



## CITY COUNCIL COMMUNICATION

February 24, 2009

**SUBJECT:** AUTHORIZE MAYOR TO EXECUTE AN AMENDMENT AND RATIFICATION AGREEMENT WITH TEXAS MIDSTREAM GAS, INC. OUT OF THE G.W. COUCH SURVEY, ABSTRACT 278, FORT WORTH, TEXAS, TARRANT COUNTY

**SUBMITTED BY:** Mike Collins, Director of Planning and Development

**REFERENCE NO:** 09-04-CC

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### **ACTION REQUESTED:**

Motion to approve authorization for the Mayor to execute an amendment and ratification agreement with Texas Midstream Gas Services, Inc. on a city owned parcel out of the G.W. Couch Survey, Abstract 278, Fort Worth, Texas, Tarrant County.

### **ALTERNATIVES:**

1. Approve the request – *simple majority*
2. Approve the request with modifications – *simple majority*
3. Deny the request – *simple majority*

### **SUMMARY OF SUBJECT:**

The City of Euless owns a 2.838 acre tract of land out of the G.W. Couch Survey, Abstract No, 278, This property was accepted on October 28, 2008 by the City of Euless through a Special Warranty Gift Deed from the Midway Industrial Trust, represented by Mr. Samuel R. Bonney, The subject property is located immediately adjacent to the Texas Star Golf Course, east of holes number four through seven.

Prior to the conveyance of this property by Special Warranty Gift Deed to the City of Euless, Midway Industrial Trust entered into an Easement Agreement with Texas Midstream Gas Services, LLC (Texas Midstream) that created a pipeline easement. This easement was filed. However the specific location of the pipeline within the easement was

not established by plat. Texas Midstream has now come forward to establish a specific pipeline easement. In fact Texas Midstream worked with the city to establish the alignment based on the city's desire to create an easement for the location of the potential effluent water line.

As the current owner of the property, the city is being asked to consider amending the original easement agreement in order to establish the specific alignment of the pipeline. The easement would be established to create a 30' wide 367' long temporary workspace easement and a 20" wide permanent easement across a portion of this tract of land north of Trinity Blvd. Texas Midstream would install a sixteen inch (16") gas distribution pipeline within this easement.

Staff recommends that the City Council authorize the Mayor to execute the Amendment and Ratification Agreement with Texas Midstream Gas Services, LLC.

**FINANCIAL CONSIDERATIONS:**

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

**SUPPORTING DOCUMENTS:**

- Amendment and Ratification Agreement
- Exhibit "A" – Proposed Easement for Midway #1 H.
- Exhibit "B" – Legal Description

**APPROVED BY:**

\_\_\_\_\_ **LG** \_\_\_\_\_

City Manager's Office

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City Secretary's Office