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PUC DOCKET NO. _____

PETITION OF HONEYCREEK §
VENETIAN, LLC TO AMEND A §
PORTION OF THE CITY OF WESTON §
SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
NO. 20999 BY STREAMLINED §
EXPEDITED RELEASE UNDER TEXAS §
WATER CODE § 13.2541(b) and 16 TEX. §
ADMIN. CODE § 24.245(h) §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**PETITION OF HONEYCREEK VENETIAN, LLC TO DECERTIFICATE
AND AMEND A PORTION OF THE CITY OF WESTON, TEXAS, SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY BY STREAMLINED
EXPEDITED RELEASE UNDER
TEXAS WATER CODE § 13.2541(b) AND 16 TEX. ADMIN. CODE § 24.245(h)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Honeycreek Venetian, LLC (“Petitioner”), and files with the Public Utility Commission of Texas (“Commission”) this Petition (“Petition”) to Decertify and Amend Portions of the City of Weston, Texas (“Weston”), Sewer Certificate of Convenience and Necessity (“CCN”) No. 20999 (“Weston Sewer CCN No. 20999”) in Collin County, by Streamlined Expedited Release (“SER”) under Tex. Water Code § 13.2541(b) and 16 Tex. Admin. Code § 24.245(h). In support thereof, Petitioner would respectfully show as follows:

I. PETITION

1. Tex. Water Code § 13.2541(b) and 16 TAC § 24.245(h) authorize the owner of a tract of land to petition the Commission for the streamlined, expedited release of all or a portion of that tract from the service area associated with a water and/or sewer CCN. Specifically, the Commission must grant a petition for streamlined expedited release of land from a CCN if the following conditions are met: (i) the tract of land to be released is at least twenty-five (25) acres in size; (ii) the tract of land is not receiving service of the type authorized by the CCN from which release is sought; (iii) at least a part of the tract of land is located within the service area of the

CCN from which release is sought; and (d) the tract of land to be released is located in Collin County, which is a “qualifying county,” as such term is defined in 16 Tex. Admin. Code § 24.245(h)(2), and as explained below.

2. Based on the criteria established in Tex. Water Code § 13.2541(b) and 16 Tex. Admin. Code § 24.245(h), the Petitioner is entitled to the streamlined expedited release of approximately 159.07 contiguous acres of land from Weston Sewer CCN No. 20999, the entirety of which is located in Collin County, Texas.

3. Specifically, Petitioner is owner in fee of 159.07 contiguous acres of land composed of a single tract (“Tract”) which Petitioner seeks to remove from Weston Sewer CCN No. 20999. A copy of the recorded Special Warranty Deed evidencing Petitioner’s ownership of the Tract is included with the Affidavit of Mr. Zach Ipour, attached hereto as Exhibit A.

4. The Tract lies within Weston Sewer CCN No. 20999. As required by 16 Tex. Admin. Code § 24.245(h)(3)(G), attached hereto is mapping in accordance with 16 Tex. Admin. Code § 24.245(k) and with the Commission’s “Streamlined Expedited Release Guidance” available at: <https://www.puc.texas.gov/industry/water/Forms/StreamlineFAQs.pdf> (last visited April 13, 2022). The mapping depicts the overlap of the Tract and Weston Sewer CCN No. 20999 as follows:¹

Exhibit B is a detailed map downloaded electronically from the Collin County Appraisal District website, available at: <https://www.collincad.org/maps/gis?prop=1042044> (last visited April 13, 2022), and depicts the Tract as Property ID: 1042044, located west of Weston Road/FM 543 and north of Cottage Hill Road/County Road 205. The mapping indicates that the Tract is owned by Hebron Investments, LTD, although the Special Warranty Deed evidencing Petitioner’s ownership of the Tract is included with the Affidavit of Mr. Ipour, attached hereto as Exhibit A.

Exhibit C is a general location map downloaded electronically from Weston’s website, available at: <http://www.westontexas.com/upload/page/0068/docs/Maps/WestonETJ->

¹ The various mapping attached hereto describes the same roads with different names, although the varying descriptions do not impact the location of the Tract.

UMBmap_20190307.pdf (last visited April 13, 2022), and depicts that the location of the Tract east of Weston Road/FM 543, north of Cottage Hill Road/County Road 205, and west of County Road 1060, is outside of the City's corporate limits but within the Weston's Extraterritorial Jurisdiction.

