

Filing Receipt

Received - 2022-05-06 10:04:22 AM Control Number - 53569 ItemNumber - 1 PUC DOCKET NO. ____

PETITION BY BARKLEY MEADOWS, \$ PUBLIC UTILITY COMMISSION LLC, FOR STREAMLINED EXPEDITED \$ RELEASE FROM WATER CCN NO. \$ OF TEXAS 11244 HELD BY GARFIELD WATER \$ SUPPLY CORPORATION \$

PETITION BY BARKLEY MEADOWS, LLC, FOR STREAMLINED EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW Barkley Meadows, LLC. ("Barkley") and files this Petition with the Public Utility Commission of Texas (the "PUC") for streamlined expedited release from water certificate of convenience and necessity ("CCN") No. 11244, held by Garfield Water Supply Corporation ("Garfield WSC") pursuant to (i) Texas Water Code Section 13.2541; and (ii) Rule 24.245(h) of the Commission's Rules found at 16 Tex. Admin. Code Section 24.245; and in support thereof would respectfully show as follows:

I. <u>APPLICABLE REGULATIONS</u>

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for streamlined expedited release of the area from a CCN.¹ 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." The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Travis County is a county in which owners of at least 25 acres are entitled to expedited release. Under Section

¹ TWC § 13.2541.

 $^{^{2}}$ Id.

³ 16 Tex. Admin. Code §24.245(h)

13.2541(c), the PUC "shall grant a petition received not later than the 60th day after the date the landowner files the petition."

II. REQUEST FOR STREAMLINED EXPEDITED RELEASE

Barkley owns approximately 43.9 acres of contiguous property in Travis County, Texas (the "Property"). The Property is located within the boundaries of water CCN No. 11244, held by Garfield WSC. None of the Property receives service from any water or sewer service provider. In support of this Petition, Barkley has attached the following exhibits:

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

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Barkley to expedited release of the Property described herein and in the attached exhibits from CCN No. 11244. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Travis County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60th day after the date of filing. Barkley 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. 11244.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day	of May, 2022, a true and correct copy
of the Petition by Barkley Meadows, LLC, for	r Streamlined Expedited Release Pursuant to Texas
WaterCode Section 13.2541 was sent, via cert	ified mail, return receipt requested to the following
recipient at the address indicated.	

Centified Article Number 9314 8699 0430, 0095 0227 14

Via Certified Mail RRR
Garfield Water Supply Corporation
P.O. Box 1338
Del Valle, TX 78617

Scott Eidman

EXHIBIT A

PETITION BY BARKLEY MEADOWS,	§	PUBLIC UTILITY COMMISSION
LLC, FOR STREAMLINED	§	
EXPEDITED RELEASE FROM WATER	§	OF TEXAS
CCN NO. 11244 HELD BYGARFIELD	§	
WATER SUPPLY CORPORATION	§	

AFFIDAVIT OF BRAD KORZEN IN SUPPORT OF PETITION FOR STREAMLINED EXPEDITED RELEASE FROM WATER CCN NO.11244 HELD BY GARFIELD WATER CORPORATION PURSUANT TO TEXAS WATER CODE SECTION 13.2541

STATE OF CALIFORNIA \$

COUNTY OF LOS ANGELES \$

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

- 1. "My name is Brad Korzen, I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
- 2. I am the Manager of KREP Barkley Meadows Manager, LLC, the Manager of Barkley Meadows, LLC, the Petitioner in the abovecaptioned matter. Barkley Meadows, LLC owns approximately 43.9 acres of land (the "Property") and I am authorized to execute documents on behalf of Barkley Meadows, LLC.
- 3. The Property is located within the boundaries of water CCN No. 11244 issued to Garfield Water Supply Corporation. The Property is located in Travis County, Texas, is over 25 acres in size, and consists of a contiguous tract of land. Exhibit B attached to this Petition is a true and correct copy of a map identifying the Property, and its location.
- 4. The Property is not receiving water or sewer service from Garfield Water Supply Corporation. The Petitioner has not paid Garfield Water Supply Corporation any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.
- 5. I request that the Public Utility Commission of Texas release this Property from water CCN No. 11244."

FURTHER AFFIANT SAYETH NOT.



