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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

NSCOTT@COATSROSE.COM
DIRECT: (512) 684-3846
FAX: (512) 469-9408

February 13, 2023

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

Via Electronic Filing

Re: New PUC Docket; *Petition by DEBLOCK, Ltd. for Expedited Release from Water
CCN No. 13201 Held by Aqua Texas, Inc. in Denton County*

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a Petition by DEBLOCK, Ltd. for Expedited Release Pursuant to Texas Water Code Section 13.2541.

Very truly yours,



Natalie B. Scott

NBS:mzp
Enclosures

Cc (w/encl.):
Aqua Texas, Inc.
1106 Clayton Lane
Austin, Texas 78723-3489

Via Certified Mail, Return Receipt Requested
No. 7020 0640 00001 0889 9921

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 DEBLOCK, LTD.	§	BEFORE THE
FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 13201	§	PUBLIC UTILITY COMMISSION
HELD BY AQUA TEXAS, INC.	§	
IN DENTON COUNTY	§	OF TEXAS

**PETITION BY DEBLOCK, LTD. FOR EXPEDITED RELEASE PURSUANT TO TEXAS
WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

DEBLOCK, Ltd. (“Petitioner”) files its Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Aqua Texas, Inc.’s (“Aqua”) water certificate of convenience and necessity (“CCN”) No. 13201 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.” TEX. WATER CODE § 13.2541(c).

II. REQUEST FOR EXPEDITED RELEASE

Petitioner owns approximately 63.005 acres of contiguous property in Denton County (the "Property"). All of the Property is within the boundaries of Water CCN No. 13201, held by Aqua. None of the Property receives service from any water or sewer service provider. An Affidavit in support of this Petition is attached hereto as Exhibit "A." Exhibits "B" and "C" attached to this Petition are true and correct copies of a general location and detailed map of the Property. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached as Exhibit "D." Digital mapping of the Property is also being submitted in this docket.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Requested Area described herein. The Property is greater than 25 acres, is not receiving 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 Requested Area 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 13th day of February, 2023, a true and correct copy of the Petition by DEBLOCK, Ltd. 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:

Aqua Texas, Inc.
1106 Clayton Lane
Austin, Texas 78723-3489

Via Certified Mail, RRR



Natalie B. Scott

EXHIBIT "A"

Affidavit of Moretta Ann Weatherford

PUC DOCKET NO. _____

PETITION BY DEBLOCK, LTD.	§	BEFORE THE
FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 13201	§	PUBLIC UTILITY COMMISSION
HELD BY AQUA TEXAS, INC.	§	
IN DENTON COUNTY	§	OF TEXAS

**AFFIDAVIT OF MORETTA ANN WEATHERFORD IN SUPPORT OF PETITION FOR
EXPEDITED RELEASE FROM WATER CCN NO. 13201 HELD AQUA TEXASW, INC.
PURSUANT TO TEXAS CODE SECTION 13.2541**

STATE OF TEXAS §
COUNTY OF DENTON §

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

1. “My name is Morreta Ann Weatherford. 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 an Officer of DEBLOCK, Ltd., the Petitioner in the above-captioned matter. Petitioner owns approximately 63.005 acres of land (the “Property”), which is located within the boundaries of Water CCN No. 13201 issued to Aqua Texas, Inc. The Property is located in Denton County, Texas and is over 25 acres in size. Exhibits “B” and “C” attached to this Petition contain true and correct copies of a general location map and a detailed map identifying the Property and its location. Additional files containing polygon shapefiles of the Property will be submitted as separate files simultaneously with the filing of this Petition. Petitioner is the owner of the Property, as evidenced by the deed attached as Exhibit “D.”

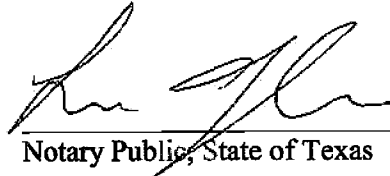
3. The Property is not receiving water service from Aqua Texas, Inc. or any other water service provider. Petitioner has not requested water service from Aqua Texas, Inc. or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Property.

