

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

**DEPARTMENT:** International Bridges  
**AGENDA DATE:** June 5, 2012  
**CONTACT PERSON/PHONE:** Said Larbi-Cherif, P.E., Director, 915-533-7428  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

That the Mayor be authorized to sign an extension to Lease Agreement GS-07B(S)-1674 between the City of El Paso and the United States of America to extend the Stanton toll booth facilities ground lease for an additional forty nine years until the January 1, 2061 in exchange for the City entering into a second agreement to quitclaim certain portions of right-of-way around the Armendariz Federal Courthouse, to reserve certain parking spaces around the Old Federal Courthouse, the Armendariz Federal Courthouse and the R.C. White Federal Building, and to accept the improvements (resurfacing) completed on Myrtle Avenue. Additionally, that the Mayor be authorized to sign the second agreement.

**BACKGROUND / DISCUSSION:**

During the construction of the Armendariz Federal Courthouse, GSA encroached onto the sidewalks on Magoffin and Myrtle with security barriers and bollards and performed some resurfacing on Myrtle. GSA has also asked that the City restricts on-street parking around the Armendariz and the old Federal courthouse and R C White building to only certain Federal employees and loading uses for security reasons. The City also desired to enter into a long term lease agreement with GSA for the Stanton Toll Facility. This agreement will allow the City and the Federal government to resolve the encroachments and right-of-way improvement issues around the Federal Building, to enhance security around the federal buildings by restricting on-street parking and loading to certain federal employees and loading uses and to provide the City with a 49-year lease for the Stanton Toll Facility. The Department of Transportation, Engineering and Construction, International Bridges, Development, the DCM for Mobility and Legal worked cooperatively to complete this complex transaction.

**PRIOR COUNCIL ACTION:**

- On December 6, 2011, City Council approved the Loading Zones, Parking and Special Issues Final Report.
- A 15-year lease extension was executed on January 26<sup>th</sup>, 1999.

**AMOUNT AND SOURCE OF FUNDING:**

Source of Funding: N/A

This Transaction will allow the City to continue to generate revenue at the Stanton Toll Facility through a long-term lease. In 2011, the Toll Facility collected over \$3,300,000 in tolls from vehicles and pedestrians while the annual estimated revenue loss from parking meters is of the order of \$55,000.

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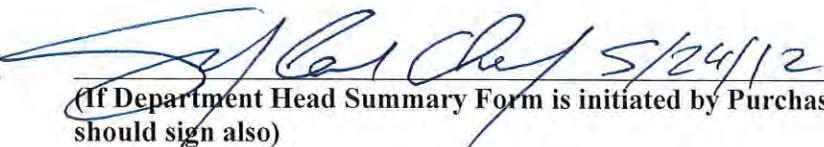
**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

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\*\*\*\*\*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*

RESOLUTION

That the Mayor be authorized to sign an extension to Lease Agreement GS-07B(S)-1674 between the City of El Paso and the United States of America to extend the Stanton toll booth facilities ground lease for an additional forty nine years until the January 1, 2061 in exchange for the City entering into a second agreement to quitclaim certain portions of right-of-way around the Armendariz Federal Courthouse, to reserve certain parking spaces around the Old Federal Courthouse, the Armendariz Federal Courthouse and the R.C. White Federal Building, and to accept the improvements (resurfacing) completed on Myrtle Avenue. Additionally, that the Mayor be authorized to sign the second agreement.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2012.

**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:

\_\_\_\_\_  
Said Larbi-Cherif, P.E.  
International Bridges Director

APPROVED AS TO CONTENT

*RAS*  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Jane Shang, Deputy City Manager  
for Mobility Services



STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

AGREEMENT BETWEEN THE  
CITY OF EL PASO AND THE  
UNITED STATES OF AMERICA

WHEREAS, the United States of America, acting through its General Services Administration, and the City of El Paso, a municipal corporation operating in the State of Texas, County of El Paso, and whose address is 2 Civic Center Plaza, El Paso, Texas, 79901, have mutual interests and benefits in certain uses of toll facilities located at the Stanton Bridge and the new Federal Courthouse located at 600 Magoffin Avenue; and,

WHEREAS, the construction of the new Federal Courthouse resulted in certain encroachments into the right of way of Magoffin, Myrtle and San Antonio streets; and,

WHEREAS, during the construction of the new Federal Courthouse, the United States Government repaved a portion of Myrtle Street, however, the improvements were never officially accepted by the City and were not completed in accordance with city standards; and,

WHEREAS, in order to more efficiently operate the United States Federal Courthouse, the United States Government needs to reserve parking in and around its facilities for federal government service employees; and

WHEREAS, the City of El Paso desires that the United States of America extend the current lease GS-07B(S)-1674 for the land in which the Stanton Street toll facilities are located; and,

WHEREAS, the United States of America is willing to extend the current lease in consideration for the reservation of parking spaces around the Old Federal Courthouse, the Armendariz Federal Courthouse and the R.C. White Federal Building, the conveyance of right of way containing the encroachments, and the acceptance by the City of additional improvements constructed by the United States Government in and around the new Courthouse.

NOW, THEREFORE KNOW ALL BY THESE PRESENTS, that the United States of America, acting by and through the Administrator of General Services (hereinafter sometimes called "Grantor"), under and pursuant to the authority contained in the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended (40 U.S.C. 101, et seq.), and rules, orders and regulations issued pursuant thereto, the Act of October 23, 1962, (76 Stat. 1129, 40 U.S.C. 1314) and the Public Buildings Cooperative Use Act (40 U.S.C. 3306), and the City of El Paso consideration of the mutual covenants and agreements herein contained and in the recitals set forth hereinabove, the parties hereto agree as follows:

1. The United States of America agrees to extend the Lease Agreement GS-07B(S)-1674 between the City of El Paso and the United States of

America through January 01, 2061. The terms of Lease Agreement GS-07B(S)-1674 shall remain the same with the city paying no additional rent. The lease extension is attached hereto and incorporated herein for all purposes as Exhibit "A".

