



## Filing Receipt

**Received - 2022-06-13 01:59:54 PM**  
**Control Number - 52697**  
**ItemNumber - 31**

**PUC DOCKET NO. 52697**

<b>PETITION OF SANGER TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INDUSTRIAL, LLC AND WEBB</b>	<b>§</b>	
<b>INDUSTRIAL, LLC TO AMEND</b>	<b>§</b>	
<b>BOLIVAR WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION'S CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN DENTON COUNTY BY</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**BOLIVAR WATER SUPPLY CORPORATION'S APPRAISAL REPORT**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:**

In accordance with Order No. 3 in the above-referenced matter, Bolivar Water Supply Corporation submits the attached Appraisal Report.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)  
[arodriguez@txlocalgovlaw.com](mailto:arodriguez@txlocalgovlaw.com)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR BOLIVAR WATER  
SUPPLY CORPORATION**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 13<sup>th</sup> day of June, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.

June 13, 2022

Mr. James Parkman  
Bolivar Water Supply Corporation  
PO Box 1789  
Sanger, Texas 76266

**SUBJECT: PUC DOCKET NO. 52697; PETITION OF SANGER TEXAS INDUSTRIAL, LLC AND WEBB INDUSTRIAL, LLC TO AMEND BOLIVAR WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON COUNTY BY STREAMLINED EXPEDITED RELEASE**

Dear Mr. Parkman,

KOR Group is pleased to present this appraisal as considered by the Public Utility Commission of Texas to determine just compensation for the expedited release of 211 acres of land from Bolivar Water Supply Corporation's Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, Texas. The petition was filed by Sanger Texas Industrial, LLC and is part of the Public Utility Commission of Texas Docket No. 52697. The application was filed pursuant to Tex. Water Code §13.2541 – Streamlined Expedited Release Initiated by Landowner. The intended users of the report include the client, Bolivar Water Supply Corporation, its representatives, and the Public Utility Commission of Texas.

The subject property is located at the southeast corner of Interstate Highway 35 and Chisam Road in Denton County, Texas. The CCN is within the north Denton County market in a high growth area.

## SCOPE OF WORK

As part of this appraisal, we have completed the following steps to gather, confirm, and analyze the data.

- ❖ Utilized the appraisal process to estimate compensation due to the expedited release of 211 acres of land from Bolivar Water Supply Corporation's Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, Texas, as of June 13, 2022, pursuant to Tex. Water Code §13.2541 – Streamlined Expedited Release Initiated by Landowner.
- ❖ Collected and reviewed information about the history of the subject property and market. A list of documents reviewed is detailed in the report.
- ❖ Gathered market information on the surrounding market area. Sources of data include, but are not limited to, County deed records, County Appraisal District data, owner's representatives, brokers, investors, developers, and other knowledgeable individuals active in the area.
- ❖ Prepared an appraisal report to determine just compensation as considered by the Public Utility Commission of Texas that falls outside of Standards Rules 1-10 of the *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition*. However, we have complied with the portions of the *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition* that apply to the assignment.

## COMPETENCY RULE

We have the ability to properly identify the problem to be addressed; the knowledge and experience to complete the assignment competently; and recognize and comply with the laws and regulations that apply to the appraisers and the assignment. Additional competency was gained through the client and the client's representatives.

## JURISDICTIONAL EXCEPTION RULE

If any applicable law or regulation precludes compliance with any part of the *Uniform Standards of Professional Appraisal Practice*, only that part of the *Uniform Standards of Professional Appraisal Practice* becomes void for the assignment.

## DOCUMENTS REVIEWED

The documents collected and reviewed in preparation of the appraisal include, but are not limited to, the below. Additionally, we have reviewed other filed documents on the Public Utility Commission of Texas website.

- ❖ Tex. Water Code §13.254
- ❖ Tex. Water Code §13.2541
- ❖ Petition by Sanger Texas Industrial, LLC for Expedited Release from Water CCN No. 11257 Held by Bolivar Water Supply Corporation in Denton County – PUC Docket No. 52697 (October 10, 2021)
- ❖ Response of Bolivar Water Supply Corporation (November 19, 2021)
- ❖ Order No. 3 Finding Petition, As Amended, Administratively Complete, Notice Sufficient, Restyling Docket, and Establishing Procedural Schedule (December 14, 2021)
- ❖ Response of Bolivar Water Supply Corporation (January 4, 2022)
- ❖ Commission Staff's Recommendation of Final Disposition (January 18, 2022)
- ❖ Petitioners' Reply to Bolivar Water Supply Corporation's Response and Commission Staff's Recommendation on Final Disposition (January 4, 2022)
- ❖ Bolivar Water Supply Corporation's Exceptions to Proposed Order (February 18, 2022)
- ❖ Order (April 4, 2022)
- ❖ Bolivar Distribution System Costs (June 2022)
- ❖ Summary of Legal Costs (through June 10, 2022)
- ❖ Letter of Response from Biggs & Matthews Inc. (June 13, 2022)
- ❖ Planning Report for Water Facility Improvements Year 2022 Through 2032 (June 13, 2022)

## FACTORS FOR COMPENSATION

The required factors that must be considered in determining compensation of a certificate holder subject to a decertification from a utility's CCN are set forth in Tex. Water Code §13.254(g) and Chapter 21 of the Property Code (for real property). Those factors apply to streamlined expedited release petitions filed under Tex. Water Code §13.2541. Per Tex. Water Code §13.254(g), the factors ensuring that the compensation to a retail public utility is just and adequate shall include:



- ❖ Factor 1 – the value of real property must be determined according to the standards set forth in chapter 21 of the Texas Property Code governing actions in eminent domain.
- ❖ Factor 2A – the amount of the former CCN holder's debt allocable to service to the removed area.
- ❖ Factor 2B – the value of the service facilities belonging to the former CCN holder that are within the removed area.
- ❖ Factor 2C – the amount of any expenditures for planning, design, or construction of the service facilities of the former CCN holder that are allocable to service to the removed area.
- ❖ Factor 2D – the amount of the former CCN holder's contractual obligations allocable to the removed area.
- ❖ Factor 2E – any demonstrated impairment of service or any increase of cost to consumers of the former CCN holder remaining after a CCN revocation or amendment under this section.
- ❖ Factor 2F – the impact on future revenues lost from existing customers.
- ❖ Factor 2G – necessary and reasonable legal expenses and professional fees, including costs incurred to comply with TWC §13.257(r).
- ❖ Factor 2H – any other relevant factors as determined by the commission.

## ANALYSIS

The area to be released is at the southeast corner of Interstate Highway 35 and Chisam Road in Denton County, Texas. According to filings found in PUC Docket No. 52697, the area to be released was not receiving active water service from Bolivar Water Supply Corporation at the time of the streamlined expedited release (SER) petition was filed. This fact is disputed by the Petitioner. The Commission granted the requested SER in PUC Docket No. 52697. That decision prompted a compensation phase for the proceeding.

Bolivar Water Supply Corporation had performed planning and design activities, and constructed facilities, to serve the subject property, among other areas. Below is a summary of compensation due to Bolivar Water Supply Corporation based on the applicable factors for compensation.

### Factor 1:

There is no real property being acquired by the petitioner, thus no compensation is considered under this factor.

### Factor 2A:

There is no reported debt associated with the released area.

### Factor 2B:

Bolivar Water Supply Corporation has an 8-inch distribution line that extends along the north side of the property for 4,200 feet. The value of the line is as follows:

$$4,200 \text{ linear feet} \times \$80 \text{ per linear foot} = \$336,000$$

**Factor 2C:**

Bolivar Water Supply Corporation has performed planning and design activities and committed facilities toward servicing the subject property. The CCN is separated into 7 distinct Pressure Planes. Each Pressure Plane has facilities that were designed and constructed to service the properties within the Pressure Plane. The subject property is in Pressure Plane No. 2. In Pressure Plane No. 2, design, planning and construction of a 100-gallon elevated water tank, 2 pump stations and ground storage, 3 water supply wells, and a distribution system have occurred. There are 24,000 gross acres that service 16,000 acres within Pressure Plane No. 2 and the area being removed is 211 acres or 1.32%. With this acreage being removed from the CCN and Pressure Plane No. 2, Bolivar Water Supply Corporation will have stranded capacity that will potentially not serve future customers. Below is the calculation of the allocable costs associated with the land to be released:

Item	Facilities Cost	Pressure Plane 5 Acreage	Cost per Acre	Released Acreage	Cost of Released Area
100,000-Gallon Elevated Tank	\$ 500,000	16,000	\$ 31.25	211.000	\$ 6,594
2 Pump Stations & Ground Storage	\$ 1,700,000	16,000	\$ 106.25	211.000	\$ 22,419
3 Water Supply Wells	\$ 2,250,000	16,000	\$ 140.63	211.000	\$ 29,672
Distribution System	\$ 9,720,000	16,000	\$ 607.50	211.000	\$ 128,183
<b>Total</b>	<b>\$ 14,170,000</b>	<b>16,000</b>	<b>\$ 885.63</b>	<b>211.000</b>	<b>\$ 186,867</b>

**Factor 2D:**

Not applicable.

**Factor 2E/2F/2H:**

We considered residences, developers, entities, and corporations within the CCN to be customers. If they are not considered to be customers, then we believe the below analysis should be considered as other relevant factors. There is potentially an increase in cost to rate-paying customers if Bolivar Water Supply Corporation is not able to serve the released tract. Bolivar Water Supply Corporation is losing the opportunity to receive revenues from serving the released 211 acres. It is estimated that the 211 acres could have served 100 LUE's. Further, we have estimated that after 2 years of planning and development activity, 50 LUE's per year could be brought online. According to Bolivar Water Supply Corporation, the average fee lost is \$4,500 per LUE and the average annual water sales is \$650. The below discounted cash flow models the net revenues to Bolivar Water Supply Corporation at a discount rate of 10% over a 20-year period, which accounts for time, management, and risk. The result is a loss in the net present value amount of **\$822,427**.

Discounted Cash Flow							
Period	Year	LUE's	Fee	Sales	Total	PV @ 10%	
0	2022 - 2023	-	\$ -	\$ -	\$ -	\$ -	
1	2023 - 2024	-	\$ -	\$ -	\$ -	\$ -	
2	2024 - 2025	50	\$ 225,000	\$ 32,500	\$ 257,500	\$ 212,810	
3	2025 - 2026	100	\$ 225,000	\$ 65,000	\$ 290,000	\$ 217,881	
4	2026 - 2027	100	\$ -	\$ 65,000	\$ 65,000	\$ 44,396	
5	2027 - 2028	100	\$ -	\$ 65,000	\$ 65,000	\$ 40,360	
6	2028 - 2029	100	\$ -	\$ 65,000	\$ 65,000	\$ 36,691	
7	2029 - 2030	100	\$ -	\$ 65,000	\$ 65,000	\$ 33,355	
8	2030 - 2031	100	\$ -	\$ 65,000	\$ 65,000	\$ 30,323	
9	2031 - 2032	100	\$ -	\$ 65,000	\$ 65,000	\$ 27,566	
10	2032 - 2033	100	\$ -	\$ 65,000	\$ 65,000	\$ 25,060	
11	2033 - 2034	100	\$ -	\$ 65,000	\$ 65,000	\$ 22,782	
12	2034 - 2035	100	\$ -	\$ 65,000	\$ 65,000	\$ 20,711	
13	2035 - 2036	100	\$ -	\$ 65,000	\$ 65,000	\$ 18,828	
14	2036 - 2037	100	\$ -	\$ 65,000	\$ 65,000	\$ 17,117	
15	2037 - 2038	100	\$ -	\$ 65,000	\$ 65,000	\$ 15,560	
16	2038 - 2039	100	\$ -	\$ 65,000	\$ 65,000	\$ 14,146	
17	2039 - 2040	100	\$ -	\$ 65,000	\$ 65,000	\$ 12,860	
18	2040 - 2041	100	\$ -	\$ 65,000	\$ 65,000	\$ 11,691	
19	2041 - 2042	100	\$ -	\$ 65,000	\$ 65,000	\$ 10,628	
20	2042 - 2043	100	\$ -	\$ 65,000	\$ 65,000	\$ 9,662	
<b>Net Present Value</b>						<b>\$ 822,427</b>	

#### Factor 2G:

Bolivar Water Supply Corporation incurred legal fees in connection with defending the decertification of the area in question. As of the date of this report, reasonable and necessary legal fees identified by Bolivar Water Supply Corporation and its counsel associated with the decertification process total \$4,755.67. Legal counsel has estimated an additional \$1,750 of fees for work that will be performed after the submission of the report but related to the decertification.

Bolivar Water Supply Corporation also engaged KOR Group to perform an appraisal report to estimate the compensation due to Bolivar Water Supply Corporation for the decertification. The fee for the appraisal service is \$8,000. A copy of the signed engagement letter can be found in the addenda.

Legal Expenses (as of June 13, 2022)	\$ 4,756
Legal Expenses (estimated after June 13, 2022)	\$ 1,750
Bolivar Water Supply Corporation Appraisal Fee	+ \$ 8,000
<b>Total Factor 2G</b>	<b>\$ 14,506</b>

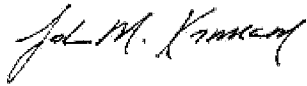
### TOTAL COMPENSATION

Below is a summary of the total compensation due to Bolivar Water Supply Corporation for the release of 211 acres of land from a portion of its Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, Texas, as of June 13, 2022:

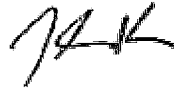
Factor 2B	\$ 336,000
Factor 2C	\$ 186,867
Factors 2E/2F/2H	\$ 822,427
Factor 2G	+ \$ 14,506
<b>Total Compensation</b>	<b>\$ 1,359,800</b>

We have retained all information regarding this appraisal in our file. Please contact us if we can be of further assistance in this matter.

KOR GROUP



Joshua M. Korman  
State of Texas Certification #TX-1330595-G



John Kostohryz  
State of Texas Certification #TX-1380151-G

## QUALIFICATIONS

## JOSHUA M. KORMAN

**Experience:** Mr. Korman is a principal of KOR Group, a full-service real estate consulting and appraisal firm based in Fort Worth, Texas. Mr. Korman has been appraising real property since 1997. Mr. Korman's assignments have involved property types including, but not limited to, office buildings, retail centers, service stations, hospitals, educational facilities, apartment complexes, industrial facilities, raw and developed land, timberland, restaurants, mixed-use developments, automobile dealerships, mining operations, and master planned communities. Mr. Korman has valued and consulted on properties in Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Nebraska, New Mexico, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

Mr. Korman's assignments have included flooding impacts on master planned communities and residential subdivisions, analysis of sales, cost and income for office buildings and retail centers, estimates of value in tax increment financing districts, asset management, assistance in acquisitions/dispositions of property, estate tax planning, contributions to family limited partnerships, market studies, analysis of environmental impacts, and condemnation. Specific assignments include reporting on the impact of existing and proposed railroad corridors and sidings on adjacent properties. He has had extensive experience in eminent domain cases ranging from public roadway expansions to pipeline easements. Assignments have also included consultation for both ad valorem and estate tax purposes. Mr. Korman has testified in eminent domain proceedings and before appraisal district review boards in ad valorem tax disputes. Other assignments include retrospective valuations of real estate assets held by financial institutions in relation to Winstar cases. Properties within these portfolios consisted of master planned communities, commercial developments, ground leases, and government secured multi-family residential developments.

