EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

CITY CLERK DEPARTMENT
2004 MAR 8 36

MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Robert D. Andron, General Counsel
El Paso Water Utilities Public Service Board

DATE: March 16, 2004

SUBJECT: **A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO PROPERTY IN NORTHEAST EL PASO LOCATED CLOSE TO THE TEXAS/NEW MEXICO BORDER BETWEEN MARTIN LUTHER KING JR. BLVD. AND MC COMBS STREET NORTH OF STAN ROBERTS SR. AVENUE IN A PORTION OF SECTION 2, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY SURVEYS, EL PASO COUNTY, TEXAS. (District #4)**

CONSENT AGENDA – City Council Meeting, Tuesday, March 23, 2004

On March 8, 2004, the El Paso Water Utilities Public Service Board passed a resolution requesting the City Council authorize the Mayor to execute an overhead easement (10' x 518') for the purpose of providing electrical service to property in northeast El Paso located close to the Texas/New Mexico Border between Martin Luther King Jr. Blvd. and McCombs Street north of Stan Roberts Sr. Avenue in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas, which is located in District #4. This electrical service will provide electrical service to Well #E-3A.

I will attend the City Council meeting to answer any questions concerning this item. In the meantime, please call me if you need additional information.

Thank you.

cc: Jim Martinez, Chief Administrative Officer
Adrian Ocegueda, Executive Assistant to the Mayor
Lisa Elizondo, City Attorney
Richarda Duffy Momsen, City Clerk
Nicholas Costanzo, Assistant General Manager, PSB
Frank Provencio, Right-of-Way Agent, PSB

P:\20042005\March2004\CityCouncilItems\BackupMemoConsentEPEWell#E3Adist4.doc (03/11/04)

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO PROPERTY IN NORTHEAST EL PASO LOCATED CLOSE TO THE TEXAS/NEW MEXICO BORDER BETWEEN MARTIN LUTHER KING JR., BLVD. AND MC COMBS STREET NORTH OF STAN ROBERTS SR. AVENUE IN A PORTION OF SECTION 2, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY SURVEYS, EL PASO COUNTY, TEXAS.

WHEREAS, March 8, 2004, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead easement (10' x 518') for the purpose of providing electrical service to property in northeast El Paso located close to the Texas/New Mexico Border between Martin Luther King Jr. Blvd. and McCombs Street north of Stan Roberts Sr. Avenue in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement to provide service to land in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas; NOW THEREFORE,

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

The Mayor is hereby authorized to sign a document granting an overhead easement for the purpose of providing electrical service to property in northeast El Paso located close to the Texas/New Mexico Border between Martin Luther King Jr. Blvd. and McCombs Street north of Stan Roberts Sr. Avenue in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas.

ADOPTED and EFFECTIVE this the _____ day of _____, 2004.

THE CITY OF EL PASO

ATTEST:

_____
Joe Wardy
Mayor

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Robert D. Andron, General Counsel
El Paso Water Utilities Public Service Board

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03/11/04

RESOLUTION

A RESOLUTION REQUESTING THE CITY COUNCIL TO AUTHORIZE THE MAYOR TO EXECUTE AN ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY IN PROPERTY LOCATED IN A PORTION OF SECTION 2, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY SURVEYS, EL PASO COUNTY, TEXAS, GRANTING AN EASEMENT FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO PROPERTY LOCATED CLOSE TO THE TEXAS/NEW MEXICO BORDER BETWEEN MARTIN LUTHER KING JR. BLVD. AND MC COMBS STREET NORTH OF STAN ROBERTS SR. AVENUE IN NORTHEAST EL PASO; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, there is a need to grant an electrical easement located in land owned by the City of El Paso which is under the jurisdiction of the Public Service Board; and

WHEREAS, EL PASO ELECTRIC COMPANY has requested the CITY OF EL PASO grant an overhead (10' x 518') electric easement for the purpose of providing electrical service to property located in northeast El Paso in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas, as shown in the attached Exhibit "A". This will provide electrical service to Well #E-3A; and

WHEREAS, the PUBLIC SERVICE BOARD deems it in the public interest that this easement be granted.

