

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

DEPARTMENT: Capital Improvement

AGENDA DATE: February 4, 2020

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

DISTRICT(S) AFFECTED: 4

STRATEGIC GOAL: No. 4: 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 Joey Barraza and Vino Memorial Park, said easement more particularly described as a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Survey, El Paso, County, Texas.

BACKGROUND / DISCUSSION:

The easement was requested to provide underground electric service to the electrical and maintenance building located at 11270 McCombs, El Paso Texas 79934 by way of a proposed 10' underground line extension. EPE will install, own and operate a proposed 16'x20' – 500KVA pad mounted transformer will be installed to serve the customer's electrical load (Electrical and Maintenance building).

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:

_____ Sam Rodriguez, P.E., 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 Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to Joey Barraza and Vino Memorial Park, said easement more particularly described as a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Survey, El Paso, County, Texas.

ADOPTED THIS _____ DAY OF _____, 2020.

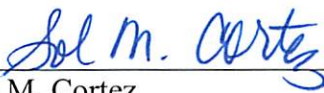
THE CITY OF EL PASO:

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 SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY
SURVEY, EL PASO COUNTY, TEXAS**

The easement is as depicted in attached metes and bounds.

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

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
Tommy 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: 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**

**PROPOSED 10 FT. WIDE ELECTRIC EASEMENT AND PROPOSED 16 FT. x 20 FT. TRANSFORMER EASEMENT
JOEY BARRAZA AND VINO MEMORIAL PARK
SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY
CITY OF EL PASO, EL PASO COUNTY, TEXAS**

The proposed El Paso Electric Company Easement herein described is a portion of City of El Paso property designated as Joey Barraza and Vino Memorial Park; is a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Survey, in the City of El Paso, El Paso County, Texas, said Section 30 having been conveyed from Price to the City of El Paso In Vol. 1186 at Pg. 0183 (Doc. #00054035073) Official Public Records of said County; and is more particularly described by metes and bounds as follows [note that State Plane bearings are used herein, with record bearings in parentheses]:

COMMENCING FOR REFERENCE at a found TXDOT brass disk survey monument on centerline of U.S. Highway 54 (Patriot Freeway) at McCombs Road, at TXDOT engineering station 708+16.58, said monument lying 0.23 feet west of the monumented section line between Blocks 80 and 81 of said Texas and Pacific Railway Company Survey [for reference, from this point of commencement, a found brass disk at the northwest corner of said Section 30 bears N2°01'52"E 988.41 ft. (N2°01' 29"E 988.46 ft. TXDOT record)]; Thence, from said Point of Commencement, with the centerline of said U.S. Highway 54, North 51°38'08" East (N51°37'59"E TXDOT), 1720.09 feet to the projected westerly boundary line of the Greenbelt Levee project (as shown in the City of El Paso Engineering Map set numbered 237045 on the sheet titled "Greenbelt Levee Plan ROW" dated 1987 & 1988; Thence, South 14°18'49" East (S17°24'26"E), 219.01 feet to the southeast right-of-way line of said U.S. Highway 54; Thence, continuing South 14°18'49" East (S17°24'26"E), 2103.14 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472 at the **POINT OF BEGINNING**;

Thence, continuing with said Greenbelt Levee project boundary line, South 14°18'49" East (S17°24'26"E), 438.56 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 33°10'35" West, 17.19 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 75°40'19" West, 339.04 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 02°34'20" East, 22.40 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 75°08'57" East, 3.74 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 14°51'03" East, 16.00 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 75°08'57" West, 20.00 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 14°51'03" West, 16.00 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 75°08'57" East, 6.02 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

**PROPOSED 10 FT. WIDE ELECTRIC EASEMENT AND PROPOSED 16 FT. x 20 FT. TRANSFORMER EASEMENT
JOEY BARRAZA AND VINO MEMORIAL PARK
SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY
CITY OF EL PASO, EL PASO COUNTY, TEXAS**

Thence, North 02°34'20" West, 32.71 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 75°40'19" East, 343.28 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 33°10'35" East, 8.90 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, with a line that is parallel with and 10 feet southwest of said Greenbelt Levee project boundary, North 14°18'49" West (N17°24'26"W), 427.21 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 83°54'52" West, 176.10 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 75°39'36" West, 24.15 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, North 17°45'31" West, 15.03 feet;

Thence, North 75°39'36" East, 13.42 feet to a set 1/2" dia. rebar with plastic cap stamped TX4297 NM 10472;

Thence, South 83°54'52" East, 199.18 feet to the **POINT OF BEGINNING** and containing 10625 square feet or 0.2439 acres.

