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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

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

May 23, 2022

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

Via Electronic Filing

Re: New PUC Docket; *Petition by TCCI Ponder WPP, LLC for Expedited Release from Water CCN No. 12951 Held by Town of Ponder in Denton County*

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Petition by TCCI Ponder WPP, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541 which was electronically filed today with the PUC.

Very truly yours,



Natalie B. Scott

NBS:mzp
Enclosures

Cc (w/encl.):
Gary Morris, Director of Public Works
Town of Ponder
102 W. Bailey Street
P.O. Box 297
Ponder, Texas 76529

Via Certified Mail, Return Receipt Requested
No. 7019 1640 0001 2860 7545

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 TCCI PONDER WPP, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 12951	§	PUBLIC UTILITY COMMISSION
HELD BY TOWN OF PONDER	§	
IN DENTON COUNTY	§	OF TEXAS

**PETITION BY TCCI PONDER WPP, LLC FOR EXPEDITED RELEASE PURSUANT
TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

TCCI Ponder WPP, LLC (“Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Town of Ponder’s (“Ponder”) water certificate of convenience and necessity (“CCN”) No. 12951 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 Denton 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 92.50 acres of contiguous property in Denton County (the "Property") located within the boundaries of Water CCN No. 12951 held by Ponder. An Affidavit in support of this Petition is attached hereto as Exhibit "A." Exhibit "B" attached to this Petition is a true and correct copy of the general location map. Exhibit "C" attached to this Petition is a true and correct copy of a detailed/entire tract map. Petitioner is owner of this land as evidenced by the Warranty Deed, attached as Exhibit "D". Digital Polygon shapefiles will also be submitted in this docket.

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 Denton 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. 13201.

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
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2022, a true and correct copy of the Petition by TCCI Ponder WPP, LLC for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5) was sent, via certified mail, return receipt requested to the following recipients at the address indicated:

Gary Morris, Director of Public Works
Town of Ponder
102 W. Bailey Street
P.O. Box 297
Ponder, Texas 76259

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT “A”

Affidavit of Tommy Cansler

PUC DOCKET NO. _____

PETITION BY TCCI PONDER WPP, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE FROM	§	
WATER CCN NO. 12951	§	PUBLIC UTILITY COMMISSION
HELD BY TOWN OF PONDER	§	
IN DENTON COUNTY	§	OF TEXAS

**AFFIDAVIT OF TOMMY CANSLER IN SUPPORT OF PETITION FOR EXPEDITED
RELEASE FROM WATER CCN NO. 12591 HELD BY TOWN OF PONDER
PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

STATE OF TEXAS §

COUNTY OF DENTON §

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

1. “My name is Tommy Cansler, Manager of TCCI Ponder WPP, 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 92.50 acres of contiguous property in Denton County (the “Property”) located within the boundaries of Water CCN No. 12591 held by Town of Ponder. Exhibit “B” attached to this Petition is a true and correct copy of the general location map. Exhibit “C” attached to this Petition is a true and correct copy of a detailed/entire tract map. Petitioner is owner of this land as evidenced by the Warranty Deed, attached as Exhibit “D”. Digital Polygons shapefiles will also be submitted in this docket.

3. The Property is not receiving water or sewer service from Town of Ponder or any other water or sewer service provider. The Property has not requested water or sewer service from Town of Ponder 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 the Property from Water CCN No. 12591.”

FURTHER AFFIANT SAYETH NOT.

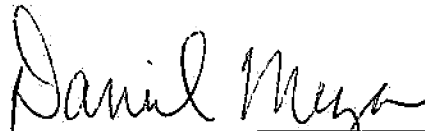
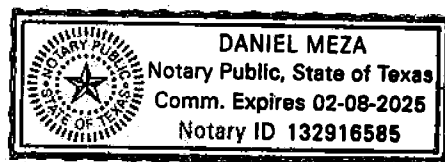


TCCI Ponder WPP, LLC

By: Tommy Cansler

Title: Manager

SWORN TO AND SUBSCRIBED TO BEFORE ME by Tommy Cansler on May 13,
2022.



