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NATALIE SCOTT

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December 03, 2021

Public Utilities Commission P.O. Box 13326 Austin, Texas 78711-3326

Via Electronic Filing

Re: New PUC Docket; Petition by Glenda Sue Winker Expedited Release from Water CCN No. 10150 Held by Marilee Special Utility District in Collin County

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Petition by Glenda Sue Winker for Expedited Release Pursuant to Texas Water Code Section 13.2541 which was electronically filed today with the PUC.

Very truly yours

Natalie B. Scott

NBS:mzp Enclosures

Cc (w/encl.):

Marilee Special Utility District Attn.: Donna Loiselle, General Manager 230 West Pecan Street Celina, Texas 75009

Via Certified Mail, Return Receipt Requested No. 7020 1810 0002 0061 8240

Terrace 2, 2700 Via Fortuna, Suite 350, Austin, Texas 78746 Phone: (512) 469-7987 Fax: (512) 469-9408 coatstose.com

PUC DOCKET NO.

PETITION BY GLENDA SUE WINKER	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	Š	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

PETITION BY GLENDA SUE WINKER FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Glenda Sue Winker ("Petitioner") files her Petition with the Public Utility Commission of Texas (the "PUC") for expedited release from Marilee Special Utility District ("Marilee SUD") water certificate of convenience and necessity ("CCN") No. 10150 pursuant to (i) Texas Water Code Section 13.2541; and (ii) 16 Texas Administrative Code Section 24.245; and in support shows as follows:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN. See Tex. Water Code § 13.2541. For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract "is entitled to that release." Id. The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Collin County is a county in which owners of at least 25 acres are entitled to expedited release. See 16 Tex. Admin. Code § 24.245(h). Under Section 13.2541(c), the PUC "shall grant a petition not later than the 60th day after the date the landowner files the petition." See Tex. Water Code § 13.2541(c).

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 129.978 acres of contiguous property in Collin County (the "Overall Property"), which is located within the boundaries of Water CCN No. 10150 issued to Marilee Special Utility District ("Marilee SUD"). Petitioner seeks release of 126.17 acres of the Overall Property (the "Requested Area") from CCN No. 10150, as reflected on attached exhibits and shapefiles. An Affidavit in support of this Petition is attached hereto as Exhibit "A." Exhibits "B-1 and B-2" are true and correct copies of a general location map and detailed map. Petitioner is the owner of the Overall Property as evidenced by a true and correct copy of the Deed, attached as Exhibit "C-1." Digital mapping identifying the Overall Property and Requested Area will be filed separately in this docket.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Requested Area described herein. The Requested Area is greater than 25 acres, is not receiving water or sewer service, and is entirely within Collin County. Under Section 13.2541, the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Requested Area that are within the boundaries of Water CCN No. 10150.

Respectfully submitted,

COATS | ROSE
By:

Natalie B. Scott

State Bar No. 24027970 nscott@coatsrose.com

Terrace 2

2700 Via Fortuna, Suite 350

Austin, Texas 78746

(512) 469-7987 Telephone

(512) 469-9408 Telecopier

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December, 2021, a true and correct copy of the Petition by Glenda Sue Winker for Expedited Release Pursuant to Texas Water Code Section 13.254.1 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Marilee Special Utility District Attn.: Donna Loiselle, General Manager 230 West Pecan Street

Celina, Texas 75009

Via Certified Mail, RRR

Natalie B. Scott

EXHIBIT "A"

Affidavit of Glenda Sue Winker

PETITION BY GLENDA SUE WINKER	§	BEFORE THE
FOR EXPEDITED RELEASE FROM WATER CCN NO. 10150	§ §	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY DISTRICT IN COLLIN COUNTY	§ §	OF TEXAS

PUC DOCKET NO. ____

AFFIDAVIT OF GLENDA SUE WINKER IN SUPPORT OF PETITION FOR EXPEDITED RELEASE FROM WATER CCN NO. 10150 HELD BY MARILEE SPECIAL UTILITY PURSUANT TO TEXAS WATER CODE SECTION 13.2541

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned notary, personally appeared Glenda Sue Winker, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

