

**RESOLUTION 20-43**

**A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE A UTILITY EASEMENT ENCROACHMENT AGREEMENT WITH ATMOS ENERGY**

**WHEREAS**, the City of Spring Hill has an existing utility easement on Beechcroft Road identified in Maury County Deed Book Volume 1121, Page 832 located in public right-of-way in front of 613 Beechcroft Road; and

**WHEREAS**, ATMOS Energy proposes to install two natural gas pipelines in an easement that would partially overlap the City's easement; and

**WHEREAS**, the City has requested an encroachment agreement (attached as Exhibit A) be signed by both parties to ensure there will be no conflict of the construction of the pipelines with the existing water lines and/or new water lines; and

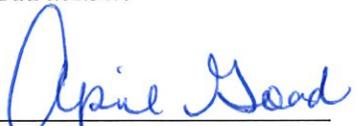
**WHEREAS**, the encroachment agreement will also ensure the City's easement will remain intact and reserves the City's right to use as needed in the future.

**NOW, THEREFORE BE IT RESOLVED**, that the City of Spring Hill Board of Mayor and Aldermen authorizes the Mayor to execute the attached utility easement encroachment agreement with Atmos Energy.

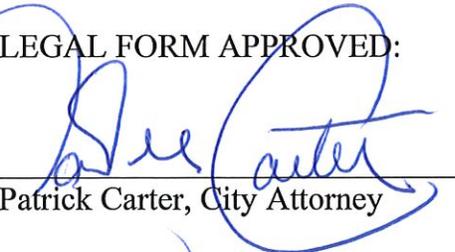
**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20<sup>th</sup> day of April, 2020.**

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney



April 20, 2020

**Atmos Energy Corporation**  
**810 Crescent Centre Drive**  
**Franklin, Tennessee**  
**Attn: Abby Davis**

Re: Crossing Agreement—Water Line Easement, Book 1121, Page 832

Dear Ms. Abby Davis:

It is the City of Spring Hill's ("City") understanding that Atmos Energy Corporation ("Atmos Energy") is proposing to install two natural gas pipelines – an eight inch (8") pipeline and twelve inch (12") pipeline (collectively, the "Atmos Pipelines") that run parallel to existing water lines (collectively, the "City Water Lines") located within the easement identified in Volume 1121, Page 832 of the Register's Office of Maury County, Tennessee. The Atmos Pipelines will be installed parallel to the existing City Water Lines but with a minimum of twenty-five feet (25') of separation from the existing City Water Lines and approximately fifteen feet (15') from the proposed new City water line according to the plans attached as Exhibit 1.

The City has reviewed the plans for the Atmos Pipelines and has determined that the construction of the Atmos Pipelines will not present a conflict based on information provided on the plans and herein and will not object to the construction, provided that this letter is executed and returned prior to the commencement of the construction and the following additional criteria are followed:

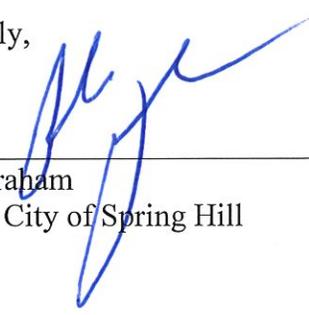
- Atmos Energy will follow the plans as described in Exhibit 1 so as to avoid current and future conflicts with the City Water Lines. Any deviations from the plans as described in Exhibit 1 must be reviewed and approved by the City prior to construction pursuant to any modified plans, as set forth more fully in the final bullet point below.
- A City representative or their designee must be present during any and all work within the City's easement, except in the case of surveillance and an emergency which would require Atmos to access the Atmos Pipeline without first notifying the City. A City representative (City Administrator or his/her designee) must be notified at least three (3) days (72 hours) in advance of any activities within the vicinity of City facilities to avoid any delays in field activities.

