



Filing Receipt

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ItemNumber - 24

PUC DOCKET NO. 52698

| | | |
|--------------------------------------|----------|----------------------------------|
| PETITION OF CROSSLAND | § | PUBLIC UTILITY COMMISSION |
| CONSTRUCTION COMPANY, INC. TO | § | |
| AMEND BOLIVAR WATER SUPPLY | § | OF TEXAS |
| CORPORATION'S CERTIFICATE | § | |
| OF CONVENIENCE AND NECESSITY | § | |
| IN DENTON COUNTY BY | § | |
| EXPEDITED RELEASE | § | |

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

/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 4th day of August, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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

August 4, 2022

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

SUBJECT: PUC DOCKET NO. 52698; PETITION OF CROSSLAND CONSTRUCTION COMPANY, INC. 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 67.22 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 Crossland Construction Company, Inc. and is part of the Public Utility Commission of Texas Docket No. 52698. 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 on the east side of Interstate Highway 35, south of Chisam Road, and north of View 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 67.22 acres of land from Bolivar Water Supply Corporation's Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, Texas, as of August 4, 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, 2020-2021 Edition*, only that part of the *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition* 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 Crossland Construction Company, Inc. for Expedited Release from Water CCN No. 11257 Held by Bolivar Water Supply Corporation in Denton County – PUC Docket No. 52698 (October 12, 2021)
- ❖ Response of Bolivar Water Supply Corporation (November 19, 2021)
- ❖ Commission Staff's Recommendation of Final Disposition (January 5, 2022)
- ❖ Bolivar Water Supply Corporation's Exceptions to Proposed Order (March 14, 2022)
- ❖ Order (May 26, 2022)
- ❖ Bolivar Water Supply Corporation's Responses to Crossland Construction Company, Inc.'s First Request for Information – Question Nos. 1-1 Through 1-15 (June 20, 2022)
- ❖ Summary of Legal Costs (through August 4, 2022)
- ❖ Letter of Response from Biggs & Matthews Inc. (July 27, 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 on the east side of Interstate Highway 35, south of Chisam Road, and north of View Road in Denton County, Texas. According to filings found in PUC Docket No. 52698, 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. 52698. 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:

There are no service facilities belonging to Bolivar Water Supply Corporation being acquired by the petitioner, thus no compensation is considered under this factor.

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 67.22 acres or 0.42%. 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 2 Acreage | Cost per Acre | Released Acreage | Cost of Released Area |
|----------------------------------|----------------------|--------------------------|------------------|------------------|-----------------------|
| 100,000-Gallon Elevated Tank | \$ 500,000 | 16,000 | \$ 31.25 | 67.220 | \$ 2,101 |
| 2 Pump Stations & Ground Storage | \$ 1,700,000 | 16,000 | \$ 106.25 | 67.220 | \$ 7,142 |
| 3 Water Supply Wells | \$ 2,250,000 | 16,000 | \$ 140.63 | 67.220 | \$ 9,453 |
| Distribution System | \$ 9,720,000 | 16,000 | \$ 607.50 | 67.220 | \$ 40,836 |
| Total | \$ 14,170,000 | 16,000 | \$ 885.63 | 67.220 | \$ 59,532 |

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 67.22 acres. It is estimated that the 67.22 acres could have served 15 LUE's. Further, we have estimated that after 2 years of planning and development activity, 15 LUE's could be brought online. According to Biggs & Matthews, Inc., the engineers for Bolivar Water Supply Corporation, the average fee lost is \$4,500 per LUE and the average annual water sales lost is \$650 per LUE. 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 **\$129,929**.

| Discounted Cash Flow | | | | | | | |
|--------------------------|-------------|-------|-----------|----------|-----------|-------------------|--|
| Period | Year | LUE's | Fee | Sales | Total | PV @ 10% | |
| 0 | 2022 - 2023 | - | \$ - | \$ - | \$ - | \$ - | |
| 1 | 2023 - 2024 | - | \$ - | \$ - | \$ - | \$ - | |
| 2 | 2024 - 2025 | 15 | \$ 67,500 | \$ 9,750 | \$ 77,250 | \$ 63,843 | |
| 3 | 2025 - 2026 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 7,325 | |
| 4 | 2026 - 2027 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 6,659 | |
| 5 | 2027 - 2028 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 6,054 | |
| 6 | 2028 - 2029 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 5,504 | |
| 7 | 2029 - 2030 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 5,003 | |
| 8 | 2030 - 2031 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 4,548 | |
| 9 | 2031 - 2032 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 4,135 | |
| 10 | 2032 - 2033 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 3,759 | |
| 11 | 2033 - 2034 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 3,417 | |
| 12 | 2034 - 2035 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 3,107 | |
| 13 | 2035 - 2036 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 2,824 | |
| 14 | 2036 - 2037 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 2,567 | |
| 15 | 2037 - 2038 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 2,334 | |
| 16 | 2038 - 2039 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 2,122 | |
| 17 | 2039 - 2040 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 1,929 | |
| 18 | 2040 - 2041 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 1,754 | |
| 19 | 2041 - 2042 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 1,594 | |
| 20 | 2042 - 2043 | 15 | \$ - | \$ 9,750 | \$ 9,750 | \$ 1,449 | |
| Net Present Value | | | | | | \$ 129,929 | |

