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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

NSCOTT@COATSROSE.COM
DIRECT: (512) 541-3846
FAX: (512) 469-9408

May 03, 2022

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

Via Electronic Filing

Re: New PUC Docket; *Petition by VPTM Cross Creek LB, LLC for Expedited Release from Water CCN No. 10150 Held by Marilee Special Utility District in Collin County*

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Petition by VPTM Cross Creek LB, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541, as well as the corresponding digital data (polygon shapefiles) which were electronically filed today with the PUC.

Very truly yours,



Natalie B. Scott

NBS:mzp
Enclosures

Cc (w/encl.):
Marilee Special Utility District
Attn.: Donna Loiselle, General Manager
230 West Pecan Street
Celina, Texas 75009

Via Certified Mail, Return Receipt Requested
No. 7019 1640 0001 2860 7538

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746
PHONE: (512) 469-7987 FAX: (512) 469-9408
coatsrose.com

PUC DOCKET NO. _____

PETITION BY VPTM CROSS CREEK LB LLC	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 10150	§	PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY	§	
DISTRICT IN COLLIN COUNTY	§	OF TEXAS

PETITION FOR EXPEDITED RELEASE
PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

VPTM Cross Creek LB LLC (“Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Marilee Special Utility District (“Marilee SUD”) water certificate of convenience and necessity (“CCN”) No. 10150 pursuant to (i) Texas Water Code Section 13.2541; and (ii) 16 Texas Administrative Code Section 24.245; and in support shows as follows:

I. APPLICABLE REGULATIONS

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

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 111.844 acres of contiguous property in Collin County (the "Property"). The Property is within the boundaries of water CCN No. 10150, held by Marilee SUD. The Property does not receive service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit "A." This property is located in Collin County, Texas. Exhibits "B-1 and B-2" attached to this Petition are true and correct copies of an overall location map and detailed location map of the tract. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached as Exhibit C-1. Petitioner will also submit digital shapefiles.

III. CONCLUSION AND PRAYER

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

Respectfully submitted,

COATS | ROSE

By: 

Natalie B. Scott
State Bar No. 24027970
nscott@coatsrose.com
Terrace 2
2700 Via Fortuna, Suite 350
Austin, Texas 78746
(512) 469-7987 Telephone
(512) 469-9408 Telecopier

Joshua A. Bethke
State Bar No. 24105465
14755 Preston Road, Suite 600
Dallas, Texas 75254
(972) 982-8454 (Telephone)
(972) 702-0662 (Facsimile)
jbethke@coatsrose.com (Email)

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2022, a true and correct copy of the foregoing document was sent, to all parties of record, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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

Via Certified Mail, RRR



Natalie B. Scott/Joshua A. Bethke

EXHIBIT "A"

Affidavit of Brendan Bosman

PUC DOCKET NO. _____

PETITION BY VPTM CROSS CREEK LB LLC § BEFORE THE
FOR EXPEDITED RELEASE FROM §
WATER CCN NO. 10150 § PUBLIC UTILITY COMMISSION
HELD BY MARILEE SPECIAL UTILITY §
DISTRICT IN COLLIN COUNTY § OF TEXAS

**AFFIDAVIT OF BRENDAN BOSMAN IN SUPPORT OF PETITION FOR EXPEDITED
RELEASE FROM WATER CCN NO. 10150 HELD BY MARILEE SPECIAL UTILITY
DISTRICT PURSUANT TO TEXAS WATER CODE
SECTION 13.2541**

STATE OF TEXAS §

COUNTY OF COLLIN §

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

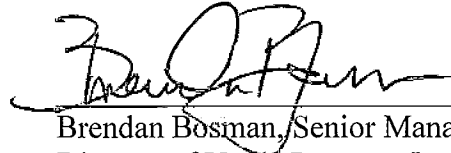
1. “My name is Brendan Bosman, Managing Director of Värde Partners, Inc., Manager of VP Caravan NoteCo LLC, Sole Member of VPTM Cross Creek LB LLC, Petitioner in the above-referenced matter. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. Petitioner owns approximately 111.844 acres of land, which is located within the boundaries of water CCN No. 10150 issued to Marilee SUD (the “Property”). The Property is located in Collin County, Texas. Exhibits “B-1 and B-2” attached to this Petition are true and correct copies of an overall location map and detailed location map of the tract. Petitioner is owner of the Property as evidenced by the Special Warranty Deed, attached as Exhibit C-1. Petitioner will also submit digital mapping in polygon shapefiles format in this docket.

