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Control Number - 56457

Item Number - 10

DOCKET NO. 56457

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

**AMENDED PETITION BY DENTON OLIVER CREEK, LP FOR STREAMLINED
EXPEDITED RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Denton Oliver Creek, LP (“Petitioner”) files its Amended 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 streamlined 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 1.2 million, or a county adjacent to a county with a population of at least 1.2 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 streamlined 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.” *See* TEX. WATER CODE § 13.2541(c).

II. REQUEST FOR STREAMLINED EXPEDITED RELEASE

In 2021, Petitioner acquired ownership of a contiguous tract comprising approximately 570.976 acres in Denton County as evidenced by the Special Warranty Deed attached hereto as Exhibit “B.” Petitioner no longer owns approximately 10.208 acres from the approximately 570.976-acre parent tract as demonstrated by the General Warranty Deed attached hereto as Exhibit “C.” In addition, Petitioner no longer owns approximately 1.000 acres from the 570.976-acre parent tract as demonstrated by the General Warranty Deed attached hereto as Exhibit “D.” Therefore, Petitioner owns the remainder of the parent tract that is comprised of approximately 559.768 acres (the “Property”).

The Property is located partially within the boundaries of water CCN No. 13201, held by Aqua Texas, Inc. A portion of the Property overlaps with water CCN No. 13021. Petitioner seeks full release of the Property that overlaps with water CCN No. 13201 (the “Requested Area”). An Affidavit in support of this Petition is attached hereto as Exhibit “A.” A general location and detailed map of the Property are attached hereto as Exhibits “E” and “F” as filed on June 5, 2024, at AIS item No. 5. Digital mapping data will be provided as filed on June 5, 2024.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to streamlined expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or 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 Property that are within the boundaries of Water CCN No. 13201.

Respectfully submitted,

COATS | ROSE

By: 

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ATTORNEYS FOR PETITIONER

DOCKET NO. 56457
CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2024, a true and correct copy of the Amended Petition by Denton Oliver Creek, LP for Streamlined Expedited Release Pursuant to Texas Water Code Section 13.2541 was sent, via certified mail, return receipt requested to the following recipients at the address indicated:

Attorneys for Aqua Texas:

Geoff Kirshbaum
Elena M. Folgueras
Terril & Waldrop
810 West 10th Street
Austin, Texas 78701
Email: gkirshbaum@terriwwaldrop.com
Email: efolgueras@terriwwaldrop.com

Attorney for PUC:

Arnett D. Caviel
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Email: Arnett.Caviel@puc.texas.gov



Natalie B. Scott

Exhibit “A”

Amended Affidavit of Justin Bono

DOCKET NO. 56457

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

**AMENDED AFFIDAVIT OF JUSTIN BONO IN SUPPORT OF PETITION FOR
STREAMLINED EXPEDITED RELEASE FROM WATER CCN NO. 13201 HELD BY
AQUA TEXAS, INC. PURSUANT TO TEXAS CODE SECTION 13.2541**

STATE OF TEXAS §
COUNTY OF DENTON §

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

1. “My name is Justin Bono, Manager of Astra Investments GP, LLC, a Texas limited liability company, the Managing General Partner of Denton Oliver Creek, LP, a Texas limited partnership, the Petitioner in the above-referenced matter. 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. In 2021, Petitioner acquired ownership of a contiguous tract comprising approximately 570.976 acres in Denton County (the “Parent Tract”) as evidenced by the Special Warranty Deed attached hereto as Exhibit “B.”


3. Petitioner no longer owns approximately 10.208 acres from the Parent Tract, as demonstrated by the General Warranty Deed attached hereto as Exhibit “C.” Petitioner also no longer owns approximately 1.000 acres from Parent Tract, as demonstrated by the General Warranty Deed attached hereto as Exhibit “D.” Therefore, Petitioner owns the remainder of the approximately 559.768 acres (the “Property”).

4. The Property is located within the boundaries of water CCN No. 13201, held by Aqua Texas, Inc. Petitioner seeks full release of the Property that is located within water CCN No. 13201. True and correct copies of a general location and detailed map of the Property are attached at Exhibits “E” and “F” as filed on June 5, 2024, in this Docket as Automatic Interchange System (AIS) Item No. 5. Digital mapping data will also be provided as filed on June 5, 2024.

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

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

FURTHER AFFIANT SAYETH NOT.


DENTON/OLIVER CREEK, LP, a Texas
limited partnership

By: Astra Investments GP, LLC, a Texas
limited liability company, its Managing
General Partner

By: Justin Bono, Manager

SWORN TO AND SUBSCRIBED TO BEFORE ME by Justin Bono on 31 July, 2024.



Notary Public, State of Texas



Exhibit “B”

Special Warranty Deed: ~570.976-acre parent tract

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.

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DENTON §

THAT, GLENN AND LOUISE SHOOP FAMILY PARTNERSHIP, LTD, a Texas limited partnership ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid to Grantor by DENTON OLIVER CREEK, LP, a Texas limited partnership, having an address at 3625 Hall Street, Suite 700, Dallas, Texas 75219 ("**Grantee**") has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain land (the "**Land**") situated in Denton County, Texas, more particularly described on **Exhibit A** attached hereto and incorporated herein by reference for all purposes, together with (a) all improvements thereon, (b) all easements, rights and appurtenances pertaining thereto, (c) all rights, title, and interests of Grantor in and to adjacent streets, alleys, or rights-of-way, whether open or proposed, (d) any strips or gores between the above-described Land and any adjacent land, and (e) any land lying in or under the bed of any creek, stream or waterway, in, across, abutting or adjacent to the above-described Land.

