

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

**DEPARTMENT:** Capital Improvement Department  
**AGENDA DATE:** March 31, 2020  
**CONTACT PERSON/PHONE:** Sam Rodriguez, P.E., City Engineer, 212-0065  
**DISTRICT(S) AFFECTED:** 2  
**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 Overhead Electrical Easement for the El Paso Electric Company to provide electrical power to the Police department property located at 2300 Scenic Dr., more particularly described as a portion of George Styles Survey No. 299, in the City of El Paso, El Paso County Texas.

**BACKGROUND / DISCUSSION:**

The El Paso Police Department training facility is currently expanding its technological services. This easement is necessary to provide new overhead electrical services to this facility. The facility is currently served aerially.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

*Sam Rodriguez*

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**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

*Sam Rodriguez*

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**RESOLUTION**

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

**THAT** the City Manager be authorized to sign an Overhead Electrical Easement for the El Paso Electric Company to provide electrical power to the Police department property located at 2300 Scenic Dr., more particularly described as a portion of George Styles Survey No. 299, in the City of El Paso, El Paso County Texas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

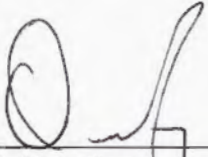
**THE CITY OF EL PASO:**

\_\_\_\_\_  
Dee Margo  
Mayor

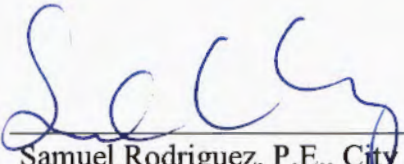
**ATTEST:**

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

**APPROVED AS TO FORM:**

*For*   
\_\_\_\_\_  
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       §

**OVERHEAD ELECTRICAL 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 overhead electric system consisting of any and all necessary poles, cables, lines, wires, crossarms, guys and anchors for an above ground electric distribution and/or transmission system, together with the overhang of service wires, 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 George Styles Survey No. 299, El Paso County, Texas, and more particularly shown on Exhibit "A", which is attached hereto and incorporated herein for all purposes.

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.

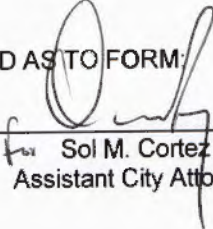
Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with all applicable laws, ordinances, regulations, and City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

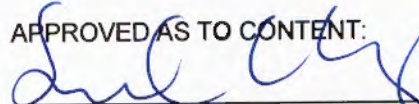
GRANTOR:  
THE CITY OF EL PASO

\_\_\_\_\_  
Tomás González,  
City Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for 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

