

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

AGENDA DATE: November 12, 2024
PUBLIC HEARING DATE: November 19, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Mary Lou Espinoza, Capital Assets Manager,
(915) 867-2629

DISTRICT(S) AFFECTED: 1

STRATEGIC GOAL: No. 6: Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: No. 6.6: Ensure continued financial stability and accountability through sound financial management, budgeting and reporting

SUBJECT:

An ordinance authorizing the City of El Paso to sell to the State of Texas, acting by and through the Texas Department of Transportation, approximately 0.0208 acres of land located in the Nellie D. Mundy Survey Number 241, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The City of El Paso desires to sell 0.0208 acres of land for \$20,289.00 to the Texas Department of Transportation (TXDOT).

The property is located near Artcraft Road and Berringer Street and the proposed future use is for the expansion of Highway 178.

PRIOR COUNCIL ACTION:

July 30, 2024 City Council approved a Possession and Use with the Texas Department of Transportation, to permit early access to the property.

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue generating item

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Streets & Maintenance

SECONDARY DEPARTMENT: Real Estate

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

Mary Lou Espinoza for

DEPARTMENT HEAD: Richard J. Bristol - Streets and Maintenance Director



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL TO THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, APPROXIMATELY 0.0208 ACRE OF LAND LOCATED IN THE NELLIE D. MUNDY SURVEY NUMBER 241, EL PASO COUNTY, TEXAS.

WHEREAS, the Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project; and

WHEREAS, the Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects; and

WHEREAS, the Texas Department of Transportation (TxDOT) has requested that the City of El Paso convey approximately 0.0208 acre located in the Nellie D. Mundy Survey Number 241, El Paso County, Texas, being out of a tract of land (calculated 0.8588 acre) dedicated as a public park by map of Artcraft Commercial Unit Two, recorded in Volume 2007, Page 31 of the El Paso County Plat Records, and out of Lot 4, Block 2 of said Artcraft Commercial Unit Two; and

WHEREAS, TxDOT has offered the City of El Paso \$20,289.00, for the purchase of the identified parcel, which is its appraised value; and

WHEREAS, the State of Texas is a governmental entity that has the power of eminent domain; and

WHEREAS, Section 272.001 (b) (5) of the Texas Local Government Code provides that a political subdivision of the State may convey real property to a governmental entity that has the power of eminent domain without giving notice and requesting sealed bids; and

WHEREAS, the Texas Transportation Code provides that land dedicated as a public park may be conveyed without advertisement, court order, or other action or formality pursuant to Texas Transportation Code § 203.055 (c) which allows a city to convey real property to TXDOT to accomplish TXDOT purposes notwithstanding any law to the contrary; and

WHEREAS, the El Paso City Council finds that it is in the public interest to convey the Property to the State of Texas.

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

That the City Manager is authorized to sign a Deed and any other necessary documents, in a form approved by the City Attorney's Office, for the sale of the following identified real property to the State of Texas, acting through its Texas Department of Transportation:

Approximately 0.0208 acre (908 square feet) of land located in the Nellie D. Mundy Survey Number 241, El Paso County, Texas, being out of a tract of land (calculated 0.8588 acre) dedicated as a public park by map of Arcraft Commercial Unit Two, recorded in Volume 2007, Page 31 (Document Number 20070026174) of the El Paso County Plat Records (E.P.C.P.R.), and out of Lot 4, Block 2 of said Arcraft Commercial Unit Two, said 0.0208 acres of land.

ADOPTED this ____ day of _____, 2024.

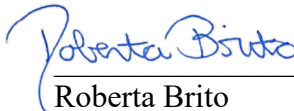
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

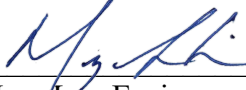
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



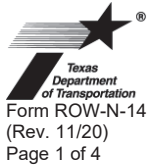
Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Mary Lou Espinoza
Capital Assets Manager

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.



DEED

TxDOT ROW CSJ: 3592-01-012

TxDOT Parcel ID.: P00062272.001

Grantor(s), whether one or more:

City of El Paso, Texas

Grantor's Mailing Address (including county):

300 North Campbell Street
El Paso, TX 79901
(El Paso County)

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701
(Travis County)

Consideration:

The sum of Twenty Thousand Two Hundred Eighty-Nine and no/100 Dollars (\$20,289.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

Property:

All of that certain tract or parcel of land in El Paso County, Texas, being more particularly described in the attached Exhibit A (the "**Property**").

