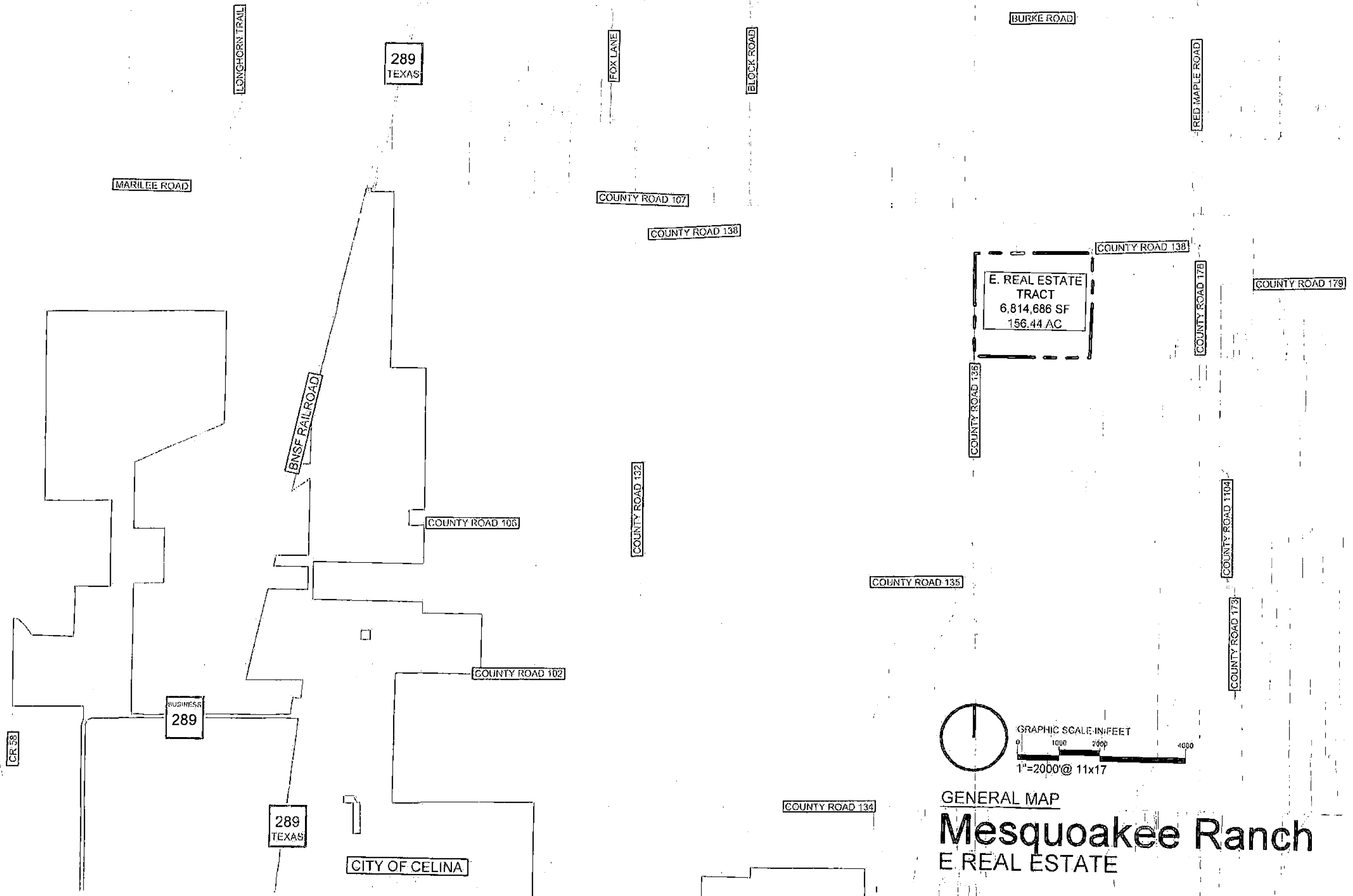
SWORN TO AND SUBSCRIBED TO BEFORE ME by Gregg Allen on 2
September, 2021.





