

Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Aaron Russell, P.E., Director of Public Works

Date: June 1, 2009

Subject: Public Hearing and consideration of a request for a variance by Williams Production, from Item G. Landscaping, of Section 14-363, of Ordinance B779-09, regulating the drilling of gas wells within the City of Burleson, allowing the delay of landscaping for the Oak Valley pad site and accepting an escrow agreement for the funds.

Council Action Requested:

1. Conduct a Public Hearing.
2. Approve or deny a variance from Item G. Landscaping, of Section 14-363, of Ordinance B779-09, regulating the drilling of gas wells within the City of Burleson allowing delay of landscaping for the Oak Valley pad site and accepting an escrow agreement for the funds.

Background Information:

On December 14, 2006, City Council approved a gas well drilling permit to allow Williams Production to drill the Oak Valley 1H wellhead on a new pad site located in a future phase of the Oak Valley subdivision, south of existing homes in Oak Valley and west of Plantation. On March 13, 2008, Council approved a gas well drilling permit to allow Williams Production to drill the Oak Valley 2H and the WMA 1H and 2H wellheads from the Oak Valley pad site. On July 10, 2008, Council approved the Oak Valley 3H and WMA 4H wellheads. Drilling of all wells on the site has been completed and production has been established. The site is fully fenced in compliance with the Ordinance, and has a monitored electric gate closure system.

Item G., Landscaping, of Sec. 14-363 "Security and screening" in Ordinance B779-09 requires landscaping of the pad site be completed within thirty (30) days after production capability on the final well on the site has been established. Williams

Production is asking for a variance from this requirement at the request of the surface owner, Rocky Bransom, the developer of Oak Valley. Future development plans for the Oak Valley subdivision will require installing water lines and re-grading in the area around the pad site. The developer would like to delay landscaping until plans for that work are complete, allowing the landscaping to be installed at the final grade elevation and after water lines are constructed. He is requesting that the funds for landscaping be placed in escrow with the City and that the landscaping requirement be delayed until 30 days following final plat approval for the phase of Oak Valley around the pad site, or until April 1, 2014, whichever comes first. The funds will be released to the developer upon completion of the required landscaping. Williams Production has no objection to the request and will place \$38,520 in escrow with the City of Burleson if approved.

Board/Citizen Input:

Public Notice. Notice of the public hearing was published in the *Burleson Star*. Staff has mailed notices to all property owners within 1,000 feet of the proposed drill site. There may be interested parties that speak at the required public hearing.

Financial Considerations:

There is no expenditure of municipal funds associated with this item. Funds in the amount of \$38,520 will be held in escrow.

Attachments:

1. Location Map
2. Escrow Agreement

Staff Contact:

Laura E. Melton, P.E., Civil Engineer

817-447-5400 ext. 298

lmelton@BurlesonTx.com

Attachment 1: Location Map



Attachment 2: Escrow Agreement and Cost Estimate

ESCROW AGREEMENT

THE STATE OF TEXAS §

COUNTY OF JOHNSON §

For and in consideration of the mutual covenants and agreements herein contained, the City of Burleson Texas ("City") and Rocky Bransom ("Developer") and Williams Production-Gulf Coast Company, LP, ("Operator"), do hereby agree as follows, to wit:

WHEREAS, Operator received a drilling permit from the City to drill the Oak Valley 1H, 2H and 3H and the WMA 2H, 3H and 4H wells, ("Oak Valley and WMA Wells"). The Oak Valley and WMA Wells have been drilled by Operator and per the City ordinance; Operator installed fencing surrounding the drill sites for such wells.

WHEREAS, Developer is in the process of developing a residential subdivision on the same land where the Oak Valley and WMA Wells are located called the Oak Valley Phase 14 ("Subdivision").

WHEREAS, the current City ordinance requires that after a well is permitted and drilled in the City, that Operator must install final landscaping within thirty (30) days after production capability on the final well on the site is established.

