

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

DEPARTMENT: El Paso Water Utilities Public Service Board

AGENDA DATE: Introduction - January 29, 2013
Public Hearing – February 5, 2013

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 conveying 15.0073 acres, described as a Portion of Section 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located north of U.S. 54 and near the northwest corner of Marcus Uribe and Robert Lennox Drive in northeast El Paso and to execute a Contract of Sale, and any other documents necessary to complete the sale, to the El Paso Independent School District. 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 Independent School District submitted a request to purchase approximately 15.0073 acres of city land, located north of U.S. 54 and near the northwest corner of Marcus Uribe and Robert Lennox Drive in Northeast El Paso. This land is in the El Paso Water Utilities inventory, which is city land held in trust by the Public Service Board. At a Board meeting held on August 8, 2012, the Board determined the land to be inexpedient to the water and wastewater system and that the request to purchase the land be forwarded to the City Council for action. The EPISD agreed to pay the fair market value as appraised at \$520,000.00 from which 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, on September 18, 2012, City Council approved the sale of approximately 0.69 acres of land.

AMOUNT AND SOURCE OF FUNDING: N\A

BOARD / COMMISSION ACTION:

At a regular meeting held August 8, 2012, the El Paso Water Utilities Public Service Board passed a Resolution finding the land inexpedient to the system and authorized the sale of the land.

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 CONVEYING 15.0073 ACRES, DESCRIBED AS A PORTION OF SECTION 21, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS LOCATED NORTH OF U.S. 54 AND NEAR THE NORTHWEST CORNER OF MARCUS URIBE AND ROBERT LENNOX DRIVE IN NORTHEAST EL PASO AND TO EXECUTE A CONTRACT OF SALE, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE, TO THE EL PASO INDEPENDENT SCHOOL DISTRICT. 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, Trustees (EPWU/PSB) is a component unit of El Paso City government with jurisdiction and control over certain real properties in El Paso, El Paso County, Texas; and,

WHEREAS, the El Paso Independent School District (EPISD), a Texas Independent School District having the power of eminent domain, acting by and through its Board of Trustees on July 24, 2012 approved the acquisition of the land the subject of this Ordinance for a school site; and,

WHEREAS, there is an exception to the Bidding Requirements of the Texas Local Government Code being Section 272.001(b)(5) and providing that a sale of land to a governmental entity that has the power of eminent domain is not required to be placed for public bid; and,

WHEREAS, at its regular meeting of August 8, 2012, the El Paso Water Utilities Public Service Board passed and adopted a Resolution which declared the land to be inexpedient to the system and recommended conveyance of the land to the EPISD;

WHEREAS the Public Service Board is requesting that the City Council authorize the City Manager to sign the Special Warranty Deed for the land, along with any and other documents, to include the contract of sale necessary to complete the transaction; and,

WHEREAS, the parcel of land was appraised for sale at its fair market value by Wilkinson, Pendergrass & Beard, L.P. at a value of \$520,000.00 and EPISD has agreed to purchase the land for that amount;

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

That the City Manager is authorized to execute 1) A Special Warranty Deed in the form and substance approved by the City Attorney or her designee, 2) a Contract of Sale, and 3) any other necessary documents as required for the sale and conveyance to the El Paso Independent

School District, a Texas Independent School District with the power of eminent domain, the following described real property:

“A portion of Section 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County Texas, being approximately 15.0073 acres of land”, and more particularly described in Exhibit “A” attached hereto and made a part hereof by this reference for all purposes.

That the City Manager be authorized to sign any other necessary documents as required for the sale and conveyance of the land, so long as those documents have been approved and reviewed by the city attorney’s office.

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM

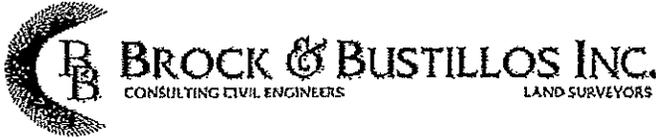
Bertha Ontiveros
Senior Assistant City Attorney

APPROVED AS TO CONTENT AND
FORM

Lupe Cuellar
Real Estate Manager and Counsel

ORDINANCE NO. _____

EXHIBIT "A"



ROMAN BUSTILLOS, P.E.
President
RANDY R. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
OSCAR V. PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager

METES AND BOUNDS DESCRIPTION

A 15.0073 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of Section 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a City of El Paso brass cap monument found at the centerline intersection of Marcus Uribe Drive (76.00 feet R.O.W.) and Robert Lennox Drive (52.00 feet R.O.W.); *WHENCE*, a City of El Paso brass cap monument found at the centerline intersection of Marcus Uribe Drive (76.00 feet R.O.W.) and Manuel Gameros Drive (52.00 feet R.O.W.), bears South 54°18'52" West, a distance of 1,252.25 feet (1,252.21 feet-Record); *THENCE*, leaving the centerline of Robert Lennox Drive and following the centerline of said Marcus Uribe Drive, South 54°19'07" West, a distance of 26.00 feet; *THENCE*, leaving the centerline of Marcus Uribe Drive, North 35°40'53" West, a distance of 38.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the northwesterly right-of-way line of Marcus Uribe Drive for the *POINT OF BEGINNING* and the southeast corner of the parcel herein described;

THENCE, following the northwesterly right-of-way line of Marcus Uribe Drive, South 54°19'07" West, a distance of 900.27 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

THENCE, leaving northwesterly right-of-way line of Marcus Uribe Drive and following the northeasterly boundary line of a future City of El Paso park site, North 35°40'53" West, a distance of 726.13 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the southeasterly boundary line of Sandstone Ranch Estates Unit Four for the northwest corner of the parcel herein described;

THENCE, leaving the northeasterly boundary line of said future City of El Paso park site and following the southeasterly boundary line of Sandstone Ranch Estates Unit Four and continuing along the southeasterly boundary line of Sandstone Ranch Estates Unit Five, North 54°19'07" East, a distance of 900.27 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the southwesterly right-of-way line of Robert Lennox Drive for the northeast corner of the parcel herein described;

THENCE, leaving the southeasterly boundary line of Sandstone Ranch Estates Unit Five and following the southwesterly right-of-way line of Robert Lennox Drive, South 35°40'53" East, a distance of 726.13 feet to the *POINT OF BEGINNING*;

Said parcel contains 15.0073 acres (653,716.0 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX. R.P.L.S. No. 5337
Date: September 11, 2009
05687-059-Description.doc



