

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

DEPARTMENT: Development Services / Planning Division

AGENDA DATE: Introduction 04/10/07
Public Hearing 04/24/07

CONTACT PERSON/PHONE: Christina Valles, Senior Planner – 541-4930

DISTRICT(S) AFFECTED: District 1

SUBJECT:

An Ordinance authorizing the City Manager to sign a Conservation Easement Agreement with the Frontera Land Alliance for a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas.

Applicant: City of El Paso. (District 1)

BACKGROUND / DISCUSSION:

The staff worked with the Petitioners who proposed the creation of the Thunder Canyon Public Improvement District (PID), formally known as the Public Improvement District Number One. As part of the process we provided a technical report on the proposed District to the City Manager, and the Council accepted that report on October 10, 2006. This was formalized by the Council adopting a Resolution which established the proper procedures to create the district, including specifics about required Public Hearings. We then presented a Resolution on December 19, 2006 asking the Council to hold the Public Hearing on January 16, 2007 to determine if the District should in fact be created. The Council authorized the creation of the Public Improvement District Number One (Thunder Canyon) at the January 16, 2007 Public Hearing. The Service Plan and Assessment Roll were authorized for publication by the City Council on March 13, 2007. The public hearing for the Service Plan and Assessment Roll is scheduled for April 3, 2007.

PRIOR COUNCIL ACTION:

On September 19, 2006 the Council received the petition authorized by the City Manager to investigate the feasibility of forming the district.

On October 10, 2006 the Council adopted a Resolution establishing the procedure to potentially create the District.

On December 19, 2006 the Council adopted a Resolution establishing a Public Hearing date of January 16, 2007.

On January 16, 2007 the Council authorized the creation of the Public Improvement District Number One (Thunder Canyon)

On March 13, 2007 the Council authorized the publication of the Service Plan and Assessment Roll.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: R. Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONSERVATION EASEMENT AGREEMENT WITH THE FRONTERA LAND ALLIANCE FOR A PORTION OF TRACT 1-E, H.G. FOSTER SURVEY NO. 259, EL PASO COUNTY, TEXAS, ACCORDING TO THE MAP ON FILE IN THE OFFICE OF THE CENTRAL APPRAISAL DISTRICT, EL PASO COUNTY, TEXAS.

WHEREAS, the City of El Paso is sole owner in fee simple of a certain tract of real property described as a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas and being more particularly described by metes and bounds labeled Exhibit "A" attached hereto and incorporated herein by reference (the "Protected Property"). The Protected Property is located within the boundaries of the El Paso Public Improvement District No. 1 (Thunder Canyon) (the "PID" or the "District"); and

WHEREAS, the City of El Paso acquired the Protected Property in order to preserve and retain the property in its natural state of open space which is a public purpose of the City of El Paso which benefits all of the citizens of the City of El Paso; and

WHEREAS, the Protected Property is a significant natural area that qualifies as a "... relatively natural habitat of fish, wildlife, or plants, or similar ecosystem," as that phrase is used in P.L. 96-541, 26 USC 170(h)(4)(A)(ii), as amended, and in regulations promulgated thereunder. In particular, the Protected Property contains outstanding open space and scenic qualities, a variety of wildlife and significant recharge features and represents a portion of an undisturbed natural watershed (collectively, the "Conservation Values"); and

WHEREAS, the City of El Paso intends that the Conservation Values of the Protected Property be preserved and maintained by permitting only those land uses on the Protected Property that do not significantly impair or interfere with such values, including without limitation, those land uses relating to open space existing at the time of this grant; and

WHEREAS, the mission of The Frontera Land Alliance, as a nonprofit organization duly incorporated in the State of Texas, is for the purpose of land conservation as defined in Section 170(h) of the United States Internal Revenue Code, and specifically to preserve significant lands that maintain and enhance the natural environment and cultural heritage of the Northern Chihuahuan Desert Region; and

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WHEREAS, the City of El Paso and The Frontera Land Alliance would like to work together and enter into a Conservation Easement Agreement pursuant to the Texas Natural Resource Code Chapter 183, and the City of El Paso and The Frontera Land Alliance desire to avail themselves of the provisions of that law; and

WHEREAS, The Frontera Land Alliance is exempt from federal taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code, in accordance with Section 253.011 of the Texas Local Government Code, this easement may be conveyed to The Frontera Land Alliance without the necessity of complying with the notice and bidding requirements of state law,

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

That the City Manager be authorized to sign a Conservation Easement Agreement by and between the City of El Paso and The Frontera Land Alliance for a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas and being more particularly described by metes and bounds labeled Exhibit "A" attached hereto and incorporated herein by reference.

PASSED AND APPROVED this ____ day of _____, 2007.

