



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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Consent Item; Public Hearing 1/27/09

**CONTACT PERSON/PHONE:** Raul Garcia, 541-4935

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

That the City Manager be authorized to sign and accept on behalf of the City a Dedication Deed from Newman Ranch Partners, LP, dedicating to the City a strip of land to be used as a pond and varying in width from 5.88ft. to 10.67 ft. The strip of land is described as *being a portion of Section 21, Block 80, TSP 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed. Applicant: Newman Ranch Partners. Subject property: Northwest of Dyer Street and Southeast of US54. (District 4)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

\_\_\_\_\_

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

Mayor  
John F. Cook

City Council

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Melina Castro

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

City Manager  
Joyce A. Wilson

**RESOLUTION**

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

That the City Manager be authorized to sign and accept on behalf of the City a Dedication Deed from Newman Ranch Partners, LP, dedicating to the City a strip of land to be used as a pond and varying in width from 5.88 ft. to 10.67 ft. The strip of land is described as *being a portion of Section 21, Block 80, TSP 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Richarda Duffy-Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Development Services – Planning Division

CITY CLERK DEPT.  
09 JAN 16 PM 2:04

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

**DEDICATION DEED**

CITY CLERK DEPT.  
09 JAN 16 PM 2:04

KNOW ALL MEN BY THESE PRESENTS: That **NEWMAN RANCH PARTNERS, LP**, Grantor, does hereby give and dedicate to the City of El Paso, Grantee, a strip of land to be used as a pond and varying in width from 5.88 ft. to 10.67 ft. This strip of land is needed to expand the pond that is located at the southern tip of Mesquite Hills Unit Two subdivision, the following described land located in the City of El Paso, El Paso County, Texas:

*Being a portion of Section 21, Block 80, TSP 1, Texas and Pacific Railway Company Surveys, 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.*

This conveyance is subject to easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens or conveyances, that affect the property; rights of parties in possession, and standby fees, taxes and assessments by any taxing authority for the year 2008 and subsequent assessments for changes in land use or ownership.

TO HAVE AND TO HOLD the above conveyed property for the purposes aforesaid unto the City of El Paso, its successors and assigns, forever.

And the Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular the rights herein granted, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures and seal this 6<sup>th</sup> day of JANUARY, 2009.

**NEWMAN RANCH PARTNERS, LP.**

**By: Newman Ranch Partners, LLC**

**Its: General Partner**

By: \_\_\_\_\_

DOUGLAS A. SCHWARZ, MANAGER  
(name/title)

(Acknowledgment on following page)

CITY CLERK DEPT.  
09 JAN 16 PM 2:04

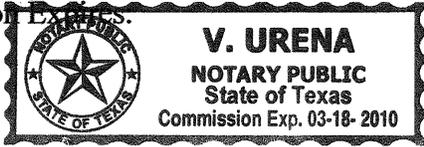
**SUB08-00143**

**ACKNOWLEDGMENT**

**STATE OF TEXAS** §  
§  
**COUNTY OF EL PASO** §

This instrument was acknowledged before me on the 6<sup>th</sup> day of January 2009, by Douglas A. Schwartz as Manager of Newman Ranch Partners, LLC, general partner of NEWMAN RANCH PARTNERS, LP, on behalf of said partnership.

My Commission Expires



*V. Urena*

Notary Public, State of Texas  
Notary's Printed Name:

**GRANTEE**  
**CITY OF EL PASO**

By: \_\_\_\_\_  
Joyce Wilson, City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Development Services – Planning Division

**STATE OF TEXAS** )  
)  
**COUNTY OF EL PASO** )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2009, by Joyce Wilson, City Manager of the City of El Paso, a municipality, on behalf of said municipality.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of El Paso  
Development Services – Planning Division  
Attn: Planning Director  
2 Civic Center Plaza, 5<sup>th</sup> floor  
El Paso, Texas 79901