Notwithstanding anything to the contrary contained or implied herein, Grantor hereby expressly (i) reserves all oil, gas and other minerals in, on or under the Land that may now or in the future be extracted or removed from the Land, and (ii) waives in favor of Grantee and its successors and assigns any and all rights to utilize the surface estate of the Property for any and all uses whatsoever including, but not limited to, drilling, extraction, production or other exploration or mining for oil, gas or other minerals or the storage or transportation thereof or any other use relating to such reserved oil, gas or other minerals except on existing pad sites. Nothing herein shall be construed as waiving, releasing or relinquishing any right, title or interest of Grantor in and to the Minerals. Additionally, the waiver of surface rights contained herein shall not be construed as a waiver of the right of Grantor to exploit, explore for, develop, mine, or produce the Minerals with wells drilled on the surface of lands other than the Land, including, but not limited to, directional or horizontal wells bottomed beneath or drilled through any part (other than the surface) of the Land or by pooling the oil, gas and mineral interests with lands adjoining the Land in accordance with the laws and regulations of the State of Texas. Operations for the exploration or recovery of the Minerals conducted on the surface and/or subsurface of other lands shall be permissible so long as all surface operations in connection therewith are located at points outside the surface of the Land, do not materially and adversely affect the surface of the Land or any improvements located thereon, and in no event shall such directional drilling or other subsurface activities intersect the boundaries of the Property at depths less than 600 feet below the surface of the Land.

This conveyance and the warranties of title contained herein are expressly made subject only to those certain encumbrances, easements and other matters more particularly described on **Exhibit B** attached hereto and incorporated herein by reference (the "**Permitted Exceptions**"), but only to the extent that such Permitted Exceptions are valid, subsisting and, in fact, affect the Property.

TO HAVE AND TO HOLD the Property (subject to the foregoing) unto Grantee and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT and FOREVER DEFEND, all and singular, 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.

Ad valorem taxes relating to the Land have been prorated between Grantor and Grantee as of the date hereof, subject to reconciliation and adjustment after the date hereof pursuant to the terms and provisions of Real Estate Purchase and Sale Agreement by and between Seller and Purchaser relating to the Property.

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EXECUTED to be effective as of the 10 day of December, 2021.

GRANTOR:

GLENN AND LOUISE SHOOP FAMILY
PARTNERSHIP, LTD
a Texas limited partnership

By: Nancy Jeffery
Name: Nancy Jeffery
Title: Authorized Representative
Date: December 10, 2021

THE STATE OF ARKANSAS

§

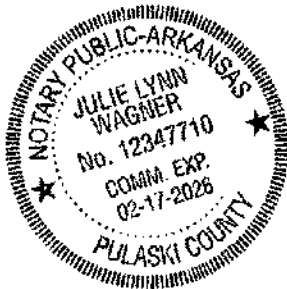
COUNTY OF PULASKI

§

§

BEFORE ME, the undersigned authority, on this day personally appeared Nancy Jeffery, Authorized Representative of GLENN AND LOUISE SHOOP FAMILY PARTNERSHIP, LTD, a Texas limited partnership, 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 purpose and consideration and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10 day of December, 2021.



Julie Lynn Wagner
Notary Public in and for the State of Arkansas

AFTER RECORDING RETURN TO:

Bellinger & Suberg, L.L.P.
12221 Merit Drive, Suite 1750
Dallas, Texas 75251
Attention: Glen A. Bellinger

SEND TAX NOTICES TO:

Denton Oliver Greek, LP
3625 Hall Street, Suite 700
Dallas, Texas 75219
Attention: Justin Bono

EXHIBIT A
TO DEED

LEGAL DESCRIPTION OF THE LAND

BEING, all of that 570.976 acres (24,871,702 square foot) tract of land situated in the William C. Harrison Survey, Abstract Number 523; the M.E.P.&P. R.R. Co. Survey, Abstract Number 908; the William Reed Survey, Abstract Number 1071; the Joseph Sutton Survey, Abstract Number 1151; and the S.F. Reynolds Survey, Abstract Number 1627 in Denton County, Texas; being all of those tracts of land described as Tract III, Tract IV, Tract V, Tract VI, and Tract VII in General Warranty Deed to Glenn and Louise Shoop Family Partnership, Ltd. as recorded in Instrument Number 2005-17852 of the Official Records of Denton County, Texas; said 570.976 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2-inch iron with "OWEN 5560" cap found for corner in the east line of said Tract VII; said point being in the south right-of-way line of F.M. 1384 (80-foot wide right-of-way); said point being the northwest corner of that tract of land described as Tract One in Warranty Deed to Henry A. Pennington, Janice K. Coomer and Gary Michael Pennington as recorded in Volume 1474, Page 811 of the Deed Records of Denton County, Texas;

THENCE, with the east line of said Tract VII, the following three (3) courses and distances:

South 00 degrees 21 minutes 00 seconds East, a distance of 973.41 feet to a 1/2-inch iron with "OWEN 5560" cap found for corner; said point being the southwest corner of said Pennington tract; said point being in the north line of that tract of land described in Special Warranty Deed to Susan H. Michaud, et al as recorded in Volume 4345 Page 516 and Volume 4345, Page 522 of said Deed Records;

South 87 degrees 10 minutes 00 seconds West, a distance of 712.46 feet to a 1/2-inch iron with "OWEN 5560" cap found at the northwest corner of said Michaud tract;

South 00 degrees 13 minutes 01 seconds East, with the west line of said Michaud tract, a distance of 2,055.21 feet to a point at the southeast corner of said Tract VII; said point being in the north line of that called 411.268 acre tract of land described in Special Warranty Deed with Reservation of Reserved Substances to Justin Timberbrook, LLC as recorded in Instrument Number 2016-55837 of said Official Records;

THENCE, with the south line of said Tract VII and the north line of said 411.268 acre tract, the following eleven (11) courses and distances:

South 80 degrees 38 minutes 21 seconds West, along an old barbed wire fence, at a distance of 24.5 feet passing a wood fence corner post found, continuing in all a total distance of 197.40 feet to a point for corner;

South 79 degrees 48 minutes 06 seconds West, along said fence, a distance of 122.22 feet to a point for corner;

South 77 degrees 15 minutes 37 seconds West, along said fence, a distance of 173.28 feet to a point for corner;

South 75 degrees 33 minutes 19 seconds West, along said fence, a distance of 59.27 feet to a point for corner;

South 70 degrees 53 minutes 37 seconds West, along said fence, a distance of 103.09 feet to a point for corner;

South 67 degrees 32 minutes 32 seconds West along said fence, a distance of 112.17 feet to a point for corner;

South 79 degrees 28 minutes 02 seconds West, along said fence, a distance of 146.75 feet to a wood fence corner post found for corner;

