

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

DEPARTMENT: Capital Improvement Department

AGENDA DATE: January 7, 2020

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: No. 5: Enhance El Paso's Quality of Life through Recreational, Cultural, And Educational Environments

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 District 2 Regional Water Park, said easement more particularly described as portion of Tract 5-BI-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The District 2 Regional Water Park is currently under construction and funded by the 2012 Quality of Life Bonds. These easements are necessary to provide new electrical transformer and underground services to this facility.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

FOR Michael Vonasek

RESOLUTION

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

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 District 2 Regional Water Park, said easement more particularly described as a portion of Tract 5-B-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2020

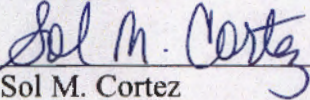
THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
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 §

**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 TRACT 5-B-1, BLOCK 2, ASCARATE GRANT, EL PASO COUNTY, TEXAS, AS
MORE FULLY DESCRIBED IN THE REAL PROPERTY RECORDS OF THE CLERK OF EL PASO
COUNTY IN THE STATE OF TEXAS IN DOCUMENT NO. 20190028231**

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:

Sol M. Cortez

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

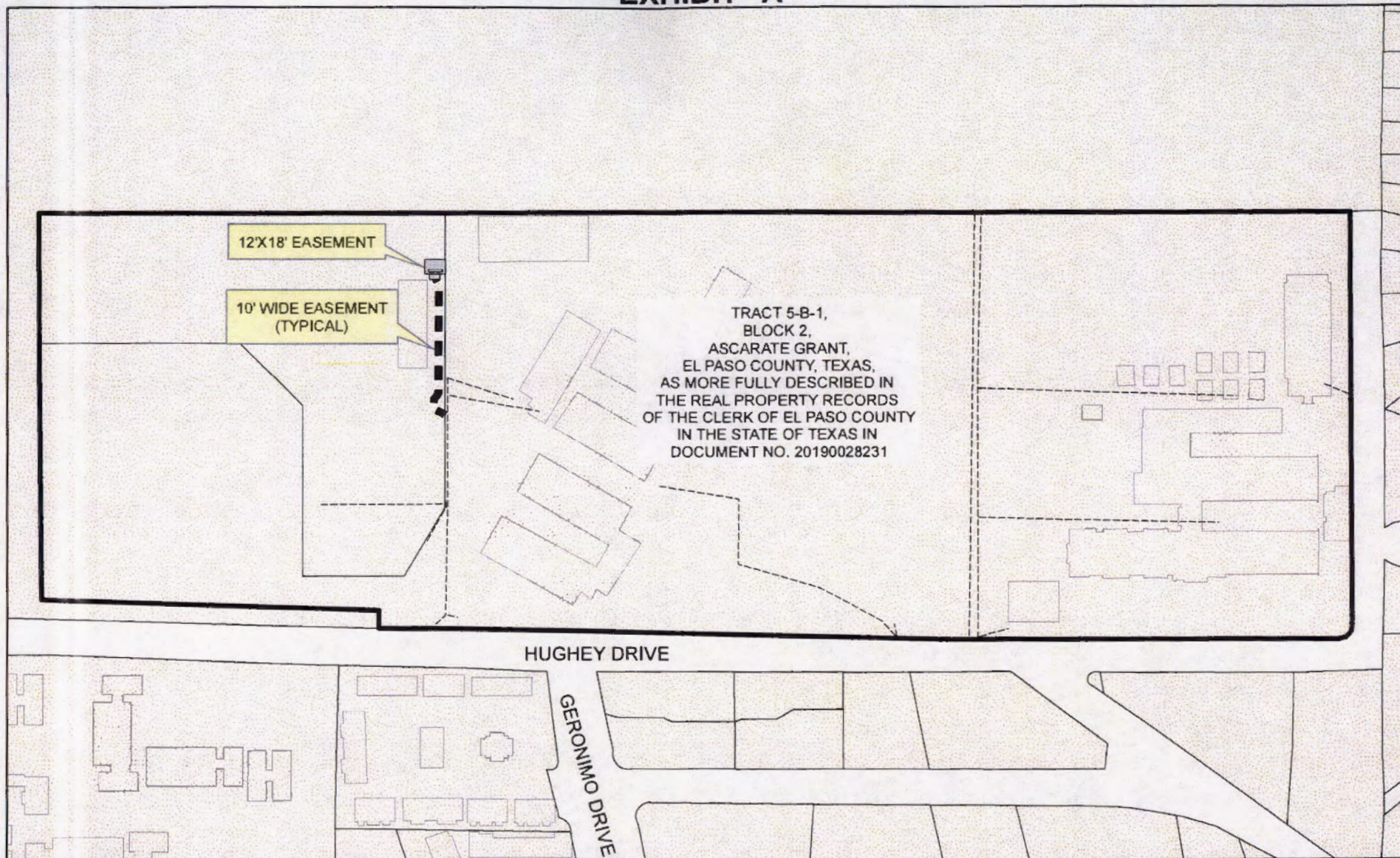
ACKNOWLEDGMENT

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"



NOT TO SCALE

LEGEND (NOT ALL SYMBOLS APPLY)

	PADMOUNT TRANSFORMER		UNDERGROUND EASEMENT
	ANCHOR EASEMENT		OVERHEAD EASEMENT
	SWITCH GEAR		OVERHEAD/UNDERGROUND EASEMENT
			EXISTING POWERLINE