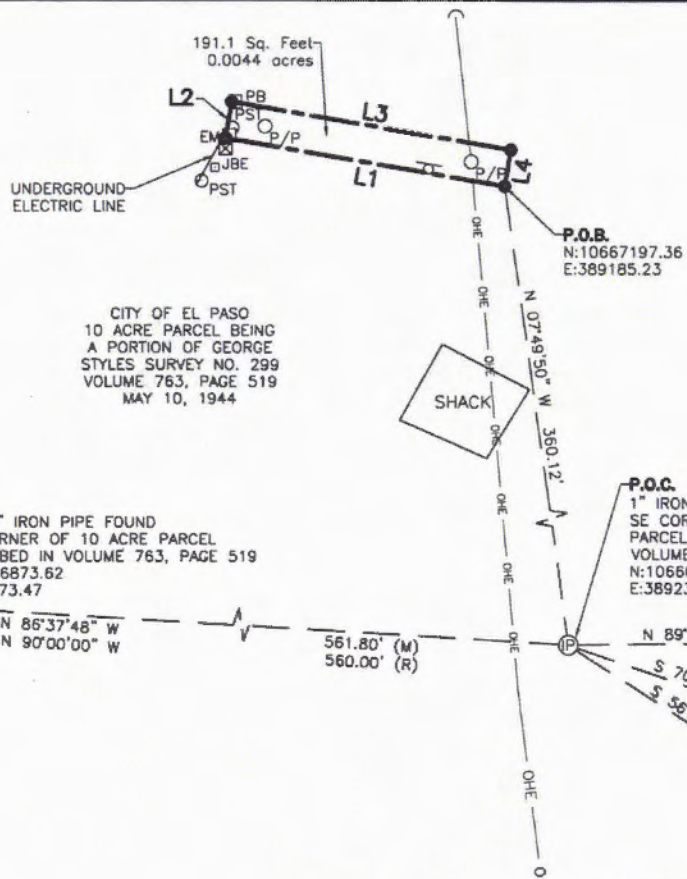
**ACKNOWLEDGMENT**

THE STATE OF TEXAS §  
§  
COUNTY OF EL PASO §

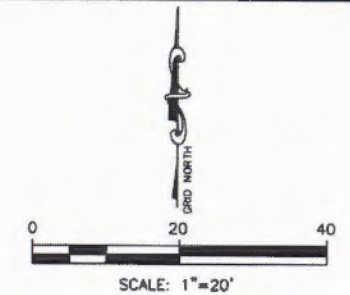
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by  
Daniel J. Monteros as Manager - Land Management of El Paso Electric Company, on behalf of the El Paso  
Electric Company, a Texas corporation.

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

Exhibit "A" (Sheet 1 of 2)



LINE	BEARING	DISTANCE
L1	N 80°14'01" W	38.22'
L2	N 09°45'59" E	5.00'
L3	S 80°14'01" E	38.22'
L4	S 09°45'59" W	5.00'



**NOTES**

1. SHOWN BEARINGS ARE GRID BEARINGS REFERENCED TO NAD83 (2011), TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE 4203.
2. THE SHOWN DISTANCES AND COORDINATES ARE GRID VALUES IN U. S. SURVEY FEET. TO CONVERT TO SURFACE VALUES MULTIPLY BY 1.00023.

**LEGEND**

- OHE --- OHE --- EASEMENT BOUNDARY
- OHE --- OHE --- OVERHEAD ELECTRIC
- PB 10'N. AND 10'E. OF THE CL INTERSECTION OF GOLD AVE. AND DAKOTA ST. N:10666868.73 E:391101.54
- P/P POWER POLE
- PST BOLLARD
- EM ELECTRIC METER
- ⊠ ELECTRIC
- JBE ELECTRIC BOX
- GUY WIRE
- MON FOUND CITY MONUMENT
- SIGN
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- ⊕ FOUND PIPE
- SET 1/2 INCH REBAR WITH SURVEY CAP NO. "TX 5337"

SHEET 1 OF 2

I HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

*Isaac Camacho*  
Isaac Camacho  
Registered Professional Land Surveyor  
State of Texas No. 5337  
Date of Survey: 03-11-2020



REV.	DATE	BY	DESCRIPTION

K:\S2015PE-CIELP-EPPD Scenic Drive-EPE  
Easement\Drawings\S2015-CIELP-EPPD\_ScenicDr-EPE  
Easement-OF

DRAWN BY: G.I.  
FXSA JOB NO. S2015PE

**EL PASO ELECTRIC COMPANY**  
**5 FOOT WIDE ELECTRIC EASEMENT BEING A PORTION**  
**OF GEORGE STYLES SURVEY NO. 299**  
**EL PASO COUNTY, TX**

**FXSA** **FRANK J. SPENCER & ASSOCIATES, INC.**  
Consulting Civil Engineers & Surveyors  
(TBPCE# F-3584, TBPLS# 100490-00) www.fxsa.com  
1130 MONTANA AVE  
EL PASO, TX 79902  
Ph: (915) 533-4600 Fax:(915)533-4673

