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A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

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

September 28, 2021

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

Via Electronic Filing

Re: New PUC Docket; *Petition by Eland Energy, Inc. 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 Eland Energy, Inc. 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
230 West Pecan Street
Celina, Texas 75009

Via Certified Mail, Return Receipt Requested
No. 7020 1810 0002 0061 7878

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\4834-1602-1501.v1

PUC DOCKET NO. _____

PETITION BY ELAND ENERGY, INC.	§	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 ELAND ENERGY, INC. FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541 (HUDIBURG TRACT)

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Eland Energy, Inc., (“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 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 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 49.07 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." 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 Deed, attached as Exhibit "C." A portion of the Property was condemned for use as a right-of-way by Collin County. A copy of the final judgment is attached as Exhibit "D."

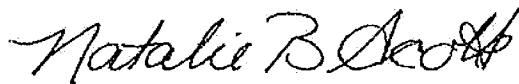
III. CONCLUSION AND PRAYER

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
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
ELAND ENERGY, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2021, a true and correct copy of the Petition by Eland Energy, Inc. 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
230 West Pecan Street
Celina, Texas 75009

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT "A"

Affidavit of Gregg Allen

PUC DOCKET NO. _____

PETITION BY ELAND ENERGY, INC.	§	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 GREGG ALLEN IN SUPPORT OF 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 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 Eland Energy, Inc., the Petitioner in the above-captioned matter. Petitioner owns approximately 49.07 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 10150 (the “Property”) issued to Marilee Special Utility District (“Marilee SUD”). 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 this land as evidenced by the Deed, attached as Exhibit “C.” Collin County condemned a portion of the Property for a right-of-way as evidenced by the final judgment attached as Exhibit “D.”

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.

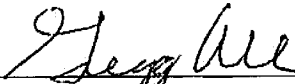
4. I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10150”

FURTHER AFFIANT SAYETH NOT.

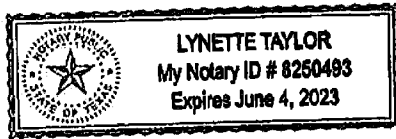
Central Frisco, Ltd., a Texas limited partnership

By: ALR General LC, a Texas limited liability company, General Partner

By: Eland Energy, Inc., a Texas corporation, Manger

By: 
Gregg Allen, President

SWORN TO AND SUBSCRIBED TO BEFORE ME by Gregg Allen on the 27th of September, 2021.



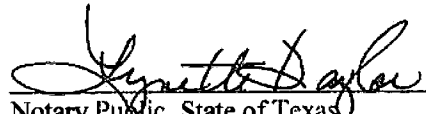

Notary Public, State of Texas

EXHIBIT "B-1"
General Location Map

CITY OF CELINA

289
TEXAS

COUNTY ROAD 90



Dallas
North
Tollway
TOLL

BNSF RAILROAD

NW TRACT

COUNTY ROAD 87



SW TRACT

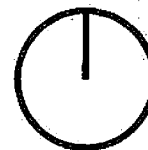
SE TRACT

CHOATE PKWY

PRESTON ROAD

COUNTY ROAD 86

289
TEXAS



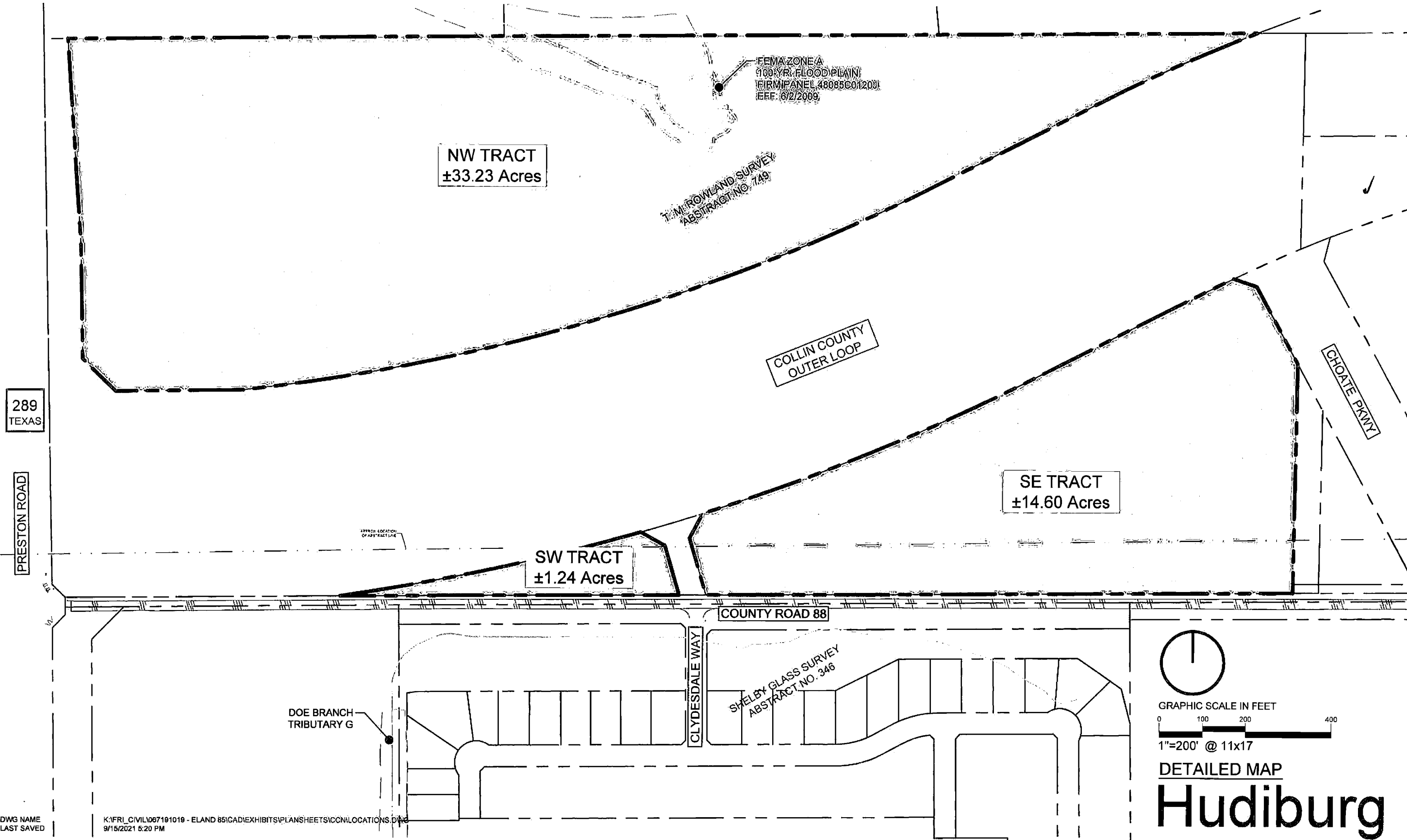
GENERAL MAP
Hudiburg

DWG NAME
LAST SAVED

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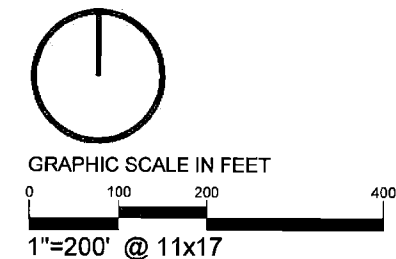
EXHIBIT "B-2"