THE CITY OF EL PASO

John F. Cook - Mayor

ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO CONTENT:

Kelly Carpenter
Kelly Carpenter
Planning Deputy Director

APPROVED AS TO FORM:

Theresa A. Cullen-Garney
Theresa A. Cullen-Garney
Deputy City Attorney

Being a portion of Tract 1E,
H.G. Foster Survey No. 259
City of El Paso, El Paso County, Texas
Prepared for: Willis Construction
October 24, 1991

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1E, H.G. Foster Survey No. 259, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Beginning at the City Monument at the centerline intersection of Stanton Street (70.00 R.O.W.) and Moondale Drive (50.00 R.O.W.); Thence along the centerline of said Stanton Street, South $48^{\circ}45'00''$ East a distance of 75.00 feet to a point; Thence, leaving said centerline South $41^{\circ}15'00''$ West a distance of 35.00 feet to a point on the westerly right-of-way line of said Stanton Street; Thence along said westerly right-of-way line, 92.01 feet long the arc of a curve to the right whose radius is 183.32 feet, whose interior angle is $28^{\circ}45'26''$, whose chord bears South $34^{\circ}22'15''$ East a distance of 91.05 feet to the southeasterly corner of Lot 1, Block 16, Mesa Hills Unit 4 for the "POINT OF BEGINNING";

Thence, along said westerly right-of-way line of Stanton Street, the following ten courses:

Thence 11.83 feet along the arc of a curve to right whose radius is 183.32 feet, whose interior angle is $03^{\circ}41'53''$, whose chord bears South $18^{\circ}08'35''$ East a distance of 11.83 feet;

Thence South $38^{\circ}20'24''$ West a distance of 37.41 feet;

Thence South $51^{\circ}39'36''$ East a distance of 20.00 feet;

Thence North $38^{\circ}20'24''$ East a distance of 20.98 feet;

Thence 464.63 feet along the arc of a curve to the left whose radius is 666.92 feet, whose interior angle is $39^{\circ}55'00''$, whose chord bears South $28^{\circ}32'30''$ East a distance of 455.29 feet;

Thence 81.83 feet along the arc of a curve to the right whose radius is 480.02 feet, whose interior angle is $09^{\circ}46'02''$, whose chord bears South $43^{\circ}36'59''$ East a distance of 81.73 feet;

Thence South $51^{\circ}16'02''$ West a distance of 43.05 feet;

Thence South $00^{\circ}53'09''$ West a distance of 20.00 feet;

Thence South $89^{\circ}06'51''$ East a distance of 67.78 feet;

Thence 133.88 feet along the arc of a curve to the right whose radius is 480.02 feet, whose interior angle is $15^{\circ}58'49''$, whose chord bears South $23^{\circ}43'39''$ East a distance of 133.45 feet;

Thence leaving said westerly right-of-way line of Stanton Street;

Thence South $74^{\circ}15'46''$ West a distance of 126.87 feet;

Thence North $67^{\circ}51'31''$ West a distance of 265.01 feet;

Thence South $80^{\circ}01'35''$ West a distance of 120.91 feet;

Thence South $64^{\circ}22'44''$ West a distance of 277.56 feet;

Thence South $09^{\circ}10'34''$ West a distance of 279.86 feet to the southwest corner Block 24 and the north line of Block 7, Mesa Hills Unit 2;

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THENCE, along the north line of Blocks 7 and 11, said Mesa Hills Unit 2, the following eleven courses:

Thence South $88^{\circ}26'09''$ West a distance of 1101.69 feet;

Thence North $16^{\circ}21'09''$ West a distance of 80.05 feet;

Thence North $08^{\circ}44'41''$ West a distance of 60.00 feet;

Thence South $81^{\circ}15'19''$ West a distance of 501.23 feet;

Thence North $08^{\circ}44'41''$ West a distance of 105.10 feet;

Thence South $85^{\circ}16'35''$ West a distance of 107.60 feet;

Thence South $78^{\circ}35'48''$ West a distance of 89.03 feet;

Thence South $71^{\circ}07'10''$ West a distance of 88.90 feet;

Thence South $66^{\circ}46'51''$ West a distance of 89.04 feet;

Thence South $68^{\circ}39'15''$ West a distance of 77.54 feet;

Thence South $89^{\circ}39'52''$ West a distance of 60.04 feet to the northwest corner of Lot 1, Block 11;

Thence North $11^{\circ}43'53''$ East a distance of 166.75 feet to the southwest corner of Block 16, Mesa Hills Unit 4;

Thence North $84^{\circ}28'05''$ East a distance of 1289.99 feet;

Thence North $66^{\circ}00'00''$ East a distance of 870.00 feet;

Thence North $50^{\circ}18'14''$ East a distance of 565.67 feet to the "POINT OF BEGINNING" and containing 963,123.03 square feet or 22.110 acres of land more or less.

NOT A SURVEY

CONDE, INC.
1790 Leo Trevino, Suite 400
El Paso, Texas 79936
(915) 592-0283

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