



Filing Receipt

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Control Number - 53932

ItemNumber - 11

PUC DOCKET NO. 53932

PETITION BY KL LHB DSD AIV, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 13087	§	PUBLIC UTILITY COMMISSION
HELD BY KAUFMAN COUNTY	§	
MUNICIPAL UTILITY DISTRICT NO. 12	§	
IN KAUFMAN COUNTY	§	OF TEXAS

**KAUFMAN COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S
EVIDENCE OF RECORDING**

COMES NOW, Kaufman County Municipal Utility District No. 12 (the "District"), and files this Evidence of Recording to reflect that the District has satisfied the requirements established by Ordering Paragraph 6 of the Order entered by the Commissioners of the Public Utility Commission of Texas (the "Commission") on January 9, 2023. In support thereof, the District would respectfully show the following:

Proof of Recording

On January 9, 2023, the Commission issued the final Order in this docket, which required the District, as the CCN holder, file proof of compliance with the recording requirements in Texas Water Code ("TWC") §§ 13.257(r) and (s),¹ TWC § 13.257(r) provides:

A utility service provider shall:

(1) record in the real property records of each county in which the service area or a portion of the service area is located a certified copy of the map of the certificate of public convenience and necessity and of any amendment to the certificate as contained in the utility commission's records, and a boundary description of the service area by:

(A) a metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor;

(B) the Texas State Plane Coordinate System;

¹ Order (Ordering Paragraph 6)(January 9, 2023).

- (C) verifiable landmarks, including a road, creek, or railroad line; or
 - (D) if a recorded plat of the area exists, lot and block number; and
- (2) submit to the utility commission evidence of the recording.²

TWC § 13.257(s) provides:

Each county shall accept and file in its real property records a utility service provider's map presented to the county clerk under this section if the map meets filing requirements, does not exceed 11 inches by 17 inches in size, and is accompanied by the appropriate fee. The recording required by this section must be completed not later than the 31st day after the date a utility service provider receives a final order from the utility commission granting an application for a new certificate or for an amendment to a certificate that results in a change in the utility service provider's service area.³

Pursuant to TWC §§ 13.257(r) and (s), the District recorded the following documents, attached as “**Exhibit A,**” on January 18, 2023, in the real property records of Kaufman County, Texas:

- Affidavit of Natalie B. Scott, dated January 18, 2023;
- Map of the District's amended Certificate of Convenience and Necessity (“CCN”) No. 13087 as included in the Order;⁴
- The District's CCN Certificate as included in the Order;⁵
- Metes and bounds description of area decertified from the District's CCN as included in the Petition.⁶

Conclusion

By filing the proof of recording as described herein, the District satisfied the requirements of Texas Water Code § 13.257(r) and (s), and Ordering Paragraph 6 of the Commission's Order.

² TWC § 13.257(r).

³ TWC § 13.257(s).


⁴ Order at 8.

⁵ *Id.* at 9.

⁶ Petition by KL LHB DSD AIV, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541, at Exhibit “D” Special Warranty Deed, Exhibits “A” and “B” to Deed (October 3, 2022).

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 PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January 2023, a true and correct copy of foregoing document was provided to all parties of record via electronic mail in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

Kaufman County Municipal Utility District No. 12
14755 Preston Road, Suite 600
Dallas, Texas 75254

Andy Aus
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Email: andy.aus@puc.texas.gov



Natalie B. Scott

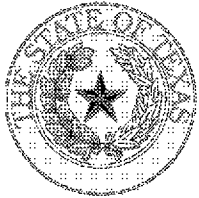
EXHIBIT "A"

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2023-0001522

Billable Pages: 9
Number of Pages: 10

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
On: 01/18/2023 at 01:22 PM	E-RECORDING
Document Number: <u>2023-0001522</u>	
Receipt No: <u>23-1507</u>	
Amount: \$ <u>58.00</u>	
Vol/Pg: <u>V:7953 P:346</u>	



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Ashley Kirby, Deputy

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.

