

RESOLUTION NO. RE-2475-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ESTABLISHING MINIMUM STANDARDS AND CRITERIA FOR THE USE OF CITY-OWNED PROPERTY FOR THE INSTALLATION OF GAS PIPELINE INFRASTRUCTURE AND RELATED FACILITIES; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE GAS PIPELINE PUBLIC R-O-W CROSSING AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has been approached by gas utility and gas well operators for the purchase, lease or temporary use of both City-owned rights-of-way and property owned in fee in order to accommodate the installation of gas pipeline infrastructure and related facilities; and

WHEREAS, the City Council of the City of Mansfield understands that gas pipelines are necessary to connect drilling sites to markets and desires to accommodate such requests to the extent that they are reasonable and that due regard is paid to the primary purpose of the property held by the City; and

WHEREAS, in considering such requests, the City Council is obligated to balance the interests of the gas utility industry with the interest of the public as a whole; and

WHEREAS, the City of Mansfield has an obligation to protect public facilities such as parks, streets, water, sanitary sewer, storm sewer, drainage and other city utilities; and

WHEREAS, the City Council also desires to protect the value of private property, preserve the economic development potential of private property, and to safeguard the interests of the public as a whole; and

WHEREAS, in furtherance of its obligations to the public and in order to better manage requests from the gas utility industry, the City Council desires to establish minimum standards and criteria that shall be incorporated into each approved pipeline agreement as conditions precedent to the crossing of City-owned rights-of-way and property owned in fee; and

WHEREAS, the City Council finds that the standards and criteria set forth herein are in the best interest of the public health, safety and general welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The City Manager is hereby directed to incorporate the following language or language substantially similar to the following into any agreement governing the installation of gas pipeline infrastructure and related facilities in, on, along, under or across real property owned by the City in fee or by easement including, but not limited to, any public road, highway, street, alley, stream, canal, or other public way located within the City of Mansfield:

“Licensee, for itself and its successors and assigns, hereby covenants and agrees to the following:

1. Prior to easement acquisition or installing Licensee's pipeline infrastructure across any land within the territorial limits of the City of Mansfield, Texas, Licensee shall confer with and seek the written approval of the City's Director of Public Works and Director of Planning that the proposed route is not conflict with the City's thoroughfare, drainage, parks, and utility master plans, as such plans exist on the day Licensee seeks the written approval of its proposed route from the City. Should the City's Director of Public Works and Director of Planning conclude that Licensee's proposed route is in conflict with the City's thoroughfare, drainage, parks, and utility master plans, Licensee shall either abandon its proposed route or relocate its pipeline infrastructure in such a manner that it no longer creates a conflict with the City's master plans.

2. All new or relocated pipelines within territorial limits of the City of Mansfield, Texas, shall be located within existing pipeline corridors within the City, or if Licensee and the Director of Public Works and Director of Planning agree that it is not feasible for a new or relocated pipeline to be located within an established pipeline corridor within the City of Mansfield, the pipeline must:

i For platted property, be located within mandatory front, side yard or rear setbacks;

ii. For un-platted property, be contiguous and adjacent to the property boundaries of fee parcels or existing easements to avoid unnecessary fragmentation of land and avoid diagonal routes that would create unusable slivers of land; and

iii. Not cross areas of unique recreational or aesthetic importance, environmentally sensitive areas and areas of historical or cultural significance, as identified by the Mansfield City Council; and

iv. Avoid conflict with the location and opening of planned future streets and laying of planned water lines, sanitary sewer lines, and storm sewer and drainage routes incident to future private development, as determined by the City's Director of Public Works.

The requirements of this subsection shall not apply to property owned in fee simple by Licensee or where Licensee must deviate from these requirements on a single tract or platted lot containing a gas well that is intended to be connected to and serviced by Licensee's pipeline.

3. Licensee agrees that trees removed for the installation of gas pipeline infrastructure and related facilities shall be mitigated in accordance with the requirements of Ordinance No. 1220, the Natural Resources Management Ordinance of the City of Mansfield, Texas.

4. Licensee agrees to screen all of Licensee's above-ground equipment from public view in a manner approved by the Director of Planning.

5. Licensee agrees that all existing and proposed Licensee-owned, operated or planned compressor stations, gathering stations, metering stations or natural gas separators or other surface appurtenances intended to serve the proposed pipeline are depicted in the attached and incorporated Exhibit "__" to this Agreement. Should Licensee elect to construct or operate any compressor station, gathering station, metering station or natural gas separator or other

surface appurtenances not depicted in Exhibit “___.” Licensee must first seek the written approval of the City’s Director of Public Works and Director of Planning.”

SECTION 2.

The City Manager is hereby directed to refuse any request to acquire an interest in real property owned by the City in fee or by easement including, but not limited to, any public road, highway, street, alley, stream, canal, or other public way located within the City of Mansfield, in order to accommodate the installation of gas pipeline infrastructure and related facilities and that such requests shall only be considered pursuant to a use privilege agreement, license agreement or other instrument that does not involve the conveyance of an interest in real property.

SECTION 3.

The City Manager, or his designated representative, is hereby authorized to execute a license or use privilege agreement governing the crossing of public rights-of-way by a gas utility, incorporating the language set forth in Section 1 above and such other appropriate language as determined by the City Manager, in his sole discretion, in order to protect the integrity of the public rights-of-way and the public health, safety and general welfare.

The crossing of property owned by the City in fee shall require the approval of the City Council.

SECTION 4

Nothing contained herein is intended to apply to existing or future franchise agreements between a franchise utility provider and the City authorizing such utility to utilize public rights-of-way for the location of such utility’s service lines for the purpose of providing utility services to the public located within the City.

SECTION 5.

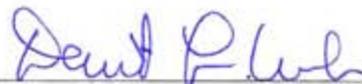
A copy of this resolution shall be maintained in the official records of the City Secretary.

SECTION 6.

EFFECTIVE DATE

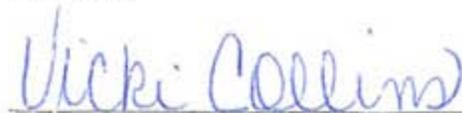
This resolution shall be effective from and after its passage.

PASSED AND APPROVED THIS THE 24th day of November, 2008.



David L. Cook, Mayor

ATTEST:



Vicki Collins, City Secretary