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

DEPARTMENT: **Engineering Department**

AGENDA DATE: **September 25, 2007**

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

DISTRICT(S) AFFECTED: **7**

SUBJECT:

El Paso Electric Company is requesting an underground electrical easement to the Spanish Creek Townhouses located between North Loop Drive and Lee Trevino Drive.

BACKGROUND / DISCUSSION:

The underground electrical easement is required to provide electrical service

PRIOR COUNCIL ACTION:

City council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

No funding required for execution of this item.

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:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an agreement granting an overhead electrical utility easement to the El Paso Electric Company for the purpose of providing electrical service to the Spanish Creek Townhouses that are located between North Loop Drive and Lee Trevino Drive. Said property being more particularly described as a portion of real property known as Tract, 4, Bock 11, Ysleta Grant, City of El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2007.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E., C.B.O.
City Engineer

THE STATE OF TEXAS §
§ **OVERHEAD ELECTRICAL EASEMENT**
COUNTY OF EL PASO §

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 overhead electric system consisting of any and all necessary poles, cables, lines, wires, crossarms, guys, and anchors for an above ground electric distribution and/or transmission system, together with the overhang of service wires, 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, upon and along the following described premises in El Paso County, Texas, to-wit:

A portion of Tract 4, Block 11, Ysleta Grant, El Paso, El Paso County, Texas, more particularly shown on Exhibit "A" which is attached hereto and incorporated herein for all purposes.

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 and agrees to install its overhead lines in compliance with the National Electrical Safety Code.

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 on, over, or under Grantee's overhead facilities.

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 this _____ day of _____, 2007.

GRANTOR:
THE CITY OF EL PASO

_____
Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E., C.B.O.
City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2007, by Joyce A. Wilson as City Manager of the **City of El Paso.**

_____
Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted this 19 day of July, 2007.

GRANTEE:
EL PASO ELECTRIC COMPANY

By: _____
Printed Name: Kerry Lore
Title: Vice President – Administration

(Acknowledgement on the next page)

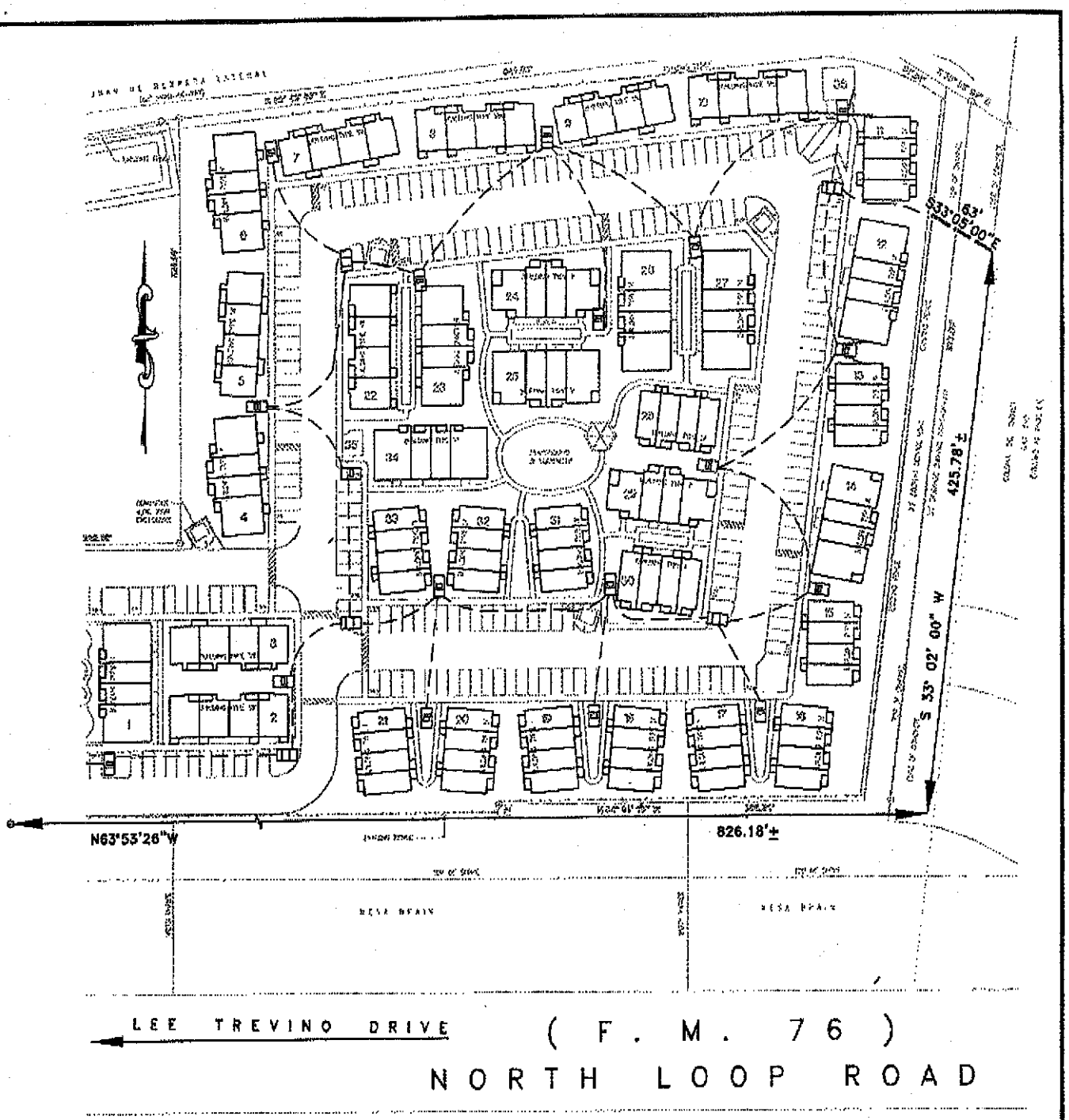
THE STATE OF TEXAS §
COUNTY OF EL PASO §

This instrument was acknowledged before me on this 19 day of July, 2007 by Kerry R. Lore, VP-Administration of **El Paso Electric Company** who stated that (s)he executed same for the purpose and consideration therein, expressed and in the capacity therein stated.

GLORIA FRANCO
NOTARY PUBLIC
In and for the State of Texas
My commission expires
APRIL 11, 2011

Gloria Franco
Notary Public in and for
the State of Texas

Commission Expires:
4-11-10



LEGEND

PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

PROPOSED EASEMENT IN A PORTION OF
TRACT 4, BLOCK 11
YSLETA GRANT
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 5/1/07	EST. NO.
SCALE NONE	DT002037

Exhibit "A"