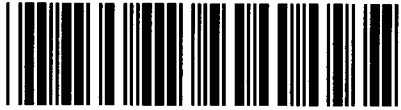




Control Number: 46674



Item Number: 69

Addendum StartPage: 0

January 5, 2017

46674

Gloria H. Joy  
12708 Danvers Drive  
Houston, TX 77049

RECEIVED

2017 JAN -9 PM 2: 18.

PUBLIC UTILITY COMMISSION  
FILING CLERK

2017 JAN -9 AM 10: 03

PUBLIC UTILITY COMMISSION  
LEGAL DIVISION

Stephen Mack  
Managing Attorney  
Texas Public Utility Commission  
1701 N. Congress Avenue  
PO Box 13326  
Austin, TX 78711-3326

Dear Mr. Mack:

I am writing to you today per the suggestion of Mr. Jim Boyle in order to seek assistance and advice. We received a letter seeking a "Sanitary Control Easement within 150 feet of a water well owned and operated by Suburban Utility Company, Inc. This well is located in the Beaumont Place subdivision which is just outside of the Houston city limits. The well is known as Danvers Drive plant#1. This easement request affects 4 property owners, 3 of which are retired and on a fixed income the fourth has large medical expenses for a disabled child. Suburban Utility has another well on Flagstaff Street and I suspect the same easement request has been made of neighboring property owners as well.

Enclosed is a copy of the letter that we received and a copy of the letter that we sent to Suburban Utility Company expressing the concerns of my neighbors and myself.

1. Our primary concern is that the easement would prohibit the use of our existing septic tank and field line systems.
2. Replacement of these systems would be cost prohibitive to the property owners.
3. Two of the property owners are left with no possible area to move their septic systems as nearly all of their property falls within the 150 ft. radius.

Any help or advice that you can provide with respect to this issue would be much appreciated.

Sincerely,

*Gloria H. Joy*

Gloria H. Joy  
281/458-9762

69

**SANITARY CONTROL EASEMENT**

**DATE:** December 6, 2016  
**GRANTOR:** GLORIA H. JOY  
**GRANTOR'S ADDRESS:** 12708 Danvers Drive, Houston, Texas 77049-2706  
**GRANTEE:** SUBURBAN UTILITY COMPANY  
**GRANTEE'S ADDRESS:** P. O. Box 455, Spring, Texas 77383-4455

**SANITARY CONTROL EASEMENT:** BEAUMONT PLACE SUBDIVISION WATER SYSTEM  
DANVERS PLANT  
LOTS 432, 433, 444 & 445, BLOCK 30,  
BEAUMONT PLACE SECTION 3

**Purpose, Restrictions, and Uses of Easement:**

1. The purpose of this easement is to protect the water supply of the well described and located below by means of sanitary control.
2. The construction, existence, and/or operation of the following within a 150-foot radius of the well described and located below are prohibited: septic tank or sewage treatment perforated drainfields; areas irrigated by low dosage, low angle spray on-site sewage facilities; absorption beds; evapotranspiration beds; abandoned, inoperative or improperly constructed water wells of any depth; underground petroleum and chemical storage tanks or liquid transmission pipelines; sewage treatment plants; sewage wet wells; sewage pumping stations; drainage ditches which contains industrial waste discharges or wastes from sewage treatment systems; animal feed lots; solid waste disposal sites, landfill and dump sites; lands on which sewage plant or septic tank sludge is applied; lands irrigated by sewage plant effluent; military facilities; industrial facilities; wood treatment facilities; liquid petroleum and petrochemical production, storage, and transmission facilities; Class 1, 2, 3, and 4 injection wells; pesticide storage and mixing facilities; and all other constructions or operations that could pollute the groundwater sources of the well that is the subject of this easement. For the purpose of this easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.
3. The construction, existence and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, cemeteries and/or existence of livestock in pastures is specifically prohibited within a 50-foot radius of the water well described and located below.
4. This easement permits the construction of homes or buildings upon the Grantor's property, and farming and ranching operations, as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.

The grantor's property subject to this Easement is described in the documents recorded at:

Deed File No. K549168, D604747 & N706580 of the Real Property Records of Harris County, Texas.