Detailed Map



DWG NAME
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DETAILED MAP
Hudiburg

BEING a tract of land situated in the T. M. Rowland Survey, Abstract No. 749, City of Celina, Collin County, Texas, and being a portion of a called 85.89-acre tract of land, described in a Warranty Deed to Eland Energy, Inc., as recorded in Instrument No. 20141002001801280 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found on the south line of said 85.89-acre tract and the occupied northerly right of way line of County Road 88, an apparent public use roadway, no record found, for the southerly, southeast corner of a called Parcel 23 as described in a deed to County of Collin, as recorded in Instrument No. 202004290006182200 of the Official Public Records of Collin County, Texas, same being the southerly line of the Outer Loop, a 500' wide right of way, and being at the beginning of non-tangent curve to the left having a central angle of 7°49'15", a radius of 5220.50 feet, a chord bearing and distance of North 77°50'42" East, 712.04 feet;

THENCE in a northeasterly direction, departing the south line of said 85.89-acre tract, along the southerly line of said Parcel 23 and said Outer Loop, with said curve to the left, an arc distance of 712.60 feet to a 5/8-inch iron rod with a yellow plastic cap, stamped "JACOBS" found for the northwest corner of a called Parcel 23A as described in a deed to the City of Celina for the Clydesdale Way extension, as recorded in Instrument No. 20200730001212630 of the Official Public Records of Collin County, Texas;

THENCE South 61°23'30" East, departing the southerly line of said Parcel 23 and said Outer Loop, along the westerly line of said Parcel 23A, a distance of 63.69 feet to a point for corner;

THENCE South 16°30'15" East, continuing along the westerly line of said Parcel 23A, a distance of 118.83 feet to a point for the southwest corner of said Parcel 23A, same being on the south line of said 85.89-acre tract and the occupied north right of way line of aforesaid County Road 88;

THENCE South 89°35'58" West, along the south line of said 85.89-acre tract and the north right of way line of said County Road 88, a distance of 785.77 feet to the **POINT OF BEGINNING** and containing 1.2372 acres or 53891 square feet of land.

BEING a tract of land situated in the T. M. Rowland Survey, Abstract No. 749, City of Celina, Collin County, Texas, and being a portion of a called 85.89-acre tract of land, described in a Warranty Deed to Eland Energy, Inc., as recorded in Instrument No. 20141002001801280 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found on the north line of said 85.89-acre tract for the westernmost, northeast corner of a called Parcel 23 as described in a deed to County of Collin, as recorded in Instrument No. 202004290006182200 of the Official Public Records of Collin County, Texas, same also being on the easterly right of way line of Preston Road (S. H. 289);

THENCE North 89°32'08" East, departing said Preston Road (S. H. 289) and along the north line of said 85.89-acre tract, a distance of 2758.88 feet to a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found for the easternmost, northwest corner of said Parcel 23, same being on the northerly right of way line of Outer Loop, a 500' wide right of way, same also being at the beginning of a non-tangent curve to the left having a central angle of 5°34'31", a radius of 4044.50 feet, a chord bearing and distance of South 66°02'56" West, 393.39 feet;

THENCE in a southwesterly direction, departing the north line of said 85.89-acre tract, along the northerly line of said Parcel 23 and said Outer Loop, with said curve to the left, an arc distance of 393.55 feet to a point for corner;

THENCE South 63°15'41" West, continuing along the northerly line of said Parcel 23 and said Outer Loop, a distance of 434.52 feet to a point at the beginning of a tangent curve to the right having a central angle of 20°22'21", a radius of 4720.50 feet, a chord bearing and distance of South 73°26'51" West, 1669.62 feet;

THENCE in a southwesterly direction, continuing along the northerly line of said Parcel 23 and said Outer Loop, with said curve to the right, an arc distance of 1678.44 feet to a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found for corner;

THENCE South 89°21'29" West, continuing along the northerly line of said Parcel 23 and said Outer Loop, a distance of 294.75 feet to a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found for corner;

THENCE North 45°58'13" West, continuing along the northerly line of said Parcel 23 and said Outer Loop, a distance of 106.67 feet to a point for corner at the intersection of the northerly line of said Outer Loop with the easterly line of aforesaid Preston Road (S. H. 289);

THENCE North 1°17'55" West, along the westernmost, easterly line of said Parcel 23 and along the easterly line of said Preston Road (S. H. 289), a distance of 267.12 feet to a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found for corner;

THENCE North 4°02'57" West, continuing along the westernmost, easterly line of said Parcel 23 and along the easterly line of said Preston Road (S. H. 289), a distance of 471.80 feet to the **POINT OF BEGINNING** and containing 33.229 acres of land, more or less.

BEING a tract of land situated in the T. M. Rowland Survey, Abstract No. 749, City of Celina, Collin County, Texas, and being a portion of a called 85.89-acre tract of land, described in a Warranty Deed to Eland Energy, Inc., as recorded in Instrument No. 20141002001801280 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 85.89-acre tract, same being on the occupied north right of way line of County Road 88, an apparent public use roadway, no record found;

THENCE South $89^{\circ}35'58''$ West, along the south line of said 85.89-acre tract and the northerly right of way line of County Road 88, a distance of 1364.98 feet to the southeast corner of a called Parcel 23A as described in a deed to the City of Celina for the Clydesdale Way extension, as recorded in Instrument No. 20200730001212630 of the Official Public Records of Collin County, Texas;

THENCE North $16^{\circ}30'15''$ West, departing the south line of said 85.89-acre tract, the northerly right of way line of said County Road 88 and along the easterly line of said Parcel 23A, a distance of 136.52 feet to a 5/8-inch iron rod with a yellow plastic cap, stamped "JACOBS" found for corner;

THENCE North $28^{\circ}01'55''$ East, continuing along the easterly line of said Parcel 23A, a distance of 64.20 feet to a 5/8-inch iron rod with a yellow plastic cap, stamped "JACOBS" found for the northeast corner of said Parcel 23A, same being on the southerly line of a called Parcel 23 as described in a deed to County of Collin, as recorded in Instrument No. 202004290006182200 of the Official Public Records of Collin County, Texas, same being the southerly line of the Outer Loop, a 500' wide right of way, and being at the beginning of a non-tangent curve to the left having a central angle of $9^{\circ}01'37''$, a radius of 5220.50 feet, a chord bearing and distance of North $67^{\circ}46'29''$ East, 821.65 feet;