- 1. "My name is Glenda Sue Winker. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
- 2. I am the owner of approximately 129.978 acres of contiguous property in Collin County, Texas (the "Overall Property), which is located within the boundaries of Water CCN No. 10150 issued to Marilee Special Utility District ("Marilee SUD"). Petitioner seeks release of 126.17 acres of the Overall Property (the "Requested Area") from CCN No. 10150, as reflected on attached exhibits and shapefiles. Exhibits "B-1 and B-2" are true and correct copies of a general location map and detailed map. Petitioner is the owner of the Overall Property as evidenced by a true and correct copy of the Deed, attached as Exhibit "C-1."
- 3. The Property is not receiving water or sewer service from Marilee SUD or any other water or sewer service provider. The Property has not requested water or sewer service from Marilee SUD or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the Property.
- 4. I request that the Public Utility Commission of Texas release the Property from Water CCN No. 10150."

FURTHER AFFIANT SAYETH NOT.

By: Menda Sun Treinker
GLENDA SUE WINKER

SWORN TO AND SUBSCRIBED TO BEFORE ME by Glenda Sue Winker on 2nd December, 2021.

Raun Henerey Notary Public, State of Texas

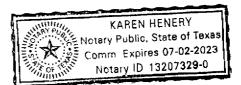


EXHIBIT "B-1"

