

Control Number: 43452



Item Number: 27

Addendum StartPage: 0



T.B.P.E. #F-8632

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Arlington, TX 76015

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PUBLIC UTILITY COMMISSION
FILING CLERK

August 28, 2015

Ms. Katherine Lengieza Gross, Attorney-Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

RE: Town of Little Elm, Denton County
Application to Amend Certificates of Convenience and Necessity
Docket No. 43452
Request for Amendment to Application

Dear Ms. Gross:

On August 13, the Town of Little Elm (Applicant) and the Town of Lakewood Village reached an agreement on conflicting sewer CCN boundaries. The original CCN boundaries proposed by the applicant were overlapping with boundaries proposed in a separate CCN application by Lakewood Village (Docket No. 43145). Enclosed is a copy of the signed agreement between the applicant and Lakewood Village as well as an updated sewer CCN map and a disk containing GIS mapping information. Lakewood Village will be requesting an amendment to Docket No. 43145 under a separate letter.

We would like to express our appreciation for granting additional time for all parties to negotiate and reach an agreement on CCN boundary locations. Please contact this office if you need additional information or have any other questions regarding this application.

Sincerely,

Justin Thomas, P.E.
Arlington CES Practice Leader

Enclosures

cc: Mr. Doug Peach, Director of Public Works, Town of Little Elm
Mr. Jason Laumer, Director of Development Services, Town of Little Elm

**AGREEMENT BETWEEN THE TOWN OF LAKEWOOD VILLAGE, TEXAS, AND
THE TOWN OF LITTLE ELM, TEXAS, REGARDING SEWER CCN MATTERS**

This ("Agreement"), which was approved by the Town of Lakewood Village, Texas ("Lakewood Village"), on the 13th day of August, 2015, and approved by the Town of Little Elm, Texas, ("Little Elm"), on the 18th day of August, 2015, sets forth certain agreements regarding certificates of convenience and necessity ("CCN") for the provision of sewer service, as issued by the Texas Commission on Environmental Quality, or a predecessor agency.

RECITALS

WHEREAS, Lakewood Village is the holder of Sewer CCN #20075, which service area Lakewood Village seeks to expand through an application to amend Sewer CCN #20075, which application is currently pending before the Public Utility Commission of Texas ("PUC") as Docket No. 43145 (hereinafter referred to as the "Lakewood Village PUC Application"); and

WHEREAS, Little Elm is the holder of Sewer CCN #20931, which service area Little Elm seeks to expand through an application to amend Sewer CCN #20931, which application is currently pending before the PUC as Docket No.43452 (hereinafter referred to as the "Little Elm PUC Application"); and

WHEREAS, the Lakewood Village PUC Application seeks to decertify portions of Little Elm's Sewer CCN # 20931, which decertification Little Elm opposes; and

WHEREAS, Lakewood Village and Little Elm have reached certain agreements regarding both Town's respective PUC Applications and the areas to be covered by each Town's respective sewer CCNs; and

WHEREAS, Little Elm agrees to release and relinquish all CCN rights to provide sewer service to a designated area shown in green in *Exhibit A* to this Agreement, attached hereto and incorporated herein for all purposes, which area is labeled "RELEASE FROM LITTLE ELM CCN & TRANSFER TO LAKEWOOD VILLAGE CCN," and which area is hereinafter referred to as the "Little Elm CCN Transfer Area;" and

WHEREAS, Little Elm agrees to remove from the Little Elm PUC Application a designated area shown in a reddish color in *Exhibit A* to this Agreement, which area is labeled "REMOVE FROM LITTLE ELM PUC APPLICATION. AREAS TO BE ADDED TO LAKEWOOD VILLAGE CCN," and which area is hereinafter referred to as the "Little Elm CCN Release Area;" and

WHEREAS, Lakewood Village agrees to remove from the Lakewood Village PUC Application a designated area shown in yellow in *Exhibit A* to this Agreement, which area is labeled "REMAIN IN LITTLE ELM PUC APPLICATION TO ADD TO LITTLE ELM CCN," and which area is hereinafter referred to as the "Lakewood Village CCN Release Area."

NOW, THEREFORE, in consideration of the terms and conditions of this Agreement and mutual promises and covenants contained herein, Lakewood Village and Little Elm agree as follows:

1. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

2. Little Elm will release that portion of Little Elm Sewer CCN #20931 shown as the Little Elm CCN Transfer Area, and will execute all necessary approvals/consents/waivers to transfer the Little Elm CCN Transfer Area to Lakewood Village Sewer CCN #20075, such that the released sewer CCN service area will be transferred to and be included within Lakewood Village Sewer CCN # 20075.