Mr. Korman attended preparatory school at Fort Worth Country Day before continuing at The University of Texas at Austin McCombs Business School. During college, Mr. Korman worked for an independent oil and gas company as a gas account manager and assistant to the Chief Financial Officer. Later Mr. Korman was employed as a legal aide for Texas State Representative Anna Mowery where he assisted with local and state policymaking. While with Representative Mowery, Mr. Korman worked with the Land and Resource Management Committee and the Appropriations Committee on budgeting issues. After graduation in 1996, Mr. Korman was employed as an appraiser and consultant with Lewis Realty Advisors.

**Professional Activities:**

- Licensed: Texas State Certified General Real Estate Appraiser  
Certificate No. TX-1330595-G
- Member: Practicing Affiliate of the Appraisal Institute  
2007 Social Committee Chairman (Houston Chapter)  
2008 Alternate Regional Representative (Houston Chapter)
- Member: Forensic Expert Witness Association (Director for 2016, 2017)
- Member: Greater Fort Worth Real Estate Council
- Member: International Right of Way Association
- Member: Institute of Real Estate Management
- Member: University of Texas Real Estate Finance and Investment Center Council
- Member: International Council of Shopping Centers
- Member: Tarrant County Bar Association

**Education:** University of Texas at Austin – 1996 (Bachelor of Business Administration – Finance)  
Coursework accredited by the Appraisal Institute, The University of Texas, and the State of Texas

## JOHN S. KOSTOHRYZ

**Experience:** Mr. Kostohryz is a principal of KOR Group, a full-service real estate consulting and appraisal firm. Mr. Kostohryz has provided real estate consulting and appraisal services since 2008. He has provided consultation for complex eminent domain assignments of numerous types of properties including, but not limited to, raw and developed land, office buildings, retail centers, service stations, hospitals, apartment complexes, master planned communities, restaurants, amusement park facilities, mixed-use developments, and industrial facilities.

Mr. Kostohryz is a 2006 graduate from Texas Christian University in Fort Worth, Texas with a Bachelor of Business Administration with majors in Finance, Accounting, and Marketing.

Prior to becoming a real estate appraiser and consultant, Mr. Kostohryz was a Consultant with Ryan, Inc. in Dallas, Texas where he consulted with transaction tax departments of Fortune 500 companies.

Mr. Kostohryz is from Fort Worth, Texas and graduated from Trinity Valley School.

**Professional Activities:**

Licensed:	Texas State Certified General Real Estate Appraiser Certificate No. TX-1380151-G Various temporary out of state licenses Practicing Affiliate of the Appraisal Institute
Member:	Member of the International Right of Way, Chapter 36
Member:	Fort Worth Chamber of Commerce
Member:	Greater Fort Worth Real Estate Council

**Education:** Texas Christian University, Fort Worth, Texas – 2006  
Bachelor of Business Administration  
Majors: Finance, Accounting, and Marketing

Relevant Coursework by the Appraisal Institute, accredited universities, and others:

Principles of Real Estate Appraisal  
Procedures of Real Estate Appraisal  
Uniform Standards of Professional Appraisal Practice  
General Income Approach Part I  
General Income Approach Part II  
General Appraiser Sales Comparison Approach  
General Appraiser Site Valuation and Cost Approach  
Statistics and Valuation Modeling  
General Appraiser Report Writing and Case Studies  
General Appraiser Market Analysis and Highest & Best Use  
Expert Witness for Commercial Appraisers  
Commercial Appraisal Review

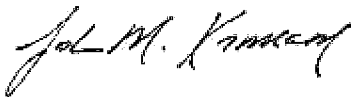
---

## **CERTIFICATION OF THE APPRAISAL**



We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have performed no services, as an appraiser or in any other capacity, regarding the property that is subject of its report within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and Standards of Professional Appraisal Practice of the Appraisal Institute.
9. Joshua M. Korman and John Kostohryz made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the persons signing this certification including, data research.
11. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
12. As of the date of the report, we have completed the Standards and Ethics Education Requirements of the Appraisal Institute.



Joshua M. Korman  
State of Texas Certification #TX-1330595-G



John Kostohryz  
State of Texas Certification #TX-1380151-G

## **ADDENDA**



## Filing Receipt

**Received - 2021-10-12 01:20:40 PM**  
**Control Number - 52697**  
**ItemNumber - 1**

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

PETITION OF SANGER TEXAS	§	BEFORE THE
INDUSTRIAL, LLC TO AMEND	§	
BOLIVAR WATER SUPPLY	§	
CORPORATION'S CERTIFICATE	§	PUBLIC UTILITY COMMISSION
OF CONVENIENCE AND NECESSITY	§	
IN DENTON COUNTY BY	§	
EXPEDITED RELEASE	§	OF TEXAS

**PETITION FOR STREAMLINED EXPEDITED RELEASE**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Sanger Texas Industrial, LLC, a Texas limited liability company ("Petitioner"), and files this petition ("Petition") with the Public Utility Commission of Texas ("Commission") for Streamlined Expedited Release from Bolivar Water Supply Corporation's ("Bolivar") Certificate of Convenience and Necessity ("CCN") No. 11257 pursuant to Texas Water Code §13.2541 and 16 Texas Administrative Code ("TAC") §24.245(h), and in support thereof would show as follows:

**I.**  
**LEGAL AUTHORITY**

Petitioner files this Petition seeking the streamlined expedited release of property owned by Petitioner in Denton County, Texas, from retail water CCN No. 11257 held by Bolivar. Pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h), the owner of a tract of land that is at least 25 acres and that is not receiving service may petition the Commission for a streamlined expedited release of the area from water and sewer CCNs and is entitled to release if the property is located in qualifying counties. Under Texas Water Code §13.2541(c), the Commission shall grant a petition received pursuant to Section 13.2541 no later than the 60<sup>th</sup> day after the date the landowner files the petition. The Commission's rule at 16 TAC §24.245(h)(7) provides that the

petition shall be granted no later than the 60<sup>th</sup> calendar day after the petition is declared administratively complete.

As fully set out herein, Petitioner meets the legal criteria supporting the requested release.

## **II. DECERTIFICATION REQUEST**

The property subject to the Petition is approximately 211 contiguous acres in Denton County and specifically described as follows (the "Property"):

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the B.F. Lynch Survey, Abstract Number 725 and also being a part of that called 137.28 acre tract of land described in deed to PAAGE, LTD. recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas, and also being a part of that called 44.252 acre tract of land described as Tract I in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas, and also being a part of that called 206.999 acre tract of land described as Tract II in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas and being more fully described in the Special Warranty Deed attached to this Petition.

The Property is one tract of land and is identified as "Tract 1" in the Special Warranty Deed attached to this Petition, as Exhibit "D". Webb Industrial, LLC also owns an interest in the Property and believes the Property should be released from Bolivar's CCN. See, Exhibit A.

The Property is located within the boundary of water CCN No. 11257 held by Bolivar. None of the Property receives water service from Bolivar, or from any other retail public utility.

On the date this Petition was filed with the Commission, a true and correct copy of the Petition was mailed to Bolivar by certified mail, return receipt requested, pursuant to 16 TAC §24.245(h)(3)(F). See, Exhibit G.

All of the criteria set forth in the Texas Water Code and Commission rules entitling Petitioner to a release of the Property from CCN No. 11257 have been met. More specifically, the Property:

- a. is owned by Petitioner;

- b. is more than 25 acres;
- c. is not receiving water service;
- d. is within retail water CCN No. 11257 held by Bolivar; and
- e. is located in Denton County, which is a qualifying county under the criteria set forth in Texas Water Code §13.2541(b) and 16 TAC §24.245(h)(2).

### **III. PETITIONER INFORMATION**

Petitioner is Sanger Texas Industrial, LLC, a Texas limited liability company. Exhibit E contains the current entity details for the Petitioner from the Texas Secretary of State Business Organization website, including filing number, tax ID and formation date, and that information is current and correct. Petitioner is in good standing to do business in Texas.

### **IV. EXHIBITS**

In support of the Petition, Petitioner has attached the following documents:

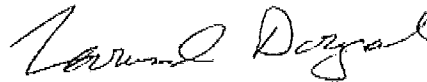
- Exhibit A - Affidavit of Matt Moore, PE supporting the key facts in the Petition.
- Exhibit B - General location map identifying the tract of land in reference to the nearest county boundary, city, or town. 16 TAC §24.245(k)(1)(A).
- Exhibit C - Detailed map identifying the tract of land in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. 16 TAC §24.245(k)(1)(B).
- Exhibit D - Special Warranty Deed, demonstrating ownership of the Property by Petitioner, with metes-and-bounds survey sealed by a licensed state land surveyor or registered professional land surveyor. 16 TAC §24.245(k)(1)(C).
- Exhibit E - Legal Name and entity details for Petitioner from the Texas Secretary of State Business Organization website.
- Exhibit F - Shape Files in the GIS format used by the Commission uploaded to the PUC Interchange.
- Exhibit G - Proof of Mailing confirming a copy of the Petition was sent to Bolivar, the current CCN holder, via certified mail on the day of filing.

V.  
**CONCLUSION AND PRAYER**

Petitioner is entitled to the streamlined expedited release of the Property described herein because the Petition meets all of the criteria in Texas Water Code §13.2541 and 16 TAC §24.245(h). Petitioner respectfully requests that the Commission grant this Petition, decertify the Property, and issue an order, or notice of approval, under the CCN No. 11257 held by Bolivar Water Supply Corporation.

Respectfully submitted,

JACKSON WALKER L.L.P.



---

Leonard H. Dougal  
State Bar No. 06031400  
Alicia French  
State Bar No. 24074958  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
Telephone: (512) 236-2000  
Facsimile: (512) 391-2112  
Email: ldougal@jw.com

ATTORNEYS FOR SANGER TEXAS  
INDUSTRIAL, LLC

**CERTIFICATE OF SERVICE**

I hereby certify by my signature below, that on the 12th day of October 2021, a true and correct copy of the foregoing Petition for Streamlined Expedited Release was:

- (i) electronically filed with the Commission pursuant to 16 TAC §22.74 and in accordance with the Order Suspending Rules issued in Project No. 50664; and
- (ii) sent via postage prepaid Certified Mail to provide Notice of the Petition to representatives of the Holder of CCN No. 11257 pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h)(3)(F).



---

Leonard H. Dougal



# EXHIBIT A

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

PETITION OF SANGER TEXAS	§	BEFORE THE
INDUSTRIAL LLC TO AMEND	§	
BOLIVAR WATER SUPPLY	§	
CORPORATION'S CERTIFICATE	§	PUBLIC UTILITY COMMISSION
OF CONVENIENCE AND NECESSITY	§	
IN DENTON COUNTY BY	§	
EXPEDITED RELEASE	§	OF TEXAS

AFFIDAVIT OF MATT MOORE, PE

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared MATT MOORE, known to me, who being by me first duly sworn, deposed and stated on his oath as follows:

1.       “My name is MATT MOORE. I am over the age of 18 years of age, and am fully competent and authorized to make this Affidavit. I have personal knowledge of the facts stated in this affidavit and they are true and correct.

2.       I am a registered professional engineer with Claymoore Engineering. I have been hired to represent Sanger Texas Industrial, LLC in this matter.

3.       Sanger Texas Industrial, LLC is owner of an approximate 211 acre property located in Denton County (the “Property”), which is described as Tract I in the Special Warranty Deed, a copy of which is included with the Petition to which this Affidavit is attached. The Property is located within Bolivar Water Supply Corporation’s (“Bolivar”) Certificate of Convenience and Necessity (“CCN”) No. H257, but the Property is not receiving service from Bolivar.

4.       Webb Industrial LLC (“Webb”) also owns an interest in the Property. Webb believes that the Property should be released from Bolivar’s CCN and has authorized Sanger and its agents and attorneys to seek a release, or decertification, of the Property from Bolivar’s CCN.

5. Based upon my knowledge of the Property, and after investigation and due inquiry, the Property is not receiving water service from Bolivar and has never received water service from Bolivar.

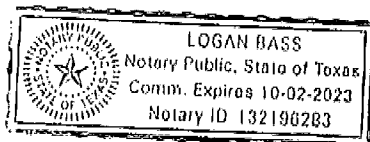
6. On behalf of Sanger Texas Industrial, LLC, I request that the Public Utility Commission of Texas release the Property from the retail water CCN of Bolivar Water Supply Corporation."

Further, Affiant Sayeth Not.

  
Matt Moore, PE

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

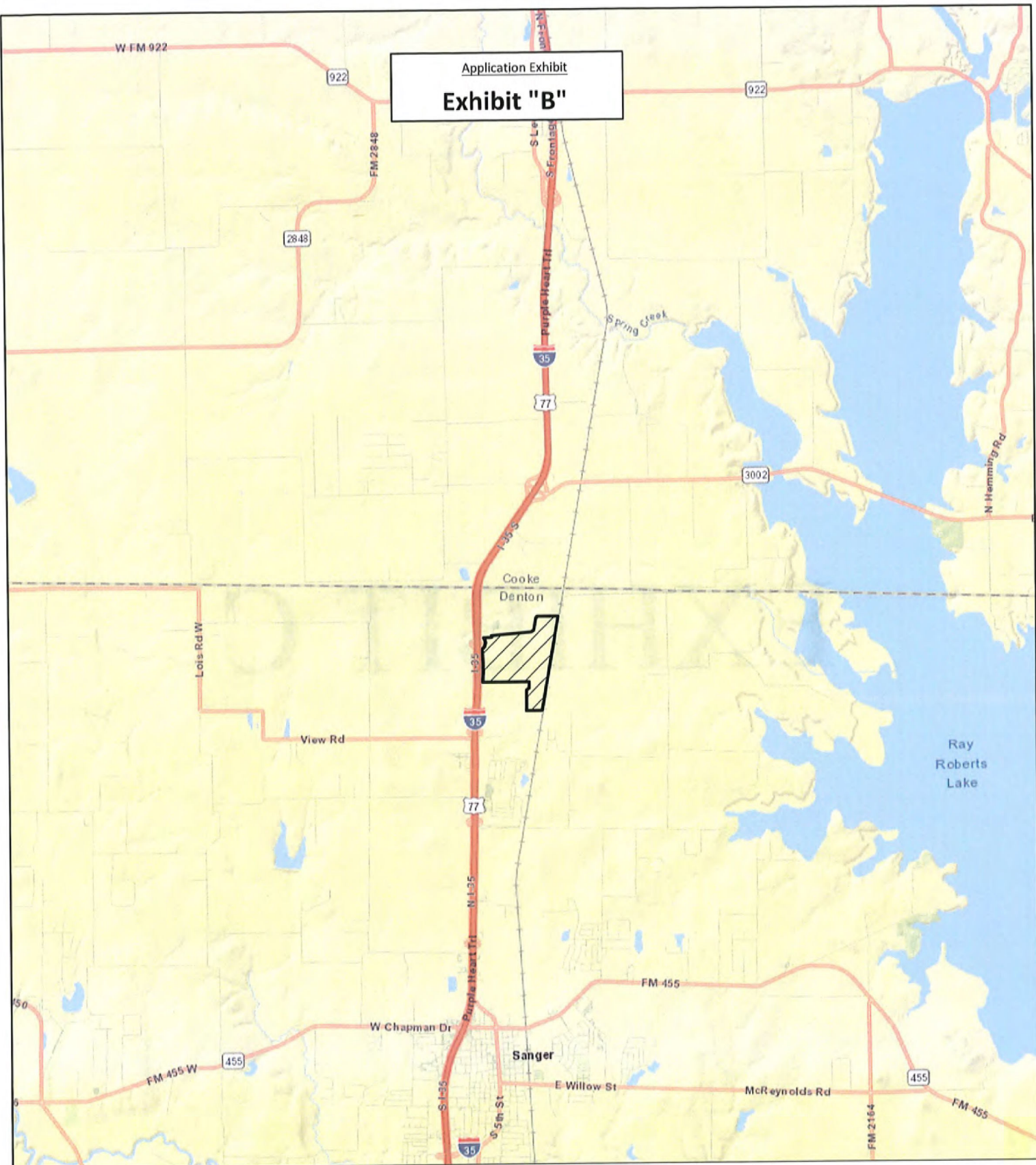
BEFORE ME, a notary public, on this day personally appeared MATT MOORE, introduced to me and acknowledged with proper identification to be the person whose name is subscribed to the foregoing instrument and being by me first duly sworn and given under my hand and seal of office this 11 day of October, 2021.