This description is based on a field survey performed under the supervision of Stephen Earl Cobb, Texas RPLS 4297. Bearings shown hereon (except for parenthetical record bearings) are State Plane Grid Bearings. The horizontal datum used in this survey is the Texas State Plane Coordinate System, Central Zone 4203, NAD 1983 (2011), US Survey Feet, adjusted to surface using a factor of 1.000231. Coordinates were measured using the El Paso Island of the real time GPS network called RTKNET as administered by ALLTERRA Central. See <https://allterracentral.com/coverage-map>. **A PLAT OF SURVEY ON LETTER SIZE SHEET(S) ATTACHED TO THIS "METES AND BOUNDS" SHALL ACCOMPANY THIS WRITTEN DESCRIPTION FOR RECORDING PURPOSES. THE SEAL AND SIGNATURE OF THIS SURVEYOR CERTIFYING THE ABOVE "METES AND BOUNDS" DESCRIPTION FOLLOWS ON SAID PLAT OF SURVEY.**

Stephen Earl Cobb, Texas RPLS 4297
Huitt-Zollars, Inc.; El Paso Office (Firm License Number 10025603)
5822 Cromo Drive, Suite 210, El Paso, Texas, 79912-5502
Phone 915-587-4339
December 6, 2019

- MONUMENT LEGEND**
- FOUND SURVEY MARKER AS NOTED.
 - SET 1/2" REBAR/CAP TX 4297 NM 10472
 - ⊗ CALCULATED POINT NO MARKER SET

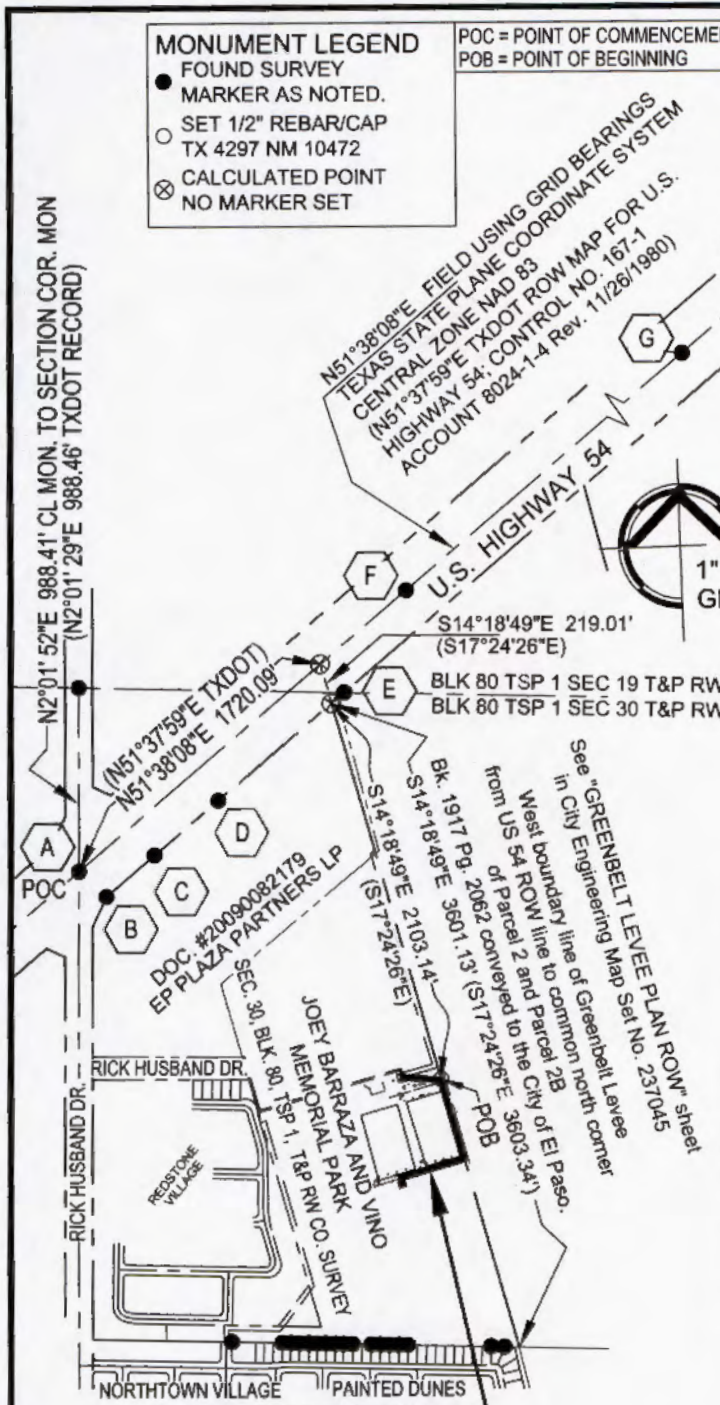
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING

CAPITAL IMPROVEMENT
CITY OF EL PASO

PREPARED FOR
THE CITY OF EL PASO BY
HUITT-ZOLLARS INC.
5822 Cromo Dr., Ste. 210
El Paso, Tx. 79912
PH. 915-587-4339
www.huitt-zollars.com

DATUM NOTES:

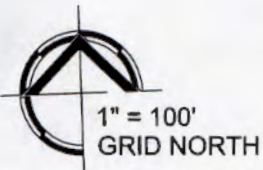
BEARINGS SHOWN HEREON (EXCEPT FOR PARENTHEICAL RECORD BEARINGS) ARE STATE PLANE GRID BEARINGS. THE HORIZONTAL DATUM USED IN THIS SURVEY IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD 1983 (2011), US SURVEY FEET, ADJUSTED TO SURFACE USING A FACTOR OF 1.000231. COORDINATES WERE MEASURED USING THE EL PASO ISLAND OF THE REAL TIME GPS NETWORK CALLED RTKNET AS ADMINISTERED BY ALLTERRA CENTRAL. SEE [HTTPS://ALLTERRACENTRAL.COM/COVERAGE-MAP](https://allterracentral.com/coverage-map).



MONUMENT	DESCRIPTION OF FOUND MONUMENT & RELATIONSHIP TO SURVEY
A	TXDOT BRASS DISK AT TXDOT STATION 708+16.58, ON CENTERLINE OF US 54; 0.23' WEST OF SECTION LINE
B	TXDOT BRASS DISK "T 36" AT TXDOT STATION 708+43.23, 200.08' RT. OF US 54 CENTERLINE
C	TXDOT BRASS DISK "T 35" AT TXDOT STATION 711+86.23, 200.07' RIGHT OF US 54 CENTERLINE
D	TXDOT BRASS DISK "BM 165" AT TXDOT STATION 716+40.07, 200.66' RIGHT OF US 54 CENTERLINE
E	DISTURBED 5/8" REBAR AT TXDOT STATION 725+37.74, 200.00' RIGHT OF US 54 CENTERLINE
F	RAILROAD SPIKE IN CONCRETE AT TXDOT STATION 731+48.79, 0.16' RIGHT OF US 54 CENTERLINE
G	RAILROAD SPIKE IN CONCRETE AT TXDOT STATION 761+48.93, 0.20' RIGHT OF US 54 CENTERLINE
H	RAILROAD SPIKE IN CONCRETE AT TXDOT STATION 776+48.97, 0.17' RIGHT OF US 54 CENTERLINE
I	RAILROAD SPIKE IN CONCRETE AT TXDOT STATION 777+42.79, 0.17' RIGHT OF US 54 CENTERLINE
J	1/2" REBAR/CAP TX 5337 AT TXDOT STATION 800+72.31, 199.65' LEFT OF US 54 CENTERLINE
K	1/2" REBAR/CAP FXS AT TXDOT STATION 800+74.50, 199.87' LEFT OF US 54 CENTERLINE
L	5/8" REBAR AT TXDOT STATION 804+26.08, 199.67' RIGHT OF US 54 CENTERLINE
M	5/8" REBAR/CAP IN CONCRETE "LANDTECH" AT TXDOT STATION 805+02.92, 197.20' RIGHT OF US 54 CENTERLINE
N	5/8" REBAR AT TXDOT STATION 805+24.18, 199.72' RIGHT OF US 54 CENTERLINE
O	BRIDGE NAIL AT TXDOT STATION 806+47.90, 0.72' RIGHT OF US 54 CENTERLINE (VICINITY CL P1)

