

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

DEPARTMENT: Capital Improvement Department

AGENDA DATE: April 13, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, (915) 212-1845

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

That the City Manager, or designee, be authorized to sign an Underground Electrical Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located near the intersection of Franklin Avenue and El Paso Street legally described as a Portion of Block 18, Mills Addition, an addition to the City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The easement is needed to provide underground electrical power in support of the Children's Museum project.

PROTEST

☒ No protest received for this requirement.

☐ Protest received.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? ☐ Yes or ☒ No

If yes, select the applicable districts.

- ☐ District 1
- ☐ District 2
- ☐ District 3
- ☐ District 4
- ☐ District 5
- ☐ District 6
- ☐ District 7
- ☐ District 8
- ☐ All Districts

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:
N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: *Jerry DeMuro/for*
Sam Rodriguez, P.E., City Engineer

RESOLUTION

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

That the City Manager, or designee, be authorized to sign an Underground Electrical Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located near the intersection of Franklin Avenue and El Paso Street legally described as a Portion of Block 18, Mills Addition, an addition to the City of El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2021.


THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

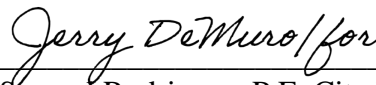
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, 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 BLOCK 18, MILLS ADDITION, EL PASO COUNTY, TEXAS

The easement is as depicted in Exhibit "A"

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

Tomás González,
City Manager

APPROVED AS TO FORM:

 Omar De La Rosa
~~Sol M. Cortez~~
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 González 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: Daniel J. Monteros
Title: Manager – Land Management

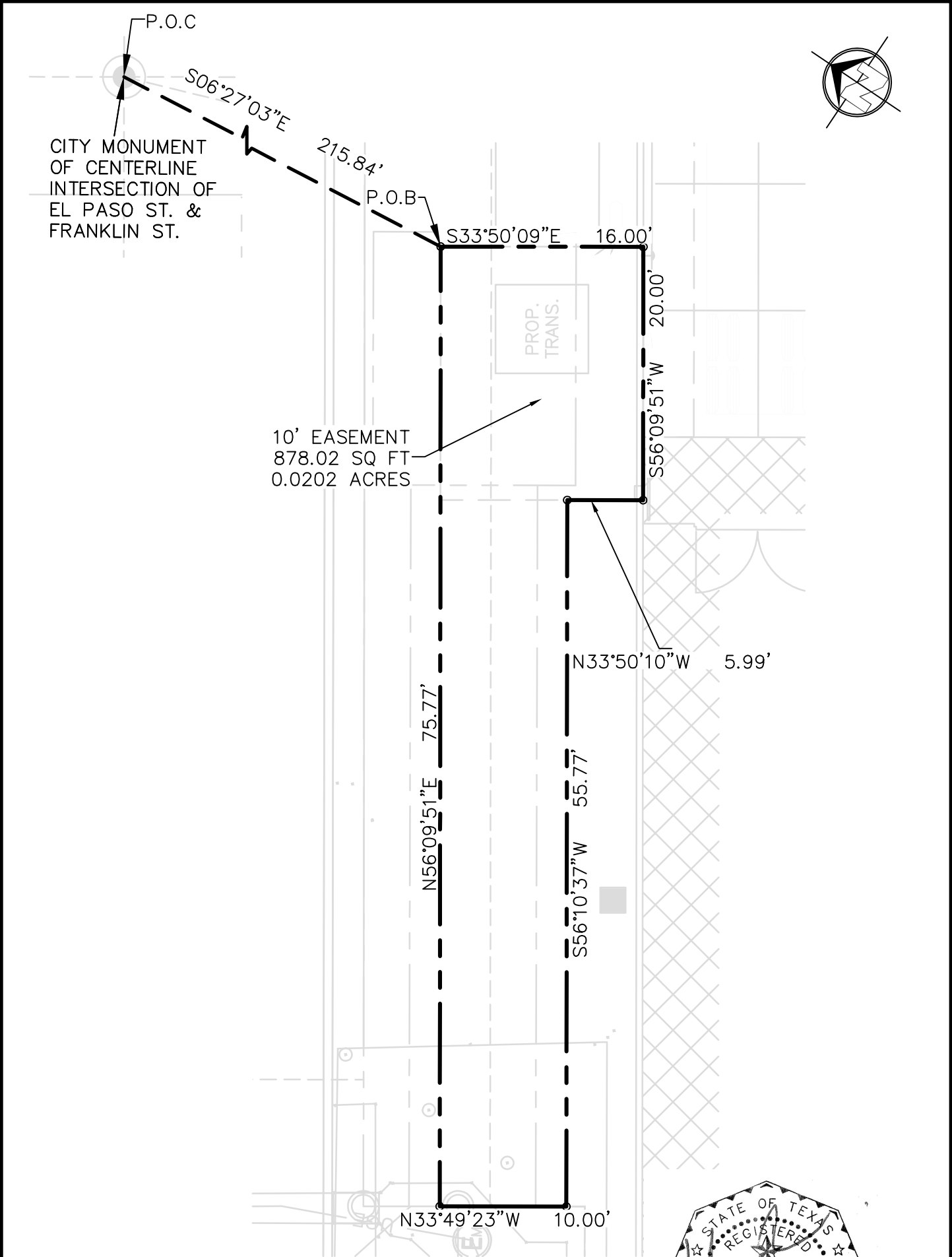
ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 20__ by
Daniel J. Monteros as Manager - 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

