

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

**AGENDA DATE:** July 7, 2021

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Raul Garcia, (915) 212-1643

**DISTRICT(S) AFFECTED:** N/A – Extraterritorial Jurisdiction (ETJ)

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

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

A Resolution that the City of El Paso consents to the Horizon Regional Municipal Utility District request to serve and annex certain property located within the Extraterritorial Jurisdiction of the City of El Paso, Texas. **(ETJ)**

Subject Property: North of Eastlake Blvd. and East of Darrington Rd.  
Applicant: Horizon Regional Municipal Utility District and Ravenna II, LLC

**BACKGROUND / DISCUSSION:**

The applicants are requesting the City of El Paso's consent to serve and annex property within the City's ETJ in order to provide water and wastewater services. The property is 159.909 acres in size. The City Plan Commission recommended 7-0 to approve the request on May 20, 2021. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**Philip F. Etiwe – Planning and Inspections Director**

## RESOLUTION

### **A RESOLUTION THAT THE CITY OF EL PASO CONSENTS TO THE HORIZON REGIONAL MUNICIPAL UTILITY DISTRICT REQUEST TO SERVE AND ANNEX CERTAIN PROPERTY LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF EL PASO, TEXAS.**

**WHEREAS**, the Horizon Regional Municipal Utility District (“District”) is a Municipal Utility District which exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, the Code Chapters, and/or the act; and

**WHEREAS**, the District has received a request from the landowners of the property described in **Exhibit “A”** attached hereto (“Property”) to be annexed and included in the District; and

**WHEREAS**, the District has submitted a request to the City of El Paso for its consent to annex the Property into the District, see **Exhibit “B”** attached hereto; and

**WHEREAS**, the Property is located in the Extraterritorial Jurisdiction of the City of El Paso, Texas; and

**WHEREAS**, El Paso Water Utilities is unable to provide water and sewer service to the Property and does not object to the annexation of the Property into the District, see **Exhibit “B”** attached hereto; and

**WHEREAS**, pursuant to Chapter 54 of the Texas Water Code and Chapter 42 of the Texas Local Government Code, a resolution authorizing such annexation/inclusion of the Property in the District must be passed by the City Council prior to inclusion of such land in the District; and

**WHEREAS**, the District’s request was presented to the City Plan Commission for its review and made recommendation in favor of the request; and

**WHEREAS**, the City Council has determined that it is in the best interest of the citizenry for the City to consent to the annexation and inclusion of the Property into the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Pursuant to the provisions of Chapter 54 of the Texas Water Code and Chapter 42 of the Texas Local Government Code, the City of El Paso, Texas hereby consents to the inclusion of the Property in the Horizon Regional Municipal Utility District.

PASSED AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2021.

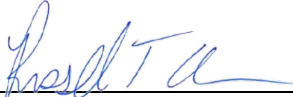
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

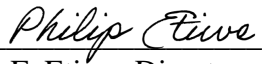
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine,  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning and Inspections Department



April 9, 2021

Mr. Tommy Gonzalez  
City Manager  
300 N. Campbell  
El Paso, Texas 79901

[tgonzalez@elpasotexas.gov](mailto:tgonzalez@elpasotexas.gov)

Mr. Philip Etiwe  
Director of Planning and Inspections  
811 Texas Ave  
El Paso, Texas 79901

[EtiwePF@elpasotexas.gov](mailto:EtiwePF@elpasotexas.gov)

Re: Horizon Regional Municipal Utility District  
Consent to include Property Located within the ETJ of the City of El Paso, Texas

Dear Messrs. Gonzalez and Etiwe:

The purpose of this letter is to request consent to include 159.909 acres of land (the "Property") into Horizon Regional Municipal Utility District (the "District"). This does not remove the property from the City's Extraterritorial Jurisdiction ("ETJ"), but rather allows the District to provide utility service to the property. The owner of the Property, Ravenna II LLC, has asked the District to annex the Property into the boundaries of the District. Under state law, before such an annexation can be completed, the District must receive the consent of any city in whose ETJ the Property is located. The District is requesting your consent to the annexation of the Property located within the ETJ of the City of El Paso.

I am enclosing a copy of the Request for Consent for your review and approval. The Texas Attorney General's office now requires evidence of consent in the form of a resolution to be adopted by the City Council. is the executed Request for Consent to Annex Property located within the ETJ of the City of El Paso to the District.

Please contact my office with any questions.

Sincerely,

Alan P. Petrov  
Attorney for the District

APP/mlr  
attachment

cc: Charlie McGinnis, General Manager ([carlos.mcginis@inframark.com](mailto:carlos.mcginis@inframark.com))  
Joel Guzman, Ravenna LLC ([joel.guzman@huntcompanies.com](mailto:joel.guzman@huntcompanies.com))

# EXHIBIT B

**REQUEST FOR CONSENT TO**  
**ANNEX PROPERTY LOCATED WITHIN THE EXTRATERRITORIAL**  
**JURISDICTION OF THE CITY OF EL PASO, TEXAS TO THE HORIZON REGIONAL**  
**MUD, A SPECIAL PURPOSE DISTRICT**  
**UNDER TEXAS CONSTITUTION**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF EL PASO                 §

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

The undersigned (herein the "District") acting pursuant to the provisions of Section 54.016, Texas Water Code, and Section 42.042, Texas Local Government Code, respectfully requests the City Council of the City of El Paso, Texas, for its written consent to the annexation/inclusion of the property described herein into the District and would respectfully show the following:

**I.**

The District exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, the Code Chapters, and/or the Act.

