

CITY OF EL PASO, TEXAS

AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: El Paso Water Utilities Public Service Board

AGENDA DATE: June 12, 2012 Introduction 
June 19, 2012 Public Hearing

CONTACT PERSON/PHONE: Marcela Navarrete, Chief Finance Officer (915) 594-5614

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve an Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 0.971 acres of land, an El Paso Water Utilities Public Service Board Water Well Site Number 25, under the jurisdiction of the EPWU to the State of Texas, acting by and through TxDOT for the Loop 375 Transmountain Road Project, from U.S.54 (Patriot Freeway) to BU 54 (Dyer Street), just east of Rushing Road, El Paso, El Paso County, Texas and authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date.

(District #4) [El Paso Water Utilities, Jim Shelton, Land Administrator (915) 594-5511]

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The State of Texas, acting by and through its Texas Department of Transportation (TxDOT) is working on the Loop 375, Transmountain Road Project. The El Paso Water Utilities Public Service Board owns a water well site, known as Well Site 25, located in the median of Transmountain Road at Rushing and Gschwind streets in Northeast El Paso. TxDOT has proposed the purchase of the well site, payment for the improvements there and the permanent relocation of the well to a site at Nevins and Electric Streets. After careful consideration and technical review the El Paso Water Utilities Public Service Board has agreed to the sale to TxDOT of the well site and improvements. TxDOT will pay for the relocation of the well site +nearby. (see attached agreement and map).

As mentioned, at its meeting of July 13, 2011, the El Paso Water Utilities Public Service Board approved going forward with the sale of Well Site 25 to TxDOT provided TxDOT would pay for and relocate the well to another site of equal or better water production. The PSB declared the site to be inexpedient to the system based on the above conditions and authorized the President/CEO to negotiate a sale to the State of Texas, a governmental entity with the power of eminent domain. The PSB also adopted its request to the City Council to sell the land, under the jurisdiction of the PSB, to TxDOT for the agreed upon appraised value and authorized the City Manager to sign a Special Warranty Deed for the site and any other necessary documents to complete the transaction. (copy of official minutes of the PSB relevant to this issue attached)

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Ordinance to Convey Land to TxDOT
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Public Hearing – June 19, 2012

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Please accept the enclosed Ordinance for introduction and public hearing as indicated.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes. The El Paso Water Utilities passed a resolution August 10, 2011 declaring a 10.14 acres parcel of city land under the jurisdiction of El Paso Water Utilities to be inexpedient to the system, awarding the sale of the land to the sole bidder Jobe Materials, L.P. in the amount of \$1,572,101.00 and requesting the City Council to authorize the City Manager to sign a Special Warranty Deed and any necessary documents to convey the land. The City Council passed an ordinance authorizing the City Manager to sign a Special Warranty Deed to Jobe Materials, L.P. November 29, 2011.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

The City of El Paso will receive 5% of the net proceeds of the sale to TxDOT.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

As mentioned, at its meeting of July 13, 2011 the El Paso Water Utilities Public Service Board approved going forward with the sale of Well Site 25 to TxDOT provided TxDOT would pay for and relocate the well to another site of equal or better water production. The PSB declared the site to be inexpedient to the system based on the above conditions and authorized the President/CEO to negotiate a sale to the State of Texas, a governmental entity with the power of eminent domain. The PSB also adopted its request to the City Council to sell the land, under the jurisdiction of the PSB, to TxDOT for the agreed upon appraised value and authorize the City Manager to sign a Special Warranty Deed for the site and any other necessary documents to complete the transaction. (copy of the official minutes of the PSB relevant to this issue attached)

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

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Ordinance to Convey Land to TxDOT
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DEPARTMENT HEAD:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED TO CONVEY 0.971 ACRES OF CITY LAND, AN EL PASO WATER UTILITIES PUBLIC SERVICE BOARD WATER WELL SITE NUMBER 25, AND A DRAINAGE EASEMENT FOR HIGHWAY PURPOSES OF 0.032 ACRES (1,394 SQUARE FEET) ON ADJACENT PARCEL 49E, BOTH UNDER THE JURISDICTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TO THE STATE OF TEXAS, ACTING BY AND THROUGH ITS TEXAS DEPARTMENT OF TRANSPORTATION FOR THE LOOP 375 TRANSMOUNTAIN ROAD PROJECT, FROM U.S. 54 (PATRIOT FREEWAY) TO BU 54 (DYER STREET), JUST EAST OF RUSHING ROAD, EL PASO, EL PASO COUNTY, TEXAS AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL NECESSARY DOCUMENTATION TO COMPLETE THE CONVEYANCE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the El Paso Water Utilities Public Service Board (EPWU) is a Board of Trustees delegated the complete management and control of the City's water, wastewater, reclaimed and storm water system and as such has the jurisdiction and control over certain lands in El Paso and El Paso County, Texas; and,

WHEREAS, the State of Texas acting by and through the Texas Department of Transportation (TxDOT) is working to accomplish a highway project known as Loop 375, Transmountain Road Project and desires to acquire a 0.971 acre parcel of land consisting of an El Paso Water Utilities Public Service Board Water Well Site Number 25; and,

WHEREAS, TxDOT has offered pursuant to state law requirements to pay the appraised value of said land, the value of the improvements on the site and the relocation of the water well site nearby; and,

WHEREAS, EPWU, at its regular meeting of July 13, 2011, the El Paso Water Utilities Public Service Board (PSB) approved going forward with the sale of Well Site 25 to TxDOT provided that TxDOT would pay for and relocate the well to another site of equal or better water production. The PSB declared the site to be inexpedient to the system based on the above conditions and authorized the President/CEO to negotiate a sale to the State of Texas, a governmental entity with the power of eminent domain. The PSB also adopted its request to the City Council to sell the land to TxDOT for the agreed upon appraised value and authorize the City Manager to sign a Special Warranty Deed for the site and any other necessary documents to complete the transaction; and,

WHEREAS, based on an official appraisal, the State of Texas, acting by and through its Texas Department of Transportation has offered to pay the sum of \$1,032,953.00 for the property which includes \$99,398.00 land value, \$614,997.00 improvements thereon and \$318,558.00 for evaluated damages to the remainder of the site; and,

WHEREAS, TxDOT's policy permits EPWU to retain certain improvements on the property to be conveyed and remove them from the right-of-way, provided that the compensation

paid by TxDOT is reduced by the appraised value of such improvements and EPWU will retain a water pump valued at \$3,116.00; and,

WHEREAS, TxDOT also desires to acquire a Drainage Easement for Highway Purposes on property adjacent to the Water Well Site Number 25, which consists of 0.032 acres on adjacent Parcel 49E owned by the City and managed by EPWU; and,

WHEREAS, City of El Paso will receive 5% of the net sales proceeds from the land sale.

