

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

**DEPARTMENT:**        **Engineering & Construction Management**

**AGENDA DATE:**     **February 14, 2012**

**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 underground and transformer pad electrical easement to El Paso Electric Company for the provision of electrical power to Well No. 95 that is located on airport property.

**BACKGROUND / DISCUSSION:**

El Paso Water Utilities is requesting that the City of El Paso grant this easement to the El Paso Electric Company in order to provide electrical power to Well 95 located on El Paso International Airport property. This well was originally constructed in 1980 but was not put in to production. Future use of Well No. 95 requires the re-routing of an electrical power line within the easement area. EPIA fully supports the granting of the easements.

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**PRIOR COUNCIL ACTION:**

Mayor and Council have not previously considered this item.

**AMOUNT AND SOURCE OF FUNDING:**

There are no costs associated with this action.

<u>Project</u>	<u>Fund</u>	<u>Department</u>	<u>Account</u>
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**BOARD / COMMISSION ACTION:**

(N/A)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_



*Information copy to appropriate Deputy City Manager*

**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 and Transformer Pad Easement for the provision of electrical power to Water Well No. 95 located on Airport property, said easement more particularly described as a portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

**THE STATE OF TEXAS §**  
**§**  
**COUNTY OF EL PASO §**

**UNDERGROUND ELECTRICAL AND  
TRANSFORMER PAD EASEMENT**

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 transformers (conventional or pad mount), ducts, 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 or under, upon, and along the areas identified in Exhibit "A" attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

A portion of Section 22, Block 80, Township 2, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas as more particularly described Exhibit "A",

The easement consists of (1) a 16 ft. by 20 ft. transformer pad easement and (2) a 10 ft. by 450 ft. underground utility easement running northeasterly with a point of origin 308 ft. southeast of the southwest parcel corner, each as illustrated 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.

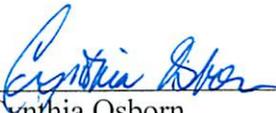
Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.

**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:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012  
by **Joyce A. Wilson** as **City Manager** of the **City of El Paso**.

\_\_\_\_\_  
**Notary Public, State of Texas**

(Signatures continue on following page)

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

GRANTEE:  
EL PASO ELECTRIC COMPANY

Reviewed and Approved  
Legal Department

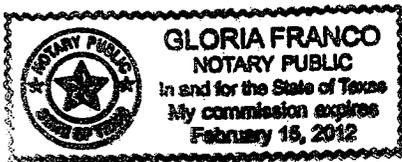
By: *Andy Ramirez*  
Printed Name: Andy Ramirez  
Title: Vice President of Power Generation