- The current location of the City Water Lines will be visually confirmed through the use of potholing by the City prior to construction.
- Mechanical excavation (and/or compaction), is not allowed within three (3) feet horizontally or vertically from the City Water Lines.
- Excavation (and / or compaction) closer than three (3) feet horizontally or vertically from City Water Lines must be done by hand.
- Heavy equipment crossings of the City Water Lines that may create ruts and potentially decrease the cover over the City Water Lines shall only cross with appropriate matting.
- At no time may cover be removed from the easement or right-of-way without the prior writing approval of the City.
- The City's easement will be protected from washing and erosion during construction and/or repairs.
- Equipment, materials, or excess dirt will not be stored on the easement during construction without the prior written approval of the City.
- The City reserves the right for future uses of this easement, including but not limited to, ingress and egress, reconstructing, removing, relocating, maintaining, installation, operating, etc., of any of its facilities.
- If there is ANY change in the scope of work, Atmos Energy shall submit revised construction drawings and plans for the Atmos Pipelines to the City for review and approval prior to construction. Atmos Energy's failure to submit revised drawings and plans to the City for review and approval prior to construction work may result in the City requiring the relocation of Atmos Pipelines by Atmos Energy to satisfactorily address conflicts with present and further City Water Lines.

**You are not authorized to commence work until we have received a signed copy of this letter and issued a Notice to Proceed.**

For further assistance, please call Victor Lay at 931.486.2252 ext. 215 or email at [vlay@springhilltn.org](mailto:vlay@springhilltn.org).

Sincerely,



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Rick Graham  
Mayor, City of Spring Hill

P.O. Box 789  
199 Town Center Parkway  
Spring Hill, TN 37174

Phone 931.486.2252  
Fax 931.486.0516  
[www.springhilltn.org](http://www.springhilltn.org)

**SUBJECT:** Resolution to authorize the Mayor to execute a utility easement encroachment agreement with Atmos Energy

**DATE:** March 31, 2020

**ATTENTION:** Board of Mayor and Aldermen

**STAFF:** Missy Stahl, Senior Project Manager



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## **STAFF MEMORANDUM**

The City currently has a utility easement on Beechcroft Road located in front of 613 Beechcroft Road (United Rentals). As part of the renovations of Beechcroft Road, Atmos Energy is proposing an easement adjacent and partially overlapping the City's easement to install two new natural gas pipelines. The agreement has been developed by the attorney for Atmos and Patrick Carter with input from City staff.

The agreement ensures that City water lines are not damaged during the installation of the pipelines. It also covers that the easement remains the property of the City and we are able to use the easement for our needs in the future. Other restrictions and compliance items are included in the agreement that will reduce potential damage to the easement itself.