Notary Public, State of Texas

EXHIBIT “B”
General Location Map

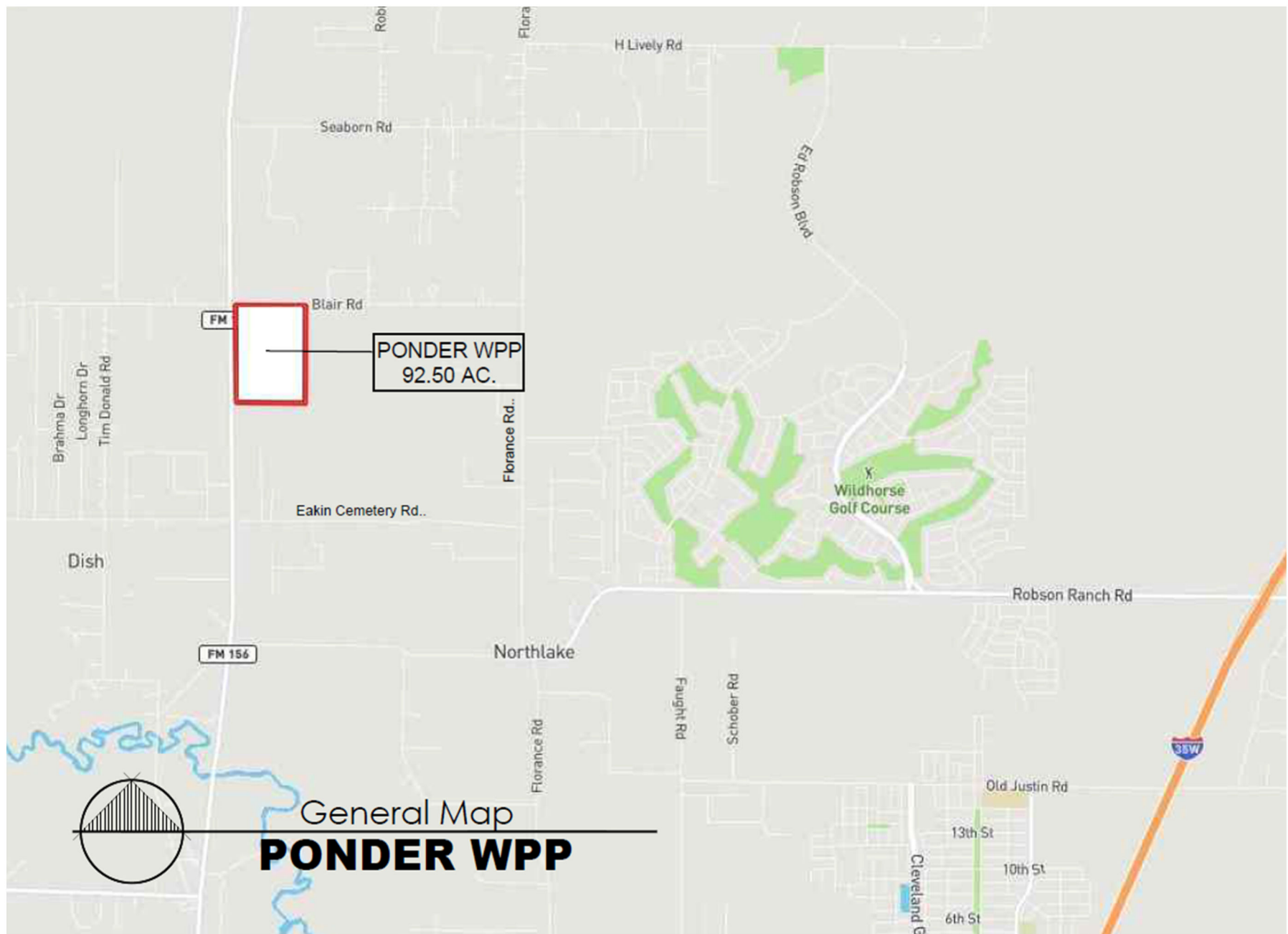


EXHIBIT "C"
Detailed/Entire Tract Map



PROPERTY DESCRIPTION

BEING a 92.50 acre tract of land situated in the Ignacio Eld Survey, Abstract Number 387, Denton County, Texas and being all of a called 92.547 acre tract of land described in deed to Jeffrey Coleman Noell and wife Susan Noell, recorded in Volume 1155, Page 376 of the Deed Records of Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the Southwest corner of said Noell tract and at the Northwest corner of a tract of land described in deed to Gladys G. Gambill and Judge

Gambill, recorded in Volume 1010, Page 814 of the Deed Records of Denton County, Texas and also being in the East Right-of-Way (R.O.W.) line of Gulf Colorado & Sana Fe Railroad;

THENCE North 01°16'58" West with the West line of said Noell tract and the common East R.O.W. line of said Railroad, a distance of 2394.62 feet to a mag nail set at the Northwest corner of said Noell tract in Blair Road (a variable width R.O.W.);