WHEREAS, Developer has requested that City allow Operator to delay the landscaping of the land surrounding the Oak Valley and WMA wells until such time as Developer receives an approved final plat for the Subdivision from the City ("Approval Date"), or by April 1, 2014, whichever occurs first;

WHEREAS, the City is agreeable to Operator delaying the installation of the landscaping until thirty (30) days from the Approval Date, or by April 1, 2014, whichever occurs first.

Now therefore, in lieu of the installation of the required landscaping, Operator does hereby place in escrow \$38,520.00. This amount represents a cost estimate for the landscaping of the Oak Valley and WMA Wells as shown on the approved landscape plan.

Further, the escrow funds will be held by the City in the sole name of the City and for the City's account. The City hereby agrees not to levy any additional costs or penalties to Operator now or at any future date as a result of any delay in the installation of landscaping for the Oak Valley and WMA Wells. In the event that Operator fails or is delayed in installing landscaping around the Oak Valley and WMA Wells within thirty (30) days of the Approval Date, the City will issue and collect any penalties against Developer, and not against Operator. Developer agrees to

indemnify and hold Operator harmless from any and all penalties that City may assess as a result of this Escrow Agreement.

SIGNED AND EXECUTED this the _ day of _____, 2009.

City Manager, Curtis Hawk

Rocky Bransom, Developer

Williams Production Gulf Coast, LP, Operator
by Robert C. Young, Drilling Manager

ATTEST:

City Secretary

STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

CITY

This instrument was acknowledged before me on the _____ day of _____, 200__, by _____, City Manager of the City of Burleson, Texas, a municipality, on behalf of said municipality.

[SEAL]

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

DEVELOPER

Before me _____, on this day personally appeared _____, known to me [or proved to me on the oath of _____, or through _____ (description of identity card or other document)] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this ____ day of _____, 200 ____.

[SEAL]

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

OPERATOR

Before me _____, on this day personally appeared _____, known to me [or proved to me on the oath of _____, or through _____ (description of identity card or other document)] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this ____ day of _____, 200 ____.

[SEAL]

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

Exhibit A – Cost Estimate

Circle T Landscape and Irrigation, Inc.

PO Box 2351
Burleson, Tx 76097

Estimate

Date	Estimate #
1/19/2009	3609

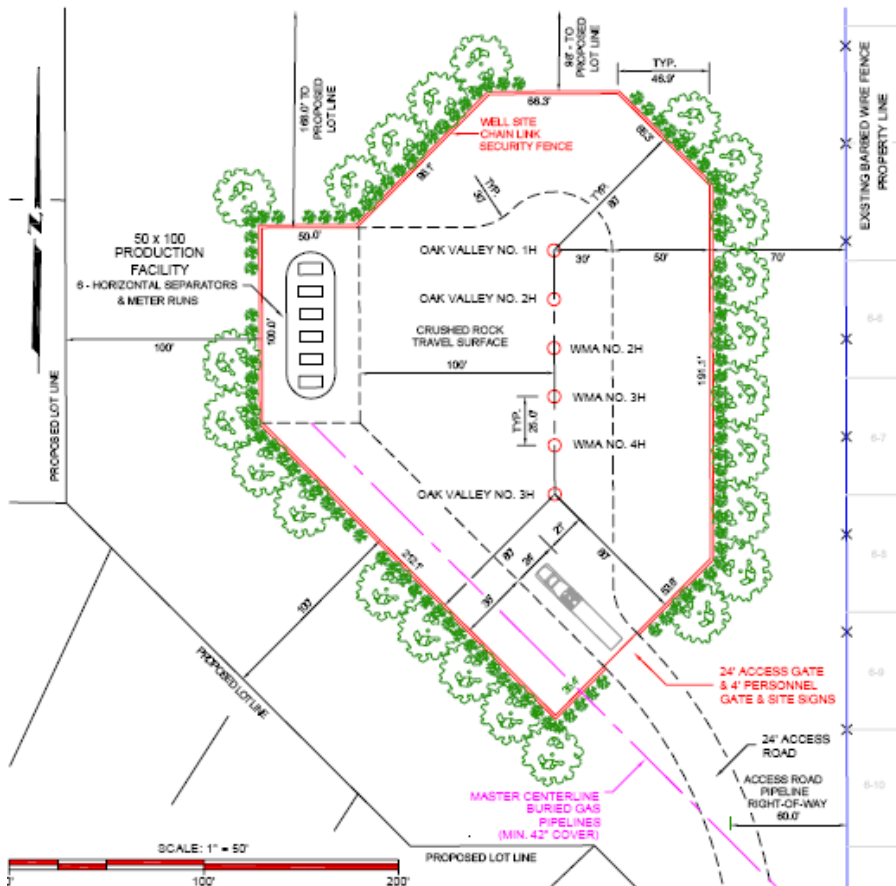
Name / Address
Williams Production Re: WMA/Oak Valley Landscape Enhancements