Notary Public, State of Texas

EXHIBIT "B-1"
General Location Map



GENERAL MAP
Mesquaque Ranch
 E. REAL ESTATE

EXHIBIT "B-2"

Detailed Map

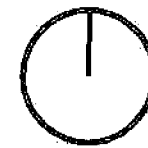
COUNTY ROAD 138

COUNTY ROAD 136

E. REAL ESTATE
TRACT
6,814,686 SF
156.44 AC

FEMA ZONE "A"
100-YR FLOOD PLAIN

FEMA ZONE "A"
100-YR FLOOD PLAIN



GRAPHIC SCALE IN FEET
0 150 300 600
1"=300' @ 11x17

DETAILED MAP
Mesquaukee Ranch
E REAL ESTATE

BEING a tract of land situated in the Leonidas Wilson Survey, Abstract No.974, Collin County, Texas and being all of called 75.335-acre tract of land described in a Special Warranty Deed to E Real Estate LLC, as recorded in Instrument No. 2020021200196510 and all of a called 81.321-acre tract of land described in a Special Warranty Deed to E Real Estate LLC, as recorded in Instrument No. 20200212000196520, both of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a MAG nail with shiner set in the intersection of County Road 136, an apparent public use right of way with County Road 138, an apparent public use right of way, for the northwest corner of said 75.335-acre tract;

THENCE North 89°12'11" East, along the northerly line of said 75.335-acre tract and generally along said County Road 138, a distance of 667.27 feet to a MAG nail with shiner set for corner;

THENCE North 88°40'54" East, continuing along the northerly line of said 75.335-acre tract and generally along said County Road 138 for a part of the way, a distance of 2,155.33 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for the northeast corner of said 75.335-acre tract, same being on the westerly line of a called 68.113-acre tract of land described in a Special Warranty Deed to Masoud Shaygan, as recorded in Volume 6036, Page 830 of the Land Records of Collin County, Texas;

THENCE South 00°31'26" East, along the easterly line of said 75.335-acre tract and the westerly line of said 68.113-acre tract, a distance of 1,188.65 feet to a 12-inch wooden fence corner post found for the southeast corner of said 75.335-acre tract, the southwest corner of said 68.113-acre tract, the northeast corner of aforesaid 81.321-acre tract and the northwest corner of a called 57.804-acre tract of land described in a Special Warranty Deed to Bangs Ranch, LLC, as recorded in Instrument No. 20181019001305900 of the Official Public Records of Collin County, Texas;

THENCE South 01°07'24" West, along the easterly line of said 81.321-acre tract and the westerly line of said 57.804-acre tract, a distance of 1,264.24 feet to a 5/8-inch iron rod with a yellow plastic cap, stamped "PELTON" found for the southeast corner of said 81.321-acre tract and the southwest corner of said 57.804-acre tract, same also being on the northerly line of a called 347.852-acre tract of land described in a General Warranty Deed to Mesquoakee Ranch LLC, as recorded in Instrument No. 20160406000409790 of the Official Public Records of Collin County, Texas;

THENCE South 89°48'06" West, along the southerly line of said 81.321-acre tract and the northerly line of said 347.852-acre tract, a distance of 2,777.95 feet to a MAG nail found in aforesaid County Road 136 for the southwest corner of said 81.321-acre tract and the northwest corner of said 347.852-acre tract, same being on the easterly line of a called 170.163-acre tract of land described in a Special Warranty Deed to Andrew Pennington, as recorded in Instrument No. 20201229002348790 of the Official Public Records of Collin County, Texas;

THENCE North 00°45'39" West, along the westerly line of said 81.321-acre tract, the easterly line of said 170.163-acre tract and generally along the center of said County Road 136, a distance of 1,266.61 feet to a 1/2-inch iron rod found for the northwest corner of said 81.321-acre tract and the southwest corner of aforesaid 75.335-acre tract;

THENCE North 00°40'12" West, along the westerly line of said 75.335-acre tract, the easterly line of said 170.163-acre tract, passing the southeast corner of a 30' wide right of way

dedication as depicted in Honey Creek Farms Addition, an addition to Collin County, Texas, as recorded in Cabinet L, Page 409 of the Map Records of Collin County, Texas, continuing along the easterly line of said 30' wide right of way dedication, a distance of 1,136.92 feet to the **POINT OF BEGINNING** and containing 156.444 acres (6,814,686 square feet) of land, more or less.

