

Filing Receipt

Received - 2022-05-31 08:10:38 AM

**Control Number - 53670** 

ItemNumber - 1

<b>PUC DOCKET</b>	NO.
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PETITION BY MAPLE
VIEW DEVELOPMENT, LLC
FOR EXPEDITED RELEASE FROM
WATER CCN NO. 11982
HELD BY ORBIT SYSTEMS, INC.

S

PUBLIC UTILITY COMMISSION
FOR EXPEDITED RELEASE FROM
S
OF TEXAS

# PETITION BY MAPLE VIEW DEVELOPMENT, LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13,2541

#### TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, the Maple View Development, LLC (Petitioners), and files this Petition with the Public Utility Commission of Texas (PUC) for expedited release from Orbit Systems, Inc. (Orbit) water certificate of convenience and necessity (CCN) No. 11982 pursuant to Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245 and, in support thereof, would respectfully show the following:

#### 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 is not receiving water or sewer service may petition for expedited release of the area from a CCN. Tex. Water Code Ann. § 13.2541(b). 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 Brazoria County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TAC § 24.245. Under Section 13.2541(c), the PUC "shall grant the petition not later than the 60th day after the date the landowner files the petition."

### II. REQUEST FOR EXPEDITED RELEASE

Maple View Development, LLC owns approximately 235.281 acres of land in Brazoria County, Texas (the Property). The Property is located within the boundaries of Orbit's CCN Nos. 11982.

The Property does not receive water service from any provider. An affidavit in support of this Petition is attached hereto as **Exhibit A**. Maps showing the location of the Property, along with the digital data, are attached hereto as **Exhibit B**. The deeds showing ownership of the Property is attached hereto as **Exhibit C**. A copy of this Petition has been mailed to Orbit via certified mail.

#### III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles landowners to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Brazoria County. Under Section 13.2541(c), the PUC should grant this Petition no later than the 60<sup>th</sup> 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 the Property from water CCN No. 11982.

Respectfully submitted,

Emily W. Rogers State Bar No. 24002863 erogers@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP 3711 S. MoPac Expressway Building One, Suite 300 Austin, TX 78746 Telephone: (512) 472-8021

Facsimile: (512) 320-5638

BY:

Emily W. Pogers
Emily W. Rogers

Attorney for Maple View Development, LLC

### **CERTIFICATE OF SERVICE**

I hereby certify by my signature below that on the 31<sup>st</sup> day of May, 2022, a true and correct copy of the above and foregoing document was forwarded via hand delivery, facsimile, U.S. mail or electronic mail to all parties of record and a true and correct copy of the above and foregoing document has been mailed by certified mail to Orbit Systems, Inc., P.O. Box 957, Rosharon, TX, 77583.

Emily W. Rogers
Emily W. Rogers

# Exhibit A

PETITION BY MAPLE	§	BEFORE THE
VIEW DEVELOPMENT, LLC	§	
FOR EXPEDITED RELEASE FROM	Š	PUBLIC UTILITY COMMISSION
WATER CCN NO. 11982	8	, , , , , , , , , , , , , , , , , , ,
HELD BY ORBIT SYSTEMS, INC.	š	OF TEXAS

PUC DOCKET NO.

# AFFIDAVIT IN SUPPORT OF PETITION BY MAPLE VIEW DEVELOPMENT, LLC FOR EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541

STATE OF TEXAS	§
	8
COUNTY OF HARRIS	\$

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

- 1. "My name is Itiel Kaplan. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.
- 2. I am the Manager of the Maple X, LLC, which is the manager of Maple View GP LLC, which is the manager of Maple View Holdings LLC, which is the manager of Maple View Development LLC, which is the petitioner in this matter.
- 3. Maple View Development LLC owns approximately 236.449 acres of land located in Brazoria County, Texas (Property). Exhibit C attached to this Petition is a true and correct copy of the deed demonstrating ownership of the tract.
- 4. This Property is located within the boundaries of water Certificate of Convenience and Necessity No. 11982 issued to Orbit Systems, Inc. Exhibit B attached to this Petition is a true and correct copy of a map identifying the Property, its location, and the area of the CCN.
- 5. The Property in question is not receiving water service from Orbit Systems, Inc. or any other water service provider. Petitioner has not requested water service from Orbit Systems, Inc. or paid any fees or charges to initiate or maintain water, and there are no billing records or other documents indicating an existing account for the Property. Petitioner has not entered into written agreement with Orbit Systems, Inc. whereby Orbit Systems, Inc. has made a contractual committed to provide service to the Property, or to construct facilities to serve the Property. There are no Orbit Systems, Inc. facilities located on the Property

6. I request that the Public Utility Commission on Texas release this Property from water CCN No. 11982."

### FURTHER AFFIANT SAYETH NOT.

Maple View Development LLC, a Texas limited liability company

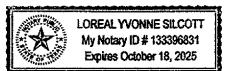
By: Maple View Holdings LLC, a Delaware limited liability company, Its Manager