2. In consideration for the extension to Lease Agreement GS-07B(s)-1674, the City of El Paso agrees to do the following:

a. Reserve street parking spaces, as reflected in **Exhibit "B"** attached hereto and incorporated herein for all purposes, for the use of federal government service employees through January 01, 2057 at no cost to the Government, provided, however, that should the United States of America terminate said Lease Agreement GS-07B(S)-1674 prior to January 01, 2061, under the existing terms of the Lease Agreement, then the City shall have the right to remove all reserved parking spaces as shown in Exhibit B. The City of El Paso will pay the costs of any signage required to reserve the parking spaces and will coordinate with the City of El Paso Department of Transportation for placement of such signs.

b. Vacate right of way along East San Antonio Street, Magoffin Avenue and Myrtle Street and quitclaim the vacated portions to the United States of America, provided, however, that should the United States of America terminate said Lease Agreement GS-07B(S)-1674 prior to January 01, 2061, under the existing terms of the Lease Agreement, then the land quitclaimed under this Agreement shall revert back to the City and the City shall have the right to remove the reserved parking and any other encroachments on the Property. The Quitclaim Deeds are attached hereto and incorporated herein for all purposes as Exhibit "C", Exhibit "D" and Exhibit "E". The portions to be vacated and quitclaimed are as follows:

(1) Parcel 1 - **A 0.166 ACRES (7,233 SQUARE FEET) OF LAND OUT OF MAGOFFIN AVENUE, CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS)** and being more particularly described by the metes and bounds described in **Exhibit "C"** attached hereto and incorporated herein for all purposes.

(2) Parcel 2 **A 0.217 ACRES (9,439 S.F.) OF LAND OUT OF MYRTLE AVENUE, CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS)** and being more particularly described by the metes and bounds described in **Exhibit "D"** attached hereto and incorporated herein for all purposes.

(3) Parcel 3 **A 0.068 ACRES (2,987 SQUARE FEET) OF LAND OUT OF EAST SAN ANTONIO STREET, CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS)** and being more particularly described by the metes and bounds described in **Exhibit "E"** attached hereto and incorporated herein for all purposes.

c. Accept for maintenance the improvements (resurfacing) completed on Myrtle Street. It is understood by the parties that the resurfacing was not completed in accordance with the City of El Paso standards; however, the City of El Paso has inspected the improvements and has determined that there are no issues related to the proper drainage of the street. The City agrees that the United States of America shall have no liability or responsibility related to the resurfacing of Myrtle Street.

4. Within thirty days following the execution and approval of this Agreement by the City and the United States of America, the parties will conduct a closing and deliver to the other, original, fully executed and acknowledged documents contemplated by this Agreement. The closing will be conducted at the time and place mutually agreed upon.

5. Wherever any notice is required or permitted hereunder such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States Mail, postage prepaid, Certified Mail, Return Receipt Requested, addressed to:

City: City Manager  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

United States: William Neil Landers  
Realty Contracting Officer  
of America General Services Administration  
819 Taylor Street, 11<sup>th</sup> Floor  
Fort Worth, Texas 76102

6. This Agreement may not be modified or amended except upon mutual consent by all parties in writing signed by the parties.

7. All signatories to this Agreement warrant their authority to execute this document.

8. This Agreement constitutes and expresses the entire agreement between the parties and shall not be amended or modified, except by written instruction signed by all parties.

9. For the purpose of determining the place of Agreement and the law governing the same, this Agreement is entered into in the City and County of El Paso, State of Texas, and shall be governed by the laws of the State of Texas and the United States of America.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals and have caused this instrument to be executed by their duly authorized officials on this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

The United States of America  
General Services Administration

By: \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

THE CITY OF EL PASO

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

ATTEST:

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

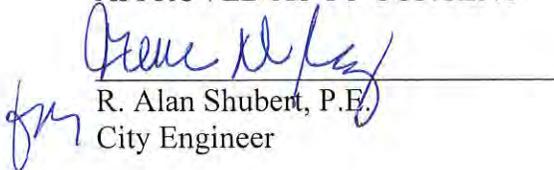
APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Said Larbi-Cherif, P.E.  
International Bridges Director

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

List of Exhibits:

- Exhibit "A" Lease Extension for GS-07B(S)-1674
- Exhibit "B" Reserved Federal Parking Spaces
- Exhibit "C" Ordinance and Quitclaim Deed – Parcel 1, Magoffin
- Exhibit "D" Ordinance and Quitclaim Deed – Parcel 2, Myrtle
- Exhibit "E" Ordinance and Quitclaim Deed – Parcel 3, San Antonio

