



Filing Receipt

Received - 2022-05-04 02:24:31 PM

Control Number - 53563

ItemNumber - 1

PUC DOCKET NO. _____

| | | |
|-----------------------------------|----------|----------------------------------|
| PETITION OF BENCHMARK | § | BEFORE THE PUBLIC UTILITY |
| ACQUISITIONS, LLC TO AMEND | § | |
| MSEC ENTERPRISES INC.’s | § | COMMISSION OF TEXAS |
| WATER CERTIFICATE OF | § | |
| CONVENIENCE AND NECESSITY | § | |
| IN MONTGOMERY COUNTY | § | |
| BY EXPEDITED RELEASE | § | |

**ORIGINAL PETITION
OF BENCHMARK ACQUISITIONS, LLC TO AMEND WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY NO. 12887 IN MONTGOMERY COUNTY BY
STREAMLINED EXPEDITED RELEASE**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Benchmark Acquisitions, LLC (“Petitioner”), and files with the Public Utility Commission (“Commission”) this Petition to Amend MSEC Enterprises Inc.’s (“MSEC”) Water Certificate of Convenience and Necessity (“CCN”) No. 12887 in Montgomery County by Streamlined Expedited Release (“Petition”) pursuant to Texas Water Code (“TWC”) §13.2541 and 16 TAC §24.245(h). In support, Petitioner would respectfully show the following:

I. PETITION

1. TWC §13.2541 and 16 TAC §24.245(h), in specific circumstances, provide the owner of a tract of land the right to petition the Commission for the release all or a portion of its property from a certificated holder’s CCN. This has come to be known as a streamlined, expedited release. The statute and the rule require the Commission to release the property from a CCN under the following conditions:

- a) The tract of land requested to be released is 25 acres or greater;
- b) The tract of land requested to be released is not receiving the type of service that the CCN holder is authorized to provide;
- c) At least part of the tract of land seeking release is within the service area of the subject CCN; and

d) At least part of the tract of land seeking is located in a “qualifying” County as defined by TWC §13.2541(b).

2. Here, Petitioner owns approximately 389.33 contiguous acres of land in Montgomery County Texas (“tract”). A certified copy of the recorded deed showing Petitioner’ ownership and describes the tract in metes and bounds, is attached as Exhibit A.

3. Based on the factors set out above, Petitioner qualifies for the streamlined expedited release of approximately 4.791 acres from MSEC’s Water CCN No. 12887. This 4.791 acres is wholly contained within a 389.33-acre tract of land, at least a part of which is within the service area of the MESC’s water CCN No. 12887.

4. A least a part of the tract is within the boundaries of MESC’s Water CCN No. 12887. The portion of the 389.33 tract consists of 4.791 acres as described at Exhibit B. We are attaching large and small-scale maps showing the portion of the 389.33 tract that is sought to be removed as Exhibit C. Digital data, in the form of shape files, which depict the property to be removed and shows that the property is within MSEC’s CCN No. 12887 in Montgomery County Texas is being submitted electronically concurrently with this Petition.

5. There is no retail water or sewer service from MSEC to the tract.

6. The tract is entirely within Montgomery County, which is included in the Commission’s streamlined expedited release “Approved Counties” list and meets the requirements of both TWC §13.2541 and 16 TAC §24.245(h). *See* Exhibits A, B, and C.

7. Simultaneously with the filing of this Petition, Petitioner are notifying MSEC of this action by certified mail, return receipt requested. Exhibit D is a copy of the certified mail form showing that Petitioner mailed a copy of this Petition to MSEC on even date herewith.

8. Exhibit E is an affidavit from Louis Trapolino, Manager of Benchmark Acquisitions, LLC, owner of the tract, which verifies and affirms the information contained in this Petition.

II. CONCLUSION AND PRAYER

Petitioner request the following: (a) the Petition be deemed properly filed with the Commission; (b) the Petition be granted in all respects pursuant to TWC §13.2541 and 16 TAC §24.245(h); (c) the Commission enter an order releasing approximately 4.791 acres of the 389.33 acre tract of land from MSEC's Water CCN No. 12887 in Montgomery County Texas; and (d) all other orders, acts, procedures and relief be granted as necessary and proper to the release of approximately 4.791 acres of the 389.33 acre tract of land from MSEC's Water CCN No. 12887 in Montgomery County Texas.

Respectfully submitted,

/s/ David Tuckfield

THE AL LAW GROUP, PLLC

David J. Tuckfield
State Bar No. 00795996
12400 Highway 71 West
Suite 350-150
Austin, TX 78738
(512) 576-2481
(512) 366-9949 Facsimile
david@allawgp.com

**ATTORNEYS FOR PETITIONER
BENCHMARK ACQUISITIONS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Petition was served on MSEC Enterprises Inc. on this the 4th day of May 2022, by Certified Mail Return Receipt Requested:

MSEC ENTERPRISES INC
PO BOX 970
NAVASOTA TX 77868 – 970
Phone (936) 825-5100
Fax (936) 825-5166
Email address: kkelton@mid-southsynergy.com

