

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

DEPARTMENT: Capital Improvement
AGENDA DATE: March 7, 2017
CONTACT PERSON/PHONE: Andrew Goh, Capital Improvement City Engineer, 212-0065

DISTRICT(S) AFFECTED: 1

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

SUBJECT:

That the City Manager be authorized to sign an Underground Electrical Easement and Transformer Pad Easement for the provision of electrical power to a transformer, said easement more particularly described as a portion of Tract 1A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas, as described in Volume 3797, Page 1451, Real Property Records of El Paso County, Texas.

BACKGROUND / DISCUSSION:

We are requesting City Council to issue an underground electrical easement and transformer pad on Gomez Road and Upper Valley Road to El Paso Electric. The easement is necessary to provide power to an adjacent subdivision.

SELECTION SUMMARY:

N/A

PROTEST

☒ No protest received for this requirement.

☐ Protest received.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? ☒ Yes or ☐ Not Applicable (Routine)
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:

A handwritten signature in blue ink, appearing to read "Andy", is written over a horizontal line.

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 Easement and Transformer Pad Easement for the provision of electrical power to a transformer, said easement more particularly described as a portion of Tract 1A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas, as described in Volume 3797, Page 1451, Real Property Records of El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2017.

THE CITY OF EL PASO

Oscar Lecser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:



Andrew H. Goh City Engineer
Capital Improvement Department

THE STATE OF TEXAS	§	
	§	UNDERGROUND ELECTRICAL AND
COUNTY OF EL PASO	§	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 1A, BLOCK 11, UPPER VALLEY SURVEYS, City of El Paso, 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. 20000038148 and more particularly shown on Exhibit A, which is attached hereto and incorporated herein for all purposes

The easement consists of: a 10 foot by 32.90 foot underground electric easement, as more fully illustrated 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:

Andrew H. Goh
Andrew H. Goh, P.E.
City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2017 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: _____
Title: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2017 by Ryan Paulk 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

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

(10' E.P.E.CO. EASEMENT)

DESCRIPTION of a 10 feet wide E.P.E.CO. Easement, within Tract 1-A, Block 11, Upper Valley Surveys, City Of El Paso, El Paso County, Texas, as described in Volume 3797, Page 1451, Real Property Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING for reference at found city monument located at the centerline p.c. of Gomez Road, from **WHENCE**, a found city monument at the centerline intersection of Gomez Road and Valley Oak Drive, bears S 61°56'52" E, a distance of 350.33 feet; **THENCE** N 25°05'14" E, a distance of 30.33 feet to a point on the future northerly line of Gomez Road from **WHENCE**, a found 5/8" rebar with cap stamped "ROE ENG", bears N 25°05'14" E, a distance of 1.56 feet for the southeasterly corner of Valley Creek Unit Three Replat, El Paso County Texas, filed for reference in Clerks File No. 20150007130, Plat Records of El Paso County, Texas, said point being the **POINT OF BEGINNING** of this description;

THENCE, N 25°05'14" E, along the easterly line of said Valley Creek Unit Three Replat, a distance of 32.90 feet to a point;

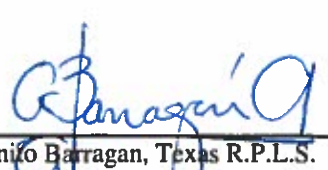
THENCE, S 64°54'46" E, a distance of 10.00 feet to a point;

THENCE, S 25°05'14" W, a distance of 31.50 feet to a point on the future northerly line of Gomez Road;

THENCE, along said northerly line, 10.10 feet along the arc of a curve to the left, with a radius of 905.77 feet, an interior angle of 00°38'19", and a chord which bears N 72°52'49" W, a distance of 10.10 feet the **POINT OF BEGINNING** of this easement and containing in all 322 sq. ft. or 0.01 acres, more or less.

NOTES:

1. A Plat of Easement of even date accompanies this description.
2. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
3. Bearings recited are grid bearings derived from RTK observations to the Texas CO-OP Network. Referred to the Texas Coordinates System (NAD 83) Central Zone. Distances are ground distances and may be converted to grid by dividing by 1.000231.
4. This Description does not intend to be part of a subdivision process which may be required by City of El Paso ordinance and it is the client's /owner's responsibility to comply with this ordinance if required.