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

That the City Manager is hereby authorized to execute:

1) Special Warranty Deed in form and substance approved by the City Attorney or her designee, to-wit:

Being 0.971 of an acre parcel of land, more or less, out of Section 38, Block 81, Township 1 of the Texas & Pacific Railroad Company Survey, City of El Paso, El Paso County, Texas being more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference for all purposes.

2) Drainage Easement for Highway Purposes in form and substance approved by the City Attorney or her designee, to-wit:

Being 0.032 of an acre (1,394 square feet) parcel of land, more or less, out of Section 38, Block 81, Township 1 of the Texas & Pacific Railroad Company Survey, City of El Paso, El Paso County, Texas being more particularly described in Exhibit "B" attached hereto and made a part hereof by this reference for all purposes.

and,

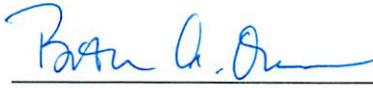
3) any other necessary documents as required for the sale and conveyance of the following described real property to the State of Texas, acting by and through its Texas Department of Transportation, as requested by the El Paso Water Utilities Public Service Board Trustees;

PASSED AND APPROVED this ____ day of _____, 2012, at a regular meeting of the El Paso City Council.

THE CITY OF EL PASO, TEXAS

John Cook, Mayor

APPROVED AS TO FORM:



Bertha A. Ontiveros, Assistant City Attorney

APPROVED AS TO FORM:



Robert D. Andron, General Counsel, EPWU

RECEIVED
JUN 04 2012
CITY ATTORNEY

EXHIBIT "A"

Date: September 26, 2008

R.O.W. CSJ No.: 2552-01-040
Construction CSJ No.: 2552-01-036
County: El Paso
Highway: Loop 375 (Trans-Mountain)
Project Limits: From U.S. 54 (Patriot Freeway) To BU 54 (Dyer Street)

Description for Parcel 49

Being 0.971 of an acre (42,297 square feet) parcel of land, more or less, out of Section 38, Block 81, Township I of the Texas & Pacific Railroad Company Survey, and also being out of and part of a called one acre tract of land (Tract 1C) conveyed to the City of El Paso by deed of record in Volume 657, Page 435, Deed Records of El Paso County, Texas and out of and part of a 0.466 of an acre tract of land (Tract 1D) conveyed to the City of El Paso by deed of record in Volume 1351, Page 142, Deed Records of El Paso County, Texas, said 0.971 of an acre (42,297 square feet) parcel of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at a disk monument found at the northeast corner of said Section 38, Block 81, Thence North $88^{\circ} 00' 14''$ West, along the north line of Section 38, Block 81, a distance of 5,279.18 feet to a disk monument found at the northwest corner of said Section 38, Block 81 for the POINT OF BEGINNING and northwest corner of this parcel, which point is 59.55 feet left of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2652+74.47;

- (1) THENCE SOUTH $88^{\circ} 00' 14''$ EAST, along the north line of said Section 38, Block 81 and along the existing south right-of-way (R.O.W.) line of Loop 375 (R.O.W. varies) as recorded in Volume 61, page 2147, Deed Records of El Paso County, Texas, and along the north property line of said Tracts 1C and Tract 1D, a distance of 298.72 feet to a 1/2" iron rebar found at the northeast corner of said Tract 1D for the northeast corner of this parcel, which point is 56.89 feet left of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2655+73.18;
- (2) THENCE SOUTH $01^{\circ} 59' 46''$ WEST, along the east line of said Tract 1D also a west line of Loop 375 (Trans-Mountain Road), a distance of 141.57 feet to a 1/2" iron rebar found for the southeast corner of this parcel, which point is 84.67 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2655+71.92;
- (3) THENCE NORTH $88^{\circ} 00' 14''$ WEST, crossing said Tract 1D and Tract 1C, a distance of 298.59 feet to a 1/2" iron rebar found on the west line of said Tract 1C, same being an east right-of-way line of Loop 375 (Trans-Mountain Road), and the west line of said Section 38, Block 81, for the southwest corner of this parcel, which point is 82.01 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2652+73.34;

EXHIBIT "A"

Parcel 49
0.971 of an acre

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- (4) THENCE NORTH 01° 56' 46" EAST, along the west line of said Tract 1C and along the west line of said Section 38, Block 81, a distance of 141.57 feet to the POINT OF BEGINNING and containing 0.971 of an acre (42,297 square feet) parcel of land, more or less.

NOTES:

1. All bearings and coordinates shown hereon are base upon the Texas State Plane Coordinate System, NAD 83, (93) Texas Central Zone 4203. Primary control points EL PASO 3 CORS A (txel) PID: AJ 1828, EL PASO PID: CE0732 (HARN STATION) were provided by TxDOT for this project. All distances shown hereon are surface distances. All coordinates were adjusted from State Plane Grid to project surface using the TxDOT El Paso County Surface Adjustment Scale Factor of 1.00023100.
2. A plat of even survey date herewith accompanies this description.
3. Access is prohibited across the "Access Denial Line" to the highway facility from the remainder of the abutting property.