/s/ David Tuckfield

David J. Tuckfield

EXHIBIT A

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 BY THESE PRESENTS:

§

COUNTY OF MONTGOMERY

§

THAT, McComb Realty I, Ltd., a Texas limited partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid to Grantor by Benchmark Acquisitions, LLC, a Texas limited liability company ("Grantee"), the receipt of which is hereby acknowledged by Grantor, and other good and valuable consideration paid and agreed and secured to be paid to Grantor by Grantee in the manner set forth below, the sufficiency of which consideration is hereby acknowledged by Grantor, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto said Grantee, its successors and assigns, subject to the Permitted Exceptions (as defined below), all of that certain real property located in Montgomery County, Texas, more particularly described in Exhibit "A" attached hereto (the "Land"), together with (a) all improvements, buildings and fixtures situated on the Land, (b) all mineral interests and water rights, and other real property owned or held by Grantor which relate to, in any way, to the Land, and (c) all right, title and interest of Grantor, (but without warranties, whether express or implied), if any, in and to any adjacent streets, alleys, rights of way, rights of ingress and egress and any reversionary interests, if any, in any way belonging to the foregoing (together, the "Property").

This conveyance is made by Grantor and accepted by Grantee expressly subject to the liens securing payment of real estate ad valorem taxes for the year 2021, as well as to those matters set forth on Exhibit "B", attached hereto and incorporated herein by reference (the "Permitted Exceptions"). Real estate ad valorem taxes on the Property for the year 2021 have been prorated between Grantor and Grantee as of the date hereof and Grantee assumes the obligation to pay all of such taxes for such year.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and subject to the above described Permitted Exceptions, Grantor does hereby bind itself and its successors, to WARRANT AND FOREVER DEFEND all and singular the Property unto 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.

IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING BUT NOT LIMITED TO, WARRANTIES OR REPRESENTATIONS AS TO HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE (OTHER THAN GRANTOR'S WARRANTY OF TITLE SET FORTH HEREIN AND THE REPRESENTATIONS AND WARRANTIES SET FORTH IN THAT CERTAIN PURCHASE AND SALE AGREEMENT BETWEEN GRANTOR AND GRANTEE DATED MARCH 8, 2021 AND THE OTHER DOCUMENTS DELIVERED TO GRANTEE (COLLECTIVELY, THE "EXPRESS REPRESENTATIONS"), ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITION (INCLUDING THE

PRESENCE OF ASBESTOS), UTILITIES, OPERATING HISTORY OR PROJECTIONS, VALUATION, GOVERNMENTAL APPROVALS, THE COMPLIANCE OF THE PROPERTY WITH GOVERNMENTAL LAWS, THE TRUTH, ACCURACY OR COMPLETENESS OF ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR TO GRANTEE, OR ANY OTHER MATTER OR THING REGARDING THE PROPERTY. EXCEPT FOR THE EXPRESS REPRESENTATIONS, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HEREBY SELLS AND CONVEYS TO GRANTEE AND GRANTEE ACCEPTS THE PROPERTY "AS IS, WHERE IS, WITH ALL FAULTS." EXCEPT FOR THE EXPRESS REPRESENTATIONS, GRANTEE WILL NOT RELY ON, AND GRANTOR IS NOT LIABLE FOR OR BOUND BY, ANY EXPRESS OR IMPLIED WARRANTIES, GUARANTIES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY OR RELATING THERETO MADE OR FURNISHED BY GRANTOR, THE MANAGER OF THE PROPERTY, OR ANY REAL ESTATE BROKER OR AGENT REPRESENTING OR PURPORTING TO REPRESENT GRANTOR, TO WHOMEVER MADE OR GIVEN, DIRECTLY OR INDIRECTLY, VERBALLY OR IN WRITING. GRANTEE REPRESENTS TO GRANTOR THAT GRANTEE HAS CONDUCTED, SUCH INVESTIGATIONS OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS GRANTEE DEEMS NECESSARY TO SATISFY ITSELF AS TO THE CONDITION OF THE PROPERTY AND THE EXISTENCE OR NONEXISTENCE OF OR CURATIVE ACTION TO BE TAKEN WITH RESPECT TO ANY HAZARDOUS OR TOXIC SUBSTANCES ON OR DISCHARGED FROM THE PROPERTY, AND WILL RELY SOLELY UPON SAME AND NOT UPON ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR OR ITS AGENTS OR EMPLOYEES WITH RESPECT THERETO, EXCEPT FOR THE EXPRESS REPRESENTATIONS.

Address of Grantee: 10410 Windemere Lakes Blvd.
Houston, TX 77065-4996

EXECUTED effective the 7th day of May, 2021.

Grantor:

McComb Realty I, Ltd.,
a Texas limited partnership

By: McComb Realty, Inc.,
a Texas corporation, its general partner

By: 
David M. Dunwoody, Vice-President

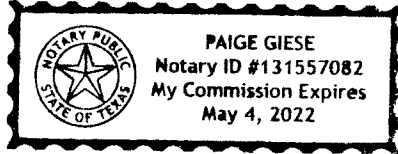
THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 5 of MAY, 2021 by David M. Dunwoody, the Vice-President of McComb Realty, Inc., a Texas corporation, the general partner of McComb Realty I, Ltd., a Texas limited partnership, on behalf of said corporation and limited partnership.