**PROPERTY SUBJECT TO EASEMENT:**

All that area within a 150 foot radius of Water Well #2 located 77.48 feet at a bearing of North 19 degrees 03' 48" East from the northwest corner of Lot 445, Block 30, Beaumont Place Subdivision, Section 3 of Record in Volume 36, Page 21 of the Harris County, Texas Plat Records.

**TERM:**

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) for a period of two years from the date that this easement is recorded; after which time, this easement shall be automatically extended until the use of the subject water well as a source of water for public water systems ceases.

**ENFORCEMENT:**

Enforcement of this easement shall be proceedings at law or in equity against any person or persons violating or attempting to violate the restrictions in this easement, either to restrain the violation or to recover damages.

**INVALIDATION:**

Invalidation of any one of these restrictions or uses (covenants) by a judgment or court order shall not affect any of the other provisions of this easement, which shall remain in full force and effect.

**FOR AND IN CONSIDERATION**, of the sum of One Dollar (\$1.00) and for other good and valuable consideration paid by the Grantee to the Grantor(s), the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee and to its successors and assigns the sanitary control easement described in this easement.

**GRANTOR(S)**

By: \_\_\_\_\_  
GLORIA H. JOY

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 personally appeared Gloria H. Joy, 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 purposes and consideration therein expressed.

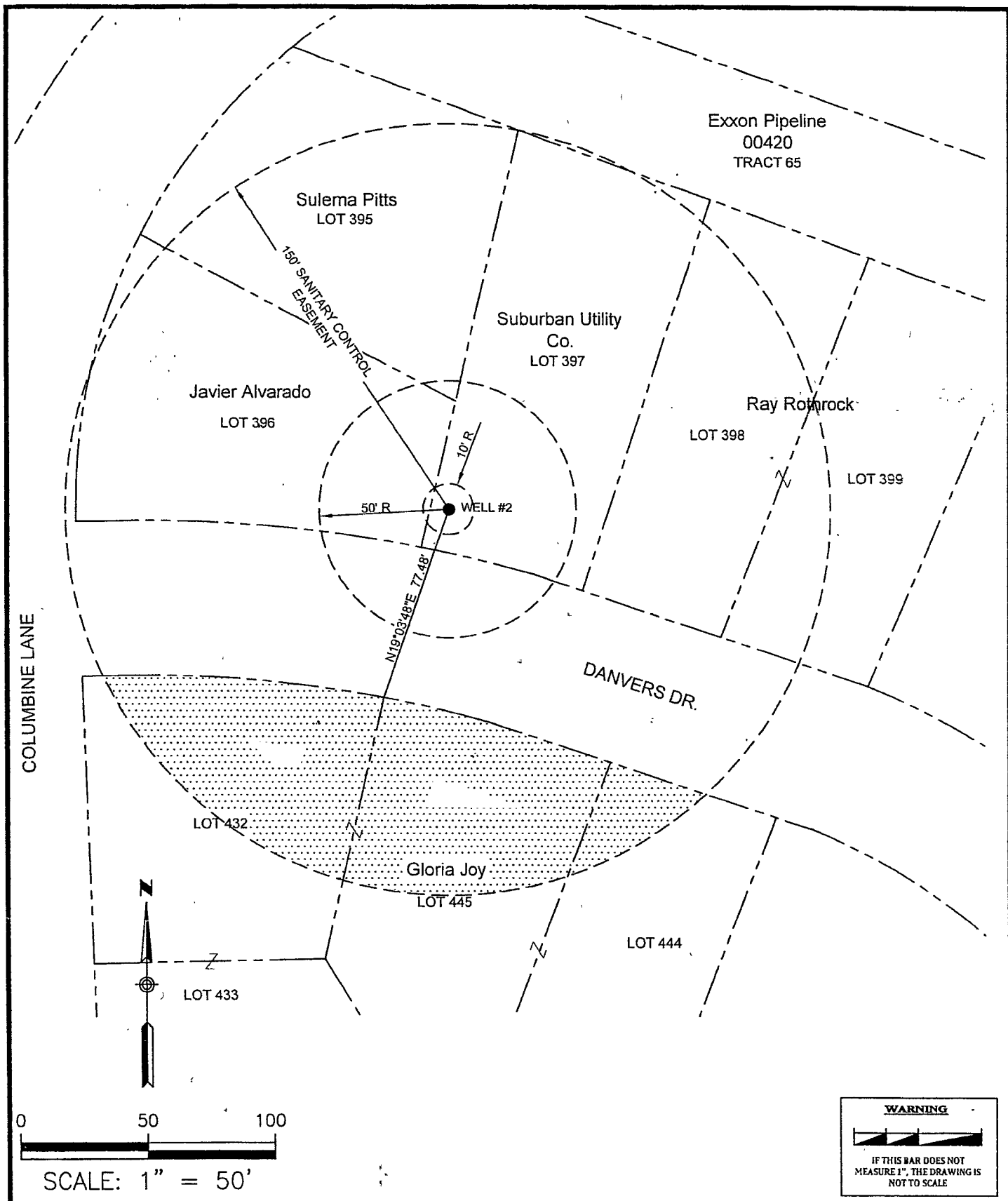
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Typed or Printed Name of Notary