4. I request that the Public Utility Commission of Texas release this Property from Water CCN No. 13201.

FURTHER AFFLIANT SAYETH NOT.


Morreta Ann Weatherford

9th SWORN TO AND SUBSCRIBED TO BEFORE ME by Morreta Ann Weatherford on
February, 2023.


Notary Public, State of Texas

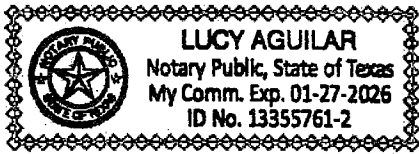
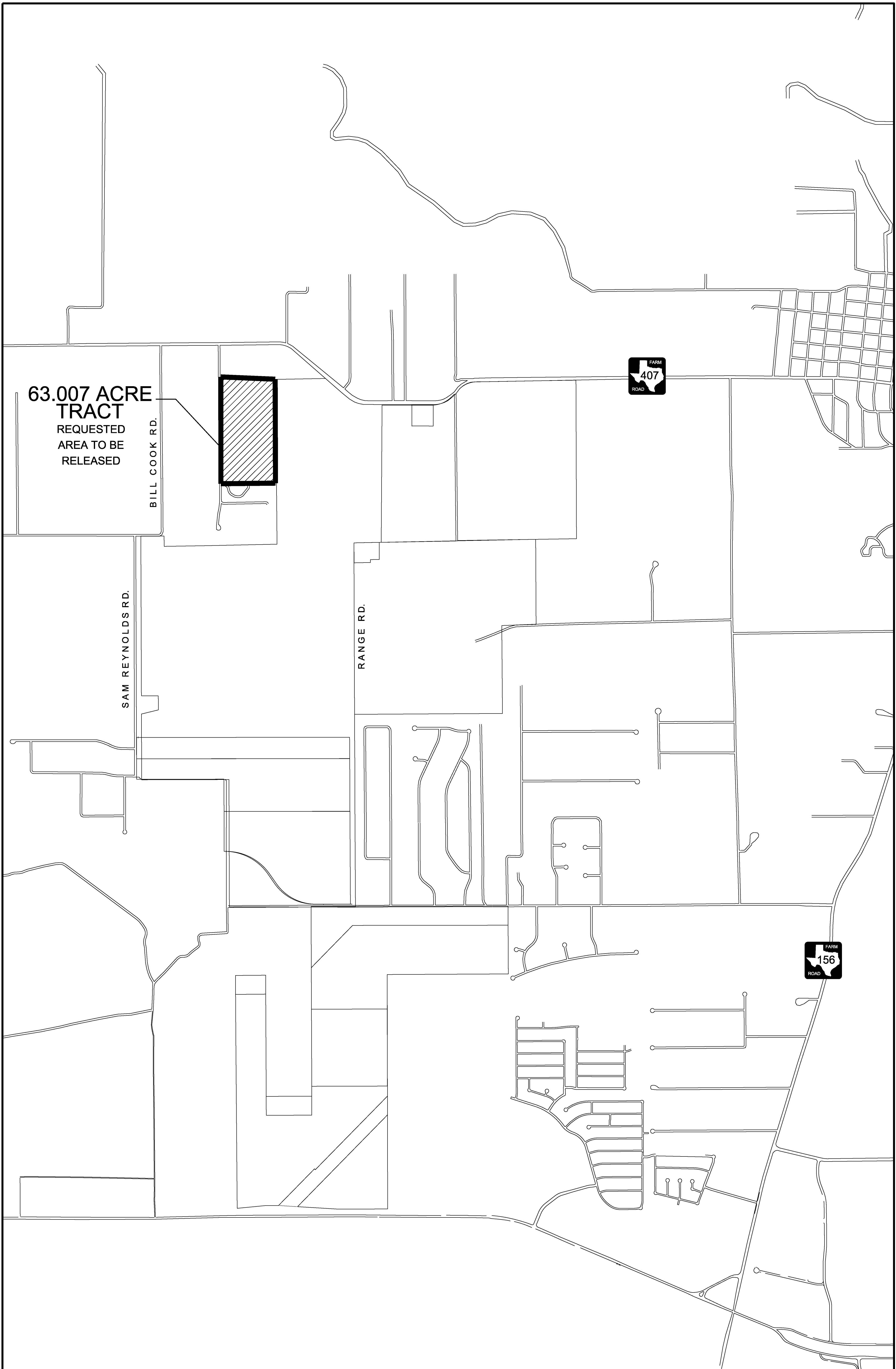


EXHIBIT “B”

General Location Map



63.007 ACRE TRACT
 REQUESTED
 AREA TO BE
 RELEASED

BILL COOK RD.

