

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

AGENDA DATE: May 25, 2021
PUBLIC HEARING DATE: June 8, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Sam Rodriguez, P.E., CM, Director of Aviation
915-212-7301

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 1: Create an Environment Conducive to Strong, Sustainable Economic Development
No. 3: Promote the Visual Image of El Paso
No. 7: Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL:

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 \$2,680,182. Such real property legally described as a 6.6348 acres (289,013 SQ. FT.) parcel of land located in the T.&P.R.R. Co. Survey, Township No. 2, Block No. 80, Section No. 35, Abstract No. 2418, El Paso County, Texas, being a Portion of Lot 2, Block 2, Butterfield Trail Aviation Park, Unit Two, A Subdivision recorded in Volume 78, Page 87 and 87A, of the Plat Records of El Paso County, Texas (P.R.E.P.C.TX.), Described in a deed from the United States of America to the City of El Paso, recorded in Volume 407, Page 601, and in Volume 1348, Page 146, of the Deed Records of El Paso County, Texas (D.R.E.P.C.TX.).

BACKGROUND / DISCUSSION:

TxDOT is in the process of widening Montana Avenue into a six-lane freeway. This project requires a portion of Airport-owned property.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Aviation
SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD: 

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

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 \$2,680,182. SUCH REAL PROPERTY LEGALLY DESCRIBED AS A 6.6348 ACRE (289,013 SQ. FT.) PARCEL OF LAND LOCATED IN THE T.&P.R.R. CO. SURVEY, TOWNSHIP NO. 2, BLOCK NO. 80, SECTION NO. 35, ABSTRACT NO. 2418, EL PASO COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK 2, BUTTERFIELD TRAIL AVIATION PARK, UNIT TWO, A SUBDIVISION RECORDED IN VOLUME 78, PAGE 87 AND 87A, OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS (P.R.E.P.C.TX), DESCRIBED IN A DEED FROM THE UNITED STATES OF AMERICA TO THE CITY OF EL PASO, RECORDED IN VOLUME 407, PAGE 601, AND IN VOLUME 1348, PAGE 146, OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS (D.R.E.P.C.TX.).

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 **6.6348 Acre (289,013 SQ. FT.) parcel of land located in the T.&P.R.R. Co. Survey, Township No. 2, Block No. 80, Section No. 35, Abstract No. 2418, El Paso County, Texas, being a Portion of Lot 2, Block 2, Butterfield Trail Aviation Park, Unit Two, A Subdivision recorded in Volume 78, Page 87 and 87A, of the Plat Records of El Paso County, Texas (P.R.E.P.C.TX), Described in a deed from the United States of America to the City of El Paso, recorded in Volume 407, Page 601, and in Volume 1348, Page 146, of the Deed Records of El Paso County, Texas (D.R.E.P.C.TX.)** more specifically depicted and

ORDINANCE NO. _____

described in the attached Exhibit A for the purchase price of \$2,680,182. 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.

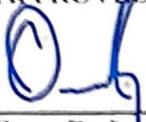
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

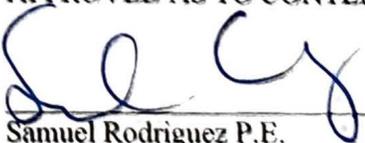
Laura D. Prine
Municipal Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT



Samuel Rodriguez P.E.
Director of Aviation

ORDINANCE NO. _____

19-1003-974/1075030/Sale of Property- 6.6348 Acres / OAR

Exhibit A

Page 1 of 4
Parcel 4
July 25, 2019
Revised: August 1, 2019

EXHIBIT A

County: El Paso
Highway: US 62 / 180 (Montana Avenue)
Limits: FROM: Global Reach
TO: Zaragoza
CCSJ: 0374-02-097
RCSJ: 0374-02-103

PROPERTY DESCRIPTION FOR PARCEL 4

DESCRIPTION OF A 6.6348 ACRE (289,013 SQ.FT.) PARCEL OF LAND LOCATED IN THE T. & P. R.R. CO. SURVEY, TOWNSHIP NO. 2, BLOCK NO. 80, SECTION NO. 35, ABSTRACT NO. 2418, EL PASO COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK 2, BUTTERFIELD TRAIL AVIATION PARK, UNIT TWO, A SUBDIVISION RECORDED IN VOLUME 78, PAGE 87 AND 87A, OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS (P.R.E.P.C.TX.), DESCRIBED IN A DEED FROM THE UNITED STATES OF AMERICA TO THE CITY OF EL PASO, RECORDED IN VOLUME 407, PAGE 601, AND IN VOLUME 1348, PAGE 146, OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS (D.R.E.P.C.TX.), SAID 6.6348 ACRE (289,013 SQ.FT.) PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a City of El Paso Centerline Monument found 1,096.86 feet left of Engineer's Baseline Station (E.B.S.) 338+50.59 within the existing right-of-way of Global Reach Drive, a 120-foot wide right-of-way as dedicated to the City of El Paso in said Butterfield Trail Aviation Park, Unit Two;