General Map

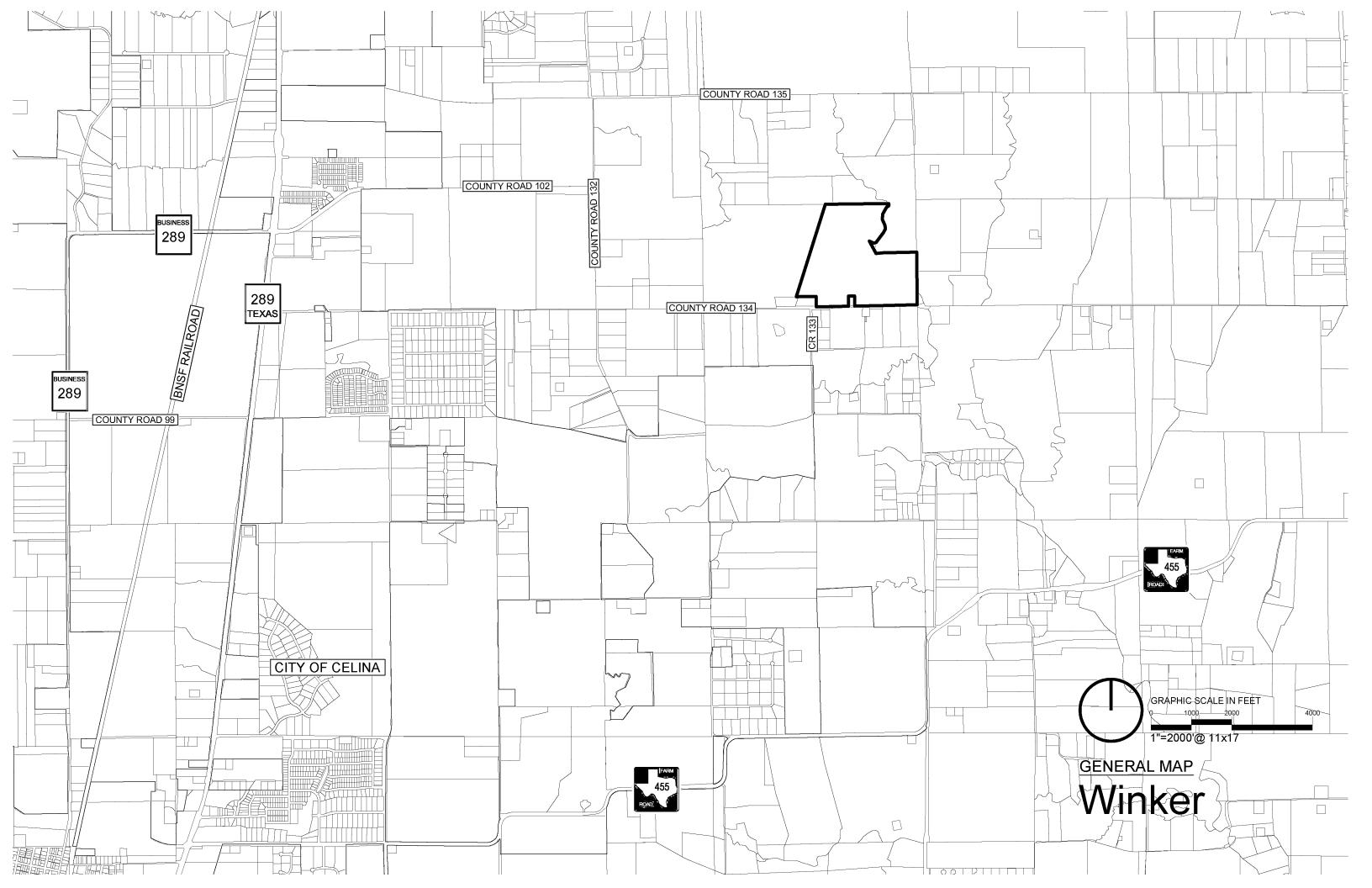
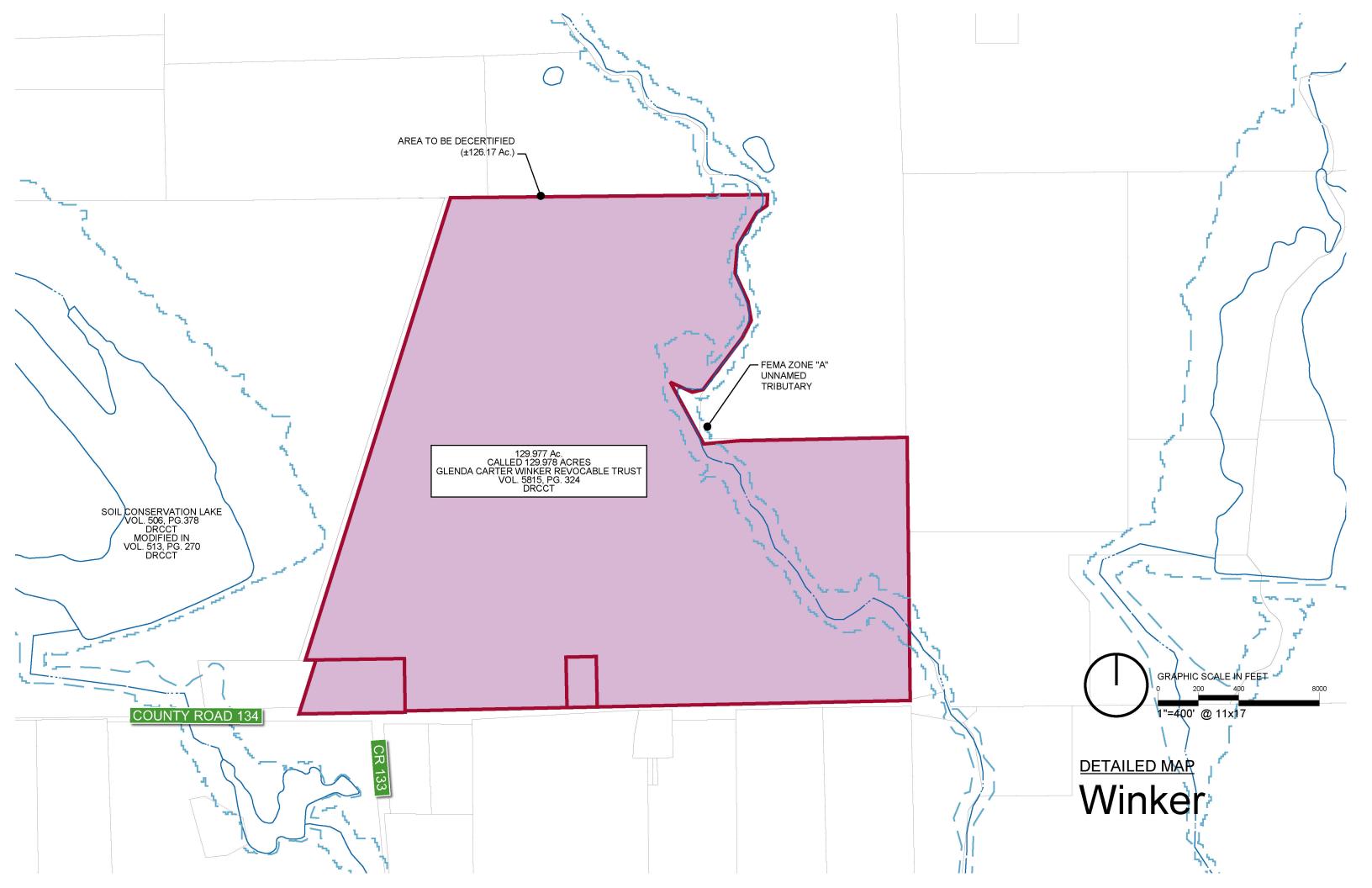