South 78 degrees 00 minutes 08 seconds West, along said fence, a distance of 72.98 feet to a wood fence corner post found for corner;

South 89 degrees 40 minutes 49 seconds West, departing said fence, a distance of 136.91 feet to a point for corner;

South 00 degrees 19 minutes 11 seconds East, a distance of 136.70 feet to a point for corner;

South 88 degrees 49 minutes 57 seconds West, a distance of 506.57 feet to a point at the northwest corner of said 411.268 acre tract; said point being the northeast corner of that called 241.210 acre tract of land described in Special Warranty Deed to Justin Timberbrook, LLC as recorded in Instrument Number 2017-5803 of said Official Records;

THENCE, with the south line of said Tract VII, Tract V and the north line of said 241.210 acre tract, the following five (5) courses and distances:

South 86 degrees 30 minutes 23 seconds West, a distance of 130.74 feet to a point for corner;

South 88 degrees 05 minutes 08 seconds West, a distance of 888.24 feet to a point for corner;

North 88 degrees 19 minutes 54 seconds West, a distance of 342.20 feet to a 3/8 inch iron rod found for corner;

South 89 degrees 52 minutes 01 seconds West, a distance of 690.08 feet to a 3/8 inch iron rod found for corner;

South 89 degrees 08 minutes 49 seconds West, a distance of 205.87 feet to a 5/8 inch iron rod found at the northwest corner of said 241.210 acre tract; said point being the northeast

corner of that called 18.000 acre tract of land described in General Warranty Deed to Keo Chanthalath, et al as recorded in Instrument Numbers 2012-136327 and 2013-2597 of said Official Records;

THENCE, North 89 degrees 44 minutes 49 seconds West, a distance of 418.46 feet to a 1/2 inch iron rod found at the northwest corner of said 18.000 acre tract; said point being the northeast corner of that tract of land described as Tract 1 in Special Warranty Deed to Justin Timberbrook, LLC as recorded in Instrument Number 2017-4977 of said Official Records;

THENCE, with the south line of said Tract V, Tract III, Tract VI and the north line of said Tract 1, the following three (3) courses and distances:

South 89 degrees 51 minutes 07 seconds West, a distance of 651.30 feet to a 1/2 inch iron rod found for corner;

North 00 degrees 38 minutes 39 seconds East, a distance of 352.67 feet to a 1/2 inch iron rod found for corner;

North 89 degrees 32 minutes 14 seconds West, at a distance of 987.44 feet passing a 1/2 inch iron rod with "COLEMAN RPLS 4001" cap found, at a distance of 2,777.28 passing a 1/2 inch iron rod with illegible cap found for corner, at a distance of 4,527.42 feet passing a 1/2 inch iron rod with "COLEMAN RPLS 4001" cap found, continuing in all a total distance of 5,409.40 feet to 1/2 inch iron rod with "COLEMAN RPLS 4001" cap found at the southwest corner of said Tract VI and the northwest corner of said Tract 1; said point being in the east line of that tract of land described in Special Warranty Deed to JNJDF, Ltd. as recorded in Instrument Number 2008-85490 of said Official Records;

THENCE, North 00 degrees 06 minutes 11 seconds East, with the west line of said Tract VI and with the east line of said JNJDF tract, a distance of 1,055.11 feet to a wood fence corner post found at the northwest corner of said Tract VI; said point being in the south line of that tract of land described as Tract 10 in Special Warranty Deed to Trustee of the Mark Wallace Exempt Family Trust, et al as recorded in Instrument Number 2019-157304 of said Official Records;

THENCE, South 89 degrees 13 minutes 25 seconds East, with the north line of said Tract VI and with the south line of said Tract 10 tract, a distance of 2,633.65 feet to a wood fence corner post found at the northeast corner of said Tract VI; said point being the southeast corner of said Tract 10; said post being in the west line of said Tract IV;

THENCE, North 00 degrees 07 minutes 19 seconds East, with the west line of said Tract IV and with the east line of said Tract 10, a distance of 2,009.39 feet to a wood fence corner post found at the northwest corner of said Tract IV; said point being in the south line of that tract of land described as Tract 11 in said Special Warranty Deed to Trustee of the Mark Wallace Exempt Family Trust;

THENCE, South 88 degrees 59 minutes 56 seconds East, with the north line of said Tract IV, a distance of 2,826.49 feet to a wood fence corner post found at the northeast corner of said Tract

III; said point being in the west line of that called 43.439 acre tract of land described in Special Warranty Deed to Billie Louise Brasher as recorded in Instrument Number 2021-12751 of said Official Records;

THENCE, South 01 degrees 10 minutes 06 seconds West, with the east line of said Tract III and with the west line of said 43.439 acre tract, a distance of 2,362.40 feet to a point at the northwest corner of said Tract V; from said point a 3/8-inch iron rod found bears South 49 degrees 42 minutes West, a distance of 1.4 feet;

THENCE, with the north line of said Tract V and the south line of said 43.439 acre tract, the following three (3) courses and distances:

North 89 degrees 41 minutes 24 seconds East, a distance of 689.40 feet to a point for corner;

North 00 degrees 40 minutes 55 seconds West, a distance of 311.78 feet to a point for corner;

North 89 degrees 19 minutes 09 seconds East, a distance of 1,240.70 feet to a wood fence corner post found at the northeast corner of said Tract V and the southeast corner of said 43.439 acre tract; said point being in the west line of said Tract VII;

THENCE, North 00 degrees 23 minutes 18 seconds West, with the west line of said Tract VII, a distance of 2,290.64 feet to a wood fence corner post found at the northwest corner of said Tract VII; said point being the northeast corner of that tract of land described as Tract Two in Special Warranty Deed to Peggy DeAnne Hatfield as recorded in Instrument Number 2021-12752 of said Official Records; said point being in the south line of said F.M. 1384;

THENCE, with the north line of said Tract VII and the south line of said F.M. 1384, the following five (5) calls:

South 89° 43' 00" East, a distance of 919.41 feet to a point for corner;

South 89° 59' 19" East, a distance of 1,874.35 feet to a point for corner at the beginning of a tangent curve to the right;

In a southeasterly direction, with said curve to the right, an arc length of 177.93 feet, having a radius of 911.89 feet, a central angle of 11° 10' 47", and a chord which bears South 84° 23' 56" East, 177.65 feet to a point for corner;

South 78° 48' 32" East, a distance of 700.66 feet to a 1/2-inch iron with "OWEN 5560" cap found for corner at the beginning of a tangent curve to the left;

In a southeasterly direction, with said curve to the left, an arc length of 44.41 feet, having a radius of 749.85 feet, a central angle of 03° 23' 36", and a chord which bears South 80° 30' 20" East, 44.40 feet to the POINT OF BEGINNING and containing an area of 570.976 acres or 24,871,702 square feet of land, more or less.

