

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

**AGENDA DATE:** 02/01/2022

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Sam Rodriguez, P.E., Chief Operations and Transportation Officer, Aviation Director and City Engineer, (915) 212-1845  
Claudia Garcia, Interim Purchasing Director, (915) 212-1181

**DISTRICT(S) AFFECTED:** 4

**STRATEGIC GOAL:** No. 5 Promote transparent and consistent communication amongst all members of the community

**SUBGOAL:** No. 5.2 – Leverage and expand the use of current and new technology to reduce inefficiencies and improve communications

**SUBJECT:**

That the City Manager is authorized to grant, on behalf of the City of El Paso, an electric easement to El Paso Electric for an overhead power extension over an undeveloped City of El Paso land tract. The power extension is for the benefit of the FAA and a communications system that they are developing. A sealed survey for the proposed easement has been prepared as part of the easement document. This is a federally funded project and there is no cost to the City of El Paso.

**BACKGROUND / DISCUSSION:**

A request for an electric power extension has been submitted to El Paso Electric by the FAA for a communications tower within the Franklin Mountain State Park vicinity. In order to comply with their request, EPE proposes to extend an upgraded power source to an existing overhead line from Mountain View Drive across the City tract. El Paso Electric is requesting a 15' wide easement over an undeveloped hillside to accommodate the line extension.

**PRIOR COUNCIL ACTION:**

(None)

**AMOUNT AND SOURCE OF FUNDING:**

Amount: No cost to the City of El Paso

Funding Source: N/A

Account String: N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Capital Improvement Department

**SECONDARY DEPARTMENT:** N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_

*Jerry DeMuro/for*  
Sam Rodriguez, P.E.

Chief Operations and Transportation Officer, Aviation Director and City Engineer

**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, granting an easement to the El Paso Electric Company said easement more particularly described as a portion of tract 1B31, Section 7, Block 81, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas.

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**


**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser  
Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Josette Flores  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E. City Engineer  
Capital Improvement Department

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 or under, upon, and along the areas identified in Exhibit "A" attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

Portion of Tract 1B31, Section 7, Block 81, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and 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 Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, Grantee agrees that Grantor shall have the power at any time to require Grantee to remove and abate, at Grantee's expense, any installation or structure that is dangerous to life or property and that Grantor shall have the power at any time to require Grantee to change the route and position of its poles, lines, conduits or other construction at Grantee's expense when the El Paso City Council (the "City Council") shall find, by resolution, that such change is necessary in the closing, opening or relocation of streets or alleys, or water or sewer lines, the changing of grade of streets or alleys, the construction and maintenance of public improvements, the construction of private buildings, the construction or use of driveways or under other conditions which the City Council shall find necessary. Provided, however, that Grantee shall be entitled to be paid for its costs and expense of any relocation, raising or lowering of its wires or cables required by Grantor if such expenses or costs are reimbursable or payable to Grantee or Grantor by the State of Texas, the United States, or any agency or subdivision of either whether directly or indirectly. Grantor shall use its best reasonable efforts to consult and confer with Grantee before requiring any such relocation or raising or lowering of its lines or cables, with a view to accomplishing the result reasonably and economically.

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 shall promptly restore to as good condition as before working thereon, and to the

reasonable satisfaction of the Grantor all streets excavated by it. Grantee may, from time to time and as may be required by prudent utility practices in connection with the construction, maintenance, or repair of its facilities, restrict access to or interfere with the use of Grantor's structures(s) or tangible personal property located on or in the vicinity of the easement. In such event, Grantee shall endeavor to provide Grantor reasonable written notice of any such restriction or interference and shall use commercially reasonable efforts to coordinate its activities with Grantor so as to minimize the duration and extent of such restriction or interference. The preceding sentence notwithstanding, certain events or circumstances may occur or arise that require Grantee to take immediate action to address imminent public safety concerns, the integrity of Grantee's facilities or system, or the reliability of service provided by Grantee. Under such or similar exigencies, Grantee shall provide Grantor notice of any restrictions or interference as soon as reasonably practicable, and shall use commercially reasonable efforts to minimize the duration and extent of such restriction or interference. 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. 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 all applicable laws, ordinances, regulations, and City Code provisions.

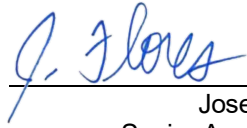
**WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.**

**GRANTOR:  
THE CITY OF EL PASO**

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Tomás González,  
City Manager

APPROVED AS TO FORM:



\_\_\_\_\_  
Josette Flores  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



\_\_\_\_\_  
Samuel Rodriguez, P.E.  
City Engineer

**ACKNOWLEDGMENT**

THE STATE OF TEXAS §  
  §  
COUNTY OF EL PASO §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by **Tomás Gonzalez** as **City Manager** of the **City of El Paso**.