**II.**

The District formerly known as El Paso County Water Authority was created in 1961 to service certain property described in the District's Certificate of Convenience and Necessity No. P0118.

**III.**

The property, all or any part of which is proposed to be included in the District, is situated wholly within El Paso County, Texas and described on Exhibit "A" hereto, which is attached hereto and incorporated herein for all purposes (the "Property"). The Property is within the extraterritorial jurisdiction of the City of El Paso, Texas. All of the property proposed to be included may properly be included in the District. The general nature of the work will be to provide water and sewer service to the Property at a cost of approximately \$3,000,000.00 and shall include the extension of the following: (1) approximately 32,000 linear feet of 8 inch to 12 inch waterlines with services and related appurtenances; (2) approximately 24,000 linear feet of 8 to 12 inch gravity wastewater lines with manholes and services; and

IV.

The El Paso Water Utilities is unable to provide water and sewer service to the Property and does not object to the annexation/inclusion of the Property into the District (see Exhibit "B" hereto).

V.

The owners of the Property have requested that the District provide them service to the Property and authorized the District to respectfully request the City of El Paso's consent to the annexation of the Property into the District.

VI.

WHEREFORE, the District respectfully prays that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the annexation/inclusion of the Property to the District.

RESPECTFULLY SUBMITTED, this 8<sup>th</sup> day of April, 2021.

**HORIZON REGIONAL MUNICIPAL  
UTILITY DISTRICT**

By: [Signature]  
Name: G.L. Jarvis  
Title: President  
Date: 04/08/2021

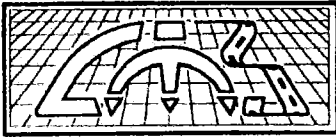
**ACKNOWLEDGMENTS**

**THE STATE OF TEXAS §  
  §  
COUNTY OF EL PASO §**

This instrument was acknowledged before me on the 8<sup>th</sup> day of April, 2021, by Gordon "Bob" Jarvis, President of the Horizon Regional Municipal Utility District on behalf of said political subdivision.



Marisa L Roberts  
Notary Public, State of Texas



## Land-Mark Professional Surveying, Inc.

"Serving Texas, New Mexico & Arizona"

### FIELD NOTE DESCRIPTION

**BEING THE NORTHEAST 1/4 OF SECTION 20, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING**, for reference, at an existing 1-1/2" iron pipe (accepted as McCombs pipe) found at the common corner of Survey Nos. 18, 19, and 22, Block 79, Township 3, Texas and Pacific Railway Company Surveys and C.D. Stewart Survey 319; said corner has a coordinate value of X=462,823.70 feet and Y=10,634,966.09 feet, in the Central Zone of the Texas Coordinate System (NAD-83 (1993)); **THENCE**, North 74°50'49" East, a distance of 8,369.53 feet to an existing 5/8-inch rebar with cap stamped "LAND-MARK TX4869 NM11402" for the **POINT OF BEGINNING** of this parcel description; said corner has a coordinate value of X=470,900.39 feet and Y=10,637,153.37 feet, in the Central Zone of the Texas Coordinate System (NAD-83 (1993));

**THENCE**, North 02°29'11" East, with the west boundary line of the Northeast 1/4 of Section 20, Block 79, Township 3, T. & P. R.R. Co. Survey a distance of 2620.39 feet to an existing 5/8-inch rebar, for the northwest corner of said Northeast 1/4 of Section 20;


**THENCE**, South 86°59'33" East, with the northerly boundary line of said Section 20, a distance of 2656.01 feet to a point for the northeast corner of said Section 20;

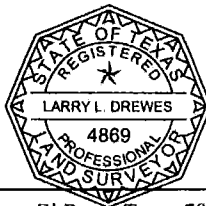
**THENCE**, South 02°27'22" West, with the easterly boundary line of said Section 20, a distance of 2623.66 feet to a 5/8-inch rebar with cap stamped "LAND-MARK TX4869 NM11402", set for the southeast corner of the Northeast 1/4 of said Section 20;

**THENCE**, North 86°55'20" West, with the southerly boundary line of said Northeast 1/4 of Section 20, a distance of 2657.42 feet to the **TRUE POINT OF BEGINNING** of this parcel. Said parcel contains 6,965,634 square feet or 159.909 acres more or less.

**Notes:** 1.) All courses contained in this description are based upon the Central Zone of the Texas Coordinate System – North American Datum (NAD) of 1983 (1993); 2.) Combined Grid Factor = 0.9997722248; 3.) Distances are horizontal surface measurements; 4.) Coordinates are based on the Central Zone of the Texas Coordinate System – North American Datum (NAD) of 1983 (1993); 5.) This survey was based upon the Baker Survey boundary control of 1937; 6.) A plat with the same date accompanies this field note description.

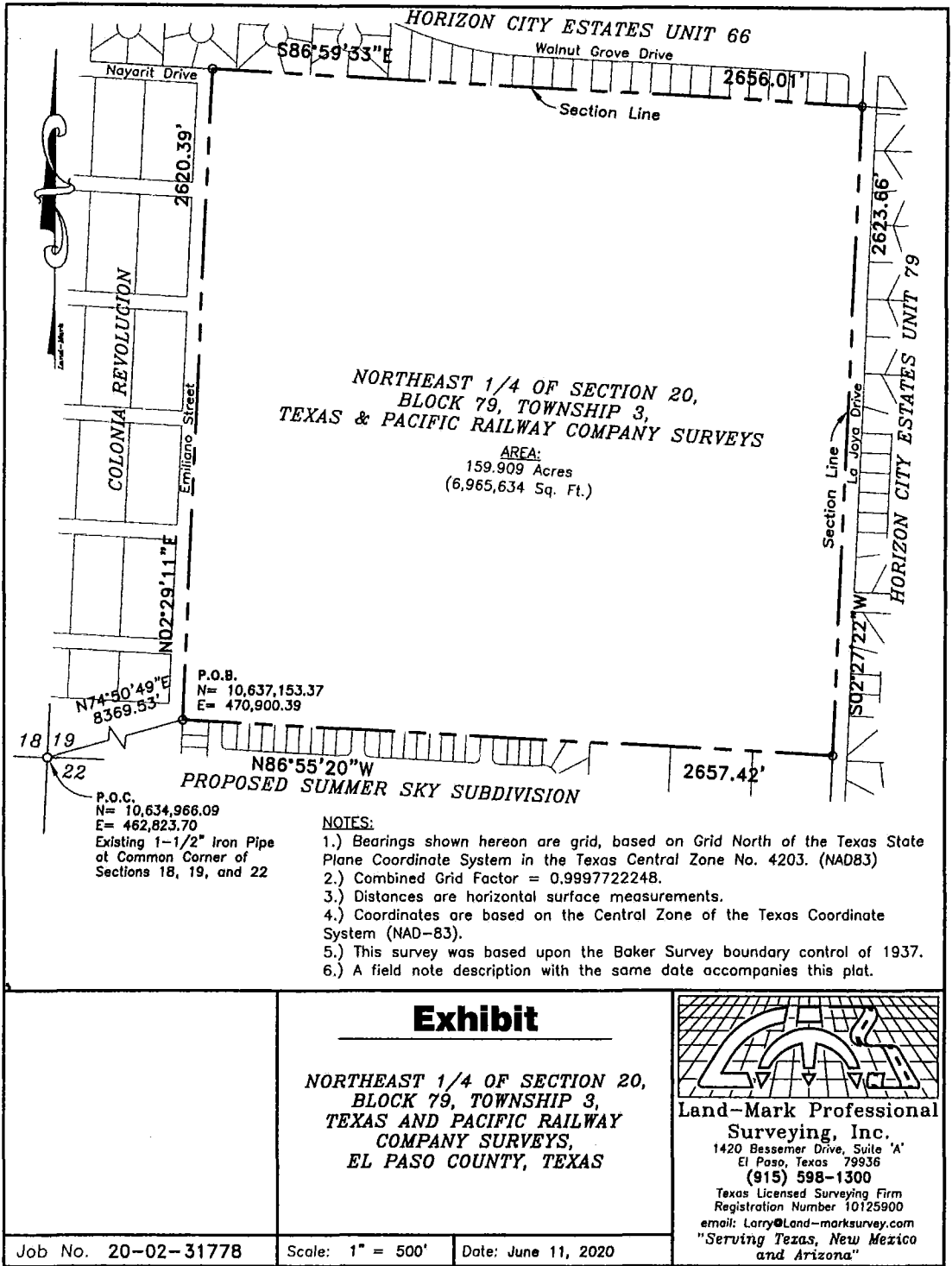
*I, Larry L. Drewes, Registered Professional Land Surveyor of El Paso County, Texas, do hereby certify that the foregoing Survey was made by me on the ground, according to law, and that the limits, boundaries and corners, with marks, natural and artificial, are truly and correctly described in the foregoing plat and field notes.*

  
Larry L. Drewes, RPLS  
Date: June 11, 2020  
Job No. 20-03-31778-B



1420 Bessemer • El Paso, Texas 79936

Tel. (915) 598-1300 • Fax (915) 598-1221 • Email address: Larry@Land-Marksurvey.com







July 27, 2017

Mr. Alan P. Petrov  
Johnson Petrov LLP  
2929 Allen Parkway, Suite 3150  
Houston, TX 77019

RE: Request for Consent to Utility Service by Horizon Municipal Utility District

Dear Mr. Petrov:


This letter is in response to your correspondence date July 12, 2017 regarding a request that the Horizon Regional Municipal Utility District (HRMUD) received for water and sewer service for a property generally located in the East ½ of Section 20, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso County, Texas.

The property is located within the limits of El Paso Water (EPWater) CCN NO. 10211. EPWater has no objection to the extension of water and sewer services to the property and the provision of services by HRMUD.

EPWater will proceed thru the Public Utility Commission of Texas to amend the existing water CCN No. 10211 to decertify and remove the East ½ of Section 20, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso County, Texas.

If you have any questions, please do not hesitate to contact me at 594-5595.

Sincerely,

  
John E. Balliew, P.E.  
President/CEO

/ac

cc: Mr. Charlie Bombach (via email)  
Ms. Linda Troncoso (via email)

1154 Hawkins Blvd. P.O. Box 511 El Paso, TX 79961-0511 915.594.5500

***NOTICE TO NEIGHBORING UTILITIES, COUNTY AUTHORITIES, CITIES,  
LANDOWNERS, CUSTOMERS, AND AFFECTED PARTIES***

**NOTICE OF APPLICATION TO RELINQUISH PORTIONS OF WATER AND SEWER  
CERTIFICATES OF CONVENIENCE AND NECESSITY IN EL PASO COUNTY, TEXAS**

To: PASEO DEL ESTE MUD NO. 1  
C/O RONALD J. FREEMAN  
102 N. RAILROAD AVE  
PFLUGERVILLE, TX 78660-2767

Date Notice Mailed: June 6, 2018

El Paso Water Utilities Public Service Board has filed an application with the Public Utility Commission of Texas to decertify a portion of its Certificates of Convenience and Necessity (CCN) No. 10211 (water) and CCN No. 21008 (sewer) in El Paso County.

The requested area is located approximately 2.5 miles north of downtown Horizon City, Texas, and is generally bounded on the north by Pellicano Road; on the east by La Joya Road; on the south by Paseo del Este Drive; and on the west by Berryville Street. The total requested area includes approximately 487 acres for sewer and 342 acres for water and 0 current customers. **See enclosed maps showing the requested areas.**

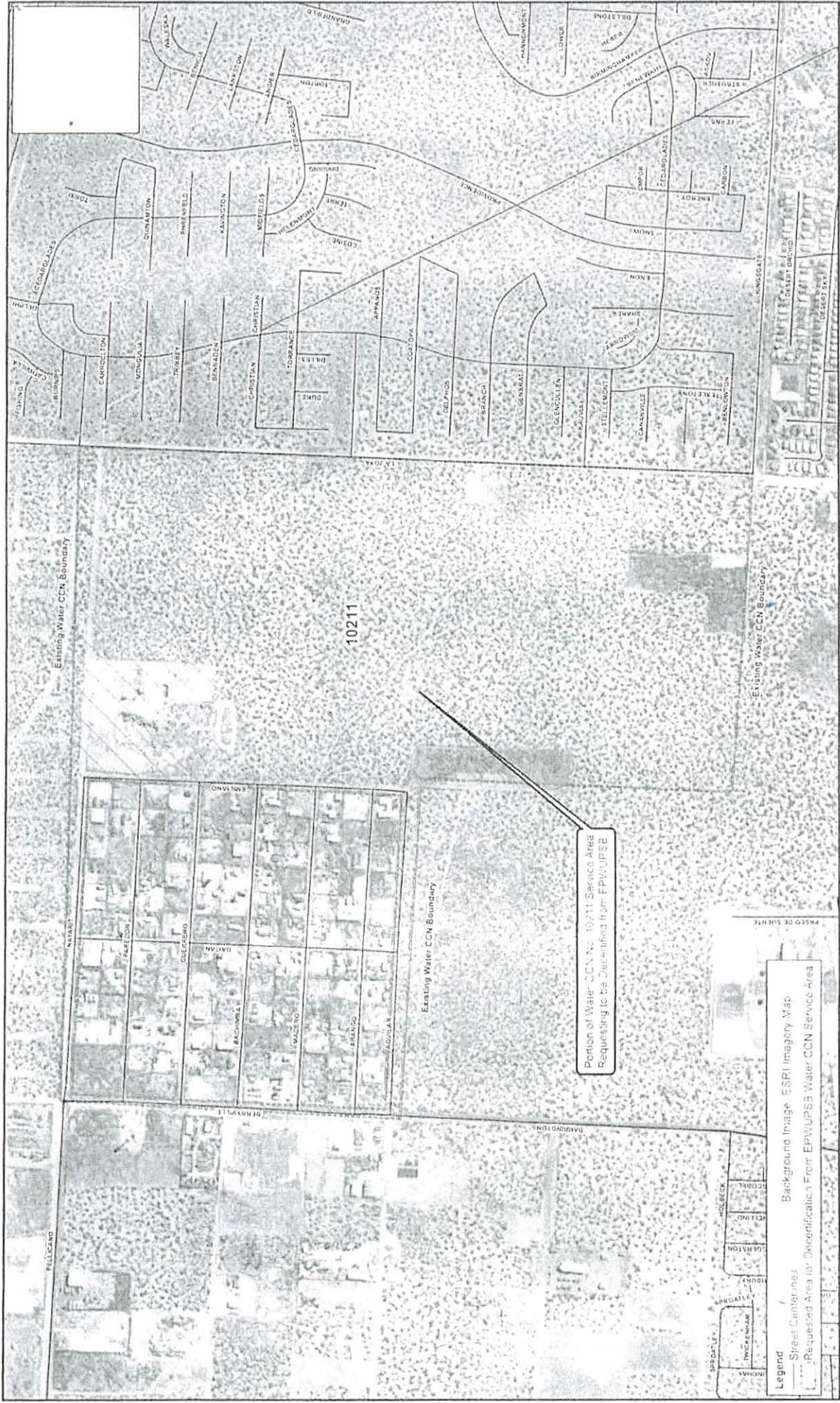
*Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is thirty (30) days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. You must send a letter requesting intervention to the commission which is received by that date.*

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas  
P.O. Box 13326  
Austin, Texas 78711-3326.

