

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

DEPARTMENT: El Paso Water Utilities

AGENDA DATE: INTRODUCTION: 3/16/2010
PUBLIC HEARING: 3/23/2010

CONTACT PERSON/PHONE: Jim Shelton, Land Administration, EPWU (915) 594-5511



DISTRICT(S) AFFECTED: District #2 – Northeast El Paso

SUBJECT:

The introduction of an ordinance relating to the conveyance of land to the State of Texas for the Spur 601 State Roadway Project, consisting of several small parcels being 3.304 acres of land along and adjacent to Fred Wilson Road and Marshall Road in El Paso, Texas. Attached is an individual ordinance, special warranty deed and copy of El Paso Water Utilities Public Service Board Resolution dated March 11, 2009.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Attached is the El Paso Water Utilities Public Service Board Resolution passed and approved March 11, 2009, authorizing the sale of the land to the State of Texas at a less than fair market value price of \$140,000.00 in consideration of over \$5M in utilities relocation accomplished at no cost to the El Paso Water Utilities by TxDOT and upon finding by the Board that the conveyance is in the public interest; and, requesting the City Council authorize the City Manager to sign a Special Warranty Deed to convey the parcels.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

In 2009, the City Council approved the sale of a parcel of land of 35 acres in Northeast El Paso.

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 State of Texas has agreed to pay the sum of \$140,000.00 for the land parcels. The City of El Paso will receive 5% of the net proceeds from the sale of the land pursuant to City of El Paso El Paso Water Utilities Water and Sewer Revenue Bond Covenants.

BOARD / COMMISSION ACTION:

Approved by the El Paso Water Utilities Public Service Board by Resolution March 11, 2009.

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

DEPARTMENT HEAD:

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

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A SPECIAL WARRANTY DEED TO CONVEY TO THE STATE OF TEXAS, APPROXIMATELY 3.304 ACRES OF LAND KNOWN AS PARTS 1, 2, 3, 6, 7 AND 9 OF PARCEL 4 ALONG AND ADJACENT TO FRED WILSON ROAD AND MARSHALL ROAD AND BEING PORTIONS OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FOR THE STATE OF TEXAS SPUR 601 HIGHWAY PROJECT. ALSO AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE OF THE LAND, SUCH AS, BUT NOT LIMITED TO, A DISCLAIMER OF INTEREST IN PROPERTY OR DONATION AGREEMENT,

WHEREAS, the El Paso Water Utilities Public Service Board is a Board of Trustees delegated the complete management and control of the City's water and wastewater system and as such has the jurisdiction and control over certain lands in El Paso, El Paso County, Texas; and,

WHEREAS, the State of Texas has requested the El Paso Water Utilities Public Service Board to declare certain parcels of land being 3.304 acres as described hereinabove to be inexpedient to the water and wastewater system and approve the conveyance of the parcels to the State of Texas by the City of El Paso; and,

WHEREAS, the PSB determined at its regular meeting of March 11, 2009 that in consideration of TxDOT's need for the parcels for completion of its Spur 601 Highway Project and in further consideration of the relocation and replacement of water and sewer lines in the property at TxDOT's sole cost of \$5,558,000.00, and based on TxDOT's further payment to the El Paso Water Utilities Public Service Board of \$140,000.00 being the value for an ongoing leasehold; and, finding it to be in the best interest of the utility ratepayers, it would recommend the sale of the land to TxDOT; and,

WHEREAS, by Resolution dated March 11, 2009, the El Paso Water Utilities Public Service Board (PSB), found several small parcels of land known as Parts 1, 2, 3, 6, 7 and 9 of Parcel 4, being 3.304 acres of land, more or less, and being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, to be inexpedient to the water system, and approved the conveyance of the real property to the State of Texas;

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

That the City Manager or her designee is hereby authorized to execute: 1) a Special Warranty Deed in form and substance approved by the City Attorney or his designee; and, 2) any other necessary documents, such as but not limited to a Disclaimer of Interest or Donation Agreement, as required for the sale and conveyance of the following described real property to the State of Texas, as approved and requested by the El Paso Water Utilities Public Service Board; to wit:

Being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, consisting of 3.304 acres of land and being more particularly described in Exhibits "A" attached hereto and made a part hereof by this reference for all purposes.

PASSED AND APPROVED this _____ day of _____, 2010, at a regular meeting of the El Paso City Council.

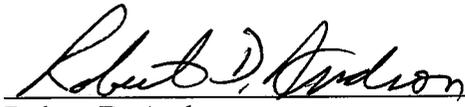
THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Robert D. Andron

APPROVED AS TO FORM:



City Attorney or Designee

Date of Introduction

Date of Adoption

City Clerk

EXHIBIT A

County: El Paso
Parcel No.: 4
Highway: State Spur 601
Limits: From: Sta. 118+03.87
To: Sta. 495+95.22
RCSJ: 1046-03-002
CCSJ: 1046-03-001
OWNER: City of El Paso, Texas

PROPERTY DESCRIPTION FOR PARCEL 4
(TOTAL ACREAGE 95.416 ACRES)

PARCEL 4-PART 1 (0.817 ACRE)

DESCRIPTION OF A 0.817 ACRE TRACT OF LAND LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, AND BEING A PORTION OF A REMAINDER OF A CALLED 54.8 ACRE TRACT OF LAND DESCRIBED IN AN UN-RECORDED RESOLUTION TO THE CITY OF EL PASO, TEXAS, DATED JUNE 21, 1957, BEING FURTHER DESCRIBED AS A CALLED 0.897 ACRE TRACT OF LAND, AS RECORDED IN A LEASE AGREEMENT FROM EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO RAYMOND MALOOLY, VOLUME 1997, PAGE 0078 OF THE OFFICIAL PUBLIC RECORDS EL PASO, COUNTY, TEXAS, SAID 0.817 ACRE TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for the southwest corner of a called 0.929 acre tract of land, as recorded in a Lessor's Approval of Assignment from El Paso Water Utilities Public Service Board to Prosperity III, Ltd. LP, Document No. 20040097986, of the Official Public Records of Real Property El Paso, County, Texas, from which a 5/8-inch iron rod found for the northwest corner of said 0.929 acre tract, same being the existing south right-of-way line of Plane Port Loop, a 60 foot right-of-way, bears N 01° 53' 09" E, a distance of 125.56 feet;

THENCE with the south line of said 0.929 acre tract, S 88° 05' 49" E, a distance of 195.06 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed west right-of-way line of State Spur 601, being 324.79 feet left of State Spur 601 Survey Baseline station 127+43.34, same being the northwest corner and the **POINT OF BEGINNING** of the tract described herein;

THENCE leaving said proposed west right-of-way line, with the south line of said 0.929 acre tract, same being the north line of said 0.897 acre tract, S 88° 05' 49" E, a distance of 133.20 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed east right-of-way line of State Spur 601, being 324.87 feet left of State Spur 601 Survey Baseline station 128+76.54 for the northeast corner of the tract described herein;

THENCE leaving said common line, crossing through the interior of said 0.897 acre tract, with said proposed east right-of-way line, with the arc of a curve to the left a distance of 132.14 feet, through a central angle of 28° 01' 59", having a radius of 270.08 feet, and whose chord bears S 28° 59' 06" E, a distance of 130.83 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed east right-of-way line of State Spur 601, being 212.63 feet left of State Spur 601 Survey Baseline station 129+43.77, same being the existing west right-of-way line of Marshall Road, a varying width right-of-way, and the east line of said 0.897 acre tract;

THENCE leaving said proposed east right-of-way line, with the existing west right-of-way line of said Marshall Road, S 01° 54' 11" W, a distance of 87.72 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for the southeast corner of the tract described herein, same being in the existing north right-of-way line of Fred Wilson Avenue, a varying width right-of-way;

THENCE with said existing north right-of-way line, N 88° 06' 02" W, a distance of 200.48 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set for the southwest corner of said 0.897 acre tract, also being in the said existing north right-of-way line of Fred Wilson Avenue;

THENCE leaving said existing north right-of-way line, with the west line of said 0.897 acre tract and crossing through the interior of said 54.8 acre tract N 01° 56' 08" E, a distance of 200.00 feet to the **POINT OF BEGINNING**, and containing 0.817 acre of land, more or less.

This property description is accompanied by a separate sketch of even date.

Bearings and Coordinates are based on the Texas State Plane Coordinate System, NAD 83, Central Zone and adjusted to surface using a Combined Scale Factor of 1.00023100 as surveyed from NGS Triangulation Station ELP A (PID# AB8586) and NGS Benchmark Disk X 1118 (PID# CE0141). Bearing and Distance between ELP A AND X 1118 based on published Grid Coordinates is S 85° 19' 04" E, 28,662.24'.