\_\_\_\_\_  
**Notary Public in and for  
the State of Texas**

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

GRANTEE:  
**EL PASO ELECTRIC COMPANY**

By: \_\_\_\_\_  
Printed Name: Denise Garcia  
Title: Supervisor – Land Management

**ACKNOWLEDGMENT**

THE STATE OF TEXAS §  
  §  
COUNTY OF EL PASO §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by **Denise Garcia** as **Supervisor - Land Management** of **El Paso Electric Company**, on behalf of the El Paso Electric Company, a Texas corporation.

\_\_\_\_\_  
**Notary Public in and for  
the State of Texas**



ROMAN BUSTILLOS, P.E.  
President  
RANDY P. BROCK, P.E.  
Executive Vice President  
SERGIO J. ADAME, P.E.  
Vice President - Engineering  
AARON ALVARADO, R.P.L.S.  
Vice President - Surveying  
TBPE Reg. No. F-737  
TBPLS Reg. No. 101314-00

**METES AND BOUNDS DESCRIPTION**  
**15 FEET E.P.E.C. EASEMENT**

*A 0.0584 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Tract 1B31, Section 7, Block 81, Township 2, Texas and Pacific Railway Company Surveys and being more particularly described by metes and bounds as follows.*

**COMMENCING** for reference at a concrete nail with shiner found at the right-of-way centerline intersection of Mountain View Drive (50 feet wide) and Zircon Drive (90 feet wide), **WHENCE**, a concrete nail with shiner found at the right-of-way centerline intersection of said Zircon Drive and Mountain Ash Drive (50 feet wide) bears, South 89°55'52" East, a distance of 216.40 feet (216.38 feet-record); **THENCE**, leaving said intersection of Mountain View Drive and Zircon Drive, North 00°04'08" East, a distance of 45.00 feet to the north right-of-way line of said Zircon Drive; **THENCE**, following the north right-of-way line of said Zircon Drive, North 89°55'52" West, at a distance of 4.58 feet pass the boundary line common to said Tract 1B31 and Tract 1B23, Section 7, Block 81, Township 2, Texas and Pacific Railway Company Surveys and continuing on for a total distance of 25.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southeast corner and the **POINT OF BEGINNING** of the parcel herein described;

**THENCE**, continuing along the north right-of-way line of said Zircon Drive, North 89°55'52" West, a distance of 15.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southwest corner of the parcel herein described;

**THENCE**, leaving the north right-of-way line of said Zircon Drive, North 00°04'08" East, a distance of 169.71 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the northwest corner of the parcel herein described;

**THENCE**, South 89°55'52" East, a distance of 15.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the northeast corner of the parcel herein described;

**THENCE**, South 00°04'08" West, a distance of 169.71 feet to the **POINT OF BEGINNING**.

Said parcel containing 0.0584 acres (2,545.6 square feet), more or less, and being subject to all easements, restrictions and covenants of record.