(seal)



Paige Giese

Notary Public Signature

Grantee Address:
Benchmark Acquisitions
10410 Windermere Blvd.
Houston, TX 77065

EXHIBIT "A"
to Special Warranty Deed

METES DESCRIPTION
OF 393.34 ACRES OF LAND IN THE MARY CORNER SURVEY, A-9
MONTGOMERY COUNTY, TEXAS

Being 389.33 acres of land in the Mary Corner Survey, Abstract 9, Montgomery County, Texas, and being a portion of the called 390.786 acre tract described in the deed from Lucie McComb Dunwoody Brand to Charles Traylor Dunwoody recorded in Volume 795, Page 31 of the Official Public Records of Real Property of Montgomery County, Texas, and being all of the called 31.4975 acre tract described in the deed from Jatex Development, Inc. to McComb Realty I, Ltd. recorded in Document Number 9736794 of the Official Public Records of Real Property of Montgomery County, Texas and described by metes as follows with bearings based on the Texas Coordinate System of 1983, Central Zone:

BEGINNING at a 1-1/2-inch iron pipe found for the most northerly corner of said called 390.786 acre tract and of the herein described tract and being on the southwesterly right-of-way line of Old Highway 105 based on a 60-foot width;

THENCE South 50° 18' 11" East - 348.50 feet, with the southwesterly right-of-way line of Old Highway 105 to the most northerly corner of the called 10.026 acre tract described in the deed from VERNA MORSE to JOHN C. DEBOWSKY and DEBORAH F. DEBOWSKY recorded in Document Number 9666625 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE South 26° 42' 49" West - 1078.00 feet, with the northwesterly line of said called 10.026 acre tract, to an angle corner;

THENCE South 47° 30' 40" East - 819.26 feet, with the southwesterly line of said called 10.026 acre tract, to a 1-inch axle found for the south corner of said called 10.026 acre tract, being the northwest corner of the called 17.176 acre tract described in the deed from THOMAS RAY GROSSMAN to RAYMOND L. ARES and PATRICIA P. ARES recorded in Document Number 2015046515 of the Official Public Records of Real Property of Montgomery County, Texas, and being the southwest corner of the called 12 acre tract described in the deed from IVAN MADELEY to BRYAN W. LUHR recorded in Document Number 9813549 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE South 03° 48' 16" East - 1343.81 feet, with the west line of said called 17.176 acre tract, to the southwest corner of the called 2.59 acre tract described in the deed to ROBERT L. BAYLOR recorded in Document Number 2001-104487 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE North 86° 01' 44" East - 653.25 feet, with the south line of said called 2.59 acre tract and the northerly line of the 40-foot wide roadway easement described in the deed recorded in Volume 128, Page 486 of the Montgomery County Deed Records, to the southeast corner of said called 17.176 acre tract and being the southwest corner of the called 0.50 acre tract described in the deed to JESSICA PICHOTTA GIUTTA recorded in Document Number 2014010002 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE South 07° 24' 28" East - 40.07 feet, crossing said 40-foot wide roadway easement, to a 1/2-inch iron rod found for the northeast corner of the called 4 acre tract described in the deed to PEGGIE LEE COOPER recorded in Document Number 7910888 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE South 86° 01' 44" West - 439.63 feet, with the north line of said called 4 acre tract to a 1/2-inch iron rod found for the northwest corner of said called 4 acre tract;

THENCE South 07° 36' 26" East - 498.44 feet, with the west line of said called 4 acre tract, to a 5/8-inch iron rod found for the southwest corner of said called 4 acre tract and being on the north line of the called 29.771 acre tract described in the deed from DANNY SHEENA to GREGG D SHEENA 2014 EXEMPT TRUST recorded in Document Number 2018014450 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE with northerly and westerly lines of said 29.771 acre tract the following courses and distances:

South 86° 03' 59" West - 206.07 feet to a 5/8-inch iron rod found for an angle corner;

South 68° 37' 04" West - 751.70 feet to an angle corner;

South 74° 53' 07" West - 217.57 feet to a 5/8-inch iron rod found for an angle corner;

South 02° 17' 08" West - 623.47 feet to a 1-inch iron pipe found for the northwest corner of the called 40.547 acre tract described in the deed from DANNY SHEENA to GREGG D SHEENA 2014 EXEMPT TRUST recorded in Document Number 2018014450 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE South 04° 05' 40" East - 2015.27 feet, with the west line of said called 40.547 acre tract, to a TxDOT monument (disturbed) found for the southeast corner of the herein described tract, the southwest corner of said called 40.547 acre tract, and being on the northerly right-of-way line of F.M. Highway 2854 (width varies);

THENCE North 87° 07' 00" West - 369.58 feet, with the northerly right-of-way line of F.M. Highway 2854, to a 1/2-inch iron rod found for the southeast corner of the called 3.75 acre tract described in the deed from LEOLA TAYLOR to ARTHUR L. TAYLOR AND LEOLA TAYLOR REVOCABLE LIVING TRUST recorded in Document Number 9674905 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE North 03° 27' 53" West - 601.48 feet, with the east line of said called 3.75 acre tract to the northeast corner of said called 3.75 acre tract and being an interior corner of the herein described tract;