EXHIBIT B
TO DEED

PERMITTED EXCEPTIONS

1. 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 of Denton County, Texas.
2. Easement executed by Glen P. Shoop to Southwestern Gas Pipeline, Inc., dated May 16, 1994, recorded in/under Clerk's File Number 94-R0045628 of the Real Property Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
3. Easement executed by Glen P. Shoop to Mitchell Energy and Development, Corp., dated March 6, 1989, filed September 16, 1996, recorded in/under Clerk's File Number 96-R0064802 of the Real Property Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
4. Easement executed by Glen P. Shoop to Southwestern Gas Pipeline, Inc., filed August 18, 1998, recorded in/under Clerk's File Number 199800074674 of the Real Property Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
5. Easement executed by Glen P. Shoop to Southwestern Gas Pipeline, Inc., filed March 30, 1999, recorded in/under Clerk's File Number 199900029958 (Volume 4307, Page 1225) of the Real Property Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921
6. Easement executed by Glen P. Shoop to Southwestern Gas Pipeline, Inc., filed January 25, 2000, recorded in/under Clerk's File Number 200000007545 (Volume 4512, Page 1465) of the Real Property Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
7. Easement executed by Glen P. Shoop and Louise V. Shoop to Southwestern Gas Pipeline, Inc., May 15, 2001, recorded in/under Clerk's File Number 200100045865 (Volume 4837, Page 1856) of the Real Property Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
8. Easement executed by Glen P. Shoop and Louise V. Shoop to Cantera Resources, Inc., filed July 13, 2001, recorded in/under Clerk's File Number 20010070149 (Volume 4878, Page 100) of the Real Property Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
9. Easement and Right-of-Way executed by Glenn and Louise Shoop Family Partnership, LTD., to Crosstex North Texas Pipeline, LP, dated November 15, 2005, filed December 2, 2005, recorded in/under Clerk's File Number 200500149197 of the Real Property Records

of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.

10. Right-of-Way agreement executed by Glenn P. Shoop to Southwestern Gas Pipeline, Inc, dated July 24, 2006, filed August 28, 2006, recorded in/under Clerk's File Number 2006-106037 of the Real Property Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
11. Right-of-Way agreement executed by Glenn P. Shoop to Southwestern Gas Pipeline, Inc, dated November 17, 2006, filed January 3, 2007, recorded in/under Clerk's File Number 200700001065 of the Real Property Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
12. Easement and Right-of-Way executed by Glenn and Louise Shoop Family Partnership, LTD., to Energy Transfer Fuel, LP, dated February 21, 2007, filed February 26, 2007, recorded in/under Clerk's File Number 200700022528 of the Real Property Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
13. Right-of-Way agreement executed by Shoop Partnership GP, LLC to Southwestern Gas Pipeline, Inc, filed November 3, 2008, recorded in/under Clerk's File Number 200800118586 of the Real Property Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
14. Right-of-Way agreement executed by Glenn & Louise Shoop Family Partnership, Ltd. to Southwestern Gas Pipeline, Inc, filed December 4, 2008, recorded in/under Clerk's File Number 200800129064 of the Real Property Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
15. Right of Way Agreement by and between the Joy Nell Frazier, grantor, and Southwestern Gas Pipeline, Inc., grantee as set for and defined by the instrument recorded under Denton County Clerk's File No(s) 199400021053 of the Official Public Records of Denton County, Texas; and as noted on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
16. Easement granted to Enterprise Texas Pipeline LLC, a Texas limited liability company, as set for and defined by the instrument recorded under Denton County Clerk's File No(s) 200900029758 of the Official Public Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
17. Easements awarded to Enbridge Gathering (North Texas) L.P., as Plaintiff and the easements granted to the Glenn and Louise Shoop Family Partnership, Ltd., in the Judgement filed under Cause No. PR-2010-00178 of the Probate Records of Denton County, Texas, and as set forth and defined by the instrument recorded under Denton County Clerk's File No(s) 201200034816 of the Official Public Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.

18. Right of Way Agreement by and between the Glenn and Louise Shoop Family Partnership, Ltd., grantor, and Southwestern Gas Pipeline, Inc., grantee, as set forth and defined by the instrument recorded under Denton County Clerk's File No(s) 201100101556 of the Official Public Records of Denton County, Texas; and as shown on survey dated June 21, 2021, prepared by Rene Silvas, R.P.L.S.# 5921.
19. Subject to the location of fences on the property as set out and shown on the survey dated June 21, 2021, made by Rene Silvas, Registered Professional Land Surveyor No. 5921.
20. Subject to the location of gas lines and gas appurtenances on subject property as set out and shown on the survey dated June 21, 2021, made by Rene Silvas, Registered Professional Land Surveyor No. 5921.

Exhibit “C”

General Warranty Deed: ~10.208-acre tract sold from parent tract

**Denton County
Juli Luke
County Clerk**

Instrument Number: 106864

ERecordings-RP

WARRANTY DEED

Recorded On: July 21, 2022 03:02 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$38.00

******* 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.

File Information:

Document Number: 106864
Receipt Number: 20220721000585
Recorded Date/Time: July 21, 2022 03:02 PM
User: Kraig T
Station: Station 25

Record and Return To:

Corporation Service Company



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.

Juli Luke
County Clerk
Denton County, TX

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.

GENERAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DENTON §

THAT, DENTON OLIVER CREEK, LP, a Texas limited partnership ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid to Grantor by DENTON STUART RIDGE, LLC, a Texas limited liability company, having an address at 3625 Hall Street, Suite 700, Dallas, Texas 75219 ("**Grantee**") has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain land (the "**Land**") situated in Denton County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes.