THENCE N 84°18'56" E, over and across said Global Reach Drive, a distance of 44.99 feet to a calculated point on the existing east right-of-way line of said Global Reach Drive, point being on the west line of said Lot 2;

THENCE S 05°41'04" E, with the west line of said Lot 2 and the existing east right-of-way line of said Global Reach Drive, a distance of 224.40 feet to a Texas Department of Transportation (TxDOT) Type II monument (Surface Coordinates: X=433667.14, Y=10671365.98) set 872.47 feet left of E.B.S. 338+95.57, for the POINT OF BEGINNING and the northwest corner of the parcel described herein;

THENCE departing the existing east right-of-way line of said Global Reach Drive, over and across said Lot 2, with the proposed north right-of-way line of US 62/US 180 (Montana Avenue), the following three (3) courses and distances numbered 1-3:

- 1) N 84°18'56" E, a distance of 61.81 feet to a TxDOT Type II monument set 872.47 feet left of E.B.S. 339+57.37, for the PC of a non-tangent curve to the left, and the beginning of a proposed Access Denial Line (A.D.L.);
- 2) With said curve to the left, having a radius of 813.00 feet, through a central angle of 58°33'41", an arc length of 830.96 feet and a chord that bears S 37°57'25" E, a distance of 795.26 feet to a TxDOT Type II monument set 200.00 feet left of E.B.S. 343+81.91, for the end of a proposed A.D.L., and;

FN 27556-Parcel 4(GLF)

31059F

ORDINANCE NO. _____

19-1003-974/1075030/Sale of Property- 6.6348 Acres / OAR

3) N 84°18'27" E, passing at a distance of 79.84 feet, a 5/8 inch iron rod with a TxDOT aluminum cap set 200.00 feet left of E.B.S. 344+61.75, for the beginning of a proposed A.D.L., and continuing for a total distance of 344.17 feet to a 5/8-inch iron rod with a TxDOT aluminum cap set 200.00 feet left of E.B.S. 347+26.08, for the end of a proposed A.D.L., being the northeast corner of the parcel described herein, said point being on the east line of said Lot 2 and the west line of the remainder of a called 620.203 acre tract of land, Parcel 21, Tract 30, as described in a judgment to the United States of America, recorded in Volume 689, Page 501, D.R.E.P.C.TX.;

4) **THENCE** S 02°08'37" W, with the east line of said Lot 2 and west line of said Parcel 21, a distance of 201.89 feet to a calculated point 0.00 feet right of E.B.S. 346+98.56, for the southeast corner of said Lot 2 and the southwest corner of said Parcel 21, said point being on the existing north right-of-way line of US 62/US 180 (Montana Avenue), a 200-foot wide right-of-way as described to the State of Texas in Volume 497, Page 631, D.R.E.P.C.TX., said point being also the southeast corner of the parcel described herein;

5) **THENCE** S 84°18'27" W, with the south line of said Lot 2 and the existing north right-of-way line of US 62/US 180 (Montana Avenue), a distance of 731.79 feet to a 5/8-inch iron rod with TxDOT aluminum cap found 0.00 feet left of E.B.S. 339+66.76, for the most southerly southwest corner of the parcel described herein, said point being on the existing east right-of-way line of said Global Reach Drive;

THENCE with the west line of said Lot 2 and the existing east right-of-way line of said Global Reach Drive the following two (2) courses and distances numbered 6-7:

6) N 47°08'25" W, a distance of 107.72 feet to a calculated point, 80.74 feet left of E.B.S. 338+95.46, from which a 5/8-inch iron rod with a TxDOT aluminum cap found bears S 89°24'53" W, a distance of 1.29 feet, and;

7) N 05°41'04" W, a distance of 791.73 feet to the **POINT OF BEGINNING**, and containing 6.6348 acres (289,013 sq. ft.) of land, more or less.

This parcel description is accompanied by a plat of even date.

Bearing Basis:

All bearings shown are based on NAD 83 (2011) Texas State Plane Coordinate System, Central Zone (4203). All distances and coordinates shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.000231000. All distances are in U.S. Survey feet.