3. The Property is not receiving water or sewer service from Marilee SUD or any other water or sewer service provider. The Property has not requested water or sewer service from Marilee SUD or paid any fees or charges to initiate or maintain water or sewer service, and there are no billing records or other documents indicating an existing account for the Property.

4. I request that the Public Utility Commission of Texas release this Property from Water CCN No. 10150.”

FURTHER AFFIANT SAYETH NOT.



Brendan Bosman, Senior Managing
Director of Värde Partners, Inc., Manager
of VP Caravan NoteCo LLC, Sole Member
of VPTM Cross Creek LB LLC

SWORN TO AND SUBSCRIBED TO BEFORE ME by Brendan Bosman on 7
March, 2022.



Notary Public, State of Minnesota

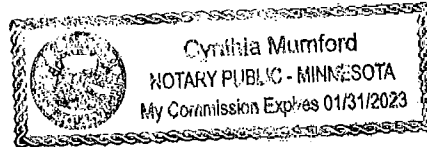
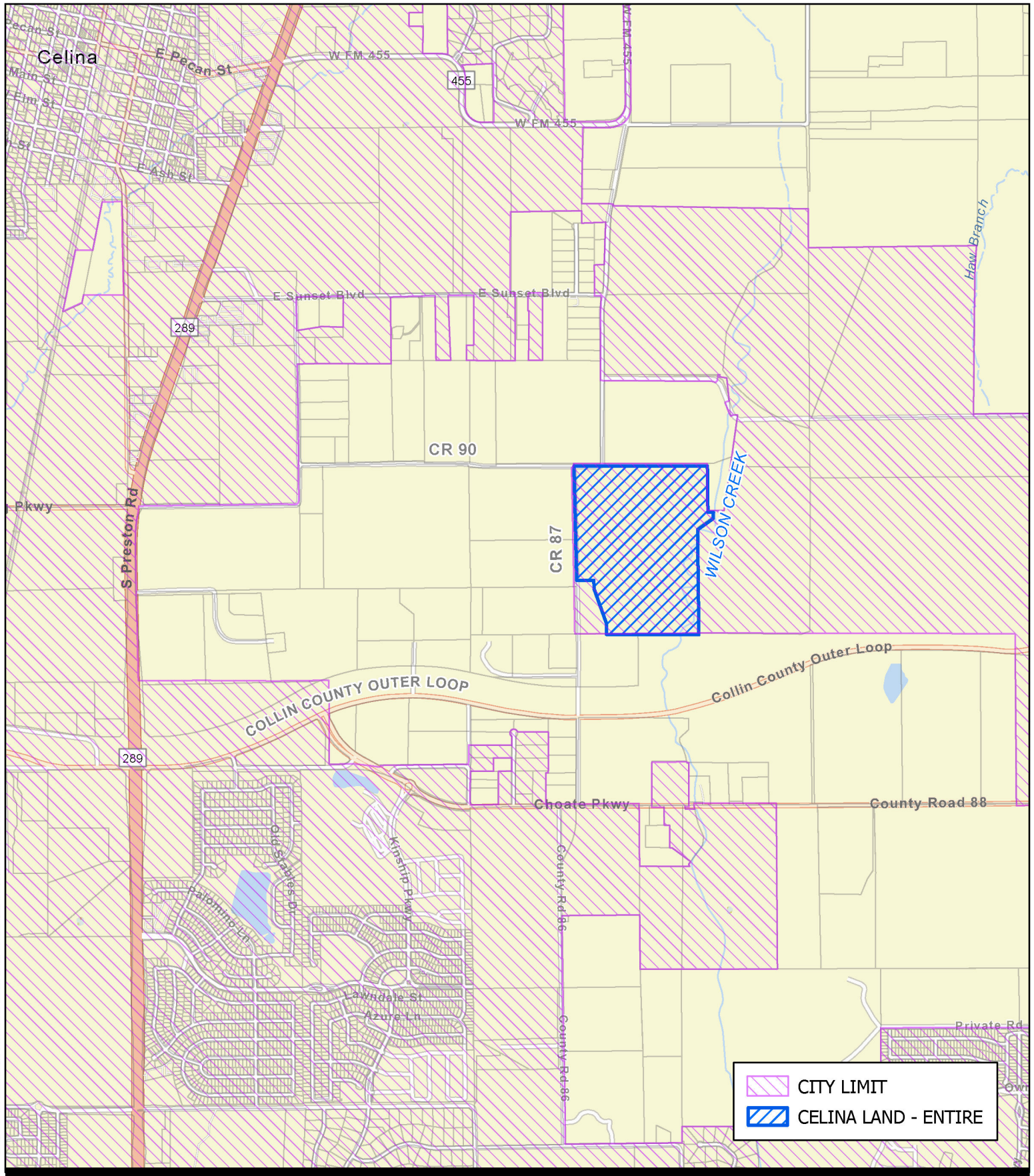


