



Filing Receipt

Received - 2022-12-06 11:49:07 AM

Control Number - 52739

ItemNumber - 47

DOCKET NO. 52739

PETITION BY SATER, LP TO AMEND	§	PUBLIC UTILITY COMMISSION
MARILEE SPECIAL UTILITY	§	
DISTRICT’S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

**MARILEE SPECIAL UTILITY DISTRICT’S
EVIDENCE OF RECORDING**

COMES NOW, Marilee Special Utility District (the “District”), and files this Evidence of Recording to reflect that the District has satisfied the requirements established by Ordering Paragraph 6 of the Order entered by the Commissioners of the Public Utility Commission of Texas (the “Commission”) on October 20, 2022. In support thereof, the District would respectfully show the following:

Proof of Recording

On October 20, 2022, the Commission issued the final Order in this docket, which required the District, as the CCN holder, file proof of compliance with the recording requirements in Texas Water Code (“TWC”) §§ 13.257(r) and (s).¹ TWC § 13.257(r) provides:

A utility service provider shall:

- (1) record in the real property records of each county in which the service area or a portion of the service area is located a certified copy of the map of the certificate of public convenience and necessity and of any amendment to the certificate as contained in the utility commission's records, and a boundary description of the service area by:
 - (A) a metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor;
 - (B) the Texas State Plane Coordinate System;
 - (C) verifiable landmarks, including a road, creek, or railroad line; or

¹ Order (Ordering Paragraph 6) (October 20, 2022).

(D) if a recorded plat of the area exists, lot and block number; and

(2) submit to the utility commission evidence of the recording.²

TWC § 13.257(s) provides:

Each county shall accept and file in its real property records a utility service provider’s map presented to the county clerk under this section if the map meets filing requirements, does not exceed 11 inches by 17 inches in size, and is accompanied by the appropriate fee. The recording required by this section must be completed not later than the 31st day after the date a utility service provider receives a final order from the utility commission granting an application for a new certificate or for an amendment to a certificate that results in a change in the utility service provider's service area.³

Pursuant to TWC §§ 13.257(r) and (s), the District recorded the following documents, attached as “**Exhibit A**,” on November 23, 2022, in the real property records of Collin County, Texas:

- Affidavit of John J. Carlton, dated November 11, 2022;
- Map of the District’s amended Certificate of Convenience and Necessity (“CCN”) No. 10150 as included in the Order;⁴
- The District’s CCN Certificate as included in the Order;⁵
- Metes and bounds description of area decertified from the District’s CCN as included in the Second Amended Petition.⁶

Conclusion

By filing the proof of recording as described herein, the District satisfied the requirements of Texas Water Code § 13.257(r) and (s), and Ordering Paragraph 6 of the Commission’s Order.

² TWC § 13.257(r).


³ TWC § 13.257(s).

⁴ Order at 8.

⁵ *Id.* at 9.

⁶ Second Amended Petition by Sater, LP for Expedited Release Pursuant to Texas Water Code Section 13.2541, at Exhibit B-2 (March 22, 2022).

Respectfully submitted,

By: 

John J. Carlton
State Bar No. 03817600
The Carlton Law Firm P.L.L.C.
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
(512) 614-0901
Fax (512) 900-2855
john@carltonlawaustin.com

ATTORNEYS FOR MARILEE SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 5th day of December 2022.



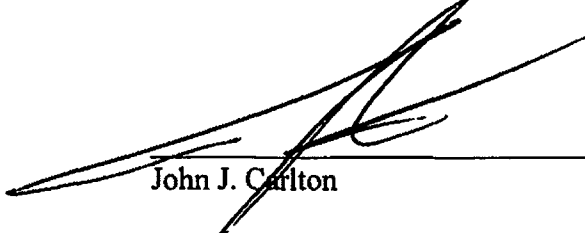
John J. Carlton

PUC REQUIRED BOUNDARY DESCRIPTION

**Marilee Special Utility District; Portion of Water Service Area CCN. 10150;
PUC Docket 52739 – Petition of SATER, LP to Amend Marilee Special Utility District’s
Certificate of Convenience and Necessity in Collin County by Expedited Release**