My Commission Expires: \_\_\_\_\_

Recorded in \_\_\_\_\_ Courthouse, \_\_\_\_\_ Texas on \_\_\_\_\_, 2016.



SCALE: AS SHOWN

DRAWN BY WAM DATE 3/18

CHECKED BY CLL DATE 3/18

FILE 0362-014-16

**SANITARY CONTROL EASEMENT**  
 BEAUMONT PLACE WATER SYSTEM - DANVERS PLANT  
 JOY

**SUBURBAN UTILITY COMPANY**  
 HARRIS COUNTY, TEXAS



**SOUTHWEST ENGINEERS**  
 Civil | Environmental | Land Development  
 WWW.SWENGINEERS.COM T8PE NO. F-1909

December 28, 2016

Gloria H. Joy  
12708 Danvers Drive  
Houston, TX 77049

Suburban Utility Company  
P.O. Box 455  
Spring, TX 77383-4455

RE: Sanitary Control Easement Letter

Dear Sirs:

This letter is in response to letters sent to Ms. Sulema Pitts, Mr. Ray Rothrock, Mr. Javier Alvarado and Ms. Gloria Joy dated December 6, 2016 containing a request for control of property within 150 feet of the water tank located on Danvers Drive for a Sanitary Control Easement.

I am writing on behalf of my neighbors who are affected by this proposed 150 ft. easement request and myself. We have the following observations and questions:

1. Among other requirements, the letter requires the removal of any septic system, drain lines, private water wells (active or abandoned) that fall within the 150 ft. radius. To remove old septic systems and/or private water wells and install an alternative form of sewage disposal and/or private water wells is cost prohibitive. The cost could range from a few thousand to over 10 thousand dollars or more. At the owners' expense. All of which would be cost prohibitive to most but without doubt to the above property owners considering three of the four are retired and on a fixed income and the fourth is a family of six with added medical bills to care for their disabled daughter.
2. These homes are NOT new construction ranging from 1945 to 1993. Our respective homesteads had the existing septic tank systems in place.
3. Your offer of \$1.00 in compensation for granting a permanent easement to your company plainly is not adequate compensation.
4. The majority of Sulema Pitts and Javier Alvarado's property falls within the 150-foot radius leaving no possible area to install a new septic/sanitary disposal system. Without a sanitary disposal system, the property is unusable as a residence, thereby causing these homeowners to become homeless.
5. Are individuals living near the water tank on Flagstaff Street equally affected? Both tanks are within the Beaumont Place Subdivision. We can only wonder about the other communities you serve such as Hampton Oaks, Castlewood, Cypress Bend and Reservoir Acres.

6. Upon discussions with two attorneys, their perception is that this notice is inadequate on its face and that your company should provide more information to us. There was no supporting documentation enclosed with this letter to support your request for this Sanitation Easement on our private property at this time. What is driving this request now?
7. Stephen Mack of the Public Utility Commission will receive a copy of this letter.

I look forward to your reply with answers and additional information as requested.

Sincerely,

*Gloria H. Joy*

Gloria H. Joy/12708 Danvers Drive

X *Sulema R. Pitts*

Sulema R. Pitts/12604 Columbine Lane

X *Ray Rothrock*

Ray Rothrock/12713 Danvers Drive

X *Javier Alvarado*

Javier Alvarado/12600 Columbine Lane

CC: Stephan Mack – Texas Public Utility Commission