Record and Return To:

COATS ROSE, PC
9 GREENWAY PLAZA STE 1000
HOUSTON, TX 77046



PUC REQUIRED BOUNDARY DESCRIPTION

**Kaufman County Municipal Utility District No. 12;
Portion of Water Service Area CCN. 13087;
PUC Docket 53932 — Petition of KL LHB DSD AIV, LLC to Amend Kaufman County
Municipal Utility District No. 12's Certificate of Convenience and Necessity in Kaufman
County by Expedited Release**

Pursuant to Texas Water Code § 13.257, Kaufman County Municipal Utility District No. 12 (the "District"), holder of Certificate of Convenience and Necessity No. 13087, hereby files this Boundary Description for the portion of the District's CCN No. 13087 that was released by the Public Utility Commission of Texas ("PUC") in a written order in Docket No. 53932. The portion of the District's CCN that was released is described on the attached metes and bounds. The portion of the District's CCN that was released is further depicted in the attached map prepared by the PUC.

The Boundary Description is being filed on behalf of and at the request and instruction of the District based upon information and belief. The District specifically authorizes the filing and recording of this Boundary Description to comply with Texas Water Code § 13.257 and its associated rules and regulations.

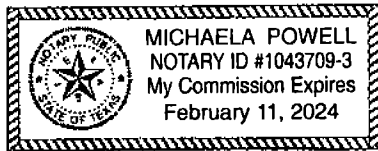

Natalie B. Scott

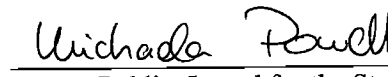
STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this date personally appeared Natalie B. Scott, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes therein described.

Given under my hand and seal of this office on this day, January 18, 2023.




Notary Public, In and for the State of Texas

After recording please return to:

Natalie B. Scott
Coats Rose
2700 Via Fortuna, Suite 350
Austin, Texas 78746



Public Utility Commission of Texas

By These Presents Be It Known To All That

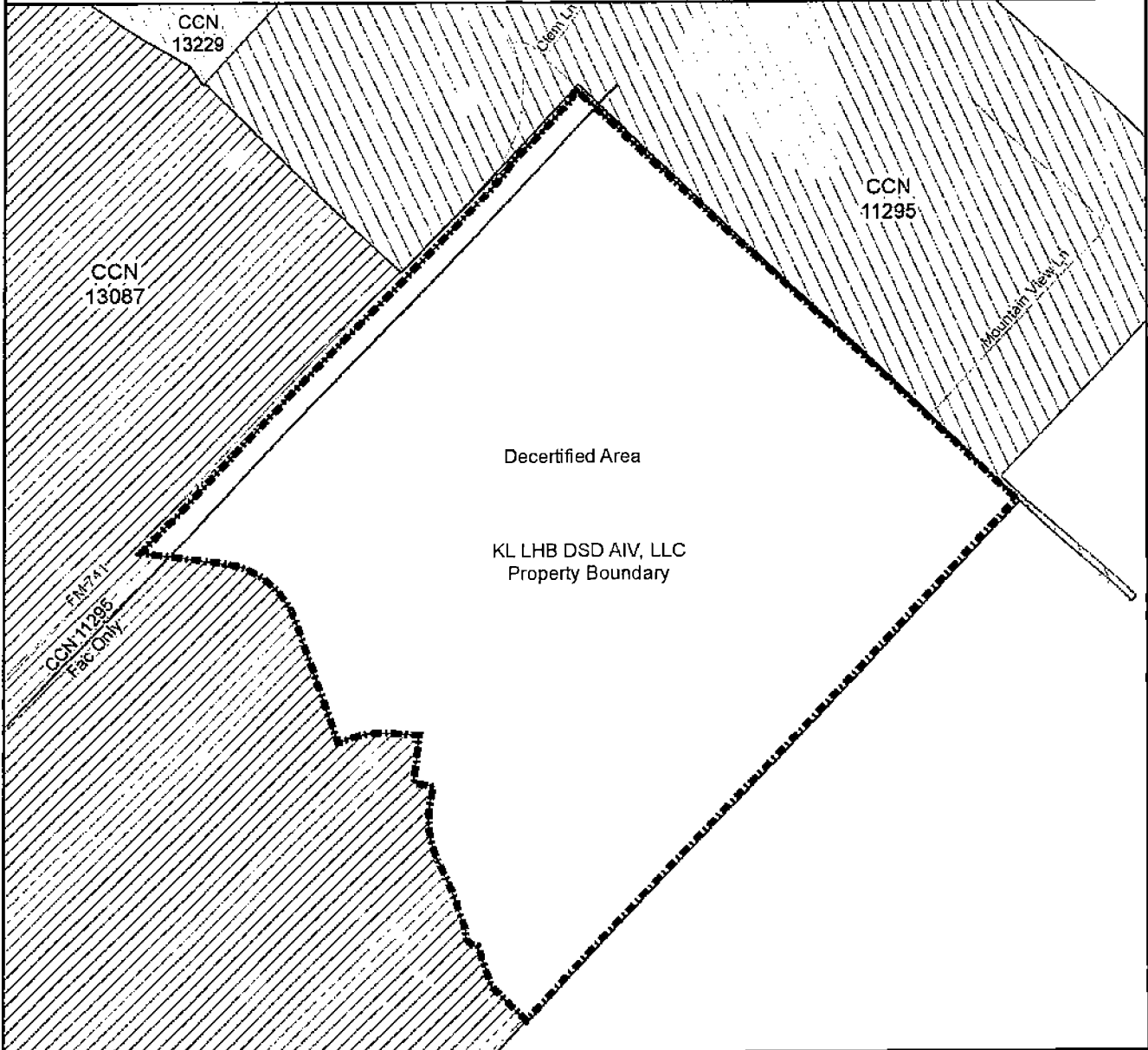
Kaufman County Municipal Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it is having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Kaufman County MUD is entitled to this

