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 44' X 63' driveway entrance at the Border Patrol Museum, 4315 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 44' X 63' driveway entrance at the Border Patrol Museum, 4315 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 as existed previously. 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: 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 44' X 63' driveway entrance at the Border Patrol Museum, 4315 Transmountain Road, El Paso, Texas, 79924 until construction is complete or May 25, 2012, which ever first occurs.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P.E.
City Engineer

57274 MSHO 6/10

Form ROW-N-TCL
Rev. 5/2003
GSD-EPC

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 44' X 63' driveway entrance at the Border Patrol Museum, 4315 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 25th day of May, 2012, 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 Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P.E.
City Engineer

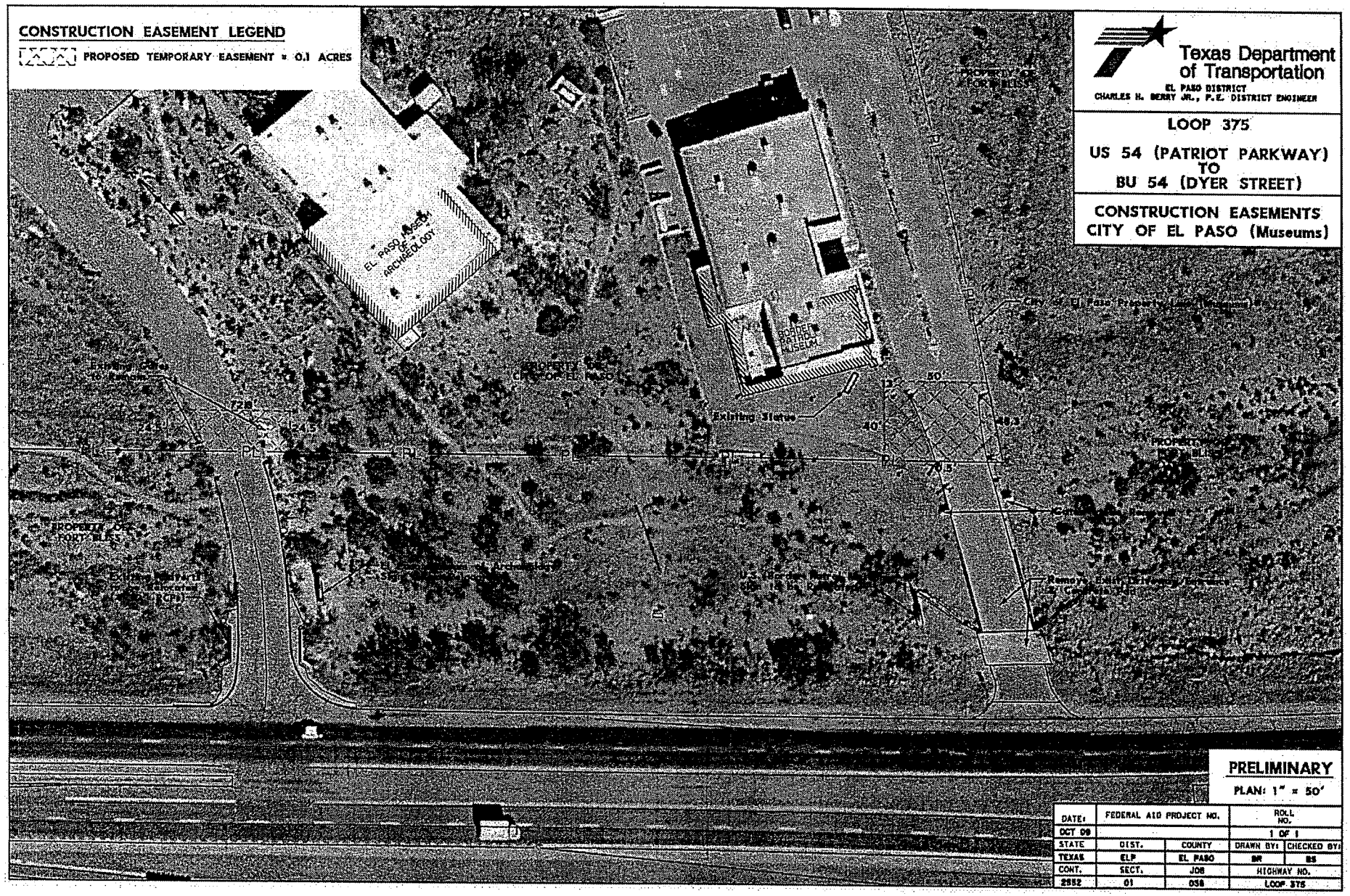
CONSTRUCTION EASEMENT LEGEND
PROPOSED TEMPORARY EASEMENT = 0.1 ACRES
Texas Department of Transportation
EL PASO DISTRICT
CHARLES H. BERRY JR., P.E. DISTRICT ENGINEER
LOOP 375
US 54 (PATRIOT PARKWAY) TO BU 54 (DYER STREET)
CONSTRUCTION EASEMENTS
CITY OF EL PASO (Museums)
EL PASO MUSEUM OF ARCHAEOLOGY
BORDER PATROL MUSEUM
PROPERTY OF CITY OF EL PASO
PROPERTY OF FORT BLISS
Existing Gates to Remain
Existing Statue
PL
PL
PL
PL
PL
PL
50'
40'
70.5'
PRELIMINARY
PLAN: 1" = 50'
DATE: OCT 09
FEDERAL AID PROJECT NO.
ROLL NO. 1 OF 1
STATE TEXAS
DIST. ELP
COUNTY EL PASO
DRAWN BY: BR
CHECKED BY: BS
CONT. 2552
SECT. 01
JOB 038
HIGHWAY NO. LOOP 375

EXHIBIT A