Item	Description	Cost	Total
Landscape	Landscape enhancements as required by local ordinance incl. -60-3" trees @ 30'o.c. -200-5g. understory plantings @ 8'o.c. -tree staking	25,700.00	0.00 25,700.00
Irrigation	Irrigation-12 zones(providing water meter availability from adjacent sub-division) -looped mainline -all trees ,understory& hydromulch -rain/freeze sensor -120 vac for control by others	7,500.00	7,500.00
Turf	56000 sq ft ryegrass hydromulch as needed for reclamation	5,320.00	5,320.00
		Sales Tax (8.25%)	\$0.00
Thank you for considering Circle-T!		Total	\$38,520.00



Customer Signature _____

Phone #	Fax #
817-426-5900	817-426-6850

Exhibit B – Approved Landscape Plan for the Oak Valley/WMA Pad Site



LANDSCAPE LEGEND

-  TREES OF DIVERSE SPECIES SHALL BE PLANTED OUTSIDE THE PERIMETER FENCING OF THE DRILL SITE, AT A MAXIMUM SPACING OF THIRTY (30) FEET ON CENTER.
 -  UNDERSTORY LANDSCAPE PLANTS ARE REQUIRED AT A MAXIMUM SPACING OF EIGHT (8) FEET ON CENTER AROUND THE PERIMETER FENCING.
- REFER TO CITY OF BURLESON, OIL & GAS ORDINANCE, 14-363.G.8 FOR RECOMMENDED TREE AND UNDERSTORY SPECIES.

SLOPED AREAS WILL BE MULCHED WITH HYDO-SEEDING, WEED-FREE STRAW, BARK CHIPS, ETC. AND NATIVE SEED OR OTHER APPROVED SEED MIXTURE WHEN MOISTURE CONDITIONS ARE APPROPRIATE.

IRRIGATION





DRIP IRRIGATION OF LANDSCAPE BEDS AND TREES IS REQUIRED WHEREVER ADEQUATE PUBLIC WATER SUPPLIES ARE AVAILABLE.

THE IRRIGATION SYSTEM SHALL COMPLY WITH THE DESIGN STANDARDS SET BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, TITLE 30, CHAPTER 344, LANDSCAPE IRRIGATION TEXAS ADMINISTRATIVE CODE.

THE IRRIGATION SYSTEM SHALL BE MAINTAINED IN PROPER WORKING ORDER AT ALL TIMES.

IF PUBLIC WATER SUPPLY IS NOT AVAILABLE, ALTERNATE IRRIGATION METHODS MUST BE IMPLEMENTED AND MAINTAINED FOR A MINIMUM OF TWO (2) YEARS, OR UNTIL PLANTS AND TREES ARE SUFFICIENTLY ESTABLISHED. IRRIGATION METHODS MUST BE CONTINUED UNTIL AN ESTABLISHED LANDSCAPE RATE OF 80% OF THE REQUIRED PLANTINGS IS ACHIEVED.

LEGEND

-  WELLHEAD
-  PROPERTY LINE
-  BURIED GAS PIPELINE
-  WELL SITE SECURITY FENCE

LANDSCAPING, SCREENING, & SITE PLAN

WILLIAMS PRODUCTION GULF COAST, L.P.
OAK VALLEY NO. 1H, NO. 2H & NO. 3H
WMA UNIT NO. 2H, NO. 3H, NO. 4H



DATE	APPROVED	SHEET
		OAK-06SP
		JUNE 24, 2008