EXHIBIT A  
Supplemental Lease Agreement



EXHIBIT B  
Reserved Federal Parking Spaces

# EXHIBIT "B" FEDERAL BUILDINGS PARKING

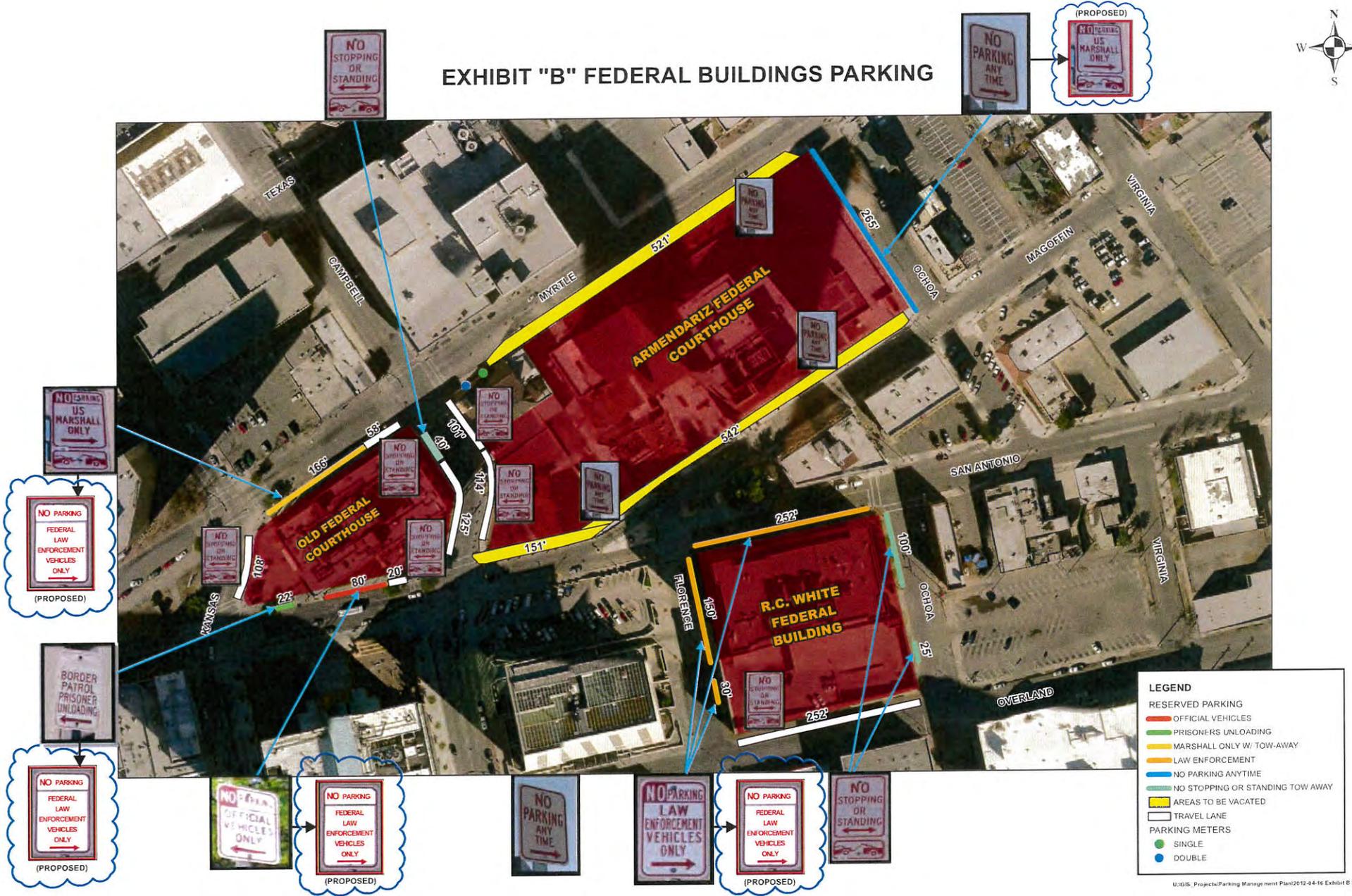


Exhibit "C"  
Ordinance and Quitclaim Deed – Parcel 1 (Magoffin)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING A 0.166 ACRE PARCEL (7,233 SF) WITHIN 70' WIDE RIGHT-OF-WAY OF MAGOFFIN AVENUE, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a parcel of land being a 0.166 acre parcel within 70' wide Right-Of-Way of Magoffin Avenue, Campbell's Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.166 acre parcel within 70' wide Right-Of-Way of Magoffin Avenue, Campbell's Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way is 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:

That a determination has been made that it is in the best interest of the public that a 0.166 acre parcel within 70' wide Right-Of-Way of Magoffin Avenue, Campbell's Addition, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated subject to the following condition:

- The vacated right-of-way shall be subject to a public utility easement reserve for all utilities located there on the effective date of the vacation. The utilities shall be allowed to remain in place. The owner or operator of the utilities may inspect, maintain, replace, or upgrade them at any time.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to the **United States of America**.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF EL PASO

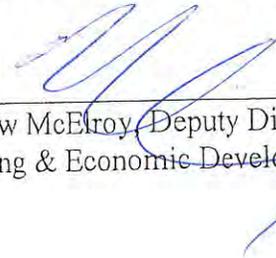
\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

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

*(Signatures continued on following page)*

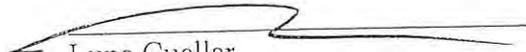
APPROVED AS TO CONTENT:



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Mathew McElroy, Deputy Director  
Planning & Economic Development

APPROVED AS TO FORM:



---

Lupe Cuellar  
Assistant City Attorney

*(Quitclaim Deed on following page)*



**APPROVED AS TO CONTENT:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Development Services Department  
Planning Division

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

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2012,  
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

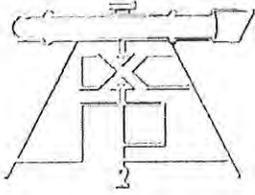
\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:

My Commission Expires:  
\_\_\_\_\_

**AFTER FILING RETURN TO:**

**William Neil Landers  
United States of America-General Services Administration  
819 Taylor St., 11B01  
Fort Worth, TX 76102-6124**

EXHIBIT A



Frank X. Spencer, P.E., R.P.L.S.

**Frank X. Spencer & Associates, Inc.**

Consulting Civil Engineers & Surveyors

1130 Montana \* El Paso, Texas 79902

(915) 533-4600  
FAX (915) 533-4673  
e-mail: elpaso@fssa.com

**PROPERTY DESCRIPTION**

**A 0.166 ACRE PORTION OF MAGOFFIN AVENUE,  
CAMPBELL'S ADDITION TO THE CITY OF EL PASO,  
EL PASO COUNTY, TEXAS**

**METES AND BOUNDS DESCRIPTION**

**A 0.166 ACRES (7,233 SQUARE FEET) OF LAND OUT OF MAGOFFIN AVENUE,  
CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT  
RECORDS, EL PASO COUNTY, TEXAS) BEING MORE PARTICULARLY  
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a city monument at the intersection of monument lines of Campbell Street (70 foot right-of-way) and Myrtle Avenue (70 foot right-of-way) said monument lines lying 10 feet north and 10 feet east of the respective centerlines of Campbell Street and Myrtle Avenue; from which, a found city monument lying 10 feet north and 10 feet east of the respective centerlines of Myrtle Avenue and Saint Vrain Street (70 foot right-of-way) bears North  $56^{\circ}11'38''$  East, (North  $53^{\circ}17'00''$  East-Record) a distance of 1310.65 feet (1310.00-Record). **THENCE**, North  $56^{\circ}11'38''$  East, along said monument line of Myrtle Avenue, a distance of 619.98 feet to a point; **THENCE**, South  $33^{\circ}48'22''$  East (South  $36^{\circ}43'00''$  East-Record) , a distance of 305.00 feet, to a chiseled "X" set on the southeast corner of a certain parcel of land Quitclaimed June 2, 2004, City Ordinance # 15804 filed in file clerk's number 20040054230, Deed Records, El Paso County, Texas, and the northerly right-of-way of Magoffin Avenue, being the **POINT OF BEGINNING** of this description;

**THENCE**, South  $33^{\circ}48'22''$  East, a distance of 14.87 feet, to a set chiseled "X";

**THENCE**, 13.87 feet along the arc of a non-tangent curve to the right, having a radius of 36.50 feet, a central angle  $21^{\circ}46'14''$ , and a chord which bears South  $43^{\circ}30'18''$  West, a distance of 13.79 feet, to a set chiseled "X";

**THENCE**, South  $57^{\circ}22'39''$  West, a distance of 396.32 feet, to a set chiseled "X";

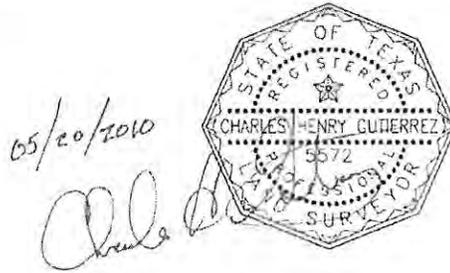
**THENCE**, South  $51^{\circ}55'28''$  West, a distance of 91.25 feet, to a set chiseled "X";

**THENCE**, South  $77^{\circ}49'19''$  West, a distance of 44.78 feet, to a set chiseled "X" for the northerly right-of-way line of Magoffin Avenue;

**THENCE**, North 56°11'38" East, a distance of 542.31 feet, along said right of way line of Magoffin Avenue, a distance of 542.31 feet, to the **POINT OF BEGINNING**, containing 0.166 Acres (7.233 square feet) of land, more or less.