NOW, THEREFORE, BE IT RESOLVED by the PUBLIC SERVICE BOARD of the City of El Paso:

Section 1. That the findings and recitations set out in the preambles to this Resolution are found to be true and correct and that they are hereby adopted by the Public Service Board and made a part of this Resolution for all purposes.

Section 2. That the Public Service Board hereby requests the City Council to authorize the Mayor to execute an electrical easement to El Paso Electric Company in and through the above-described property as shown on the plat attached hereto as Exhibit "A", for TEN DOLLARS ($10.00) and other good and valuable consideration, and El Paso Electric Company's agreement to relocate its facilities at no cost to the City or the Public Service Board upon request.

Section 3. That a copy of this Resolution shall be transmitted to the City Attorney's Office.

PASSED AND APPROVED at rescheduled regular meeting of the Public Service Board of the City of El Paso, Texas, this 8th day of March, 2004, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

PUBLIC SERVICE BOARD

Chair

ATTEST:

Secretary-Treasurer

APPROVED AS TO FORM:

Robert D. Andron, General Counsel

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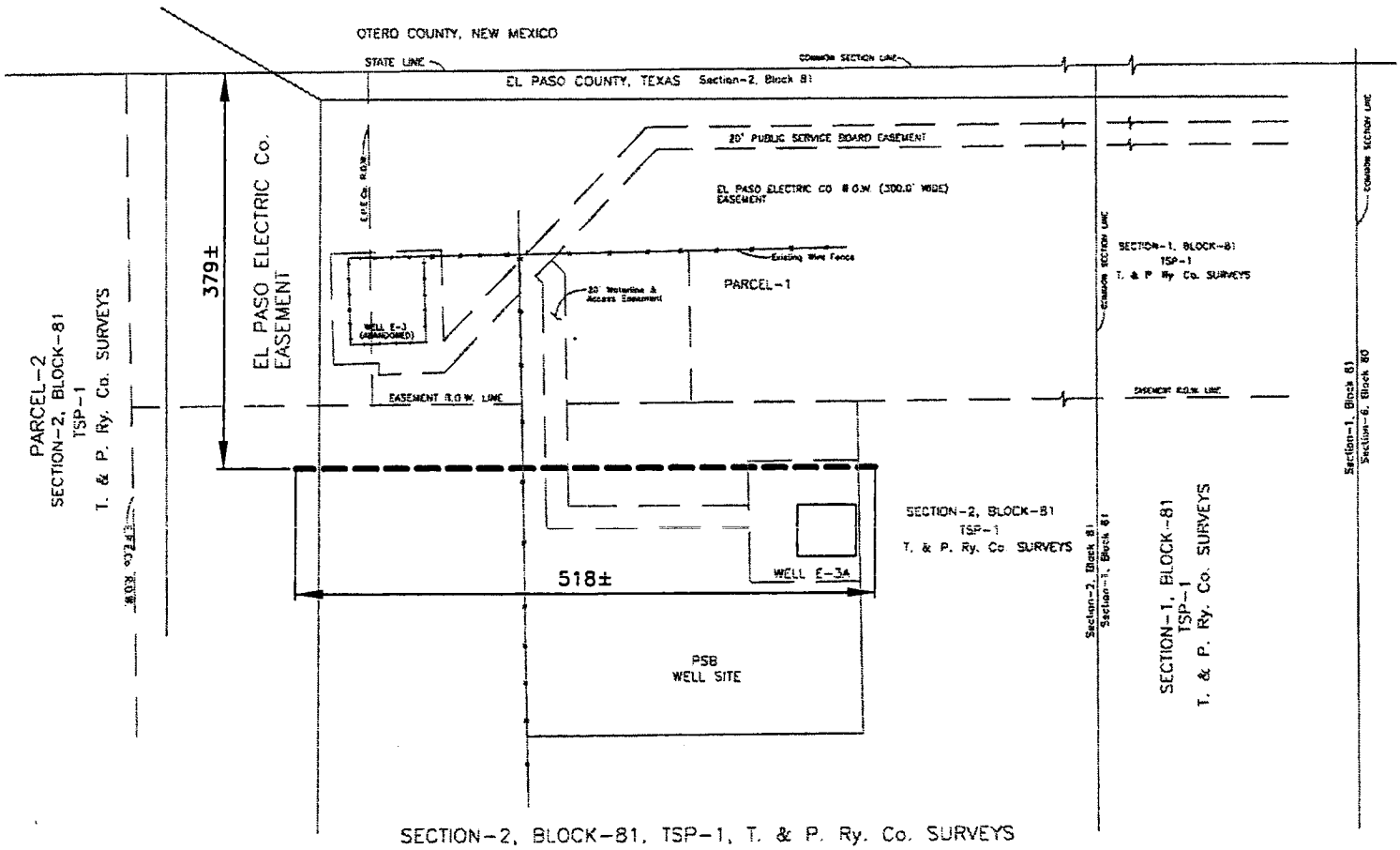

LEGEND

PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

PROPOSED EASEMENT IN A PORTION OF
SECTION-2, BLOCK-81, TOWNSHIP-1
T. & P. RAILWAY SURVEYS
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 12-15-03	EST. NO. 03-7-1-03386
SCALE NONE	

CONTINUED ON MAP 586

NEW MEXICO
TEXAS
DONA ANA COUNTY
STATE LINE
EL PASO COUNTY

N
S

136
FM 3255
132
131
45
FM 2529
STAN ROBERTS SR
48
MARTIN LUTHER KING JR
130
120

CONTINUED ON MAP 615

Franklin Mountains
State Park

© Mapsco, Inc.

79934

EL PASO

LOCATION MAP ONLY
1 OF 1

SCALE IN MILES
0 ⅛ ¼ ⅜ ½

CONTINUED ON MAP 646

SCALE IN FEET
0 1000 2000 3000

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EASEMENT

LOCATION INDEX NO: 4434-3638

SCHOOL DISTRICT NO: 051

STATE OF TEXAS
COUNTY OF EL PASO

For and in consideration of the sum of one dollar and other good and valuable considerations the receipt of which is hereby acknowledged, the City of El Paso grants unto El Paso Electric company, its successors and assigns, the right, privilege and easement to enter upon and erect, construct, operate and maintain a line of poles at any time with all necessary wires, crossarms, conduits, fixtures, and other usual appurtenances, pertaining thereto with the right of ingress and egress thereto for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the transmission of electricity, electric energy and power, for any and all purposes for which same is or may hereafter be used, over, upon and along the following described premises in El Paso County, Teas, to wit:

A portion of Section 2, Block 81, Township 1, T&P RR Surveys as shown on the attached print and made a part thereof.

with the right to trim any trees along said lines so as to keep the wires cleared at least thirty-six inches, to erect and set anchors and all necessary guy wires, and to do anything proper and necessary to operate and maintain same.

In accepting this grant, Grantee agrees that it will replace landscaping and paving as disturbed by the construction, maintenance or repairs of and to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted.

Should Grantee abandon the facilities and right of way then the land hereinabove described shall revert to Grantor its successors and assigns. Such abandonment shall be conclusively presumed following non-use by 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.

WITNESS the following seal and signature this _____ day of _____, _____.

Estimate No. 03-7-1-03386

CITY OF EL PASO

ATTEST:

_____
Joe Wardy, Mayor

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Robert D. Andron, General Counsel
El Paso Water Utilities Public Service Board

EL PASO ELECTRIC COMPANY
P.O. Box 982
El Paso, Texas 79960

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2004, by _____ as the _____ of El Paso.

_____
Notary Public, State of Texas