



City of McKinney
Planning Department
221 N. Tennessee Street
McKinney, Texas 75070

RE: Letter of Intent - Cambridge Meadows Preliminary Plat Submittal

Dear Staff:

This proposed project is located in the ETJ of the City of McKinney at the southwest corner of County Road 412 and County Road 409 and contains approximately 82.5 acres. This will be a single-family subdivision consisting of 333 lots and 9 common areas for landscape buffers and detention ponds. The preliminary plat, preliminary engineer exhibits (water, sanitary sewer, and drainage), setback exhibit and offsite water and sanitary sewer exhibits are being submitted in this package for your review and approval.

It is our intent to connect to the existing water system located adjacent to the tract in CR 412 and CR 409 owned by North Collin Special Utility District. There is a 10" water main in CR 412 and an 8" main in CR 409. We have a report performed by Eddie Daniels for North Collin Special Utility District which studied the system to evaluate the fire flows and delivery of water to the subdivision and to verify we have met the water demand and fire flow requirements. The report and supporting documents have been previously approved by McKinney. The updated letter of Mr. Daniels is included with the package. There are off-site improvements required to meet the demand. My client will make those improvements.

Sanitary sewer will be provided via an on-site Wastewater treatment plant which has been permitted by TCEQ. The TCEQ permit for the treatment plant has been granted with Permit No. WQ0015666001, issued October 29, 2019.

Please see the attached petition for expedited release of the subject parcel from the McKinney CCN for water and sewer that was filed with the Texas PUC pursuant to Water Code Section 13.254 (A-5). There should be no need for any variance related to water and sewer service from McKinney as the release of this land from the McKinney CCN is non-discretionary. Hence the land will not be in the McKinney CCN for water or sewer and McKinney will not serve such land with water or sewer.

The Lots interior to the subdivision will be designed to meet or exceed the current requirements of Engineering Design Manual issued by McKinney. The lots are minimum 5000 square feet in size and the grading plan will be designed to not allow lot to lot drainage, The storm sewer system will be sized to McKinney's design parameters, Detention will be provided and an outfall structure to limit the outfall not to exceed existing conditions.

Additionally, the Client has agreed to improve the perimeter streets adjacent to the subdivision and along CR 412 to FM 2933. The design standards will conform to the Collin County design regulations and will be coordinated with Collin County engineering.

McKinney is not legally allowed to require a TIA (traffic impact analysis) for property in its ETJ as McKinney is prohibited from charging impact fees for roadway improvements in its ETJ and impact fees are defined to include “contributions in aid of construction.” See Texas Local Government Code 395.001 (b) and 395.001 (4). However, this issue may be moot as the applicant has agreed to improve CR 412 to a 24 foot width, which is the McKinney standard. However, if staff prefers to require a variance regarding a TIA, such should be included.

The applicant does not believe that McKinney has the right to apply its landscape and buffering ordinance to this property located in its ETJ. Section 212.003 (a) specifically forbids a municipality from regulating “(1) the use of any building or property for business, industrial, residential, or other purpose.” Such landscape and buffering ordinance seeks to regulate the use of property to landscape /buffering uses and is clearly prohibited from application to the ETJ by Section 212.003 (a) quoted above. Nevertheless, if staff feels that a variance from the landscape/buffering standard is required, please include such.

Nothing in this letter is meant as a waiver of the applicant’s positions in its lawsuit with the City of McKinney.

Please do not hesitate to contact me if you need any additional information or have any questions. Thank you for taking the time to review the preliminary plat submittal package.

