



TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: September 26, 2018
MEETING DATE: October 1, 2018

SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Floren Poliseo
PRESENTER: Brian Lenz, Town Engineer

SUBJECT: Electric Distribution Easement from Town to Lower Valley Energy

STATEMENT/PURPOSE

For the Town Council to consider approval of the attached Electric Distribution Easement from the Town to Lower Valley Energy (“LVE”).

BACKGROUND

The existing power service to 550 W Broadway, the old Sagebrush Motel, is an overhead power service. The developers of the Sagebrush Apartments located at said property are installing a new electrical service for their proposed apartment building. Per the Town Land Development Regulations (7.7.5.A) new utilities shall be installed underground. At this time, the only location where adequate power can be sourced is from the power pole that the existing power comes from, located in Karns Meadow Tract 2. The Tract 2 land is owned by the Town of Jackson and has a conservation easement over it managed by the Jackson Hole Land Trust (JHLT). The easement allows for some development or development related activities to occur within the Meadow so long as it is in agreement with those activities allowed by the conservation easement.

Town staff and the Developer prefer to bury the power line from its overhead source in Tract 2. The proposal has been presented to the JHLT Stewardship Committee. The committee voted to, “Allow the burial of the power line in its current alignment by underground boring with a 15-foot maintenance easement to be reviewed and acknowledged by JHLT. This approval is conditioned on the pedestal and transformer placement on Sagebrush property and the initiation of boring from Sagebrush property in order to minimize disturbance to the Karns Meadow property. A small receiving pit, approximately 4’x6’ at the base of the main pole on Karns will be dug in order to install a vault for the transfer of power to the overhead line. Surface vegetation will be removed, the hole backfilled and the “plug” of vegetation replaced.” A generic version of the Electrical Distribution Easement was reviewed by the committee at that time and the current version is being reviewed by JHLT concurrently with the presentation to council.

The attached Electric Distribution Easement from the Town to Lower Valley Energy is necessary for LVE to bury the existing overhead power lines in this area and be able to maintain, repair, upgrade or alter and replace electric distribution circuits, lines and equipment in the easement area. It is unknown if an easement exists for the existing overhead powerlines.

See Figure 1 below for a GIS image of the proposed easement.



FIGURE 1. GIS image of the proposed easement and development property, 550 W Broadway. The red line shows the approximate easement.

FISCAL IMPACT

None at this time.

STAFF IMPACT

The Staff impact has been in the Public Works Department (including the Town Engineer) and the Legal Department in coordinating and finalizing this easement.

LEGAL REVIEW

Complete.

ATTACHMENTS

Electric Distribution Easement

RECOMMENDATION

Staff recommends approval of the attached Electric Distribution Easement from the Town to Lower Valley Energy.

SUGGESTED MOTIONS

I move to approve the attached Electric Distribution Easement from the Town of Jackson to Lower Valley Energy, including any minor revisions and the Jackson Hole Land Trust acknowledgement finalization, and authorize the Mayor to execute the Easement.

From: Liz Long <lizlong@jhlandtrust.org>
Sent: Wednesday, September 26, 2018 10:44 AM
To: Brian Lenz
Cc: Christine Walker
Subject: ToJ Karns Meadow Tract 2

Brian,

Thanks for touching base this morning and my apologies for this not having gotten out to you yet.

Thank you for the communication around Town requests on the Karns Meadow Tract 2 uses in conjunction with the Sagebrush Apartments development.

The Stewardship Committee of JHLT's board voted as follows:

1. Approved the relocation and updated ditch work on the Lime Kiln ditch. Disturbance should be minimized in order to minimize impacts on the conservation values as identified by the conservation easement.
2. Allow Sagebrush to grade onto the Town of Jackson property under conservation easement as shown on the grading plan dated 5/21/2018 in order to preserve the ability to construct a bike path to connect Broadway to Karns. This approval is conditioned on the review of a reclamation plan and the clear, on the ground demarcation to the limit of disturbance as shown on the approved plans.
3. Allow the burial of the power line in its current alignment by underground boring with a 15 foot maintenance easement to be reviewed and acknowledged by JHLT. This approval is conditioned on the pedestal and transformer placement on Sagebrush property and the initiation of boring from Sagebrush property in order to minimize disturbance to the Karns Meadow property. A small receiving pit, approximately 4'x6' at the base of the main pole on Karns will be dug in order to install a vault for the transfer of power to the overhead line. Surface vegetation will be removed, the hole backfilled and the "plug" of vegetation replaced.

I'll look forward to seeing the drafts of the utility easement. Please let me know if you have any other questions or points of clarification.

Best,

Liz Long
Director of Conservation
Jackson Hole Land Trust
P: 307.733.4707
www.jhlandtrust.org

MEMBER #[Click here to enter text.](#)

PARCEL IDENTIFICATION #22-41-16-33-1-00-033

WORK ORDER # & #

SEC.33, T41N, R116W

ELECTRIC DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENT:

That the undersigned, TOWN OF JACKSON, a Municipal Corporation, ("Grantor") for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, convey and warrant unto Lower Valley Energy, a Cooperative Utility Corporation, of Afton and Jackson, Wyoming and to its successors and assigns, ("Grantees"), a perpetual easement and right of way for the construction and continued maintenance, repair, technological upgrades or alteration and replacement of the electric distribution circuits, lines and equipment of the Grantee to be constructed and maintained under, upon and across the premises of Grantor in Teton County, State of Wyoming, along a line described as follows, to wit:

As described and shown in and on Exhibit "A" attached hereto and by this reference made a part of.

