

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

AGENDA DATE: October 24, 2023
PUBLIC HEARING DATE: October 24, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Alex Alejandre, (915) 212-1642

DISTRICT(S) AFFECTED: District 6

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

A resolution that the City Manager be authorized to sign and accept on behalf of the City a Public Pond Dedication Deed from **EIS PASO, LLC.**, dedicating to the **City of El Paso** for the use as a public pond 0.87 acres of land legally described as *Lots 55 through 58, Wells Park Subdivision First Replat, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" attached hereto and made a part hereof for all purposes.

Subject Property: Lots 55 through 58, Wells Park Subdivision First Replat, City of El Paso, El Paso County, Texas

Applicant: Conde Inc., SURW23-00011

BACKGROUND / DISCUSSION:

The applicant is requesting to dedicate a retention pond of approximately 0.87 acres in size. The area consists of 4 unimproved lots and is currently under construction. The retention pond will be dedicated to El Paso Water. City Plan Commission recommended 7-0 to approve the proposed dedication request on July 27, 2023.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

RESOLUTION

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

A resolution that the City Manager be authorized to sign and accept on behalf of the City Public Pond Dedication Deed from **EIS PASO, LLC.**, dedicating to the **CITY OF EL PASO, TEXAS** for the use as public pond 0.87 acres of land legally described as Lots 55 through 58, Wells Park Subdivision First Replat, City Of El Paso, El Paso County, Texas, and being more fully described by metes and bounds and surveys in Exhibits "A" and "B" of the Dedication Deed attached hereto and made a part hereof for all purposes.

APPROVED AND ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etwie

Philip F. Etwie, Director
Planning and Inspections Department

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS §
 § **DEDICATION DEED**
COUNTY OF EL PASO §

KNOW ALL MEN BY THESE PRESENTS: That **EIS Paso, LLC**, (“Grantor”), does hereby DEDICATE, GRANT, and CONVEY to the City of El Paso, Texas, (“Grantee”), as public pond for utility purposes, including the right of ingress, egress, and regress therein, and easements to construct, maintain, public streets and utilities, or any other public purpose authorized by Local Government Code Section 273.001 and deemed necessary by Grantee into and through all that certain real property located in the City of El Paso, County of El Paso, State of Texas being 0.87 acres of land legally described as:


A 0.87-acre portion consisting of Lots 55 through 58, Wells Park Subdivision First Replat, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds and surveys in Exhibits "A" and "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above conveyed property for the purposes aforesaid unto the City of El Paso, its successors and assigns, forever and the Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular the rights herein granted, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures and seal this 9th day of October, 2023.

GRANTOR
EIS Paso, LLC:

By: Mesita Investors, L.L.C.
Its: Manager

By: 

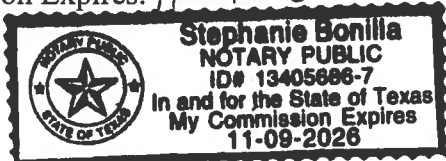
Meyer Marcus, Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the 9th day of October 2023, by Meyer Marcus as Manager of Mesita Investors, L.L.C., Manager of EIS Paso, LLC, on behalf of said limited liability company.

My Commission Expires: 11-9-26



Handwritten signature of Stephanie Bonilla, Notary Public, State of Texas, Notary's Printed Name:

GRANTEE CITY OF EL PASO

By: Cary Westin, Interim City Manager

APPROVED AS TO FORM:

Russell T. Abeln, Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe, Director Planning and Inspections Department

STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me this day of 2023, by Cary Westin, Interim City Manager of the City of El Paso, a municipality, on behalf of said municipality.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AFTER RECORDING, RETURN TO: City of El Paso Planning & Inspections Department - Planning Division Attn: Planning Director 801 Texas Avenue El Paso, Texas 79901

EXHIBIT "A"

