

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]

Paage, Ltd.
Paage Holdings, LLC, general partner

Name:

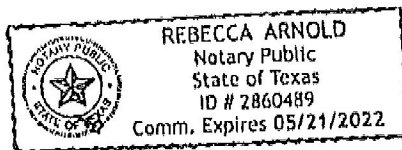
Title:

STATE OF TEXAS

COUNTY OF DENTON

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared RAUDILL SMITH of MAGE LTD & MAGE 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.



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

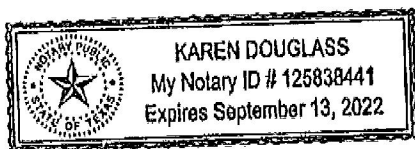
By: Blue Star Investments, Inc., a
Texas corporation, general partner

By:
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 Soy
NOTARY PUBLIC, STATE OF TEXAS

Sanger Texas Industrial, LLC, a
Texas limited liability company

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

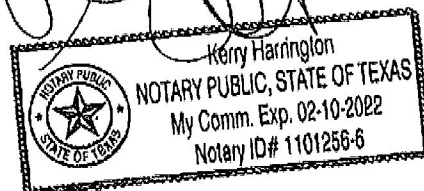
By: [Signature]
Name: James Walker
Title: CEO

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.

~~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 §

§

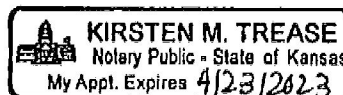
COUNTY OF Cherokee §

§

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

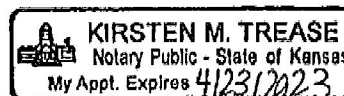


EXHIBIT "A"

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

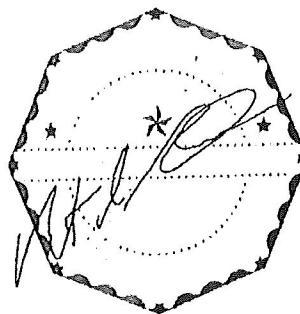


EXHIBIT "A"

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

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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

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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;

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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

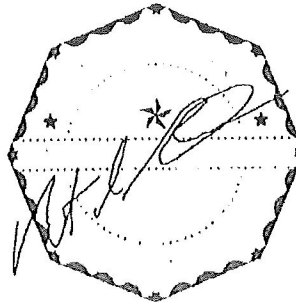


EXHIBIT "A"

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
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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;

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Highway: I.H. 35
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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

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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;

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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 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
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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		

[Order](#)

[Return to Search](#)

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**

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

Filing Fee: See Instructions

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

**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

Filing Fee: See Instructions

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**

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C T Corporation System

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

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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**

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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

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<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> <i>Date (mm/dd/yyyy)</i>
	Grace E. Kirby, Asst. VP	11/16/2016
	Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company	

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

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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

Return to Search

Instructions:

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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 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
Assumed Name	Date of Filing	Expiration Date	Inactive Date	Name Status	Counties
No names exist for this filing.					

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
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	
Name	Entity Type	Document Description	Filing Date	Entity Filing Number	Jurisdiction	Capacity
There are no documents listed for this entity which match your inquiry.						

Instructions:

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

EXHIBIT F

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

EXHIBIT G



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

October 12, 2021

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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

RE: Petition of 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 dark ink, appearing to read 'Leonard Dougal', is written over a horizontal line.

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

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

§
§
§

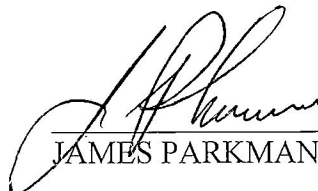
COUNTY OF DENTON

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



Filing Receipt

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

DOCKET NO. 52698

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

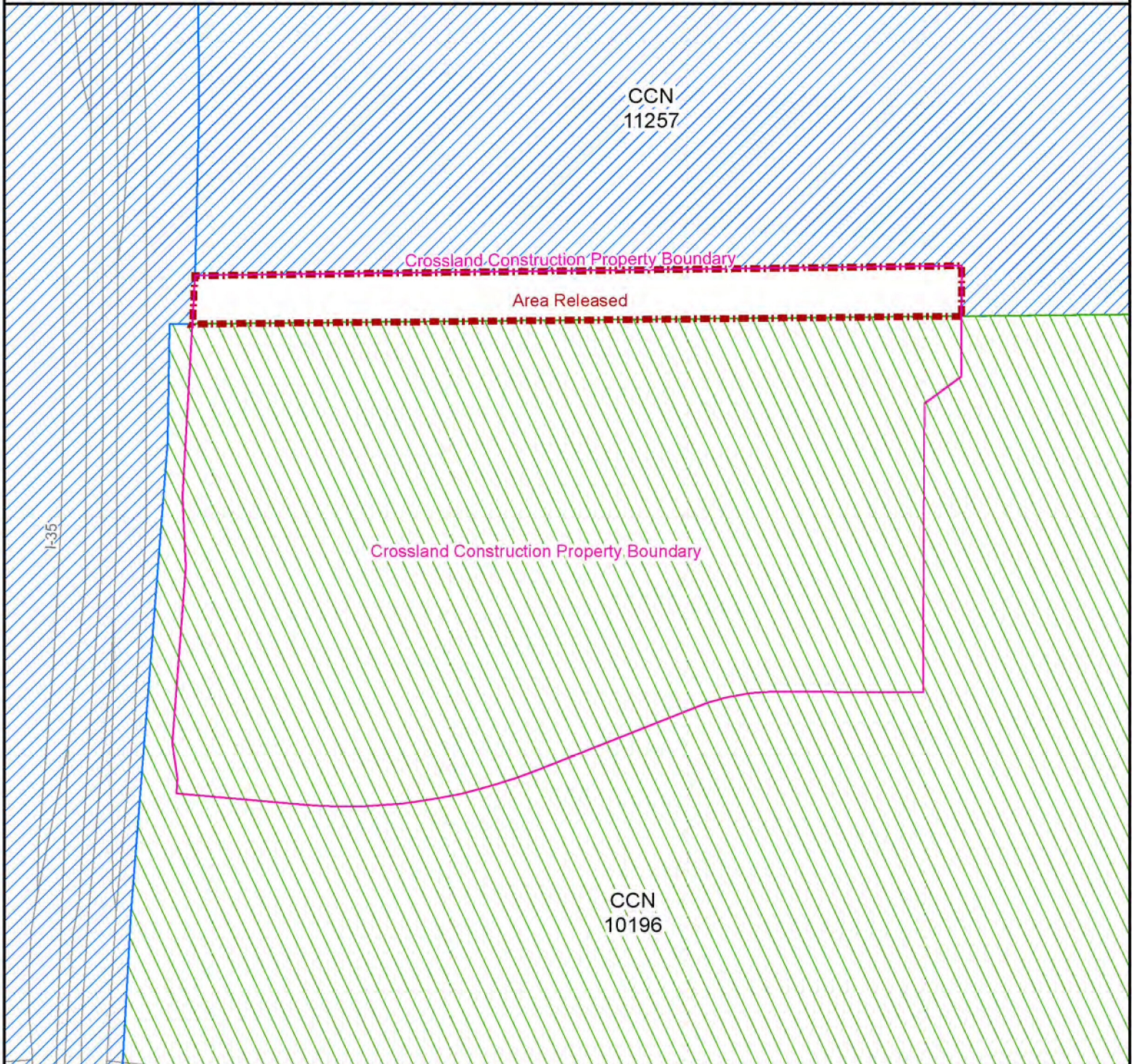
Bolivar Water Supply Corporation

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





Filing Receipt

Received - 2022-03-14 02:19:57 PM

Control Number - 52698

ItemNumber - 13

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
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.



Control Number: 52698



Item Number: 16

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**

2022 MAY 26 AM 11:33
CLERK OF COURT
JULIA A. GARCIA
CLERK OF COURT

ORDER

This Order addresses the petition by Crossland Construction Company, Inc. for streamlined expedited release of a portion of a tract of land in Denton County from Bolivar Water Supply Corporation's service area under certificate of convenience and necessity (CCN) number 11257. For the reasons stated in this Order, the Commission releases the portion of the tract of land from Bolivar WSC's certificated service area. In addition, the Commission amends Bolivar WSC's CCN number 11257 to reflect the removal of the released portion of the tract of land from the service area.

Following entry of this Order, the Commission will determine the amount of compensation, if any, to be awarded to Bolivar WSC, which will be addressed by separate order.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. Crossland Construction Company is a Kansas corporation registered with the Texas secretary of state under filing number 800083196.

CCN Holder

2. Bolivar WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 25730701.
3. Bolivar WSC holds CCN number 11257 that obligates the utility to provide retail water service in its certificated service area in Cooke, Denton, and Wise counties.

Petition

4. On October 12, 2021, the petitioner filed a petition for streamlined expedited release of a portion of a tract of land from the CCN holder's service area under CCN number 11257.
5. The petition includes an affidavit, dated October 11, 2021, of Matt Moore, professional engineer and authorized representative of petitioner; maps of the tract of land and the portion of the tract of land; a special warranty deed dated May 7, 2021, with a metes-and-bounds description; an access and utility easement dated May 7, 2021; a statement of change of registered agent dated November 16, 2016; digital mapping data; and proof of notice to the CCN holder.
6. In Order No. 2 filed on November 15, 2021, the administrative law judge (ALJ) found the petition administratively complete.

Notice

7. The petitioner sent a copy of the petition by certified mail to the CCN holder on October 12, 2021.
8. In Order No. 2 filed on November 15, 2021, the ALJ found the notice sufficient.

Response to the Petition

9. The CCN holder filed a response to the petition on November 19, 2021.
10. The response includes a declaration, dated November 10, 2021, of James Parkman, general manager of the CCN holder.

The Tract of Land

11. The petitioner owns a tract of land in Denton County that is approximately 67 acres.
12. The portion of the tract of land for which the petitioner seeks streamlined expedited release is approximately 7 acres and is located within the CCN holder's certificated service area.