EXHIBIT "C-1"

Special Warranty Deed – 75.335 acre tract

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Effective Date: January 1, 2020

Grantor: Eland Energy, Inc., a Texas corporation

Grantor's Mailing Address: 16400 Dallas Parkway, Suite 100, Dallas, Texas 75248;

Grantee: E Real Estate LLC, a Texas limited liability company

Grantee's Mailing Address: 16400 Dallas Parkway, Suite 100, Dallas, Texas 75248.

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

Property: Those certain tracts of land described on the attached Exhibit "A" which is incorporated herein by reference together with all improvements situated thereon.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: All validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments (other than conveyances of the surface fee estate) that affect the Property; all validly existing 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; and *ad valorem* taxes for the current year and subsequent assessments for the current year or for prior years due to change in land usage, ownership, or both; all of which Grantee assumes and agrees to pay.

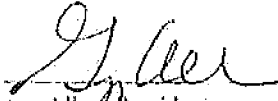
Conveyance: Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grant, sell, and convey the Property, together with all rights associated with the Property, to Grantee and its heirs, successors, and assigns, forever.

Grantor bind itself and its heirs and successors to warrant and forever defend all the Property to Grantee and its heirs, successors, and assigns against every person claiming the same or any part thereof by,

through and under Grantor but not otherwise; except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

SIGNED with an effective date of January 1, 2020.

Eland Energy, Inc.,



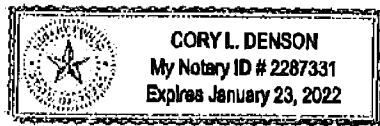
Gregg Allen, President


ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on January 27, 2020, by Gregg Allen, as President of Eland Energy, Inc.





Notary Public, State of Texas

After recording, return to:
Robin D. McGuire
16400 Dallas Parkway, Suite 100
Dallas, Texas 75248

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

BEING a tract of land located in the W. LEONIDAS SURVEY, ABSTRACT NO. 974, Collin County, Texas and being a part of a tract of land described in Deed to Roy C. Brock and wife, recorded in Volume 713, Page 203, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the South line of a tract of land at the intersection of the approximate centerline of County Road 138 with the approximate centerline of County Road 136, said point being the Northwest corner of said Brock tract;

THENCE South 89 degrees 48 minutes 04 seconds East, along said centerline of County Road 138, a distance of 667.86 feet to a 60D nail found at the Southeast corner of a tract of land described in Deed to Robert James Carrico, Jr., and wife, Linda Kay Carrico, recorded in Volume 1395, Page 320, Deed Records, Collin County, Texas, said point also being at the Southwest corner of a tract of land described in Deed to Sparling Financial Corporation, Recorded in Volume 4032, Page 2660, Deed Records, Collin County, Texas;

THENCE North 89 degrees 40 minutes 39 seconds East, along the South line of said Sparling tract and continuing along said centerline of County Road 138, a distance of 2,155.33 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the Northeast corner of said Brock tract;

THENCE South 00 degrees 28 minutes 56 seconds West, a distance of 1,188.27 feet to a 12 inch wood fence post found at the Southwest corner of said Brock tract;

THENCE North 89 degrees 24 minutes 55 seconds West, along the South line of said Brock tract, a distance of 1,298.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE North 88 degrees 56 minutes 08 seconds West, continuing along said South line of the Brock tract, a distance of 1,521.10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the approximate centerline of said County Road 136 at the Southwest corner of said Brock tract;

THENCE North 00 degrees 17 minutes 50 seconds East, along the approximate centerline of said County Road 136, a distance of 1,136.93 feet to the POINT OF BEGINNING and containing 75.335 acres of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
02/12/2020 08:29:14 AM
\$34.00 NPRECELLA
20200212000198510



A handwritten signature in cursive script, appearing to read "Stacey Kemp".

