



Filing Receipt

Received - 2022-04-08 02:31:29 PM
Control Number - 52774
ItemNumber - 12

PUC DOCKET NO. 52774

PETITION OF MCCART ST, LLC	§	BEFORE THE PUBLIC UTILITY
TO AMEND CITY OF DENTON’S	§	COMMISSION OF TEXAS
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN DENTON	§	
COUNTY BY	§	
EXPEDITED RELEASE	§	

EVIDENCE OF RECORDING

COMES NOW, McCart St, LLC (“Petitioner”) by and through its undersigned attorneys of record, and files this Evidence of Recording. In support thereof, Petitioner would respectfully show the following:

On October 29, 2021, Petitioner filed with the Public Utility Commission (“Commission”) a Petition to Amend City of Denton’s (“Denton”) Water and Sewer Certificates of Convenience and Necessity (“CCN”) No. 10195 (Water) and 20072 (Sewer) in Denton County by Streamlined Expedited Release in this docket (“Petition”). The Petition sought the release of an approximately 251-acre tract in Denton County Texas.

By Order No. 4 in this docket (issued February 17, 2022), the Commission released the tract of land from Denton’s certificated service areas. In addition, the Commission amended Denton’s CCN numbers 10195 and 20072 to reflect the removal of the tract of land from the service areas. Under Texas Water Code § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificates and maps, along with boundary descriptions of the service areas, in the real property records of [Denton] County no later than the 31st day after the date the CCN holder received the Order. To the best of Petitioner’s knowledge, such filing was not made within the required timeframe. Order No. 4 directed Denton to file in this docket proof of the recording required in Texas Water Code § 13.257(r) and (s) within 45 days of the date of Order No. 4. Petitioner is unaware of any such filing being made within the required timeframe.

Therefore, Petitioner has preemptively recorded the amended CCN certificate, map, and boundary description with Denton County. Petitioner hereby submits this Evidence of Recording.

Pursuant to Order No. 4 in this Docket, Petitioner hereby submits the evidence of recording attached hereto and incorporated herein for all purposes as Attachment A, which contains the certified copies of the approved certificates and maps, along with boundary descriptions of the service areas, in the real property records of Denton County. These documents were recorded as Document No. 52244 on April 7, 2022 in the Denton County Records.

Dated: April 8, 2022

Respectfully submitted,

/s/ David Tuckfield

ANDY BARRETT & ASSOCIATES, PLLC

Andrew N. Barrett
State Bar No. 01808900
3300 Bee Cave Road, Suite 650 #189
Austin, Texas 78746
512-600-3800
512-330-0499 FAX

THE LAW OFFICE OF DAVID J. TUCKFIELD, PLLC

David J. Tuckfield
State Bar No. 00795996
12400 Highway 71 West
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(512) 576-2481
(512) 366-9949 Facsimile
david@allawgp.com

**ATTORNEYS FOR PETITIONER
MCCART ST, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served on this the 8th day of April, 2022 as follows:

Electronic Delivery:

R. Floyd Walker
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7261
(512) 936-7268 (facsimile)
floyd.walker@puc.texas.gov

By First Class Mail

The City of Denton
901-A Texas Street
Denton, TX 76209

/s/ David Tuckfield
David J. Tuckfield

ATTACHMENT A

**Denton County
Juli Luke
County Clerk**

Instrument Number: 52244

ERecordings-RP

AFFIDAVIT

Recorded On: April 07, 2022 03:53 PM

Number of Pages: 12

" Examined and Charged as Follows: "

Total Recording: \$70.00

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

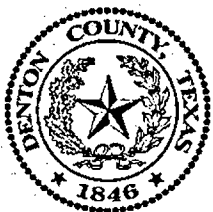
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 52244
Receipt Number: 20220407000386
Recorded Date/Time: April 07, 2022 03:53 PM
User: Angie Z
Station: Station 38

Record and Return To:

Simplifile



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

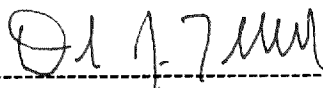
AFFIDAVIT OF BOUNDARY DESCRIPTION
OF AMENDED WATER SERVICE
AREA FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
NUMBERS 10195 (WATER) and 20072 (SEWER)
THE CITY OF DENTON
PUC DOCKET NO. 52744

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“I, David J. Tuckfield, being duly sworn, file this form as attorney for Petitioner in Public Utilities Commission of Texas Docket No. 52744; that in such capacity, I verify such form, and that all such statements made and matters set forth herein are true and correct, to the best of my knowledge and belief.