EXHIBIT "B-2"

Detailed Map



BEING a tract of land situated in the B. E. Blackwell Survey, Abstract No. 93, and being a portion of a called 129.978-acre tract of land, described in a Warranty Deed to Glenda Carter Winker Revocable Trust, recorded in Volume 5815, Page 324 of the Land Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at the southeast corner of said 129.978-acre tract and the southwest corner of a called 0.7825-acre tract of land, described in a deed to Celina Independent School District, recorded in County Clerk's File No. 97-0036542 of the Land Records of Collin County, Texas, same also being in County Road 134, an apparent public use right of way

THENCE South 88°49'09" West, along the southerly line of said 129.978-acre tract and said County Road 134, a distance of 834.38 feet to a point for corner;

THENCE South 88°48'59" West, continuing along the southerly line of said 129.978-acre tract and said County Road 134, a distance of 716.99 feet to a point for corner;

THENCE North 01°11'01" West, departing the southerly line of said 129.978-acre tract and said County Road 134, crossing said 129.978-acre tract, a distance of 250.00 feet to a point for corner;

THENCE South 88°48'59" West, continuing across said 129.978-acre tract, a distance of 150.00 feet to a point for corner;

THENCE South 01°11'01" East, continuing across said 129.978-acre tract, a distance of 250.00 feet to a point for corner on the southerly line of said 129.978-acre tract, same being in said County Road 134;

THENCE South 88°48'59" West, along the southerly line of said 129.978-acre tract and said County Road 134, a distance of 802.35 feet to a point for corner;

THENCE North 00°53'33" West, departing the southerly line of said 129.978-acre tract and said County Road 134, crossing said 129.978-acre tract, a distance of 259.45 feet to a point for corner;

THENCE South 89°06'27" West, continuing across said 129.978-acre tract, a distance of 438.06 feet to the northeast corner of a called 3.283-acre tract of land, described in a Warranty Deed to Grayson Collin Electric Cooperative, Inc., as recorded in Volume 1238, Page 347 of the Land Records of Collin County, Texas, same being on the westerly line of said 129.978-acre tract;

THENCE South 89°51'50" West, along a westerly line of said 129.978-acre tract and the northerly line of said 3.283-acre tract, a distance of 52.45 feet to the westerly, southwest corner of said 129.978-acre tract, same being the easterly, southeast corner of a called 145.532-acre tract of land, described in a Special Warranty Deed, recorded in Instrument No. 20130926001350070 of the Official Public Records of Collin County, Texas;

THENCE North 17°26'05" East, along the westerly line of said 129.978-acre tract and the easterly line of said 145.532-acre tract, a distance of 2,400.74 feet to the northwest corner of said 129.978-acre tract and the northeast corner of said 145.532-acre tract, same being on the southerly line of a called 25.549-acre tract, described in a Warranty Deed to Bill and Greta Morgan Living Trust, recorded in Instrument No. 20120109000022070 of the Official Public Records of Collin County, Texas;

THENCE North 89°26'23" East, along the northerly line of said 129.978-acre tract, the southerly line of said 25.549-acre tract and the southerly line of a called 14.98-acre tract of land, described in a Warranty Deed to David McCauley and wife, Mary J. McCauley, recorded in Volume 4569, Page 2331 of the Land Records of Collin County, Texas, a distance of 1,571.50 feet to the northeast corner of said 129.978-acre tract, same being on the westerly line of a called 110.98-acre tract of land, described in a Special Warranty Deed to John H. and Cindy E. Altus Revocable Trust, recorded in County Clerk's File No. 96-0096255 of the Land Records of Collin County, Texas, same being in the center of Honey Creek;

