

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> February 13, 2024	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on abandonment of a sanitary control easement related to a decommissioned city water well.

**Recommendation**

Staff recommend abandonment of the sanitary control easement as presented.

**Discussion**

Issue:

The purchaser of a small piece of property near the College and Pond Street intersection has requested the city abandon a sanitary control easement that covers the property. The easement was related to a nearby city water well that no longer exists (Water Well No. 1).

Regulations:

The Texas Commission on Environmental Quality (TCEQ) regulates public water systems. Sanitary control easements cover land within 150-feet of a water well location.

Analysis:

In late 1999, a sanitary control easement was granted to the city for the property shown on the attached map for the purpose of protecting a city water well from pollution. When the well was decommissioned in 2010, some or all of the surrounding sanitary control easement was not concurrently abandoned. The city currently has no property or water production facilities near this old well site.

Current plans for future water production facilities identify sites on the west side of the city and do not include any potential sites in the historic downtown. An easement encumbers property. The holder of the easement has the right to use it for its given purpose (in this case, to control pollution near a public water source). Cities and other entities have the right to acquire easements that serve the interest of the public. When an easement no longer serves a purpose, the property can be unencumbered by the easement holder, returning rights to the property owner.

Recommendation:

Staff and consultants recommend abandonment of the sanitary control easement.

**Approved By**

Planning & Development Director	Dave McCorquodale	Date: 02/06/2024
City Administrator	Gary Palmer	Date: 02/06/2024