

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

DEPARTMENT: Engineering Department

AGENDA DATE: Consent Agenda July 6, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Alan Shubert, P.E. (915) 541-4200

DISTRICT(S) AFFECTED: Rep. Robinson, District #4

SUBJECT:

A resolution authorizing the City Manager to sign a Temporary Construction license, granting the Texas Department of Transportation a temporary construction license for the purpose of improving the 24.5 foot by 72.3 foot driveway entrance at the El Paso Museum of Archeology, 4301 Transmountain Road, El Paso, Texas, 79924 until construction is complete or May 25, 2012, which ever first occurs.

BACKGROUND / DISCUSSION:

That the City of El Paso grant the Texas Department of Transportation (TxDot) or its agents, contractors, successors and assigns, a temporary construction license. TxDot is planning to improve Loop 375 from US 54 (Patriot Parkway) to Dyer Street. TxDot at no cost to the City will remove and replace the 24.5' X 72.3' driveway entrance at the El Paso Museum of Archeology, 4301 Transmountain Road, El Paso, Texas, 79924. If TxDot has removed or damaged any improvements, herbage, or landscaping within the area, TxDot at its expense will restore the licensed area to substantially the same condition. The license will expire on 25th day of May, 2012, or on the date of completion of construction of the highway facility activities described above, whichever occurs first.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

Revenue generating

BOARD / COMMISSION ACTION:

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

DEPARTMENT HEAD:

Gene N. [Signature]
for

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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 a Temporary Construction License, attached to this Resolution, granting to the Texas Department of Transportation a temporary construction license for the purpose of improving the 24.5 foot by 72.3 foot driveway entrance at the El Paso Museum of Archeology, 4301 Transmountain Road, El Paso, Texas until construction is complete or October 16, 2011, which ever first occurs.

ADOPTED this ____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:



Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer



TEMPORARY CONSTRUCTION LICENSE

KNOW ALL MEN BY THESE PRESENTS:

That The City of El Paso, referred to as, "Grantor", in consideration of \$10.00 and other good and valuable consideration paid by the Texas Department of Transportation, does hereby grant to The State of Texas, its agents, contractors, successors and assigns, hereinafter referred to as "State", a temporary construction license for the purpose of improving the 24.5' X 72.3' driveway entrance at the El Paso Museum of Archeology, 4301 Transmountain Road, El Paso, Texas, 79924, in, along, upon and across the property located in the County of El Paso, State of Texas, more fully described in Exhibit "A" attached hereto and made a part hereof for any and all purposes.

For the consideration above recited and the mutual covenants and conditions herein contained the parties further agree as follows:

Following completion of work within the temporary construction license area described in Exhibit "A", if State has removed or damaged improvements, herbage, or landscaping within said license area or otherwise on Grantor's property, State shall at its expense restore properties injured by State's activities to the substantially the same condition as existed previous to State's entry upon the particular property.

This temporary construction license shall be in full force and effect at all times during the accomplishment and completion of the construction activities described above. Said temporary construction license shall terminate and the license land area shall revert to the Grantor, their heirs, and assigns, and all interest conveyed herein shall cease on the 16th day of October, 2011, or on the date of completion of construction of the highway facility activities described above, whichever occurs first.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this ____day of

_____, 2010.

The City of El Paso

Joyce Wilson
City Manager

Acknowledgment

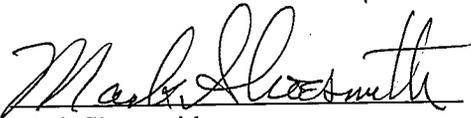
State of Texas

County of El Paso

This instrument was acknowledged before me on the _____ day of _____, 2010, by Joyce Wilson, as City Manager of the City of El Paso, on behalf of said City.

