



# City of Killeen

## Legislation Text

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File #: PH-21-043, Version: 1

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HOLD a public hearing and consider an ordinance granting easements to Atmos Energy for approximately 0.221 acre consisting of a surface site easement, temporary workspace easement and access easement to be located at the terminus of Persimmon Drive, adjacent to 3008 Persimmon Drive, Killeen TX. (3rd of 3 readings)

**DATE:** August 3, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Grant Atmos Energy easements for .221 acre consisting of a surface site easement, temporary workspace easement and access easement to be located at the terminus of Persimmon Drive, adjacent to 3008 Persimmon Drive

### **BACKGROUND AND FINDINGS:**

Atmos Energy Corporation submits this request for the grant of a easements for approximately .221 acre consisting of a surface site easement, temporary workspace easement and access easement to be located at the terminus of Persimmon Drive, adjacent to 3008 Persimmon Drive. The subject property is located on a 7.28 acre site that was conveyed to the City of Killeen in 2015 for drainage purposes (the site has been identified as a regional detention pond in the 2005 and 2012 Drainage Master Plans). The proposed location of the .221 acre easement area will not affect the City's ability to further improve the property for drainage purposes. The Appraisal District of Bell County has placed a market value of \$500 on the entirety of the 7.28 acre site. Owing to this appraised value is Long Branch Ditch, which accounts for approximately 4 acres of floodplain on the land. The surface site easement and access easement are permanent easements and Atmos Energy has submitted an initial offer of \$2,500 as compensation for the acreage within the site and any applicable damage to the remainder of the property. Staff's determination is that the initial offer is adequate and fair. Atmos Energy intends to use the property during a pipeline replacement effort. The temporary workspace easement shall automatically terminate on the date on which initial construction of the easement facilities has been completed and placed into service. The attached Exhibit illustrates the location of the respective easements.

Article XI, Section 119, of the City Charter authorizes the City Council to approve this easement request and states, *"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 ALTERNATIVES CONSIDERED:**

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

- Disapprove the ordinance granting Atmos Energy the requested easements consisting of .221 acre and the compensation offer of \$2,500; or
- Approve the ordinance granting Atmos Energy the requested easements consisting of .221 acre and the compensation offer of \$2,500.

### **Which alternative is recommended? Why?**

Staff recommends that the City Council approve the ordinance and accept the compensation offer. The easements consisting of .221 acre are 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 the requested easements after three readings.

### **DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Exhibit  
Initial offer letter  
Ordinance