

CITY OF EL PASO, TEXAS

AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: El Paso Water Utilities Public Service Board

AGENDA DATE: January 15, 2013 Introduction, January 22, 2013 Public Hearing

CONTACT PERSON/PHONE: Lupe Cuellar, Real Estate Manager and Counsel, 594-5636

DISTRICT(S) AFFECTED: 4

SUBJECT: APPROVE the following Ordinance

An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 5.01 acres more or less, of city land under the jurisdiction of the El Paso Water Utilities Public Service Board, to the El Paso Electric Company, which land is described as A portion of the west half of Section 14, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located near Loma Real Avenue and Martin Luther King Blvd. in northeast El Paso, El Paso County, Texas and authorizing the City Manager to execute a Contract of Sale, Special Warranty Deed, and any other documents necessary, to complete the conveyance, to the El Paso Electric Company. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system. (District 4) El Paso Water Utilities, Lupe Cuellar, Real Estate Manager and Counsel. (915) 594-5636

BACKGROUND / DISCUSSION:

The El Paso Electric Company has requested to purchase a 5.01 acre more or less, parcel of land in Northeast El Paso near Loma Real Avenue and Martin Luther King Blvd. for use for an electric substation.

At a regular meeting held on October 10, 2012, the El Paso Water Utilities Public Service Board declared the land is inexpedient to the system and authorized the President/CEO to negotiate its sale to the El Paso Electric Company which is a public utility with the power of eminent domain. The sale was negotiated for a price of \$117,500.00. The City will receive 5% of the net sales proceeds.

PRIOR COUNCIL ACTION: Has the Council previously considered this item or a closely related one?

Yes. The El Paso Water Utilities passed a resolution May 9, 2012 declaring a 0.69 acre parcel of city land under the jurisdiction of the El Paso Water Utilities to be inexpedient to the system, awarding the sale of the land to the sole bidder Lamar Skarda in the amount of \$86,100 and requesting the City Council to authorize the City Manager to sign a Special Warranty Deed and any necessary documents to convey the land. The City Council passed an ordinance authorizing the City Manager to sign a Special Warranty Deed to Lamar Skarda September 18, 2012.

Ordinance to Convey Land to El Paso Electric Company

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AMOUNT AND SOURCE OF FUNDING: How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

The City of El Paso will receive 5% of the net proceeds of the sale.

BOARD / COMMISSION ACTION: Enter appropriate comments or N/A

At a regular meeting held October 10, 2012, the El Paso Water Utilities Public Service Board declared the land inexpedient to the system and authorized the President/CEO to negotiate the sale of the land to the El Paso Electric Company. The Resolution also requested the City Council pass an Ordinance authorizing the City Manager to sign a Special Warranty Deed and any other necessary documentation to complete the conveyance.

AFTER EXECUTION OF ALL DOCUMENTS, PLEASE CONTACT LUPE CUELLAR TO PICK UP THE DOCUMENTS. 594-5636. THANK YOU.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED TO CONVEY 5.01 ACRES MORE OR LESS, OF CITY LAND UNDER THE JURISDICTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TO THE EL PASO ELECTRIC COMPANY, WHICH LAND IS DESCRIBED AS A PORTION OF THE WEST HALF OF SECTION 14, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS LOCATED NEAR LOMA REAL AVENUE AND MARTIN LUTHER KING BLVD. IN NORTHEAST EL PASO, EL PASO COUNTY, TEXAS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT OF SALE, SPECIAL WARRANTY DEED, AND ANY OTHER DOCUMENTS NECESSARY, TO COMPLETE THE CONVEYANCE, TO THE EL PASO ELECTRIC COMPANY. THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD HAS DECLARED THE LAND INEXPEDIENT TO THE SYSTEM.

WHEREAS, the El Paso Water Utilities Public Service Board (EPWU), a component unit of El Paso City government is a Board of Trustees delegated the complete management and control of the City's water, wastewater, reclaimed and storm water system and as such has the jurisdiction and control over certain real properties in El Paso, El Paso County, Texas; and,

WHEREAS, the El Paso Electric Company (EPEC) is a public utility with the power of eminent domain and desires to acquire a 5.01 acre parcel of land more or less under the jurisdiction of the El Paso Water Utilities Public Service Board for an electric substation in northeast El Paso; and,

WHEREAS, at its regular meeting of October 10, 2012, the El Paso Water Utilities Public Service Board (PSB) passed and adopted a Resolution which declared the land to be inexpedient to the system and recommended that the land be sold to the EPEC, authorized the President/CEO to negotiate its sale to EPEC, and requested that the City Council authorize the City Manager to sign a Special Warranty Deed and any other necessary documents to complete the sale;

WHEREAS, the President/CEO negotiated a sale of the property for the sum of \$117,500.00 from which the City of El Paso will receive 5% of the net sales proceeds;

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

That the City Manager is hereby authorized to execute 1) the Contract of Sale; 2) A Special Warranty Deed in the form and substance approved by the City Attorney or her designee, 3) any other necessary documents to complete the conveyance of the following described real property to the El Paso Electric Company, a public utility with the power of eminent domain, as requested by the El Paso Water Utilities Public Service Board Trustees; to wit:

Being a 5.01 acre parcel of land, more less, a portion of the west half of Section 14, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County Texas, being more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference for all purposes. Said land is located near Loma Real Avenue and Martin Luther King Blvd. in northeast El Paso, El Paso County, Texas.

PASSED AND APPROVED this ____ day of _____, 2013, at a regular meeting of the El Paso City Council.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM

Bertha Ontiveros
Senior Assistant City Attorney

APPROVED AS TO FORM

Lupe Cuellar
Real Estate Manager and Counsel

ORDINANCE NO. _____



EXHIBIT "A"
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METES AND BOUNDS DESCRIPTION
"Patriot Substation"

A 5.0103 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of the west half of Section 14, Block 81, Township 1, Texas and Pacific Railway Company Surveys and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a two inch iron pipe in concrete found for the corner common to Sections 11, 12, 13 and 14, Block 81, Township 1, Texas and Pacific Railway Company Surveys; **WHENCE**, a 1/2 inch rebar with survey cap No. "TX 5337" found for the corner common to Sections 13, 14, 19 and 20, Block 81, Township 1, Texas and Pacific Railway Company Surveys bears South 02°04'30" West, a distance of 5,358.25 feet; **THENCE**, leaving the corner common to said Sections 11, 12, 13 and 14, South 45°08'53" West, a distance of 4,011.69 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the west boundary line of a 200 feet wide El Paso Electric Company right-of-way for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the west boundary line of said 200 feet wide El Paso Electric Company right-of-way, South 02°04'30" West, a distance of 450.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southeast corner of the parcel herein described;

THENCE, leaving the west boundary line of said 200 feet wide El Paso Electric Company right-of-way, North 87°55'30" West, a distance of 485.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

THENCE, North 02°04'30" East, a distance of 450.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northwest corner of the parcel herein described;

THENCE, South 87°55'30" East, a distance of 485.00 feet to the **POINT OF BEGINNING**;

Said parcel containing 5.0103 acres (218,250.0 square feet), more or less, and being subject to all easements of record.

Isaac Camacho
Isaac Camacho, TX R. P. L. S. No. 5337
Date: November 1, 2012
05347-025A Patriot Substation



