



Agenda Commentary

Item Title/ Subject: Request for easements for utility line construction

Staff Source: Gene McCullough, Acting City Manager

Date: September 1, 2020

Subject Summary: A transmission line construction project is under way across property that the City of Clinton owns, and a request for easements as presented in the attached documents has been made to complete the project.

Recommendation: Approve the request for easement with Coates Field Services, representing Public Service Company of Oklahoma.

Price/Cost: \$2,000.00 payment for easement



An **AEP** Company

BOUNDLESS ENERGY™



March 25, 2020

City of Clinton
P.O. Box 1177
Clinton, OK 73601

Re: Clinton City – Weatherford City Transmission Line Project
Section 13, Township 12 North, Range 17 West
Custer County, Oklahoma

Dear Landowner:

You are receiving this letter because public records indicate you own property along a transmission line that needs to be rebuilt. Public Service Company of Oklahoma (PSO), in conjunction with AEP Oklahoma Transmission Company, Inc., wants to let you know about the project and how it impacts you and your property.

Coates Field Services is serving as PSO's right-of-way representative on this project and an agent will be contacting you about compensation for supplementing the current easement on your property. The discussion will include the offer from PSO for \$2,000.00 as payment for amending the existing easement on your property to bring the rights and restrictions to PSO's standard right-of-way requirements.

As a result of the COVID-19 pandemic and recommendations made by the Centers for Disease Control and Prevention (CDC), Coates Field Service right-of-way agents are limiting in-person visits with customers during this process to ensure the public's safety and health.

Prior to meeting with the right-of-way agent, please review the enclosed documents including the Easement, Survey Plat, Easement Payment Schedule, and W-9. Following contact with a right-of-way agent, please sign and date each document in the designated areas, have the Easement notarized and return all documents in the enclosed, stamped envelope. Once we receive the signed documents, a check will be issued to you in the amount of \$2,000.00 and sent to you along with a copy of the fully-executed, recorded Easement.

While PSO makes every effort to minimize disturbance during construction, there may be some impact to your property. When construction is complete, crews will return the property to as close to its original condition as possible.

If you have any questions about this process, please call me at (580) 467-8904 or email me at alex.gilmore@coatesfs.com. Thank you in advance for your prompt response.

Sincerely,

Alex Gilmore
Right-of-Way Agent
Coates Field Service, Inc. – Representing PSO

Enclosures:
Supplemental ROW Easement
Exhibit A Plat
Payment Schedule
W-9

Line Name: Clinton City - Weatherford City

Line No.: TLN114:00622 Easement No.: 55D

EASEMENT PAYMENT SCHEDULE

THE UNDERSIGNED:

GRANTOR: City of Clinton

ADDRESS: PO Box 1177, Clinton, Oklahoma 73601

HEREBY OFFER to accept amount as determined in accordance with the schedule below in full payment of the Easement and Right of Way for an electric transmission, distribution and communication lines, being, in, on, over, under, through and across the land of the Undersigned under an easement dated _____, 2020 from the Undersigned to the Company, to wit:

PAYMENT SCHEDULE

Easement Acquisition Cost Description:	Easement Paid	Damages Paid
Easement Consideration Paid - 0.657 Acres +/- @ \$2,000.00	\$ 2,000.00	
NW/4 of Section 13, Township No. 12 North, Range No. 17 West of the Indian Meridian, Tax Parcel Number 0000-13-012-017-B-000-50, Custer County, State of Oklahoma.		
Total Consideration includes Initial Consideration Paid	\$ 2,000.00	

The amounts so determined are full payment for the Easement and Right of Way. Any construction damages will be paid separately unless noted above.

Accepted on _____, 2020

Signed on _____, 2020

Coates Field Service, Inc. Contract Agent for:

GRANTOR: City of Clinton

Public Service Company of Oklahoma

By: _____

By: _____

Field Agent: _____

Signature of Authorized Signer

Print Name and Title

Attach Required W-9

For Office Use Only:

GL	PCBU	Project BPID	Work Order	Account	Dept.	CC	Act	ZIP CODE
114	TRANS	A16805132	42910603-03			942		73601

Line Name: Clinton City - Weatherford City
Line No.: TLN114:00622 **Easement No.:** 55A

SUPPLEMENTAL EASEMENT AND RIGHT-OF-WAY

THIS SUPPLEMENTAL EASEMENT AND RIGHT-OF-WAY is made by and between **City of Clinton**, whose address is P.O Box 1177, Clinton, OK 73601 ("Grantor"), whether one or more persons, and **Public Service Company of Oklahoma**, a(n) Oklahoma corporation, a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, ("AEP") ("Grantee").