SWORN TO AND SUBSCRIBED TO BEFORE ME by Brad Korzen on APRIL 29, 2022.

(SEAL)

Notary Public, State of California

ELAINE M. VILLAVER
COMM. # 2297343
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires JULY 16, 2023

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

the defination, assured, or randing of that assured	:
State of California	
County of LOS ANGELES	
Subscribed and sworn to (or affirmed) before me on this $\frac{\partial q^3}{\partial q^3}$	day of APRIC
2022 by BRAD KORZEN	
proved to me on the basis of satisfactory evidence to be the p before me.	person(s) who appeared
The state of the s	ELAINE M. VILLAVER COMM. # 2297343 NOTARY PUBLIC CALIFORNIA LOS ANGELES COUNTY mm. Expires JULY 16, 2023
Signature (Seal)	:
OPTIONAL INFORMATION INS	STRUCTIONS
· · · · · · · · · · · · · · · · · · ·	in California after January 1, 2015 must be in the are no exceptions. If a Jurat to be completed doe

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date_____

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one with does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - Additional information is not required but could help to ensure this jurat is not misused or attached to a. different document.
 - Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

EXHIBIT B

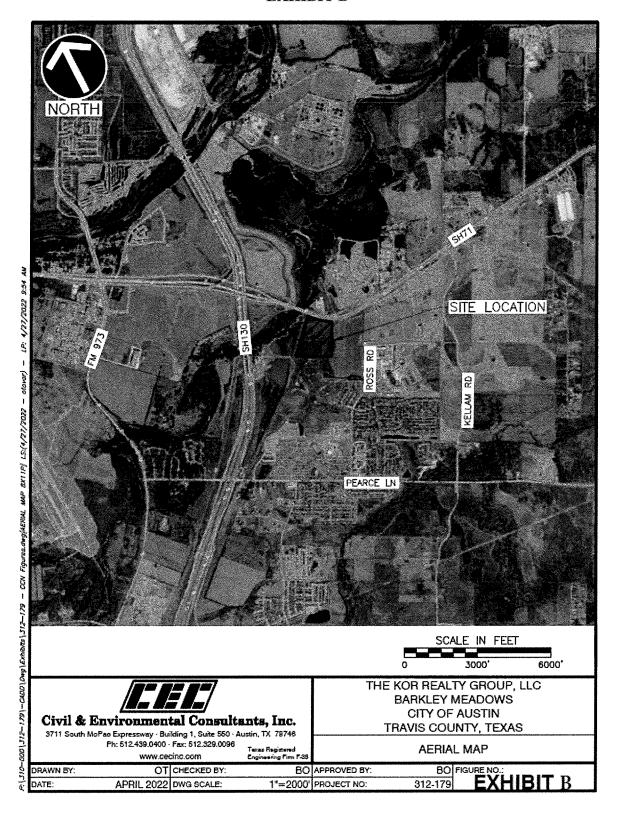


EXHIBIT C

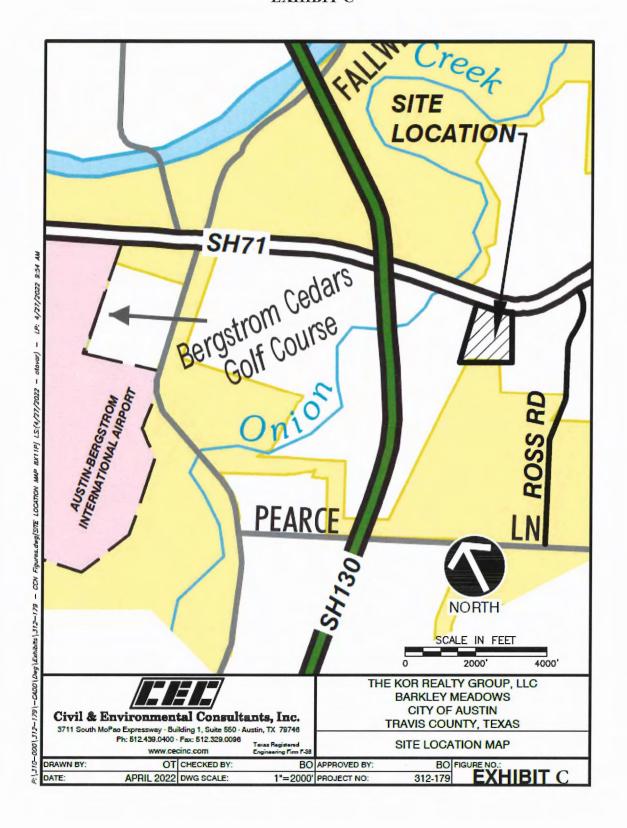


EXHIBIT D

FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Care Colescensis

Dana DeBeauvoir, County Clerk Travis County, Texas Dec 16, 2021 01:23 PM Fee: \$46.00 2021274880