CITY CLERK DEPT  
09 JAN 16 PM 2:04

**SUB08-00143**

Being a portion of Section 21,  
Block 80, Township 1,  
Texas and Pacific Railway Company Surveys,  
City of El Paso, El Paso County, Texas  
Prepared for: Southwest Land Development Services Inc.  
October 1, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument at the centerline intersection of Mesquite Hills Dr. and Jim Webb Drive from which an existing city monument lying on the intersection of the centerline of Mesquite Hills Dr. and the northwesterly right of way line of Dyer Street, bears South 46°42'14" East a distance of 529.00 feet, Thence along the centerline of Mesquite Hills Dr. South 46°42'14" East a distance of 131.00 feet; Thence leaving said centerline South 43°16'32" West passing the southerly right of way line of Mesquite Hills Dr. at 42.00 feet and continuing along the common line of Mesquite Hills Unit Two and Three a total distance of 1155.70 feet to a point on the southerly line of Lot 23, Block 22, Mesquite Hills Unit Two for the "TRUE POINT OF BEGINNING".

Thence South 43°16'32" West a distance of 5.88 feet to a point;

Thence North 52°00'29" West a distance of 286.25 feet to a point;

Thence North 43°14'58" East a distance of 10.67 feet to a point on the southerly line of Lot 23, Block 22, Mesquite Hills Unit Two;

Thence along said line, South 51°03'02" East a distance of 285.85 feet to "TRUE POINT OF BEGINNING" and containing in all 2358.4372 square feet or 0.0541 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by RTK GPS methods centered near this site.



Ron R. Conde  
R.P.L.S. No. 5152



job #\_808-32

CITY CLERK DEPT.  
09 JAN 16 PM 2:04

CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING

1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283



**MEMORANDUM**

**DATE:** January 15, 2009

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Raul Garcia, Planner

**SUBJECT:** **SUB08-00143**

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The City Plan Commission (CPC), on November 6, 2008, **voted 6-0 to approve** the Mesquite Hills Unit Two Pond Dedication.

The CPC determined the dedication is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined the dedication protects the best interest, health, safety and welfare of the public in general; and the proposed use is compatible with adjacent land uses; and the dedication will have no negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson



## City of El Paso – City Plan Commission Staff Report

**Case No:** SUB08-00143 Mesquite Hills Unit Two Pond Dedication  
**Application Type:** Dedication by Metes & Bounds  
**CPC Hearing Date:** November 6, 2008  
**Staff Planner:** Raul Garcia, 915-541-4935, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)  
**Location:** Northwest of Dyer Street and Southeast of US 54  
**Legal Description Acreage:** 0.0541  
**Rep District:** 4  
**Existing Use:** Vacant  
**Existing Zoning:** R-F (Ranch Farm)  
**Proposed Zoning:** R-F (Ranch Farm)  
**Nearest School:** Desertaire Elementary (2.26 miles)  
**Nearest Park:** Mesquite Hills #2 Proposed Park (0.22 mile)  
**Property Owner:** Newman Ranch Partners LP  
**Applicant:** Newman Ranch Partners LP  
**Representative:** Conde, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-F (Ranch Farm); Vacant  
**South:** R-F (Ranch Farm); Vacant  
**East:** R-5/c (Residential/condition); Vacant  
**West:** R-F (Ranch Farm); Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Light Industrial

### **APPLICATION DESCRIPTION**

The applicant is proposing to expand the pond and dedicate the expanded portion to the City of El Paso. The expansion is needed in order to provide enough area to have access to that portion of the pond.

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:**

**Approval.**

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Mesquite Hills Unit Two Pond Dedication subject to the following conditions and requirements:

### **Planning Division Recommendation:**

Approval.

### **Land Development:**

No objections.

**Engineering Department-Traffic:**

No objections.

**Parks and Recreation Department:**

No comments received.

**El Paso Water Utilities:**

1. EPWU does not object to this pond dedication request.

**EPWU-PSB Comments**

**General:**

2. The Developer has entered into a Development Agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to construct the proposed water and sanitary sewer mains to provide service to the Mesquite Hills Unit 2 subdivision. The Developer’s utility contractor is currently installing the required water and sanitary sewer mains which will be available for permanent service once EPWU-PSB issues a Letter of Final Acceptance of the facilities.

