

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

**AGENDA DATE:** February 13, 2024  
**PUBLIC HEARING DATE:** N/A  
**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Yvette Hernandez, P.E., City Engineer, 212-0065  
**DISTRICT(S) AFFECTED:** District 4  
**STRATEGIC GOAL:** No.7: Enhance and Sustain El Paso's Infrastructure Network  
**SUBGOAL:** N/A

**SUBJECT:**

That the City Manager be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to the property legally described as a Portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, and Lot 4, Block 1, Animal Services Pond, El Paso County, Texas.

**BACKGROUND / DISCUSSION:**

Seek City Council approval to grant El Paso Electric the right and privilege to install and maintain underground electrical and a 1000 KVA transformer.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

—

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

**PRIMARY DEPARTMENT:** Sun Metro

**SECONDARY DEPARTMENT:** Animal Services

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

**DEPARTMENT HEAD:**

*Yvette Hernandez*

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** the Interim City Manager be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to the property described as a Portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, and Lot 4, Block 1, Animal Services Pond, El Paso Texas.

**APPROVED THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_, 2024.


### THE CITY OF EL PASO:

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

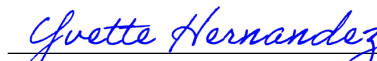
### ATTEST:

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

### APPROVED AS TO FORM:

  
\_\_\_\_\_  
Roberta Brito  
Senior Assistant City Attorney

### APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Yvette Hernandez, P.E., City Engineer  
Capital Improvement Department

THE STATE OF TEXAS

§

§

COUNTY OF EL PASO

§

**UNDERGROUND ELECTRICAL AND  
TRANSFORMER PAD 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 underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and underground crossings with all necessary cables, lines, conduit, wires pertaining thereto, 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:

**A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY  
SURVEYS AND LOT 4, BLOCK 1, ANIMAL SERVICES POND, EL PASO COUNTY, TEXAS**

The easement is as depicted in Exhibit "A" and Exhibit "B"

With the right to trim any trees and flora around said electrical facilities so as to 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

\_\_\_\_\_  
Cary Westin  
Interim City Manager

APPROVED AS TO FORM:

Roberta Brito  
\_\_\_\_\_  
Roberta Brito  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Yvette Hernandez  
\_\_\_\_\_  
Yvette Hernandez 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  
Cary Westin as Interim 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: Aurea D. Garcia  
Printed Name: Aurea D. Garcia  
Title: Supervisor - Land Management

ACKNOWLEDGMENT

THE STATE OF TEXAS §  
§  
COUNTY OF EL PASO §

This instrument was acknowledged before me on the 31<sup>ST</sup> day of JANUARY, 2024 by  
Aurea D. Garcia as Supervisor - Land Management of El Paso Electric Company, on behalf of the El Paso  
Electric Company, a Texas corporation.

RICARDO RODRIGUEZ  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
COMMISSION # 1086840  
COMMISSION EXPIRES: 09-22-2026

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

# EXHIBIT " A "

## METES AND BOUNDS DESCRIPTION

That certain 0.007 acre parcel of land, situated within Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by Metes and Bounds as follows :

**COMMENCING** at a Mag Nail in concrete found at the southeast corner of Animal Services Pond, a Subdivision of record, in Document No. 2022-0047885, Plat Records of El Paso County, Texas, being also on the north right of way line of State Spur 601, TxDOT Station 147+98.65, 86.02 feet left (ROW CSJ 1046-03-002), from which a found 3 inch Txdot Brass Cap in concrete (Sta. 144+77.78, 103.38 feet left) bears N 85°03'47" W, a distance of 322.57 feet, said Point of Commencement having modified Texas Coordinate System (Central Zone, U.S. Survey Feet, NAD83) Ground Coordinates of N=10,682,332.15, E=405,469.20;

**THENCE** N 01°54'56" E, with the east line of said Animal Services Pond Subdivision, a distance of 297.08 feet to the **POINT OF BEGINNING**, being the southwest corner of the herein described parcel, and having modified Texas Coordinate System (Central Zone, U.S. Survey Feet, NAD83) Ground Coordinates of N=10,682,629.06, E=405,479.13;