1. THE BASIS OF BEARINGS IS THE MONUMENT LINE OF MYRTLE AVENUE.
2. BEARINGS WERE OBTAINED BY GPS OBSERVATIONS
3. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DESCRIPTION

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS  
Texas License No. 5572  
Date of Survey: February 16, 2010

EXHIBIT B

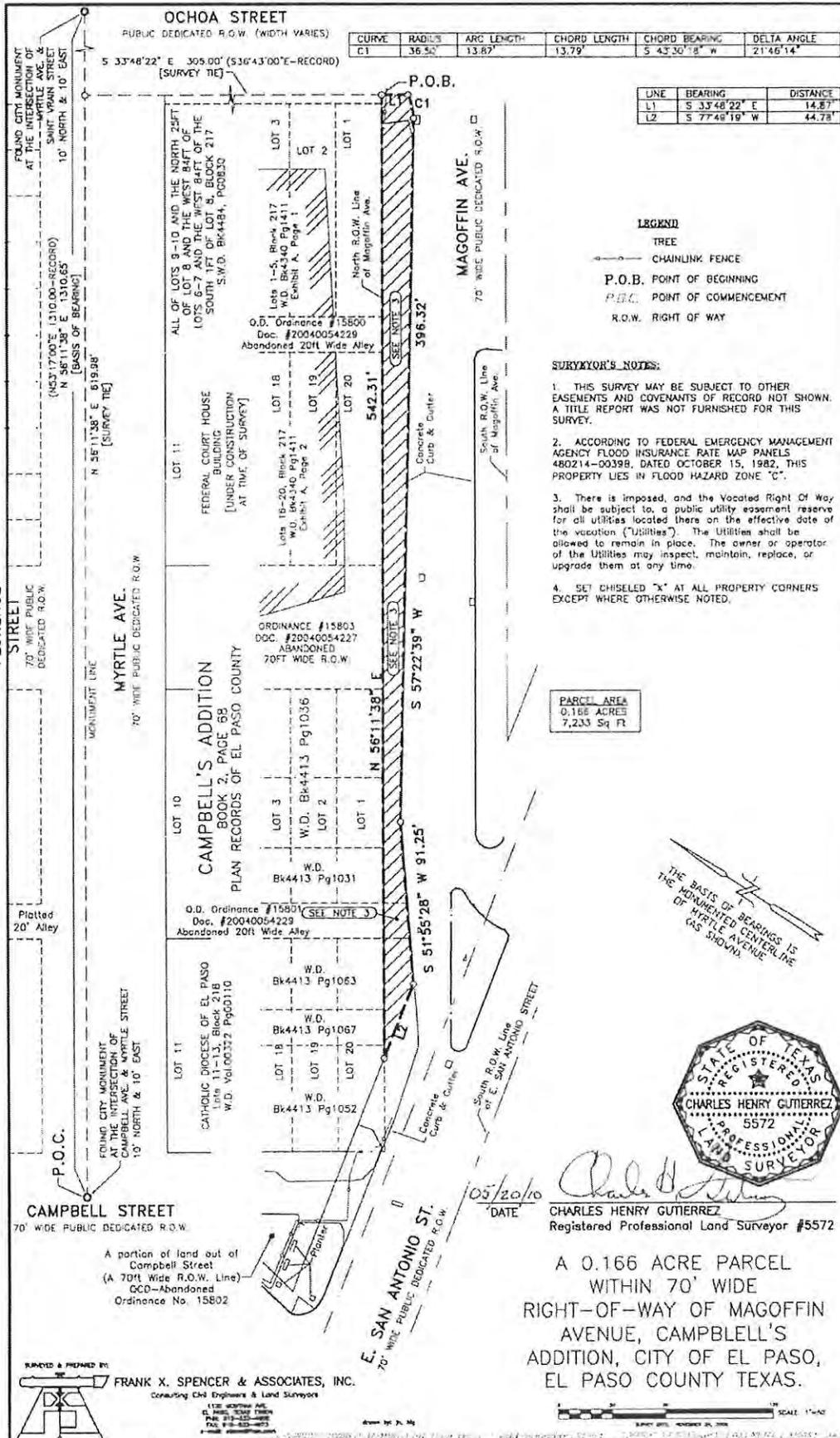


Exhibit "D"  
Ordinance and Quitclaim Deed – Parcel 2 (Myrtle)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING A 0.217 ACRE PARCEL (9,439 SF) WITHIN 70' WIDE ROW OF MYRTLE AVENUE, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a portion of a 0.217 acre parcel within 70' wide ROW of Myrtle Avenue, Campbell Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.217 acre parcel within 70' wide ROW of Myrtle Avenue, Campbell Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way is 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:

That a determination has been made that it is in the best interest of the public that a portion of a 0.217 acre parcel within 70' wide ROW of Myrtle Avenue, Campbell Addition, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated subject to the following condition:

- 1. An easement is retained for utilities, as shown on the survey identified as "Exhibit B", to allow for maintenance, operation, and access to the existing public utilities.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to the United States of America.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF EL PASO

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

ATTEST:

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

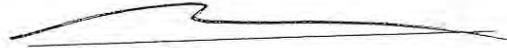
*(Signatures continued on following page)*

APPROVED AS TO CONTENT:



Mathew McElroy, Deputy Director  
Development Services Department  
Planning Division

APPROVED AS TO FORM:



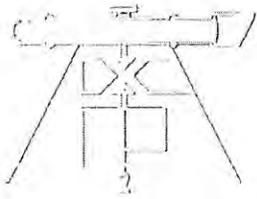
Lupe Cuellar  
Assistant City Attorney

*(Quitclaim Deed on following page)*





EXHIBIT A



Frank X. Spencer, P.E., R.P.L.S.

