



Control Number: 44534



Item Number: 38

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CITY OF HOUSTON
Department of Public Works and Engineering

Sylvester Turner
Mayor

Dale A. Rudick, P.E.
Director
P.O. Box 1562
Houston, Texas 77251-1562

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September 16, 2016

VIA U.S. MAIL AND EMAIL

Aqua Texas, Inc.
Attn: W. A. "Butch" Callegari, Jr.
c/o Callegari Law Firm, P.C.
15040 Fairfield Village Drive, Suite 200
Cypress, Texas 77433
Wcj1304@msn.com

RECEIVED
2016 SEP 22 PM 12:17
PUBLIC UTILITY COMMISSION
FILING CLERK

RE: Application by Aqua Texas, Inc. to Amend Water and Sewer Certificates of Convenience and Necessity Nos. 13203 and 21203, PUC Docket No. 44534

Dear Mr. Callegari:

Pursuant to Section 13.245 of the Texas Water Code, an application to amend a certificate of convenience and necessity to provide water or sewer service within the extraterritorial jurisdiction of a municipality may not be approved without the municipality's consent. As a condition of consent, the municipality may require that all water and sewer facilities be designed and constructed in accordance with the municipality's standards.

After review of the above-referenced application and associated documents, the City of Houston has no objection to the proposed amendment, providing Aqua Texas, Inc. agrees to abide by the terms and conditions set forth in Exhibit A, attached hereto and incorporated herein by reference. Aqua Texas may indicate its consent to these conditions by signing this letter where indicated below and delivering the signed original to Veronica Osegueda at City of Houston, Department of Public Works and Engineering, P.O. Box 1562, Houston, Texas, 77251-1562.

Upon signature by Aqua Texas consenting to the terms and conditions set forth in Exhibit A, Aqua Texas is authorized to submit a copy of the signed letter to the Public Utility Commission of Texas as evidence of Houston's consent under Section 13.245 of the Texas Water Code.

Please contact me at (832) 395-2706 or Ms. Osegueda at (832) 395-3080 with any questions.

Sincerely,



Mark L. Loethen, P.E., CFM
Deputy Director
Planning and Development Services Division

c: Dale A. Rudick, P.E.
Veronica R. Osegueda
Sharon Citino

By signing below, the Applicant accepts and agrees to comply with the terms and conditions of consent set forth in Exhibit A to this letter.

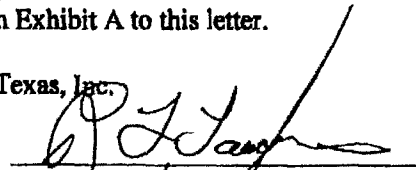


Aqua Texas, Inc.

By:

Title:

Date:



President

9/22/16

EXHIBIT A

1. Aqua Texas, Inc. ("Aqua Texas") shall not add land located within the extraterritorial jurisdiction of the City of Houston, Texas (the "City") to Certificates of Convenience and Necessity Nos. 13203 or 21065 without the City's prior written consent, which shall not be unreasonably withheld. In connection therewith, Aqua Texas reserves all rights, privileges, and defenses provided pursuant to Section 13.245 of the Texas Water Code.
2. All water and wastewater lines, plants, lift stations, fire hydrants, and related facilities, including, without limitation, all valves, pipes, water wells, and meters, but excluding meter telemetry (the "Facilities"), to serve the area legally described and depicted on Exhibits A-1 and A-2, attached hereto and incorporated herein by reference (the "Willow Creek Area"), shall be designed and constructed in accordance with the latest edition of the City of Houston Infrastructure Design Manual, as amended from time-to-time. Before commencing construction of the Facilities, Aqua Texas shall: (i) submit to the Director of the City's Department of Public Works and Engineering or his designee (the "Director") all design and construction plans and specifications for the Facilities and obtain the Director's approval of such plans and specifications; and (ii) give written notice by registered or certified mail to the Director stating the date that construction shall commence. The Director may make periodic on-the-ground inspections during construction of the Facilities.
3. For each wastewater plant that serves the Willow Creek Area, Aqua Texas shall engage a wastewater plant operator holding a valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality (the "TCEQ") to operate the wastewater plant as required by Section 26.0301 of the Texas Water Code, as amended from time-to-time. Aqua Texas agrees to make periodic analyses of each wastewater plant's discharge pursuant to all applicable laws and regulations, including those promulgated by the TCEQ, and to send copies of all TCEQ-required effluent data to the Director and the TCEQ. Aqua Texas agrees that the Director may make periodic inspections of each wastewater plant; provided, however, that the City must provide Aqua Texas with no less than 24-hour advance notice of any such inspection, and provided further that Aqua Texas may assign a representative to accompany the Director on any such inspections. Aqua Texas shall not accept wastewater flow to any wastewater plant that exceeds the legally-permitted average daily flow limitations for such plant.
4. Aqua Texas is permitted to utilize the Facilities to serve customers outside the City's extraterritorial jurisdiction, provided that Aqua Texas is legally permitted to serve such customers pursuant to applicable law.