THENCE North 87° 08' 11" West - 2333.30 feet, with a southerly line of the herein described tract to an angle corner;

THENCE North 87° 12' 22" West - 1158.38 feet, with a southerly line of the herein described tract, to a 5/8-inch iron rod found for the northwest corner of the called 8.069 acre tract described in the deed from ROBERT A. MANN, et al., to BOBBY YANCEY recorded in Volume 1134, Page 319 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE South 01° 53' 42" East - 590.49 feet, with the west line of said called 8.069 acre tract, to the southwest corner of said called 8.069 acre tract and being on the northerly right-of-way line of F.M. Highway 2854;

THENCE North 87° 22' 08" West - 496.92 feet, with the northerly right-of-way line of F.M. Highway 2854, to a 5/8-inch iron rod found for the most southerly southeast corner of the called 7.3819 acre tract described

in the deed from JATEX DEVELOPMENT, INC. to JEFFREY L. CASHNER and wife, JANE ANNE CASHNER recorded in Document Number 9559532 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE with lines common to said called 7.3819 acre tract and the herein described tract the following courses and distances:

North 02° 51' 12" West - 694.60 feet to a 5/8-inch iron rod found for an angle corner;

North 50° 50' 05" East - 746.39 feet to a 5/8-inch iron rod found for an angle corner;

North 03° 24' 42" West - 149.97 feet to a 5/8-inch iron rod found for an angle corner of the herein described tract and being the south corner common to the called 5.5744 acre tract described in the deed from JATEX DEVELOPMENT, INC. to JEFFREY L. CASHNER and wife, JANE ANNE CASHNER recorded in Document Number 9559532 of the Official Public Records of Real Property of Montgomery County, Texas and the called 8.169 acre tract described in the deed from ERIC NIEBERGALL, et ux., to DAVE JOHNSON, JR. and wife, CAROL JOHNSON recorded in Document Number 2006-136875 of the Official Public Records of Real Property of Montgomery County, Texas;

THENCE North 86° 34' 44" East, with the line common to said called 8.169 acre tract and the herein described tract, at a distance of 648.10 feet pass a 5/8-inch iron rod found for the south corner common to said called 8.169 acre tract and the called 8.0012 acre tract described in the deed to MARK L. FICK AND WIFE, LAWRENCE B. FICK, recorded in Document Number 2014001644 of the Official Public Records of Real Property of Montgomery County, Texas, in all a total of 1064.74 feet to the southeast corner of said called 8.0012 acre tract;

THENCE North 02° 33' 01" West - 2370.01 feet, with a west line of the herein described tract, to the south corner of Director's Lot 5 (File Number 2020112938, O.P.R.M.C.);

THENCE North 58° 05' 13" East - 170.98, with the southeast line of said Director's Lot 5, to the east corner of said Director's Lot 5;

THENCE North 31° 54' 47" West - 303.90, with northeast lines of said Director's Lot 5 and Director's Lot 4 (File Number 2020112937, O.P.R.M.C.), Director's Lot 3 (File Number 2020112936, O.P.R.M.C.), Director's Lot 2 (File Number 2020112935, O.P.R.M.C.) and Director's Lot 1 (File Number 2020112934, O.P.R.M.C.) to the north corner of said Director's Lot 1 and being on the west line of the herein described tract;

THENCE North 02° 33' 01" West - 901.91 feet, with the west line of the herein described tract, to a 2-inch iron pipe found for the northeast corner of the called 6.805 acre tract described in the deed from GARY RALPH CHENEY to CHENEY FAMILY TRUST recorded in Document Number 2000-079346 of the Official Public Records of Real Property of Montgomery County, Texas, being the most westerly northwest corner of the herein described tract and being on a south line of FOREST FALLS LAKE, the plat thereof recorded in Volume 7, Page 113 of the Montgomery County Plat Records;

THENCE North 86° 34' 58" East - 2003.88 feet, with a line common to said FOREST FALLS LAKE and the herein described tract, to a 1-inch pipe found for an angle corner;

THENCE North 43° 20' 39" East - 1701.57 feet, with a line common to said FOREST FALLS LAKE and the herein described tract, to the POINT OF BEGINNING of the herein described tract and containing 389.33 acres of land.