Electronically Recorded

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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

Carolyn Esther Barkley and Janet Sue Barkley-Booher (jointly "Grantor"), for the consideration hereinafter stated, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto Barkley Meadows, LLC, a Delaware limited liability company ("Grantee"), the following described real property situated in Travis County, Texas, together with any and all buildings, structures, fixtures or other improvements located thereon (the "Property"):

TRACT 1: Being all of that certain tract or parcel of land containing 43.909 acres, more or less, situated in the Jose Antonio Navarro Survey, Abstract No. 18, Travis County, Texas, said tract being more particularly described by metes and bounds shown on <a href="Exhibit" "A" attached hereto and made a part hereof.

TRACT 2: Easement Estate for public utilities created by that certain Special Warranty Deed dated December 31, 2008, recorded under Document No. 2009000805 of the Official Public Records of Travis County, Texas, being over and across that 50.13-acre tract of land situated in the Jose Antonio Navarro Survey, Abstract No. 18, Travis County, Texas, conveyed in said instrument.

TRACT 3: Easement Estate for drainage created by that certain Special Warranty Deed dated December 31, 2008, recorded under Document No. 2009000805 of the Official Public Records of Travis County, Texas, being over and across that 50.13-acre tract of land situated in the Jose Antonio Navarro Survey, Abstract No. 18, Travis County, Texas, conveyed in said instrument.

To HAVE AND To Hold the Property, together with all and singular the rights and appurtenances thereto, including, without limitation, any and all easements and adjacent waterways, streets, roads, alleys, or rights-of-way, open or proposed, in anywise belonging unto Grantee, Grantee's successors and assigns, forever.

And Grantor does hereby bind Grantor, and Grantor's heirs, successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, and subject to the permitted exceptions described in **Exhibit "B"** which is attached hereto and made a part hereof.

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The consideration for this conveyance, receipt of which Grantor acknowledges, is \$10.00 and other valuable consideration paid to Grantor for which no lien either express or implied is retained.

OTHER THAN THE SPECIAL WARRANTY OF TITLE CONTAINED IN THIS DEED, GRANTOR HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING (I) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, THE SUITABILITY THEREOF AND OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY ELECT TO CONDUCT, THE EXISTENCE OF ANY ENVIRONMENTAL HAZARDS OR CONDITIONS (INCLUDING, BUT NOT LIMITED TO, THE PRESENCE OF ASBESTOS OR HAZARDOUS MATERIALS) OR COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS, RULES OR REGULATIONS; (II) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION OR OTHERWISE; AND (III) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENTAL ENTITY OR BODY. GRANTEE ACKNOWLEDGES THAT IT HAS INSPECTED THE PROPERTY AND GRANTEE WILL RELY SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF GRANTOR. GRANTEE FURTHER ACKNOWLEDGES THAT THE INFORMATION PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND GRANTOR HAS NOT MADE AN INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION, AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. THE SALE OF THE PROPERTY IS MADE ON AN "AS IS," "WHERE IS" AND "WITH ALL FAULTS" BASIS, AND GRANTEE EXPRESSLY ACKNOWLEDGES THAT GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION. HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE PROPERTY OR ANY PORTION THEREOF.