Notwithstanding anything to the contrary contained or implied herein, Grantor hereby expressly reserves all oil, gas and other minerals in, on or under the Land that may now or in the future be extracted or removed from the Land.

This conveyance and the warranties of title contained herein are expressly made subject to all matters of record.

TO HAVE AND TO HOLD the Land (subject to the foregoing) unto Grantee and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT and FOREVER DEFEND, all and singular, the Land unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Ad valorem taxes relating to the Land shall be paid by Grantor for the year of this conveyance.

[THE BALANCE OF THIS PAGE IS INTENTIONALLY BLANK]

EXECUTED to be effective as of the 20TH day of July, 2022.

GRANTOR:

DENTON OLIVER CREEK, LP,
a Texas limited partnership

By: Astra Investments GP, LLC,
a Texas limited liability company,
its Managing General Partner

By: 
Justin Bono, Manager

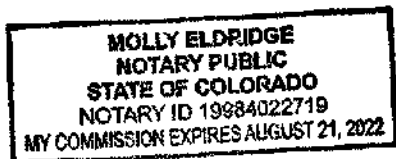
THE STATE OF COLORADO

COUNTY OF Gunnison

§
§
§

BEFORE ME, the undersigned authority, on this day personally appeared Justin Bono, Manager of Astra Investments GP, LLC, a Texas limited liability company, as Managing General Partner of DENTON OLIVER CREEK, LP, a Texas limited partnership, 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 purpose and consideration and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20 day of July, 2022.




Notary Public in and for the State of Colorado

AFTER RECORDING RETURN TO:

Bellinger & Suberg, L.L.P.
12221 Merit Drive, Suite 1750
Dallas, Texas 75251
Attention: Glen A. Bellinger

SEND TAX NOTICES TO:

Denton Oliver Creek, LP
3625 Hall Street, Suite 700
Dallas, Texas 75219
Attention: Justin Bono

EXHIBIT A
TO DEED

LEGAL DESCRIPTION OF THE LAND

BEING, all of that 10.208 acre (444,675 square foot) tract of land situated in the Joseph Sutton Survey, Abstract No. 1151, in Denton County, Texas; being part of that called 570.976 acre tract of land described in Warranty Deed to Denton Oliver Creek, LP as recorded in Instrument No. 2021-229180 of the Official Public Records Denton County, Texas; said 10.208 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING, at a 3/8-inch iron rod found for corner in a south line of said 570.976 acre tract; said point being in the north line corner of that called 241.210 acre tract of land described in Special Warranty Deed to Justin Timberbrook, LLC as recorded in Instrument Number 2017-5803 of said Official Records; from said point a 3/8-inch iron rod found for corner in the south line of said 570.976 acre tract bears South 89 degrees 52 minutes 01 seconds West, a distance of 690.08 feet;

THENCE, North 63 degrees 04 minutes 17 seconds West, departing the south line of said 570.976 acre tract, a distance of 899.82 feet to the POINT OF BEGINNING;

THENCE, North 21 degrees 53 minutes 14 seconds West, a distance of 605.00 feet to a point for corner; from said point a wood fence post found at an inner ell corner in the north line of said 570.976 acre tract bears North 58 degrees 27 minutes 30 seconds West, a distance of 708.59 feet;

THENCE, North 68 degrees 06 minutes 46 seconds East, a distance of 735.00 feet to a point for corner;

THENCE, South 21 degrees 53 minutes 14 seconds East, a distance of 605.00 feet to a point for corner;

THENCE, South 68 degrees 06 minutes 46 seconds West, a distance of 735.00 feet to the POINT OF BEGINNING and containing an area of 10.208 acres or 444,675 square feet of land, more or less.

Exhibit “D”

General Warranty Deed: ~1,000-acre tract sold from parent tract

**Denton County
Juli Luke
County Clerk**

Instrument Number: 31193

ERecordings-RP

SPECIAL WARRANTY DEED

Recorded On: March 01, 2022 01:27 PM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$46.00

******* 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.

File Information:

Document Number: 31193
Receipt Number: 20220301000457
Recorded Date/Time: March 01, 2022 01:27 PM
User: Lisa V
Station: Station 38

Record and Return To:

Corporation Service Company



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.

Juli Luke
County Clerk
Denton County, TX

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN
(Oliver Creek Ranch Municipal Utility District of Denton County – Directors' Lot)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DENTON §

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.

THAT DENTON OLIVER CREEK, LP, a Texas limited partnership (collectively, "**Grantors**"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto Joshua A. Bethke, Trustee ("**Grantee**"), whose address 14755 Preston Road, Suite 600, Dallas, Texas 75254, the tract of real property located in Denton County, Texas, and as described in **Exhibit "A,"** attached hereto and made a part hereof for all purposes.

All or a portion of the consideration was advanced by Grantors, which amount constitutes all or a portion of the proceeds of a loan from Grantors to Grantee evidenced by those five (5) certain promissory notes of even date herewith executed by Grantee, described as follows: Promissory Note No. 1, Promissory Note No. 2, Promissory Note No. 3, Promissory Note No. 4, and Promissory Note No. 5 (collectively referred to herein as the "**Notes**"). Each of the Notes is secured by the lien created by a Deed of Trust of even date herewith, executed by Grantee in favor of Mindy L. Koehne, Trustee, for the benefit of Grantors, each Deed of Trust covering a separate undivided 20% interest in the premises hereby conveyed (as detailed further in such Deeds of Trust).

This Deed and conveyance is expressly made subject to all liens, encumbrances, conditions and other exceptions appearing of record in the office of the County Clerk of Denton County, Texas, and applicable to such property.

TO HAVE AND TO HOLD the above-described Property, together with all and singular the rights and appurtenances thereto in any way belonging unto the Grantee, his successors and assigns, forever; and Grantors do hereby bind themselves, and their successors and assigns, to Warrant and Forever Defend all and singular the Property unto the said Grantee, his successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantors, but not otherwise.

But it is expressly agreed that the Vendor's Lien and Superior Title is retained against the property until the Notes corresponding to the applicable undivided 20% interest and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute as to such property.

EXECUTED to be effective as of the 22nd day of February, 2022.