**Frank X. Spencer & Associates, Inc.**

Consulting Civil Engineers & Surveyors  
1130 Montana • El Paso, Texas 79902

(915) 533-4600  
FAX (915) 533-4673  
e-mail: elpaso@fxsa.com

PROPERTY DESCRIPTION

A 0.217 ACRE PORTION OF MYRTLE AVENUE, CAMPBELL'S ADDITION TO THE  
CITY OF EL PASO  
EL PASO COUNTY TEXAS

METES AND BOUNDS DESCRIPTION

A 0.217 ACRES (9,439 S.F.) OF LAND OUT OF MYRTLE AVENUE, CAMPBELL'S  
ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT RECORDS, EL  
PASO COUNTY, TEXAS) BEING MORE PARTICULARLY DESCRIBED BY METES  
AND BOUNDS AS FOLLOWS:

COMMENCING at a city monument at the intersection of monument lines of Campbell Street (70-foot right-of-way) and Myrtle Avenue (70-foot right-of-way) said monument lines lying 10 feet north and 10 feet east of the respective centerlines of Campbell Street and Myrtle Avenue, from which a found city monument lying 10 feet north and 10 feet east of the respective centerlines of Myrtle Avenue and Saint Vrain Street (70-foot right-of-way) bears North 56°11'38" East, (North 53°17'00" East Record) a distance of 1310.65 feet (1310.00 Record). THENCE, North 56°11'38" East, along said monument line of Myrtle Avenue, a distance of 141.20 feet to a point; THENCE, South 33°48'22" East, a distance of 26.15 feet to a set chiseled "X" on concrete for the POINT OF BEGINNING of this description:

THENCE, North 56°16'05" East, a distance of 468.76 feet, to a set concrete nail;

THENCE, 24.83 feet along the arc of a curve to the right, having a radius of 18.53 feet, a central angle 76°45'19", and a chord which bears South 71°23'04" East, a distance of 23.01 feet, to a set chiseled "X" on concrete;

THENCE, South 56°11'38" West, a distance of 479.07 feet, passing the northeast corner of certain parcel of land described August 12, 1918, in book 322, page 110, and the northwesterly corner of a vacated alley by Ordinance 15801, dated June 2, 2004, in County Clerks File Number 20040054229, Deed Records, El Paso County, Texas, a total distance of 521.11 feet, to a set chiseled "X" on concrete;

THENCE, North 33°48'22" West, a distance of 9.41 feet, to a set chiseled "X" on concrete;

THENCE, 19.13 feet along the arc of a curve to the right, having a radius of 27.46 feet, a central angle 39°54'48", and a chord which bears North 39°33'38" East, a distance of 18.75 feet, to a set chiseled "X" on concrete;

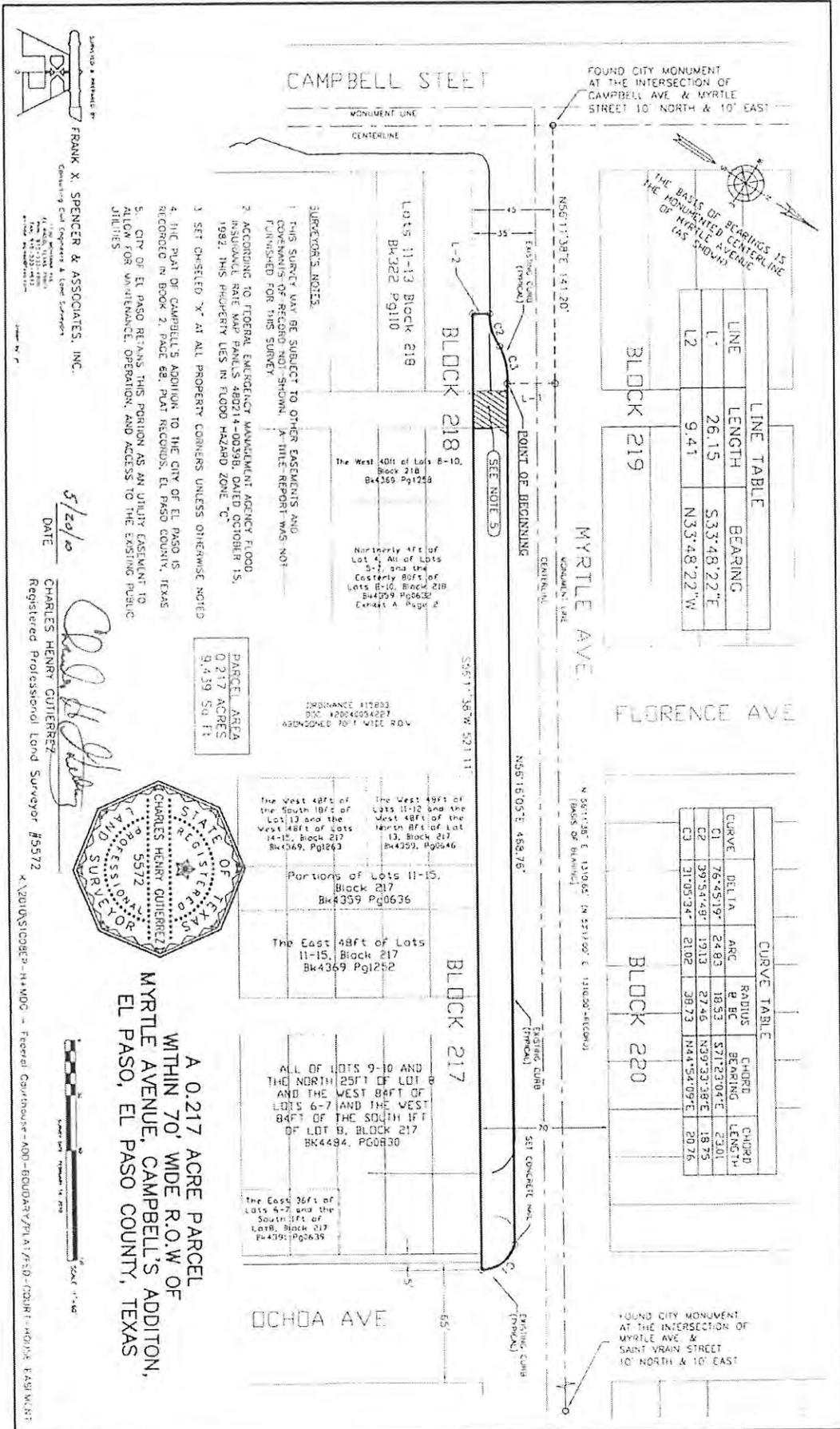
THENCE, 21.02 feet along the arc of a curve to the left, having a radius of 38.73 feet, a central angle  $31^{\circ}05'34''$ , and a chord which bears North  $44^{\circ}54'09''$  East, a distance of 20.76 feet, to the POINT OF BEGINNING, containing 0.217 Acres (9,439 S.F.) of land, more or less.

