



Filing Receipt

Received - 2022-06-07 12:09:31 PM

Control Number - 53696

ItemNumber - 1

PUC DOCKET NO. _____

PETITION BY AQUA TEXAS, INC.	§	PUBLIC UTILITY COMMISSION
FOR PARTIAL DECERTIFICATION	§	
OF ITS CERTIFICATES OF	§	OF TEXAS
CONVENIENCE AND NECESSITY	§	
NO. 13203 AND 21065 IN	§	
MONTGOMERY COUNTY	§	

AQUA TEXAS’ PETITION FOR PARTIAL DECERTIFICATION

COMES NOW, Aqua Texas, Inc. d/b/a Aqua Texas (“Aqua Texas” or “Applicant”) and files this Petition for Partial Decertification in relation to a portion of its water and sewer Certificate of Convenience and Necessity (“CCN”) Nos. 13203 and 21065 located in Montgomery County (“Petition”). In support thereof, Aqua Texas would show the following.

I. PURPOSE OF THE PETITION AND DECERTIFICATION CRITERIA

Applicant files this Petition primarily to seek decertification of the portion of its water and sewer CCN Nos. 13203 and 21065 that is located inside a 45.738 acre tract of land owned by Chapel Run Land Investment Company, LLC (“Chapel Run”). Aqua Texas seeks Commission decertification for only the CCN Nos. 13203 and 21065 areas identified in **Exhibit A** (the “Property”). Pursuant to Texas Water Code § 13.254(a) and 16 TEX. ADMIN. CODE § 24.245(d)(1)(E), “The utility commission at any time after notice and hearing may amend any certificate of public convenience and necessity with the written consent of the certificate holder.”¹

Here, Aqua Texas is providing consent to amend its CCN to remove area under both TWC § 13.254(a) and 16 TAC § 24.245(d). Aqua Texas holds multiple CCN service areas under CCN Nos. 13203 and 21065. While Aqua Texas intends to retain other service areas certificated under CCN Nos. 13203 and 21065 and its other CCNs, Aqua Texas has agreed to seek removal of its water and sewer CCN service areas within the Property to permit retail water and sewer service by

¹ TWC §13.254(a); 16 TAC§ 24.245(d)(1)(E).

the City of Conroe within the tract of land owned by Chapel Run as may be needed to fulfill landowner development plans without interference with Aqua Texas' CCN.

II. REQUEST FOR DECERTIFICATION

Aqua Texas seeks Commission decertification of CCN Nos. 13203 and 21065 for only the Property area identified in **Exhibit A** comprising approximately 45.738 total acres. The Property is located within Conroe, Texas and generally is bounded on the north by Copland Chapel Road, is 0.2 miles west of McCabe Road, is 0.375 miles north of Chapel Road, and is bounded on the west by Tejas Boulevard. Aqua Texas, Inc.'s President, Craig L. Blanchette, provides factual information in support of this Petition in **Exhibit B**.

Aqua Texas does not actively supply water to or collect wastewater from any retail customer within the Property, but Aqua Texas would like to retain its water CCN No. 13203 and sewer CCN No. 21065 service territory immediately adjacent to the Property where Aqua Texas has active customers along with its other CCN areas. Commission action will allow Aqua Texas and the City of Conroe to continue retail public utility service as adjacent neighbors free from interference with the other's respective service areas.

Aqua Texas clarifies that it is not providing consent in this docket to remove any certificated service area in whole or in part other than the Property area shown in **Exhibit A**. Aqua Texas also notes that the type of relief sought here is distinguishable from CCN amendments authorized elsewhere in the Texas Water Code and Commission rules seeking to add CCN area.² Nor does Aqua Texas seek to discontinue, reduce, or impair service to its certified areas or part of its certified area under TWC §13.250(b) and 16 TAC § 24.249 as it plans to remain the provider of "continuous and adequate service" within all its remaining CCN areas. Consequently, no

² See, e.g., TWC §§13.244 and 13.246; 16 TAC §§ 24.227 and 24.257

standardized Commission application form applies to this petition and nothing further is specifically required from Applicant to grant the relief requested herein.

Finally, Aqua Texas clarifies that Aqua Texas is seeking an amendment to its CCN in exchange for the compensation agreed upon between Chapel Run and Aqua Texas in a previously executed agreement. Chapel Run is the sole Property owner and is aware of this application. Therefore, Chapel Run has waived any requirement for landowner notice.³

Aqua Texas believes the information included with this Petition, including the mapping information in **Exhibit A** is sufficient for the Commission to grant this request. If more information is required, Aqua Texas respectfully requests that the Commission let Applicant know as soon as possible.


III. CONCLUSION

Aqua Texas respectfully requests the Commission process this Petition and decertify the Property from Applicant's water CCN No. 13203 and sewer CCN No. 21065 pursuant to TWC § 13.254(a) and 16 TAC § 24.245(d). If for any reason the Commission finds the information submitted with this Petition is insufficient for application acceptance, Aqua Texas respectfully requests that it be notified immediately and provided an opportunity to cure any deficiencies identified.

³ See 16 TAC § 24.245(d)(2)(A).