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 \$4,955.67. 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 August 4, 2022) | \$ | 4,956 |
| Legal Expenses (estimated after August 4, 2022) | \$ | 1,750 |
| Bolivar Water Supply Corporation Appraisal Fee | + \$ | 8,000 |
| Total Factor 2G | \$ | 14,706 |

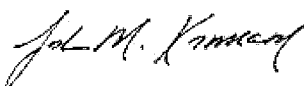
TOTAL COMPENSATION

Below is a summary of the total compensation due to Bolivar Water Supply Corporation for the release of 67.22 acres of land from a portion of its Certificate of Convenience and Necessity (CCN) No. 11257 in Denton County, Texas, as of August 4, 2022:

| | | |
|---------------------------|-----------|----------------|
| Factor 2C | \$ | 59,532 |
| Factors 2E/2F/2H | \$ | 129,929 |
| Factor 2G | + \$ | 14,706 |
| Total Compensation | \$ | 204,167 |

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

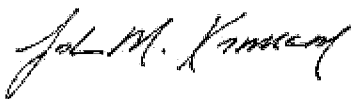
Relevant Coursework by the Appraisal Institute, accredited universities, and others:

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.

A handwritten signature in black ink, appearing to read "Josh M. Korman".

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

A handwritten signature in black ink, appearing to read "John Kostohryz".

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

ADDENDA



Filing Receipt

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PUC DOCKET NO. _____

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|-------------------------------|---|---------------------------|
| PETITION OF CROSSLAND | § | BEFORE THE |
| CONSTRUCTION COMPANY, INC. 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, Crossland Construction Company, Inc., a Kansas corporation ("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 60th 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 60th 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 67 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 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 in the Special Warranty Deed attached to this Petition.

The Property is one tract of land and is identified as "Tract 2" in the Special Warranty Deed attached to this Petition, as Exhibit "D".

The Property is owned by Petitioner. 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 Crossland Construction Company, Inc., a Kansas corporation. 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 CROSSLAND
CONSTRUCTION COMPANY, INC.

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 CROSSLAND | § | BEFORE THE |
| CONSTRUCTION COMPANY, INC. 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.

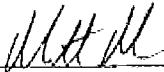
2. I am a registered professional engineer with Claymoore Engineering. I have been hired to represent Crossland Construction Company, Inc. in this matter.

3. Crossland Construction Company, Inc. is the owner of an approximate 67 acre property located in Denton County (the “Property”), which is described as Tract 2 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. 11257, but the Property is not receiving service from Bolivar.

4. 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.

5. On behalf of Crossland Construction Company, Inc., I request that the Public Utility Commission of Texas release the Property from the retail water CCN of Bolivar Water Supply Corporation."

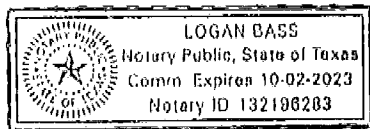
Further, Affiant Sayeth Not.

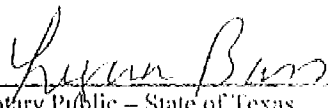


Matt Moore, PE

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 LEGEND:



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

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.

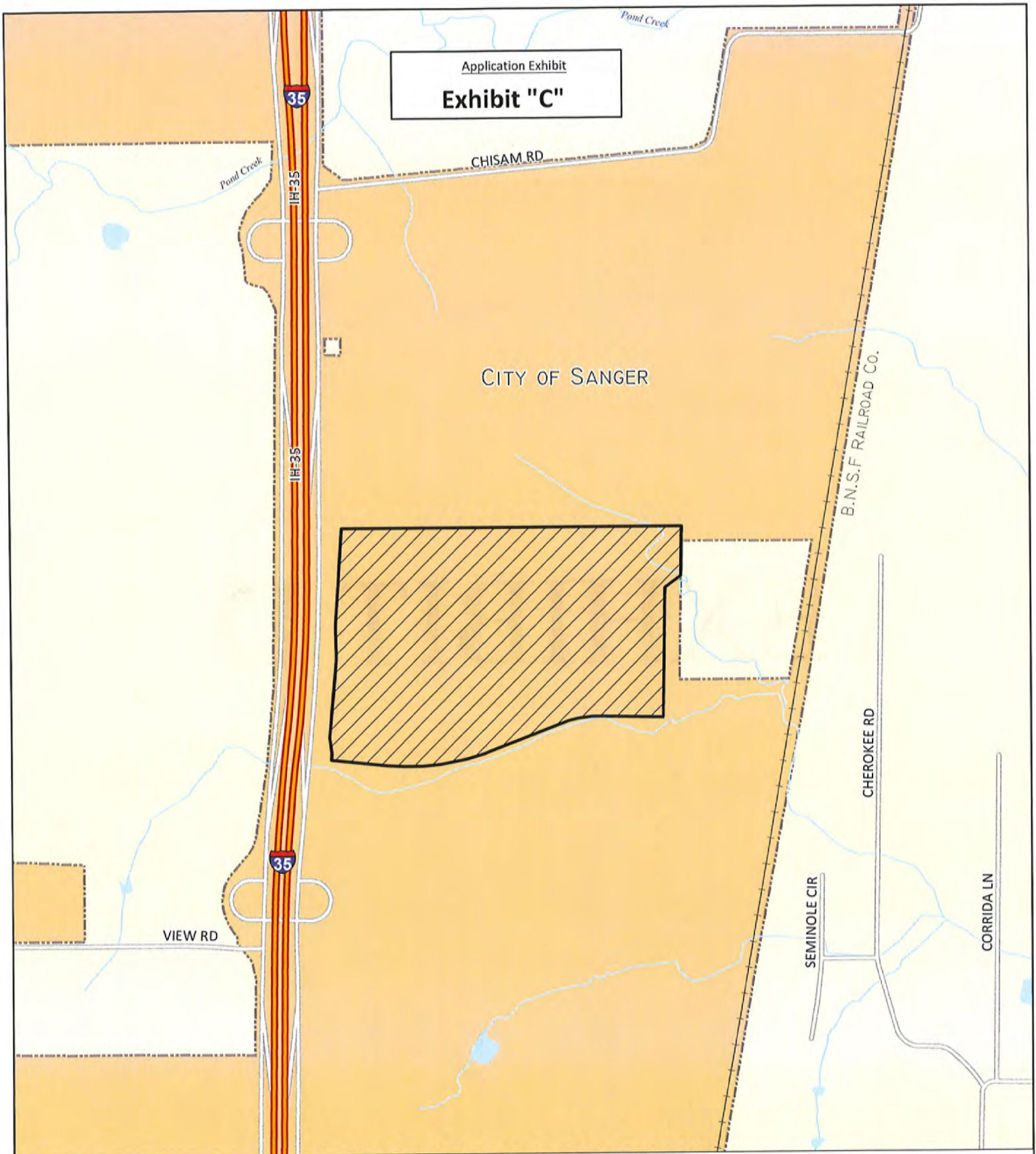
Denton County, TX


MAP SCALE: 1" = 5,000'

0 0.5 1 2
Miles

August 25, 2021

EXHIBIT C



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



MAP SCALE: 1" = 800'

0 400 800 1,600 Feet

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

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.

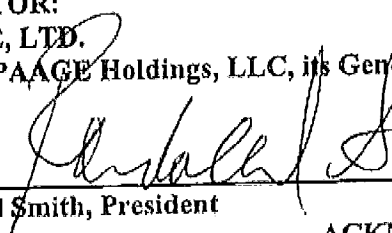
When the context requires, singular nouns and pronouns include the plural.

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GRANTOR:

PAAGE, LTD.

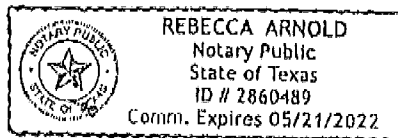
By: PAAGE Holdings, LLC, its General Partner

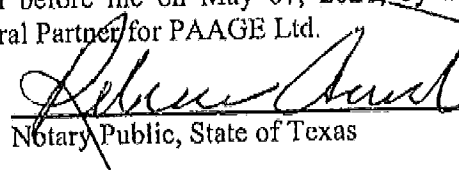
By: 
Randall Smith, President

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

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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

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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

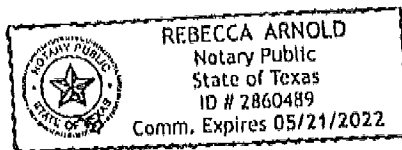
STATE OF TEXAS

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

Sanger Texas Industrial, LLC, a
Texas limited liability company

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

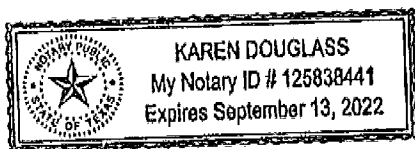
By: Blue Star Investments, Inc., a
Texas corporation, general partner

By: [Signature]
Name: Thomas L. Miller
Title: CFU

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, CPO of Blue Star Investments, 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 6 day of May, 2021.



Karen Sorey
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

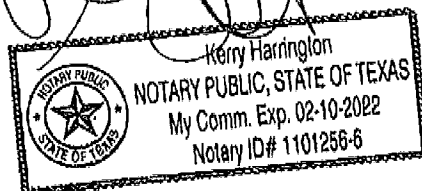
ACKNOWLEDGMENT

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 16th 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 14th 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 10th day of May, 2021.

[Signature]
NOTARY PUBLIC, STATE OF Kansas

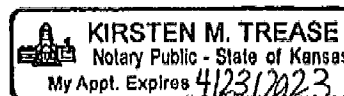


EXHIBIT "A"

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

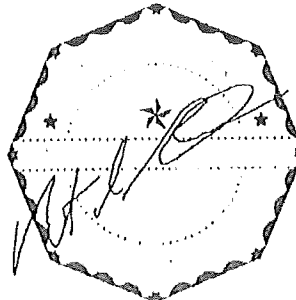


EXHIBIT "A"

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

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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

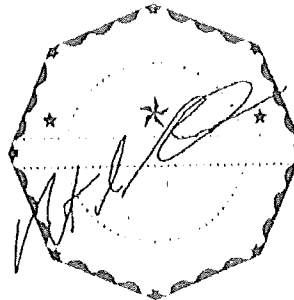


EXHIBIT B

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, 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.