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Grantee's Mailing Address:	Barkley Meadows, LLC 1437 7th Street, Suite 250 Santa Monica, CA 90401
Executed to be effective on	the 15th day of December, 2021.
	GRANTOR:
	Carolyn Esther Barkley
THE STATE OF TEXAS	§
COUNTY OF TRAVIS	§ \$ §
This instrument was acknow 2021 by Carolyn Esther Barkley.	rledged before me on the 15th day of December,
MARGARET GONZALESS NOTAFIV PUBLIC JUST 155941559 State of Tayle	Notary Public - State of Texas
bestantinessessiciation (2.14/0022)	Ja Net Sue Barkley - Booker
THE STATE OF TEXAS	§
COUNTY OF TRAVIS	§ 6 9
This instrument was acknowl 2021 by Janet Sue Barkley - Booher.	ledged before me on the 15th day of December,
MARGARET GONZALE	Margaret Sourcles Notary Public - State of Texas

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Exhibit "A"

BONG A 43.900 ACRE TRACT OF LAND STURTED BY THE JUST ANTONIO HUMBRO SUMEY, ABSTRACT LL BONG THE REMARKER OF A CULTO 102.100 ACRE TRACT AS DESCRIBED BY THAT CONFICTION TO DEED OF COMPANIES TO ORACINY ESTIME BURNLEY AND JUST SUE BARRIES DOWN, RECORDED BY DOCUMENT HO. BOUDDSJYTS OF THE OFFICIAL PURIL RECORDS OF TRANS COUNTY, TEXAS (O.P.R.T.C.T.); SUD 41.000 ACRE TRACT BONG MORE AUTOCALARLY DESCRIBED BY METES AND BOSROS AS FOLLOWS:

SECREPAIS AT A 3/2 WICH MON MOD WITH "TORKES COUNTY" CAP FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE MIGHTALY 71 (MIGHT-OF-WAY WORTH MARKS) AT THE MINITERRY COUNTY CLEMET OF SHID 43-809 ACRE TRACT AND OF A CULTO SO IN ACRE TRACT AS DESCRIBED IN THAT SPECKL EXPENSITY DEED RECORDED IN DOCUMENT MO. SOCIOODIOS, O.P.R.T.G.T., FOR THE POINT OF BECOMBING MERCOT;

THENCE, ALONG THE COLUMN LINE OF SAID 13,000 ACRE TRACT AND OF THE SOUTHERLY MICHT-OF-MINE LINE OF STATE HORMAY 71, THE FOLLOWING THREE (3) COURSES AND DISTANCES!

REPORE ALONG THE COMMON LINE OF SAID 43.908 ACRE TRACT AND HARTHALY OF SAID 12.477 ACRE TRACT. AND THEN PARTHALY OF A CALLD 18.478 ACRE TRACT RESERVED AS TRACT I, AND THEN PARTHALY OF A CALLED 48.433 ACRE TRACT 2, BOTH HE THAT SPECIAL MARRHATY DEED RECORDED BY DOCUMENT HO, 2010/1013, CPRITCI, SESSIFING ARRESHE AT A DOCUMENT AND CONTINUED OF A TOTAL OF 1.44.68 TEST AS 3/5 MCM AND HOM THAN SCOUNTY CAP FOUND AT AN ANTERIOR CORNER OF SAID 43.433 ACRE TRACT, FOR THE SOUTHERST CORNER OF SAID 43.408 TEST AND THE SOUTHERST CORNER OF SAID 43.408 ACRE TRACT, FOR THE SOUTHERST CORNER OF SAID 43.408 ACRE TRACT.

THENCE, ALONG THE COUNCIN LINE OF SAID 43.800 ACRE TRACT AND SAID 48.433 ACRE TRACT, THE FOLLOWING THIS (2) COURSES AND DISTINCES:

- 1) NATISTATION, PASSING AT A DISTANCE OF 18274 FEET A FOUND 1/2 NICH MON MOD, AND CONTINUANG FOR A TOTAL DISTANCE OF JULIUS FEET, TO A SET 1/2 NICH MON MOD WITH TOSE ONE.

 2) HASTOSTATION, A DISTANCE OF 17.00 FEET TO A 1/2 MICH MON MOD FROM FOUND AT THE MORTHERY COMMON COMMEN OF SAD MAJORIE MAD OF LEXIMITON PARKE SECTION ONE, A SUBDIMISION OF RECORD IN DOCUMENT MID. FOUNDOIST, OPERACIE:

REMOR ALONG THE COMMON LINE OF SMO EXPOS ACRE TRACT AND OF SMO LEGISCION PARKE SECTION ONE, HISTORYSM, A DISTANCE OF SELECT TO A 1/2 WICH MICH ROO MICH COST OF SET AT THE MONTHERY COMMON CORNERS OF SEC LONGITUM FRANCE SCITION ONE AND OF LOT I, ONE RANCH SECTION 2, A SUBBRASION OF RECORD IN DOCUMENT NO. 201800176.