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of El Paso County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, and sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein, and thereunder.

Grantor is retaining title to the following improvements ("**Retained Improvements**") located on the Property, to wit:

<u>IMPROVEMENT</u>	<u>RETENTION VALUE</u>
N/A	N/A

Grantor covenants and agrees to remove the Retained Improvements from the Property by N/A days after closing, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor’s remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit “A”. Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting, or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee’s

successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date(s) of acknowledgment indicated below.


GRANTOR:

City of El Paso, Texas:


By: _____
Dionne L. Mack, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Roberta Brito
Senior Assistant City Attorney



Mary Lou Espinoza, Capital Assets
Manager

Acknowledgment

State of Texas
County of _____:

This instrument was acknowledged before me on _____ by Dionne L. Mack, as City Manager of the City of El Paso, a Texas home rule city, on behalf of said city. The acknowledging person 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

AFTER RECORDING, RETURN TO:
Half Associates, Inc.
Attn: Lorena Corpus
5000 W. Military Hwy Suite 100
McAllen, TX 78503

EXHIBIT "A"

September, 2023

P00062272.001

Page 1 of 4

COUNTY: El Paso
HIGHWAY: SH 178
LIMITS: From New Mexico and Texas State Line to IH 10
PROJECT ID: R00005569
RCSJ: 3592-01-012
CCSJ: 3592-01-009

Property Description for Parcel P00062272.001

Being 0.0208 acres (908 square feet) of land located in the Nellie D. Mundy Survey Number 241, El Paso County, Texas, being out of a tract of land (calculated 0.8588 acre) dedicated as a public park by map of Artcraft Commercial Unit Two, recorded in Volume 2007, Page 31 (Document Number 20070026174) of the El Paso County Plat Records (E.P.C.P.R.), and out of Lot 4, Block 2 of said Artcraft Commercial Unit Two, said 0.0208 acres of land being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for an angle point on the east line of said public park, an angle point on the east line of said Lot 4, an angle point on the west line of a tract of land described in deed to Tundra Properties, LLC, recorded in Document Number 20210102269 of the Official Public Records of Real Property of El Paso County (O.P.R.R.P.E.P.C.), executed October 20, 2021, and an angle point on the west line of Lot 2, Block 2 of said Artcraft Commercial Unit Two;

THENCE, South 02°33'32" West, along the east line of said public park, the east line of said Lot 4, the west line of said Tundra Properties, LLC tract and the west line of said Lot 2, a distance of 24.76 feet to a 5/8 inch iron rod with TXDOT aluminum cap, set, for the **POINT OF BEGINNING** (N=10,705,566.95, E=356,903.16) and the northeast corner of the herein described parcel, being on the proposed north right of way line of SH 178, located 125.32 feet left of SH 178 Proposed Centerline Station 257+30.53;

1. **THENCE**, South 02°33'32" West, continuing along the east line of said public park, the east line of said Lot 4, the west line of said Tundra Properties, LLC tract and the west line of said Lot 2, a distance of 60.59 feet to a point for the southeast corner of said public park, the southeast corner of said Lot 4, the southwest corner of said Tundra Properties, LLC tract, the southwest corner of said Lot 2 and the southeast corner of the herein described parcel, being on the existing north right of way line of SH 178 (Artcraft Road) (width varies) described in deed to the State of Texas, recorded in Volume 3195, Page 1455, Volume 3299, Page 793 and Volume 3299, Page 762 O.P.R.R.P.E.P.C. and in deed to The County of El Paso, recorded in Volume 1607, Page 609 of the El Paso County Deed Records (E.P.C.D.R.);
2. **THENCE**, South 81°28'47" West, along the existing north right of way line of said SH 178, a distance of 15.28 feet to a point for the southwest corner of said public park, the southwest corner of said Lot 4, the southeast corner a called 3.9021 acre tract of land described in deed to Canutillo Independent School District, recorded in Document Number 20060032620 O.P.R.R.P.E.P.C., effective April 06, 2006 and the southwest corner of the herein described parcel;