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

8/26/2021

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800083196 **Entity Type:** Foreign For-Profit Corporation
Original Date of Filing: May 14, 2002 **Entity Status:** In existence
Formation Date: N/A
Tax ID: 14809081905 **FEIN:** 480908190
Name: CROSSLAND CONSTRUCTION COMPANY INC.
Address: PO BOX 45
Columbus, KS 66725 USA
Fictitious Name: KANSAS CROSSLAND CONSTRUCTION COMPANY
Jurisdiction: KS, USA
Foreign Formation Date: October 24, 1979

| <u>REGISTERED AGENT</u> | <u>FILING HISTORY</u> | <u>NAMES</u> | <u>MANAGEMENT</u> | <u>ASSUMED NAMES</u> | <u>ASSOCIATED ENTITIES</u> |
|---|-----------------------|--------------|--|----------------------|----------------------------|
| Name Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company | | | Address 211 E. 7th Street, Suite 620 Austin, TX 78701-3136 USA | | |
| | | | Inactive Date | | |

Instructions:

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

Form 401

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

**Statement of Change of
Registered Office/Agent**

Filing Fee: See Instructions

Filed in the Office of the
Secretary of State of Texas
Filing #: 800083196 11/16/2016
Document #: 699554250002
Image Generated Electronically
for Web Filing

Entity Information

The name of the entity is :

CROSSLAND CONSTRUCTION COMPANY INC.

The file number issued to the entity by the secretary of state is: **800083196**

The registered agent and registered office of the entity as currently shown on the records of the secretary of state are:

C T Corporation System

1999 Bryan St., Ste. 900, Dallas, TX, USA 75201-3136

Change to Registered Agent/Registered Office

The following changes are made to the registered agent and/or office information of the named entity:

Registered Agent Change

☒ A. The new registered agent is an organization by the name of:

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company

OR

☐ B. The new registered agent is an individual resident of the state whose name is:

Registered Office Change

☒ C. The business address of the registered agent and the registered office address is changed to:

211 E. 7th Street, Suite 620, Austin, TX, USA 78701-3136

The street address of the registered office as stated in this instrument is the same as the registered agent's business address.

Consent of Registered Agent

☒ A. A copy of the consent of registered agent is attached. **TEXAS CONSENT.pdf**

☐ B. The consent of the registered agent is maintained by the entity.

Statement of Approval

The change specified in this statement has been authorized by the entity in the manner required by the BOC or in the manner required by the law governing the filing entity, as applicable.

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its filing by the secretary of state. The delayed effective date is:

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: **November 16, 2016**

JILL CILMI

Signature of authorized person(s)

FILING OFFICE COPY

Form 401-A
(Revised 12/09)



Acceptance of Appointment
and
Consent to Serve as Registered Agent
§5.201(b) Business Organizations Code

The following form may be used when the person designated as registered agent in a registered agent filing is an individual.

| | | |
|---|--------------------------------------|--|
| <u>Acceptance of Appointment and Consent to Serve as Registered Agent</u> | | |
| I acknowledge, accept and consent to my designation or appointment as registered agent in Texas for | | |
| <i>Name of represented entity</i> I am a resident of the state and understand that it will be my responsibility to receive any process, notice, or demand that is served on me as the registered agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the Secretary of State if I resign. | | |
| X: | <i>Signature of registered agent</i> | <i>Printed name of registered agent</i> <i>Date (mm/dd/yyyy)</i> |

The following form may be used when the person designated as registered agent in a registered agent filing is an organization.

| | | |
|---|---|--|
| <u>Acceptance of Appointment and Consent to Serve as Registered Agent</u> | | |
| I am authorized to act on behalf of Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company | | |
| <i>Name of organization designated as registered agent</i> | | |
| The organization is registered or otherwise authorized to do business in Texas. The organization acknowledges, accepts and consents to its appointment or designation as registered agent in Texas for: KANSAS CROSSLAND CONSTRUCTION COMPANY | | |
| <i>Name of represented entity</i> The organization takes responsibility to receive any process, notice, or demand that is served on the organization as the registered agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the Secretary of State if the organization resigns. | | |
| X: By: | <i>Signature of person authorized to act on behalf of organization</i> Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company | <i>Printed name of authorized person</i> <i>Date (mm/dd/yyyy)</i> Grace E. Kirby, Asst. VP 11/16/2016 |

Form 401

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: See Instructions

**Statement of Change of
Registered Office/Agent**

Filed in the Office of the
Secretary of State of Texas
Filing #: 800083196 11/16/2016
Document #: 699554250002
Image Generated Electronically
for Web Filing

Entity Information

The name of the entity is :

CROSSLAND CONSTRUCTION COMPANY INC.