That I, Scott C. Brashear, 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.

SURVEYING AND MAPPING, L.P.
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Tx. Firm No. 10064300

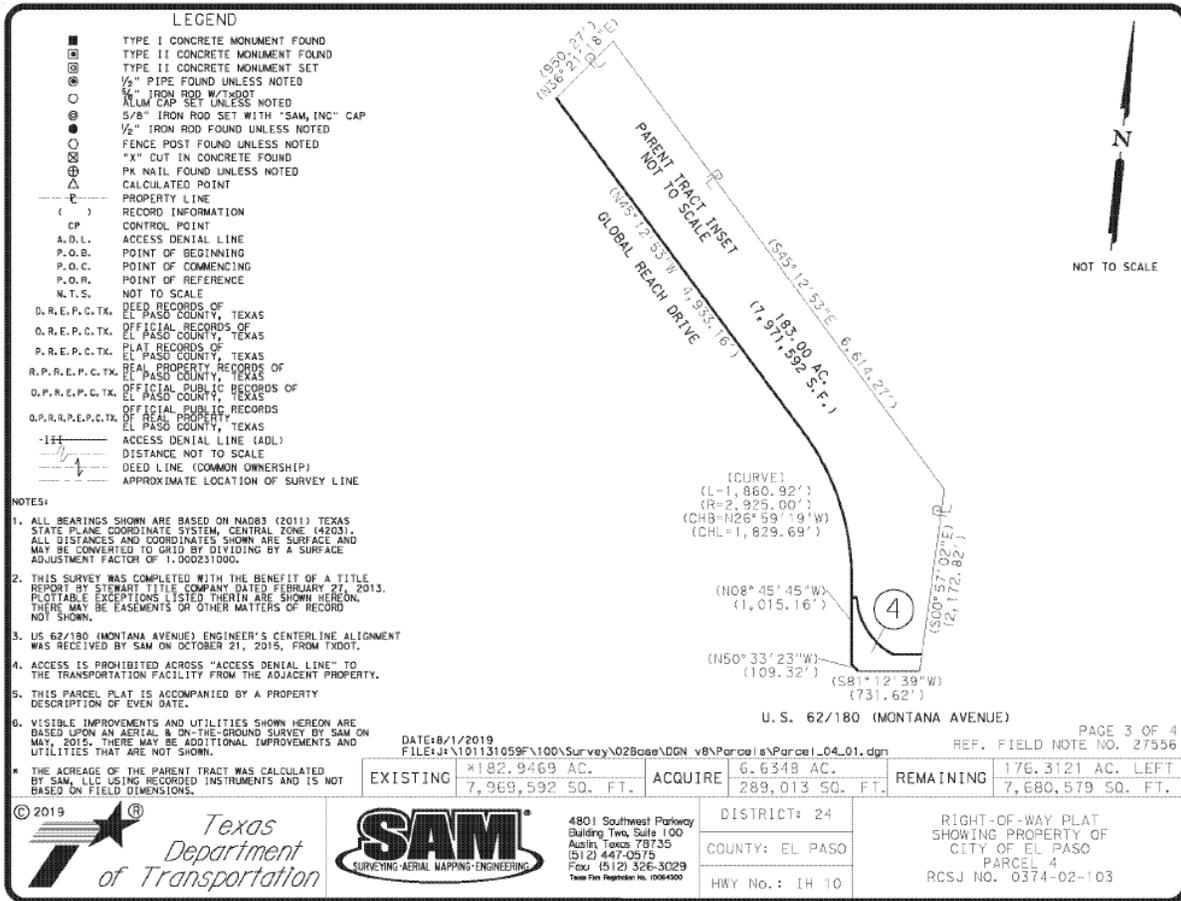


Scott C. Brashear 8/1/19
Scott C. Brashear Date
Registered Professional Land Surveyor
No. 6660-State of Texas

FN 27556-Parcel 4(GLF)