THE STATE OF TEXAS
COUNTY OF TRAVIS

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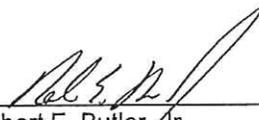
KNOW ALL MEN BY THESE PRESENTS:

That I, Robert E. Butler, Jr., 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.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 10th day of January, 2008 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735




Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 – State of Texas



EL PASO COUNTY, TEXAS

C1
 DELTA=28° 01'59" R=270.08'
 L=132.14' T=67.42'
 CB=S28° 59'06"E C=130.83'

C2
 DELTA=18° 05'27" R=270.08'
 L=85.28' T=43.00'
 CB=S05° 55'23"E C=84.92'

L1 STATE SPUR 601 SURVEY
 BASELINE CURVE DATA
 P1 Sta 123+93.71
 D = 4° 48' 00.38" (LT)
 D - 1° 00' 00.00"
 L = 480.01'
 T = 240.15'
 R = 5,729.58'
 PC Sta 121+53.56
 PT Sta 126+33.57

L2
 S01° 54'11"W
 87.72'

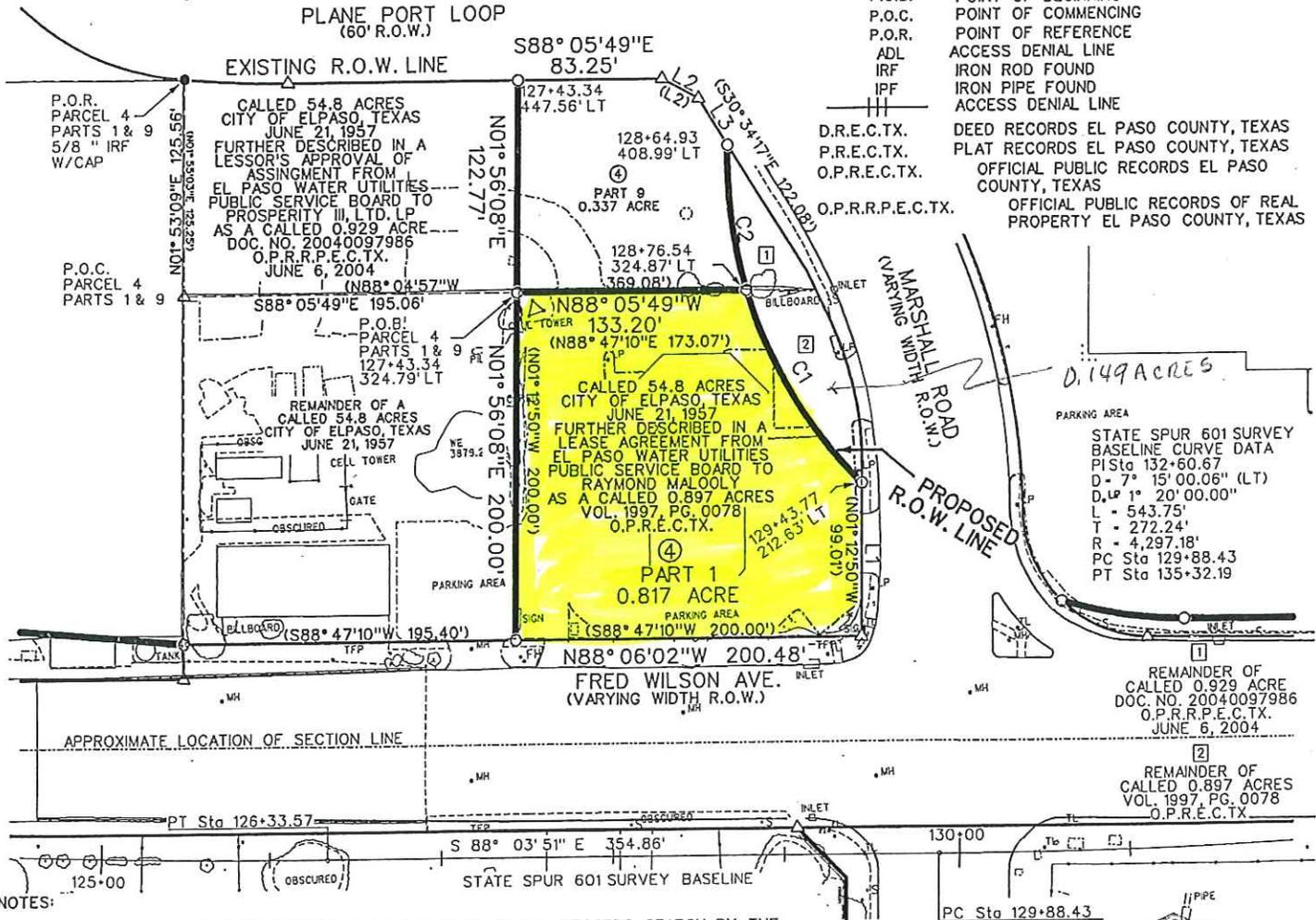
L3
 S59° 20'30"E
 24.05'
 (L2)
 (S59° 19'39"E
 24.05')

L4
 S30° 35'09"E N01° 53'09"E
 32.08' 33.34'

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND UNLESS NOTED
- ⊗ TYPE II CONCRETE MONUMENT SET
- 1/2" PIPE FOUND UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- CALCULATED POINT UNLESS NOTED
- 60 D NAIL FOUND UNLESS NOTED
- 1/2" IRON ROD W/SAM INC. PLASTIC CAP SET UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET STAMPED "ADL" UNLESS NOTED
- PROPERTY LINE
- CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- ADL ACCESS DENIAL LINE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- ACCESS DENIAL LINE
- D.R.E.C.TX. DEED RECORDS EL PASO COUNTY, TEXAS
- P.R.E.C.TX. PLAT RECORDS EL PASO COUNTY, TEXAS
- O.P.R.E.C.TX. OFFICIAL PUBLIC RECORDS EL PASO COUNTY, TEXAS
- O.P.R.R.P.E.C.TX. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS

SECTION 17
 BLOCK 81, TSP 2

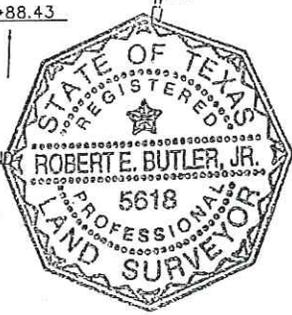


NOTES:

- RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
- BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE AND ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00023100 AS SURVEYED FROM NGS TRIANGULATION STATION ELP A (PID# AB8586) AND NGS BENCHMARK DISK X 1118 (PID# CE0141). BEARING AND DISTANCE BETWEEN ELP A AND X 1118 BASED ON PUBLISHED GRID COORDINATES IS S85° 19'04" E, 28,662.24'.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES SUPPLEMENTED BY ON-THE-GROUND SURVEY BY SAM, INC. AND/OR LANDTECH. THERE MAY BE ADDITIONAL IMPROVEMENTS THAT ARE NOT SHOWN.
- VISIBLE UTILITIES SHOWN HEREON ARE BASED UPON VISIBLE EVIDENCE FOUND ON THE GROUND. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES THAT ARE NOT SHOWN.
- PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT. 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.

ROBERT E. BUTLER, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5618, STATE OF TEXAS

1/10/08
 DATE



PAGE 3 OF 3
 REF. FIELD NOTE NO. 3770R1



5508 West Highway 290
 Building B
 Austin, Texas 78735
 (512) 447-0575
 Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
 SHOWING PROPERTY OF
 EL PASO PUBLIC SERVICE BOARD
 EL PASO COUNTY
 RCSJ NO.1046-03-002

EXHIBIT A

County: El Paso
Parcel No.: 4
Highway: State Spur 601
Limits: From: Sta. 118+03.87
To: Sta. 495+95.22
RCSJ: 1046-03-002
CCSJ: 1046-03-001
OWNER: City of El Paso, Texas

PROPERTY DESCRIPTION FOR PARCEL 4
(TOTAL ACREAGE 106.492 ACRES)

PARCEL 4-PART 2 (0.102 ACRE)

DESCRIPTION OF A 0.102 ACRE TRACT OF LAND LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 262.6 ACRE TRACT OF LAND DESCRIBED IN AN UN-RECORDED RESOLUTION TO THE CITY OF EL PASO, TEXAS, DATED MAY 8, 1941, BEING FURTHER DESCRIBED IN AN UN-RECORDED COMMERCIAL LEASE AS A CALLED 3.194 ACRE TRACT OF LAND, FROM THE CITY OF EL PASO TO FURNITURE COUNTRY, DATED MAY 22, 1996, SAID 0.102 ACRE TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed north right-of-way line of State Spur 601, being 143.63 feet left of State Spur 601 Survey Baseline station 130+61.40, same being in the east right-of-way line of said Marshall Road and the west line of said 3.194 acre tract, also being the northwest corner and the **POINT OF BEGINNING** of the tract described herein;

THENCE leaving said common line, crossing through the interior of said 3.194 acre tract, with said proposed north right-of-way line of State Spur 601 and said Access Denial Line, the following two (2) courses and distances:

1. with the arc of a curve to the left a distance of 73.87 feet, through a central angle of $15^{\circ} 40' 17''$, having a radius of 270.08 feet, and whose chord bears $S 79^{\circ} 33' 26'' E$, a distance of 73.64 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, for a point of compound curvature, being 130.87 feet left of State Spur 601 Survey Baseline station 131+36.33, and
2. with the arc of a curve to the left a distance of 282.07 feet, through a central angle of $03^{\circ} 32' 26''$, having a radius of 4564.66 feet, and whose chord bears $S 89^{\circ} 09' 48'' E$, a distance of 282.03 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set 117.05 feet left of State Spur 601 Survey Baseline station 134+26.44, same being the east line of said 3.194 acre tract;

THENCE leaving said proposed north right-of-way line, with the east line of said 3.194 acre tract, $S 01^{\circ} 54' 10'' W$, a distance of 19.47 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set in the north right-of-way line of said Fred Wilson Avenue, same being the southeast corner of said 3.194 acre tract;

THENCE leaving said common line, with said north right-of-way line, $N 87^{\circ} 16' 54'' W$, a distance of 304.00 feet to a 1/2-inch Iron rod with a "SAM Inc" plastic cap set for a point of curvature at the intersection of said north right-of-way line of Fred Wilson Avenue, and the east right-of-way line of said Marshall Road;

THENCE with the east right-of-way line of said Marshall Road, same being the west line of said 3.194 acre tract, with the arc of a curve to the right a distance of 56.25 feet, through a central angle of 42° 58' 12", having a radius of 75.00 feet, and whose chord bears N 65° 48' 42" W, a distance of 54.94 feet to the POINT OF BEGINNING, and containing 0.102 acres of land, more or less.

This property description is accompanied by a separate plat of even date.