Respectfully submitted,

TERRILL & WALDROP

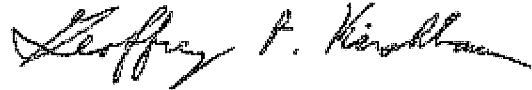
By: 

Geoffrey P. Kirshbaum
State Bar No. 24029665
810 West 10th Street
Austin, Texas 78701
Tel: (512) 474-9100
Fax: (512) 474-9888
gkirshbaum@terrillwaldrop.com

ATTORNEYS FOR AQUA TEXAS, INC.

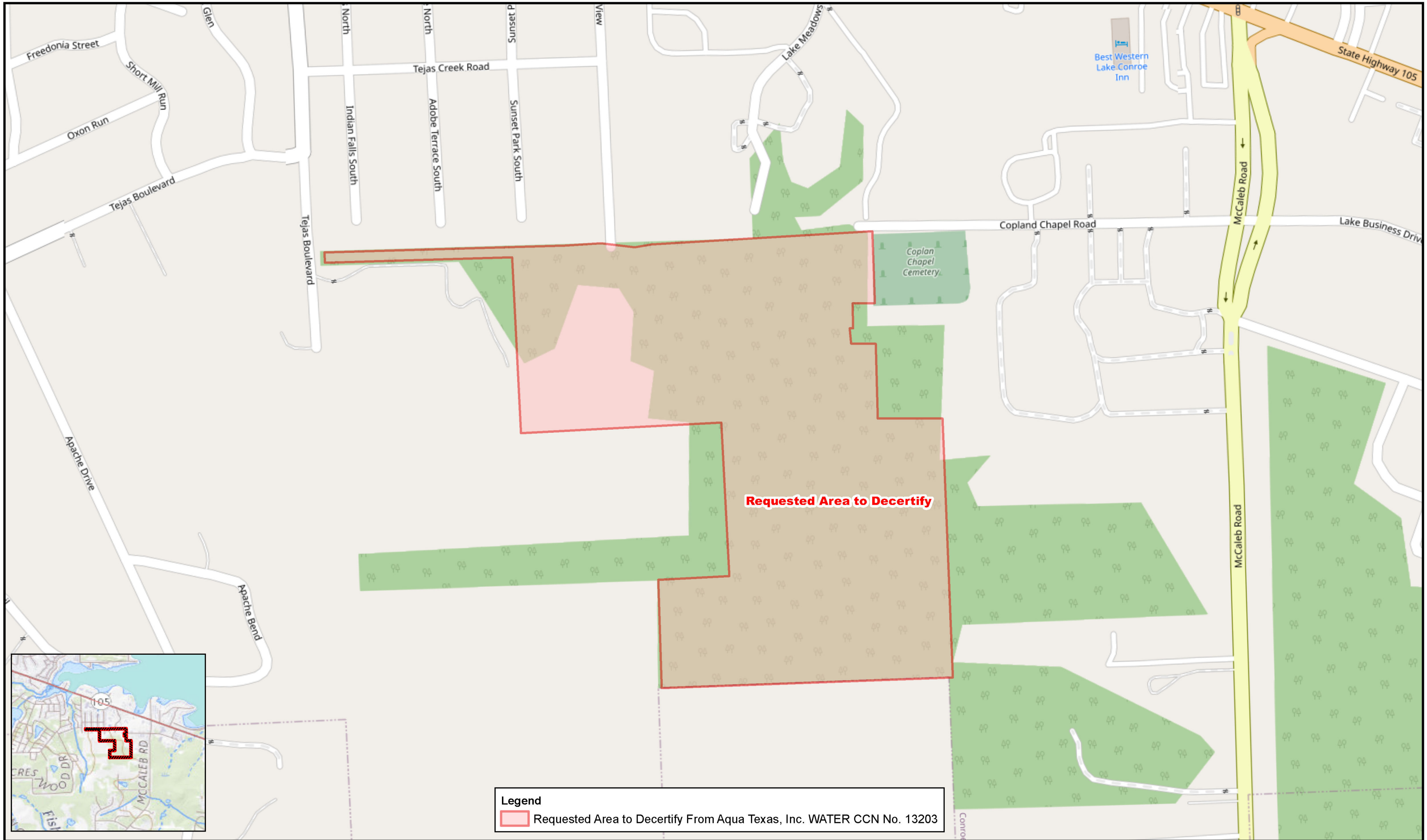
CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 7, 2022, in accordance with the Orders Suspending Rules filed in Project No. 50664.



