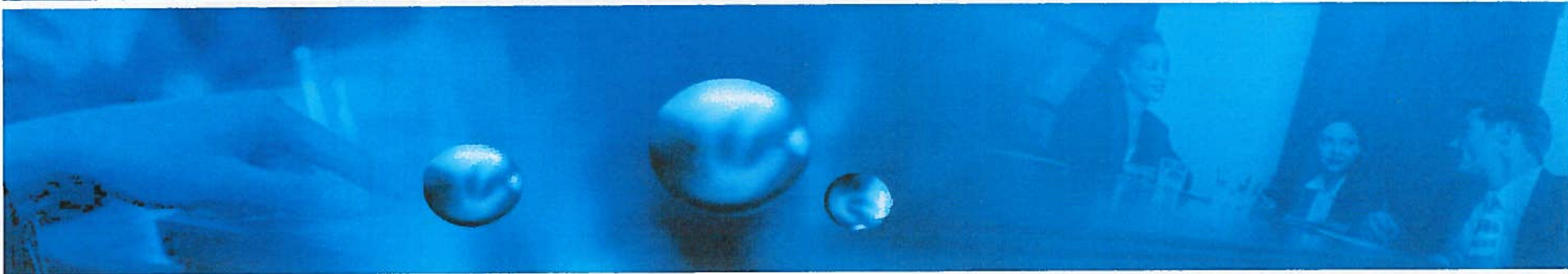


# Water Service Issues at 10713 N. FM 620



Public Utilities Committee  
June 17, 2015





# Discovery of Unauthorized Use of City's Water System







## Discovery of Unauthorized Use of City's Water System (cont'd)

- July 2012 to January 2013
  - Technically incomplete SER submitted for Lot 14-15 and Lot 12
  - Mr. Payne's engineer responds to SER application technical deficiencies in October
  - Draft SER provided. Required standard water main extension
  - Mr. Payne cancels scheduled meetings to discuss SER
- February 2013
  - Illegal water service discovered (violations of multiple City Codes). Additional violation of TCEQ rules.
  - Mr. Payne agrees to work with Austin Water for standard permanent connection
  - Illegal water service modified to temporary connection on a fire hydrant lead



## Discovery of Unauthorized Use of City's Water System (cont'd)

- March to June 2013
  - Mr. Payne provides null and void agreement and claims City owes a meter installation
  - Mr. Payne's engineer requests delay in SER approval process and alternatives to SER requirements
  - Mr. Payne's engineer later requests temporary connection be made permanent
- July 2013 to January 2014
  - Mr. Payne cancels multiple scheduled meetings
  - Mr. Payne claims Unified Development Agreement (UDA) exists, but fails to provide UDA after multiple requests



## Discovery of Unauthorized Use of City's Water System (cont'd)

- July 2013 to January 2014 (cont'd)
  - Mr. Payne meets with Director of Planning and Development Review Department. Director indicates:
    - No history of an existing UDA
    - Mr. Payne's representative provided dubious documentation of surveys indicating existing UDA eligible conditions



## Discovery of Unauthorized Use of City's Water System (cont'd)

- January 21, 2014
  - Austin Water issued water disconnection notice
- February to March 2014
  - Mr. Payne's legal counsel meets with Austin Water
  - Austin Water granted extension to disconnection notice to allow legal counsel to research situation
  - After such research, Mr. Payne's legal counsel indicated that no legal action would be initiated against the City





## Discovery of Unauthorized Use of City's Water System (cont'd)

- March 2014 to February 2015
  - Multiple and varied drafts of letter of agreement exchanged. The City's proposal included:
    - Austin Water proposed extension of 12" line to property boundary of Lot 12 and to set a meter vault (at the City's cost)
    - Austin Water proposed to move temporary meter and cap the existing tap (at the City's cost).
    - The owners would grant an appropriately sized easement across the frontage of Lots 12 and 14-15 for the future installation of a 12" water meter by a developer.
  - March 9, 2015--City terminated negotiations



Austin  
**WATER**

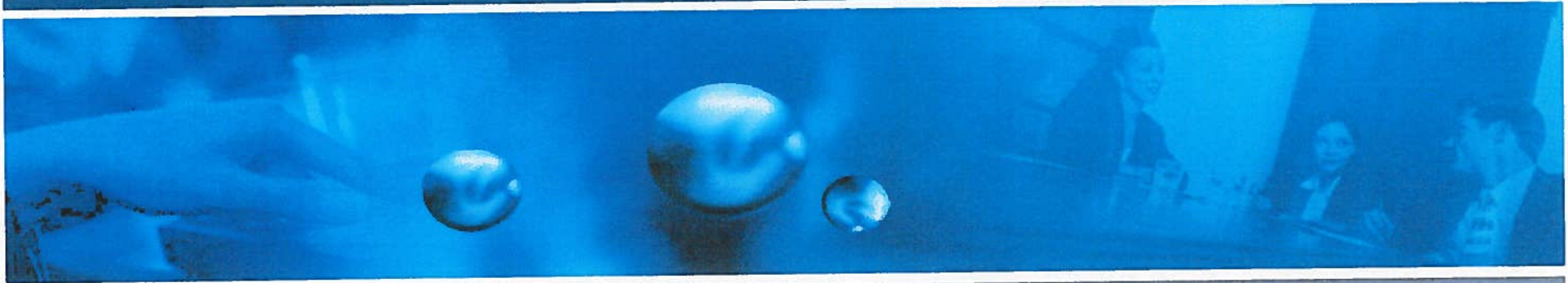


## Discovery of Unauthorized Use of City's Water System (cont'd)

- Next
  - Existing "temporary" connection would remain unless utility bill is not paid or new violation of Austin Code related to water service.
  - Upon re-development of Lot 12 or Lot 14-15, applicable metering and SER requirements would be invoked.



