



=

FAMILY AND COMMUNITY SERVICES

Date: December 13, 2011

To: Delia Briones, County Clerk

From: Rosemary Neill

Re: Commissioners Court Agenda

Please place the following item on the Commissioners Court agenda for December 19, 2011:

Approve and authorize the County Judge to sign a Cable/Broadband Commercial Service Right of Entry for the Montana Vista Community Center, 14618 Gregg, El Paso, Texas 79938, which authorizes installation, operation, maintenance, and repair of a broadband connection to the facility that supports the installation and use of computers at the center.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "R. Neill", with a long horizontal flourish extending to the right.

Rosemary V. Neill

Director

Memorandum

To: County Judge Veronica Escobar, Commissioner Anna Perez,
Commissioner Sergio Lewis, Commissioner Willie Gandara, and
Commissioner Daniel Haggerty

From: Rosemary Neill

Date: 12/15/2011

Re: Approve and Authorize a Cable/Broadband Commercial Service Right of
Entry Agreement Letter

Action Item

Approve and authorize the County Judge to sign a Cable/Broadband Commercial Service Right of Entry for the Montana Vista Community Center, 14618 Gregg, El Paso, Texas 79938, which authorizes installation, operation, maintenance, and repair of a broadband connection to the facility that supports the installation and use of computers at the center.

Fiscal Impact

There is no cost to the County for this service.

Background Information

The City of El Paso as part of the Department of Commerce's National Telecommunications and Information Administration's Broadband Technology and Opportunities Program (BTOP) is expanding access to technology across the community.

The City has an agreement with numerous community-based organizations to provide internet access through its BTOP efforts. One such agreement is with Centro de Salud Familiar La Fe. La Fe will receive computers for its various locations, including its leased space in Montana Vista.

The County leases the Montana Vista Community Resource Center to La Fe. La Fe, through the BTOP grant, will install up to twenty computers at the Center.

December 15, 2011

These computers will enhance access to information for residents of this community.

Since the County owns the facility, it must authorize Time Warner Cable access to install the cable necessary to support connectivity. Approval of this Right of Entry authorizes this effort.

**CABLE / BROADBAND COMMERCIAL SERVICE
RIGHT OF ENTRY AGREEMENT LETTER**

County of El Paso ("Owner") as owner of the commercial property located at **14618 Greg Drive, El Paso, Texas 79938** ("Facility") hereby grants **Time Warner Entertainment-Advance/Newhouse Partnership, d/b/a Time Warner Cable through its Texas Region**, ("Time Warner Cable") a non-exclusive Right of Entry for ingress to and egress from the Facility to install, repair, operate, maintain, upgrade, improve, remove and recover its system (the "System") in a manner necessary or appropriate to service those Tenants of the Facility for which Time Warner Cable has requests and contracts for service.

Under no circumstances is the Owner or the Owner's Agent liable for any of the Tenants responsibilities to Time Warner Cable, including payment of services, nor is the Owner or the Owner's Agent liable for any of Time Warner Cable's responsibilities to Tenant.

Time Warner Cable will carry Workers Compensation Insurance with statutory limits and Commercial General Liability with a combined single limit of not less than \$2,000,000 per occurrence for Bodily Injury and Property Damage. Time Warner Cable will provide a Certificate of Insurance prior to construction.

Time Warner Cable at its sole cost will (A) install the equipment/system (B) maintain, repair and operate the System in accordance with industry standards, laws and regulations, and (C) repair and restore all portions of the facility damaged by Time Warner Cable (regardless of whether such damage occurred during installation, upgrading, repair or removal of the System).

Time Warner Cable shall at all times remain the owner of the System and Owner or the Owner's Agent shall not permit any third party to use, move, interfere with or otherwise access the System. The System is not, and shall not be deemed to be, affixed to or a fixture of the Property.

Time Warner Cable will not start any work on the property without the prior approval of Owner or Owner's Agent. Owner understands that the Facility has been surveyed for the System installation and that a contractor representing Time Warner Cable will contact a representative of Owner to walk out the job prior to starting any work.

This Right of Entry does not create an easement, and may be cancelled at any time by either of the parties upon thirty (30) days' written notice.

Owner or Owner's Agent:

**Time Warner Entertainment-
Advance/Newhouse Partnership, d/b/a
Time Warner Cable through its Texas
Region**

By: _____
Print Name: _____
Title: _____
Date: _____

By: _____
Print Name: _____
Title: _____
Date: _____

Phone No.: _____

Phone No.: _____

From: Kevin McCary
Sent: Wednesday, December 07, 2011 12:25 PM
To: Rosemary Neill
Cc: Alicia Vera; Josefina Vasquez; Kevin McCary
Subject: KK-11-622 Approval

Approved as Amended. Please place on the agenda at your convenience. Contact Alica or Josie with questions as to routing.

KK-11-622

Contract Description: Fam&Comm/Time Warner: Montana Vista Comm. Center.

COUNTY ATTORNEY ACTION**

****Requested Amendments/Clarifications:** We assume you have submitted any questions or comments you have regarding the terms of the contract, as well as any specific provisions to which you object, or which you want to have changed.

☒ Approved as to Form as Submitted
☐ Approved as to Form with Amendments/Modifications/Reservations Noted Below*
☐ Not Approved

Approved as amended by parties.

This document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

Kevin McCary
Assistant County Attorney

Kevin McCary
Assistant County Attorney
General Counsel Unit
Jo Anne Bernal, County Attorney
500 E. San Antonio, Suite 503
El Paso, TX 79901
V: 915-546-2081

F: 915-546-2133