Certificate of Convenience and Necessity No. 13087




to provide continuous and adequate water utility service to that service area or those service areas in Kaufman County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 53932 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Kaufman County MUD to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Kaufman County Municipal District No. 12
Portion of Water CCN No. 13087
PUC Docket No. 53932
Petition by KL LHB DSD AIV, LLC to Amend
Kaufman County Municipal District No. 12's CCN by Streamlined Expedited Release in Kaufman County






Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

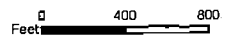
Water CCN

-  13087 - Kaufman Co MUD 12
-  11295 - City of Crandall
-  13229 - Kaufman Co MUD 14

Water CCN Facility Only

-  11295 - City of Crandall

-  Decertified Area
-  Tract of Land



Map by: Komal Patel
Date: December 12, 2022
Project: KaufmanMUD12.mxd

EXHIBIT "A"

Legal Description

BEING A 309.348 ACRE TRACT OF LAND SITUATED IN THE J. MOORE SURVEY, ABSTRACT NUMBER 309, CITY OF CRANDALL ETJ, KAUFMAN COUNTY, TEXAS, AND BEING PART OF A 607.680 ACRE TRACT OF LAND CONVEYED AS "TRACT 3" TO HEARTLAND 1800 INVESTMENT LAND, L.P., AS RECORDED IN VOLUME 3119, PAGE 142, DEED RECORDS, KAUFMAN COUNTY, TEXAS. SAID 309.348 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ELLIS CORS ARP (PID-DF8988), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8 INCH CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND FOR THE EAST CORNER OF SAID 607.680 ACRE TRACT, AND THE COMMON NORTH CORNER OF HIGHBRIDGE, PHASE 1, AN ADDITION TO THE CITY OF CRANDALL E.T.J., AS RECORDED IN CABINET 3, SLIDE 528, PLAT RECORDS, KAUFMAN COUNTY, TEXAS. SAID POINT BEING IN THE CENTERLINE OF EVANS ROAD, (A.K.A. COUNTY ROAD 260 (A PRESCRIPTIVE RIGHT-OF-WAY));

THENCE, SOUTH 44 DEGREES 14 MINUTES 21 SECONDS WEST, ALONG SOUTHEAST LINE OF SAID 607.680 ACRE TRACT AND THE COMMON NORTHWEST LINE OF SAID HIGHBRIDGE, PHASE 1, THE NORTHWEST LINE OF HIGHBRIDGE, PHASE 2, AN ADDITION TO THE CITY OF CRANDALL, E.T.J., AS RECORDED IN CABINET 3, SLIDE 656, PLAT RECORDS, KAUFMAN COUNTY, TEXAS, AND THE NORTHWEST LINE OF THE REMAINDER OF A 183.486 ACRE TRACT OF LAND CONVEYED TO LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., AS RECORDED IN COUNTY CLERK'S FILE NO. 2018-0021455, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, A DISTANCE OF 4023.76 FEET TO A POINT FOR CORNER;

THENCE, OVER AND ACROSS SAID 607.680 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 45 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 266.25 FEET TO A POINT FOR CORNER;

NORTH 33 DEGREES 59 MINUTES 04 SECONDS WEST, A DISTANCE OF 28.71 FEET TO A POINT FOR CORNER;