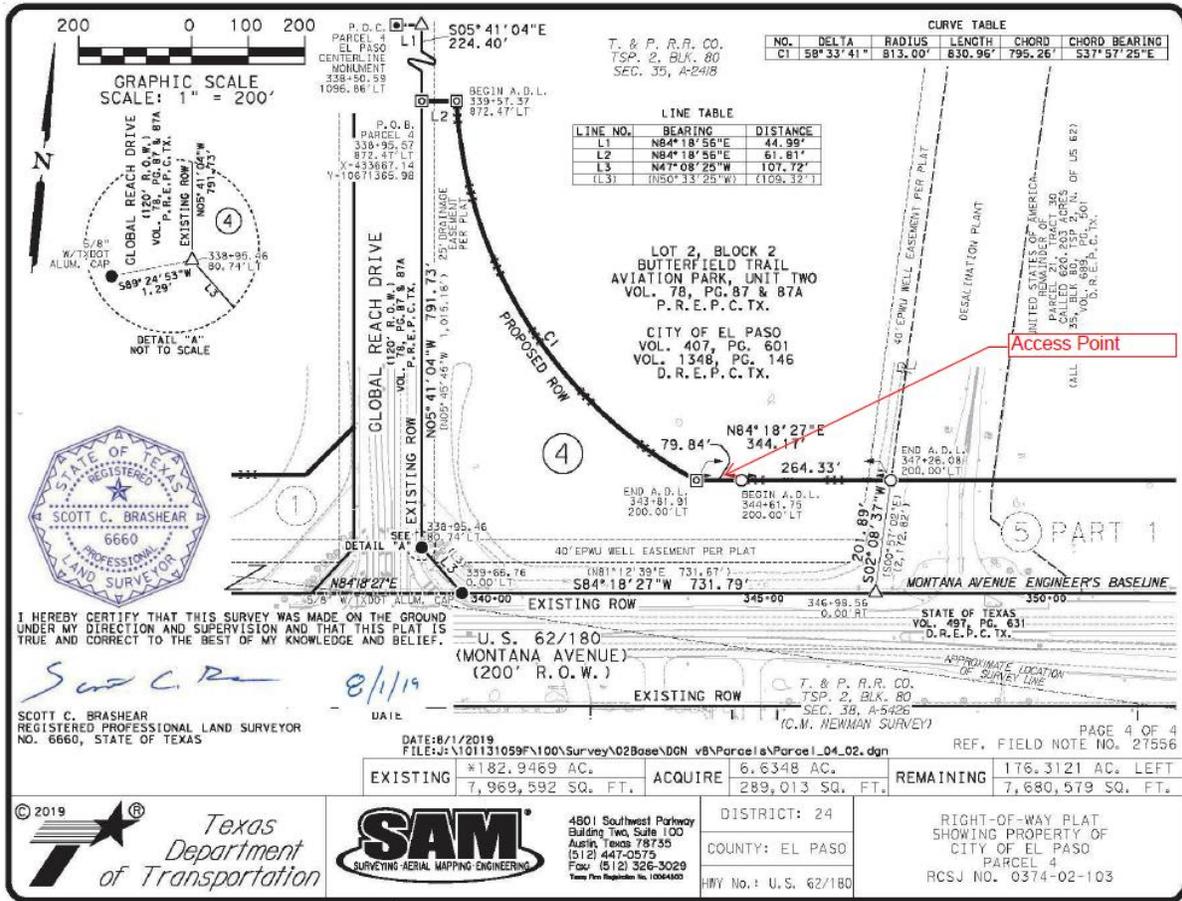
31059F

ORDINANCE NO. _____



ORDINANCE NO. _____

19-1003-974/1075030/Sale of Property- 6.6348 Acres / OAR



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19-1003-974/1075030/Sale of Property- 6.6348 Acres / OAR

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.



SPECIAL WARRANTY DEED

TxDOT ROW CSJ: 0374-02-103

TxDOT Parcel ID: 4 (P00012316)

Grantor(s), whether one or more:
THE CITY OF EL PASO

Grantor's Mailing Address (including county):
300 N. Campbell
El Paso, Texas 79901

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 **Two Million, Six Hundred Eighty Thousand, One Hundred Eighty Two Dollars and no/100 Dollars (\$2,680,182.00)** to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

The Consideration recited herein represents a settlement and compromise by all parties as to the value of the property herein conveyed in order to avoid formal ED proceedings and the added expenses of litigation.

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**").

Grantors do also Waive, Release, Relinquish, and Convey unto the State of Texas that portion of Grantor's abutting property rights of ingress and egress and direct access on and off the Highway Facility as described in Exhibit "A" by lines of access denial

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.
4. Those items described in the attached Exhibit B.

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: **NONE**

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 the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, *by, through, or under Grantors, but not otherwise.*"

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

THE CITY OF EL PASO

By

Tomas Gonzalez
Printed Name

City Manager
Title

Acknowledgment

State of Texas
County of El Paso

This instrument was acknowledged before me on _____
by Tomas Gonzalez, City Manager of City of El Paso, Texas.

