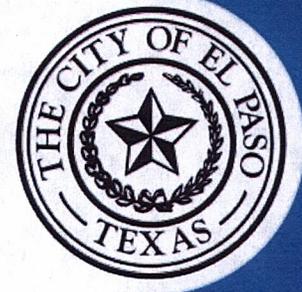


Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



DEPARTMENT: City Development Department
AGENDA DATE: Introduction 5/14/13; Public Hearing 5/21/13
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 6

SUBJECT:
AN ORDINANCE VACATING PORTIONS OF TWO EASEMENTS GENERALLY LOCATED ON THE ACCESS ROAD OF LOOP 375 S (JOE BATTLE BOULEVARD) FROM ROJAS DRIVE GOING NORTH 1, 950 FEET; AND THE ACCESS ROAD OF LOOP 375 N (AMERICAS AVENUE) TO A POINT GOING SOUTH 1,000 FEET FROM A&M CIRCLE; AND AUTHORIZING THE CITY MANAGER TO SIGN QUITCLAIM DEEDS AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY THE CITY'S INTEREST TO THE STATE OF TEXAS.

BACKGROUND / DISCUSSION:
N/A

PRIOR COUNCIL ACTION:
N/A

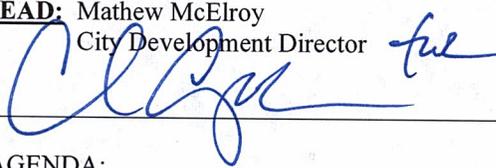
AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Pending
City Plan Commission (CPC) – Pending

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew McElroy
City Development Director


APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



City Development Department
P.O. BOX 1890
EL PASO, TEXAS 79950-1890
Phone (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO. _____

AN ORDINANCE VACATING PORTIONS OF TWO EASEMENTS GENERALLY LOCATED ON THE ACCESS ROAD OF LOOP 375 S (JOE BATTLE BOULEVARD) FROM ROJAS DRIVE GOING NORTH 1, 950 FEET; AND THE ACCESS ROAD OF LOOP 375 N (AMERICAS AVENUE) TO A POINT GOING SOUTH 1,000 FEET FROM A&M CIRCLE; AND AUTHORIZING THE CITY MANAGER TO SIGN QUITCLAIM DEEDS AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY THE CITY'S INTEREST TO THE STATE OF TEXAS.

WHEREAS, the El Paso Public Service Board, Trustees (PSB) was created by the City of El Paso for the purpose of operating and managing the El Paso water and wastewater system, and as such has jurisdiction and control over certain lands in El Paso, El Paso County, Texas; and,

WHEREAS, under Chapter 370 of the Texas Transportation Code, the Camino Real Regional Mobility Authority (CRRMA) is authorized to design, construct, operate, maintain and improve turnpike projects as part of the state highway system within certain designated counties within the State of Texas; and,

WHEREAS, the CRRMA contracted with a developer to construct a project identified as the Americas Interchange Project, (Project) consisting of three direct connector ramps from Interstate 10 to Loop 375; and,

WHEREAS, PSB has certain easements in its inventory located within the Project boundary and an agreement was made between the CRRMA's developer, the Texas Department of Transportation, and the PSB to relocate the water lines and sewer located within the easements; and,

WHEREAS, the Project is complete and the water and sewer lines have been relocated and the State of Texas desires the City of El Paso to quitclaim its property interests in the easements to the State of Texas; and,

WHEREAS, the Texas Department of Transportation is a department of the State of Texas which has the power of eminent domain; and,

WHEREAS, Section 272.001(b)(5) of the Texas Local Government Code allows an exception to the bidding requirements when land is being conveyed to a governmental entity that has the power of eminent domain so that in such cases the land to be conveyed is not required to be placed for public bid; and,

WHEREAS, at its regular meeting of March 13, 2013, the El Paso Water Utilities Public Service Board passed and adopted a Resolution which declared the land to be inexpedient to the system and recommended quitclaiming of the land to the State of Texas; and,

WHEREAS the PSB is requesting that the City Council authorize the City Manager to sign Quitclaim Deeds conveying the City's interest in the easements to the State of Texas; and,

WHEREAS, the easements were appraised for sale at its fair market value and the CRRMA's developer has agreed to pay the appraised value;

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of portions of two utility easements described in the exhibits attached hereto, and the City Council finds that said easements are not needed for public use and should be vacated as recommended;

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

That the City Manager is authorized to execute 1) Seven (7) Quitclaim Deeds in the form and substance approved by the City Attorney, and 2) any other necessary documents as required for the sale and conveyance to the State of Texas, a governmental entity with the power of eminent domain, the City's property interests in the following described real property:

Parcel 6, Part 1. Approximately a 10,918 square foot parcel being an existing 20.00 feet wide PSB easement located within TXDOT right-of-way lying in Joe Battle Boulevard, El Paso County, Texas, and more particularly described in **Exhibit "A"** attached hereto and made a part hereof by this reference for all purposes and the map attached as **Exhibit "B"** and made a part hereof by this reference for all purposes.

Parcel 6, Part 2. Approximately a 7,875 square foot parcel being an existing 20.00 feet wide PSB easement located within TXDOT right-of-way lying in Joe Battle Boulevard PSB, El Paso County, Texas, and more particularly described in **Exhibit "C"** attached hereto and made a part hereof by this reference for all purposes and the map attached as **Exhibit "D"** and made a part hereof by this reference for all purposes.

Parcel 7. Approximately a 4,909 square foot parcel being an existing 20.00 feet wide PSB easement located within TXDOT right-of-way lying in Joe Battle Boulevard PSB, El Paso County, Texas, and more particularly described in **Exhibit "E"** attached hereto and made a part hereof by this reference for all purposes and the map attached as **Exhibit "F"** and made a part hereof by this reference for all purposes.

Parcel 9. Approximately a 9,642 square foot parcel being an existing 20.00 feet wide PSB easement located within TXDOT right-of-way lying in Joe Battle Boulevard PSB, El Paso County, Texas, and more particularly described in **Exhibit "G"** attached hereto and made a part hereof by this reference for all purposes and the map attached as **Exhibit "H"** and made a part hereof by this reference for all purposes.

Parcel 10. Approximately a 3,555 square foot parcel being an existing 20.00 feet wide PSB easement located within TXDOT right-of-way lying in Joe Battle Boulevard PSB, El Paso County, Texas, and more particularly described in **Exhibit "I"** attached hereto and made a part

hereof by this reference for all purposes and the map attached as **Exhibit "J"** and made a part hereof by this reference for all purposes.

Parcel 18. Approximately a 7,778 square foot parcel being an existing 10.00 feet wide PSB easement located within Lot 1, Block 2, A & M Addition, El Paso County, Texas, and more particularly described in **Exhibit "K"** attached hereto and made a part hereof by this reference for all purposes and the map attached as **Exhibit "L"** and made a part hereof by this reference for all purposes.

Parcel 19. Approximately a 2,345 square foot parcel being an existing 10.00 feet wide PSB easement located within Lot 1, Block 2, A & M Addition, El Paso County, Texas, and more particularly described in **Exhibit "M"** attached hereto and made a part hereof by this reference for all purposes and the map attached as **Exhibit "N"** and made a part hereof by this reference for all purposes.

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

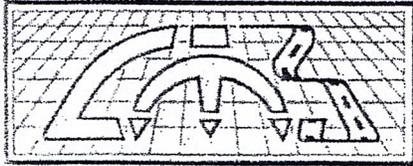
APPROVED AS TO FORM

APPROVED AS TO CONTENT AND
FORM

Lauren Ferris
Assistant City Attorney

Lupe Cuellar
Real Estate Manager and Counsel

EXHIBIT A



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 6, PART 1

AN EXISTING 20.00 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of curve on Loma Verde Drive opposite Lot 1, Block 1, Vista Commercial Park as recorded in Volume 63, Page 57, plat records of El Paso County, Texas; said point has a coordinate value of 10,636.714.93 feet North and 447,244.79 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S. Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid; distances are surface; **THENCE**, North 02°31'23" East, with the centerline of said Loma Verde Drive, a distance of 112.62 feet to a point; **THENCE**, South 87°28'37" East, a distance of 45.00 feet to a point lying in the easterly right of way line of said Loma Verde Drive at the location for the southwesterly corner of Lot 1, Block 1, Vista Del Sol Industrial Center III, Unit One; as recorded in Volume 75, Page 37, plat records of El Paso County, Texas. **THENCE**, with the southerly boundary line of said Lot 1, Block 1, South 87°54'19" East, a distance of 570.73 feet to a point; **THENCE**, continuing with said southerly boundary line, South 48°35'35" East, a distance of 515.15 feet to a point for a corner of this parcel and the **POINT OF BEGINNING** of this parcel description;

THENCE, North 41°12'48" East, a distance of 537.85 feet to a point, for a corner of this parcel;

THENCE, South 87°27'42" East, a distance of 25.62 feet to a point, for a corner of this parcel;

THENCE, South 41°12'48" West, a distance of 553.93 feet to a point, for a corner of this parcel;

THENCE, North 48°35'35" West, a distance of 20.00 feet to **THE TRUE POINT OF BEGINNING**.

Said parcel contains 0.2506 Acres (10,918 Sq. Ft.) more or less.

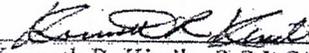
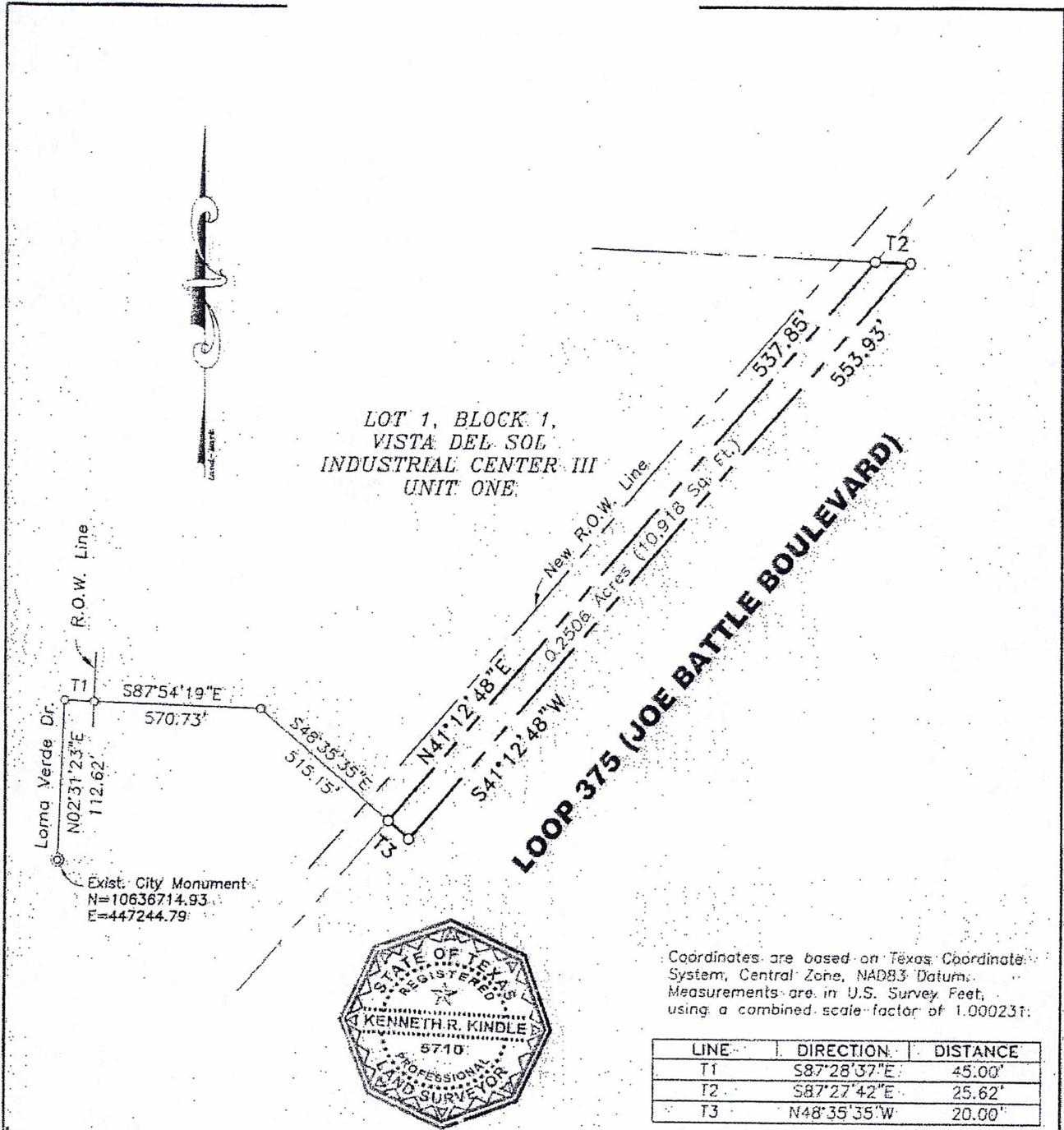

Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
March 28, 2013
Job No. 28937



EXHIBIT B

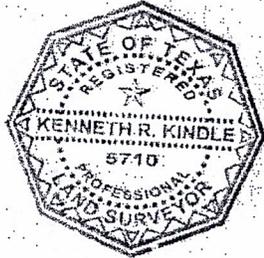


LOT 1, BLOCK 1,
VISTA DEL SOL
INDUSTRIAL CENTER III
UNIT ONE

LOOP 375 (JOE BATTLE BOULEVARD)

Loma Verde Dr.
R.O.W. Line

Exist. City Monument:
N=10636714.93
E=447244.79



Coordinates are based on Texas Coordinate System, Central Zone, NAD83 Datum. Measurements are in U.S. Survey Feet, using a combined scale factor of 1.000231.

