

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

**DEPARTMENT:** Development Services Department  
**AGENDA DATE:** Consent Agenda 05-01-07  
**CONTACT PERSON/PHONE:** Eddie Garcia, Senior Planner – 541-4638  
**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

That the Mayor be authorized to sign and accept on behalf of the City a Dedication Deed from River Oaks Properties Ltd., dedicating to the City real property for use as a storm water ponding described as a *Parcel of land being a portion of Tract 1B, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County*, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

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

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

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

**DEPARTMENT HEAD:** Kelly Carpenter, AICP

**APPROVED FOR AGENDA:**

**RESOLUTION**

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

That the Mayor be authorized to sign and accept on behalf of the City a Dedication Deed from River Oaks Properties Ltd., dedicating to the City real property for use as a storm water ponding described as a *Parcel of land being a portion of Tract 1B, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County*, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook, Mayor

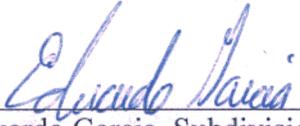
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Eduardo Garcia, Subdivision Coordinator  
Development Services Department

**DEDICATION DEED**

STATE OF TEXAS

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF EL PASO

That River Oaks Properties, Ltd., a Texas limited partnership (Grantor) for Ten Dollars (\$10.00) cash and other valuable consideration to it in hand paid by the CITY OF EL PASO (Grantee) whose address is Two Civic Center Plaza, El Paso, Texas 79901, the receipt and sufficiency of which is acknowledged, has DEDICATED, GRANTED and CONVEYED and by these presents does hereby DEDICATE, GRANT and CONVEY unto the said Grantee all that certain parcel of land situated in El Paso County, Texas and more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"); said Property to be dedicated as a stormwater ponding area.

This conveyance is subject to easements, protective covenants, 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 2006 and subsequent assessments for changes in land use or ownership, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns to warrant and forever defend, all and singular, the said premises unto the said Grantee, its successors and assigns against every person

whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations and exceptions referenced herein.

IN WITNESS WHEREOF this Dedication Deed is executed this the 6 day of February, 2007.

**RIVER OAKS PROPERTIES, LTD.,** a Texas limited partnership

By: River Oaks Asset Management, Inc., General Partner  
By: Gerald Rubin  
Name: Gerald J. Rubin  
Title: President

AGREED AND ACCEPTED:

GRANTEE:

ATTEST:

**CITY OF EL PASO**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
John Cook, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

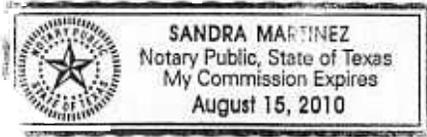
APPROVED AS TO CONTENT:

Lupe Cuellar  
Lupe Cuellar  
Assistant City Attorney

Eduardo Garcia  
Eduardo Garcia, Subdivision Coordinator  
Development Services Department

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me this 10 day of February, 2007, by Gerald J. Rubin, President, of River Oaks Asset Management, Inc., General Partner of River Oaks Properties, Ltd., a Texas limited partnership, on behalf of said limited partnership.



Sandra Martinez  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

This instrument was acknowledged before me this \_\_\_\_\_ day \_\_\_\_\_, 2007, by John Cook, Mayor 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  
Attn: City Attorney  
Two Civic Center Plaza  
Ninth Floor  
El Paso, Texas 79901

Being a portion of Tract 1B, Section 39, Block 79,  
Township 2, Texas and Pacific Railway Company Surveys  
City of El Paso, El Paso County, Texas  
Prepared for: Southwest Land Development Services Inc.  
October 17, 2006  
(POND)

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1B, Section 34, Block 79, Township 2, 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 ½" rebar with cap marked TX 5152 on the intersection of the easterly line of Tierra Del Este Unit Thirty Four with the line between lots 70 and 71, block 109, as shown on plat of Tierra Del Este Unit Thirty Four recorded in volume 80, page 72, 72A, and 72B, Plat records of El Paso County Texas, Thence along the easterly line of lot 71, block 109, South 42°31'12" West a distance of 99.43 feet to a set ½" rebar with cap marked TX 5152 for the "TRUE POINT OF BEGINNING".

Thence leaving said line South 01°32'07" East a distance of 289.89 feet to a set ½" rebar with cap marked TX 5152 on the line between tracts 1 and 1B, Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys;

Thence along said line South 89°56'44" West a distance of 273.73 feet to a set ½" rebar with cap marked TX 5152 on the easterly boundary line of Tierra del Este Unit Thirty Four;

Thence along said line North 42°31'12" East a distance of 393.52 feet to the "TRUE POINT OF BEGINNING" and containing in all 0.9105 acres of land more or less.

NOTE: Bearings based on plat of Tierra Del Este Unit Thirty Four recorded in volume 80, page 72, 72A, and 72B, Plat records of El Paso, County, Texas

R R  
Ron R. Conde  
R.P.L.S. No. 5152  
Job No. 1005-21



EXHIBIT "A"

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

**STAFF REPORT**

***Application No:*** DD06004

***Legal Description:*** Being a portion of Tract 1B, Section 39, Block 9, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso. El Paso County, Texas

***Type Request:*** Drainage Pond Dedication

***Property Owner:*** River Oaks Properties

***Surveyor:*** Conde, Inc.

***Location:*** South of Rich Beem Drive, West of Zaragoza Road and East of Joe Battle Boulevard

***Representative District:*** 5

***Planning Area:*** East

**CITY PLAN COMMISSION HEARING, September 21, 2006,  
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**DD06004:** Drainage Pond Dedication - Being a portion of Tract 1B, Section 39, Block 9, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso. El Paso County, Texas

**GENERAL INFORMATION:**

The applicant is requesting to dedicate a .9055 acre ponding area south of Rich Beem Drive and West of Zaragoza Road. This will be adjacent to a proposed commercial development to be located along Zaragoza Road.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee unanimously recommends *approval* of the pond dedication, subject to the following requirements and conditions:

1. Submit a deed conveying ownership to the City of El Paso to Development Services Department/Planning Division prior to the request being considered by City Council.
2. Improvements shall be completed within two years of approval of the request by City Council.

**NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEVELOPMENT SERVICES DEPARTMENT AT 541-4635.**



AERIAL



# SURVEY