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:
Texas Department of Transportation
Norma Duran
13301 Gateway Boulevard West
El Paso, Texas 7992

EXHIBIT A

County: El Paso
Highway: US 62 / 180 (Montana Avenue)
Limits: FROM: Global Reach
TO: Zaragoza
CCSJ: 0374-02-097
RCSJ: 0374-02-103

PROPERTY DESCRIPTION FOR PARCEL 4

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THENCE N 84°18'56" E, over and across said Global Reach Drive, a distance of 44.99 feet to a calculated point on the existing east right-of-way line of said Global Reach Drive, point being on the west line of said Lot 2;

THENCE S 05°41'04" E, with the west line of said Lot 2 and the existing east right-of-way line of said Global Reach Drive, a distance of 224.40 feet to a Texas Department of Transportation (TxDOT) Type II monument (Surface Coordinates: X=433667.14, Y=10671365.98) set 872.47 feet left of E.B.S. 338+95.57, for the **POINT OF BEGINNING** and the northwest corner of the parcel described herein;

THENCE departing the existing east right-of-way line of said Global Reach Drive, over and across said Lot 2, with the proposed north right-of-way line of US 62/US 180 (Montana Avenue), the following three (3) courses and distances numbered 1-3:

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This parcel description is accompanied by a plat of even date.

Bearing Basis:

All bearings shown are based on NAD 83 (2011) Texas State Plane Coordinate System, Central Zone (4203). All distances and coordinates shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.000231000. All distances are in U.S. Survey feet.

That I, Scott C. Brashear, 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.

SURVEYING AND MAPPING, L.P.
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Tx. Firm No. 10064300



Scott C. Brashear 8/1/19

Scott C. Brashear Date
Registered Professional Land Surveyor
P.O. Box 6660-State of Texas

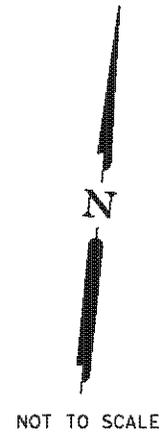
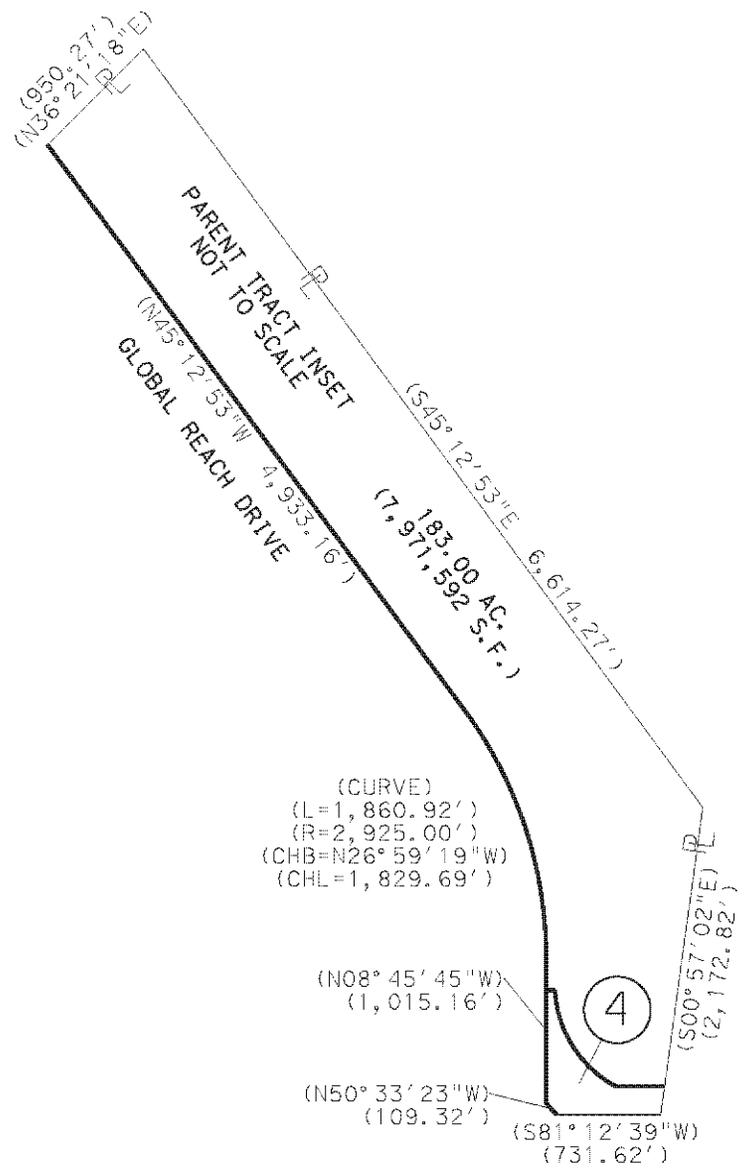
LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND
- ⊠ TYPE II CONCRETE MONUMENT SET
- ⊙ 1/2" PIPE FOUND UNLESS NOTED
- 5/8" IRON ROD W/TXDOT ALUM CAP SET UNLESS NOTED
- ⊙ 5/8" IRON ROD SET WITH "SAM, INC" CAP
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- ⊗ "X" CUT IN CONCRETE FOUND
- ⊕ PK NAIL FOUND UNLESS NOTED
- △ CALCULATED POINT
- P — PROPERTY LINE
- () RECORD INFORMATION
- CP CONTROL POINT
- A.D.L. ACCESS DENIAL LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- N.T.S. NOT TO SCALE
- D. R. E. P. C. TX. DEED RECORDS OF EL PASO COUNTY, TEXAS
- O. R. E. P. C. TX. OFFICIAL RECORDS OF EL PASO COUNTY, TEXAS
- P. R. E. P. C. TX. PLAT RECORDS OF EL PASO COUNTY, TEXAS
- R. P. R. E. P. C. TX. REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS
- O. P. R. E. P. C. TX. OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS
- O. P. R. R. P. E. P. C. TX. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS
- ||- ACCESS DENIAL LINE (ADL)
- DISTANCE NOT TO SCALE
- DEED LINE (COMMON OWNERSHIP)
- APPROXIMATE LOCATION OF SURVEY LINE