THENCE in a northeasterly direction, along the southerly line of said Parcel 23 and said Outer Loop, with said curve to the left, an arc distance of 822.50 feet to a 1/2-inch iron rod found for corner;

THENCE North $63^{\circ}15'41''$ East, continuing along the southerly line of said Parcel 23 and said Outer Loop, a distance of 434.52 feet to a 5/8-inch iron rod with a red plastic cap, stamped "LAMB STAR" found at the beginning of a tangent curve to the right having a central angle of $1^{\circ}29'11''$, a radius of 3544.50 feet, a chord bearing and distance of North $64^{\circ}00'16''$ East, 91.94 feet;

THENCE in a northeasterly direction, continuing along the southerly line of said Parcel 23 and said Outer Loop, with said curve to the right, an arc distance of 91.94 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "HALFF ASSOC" found for the northwest corner of a called Parcel 4 as described in a deed to the City of Celina, as recorded in Instrument No. 20200730001212620 of the Official Public Records of Collin County, Texas;

THENCE South $71^{\circ}45'47''$ East, departing the southerly line of said Parcel 23 and said Outer Loop, along the westerly line of said Parcel 4, a distance of 57.34 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "HALFF ASSOC" found for corner;

THENCE South 28°34'23" East, continuing along the westerly line of said Parcel 4, a distance of 202.86 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "HALFF ASSOC" found for south corner of said Parcel 4, same being on the east line of aforesaid 85.89-acre tract;

THENCE South 00°59'59" West, along the east line of said 85.89-acre tract, a distance of 528.59 feet to the **POINT OF BEGINNING** and containing 14.598 acres of land, more or less.

EXHIBIT "C"

Deed



20141002001081280 10/02/2014 03:36:13 PM D1 1/4

4716.0556

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.

DEED

Effective Date: October 1, 2014

Grantor: Central Frisco, Ltd., a Texas limited partnership

Grantor's Mailing Address: Two Galleria Tower, 13455 Noel Road, Suite 2000, Dallas, Texas 75240;

Grantee: Eland Energy, Inc., a Texas corporation

Grantee's Mailing Address: Two Galleria Tower, 13455 Noel Road, Suite 2000, Dallas, Texas 75240.

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: That certain tract 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; except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

SIGNED with an effective date of October 1, 2014.

Central Frisco, Ltd.,
by ALR General LC, its General Partner,
by Eland Energy, Inc., its Manager



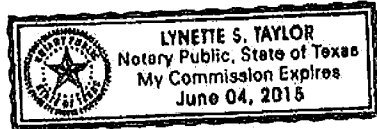
Gregg Allen, President

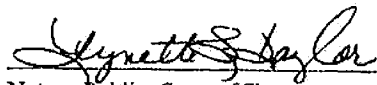
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on September 29, 2014 by Gregg Allen, as President of Eland Energy, Inc., the Manager of ALR General LC, the General Partner of Central Frisco, Ltd., by and on behalf of said Central Frisco, Ltd.





Notary Public, State of Texas

Please return to:
Eland Energy, Inc.
Attn: Robin McGuire
Two Galleria Tower
13455 Noel Road, Suite 2000
Dallas, Texas 75240

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Situated in the T.M. Roland Survey, Abstract Number 749, Collin County, Texas, and being a part of the called 24.035 acre tract described in the deed from Mary Ruth Leach and Emma Jean Weatherford to Ben Ownsby Choate recorded In Volume 1102, Page 653 of the Deed Records of Collin County, Texas and also being a part of the called 80 acre second tract described in the deed from Charles F. Choate to Ben Ownsby Choate recorded in Volume 642, Page 289 said Deed Records and being a part of a called 7.18 acre tract of land described in a deed to Charla Lee Choate as recorded in Volume 4630, Page 2373 of said Deed Records and also being more particularly described as follows:

BEGINNING for the Southwest corner of the tract being described herein at a 1/2" iron rod found on the North side of County Road No. 88 and the West right of way line of State Highway 289, said comer being the most Southerly Southwest comer of said 24.035 acre tract;

THENCE North 46 degrees 30 minutes 39 seconds West with the West line thereof and East line of said Highway a distance of 42.70 feet to a capped 1/2" iron rod found for and angle point in said line;

THENCE North 01 degrees 47 minutes 19 seconds West continuing with the East R.O.W. of said Highwayline, a distance of 278.30 feet to a capped 1/2" iron rod found for the Northwest comer of said 24.035 acres In the South line of said 80 acre tract;

THENCE North 01 degrees 39 minutes 19 seconds West continuing with the East R.O.W. line of said Highway, a distance of 979.73 feet to a capped 1/2" iron rod found for the Northwest corner of the herein described tract;

THENCE North 89 degrees 07 minutes 33 seconds East, a distance of 2927.74 feet to a capped 1/2" iron rod found for the Northeast corner of the herein described tract;

THENCE South 00 degrees 34 minutes 47 seconds West, a distance of 1291.18 feel to a capped iron rod set in the South line of said 24.035 acre tract on the North side of said County Road, from which a 1/2" iron rod found for the Southwest corner of a certain 10.00 acre tract described in the deed recorded under Clerk's File Number 97-0061764 Deed Records; bears North 89 degrees 11 minutes 10 seconds East a distance of 60.0 feet;

THENCE South 89 degrees 11 minutes 10 seconds West with the South line of said 24.035 acre tract along the North side of said County Road, a distance of 2846.65 feet to the PLACE OF BEGINNING and enclosing 85.89 acres of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
10/02/2014 03:36:13 PM
\$34.00 SCAPELA
20141002001001200



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

EXHIBIT "D"

Final Judgment

CAUSE NO. 006-01602-2018

COLLIN COUNTY, TEXAS

Condemnor,

v.

**ELAND ENERGY, INC. and
MORTGAGEE LOAN STAR, FLCA,**

Condemnees.

