



## STAFF REPORT

**DATE:** July 6, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Executive Director of Development Services

**SUBJECT:** Case #21-02AB: Grant Atmos Energy a .202 acre temporary construction easement to be located on Lot 16, Block 1, Hunter's Chase Subdivision (Hunt Neighborhood Park)

### **BACKGROUND AND FINDINGS:**

Atmos Energy Corporation submits this request for the grant of a .202 acre temporary construction easement to be located at 2301 Hunt Drive. The site of the .202 acre temporary construction easement is platted as Lot 16, Block 1, Hunter's Chase Subdivision and is the current location of Hunt Neighborhood Park. Atmos Energy intends to use the approximate 30' by 292' feet area as a temporary workspace during a pipeline replacement effort. (see Exhibit "A" of the ordinance). The attached Exhibit "A" illustrates the location of the easement that will encompass the park's basketball court and a portion of its playground and sidewalk.

Article XI, Section 119, of the City Charter authorizes the City Council to approve this easement request. The Charter states that, *"the ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of Killeen is hereby declared to be inalienable to said City, except by ordinances passed by vote of the majority of the governing body of the city, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the city, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance."* The Charter also requires three (3) readings of an ordinance granting an easement at three separate regular meetings of the City Council, the last of which shall take place not less than thirty days from the first.

The .202 acre temporary easement shall automatically terminate on the earlier of: (a) the date on which Atmos Energy's activities are completed, or (b): eighteen months from the date of approval of the ordinance. Recreation Services staff will invoice Atmos Energy for the replacement costs of the park areas affected by the construction easement.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Disapprove the ordinance granting Atmos Energy's request for an easement; or
- Approve the ordinance granting Atmos Energy's request for an easement.

**Which alternative is recommended? Why?**

Staff recommends that the City Council approve the ordinance after the third reading. The easement is necessary for the pipeline replacement.

**CONFORMITY TO CITY POLICY:**

This item conforms to state and local policies.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This easement request does not involve the expenditure of city funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

Staff recommends that the City Council approve the ordinance granting Atmos Energy's request for an easement after the third reading.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Ordinance