



Filing Receipt

Received - 2021-10-29 04:27:55 PM
Control Number - 52774
ItemNumber - 1

PUC DOCKET NO. _____

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

**ORIGINAL PETITION
OF MCCART ST, LLC TO AMEND CITY OF DENTON'S WATER AND SEWER
CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 10195 (WATER) AND
20072 (SEWER) IN DENTON COUNTY BY STREAMLINED EXPEDITED RELEASE**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, McCart St, LLC ("Petitioner"), and files with the Public Utility Commission ("Commission") this 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 ("Petition") pursuant to Texas Water Code ("TWC") §13.2541 and 16 TAC §24.245(h). In support, Petitioner would respectfully show the following:

I. PETITION

1. TWC §13.2541 and 16 TAC §24.245(h), in specific circumstances, provide the owner of a tract of land the right to petition the Commission for the release all or a portion of its property from a certificated holder's CCN. This has come to be known as a streamlined, expedited release. The statute and the rule require the Commission to release the property from a CCN under the following conditions:

- a) The tract of land requested to be released is 25 acres or greater;
- b) The tract of land requested to be released is not receiving the type of service that the CCN holder is authorized to provide;

- c) At least part of the tract of land seeking release is within the service area of the subject CCN; and
 - d) At least part of the tract of land seeking is located in a “qualifying” County as defined by TWC §13.2541(b).
2. Based on the factors set out above, Petitioner qualify for the streamlined expedited release of approximately 251 acres of land from Denton’s CCN Nos. 10195 (Water) and 20072 (Sewer).
 3. Here, Petitioner own approximately 251 contiguous acres of land in Denton County Texas (“tract”). A certified copy of the recorded deed showing Petitioner’ ownership and describes the tract in metes and bounds, is attached as Exhibit A.
 4. The tract is entirely within the boundaries of Denton’s Water and Sewer CCNs. We are attaching large and small-scale maps as well as a CD-ROM that has the digital data as Exhibit B. The maps further evidence that the tract is within Denton’s CCN Nos. 10195 (Water) and 20072 (Sewer).
 5. There is no retail water or sewer service from Denton to the tract.
 6. The tract is entirely within Denton County, which is included in the Commission’s streamlined expedited release “Approved Counties” list and meets the requirements of both TWC §13.2541 and 16 TAC §24.245(h). *See* Exhibit A and B.
 7. Simultaneously with the filing of this Petition, Petitioner are notifying Denton of this action by certified mail, return receipt requested. Exhibit C is a copy of the certified mail form showing that Petitioner mailed a copy of this Petition to Denton on even date herewith.
 8. Exhibit D is an affidavit from William Savage, CEO of McCart St, LLC, owner of the tract, which verifies and affirms the information contained in this Petition.

II. CONCLUSION AND PRAYER

Petitioner request the following: (a) the Petition be deemed properly filed with the Commission; (b) the Petition be granted in all respects pursuant to TWC §13.2541 and 16 TAC §24.245(h); (c) the Commission enter an order releasing the approximate 251 acre tract from

Denton's Water and Sewer CCN No. 10195 and 20072 in Denton County Texas; and (d) all other orders, acts, procedures and relief be granted as necessary and proper to the release of the approximate 251 acre tract from CCNs Nos. 10195 (Water) and 20072 (Sewer).

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
Suite 350-150
Austin, TX 78738
(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 Petition was served on City of Denton on this the 29th day of October 2021, by Certified Mail Return Receipt Requested:

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

/s/ David Tuckfield
David J. Tuckfield

EXHIBIT A



VG-202-2018-5215

**Denton County
Juli Luke
County Clerk**

Instrument Number: 5215

Real Property Recordings

DEED

Recorded On: January 16, 2018 03:36 PM

Number of Pages: 26

" Examined and Charged as Follows: "

Total Recording: \$126.00

******* 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.

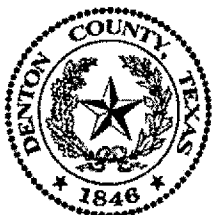
File Information:

Document Number: 5215
Receipt Number: 20180116000514
Recorded Date/Time: January 16, 2018 03:36 PM
User: Connor B
Station: Station 10

Record and Return To:

TITLE RESOURCES
WILL CALL

DENTON TX 76205



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

production of oil, gas, and other minerals by means of wells that are drilled or mines that open on land, other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property or any use thereof.

TO HAVE AND TO HOLD the Property, subject to (i) the Permitted Exceptions and (ii) the reservations and exceptions set out in the immediately proceeding paragraph, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise.

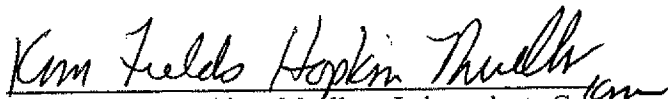
Except for the limited warranty of title expressly set forth in this Deed, the Property is being sold and purchased and will be conveyed to Grantee with no other express or implied warranties whatsoever.

This Deed is being executed and delivered by Kim Fields Hopkins Mueller and Bernard Joseph Mueller as Independent Co-Trustees of The Hopkins Family Trust for Surviving Spouse as a part of a transaction that is being entered into with Beaumont Intermediary, Inc., as Intermediary and that is intended to qualify for nonrecognition of gain or loss under the provisions of Section 1031 of the Internal Revenue Code of 1986, as amended.

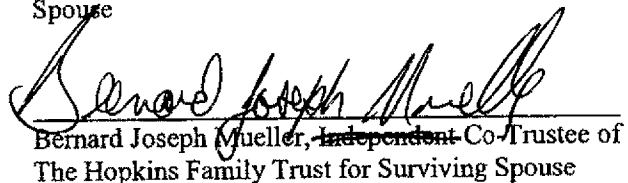
EXECUTED this 10 day of January, 2018, in multiple counterpart originals.

GRANTOR:

Mildred Ellen Hopkins Rogers (a/k/a Ellen Hopkins Rogers)



Kim Fields Hopkins Mueller, ~~Independent~~ Co-Trustee of The Hopkins Family Trust for Surviving Spouse


Bernard Joseph Mueller, ~~Independent~~ Co-Trustee of The Hopkins Family Trust for Surviving Spouse

production of oil, gas, and other minerals by means of wells that are drilled or mines that open on land, other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property or any use thereof.