Ownership of the Tract of Land

13. The petitioner acquired its tract of land by a special warranty deed dated May 7, 2021.

Qualifying County

14. Denton County abuts Dallas and Tarrant counties and has a population of more than 47,500.

15. Dallas and Tarrant counties each has a population of at least one million.

Water Service

16. The tract of land is not receiving actual water service from the CCN holder.
17. The tract of land has never received water service from the CCN holder.
18. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service.
19. The CCN holder has no facilities or lines that provide water service to the tract of land.
20. The CCN holder has not performed any acts for or supplied anything to the tract of land.

Map and Certificate

21. On January 5, 2022, Commission Staff filed its final recommendation that included a certificate and a map on which it identified the tract of land and the portion of the tract of land for which the petitioner seeks streamlined expedited release in relationship to the CCN holder's certificated service area.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this petition for streamlined expedited release under Texas Water Code (TWC) §§ 13.254 and 13.2541.
2. The petitioner provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 and, under 16 TAC § 24.245(h)(7), no hearing will be held on such a petition.
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition.

6. Under 16 TAC § 24.245(h)(7), the Commission's decision is based on the information submitted by the landowner, the CCN holder, and Commission Staff.
7. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.
8. The time that the petition is filed is the only relevant time period to consider when evaluating whether a tract of land is receiving water service under TWC § 13.2541(b). Whether a tract might have previously received water or sewer service is irrelevant.
9. A landowner is not required to seek the streamlined expedited release of all of its tract of land.
10. The petitioner owns the tract of land that is at least 25 acres, and the petitioner seeks streamlined expedited release of a portion of the tract of land through the petition.
11. Denton County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
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.3d 130 (Tex. App.—Austin 2014, pet. denied).
13. The petitioner is entitled under TWC § 13.2541(b) to the release of the portion of the tract of land from the CCN holder's certificated service area.
14. After the date of this Order, the CCN holder has no obligation under TWC § 13.254(h) to provide retail water service to the released portion of the petitioner's tract of land.
15. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertify any facilities or equipment owned and operated by the CCN holder to provide retail water service through the streamlined-expedited-release process under TWC § 13.2541(b).
16. The Commission processed the petition in accordance with the TWC and Commission rules.

17. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Denton County by no later than the 31st day after the date the CCN holder receives this Order.
18. A retail public utility may not under TWC §§ 13.254(d) and 13.2541(a) provide retail water service to the public within the released portion of the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the CCN holder.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission releases the portion of the tract of land identified in the petition from the CCN holder's certificated service area under CCN number 11257.
2. The Commission does not decerticate any of the CCN holder's equipment or facilities that may lay on or under the portion of the tract of land.
3. The Commission amends CCN number 11257 in accordance with this Order.
4. The Commission approves 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.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

Signed at Austin, Texas the 20th day of May 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



Public Utility Commission of Texas

By These Presents Be It Known To All That

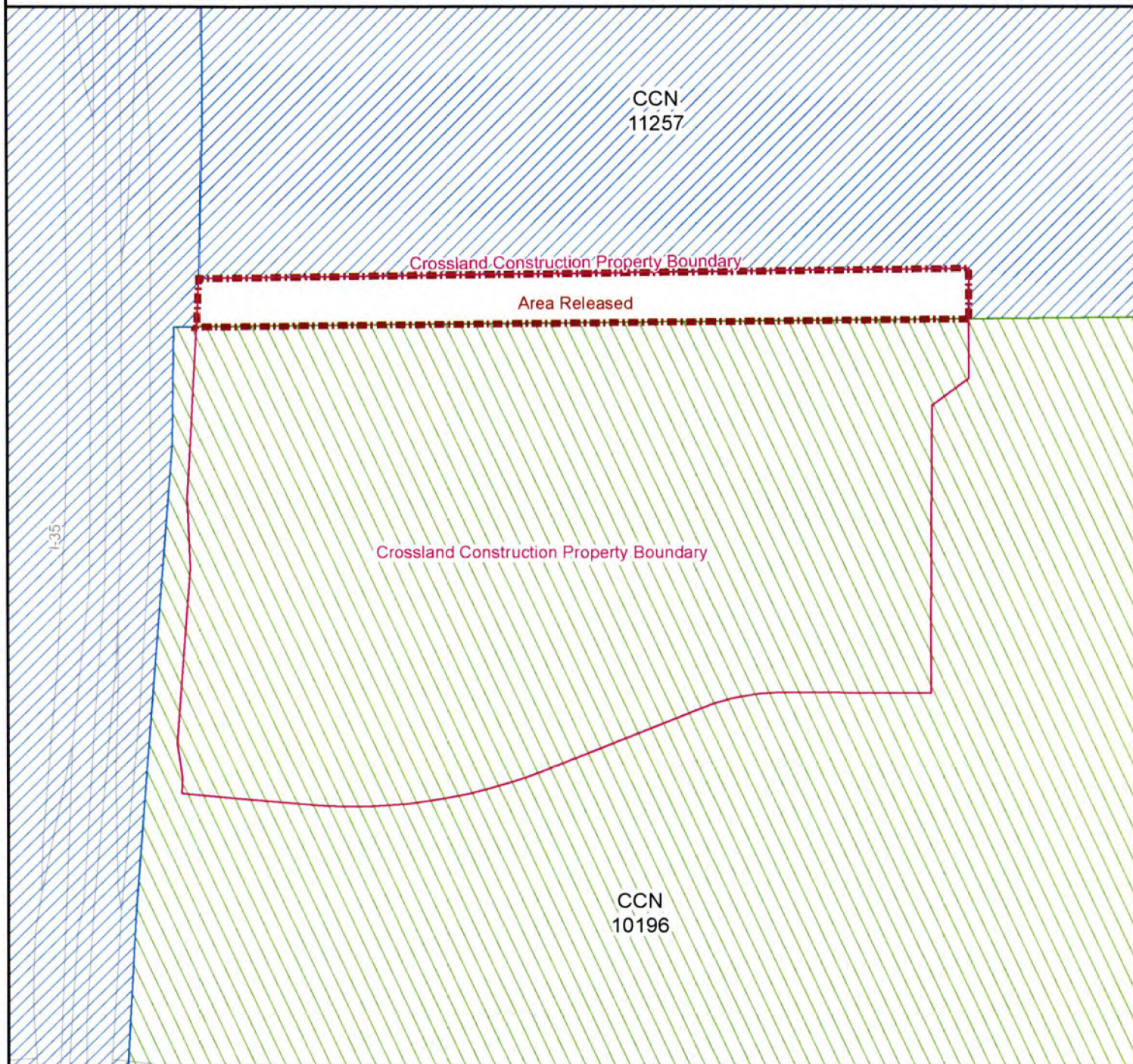
Bolivar Water Supply Corporation

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



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Water CCN

-  11257 - Bolivar WSC
-  10196 - City of Sanger

0 200 400
Feet



Map by: Komal Patel
Date: January 4, 2022
Project: 52698BolivarWSC.mxd



Filing Receipt

Received - 2022-06-20 02:07:42 PM

Control Number - 52698

ItemNumber - 21

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 RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

COMES NOW Bolivar Water Supply Corporation, Respondent, ("Bolivar") and files Responses to Crossland Construction Company, Inc.'s First Request for Information – Question Nos. 1-1 through 1-15.

Respectfully submitted,

**RUSSELL RODRIGUEZ HYDE BULLOCK,
L.L.P.**

1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

**ATTORNEY FOR BOLIVAR WATER
SUPPLY CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2022, a true and correct copy of the foregoing document was served on all parties of record by hand delivery, email, facsimile or First Class Mail.

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

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 RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-1: Please provide copies of Bolivar's audited financial statements, comprehensive annual financial report, and Annual Financial Statements for the previous three years. If audited financials are unavailable, please provide Fiscal Year ending Balance Sheets, Income Statements, and Statements of Cash flow for the indicated period.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
CONSTRUCTION COMPANY, INC. TO	§	
AMEND BOLIVAR WATER SUPPLY	§	OF TEXAS
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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-2: Please provide Bolivar's current budget for Fiscal Year 2022 and the budget applicable for Fiscal Year 2021.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
CONSTRUCTION COMPANY, INC. TO	§	
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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-3: Please provide any and all copies of engineering reports, maps, drawing, plans and specifications, construction documents, cost projections and/or any other documents that identify improvements that are currently in-place and operational located within the Subject Area.

RESPONSE:

Bolivar does not have facilities within the Subject Area.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
CONSTRUCTION COMPANY, INC. TO	§	
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OF CONVENIENCE AND NECESSITY	§	
IN DENTON COUNTY BY	§	
EXPEDITED RELEASE	§	

**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-4: Please provide copies of any and all Bolivar's contracts related to the purchase or sale of treated or raw water that are allocable to the Subject Area or Bolivar's CCN.

RESPONSE:

None.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
CONSTRUCTION COMPANY, INC. TO	§	
AMEND BOLIVAR WATER SUPPLY	§	OF TEXAS
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IN DENTON COUNTY BY	§	
EXPEDITED RELEASE	§	

**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-5: Please provide a map showing the Subject Area in relation to the remaining portions of the Bolivar System. On the map, please indicate all assets owned by Bolivar that are allocable to the Subject Area.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented

Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-6: Please provide a list and valuation of Bolivar's assets within the Subject Area.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented

Sponsored by: Will be supplemented

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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-7: Please identify any portions of the assets in response to request 1-5 or 1-6 that were funded by debt that is still outstanding.

RESPONSE:

As to the area identified in RFI 1-6, none. As to the assets in RFI 1-5, Bolivar will supplement.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-8: Please list any and all assets associated within the Subject Area rendered useless or valueless as a result of the decertification in this docket.

RESPONSE:

See documents produced in response to RFI 1-6.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

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 RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-9: Please provide Bolivar's currently applicable capital improvement plan and its most recently completed master plan.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

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 RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-10: Please provide any and all documents concerning Bolivar's expenses related to the planning, design, or construction of water facilities that are allocable, in the opinion of Bolivar, to the Subject Area.

