



## Filing Receipt

**Received - 2022-10-13 03:06:24 PM**  
**Control Number - 53208**  
**ItemNumber - 24**

**PUC DOCKET NO. 53208**

<b>PETITION OF FALCON PLACE SF,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LTD. TO AMEND MOUNT ZION</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ROCKWALL</b>	<b>§</b>	
<b>COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**MOUNT ZION WATER SUPPLY CORPORATION'S  
APPRAISAL REPORT**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:**

In accordance with Order No. 3 in the above-referenced matter, Mount Zion Water Supply Corporation submits the attached Appraisal Report.

Respectfully submitted,

**Messer Fort McDonald, PLLC**  
4201 W. Parmer Lane, Ste. C-150  
Austin, Texas 78727  
(512) 930-1317  
(972) 668-6414 (Fax)  
art@txmunicipallaw.com

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 13<sup>th</sup> day of October, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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



October 13, 2022

Ms. Robin Baley  
Mount Zion Water Supply Corporation  
P.O. Box 2034  
Rockwall, Texas 75087

**SUBJECT: PUC DOCKET NO. 53208; PETITION BY FALCON PLACE SF, LTD TO AMEND MOUNT ZION WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN ROCKWALL COUNTY BY STREAMLINED EXPEDITED RELEASE**

Dear Ms. Baley,

KOR Group is pleased to present this appraisal as considered by the Public Utility Commission of Texas to determine just compensation for the expedited release of 78.64 acres of land from Mount Zion Water Supply Corporation's Certificate of Convenience and Necessity (CCN) No. 10088 in Rockwall County, Texas. The petition was filed by Falcon Place SF, LTD and is part of the Public Utility Commission of Texas Docket No. 53208. The application was filed pursuant to Tex. Water Code §13.2541 – Streamlined Expedited Release Initiated by Landowner. The intended users of the report include the client, Mount Zion Water Supply Corporation, its representatives, and the Public Utility Commission of Texas.

The subject property is 78.64 acres at the southeast corner of Farm-to-Market Road 1141 and Clem Road in Rockwall County, Texas. The CCN is within the Rockwall County market in a high growth area.

## SCOPE OF WORK

As part of this appraisal, we have completed the following steps to gather, confirm, and analyze the data.

- ❖ Utilized the appraisal process to estimate compensation due to the expedited release of 78.64 acres of land from Mount Zion Water Supply Corporation's Certificate of Convenience and Necessity (CCN) No. 10088 in Rockwall County, Texas, as of October 13, 2022, pursuant to Tex. Water Code §13.2541 – Streamlined Expedited Release Initiated by Landowner.
- ❖ Collected and reviewed information about the history of the subject property and the market. A list of documents reviewed is detailed in the report.
- ❖ Gathered market information on the surrounding market area. Sources of data include, but are not limited to, County deed records, County Appraisal District data, owner's representatives, brokers, investors, developers, and other knowledgeable individuals active in the area.
- ❖ Prepared an appraisal report to determine just compensation as considered by the Public Utility Commission of Texas that falls outside of Standards Rules 1-10 of the *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition*. However, we have complied with the portions of the *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition* that apply to the assignment.

## COMPETENCY RULE

We have the ability to properly identify the problem to be addressed; the knowledge and experience to complete the assignment competently; and recognize and comply with the laws and regulations

that apply to the appraisers and the assignment. Additional competency was gained through the client and the client's representatives.

## JURISDICTIONAL EXCEPTION RULE

If any applicable law or regulation precludes compliance with any part of the *Uniform Standards of Professional Appraisal Practice*, only that part of the *Uniform Standards of Professional Appraisal Practice* becomes void for the assignment.

## DOCUMENTS REVIEWED

The documents collected and reviewed in preparation of the appraisal include, but are not limited to, the below. Additionally, we have reviewed other filed documents on the Public Utility Commission of Texas website.

- ❖ Tex. Water Code §13.254
- ❖ Tex. Water Code §13.2541
- ❖ Petition by Falcon Place SF, LTD for Expedited Release from Water CCN No. 10088 Held by Mount Zion Water Supply Corporation in Rockwall County – PUC Docket No. 53208 (February 10, 2022)
- ❖ Supplemental Maps (February 28, 2022)
- ❖ Order No. 3 Finding Petition, As Amended, Administratively Complete, Notice Sufficient, Restyling Docket, and Establishing Procedural Schedule (April 8, 2022)
- ❖ Response of Mount Zion Water Supply Corporation (April 27, 2022)
- ❖ Commission Staff's Recommendation of Final Disposition (May 18, 2022)
- ❖ Mount Zion Water Supply Corporation's Exceptions to Proposed Order (June 3, 2022)
- ❖ Order (August 4, 2022)
- ❖ Summary of Legal Costs (through October 13, 2022)

## FACTORS FOR COMPENSATION

The required factors that must be considered in determining compensation of a certificate holder subject to a decertification from a utility's CCN are set forth in Tex. Water Code §13.254(g) and Chapter 21 of the Property Code (for real property). Those factors apply to streamlined expedited release petitions filed under Tex. Water Code §13.2541. Per Tex. Water Code §13.254(g), the factors ensuring that the compensation to a retail public utility is just and adequate shall include:

- ❖ Factor 1 – the value of real property must be determined according to the standards set forth in chapter 21 of the Texas Property Code governing actions in eminent domain.
- ❖ Factor 2A – the amount of the former CCN holder's debt allocable to service to the removed area.
- ❖ Factor 2B – the value of the service facilities belonging to the former CCN holder that are within the removed area.
- ❖ Factor 2C – the amount of any expenditures for planning, design, or construction of the service facilities of the former CCN holder that are allocable to service to the removed area.
- ❖ Factor 2D – the amount of the former CCN holder's contractual obligations allocable to the removed area.

- ❖ Factor 2E – any demonstrated impairment of service or any increase of cost to consumers of the former CCN holder remaining after a CCN revocation or amendment under this section.
- ❖ Factor 2F – the impact on future revenues lost from existing customers.
- ❖ Factor 2G – necessary and reasonable legal expenses and professional fees, including costs incurred to comply with TWC §13.257(r).
- ❖ Factor 2H – any other relevant factors as determined by the commission.

## ANALYSIS

The area to be released is 78.64 acres at the southeast corner of Farm-to-Market Road 1141 and Clem Road in Rockwall County, Texas. According to filings found in PUC Docket No. 53208, the area to be released was not receiving active water service from Mount Zion Water Supply Corporation at the time of the streamlined expedited release (SER) petition was filed. This fact is disputed by the Petitioner. The Commission granted the requested SER in PUC Docket No. 53208. That decision prompted a compensation phase for the proceeding.

Mount Zion Water Supply Corporation had performed planning and design activities, and constructed facilities, to serve the subject property, among other areas. Below is a summary of compensation due to Mount Zion Water Supply Corporation based on the applicable factors for compensation.

### **Factor 1:**

There is no real property being acquired by the petitioner, thus no compensation is considered under this factor.

### **Factor 2A:**

There is no debt reported by the client associated with the released area.

### **Factor 2B:**

There are no facilities reported by the client associated with the released area.

### **Factor 2C:**

There are no expenditures for planning, design, or construction of the service facilities that are allocable to service to the removed area.

### **Factor 2D:**

Not applicable.

### **Factor 2E/2F/2H:**

We considered residences, developers, entities, and corporations within the CCN to be customers. If they are not considered to be customers, then we believe the below analysis should be considered as other relevant factors. There is potentially an increase in cost to rate-paying customers if Mount Zion Water Supply Corporation is not able to serve the released tract. Mount Zion Water Supply Corporation is losing the opportunity to receive revenues from serving the released 78.64 acres. It is estimated that the 78.64 acres could have served 50 LUE's. Further, we have estimated that after 2 years of planning and development activity, 25 LUE's per year could be brought online. The average fee lost is \$4,500 per LUE and the average annual water sales is \$650. The below discounted cash flow models the net revenues to Mount Zion Water Supply Corporation at a discount rate of 10% over a 20-year period, which accounts for time, management, and risk. The result is a loss in the net present value amount of **\$411,214**.

Discounted Cash Flow							
Period	Year		LUE's	Fee	Sales	Total	PV @ 10%
0	2022	- 2023	-	\$ -	\$ -	\$ -	\$ -
1	2023	- 2024	-	\$ -	\$ -	\$ -	\$ -
2	2024	- 2025	25	\$ 112,500	\$ 16,250	\$ 128,750	\$ 106,405
3	2025	- 2026	50	\$ 112,500	\$ 32,500	\$ 145,000	\$ 108,941
4	2026	- 2027	50	\$ -	\$ 32,500	\$ 32,500	\$ 22,198
5	2027	- 2028	50	\$ -	\$ 32,500	\$ 32,500	\$ 20,180
6	2028	- 2029	50	\$ -	\$ 32,500	\$ 32,500	\$ 18,345
7	2029	- 2030	50	\$ -	\$ 32,500	\$ 32,500	\$ 16,678
8	2030	- 2031	50	\$ -	\$ 32,500	\$ 32,500	\$ 15,161
9	2031	- 2032	50	\$ -	\$ 32,500	\$ 32,500	\$ 13,783
10	2032	- 2033	50	\$ -	\$ 32,500	\$ 32,500	\$ 12,530
11	2033	- 2034	50	\$ -	\$ 32,500	\$ 32,500	\$ 11,391
12	2034	- 2035	50	\$ -	\$ 32,500	\$ 32,500	\$ 10,356
13	2035	- 2036	50	\$ -	\$ 32,500	\$ 32,500	\$ 9,414
14	2036	- 2037	50	\$ -	\$ 32,500	\$ 32,500	\$ 8,558
15	2037	- 2038	50	\$ -	\$ 32,500	\$ 32,500	\$ 7,780
16	2038	- 2039	50	\$ -	\$ 32,500	\$ 32,500	\$ 7,073
17	2039	- 2040	50	\$ -	\$ 32,500	\$ 32,500	\$ 6,430
18	2040	- 2041	50	\$ -	\$ 32,500	\$ 32,500	\$ 5,845
19	2041	- 2042	50	\$ -	\$ 32,500	\$ 32,500	\$ 5,314
20	2042	- 2043	50	\$ -	\$ 32,500	\$ 32,500	\$ 4,831
<b>Net Present Value</b>							<b>\$ 411,214</b>

#### Factor 2G:

Mount Zion Water Supply Corporation incurred legal fees in connection with defending the decertification of the area in question. As of the date of this report, reasonable and necessary legal fees identified by Mount Zion Water Supply Corporation and its counsel associated with the decertification process total \$5,850. Legal counsel has estimated an additional \$1,750 of fees for work that will be performed after the submission of the report but related to the decertification.

Mount Zion Water Supply Corporation also engaged KOR Group to perform an appraisal report to estimate the compensation due to Mount Zion Water Supply Corporation for the decertification. The fee for the appraisal service is \$8,000. A copy of the signed engagement letter can be found in the addenda.

Legal Expenses (as of October 13, 2022)	\$ 5,850
Legal Expenses (estimated after October 13, 2022)	\$ 1,750
Mount Zion Water Supply Corporation Appraisal Fee	+ \$ 8,000
<b>Total Factor 2G</b>	<b>\$ 15,600</b>

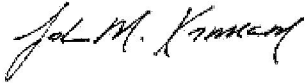
### TOTAL COMPENSATION

Below is a summary of the total compensation due to Mount Zion Water Supply Corporation for the release of 78.64 acres of land from a portion of its Certificate of Convenience and Necessity (CCN) No. 10088 in Rockwall County, Texas, as of October 13, 2022:

Factors 2E/2F/2H	\$ 411,214
Factor 2G	+ \$ 15,600
<b>Total Compensation</b>	<b>\$ 426,814</b>

We have retained all information regarding this appraisal in our file. Please contact us if we can be of further assistance in this matter.

KOR GROUP



Joshua M. Korman  
State of Texas Certification #TX-1330595-G



John Kostohryz  
State of Texas Certification #TX-1380151-G

## QUALIFICATIONS

## JOSHUA M. KORMAN

**Experience:** Mr. Korman is a principal of KOR Group, a full-service real estate consulting and appraisal firm based in Fort Worth, Texas. Mr. Korman has been appraising real property since 1997. Mr. Korman's assignments have involved property types including, but not limited to, office buildings, retail centers, service stations, hospitals, educational facilities, apartment complexes, industrial facilities, raw and developed land, timberland, restaurants, mixed-use developments, automobile dealerships, mining operations, and master planned communities. Mr. Korman has valued and consulted on properties in Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Nebraska, New Mexico, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

Mr. Korman's assignments have included flooding impacts on master planned communities and residential subdivisions, analysis of sales, cost and income for office buildings and retail centers, estimates of value in tax increment financing districts, asset management, assistance in acquisitions/dispositions of property, estate tax planning, contributions to family limited partnerships, market studies, analysis of environmental impacts, and condemnation. Specific assignments include reporting on the impact of existing and proposed railroad corridors and sidings on adjacent properties. He has had extensive experience in eminent domain cases ranging from public roadway expansions to pipeline easements. Assignments have also included consultation for both ad valorem and estate tax purposes. Mr. Korman has testified in eminent domain proceedings and before appraisal district review boards in ad valorem tax disputes. Other assignments include retrospective valuations of real estate assets held by financial institutions in relation to Winstar cases. Properties within these portfolios consisted of master planned communities, commercial developments, ground leases, and government secured multi-family residential developments.

Mr. Korman attended preparatory school at Fort Worth Country Day before continuing at The University of Texas at Austin McCombs Business School. During college, Mr. Korman worked for an independent oil and gas company as a gas account manager and assistant to the Chief Financial Officer. Later Mr. Korman was employed as a legal aide for Texas State Representative Anna Mowery where he assisted with local and state policymaking. While with Representative Mowery, Mr. Korman worked with the Land and Resource Management Committee and the Appropriations Committee on budgeting issues. After graduation in 1996, Mr. Korman was employed as an appraiser and consultant with Lewis Realty Advisors.

**Professional Activities:**

- Licensed: Texas State Certified General Real Estate Appraiser  
Certificate No. TX-1330595-G
- Member: Practicing Affiliate of the Appraisal Institute  
2007 Social Committee Chairman (Houston Chapter)  
2008 Alternate Regional Representative (Houston Chapter)
- Member: Forensic Expert Witness Association (Director for 2016, 2017)
- Member: Greater Fort Worth Real Estate Council
- Member: International Right of Way Association
- Member: Institute of Real Estate Management
- Member: University of Texas Real Estate Finance and Investment Center Council
- Member: International Council of Shopping Centers
- Member: Tarrant County Bar Association

**Education:** University of Texas at Austin – 1996 (Bachelor of Business Administration – Finance)  
Coursework accredited by the Appraisal Institute, The University of Texas, and the State of Texas

## JOHN S. KOSTOHRYZ

**Experience:** Mr. Kostohryz is a principal of KOR Group, a full-service real estate consulting and appraisal firm. Mr. Kostohryz has provided real estate consulting and appraisal services since 2008. He has provided consultation for complex eminent domain assignments of numerous types of properties including, but not limited to, raw and developed land, office buildings, retail centers, service stations, hospitals, apartment complexes, master planned communities, restaurants, amusement park facilities, mixed-use developments, and industrial facilities.

Mr. Kostohryz is a 2006 graduate from Texas Christian University in Fort Worth, Texas with a Bachelor of Business Administration with majors in Finance, Accounting, and Marketing.

Prior to becoming a real estate appraiser and consultant, Mr. Kostohryz was a Consultant with Ryan, Inc. in Dallas, Texas where he consulted with transaction tax departments of Fortune 500 companies.

Mr. Kostohryz is from Fort Worth, Texas and graduated from Trinity Valley School.

**Professional Activities:**

Licensed:	Texas State Certified General Real Estate Appraiser Certificate No. TX-1380151-G Various temporary out of state licenses Practicing Affiliate of the Appraisal Institute
Member:	Member of the International Right of Way, Chapter 36
Member:	Fort Worth Chamber of Commerce
Member:	Greater Fort Worth Real Estate Council

**Education:** Texas Christian University, Fort Worth, Texas – 2006  
Bachelor of Business Administration  
Majors: Finance, Accounting, and Marketing

Relevant Coursework by the Appraisal Institute, accredited universities, and others:

Principles of Real Estate Appraisal  
Procedures of Real Estate Appraisal  
Uniform Standards of Professional Appraisal Practice  
General Income Approach Part I  
General Income Approach Part II  
General Appraiser Sales Comparison Approach  
General Appraiser Site Valuation and Cost Approach  
Statistics and Valuation Modeling  
General Appraiser Report Writing and Case Studies  
General Appraiser Market Analysis and Highest & Best Use  
Expert Witness for Commercial Appraisers  
Commercial Appraisal Review

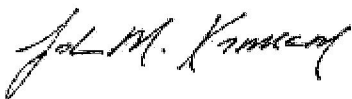
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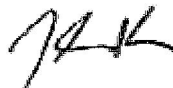
## **CERTIFICATION OF THE APPRAISAL**

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

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have performed no services, as an appraiser or in any other capacity, regarding the property that is subject of its report within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and Standards of Professional Appraisal Practice of the Appraisal Institute.
9. Joshua M. Korman and John Kostohryz made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the persons signing this certification including, data research.
11. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
12. As of the date of the report, we have completed the Standards and Ethics Education Requirements of the Appraisal Institute.



Joshua M. Korman  
State of Texas Certification #TX-1330595-G



John Kostohryz  
State of Texas Certification #TX-1380151-G

## **ADDENDA**



## Filing Receipt

**Received - 2022-02-10 06:04:15 PM**

**Control Number - 53208**

**ItemNumber - 1**

PUC DOCKET NO. \_\_\_\_\_

PETITION BY FALCON PLACE SF, LTD,	§	PUBLIC UTILITY COMMISSION
FOR STREAMLINED EXPEDITED	§	
RELEASE FROM WATER CCN NO. 10088	§	OF TEXAS
HELD BY MOUNT ZION WATER	§	
SUPPLY CORPORATION	§	

**PETITION BY FALCON PLACE SF, LTD.  
FOR STREAMLINED EXPEDITED RELEASE  
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Falcon Place SF, Ltd. (“Falcon Place”) and files this Petition with the Public Utility Commission of Texas (the “PUC”) for streamlined expedited release from water certificate of convenience and necessity (“CCN”) No. 10088, held by Mount Zion Water Supply Corporation (“Mount Zion WSC”) pursuant to (i) Texas Water Code Section 13.2541; and (ii) Rule 24.245(h) of the Commission’s Rules found at 16 Tex. Admin. Code Section 24.245; and in support thereof would respectfully show 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 streamlined expedited release of the area from a CCN.<sup>1</sup> 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.”<sup>2</sup> The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Rockwall County is a county in which owners of at least 25 acres are entitled to expedited release.<sup>3</sup> Under Section

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<sup>1</sup> TWC § 13.2541.

<sup>2</sup> *Id.*

<sup>3</sup> 16 Tex. Admin. Code §24.245(h)

13.2541(c), the PUC “shall grant a petition received not later than the 60<sup>th</sup> day after the date the landowner files the petition.”

## **II. REQUEST FOR STREAMLINED EXPEDITED RELEASE**

Falcon Place owns approximately 78.64 acres of contiguous property in Rockwall County, Texas (the “Property”). The Property is located within the boundaries of water CCN No. 10088, held by Mount Zion WSC. None of the Property receives service from any water or sewer service provider. In support of this Petition, Falcon Place has attached the following exhibits:

1. Affidavit in support of this Petition is attached hereto as **Exhibit A**;
2. General Location Map is attached hereto as **Exhibit B**;
3. Detailed Property Map is attached hereto as **Exhibit C**; and
4. Property records (special warranty deed including metes and bounds description) is attached hereto as **Exhibit D**.


## **III. CONCLUSION AND PRAYER**

Texas Water Code Section 13.2541 entitles Falcons Place to expedited release of the Property described herein and in the attached exhibits from CCN No. 10088. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Rockwall County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60<sup>th</sup> day after the date of filing. Falcon Place respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Property that are within the boundaries of water CCN No. 10088.