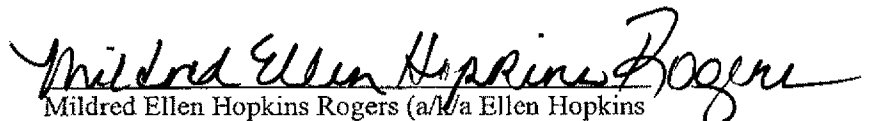
TO HAVE AND TO HOLD the Property, subject to (i) the Permitted Exceptions and (ii) the reservations and exceptions set out in the immediately proceeding paragraph, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise.

Except for the limited warranty of title expressly set forth in this Deed, the Property is being sold and purchased and will be conveyed to Grantee with no other express or implied warranties whatsoever.

This Deed is being executed and delivered by Kim Fields Hopkins Mueller and Bernard Joseph Mueller as Independent Co-Trustees of The Hopkins Family Trust for Surviving Spouse as a part of a transaction that is being entered into with Beaumont Intermediary, Inc., as Intermediary and that is intended to qualify for nonrecognition of gain or loss under the provisions of Section 1031 of the Internal Revenue Code of 1986, as amended.

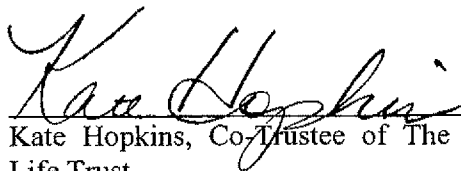
EXECUTED this 10th day of January, 2018, in multiple counterpart originals.

GRANTOR:

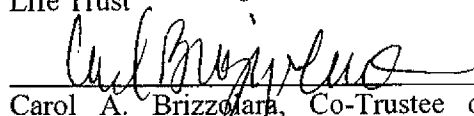

Mildred Ellen Hopkins Rogers (a/k/a Ellen Hopkins Rogers)

Kim Fields Hopkins Mueller, Independent Co-Trustee of The Hopkins Family Trust for Surviving Spouse

Bernard Joseph Mueller, Independent Co-Trustee of The Hopkins Family Trust for Surviving Spouse



Kate Hopkins, Co-Trustee of The Kate Hopkins Life Trust



Carol A. Brizzolara, Co-Trustee of The Kate Hopkins Life Trust

HILL FAMILY INVESTMENT PARTNERSHIP

By: _____
Carolyn Sue Johnston, General Partner

By: _____
Richard S. Hill, General Partner

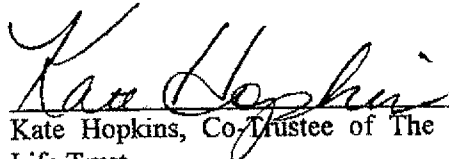
By: _____
Marilyn Kay Livesay, General Partner

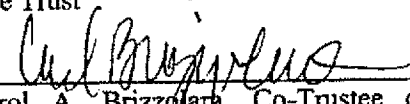
By: _____
Sharon Elizabeth Thurmond, General Partner

GRANTEE'S ADDRESS:

McCart St, LLC
P.O. Box 93983

Southlake, Texas 76092
Attention: William J. Savage, CEO


Kate Hopkins, Co-Trustee of The Kate Hopkins
Life Trust


Carol A. Brizzolara, Co-Trustee of The Kate
Hopkins Life Trust

HILL FAMILY INVESTMENT PARTNERSHIP

By: _____
Carolyn Sue Johnston, General Partner

By:  _____
Richard S. Hill, General Partner


By: _____
Marilyn Kay Livesay, General Partner

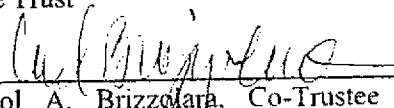
By: _____
Sharon Elizabeth Thurmond, General
Partner

GRANTEE'S ADDRESS:

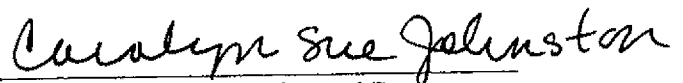
McCart St, LLC
P.O. Box 93983

Southlake, Texas 76092
Attention: William J. Savage, CEO


Kate Hopkins, Co-Trustee of The Kate Hopkins
Life Trust


Carol A. Brizzolara, Co-Trustee of The Kate
Hopkins Life Trust

HILL FAMILY INVESTMENT PARTNERSHIP

By: 
Carolyn Sue Johnston, General Partner

By: _____
Richard S. Hill, General Partner

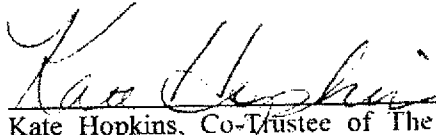
By: _____
Marilyn Kay Livesay, General Partner

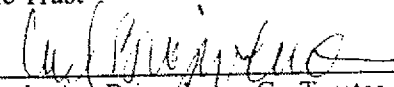
By: _____
Sharon Elizabeth Thurmond, General
Partner

GRANTEE'S ADDRESS:

McCart St, LLC
P.O. Box 93983

Southlake, Texas 76092
Attention: William J. Savage, CEO


Kate Hopkins, Co-Trustee of The Kate Hopkins
Life Trust


Carol A. Brizzolara, Co-Trustee of The Kate
Hopkins Life Trust

HILL FAMILY INVESTMENT PARTNERSHIP

By: _____
Carolyn Sue Johnston, General Partner

By: _____
Richard S. Hill, General Partner

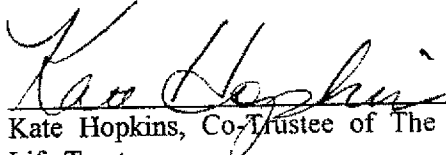
By: 
Marilyn Kay Livesay, General Partner

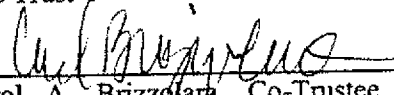
By: _____
Sharon Elizabeth Thurmond, General
Partner