1. THE BASIS OF BEARINGS IS THE MONUMENT LINE OF MYRTLE AVENUE.
2. BEARINGS WERE OBTAINED BY GPS OBSERVATIONS
3. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DESCRIPTION

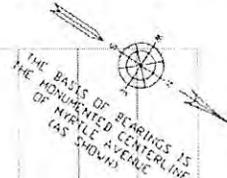
Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS  
Texas License No. 5572  
Date of Survey: February 12, 2010



FOUND CITY MONUMENT AT THE INTERSECTION OF CAMPBELL AVE & MYRTLE STREET 10' NORTH & 10' EAST



THE BASIS OF BEARINGS IS THE ADJACENT CENTERLINE OF MYRTLE AVENUE (AS SHOWN)

LINE	LENGTH	BEARING
L-1	26.15	S33°48'22"E
L-2	9.41	N33°48'22"W

FLORENCE AVE

CURVE TABLE			
CURVE	RADIUS	CHORD BEARING	CHORD LENGTH
DELTA	ABC	18.53	S71°23'04"E
C1	76°45'19"	24.83	23.01
C2	39°51'49"	19.13	18.75
C3	31°05'34"	21.02	20.76
		38.73	N44°54'09"E

FOUND CITY MONUMENT AT THE INTERSECTION OF MYRTLE AVE & SAINT VRAIN STREET 10' NORTH & 10' EAST

CAMPBELL STREET

MONUMENT LINE CENTERLINE

LOTS 11-13 BLOCK 218 BK322 PG110

BLOCK 218

SURVEYOR'S NOTES:

1. THIS SURVEY MAY BE SUBJECT TO OTHER EASEMENTS AND COVENANTS OF RECORD NOT SHOWN. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
2. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS, 480214-00308, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".
3. SET CHECKED "X" AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
4. THE PLAT OF CAMPBELL'S ADDITION TO THE CITY OF EL PASO IS RECORDED IN BOOK 2, PAGE 88, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. CITY OF EL PASO RETAINS THIS PORTION AS AN UTILITY EASEMENT TO ALLOW FOR MAINTENANCE, OPERATION, AND ACCESS TO THE EXISTING PUBLIC UTILITIES.

PARCEL AREA  
0.217 ACRES  
9.439 SQ FT

INSURANCE #15803  
POLY #20040054227  
ADJACENT 70' WIDE RDV

The West 48ft of Lot 11 and the West 48ft of Lot 13 and the West 48ft of Lot 12, Block 217 Bk4369, Pg124

The West 48ft of Lots 11-12 and the West 48ft of Lot 12, Block 217 Bk4359, Pg246

Portions of Lots 11-15, Block 217 Bk4359 Pg2636

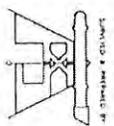
The East 48ft of Lots 11-15, Block 217 Bk4369 Pg1252

ALL OF LOTS 9-10 AND THE NORTH 25FT OF LOT 8 AND THE WEST 84FT OF LOTS 6-7 AND THE WEST 84FT OF THE SOUTH 1/2 OF LOT 8, BLOCK 217 Bk4484, Pg2830

The East 36ft of Lots 6-7 and the South 1/2 of Lot 8, Block 217 Bk4495, Pg2439

BLOCK 217

OCHOA AVE



FRANK X. SPENCER & ASSOCIATES, INC.  
Consulting Civil Engineers & Land Surveyors  
11702 Westheimer Rd., Suite 1100, Houston, Texas 77042  
Phone: 713/213-1100  
FAX: 713/213-1101  
www.fxsai.com

DATE: 5/20/00

CHARLES HENRY GUTIERREZ  
Registered Professional Land Surveyor #5572



A 0.217 ACRE PARCEL WITHIN 70' WIDE R.O.W OF MYRTLE AVENUE, CAMPBELL'S ADDITION, EL PASO, EL PASO COUNTY, TEXAS

Exhibit "E"  
Ordinance and Quitclaim Deed – Parcel 3 (San Antonio)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A 0.068 ACRE PARCEL (2,987 SF) WITHIN 70' WIDE RIGHT-OF-WAY OF SAN ANTONIO STREET, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of a parcel of land being a 0.068 acre parcel within 70' wide Right-Of-Way of San Antonio Street, Campbell's Addition, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a 0.068 acre parcel within 70' wide Right-Of-Way of San Antonio Street, Campbell's Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way is 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:**

That a determination has been made that it is in the best interest of the public that a 0.068 acre parcel within 70' wide Right-Of-Way of San Antonio Street, Campbell's Addition, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated subject to the following condition:

- The vacated right-of-way shall be subject to a public utility easement reserve for all utilities located there on the effective date of the vacation. The utilities shall be allowed to remain in place. The owner or operator of the utilities may inspect, maintain, replace, or upgrade them at any time.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to the **United States of America**.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**THE CITY OF EL PASO**

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

**ATTEST:**

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

*(Signatures continued on following page)*

APPROVED AS TO CONTENT:



Mathew McElroy, Deputy Director  
Planning & Economic Development

APPROVED AS TO FORM:

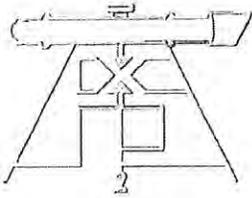


Lupe Cuellar  
Assistant City Attorney

*(Quitclaim Deed on following page)*







Frank X. Spencer, P.E., R.P.L.S.

## Frank X. Spencer & Associates, Inc.

Consulting Civil Engineers & Surveyors

1130 Montana • El Paso, Texas 79902

(915) 533-4600  
FAX (915) 533-4673  
e-mail: [elpaso@fxsa.com](mailto:elpaso@fxsa.com)

### PROPERTY DESCRIPTION

A 0.068 ACRE PORTION OF EAST SAN ANTONIO STREET,  
CAMPBELL'S ADDITION TO THE CITY OF EL PASO  
EL PASO COUNTY TEXAS

### METES AND BOUNDS DESCRIPTION

A 0.068 ACRES (2,987 SQUARE FEET) OF LAND OUT OF EAST SAN ANTONIO STREET, CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a city monument at the intersection of monument lines of Campbell Street (70 foot right-of-way) and Myrtle Avenue (70 foot right-of-way) said monument lines lying 10 feet north and 10 feet east of the respective centerlines of Campbell Street and Myrtle Avenue. from which a found city monument lying 10 feet north and 10 feet east of the respective centerlines of Myrtle Avenue and Saint Vrain Street (70 foot right-of-way) bears North  $56^{\circ}11'38''$  East, (North  $53^{\circ}17'00''$  East-Record) a distance of 1310.65 feet (1310.00-Record), **THENCE**, North  $56^{\circ}11'38''$  East, along said monument line of Myrtle Avenue, a distance of 619.98 feet to a point; **THENCE**, South  $33^{\circ}48'22''$  East (South  $36^{\circ}43'00''$  East Record) , a distance of 305.00 feet, to a chiseled "X" set on the southeast corner of a certain parcel of land Quitclaimed June 2, 2004, City Ordinance # 15804 filed in file clerk's number 20040054230, Deed Records, El Paso County, Texas, and the northerly right-of-way of Magoffin Avenue; **THENCE**, South  $56^{\circ}11'38''$  West, along said right-of-way line, a distance to 542.31 feet, to a set chiseled "X", said point being the **POINT OF BEGINNING** of this description:

