



Filing Receipt

Received - 2022-12-05 02:07:36 PM

Control Number - 53514

ItemNumber - 20

DOCKET NO. 52532

PETITION BY E REAL ESTATE, LLC	§	PUBLIC UTILITY COMMISSION
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150 HELD BY	§	OF TEXAS
MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	
	§	

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

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

Proof of Recording

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

A utility service provider shall:

(1) record in the real property records of each county in which the service area or a portion of the service area is located a certified copy of the map of the certificate of public convenience and necessity and of any amendment to the certificate as contained in the utility commission's records, and a boundary description of the service area by:

- (A) a metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor;
- (B) the Texas State Plane Coordinate System;
- (C) verifiable landmarks, including a road, creek, or railroad line; or

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

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

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

TWC § 13.257(s) provides:

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

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

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

Conclusion

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

² TWC § 13.257(r).

³ TWC § 13.257(s).

⁴ Order at 8.

⁵ *Id.* at 9.

⁶ Petition by E REAL ESTATE, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541, at Exhibit B-2 (September 8, 2021).

Respectfully submitted,

By: 

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

ATTORNEYS FOR MARILEE SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

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




John J. Carlton

PUC REQUIRED BOUNDARY DESCRIPTION

**Marilee Special Utility District; Portion of Water Service Area CCN. 10150;
PUC Docket 52532 – Petition of E REAL ESTATE, LLC to Amend Marilee Special Utility
District’s Certificate of Convenience and Necessity in Collin County by Expedited Release**

Pursuant to Texas Water Code § 13.257, Mustang Special Utility District, Successor to Marilee Special Utility District (the “District”), holder of Certificate of Convenience and Necessity No. 10150, hereby files this Boundary Description for the portion of the District’s CCN No. 10150 that was released by the Public Utility Commission of Texas (“PUC”) in a written order in Docket No. 52532. The portion of the District’s CCN that was released is described on the attached metes and bounds. The portion of the District’s CCN that was released is further depicted in the attached map prepared by the PUC.