RESPONSE:

Bolivar will supplement when its appraisal is completed and finalized. Also see documents produced in response to RFI 1-6 and 1-9.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

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 RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-11: Please provide a copy of Bolivar's current tariff, including a schedule of all rates, fees and charges.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented

Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
CONSTRUCTION COMPANY, INC. TO	§	
AMEND BOLIVAR WATER SUPPLY	§	OF TEXAS
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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-12: Please state the amount of compensation to which Bolivar is entitled as a result of the expedited release of the Subject Area from Bolivar's CCN, in the opinion of Bolivar.

RESPONSE:

Bolivar will supplement when its appraisal is completed and finalized.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

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 RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-13: Please list all active connections on Bolivar's system by meter size.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented

Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

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

**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-14: Please provide water consumption by customer class by month from May 2019 to the present.

RESPONSE:

Documents responsive to this RFI may be downloaded using the following link:

<https://txlocalgovlaw.sharefile.com/d-s9eee9399b51d46a9a8e63a5f2c73dc1b>

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

PUC DOCKET NO. 52698

PETITION OF CROSSLAND	§	PUBLIC UTILITY COMMISSION
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**BOLIVAR WATER SUPPLY CORPORATION'S RESPONSES TO
CROSSLAND CONSTRUCTION COMPANY, INC.'S FIRST REQUEST FOR
INFORMATION – QUESTION NOS. 1-1 THROUGH 1-15**

RFI 1-15: Please provide current projections of future growth for Bolivar, including both customer account projections and demand needs. Please provide projection for a minimum of 5 years.

RESPONSE:

See documents produced in response to RFI 1-9.

Prepared by: Will be supplemented
Sponsored by: Will be supplemented

From: [Art Rodriguez](#)
To: [Josh Korman](#)
Cc: [Jessica Newlin](#)
Subject: Re: Bolivar - Expedited Release Response - Crossland 67 Acre Tract
Date: Tuesday, August 2, 2022 1:17:43 PM

Regarding legal fees this amount is good through Friday:

Crossland: \$4,955.67

I would estimate \$1750 each for the remainder of the case.

Art Rodriguez
512.930.1317



Confidentiality Notice: This e-mail message is covered by the Electronic Communications Privacy Act and may be legally privileged. Unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender at [512.930.1317](tel:512.930.1317), or by reply e-mail, and destroy all copies of the original message. Thank you.

From: Josh Korman <josh@korgrp.com>
Date: Tuesday, August 2, 2022 at 11:10 AM
To: Jessica Newlin <jnewlin@txlocalgovlaw.com>
Cc: Art Rodriguez <arodriguez@txlocalgovlaw.com>
Subject: RE: Bolivar - Expedited Release Response - Crossland 67 Acre Tract

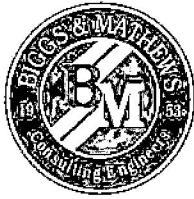
Jessica/Art –

Please forward your current billings for Crossland and the anticipated amount going forward.

Thanks.

Josh Korman
p: 817-870-0420
KOR GROUP
600 E Exchange Ave | Suite 200
Fort Worth, Tx 76164

From: Jessica Newlin <jnewlin@txlocalgovlaw.com>



BIGGS & MATHEWS INC.

Consulting Engineers

July 27, 2022

Art Rodriguez
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive
Bldg. 2, Suite 200
Georgetown, Texas 78628

RE: Letter of Engineering Review – Expedited Release Request
Crossland Tract – 67 Acres – BWSC Pressure Plane No. 2

Dear Mr. Rodriguez:

As requested, we have reviewed the location and the request for expedited release of the above tract, commonly known as the Crossland Tract, and based on our review we have provided the following responses. In support of our responses, we have attached 1) Planning Report for Water Facility Improvements and 2) Distribution System Inventory and Value.

Question No. 1: What is the size of (acreage) of Bolivar WSC CCN:

➤ *212,035 acres*

Question No. 2: What is the remaining debt for CCN:

➤ *Unknown*

Specific Tract Information:

Crossland Tract (Located in Pressure Plane No. 2)

- *BWSC Pressure Plane No. 2*
- *Pressure Plane Size – 24,000 Acres*
- *Total Value of Facilities in Pressure Plane No. 2 - \$14,170,000*
- *Elevated Storage Value in Pressure Plane No. 2 - \$500,000*
- *Pump Station Value in Pressure Plane No. 2 - \$1,700,000*
- *Water Supply Well Value in Pressure Plane No. 2 - \$2,250,000*
- *Distribution Line Value in Pressure Plane No. 2 - \$9,720,000*

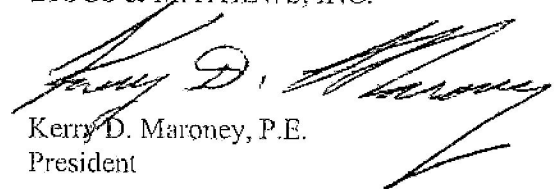
Notes: BWSC does not have distribution lines fronting or adjacent to this property, however, BWSC could extend the existing 8" line from the north, approximately 3,500 LF to provide for continuous and adequate water service to this tract. To date, no request for service has been received by BWSC.

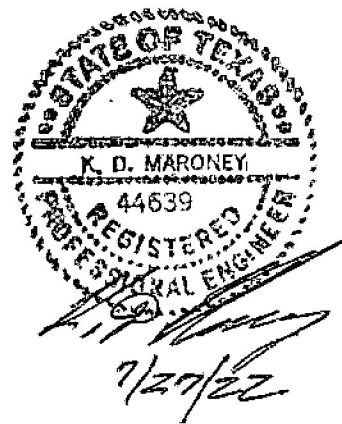
Based on land use in the general vicinity, this 67-acre tract will typically accommodate fifteen (15) LUE's. Therefore, the revenue fees lost by BWSC due to decertification would be \$4,500 per platted lot and annual average water sales of approximately \$650 per platted lot.

Please contact me with any additional questions or comments or if additional information is required.

Sincerely,

BIGGS & MATHEWS, INC.


Kerry D. Maroney, P.E.
President



Application Exhibit
Exhibit "C"

CHISAM RD

CITY OF SANGER

B.N.S.F. RAILROAD CO.

CHEROKEE RD

SEMINOLE CIR

CORRIDA LN

VIEW RD

**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

PLANNING REPORT
FOR
WATER FACILITY IMPROVEMENTS
YEAR 2022 THROUGH 2032
BOLIVAR WATER SUPPLY CORPORATION
COOKE, DENTON & WISE COUNTY, TEXAS

June, 2022

Board of Directors

Kevin Kemplin – President
Janell Shelton – Vice-President
Freida Ashcraft – Secretary/Treasurer
D.L. Bowles – Director
Tommy J. Rhodes – Director
John Kubicek – Director
Bob Montgomery – Director
Fred Yeatts – Director
Kim Markel - Director

James Parkman – General Manager



Biggs & Mathews, Inc. (F-834)
Consulting Engineers
2500 Brook Ave.
Wichita Falls, Texas 76301

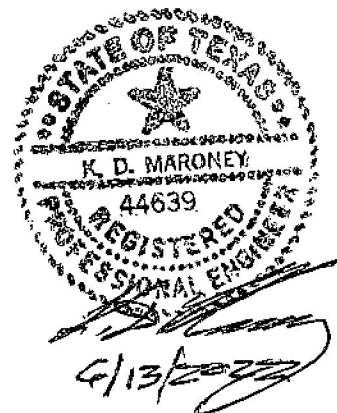


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1.0 GENERAL

2.0 EXISTING SYSTEM FACILITIES

3.0 PROJECTIONS & DISTRIBUTION OF FUTURE GROWTH

4.0 SUMMARY OF PROPOSED SYSTEM IMPROVEMENTS 2022-2032

5.0 REPORT CLOSURE AND RECOMMENDATIONS

APPENDIX A:

System Pressure Plane Map

1.0 GENERAL

Bolivar Water Supply Corporation (BWSC), Public Water System (PWS) I.D. No. TX0610049, was formed February 24, 1969 for the purpose of supplying potable water to unincorporated areas within Cooke, Denton, and Wise County. In accordance with their Certification of Convenience and Necessity (CCN No. 11257) dated November 1, 1979 BWSC was granted a service area that covers approximately 212,035 acres (331 square miles) within portions of three (3) counties. As of January 2022, the system serves 3,671 active connections with an anticipated annual system growth of approximately 100 connections per year.

In an attempt to maintain the level of service in their certificated area and to maintain compliance with the Texas Commission on Environmental Quality (TCEQ), the Board of Directors continues to evaluate and plan for the required future system expansion in a timely manner.

2.0 EXISTING SYSTEM FACILITIES

Currently the BWSC system is segmented into seven (7) pressure planes with the capability of being able to move water between selected planes on an emergency basis or when growth occurs near common pressure plane boundaries. Moving water between planes requires operator intervention, by opening and closing selected system valves as needed. Each pressure plane is served by water supply wells, ground storage facilities, pump stations and elevated storage based on the number of connections served in each plane. The following is a listing of each pressure plane and facilities serving that plane in addition to a system pressure plane map. (See Appendix A).