WHEREAS, AEP has electrical facilities built upon a right of way across the property of the Grantor situated in the State of Oklahoma, Custer County, being the same premises as described in Book 201, Page 340 of the real property records of Custer County, Oklahoma, Tax Parcel Number 0000-13-012-017-B-000-50; which facilities have been in place since approximately 1928 ("Original Right of Way"); and

WHEREAS, Grantor is the successor in interest to all or part of the lands affected by the Original Right of Way.

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor hereby grants and conveys this Supplemental Easement and Right of Way to Grantee, its successors and assigns, for the purpose of electric transmission, distribution and communication facilities, in order to supplement and modify the original rights across Grantor's property situated in Custer County, Oklahoma, Section 13, Township 12 North, Range 17 West of the Indian Meridian, being the same premises described in Warranty Deed, recorded 09/12/1966 in Book 201, Page 340 as follows:

The location, width, and boundaries of the easement area are hereby revised, modified, and clarified to be as described and depicted on Exhibit A ("Easement Area"), attached hereto and made a part hereof.

The Easement is also supplemented by the addition of the following language:

Grantee, its successors and assigns, are granted the right to alter, construct, erect, improve, inspect, maintain, operate, patrol, protect, reconstruct, modify, add to, remove, repair, replace, upgrade and/or enlarge electric transmission and distribution facilities within the Easement Area.

The electric transmission and distribution facilities may consist of a variable number of towers or poles made of wood, metal, concrete, or other materials, crossarms, wires, guys, anchors, grounding systems, communication lines and associated fixtures, and may transmit electricity of any voltage or amperage; together with the right to add to said facilities from time to time, and the right to do anything necessary, useful, or convenient for the enjoyment of the Easement.

Grantee, its successors and assigns, are granted the right of unobstructed ingress and egress, at any and all times, on, over, under, across and upon the Easement Area, and across the adjoining lands of Grantor as necessary to access the Easement Area or structure locations for the above referenced purposes.

Grantee, its successors and assigns, shall have the right to cut down, trim, remove, and otherwise control, using herbicides or tree growth regulators, any trees, overhanging branches, vegetation, or brush within the Easement Area or situated on lands of Grantor that adjoin the Easement Area, when in the opinion of Grantee the vegetation may endanger the safety, or interfere with the construction, operation or maintenance, of Grantee's facilities or ingress or egress to, from or along the Easement Area.

In no event shall Grantor, its successors, assigns, agents, licensees, or legal representatives, plant or cultivate any trees; nor place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction, including but not limited to, storage tanks, billboards, signs, sheds, dumpsters, light poles, water impoundments, swimming pools or wells, or permit any alteration of the ground elevation, over or within the Easement Area. Grantee may, at Grantor's cost, remove any structure or obstruction if placed within the Easement Area, and may re-grade any alterations of the ground elevation within the Easement Area.

Grantor acknowledges that Grantee has explained the project to rebuild, alter, and upgrade the transmission line to Grantor, and Grantor's consent for such project is hereby granted.

Except as supplemented and amended herein, the original right of way shall remain in full force and effect.

This instrument may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument. The signature pages from each counterpart may be removed and attached to one document for purposes of recording this Supplemental Easement and Right of Way in the Official Public Records of Custer County, Oklahoma.

This instrument contains the agreement, expressed or implied, between the parties herein and shall inure to the benefit and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

EXECUTED effective this _____ day of _____, 2020.

GRANTOR:
City of Clinton

By: _____

Its: _____

STATE OF OKLAHOMA §

COUNTY OF CUSTER §

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, _____, _____, of City of Clinton, on behalf city.

Notary Public

My Commission Expires: _____

This instrument prepared by Thomas G. St. Pierre, Associate General Counsel - Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215 for and on behalf of **Public Service Company of Oklahoma**.

