

## Jim Pierce

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**From:** Clarence West [cawest@cawestlaw.com]  
**Sent:** Thursday, February 26, 2004 8:10 PM  
**To:** Bruce Grantham; Steve Chutchian; Clarence West; Mike Murphy; Luke Jalbert; Jim Pierce; Angela Washington  
**Cc:** Jenny Nicewander; Jerry Holder; Katura Curry  
**Subject:** Re: Arapaho Road 3 - Franchise Utility Relocation Reimbursement Status

Bruce,  
You are generally correct. If the utility is in a dedicated utility easement, not a private one, or in an alleyway or other publicly dedicated property, then they may have to move at the utility's cost. It is only when they are in a private easement that the franchise would not apply. As to telephone and electric, if it is not a widening and/or straightening of a road, they will challenge having to move at their cost.

----- Bruce Grantham <bgrantham@gra-ce.net> wrote:  
> I spoke with Angela today at Luke's request regarding the status of the  
> above referenced project.  
> For clarification purposes, here is my understanding of where this matter  
> stands:  
>  
> - Clarence recently informed the Town that their franchise agreements can  
> only be used to require the affected utility companies to relocate their  
> facilities at no expense to the Town where they fall within an existing  
> right-of-way. (e.g. Midway Road).  
> - Within the limits of the new right-of-way acquired by the Town for Arapaho  
> Road 3, the Town will need to reimburse the franchise companies for their  
> relocation expenses.  
> - The franchise companies are currently working on their relocation costs,  
> except for SBC who has already furnished a cost to the Town.  
> - We were unable to find existing easements for all the affected franchise  
> utilities in the title documents furnished to our office by Angela for the  
> Arapaho 3 right-of-way acquisitions.  
> - However, given the information provided by Clarence, there does not appear  
> to be a compelling reason to request that the franchise companies furnish us  
> with copies of their easements, which would be our only other source of  
> these documents.  
>  
> Please let me know if my understanding of the status of this matter is  
> incorrect.  
>  
> Thanks, Bruce  
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Clarence A. West  
1201 Rio Grande Street, Suite 200  
Austin, Texas  
78701

512-499-8838  
fax: 512-322-8884