Respectfully submitted,

WINSTEAD PC

By: \_\_\_\_\_

  
Scott W. Eidman  
State Bar No. 24078468  
[seidman@winstead.com](mailto:seidman@winstead.com)

2728 N. Harwood Street  
Suite 500  
Dallas Texas 75201  
Telephone: (214) 745-5484  
Facsimile: (214) 745-5390

**ATTORNEY FOR PETITIONER**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of February, 2022, a true and correct copy of the Petition by Falcon Place SF, LTD, for Streamlined Expedited Release Pursuant to Texas Water Code Section 13.2541 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Via Certified Mail, RRR  
Mount Zion Water Supply Corporation  
5736 SH 205 South, Ste 101  
Rockwall, Texas 75032

  
\_\_\_\_\_  
Scott W. Eidman



**EXHIBIT A**  
**AFFIDAVIT OF ADAM BUCZEK**

PUC DOCKET NO. \_\_\_\_\_

PETITION BY FALCON PLACE SF, LTD	§	PUBLIC UTILITY COMMISSION
FOR STREAMLINED EXPEDITED	§	
RELEASE FROM WATER CCN NO. 10088	§	OF TEXAS
HELD BY MOUNT ZION WATER	§	
SUPPLY CORPORATION	§	

**AFFIDAVIT OF ADAM BUCZEK IN SUPPORT OF PETITION**

STATE OF TEXAS                   §  
  §  
COUNTY OF DALLAS           §

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

1.       “My name is Adam Buczek, 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 authorized to sign documents on behalf of Falcon Place SF, LTD, the owner of the 78.64 acres of land (the “Property”) in the above-captioned matter. The Property is located within the boundaries of water CCN No. 10088 issued to Mount Zion Water Supply Corporation.

3.       The Property is located in Rockwall County, Texas, is over 25 acres in size, and consists of contiguous tracts of land. Attached to this Petition is Exhibit B, which is a true and correct copy of a map identifying the Property, its location, and the area of the CCN.

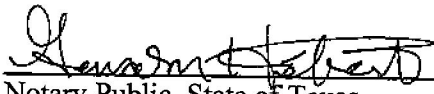
4.       The Property is not receiving water or sewer service from Mount Zion Water Supply Corporation. Falcon Place SF, LTD, has not requested water or sewer service from Mount Zion WSC or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.

5.       I request that the Public Utility Commission of Texas release this Property from water CCN No. 10088.”

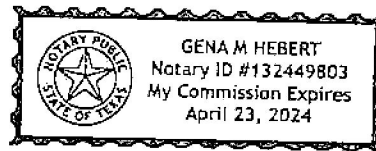
FURTHER AFFIANT SAYETH NOT.

  
Adam Buczek

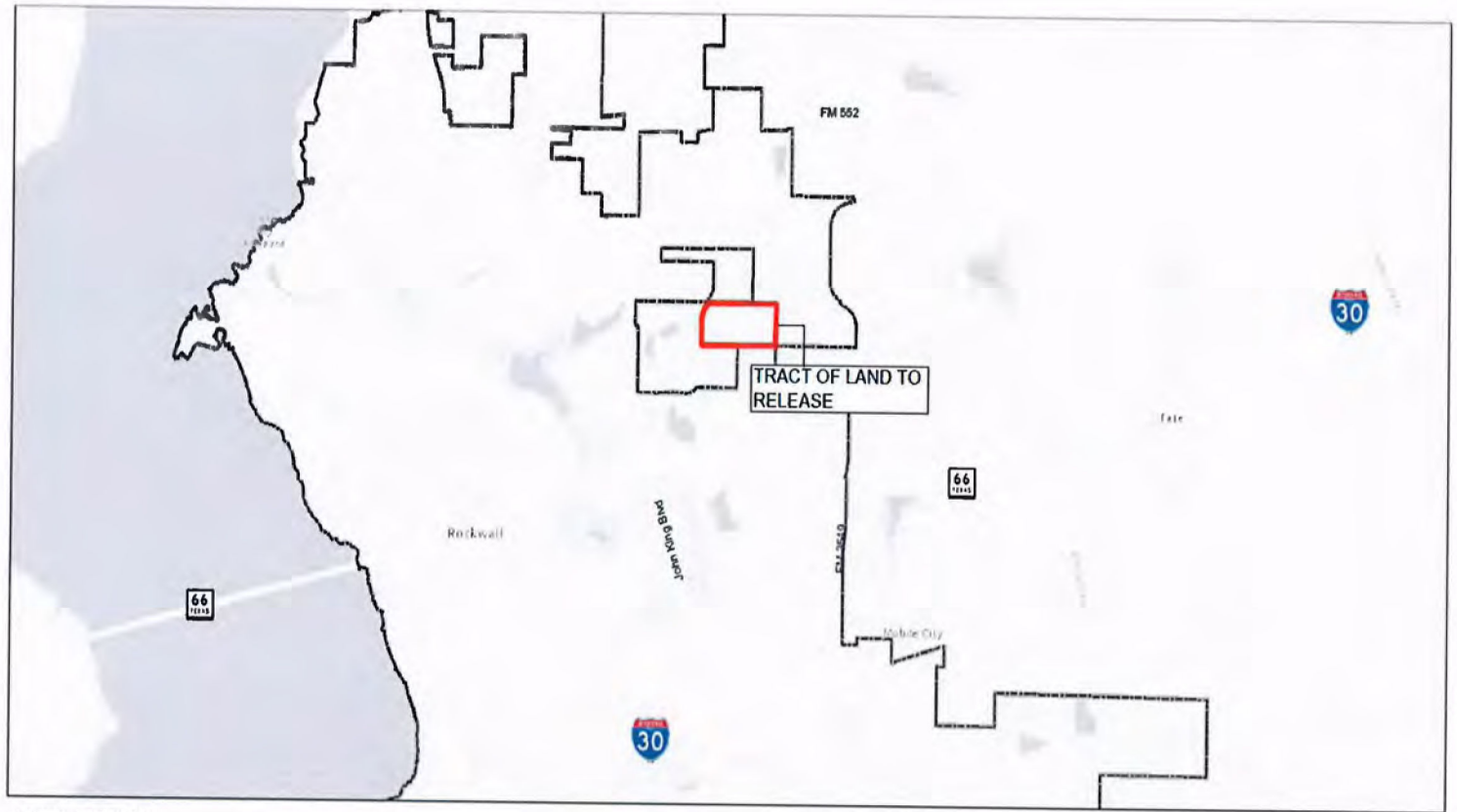
SWORN TO AND SUBSCRIBED TO BEFORE ME by Adam Buczek on  
February 10, 2022

  
Notary Public, State of Texas

(SEAL)



# EXHIBIT B



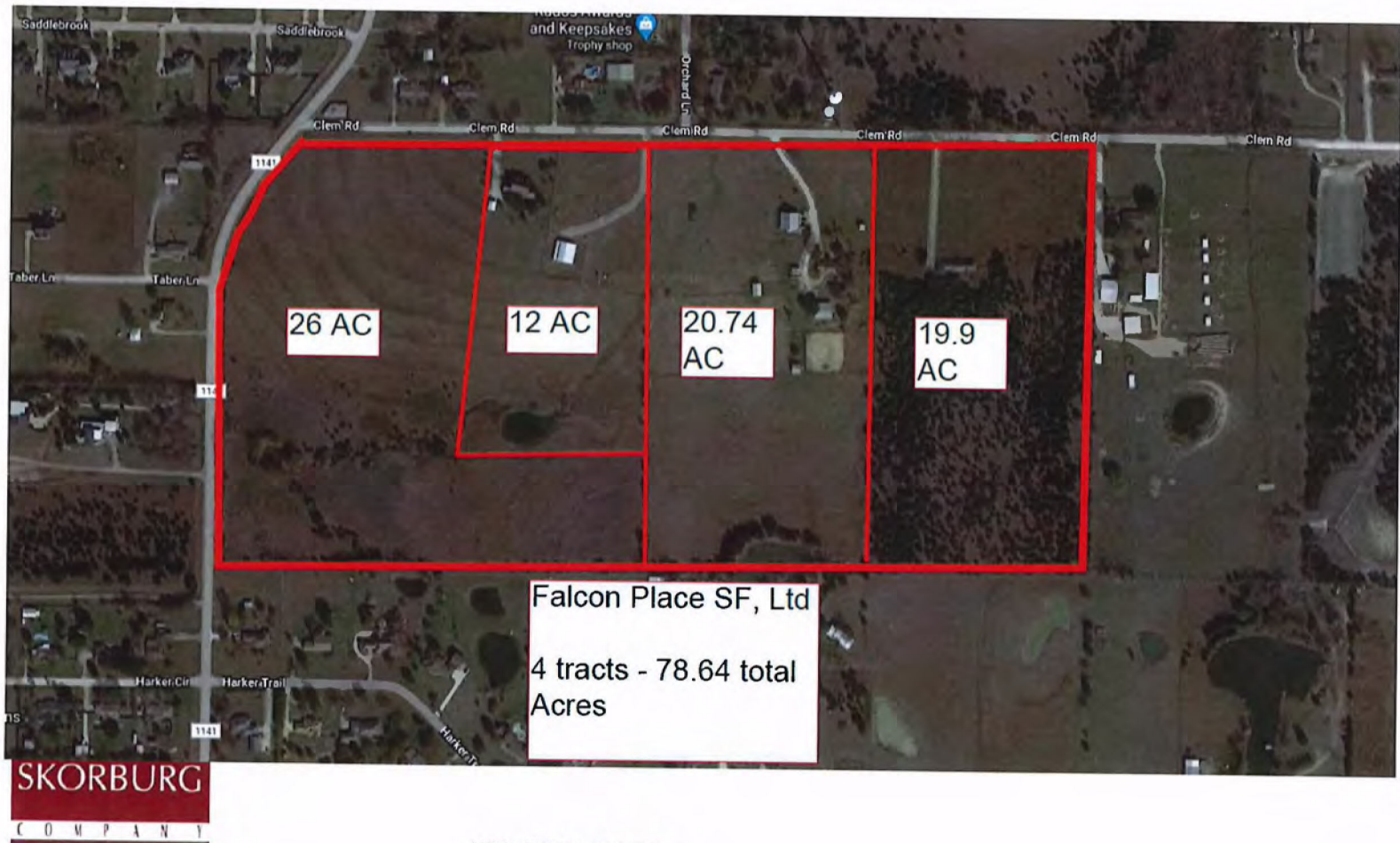
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City Limits  
Proposed Streets

Scale: 1:45,140  
0 0.46 0.9 1.8 mi  
0 0.75 1.5 3 km  
City of Rockwall GIS, Texas Parks & Wildlife, Esri, HERE, Garmin, Swire, VET/ASA, USGS, EPA, NPS, USDA  
City of Rockwall GIS Online Maps

City of Rockwall GIS, Texas Parks & Wildlife, Esri, HERE, Garmin, Swire, VET/ASA, USGS, EPA, NPS, USDA | City of Rockwall GIS Online Maps

EXHIBIT C



**EXHIBIT D**  
**DEEDS**

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

**GENERAL WARRANTY DEED WITH VENDOR'S LIEN**

THE STATE OF TEXAS  
COUNTY OF ROCKWALL

§  
§  
§  
KNOW ALL MEN BY THESE PRESENTS:

Benchmark Title, LLC  
2007 Randall Street  
Dallas, TX 75201

Effective Date: August 5, 2021

Grantor: VASUNDHARA K. REDDY, a/k/a REDDY K.  
VASUNDHARA, and ALEX R. FREEMAN

Grantor's Mailing Address: 811 S. Central Expressway, Suite 306  
Richardson, Dallas County, Texas 75080

Grantee: FALCON PLACE SF, LTD., a Teas limited partnership

Grantee's Mailing Address: 8214 Westchester, Suite 900  
Dallas, Texas 75225

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, including the execution and delivery of a Promissory Note ("Note") of even date herewith in the principal amount of Two Million Seven Hundred Ninety Five Thousand One Hundred Forty Four and No/100 Dollars (\$2,795,144.00) payable to the order of Simmons Bank ("Lender"), which is secured by a vendor's lien retained in this Deed and by a deed of trust of even date from Grantee to Mark Crawford, Trustee upon the Property (the "Deed of Trust").

Property: That certain real property situated in Rockwall County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes, together with, (i) all improvements located on the real property (the "Improvements"), (ii) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anywise appertaining to the real property, (iii) all right,

title, and interest of Grantor in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining the real property, and (iv) all right, title and interest of Grantor in and to all utilities and utility availability, sewage treatment capacity and water capacity which serves or will serve the real property (the "Property").

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

This conveyance, however, is made and accepted subject to the matters described on **Exhibit "B"** attached hereto and made a part hereof, to the extent the same are valid and existing and affect the Property without reimposing same (the "Permitted Encumbrances").

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and its successors to warrant and forever defend all and singular the Property conveyed by Grantor hereunder to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the Permitted Encumbrances.

But it is expressly agreed and stipulated that the Vendor's Lien and Superior Title are retained against the Property by Grantor, its successors and assigns, until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to Lender, its successors and assigns, the payee named in the Note, without recourse on Grantor.

When the context requires, singular nouns, and pronouns include the plural.

*Remainder of page intentionally left blank*

**GENERAL WARRANTY DEED WITH VENDOR'S LIEN - Page 2**



EXECUTED on the date of acknowledgement, but to be effect the 5 day of <sup>August</sup> ~~July~~, 2021. <sup>1</sup> ~~ARR,~~ <sup>KVR</sup>

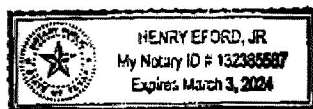
GRANTOR:

VASUNDHARA K. REDDY a/k/a REDDY K. VASUNDHARA

ALEX R. FREEMAN

THE STATE OF TEXAS §  
COUNTY OF Dallas §

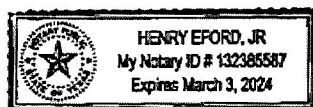
This instrument was acknowledged before me on the 5 day of <sup>August</sup> ~~July~~, 2021, by Vasundhara K. Reddy a/k/a Reddy K. Vasundhara.



[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF Dallas §

This instrument was acknowledged before me on the 5 day of <sup>August</sup> ~~July~~, 2021, by Alex R. Freeman.



[Signature]  
Notary Public, State of Texas

**GENERAL WARRANTY DEED WITH VENDOR'S LIEN - Page 3**

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a called 26.012 acre tract of land described in a deed to Reddy K. Vasundhara and Alex R. Freeman, recorded in Instrument No. 20160000021465, in the Official Public Records of Rockwall County, Texas (O.P.R.C.T.), being more particularly described as follows:

BEGINNING at a magnail set the northwest corner of said 26.012 acre tract and the southwest corner of a tract of land described in a deed to Jerry F. Fisher, recorded in Volume 3060, Page 140, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being in the easterly line of F.M. 1141 (80 feet width right-of-way), also being in the approximate center of Clem Road (by use and occupation), from which a found magnail bears South 24 degrees 31 minutes 32 seconds West, a distance of 3.01 feet;

THENCE North 88 degrees 43 minutes 27 seconds East, with the north line of said 26.012 acre tract and the south lines of said Fisher tract and a tract of land described in deed to Lee Allen McBee and wife, Vivian McBee, recorded in Volume 993, Page 98, D.R.R.C.T., and along said approximate center of Clem Road, a distance of 532.46 feet to a magnail set at the most northerly northeast corner of said 26.012 acre tract and the northwest corner of a tract of land described in deed to Mark G. Taylor and Jessica K. Taylor, recorded in Instrument No. 20200000001599, O.P.R.C.T.;

THENCE South 00 degrees 49 minutes 20 seconds West, departing the south line of said McBee tract and said approximate center of Clem Road, with an east line of said 26.012 acre tract and the west line of said Taylor tract, a distance of 284.30 feet to a steel fence post;

THENCE South 04 degrees 32 minutes 42 seconds West, continuing with an east line of said 26.012 acre tract and the west line of said Taylor tract, a distance of 113.32 feet to steel fence post;

THENCE South 05 degrees 01 minute 12 seconds West, continuing with an east line of said 26.012 acre tract and the west line of said Taylor tract, a distance of 597.75 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" (controlling monument) found at the southwest corner of said Taylor tract, being an interior corner of said 26.012 acre tract;

THENCE North 88 degrees 32 minutes 08 seconds East, with the south line of said Taylor tract and a north line of said 26.012 acre tract, a distance of 574.09 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" found at the southeast corner of said Taylor tract and the most easterly northeast corner of said 26.012 acre tract, being in the west line of a tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, D.R.R.C.T.;

**GENERAL WARRANTY DEED WITH VENDOR'S LIEN - Page 4**

THENCE South 00 degrees 40 minutes 21 seconds East, with an east line of said 26.012 acre tract and the west line of said Stevenson tract, a distance of 334.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southeast corner of said 26.012 acre tract, the southwest corner of said Stevenson tract, the northwest corner of Maytona Ranch Estates, an addition to Rockwall County, Texas, recorded in Cabinet B, Page 78, of the Map Records of Rockwall County, Texas (M.R.R.C.T.), and the northeast corner of Meadowview Ranch Estates, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 253, M.R.R.C.T., from which a 3/8-inch iron rod bears North 57 degrees 35 minutes 26 seconds East, a distance of 4.47 feet;

THENCE South 88 degrees 40 minutes 07 seconds West, with the south line 26.012 acre tract and the north line of said Meadowview Ranch Estates, a distance of 510.65 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 89 degrees 25 minutes 48 seconds West, continuing with the south line of said 26.012 acre tract and the north line of said Meadowview Ranch Estates, a distance of 778.01 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said 26.012 acre tract and the northwest corner of said Meadowview Ranch Estates, being in said easterly line of F.M. 1141, from which a found 5/8-inch iron (bent) bears North 87 degrees 45 minutes 50 seconds East, a distance of 3.13 feet;

THENCE North 00 degrees 35 minutes 35 seconds West, with the west line of said 26.012 acre tract and said easterly line of F.M. 1141, a distance of 811.47 feet to a 1/2-inch iron rod (controlling monument) found at the point of curvature of a curve to the right, having a radius of 533.14 feet and a central angle of 39 degrees 09 minutes 00 seconds;

THENCE continuing with the west line of said 26.012 acre tract and said easterly line of F.M. 1141, with said curve to the right, an arc distance of 364.29 feet (Chord Bearing North 18 degrees 58 minutes 55 seconds East - 357.25 feet) to the point of tangency, from which a found 1" iron rod bears South 48 degrees 34 minutes 47 seconds East - 0.90 feet;

THENCE North 38 degrees 33 minutes 25 seconds East, with the west line of said 26.012 acre tract and said easterly line of F.M. 1141, a distance of 218.04 feet to the POINT OF BEGINNING and containing 26.0275 acres of land, of which a portion lies within a publicly used roadway (Clem Road).

**EXHIBIT "B"**

**PERMITTED ENCUMBRANCES**

1. Easement executed by Roy Phelps and Mary Phelps to Lone Star Gas Company, dated May 29, 1926, filed June 18, 1926, recorded in Volume 25, Page 619, Deed Records, Rockwall County, Texas; and noted on survey dated May 2021 prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504.
2. Easement executed by Avice F. Johnston to the State of Texas, dated October 24, 1950, filed October 27, 1950, recorded in Volume 46, Page 575, Deed Records, Rockwall County, Texas; and shown on survey dated May 2021 prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504.
3. Easement executed by Avice F. Johnston to Mt. Zion Water Supply Corporation, dated October 24, 1967, filed April 23, 1968, recorded in Volume 82, Page 378, Deed Records, Rockwall County, Texas; and shown on survey dated May 2021 prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504.
4. Covenants, terms, and conditions of that certain Development Agreement by and between the City of Rockwall, Texas and Glen D. Walker, dated November 12, 2008, filed February 10, 2009, recorded in Volume 5692, Page 251, Official Public Records, Rockwall County, Texas.