By: Maple View GP LLC, a Delaware limited liability company, Its Manager

By: Maple X, LLC, a Texas limited liability company, Its Manager

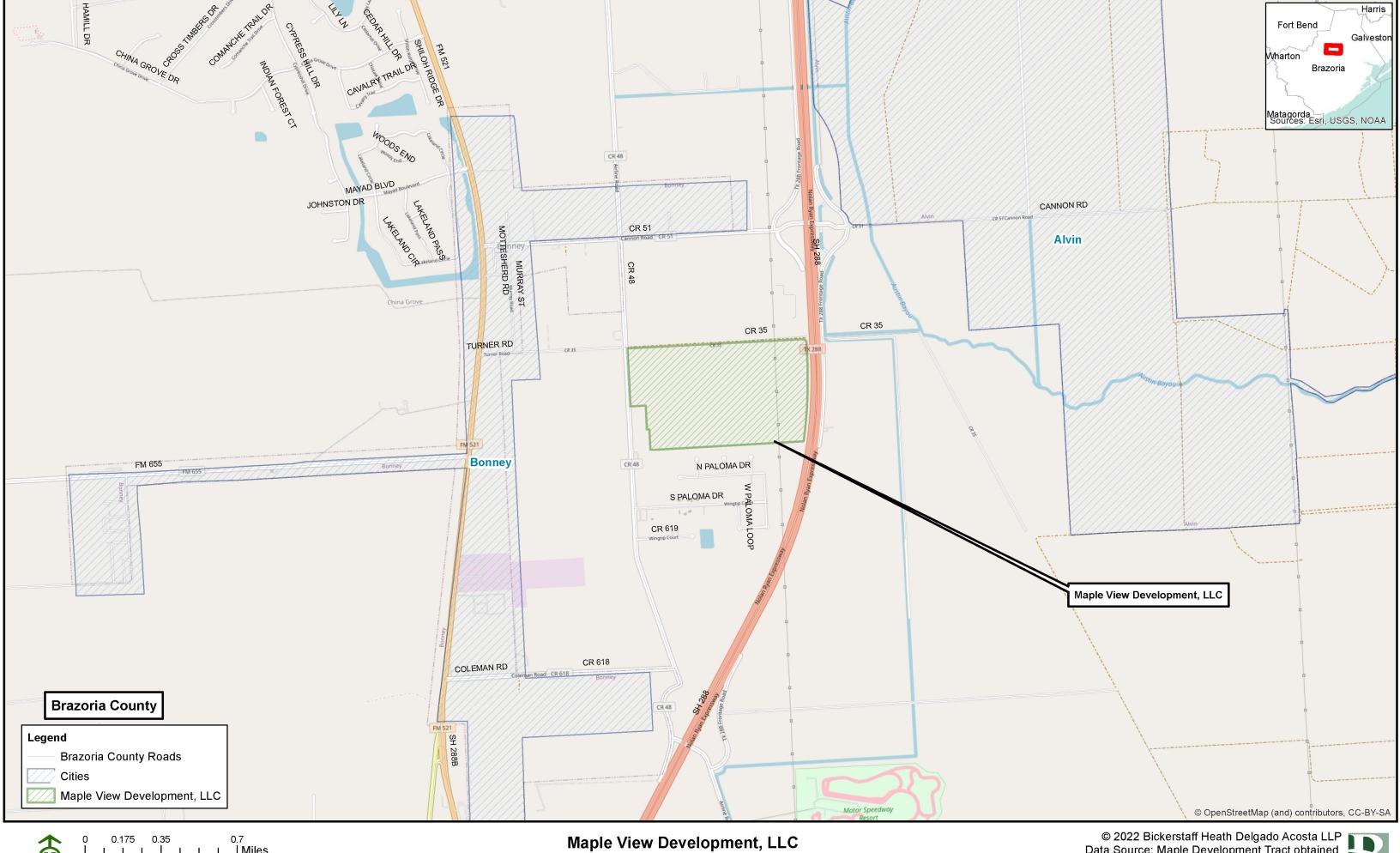
Itiel Kaplan, Manager

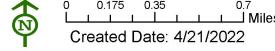
SWORN AND SUBSCRIBED TO BEFORE ME by 12 on April , 2022.