  
Notary Public – State of Texas

# EXHIBIT B

Application Exhibit  
**Exhibit "B"**



**Tract of Land for Streamlined Expedited  
Release From Bolivar WSC CCN No. 11257  
(Water Only)**

  
**MAP SCALE: 1" = 6,000'**


0 0.5 1 2  
Miles

August 25, 2021

Tract of land for decertification is located east of  
IH-35, south of Chasam Road, west of B.N.S.F.  
Railroad Co. railroad, and north of Lois Road East.

Denton County, TX

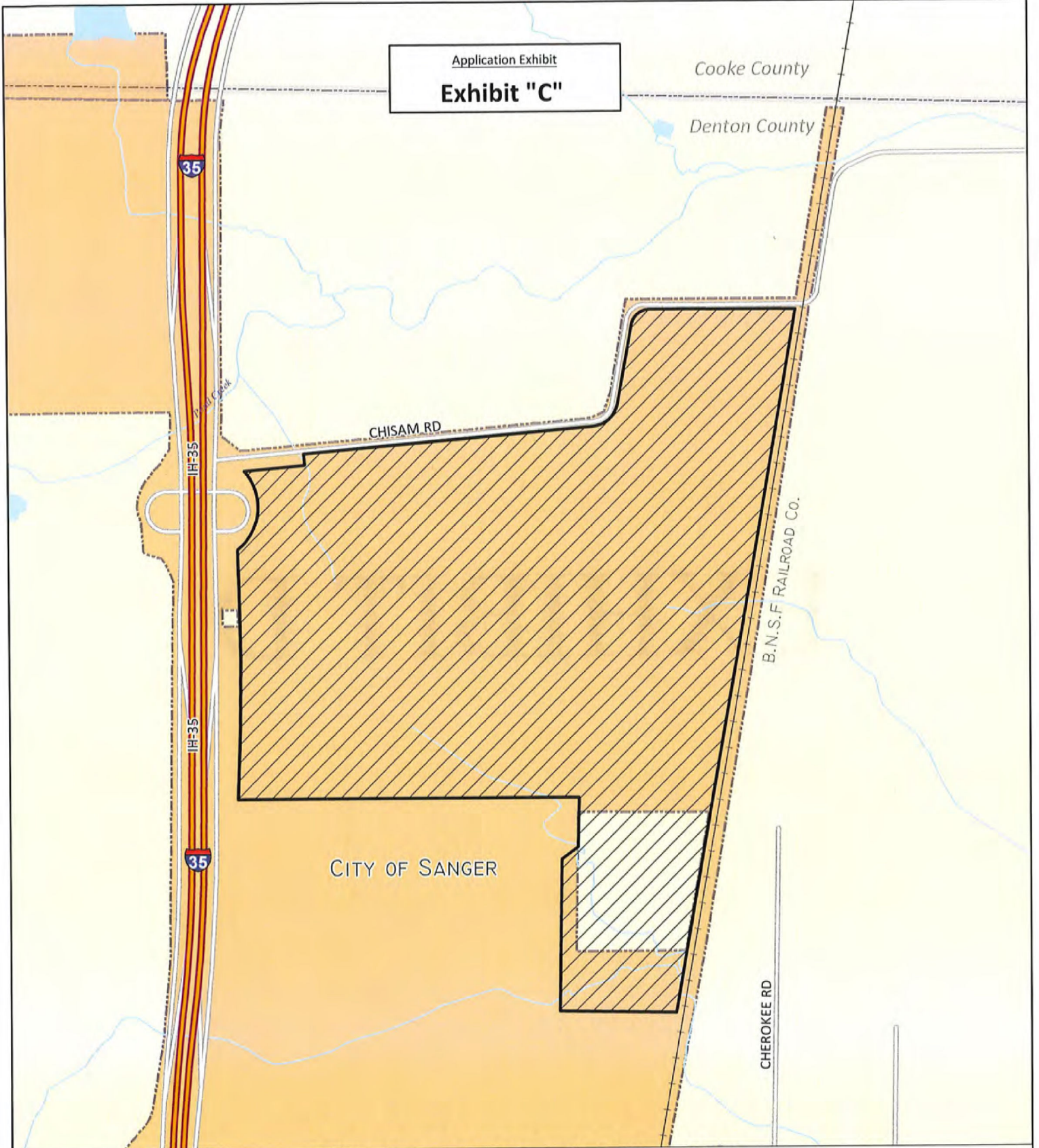
**MAP LEGEND:**

 Tract of land for streamlined expedited  
release from Bolivar WSC Water CCN  
No. 11257

# EXHIBIT C



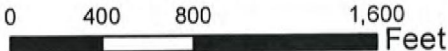
Application Exhibit  
**Exhibit "C"**



**Tract of Land for Streamlined Expedited  
Release From Bolivar WSC CCN No. 11257  
(Water Only)**



**MAP SCALE: 1" = 800'**



August 25, 2021

Tract of land for decertification is located east of  
IH-35, south of Chasam Road, west of B.N.S.F.  
Railroad Co. railroad, and north of Lois Road East.

Denton County, TX

**MAP LEGEND:**



Tract of land for streamlined expedited  
release from Bolivar WSC Water CCN  
No. 11257



City of Sanger Jurisdictional Boundary

# EXHIBIT D



**Denton County  
Juli Luke  
County Clerk**

---

**Instrument Number: 85260**

ERecordings-RP

WARRANTY DEED

Recorded On: May 11, 2021 02:20 PM

Number of Pages: 12

---

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

Total Recording: \$70.00

---

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

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

**File Information:**

Document Number: 85260  
Receipt Number: 20210511000815  
Recorded Date/Time: May 11, 2021 02:20 PM  
User: Joy R  
Station: Station 19

**Record and Return To:**

eRecording Partners



STATE OF TEXAS  
COUNTY OF DENTON

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 Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

2005 7352 DL-RA

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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**

**Date:** May 07, 2021

**Grantor:** PAAGE, Ltd., a Texas limited Partnership

**Grantor's Mailing Address:** 5428 Lake Victoria CT, Flower Mound, TX 75022-8151.

**Grantee:** 1) Sanger Texas Industrial, LLC, a Texas limited liability company, as Grantee of a Seventy-Five percent (75%) undivided interest in Tract 1 (containing 211.36 acres of land, more or less), as more fully defined and described herein on Exhibit "A";

2) Webb Industrial LLC, a Kansas limited liability company, as Grantee of an undivided Twenty-Five percent (25%) undivided interest in Tract 1 (containing 211.36 acres of land, more or less), as more fully defined and described herein on Exhibit "A"; and

3) Crossland Construction Company, Inc., a Kansas corporation, as Grantee of all (an undivided One Hundred percent (100%) interest) of Tract 2 (containing 67.22 acres of land, more or less), as more fully defined and described herein on Exhibit "A."

**Grantee's Mailing Address:** c/o Blue Star Land, LP, One Cowboys Way, Frisco, Texas 75034

**Consideration:** Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):** Two (2) Tracts of real property consisting of Two Hundred Seventy-Eight (278) acres of land, more or less, located in Denton County, Texas, as more fully and particularly described in **EXHIBIT "A"** attached hereto and made a part hereof for all purposes.

**Reservations from Conveyance:** Grantor, for Grantor, Grantor's successors, and Grantor's assigns, reserves, excepts, and saves, from the Property (being all of that real property set forth and described herein), a reservation, of an undivided interest in and to all of the oil, gas, hydrocarbons, and other minerals in, on, and under and that may be produced from, or off, the. If the mineral estate is subject to existing production or an existing lease, the production, the lease, and the benefits from it are allocated in proportion to ownership in the mineral estate.

**Surface Waiver:** Grantor, including Grantor's heirs, successors and assigns, waives and releases, and hereby assigns unto Grantee, all rights of ingress and egress and all other rights of every kind and character whatsoever to enter upon or to use the surface of the Property or any part thereof, including, without limitation, the right to enter upon the surface of the Property for purposes of exploring for, developing and/or producing the oil, gas and/or other minerals in and under, and that may be produced from, the Property, or any other purpose incident thereto.

**Exceptions to Conveyance and Warranty:** The items set forth on Exhibit "B" attached hereto; and taxes for 2021, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes and agrees to pay.

**DISCLAIMER OF WARRANTIES: EXCEPT AS SPECIFICALLY PROVIDED IN  
HEREIN:**

(a) GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE SPECIAL WARRANTY OF TITLE AS SET OUT IN THE DEED OR AS EXPRESSLY SET FORTH HEREIN), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO THE PROPERTY. SPECIFICALLY, BUT WITHOUT LIMITATION, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USES LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE EXISTENCE IN OR ON THE PROPERTY OF ANY HAZARDOUS MATERIALS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY DURING THE INSPECTION PERIOD, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR. GRANTEE HEREBY WAIVES AND RELEASES GRANTOR FROM ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY, WHETHER BY CONTRACT, UNDER LAW, UNDER ANY RIGHT OF CONTRIBUTION, OR OTHERWISE.

GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH

INFORMATION. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON.

GRANTEE EXPRESSLY ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, AND DOES NOT MAKE, ANY REPRESENTATIONS, WARRANTIES, OR COVENANTS REGARDING THE FUTURE DEVELOPMENT OF OTHER PROPERTIES OWNED BY GRANTOR IN THE VICINITY OF THE PROPERTY, EXCEPT TO THE EXTENT SPECIFIED HEREIN.

GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, EXCEPT AS EXPRESSLY STATED HEREIN, THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "**AS IS**" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE HAS BEEN NEGOTIATED BASED ON THE FACT THAT THE PROPERTY IS SOLD BY GRANTOR AND PURCHASED BY GRANTEE SUBJECT TO THE FOREGOING.

(b) The term "Hazardous Materials" as used in previous paragraphs means any substances (i) the presence of which requires reporting, investigations, or redemption under any current federal, state, or local statute, regulation, or ordinance or (ii) which are currently defined as hazardous waste, hazardous substances, toxic substances, regulated substances, pollutants, or contaminants under any current federal, state, or local statute, regulation, or ordinance.

(c) Recordation of this Special Warranty Deed shall constitute assent, acceptance, and acknowledgment, by Grantee, to the Reservations from Conveyance (i.e., Oil, Gas, & Minerals), the Exceptions to Conveyance and Warranty, and the Disclaimer of Warranties.

Grantor, for the Consideration and subject to the Reservations from Conveyance, the Exceptions to Conveyance and Warranty, and the **AS IS** conditions (i.e., Disclaimer of Warranties) set forth herein, sells, and conveys to Grantee the Property, in the percentages specified herein, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

For the same Consideration, Grantor sells, transfers, and delivers the Personal Property, if any, on the Property, to Grantee and warrants and agrees to defend title to the Personal Property

to Grantee and Grantee's successors and assigns against all lawful claims. Title in the Personal Property passes at the time this deed is delivered.

When the context requires, singular nouns and pronouns include the plural.

[REMANIDER OF PAGE INTENTIONALLY LEFT BLANK]

**GRANTOR:**

**PAAGE, LTD.**

By: **PAAGE Holdings, LLC, its General Partner**

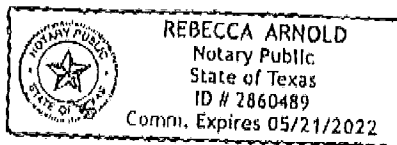
By:   
Randall Smith, President

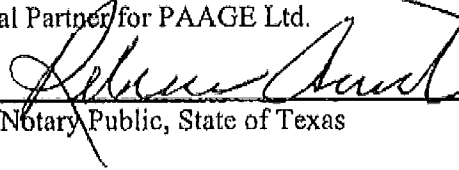
**ACKNOWLEDGMENT**

**STATE OF TEXAS**  
**COUNTY OF DENTON**

§  
§

This instrument was acknowledged before me on May 07, 2021, by Randall Smith, President, PAAGE Holdings, LLC, as General Partner for PAAGE Ltd.



  
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**

c/o Blue Star Land, LP  
One Cowboys Way  
Frisco, Texas 75034  
(214) 891-1957

[REMANIDER OF PAGE INTENTIONALLY LEFT BLANK]

**EXHIBIT "A"**

**TRACT 1:**

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the B.F. Lynch Survey, Abstract Number 725 and also being a part of that called 137.28 acre tract of land described in deed to PAAGE, LTD. recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas, and also being a part of that called 44.252 acre tract of land described as Tract I in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas, and also being a part of that called 206.999 acre tract of land described as Tract II in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas and being more fully described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found at the Northeast corner of Lot 1, Block 1, R-L Carriers Addition, as shown on Plat recorded in Document Number 2018-284, Plat Records, Denton County, Texas and being in the West line of B.N.S.F. Railroad Co. (100' right-of-way);

**THENCE** North 89 degrees 00 minutes 24 seconds West, along the North line of said Lot 1, a distance of 744.39 feet to a 1/2 inch iron rod found;

**THENCE** North 00 degrees 59 minutes 29 seconds East, along said North line, a distance of 145.02 feet to a capped iron rod set stamped "KAZ";

**THENCE** North 00 degrees 59 minutes 44 seconds East, a distance of 822.24 feet to a capped iron rod set stamped "KAZ";

**THENCE** North 54 degrees 18 minutes 19 seconds East, a distance of 129.58 feet to a capped iron rod set stamped "KAZ";

**THENCE** North 01 degree 04 minutes 20 seconds East, a distance of 315.17 feet to a capped iron rod set stamped "KAZ";

**THENCE** West, a distance of 2182.47 feet to a capped iron rod set stamped "KAZ" at the beginning of a curve to the left, with a radius of 16615.00 feet and a chord bearing and distance of North 00 degrees 34 minutes 52 seconds East, 1333.93 feet;

**THENCE** along said curve, an arc length of 1334.29 feet to a capped iron rod set stamped "KAZ";

**THENCE** North 01 degree 42 minutes 19 seconds West, a distance of 252.35 feet to 1/2 inch

capped iron rod found;

THENCE North 44 degrees 54 minutes 48 seconds East, a distance of 45.91 feet to a 1/2 inch iron rod found at the beginning of a curve to the left with a radius of 337.52 feet and a chord bearing and distance of North 01 degree 34 minute 16 seconds East, a distance of 467.23 feet;

THENCE along said curve, an arc length of 516.05 feet to a 1/2 inch capped iron rod found;

THENCE North 84 degrees 47 minutes 19 seconds East, a distance of 391.13 feet to a 1/2 inch capped iron rod found;

THENCE North 05 degrees 34 minutes 20 seconds West, a distance of 71.73 feet to a 1/2 inch capped iron rod found in the South line of said Chisam Road;

THENCE North 84 degrees 57 minutes 20 seconds East, along said South line, a distance of 417.61 feet to a 1/2 inch capped iron rod found at the Northwest corner of a tract of land described as Tract II in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas;

THENCE North 84 degrees 58 minutes 12 seconds East, along said South line, a distance of 1442.47 feet to a 1/2 inch capped iron rod found at the beginning of a curve to the left with a radius of 170.00 feet and a chord bearing and distance of North 47 degrees 42 minutes 55 seconds East, a distance of 205.17 feet;

THENCE along said curve, an arc length of 220.25 feet to a 1/2 inch capped iron rod found;

THENCE North 10 degrees 35 minutes 56 seconds East, a distance of 511.81 feet to a 1/2 inch capped iron rod found at the beginning of a curve to the right with a radius of 120.00 feet and a chord bearing and distance of North 50 degrees 21 minutes 41 seconds East, a distance of 153.61 feet;

THENCE along said curve, an arc length of 166.69 feet to a 1/2 inch capped iron rod found;

THENCE South 89 degrees 50 minutes 28 seconds East, along the South line of Chisam Road, a distance of 932.74 feet to a 1/2 inch capped iron rod found in the West line of B.N.S.F. Railroad Co. (100' right-of-way);

THENCE South 09 degrees 58 minutes 36 seconds West, a distance of 4050.86 feet to a 1/2 inch iron rod found at the Southeast corner of said Tract II same being the Northeast corner of a tract of land described in deed to PAAGE, LTD recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas;

THENCE South 09 degrees 56 minutes 42 seconds West, with said common line, a distance of 480.68 feet to the POINT OF BEGINNING and containing 211.36 acres of land, more or less.