Electronically Filed and Recorded  
Official Public Records  
Jennifer Fogg, County Clerk  
Rockwall County, Texas  
08/09/2021 02:04:08 PM  
Fee: \$46.00  
20210000021526



*Jennifer Fogg*

**GENERAL WARRANTY DEED WITH VENDOR'S LIEN - Page 6**

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

**SPECIAL WARRANTY DEED**

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

Effective Date:                     July 21, 2021

Grantor:                             MARK G. TAYLOR AND JESSICA K. TAYLOR,  
  TRUSTEES OF THE M.G. & J.K. TAYLOR LIVING  
  TRUST, DATED DECEMBER 13, 2019

Grantor's Mailing Address:       237 Clem Road  
  Rockwall, Rockwall County, Texas 75087

Grantee:                             FALCON PLACE SF, LTD., a Texas limited partnership

Grantee's Mailing Address:       8214 Westchester Drive, Suite 900  
  Dallas, Dallas County, Texas 75225

Consideration:                    Ten Dollars (\$10.00) and other good and valuable  
  consideration.

Property:                            That certain real property situated in Rockwall County,  
  Texas, and being more particularly described on Exhibit  
  "A" attached hereto and incorporated herein by reference  
  for all purposes, together with, (i) all improvements located  
  on the real property (the "Improvements"), (ii) all and  
  singular the rights, benefits, privileges, easements,  
  tenements, hereditaments, and appurtenances thereon or in  
  anywise appertaining to the real property, (iii) all right,  
  title, and interest of Grantor in and to all strips and gores  
  and any land lying in the bed of any street, road or alley,  
  open or proposed, adjoining the real property, and (iv) all  
  right, title and interest of Grantor in and to all utilities and  
  utility availability, sewage treatment capacity and water  
  capacity which serves or will serve the real property (the  
  "Property").

SPECIAL WARRANTY DEED - Page 1

**BENCHMARK TITLE, LLC**  
**2007 RANDALL STREET**  
**DALLAS, TX 75201**  
**GF# PL70-20214**

Reservations from Conveyance:

Grantor reserves for the benefit of Grantor and Grantor's successors and assigns forever, and does not convey to Grantee, any and all right, title or interest in or to all subsurface water, oil, gas, and minerals ("Reserved Minerals") of every kind and character, including, without limitation, coal, lignite coal, coal bed methane gas, sulfur, uranium and any other mineral substance in and under and that may be produced or otherwise extracted in any way from the Property, but specifically excluding those minerals that form a part of the surface or soil, such as building stone, sand, iron ore, gravel, uranium, coal lignite, shale, limestone, or caliche. Grantor, on behalf of Grantor and its successors and assigns, waives the right of ingress and egress and any other use of the surface of the Property for the purpose of mining, drilling, exploring, operating and developing for oil, gas and other minerals and removing same therefrom and other activities associated with its ownership of the Reserved Minerals in the Property. Nothing herein, however, restricts or prohibits the pooling of the Reserved Minerals with land other than the Property or the exploration or production of the Reserved Minerals by means of wells that are drilled on the Property but enter or bottom under the Property, provided that these operations (i) are located not less than six hundred feet from the boundary of the Property, and penetrate the Property no closer than one thousand feet (1000') below the surface, and (ii) in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

Exceptions to Conveyance  
and Warranty:

This conveyance, however, is made and accepted subject to the matters described on **Exhibit "B"** attached hereto and made a part hereof, to the extent the same are valid and existing and affect the Property without reimposing same (the "Permitted Encumbrances").

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and its successors to warrant and forever defend all and singular the Property conveyed by Grantor hereunder to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim

the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

When the context requires, singular nouns, and pronouns include the plural.

EXECUTED on the date of acknowledgement, but to be effective the 21st day of July, 2021.

GRANTOR:

*Mark G. Taylor*

MARK G. TAYLOR, Trustee of the M.G. & J.K.  
TAYLOR LIVING TRUST, DATED DECEMBER  
13, 2019

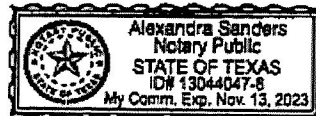
*Jessica K. Taylor*

JESSICA K. TAYLOR, Trustee of the M.G. & J.K.  
TAYLOR LIVING TRUST, DATED DECEMBER  
13, 2019

THE STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on the 21<sup>st</sup> day of July, 2021, by Mark G. Taylor, Trustee.

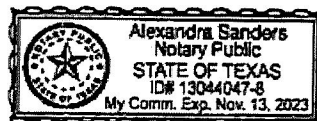


*Alexandra Sanders*  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on the 21<sup>st</sup> day of July, 2021, by Jessica K. Taylor, Trustee.



*Alexandra Sanders*  
Notary Public, State of Texas

SPECIAL WARRANTY DEED - Page 3

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a called 12.0 acre tract of land described in a deed to Mark G. Taylor and Jessica K. Taylor, recorded in Instrument No. 20200000001599, in the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), being more particularly described as follows:

BEGINNING at a magnail set at the northwest corner of said 12.0 acre tract and the most northerly northeast corner of a called 26.012 acre tract of land described in a deed to Reddy K. Vasundhara and Alex R. Freeman, recorded in Instrument No. 20160000021465, O.P.R.R.C.T., being in the south line of a tract of land described in deed to Lee Allen McBee and wife, Vivian McBee, recorded in Volume 993, Page 98, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being in the approximate center of Clem Road (by use and occupation);

THENCE North 88 degrees 43 minutes 27 seconds East, with the north line of said 12.0 acre tract, the south lines of said McBee tract and Tract 15 of J.L. Peoples Subdivision, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 109, of the Map Records of Rockwall County, Texas, and along said approximate center of Clem Road, a distance of 497.05 feet to a magnail set at the northeast corner of said 12.0 acre tract and the northwest corner of a tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, D.R.R.C.T.;

THENCE South 00 degrees 40 minutes 21 seconds East, departing the south line of said Tract 15 and said approximate center of Clem Road, with the east line of said 12.0 acre tract and the west line of said Stevenson tract, a distance of 989.15 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" found at the southeast corner of said 12.0 acre tract, and the most easterly northeast corner of said 26.012 acre tract;

THENCE South 88 degrees 32 minutes 08 seconds West, departing the west line of said Stevenson tract, with the south line of said 12.0 acre tract and a north line of said 26.012 acre tract, a distance of 574.09 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" (controlling monument) found at the southwest corner of said 12.0 acre tract, being and interior corner of said 26.012 acre tract;

THENCE North 05 degrees 01 minute 12 seconds East, with the west line of said 12.0 acre tract and an east line of said 26.012 acre tract, a distance of 597.75 feet to a steel fence post;

THENCE North 04 degrees 32 minutes 42 seconds East, continuing with the west line of said 12.0 acre tract and east line of said 26.012 acre tract, a distance of 113.32 feet to a steel fence post;

**SPECIAL WARRANTY DEED - Page 4**



THENCE North 00 degrees 49 minutes 20 seconds East, continuing with the west line of said 12.0 acre tract and east line of said 26.012 acre tract, a distance of 284.30 feet to the POINT OF BEGINNING and containing 11.9983 acres of land, of which a portion lies within a publicly used roadway (Clem Road).

**SPECIAL WARRANTY DEED - Page 5**

EXHIBIT "B"

EXCEPTIONS TO CONVEYANCE AND WARRANTY

1. Any portion of the subject property lying within the boundaries of any road or roadway, public or private, including Clem Road, as shown on survey dated May 2021 prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504.
2. Easement executed by Roy Phelps and Mary Phelps to Lone Star Gas Company, a corporation, dated May 29, 1926, filed June 18, 1926, recorded in Volume 25, Page 619, Deed Records, Rockwall County, Texas; and noted on survey dated May 2021 prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504.
3. Telephone pedestal near north property line, as shown on survey dated May 2021 prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504.

Electronically Filed and Recorded  
Official Public Records  
Jennifer Fogg, County Clerk  
Rockwall County, Texas  
07/22/2021 10:38:24 AM  
Fee: \$46.00  
20210000019714



*Jennifer Fogg*

20210000021525  
08/09/2021 02:04:07 PM  
DEED  
Pg: 1/7

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

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

THE STATE OF TEXAS  
COUNTY OF ROCKWALL

§  
§  
§

**PL21-28952**  
KNOW ALL MEN BY THESE PRESENTS:

**Benchmark Title, LLC**  
2007 Randall Street  
Dallas, TX 75201

Effective Date: August 5, 2021

Grantor: ALLEN G. STEVENSON and wife, LISA MARIE STEVENSON

Grantor's Mailing Address: 427 Clem Road  
Rockwall, Rockwall County, Texas 75087

Grantee: FALCON PLACE SF, LTD., a Texas limited partnership

Grantee's Mailing Address: 8214 Westchester Drive, Suite 900  
Dallas, Dallas County, Texas 75225

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, including the execution and delivery of a Promissory Note ("Note") of even date herewith in the principal amount of Two Million Seven Hundred Ninety Five Thousand One Hundred Forty Four and No/100 Dollars (\$2,795,144.00) payable to the order of Simmons Bank ("Lender"), which is secured by a vendor's lien retained in this Deed and by a deed of trust of even date from Grantee to Mark Crawford, Trustee upon the Property (the "Deed of Trust").

Property: That certain real property situated in Rockwall County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes, together with, (i) all improvements located on the real property (the "Improvements"), (ii) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anyway appertaining to the real property, (iii) all right,

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 1**

title, and interest of Grantor in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining the real property, and (iv) all right, title and interest of Grantor in and to all utilities and utility availability, sewage treatment capacity and water capacity which serves or will serve the real property (the "Property").

**Reservations from Conveyance:**

Grantor reserves for the benefit of Grantor and Grantor's successors and assigns forever, and does not convey to Grantee, any and all right, title or interest in or to all subsurface water, oil, gas, and minerals ("Reserved Minerals") of every kind and character, including, without limitation, coal, lignite coal, coal bed methane gas, sulfur, uranium and any other mineral substance in and under and that may be produced or otherwise extracted in any way from the Property, but specifically excluding those minerals that form a part of the surface or soil, such as building stone, sand, iron ore, gravel, uranium, coal lignite, shale, limestone, or caliche. Grantor, on behalf of Grantor and its successors and assigns, waives the right of ingress and egress and any other use of the surface of the Property for the purpose of mining, drilling, exploring, operating and developing for oil, gas and other minerals and removing same therefrom and other activities associated with its ownership of the Reserved Minerals in the Property. Nothing herein, however, restricts or prohibits the pooling of the Reserved Minerals with land other than the Property or the exploration or production of the Reserved Minerals by means of wells that are drilled on the Property but enter or bottom under the Property, provided that these operations (i) are located not less than six hundred feet from the boundary of the Property, and penetrate the Property no closer than one thousand feet (1000') below the surface, and (ii) in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

**Exceptions to Conveyance  
and Warranty:**

This conveyance, however, is made and accepted subject to the matters described on Exhibit "B" attached hereto and made a part hereof, to the extent the same are valid and existing and affect the Property without reimposing same (the "Permitted Encumbrances").

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and its successors to warrant and forever defend all and singular the Property conveyed by Grantor hereunder to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

But it is expressly agreed and stipulated that the Vendor's Lien and Superior Title are retained against the Property by Grantor, its successors and assigns, until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to Lender, its successors and assigns, the payee named in the Note, without recourse on Grantor.

When the context requires, singular nouns, and pronouns include the plural.

*[Remainder of Page Intentionally Left Blank]*

EXECUTED on the date of acknowledgement, but to be effective the 5<sup>th</sup> day of ~~July~~<sup>August</sup>, 2021.

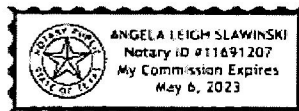
GRANTOR:

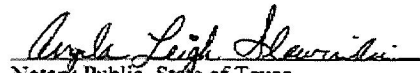
  
ALLEN G. STEVENSON

  
LISA MARIE STEVENSON

THE STATE OF TEXAS §  
§  
COUNTY OF Rockwall §

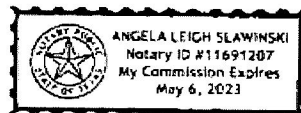
This instrument was acknowledged before me on the 5<sup>th</sup> day of ~~July~~<sup>August</sup>, 2021, by Allen G. Stevenson.

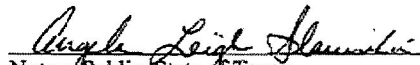


  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF Rockwall §

This instrument was acknowledged before me on the 5<sup>th</sup> day of ~~July~~<sup>August</sup>, 2021, by Lisa Marie Stevenson.



  
Notary Public, State of Texas

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 4**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being part of a called 20.83 acre tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being more particularly described as follows:

BEGINNING at a magnail set at the northwest corner of said 20.83 acre tract and the northeast corner of a tract of land described in deed to Mark G. Taylor and Jessica K. Taylor, recorded in Instrument No. 2020000001599, in the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), being in the south line of J.L. Peoples Subdivision, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 109, of the Map Records of Rockwall County, Texas (M.R.R.C.T.), also being in the approximate center of Clem Road (by use and occupation);

THENCE North 89 degrees 10 minutes 09 seconds East, with the north line of said Stevenson tract, the south line of said J.L. Peoples Subdivision and said approximate center of Clem Road, at a distance of 519.81 feet passing the southeast corner of said J.L. Peoples Subdivision and the southwest corner of a tract of land described in deed to Karl Daniel Erwin, Trustee of Sub-Trust A of the Karl W. Erwin Family Trust, recorded in Volume 6424, Page 27, D.R.R.C.T., continuing for a total distance of 685.32 feet to a magnail set at the northeast corner of said Stevenson tract and the northwest corner of a tract of land described in deed to Gordon C. Fogg, recorded in Volume 145, Page 21, D.R.R.C.T.;

THENCE South 00 degrees 46 minutes 35 seconds East, departing the south line of said Erwin tract and said approximate center of Clem Road, with the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 311.82 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 88 degrees 11 minutes 18 seconds West, departing the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 255.02 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 01 degree 48 minutes 42 seconds East, a distance of 171.90 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE North 88 degrees 11 minutes 18 seconds East, a distance of 251.91 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the east line of said Stevenson tract and the west line of said Fogg tract;

THENCE South 00 degrees 46 minutes 35 seconds East, a distance of 835.09 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 5**

THENCE South 88 degrees 54 minutes 00 seconds West, departing the east line of said Stevenson tract and the west line of said Fogg tract, at a distance of 158.62 feet passing the northeast corner of Maytona Ranch Estates, an addition to Rockwall County Texas, recorded in Cabinet B, Page 78, M.R.R.C.T., continuing with the north line of said Maytona Ranch Estates for a total distance of 687.73 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the west line of said Stevenson tract and the east line of tract of land described in a deed to Reddy K. Vasundhara and Alex R. Freeman, recorded in Instrument No. 20160000021465, O.P.R.R.C.T.;

THENCE North 00 degrees 40 minutes 21 seconds West, with the west line of said Stevenson tract and the east line of said Vasundhara and Freeman tract, at a distance of 332.92 feet passing a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" found at a northeast corner of said Vasundhara and Freeman tract and the southeast corner of said Taylor tract, continuing for a total distance of 1,322.07 feet to the POINT OF BEGINNING and containing 19.8105 acres of land, of which a portion lies within a publicly used roadway (Clem Road).

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 6**



**EXHIBIT "B"**

**EXCEPTIONS TO CONVEYANCE  
AND WARRANTY**

1. Restrictive covenants recorded in Volume 171, Page 885, Deed Records, Rockwall County, Texas.
2. Terms, provisions and conditions of that certain Development Agreement by and between the City of Rockwall, Texas and Allen G. Stevenson et ux, dated November 17, 2008, filed February 10, 2009, recorded under Clerk's File No. 2009-00411371, Official Public Records, Rockwall County, Texas.
3. Terms, provisions and conditions of that certain Development Agreement by and between the City of Rockwall, Texas and Allen G. Stevenson Et Ux, dated January 3, 2011, filed February 10, 2011, recorded under Clerk's File No. 2011-00445924, Official Public Records, Rockwall County, Texas.
4. Terms, conditions and restrictions contained in Development Agreement by and between City of Rockwall and Allen and Lisa Stevenson filed July 07, 2021, recorded under Clerk's File 20210000018308, Official Public Records, Rockwall County, Texas.

Electronically Filed and Recorded  
Official Public Records  
Jennifer Fogg, County Clerk  
Rockwall County, Texas  
08/09/2021 02:04:07 PM  
Fee: \$50.00  
20210000021525



**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 7**

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

## SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §  
COUNTY OF ROCKWALL §  
KNOW ALL MEN BY THESE PRESENTS: §  
Benchmark Title, LLC  
2007 Randall Street  
Dallas, TX 75201  
Effective Date: August 5, 2021  
Grantor: ALLEN G. STEVENSON and wife, LISA MARIE STEVENSON  
Grantor's Mailing Address: 427 Clem Road  
Rockwall, Rockwall County, Texas 75087  
Grantee: FALCON PLACE SF, LTD., a Texas limited partnership  
Grantee's Mailing Address: 8214 Westchester Drive, Suite 900  
Dallas, Dallas County, Texas 75225  
Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, including the execution and delivery of a Promissory Note ("Note") of even date herewith in the principal amount of Two Million Seven Hundred Ninety Five Thousand One Hundred Forty Four and No/100 Dollars (\$2,795,144.00) payable to the order of Simmons Bank ("Lender"), which is secured by a vendor's lien retained in this Deed and by a deed of trust of even date from Grantee to Mark Crawford, Trustee upon the Property (the "Deed of Trust").  
Property: That certain real property situated in Rockwall County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes, together with, (i) all improvements located on the real property (the "Improvements"), (ii) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anyway appertaining to the real property, (iii) all right,

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 1**

title, and interest of Grantor in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining the real property, and (iv) all right, title and interest of Grantor in and to all utilities and utility availability, sewage treatment capacity and water capacity which serves or will serve the real property (the "Property").

**Reservations from Conveyance:**

Grantor reserves for the benefit of Grantor and Grantor's successors and assigns forever, and does not convey to Grantee, any and all right, title or interest in or to all subsurface water, oil, gas, and minerals ("Reserved Minerals") of every kind and character, including, without limitation, coal, lignite coal, coal bed methane gas, sulfur, uranium and any other mineral substance in and under and that may be produced or otherwise extracted in any way from the Property, but specifically excluding those minerals that form a part of the surface or soil, such as building stone, sand, iron ore, gravel, uranium, coal lignite, shale, limestone, or caliche. Grantor, on behalf of Grantor and its successors and assigns, waives the right of ingress and egress and any other use of the surface of the Property for the purpose of mining, drilling, exploring, operating and developing for oil, gas and other minerals and removing same therefrom and other activities associated with its ownership of the Reserved Minerals in the Property. Nothing herein, however, restricts or prohibits the pooling of the Reserved Minerals with land other than the Property or the exploration or production of the Reserved Minerals by means of wells that are drilled on the Property but enter or bottom under the Property, provided that these operations (i) are located not less than six hundred feet from the boundary of the Property, and penetrate the Property no closer than one thousand feet (1000') below the surface, and (ii) in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

**Exceptions to Conveyance and Warranty:**

This conveyance, however, is made and accepted subject to the matters described on Exhibit "B" attached hereto and made a part hereof, to the extent the same are valid and existing and affect the Property without reimposing same (the "Permitted Encumbrances").

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 2**

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and its successors to warrant and forever defend all and singular the Property conveyed by Grantor hereunder to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

But it is expressly agreed and stipulated that the Vendor's Lien and Superior Title are retained against the Property by Grantor, its successors and assigns, until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to Lender, its successors and assigns, the payee named in the Note, without recourse on Grantor.

When the context requires, singular nouns, and pronouns include the plural.

*[Remainder of Page Intentionally Left Blank]*

EXECUTED on the date of acknowledgement, but to be effective the 5<sup>th</sup> day of ~~July~~<sup>August</sup>, 2021.