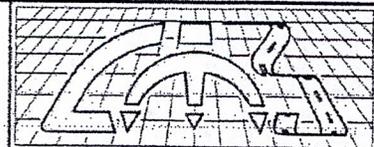
LINE	DIRECTION	DISTANCE
T1	S87°28'37\"E	45.00'
T2	S87°27'42\"E	25.62'
T3	N48°35'35\"W	20.00'

I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

PARCEL 5 PART 1
EXISTING 20' WIDE EASEMENT
AN EXISTING 20.0 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS.

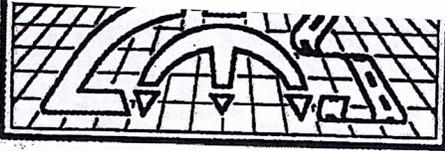


Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

Job No. 13-02-28937

Scale: 1" = 100'

Date: March 28, 2013



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 6, PART 2

AN EXISTING 20.00 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of curve on Loma Verde Drive opposite Lot 1, Block 1, Vista Commercial Park as recorded in Volume 63, Page 57, plat records of El Paso County, Texas. said point has a coordinate value of 10,636,714.93 feet North and 447,244.79 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S, Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid, distances are surface; **THENCE**, North 02°31'23" East, with the centerline of said Loma Verde Drive, a distance of 112.62 feet to a point; **THENCE**, South 87°28'37" East, a distance of 45.00 feet to a point lying in the easterly right of way line of said Loma Verde Drive at the location for the southwesterly corner of Lot 1, Block 1, Vista Del Sol Industrial Center III, Unit One, as recorded in Volume 75, Page 37, plat records of El Paso County, Texas. **THENCE**, with the southerly boundary line of said Lot 1, Block 1, South 87°54'19" East, a distance of 570.73 feet to a point; **THENCE**, continuing with said southerly boundary line, South 48°35'35" East, a distance of 515.15 feet to a point; **THENCE**, North 41°12'48" East, a distance of 803.77 feet to the **POINT OF BEGINNING** of this parcel description;

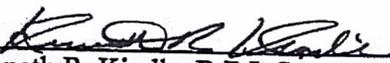
THENCE, North 41°12'48" East, a distance of 381.25 feet to a point, for a corner of this parcel;

THENCE, South 48°48'10" East, a distance of 20.00 feet to a point, for a corner of this parcel;

THENCE, South 41°12'48" West, a distance of 406.24 feet to a point, for a corner of this parcel;

THENCE, North 02°32'20" East, a distance of 32.01 feet to **THE TRUE POINT OF BEGINNING**.

Said parcel contains 0.1808 Acres (7,875 Sq. Ft.) more or less.


Kenneth R. Kindle, R.P.L.S.

Texas License No. 5710

March 28, 2013

Job No. 28937

Revised 4-9-13

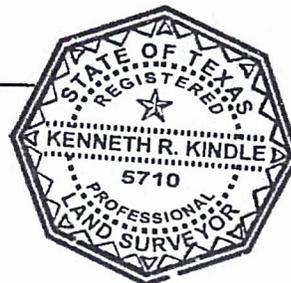
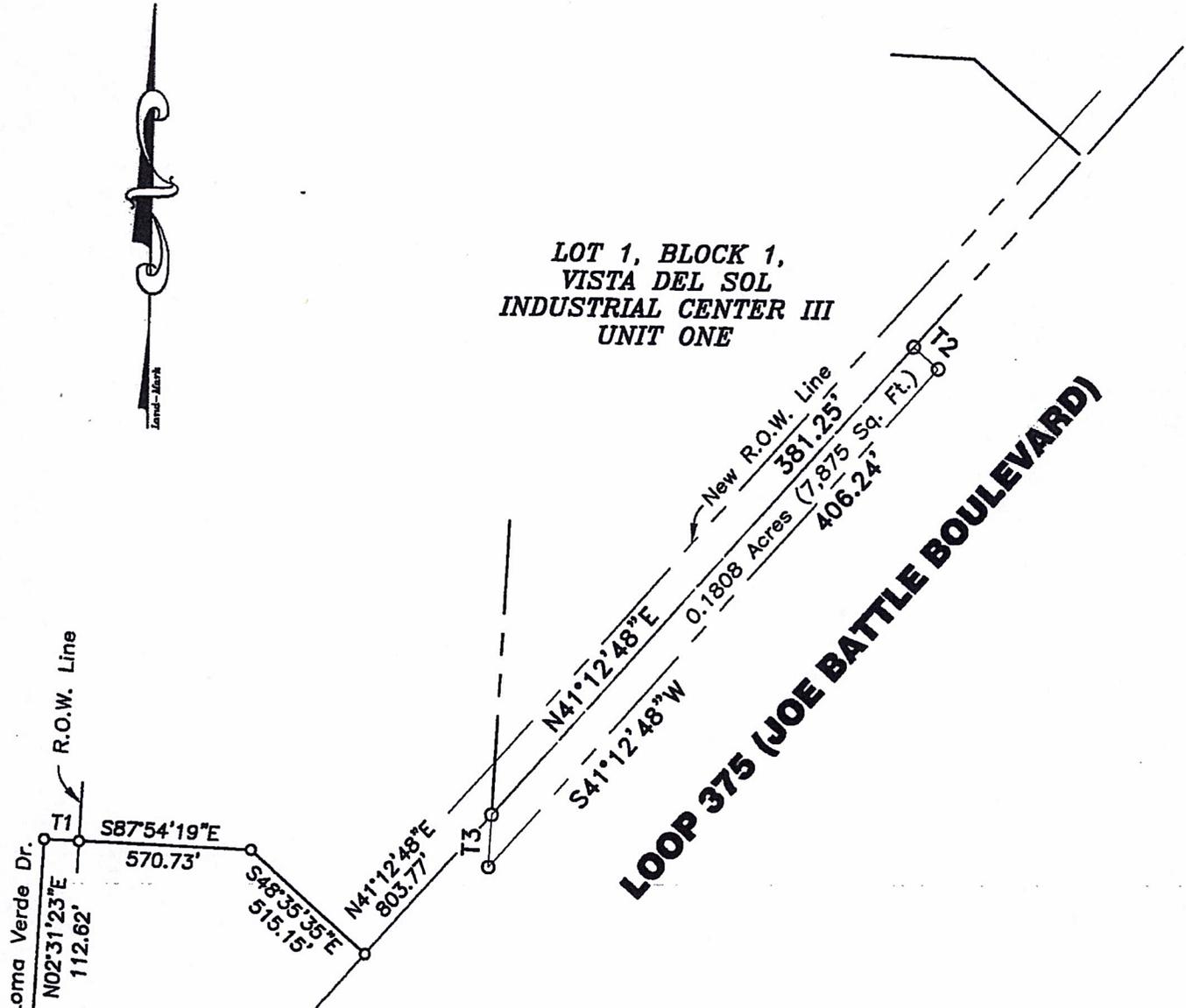


EXHIBIT D

LOT 1, BLOCK 1,
VISTA DEL SOL
INDUSTRIAL CENTER III
UNIT ONE



Exist. City Monument
N=10636714.93
E=447244.79



Coordinates are based on Texas Coordinate System, Central Zone, NAD83 Datum. Measurements are in U.S. Survey Feet, using a combined scale factor of 1.000231.

LINE	DIRECTION	DISTANCE
T1	S87°28'37"E	45.00'
T2	S48°48'10"E	20.00'
T3	N02°32'20"E	32.01'

Revised 4-9-13

I hereby certify that the foregoing boundary survey was made by me or under my supervision.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

**PARCEL 6 PART 2
EXISTING 20' WIDE EASEMENT**

**AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.**



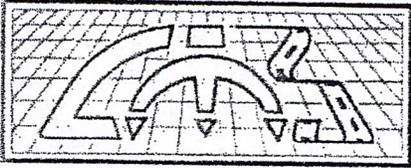
**Land-Mark Professional
Surveying, Inc.**
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico
and Arizona"

Job No. 13-02-28937

Scale: 1" = 100'

Date: March 28, 2013

EXHIBIT E



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 7

AN EXISTING 20.00 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of curve on Loma Verde Drive opposite Lot 1, Block 1, Vista Commercial Park as recorded in Volume 63, Page 57, plat records of El Paso County, Texas, said point has a coordinate value of 10,636,714.93 feet North and 447,244.79 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S. Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid, distances are surface; **THENCE**, North $02^{\circ}31'23''$ East, with the centerline of said Loma Verde Drive, a distance of 112.62 feet to a point; **THENCE**, South $87^{\circ}28'37''$ East, a distance of 45.00 feet to a point lying in the easterly right of way line of said Loma Verde Drive at the location for the southwesterly corner of Lot 1, Block 1, Vista Del Sol Industrial Center III, Unit One, as recorded in Volume 75, Page 37, plat records of El Paso County, Texas. **THENCE**, with the southerly boundary line of said Lot 1, Block 1, South $87^{\circ}54'19''$ East, a distance of 570.73 feet to a point; **THENCE**, continuing with said southerly boundary line, South $48^{\circ}35'35''$ East, a distance of 515.15 feet to a point; **THENCE**, North $41^{\circ}12'48''$ East, a distance of 537.85 feet to the **POINT OF BEGINNING** of this parcel description;

THENCE, North $41^{\circ}12'48''$ East, a distance of 265.92 feet to a point, for a corner of this parcel;

THENCE, South $02^{\circ}32'20''$ West, a distance of 32.01 feet to a point, for a corner of this parcel;

THENCE, South $41^{\circ}12'48''$ West, a distance of 224.93 feet to a point, for a corner of this parcel;

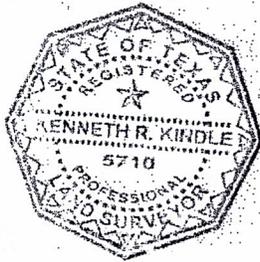
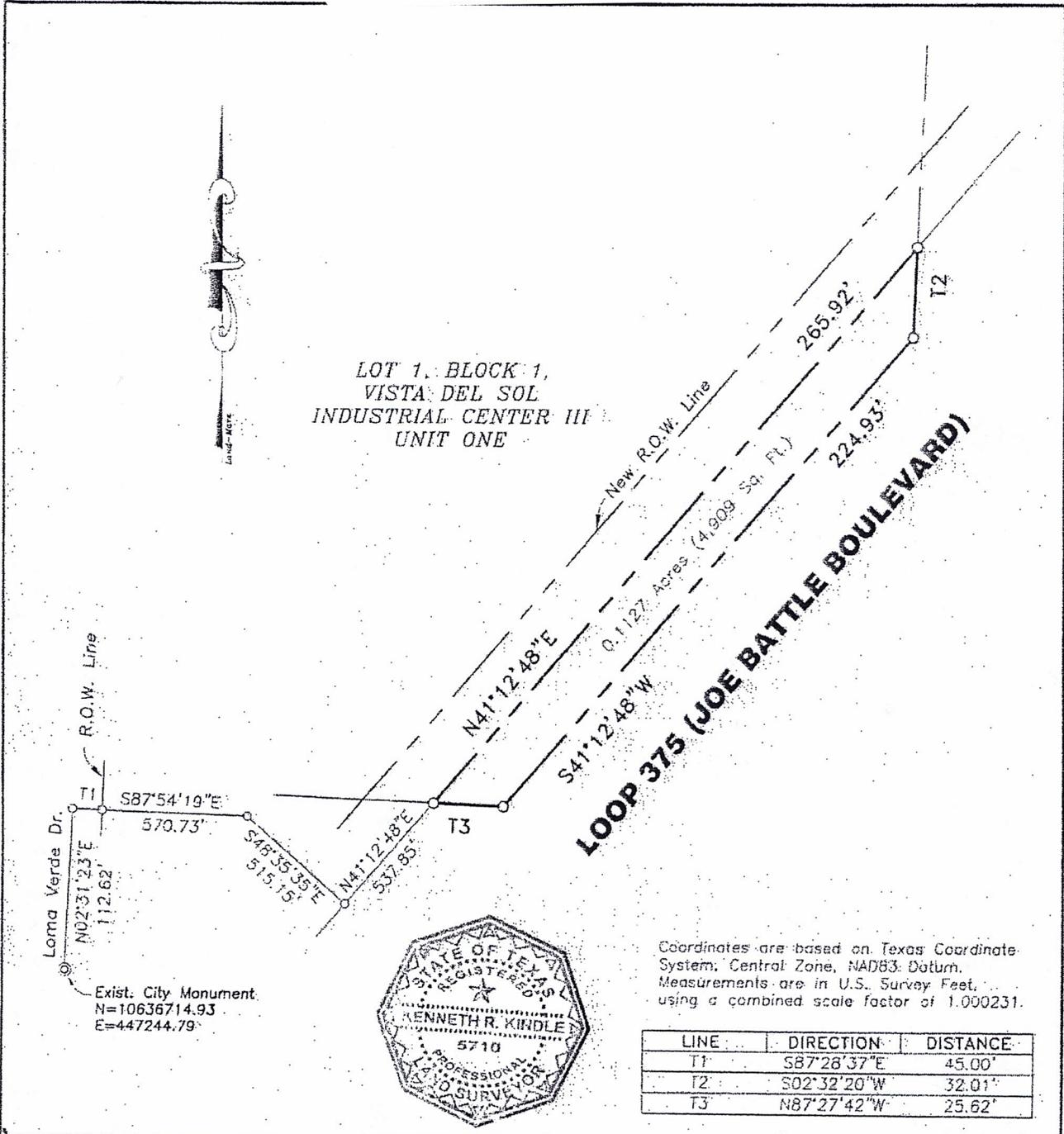
THENCE, North $87^{\circ}27'42''$ West, a distance of 25.62 feet to **THE TRUE POINT OF BEGINNING**.