*Si desea informacion en Espanol, puede llamar al 1-888-782-8477*



**10211**

Portion of Water CCN No. 10211 Service Area  
Requesting to be Decertified from FPWUPSB

**El Paso Water Utilities Public Service Board**  
**Request to Decertify a Portion of the Water CCN No. 10211 Service Area**  
**DETAIL MAP**

Legend  
 Street Centerlines  
 Background Image  
 ESRI Imagery Map  
 Requested Area for Decertification from FPWUPSB Water CCN Service Area

Scale: 0 0.25 0.5 1 2 Miles

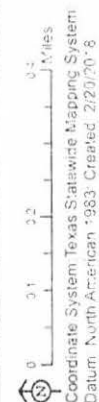
Coordinate System: Texas Statewide Mapping System  
 Datum: North American 1983; Created: 2/20/2018

© 2018 Bickerstaff Heath De gaco Acosta LLC  
 Data Source: Roads, Water and other features obtained from: City of El Paso GIS  
 Proposed Decertification Area for Water and Sewer  
 CCN Service areas obtained from PUC



**Legend**  
 [Symbol] EIP - Pass Utilities PSS Requested Decertification of Sewer CCN Service Area  
 [Symbol] Street Centerlines  
 [Symbol] Background Image: ESRI Imagery Map

Proposed Sewer CCN Service Area  
 Requesting to be Decertified from EPIWUPSE



Coordinate System: Texas Statewide Mapping System  
 Datum: North American 1983 - Created: 2/20/2018

**El Paso Water Utilities Public Service Board**  
**Request to Decertify a Portion of Sewer CCN No. 21008 Service Area**  
**DETAIL MAP**

© 2018 Bickerstaff Heaton Deigado Acosta, L.P.  
 Data Source: Roads, Water and other features obtained from City of El Paso GIS  
 Proposed Decertification Area for Water and Sewer  
 CCN. Service areas obtained from PUC





## *City of El Paso – City Plan Commission Staff Report*

### **Request to serve and annex certain property within the El Paso ETJ (Extraterritorial Jurisdiction)**

Section 54.016 of the Texas Water Code stipulates that no land within the extraterritorial jurisdiction of a city, shall be included in a utility district without that city's written consent, by either a resolution or ordinance.

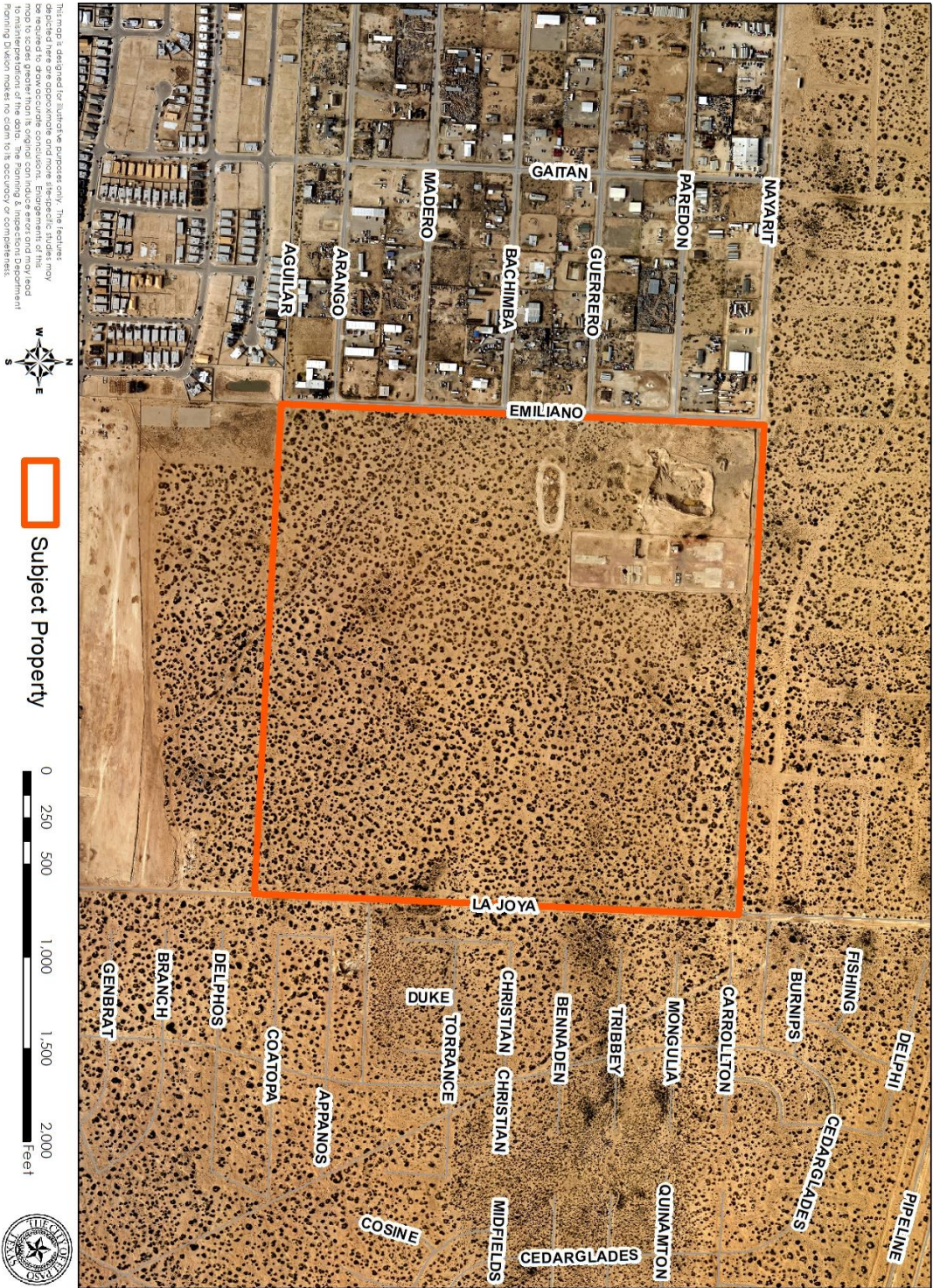
The owners of the subject property, together with the Horizon Regional Municipal Utility District, have requested written consent from the City to include the subject property within the Horizon Regional Municipal Utility District's boundary in order to begin providing utility services to the property.

