

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

DEPARTMENT: Engineering Department

AGENDA DATE: December 11, 2007

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

DISTRICT(S) AFFECTED: 4

SUBJECT:

El Paso Electric Company is requesting an overhead electrical easement to provide electrical service to Summerfield Unit 2.

BACKGROUND / DISCUSSION:

The overhead electrical easement is required to provide electrical service to Summerfield Unit 2.

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

CITY CLERK DEPT.
07DEC-3 PM 3:22

*****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 Overhead Electrical Easement to the El Paso Electric Company for a portion of Lot 49, Block 4 Summerfield Unit City of El Paso, El Paso County, Texas to provide electrical service to Summerfield Unit 2.

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

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07 DEC -3 PM 3:22

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

OVERHEAD 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, 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 Lot 49, Block 4, Summerfield Unit 2, El Paso County, Texas, more particularly shown on Exhibit "A" which is 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. 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. Pole location shall be at pond bench with minimal disturbance to easement area. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement and agrees to install its overhead lines in compliance with the National Electrical Safety Code.

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 on, over, or under Grantee's overhead facilities.

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 this _____ day of _____, 2007.

GRANTOR:
THE CITY OF EL PASO

Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Cynthia Osborn
Assistant City Attorney

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

CITY CLERK DEPT.
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ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2007, 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 20 day of November, 2007.

GRANTEE:
EL PASO ELECTRIC COMPANY

By: Gary Sanders
Printed Name: Gary Sanders
Title: General Counsel

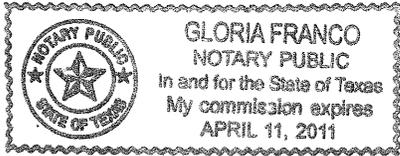
(Acknowledgement on the next page)

ACKNOWLEDGMENT

STATE OF TEXAS §

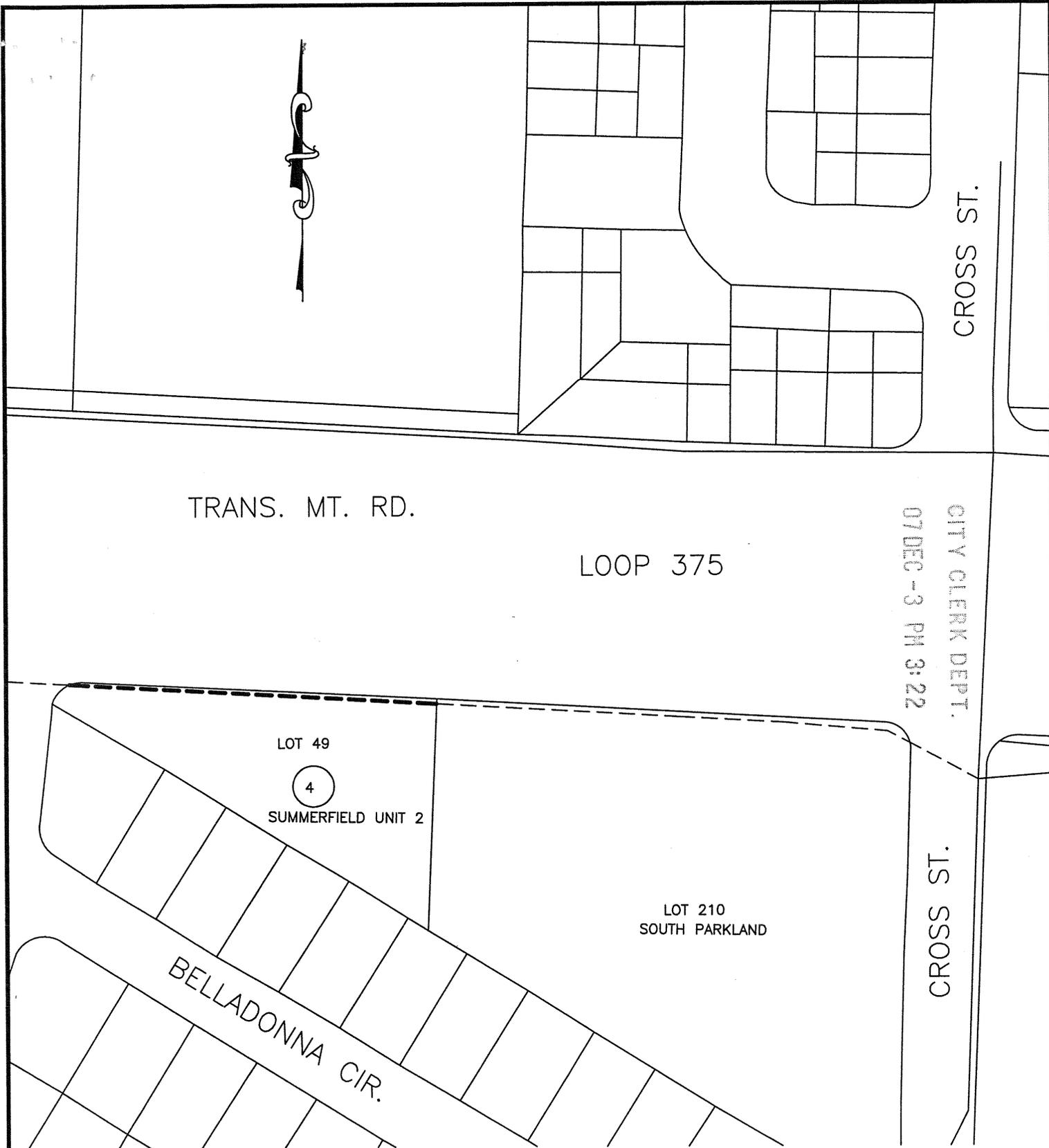
COUNTY OF EL PASO §

This instrument was acknowledged before me on the 20 day of November, 2007, by Gary Sanders as General Counsel of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.



Gloria Franco
Notary Public, State of Texas

CITY CLERK DEPT.
07 DEC -3 PM 3:22



TRANS. MT. RD.

LOOP 375

CROSS ST.

CITY CLERK DEPT.
07 DEC -3 PM 3:22

LOT 49

4

SUMMERFIELD UNIT 2

LOT 210
SOUTH PARKLAND

CROSS ST.

BELLADONNA CIR.

LEGEND

----- PROPOSED E.P.E. CO. 5 FT. UTIL. ESMT.

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 49, BLOCK 4
SUMMERFIELD UNIT 2
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 10-16-07

EST. NO.

SCALE NONE

DT004038