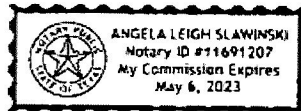
GRANTOR:

Allen G. Stevenson  
ALLEN G. STEVENSON

Lisa Marie Stevenson  
LISA MARIE STEVENSON

THE STATE OF TEXAS   §  
  §  
COUNTY OF Rockwall   §

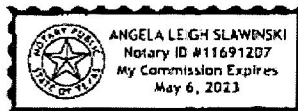
This instrument was acknowledged before me on the 5<sup>th</sup> day of ~~July~~<sup>August</sup>, 2021, by Allen G. Stevenson.



Angela Leigh Slawinski  
Notary Public, State of Texas

THE STATE OF TEXAS   §  
  §  
COUNTY OF Rockwall   §

This instrument was acknowledged before me on the 5<sup>th</sup> day of ~~July~~<sup>August</sup>, 2021, by Lisa Marie Stevenson.



Angela Leigh Slawinski  
Notary Public, State of Texas

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 4**

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being part of a called 20.83 acre tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the east line of said Stevenson tract and the west line of a tract of land described in deed to Gordon C. Fogg, recorded in Volume 145, Page 21, D.R.R.C.T., being South 00 degrees 46 minutes 35 seconds East, a distance of 311.82 feet from the northeast corner of said Stevenson tract and the northwest corner of said Fogg tract;

THENCE South 00 degrees 46 minutes 35 seconds East, with the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 171.93 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 88 degrees 11 minutes 18 seconds West, departing the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 251.91 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE North 01 degree 48 minutes 42 seconds West, a distance of 171.90 feet a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE North 88 degrees 11 minutes 18 seconds East, a distance of 255.02 feet to the POINT OF BEGINNING and containing 1.000 acres of land.

**EXHIBIT "B"**

**EXCEPTIONS TO CONVEYANCE  
AND WARRANTY**

1. Restrictive covenants recorded in Volume 171, Page 885, Deed Records, Rockwall County, Texas.
2. Terms, provisions and conditions of that certain Development Agreement by and between the City of Rockwall, Texas and Allen G. Stevenson Et Ux, dated November 17, 2008, filed February 10, 2009, recorded under Clerk's File No. 2009-00411371, Official Public Records, Rockwall County, Texas.
3. Terms, provisions and conditions of that certain Development Agreement by and between the City of Rockwall, Texas and Allen G. Stevenson Et Ux, dated January 3, 2011, filed February 10, 2011, recorded under Clerk's File No. 2011-00445924, Official Public Records, Rockwall County, Texas.
4. Terms, conditions and restrictions contained in Development Agreement by and between City of Rockwall, Allen and Lisa Stevenson, and Skorburg Retail Corporation, filed July 7, 2021, recorded under Clerk's File No. 20210000018308, Official Public Records, Rockwall County, Texas.

Electronically Filed and Recorded  
Official Public Records  
Jennifer Fogg, County Clerk  
Rockwall County, Texas  
08/09/2021 02:04:06 PM  
Fee: 546.00  
20210000021524

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 6**



*Jennifer Fogg*

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

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS  
COUNTY OF ROCKWALL

§  
§ KNOW ALL MEN BY THESE PRESENTS:  
§

Effective Date: December 21, 2021

Grantor: GORDON C. FOGG

Grantor's Mailing Address: 505 Clem Road  
Rockwall, Rockwall County, Texas 75087

Grantee: FALCON PLACE SF, LTD., a Texas limited partnership

Grantee's Mailing Address: 8214 Westchester Drive, Suite 900  
Dallas, Dallas County, Texas 75225

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration.

Property: That certain real property situated in Rockwall County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes, together with, (i) all improvements located on the real property (the "Improvements"), (ii) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anywise appertaining to the real property, (iii) all right, title, and interest of Grantor in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining the real property, and (iv) all right, title and interest of Grantor in and to all utilities and utility availability, sewage treatment capacity and water capacity which serves or will serve the real property (the "Property").



Reservations from Conveyance:

Grantor reserves for the benefit of Grantor and Grantor's successors and assigns forever, and does not convey to Grantee, any and all right, title or interest in or to all subsurface water, oil, gas, and minerals ("Reserved Minerals") of every kind and character, including, without limitation, coal, lignite coal, coal bed methane gas, sulfur, uranium and any other mineral substance in and under and that may be produced or otherwise extracted in any way from the Property, but specifically excluding those minerals that form a part of the surface or soil, such as building stone, sand, iron ore, gravel, uranium, coal lignite, shale, limestone, or caliche. Grantor, on behalf of Grantor and its successors and assigns, waives the right of ingress and egress and any other use of the surface of the Property for the purpose of mining, drilling, exploring, operating and developing for oil, gas and other minerals and removing same therefrom and other activities associated with its ownership of the Reserved Minerals in the Property. Nothing herein, however, restricts or prohibits the pooling of the Reserved Minerals with land other than the Property or the exploration or production of the Reserved Minerals by means of wells that are drilled on the Property but enter or bottom under the Property, provided that these operations (i) are located not less than six hundred feet from the boundary of the Property, and penetrate the Property no closer than one thousand feet (1000') below the surface, and (ii) in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

Exceptions to Conveyance  
and Warranty:

This conveyance, however, is made and accepted subject to the matters described on Exhibit "B" attached hereto and made a part hereof, to the extent the same are valid and existing and affect the Property without reimposing same (the "Permitted Encumbrances").

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and its successors to warrant and forever defend all and singular the Property conveyed by Grantor hereunder to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

**SPECIAL WARRANTY DEED - Page 2**

When the context requires, singular nouns, and pronouns include the plural.

***[Remainder of Page Intentionally Left Blank]***

**SPECIAL WARRANTY DEED - Page 3**

EXECUTED on the date of acknowledgement, but to be effective the 21<sup>st</sup> day of December, 2021.

GRANTOR:

Gordon C. Fogg  
GORDON C. FOGG

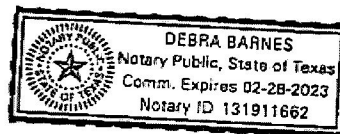
THE STATE OF TEXAS §

§

COUNTY OF Dallas §

This instrument was acknowledged before me on the 15 day of December, 2021, by Gordon C. Fogg.

Debra Barnes  
Notary Public, State of Texas



**SPECIAL WARRANTY DEED** - Page 4

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a called 20.00-acre tract of land described in deed to Gordon C. Fogg, recorded in Volume 145, Page 21, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being more particularly described as follows:

BEGINNING at a magnail set at the northwest corner of said Fogg tract and the northeast corner of a tract of land described in a deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, D.R.R.C.T., being in the south line of a tract of land described in a deed to Karl Daniel Erwin, Trustee of Sub-Trust A of the Karl W. Erwin Family Trust, recorded in Volume 6424, Page 27, D.R.R.C.T., also being in the approximate center of Clem Road (by use and occupation);

THENCE North 89 degrees 14 minutes 40 seconds East, with the north line of said Fogg tract, the south line of said Erwin tract and along said approximate center of Clem Road, a distance of 661.43 feet to a magnail set at the northeast corner of said Fogg tract and the northwest corner of a tract of land described in a deed to Craig William McCallum, recorded in Instrument No. 2015000001423, of the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.);

THENCE South 00 degrees 46 minutes 30 seconds East, departing the south line of said Erwin tract and said approximate center of Clem Road, with the east line of said Fogg tract and the west line of said McCallum tract, a distance of 1,314.86 feet to the southeast corner of said Fogg tract and the southwest corner of said McCallum tract, being the northeast corner of a tract of land described in deed to James H. Lee and Barbara Lee, recorded in Instrument No. 20170000015627, O.P.R.R.C.T., from which a 3/8-inch iron rod bears South 00 degrees 46 minutes 30 seconds east, a distance of 0.70';

THENCE South 88 degrees 54 minutes 00 seconds West, with the south line of said Fogg tract and the north line of said Lee tract, at a distance of 326.80 feet passing the northwest corner of said Lee tract and the northeast corner of a tract of land described in deed to Rockwall RV Park and Tiny Home Village, LLC, recorded in Instrument No. 20190000016425, O.P.R.R.C.T., continuing with the south line of said Fogg tract and the north line of said Rockwall RV Park and Tiny Home Village, LLC tract, a total distance of 661.41 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said Fogg tract and the southeast corner of said Stevenson tract;

THENCE North 00 degrees 46 minutes 35 seconds West, departing the north line of said Rockwall RV Park and Tiny Home Village, LLC tract, with the west line of said Fogg tract and the east line of said Stevenson tract, a distance of 1,318.84 feet to the POINT OF BEGINNING and containing 19.995 acres of land, of which 5,739 square feet lie within a publicly used roadway (Clem Road).

**EXHIBIT "B"**

**EXCEPTIONS TO CONVEYANCE  
AND WARRANTY**

1. Easement and Right-of-Way executed by Gordon C. Fogg, to Texas Power & Light Company, dated April 21, 1980, filed July 21, 1980, recorded in Volume 151, Page 580, Deed Records, Rockwall County, Texas and as noted on survey prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504, dated September 23, 2021.
2. Easement and Right-of-Way executed by Gordon C. Fogg, to Texas Power & Light Company, dated April 21, 1980, filed July 21, 1980, recorded in Volume 151, Page 582, Deed Records, Rockwall County, Texas and as noted on survey prepared by Patrick J. Baldasaro, Registered Professional Land Surveyor No. 5504, dated September 23, 2021.

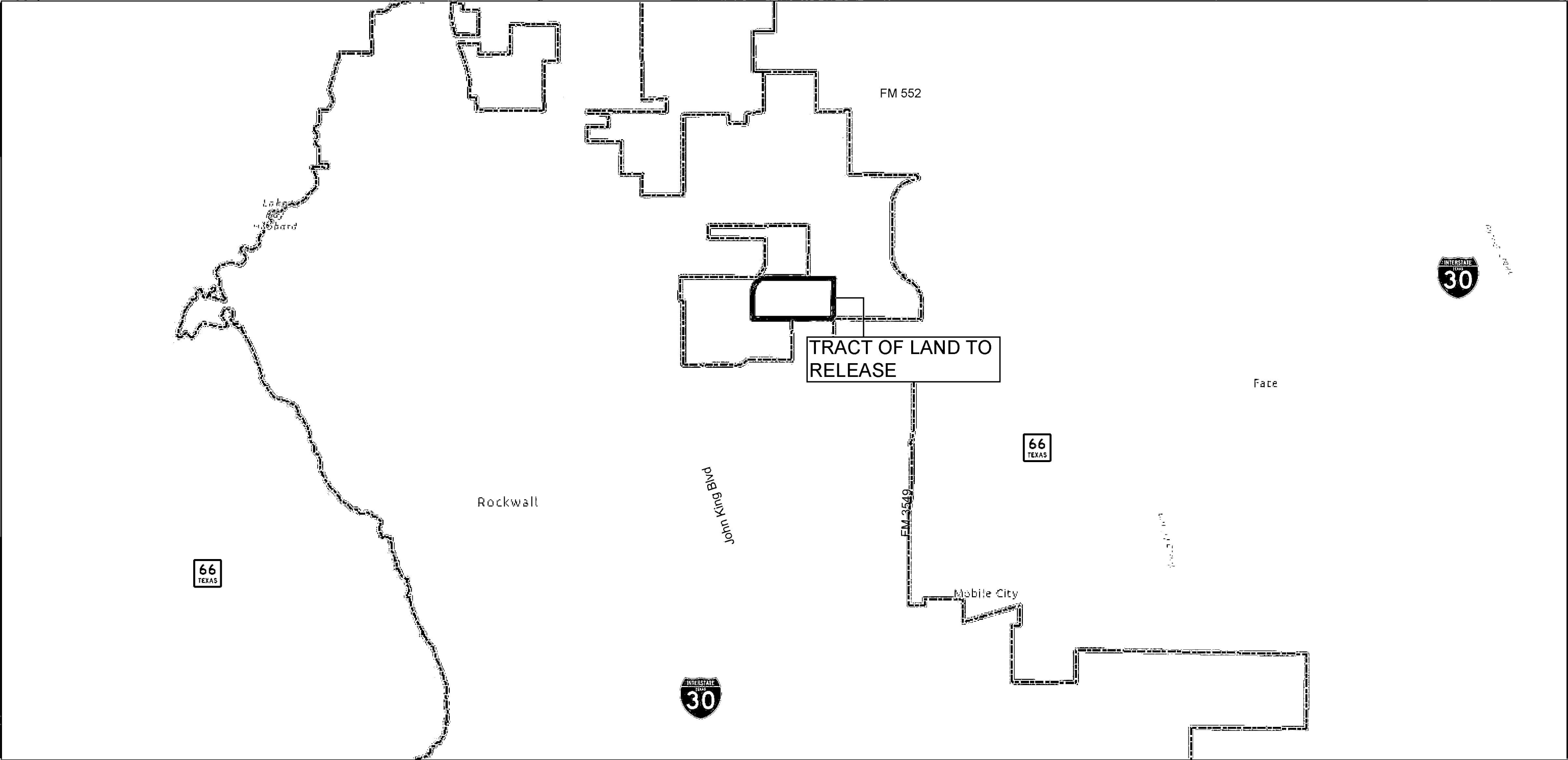
BENCHMARK TITLE, LLC  
2007 RANDALL STREET  
DALLAS, TX 75201  
GF# PL 21-29783 / PL 21-31349

Electronically Filed and Recorded  
Official Public Records  
Jennifer Fogg, County Clerk  
Rockwall County, Texas  
12/28/2021 11:12:36 AM  
Fee: \$46.00  
20210000034939




*Jennifer Fogg*

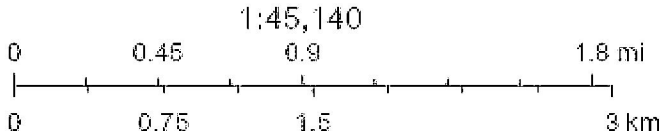
**SPECIAL WARRANTY DEED - Page 6**



2/2/2022, 1:55:20 PM

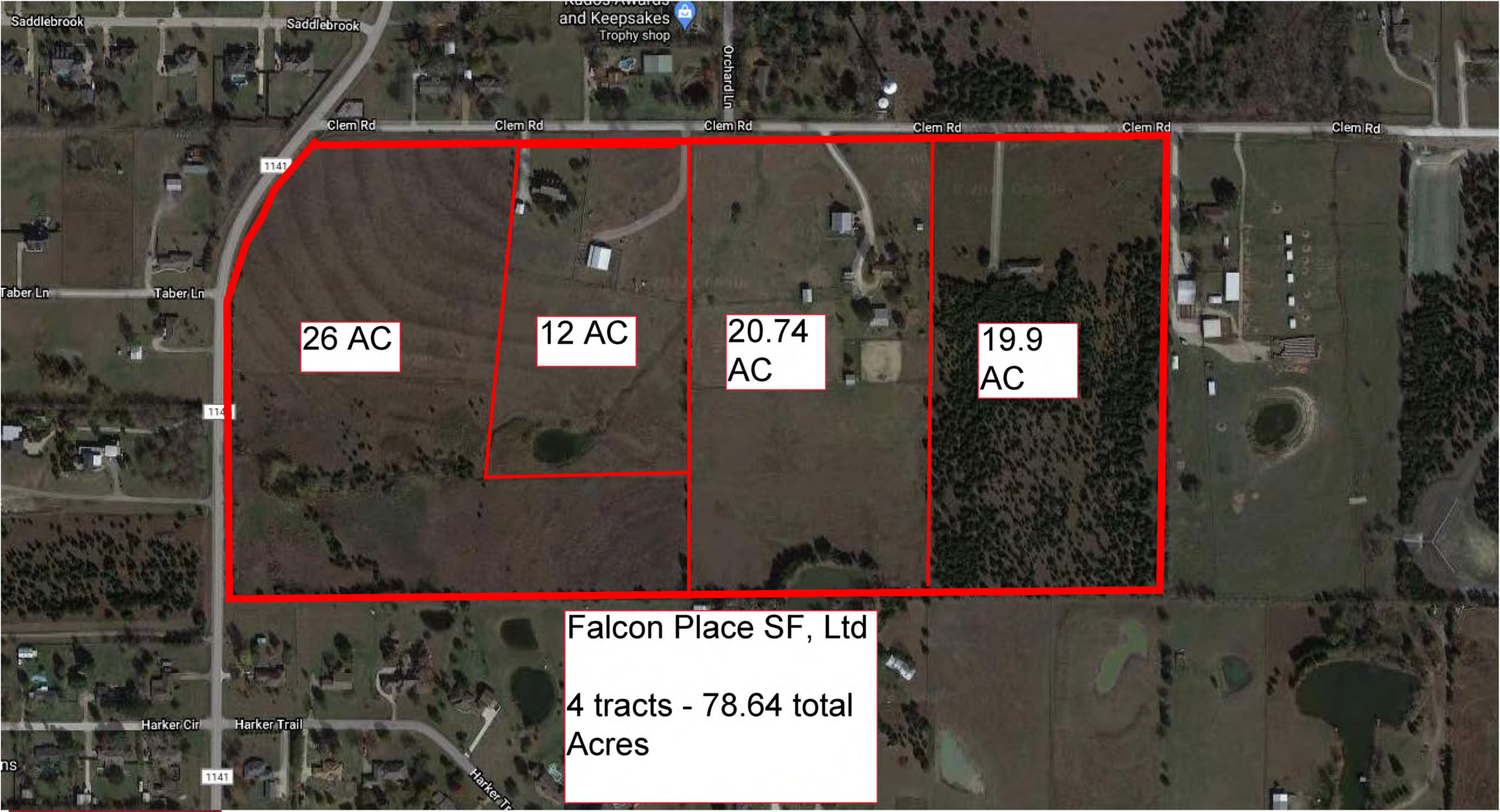
 City Limits

 Proposed Streets



City of Rockwall GIS, Texas Parks & Wildlife, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA





Falcon Place SF, Ltd  
4 tracts - 78.64 total  
Acres



The following files are not convertible:

Falcon Place SF LTD.dbf  
Falcon Place SF LTD.idx  
Falcon Place SF LTD.shp  
Falcon Place SF LTD.shx

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

Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.





## Filing Receipt

**Received - 2022-02-28 12:29:27 PM**

**Control Number - 53208**

**ItemNumber - 3**

500 Winstead Building  
2728 N. Harwood  
Dallas, TX 75201

214.745.5400 OFFICE  
214.745.5390 FAX  
winstead.com

Scott Eidman  
direct dial: 214.745.5484  
email: [seidman@winstead.com](mailto:seidman@winstead.com)

February 28, 2022

**Via Certified Mail, RRR No. 9314 8699 0430 0092 4320 80**

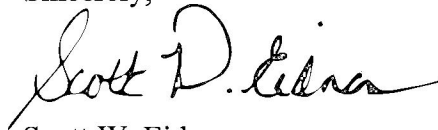
Mount Zion Water Supply Corporation  
5736 SH 205 South, Suite 101  
Rockwall, Texas 75032

Re: Docket 53208 - Supplemental Map Exhibits

Dear Sir or Madam:

Pursuant to the service requirements prescribed by Section 13.2541 of the Texas Water Code, enclosed is a copy of the supplemental map exhibits that were filed today with the Public Utility Commission of Texas in Docket 53208.