EXHIBIT "B-1"

Overall Location Map
(Celina Land Development Tract)

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	CITY LIMIT
	CELINA LAND - ENTIRE



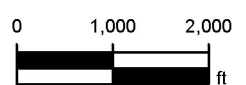
3501 OLYMPUS BLVD., SUITE 100
 DALLAS, TEXAS 75019
 817.416.4536
 WWW.KFM-LLC.COM

TBPE: F-20821

TITLE
GENERAL LOCATION - CELINA LAND TRACT
 ENTIRE TRACT (FROM DEED) OWNED BY CELINA LAND DEVELOPMENT LLC
 TO BE RELEASED FROM CCN #10150

PROJECT
TUSCANY ESTATES
 CELINA, TEXAS

CLIENT
CORSON CRAMER



1 in = 2,000 ft

PROJECT NUMBER:
 010061002

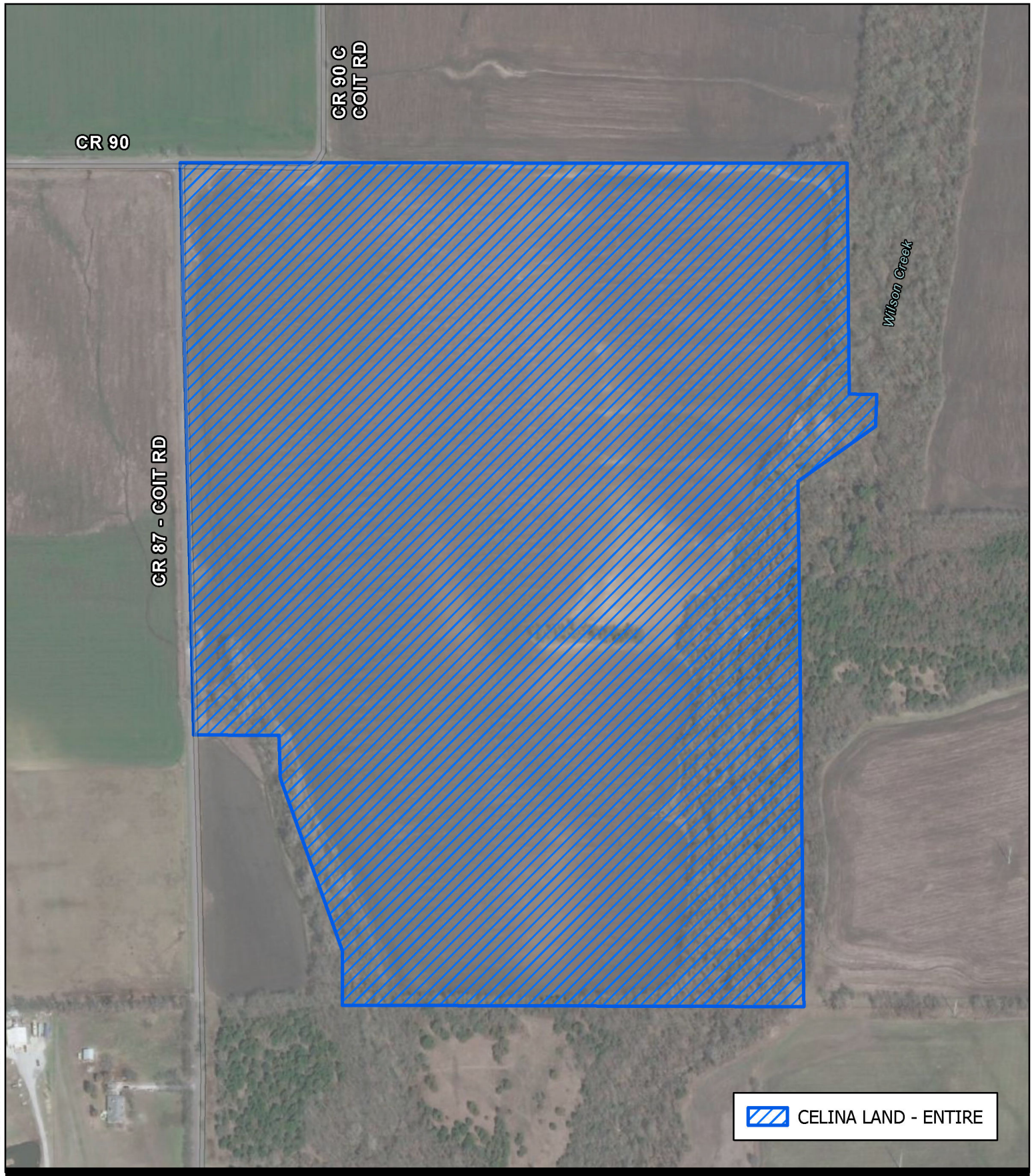
SHEET:

MARCH 03, 2022

EXHIBIT "B-2"

Detailed Location Map
(Celina Land Development Tract)

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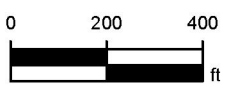
3501 OLYMPUS BLVD., SUITE 100
 DALLAS, TEXAS 75019
 817.416.4536
 WWW.KFM-LLC.COM
 TBPE: F-20821

TITLE
DETAILED MAP - CELINA LAND TRACT
 ENTIRE TRACT (FROM DEED) OWNED BY CELINA LAND DEVELOPMENT LLC
 TO BE RELEASED FROM CCN #10150

PROJECT
TUSCANY ESTATES
 CELINA, TEXAS

CLIENT
CORSON CRAMER

 CELINA LAND - ENTIRE



1 in = 400 ft

PROJECT NUMBER:
 010061002
 MARCH 03, 2022

SHEET:

EXHIBIT "C-1"

Special Warranty Deed

Upon Recording, please return to:

VPTM Cross Creek LB LLC
c/o Värde Partners, Inc.
901 Marquette Ave. S, Suite 3300
Minneapolis, MN 55402

18200897

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 PERSONS BY THESE PRESENTS:

§

COUNTY OF COLLIN

§

THAT CCD – COIT LAND, LLC, a Texas limited liability company (“Grantor”), for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid and caused to be paid to Grantor by VPTM CROSS CREEK LB LLC, a Delaware limited liability company (“Grantee”), whose mailing address is c/o Värde Partners, Inc., 901 Marquette Ave. S, Suite 3300, Minneapolis, MN 55402, the receipt and sufficiency of which consideration are hereby acknowledged and confessed by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY, unto Grantee, certain real property described on Exhibit A attached hereto (the “Land”) and made a part hereof for all purposes, together with (i) any and all appurtenances, rights and privileges directly benefiting, directly belonging or directly pertaining to such real property, including, without limitation, entitlements, permits, licenses, consents and other approvals granted by any governmental or quasi-governmental authority solely relating to such property, and (ii) without warranty, any right, title and interest of Grantor in and to (1) any strips and gores, if any, between the Land and any abutting properties, whether owned or claimed by deed, limitations or otherwise; and (2) any land lying within any highway, avenue, street, road, alley, easement or right of way, open or proposed, in, or across, abutting or adjacent to the Land, to the center line of said highway, avenue, street, road, alley or right-of-way (the Land and all of the foregoing items described in subparts (i) and (ii) being referred to collectively as the “Subject Property”).

This Special Warranty Deed (this “Deed”) is expressly made subject to those matters set forth on Exhibit B attached hereto and made a part hereof for all purposes, but only to the extent such matters are valid and affect the Subject Property (collectively, the “Permitted Exceptions”).

TO HAVE AND TO HOLD the Subject Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, Grantee's heirs, successors, and assigns, forever; and Grantor does hereby bind Grantor, Grantor's heirs, successors, assigns, and legal representatives, except for the Permitted Exceptions, to WARRANT and FOREVER DEFEND all and singular the Subject Property unto Grantee, Grantee's heirs, 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, BY ACCEPTANCE OF THIS DEED, ACKNOWLEDGES THAT IT HAS INSPECTED AND ASSESSED THE SUBJECT PROPERTY AND HAS SATISFIED ITSELF AS TO THE CONDITION OF SAME AND THAT IT ACCEPTS THE SUBJECT PROPERTY "AS IS, WHERE IS, AND WITH ALL FAULTS", WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND, WHETHER EXPRESSED OR IMPLIED, BY OPERATION OF LAW, OR OTHERWISE, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTY AS TO HABITABILITY, SUITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR FITNESS FOR ANY PURPOSE, SAVE AND EXCEPT THE WARRANTIES OF TITLE CONTAINED HEREIN AND THE EXPRESS REPRESENTATIONS AND WARRANTIES CONTAINED WITHIN THAT CERTAIN REAL ESTATE SALES CONTRACT DATED AS OF MARCH 29, 2021 BETWEEN GRANTOR, AS SELLER, AND GRANTEE, AS PURCHASER, CONCERNING THE SALE AND PURCHASE OF THE SUBJECT PROPERTY (AS SUCH CONTRACT MAY HAVE BEEN AMENDED AND/OR ASSIGNED).

