



Filing Receipt

Filing Date - 2023-05-18 02:01:28 PM

Control Number - 55020

Item Number - 1

DOCKET NO. _____

PETITION OF NMCV TAYLOR	§	BEFORE THE
PROPERTY INVESTORS, LLC TO	§	
AMEND MANVILLE WATER SUPPLY	§	
CORPORATION WATER CCN NO.	§	PUBLIC UTILITY COMMISSION
11144 IN WILLIAMSON COUNTY BY	§	
STREAMLINED EXPEDITED		OF TEXAS
RELEASE	§	

**NMCV TAYLOR PROPERTY INVESTORS, LLC’S PETITION TO AMEND
MANVILLE WATER SUPPLY CORPORATION’S WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY NO. 11144 BY STREAMLINED EXPEDITED
RELEASE**

COMES NOW, NMCV Taylor Property Investors, LLC (“NMCV” or “Petitioner”) and submits this Petition to Amend Manville Water Supply Corporation’s (“Manville WSC”) water Certificate of Convenience and Necessity (“CCN”) No. 11144 by streamlined expedited release (hereinafter, “Petition”), and in support thereof, would respectfully show the following:

I. PETITION

Pursuant to Tex. Water Code Ann. (“TWC”) § 13.2541 and Title 16 Tex. Admin. Code (“TAC”) § 24.245(h), an owner of a tract of land may petition the Public Utility Commission of Texas (“Commission”) for streamlined expedited release of all or a portion of the subject property from an existing CCN if:

- (1) the tract of land to be released is at least 25 acres;
- (2) the tract of land is not receiving water or sewer service;
- (3) at least part of the tract of land is located within the service area of the subject CCN; and,
- (4) at least some of the tract of land located within the subject CCN is also located in a qualifying county.¹

Petitioner NMCV owns approximately 486.392 acres of contiguous land in fee simple in Williamson County, which is a qualifying county in accordance with 16 TAC § 24.245(h)(2).

¹ TWC § 13.2541(b) and 16 TAC § 24.245(h).


Approximately 486.392 acres of the total tract is located within Manville WSC's CCN area as depicted on both general location and detailed maps attached hereto as Exhibit B and the digital shapefiles ("SHP") filed contemporaneously with this Petition.² The subject property is not currently receiving water or sewer service. As further depicted on Exhibit C, Petitioner has notified Manville WSC of its Petition by certified mail on the same day that it was filed with the Commission. Finally, an affidavit attesting and affirming to the veracity of the information contained in this Petition is attached as Exhibit D.

II. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Petitioner NMCV Taylor Property Investors, LLC respectfully prays that the Commission grant the Petition and release Petitioner's approximately 486.392-acre tract from Manville Water Supply Corporation's water CCN No. 11144 in Williamson County and to all other such relief to which it is entitled.

Respectfully submitted,

Helen S. Gilbert
State Bar No. 00786263
BARTON BENSON JONES PLLC
7000 N. MoPac Expwy, Suite 200
Austin, Texas 78731
Telephone: (210) 640-9174
Telecopier: (210) 600-9796

By: 

Helen S. Gilbert

**ATTORNEY FOR NMCV TAYLOR
PROPERTY INVESTORS, LLC**

² 16 TAC § 24.245(k)(1).

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 18th of May 2023.



Helen S. Gilbert

EXHIBIT A

ELECTRONICALLY RECORDED 2021055203
Williamson County, Texas Total Pages: 6

General Warranty Deed

Chicago Title

GF#

CTA2100378BNW

(with Vendor's Lien)

NOTICE OF CONFIDENTIALITY RIGHTS

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.

Date: April 13, 2021

Grantor: Mary Parker Hughes

Grantor's Mailing Address:

408 Miracle Rose Way, Liberty Hill, TX 78642

Grantee: NMCV Taylor Property Investors, LLC, a Texas limited liability company

Grantee's Mailing Address:

3014 AGAVE COOL, ROUND ROCK, TX 78664

Consideration: Cash and a note, dated April 13, 2021, executed by NMCV Taylor Property Investors, LLC, a Texas limited liability company and payable to the order of Guaranty Bank & Trust, N.A. ("Lender") in the principal amount of \$4,875,000.00. The note is secured by a first and superior vendor's lien against, and superior title to, the Property retained in this deed in favor of Guaranty Bank & Trust, N.A. and is also secured by a first-lien deed of trust, of even date, to Kirk L. Lee, Trustee, recorded in the real property records of Williamson County, Texas.

