

PROPOSED CONVEYANCE OF EASEMENT BY CSISD TO ATMOS ENERGY

Agenda Item:

Consider approval of the sale, exchange, and conveyance of an easement across College Station Independent School District property to Atmos Energy Corporation, for fair market value, and the documents approving same.

RESOLUTION

On motion made and seconded, it is hereby resolved that:

- A. Whereas, College Station Independent School District ("CSISD") owns approximately 44.545 acres of real property out of the Thomas Caruthers League, Abstract #9, more fully described in a deed recorded in Volume 8413, Page 291 of the Official Public Records of Brazos County, Texas and more particularly described in **Exhibit A**, attached hereto and incorporated by reference herein (the "Property"); and
- B. Whereas, Atmos Energy Corporation ("Atmos") desires an easement across a portion of the Property (the "Easement Property") for the purpose of constructing a pipeline and appurtenances thereto ("Easement"), more specifically described by metes and bounds **Exhibit B** attached hereto and incorporated by reference herein; and
- C. Whereas, CSISD Board of Trustees ("Board"), has determined that the Easement Property is not necessary for school purposes; and
- D. Whereas, the Board has determined that it would be in the best interest of CSISD to convey the Easement to Atmos; and
- E. Whereas, CSISD is a governmental entity and/or political subdivision under Texas Local Government Code Section 272.001; and
- F. Whereas, Atmos is a common carrier with the power of eminent domain pursuant to Texas Natural Resources Code Sections 111.002 and 111.019; and
- G. Whereas, pursuant to Texas Local Government Code Section 272.001(b)(4), CSISD may convey the Easement Property to Atmos for an amount equal to or greater than the fair market value of the Easement Property without complying with the notice and bidding procedures set forth in Section 272.001; and
- H. Whereas, pursuant to Texas Local Government Code Section 272.001(b)(1),(c), CSISD may convey the Easement Property to Atmos, an adjoining property owner, because the Easement Property is a narrow strip of land that could not be used independently by CSISD; and
- I. Whereas, CSISD has obtained an independent appraisal of the Easement Property; and
- J. Whereas, the Parties have negotiated the terms of an Easement Agreement, the form of which is attached hereto as **Exhibit C** and incorporated by reference herein.
- K. Whereas, pursuant to Section 272.001 the fair market value of real property is conclusively established by an appraisal obtained by the governmental entity.

Now, therefore, the Board makes the following resolutions:

1. The Board approves the conveyance, sale, and exchange of the Easement Property to Atmos in exchange for eight hundred eighty-four and 00/100 dollars (\$884.00), which is the appraised value of the Property.
2. The Board authorizes the Board President, the Superintendent or their appointed designees, to execute and deliver an Easement Agreement to Atmos, and any other documents necessary evidencing the Board's resolution set forth above.
3. The Board further resolves that the conveyance, sale and exchange of the Property as approved by this resolution is in conformity with the provisions of Section 272.001 of the Texas Local Government Code.

Name: _____
Title: _____
Date: _____