EXHIBIT "C-2"

Special Warranty Deed – 81.321 acre tract

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Effective Date: January 1, 2020

Grantor: Eland Energy, Inc., a Texas corporation

Grantor's Mailing Address: 16400 Dallas Parkway, Suite 100, Dallas, Texas 75248;

Grantee: E Real Estate LLC, a Texas limited liability company

Grantee's Mailing Address: 16400 Dallas Parkway, Suite 100, Dallas, Texas 75248.

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

Property: Those certain tracts of land described on the attached Exhibit "A" which is incorporated herein by reference together with all improvements situated thereon.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: All validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments (other than conveyances of the surface fee estate) that affect the Property; all validly existing 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; and *ad valorem* taxes for the current year and subsequent assessments for the current year or for prior years due to change in land usage, ownership, or both; all of which Grantee assumes and agrees to pay.

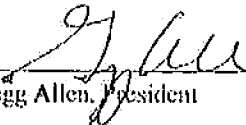
Conveyance: Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grant, sell, and convey the Property, together with all rights associated with the Property, to Grantee and its heirs, successors, and assigns, forever.

Grantor bind itself and its heirs and successors to warrant and forever defend all the Property to Grantee and its heirs, successors, and assigns against every person claiming the same or any part thereof by,

through and under Grantor but not otherwise; except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

SIGNED with an effective date of January 1, 2020.

Eland Energy, Inc.,



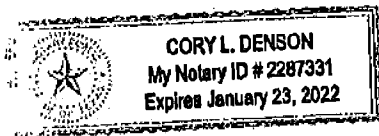
Gregg Allen, President


ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on January 21st, 2020, by Gregg Allen, as President of Eland Energy, Inc.





Cory L. Denson
Notary Public, State of Texas

After recording, return to:
Robin D. McGuire
16400 Dallas Parkway, Suite 100
Dallas, Texas 75248

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Being a tract of land situated in the Leonidas Wilson Survey, Abstract No. 974, Collin County, Texas, and being all of a 80 acre tract conveyed to Joseph W. Merritt by deed recorded in Volume 458, Page 461, of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a capped 1/2 inch iron rod found for corner in the west line of said L. Wilson survey, said iron rod being in County Road No. 136, said iron rod being the northwest corner of said 80 acre tract, said iron rod also being the southwest corner of a 75.474 acre tract conveyed to Roy C. Brock by deed recorded in Volume 713, Page 303, D.R.C.C.T.;

THENCE South 88 degrees 55 minutes 42 seconds East following the south line of said 75.474 acre tract, a distance of 1520.88 feet to a capped 1/2 inch iron rod found for angle point in the south line of said 75.474 acre tract;

THENCE SOUTH 89 degrees 25 minutes 03 seconds East following the south line of said 75.474 acre tract a distance of 1298.85 feet to a 12 inch wood corner post for corner, said post being the northwest corner of a 20.5 acre tract as conveyed to Clifford G. Johnson, as recorded in Volume 5782, Page 656, D.R.C.C.T.;

THENCE South 02 degrees 10 minutes 02 seconds West following the west line of said 20.5 acre tract, a distance of 1268.06 feet to a 1/2 inch iron rod found for corner, said iron rod being the southwest corner of said Johnson tract, said iron rod also being in the north line of a 22.5 acre tract as conveyed to James Carter, as recorded in Volume 5121, Page 1001, D.R.C.C.T.;

THENCE North 89 degrees 09 minutes 24 seconds West following the north line of said 22.5 acre tract, a distance of 2781.77 feet to a 1/2 inch iron rod found for corner in CR. No. 136;

THENCE North 00 degrees 27 minutes 12 seconds East following CR. 136, a distance of 1267.91 feet to the POINT OF BEGINNING and containing 3,542,357 square feet or 81.321 acres of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
02/12/2020 08:23:14 AM
\$34.00 NPCELLA
20200212000195520