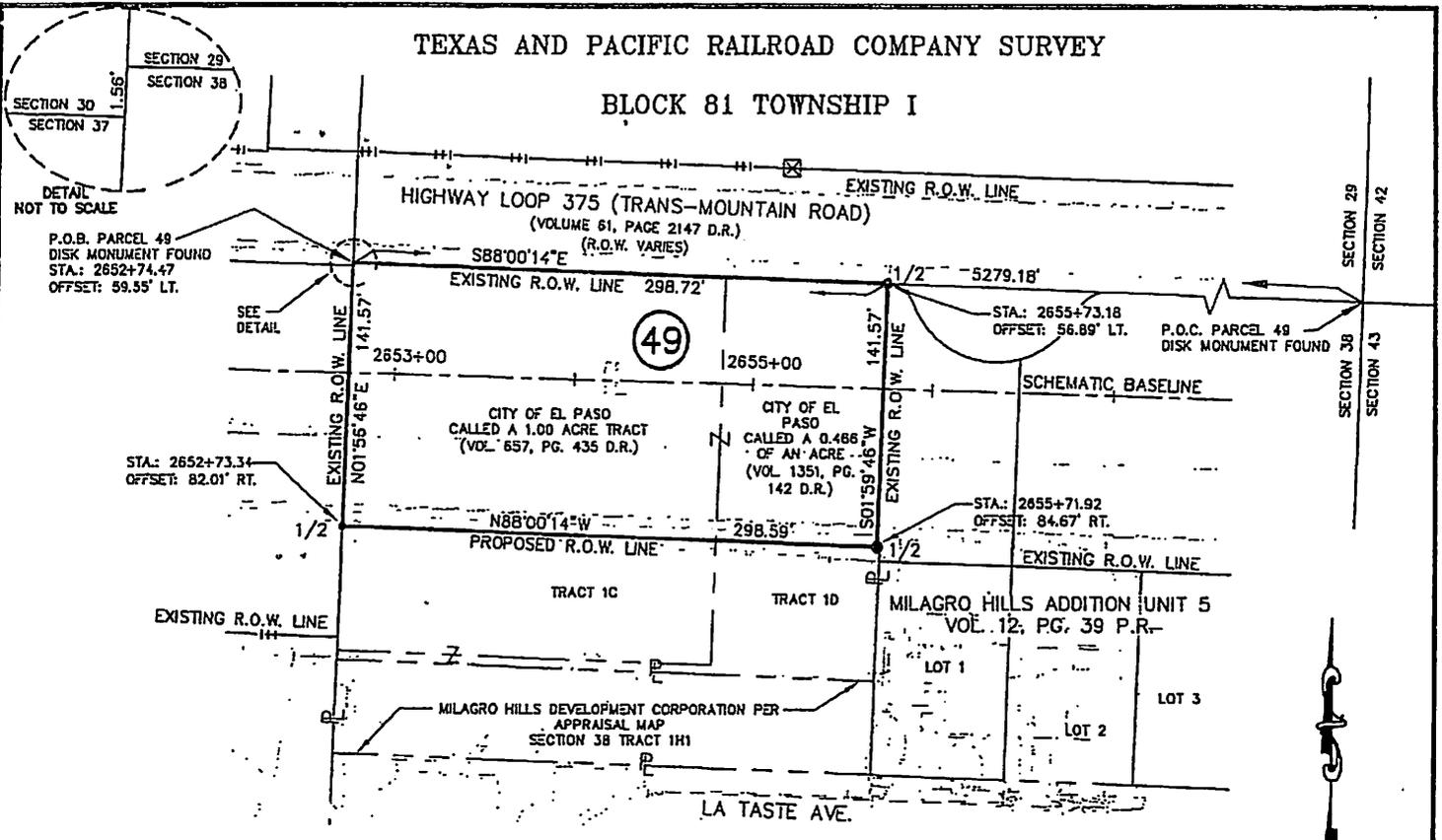
I, C. Gordon Clark, a Registered Professional Land Surveyor, hereby certify that the metes and bounds description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

C. Gordon Clark 9-26-08
C. Gordon Clark, R.P.L.S. Date
Texas Registration No. 3999



TEXAS AND PACIFIC RAILROAD COMPANY SURVEY

BLOCK 81 TOWNSHIP I



LEGEND

- ☒ ALUMINUM CAP STAMPED TEXAS DEPARTMENT OF TRANSPORTATION CONTROL OF ACCESS
- ⊙ TxDOT TYPE II BRASS CAP MONUMENT SET, UNLESS OTHERWISE NOTED
- ⊞ TxDOT TYPE III DISK MONUMENT SET
- 1/2 1/2" DIA. REBAR WITH CEC PLASTIC CAP SET, UNLESS OTHERWISE NOTED
- 1/2 1/2" DIA. REBAR FOUND
- MAG SET MAG NAIL WITH WASHER
- D.R. DEED RECORDS OF EL PASO COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS
- P.R. DEED AND PLAT RECORDS OF EL PASO COUNTY, TEXAS
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- ⌒ PROPERTY LINE

NOTES:

1. BEARINGS ARE BASED ON NAD 83(93) TEXAS STATE PLANE COORDINATE SYSTEM (TEXAS CENTRAL ZONE 4203). ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT CONVERSION FACTOR 1.00023100, AS FURNISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.
2. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.
3. STATION AND OFFSET SHOWN ARE BASED ON THE SCHEMATIC BASELINE.
4. THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
5. THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS AND NOT BASED ON FIELD DIMENSIONS.
6. THE MONUMENTS DESCRIBED AND SET HEREIN MAY BE REPLACED WITH A TxDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.
7. ACCESS IS PROHIBITED TO THE HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY.

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



DIST. NAME EL PASO	PLAT OF Parcel 49	COUNTY EL PASO
C.S.J. 2552-01-040	HWY LOOP 375 (TRANS-MOUNTAIN RD.)	DATE OF SURVEY 09/26/08
R.O.W. ACQUISITION: 0.971 OF ONE ACRE (42,297 sq. ft.)		
REMAINDER: 0.495 OF AN ACRE (21,562 sq.ft.)		