Pursuant to Texas Water Code § 13.257, Mustang Special Utility District, Successor to Marilee Special Utility District (the “District”), holder of Certificate of Convenience and Necessity No. 10150, hereby files this Boundary Description for the portion of the District’s CCN No. 10150 that was released by the Public Utility Commission of Texas (“PUC”) in a written order in Docket No. 52739. The portion of the District’s CCN that was released is described on the attached metes and bounds. The portion of the District’s CCN that was released is further depicted in the attached map prepared by the PUC.

The Boundary Description is being filed on behalf of and at the request and instruction of the District based upon information and belief. The District specifically authorizes the filing and recording of this Boundary Description to comply with Texas Water Code § 13.257 and its associated rules and regulations.



John J. Carlton

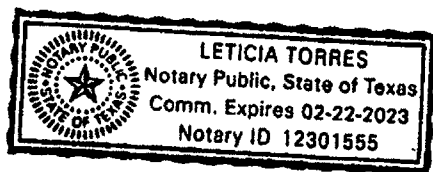
STATE OF TEXAS

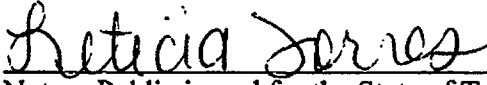
§
§
§

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this date personally appeared John J. Carlton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes therein described.

Given under my hand and seal of this office on this day, November 11, 2022





Notary Public in and for the State of Texas

After recording, please return to:
The Carlton Firm, PLLC
4301 Westbank Drive, Suite B-130
Austin, Texas 78746



