City of El Paso, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Capital Improvement Department INTRODUCTION READING: March 16, 2021 **FINAL READING:** March 30, 2021 CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065 **DISTRICT(S) AFFECTED:** 4 STRATEGIC GOAL: No. #7: Enhance and Sustain El Paso's Infrastructure Network **SUBJECT:** 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 \$4,544.00. Such real property legally described as a 284 square feet parcel of land located in the Texas and Pacific Railway Company surveys, City of El Paso, El Paso County, Texas, being out of Tract 1a, Section 29, Abstract No. 2166, Block 81, Township 1, Texas and Pacific Railway Company surveys, such property located at the intersection of Dyer St. and State Loop 375. **BACKGROUND / DISCUSSION:** The City of El Paso desires to sell a 284 square foot parcel of land located at the Northeast corner of State Loop 375 and Dyer St. in El Paso's Northeast side, to TXDOT. The purchaser is upgrading the traffic light at that location to improve the traffic flow. **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

DEPARTMENT HEAD:

UNDINANCE NO.	ORDINANCE NO.	
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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 \$4,544.00. SUCH REAL PROPERTY LEGALLY DESCRIBED AS A 284 SQUARE FEET PARCEL OF LAND LOCATED IN THE TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING OUT OF TRACT 1A, SECTION 29, ABSTRACT NO. 2166, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, SUCH PROPERTY LOCATED AT THE INTERSECTION OF DYER ST. AND STATE LOOP 375.

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 284 square feet parcel of land located in the Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, being out of Tract 1A, Section 29, Abstract No. 2166, Block 81, Township 1, Texas and Pacific Railway Company Surveys more specifically depicted and described in the attached Exhibit A for the purchase price of \$4,544.00. 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.

PASSED AND APPROVED this	day of	2021.
	CITY OF EL PASO	
	Oscar Leeser Mayor	
ATTEST:		
Laura D. Prine Municipal Clerk		
APPROVED AS TO FORM:	APPROVED AS TO CONTENT	
Omar De La Rosa	Samuel Rodriguez Samuel Rodriguez, City Engineer	_
Assistant City Attorney		

Exhibit A

EXHIBIT "A"

 County:
 El Paso
 July, 2020

 Highway:
 Business 54A
 Parcel 1

 Limits:
 Business 54A @ State Loop 375
 TxDOT Connect PID# P00027261

 CCSJ:
 0167-02-072
 Page 1 of 5

RCSJ: 0167-02-077

Property Description for Parcel 1

Being a 284 square feet parcel of land located in the Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, being out of Tract 1A, Section 29, Abstract No. 2166, Block 81, Township 1, Texas and Pacific Railway Company Surveys, no record information found, current use being Fire Station No. 21 and El Paso County Appraisal District lists owner as the City of El Paso, said 284 square feet parcel of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with yellow cap found at the south end of a cutback corner at the intersection of the existing northeast right-of-way of State Loop 375 (Transmountain Road, a variable width right-of-way, described in Volume 107, Page 1743, Volume 101, Page 519, Volume 103, Page 428 and Volume 88, Page 814, Deed Records, El Paso County, Texas) with the northwest right-of-way of Fairbanks Drive (a variable width right-of-way, described in Volume 7, Page 42, Plat Records of El Paso County, Texas), being the southeast corner of a called Store #50, 1.06 acres, described as Tract 1T, Section 29, Block 81, Township 1, Texas and Pacific Railway Company Surveys, conveyed to JTC Stores, LLC by General Warranty Deed, executed October 7, 2011, Document No. 20110077959, Official Public Records of Real Property of El Paso County, Texas:

THENCE, North 85°47'29" West, along the existing north right-of-way of State Loop 375, a distance of 386.65 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed southeast right-of-way of Business 54A for the POINT OF BEGINNING and for the east corner of the herein described parcel, said point having coordinates of N=10,708,496.05, E=412,181.14, said point being 72.33 feet right from the proposed Business 54A Baseline Station 330+41.49;**

THENCE, North 85°47'29" West, continuing along said existing northeast right-of-way of State Loop 375 and south line of said Tract 1A, a distance of 25.39 feet to a point at the existing northeast right-of-way intersection of said State Loop 375 and Business 54A (Dyer Street, a 100-foot wide right-of-way, described in Volume 608, Page 177 and Volume 609, Page 537, Deed Records of El Paso County, Texas), being the west corner of said Tract 1A, for the west corner of the herein described parcel, said point being 50.04 feet right from the proposed Business 54A Baseline Station 330+29.33;

EXHIBIT "A"

July, 2020 Parcel 1 TxDOT Connect PID# P00027261 Page 2 of 5

THENCE, North 32°35'34" East, along the existing southeast right-of-way of Business 54A and the northwest line of said Tract 1A, a distance of 25.42 feet to a 5/8-inch iron rod with TxDOT aluminum cap set on the proposed southeast right-of-way of Business 54A, for the north corner of the herein described parcel, said point being 49.94 feet right from the proposed Business 54A Baseline Station 330+54.75;**

THENCE, South 26°31'50" East, departing said existing southeast right-of-way of Business 54A and said northwest line of Tract 1A, along the proposed southeast right-of-way of Business 54A, into and across said Tract 1A, a distance of 26.02 feet to the POINT OF BEGINNING and containing 284 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-ofway 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 July, 2020.

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

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UKIJINA	NC H. NCJ	

EXHIBIT "A"

July, 2020 Parcel 1 TxDOT Connect PID# P00027261 Page 3 of 5

I hereby certify that this survey was performed on the ground under my supervision and that this property description and accompanying parcel plat represent the facts as found at the time of the survey. Survey date: July, 2020

Robert M. Anguiano

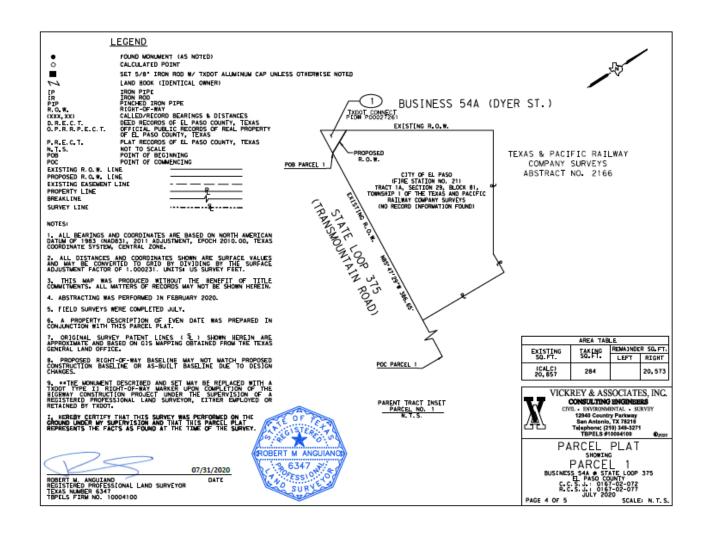
07/31/2020 Date

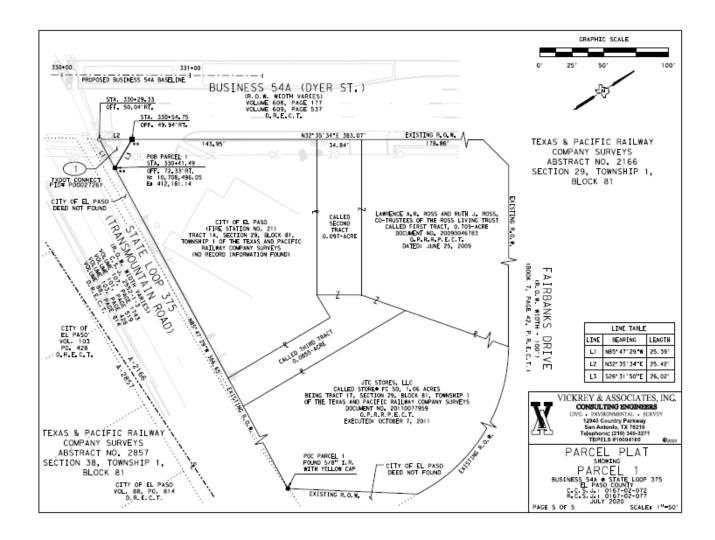
Registered Professional Land Surveyor

Texas Registration No. 6347 Vickrey & Associates, Inc. 12940 Country Parkway

San Antonio, Texas 78216 210-349-3271

TBPELS Firm No. 10004100





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: 0167-02-077
	§	
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 **Four Thousand Five Hundred Forty-Four and No/Dollars** (\$4,544.00) 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 ______,2021.

IN WITNESS WHEREOF, this instrument

Grantor

Tomas Gonzalez
City Manager, City of El Paso

Name: John E. Balliew Its: President/CEO

City of El Paso El Paso Water Utilities Public Service Board

Form ROW-N-30 (Rev. 12/19) Page 2 of 2

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, El Paso County Corporate Acknowledgment State of Texas County of El Paso This instrument was acknowledged before me on _____ or ______, 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 Corporate Acknowledgment State of Texas County of El Paso This instrument was acknowledged before me on _____ by John E. Balliew, President/CEO of City of El Paso El Paso Water Utilities Public Service Board, on behalf of City of El Paso El Paso Water Utilities Public Service Board. 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 П online notarization under Texas Government Code chapter 406, subchapter C.

Notary Public's Signature

EXHIBIT "A"

County: El Paso July, 2020
Highway: Business 54A Parcel 1
Limits: Business 54A @ State Loop 375 TxDOT Connect PID# P00027261

CCSJ: 0167-02-072 Page 1 of 5

RCSJ: 0167-02-077

Property Description for Parcel 1

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July, 2020 Parcel 1 TxDOT Connect PID# P00027261 Page 2 of 5

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** The monument described and set in this call may be replaced with a TxDOT Type II right-ofway 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 July, 2020.

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

July, 2020 Parcel 1 TxDOT Connect PID# P00027261 Page 3 of 5

I hereby certify that this survey was performed on the ground under my supervision and that this property description and accompanying parcel plat represent the facts as found at the time of

the survey. Survey date: July, 2020

Robert M. Anguiano

Date

07/31/2020

Registered Professional Land Surveyor

Texas Registration No. 6347

Vickrey & Associates, Inc.

12940 Country Parkway

San Antonio, Texas 78216

210-349-3271

TBPELS Firm No. 10004100

LEGEND

FOUND MONUMENT (AS NOTED)

CALCULATED POINT

SET 5/8" IRON ROD W/ TXDOT ALUMINUM CAP UNLESS OTHERWISE NOTED

LAND HOOK (IDENTICAL OWNER)

IRON PIPE ĬΡ

ΙR IRON ROD

PINCHED IRON PIPE PIP RIGHT-OF-WAY

R.O.W.

CALLED/RECORD BEARINGS & DISTANCES (XXX, XX)D.R.E.C.T. DEED RECORDS OF EL PASO COUNTY. TEXAS OFFICIAL PUBLIC RECORDS OF REAL PROPERTY O. P. R. R. P. E. C. T. OF EL PASO COUNTY, TEXAS

PLAT RECORDS OF EL PASO COUNTY, TEXAS P.R.E.C.T.

NOT TO SCALE N. T. S. POINT OF BEGINNING POB

POINT OF COMMENCING POC

EXISTING R.O.W. LINE PROPOSED R.O.W. LINE EXISTING EASEMENT LINE

PROPERTY LINE BREAKLINE

SURVEY LINE

NOTES:

0

M

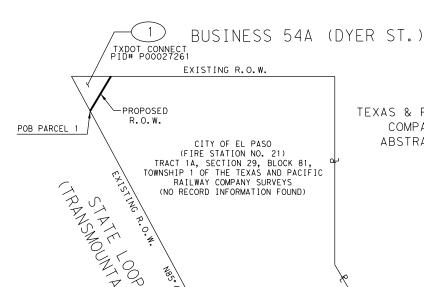
- 1. ALL BEARINGS AND COORDINATES ARE BASED ON NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, EPOCH 2010.00, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
- ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.000231. UNITS: US SURVEY FEET.
- 3. THIS MAP WAS PRODUCED WITHOUT THE BENEFIT OF TITLE COMMITMENTS. ALL MATTERS OF RECORDS MAY NOT BE SHOWN HEREIN.
- 4. ABSTRACTING WAS PERFORMED IN FEBRUARY 2020.
- 5. FIELD SURVEYS WERE COMPLETED JULY.
- A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
- 7. ORIGINAL SURVEY PATENT LINES (\S _) SHOWN HEREIN ARE APPROXIMATE AND BASED ON GIS MAPPING OBTAINED FROM THE TEXAS GENERAL LAND OFFICE.
- 8. PROPOSED RIGHT-OF-WAY BASELINE MAY NOT MATCH PROPOSED CONSTRUCTION BASELINE OR AS-BUILT BASELINE DUE TO DESIGN CHANGES.
- 9. **THE MONUMENT DESCRIBED AND SET 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.
- 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.

07/31/2020

ROBERT M. ANGUIANO REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS NUMBER 6347

TBPELS FIRM NO. 10004100

DATE



POC PARCEL 1

PARENT TRACT INSET

N.T.S.

PARCEL NO. 1

TEXAS & PACIFIC RAILWAY COMPANY SURVEYS ABSTRACT NO. 2166

AREA TABLE			
EXISTING	TAKING	REMAINDE	R SQ.FT.
SQ.FT.	SQ.FT.	LEFT	RIGHT
(CALC) 20,857	284		20,573



VICKREY & ASSOCIATES, INC. CONSULTING ENGINEERS

CIVIL . ENVIRONMENTAL . SURVEY 12940 Country Parkway San Antonio, TX 78216 Telephone: (210) 349-3271 TBPELS #10004100