3. **THENCE**, North 02°33'32" East, along the west line of said public park, the west line of said Lot 4, and the east line of said Canutillo Independent School District tract, a distance of 60.46 feet to a 5/8 inch iron rod with TXDOT aluminum cap, set, for the northwest corner of the herein described parcel, being on the proposed north right of way line of SH 178, located 124.96 feet left of SH 178 Proposed Centerline Station 257+15.23.
4. **THENCE**, North 80°59'24" East, along the proposed north right of way line of SH 178, a distance of 15.31 feet to the **POINT OF BEGINNING** and containing 0.0208 acres (908 square feet) of land;

Bearings and coordinates are referenced to the Texas Coordinate System of 1983, NAD83 (2011 Adj., Epoch 2010), Central Zone (4203), and the TXDOT RTN Mount point NAD83 (2010)-West_VRS_RTCM. All distances and coordinates shown are surface values and may be converted to state plane values by dividing by the surface adjustment factor of 1.00023100 (Surface / 1.00023100 = State Plane).

The unit of measure is the U.S. Survey Foot.

Field Surveys were performed March, 2022 through July, 2022.

Research was performed February, 2022 through March, 2022.

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

Survey Date: July 21, 2022

Access will be permitted to the remainder abutting the highway facility.

I, Adam N. Diehl, a Registered Professional Land Surveyor, do hereby certify that this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.

10/16/2023

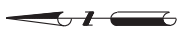


Adam N. Diehl

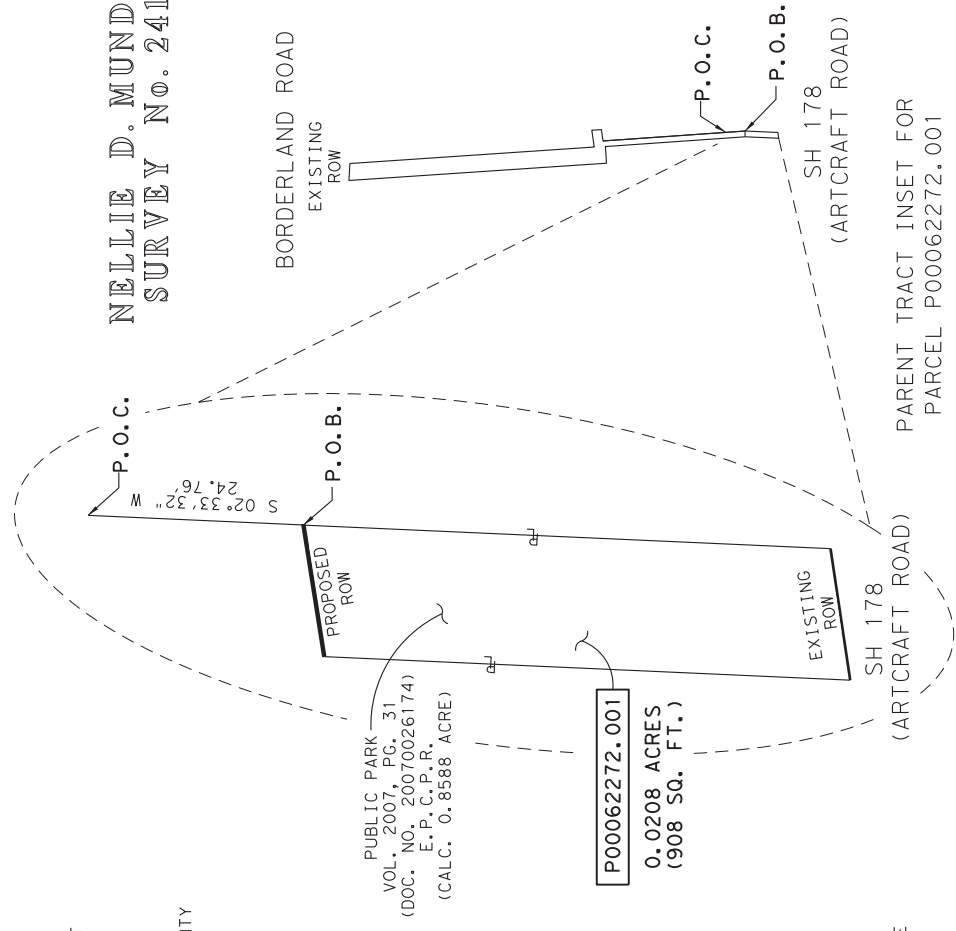
Adam N. Diehl
Registered Professional Land Surveyor
Number 6346

LANDTECH

2525 North Loop West, Suite 300
Houston, Texas 77008
T: 713-861-7068
F: 713-861-4131
www.landtech-inc.com
TBPELS Reg No. 10019100 Houston
TBPELS Reg. No. 10019101 El Paso



**NELLIE D. MUNDY
SURVEY NO. 241**



- LEGEND**
- EXISTING R.O.W. LINE
 - PROPOSED R.O.W. LINE
 - - - PROPOSED TEMPORARY EASEMENT
 - - - PROPERTY LINE
 - - - SURVEY LINE
 - - - FENCE LINE
 - x — x — OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF EL PASO COUNTY
 - O.P.R.P.E.P.C. - EL PASO COUNTY PLAT RECORDS
 - E.P.C.P.R. - EL PASO COUNTY DEED RECORDS
 - E.P.C.D.R. - EL PASO COUNTY DEED RECORDS
 - E.P.E.CO. - EL PASO ELECTRIC COMPANY
 - E.P.C.W.I.D. - EL PASO COUNTY WATER IMPROVEMENT DISTRICT
 - U.E. - UTILITY EASEMENT
 - D.E. - DRAINAGE EASEMENT
 - B.L. - BUILDING LINE
 - I.R. - IRON ROD
 - I.P. - IRON PIPE
 - SET TXDOT TYPE II MONUMENT (UNLESS OTHERWISE NOTED)
 - SET 5/8" I.R. W/TXDOT ALUM CAP (UNLESS OTHERWISE NOTED)
 - ⊙ PROPERTY CORNER (FOUND AS NOTED)
 - ↳ LAND HOOK (DENOTES COMMON OWNER)

- NOTES**
1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83 2011 ADJ., EPOCH 2010), CENTRAL ZONE (4203) AND BASED ON TXDOT RTN MOUNT POINT NAD83-(2010)-WEST_VRS-RTCM. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO STATE PLANE BY DIVIDING BY THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.000231.
 2. THE UNIT OF MEASURE IS THE U.S. SURVEY FOOT.
 3. FIELD SURVEYS WERE PERFORMED MARCH, 2022 THROUGH JULY, 2022.
 4. DEED RESEARCH PERFORMED FEBRUARY, 2022 THROUGH MARCH, 2022
 5. SURVEY LINES SHOWN ARE APPROXIMATE AND ARE BASED ON THE BEST EVIDENCE AVAILABLE.
 6. EASEMENTS AND OTHER MATTERS OF RECORD MAY EXIST THAT ARE NOT SHOWN.
 7. CONTROL PROVIDED BY TXDOT.
 8. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
 9. ACCESS WILL BE PERMITTED TO THE REMAINDER ABUTTING THE HIGHWAY FACILITY.

P00062272.001
0.0208 ACRES
(908 SQ. FT.)

N. T. S.

EXISTING AC.	TAKING AC./S.F.		REMAINDER AC.
	LEFT	RIGHT	
0.8588	0.0208	0.8380	
	908		



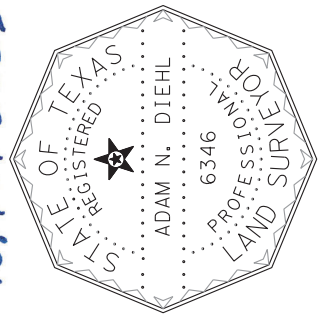
LANDTECH
2525 North Loop West, Suite 300,
Houston, Texas 77008
T: 713-861-7068 F: 713-861-4131
TBPPLS Registration No. 10019100

PARCEL PLAT
SHOWING
P00062272.001
SH 178 (ARTCRAFT ROAD)
EL PASO COUNTY
C. C. S. J. NO. 3592-01-009
R. C. S. J. NO. 3592-01-012
SEPTEMBER, 2023
PAGE 3 OF 4 SCALE: N. T. S.

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

Adam N. Diehl
ADAM N. DIEHL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6346

10/16/2023

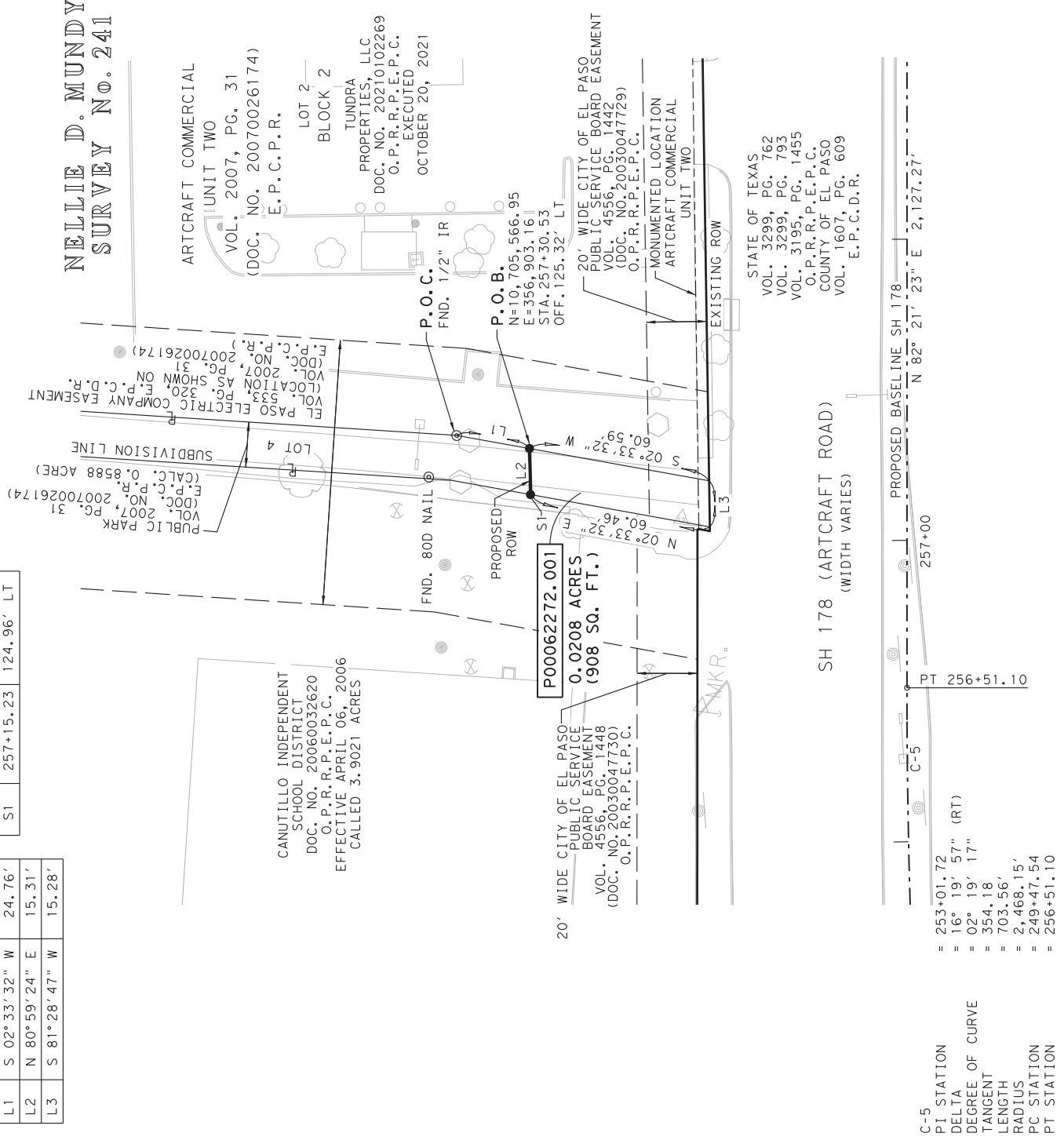


STATION/OFFSET DATA			
POINT	STATION	OFFSET	
S1	257+15.23	124.96'	LT

LINE DATA		
LINE	BEARING	LENGTH
L1	S 02° 33' 32" W	24.76'
L2	N 80° 59' 24" E	15.31'
L3	S 81° 28' 47" W	15.28'



NELLIE D. MUNDY SURVEY No. 241



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LANDTECH
SURVEYING & ENGINEERING, L.L.C.

2525 North Loop West, Suite 300,
Houston, Texas 77008
T: 713-861-7068 F: 713-861-4131
TBPELS Registration No. 10019100

PARCEL PLAT
SHOWING

P00062272.001
SH 178 (ARTCRAFT ROAD)
EL PASO COUNTY
C. C. S. J. NO. 3592-01-009
R. C. S. J. NO. 3592-01-012
SEPTEMBER, 2023

PAGE 4 OF 4 SCALE: 1"=50'