Public Utility Commission of Texas

By These Presents Be It Known To All That

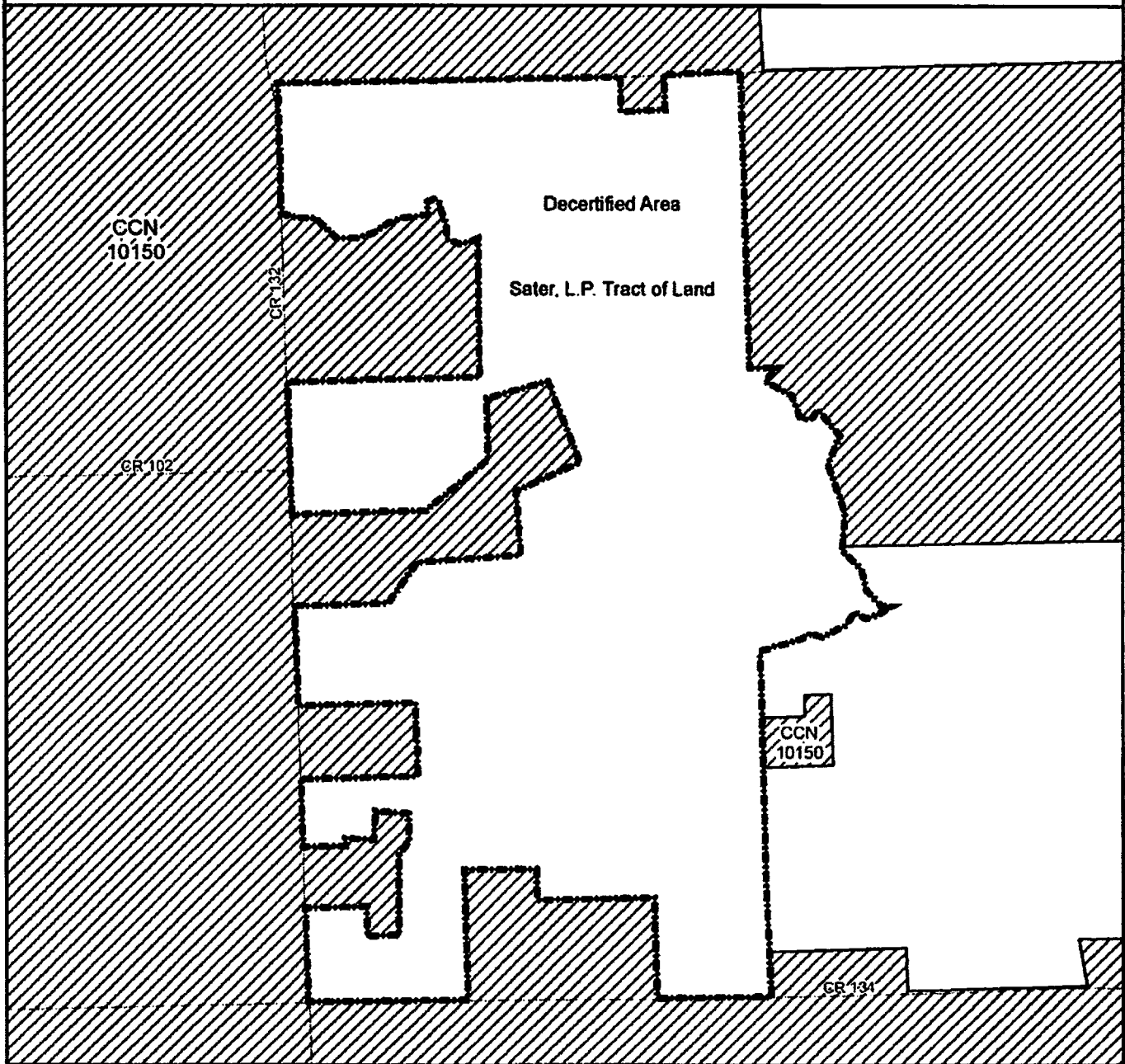
Marilee Special Utility District

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, Marilee Special Utility District is entitled to this


Certificate of Convenience and Necessity No. 10150



to provide continuous and adequate water utility service to that service area or those service areas in Collin and Grayson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No 52739 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 Marilee Special Utility District 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.

Marilee Special Utility District
Portion of Water CCN No. 10150
PUC Docket No. 52739
Petition by Sater, L.P. to Amend
Marilee Special Utility District's CCN by Streamlined Expedited Release in Collin County



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

Water CCN
 10150 - Marilee SUD

 Decertified Area
 Tract of Land

0 400 800
Feet



Map by: Komal Patel
Date: June 28, 2022
Project: 52739MarileeSUDUpdated.mxd

BEING a tract of land situated in the Jonas Whitaker Survey, Abstract No. 962, the B. E. Blackwell Survey, Abstract No. 93, and the B.B.B. & C. Railroad Survey, Abstract No. 129, Collin County, Texas, and being a part of a called 192.24 acre tract described in a Special Warranty Deed to Sater, L.P., recorded in Volume 4124, Page 279 of the Land Records of Collin County, Texas, part of a called 39.516 acre tract described in a Special Warranty Deed with Vendor's Lien to Sater, L.P., recorded in Instrument No. 20160104000000310 of the Official Public Records of Collin County, Texas, part of a called 52.399 acre tract described in a Warranty Deed with Vendor's Lien to Sater, L.P., recorded in Instrument No. 20190402000347490 of said Official Public Records, and part of a called 38.730 acre tract described in a Warranty Deed to Sater L.P., recorded in Instrument No. 20140423000391910 of said Official Public Records, and being more particularly described as follows:

BEGINNING at the most northerly northwest corner of said 192.24 acre tract, being in the south line of Whispering Meadows, an addition to Collin County as recorded in Volume F, Page 9 of the Map Records of Collin County, Texas, said corner being at the approximate centerline intersection of County Road No. 132 and County Road No. 135;

THENCE North 89°34'03" East, along the north line of said 192.24 acre tract, the south line of said Whispering Meadows, the south line of a called 28.83 acre tract, described in a Warranty Deed with Vendor's Lien to Brian Berry, recorded in County Clerk's File No. 96-0009856 of said Land Records, and with the approximate centerline of said County Road No. 135, a distance of 1,962.92 feet to the most northerly northeast corner of said 192.24 acre tract and the northwest corner of the aforementioned 39.516 acre tract;