When recorded return to: American Electric Power - Transmission Right of Way, 212 E. 6th Street, Tulsa, OK 74119

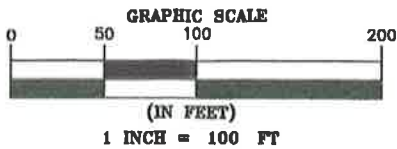
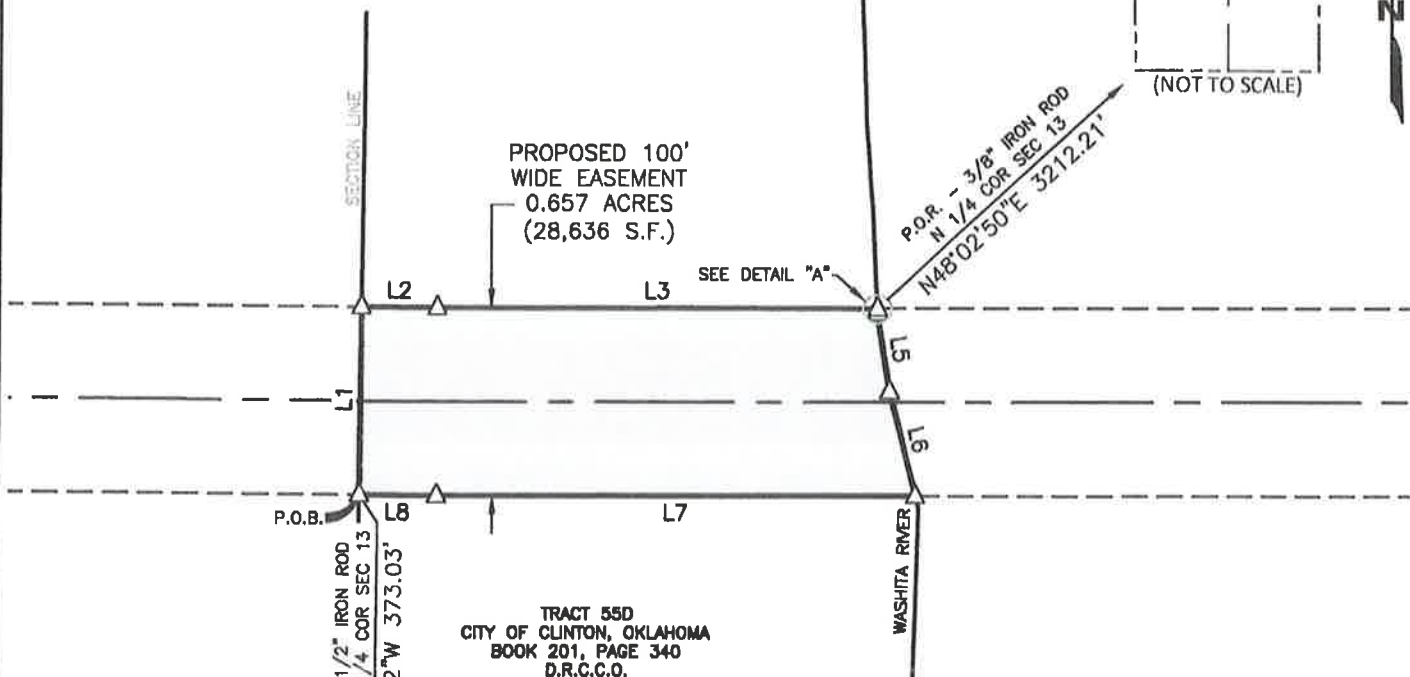
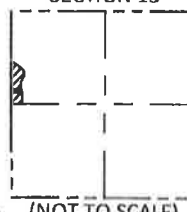


EXHIBIT "A"

TRACT 55D

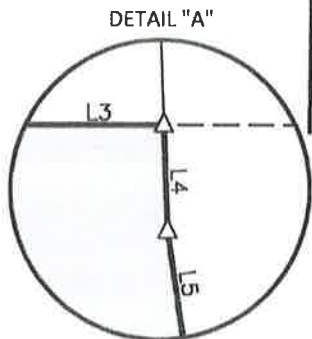
VICINITY MAP SECTION 13



TRACT 55D
CITY OF CLINTON, OKLAHOMA
BOOK 201, PAGE 340
D.R.C.C.O.

SECTION 13
TOWNSHIP 12 NORTH
RANGE 17 WEST

WASHITA RIVER



(NOT TO SCALE)

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N00°38'32"E	100.00'
L2	S89°32'35"E	41.00'
L3	N89°55'10"E	235.84'
L4	S02°17'37"E	2.34'
L5	S08°48'37"E	42.72'
L6	S14°07'30"E	57.14'
L7	S89°55'10"W	256.75'
L8	N89°32'35"W	41.79'

LEGEND

- D.R.C.C.O. DEED RECORDS, CUSTER COUNTY, OKLAHOMA
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- △ CALCULATED POINT
- SECTION LINE
- - - 1/4 SECTION LINE
- ==== SUBJECT PROPERTY LINE
- ==== PROPERTY LINE
- PROPOSED EASEMENT CENTERLINE
- PROPOSED EASEMENT
- ===== STATUTORY RIGHT OF WAY



