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

DEPARTMENT: **Engineering**

AGENDA DATE: **Introduction May 24, 2011**
Public Hearing May 31, 2011

CONTACT PERSON NAME AND PHONE NUMBER: R. Alan Shubert, City Engineer, (915) 541-4423

DISTRICT(S) AFFECTED: N/A

SUBJECT:
An Ordinance authorizing the City of El Paso to sell approximately 2,420 square feet, situated in Block 4, of the Socorro Grant, El Paso County, Texas and being a portion of Lot 6 and Lot 7, Block 1, Delop Subdivision, El Paso County, Texas (Parcel 19), to the State of Texas, acting by and through the Texas Department of Transportation, said parcel to be included in a highway construction project for FM Highway 76.

BACKGROUND / DISCUSSION:
Section 272.001 of the Texas Local Government Code provides that a political subdivision of the state may convey real property interest to a government entity that has the power of eminent domain without the statutory required notice and bidding requirements. TxDot requires a portion of the City owned parcel, approximately 2,420 square feet, to widen North Loop. The sale price is the appraised value of $48,407.00. The appraisal was done by Martha Gayle Reid, and TxDot will be responsible for closing costs.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

CARE recommends approval

**********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 OF EL PASO TO SELL APPROXIMATELY 2,420 SQUARE FEET, SITUATED IN BLOCK 4, OF THE SOCORRO GRANT, EL PASO COUNTY, TEXAS AND BEING A PORTION OF LOT 6 AND LOT 7, BLOCK 1, DELIP SUBDIVISION, EL PASO COUNTY, TEXAS (PARCEL 19), TO THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, SAID PARCEL TO BE INCLUDED IN A HIGHWAY CONSTRUCTION PROJECT FOR FM HIGHWAY 76.

WHEREAS, the Texas Transportation Commission has been authorized under the Texas Transportation Code Chapters 203, 224, and 361 to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary and convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any other purpose related to the location, construction improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project, and including the acquisition of such other property rights deemed necessary for the purposes of operating a designated state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled access facilities, as well as facilitating the construction, maintenance and operation of designated controlled access highways and turnpike projects; and

WHEREAS, the Texas Department of Transportation (TxDOT) has requested that the City of El Paso convey approximately 2,420 square feet, situated in Block 4, of the Socorro Grant, El Paso County, Texas and being a portion of Lot 6 and Lot 7, Block 1, Delip Subdivision, El Paso County Texas (Parcel 19), to the State of Texas, acting by and through the Texas Department of Transportation, said parcel to be included in a Highway Construction Project for FM Highway 76; and

WHEREAS, TxDOT has offered the City of El Paso Forty Eight Thousand Four Hundred Seven and no/100 Dollars ($48,407.00), for the purchase of the identified parcel, which is the appraised value; and

WHEREAS, the City of El Paso staff has recommended that the identified property, including the improvements thereon, be sold to the State of Texas for use in Highway Construction Project for FM Highway 76; and

WHEREAS, the State of Texas is a governmental entity that has the power of eminent domain; and

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision of the state may convey real property interest to a governmental entity that has the power of eminent domain without the statutory required notice and bidding requirements; and,

WHEREAS, the El Paso City Council finds that it is in the public interest to convey the identified 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 is hereby authorized to sign the Acceptance of Proposal and any other necessary documents, in a form approved by the City Attorney's Office, conveying to the State of Texas, acting through its Texas Department of Transportation, the following identified real property, including the improvements thereon said parcel, to be included in a Highway Construction Project for FM Highway 76:

Parcel 19--Approximately 2,420 square feet, situated in Block 4, of the Socorro Grant, El Paso County, Texas and a being portion of Lot 6 and Lot 7, Block 1, Delip Subdivision, El Paso County Texas, and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

PASSED AND APPROVED THIS _____ day of _____, 2011.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E.
City Engineer

EXHIBIT_____Page_____of_____Pages

Highway: FM Highway 76
Limits: From 0.3 Miles West of El Paso/Socorro City Limits
To 0.28 Miles East of FM 1281 (Horizon Blvd.)
County: El Paso
Account No.: 8024-01-025
ROW CSJ: 0674-01-058 (Phase VII)
Owner: City of El Paso