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



John J. Carlton

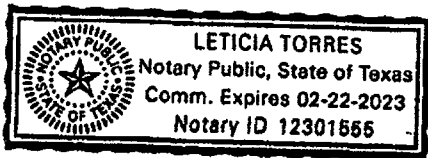
STATE OF TEXAS


§
§
§

COUNTY OF TRAVIS

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

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

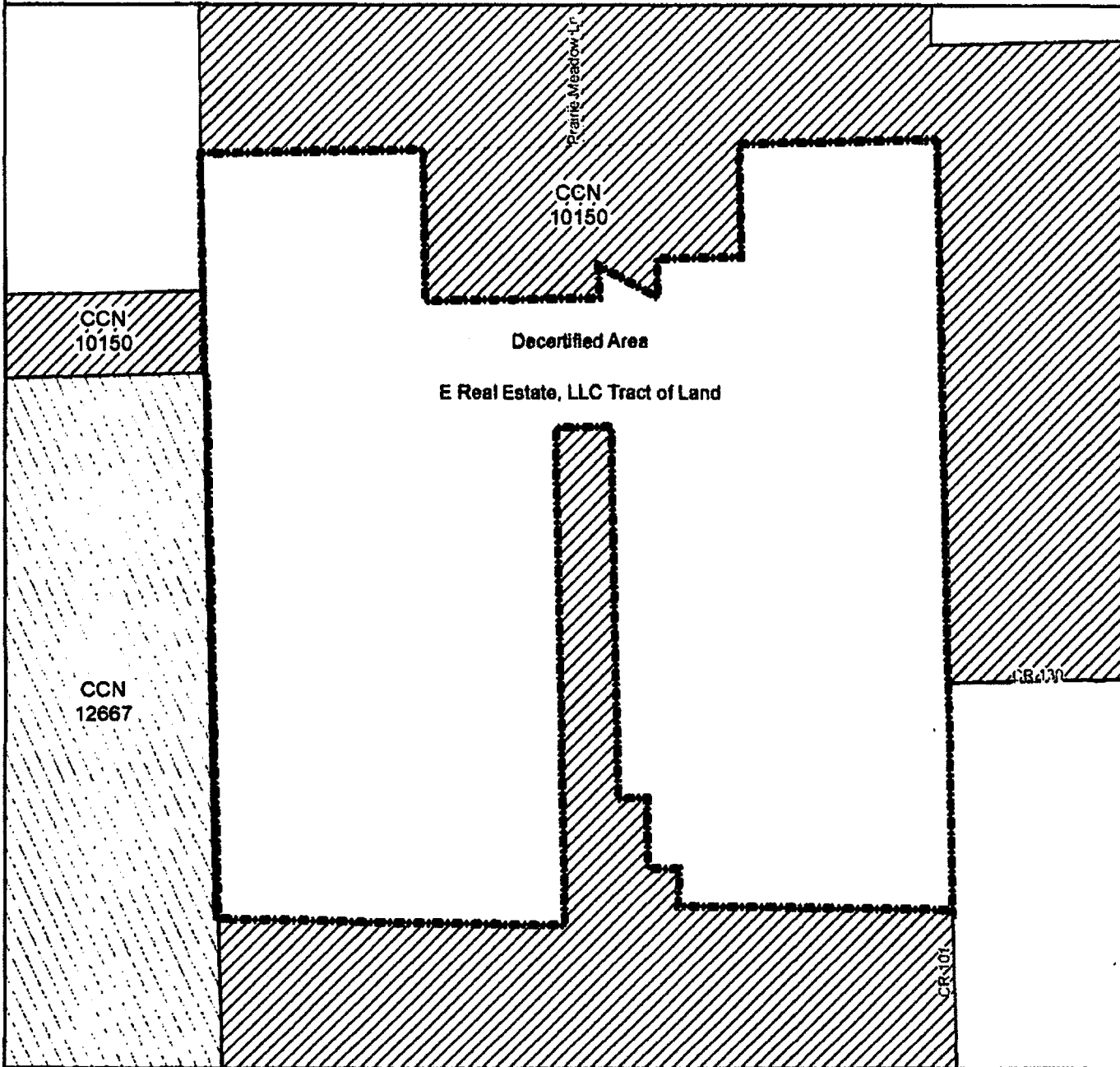




Notary Public in and for the State of Texas



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


Marilee Special Utility District
Portion of Water CCN No. 10150
PUC Docket No. 52532
Petition by E Real Estate, LLC to Amend
Marilee Special Utility District's CCN by Streamlined Expedited Release in Collin County



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

Water CCN

-  10150 - Marilee SUD
-  12667 - City of Celina

-  Decertified Area
-  Tract of Land



Map by: Komal Patel
Date: June 24, 2022
Project: 52532MarileeSUDUpdated.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

Marilee Special Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Marilee Special Utility District is entitled to this

Certificate of Convenience and Necessity No. 10150

to provide continuous and adequate water utility service to that service area or those service areas in Collin and Grayson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52532 are on file at the Commission offices in Austin, Texas, and are matters of official record available for public inspection, and be it known further that these presents do evidence the authority and the duty of the Marilee Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby

BEING a tract of land situated in the Martha Herron Survey, Abstract No. 415, City of Celina, Collin County, Texas, and being a portion of a called 43.777 acre tract of land and a portion of a called 272.545-acre tract of land, conveyed to E Real Estate LLC as evidenced in a Special Warranty Deed, recorded in Instrument No. 20200515000713140 of the Official Public Records of Collin County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said 43.777 acre tract and the southwest corner of a called 40.11-acre tract of land, conveyed to N. E. Colt & CR 101, LP, as evidenced in a General Warranty Deed, recorded in Instrument No. 20081014001224170 of the Official Public Records of Collin County, Texas, same being the intersection of said County Road No. 97 with County Road No. 101, a public use right of way, no record found;

THENCE North 89°35'03" East, along the northerly line of said 43.777 acre tract, the southerly line of said 40.11-acre tract, and generally along said County Road No. 101, a distance of 402.01 feet to a corner;

THENCE North 89°36'37" East, continuing along the northerly line of said 43.777 acre tract, the southerly line of said 40.11-acre tract and said County Road No. 101, a distance of 401.65 feet to the northernmost, northeast corner of said "Tract A", same being the northwest corner of a called 7.498-acre tract of land, conveyed to Tom Harper, as evidenced in a General Warranty Deed, recorded in County Clerk's File No. 93-0036670 of the Land Records of Collin County, Texas;

THENCE South 00°07'56" East, departing said County Road No. 101, along the easterly line of said 43.777 acre tract and the westerly line of said 7.498-acre tract, a distance of 541.77 feet to the southwest corner of said 7.498-acre tract;

THENCE North 89°38'16" East, along a northerly line of said 43.777 acre tract and the southerly line of said 7.498-acre tract, a distance of 630.23 feet to the easternmost, northeast corner of said 43.777 acre tract and the southeast corner of said 7.498-acre tract, same being on a westerly line of aforesaid 272.545-acre, Eland Energy, Inc., tract;

THENCE North 00°01'23" West, along an easterly line of said 7.498-acre tract and the westerly line of said 272.545-acre tract, a distance of 116.61 feet to a corner on the southerly line of a called 2.661-acre tract of land, conveyed to Collin County, Texas, as evidenced in a General Warranty Deed, recorded in Volume 5309, Page 7316 of the Land Records of Collin County, Texas;

THENCE South 60°05'11" East, continuing along the westerly line of said 272.545-acre tract and along the southerly line of said 2.661-acre tract, a distance of 230.59 feet to a corner;

THENCE North 88°50'05" East, continuing along the westerly line of said 272.545-acre tract and along the southerly line of said 2.661-acre tract, a distance of 10.17 feet to the southeast corner of said 2.661-acre tract;

THENCE North 00°20'59" West, continuing along the westerly line of said 272.545-acre tract and along the easterly line of said 2.661-acre tract, a distance of 137.04 feet to a point for corner;

THENCE North 89°30'33" East, departing the westerly line of said 272.545-acre tract, the easterly line of said 2.661-acre tract, crossing said 272.545-acre tract, a distance of 305.92 feet to a point for corner;

THENCE North 0°29'27" West, continuing across said 272.545-acre tract, a distance of 402.69 feet to a point for corner on the northerly line of said 272.545-acre, same being on the occupied southerly line of aforesaid County Road No. 101;

THENCE North 89°30'33" East, along the northerly line of said 272.545-acre tract and along the southerly line of said County Road No. 101, a distance of 715.70 feet to the northeast corner of said 242.545-acre tract, same being on the westerly line of called Tracts 1, 2, and 3, conveyed to Joe E. Stalling and wife, Janice K. Stalling, as evidenced in a General Warranty Deed with Vendor's Lien, recorded in County Clerk's File No. 93-0075959 of the Land Records of Collin County, Texas; .