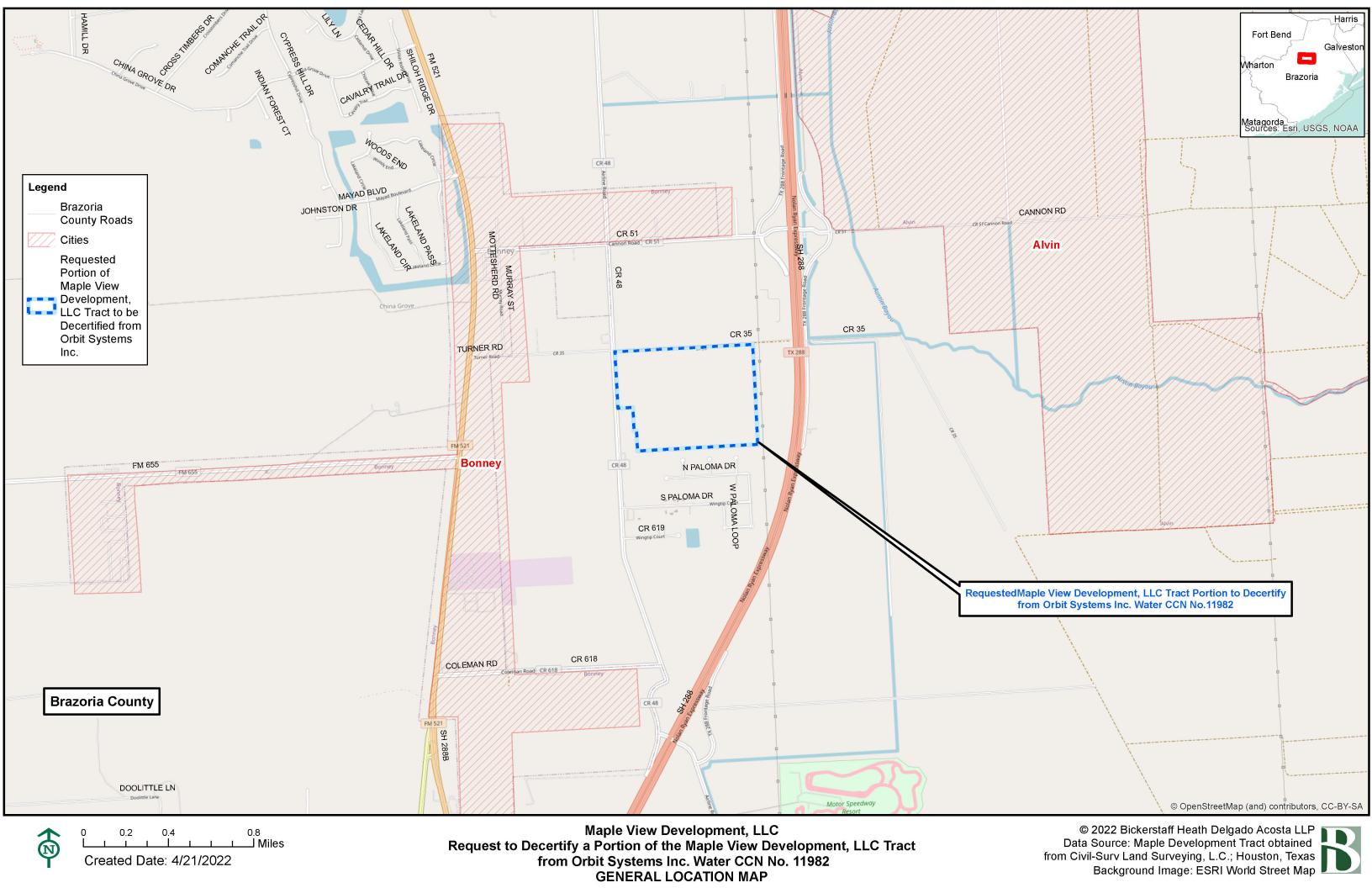
Notary Public State of Texas

# Exhibit B

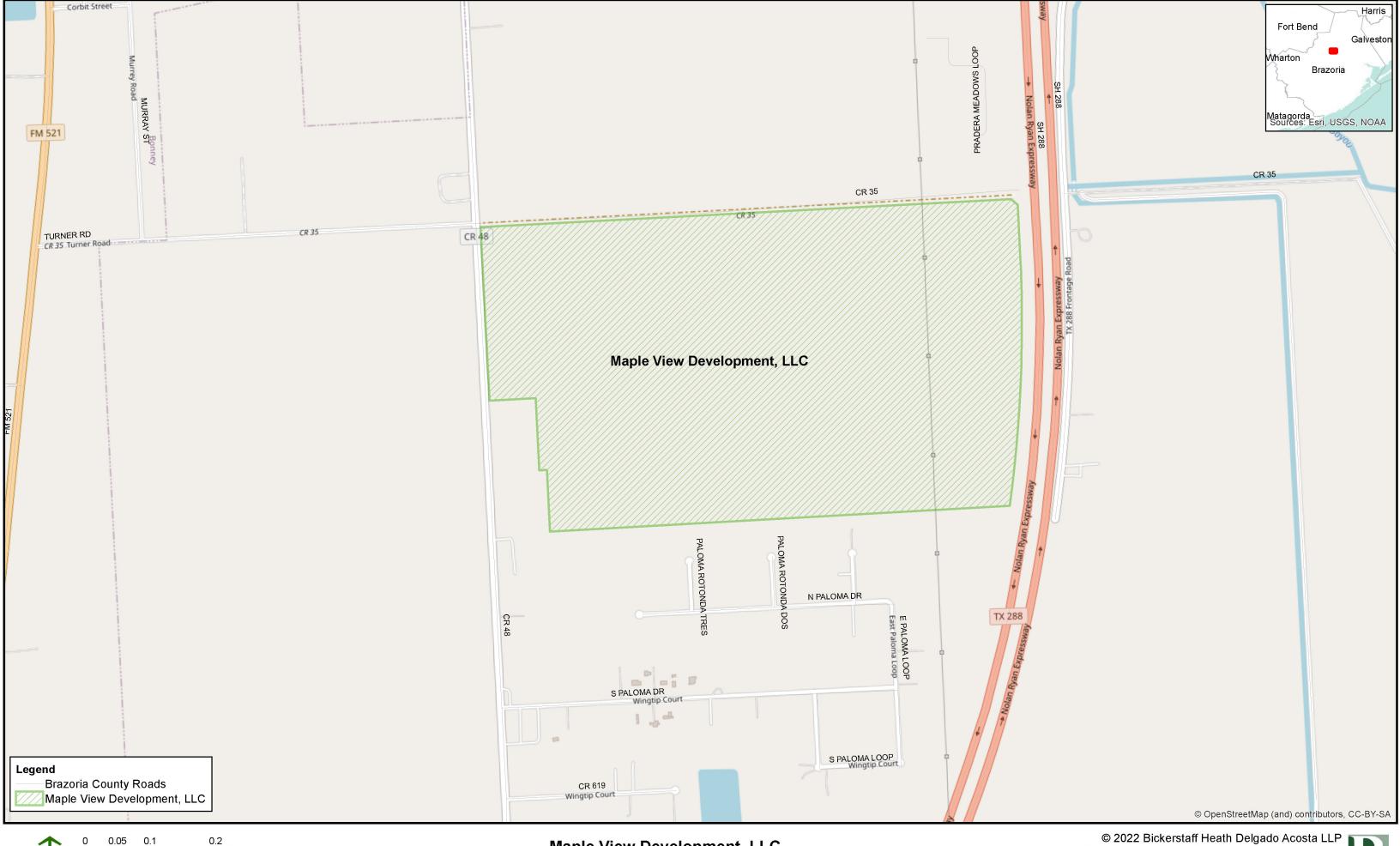




Maple View Development, LLC
Request to Decertify a Portion of the Maple View Development, LLC Property Boundary
GENERAL LOCATION MAP







# Exhibit C

## SPECIAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF MORTGAGEE

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.

§ §

§

THE STATE OF TEXAS
COUNTY OF BRAZORIA

THAT THE UNDERSIGNED, SUSAN KRICK, SUCCESSOR TRUSTEE OF THE ROBERT A. SELSTAD AND JANET M. SELSTAD REVOCABLE LIVING TRUST (herein called "Grantor"), for and in consideration of the sum of \$10.00 cash and other good and valuable consideration to Grantor in hand paid by MAPLE VIEW DEVELOPMENT LLC, a Texas limited liability company (herein called "Grantee"), whose address is 5847 SAN FELIPE STREET, SUITE 4675, HOUSTON, TEXAS 77057, the receipt of which is hereby acknowledged, and of further consideration of the execution and delivery by Grantee of that one certain Promissory Note of even date herewith, in the principal sum of TWO MILLION ONE HUNDRED TWENTY EIGHT THOUSAND FORTY ONE AND NO/100 (\$2,128,041.00) DOLLARS (herein called the "Note"), payable to the order of PLAINS STATE BANK (herein called "Mortgagee"), bearing interest from date at the rate specified, and containing provisions for attorney's fees, Mortgagee, at the special instance and request of the Grantee, advanced the sum of said Note as part purchase price for The Land herein conveyed, the receipt of which is hereby acknowledged, Mortgagee is hereby subrogated to all of the rights of Grantor herein; the Vendor's Lien and superior title is hereby expressly transferred to and retained in favor of Mortgagee to secure the payment of the Note, the same as if Mortgagee was the Grantor herein; the Note is further and additionally secured by a Deed of Trust of even date herewith from Grantee to MILAN SAUNDERS, TRUSTEE, containing provisions for foreclosure under power of sale, to which reference is here made for all purposes;

HAVE GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Grantee all that certain tract or parcel of land and all improvements located thereon (herein called "The Land"), more particularly described as follows:

BEING A TRACT OF LAND CONTAINING 235.281 ACRES, LOCATED IN THE S.F. AUSTIN SURVEY, ABSTRACT 24, IN BRAZORIA COUNTY, TEXAS; SAID 235.281 ACRE TRACT BEING ALL OF A CALLED 236.449 ACRE TRACT SAVE AND EXCEPT 44.0 ACRES RECORDED IN THE NAME OF ROBERT ARNEY SELSTAD, IN BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. NO.) 1994026070 AND ALL OF A CALLED 44.0 ACRE TRACT OF LAND RECORDED IN THE NAME OF ROBERT ARNEY SELSTAD IN B.C.C.F. NO. 19980502641, SAME BEING OUT OF LOTS 6, 7, 10 AND 11 OF THE N.S. HANSEN SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 23, PAGE 544, OF THE BRAZORIA COUNTY DEED RECORDS (B.C.D.R.); SAID 235.281 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF.