Said parcel contains 0.1127 Acres (4,909 Sq. Ft.) more or less.


Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
March 28, 2013
Job No. 28937



EXHIBIT F



I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

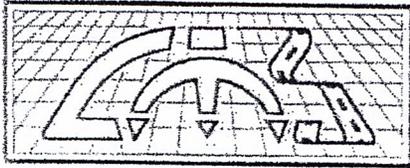
PARCEL 7
EXISTING 20' WIDE EASEMENT

AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.

Job No. 13-02-28937 Scale: 1" = 50' Date: March 28, 2013

Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

EXHIBIT G



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 9

AN EXISTING 20.00 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of curve on Loma Verde Drive opposite Lot 1, Block 1, Vista Commercial Park as recorded in Volume 63, Page 57, plat records of El Paso County, Texas; said point has a coordinate value of 10,636,714.93 feet North and 447,244.79 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S. Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid, distances are surface; **THENCE**, North $02^{\circ}31'23''$ East, with the centerline of said Loma Verde Drive, a distance of 112.62 feet to a point; **THENCE**, South $87^{\circ}28'37''$ East, a distance of 45.00 feet to a point lying in the easterly right of way line of said Loma Verde Drive at the location for the southwesterly corner of Lot 1, Block 1, Vista Del Sol Industrial Center III, Unit One, as recorded in Volume 75, Page 37, plat records of El Paso County, Texas. **THENCE**, with the southerly boundary line of said Lot 1, Block 1, South $87^{\circ}54'19''$ East, a distance of 570.73 feet to a point; **THENCE**, continuing with said southerly boundary line, South $48^{\circ}35'35''$ East, a distance of 515.15 feet to a point for a corner of this parcel and the **POINT OF BEGINNING** of this parcel description;

THENCE, South $48^{\circ}35'35''$ East, a distance of 20.00 feet to a point, for a corner of this parcel;

THENCE, South $41^{\circ}12'48''$ West, a distance of 482.43 feet to a point, for a corner of this parcel;

THENCE, North $46^{\circ}35'52''$ West, a distance of 20.01 feet to a point, for a corner of this parcel;

THENCE, North $41^{\circ}12'48''$ East, a distance of 481.73 feet to **THE TRUE POINT OF BEGINNING**;

Said parcel contains 0.2213 Acres (9,642 Sq. Ft.) more or less.

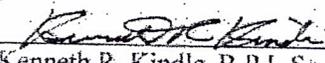
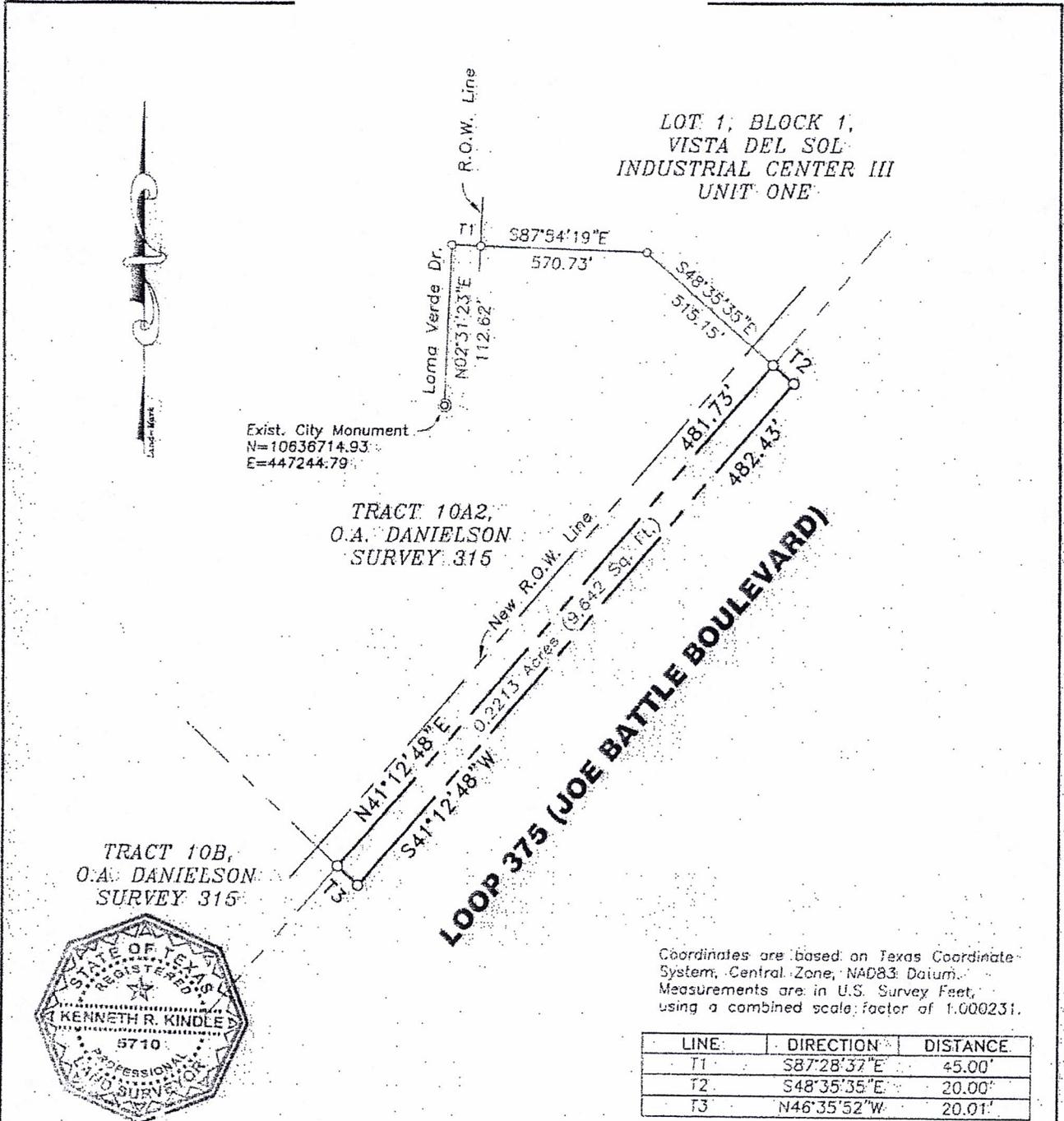

Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
March 28, 2013
Job No. 28937



EXHIBIT H



I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

PARCEL 9
EXISTING 20' WIDE EASEMENT

AN EXISTING 20.0 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS.

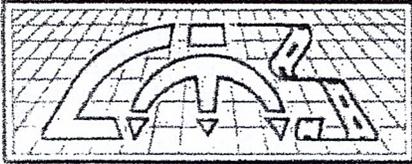
Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

Job No. 13-02-28937

Scale: 1" = 100'

Date: March 28, 2013

EXHIBIT I



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 10

AN EXISTING 20.00 FEET WIDE PSB EASEMENT LOCATED WITHIN TXDOT RIGHT OF WAY LYING IN JOE BATTLE BOULEVARD, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of curve on Loma Verde Drive opposite Lot 1, Block 1, Vista Commercial Park as recorded in Volume 63, Page 57, plat records of El Paso County, Texas, said point has a coordinate value of 10,636,714.93 feet North and 447,244.79 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S. Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid, distances are surface; **THENCE**, North $02^{\circ}31'23''$ East, with the centerline of said Loma Verde Drive, a distance of 112.62 feet to a point; **THENCE**, South $87^{\circ}28'37''$ East, a distance of 45.00 feet to a point lying in the easterly right of way line of said Loma Verde Drive at the location for the southwesterly corner of Lot 1, Block 1, Vista Del Sol Industrial Center III, Unit One, as recorded in Volume 75, Page 37, plat records of El Paso County, Texas. **THENCE**, with the southerly boundary line of said Lot 1, Block 1, South $87^{\circ}54'19''$ East, a distance of 570.73 feet to a point; **THENCE**, continuing with said southerly boundary line, South $48^{\circ}35'35''$ East, a distance of 515.15 feet to a point; **THENCE**, South $41^{\circ}12'48''$ West, a distance of 481.73 for a corner of this parcel and the **POINT OF BEGINNING** of this parcel description;

THENCE, South $46^{\circ}35'52''$ East, a distance of 20.01 feet to a point, for a corner of this parcel;

THENCE, South $41^{\circ}12'48''$ West, a distance of 167.74 feet to a point, for a corner of this parcel;

THENCE, South $87^{\circ}17'44''$ West, a distance of 27.77 feet to a point, for a corner of this parcel;

THENCE, North $41^{\circ}12'48''$ East, a distance of 187.77 feet to **THE TRUE POINT OF BEGINNING**.

Said parcel contains 0.0816 Acres (3,555 Sq. Ft.) more or less.

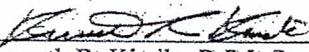
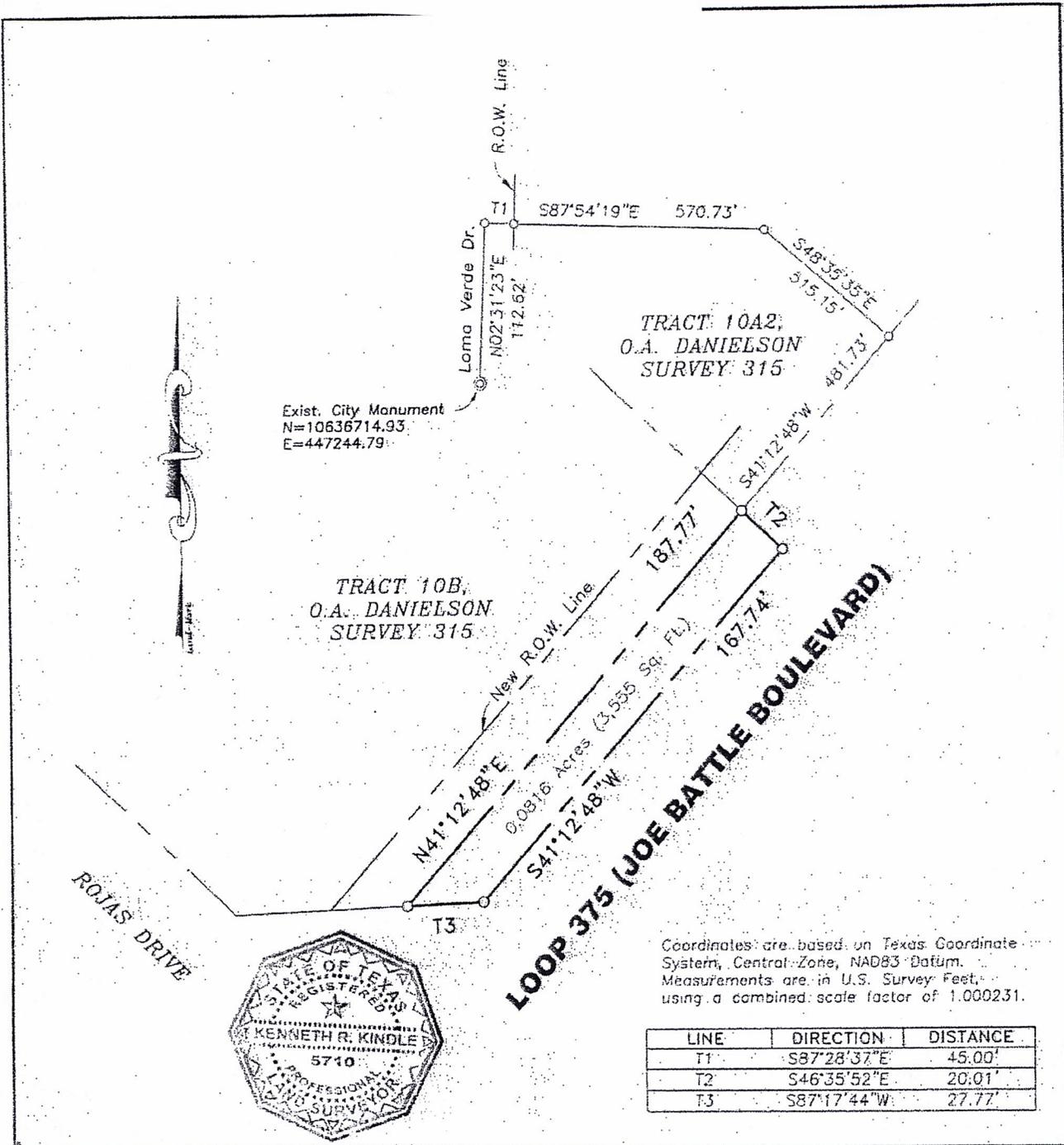

Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
March 28, 2013
Job No: 28937



EXHIBIT J

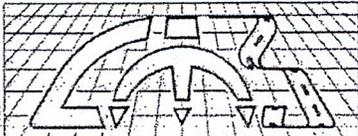


I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

PARCEL 10
EXISTING 20' WIDE EASEMENT
AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.



Land-Mark Professional
Surveying, Inc.
1420 Bessemer Drive, Suite "A"
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico
and Arizona"

Job No. 13-02-28937

Scale: 1" = 50'

Date: March 28, 2013

EXHIBIT K



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 18

AN EXISTING 10.00 FEET WIDE PSB EASEMENT LOCATED WITHIN LOT 1, BLOCK 2, A & M ADDITION, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of intersection of A & M Circle and Research Drive in A & M Addition as recorded in Volume 45, Page 10, plat records of El Paso County, Texas, said point has a coordinate value of 10,633,033.49 feet North and 446,533.16 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S. Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid, distances are surface; **THENCE**, North $49^{\circ}09'15''$ West with the centerline of said A & M Circle a distance of 606.94 feet to a point; **THENCE**, South $40^{\circ}50'45''$ West, a distance of 45.00 feet to a point lying in the southwesterly right of way line of said A & M Circle; **THENCE**, North $49^{\circ}09'15''$ West, with said southwesterly right of way line a distance of 40.92 feet to a point of curve; **THENCE**, 10.47 feet with the arc of a 20.00-foot radius curve to the left with a central angle of $30^{\circ}00'02''$ and a 10.35 feet long chord bearing North $63^{\circ}47'20''$ West, to a point for a corner of this parcel and the **POINT OF BEGINNING** of this parcel description;

THENCE, South $41^{\circ}12'48''$ West, a distance of 339.81 feet to a point for a corner of this parcel;

THENCE, South $38^{\circ}42'29''$ West, a distance of 451.99 feet to a point for a corner of this parcel;

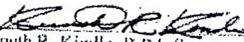
THENCE, North $48^{\circ}47'14''$ West, a distance of 10.01 feet to a point for a corner of this parcel;

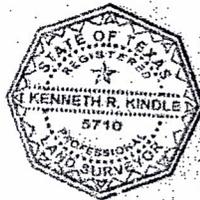
THENCE, North $38^{\circ}42'29''$ East, a distance of 451.77 feet to a point for a corner of this parcel;

THENCE, North $41^{\circ}12'47''$ East, a distance of 343.70 feet to a point for a corner of this parcel;

THENCE, 20.94 feet with the arc of a 20.00 feet radius curve to the right with a central angle of $59^{\circ}59'45''$ and a 20.00 feet long chord bearing North $71^{\circ}12'51''$ East to **THE TRUE POINT OF BEGINNING**.

Said parcel contains 0.1786 Acres (7,778 Sq. Ft.) more or less.


Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
March 28, 2013
Job No. 28937



1420 Bessemer • El Paso, Texas 79936
Tel. (915) 598-1300 • Fax (915) 598-1221 • E-mail address: Larry@Land-Marksurvey.com

EXHIBIT L

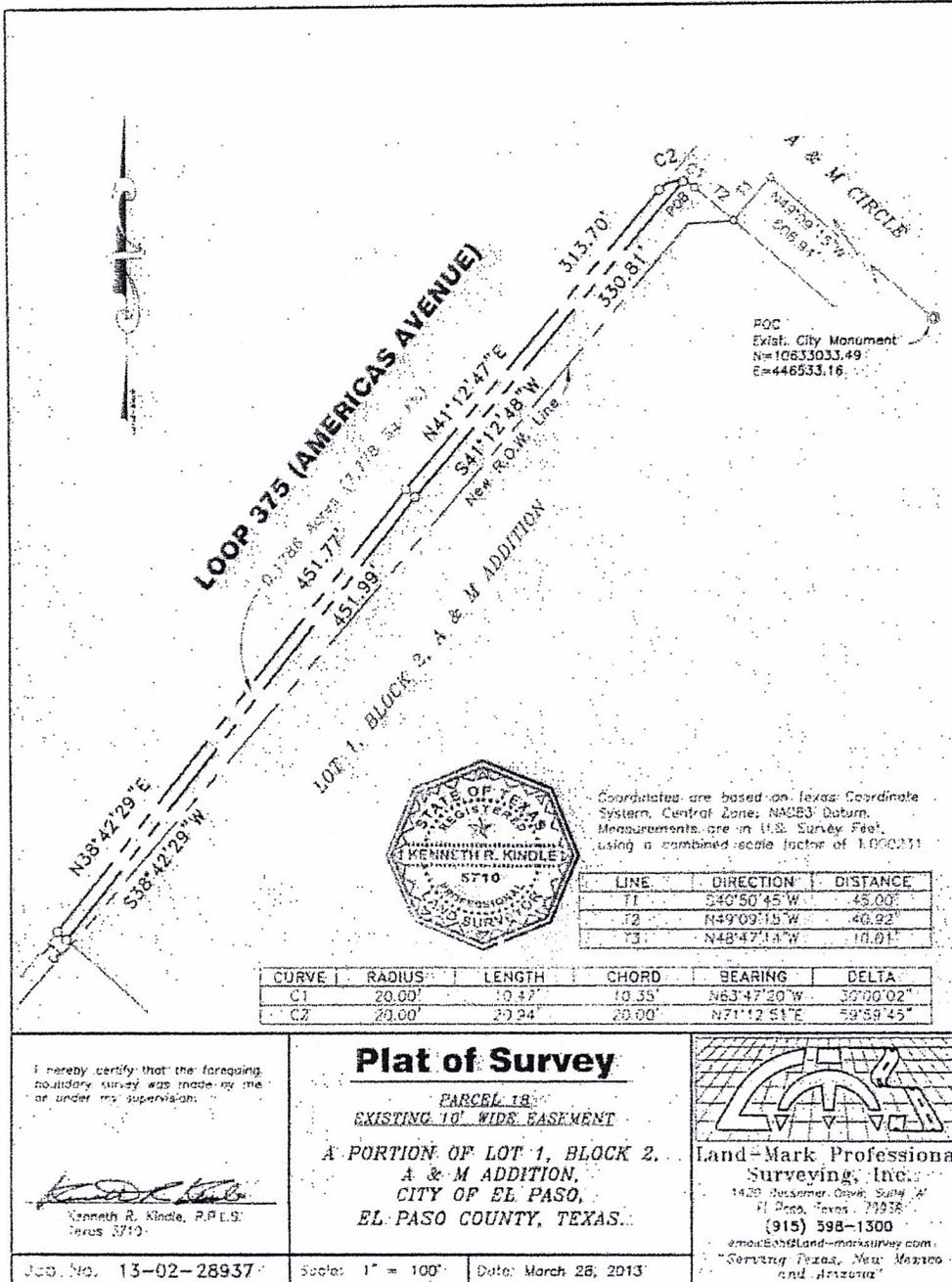
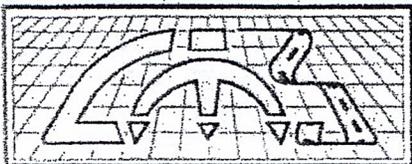


EXHIBIT M



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION PARCEL 19

A PORTION OF AN EXISTING 10.00 FEET WIDE PSB EASEMENT LOCATED WITHIN LOT 1, BLOCK 2, A & M ADDITION, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing City Monument lying at the point of intersection of A & M Circle and Research Drive in A & M Addition as recorded in Volume 45, Page 10, plat records of El Paso County, Texas; said point has a coordinate value of 10,633,033.49 feet North and 446,533.16 feet East and is based on the Texas Coordinate System, Central Zone, NAD 83 datum in U.S. Survey Feet using a grid to ground scale factor of 1.00023100. Bearings are grid, distances are surface; **THENCE**, North 49°09'15" West, with the centerline of said A & M Circle a distance of 606.94 feet to a point; **THENCE**, South 40°50'45" West, a distance of 45.00 feet to a point lying in the southwesterly right of way line of said A & M Circle; **THENCE**, North 49°09'15" West, with said southwesterly right of way line a distance of 40.92 feet to a point of curve; **THENCE**, 10.47 feet with the arc of a 20.00 foot radius curve to the left with a central angle of 30°00'02" and a 10.35 feet long chord bearing North 63°47'20" West, to a point; **THENCE**, South 41°12'48" West, a distance of 330.81 feet to a point; **THENCE**, South 38°42'29" West, a distance of 451.99 feet to a point for a corner of this parcel and the **POINT OF BEGINNING** of this parcel description;

THENCE, South 38°42'29" West, a distance of 119.99 feet to a point for a corner of this parcel;

THENCE, South 41°12'48" West, a distance of 228.79 feet to a point for a corner of this parcel;

THENCE, North 38°42'29" East, a distance of 349.00 feet to a point for a corner of this parcel;

THENCE, South 48°47'14" East, a distance of 10.01 feet to **THE TRUE POINT OF BEGINNING**.

Said parcel contains 0.0538 Acres (2,345 Sq. Ft.) more or less.

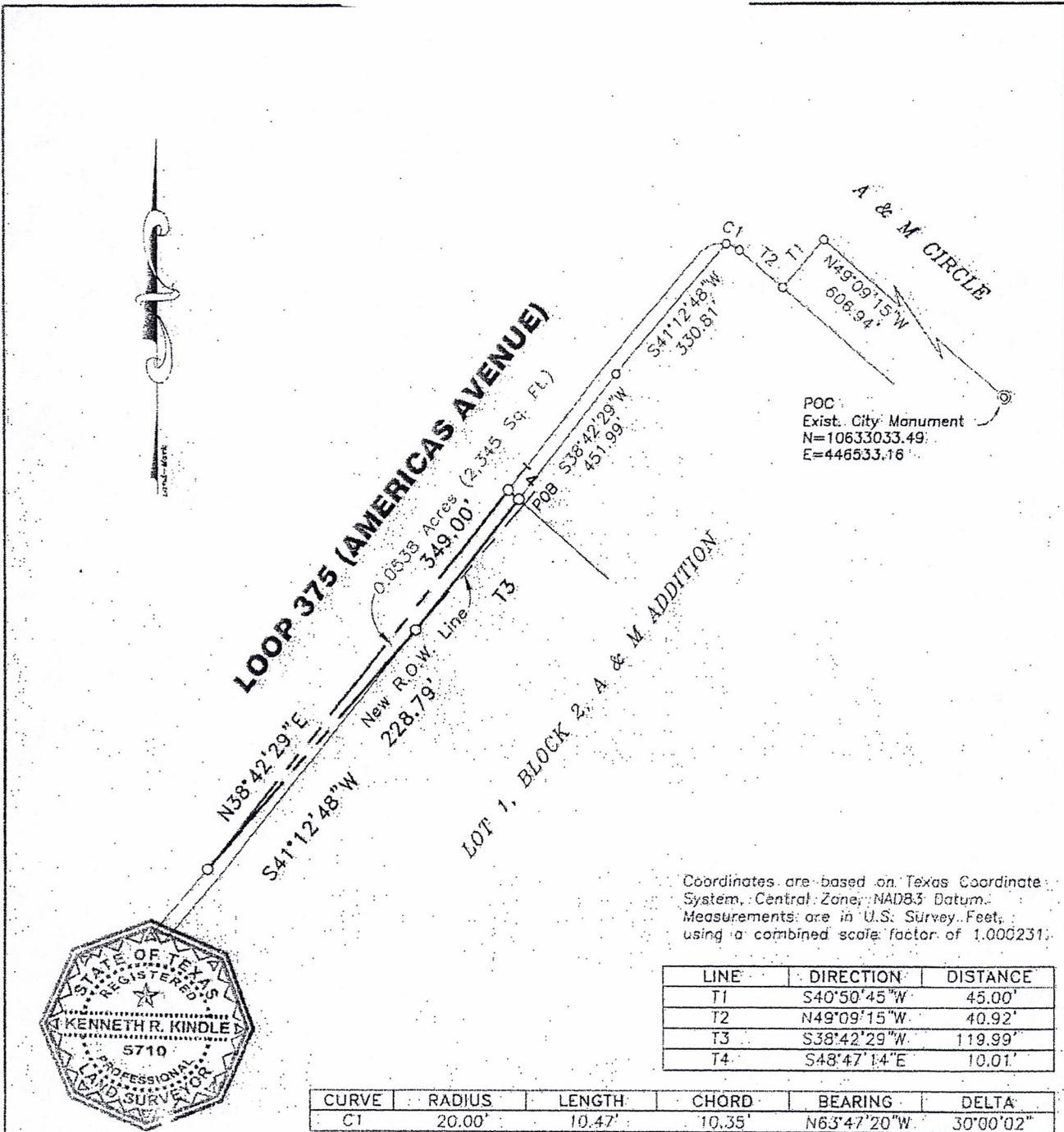
Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
March 28, 2013
Job No. 28937