GRANTEE'S ADDRESS:

McCart St, LLC
P.O. Box 93983

Southlake, Texas 76092
Attention: William J. Savage, CEO


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Life Trust

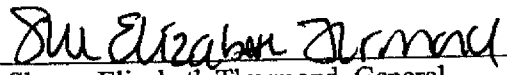

Carol A. Brizzolara, Co-Trustee of The Kate
Hopkins Life Trust

HILL FAMILY INVESTMENT PARTNERSHIP

By: _____
Carolyn Sue Johnston, General Partner

By: _____
Richard S. Hill, General Partner

By: _____
Marilyn Kay Livesay, General Partner

By: 
Sharon Elizabeth Thurmond, General
Partner

GRANTEE'S ADDRESS:

McCart St, LLC
P.O. Box 93983

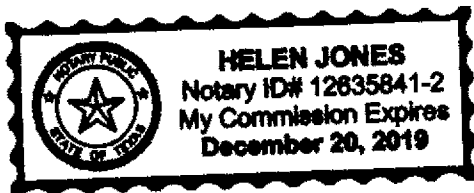
Southlake, Texas 76092
Attention: William J. Savage, CEO

THE STATE OF TEXAS §

COUNTY OF Tarrant §

BEFORE ME, the undersigned authority, on this day personally appeared Mildred Ellen Hopkins Rogers (a/k/a Ellen Hopkins Rogers), 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 and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10 day of January, 2018.



Helen Jones
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Kim Fields Hopkins Mueller, Co-Trustee of The Hopkins Family Trust for Surviving Spouse, known to me to be the person and trustee whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____, 2018.

Notary Public, State of Texas

THE STATE OF TEXAS

§

COUNTY OF _____

§

BEFORE ME, the undersigned authority, on this day personally appeared Mildred Ellen Hopkins Rogers (a/k/a Ellen Hopkins Rogers), 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 and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2018.

Notary Public, State of Texas

THE STATE OF TEXAS

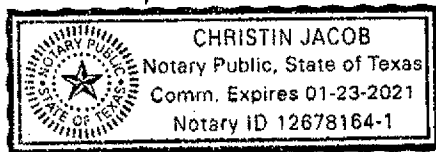
§

COUNTY OF Guadalupe

§

BEFORE ME, the undersigned authority, on this day personally appeared Kim Fields Hopkins Mueller, Co-Trustee of The Hopkins Family Trust for Surviving Spouse, known to me to be the person and trustee whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of January, 2018.



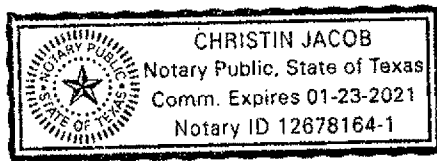
Christin Jacob
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF Guadalupe §

BEFORE ME, the undersigned authority, on this day personally appeared Bernard Joseph Mueller, Co-Trustee of The Hopkins Family Trust for Surviving Spouse, known to me to be the person and trustee whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of January, 2018.



Christin Jacob
Notary Public, State of Texas

THE STATE OF TEXAS

§

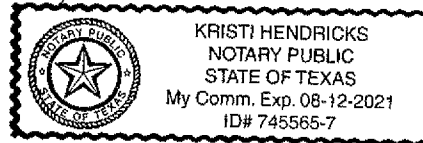
COUNTY OF Denton

§

BEFORE ME, the undersigned authority, on this day personally appeared Kate Hopkins, Co-Trustee of The Kate Hopkins Life Trust, known to me to be the person and trustee whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 08 day of December 2017, 2018, to be more effective 11/1/18

Kristi Hendricks
Notary Public, State of Texas



THE STATE OF TEXAS

§

COUNTY OF Denton

§

BEFORE ME, the undersigned authority, on this day personally appeared Carol A. Brizzolara, Co-Trustee of The Kate Hopkins Life Trust, known to me to be the person and trustee whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 28 day of December, ~~2017~~, 2018 to become effective 1/11/18



Kristi Hendricks
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Carolyn Sue Johnston, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership 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 and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2018.

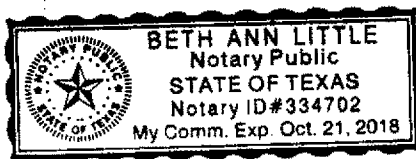
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF Tarrant §

BEFORE ME, the undersigned authority, on this day personally appeared Richard S. Hill, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of January, 2018.



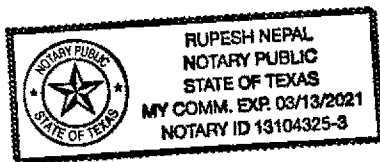
Beth Ann Little
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF Tarrant §

BEFORE ME, the undersigned authority, on this day personally appeared Carolyn Sue Johnston, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership 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 and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of January, 2018.



Rupeesh Nepal
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Ric [REDACTED] [REDACTED] as a General Partner of Hill Family Investment Partnership, a Texas general partnership known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2018.

[REDACTED]

THE STATE OF TEXAS

§

COUNTY OF _____

§

BEFORE ME, the undersigned authority, on this day personally appeared Marilyn Kay Livesay, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership 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 and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2018.

Notary Public, State of Texas

THE STATE OF TEXAS

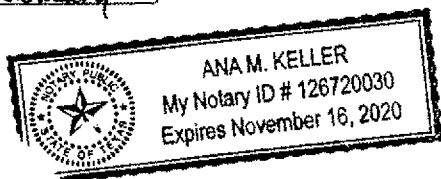
§

COUNTY OF Bexar

§

BEFORE ME, the undersigned authority, on this day personally appeared Sharon Elizabeth Thurmond, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership 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 and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10 day of January, 2018.