**TRACT 2:**

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the B.F. Lynch Survey, Abstract Number 725 and being a part of the Jose Maria Ruiz Survey, Abstract Number 1066, and also being a part of that called 137.28 acre tract of land described in deed to PAAGE, LTD. recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas and being more fully described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the Northeast corner of Lot 1, Block 1, RL Carriers Addition, as shown on Plat recorded in Document Number 2018-284, Plat Records, Denton County, Texas and being in the West line of B.N.S.F. Railroad Co. (100' right-of-way);

THENCE North 89 degrees 00 minutes 24 seconds West, along the North line of said Lot 1, a distance of 744.39 feet to a 1/2 inch iron rod found;

THENCE North 00 degrees 59 minutes 29 seconds East, along said North line, a distance of 145.02 feet to a capped iron rod set stamped "KAZ" for the POINT OF BEGINNING;

THENCE North 89 degrees 00 minutes 19 seconds West, along said North line, a distance of 412.25 feet to a capped iron rod set stamped "KAZ" at the beginning of a curve to the left with a radius of 635.00 feet and a chord bearing and distance of South 80 degrees 03 minutes 08 seconds West, a distance of 241.27 feet;

THENCE along said North line, and said curve, an arc length of 242.75 feet to a 1/2 inch iron rod found;

THENCE South 69 degrees 05 minutes 30 seconds West, along said North line, a distance of 483.86 feet to a 1/2 inch iron rod found at the beginning of a curve to the right with a radius of 1465.00 feet and a chord bearing and distance of South 82 degrees 26 minutes 18 seconds West, a distance of 676.12 feet;

THENCE along said North line and said curve, an arc length of 682.27 feet to a 1/2 inch iron rod found;

THENCE North 84 degrees 13 minutes 19 seconds West, along said North line, a distance of 359.12 feet to a 1/2 inch capped iron rod found at the beginning of a curve to the left with a radius of 16140.00 feet and a chord bearing and distance of North 03 degrees 53 minutes 15 seconds East, a distance of 43.13 feet;

THENCE along said curve, an arc length of 43.13 feet to a 1/2 inch capped iron rod found;



**THENCE North 07 degrees 27 minutes 41 seconds West, a distance of 100.43 feet to a 1/2 inch capped iron rod found in the East line of proposed Interstate Highway 35, at the beginning of a curve to the right with a radius of 16160.00 feet and a chord bearing and distance of North 05 degrees 08 minutes 23 second East, a distance of 503.92 feet;**

**THENCE along said curve, an arc length of 503.94 feet to a 1/2 inch capped iron rod found;**

**THENCE North 01 degree 48 minutes 28 seconds West, a distance of 199.99 feet to a 1/2 inch capped iron rod found at the beginning of a curve to the left with a radius of 16615.00 feet and a chord bearing and distance of North 03 degrees 58 minutes 04 seconds East, a distance of 629.96 feet;**

**THENCE along said curve, an arc length of 630.00 feet to a capped iron rod set stamped "KAZ";**

**THENCE East, a distance of 2182.47 feet to a capped iron rod set stamped "KAZ";  
THENCE South 01 degree 04 minutes 20 seconds West, a distance of 315.17 feet to a capped iron rod set stamped "KAZ";**

**THENCE South 54 degrees 18 minutes 19 seconds West, a distance of 129.58 feet to a capped iron rod set stamped "KAZ";**

**THENCE South 00 degrees 59 minutes 44 seconds West, a distance of 822.24 feet to the POINT OF BEGINNING and containing 67.22 acres of land more or less**

**[REMANIDER OF PAGE INTENTIONALLY LEFT BLANK]**

**EXHIBIT B**

- a. Intentionally deleted**
- b. Easement granted by J. S. Gadberry and N. J. Gadberry to Denton County Electric Cooperative, Inc., dated June 16, 1937, filed November 13, 1953, recorded in Volume 401, Page 14, Deed Records, Denton County, Texas.**
- c. Easement granted by J. S. Gadberry and wife, Nancie Jane Gadberry to Denton County Electric Cooperative, Inc., dated November 9, 1944, filed November 19, 1953, recorded in Volume 402, Page 520, Deed Records, Denton County, Texas.**
- d. Intentionally deleted**
- e. Intentionally deleted**
- f. Easement executed by Alonzo Jamison, Jr., to Bolivar Water Supply Corp., dated April 10, 1970, filed June 10, 1970, recorded in Volume 603, Page 145, Deed Records, Denton County, Texas.**
- g. Easement executed by Alonzo Jamison, Jr., to Bolivar Water Supply Corp., dated February 22, 1971, filed June 18, 1971, recorded in Volume 623, Page 548, Deed Records, Denton County, Texas.**
- h. Easement executed by Alonzo W. Jamison, Jr., Guardian for Celsie R. Henderson, et al, to Bolivar Water Supply Corp., dated March 14, 1974, filed April 2, 1976, recorded in Volume 780, Page 621, Deed Records, Denton County, Texas.**
- i. Mineral reservation as shown in deed from Alonzo W. Jamison, Jr. and wife, Elisabeth Jamison to North Stemmons Joint Venture, dated August 16, 1985, filed August 16, 1985, recorded in Volume 1703, Page 38, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

j. Mineral reservation as shown in deed from Alonzo W. Jamison, Jr. and wife, Elisabeth Jamison to North Stemmons Joint Venture, dated December 6, 1985, filed December 10, 1985, recorded in Volume 1778, Page 908, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

k. Mineral reservation as shown in deed from .W. Davis, Jr., and wife, Doris Faye Davis, to North Stemmons Joint Venture, dated March 31, 1986, filed April 1, 1986, recorded in Volume 1852, Page 922, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

l. Mineral reservation as shown in deed from Interstate 35/Chisam Road, L.P., a Texas limited partnership, and Malachi Development Corporation, a Texas corporation, to Villages of Sanger, Ltd, a Texas limited partnership, dated July 14, 2004, filed July 19, 2004, under County Clerk's Document No. 2004-94453, Official Public Records, Denton County, Texas; as affected by Waiver of Surface Rights, dated August 15, 2008, filed August 21, 2008, under County Clerk's Document No. 2008-92494, Official Public Records of Denton County, Texas.  
Said mineral interest has not been researched since the date of said deed.

m. Mineral conveyance as shown in Mineral Deed from Villages of Sanger, Ltd. to Centurion Mineral Holdings, LLC, dated October 13, 2004, filed October 20, 2004, under County Clerk's Document No. 2004-137440, Official Public Records of Denton County, Texas, as affected by Waiver of Surface Rights, dated August 15, 2008, filed August 21, 2008, under County Clerk's Document No. 2008-92494, Official Public Records of Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

n. Mineral conveyance as shown in Mineral Deed from Skiles Conty, Inc., a Nevada corporation, as Trustee of the Skiles Property Trust, to Carrie County Minerals, Inc., a Nevada corporation, as Trustee of the Carrie County Mineral Trust, dated May 20, 2005, filed September 29, 2005, under County Clerk's Document No. 2005-121154, Official Public

**Records of Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

**o. Mineral reservation as shown in deed from Villages of Sanger, Ltd, a Texas limited partnership, to Milam Property Trust, dated August 15, 2008, filed August 21, 2008, under County Clerk's Document No. 2008-94295, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

**p. Mineral reservation as shown in Deed from PAAGE, Ltd., a Texas limited partnership, to \_\_\_\_\_, dated \_\_\_\_\_, filed \_\_\_\_\_, under County Clerk's Document No. \_\_\_\_\_, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

**q. Intentionally deleted**

**r. Intentionally deleted**

**s. Intentionally deleted**

**t. Intentionally deleted**

**u. 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 Schedule B or not. There maybe leases, grants, exceptions or reservations of mineral interest that are not listed.**

**v. Intentionally deleted**

**w. Intentionally deleted**

**x. Intentionally deleted**

**y. Rights of Parties in Possession.**

**Denton County  
Juli Luke  
County Clerk**

---

**Instrument Number: 85261**

ERecordings-RP

EASEMENT

Recorded On: May 11, 2021 02:20 PM

Number of Pages: 27

---

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

Total Recording: \$130.00

---

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

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

**File Information:**

Document Number: 85261  
Receipt Number: 20210511000815  
Recorded Date/Time: May 11, 2021 02:20 PM  
User: Joy R  
Station: Station 19

**Record and Return To:**

eRecording Partners



**STATE OF TEXAS  
COUNTY OF DENTON**

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 Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

After Recording Return To:  
c/o Sanger Texas Industrial, LLC  
One Cowboys Way  
Frisco, Texas 75034  
Attn: Tom Walker

20057352 DL-RA

ACCESS AND UTILITY EASEMENT

Date: May 7, 2021

Grantor: Paage, Ltd., a Texas limited partnership

Grantor's Mailing Address: 5428 Lake Victoria Court, Flower Mound, Texas 75022

Grantee: Sanger Texas Industrial LLC, a Texas limited liability company, Webb Industrial LLC, a Texas limited liability company, and Crossland Construction Company, Inc., a Texas corporation

Grantee's Mailing Address: One Cowboys Way, Frisco, Texas 75034

Easement Property: As described in Exhibit A, attached hereto and incorporated herein

Grantee's Property: As described in Exhibit B, attached hereto and incorporated herein

Easement Purpose: The purpose of the Easement is for ingress, egress, access, and the construction and maintenance of utilities, over under, on, through, and across the Easement Property to serve Grantee's Property (collectively, the "Facilities").

Consideration: Good and valuable consideration, the receipt and sufficiency of which is acknowledged by Grantor.

Reservations from Conveyance: None.

Exceptions to Warranty: Those matters described in Exhibit C, attached hereto and incorporated herein (insert recorded exceptions from title commitment covering the Easement Property). Additionally, Grantor and Grantee acknowledge that Grantor has previously granted the Texas Department of Transportation of the State of Texas ("TXDOT") use and possession of the Easement Property and the grant of the Easement created hereby to Grantee is subject to the prior grant of use and possession in favor of TXDOT.

Grant of Easement: For the Consideration, Grantor grants, sells, and conveys to Grantee and Grantee's successors, and assigns the Easement to, over, under, on, through and across the Easement Property for the Easement Purpose, together with all and singular the rights and appurtenances thereto in any way belonging (hereafter collectively called the "Easement"), to

have and to hold the Easement to Grantor and Grantee's successors, and assigns forever. Grantor binds Grantor and Grantor's successors, and assigns to warrant and forever defend the title to the Easement in Grantor and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part of the Easement.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this agreement:

1. *Character of Easement.* The Easement is appurtenant to, runs with, and inures to the benefit of all or any portion of the Grantee's Property, whether or not the Easement is referenced or described in any conveyance of all or such portion of Grantee's Property. The Easement is irrevocable. The Easement is for the benefit of Grantor and Grantee's successors, and assigns who at any time own any interest in Grantor's Property (as applicable, the "Holder").
2. *Duration of Easement.* The duration of the Easement is perpetual.
3. *Reservation of Rights.* Grantor reserves the right to use all or part of the Easement Property as long as such use by Grantor does not interfere with the use of the Easement Property by Holder for the Easement Purpose.
4. *Equitable Rights of Enforcement.* This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.
5. *Attorney's Fees.* If Grantor or Grantee retains an attorney to enforce this agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.
6. *Binding Effect.* This agreement binds and inures to the benefit of the parties and their respective successors, and permitted assigns.
7. *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.
8. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

9. *Waiver of Default.* It is not a waiver of or consent to default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

10. *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

11. *Entire Agreement.* This agreement and any exhibits, constitute the entire agreement of the parties concerning the grant of the Easement by Grantor to Grantee. There are no representations, agreements, warranties, or promises that are not expressly set forth in this agreement and any exhibits.

12. *Legal Construction.* If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

13. *Notices.* Any notice required or permitted under this agreement must be in writing and may be sent in any commercially reasonable manner.

14. *Recitals.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement.

15. *Time.* Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday, Sunday, or legal public holiday, the date for performance will be the next following regular business day.