I am personally familiar with the boundary description of the service areas set out in the approved Certificate of Convenience and Necessity (“CCN”) and map for *water and sewer service* which has been *removed from* CCN Nos. 10195 and 20072 in Denton County, Texas, which amended area was approved by the Public Utility Commission of Texas (“PUCT”) on February 17, 2022 and is described in the metes and bounds description and survey map attached as Exhibit A.

Certified copies of the PUCT revised CCN map segment, showing the removed CCN areas, are additionally attached to this affidavit in Exhibit B.”



David J. Tuckfield

Subscribed and sworn to before me by David J. Tuckfield, in my capacity as Special Counsel to the City of Dripping Springs, on this 7th day of April, 2022 to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas

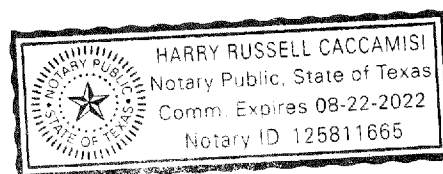


EXHIBIT A

EXHIBIT A

PAGE 1 OF 4

38049
04/13/2020

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE P.L. LANKFORD SURVEY, ABSTRACT NUMBER 733, T. POLK SURVEY, ABSTRACT NUMBER 998, WM. STONEHAM SURVEY, ABSTRACT NUMBER 1145, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED 298.204 ACRE TRACT, DESCRIBED IN A DEED TO MCCART ST. LLC, RECORDED UNDER COUNTY CLERK'S INSTRUMENT FILE NUMBER 2018-5215, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN FOUND AT THE SOUTHEAST CORNER OF SAID 298.204 ACRE TRACT AND THE NORTHEAST CORNER OF A CALLED 1.21 ACRE TRACT DESCRIBED IN A DEED TO LEOBARDO SANCHEZ, ET UX, RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2011-37735, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID PIN ALSO BEING ON THE WEST LINE OF RADECKE ROAD;

THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS WEST WITH A SOUTH LINE OF SAID 298.204 ACRE TRACT, A DISTANCE OF 3494.15 FEET TO A POINT ON THE WEST LINE OF SAID 298.204 AND THE EAST LINE OF THE EAST LINE OF G C & SF RAILROAD RIGHT-OF-WAY;

THENCE NORTH 10 DEGREES 16 MINUTES 57 SECONDS EAST WITH THE WEST LINE OF SAID 298.204 ACRE TRACT EAST RIGHT-OF-WAY OF SAID RAILROAD, A DISTANCE OF 2629.89 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND ON THE EAST RIGHT-OF-WAY OF SAID RAIL ROAD AND BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 11 DEGREES 44 MINUTES 00 SECONDS, A RADIUS OF 2789.79 FEET, AN ARC LENGTH OF 571.30 FEET, AND A CHORD BEARING NORTH 16 DEGREES 08 MINUTES 57 SECONDS EAST, A DISTANCE OF 570.30 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND ON THE WEST LINE OF SAID 298.204 ACRE TRACT AND THE EAST RIGHT-OF-WAY OF SAID RAILROAD;

THENCE NORTH 22 DEGREES 00 MINUTES 57 SECONDS EAST WITH THE WEST LINE OF SAID 298.204 ACRE TRACT AND THE EAST RIGHT-OF-WAY OF SAID RAILROAD, A DISTANCE OF 429.23 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND AT THE NORTHWEST CORNER OF SAID TRACT THREE AND THE EAST RIGHT-OF-WAY OF SAID RAILROAD;

THENCE SOUTH 89 DEGREES 27 MINUTES 56 SECONDS EAST WITH THE NORTH LINE OF SAID 298.204 ACRE TRACT, A DISTANCE OF 26.87 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND ON THE NORTH LINE OF SAID 298.204 ACRE TRACT;

THENCE SOUTH 89 DEGREES 27 MINUTES 56 SECONDS EAST WITH THE NORTH LINE OF SAID 298.204 ACRE TRACT, A DISTANCE OF 1582.93 FEET TO A 1/2 INCH IRON PIN FOUND ON THE NORTH LINE OF SAID 298.204 ACRE TRACT AND THE SOUTHEAST CORNER OF LOT 2, BLOCK A, HARSTOW ADDITION, RECORDED IN CABINET Y, PAGE 649, PLAT RECORDS, DENTON COUNTY, TEXAS;



EXHIBIT A
MSI 38049
FIRM NO. 10023300

EXHIBIT A

PAGE 2 OF 4

THENCE SOUTH 88 DEGREES 29 MINUTES 59 SECONDS EAST, WITH THE NORTH LINE OF SAID 298.204 ACRE TRACT AND THE SOUTH RIGHT OF WAY LINE OF SEVENTH STREET, A DISTANCE OF 83.86 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND ON THE NORTH LINE OF SAID 298.204 ACRE TRACT;