GRANTOR:

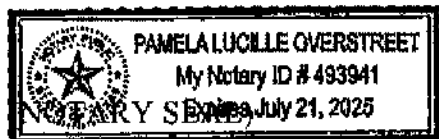
DENTON OLIVER CREEK, LP.
a Texas limited partnership

By: ASTRA INVESTMENTS GP, LLC,
a Texas limited liability company,
its Managing General Partner

By: [Signature]
Name: JUSTIN BONO
Title: MANAGER

THE STATE OF Texas §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this 22nd day of FEBRUARY, 2022, by Justin Bono, Manager of Astra Investments GP, LLC, a Texas limited liability company, General Partner of Denton Oliver Creek, LP, a Texas limited partnership, on behalf of said limited partnership.



[Signature]
Notary Public in and for the State of Texas

EXHIBIT "A"

BEING, all of that 1.000 acre (43,563 square foot) tract of land situated in the William Reed Survey, Abstract No. 1071, in Denton County, Texas; being part of that tract of land described in Special Warranty Deed to Denton Oliver Creek, LP as recorded in Instrument No. 20211217000770 of the Deed Records of Denton County, Texas; said 1.000 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING, at a 1/2-inch iron rod with "OWEN 5560" cap found at a west corner of said Oliver Creek tract and a east corner of that tract of land called Tract One described in Warranty Deed to Henry Pennington, ET AL as recorded in Volume 1474, Page 811 of said Deed Records; said point being in the north line of that tract of land described in Special Warranty Deed to Susan H. Michaud, ET AL as recorded in Volume 4345, Page 522 of said Deed Record;

THENCE, South 87 degrees 10 minutes 00 seconds West, along the north line of said Michaud tract and a south line of said Oliver Creek tract, a distance of 712.46 feet to a 1/2-inch iron rod with "OWEN 5560" cap found at the northwest corner of said Michaud tract; said point being in the east line of said Oliver Creek tract;

THENCE, South 00 degrees 13 minutes 01 seconds East, along the west line of said Oliver Creek tract and the east line of said Michaud tract, a distance of 1,415.00 feet to point for corner;

THENCE, South 89 degrees 46 minutes 59 seconds West, departing the west line of said Oliver Creek tract and the east line of said Michaud tract, a distance of 40.00 feet to **POINT OF BEGINNING**;

THENCE, South 00 degrees 13 minutes 01 seconds East, a distance of 348.50 feet to a point for corner for corner;

THENCE, South 89 degrees 46 minutes 59 seconds West, a distance of 125.00 feet to a point for corner for corner;

THENCE, North 00 degrees 13 minutes 01 seconds West, a distance of 348.50 feet to a point for corner;

THENCE, North 89 degrees 46 minutes 59 seconds East, a distance of 125.00 feet to the **POINT OF BEGINNING** and containing an area of 1.000 acres or 43,563 square feet of land, more or less.

G:\12\N\Projects\Asstra_Development\821-C1-Oliver_Creek_Ranch_Creation\SSW04_CAD\8921-01_DP LOT.dwg 2022-02-16 12:29 tsilvas

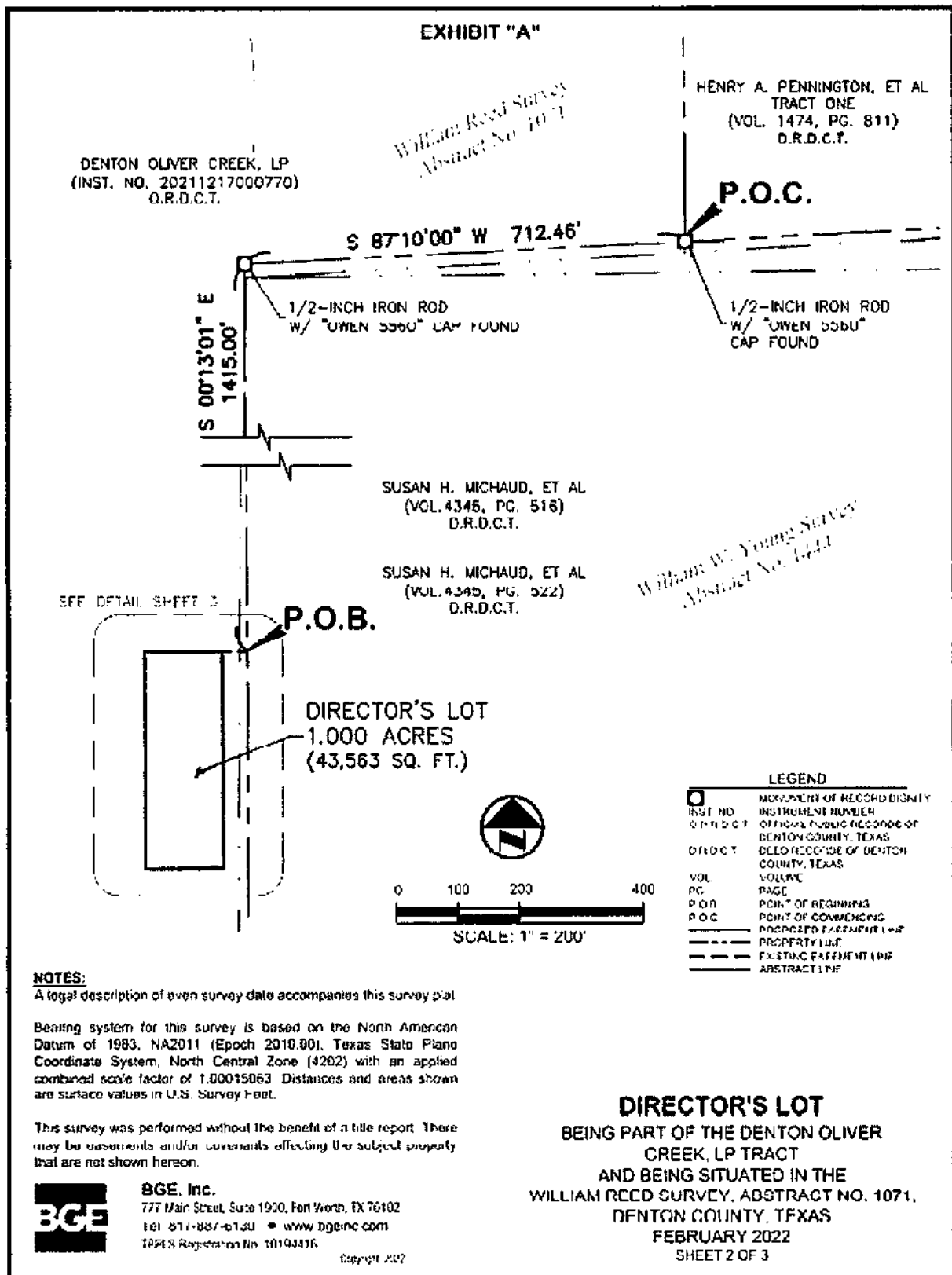


EXHIBIT "A"

30' ENBRIDGE GATHERING
PIPELINE EASEMENT
(INST. NO. 2012-3+816)
O.P.R.D.C.T.