THENCE along the easterly line of said 129.978-acre tract, the westerly line of said 110.98-acre tract and along Honey Creek, the following:

South 02°59'37" West, a distance of 53.89 feet to a point for corner;

South 55°04'59" West, a distance of 63.15 feet to a point for corner;

South 30°04'32" West, a distance of 188.86 feet to a point for corner;

South 05°05'49" West, a distance of 135.41 feet to a point for corner;

South 24°34'41" East, a distance of 153.14 feet to a point for corner;

South 10°01'28" East, a distance of 97.31 feet to a point for corner:

South 27°52'50" West, a distance of 99.96 feet to a point for corner;

South 37°03'28" West, a distance of 318.47 feet to a point for corner;

South 76°16'39" West, a distance of 55.45 feet to a point for corner;

North 65°35'02" West, a distance of 119.39 feet to a point for corner;

South 28°28'11" East, a distance of 347.84 feet to the southwest corner of said 110.98-acre tract;

THENCE North 84°47'01" East, departing said Honey Creek, along the southerly line of said 110.98-acre tract and a northerly line of said 129.978-acre tract, a distance of 171.97 feet to a point for corner:

THENCE North 88°49'53" East, continuing along the southerly line of said 110.98-acre tract and a northerly line of said 129.978-acre tract, a distance of 836.73 feet to the northeast corner of said 129.978-acre tract;

THENCE South 00°40'05" East, along the easterly line of said 129.978-acre tract, a distance of 1,303.96 feet to the **POINT OF BEGINNING** and containing 126.17 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



EXHIBIT "C-1"

Warranty Deed

WARRANTY DEED

WITNESSETH, that the Grantor (GIFT DEED - NO CONSIDERATION AND NO DOCUMENTARY FEE REQUIRED) has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantee, its heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Collin, State of Texas described as follows:

See attached Exhibit "A"

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantors, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for herself, her heirs and personal representatives or successors, does covenant, grant, bargain, and agree to and with the Grantee, its heirs and assigns, that at the time of the ensealing and delivery of these presents, they are well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except general taxes for the current year and subsequent years and subject to restrictions, reservations and covenants of record and except easements and right of way of record, if any, and except

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantors have executed this deed on the date set forth above.

Glenda C. Winker, Grantor.

STATE OF COLORADO

OF CO'

) 55.

CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 230 day of November, 2004, by Glenda C. Winker, Grantor.

My Commission expires: 10/2/08

WITNESS my hand and official seal.

Notary Public

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.

Exhibit "A"

SITUATED in Collin County, Texas, in the B. Blackwell Survey, Abstract No. 93, being a resurvey of part of the 92.553 acres of land described in a deed from Carolyn Wright and Marvelyn Neal, Executrixes to Cheryl L. Small, recorded in Document No. 95-17673 of the Collin County Land Records; a part of the 25.397 acres of land described in a deed from First Bank, Farmersville, Texas to Cheryl L. Small recorded in Document No. 92-10329 of the Collin County Land Records; all of the 0.50 acre of land described in a deed from Boyd Wayne Logan, et al to Cheryl Lynn Small, recorded in Document No. 93-37216 of the Collin County Land Records; the 49.9 acres of land described in a deed from Billy R. Kerr and wife, Helen Kerr to Cheryl Lynn Small recorded in Document No. 93-35244 of the Collin County Land Records and all of the 24.96 acres of land described in a deed from Carl David Bond and Melissa Bond to Cheryl Lynn Small recorded in Document No. 93-35240 of the Collin County Land Records;

BEGINNING at an iron pin found beside a steel pipe corner post set in concrete at the Northeast corner of said 24.96 acre tract, in the West line of the J.E. Abernathy 108.99 acres of land, Ref. V. 1095, P. 877 and at a Southeast corner of the John Altus Land, Ref. V. 2659, P. 619;

THENCE South 0 deg. 10 min. 28 sec. East, 1303.98 feet with the East line of said 24.96 acre tract and the West line of said 108.99 acre tract to an iron pin found on the North side of County road No. 134, at the Southeast corner of said 24.96 acre tract;

THENCE South 89 deg. 18 min. 46 sec. West, 834.38 feet with the South line of said 24.96 acre tract and along the North side of said County Road No. 134 to an iron pin found at the Southwest corner of said 24.96 acre tract and the Southeast corner of said 49.9 acre tract,