Grantor warrants payment of all ad valorem taxes on the Subject Property through calendar year 2020. Taxes for the current year have been prorated as of the effective date hereof, and Grantee assumes and agrees to pay such ad valorem taxes in full, prior to the time the same become delinquent.

[Signature page follows.]

EXECUTED on the date of the acknowledgment set forth below, to be effective for all purposes as of September 15, 2021.

CCD – COIT LAND, LLC,
a Texas limited liability company

By: 

Name: Brian Cramer

Title: Co-Manager

THE STATE OF TEXAS

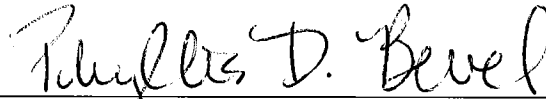
§

COUNTY OF DALLAS

§

§

This instrument was acknowledged before me on the 15 day of September, 2021, by Brian Cramer, as Co-Manager of CCD – Coit Land, LLC, a Texas limited liability company, on behalf of said limited liability company.



Notary Public in and for the
State of Texas

Phyllis D. Bevel

Printed or Typed Name of Notary

My Commission Expires:

7-11-25

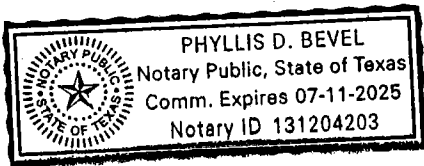


EXHIBIT A to Deed

Legal Description

BEING 111.844 acres in the Levin Routh Survey, Abstract No. 779, Collin County, Texas, and being a part of a called 118.904 acre tract of land described in the deed to CCD-Coit Land, LLC, recorded in Instrument No. 202110430000881680, Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a mag nail found in County Road 90 and in the southerly line of a called 103.44 acre tract of land described in the deed to A.J. Malone, recorded in Volume 256, Page 340, Deed Records of Collin County, Texas for the northwest corner of said 118.904 acre tract, common to the northeast corner of a called 44.25 acre tract of land described in the deed to Celina Independent School District, recorded in Instrument No. 2019092331175910, said Official Public Records;

THENCE South 89°55'09" East, in said County Road 90 part of the way with the northerly line of said 118.904 acre tract and the southerly line of said 103.44 acre tract, passing the southeast corner of said 103.44 acre tract, common to the southwest corner of a called 62.700 acre tract of land described in the deed to Clifton Van McKnight and Bryan Jeffery McKnight, recorded in Instrument No. 20181116001414940, said Official Public Records, continuing on said course with the southerly line of said 103.44 acre tract, a total distance of 2,084.73 feet to 1/2-inch iron rod found for the northeast corner of said 118.904 acre tract;

THENCE South 00°17'13" East, with the easterly line of said 118.904 acre tract, a distance of 722.50 feet to a 1/2-inch iron rod found for corner;

THENCE South 88°21'21" East, continuing with the easterly line of said 118.904 acre tract, a distance of 82.77 feet to a point for a salient corner of said 118.904 acre tract, common to a salient corner of a called 539.914 acre tract of land described in the deed to The Parks at Wilson Creek, L.P., recorded in Instrument No. 20130830001229380, said Official Public Records, from which a 1/2-inch iron rod found for reference bears South 88°21'21" East, a distance of 15.81 feet;

THENCE with the common line of said 118.904 acre tract and said 539.914 acre tract as described in boundary line agreement recorded in Instrument No. 20190111000037290, said Official Public Records, the following Three (3) courses:

1. South 00°30'04" West, a distance of 96.46 feet to a capped 1/2-inch iron rod found for corner;
2. South 54°14'21" West, a distance of 296.98 feet to a 1/2-inch iron rod found for corner;
3. South 00°38'08" East, a distance of 1,641.53 feet to a 5/8-inch iron rod with a cap stamped "Landpoint" set (hereinafter referred to as capped iron rod set) in the northerly line of a called 317.729 acre tract of land described in the deed to Belknap FP, LTD, recorded in

