

INSTRUCTIONS FOR COMPLETING
EASEMENT & RIGHT-OF-WAY USE AGREEMENT

The forms shall be signed (in black ink only) by a legal partner, corporate officer, or individual owner of the land. An authorized agent of the landowner must submit a Power of Attorney.

PLEASE READ THE FOLLOWING CAREFULLY:

APPLICATION: The application shall be completely filled out, signed and notarized in black ink. Item No. 3 on the application should be checked at the Engineering Services Maproom for existing utilities in the easement.

AGREEMENT: The agreement shall be individually completed, signed and notarized in black ink. Do not submit copies of signatures and notary acknowledgments. In the blanks of the heading paragraph, please describe specifically the intended use of the easement or right-of-way.

EXHIBIT NO. 1: This instrument shall be a very precise metes and bounds description of the part of an easement or right-of-way to be used. This information is best provided by a registered land surveyor. The City staff is not authorized to prepare this information.

EXHIBIT NO. 2: Please place all of the information required in the heading of this exhibit on the 8½" x 11" attached sheet of paper. You may submit additional 8½" x 11" sheets as necessary. (NOTE: Carefully line, dimension, and provide the appropriate courses about area of easement described in Exhibit No. 1 on this exhibit.) Please limit the area of usage of the easement/right-of-way to only that needed to accommodate your needs. You may reduce large plans or plat, providing the final document is legible. City staff will make the decision about legibility.

EXHIBIT NO. 3: Please provide a detail and/or cross-section of the private facilities to be placed in the right-of-way/easement.

EXHIBIT NO. 4: This will need to be signed by all utilities that serve the area regardless of whether they have utility equipment in the easement. This will need to be done before submitting to the City of Burleson.

NOTES:

1. You or your surveyor may contact Engineering Services, 817-447-5400 ext. 280 for more information about these forms.
2. After this agreement is filled out, you will need to return it to Engineering Services.
3. Please allow approximately 2 to 3 weeks for review of the agreement.
4. The applicant will be notified by letter at such time as a decision is made.
5. The filing fee shall be paid by the applicant prior to filing with the County.

APPLICATION

Application for the Use of a Portion of Right-of-Way/Easement in the _____ Addition to the City of Burleson, Texas.
Street Address: _____ (if applicable)

DATE: _____

The undersigned hereby makes application for the joint use of that portion of the public utility easement/drainage easement/right-of-way situated in the above named addition, and particularly described in Exhibit No. 1 of the attached agreement. In support of this application, the undersigned represent and warrant the following:

- 1. The undersigned will hold the City of Burleson harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of my use of the easement/right-of-way.
- 2. The reason for the use of the easement/right-of-way is as follows:

- 3. Such public utility easement/drainage easement/right-of-way has been and is being used as follows:

I respectfully request your favorable consideration of this application for joint use of the easement/right-of-way described and will authorize the execution of the attached agreement.

Printed Name: _____
 Signed: _____
 Name: _____
 Mailing Address: _____
 Telephone Number: _____
 Fax Number: _____

THE STATE OF TEXAS §
 COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this the ____ day of _____, 2004, personally appeared _____, known to me to be a credible person and one of the signers of the foregoing application, and who, after being by me duly sworn, did upon his/her oath, state that the information contained in such application is true and correct to the best of his/her knowledge and belief.

NOTARY SEAL:
Texas

 Notary Public in and for the State of
 My Commission Expires: _____

EXHIBIT NUMBER 1

Being that portion of that certain easement/right-of-way situated in _____
_____ Addition/Survey to the City of Burleson,
_____ County, Texas, and being more particularly described by metes and bounds as
follows:

NOTE: DO NOT PLACE DRAWING OR GRAHICS ON THIS PAGE.

EXHIBIT NUMBER 2

The following is a detail drawing depicting the area or portion of the easement/right-of-way and property described in Exhibit Number 1, a plat of the utility easement/drainage easement/right-of-way to be subject of the joint use agreement in the above numbered application showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the utility easement/drainage easement/right-of-way sought to be the subject of joint use agreement is situated, and the addition or additions in which the portion of the easement/right-of-way sought to be joint use is situated.

This drawing shall include a north arrow, legal description of the subject property and adjoining properties. The type of easement shall be designated on this drawing.

EXHIBIT NUMBER 3

The following is a detail and/or cross section drawing of the improvement(s) in the easement/right-of-way to be subject of the joint use agreement in the above numbered application.

EXHIBIT NUMBER 4

The undersigned public utility companies, **using or entitled to use** under the terms and provisions of agreements with the City of Burleson, that portion of the public utility easement/drainage easement/utility easement/right-of-way sought to be used in Application for joint use of the utility easement/drainage easement/utility easement/right-of-way, do hereby consent to the joint use of the described portion of such utility easement/drainage easement/utility easement/right-of-way in Lot(s) _____, Block(s) _____ of the _____ Addition to the City of Burleson, _____ County, Texas.

Street name: _____

TXU ELECTRIC

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

SBC

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

CHARTER CABLE

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

BETHESDA WATER SUPPLY CORP.