[SIGNATURES TO FOLLOW ON NEXT PAGE]



Grantor:

Paage, Ltd.  
Paage Holdings, LLC, general partner

By: [Signature]  
Name: RANDALL SMITH  
Title: PRESIDENT

ACKNOWLEDGMENT

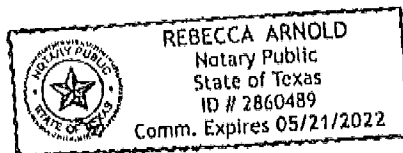
STATE OF TEXAS

COUNTY OF DENTON

§  
§  
§

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared RANDALL SMITH, Manager of PAAGE LTD & PAAGE Holdings, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said limited liability company and limited partnership, for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 7 day of May, 2021.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

Grantee:

Sanger Texas Industrial, LLC, a  
Texas limited liability company

By: Blue Star Land, L.P., a  
Texas limited partnership, Manager

By: Blue Star Investments, Inc., a  
Texas corporation, general partner

By: [Signature]

Name: Thomas C. Miller

Title: CFO

ACKNOWLEDGMENT

STATE OF TEXAS

§

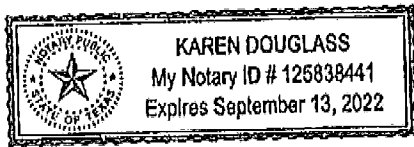
§

COUNTY OF Edin

§

BEFORE ME, the undersigned, a Notary Public in and for said County and State,  
personally appeared Thomas C. Miller, CFO of  
Blue Star Investments Inc, known to me to be the  
person whose name is subscribed to the foregoing instrument and acknowledged to me that he  
executed the same as the act and deed of said limited liability company, for the purposes and  
consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 6 day of May, 2021.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

Grantee:

Sanger Texas Industrial, LLC, a  
Texas limited liability company

By: Blue Star Land, L.P., a  
Texas limited partnership, Manager

By: Blue Star Investments, Inc., a  
Texas corporation, general partner

By: [Signature]  
Name: Thomas L Walker  
Title: CFO

ACKNOWLEDGMENT

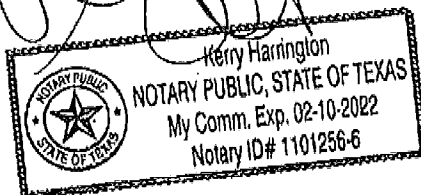
STATE OF TEXAS  
COUNTY OF Collin

§  
§  
§

BEFORE ME, the undersigned, a Notary Public in and for said County and State,  
personally appeared Thomas L Walker CFO of  
Blue Star Investments, Inc., known to me to be the  
person whose name is subscribed to the foregoing instrument and acknowledged to me that he  
executed the same as the act and deed of said limited liability company, for the purposes and  
consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 7th day of May, 2021.

[Signature]  
NOTARY PUBLIC, STATE OF TEXAS



By: Red Iron Development, LLC, a  
Texas limited liability company, Manager

By: [Signature]

Name: Ivan Crossland, Jr.

Title: managing member

**ACKNOWLEDGMENT**

STATE OF Kansas §

COUNTY OF Cherokee §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Ivan Crossland, Jr., managing member of Red Iron Development, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said limited liability company, for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 6th day of May, 2021.

Kirsten M. Trease  
NOTARY PUBLIC, STATE OF Kansas



Webb Industrial, LLC, a  
Kansas limited liability company

By: Crossland Holding Co. II, LLC., a  
Missouri limited liability company, Managing Member

By: [Signature]

Name: Ivan Crossland, Jr.

Title: managing member

**ACKNOWLEDGMENT**

STATE OF Kansas §

§

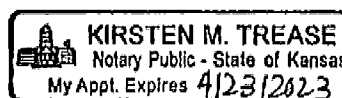
COUNTY OF Cherokee §

§

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Ivan Crossland, Jr., managing member of managing member, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said limited liability company, for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 17th day of May, 2021.

Kirsten M. Trease  
NOTARY PUBLIC, STATE OF Kansas



Crossland Construction Company, Inc., a  
Kansas Incorporated Company

By: [Signature]  
Name: Ivan Crossland, Jr.  
Title: CEO

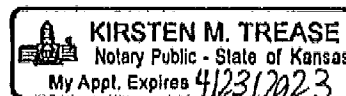
**ACKNOWLEDGMENT**

STATE OF Kansas §  
COUNTY OF Cherokee §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Ivan Crossland, Jr., CEO of Crossland Construction Company, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of said limited liability company, for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 10<sup>th</sup> day of May, 2021.

Kirsten M. Trease  
NOTARY PUBLIC, STATE OF Kansas



## EXHIBIT "A"

County: Denton

Highway: I.H. 35

Limits: US 77 North of Denton To Cooke County Line

CSJ: 0195-02-079

Page 1 of 3

Date: January 28, 2019

### Description for Parcel N169

BEING 1.2105 acres or 52,731 square feet of land, more or less, in the Benjamin F. Lynch Survey, Abstract No. 725, Denton County, Texas, and being a portion of tract of a called 24.2334 acre tract of land, as described in instrument to PAAGE, Ltd, as recorded in Document Number 2015-143391, of the Official Public Records of Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the west end of a curve in the north line of a called 83.25 acre tract of land, as described in instrument to Ramar Land Corporation, as recorded in Document Number 2017-122644, O.P.R.D.C.T.;

THENCE, North 84 degrees 13 minutes 26 seconds West along the north line of a said Ramar Land Corporation tract, a distance of 359.09 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" in the proposed easterly right-of-way line of Interstate Highway 35 at the POINT OF BEGINNING of the herein described parcel having a surface coordinate of N=7,198,692.33 and E=2,373,074.18, located 260.00 feet right of survey baseline station 2760+06.40;

- 1) THENCE, North 84 degrees 13 minutes 26 seconds West continuing along the north line of a said Ramar Land Corporation tract, a distance of 105.80 feet to a 1/2 inch iron rod found in the existing easterly right-of-way line of Interstate Highway 35, a variable width right-of-way, as established by Tract 1 as described in instrument to the State of Texas, as recorded in Volume 400, Page 290 of the Deed Records of Denton County, Texas;
- 2) THENCE, North 05 degrees 36 minutes 13 seconds East departing the north line of a said Ramar Land Corporation tract along the existing easterly right-of-way line of Interstate Highway 35, a distance of 180.94 feet to 1/2 inch iron rod found with red cap stamped "Alliance" at the beginning of a curve to the left having a central angle of 02 degrees 09 minutes 52 seconds, having a radius of 11,609.16 feet and being subtended by a chord bearing North 04 degrees 30 minutes 30 seconds East, a distance of 438.55 feet;
- 3) THENCE, continuing along the existing easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 438.58 feet to a 1/2 inch iron rod found at the northwest corner of the 24.2334 acre PAAGE tract;
- 4) THENCE, South 89 degrees 00 minutes 13 seconds East departing the existing easterly right-of-way line of Interstate Highway 35 along the north line of the 24.2334 acre PAAGE tract, a distance of 86.22 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" in the proposed easterly right-of-way line of Interstate Highway 35, at the beginning of a curve to the left having a central angle of 01 degree 43 minutes 22 seconds, having a radius of 16,160.00 feet and

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 2 of 3  
Date: January 28, 2019

Description for Parcel N169

being subtended by a chord bearing South 05 degrees 06 minutes 04 seconds West, a distance of 485.89 feet; \*\*

- 5) THENCE, departing the north line of the 24.2334 acre PAAGE tract along the proposed easterly right-of-way line of Interstate Highway 35 along said curve to the left, an arc distance of 485.91 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT; \*\*
- 6) THENCE, South 07 degrees 24 minutes 55 seconds East continuing along the proposed easterly right-of-way line of Interstate Highway 35, a distance of 100.49 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" at the beginning of a non-tangent curve to the left having a central angle of 00 degrees 09 minutes 08 seconds, having a radius of 16,140.00 feet and being subtended by a chord bearing South 03 degrees 48 minutes 51 seconds West, a distance of 42.91 feet; \*\*
- 7) THENCE, continuing along the proposed easterly right-of-way line of Interstate Highway 35, a curve to the left, an arc distance of 42.91 feet to the POINT OF BEGINNING and CONTAINING 52,731 square feet or 1.2105 acres of land, more or less.

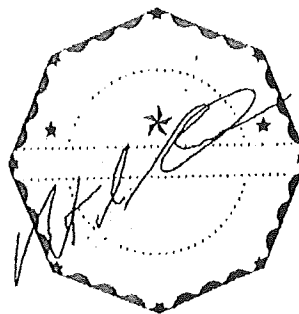
\*\* The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right-of-Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone (4202). All coordinates shown are surface and adjusted by project surface adjustment factor 1.000150630.

A plat of even survey date herewith accompanies this property description.

I certify that the survey was performed on the ground under my supervision.

Mitchell S. Pillar  
Registered Professional Land Surveyor  
Texas Registration No. 5491  
Huitt-Zollars, Inc.  
Firm Registration No. 10025600  
1717 McKinney Avenue, Suite 1400  
Dallas, Texas 75202-1236  
Ph. (214) 871-3311  
Date: January 28, 2019





## EXHIBIT "A"

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 1 of 5  
Date: January 28, 2019

### Description for Parcel N170B

BEING 1.6470 acres or 71,744 square feet of land, more or less, in the Benjamin F. Lynch Survey, Abstract No. 725, Denton County, Texas, and being a portion of Tract 2, a called 206.999 acre tract of land, as described in instrument to PAAGE, Ltd, as recorded in Document Number 2015-143389, of the Official Public Records of Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the west end of a curve in the north line of a called 83.25 acre tract of land, as described in instrument to Ramar Land Corporation, as recorded in Document Number 2017-122644, O.P.R.D.C.T.;

THENCE, North 84 degrees 13 minutes 26 seconds West along the north line of a said Ramar Land Corporation tract, a distance of 359.09 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" at the beginning of a non-tangent curve to the right having a central angle of 00 degrees 09 minutes 08 seconds, having a radius of 16,140.00 feet and being subtended by a chord bearing North 03 degrees 48 minutes 51 seconds East, distance of 42.91 feet;

THENCE, departing the north line of the Ramar Land Corporation tract along the proposed easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 42.91 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT";

THENCE, North 07 degrees 24 minutes 55 seconds West continuing along the proposed easterly right-of-way line of Interstate Highway 35, a distance of 100.49 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" at the beginning of a non-tangent curve to the right having a central angle of 01 degree 43 minutes 22 seconds, having a radius of 16,160.00 feet and being subtended by a chord bearing North 05 degrees 06 minutes 04 seconds East, a distance of 485.89 feet;

THENCE, continuing along the proposed easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 485.91 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" in the south line of a called 206.999 acre tract of land and being the POINT OF BEGINNING of the herein described parcel having a surface coordinate of N=7,199,318.75 and E=2,373,107.27, located 240.04 feet right of survey baseline station 2766+42.42;

- 1) THENCE, North 89 degrees 00 minutes 13 seconds West departing the proposed easterly right-of-way line of Interstate Highway 35 along the south line of said Paage, Ltd. tract, a distance of 36.47 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars" at the most southerly southwest corner of said 206.999 acre PAAGE tract;

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 2 of 5  
Date: January 28, 2019

Description for Parcel N170B

- 2) THENCE, North 00 degrees 59 minutes 47 seconds East along a west line the 206.99 acre PAAGE tract, a distance of 15.00 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars" at an inner ell corner of said 206.999 acre PAAGE tract;
- 3) THENCE, North 89 degrees 00 minutes 13 seconds West along a south line the 206.99 acre PAAGE tract, a distance of 49.12 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "Huitt-Zollars" in the existing easterly right-of-way line of Interstate Highway 35, a variable width right-of-way, as established by a tract of land described in instrument to the State of Texas, as recorded in Volume 400, Page 292 of the Deed Records of Denton County, Texas, at the beginning of a non-tangent curve to the left having a central angle of 03 degrees 02 minutes 15 seconds, having a radius of 11,609.16 feet and being subtended by a chord bearing North 01 degree 50 minutes 00 seconds East, a distance of 615.36 feet;
- 4) THENCE, along the existing easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 615.43 feet to a 1/2 inch iron rod found;
- 5) THENCE, North 00 degrees 21 minutes 24 seconds East continuing along the existing easterly right-of-way line of Interstate Highway 35, a distance of 220.42 feet to the northwest corner of said 206.999 acre PAAGE tract from which a one inch pipe found bears North 02 degrees 25 minutes 19 seconds West a distance of 5.25 feet;
- 6) THENCE, South 89 degrees 37 minutes 52 seconds East departing the existing easterly right-of-way line of Interstate Highway 35 along the north line of the said 206.999 acre PAAGE tract, a distance of 103.58 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" on the proposed easterly right-of-way line of Interstate Highway 35 and being the beginning of a non-tangent curve to the right having a central angle of 02 degrees 11 minutes 23 seconds, having a radius of 16,615.00 feet and being subtended by a chord bearing South 03 degrees 57 minutes 15 seconds West, a distance of 634.94 feet;
- 7) THENCE, departing the north line of the said 206.999 acre PAAGE tract along the proposed easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 634.98 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT";
- 8) THENCE, South 01 degree 49 minutes 15 seconds East continuing along the proposed easterly right-of-way line of Interstate Highway 35, a distance of 200.00 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" at the beginning of a non-tangent curve to the left having a central angle of 00 degrees 03 minutes 50 seconds, having a radius of 16,160.00 feet and being subtended by a chord bearing South 05 degrees 59 minutes 40 seconds West, a distance of 18.05 feet;

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 3 of 5  
Date: January 28, 2019

Description for Parcel N170B

- 9) THENCE, continuing along the proposed easterly right-of-way line of Interstate Highway 35, an arc distance of 18.05 feet to the POINT OF BEGINNING and CONTAINING 71,744 square feet or 1.6470 acres of land, more or less.

\*\* The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right-of-Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

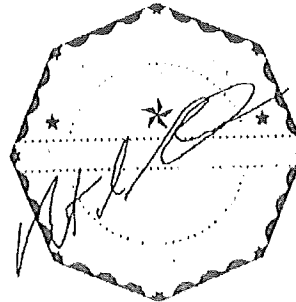
All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone (4202). All coordinates shown are surface and adjusted by project surface adjustment factor 1.000150630.

A plat of even survey date herewith accompanies this property description.

I certify that the survey was performed on the ground under my supervision.

