CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Engineering & Construction Management**

AGENDA DATE: **January 18, 2011**

CONTACT PERSON/PHONE: R. Alan Shubert, City Engineer

DISTRICT AFFECTED: 2

SUBJECT:

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, an electrical easement to El Paso Electric Company to be used to repair, upgrade and maintain electrical power to the street lighting system along the roadway bordering the northwestern side of EPIA.

BACKGROUND / DISCUSSION:

This agreement allows for a 10 ft.-wide underground easement measuring 1,478.51 ft. in length. Granting this easement will allow El Paso Electric to re-establish and improve electrical power for street lighting along Walter Jones Boulevard.

PRIOR COUNCIL ACTION:

Council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

There are no costs associated with this action.

Project	Fund	Department	Account
~	~	~	~

BOARD / COMMISSION ACTION:
(N/A)

**********REQUIRED AUTHORIZATION********

DEPARTMENT HEAD: _____
(R. Alan Shubert, P.E., City Engineer)

Information copy to appropriate Deputy City Manager

RCAeasementEPIAwalterJones

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to power the street lighting on Walter Jones Boulevard adjacent to the northwesterly side of the El Paso International Airport property known as the Butterfield Trail Aviation Park. Said property being more particularly described as a portion of Lot 1, Block 1, Butterfield Trail Aviation Park, El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2011.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E.,
City Engineer

THE STATE OF TEXAS §
§ **Underground Electrical Easement**
COUNTY OF EL PASO §

For and in consideration of the sum of One Dollar and No/100 ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and underground crossings with all necessary cables, lines, conduit, wires pertaining thereto, with the right of access, ingress, and egress, thereto for the installation, construction, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over, upon and along the following described premises in El Paso County, Texas, to wit:

A portion of Lot 1, Block 1, Butterfield Trail Aviation Park, El Paso,
El Paso County, Texas, and more particularly shown on Exhibit "A"

The underground easement consists of an area 1478.51 feet long and 10.0 feet wide, beginning at a point 627.96 ft. from the intersection of Founders Road and Walter Jones Boulevard and running parallel to Walter Jones Boulevard, more particularly described in Exhibit "A".

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of Grantor within the easement. Grantor agrees not to erect permanent structures or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such

abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

GRANTOR:
THE CITY OF EL PASO

_____
Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P.E.
City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS)
) s.s.
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2011 by Joyce A. Wilson as City Manager of the City of El Paso.

_____
Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted this _____day of_____ 2011.

GRANTEE:
EL PASO ELECTRIC COMPANY

Reviewed and Approved.
Legal Department

GS
1/10/11

By: _____

Printed Name: H. Wayne Soza

Title: Director

ACKNOWLEDGMENT

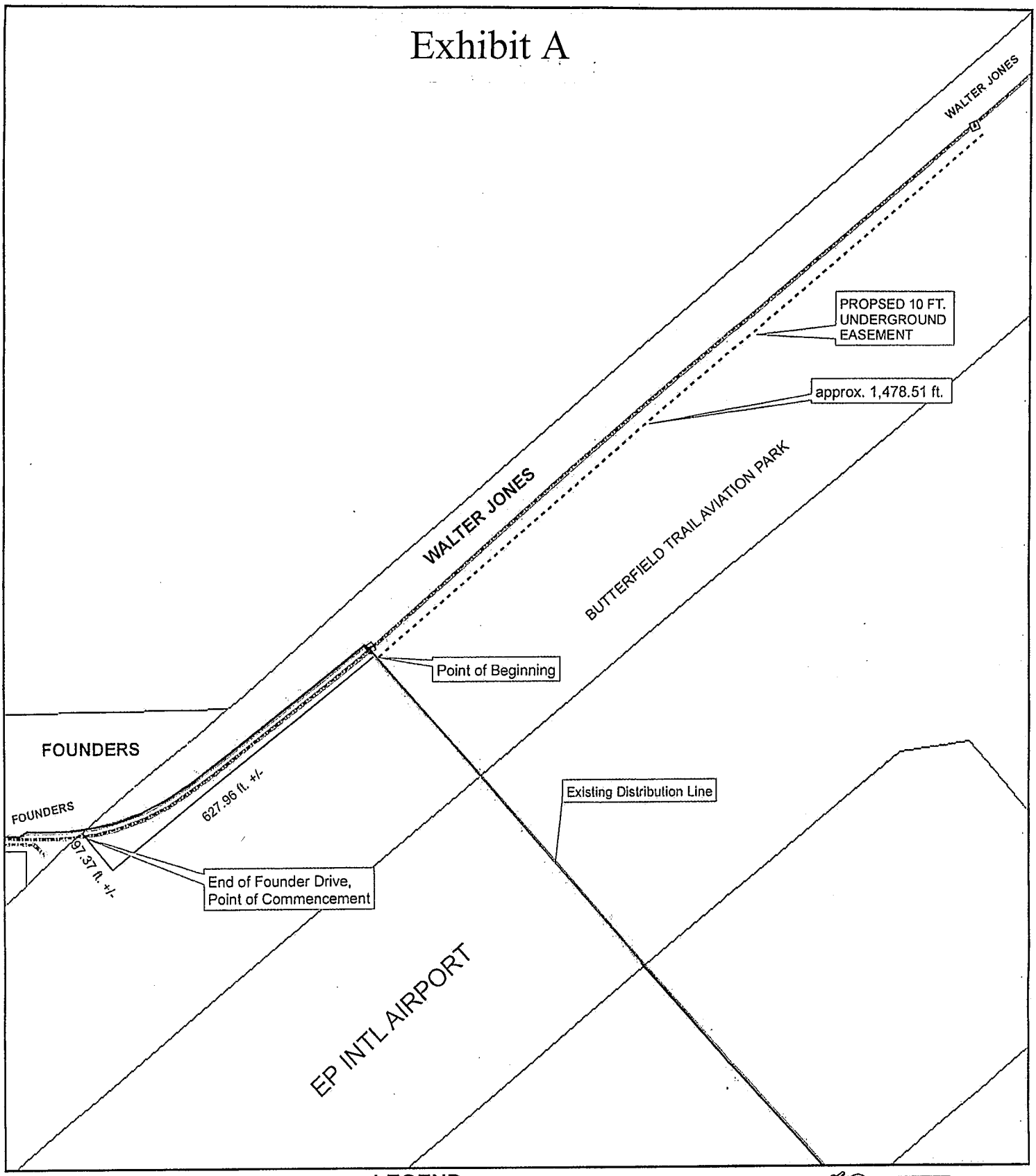
STATE OF TEXAS)
) s.s
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 10 day of January, 2011 by H. Wayne Soza as Director of **El Paso Electric Company,** on behalf of the El Paso Electric Company, a Texas corporation.

GLORIA FRANCO
NOTARY PUBLIC
In and for the State of Texas
My commission expires
February 15, 2012

Gloria Franco
Notary Public, State of Texas

Exhibit A



LEGEND

---------- PROPOSED EPE CO. (UG) 10 FT. UTIL. ESMNT.

SCALE: NONE

DATE: 1/6/2011
W.O. MAINTENANCE

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, Texas 79960

EL PASO ELECTRIC CO. R.O.W.

A PORTION OF:
LOT 1, BLOCK 1,
BUTTERFIELD TRAIL AVIATION PARK,
EL PASO COUNTY, TEXAS