Ana M. Keller
Notary Public, State of Texas

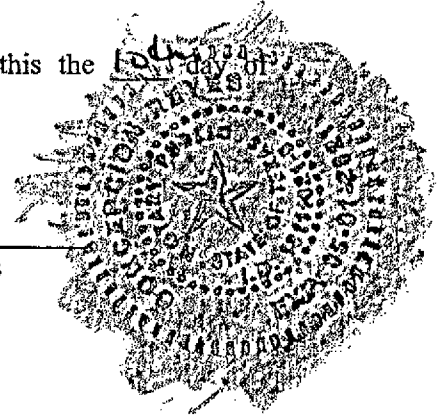
THE STATE OF TEXAS §

COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared Marilyn Kay Livesay, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership 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 and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of January, 2018.


Notary Public, State of Texas



THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Sharon Elizabeth Thurmond, acting as a General Partner of Hill Family Investment Partnership, a Texas general partnership 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 and consideration therein expressed and in the capacity therein stated on behalf of said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2018.

Notary Public, State of Texas

EXHIBIT "A"

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 ALL OF A CALLED TRACT TWO, THREE, AND FOUR, DESCRIBED IN A DEED TO HOPKINS FAMILY TRUST FOR SURVIVING SPOUSE, RECORDED UNDER COUNTY CLERK'S INSTRUMENT FILE NUMBER 2004-150227, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND A CALLED 0.23 ACRE TRACT DESCRIBED IN A DEED TO HILL FAMILY INVESTMENTS, LTD, ET AL, RECORDED UNDER COUNTY CLERK'S INSTRUMENT FILE NUMBER 2013-32684, 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 TRACT FOUR 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 THE SOUTH LINE OF SAID TRACT FOUR AND TRACT THREE, A DISTANCE OF 2558.84 FEET TO A X-TIE POST FOUND ON THE SOUTH LINE OF SAID TRACT THREE AND AT THE NORTHEAST CORNER OF SAID TRACT TWO, SAID PIN ALSO BEING AT THE NORTHWEST CORNER OF A TRACT DESCRIBED IN A DEED TO RUSSELL MARK SELLS, ET UX, RECORDED UNDER COUNTY CLERK'S INSTRUMENT FILE NUMBER 93-R0030700, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 38 MINUTES 15 SECONDS WEST WITH THE EAST LINE OF SAID TRACT TWO AND THE WEST LINE OF SAID SELLS TRACT, A DISTANCE OF 1731.62 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON THE EAST LINE OF SAID TRACT TWO AND THE SOUTHWEST CORNER OF SAID SELLS TRACT ON THE NORTH LINE OF JACKSON ROAD;

THENCE SOUTH 00 DEGREES 38 MINUTES 16 SECONDS WEST WITH THE EAST LINE OF SAID TRACT TWO, A DISTANCE OF 138.90 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET AT THE SOUTHEAST CORNER OF SAID TRACT TWO ON THE SOUTH LINE OF JACKSON ROAD;

THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS WEST WITH A SOUTH LINE OF SAID TRACT TWO, A DISTANCE OF 662.91 FEET TO A PK NAIL SET AT AN ANGLE POINT IN THE SOUTH LINE OF SAID TRACT TWO IN JACKSON ROAD;

THENCE NORTH 34 DEGREES 49 MINUTES 44 SECONDS WEST WITH A SOUTHWEST LINE OF SAID TRACT TWO, A DISTANCE OF 70.20 FEET TO A POINT FOR CORNER;

THENCE SOUTH 86 DEGREES 43 MINUTES 16 SECONDS WEST WITH A SOUTH LINE OF SAID TRACT TWO, A DISTANCE OF 260.50 FEET TO A POINT FOR CORNER;

THENCE NORTH 46 DEGREES 26 MINUTES 44 SECONDS WEST WITH A SOUTHWEST LINE OF SAID TRACT TWO, A DISTANCE OF 329.70 FEET TO A POINT FOR CORNER;

THENCE NORTH 13 DEGREES 16 MINUTES 01 SECONDS WEST WITH A WEST LINE OF SAID TRACT TWO, A DISTANCE OF 439.30 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON A WEST LINE OF TRACT TWO AND THE EAST LINE OF G C & SF RAILROAD RIGHT OF WAY;

THENCE NORTH 28 DEGREES 41 MINUTES 58 SECONDS EAST WITH A WEST LINE OF SAID TRACT TWO, A DISTANCE OF 33.23 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON A WEST LINE OF SAID TRACT TWO;

THENCE SOUTH 61 DEGREES 18 MINUTES 02 SECONDS EAST, A DISTANCE OF 25.00 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET AT AN INNER ELL CORNER OF SAID TRACT TWO;

THENCE NORTH 28 DEGREES 41 MINUTES 58 SECONDS EAST WITH A WEST LINE OF SAID TRACT TWO, A DISTANCE OF 191.10 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON A WEST LINE OF SAID TRACT TWO AND BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 18 DEGREES 25 MINUTES 01 SECONDS, A RADIUS OF 2009.86 FEET, AN ARC LENGTH OF 646.04 FEET, AND A CHORD BEARING NORTH 19 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 643.27 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET AT AN INNER ELL CORNER OF SAID TRACT TWO;

THENCE NORTH 79 DEGREES 43 MINUTES 03 SECONDS WEST, A DISTANCE OF 25.00 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON A WEST LINE OF SAID TRACT TWO AND THE EAST LINE OF SAID RAILROAD RIGHT OF WAY;

THENCE NORTH 10 DEGREES 16 MINUTES 57 SECONDS EAST WITH THE EAST RIGHT OF WAY OF SAID RAILROAD, A DISTANCE OF 3014.50 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON THE EAST RIGHT OF WAY OF SAID RAILROAD 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" SET ON THE EAST RIGHT OF WAY OF SAID RAILROAD;

THENCE NORTH 22 DEGREES 00 MINUTES 57 SECONDS EAST WITH 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" SET 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 TRACT THREE, A DISTANCE OF 26.87 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON THE NORTH LINE OF SAID TRACT THREE;

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

THENCE SOUTH 88 DEGREES 29 MINUTES 59 SECONDS EAST, WITH THE NORTH LINE OF SAID TRACT THREE 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" SET ON THE NORTH LINE OF SAID TRACT THREE, BEING SOUTHWEST CORNER OF HILL FAMILY TRACT;

