

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

DEPARTMENT: **Engineering**

AGENDA DATE: **May 3, 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 underground and transformer pad 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 Paseo Del Sol Park located approximately 0.6 mile to the northeast of the intersection of Loop 375 and Pellicano Drive in East El Paso. The easement is described as a 10 ft. wide by 360 ft. long underground easement and a 12 ft. by 17 ft. transformer pad easement.

PRIOR COUNCIL ACTION:

Council has 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 and Transformer Pad 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.

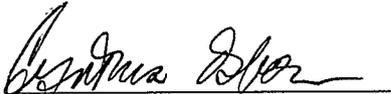
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

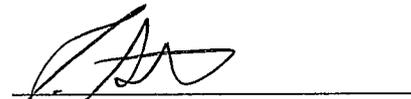
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



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

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

UNDERGROUND ELECTRICAL 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 a ten foot wide area 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 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.

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 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 _____, 2011
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

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2011 by _____ as _____ of **El Paso Electric Company**, on behalf of the El Paso Electric Company, a Texas corporation.

Notary Public, State of Texas.

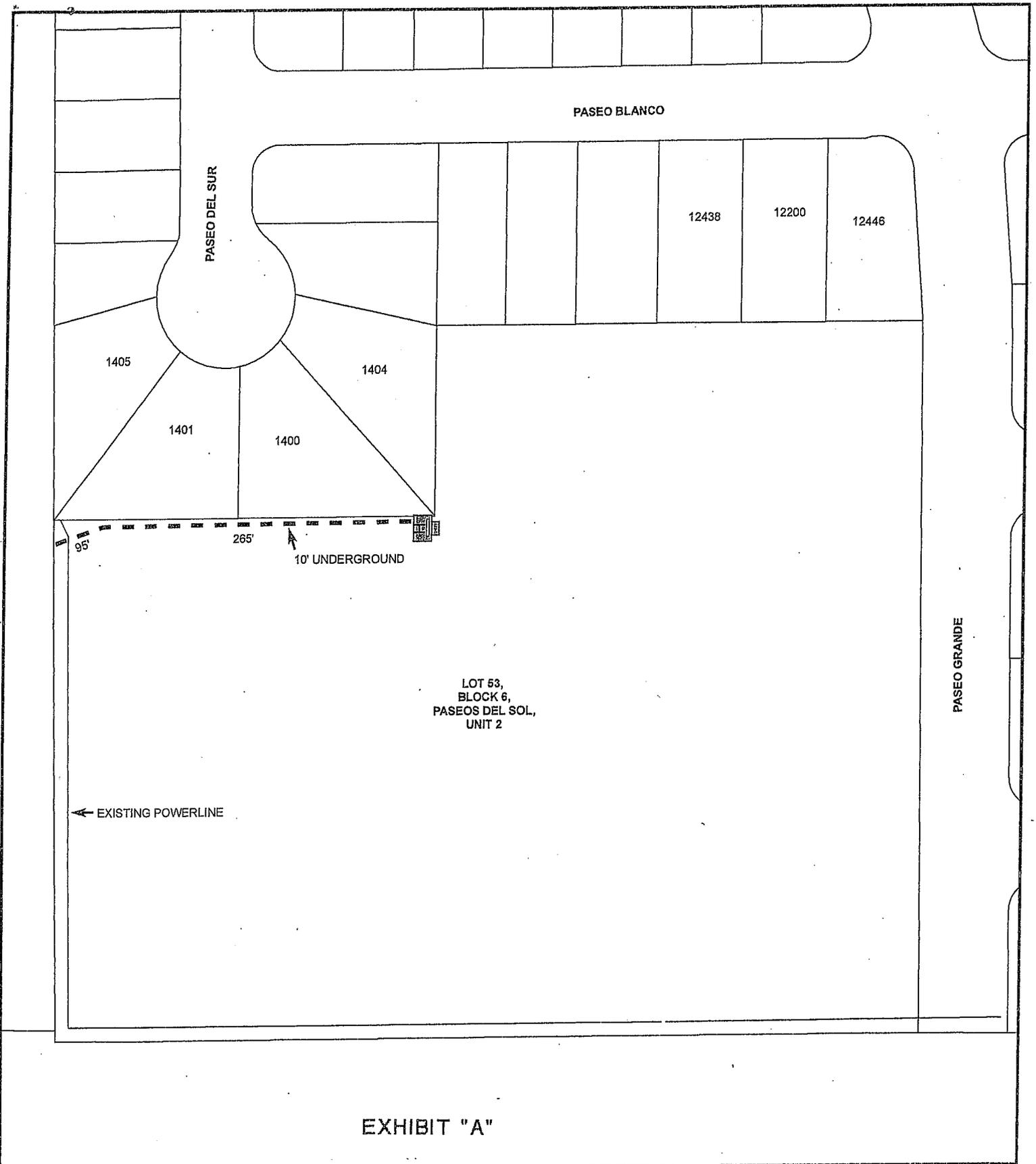


EXHIBIT "A"

LEGEND

- PROPOSED EPE CO. (UG) 10 FT. UTIL. ESMNT.
-  PROPOSED 12'X17' TRANSFORMER ESMNT.



SCALE: NONE
 DATE: 4/20/2011
 W/O # DT014421

Return to:
 El Paso Electric Co.
 P.O. Box 982-Loc 127
 El Paso, Texas 79960



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