Prepared for: Mimco, Inc.
March 30, 2023

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Lots 55 through 58, Wells Park Subdivision First Replat, recorded in Volume 2, Page 48, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found ½" rebar on the southerly right of way line of Montana Avenue, from which a found TX.D.O.T. brass cap bears South 67°51'24" East (South 64°45'28" East, File# 20220023592) a distance of 136.79 feet; Thence along said right of way line, South 81°12'00" West a distance of 105.49 feet to a found ½" rebar with cap marked TX 5152 for the northwesterly corner of Wells Park First Replat; from which a found ½" rebar with cap marked TX 2564 bears South 82°03'40" West a distance of 0.65 feet, Thence leaving said right of way line and along the westerly line of Wells Park First Replat, S00°33'00" East a distance of 50.23 to a set ½" rebar with cap marked TX 5152 for the **"TRUE POINT OF BEGINNING"**

Thence along the westerly said right of way line of Sharon Lane, 236.75 feet along the arc of a curve to the left which has a radius of 395.93 feet, a central angle of 34°15'38" a chord which bears, South 17°40'36" East a distance of 233.24 feet to a set ½" rebar with cap marked "TX. 5152" for a point of reverse curve;


Thence along said right of way line 114.82 feet along the arc of a curve to the right which has a radius of 192.05 feet, a central angle of 34°15'20" a chord which bears, South 17°40'40" East a distance of 113.12 feet to a set ½" rebar with cap marked "TX. 5152" on the westerly right of way line of Michael Drive;

Thence along said right of way line, South 00°33'00" East a distance of 225.00 feet to a set ½" rebar with a cap marked "TX. 5152";

Thence leaving said right of way line, South 89°27'00" West a distance of 102.00 feet to a set ½" rebar with a cap marked "TX. 5152" on the westerly line of Wells Park First Replat;

Thence along said line, North 00°33'00" West a distance of 556.00 feet to **"TRUE POINT OF BEGINNING"** and containing 37,732 square feet or 0.8662 acres of land more or less.

Note: a drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No 5152

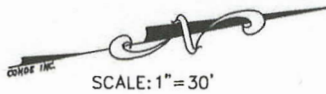


CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

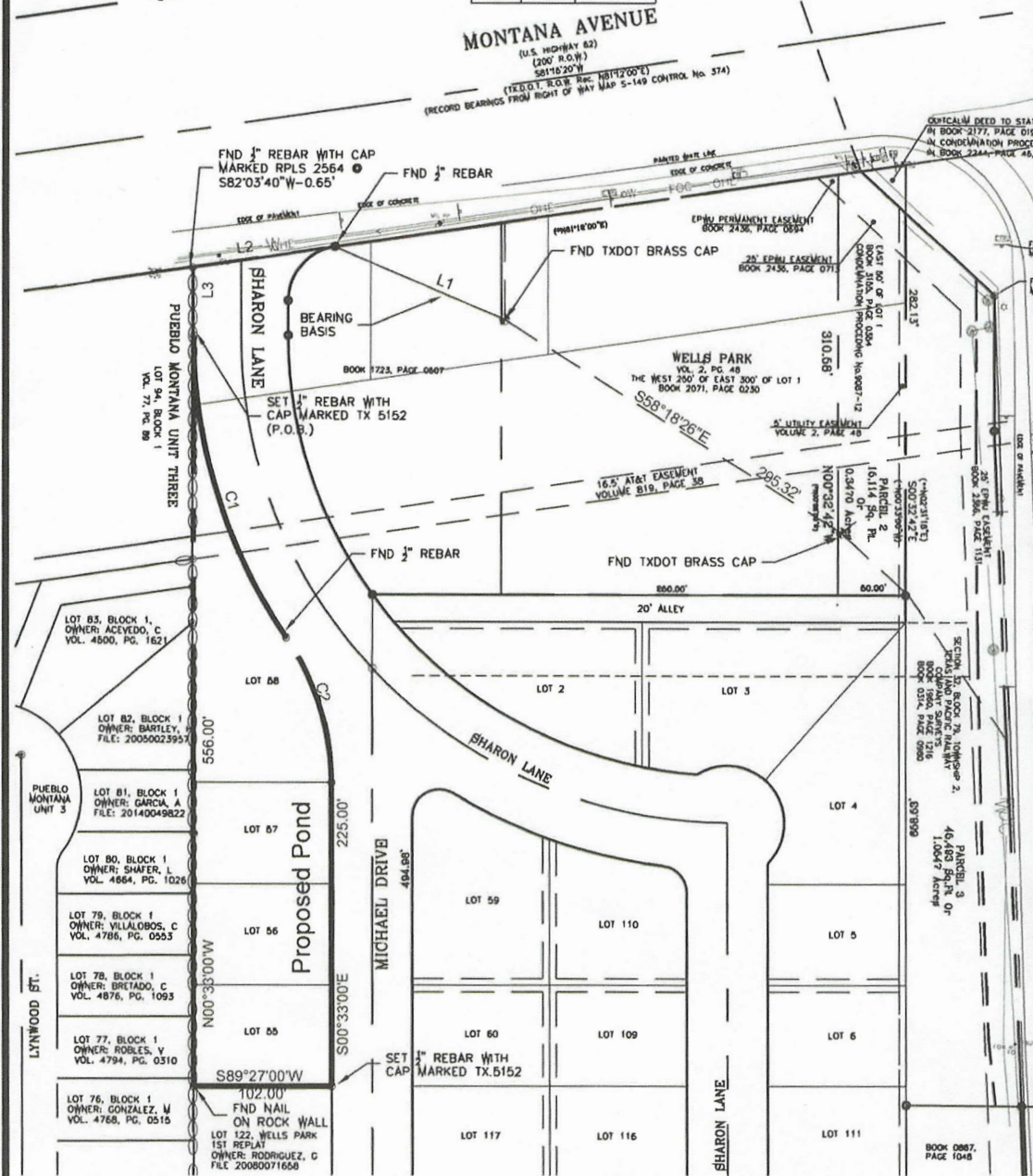
EXHIBIT "B"

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	395.93'	236.75'	122.03'	233.24'	S17°40'36"E	34°15'38"
C2	192.05'	114.82'	59.18'	113.12'	S17°40'40"E	34°15'20"

LINE TABLE		
LINE	LENGTH	BEARING
L1	136.79'	S67°51'24"E
L2	105.49'	S81°12'00"W
L3	50.23'	S00°33'00"E



SCALE: 1" = 30'



CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.

RON R. CONDE R.P.L.S #5152

JOB # 123-33	DATE: MARCH 30, 2023	FIELD: W.B.	OFFICE: C.C.
LOCATED IN ZONE C	PANEL # 480214-0037B	DATED OCTOBER 15, 1982	
RECORDED IN VOLUME 2, PAGE 52, PLAT RECORDS OF EL PASO COUNTY, TEXAS			

LOTS 55 THROUGH 58
WELLS PARK ADDITION FIRST REPLAT
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.
6080 SURETY SUITE 100
EL PASO, TEXAS 79905,
CADD FILE: S:\SU\E\WELLS
FIRM#10078100

SCALE: 1" = 100'

Wells Park Pond Dedication

City Plan Commission — July 27, 2023



CASE NUMBER/TYPE: SURW23-00011 – RIGHT-OF-WAY DEDICATION
CASE MANAGER: Alex Alejandre, (915) 212-1642, AlejandroAX@elpasotexas.gov
PROPERTY OWNER: EIS El Paso, LLC
REPRESENTATIVE: Conde, Inc.
LOCATION: West of Joe Battle Blvd. and South of Montana Ave. (District 6)
PROPERTY AREA: 0.87 acres
ZONING DISTRICT(S): R-3 (Residential)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of Wells Park Pond Dedication.

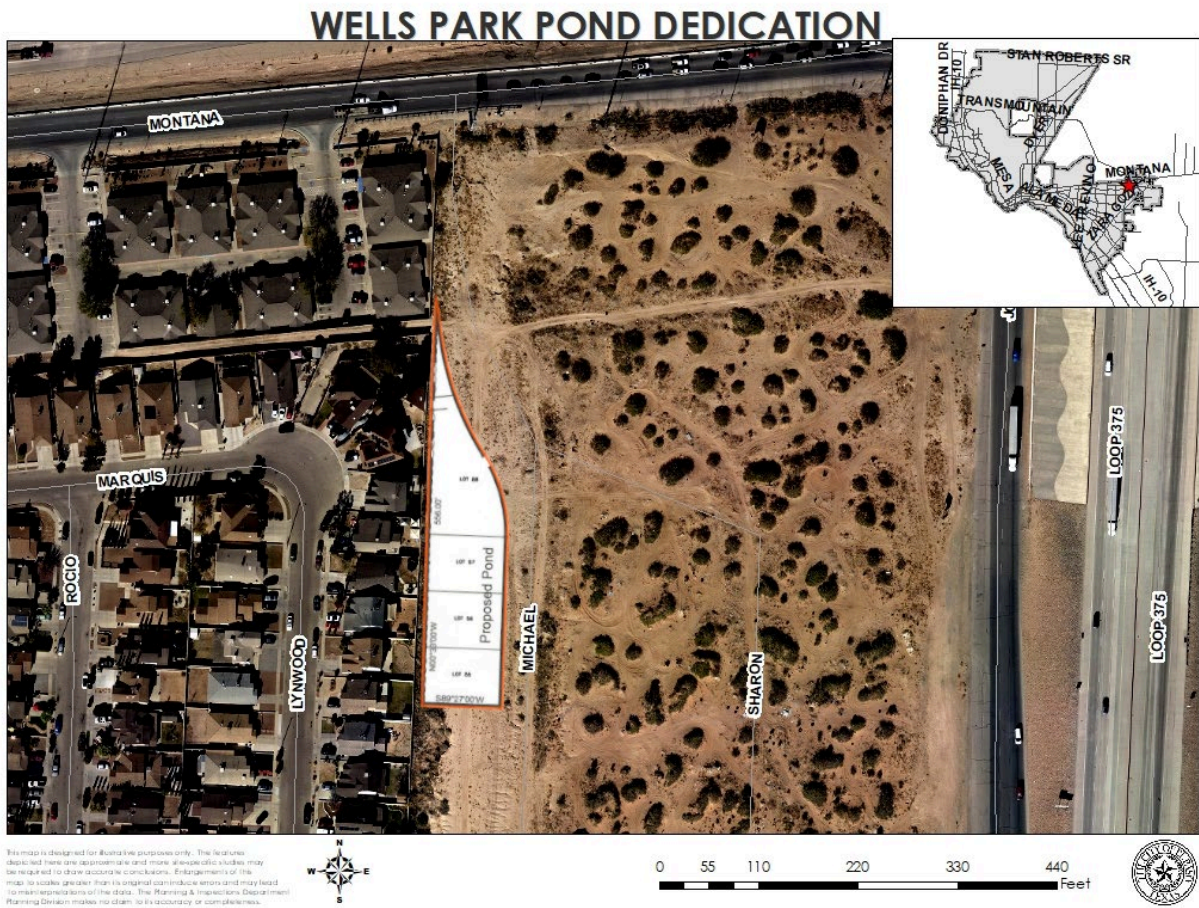


Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to dedicate a retention pond of approximately 0.87 acres in size. The area consists of 4 unimproved lots and is currently under construction. The retention pond will be dedicated to El Paso Water.

CASE HISTORY/RELATED APPLICATIONS: N/A

NEIGHBORHOOD CHARACTER: Surrounding neighborhood characteristics are identified in the following table.

Surrounding Zoning and Use	
North	R-3 (Residential District) / Vacant
South	R-3 (Residential District) / Vacant
East	C-3 C (Commercial District) / Vacant
West	P-R 2 C (Planned Residential District II) / Residential development
Nearest Public Facility and Distance	
Park	Volcano Fire City Park (0.45 mi)
School	Jane A. Hambric School (0.73 mi)
Plan El Paso Designation	
G3 Post-War	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: N/A

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission has the authority to advise City Council on right-of-way dedication requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

1. **Recommend Approval:** The CPC finds that the proposed request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that bring the request into conformance with all applicable requirements of Title 19 of the El Paso City Code.
3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

ATTACHMENTS:

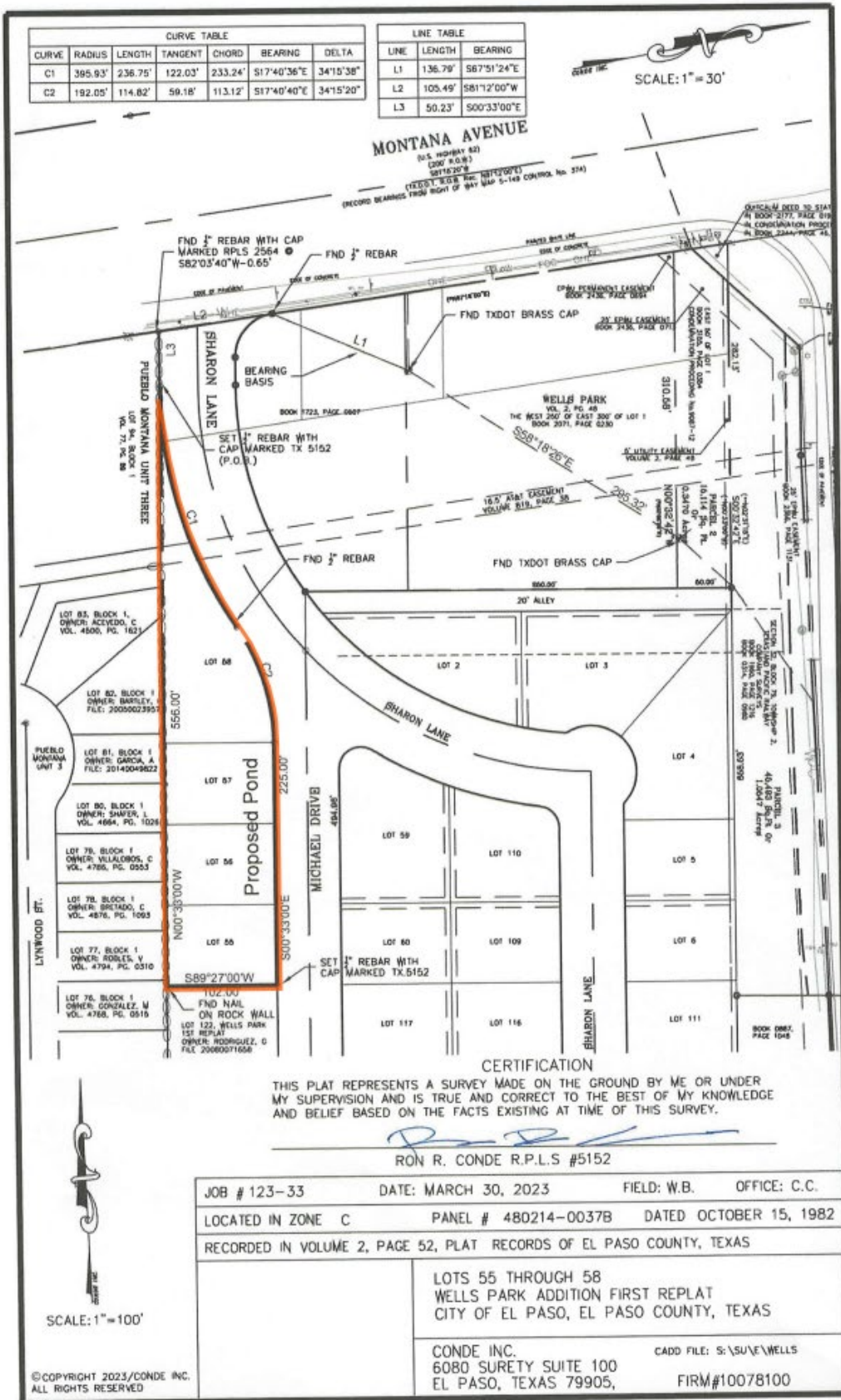
1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Department Comments