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

JOHNSON COUNTY SPECIAL UTILITY DISTRICT

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

PATHWAY COMMUNICATIONS

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

UNITED COOPERATIVE SERVICES

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

CITY OF BURLESON PUBLIC WORKS

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

ATMOS ENERGY CORP.

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

OTHER

By: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

UTILITY CONTACT INFORMATION

Oncor Electric Delivery (Electric)

3500 El Campo
Fort Worth, Texas 76107

Terry Sears 817-443-3432
PMDS Utility Designer Sr.
terry.sears@oncor.com

Atmos Energy (Gas)

100 W. Morningside Drive
Fort Worth, Texas 76110

Bob Davison 817-215-4704
bob.davison@atmosenergy.com

AT&T Telephone Company

1116 Houston St.
Room 1410
Fort Worth, Texas 76102

Tommy Ellison (817) 338-5357
Engineering Department
te5574@att.com

Charter Communications

15100 Trinity Blvd., Suite 500
Fort Worth, Texas 76155

Greg Piatt 817-298-3625

Johnson County Special Utility District

2849 Hwy 171 South
P.O. Box 509
Cleburne, TX 76033-0509

Ronnie Nichols 817-558-9522
nicholsr@jcsud.com

Pathway Communications

427 N Broadway St
Joshua, TX 76058-3413

Ricky Allen 817-484-2222
Fax 817-447-0169
ricky@usapathway.com
cc: Robert Strawn
robert@aciglobal.com

Bethesda Water Supply Corporation

P.O. Box 130
509 South Burleson Blvd.
Burleson, TX 76097

Carl Novack 817-295-2131
Fax 817-447-9370

United Cooperative Services

P.O. Box 16
Cleburne, TX 76033

Jason Dillard 817-556-4055
Jason@united-cs.com

City of Burleson

141 W. Renfro
Burleson, TX 76028

Mandy Clark 817-447-5400 x292
Fax 817-426-0971
mclark@burlesontx.com

EASEMENT & RIGHT-OF-WAY USE AGREEMENT

THE STATE OF TEXAS §

COUNTY OF JOHNSON §

That the City of Burleson, hereinafter referred to as "City", and its franchised Utility Companies, herein referred to as "Utilities", do consent and agree to permit _____, herein after referred to as "Applicant", to use an easement/right-of-way dedicated to City. Such easement/right-of-way being described in Exhibit Number 1, to be used for the purposes of _____ upon the following conditions:

I.

That Applicant, his successors or assigns shall maintain and keep in slightly condition all of the easement area and the improvements situated thereon; and, that City and Utilities shall not become responsible for such maintenance at any time in the future. Applicant shall repair any damage to City or Utility facilities caused by Applicant within a reasonable time.

II.

That Applicant shall and does hereby agree to indemnify and hold harmless City and Utilities from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the easement/right-of-way or act of omission, neglect or wrong doing of Applicant, his officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and the Applicant shall, at his own cost and expense, defend and protect City and Utilities against any and all such claims and demands.

III.

That Applicant shall arrange for all activities and improvements in the easements to be discontinued and/or removed within thirty (30) days of notification by City. The cost associated with the discontinuing of such activities, and the removal of such improvements, as well as property adjacent to the easement/right-of-way necessitated by such discontinuation of the easement/right-of-way use, shall be borne by the Applicant.

IV.

That Applicant, his successors or assigns shall not seek compensation from City or Utilities for loss of the value of the improvements made hereunder when such improvements are required to be removed by Applicant.

V.

This agreement shall be filed of record in the Deed Records of Johnson or Tarrant County, Texas, and shall bind all future owners of this lot and shall for all purposes be considered a covenant running with the land.

IN TESTIMONY WHEREOF, Applicant executes this Easement/Right-of-Way Use Agreement on this _____ day of _____, 20____.

CITY OF BURLESON:
By: _____
Printed Name: _____
Title: _____

APPLICANT:
By: _____
Printed Name: _____
Title: _____

NOTE: PLEASE COMPLETE APPROPRIATE ACKNOWLEDGEMENT ONLY.

THE STATE OF TEXAS

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CORPORATE ACKNOWLEDGMENT

COUNTY OF TARRANT

§

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said _____, a corporation, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

Notary Seal:

Notary Public in and for the
State of Texas

My Commission Expires:_____

THE STATE OF TEXAS

§

INDIVIDUAL ACKNOWLEDGMENT

COUNTY OF TARRANT

§

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

Notary Seal:

Notary Public in and for the
State of Texas

My Commission Expires:_____

NOTE: PLEASE COMPLETE APPROPRIATE ACKNOWLEDGEMENT ONLY.

THE STATE OF TEXAS §

ACKNOWLEDGMENT

COUNTY OF JOHNSON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said _____, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

Notary Seal:

Notary Public in and for the
State of Texas

My Commission Expires:_____

THE STATE OF TEXAS §

INDIVIDUAL ACKNOWLEDGMENT

COUNTY OF JOHNSON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

Notary Seal:

Notary Public in and for the
State of Texas

My Commission Expires:_____