1420 Bessemer • El Paso, Texas 79936

Tel: (915) 598-1300 • Fax: (915) 598-1221 • E-mail address: Larry@Land-Marksurvey.com

EXHIBIT N



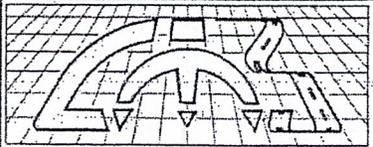
I hereby certify that the foregoing boundary survey was made by me or under my supervision.

Kenneth R. Kindle
 Kenneth R. Kindle, R.P.E.S.
 Texas 5710

Plat of Survey

PARCEL 19
PORTION OF AN EXISTING
10' WIDE EASEMENT

A PORTION OF LOT 1, BLOCK 2,
 A & M ADDITION,
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS.



Land-Mark Professional Surveying, Inc.
 1420 Bessemer Drive, Suite 'A'
 El Paso, Texas 79936
 (915) 598-1300
 email: Bob@Land-marksurvey.com
 "Serving Texas, New Mexico and Arizona"

Job No. 13-02-28937

Scale: 1" = 100'

Date: March 28, 2013



City of El Paso – City Plan Commission Staff Report

Case No: SUET13-00002 Loop 375 Easement Vacation
Application Type: Easement Vacation
CPC Hearing Date: May 1, 2013
Staff Planner: Raul Garcia, (95)541-4935, garciar1@elpasotexas.gov
Location: Loop 375 at I-10
Legal Description Acreage: 1.08 acres
Rep District: 6
Existing Use: Easement
Existing Zoning: C-4/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)
Proposed Zoning: C-4/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)

Parkland Fees Required: N/A
Impact Fee Area: This property is not in an Impact Fee Service Area and is not subject to impact fees.

Property Owner: TXDOT
Applicant: EPWU-PSB/City of El Paso
Representative: EPWU-PSB

SURROUNDING ZONING AND LAND USE:

North: C-4 (Commercial)/ Commercial Development

South: M-1/sc (Manufacturing/special contract) Manufacturing Development

East: C-4 (Commercial)/ Commercial Development

West: C-4 and C-3 (Commercial)/ Commercial Development and Vacant

THE PLAN FOR EL PASO DESIGNATION: G7 Industrial and/or Railyards, G3 Postwar

APPLICATION DESCRIPTION

The applicant is proposing to vacate two utility easements located within TXDOT property. The vacations are part of the requirements for the El Paso Water Utilities Master Utility Adjustment Agreement for Americas Interchange Project at Loop 375/IH-10.

Development Coordinating Committee

The Development Coordinating Committee recommends *pending* of the Loop 375 Easement Vacations subject to the following conditions and requirements:

City Development Department-Planning:

Approval.

City Development Department- Land Development

Pending.

El Paso Water Utilities

No objections.

Parks and Recreation Department

Pending.

Texas Gas Service

Pending.

El Paso Electric Company

Pending.

Sun Metro

Pending.

911 District

Pending.

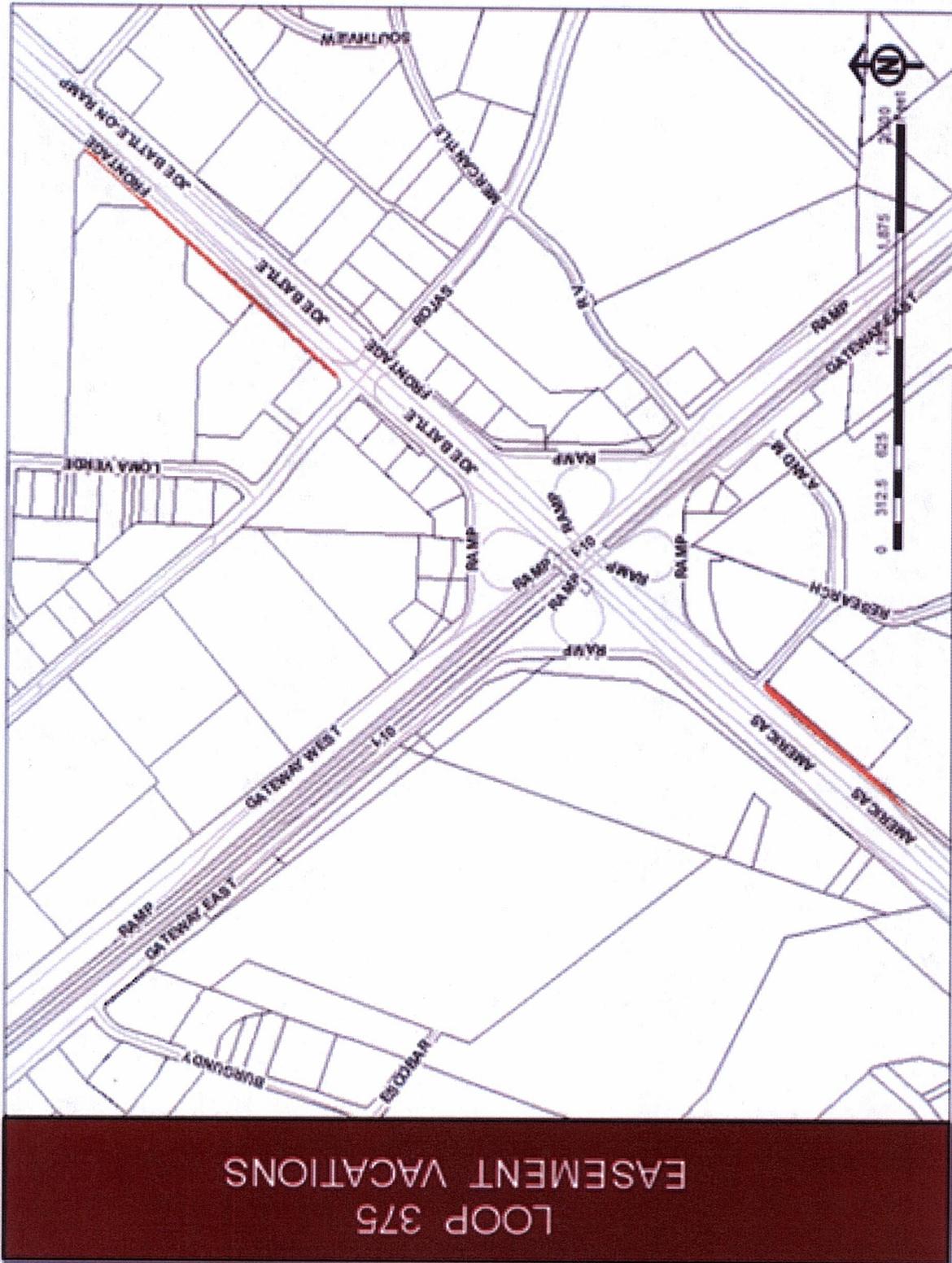
Fire Department

Pending.