Geoffrey P. Kirshbaum

EXHIBIT A
MAPS and
METES AND BOUNDS



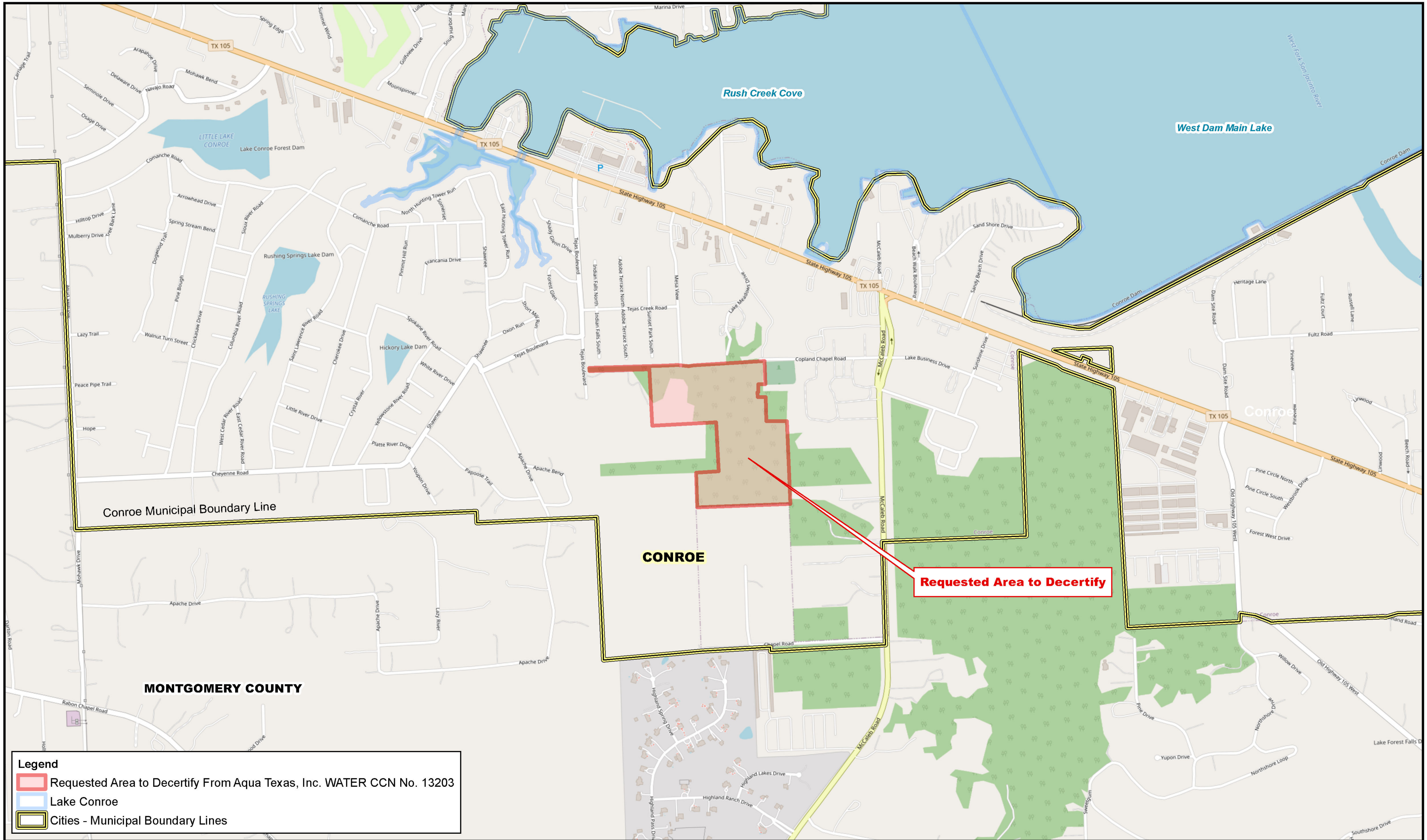
Legend
 Requested Area to Decertify From Aqua Texas, Inc. WATER CCN No. 13203

0 0.045 0.09 0.18 Miles
 Created Date: 5/24/2022
 Background Image: ESRI World Street Map

Chapel Run
Request to Decertify Chapel Run Tract from
Aqua Texas, Inc. Water CCN No.13203
DETAIL MAP

© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Chapel Run Tract obtained from
 Elevation Land Solutions, 2445 Technology Forest Blvd.,
 Suite 200, The Woodlands, Texas 77381 (N. Hahn)
 www.elevationlandsolutions.com