Pressure Plane No. 1 - 514 Connections – 22,000 Acres (Acres Served 19,000)

- 100,000 Gallon Elevated Tank - \$500,000
- Pump Station & Ground Storage - \$850,000
- 3 - Water Supply Wells – \$2,250,000
- Distribution System - \$4,785,000
- Existing Connections - 514
- Estimated Value of Facilities – \$8,385,000
- Estimated Value of Facilities per Acre Served - \$441

Pressure Plane No. 2 - 512 Connections – 24,000 Acres (Acres Served 16,000)

- 100,000 Gallon Elevated Tank - \$500,000
- 2 – Pump Stations & Ground Storage - \$ 1,700,000
- 3 - Water Supply Wells - \$2,250,000
- Distribution System - \$9,720,000
- Existing Connections – 512
- Estimated Value of Facilities - \$14,170,000
- Estimated Value of Facilities per Acre Served - \$886

Pressure Plane No. 2A - 30 Connections – 35 Acres (Acres Served 35)

- 2,500 Gallon Pressure Tank - \$30,000
- Pump Station & Ground Storage - \$100,000
- Water Supply Well – \$100,000
- Distribution System - \$160,000
- Existing Connections – 30
- Estimated Value of Facilities - \$390,000
- Estimated Value of Facilities per Acre Served - \$11,143

Pressure Plane No. 3 - 1,121 Connections – 60,000 Acres (Acres Served 45,000)

- 300,000 Gallon Elevated Tank - \$1,500,000
- 100,000 Gallon Elevated Tank - \$500,000
- 3 - Pump Station & Ground Storage - \$2,550,000
- 5 - Water Supply Wells – \$3,750,000
- Distribution System - \$11,925,000
- Existing Connections – 1,121
- Estimated Value of Facilities – 20,225,000
- Estimated Value of Facilities per Acre Served - \$449

Pressure Plane No. 4 - 607 Connections – 24,000 Acres (Acres Served 20,000)

- 100,000 Gallon Elevated Tank - \$500,000
- Pump Station & Ground Storage - \$850,000
- 4 - Water Supply Wells – \$3,000,000
- Distribution system - \$10,675,000
- Existing Connections – 607
- Estimated Value of Facilities - \$15,025,000
- Estimated Value of Facilities per Acre Served - \$752

Pressure Plane No. 5 - 569 Connections – 25,000 Acres (Acres Served 24,000)

- 100,000 Gallon Elevated Tank - \$500,000
- Pump Station & Ground Storage - \$850,000
- 3 - Water Supply Wells - \$2,250,000
- Distribution System - \$11,200,000
- Existing Connections – 589
- Estimated Value of Facilities - \$14,800,000
- Estimated Value of Facilities per Acre Served - \$617

Pressure Plane No. 6 - 298 Connections – 57,000 Acres (Acres Served 45,000)

- 100,000 Gallon Elevated Tank – \$500,000
- 2 - Pump Station & Ground Storage Tank - \$1,700,000
- 3 - Water Supply Wells – \$2,250,000
- Distribution System - \$12,012,500
- Existing Connections – 298
- Estimated Value of Facilities - \$16,462,500
- Estimated Value of Facilities per Acre Served - \$365

3.0 PROJECTIONS & DISTRIBUTION OF FUTURE GROWTH

Though it is very difficult to project which portions of the system might experience the most growth in the future, the historical growth over the last two (2) years can be an indicator of future growth distribution within each of the pressure planes as shown below:

- 3% of the growth occurred in Pressure Plane No. 1
- 4% of the growth occurred in Pressure Plane No. 2
- 0% of the growth occurred in Pressure Plane No. 2A
- 30% of the growth occurred in Pressure Plane No. 3
- 30% of the growth occurred in Pressure Plane No. 4
- 30% of the growth occurred in Pressure Plane No. 5
- 3% of the growth occurred in Pressure Plane No. 6

Assuming over the next ten (10) years that the annual system wide growth averages 100 connections per year, the total active connections for the system could grow by approximately 1,000 connections by the year 2032, for a total of 4,671 active connections. Furthermore, based on the above historical growth distribution, the estimated total connections in each pressure plane by the year 2032 would be as shown below:

- Pressure Plane No. 1 – 544 connections
- Pressure Plane No. 2 – 552 connections
- Pressure Plane No. 2A – 30 connections
- Pressure Plane No. 3 – 1,421 connections
- Pressure Plane No. 4 – 907 connections
- Pressure Plane No. 5 – 869 connections
- Pressure Plane No. 6 – 328 connections

In summary, through the year 2032, assuming all existing water supply, pressure maintenance, and storage facilities remain operational at their current capacity, 3 out of the 7 existing pressure planes will need additional pressure maintenance facilities and additional water supply sources. As shown below, new elevated storage tanks and new groundwater supply wells are proposed for Pressure Plane No. 3, Pressure Plane No. 4, and Pressure Plane No. 5.

4.0 SUMMARY OF PROPOSED SYSTEM IMPROVEMENTS 2022-2032

Pressure Plane No. 3 – Improvements \$2,200,000

- 300,000 Gallon Elevated Tank - \$1,500,000
- Water Supply Well – \$700,000

Pressure Plane No. 4 – Improvements \$2,200,000

- 300,000 Gallon Elevated Tank - \$1,500,000
- Water Supply Well – \$700,000

Pressure Plane No. 5 – Improvements \$2,200,000

- 300,000 Gallon Elevated Tank - \$1,500,000
- Water Supply Well – \$700,000

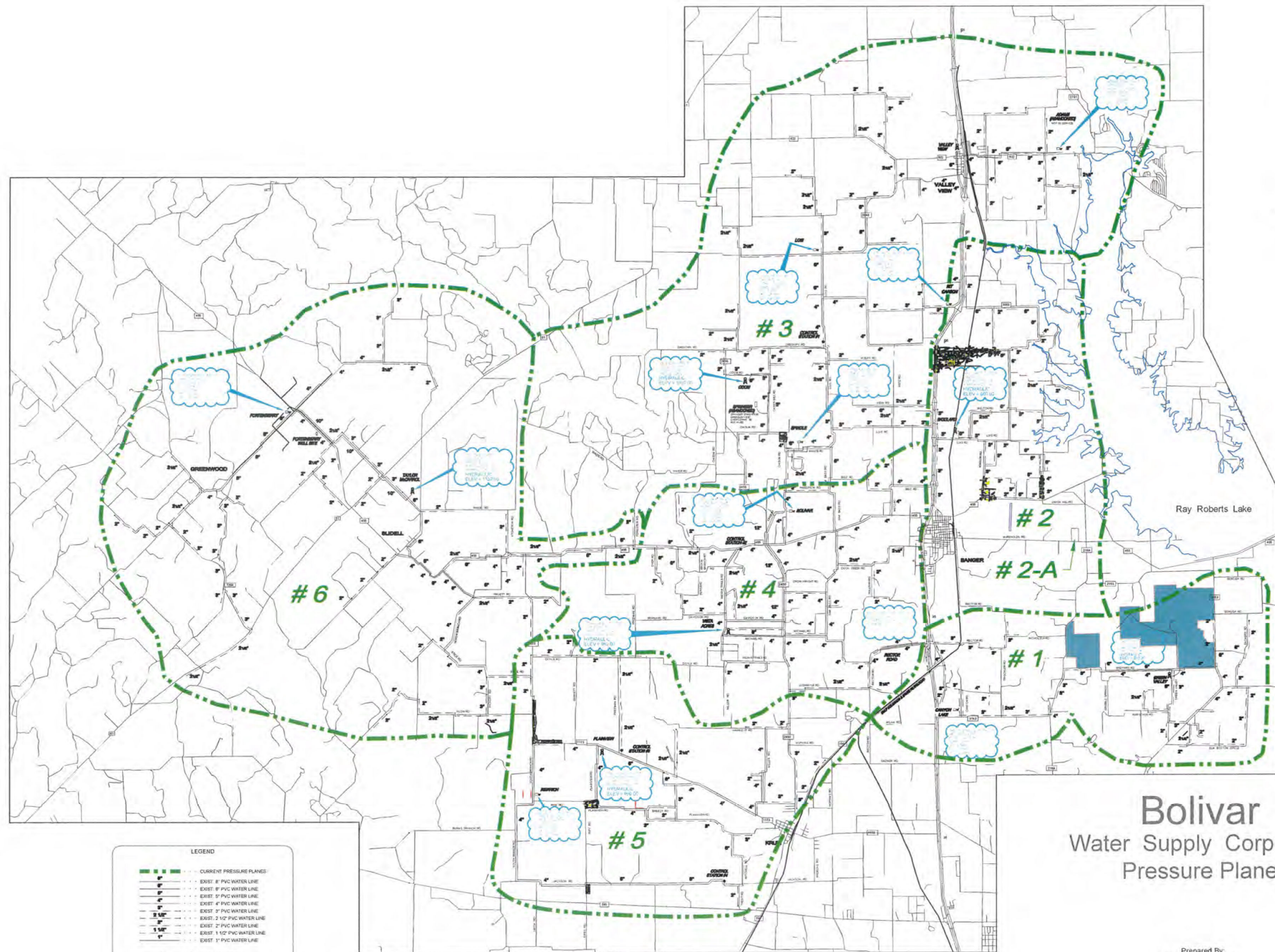
ESTIMATED CONSTRUCTION COSTS FOR IMPROVEMENTS - \$6,600,000.

5.0 REPORT CLOSURE AND RECOMMENDATIONS

BWSC should continue to closely monitor both the over-all system growth and the growth distribution within each of the seven (7) pressure planes and continue to look for opportunities to acquire additional well, pump station, and/or storage tank sites as various areas are developed and/or as existing well production capacities diminish.

Furthermore, BWSC should consider providing for the distribution line capacity to allow for some limited fire flows throughout some of the higher density developments. Typically, this capacity can be achieved by installing a minimum of 8" diameter distribution lines along with looping/interconnecting 6" diameter lines within the system.

APPENDIX A

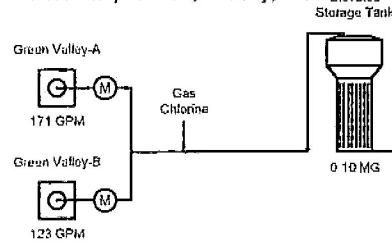


Bolivar Water Supply Corporation Pressure Planes

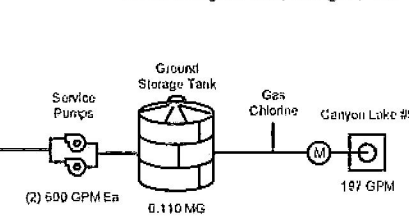
Prepared By:
Biggs & Mathews, Inc.

Drawn By: JMJ
Date: 08-31-2020

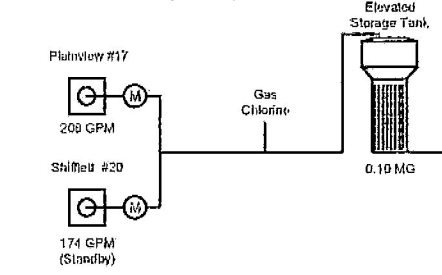
Green Valley Pump Station
2888 Shepard Rd., Aubrey, Tx.