The file number issued to the entity by the secretary of state is: **800083196**

The registered agent and registered office of the entity as currently shown on the records of the secretary of state are:

C T Corporation System

1999 Bryan St., Ste. 900, Dallas, TX, USA 75201-3136

Change to Registered Agent/Registered Office

The following changes are made to the registered agent and/or office information of the named entity:

Registered Agent Change

☒ A. The new registered agent is an organization by the name of:

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company

OR

☐ B. The new registered agent is an individual resident of the state whose name is:

Registered Office Change

☒ C. The business address of the registered agent and the registered office address is changed to:

211 E. 7th Street, Suite 620, Austin, TX, USA 78701-3136

The street address of the registered office as stated in this instrument is the same as the registered agent's business address.

Consent of Registered Agent

☒ A. A copy of the consent of registered agent is attached. **TEXAS CONSENT.pdf**

☐ B. The consent of the registered agent is maintained by the entity.

Statement of Approval

The change specified in this statement has been authorized by the entity in the manner required by the BOC or in the manner required by the law governing the filing entity, as applicable.

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its filing by the secretary of state. The delayed effective date is:

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: **November 16, 2016**

JILL CILMI

Signature of authorized person(s)

FILING OFFICE COPY

Form 401-A
(Revised 12/09)



Acceptance of Appointment
and
Consent to Serve as Registered Agent
§5.201(b) Business Organizations Code

The following form may be used when the person designated as registered agent in a registered agent filing is an individual.

| | | |
|--|--------------------------------------|---|
| <u>Acceptance of Appointment and Consent to Serve as Registered Agent</u> | | |
| I acknowledge, accept and consent to my designation or appointment as registered agent in Texas for | | |
| <i>Name of represented entity</i> | | |
| I am a resident of the state and understand that it will be my responsibility to receive any process, notice, or demand that is served on me as the registered agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the Secretary of State if I resign. | | |
| x: | <i>Signature of registered agent</i> | <i>Printed name of registered agent</i> |
| | | <i>Date (mm/dd/yyyy)</i> |

The following form may be used when the person designated as registered agent in a registered agent filing is an organization.

| | | |
|--|---|--|
| <u>Acceptance of Appointment and Consent to Serve as Registered Agent</u> | | |
| I am authorized to act on behalf of Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company | | |
| <i>Name of organization designated as registered agent</i> | | |
| The organization is registered or otherwise authorized to do business in Texas. The organization acknowledges, accepts and consents to its appointment or designation as registered agent in Texas for: KANSAS CROSSLAND CONSTRUCTION COMPANY | | |
| <i>Name of represented entity</i> | | |
| The organization takes responsibility to receive any process, notice, or demand that is served on the organization as the registered agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the Secretary of State if the organization resigns. | | |
| x: By: | <i>Signature of person authorized to act on behalf of organization</i> | <i>Printed name of authorized person</i> |
| | Grace E. Kirby, Asst. VP | 11/16/2016 |
| | Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company | <i>Date (mm/dd/yyyy)</i> |

8/26/2021

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800083196 Entity Type: Foreign For-Profit Corporation
Original Date of Filing: May 14, 2002 Entity Status: In existence
Formation Date: N/A
Tax ID: 14809081905 FEIN: 480908190
Name: CROSSLAND CONSTRUCTION COMPANY INC.
Address: PO BOX 45
Columbus, KS 66725 USA
Fictitious Name: KANSAS CROSSLAND CONSTRUCTION COMPANY
Jurisdiction: KS, USA
Foreign Formation Date: October 24, 1979

| REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES |
|---------------------------------------|----------------|------------|--------------------|------------------|---------------------|
| Name | Name Status | Name Type | Name Inactive Date | Consent Filing # | |
| KANSAS CROSSLAND CONSTRUCTION COMPANY | In use | Fictitious | | 0 | |
| CROSSLAND CONSTRUCTION COMPANY INC. | In use | Legal | | 0 | |

Instructions:

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

8/26/2021

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800083196 **Entity Type:** Foreign For-Profit Corporation
Original Date of Filing: May 14, 2002 **Entity Status:** In existence
Formation Date: N/A
Tax ID: 14809081905 **FEIN:** 480908190
Name: CROSSLAND CONSTRUCTION COMPANY INC.
Address: PO BOX 45
 Columbus, KS 66725 USA
Fictitious Name: KANSAS CROSSLAND CONSTRUCTION COMPANY
Jurisdiction: KS, USA
Foreign Formation Date: October 24, 1979

| REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES |
|--------------------|----------------------|--------------------------|---|---------------|---------------------|
| Last Update | Name | Title | Address | | |
| January 14, 2019 | BENNIE L. CROSSLAND | CHAIRMAN | 3725 WEST 26TH ST JOPLIN, MO 64804 USA | | |
| January 14, 2019 | BENNIE L. CROSSLAND | DIRECTOR | 3725 WEST 26TH ST JOPLIN, MO 64804 USA | | |
| January 14, 2019 | MICHAEL J. CROSSLAND | EXECUTIVE VICE PRESIDENT | 861 N COLEMAN PROSPER, TX 75078 USA | | |
| January 14, 2019 | TRAVIS SILLS | SECRETARY | 5135 WILLOW DRIVE JOPLIN, MO 64801 USA | | |
| January 14, 2019 | IVAN CROSSLAND | CHIEF EXECUTIVE OFFICER | 19 NE 60TH ST COLUMBUS, KS 66725 USA | | |
| January 14, 2019 | MARK C. CROSSLAND | EXECUTIVE VICE PRESIDENT | 3713 WEST 26TH ST JOPLIN, MO 64804 USA | | |
| January 14, 2019 | PATRICK F. CROSSLAND | EXECUTIVE VICE PRESIDENT | 1161 EAST 530TH AVE PITTSBURG, KS 66762 USA | | |
| January 14, 2019 | JOHN T. PRIEST | PRESIDENT | 4220 E 179TH ST N SKIATOOK, OK 74070 USA | | |
| January 14, 2019 | MARTA BROWN | ASSISTANT SECRETARY | 1337 SW BOSTON MILLS RD COLUMBUS, KS 66725 USA | | |

Order

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8/26/2021

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800083196
Original Date of Filing: May 14, 2002
Formation Date: N/A
Tax ID: 14809081905
Entity Type: Foreign For-Profit Corporation
Entity Status: In existence
FEIN: 480908190
Name: CROSSLAND CONSTRUCTION COMPANY INC.
Address: PO BOX 45
Columbus, KS 66725 USA
Fictitious Name: KANSAS CROSSLAND CONSTRUCTION COMPANY
Jurisdiction: KS, USA
Foreign Formation Date: October 24, 1979

| REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES |
|---------------------------------|----------------|-----------------|---------------|---------------|---------------------|
| Assumed Name | Date of Filing | Expiration Date | Inactive Date | Name Status | Counties |
| No names exist for this filing. | | | | | |

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BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

TEXAS SECRETARY of STATE
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| REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES | |
|---|----------------|----------------------|-------------|----------------------|---------------------|----------|
| 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

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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 Crossland Construction Company, Inc. 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 Dougal'.

Leonard H. Dougal

ATTORNEY FOR PETITIONER

Enclosure – Petition



Filing Receipt

Received - 2021-11-19 01:10:28 PM

Control Number - 52698

ItemNumber - 6

PUC DOCKET NO. 52698

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| PETITION OF CROSSLAND | § | PUBLIC UTILITY COMMISSION |
| CONSTRUCTION COMPANY, INC. TO | § | |
| AMEND BOLIVAR WATER SUPPLY | § | OF TEXAS |
| CORPORATION’S CERTIFICATE | § | |
| OF CONVENIENCE AND NECESSITY | § | |
| IN DENTON COUNTY BY | § | |
| EXPEDITED RELEASE | § | |

RESPONSE OF BOLIVAR WATER SUPPLY CORPORATION

Bolivar Water Supply Corporation (“Bolivar”) hereby submits this Response (“Response”) to the Original Petition of Crossland Construction Company, Inc. 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 67 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

/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 19th 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. 52698

**PETITION OF CROSSLAND
CONSTRUCTION COMPANY, INC. TO
AMEND BOLIVAR WATER SUPPLY
CORPORATION'S CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN DENTON COUNTY BY
EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

STATE OF TEXAS

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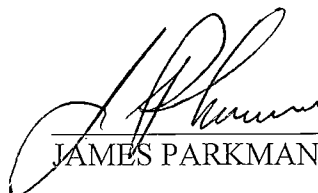
COUNTY OF DENTON

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 Crossland Construction Co., Inc. 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



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Received - 2022-01-05 01:24:49 PM
Control Number - 52698
ItemNumber - 9

DOCKET NO. 52698

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| PETITION OF CROSSLAND | § | PUBLIC UTILITY COMMISSION |
| CONSTRUCTION COMPANY, INC. | § | |
| TO AMEND BOLIVAR WATER | § | OF TEXAS |
| SUPPLY CORPORATION'S | § | |
| CERTIFICATE OF CONVENIENCE | § | |
| AND NECESSITY IN DENTON | § | |
| COUNTY BY EXPEDITED RELEASE | § | |

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

On October 12, 2021, Crossland Construction Company, Inc. (Crossland) 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). Crossland asserts 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.¹ According to the 2010 Census,² Denton County has a population of 662,614.³ Additionally, Denton County is adjacent to Dallas County and Tarrant County, which respectively have a population of 2,368,139⁴ and 1,809,034.⁵

On December 29, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of January 5, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

¹ TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).

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

³ 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 Jan. 4, 2022).

⁴ U.S. Census Bureau, Census Data for Dallas County, QuickFacts Dallas County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/dallascountytexas/POP010210> (last accessed Jan. 4, 2022).

⁵ U.S. Census Bureau, Census Data for Tarrant County, QuickFacts Tarrant County, Texas (2010) <https://www.census.gov/quickfacts/fact/table/tarrantcountytexas/POP010210> (last accessed Jan. 4, 2022).

I. RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the petition and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition satisfies the requirements of TWC § 13.2541 and 16 TAC § 24.245(h). Bolivar WSC filed a limited response to the petition and did not argue that Crossland did not meet any of the statutory requirements. Accordingly, Staff recommends that the petition for streamlined expedited release be approved. Further, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Bolivar WSC and for Bolivar WSC to file a certified copy of the CCN map and a boundary description of the CCN service area in the Denton County Clerk's office, as required under TWC § 13.257(r)-(s).