Bearings and Coordinates are based on the Texas State Plane Coordinate System, NAD 83, Central Zone and adjusted to surface using a Combined Scale Factor of 1.00023100 as surveyed from NGS Triangulation Station ELP A (PID# AB8586) and NGS Benchmark Disk X 1118 (PID# CE0141). Bearing and Distance between ELP A AND X 1118 based on published Grid Coordinates is S 85° 19' 04" E, 28,662.24'.

THE STATE OF TEXAS
COUNTY OF TRAVIS

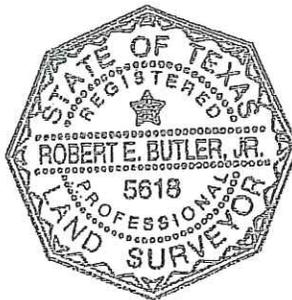
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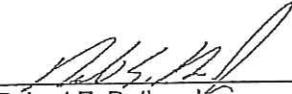
KNOW ALL MEN BY THESE PRESENTS:

That I, Robert E. Butler, Jr., 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.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 29th day of June, 2007 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

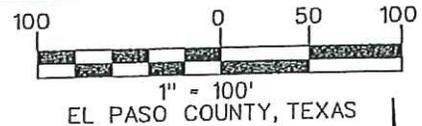



Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 – State of Texas

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND UNLESS NOTED
- ⊠ TYPE II CONCRETE MONUMENT SET
- 1/2" PIPE FOUND UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- ▲ CALCULATED POINT UNLESS NOTED
- ▲ 60 D NAIL FOUND UNLESS NOTED
- ▲ 1/2" IRON ROD W/SAM INC. PLASTIC CAP SET UNLESS NOTED
- ⊙ 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET STAMPED "ADL" UNLESS NOTED
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- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
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- IRF IRON ROD FOUND
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- D.R.E.C.TX. DEED RECORDS EL PASO COUNTY, TEXAS
- P.R.E.C.TX. PLAT RECORDS EL PASO COUNTY, TEXAS
- O.P.R.E.C.TX. OFFICIAL PUBLIC RECORDS EL PASO COUNTY, TEXAS
- O.P.R.R.P.E.C.TX. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS

STATE SPUR 601 SURV
 BASELINE CURVE DAT.
 PIS to 132+60.67
 D = 7° 15' 00.06" (LT)
 D = 01° 20' 00.00"
 L = 543.75'
 T = 272.24'
 R = 4,297.18'
 PC Sta 129+88.43
 PT Sta 135+32.19

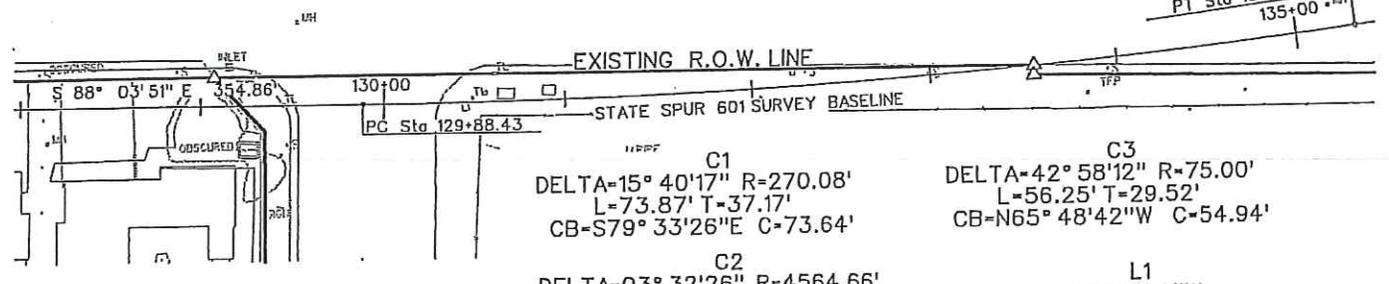
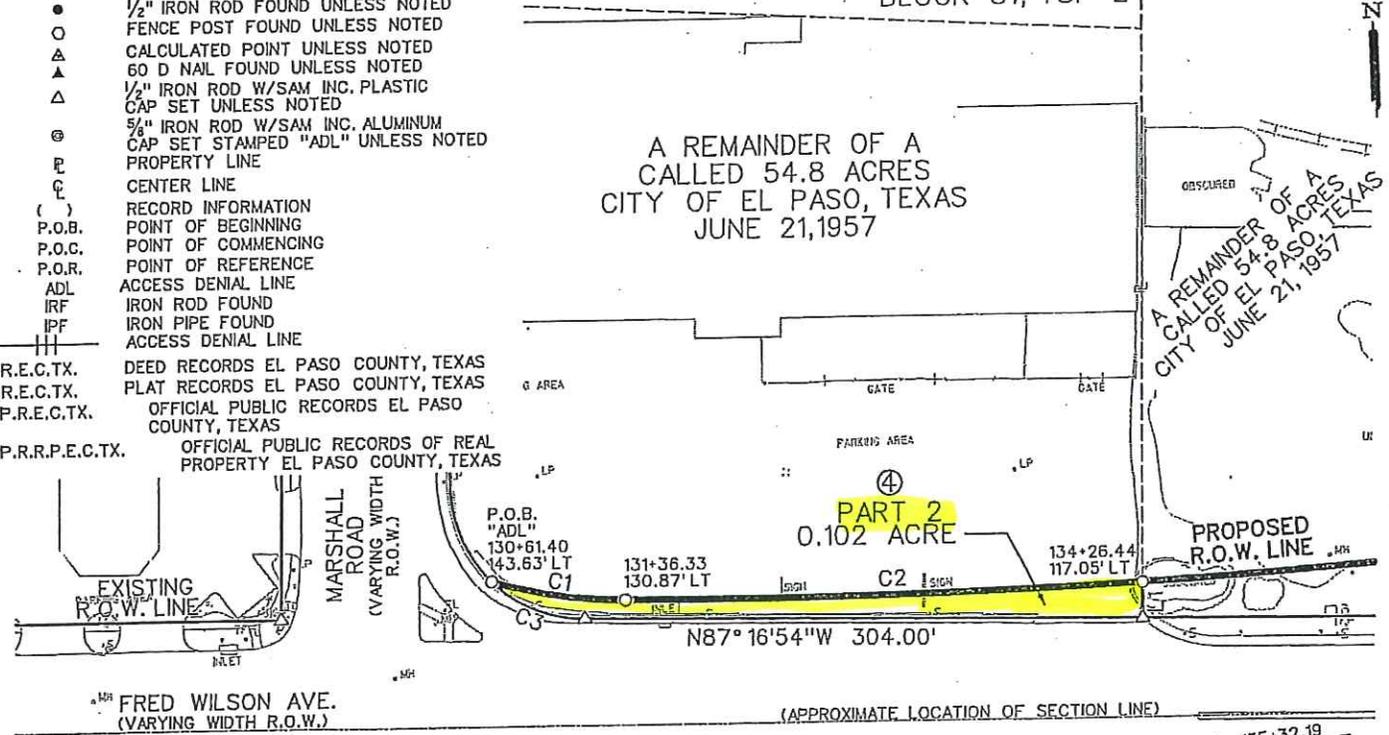


EL PASO COUNTY, TEXAS

SECTION 17
 BLOCK 81, TSP 2

A REMAINDER OF A
 CALLED 54.8 ACRES
 CITY OF EL PASO, TEXAS
 JUNE 21, 1957

DISCLOSED
 A REMAINDER OF A
 CALLED 54.8 ACRES
 CITY OF EL PASO, TEXAS
 JUNE 21, 1957



SECTION 20
 BLOCK 81, TSP 2

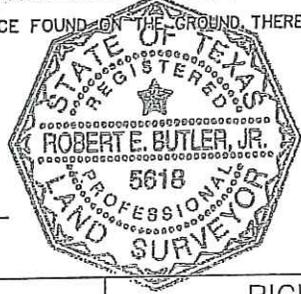
NOTES:

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2. BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE AND ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00023100 AS SURVEYED FROM NGS TRIANGULATION STATION ELP A (PID* AB8586) AND NGS BENCHMARK DISK X 111B (PID* CE0141). BEARING AND DISTANCE BETWEEN ELP A AND X 111B BASED ON PUBLISHED GRID COORDINATES IS S85° 19' 04" E, 28,662.24'.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES SUPPLEMENTED BY ON-THE-GROUND SURVEY BY SAM, INC. AND/OR LANDTECH. THERE MAY BE ADDITIONAL IMPROVEMENTS THAT ARE NOT SHOWN.
4. VISIBLE UTILITIES SHOWN HEREON ARE BASED UPON VISIBLE EVIDENCE FOUND ON THE GROUND. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES THAT ARE NOT SHOWN.
5. PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

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.