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
11580 I.H. 10 WEST, SUITE 305
SAN ANTONIO, TEXAS 78230
P) 210.641.9999
F) 210.641.6440
Email: cec@cectexas.com



ACADEMY

FAIRBANKS

FAIRBANKS

NOME

LOWES

PROPOSED SITE

FOOHILL

GALVESTON

GOLIAD

IMPERIAL

LAMAICA

KIRWOOD

MERCEDES

OAKWOOD

KEYSTONE

GERMAC

ELECTRIC

NEVINS

WELL #25

WAL MART

LEFT TURN

TRANS MOUNTAIN

NESBIT

ODESSA

CONOVER

LA TASTE

ORLEANS

COHEN

COHEN STADIUM

KENWORTHY

PARIS

BASTILLE

JULIANDRA

YVETTE

CHATEAU

RUSHING

CORNELL

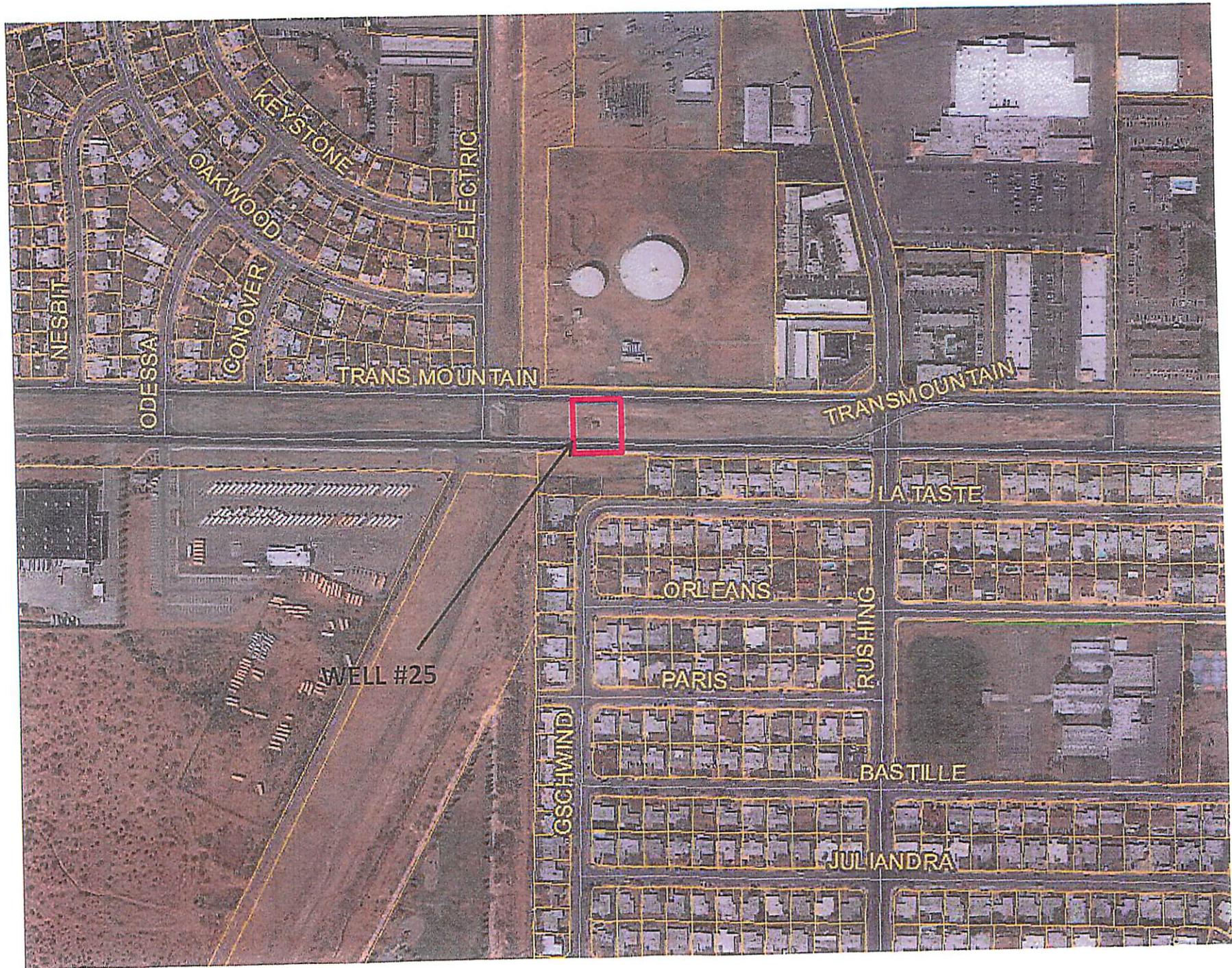
MARCILLUS

BEAUTONNE

HARLAN

WALLY

GSCHEIND



WELL #25

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



DEED

STATE OF TEXAS

§
§
§

ROW CSJ: 2552-01-040

COUNTY OF EL PASO

WHEREAS, the Texas Transportation Commission is authorized under the Texas Transportation Code Chapters 203, 224, and 228 to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or 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

WHEREAS, the Texas Transportation Commission is also authorized under Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a 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 facilities and designated controlled access highways and turnpike projects;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, **The City of El Paso for the Benefit of the El Paso Water Utilities/Public Service Board**, of the County of El Paso, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of **One Million Twenty Nine Thousand Eight Hundred Thirty Seven and no/100 Dollars (\$1,029,837.00)** to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold , and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land lying and being situated in the County of El Paso, State of Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.

SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the property described in said Exhibit "A" to wit: **Water Pump**

Grantors covenant and agree to remove the above-described improvements from said land by **June 9, 2012**, subject, however, to such extensions of time as may be granted by Grantee, its successor and assigns, in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the Grantee, its successors and assigns, forever.

It is further understood and agreed that in the event title to said improvements vests in the State of Texas under the provisions of the paragraph next above, Grantor authorizes the State, its agents or assigns, to enter upon his remaining property for the purpose of removing said bisected improvements, and Grantor expressly waives all damages or claims that may result to the remaining property of the Grantor as a result of such entry and removal of said improvement.



Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder provided the Grantors hereby reserve any and all surface or groundwater rights to Grantors.

Grantors hereby acknowledge that their use of and access to the state highway facilities and/or turnpike project to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part (herein called Highway Facility), shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such Highway Facility requires that rights of ingress and egress and the right of direct access to and from Grantor's remaining property (if any) to said Highway Facility, shall hereafter be governed by the provisions set out in said Exhibit "A", **SAVE AND EXCEPT** in the event access, or access points may be specifically allowed or permitted in said Exhibit "A", such access shall be subject to such regulation as is determined by the Texas Department of Transportation and/or the Texas Turnpike Authority Division to be necessary in the interest of public safety and in compliance with approved engineering principles and practices and subject to compliance with any applicable local municipal or county zoning, platting and/or permit requirements.

TO HAVE AND TO HOLD the premises herein described and herein conveyed together will all and singular the rights and appurtenances thereto in any wise belonging to Grantor unto the State of Texas and its assigns forever

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 2012.

GRANTOR:

CITY OF EL PASO, TEXAS
A municipal Corporation

Joyce A. Wilson, City Manager

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD



Edmund G. Archuleta, P.E., President/CEO

APPROVED AS TO CONTENT:


James E. Shelton, Jr.
Utility Land & Water Rights Manager

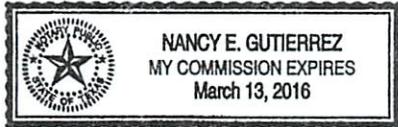
APPROVED AS TO FORM:


Robert D. Andron
General Counsel for PSB

ACKNOWLEDGEMENTS

State of Texas)
)
County of El Paso)

This instrument was acknowledged before me on the 12th day of March, 2012 by Edmund G. Archuleta, President & CEO El Paso Water Utilities Public Service Board for the City of El Paso.



Nancy E. Gutierrez
Notary Public, State of Texas

My Commission Expires: March 13, 2016

State of Texas)
)
County of El Paso)

This instrument was acknowledged before me on the _____ day of _____, 2012 by Joyce A. Wilson, City Manager of the City of El Paso.

Notary Public, State of Texas

My Commission Expires: _____

EXHIBIT "A"

Date: September 26, 2008

R.O.W. CSJ No.: 2552-01-040
Construction CSJ No.: 2552-01-036
County: El Paso
Highway: Loop 375 (Trans-Mountain)
Project Limits: From U.S. 54 (Patriot Freeway) To BU 54 (Dyer Street)

Description for Parcel 49

Being 0.971 of an acre (42,297 square feet) parcel of land, more or less, out of Section 38, Block 81, Township I of the Texas & Pacific Railroad Company Survey, and also being out of and part of a called one acre tract of land (Tract 1C) conveyed to the City of El Paso by deed of record in Volume 657, Page 435, Deed Records of El Paso County, Texas and out of and part of a 0.466 of an acre tract of land (Tract 1D) conveyed to the City of El Paso by deed of record in Volume 1351, Page 142, Deed Records of El Paso County, Texas, said 0.971 of an acre (42,297 square feet) parcel of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at a disk monument found at the northeast corner of said Section 38, Block 81, Thence North $88^{\circ} 00' 14''$ West, along the north line of Section 38, Block 81, a distance of 5,279.18 feet to a disk monument found at the northwest corner of said Section 38, Block 81 for the POINT OF BEGINNING and northwest corner of this parcel, which point is 59.55 feet left of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2652+74.47;

- (1) THENCE SOUTH $88^{\circ} 00' 14''$ EAST, along the north line of said Section 38, Block 81 and along the existing south right-of-way (R.O.W.) line of Loop 375 (R.O.W. varies) as recorded in Volume 61, page 2147, Deed Records of El Paso County, Texas, and along the north property line of said Tracts 1C and Tract 1D, a distance of 298.72 feet to a 1/2" iron rebar found at the northeast corner of said Tract 1D for the northeast corner of this parcel, which point is 56.89 feet left of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2655+73.18;
- (2) THENCE SOUTH $01^{\circ} 59' 46''$ WEST, along the east line of said Tract 1D also a west line of Loop 375 (Trans-Mountain Road), a distance of 141.57 feet to a 1/2" iron rebar found for the southeast corner of this parcel, which point is 84.67 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2655+71.92;
- (3) THENCE NORTH $88^{\circ} 00' 14''$ WEST, crossing said Tract 1D and Tract 1C, a distance of 298.59 feet to a 1/2" iron rebar found on the west line of said Tract 1C, same being an east right-of-way line of Loop 375 (Trans-Mountain Road), and the west line of said Section 38, Block 81, for the southwest corner of this parcel, which point is 82.01 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2652+73.34;

EXHIBIT "A"

Parcel 49
0.971 of an acre

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- (4) THENCE NORTH 01° 56' 46" EAST, along the west line of said Tract 1C and along the west line of said Section 38, Block 81, a distance of 141.57 feet to the POINT OF BEGINNING and containing 0.971 of an acre (42,297 square feet) parcel of land, more or less.

NOTES:

1. All bearings and coordinates shown hereon are base upon the Texas State Plane Coordinate System, NAD 83, (93) Texas Central Zone 4203. Primary control points EL PASO 3 CORS A (txel) PID: AJ 1828, EL PASO PID: CE0732 (HARN STATION) were provided by TxDOT for this project. All distances shown hereon are surface distances. All coordinates were adjusted from State Plane Grid to project surface using the TxDOT El Paso County Surface Adjustment Scale Factor of 1.00023100.
2. A plat of even survey date herewith accompanies this description.
3. Access is prohibited across the "Access Denial Line" to the highway facility from the remainder of the abutting property.

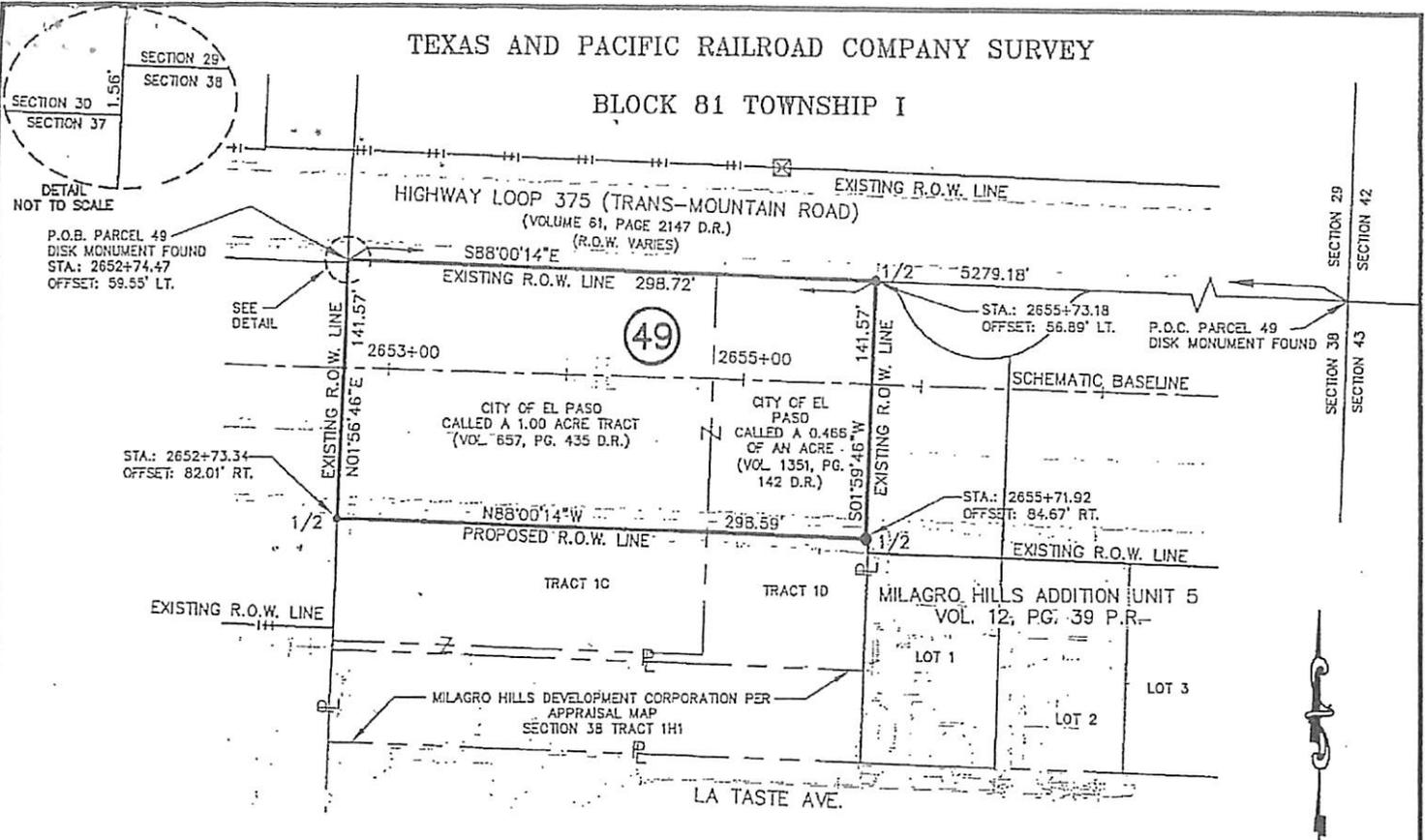
I, C. Gordon Clark, a Registered Professional Land Surveyor, hereby certify that the metes and bounds description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

C. Gordon Clark 9-26-08
C. Gordon Clark, R.P.L.S. Date
Texas Registration No. 3999



TEXAS AND PACIFIC RAILROAD COMPANY SURVEY

BLOCK 81 TOWNSHIP I



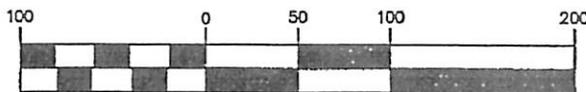
LEGEND

- ☒ ALUMINUM CAP STAMPED TEXAS DEPARTMENT OF TRANSPORTATION CONTROL OF ACCESS
- ⊙ TxDOT TYPE II BRASS CAP MONUMENT SET, UNLESS OTHERWISE NOTED
- ⊠ TxDOT TYPE III DISK MONUMENT SET
- 1/2 1/2" DIA. REBAR WITH CEC PLASTIC CAP SET, UNLESS OTHERWISE NOTED
- 1/2 1/2" DIA. REBAR FOUND
- MAG SET MAG NAIL WITH WASHER
- D.R. DEED RECORDS OF EL PASO COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS
- P.R. DEED AND PLAT RECORDS OF EL PASO COUNTY, TEXAS
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- e PROPERTY LINE

NOTES:

1. BEARINGS ARE BASED ON NAD 83(93) TEXAS STATE PLANE COORDINATE SYSTEM (TEXAS CENTRAL ZONE 4203). ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT CONVERSION FACTOR 1.00023100, AS FURNISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.
2. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.
3. STATION AND OFFSET SHOWN ARE BASED ON THE SCHEMATIC BASELINE.
4. THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
5. THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS AND NOT BASED ON FIELD DIMENSIONS.
6. THE MONUMENTS DESCRIBED AND SET HEREIN MAY BE REPLACED WITH A TxDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.
7. ACCESS IS PROHIBITED TO THE HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY.

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



DIST. NAME EL PASO	PLAT OF Parcel 49	COUNTY EL PASO
C.S.J. 2552-01-040	HWY LOOP 375 (TRANS-MOUNTAIN RD.)	DATE OF SURVEY 09/26/08
R.O.W. ACQUISITION: 0.971 OF ONE ACRE (42,297 sq. ft.)		
REMAINDER: 0.495 OF AN ACRE (21,562 sq. ft.)		



