
JACKSON COUNTY NAVIGATION DISTRICT

*Gary W. Olson, Chairman
Robert Shoemate, Commissioner
Bobby Gendke, Commissioner
Raymond Butler, General Manager
Honorable Ms. Mary Horton, Treasurer*

POLICY ON EASEMENTS AND RENEWAL

ORIGINALLY APPROVED MAY 13, 2021
REVISED AND APPROVED JULY 21, 2022
REVISED AND APPROVED JANUARY 18, 2024

W.R. Butler, General Manager

The Jackson County Navigation District (JCND) is authorized to administer and collect fees for all pipeline easements that cross its property within the boundaries of the bottom lands of Navidad/Lavaca Rivers in Jackson County, Texas, as described in a Deed of Sale from the State of Texas to the Jackson County Navigation District dated October 31, 1966, and recorded in Volume 35-B, page 171, of the Deed Records of the State of Texas.

ORIGINAL PIPELINE EASEMENTS

The JCND requires that all prospective Grantees contact the General Manager of the District prior to any construction taking place on its property. The General Manager may be reached at cell phone 713-882-9750, or via email at wrbutler@comcast.net.

All easements for right-of-way on the above property administered by anyone other than the JCND after the date of the October 1966 State of Texas sale of property to JCND are null and void. The State of Texas has acknowledged this fact and declared previous such easements formerly issued by it to be invalid.

Standard Term for all easements is an initial ten (10) years, followed by a ten (10) year renewal. Other terms are negotiable.

Commissioners of the JCND set all fees and conditions for easements and approving others to cross its property with pipelines and other structures requiring right-of-access. In setting fees for pipeline right-of-way easements, Commissioners will consider:

1. Current Market Value of similar easements in the area,
2. Any delinquency in establishing the initial easement,
3. Length and diameter of the pipeline,
4. Material transported.
5. Cooperation of the pipeline owner in establishing the easement.

Each pipeline will be considered independently regardless of whether it is "bundled" with multiple lines or located geographically within an adjacent easement.

Unless special conditions arise, the Chairman is authorized to negotiate the terms of all easements.

Currently the original pipeline easement rates, based on above conditions being met, are:

\$35.00 per foot of length, up to 16.0 inches outside diameter

\$40.00 per foot of length, over 16.0 inches outside diameter to 24.0 inches outside diameter

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\$45.00 per foot of length, over 24.0 inches outside diameter

PIPELINE EASEMENT RENEWAL

Documentation of pipeline easement renewal will be drafted referring to the terms of the original easement and stating the period for which the renewed easement is valid. Unless otherwise specified the renewed easement will be for a term of ten (10) years.

Fee for the renewed easement will be set by the Commissioners at time of renewal for each individual easement considering the current market value of similar easements, any issues which may have come up during the easement period, cooperation and adherence to the existing easement terms by the Grantee, and any other pertinent facts which the Commissioners consider to impact the renewal fee.

Renewals will only be considered by the JCND for those easements that have not been violated or broken by any period of delinquency. If a period of delinquency or violation of the easement terms exists, the Commission will set the fee for the easement as if it were an original. Unless otherwise specified, the period for a pipeline right-of-way original easement will be ten (10) years.

Current renewal fee for all compliant pipeline easements is one dollar and fifty cents (\$1.50) per inch of diameter, per foot of length, bank to bank.

POWER LINE EASEMENTS

In compliance with State Law, JCND requires easements for all power lines that cross its property. Terms are identical to those of pipelines, which is ten (10) years. Rates follow those currently established by the State of Texas General Land Office (TGLO) at time of renewal for power lines and can be found on the TGLO website.

ADDITIONAL DETAILS

The Jackson County Navigation District (JCND) is authorized by law with administering easements to others who wish to cross or otherwise use Navigation District property for purposes such as pipelines, powerlines, placement of equipment, or other reasons for having a presence on or across the property. Specifically, JCND will implement and enforce the following:

1. Require that an easement be obtained from the District prior to crossing or having any presence over, under, across, or on District property.
2. Set terms of the easement such as fee schedule, renewal, special requirements, and period of the easement.
3. Administration of all easements will be via the District's General Manager.
4. Fee schedule for initial and renewal easements will be set and approved by the JCND Commissioners.
5. All fees will be reviewed annually at a regular meeting and adjusted as deemed necessary by Commissioners. New fees will become effective on the first (1st) of the month following approval of any adjustment. Commissioners may deviate from this schedule of review by taking action at any time. Notice of any non-fee-related revision will be posted on the JCND website at <https://www.co.jackson.tx.us/page/jackson.JacksonCountyNavigationDistrict> and will take effect thirty (30) days after posting.

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6. Notice of current pipeline and powerline easement fees will be issued by the District annually and posted on the JCND website at <https://www.co.jackson.tx.us/page/jackson.JacksonCountyNavigationDistrict>, on or about the first (1st) business day of the month following the regular meeting.
7. Period for all easements will be for ten (10) years unless other terms have been approved by the JCND Chairman for an individual agreement.
8. All easements must be signed and dated by the JCND Chairman or the designated representative among the Commissioners in order to be valid.
9. All easements must be signed and dated by the applicant.
10. All signatures must be validated before a Notary Public.
11. The applicant will insure the format of all easements follows standard legal format, including a written description of the easement identifying its location and dimensions, terms, and period of the easement. Included will be a profile view with dimensions, in the case of powerlines or pipelines, a plan view showing its general location, and a detailed plan view including general dimensions and layout.
12. Jackson County Navigation District will provide the template for all applicants to use in structuring the easement.
13. All easements will prominently identify voltage of powerlines or contents of pipelines on site. Physical structures will include full address and phone contact of the applicant and content or voltage of the structure/pipeline. Standard industry format for labelling of pipelines/powerlines for public safety will be followed by the applicant.
14. It is the applicant's responsibility to be aware of the need for an easement and make application to JCND at least sixty (60) days prior to construction or encroachment.
15. Failure to timely apply for and execute an easement voids all published rates and terms. The District will approve any fees, penalties, and terms for easements executed after encroachment.

This policy, regarding establishing initial and renewal of existing right-of-way easements, is hereby approved by the Jackson County Navigation District (JCND), on July 21, 2022.

APPROVED:

 Date 1-29-24
 Secretary of the JCND

 Date 01/18/24
 Chairman of the JCND