THENCE NORTH 19 DEGREES 10 MINUTES 22 SECONDS EAST, WITH THE EAST RIGHT OF WAY LINE OF SEVENTH STREET AND WEST LINE OF SAID HILL FAMILY TRACT A DISTANCE OF 68.23 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET AT THE NORTHWEST CORNER OF SAID HILL 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 THE NORTH LINE OF SAID HILL FAMILY 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" SET AT THE SOUTHEAST CORNER OF SAID HILL FAMILY TRACT;

THENCE SOUTH 88 DEGREES 30 MINUTES 01 SECONDS EAST, WITH THE NORTH LINE OF SAID TRACT THREE 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 TRACT THREE 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" SET AT THE SOUTH RIGHT OF WAY OF F.M. ROAD 1173;

THENCE SOUTH 88 DEGREES 32 MINUTES 07 SECONDS EAST, A DISTANCE OF 37.96 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "10023300" SET ON THE SOUTH RIGHT OF WAY OF F.M. ROAD 1173;

THENCE SOUTH 00 DEGREES 09 MINUTES 42 SECONDS WEST, A DISTANCE OF 660.00 FEET TO A BOIS D ARC POST FOUND ON THE EAST LINE OF SAID TRACT THREE AND THE WEST LINE OF SAID TRACT FOUR, SAID POST ALSO BEING AT 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;

THENCE NORTH 88 DEGREES 26 MINUTES 27 SECONDS EAST WITH THE SOUTH LINE OF SAID 5.161 ACRE TRACT, A DISTANCE OF 331.29 FEET TO A 1/2 INCH IRON PIN FOUND ON THE EAST LINE OF SAID TRACT FOUR 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 TRACT FOUR AND THE WEST LINE OF RADECKE ROAD, A DISTANCE OF 2862.90 FEET TO THE POINT OF BEGINNING AND CONTAINING IN ALL 298.204 ACRES OF LAND.

EXHIBIT B

PERMITTED EXCEPTIONS

- a. Intentionally omitted.
- b. Rights of parties in possession and rights of tenants in possession under any unrecorded leases or rental agreements. (May be amended or deleted upon execution of affidavit of parties in possession at closing.)
- c. 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 may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- d. Rights of third parties with respect to those portions of the subject property which lies within the boundaries of Jackson Road, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- e. Easement executed by EMMA GARRETT to TEXAS POWER & LIGHT COMPANY filed March 19, 1973, recorded in Volume 668, Page 439, Real Property Records of Denton County, Texas.(Blanket Easement) (In regard only to this exception, Item No. 4(a)(i) and 4(c) of the T-19 or T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a)
- f. Easement executed by GEORGE M. HOPKINS to TEXAS POWER & LIGHT COMPANY filed January 27, 1949, recorded in Volume 336, Page 555, Deed Records of Denton County, Texas.(Blanket Easement) (In regard only to this exception, Item No. 4(a)(i) and 4(c) of the T-19 or T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a)
- g. Easement executed by MARY ELIZABETH HILL, WALLACE K. HOPKINS and GEORGE M. HOPKINS, JR. to SOUTHWESTERN BELL TELEPHONE COMPANY, filed June 27, 1978, recorded in Volume 897, Page 507, Deed Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- h. Easement executed by WALLACE K. HOPKINS et al to CITY OF KRUM filed October 30, 2001, recorded in Volume 4954, Page 1127, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- i. Easement executed by THE ESTATE OF WALLACE K. HOPKINS, MILDRED ELLEN HOPKINS ROGERS, KATE HOPKINS LIFE TRUST, KATE HOPKINS, TRUSTEE and HILL FAMILY INVESTMENT PARTNERSHIP to CITY OF KRUM filed April 7, 2003, recorded in Volume 5306, Page 239, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- j. Right of Way Agreement executed by KATE HOPKINS LIFE TRUST to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed October 24, 2003, recorded under Volume 5546, Page 5107, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- k. Right of Way Agreement executed by HILL FAMILY INVESTMENTS PARTNERSHIP, a Texas general partnership to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed October 24, 2003, recorded under Volume 5546, Page 5112, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- l. Right of Way Agreement executed by KIM FIELDS HOPKINS MUELLER and BERNARD JOSEPH MUELLER as Co-Executrix/Executor of the Estate of Wallace K. Hopkins to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed October 24, 2003, recorded in Volume 5546, Page 5117, Real

Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.

- m. Right of Way Agreement executed by KIM FIELDS HOPKINS MUELLER and BERNARD JOSEPH MUELLER as Co-Executrix/Executor of the Estate of Wallace K. Hopkins to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed May 11, 2004, recorded under CC# 2004-60894, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- n. Right of Way Agreement executed by HILL FAMILY INVESTMENTS PARTNERSHIP, a Texas general partnership to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed May 11, 2004, under CC# 2004-60895, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- o. Right of Way Agreement executed by KATE HOPKINS LIFE TRUST to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed May 11, 2004, recorded under CC# 2004-60896, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- p. Right of Way Agreement executed by MILDRED ELLEN HOPKINS ROGERS to DYNEGY MIDSTREAM SERVICES, LIMITED PARTNERSHIP filed May 11, 2004, recorded under CC# 2004-60897, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- q. Pipeline Easement executed by KIM FIELDS HOPKINS MUELLER, Independent Co-Trustee of the HOPKINS FAMILY TRUST FOR SURVIVING SPOUSE and BERNARD JOSEPH MUELLER, Independent Co-Trustee of the Hopkins Family Trust for Surviving Spouse to ENERGY TRANSFER FUEL, LP filed September 1, 2005, under CC# 2005-109529, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- r. Pipeline Easement executed by MILDRED ELLEN HOPKINS ROGERS to ENERGY TRANSFER FUEL, LP filed September 1, 2005, under CC# 2005-109530, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- s. Pipeline Easement executed by HILL FAMILY INVESTMENTS PARTNERSHIP, a Texas general partnership to ENERGY TRANSFER FUEL, LP filed September 1, 2005, under CC# 2005-109531, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- t. Pipeline Easement executed by KATE HOPKINS, TRUSTEE of the KATE HOPKINS LIFE TRUST to ENERGY TRANSFER FUEL, LP filed September 1, 2005, under CC# 2005-109532, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- u. Meter Installment Easement Agreement by and between MILDRED ELLEN HOPKINS ROGERS, et al and TARGA NORTH TEXAS, LP filed May 19, 2008, under CC# 2008-54276, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- v. Meter Installment Easement Agreement by and between HILL FAMILY INVESTMENT PARTNERSHIP, a Texas general partnership and TARGA NORTH TEXAS, LP filed May 19, 2008, under CC# 2008-54277, Real Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.
- w. Pipeline Right-of-Way and Easement & Surface Site Agreement by and between HOPKINS FAMILY TRUST, et al and BARNETT GATHERING, LP filed September 12, 2008, under CC# 2008-100307, Real

