

**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 to convey 50.7072 acres more or less, described as a Portion of Section 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located in the northeast corner of Sean Haggerty and Loma Real Avenue and authorizing the City Manager 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 50.7072 acres of city land, located in the Northeast corner of Sean Haggerty and Loma Real Avenue. 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 \$1,325,000.00 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 recommended that the land be sold.

**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 50.7072 ACRES MORE OR LESS, DESCRIBED AS A PORTION OF SECTION 19, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS LOCATED IN THE NORTHEAST CORNER OF SEAN HAGGERTY AND LOMA REAL AVENUE AND AUTHORIZING THE CITY MANAGER 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 \$1,325,000.00 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) 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 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 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County Texas, being approximately 50.7072 acres of land”, and more particularly described in Exhibit “A” attached hereto and made a part hereof by this reference for all purposes.*

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  
Assistant City Attorney

APPROVED AS TO CONTENT  
AND FORM

\_\_\_\_\_  
Lupe Cuellar  
Real Estate Manager and Counsel

ORDINANCE NO. \_\_\_\_\_



**BROCK & BUSTILLOS INC.**  
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.  
President  
RANDY P. 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 50.7072 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of Section 19, 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 5/8 inch diameter rebar with an aluminum cap found for the corner common to Sections 19, 20, 21 and 22, Block 81, Township 1, Texas & Pacific Railway Company Surveys; **WHENCE**, a 1/2 inch rebar found for the corner common to Sections 18, 19, 22 and 23, Block 81, Township 1, Texas & Pacific Railway Company Surveys, bears North 87°57'12" West, a distance of 5,280.47 feet; and **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 & Pacific Railway Company Surveys, bears North 01°59'00" East, a distance of 5,294.24 feet; **THENCE**, leaving the corner common to said Sections 19, 20, 21 and 22 and following the section line common to said Sections 19 and 20, North 01°59'00" East, a distance of 288.06 feet; **THENCE**, leaving the section line common to said Sections 19 and 20, North 88°01'00" West, a distance of 50.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the **POINT OF BEGINNING** and the southeast corner of the parcel herein described;

**THENCE**, North 87°57'12" West, a distance of 1,640.00 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 01°59'00" East, a distance of 1,345.93 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 88°01'00" East, a distance of 1,640.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northeast corner of the parcel herein described;

**THENCE**, South 01°59'00" West, a distance of 1,347.74 feet to the **POINT OF BEGINNING**;

Said parcel contains 50.7072 acres (2,208,805.0 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,  
TX. R.P.L.S. No. 5337  
Date: June 15, 2012  
05896-059-HS5 Desc.doc