Instrument No. 98-0123881, Real Property Records of Collin County, Texas, for the southeast corner of said 118.904 acre tract, common to the southwest corner of said 539.914 acre tract;

THENCE North 89°47'43" West, with the southerly line of said 118.904 acre tract and the northerly line of said 317.729 acre tract as described in said boundary line agreement, passing at a distance of 944.51 feet the northwest corner of said 317.729 acre tract, common to the northeast corner of a called 28.731 acre tract of land described in the deed to Celina Stone, LLC, recorded in Instrument No. 20160916001237420, said Official Public Records, from which a 1/2-inch iron rod found for reference bears South 00°44'32" East, a distance of 2.47 feet, continuing on said course with the northerly line of said 28.731 acre tract, a total distance of 1,439.98 feet to a capped iron rod set for corner;

THENCE severing said 118.904 acre tract, the following Four (4) courses:

1. North 00°49'50" West, a distance of 170.95 feet to a capped iron rod set for corner;
2. North 19°53'53" West, a distance of 572.39 feet to a capped iron rod set for corner;
3. North 00°21'18" West, a distance of 135.00 feet to a capped iron rod set for corner;
4. North 90°00'00" West, a distance of 268.68 feet mag nail set in County Road 87 in the westerly line of said 118.904 acre tract and in the easterly line of a called 28.006 acre tract of land described in the deed to Celina Progressive Associates LLC, recorded in Instrument No. 20191213001588210, said Official Public Records;

THENCE North 01°18'07" West, in said County Road 87 with the westerly line of said 118.904 acre tract and the easterly line of said 28.006 acre tract, passing at a distance of 629.33 feet a mag nail found for the northeast corner of said 28.006 acre tract, common to the southeast corner of said 44.25 acre tract, continuing on said course with the easterly line of said 44.25 acre tract, a total distance of 1,790.41 feet to the POINT OF BEGINNING and enclosing 111.844 acres of land, more or less.