Exhibit D was downloaded electronically from the Commission's Water and Sewer CCN Viewer available at <https://www.puc.texas.gov/industry/water/utilities/map.aspx> (last visited April 13, 2022), and shows that the location of the Tract west of FM 543 is at the southern portion of and located entirely within Weston Sewer CCN No. 20999.

5. As explained in Mr. Ipour's Affidavit attached hereto as Exhibit A, as of the date of filing of this Petition, the Tract is not receiving retail wastewater service from Weston or any other wastewater provider.

6. Exhibit A through Exhibit D show that the Tract is located wholly in Collin County, Texas. The Commission's streamlined expedited release "Approved List of Counties" guidance document available at: https://www.puc.texas.gov/industry/water/Forms/SER_Counties.pdf (last visited April 13, 2022) shows that Collin County is a qualifying county, meeting the requirements of 16 TAC § 24.245(h)(2).

7. Simultaneously with the filing of this Petition with the Commission, the Petitioner is serving a copy of the Petition on the Mayor of the City of Weston. Attached hereto is Exhibit E, which is proof that a copy of the Petition is being mailed to the Mayor of the City Weston via certified mail, return receipt requested on the same day Petitioner is submitting this Petition to the Commission.

II. CONCLUSION AND PRAYER

For the foregoing reasons, Petitioner respectfully requests that: (i) this Petition be deemed properly filed with the Commission; (i) this Petition be granted in all respects as provided under Tex. Water Code § 13.2541(b) and 16 Tex. Admin. Code § 24.245(h) as all requirements stated therein have been met; (iii) the Commission enter an order releasing the Tract, totaling 159.07 acres, from Weston Sewer CCN No. 20999; and (iv) all other orders, acts, procedures, and relief

be granted as are necessary and proper to the release the Tract from Weston Sewer CCN No. 20999.

Respectfully submitted,



Derek Seal
State Bar No. 00797404
MCGINNIS LOCHRIDGE, LLP
1111 West 6th Street, Ste. 400
Austin, Texas 78703
Phone: (512) 495-6175
Fax: (512) 505-63375
dseal@mcginnislaw.com

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing document was served on the parties indicated below as required by order or in accordance with 16 TEX. ADMIN. CODE § 22.74.

City of Weston
ATTN: Mayor Jim Marischem
P.O. Box 248
Weston, Texas 75097
mayor@westontexas.com

Jim Matthews
Counsel for the City of Weston
8140 N. MoPac Expwy., Ste. 4-240
Austin, Texas 78759
jmathews@mandf.com

Mr. Richard Abernathy
Counsel for the City of Weston
Abernathy, Roeder, Boyd & Hullett
1700 N. Redbud Blvd. Ste. 300
McKinney, TX 75069
rabernathy@abernathy-law.com



Derek Seal

Exhibit A

Affidavit of Zach Ipour

PUC DOCKET NO. _____

PETITION	OF	HONEYCREEK	§	
VENETIAN, LLC	TO	AMEND A	§	
PORTION OF THE CITY OF WESTON			§	BEFORE THE
SEWER	CERTIFICATE	OF	§	
CONVENIENCE AND NECESSITY			§	PUBLIC UTILITY COMMISSION
NO. 20999	BY	STREAMLINED	§	
EXPEDITED RELEASE UNDER TEXAS			§	OF TEXAS
WATER CODE § 13.2541(b) and 16 TEX.			§	
ADMIN. CODE § 24.245(h)			§	

AFFIDAVIT OF ZACH IPOUR

On this day, appeared before me Zach Ipour, and stated:

“My name is Zach Ipour. I am more than twenty-one (21) years of age and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. I am a co-owner of Honeycreek Venetian, LLC, which owns a 159.07-acre tract (the “Tract”) of property that lies within the City of Weston’s (“Weston’s”) Sewer Certificate of Convenience and Necessity (“CCN”) No. 20999 in Collin County, Texas (“Weston Sewer CCN No. 20999”).

2. I have read and I am familiar with the contents of the *Petition of Honeycreek Venetian, LLC to Amend a Portion of the City of Weston, Texas, Sewer Certificate of Convenience and Necessity No. 20999 by Streamlined Expedited Release Under Texas Water Code § 13.2541(b) and 16 Texas Administrative Code 24.245(h)* filed in the above referenced docket (the “Petition”), which was prepared at my direction.

3. The Tract is fully described by the Special Warranty Deed included as Attachment 1 to this Affidavit, which includes a metes and bounds description of the Tract.