---

Mitchell S. Pillar  
Registered Professional Land Surveyor  
Texas Registration No. 5491  
Huitt-Zollars, Inc.  
Firm Registration No. 10025600  
1717 McKinney Avenue, Suite 1400  
Dallas, Texas 75202-1236  
Ph. (214) 871-3311  
Date: January 28, 2019



## EXHIBIT "A"

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 1 of 6  
Date: January 28, 2019

### Description for Parcel N171 Part 1

BEING 3.6610 acres or 159,472 square feet of land, more or less, in the Jose Maria Ruiz Survey, Abstract No. 1066, Denton County, Texas, and being a portion of Tract 1, a called 44.252 acre tract of land as described in instrument to PAAGE, Ltd., T, as recorded in Document Number 2015-143389, of the Official Public Records of Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod found with plastic cap stamped "Sempco Surveying" at the northeast corner of a said 44.252 acre tract of land, said corner being in the existing south right-of-way line of Chisam Road, a variable width right-of-way, no deed of record found;

THENCE, South 84 degrees 57 minutes 35 seconds West along the existing south right-of-way line of Chisam Road, a distance of 810.77 feet to a 1/2 inch iron rod found in the existing easterly right-of-way line of Interstate Highway 35 a variable width right-of-way, as established by a tract of land as described in instrument to the State of Texas, as recorded in Volume 400, Page 292, of the Deed Records of Denton County, Texas;

THENCE, South 00 degrees 21 minutes 32 seconds West along the existing easterly right-of-way line of Interstate Highway 35, a distance of 62.36 feet to a 1/2 inch iron rod found being the beginning of a non-tangent curve to the right having a central angle of 89 degrees 59 minutes 58 seconds, having a radius of 337.52 feet and being subtended by a chord bearing South 00 degrees 21 minutes 33 seconds West, distance of 477.32 feet;

THENCE, continuing along the existing easterly right-of-way line of Interstate Highway 35 along said curve to the left, an arc distance of 530.17 feet to a 1/2 inch iron rod found;

THENCE, South 45 degrees 21 minutes 32 seconds West continuing along the existing easterly right-of-way line of Interstate Highway 35, a distance of 45.98 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" on the proposed easterly right-of-way line of Interstate Highway 35 at the POINT OF BEGINNING of the herein described parcel having a surface coordinate of N=7,201,751.17 and E=2,373,152.15, located 215.00 feet right of survey baseline station 2790+47.15; \*\*

- 1) THENCE, South 01 degree 43 minutes 29 seconds East departing the existing easterly right-of-way line of Interstate Highway 35 along the proposed easterly right-of-way line of Interstate Highway 35, a distance of 252.34 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" at the beginning of a curve to the right having a central angle of 04 degrees 35 minutes 03 seconds, having a radius of 16,615.00 feet and being subtended by a chord bearing South 00 degrees 34 minutes 03 seconds West, distance of 1,328.98 feet;

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 2 of 6  
Date: January 28, 2019

Description for Parcel N171

Part 1

- 2) THENCE, continuing along the proposed easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 1,329.34 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" in the south line of the called 44.252 acre tract;
- 3) THENCE, North 89 degrees 37 minutes 52 seconds West departing the proposed easterly right-of-way line of Interstate Highway 35 along the south line of the called 44.252 acre tract, a distance of 103.58 feet to the existing easterly right-of-way line of Interstate Highway 35, a variable width right-of-way, as established by Tract 1 as described in instrument to the State of Texas, as recorded in Volume 400, Page 290, of the Deed Records of Denton County, Texas, from which a one inch pipe found bears North 02 degrees 25 minutes 19 seconds West, a distance of 5.25 feet;
- 4) THENCE, North 00 degrees 21 minutes 24 seconds East along the existing easterly right-of-way line of Interstate Highway 35, a distance of 1,095.25 feet to the southwest corner of a called 0.23 acre tract of land as described in instrument to Southwestern Bell Telephone Company, as recorded in Volume 742, Page 684, of the Deed Records of Denton County, Texas (D.R.D.C.T.), from which a 4" iron monument found stamped "S.W.B. TEL. CO." bears North 71 degrees 41 minutes 36 seconds East, a distance of 2.64 feet;
- 5) THENCE, South 89 degrees 38 minutes 36 seconds East departing the existing easterly right-of-way line of Interstate Highway 35 along the south line of the 0.23 acre tract, a distance of 100.00 feet to the southeast corner of the 0.23 acre tract, from which a 4" iron monument found stamped "S.W.B. TEL. CO." bears North 07 degrees 17 minutes 20 seconds West, a distance of 2.89 feet
- 6) THENCE, North 00 degrees 21 minutes 24 seconds East along the east line of the 0.23 acre tract, a distance of 100.00 feet to the southeast corner of the 0.23 acre tract, , from which a 4" iron monument found stamped "S.W.B. TEL. CO." bears South 87 degrees 20 minutes 37 seconds West, a distance of 1.74 feet;
- 7) THENCE, North 89 degrees 38 minutes 36 seconds West along the north line of the 0.23 acre tract, a distance of 100.00 feet to the existing easterly right-of-way line of Interstate Highway 35, from which a 4" iron monument found stamped "S.W.B. TEL. CO." bears South 30 degrees 53 minutes 34 seconds East, a distance of 2.36 feet;
- 8) THENCE, North 00 degrees 21 minutes 24 seconds East along the existing easterly right-of-way line of Interstate Highway 35, a distance of 57.41 feet to a 1/2 inch iron rod found;

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 3 of 6  
Date: January 28, 2019

Description for Parcel N171  
Part 1

- 9) THENCE, North 07 degrees 53 minutes 21 seconds East continuing along the existing easterly right-of-way line of Interstate Highway 35, a distance of 152.62 feet to a 1/2 inch iron rod found, at the beginning of a non-tangent curve to the right having a central angle of 44 degrees 58 minutes 10 seconds, having a radius of 236.60 feet and being subtended by a chord bearing North 22 degrees 52 minutes 27 seconds East, distance of 180.97 feet;
- 10) THENCE, continuing along the existing easterly right-of-way line of Interstate Highway 35 along said curve to the right, an arc distance of 185.70 feet to a 1/2 inch iron rod found;
- 11) THENCE, North 45 degrees 21 minutes 32 seconds East continuing along the existing easterly right-of-way line of Interstate Highway 35, a distance of 14.13 feet to the POINT OF BEGINNING and CONTAINING 159,472 square feet or 3.6610 acres of land, more or less.

\*\* The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right-of-Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone (4202). All coordinates shown are surface and adjusted by project surface adjustment factor 1.000150630.

A plat of even survey date herewith accompanies this property description.

I certify that the survey was performed on the ground under my supervision.

---

Mitchell S. Pillar  
Registered Professional Land Surveyor  
Texas Registration No. 5491  
Huitt-Zollars, Inc.  
Firm Registration No. 10025600  
1717 McKinney Avenue, Suite 1400  
Dallas, Texas 75202-1236  
Ph. (214) 871-3311  
Date: January 28, 2019



## EXHIBIT "A"

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 1 of 3  
Date: January 28, 2019

### Description for Parcel N171 Part 2

BEING 0.6577 acres or 28,648 square feet of land, more or less, in the Jose Maria Ruiz Survey, Abstract No. 1066, Denton County, Texas, and being a portion of Tract 1, a called 44.252 acre tract of land as described in instrument to PAAGE, Ltd., as recorded in Document Number 2015-143389, of the Official Public Records of Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod found with plastic cap stamped "Sempco Surveying" at the northeast corner of a said 44.252 acre tract of land, said corner being in the existing south right-of-way line of Chisam Road, a variable width right-of-way, no deed of record found;

THENCE, South 84 degrees 57 minutes 35 seconds West along the existing south right-of-way line of Chisam Road, a distance of 417.59 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" on the proposed easterly right-of-way line of Interstate Highway 35 at the POINT OF BEGINNING of the herein described parcel having a surface coordinate of N=7,202,357.69 and E=2,373,579.90, located 660.81 feet right of survey baseline station 2796+40.52; \*\*

- 1) THENCE, South 05 degrees 32 minutes 57 seconds East departing the existing south right-of-way line of Chisam Road along the proposed south right-of-way line of Chisam Road, a distance of 71.72 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT"; \*\*
- 2) THENCE, South 84 degrees 47 minutes 20 seconds West continuing along the proposed south right-of-way line of Chisam Road, a distance of 391.12 feet to a 5/8 inch iron rod set with pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" in the existing easterly right-of-way line of Interstate Highway 35, a variable width right-of-way, as established by tract of land described in instrument to the State of Texas, as recorded in Volume 400, Page 292 of the Deed Records of Denton County, Texas, and being the beginning of a curve to the left having a central angle of 02 degrees 20 minutes 22 seconds, having a radius of 337.52 feet and being subtended by a chord bearing North 43 degrees 28 minutes 15 seconds West, distance of 13.78 feet; \*\*
- 3) THENCE, along the existing easterly right-of-way line of Interstate Highway 35 along said curve to the left, an arc distance of 13.78 feet to a 1/2 inch iron rod found;
- 4) THENCE, North 00 degrees 21 minutes 24 seconds East continuing along the existing easterly right-of-way line of Interstate Highway 35, a distance of 62.36 feet to a 1/2 inch iron rod found in the existing south right-of-way line of Chisam Road;

County: Denton  
Highway: I.H. 35  
Limits: US 77 North of Denton To Cooke County Line  
CSJ: 0195-02-079

Page 2 of 3  
Date: January 28, 2019

Description for Parcel N171  
Part 2

- 5) THENCE, North 84 degrees 57 minutes 35 seconds East along the existing south right-of-way line of Chisam Road, a distance of 393.18 feet to the POINT OF BEGINNING and CONTAINING 28,648 square feet or 0.6577 acres of land, more or less.

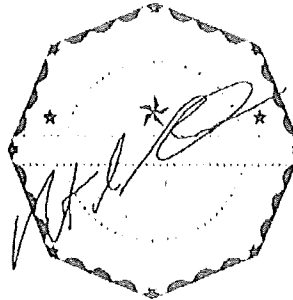
\*\* The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right-of-Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone (4202). All coordinates shown are surface and adjusted by project surface adjustment factor 1.000150630.

A plat of even survey date herewith accompanies this property description.

I certify that the survey was performed on the ground under my supervision.

Mitchell S. Pillar  
Registered Professional Land Surveyor  
Texas Registration No. 5491  
Huitt-Zollars, Inc.  
Firm Registration No. 10025600  
1717 McKinney Avenue, Suite 1400  
Dallas, Texas 75202-1236  
Ph. (214) 871-3311  
Date: January 28, 2019





## EXHIBIT B

### TRACT 1:

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the B.F. Lynch Survey, Abstract Number 725 and also being a part of that called 137.28 acre tract of land described in deed to PAAGE, LTD. recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas, and also being a part of that called 44.252 acre tract of land described as Tract I in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas, and also being a part of that called 206.999 acre tract of land described as Tract II in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northeast corner of Lot 1, Block 1, R-L Carriers Addition, as shown on Plat recorded in Document Number 2018-284, Plat Records, Denton County, Texas and being in the West line of B.N.S.F. Railroad Co. (100' right-of-way);

THENCE North 89 degrees 00 minutes 24 seconds West, along the North line of said Lot 1, a distance of 744.39 feet to a 1/2 inch iron rod found;

THENCE North 00 degrees 59 minutes 29 seconds East, along said North line, a distance of 145.02 feet to a capped iron rod set stamped "KAZ";

THENCE North 00 degrees 59 minutes 44 seconds East, a distance of 822.24 feet to a capped iron rod set stamped "KAZ";

THENCE North 54 degrees 18 minutes 19 seconds East, a distance of 129.58 feet to a capped iron rod set stamped "KAZ";

THENCE North 01 degree 04 minutes 20 seconds East, a distance of 315.17 feet to a capped iron rod set stamped "KAZ";

THENCE West, a distance of 2182.47 feet to a capped iron rod set stamped "KAZ" at the beginning of a curve to the left, with a radius of 16615.00 feet and a chord bearing and distance of North 00 degrees 34 minutes 52 seconds East, 1333.93 feet;

THENCE along said curve, an arc length of 1334.29 feet to a capped iron rod set stamped "KAZ";

THENCE North 01 degree 42 minutes 19 seconds West, a distance of 252.35 feet to 1/2 inch capped iron rod found;

THENCE North 44 degrees 54 minutes 48 seconds East, a distance of 45.91 feet to a ½ inch iron rod found at the beginning of a curve to the left with a radius of 337.52 feet and a chord bearing and distance of North 01 degree 34 minute 16 seconds East, a distance of 467.23 feet;

THENCE along said curve, an arc length of 516.05 feet to a 1/2 inch capped iron rod found;

THENCE North 84 degrees 47 minutes 19 seconds East, a distance of 391.13 feet to a ½ inch capped iron rod found;

THENCE North 05 degrees 34 minutes 20 seconds West, a distance of 71.73 feet to a ½ inch capped iron rod found in the South line of said Chisam Road;

THENCE North 84 degrees 57 minutes 20 seconds East, along said South line, a distance of 417.61 feet to a 1/2 inch capped iron rod found at the Northwest corner of a tract of land described as Tract II in deed to PAAGE, LTD. recorded in Instrument Number 2015-143389, Real Property Records, Denton County, Texas;

THENCE North 84 degrees 58 minutes 12 seconds East, along said South line, a distance of 1442.47 feet to a 1/2 inch capped iron rod found at the beginning of a curve to the left with a radius of 170.00 feet and a chord bearing and distance of North 47 degrees 42 minutes 55 seconds East, a distance of 205.17 feet;

THENCE along said curve, an arc length of 220.25 feet to a 1/2 inch capped iron rod found;

THENCE North 10 degrees 35 minutes 56 seconds East, a distance of 511.81 feet to a ½ inch capped iron rod found at the beginning of a curve to the right with a radius of 120.00 feet and a chord bearing and distance of North 50 degrees 21 minutes 41 seconds East, a distance of 153.61 feet;

THENCE along said curve, an arc length of 166.69 feet to a 1/2 inch capped iron rod found;

THENCE South 89 degrees 50 minutes 28 seconds East, along the South line of Chisam Road, a distance of 932.74 feet to a 1/2 inch capped iron rod found in the West line of B.N.S.F. Railroad Co. (100' right-of-way);

THENCE South 09 degrees 58 minutes 36 seconds West, a distance of 4050.86 feet to a ½ inch iron rod found at the Southeast corner of said Tract II same being the Northeast corner of a tract of land described in deed to PAAGE, LTD recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas;

THENCE South 09 degrees 56 minutes 42 seconds West, with said common line, a distance of 480.68 feet to the POINT OF BEGINNING and containing 211.36 acres of land, more or less.

**TRACT 2:**

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the B.F. Lynch Survey, Abstract Number 725 and being a part of the Jose Maria Ruiz Survey, Abstract Number 1066, and also being a part of that called 137.28 acre tract of land described in deed to PAAGE, LTD. recorded in Instrument Number 2015-143391, Real Property Records, Denton County, Texas and being more fully described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the Northeast corner of Lot 1, Block 1, RI. Carriers Addition, as shown on Plat recorded in Document Number 2018-284, Plat Records, Denton County, Texas and being in the West line of B.N.S.F. Railroad Co. (100' right-of-way);

THENCE North 89 degrees 00 minutes 24 seconds West, along the North line of said Lot 1, a distance of 744.39 feet to a 1/2 inch iron rod found;

THENCE North 00 degrees 59 minutes 29 seconds East, along said North line, a distance of 145.02 feet to a capped iron rod set stamped "KAZ" for the POINT OF BEGINNING;

THENCE North 89 degrees 00 minutes 19 seconds West, along said North line, a distance of 412.25 feet to a capped iron rod set stamped "KAZ" at the beginning of a curve to the left with a radius of 635.00 feet and a chord bearing and distance of South 80 degrees 03 minutes 08 seconds West, a distance of 241.27 feet;

THENCE along said North line, and said curve, an arc length of 242.75 feet to a 1/2 inch iron rod found;

THENCE South 69 degrees 05 minutes 30 seconds West, along said North line, a distance of 483.86 feet to a 1/2 inch iron rod found at the beginning of a curve to the right with a radius of 1465.00 feet and a chord bearing and distance of South 82 degrees 26 minutes 18 seconds West, a distance of 676.12 feet;

THENCE along said North line and said curve, an arc length of 682.27 feet to a 1/2 inch iron rod found;

THENCE North 84 degrees 13 minutes 19 seconds West, along said North line, a distance of 359.12 feet to a 1/2 inch capped iron rod found at the beginning of a curve to the left with a radius of 16140.00 feet and a chord bearing and distance of North 03 degrees 53 minutes 15 seconds East, a distance of 43.13 feet;

THENCE along said curve, an arc length of 43.13 feet to a 1/2 inch capped iron rod found;

THENCE North 07 degrees 27 minutes 41 seconds West, a distance of 100.43 feet to a 1/2 inch capped iron rod found in the East line of proposed Interstate Highway 35, at the beginning of a

curve to the right with a radius of 16160.00 feet and a chord bearing and distance of North 05 degrees 08 minutes 23 second East, a distance of 503.92 feet;

THENCE along said curve, an arc length of 503.94 feet to a 1/2 inch capped iron rod found;

THENCE North 01 degree 48 minutes 28 seconds West, a distance of 199.99 feet to a ½ inch capped iron rod found at the beginning of a curve to the left with a radius of 16615.00 feet and a chord bearing and distance of North 03 degrees 58 minutes 04 seconds East, a distance of 629.96 feet;

THENCE along said curve, an arc length of 630.00 feet to a capped iron rod set stamped "KAZ";

THENCE East, a distance of 2182.47 feet to a capped iron rod set stamped "KAZ";

THENCE South 01 degree 04 minutes 20 seconds West, a distance of 315.17 feet to a capped iron rod set stamped "KAZ";

THENCE South 54 degrees 18 minutes 19 seconds West, a distance of 129.58 feet to a capped iron rod set stamped "KAZ";

THENCE South 00 degrees 59 minutes 44 seconds West, a distance of 822.24 feet to the POINT OF BEGINNING and containing 67.22 acres of land more or less.