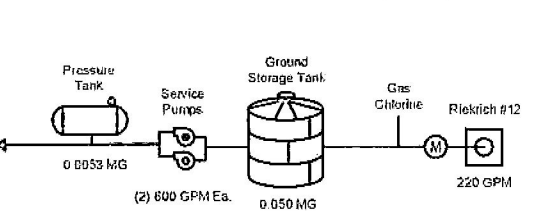
Canyon Lake Pump Station
6253 Canyon Rd., Sanger, Tx.



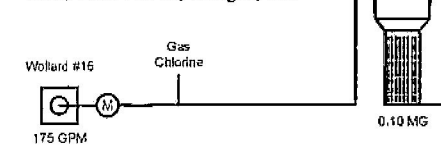
Plainview Pump Station
11955 FM 1173, Krum, Tx.



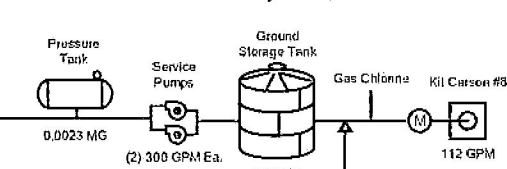
Riekrich Pump Station
6875 Donald Rd., Krum, Tx.



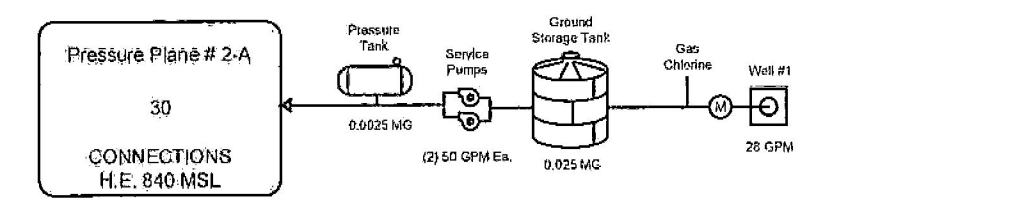
Wollard Pump Station
3310 Lois Rd. E., Sanger, Tx.



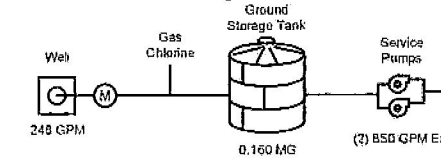
Kit Carson Pump Station
83 W. Lone Oak Rd.,
Valley View, Tx.



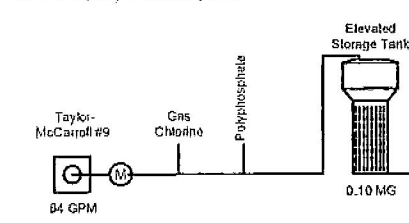
Terrace Acres
McReynolds Rd. / Terrace Rd.



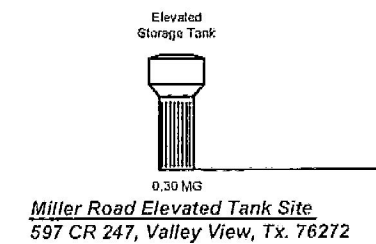
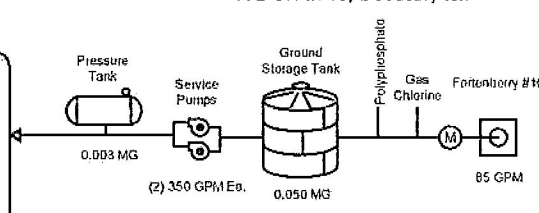
Melton Road Pump Station
2451 Melton Rd., Sanger, Tx. 76266



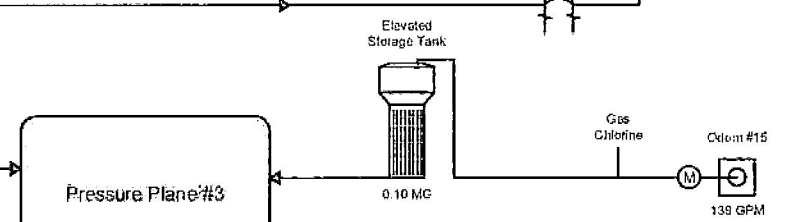
Taylor-McCarroll Pump Station
180 PR 2826, Decatur, Tx.



Fortenberry Pump Station
172 CR 2740, Decatur, Tx.

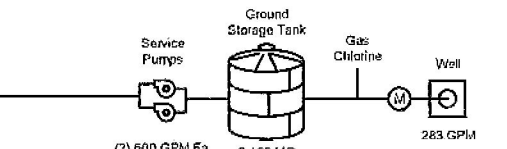


Miller Road Elevated Tank Site
597 CR 247, Valley View, Tx. 76272

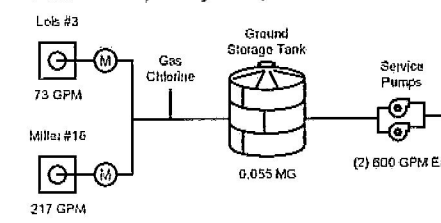


Odom Pump Station
7295 Odom Rd. E., Sanger, Tx.

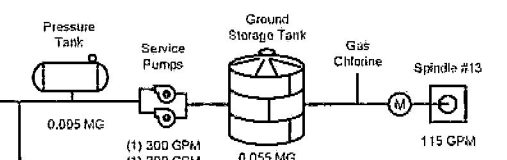
Metz Road Pump Station
2570 C.R. 200, Valley View, Tx. 76272



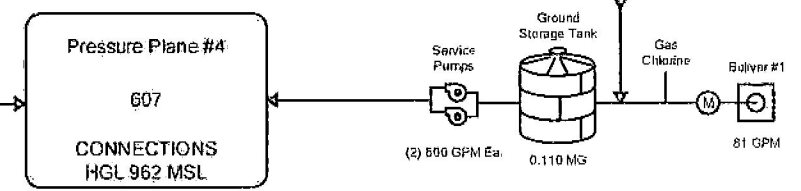
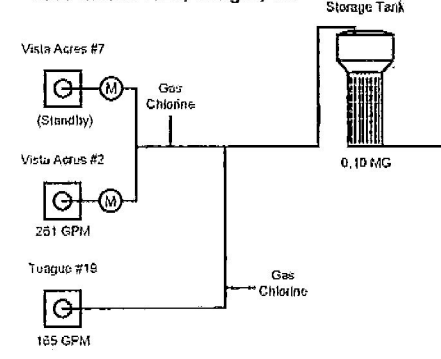
Lois Pump Station
3683 CR 336, Valley View, Tx.



Spindle Pump Station
6080 Nance Rd., Sanger, Tx.



Vista Acres Pump Station
9036 Indian Trail, Sanger, Tx.



Bolivar Pump Station
8949 Sam Bass Rd., Sanger, Tx.

GENERAL NOTES.

- Total system Count as of 12/31/2021 is 3,587 (3,671 Active & 132 Inactive)
- 1. Total system count as of 8/31/2020 is 3,587 (3,455 Active & 132 Inactive)...
- 2. Total system count as of 1/1/2019 is 3,524 (3,390 Active & 134 Inactive)...
- 3. Active Com. count as of 7/11/2017 is 3,338 (Added 162 since 9/17/2014).
- 4. Pumps rated for 20 GPM / H.P. (TCEQ Guidance)...
- 5. Wells field tested by B.W.S.C. (7/28/2017)...

Per Brandi email 9/13/2021
TOTAL SYSTEM WIDE - 3,643 ACTIVE CONN.

REVISIONS		2020 SYSTEM SCHEMATIC	
DATE	DESCRIPTION	BOLIVAR WATER SUPPLY CORP. DENTON COUNTY, TEXAS	
12-31-21	REVISED	BIGGS & MATHEWS, INC. CONSULTING ENGINEERS 2500 BROOK AVENUE V (340) 766-0156 WICHITA FALLS, TX 76701 F: (817) 766-0283 TEXAS REGISTERED ENGINEERING FIRM F-854	
8-31-20	REVISED FACILITIES		
1-10-19	FUTURE FACILITIES		
6-14-18	FUTURE FACILITIES		
10-23-17	FUTURE FACILITIES		
7-28-17	UPDATED FACILITIES	DN: KDM	DATE: 09-11-2014
7-11-17	UPDATED FACILITIES	OW: JMJ	SCALE: AS SHOWN
		CK: KDM	REVISED:
			SHEET 1 OF 1

BOLIVAR DISTRIBUTION SYSTEM

(June 2022)

PRESSURE PLANE NO. 1 (22,000 AC.) - (Acres Served 19,000)

6" Line	16,000	@ 60.00	960,000
4" Line	27,000	@ 40.00	1,080,000
3" Line	53,000	@ 30.00	1,590,000
2.5" Line	15,000	@ 25.00	375,000
2" Line	39,000	@ 20.00	780,000
	<u>150,000</u>		<u>\$ 4,785,000</u>

PRESSURE PLANE NO. 2 (24,000 AC.) – (Acres Served 16,000)

12" Line	20,000	@ 120.00	2,400,000
8" Line	10,000	@ 80.00	800,000
6" Line	75,000	@ 60.00	4,500,000
4" Line	5,000	@ 40.00	200,000
3" Line	34,000	@ 30.00	1,020,000
2.5" Line	12,000	@ 25.00	300,000
2" Line	25,000	@ 20.00	500,000
	<u>181,000</u>		<u>\$ 9,720,000</u>

PRESSURE PLANE NO. 2-A (35 AC.) – (Acres Served 35)

4" Line	3,000	@ 40.00	120,000
2" Line	2,000	@ 20.00	40,000
	<u>5,000</u>		<u>\$ 160,000</u>

PRESSURE PLANE NO. 3 (60,000 AC.) – (Acres Served 45,000)

