



## Legislation Details (With Text)

**File #:** 12-0468      **Version:** 1      **Name:** VEC-Jim Oakes  
**Type:** Contract      **Status:** Consent Agenda  
**File created:** 1/23/2013      **In control:** City Council  
**On agenda:** 3/12/2013      **Final action:** 3/12/2013  
**Title:** Approval of utility easement for Volunteer Energy Cooperative  
**Sponsors:** J.H. Graham III  
**Indexes:** Not applicable  
**Code sections:**  
**Attachments:** 1. VEC Easement, 2. 8-30-11 minutes (Oakes), 3. MTAS Legal Opinion (Oakes)

Date	Ver.	Action By	Action	Result
3/12/2013	1	City Council	failed	Fail
3/12/2013	1	City Council	deferred	Pass
2/12/2013	1	City Council	deferred	

### Approval of utility easement for Volunteer Energy Cooperative

#### SUMMARY:

The City purchased an easement from Jim and Dorothy Oakes on Lantana Road for the purpose of relocation of water and sewer lines. Volunteer Energy installed electric utility poles within the City's easement without first contacting the City. Mr. Oakes has questioned the right of VEC to use the City's easement. Attached is a letter and proposed easement from VEC to rectify the problem.

The matter was previously discussed at a Council meeting on August 30, 2011, at which time the City Attorney recused themselves from the matter due to a conflict of interest. An opinion on the situation was received from the Senior Legal Consultant, Sid Hemsley, from MTAS that the city is limited in its ability to refuse electric cooperatives permission.

This matter was deferred at the February meeting for 30 days.

#### BUDGET ACCOUNT:

**NECESSARY COUNCIL ACTION:** Consider approval of easement.