**THENCE** N 01°54'56" E, continuing with the east line of said Animal Services Pond Subdivision, a distance of 20.00 feet;

**THENCE** leaving said east line, with the north, east and south line of the herein described parcel, the following three (3) courses and distances:

- 1) S 88°05'04" E, a distance of 16.00 feet,
- 2) S 01°54'56" W, a distance of 20.00 feet, and
- 3) N 88°05'04" W, a distance of 16.00 feet to the **POINT OF BEGINNING**, containing **0.007** acres or **320** square feet of land;

Note: This property description is accompanied by a survey plat of even date.

Huitt-Zollars, Inc.

  
Christian M. Wegmann,  
Texas RPLS No. 6794



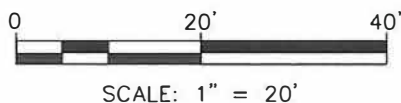
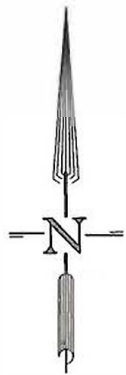
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PAGE 1 OF 3

**HUITT  
HZ ZOLLARS**  
5822 Cromo Drive, Suite 210  
El Paso, TX 79912  
PH. 915-587-4339  
Tx. Firm No. 10025603  
www.huitt-zollars.com

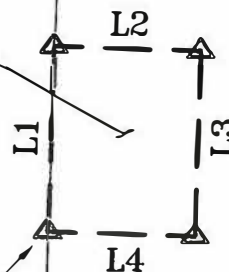
PROJECT: EPEC - EV CHARGING STA  
JOB #: R316860.01  
DATE: NOVEMBER, 2023  
SCALE: N / A  
DRAWN: JZ  
CHECKED: CMW  
PATH: C:\proj\R316860.01 - EPEC - EV Charging Sta  
Metro\Survey\Civil3D

0.007 ACRES  
SITUATED IN SECTION 17, BLOCK 81,  
TOWNSHIP 2, TEXAS & PACIFIC  
RAILWAY COMPANY SURVEYS  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS



16'x20' TRANSFORMER  
EASEMENT  
0.007 ACRES 320 SQ. FT.

SUBDIVISION LINE



POB  
N=10,682,629.06  
E=405479.13

SUN METRO MASS  
TRANSIT  
(NO RECORDING  
DOCUMENT FOUND)

ANIMAL SERVICES POND  
DOC. NO. 2022-0047885  
P.R.E.P.C.T.

SECTION 17,  
BLOCK 81, TSP 2

BLOCK 1  
LOT 4

N01° 54' 56"E 297.08'

FND. TXDOT  
BRASS CAP  
STA. 144+77.76

ROW

N85° 03' 47"W 322.57'

STATE SPUR 601 (ROW CSJ 1046-03-002)

POC  
FND. MAG NAIL  
N=10,682,332.15  
E=405,469.20

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PROJECT: EPEC - EV CHARGING STA  
JOB #: R316860.01  
DATE: NOVEMBER, 2023  
SCALE: 1"=20'  
DRAWN: JZ  
CHECKED: CMW  
PATH: C:\proj\R316860.01 - EPEC - EV Charging Sun  
Metro\Survey\Civil3D

0.007 ACRES  
SITUATED IN SECTION 17, BLOCK 81,  
TOWNSHIP 2, TEXAS & PACIFIC  
RAILWAY COMPANY SURVEYS  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS



LINE TABLE		
LINE No.	DIRECTION	LENGTH
L1	N01° 54' 56"E	20.00'
L2	S88° 05' 04"E	16.00'
L3	S01° 54' 56"W	20.00'
L4	N88° 05' 04"W	16.00'