Legend

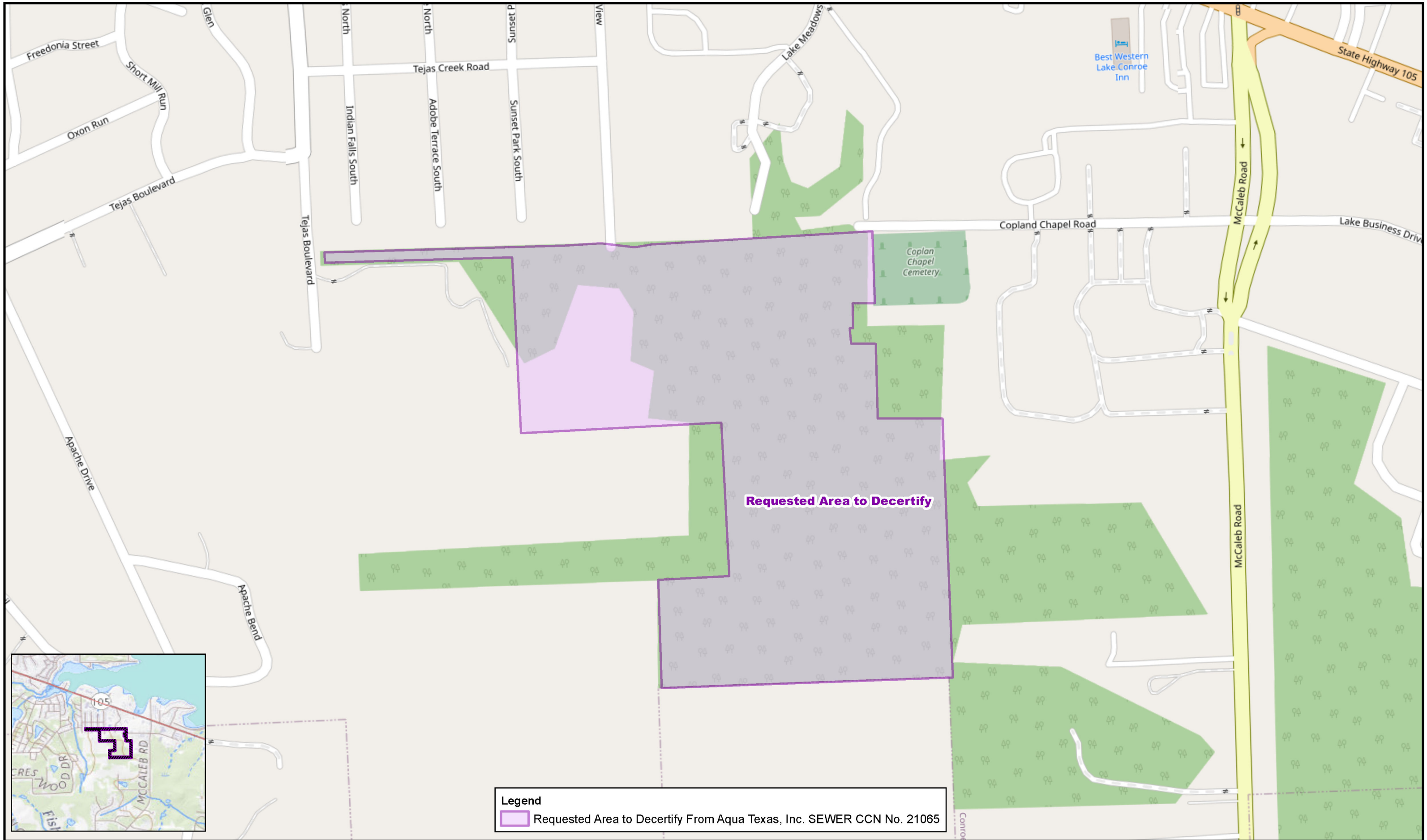
- Requested Area to Decertify From Aqua Texas, Inc. WATER CCN No. 13203
- Lake Conroe
- Cities - Municipal Boundary Lines

0 0.125 0.25 0.5 Miles
 Created Date: 5/24/2022
 Background Image: ESRI World Street Map

Chapel Run
Request to Decertify Chapel Run Tract from
Aqua Texas, Inc. Water CCN No.13203
GENERAL LOCATION MAP

© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Chapel Run Tract obtained from
 Elevation Land Solutions, 2445 Technology Forest Blvd.,
 Suite 200, The Woodlands, Texas 77381 (N. Hahn)
 www.elevationlandsolutions.com





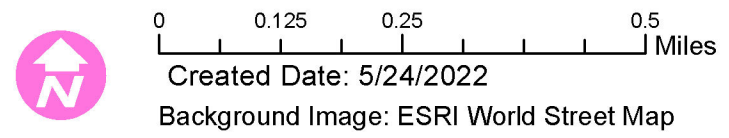
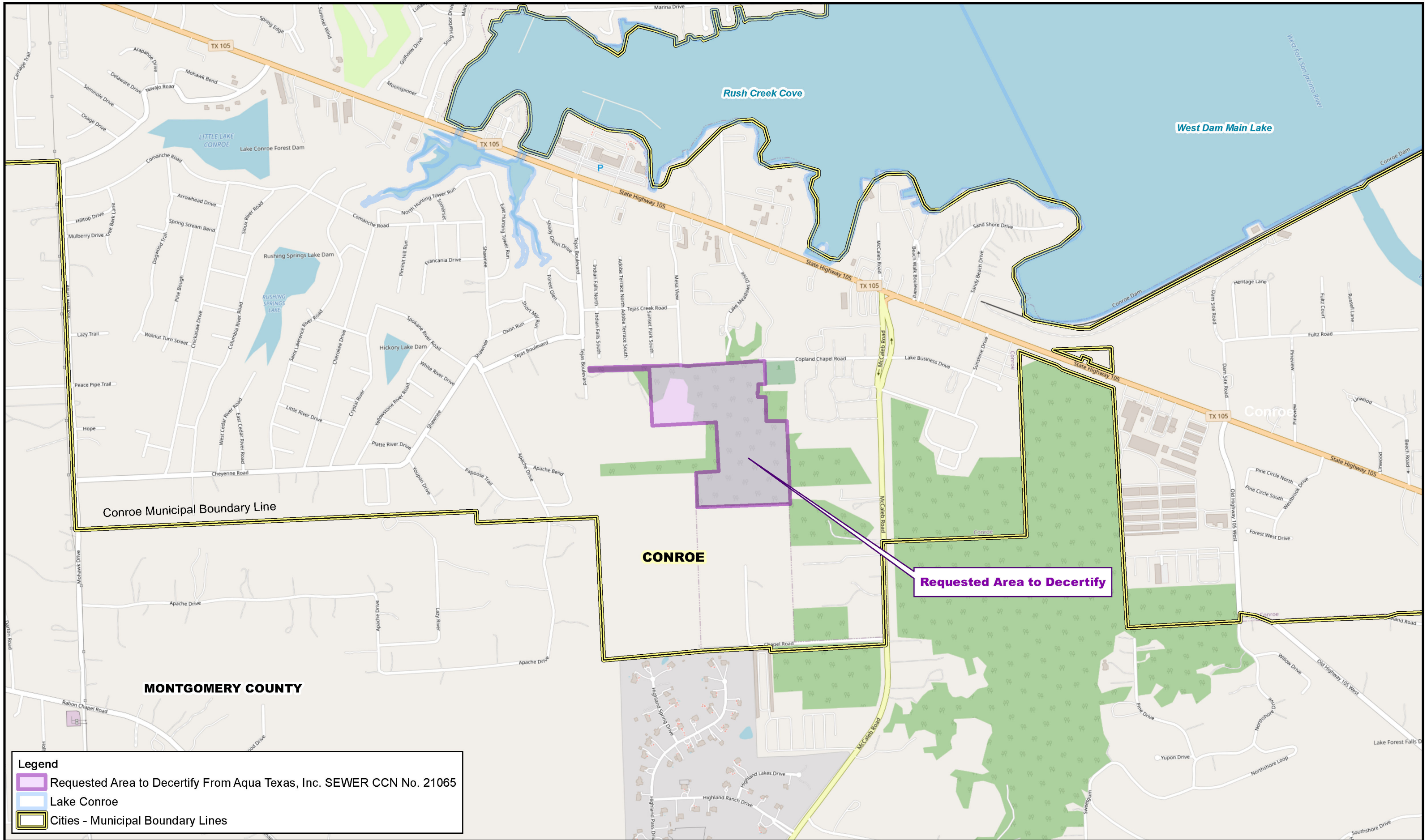
Legend
 [Purple Box] Requested Area to Decertify From Aqua Texas, Inc. SEWER CCN No. 21065