Notary Public's Signature

APPROVED AS TO FORM:



Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:



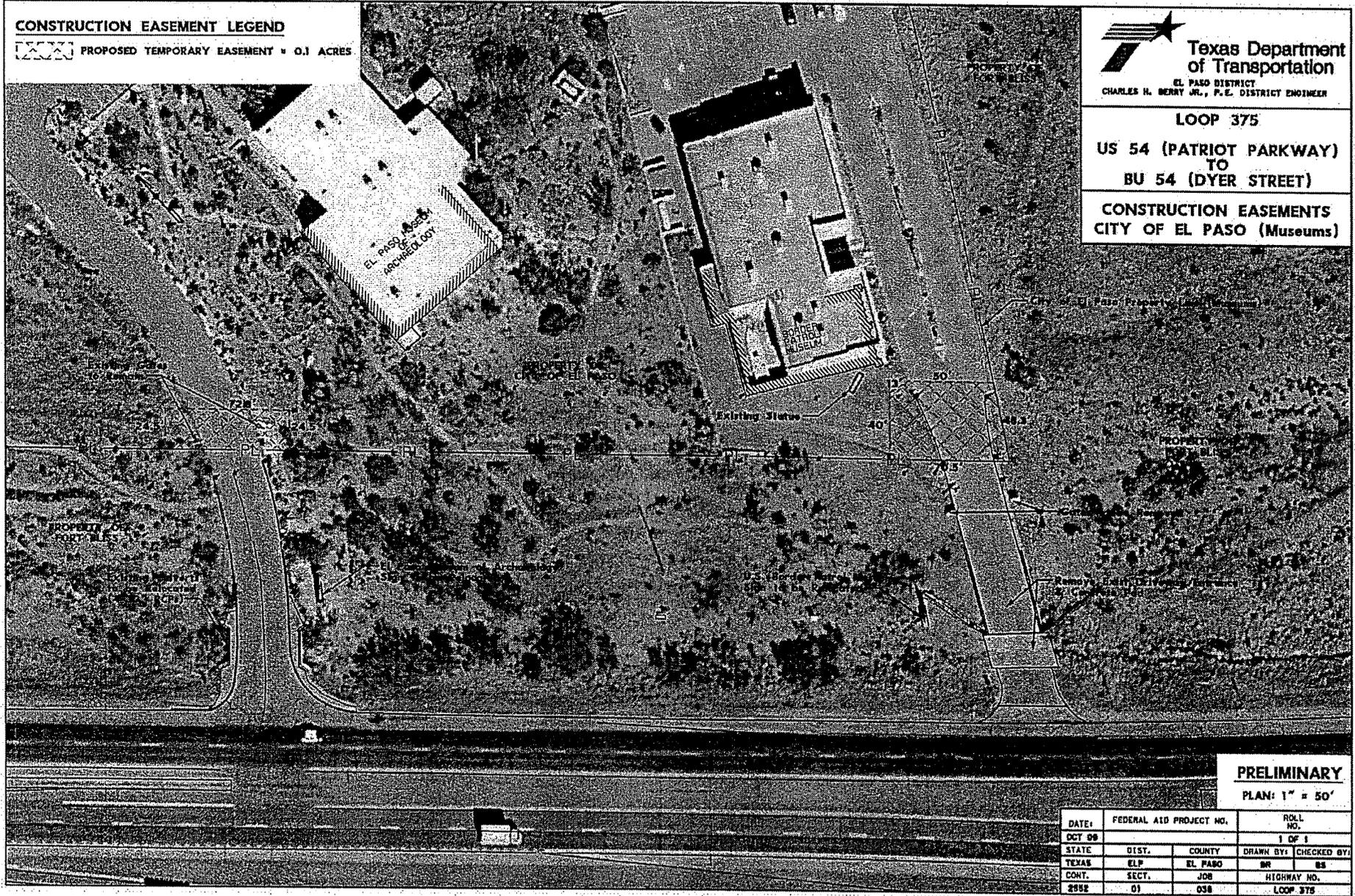
R. Alan Shubert, P.E.
City Engineer

CONSTRUCTION EASEMENT LEGEND

 PROPOSED TEMPORARY EASEMENT - 0.1 ACRES

 **Texas Department of Transportation**
 EL PASO DISTRICT
 CHARLES H. BERRY JR., P.E. DISTRICT ENGINEER

LOOP 375
US 54 (PATRIOT PARKWAY)
TO
BU 54 (DYER STREET)
CONSTRUCTION EASEMENTS
CITY OF EL PASO (Museums)



PRELIMINARY
 PLAN: 1" = 50'

DATE:	FEDERAL AID PROJECT NO.		ROLL NO.	
OCT 99			1 OF 1	
STATE	DIST.	COUNTY	DRAWN BY:	CHECKED BY:
TEXAS	ELP	EL PASO	BR	BS
CONT.	SECT.	JOB	HIGHWAY NO.	
2952	01	038	LOOP 375	

EXHIBIT A