EXHIBIT C

- a. Intentionally deleted
- b. Easement granted by J. S. Gadberry and N. J. Gadberry to Denton County Electric Cooperative, Inc., dated June 16, 1937, filed November 13, 1953, recorded in Volume 401, Page 14, Deed Records, Denton County, Texas.
- c. Easement granted by J. S. Gadberry and wife, Nancie Jane Gadberry to Denton County Electric Cooperative, Inc., dated November 9, 1944, filed November 19, 1953, recorded in Volume 402, Page 520, Deed Records, Denton County, Texas.
- d. Intentionally deleted
- e. Intentionally deleted
- f. Easement executed by Alonzo Jamison, Jr., to Bolivar Water Supply Corp., dated April 10, 1970, filed June 10, 1970, recorded in Volume 603, Page 145, Deed Records, Denton County, Texas.
- g. Easement executed by Alonzo Jamison, Jr., to Bolivar Water Supply Corp., dated February 22, 1971, filed June 18, 1971, recorded in Volume 623, Page 548, Deed Records, Denton County, Texas.
- h. Easement executed by Alonzo W. Jamison, Jr., Guardian for Celsie R. Henderson, et al, to Bolivar Water Supply Corp., dated March 14, 1974, filed April 2, 1976, recorded in Volume 780, Page 621, Deed Records, Denton County, Texas.
- i. Mineral reservation as shown in deed from Alonzo W. Jamison, Jr. and wife, Elisabeth Jamison to North Stemmons Joint Venture, dated August 16, 1985, filed August 16, 1985, recorded in Volume 1703, Page 38, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

j. Mineral reservation as shown in deed from Alonzo W. Jamison, Jr. and wife, Elisabeth Jamison to North Stemmons Joint Venture, dated December 6, 1985, filed December 10, 1985, recorded in Volume 1778, Page 908, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

k. Mineral reservation as shown in deed from .W. Davis, Jr., and wife, Doris Faye Davis, to North Stemmons Joint Venture, dated March 31, 1986, filed April 1, 1986, recorded in Volume 1852, Page 922, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

l. Mineral reservation as shown in deed from Interstate 35/Chisam Road, L.P., a Texas limited partnership, and Malachi Development Corporation, a Texas corporation, to Villages of Sanger, Ltd, a Texas limited partnership, dated July 14, 2004, filed July 19, 2004, under County Clerk's Document No. 2004-94453, Official Public Records, Denton County, Texas; as affected by Waiver of Surface Rights, dated August 15, 2008, filed August 21, 2008, under County Clerk's Document No. 2008-92494, Official Public Records of Denton County, Texas.

Said mineral interest has not been researched since the date of said deed.

m. Mineral conveyance as shown in Mineral Deed from Villages of Sanger, Ltd. to Centurion Mineral Holdings, LLC, dated October 13, 2004, filed October 20, 2004, under County Clerk's Document No. 2004-137440, Official Public Records of Denton County, Texas, as affected by Waiver of Surface Rights, dated August 15, 2008, filed August 21, 2008, under County Clerk's Document No. 2008-92494, Official Public Records of Denton County, Texas. Said mineral interest has not been researched since the date of said deed.

n. Mineral conveyance as shown in Mineral Deed from Skiles Conty, Inc., a Nevada corporation, as Trustee of the Skiles Property Trust, to Carrie County Minerals, Inc., a Nevada corporation, as Trustee of the Carrie County Mineral Trust, dated May 20, 2005, filed September 29, 2005, under County Clerk's Document No. 2005-121154, Official Public

**Records of Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

**o. Mineral reservation as shown in deed from Villages of Sanger, Ltd, a Texas limited partnership, to Milam Property Trust, dated August 15, 2008, filed August 21, 2008, under County Clerk's Document No. 2008-94295, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

**p. Mineral reservation as shown in Deed from PAAGE, Ltd., a Texas limited partnership, to \_\_\_\_\_, dated \_\_\_\_\_, filed \_\_\_\_\_, under County Clerk's Document No. \_\_\_\_\_, Official Public Records, Denton County, Texas. Said mineral interest has not been researched since the date of said deed.**

**q. Intentionally deleted**

**r. Intentionally deleted**

**s. Intentionally deleted**

**t. Intentionally deleted**

**u. 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 Schedule B or not. There maybe leases, grants, exceptions or reservations of mineral interest that are not listed.**

**v. Intentionally deleted**

**w. Intentionally deleted**

**x. Intentionally deleted**

**y. Rights of Parties in Possession.**

---

# EXHIBIT E



**TEXAS SECRETARY of STATE****JOSE A. ESPARZA****BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804045018  
**Original Date of Filing:** April 27, 2021  
**Formation Date:** N/A  
**Tax ID:** 32078953778  
**Duration:** Perpetual

**Entity Type:** Domestic Limited Liability Company (LLC)  
**Entity Status:** In existence

**FEIN:**

**Name:** Sanger Texas Industrial, LLC  
**Address:** 1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140 USA


<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED ENTITIES</u>
<b>Name</b>		<b>Address</b>		<b>Inactive Date</b>	
C T Corporation System		1999 Bryan St., Ste. 900 Dallas, TX 75201-3136 USA			

[Order](#)[Return to Search](#)**Instructions:**

Ⓢ To place an order for additional information about a filing press the 'Order' button.

**TEXAS SECRETARY of STATE****JOSE A. ESPARZA****BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804045018  
**Original Date of Filing:** April 27, 2021  
**Formation Date:** N/A  
**Tax ID:** 32078953778  
**Duration:** Perpetual  
**Entity Type:** Domestic Limited Liability Company (LLC)  
**Entity Status:** In existence  
**FEIN:**  
**Name:** Sanger Texas Industrial, LLC  
**Address:** 1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140 USA

REGISTERED AGENT		FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES	
View Image	Document Number	Filing Type	Filing Date	Effective Date	Eff. Cond	Page Count	
	1046360170002	Certificate of Formation	April 27, 2021	April 27, 2021	No	2	

[Order](#)[Return to Search](#)**Instructions:**

- ⓘ To place an order for additional information about a filing press the 'Order' button.

**CERTIFICATE OF FORMATION  
FOR  
SANGER TEXAS INDUSTRIAL, LLC**

The undersigned, acting as the sole organizer of a limited liability company under Titles 1 and 3 of the Texas Business Organizations Code (the "Code"), adopts the following Certificate of Formation for Sanger Texas Industrial, LLC, a Texas limited liability company (the "Company"):

**ARTICLE I  
NAME**

The name of the Company is Sanger Texas Industrial, LLC.

**ARTICLE II  
PURPOSE**

The purpose for which the Company is organized is the transaction of any or all lawful business for which limited liability companies may be organized under the Code.

**ARTICLE III  
REGISTERED OFFICE AND AGENT**

The address of the Company's initial registered office in the State of Texas is 1999 Bryan Street, Suite 900, Dallas, Texas 75201, and the name of the Company's initial registered agent at that address shall be C T Corporation System.

**ARTICLE IV  
INITIAL MANAGERS**

The Company will be managed by its managers. The name and address of the initial manager are:

Name

Address

Blue Star Land, L.P.

One Cowboys Way  
Frisco, Texas 75034

**ARTICLE V  
LIMITATION OF MANAGER LIABILITY**

A manager of the Company shall not be liable to the Company or its members for monetary damages for an act or omission in such person's capacity as a manager, except that this Article V does not eliminate or limit the liability of a manager to the extent the manager is found liable for (i) a breach of the manager's duty of loyalty to the Company or its members; (ii) an act or omission not in good faith that constitutes a breach of duty of the manager to the Company or an act or omission that involves intentional misconduct or a knowing violation of the law; (iii) a transaction

from which the manager received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the managing member's office; or (iv) an act or omission for which the liability of a manager is expressly provided by an applicable statute. Any repeal or amendment of this Article V by the members of the Company shall be prospective only and shall not adversely affect any limitation on the liability of a manager of the Company existing at the time of such repeal or amendment. In addition to the circumstances in which a manager of the Company is not liable as set forth in the preceding sentences, a member shall not be liable to the fullest extent permitted by any provision of the statutes of Texas hereafter enacted that further limits the liability of a manager or of a director of a corporation.

#### **ARTICLE VI ORGANIZER**

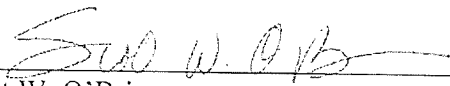
The name and address of the organizer is Scot W. O'Brien, 1445 Ross Avenue, Suite 2400, Dallas, Texas 75202.

#### **ARTICLE VII EFFECTIVENESS**

This document becomes effective when the document is filed by the Secretary of State for the State of Texas.

The undersigned affirms that the person designated as the registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized to execute the filing.

Date: April 21, 2021

  
\_\_\_\_\_  
Scot W. O'Brien

35292/113 - 597952.1

**TEXAS SECRETARY of STATE**  
**JOSE A. ESPARZA****BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804045018 **Entity Type:** Domestic Limited Liability Company (LLC)  
**Original Date of Filing:** April 27, 2021 **Entity Status:** In existence  
**Formation Date:** N/A  
**Tax ID:** 32078953778 **FEIN:**  
**Duration:** Perpetual  
**Name:** Sanger Texas Industrial, LLC  
**Address:** 1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140 USA

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED ENTITIES</u>
<b>Name</b>		<b>Name Status</b>	<b>Name Type</b>	<b>Name Inactive Date</b>	<b>Consent Filing #</b>
Sanger Texas Industrial, LLC		In use	Legal		0

**Instructions:**

- 🔗 To place an order for additional information about a filing press the 'Order' button.

**TEXAS SECRETARY of STATE****JOSE A. ESPARZA****BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804045018  
**Original Date of Filing:** April 27, 2021  
**Formation Date:** N/A  
**Tax ID:** 32078953778  
**Duration:** Perpetual  
**Entity Type:** Domestic Limited Liability Company (LLC)  
**Entity Status:** In existence  
**FEIN:**  
**Name:** Sanger Texas Industrial, LLC  
**Address:** 1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140 USA

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED ENTITIES</u>
<b>Last Update</b> April 29, 2021	<b>Name</b> Blue Star Land LP	<b>Title</b> Manager	<b>Address</b> One Cowboys Way Frisco, TX 75034 USA		

[Order](#)[Return to Search](#)**Instructions:**

- 🔗 To place an order for additional information about a filing press the 'Order' button.

**TEXAS SECRETARY of STATE**  
**JOSE A. ESPARZA****BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804045018  
**Original Date of Filing:** April 27, 2021  
**Formation Date:** N/A  
**Tax ID:** 32078953778  
**Duration:** Perpetual

**Entity Type:** Domestic Limited Liability Company (LLC)  
**Entity Status:** In existence

**FEIN:**

**Name:** Sanger Texas Industrial, LLC  
**Address:** 1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140 USA

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED ENTITIES</u>
Assumed Name					
No names exist for this filing.					

[Order](#)[Return to Search](#)**Instructions:**

- 🔊 To place an order for additional information about a filing press the 'Order' button.

**TEXAS SECRETARY of STATE****JOSE A. ESPARZA****BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804045018  
**Original Date of Filing:** April 27, 2021  
**Formation Date:** N/A  
**Tax ID:** 32078953778  
**Duration:** Perpetual  
**Entity Type:** Domestic Limited Liability Company (LLC)  
**Entity Status:** In existence  
**FEIN:**  
**Name:** Sanger Texas Industrial, LLC  
**Address:** 1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140 USA

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED ENTITIES</u>	
Name	Entity Type	Document Description	Filing Date	Entity Filing Number	Jurisdiction	Capacity
There are no documents listed for this entity which match your inquiry.						

[Order](#)[Return to Search](#)**Instructions:**

- To place an order for additional information about a filing press the 'Order' button.



# EXHIBIT F

GIS Digital Mapping files submitted to the  
PUC Interchange in Native format

# EXHIBIT G



Leonard H. Dougal  
(512) 236-2233 (Direct Dial)  
(512) 391-2112 (Direct Fax)  
ldougal@jw.com

October 12, 2021

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Mr. James Parkman, General Manager  
Bolivar Water Supply Corporation  
4151 FM 455 West  
Sanger, Texas 76266

RE: Petition of Sanger Texas Industrial, LLC to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Expedited Release (the "Petition")

Dear Mr. Parkman:

I have enclosed a copy of the Petition being filed today at the Public Utility Commission of Texas on behalf of the above-referenced Petitioner for a streamlined expedited release of property from the water Certificate of Convenience and Necessity held by Bolivar Water Supply Corporation in Denton County, Texas. The Petition is filed pursuant to Texas Water Code §13.2541 and 16 Tex. Admin. Code §24.245(h).

Sincerely,

A handwritten signature in black ink that reads 'Leonard H. Dougal'.

---

Leonard H. Dougal

ATTORNEY FOR PETITIONER

Enclosure – Petition



## Filing Receipt

**Received - 2021-11-19 01:15:05 PM**  
**Control Number - 52697**  
**ItemNumber - 6**

**PUC DOCKET NO. 52697**

<b>PETITION OF SANGER TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INDUSTRIAL, LLC TO AMEND</b>	<b>§</b>	
<b>BOLIVAR WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION'S CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN DENTON COUNTY BY</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**RESPONSE OF BOLIVAR WATER SUPPLY CORPORATION**

Bolivar Water Supply Corporation ("Bolivar") hereby submits this Response ("Response") to the Original Petition of Sanger Texas Industrial, LLC to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release ("Petition") filed on October 12, 2021, with the Public Utility Commission of Texas ("PUC" or "Commission"). The Petition seeks to remove, amend, decertify, or release from Bolivar's CCN No. 11257 approximately 211 acres of land in Denton County, Texas.

Order No. 1 in this docket provided a November 19, 2021, deadline for Bolivar's response. This Response is therefore timely filed.

**I. RESPONSE**

Bolivar is fully capable of providing continuous and adequate retail water service to the Property. Bolivar has lines readily available to provide service to the Petitioner.

Petitioner has filed the Petition instead of receiving excellent service from an existing provider that boasts long standing compliance with existing standards for customer service. Bolivar understands that the landowner will be required to pay compensation for the adverse impacts of the decertification on Bolivar. Such compensation is required by law. Therefore, if the Commission grants the Petition, Bolivar demands that a compensation phase be initiated to determine the amount of compensation that landowner must pay to Bolivar for the decertification, according to Texas Water Code § 13.254 and 16 Tex. Admin. Code § 24.245.