THENCE South 89 deg. 18 min. 36 sec. West, 1669.34 feet with the South line of said 49.9 acre tract and along the North side of said County road to an iron pin found at the Southwest corner of said 49.9 acre tract, in the East line of said 0.50 acre tract,

THENCE South 0 deg. 05 min. 06 sec. East, 6.65 feet with the East line of said 0.50 acre tract to an iron pin set at the Southeast corner of said 0.50 acre tract, in said road;

THENCE South 89 deg. 36 min. 04 sec. West, 526.16 feet with the South line of said 0.50 acre tract and with the South line of said 25.397 acre tract to an iron pin set at the South, Southwest corner of said 25.397 acre tract, at the Southeast corner of the Grayson Collin Blec. 3.283 acre Lot, Ref. V. 1238, P. 347;

THENCE North 17 deg. 55 min. 36 sec. east, 280.32 feet with a West line of said 25.397 ... acre tract and with the East line of said 3.283 acre Lot to an iron pin set at the Northeast corner of said 3.283 acre Lot and the ell corner of said 25.397 acre tract;

THENCE North 89 deg. 38 min. 33 sec. West, 52.45 feet with the South line of said 25.397 acre tract and with the North line of said 3.283 acre but to an iron pin set in the center of an electric power transmission line;

THENCE North 17 deg. 55 min. 42 sec. East, 2400.74 feet with the center of said Transmission Line to an iron pin set in the center of said Transmission Line, in the North line of said 92.553 acre tract;

THENCE North 89 deg. 56 min. East, with the North line of said 92.553 acre tract and with the South line of the Therena francis Land, ref. V. 1447, P. 883, leaving said old fence at 550 feet where a drainage swale has washed out the old fence, and continuing with the property line, passing a second iron pin of the same size and length found beside an old post on the North side of a 24° Bois d'arc tree at 1407.36 feet and continuing in all 1571.50 feet to a point in the center of Honey Creek at the Northeast corner of said 92.553 acre tract;

THENCE generally in a southerly direction with the center of said Honey Creek and with the Rast line of said 92.553 acre tract and with the West line of the John Altus Land, Ref. V. 2659, P. 619 as follows:

Exhibit "A" continued

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South 3 deg. 29 min, 14 sec. West, 53.89 feet;
South 55 deg. 34 min. 36 sec. West, 63.15 feet;
South 30 deg. 34 min. 09 sec. West, 188.86 feet;
South 5 deg. 35 min. 26 sec. West, 135.41 feet;
South 24 deg. 05 min. 04 sec. East, 153.14 feet;
South 9 deg. 31 min. 51 sec. East, 97.31 feet;
South 28 deg. 22 min. 27 sec. West, 99.6 feet;
South 37 deg. 33 min. 05 sec. West, 318.47 feet;
South 76 deg. 46 min. 16 sec. West, 55.45 feet;
North 65 deg. 05 min. 25 sec. West, 119.39 feet;
South 27 deg. 58 min. 34 sec. East, 119.39 feet;
South 27 deg. 58 min. 34 sec. East, 347.84 feet to a point in said Creek, at the Southwest corner of said Altus Land;
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THENCE North 85 deg. 16 min. 38 sec. East, 171.97 feet with the South line of said Altus Land and with the North line of said 49.9 acre tract to an iron pin found at the Northeast corner of said 49.9 acre tract and the Northwest corner of said 24.96 acre tract;

THENCE North 89 deg. 19 min. 30 sec. East, 836.70 feet with a new fence and with said South line and with the North line of said 24.96 acre tract to the PLACE OF BEGINNING and containing 129.978 acres of land.