Robert E. Butler, Jr.
 ROBERT E. BUTLER, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5618, STATE OF TEXAS

06/29/07
 DATE



PAGE 03 OF 03
 REF. FIELD NOTE NO. 4458



6503 West Highway 290
 Building B
 Austin, Texas 78735
 (512) 447-0575
 Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
 SHOWING PROPERTY OF
 CITY OF EL PASO
 EL PASO COUNTY
 RCSJ NO.1046-03-002

EXHIBIT A

County: El Paso
Parcel No.: 4
Highway: State Spur 601
Limits: From: Sta. 118+03.87
To: Sta. 495+95.22
RCSJ: 1046-03-002
CCSJ: 1046-03-001
OWNER: City of El Paso, Texas

**PROPERTY DESCRIPTION FOR PARCEL 4
(TOTAL ACREAGE 95.646 ACRES)**

PARCEL 4-PART 3 (1.251 ACRES)

DESCRIPTION OF A 1.251 ACRE TRACT OF LAND LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, BEING A PORTION OF A REMAINDER OF A CALLED 54.8 ACRE TRACT OF LAND DESCRIBED IN AN UN-RECORDED AGREEMENT BETWEEN THE CITY OF EL PASO, TEXAS, AND THE UNITED STATES OF AMERICA, DATED JUNE 21, 1957, BEING A PORTION OF A REMAINDER OF A CALLED 9.27 ACRE TRACT AND A REMAINDER OF A CALLED 20.13 ACRE TRACT OF LAND BOTH DESCRIBED IN AN UN-RECORDED RESOLUTION TO THE CITY OF EL PASO, DATED JUNE 21, 1957, AND BEING ALL OF A CALLED 0.3917 ACRE TRACT OF LAND DESCRIBED IN A GENERAL EASEMENT TO THE HUMANE SOCIETY OF EL PASO, INC., AS RECORDED IN DOCUMENT NO. 20040060034, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS, SAID 1.251 ACRE TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found 61.09 feet left of State Spur 601 Survey Baseline station 144+02.83, being in the west of that called 4.747 acre tract of land described in Ordinance No. 15477, El Paso City/County Health and Environmental District Animal Shelter Facility, Dated July 1, 2003, same being the southeast corner of a called 4.00 acre tract of land, described in the deed to Humane Society of El Paso, Inc., as recorded in Document No. 20040060034, of the Official Public Records of Real Property El Paso County, Texas, and the northeast corner of said 0.3917 acre general easement, same being a northeast corner and the **POINT OF BEGINNING** of the tract described herein, from which a 5/8-inch iron rod with a cap found stamped SLI, for the common north corner of said 4.00 acre tract and said 4.747 acre tract bears N 02° 15' 43" E, a distance of 504.34 feet;

THENCE with the common line of said 4.747 acre tract and said 0.3917 acre general easement tract, S 02° 15' 43" W, passing at a distance of 40.09 feet a 1/2-inch iron rod found for the southwest corner of said 4.747 acre tract, continuing in all a total distance of 50.13 feet to a 1/2-inch iron rod found for the southeast corner of said 0.3917 acre tract, same being in the existing north right-of-way line of said Fred Wilson Avenue, a varying width right-of-way;

THENCE leaving said common line, with said existing north right-of-way line, the following four (4) courses and distances:

1. S 89° 40' 21" W, a distance of 400.58 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for an angle point,
2. N 88° 00' 18" W, a distance of 339.76 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set,

3. N 01° 55' 22" E, a distance of 10.02 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for an angle point, and
4. N 87° 16' 54" W, a distance of 243.15 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set for the southeast corner of a called 3.194 acre tract of land, described in an un-recorded Commercial Lease, from the City of El Paso to Furniture Country, Dated May 22, 1996;

THENCE leaving said existing north right-of-way line, with the east line of said 3.194 acre tract, N 01° 54' 10" E, a distance of 19.47 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed north right-of-way line of State Spur 601 and an Access Denial Line, being 117.05 feet left of State Spur 601 Survey Baseline station 134+26.44;

THENCE with said proposed north right-of-way line, crossing through the interior of a 54.8 acre remainder tract and said 9.27 acre remainder tract, the following four (4) courses and distances:

1. with the arc of a curve to the left passing at a distance of 243.87 feet, a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, continuing in all a total distance of 348.99 feet, through a central angle of 04° 22' 50", having a radius of 4564.66 feet, and whose chord bears N 86° 52' 34" E, a distance of 348.90 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, for a point of tangency,
2. N 84° 41' 09" E, a distance of 195.91 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, for a point of curvature, and
3. with the arc of a curve to the right a distance of 101.46 feet, through a central angle of 02° 00' 52", having a radius of 2885.88 feet, and whose chord bears N 85° 41' 35" E, a distance of 101.45 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set 108.32 feet left of State Spur 601 Survey Baseline station 140+70.18, same being in the west line of said 4.00 acre tract;

THENCE leaving said proposed north right-of-way line, with the west line of said 4.00 acre tract, S 02° 15' 43" W, a distance of 47.07 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set for the southwest corner of said 4.00 acre tract;

THENCE with the south line of said 4.00 acre tract, N 89° 41' 51" E, a distance of 341.25 feet to the **POINT OF BEGINNING**, and containing 1.251 acres of land, more or less.

This property description is accompanied by a separate plat of even date.

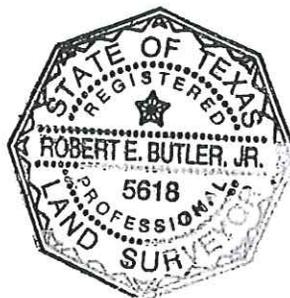
Bearings and Coordinates are based on the Texas State Plane Coordinate System, NAD 83, Central Zone and adjusted to surface using a Combined Scale Factor of 1.00023100 as surveyed from NGS Triangulation Station ELP A (PID# AB8586) and NGS Benchmark Disk X 1118 (PID# CE0141). Bearing and Distance between ELP A AND X 1118 based on published Grid Coordinates is S 85° 19' 04" E, 28,662.24'.

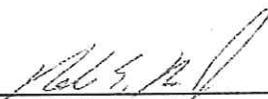
THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Robert E. Butler, Jr., 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.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 29th day of June, 2007 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

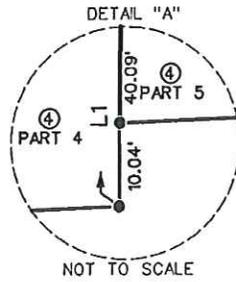
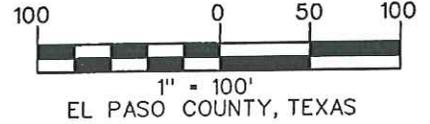



Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 – State of Texas

LEGEND

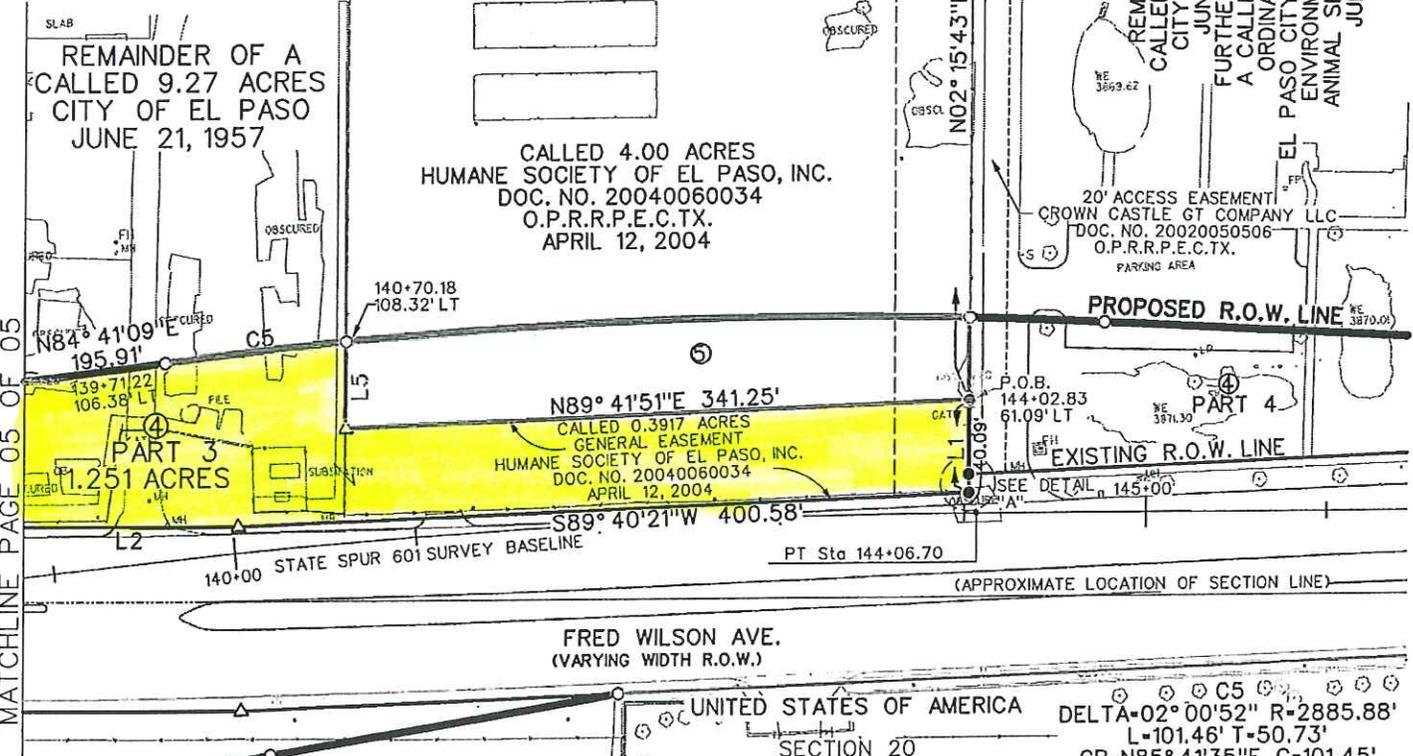
- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND UNLESS NOTED
- ⊠ TYPE II CONCRETE MONUMENT SET
- 1/2" PIPE FOUND UNLESS NOTED
- 3/8" IRON ROD W/SAM INC. ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- △ CALCULATED POINT UNLESS NOTED
- △ 60 D NAIL FOUND UNLESS NOTED
- △ 1/2" IRON ROD W/SAM INC. PLASTIC CAP SET UNLESS NOTED
- △ 3/8" IRON ROD W/SAM INC. ALUMINUM CAP SET STAMPED "ADL" UNLESS NOTED
- ⊕ PROPERTY LINE
- ⊕ CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- ADL ACCESS DENIAL LINE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- ||| ACCESS DENIAL LINE