The conveyance is made and accepted subject to the following matters, but only to the extent they are in effect at this time and only to the extent that they relate to The Land: The lien for current ad valorem taxes and maintenance assessments (if any) not in default, land use restrictions, deed restrictions, covenants, easements, outstanding mineral reservations, rights and royalties, if any, shown of record in the above mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, to which The Land is subject.

To have and to hold The Land together with all rights and appurtenances thereto in anywise belonging, subject to the foregoing terms, unto Grantee their heirs, executors, administrators, personal and legal representatives, successors and assigns forever, and Grantor does hereby bind themselves, their heirs, executors, administrators, personal and legal representatives, successors and assigns to warrant and forever defend The Land, subject to the foregoing terms, unto Grantee, their heirs, executors, administrators, personal and legal representatives, successors and assigns, against every person and entity whomsoever lawfully claiming or to claim the same or any part thereof, , by, through or under Grantor, but not otherwise.

BUT IT IS EXPRESSLY AGREED AND STIPULATED that the VENDOR'S LIEN, including the SUPERIOR TITLE, is retained against The Land in favor of Mortgagee, its successors and assigns, until the Note and all accrued interest thereon, and all renewals and/or extensions thereof, together with all interest thereon, is fully paid according to its face and tenor, effect and reading, and together with all additional sums which may become due and payable by the terms of said Note and/or by the terms of the aforesaid Deed of Trust, when this Deed shall become absolute, and Grantor herein transfers unto said Mortgagee, its successors and assigns, the Vendor's Lien and Superior

Title to The Land, in the same manner and to the same extent as if the Note had been payable to the order of Grantor and by said Grantor assigned to said Mortgagee without recourse.

Whenever used in this document, unless the context clearly indicates a contrary intent or unless otherwise specifically provided herein, the pronouns of any gender shall include the other genders, including the neuter, and either the singular or plural shall include the other.