EXHIBIT "B"
to Special Warranty Deed

Permitted Exceptions

1. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
2. Standby fees, taxes and assessments by any taxing authority for the year 2021 and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
3. Easement as granted to Gulf States Utilities Company by instruments recorded in/under Volume 122, Page 138 and Volume 122, Page 139 of the Deed Records of Montgomery County, Texas.
4. Roadway easement 40 feet wide as set out in instrument recorded in/under Volume 128, Page 486 of the Deed Records of Montgomery County, Texas.
5. Easement as granted to The Texas Pipeline Company by instrument recorded in/under Volume 334, Page 137 of the Deed Records of Montgomery County, Texas.
6. Easement as granted to the Sinclair Pipe Line Company by instrument recorded in/under Volume 427, Page 83 of the Deed Records of Montgomery County, Texas.
7. An undivided 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, as set forth in instrument recorded in/under Volume 142, Page 88 of the Deed Records of Montgomery County, Texas.
8. An undivided 1/32nd non-participating royalty interest in and to all the oil, gas and other minerals on, in, under or that may be produced from the subject property, as conveyed to Texas Osage Co-Operative Royalty Pool by instrument recorded in Volume 174, Page 216; Volume 174, Page 368, and Volume 172, Page 622, all of the Deed Records of Montgomery County, Texas.
9. An undivided 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same as the same are conveyed to Mike Hogg, Ima Hogg and Thos. E. Hogg by instrument recorded in Volume 172, Page 620 of the Deed Records of Montgomery County, Texas.
10. An undivided 1/4 of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, as conveyed to O. Etheridge by instrument recorded in Volume 172, Page 622; Volume 174, Page 216 and Volume 174, Page 368 of the Deed Records of Montgomery County, Texas.
11. An undivided 1/3 interest in and to the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, as set forth in instrument recorded in/under Clerk's File No. 2007-006073 of the Real Property Records of Montgomery County, Texas.
12. All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, as set forth in instrument recorded in/under Volume 269, Page 590 and Volume 294, Page 524 of the Deed Records of Montgomery County, Texas.
13. An undivided 1/2 of 1/8th royalty interest in and to all the oil, gas and other minerals on, in, under or that may be produced from the subject property, as reserved by Austin B. McComb and wife, Dorothy

McComb by instrument recorded in Volume 534, Page 283 of the Deed Records of Montgomery County, Texas, as affected by instrument(s) recorded in/under Clerk's File Nos. 2021004324, 2021018330 and 2021019322 of the Real Property Records of Montgomery County, Texas.

14. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

15. Rights of tenants, and assigns, as tenants only, under currently effective lease agreements.

16. All terms, conditions, and provisions of that certain Petition for Creation of Montgomery County Municipal Utility District No. 183, recorded in/under Clerk's File No. 2020112692 of the Real Property Records of Montgomery County, Texas.

17. All terms, conditions, and provisions of that certain Municipal Services Agreement, recorded in/under Clerk's File No. 2020132873 of the Real Property Records of Montgomery County, Texas.

18. Any rights, easements, interests or claims which may exist by reason of fence(s) not located along the boundary line(s), as reflected on survey drawing made by Michael L. Swan, R.P.L.S. No. 5551, dated April 13, 2021.

E-FILED FOR RECORD

05/07/2021 04:06PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

05/07/2021



County Clerk
Montgomery County, Texas

EXHIBIT B

DESCRIPTION OF
4.791 ACRES

Being 4.791 acres of land located in the Mary Corner League, Abstract 9, Montgomery County, Texas, more particularly being a portion of that certain called 389.33 acre tract described in the deed to Benchmark Acquisitions LLC, recorded under Document Number 2021062311, of the Official Public Records of Montgomery County, Texas (M.C.O.P.R.), said 4.791 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, Central Zone, NAD83 (NA2011)):

COMMENCING for reference at a 5/8-inch iron rod found marking the southwest corner of said 389.33 acre tract, same being the southeast corner of that certain called 7.3819 acre tract described in the deed to Jeffery L & Jane Ann Cashner, recorded under Document Number 9559532, of the Official Public Records of Real Property of Montgomery County, Texas, M.C.O.P.R.R.P., said point lying on the north right-of-way line of FM 2854 (width varies), from which a 5/8-inch iron rod found marking a common angle point of said 389.33 acre tract and said 7.3819 acre tract bears North 02° 52' 56" West, 694.00 feet;

Thence, South 87° 02' 55" East, along the north right-of-way line of said FM 2854 common to a south line of said 389.33 acre tract, 143.14 feet to the POINT OF BEGINNING and southwest corner of the herein described tract, the beginning of a curve;

Thence, departing said common line and 218.15 feet along the arc of a non-tangent curve to the left, having a radius of 670.00 feet, a central angle of 18° 39' 19", and a chord which bears North 04° 14' 34" West, 217.19 feet to a point for corner;

Thence, North 13° 34' 14" West, 98.91 feet to a point for corner, the beginning of a curve;

Thence, 100.86 feet along the arc of a tangent curve to the right, having a radius of 535.00 feet, a central angle of 10° 48' 07", and a chord which bears North 08° 10' 11" West, 100.71 feet to a point for corner;

Thence, North 02° 46' 07" West, 19.25 feet to a point for corner, the beginning of a curve;

Thence, 132.84 feet along the arc of a tangent curve to the right, having a radius of 435.00 feet, a central angle of 17° 29' 47", and a chord which bears North 05° 58' 47" East, 132.32 feet to a point for corner;