*JM*

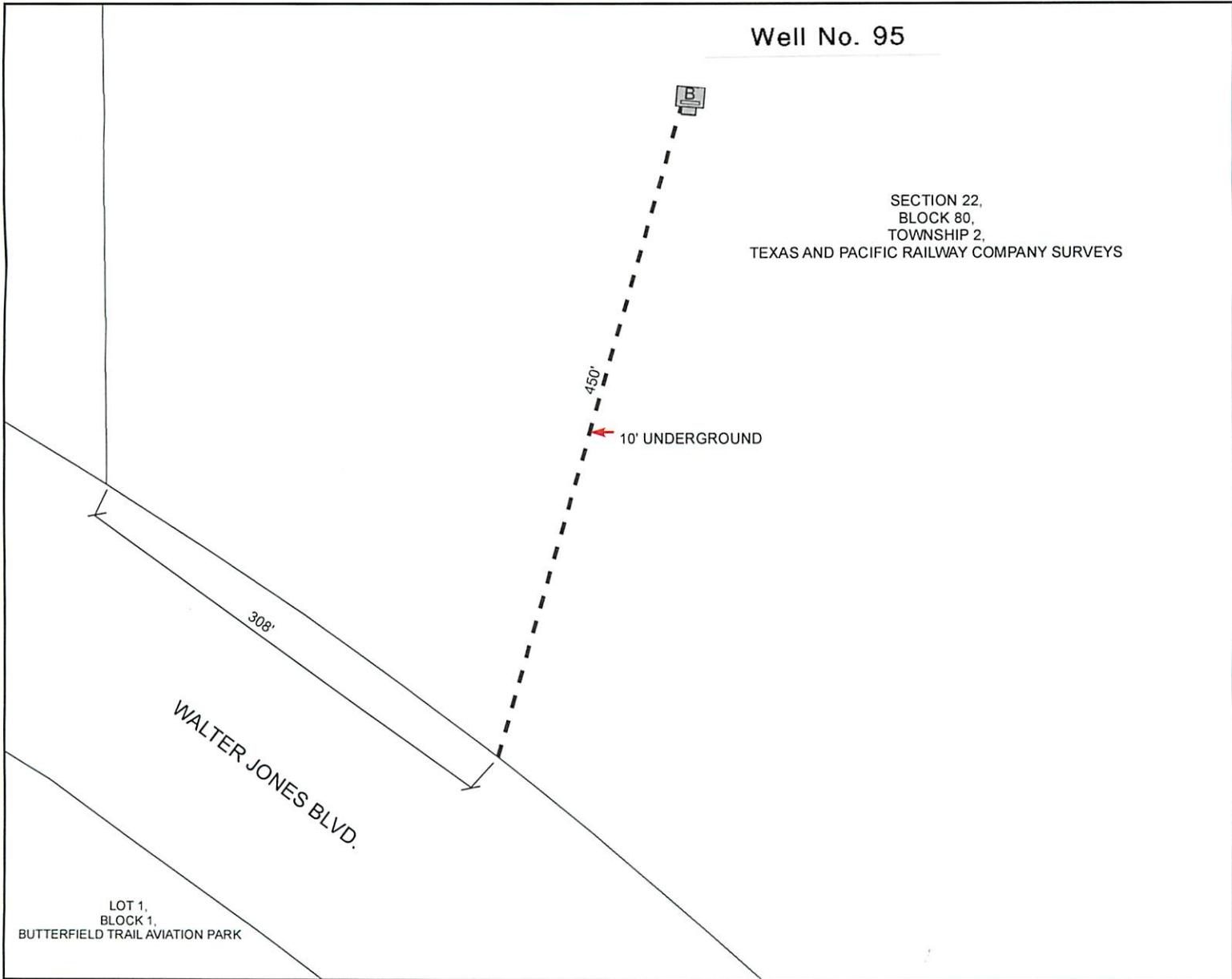
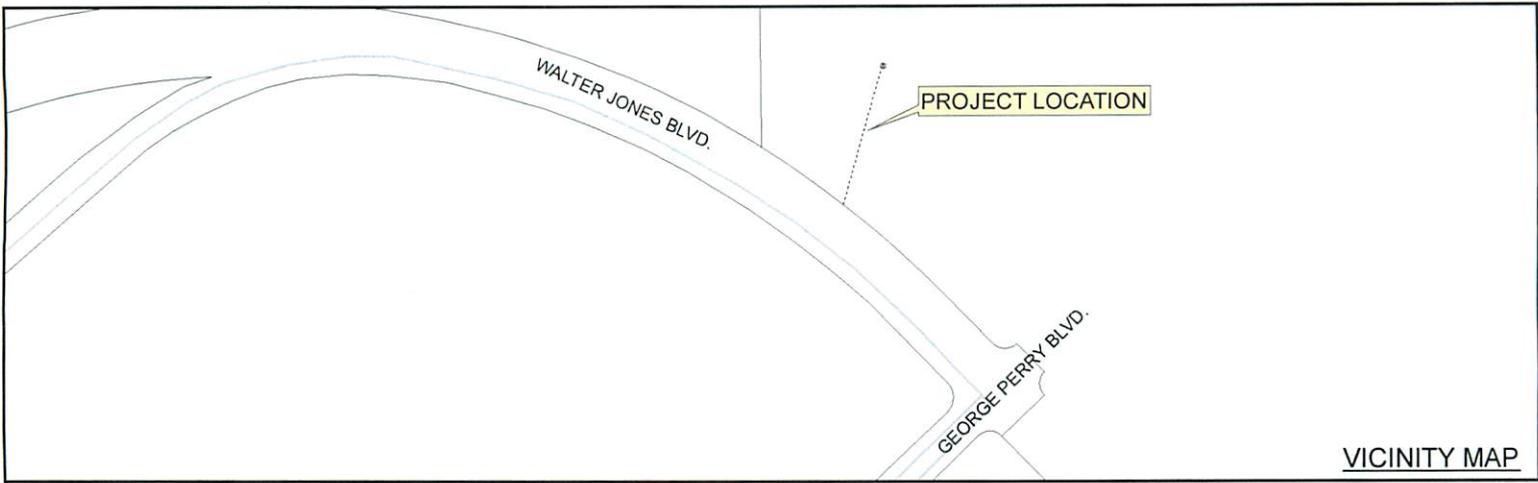
ACKNOWLEDGMENT

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the 9 day of FEBRUARY, 2012 by Andy Ramirez as VP of Power Generation of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.



*Gloria Franco*  
Notary Public, State of Texas



**LEGEND**

- PROPOSED EPE CO. (UG) 10 FT. UTIL. ESMNT.
-  PROPOSED 16'X20' TRANSFORMER ESMNT.



SCALE: NONE  
DATE: 1/5/2012  
W.O. # DT016348

Exhibit "A"



**EL PASO ELECTRIC CO. R.O.W.**  
A PORTION OF:  
SECTION 22,  
BLOCK 80,  
TOWNSHIP 2,  
T & P R R SURVEYS,  
EL PASO COUNTY, TEXAS