CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Engineering Department**

AGENDA DATE: **March 11, 2007**

CONTACT PERSON/PHONE: **Sam Rodriguez, P.E., Engineering Department, Ext. No. 4023**

DISTRICT(S) AFFECTED: **1**

PROJECT NAME/SOLICITATION NO. **Acceptance of Storm Sewer Easement – Upper Valley Drainage**

SUBJECT:

That the City Manager be authorized to sign and accept a storm sewer line easement from the El Paso Electric Company, through the following described property in the County of El Paso, Texas: A Portion of Lot 30, Block 4, Thom Ridge Subdivision.

BACKGROUND / DISCUSSION:

The proposed easement is required for the installation of the pipe that will take water from existing ponds on McCutcheon Road and Redd Road to the culvert crossing on Doniphan Drive and Mulberry Drive. The construction of the pipe was awarded by City Council to CF Jordan as part of the Upper Valley Phase I project. The easement is being granted in consideration for the amount of $10.00.

PRIOR COUNCIL ACTION:

City Council awarded the construction of the pipe for this easement at the February 5, 2008 City Council Meeting.

AMOUNT AND SOURCE OF FUNDING:

The project is funded by the following project account:

Funding Source	Storm 2006
Project No.	PSTM06 PW26-0
Department ID	14200500
Fund No.	27264
Account No.	508000

BOARD / COMMISSION ACTION:

N/A

CITY CLERK DEPT.
08 MAR -3 AM 10:59

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Financial Services, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

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

That the City Manager be authorized to sign and accept a storm sewer line Easement from the El Paso Electric Company, through the following described property in the County of El Paso, Texas:

A portion of Lot 30, Block 4, Thom Ridge Subdivision in the City and County of El Paso, Texas; the Easement being depicted on the attached Exhibit "A" which is incorporated herein by this reference and made a part hereof for all purposes.

ADOPTED this _____ day of _____, 2008.

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08MAR -3 AM 10:59

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
City Engineer

Doc # 37501 v1 - Eng. Resolution/Storm Sewer Line Easement from EPEC/COSB

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STATE OF TEXAS §
§
COUNTY OF EL PASO §

EASEMENT

El Paso Electric Company, hereinafter called Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration paid by the CITY OF EL PASO, a municipal corporation, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby grant to Grantee, a non-exclusive easement to construct, maintain, operate, remove, and replace a 12" underground storm sewer line, with appurtenances and improvements thereto, being hereinafter collectively called the "Easement", over, under, across, and through the following described property in the County of El Paso, Texas:

> a portion of Lot 30, Block 4, Thom Ridge Subdivision, in the City and County of El Paso, Texas; the Easement being depicted on the attached Exhibit "A" which is incorporated herein by this reference and made a part hereof for all purposes.

This grant includes the right of ingress and egress to and from the Easement at all reasonable times for the purpose of Grantee operating and maintaining its storm sewer line and the removal or replacement of same either in whole or in part.

In accepting this grant, Grantee agrees to replace or repair, as reasonable, landscaping, paving, and existing electric facilities, or any property disturbed or damaged by Grantee's construction, operation, maintenance, or repairs of and to its facilities in and upon such Easement. Grantee agrees that upon written and reasonable request by Grantor, Grantee will relocate any of its facilities located within the Easement at no cost to the Grantor.

Grantee agrees to maintain the Easement and its facilities thereon, and agrees not to interfere with any structure or property of Grantor within the Easement.

Grantor reserves the right to full use and enjoyment of the property in and around the Easement. Grantor and Grantor's employees, agents, and invitees, shall at all times have access from Grantor's property to the land covered by this Easement.

Grantee agrees that all activities in the Easement conducted by or on behalf of Grantee, shall be performed in accordance with the National Electrical Safety Code and all applicable federal, state, and local laws and regulations.

Grantee shall notify Grantor 72 hours prior to the start of any construction work by or for Grantee within the Easement. Grantee shall contact Joann Blair at 915-543-5741 or 915 472-1197, email jablai1@epelectric.com. Grantee, its employees, agents and contractors shall attend a safety orientation presented by Grantor's Safety Department prior to accessing or working in the Easement. Grantee shall make arrangements for such orientation with Laura Orozco,

Company Safety Supervisor at (915) 543-2241 or (915) 472-3993; email lorozco@epelectric.com.

Should Grantee abandon or cease to use the Easement for its described purpose, then Grantee's interest in the Easement shall revert to Grantor or its successors and assigns. Grantee will then execute any and all necessary documents to abandon its interest in the Easement.

WITNESS THE FOLLOWING SIGNATURES THIS ____DAY OF_____, 2008.

GRANTOR:
EL PASO ELECTRIC COMPANY

_____
Vice President

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2008, by _____, as **Vice President** of **El Paso Electric Company**.