Bolivar seeks full compensation allowed by law, if the Petition is granted, in order to compensate Bolivar for the planning, design, construction, stranded investment, and other costs that are allocable to the Petitioner. Bolivar further seeks full compensation as set forth in Chapter 21 of the Texas Property Code and 16 Tex. Admin. Code § 24.245(j).

## **II. CONCLUSION**

Bolivar respectfully requests that the Commission, if the Petition is granted, award full compensation allowed by law to Bolivar. Bolivar additionally requests all other relief to which it may be justly entitled.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)  
[arodriguez@txlocalgovlaw.com](mailto:arodriguez@txlocalgovlaw.com)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR BOLIVAR WATER  
SUPPLY CORPORATION**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 19<sup>th</sup> day of November, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.

**PUC DOCKET NO. 52697**

**PETITION OF SANGER TEXAS  
INDUSTRIAL, LLC TO AMEND  
BOLIVAR WATER SUPPLY  
CORPORATION'S CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN DENTON COUNTY BY  
EXPEDITED RELEASE**

§  
§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

STATE OF TEXAS

§  
§  
§

COUNTY OF DENTON

**DECLARATION OF JAMES PARKMAN**

Pursuant to Texas Civil Practices and Remedies Code Section 132.001, JAMES PARKMAN, hereby subscribes to the following declarations under penalty of perjury:

1. My name is James Parkman, my date of birth is September 16, 1950, and my address is 4151 FM 455 West, Sanger, Texas 76266. I declare under the penalty of perjury that all information in this document is true and correct.
2. I am the General Manager of the Bolivar Water Supply Corporation.
3. I have reviewed Bolivar Water Supply Corporation's Response to the Original Petition of Sanger Texas Industrial, LLC to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release.
4. Bolivar Water Supply Corporation seeks full compensation allowed by law, if the Petition is granted, in order to compensate Bolivar Water Supply Corporation for the planning, design, construction, stranded investment, and other costs that are allocable to the Petitioner. Bolivar Water Supply Corporation further seeks full compensation as set forth in Chapter 21 of the Texas Property Code and 16 Tex. Admin. Code § 24.245(j).
5. I declare under the penalty of perjury that the foregoing is true and correct.

SIGNED in Denton County, Texas on November 10, 2021

  
JAMES PARKMAN





## Filing Receipt

**Received - 2021-12-14 03:06:15 PM**  
**Control Number - 52697**  
**ItemNumber - 9**

**DOCKET NO. 52697**

<b>PETITION OF SANGER TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INDUSTRIAL, LLC AND WEBB</b>	<b>§</b>	
<b>INDUSTRIAL, LLC TO AMEND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>BOLIVAR WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>DENTON COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**ORDER NO. 3**  
**FINDING PETITION, AS AMENDED, ADMINISTRATIVELY COMPLETE,**  
**NOTICE SUFFICIENT, RESTYLING DOCKET, AND ESTABLISHING**  
**PROCEDURAL SCHEDULE**

This Order addresses the administrative completeness of the October 12, 2021 petition and notice of Sanger Texas Industrial, LLC to amend Bolivar Water Supply Corporation's certificate of convenience and necessity (CCN) in Denton County by streamlined expedited release. On November 22, 2021, Sanger and Webb Industrial, LLC filed an amended petition.

**I. Finding Petition, as Amended, Administratively Complete and Notice Sufficient**

On December 13, 2021, Commission Staff filed recommendations regarding the administrative completeness of the petition, as amended, and sufficiency of notice. The administrative law judge (ALJ) finds the petition, as amended, administratively complete and notice sufficient.

**II. Restyling Docket**

On November 22, 2021, Sanger and Webb Industrial filed an amended petition clarifying Webb's status as a joint petitioner. The ALJ restyles this docket to accurately reflect both joint petitioners as reflected in this Order.

**III. Establishing Procedural Schedule**

Under Texas Water Code § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the

requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	January 4, 2022
Deadline for Commission Staff's recommendation on final disposition	January 18, 2022
Deadline for the petitioner to file a reply to both the CCN holder's response and Commission Staff's recommendation on final disposition	January 24, 2022
Sixty-day administrative approval of streamlined expedited release	February 14, 2022
<b><i>In the event streamlined expedited release is granted and the petitioner and the CCN holder can select an agreed-upon appraiser</i></b>	
Deadline for the petitioner and the CCN holder to make a filing stating that they have selected an agreed upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to the CCN holder	Within 60 days after appraiser's report
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and the petitioner and the CCN holder are unable to select an agreed-upon appraiser</i></b>	
Deadline for the petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from the petitioner's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to the CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of Commission's final order on compensation

**Signed at Austin, Texas the 14th day of December 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read "Christina Denmark", written over a horizontal line.

**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**



## Filing Receipt

**Received - 2022-01-04 10:45:26 AM**  
**Control Number - 52697**  
**ItemNumber - 10**

**PUC DOCKET NO. 52697**

<b>PETITION OF SANGER TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INDUSTRIAL, LLC AND WEBB</b>	<b>§</b>	
<b>INDUSTRIAL, LLC TO AMEND</b>	<b>§</b>	
<b>BOLIVAR WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION'S CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN DENTON COUNTY BY</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**SUPPLEMENTAL RESPONSE OF**  
**BOLIVAR WATER SUPPLY CORPORATION**

Bolivar Water Supply Corporation (“Bolivar”) hereby submits this Supplemental Response (“Response”) to the Amended Petition of Sanger Texas Industrial, LLC and Webb Industrial, LLC to Amend Bolivar Water Supply Corporation’s Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release (“Amended Petition”) filed on October 12, 2021, and amended on November 22, 2021, with the Public Utility Commission of Texas (“PUC” or “Commission”). The Petitioners seek to remove, amend, decertify, or release from Bolivar’s CCN No. 11257 approximately 211 acres of land in Denton County, Texas.

Order No. 3 in this docket provided a January 4, 2022, deadline for Bolivar’s response. This Response is therefore timely filed.

**I. RESPONSE**

It appears that the Amended Petition only adds Webb Industrial, LLC as a joint Petitioner and does not change any requested relief. As such, Bolivar re-adopts its “Response of Bolivar Water Supply Corporation” filed with the Commission on November 19, 2021, PUC Interchange Item No. 6, and incorporates same herein.

**II. CONCLUSION**

Bolivar respectfully requests that the Commission, if the Petition is granted, award full compensation allowed by law to Bolivar. Bolivar additionally requests all other relief to which it may be justly entitled.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)  
[arodriguez@txlocalgovlaw.com](mailto:arodriguez@txlocalgovlaw.com)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR BOLIVAR WATER  
SUPPLY CORPORATION**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 4<sup>th</sup> day of January, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.





## Filing Receipt

**Received - 2022-01-18 02:23:10 PM**  
**Control Number - 52697**  
**ItemNumber - 11**

**DOCKET NO. 52697**

<b>PETITION OF SANGER TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INDUSTRIAL, LLC AND WEBB</b>	<b>§</b>	
<b>INDUSTRIAL, LLC TO AMEND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>BOLIVAR WATER SUPPLY</b>	<b>§</b>	
<b>CORPORATION'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>DENTON COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

On October 12, 2021, Sanger Texas Industrial, LLC (Sanger) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water Certificate of Convenience and Necessity (CCN) No. 11257 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). On November 22, 2021, Sanger and Webb Industrial, LLC (Webb) (jointly, Petitioners) filed an amended petition. Petitioners assert that the land to be released is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.<sup>1</sup> According to the 2010 Census,<sup>2</sup> Denton County has a population of 662,614<sup>3</sup> and is adjacent to Dallas County, which has a population of 2,368,139.<sup>4</sup>

On December 14, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of January 18, 2022, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file its recommendation on final disposition. Therefore, this pleading is timely filed.

**I. FINAL RECOMMENDATION**

After review, and as supported by the attached memorandum of Pai Liu of the Commission's Infrastructure Division, Staff recommends approval of the application. Bolivar

---

<sup>1</sup> TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

<sup>2</sup> See Tex. Gov't Code § 2058.0021 for applicability of 2010 Census for determination whether the land is in a qualifying county.

<sup>3</sup> U.S. Census Bureau, Census Data for Denton County, QuickFacts Denton County, Texas (2010), <https://www.census.gov/quickfacts/fact/table/dentoncountytexas/POP010210> (last accessed on Jan. 14, 2022).

<sup>4</sup> U.S. Census Bureau, Census Data for Dallas County, QuickFacts Dallas County, Texas (2010), <https://www.census.gov/quickfacts/fact/table/dallascountytexas/PST045221> (last accessed on Jan. 14, 2022).

WSC filed responses to the petition on November 19, 2021 and January 4, 2022 but did not contest Petitioner's right to the requested release. Instead, Bolivar WSC requested that the compensation phase of this proceeding be initiated if the petition is approved by the Commission. Staff agrees with this request. Staff's review indicates that Petitioners meet the requirements of Chapter 13 of the Texas Water Code and Title 16, Chapter 24 of the Texas Administrative Code, to allow for the release of the tract of land from Bolivar WSC's CCN number 11257.

## **II. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends that Petitioner's petition be approved.

Dated: January 18, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Andy Aus  
Andy Aus  
State Bar No. 24077782  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7292  
(512) 936-7268 (facsimile)  
[andy.aus@puc.texas.gov](mailto:andy.aus@puc.texas.gov)

**DOCKET NO. 52697**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 18, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus  
Andy Aus

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Andrew Aus, Attorney  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** January 18, 2022

**RE:** Docket No. 52697– *Petition of Sanger Texas Industrial, LLC and Webb Industrial, LLC to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Streamlined Expedited Release*

---

On October 12, 2021, Sanger Texas Industrial, LLC (Sanger) filed a petition for streamlined expedited release from Bolivar Water Supply Corporation's (Bolivar WSC) water certificate of convenience and necessity (CCN) No. 11257 in Denton County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). On November 22, 2021, Sanger and Webb Industrial, LLC (Webb) (jointly Petitioners) filed an amended petition. The Petitioners assert that the land is at least 25 contiguous acres, is not receiving water service, and is located in Denton County, which is a qualifying county.

Gary Horton, Infrastructure Division, determined the map and digital data are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Bolivar WSC's water CCN. Furthermore, Petitioners provided a warranty deed confirming ownership of the tract of land within Bolivar WSC's certificated service area. In addition, Petitioners submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder.

Based on the mapping review by Mr. Horton it was determined that the landowner's total property is approximately 211 acres. The tract of land to be released is approximately 211 acres, of which approximately 188 acres overlap Bolivar WSC (CCN No. 11257) and are to be decertified from CCN No. 11257.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to Bolivar WSC on the date the petition was filed with the Commission.

Bolivar WSC filed a response on November 19, 2021 and a supplemental response on January 4, 2022.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Petitioners have met the Commission's requirements to allow for the release of the tract of land from Bolivar WSC's CCN No. 11257. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Bolivar Water Supply Corporation**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Bolivar Water Supply Corporation is entitled to this

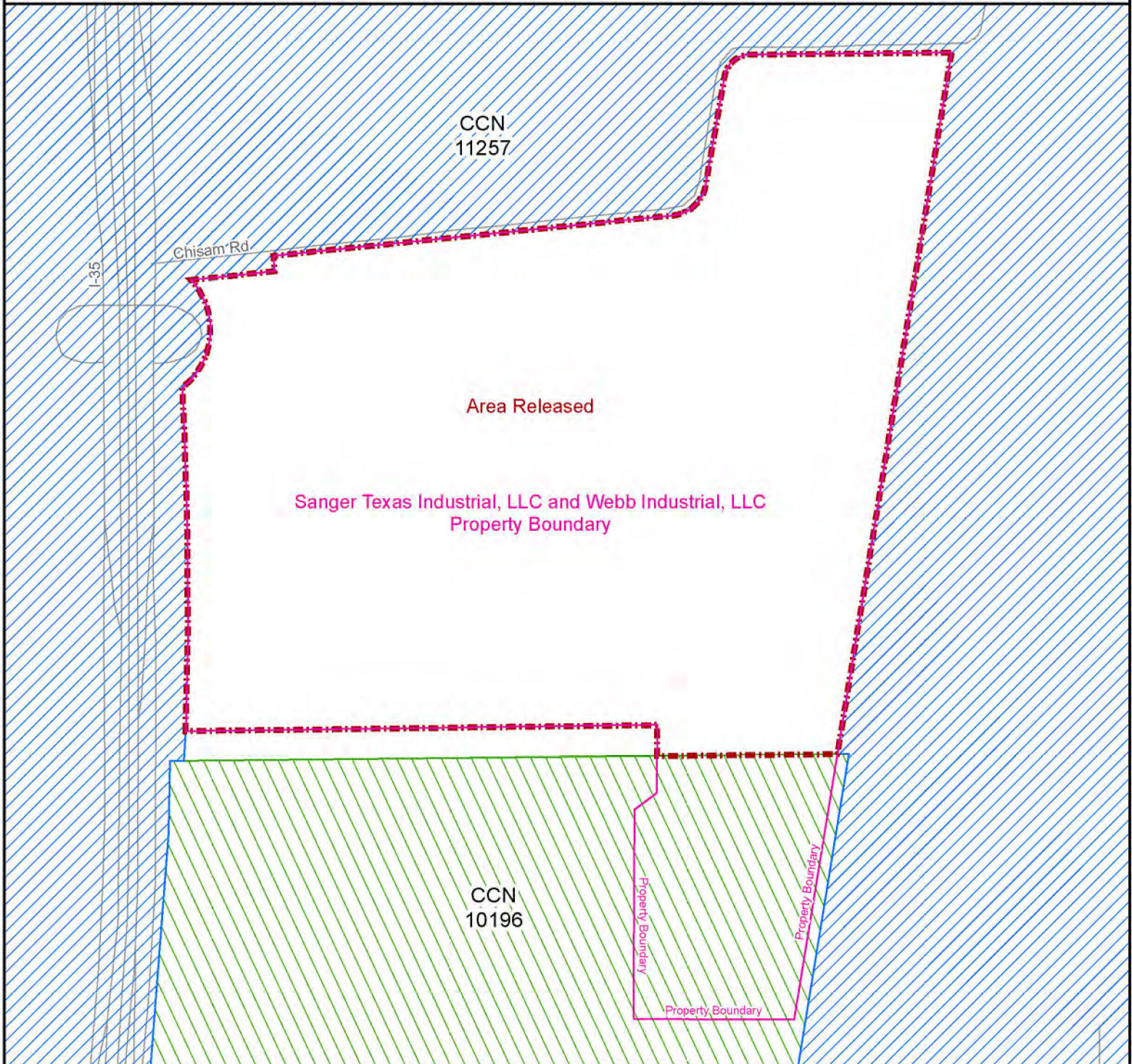
### **Certificate of Convenience and Necessity No. 11257**

to provide continuous and adequate water utility service to that service area or those service areas in Cooke, Denton, and Wise Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52697 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Bolivar Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.






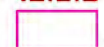
Bolivar Water Supply Corporation  
Portion of Water CCN No. 11257  
PUC Docket No. 52697

Petition by Sanger Texas Industrial, LLC and Webb Industrial, LLC to Amend  
Bolivar Water Supply Corporation's CCN by Expedited Release in Denton County



**Water CCN**

-  11257 - Bolivar WSC
-  10196 - City of Sanger

-  Area Released
-  Property Boundary

0 325 650  
Feet