NORTH 18 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 232.96 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 101 DEGREES 09 MINUTES 11 SECONDS, A RADIUS OF 70.00 FEET, AND A

LONG CHORD THAT BEARS NORTH 38 DEGREES 17 MINUTES 19 SECONDS WEST, A DISTANCE OF 108.15 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 123.58 FEET TO A POINT FOR CORNER;

NORTH 17 DEGREES 00 MINUTES 24 SECONDS WEST, A DISTANCE OF 128.62 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07 DEGREES 36 MINUTES 08 SECONDS, A RADIUS OF 1480.00 FEET, AND A LONG CHORD THAT BEARS NORTH 20 DEGREES 48 MINUTES 29 SECONDS WEST, A DISTANCE OF 196.23 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 196.37 FEET TO A POINT FOR CORNER;

NORTH 24 DEGREES 36 MINUTES 33 SECONDS WEST, A DISTANCE OF 98.41 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 36 DEGREES 33 MINUTES 23 SECONDS, A RADIUS OF 545.00 FEET, AND A LONG CHORD THAT BEARS NORTH 06 DEGREES 19 MINUTES 52 SECONDS WEST, A DISTANCE OF 341.86 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 347.72 FEET TO A POINT FOR CORNER;

NORTH 11 DEGREES 56 MINUTES 50 SECONDS EAST, A DISTANCE OF 84.08 FEET TO A POINT FOR CORNER;

NORTH 78 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 109.89 FEET TO A POINT FOR CORNER;

NORTH 06 DEGREES 56 MINUTES 36 SECONDS EAST, A DISTANCE OF 270.92 FEET TO A POINT FOR CORNER;

NORTH 85 DEGREES 14 MINUTES 23 SECONDS WEST, A DISTANCE OF 157.74 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 50 DEGREES 56 MINUTES 24 SECONDS, A RADIUS OF 570.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 69 DEGREES 17 MINUTES 24 SECONDS WEST, A DISTANCE OF 490.24 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 506.77 FEET TO A POINT FOR CORNER;

SOUTH 43 DEGREES 49 MINUTES 12 SECONDS WEST, A DISTANCE OF 91.64 FEET TO A POINT FOR CORNER;

SOUTH 40 DEGREES 21 MINUTES 47 SECONDS EAST, A DISTANCE OF 55.56 FEET TO A POINT FOR CORNER;

SOUTH 01 DEGREE 05 MINUTES 15 SECONDS EAST, A DISTANCE OF 469.79 FEET TO A POINT FOR CORNER;

SOUTH 29 DEGREES 59 MINUTES 50 SECONDS WEST, A DISTANCE OF 132.48 FEET TO A POINT FOR CORNER;

SOUTH 80 DEGREES 35 MINUTES 23 SECONDS WEST, A DISTANCE OF 490.82 FEET TO A POINT FOR CORNER;

SOUTH 89 DEGREES 15 MINUTES 31 SECONDS WEST, A DISTANCE OF 161.99 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20 DEGREES 50 MINUTES 33 SECONDS, A RADIUS OF 1060.00 FEET, AND A LONG CHORD THAT BEARS NORTH 33 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 383.47 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 385.60 FEET TO A POINT FOR CORNER;

NORTH 43 DEGREES 49 MINUTES 12 SECONDS EAST, A DISTANCE OF 303.42 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 51 DEGREES 03 MINUTES 27 SECONDS, A RADIUS OF 90.00 FEET, AND A LONG CHORD THAT BEARS NORTH 01 DEGREE 10 MINUTES 48 SECONDS WEST, A DISTANCE OF 77.57 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 80.20 FEET TO A POINT FOR CORNER;

NORTH 45 DEGREES 39 MINUTES 20 SECONDS WEST, A DISTANCE OF 1397.23 FEET TO A POINT FOR CORNER ON THE NORTHWEST LINE OF SAID 607.680 ACRE TRACT AND THE COMMON SOUTHEAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET, ROAD NO. 741, (A 90' RIGHT-OF-WAY);

THENCE, ALONG SAID COMMON LINE, THE FOLLOWING COURSES AND DISTANCES:

NORTH 44 DEGREES 20 DEGREES 40 MINUTES EAST, A DISTANCE OF 1416.23 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER;

NORTH 44 DEGREES 30 MINUTES 36 SECONDS EAST, A DISTANCE OF 699.51 FEET TO A CONCRETE MONUMENT FOUND;