4. As stated therein, the Petition is being submitted under Tex. Water Code

§ 13.2541(b) and 16 Tex. Admin. Code § 24.245(h).

5. As demonstrated in Attachment 1 attached hereto, which is the Special Warranty Deed for the Tract filed and recorded in the official public records of Collin County, the size of the Tract is 159.07 acres, which is at least 25 acres in size. As indicated in the Special Warranty Deed, Honeycreek Venetian, LLC acquired the Tract from Hebron Investments, LLC effective July 23, 2021. Information electronically available from the Collin County Appraisal District website has not been updated and has recently reflected that Hebron Investments, LLC is the current owner of the Tract, although the Special Warranty Deed demonstrates that Honeycreek Venetian, LLC has acquired the Tract.

6. Attached as exhibits to the Petition are mapping which depicts the Tract and demonstrate that the Tract lies within Weston Sewer CCN No. 20999.

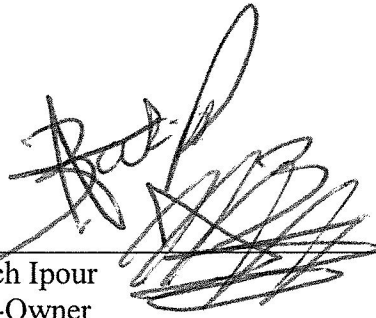
7. As demonstrated in Attachment 1 attached hereto, which is the Special Warranty Deed for the Tract, the Tract is located entirely within Collin County, which is a qualifying county for purposes of the Petition.

8. Although wastewater service was requested from the City for the Tract by letter dated February 19, 2022, the City has not indicated that the City intends to provide wastewater service to the Tract in a timely manner. As of the date of this affidavit, the Tract is not currently receiving retail wastewater Weston or from any other entity.

9. I affirm that the facts stated in the Petition are true and correct, including the mapping and Exhibits included with the Petition which are incorporated herein by reference.

10. I request on behalf of Honeycreek Venetian, LLC that the Public Utility Commission of Texas release the Tract from Weston Sewer CCN No. 20999.”

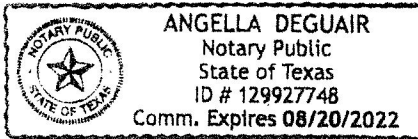
FURTHER AFFIANT SAYETH NOT.

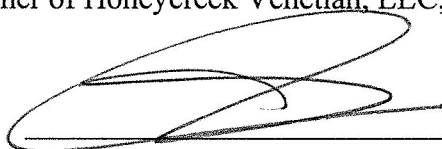


Zach Ipour
Co-Owner
Honeycreek Venetian, LLC

STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me, the undersigned authority, this 21th day of April, 2022, by Zach Ipour, Co-Owner of Honeycreek Venetian, LLC, on behalf of said entity.





Notary Public in and for the State of Texas

Attachment 1

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

SPECIAL WARRANTY DEED

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

HEBRON INVESTMENTS, LTD., a Texas limited partnership ("**Grantor**"), for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto HONEYCREEK VENETIAN, LLC, a Wyoming limited liability company ("**Grantee**") the tract or parcel of land in Collin County, Texas, described in Exhibit A attached hereto and incorporated herein by reference, together with all rights, titles, and interests appurtenant thereto including, without limitation, Grantor's interest, if any, in any and all adjacent streets, alleys, rights of way and any adjacent strips and gores (such land and interests are hereinafter collectively referred to as the "**Property**").

There is reserved unto Grantor, and Grantor's heirs or assigns, all oil, gas and other minerals in and under and that may be produced from the Property herein conveyed.

Grantor, on behalf of Grantor and Grantor's heirs and assigns, waives, releases and forever relinquishes unto Grantee, and Grantee's successors and assigns, all rights of ingress and egress and all other rights of every kind and character whatsoever to enter upon or to use the surface of the Property or any part thereof, including, without limitation, the right to enter upon the surface of the Property for purposes of exploring for, developing and/or producing the oil, gas and/or other minerals in and under, and that may be produced from, the Property, or any other purpose incident thereto.

Grantor, for itself, its successors and assigns, does warrant to Grantee, its successors and assigns, that Grantor is lawfully seized of such Property and has good right, full power and lawful authority to sell and convey the Property to Grantee, subject to the matters of record set forth in Exhibit B attached hereto and incorporated herein by reference, to the extent the same are validly existing and applicable to the Property (hereinafter referred to collectively as the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and subject to the Permitted Exceptions and the reservations stated hereinabove, Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its 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.

