

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

DEPARTMENT: Capital Improvement Department

AGENDA DATE: March 2, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065

DISTRICT(S) AFFECTED: 6

STRATEGIC GOAL: No. #7: Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

Discussion and action that the City Manager, or designee, is authorized to effectuate the sale and closing of the property legally described as a 301 Square feet parcel(s) of land located in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso County, Texas, being out of Tract 5C1 and Tract 5A, Block 55, of the Ysleta Grant, being out of land conveyed from El Paso County to El Paso County Water Control and Improvement District No. 1, by Commissioner's Court Deed, dated February 28, 1947, Volume 859, Page 320, Deed Records of El Paso County, Texas more specifically depicted and described in the attached Exhibit A. Further, the City Manager or designee is authorized to: (1) execute a deed and any other documents required by the State of Texas for the sale of the property, (2) sign any and all documents related and/or necessary to effectuate the sale and closing of the property, and (3) exercise all rights and obligations as provided in any documents signed by the City Manager or designee.

BACKGROUND / DISCUSSION:

Introduction of the final Ordinance and Quitclaim Deed FM 659 (N. Zaragoza Rd) for the sale of two small parcels (57 and 244 square feet) to the State of Texas for an appraised value of \$23,320. The property is being acquired to be made part of TXDOT right of way.

SELECTION SUMMARY:

N/A

PROTEST

No protest received for this requirement.

Protest received.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? Yes or Not Applicable (Routine)
If yes, select the applicable districts.

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- All Districts

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF EL PASO TO THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS TRANSPORTATION COMMISSION, FOR THE PURCHASE PRICE OF \$23,320.00. SUCH REAL PROPERTY LEGALLY DESCRIBED AS A 301 SQUARE FEET PARCEL(S) OF LAND LOCATED IN THE YSLETA TOWN TRACT SURVEY, ABSTRACT NO. 214, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING OUT OF TRACT 5C1 AND TRACT 5A, BLOCK 55, OF THE YSLETA GRANT, BEING OUT OF LAND CONVEYED FROM EL PASO COUNTY TO EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, BY COMMISSIONER'S COURT DEED, DATED FEBRUARY 28, 1947, VOLUME 859, PAGE 320, DEED RECORDS OF EL PASO COUNTY, TEXAS.

WHEREAS, Chapter 3(c) of the El Paso City Charter requires conveyances of real property to be exercised through an ordinance;

WHEREAS, Chapter 272 of the Texas Local Government Code allows a municipality to sell real property without notice and bidding requirements provided that the sale not be for less than fair market value as determined by an appraisal and the real property interest is conveyed to a governmental entity that has the power of eminent domain; and

WHEREAS, the Texas Department of Transportation has obtained an appraisal for the property the subject of this Agreement; and

WHEREAS, the Grantee is a governmental entity that has the power of eminent domain.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS,

That the City Manager, or designee, is authorized to effectuate the sale and closing of the property legally described as a 301 Square feet parcel(s) of land located in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso County, Texas, being out of Tract 5C1 and Tract 5A, Block 55, of the Ysleta Grant, being out of land conveyed from El Paso County to El Paso County Water Control and Improvement District No. 1, by Commissioner's Court Deed, dated February 28, 1947, Volume 859, Page 320, Deed Records of El Paso County, Texas more specifically depicted and described in the attached Exhibit A. Further, the City Manager or designee is authorized to: (1) execute a deed and any other documents required by the State of Texas for the sale of the property, (2) sign any and all documents related and/or necessary to

ORDINANCE NO. _____

effectuate the sale and closing of the property, and (3) exercise all rights and obligations as provided in any documents signed by the City Manager or designee.

PASSED AND APPROVED this _____ day of _____ 2021.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

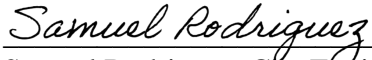
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT



Samuel Rodriguez, City Engineer

ORDINANCE NO. _____

EXHIBIT "A"

County:	El Paso	August, 2020
Highway:	FM 659	Parcel 2 – Part 1 & 2
Limits:	FM 659 @ Escobar Drive	TxDOT Connect PID# P00027357.001
CCSJ:	1046-01-038	& P00027357.002
RCSJ:	1046-01-042	Page 1 of 7

Property Description for Parcel 2 – Part 1 and Part 2

Being a 301 square feet parcel of land located in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso County, Texas, being out of Tract 5C1 and Tract 5A, Block 55, of the Ysleta Grant, being out of land conveyed from El Paso County to El Paso County Water Control and Improvement District No. 1, by Commissioner’s Court Deed, dated February 28, 1947, Volume 859, Page 320, Deed Records of El Paso County, Texas, said 301 square feet parcel of land being more particularly described by metes and bounds as follows:

Part 1 – Being 57 square feet

COMMENCING at found City of El Paso monument, which bears North 54°34’06” West, 0.53 feet from the intersection of the southeast right-of-way of FM 659 (N. Zaragoza Road, a 100-foot wide right-of-way, described in Volume 612, Page 213, Volume 611, Page 599 and Volume 611, Page 187, Deed Records of El Paso County, Texas) and the monumented centerline of Escobar Drive (a variable width road as shown on the plans for El Paso Engineering and Construction Management Department plans ECM C60 D3, Project No. 237585, no deed information found);

THENCE, South 54°34’06” East, a distance of 0.53 feet to said intersection of the southeast right-of-way of FM 659 and the monumented centerline of Escobar Drive;

THENCE, South 35°25’54” West, along the existing southeast right-of-way of FM 659 and the existing northwest right-of-way of Escobar Drive, a distance of 28.00 feet to the **POINT OF BEGINNING**, being the west corner of said Escobar Drive, said point also being on the northwest line of Tract 5A, Block 55, of the Ysleta Grant, for the north corner of the herein described parcel, said point having coordinates of N=10,639,480.16, E=439,230.33, said point being 57.93 feet right from the proposed FM 659 Baseline Station 2+00.02;

THENCE, South 54°33’55” East, departing said existing southeast right-of-way of FM 659, along the southwest line of said Escobar Drive, into and across said Tract 5A, a distance of 11.28 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed southeast right-of-way of FM 659, for the east corner of the herein described parcel, said point being 69.21 feet right from the proposed FM 659 Baseline Station 2+00.03;**

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EXHIBIT "A"

August, 2020
Parcel 2 – Part 1 & 2
TxDOT Connect PID# P00027357.001
& P00027357.002
Page 2 of 7

THENCE, South 65°08'28" West, departing said southwest line of Escobar Drive, continuing into and across said Tract 5A and Tract 5C1, along the proposed southeast right-of-way of FM 659, a distance of 6.83 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed southeast right-of-way of FM 659, said point also being on the northeast line of Tract 5C, as conveyed from Juanita G. Strons to Escobar Partnership, Texas Partnership, David Escobar Managing Partner, by Quitclaim Deed, executed June 24, 1983, Volume 1420, Page 1370, Official Public Records of Real Property of El Paso County, Texas, for the south corner of the herein described parcel, said point being 65.83 feet right from the proposed FM 659 Baseline Station 1+94.09;

THENCE, North 54°34'06" West, along said northeast line of Tract 5C and said southwest line of Tract 5C1, a distance of 7.98 feet to a point on said southeast right-of-way of FM 659, said point also being the north corner of said Tract 5C and the west corner of said Tract 5C1, for the west corner of the herein described parcel, said point being 57.94 feet right from the proposed FM 659 Baseline Station 1+94.08;*

THENCE, North 35°25'54" East, along said existing southeast right-of-way of FM 659 and said northwest line of Tract 5C1 and Tract 5A, a distance of 5.94 feet to the **POINT OF BEGINNING** and containing 57 square feet.

Part 2 – Being 244 square feet

COMMENCING at found City of El Paso monument, which bears North 54°34'06" West, 0.53 feet from the intersection of the southeast right-of-way of FM 659 (N. Zaragoza Road, a 100-foot wide right-of-way, described in Volume 612, Page 213, Volume 611, Page 599 and Volume 611, Page 187, Deed Records of El Paso County, Texas) and the monumented centerline of Escobar Drive (a variable width road as shown on the plans for El Paso Engineering and Construction Management Department plans ECM C60 D3, Project No. 237585, no deed information found);

THENCE, South 54°34'06" East, a distance of 0.53 feet to said intersection of the southeast right-of-way of FM 659 and the monumented centerline of Escobar Drive;

THENCE, North 35°25'54" East, along the existing southeast right-of-way of FM 659 and the northwest line of Escobar Drive, a distance of 32.02 feet to the **POINT OF BEGINNING**, being the north corner of said Escobar Drive, said point also being on the northwest line of Tract 5A, Block 55, of the Ysleta Grant, for the west corner of the herein described parcel, said point having coordinates of N=10,639,529.06, E=439,265.13, said point being 57.87 feet right from the proposed FM 659 Baseline Station 2+60.04;

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THENCE, North 35°25'54" East, continuing along said southeast right-of-way of FM 659 and the northwest line of said Tract 5A, a distance of 20.85 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed southeast right-of-way of FM 659, for the north corner of the herein described parcel, said point being 57.85 feet right from the proposed FM 659 Baseline Station 2+80.89;**

THENCE, South 13°58'32" East, departing said existing southeast right-of-way of FM 659, along said proposed southeast right-of-way of FM 659, into and across said Tract 5A, a distance of 30.78 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed southeast right-of-way of FM 659, said point being on the northeast line of said Escobar Drive, for the southeast corner of the herein described parcel, said point being 81.24 feet right from the proposed FM 659 Baseline Station 2+60.89;**

THENCE, North 56°35'53" West, along said northeast line of Escobar Drive, a distance of 23.38 feet to the **POINT OF BEGINNING** and containing 244 square feet.

Parcel 2 Acquisition Summary

Part 1 =	57 square feet
Part 2 =	<u>244 square feet</u>
Total =	301 square feet

NOTES:

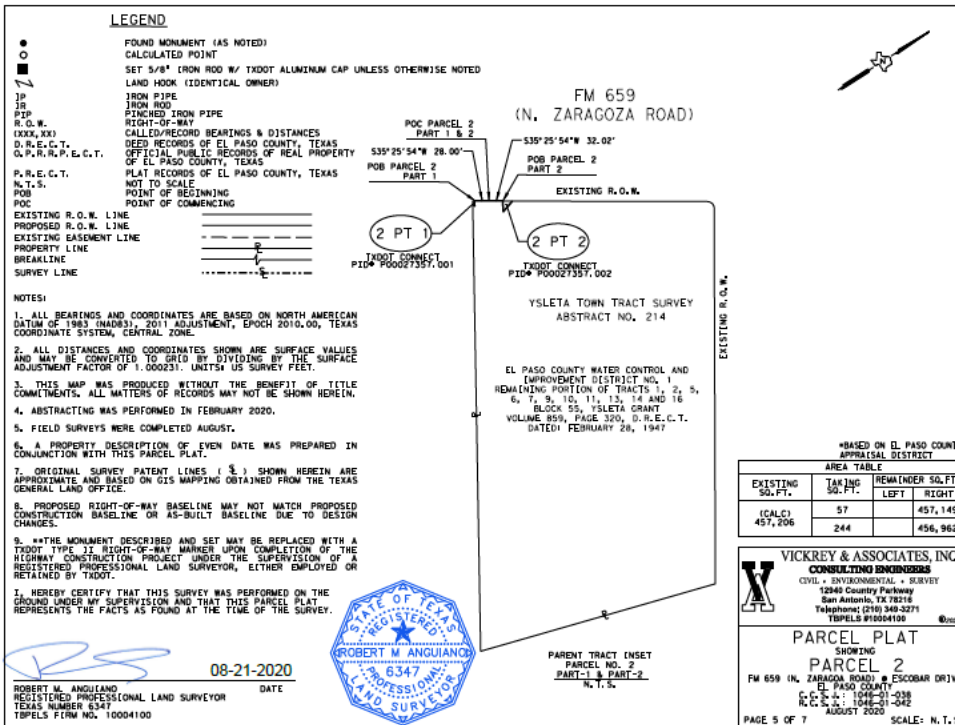
All bearings and coordinates are based on North American Datum of 1983 (NAD83), 2011 Adjustment, Epoch 2010.00, Texas Coordinate System, Central Zone. All distances and coordinates shown are in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000231. Units of Measure: U.S. Survey Feet