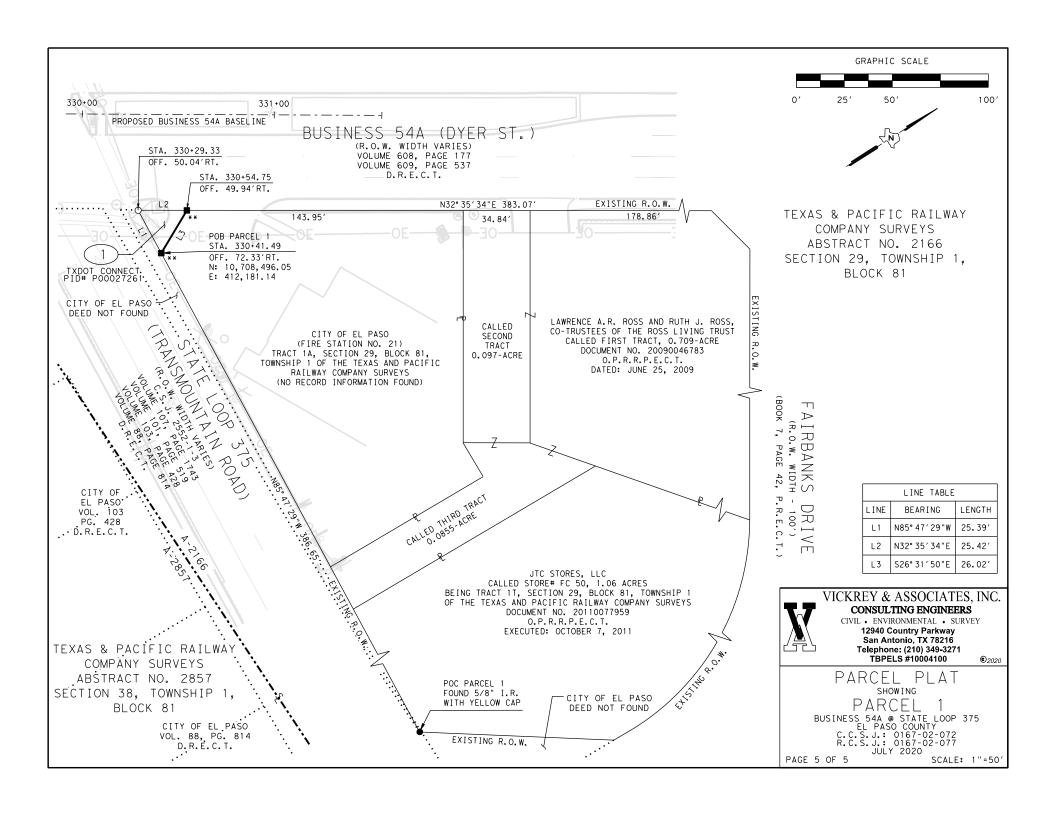
©2020

PARCEL PLAT SHOWING PARCEL

BUSINESS 54A @ STATE LOOP 375 EL PASO COUNTY C.C.S.J.: 0167-02-072 R.C.S.J.: 0167-02-077 JULY 2020

PAGE 4 OF 5

SCALE: N.T.S.



RESOLUTION

+ 10.11

BE IT RESOLVED by the Public Service Board, City of El Paso, that the following land be and the same is hereby set aside to the City of El Paso as a Fire Station Site:

> A tract of land being a portion of and located in County of El Paso, Texas and more particularly described as follows:

> Beginning at a point which marks the Southeast corner of said Section 29; said point bears South 88° 49' West, a distance of three hundred fifteen and fifty hundredths (315.50) feet more or less to the point of beginning;

Thence from the point of beginning South 880 49' West, a distance of two hundred twenty and no hundredths (220.00) feet more or less to a point which is intended to lie on the Easterly Rightof-Way of U. S. Highway 54 (Dyer St.);

Thence North 29° 23° East, along said Easterly Right-of-Way of U. S. Highway 54 (Dyer St.), a distance of one hundred eighty-eight and no hundredths (188.00) feet more or less to a point;

Thence South 60° 37' East, a distance of one hundred twenty-one and twenty-four hundredths (121.24) feet more or less to a point;

Thence North 88° 49' West, a distance of twenty and no hundredths (20.00) feet more or less to a point;

Thence South 01 11 East, a distance of one hundred and twenty-two hundredths (100.22) feet more or less to the point of beginning.

The above described tract of land contains five hundred and thirty-eight thousandths (0.538) acre more or less;

subject to the following:

- 1. All water rights are reserved to the Public Service Board without the right however, of ingress and egress to and from such land for exploring, mining or producing such water.
- 2. Should the City of El Paso at any time abandon the use of the above land for a Fire Station Site, then the City of El Paso in the acceptance hereof, agrees that such land shall be returned to the Public Service Board by appropriate Council Resolution, at a cost of \$846.46, the same cost to the City of El Paso when such land was set aside to it by the Public Service Board.

ADOPTED this 6th day of December, 1966.

PUBLIC SERVICE BOARD

4.

Tract 1A Section 29 Block 81 Township 1 Texas & Pacific R.R. Surveys

CITY FIRE STATION SITE

A tract of land being a portion of and located in Section 29, Block 81, Township 1, City of El Paso, County of El Paso, Texas and more particularly described as follows:

Beginning at a point which marks the Southeast corner of said Section 29; said point beers South 885 491 West, a distance of three hundred fifteen and fifty hundredths (315.50) feet more or less to the point of beginning;

Thence from the point of beginning South 88° 49' West, a distance of two hundred twenty and no hundredths (220.00) feet more or less to a point which is intended to lie on the Easterly Right-of-Way of U.S. Righway 54 (Dyer St.);

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