Sincerely,



Brian Umberger, P.E.
Texas Development Services, LLC

PUC DOCKET NO. _____

PETITION BY NANCY DAIL AND ESTATE
OF WALLACE DAIL
FOR EXPEDITED RELEASE FROM
WATER CCN NO. 10194 AND SEWER CCN
NO. 20071 HELD BY
BY CITY OF MCKINNEY IN
COLLIN COUNTY

BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS

**PETITION BY NANCY DAIL AND ESTATE OF WALLACE DAIL FOR EXPEDITED
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.254(A-5)**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, the estate of Nancy Dail and the estate of Wallace Dail (“Petitioners”) and files this Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from City of McKinney water certificate of convenience and necessity (“CCN”) No. 10194 and sewer certificate of convenience and necessity (“CCN”) No. 20071; pursuant to (i) Texas Water Code Section 13.254(a-5); and (ii) Rule 24.113(l) of the Commission’s Rules found at 16 Tex. Admin. Code Section 24.113; and in support thereof would respectfully show as follows:

I. APPLICABLE REGULATIONS

Section 13.254(a-5) 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.¹ 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

¹ Tex. Water Code Ann. § 13.254(a-5) (West 2008 and Supp. 2016) (TWC).

owner of the qualifying tract “is entitled to that release.”² The rule adopted by the PUC pursuant to Section 13.254(a-5) provides the same, and it recognizes that Collin County is a county in which owners of at least 25 acres are entitled to expedited release.³ Under Section 13.254(a-6), the PUC “shall grant a petition received under Subsection (a-5) not later than the 60th day after the date the landowner files the petition.”

II. REQUEST FOR EXPEDITED RELEASE

Petitioners own approximately 82 acres of contiguous property in Collin County (the “Property”). The Property is within the boundaries of water CCN No. 10194 and sewer CCN No. 20071, held by City of McKinney. The Property does not receive water or sewer service from the City of McKinney. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” A map showing the location of the Property is attached hereto as Exhibit “B.” A deed showing ownership of the Property is attached hereto as Exhibit “C.”

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.254(a-5) entitles Petitioners to expedited release of the Property described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and is entirely within Collin County. Under Section 13.254(a-6), the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioners respectfully request that the PUC grant this Petition and issue an order under the authority of Section 13.254(a-5) releasing all portions of the Property that are within the boundaries of CCN Nos. 20071 and 10091.

² *Id.*

³ 16 Tex. Admin. Code § 24.113(l)


Respectfully submitted,

Estate of Nancy Dail—50% owner

DocuSigned by:


598C3854E4B34BD


Edward Dail, Independent Co-executor

DocuSigned by:


02C2820C470E445

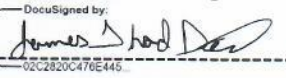
James Dail, Independent Co-executor

Estate of Wallace Dail—50% owner

DocuSigned by:


598C3854E4B34BD

Edward Dail, Independent Co-executor

DocuSigned by:


02C2820C470E445

James Dail, Independent Co-executor

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of February, 2020, a true and correct copy of the Petition by Estate of Nancy Dail for Expedited Release Pursuant to Texas Water Code Section 13.254(a-5) was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

PUC – Legal Division
Margaret Uhlig Pemberton, Division Director
Katherine Lengieza Gross, Managing Attorney
Skyler Springsteen Collins
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711 -3326
Fax: (512) 936-7268

Via Email: Skyler.Collins@puc.texas.gov

SIGNATURE

Stephen Selinger

Ex A

DECLARATION OF EDWARD DAIL

1. My name is Edward Raymond Dail. I am over the age of 18. This is an unsworn declaration pursuant to section 132.001 of the Texas Civil Practice and Remedies Code. I have personal knowledge of the matters stated herein, and I declare under penalty of perjury that the statements in this declaration are true and correct.

2. I am the co-executor, with James Thad Dail, of the estate of Wallace E. Dail, our father and Nancy Dail, our mother.

3. The subject parcel of approximately 82 acres does not receive water or sewer service from the City of McKinney. On behalf of estate of Nancy Dail, and the estate of Wallace Dail, we petition for the property to be removed from the CCN's for water and sewer of the City of McKinney.

JURAT

My name is Edward Raymond Dail, my date of birth is January 12th, 1957, and my address is 239 Sunrise Dr, Sunrise Beach, TX 78843 and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

508C3861E48348D

Executed in Llano County, State of Texas,
On the 19th day of February 2020.

ExA

DECLARATION OF JAMES THAD DAIL

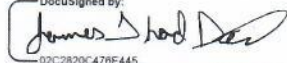
1. My name is James Thad Dail. I am over the age of 18. This is an unsworn declaration pursuant to section 132.001 of the Texas Civil Practice and Remedies Code. I have personal knowledge of the matters stated herein, and I declare under penalty of perjury that the statements in this declaration are true and correct.