Property Records of Denton County, Texas, as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.

- x. Mineral lease granted by GEORGE M. HOPKINS, JR., MARY ELIZABETH HOPKINS HILL and husband W.D. HILL, and WALLACE K. HOPKINS to TOM HASTEY, JR. described in instrument filed December 12, 1956, recorded in Volume 427, Page 448, Deed Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- y. Mineral lease granted by GEORGE M. HOPKINS, JR., MARY ELIZABETH HOPKINS HILL and WALLACE K. HOPKINS to NATURAL GAS FINDERS, INC. described in instrument filed July 14, 1972, recorded in Volume 650, Page 595, Deed Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- z. Mineral lease granted by GEORGE M. HOPKINS, JR., MARY ELIZABETH HOPKINS HILL and WALLACE K. HOPKINS to W.R. MARSHALL described in instrument filed January 22, 1985, recorded in Volume 1560, Page 65, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- aa. Mineral lease granted by WALLACE K. HOPKINS to ROGER A. SOAPE, INC. described in instrument filed April 25, 2000, recorded in Volume 4575, Page 1438, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- bb. Mineral lease granted by KATE HOPKINS, TRUSTEE, KATE HOPKINS LIFE ESTATE to ROGER A. SOAPE, INC. described in instrument filed April 25, 2000, recorded in Volume 4575, Page 1443, Real Property Records of Denton County, Texas. Lease Ratification filed June 13, 2002, recorded in Volume 5106, Page 1618, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- cc. Mineral lease granted by ELLEN HOPKINS ROGERS to ROGER A. SOAPE, INC. described in instrument filed April 25, 2000, recorded in Volume 4575, Page 1448, Real Property Records of Denton County, Texas. Lease Ratification filed June 13, 2002, recorded in Volume 5106, Page 1620, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- dd. Mineral lease granted by RICHARD STEPHEN HILL, dealing in his separate property and not homestead to ROGER A. SOAPE, INC. described in instrument filed April 25, 2000, recorded in Volume 4575, Page 1458, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING
- ee. Mineral lease granted by HILL FAMILY INVESTMENT PARTNERSHIP, a Texas General Partnership to DEVON ENERGY OPERATING COMPANY, L.P. described in instrument filed June 13, 2002, recorded in Volume 5106, Page 1642, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a) OBTAIN AFF NON-PRODUCTION AT CLOSING

- ff. Memorandum of Oil, Gas and Mineral Lease executed by KATE HOPKINS, Trustee of the Kate Hopkins Life Trust, as Lessor to DEVON ENERGY PRODUCTION COMPANY, L.P., filed April 7, 2005, under CC# 2005-40016, Real Property Records of Denton County, Texas. Partial Release of Oil, Gas and Mineral Lease filed September 18, 2009, under CC# 2009-112128, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a)
- gg. Memorandum of Oil, Gas and Mineral Lease executed by ELLEN HOPKINS ROGERS, as Lessor to DEVON ENERGY PRODUCTION COMPANY, L.P., filed April 7, 2005, under CC# 2005-40017, Real Property Records of Denton County, Texas. Partial Release of Oil, Gas and Mineral Lease filed September 18, 2009, under CC# 2009-112129, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a)
- hh. Memorandum of Oil, Gas and Mineral Lease executed by HILL FAMILY INVESTMENT PARTNERSHIP, a Texas General Partnership as Lessor to DEVON ENERGY PRODUCTION COMPANY, L.P., filed April 7, 2005, under CC# 2005-40018, Real Property Records of Denton County, Texas. Partial Release of Oil, Gas and Mineral Lease filed September 18, 2009, under CC# 2009-112126, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a)
- ii. Memorandum of Oil, Gas and Mineral Lease executed by KIM FIELDS HOPKINS MUELLER and BERNARD JOSEPH MUELLER, Co Trustees of the Hopkins Family Trust for Surviving Spouse, as Lessor to DEVON ENERGY PRODUCTION COMPANY, L.P., filed April 7, 2005, under CC# 2005-40019, Real Property Records of Denton County, Texas. Partial Release of Oil, Gas and Mineral Lease filed September 18, 2009, under CC# 2009-112127, Real Property Records of Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50.a)
- jj. Mineral Estate and Interest described in Mineral Deed executed by KIM FIELDS HOPKINS MUELLER and BERNARD JOSEPH MUELLER, CO-TRUSTEES OF "THE HOPKINS FAMILY TRUST FOR SURVIVING SPOUSE" CREATED U/W OF WALLACE K. HOPKINS, DECEASED to MARGARET KYLE HOPKINS, filed October 17, 2017, recorded under CC# 128176, Real Property Records, Denton County, Texas. (Title to said interest not checked subsequent thereto.) (In regard to this exception, Item No. 4(d) and Item No. 5(e) of the T-19 and T-19.1 endorsement is hereby deleted pursuant to Procedural Rule 50b)
- kk. Fence encroachment(s) and/or protrusion(s) as shown on revised survey prepared by Brad G. Shelton, RPLS No. 5452, dated November 21, 2017.