STATE SPUR 601 SURVEY
 BASELINE CURVE DATA
 P1 Stn 132+60.67
 D = 07° 15' 00.06" (LT)
 D = 01° 20' 00.00"
 L = 543.75'
 T = 272.24'
 R = 4,297.18'
 PC Stn 129+88.43
 PT Stn 135+32.19



**SECTION 17
 BLOCK 81, TSP 2**

D.R.E.C.TX. DEED RECORDS EL PASO COUNTY, TEXAS
 P.R.E.C.TX. PLAT RECORDS EL PASO COUNTY, TEXAS
 O.P.R.E.C.TX. OFFICIAL PUBLIC RECORDS EL PASO COUNTY, TEXAS
 O.P.R.R.P.E.C.TX. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS



MATCHLINE PAGE 05 OF 05

NOTES:

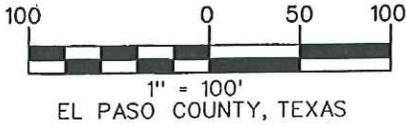
1. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE AND ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00023100 AS SURVEYED FROM NGS TRIANGULATION STATION ELP A (PID* A88586) AND NGS BENCHMARK DISK X 1118 (PID* CE0141). BEARING AND DISTANCE BETWEEN ELP A AND X 1118 BASED ON PUBLISHED GRID COORDINATES IS S85°19'04" E, 28,662.24'.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES SUPPLEMENTED BY ON-THE-GROUND SURVEY BY SAM, INC. AND/OR LANDTECH. THERE MAY BE ADDITIONAL IMPROVEMENTS THAT ARE NOT SHOWN.
4. VISIBLE UTILITIES SHOWN HEREON ARE BASED UPON VISIBLE EVIDENCE FOUND ON THE GROUND. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES THAT ARE NOT SHOWN.
5. PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

PAGE 04 OF 05
 REF. FIELD NOTE NO. 4459



5508 West Highway 290
 Building B
 Austin, Texas 78735
 (512) 447-0575
 Fax: (512) 326-3029

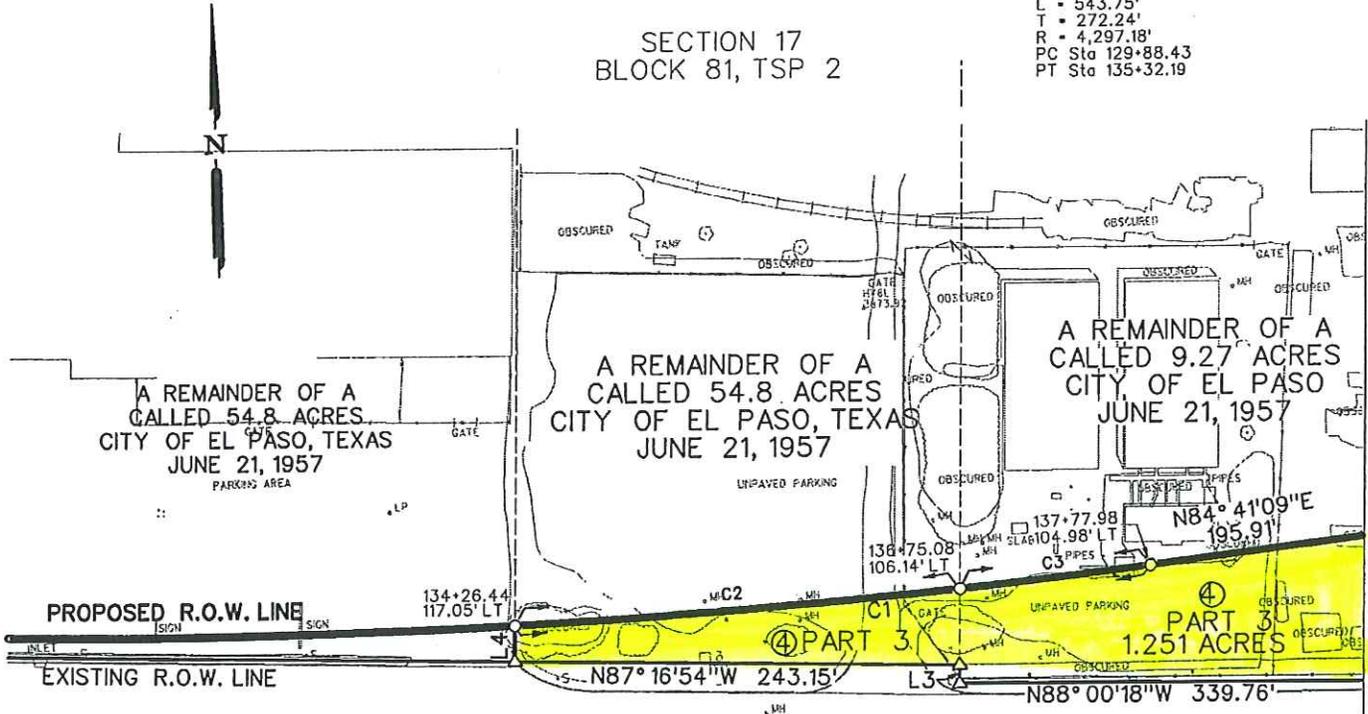
RIGHT-OF-WAY SKETCH
 SHOWING PROPERTY OF
 CITY OF EL PASO
 EL PASO COUNTY
 RCSJ NO.1046-03-002



EL PASO COUNTY, TEXAS

SECTION 17
BLOCK 81, TSP 2

STATE SPUR 601 SURVEY
BASELINE CURVE DATA
PI Sta 132+60.67
D = 07° 15' 00.06" (LT)
D = 01° 20' 00.00"
L = 543.75'
T = 272.24'
R = 4,297.18'
PC Sta 129+88.43
PT Sta 135+32.19



PROPOSED R.O.W. LINE

EXISTING R.O.W. LINE

(APPROXIMATE LOCATION OF SECTION LINE)

FRED WILSON AVE.
(VARYING WIDTH R.O.W.)

PT Sta 135+32.19
135+00+MH

N 84° 41' 09" E 330.75'

PC Sta 138+62.94

STATE SPUR 601 SURVEY BASELINE

UNITED STATES OF AMERICA

C1
DELTA=04° 22' 50" R=4564.66'
L=348.99' T=174.58'
CB=N86° 52' 34"E C=348.90'

C2
DELTA=03° 03' 40" R=4564.66'
L=243.87' T=121.97'
CB=N89° 03' 59"E C=243.84'

C3
DELTA=01° 19' 10" R=4564.66'
L=105.11' T=52.56'
CB=N85° 20' 44"E C=105.11'

SECTION 20
BLOCK 81, TSP 2

L3
N01° 55' 22"E
10.02'

L4
N01° 54' 10"E
19.47'

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND UNLESS NOTED
- ▣ TYPE II CONCRETE MONUMENT SET
- 1/2" PIPE FOUND UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- ▲ CALCULATED POINT UNLESS NOTED
- ▲ 60 D NAIL FOUND UNLESS NOTED
- 1/2" IRON ROD W/SAM INC. PLASTIC CAP SET UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET STAMPED "ADL" UNLESS NOTED
- PROPERTY LINE
- CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- ACCESS DENIAL LINE
- IRON ROD FOUND
- IRON PIPE FOUND
- ACCESS DENIAL LINE
- DEED RECORDS EL PASO COUNTY, TEXAS
- PLAT RECORDS EL PASO COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS EL PASO COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS

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.



ROBERT E. BUTLER, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5618, STATE OF TEXAS

08/29/07
DATE

PAGE 05 OF 05
REF. FIELD NOTE NO. 4459



5508 West Highway 290
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
CITY OF EL PASO
EL PASO COUNTY
RCSJ NO.1046-03-002

MATCHLINE PAGE 04 OF 05

EXHIBIT A

County: El Paso
Parcel No.: 4
Highway: State Spur 601
Limits: From: Sta. 118+03.87
To: Sta. 495+95.22
RCSJ: 1046-03-002
CCSJ: 1046-03-001
OWNER: City of El Paso, Texas

**PROPERTY DESCRIPTION FOR PARCEL 4
(TOTAL ACREAGE 95.646 ACRES)**

PARCEL 4-PART 6 (0.487 ACRE)

DESCRIPTION OF A 0.487 ACRE TRACT OF LAND LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, BEING A PORTION OF A REMAINDER OF A CALLED 20.13 ACRE TRACT OF LAND DESCRIBED IN AN UN-RECORDED RESOLUTION TO THE CITY OF EL PASO, DATED JUNE 21, 1957, SAID 0.487 ACRE TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed north right-of-way line of State Spur 601, being 77.82 feet left of State Spur 601 Survey Baseline station 153+79.01, being a called 7.0 acre tract of land, described in an un-recorded Joint Resolution of the Public Service Board and the City of El Paso from Jurisdiction of the PSB to the City of El Paso for use by Sun Metro Mass Transit, Dated November 11, 1998, also being the northwest corner of the tract described herein;

THENCE leaving said common line, with said proposed north right-of-way line, crossing through the interior of the remainder of said 20.13 acre tract, S 89° 12' 35" E, a distance of 508.53 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set 88.41 feet left of State Spur 601 Survey Baseline Station 158+86.67, in an east line of said 20.13 acre tract same being a west line of a tract of land belonging to the United States of America, for which no record information was found;

THENCE leaving said proposed north right-of-way line, with the common line of the remainder of said 20.13 acre tract and said United States of America tract, S 01° 55' 22" W, a distance of 46.68 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set in the existing north right-of-way line of Fred Wilson Avenue, same being the southeast corner of the tract described herein;

THENCE leaving said common line, with said existing north right-of-way line, the following two (2) courses and distances:

1. N 88° 03' 58" W, a distance of 15.38 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for an angle point, and
2. N 88° 05' 58" W, a distance of 493.05 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set for the southeast corner of said 7.0 acre tract, same being the southwest corner of the tract described herein;

THENCE leaving said existing north right-of-way line, with the east line of said 7.0 acre tract, N 01° 54' 58" E, a distance of 36.82 feet to the **POINT OF BEGINNING**, and containing 0.487 acres of land, more of less.