§
§
§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 6

COLLIN COUNTY, TEXAS

FINAL JUDGMENT NUNC PRO TUNC

On February 24, 2020, the Court heard the above-entitled and numbered cause. The Condemnor, Collin County, Texas (“Collin County”), appeared and announced ready for trial. The Defendant and Landowner, Eland Energy, Inc. (the “Landowner”), appeared and announced ready for trial. After the filing of this action, Mortgagee Loan Star, FLCA filed a release of its lien on the property subject to this suit. Accordingly, on August 14, 2018, the Court entered an order of nonsuit dismissing the claims asserted herein against Loan Star, FLLC and Loan Star, FLLC is no longer a party to this action. Trial was to the jury. The questions of the market value of the part taken and remainder damages, if any, were submitted to the jury and a verdict was received by the Court on March 2, 2020. Thereafter, on March 25, 2020, the Court entered its Final Judgment herein. However, though clerical oversight, the March 25, 2020 Final Judgment omitted the legal description of the property subject to this action which was intended to be attached thereto as an exhibit. Accordingly, the Court enters this Final Judgment Nunc Pro Tunc, vacating the March 25, 2020 Final Judgment and rendering judgment as set forth herein.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the Final Judgment entered by the Court on March 25, 2020 is hereby vacated. It is further

ORDERED, ADJUGED AND DECREED that Collin County have and recover from the Landowner fee simple title in and to the property described in Exhibit "A" attached hereto and incorporated herein for all purposes by this reference, situated in Collin County, Texas (hereinafter collectively referred to as the "Property") save and except all oil, gas and sulfur which can be removed from beneath said tract of land, without any right of ingress or egress to or from the surface of said land to explore, develop, drill, or mine the real property; it is further

ORDERED, ADJUGED AND DECREED that the fee simple title to the Property, save and except all oil, gas and sulfur which can be removed from beneath said tract of land, without any right of ingress or egress to or from the surface of said land to explore, develop, drill, or mine the real property, is hereby decreed to and vested in Collin County; it is further

ORDERED, ADJUGED AND DECREED that, the foregoing notwithstanding, the Landowner is awarded a temporary non-exclusive right of access (the "Temporary Right of Access") over, on, upon and across the Property, for vehicular and pedestrian ingress and egress, between the public right-of-way and the Landowner's remaining adjacent property (the "Remainder Property"); such Temporary Right of Access shall be subject to such regulation as is determined by the County or the City of Celina, from time-to-time, to be necessary in the interests of public safety and in compliance with approved engineering principles and practices including, without limitation, permitted points of ingress and egress, and shall also be subject to compliance with any applicable local municipal or county zoning, platting and/or permitting requirements; and the Temporary Right of Access shall terminate upon the recording of a plat which provides for access by and between the public right-of-way and the Remainder Property; it is further

ORDERED, ADJUDGED AND DECREED that Collin County have and recover from the Landowner the sum of ONE MILLION TWENTY FIVE THOUSAND THREE HUNDRED TWENTY AND 00/100 DOLLARS (\$1,025,320.00), which constitutes the difference between the amount awarded herein for the interest in the Property (\$8,277,707.00) and the amount deposited by Collin County and withdrawn by the Landowner from the registry of the Court based upon the award of the special commissioners (\$9,303,027.00); it is further

ORDERED, ADJUDGED AND DECREED that all costs of this proceeding be, and the same are hereby, taxed against Collin County; it is further

ORDERED, ADJUDGED AND DECREED that Collin County have and recover from the Landowner post-judgment interest at the rate of 5% per annum on all amounts awarded herein from the date of this judgment until paid; it is further

ORDERED, ADJUDGED AND DECREED that Collin County is to have all writs of execution and other rights and process for the enforcement and collection of this judgment if it is not timely paid; it is further

ORDERED, ADJUDGED AND DECREED that the Condemnor, Collin County, stands RELEASED and DISCHARGED of its constitutional obligation to pay compensation for the taking of the Property for public use.

This is a full and final judgment dispensing with all claims of all parties herein. Any request for relief not granted herein is denied.

Signed this ___ day of April 2020.

4/16/2020 7:13:47 AM

JUDGE PRESIDING



EXHIBIT "A"

COUNTY: COLLIN
HIGHWAY: COLLIN COUNTY OUTER LOOP
SEGMENT 3a

PAGE 1 OF 8
DATE: MARCH 7, 2016
REVISION DATE: JANUARY 30, 2018

DESCRIPTION FOR PARCEL 23

BEING A 36.196 ACRE TRACT OF LAND, MORE OR LESS, IN THE THOMAS M ROWLAND SURVEY, ABSTRACT NO. 749, COLLIN COUNTY, TEXAS, AND BEING A PART OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELAND ENERGY, INC. RECORDED IN INSTRUMENT NUMBER 20141002001081280 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), SAID 36.196 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" CAPPED IRON ROD FOUND (CIRF) "ILLEGIBLE" IN THE NORTHERLY LINE OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE SOUTHWEST CORNER OF A 50.68 ACRE TRACT OF LAND DESCRIBED IN DEED TO CHARLA LEE CHOATE RECORDED IN INSTRUMENT NUMBER 95-0095411 O.P.R.C.C.T., ALSO BEING THE SOUTHEAST CORNER OF AN 18.548 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN DEED TO CHARLA LEE CHOATE RECORDED IN INSTRUMENT NUMBER 20061206001721240 O.P.R.C.C.T.;

THENCE NORTH 89 DEGREES 32 MINUTES 10 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE COMMON SOUTHERLY LINE OF SAID 50.68 ACRE CHARLA LEE CHOATE TRACT, A DISTANCE OF 740.92 FEET TO A 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR" (CIRS) IN THE NORTHERLY PROPOSED RIGHT-OF-WAY (ROW) LINE OF COLLIN COUNTY OUTER LOOP (CCOL), SAME BEING THE **POINT OF BEGINNING** AND HAVING A COORDINATE OF NORTH 7,160,260.62, EAST 2,496,131.13;

- 1) THENCE NORTH 89 DEGREES 32 MINUTES 10 SECONDS EAST ALONG SAID COMMON LINE OF THE ELAND ENERGY, INC. TRACT AND THE 50.68 CHARLA LEE CHOATE TRACT, A DISTANCE OF 113.00 FEET TO A CIRS AT THE EASTERNMOST NORTHEAST CORNER OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE NORTHWEST CORNER OF A REMAINDER TRACT OF LAND DESCRIBED IN DEED TO BEN OWNSBY CHOATE AND CHARLENE CHOATE RECORDED IN VOLUME 4630, PAGE 2375 O.P.R.C.C.T. AND 1/2 INTEREST DEEDED TO CHARLA LEE CHOATE RECORDED IN INSTRUMENT NO. 20000322000277030 O.P.R.C.C.T.;
- 2) THENCE SOUTH 00 DEGREES 59 MINUTES 50 SECONDS WEST ALONG THE EASTERLY LINE OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE COMMON WESTERLY LINE OF SAID BEN OWNSBY CHOATE AND WIFE TRACT, A DISTANCE OF 497.79 FEET TO A CIRS IN THE SOUTHERLY PROPOSED ROW LINE OF SAID CCOL, SAME BEING A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 3544.50 FEET AND A RADIAL BEARING OF SOUTH 22 DEGREES 29 MINUTES 28 SECONDS EAST;



EXHIBIT "A"

COUNTY: COLLIN
HIGHWAY: COLLIN COUNTY OUTER LOOP
SEGMENT 3a

PAGE 2 OF 8
DATE: MARCH 7, 2016
REVISION DATE: JANUARY 30, 2018

DESCRIPTION FOR PARCEL 23

THENCE OVER AND ACROSS SAID ELAND ENERGY, INC. TRACT AND ALONG SAID SOUTHERLY PROPOSED ROW LINE OF CCOL AS FOLLOWS:

- 3) WITH SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 04 DEGREES 14 MINUTES 48 SECONDS, AN ARC LENGTH OF 262.71 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 23 MINUTES 08 SECONDS WEST, AND A CHORD LENGTH OF 262.65 FEET TO A CIRS;
- 4) SOUTH 63 DEGREES 15 MINUTES 44 SECONDS WEST, A DISTANCE OF 434.52 FEET TO A CIRS AT A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 5220.50 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES 44 MINUTES 16 SECONDS WEST;
- 5) WITH SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 18 DEGREES 29 MINUTES 53 SECONDS, AN ARC LENGTH OF 1685.44 FEET, A CHORD BEARING OF SOUTH 72 DEGREES 30 MINUTES 41 SECONDS WEST, AND A CHORD LENGTH OF 1678.13 FEET TO A CIRS IN THE SOUTHERLY LINE OF SAID ELAND ENERGY, INC. TRACT;
- 6) THENCE SOUTH 89 DEGREES 36 MINUTES 07 SECONDS WEST ALONG SAID SOUTHERLY LINE OF THE ELAND ENERGY, INC. TRACT, A DISTANCE OF 633.80 FEET TO THE SOUTHERNMOST SOUTHWEST CORNER OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE EASTERLY ROW LINE OF STATE HIGHWAY 289 (SH289)/PRESTON ROAD (A VARIABLE WIDTH ROW), FROM WHICH A 1/2" CIRF STAMPED "HALFF & ASSOC" BEARS NORTH 83 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 0.73 FEET;

THENCE ALONG THE WESTERLY LINE OF SAID ELAND ENERGY, INC. TRACT AND THE COMMON EASTERLY LINE OF SAID SH289 AS FOLLOWS:

- 7) NORTH 45 DEGREES 54 MINUTES 52 SECONDS WEST, A DISTANCE OF 42.68 FEET TO THE WESTERNMOST SOUTHWEST CORNER OF SAID ELAND ENERGY, INC. TRACT FROM WHICH A 1/2" IRON ROD FOUND (IRF) BEARS NORTH 84 DEGREES 12 MINUTES 14 SECONDS EAST, A DISTANCE OF 0.82 FEET;
- 8) NORTH 01 DEGREE 14 MINUTES 52 SECONDS WEST, PASSING A 1/2" CIRF STAMPED "ALLIANCE" AT A DISTANCE OF 278.45 FEET, CONTINUING A TOTAL DISTANCE OF 1258.21 FEET TO THE NORTHWEST CORNER OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BEN O. CHOATE AND WIFE CHARLENE CHOATE RECORDED IN VOLUME 659, PAGE 550 O.P.R.C.C.T. FROM WHICH A 1/2" CIRF (ILLEGIBLE) BEARS NORTH 89 DEGREES 32 MINUTES 10 SECONDS EAST, A DISTANCE OF 0.26 FEET;

EXHIBIT "A"

COUNTY: COLLIN
HIGHWAY: COLLIN COUNTY OUTER LOOP
SEGMENT 3a

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DATE: MARCH 7, 2016
REVISION DATE: JANUARY 30, 2018

DESCRIPTION FOR PARCEL 23

- 9) THENCE NORTH 89 DEGREES 32 MINUTES 10 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID ELAND ENERGY, INC. TRACT, SAME BEING THE COMMON SOUTHERLY LINE OF SAID BEN O. CHOATE TRACT, A DISTANCE OF 56.25 FEET TO A CIRS IN THE NORTHERLY PROPOSED ROW LINE OF CCOL;

THENCE OVER AND ACROSS SAID ELAND ENERGY, INC. TRACT AND ALONG SAID NORTHERLY PROPOSED ROW LINE OF CCOL AS FOLLOWS:

- 10) SOUTH 04 DEGREES 02 MINUTES 54 SECONDS EAST, A DISTANCE OF 471.73 FEET TO A CIRS;
- 11) SOUTH 01 DEGREE 17 MINUTES 52 SECONDS EAST, A DISTANCE OF 267.12 FEET TO A CIRS;
- 12) SOUTH 45 DEGREES 58 MINUTES 10 SECONDS EAST, A DISTANCE OF 106.67 FEET TO A CIRS;
- 13) NORTH 89 DEGREES 21 MINUTES 32 SECONDS EAST, A DISTANCE OF 294.67 FEET TO A CIRS AT A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 4720.50 AND A RADIAL BEARING OF NORTH 06 DEGREES 21 MINUTES 52 SECONDS WEST;
- 14) WITH SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 20 DEGREES 22 MINUTES 23 SECONDS, AN ARC LENGTH OF 1678.51 FEET, A CHORD BEARING OF NORTH 73 DEGREES 26 MINUTES 56 SECONDS EAST, AND A CHORD LENGTH OF 1669.68 FEET TO AN 18" BOIS D'ARC TREE;
- 15) NORTH 63 DEGREES 15 MINUTES 44 SECONDS EAST, A DISTANCE OF 434.52 FEET TO A CIRS AT A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 4044.50 AND A RADIAL BEARING OF SOUTH 26 DEGREES 44 MINUTES 16 SECONDS EAST;
- 16) WITH SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 05 DEGREES 34 MINUTES 24 SECONDS, AN ARC LENGTH OF 393.43 FEET, A CHORD BEARING OF NORTH 66 DEGREES 02 MINUTES 57 SECONDS EAST, AND A CHORD LENGTH OF 393.27 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 36.196 ACRES [1,576,706 SQUARE FEET] OF LAND, MORE OR LESS.

EXHIBIT "A"

COUNTY: COLLIN
HIGHWAY: COLLIN COUNTY OUTER LOOP
SEGMENT 3a

PAGE 4 OF 8
DATE: MARCH 7, 2016
REVISION DATE: JANUARY 30, 2018

DESCRIPTION FOR PARCEL 23

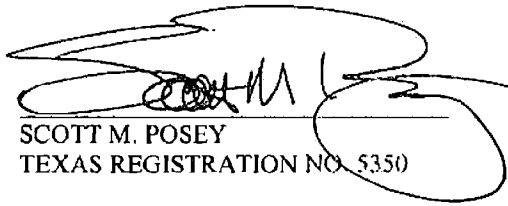
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JULY TO NOVEMBER OF 2013 AND JUNE TO JULY OF 2015, WITH THE SET ROW MONUMENTATION COMPLETED ON MARCH 7, 2016 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202), ALL DISTANCES AND COORDINATES SHOWN ARE SCALED USING A SURFACE ADJUSTMENT FACTOR OF 1.00015271.