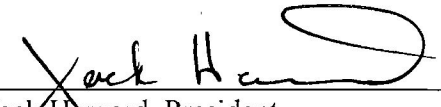
Grantee's address is: 2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2021 and subsequent years, together with all so-called "rollback taxes" arising from this conveyance, a change in the use of the Property or the denial of any special use valuation, with respect to the period prior to and after the effective date of this conveyance.

EXECUTED to be effective as of July 23, 2021.

HEBRON INVESTMENTS, LTD., a Texas
limited partnership

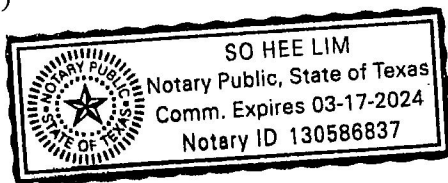
By: GP NASH Hebron, Inc., a Texas
corporation, its general partner

By: 
Jack Harvard, President

STATE OF TEXAS §
 §
COUNTY OF Collin §

This instrument was acknowledged before me on July __, 2021, by Jack Harvard, Vice President of GP NASH Hebron, Inc., a Texas corporation, the general partner of HEBRON INVESTMENTS, LTD., a Texas limited partnership, on behalf of said entities.

(Seal)



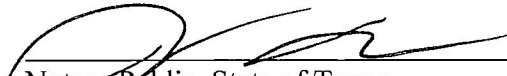

Notary Public, State of Texas

EXHIBIT A

BEING a tract or parcel of land situated in Collin County, Texas, being part of the Jonas Dawson Survey, Abstract No. 265 and being all of that tract of land described as "Tract 5" in deed to Perry N. Bolin, Jerry D. Bolin and Kathy Bolin Hallman recorded in Volume 1031, Page 253 of the Deed Records of Collin County Texas and further described in deed to Perry Bolin and Edna Katherine Bolin recorded in Volume 625, Page 174 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the center of Collin County Road Number 205, being the Southeasterly corner of said Bolin tract and the Southeasterly corner of that tract of land described in deed to Russell D. and Laura Easton recorded in Volume 4660, Page 2326 of the Deed Records of Collin County, Texas;

THENCE North 00 deg. 40' 18" East along the Westerly line of said Bolin tract and the Easterly line of said Easton tract and along the Easterly line of those tracts of land described in deeds to James V. and Lisa J. Palmer, recorded in Volume 4620, Page 2547; John B. and Brenda Fritz, recorded in Volume 4492, Page 3841; Everett B. Johnson, Jr. and Rhonda L. Johnson, recorded in Volume 4617, Page 2674; David and Caroline Chandler recorded in Volume 5855, Page 1458; Christopher and Tracy Fisher recorded in Volume 5822, Page 3367; and Linton Lachausse recorded in Volume 5138, Page 1435 all of the Deed Records of Collin County, Texas and generally along or near a wire fence a distance of 2423.80 feet to a 1/2 inch iron rod found for corner, being the Northwesterly corner of said Bolin tract and the Southwesterly corner of that tract of land described in deed to Weston Land 146, L.P. recorded in Volume 4876, Page 2869 of the Deed Records of Collin County, Texas;

THENCE South 89 deg. 32' 39" East along the Northerly line of said Bolin tract and the Southerly line of said Weston Land 146, L.P. tract and generally along or near a wire fence a distance of 2770.41 feet to a point for corner in the center of a creek, being the Northeasterly corner of said Bolin tract and the Southeasterly corner of said Weston Land 146, L.P. tract and being in the Westerly line of that tract of land described in deed to Cay/Mem Joint Venture, Cay Trust No. 2, Nine Fifteen Trust for Michael Edward Marvin and Nine Fifteen Trust for Margaret Elizabeth Marvin recorded in Volume 5596, Page 5486 of the Deed Records of Collin County, Texas, from which a 1/2 inch iron rod with cap stamped "LONE STAR" found for reference bears North 89 deg. 32' 39" West, 125.00 feet;

THENCE in a Southerly Southwesterly direction along Easterly line of said Bolin tract and the Westerly line of said Cay/Mem Joint Venture, Cay Trust No. 2, Nine Fifteen Trust for Michael Edward Marvin and Nine Fifteen Trust for Margaret Elizabeth Marvin tract and along the meanders of said creek the following courses:

South 49 deg. 24' 36" West, 7.45 feet;

