

City of Fayetteville Staff Review Form

**City Council Agenda Items  
 and  
 Contracts, Leases or Agreements**

1/15/2013

City Council Meeting Date  
 Agenda Items Only

Alison Jumper *AJ*  
 Submitted By

Park Planning  
 Division

Parks and Recreation  
 Department

**Action Required:**

Resolution granting Ozarks Electric Cooperative an underground 15' easement, 7.5' from centerline both sides of electric line and an overhead 30' easement 15' from centerline both sides of electric line as shown the attached Exhibit A.

N/A	\$ -	N/A
Cost of this request	Category / Project Budget	Program Category / Project Name
N/A	\$ -	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	\$ -	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

*Ben Hays*  
 Department Director

12-27-12  
 Date

Previous Ordinance or Resolution # \_\_\_\_\_

*John Kelly*  
 City Attorney

12-28-12  
 Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*Paula Behm*  
 Finance and Internal Services Director 12-28-2012  
 Date

12-27-12 P03:27 RCV  
 Received in City Clerk's Office  
*Kim G.*

*Don Man*  
 Chief of Staff 12-28-12  
 Date

Received in Mayor's Office  
 ENTERED  
 12/28/12  
*PH*

*Forrest Jayden*  
 Mayor 12/31/12  
 Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS  
DEPARTMENT CORRESPONDENCE

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Lioneld Jordan, City Council

**Thru:** Don Marr, Chief of Staff  
Connie Edmonston, Parks and Recreation Director

**From:** Alison Jumper, Park Planning Superintendent *aj*

**Date:** December 27, 2012

**Subject:** Agenda Request for January 15, 2013 City Council Meeting  
Easement for Electric Line at Veterans Park

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### **PROPOSAL:**

Veterans Park at Lake Fayetteville is located at 4451 N. Vantage Drive. Several amenities are located in Veterans Park including a large pavilion, playgrounds, multi-use trail, restroom and sand volleyball courts. Ozarks Electric Cooperative serves the park with electricity to the pavilion, restroom and volleyball courts. The electric line is currently being relocated out of an existing open play area to follow the road. An easement for the relocated line is needed to allow Ozarks Electric Cooperative access to provide the electrical service and make repairs, if necessary.

### **RECOMMENDATION:**

Staff recommends granting Ozarks Electric Cooperative an underground 15' easement, 7.5' from centerline both sides of electric line and an overhead 30' easement 15' from centerline both sides of electric line as shown the attached Exhibit A.

### **BUDGET IMPACT:**

None.

Attachments:  
Staff Review  
Easement Document  
Exhibit A

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION AUTHORIZING THE TRANSFER OF AN EASEMENT INTEREST TO OZARKS ELECTRIC COOPERATIVE CORPORATION ON CERTAIN CITY-OWNED PROPERTY IN VETERANS PARK TO PROVIDE FOR A RELOCATION OF ELECTRICAL UTILITY SERVICE

WHEREAS, Ozarks Electric Cooperative Corporation provides electrical service to certain city-owned amenities in Veterans Park; and

WHEREAS, the current electric line is being relocated out of an open play area to a location along an adjacent roadway; and

WHEREAS, pursuant to the requirement of Section 34.27(B) of the Code of Fayetteville, the City Council specifically finds that the new proposed easement interest along the adjacent roadway is no longer needed for municipal purposes;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the transfer of an easement interest to Ozarks Electric Cooperative Corporation as described in the attached draft "Electrical Distribution Line Easement" which is incorporated into this Resolution as Exhibit "A", and further authorizes the Mayor and City Clerk to execute any necessary documents to effectuate the transfer of the easement interest.

**PASSED and APPROVED** this 15<sup>th</sup> day of January, 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

Parcel No. 765-13206-100  
Parcel No. 765-15612-000

## ELECTRICAL DISTRIBUTION LINE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto **Ozarks Electric Cooperative Corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to place, construct, operate, repair, maintain, relocate, or replace an electrical distribution line on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Book 404 at Page 44)

The West Half of the Northwest Quarter and the North Half of the Northeast Quarter of the Northwest Quarter of Section Twenty-Four (24) and the South Half of the Southeast Quarter of the Southwest Quarter of Section Thirteen (13) all in Township Seventeen (17) North of Range Thirty (30) West, containing One Hundred Twenty-One (121) acres, more or less.