THENCE North 89°28'41" East with the North line of said Noell tract and along said Blair Road, a distance of 1706.27 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northeast corner of said Noell tract;

THENCE South 00°09'45" East with the East line of said Noell tract, passing a 60D Nail found at the Northwest corner of a tract of land described in deed to Shane LeJeune and Amanda LeJeune, recorded in Document Number 2016-647 of the Official Public Records of Denton County, Texas at a distance of 5.65 feet and continuing with the East line of said of said Noell tract and the common West line of said LeJeune, a distance of 2394.44 feet to a 1/2" iron rod found at the Southeast corner of said Noell tract and the common Southwest corner of said LeJeune tract and in the North line of said Gambill tract;

THENCE South 89°28'39" West with the South line of said Noell tract and the common North line of said Gambill tract, a distance of 1659.45 feet to the POINT OF BEGINNING and containing 92.50 acres

EXHIBIT “D”
Warranty Deed

Denton County
Juli Luke
County Clerk

Instrument Number: 13964

ERecordings-RP

CORRECTION

Recorded On: January 27, 2022 11:37 AM

Number of Pages: 8

" Examined and Charged as Follows: "

Total Recording: \$54.00

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

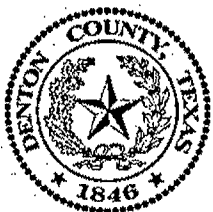
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 13964
Receipt Number: 20220127000279
Recorded Date/Time: January 27, 2022 11:37 AM
User: Emily L
Station: Station 41

Record and Return To:

Simplifile



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

Please Index as Follows:

Affiant: Gabrielle Robinson

Borrowers: TCCI Ponder WPP, LLC

Lender: Stallion Texas Real Estate Fund, LLC

Document Type: Deed of Trust and Security Agreement

CORRECTION INSTRUMENT

State of Texas §

County of Denton §

“Original Instrument”

Document Type: Deed of Trust and Security Agreement

Recording Date: January 26, 2022

Recording Information: Instrument No. 13224, Denton County, Texas

Affiant: Gabrielle Robinson

Borrowers: TCCI Ponder WPP, LLC

Lender: Stallion Texas Real Estate Fund, LLC

Description of error in Original Instrument:

1. This is a Correction Instrument pursuant to the provisions of Section 5.028 of the Texas Property Code, regarding the following non-material change resulting from a clerical or inadvertent error in the Original Instrument:

The Original Instrument should have been recorded after the corresponding General Warranty Deed with Vendor's Lien.

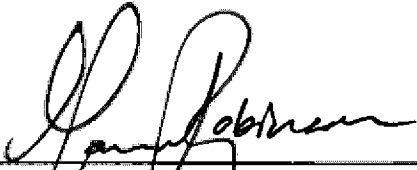
2. The Original Instrument should have been recorded as follows:

Attached is the General Warranty Deed with Vendor's Lien followed by the Original Instrument (Deed of Trust and Security Agreement). Please reflect the recording order specified above.

Person with knowledge of facts relevant to the correction (hereinafter, "Correction Party"):

Before me, the undersigned authority, personally appeared Correction Party who on oath swears that the following statements are true and correct and are within the personal knowledge of Correction Party:

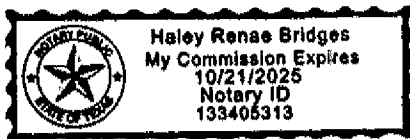
1. My name is Gabrielle Robinson, and I am over the age of 18 years and duly qualified to execute this Correction Instrument.
2. I have personal knowledge of facts relevant to the correction of the Original Instrument.
3. I hereby certify that I have given notice of this Correction Instrument to each party to the original instrument in accordance with provisions of Section 5.028(d)(2) of the Texas Property Code.



Gabrielle Robinson, Correction Party

STATE OF TEXAS §
COUNTY OF DENTON §

SWORN TO, SUBSCRIBED AND ACKNOWLEDGED before me on this 27 day of January 2022 by Gabrielle Robinson.





Notary Public, State of Texas

**AFTER RECORDING RETURN TO:
COMMUNITY NATIONAL TITLE
14800 QUORUM DR. STE. 150
DALLAS, TEXAS 75254**

TCCI Ponder WPP, LLC
3930 Glade Road, Suite 103-322
Colleyville, TX 76034

January 27, 2022

RE: GF#21040146COM
Property Address: 31.66 Acres Blair Road, TX 76259

In connection with the above referenced property, attached is a Correction Affidavit that will be filed of record with the Denton County Clerk. There was a clerical error that requires clarification of the recording order of the attached documents. The Original Instrument should correctly read as referenced in the attached Correction Instrument.