NOTES:

1. ALL BEARINGS SHOWN ARE BASED ON NAD83 (2011) TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.000231000.
2. THIS SURVEY WAS COMPLETED WITH THE BENEFIT OF A TITLE REPORT BY STEWART TITLE COMPANY DATED FEBRUARY 27, 2013. PLOTTABLE EXCEPTIONS LISTED THEREIN ARE SHOWN HEREON. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN.
3. US 62/180 (MONTANA AVENUE) ENGINEER'S CENTERLINE ALIGNMENT WAS RECEIVED BY SAM ON OCTOBER 21, 2015, FROM TXDOT.
4. ACCESS IS PROHIBITED ACROSS "ACCESS DENIAL LINE" TO THE TRANSPORTATION FACILITY FROM THE ADJACENT PROPERTY.
5. THIS PARCEL PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
6. VISIBLE IMPROVEMENTS AND UTILITIES SHOWN HEREON ARE BASED UPON AN AERIAL & ON-THE-GROUND SURVEY BY SAM ON MAY, 2015. THERE MAY BE ADDITIONAL IMPROVEMENTS AND UTILITIES THAT ARE NOT SHOWN.

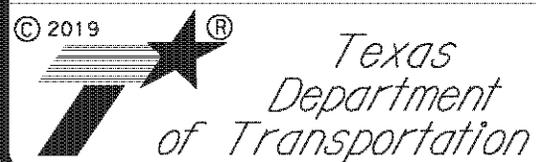
* THE ACREAGE OF THE PARENT TRACT WAS CALCULATED BY SAM, LLC USING RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.



DATE: 8/1/2019
 FILE: J:\101131059F\100\Survey\02Base\DGN v8\Parcels\Parcel_04_01.dgn

PAGE 3 OF 4
 REF. FIELD NOTE NO. 27556

EXISTING	*182.9469 AC.	ACQUIRE	6.6348 AC.	REMAINING	176.3121 AC. LEFT
	7,969,592 SQ. FT.		289,013 SQ. FT.		7,680,579 SQ. FT.



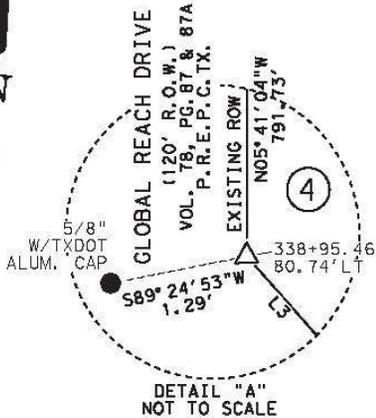
4801 Southwest Parkway
 Building Two, Suite 100
 Austin, Texas 78735
 (512) 447-0575
 Fax: (512) 326-3029
 Texas Firm Registration No. 10064300