Grantee joins in the execution of this Warranty Deed for the purpose of accepting delivery hereof, and to acknowledge, consent and agree to the terms and conditions of this instrument.

All ad valorem taxes and assessments on the Property have been prorated between the parties hereto as of the date of this Deed, and Grantee assumes liability for the payment thereof and for subsequent years.

GRANTOR:		
THE ROBERT A. SELSTAD AND	JANET M. SELSTAD R	EVOCABLE LIVING TRUST
Shu		
SUSAN KRICK, SUCCESSOR TR	USTEE	
GRANTEE:		
MAPLE VIEW DEVELOPMENT	LLC, a Texas limited lial	bility company
BY: MAPLE VIEW HOLDINGS Its Manager	LLC., a Delaware limited	l liability company
BY: MAPLE VIEW GP LLC, a D Its Manager	elaware limited liability o	company
BY: MAPLE X, LLC, a Texas lim Its Manager	ited liability company	
ITIEL KAPLAN, MANAGER		PHILIP PENG Notary Public State of Washington Commission # 20113442 My Comm. Expires Sep 23, 2024
THE STATE OF TEXAS WAShing	gton s	my Contin. Expires SEP 23, 2024
COUNTY OF HARRIS WHATCO	m §	
This instrument was acknow KRICK, SUCCESSOR TRUSTEE LIVING TRUST in the capacity the	OF THE ROBERT A. SE	LSTAD AND JANET M. SELSTAD REVOCABL
DIVING INCOLUMNO Supusity and		Pulis Perf NOTARY PUBLIC, STATE OF TEXAS Washing
		NOTARY PUBLIC, STATE OF TEXAS Washing
THE STATE OF TEXAS	§ § §	
	§	
COUNTY OF HARRIS	rladged before me on the	day of, 2021, by ITIE
This instrument was acknow KAPLAN, MANAGER of MAPLE MAPLE VIEW GP LLC, a Delawa	X, LLC, a Texas limited re limited liability comparimited liability comparts	liability company acting in its capacity as Manager of maple VIEV on its capacity as Manager of MAPLE VIEV on its capacity as Manager of MAPLE VIEV

Title to The Land, in the same manner and to the same extent as if the Note had been payable to the order of Grantor and by said Grantor assigned to said Mortgagee without recourse.

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date of this Deed, and Grantee assumes	liability for the p	operty have been prorated between the parties hereto as of the payment thereof and for subsequent years.
EXECUTED THIS THE 28 th day	of DECEMBER	६, 2021.
GRANTOR:		
THE ROBERT A. SELSTAD AND J	ANET M. SELS	STAD REVOCABLE LIVING TRUST
SUSAN KRICK, SUCCESSOR TRU	STEE	
GRANTEE:		
MAPLE VIEW DEVELOPMENT L	LC, a Texas limi	ited liability company
BY: MAPLE VIEW HOLDINGS LI Its Manager	.С., a Delaware	limited liability company
BY: MAPLE VIEW GP LLC, a Dela Its Manager	ıware limited lia	ability company
BY: MAPLE X, LLC, a Texas limite Its Manager	d liability comp	any
Hiel Haplan ITIEL KAPLAN, MANAGER		
THE STATE OF TEXAS	§ §	
COUNTY OF HARRIS	§ §	
This instrument was acknowled KRICK, SUCCESSOR TRUSTEE OF LIVING TRUST in the capacity thereion	FTHE ROBERT	PA. SELSTAD AND JANET M. SELSTAD REVOCABLE
THE STATE OF TEXAS	8	NOTARY PUBLIC, STATE OF TEXAS
THE STATE OF TEXAS  COUNTY OF HARRIS	8 8	
KAPLAN, MANAGER of MAPLE X MAPLE VIEW GP LLC, a Delaware l	, LLC, a Texas l limited liability o	in the, 2021, by ITIEL imited liability company acting in its capacity as Manager of company acting in its capacity as Manager of MAPLE VIEW pmpany in its capacity as Manager of MAPLE VIEW

JOAN THOMAN

Notary Public - State of Florida
Commission # GG 975380
My Comm. Expires Jun 26, 2024
Bonded through National Notary Assn. Ü

DEVELOPMENT LLC, a Texas limited liability company.

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## Exhibit "A" Legal Description

Being a tract of land containing 235.281 acres, located in the S.F. Austin Survey, Abstract 24, in Brazoria County, Texas; Said 235.281 acre tract being all of a called 236.449 acre tract save and except 44.0 acres recorded in the name of Robert Arney Selstad, in Brazoria County Clerk's File Number (B.C.C.F. No.) 1994026070 and all of a called 44.0 acre tract of land recorded in the name of Robert Arney Selstad in B.C.C.F. No. 19980502641, same being out of Lots 6, 7, 10 and 11 of the N.S. Hansen Subdivision, a subdivision of record in Volume 23, Page 544, of the Brazoria County Deed Records (B.C.D.R.); Said 235.281 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, of 1983, South Central Zone):

BEGINNING, at a 1/2-inch iron rod found at the northerly northeast corner of said 236.449 acre tract, same being the northwest end of a transition line from the south Right-of-Way (R.O.W.) line of County Road 35 (called sixty feet wide, occupied at eighty-four feet wide) to the west R.O.W. line of State Highway 288 (four hundred-twenty feet wide per Volume 1114, Page 251, of the B.C.D.R.), for the northerly northeast corner of the herein described tract;