THENCE South 00°55'09" East, departing the centerline of said County Road No. 135, along the east line of said 129.24 acre tract and the west line of said 39.516 acre tract, a distance of 199.95 feet to a point for corner;

THENCE North 88°07'17" East, departing the east line of said 129.24 acre tract and the west line of said 39.516 acre tract, crossing said 39.516 acre tract, a distance of 247.77 feet to a point for corner;

THENCE North 00°55'09" West, continuing across said 39.516 acre tract, a distance of 199.94 feet to a point for corner on the south line of said 28.83 acre tract, the north line of said 39.516 acre tract, and the approximate centerline of said County Road No. 135.;

THENCE North 88°07'17" East, along the south line of said 28.83 acre tract, the north line of said 39.516 acre tract, and with the approximate centerline of said County Road No. 135, a distance of 194.97 feet to the southeast corner of said 28.83 acre tract and the southwest corner of Tract 1, called 50.668 acres, described in a Warranty Deed with Vendor's Lien to Timothy Earl Berry, recorded in Volume 1831, Page 176 of said Land Records;

THENCE North 88°05'53" East, continuing along the north line of said 39.516 acre tract, the south line of said 50.668 acre tract, and with the approximate centerline of said County Road No. 135, a distance of 246.70 feet to the northeast corner of said 39.516 acre tract a distance of 246.70 feet to a point for corner;

THENCE South 00°58'58" East, departing the south line of said 50.668 acre tract and the approximate centerline of said County Road No. 135, and along the east line of said 39.516 acre tract and the west lines of Tract 1, called 15.000 acres, and Tract 2, called 17.317 acres, described in a Warranty Deed with Vendor's Lien to Robert Wayne Bishop, et ux, recorded in Volume 3925,

Page 603 of said Land Records, a distance of 1,693.76 feet to the southwest corner of said 17.317 acre tract and the most easterly northwest corner of the aforementioned 192.24 acre tract;

THENCE North 89°14'31" East, departing the east line of said 50.668 acre tract, and along the north line of said 192.24 acre tract and south line of said 17.317 acre tract, a distance of 155.82 feet to the approximate centerline of a creek;

THENCE, with the east line of said 192.24 acre tract and with the meanders of the centerline of said creek, the following courses and distances:

- South 42°07'30" West, a distance of 103.18 feet to a point for corner;
- South 61°22'28" East, a distance of 174.15 feet to a point for corner;
- South 19°34'45" East, a distance of 127.02 feet to a point for corner;
- South 49°02'56" East, a distance of 25.08 feet to a point for corner;
- North 81°03'46" East, a distance of 53.54 feet to a point for corner;
- North 37°45'47" East, a distance of 59.54 feet to a point for corner;
- South 38°13'24" East, a distance of 194.42 feet to a point for corner;
- South 24°08'51" West, a distance of 175.04 feet to a point for corner;
- South 19°50'44" East, a distance of 191.52 feet to a point for corner;
- South 15°54'15" East, a distance of 114.66 feet to a point for corner;
- South 06°47'03" West, a distance of 186.19 feet to a point for corner;
- South 22°41'42" East, a distance of 26.90 feet to a point for corner;
- South 44°25'42" East, a distance of 142.30 feet to a point for corner;
- South 10°23'42" East, a distance of 116.00 feet to a point for corner;
- South 42°38'42" East, a distance of 132.00 feet to a point for corner;
- South 85°47'42" East, a distance of 55.00 feet to a point for corner;
- South 58°42'43" West, a distance of 85.89 feet to a point for corner;
- South 74°22'28" West, a distance of 76.14 feet to a point for corner;
- North 60°05'58" West, a distance of 71.10 feet to a point for corner;
- South 36°23'53" West, a distance of 94.34 feet to a point for corner;
- South 64°52'50" West, a distance of 145.32 feet to a point for corner;

