

## 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.

- APPLICATION:** The application shall be completely filled out, signed and notarized.
- EXHIBIT NO. 1:** Provide a general vicinity map indicating the project location. The map should be of small enough scale to include at least one (1) major intersection in the City of Burleson. The map may be hand drawn, aerial, from GIS or from an internet mapping program such as yahoo maps.
- EXHIBIT NO. 2:** Provide an accurate, to scale drawing of the proposed area of usage of the easement/right-of-way, including all dimensions as required to accurately stake the area in the field. If needed to accurately describe the area, include metes and bounds. Please limit the requested area of usage to the minimum required to accommodate your needs. Additional pages may be attached, but all drawings must be no larger than 11" x 17". Reducing large plans or plats to use as the base drawing is acceptable, providing the final document is legible to City staff. Include all existing easements, overhead or underground utilities, drainage facilities or other improvements within 50' of the proposed area of usage and show the location of the proposed improvements.
- EXHIBIT NO. 3:** Provide a detail and/or cross-section of the private facilities to be placed in the right-of-way/easement. Vertical alignment of existing and proposed facilities must be shown. Information on existing public water, sewer and drainage facilities can be obtained at the Engineering Services Maproom at City Hall, 141 W. Renfro Street. Many plans are available as pdf files and can be emailed - call Brenda at 817-426-9619 or email at bcrowder@burlesontx.com.
- EXHIBIT NO. 4:** Signatures are required from each utility that serve the area regardless of whether or not they have utility equipment in the easement. Each utility can sign on a separate sheet – returned fax copies are acceptable. The City will assist in obtaining the signatures.
- EASEMENT AND RIGHT-OF-WAY USE AGREEMENT:** The Agreement shall be completed, signed and notarized. All signatures and notary acknowledgments must be originals, no copies. In the second blank of the first paragraph, please describe specifically the intended use of the easement or right-of-way.
- UTILITY CONTACT INFORMATION:** This sheet provides information on how to contact the utility companies if necessary. It is kept as up to date as possible but is only a reference. If you find incorrect information on the sheet, please feel free to mark the changes and attach it with your application and we will update the form.
- NOTES:**
1. Contact Engineering Dept. at 817-426-9600 to discuss the reason for the request for the right-of-way/easement agreement.
  2. Once it is determined that the City has no objections to the request, please provide the information above and allow approximately 2 to 3 weeks for review of the agreement.
  3. There is a review and filing fee of \$125 that shall be paid by the applicant prior to filing with the County.

**APPLICATION**

DATE: \_\_\_\_\_

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

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. 2 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 proposed joint use of the easement/right-of-way is as follows:  
\_\_\_\_\_  
\_\_\_\_\_
- 3. Said public utility easement/drainage easement/right-of-way has been and is being used as follows (explain existing use of easement):  
\_\_\_\_\_  
\_\_\_\_\_

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/Title: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 Signed: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 \_\_\_\_\_ Email: \_\_\_\_\_

THE STATE OF TEXAS                    §  
COUNTY OF \_\_\_\_\_               §

BEFORE ME, the undersigned authority, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, 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: \_\_\_\_\_

**CITY OF BURLESON  
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 2, 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:

APPLICANT:

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE COMPLETE APPROPRIATE ACKNOWLEDGEMENT ONLY - FOR FACILITIES IN TARRANT COUNTY.

THE STATE OF TEXAS

§

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:\_\_\_\_\_

PLEASE COMPLETE APPROPRIATE ACKNOWLEDGEMENT ONLY - FOR FACILITIES IN JOHNSON COUNTY.

THE STATE OF TEXAS §

CORPORATE ACKNOWLEDGMENT

COUNTY OF JOHNSON §

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Notary Seal:

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

My Commission Expires:\_\_\_\_\_

THE STATE OF TEXAS §

INDIVIDUAL ACKNOWLEDGMENT

COUNTY OF JOHNSON §

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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:\_\_\_\_\_

**EXHIBIT NUMBER 1**

Vicinity Map for Proposed Easement/Right-of-Way Use Area

## **EXHIBIT NUMBER 2**

### Graphic and/or Metes and Bounds Description of Proposed Easement/Right-of-Way Use Area

Show surrounding area to the nearest streets in all directions, abutting lots, the block(s) 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 must be to scale and shall include a graphic scale, north arrow, legal description of the subject property and adjoining properties and all existing easements and improvements within 50 feet of the joint usage area. The type of easement sought shall be designated on this drawing.

### **EXHIBIT NUMBER 3**

#### Section/Detail of Improvements with Profile View

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**

**Agreement/Acknowledgement of Public Utility Companies**

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/address (if applicable): \_\_\_\_\_

**Oncor Electric Delivery (Electric)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Pathway Communications**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Atmos Energy (Gas)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Bethesda Water Supply Corporation**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**AT&T Telephone Company**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**United Cooperative Services (Electric)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Charter Communications**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**City of Burleson**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Johnson County Special Utility District**

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.  
[terrysears@oncor.com](mailto:terrysears@oncor.com)

### Atmos Energy (Gas)

100 W. Morningside Drive  
Fort Worth, Texas 76110

Bob Davison 817-215-4704  
[Bob.davison@atmosenergy.com](mailto:Bob.davison@atmosenergy.com)

### AT&T Telephone Company

1116 Houston St.  
Room 1410  
Fort Worth, Texas 76102

Tommy Ellison (817) 338-5357  
Engineering Department  
[t3e5574@att.com](mailto:t3e5574@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](mailto: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](mailto:ricky@usapathway.com)

cc: Robert Strawn  
[robert@aciglobal.com](mailto: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  
[jacson@united-cs.com](mailto:jacson@united-cs.com)

### City Of Burleson

141 W. Renfro  
Burleson, Texas 76028

Laura Melton 817-426-9617  
City Engineer  
[lmelton@burlesontx.com](mailto:lmelton@burlesontx.com)