DISTRICT: 24
 COUNTY: EL PASO
 HWY No.: IH 10

RIGHT-OF-WAY PLAT
 SHOWING PROPERTY OF
 CITY OF EL PASO
 PARCEL 4
 RCSJ NO. 0374-02-103

200 0 100 200

GRAPHIC SCALE
SCALE: 1" = 200'



P.O.C. PARCEL 4
EL PASO
CENTERLINE MONUMENT
338+50.59
1096.86' LT

P.O.B. PARCEL 4
338+95.57
872.47' LT
X=433667.14
Y=10671365.98

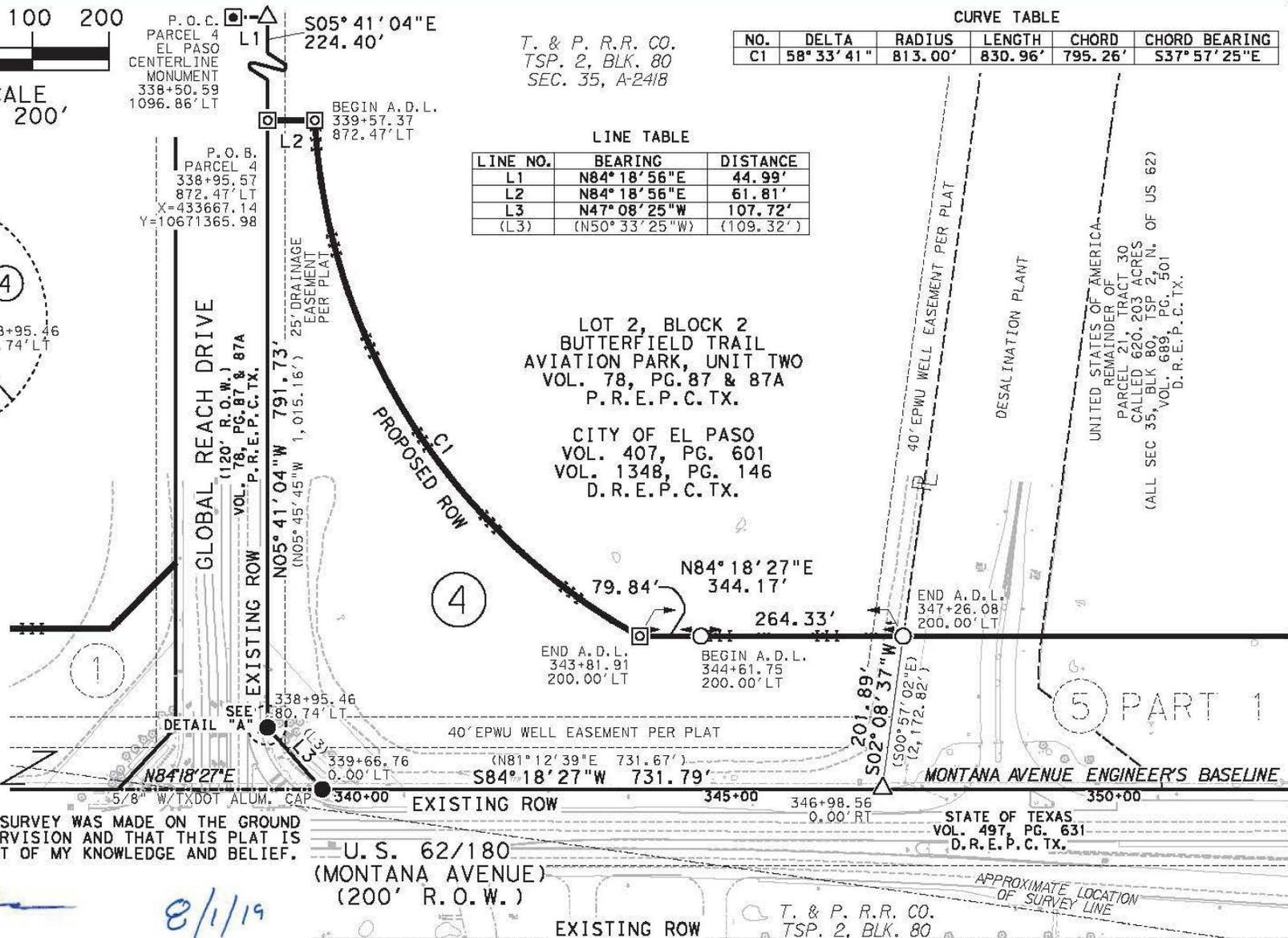
T. & P. R.R. CO.
TSP. 2, BLK. 80
SEC. 35, A-2418