PERMANENT EASEMENT DESCRIPTION:

An underground easement 15 feet in width 7 1/2 feet either side of the centerline of an electric line as staked and built and an overhead easement 30 feet in width 15 feet either side of the centerline of an electric line as staked and built and as shown on the attached Exhibit.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned, or vacated and so long as such electrical power line(s) are maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth. Grantee shall further have the right to cut, trim and control, within said easement, the growth of trees and other vegetation that may interfere with or threaten to endanger the operation and maintenance of said line or system. The undersigned Grantor hereby covenants that it is lawfully seized of said lands and will forever warrant and defend the title to said lands against all legal claims whatsoever.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all lines and/or cables, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that above ground appurtenances will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional electrical power lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.



ELECTRICAL DISTRIBUTION LINE EASEMENT  
Page 2 of 2

WITNESS the execution hereof on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF FAYETTEVILLE, ARKANSAS**  
**A Municipal Corporation**

By: \_\_\_\_\_  
Lioneld Jordan, Mayor

ATTEST:

\_\_\_\_\_  
Sondra Smith, City Clerk

[SEAL]

**ACKNOWLEDGMENT**

STATE OF ARKANSAS            )  
  )  
COUNTY OF WASHINGTON    )

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MY COMMISSION EXPIRES:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Exhibit A (1 of 2)

## OZARKS ELECTRIC COOPERATIVE CORPORATION

LOCATION NUMBER  
**19243400**

Pn Voltage X 7.2 14.4

METER PEDESTAL No \_\_\_\_\_

AWR \_\_\_\_\_

SKETCH

NAME **RELOCATE LUG 19-24**

ADDRESS \_\_\_\_\_

TELEPHONE HOME \_\_\_\_\_

SUBDV. \_\_\_\_\_

EXISTING WIRE PHASE 1

ADD WIRE PHASE 1

WORK ORDER NO **1394143**

SHEET 1 of 2

STAKED GM

RE-STAKED \_\_\_\_\_

CHECKED \_\_\_\_\_

DATE 12/10/2012

DATE \_\_\_\_\_

DATE 12/7/2012

DATE \_\_\_\_\_

RURAL/CITY LIMITS \_\_\_\_\_

SCHOOL DIST \_\_\_\_\_

TAC CODE 606

SEC \_\_\_\_\_ TWP \_\_\_\_\_ R \_\_\_\_\_

LINE SECTION \_\_\_\_\_

MAP LOC \_\_\_\_\_

NEARBY 19244946

PHS# \_\_\_\_\_

ROLLING SPAN \_\_\_\_\_

ROLLING SPAN \_\_\_\_\_

SECTOR \_\_\_\_\_

SECTOR \_\_\_\_\_

SECTOR \_\_\_\_\_

SECTOR \_\_\_\_\_

SECTOR \_\_\_\_\_

Pole Tag	Pole No	Pole	Phase	Back Span	Raw Clearing	Poles H/C	Primary Unit	Trans 15'	GND M2	Anchor	Secondary		Service	
											Span Under Build	Span Secondary Only	Span	Units
ER 55716	PT 2	455"					UMS-14	15	UM48-1					RANCH RUNNER TRANSFORMER
							UM6-1*							170 URD Primary
							UM6-1							
							UMS-22							170 URD Primary
							TRUMK-10							(550)UM50-P2.0
							UM6-1							(500)UR2-1
														(60)BCRE

SCHEDULED DATE \_\_\_\_\_

LOCATE UTILITIES YES

HIGHWAY PERMIT NO

REL FOR CONST \_\_\_\_\_

CONST COMP \_\_\_\_\_

FOREMAN \_\_\_\_\_

INSPECTED \_\_\_\_\_

RATE CODE \_\_\_\_\_

LIGHT CODE \_\_\_\_\_

METER ROUTE \_\_\_\_\_

SUBSTATION NUMBER \_\_\_\_\_



Exhibit A (2 of 2)

<b>LOCATION NUMBER</b> <b>19243400</b>		<b>OZARKS ELECTRIC COOPERATIVE CORPORATION</b>				<b>WORK ORDER NO</b> <b>1394143</b>	
NAME RELOCATE UG 19-24 ADDRESS _____ TELEPHONE HOME _____ SUBDV. _____		MAP LOC _____ NEAR# 19244946		RURALITY LIMITS _____ SCHOOL DIST _____ TAC CODE 606		SHEET 2 of 2 STAKED GM RE-STAKED _____ CHECKED _____ EASEMENT GM	
PHASE 1 NO 1 EXISTING WIRE _____ ADD WIRE _____		LOT# _____ SIZE 1/10 _____ KIND URD _____		SEC _____ TWP _____ LINE SECTION _____		DATE 12/10/2012 DATE _____ DATE 12/7/2012 DATE _____	
PHASE 1 NO 1 EXISTING WIRE _____ ADD WIRE _____		RULING SPAN _____ RULING SPAN _____					