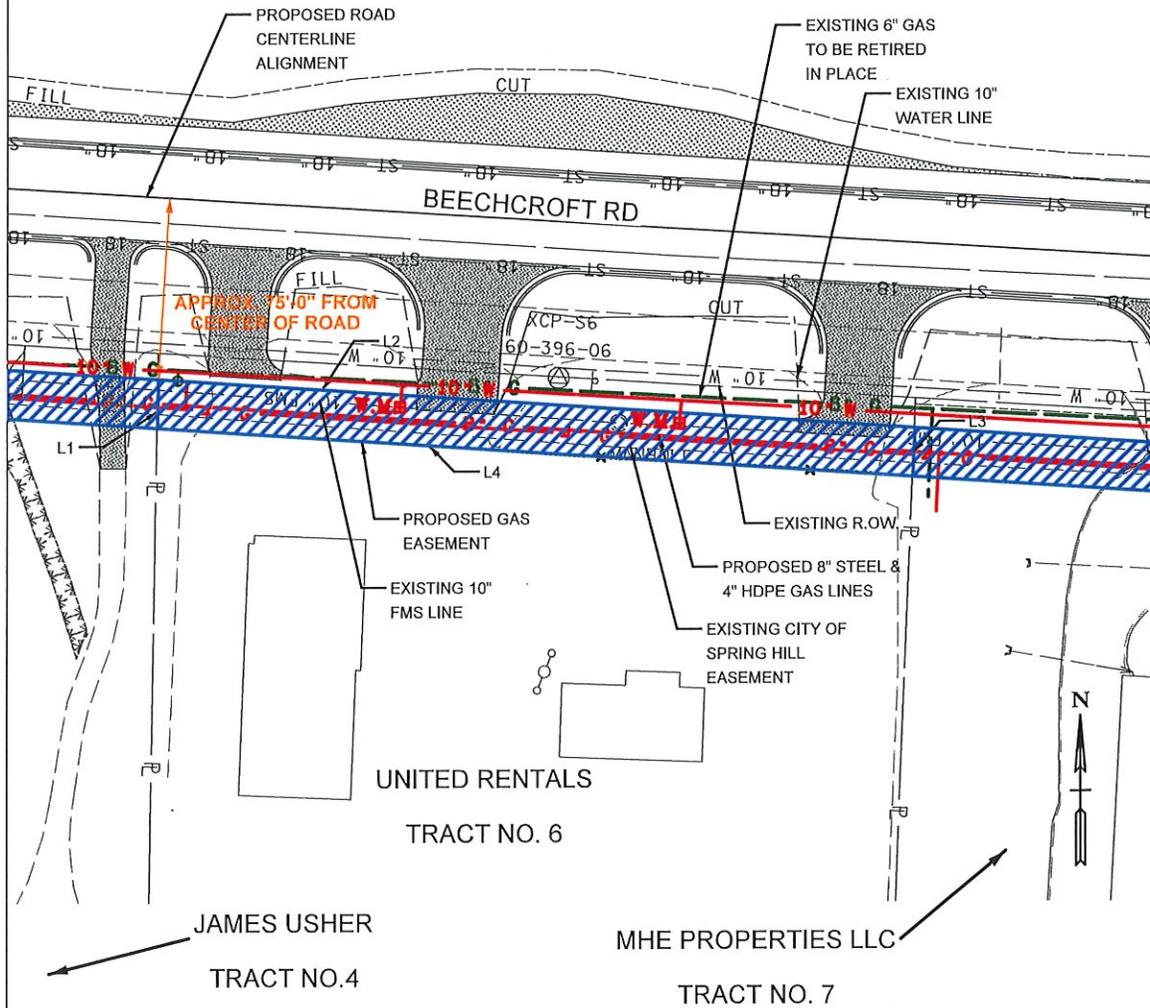
Atmos Energy has filed a condemnation suit against United Rentals for the necessary easement they need and by the City entering into the encroachment agreement, we are able to avoid being included in the suit ourselves. The City will be able to better dictate the terms of the encroachment agreement rather than having a portion of our easement condemned without maintaining oversight and control of our easement.

The agreement with exhibit are included as part of the resolution.

Staff recommends approval of this resolution.

CLAYTON PROPERTIES  
GROUP INC.

TRACT NO.2



LEGEND

- PROPOSED ATMOS EASEMENT
- GAS UTILITY

PERMANENT ATMOS EASEMENT			
ACREAGE	LINE	BEARING	LENGTH
0.144	L1	N 01° 56' 57" W	20.01'
	L2	S 89° 01' 46" E	314.33'
	L3	S 01° 26' 49" E	20.00'
	L4	S 89° 01' 43" W	313.84'

COORDINATE VALUES ARE NAD/83 (1995.), AND ARE DATUM ADJUSTED BY THE FACTOR OF 1.00008, AND ARE TIED TO THE TENNESSEE GEODETIC REFERENCE NETWORK. ALL ELEVATIONS ARE REFERENCED TO THE NAVD 1988.

Easement Notes:

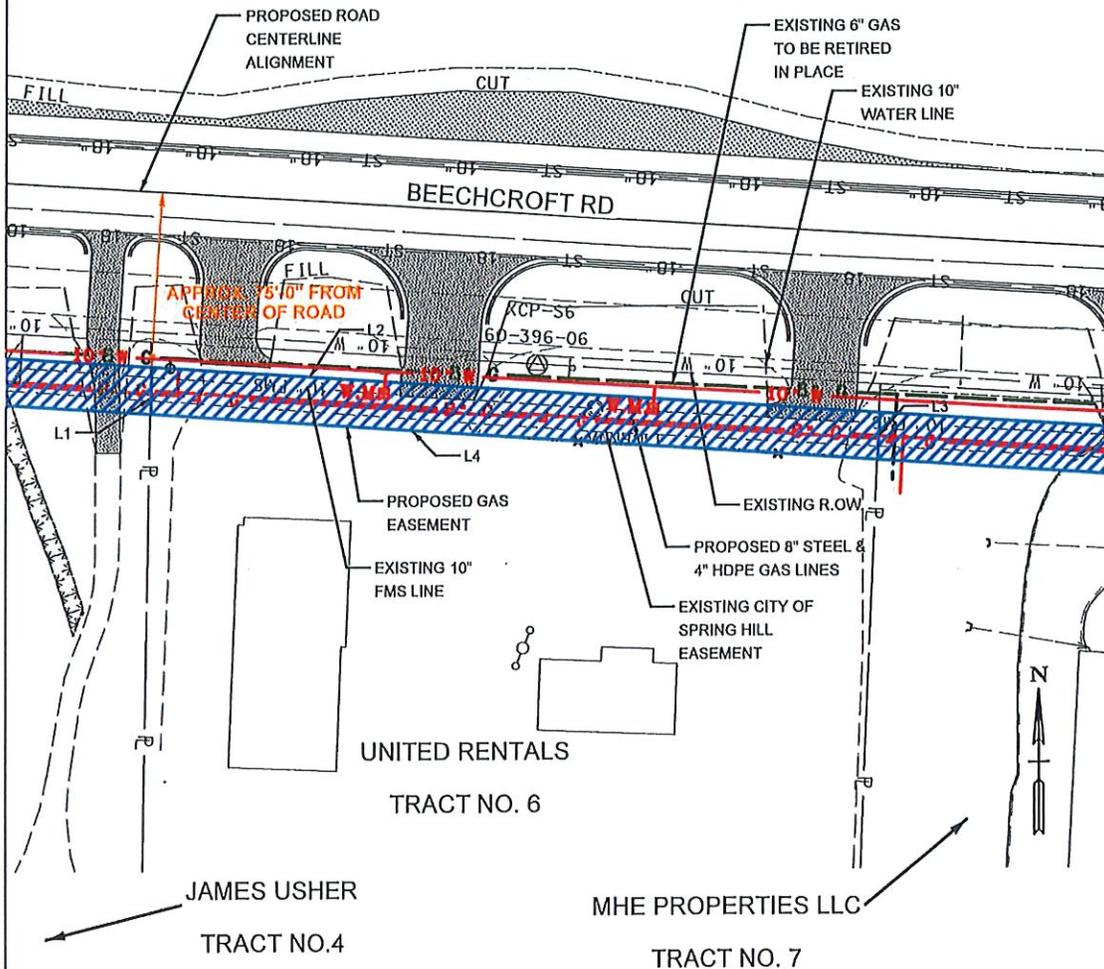
1. This exhibit was prepared in accordance with existing field evidence and recorded information. It is not intended to be a Boundary Survey compliant with the minimum standard detail requirements of the State of Tennessee.
2. This Exhibit does not warrant title or ownership. Owners and property information are shown in accordance with the County Property Assessors Records and County GIS.

NOTE: PROPERTY LINES WERE COMPILED FROM TAX MAPS AND DO NOT REPRESENT A BOUNDARY SURVEY OF AFFECTED PROPERTIES.

<p><b>ATMOS ENERGY</b> 810 Crescent Centre Dr., Suite 600 Franklin, TN 37067-6226 (615)771-8363</p>	<p>County of <u>Maury</u>, Tennessee CLT Map No. <u>024</u> Parcel No. <u>023.02</u> Deed Book/Page <u>xx/xx</u> District <u>    </u> Ward <u>    </u> City Block <u>    </u></p>	<p><b>EXHIBIT "A"</b> (TRACT 6) Scale: 1" = 60' SHEET 1 OF 1</p>	<p>Prepared By: <u>Gresham Smith</u> Address: <u>2095 Lakeside Centre Way,</u> <u>Suite 120 Knoxville, Tn 37922</u> Date: <u>05/23/19</u> W.O.No: <u>    </u> Appd. By: <u>    </u> Checked By: <u>    </u></p>
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**ATMOS ENERGY**  
 810 Crescent Centre  
 Dr., Suite 600  
 Franklin, TN  
 37067-6226  
 (615)771-8363

County of Maury, Tennessee  
 CLT Map No. 024 Parcel No. 023.02  
 Deed Book/Page xx/xx  
 District      Ward      City Block     

**EXHIBIT "A"**  
 (TRACT 6)  
 Scale: 1" = 60'  
 SHEET 1 OF 1

Prepared By: Gresham Smith  
 Address: 2095 Lakeside Centre Way,  
Suite 120 Knoxville, Tn 37922  
 Date: 05/23/19 W.O.No:       
 Appd. By:      Checked By: