

**RESOLUTION**  
**TOWN OF HORIZON CITY, TEXAS**

**WHEREAS**, on April 9, 2019, the City Council of the Town of Horizon City (“City”) approved Ordinance No. 00251 granting El Paso Electric Company (“EPEC”) a franchise to operate its electric utility business with the Town of Horizon City;

**WHEREAS**, Ordinance No. 00251 (“Franchise”) provides that the City shall have the power at any time to require EPEC to change the route and position of its transmission or distribution facilities such as poles, lines, conduits or other related construction located within the City limits pursuant to the terms of Section 2(d) captioned “ Police Power”;

**WHEREAS**, the City has entered into an agreement with the Texas Department of Transportation (“TxDOT”) for a roadway project known as The Town of Horizon N. Darrington Reconstruction (“Project”);

**WHEREAS**, pursuant to the Funding Agreement signed between the City and TxDOT the City is responsible for the relocation of an underground electric line and other existing utility facilities necessitated by the Project;

**WHEREAS**, the City has requested that EPEC relocate an underground utility line and other existing utility facilities to accommodate the Project as required by the Franchise; and

**WHEREAS**, EPEC has requested the City approve a resolution making the findings necessary to require EPEC to bear the expense of the utility relocation.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY AS FOLLOWS:**

1. The North Darrington Reconstruction Project (CJS 0924-06-587) is a joint project of the Town and Horizon City and the Texas Department of Transportation pursuant to the terms of Advance Funding Agreement signed on \_\_\_\_\_ and ratified on March \_\_\_\_ 2023 to correct a clerical error.
2. Pursuant to the terms of the Advance Funding Agreement the City is responsible for the relocation of utilities necessitated by the Project.
3. The City has determined it is necessary to relocate the underground electric line and other EPEC facilities in order to properly construct and relocate N. Darrington Road which is a major roadway in the City.

4. EPEC is not entitled to reimbursement for the expenses necessary to relocate the underground electric line and other utility facilities because:
  - a. The expense is **not** reimbursable or payable to EPEC or to the City by the State of Texas, the United States, or any agency or subdivision of either, or by any party, whether directly or indirectly; and
  - b. The move is **not** for the benefit and convenience of or at the request of a third party, including a private developer or development, except any third-party public entity as may be required by applicable law.
5. The City shall not be liable to EPEC for any damages to poles, lines, conduits or other construction occurring in the change of the grade of streets, alleys or public places after notice to EPEC has been provided.
6. City staff and consultants will consult and confer with EPEC regarding the relocation needed and provide the written instructions requested by EPEC.

**SIGNED AND APPROVED** the \_\_\_\_ day of July \_\_\_\_, 2025.

**TOWN OF HORIZON CITY**

By: \_\_\_\_\_  
**Andres Renteria, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Elvia Schuller, City Clerk**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**Sylvia Borund Firth, City Attorney**