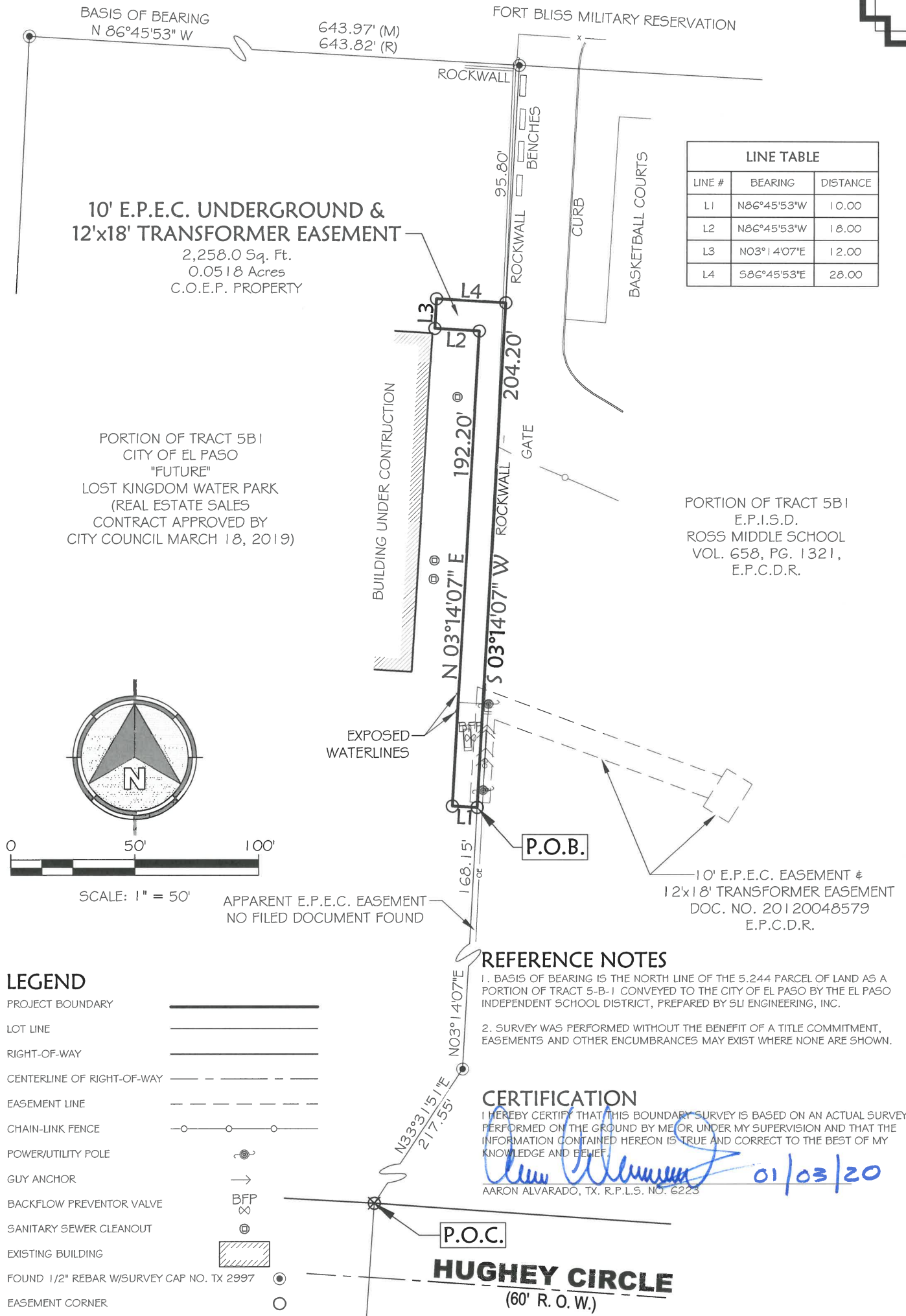


WORK ORDER(S): DT045157

INITIALS _____

DATE: 7/12/2019

Jan 03, 2020 - 1:18pm
S:\Projects\05100- City of El Paso\093- LOST KINGDOM WATER PARK EASEMENT-EPEC.dwg
aalvarado



REV: 01/03/2020

FILE NO: 05100-093

10 FEET EL PASO ELECTRIC COMPANY UNDERGROUND AND TRANSFORMER EASEMENT

DRAWN BY: J.M. CHECKED BY: A.A. DATE: 12-17-2019 SCALE: 1" = 50'

A PORTION OF TRACT 5-B-1,
BLOCK 2, ASCARATE GRANT,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPE REG. NO. F-737
TBPLS REG. NO. 101314-00

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

METES AND BOUNDS DESCRIPTION
10 FEET E.P.E.C. UNDERGROUND AND TRANSFORMER EASEMENT

A 0.0518 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Tract 5B1, Block 2, Ascarate Grant, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a chiseled "X" in concrete found on the north right-of-way line of Hughey Circle (60 feet wide), identical to the southeast corner of said portion of Tract 5B1 being a City of El Paso parcel as described in Real Estate Sales Contract Approved by City Council on March 18, 2019; **THENCE**, leaving the north right-of-way line of said Hughey Circle and following the east boundary line of said portion of Tract 5B1, North 33°31'51" East, a distance of 217.55 feet to a 1/2 inch rebar with survey cap No. "TX 2997" found for an angle point; **THENCE**, continuing along the east boundary line of said portion of Tract 5B1, North 03°14'07" East, a distance of 168.15 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, leaving the east boundary line of said portion of Tract 5B1, North 86°45'53" West, a distance of 10.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southwest corner of the parcel herein described;

THENCE, North 03°14'07" East, a distance of 192.20 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

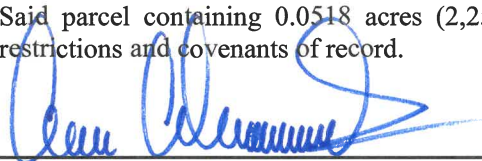
THENCE, North 86°45'53" West, a distance of 18.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, North 03°14'07" East, a distance of 12.00 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 86°45'53" East, a distance of 28.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set on the east boundary line of said portion of Tract 5B1 for the northeast of the parcel herein described;

THENCE, following the east boundary line of said portion of Tract 5B1, South 03°14'07" West, a distance of 204.20 feet to the **POINT OF BEGINNING**.

Said parcel containing 0.0518 acres (2,258.0 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: January 03, 2020
05100-093-10 FT UG EPEC EASE-DESC