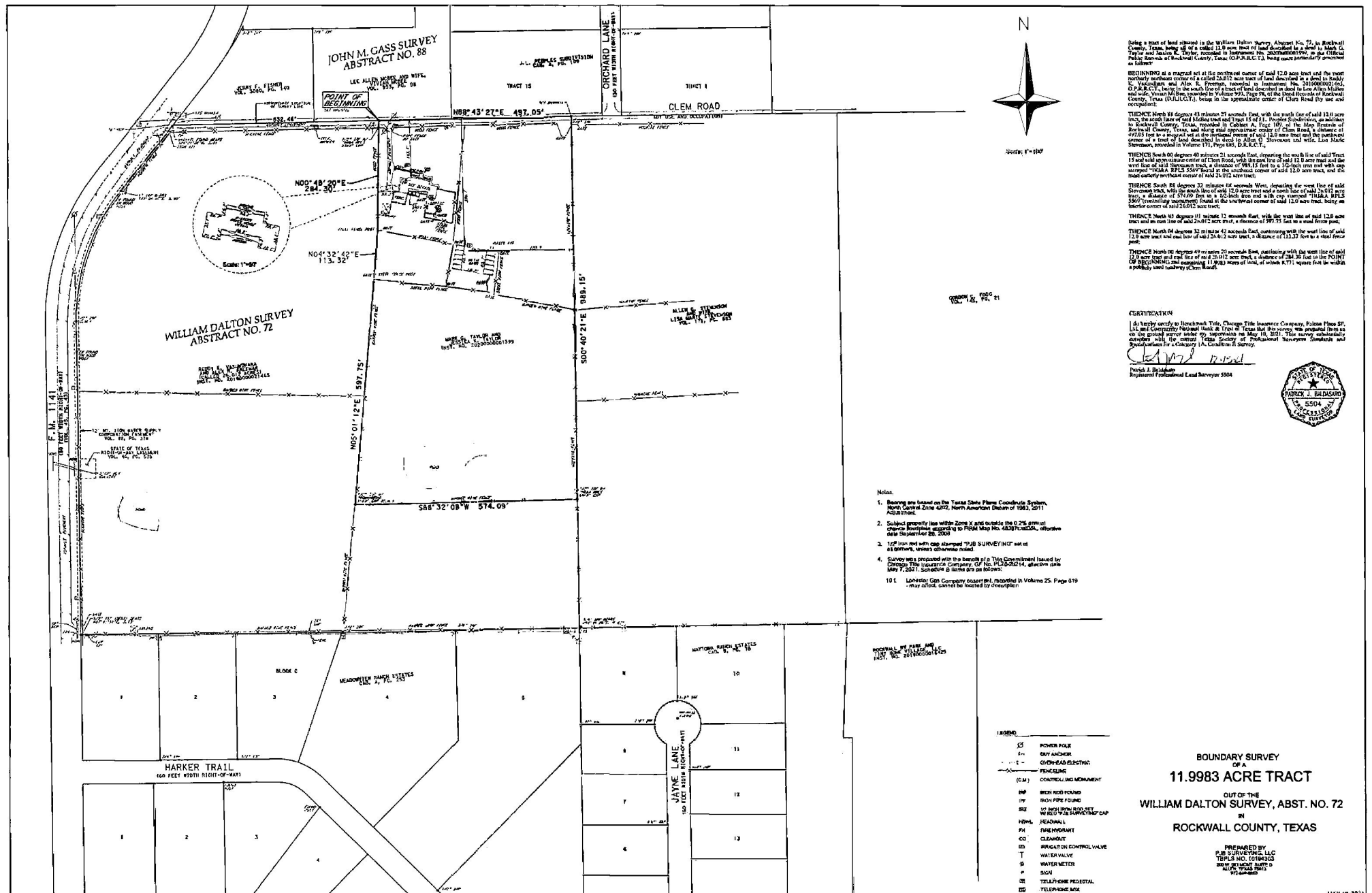
Sincerely,



Scott W. Eidman

SWE:jd  
Enclosure





Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a certain 12.0 acre tract of land described in a deed to Mark G. Taylor and Jessica R. Taylor, recorded in Instrument No. 2016000027-603, Public Records of Rockwall County, Texas (PUBLIC), being more particularly described as follows:

BEGINNING at a marked set at the northeast corner of said 12.0 acre tract and the most northerly northeast corner of a certain 24.0 acre tract of land described in a deed to Mark G. Taylor and Jessica R. Taylor, recorded in Instrument No. 2016000027-603, Public Records of Rockwall County, Texas (PUBLIC), being in the south line of said 24.0 acre tract, a distance of 472.51 feet to a marked set at the northeast corner of said 12.0 acre tract and the northeast corner of a tract of land described in a deed to Allen O. Stevenson and Willie L. Hale, recorded in Instrument No. 2016000027-603, Public Records of Rockwall County, Texas (PUBLIC), being in the approximate corner of Clem Road by use and receipt;

THENCE North 88 degrees 43 minutes 27 seconds East, with the north line of said 12.0 acre tract, the south line of said 24.0 acre tract and Tract 15 of J. J. Peoples Subdivision, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 109, of the Map Books of Rockwall County, Texas, and along said approximate corner of Clem Road, a distance of 472.51 feet to a marked set at the northeast corner of said 12.0 acre tract and the northeast corner of a tract of land described in a deed to Allen O. Stevenson and Willie L. Hale, recorded in Instrument No. 2016000027-603, Public Records of Rockwall County, Texas (PUBLIC), being in the approximate corner of Clem Road by use and receipt;

THENCE South 00 degrees 40 minutes 21 seconds East, departing the south line of said Tract 15 and said approximate corner of Clem Road, with the east line of said 12.0 acre tract and the west line of said Stevenson tract, a distance of 981.5 feet to a 12-inch iron rod with cap stamped "MARK 8743 5887" found at the southeast corner of said 12.0 acre tract, and the most easterly northeast corner of said 24.0 acre tract;

THENCE South 88 degrees 22 minutes 04 seconds West, departing the west line of said Stevenson tract, with the south line of said 12.0 acre tract and the north line of said 24.0 acre tract, a distance of 574.60 feet to a 12-inch iron rod with cap stamped "MARK 8743 5887" (containing uncertainty) found at the southwest corner of said 12.0 acre tract, being an interior corner of said 24.0 acre tract;

THENCE North 88 degrees 43 minutes 27 seconds East, with the east line of said 12.0 acre tract and the east line of said 24.0 acre tract, a distance of 997.75 feet to a steel fence post;

THENCE North 04 degrees 32 minutes 42 seconds East, commencing with the west line of said 12.0 acre tract and the west line of said 24.0 acre tract, a distance of 113.32 feet to a steel fence post;

THENCE North 00 degrees 49 minutes 25 seconds East, commencing with the west line of said 12.0 acre tract and the west line of said 24.0 acre tract, a distance of 284.36 feet to the POINT OF BEGINNING and comprising 11.9983 acres of land, of which 6.71 acres are within a publicly used roadway (Clem Road).

# CERTIFICATION

I do hereby certify as Boundary Title, Chicago Title Insurance Company, Police Plan 57, LLC, and Guaranty National Title & Trust in Texas that this survey was completed from its on the ground survey under my supervision on May 19, 2021. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Boundary Survey.

*Patrick J. Baldemar*  
Patrick J. Baldemar  
Registered Professional Land Surveyor 5504



## Notes:

1. Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, 2011 Adjustment.
2. Subject property lies within Zone X and outside the 0.2% annual Chertal Boundary according to Field Map No. 48387C-MSA, effective date September 28, 2008.
3. 1/2" iron rod with cap stamped "P.B. SURVEYING" set at all corners, unless otherwise noted.
4. Survey was prepared for the benefit of a Title Commitment issued by Chicago Title Insurance Company, of No. PLD-2021-41, effective date May 19, 2021. Subsequent to issuance are as follows:
- 10.1. Loretto Gas Company easement, recorded in Volume 25, Page 619 - may affect, cannot be located by description.

BOUNDARY SURVEY  
OF A  
**11.9983 ACRE TRACT**  
OUT OF THE  
**WILLIAM DALTON SURVEY, ABST. NO. 72**  
IN  
**ROCKWALL COUNTY, TEXAS**

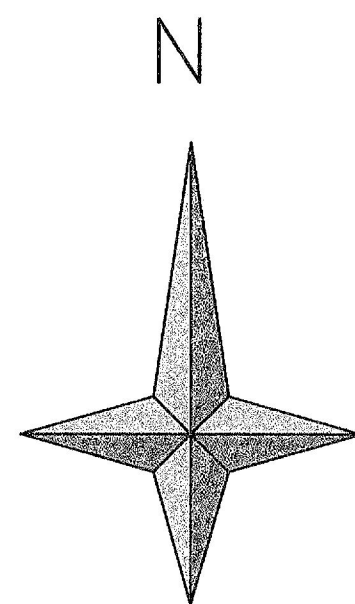
PREPARED BY  
P.B. SURVEYING, LLC  
TEPLS NO. 10194303  
NEW BRANCH AUTO  
ALLEN, TEXAS 75009  
5/19/2021



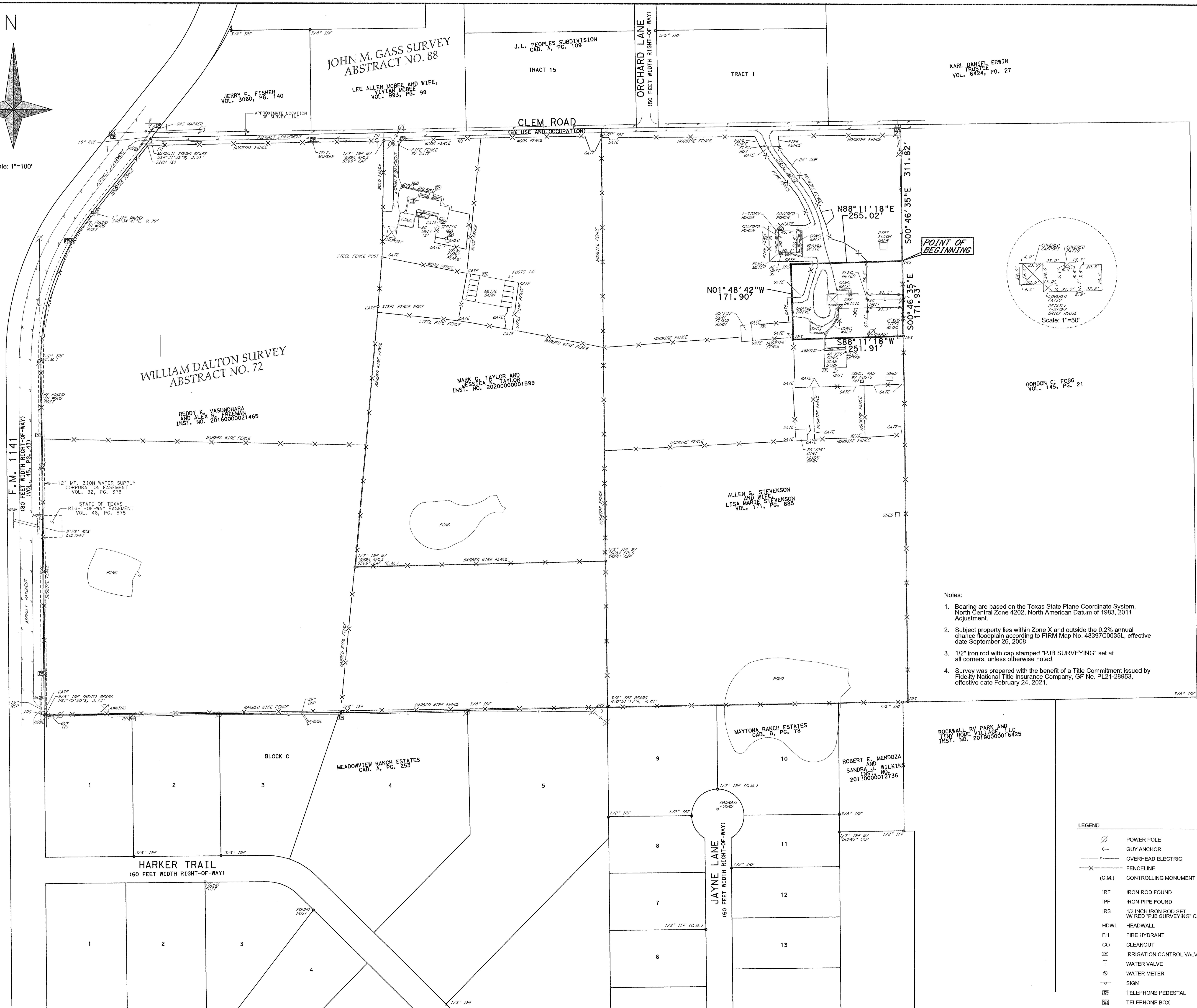








Scale: 1"=100'



- Notes:
- Bearing are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, 2011 Adjustment.
  - Subject property lies within Zone X and outside the 0.2% annual chance floodplain according to FIRM Map No. 48397C0035L, effective date September 26, 2008
  - 1/2" iron rod with cap stamped "PJB SURVEYING" set at all corners, unless otherwise noted.
  - Survey was prepared with the benefit of a Title Commitment issued by Fidelity National Title Insurance Company, GF No. PL21-28953, effective date February 24, 2021.

LEGEND	
	POWER POLE
	GUY ANCHOR
	OVERHEAD ELECTRIC
	FENCELINE
	CONTROLLING MONUMENT
	IRON ROD FOUND
	IRON PIPE FOUND
	1/2 INCH IRON ROD SET W/ RED "PJB SURVEYING" CAP
	HEADWALL
	FIRE HYDRANT
	CLEANOUT
	IRRIGATION CONTROL VALVE
	WATER VALVE
	WATER METER
	SIGN
	TELEPHONE PEDESTAL
	TELEPHONE BOX

BOUNDARY SURVEY  
OF A  
**1.000 ACRE TRACT**  
OUT OF THE  
**WILLIAM DALTON SURVEY, ABST. NO. 72**  
IN  
**ROCKWALL COUNTY, TEXAS**

PREPARED BY  
PJB SURVEYING, LLC  
TBPLS NO. 10194303  
200 W. BELMONT, SUITE D  
ALLEN, TEXAS 75013  
972-540-6565

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being part of a called 20.83 acre tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the east line of said Stevenson tract and the west line of a tract of land described in deed to Gordon C. Fogg, recorded in Volume 145, Page 21, D.R.R.C.T., being South 00 degrees 46 minutes 35 seconds East, a distance of 311.82 feet from the northeast corner of said Stevenson tract and the northwest corner of said Fogg tract;

THENCE South 00 degrees 46 minutes 35 seconds East, with the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 171.93 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 88 degrees 11 minutes 18 seconds West, departing the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 251.91 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

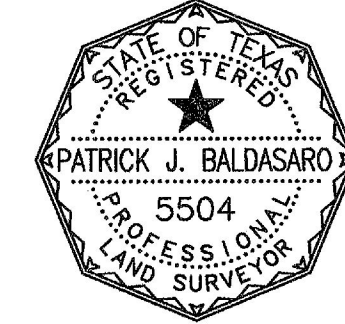
THENCE North 01 degree 48 minutes 42 seconds West, a distance of 171.90 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE North 88 degrees 11 minutes 18 seconds East, a distance of 255.02 feet to the POINT OF BEGINNING and containing 1.000 acres of land.

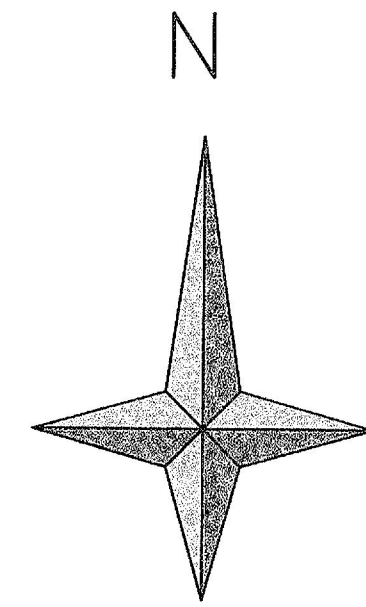
CERTIFICATION

I do hereby certify to Benchmark Title, Chicago Title Insurance Company, Falcon Place SF, Ltd. and Community National Bank & Trust of Texas that this survey was prepared from an on the ground survey under my supervision on July 2, 2021. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

*Patrick J. Baldasaro* 12.15.21  
Patrick J. Baldasaro  
Registered Professional Land Surveyor 5504







Scale: 1"=100'

Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a called 12.0 acre tract of land described in a deed to Mark G. Taylor and Jessica K. Taylor, recorded in Instrument No. 2020000001599, in the Official Public Records of Rockwall County, Texas (O.P.R.C.T.), being more particularly described as follows:

BEGINNING at a mag nail set at the northwest corner of said 12.0 acre tract and the most northerly northeast corner of a called 26.012 acre tract of land described in a deed to Reddy K. Vasundhara and Alex R. Freeman, recorded in Instrument No. 2016000021465, O.P.R.C.T., being in the south line of a tract of land described in deed to Lee Allen McBee and wife, Vivian McBee, recorded in Volume 993, Page 98, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being in the approximate center of Clem Road (by use and occupation);

THENCE North 88 degrees 43 minutes 27 seconds East, with the north line of said 12.0 acre tract, the south lines of said McBee tract and Tract 15 of J.L. Peoples Subdivision, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 109, of the Map Records of Rockwall County, Texas, and along said approximate center of Clem Road, a distance of 497.05 feet to a mag nail set at the northeast corner of said 12.0 acre tract and the northwest corner of a tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, D.R.R.C.T.;

THENCE South 00 degrees 40 minutes 21 seconds East, departing the south line of said Tract 15 and said approximate center of Clem Road, with the east line of said 12.0 acre tract and the west line of said Stevenson tract, a distance of 989.15 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" found at the southeast corner of said 12.0 acre tract, and the most easterly northeast corner of said 26.012 acre tract;

THENCE South 88 degrees 32 minutes 08 seconds West, departing the west line of said Stevenson tract, with the south line of said 12.0 acre tract and a north line of said 26.012 acre tract, a distance of 574.09 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" (controlling monument) found at the southwest corner of said 12.0 acre tract, being an interior corner of said 26.012 acre tract;

THENCE North 05 degrees 01 minute 12 seconds East, with the west line of said 12.0 acre tract and an east line of said 26.012 acre tract, a distance of 597.75 feet to a steel fence post;

THENCE North 04 degrees 32 minutes 42 seconds East, continuing with the west line of said 12.0 acre tract and east line of said 26.012 acre tract, a distance of 113.32 feet to a steel fence post;

THENCE North 00 degrees 49 minutes 20 seconds East, continuing with the west line of said 12.0 acre tract and east line of said 26.012 acre tract, a distance of 284.30 feet to the POINT OF BEGINNING and containing 11.9983 acres of land, of which 8,771 square feet lie within a publicly used roadway (Clem Road).

#### CERTIFICATION

I do hereby certify to Benchmark Title, Chicago Title Insurance Company, Falcon Place SF, Ltd. and Community National Bank & Trust of Texas that this survey was prepared from an on the ground survey under my supervision on May 10, 2021. This survey substantially complies with the current Texas Society of Professional Surveyors' Standards and Specifications for a Category 1A, Condition II Survey.

