

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

**DEPARTMENT:**        **Engineering & Construction Management**

**AGENDA DATE:**      **July 26, 2011**

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

**DISTRICT AFFECTED:** **7**

**SUBJECT:**

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, a temporary overhead electrical easement to El Paso Electric Company to be used to provide electrical power to a contractor's temporary concrete batching site. The batching site will be housed on City-owned property leased to the contractor.

**BACKGROUND / DISCUSSION:**

This easement agreement would allow for two 10 ft.-wide overhead easement sections and one 5' by 35' anchor easement for a power hook-up to an existing power line. Mayor and Council recently granted a temporary right of entry to *Jobe Materials LP* upon a 5.3 acre parcel owned by the City for the operation of a concrete batching plant. Granting this easement will allow El Paso Electric to provide power to *Jobe Materials LP* for the operating of vital equipment and machinery.

**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>
~	~	~	~

**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 a Temporary Overhead Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service to a temporary concrete batch plant to be located on City property, said easement being more particularly described as a portion of Lots 1 and 2, Block 4, And a portion of Lot 1, Block 5, Christy Tract, City of El Paso, El Paso County, Texas. The temporary overhead electrical easement shall expire on April 30, 2013.

**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



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

**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** for the **City of El Paso**.

\_\_\_\_\_  
**Notary Public, State of Texas**

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(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

Reviewed and Approved  
Legal Department

By: Nathan T. Hirschi

Printed Name: Nathan T. Hirschi

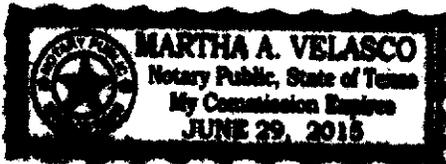
Title: VP - Controller

GS  
7/14/11

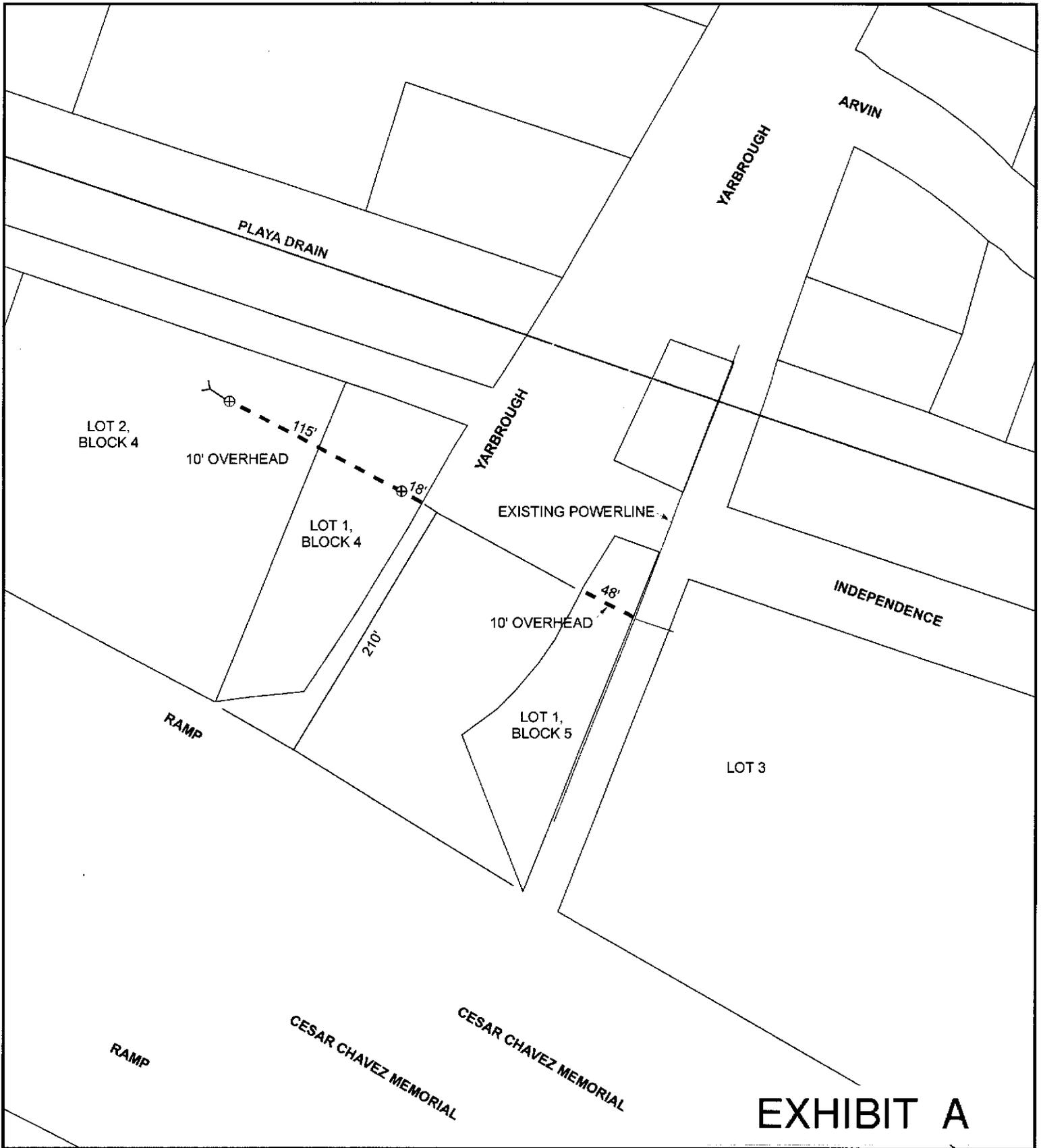
**ACKNOWLEDGMENT**

STATE OF TEXAS     )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the 14 day of July, 2011 by NATHAN T. HIRSCHI as VP - CONTROLLER of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.



Martha A. Velasco  
Notary Public, State of Texas



# EXHIBIT A



## LEGEND

- PROPOSED EPE CO. (OH) 10 FT. UTIL. ESMNT.
- ⊕ PROPOSED POLE
- └ PROPOSED EPE CO. 5' x 35' UTIL. ESMNT.



**EL PASO ELECTRIC CO. R.O.W.**  
 A PORTION OF  
 LOT 1, LOT 2, BLOCK 4 AND  
 LOT 1, BLOCK 5  
 CHRISTY TRACT,  
 EL PASO COUNTY, TEXAS

SCALE: NONE  
 DATE: 6/9/2011  
 W.O. # DT014881

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