# Questions?



1997-2011



Item 6

# MEMORANDUM

TO: Development Review And Inspection Department

Alice Glasco, Director  
Katherine Loayza, Development Assistance Manager  
Elly Malone, Senior Planner  
Karen Williford, Administrative Services Supervisor  
Greg Guernsey, Principal Planner  
Dan Garcia, Chief Plan Reviewer  
Robert Brown, Plan Reviewer  
Monty Lowell, Plan Reviewer  
Luci Gallahan, Support Services Supervisor  
Debra Fonseca, Permit Center Team Leader

## Water and Wastewater Utility

Randy Goss, Director  
Alex Duderstadt, Assistant Director, Field Operations  
Mitt Tidwell, Assistant Director, Engineering  
Paul Uranek, Engineering Technician  
Donald Solberg, Engineering Associate  
Kathy Hobbs, Professional Municipal Programmer

FROM: Stuart Herish, Deputy Building Official  
Development Review and Inspection Department

DATE: June 18, 1997

SUBJECT: Unified Development Rule

Beginning in October 1995, many of us formed a Development Process Improvement Team to improve coordination between our departments. One of our goals was to revise the Unified Development rule.

I am providing a copy of the adopted revisions to the Unified Development rule which are now in effect. There was no known public opposition to these changes.

The Team also identified other issues we would address including an ordinance revising and clarifying manhole requirements. Please let me know if you need assistance in bringing any of these ordinance amendments or rules revisions to closure.

Current 199-2011

### 1.36.0 PLUMBING REQUIREMENTS IN UNIFIED DEVELOPMENTS

- A. For a unified development proposed after the effective date of this rule, plumbing and fire lines shall be installed in a manner that does not cross lot lines.
- B. When a plumbing system, drainage system, building sewer or fire line is newly installed or altered, no system or part of a system shall be installed on a lot other than the lot on which the building served by the system is located. This limitation is not intended to prevent the placement of plumbing in public utility easements when approved by the Water and Wastewater Utility.
- C. The owner of a site that was approved as a unified development prior to the effective date of this rule, may not alter the existing plumbing system, drainage system, building sewer, or fire line if parts of the system would cross lot lines unless the owner of the site submits plans which incorporate with one of the following options:
  - 1. All existing piping crossing lot lines is placed in private easements and a restrictive covenant is executed which obligates the owner and his successors in interest to maintain the systems at no expense to the City. The owner must demonstrate that the covenant has been filed in the official real property records of the county in which the property is located before the plans are approved; or
  - 2. All existing piping crossing lot lines is placed in public utility easements and has been constructed in accordance with Utility standards and has been accepted for maintenance by the Utility; or
  - 3. All existing piping crossing lot lines is placed in public easements and the owner has paid the Utility a one-time maintenance fee if the pipe has not been constructed to Utility standards; or
  - 4. All existing piping crossing lot lines is replaced with piping systems such that each lot is served with a separate water meter and wastewater tap and new plumbing lines do not cross property lines.
- D. If the subdivision or sale of a site that was approved as a unified development after the effective date of this rule would result in plumbing crossing lot lines, the owner shall submit plans in accordance with one of the options described above prior to the approval of the subdivision application.
- E. A site plan for a unified development will not be approved until a restrictive covenant describing the unified development is filed in the official records of the county in which the property is located. The restrictive covenant must be in a form approved by the City.

### 1.37.0 DEFINITION OF "LOT"

- A. This rule is promulgated to implement and administer the Building Code.
- B. The definition of "lot" in the Building Code shall be the definition of "lot" adopted in Section 13-2-1 of the Land Development Code.

Land Development Code 13-2-1  
Building Code 13-8-1-401

Building Code

11-25-99

12" water line  
extension



UDA

Grandfathered Old  
Law/Ordinance

1990-1991 Item #6

**1.35.0 BUILDING ACCESSIBILITY** This rule is promulgated to implement and administer rules adopted by the State Purchasing and General Services Commission which became effective June 21, 1989, and related requirements of the Building Code.

The Building Official shall verify whether an applicant for a building permit is regulated or exempt from the Elimination of Architectural Barriers Program. A notation from the Building Official shall be included on the Permit Routing Form-Comment Sheet(s). (Figure 1-13)

No temporary building permit shall be issued for a state regulated building unless a Statement of Intent to Comply has been approved by the State of Texas and is attached to the submitted plans.

A compliance statement shall be filed with the Building Official prior to the request for a temporary or permanent certificate of occupancy.

Where buildings are regulated by the State of Texas, compliance with State standards shall be accepted as compliance with the requirements of the Building Code.

Building Code 13-8-1

Section 511; Table 33-A

Texas Revised Civil Statutes

Section 1211; Section 3301(b)  
Article 7, Article 601(b)

**1.36.0 UNIFIED DEVELOPMENT**

This rule is promulgated to implement and administer the Interim Land Development Code by providing a definition of "unified development".

**UNIFIED DEVELOPMENT** - A lot, or several contiguous lots which are developed as a single site (eg. a shopping center) in which all the lots involved are dependent upon one another to satisfy Land Development Code requirements. This would include multiple lots included in a single approved site plan.

Plumbing and fire lines may cross lot lines in a unified development if a document approved by the Building Official describing the unified development is filed in the county deed records.

Interim Land Development Code Section 13-2-1  
Plumbing Code Section 307

**1.37.0 DEFINITION OF "LOT"**

This rule is promulgated to implement and administer the Building Code.

The definition of "lot" in the Building Code shall be the definition of "lot" adopted in Section 13-2-1 of the Land Development Code.

Land Development Code 13-2-1  
Building Code 13-8-1-401