SAM REYNOLDS RD.

RANGE RD.

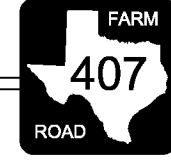


EXHIBIT “C”

Detailed Map



63.007 ACRE TRACT

DOVE HILL RD.

RED BARN RD.

SAM REYNOLDS RD.



EXHIBIT “D”

Special Warranty Deed

**** Electronically Filed Document ****

Denton County
Cynthia Mitchell
County Clerk

Document Number: 2014-115219
Recorded As : ERX-WARRANTY DEED

Recorded On: November 12, 2014
Recorded At: 03:23:42 pm
Number of Pages: 7
Recording Fee: \$50.00

Parties:
Direct- WESTERN REAL ESTATE INVESTORS INC
Indirect-

Receipt Number: 1225113
Processed By: Patsy Sallee

***** 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.



THE 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.

C Mitchell

County Clerk
Denton County, Texas

Rattikin Title Company
CR# 1403622 PLS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WHEN RECORDED RETURN TO:
Miller & Haney, L.L.P.
Attention: William D. Miller
512 Main Street, Suite 901
Fort Worth, Texas 76102

STATE OF TEXAS §
 §
COUNTY OF DENTON §

SPECIAL WARRANTY DEED

WESTERN REAL ESTATE INVESTORS, INC., a Colorado corporation ("*Grantor*"), whose address is c/o Arizona Business Bank/Colorado Business Bank, Attention: Mr. Brian R. Bowden, 821 17th Street, Denver, Colorado 80202, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid to Grantor by DEBLOCK, LTD., a Texas limited partnership ("*Grantee*"), whose address is 4704 Barkridge Trail, Fort Worth, Texas 76109, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee that certain land located in Denton County, Texas, and being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "*Land*"), together with all improvements located on the Land and all of Grantor's right, title and interest in and to (i) any and all buildings, improvements, and fixtures located on the Land, if any, (ii) any privileges, tenements, hereditaments, rights and appurtenances thereon and oil, gas and other mineral rights pertaining to the Land, and (iii) any trade names, trademarks, and other intangible property Grantor has an interest in directly related to the Land and/or any such buildings or improvements located thereon (all of the foregoing being collectively referred to as the "*Property*").

This conveyance is made and accepted subject to those easements, rights-of-way, restrictions, covenants, encumbrances and other matters described in Exhibit B attached hereto and incorporated herein by reference (collectively, the "*Permitted Encumbrances*").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, subject to the Permitted Encumbrances, unto Grantee and

Grantee's successors and assigns forever; and Grantor does hereby bind itself and its successors to warrant and forever defend the Property unto Grantee and 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.

Grantor makes no warranties of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the Property (including, without limitation, any and all improvements located thereon and/or comprising a part thereof).

GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES TO AND AGREES WITH GRANTOR THAT GRANTEE IS PURCHASING THE PROPERTY IN AN "AS IS" CONDITION "WITH ALL FAULTS" AND SPECIFICALLY AND EXPRESSLY WITHOUT ANY WARRANTIES, REPRESENTATIONS OR GUARANTEES, EITHER EXPRESS OR IMPLIED, OF ANY KIND, NATURE OR TYPE WHATSOEVER FROM OR ON BEHALF OF GRANTOR OTHER THAN THOSE EXPRESSLY STATED IN THIS SPECIAL WARRANTY DEED OR IN THE PURCHASE CONTRACT BETWEEN GRANTOR AND GRANTEE PURSUANT TO WHICH THIS SPECIAL WARRANTY DEED HAS BEEN EXECUTED AND DELIVERED.

GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, FURTHER ACKNOWLEDGES THAT THERE HAVE BEEN NO REPRESENTATIONS OR AGREEMENTS REGARDING GRANTOR'S OBLIGATION TO PROVIDE OR COMPLETE ROADS, SEWER, WATER, ELECTRIC OR OTHER UTILITY SERVICES, ANY DEVELOPMENT OR CONSTRUCTION ACTIVITY, OR ANY OTHER IMPROVEMENTS TO THE PROPERTY MADE BY GRANTOR OR RELIED UPON BY GRANTEE WHATSOEVER.

GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, FURTHER ACKNOWLEDGES THAT GRANTOR HOLDS TITLE TO THE PROPERTY, THROUGH FORECLOSURE OR OTHERWISE, PRIMARILY TO PROTECT ITS SECURITY INTEREST WITHIN THE MEANING OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT ("*CERCLA*"), 42 U.S.C. § 9601 *ET SEQ.* AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER. GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND AGREES THAT THE TERMS AND CONDITIONS OF THIS SECTION SHALL EXPRESSLY SURVIVE THE RECORDATION OF THIS SPECIAL WARRANTY DEED.

All real and personal property taxes and assessments on the Property for the year 2014 have been prorated as of the effective date hereof, and by acceptance of this Special Warranty Deed, Grantee assumes payment of all such taxes and assessments for the year 2014 and subsequent years. Further, in the event any rollback taxes or other taxes and assessments relating to the Property are due or assessed relating to the transfer of the Property or a subsequent change in use ("*Rollback Taxes*"), Grantor shall be responsible for all Rollback Taxes for periods prior to the date this Special Warranty Deed is recorded (the "*Closing Date*"), and Grantee shall be responsible for all Rollback Taxes for periods from and after the Closing Date, and these obligations for the payment of the

EXHIBIT A**Description of Land**

Of a 63.007 acres tract of land out of the WILLIAM BROOKFIELD SURVEY, ABSTRACT No. 34, Denton County, Texas: being all of that certain tract of land conveyed to Western Real Estate Investors, Inc. in Document No. 2010-1533, Official Public Records, Denton County, Texas: being further described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod in Dove Hill Road, a paved surface, said Dove Hill Road being that certain 40' roadway as described in Volume 631, Page 493, O.P.R.D.C.T. and in the called east line of that certain 52 acres tract of land described in Volume 594, Page 654, O.P.R.D.C.T., same being the southwest corner of a called 24.095 acres tract of land conveyed to Pennington Family Trust in Volume 4833, Page 525, O.P.R.D.C.T., for the northwest corner of this tract. WHENCE the northwest corner of said 52 acres tract is calculated by deeds to bear N 00°05' W 20.13 feet, S 89°55' W 658.8 feet & N 00°05' W 660.61 feet.

THENCE S 88°02'47" E along the common line of said Pennington Family tract & said Western Real Estate tract, at 1148.5 feet pass a found 5/8" iron rod with plastic cap, for a total distance of 1190.06 feet to a found 1/2" iron rod, at the northwest corner of Tract 3 being a called 1023.4685 acres tract of land as conveyed to Petrus Investments, LP in Document No. 2009-23477, O.P.R.D.C.T., for the northeast corner of this tract.

THENCE S 00°41'22" E 2272.62 feet along the common line of said Tract 3 & said Western Real Estate tract, to a found 1/2" iron rod at the northeast corner of a called 11.548 acres tract of land described in that certain Contract of Sale recorded in Document No. 1997-21328, O.P.R.D.C.T., for the southeast corner of this tract.

THENCE S 88°53'46" W 1193.27 feet along the common line of said 11.548 acres tract & said Western Real Estate tract, to a found signal in pavement in the called east line of said 52 acres tract, for the southwest corner of this tract.

