

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY AND AUTHORIZING THE CITY TO EXERCISE ITS EMINENT DOMAIN AUTHORITY AND INITIATION OF A CONDEMNATION JUDICIAL PROCEEDING**

**WHEREAS**, as part of the voter-approved 2022 Community Progress Bond, the City of El Paso (“City”) has undertaken a public roadway transportation project to extend Resler Drive from Loop 375 (Transmountain Road) to Dewberry Drive (“Project”); and

**WHEREAS**, the City must acquire certain properties in order to complete the Project; and

**WHEREAS**, pursuant to Tex. Local Gov’t Code §251.001, when the governing body of a municipality considers it necessary, the municipality may exercise the right of eminent domain for a public use to acquire public or private property for certain municipal public uses; and

**WHEREAS**, the City is authorized under state law to acquire fee simple title to real property for the municipal public use and purpose of extending any street, roadway, or related to a transportation project for public roads or highways pursuant to Tex. Loc. Gov’t Code §251.001(a), §273.001(c)(10), and Tex. Gov’t Code §2206.001(c)(1); and

**WHEREAS**, the City is authorized to exercise its eminent domain authority by following the process outlined under Tex. Property Code Ch. 21, and all other applicable state laws governing the acquisition of private real property by governmental entities in Texas, and to offer a property owner just compensation based on an appraisal prepared by a state-certified general appraiser; and

**WHEREAS**, the City has been unable to reach an agreement for the purchase of one of the properties that is necessary for the Project; and

**WHEREAS**, the property that is necessary for the Project is described as follows:

A portion of Tract 1-A, Nellie D Mundy Survey 243, Abstract 10037, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit “A”, attached hereto and made a part hereof for all purposes (the “Property”); and

**WHEREAS**, the Property’s owner Transmountain 54 LLC, has rejected the City’s offer and refused to sell its interest in and to the subject Property to the City for the appraised fair market value; and

**WHEREAS**, staff requests, pursuant to the Texas Truth in Condemnation Act, Tex. Gov’t Code §2206.053, that the City Council of El Paso authorize the use of the power of eminent domain and authority to initiate a condemnation proceeding to acquire the Property described above.

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

**That** the City Council of El Paso finds it is necessary for the public safety, health, and welfare of the City's residents to acquire by eminent domain the Property described below:

A portion of Tract 1-A, Nellie D Mundy Survey 243, Abstract 10037, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

**That** the Project to extend Resler Drive is a public use under Tex. Loc. Gov't Code §251.001 (a) (1), §273.001(c)(10), and Tex. Gov't Code §2206.001(c)(1);

**That** City staff, in consultation with the City Attorney's Office, has on behalf of the City attempted to negotiate, settle, and agree on just compensation to be paid to the owners of the Property, and has made official, written, bona fide offers to the owners for the fair market value of said Property.

**That** the City Attorney, or her authorized agents, are authorized to initiate against the owners judicial proceedings by filing a condemnation petition under Tex. Property Code §21.012, using the City's statutory power of eminent domain to acquire the Property, in order to allow the City to complete the Project, and to perform and undertake all other proceedings necessary to complete the acquisition of the Property, and to take all steps necessary, including the execution of any required documents in order to effectuate this authority.

**That** the City Council hereby authorizes the use of the power of eminent domain and the initiation of condemnation proceedings to acquire the Property described herein and in Exhibit "A" for the Project to extend Resler Drive from Loop 375 (Transmountain Road) to Dewberry Drive.

**That** the City provided written notice of the date, hour, place, and subject of the meeting at which this Resolution was discussed, considered, and approved, was posted and that such meeting was open to the public as required by the Texas Open Meetings Act, Tex. Gov't Code Ch. 551.

**That** pursuant to Tex. Gov't Code §2206.053(a), (e), the notice of the public meeting included the consideration of the use of eminent domain to condemn property as an agenda item. Further, the motion to approve this resolution by a record vote authorizing the initiation of condemnation proceedings was made in a form substantially similar to the form provided in Tex. Gov't Code §2206.053(e).

*(Signature(s) on following page)*

**APPROVED** this \_\_\_\_\_ day of July, 2026.

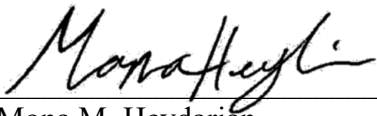
**CITY OF EL PASO**

\_\_\_\_\_  
Renard U. Johnson  
Mayor

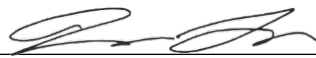
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Mona M. Heydarian  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Joaquin Rodriguez, AICP  
CID Grant Funded Programs Director

**EXHIBIT “A”**



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### **METES AND BOUNDS DESCRIPTION**

RESLER DRIVE EXTENSION 170' WIDE RIGHT-OF-WAY ACQUISITION BEING  
A PORTION OF TRACT 1-A, NELLIE D MUNDY SURVEY 243,  
ABSTRACT 10037, CITY OF EL PASO, EL PASO COUNTY, TEXAS  
3.905 ACRES (170,095 SQUARE FEET)