Patrick J. Baldasaro  
Registered Professional Land Surveyor 5504



#### Notes:

- Bearing are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, 2011 Adjustment.
- Subject property lies within Zone X and outside the 0.2% annual chance floodplain according to FIRM Map No. 48397C0035L, effective date September 26, 2008
- 1/2" iron rod with cap stamped "PJB SURVEYING" set at all corners, unless otherwise noted.
- Survey was prepared with the benefit of a Title Commitment issued by Chicago Title Insurance Company, GF No. PL20-28214, effective date May 7, 2021. Schedule B Items are as follows:  
10 f. Lonestar Gas Company easement, recorded in Volume 25, Page 619 - may affect, cannot be located by description

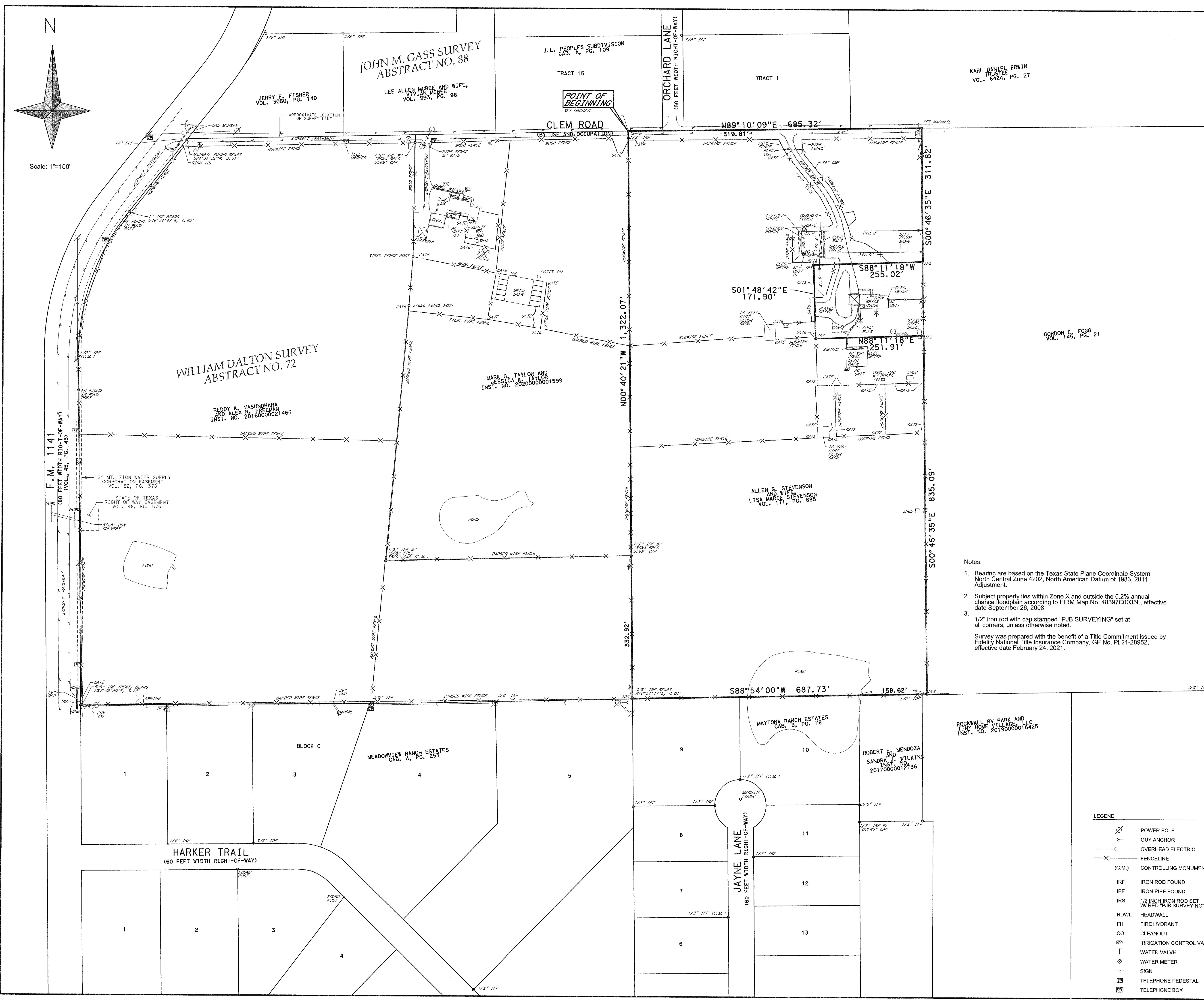
#### LEGEND

	POWER POLE
	GUY ANCHOR
	OVERHEAD ELECTRIC
	FENCELINE
	CONTROLLING MONUMENT (C.M.)
	IRON ROD FOUND (IRF)
	IRON PIPE FOUND (IPF)
	1/2 INCH IRON ROD SET WITH "PJB SURVEYING" CAP (IRS)
	HEADWALL (HDWL)
	FIRE HYDRANT (FH)
	CLEANOUT (CO)
	IRRIGATION CONTROL VALVE (ICV)
	WATER VALVE (WV)
	WATER METER (WM)
	SIGN (S)
	TELEPHONE PEDESTAL (TP)
	TELEPHONE BOX (TB)

BOUNDARY SURVEY  
OF A  
**11.9983 ACRE TRACT**  
OUT OF THE  
**WILLIAM DALTON SURVEY, ABST. NO. 72**  
IN  
**ROCKWALL COUNTY, TEXAS**

PREPARED BY  
PJB SURVEYING, LLC  
TBPLS NO. 10194303  
200 W. BELMONT, SUITE D  
ALLEN, TEXAS 75015  
972-648-6669





Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being part of a called 20.83 acre tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being more particularly described as follows:

BEGINNING at a maginal set at the northwest corner of said 20.83 acre tract and the northeast corner of a tract of land described in deed to Mark G. Taylor and Jessica K. Taylor, recorded in Instrument No. 2020000001599, in the Official Public Records of Rockwall County, Texas (O.P.R.C.T.), being in the south line of J.L. Peoples Subdivision, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 109, of the Map Records of Rockwall County, Texas (M.R.R.C.T.), also being in the approximate center of Clem Road (by use and occupation);

THENCE North 89 degrees 10 minutes 09 seconds East, with the north line of said Stevenson tract, the south line of said J.L. Peoples Subdivision and said approximate center of Clem Road, at a distance of 519.81 feet passing the southeast corner of said J.L. Peoples Subdivision and the southwest corner of a tract of land described in a deed to Karl Daniel Erwin, Trustee of Sub-Trust A of the Karl W. Erwin Family Trust, recorded in Volume 6424, Page 27, D.R.R.C.T., continuing for a total distance of 685.32 feet to a maginal set at the northeast corner of said Stevenson tract and the northwest corner of a tract of land described in a deed to Gordon C. Fogg, recorded in Volume 145, Page 21, D.R.R.C.T.;

THENCE South 00 degrees 46 minutes 35 seconds East, departing the south line of said Erwin tract and said approximate center of Clem Road, with the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 311.82 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 88 degrees 11 minutes 18 seconds West, departing the east line of said Stevenson tract and the west line of said Fogg tract, a distance of 255.02 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 01 degree 48 minutes 42 seconds East, a distance of 171.90 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the east line of said Stevenson tract and the west line of said Fogg tract;

THENCE North 88 degrees 11 minutes 18 seconds East, a distance of 251.91 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the east line of said Stevenson tract and the west line of said Fogg tract;

THENCE North 00 degrees 46 minutes 35 seconds East, a distance of 835.09 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 88 degrees 54 minutes 00 seconds West, departing the east line of said Stevenson tract and the west line of said Fogg tract, at a distance of 158.62 feet passing the northeast corner of Maytona Ranch Estates, an addition to Rockwall County Texas, recorded in Cabinet B, Page 78, M.R.R.C.T., continuing with the north line of said Maytona Ranch Estates for a total distance of 687.73 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set in the west line of said Stevenson tract and the east line of tract of land described in a deed to Reddy K. Vasundhara and Alex R. Freeman, recorded in Instrument No. 20160000021465, O.P.R.C.T.;

THENCE North 00 degrees 40 minutes 21 seconds West, with the west line of said Stevenson tract and the east line of said Vasundhara and Freeman tract, at a distance of 332.92 feet passing a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" found at a northeast corner of said Vasundhara and Freeman tract and the southeast corner of said Taylor tract, continuing for a total distance of 1,322.07 feet to the POINT OF BEGINNING and containing 19.8105 acres of land, of which 13,707 square feet lie within a publicly used roadway (Clem Road).

#### CERTIFICATION

I do hereby certify to Benchmark Title, Chicago Title Insurance Company, Falcon Place SF, Ltd. and Community National Bank & Trust of Texas that this survey was prepared from an on the ground survey under my supervision on July 2, 2021. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category A, Condition II Survey.

*Patrick J. Baldasaro* 12.15.21

Patrick J. Baldasaro  
Registered Professional Land Surveyor 5504



#### Notes:

- Bearing are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, 2011 Adjustment.
- Subject property lies within Zone X and outside the 0.2% annual chance floodplain according to FIRM Map No. 48397C0035L, effective date September 26, 2008.
- 1/2" iron rod with cap stamped "PJB SURVEYING" set at all corners, unless otherwise noted.

Survey was prepared with the benefit of a Title Commitment issued by Fidelity National Title Insurance Company, GF No. PL21-28952, effective date February 24, 2021.

#### LEGEND

	POWER POLE
	GUY ANCHOR
	OVERHEAD ELECTRIC
	FENCELINE
	CONTROLLING MONUMENT
	IRON ROD FOUND
	IRON PIPE FOUND
	1/2 INCH IRON ROD SET WITH RED "PJB SURVEYING" CAP
	HEADWALL
	FIRE HYDRANT
	CLEANOUT
	IRRIGATION CONTROL VALVE
	WATER VALVE
	WATER METER
	SIGN
	TELEPHONE PEDESTAL
	TELEPHONE BOX

BOUNDARY SURVEY  
OF A  
**19.8105 ACRE TRACT**  
OUT OF THE  
**WILLIAM DALTON SURVEY, ABST. NO. 72**  
IN  
**ROCKWALL COUNTY, TEXAS**

PREPARED BY  
PJB SURVEYING, LLC  
TBPLS NO. 10194303  
200 W. BELMONT, SUITE D  
ALLEN, TEXAS 75013  
972-648-8669





Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a called 20.00 acre tract of land described in deed to Gordon C. Fogg, recorded in Volume 145, Page 21, of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), being more particularly described as follows:

BEGINNING at a magnail set at the northwest corner of said Fogg tract and the northeast corner of a tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 885, D.R.R.C.T., being in the south line of a tract of land described in a deed to Karl Daniel Erwin, Trustee of Sub-Trust A of the Karl W. Erwin Family Trust, recorded in Volume 6424, Page 27, D.R.R.C.T., also being in the approximate center of Clem Road (by use and occupation);

THENCE North 89 degrees 14 minutes 40 seconds East, with the north line of said Fogg tract, the south line of said Erwin tract and along said approximate center of Clem Road, a distance of 661.43 feet to a magnail set at the northeast corner of said Fogg tract and the northwest corner of a tract of land described in deed to Craig William McCallum, recorded in Instrument No. 2015000001423, of the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.);

THENCE South 00 degrees 46 minutes 30 seconds East, departing the south line of said Erwin tract and said approximate center of Clem Road, with the east line of said Fogg tract and the west line of said McCallum tract, a distance of 1,314.86 feet to the southeast corner of said Fogg tract and the southwest corner of said McCallum tract, being the northeast corner of a tract of land described in deed to James H. Lee and Barbara Lee, recorded in Instrument No. 20170000015627, O.P.R.R.C.T., from which a 3/8-inch iron rod bears South 00 degrees 46 minutes 30 seconds east, a distance of 0.70';

THENCE South 88 degrees 54 minutes 00 seconds West, with the south line of said Fogg tract and the north line of said Lee tract, at a distance of 326.80 feet passing the northwest corner of said Lee tract and the northeast corner of a tract of land described in deed to Rockwall RV Park and Tiny Home Village, LLC, recorded in Instrument No. 20190000016425, O.P.R.R.C.T., continuing with the south line of said Fogg tract and the north line of said Rockwall RV Park and Tiny Home Village, LLC, tract, a total distance of 661.41 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said Fogg tract and the southeast corner of said Stevenson tract;

THENCE North 00 degrees 46 minutes 35 seconds West, departing the north line of said Rockwall RV Park and Tiny Home Village, LLC tract, with the west line of said Fogg tract and the east line of said Stevenson tract, a distance of 1,318.84 feet to the POINT OF BEGINNING and containing 19.995 acres of land, of which 3,739 square feet lie within a publicly used roadway (Clem Road).

CERTIFICATION  
I do hereby certify to Benchmark Title, Chicago Title Insurance Company, Falcon Place SF, Ltd. and Community National Bank & Trust of Texas, that this survey was prepared from an on the ground survey under my supervision on September 13, 2021. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.  
Patrick J. Baldasaro  
Registered Professional Land Surveyor 5504



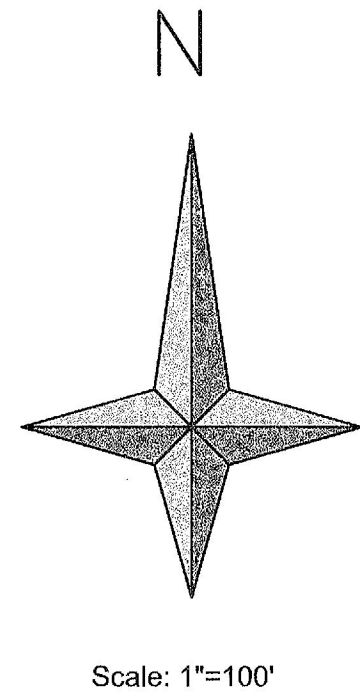
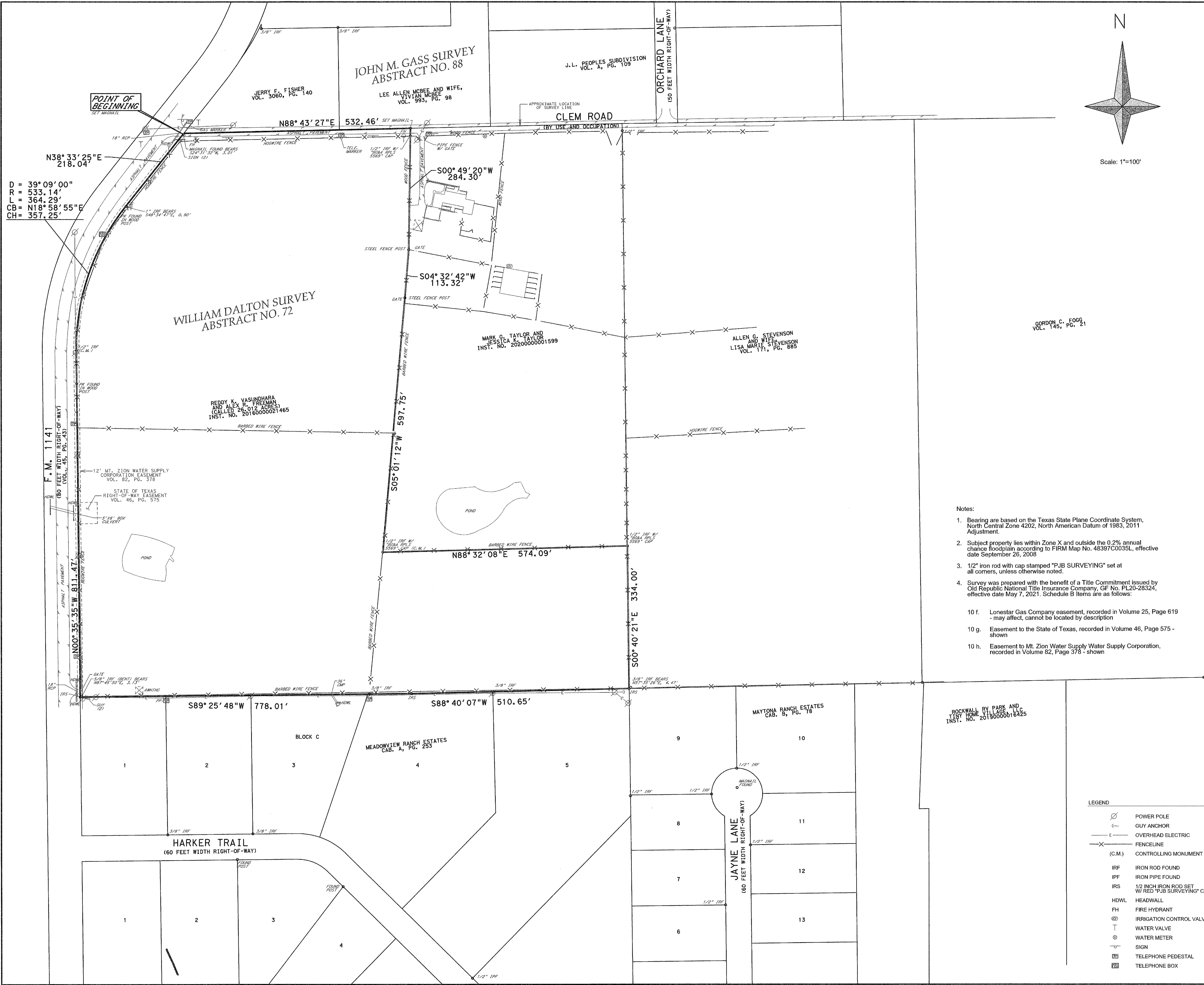
- Notes:
- Bearing are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, 2011 Adjustment.
  - Subject property lies within Zone X and outside the 0.2% annual chance floodplain according to FIRM Map No. 48397C0035L, effective date September 26, 2008.
  - 1/2" iron rod with cap stamped "PJB SURVEYING" set at all corners, unless otherwise noted.
  - Survey was prepared with the benefit of a Title Commitment issued by Chicago Title Insurance Company, GI No. PL 21-29783, effective date October 18, 2021. Schedule B items are as follows:  
10 f. Texas Power & Light easement, recorded in Volume 151, Page 580 - may affect, cannot be located by description  
10 g. Texas Power & Light easement, recorded in Volume 151, Page 582 - may affect, cannot be located by description

LEGEND	
+	ANTENNA
⊙	POWER POLE
⊖	GUY ANCHOR
—E—	OVERHEAD ELECTRIC
—X—	FENCELINE
(C.M.)	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS	1/2 INCH IRON ROD SET W/ RED "PJB SURVEYING" CAP
HDWL	HEADWALL
FH	FIRE HYDRANT
CO	CLEANOUT
⊗	IRRIGATION CONTROL VALVE
T	WATER VALVE
⊕	WATER METER
—○—	SIGN
⊞	TELEPHONE PEDESTAL
⊞	TELEPHONE BOX

BOUNDARY SURVEY  
OF A  
**19.995 ACRE TRACT**  
OUT OF THE  
**WILLIAM DALTON SURVEY, ABST. NO. 72**  
IN  
**ROCKWALL COUNTY, TEXAS**

PREPARED BY  
PJB SURVEYING, LLC  
TBPLS NO. 10194303  
200 W. BELMONT, SUITE D  
ALLEN, TEXAS 75013  
972-648-6868





Being a tract of land situated in the William Dalton Survey, Abstract No. 72, in Rockwall County, Texas, being all of a called 26.012 acre tract of land described in a deed to Reddy K. Vasundhara and Alex R. Freeman, recorded in Instrument No. 2016000021465, in the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), being more particularly described as follows:

BEGINNING at a magnail set the northwest corner of said 26.012 acre tract and the southwest corner of a tract of land described in a deed to Jerry F. Fisher, recorded in Volume 3060, Page 140, of the Official Public Records of Rockwall County, Texas (D.R.R.C.T.), being in the easterly line of F.M. 1141 (80 feet width right-of-way), also being in the approximate center of Clem Road (by use and occupation), from which a found magnail bears South 24 degrees 31 minutes 32 seconds West, a distance of 3.01 feet;

THENCE North 88 degrees 43 minutes 27 seconds East, with the north line of said 26.012 acre tract and the south lines of said Fisher tract and a tract of land described in deed to Lee Allen McBees and wife, Vivian McBees, recorded in Volume 993, Page 98, D.R.R.C.T., and along said approximate center of Clem Road, a distance of 532.46 feet to a magnail set at the most northerly northeast corner of said 26.012 acre tract and the northwest corner of a tract of land described in deed to Mark G. Taylor and Jessica K. Taylor, recorded in Instrument No. 2020000001599, O.P.R.R.C.T.;

THENCE South 00 degrees 49 minutes 20 seconds West, departing the south line of said McBees tract and said approximate center of Clem Road, with an east line of said 26.012 acre tract and the west line of said Taylor tract, a distance of 284.30 feet to a steel fence post;

THENCE South 04 degrees 32 minutes 42 seconds West, continuing with an east line of said 26.012 acre tract and the west line of said Taylor tract, a distance of 113.32 feet to steel fence post;

THENCE South 05 degrees 01 minute 12 seconds West, continuing with an east line of said 26.012 acre tract and the west line of said Taylor tract, a distance of 597.75 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" (controlling monument) found at the southwest corner of said Taylor tract, being an interior corner of said 26.012 acre tract;

THENCE North 88 degrees 32 minutes 08 seconds East, with the south line of said Taylor tract and a north line of said 26.012 acre tract, a distance of 574.09 feet to a 1/2-inch iron rod with cap stamped "BG&A RPLS 5569" found at the southeast corner of said Taylor tract and the most easterly northeast corner of said 26.012 acre tract, being in the west line of a tract of land described in deed to Allen G. Stevenson and wife, Lisa Marie Stevenson, recorded in Volume 171, Page 585, D.R.R.C.T.;

THENCE South 00 degrees 40 minutes 21 seconds East, with an east line of said 26.012 acre tract and the west line of said Stevenson tract, a distance of 334.00 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southeast corner of said 26.012 acre tract, the southwest corner of said Stevenson tract, the northwest corner of Maytona Ranch Estates, an addition to Rockwall County, Texas, recorded in Cabinet B, Page 78, of the Map Records of Rockwall County, Texas (M.R.R.C.T.), and the northeast corner of Meadowview Ranch Estates, an addition to Rockwall County, Texas, recorded in Cabinet A, Page 253, M.R.R.C.T., from which a 3/8-inch iron rod found bears North 57 degrees 35 minutes 26 seconds East, a distance of 4.47 feet;

THENCE South 88 degrees 40 minutes 07 seconds West, with the south line of said 26.012 acre tract and the north line of said Meadowview Ranch Estates, a distance of 510.65 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set;

THENCE South 89 degrees 25 minutes 48 seconds West, continuing with the south line of said 26.012 acre tract and the north line of said Meadowview Ranch Estates, a distance of 778.01 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said 26.012 acre tract and the northwest corner of said Meadowview Ranch Estates, being in said easterly line of F.M. 1141, from which a found 5/8-inch iron (bent) rod bears North 87 degrees 45 minutes 50 seconds East, a distance of 3.13 feet;

THENCE North 00 degrees 35 minutes 35 seconds West, with the west line of said 26.012 acre tract and said easterly line of F.M. 1141, a distance of 811.47 feet to a 1/2-inch iron rod (controlling monument) found at the point of curvature of a curve to the right, having a radius of 553.14 feet and a central angle of 59 degrees 09 minutes 00 seconds;

THENCE continuing with the west line of said 26.012 acre tract and said easterly line of F.M. 1141, with said curve to the right, an arc distance of 364.29 feet (Chord Bearing North 18 degrees 58 minutes 55 seconds East 357.25 feet) to the point of tangency, from which a found 1" iron rod bears South 48 degrees 34 minutes 47 seconds East 0.90 feet;

THENCE North 38 degrees 33 minutes 25 seconds East, with the west line of said 26.012 acre tract and said easterly line of F.M. 1141, a distance of 218.04 feet to the POINT OF BEGINNING and containing 26.0275 acres of land, of which 9,832 square feet lie within a publicly used roadway (Clem Road).