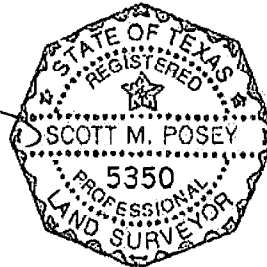
COORDINATE VALUES DERIVED USING THE WESTERN DATA SYSTEM VRS NETWORK.

RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN JUNE OF 2015.

A PLAT OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS DESCRIPTION.



SCOTT M. POSEY
TEXAS REGISTRATION NO. 5350

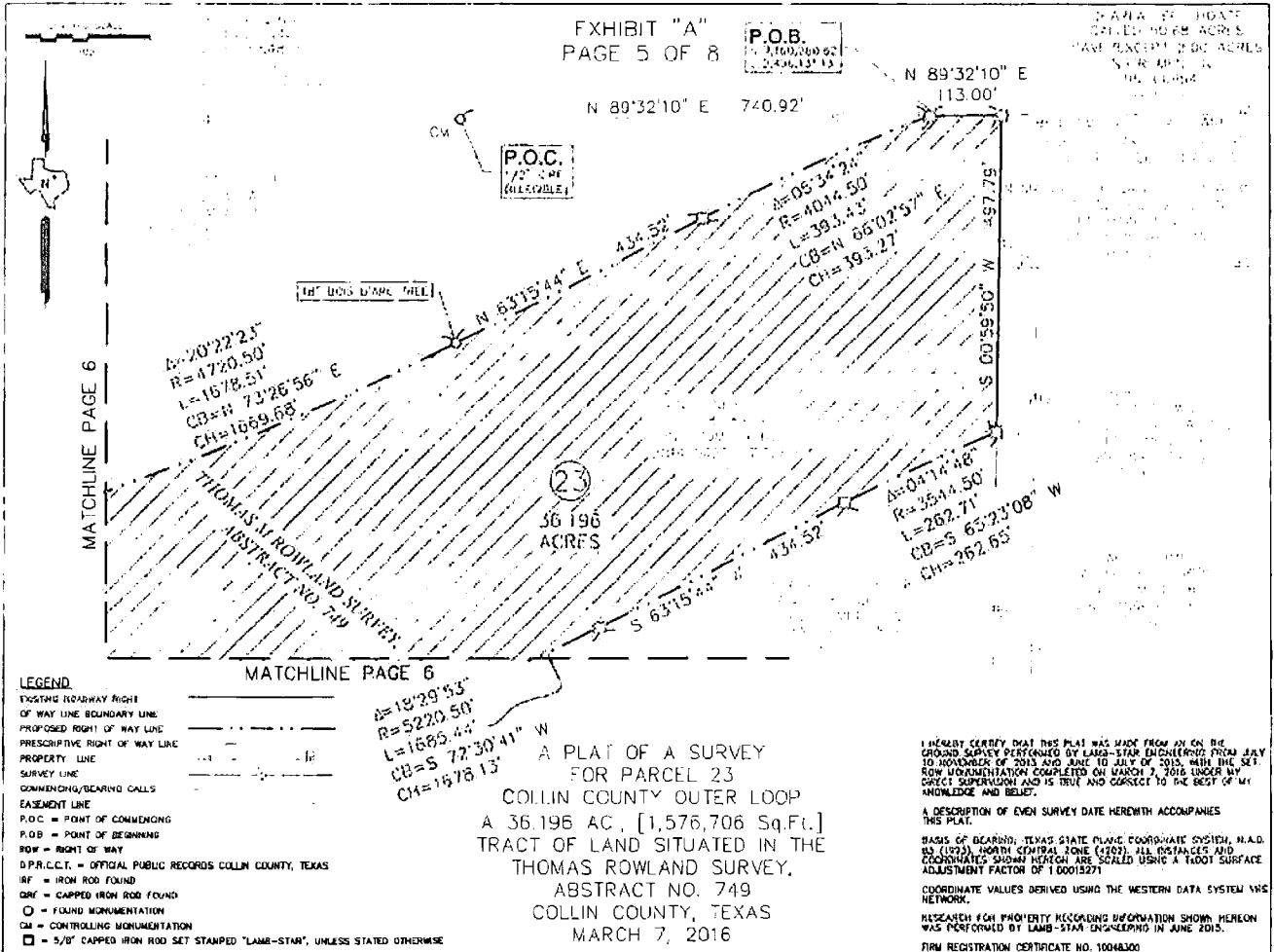


LAMB-STAR ENGINEERING, L.P.
5700 W. PLANO PARKWAY, SUITE 1000
PLANO, TEXAS 75093
PH. (214) 440-3600
FIRM REGISTRATION CERTIFICATE NO. 10048300
JANUARY 30, 2018

EXHIBIT "A"
PAGE 5 OF 8

P.O.B.
3,160,800.92
2,436,131.13

AREA OF TRACT
CALLED 10.68 ACRES
HAVE EXCEPTED ACRES
STARTING AT
THE CORNER



LEGEND

- EXISTING ROADWAY RIGHT
- OF WAY LINE BOUNDARY LINE
- PROPOSED RIGHT OF WAY LINE
- PROSCRIPTIVE RIGHT OF WAY LINE
- PROPERTY LINE
- SURVEY LINE
- COMMENCING/BEARING CALLS
- EASEMENT LINE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- RDW = RIGHT OF WAY
- D.P.A.C.C.T. = OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
- IRF = IRON ROD FOUND
- CRF = CAPPED IRON ROD FOUND
- = FOUND MONUMENTATION
- = CONTROLLING MONUMENTATION
- = 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR", UNLESS STATED OTHERWISE

A PLAT OF A SURVEY
FOR PARCEL 23
COLLIN COUNTY OUTER LOOP
A 36.196 AC. [1,576,706 Sq.Ft.]
TRACT OF LAND SITUATED IN THE
THOMAS ROWLAND SURVEY,
ABSTRACT NO. 749
COLLIN COUNTY, TEXAS
MARCH 7, 2016

I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERS FROM JULY 10 NOVEMBER OF 2013 AND JUNE 10 JULY OF 2015, WITH THE SET ROW MONUMENTATION COMPLETED ON MARCH 7, 2016 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

A DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, N.A.D. 83 (FIPS), NORTH CENTRAL ZONE (EPSG); ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SCALED USING A TROOP SURFACE ADJUSTMENT FACTOR OF 1.00018271