EXHIBIT B to Deed

Permitted Exceptions

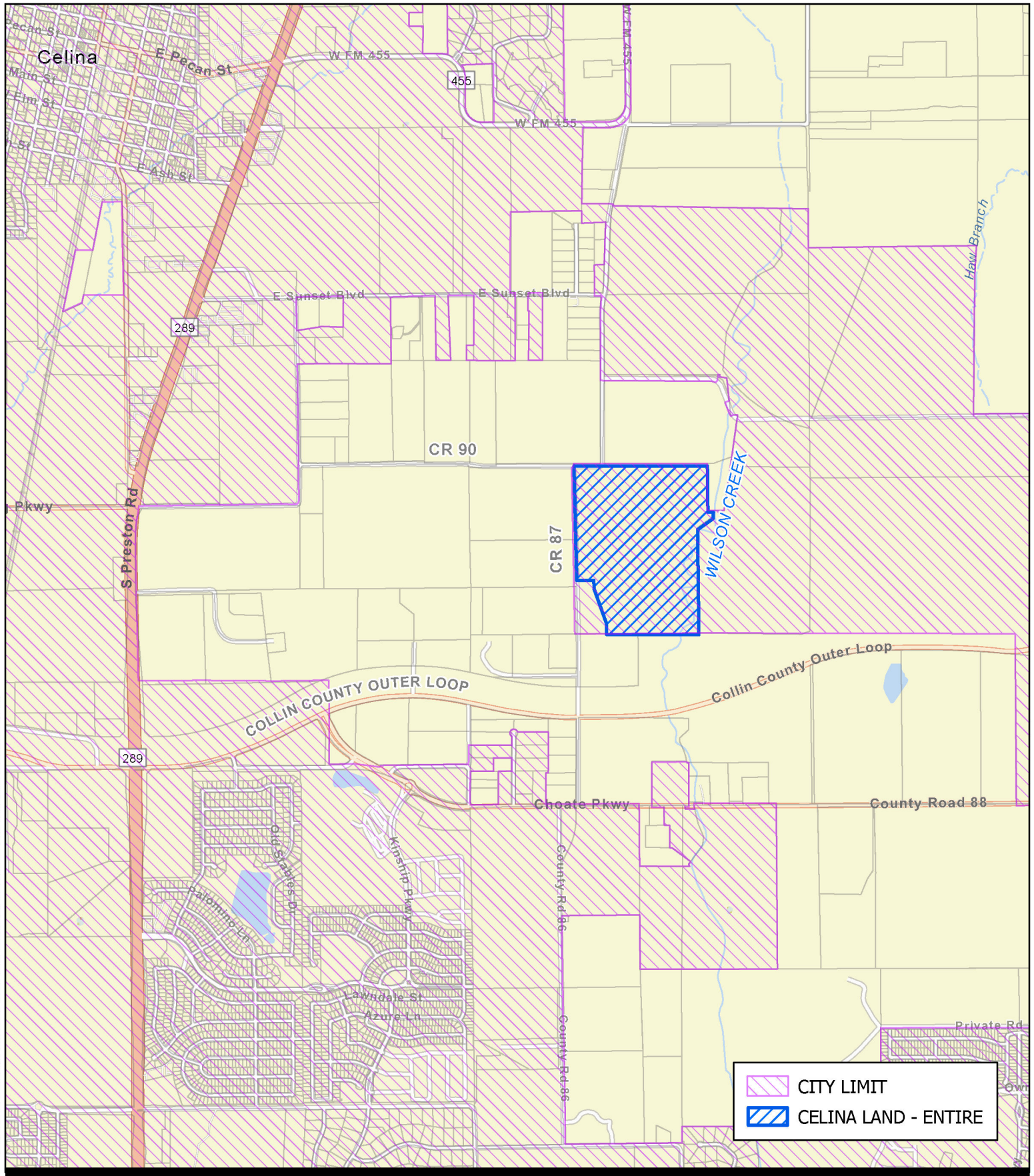
1. The restrictive covenants recorded in Clerk's File No. 20210819001680650, Real Property Records, Collin County, Texas.
2. Water Easement granted to the City of Celina, Texas as set forth in instrument filed for record under Collin County Clerk's File No. 20151014001301580, Real Property Records, Collin County, Texas.
3. Terms, conditions, stipulations, and provisions contained in Boundary Line Agreement as set out in instrument filed for record under Collin County Clerk's File No. 20190111000037290, Real Property Records, Collin County, Texas.
4. An undivided one-half (1/2) non-participating royalty interest in all of the oil, gas and other minerals in and under the herein described property, as reserved in instrument filed for record in Volume 1788, Page 136, Deed Records of Collin County, Texas.
5. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument(s) filed for record under Collin County Clerk's File No. 20190111000037300. Waiver of Surface Rights contained therein.
6. City of Celina, Texas Ordinance No. 2020-24; Tuscan Estates C-3 Annexation
Recording Date: June 15, 2020
Recording No.: Clerk's File No. 20200615000892720, Real Property Records, Collin County, Texas.
7. Amended and Restated Development Agreement recorded in Clerk's File No. 20210819001680650, Real Property Records, Collin County, Texas. As affected by that certain Partial Assignment and Assumption of Amended and Restated Development Agreement from CCD – Coit Land, LLC to Taylor Morrison of Texas, Inc., dated as of even date herewith, to be recorded in the Real Property Records, Collin County, Texas on or around even date herewith.



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
09/16/2021 03:56:21 PM
\$46.00 DFOSTER
20210916001894820

Stacey Kemp

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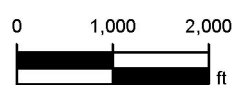
3501 OLYMPUS BLVD., SUITE 100
 DALLAS, TEXAS 75019
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TBPE: F-20821

TITLE
GENERAL LOCATION - CELINA LAND TRACT
 ENTIRE TRACT (FROM DEED) OWNED BY CELINA LAND DEVELOPMENT LLC
 TO BE RELEASED FROM CCN #10150

