

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

DEPARTMENT: Engineering Department

AGENDA DATE: August 25, 2008

CONTACT PERSON/PHONE: R. Alan Shubert, P.E. - ext. 4423

DISTRICT(S) AFFECTED: District 6

SUBJECT:

Discussion and action on the request from the Albuquerque District Army Corps of Engineers for a temporary (6 months) Right-of-Entry upon City owned property to conduct land surveys and environmental surveys for a portion of City property that has been identified by Customs and Border Protection as a potential permanent Route of access to the El Paso Sector border fence.

BACKGROUND / DISCUSSION:

This will allow the Albuquerque District Army Corps of Engineers to conduct land and environmental surveys in order to establish City and Federal boundaries.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

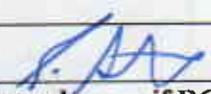
N/A

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: 
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

July 9, 2009

Real Estate Division

City of El Paso
2 Civic Center Plaza
4th Floor
El Paso, TX 79901
Attn: Mr. Joe Vela, Engineering Department

Subject: Request for Right-of-Entry upon 25 Socorro TR 3-5; 26 Socorro TR 8-13, 15 A, 15 B-1, 15 C, 16A, 16 B and 17, City of El Paso

Dear Mr. Vela:

A portion of your property has been identified by Customs and Border Protection (CBP) as a potential permanent route of access to the El Paso Sector border fence. Other routes are also being studied.

In order to continue with this study, we will need to enter upon a strip of your property, approximately 30 feet wide lying as shown on the attached map.

On behalf of Customs and Border Protection, we are requesting a temporary Right-of-Entry upon your property to conduct land surveys and environmental surveys. Activities included during this phase are non-intrusive and are explained on the attached form. All activities will be coordinated with you prior to start date.

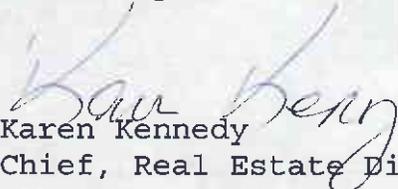
Enclosed are three originals of the Right-of-Entry form. Please sign all three forms. Retain one for copy for your records and return two signed copies in the enclosed, pre-addressed and postage paid envelope. A fully executed copy of the Right-of-Entry will be returned to you for your records.



We are asking that you respond no later than July 20, 2009, so that we comply with assigned goals set by our Project Delivery Team. Please contact Realty Specialist Ben Miranda by email at Benjamin.C.Miranda@usace.army.mil or telephone at 505-342-3224 if you have questions or would like further information.

We appreciate your support and look forward to working with you in the future.

Sincerely,


Karen Kennedy
Chief, Real Estate Division
Albuquerque District
U.S. Army Corp of Engineers

U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY

Right-of-Entry For Survey and Site Assessment

Landowner: City of El Paso

The undersigned, hereinafter called the "Owner", hereby grants to the United States of America, hereinafter called the "Government", a temporary right-of-entry upon Owner's property described below, hereinafter called the "Property". This right-of-entry is granted upon the following terms and conditions:

1. The Government's employees and contractors shall have the right to enter upon Owner's Property for the purpose of conducting environmental assessments and property surveys, including the right to temporarily store, move and remove necessary equipment and supplies; survey, stake out, appraise, bore and take soil and/or water samples, and perform any other such work which may be necessary and incidental to the Government's assessment of the Property for proposed construction of border security infrastructure.
2. This right-of-entry is irrevocable for a period 6 months from the date of this instrument.
3. The rights granted herein include the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary to access the Property and is not otherwise conveniently available to the Government.
4. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this right-of-entry.
5. If any action of the Government's employees or agents in the exercise of this right-of-entry results in damage to the real property, the Government will, at its option, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee interest of the real property at the time immediately preceding such damage. The Government's liability under this clause may not exceed appropriations available for such payment and nothing contained herein may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without

prejudice to any rights the Owner may have to make a claim under applicable laws for any other damages than provided herein.

6. The Property that is subject to this right-of-entry is located in the State of Texas, County of El Paso, and is described as follows:

25 Socorro TR 3-5; 26 Socorro TR 8-13, 15 A, 15 B-1, 15 C, 16A, 16 B and 17

7. I affirm that I have the authority to grant this right-of-entry onto the Property described above.

LANDOWNER

By: _____ Date _____

UNITED STATES OF AMERICA

By: _____ Date _____
Karen M. Kennedy
Chief of Real Estate
Albuquerque District, NM