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
11550 I.H. 10 WEST, SUITE 305
SAN ANTONIO, TEXAS 78230
P) 210.641.9099
F) 210.641.8440
Email: cec@cectexas.com

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



Form ROW-N-31
(Rev. 07/11)
Page 1 of 3

DRAINAGE EASEMENT FOR HIGHWAY PURPOSES

THE STATE OF TEXAS § **ROW CSJ: 2552-01-040**
 §
COUNTY OF EL PASO § **KNOW ALL MEN BY THESE PRESENTS:**

That, **The City of El Paso for the Benefit of El Paso Water Utilities/Public Service Board**, of the County of El Paso, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of **Two Thousand Four Hundred Fifty Seven and no/100 Dollars (\$2,457.00)** to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, do by these presents Grant, Bargain, Sell and Convey unto the State of Texas an easement in, along, upon and across the property which is situated in the County of El Paso, State of Texas, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein for any and all purposes.

This easement conveyed herein is for the purpose of opening, constructing and maintaining a permanent channel or drainage easement in, along, upon and across said premises described in Exhibit "A" together with the right and privilege at all times of the Grantee herein, its agents, employees and representatives of ingress and egress to and from said premises for the purpose of making any improvements, modifications or repairs which the State deems necessary.

And for the same consideration described above and upon the same conditions, the Grantors have this day granted and conveyed and by these presents do grant and convey unto the State of Texas any and all improvements presently existing upon the property described in said Exhibit "A"; **SAVE and EXCEPT, N/A.**

HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the aforesaid property, to wit: **None.**

Grantors covenant and agree to remove the above-described improvements from said land by N/A, subject, however, to such extensions of time as may be granted by the State in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the State of Texas forever.

As a part of the grant hereby made it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said channel or drainage easement may be removed from said premises by the State.



* N 3 1 *

TO HAVE AND TO HOLD the premises described in Exhibit "A" for said purposes together with all and singular the rights, privileges and appurtenances thereto in any manner belonging, unto the State of Texas forever; and Grantor hereby binds itself, its heirs, successors or assigns, to Warrant and Forever Defend, all and singular, the said easement herein conveyed unto the State of Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 2012.

GRANTOR:

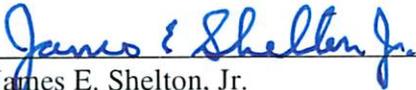
EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

By: 
Edmund G. Archuleta
President/CEO

CITY OF EL PASO
A Municipal Corporation

By: _____
Joyce A. Wilson, City Manager

APPROVED AS TO CONTENT:


James E. Shelton, Jr.
Utility Land & Water Rights Manager

APPROVED AS TO FORM:


Robert D. Andron
General Counsel for PSB

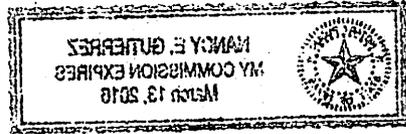


EXHIBIT "A"

Date: September 26, 2008

R.O.W. CSJ No.: 2552-01-040
Construction CSJ No.: 2552-01-036
County: El Paso
Highway: Loop 375 (Trans-Mountain)
Project Limits: From U.S. 54 (Patriot Freeway) To BU 54 (Dyer Street)

Description for Parcel 49E

Being 0.032 of an acre (1,394 square feet) parcel of land, more or less, out of Section 38, Block 81, Township of the Texas & Pacific Railroad Company Survey, and also being out of and part of a one acre tract of land (Tract 1C) conveyed to the City of El Paso by deed of record in Volume 657, Page 435, Deed Records of El Paso County, Texas, which said 0.032 of an acre (1,394 square feet) parcel of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at a disk monument found at the northeast corner of said Section 38, Block 81, Thence North $88^{\circ} 00' 14''$ West along the north line of said Section 38, Block 81 a distance of 5,279.18 feet to a disk monument found at the northwest corner of said Section 38, Block 81 and for the northwest corner of said Tract 1C; Thence South $01^{\circ} 56' 46''$ West along the west line of said Section 38, Block 81 and west line of said Tract 1C, also being a right-of-way line of Loop 375 (Trans-Mountain Road) a distance of 179.12 feet to a $\frac{1}{2}$ " iron rebar found for the POINT OF BEGINNING and northwest corner of this parcel, which point is 119.57 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2652+73.04;

- (1) THENCE NORTH $61^{\circ} 57' 07''$ EAST, crossing said Tract 1C, a distance of 75.01 feet to a $\frac{1}{2}$ " iron rebar found for the north corner of this parcel, which point is 82.59 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2653+38.06;
- (2) THENCE SOUTH $88^{\circ} 00' 14''$ EAST, continuing across said Tract 1C, a distance of 29.96 feet to a $\frac{1}{2}$ " iron rebar found for the northeast corner of this parcel, which point is 82.85 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2653+68.02;
- (3) THENCE SOUTH $61^{\circ} 57' 07''$ WEST, continuing across said Tract 1C, a distance of 109.61 feet to a $\frac{1}{2}$ " iron rebar found along the west line of said Section 38, Block 81 and along the west line of said Tract 1C for the southwest corner of this parcel, which point is 136.88 feet right of and at right angle to the proposed Loop 375 (Trans-Mountain Road) schematic baseline Sta. 2652+72.66;
- (4) THENCE NORTH $01^{\circ} 56' 46''$ EAST, along the west line of said Section 38, Block 81 and the west line of said Tract 1C, a distance of 17.32 feet to the POINT OF BEGINNING and containing 0.032 of an acre (1,394 square feet) of land, more or less.

EXHIBIT "A"

Parcel 49E
0.032 of an acre

Page 2 of 3

NOTES:

1. All bearings and coordinates shown hereon are base upon the Texas State Plane Coordinate System, NAD 83, (93) Texas Central Zone 4203. Primary control points EL PASO 3 CORS A (txel) PID: AJ 1828, EL PASO PID: CE0732 (HARN STATION) were provided by TxDOT for this project. All distances shown hereon are surface distances. All coordinates were adjusted from State Plane Grid to project surface using the TxDOT El Paso County Surface Adjustment Scale Factor of 1.00023100.
2. A plat of even survey date herewith accompanies this description.
3. Access is prohibited across the "Access Denial Line" to the highway facility from the remainder of the abutting property.