THENCE NORTH 19 DEGREES 10 MINUTES 22 SECONDS EAST, WITH THE EAST RIGHT OF WAY LINE OF SEVENTH STREET AND A WEST LINE OF SAID 298.204 ACRE TRACT A DISTANCE OF 68.23 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND AT THE NORTHWEST CORNER OF SAID 298.204 ACRE TRACT AND BEING ON THE SOUTH RIGHT OF WAY LINE OF F.M. ROAD 1173;

THENCE SOUTH 67 DEGREES 57 MINUTES 45 SECONDS EAST, WITH A NORTH LINE OF SAID 298.204 ACRE TRACT AND ON THE SOUTH RIGHT OF WAY LINE OF F.M. ROAD 1173, A DISTANCE OF 185.31 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND AT A SOUTHEAST CORNER OF SAID 298.204 ACRE TRACT;

THENCE SOUTH 88 DEGREES 30 MINUTES 01 SECONDS EAST, WITH THE NORTH LINE OF SAID 298.204 ACRE TRACT AND THE SOUTH RIGHT OF WAY LINE OF F.M. ROAD 1173, A DISTANCE OF 80.46 FEET, TO FOUND WOOD RIGHT OF WAY MONUMENT ON THE NORTH LINE OF SAID 298.204 ACRE TRACT AND THE SOUTH RIGHT OF WAY LINE OF F.M. ROAD 1173, AND THE BEGINNING OF A CURVE TO THE LEFT WITH THE RIGHT OF WAY OF F.M. ROAD 1173;

THENCE WITH SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 18 DEGREES 08 MINUTES 37 SECONDS, A RADIUS OF 1190.92 FEET, AN ARC LENGTH OF 377.13 FEET, AND A CHORD BEARING SOUTH 88 DEGREES 34 MINUTES 08 SECONDS EAST, A DISTANCE OF 375.55 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND AT THE SOUTH RIGHT OF WAY OF F.M. ROAD 1173;

THENCE SOUTH 88 DEGREES 32 MINUTES 07 SECONDS EAST, WITH A NORTH LINE OF SAID 298.204 ACRE TRACT, A DISTANCE OF 37.96 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" FOUND ON A NORTH LINE OF SAID 298.204 ACRE TRACT AND A SOUTH RIGHT OF WAY OF F.M. ROAD 1173;

THENCE SOUTH 00 DEGREES 09 MINUTES 42 SECONDS WEST, WITH AN EAST LINE OF SAID 298.204 ACRE TRACT, A DISTANCE OF 660.00 FEET TO A BOIS D ARC POST FOUND ON AN INNER ELL CORNER OF SAID 298.204 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 5.161 ACRE TRACT DESCRIBED IN A DEED TO MICHAEL W. STRAND AND DEBBIE LISA STRAND, RECORDED UNDER COUNTY CLERK'S INSTRUMENT FILE NUMBER 96-R0065253, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;



EXHIBIT A
MSI 38049
FIRM NO. 10023300

EXHIBIT A

PAGE 3 OF 4

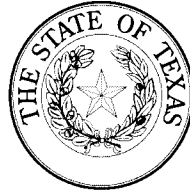
THENCE NORTH 88 DEGREES 26 MINUTES 27 SECONDS EAST WITH A NORTH LINE OF SAID 298.204 ACRE TRACT AND THE SOUTH LINE OF SAID 5.161 ACRE TRACT, A DISTANCE OF 331.29 FEET TO A 1/2 INCH IRON PIN FOUND AT A NORTHEAST CORNER OF SAID 298.204 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 5.161 ACRE TRACT, SAID PIN ALSO BEING ON THE WEST LINE OF RADECKE ROAD;

THENCE SOUTH 00 DEGREES 06 MINUTES 51 SECONDS WEST WITH THE EAST LINE OF SAID 298.204 ACRE TRACT AND THE WEST LINE OF RADECKE ROAD, A DISTANCE OF 2862.90 FEET TO THE POINT OF BEGINNING AND CONTAINING IN ALL 251.233 ACRES OF LAND.



EXHIBIT A
MSI 38049
FIRM NO. 10023300

EXHIBIT B



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Denton

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, City of Denton is entitled to this

Certificate of Convenience and Necessity No. 10195

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52774 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 City of Denton 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.

**CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION**

APPROVED

By Jasmine Kirkland at 11:58 am, Apr 05, 2022





Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Denton

having obtained certification to provide sewer 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, City of Denton is entitled to this

Certificate of Convenience and Necessity No. 20072

to provide continuous and adequate sewer utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52774 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 City of Denton 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.

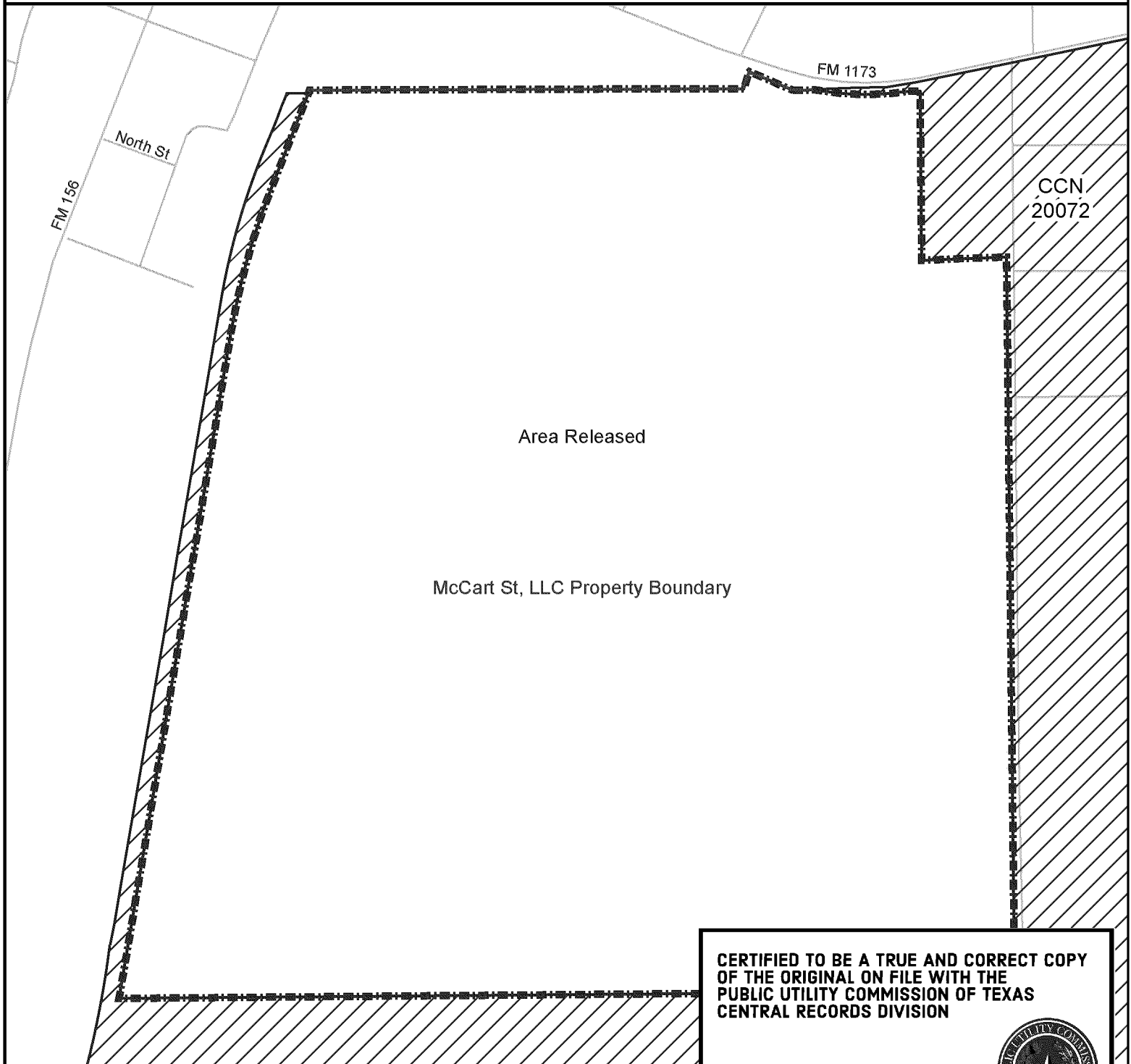
**CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION**

APPROVED

By Jasmine Kirkland at 12:00 pm, Apr 05, 2022



City of Denton
Portion of Sewer CCN No. 20072
PUC Docket No. 52774
Petition by McCart St, LLC to Amend
City of Denton's CCN by Expedited Release in Denton County




CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE WITH THE
PUBLIC UTILITY COMMISSION OF TEXAS
CENTRAL RECORDS DIVISION