2. I am the co-executor, with Edward Raymond Dail, of the estate of Wallace E. Dail, our father and Nancy Dail, our mother.

3. The subject parcel of approximately 82 acres does not receive water or sewer service from the City of McKinney. On behalf of the estate of Nancy Dail, and the estate of Wallace Dail, we petition for the property to be removed from the CCN's for water and sewer of the City of McKinney.

JURAT

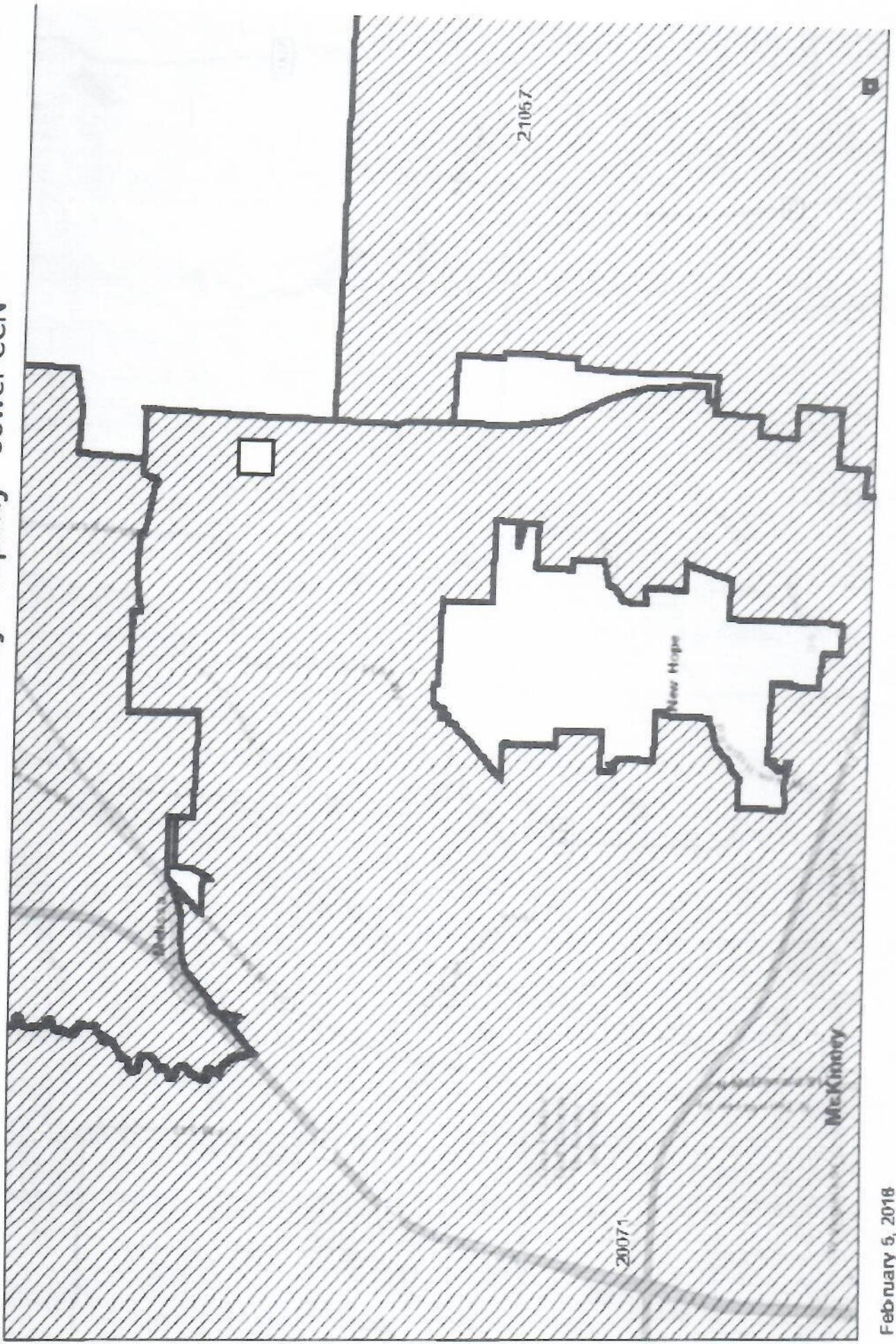
My name is James Thad Dail, my date of birth is August 10th, 1965, and my address is 1201 Clearwood Court, Allen TX 75002 and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

02C2820C478E445

Executed in collin County, State of Texas,
On the 19th day of February 2020.