50' CROSSTEX NORTH
TEXAS PIPELINE EASEMENT
(INST. NO. 2005-149197)
O.P.R.D.C.T.

50' ENTERPRISE TEXAS
PIPELINE EASEMENT
(INST. NO. 2009-2075R)
O.P.R.D.C.T.

50' ENERGY TRANSFER
FUEL EASEMENT
(INST. NO. 2007-22528)
O.P.R.D.C.T.

DENTON OLIVER CREEK, LP
(INST. NO. 20211217006770)
O.P.R.D.C.T.

ZONE "X"

Joseph Gordon Survey
Abstract No. 1151

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 89°46'59" W	40.00'
L2	S 00°13'01" E	348.50'
L3	S 89°46'59" W	125.00'
L4	N 00°13'01" W	348.50'
L5	N 89°46'59" E	125.00'

ZONE "A"

LEGEND	
	MONUMENT OF RECORD DEPTH
	PAGE NO.
	INSTRUMENT NUMBER
	VOLUME & PAGE
	POINT OF BEGINNING
	POINT OF COMMENCING
	PROPOSED EASEMENT LINE
	PROPERTY LINE
	EXISTING EASEMENT LINE
	ABSTRACT LINE

SUSAN H. MICHAUD, ET AL
(VOL. 4345, PG. 516)
D.R.D.C.T.

SUSAN H. MICHAUD, ET AL
(VOL. 4345, PG. 522)
D.R.D.C.T.

P.O.B.

DIRECTOR'S LOT
1.000 ACRES
(43,563 SQ. FT.)

William W. Young Survey
Abstract No. 1444

NOTES:

A legal description of even survey date accompanies this survey plat

Bearing system for this survey is based on the North American Datum of 1983, NAD2011 (Epoch 2010.00), Texas State Plane Coordinate System, North Central Zone (4202) with an applied combined scale factor of 1.00015063. Distances and areas shown are surface values in U.S. Survey Feet.

This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting the subject property that are not shown hereon.



BGE, Inc.
777 Main Street, Suite 1900, Fort Worth, TX 76102
Tel: 817-867-6130 • www.bgeinc.com
TFLS Registration No. 10194416

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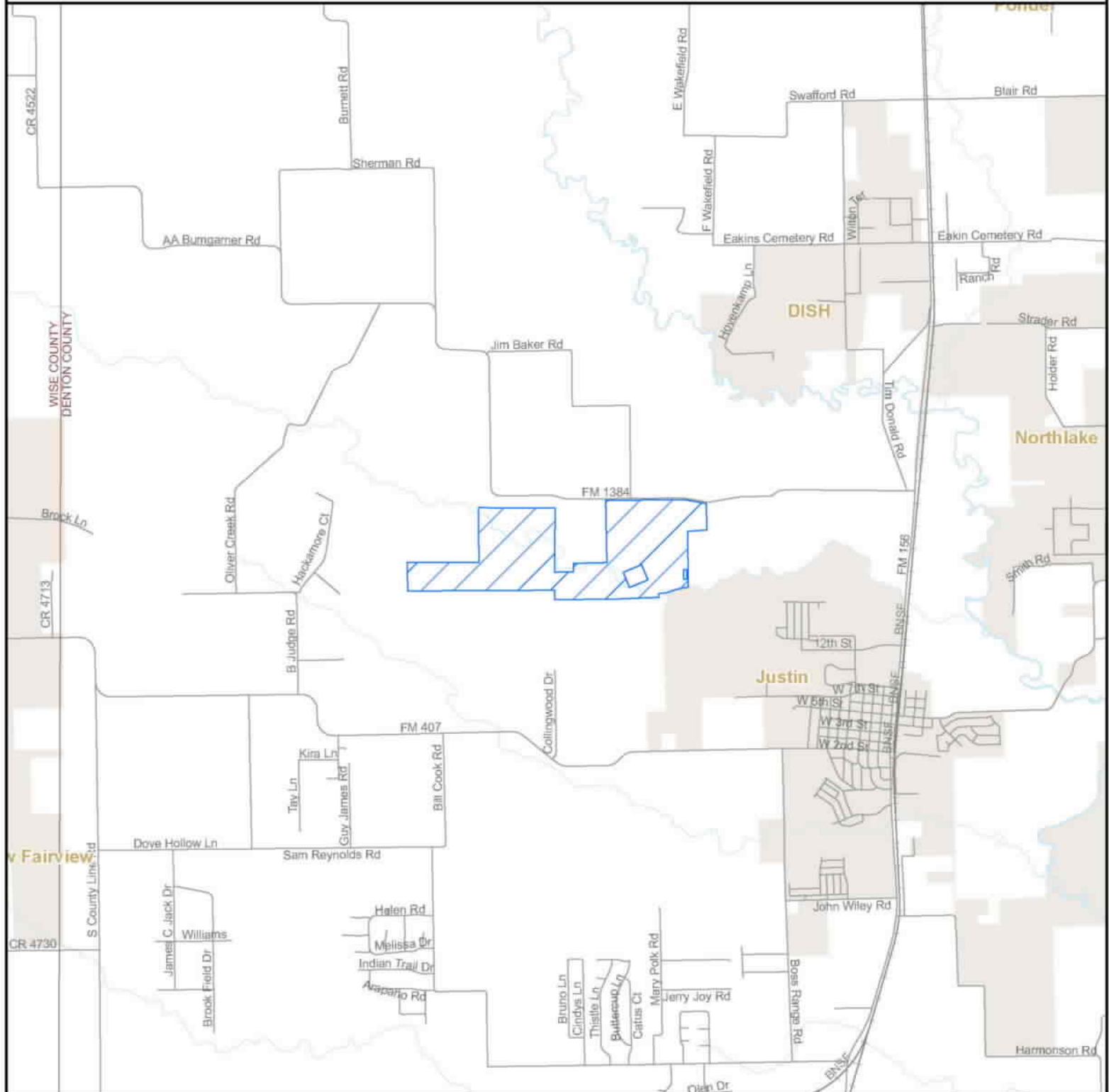
0 50 100
SCALE: 1" = 100'