A PORTION OF LAND CONTAINING 3.9048 ACRES, MORE OR LESS, LOCATED IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: **COMMENCING** AT A CITY MONUMENT LOCATED AT A CUL-DE-SAC CENTERLINE OF DEWBERRY DRIVE (ROW VARIES) OPPOSITE LOT 8, BLOCK 13, AS DEPICTED IN THE DESERT SPRINGS UNIT TWO PLAT MAP, DOCUMENT #20130014908 OF THE EL PASO COUNTY PUBLIC RECORDS; **THENCE**, TRAVELING ON THE MENTIONED DEWBERRY DRIVE CENTERLINE (ROW VARIES) N84°06'41"W FOR A DISTANCE OF 659.75' TO A POINT; **THENCE**, CONTINUE TRAVELING ON THE MENTIONED DEWBERRY DRIVE CENTERLINE (ROW VARIES) ALONG A CURVE OF 38.00', WITH A RADIUS OF 375.66', A DELTA ANGLE OF 5°47'44", FOR A CHORD DISTANCE OF 37.98', ON A BEARING OF N87°00'33"W TO A POINT NEAR AN EXISTING CITY MONUMENT THAT IS OFFSET 4' NORTH AND 4' EAST FROM THE CENTERLINE INTERSECTION OF RESLER DRIVE (120.00' ROW) AND DEWBERRY DRIVE (ROW VARIES); **THENCE**, CONTINUE TRAVELING ON THE MENTIONED DEWBERRY DRIVE CENTERLINE (ROW VARIES) S89°59'04"W FOR A DISTANCE OF 1.52' TO THE INTERSECTION CENTERLINE POINT OF RESLER DRIVE (120.00' ROW) AND DEWBERRY DRIVE (ROW VARIES); **THENCE**, TRAVELING S03°12'35"W FOR A DISTANCE OF 54.98' TO THE PROPOSED NORTHERN CENTERLINE OF RESLER DRIVE (170' ROW) EXTENSION AND BEING THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

- 1) **THENCE**, TRAVELING S84°06'08"E A DISTANCE OF 60.07' TO A POINT ON LINE WHERE THE EXISTING RESLER (120' ROW) EASTERLY ROW LINE INTERSECTS;
- 2) **THENCE**, TRAVELING S84°06'08"E A DISTANCE OF 25.03' TO A SET ½" REBAR LOCATED ON THE NORTHEASTERN CORNER OF THIS ROW PARCEL;
- 3) **THENCE**, TRAVELING S03°12'35"W A DISTANCE OF 244.29' TO A SET ½" REBAR AT THE POINT OF CURVATURE LOCATED ON THE EASTERN ROW LINE;
- 4) **THENCE**, TRAVELING ALONG A CURVE TO THE LEFT WITH A CHORD BEARING OF S01°59'12"E FOR A CHORD DISTANCE OF 419.24', AN ARC LENGTH OF 419.82', A RADIUS OF 2,314.45', A DELTA ANGLE OF 10°23'34", TO A SET ½" REBAR LOCATED AT THE POINT OF TANGENCY ALONG EASTERN ROW LINE (RESLER 170' ROW);
- 5) **THENCE**, TRAVELING S07°10'59"E A DISTANCE OF 333.96' TO A SET ½" REBAR LOCATED ON THE SOUTHEASTERN CORNER OF THIS ROW PARCEL;
- 6) **THENCE**, TRAVELING N86°45'58"W A DISTANCE OF 172.85' TO A SET ½" REBAR LOCATED ON THE SOUTHWESTERN CORNER OF THIS ROW PARCEL;
- 7) **THENCE**, TRAVELING N07°10'59"W A DISTANCE OF 302.71' TO A SET ½" REBAR AT THE POINT OF CURVATURE LOCATED ON THE WESTERN ROW LINE;
- 8) **THENCE**, TRAVELING ALONG A CURVE TO THE RIGHT WITH A CHORD BEARING OF N01°59'12"W FOR A CHORD DISTANCE OF 450.03', AN ARC LENGTH OF 450.65', A



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- RADIUS OF 2,484.45', A DELTA ANGLE OF 10°23'34", TO A SET ½" REBAR LOCATED AT THE POINT OF TANGENCY ALONG WESTERN ROW LINE;
- 9) **THENCE**, TRAVELING N03°12'35"E A DISTANCE OF 245.60' TO A SET ½" REBAR LOCATED THE NORTHWESTERN CORNER OF THIS ROW PARCEL;
  - 10) **THENCE**, TRAVELING S89°54'08"E A DISTANCE OF 24.47' TO A POINT ON LINE WHERE THE EXISTING RESLER (120' ROW) WESTERLY ROW LINE INTERSECTS;
  - 11) **THENCE**, TRAVELING S89°54'08"E A DISTANCE OF 41.42' TO A POINT OF INTERSECTION;
  - 12) **THENCE**, TRAVELING S84°06'08"E A DISTANCE OF 19.22' TO A CENTERLINE POINT ON RESLER DRIVE (120' WIDE ROW) AND BEING THE POINT OF BEGINNING OF THIS PARCEL, CONTAINING 3.905 ACRES OF LAND.

SAID PORTION OF TRACT 1-A , NELLIE D MUNDY SURVEY 243, ABSTRACT 10037, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING SUBJECT TO ALL EASEMENTS OF RECORD. THIS METES AND BOUNDS IS ACCOMPANIED BY A BOUNDARY IMPROVEMENT SURVEY EXHIBIT OF SAME DATE.

That I, Jose L. Rodarte, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision in the City of El Paso, El Paso County, Texas on the date shown below.

THE STATE OF TEXAS  
COUNTY OF EL PASO

WITNESS MY HAND AND SEAL KNOW ALL MEN BY THESE PRESENTS:



*Jose Luis Rodarte* \_\_\_\_\_ 7/18/25  
Jose L. Rodarte Date  
Registered Professional Land Surveyor

