

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

CITY CLERK DEPT.

09 NOV 30 PM 12: 22

**DEPARTMENT:**       Engineering

**AGENDA DATE:**     December 8, 2009

**CONTACT PERSON NAME AND PHONE NUMBER:**     R. Alan Shubert, P.E., City Engineer (541-4423)

**DISTRICT(S) AFFECTED:**   ALL

**SUBJECT:**

Whereas, City construction projects may require that the City obtain a construction easement or a right of entry from private land owners in order to gain access to inspect, repair, maintain or construct City structures and infrastructure; and

Whereas, Approval of construction easements and right of entry agreements by the City Manager will expedite the completion of City Council approved construction contracts.

Now, therefore, be it resolved by the City of El Paso:

That the City Manager is authorized to enter into construction easements and right of entry agreements for city construction projects provided that the consideration for such agreements is paid from the construction project funding.

**BACKGROUND / DISCUSSION:**

During City construction projects it is necessary to request authorization from private property owners to enter into their property for incidental work that is required and necessary. The construction projects can include street and drainage improvements that require smooth transitions from concrete driveways on City right of way to concrete driveways on private property or private gate adjustments necessary due to the construction of new sidewalks and driveways adjacent to private property. On rare occasions, we request authorization from private property owners to use their property as access to get to hard to reach City property.

With this resolution Council would authorize the City Manager to enter into temporary construction easements and right of entry agreements with private property owners.

**PRIOR COUNCIL ACTION:**

City Council has not previously considered this item.

**AMOUNT AND SOURCE OF FUNDING:**

Funding for this particular Council item is not required.

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**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

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\*\*\*\*\*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**

**WHEREAS**, City construction projects may require that the City obtain a construction easement or a right of entry from private land owners in order to gain access to inspect, repair, maintain or construct City structures and infrastructure; and

**WHEREAS**, Approval of construction easements and right of entry agreements by the City Manager will expedite the completion of City Council approved construction contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF EL PASO:**  
**THAT** the City Manager or her designee is authorized to enter into construction easements and right of entry agreements for city construction projects provided that the consideration for such agreements is paid from the construction project funding.

**ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2009.**

City of El Paso

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

ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mark Shoesmith  
Assistant City Attorney

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