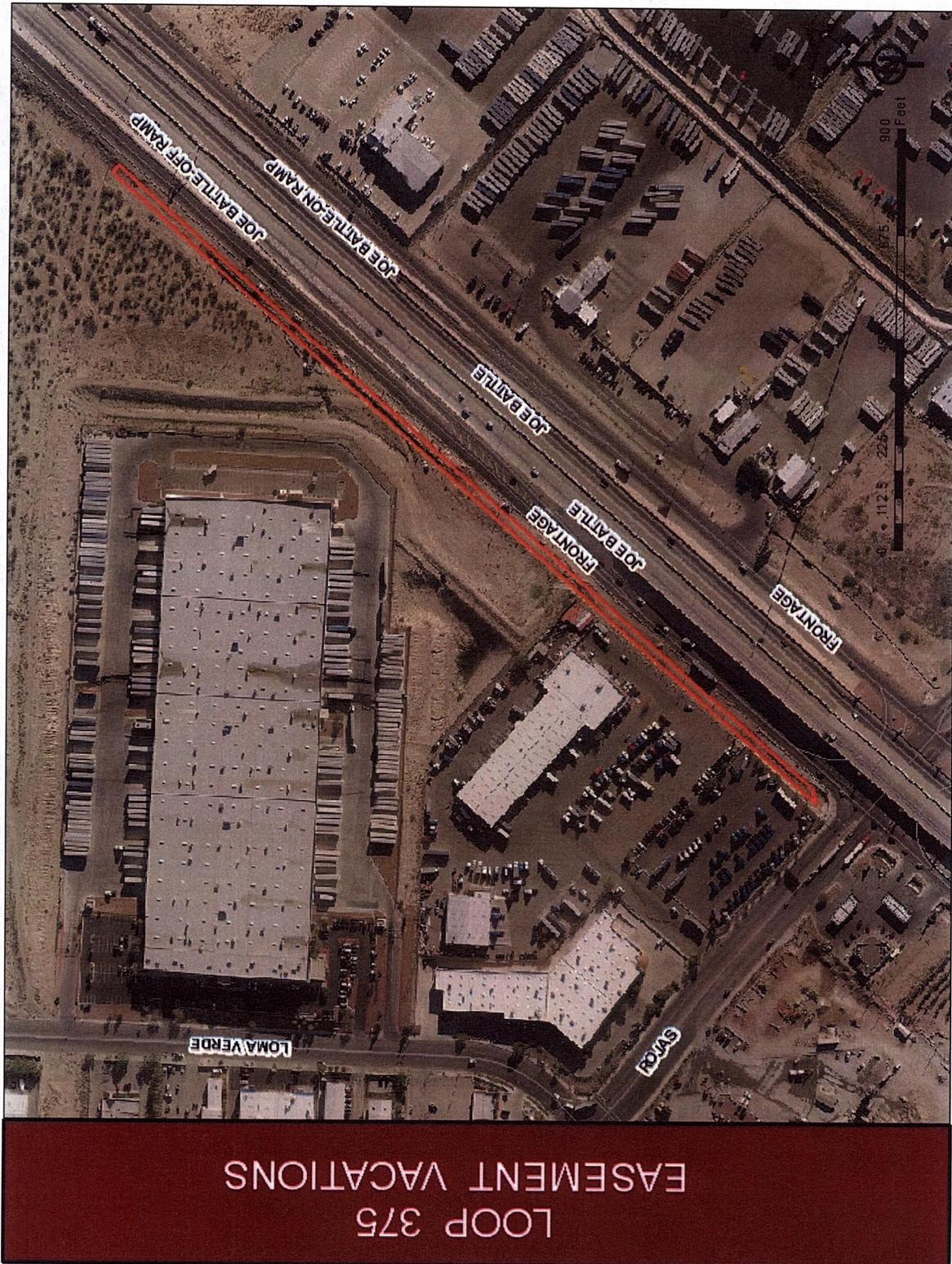
Attachments

1. Location map
2. Aerial 1
3. Aerial 2
4. Surveys
5. Application

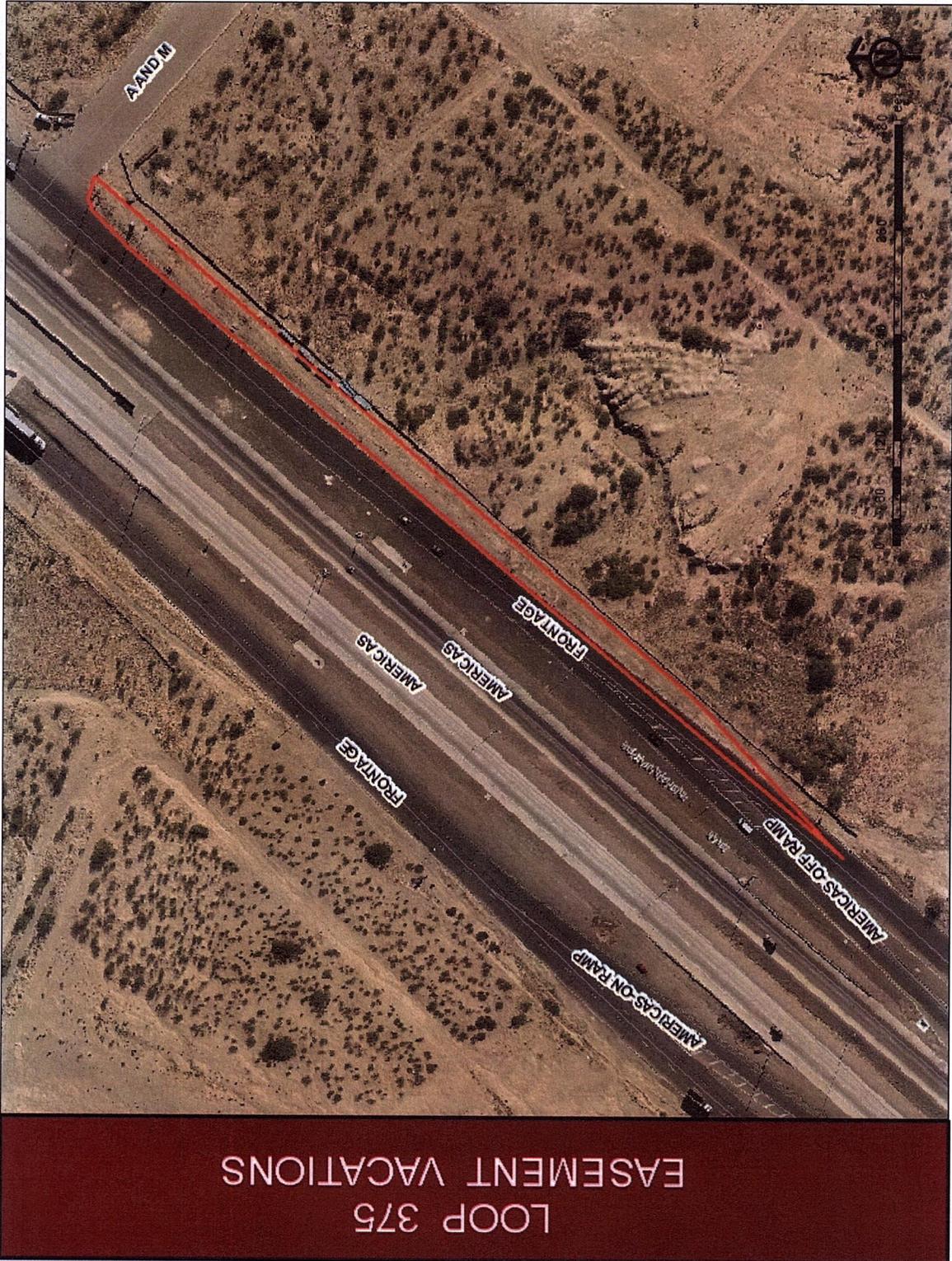
ATTACHMENT 1



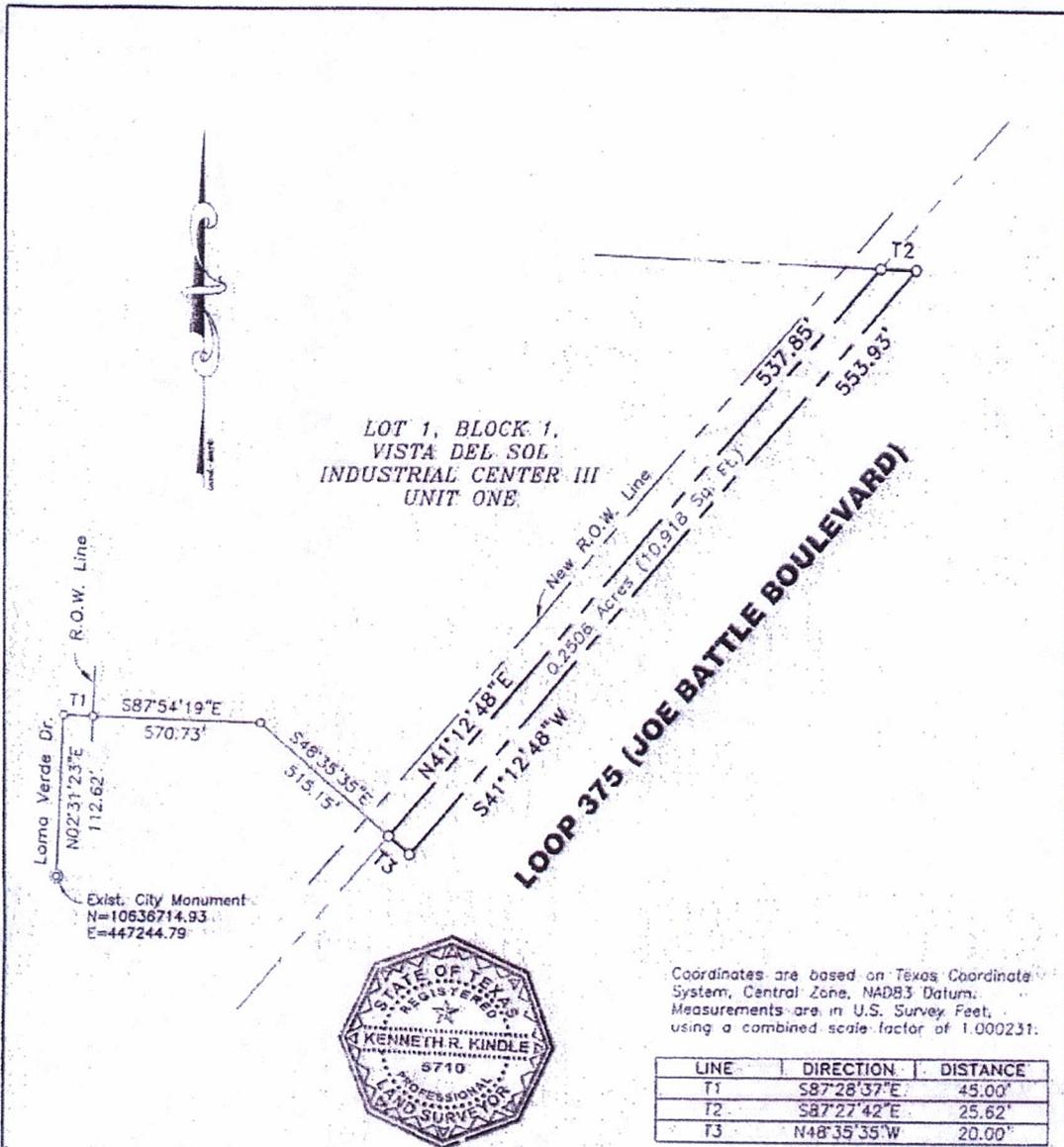
ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



LOT 1, BLOCK 1,
VISTA DEL SOL
INDUSTRIAL CENTER III
UNIT ONE

LOOP 375 (JOE BATTLE BOULEVARD)



Coordinates are based on Texas Coordinate System, Central Zone, NAD83 Datum. Measurements are in U.S. Survey Feet, using a combined scale factor of 1.000231.

LINE	DIRECTION	DISTANCE
T1	S87°28'37\"E	45.00'
T2	S87°27'42\"E	25.62'
T3	N48°35'35\"W	20.00'

I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey
PARCEL 6 PART 1
EXISTING 20' WIDE EASEMENT
AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.

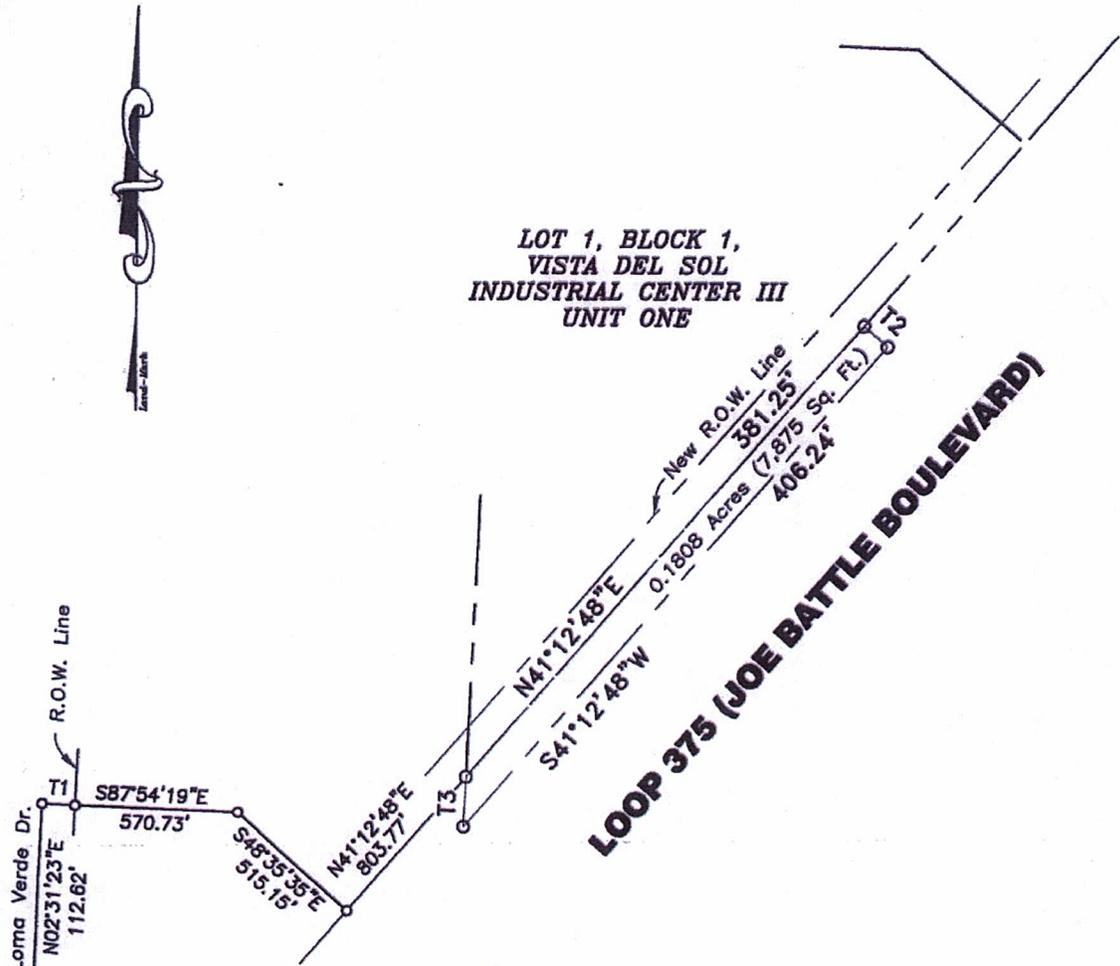
Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79935
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

Job No. 13-02-28937

Scale: 1" = 100'

Date: March 28, 2013

LOT 1, BLOCK 1,
VISTA DEL SOL
INDUSTRIAL CENTER III
UNIT ONE



LOOP 375 (JOE BATTLE BOULEVARD)

Exist. City Monument
N=10636714.93
E=447244.79



Coordinates are based on Texas Coordinate System, Central Zone, NAD83 Datum. Measurements are in U.S. Survey Feet, using a combined scale factor of 1.000231.