If you have any questions regarding this correction of the Original Instrument, please do not hesitate to contact our office.

Best regards,

Gabrielle Robinson
Escrow Assistant

Tex Mix Land LLC
PO Box 832
Leander, TX 78646

January 27, 2022

RE: GF#21040146COM
Property Address: 31.66 Acres Blair Road, TX 76259

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If you have any questions regarding this correction of the Original Instrument, please do not hesitate to contact our office.

Best regards,

Gabrielle Robinson
Escrow Assistant

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

WARRANTY DEED WITH VENDOR'S LIEN

Effective Date: January 29, 2022

Grantor: TEX MIX LAND LLC, a Delaware limited liability company as successor in interest to TEX MIX LAND, LTD., a Texas limited partnership

Grantor's Address: PO Box 830 Leander, TX 78646

Grantee: TCCI PONDER WPP, LLC, a Texas limited liability company

Grantee's Mailing Address: 3930 Glade Road #108-322
Colleyville, Texas 76034

Consideration: Ten and No/100 Dollars and other good and valuable consideration the receipt of which is hereby acknowledged and a note of even date that is in the principal amount of \$400,000.00 and is executed by Grantee, payable to the STALLION TEXAS REAL ESTATE FUND, LLC interest (Together the "Lender") The note is secured by a vendor's lien retained in favor of the Lender in this deed and by a deed of trust and security agreement, of even date from Grantee to BENJAMIN K. WILLIAMS or BENJAMIN H. HA, Trustee.

Property (including any improvements):

BEING a 31.43 acre tract of land situated in the Ignacio Elde Survey, Abstract Number 387, Denton County, Texas and being a portion of a called 92.50 acre tract of land described in deed to TEX MIX LTD., recorded in Document Number 2021-24240 of the Official Records of Denton County, Texas and being more particularly described by metes and bounds in the Exhibit "A" attached hereto for all purposes.

Reservations from Conveyance: Grantor hereby retains and reserves, for Grantor and its successors and assigns forever, any oil, gas or other minerals in, on or under the Subject Property ("Minerals") (but not any water rights); provided, however, Grantor waives and releases, on behalf of Grantor and Grantor'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 Subject Property or any part thereof for any reason, including, without limitation, the right to enter upon the surface of

the Subject Property for purposes of exploring for, developing, drilling, and/or producing the Minerals in and under, and that may be produced from, the Subject Property, or any other purpose incident thereto (with the foregoing being Grantor's "Surface Waiver" for the Subject Property); provided further, however, nothing herein shall prevent Grantor or its successors and assigns from exploring for, developing, and/or producing the Minerals in and under the Property by pooling or by directional drilling, which enters or bottoms at least 500 feet under the surface of the Subject Property, from well sites located on other property so long as such production activities for the Minerals do not impair the lateral or subjacent support of the surface of the Subject Property or otherwise interfere with or impair Grantee's use, enjoyment, and ability to develop the Subject Property. Any party under a future deed conveying Minerals and/or any future lease of the Minerals (a "Future Party") shall be bound by (and the instrument conveying such rights shall be deemed to contain) the following: (i) such Future Party shall be bound by the foregoing Surface Waiver and limitations on the Minerals and (ii) the Grantee hereunder or any subsequent owner of the surface of the Subject Property shall have the right to pursue directly against the Future Party any and all claims for damage or injury to the surface of the Property.

Exceptions to Conveyance and Warranty:

Subject to the Permitted Exceptions listed in the attached Exhibit "B" only.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

Standby fees, taxes, and assessments by any taxing authority for the year 2022 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien, and superior title to the property are retained for the benefit of the Lender and are transferred to that party without recourse on Grantor.

When the context requires, singular nouns and pronouns include the plural.

(Signature page to follow)

GRANTOR:

TEX MIX LAND, LLC,
a Delaware limited liability company,
as successor in interest to
TEX MIX LAND LTD,
a Texas limited partnership

By: [Signature]

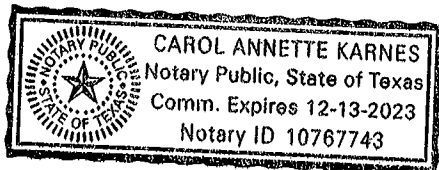
Name: Robert Logan Owens

Title: Manager/Chairman

THE STATE OF TEXAS

COUNTY OF Williamson

This instrument was acknowledged before me on the 24th day of January, 2022, by Logan Owens as Manager/Chairman of TEX MIX LAND, LLC, a Delaware limited liability company, as successor in interest to TEX MIX LAND, LTD., a Texas limited partnership, on behalf of said entities.



