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

DEPARTMENT: **Engineering**

AGENDA DATE: **March 22, 2011**

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

DISTRICT AFFECTED: 6

SUBJECT:

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, an overhead easement to be used as part of the electrical distribution system for a new City park at 12599 Paseo Grande Street also known as Paseo Del Sol Park.

BACKGROUND / DISCUSSION:

This agreement would allow the grantee to provide electrical service for lighting at the Paseo Del Sol Park located approximately .3 mile east of the intersection of Loop 375 and Eschenbrenner Avenue in East El Paso. The easement is described as a 10 ft. wide by 225 ft. long overhead easement and two 5 ft. by 35 ft. surface anchor areas..

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: _____

Information copy to appropriate Deputy City Manager

RCAepeEsmtPaseoDelSol

RESOLUTION

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

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service for the Paseos Del Sol Park at 12599 Paseo Grande Drive. Said property being more particularly described as a portion of Lot 53, Block 6, Paseos Del Sol Unit 2 Amending, a subdivision in the City of 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:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

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

THE STATE OF TEXAS §
§ **OVERHEAD 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 overhead electric system consisting of any and all necessary poles, cables, lines, wires, crossarms, guys and anchors for an above ground electric distribution and/or transmission system, together with the overhang of service wires, 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 Exhibits "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 Lot 53, Block 6, Paseos Del Sol Unit 2 Amending, El Paso, El Paso County, Texas and more particularly shown on Exhibit "A" and commonly known as Paseos Del Sol Park.

The easement consists of (1) an overhead easement 225 feet long and 10 feet wide and (2) two 5 foot by 35 foot surface utility easements. The point of beginning for these easement areas occurs 387 feet from the centerline of Paseo Grande Street as 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:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P.E. C.B.O.
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 on the date entered below.

GRANTEE:
EL PASO ELECTRIC COMPANY

Reviewed and Approved.
Legal Department

CS
3/7/11

By: H. Wayne Soza

Printed Name: H. Wayne Soza

Title: Asst Vice President

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 8th day of March, ~~2010~~ 2011 by H. WAYNE SOZA as Asst Vice President of **El Paso Electric Company,** on behalf of the El Paso Electric Company, a Texas corporation.

Martha A. Velasco
Notary Public, State of Texas

MARTHA A. VELASCO
NOTARY PUBLIC
In and for the State of Texas
My commission expires
06-29-2011

PASEO ROJO

PASEO DEL SUR

PASEO BLANCO

12454
PASEO BLANCO

LOT 44

point of beginning

387' +/-

LOT 43

281' +/-

35'

225' +/-

35'

Proposed 10 ft. overhead easement

Phase 1

To Vista Del Sol East side of Joe Battle

PASEO GRANDE

12454
PASEO AZUL

Lot 53, Block 6,
Paseos Del Sol Unit 2

Raptor Area

Phase 2

N

LEGEND

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

—< PROPOSED EPE CO. 5 X 35 FT. UTIL. ESMNT.

SCALE: NONE
DATE: 3/5/2011
W.O. #DT012824

EL PASO ELECTRIC CO. R.O.W.
A PORTION OF:
LOT 53, BLOCK 6,
PASEOS DEL SOL UNIT 2 AMENDING
EL PASO COUNTY, TEXAS

Exhibit "A"