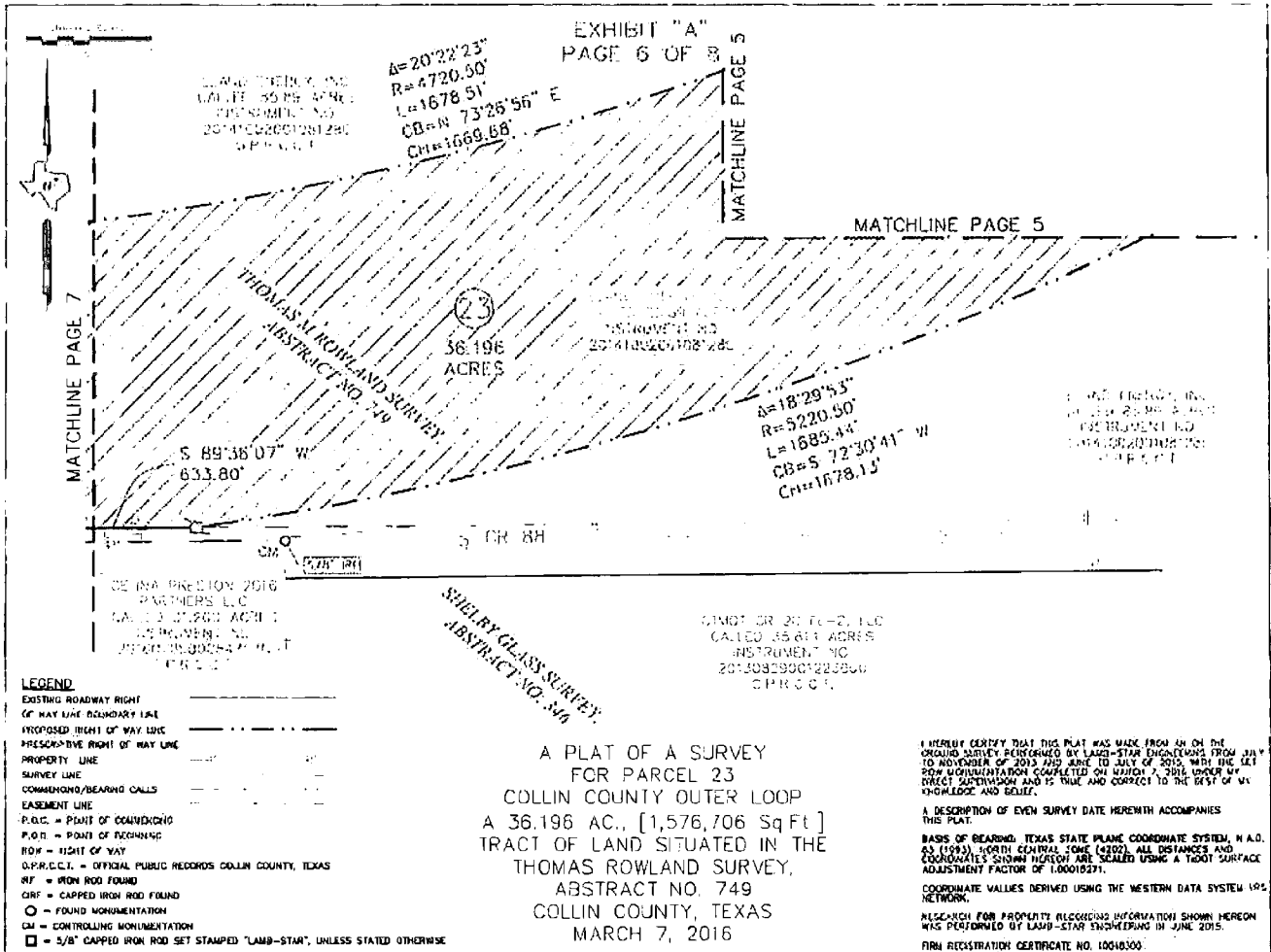
COORDINATE VALUES DERIVED USING THE WESTERN DATA SYSTEM NAD83 NETWORK.

RESEARCH FOR PROPERTY RECORDS INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN JUNE 2015.