0 0.045 0.09 0.18 Miles
 Created Date: 5/24/2022
 Background Image: ESRI World Street Map

Chapel Run
Request to Decertify Chapel Run Tract from
Aqua Texas, Inc. Sewer CCN No. 21065
DETAIL MAP

© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Chapel Run Tract obtained from
 Elevation Land Solutions, 2445 Technology Forest Blvd.,
 Suite 200, The Woodlands, Texas 77381 (N. Hahn)
 www.elevationlandsolutions.com





Chapel Run
Request to Decertify Chapel Run Tract from
Aqua Texas, Inc. Sewer CCN No.21065
GENERAL LOCATION MAP

© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Chapel Run Tract obtained from
 Elevation Land Solutions, 2445 Technology Forest Blvd.,
 Suite 200, The Woodlands, Texas 77381 (N. Hahn)
www.elevationlandsolutions.com



EXHIBIT "A"

TRACT 1:

ALL THAT CERTAIN 14.064 ACRE (612,635 SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES SMITH SURVEY, A-37, MONTGOMERY COUNTY, TEXAS, BEING OUT OF AND PART OF A CALLED 129.700 ACRE TRACT DESCRIBED IN A DEED TO IMA B. HOWELL, ET AL, RECORDED IN VOLUME 967, PAGE 34 OF THE DEED RECORDS OF MONTGOMERY COUNTY, TEXAS, SAID 14.064 ACRE TRACT ALSO BEING OUT OF A CALLED 30.053 ACRE TRACT DESCRIBED IN A DEED TO R3 JOINT VENTURES, RECORDED UNDER CLERK'S FILE NO. 2002-066614 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS, SAID 14.064 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING THE NORTHWEST CORNER OF THE SAID 129.700 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, SAID CORNER BEING IN THE EAST RIGHT-OF-WAY LINE OF TEJAS BOULEVARD (60 FEET WIDE), AND ALSO BEING THE NORTHWEST CORNER OF THE SAID 30.053 ACRE TRACT, AND THE SOUTHWEST CORNER OF TEJASCREEK, SECTION ONE (1), A SUBDIVISION RECORDED IN CABINET M, SHEET 89 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, S 89°00'29" E-932.98 FEET (CALLED S 89°2'02" E-933.47 FEET) TO THE SOUTHWESTERLY CORNER OF LOT 11, BLOCK 2 OF TEJASCREEK, SECTION THREE (3), A SUBDIVISION RECORDED IN CABINET V, SHEET 110 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, FROM WHICH A 3 INCH IRON PIPE BEARS N 23°49' E-0.4 FEET AND A 5/8 INCH IRON ROD BEARS S 36°37' W-0.3 FEET;

THENCE, N 89°13'20" E-139.50 FEET (CALLED S 89°59'12" E-137.99 FEET) TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET MARKING AN ANGLE POINT IN LOT 11, BLOCK 3 OF TEJASCREEK, SECTION FOUR (4), A SUBDIVISION RECORDED IN CABINET Q, SHEET 199 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, S 80°49'20" E, AT A DISTANCE OF 3.11 FEET PASSING THE SOUTHEAST CORNER OF SAID LOT 11, AT A DISTANCE OF 63.87 FEET PASSING A 5/8 INCH IRON ROD WITH CAP FOUND MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 3 OF SAID TEJASCREEK, SECTION 4, AND CONTINUING FOR A TOTAL DISTANCE OF 132.79 FEET TO A 5/8 INCH IRON ROD FOUND MARKING AN ANGLE POINT OF SAID LOT 1 AND THE HEREIN DESCRIBED TRACT;