[Signature]
Notary Public, State of Texas

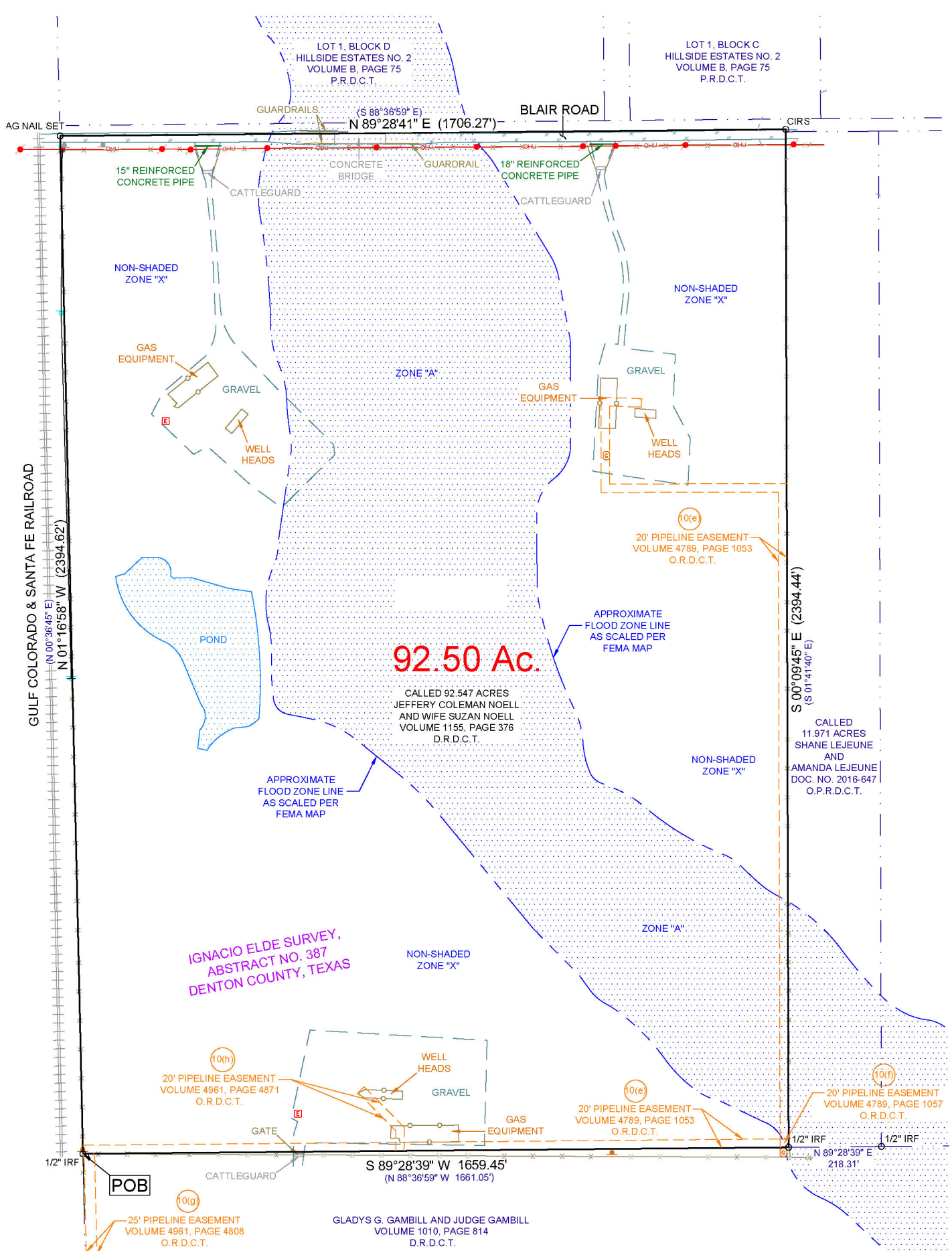
PREPARED BY:

Law Office of Ben Williams, PLLC
10119 Lake Creek Parkway, Ste 201
Austin, Texas 78729

After Recording Return to:

3930 Glade Road #108-322
Colleyville, Texas 76034





Detailed Map

PONDER - WPP

PROPERTY DESCRIPTION

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THENCE South 89°28'39" West with the South line of said Noell tract and the common North line of said Gambill tract, a distance of 1659.45 feet to the POINT OF BEGINNING and containing 92.50 acres

The following files are not convertible:

PONDER-WWP.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.