This property description is accompanied by a separate plat of even date.

Bearings and Coordinates are based on the Texas State Plane Coordinate System, NAD 83, Central Zone and adjusted to surface using a Combined Scale Factor of 1.00023100 as surveyed from NGS Triangulation Station ELP A (PID# AB8586) and NGS Benchmark Disk X 1118 (PID# CE0141). Bearing and Distance between ELP A AND X 1118 based on published Grid Coordinates is S 85° 19' 04" E, 28,662.24'.

Access will be permitted to the highway facility from the remainder of the property lying adjacent to State Spur 601.

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert E. Butler, Jr., 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.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of January, 2008 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735



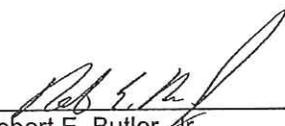

Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 – State of Texas

EXHIBIT A

County: El Paso
Parcel No.: 4
Highway: State Spur 601
Limits: From: Sta. 118+03-87
To: Sta. 495+95.22
RCSJ: 1046-03-002
CCSJ: 1046-03-001
OWNER: City of El Paso, Texas

**PROPERTY DESCRIPTION FOR PARCEL 4
(TOTAL ACREAGE 95.646 ACRES)**

PARCEL 4-PART 7 (0.230 ACRE)

DESCRIPTION OF A 0.230 ACRE TRACT OF LAND LOCATED IN SECTION 18, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, SAME BEING A PORTION OF A TRACT OF LAND (TRACT NO. 6) DESCRIBED IN A PLAT TO THE CITY OF EL PASO, AND RECORDED IN BOOK NO. 193, OF THE EL PASO COUNTY DEED RECORDS, BEING ALL OF A TRACT OF LAND BELONGING TO THE CITY OF EL PASO, FOR WHICH NO RECORD INFORMATION WAS FOUND, SAID 0.230 ACRE TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, being 147.04 feet left of State Spur 601 Survey Baseline station 181+01.66, being in the north line of said City of El Paso tract, and the west line of said Tract No. 6, also being the northwest corner and the **POINT OF BEGINNING** of the tract described herein, from which a nail found in concrete, for the northwest corner of said Tract No. 6 bears, N 01° 48' 21" E, a distance of 317.10 feet;

THENCE leaving said west line, crossing through the interior of said Tract No. 6, the following two (2) courses and distances:

1. S 88° 03' 58" E, a distance of 100.00 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, being 146.98 feet left of State Spur 601 Survey Baseline station 182+01.66, for the northeast corner of the tract described herein, and
2. S 01° 56' 02" W, a distance of 100.00 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, being 46.98 feet left of State Spur 601 Survey Baseline station 182+01.59, for the southeast corner of the tract described herein, same being in the south line of said Tract No. 6 and said City of El Paso tract, also being the existing north right-of-way line of Fred Wilson Avenue, a varying width right-of-way, from which a 5/8-inch iron with a "SAM Inc" aluminum cap set bears, S 88° 03' 58" E, a distance of 2393.84 feet;

THENCE with said existing north right-of-way line, N 88° 03' 58" W, a distance of 100.00 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, being 47.04 feet left of State Spur 601 Survey Baseline station 181+01.59, for the southwest corner of the tract described herein;

THENCE leaving said existing north right-of-way line, with the west line of said City of El Paso tract, N 01° 56' 02" E, a distance of 100.00 feet to the **POINT OF BEGINNING**, and containing 0.230 acres of land, more or less.

This property description is accompanied by a separate plat of even date.

Bearings and Coordinates are based on the Texas State Plane Coordinate System, NAD 83, Central Zone and adjusted to surface using a Combined Scale Factor of 1.00023100 as surveyed from NGS Triangulation Station ELP A (PID# AB8586) and NGS Benchmark Disk X 1118 (PID# CE0141). Bearing and Distance between ELP A AND X 1118 based on published Grid Coordinates is S 85° 19' 04" E, 28,662.24'.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF TRAVIS

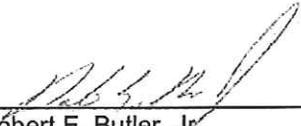
§

That I, Robert E. Butler, Jr., 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.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 29th day of June, 2007 A.D.

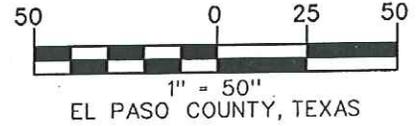
SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735




Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 – State of Texas

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND UNLESS NOTED
- ⊠ TYPE II CONCRETE MONUMENT SET
- 1/2" PIPE FOUND UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- ▲ CALCULATED POINT UNLESS NOTED
- ▲ 60 D NAIL FOUND UNLESS NOTED
- △ 1/2" IRON ROD W/SAM INC. PLASTIC CAP SET UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET STAMPED "ADL" UNLESS NOTED
- PROPERTY LINE
- CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- ADL ACCESS DENIAL LINE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- ACCESS DENIAL LINE
- D.R.E.C.TX. DEED RECORDS EL PASO COUNTY, TEXAS
- P.R.E.C.TX. PLAT RECORDS EL PASO COUNTY, TEXAS
- O.P.R.E.C.TX. OFFICIAL PUBLIC RECORDS EL PASO COUNTY, TEXAS
- O.P.R.R.P.E.C.TX. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS



P.O.R.
NAIL FND
IN CONCRETE

SECTION 18
BLOCK 81, TSP 2

25' ELECTRIC TRANSMISSION
LINE EASEMENT
DECEMBER 21, 1979
CONTRACT NO. DACA47-2-80-27

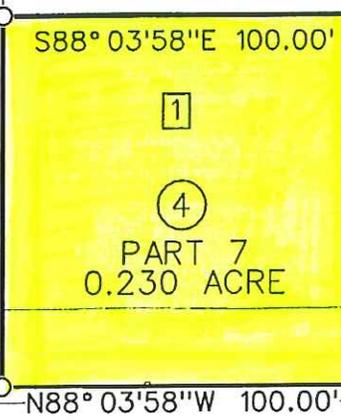
1
CITY OF EL PASO
FORT BLISS ACREAGE ADDITION
SECTION 18, TRACT NO. 6
BOOK NO. 193
D.R.E.C.TX.

UNITED STATES
OF AMERICA

PROPOSED R.O.W. LINE

2
PART 5

P.O.B.
PARCEL 4
PART 7
181+01.66
147.04' LT



182+01.66
146.98' LT

2
PART 5

181+01.59
47.04' LT

182+01.59
46.98' LT

P.O.R.

EXISTING R.O.W. LINE

FRED WILSON AVE.
(VARYING WIDTH R.O.W.)

(APPROXIMATE LOCATION OF SECTION LINE)
180+00

STATE SPUR 601 SURVEY BASELINE S 88° 06' 04\" E 2,215.46'

SECTION 19
BLOCK 81, TSP 2

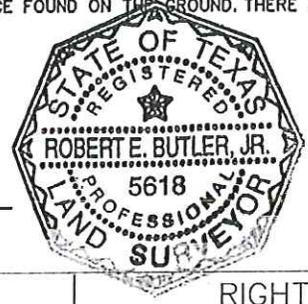
NOTES:

1. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE AND ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00023100 AS SURVEYED FROM NGS TRIANGULATION STATION ELP A (PID* AB8586) AND NGS BENCHMARK DISK X 1118 (PID* CED141). BEARING AND DISTANCE BETWEEN ELP A AND X 1118 BASED ON PUBLISHED GRID COORDINATES IS S85° 19' 04\" E, 28,662.24'.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES SUPPLEMENTED BY ON-THE-GROUND SURVEY BY SAM, INC. AND/OR LANDTECH. THERE MAY BE ADDITIONAL IMPROVEMENTS THAT ARE NOT SHOWN.
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5. PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

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.

Robert E. Butler, Jr.
ROBERT E. BUTLER, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5618, STATE OF TEXAS

06/29/07
DATE



PAGE 03 OF 03
REF. FIELD NOTE NO. 4577



5508 West Highway 290
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
CITY OF EL PASO
EL PASO COUNTY
RCSJ NO.1046-03-002

EXHIBIT A

County: El Paso
Parcel No.: 4
Highway: State Spur 601
Limits: From: Sta. 118+03.87
To: Sta. 495+95.22
RCSJ: 1046-03-002
CCSJ: 1046-03-001
OWNER: City of El Paso, Texas

**PROPERTY DESCRIPTION FOR PARCEL 4
(TOTAL ACREAGE 95.416 ACRES)**

PARCEL 4-PART 9 (0.337 ACRE)

DESCRIPTION OF A 0.337 ACRE TRACT OF LAND LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 54.8 ACRE TRACT OF LAND DESCRIBED IN AN UNRECORDED RESOLUTION TO THE CITY OF EL PASO, TEXAS, DATED JUNE 21, 1957, BEING FURTHER DESCRIBED AS A CALLED 0.929 ACRE TRACT OF LAND, AS RECORDED IN A LESSOR'S APPROVAL OF ASSIGNMENT FROM EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO PROSPERITY III, LTD. LP, DOCUMENT NO. 20040097986, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO, COUNTY, TEXAS, SAID 0.337 ACRE TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for the southwest corner of said 0.929 acre tract, from which a 5/8-inch iron rod found for the northwest corner of said 0.929 acre tract bears N 01° 53' 09" E, a distance of 125.56 feet;