ANA PROMOLION MERICA CHICLIA STREAMS THE SALE PRIMAL OR DOS OF THE OPSIGNESS OF AN IMPOURANT SERVICE OF COURS OF RECEIVE MARKING AND CHICLIANDERS OF COURSEMPTIME. OF COURS OF RECEIVE MARKING AND THE CHICLIANDERS OF CHICLIANDERS OF COURSE OF CO

DEC 1 4 2004

Brenda Taylor

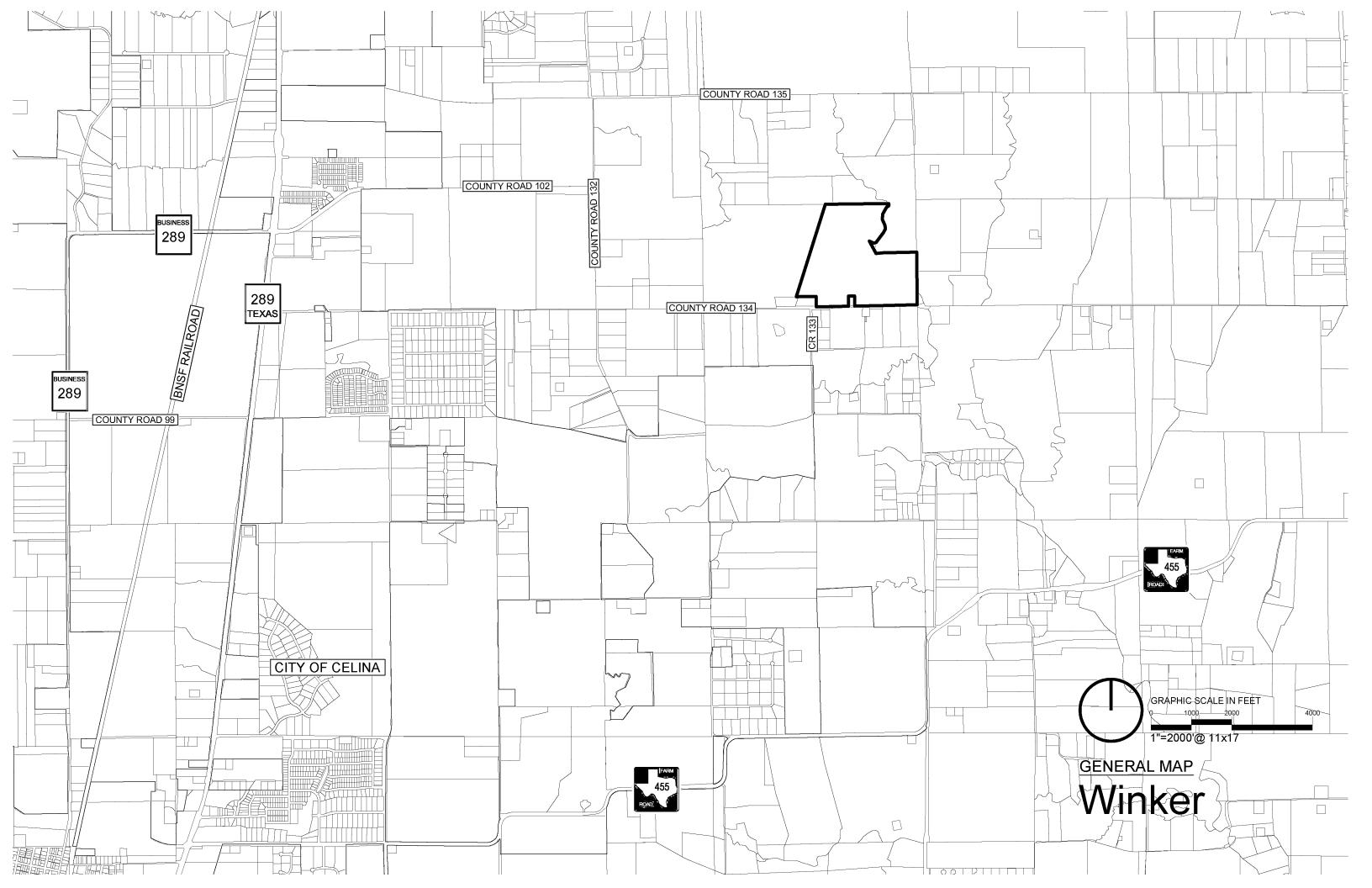


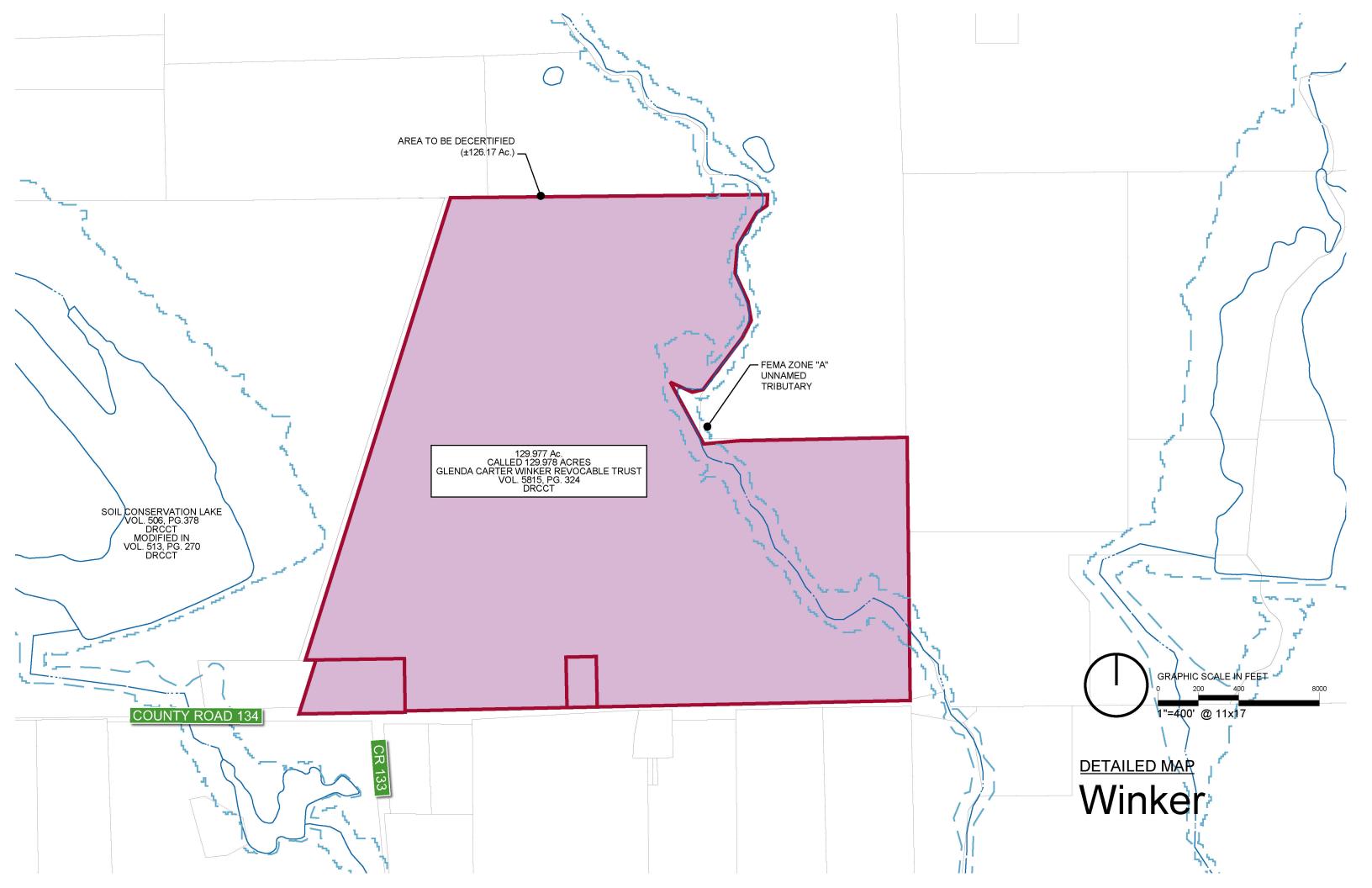
Filed for Record in: Collin County, McKinney TX Honorable Brenda Taylor Collin County Clerk

On Dec 14 2004 At 9:04am

Doc/Hum : 2004-- 0178081

Recording/Type:01 18.00 Receipt H: 48872





The following files are not convertible:

Winker-Deed.cpg
Winker-Deed.dbf
Winker-Deed.idx
Winker-Deed.prj
Winker-Deed.shp
Winker-Deed.shx
Winker-Proposed.cpg
Winker-Proposed.dbf
Winker-Proposed.idx
Winker-Proposed.prj
Winker-Proposed.shp
Winker-Proposed.shp

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.