The vendor's lien against and superior title to the Property are retained for the benefit of Guaranty Bank & Trust, N.A. until the \$4,875,000.00 note described above is fully paid according to its terms, at which time this deed will become absolute as to the lien securing this note. The vendor's lien and superior title are transferred to Guaranty Bank & Trust, N.A. without recourse.

Property (Including any improvements):

APPROXIMATELY 486.392 ACRES of land being out of and a portion of the Hardy Pace Survey Abstract No 493, in Williamson County, Texas, and being the same tract of land conveyed in the deed recorded in Volume 356, Page 517, of the Deed Records of Williamson County, Texas, being more particularly described by metes and bounds in the above described deed, and being more particularly described by metes and bounds in **Exhibit "A"** attached hereto and made a part hereof.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing by reason of any water, utility, road, or improvement districts which affect the Property; standby fees, taxes, and assessments by any taxing authority for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee also assumes.

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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, 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.

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

NOTICE: This instrument was prepared by Hancock McGill & Bleau, LLP (HMB) at the request of Chicago Title or the parties using information provided by the title company and the parties. Unless we have been provided with a copy of any contracts related to this transaction or been informed of any reservations required by the seller, the reservations will not be included in this warranty deed and by accepting this deed, all parties release HMB from any liability resulting from the failure to include undisclosed reservations. We have not investigated or verified information provided to us and do not warrant the validity of the information or quality of title to the real estate described above. **We do not represent the parties named in this instrument. The parties should**

EXHIBIT A

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seek independent legal counsel for advice concerning the effect and consequences of this instrument.


Mary Parker Hughes

State of Texas
County of Williamson

This document was acknowledged before me on April 13, 2021 by Mary Parker Hughes.


Notary Public, State of Texas

AFTER RECORDING RETURN TO:

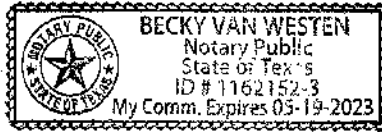


EXHIBIT "A"**FIELD NOTES DESCRIPTION**

DESCRIPTION OF 486.392 ACRES OF LAND IN THE HARDY PACE SURVEY A-493, WILLIAMSON COUNTY, TEXAS; BEING ALL OF THAT CERTAIN CALLED 486 ACRE TRACT DESCRIBED IN THE DEED TO MARY E. HUGHES DATED AUGUST 23, 1949, OF RECORD IN VOLUME 356, PAGE 517, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 486.392 ACRE TRACT, AS SHOWN ON THE ATTACHED SURVEY PLAT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 2-ft long 1/4-inch iron rod with plastic cap stamped "LOOMIS AUSTIN INC." set in the north right-of-way line of F.M. Highway No. 112, for the southwest corner of said 486 acre tract, and being the southwest corner and **POINT OF BEGINNING** of the tract described herein, same being the southwest corner of a 182.397 acre portion of said 486 acre tract also surveyed this date, and being the southeast corner of a called 70.00 acre tract described in the deed to Connie Renee Withrich Carlson of record in Document No. 9813539, Official Records of Williamson County, Texas, from which a 1/2-inch iron rod found and used for reference herein bears S 68° 36' 51" W a distance of 2.74 feet;

THENCE N 21° 45' 14" W, with the west line of said 486 acre tract, same being the east line of said 70 acre tract, at a distance of 913.05 feet pass an old cedar fence post found, at a distance of 1,783.02 feet pass a calculated point for the northeast corner of said 70.00 acre tract, same being the southeast corner of that certain called 200 acre tract described in the deed to Leah Callahan and A.A. Zizinia of record in Volume 321, Page 447, Deed Records of Williamson County, Texas, from which a bent one-inch iron pipe found up 18-inches with a PVC pipe placed over it bears N 58° 14' 46" E a distance of 2.51 feet, at a distance of 1,950.96 feet pass a metal T-post with a PVC pipe placed over it found, at a distance of 2,659.06 feet pass a metal T-post with a PVC pipe placed over it found, at a distance of 2,708.83 feet pass a metal T-post found with a PVC pipe placed over it, at a distance 3,132.77 feet pass a metal T-post with a PVC pipe placed over it being 0.47 feet east of line, at a distance of 3,257.15 feet pass a metal T-post with a PVC pipe placed over it found, and continuing for a total distance of 4,846.20 feet to a 2-ft long 1/4-inch iron rod with plastic cap stamped "LOOMIS AUSTIN INC." set in the south right-of-way line of Missouri Pacific Railroad (formerly International and Great Northern Railroad) for the northwest corner of said 486 acre tract and of the tract described herein, and being the northeast corner of said 200 acre tract;

