

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 09-42

**Relocation of PEC Transmission Facilities
183A North Extension**

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

WHEREAS, the Board of Directors of the CTRMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, the CTRMA completed phase 1 of its 183A Toll Project and opened it to the public on March 3, 2007; and

WHEREAS, the CTRMA has caused the design and engineering work for the next phase of the 183A Toll Project, known as the 183A North Extension Project, to be completed; and

WHEREAS, prior to the commencement of construction of the 183A North Extension Project, an electric transmission pole with associated lines and improvements (the "Transmission Facilities") owned by Pedernales Electric Cooperative ("PEC") must be relocated within the 183A right of way; and

WHEREAS, a Relocation Contract and Utilities Joint Use Agreement (the "Relocation Documents") relating to the relocation of the Transmission Facilities have been prepared and require approval by the CTRMA Board of Directors.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA hereby adopts and approves the Relocation Documents in substantially the form attached hereto as Attachment "A"; and

BE IT FURTHER RESOLVED, that the Relocation Documents may be finalized and executed by the Executive Director or other appropriate CTRMA staff on behalf of the CTRMA and delivered to PEC.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 31st day of July, 2009.

Submitted and reviewed by:



Tom Nielson

Legal Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson

Chairman, Board of Directors

Resolution Number 09-42

Date Passed 7/31/09

ATTACHMENT "A"
TO
RESOLUTION 09-42
PEC Relocation Contract and
Utilities Joint Use Agreement



P.O. Box 1 Johnson City, Texas 78639-0001
(830) 868-7155 - 1-800-554-4712
www.pec.coop

July 21, 2009

Mr. Wesley M. Burford, P.E.
Central Texas Regional
Mobility Authority
301 Congress Ave, Suite 650
Austin, Texas 78701

Dear Mr. Burford:

We have enclosed the Relocate Facilities Contract and a Utility Joint Use Agreement for the overhead electric line crossing Highway 183A near CR 269 (Reveille Boulevard). The estimated cost of relocation is \$68,698.85. Please sign the contract and the Utility Joint Use Agreement, and return both documents with your payment in the envelope provided. The estimate for the relocation is based on previous, similar work. Should the work cost less than the estimate a refund will be initiated. Should the work cost more than the estimate an additional invoice will be processed.

Once the documents and payment have been received, we will schedule the relocation of the electric lines and facilities. Please submit your payment within 30 days from the date of this letter to prevent the cancellation of your request.

We appreciate the opportunity to provide your electric service. If you have any questions, please call Rusty Dunham at 1-830-868-4713.

Sincerely,

Robert A. Peterson, P.E.
System Engineering Manager

RAP:RB:rd

Enclosures



P.O. Box 1 Johnson City, Texas 72636-0001
(817) 365-7155 • 1-888-554-4732
www.pec.coop

RELOCATE FACILITIES CONTRACT

July 21, 2009

I, Wesley M. Burford on behalf of the Central Texas Regional Mobility Authority, agree to pay the estimated cost of \$68,698.85 for relocating Pedernales Electric Cooperative, Inc. lines and facilities. I understand that these facilities will be relocated at the option of the Cooperative according to the following policy:

"Service to other members, both present and prospective, will not be adversely affected.

Easements on PEC's standard form covering rights-of-way, or other necessary permits or agreements for the relocated lines or other facilities are granted to the Cooperative.

The member pays in advance the total estimated cost of removing the existing lines and facilities and replacing them with lines and facilities at the new location. The cost will be based on the standard unit cost according to the Cooperative's most current construction cost records.

All of the facilities to be installed shall be owned and controlled solely by the Cooperative.

Representative's Signature

Date

PEC Representative

Date

RAP:RB:rd

UTILITY JOINT USE AGREEMENT

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

WHEREAS, the Central Texas Regional Mobility Authority hereinafter called "CTRMA", proposes to make certain highway improvements to Highway 183A Extension.

WHEREAS, Pedernales Electric Cooperative, Inc., hereinafter called "PEC", proposes to retain, locate, or relocate certain of its facilities and retain title to any property rights it may have on, along, or across, and within, under, or over such limits of the highway right of way as indicated on location sketches attached hereto except as provided below.

NOW, THEREFORE, it is hereby mutually agreed that joint usage for both highway and utility purposes will be made of the area within the highway right of way limits as such area is defined and to the extent indicated on the aforementioned plans or sketches. Where "PEC" by reason of ownership of an easement or fee title or otherwise under law has the right to patrol, maintain, alter, modify, or add to facilities presently located within the area above described or construct additional facilities therein, such right is hereby retained, provided, however, with the exception of routine patrolling and maintenance of existing facilities, if existing facilities are to be altered or modified or new facilities constructed within said area "PEC" agrees to notify "CTRMA" prior thereto, to furnish necessary sketches showing location, type of construction, and methods to be used for protection of traffic, and if, in the opinion of "CTRMA", such alteration, modification, or new construction will injure the highway or endanger the traveling public using said highway, "CTRMA" shall have the right, after the receipt of such notice, to prescribe such regulations as necessary for the protection of the highway facility and the traveling public using said highway; provided further, however, that such regulation shall not extend to the requiring of the placement of intended overhead lines underground or the routing of any lines outside of the area of joint usage above described.