THENCE with the south line of said 0.929 acre tract, S 88° 05' 49" E, a distance of 195.06 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed west right-of-way line of State Spur 601, being 324.79 feet left of State Spur 601 Survey Baseline Station 127+43.34, same being the southwest corner and the **POINT OF BEGINNING** of the tract described herein, also being the north line of a called 0.897 acre tract of land, as recorded in a lease agreement from El Paso Water Utilities Public Service Board to Raymond Malooly, volume 1997, page 0078 of the Official Public Records El Paso, County, Texas;

THENCE leaving said south line, with said proposed west right-of-way line, crossing through the interior of said 0.929 acre tract, N 01° 56' 08" E, a distance of 122.77 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set, in the north line of said 0.929 acre tract, same being the south right-of-way line of Plane Port Loop, a 60-foot wide right-of-way;

THENCE leaving said proposed west right-of-way line, with the north line of said 0.929 acre tract and the south right-of-way line of said Plane Port Loop, the following two (2) courses and distances:

1. S 88° 05' 49" E, a distance of 83.25 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set, and
2. S 59° 20' 30" E, a distance of 24.05 feet to a 1/2-inch iron rod with a "SAM Inc" plastic cap set, for a northeast corner of said 0.929 acre tract, same being in a west right-of-way line of Marshall Road, a varying width right-of-way;

THENCE with the east line of said 0.929 acre tract and said west right-of-way line, S 30° 35' 09" E, a distance of 32.08 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set in the proposed east right-of-way line of said State Spur 601, for a northeast corner of the tract described herein;

THENCE with said proposed east right-of-way line, leaving said west right-of-way line, with the arc of a curve to the left a distance of 85.28 feet, through a central angle of 18° 05' 27", having a radius of 270.08 feet, and whose chord bears S 05° 55' 23" E, a distance of 84.92 feet to a 5/8-inch iron rod with a "SAM Inc" aluminum cap set 324.87 feet left of State Spur 601 Survey Baseline station 128+76.54, same being in the common line of said 0.929 acre tract and said 0.897 acre tract, also being the southeast corner of the tract described herein;

THENCE leaving said proposed east right-of-way line, with said common line, N 88° 05' 49" W, a distance of 133.20 feet to the **POINT OF BEGINNING**, and containing 0.337 acre of land, more or less.

This property description is accompanied by a separate sketch of even date.

Bearings and Coordinates are based on the Texas State Plane Coordinate System, NAD 83, Central Zone and adjusted to surface using a Combined Scale Factor of 1.00023100 as surveyed from NGS Triangulation Station ELP A (PID# AB8586) and NGS Benchmark Disk X 1118 (PID# CE0141). Bearing and Distance between ELP A AND X 1118 based on published Grid Coordinates is S 85° 19' 04" E, 28,662.24'.

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

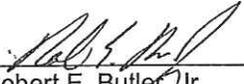
KNOW ALL MEN BY THESE PRESENTS:

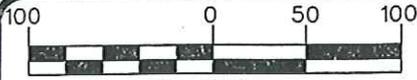
That I, Robert E. Butler, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 10th day of January, 2008 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735




Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 – State of Texas



EL PASO COUNTY, TEXAS

C1
 DELTA=28° 01'59" R=270.08'
 L=132.14' T=67.42'
 CB=S28° 59'06"E C=130.83'

C2
 DELTA=18° 05'27" R=270.08'
 L=85.28' T=43.00'
 CB=S05° 55'23"E C=84.92'

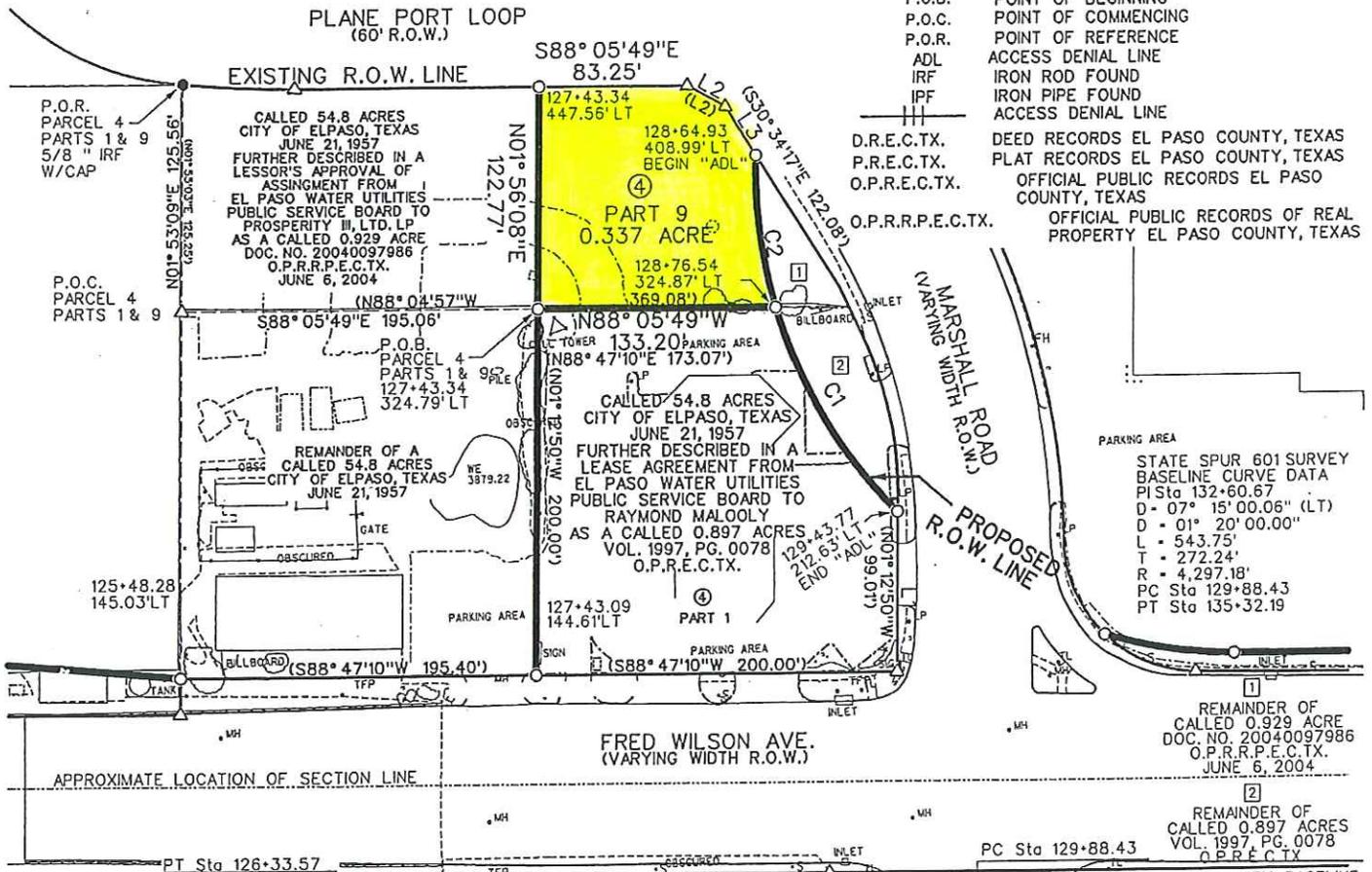
L1
 S01° 54'11"W
 87.72'
 L2
 S59° 20'30"E
 24.05'
 (L2)
 (S59° 19'39"E
 24.05')
 L3
 S30° 35'09"E
 32.08'

STATE SPUR 601 SURVEY
 BASELINE CURVE DATA
 PI Sta 123+93.71
 D = 04° 48'00.38" (LT)
 D = 01° 00'00.00"
 L = 480.01'
 T = 240.15'
 R = 5,729.58'
 PC Sta 121+53.56
 PT Sta 126+33.57

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND UNLESS NOTED
- ▣ TYPE I CONCRETE MONUMENT SET
- 1/2" PIPE FOUND UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- △ FENCE POST FOUND UNLESS NOTED
- △ CALCULATED POINT UNLESS NOTED
- △ 60 D NAIL FOUND UNLESS NOTED
- △ 1/2" IRON ROD W/SAM INC. PLASTIC CAP SET UNLESS NOTED
- 5/8" IRON ROD W/SAM INC. ALUMINUM CAP SET STAMPED "ADL" UNLESS NOTED
- PROPERTY LINE
- CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- ADL ACCESS DENIAL LINE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- ACCESS DENIAL LINE
- D.R.E.C.TX. DEED RECORDS EL PASO COUNTY, TEXAS
- P.R.E.C.TX. PLAT RECORDS EL PASO COUNTY, TEXAS
- O.P.R.E.C.TX. OFFICIAL PUBLIC RECORDS EL PASO COUNTY, TEXAS
- O.P.R.R.P.E.C.TX. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY, TEXAS

SECTION 17
 BLOCK 81, TSP 2



NOTES:
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Robert E. Butler, Jr.
 ROBERT E. BUTLER, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5618, STATE OF TEXAS



PAGE 03 OF 03
 REF. FIELD NOTE NO. 4457R



5508 West Highway 290
 Building B
 Austin, Texas 78735
 (512) 447-0575
 Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
 SHOWING PROPERTY OF
 CITY OF EL PASO
 EL PASO COUNTY
 RCSJ NO.1046-03-002

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: SOCIAL SECURITY NUMBER AND DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: _____, 2010

Grantor: The City of El Paso, Texas, a Texas municipal corporation
On Behalf of El Paso Water Utilities Public Service Board

Grantor's Mailing Address (including county): Two Civic Center Plaza
El Paso, Texas
El Paso County, Texas 79901-1196

Grantee: The State of Texas

Grantee's Mailing Address (including county): 111 Congress Avenue, Suite 2400
Austin, Texas 78701
Travis County

Consideration: TEN AND NO/100 DOLLARS and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed.