Ex B

McKinney Property Sewer CCN



February 5, 2018

City of McKinney CCN #200071

Exc

GF#94R04968*MC (94-418)

WARRANTY DEED

Date: September 13, 1994

Grantor: DAYTON E. EWING and SANDRA L. EWING, the herein described property being no part of our respective business or residence homesteads

Grantor's Mailing Address (including county): 214 Hemlock Drive, Richardson, Dallas County, Texas 75081

Grantee: WALLACE E. DAIL and wife, NANCY L. DAIL

Grantee's Mailing Address (including county): 5607 Dillehay Road, Allen, Collin County, Texas 75002

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements):

BEING two (2) tracts of land containing 22.984 acres, more or less, and 59.588 acres of land, more or less, in the Thomas Rhodes Survey, Abstract No. 741, Collin County, Texas, and being more fully described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:


- 1) Mineral Lease to Turnco, Inc., described in instrument recorded in Volume 1173, Page 215, Deed Records of Collin County, Texas.
- 2) Oil and Gas Lease to Turnco, Inc., recorded in Volume 1174, Page 5490, Deed Records of Collin County, Texas.
- 4) Power poles and overhead service lines as shown on survey by Brad Sparr, Registered Public Land Surveyor No. 3701, dated August 25, 1994.
- 5) Protrusion of fence past the South line as shown on survey by Brad Sparr, Registered Public Land Surveyor No. 3701, dated August 25, 1994.
- 6) Rights of third parties, if any, with respect to that portion of the subject property which lies within the boundaries of County Road No. 412 and County Road No. 409, and as shown on survey by Brad Sparr, Registered Public Land Surveyor No. 3701, dated August 25, 1994.
- 7) Ad valorem taxes for 1994, the payment of which Grantee assumes.

94-0085404

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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


Dayton E. Ewing


Sandra L. Ewing


(Acknowledgement)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 13 day of Sept. 1994, by Dayton E. Ewing and Sandra L. Ewing.




Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:

Mr. and Mrs. Wallace L. Dail
5607 Dillehay Road
Allen, TX 75002

GAY & McCALL, INC.
777 East 15th Street
Plano, Texas 75074

Exhibit A

GF-Number 94R04968

TRACT A

Being a tract of land situated in the Thomas Rhodes Survey, Abstract No. 741 in Collin County, Texas and being a part of a 50 acre tract as described in deed to Ora Ella Martin, recorded in Volume 339, Page 417 of the Deed Records of Collin County, (DRCCT) Texas, and being all of that same tract of land identified as Tract A in deed to Dayton E. and Sandra L. Ewing recorded in Volume 3142, Page 842 DRCCT, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found in the center of County Road No. 412, at the northeast corner of a tract of land as described in deed to R.E. Aycock, Jr. recorded in Volume 1178, Page 690 DRCCT, and lying in the south line of a tract of land as described in deed to Joe Thomas and Virgie Lee Braley recorded in Volume 632, Page 37 DRCCT, said point also being S 89 degrees 54 minutes 03 seconds W, 581.72 feet and S 89 degrees 41 minutes 40 seconds W, 1406.67 feet from a 3/8-inch iron rod found at the intersection of the center of said County Road 412 with the center of County Road 409, same being called to be the northeast corner of said Rhodes Survey;

THENCE N 89 degrees 41 minutes 40 seconds E, along the center of said County Road 412, along the south line of said Braley tract, 557.44 feet to a 1/2-inch iron rod found at the northwest corner of a tract of land identified as Tract B in deed to Dayton E. and Sandra L. Ewing recorded in Volume 3142, Page 842 DRCCT;