Property Description for
Parcel 19

Being 0.0556 of one acre (2,420 square feet) parcel of land, situated in Block 4 of the Socorro Grant, El Paso County, Texas, and being part of and out of Lot 6 and Lot 7, Block 1, Delip Subdivision as recorded in Volume 17, Page 8 of the Plat Records of El Paso County, Texas (P.R.E.P.C.T.), being a called 0.517 acre tract as conveyed to the City of El Paso, as filed on August 24, 1965 and recorded in Volume 86, Page 1420 of the Deed Records of El Paso County, Texas (D.R.E.P.C.T.). Said 0.0556 of one acre (2,420 square feet) of land, being more particularly described by metes and bounds as follows with all bearings and coordinates referenced to the Texas State Plane Coordinate System, Central Zone, North American Datum 1983 (1993 Adjustment). Said coordinates are surface in U.S. survey feet and may be converted to grid values by multiplying by a combined scale factor of 0.999777496.

COMMENCING for a point of reference at a 1/2-inch iron rod with plastic cap stamped 'SURVCON INC.' set for the eastern most corner of Lot 5, Block 1, as conveyed to Saul A. Marin, et ux and recorded in Volume 497, Page 576 of the D.R.E.P.C.T. and the northern most corner of Lot 4, Block 1, of said Delip Subdivision as conveyed to Dona Ryan and Winona Dale Koenig, as recorded in Volume 2895, Page 1888 and Volume 2895, Page 1902 of the Official Public Records of El Paso County, Texas (O.P.R.E.P.C.T.) and being in the existing southwesterly right of way line of Burma Place (60 feet wide) as shown on the plat of said Delip Subdivision; thence as follows:

South 44°40'35" West, along the southerly line of said Lot 5 and the northerly line of said Lot 4, a distance of 97.26 feet to a 1/2-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set at 60.00 feet left of and perpendicular to Farm to Market Road 76 (FM 76) Baseline Station 52+18.64 and being in the proposed northeasterly right of way line of FM 76;

Exhibit A

EXHIBIT_____Page_____of_____Pages

North 39°28'04" West, along said proposed northeasterly right of way line of FM 76, a distance of 91.43 feet to a 1/2-inch iron rod with TxDOT aluminum cap set at 60.00 feet left of and perpendicular to FM 76 Baseline Station 51+27.21 and being in the southerly line of said Lot 6, and the northerly line of said Lot 5 for the **POINT OF BEGINNING**, having surface coordinates of X=446,238.38 and Y=10,623,987.89;

(1) **THENCE** South 69°30'50" West, along the line common to said Lot 5 and said Lot 6, a distance of 15.86 feet to a 1/2-inch iron rod with plastic cap stamped 'SURVCON INC.' set for the northwest corner of said Lot 5 and the southwest corner of said Lot 6 and being in the existing northeasterly right of way line of FM 76 (North Loop Road) (105 feet wide) as established by the TxDOT Right of Way map for SH 76, identified with a Control Section Job Number of 674-1-5 and dated January 1949 and the Bagge Estates, recorded in Volume 34, Page 28 P.R.E.P.C.T. and the plat of said Delip Subdivision;

(2) **THENCE** North 39°28'04" West, along said existing northeasterly right of way line of FM 76, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped 'SURVCON INC.' set for the northwest corner of said Lot 6 and being in the existing southerly right of way line of Old Hueco Tanks Road (60 feet wide) as shown on the plat of said Delip Subdivision;

(3) **THENCE** North 44°01'56" East, along said existing southerly right of way line of Old Hueco Tanks Road , a distance of 60.41 feet to a 1/2-inch iron rod with TxDOT aluminum cap set [to be replaced with TxDOT Type II monument [4-inch bronze disk set in concrete] after acquisition is complete] at 105.02 feet left of and perpendicular to FM 76 Baseline Station 50+00.21 and being in the proposed northeasterly right of way line of FM 76;

(4) **THENCE** South 13°42'06" West, along said proposed northeasterly right of way line of FM 76, a distance of 56.25 feet to a 1/2-inch iron rod with TxDOT aluminum cap set [to be replaced with TxDOT Type II monument [4-inch bronze disk set in concrete] after acquisition is complete] at 60.00 feet left of and perpendicular to FM 76 Baseline Station 50+33.93;

(5) **THENCE** South 39°28'04" East, continuing along said proposed northeasterly right of way line of FM 76, a distance of 93.28 feet to the **POINT OF BEGINNING** and containing a computed area of 0.0556 of one acre (2,420 square feet) of land, more or less.