** The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

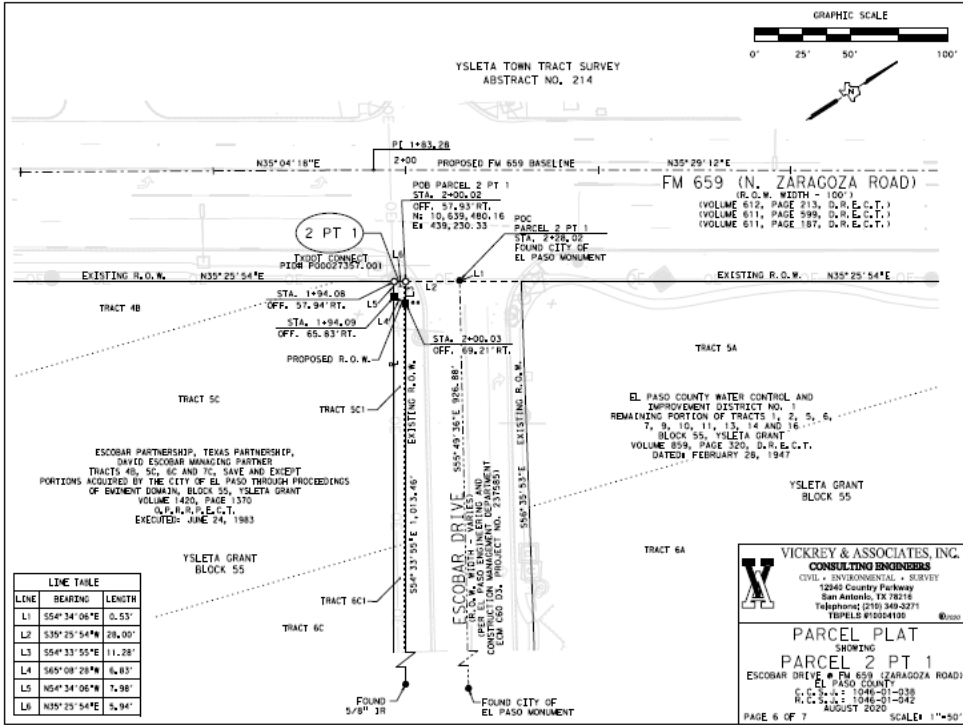
A parcel plat of even date was prepared in conjunction with this property description.

Abstracting was completed in February, 2020. Field Surveys were completed August, 2020.

