

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

DEPARTMENT: Engineering Department

AGENDA DATE: November 13, 2007

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

DISTRICT(S) AFFECTED: 2

SUBJECT:

El Paso Electric Company is requesting an underground electrical easement on El Paso International Airport property located at 10499 George Perry.

BACKGROUND / DISCUSSION:

The underground electrical easement is required in order to provide electrical service to El Paso International Airport located at 10499 George Perry.

PRIOR COUNCIL ACTION:

City council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

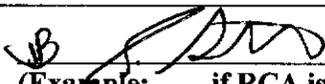
No funding required for execution of this item.

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 underground electrical utility easement with transformer site, to the El Paso Electric Company for the purpose of providing electrical service for a lift station on El Paso International Airport property at 10499 George Perry. Said property being more particularly described as a portion of real property known as Lot 1, Block 1, Butterfield Trail Aviation Park 1, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2007.

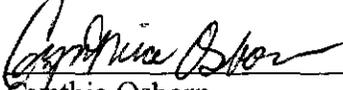
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

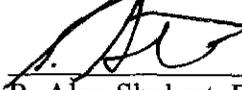
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



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

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

UNDERGROUND ELECTRICAL 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, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and an underground crossing with all necessary cables, lines, conduit, wires 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 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 Lot 1, Block 1, Butterfield Trail Aviation Park 1, El Paso County, Texas, being more particularly shown on Exhibit "A" 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, but in no event shall the easement run longer than forty (40) years from the date hereof.

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.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted.

Grantor will not be held responsible for any damage to underground facility 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 easement in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this _____ day of _____, 2007.

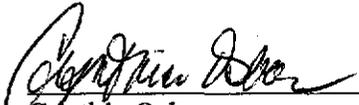
GRANTOR:
THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

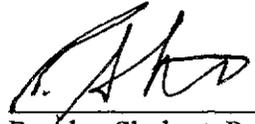
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



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

(Acknowledgements on following page)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____ 2007,
by _____ as Mayor of the City of El Paso.

Notary Public, State of Texas

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

GRANTEE:
EL PASO ELECTRIC COMPANY

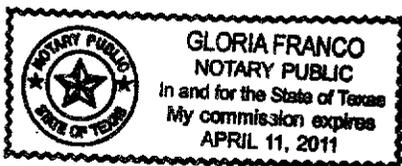
By: John A. Whitacre
Printed Name: John A. Whitacre
Title: VP System Operations & Planning

ACKNOWLEDGMENT

333742/ENG/EL PASO 10-15-07
SEP

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 17 day of October, 2007 by
John A. Whitacre as VP Sys. Oper & Planning of El Paso Electric Company, on behalf of the
El Paso Electric Company, a Texas corporation.

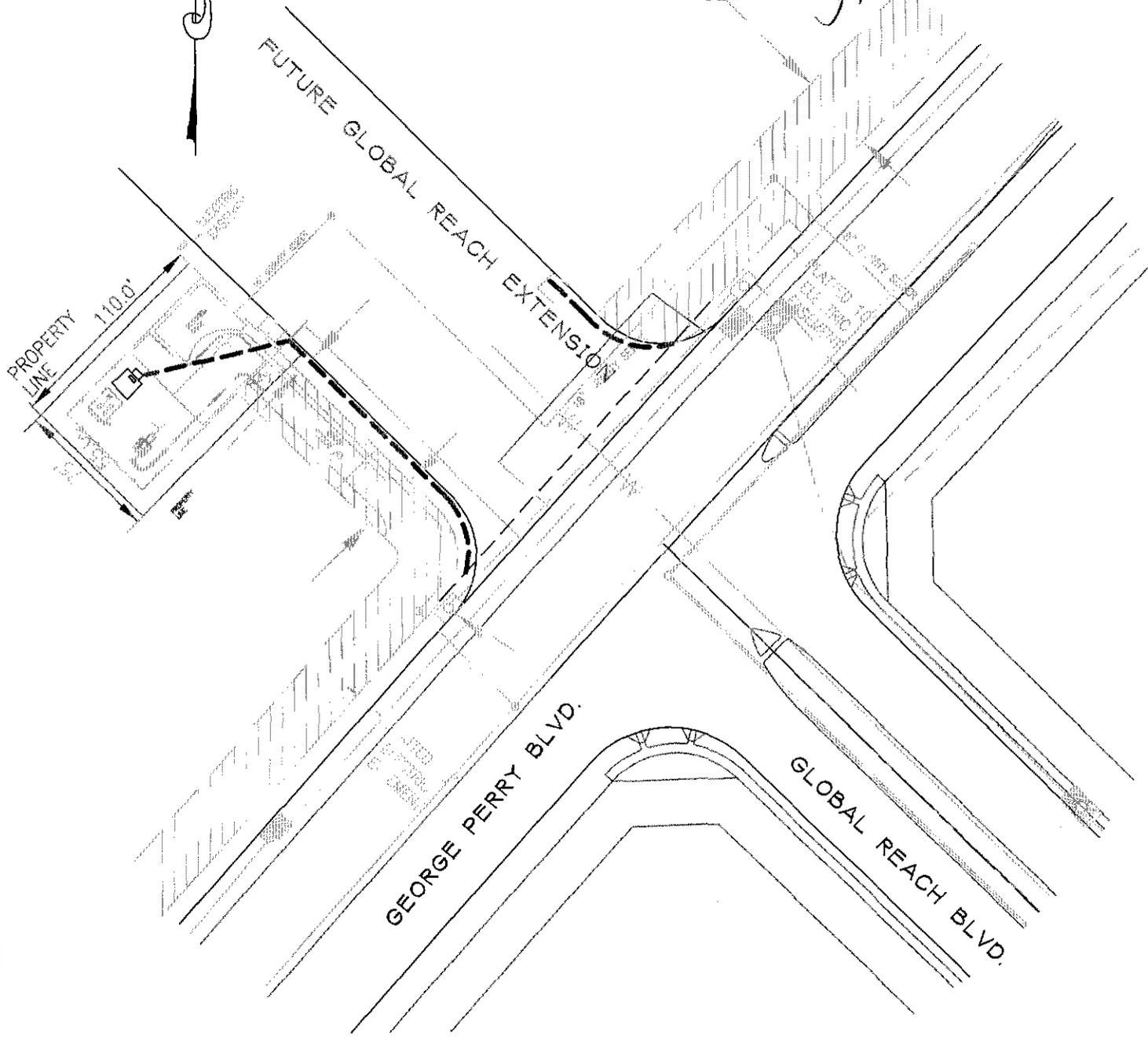


Gloria Franco
Notary Public, State of Texas

Exhibit "A"

APPROVED
 EL PASO INTERNATIONAL AIRPORT
 Subject to compliance with all applicable City codes,
 State and Federal regulations.

PROP: [Signature] DATE: 8-28-07
 ADOA: [Signature] DATE: 8-28-07
 ADOA/OPS: [Signature] DATE: 8-28-07
 ADOA/DEV: [Signature] DATE: 8-28-07
 DIRECTOR: [Signature] DATE: _____



LEGEND

- PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.
- 12' X 16' TRANSFORMER EASEMENT

GRANTORS INITIALS _____

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

PROPOSED EASEMENT IN A PORTION OF LOT 1, BLOCK 1 BUTTERFIELD TRAIL AVIATION PARK 1 EL PASO COUNTY, TEXAS	
EL PASO ELECTRIC CO. R.O.W.	
DATE <u>8/13/07</u>	EST. NO.
SCALE <u>NONE</u>	<u>DT003379</u>