3. Little Elm will amend the Little Elm PUC Application to remove from the Application any request to provide sewer service to the Little Elm CCN Release Area, and will execute all necessary approvals/consents/waivers to allow the sewer CCN rights to the area to be provided to Lakewood Village to allow Lakewood Village to expand sewer service to that area as part of Lakewood Village Sewer CCN # 20075.

4. Lakewood Village will amend the Lakewood Village PUC Application to remove from the Application any request to provide sewer service to the Lakewood Village CCN Release Area and will execute all necessary approvals/consents/waivers to transfer the sewer CCN rights to the area to Little Elm to allow Little Elm to expand sewer service to that area as part of Little Elm Sewer CCN #20931.

5. Lakewood Village agrees to accept the Little Elm CCN Transfer Area and the Little Elm CCN Release Area and to amend Lakewood Village Sewer CCN #20075 to accept the Little Elm CCN Transfer Area and Little Elm CCN Release Area.

6. Little Elm agrees to accept the Lakewood Village CCN Release Area and to amend Little Elm Sewer CCN #20931 to accept the Lakewood Village CCN Release Area.

7. Lakewood Village and Little Elm agree to execute any documentation required by the PUC to effectuate the transfers, amendments and releases set forth in this Agreement. Lakewood Village and Little Elm agree that neither party shall take any steps to contest, circumvent, alter, modify or in any manner negatively affect the understanding of the parties as set forth in the Agreement.

8. Little Elm agrees to complete at its sole cost and expense any and all paper mapping, projectable data mapping, and any additional mapping required by the PUC to fulfill ~~the terms and conditions of this Agreement.~~

9. This Agreement expresses the entire agreement between the parties hereto regarding the subject matter contained herein and may not be modified or amended except by written agreement duly executed by both parties.

10. By execution of this Agreement, each party represents to the other that:

(a) In performing its duties and obligations hereunder, it will be carrying out one or more governmental functions or services which it is authorized to perform;

(b) The undersigned officer or agent of the party has been properly authorized by that party's governing body to execute this Agreement and that any necessary resolutions extending such authority have been duly passed and are now in effect;

11. This Agreement is for the benefit of Lakewood Village and Little Elm and no provision of this Agreement will inure to the benefit of any third party. Lakewood Village and Little Elm waive the immunities they have as political subdivisions of the Texas only to the extent necessary to enforce the terms and conditions of this Agreement and for no other purpose.

12. The prevailing party in the adjudication of any proceeding relating to this Agreement shall be authorized to recover its reasonable and necessary attorney's fees pursuant to Sec. 271.159 of the Texas Local Government Code.

Town of Lakewood Village, Texas



Dr. Mark E. Vargus, Mayor

Date: August 13, 2015

ATTEST:



Linda Asbell, TRMC, Town Secretary



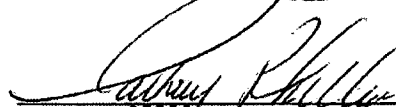
Town of Little Elm, Texas



Matt Muehler, Town Manager

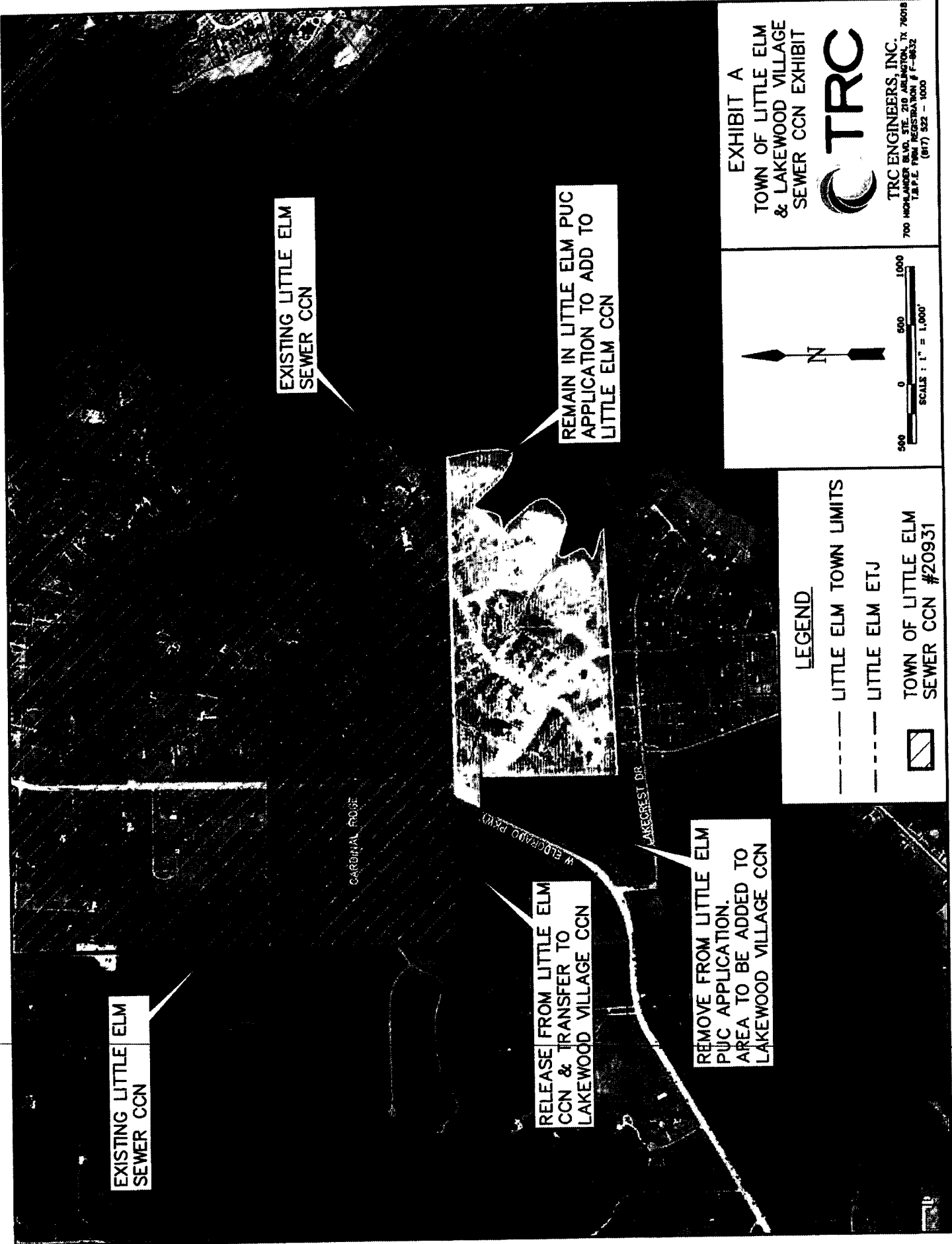
Date: 08-18-15

ATTEST:



Kathy Phillips, Town Secretary





EXISTING LITTLE ELM
SEWER CCN

EXISTING LITTLE ELM
SEWER CCN

RELEASE FROM LITTLE ELM
CCN & TRANSFER TO
LAKEWOOD VILLAGE CCN

REMAIN IN LITTLE ELM PUC
APPLICATION TO ADD TO
LITTLE ELM CCN

REMOVE FROM LITTLE ELM
PUC APPLICATION.
AREA TO BE ADDED TO
LAKEWOOD VILLAGE CCN

LEGEND

- LITTLE ELM TOWN LIMITS
- - - LITTLE ELM ETJ
- ☐ TOWN OF LITTLE ELM SEWER CCN #20931

EXHIBIT A

TOWN OF LITTLE ELM
& LAKEWOOD VILLAGE
SEWER CCN EXHIBIT

CTRC

TRC ENGINEERS, INC.
LITTLE ELM, STE. 210 ARLINGTON, TX, 76018
T.A.P.E. FROM REGISTRATION # F-8632
(817) 522 - 1000

N

0 500 1,000

SCALE : 1" = 1,000'