The El Paso Water Utility has acknowledged that they are unable to provide water and sewer service to the property and have provided no objection to the extension of such services to the property by the Horizon Regional Municipal Utility District.

#### **Attachment:**

1. Aerial map
2. Location map
3. Survey
4. Metes and Bounds
5. Applicant's request

# Attachment 1

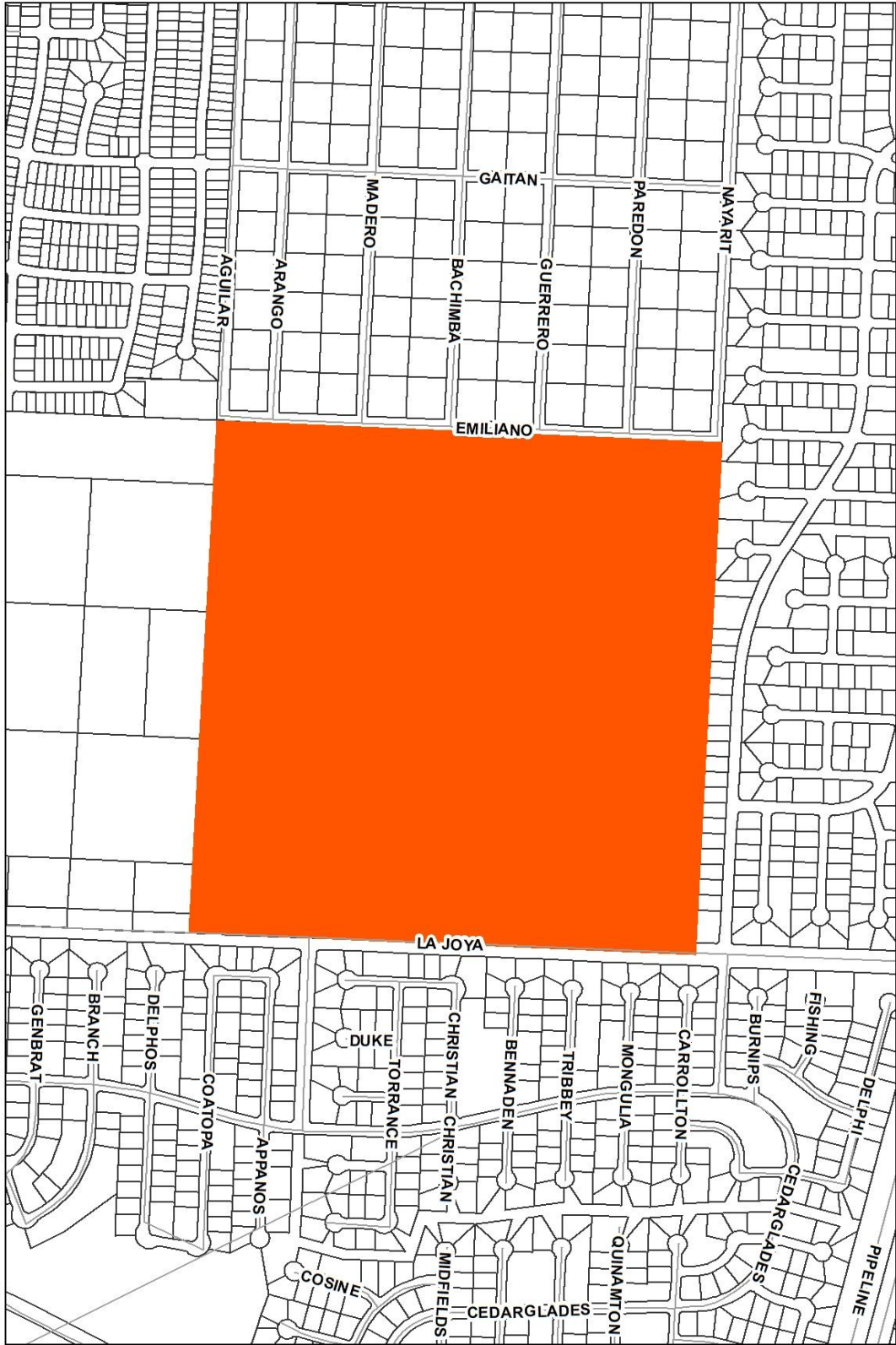
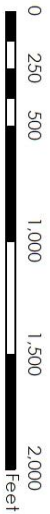