LINE	DIRECTION	DISTANCE
T1	S87°26'37\"E	45.00'
T2	S48°48'10\"E	20.00'
T3	N02°32'20\"E	32.01'

Revised 4-9-13

I hereby certify that the foregoing boundary survey was made by me or under my supervision.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

**PARCEL 6 PART 2
EXISTING 20' WIDE EASEMENT**

**AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.**

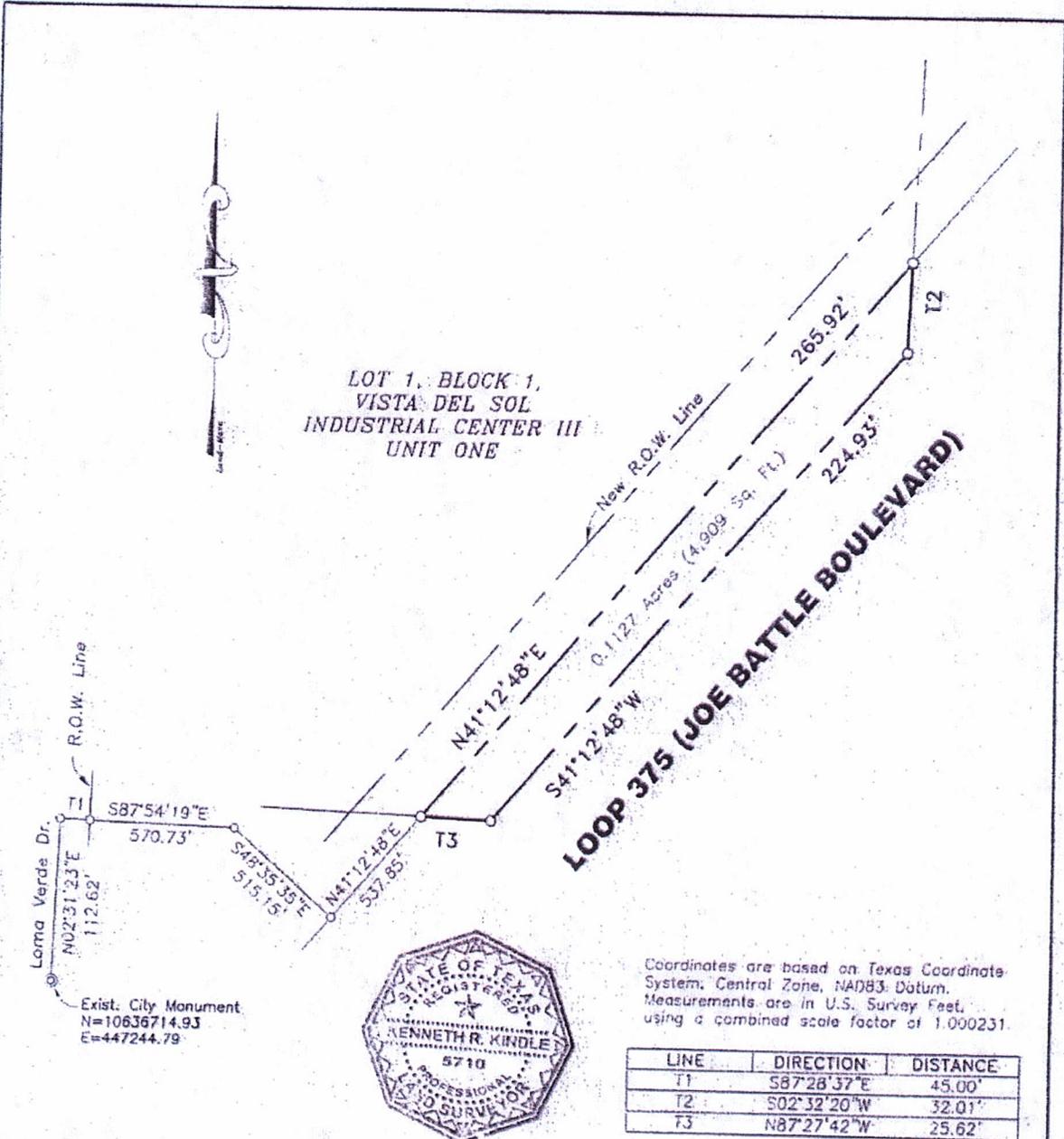


**Land-Mark Professional
Surveying, Inc.**
1420 Beesemer Drive, Suite 'A'
El Paso, Texas 79938
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico
and Arizona"

Job No. 13-02-28937

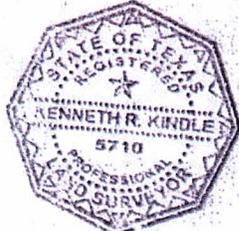
Scale: 1" = 100'

Date: March 28, 2013



LOT 1, BLOCK 1,
VISTA DEL SOL
INDUSTRIAL CENTER III
UNIT ONE

LOOP 375 (JOE BATTLE BOULEVARD)



Coordinates are based on Texas Coordinate System, Central Zone, NAD83 Datum. Measurements are in U.S. Survey Feet, using a combined scale factor of 1.000231.

LINE	DIRECTION	DISTANCE
T1	S87°28'37"E	45.00'
T2	S02°32'20"W	32.01'
T3	N87°27'42"W	25.62'

I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

PARCEL 7
EXISTING 20' WIDE EASEMENT
AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.

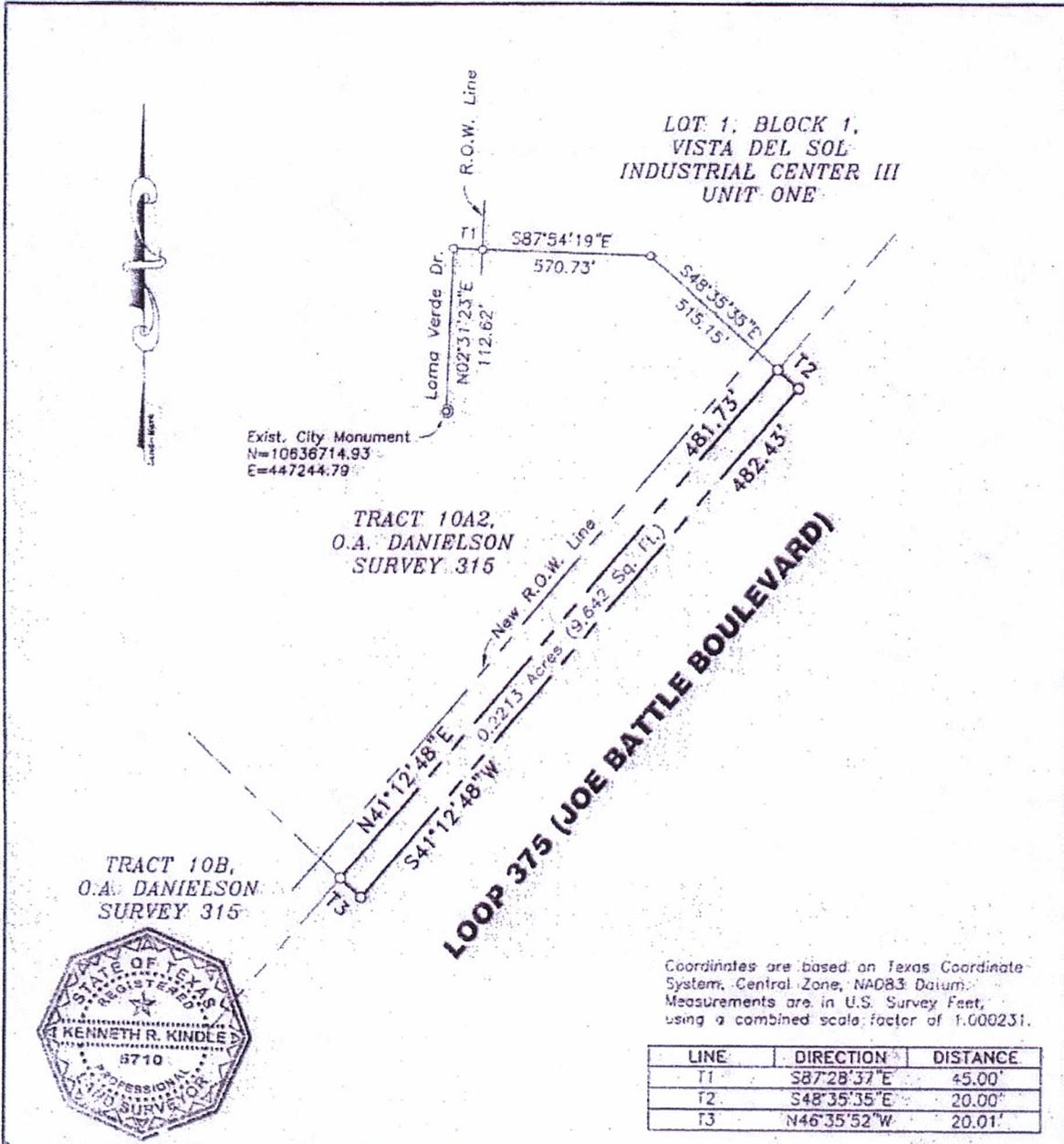


Land-Mark Professional
Surveying, Inc.
1420 Bessmer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico
and Arizona"

Job No. 13-02-28937

Scale: 1" = 50'

Date: March 28, 2013



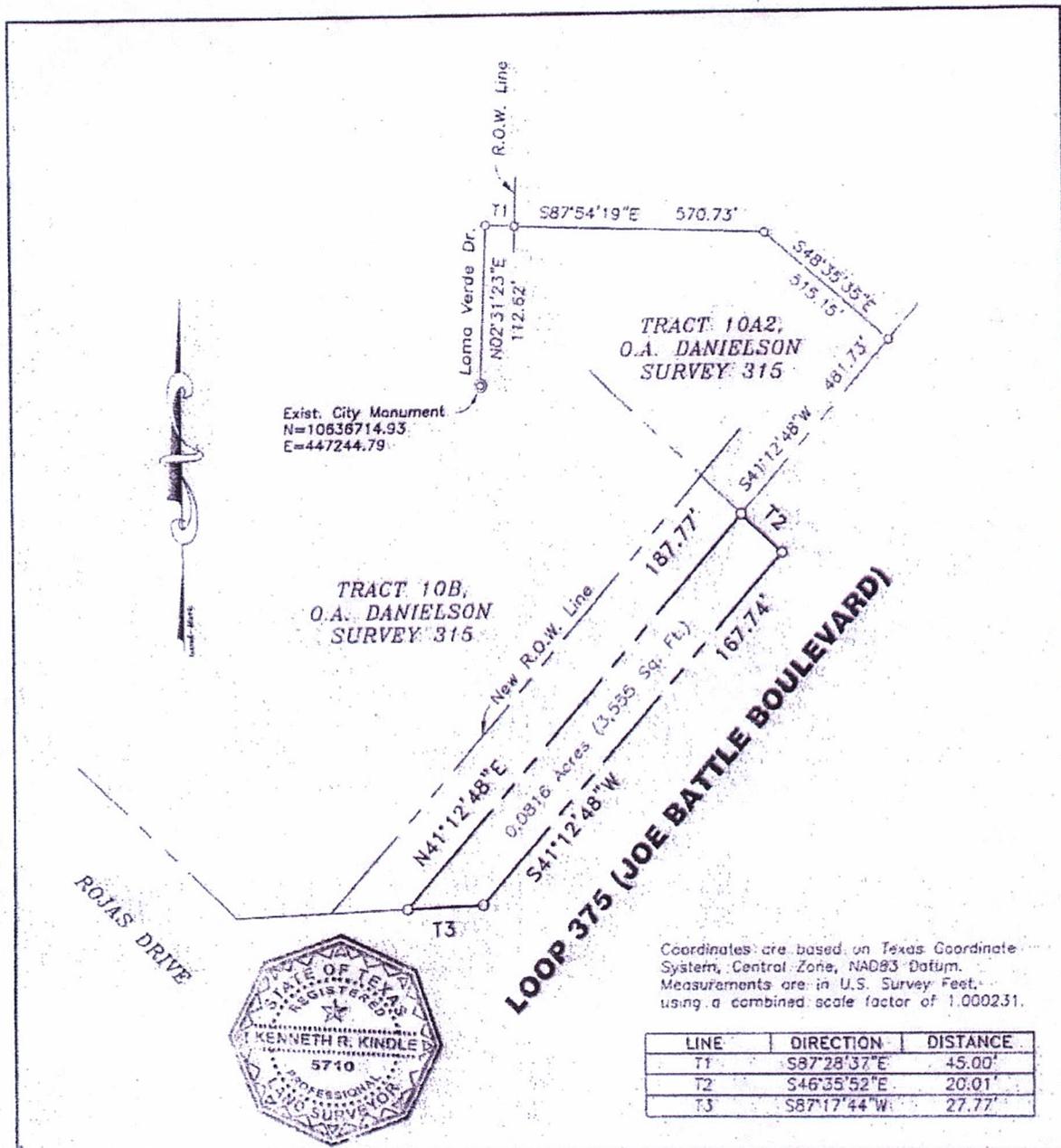
I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey
 PARCEL 2
 EXISTING 20' WIDE EASEMENT
 AN EXISTING 20.0 FEET WIDE
 PSB EASEMENT LOCATED WITHIN
 TXDOT RIGHT OF WAY LYING IN
 JOE BATTLE BOULEVARD,
 EL PASO COUNTY, TEXAS.