THRICE ALGNO THE COMMON LINE OF SAD ASSOS ACRE TRACT AND OF SAD LOT 1, MESTOR'S IN A DESTANCE OF 222.30 FEST TO A 1/2 MCH MON MOD FOUND AT THE HORMERLY COMMON CORNER OF SAD LOT 1 AND OF CALLED BESSED ACRE TRACT AS DESCRIBED IN THAT GENERAL WARRHITY DEED RECORDED BY DOCUMENT NO, TOCOGRESS, Q.P.R.T.G.T.

THENCE, ALCHO THE COUNTY LINE OF SHO 12009 MCRE TRUCT AND OF SHO 82340 ACRE TRUCT, HISTOTOPH, A DISUNCE OF 188.13 FEET TO A 5/8 HIGH MICH MICH MICH THANS COUNTY ON FOLIO AT THE SOUTHERLY COUNTY CONTINU CONTINU CONTINU ACRE TRUCT AND OF SHO SOLIS ACRE TRUCT;

THÉNICE, ALONG THE COLAIGN LINE OF SHE ALOOS HORE TRACT AND OF SHE SOLIS ACRE TRACT, HERSTYFFE, A DISTANCE OF 1.722.77. TO THE POINT OF RECEIPMEN AND CONTRIBUTE ALOOS ACRES (1.812.874 SOLUME FETT) OF LAND, MORE OR LESS.

11-GF# >0> 00306> HDCI Return to: Heritage Title 200 W 6th Street, Suite 1600 Austin, TX 78701

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Exhibit "B"

(Permitted Exceptions)

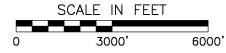
- 1. INTENTIONALLY DELETED
- An electric transmission and/or distribution line easement granted to the City of Austin, by instrument dated November 27, 1940, recorded in Volume 660, Page 209 of the Deed Records of Travis County, Texas. (TRACTS 1, 2 AND 3)
- A channel easement granted to the State of Texas, by instrument dated February 3, 1948, recorded in Volume 895, Page 100 of the Deed Records of Travis County, Texas. (TRACTS 1, 2 AND 3)
- 4. INTENTIONALLY DELETED
- 5. INTENTIONALLY DELETED
- 6. INTENTIONALLY DELETED
- 7. INTENTIONALLY DELETED
- 8. INTENTIONALLY DELETED
- 9. INTENTIONALLY DELETED
- 10. INTENTIONALLY DELETED
- A pipeline and appurtenances easement granted to Enterprise Texas Pipeline LLC, by instrument dated August 27, 2007, recorded under Document No. 2007204134 of the Official Public Records of Travis County, Texas. (TRACT 3)
- 12. Access and use restrictions as set out in that certain Deed (Controlled Access Highway Facility) to the State of Texas recorded under Document No. 2007222571 of the Official Public Records of Travis County, Texas. (TRACTS 2 AND 3)
- 13. INTENTIONALLY DELETED
- 14. An electric line easement granted to LCRA Transmission Services Corporation, by instrument dated June 9, 2010, recorded under Document No. 2010087584 of the Official Public Records of Travis County, Texas. (TRACTS 2 AND 3)
- 15. INTENTIONALLY DELETED

31155941v.1 219165/00004

2021274880 Page 6 of 6

- 16. INTENTIONALLY DELETED
- 17. INTENTIONALLY DELETED
- 18. Any rights that might exist evidenced by the location of down guy and electric pole in north part of TRACT 1 outside of dedicated easement as shown on the survey dated April 28, 2021, prepared by Frank William Funk, Registered Professional Land Surveyor No. 6803 ("the Survey").
- 19. Fence inset from southeast property line of TRACT 1 as shown on the Survey.
- 20. Fence outset from southwest property line of TRACT 1 as shown on the Survey.







Civil & Environmental Consultants, Inc.