EXHIBIT A

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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;



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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;

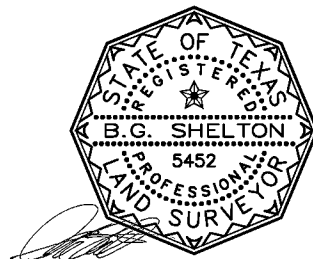


EXHIBIT A
MSI 38049
FIRM NO. 10023300

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

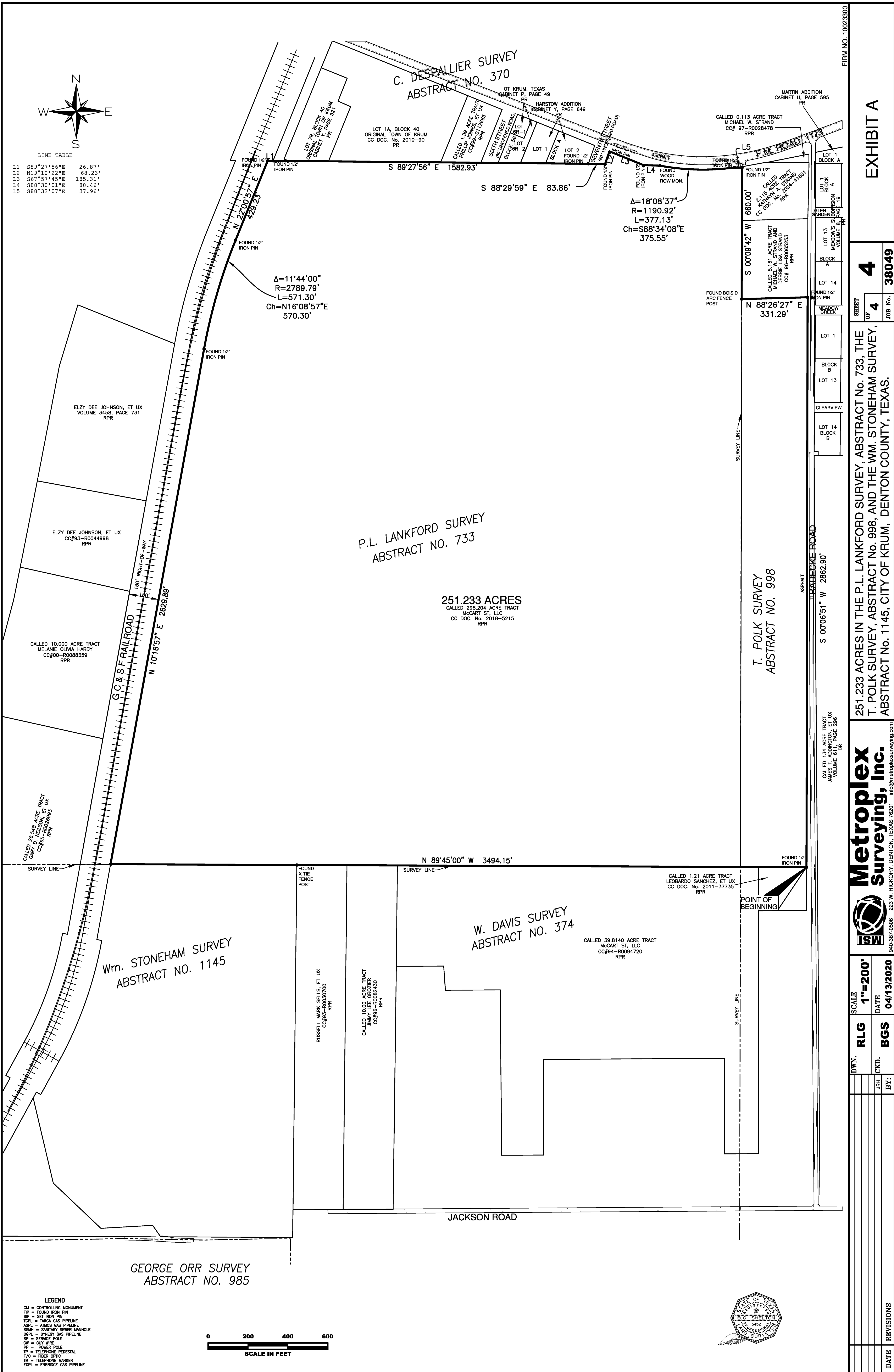






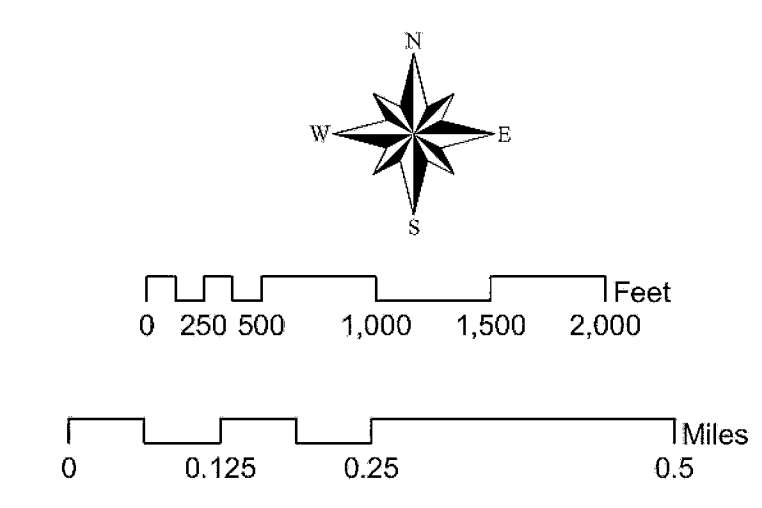
EXHIBIT B




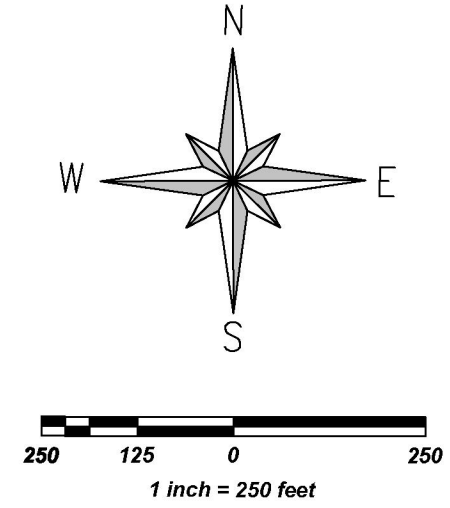
City Map

Map Features

-  Krum City Limits
-  Krum ETJ
-  Denton City Limits
-  Project Site



<p>Engineer:</p> <h1 style="margin: 0;">CCM Engineering</h1> <p>2570 FM 407, Suite 209 Highland Village, Texas 75077 Ph: 972.691.6633 TBPE Firm #605</p> 	
<p><i>Trails of Jordan Creek</i></p> <p>City of Krum, Denton County, Texas</p>	
<p><u>Large Scale Map</u></p>	
REVISIONS	
DESIGN:	CCM
DRAWN:	CCM
DATE:	09/13/20
SCALE:	
NOTES:	
FILE:	
Sheet	of 2



— PROJECT SITE
— ADJACENT PARCELS

Engineer:
CCM Engineering
2570 FM 407, Suite 209
Highland Village, Texas 75077
Ph: 972.691.6633
TBPE Firm #605

Trails of Jordan Creek
City of Krum, Denton County, Texas

Small Scale Map

REVISIONS

DESIGN:	CCM
DRAWN:	CCM
DATE:	09/13/20
SCALE:	
NOTES:	
FILE:	

Sheet of 2

EXHIBIT C



THE AL LAW GROUP

David J. Tuckfield
12400 W. Highway 71, Suite 350-150
Austin, Texas 78738

Partner
(512) 576-2481
Fax: (512) 366-9949

October 29, 2021

Via certified mail # 7021 0950 0000 4537 0029
rrr # 9590 9402 6236 0265 6965 91

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

Re: Petition of McCart St, LLC to have land removed from the City of Denton's Water
CCN No. 10195 and Sewer CCN 20072 by Streamlined Expedited Release

Dear Sirs:

Please find enclosed the Petition of McCart St, LLC to have land removed from the City of Denton's Water CCN No. 10195 and Sewer CCN 20072 by Streamlined Expedited Release under Texas Water Code § 13.2541 and 16 TAC § 24.245(h). This Petition was filed with the Public Utility Commission today, October 29, 2021.

Should you have any questions or need additional information, please do not hesitate to contact me at (512) 576-2481 or david@allawgp.com.

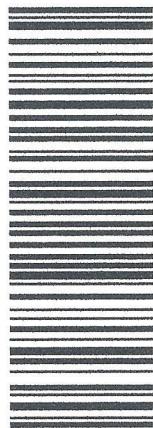
Sincerely,

David Tuckfield
The AL Law Group, PLLC
12400 West Highway 71
Suite 350-150
Austin, TX 78738
(512) 576-2481
dtuckfield@allawgp.com

7021 0950 0000 4537 0029

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



7021 0950 0000 4537 0029

7021 0950 0000 4537 0029

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

The City of Denton

Street and Apt. No., or PO Box No.

901-A TEXAS STREET

City, State, ZIP+4®

DENTON, TX 76209

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The City of Denton
901-A TEXAS STREET
DENTON, TX 76209



9590 9402 6236 0265 6965 91

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

EXHIBIT D

EXHIBIT D

AFFIDAVIT OF WILLIAM J. SAVAGE