Property:

Being approximately 3.304 acres of land known as Parts 1,2,3,6,7 and 9 of Parcel 4 along and adjacent to Fred Wilson Road and being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein by this reference for all purposes.

Restrictions and Reservations from and Exceptions to Conveyance and Warranty:

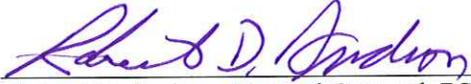
1. This Property is being conveyed "AS IS", with no express or implied warranty being made for a particular use or purpose. Grantee shall be responsible, at its own cost, to conduct any necessary archeological or environmental surveys or studies. Any remediation required shall be at Grantee's sole cost.
2. This conveyance is subject to all easements, rights-of-way, and prescriptive rights whether of record or not, all presently recorded instruments, other than liens and conveyances, affecting the property.
3. Grantee, its successors or assigns shall not, for a period of at least 75 years, discard, place or store any radioactive material or other material which would contaminate or otherwise damage the groundwater supply or sources of the City of El Paso.
5. Grantor hereby for itself, its successors and assigns forever, reserves all water in and under, and that may be produced from or attributable to the property. If the water estate is subject to existing production or an existing license, this reservation includes the production, the license and all benefits from it.

Grantor, for the consideration and subject to the restrictions, reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's, heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor but not otherwise.

THE CITY OF EL PASO

APPROVED AS TO FORM:

Joyce A. Wilson, City Manager



Robert D. Andron, General Counsel, PSB

(Acceptance and Acknowledgments on following page)

This Special Warranty Deed is hereby accepted by Grantee under the terms, covenants, obligations and conditions stated hereinabove:

The State of Texas

By: _____

ATTEST:

(print name) (title)

ACKNOWLEDGMENTS

STATE OF TEXAS }
 }
COUNTY OF EL PASO }

This instrument was acknowledged before me on the _____ day of _____, 2010, by Joyce A. Wilson, the City Manager of the City of El Paso.

Notary Public, State of Texas

STATE OF TEXAS }
 }
COUNTY OF EL PASO }

This instrument was acknowledged before me on the _____ day of _____, 2010, by _____, the _____ of _____.

Notary Public, State of Texas



LOCATION MAP ONLY



LOCATION MAP ONLY



TO: Joyce Wilson, City Manager
City of El Paso, Texas

FROM: Robert D. Andron, General Counsel, EPWU 
Jim Shelton, Land Administration, EPWU (915) 594-5511

DATE: February 12, 2010

SUBJECT: Request to place Item on City Council Agenda – Introduction:
Public Hearing:

An ordinance authorizing the City Manager of the City of El Paso to sign a Special Warranty Deed to convey to the State of Texas, approximately 3.304 acres of land known as Parts 1,2,3,6,7 and 9 of Parcel 4 along and adjacent to Fred Wilson Road and being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. (District #2) [El Paso Water Utilities Land Administration, Jim Shelton, (915) 594-5511]

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**INTRODUCTION – City Council Agenda:**  
**PUBLIC HEARING – City Council Agenda**

**Background**

The State of Texas is completing Spur 601 State Road project in El Paso, Texas. In conjunction with the project, TxDOT has replaced and relocated \$5,558,000.00 in water and sewer lines in El Paso Water Utilities property at no cost to the El Paso Water Utilities. The State of Texas has requested the El Paso Water Utilities to convey to it approximately 3.304 acres of land consisting of several small parcels of land adjacent to Fred Wilson Road. By Resolution dated March 11, 2009, the El Paso Water Utilities Public Service Board determined to sell the land to the State of Texas for the sum of \$140,000.00 which is less than its fair market value. The Board made this decision after hearing evidence of the public benefit of Spur 601 and the value to the Utility of the replaced and relocated water and sewer lines. A copy of the Resolution is attached with its findings and requesting the City pass an ordinance to authorize the City Manager to sign a Special Warranty Deed conveying the parcels to the State of Texas.

City Manager Joyce Wilson  
Department Memo, February 12, 2010  
Request for Items for City Council Agenda  
**Introduction of Ordinance**  
Page 2

### **ACTION REQUESTED**

That the City Manager be authorized to sign a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities, to the State of Texas of land described as 3.304 acres of land, being Parts 1,2,3,6,7,and 9 of Parcel 4 along and adjacent to Fred Wilson Road, being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

### **REQUEST TO PLACE ITEM ON THE CITY COUNCIL AGENDA**

Attached is a copy of the Ordinance and a copy of the Special Warranty Deed for the land the subject of this request. Upon passage of the Ordinance, it is requested that the City Clerk provide to this office a copy of the fully executed and numbered Ordinance.

As to the deed, after City Council approval, execution by the City Manager and notarizing such signature, the City Clerk's Office will make a copy for her file, the City Clerk will route the original Special Warranty Deed to the El Paso Water Utilities Legal Section so that arrangements can be made for a closing on the parcels. After closing and once the Special Warranty Deed has been filed of record, this office will send a conformed copy to the City Clerk for the City's permanent records.

Please advise this office of the placement of this item on the City Council Agenda and my Secretary will contact the City Clerk and make arrangements to have document packets hand-delivered to the City Clerk's Office and email backup documents as noted to those listed below. If there are any questions, please call me at 594-5607 or email [bandron@epwu.org](mailto:bandron@epwu.org) or Jim Shelton at 594-5511 or email [jshelton@epwu.org](mailto:jshelton@epwu.org).

An EPWU representative will plan to attend the Public Hearing for the Ordinance. Thank you for your kind attention to this matter.

#### Attachments

Cc: The Honorable Mayor John Cook (email)  
City Council Representatives (email)  
Pat Adauto, Deputy City Manager for Building & Planning Services (email)  
Charlie McNabb, City Attorney (email)  
Theresa Cullen, Deputy City Attorney (email)  
Richarda Duffy-Momsen, City Clerk (hard copies & email)  
Nicholas J. Costanzo, Vice President of Strategic, Financial & Management Services (email)  
Marcela Navarrete, Chief Finance Officer, PSB (email)  
Jim Shelton, Land Management, PSB (email)

**RESOLUTION**

**A RESOLUTION APPROVING THE SALE OF SEVERAL SMALL TRACTS OF LAND COMPRISED OF 03.304 ACRES, TO THE STATE OF TEXAS FOR THE CONSTRUCTION OF THE SPUR 601 ROADWAY; THE LAND BEING ALONG AND ADJACENT TO FRED WILSON ROAD AND OUT OF SECTION 17, BLOCK 81, TOWNSHIP TWO, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS. SAID REAL PROPERTY BEING UNDER THE JURISDICTION AND CONTROL OF THE PUBLIC SERVICE BOARD; AND, REQUESTING THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED; AND PROVIDING AN EFFECTIVE DATE.**

\*\*\*\*\*

**WHEREAS**, the El Paso Water Utilities Public Service Board (PSB), Trustee, has jurisdiction and control over certain parcels of land in El Paso as described herein; and,

**WHEREAS**, the State of Texas has requested the PSB to convey to it several small tracts of land, total 3.304 acres, in order for the State to complete its Spur 601 State Roadway being along Fred Wilson Road in El Paso, El Paso County, Texas; and,

**WHEREAS**, the State of Texas, pursuant to the requirements of law, has offered to pay to the PSB the appraised value of the properties; and,

**WHEREAS**, the State of Texas, through its contractor, has replaced and relocated affected water and wastewater lines at its sole cost of \$5,558,000.00; and,

**WHEREAS**, the PSB finds that the land the subject of this Resolution is inexpedient to the water and sewer system and it is in the public interest to sell and convey the land to the State of Texas, a governmental entity having the power of eminent domain, at less than the appraised value; and,

**WHEREAS**, the PSB finds upon consideration of the State of Texas paying to replace and relocate affected water and wastewater lines and paying to the PSB the net present value of the only revenue producing parcel of the total land, \$140,000.00, then, and in that event, the PSB finds that the value to the citizens of El Paso of having the Spur 601 Roadway completed and the increase in value to the remainder of PSB land in the area makes it appropriate for the PSB to sell the lands for that sum;

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO EL PASO WATER UTILITIES:**

**Section 1.** That the findings and recitations set out in the preamble to this Resolution are true and correct and are hereby adopted by the Public Service Board and made a part of this Resolution for all purposes.

**Section 2.** That the Public Service Board hereby finds the land the subject of this Resolution to be inexpedient to the needs of the water utility system and hereby approves the conveyance of land described as follows:

Being portions of Section 17, Block 81, Township Two, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, being approximately 3.304 acres of land.

**Section 3.** That the above described lands shall be sold to the State of Texas for the total consideration of \$140,000.00.

**Section 4.** That the Public Service Board hereby requests the City Council authorize the City Manager to sign a Special Warranty Deed and any other necessary documents to convey the property to the State of Texas.

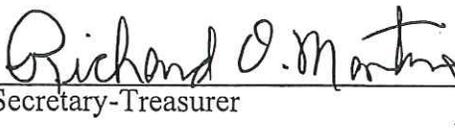
Section 5. That a copy of this Resolution shall be transmitted to the City Attorney's Office.

PASSED AND APPROVED at a regular meeting of the Public Service Board of the City of El Paso, Texas, this 11<sup>th</sup> day of March, 2009, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

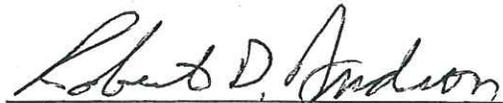
PUBLIC SERVICE BOARD

  
\_\_\_\_\_  
Chair

ATTEST:

  
\_\_\_\_\_  
Secretary-Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Robert D. Andron, General Counsel