12" Line	3,000	@ 120.00	360,000
8" Line	12,000	@ 80.00	960,000
6" Line	75,000	@ 60.00	4,500,000
4" Line	55,000	@ 40.00	2,200,000
3" Line	42,000	@ 30.00	1,260,000
2.5" Line	61,000	@ 25.00	1,525,000
2" Line	56,000	@ 20.00	1,120,000
	<u>304,000</u>		<u>\$ 11,925,000</u>

PRESSURE PLANE NO. 4 (24,000 AC.) – (Acres Served 20,000)

<i>12" Line</i>	<i>25,000</i>	<i>@ 120.00</i>	<i>3,000,000</i>
<i>8" Line</i>	<i>8,000</i>	<i>@ 80.00</i>	<i>640,000</i>
<i>6" Line</i>	<i>23,000</i>	<i>@ 60.00</i>	<i>1,380,000</i>
<i>4" Line</i>	<i>92,000</i>	<i>@ 40.00</i>	<i>3,680,000</i>
<i>3" Line</i>	<i>10,000</i>	<i>@ 30.00</i>	<i>300,000</i>
<i>2.5" Line</i>	<i>31,000</i>	<i>@ 25.00</i>	<i>775,000</i>
<i>2" Line</i>	<i>45,000</i>	<i>@ 20.00</i>	<i>900,000</i>
	<i>234,000</i>		<i>\$ 10,675,000</i>

PRESSURE PLANE NO. 5 (25,000 AC.) – (Acres Served 24,000)

<i>6" Line</i>	<i>110,000</i>	<i>@ 60.00</i>	<i>6,600,000</i>
<i>4" Line</i>	<i>75,000</i>	<i>@ 40.00</i>	<i>3,000,000</i>
<i>3" Line</i>	<i>24,000</i>	<i>@ 30.00</i>	<i>720,000</i>
<i>2.5" Line</i>	<i>20,000</i>	<i>@ 25.00</i>	<i>500,000</i>
<i>2" Line</i>	<i>19,000</i>	<i>@ 20.00</i>	<i>380,000</i>
	<i>248,000</i>		<i>\$ 11,200,000</i>

PRESSURE PLANE NO. 6 (57,000 AC.) – (Acres Served 45,000)

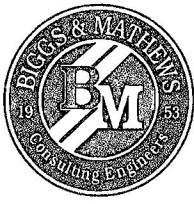
<i>12" Line</i>	<i>20,000</i>	<i>@ 120.00</i>	<i>2,400,000</i>
<i>6" Line</i>	<i>66,000</i>	<i>@ 60.00</i>	<i>3,960,000</i>
<i>4" Line</i>	<i>38,000</i>	<i>@ 40.00</i>	<i>1,520,000</i>
<i>3" Line</i>	<i>41,000</i>	<i>@ 30.00</i>	<i>1,230,000</i>
<i>2.5" Line</i>	<i>42,500</i>	<i>@ 25.00</i>	<i>1,062,500</i>
<i>2" Line</i>	<i>92,000</i>	<i>@ 20.00</i>	<i>1,840,000</i>
	<i>299,500</i>		<i>\$ 12,012,500</i>

TOTAL VALUE OF DISTRIBUTION SYSTEM **\$ 60,477,000**

TOTAL ACRES SERVED ***169,035***

VALUE DISTRIBUTION PER ACRE SERVED ***\$ 358***

EXHIBIT C – Biggs and Matthews Report



BIGGS & MATHEWS INC.

Consulting Engineers

July 27, 2022

Art Rodriguez
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive
Bldg. 2, Suite 200
Georgetown, Texas 78628

RE: Letter of Engineering Review – Expedited Release Request
Crossland Tract – 67 Acres – BWSC Pressure Plane No. 2

Dear Mr. Rodriguez:

As requested, we have reviewed the location and the request for expedited release of the above tract, commonly known as the Crossland Tract, and based on our review we have provided the following responses. In support of our responses, we have attached 1) Planning Report for Water Facility Improvements and 2) Distribution System Inventory and Value.

Question No. 1: What is the size of (acreage) of Bolivar WSC CCN:

- 212,035 acres

Question No. 2: What is the remaining debt for CCN:

- Unknown

Specific Tract Information:

Crossland Tract (Located in Pressure Plane No. 2)

- BWSC Pressure Plane No. 2
- Pressure Plane Size – 24,000 Acres
- Total Value of Facilities in Pressure Plane No. 2 - \$14,170,000
- Elevated Storage Value in Pressure Plane No. 2 - \$500,000
- Pump Station Value in Pressure Plane No. 2 - \$1,700,000
- Water Supply Well Value in Pressure Plane No. 2 - \$2,250,000
- Distribution Line Value in Pressure Plane No. 2 - \$9,720,000

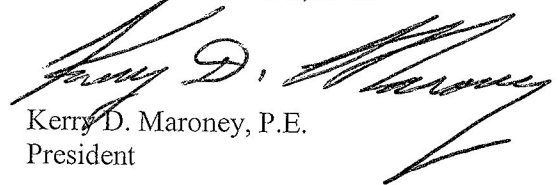
Notes: BWSC does not have distribution lines fronting or adjacent to this property, however, BWSC could extend the existing 8" line from the north, approximately 3,500 LF to provide for continuous and adequate water service to this tract. To date, no request for service has been received by BWSC.

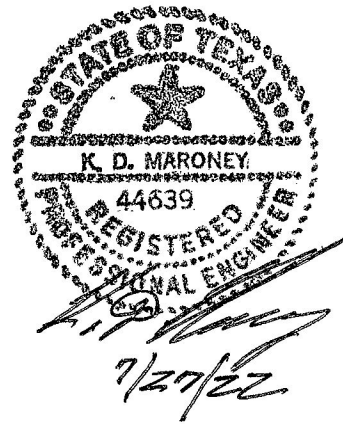
Based on land use in the general vicinity, this 67- acre tract will typically accommodate fifteen (15) LUE's. Therefore, the revenue fees lost by BWSC due to decertification would be \$4,500 per platted lot and annual average water sales of approximately \$650 per platted lot.

Please contact me with any additional questions or comments or if additional information is required.

Sincerely,

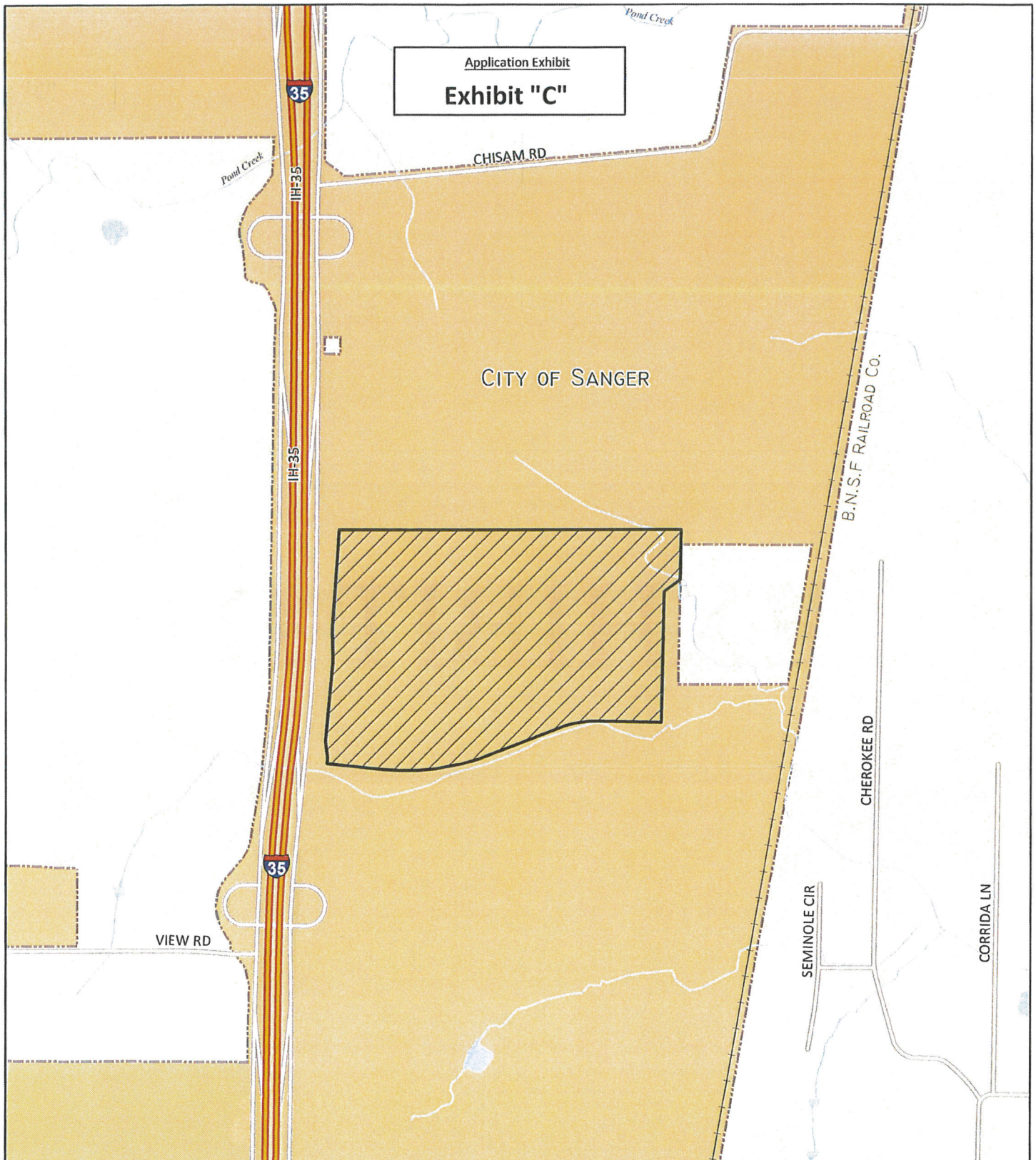
BIGGS & MATHEWS, INC.