PROJECT
TUSCANY ESTATES
 CELINA, TEXAS

CLIENT
CORSON CRAMER



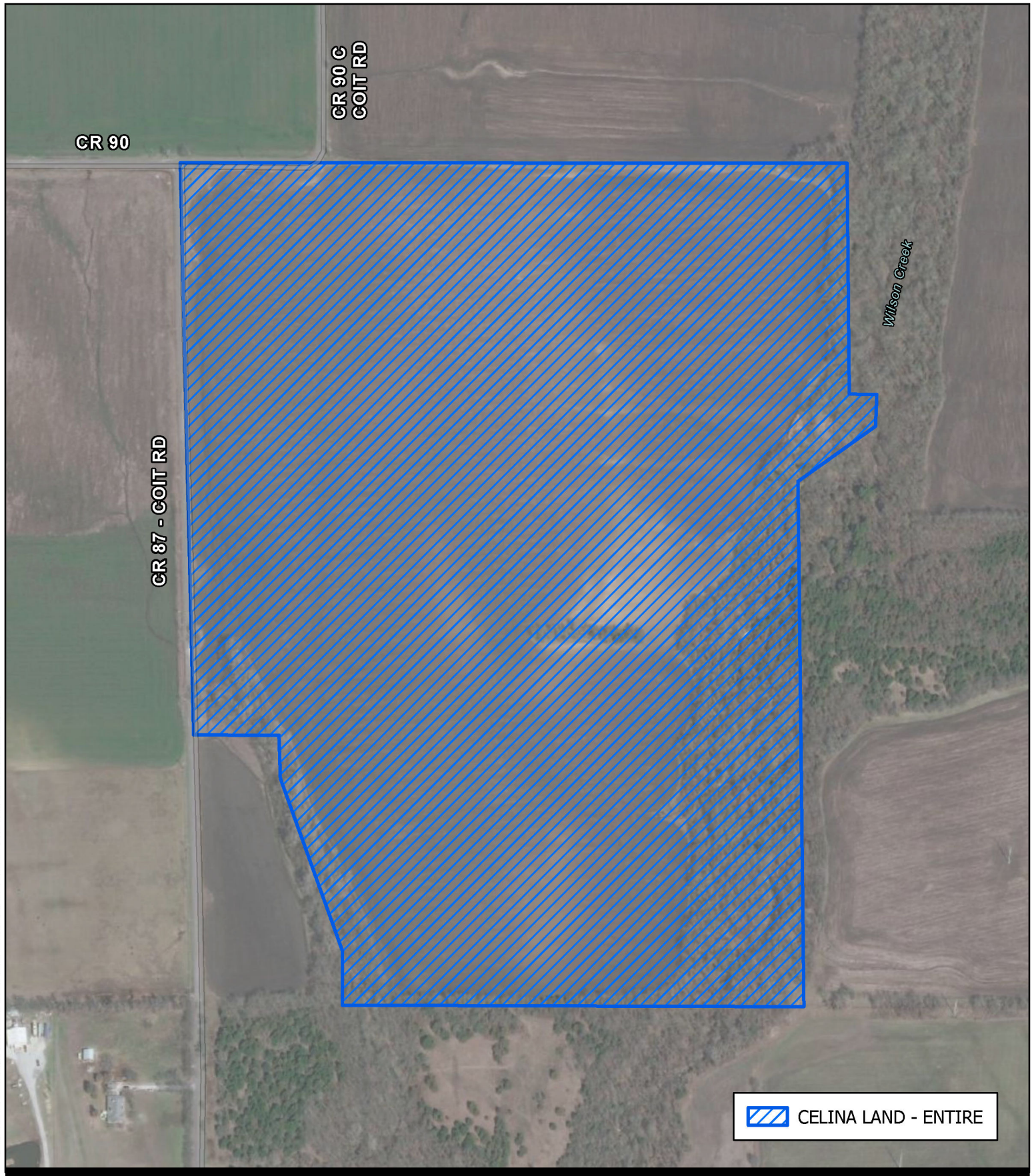
1 in = 2,000 ft

PROJECT NUMBER:
 010061002

SHEET:

MARCH 03, 2022

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 CELINA LAND - ENTIRE

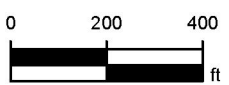


3501 OLYMPUS BLVD., SUITE 100
 DALLAS, TEXAS 75019
 817.416.4536
 WWW.KFM-LLC.COM
 TBPE: F-20821

TITLE
DETAILED MAP - CELINA LAND TRACT
 ENTIRE TRACT (FROM DEED) OWNED BY CELINA LAND DEVELOPMENT LLC
 TO BE RELEASED FROM CCN #10150

PROJECT
TUSCANY ESTATES
 CELINA, TEXAS

CLIENT
CORSON CRAMER



1 in = 400 ft

PROJECT NUMBER:
 010061002
 MARCH 03, 2022

SHEET:

The following files are not convertible:

CELINA LAND - ENTIRE.cpg
CELINA LAND - ENTIRE.dbf
CELINA LAND - ENTIRE.prj
CELINA LAND - ENTIRE.sbn
CELINA LAND - ENTIRE.sbx
CELINA LAND - ENTIRE.shp

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

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

The following files are not convertible:

CELINA LAND - ENTIRE.shp.xml

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

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CELINA LAND - ENTIRE.shx

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