THENCE S 00 degrees 09 minutes 32 seconds W, departing said County Road 412, along the west line of said Tract B, 1800.01 feet to a 3/4-inch iron pipe found 0.4 feet north of a fence line, and lying in the north line of a tract of land as described in deed to Anna May Sublett Wallis and Josaine Wallis-Garrett recorded in Volume 2559, Page 474 and Volume 3033, Page 423 DRCCT;

THENCE N 89 degrees 30 minutes 10 seconds W, generally along said fence line and along the north line of said Wallis and Wallis-Garrett tract, 557.43 feet to a 3/8-inch iron rod found at a fence corner, and lying in the east line of said Aycock, Jr. tract;

THENCE N 00 degrees 09 minutes 31 seconds E, along the east line of said Aycock tract, generally along a fence line, 1792.19 feet to the POINT OF BEGINNING and containing 22.984 acres of land.

TRACT B

Being a tract of land situated in the Thomas Rhodes Survey, Abstract No. 741 in Collin County, Texas and being a part of a 50 acre tract as described in deed to Ora Ella Martin, recorded in Volume 339, Page 417 of the Deed Records of Collin County, (DRCCT) Texas, and being all of that same tract of land identified as Tract B in deed to Dayton E. and Sandra L. Ewing recorded in Volume 3142, Page 842 DRCCT, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found at the intersection of the center of

County Road No's. 412 and 409, at the northeast corner of the Thomas Rhodes Survey, same being the southeast corner of a tract of land identified in deed to Paul R. Ellis, Jr. recorded in Volume 621, Page 15 DRCCT, and lying in the west line of a tract of land as described in deed to James E. and Priscilla Austin recorded in Volume 1037, Page 387 DRCCT;

THENCE S 00 degrees 07 minutes 51 seconds E, along the center of said County Road No. 409, same being the west line of said Austin tract, 393.10 feet to a 3/8-inch iron rod found at the southwest corner of said Austin tract, same being the northwest corner of a tract of land as described in deed to Max A. and Carol A. Johnson recorded in Clerk's File No. 92-0044148;

THENCE S 00 degrees 04 minutes 43 seconds E, continuing along the center of said County Road No. 409, along the west line of said Johnson tract, at 1123.10 feet passing a 1/2-inch iron rod found 4.04 feet east of line for the southwest corner of said Johnson tract, same being the northwest corner of a tract of land as described in deed to Jimmy W. Janacek recorded in Clerk's File No. 93-0020427, in all a distance of 1423.32 feet to a 1/2-inch iron rod found at the northeast corner of a tract of land as described in a deed to Anna May Sublett Wallis and Josiane Wallis-Garrett recorded in Volume 2559, Page 474 and Volume 3033, Page 423 DRCCT;

THENCE N 89 degrees 33 minutes 59 seconds W, along the north line of said Wallis-Garrett tract, 1438.81 feet to a 3/4-inch iron pipe found 0.4 feet north of a fence line, said point also being the southeast corner of a tract of land identified as Tract A in deed to Dayton E. and Sandra L. Ewing recorded in Volume 3142, Page 842 DRCCT;

THENCE N 00 degrees 09 minutes 32 seconds E, departing the north line of said Wallis-Garrett tract, along the east line of said Tract A, 1800.01 feet to a 1/2-inch iron rod found in the center of County Road No. 412 and lying in the south line of a tract of land as described in deed to Joe Thomas and Virgie Lee Braley recorded in Volume 632, Page 37 DRCCT;

THENCE N 89 degrees 41 minutes 40 seconds E, along the center of said County Road 412, same being the south line of said Braley tract, at 138.44 feet passing a 1/2-inch iron rod found 1.75 feet south of line at the southeast corner of said Braley tract, same being the southwest corner of said Ellis tract, in all a distance of 849.23 feet to a 3/8-inch iron rod found;

THENCE N 89 degrees 54 minutes 03 seconds E, continuing along the center of said County Road 412, along the south line of said Ellis tract, 581.72 feet to the POINT OF BEGINNING and containing 59.588 acres of land.