

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-JUN-136R

**A RESOLUTION APPROVING AN EASEMENT TO SOUTHWESTERN PUBLIC SERVICE COMPANY
FOR INSTALL OF ELECTRICAL SERVICE RELATED TO THE KNOWLES FIRE STATION NO. 2**

WHEREAS the Lea County owns the surface rights to land in Section 25, Township 17S, 37E, N.M.P.M.; *and*

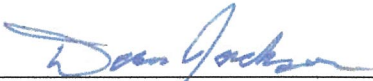
WHEREAS, the County of Lea requests that Xcel Energy install an overhead and underground electrical service line to the new Knowles Fire Station No. 02; *and*

WHEREAS, Southwestern Public Service (SPS) Company requests that the Lea County Government grant a 30 feet wide, 165.58 feet long easement for the installation of the electrical service line.

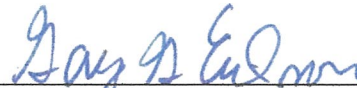
BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County, that an electrical easement be granted to Xcel Energy for the installation of this overhead electrical service line.

PASSED, APPROVED AND ADOPTED on this 9th day of June, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

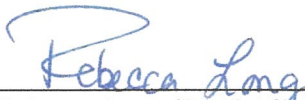
LEA COUNTY BOARD OF COUNTY COMMISSIONERS



Dean Jackson (District 1), Chair
Voted: Yes No Abstain



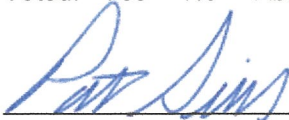
Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain



Rebecca Long (District 2), Member
Voted: Yes No Abstain



Jonathan Sena (District 4), Member
Voted: Yes No Abstain



Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

By: Teri Davis
Teri Davis, Deputy Clerk



**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

John W. Caldwell
John W. Caldwell, County Attorney

When recorded return to:
Southwestern Public Service Company
Attn: Siting and Land Rights
602 W. Sanger
Hobbs, NM 88240

SOUTHWESTERN PUBLIC SERVICE COMPANY

UTILITY EASEMENT

Lea County (collectively, the "Grantor," whether one or more), whose address is 100 N Main St., Suite 4, Lovington, NM 88260, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, by this instrument does hereby grant to SOUTHWESTERN PUBLIC SERVICE COMPANY ("SPS"), a New Mexico corporation, whose address is 790 S. Buchanan St., Amarillo, Texas 79101, an easement upon, under, over and across the property owned by Grantor located in the County of Lea, State of NEW MEXICO, more fully described as follows (the "Property"):

EASEMENT DESCRIPTION

A portion of Tract A-2, Claim of Exemption – Lea County, Runnels Tract "A", Recorded in Cabinet G, Slide 394, Lea County Records, being in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., Lea County, New Mexico more particularly described as follows:

Commencing at the southeast corner of Tract A-2, a found rebar with cap marked, PLS 7977; thence N00°39'30"W 124.46 feet for a Point of Beginning; thence S89°20'30"W 165.58 feet; thence N00°39'30"W 30.00 feet; thence N89°20'30"E 165.58 feet; thence S00°39'30"E 30.00 feet to the Point of Beginning.

Easement contains 0.11 acres, more or less.

See Attached "EXHIBIT A"

The Easement granted by this instrument (the "Easement") is subject to the following conditions:

1. SPS has the right to install, operate, relocate, construct, reconstruct, add to, maintain, inspect, patrol, enlarge, repair, and replace Utility Facilities for the transmission and distribution of electricity upon, over, under, and across the Property included in the Easement and to remove Utility Facilities from the Property, and the right of ingress and egress on Grantor's adjacent property for the same purposes. For purposes of the Easement, the phrase "Utility Facilities" shall include a variable number of conductors or wires, insulators, crossarms, protective devices, meters, terminal boxes, transformers, structures, poles, props, guys, anchors, and other necessary and desirable devices relating to electric energy or communication.
2. SPS has the right to remove all trees, branches, or other obstructions which might endanger or interfere with the operation, safety, or efficiency of Utility Facilities on the Property on which the Easement is located.
3. SPS will install and maintain Utility Facilities on the Property on which the Easement is located according to National Electric Safety Code in effect at the time of installation.
4. SPS shall enjoy the rights, benefits, and privileges conveyed by this instrument only until such time as the Utility Facilities on the Property are abandoned and removed, at which time all right, title, and interest of SPS in the Property will revert to the party that then owns the Property.
5. Grantor will have the right to use the Property for any purposes consistent with the rights granted to SPS by the Easement, provided that any use by Grantor shall not endanger the Utility Facilities or interfere with SPS's use of the Easement.
6. SPS has the right to assign all or part of the rights it receives under the Easement. The Easement will inure to the benefit of SPS and SPS's successors and assigns.

SPS Form 2505 (Distribution)

Design No.

W. O. #

7. Grantor acknowledges and agrees that the location of the Easement is based only on preliminary surveys and that the rights granted by this Easement shall apply to the actual location of Utility Facilities, when constructed.

8. Upon completion of construction, SPS will reasonably compensate Grantor for the actual loss of crops or damage to crops on the Property caused by construction of Utility Facilities on the Property. It shall be the responsibility of Grantor to provide compensation to any lessee of Grantor or other tenant in interest.

9. Grantor binds Grantor and Grantor's heirs, successors, and assigns to WARRANT and FOREVER DEFEND, all and singular, the rights granted to SPS by this instrument.

IN WITNESS WHEREOF, Grantor has executed this Utility Easement as of the date below.

GRANTOR:

Lea County

By: *Dean Jackson*

Name: Dean Jackson

Title: Chair, Lea County Board of County Commissioners

Date: June 9, 2022

State of New Mexico)

County of Lea)

This instrument was acknowledged before me on this 9th day of June, 2022 by
Dean Jackson as Chair of
Lea County Board of County Commissioners

(seal)

My commission expires: 02-08-2025

Cristina Wilhoit
Notary