THENCE, N 83°04'49" E-66.15 FEET (CALLED N 81°53'01" E-67.77 FEET) TO A 5/8 INCH IRON ROD WITH CAP STAMPED "PICKERING 5879" SET MARKING THE SOUTHEAST CORNER OF LOT 1, BLOCK 3 OF SAID TEJASCREEK, SECTION 4, AND MARKING THE SOUTHWEST CORNER OF LOT 13 OF LAKE MEADOWS, A SUBDIVISION RECORDED IN CABINET D, SHEET 193A OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, N 89°13'49" E, AT A DISTANCE OF 451.94 FEET PASSING THE SOUTHEAST CORNER OF RESERVE B AND THE SOUTHWEST CORNER OF LOT 10 OF SAID LAKE MEADOWS, FROM WHICH A 1/2 INCH IRON ROD BEARS S 01°24' E-0.3 FEET, SAID RESERVE BEING DEDICATED FOR STREET PURPOSES PER CABINET D, SHEET 193A OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, AND CONTINUING FOR A TOTAL DISTANCE OF 745.05 FEET (CALLED N 89°13'17" E-745.37 FEET) TO A 1/2 INCH IRON ROD WITH CAP FOUND AT THE NORTHEAST CORNER OF THE AFORESAID 129.700 ACRE TRACT, THE NORTHEAST CORNER OF THE AFORESAID 30.053 ACRE TRACT AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 01°04'00" E-60.00 FEET (CALLED S 01°04'00" E-60.00 FEET) ALONG THE EAST LINE OF THE 129.700 ACRE TRACT AND THE 30.053 ACRE TRACT TO A 5/8 INCH IRON ROD FOUND FOR

THE EASTERLY SOUTHEAST CORNER OF THE 30.053 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, S 89°17'11" W-513.71 FEET (CALLED S 89° 13'17" W-513.81 FEET) TO A 5/8 INCH IRON ROD FOUND FOR CORNER OF THE 30.053 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, S 00°20'37" E-646.95 FEET (CALLED S 00°19'43" E) ALONG THE EAST LINE OF THE SAID 30.053 ACRE TRACT TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE SOUTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF A CALLED 16.000 ACRE TRACT DESCRIBED IN A DEED TO JOHN H. CAUSEY, RECORDED UNDER CLERK'S FILE NO. 2008-120145 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, S 89°40'57" W-776.72 FEET ALONG THE NORTH LINE OF THE SAID 16.000 ACRE TRACT TO A 1/2 INCH IRON ROD WITH CAP FOUND MARKING THE NORTHWEST CORNER OF THE 16.000 ACRE TRACT AND THE SOUTHERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAID CORNER BEING IN THE WEST LINE OF THE SAID 30.053 ACRE TRACT AND BEING IN THE EAST LINE OF A CALLED 16.000 ACRE TRACT DESCRIBED IN A DEED TO DONALD W. CAUSEY, RECORDED UNDER CLERK'S FILE NO. 2002-066615 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, N 00°21'31" W-682.34 FEET (CALLED N 00°19'43" W) ALONG SAID EAST LINE TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE SAID 16.000 ACRE TRACT AND MARKING A CORNER OF THE 30.053 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, N 88°59'22" W-724.19 FEET (CALLED N 89°02'02" W-725.00 FEET) TO A 1/2 INCH IRON ROD WITH CAP FOUND LYING IN THE EAST RIGHT-OF-WAY LINE OF AFORESAID TEJAS BOULEVARD AND MARKING THE NORTHWEST CORNER OF THE 16.000 ACRE TRACT AND THE WESTERLY SOUTHWEST CORNER OF THE 30.053 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, N 00°29'23" W-40.00 FEET (CALLED N 00°34'05" W-40.00 FEET) ALONG THE WEST LINE OF THE 30.053 ACRE TRACT, SAME BEING THE WEST LINE OF THE AFORESAID 129.700 ACRE TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID TEJAS BOULEVARD TO THE POINT OF BEGINNING AND CONTAINING 14.064 ACRES, (612,635 SQUARE FEET) OF LAND, MORE OR LESS.

TRACT 2:

ALL OF THAT CERTAIN 31.674 ACRES OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT NO. 37, MONTGOMERY COUNTY, TEXAS, BEING OUT OF AND A PART OF THAT CERTAIN CALLED 94.2 ACRES OF LAND (FIRST TRACT) CONVEYED TO CAROL JONES COUVILLION, AS DESCRIBED IN THE DEED RECORDED UNDER CLERK'S FILE NO. 9241192 OF THE MONTGOMERY COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (M.C.O.P.R.R.P.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH CAP SET FOR THE NORTHERNMOST NORTHWEST CORNER OF THE HEREIN DESCRIBED 31.674 ACRES OF LAND, SAME BEING SITUATED IN THE ORIGINAL NORTH LINE OF SAID 94.2 ACRES AND BEING THE ORIGINAL UPPER NORTHEAST CORNER OF A CALLED 129.700 ACRES OF LAND CONVEYED TO LGK #108, LIMITED, AS DESCRIBED IN THE DEED RECORDED IN VOLUME 828, PAGE 489 OF THE MONTGOMERY COUNTY DEED RECORDS (M.C.D.R.), ALSO BEING THE NORTHEAST CORNER OF A CALLED 30.053 ACRES OF LAND CONVEYED TO R3 JOINT VENTURES, AS DESCRIBED IN THE DEED RECORDED UNDER CLERK'S FILE NO. 2002-066614 OF THE M.C.O.P.R.R.P.;

