

278853

RESOLUTION NO. 2015-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING AN AGREEMENT TO PROVIDE AN OVERHEAD AND UNDERGROUND EASEMENT FOR PLACEMENT OF ELECTRONIC SUPPLY AND TELECOMMUNICATIONS EQUIPMENT BY ONCOR ELECTRIC DELIVERY COMPANY LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:

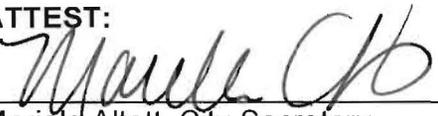
SECTION 1. That the City Council hereby finds and determines that it is in the best interest of the citizens of the City of Copperas Cove to grant an overhead and underground Easement for placement of electronic supply and telecommunications equipment by Oncor Electric Delivery Company LLC, in substantially the same form as Exhibit "A" attached hereto.

SECTION 2. That the City Manager is hereby authorized to execute an instrument in substantially the same form as Exhibit "A" attached hereto, and such other instruments and documents that may be reasonably necessary to fulfill the intent of this Resolution.

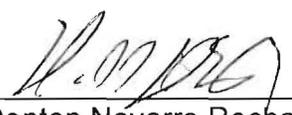
PASSED, APPROVED, AND ADOPTED on this 17th day of March 2015 at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code*, §551.001, et.seq. at which meeting a quorum was present and voting.



John Hull, Mayor

ATTEST:


Mariela Altott, City Secretary

APROVED AS TO FORM:


Denton Navarro Rocha Bernal
Hyde & Zech, P.C., City Attorney



**EASEMENT AND RIGHT-OF-WAY AGREEMENT
(ONCOR ELECTRIC DELIVERY COMPANY LLC.)**

District: KILLEEN
WR #: 3263443
ER # _____

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF CORYELL

That The **City of Copperas Cove** by **City Manager Andrea Gardner**, hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

Grantor recognizes that the general course of said lines, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said electric lines and facilities shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives, to warrant and forever defend the above described easement and right-of-way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 23rd day of March, 2015.

CITY OF COPPERAS COVE

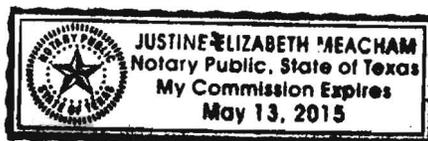
By: Andrea Gardner
Andrea Gardner, City Manager of the
Copperas Cove

STATE OF TEXAS §
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COUNTY OF CORYELL §