Exhibit "A" (Page 1 of 3)



NOTE:
BEARINGS ARE GRID AND BASED ON THE STATE PLANE
COORDINATE SYSTEM CENTRAL ZONE OF TEXAS 4203
(NAD83). ALL DISTANCES ARE AT GROUND LEVEL.



Copyright 2021 SLI Engineering, Inc.
This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon FEBRUARY 18, 2021.

Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

10' EASEMENT

PROPERTY DESCRIPTION

201 W. MAIN STREET
PORTION OF BLOCK 18
MILLS ADDITON, AN ADDITION TO
THE CITY OF EL PASO, EL PASO COUNTY
TEXAS

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING
PLAT OF BOUNDARY SURVEY WAS PERFORMED
UNDER MY SUPERVISION AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

SLI
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457
SLI ENGINEERING, INC.

JOB #: 09-19-4421 DR. BY: LCD
SCALE: 1"=10' F.B. #: ***
DATE: 02/18/2021

METES AND BOUNDS DESCRIPTION
10' EASEMENT

Property Description: Portion of Block 18, MILLS ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat recorded in the office of the Real Property Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a city monument lying on the monument line being 10 feet north and 10 feet east offset of the respective centerlines of El Paso Street and Franklin Street, said monument being the POINT OF commencement; THENCE, S06°27'03"E, away from those monument lines, a distance of 215.84 feet to a point for a boundary corner of the easement herein being described, said point being the TRUE PONT OF BEGINNING of this description;

THENCE, South 33°50'09" East, a distance of 16.00 feet to a point for a boundary corner;

THENCE, South 56°09' 51" West, a distance of 20.00 feet to a point for a boundary corner;

THENCE, North 33°50'10" West, a distance of 5.99 feet to a point for a boundary corner;

THENCE, South 56°10' 37" West, a distance of 55.77 feet to a point for a boundary corner;

THENCE, North 33°49"23" West, a distance of 10.00 feet to a point for a boundary corner;

THENCE, North 56°09'51" East, a distance of 75.77 feet to a point for a boundary corner and back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.0202 of acre (878.02 sq. ft.) of land more or less.



A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

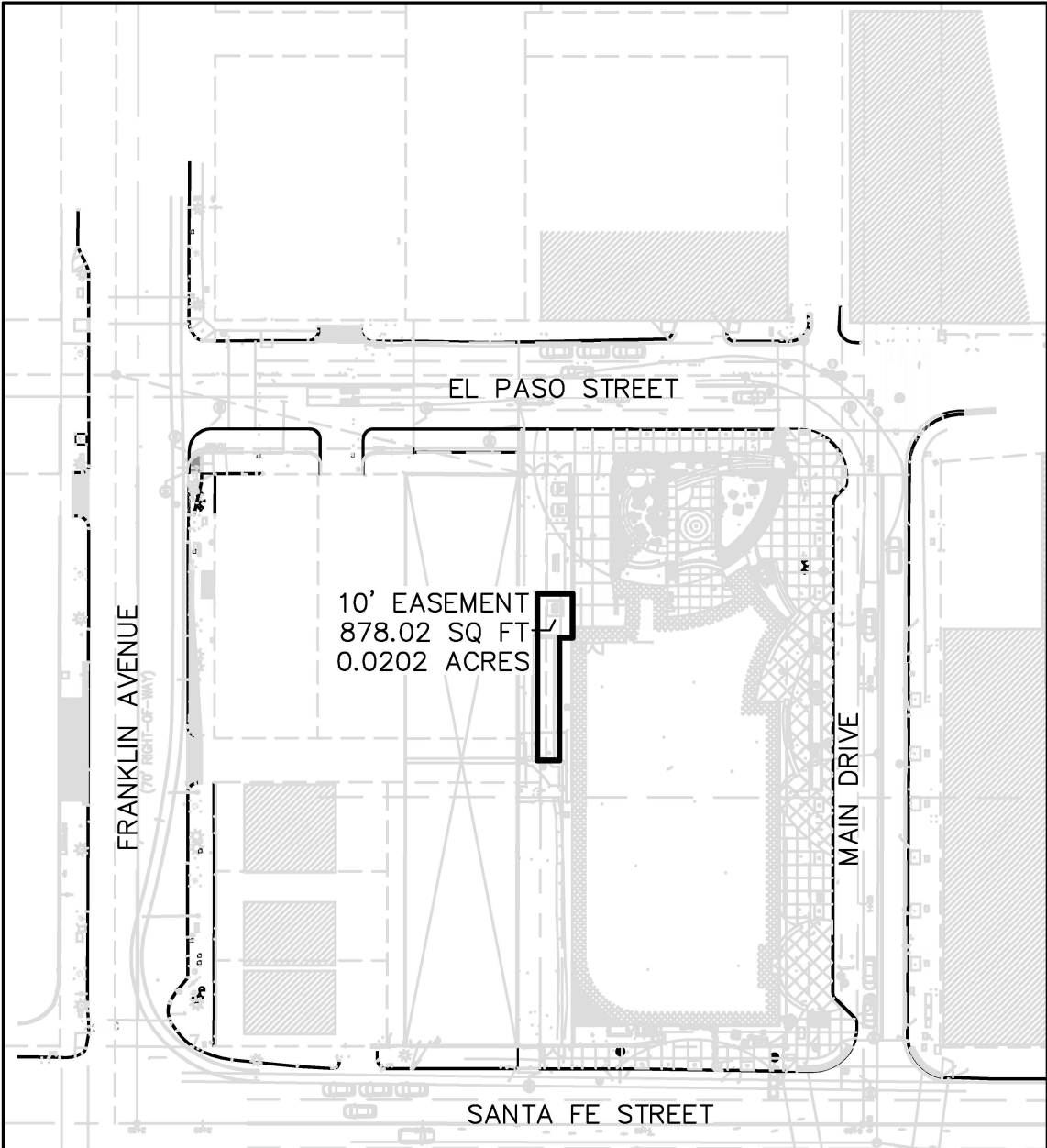
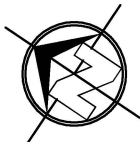
SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors



Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

Copyright 2021 SLI Engineering, Inc.
This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon FEBRUARY 18, 2021.

10' EASEMENT		
 <div>CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 6600 WESTWIND DRIVE EL PASO, TEXAS (915) 584-4457</div> SLI ENGINEERING, INC.	PROPERTY DESCRIPTION 201 W. MAIN STREET PORTION OF BLOCK 18 MILLS ADDITON, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY TEXAS	CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING PLAT OF BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998
JOB #: 09-19-4421 DR. BY: LCD		
SCALE: 1"=10' F.B. #: ***		
DATE: 02/18/2021		



NOTE:
BEARINGS ARE GRID AND BASED ON THE STATE PLANE
COORDINATE SYSTEM CENTRAL ZONE OF TEXAS 4203
(NAD83). ALL DISTANCES ARE AT GROUND LEVEL.

Copyright 2021 SLI Engineering, Inc.
This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon FEBRUARY 18, 2021.



SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

10' EASEMENT

PROPERTY DESCRIPTION
201 W. MAIN STREET
PORTION OF BLOCK 18
MILLS ADDITON, AN ADDITION TO
THE CITY OF EL PASO, EL PASO COUNTY
TEXAS

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING
PLAT OF BOUNDARY SURVEY WAS PERFORMED
UNDER MY SUPERVISION AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

SLI
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457
SLI ENGINEERING, INC.

JOB #: 09-19-4421 DR. BY: LCD
SCALE: 1"=80' F.B. #: ***
DATE: 02/18/2021