THENCE, South 47° 57' 17" East, with said transition line, a distance of 70.73 feet to a concrete monument found at the easterly northeast corner of said 236.449 acre tract and the herein described tract, same being the southeast end of said transition line;

THENCE, with the east lines of said 236.449 acre tract and with the west R.O.W. line of said State Highway 288, the following two (2) courses:

- 1. South 02° 58' 18" East, a distance of 370.42 feet to a concrete monument found at the beginning of a curve to the right;
- 2. 2,071.41 feet along the arc of said curve to the right, having a radius of 11,249.16 feet, a central angle of 10° 33' 01", and a chord that bears South 02° 18' 13" West, a distance of 2,068.48 feet to a 1/2-inch iron rod found at the southeast corner of said 236.449 acre tract and the herein described tract, same being the northwest intersection of said State Highway 288 with a forty feet wide unnamed road per Volume 23, Page 544, of the B.C.D.R.;

THENCE, South 86° 48' 44" West, with the south line of said 236.449 acre tract and with the north R.O.W. line of said forty feet wide road, a distance of 3,727.34 feet to a 5/8-inch capped iron rod set at the southeast corner of a called 3.00 acre tract of land described as Tract I and recorded in the name of Marvin Dale Goodwin in B.C.C.F. No. 1995021598, for the southwest corner of the herein described tract;

THENCE, North 02° 53' 38" West, with the east lines of said Tract I and a called 2.00 acre tract of land described as Tract II and recorded in the name of Marvin Dale Goodwin in B.C.C.F. No. 1995021598, a distance of 500.00 feet to a 1/2-inch iron rod found at the northeast corner of said Tract II;

THENCE, South 87° 02' 26" West, with the north line of said Tract II, a distance of 62.50 feet to a 1/2-inch iron rod found at the southeast corner of a called 5.00 acre tract of land recorded in the name of Maria F. Mota in B.C.C.F. No. 2007056923;

THENCE, with the east and north lines of said 5.00 acre tract, the following two (2) courses:

- 1. North 02° 55' 01" West, a distance of 583.39 feet to a 1/2-inch iron rod found at the northeast corner of said 5.00 acre tract;
- 2. South 87° 05' 00" West, a distance of 373.56 feet to a 1/2-inch iron rod found at the northwest corner of said 5.00 acre tract, on the west line of said 236.449 acre tract and the east R.O.W. line of County Road 48 (sixty feet wide per Volume 23, Page 544, of the B.C.D.R.);

THENCE, North 02° 56' 26" West, with the west line of said 236.449 acre tract and with the east R.O.W. line of said County Road 48, a distance of 1,405.53 feet to a 1/2-inch iron rod found at the northwest corner of said 236.449 acre tract and the herein described tract, same being the southeast intersection of said County Road 48 with said County Road 35;

THENCE, North 86° 57' 45" East, with the north lines of said 236.449 acre tract and said 44.0 acre tract and with the south R.O.W. line of said County Road 35, a distance of 4,301.55 feet to the POINT OF BEGINNING and containing 235.281 acres of land.

After Recording Return To: Riverway Title 5 Riverway, Suite 300 Houston, Texas 77056

210847

## FILED and RECORDED

Instrument Number: 2021085535

Filing and Recording Date: 12/30/2021 01:13:31 PM Pages: 5 Recording Fee: \$38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