THENCE with the north line of said 486 acre tract, same being the south line of said Missouri Pacific Railroad right-of-way, and being 100-ft south of the center of the existing railroad tracks, the following two (2) courses and distances:

1. with a curve to the right along a sub-chord bearing N 74° 40' 30" E a distance of 246.39 feet to a 2-ft long 1/4-inch iron rod with plastic cap stamped "LOOMIS AUSTIN INC." set, and
2. N 76° 07' 30" E, at a distance of 1,444.48 feet pass a 2-ft long 1/4-inch iron rod with plastic cap stamped "LOOMIS AUSTIN INC." set for the northeast corner of said 182.397 acre tract, and continuing for a total distance of 4,387.95 feet to a calculated point for the northeast corner of said 486 acre tract, same being the northwest corner of that certain called 178.18 acre tract described in the deed to Morris and Barbara A. Zieschang of record in Volume 875, Page 10, Deed Records of Williamson County, Texas, and from said calculated point a 1/2-inch iron rod found bears N 21° 14' 41" W a distance of 0.99 feet;

THENCE S 21° 14' 41" E, with the east line of said 486 acre tract, same being the west line of said 178.18 acre tract, at a distance of 62.41 feet pass a 60d nail found, at a distance of 3,322.59 feet pass a ¼-inch iron bolt found, at a distance of 4,033.69 feet pass a metal T-post with a PVC pipe placed over it, and continuing for a total distance of 4,950.91 feet to a calculated point in the curving north right-of-way line of said F.M. Highway No. 112 for the southeast corner of said 486 acre tract and of the tract described herein, same being the southwest corner of said 178.18 acre tract from which the following bear: a ¼-inch iron rod found bears N 21° 14' 41" W a distance of 7.00 feet; and, a Texas Department of Transportation Type I concrete monument found on said curve being a curve to the left having a radius of 1,106.00 feet, an arc distance of 443.10 feet and a chord bearing S 87° 45' 40" E a distance of 440.14 feet;

THENCE with the north right-of-way line of said F.M. Highway No. 112, same being the south line of said 486 acre tract, the following four (4) courses and distances:

1. with the arc of a curve to the right having a radius of 1,106.00 feet, an arc distance of 313.61 feet and a chord bearing N 81° 02' 29" W a distance of 312.57 feet to a broken Texas Department of Transportation Type I concrete monument found at a point of tangency,
2. N 73° 10' 14" W a distance of 471.46 feet to a calculated point of curvature from which a Texas Department of Transportation Type I concrete monument found at a point of curvature in the south right-of-way line of said F.M. Highway No. 112 bears S 16° 49' 46" W a distance of 80.00 feet,
3. with the arc of a curve to the left having a radius of 1,185.90 feet, an arc distance of 791.51 feet and a chord bearing S 87° 45' 40" W a distance of 776.90 feet to a calculated point of tangency, from which a Texas Department of Transportation Type I concrete monument found at a point of tangency in the south right-of-way line of said F.M. Highway No. 112 bears S 21° 23' 09" E a distance of 80.00 feet, and
4. S 68° 36' 51" W, at a distance of 1,502.19 feet pass a 2-ft long ½-inch iron rod with plastic cap stamped "LOOMIS AUSTIN INC." set for the southeast corner of said 182.397 acre tract, and continuing for a total distance of 3,177.91 feet to the POINT OF BEGINNING and containing 486.392 acres of land, more or less.