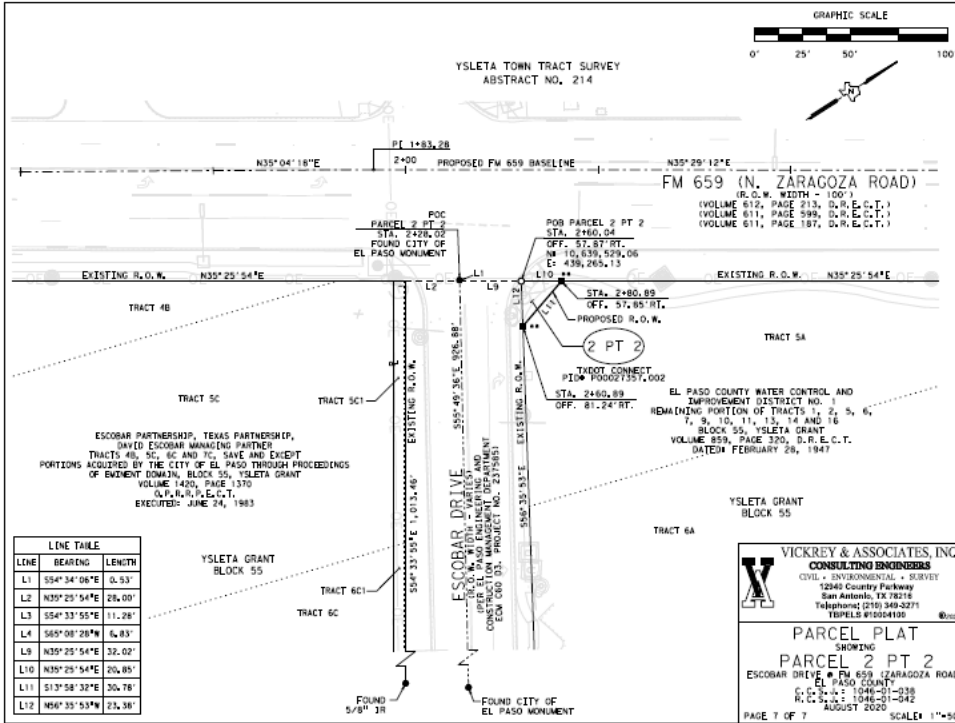
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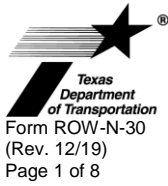


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Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



NOTE: THIS FORM IS INTENDED SOLELY FOR USE BY THE TEXAS DEPARTMENT OF TRANSPORTATION. USE OF THIS FORM BY PRIVATE PARTIES ATTEMPTING TO QUITCLAIM OR CONVEY PROPERTY MAY RESULT IN THE UNINTENDED CONVEYANCE OF THE GRANTOR'S INTEREST TO THE STATE OF TEXAS.

QUITCLAIM DEED

THE STATE OF TEXAS

§ **ROW CSJ: 1046-01-042**

COUNTY OF EL PASO

§

§ **KNOW ALL MEN BY THESE PRESENTS:**

That, the City of El Paso, Texas of the County of El Paso, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, the receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have Quitclaimed and do by these presents Bargain, Sell, Release and forever Quitclaim unto the State of Texas all of Grantors' right, title, interest, claim and demand in and to that certain tract or parcel of land, including any improvements thereon, situated in the County of El Paso, State of Texas, more particularly described in Exhibit "A," attached hereto and incorporated herein for any and all purposes.

TO HAVE AND TO HOLD for said purposes together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said State of Texas forever.

IN WITNESS WHEREOF, this instrument is executed on this the _____ day of _____, _____.

Grantor

Tomas Gonzalez
City Manager, City of El Paso

Grantee's Address: Texas Department of Transportation
125 E. 11th Street Austin, Texas 78701 Travis County

Grantor's Address: Capital Improvement Department. 218 N. Campbell St. Second Floor El Paso, Texas
79901

Corporate Acknowledgment

State of Texas
County of El Paso

This instrument was acknowledged before me on _____ by
_____.

of _____, on behalf of Grantor. The acknowledging
person(s) personally appeared by:

- physically appearing before me.
- appearing by an interactive two-way audio and video communication that meets the requirements for online notarization under Texas Government Code chapter 406, subchapter C.

Notary Public's Signature

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