South 15 deg. 19' 50" East, 55.18 feet;

South 06 deg. 48' 29" West, 28.86 feet;

South 30 deg. 43' 39" West, 21.11 feet;
South 09 deg. 53' 41" West, 112.76 feet;
South 15 deg. 56' 33" West, 103.71 feet;
South 08 deg. 03' 37" West, 111.60 feet;
South 14 deg. 54' 27" West, 96.92 feet;
South 08 deg. 03' 14" West, 163.67 feet;
South 20 deg. 51' 36" West, 101.73 feet;
South 16 deg. 05' 41" West, 195.45 feet;
South 16 deg. 10' 57" West, 112.69 feet;
South 07 deg. 15' 26" West, 112.73 feet;
South 02 deg. 41' 47" East, 47.19 feet;
South 27 deg. 32' 36" West, 43.88 feet;
South 08 deg. 33' 02" West, 82.38 feet;
South 37 deg. 32' 32" East, 37.29 feet;
South 01 deg. 00' 29" East, 29.80 feet;
South 27 deg. 16' 48" West, 41.39 feet;

THENCE South 60 deg. 27' 48" West continuing along said Easterly and Westerly line and said center of creek a distance of 31.95 feet to a point for corner in the Northerly line of that tract of land described in deed to Landon L. and Lauralea A. Holly recorded under County Clerk's File No. 96-0041624 Deed Records of Collin County, Texas and being the Southwesterly corner of said Cay/Mem Joint Venture, Cay Trust No. 2, Nine Fifteen Trust for Michael Edward Marvin and Nine Fifteen Trust for Margaret Elizabeth Marvin tract;

THENCE South 88 deg. 46' 40" West along an offset in the Westerly line of said Bolin tract and along the Northerly line of said Holly tract a distance of 26.39 feet to a 1/2 inch iron rod found for corner, at the Northwesterly corner of said Holly tract;

THENCE South 01 deg. 21' 02" West continuing along the Easterly line of said Bolin tract and along the Westerly line of said Holly tract and generally along a wire fence a distance of 1245.80 feet to a 1/2 inch iron rod found for corner in said center of Collin County Road Number 205, being the Southeasterly corner of said Bolin tract and the Southwesterly corner of said Holly tract;

THENCE North 89 deg. 47' 51" West along the Southerly line of said Bolin tract and along the center of said Collin County Road Number 205 a distance of 2439.98 feet to the Point of Beginning and Containing 6,929,110 square feet or 159.070 acres of land, more or less.

EXHIBIT B

1. Interest in and to oil, gas and other minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document

Recording No.: Volume 450, Page 74, Deed Records, Collin County, Texas

2. Interest in and to oil, gas and other minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document

Recording No.: Volume 625, Page 174, Deed Records, Collin County, Texas

3. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Texas Power & Light Company of Dallas
Purpose: As provided in said document
Recording Date: October 22, 1970
Recording No: Volume 768, Page 215, Deed Records, Collin County, Texas

4. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: North Collin Water Supply Corporation
Purpose: As provided in said document
Recording Date: April 8, 1971
Recording No: Volume 780, Page 495, Deed Records, Collin County, Texas

5. Easement(s) and rights incidental thereto, as granted in a document:

Granted to: County of Collin
Purpose: As provided in said document
Recording Date: December 29, 2005
Recording No: Document No. 2005-0182276, Official Public Records, Collin County, Texas

6. Interest in and to oil, gas and other minerals and/or royalties, bonuses, rentals and all other rights relating thereto as set forth in the document

Recording No.: Document No. 20061024001527930, Official Public Records, Collin County, Texas



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
07/27/2021 04:29:41 PM
\$46.00 DKITZMILLER
20210727001513050