CERTIFICATION

I do hereby certify to Benchmark Title, Chicago Title Insurance Company, Falcon Place SF, Ltd. and Community National Bank & Trust of Texas that this survey was prepared from an on the ground survey under my supervision on May 10, 2021. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

Patrick J. Baldasaro  
Registered Professional Land Surveyor 5504

12.15.21

ROCKWALL COUNTY, TEXAS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
5504

LEGEND

- POWER POLE
- GUY ANCHOR
- OVERHEAD ELECTRIC
- FENCELINE
- (C.M.) CONTROLLING MONUMENT
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- IRS 1/2 INCH IRON ROD SET
- W RED "PJB SURVEYING" CAP
- HDWL HEADWALL
- FH FIRE HYDRANT
- ICV IRRIGATION CONTROL VALVE
- T WATER VALVE
- WATER METER
- SIGN
- TELEPHONE PEDESTAL
- TELEPHONE BOX

BOUNDARY SURVEY  
OF A  
26.0275 ACRE TRACT  
OUT OF THE  
WILLIAM DALTON SURVEY, ABST. NO. 72  
IN  
ROCKWALL COUNTY, TEXAS

PREPARED BY  
PJB SURVEYING, LLC  
TBPLS NO. 10194303  
200 W. BELMONT, SUITE D  
ALLEN, TEXAS 75013  
972-649-6865

MAY 19, 2021

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## Filing Receipt

**Received - 2022-04-08 11:24:36 AM**  
**Control Number - 53208**  
**ItemNumber - 10**



**DOCKET NO. 53208**

<b>PETITION OF FALCON PLACE SF,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LTD. TO AMEND MOUNT ZION</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ROCKWALL</b>	<b>§</b>	
<b>COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**ORDER NO. 3**  
**FINDING PETITION ADMINISTRATIVELY COMPLETE, NOTICE**  
**SUFFICIENT, AND ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses the sufficiency of the February 11, 2022 petition of Falcon Place SF, Ltd to amend Mount Zion Water Supply corporation's certificate of convenience and necessity (CCN) number 10088 in Rockwell County by streamlined expedited release.

**I. Finding Application Administratively Complete**

On April 7, 2022, Commission Staff recommended that the petition be found administratively complete. The finding of administrative completeness does not address the merits of the petition. The administrative law judge (ALJ) finds the application administratively complete.

**II. Finding Notice Sufficient**

The petition includes a signed certificate of service in which Falcon Place certified that it mailed a true and correct copy of its petition to the CCN holder, Mount Zion WSC, by certified mail on the date the petition was filed with the Commission.

The ALJ finds the notice sufficient.

**III. Establishing Procedural Schedule**

Under Texas Water Code (TWC) § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for the CCN holder to file a response, verified by a notarized affidavit, to the administratively complete petition	April 27, 2022
Deadline for petitioner to file a response to CCN holder's response to the administratively complete petition	May 4, 2022
Deadline for Commission Staff's recommendation on final disposition	May 18, 2022
Sixty-day administrative approval of streamlined expedited release	June 6, 2022
<b><i>In the event streamlined expedited release is granted and the petitioner and the CCN holder can select an agreed-upon appraiser</i></b>	
Deadline for the petitioner and the CCN holder to make a filing stating that they have selected an agreed upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to the CCN holder	Within 60 days after appraiser's report
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of the Commission's final order on compensation
<b><i>In the event streamlined expedited release is granted and the petitioner and the CCN holder are unable to select an agreed-upon appraiser</i></b>	
Deadline for the petitioner and the CCN holder to make a filing stating that they have been unable to select an agreed upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for reports from the petitioner's appraiser and the CCN holder's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by the petitioner to the CCN holder	Within 60 days after Commission receives the final appraisal
Deadline for the petitioner to pay any compensation due to the CCN holder	Within 90 days of Commission's final order on compensation

Signed at Austin, Texas the 8th day of April 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'HB', is written over a horizontal line.

HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE



## Filing Receipt

**Received - 2022-04-27 09:32:22 AM**  
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**ItemNumber - 11**

**PUC DOCKET NO. 53208**

<b>PETITION OF FALCON PLACE SF,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LTD. TO AMEND MOUNT ZION</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ROCKWALL</b>	<b>§</b>	
<b>COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**RESPONSE OF MOUNT ZION WATER SUPPLY CORPORATION**

Mount Zion Water Supply Corporation ("Mount Zion") hereby submits this Response ("Response") to the Original Petition of Falcon Place SF, LTD. ("Petitioner") to Amend Mount Zion Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Streamlined Expedited Release ("Petition") filed on February 11, 2022, with the Public Utility Commission of Texas ("PUC" or "Commission"). The Petition seeks to remove, amend, decertify, or release from Mount Zion's CCN approximately 78.64 acres of land in Rockwall County, Texas.

Order No. 3 in this docket provided an April 27, 2022, deadline for Mount Zion's response. This Response is therefore timely filed.

**I. RESPONSE**

Mount Zion is fully capable of providing continuous and adequate retail water service to the Property. Mount Zion has lines readily available to provide service to the Petitioner. Mount Zion even has a water tower to serve the Petitioner's property across the street in close proximity to the tracts of land sought to be released.

Mount Zion believes that to a majority of the Property sought for decertification, the Petition is deficient. The Petition is purportedly brought pursuant to alleged authority of Texas Water Code ("TWC") § 13.2541. Subsection (b) of said section states as follows:

“(b) As an alternative to decertification or expedited release under Section 13.254, 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 certificate of public convenience and necessity in the manner provided by this section and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of more than 45,500 and less than 47,500” (emphasis added).

Further, PUC rules provide a similar requirement:

“The owner of a tract of land may petition the commission for streamlined expedited release of all or a portion of the tract of land from the current CCN holder’s certificated service area if all the following conditions are met:

(A) The **tract of land** is at least 25 acres in size....”<sup>1</sup> (emphasis added).

The PUC repeats that a singular tract of land is applicable in 16 Tex. Admin. Code § 24.245(h)(3). Yet, the Petitioner filed deed information for 4 tracts of land each containing 26, 12, 20.74 and 19.9 acres.<sup>2</sup> Only one tract of land meets the statutory and regulatory provision that the tract of land that is subject to a Petition be over 25 acres. The Petitioner attempts to bootstrap three other tracts of land into its Petition. This is not allowed by the clear and unambiguous language of TWC § 13.2541 and 16 Tex. Admin. Code § 24.245(h)(1). As such, as to the 12, 20.74 and 19.9 acre tracts of land, the Petition is insufficient and not subject to the streamlined expedited release provisions of TWC § 13.2541 and 16 Tex. Admin. Code § 24.245(h)(1). Mount Zion moves for immediate dismissal of such acreage from this proceeding.

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<sup>1</sup> 16 Tex. Admin. Code § 24.245(h)(1).

<sup>2</sup> See Petition at Exhibits C and D.

For the tract of land subject to TWC § 13.2541 and 16 Tex. Admin. Code § 24.245(h)(1), Petitioner has filed the Petition instead of receiving excellent service from an existing provider that boasts long standing compliance with existing standards for customer service. Mount Zion understands that the landowner will be required to pay compensation for the adverse impacts of the decertification on Mount Zion. Such compensation is required by law. Therefore, if the Commission grants the Petition, Mount Zion demands that a compensation phase be initiated to determine the amount of compensation that landowner must pay to Bolivar for the decertification, according to Texas Water Code § 13.254 and 16 Tex. Admin. Code § 24.245.

Mount Zion seeks full compensation allowed by law, if the Petition is granted, in order to compensate Mount Zion for the planning, design, construction, stranded investment, and other costs that are allocable to the Petitioner. Mount Zion further seeks full compensation as set forth in Chapter 21 of the Texas Property Code and 16 Tex. Admin. Code § 24.245(j).

## **II. CONCLUSION**

Mount Zion respectfully requests that the Commission, if the Petition is granted, award full compensation allowed by law to Mount Zion. Mount Zion additionally requests all other relief to which it may be justly entitled.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)  
[arodriguez@txlocalgovlaw.com](mailto:arodriguez@txlocalgovlaw.com)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR MOUNT ZION WATER  
SUPPLY CORPORATION**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 27<sup>th</sup> day of April, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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



**PUC DOCKET NO. 53208**

<b>PETITION OF FALCON PLACE SF, LTD. TO AMEND MOUNT ZION WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN ROCKWALL COUNTY BY STREAMLINED EXPEDITED RELEASE</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
--	--	--

STATE OF TEXAS	§
	§
COUNTY OF ROCKWALL	§

**DECLARATION OF ROBIN BALEY**

Pursuant to Texas Civil Practices and Remedies Code Section 132.001, ROBIN BALEY, hereby subscribes to the following declarations under penalty of perjury:

1. My name is ROBIN BALEY, my date of birth is May 21, 1963, and my address is 5763 SH 205 South, Suite 101, Rockwall, Texas 75023. I declare under the penalty of perjury that all information in this document is true and correct.
2. I am the Office Administrator for Mt. Zion Water Supply Corporation ("Mt. Zion"), a position that I have held since 1996. As Office Administrator of Mt. Zion, I am authorized to sign this declaration stating the facts herein on behalf of Mt. Zion.
3. I have reviewed Mt. Zion Water Supply Corporation's Response to the Original Petition of Falcon Place SF, LTD. to Amend Mt. Zion Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Streamlined Expedited Release.
4. Mt. Zion has existing facilities that can serve Petitioner, including a water tower and water lines in close proximity to the subject property.
5. Mt. Zion Water Supply Corporation seeks full compensation allowed by law, if the Petition is granted, in order to compensate Mt. Zion Water Supply Corporation for the planning, design, construction, stranded investment, and other costs that are allocable to the Petitioner. Mt. Zion Water Supply Corporation further seeks full compensation as set forth in Chapter 21 of the Texas Property Code and 16 Tex. Admin. Code § 24.245(j).
6. I declare under the penalty of perjury that the foregoing is true and correct.

SIGNED in Rockwall County, Texas on April 26, 2022.

  
\_\_\_\_\_  
Robin Baley



## Filing Receipt

**Received - 2022-05-18 11:56:20 AM**

**Control Number - 53208**

**ItemNumber - 13**

**DOCKET NO. 53208**

<b>PETITION OF FALCON PLACE SF,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>LTD. TO AMEND MOUNT ZION</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION’S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ROCKWALL</b>	<b>§</b>	
<b>COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION**

On February 11, 2022, Falcon Place SF, LTD. (Falcon Place) filed a petition for streamlined expedited release from Mount Zion Water Supply Corporation’s (Mount Zion WSC) water Certificate of Convenience and Necessity (CCN) No. 10088 under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(h). Falcon Place asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall County, which is a qualifying county. Falcon Place filed supplemental information on February 28, 2022 and March 18, 2022. Mount Zion WSC filed a verified response to the petition on April 27, 2022 and Falcon Place filed a reply on May 4, 2022.

On April 8, 2022, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of May 18, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on final disposition. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON FINAL DISPOSITION**

Staff has reviewed the supplemental petition, Mount Zion WSC’s response to the petition, and Falcon Place’s reply to Mount Zion WSC’s response, and, as detailed in the attached memorandum from Pai Liu, Infrastructure Division, recommends that the petition satisfies the requirements of TWC § 13.2541 and 16 TAC § 24.245(h). In its response to the petition, Mount Zion WSC stated that the petition should be denied for two reasons.

Mount Zion WSC first argued that it is capable of providing service to Falcon Place, through water lines and a water tower that are in close proximity to the land requested for release. Falcon Place replied and correctly argued that this does not mean that the land is *receiving* service. To receive water service, a retail water utility must have “facilities or lines committed to providing

water to the particular tract or has performed acts or supplied anything to the particular tract . . .”<sup>1</sup> Mount Zion WSC’s argument is flawed, because the water tower and water lines located in close proximity to the requested area have not been shown to be committed to providing water to the requested area. In *Crystal Clear*, the court looked to whether existing lines and facilities, located on or near property, were constructed for the purpose of providing water to the property in question.<sup>2</sup> Finding that the facilities were constructed to serve the greater area, and not the particular property, the court determined that the facilities were not committed to the particular tract of land, and therefore, the property in question was not receiving service.<sup>3</sup> Mount Zion WSC’s limited response on this issue is conclusory and does not demonstrate that these facilities are committed in any way separate from supplying water to the greater area. Further, Staff interprets Mount Zion WSC’s reference to the water tower as an argument that it has the capacity to serve the requested area. However, merely having the capacity to serve the requested area is not sufficient to demonstrate that the requested area is receiving water.<sup>4</sup>

Mount Zion WSC also argued that the deeds in which Falcon Place acquired its land shows that there are several *tracts of land* and that only one is at least 25 acres and would qualify for release under the statutory requirements. Falcon Place replied and correctly argued that, for purposes of this petition, each of the tracts constitute a *single tract of land*. According to Commission precedent, streamlined expedited release is an option available for *a contiguous tract of land* that is at least 25 acres in size and:

“[T]o constitute a single tract of land under TWC § 13.25(a-5) [now TWC § 13.2541] the property must have common ownership and be contiguous, meaning that all portions of the property must be in uninterrupted physical contact.”<sup>5</sup>

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<sup>1</sup> *Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d.130, 140 (Tex. App.—Austin 2014, pet. denied); *see also* TWC § 13.002(21), 16 TAC § 24.3(33).

<sup>2</sup> *Crystal Clear*, 449 S.W.3d at 140.

<sup>3</sup> *Id.*

<sup>4</sup> *Petition of Imperial Heights, Ltd. to Amend Aqua Texas, Inc.’s Certificates of Convenience and Necessity in Harris County by Expedited Release*, Docket No. 51114, Open Meeting Tr. at 26-28 (Nov. 5, 2020); *see also* November 5, 2020 Open Meeting Discussion of Item No. 6 at 17:52 – 26:44 ([http://www.adminmonitor.com/tx/puct/open\\_meeting/20201105/](http://www.adminmonitor.com/tx/puct/open_meeting/20201105/), last visited September 3, 2021).

<sup>5</sup> *Petition of Colorado River Project, LLC to Amend SWWC Utilities, Inc. dba Hornsby Bend Utility’s Certificate of Convenience and Necessity in Travis County By Expedited Release*, Docket No. 51166, Order No. 4 Finding Application Administratively Incomplete and Providing an Opportunity to Cure (Sep. 30, 2020) (citing *Petition of SLF IV-114 Assemblage, L.P. to Amend Aqua Texas, Inc.’s Certificate of Convenience and Necessity in Denton County by Expedited Release*, Docket No. 44667, Final Order at 5-6 (Sep. 11, 2015)).

Mount Zion WSC's argument is therefore flawed. Specifically, based on Staff's review of the deeds and maps, each of the tracts are under common ownership and are also contiguous and in uninterrupted physical contact. As such, for purposes of this petition and, as detailed in Ms. Liu's memorandum, there is a *single, contiguous tract of land* that is approximately 78.8 acres, for which Falcon Place seeks to decertify from Mount Zion WSC's CCN.

Accordingly, Staff recommends that the petition for streamlined expedited release be approved. Further, the final water CCN map and certificate are attached to this filing. Staff recommends that the final map and certificate be provided to Mount Zion WSC and for Mount Zion WSC to file a certified copy of the CCN map and a boundary description of the CCN service area in the Rockwall County Clerk's office, as required under TWC § 13.257(r)-(s).

## **II. CONCLUSION**

For the reasons detailed above, Staff recommends that the petition be approved and respectfully requests the entry of an order consistent with this recommendation.

Dated: May 18, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
Scott Miles  
State Bar No. 24098103  
Forrest Smith  
State Bar No. 24093643  
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(512) 936-7228  
(512) 936-7268 (facsimile)  
Scott.Miles@puc.texas.gov

**DOCKET NO. 53208**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 18, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles  
Scott Miles

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Scott Miles and Forrest Smith, Attorneys  
Legal Division

**FROM:** Pai Liu, Infrastructure Analyst  
Infrastructure Division

**DATE:** May 18, 2022

**RE:** Docket No. 53208 – *Petition of Falcon Place SF, LTD. to Amend Mount Zion Water Supply Corporation's Certificate of Convenience and Necessity in Rockwall County by Streamlined Expedited Release*

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On February 11, 2022, Falcon Place SF, LTD. (Falcon Place) filed a petition for streamlined expedited release from Mount Zion Water Supply Corporation's (Mount Zion WSC) water Certificate of Convenience and Necessity (CCN) No. 10088 in Rockwall County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Falcon Place asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Rockwall County, which is a qualifying county.

Falcon Place provided warranty deeds confirming ownership of the tract of land within Mount Zion WSC's certificated service area. In addition, Falcon Place submitted a sworn affidavit attesting that the tract of land was not receiving water service from the CCN holder. Mount Zion WSC did not request to intervene, however did file a response to the petition on April 27, 2022.