Thence, South 87° 04' 10" East, 375.69 feet to a point for corner on a south line of said 389.33 acre tract, common to the west line of that certain called 8.069 acre tract described in the deed to Bobby Yancey, recorded under Volume 1134, Page 319, of the Deed Records of Montgomery County, Texas, (M.C.D.R.), from which a 5/8-inch iron rod in concrete found marking the northwest corner of said 8.069 acre tract and an interior corner of said 389.33 acre tract bears North 01° 56' 32" West, 30.11 feet;

Thence, South 01° 56' 32" East, along the west line of said 8.069 acre tract and a south line of said 389.33 acre tract, 562.60 feet to the common south corner of said 8.069 acre tract and said 389.33 acre tract, said point lying on the north right-of-way line of the aforementioned F.M. 2854;

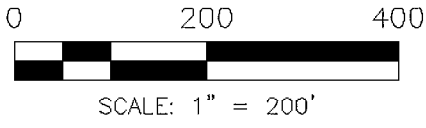
Thence, North 87° 02' 55" West, along a south line of said 389.33 acre tract and the north right-of-way line of said F.M. 2854, 354.01 feet to the POINT OF BEGINNING and containing 4.791 acres of land.

Corner monuments not set at clients request.



Cameron S. Lowe
Registered Professional Land Surveyor
Texas Registration No. 6713
LJA Surveying, Inc





JEFFERY L & JANE ANN CASHNER
7.3819 ACRES
9559532 M.C.O.P.R.R.P.

CALLED 389.33 ACRES
BENCHMARK ACQUISITIONS LLC
DOC. NO. 2021062311
M.C.O.P.R.

LEGEND

- PROPERTY LINE
- M.C.O.P.R.R.P. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF MONTGOMERY COUNTY, TEXAS
- M.C.O.P.R. OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS
- M.C.D.R. DEED RECORDS OF MONTGOMERY COUNTY, TEXAS

JEFFERY L CASHNER
0.7262 ACRE
9559533 O.P.R.R.P.M.C.

JEFFERY L & JANE ANN CASHNER
7.3819 ACRES
9559532 M.C.O.P.R.R.P.

P.O.C.
FND 5/8 IR

FND 5/8 IR

FND 5/8 IR IN CONCRETE

S 87°04'10" E 375.69'

N 02°52'56" W 694.00'

C3
L3
C2
L2
C1

4.791 ACRES
(208,684 SQ. FT.)

S 01°56'32" E 562.60'

BOBBY YANCEY
8.069 ACRES
VOL 1134 PG 319 M.C.D.R.
7918262

N 87°02'55" W 354.01'

F.M. 2854
(WIDTH VARIES)

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 87°02'55" E | 143.14' |
| L2 | N 13°34'14" W | 98.91' |
| L3 | N 02°46'07" W | 19.25' |
| L4 | N 01°56'32" W | 30.11' |

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1 | 218.15' | 670.00' | 18°39'19" | N 04°14'34" W | 217.19' |
| C2 | 100.86' | 535.00' | 10°48'07" | N 08°10'11" W | 100.71' |
| C3 | 132.84' | 435.00' | 17°29'47" | N 05°58'47" E | 132.32' |

NOTES:

- 1) ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4204), NAD 83 (NA2011) EPOCH 2010.00.
- 2) CORNER MONUMENTS NOT SET AT CLIENT'S REQUEST.

Cameron S. Lowe, RPLS, PLS
Registered Professional Land Surveyor
Texas Registration No. 6713



**EXHIBIT OF
4.791 ACRES
IN THE
MARY CORNER LEAGUE, A-9
MONTGOMERY COUNTY, TEXAS**
NOVEMBER 2021 JOB NO. 1628-4500

LJA Surveying, Inc.

3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382



S:\Sectors\Survey\Projects\LA5001\1628-4500\CAD\4.791ac Commercial M&B.dwg 11/9/2021