Land-Mark Professional Surveying, Inc.
 1420 Bessemer Drive, Suite 'A'
 El Paso, Texas 79936
 (915) 598-1300
 email: Bob@Land-marksurvey.com
 "Serving Texas, New Mexico and Arizona"

Job No. 13-02-28937 Scale: 1" = 100' Date: March 28, 2013



I hereby certify that the foregoing boundary and improvement survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas 5710

Plat of Survey

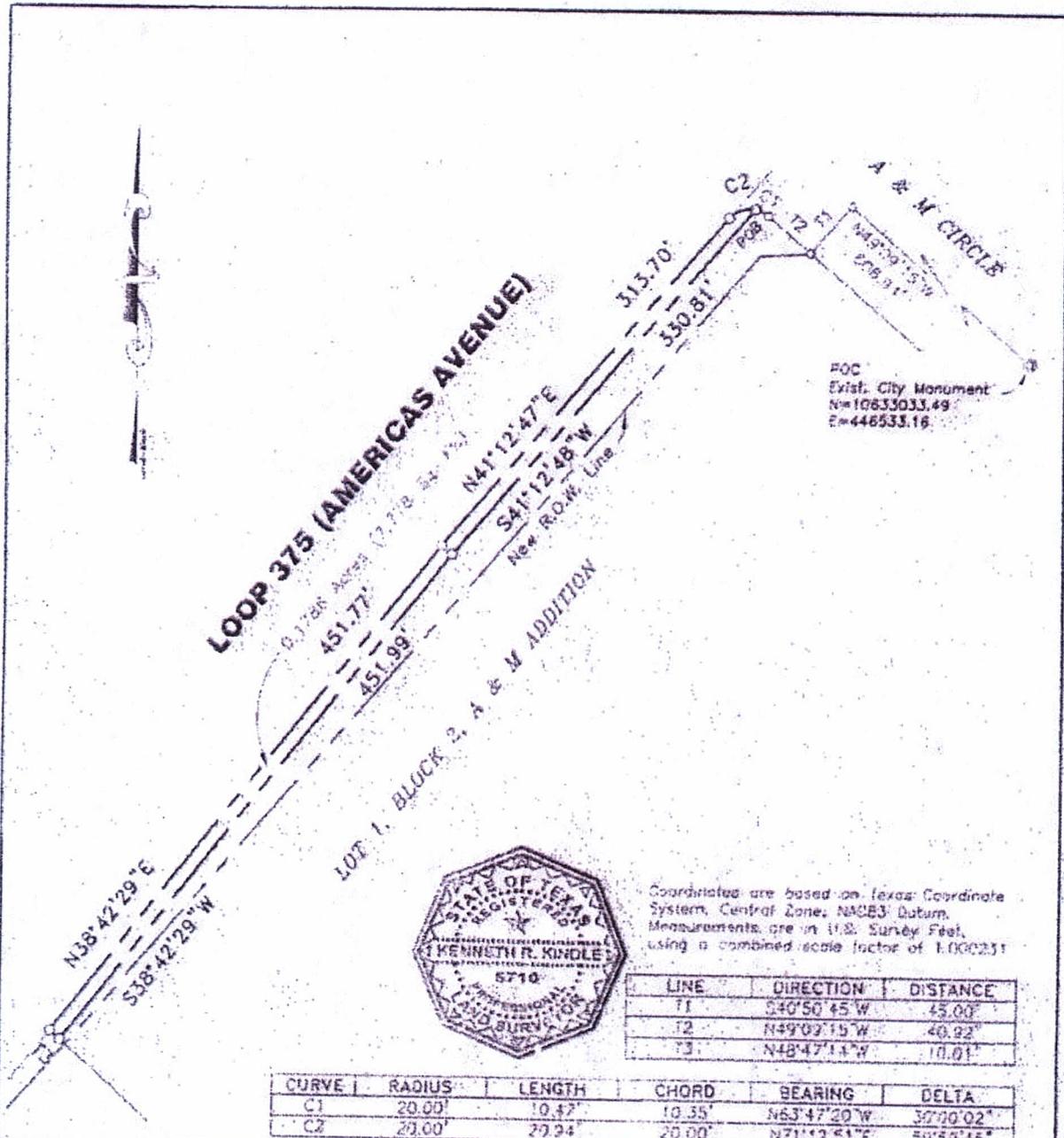
PARCEL 10
EXISTING 20' WIDE EASEMENT
AN EXISTING 20.0 FEET WIDE
PSB EASEMENT LOCATED WITHIN
TXDOT RIGHT OF WAY LYING IN
JOE BATTLE BOULEVARD,
EL PASO COUNTY, TEXAS.

Job No. 13-02-28937

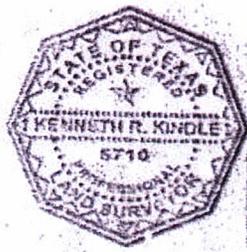
Land-Mark Professional Surveying, Inc.
1420 Gessner Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

Scale: 1" = 50'

Date: March 28, 2013



POC
 Exist. City Monument
 N=10653033.49
 E=446533.16



Coordinates are based on Texas Coordinate System, Central Zone, NAD83 Datum. Measurements are in (U.S.) Survey Feet, using a combined scale factor of 1.000231

LINE	DIRECTION	DISTANCE
T1	S40°50'45\"/>	
T2	N49°02'15\"/>	
T3	N48°47'14\"/>	

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	10.47'	10.35'	N63°47'20\"/>	
C2	20.00'	20.24'	20.00'	N71°12'51\"/>	

I hereby certify that the foregoing boundary survey was made by me or under my supervision.

Kenneth R. Kindle
 Kenneth R. Kindle, P.P.L.S.
 Texas 3710

Plat of Survey

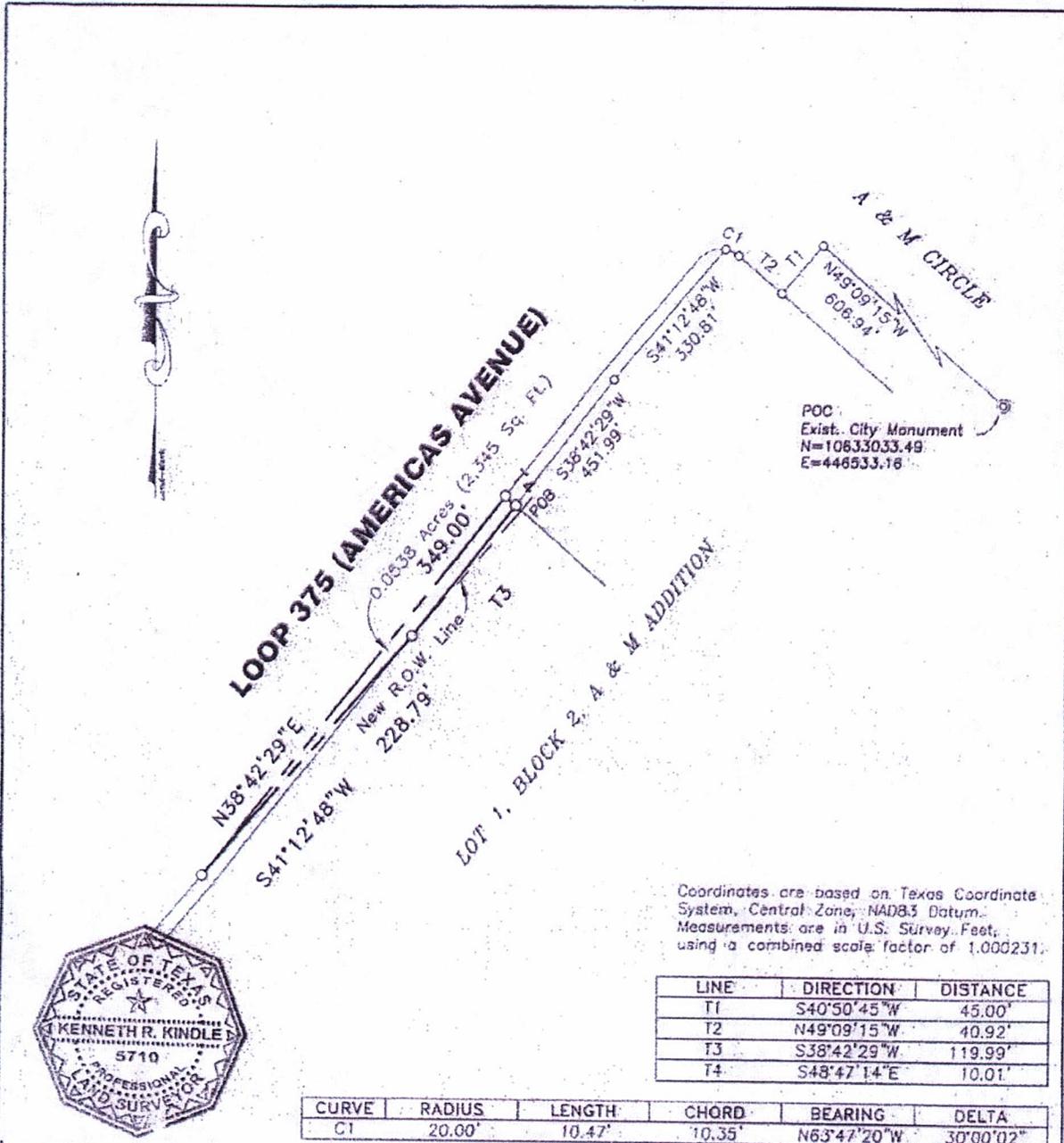
PARCEL 18
 EXISTING 10' WIDE EASEMENT
 A PORTION OF LOT 1, BLOCK 2,
 A & M ADDITION,
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS.

Land-Mark Professional Surveying, Inc.
 1420 Hussinger Drive, Suite A
 El Paso, Texas 79938
 (915) 598-1300
 email: Bob@Land-MarkSurvey.com
 "Serving Texas, New Mexico and Arizona"

Job No. 15-02-28937

Scale: 1" = 100'

Date: March 28, 2013



LINE	DIRECTION	DISTANCE
T1	S40°50'45"W	45.00'
T2	N49°09'15"W	40.92'
T3	S38°42'29"W	119.99'
T4	S48°47'14"E	10.01'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	10.47'	10.35'	N63°47'20"W	30°00'02"

I hereby certify that the foregoing boundary survey was made by me or under my supervision.

Kenneth R. Kindie
Kenneth R. Kindie, R.P.L.S.
Texas 5710

Plat of Survey

PARCEL 19
PORTION OF AN EXISTING
10' WIDE EASEMENT
A PORTION OF LOT 1, BLOCK 2,
A & M ADDITION,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.



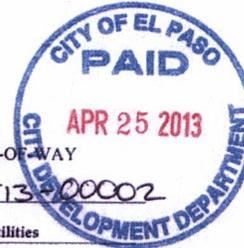
Land-Mark Professional
Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: Bob@Land-marksurvey.com
"Serving Texas, New Mexico
and Arizona"

Job No. 13-02-28937

Scale: 1" = 100'

Date: March 28, 2013

ATTACHMENT 5



CITY OF EL PASO, TEXAS
APPLICATION FOR VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY

Date: April 10, 2013 File No. SUET13-00002

1. APPLICANTS NAME Americas Gateway Builders on behalf of TxDOT and El Paso Water Utilities
ADDRESS 12905 Gateway Boulevard West ZIP CODE 79928 TELEPHONE (210) 871-2700
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) See Attached Subdivision Name See Attached
Abutting Blocks See Attached Abutting Lots See Attached
3. Reason for vacation request: Requirements for El Paso Water Utilities under Master Utility Adjustment Agreement for Americas Interchange Project at Loop 375/IH 10
4. Surface Improvements located in subject property to be vacated: See Attached Metes and Bounds Descriptions
None Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other
5. Underground Improvements located in the existing rights-of-way: See Attached Metes and Bounds Descriptions
None Telephone Electric Gas Water Sewer Storm Drain Other
6. Future use of the vacated right-of-way: See Attached Metes and Bounds Descriptions
Yards Parking Expand Building Area Replat with abutting Land Other
7. Related Applications which are pending (give name or file number): See Attached Metes and Bounds Descriptions
Zoning Board of Adjustment Subdivision Building Permits Other
8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
_____	<u>See Attached Metes and Bounds Descriptions</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

CASHIER'S VALIDATION
FEE: \$966.00

OWNER SIGNATURE: _____
REPRESENTATIVE: [Signature]

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



MEMORANDUM

DATE: May 7, 2013
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: SUET3-00002

The City Plan Commission (CPC), on May 16, 2013 will vote to approve, approve with condition or deny the Loop 375 Easement Vacation.

The CPC will determine if the vacation is in conformance with The Plan for El Paso and if the proposed use is in conformance with Plan El Paso. The CPC will also determine if the vacation protects the best interest, health, safety and welfare of the public in general; and if the proposed use is compatible with adjacent land uses; and if the vacation will have no negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



City Development Department
P.O. BOX 1890
EL PASO, TEXAS 79950-1890
Phone (915) 541-4622 • Fax (915) 541-4799