DIRECTOR'S LOT
BEING PART OF THE DENTON OLIVER
CREEK, LP TRACT
AND BEING SITUATED IN THE
WILLIAM REED SURVEY, ABSTRACT NO. 1071,
DENTON COUNTY, TEXAS
FEBRUARY 2022
SHEET 3 OF 3

Exhibit “E”

General Location Map

Denton Oliver Creek, LP to Amend Aqua Texas, Inc. (CCN No. 13201) by Streamlined Expedited Release in Denton County



General Location Map



Legend

 Tract of Land

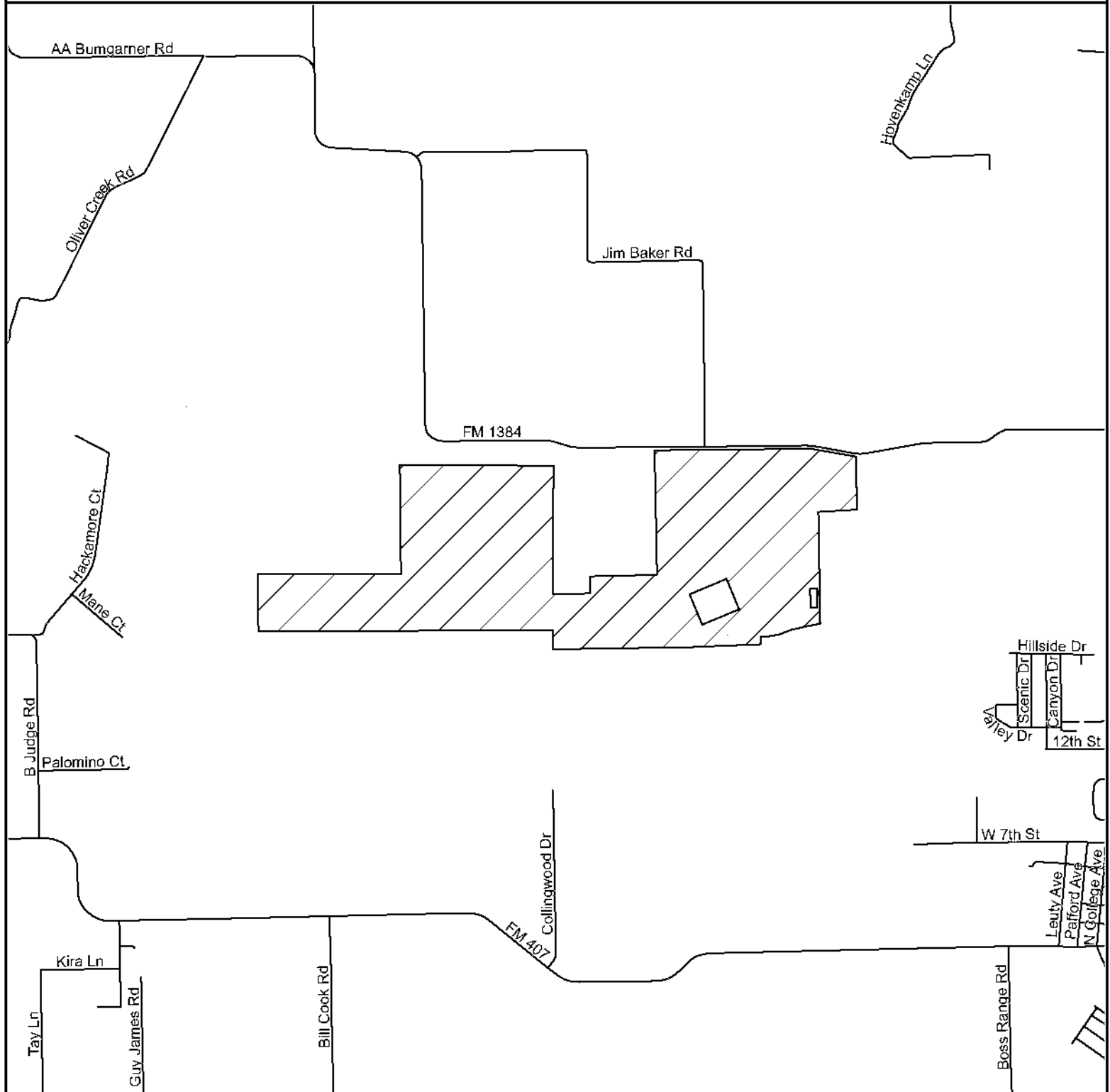
Created by: Kaela Demmerle
Date Created: 6/3/2024

0 2,500 5,000
Feet

Exhibit “F”

Detailed Map


Denton Oliver Creek, LP to Amend Aqua Texas, Inc. (CCN No. 13201) by Streamlined Expedited Release in Denton County



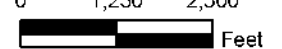
Detailed Map



Legend

 Tract of Land

Created by: Kaela Demmerle
Date Created: 6/3/2024

0 1,250 2,500
 Feet

The following files are not convertible:

OliverCreekRanchTractBoundary.cpg
OliverCreekRanchTractBoundary.dbf
OliverCreekRanchTractBoundary.idx
OliverCreekRanchTractBoundary.prj
OliverCreekRanchTractBoundary.sbn
OliverCreekRanchTractBoundary.sbx
OliverCreekRanchTractBoundary.shp
OliverCreekRanchTractBoundary.shp.xml
OliverCreekRanchTractBoundary.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.