In the event, of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, either party hereto may at their own responsibility and risk may make necessary emergency repairs, notifying the other party hereto of this action as soon as is practical.

Actual costs incurred by "PEC" for any future relocation or adjustment of utility facilities required by highway construction shall be the responsibility of "CTRMA". Except as expressly provided herein, "PEC" rights of access to the through-traffic roadways and/ or ramps shall be subject to the same rules and regulations as apply to the general public, and "PEC" and "CTRMA", by execution of this agreement, do not waive or relinquish any right which they may have under the law or Constitution, State or Federal.

IN WITNESS HEREOF, the parties hereto have affixed their signatures.

Central Texas Regional Mobility Authority

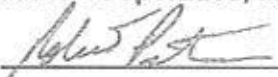
By: _____

Printed Name: Wesley M. Burford, P.E.

Title: CTRMA Director of Engineering

Date: _____

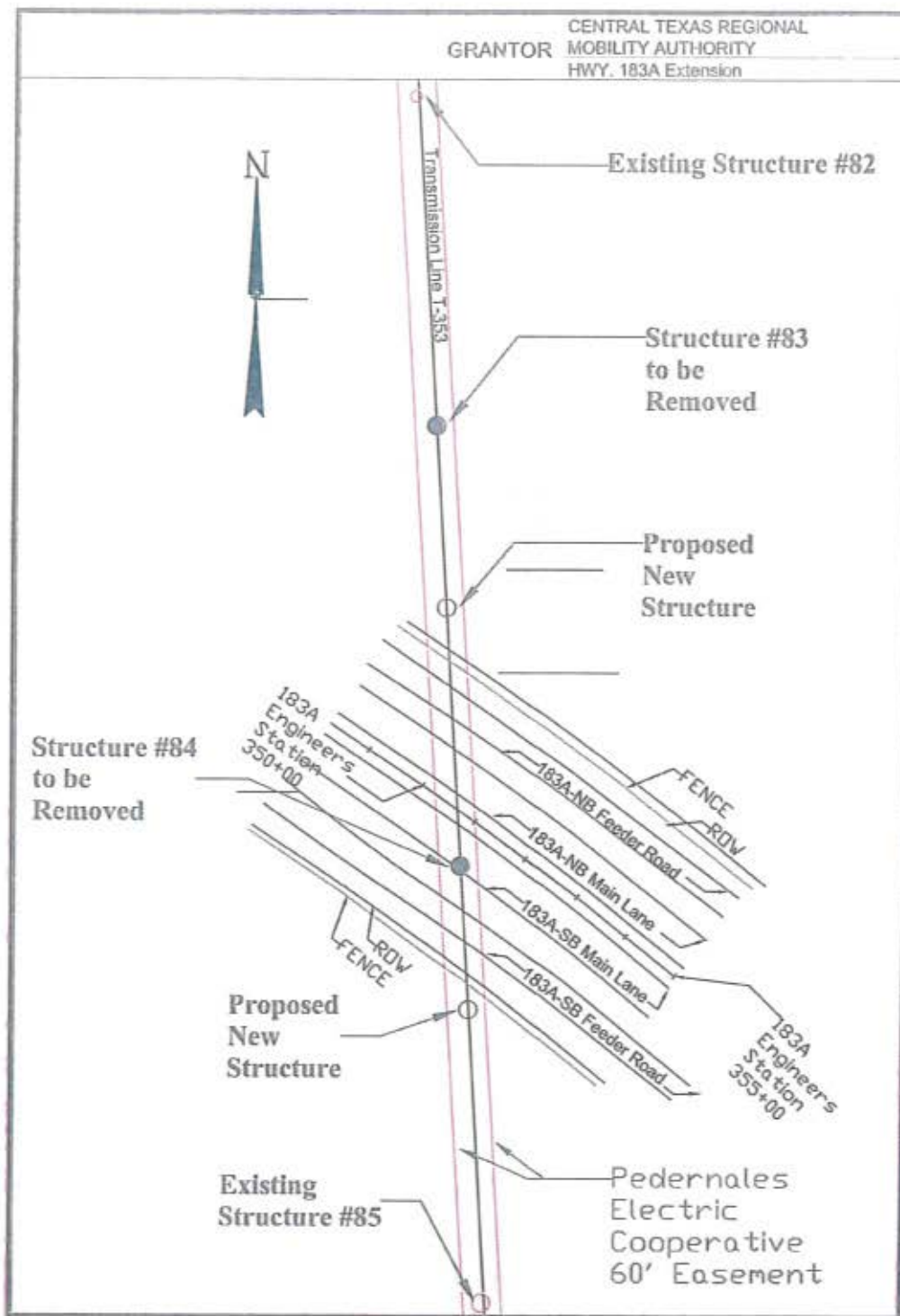
Pedernales Electric Cooperative, Inc.

By: 

Printed Name: Robert A. Peterson, P.E.

Title: System Engineering Manager

Date: _____



PEDERNALES ELECTRIC COOPERATIVE, INC.
JOHNSON CITY, TEXAS

EXHIBIT A
Page 3 of 3

SCALE N.T.S.

DATE July 16, 2009

GRANTOR

CENTRAL TEXAS
REGIONAL MOBILITY
AUTHORITY
HWY. 183A Extension