Kerry D. Maroney, P.E.
President



Application Exhibit

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

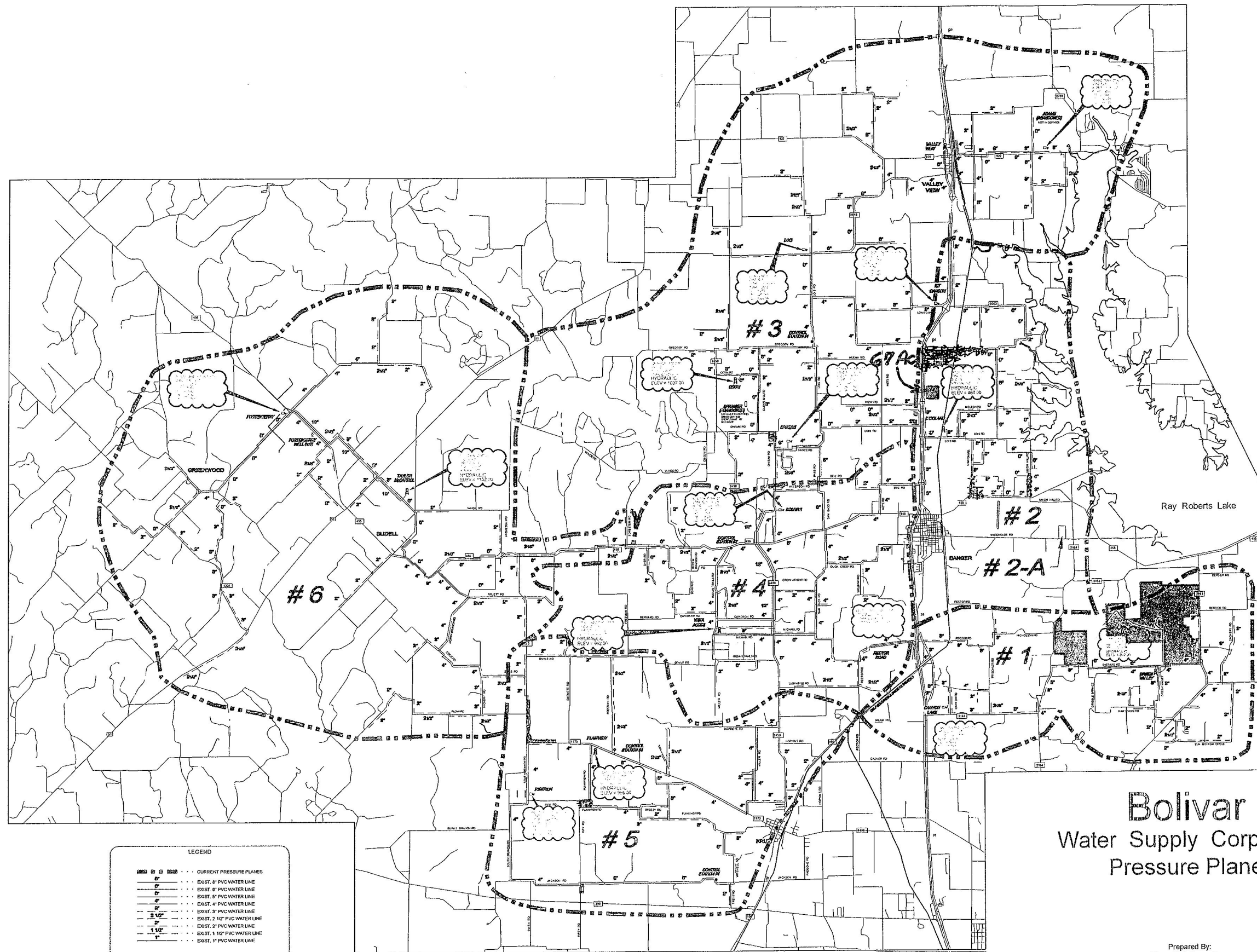
MAP LEGEND:



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



City of Sanger Jurisdictional Boundary



Bolivar Water Supply Corporation Pressure Planes

Prepared By:
Biggs & Mathews, Inc.

Drawn By: JMJ
Date: 08-31-2020

VI. Personal Property Certification

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

- The statements of fact contained in this report are true and correct.
- 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.
- 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.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- 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.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the American Society of Appraisers, which include the Uniform Standards of Professional Appraisal Practice.
- J Fernando Sosa did not inspect the property that is the subject of this report.
- No one provided appraisal assistance to the persons signing this report.
- The signatories of this report have not provided appraisal services relating to the subject property in the prior three years.

- The American Society of Appraisers has a mandatory recertification program for all of its senior members. I, J. Fernando Sosa, ASA, comply with the requirements of that program.

DRAFT

Name

Director | Valuation & Advisory
Cushman & Wakefield of X, Inc.

VII. Assumptions and Limiting Conditions

"Report" means the appraisal or consulting report and conclusions stated therein, to which these Assumptions and Limiting Conditions are annexed.

"Property" means the subject of the Report.

"C&W" means Cushman & Wakefield, Inc. or its subsidiary that issued the Report.

"Appraiser(s)" means the employee(s) of C&W who prepared and signed the Report.

The Report has been made subject to the following assumptions and limiting conditions:

1. No opinion is intended to be expressed and no responsibility is assumed for the legal description or for any matters that are legal in nature or require legal expertise or specialized knowledge beyond that of a real estate appraiser. Title to the Property is assumed to be good and marketable and the Property is assumed to be free and clear of all liens unless otherwise stated. No survey of the Property was undertaken.
2. The information contained in the Report or upon which the Report is based has been gathered from sources the Appraiser assumes to be reliable and accurate. The owner of the Property may have provided some of such information. Neither the Appraiser nor C&W shall be responsible for the accuracy or completeness of such information, including the correctness of estimates, opinions, dimensions, sketches, exhibits and factual matters. Any authorized user of the Report is obligated to bring to the attention of C&W any inaccuracies or errors that it believes are contained in the Report.
3. The opinions are only as of the date stated in the Report. Changes since that date in external and market factors or in the Property itself can significantly affect the conclusions in the Report.
4. The Report is to be used in whole and not in part. No part of the Report shall be used in conjunction with any other analyses. Publication of the Report or any portion thereof without the prior written consent of C&W is prohibited. Reference to the Appraisal Institute or to the MAI designation

is prohibited. Except as may be otherwise stated in the letter of engagement, the Report may not be used by any person(s) other than the party(ies) to whom it is addressed or for purposes other than that for which it was prepared. No part of the Report shall be conveyed to the public through advertising, or used in any sales, promotion, offering or SEC material without C&W's prior written consent. Any authorized user(s) of this Report who provides a copy to, or permits reliance thereon by, any person or entity not authorized by C&W in writing to use or rely thereon, hereby agrees to indemnify and hold C&W, its affiliates and their respective shareholders, directors, officers and employees, harmless from and against all damages, expenses, claims and costs, including attorneys' fees, incurred in investigating and defending any claim arising from or in any way connected to the use of, or reliance upon, the Report by any such unauthorized person(s) or entity(ies).

5. Except as may be otherwise stated in the letter of engagement, the Appraiser shall not be required to give testimony in any court or administrative proceeding relating to the Property or the Appraisal.
6. The Report assumes (a) responsible ownership and competent management of the Property; (b) there are no hidden or unapparent conditions of the Property, subsoil or structures that render the Property more or less valuable (no responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them); (c) full compliance with all applicable federal, state and local zoning and environmental regulations and laws, unless noncompliance is stated, defined and considered in the Report; and (d) all required licenses, certificates of occupancy and other governmental consents have been or can be obtained and renewed for any use on which the value opinion contained in the Report is based.
7. The physical condition of the improvements considered by the Report is based on visual inspection by the Appraiser or other person identified in the Report. C&W assumes no responsibility for the soundness of structural components or for the condition of mechanical equipment, plumbing or electrical components.
8. The forecasted potential gross income referred to in the Report may be based on lease summaries provided by the owner or third parties. The Report assumes no responsibility for the authenticity or completeness of lease information provided by others. C&W recommends that legal advice be obtained regarding the interpretation of lease provisions and the contractual rights of parties.

9. The forecasts of income and expenses are not predictions of the future. Rather, they are the Appraiser's best opinions of current market thinking on future income and expenses. The Appraiser and C&W make no warranty or representation that these forecasts will materialize. The real estate market is constantly fluctuating and changing. It is not the Appraiser's task to predict or in any way warrant the conditions of a future real estate market; the Appraiser can only reflect what the investment community, as of the date of the Report, envisages for the future in terms of rental rates, expenses, and supply and demand.
10. Unless otherwise stated in the Report, the existence of potentially hazardous or toxic materials that may have been used in the construction or maintenance of the improvements or may be located at or about the Property was not considered in arriving at the opinion of value. These materials (such as formaldehyde foam insulation, asbestos insulation and other potentially hazardous materials) may adversely affect the value of the Property. The Appraisers are not qualified to detect such substances. C&W recommends that an environmental expert be employed to determine the impact of these matters on the opinion of value.
11. Unless otherwise stated in the Report, compliance with the requirements of the Americans with Disabilities Act of 1990 (ADA) has not been considered in arriving at the opinion of value. Failure to comply with the requirements of the ADA may adversely affect the value of the Property. C&W recommends that an expert in this field be employed to determine the compliance of the Property with the requirements of the ADA and the impact of these matters on the opinion of value.
12. If the Report is submitted to a lender or investor with the prior approval of C&W, such party should consider this Report as only one factor, together with its independent investment considerations and underwriting criteria, in its overall investment decision. Such lender or investor is specifically cautioned to understand all Extraordinary Assumptions and Hypothetical Conditions and the Assumptions and Limiting Conditions incorporated in this Report.
13. In the event of a claim against C&W or its affiliates or their respective officers or employees or the Appraisers in connection with or in any way relating to this Report or this engagement, the maximum damages recoverable shall be the amount of the monies actually collected by C&W or its affiliates for this Report and under no circumstances shall any claim for consequential damages be made.
14. If the Report is referred to or included in any offering material or prospectus, the Report shall be deemed referred to or included for informational purposes only and C&W, its employees and the Appraiser have no liability to such recipients. C&W disclaims any and all liability to any party other than the party that retained C&W to prepare the Report.
15. By use of this Report each party that uses this Report agrees to be bound by all of the Assumptions and Limiting Conditions, Hypothetical Conditions and Extraordinary Assumptions stated herein.