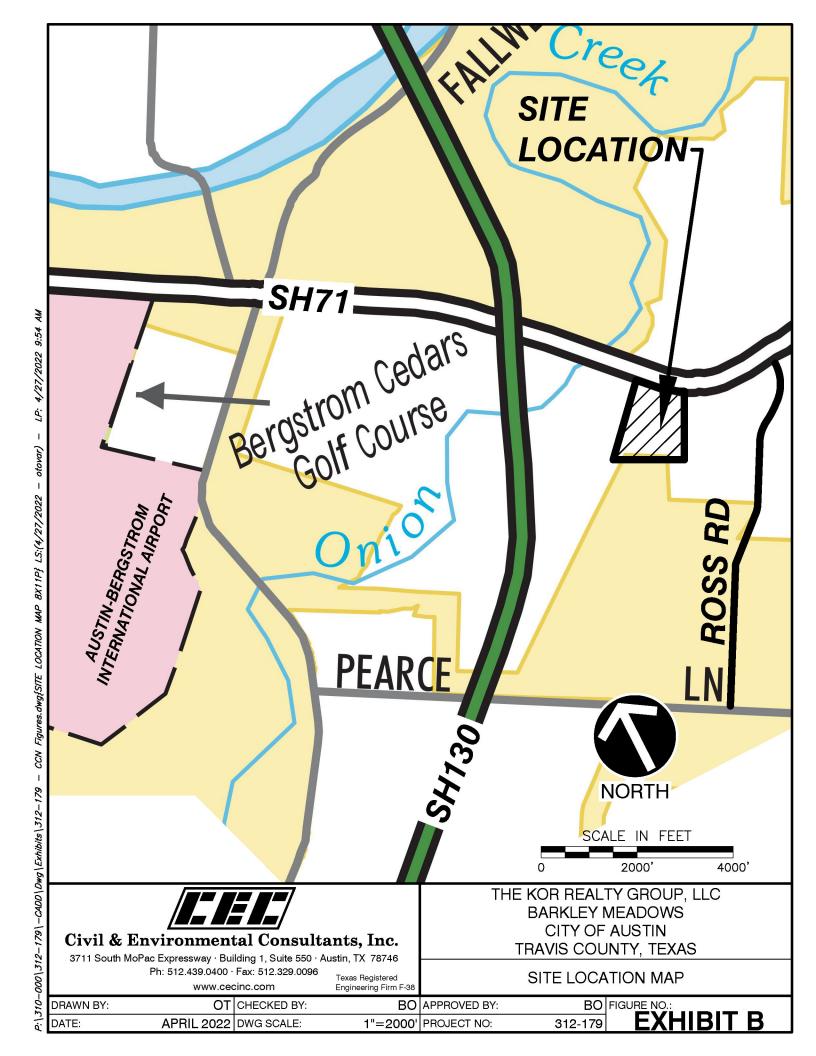
3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746 Ph: 512.439.0400 · Fax: 512.329.0096 Texas Registered Engineering Firm F-38

www.cecinc.com

THE KOR REALTY GROUP, LLC BARKLEY MEADOWS CITY OF AUSTIN TRAVIS COUNTY, TEXAS

AERIAL MAP

DRAWN BY:	ОТ	CHECKED BY:	во	APPROVED BY:	BO FIGURE NO.:
DATE:	APRIL 2022	DWG SCALE:	1"=2000'	PROJECT NO:	312-179 EXHIBIT C



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312179 BARKLEY_SITE_BOUNDARY_TEXT.cpg
312179 BARKLEY_SITE_BOUNDARY_TEXT.dbf
312179 BARKLEY_SITE_BOUNDARY_TEXT.prj
312179 BARKLEY_SITE_BOUNDARY_TEXT.sbn
312179 BARKLEY_SITE_BOUNDARY_TEXT.sbx
312179 BARKLEY_SITE_BOUNDARY_TEXT.shp
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Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

312179

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

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312179 BARKLEY_SITE_BOUNDARY.sbn
312179 BARKLEY_SITE_BOUNDARY.sbx
312179 BARKLEY_SITE_BOUNDARY.shp
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Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

312179 BARKLEY SITE BOUNDARY.shp.xml

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

312179 BARKLEY SITE BOUNDARY.shx

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