II. CONCLUSION

For the reasons detailed above, Staff recommends that the petition be found approved and respectfully requests the entry of an order consistent with the foregoing recommendations.

Dated: January 5, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Scott Miles
Scott Miles
State Bar No. 24098103
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)
Scott.Miles@puc.texas.gov

DOCKET NO. 52698

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 on January 5, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Scott Miles

Scott Miles

Public Utility Commission of Texas

Memorandum

TO: Scott Miles, Attorney
Legal Division

FROM: Pai Liu, Infrastructure Analyst
Infrastructure Division

DATE: January 5, 2022

RE: Docket No. 52698 – *Petition of Crossland Construction Company, Inc. to Amend Bolivar Water Supply Corporation's Certificate of Convenience and Necessity in Denton County by Expedited Release*

On October 12, 2021, Crossland Construction Company, Inc. (Crossland) 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). Crossland asserts 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.

Crossland submitted a sworn affidavit attesting that the property was not receiving water service from Bolivar WSC and a warranty deed confirming Crossland's ownership of the tract of land. Based on the mapping review by Gary Horton, Infrastructure Division, the maps submitted on October 12, 2021 are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within Bolivar WSC's water CCN.

Based on the mapping review by Mr. Horton, it was determined the entire tract of land is approximately 67 acres. The area to be released from Bolivar WSC (CCN No.11257) is approximately 7 acres.

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 did not request to intervene.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Crossland has 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

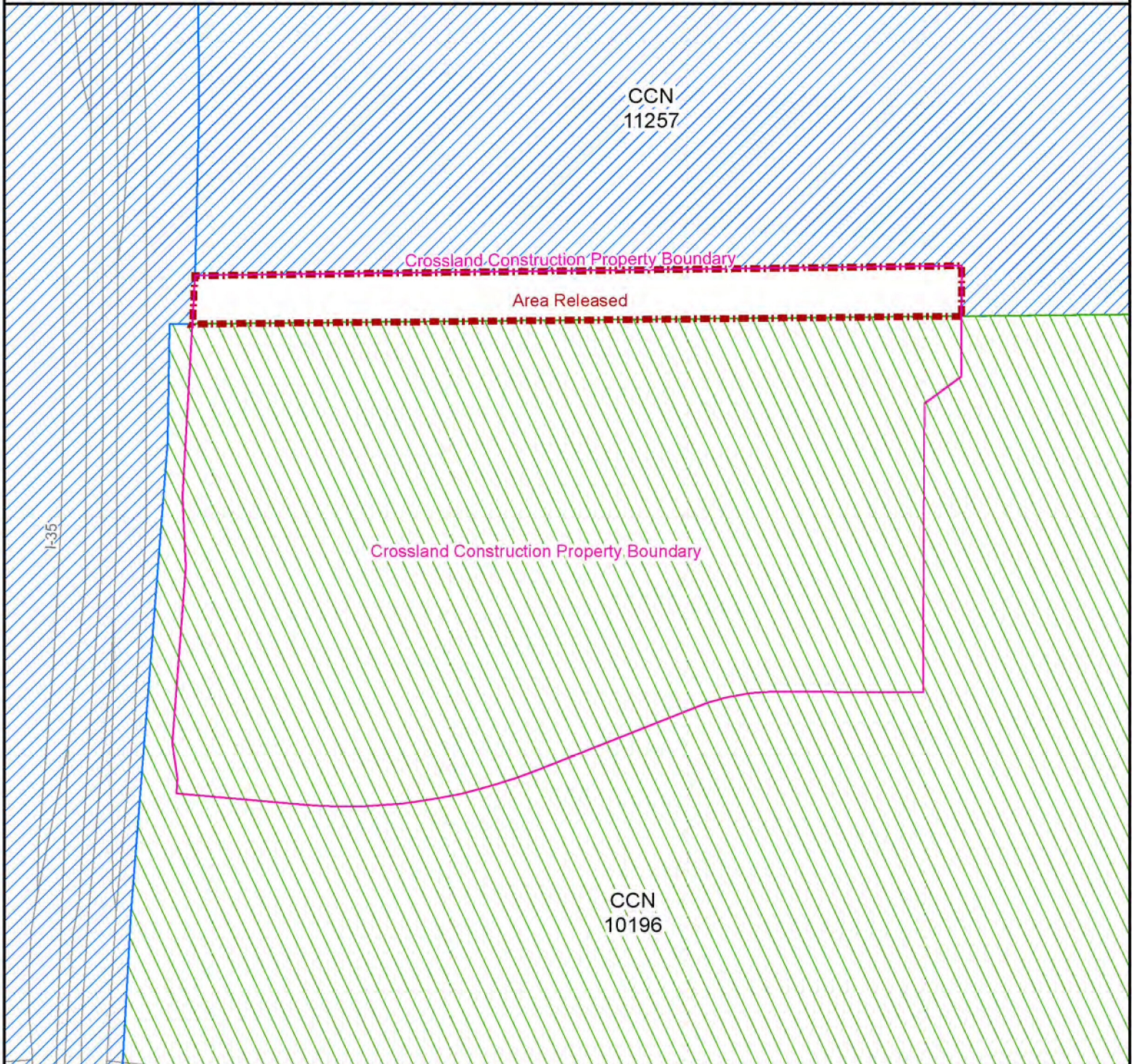
Bolivar Water Supply Corporation

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. 52698 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. 52698
Petition by Crossland Construction to Amend
Bolivar Water Supply Corporation's CCN by Expedited Release in Denton County