**THENCE**, North  $77^{\circ}49'19''$  East, a distance of 44.78 feet, to a set chiseled "X";

**THENCE**, South  $51^{\circ}55'28''$  West, a distance of 29.75 feet, to a set chiseled "X";

**THENCE**, South  $55^{\circ}24'23''$  West, a distance of 4.78 feet, to a set chiseled "X";

**THENCE**, South  $74^{\circ}27'31''$  West, a distance of 43.39 feet, to a set chiseled "X";

**THENCE**, South  $78^{\circ}07'18''$  West, a distance of 70.73 feet, to a set chiseled "X";

**THENCE**, South  $77^{\circ}46'53''$  West, a distance of 35.87 feet, to a set chiseled "X";

**THENCE**, 9.51 feet along the non-tangent arc of a curve to the right, having a radius of 30.44 feet, a central angle 17°54'34", and a chord which bears South 89°47'13" West, a distance of 9.48 feet, to a set chiseled "X";

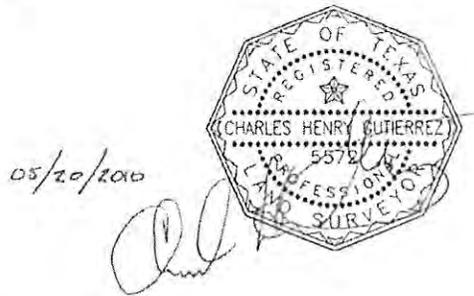
**THENCE**, 13.76 feet along the non-tangent arc of a curve to the right, having a radius of 14.74 feet, a central angle 53°29'12", and a chord which bears North 44°35'52" West, a distance of 13.27 feet, to a set MAG nail;

**THENCE**, North 09°57'26" East, a distance of 4.17 feet, to a set chiseled "X";

**THENCE**, North 77°49'19" East, a distance of 151.15 feet, to the **POINT OF BEGINNING**, containing 0.068 Acres (2,987 square feet) of land, more or less.

1. THE BASIS OF BEARINGS IS THE MONUMENT LINE OF MYRTLE AVENUE.
2. BEARINGS WERE OBTAINED BY GPS OBSERVATIONS
3. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DESCRIPTION

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS  
Texas License No. 5572  
Date of Survey: February 16, 2010





# MASTER AGREEMENT BETWEEN CITY OF EL PASO AND US GSA

June 5, 2012 Presentation to City Council



## GOALS OF THE AGREEMENT

1. Resolve Encroachments Issues at New Armendariz Federal Courthouse through Vacations and Quitclaims
2. Accept improvements to a portion of Myrtle Avenue, adjacent to Federal Courthouse, that were not completed in accordance with City Standards and were never officially accepted by the City
3. Reserve on-street parking spaces around Federal Courthouses for Federal uses for Security Purposes
4. Extend Lease of Stanton Toll Facility for 49 years, until January 1, 2061 in Exchange for the Quitclaims and On-Street Parking Restrictions

# CONSTRUCTION ENCROACHMENTS AND RESURFACING OF ROW

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



## Encroachments of New Armendariz Federal Courthouse:

- Barrier at edge of sidewalk along Magoffin Street.
- Bollards along edge of sidewalk along Myrtle Avenue.

## Improvements on Myrtle Avenue:

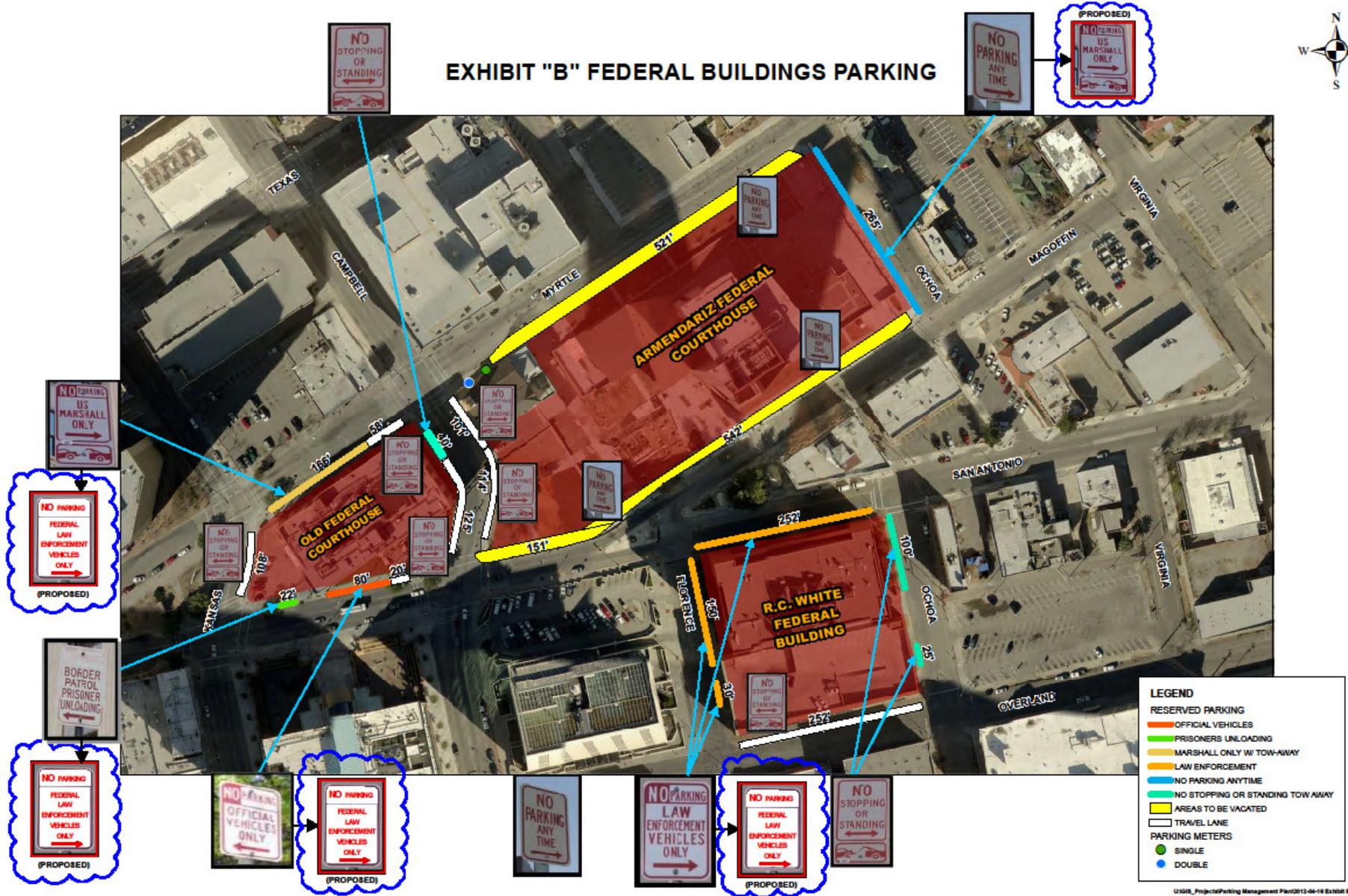
- Resurfacing of street.