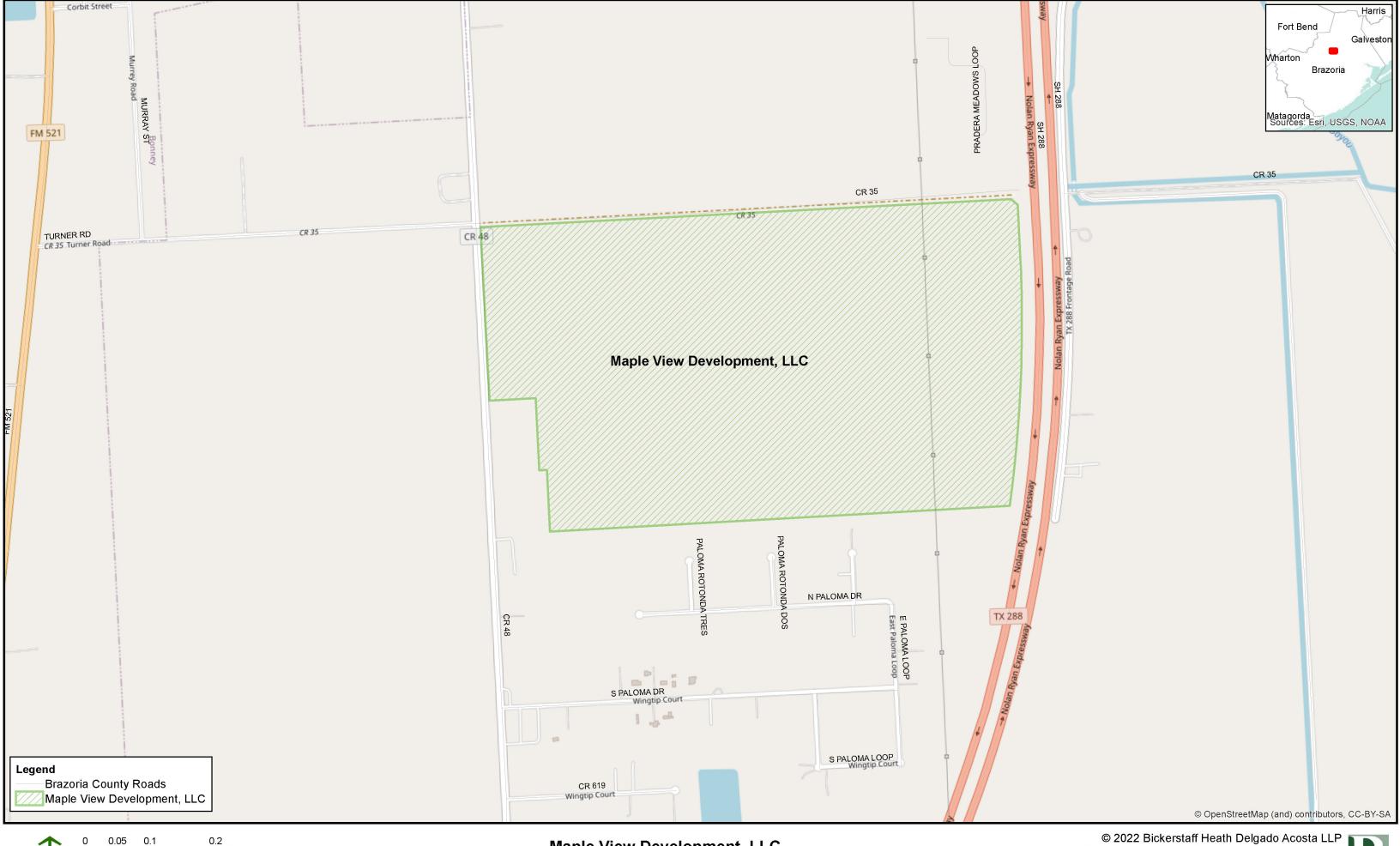
agusthedman

Joyce Hudman, County Clerk Brazoria County, Texas

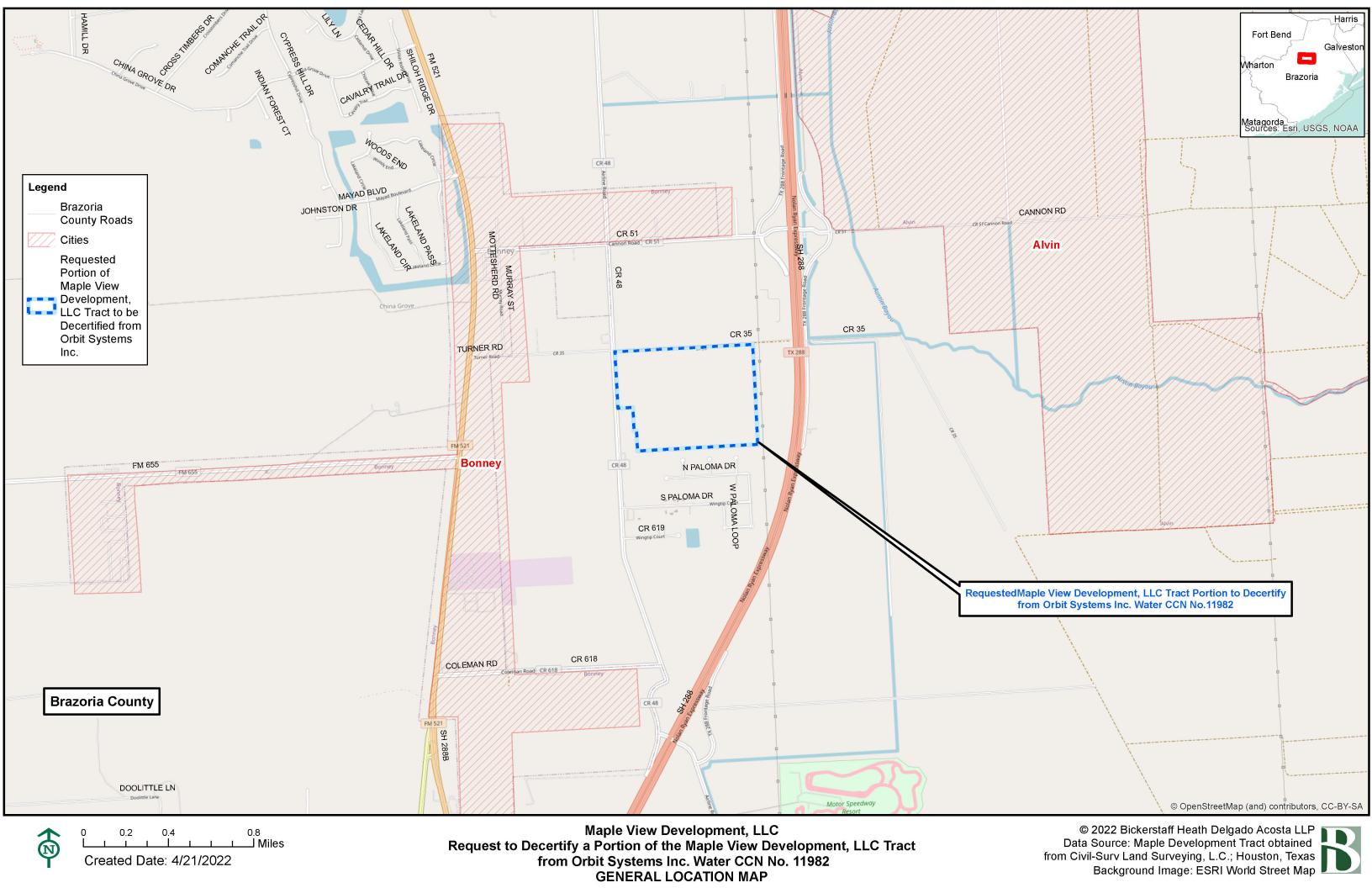
ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

