

HAUPT TRACT
ENCROACHMENT AGREEMENT

Agenda Item:

Consider approval of an Encroachment Agreement between College Station Independent School District (“District”) and Explorer Pipeline to clarify the rights of parties to an existing right of way easement, and facilitate future development of real property owned by the District. The property is described as follows: 27.02 acres owned by the District and located adjacent to Holleman Drive South, College Station, Brazos County, Texas.

Motion and Resolution:

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

WHEREAS, College Station Independent School District (“**District**”) owns approximately 27.02 acres of real property adjacent to Holleman Drive South, College Station, Brazos County, Texas (the “**District Tract**”), more particularly described on **Exhibit “A,”** attached hereto and incorporated for all purposes herein; and

WHEREAS, by instrument styled “Right-of-Way” and dated October 8, 1947 recorded in Volume 132, Page 68 of the Deed Records of Brazos County, Texas (“**Right of Way Instrument**”) an easement was created in favor of Sinclair Refining Company across the District Tract, said easement is more particularly described on **Exhibit “B,”** attached hereto and incorporated for all purposes herein; and

WHEREAS, Explorer Pipeline Company, a Delaware Corporation (“**Explorer**”), is successor-in-interest to Sinclair Refining Company and to the easement across the District Tract; and

WHEREAS, the terms of the Right of Way Instrument provide Explorer a broad easement across the District Tract; and

WHEREAS, Texas Health and Safety Code § 756.123 places certain restrictions on a property owner’s ability to construct improvements on land subject to a pipeline easement; and

WHEREAS, the restrictions set forth in Texas Health and Safety Code § 756.123 can be modified by a written agreement between the parties; and

WHEREAS, the District anticipates constructing streets, utilities, walkways, playgrounds, sidewalks, and/or other outdoor athletic facilities across Explorer’s 10–inch high-pressure petroleum products pipeline (“**Pipeline**”) to be associated with a school, school recreational purposes, school administration facilities or other educational purposes (“**School Facilities**”).

WHEREAS, CSISD and Explorer wish to work with and cooperate with each other in order that the Pipeline and School Facilities constructed, maintained used and operated in a compatible and safe manner; and

WHEREAS, an Encroachment Agreement has been prepared to clarify the rights of the parties, and to establish a plan for safe construction on, and use of, the District Tract; and

WHEREAS, a form of the Encroachment Agreement has been attached hereto as **Exhibit “C”**; and

WHEREAS, the Board has general authority to enter contacts on behalf of the District pursuant to Texas Education Code § 11.1511.

Now therefore, the Board of Trustees of College Station Independent School District (“Board”) makes the following resolutions:

1. **RESOLVED**, that the terms of the Encroachment Agreement are necessary and beneficial to the District’s use of the District Tract.
2. **RESOLVED**, that the Board approves and ratifies the terms and conditions of the proposed Encroachment Agreement.
3. **RESOLVED**, the Board authorizes the Board President, to execute and deliver the Encroachment Agreement to Explorer, execute any other documents related thereto, and do all things necessary to finalize the Encroachment Agreement

Name: _____

Title: _____

Date: _____