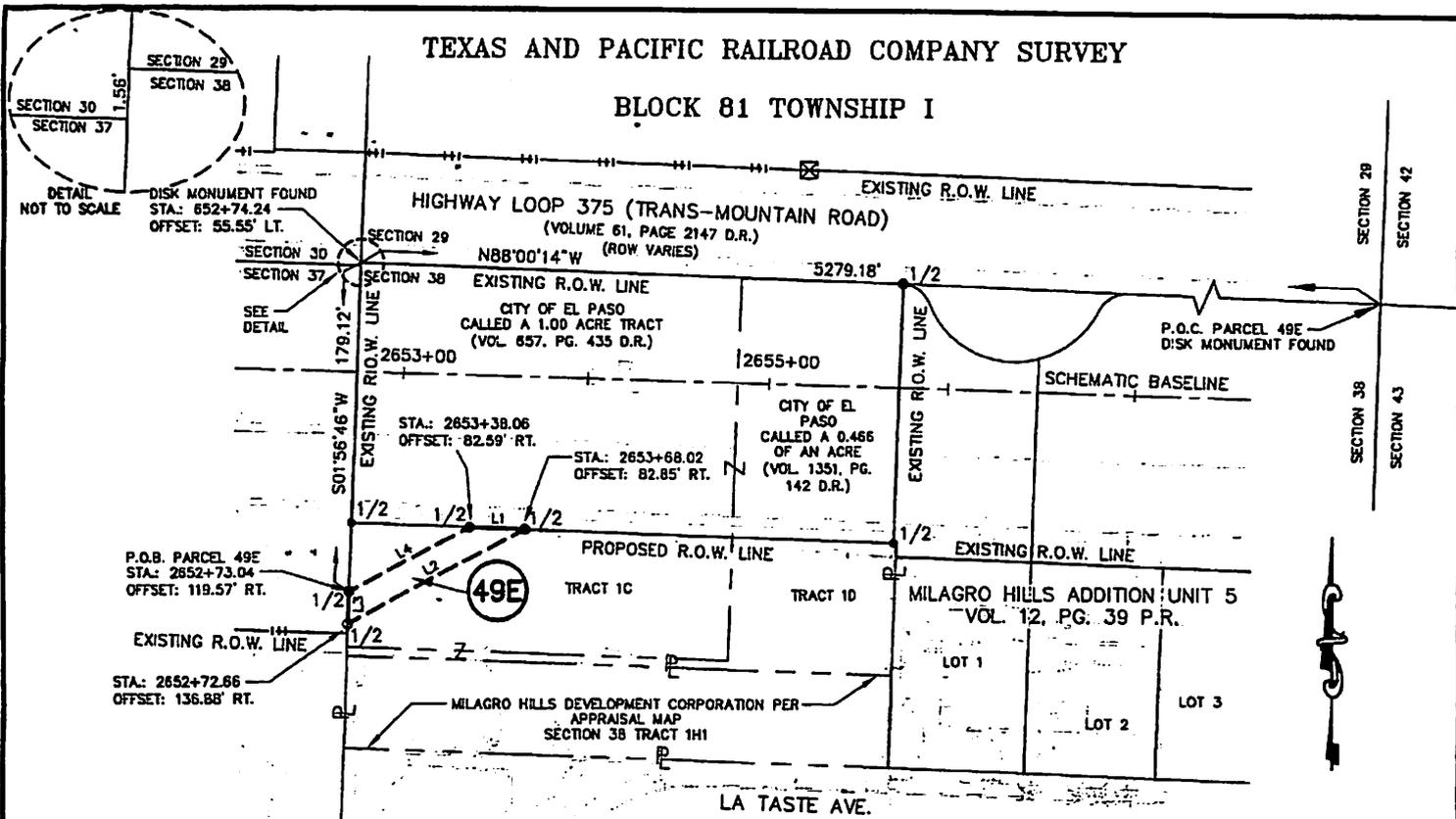
I, C. Gordon Clark, a Registered Professional Land Surveyor, hereby certify that the metes and bounds description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

C. Gordon Clark 9-26-08
C. Gordon Clark, R.P.L.S. Date
Texas Registration No. 3999



TEXAS AND PACIFIC RAILROAD COMPANY SURVEY

BLOCK 81 TOWNSHIP I



LEGEND

- ☒ ALUMINUM CAP STAMPED TEXAS DEPARTMENT OF TRANSPORTATION CONTROL OF ACCESS
- ⊙ TxDOT TYPE II BRASS CAP MONUMENT SET, UNLESS OTHERWISE NOTED
- ⊠ TxDOT TYPE III DISK MONUMENT SET
- 1/2 1/2" DIA. REBAR WITH CEC PLASTIC CAP SET, UNLESS OTHERWISE NOTED
- 1/2 1/2" DIA. REBAR FOUND
- MAG SET MAG NAIL WITH WASHER
- D.R. DEED RECORDS OF EL PASO COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS
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7. ACCESS IS PROHIBITED TO THE HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°00'14"E	29.96'
L2	S61°57'07"W	109.61'
L3	N01°56'46"E	17.32'
L4	N61°57'07"E	75.01'

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



CIVIL ENGINEERING CONSULTANTS
D O N D U R D E N I N C
11660 I.H. 10 WEST, SUITE 305
SAN ANTONIO, TEXAS 78230
P) 210.641.9999
F) 210.641.6440
Email: cec@cectexas.com

DIST. NAME EL PASO	PLAT OF Parcel 49E	COUNTY EL PASO
C.S.J. 2552-01-040	HWY LOOP 375 (TRANS-MOUNTAIN RD.)	DATE OF SURVEY 9/26/08

R.O.W. ACQUISITION: 0.032 OF ONE ACRE (1,394 sq. ft.)