# Exhibit "A" (Sheet 2 of 2)

CITY CLERK DEPT  
2020 MAR 25 PM 12:30

## Metes and Bounds Description of a 5 Feet wide Electric Easement

A 0.0044-acre parcel of land situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of George Styles Survey No. 299 and also being a portion of a ten acre parcel granted to the City of El Paso by Dudley Stone Products Company, Inc. in Volume 763, Page 519 of the El Paso County Records and being more particularly described by metes and bounds description as follows:

COMMENCING for reference at a one-inch iron pipe found on the south line of said Survey No. 299 for the southeast corner of said ten acre parcel; Whence, a one and one quarter inch pipe found for the southwest corner of said ten acre parcel bears North 86°37'48" West (North 90°00'00" West ~ record), a distance of 561.80 feet (560.00 feet ~ record); and Whence a City Monument found ten feet north of the centerline intersection of Ohio Street and San Jose Avenue bears South 56°52'06" East, a distance of 1,050.55 feet; and Whence a City Monument found ten feet north and ten feet east of the centerline intersection of Dakota Street and San Jose Avenue bears South 70°58'14" East, a distance of 1,933.75 feet; and Whence a City Monument found ten feet north and ten feet east of the centerline intersection of Dakota Street and Gold Avenue bears North 89°08'12" East, a distance of 1,867.46 feet; Thence, leaving the southeast corner of said ten acre tract, North 07°49'50" West, a distance of 360.12 feet to a 1/2-inch rebar with survey cap No. "TX 5337" set for the POINT OF BEGINNING of the parcel herein described;

Thence, North 80°14'01" West, a distance of 38.22 feet to a 1/2-inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

Thence, North 09°45'59" East, a distance of 5.00 feet to a 1/2-inch rebar with survey cap No. "TX 5337" set for the northwest corner of the parcel herein described;

Thence, South 80°14'01" East, a distance of 38.22 feet to a 1/2-inch rebar with survey cap No. "TX 5337" set for the northeast corner of the parcel herein described;

Thence, South 09°45'59" West, a distance of 5.00 feet to the POINT OF BEGINNING.

Said parcel containing 0.0044 acres, (191.1 square feet), more or less and being subject to all easements of record.

Bearings listed in this description are grid bearings referenced to NAD83 (2011) Texas State Plane Coordinate System Central Zone 4203, Distances listed in this description are grid values in U.S. Survey Feet, To convert to surface values multiply the grid values by 1.00023.

*Isaac Camacho* 03-11-2020

ISAAC CAMACHO  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5337



SHEET 2 OF 2

REV.	DATE	BY	DESCRIPTION	<b>METES AND BOUNDS DESCRIPTION FOR EL PASO ELECTRIC COMPANY FOR A 5 FOOT WIDE ELECTRIC EASEMENT BEING A PORTION OF GEORGE STYLES SURVEY NO. 299 EL PASO COUNTY, TX</b>
				<p><b>FRANK X. SPENCER &amp; ASSOCIATES, INC.</b> Consulting Civil Engineers &amp; Surveyors (TBPE# F-3584, TBPLS# 100490-00)</p> <p>1130 MONTANA AVE    www.fxsa.com EL PASO, TX 79902 Ph: (915) 533-4600 Fax: (915) 533-4673</p>

K:\S2015PE-CiELP-EPPD Scenic Drive-EPE      DRAWN BY: G.I.  
Easement\Drawings\S2015-CiELP-EPPD\_ScenicDr-EPE      FXSA JOB NO. S2015EP  
Easement-OF



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*Isaac Camacho 03-11-2020*

ISAAC CAMACHO  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5337



CITY CLERK DEPT  
2020 MAR 25 PM 12:39

SHEET 2 OF 2

REV.	DATE	BY	DESCRIPTION

**METES AND BOUNDS DESCRIPTION  
FOR EL PASO ELECTRIC COMPANY FOR A  
5 FOOT WIDE ELECTRIC EASEMENT BEING A PORTION  
OF GEORGE STYLES SURVEY NO. 299  
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