THENCE N 00°34'49" W along the common line of said 52 acres tract & said Western Real Estate tract, same being the easterly lines of that called 17.000 acres tract conveyed to Harris in Document No. 2009-68342, O.P.R.D.C.T., that called 10.00 acres tract conveyed to Maryott in Document No. 2013-120216, O.P.R.D.C.T., that called 10.000 acres tract conveyed to Haynes in Volume 962, Page 43, O.P.R.D.C.T., and that called 5.000 acres tract conveyed to Choate in Volume 924, Page 921, O.P.R.D.C.T., a distance of 2336.14 feet to the POINT OF BEGINNING.

Bearings derived from G.P.S. observations performed by Carter Surveying & Mapping, Inc. and reflect N.A.D. 1983, Texas State Plane Coordinate System, North Central Zone 4202.

EXHIBIT B**Permitted Encumbrances**

- a. Roadway dedication created in instrument executed by Roy Sue C. Carson and George D. Carson to the public, filed October 18, 1971, recorded in Volume 631, Page 493, Real Property Records, Denton County, Texas, as shown on survey plat last revised October 30, 2014 prepared by PATRICK CARTER, Registered Professional Land Surveyor No. 5691.

- b. Easement(s) and rights incidental thereto, as granted in a document, as shown on survey plat last revised October 30, 2014 prepared by PATRICK CARTER, Registered Professional Land Surveyor No. 5691:
Granted to: H2M Water Systems, Inc.
Purpose: As provided in said document
Recording Date: June 13, 1990
Recording No: Volume 2796, Page 101, Real Property Records, Denton County, Texas

- c. Easement(s) and rights incidental thereto, as granted in a document, as shown on survey plat last revised October 30, 2014 prepared by PATRICK CARTER, Registered Professional Land Surveyor No. 5691:
Granted to: Denton County Electric Cooperative, Inc.
Purpose: As provided in said document
Recording Date: May 10, 2002
Recording No: Volume 5083, Page 1616, Real Property Records, Denton County, Texas
As affected by Agreement Defining Area Embraced Within Easement, dated effective as of November 5, 2014, between Western Real Estate Investors, Inc., a Colorado corporation, and Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas electric cooperative corporation, recorded in the Real Property Records, Denton County, Texas, concurrently with the recording of this Special Warranty Deed.

- d. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 27, 1984, recorded February 22, 1984 at Volume 1346, Page 346 of the Official Records of Denton County, Texas. As affected by mineral deed recorded in Volume 5433, Page 2396 of the Official Records of Denton County, Texas.

- e. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated March 14, 1991, recorded March 18, 1991 at Volume 2943, Page 808, of the Official Records of Denton County, Texas.

- f. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated May 12, 2006, recorded May 22, 2006 at under Clerk's File No. 2006-60186, of the Official Records of Denton County, Texas.

- g. Matters contained in that certain document
 - Entitled: Tradition Project Special Regulations Agreement
 - Dated: December 21, 2005
 - Executed by: City of Fort Worth and Aperion Communities, LLLP, Eladio Properties, LLLP and Drooy Properties, LLLP, an Arizona limited liability limited partnership
 - Recording Date: August 18, 2006
 - Recording No: under Clerk's File No. 2006-101619, Deed Records, Denton County, Texas

- h. The following matters as shown by survey plat last revised October 30, 2014, prepared by PATRICK CARTER, Registered Professional Land Surveyor No. 5691:
 - 1) Encroachment of gravel drive on Southwest corner as shown, subject to the provisions of that certain Waiver, Release and Termination of Property Rights, Titles, and Interests dated as of November 1, 2014, executed by Knabe Investments, Inc., and recorded in ~~2014-115158~~ of the Real Property Records of Denton County, Texas.

- i. Oil, Gas and Mineral Lease, together with all rights incidental thereto:
 - Lessor: Aradi Investments, Inc.
 - Lessee: Devon Energy Operating Company, LP
 - Dated: October 7, 2003
 - Recording No.: D2003-189497 Real Property Records, Denton County, Texas.

The following files are not convertible:

Deed_Boundary2.cpg
Deed_Boundary2.dbf
Deed_Boundary2.prj
Deed_Boundary2.sbn
Deed_Boundary2.sbx
Deed_Boundary2.shp
Deed_Boundary2.shx

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.