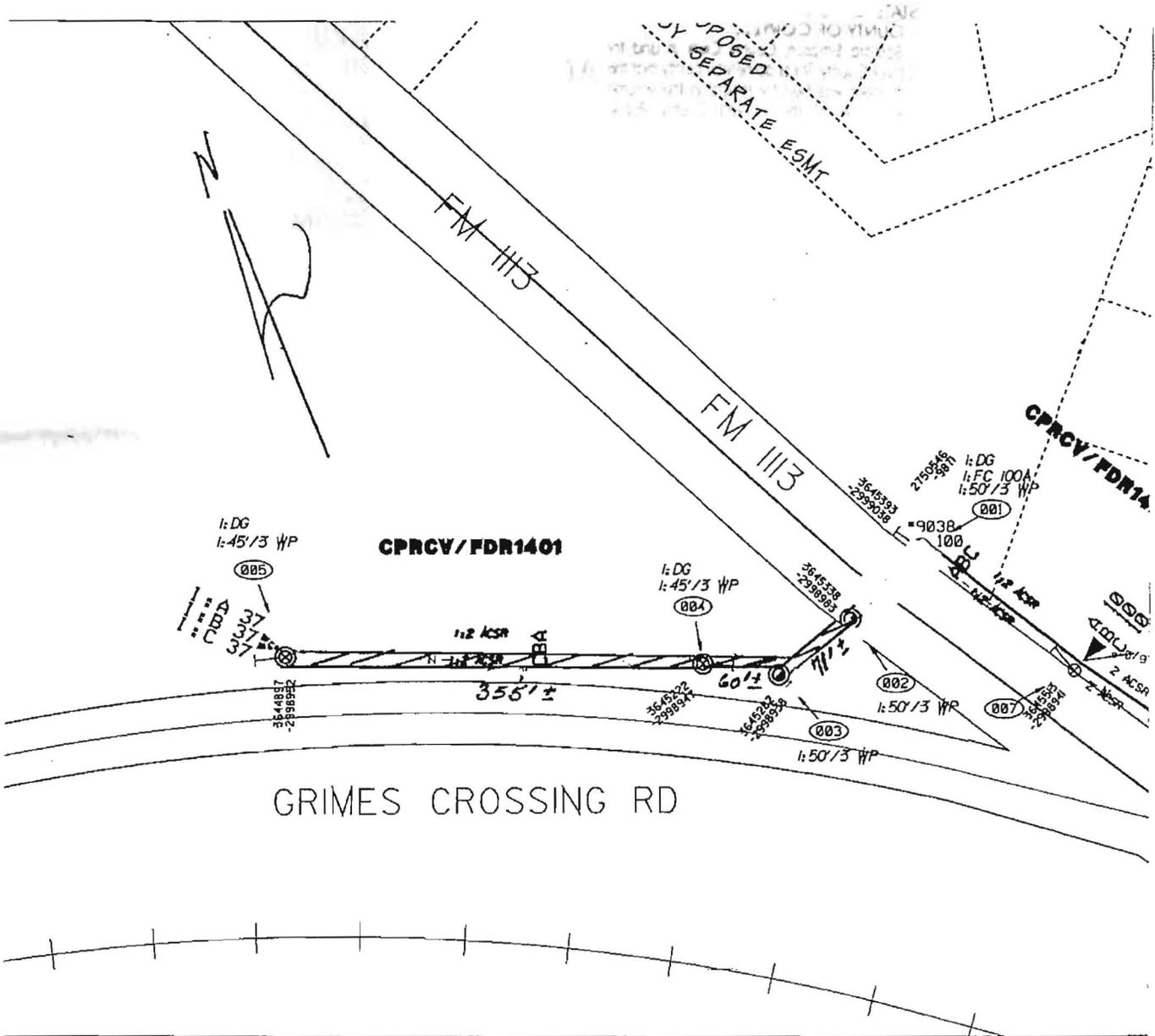
BEFORE ME, the undersigned authority, on this day personally appeared **Andrea Gardner**, as the **City Manager** of the **City of Copperas Cove**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23 day of March, A. D. 2015

Justine E Meacham
Notary Public in and for the State of Texas



"EXHIBIT A"



Easement Width: 15' Oncor Electric Delivery Company Easement



Denotes Easement

Scale: N.T.S.

The intent of this Exhibit is to pictorially show the approximate location of the easement. It is not intended as an actual survey. Calls shown are references only. No Statement is made to the validity of these calls.

GRANTOR: The City of Copperas Cove

DOCUMENT: 234222 COUNTY: CORYELL
 SURVEY: ED S JONES ABSTRACT NO.: 274
 DISTRICT: KILLEEN WR#: 3263443

STATE OF TEXAS
COUNTY OF CORYELL

I, Barbara Simpson, County Clerk in and for Coryell County, Texas do hereby certify that this instrument was filed for record in the volume and page of the Coryell County Public Records and of the time and date as stamped hereon by me.

FILED FOR RECORD
AT 2:30 O'CLOCK P M

MAR 26 2015

BARBARA SIMPSON, CLERK
CORYELL COUNTY, TEXAS



Barbara Simpson

Barbara Simpson
COUNTY CLERK, CORYELL CO., TEXAS

278853

Clerk's Memo:
Seal Not
Legible

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