SUBJECT PROPOSED ELECTRIC EASEMENT
(SEE DETAILS ON SURVEY GRAPHIC SHEET 2 OF 2)

PROPOSED EL PASO ELECTRIC COMPANY EASEMENT
10625 SQ. FT. OR 0.2439 ACRES
SECTION 30, BLOCK 80, TOWNSHIP 1
TEXAS & PACIFIC RAILWAY CO. SURVEY
CITY OF EL PASO, EL PASO COUNTY, TEXAS



US HIGHWAY 54
400' WIDE ROW
S14°18'49\"/>

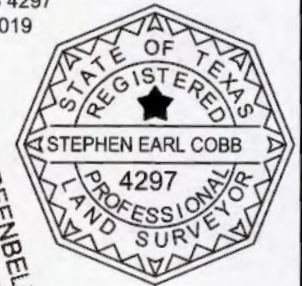
BLK 80 TSP 1 SEC 19 T&P RW CO. SURVEY
BLK 80 TSP 1 SEC 30 T&P RW CO. SURVEY
VOL. 1186, PG. 0183 DOC. #00054035073

N51°38'08\"/>

THIS PLAT OF SURVEY AND THE ATTACHED "METES AND BOUNDS" DESCRIPTION ARE BASED ON A FIELD SURVEY MADE UNDER MY SUPERVISION. THIS PLAT OF SURVEY SHALL ACCOMPANY THE ATTACHED METES AND BOUNDS FOR RECORDING PURPOSES.

Stephen Earl Cobb

STEPHEN EARL COBB
TX RPLS 4297
DEC. 6, 2019



SEE "GREENBELT LEVEE MAP SET NO. 237045
IN CITY ENGINEERING MAP SET NO. 237045
TOP OF LEVEE PROPERTY
GREENBELT LEVEE
BOUNDARY LINE

LINE TABLE	
L1	S33°10'35"W 17.19'
L2	S2°34'20"E 22.40'
L3	N75°08'57"E 3.74'
L4	S14°51'03"E 16.00'
L5	S75°08'57"W 20.00'
L6	N14°51'03"W 16.00'
L7	N75°08'57"E 6.02'
L8	N2°34'20"W 32.71'
L9	N33°10'35"E 8.90'
L10	S75°39'36"W 24.15'
L11	N17°45'31"W 15.03'
L12	N75°39'36"E 13.42'

SUBJECT PROPOSED 10'
ELECTRIC EASEMENT

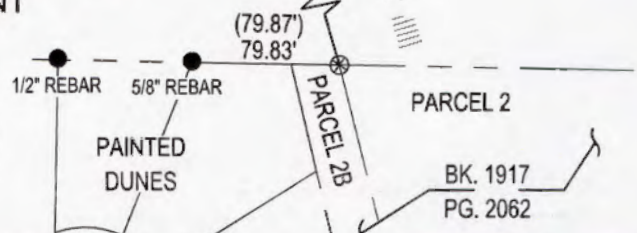
JOEY BARRAZA AND
VINO MEMORIAL PARK
SEC. 30, BLK. 80, TSP 1
T&P RW CO. SURVEY
VOL. 1186, PG. 0183
DOC. #00054035073
PRICE TO CITY

SOCCER FIELDS

SUBJECT PROPOSED
16' x 20' TRANSFORMER
EASEMENT

PROPOSED EL PASO ELECTRIC COMPANY EASEMENT
10625 SQ. FT. OR 0.2439 ACRES
SECTION 30, BLOCK 80, TOWNSHIP 1
TEXAS & PACIFIC RAILWAY CO. SURVEY
CITY OF EL PASO, EL PASO COUNTY, TEXAS

SURVEY GRAPHIC SHEET 2 OF 2



BK. 1917
PG. 2062