**Aaron Alvarado, TX R. P. L. S. No. 6223**  
**Date: March 24, 2021**  
**05347-047- EPEC-15FT EASEMENT**



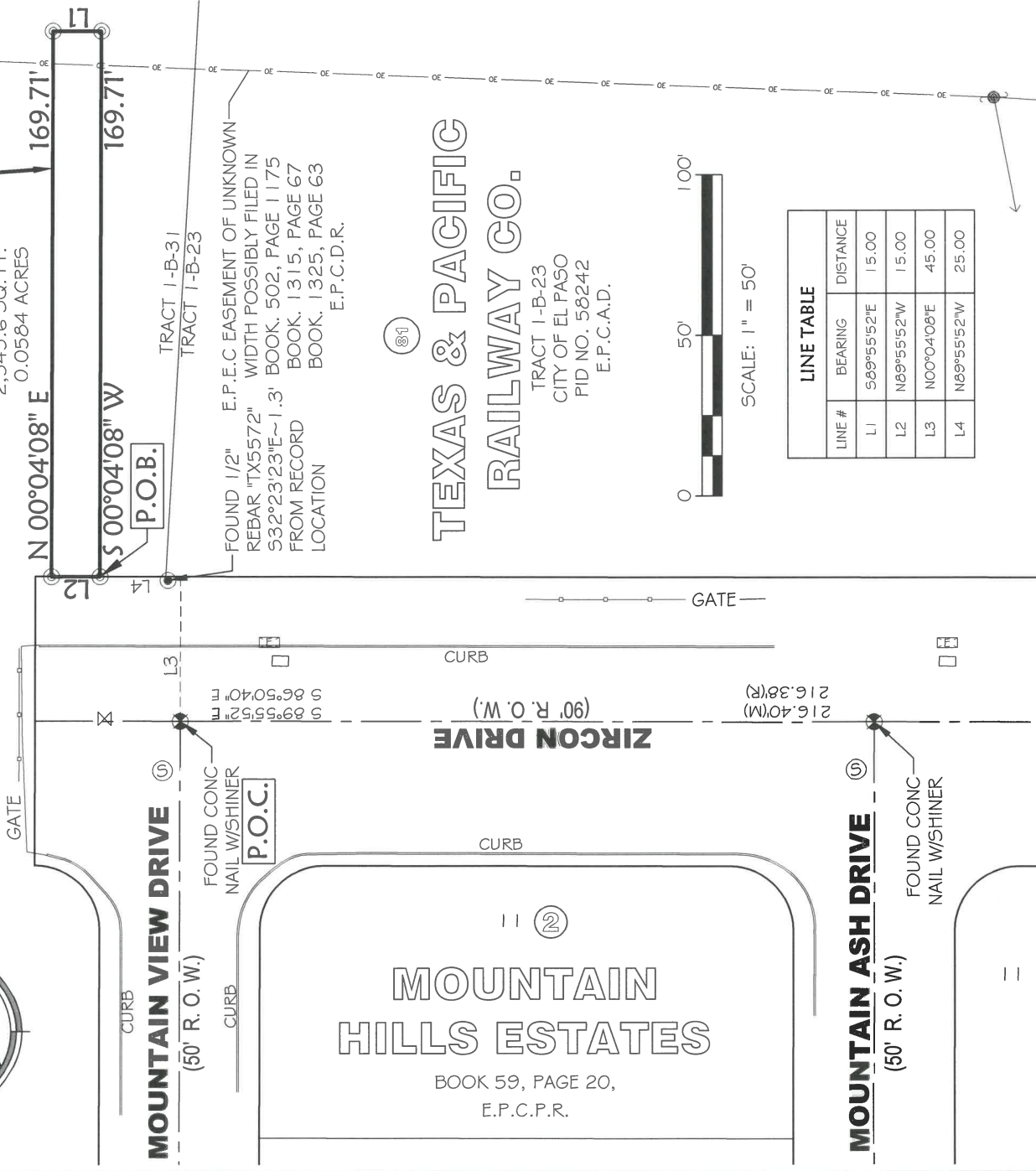
**EXHIBIT "A-1"**

# TEXAS & PACIFIC RAILWAY CO.

TRACT 1-B-31  
CITY OF EL PASO  
DOC NO. 20180041064  
E.P.C.D.R.



15 FEET E.P.E.C. OH  
EASEMENT  
2,545.6 SQ. FT.  
0.0584 ACRES



## MOUNTAIN VIEW DRIVE

(50' R.O.W.)

FOUND CONC NAIL W/SHINER

P.O.C.

## MOUNTAIN HILLS ESTATES

BOOK 59, PAGE 20,  
E.P.C.P.R.

## ZIRCON DRIVE

(90' R.O.W.)

CURB

GATE

## MOUNTAIN ASH DRIVE

(50' R.O.W.)

FOUND CONC NAIL W/SHINER

### LEGEND

- PROJECT BOUNDARY
- TRACT/LOT/RIGHT-OF-WAY LINE
- CENTERLINE OF RIGHT-OF-WAY
- GUARD RAIL
- OVERHEAD ELECTRIC LINE
- WATER VALVE
- POWER/UTILITY POLE
- GUY ANCHOR
- ELECTRIC BOX
- SET 1/2" REBAR WITH SURVEY CAP NO. "TX 6223"
- LOT NUMBER
- BLOCK NUMBER



SCALE: 1" = 50'

LINE #	BEARING	DISTANCE
L1	S69°55'52"E	15.00
L2	N89°55'52"W	15.00
L3	N00°04'08"E	45.00
L4	N89°55'52"W	25.00

# TEXAS & PACIFIC RAILWAY CO.

TRACT 1-B-23  
CITY OF EL PASO  
PID NO. 58242  
E.P.C.A.D.

### REFERENCE NOTES

- BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NO. 4203, NORTH AMERICAN DATUM OF 1983 (N.A.D. 83), DETERMINED VIA THE EL PASO COUNTY VIRTUAL REFERENCE STATION (V.R.S.) NETWORK.
- SUBJECT PROPERTY IS LOCATED IN ZONE "C" (DESIGNATES AREAS OF MINIMAL FLOODING) AS DETAILED ON CITY OF EL PASO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 4802140024B, DATED OCTOBER 15, 1982.
- SUBDIVISION PLAT FOR MOUNTAIN HILLS ESTATES FILED IN BOOK 59, PAGE 20 OF THE EL PASO COUNTY PLAT RECORDS.

### CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Aaron Alvarado*  
AARON ALVARADO, TX. R.P.L.S. NO. 6223



FILE NO: 05347-047

## 15 FEET E.P.E.C. OVERHEAD EASEMENT

DRAWN BY: C.E. CHECKED BY: A.A. DATE: 03-24-2021 SCALE: 1" = 50'

A PORTION OF TRACT 1B31, SECTION 7, BLOCK 81, TOWNSHIP 2,  
TEXAS & PACIFIC RAILWAY COMPANY SURVEYS,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

# BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS  
LAND SURVEYORS  
TBP# REG. NO. F-737  
TBP#5 REG. NO. 101314-00

417 EXECUTIVE CENTER--EL PASO, TX 79902--PH (915) 542-4900  
FAX (915) 542-2867--WWW.BROCKBUSTILLOS.COM

EXHIBIT "A-2"