# Attachment 2

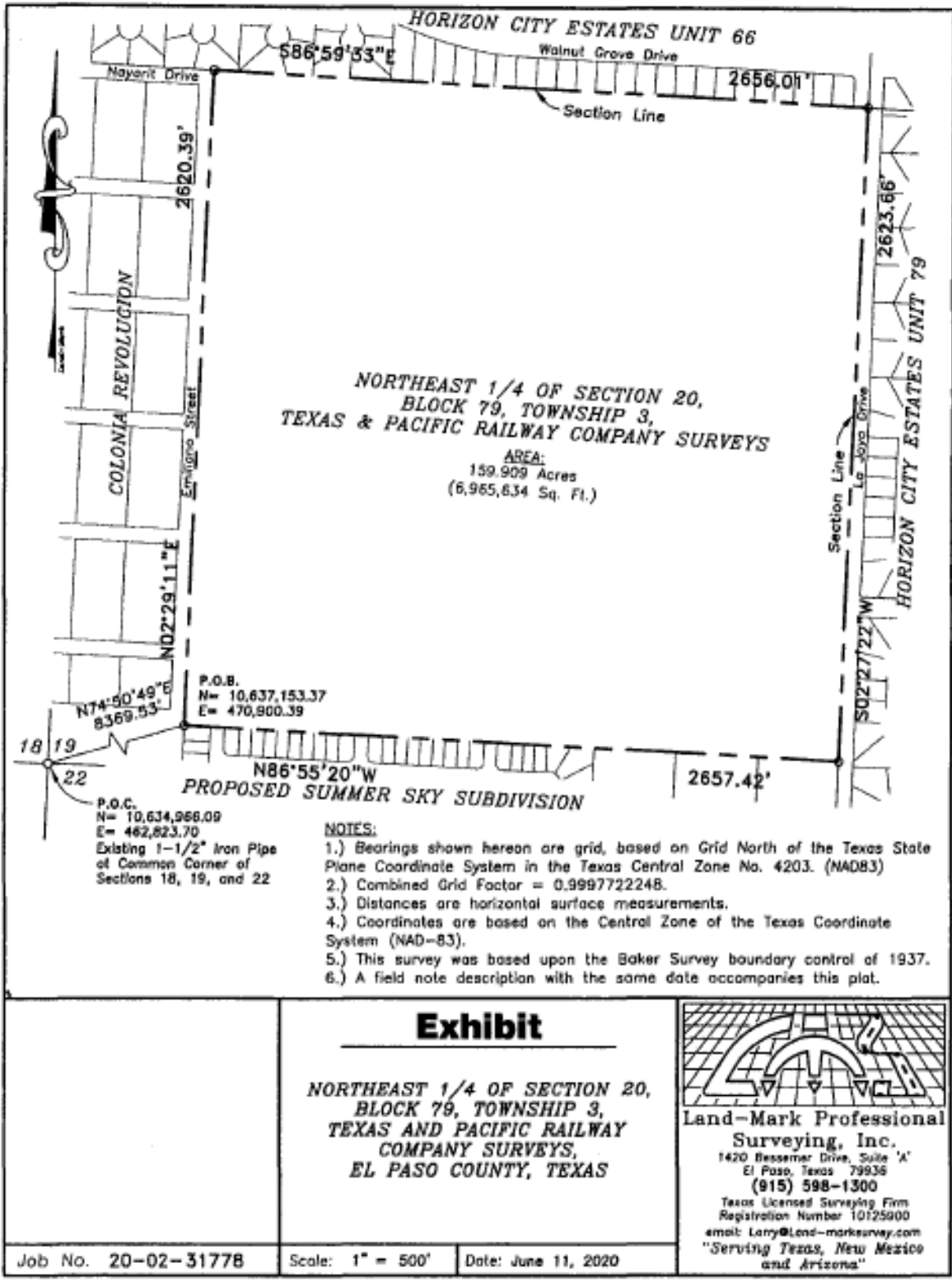
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Engagements of this map to scales greater than its origin can induce errors and may lead to inaccuracies. The Planning Division makes no claim to its accuracy or completeness.