EXHIBIT C

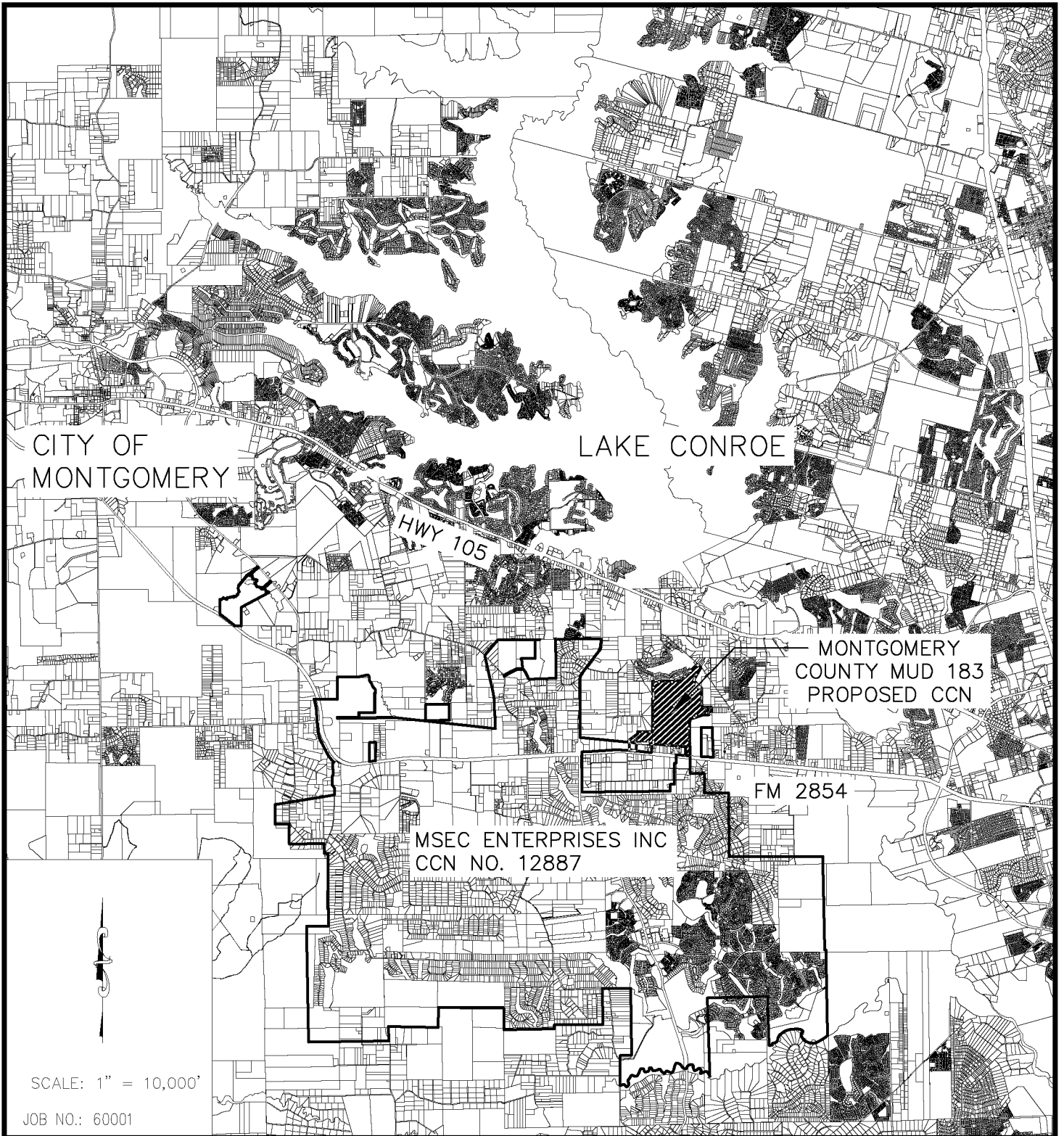


EXHIBIT A
AREA MAP
MONTGOMERY COUNTY MUD 183

B&N
burgessniple.com

235 LEDGE STONE DR.
AUSTIN, TX 78737



SCALE: 1" = 1,000'

McCOMBS LAKE

MONTGOMERY COUNTY MUD 183
PROPOSED CCN

AREA TO BE DECERTIFIED
FROM CCN 12887



FM 2854

MSEC ENTERPRISES INC
CCN NO. 12887

JOB NO.: 60001

EXHIBIT B

DETAIL MAP

MONTGOMERY COUNTY MUD 183

B&N
burgessniple.com

235 LEDGE STONE DR.
AUSTIN, TX 78737

MARCH 2022

EXHIBIT D



THE AL LAW GROUP

David J. Tuckfield
12400 W. Highway 71, Suite 350-150
Austin, Texas 78738

Partner
(512) 576-2481
Fax: (512) 366-9949

May 4, 2022

Via certified mail # 7021 1970 0001 9591 7366
rrr # 9590 9402 7008 1225 9736 97

MSEC Enterprises Inc.
PO Box 970
Navasota TX 77868 – 970

Re: Petition of Benchmark Acquisitions, LLC to have a portion of land removed from MSEC Enterprises Inc.'s Water CCN No. 12887 by Streamlined Expedited Release

Dear Sirs:

Please find enclosed the Petition of Benchmark Acquisitions, LLC to have a portion of land removed from MSEC Enterprises Inc.'s Water CCN No. 12887 by Streamlined Expedited Release under Texas Water Code § 13.2541 and 16 TAC § 24.245(h). This Petition was filed with the Public Utility Commission today, May 4, 2022.

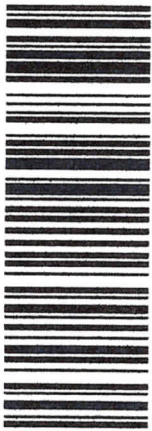
Should you have any questions or need additional information, please do not hesitate to contact me at (512) 576-2481 or david@allawgp.com.

Sincerely,

David Tuckfield
The AL Law Group, PLLC
12400 West Highway 71
Suite 350-150
Austin, TX 78738
(512) 576-2481
dtuckfield@allawgp.com

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7021 1970 0001 9591 7366
7021 1970 0001 9591 7366

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

MSEC Enterprises, Inc.

Street and Apt. No., or PO Box No.