# REQUESTED PARKING RESTRICTIONS AROUND FEDERAL BLDGS

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



EXHIBIT "B" FEDERAL BUILDINGS PARKING



# STANTON TOLL PLAZA

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



# FINANCIAL ANALYSIS OF AGREEMENT



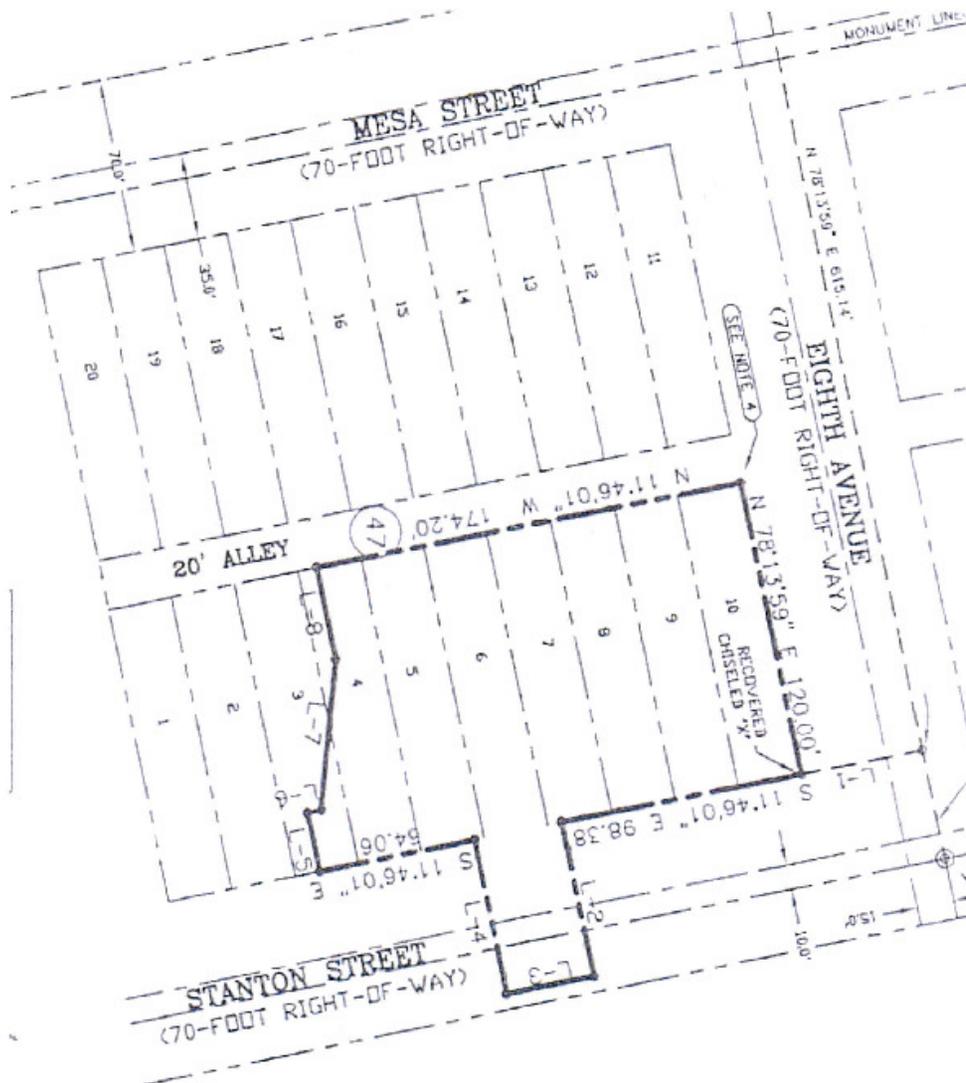
SERVICE SOLUTIONS SUCCESS				
PROPERTY DESCRIPTION	LAND VALUATION	ANNUAL LEASE AT 8% OF VALUATION OF LAND	ANNUAL LEASE AT 3% OF GROSS REVENUE	POTENTIAL ANNUAL LEASE OR REVENUE
GSA-OWNED, CITY-LEASED LAND AT STANTON POE	\$1,366,871 <sup>1</sup>	\$109,350	\$107,790 <sup>3</sup>	\$217,140
ENCROACHMENTS AT ARMENDARIZ US COURTHOUSE	\$689,545 <sup>2</sup>	\$55,164		\$55,164
UNREALIZED PARKING METER REVENUE				\$53,390 <sup>4</sup>
DIFFERENCE BETWEEN POTENTIAL LAND LEASE VALUE FROM GSA, ENCROACHMENTS AT ARMENDARIZ US COURTHOUSE AND UNREALIZED PARKING METER REVENUE				\$108,586

1. Based on Comparable property acquired for the Paso Del Norte POE Remodeling.
2. Based on Appraisal.
3. Lease Rates for Income Producing Properties usually start at 3% of Gross Revenue and increase gradually above the base percentage. Example Lease Rate for Duty Free at Laredo is 3% for first \$3,000,000 then 3.5% for each dollar above \$3,000,000. In 2011, the Stanton Facility collected over \$3,500,000.
4. Based on current parking meter collection in the vicinity of the Armendariz US Courthouse for the equivalent of 61 Parking Spaces.

# STANTON TOLL FACILITY LEASE & TRAFFIC DATA



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



- Current will expire June 18, 2013.
- Extend Lease for 0.533 Acres from GSA for 49 Years until January 1, 2061.
- Property is used as an International Bridge Toll Facility.
- Property generates Revenue:
  - In 2011, the Stanton Toll Facility generated \$3,593,000 in tolls from Pedestrian and Passenger Vehicle Traffic.
  - 886,000 Pedestrians crossed Southbound into Ciudad Juarez through the Stanton Facility in 2011.
  - 1,173,000 Passenger Vehicles crossed Southbound into Ciudad Juarez through the Stanton Facility in 2011.



Questions?