North 70°54'27" West, a distance of 68.86 feet to a point for corner;

South 57°37'04" West, a distance of 53.54 feet to a point for corner;

South 72°31'19" West, a distance of 118.98 feet to a point for corner;

North 89°47'03" West, a distance of 44.28 feet to a point for corner;

South 61°01'11" West, a distance of 37.95 feet to a point for corner;

South 74°16'02" West, a distance of 57.88 feet to an ell corner of said 192.24 acre tract and the northwest corner of a Tract 1, a called 145.520 acre tract, described in Special Warranty Deed to Sater L.P., recorded in Instrument No. 20211217002551220 of said Official Public Records;

THENCE South 01°04'36" East, departing the approximate centerline of said creek, and along the east line of said 192.24 acre tract and west line of said Tract 1, a called 145.520 acre tract, a distance of 238.34 feet to the southwest corner of said 192.24 acre tract and the northeast corner of the aforementioned 52.399 acre tract;

THENCE, along the east line of said 52.399 acre tract and west line of said Tract 1, a called 145.520 acre tract, the following courses and distances:

South 00°41'28" East, a distance of 1,155.97 feet;

South 01°50'55" East, a distance of 589.47 feet to southeast corner of said 52.399 acre tract and the southwest corner of said Tract 1, a called 145.520 acre tract, said corner being in the north line Tract Two, called 1.149 acres, as described in a General Warranty Deed with Vendor's Lien to Michael E. Hebert, recorded in Instrument No. 20070525000711650 of said Official Public Records, said corner also being in the approximate centerline of County Road No. 134;

THENCE North 89°54'11" West, along the south line of said 52.399 acre tract, the north line of said 1.149 acre tract, the north line of Tract One, called 13.851 acres, described in a General Warranty Deed with Vendor's Lien to Michael E. Hebert, recorded in Instrument No. 20070525000711650 of said Official Public Records, and with the approximate centerline of said County Road No. 134, a distance of 658.07 feet to a point for corner;

THENCE North 00°35'14" West, departing the south line of said 52.399 acre tract, the north line of said 13.851 acre tract, and the approximate centerline of said County Road No. 134, over and across said 52.399 acre tract, a distance of 577.48 feet to a point for corner;

THENCE South 89°24'46" West, continuing across said 52.399 acre tract, a distance of 667.64 feet to a point for corner on the west line of said 52.399 acre tract, same being on the east line of that tract of land described in a Warranty Deed to Charles K. Barnes, et ux, recorded in Volume 4424, Page 1676 of said Land Records;

THENCE North 00°57'29" West, along the west line of said 52.399 acre tract and east line of said Barnes tract, a distance of 177.04 feet to the northeast corner of said Barnes tract and the most easterly southeast corner of the aforementioned 38.730 acre tract;

THENCE North 89°23'38" West, departing the west line of said 52.399 acre tract, and along the north line of said Barnes tract and the most easterly south line of said 38.730 acre tract, a distance of 415.11 feet to an ell corner of said 38.730 acre tract and the northwest corner of said Barnes tract;

THENCE South 00°57'36" East, along the most westerly east line of said 38.730 acre tract and the west line of said Barnes tract, a distance of 750.00 feet to the most southerly southeast corner of said 38.730 acre tract and the southwest corner of said Barnes tract, said corner being in the north line of said 52.753 acre tract and the approximate centerline of said County Road No. 134;

THENCE North 89°54'15" West, along the most southerly south line of said 38.730 acre tract, the north line of said 52.753 acre tract, the north line of Steeplechase Farms, Phase 1, an addition to Collin County as recorded in Volume O, Page 102 of said Map Records, and with the approximate centerline of said County Road No. 134, a distance of 913.02 feet to the southwest corner of said 38.730 acre tract, the northwest corner of said Steeplechase Farms, Phase 1, the northeast corner of a called 21.6826 acre tract described in a Special Warranty Deed to Van Nichols Family Limited Partnership, recorded in Instrument No. 20080327000364470 of said Official Public Records, and the southeast corner of a called 252.69 acre tract described in a Warranty Deed to Four Winds Enterprises, LTD, recorded in Volume 5593, Page 3200 of said Land Records, said corner being at the intersection of the approximate centerline of said County Road No. 134 and the aforementioned County Road No. 132;