THENCE NORTH 89 DEG. 03 MIN. 40 SEC. EAST, ALONG AND WITH SAID ORIGINAL NORTH LINE OF THE 94.2 ACRES, A DISTANCE OF 111.63 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR THE UPPER NORTHEAST COMER OF THE HEREIN DESCRIBED TRACT OF LAND, SAME BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE TRUSTEES OF COPELAND CHAPPEL CEMETARY ASSOCIATION, AS DESCRIBED IN THE DEED RECORDED IN VOLUME 104, PAGE 376 OF THE M.C.D.R., FROM WHICH A 3/4 INCH IRON PIPE FOUND AT AN ANGLE POINT IN THE SOUTH LINE OF LOT 9B, LAKE MEADOWS (CABINET D, SHEET 193-A, MONTGOMERY COUNTY MAP RECORDS) BEARS WITNESS NORTH 89 DEG. EAST, A DISTANCE OF 9.00 FEET;

THENCE SOUTH 00 DEG. 24 MIN. 31 SEC. WEST, ALONG AND WITH THE WEST LINE OF SAID COPELAND CHAPPEL CEMETARY ASSOCIATION PROPERTY, A DISTANCE OF 278.58 FEET TO A 1/2 INCH IRON ROD WITH CAP SET IN THE NORTH LINE OF A CALLED 0.78 ACRE TRACT OF LAND CONVEYED TO C. ALTON GIBBS, JOE C. MILLER & L.D. FULTZ, TRUSTEES OF COPELAND CHAPEL CEMETERY ASSOCIATION, AS DESCRIBED IN THE DEED RECORDED IN VOLUME 300, PAGE 546 OF THE M.C.D.R., SAME BEING AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 88 DEG. 35 MIN. 00 SEC. WEST, ALONG AND WITH SAID NORTH LINE OF THE 0.78 ACRE TRACT, A DISTANCE OF 86.70 FEET TO A 36 INCH WHITE OAK TREE (DEAD) FOUND AT THE NORTHWEST CORNER OF THE 0.78 ACRE TRACT, SAME BEING AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 01 DEG. 25 MIN. 00 SEC. WEST, ALONG AND WITH THE WEST LINE OF THE 0.78 ACRE TRACT, A DISTANCE OF 96.93 FEET (CALLED 100 FEET) TO A 1/2 INCH IRON ROD WITH CAP SET IN THE NORTH LINE OF A CALLED 2.14 ACRES OF LAND CONVEYED TO THE COPELAND CHAPEL CEMETERY ASSOCIATION, AS DESCRIBED IN THE DEED RECORDED UNDER CLERK'S FILE NO. 9113848 OF THE M.C.O.P.R.P., SAME BEING AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 87 DEG. 17 MIN. 32 SEC. WEST, ALONG AND WITH SAID NORTH LINE OF THE 2.14 ACRES, A DISTANCE OF 12.79 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF THE 2.14 ACRES, SAME BEING AN ELL CORNER OF THE AFOREMENTIONED 129.700 ACRES AND AN ELL COMER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 02 DEG. 33 MIN. 19 SEC. EAST, ALONG AND WITH THE UPPER WEST LINE OF THE 2.14 ACRES, A DISTANCE OF 59.76 FEET (CALLED 60,0 FEET) TO A 1/2 INCH IRON ROD FOUND AT THE UPPER SOUTHWEST CORNER OF THE 2.14 ACRES AND AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 87 DEG. 04 MIN. 48 SEC. EAST, ALONG AND WITH THE UPPER SOUTH LINE OF THE 2.14 ACRES, A DISTANCE OF 95.49 FEET (CALLED 95.7 FEET) TO A 1/2 INCH IRON ROD FOUND AT AN ELL CORNER OF THE 2.14 ACRES AND AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 01 DEG. 01 MIN. 33 SEC. WEST, ALONG AND WITH THE LOWER WEST LINE OF THE 2.14 ACRES, A DISTANCE OF 290.31 FEET (CALLED 290.5 FEET) TO A 1/2 INCH IRON ROD FOUND AT THE LOWER SOUTHWEST CORNER OF THE 2.14 ACRES, SAME BEING AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 87 DEG. 26 MIN. 38 SEC. EAST, ALONG AND WITH THE LOWER SOUTH LINE OF THE 2.14 ACRES, A DISTANCE OF 251.46 FEET (CALLED 252.0 FEET) TO A 1/2 INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF THE 2.14 ACRES AND THE LOWER NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, SAME BEING SITUATED IN THE COMMON EAST LINE OF THE 94.2 ACRES AND THE 129.700 ACRES;

THENCE SOUTH 00 DEG. 14 MIN. 24 SEC. WEST, ALONG SAID COMMON EAST LINE OF THE 94.2 ACRES AND THE 129.700 ACRES, WITH AN OLD BARBED-WIRE FENCE LINE, A DISTANCE OF 1,004.36 FEET TO A 5/8 INCH IRON ROD (BENT) FOUND AT THE COMMON SOUTHEAST CORNER OF THE 94.2 ACRES, THE 129.700 ACRES AND THE HEREIN DESCRIBED TRACT OF LAND, SAME BEING THE NORTHEAST CORNER OF A CALLED 44.9607 ACRES OF LAND CONVEYED TO 4DSTAR LLC, AS DESCRIBED IN THE DEED RECORDED UNDER CLERK'S FILE NO. 2003141494 OF THE M.C.O.P.R.R.P.;