Jason Sullivan 2/24/20

THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ESTABLISHED BY THE OKLAHOMA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTES:

- THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
- REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.
- BEARING BASIS: BEARINGS SHOWN HEREON ARE GRID, BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE.
- ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, DERIVED USING A COMBINED SCALE FACTOR OF 1.00006499035194

SHEET 01 OF 02

PROJECT: CLINTON CITY-WEATHERFORD CITY
JOB NUMBER: 51334
SITE VISIT: 12/04/2019
SCALE: 1"=100'
TRACT ID: 55D
DRAWN BY: CJC

PUBLIC SERVICE COMPANY OF OKLAHOMA
TRANSMISSION LINE EASEMENT
CLINTON CITY TO WEATHERFORD CITY
SECTION 13, TOWNSHIP 12 NORTH, RANGE 17 WEST
INDIAN MERIDIAN
CUSTER COUNTY, OKLAHOMA



7101 Envoy Court, Dallas, Tx 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
E-MAIL: SAM@SAM.BIZ
C.O.A. # 4216 EXPIRES 8/30/2021

EXHIBIT "A"

BEING A TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 17 WEST OF THE INDIAN MERIDIAN, CUSTER COUNTY, OKLAHOMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4, FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE WEST 1/4 CORNER OF SAID SECTION 13 BEARS SOUTH 00 DEGREES 38 MINUTES 32 SECONDS WEST, A DISTANCE OF 373.03 FEET;

THENCE NORTH 00 DEGREES 38 MINUTES 32 SECONDS EAST, ON AND ALONG SAID WEST LINE, A DISTANCE OF 100.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 89 DEGREES 32 MINUTES 35 SECONDS EAST, LEAVING SAID WEST LINE, A DISTANCE OF 41.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 89 DEGREES 55 MINUTES 10 SECONDS EAST, A DISTANCE OF 235.84 FEET TO THE WEST BANK OF THE WASHITA RIVER TO A POINT FOR CORNER, FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE NORTH 1/4 CORNER OF SAID SECTION 13 BEARS NORTH 48 DEGREES 02 MINUTES 50 SECONDS EAST, A DISTANCE OF 3,212.21 FEET;

THENCE ON AND ALONG SAID WEST BANK THE FOLLOWING THREE (3) COURSES AND DISTANCES:

SOUTH 02 DEGREES 17 MINUTES 37 SECONDS EAST, A DISTANCE OF 2.34 FEET TO A POINT FOR CORNER;

SOUTH 08 DEGREES 48 MINUTES 37 SECONDS EAST, A DISTANCE OF 42.72 FEET TO A POINT FOR CORNER;

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BEARING BASIS: BEARINGS SHOWN HEREON ARE GRID, BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NAD 83(2011), NORTH ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, DERIVED USING A COMBINED SCALE FACTOR OF 1.00006499035194.

THIS SURVEY MEETS THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Jason Sullivan 2/24/20
JASON SULLIVAN
PLS# 1791
SURVEYING AND MAPPING, L.L.C.



Line Name: Clinton City - Weatherford City
Line No.: TLN114:00622 **Easement No.:** 55A

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EXECUTED effective this _____ day of _____, 2020.

GRANTOR:
City of Clinton

By: _____

Its: _____

STATE OF OKLAHOMA §

COUNTY OF CUSTER §

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, _____, _____, of City of Clinton, on behalf city.