Together with all necessary and reasonable rights of ingress and egress and to excavate and refill ditches and trenches for the location and repair of said facilities and to cut, trim, spray herbicides, or remove trees, shrubbery, undergrowth or other obstructions interfering with the repair and maintenance of the facilities.

The Grantor acknowledges that Electric and Magnetic Fields (EMF) are naturally occurring in the transmission or distribution of electricity, and that the Grantee has here notified Grantor that EMF testing and information is available upon request from the Grantee. This Easement by Grantor is intended to include so much space as is necessary or appropriate to the presence of EMF and reasonable operation of the Grantee's distribution lines.

Grantor agrees that all poles, wires and other facilities, installed on or under the described lands shall remain the property of the Grantee removable in the sole discretion of the Grantee at the Grantee's expense. The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and assigns. Grantor shall compensate Grantee for any damages to Grantee's facilities caused by Grantor, including payment of Grantee's attorney fees if action is undertaken by Grantee to enforce the commitments described in this easement. Grantor reserves the right to improve, occupy and use this easement for all purposes not inconsistent with the easement grant. Each party shall have the remedy of specific performance regarding this easement. The rights and obligations described in this easement shall run with the land. This easement is not exclusive, and Grantor retains all rights not specifically granted by this easement. This is the entire agreement of the parties regarding this easement, except as may be set forth in writing after the date of this easement and signed by the parties. Grantor hereby releases and waives all rights by virtue of the Homestead Exemption Laws of Wyoming.

WITNESS the Hand of the Grantor, this _____ day of _____, 20____.

TOWN OF JACKSON

Pete Muldoon, Mayor

STATE OF WYOMING}

COUNTY OF TETON}

The foregoing instrument was acknowledged before me by _____, as
_____ of this _____ day of _____, 2018.

(Seal)

Witness my hand and official seal.

Notary Public

My commission expires:

JACKSON HOLE LAND TRUST ACKNOWLEDGMENT

Jackson Hole Land Trust (hereinafter, "JHLT"), as Grantee of the Conservation Easement recorded in Teton County, Wyoming on January 25, 2005 in Book 577 at Pages 1078-1150 (hereinafter, the "Conservation Easement"), hereby consents to the Electric Distribution Easement and Agreement (hereinafter, the "Easement") between Lower Valley Energy, a Cooperative Utility Corporation and the Town of Jackson as dated the _____ 2018. JHLT, by this consent, recognizes the Easement as a necessary new utility easement pursuant to Paragraph _____ of the Conservation Easement.

Commented [BL1]: Confirm with Land Trust

JACKSON HOLE LAND TRUST

BY: _____

ITS: _____

STATE OF WYOMING}
COUNTY OF TETON}

The foregoing instrument was acknowledged before me by _____, as

of this _____ day of _____, 2018.

(Seal)

Witness my hand and official seal.

Notary Public

EXHIBIT A
LEGAL DESCRIPTION
FOR
UNDERGROUND ELECTRICAL LINE EASEMENT
WITHIN PROPERTY OF
TOWN OF JACKSON

A FIFTEEN FOOT (15.00') WIDE STRIP OF LAND: being a part of the Karns Meadow property owned by the Town of Jackson;

said **STRIP** is located within the W ½ of the NE ¼ of Section 33, T 41 N, R 116 W, 6th P.M., Town of Jackson, Teton County, Wyoming, and the centerline is more particularly described as follows:

COMMENCING at the Southwest Corner the Sagebrush Investors, LLC parcel described in that Warranty Deed recorded as document #0941091 in the Office of the Clerk of Teton County, Wyoming, marked by a steel T-stake with chrome cap inscribed "PE&LS 2612";

thence on the south boundary of said Sagebrush Investors, LLC property, S89°07'32"E, 177.19 feet to the northeast corner of Lot 1, Stone Addition, recorded as Plat No.818, monumented by rebar with aluminum cap inscribed "PE & LS 2612";

thence continuing on said south boundary, S89°07'32"E, 7.68 feet to the **POINT OF BEGINNING**;

thence departing said south boundary, S13°24'16"W, 141.37 feet to an existing power pole;

thence continuing S13°24'16"W, 7.5 feet to the **POINT OF TERMINUS** of the centerline.

With the sidelines of said strip being 7.50 feet on each side of said centerline and lengthened or shortened to meet said south line of the Sagebrush Investors, LLC property.

said **STRIP ENCOMPASSES AN AREA OF 0.05 ACRES**, more or less;

said **STRIP** is shown on that **ILLUSTRATIVE MAP TO ACCOMPANY LEGAL DESCRIPTION FOR AN UNDERGROUND ELECTRICAL LINE EASEMENT** attached hereto as **Page 2** and by this reference made a part hereof.

The base bearing for this description is S89°07'32"E on the south line of said Sagebrush Investors, LLC property between said southwest corner and a steel T-stake with no cap being a witness monument 26.55 feet west of the southeast corner of said property.

JORGENSEN ASSOCIATES, P.C.

Prepared September 26, 2018

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EXHIBIT A
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WITHIN PROPERTY OF TOWN OF JACKSON