3. The Mesquite Hills Unit 2 sanitary sewer collection system discharges to the Futureland Lift Station located in the vicinity of Railroad Drive and the southern portion of the Dal-Tile property. EPWU plans to upgrade this lift station from its current capacity of 0.5 MGD (million gallons per day) to 10 MGD. The Developer will be responsible for paying its pro-rated portion of the upgrade cost.

4. There is an existing 30-inch diameter reclaimed water transmission main adjacent to the proposed pond addition at Lot 23, Block 22. The 30-inch main is located within a 20-foot wide PSB easement.

5. During the improvement work of the site, the Developer shall safeguard the existing 30-inch water main and appurtenant structures. If any PSB facilities are damaged during the improvement work, the Developer is responsible for the repair costs. Also, the Developer shall minimize changes in grade above or near the vicinity of the existing 20-foot wide PSB easement.

6. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, or any structure that will interfere with the access to the PSB easements. There shall be at least 10-foot clearance from the mains to any sign or structure.

**El Paso Fire Department:**

The El Paso Fire Department has reviewed Proposed Pond Addition and we have no opposition at this time.

**911**

No comments received.

**El Paso Electric Company:**

No comments received.

**Texas Gas Company:**

No comments received.

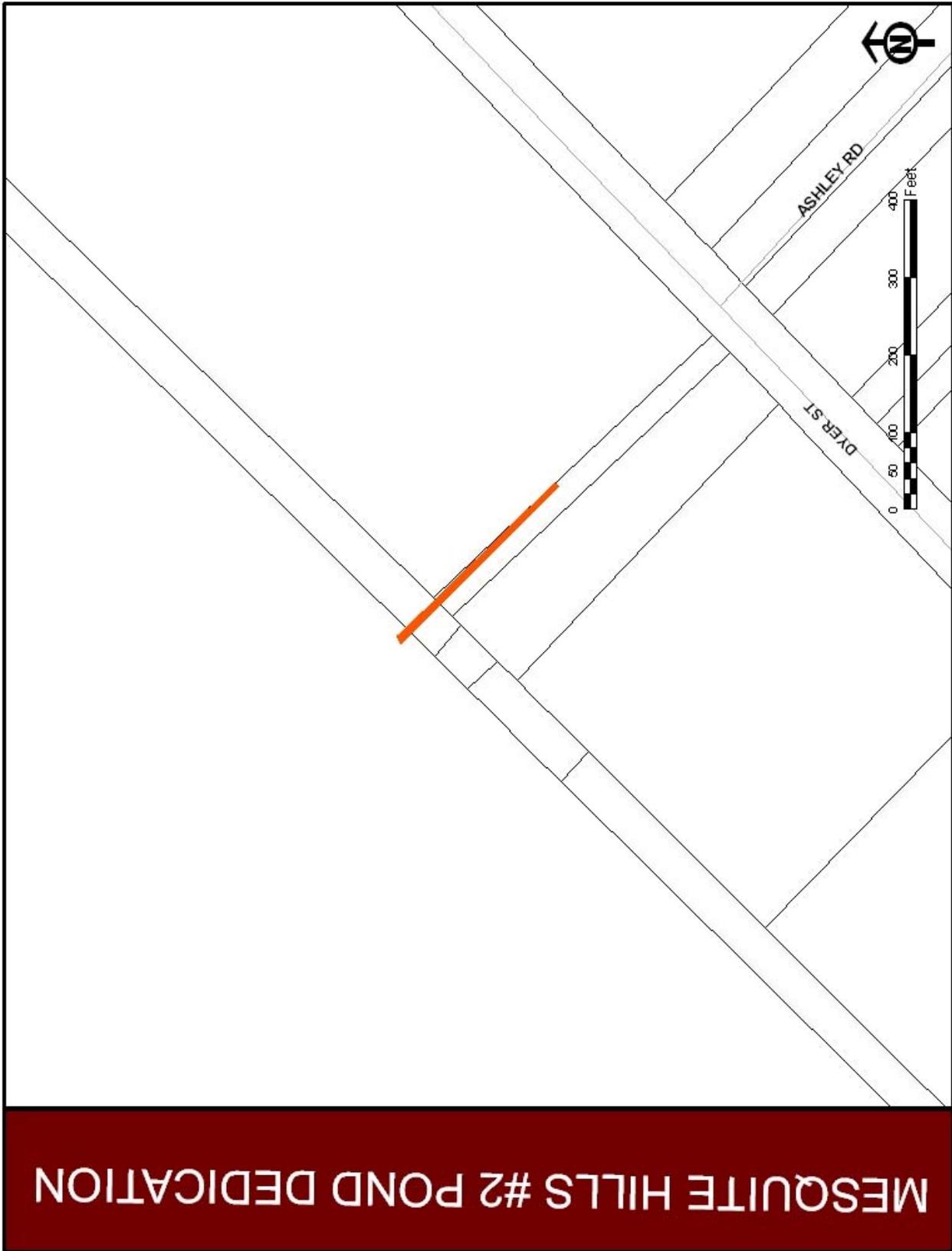
**Additional Requirements and General Comments:**