FIRM REGISTRATION CERTIFICATE NO. 10048300

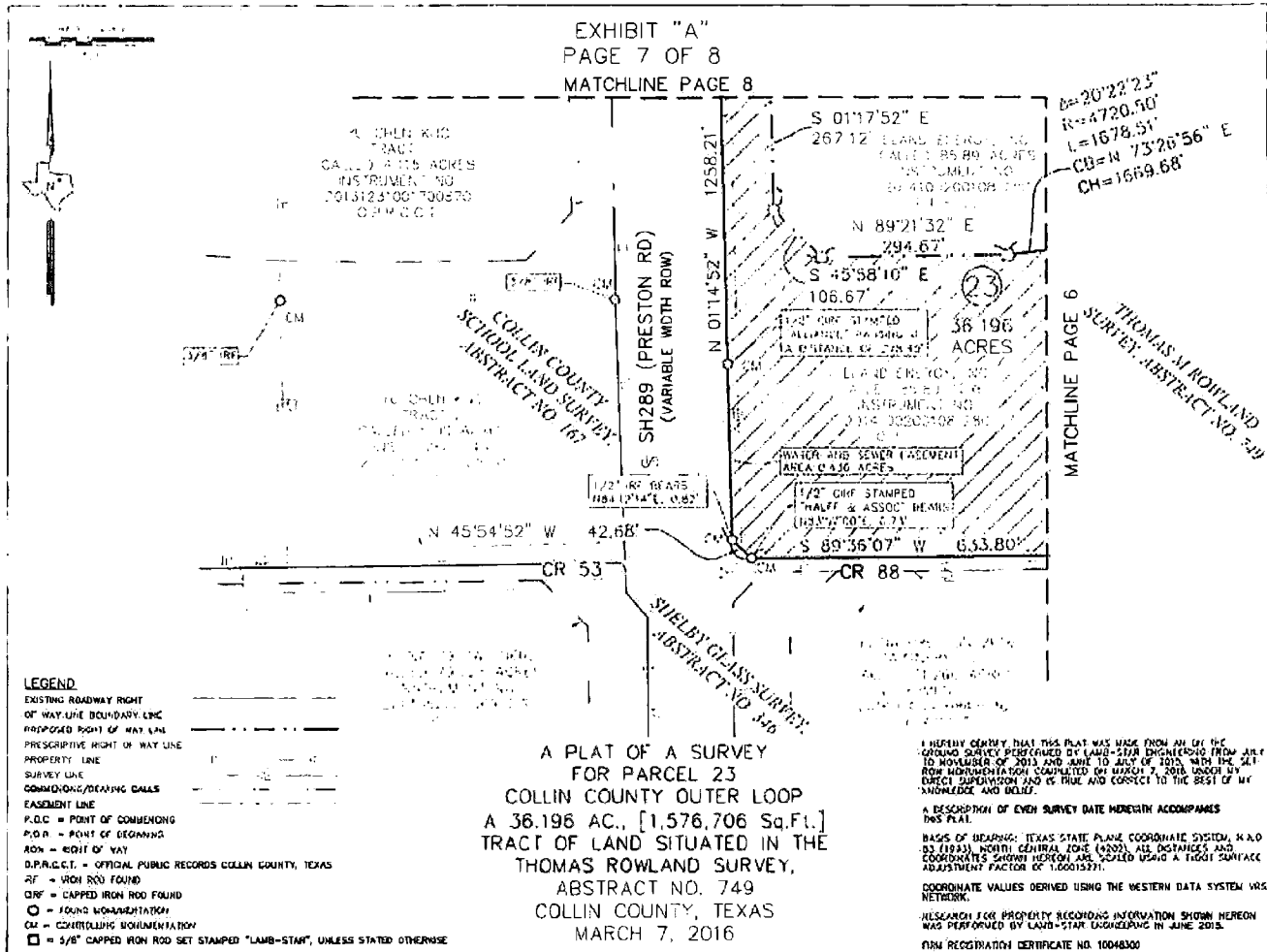
REVISION DATE JANUARY 30 2016

COLLIN COUNTY OUTER LOOP SEGMENT 3a



REVISION DATE: JANUARY 30, 2018 COLLIN COUNTY OUTER LOOP SEGMENT 3a

EXHIBIT "A"
PAGE 7 OF 8
MATCHLINE PAGE 8



- LEGEND**
- EXISTING ROADWAY RIGHT OF WAY-BLUE BOUNDARY LINE
 - PROPOSED RIGHT OF WAY LINE
 - PROPERTY LINE
 - SURVEY LINE
 - COMMON/DRIVING GALLS
 - EASEMENT LINE
 - P.O.C. = POINT OF COMMENCING
 - P.O.B. = POINT OF BEGINNING
 - ADN = RIGHT OF WAY
 - D.P.A.C.T. = OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TEXAS
 - RF = IRON ROD FOUND
 - CRF = CAPPED IRON ROD FOUND
 - = FOUND MONUMENTATION
 - = CONTROLLING MONUMENTATION
 - = 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR", UNLESS STATED OTHERWISE

A PLAT OF A SURVEY
FOR PARCEL 23
COLLIN COUNTY OUTER LOOP
A 36.196 AC., [1,576,706 Sq.Ft.]
TRACT OF LAND SITUATED IN THE
THOMAS ROWLAND SURVEY,
ABSTRACT NO. 749
COLLIN COUNTY, TEXAS
MARCH 7, 2016

I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ORIGINAL SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JULY TO NOVEMBER OF 2013 AND JUNE TO JULY OF 2015, WITH THE SURVEY MONUMENTATION COMPLETED ON MARCH 7, 2016, UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

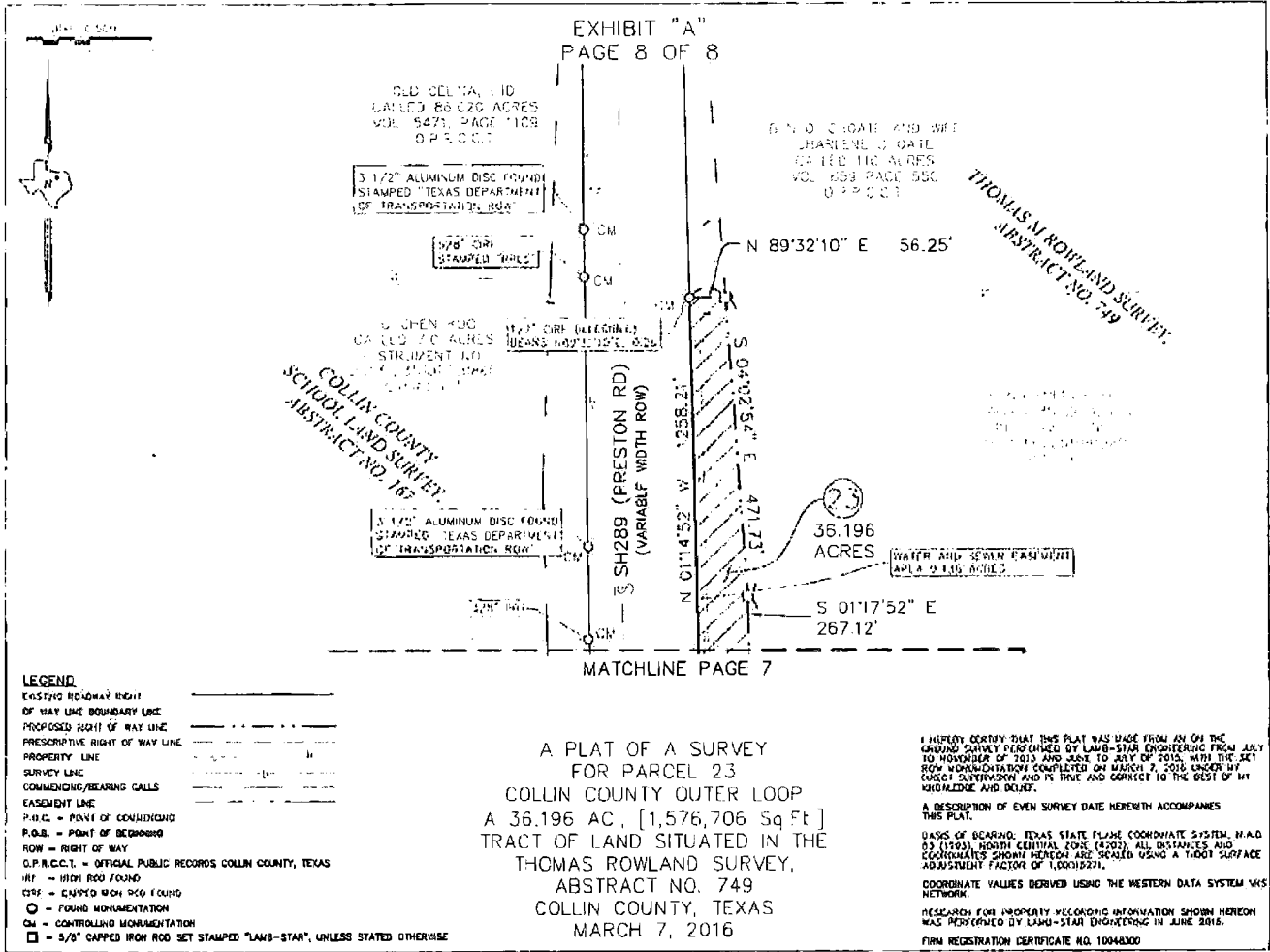
A DESCRIPTION OF EVERY SURVEY DATE HEREIN ACCOMPANIES THIS PLAT.

BASES OF MEASUREMENT: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (1983), NORTH CENTRAL ZONE (4202). ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SCALING USING A TIGER SURFACE ADJUSTMENT FACTOR OF 1.00015371.

COORDINATE VALUES DERIVED USING THE WESTERN DATA SYSTEM VRS NETWORK.

RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN JUNE 2015.

FSM REGISTRATION CERTIFICATE NO. 10048300



REVISION DATE: JANUARY 30, 2018

COLLIN COUNTY OUTER LOOP SEGMENT 3a