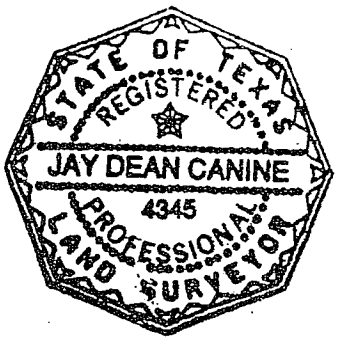
EXHIBIT_____Page_____of_____Pages

This Metes and Bounds description is accompanied by a separate plat of the same date. The proposed baseline information recited herein is based on a design schematic drawing provided by TxDOT El Paso.

I, Jay Dean Canine, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

8/27/08

Jay Dean Canine Date
Registered Professional Land Surveyor
No. 4345



SURVCON INC.
5757 Woodway, Suite 101 West
Houston, Texas 77057
(713) 780-4123
August, 2008

Exhibit A
3 of 3

NOTES:

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983 (1993 ADJUSTMENT) ALL COORDINATES AND DISTANCES ARE SURFACE AND MAY BE CONVERTED TO GRID VALUES BY MULTIPLYING BY THE COMBINED SCALE FACTOR 0.999777496.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE AND MAY NOT INCLUDE EASEMENTS AND INFORMATION PERTAINING TO THESE TRACTS. RECORD INFORMATION SHOWN ON THIS MAP IS BASED ON PUBLIC RECORD INFORMATION.
3. THE BASELINE SHOWN HEREON IS PER A DESIGN SCHEMATIC FILE PROVIDED BY TXDOT EL PASO.
4. ALL BEARINGS AND DISTANCES AROUND WHOLE PROPERTY INSETS ARE BASED ON DEED RECORD INFORMATION AND ROTATED TO MATCH PROPOSED R.O.W. LINE
5. D.E. INDICATES DRAINAGE EASEMENT
6. P.U.E. INDICATES PUBLIC UTILITY EASEMENT
7. O.P.R.E.P.C.T. INDICATES OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS
8. D.R.E.P.C.T. INDICATES DEED RECORDS OF EL PASO COUNTY, TEXAS
9. P.R.E.P.C.T. INDICATES PLAT RECORDS OF EL PASO COUNTY, TEXAS
10. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
11. PER TEXAS STATE HIGHWAY DEPARTMENT R.O.W. MAP S.H. 76, CSJ 674-1-5, DATED JANUARY 1949.
12. SUPPLEMENTAL MAP, 0-5 & 0-6, SOCORRO GRANT. BLOCKS 5&6, SEPTEMBER 1927.

LEGAL: PART OF LOT 6 & 7, BLOCK 1
DELIP SUBDIVISION

WHOLE: - 0.517
22,521 SQ. FT.

REQUIRED: - 0.0556
2,420 SQ. FT.

REMAINING: - 0.4614
20,101 SQ. FT.

STATE OF TEXAS
REGISTERED
JAY DEAN CANINE
4345
PROFESSIONAL
LAND SURVEYOR

8/27/08

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT OF SURVEY SHOWS THE FACTS FOUND AT THE TIME OF SAID SURVEY.

JAY DEAN CANINE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4345

SURVCON INC.
PROFESSIONAL SURVEYORS
5757 WOODWAY
HOUSTON, TEXAS 77057
PH. (713) 780-4123

Texas Department of Transportation
EL PASO DISTRICT

Rev.	Description	Date	By
1	REVISED PARCEL TAKE	08/08	SURVCON

RIGHT-OF-WAY ACQUISITION
OVER LANDS NOW OR LATE OF
CITY OF EL PASO

SITUATED IN: CITY OF SOCORRO EL PASO COUNTY, TEXAS

ROW CSJ: 0674-01-058
Parcel: P-19
FB ____ Pg. ____
Date January 2002
Drawn By DT/MS Checked CGC/WJM
Sheet 1 of 1

NORTH LOOP
OLD HUECO TANKS
BURMA
MANRI
DELHI
STEDHAM
OSLO
STEDHAM