Benito Barragan, Texas R.P.L.S. No. 5615,
Barragan and Associates Inc.

January 6, 2017

Revised January 9, 2017

EPECO-EASEMENT TR 1A BLK 11-UPPER VALLEY



VALLEY CREEK UNIT THREE REPLAT

CLERKS FILE No. 20150007130
*R.P.R.E.P.C.T.

LOT 41
INST No. N/A
*R.P.R.E.P.C.T.

THIS LINE AS PER VALLEY
CREEK UNIT THREE REPLAT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S64°54'46"E	10.00'

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	10.10'	905.77'	5.05'	0°38'19"	N72°52'49"W	10.10'

TRACT 1-A
OWNER: CITY OF EL PASO
VOL: 3797 PG: 1451
*R.P.R.E.P.C.T.

UPPER VALLEY SURVEYS

DUCKETT ROAD
(40' WIDE PUBLIC RIGHT-OF-WAY)
VOL: 3797 PG: 1451
*R.P.R.E.P.C.T.

FUTURE EXTENSION OF REDD ROAD
AS PER VOL: 3797 PG: 1451
*R.P.R.E.P.C.T.

OWNER: CITY OF EL PASO
VOL: 3797 PG: 1451
*R.P.R.E.P.C.T.

LEGEND

- — SET 1/2" REBAR
W/CAP "B&A INC"
(UNLESS NOTED OTHERWISE)
- ⊙ — FOUND ORIGINAL
CITY MONUMENT
- SIGN
- CONCRETE

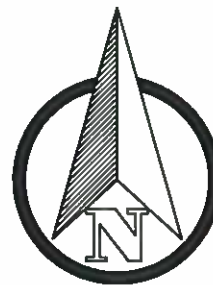
NOTES:

*R.P.R.E.P.C.T.= REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS.

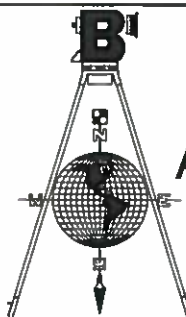
- BEARINGS SHOWN ARE GRID BEARINGS DERIVED FROM RTK OBSERVATIONS TO THE TEXAS CO-OP NETWORK. REFERRED TO THE TEXAS COORDINATE SYSTEM (NAD 83) CENTRAL ZONE.
- DISTANCES ARE GROUND DISTANCES, AND MAY BE CONVERTED TO GRID BY DIVIDING BY 1.00231.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT (NOT SHOWN). NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING LINE, AND OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
- THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
- THIS PLAT DOES NOT INTEND TO BE A SUBDIVISION PROCESS WHICH MAY BE REQUIRED BY CITY OF EL PASO ORDINANCE, AND IT IS THE CLIENT'S/ OWNER'S RESPONSIBILITY TO COMPLY WITH THIS ORDINANCE IF IT IS REQUIRED.
- A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

GOMEZ ROAD
(60' R.O.W.)

30' DEDICATED IN VALLEY CREEK UNIT ONE
CLERKS FILE NO. 20060043652
*R.P.R.E.P.C.T.



REVISED: 01/09/17



**Barragan
&
Associates
Inc.**

LAND PLANNING & SURVEYING
TBPLS FIRM # 10151200

10950 Pellicano Dr. Building-F,
El Paso, Tx 79935

Phone (915) 591-5709 Fax (915) 591-5708

Plat of Easement

10' E.P.E.CO. EASEMENT

A PORTION OF TRACT 1-A, BLOCK 11,
UPPER VALLEY SURVEYS,
CITY OF EL PASO
EL PASO COUNTY, TEXAS.
AREA 322 SQ. FT. ±
AREA 0.01 ACRES ±

Plat Reference Vol/Bk N/A Pages N/A

Scale: 1"=20' Date: 01/06/17 Drawn By: NC/DJ

I hereby certify that the foregoing
easement was made on the ground and
under my supervision and is true and
correct to the best of my knowledge and
belief.



Benito Barragan TX R.P.L.S. No. 5615

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