Exhibit B

Collin Central Appraisal District Mapping of the Tract

Exhibit B

Collin Central Appraisal District Mapping of the Tract

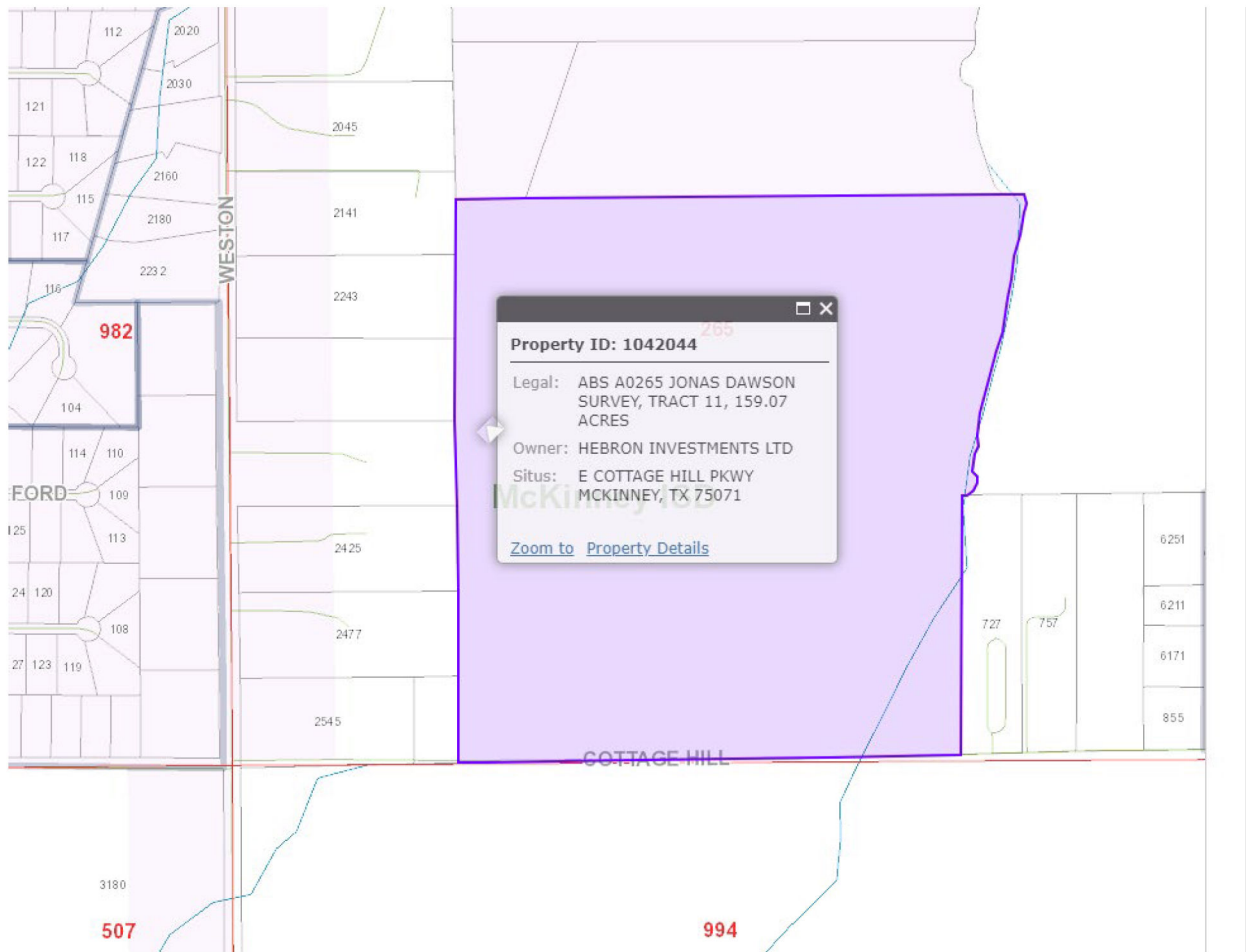


Exhibit C

Weston ETJ Mapping

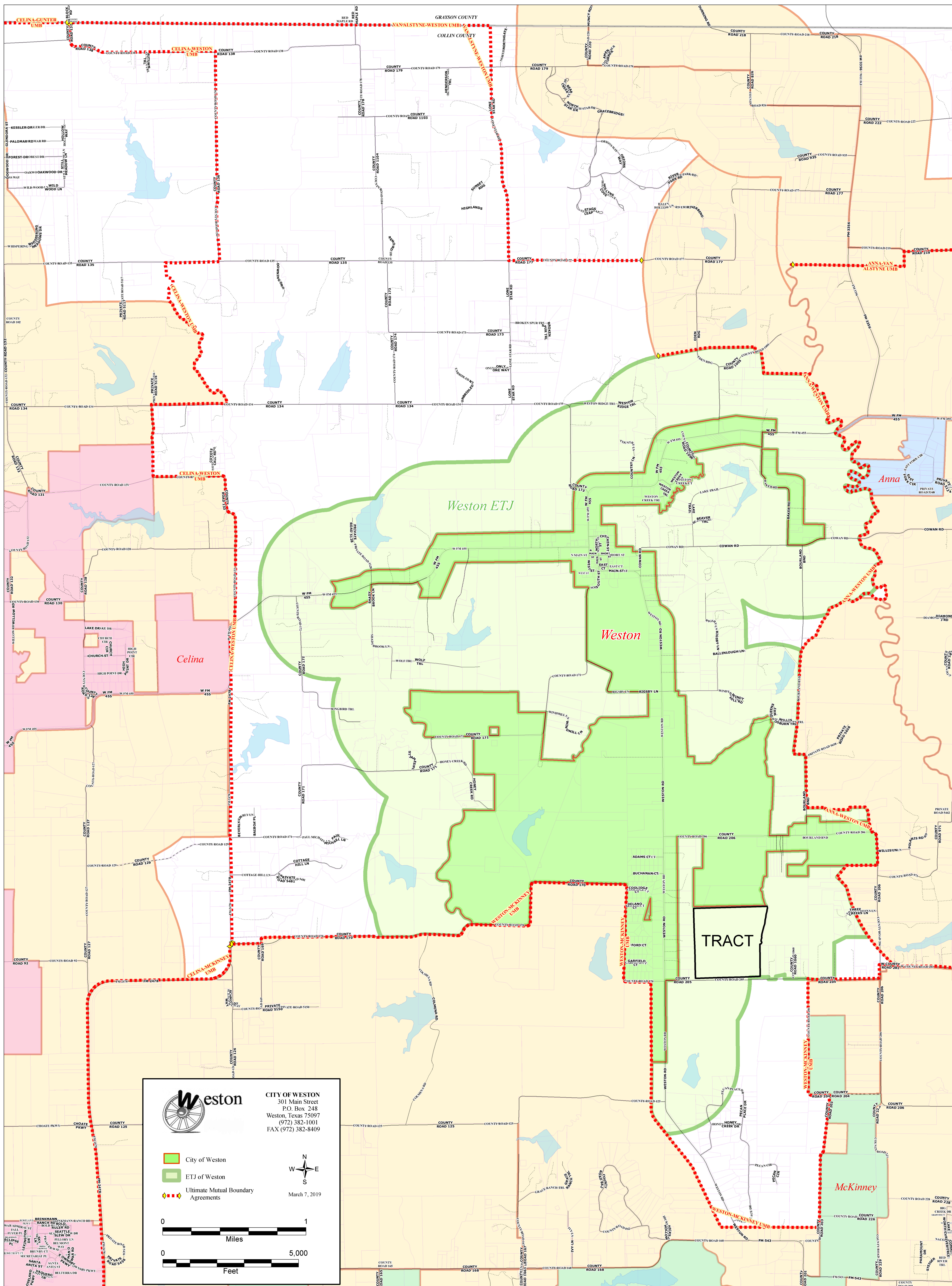
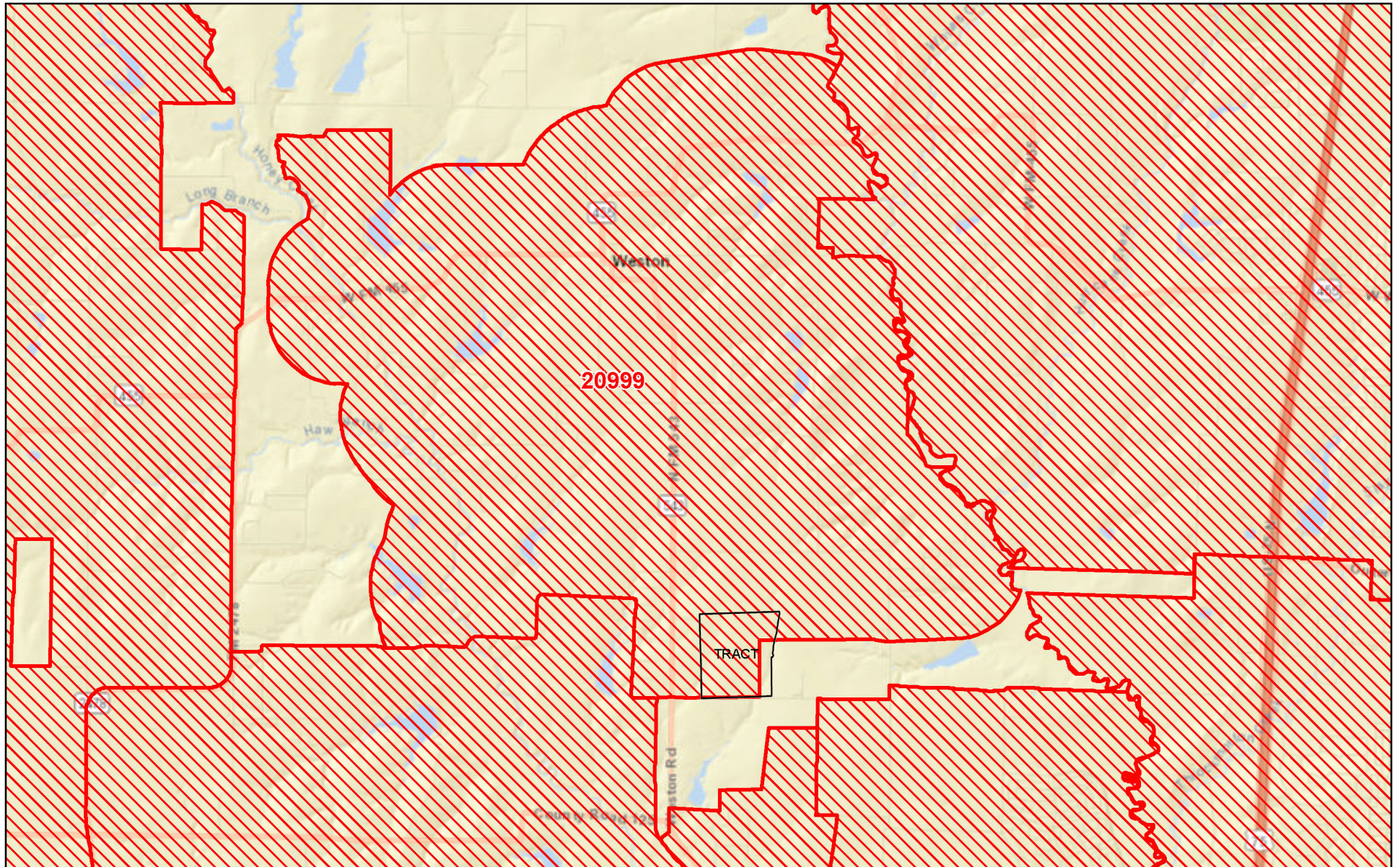