## LEGEND

●	FND. SURVEY MARKER (AS NOTED)
△	CALCULATED CORNER
D.R.E.P.C.T.	DEED RECORDS OF EL PASO COUNTY, TEXAS
P.R.E.P.C.T.	PLAT RECORDS OF EL PASO COUNTY, TEXAS
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
BK.	BOOK
PG.	PAGE
ROW	RIGHT OF WAY
DOC.	DOCUMENT
FND.	FOUND

## SURVEY NOTES

1. BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE (4203).
2. DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE VALUES, USING A GROUND SCALE FACTOR OF 1.000231, SCALED AT N=0, E=0.
3. BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ( ) ARE LISTED TO RECITE RECORD DIMENSIONS PER THE FOLLOWING DOCUMENTS:
4. THIS PLAT OF SURVEY SHALL ACCOMPANY THE ATTACHED METES AND BOUNDS DESCRIPTION FOR RECORDING PURPOSES.

## SURVEYOR'S CERTIFICATION

I, CHRISTIAN M. WEGMANN, A TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION, AND THAT IT IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND.



CHRISTIAN M. WEGMANN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6794



12-01-2023

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PAGE 3 OF 3

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PROJECT: EPEC -- EV CHARGING STA  
JOB #: R316957.01  
DATE: NOVEMBER, 2023  
SCALE: N / A  
DRAWN: JZ  
CHECKED: CMW  
PATH: G:\proj\R316957.01-EPEC-01048438 EPNG\Survey\Civil 3D

0.007 ACRES  
SITUATED IN SECTION 17, BLOCK 81,  
TOWNSHIP 2, TEXAS & PACIFIC  
RAILWAY COMPANY SURVEYS  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS



# EXHIBIT " B "

## METES AND BOUNDS DESCRIPTION

That certain 0.020 acre parcel of land, situated within Lot 4, Block 1, Animal Services Pond, a Subdivision of Record, in Document No. 2022-0047885, Plat Records of El Paso County, Texas, and being more particularly described by Metes and Bounds as follows :

**COMMENCING** at a Mag Nail in concrete found at the southeast corner of said Animal Services Pond Subdivision, being also on the north right of way line of State Spur 601, TxDOT Station 147+98.65, 86.02 feet left (ROW CSJ 1046-03-002), from which a found 3 inch Txdot Brass Cap in concrete (Sta. 144+77.78, 103.38 feet left) bears N 85°03'47" W, a distance of 322.57 feet, said Point of Commencement having modified Texas Coordinate System (Central Zone, U.S. Survey Feet, NAD83) Ground Coordinates of N=10,682,332.15, E=405,469.20;

**THENCE** N 01°54'56" E, with the east line of said Lot 4, Block 1, a distance of 225.83 feet to the **POINT OF BEGINNING**, being the southeast corner of the herein described parcel, and having modified Texas Coordinate System (Central Zone, U.S. Survey Feet, NAD83) Ground Coordinates of N=10,682,557.86, E=405,476.75;


**THENCE** leaving said east line, with the south, west and north lines of the herein described parcel, over and across said Lot 4, Block 1, the following five (5) bearings and distances:

- 1) N 88°05'04" W, distance of 20.71 feet,
- 2) N 01°54'56" E, a distance of 10.00 feet,
- 3) S 88°05'04" E, a distance of 10.71 feet,
- 4) N 01°54'56" E, a distance of 66.24 feet, and
- 5) S 88°05'04" E, a distance of 10.00 feet to the east line of said Lot 4, Block 1;

**THENCE** S 01°54'56" W, with the east line of said Lot 4, Block 1, a distance of 76.24 feet to the **POINT OF BEGINNING**, containing **0.020** acres or **869** square feet of land;

Note: This property description is accompanied by a survey plat of even date.

Huitt-Zollars, Inc.