DESCRIPTION
HARRIS COUNTY IMPROVEMENT
DISTRICT NO. 17

Exhibit A-1

620.652 acres of land situated in the Chauncey Goodrich Survey, Abstract Number 305, Harris County, Texas, being the remainder of that certain called 640 acres of land, that certain called 18.9062 acres of land, that certain called 20.000 acres of land, that certain called 2.145 acres of land (Tract 1), that certain called 20.000 acres of land (Tract 2) and that certain called 5.0098 acres of land as described in deed and recorded respectively in the Official Public Records of Real Property of Harris County, Texas, under, County Clerk's File Numbers 20130384778, 20140138412, 20140049212, 20140038882 and Z484126, said 620.652 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron pipe found in the North line of that certain called Boudreaux Estates, Section One, an unrecorded subdivision, for the most Southerly corner of that certain called 1.679 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L951535;

Thence, S 87°11'31" W, along the Northerly line of said Boudreaux Estates, Section One, the Northerly line of that certain called 16.349 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number F196319, and a Northerly line of that certain called 617.6016 acres of land, described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20100175659, a distance of 5278.75 feet to a 1 inch iron pipe found for an interior corner of said 617.6016 acre tract;

Thence, N 02°44'11" W, along an Easterly line of said 617.6016 acre tract, a distance of 5320.55 feet to a wooden fence post found for an exterior corner of said 617.6016 acre tract;

Thence, N 87°37'49" E, along the Southerly line of that certain called Calverts Subdivision, an unrecorded subdivision, the Southerly line of Calvert Road (60 foot right-of-way) the Southerly line of those certain called 1.0240 acre, 0.4213 of one acre and 0.885 of one acre tracts described in deed and recorded respectively in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers N106888, R474620 and N343714, and the Southerly line of that certain called Alice Acres, an unrecorded subdivision, a distance of 5160.79 feet to a 5/8 inch iron rod found in the Westerly line of State Highway Number 249, (350 foot right-of-way);

Thence, S 26°12'57" E, along the Southwesterly line of said State Highway 249, a distance of 276.44 feet to a 5/8 inch iron rod set at the intersection of said Westerly right-of-way line of State Highway 249 and the Westerly line of that certain called 160 foot wide Harris County Flood Control District fee strip (Parcel "D") as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L951535;

Thence, S 02°49'41" E, along the Westerly line of said Parcel "D" and the Westerly line of said Parcel "D" and the Westerly line of the remainder of that certain called 145.78 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number F014298, a distance of 751.63 feet to the most Easterly Northeast corner of that certain called 9.26 acres of land described in deed and recorded under Volume 1063, Page 557 of the Deed Records of Harris County, Texas;

Thence, N 02°03'38" W, along the Northeasterly line of said 9.26 acre tract, a distance of 204.65 feet to a fence corner for the most Northerly Northeast corner of said 9.26 acre tract;

Thence, S 87°13'07" W, along the Northerly line of said 9.26 acre tract, a distance of 442.36 feet to a fence corner found for the Northwesterly corner of said 9.26 acre tract and the most Easterly Southeast corner of that certain called 7.7884 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number U519393;

Thence, N 02°08'16" W, along the most Easterly line of said 7.7884 acre tract, a distance of 504.08 feet to a fence corner found for the most Northeasterly corner of said 7.7884 acre tract;

Thence, S 88°51'41" W, along the Northerly line of said 7.7884 acre tract, a distance of 574.65 feet to a fence corner found for the Northwesterly corner of said 7.7884 acre tract;

Thence, S 01°52'45" E, along the Westerly line of said 7.7884 acre tract, a distance of 1259.44 feet to a 5/8 inch iron rod with cap set for the most Southwesterly corner of said 7.7884 acre tract;

Thence, N 87°59'57" E, along the most Southerly line of said 7.7884 acre tract, a distance of 60.00 feet, to a 5/8 inch iron rod found for the most Southerly Southeast corner of said 7.7884 acre tract;

Thence, N 01°54'57" W, along an Easterly line of said 7.7884 acre tract, a distance of 740.30 feet to a 1/2 inch iron rod with cap found for an interior corner of said 7.7884 acre tract;

Thence, N 87°17'18" E, partially along a Southerly line of said 7.7884 acre tract, a distance of 294.17 feet to a 1/2 inch iron rod with cap found for the Northeasterly corner of said 5.0098 acre tract;

Thence, S 01°55'28" E, along the Easterly line of said 5.0098 acre tract, a distance of 743.95 feet to a 1/2 inch iron rod found in the most Southerly line of that certain called 28.68 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number C139334, for the Southeasterly corner of said 5.0098 acre tract;

Thence, N 87°59'57" E, along the most Southerly line of said 28.68 acre tract and the Southerly line of said 9.26 acre tract, a distance of 777.34 feet to a point for corner, from which a found drill hole bears S 11°14'49" E, 0.33 feet;

Thence, S 02°49'35" E, along the Westerly line of said remainder of 145.78 acre tract, the Westerly line of that certain called 150 foot wide Harris County Flood Control District fee strip (Parcel "B") as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L951535, the most Westerly line of that certain called 64.767 acre tract of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number Y495627, and the Westerly line of said 1.679 acre tract, a distance of 3700.07 feet to the POINT OF BEGINNING and containing 620.652 acres of land.

BEARING ORIENTATION BASED ON THE DISTRICT BOUNDARY MAP FOR HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 DATED MAY 2014.

This document was prepared in conjunction with the district boundary map for Harris County Improvement District No. 17, prepared by Hovis Surveying Co., Dated May 2014.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

HOVIS SURVEYING COMPANY, INC.
TEXAS FIRM REGISTRATION NO. 10030400

By: 

Date: May 9, 2014
Job No: 02-025-101
File No: N02-025.101D