Exhibit D

Weston CCN Mapping

City of Weston Sewer CCN 20999



April 13, 2022

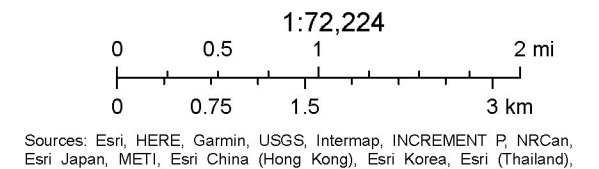


Exhibit E

REORDER CAT. NO. 3086



BCN
www.blumberg.com

CERTIFIED MAIL

9214 7904 3910 0120 1243 19

9290 9904 3910 0120 1243 13

Sender:

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

Derek Seal

MCGINNIS LOCHRIDGE

1111 W. 6th St., Bldg. B, Ste. 400
Austin, TX 78703

1. Article Addressed to:

Mayor Jim Marischem
City of Weston
P.O. Box 248
Weston, TX 75097



2. Article Number (Transfer from service label)
9214 7904 3910 0120 1243 19

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☒ Certified Mail®
☐ Certified Mail® Restricted Delivery

CERTIFIED MAIL[®]
PS Form 3800, 7/2015

USPS CERTIFIED MAIL



9214 7904 3910 0120 1243 19



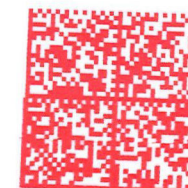
MCGINNIS LOCHRIDGE

Derek Seal
1111 W. 6th St., Bldg. B, Ste. 400
Austin, TX 78703

TO:

Mayor Jim Marischem
City of Weston
P.O. Box 248
Weston, TX 75097

CERTIFIED MAIL



US POSTAGE
\$08.76
First-Class

Mailed From 78703
04/22/2022
032A 0061854101

FEED

★ USA/Certified Mailer System™ ★
★ Patent #5,573,277; 5,697,648; 5,848,809 ★
★ 5,887,904; 5,951,053; 5,967,558 ★
★ 5,984,365 6,003,902; 6,050,603 ★
★ USA 6/15 CMF-088 ★ © 1998-99 ★

PS Form 3811 Facsimile, July 2015

Domestic Return Receipt