THENCE North 01°10'12" West, departing the approximate centerline of said County Road No. 134, and along the most westerly west line of said 38.730 acre tract, the east line of said 252.69 acre tract, and with the approximate centerline of said County Road No. 132, a distance of 539.37 feet;

THENCE, departing the most westerly west line of said 38.730 acre tract, the east line of said 252.69 acre tract, and the approximate centerline of said County Road No. 132, over and across said 38.730 acre tract, the following courses and distances:

North 89°20'35" East, a distance of 350.26 feet to a point for corner;

South 01°09'46" East, a distance of 170.55 feet to a point for corner;

North 88°24'09" East, a distance of 180.26 feet to a point for corner;

North 00°41'45" East, a distance of 456.55 feet to a point for corner;

North 35°02'44" East, a distance of 105.47 feet to a point for corner;

North 01°03'37" West, a distance of 154.32 feet to a point for corner;

North 85°55'02" West, a distance of 188.41 feet to a point for corner;

South 04°25'46" West, a distance of 163.96 feet to a point for corner;

North 85°45'22" West, a distance of 161.46 feet to a point for corner;

South 03°28'22" West, a distance of 44.97 feet to a point for corner;

South 89°20'35" West, a distance of 240.73 feet to a point for corner;

THENCE North 01°17'55" West, along the most westerly west line of said 38.730 acre tract, the east line of said 252.69 acre tract, and with the approximate centerline of said County Road No. 132, a distance of 390.76 feet to the most westerly northwest corner of said 38.730 acre tract and the southwest corner of a called 6.498 acre tract described in a Deed Without Warranty to Simms Family Trust, Dated May 17, 2017, recorded in Instrument No. 20170530000690400 of said Official Public Records;

THENCE North 89°09'48" East, departing the approximate centerline of said County Road No. 132, and along the most southerly north line of said 38.730 acre tract and the south line of said 6.498 acre tract, a distance of 670.29 feet to an ell corner of said 38.730 acre tract and the southeast corner of said 6.498 acre tract;

THENCE North 00°55'10" West, along the most northerly west line of said 38.730 acre tract and the east line of said 6.498 acre tract, a distance of 421.47 feet to the most northerly northwest corner of said 38.730 acre tract and the northeast corner of said 6.498 acre tract, said corner being in the south line of the aforementioned 192.24 acre tract;

THENCE South 89°09'46" West, along the north line of said 6.498 acre tract and the south line of said 192.24 acre tract, a distance of 672.90 feet to the southwest corner of said 192.24 acre tract and the northwest corner of said 6.498 acre tract, said corner being in the east line of the aforementioned 252.69 acre tract and being in the approximate centerline of said County Road No. 132;

THENCE North 01°04'55" West, along the west line of said 192.24 acre tract and east line of said 252.69 acre tract, and with the approximate centerline of said County Road No. 132, a distance of 567.72 feet;

THENCE, departing the west line of said 192.24 acre tract, the east line of said 252.69 acre tract, and the approximate centerline of said County Road No. 132, over and across said 192.24 acre tract the following courses and distances:

North 88°55'05" East, a distance of 537.72 feet to a point for corner;

North 35°48'59" East, a distance of 284.39 feet to a point for corner;

North 86°40'02" East, a distance of 596.30 feet to a point for corner;

North 03°19'58" West, a distance of 366.01 feet to a point for corner;

North 66°41'33" East, a distance of 401.82 feet to a point for corner;

North 20°51'47" West, a distance of 492.19 feet to a point for corner;

South 75°45'25" West, a distance of 366.99 feet to a point for corner;