EXHIBIT A

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ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS

2021055203

Pages: 6 Fee: \$37.00

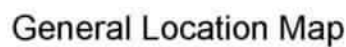
04/15/2021 08:16 AM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas

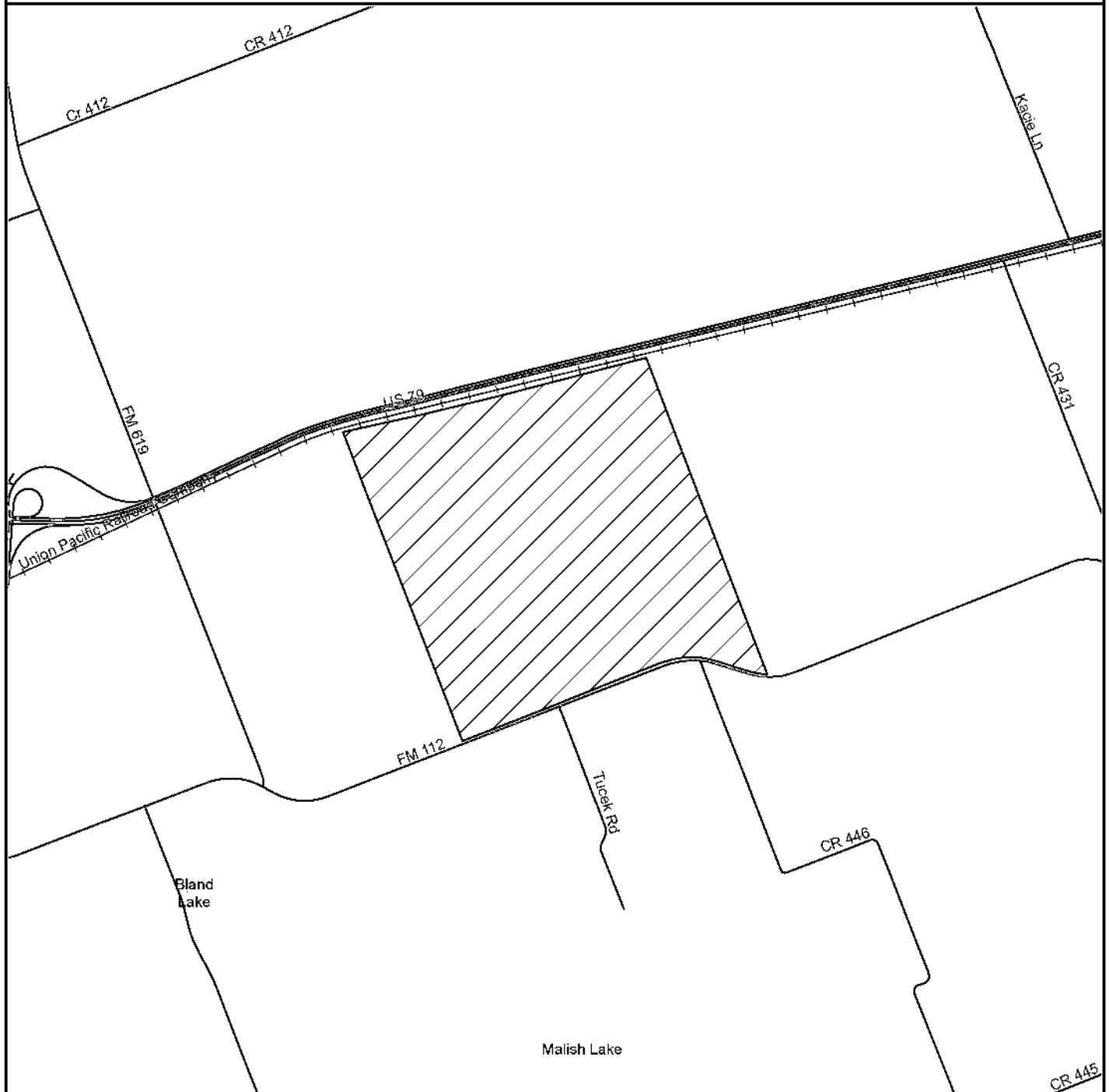
**NMCV Taylor Properties Investors LLC to Amend Manville WSC
(CCN No. 11144) by Streamlined Expedited Release in Williamson County**

 Tract of Land

A horizontal scale bar with tick marks at 0, 5,000, and 10,000 feet. The word "Feet" is written at the right end of the bar.