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	58° 33' 41"	813.00'	830.96'	795.26'	S37° 57' 25"E

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N84° 18' 56"E	44.99'
L2	N84° 18' 56"E	61.81'
L3	N47° 08' 25"W	107.72'
(L3)	(N50° 33' 25"W)	(109.32')



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Scott C. Brashear
8/1/19
DATE

SCOTT C. BRASHEAR
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6660, STATE OF TEXAS

U. S. 62/180
(MONTANA AVENUE)
(200' R.O.W.)

T. & P. R.R. CO.
TSP. 2, BLK. 80
SEC. 38, A-5426
(C.M. NEWMAN SURVEY)

DATE: 8/1/2019
FILE: J:\101131059F\100\Survey\02Base\DGN v8\Parcels\Parcel_04_02.dgn

PAGE 4 OF 4
REF. FIELD NOTE NO. 27556

EXISTING	ACQUIRE	REMAINING
*182.9469 AC. 7,969,592 SQ. FT.	6.6348 AC. 289,013 SQ. FT.	176.3121 AC. LEFT 7,680,579 SQ. FT.



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DISTRICT: 24
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HWY No.: U.S. 62/180

RIGHT-OF-WAY PLAT
SHOWING PROPERTY OF
CITY OF EL PASO
PARCEL 4
RCSJ NO. 0374-02-103

EXHIBIT B EXCEPTONS

1. The following restrictive covenants of record itemized below (We must either insert specific recording date or delete this exception.):

Those recorded in [Volume 1348, Page 146](#), [Volume 1361, Page 473](#) and [Volume 257, Page 1394](#), amended in [Volume 297, Page 894](#) and those in [Volume 407, Page 601](#), and [Clerk's File No. 20200101641](#), Real Property Records of El Paso County, Texas.

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements. Upon receipt of an approved survey, Schedule B, Item 2 may be modified to read in its entirety, "Shortages in area" (Loan Policy only or Owner's Title Policy with prescribed premium.)
3. Homestead or community property or survivorship rights, if any, of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.
(Applies to the Owner's Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year 2019 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2019 and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy T-2 only.)

9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only.) Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance. (T-2R)
10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
- a) Rights of parties in possession. (Owner Title Policy only)
 - b) Drainage and utility easements as shown on plat, including easements for overhang of service wires for pole type utilities and buried service wires, conduits, and pipes for underground utilities, as dedicated on the plat, recorded in [Volume 78, Pages 87 and 87A](#), Plat Records of El Paso County, Texas, and [Clerk's File No. 20200101637](#), Real Property Records of El Paso County, Texas.
 - c) Easement for right-of-way to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY and THE EL PASO ELECTRIC COMPANY, dated 05/30/1944, as set out in Quitclaim Deed filed on 06/28/1957, recorded in [Volume 1348, Page 146](#), Real Property Records of El Paso County, Texas.
 - d) A 50' wide right-of-way easement, 25' on either side of the centerline of an existing communication cable to Site Monitor (U.S. signal) reserved unto the UNITED STATES OF AMERICA, as set out in Indenture filed on 07/11/1969, recorded in [Volume 257, Page 1394](#), Real Property Records of El Paso County, Texas.
 - e) A 50-year right-of-way easement No. DA-29-005-ENG-3156 for a 16" pipeline covering 26.90 acres granted to THE EL PASO NATURAL GAS COMPANY, dated 11/20/1961, as cited in Deed without Warranty filed on 06/16/1970, recorded in [Volume 298, Page 1349](#), Real Property Records of El Paso County, Texas.
 - f) A 50' wide right-of-way easement, 25' on either side of the centerline of an existing communication cable to Site Monitor (U.S. signal) reserved unto the UNITED STATES OF AMERICA, as set out in Deed without Warranty filed on 06/16/1970, recorded in [Volume 298, Page 1349](#), Real Property Records of El Paso County, Texas.
 - g) Easement to EL PASO ELECTRIC COMPANY, recorded in [Volume 329, Page 893](#), Real Property Records of El Paso County, Texas.
 - h) All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed.
 - i) Terms, conditions, stipulations, reservations, and restrictions of Indenture between THE UNITED STATES OF AMERICA and THE CITY OF EL PASO dated 07/08/1969, recorded in [Volume 257, Page 1394](#), amended in [Volume 297, Page 894](#), Real Property Records of El Paso County, Texas.
 - j) Terms, conditions and stipulations of Ordinance No. 18386, dated July 14, 2015 and filed on August 13, 2015 under [Clerk's File No. 20150056944](#), Real Property Records, El Paso County, Texas.