Notary Public

My Commission Expires: _____

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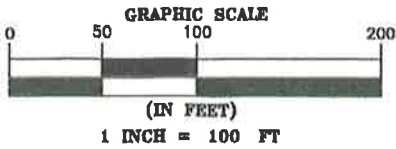
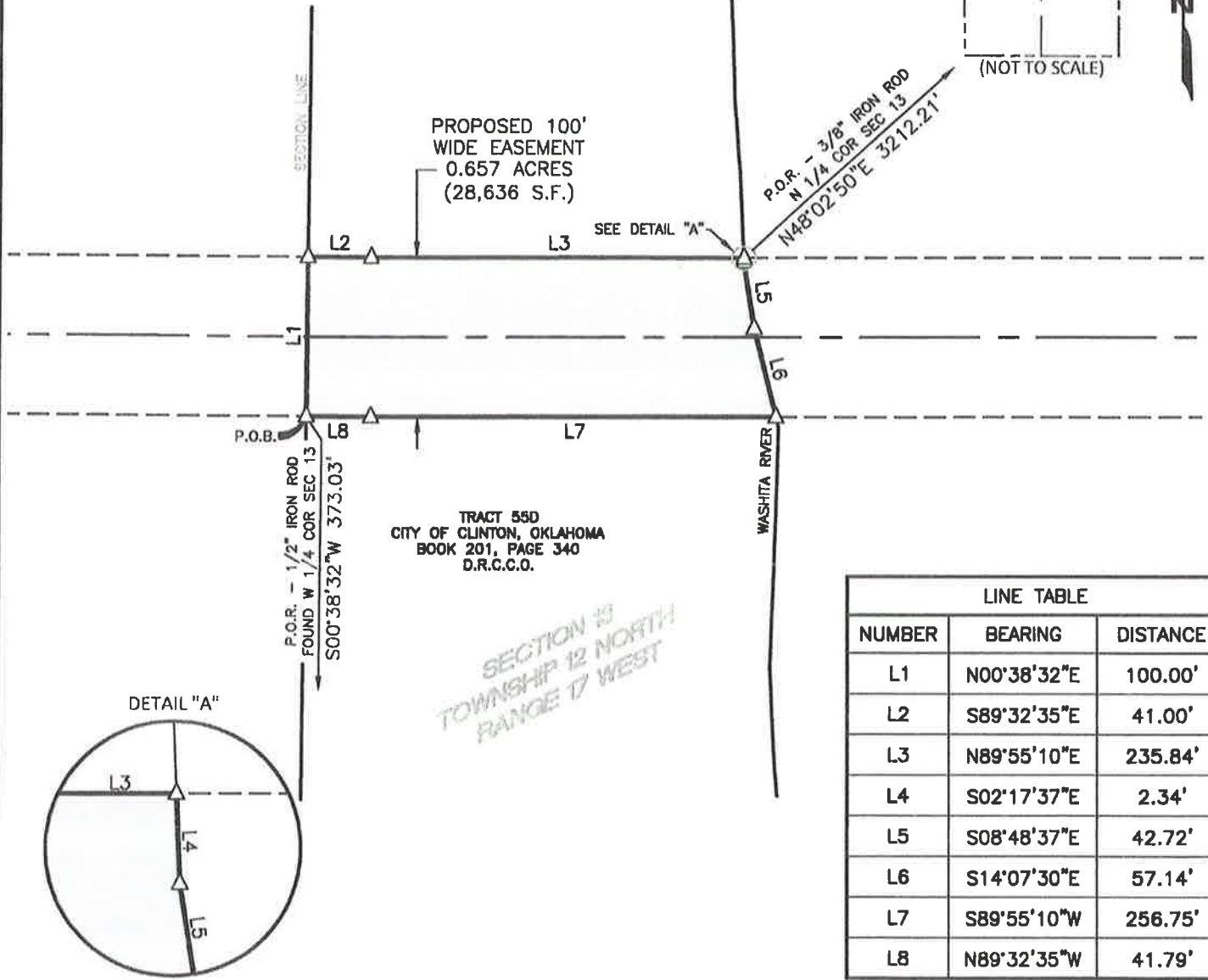
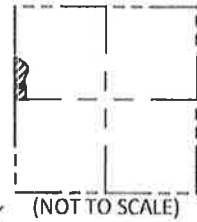


EXHIBIT "A"

TRACT 55D

VICINITY MAP
SECTION 13



TRACT 55D
CITY OF CLINTON, OKLAHOMA
BOOK 201, PAGE 340
D.R.C.C.O.

SECTION 13
TOWNSHIP 12 NORTH
RANGE 17 WEST

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- STATUTORY RIGHT OF WAY



Jason Sullivan 2/24/20

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TRANSMISSION LINE EASEMENT
CLINTON CITY TO WEATHERFORD CITY
SECTION 13, TOWNSHIP 12 NORTH, RANGE 17 WEST
INDIAN MERIDIAN
CUSTER COUNTY, OKLAHOMA



7101 Envoy Court, Dallas, Tx 75247
Ph: (214) 631-7888 Fax: (214) 631-7103
E-MAIL: SAM@SAM.FLZ
C.O.A. # 4216 EXPIRES: 6/30/2021

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Jason Sullivan 2/24/20
JASON SULLIVAN
PLS# 1791
SURVEYING AND MAPPING, LLC.



Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
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or								
Employer identification number								
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Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.