_____
Notary Public, State of Texas

_____
My commission expires

(Acknowledgements continue on next page)

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The above instrument together with all conditions thereto is hereby

ACCEPTED THIS _____DAY OF _____, 2008.

GRANTEE:
CITY OF EL PASO

_____
Joyce A. Wilson
City Manager

ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2008, by **Joyce A. Wilson, City Manager** of the **City of El Paso**, Texas.

_____
Notary Public, State of Texas

_____
My commission expires

APPROVED AS TO FORM:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P.E.
City Engineer

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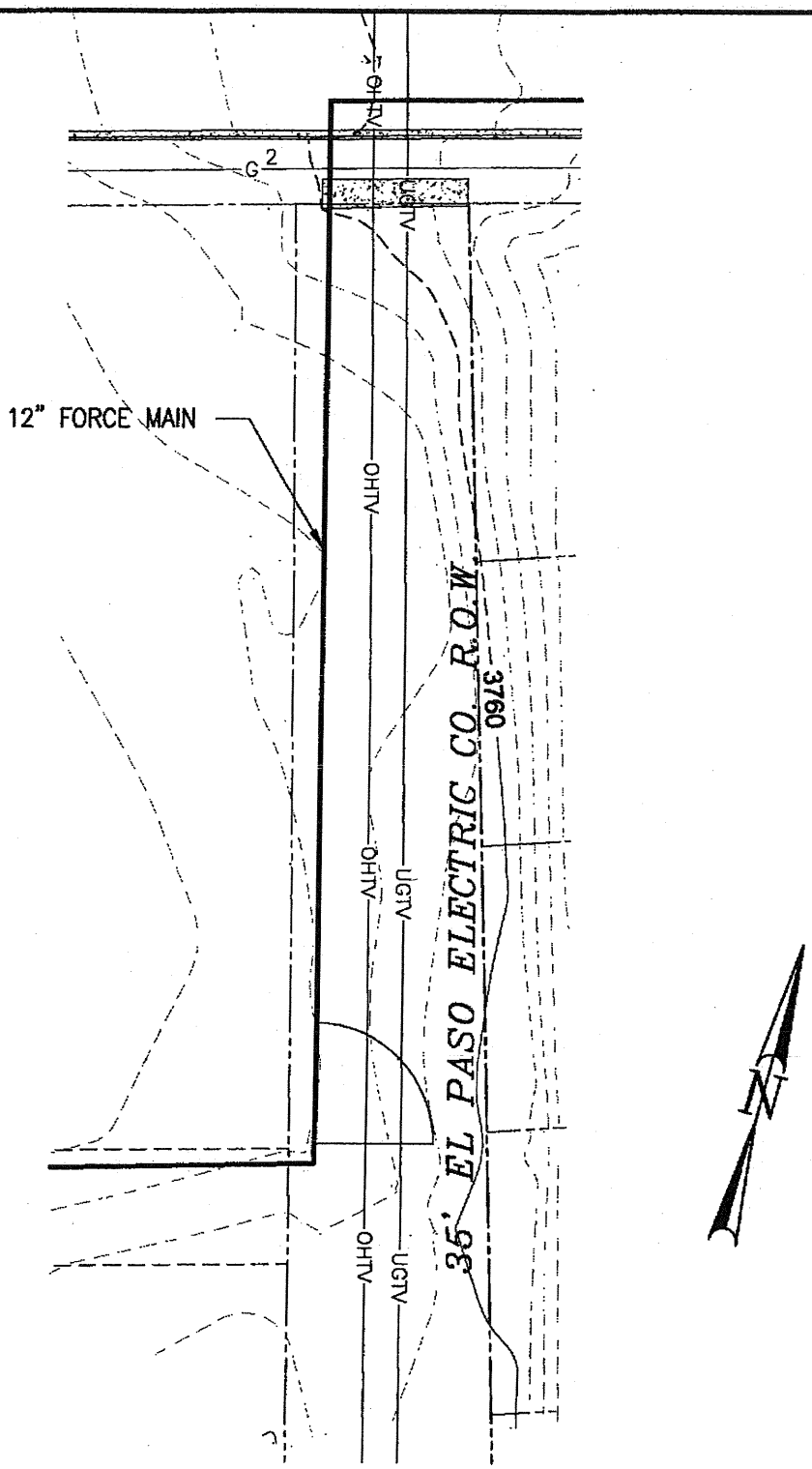
Attachment "A"



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LEGEND

PROPOSED 12-INCH FORCE MAIN

RETURN TO:
EL PASO ELECTRIC CO.
P.O. BOX 982-LOC 501
EL PASO, TX. 79960

GRANTORS INITIALS_____

PROPOSED EASMENT IN A PORTION OF:	
PORTION OF LOT 30, BLOCK 4 THOM RIDGE SUBDIVISION. EL PASO COUNTY, TEXAS	
EL PASO ELECTRIC CO. R.O.W.	
DATE 02/20/2008	EST. NO.
SCALE 1=30	