ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF AGREEMENT AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND UNION PACIFIC RAILROAD COMPANY WHICH WILL ALLOW THE CITY TO CONVEY APPROXIMATELY 2 ACRES OF LAND BEING A PORTION OUT OF THE 11.87 ACRES CONVEYED TO THE CITY OF EL PASO BY EL PASO UNION PASSENGER DEPOT COMPANY, ACCORDING TO THE DEED RECORDED IN VOLUME 901, PAGE 1134, REAL PROPERTY RECORDS OF EL PASO COUNTY TEXAS, AND A STRIP OF CITY LAND ADJACENT TO SAN FRANCISCO STREET AND COLDWELL STREET AS THE STREETS ARE SHOWN ON RECORDED CAMPBELL ADDITION PLAT TO THE CITY OF EL PASO.

WHEREAS, the City of El Paso (City") is constructing a AAA minor league baseball stadium ("Ballpark") on the site of its former City Hall, 2 Civic Center Plaza, El Paso, Texas, which is adjacent to the Bataan Memorial Trainway ("Trainway"), and the Trainway contains the main track lines of Union Pacific Railroad Company ("Union Pacific");

WHEREAS, Union Pacific desires to realign its main tracks in the vicinity of the Trainway and the City's Union Depot as part of its on-going velocity project;

WHEREAS, the City owns property in the vicinity of the Union Depot and Union Pacific has asked the City to convey approximately two acres to Union Pacific to allow Union Pacific to incorporate additional property into the design of its velocity project;

WHEREAS, the City has received an independent appraisal of the market value of its interest in the identified two acre parcel;

WHEREAS, in accordance with Texas Local Government Code §272.001(b), staff has recommended that the identified site be sold to Union Pacific as the abutting property owner because the shape of the parcel does not allow it to be used independently under its current area or under applicable subdivision or other development control ordinance; and

WHEREAS, the El Paso City Council finds that it is in the public interest to convey this parcel to Union Pacific in consideration for Union Pacific's conveyance of approximately 8,684 square foot parcel of land and additional consideration from Union Pacific, including but not limited to permanent aerial easements crossing the Trainway,

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

That the City Manager be authorized to sign a Memorandum of Agreement between the City of El Paso and Union Pacific Railroad Company which will allow for the conveyance of the City's interest in the following property:

> Two acres of land, more or less, being a portion out of the 11.87 acres conveyed to the City of El Paso by El Paso Union Passenger Depot Company, according to the Deed recorded in Volume 901, Page 1134, Real Property Records of El Paso County Texas, and a strip of City land adjacent to San Francisco Street and Coldwell Street as the streets are shown on recorded Campbell Addition Plat to the City of El Paso, as depicted on Exhibit "A" attached hereto and incorporated herein by reference, and

That the City Manager, or her designee, be authorized to sign any documents, approved by the City Attorney, to complete the conveyance of properties between the City and Union Pacific Railroad Company and any documents necessary to accomplish the intent of the Memorandum of Agreement, including any necessary budget transfers.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E.
Engineer-Ballpark Project

APPROVED AS TO FORM:

Theresa Cullen
_____
Theresa Cullen
Deputy City Attorney

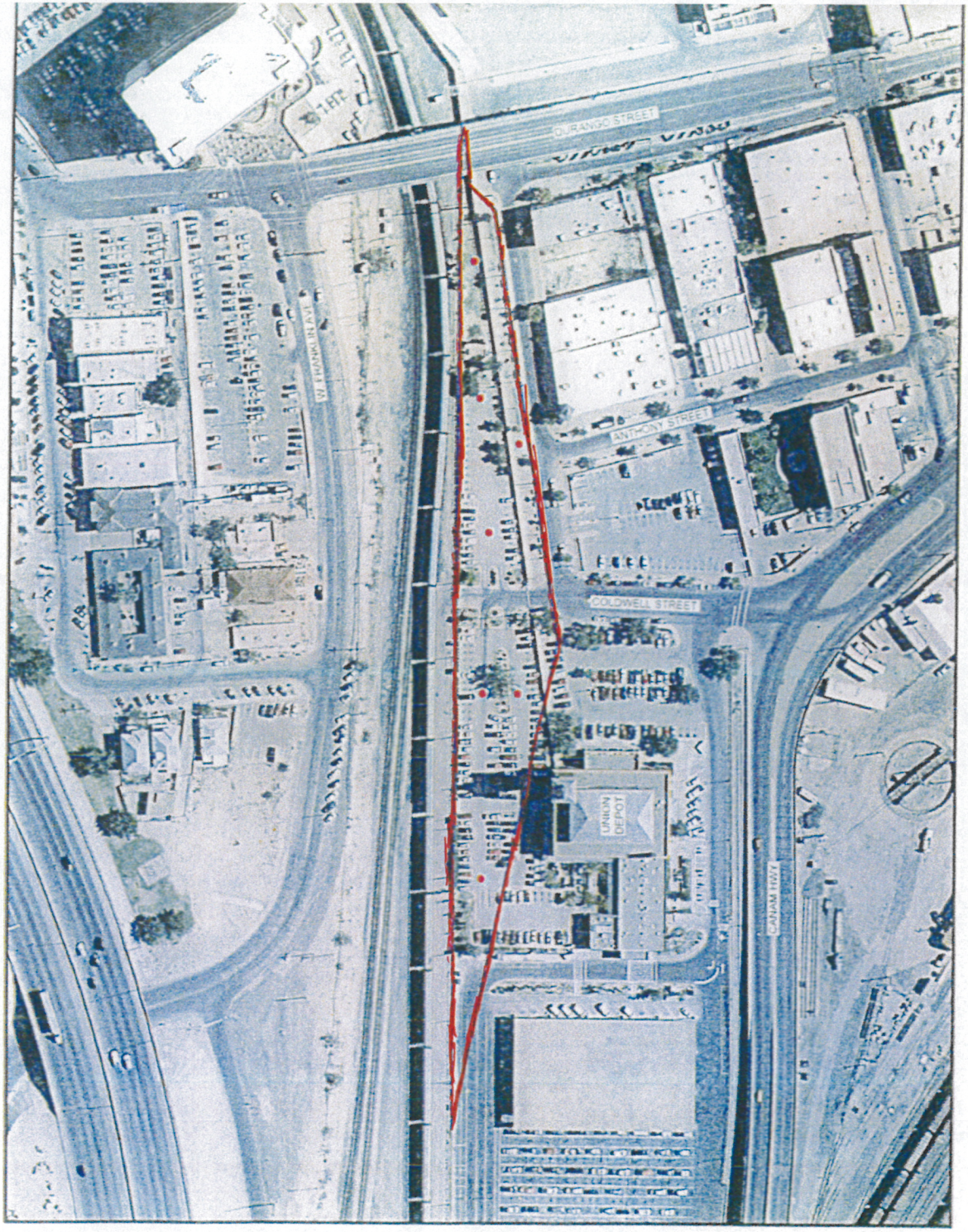

EXHIBIT A
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