Water CCN

-  11257 - Bolivar WSC
-  10196 - City of Sanger

0 200 400
Feet





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ItemNumber - 13

PUC DOCKET NO. 52698

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| PETITION OF CROSSLAND | § | PUBLIC UTILITY COMMISSION |
| CONSTRUCTION COMPANY, INC. TO | § | |
| AMEND BOLIVAR WATER SUPPLY | § | OF TEXAS |
| CORPORATION'S CERTIFICATE | § | |
| OF CONVENIENCE AND NECESSITY | § | |
| IN DENTON COUNTY BY | § | |
| EXPEDITED RELEASE | § | |

**BOLIVAR WATER SUPPLY CORPORATION'S
EXCEPTIONS TO PROPOSED ORDER**

Bolivar Water Supply Corporation ("Bolivar") hereby submits this its exceptions to the Proposed Order drafted herein.

The Application is for an expedited release from Bolivar. A Proposed Order was prepared with no evidentiary record. Bolivar hereby submits an exception to the Proposed Order.

Bolivar holds CCN Number 11257. It has water resources that obligates it to provide retail water throughout its CCN service area. It has planned for such service. There is no evidence in the record that Bolivar cannot serve the entirety of the service area, including the Petitioner's property. Thus, all acts Bolivar has taken to certificate the area, **acquire water resources and water delivery facilities**, and planning for service to its service area are "acts" that Bolivar has performed for and supplied to the tract in question and to all its service area. PUC Rules define service as: "Any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under TWC Chapter 13 to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities."¹ Thus, the acquisition of the CCN is the

¹ PUC R. § 24.3 (33).

act performed to provide service. Further, all lines and facilities of Bolivar are utilities to serve its entire requested service area.

The record is devoid of any evidence that this is not the case. Indeed, the record is devoid of any evidence of the fact Bolivar was certificated to the tract in question and was, thus, obligated to serve and NOT an act for or to serve the tract in question.

As such, Finding of Fact No. 16 should be revised as follows: “16. The tract of land is ~~not~~ receiving actual water service from the CCN holder.” As the acquisition of the water resources is an act of the provision water service as defined in PUC rules, the statement should be revised.

As such, Finding of Fact No. 17 should be revised as follows: “17. The tract of land ~~has~~ never receives water service from the CCN holder.” As the acquisition of the water resources is an act of the provision water service as defined in PUC rules, the statement should be revised.

Finding of Fact No. 18 should be revised as follows: “18. The CCN holder has ~~not~~ committed or dedicated ~~any~~ facilities or lines to the tract of land for water service.” As stated above, Bolivar is providing service and has committed resources to the provision of service to its entire service area. Absent a definition of what “committed and dedicated” means, the record is devoid of any evidence that Bolivar’s lines and facilities cannot serve the tract.

Finding of Fact No. 19 should be revised as follows: “19. The CCN holder has ~~no~~ facilities or lines that provide water service to the tract of land.” As stated above, Bolivar is providing service and has committed resources to the provision of service to its entire service area. The record is devoid of any evidence that Bolivar’s lines and facilities cannot serve the tract.

Finding of Fact No. 20 should be revised as follows: “The CCN holder has ~~not~~ performed any acts or supplied anything to the tract of land.” As stated above, Bolivar has performed acts to supply water to the entirety of its service territory. The record is devoid of any evidence to the contrary.

Conclusion of Law No. 12 should be revised as follows: “12. The tract of land is ~~not~~ receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3rd 130 (tex. App.-Austin 2014, pet. Denied).” As discussed above, Bolivar is providing service as defined in commission rules.

Conclusion of Law No. 13 should be revised as follows: “13. The petitioner is not entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder’s certificated service area.” As discussed above, Bolivar is providing service as defined in commission rules. As such, they are not entitled to decertification of the property.

For the reasons stated above, the following Ordering Paragraphs should be revised as follows:

1. The Commission ~~releases the tract of land identified in the amended petition from the CCN holder’s certificated service area under CCN number 11257~~ denies the amended application in its entirety.
3. ~~—The Commission amend CCN number 11257 in accordance with this Order.~~
4. ~~—The Commission approved the map attached to this Order.~~
5. ~~—The Commission issues the certificate attached to this Order.~~
6. ~~—The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.~~

~~7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of this Order in accordance with the schedule adopted in Order No. 3. Any decision on compensation will be made by a separate order.~~

Bolivar respectfully requests that the exceptions to the findings of fact, conclusions of law, and ordering paragraphs be accepted and incorporated in the Commission's Final Order.

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

/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 14th day of March, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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