NORTH 44 DEGREES 24 MINUTES 12 SECONDS EAST, A DISTANCE OF 1291.84 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 08 MINUTES 38 SECONDS, A RADIUS OF 761.20 FEET, AND A LONG CHORD THAT BEARS NORTH 38 DEGREES 50 MINUTES 01 SECOND EAST A DISTANCE OF 147.82 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 148.05 FEET TO A 1/2" CAPPED IRON ROD STAMPED "DAA" FOUND FOR CORNER;

NORTH 44 DEGREES 29 MINUTES 45 SECONDS EAST, A DISTANCE OF 475.74 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 43 DEGREES 46 MINUTES 47 SECONDS, A RADIUS OF 127.30 FEET, AND A LONG CHORD THAT BEARS NORTH 22 DEGREES 36 MINUTES 21 SECONDS EAST A DISTANCE OF 94.92 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 97.27 FEET TO POINT FOR CORNER FROM WHICH A 3/8" CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND BEARS NORTH 43 DEGREES 45 MINUTES 08 SECONDS WEST, A DISTANCE OF 1.11 FEET, SAID POINT BEING IN THE CENTERLINE OF AFORESAID EVANS ROAD;

THENCE, SOUTH 46 DEGREES 07 MINUTES 52 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID 607.680 ACRE TRACT AND ALONG SAID APPROXIMATE CENTERLINE OF EVANS ROAD, A DISTANCE OF 3432.97 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 13,475,207 SQUARE FEET OR 309.348 ACRES OF LAND.

EXHIBIT "B"

Permitted Exceptions

1. Restrictions under Volume 2475, Page 190, Volume 3408, Page 533, Volume 4053, Page 321, Volume 4472, Page 84, Volume 4614, Page 131, Volume 4614, Page 147, Volume 4795, Page 35, Volume 4912, page 448, Volume 5570, Page 598, Volume 5686, Page 457, Volume 5743, Page 52, Volume 6360, Page 1, Volume 6494, Page 137, Volume 6798, Page 426, and County Clerk's File Nos. 2006-0002366, 2009-0003584, 2011-0019518, 2013-0021721, 2014-0003256, 2014-0018093, 2015-0019237, 2015-0009070, 2016-0018479, 2016-0021837, 2017-0010348, 2017-0020934, 2017-0023071, 2019-0001655, 2020-0000442 and 2020-0013104, Official Public Records, Kaufman County, Texas.
2. Standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.
3. Visible and apparent easements on or across the property covered by this policy which may not appear of record, including, but not limited to, those certain Buried Gas Marker and Buried Gas Line easements.
4. 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. There may be leases, grants, exceptions, or reservations of mineral interest(s) that are not listed.
5. Agreement of Standards of Development in ETJ by City of Crandall, Texas, recorded in Volume 3143, Page 199, Kaufman County, Texas, as amended by that certain unrecorded First Amendment to Agreement of Standards in Development in ETJ effective April 1, 2008, executed by and between the City of Crandall, Texas, and HW Heartland, L.P., a Texas limited partnership.
6. Utility and Access Easement in favor of Kaufman County Fresh Water Supply District No. 4A, recorded in Volume 5650, Page 472, Kaufman County, Texas, as shown on that certain Land Title Survey dated January 28, 2021, last revised August 23, 2021, prepared by Chris Matteo, Texas RPLS No. 6501, for LJA Surveying, Inc. under Project No. 0003 (the "Survey").
7. Utility and Access Easement in favor of Kaufman County Fresh Water Supply District No. 4A, recorded in Volume 5704, Page 384, Kaufman County, Texas, as shown on the Survey.
8. Temporary Access and Grading Easement Agreement in favor of Lennar Homes of Texas Land and Construction, Ltd., recorded in Volume 5909, Page 196, Kaufman County, Texas, as shown on the Survey.

9. Temporary Access and Grading Easement Agreement in favor of Lennar Homes of Texas Land and Construction, Ltd., recorded in Volume 6168, Page 402, Kaufman County, Texas, as shown on the Survey.
10. Education fund assessment (private transfer fee) payable to Kingsborough Education Foundation, Inc., as set forth in Volume 2475, Page 190, Official Public Records, Kaufman County, Texas.
11. The following matters, as reflected on the Survey: Fences do not follow property line. Portion of property lies in the Evans Road (CR 260) right of way.

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Exhibit B-2

#2023-0001522
Filed for Record in Kaufman County TX
01/18/2023 01:22:08 PM