

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

DEPARTMENT: Engineering and Construction Management

AGENDA DATE: November 12, 2013

CONTACT PERSON NAME AND PHONE NUMBER: Irene D. Ramirez, P.E., Interim City Engineer, 541-4428

DISTRICT(S) AFFECTED: 6

SUBJECT:

That the City Manager be authorized to sign an Easement Agreement by and between the City of El Paso and the El Paso Independent School District (EPISD), allowing the city use of EPISD property for the construction, installation and maintenance of a school zone flasher signal on Altura Avenue for Coldwell Elementary School, said easement more particularly described as a portion of (approximately 9 s.f.) of Lot 8, Block 58, Government Hill Addition as recorded in Book 11, Page 58, Plat Records, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The proposed easement is the second of two required to enable the installation and maintenance of a school zone flasher signal on Altura Avenue for Coldwell Elementary School. This flasher is being installed under the 2012 School Flasher Project.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

None required

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)
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 Easement Agreement by and between the City of El Paso and the El Paso Independent School District (EPISD), allowing the city use of EPISD property for the construction, installation and maintenance of a school zone flasher signal on Altura Avenue for Coldwell Elementary School, said easement more particularly described as a portion of (approximately 9 sf.) of Lot 8, Block 58, Government Hill Addition as recorded in Book 11, Page 58, Plat Records, City of El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2013.

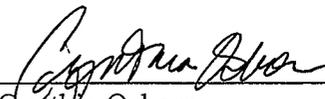
THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

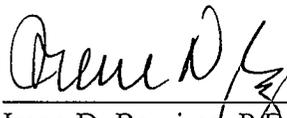
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Irene D. Ramirez, P.E.
Interim City Engineer

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

EASEMENT

For consideration, the Board of Managers, El Paso Independent School District, El Paso, Texas, hereinafter called Grantor, grants unto the City of El Paso, a Texas home-rule municipal corporation, hereinafter called Grantee, the right, privilege and easement to enter upon and erect, construct, operate and maintain a school zone flasher signal any time with all necessary foundations, electrical conduit, electrical wire, pole and any other usual appurtenances, pertaining thereto, with the right of access, ingress, and egress thereto for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the operation of a school zone flasher signal, over, upon and along the following premises in El Paso County, Texas, to wit:

A portion (approximately 9 sf.) of Lot 8, Block 58, Government Hill Addition as recorded in Book 11, Page 58, Plat Records, City of El Paso County, Texas and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

with the right to trim trees and vegetation around such facility and to do anything proper and necessary to operate and maintain same.

In accepting this grant, Grantee agrees that it will peaceably relinquish use and occupancy of the property to Grantor, its successors and assigns, when such property is no longer used for the purpose of the easement, and at the time of such relinquishment, Grantee will at its expense, and at Grantor's request remove Grantee's facilities and will, as reasonable and practicable, place Grantor's property in the same condition as the same was in prior to use by Grantee under this easement, normal wear and tear excepted. Grantee is responsible for the condition and maintenance of its improvements and equipment located on the easement, and for any damage to Grantor's property caused by Grantee's use of the easement, including but not limited to, Grantee's maintenance, repair, replacement, or removal of its improvements, equipment, or other property on the easement; provided, however, Grantee shall only be responsible for that portion of any damage proximately caused by the acts or omissions of Grantee.

Grantor retains and reserves the right to use and enjoy the premises for any and all purposes which do not materially interfere with and prevent the use by Grantee of this easement, provided no structures shall be built under, over, or around Grantee's facilities, which structures impair Grantee's access to its facilities. Grantor agrees that it will not convey any other easement or conflicting right within the area covered by this grant, to any other person.

This easement shall be for a term which coincides with the use and occupancy of the property granted herein. This easement shall terminate when such property is no longer used for the purpose of the easement granted herein. At termination, Grantee shall comply with relinquishment requirements set forth above.

This easement covers all of the agreements and understandings of the parties, and there are no other representations, agreements or understandings, verbal or written, covering the subject matter described herein.

WITNESS the following seal and signature this ____ day of _____ 2013.

**GRANTOR
BOARD OF MANAGERS, EL PASO
INDEPENDENT SCHOOL DISTRICT,
EL PASO, TEXAS**

ATTEST:

Carmen Arrieta-Candelaria
Carmen Arrieta-Candelaria, Secretary
Board of Managers, EPISD

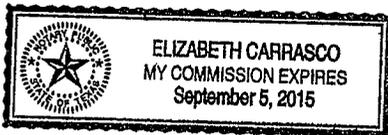
BY: *Dee Margo*
Dee Margo, President
Board of Managers, EPISD

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared Dee Margo, President of the Board of Managers, El Paso Independent School District, El Paso, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said El Paso Independent School District, El Paso, Texas, for the purpose and consideration therein expressed, and in the capacity therein stated and as his free act and deed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of October, 2013.



Elizabeth Carrasco
Notary Public in and for the State of Texas

My commission expires:
9/5/2015

(Signatures continue on following page)

**GRANTEE
THE CITY OF EL PASO**

Joyce A. Wilson,
City Manager

ACKNOWLEDGMENT

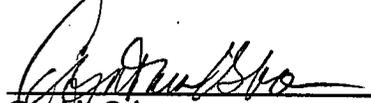
STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2013, by **Joyce A. Wilson, as City Manager for the City of El Paso.**

Notary Public in and for the State of Texas

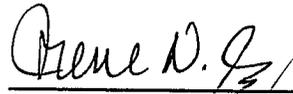
My commission expires:

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



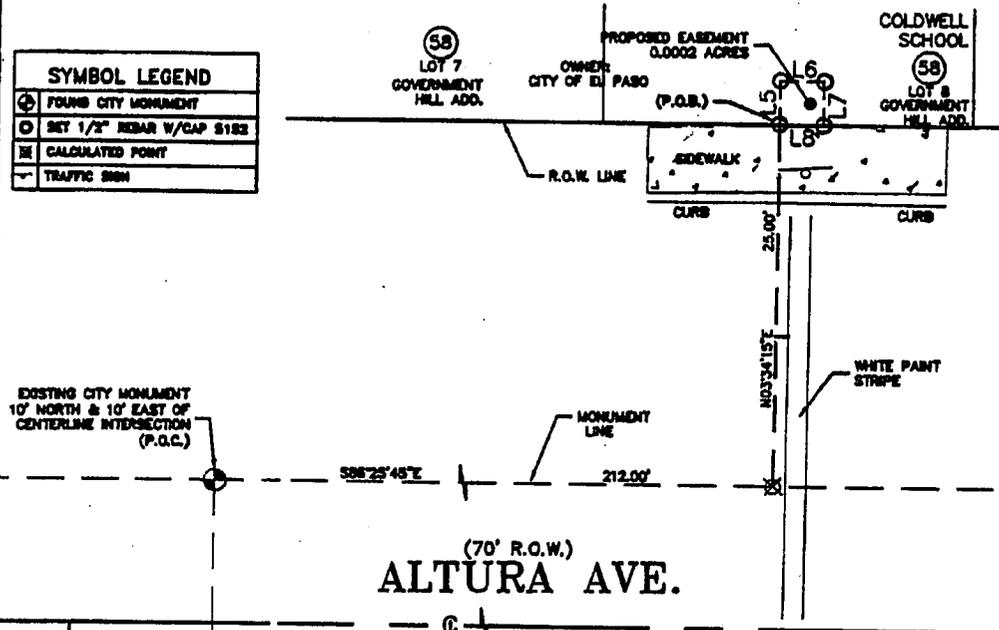
Irene D. Ramirez, P.E.
Interim City Engineer

**AFTER FILING PLEASE RETURN
ORIGINAL TO:**

City of El Paso
Engineering and Construction Management Dept.
P.O. Box 1890
El Paso, TX 79950-1890

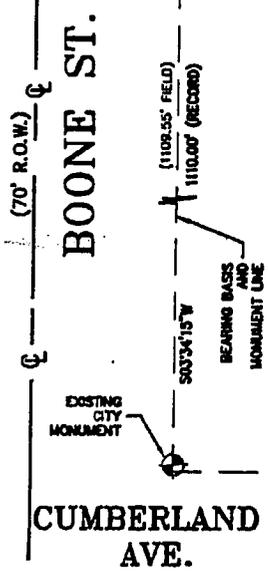
NOTES

1. BEARINGS AND COORDINATES ARE GRID AND BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE 4303 (NAD 83)
2. GOVERNMENT HILL ADDITION, RECORDED IN VOLUME 11, PAGE 58, PLAT RECORDS OF EL PASO COUNTY, TEXAS.
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.
4. SET 1/2" REBARS WITH CAP MARKED TX 5152 ON ALL CORNERS.



SYMBOL LEGEND	
	FOUND CITY MONUMENT
	SET 1/2" REBAR W/CAP 5152
	CALCULATED POINT
	TRAFFIC SIGN

LINE TABLE		
LINE	LENGTH	BEARING
L5	3.00	N03°34'15"E
L6	3.00	S86°25'45"E
L7	3.00	S03°34'15"W
L8	3.00	N86°25'45"W

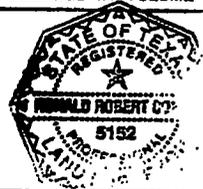


CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.

Ronald Robert Conde
 RON R. CONDE R.P.L.S #5152

JOB # 713-34 DATE: JULY 31, 2013 FIELD: A.V. OFFICE: F.R.
 RECORDED IN VOLUME 11, PAGE 58, PLAT RECORDS OF EL PASO COUNTY, TEXAS



BEING A PORTION OF LOT 8, BLOCK 58
 GOVERNMENT HILLS ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.
 6080 SURETY SUITE 100
 EL PASO, TEXAS 79905
 CADD FILE: S:\CADD\71334

Prepared for: The City of El Paso
July 31, 2013
(Easement at Lot 8, Block 58)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of Lot 8, Block 58, Government Hill Addition as recorded in Book 11, Page 58, Plat Records, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at City of El Paso monument located 10 feet north and 10 feet east of the centerline intersection of Altura Avenue and Boone Street, Y= 10,668,666.92, X= 399,158.52 in the Texas State Plane Coordinate System Central 4203 zone, Whence an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Boone Street and Cumberland Street bears, South 03°34'15" West a distance of 1109.55 feet; Thence along the monument line of Altura Avenue, South 86°25'45" East a distance of 212.00 feet to a point; Thence leaving said line, North 03°34'15" East a distance of 25.00 feet to a set ½" rebar with cap marked TX 5152 on the northerly right of way line of Altura Avenue for the "TRUE POINT OF BEGINNING"

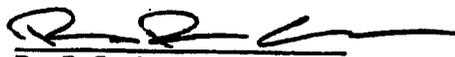
Thence leaving said right of way line, North 03°34'15" East a distance of 3.00 feet to a set ½" rebar with cap marked TX 5152;

Thence, South 86°25'45" East a distance of 3.00 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, South 03°34'15" West a distance of 3.00 feet to a set ½" rebar with cap marked TX 5152 on the northerly right of way line of Altura Avenue;

Thence along said right of way line, North 86°25'45' West a distance of 3.00 feet to the TRUE POINT OF BEGINNING" and containing 9 Sq. Ft. 0.0002 acres of land more or less.

Note: A drawing of even date accompanies this description.



Ron R. Conde
R.P.L.S. No. 5152



CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286