



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 5
AGENDA DATE: Thu 01/26/2006
PAGE: 1 of 2**

SUBJECT: Authorize the City Manager to negotiate and execute an agreement with Northtown Municipal Utility District (District) and NWC Howard & I-35, Ltd., through NWC Howard & I-35 GP, LLC, (Developer) to allow the City to provide permanent retail water and wastewater service to a portion of the District and to allow the District to provide interim retail water and wastewater to certain areas outside of the District's boundary. The District, approximately 1,224 acres, is located northeast of the City of Austin, Travis County and is generally bounded by the I-35 East Service Road to its west and Howard Lane to its south, and abuts portions of Dessau Road along its eastern boundary.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Austin Water Utility
DEPARTMENT:

**DIRECTOR'S
AUTHORIZATION:** Chris Lippe

FOR MORE INFORMATION CONTACT: Bart Jennings, 972-0118; Denise Ayery, 972-0104

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Water and Wastewater Commission.

PURCHASING: N/A

MBE / WBE: N/A

The Northtown Municipal Utility District was created on August 14, 1985, by Order of the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality. The District contains approximately 1,224 acres, is located northeast of the City of Austin, in Travis County and is generally bounded by the I-35 East Service Road to its west and Howard Lane to its south, and abuts portions of Dessau Road along its eastern boundary. The District has approximately 1,200 water and wastewater connections. The City provides wholesale water and wastewater service to the District.

The Developer, NWC Howard & I-35 GP, LLC, has requested that the City seek authorization from the District to provide permanent retail water and wastewater service to all of Lot 3, Block 3, and Lot 1, Block 2 of a 243.5-acre tract identified on Exhibit A, that is located in the northeast section of the City's extraterritorial jurisdiction and full-purpose limits and partially located within the District's boundary. The proposed development will contain industrial and multi-family development. The City will provide permanent retail water and wastewater utility service in accordance with its service extension request policies and City ordinances.

The Developer has also requested that the District seek authorization from the City to provide interim retail water and wastewater service to a portion of Lot 2, Block 2, and Lot 5, Block 3 of the 243.5 acre tract identified on Exhibit A, that is located in the northeast section of the City's extraterritorial jurisdiction and full-purpose limits and located outside of the District's boundary. The proposed development will contain industrial or single-family, and multi-family development. The District will provide interim retail water and utility service in accordance with its approved tariff.



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Other than these exceptions, the District will provide retail water and wastewater utility service only to those areas located within the District's boundary.

No. 011106-E

WATER AND WASTEWATER COMMISSION RESOLUTION

**AGREEMENT WITH NORTHTOWN MUNICIPAL UTILITY DISTRICT ("DISTRICT") AND
NWC HOWARD & I-35, LTD., TO PROVIDE PERMANENT RETAIL WATER AND
WASTEWATER SERVICE TO PORTION OF THE DISTRICT AND TO ALLOW THE DISTRICT
TO PROVIDE INTERIM RETAIL WATER AND WASTEWATER TO CERTAIN AREAS
OUTSIDE OF THE DISTRICT'S BOUNDARY.**

January 11, 2006
REGULAR MEETING
VOTE:
9-0-0-0

Motion made by: Warner

Commissioners Consenting: Chan, Lee, Friese, Raun, Scott-Ryan, Coleman, Pool, Gonzalez

Commissioners Dissenting:

Commissioners Abstaining:

Commissioners Absent:

The Water and Wastewater Commission recommend the Council authorize the City Manager to negotiate and execute an agreement with Northtown Municipal Utility District ("District") and NWC Howard & I-35, Ltd., through NWC Howard & I-35 GP, LLC, a Texas limited liability company, General Partner, ("Developer") to allow the City of Austin ("City") to provide permanent retail water and wastewater service to portion of the District and to allow the District to provide interim retail water and wastewater to certain areas outside of the District's boundary.


Michael Warner, Chairperson
Water and Wastewater Commission


Date