THENCE NORTH 89 DEG. 36 MIN. 23 SEC. WEST, ALONG AND WITH THE COMMON SOUTH LINE OF THE 94.2 ACRES AND THE 129.700 ACRES, SAME BEING THE NORTH LINE OF SAID 44.9607 ACRES, A DISTANCE OF 1,128.28 FEET A POINT IN THE EAST LINE OF A CALLED 50.571 ACRES OF LAND (TRACT 3) CONVEYED TO CITIZEN'S BANK, AS DESCRIBED IN THE DEED RECORDED UNDER CLERK'S FILE NO. 2011048585 OF THE M.C.O.P.R.R.P., SAID POINT BEING THE NORTHWEST CORNER OF THE 44.9607 ACRES, AN ELL COMER OF THE 129.700 ACRES AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, FROM WHICH A FOUND 3 INCH IRON PIPE BEARS WITNESS SOUTH 16 DEG. WEST, A DISTANCE OF 0.36 FEET;

THENCE NORTH 00 DEG. 32 MIN. 04 SEC. EAST, ALONG AND WITH SAID EAST LINE OF THE 50.571 ACRES, 1.2 FEET EAST OF A 4-FOOT BARBED-WIRE FENCE LINE, A DISTANCE OF 420.53 FEET TO A 5/8 INCH IRON ROD WITH CAP FOUND IN THE LOWER SOUTH LINE OF THE AFOREMENTIONED 30.053 ACRES, SAME BEING THE NORTHEAST CORNER OF THE 50.571 ACRES AND THE LOWER NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 89 DEG. 28 MIN. 06 SEC. EAST, ALONG SAID LOWER SOUTH LINE OF THE 30.053 ACRES; WITH A 4-FOOT BARBED-WIRE FENCE LINE, A DISTANCE OF 275.46 FEET TO A 5/8 INCH IRON ROD FOUND AT THE LOWER SOUTHEAST CORNER OF THE 30.053 ACRES, SAME BEING AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 00 DEG. 30 MIN. 24 SEC. WEST, ALONG AND WITH THE LOWER EAST LINE OF THE 30.053 ACRES, 0.5 FEET EAST OF A 4-FOOT BARBED-WIRE FENCE LINE, A DISTANCE OF 1,242.87 FEET TO A 5/8 INCH IRON ROD FOUND AT AN ELL CORNER OF THE 30.053 ACRES, SAME BEING THE UPPER NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 89 DEG. 08 MIN. 43 SEC. EAST, ALONG AND WITH THE UPPER SOUTH LINE OF THE 30.053 ACRES, A DISTANCE OF 513.58 FEET TO A 5/8 INCH IRON ROD FOUND AT THE UPPER SOUTHEAST CORNER OF THE 30.053 ACRES, SAME BEING AN ELL CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AND SITUATED IN THE UPPER EAST LINE OF THE 129.700 ACRES;

THENCE NORTH 01 DEG. 12 MIN. 03 SEC. WEST, ALONG AND WITH THE COMMON UPPER EAST LINE OF THE 30.053 ACRES AND THE 129.700 ACRES, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING WITHIN THESE METES AND BOUNDS 31.674 ACRES OF LAND.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the legal description contained in Schedule "A" as to area or quantity of land is not a representation that such area or quantity is correct, but is made only for informal identification purposes and does not override Item 2 of Schedule "B" hereof.

EXHIBIT B
AFFIDAVIT

STATE OF ILLINOIS §
 §
COUNTY OF KANKAKEE §

BEFORE ME, the undersigned authority, on this day personally appeared Craig L. Blanchette, whose identity is known to me. Upon being duly sworn he stated:

1. My name is Craig L. Blanchette. I 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 President of Aqua Texas, Inc. (“Aqua Texas”). A position that I have held since March 2022. As President of Aqua Texas, Inc., I am authorized to sign on its behalf.

3. Aqua Texas owns water certificate of convenience and necessity (“CCN”) No. 13203 and sewer CCN No. 21065. Aqua Texas is filing a Petition for Partial Decertification of a portion of its water CCN No. 13203 and sewer CCN No. 21065 located in Montgomery County.

4. Chapel Run Land Investment Company, LLC (“Chapel Run”) owns a 45.738 tract of land located in Aqua Texas’ CCN Nos. 13203 and 21065. Aqua Texas and Chapel Run have entered into an Agreement Regarding Decertification of Water and Sewer Certificates of Convenience and Necessity regarding that tract. The City of Conroe, Texas has agreed to provide service to the portion of CCN Nos. 13203 and 21065 for which Aqua Texas seeks decertification.

5. Aqua Texas does not, nor has it ever, supplied water to or collected wastewater from customers within the portion of CCN Nos. 13203 and 21065 for which it seeks decertification.

6. Aqua Texas has entered into an agreement with Chapel Run to seek the decertification requested in exchange for Chapel Run compensating Aqua Texas for the release of the portion of CCN Nos. 13203 and 21065. If approved, the decertification will allow for the City of Conroe, Texas to provide retail public water utility service to the portion of Aqua Texas' CCN Nos. 13203 and 21065 requested for decertification as may be needed to fulfill landowner development plans without CCN interference.

Further affiant sayeth not.

C. Blanchette
Craig L. Blanchette, President
Aqua Texas, Inc.

SWORN TO and SUBSCRIBED before me by Craig L. Blanchette on JUNE 07,
2022.

Lisa C. Porter
Notary Public in and for the State of Illinois

(SEAL)

My commission expires: 3-14-25