1. Submit to the Development Services Department – Planning Division the following prior to recording of the dedication.
  - a. Current certified tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable

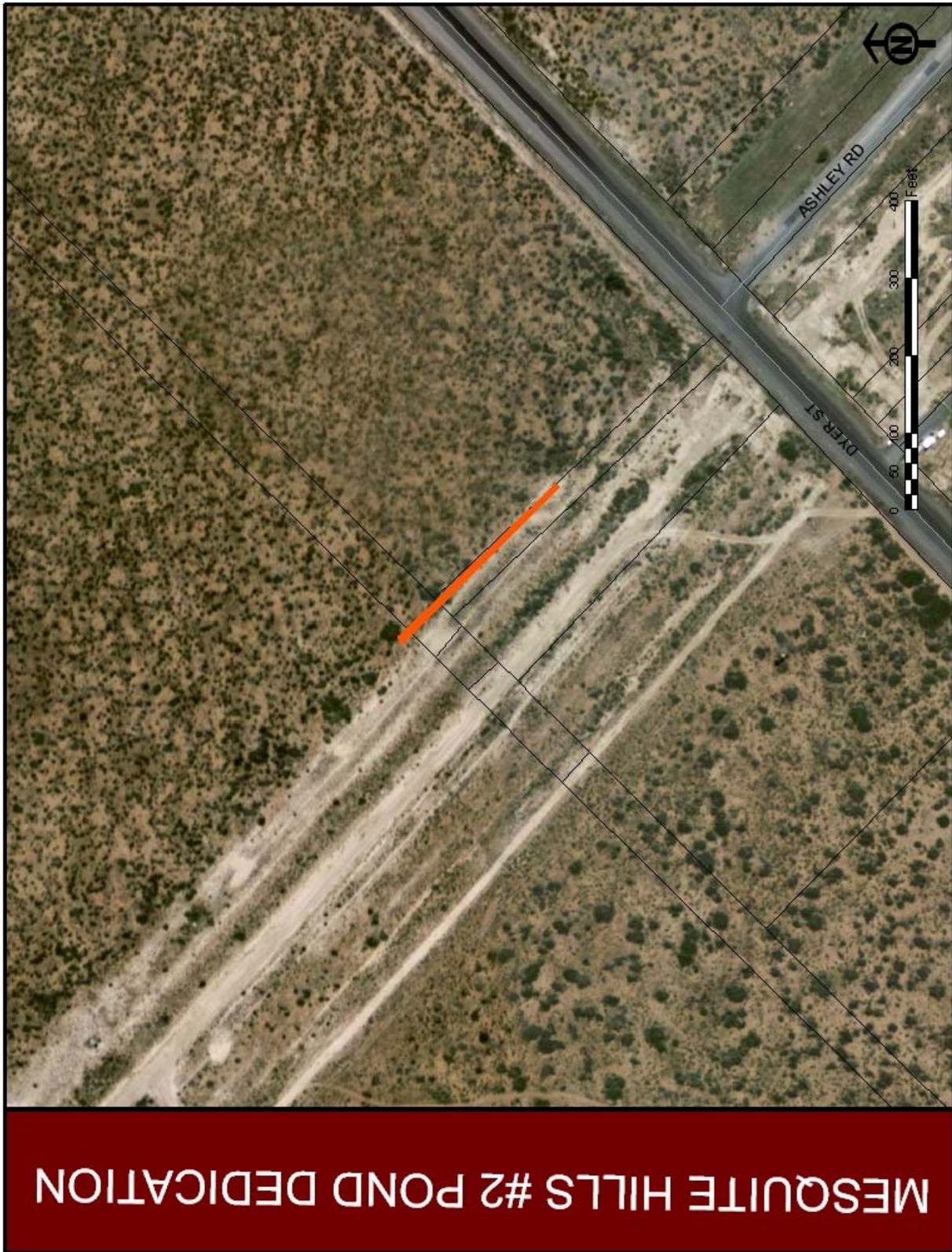
## **Attachments**

1. Location map
2. Aerial map
3. Map of survey
4. Application

ATTACHMENT 1

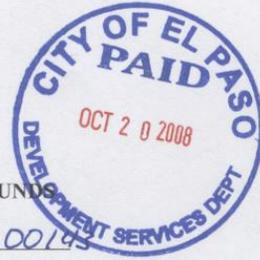


ATTACHMENT 2





**ATTACHMENT 4**



**CITY OF EL PASO, TEXAS  
APPLICATION FOR DEDICATION OF RIGHT-OF WAY BY METES AND BOUNDS**

DATE: September 23, 2008

FILE No. SUB08-00143

1. APPLICANTS NAME Newman Ranch Partners, LP

ADDRESS 1790 Lee Trevino, Ste., 601 ZIP CODE 79936 TELEPHONE 915-592-0290

2. Request is hereby made to dedicate the following: (check one)

Street  Alley  Easement  Other

Street Name(s) \_\_\_\_\_ Subdivision Name Mesquite Hills Unit 2

Abutting Blocks 22 Abutting Lots 23

3. Reason for the dedication request: To increase width of Pond maintenance road.

4. Surface Improvements located in subject property to be dedicated:  
None  Paving  Curb & Gutter  Power Lines/Poles  Fences/Walls  Structures  Other

5. Underground Improvements located in subject right-of-way:  
None  Telephone  Electric  Gas  Water  Sewer  Storm Drain  Other

6. Future use of the dedicated right-of-way:  
Yards  Parking  Expand Building Area  Replat with abutting Land  Other

7. Related Application which are pending (give name or file number):  
Zoning  Zoning Board of adjustment  Subdivision  Building Permits  Other

8. Signatures: All owners of properties which abut the property to be dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description/Address	Telephone Numbers
<u>Newman Ranch Partners, LP</u>	<u>Being a portion of</u>	<u>915-592-0290</u>
<u>Newman Ranch Partners, LLC</u>	<u>Section 21, Block 80, TSP 1, Texas and</u>	
<u>Its General Partner</u>	<u>Pacific Railroad Co. Surveys, City of El</u>	
<u>Douglas A. Schwartz</u>	<u>Paso, El Paso County, Texas</u>	

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedications and that no action on processing will be taken without payment of the nonrefundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Dedication. I/We further understand that the fee, if the Dedication is granted, will be determined by the City of El Paso and Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he is authorized to represent the property owner(s), and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

CASHIERS VALIDATION  
FEE: \$562.00

OWNER SIGNATURE: Douglas A. Schwartz

REPRESENTATIVE: [Signature]

NOTES: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.