EXHIBIT B

NMCV Taylor Properties Investors LLC to Amend Manville WSC (CCN No. 11144) by Streamlined Expedited Release in Williamson County



Detailed Map

Legend



Tract of Land

Created by: MARGARET GENZER
Date Created: 05/01/2023

0 2,000 4,000 Feet

EXHIBIT C



HELEN S. GILBERT, Member | Barton Benson Jones PLLC

O | 210.610.5335

hgilbert@bartonbensonjones.com

D | 210.640.9174

bartonbensonjones.com

C | 512.565.4995

7000 N. MoPac Expwy, Suite 200 | Austin, Texas 78731

F | 210.600.9796

745 E Mulberry Ave, Suite 550 | San Antonio, Texas 78212

May 18, 2023

Via: CMRR #7020 0640 0001 2694 4528

Mr. Tony Graf
Manville Water Supply Corporation
13805 South SH 95
Coupland, Texas 78615

**Re: NMCV Taylor Property Investors, LLC's Petition for Streamlined
Expedited Release from Manville Water Supply Corporation's Water
CCN No. 11144 in Williamson County**

Dear Mr. Graf:

Enclosed pursuant to Texas Water Code § 13.2541 and Title 16 Texas Administrative Code § 24.245(h), please find a copy of NMCV Taylor Property Investors, LLC's Petition for streamlined expedited release from Manville WSC's water CCN No. 11144 in Williamson County. This Petition was also filed with the Public Utility Commission of Texas today, May 18, 2023.

Please do not hesitate to call me at (512) 565-4995 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Helen S. Gilbert". The signature is written in a cursive, flowing style.

Helen S. Gilbert


Enclosure

cc: Paul Kuo

EXHIBIT C

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hard copy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ Total Postage and Fees \$ _____	Postmark Here
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Sent To: Tony Graf - Manville WSC
 Street and Apt. No. or P.O. Box No. 13805 South SH 95
 City, State, ZIP+4® Coupland, TX 78615

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>
<p>1. Article Addressed to:</p> <p style="font-size: large; margin-left: 40px;">Tony Graf Manville Water Supply Corp 13805 South SH 95 Coupland, TX 78615</p>  <p style="text-align: center;">9590 9402 7287 2028 8600 59</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7020 0640 0001 2694 4528</p>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery </div> <div> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </div> </div>

EXHIBIT D

AFFIDAVIT OF NIRAV SHROFF

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

§

BEFORE ME, the undersigned authority, personally appeared Nirav Shroff, who, being by me duly sworn, deposed as follows:

“My name is Nirav Shroff, I am of sound mind, capable of making this affidavit, and I am personally familiar with the facts stated herein, which are true and correct.

1. I am the manager for NMCV Taylor Property Investors, LLC ("Landowner") which owns 486.392 acres in Williamson County, Texas. Approximately 486.392 acres of the Landowner's property is located within the water Certificate of Convenience and Necessity No. 11144 held by Manville Water Supply Corporation. This property is more properly described in Exhibit A (deed) and Exhibit B (maps) attached to the Petition of NMCV Taylor Property Investors, LLC to Amend Manville Water Supply Corporation's Certificate of Convenience and Necessity No. 11144 in Williamson County by Streamlined Expedited Release pursuant to Texas Water Code § 13.2541 and Title 16 Texas Administrative Code § 24.245(h) (the "Petition").
2. The real property does not have any water connections or meters located thereon and does not otherwise receive any water service from Manville Water Supply Corporation.
3. Neither the Landowner, nor any representative of Landowner, has paid any service reservation or standby fees, nor does it have any agreements with Manville Water Supply Corporation to provide retail water service to the above-referenced property.
4. Exhibit B of the Petition contains large and small scale maps, which depicts the property and shows that the property is within Manville Water Supply Corporation CCN's No. 11144 in Williamson County.

EXHIBIT D

5. Exhibit C of the Petition is proof that a copy of the Petition was mailed to Manville Water Supply Corporation via Certified Mail Return Receipt Requested on the same day that the Petition was submitted to the Commission.
6. This affidavit is in support of amending Manville Water Supply Corporation's Certificate of Convenience and Necessity No. 11144 pursuant to Section 13.2541 of the Texas Water Code and Section 24.245(h) of the Commission's rules by streamlined expedited release.

FUTHER AFFIANT SAYETH NOT


By: Nirav Shroff

STATE OF TEXAS §
 WILLIAMSON §
COUNTY OF ~~TRAVIS~~ §

ACKNOWLEDGED, SUBSCRIBED, AND SWORN TO before me, the undersigned notary public, by Nirav Shroff on this 3rd day of May 2023, to certify which witness my hand and official seal.



Notary Public, State of Texas