APPROVED

By Jasmine Kirkland at 12:01 pm, Apr 05, 2022



Sewer CCN

 20072 - City of Denton



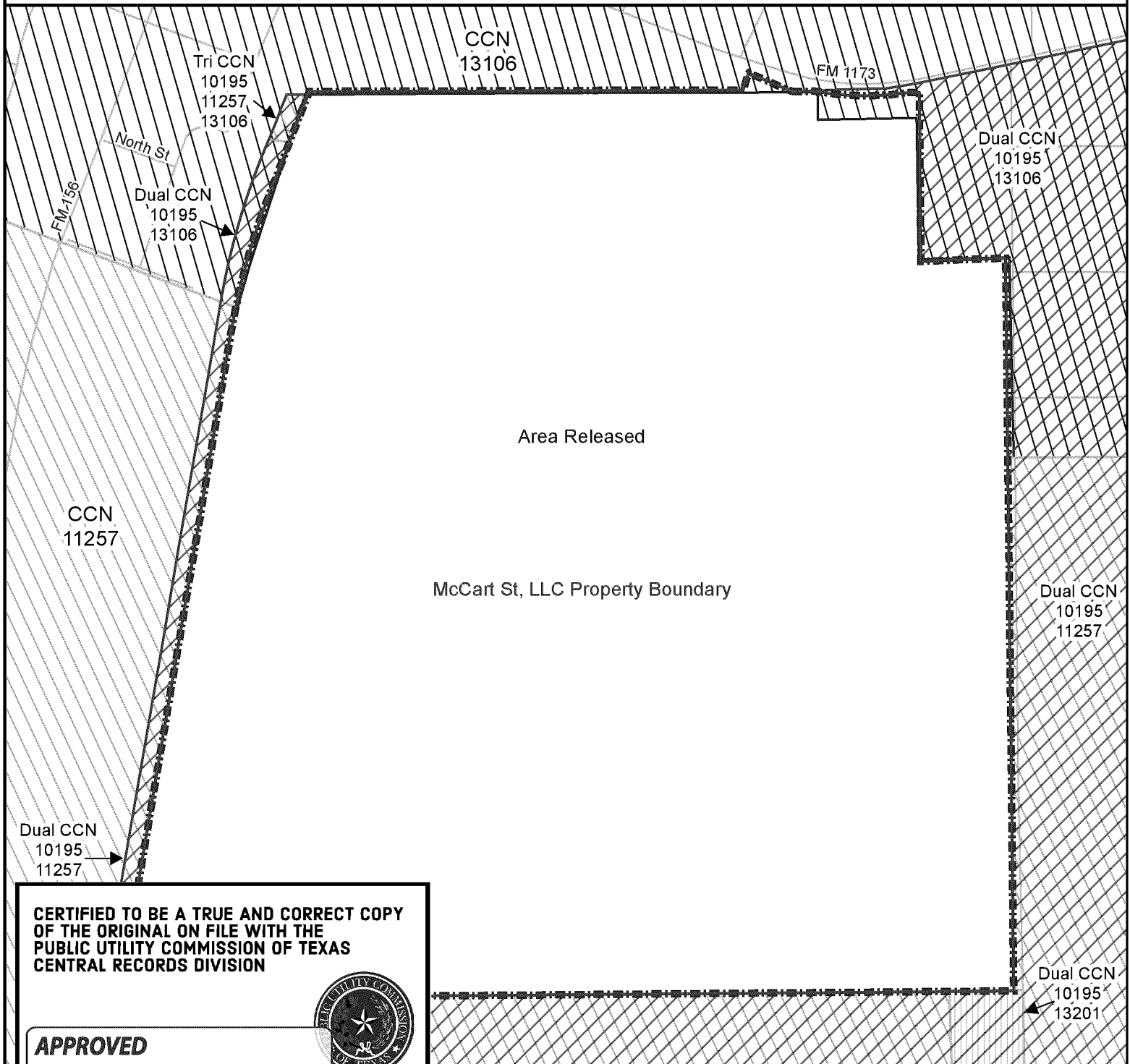
Area Released



Property Boundary







City of Denton
 Portion of Water CCN No. 10195
 PUC Docket No. 52774
 Petition by McCart St, LLC to Amend
 City of Denton's CCN by Expedited Release in Denton County



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

Water CCN

-  10195 - City of Denton
-  13106 - City of Krum
-  11257 - Bolivar WSC
-  13201 - Aqua Texas Inc

-  Area Released
-  Property Boundary

0 275 550
 Feet



Map by: Komal Patel
 Date: December 13, 2021
 Project: 52774CityofDenton.mxd