TOWN OF LITTLE ELM
CCN AMENDMENT APPLICATION
NOS. 37896-C & 37897-C
DOCKET NO. 43452

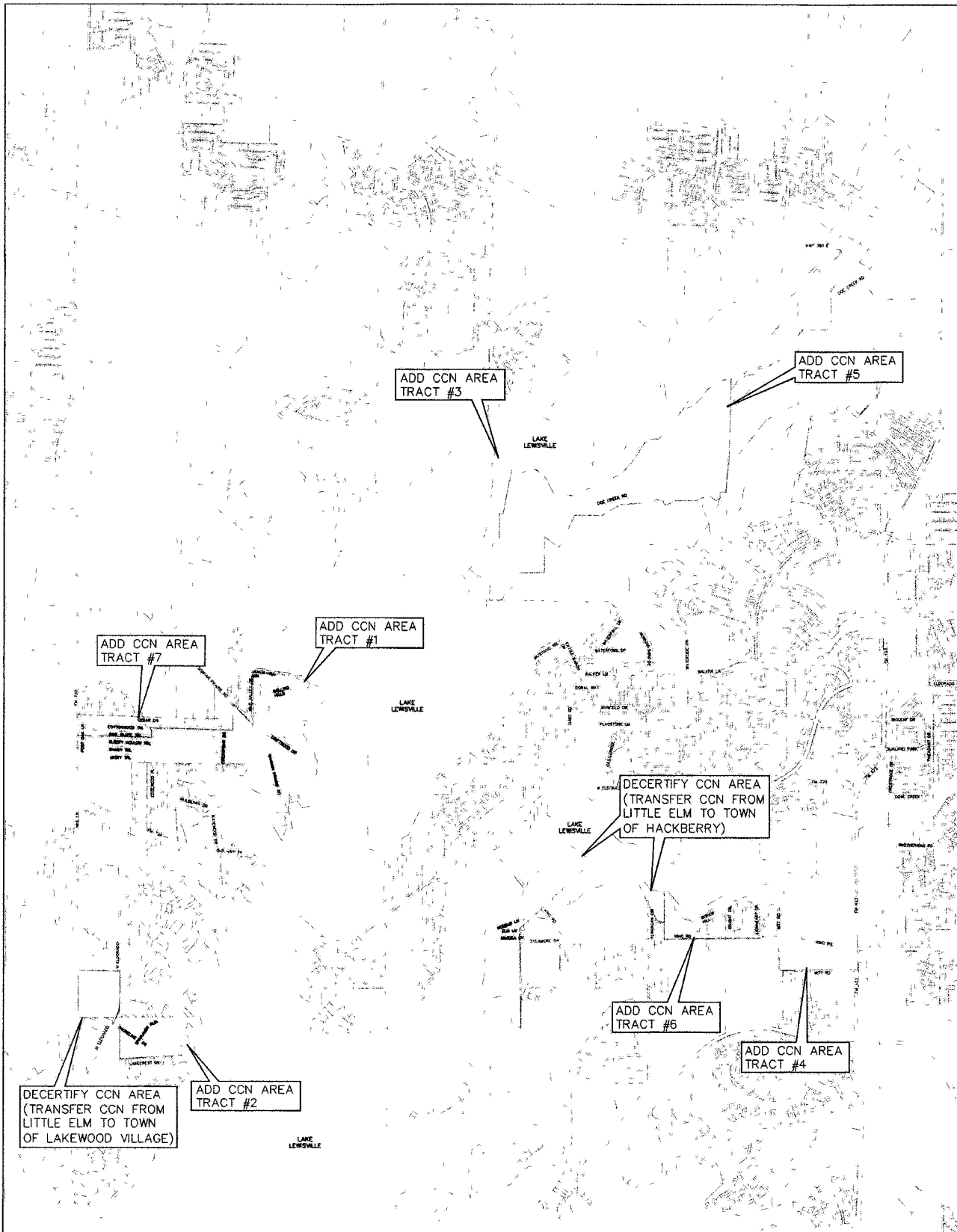
GIS DATA

REVISED
AUGUST 2015



TRC ENGINEERS, INC.
TBPE #F-8632





PROPOSED TRACT CCN STATUS	
TRACT	OWNER (CCN)
1	NOT CERTIFIED
2	NOT CERTIFIED
3	MUSTANG SUD (20930)
4	NOT CERTIFIED
5	VALENCIA WCID (21015)
6	NOT CERTIFIED
7	CITY OF OAK POINT (20908)

LARGE SCALE MAP
APPLICATION TO AMEND
THE TOWN OF LITTLE ELM
SEWER CCN NO. 20931

SCALE: 1" = 1400'

1400 700 0 700 1400 2800

TRC
TRC ENGINEERS, INC.
 505 E. HANCOCK STREET, SUITE 200, WILLOW PARK, IL 60091
 (708) 494-3100