THENCE South 00°31'02" East, along the easterly line of said 272.545-acre tract, the westerly line of said Tracts 1, 2, and 3, the westerly line of a called 9.943-acre tract of land conveyed to Daniel DW Simons and Misty Simons, as evidenced in a General Warranty Deed, recorded in Instrument No. 20070816001143760 of the Official Public Records of Collin County, Texas, the westerly line of Tract 1 and Tract 2, conveyed to Michael M. Patterson and Charles Dawson, as evidenced in a General Warranty Deed, recorded in Instrument No. 20060630000904460 of the Official Public Records of Collin County, Texas, the westerly line of a called 10.692-acre tract of land, conveyed to John D. Dove, as evidenced in a General Warranty Deed, recorded in Volume 3981, Page 359 of the Land Records of Collin County, Texas, and generally along the centerline of said County Road No. 101, a distance of 1945.32 feet to the northwest corner of aforesaid 154.059-acre Central Frisco, Ltd., tract and the southwest corner of said 10.692-acre tract, same being the intersection of said County Road No. 101 with County Road No. 130, a public use right of way, no record found;

THENCE South 00°31'02" East, continuing along the easterly line of said 272.545-acre tract, along the westerly line of said 154.059-acre tract and along said County Road 101, a distance of 821.36 feet to a point for corner;

THENCE North 88°21'14" West, departing the easterly line of said 272.545-acre tract, the westerly line of said 154.059-acre tract and said County Road 101, crossing said 272.545-acre tract, a distance of 994.92 feet to a point for corner;

THENCE North 02°17'25" East, continuing across said 272.545-acre tract, a distance of 134.71 feet to a point for corner;

THENCE North 87°59'58" West, continuing across said 272.545-acre tract, a distance of 114.00 feet to a point for corner;

THENCE North 00°13'30" East, continuing across said 272.545-acre tract, a distance of 253.97 feet to a point for corner;

THENCE South 88°06'13" West, continuing across said 272.545-acre tract, a distance of 104.12 feet to a point for corner;

THENCE North 00°22'48" West, continuing across said 272.545-acre tract, a distance of 1335.42 feet to a point for corner;

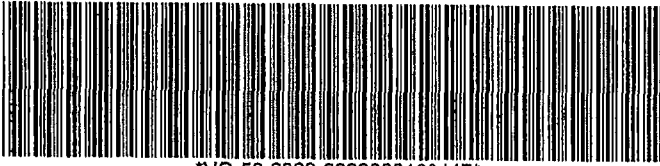
THENCE South 89°38'50" West, continuing across said 272.545-acre tract, passing the common line of said 272.545-acre tract and aforesaid 43.777-acre tract, continuing across said 43.777-acre tract, a distance of 200.03 feet to a point for corner;

THENCE South 00°22'48" East, continuing across said 43.777-acre tract, passing the common line of said 43.777-acre tract and aforesaid 272.545-acre tract, continuing across said 272.545-acre tract, a distance of 1789.93 feet to a point for corner;

THENCE North 88°17'40" West, continuing across said 272.545-acre tract, a distance of 1269.31 feet to a point for corner on the westerly line of said 272.545-acre tract, the easterly line of aforesaid 450.71-acre tract and being in aforesaid County Road No. 97,;

THENCE North 00°31'33" West, along the westerly line of said 272.545-acre tract, the easterly line of aforesaid 450.71-acre tract and generally along said County Road No. 97, a distance of 1182.18 feet to the westerly, northwest corner of said 272.545-acre tract, same being the southwest corner of aforesaid "Tract A" (43.777 acres);

THENCE North 00°10'10" West, along the westerly line of said "Tract A" (43.777 acres), the easterly line of aforesaid 450.71-acre tract and generally along said County Road No. 97, a distance of 1566.55 feet to the POINT OF BEGINNING and containing 146.75 acres of land, more or less.



VG-58-2022-2022000168447

Collin County
Honorable Stacey Kemp
Collin County Clerk

Instrument Number: 2022000168447

Real Property

MISCELLANEOUS

Recorded On: November 23, 2022 09:02 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

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

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

File Information:

Document Number: 2022000168447
Receipt Number: 20221123000093
Recorded Date/Time: November 23, 2022 09:02 AM
User: Kacy M
Station: Station 8

Record and Return To:

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



STATE OF TEXAS
Collin County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Public Records of Collin County, Texas

Honorable Stacey Kemp
Collin County Clerk
Collin County, TX