 Subject Property



**Attachment 3**



**Exhibit**

**NORTHEAST 1/4 OF SECTION 20,  
BLOCK 79, TOWNSHIP 3,  
TEXAS AND PACIFIC RAILWAY  
COMPANY SURVEYS,  
EL PASO COUNTY, TEXAS**



**Land-Mark Professional  
Surveying, Inc.**  
1420 Bessmer Drive, Suite 'A'  
El Paso, Texas 79936  
**(915) 598-1300**  
Texas Licensed Surveying Firm  
Registration Number 10125900  
email: Larry@Land-marksurvey.com  
"Serving Texas, New Mexico  
and Arizona"

Job No. 20-02-3177B

Scale: 1" = 500'

Date: June 11, 2020



## Attachment 4



### Land-Mark Professional Surveying, Inc.

"Serving Texas, New Mexico & Arizona"

#### FIELD NOTE DESCRIPTION

**BEING THE NORTHEAST 1/4 OF SECTION 20, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

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*I, Larry L. Drewes, Registered Professional Land Surveyor of El Paso County, Texas, do hereby certify that the foregoing Survey was made by me on the ground, according to law, and that the limits, boundaries and corners, with marks, natural and artificial, are truly and correctly described in the foregoing plat and field notes.*

  
Larry L. Drewes, RPLS  
Date: June 11, 2020  
Job No. 20-03-31778-B



1420 Bessemer • El Paso, Texas 79936

Tel. (915) 598-1300 • Fax (915) 598-1221 • Email address: [Larry@Land-Marksurvey.com](mailto:Larry@Land-Marksurvey.com)

May 20, 2021

Attachment 5



April 9, 2021

Mr. Tommy Gonzalez  
City Manager  
300 N. Campbell  
El Paso, Texas 79901

[tgonzalez@elPASOTexas.gov](mailto:tgonzalez@elPASOTexas.gov)

Mr. Philip Etiwe  
Director of Planning and Inspections  
811 Texas Ave  
El Paso, Texas 79901

[EtiwePF@elPASOTexas.gov](mailto:EtiwePF@elPASOTexas.gov)

Re: Horizon Regional Municipal Utility District  
Consent to include Property Located within the ETJ of the City of El Paso, Texas

Dear Messrs. Gonzalez and Etiwe:

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I am enclosing a copy of the Request for Consent for your review and approval. The Texas Attorney General's office now requires evidence of consent in the form of a resolution to be adopted by the City Council. is the executed Request for Consent to Annex Property located within the ETJ of the City of El Paso to the District.

Please contact my office with any questions.

Sincerely,



Alan P. Petrov  
Attorney for the District

APP/mlr  
attachment

cc: Charlie McGinnis, General Manager ([carlos.mcginis@inframark.com](mailto:carlos.mcginis@inframark.com))  
Joel Guzman, Ravenna LLC ([joel.guzman@huntecompanies.com](mailto:joel.guzman@huntecompanies.com))

May 20, 2021



IV.

The El Paso Water Utilities is unable to provide water and sewer service to the Property and does not object to the annexation/inclusion of the Property into the District (see Exhibit "B" hereto).

V.

The owners of the Property have requested that the District provide them service to the Property and authorized the District to respectfully request the City of El Paso's consent to the annexation of the Property into the District.

VI.

WHEREFORE, the District respectfully prays that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the annexation/inclusion of the Property to the District.

RESPECTFULLY SUBMITTED, this 8<sup>th</sup> day of April, 2021.

HORIZON REGIONAL MUNICIPAL  
UTILITY DISTRICT

By: [Signature]  
Name: G.L. Jarvis  
Title: PRESIDENT  
Date: 04/08/2021

ACKNOWLEDGMENTS

THE STATE OF TEXAS       §  
  §  
COUNTY OF EL PASO       §

This instrument was acknowledged before me on the 8<sup>th</sup> day of April, 2021, by Gordon "Bob" Jarvis, President of the Horizon Regional Municipal Utility District on behalf of said political subdivision.



[Signature]  
Notary Public, State of Texas



July 27, 2017

Mr. Alan P. Petrov  
Johnson Petrov LLP  
2929 Allen Parkway, Suite 3150  
Houston, TX 77019

RE: Request for Consent to Utility Service by Horizon Municipal Utility District

Dear Mr. Petrov:

This letter is in response to your correspondence date July 12, 2017 regarding a request that the Horizon Regional Municipal Utility District (HRMUD) received for water and sewer service for a property generally located in the East ½ of Section 20, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso County, Texas.

The property is located within the limits of El Paso Water (EPWater) CCN NO. 10211. EPWater has no objection to the extension of water and sewer services to the property and the provision of services by HRMUD.

EPWater will proceed thru the Public Utility Commission of Texas to amend the existing water CCN No. 10211 to decertify and remove the East ½ of Section 20, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso County, Texas.

If you have any questions, please do not hesitate to contact me at 594-5595.

Sincerely,

  
John E. Balliew, P.E.  
President/CEO

/ac

cc: Mr. Charlie Bombach (via email)  
Ms. Linda Troncoso (via email)

1154 Hawkins Blvd, P.O. Box 511 El Paso, TX 79961-0511 915.594.5500

May 20, 2021