

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

CITY CLERK'S OFFICE

DEPARTMENT: Engineering & Construction Management

AGENDA DATE: November 9, 2010

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

DISTRICT AFFECTED: 8

**SUBJECT:**

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, an electrical easement to El Paso Electric Company to be used as part of the electric power distribution system for the new *Stanton Pedestrian Toll Plaza* at the Stanton Bridge.

**BACKGROUND / DISCUSSION:**

This agreement, which consists of a 5 ft. overhang easement and a 12 ft. X 18 ft. transformer easement, would allow the grantee (EPE) to provide service for electrical power at the proposed toll plaza site for construction and operational requirements.

**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 an overhead electrical easement and transformer pad easement to the El Paso Electric Company for the purpose of relocating electrical service for city facilities (Stanton Toll Building) at Mesa and Eighth Streets, El Paso, Texas. Said property being more particularly described as a portion of lots 11 through 18, block 47, Campbell's Addition to the City of El Paso, El Paso County, Texas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

THE CITY OF EL PASO

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

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

*for*   
\_\_\_\_\_  
Mark Shoesmith  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

THE STATE OF TEXAS §  
§  
COUNTY OF EL PASO §

OVERHEAD AND TRANSFORMER EASEMENT

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 Lots 11 through 18, Block 47, Campbell's Addition to the City of El Paso, El Paso County, Texas, and more particularly shown on Exhibit "A"

The easement consists of (1) an overhead easement 208.62 feet long and 5 feet wide, along the west property lines of Lots 11 through 18 as described in Exhibit "A", and (2) a 12 ft. by 18 ft. transformer pad easement as described in Exhibit "A".

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.

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 or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

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.

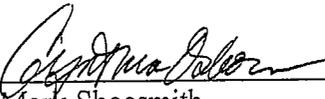
WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

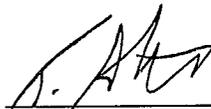
GRANTOR:  
THE CITY OF EL PASO

\_\_\_\_\_  
Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

*for*   
\_\_\_\_\_  
Mark Shoesmith  
Assistant City Attorney

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

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  ) s.s.  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2010  
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 \_\_\_\_\_ day  
of \_\_\_\_\_ 2010.

GRANTEE:  
EL PASO ELECTRIC COMPANY

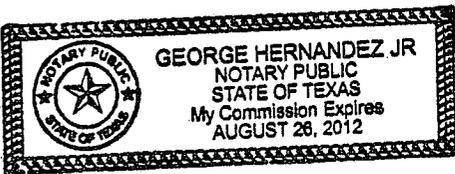
By: *Hector R. Puentes*  
Printed Name: HECTOR R. PUENTE  
Title: V.P. T&D

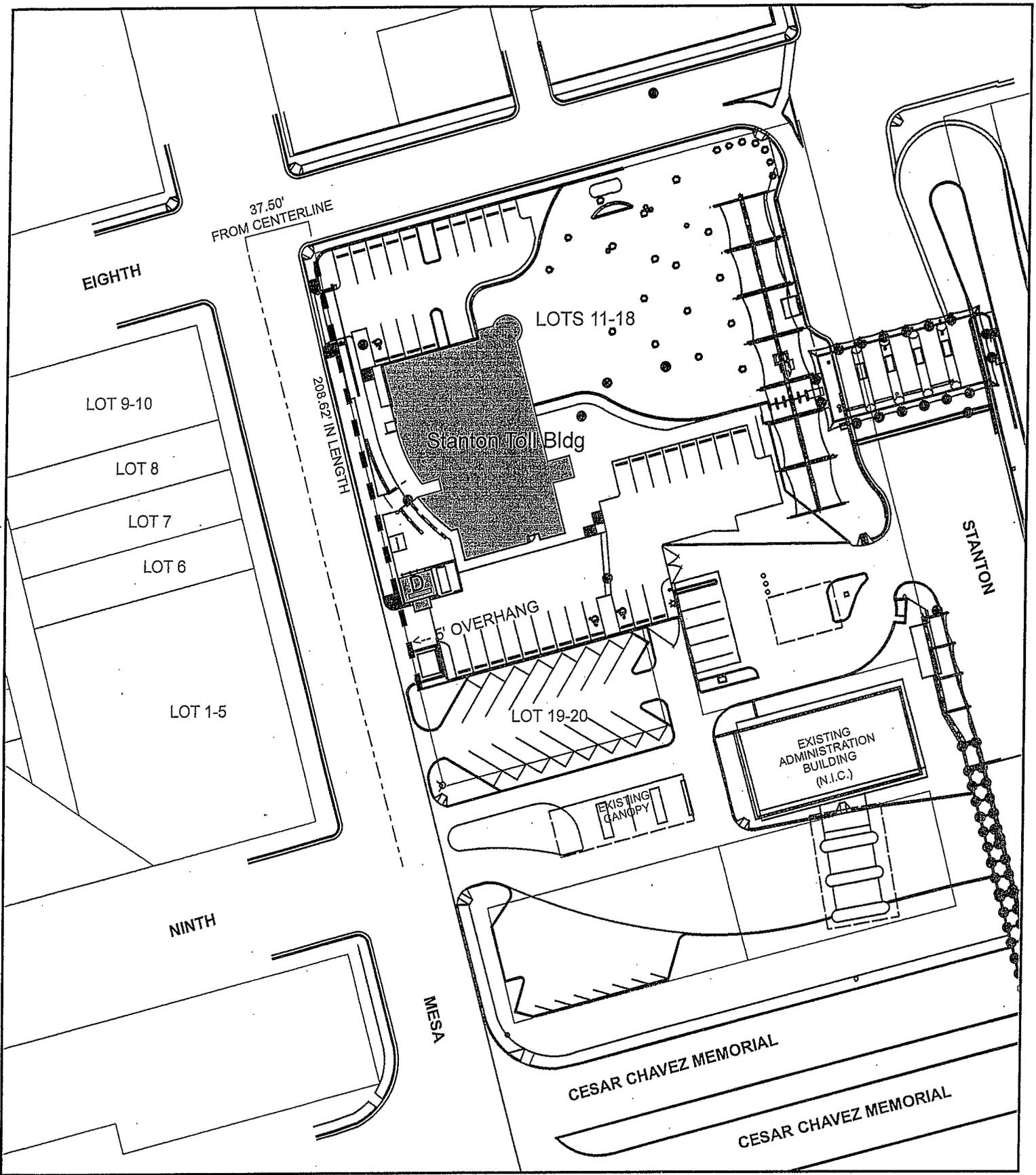
**ACKNOWLEDGMENT**

STATE OF TEXAS            )  
  ) s.s  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the 27<sup>th</sup> day of OCTOBER, 2010  
by Hector R. Puentes as V.P. of El Paso Electric Company, on behalf of the  
El Paso Electric Company, a Texas corporation.

*George Hernandez Jr*  
Notary Public, State of Texas





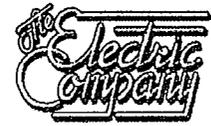
**LEGEND**

- PROPOSED EPE CO. (OH) 5 FT. UTIL. ESMNT.
-  PROPOSED 12' X 18' TRANSFORMER ESMNT.



SCALE: NONE  
 DATE: 10/26/2010  
 W.O. # DT012971

EXHIBIT "A"



**EL PASO ELECTRIC CO. R.O.W.**  
 A PORTION OF:  
 LOTS 11 THRU 18,  
 BLOCK 47,  
 CAMPBELL'S ADDITION,  
 EL PASO COUNTY, TEXAS