PO Box 970

City, State, ZIP+4®

NAVASOTA, TX 77868

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MSEC Enterprises, Inc.
PO Box ~~970~~ 970
NAVASOTA TX
77868



9590 9402 7008 1225 9736 97

2. Article Number (Transfer from service label)

7021 1970 0001 9591 7366

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



PostNet TX144
 12400 W Hwy 71
 Ste 350
 Bee Cave, TX 78738
 512-263-8688

Invoice#: 535039 Clerk: Clerk
 05/04/2022 14:09

id Tuckfield Attorney At Law
 t #: 020049215327

| Description | Price | Qty | ExtPrice |
|-----------------|-------|-----|----------|
| Class-Flat, 6oz | 4.32 | 1 | 4.32 |
| ified Mail | 7.50 | 1 | 7.50 |
| irn Receipt | 6.00 | 1 | 6.00 |
| Sub-Total: | | | \$17.82 |
| Sales Tax: | | | \$0.00 |
| Total: | | | \$17.82 |

CCard Charge: \$17.82
 Approval Number: 000915
 Reference ID Number: 4340060151

*****3933

I agree to pay the
 above total amount
 according to the
 card issuer agreement.
 (merchant agreement if
 credit voucher)

ack shipments:
 800-742-5877 or www.ups.com
 (: 800-463-3339 or www.fedex.com
 800-225-5345 or www.dhl-usa.com
 www.usps.com
 ore info, visit www.postnet.com/tx144
 PRICES INCLUDE BOTH POSTAGE
 IE AND SERVICE CHARGE

7021 1970 0001 9591 7366

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To **MSEC Enterprises, Inc.**

Street and Apt. No., or PO Box No. **PO Box 970**

City, State, ZIP+4® **NAVASOTA, TX 77868**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

5/4/22

Postmark Here

Accepted By: **Post-Net**

12400 St Hwy 71 W Ste. 350
 Austin, TX 78738

EXHIBIT E

EXHIBIT E

AFFIDAVIT OF LOUIS TRAPOLINO

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

BEFORE ME, the undersigned authority, personally appeared Louis Trapolino, who, being by me duly sworn, deposed as follows:

“My name is Louis Trapolino, I am of sound mind, capable of making this affidavit, and I am personally familiar with the facts stated herein, which are true and correct.

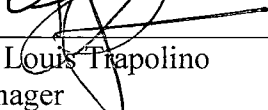
1. I am a Manager of Benchmark Acquisitions, LLC. I have authority to sign on behalf of Benchmark Acquisitions, LLC. I am signing this affidavit on behalf of Benchmark Acquisitions, LLC, owner of approximately 389.33 acres in Montgomery County Texas. This property is located within the Water Certificate of Convenience and Necessity No. 12887 held by MSEC Enterprises Inc. (“MSEC”). This property is more properly described and shown at Exhibits A, B, and C of the Petition of Benchmark Acquisitions, LLC to Amend MSEC’s Water Certificates of Convenience and Necessity No. 12887 in Montgomery County by Streamlined Expedited Release pursuant to Texas Water Code §13.2541 and 16 TAC §24.245(h) (“Petition”).
2. Benchmark Acquisitions, LLC has been an owner of this property for over ten months and the real property does not have any water connections or meters located thereon.
3. Benchmark Acquisitions, LLC has not requested any retail water or sewer service from MSEC, has not paid any service reservation or standby fees to MSEC, nor does it have any agreements with MSEC to provide retail water service to the above-referenced real

property.

4. The above-referenced real property does not receive any water service from MSEC.
5. Exhibit C to the Petition contains large and small scale maps. Digital data, in the form of shape files, which depict the property to be removed and shows that the property is within MSEC's CCN No. 12887 in Montgomery County Texas is being submitted electronically concurrently with the Petition.
6. Exhibit D to the Petition is proof that a copy of the Petition was mailed to MSEC, Certified Mail Return Receipt Requested, on the same day that the Petition was submitted to the Commission.
7. This affidavit is in support of de-certifying MSEC's water Certificates of Convenience and Necessity No. 12887 pursuant to Section 13.2541, Texas Water Code and Rules of the Commission Section 24.245(h)."

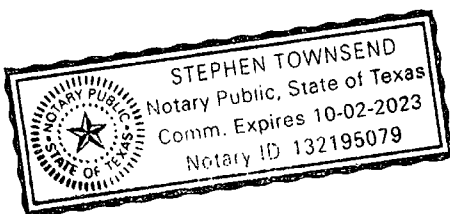
FURTHER AFFIANT SAYETH NOT.


**BENCHMARK ACQUISITIONS, LLC,
A TEXAS LIMITED LIABILITY COMPANY**

By: 
Name: Louis Trapolino
Its Manager

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by Louis Trapolino, Manager, on behalf of Benchmark Acquisitions, LLC on this 5th day of April 2022, to certify which witness my hand and official seal.




Notary Public, State of Texas

The following files are not convertible:

Montgomery County MUD 183.cpg
Montgomery County MUD 183.dbf
Montgomery County MUD 183.idx
Montgomery County MUD 183.prj
Montgomery County MUD 183.shp
Montgomery County MUD 183.shx
Area to be decertified.cpg
Area to be decertified.dbf
Area to be decertified.idx
Area to be decertified.prj
Area to be decertified.shp
Area to be decertified.shx

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.