VIII. Glossary of Terms & Definitions

The following definitions of pertinent terms are taken from *Valuing Machinery and Equipment*, Third Edition, published by the American Society of Appraisers and from the *2020–2021 Uniform Standards of Professional Appraisal Practice* (USPAP) effective January 1, 2021 through December 31, 2022.

Acquisition Date

The effective purchase date of an asset.

Appraisal Date

The specific point in time as of which the valuator's opinion of value applies (also referred to as "Effective Date" or "Appraisal Date").

Appraisal

(noun) The act or process of developing an opinion of value; an opinion of value. (adjective) Of or pertaining to appraising and related functions such as appraisal practice or appraisal services. (USPAP page U-59).

Cost Approach

One of the three recognized approaches used in appraisal analysis. The appraiser starts with the current replacement cost new of the property being appraised and then deducts for the loss in value caused by physical deterioration, functional obsolescence, and economic obsolescence. The logic behind this approach is the principle of substitution; a prudent buyer will not pay more for a property than the cost of acquiring a substitute property of equivalent utility.

Income Approach

One of the three recognized approaches used in appraisal analysis. (This approach considers value in relation to the present worth of future benefits derived from ownership and is usually measured through the capitalization of a specific level of income.) The appraiser determines the present value of the future economic benefits of owning the property.

Intended Use

The use(s) of an appraiser's reported appraisal or appraisal review assignment results, as identified by the appraiser based on communication with the client at the time of the assignment (USPAP page U-132).

Intended User

The client and any other party as identified, by name or type, as users of the appraisal or appraisal review report by the appraiser, based on communication with the client at the time of the assignment. (USPAP page U-134).

Machinery and Equipment

The physical facilities available for production, including the installation and service facilities appurtenant, together with all other equipment designed for or necessary to its manufacturing and industrial purposes, regardless of method of installation, including all those items of furniture and fixtures necessary for the administration and proper operation of the enterprise.

Premise of Value

A statement identifying the assumptions, criteria or conditions surrounding the definition of value under which the appraisal estimate value is being determined.

Purpose of the Appraisal

A statement clearly identifying the value(s) to be estimated that are consistent with the intended use of the appraisal.

Report

Any communication, written or oral, of an appraisal or appraisal review that is transmitted to the client or a party authorized by the client upon completion of an assignment. (USPAP page U-164)

Sales Comparison Approach

This is one of the three recognized approaches used in appraisal analysis to lead to an indication of the most probable selling price of a property (also known as the market approach). This approach involves the comparison of comparable recent sales (or offerings) of similar assets to the subject. If the comparable sales are not exactly like the subject, adjustments must be made to the price of the comparable sales (or offerings) to make the comparables reflect the subject property.

Scope of Work

The type and extent of research and analyses in an appraisal or appraisal review assignment (USPAP page U-166).

Signature

Personalized evidence indicating authentication of the work performed by the appraiser and the acceptance of the responsibility for content, analyses, and the conclusions in the report (USPAP page U-167).

Standard of Value

The identification of the type of value being used in a specific engagement; e.g. fair market value, fair value, investment value, liquidation value, insurable value, et al.

Uniform Standards of Professional Appraisal Practice (USPAP)

A set of professional appraisal standards established by the Appraisal Standards Board of the Appraisal Foundation. Developed in 1986–87 by the Ad Hoc Committee on Uniform Standards, they have been adopted by major appraisal organizations and federal agencies in North America and are generally recognized as the accepted standards of appraisal practice.

IX. Qualifications



J. Fernando Sosa, ASA, MRICS

Director, Valuation & Advisory
Practice Group Member | Machinery & Equipment
Cushman & Wakefield, Inc.

Professional Expertise

J. Fernando Sosa, ASA, MRICS, is a Director in the Machinery & Equipment (“M&E”) Valuation & Advisory practice for Cushman & Wakefield. Fernando is an Accredited Senior Appraiser (“ASA”) designated in the discipline of Machinery and Technical Specialties with the American Society of Appraisers and a Member of the Royal Institution of Chartered Surveyors (“MRICS”). With 22 years of experience, Fernando specializes in appraisals of tangible assets in both domestic and international valuation projects. These appraisals are performed for a variety of purposes, including asset based financing, purchase price allocations, cost segregation, insurance purposes, personal property tax appraisals, federal tax compliance, managing and financial reporting, mergers and acquisitions, feasibility study, and litigation support. Fernando is fluent in Spanish and has performed appraisals for clients throughout the United States and for multinational clients in England, Spain, México, Panamá, Dominican Republic, Chile, El Salvador, Colombia, and Puerto Rico. Fernando specializes in the following industries:

- Aviation;
- Construction Equipment;
- Power Generation (Renewable / Traditional Fuels);
- Entertainment;
- Food Processing;
- Hotel;
- Manufacturing;
- Medical Imaging;
- Plastic Injection Molding;
- Retail;
- Semiconductor;
- Steel Reprocessing;
- Streetlights;
- Transportation;
- Waste Collection and Recycle, and;
- Water / Wastewater Treatment Plants.

Memberships, Licenses, Professional Affiliations and Education

- Member at Large – Machinery & Technical Specialties Discipline: International American Society of Appraisers 2021 – Present

- Accredited Senior Appraiser in Machinery and Technical Specialties, American Society of Appraisers
 - 1st Vice President – Chicago Chapter 2021 - 2022
 - Secretary – Chicago Chapter 2020 - 2021
 - Treasurer – Chicago Chapter 2019 - 2020
 - Public relations secretary – Chicago Chapter 2017, 2018, 2019
- Chairman of the Personal Property Committee – Greater Miami Chapter #46, 2012-2013
- Member of the Royal Institution of Chartered Surveyors
- Bachelor of Science, Finance, Southeastern Louisiana University

Publications

- *Appraising Power Generation Assets for Personal Property Tax*, American Society of Appraisers, 2022
- “Poster Presentation – Solar Repowering”, SPI International Conference – September 2019
- *Solar Repowering – Qualifying for the IRS 80/20 ITC Credit*, 2019
- *The Scary Truth About Ghost Assets*, American Society of Appraisers, 2014
- *Why Net Book Value does not equal Fair Value*, American Society of Appraisers, 2017
- “Ask the Experts,” International Association of Assessing Officers, Indianapolis

Speaking Engagements

- “Appraising Power Generation Assets for Personal Property Tax”, American Society of Appraiser, Business Valuation and International Appraisers Conference, October 2021
- “Anatomy of an Appraisal”, EUCI Renewable Energy Appraisals and Cost Segregation – November 2020
- “Accounting for Differences in Project Development Stage”, EUCI Renewable Energy Appraisals and Cost Segregation – November 2020
- “Appraisal of Renewable Energy”, Reuters, Wind Operations Dallas – July 2020
- “Market Update – Renewable Energy”, ASA International Appraisers Conference – August 2019
- “Two Wild and Crazy Guys Talk About Insurance Appraisal”, ASA International Appraisers Conference – August 2019
- “Financial Modeling for Wind Repowering Analysis”, EUCI, Wind Repower & Retrofit Due Diligence Summit – February, April, August 2019.
- “Appraising Solar and Wind Assets for Insurable Values”, PERse, 3rd Annual Renewable Energy Summit – October 2018.
- “Key Tax Considerations & Financial Modeling for Wind Repowering Analysis, presented at the EUCI conference – August 2018

- “Appraising Solar Power Installations”, presented to the American Society of Appraisers Milwaukee, Wisconsin Chapter – March, 2018.
- “Introduction to Repowering Wind Turbines”, Renewable Energy Round Table Co-Hosted with Nixon Peabody – April 2017.
- “Factors to Consider when Appraising Wind Turbines”, presented to the American Society of Appraisers Milwaukee, Wisconsin Chapter – June 2017.
- “The Scary Truth About Ghost Assets” Present to:
 - NAPTR-TEC Annual Conference – October, 2018
 - ASA Milwaukee Chapter – October, 2018
 - Associated Corporate Growth (“ACG”) – January, 2017
 - Financial Managers Learning Forum (“FMLF”) – June, 2016
 - New Jersey Manufacturing Extension Program (NJMEP) – October, 2016
- “Insurable Value of Renewable Energy Projects”, presented at the PERse Annual Renewable Energy Conference - October 2015.
- “What is Fixed Asset Management and Why is this Beneficial to Your Clients”, presented internally to Manufacturing, Wholesale, and Distribution practice of CohnReznick – June, 2015
- “The Benefits of Performing Personal Property Tax Appraisals for Asset Intensive Businesses”, presented internally to State and Local Tax Group of CohnReznick – April, 2014
- President Elect Danilo Medina, Dominican Republic, for the development of 1,200 MW coal fired power generation station to be built in four stages over a period of six years concerning the Alpha I Power Project – July 2012

Testimony Experience

- Testified in Joliet, Illinois to the Will County Property Tax Appeal Board in December 2019 regarding a simple cycle natural gas power generation station.
- Testified in deposition of Northwest Eye Institution (Outpatient Eye Surgical Centre) in December 2019 regarding shareholders dispute.
- Testified in Springfield, Illinois to the Property Tax Appeal Board in, 2018 regarding a combined cycle natural gas power generation station.
- Superior Court of California, County of Shasta – Testified in a deposition as an expert witness in 2017 regarding property loss related to a bio-mass power generation station.
- 269th District Court of Harris County, Texas – Testified as an expert witness in 2016 regarding a civil litigation regarding wind turbine assets.
- State of Wisconsin Circuit Court Kewaunee County – Testified as an expert witness in 2016 regarding a personal property tax case related to the Kewaunee Nuclear Power Generation Station.
- United States District Court for the District of Colorado – Testified in a deposition as an expert witness in 2015 regarding a default on a dredge boat.