Based on the mapping review by Hank Journeay, Infrastructure Division, it was determined the landowner's total property is approximately 78.8 acres. The tract of land in the petition for streamlined expedited release is approximately 78.8 acres, of which approximately 78.8 acres overlap Mount Zion WSC (CCN No. 10088) and would be decertified from CCN No. 10088.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), Falcon Place has met the Commission's requirements to allow for the release of the tract of land from Mount Zion WSC's CCN No. 10088. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Mount Zion Water Supply Corporation**

having obtained certification to provide water or 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, Mount Zion Water Supply Corporation is entitled to this

### **Certificate of Convenience and Necessity No. 10088**


to provide continuous and adequate water utility service to that service area or those service areas in Rockwall county as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53208 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 Mount Zion Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



Mount Zion Water Supply Corporation  
Portion of Water CCN No. 10088  
PUC Docket No. 53208  
Petition by Falcon Place SF, Ltd. to Amend  
Mount Zion Water Supply Corporation's CCN by Streamlined Expedited Release in Rockwall County



**Water CCN**

 10088 - Mount Zion WSC



**Decertified Area**



**Tract of Land**

0 225 450  
Feet







## Filing Receipt

**Received - 2022-06-03 02:29:44 PM**

**Control Number - 53208**

**ItemNumber - 15**

**PUC DOCKET NO. 53208**

<b>PETITION OF FALCON PLACE SF,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISION</b>
<b>LTD. TO AMEND MOUNT ZION</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION'S</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ROCKWALL</b>	<b>§</b>	
<b>COUNTY BY STREAMLINED</b>	<b>§</b>	
<b>EXPEDITED RELEASE</b>	<b>§</b>	

**MOUNT ZION WATER SUPPLY CORPORATION'S  
EXCEPTIONS TO PROPOSED ORDER**

Mount Zion Water Supply Corporation ("Mount Zion") hereby submits this its exceptions to the Proposed Order drafted herein.

The Application is for an expedited release from Mount Zion's water CCN service area. A Proposed Order was prepared with no evidentiary record. Mount Zion hereby submits an exception to the Proposed Order.

Mount Zion holds CCN Number 10088. It has water resources that obligates it to provide retail water throughout its CCN service area. It has planned for such service. There is no evidence in the record that Mount Zion cannot serve the entirety of the service area, including the Petitioner's property. Thus, all acts Mount Zion has taken to certificate the area, **acquire water resources**, and planning for service to its service area are "acts" that Mount Zion has performed for and supplied to the tract in question and to all its service area. PUC Rules define service as: "Any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under TWC Chapter 13 to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities."<sup>1</sup> Thus, the acquisition of the CCN is the act performed

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<sup>1</sup> PUC R. § 24.3 (33).

to provide service. Further, all lines and facilities of Mount Zion are utilities to serve its entire requested service area.

The record is devoid of any evidence that this is not the case. Indeed, the record is devoid of any evidence that the fact Mount Zion was certificated to the tract in question and was, thus, obligated to serve that it was NOT an act for or to serve the tract in question.

As stated in Mount Zion's response to the Petition, the Petition is deficient as it does not conform to PUC rules or the Texas Water Code. The Petition is purportedly brought pursuant to alleged authority of Texas Water Code ("TWC") § 13.2541. Subsection (b) of said section states as follows:

"(b) As an alternative to decertification or expedited release under Section 13.254, 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 certificate of public convenience and necessity in the manner provided by this section and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of more than 45,500 and less than 47,500" (emphasis added).

Further, PUC rules provide a similar requirement:

"The owner of a tract of land may petition the commission for streamlined expedited release of all or a portion of the tract of land from the current CCN holder's certificated service area if all the following conditions are met:

(A) The *tract of land* is at least 25 acres in size..."<sup>2</sup> (emphasis added).

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<sup>2</sup> 16 Tex. Admin. Code § 24.245(h)(1).

The PUC repeats that a singular tract of land is applicable in 16 Tex. Admin. Code § 24.245(h)(3). The Petitioner filed deed information for 5 tracts of land each containing 26, 12, 1, 20.74 and 19.9 acres.<sup>3</sup> Only one tract of land meets the statutory and regulatory provision that the tract of land that is subject to a Petition be over 25 acres. The Petitioner attempts to bootstrap three other tracts of land into its Petition. This is not allowed by the clear and unambiguous language of TWC § 13.2541 and 16 Tex. Admin. Code § 24.245(h)(1). As such, as to the 12, 1, 20.74 and 19.9 acre tracts of land, the Petition is insufficient and not subject to the streamlined expedited release provisions of TWC § 13.2541 and 16 Tex. Admin. Code § 24.245(h)(1).

Based on the preceding arguments, Mount Zion suggests the following changes to the Proposed Order:

- Finding of Fact No. 12 should be revised as follows: “12. The petitioner owns a five tracts of land that is approximately 78.8 acres each containing 26, 12, 1, 20.74 and 19.9 acres, for which it seeks streamlined expedited release.”
- Finding of Fact No. 13 should revised as follows: “13. The tracts of land ~~is~~ are located within the CCN holder’s certificated service area.”
- Finding of Fact No. 14 should revised as follows: “14. The petitioner acquired the tracts of land through purchases of the following five parcels: ....”
- There are two Findings of Fact numbered 14. The remaining number have the first no. 14 should be renumbered. However, for the remainder of this pleading, Mount Zion refers to the Finding of Fact as numbered in the Proposed Order.

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<sup>3</sup> See Petition at Exhibits C and D.

- The second Finding of Fact No. 14 should be revised as follows: “The five ~~parcels~~ tracts are owned purchased by the petitioner ~~are and~~ are contiguous to one another ~~and, collectively, comprise the petitioner’s 78.8-acre tract of land.~~”
- Finding of Fact No. 17 should be revised as follows: “The tracts of land ~~is~~ are not receiving actual water service from the CCN holder.”
- Finding of Fact No. 22 should be revised as follows: “22. The CCN holder has ~~not~~ committed or dedicated ~~any~~ facilities or lines to the tract of land for water service.”  
As stated above, Mount Zion is providing service and has committed resources to the provision of service to its entire service area. Absent a definition of what “committed and dedicated” means, the record is devoid of any evidence that Mount Zion’s lines and facilities cannot serve the tract.
- Finding of Fact No. 23 should be revised as follows: “23. The CCN holder has ~~no~~ facilities or lines that provide water service to the tracts of land.” As stated above, Mount Zion is providing service and has committed resources to the provision of service to its entire service area. The record is devoid of any evidence that Mount Zion’s lines and facilities cannot serve the tract.
- Finding of Fact No. 24 should be revised as follows: “24. The CCN holder has ~~not~~ performed ~~any~~ acts or supplied anything to the tract of land.” As stated above, Mount Zion has performed acts to supply water to the entirety of its service territory. The record is devoid of any evidence to the contrary.
- Conclusion of Law No. 10 should be revised as follows: “10. The petitioner owns ~~the~~ one tract of land that is at least 25 acres for which it ~~seeks~~ is eligible for streamlined expedited release.”

- Conclusion of Law No. 12 should be revised as follows: “12. The tracts of land is ~~not~~ are receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3<sup>rd</sup> 130 (tex. App.-Austin 2014, pet. denied).” As discussed above, Mount Zion is providing service as defined in commission rules.
- Conclusion of Law No. 13 should be revised as follows: “13. The petitioner is not entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder’s certificated service area.” As discussed above, Mount Zion is providing service as defined in commission rules. As such, they are not entitled to decertification of the property.

For the reasons stated above, the following Ordering Paragraphs should be revised as follows:

1. The Commission ~~releases the tract of land identified in the amended petition from the CCN holder’s certificated service area under CCN number 11257~~ denies the amended application in its entirety.
3. ~~———— The Commission amend CCN number 10088 in accordance with this Order.~~
4. ~~———— The Commission approved the map attached to this Order.~~
5. ~~———— The Commission issues the certificate attached to this Order.~~
6. ~~———— The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.~~

~~7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences with the filing of this Order in accordance with the schedule adopted in Order No. 3. Any decision on compensation will be made by a separate order.~~

Mount Zion respectfully requests that the exceptions to the findings of fact, conclusions of law, and ordering paragraphs be accepted and incorporated in the Commission's Final Order.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)  
[arodriguez@txlocalgovlaw.com](mailto:arodriguez@txlocalgovlaw.com)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR MOUNT ZION WATER  
SUPPLY CORPORATION**

### **CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on the 3<sup>rd</sup> day of June, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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





Control Number: 53208



Item Number: 18

**DOCKET NO. 53208**

**PETITION OF FALCON PLACE SF,  
LTD. TO AMEND MOUNT ZION  
WATER SUPPLY CORPORATION'S  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN ROCKWALL  
COUNTY BY STREAMLINED  
EXPEDITED RELEASE**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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**ORDER**

This Order addresses the petition by Falcon Place SF, Ltd. for streamlined expedited release of a tract of land in Rockwall County from Mount Zion Water Supply Corporation's service area under certificate of convenience and necessity (CCN) number 10088. For the reasons stated in this Order, the Commission releases the tract of land from Mount Zion WSC's certificated service area. In addition, the Commission amends Mount Zion WSC's CCN number 10088 to reflect the removal of the tract of land from the service area.

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

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Falcon Place is a Texas limited partnership registered with the Texas secretary of state under filing number 803627977.

**CCN Holder**

2. Mount Zion is a Texas corporation registered with the Texas secretary of state under filing number 22254201.
3. Mount Zion holds CCN number 10088 that obligates the utility to provide retail water service in its certificated service area in Rockwall County.

**Petition and Petitioner's Supplemental Filings**

4. On February 11, 2022, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 10088.
5. The petition includes an affidavit, dated February 10, 2022, of Adam Buczek, the petitioner's authorized representative; maps; a general warranty deed with vendor's lien, dated August 5, 2021; a special warranty deed, dated July 21, 2021; a special warranty deed with vendor's lien, dated August 5, 2021; a second special warranty deed with vendor's lien, dated August 5, 2021; a special warranty deed, dated December 21, 2021; and digital mapping data.
6. On February 28, 2022, the petitioner filed supplemental maps and digital mapping data.
7. On March 18, 2022, the petitioner filed a response to an issue raised in Order No. 2 filed on March 10, 2022. The response includes an affidavit, dated March 15, 2022, of Mr. Buczek; a duplicate of the July 21, 2021 special warranty deed filed with the petition; an owner's policy of title insurance; and maps.
8. In Order No. 3 filed on April 8, 2022, the administrative law judge (ALJ) found the petition administratively complete.

**Notice**

9. On February 10, 2022, the petitioner sent a copy of the petition by certified mail, return receipt requested, to the CCN holder.
10. In Order No. 3 filed on April 8, 2022, the ALJ found the notice sufficient.

**Response to the Petition**

11. On April 27, 2022, the CCN holder filed a response to the petition, which included a declaration, dated April 26, 2022, of Robin Baley, the CCN holder's office administrator.

**The Tract of Land**

12. The petitioner owns a tract of land in Rockwall County that is approximately 78.8 acres, for which it seeks streamlined expedited release.
13. The tract of land is located within the CCN holder's certificated service area.

**Ownership of the Tract of Land**

14. The petitioner acquired the tract of land through the purchases of the following five parcels:
  - a. it acquired an approximately 26-acre parcel via a general warranty deed with vendor's lien dated August 5, 2021;
  - b. it acquired an approximately 12-acre parcel via a special warranty deed dated July 21, 2021;
  - c. it acquired an approximately 19.8-acre parcel via a special warranty deed with vendor's lien dated August 5, 2021;
  - d. it acquired an approximately one-acre parcel via a special warranty deed with vendor's lien dated August 5, 2021; and
  - e. it acquired an approximately 20-acre parcel via a special warranty deed dated December 21, 2021;
15. The five parcels purchased by the petitioner are contiguous to one another and, collectively, comprise the petitioner's 78.8-acre tract of land.

**Qualifying County**

16. Rockwall County has a population of more than 47,500 and is adjacent to Dallas County.
17. Dallas County has a population of at least one million.

**Water Service**

18. The tract of land is not receiving actual water service from the CCN holder.
19. The petitioner has not requested that the CCN holder provide water or sewer service to the tract of land.
20. The petitioner has not paid to the CCN holder any fees or charges to initiate or maintain water service for the tract of land.
21. There are no billing records or other documents evidencing an existing account with the CCN holder for the provision of water service to the tract of land.
22. The CCN holder owns and operates a water tower and water lines that are located outside of, but in proximity to, the tract of land that could be used to provide service to the tract, if requested to do so.

23. The CCN holder has not committed or dedicated any facilities or lines to the tract of land for water service.
24. The CCN holder has no facilities or lines that provide water service to the tract of land.
25. The CCN holder has not performed any acts for or supplied anything to the tract of land.

**Map and Certificate**

26. On May 18, 2022, Commission Staff filed its recommendation on final disposition that included a certificate and a map on which it identified the tract of land in relation to the CCN holder's certificated service area.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over the petition for streamlined expedited release under Texas Water Code (TWC) §§ 13.254 and 13.2541.
2. The petitioner provided notice of the petition in compliance with 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F).
3. No opportunity for a hearing on a petition for streamlined expedited release is provided under TWC §§ 13.254 or 13.2541 and, under 16 TAC § 24.245(h)(7), no hearing will be held on such a petition.
4. Petitions for streamlined expedited release filed under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are not contested cases.
5. Landowners seeking streamlined expedited release under TWC §§ 13.254 and 13.2541 and 16 TAC § 24.245(h) are required to submit a verified petition through a notarized affidavit, and the CCN holder may submit a response to the petition.
6. Under 16 TAC § 24.245(h)(7), the Commission's decision is based on the information submitted by the landowner, the CCN holder, and Commission Staff.
7. To obtain release under TWC § 13.2541(b), a landowner must demonstrate that the landowner owns a tract of land that is at least 25 acres, that the tract of land is located in a qualifying county, and that the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN.

8. The time that the petition is filed is the only relevant time period to consider when evaluating whether a tract of land is receiving water service under TWC § 13.2541(b). Whether a tract of land might have previously received water service is irrelevant.
9. A landowner is not required to seek the streamlined expedited release of all of its property.
10. The petitioner owns the tract of land that is at least 25 acres for which it seeks streamlined expedited release.
11. Rockwall County is a qualifying county under TWC § 13.2541(b) and 16 TAC § 24.245(h)(2).
12. The tract of land is not receiving water service under TWC §§ 13.002(21) and 13.2541(b) and 16 TAC § 24.245(h), as interpreted in *Texas General Land Office v. Crystal Clear Water Supply Corporation*, 449 S.W.3d 130 (Tex. App.—Austin 2014, pet. denied).
13. The petitioner is entitled under TWC § 13.2541(b) to the release of the tract of land from the CCN holder's certificated service area.
14. After the date of this Order, the CCN holder has no obligation under TWC § 13.254(h) to provide retail water service to the tract of land.
15. The Commission may release only the property of the landowner from a CCN under TWC § 13.2541(b). The Commission has no authority to decertify any facilities or equipment owned and operated by the CCN holder to provide retail water service through the streamlined-expedited-release process under TWC § 13.2541(b).
16. The Commission processed the petition in accordance with the TWC and Commission rules.
17. Under TWC § 13.257(r) and (s), the CCN holder is required to record certified copies of the approved certificate and map, along with a boundary description of the service area, in the real property records of Rockwall County no later than the 31st day after the date the CCN holder receives this Order.
18. A retail public utility may not, under TWC §§ 13.254(d) and 13.2541(a), provide retail water service to the public within the tract of land unless just and adequate compensation under TWC § 13.254(g) has been paid to the CCN holder.

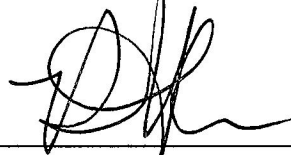
### III. Ordering Paragraphs

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

1. The Commission releases the tract of land identified in the petition from the CCN holder's certificated service area under CCN number 10088.
2. The Commission does not decertify any of the CCN holder's equipment or facilities that may lay on or under the tract of land.
3. The Commission amends CCN number 10088 in accordance with this Order.
4. The Commission approves the map attached to this Order.
5. The Commission issues the certificate attached to this Order.
6. The CCN holder must file in this docket proof of the recording required in TWC § 13.257(r) and (s) within 45 days of the date of this Order.
7. The proceeding to determine the amount of compensation to be awarded to the CCN holder, if any, commences on the date of this Order in accordance with the schedule adopted in Order No. 3. Any decision on compensation will be made by a separate order.
8. The Commission denies all other motions and any other requests for general or specific relief not expressly granted by this Order.

Signed at Austin, Texas the 4<sup>th</sup> day of August 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



PETER M. LAKE, CHAIRMAN



WILL MCADAMS, COMMISSIONER



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER





# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Mount Zion Water Supply Corporation**

having obtained certification to provide water or 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, Mount Zion Water Supply Corporation is entitled to this


### **Certificate of Convenience and Necessity No. 10088**

to provide continuous and adequate water utility service to that service area or those service areas in Rockwall county as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53208 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 Mount Zion Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Mount Zion Water Supply Corporation  
Portion of Water CCN No. 10088  
PUC Docket No. 53208  
Petition by Falcon Place SF, Ltd. to Amend  
Mount Zion Water Supply Corporation's CCN by Streamlined Expedited Release in Rockwall County



**Water CCN**

 10088 - Mount Zion WSC



Decertified Area



Tract of Land

0 225 450  
Feet







600 EAST EXCHANGE AVENUE | SUITE 200 | FORT WORTH, TEXAS 76164

August 18, 2022

Mr. Art Rodriguez  
Russell Rodriguez Hyde Bullock, L.L.P.  
1633 Williams Drive  
Building 2, Suite 200  
Georgetown, Texas 78628

**SUBJECT: DOCKET NO. 53208; PETITION OF FALCON PLACE SF, LTD TO AMEND MOUNT ZION WATER SUPPLY CORPORATION'S CERTIFICATE OF CONVENIENCE AND NECESSITY IN ROCKWALL COUNTY BY STREAMLINED EXPEDITED RELEASE**

Dear Mr. Rodriguez,

At your request, we are pleased to provide appraisal services regarding property that is the subject of the above-described matter. *This letter, when signed by you, shall constitute our agreement regarding our engagement.*

This assignment will be developed and prepared in conformity with and subject to the requirements of the Appraisal Institute's Code of Professional Ethics, the Uniform Standards of Professional Appraisal Practice, the Public Utility Commission, and the State of Texas. Additionally, we have not performed any services related to the property prior to this assignment.

Our fee for this assignment will be **\$8,000** for an appraisal report, with all work after completion of the appraisal invoiced on an hourly rate basis. The appraisal is intended to be used by the client for the proposed expedited release of the subject property in the above-described matter.

Work will be billed by the tenth of every month, with the full amount due 10 days after the invoice date. In addition to our fees, we are to be reimbursed for all direct expenses including, but not limited to, delivery services, legal documents, travel, mileage, exhibits, photographs, copying, etc. Prior to commencement of this engagement, we require a **\$4,000** retainer.

Our current hourly rates are as follows:

Joshua M. Korman	\$ 400.00
John Kostohryz	\$ 300.00
Wynn Tucker	\$ 250.00
Associate Appraiser	\$ 150.00
Research Analyst	\$ 75.00

A KOR Group principal will make himself available to review each invoice with a designated client representative as to the necessity and reasonableness of the work performed. It is the responsibility of the client to review the invoices for work performed within 10 days upon receipt of each invoice.

Mr. Art Rodriguez  
August 18, 2022  
Page 2

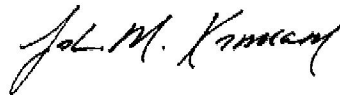
The file and work product produced regarding this assignment are the exclusive property of KOR Group and subject to peer review by State and Federal Agencies and by the Appraisal Institute. Additionally, we will make a copy of the file available to the client at their request or at the request of the court or the Public Utility Commission.

It is understood that our engagement and payment for the services rendered hereunder are not dependent or contingent upon any loan commitment, transaction, trial outcome, opinions rendered, or any funds received by you over and above the fee stated herein.

This contract is cancelable on a 10-day written notice. Should either party cancel this contract, the outstanding balance for professional services shall be due within 30 days of such act.


If the above agreement meets with your approval, please execute this proposal, and return the original. We look forward to working with you on this project.

Very Truly Yours,



Joshua M. Korman

AGREED:

By:   
Name: Arturo Rodriguez  
Title: Asst

Date: 8/25/22