ATTACHMENT 1



This map is designed for illustrative purposes only. The locations depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enhancements of this map to scales greater than 1:50,000 may produce errors and may lead to misinterpretation of the information shown. The Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Prepared for: Mimco, Inc.
March 30, 2023

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ATTACHMENT 4



DEDICATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: May 4, 2023 File No. _____

1. APPLICANTS NAME EIS Paso, LLC

ADDRESS 6500 Montana Ave. ZIP CODE 79925 TELEPHONE 915-779-6500

2. Request is hereby made to dedicate the following: (check one)

Street Alley Easement Other

Street Name(s) Sharon Lane & Michael Drive Subdivision Name Wells Park Addition Pond Dedication

Abutting Blocks _____ Abutting Lots 55-58

3. Reason for dedication request: To provide a Retention Pond

4. Surface Improvements located in subject property to be dedicated:
None Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other

5. Underground Improvements located in the existing rights-of-way:
None Telephone Electric Gas Water Sewer Storm Drain Other

6. Future use of the dedicated right-of-way:
Yards Parking Expand Building Area Replat with abutting Land Other

7. Related Applications which are pending (give name or file number):
Zoning Board of Adjustment Subdivision Building Permits Other

8. Signatures: All owners of properties which abut the property to be dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
	<u>Lot 76, Block 1, Pueblo Montana Unit 3</u>	<u>915-779-6500</u>
	<u>Lot 77, Block 1, Pueblo Montana Unit 3</u>	<input checked="" type="checkbox"/>
	<u>Lot 78, Block 1, Pueblo Montana Unit 3</u>	<input checked="" type="checkbox"/>

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedications and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Dedication. If we further understand that the fee, if the Dedication is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a dedication request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

OWNER SIGNATURE: REPRESENTATIVE SIGNATURE:

REPRESENTATIVE (PHONE): 915-502-0283

REPRESENTATIVE (E-MAIL): ccorde@condelinc.com

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Planning & Inspections Department

811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 5

Planning and Inspections Department- Planning Division

Planning recommends approval of the request.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approved with condition
The Developer/Engineer shall address the following comments.

1. Closure report Ok.
2. The subdivision shall be tied to a horizontal control by bearing and distance to either a section corner, survey line, the National Geodetic Survey monument, City monument, or other know and accepted survey points. This tie shall be delineated on the plats.
3. Verify the name of the Pond dedication "WELLS PARK ADDITION REPLAT "B" – POND", Is it part of Re-plat "B"???

Parks and Recreation Department

We have reviewed **Wells Park Addition Pond Dedication**, a survey map and on behalf of Parks & Recreation Department, we offer "No" objections to this proposed pond dedication.

El Paso Water

EPWater-PSB does not object to this request.

Water:

An 8-inch diameter water main that will be located along Sharon Ln. and Michael Dr., is currently under construction. This main will be available for service.

Sanitary Sewer:

There is an existing 18-inch diameter sanitary sewer main that extends along Michael Dr., located approximately 25-feet east of the west right-of-way line. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board (EPWater-PSB) Rules and Regulations.

General:

EPWater-PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to the pond.

Texas Gas

TGS doesn't have an objection.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.

El Paso Electric

No comments received.

El Paso County 911 District

No comments received.

Sun Metro

No comments received.

Fire Department

No comments received.

Capital Improvement Department

No comments received.

Texas Department of Transportation

No comments received.

El Paso County

No comments received.