

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

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

**AGENDA DATE:**      **October 11, 2011**

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

**DISTRICT AFFECTED:** **4**

**SUBJECT:**

A resolution authorizing the City Manager to sign a *Temporary Construction License*, granting the Texas Department of Transportation permission specifically to improve 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 March 31, 2012, which ever first occurs.

**BACKGROUND / DISCUSSION:**

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 ft. by 72.3 ft. driveway entrance at the El Paso Museum of Archeology, 4301 Transmountain Road. 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 the 31<sup>st</sup> day of March, 2012, or on the date of completion of construction of the highway facility activities described above, whichever occurs first.

**PRIOR COUNCIL ACTION:**

On July 6, 2010, Council approved a *Temporary Construction License* with identical requirements and conditions to TxDOT. Due to substantial delays caused by utility line complications, TxDOT is requesting a new license to replace the previous which expires October 16, 2011. The new license will provide the necessary time extension to complete the project.

**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>
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**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 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, through March 31, 2012 or until construction of the driveway entrance is complete, whichever occurs first.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook,  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda D. Momsen,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
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 Archaeology, 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 **31<sup>st</sup> day of March, 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

\_\_\_\_\_

The City of El Paso

Signature:

Joyce Wilson

Name:

City Manager

Title:

ACKNOWLEDGEMENT

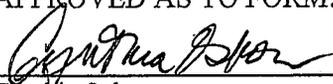
STATE OF TEXAS

COUNTY OF EL PASO

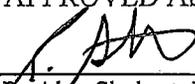
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by  
Joyce Wilson, as City Manager of the City of El Paso, on behalf of the City.

\_\_\_\_\_  
Notary Public Signature

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

**CONSTRUCTION EASEMENT LEGEND**

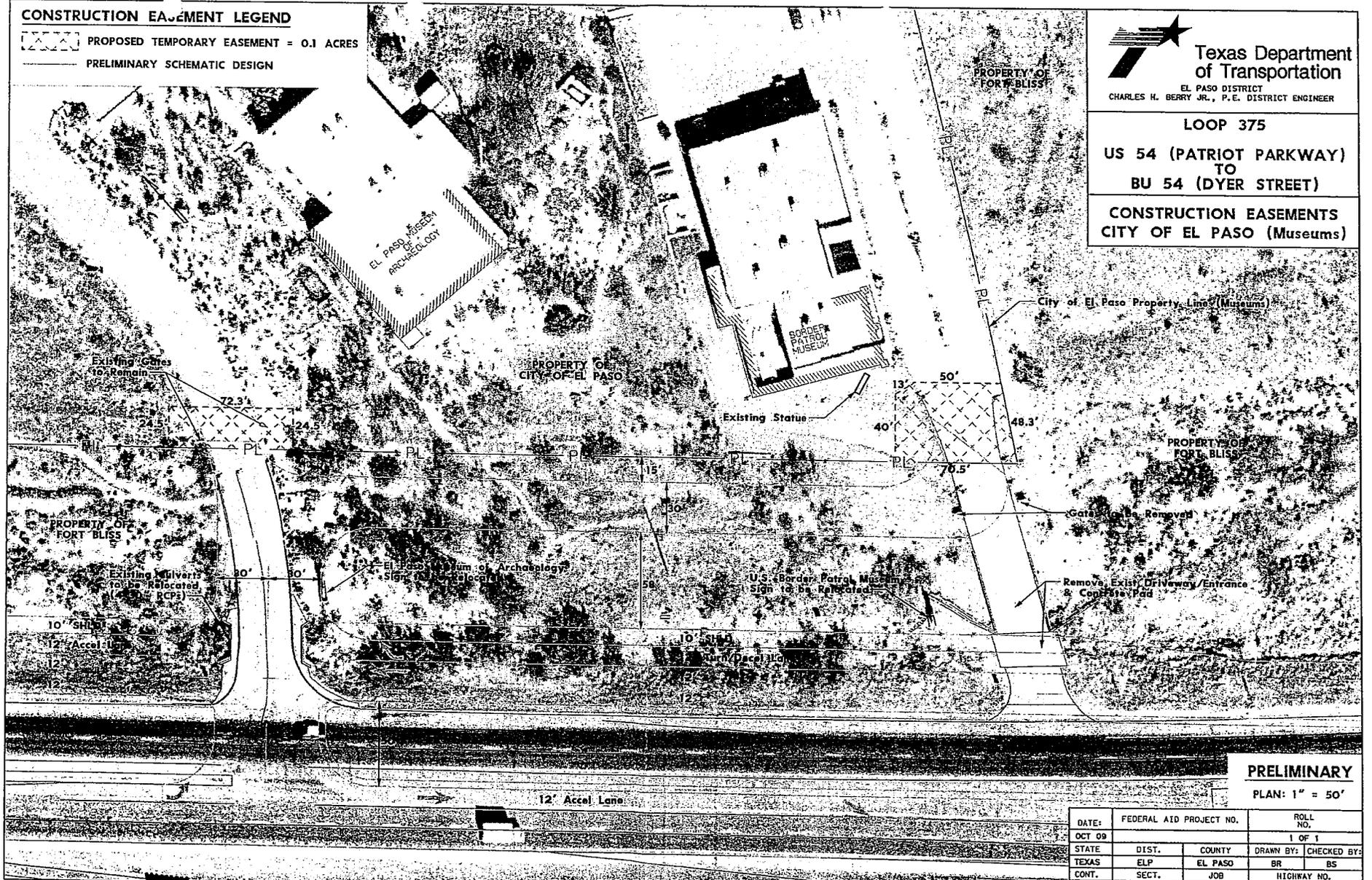
-  PROPOSED TEMPORARY EASEMENT = 0.1 ACRES
-  PRELIMINARY SCHEMATIC DESIGN

 **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)**

EXHIBIT "A"



**PRELIMINARY**

PLAN: 1" = 50'

DATE:	FEDERAL AID PROJECT NO.		ROLL NO.
OCT 09			1 OF 1
STATE:	DIST.	COUNTY	DRAWN BY: [CHECKED BY:]
TEXAS	ELP	EL PASO	BR BS
CONT.	SECT.	JOB	HIGHWAY NO.
	01	036	LOOP 375