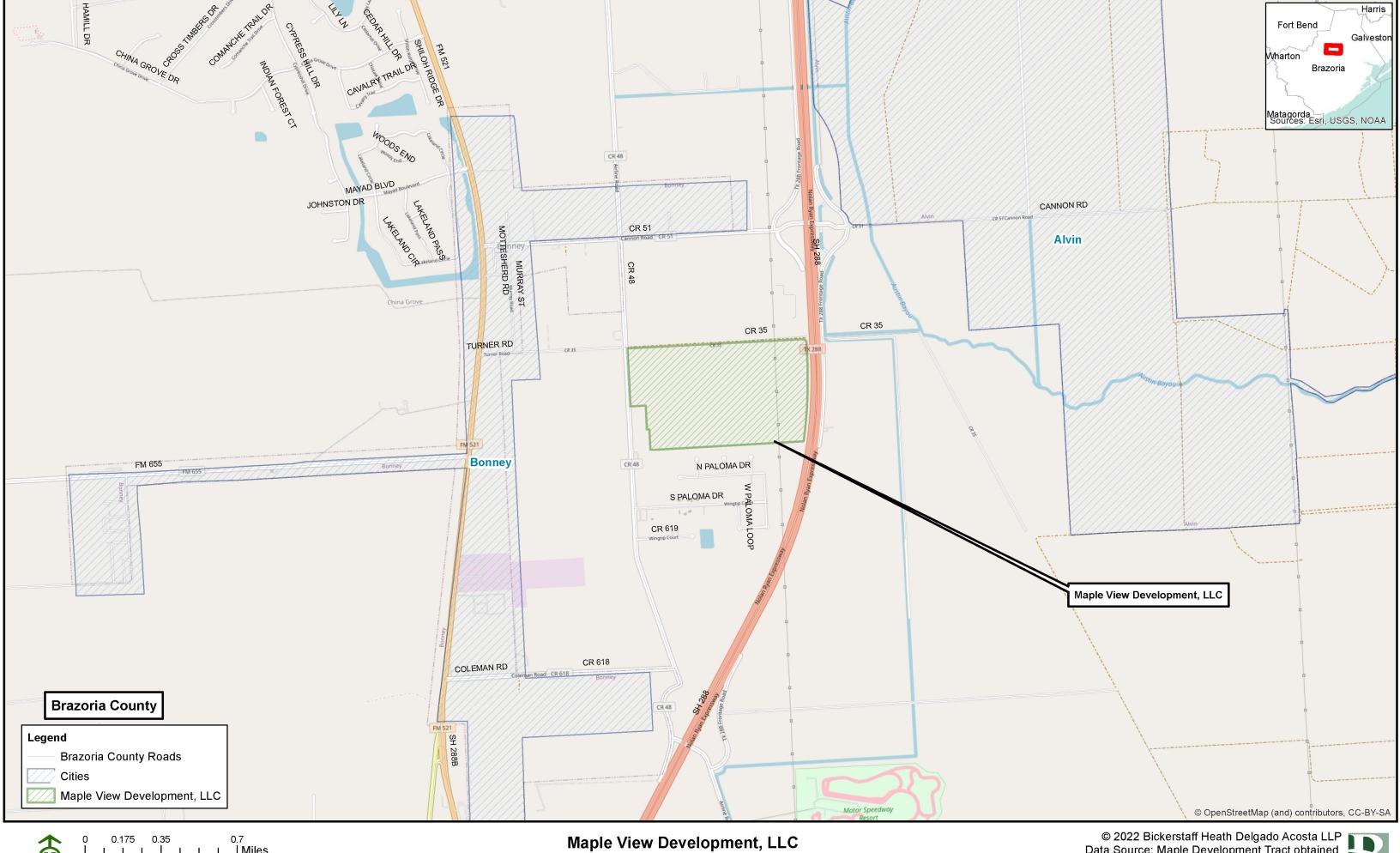
DO NOT DESTROY - Warning, this document is part of the Official Public Record.

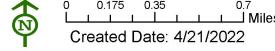
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Maple View Development, LLC
Request to Decertify a Portion of the Maple View Development, LLC Property Boundary
GENERAL LOCATION MAP

The following files are not convertible:

MapleViewDevelopmentLLC\_Whole\_Tract\_OrbitSystems\_April2022\_TSMS.cpg
MapleViewDevelopmentLLC\_Whole\_Tract\_OrbitSystems\_April2022\_TSMS.dbf
MapleViewDevelopmentLLC\_Whole\_Tract\_OrbitSystems\_April2022\_TSMS.prj
MapleViewDevelopmentLLC\_Whole\_Tract\_OrbitSystems\_April2022\_TSMS.sbn
MapleViewDevelopmentLLC\_Whole\_Tract\_OrbitSystems\_April2022\_TSMS.sbx
MapleViewDevelopmentLLC\_Whole\_Tract\_OrbitSystems\_April2022\_TSMS.sbx

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:

 ${\tt Maple View Development LLC\_Whole\_Tract\_Orbit Systems\_April 2022\_TSMS.shp.xml}$ 

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

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