


TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.	Category #	Page 1 of <u>1</u>	Agenda Item #
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date
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DIRECTOR'S SIGNATURE  Dale A. Rudick, P.E., Director	Council District affected: "ETJ" <i>see</i>
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For additional information contact:  Carol Ellinger Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686	Date and identification of prior authorizing Council action: April 21, 2004; Ordinance 2004-0309
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RECOMMENDATION: (Summary)

Approve an ordinance authorizing the Mayor to execute a Settlement Agreement, Mutual Release of Claims, and Amendment to Sanitary Sewer Service Agreement between the City of Houston and Montgomery County Municipal Utility District No. 98.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

The City of Houston ("City"), City Council, approved a Sanitary Sewer Service Agreement ("Service Agreement") on April 29, 2004, Ordinance 04-0309 with Montgomery County Municipal Utility District No. 98 ("District") so that the City could provide sanitary sewer service to the District.


Since the Service Agreement was originally entered into, the City has expanded the wastewater treatment plant ("Plant") and the District has made certain requests for additional capacity. The Service Agreement describes the manner in which the District may request and be allocated additional capacity in the Plant and the manner in which the District's monthly payments to the City shall be calculated in the event such additional capacity is allocated to the District.

The District and the City disagree as to (i) the amount of the District's currently allocated capacity in the Plant that should be characterized as "Expansion gpd" under the Service Agreement and (ii) application of the "take or pay" schedule set forth in Section 3.0 of the Service Agreement, for purposes of calculating the monthly payments to be made by the District to the City.

The District and the City agree to the terms of this Settlement Agreement, including certain amendments to the Service Agreement, and agree to release each other from certain prior claims under the Service Agreement Attachments.

c: Marta Crinejo
 Susan Bandy
 Fazle Rabbi, P.E.
 Rebekah Daniel

LTS# 14738 **REQUIRED AUTHORIZATION** CUIC: 20IPB268

Finance Department	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.
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