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TARRANT §

1 **BEFORE ME**, the undersigned authority, personally appeared William J. Savage, who, being by me duly sworn, deposed as follows:

 “My name is William J. Savage, I am of sound mind, capable of making this affidavit, and I am personally familiar with the facts stated herein, which are true and correct.

1. I am the CEO of McCart St, LLC and signing on behalf of McCart St, LLC, co-owner of approximately 251 acres in Denton County Texas. This property is located within the Water and Sewer Certificates of Convenience and Necessity Nos. 10195 and 20072 held by City of Denton. This property is more properly shown on maps on Exhibit A of the Petition of McCart St, LLC to Amend City of Denton’s Water and Sewer Certificates of Convenience and Necessity Nos. 10195 and 20072 in Denton County by Streamlined Expedited Release pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(l) (Petition).
2. McCart St, LLC has been an owner of this property for over 2 years and the real property does not have any water or sewer connections or meters located thereon.
3. McCart St, LLC has not requested any retail water or sewer service from City of Denton, has not paid any service reservation or standby fees, nor does it have any agreements with City of Denton to provide retail water or sewer service to the above-referenced real property.

4. The above-referenced real property does not receive any water or sewer service from City of Denton.
5. Exhibit B to the Petition contains large and small scale maps as well as a CD-ROM containing digital data, which depict the property and shows that the property is within City of Denton's CCN Nos. 10195 and 20072 in Denton County Texas.
6. Exhibit C to the Petition is proof that a copy of the Petition was mailed to City of Denton, Certified Mail Return Receipt Requested, on the same day that the Petition was submitted to the Commission.
7. This affidavit is in support of de-certifying City of Denton's water and sewer Certificates of Convenience and Necessity No. 10195 and 20072 pursuant to Section 13.2541, *Texas Water Code* and Rules of the Commission Section 24.245(l)."

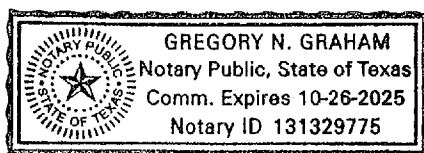
FURTHER AFFIANT SAYETH NOT.

MCCART ST, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

By: William J. Savage
Name: William J. Savage, CEO

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by William J. Savage, CEO, McCart St, LLC on behalf of McCart St, LLC on this 19th day of October 2021, to certify which witness my hand and official seal.



Gregory N. Graham
Notary Public, State of Texas

The following files are not convertible:

- Shape File.bak
- Shape File.dwg
- Trails of Jordan Creek.dbf
- Trails of Jordan Creek.idx
- Trails of Jordan Creek.shp
- Trails of Jordan Creek.shx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gov if you have any questions.