  
Christian M. Wegmann,  
Texas RPLS No. 6794



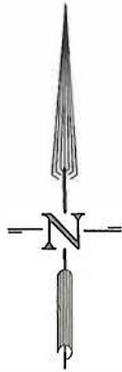
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PAGE 1 OF 3

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PROJECT: EPEC - EV CHARGING STA  
JOB #: R316860.01  
DATE: NOVEMBER, 2023  
SCALE: 1"=20'  
DRAWN: JZ  
CHECKED: CMW  
PATH: G:\proj\R316860.01 - EPEC - EV Charging Sun  
Metro\Survey\Civil3D

0.020 ACRES  
SITUATED IN LOT 4, BLOCK 1,  
ANIMAL SERVICES POND  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS

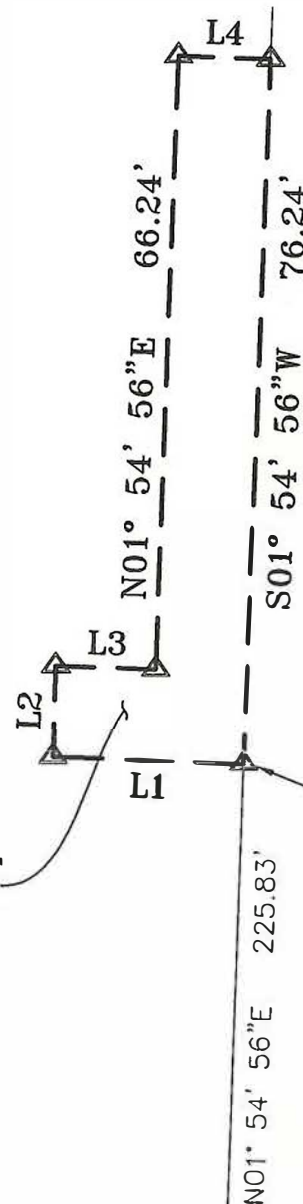


SCALE: 1" = 20'

ANIMAL SERVICES POND  
DOC. NO. 2022-0047885  
P.R.E.P.C.T.

BLOCK 1  
LOT 4

10' WIDE EPEC EASEMENT  
0.020 ACRES 869 SQ. FT.



SUN METRO MASS  
TRANSIT  
(NO RECORDING  
DOCUMENT FOUND)

SECTION 17,  
BLOCK 81, TSP 2

FND. TXDOT  
BRASS CAP  
STA. 144+77.78  
103.38 LT

POC  
FND. MAG NAIL  
STA 147+98.65, 86.02 LT  
N=10,682,332.15  
E=405,469.20

ROW

STATE SPUR 601 (ROW CSJ 1046-03-002)

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PAGE 2 OF 3

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0.020 ACRES  
SITUATED IN LOT 4, BLOCK 1,  
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EL PASO COUNTY, TEXAS

LINE TABLE		
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L2	N01° 54' 56"E	10.00'
L3	S88° 05' 04"E	10.71'
L4	S88° 05' 04"E	10.00'

## LEGEND

●	FND. SURVEY MARKER (AS NOTED)
△	CALCULATED CORNER
D.R.E.P.C.T.	DEED RECORDS OF EL PASO COUNTY, TEXAS
P.R.E.P.C.T.	PLAT RECORDS OF EL PASO COUNTY, TEXAS
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
BK.	BOOK
PG.	PAGE
ROW	RIGHT OF WAY
DOC.	DOCUMENT
FND.	FOUND

## SURVEY NOTES

1. BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE (4203).
2. DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE VALUES, USING A GROUND SCALE FACTOR OF 1.000231, SCALED AT N=0, E=0.
3. BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ( ) ARE LISTED TO RECITE RECORD DIMENSIONS PER THE FOLLOWING DOCUMENTS:
4. THIS PLAT OF SURVEY SHALL ACCOMPANY THE ATTACHED METES AND BOUNDS DESCRIPTION FOR RECORDING PURPOSES.

## SURVEYOR'S CERTIFICATION

I, CHRISTIAN M. WEGMANN, A TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION, AND THAT IT IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND.



CHRISTIAN M. WEGMANN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6794



DT066650

PAGE 3 OF 3

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Metro\Survey\Civil3D

0.020 ACRES  
SITUATED IN LOT 4, BLOCK 1,  
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CITY OF EL PASO,  
EL PASO COUNTY, TEXAS