South 00°53'47" East, a distance of 346.99 feet to a point for corner;

South 51°44'38" West, a distance of 459.10 feet to a point for corner;

South 88°55'05" West, a distance of 771.05 feet to a point in the west line of said 192.24 acre tract, east line of said 252.69 acre tract, and the approximate centerline of said County Road No. 132;

THENCE North 01°04'55" West, , along the west line of said 192.24 acre tract, east line of said 252.69 acre tract, the east line of a called 89.790 acre tract described in a Special Warranty Deed to Doan's Crossing Ranch, LP, recorded in Instrument No. 20190517000555400 of said Official Public Records, and with the approximate centerline of said County Road No. 132, a distance of 750.62 feet to the southwest corner of a called 22.795 acre tract described in a Special Warranty Deed to Van and Kathy Nichols, recorded in Volume 4963, Page 852 of said Land Records;

THENCE North 89°06'20" East, departing the west line of said 192.24 acre tract, the east line of said 89.790 acre tract, and the approximate centerline of said County Road No. 132, and along the south line of said 22.795 acre tract, a distance of 1,103.02 feet to the southeast corner of said 22.795 acre tract;

THENCE North 00°07'05" East, along the east line of said 22.795 acre tract, a distance of 791.68 feet to the northeast corner of said 22.795 acre tract, said corner being in the approximate centerline of a creek;

THENCE, along the north line of said 22.795 acre tract and with the meanders of the centerline of said creek, the following courses and distances:

South 64°14'51" West, a distance of 33.23 feet;

South 79°55'40" West, a distance of 82.59 feet;

North 65°32'06" West, a distance of 74.04 feet;

North 01°10'01" East, a distance of 76.80 feet;

North 20°18'29" West, a distance of 96.19 feet;

North 08°11'43" East, a distance of 21.51 feet;

North 34°59'27" West, a distance of 36.50 feet;

North 74°08'21" West, a distance of 20.87 feet;

South 69°36'30" West, a distance of 41.13 feet;

South 03°44'00" East, a distance of 71.27 feet;

South 81°30'19" West, a distance of 72.74 feet;

South 84°52'53" West, a distance of 74.24 feet;

South 69°50'32" West, a distance of 94.88 feet;

South 56°52'17" West, a distance of 102.04 feet;

South 76°16'12" West, a distance of 87.30 feet;

South 89°18'20" West, a distance of 119.40 feet;

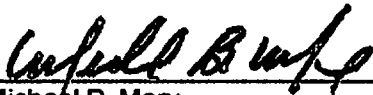
North 46°51'57" West, a distance of 168.63 feet;

North 88°32'34" West, a distance of 93.92 feet;

North 77°14'08" West, a distance of 101.31 feet to the northwest corner of said 22.795 acre tract, said corner being in the east line of the aforementioned 89.790 acre tract and the approximate centerline of said County Road No. 132;

THENCE North 01°04'55" West, along the west line of said 192.24 acre tract, the east line of said 89.790 acre tract, and with the approximate centerline of said County Road No. 132, a distance of 741.67 feet to the **POINT OF BEGINNING** and containing 265.50 acres of land, more or less.

This document was prepared under 22 TAC §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Pkwy., Suite 210
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com





VG-58-2022-2022000168449

Collin County
Honorable Stacey Kemp
Collin County Clerk

Instrument Number: 2022000168449

Real Property

MISCELLANEOUS

Recorded On: November 23, 2022 09:02 AM

Number of Pages: 11

" Examined and Charged as Follows: "

Total Recording: \$62.00

******* 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: 2022000168449
Receipt Number: 20221123000093
Recorded Date/Time: November 23, 2022 09:02 AM
User: Kacy M
Station: Station 8

Record and Return To:

THE CARLTON LAW FIRM
4301 WESTBANK DR #B130
AUSTIN TX 78746



STATE OF TEXAS
Collin County

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 Public Records of Collin County, Texas

Honorable Stacey Kemp
Collin County Clerk
Collin County, TX