

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

DEPARTMENT: **Engineering & Construction Management**

AGENDA DATE: **July 9, 2013**

CONTACT PERSON/PHONE: **Irene D. Ramirez, P.E., Interim City Engineer**

DISTRICT AFFECTED: **8, Representative Cortney Niland**

SUBJECT:

Item is to request approval of a resolution authorizing the City Manager to accept, on behalf of the City of El Paso, a Letter of Agreement between the City of El Paso and *Bristol Holdings, LLC* and *BS TX Lease Investor, LP*, for the purchase of a portion of property at 7022 N. Mesa Street to be used as part of a Mesa Street RTS Corridor station.

BACKGROUND / DISCUSSION:

This proposed purchase is one of three portions of private property required by the Mesa Street Rapid Transit System Corridor project, which extends from the Downtown Transfer Center to the Westside Transfer Center (Santa Fe & 4th Street to Remcon Circle & North Mesa). The additional station sites within the Mesa RTS corridor will be situated on State and City right-of-way and do not require additional land acquisition. The subject parcel consists of 1,010 s.f. of frontage at 7022 N. Mesa and the City proposes to purchase the parcel for \$15,000.00, constituting full payment to the owning entities.

PRIOR COUNCIL ACTION:

Council previously considered and approved the purchase of 649 s.f. of frontage at 4305 N. Mesa for this project. (May 28, 2013)

AMOUNT AND SOURCE OF FUNDING:

\$15,000.00 – Mesa RTS - 2009 CO's

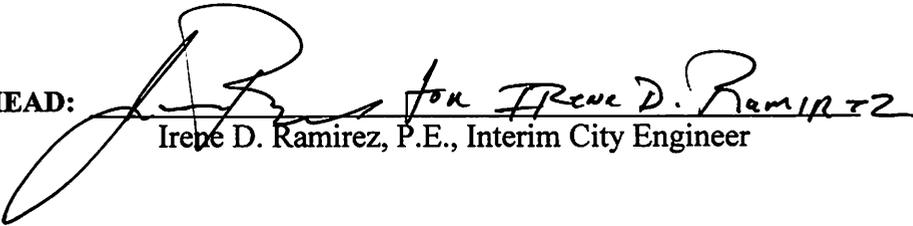
<u>Project</u>	<u>Fund</u>	<u>Dept. ID</u>	<u>Division</u>	<u>Account</u>
PCP09CMP0020	4710	190	28300	580000

BOARD / COMMISSION ACTION:

(N/A)

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

DEPARTMENT HEAD:


Irene D. Ramirez, P.E., Interim City Engineer

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager, or her designee, be authorized to sign any necessary documents for the purchase of a portion of the real property commonly known as 7022 N. Mesa Street, El Paso, El Paso County, Texas more particularly described as approximately 1,010 square feet of Lot 2, Block 1, Coronado Commercial District Unit One, an addition to the City of El Paso, El Paso County, Texas, including documents between or among the CITY OF EL PASO, BRISTOL HOLDING, LLC, a New York limited liability company, and BS TX Lease Investor, LP, a Texas limited partnership,.

ADOPTED this ____ day of _____, 2013.

CITY OF EL PASO

Oscar Leeser,
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Irene Ramirez, P.E., CFM, CNU-A
Interim City Engineer

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

Date: JUNE 27, 2013

Grantor: Bristol Holding, LLC, a New York limited liability company

Grantor's Mailing Address (including county):

c/o The Langfan Company
119 W. 57th Street, #906
New York, New York, 10019

Grantee: THE CITY OF EL PASO, A MUNICIPAL CORPORATION

Grantee's Mailing Address (including county):

City of El Paso
300 N. Campbell
El Paso County
El Paso, Texas 79901

Consideration: TEN AND NO/100THS DOLLARS (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged.

Property (including any improvements):

A portion of Lot 2, Block 1, CORONADO COMMERCIAL DISTRICT UNIT ONE, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 51, Page 13, Real Property Records, El Paso County, Texas, and being more particularly described by metes and bounds attached in Exhibit "A" attached and as shown in Exhibit "B" attached.

RESERVATIONS FROM CONVEYANCE: Title to all oil, gas and minerals of every kind and character in, on and under the insured premises, together with all rights, privileges and immunities relating thereto, heretofore reserved or conveyed by predecessors in title, to the State of Texas, in Volume 25, Page 627, Real Property Records, El Paso County, Texas

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. Restrictive Covenants recorded in/under Volume 660, Page 730, amended in Clerk's File No. 20040073095 filed August 3, 2004, Real Property Records of El Paso County, Texas but omitting any covenant or restriction based on race, color, religion, sex, handicap,

family status, or national origin.

- 2. Rezoning contract and restrictions between Jane Burgess Perrenot, et al and the City of El Paso, in Volume 612, Page 1319, Real Property Records, El Paso County, Texas.

GRANT AND CONVEYANCE:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee and Grantee's administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's administrators, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context of this instrument requires, singular nouns and pronouns will include the plural.

IN WITNESS WHEREOF this Warranty Deed is effective this the 27th day of JUNE, 2013.

GRANTOR:

BRISTOL HOLDING, LLC, a New York limited liability company

By: 
 Name: MARK LANGFAN
 Title: manager

ACKNOWLEDGMENT

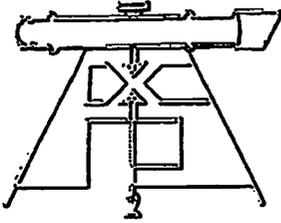
STATE OF NEW YORK)
)
 COUNTY OF NEW YORK)

This instrument was acknowledged before me on the 27th day of JUNE, 2013 by MARK LANGFAN, manager of Bristol Holding, LLC, a New York limited liability company, on behalf of said company.


 Notary Public, State of ~~Texas~~ NEW YORK

My commission expires:

JENNY GABOFF
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01GA6066683
 Qualified in Kings County
 My Commission Expires November 19, 2013



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

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

**BOUNDARY SURVEY OF A PORTION OF
 LOT 2, BLOCK 1, CORONADO COMMERCIAL
 DISTRICT UNIT 1**

**BEING A TRACT OF LAND SITUATED IN LOT 2, BLOCK 1, CORONADO
 COMMERCIAL DISTRICT UNIT 1, ACCORDING TO THE PLAT RECORDED IN
 VOLUME 51, PAGE 13, PLAT RECORDS, EL PASO COUNTY, TEXAS, AND BEING
 MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING, at a recovered Chiseled "X" at the common boundary line of Tract 10-T and 10-J-3, A.F. Miller Survey No. 211, recorded in Volume 3502, Page 1396, Deed Records, El Paso County, Texas and said Coronado Commercial District Unit 1, and lying on the northerly right-of-way line of Mesa Street/State Highway 20 (150' wide right-of-way); Thence, South 74°02'15" East, along said right-of-way line, a distance of 103.17 feet to a chiseled "X" set for the **POINT OF BEGINNING**;

THENCE, North 15°57'45" East, leaving said right-of-way line, a distance of 11.21 feet to a P.K. Nail set for corner;

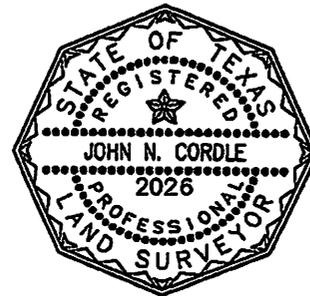
THENCE, South 74°03'51" East, a distance of 90.00 feet to a P.K. Nail set for corner;

THENCE, South 15°57'45" West, a distance of 11.25 feet to a chiseled "X" set on the said right-of-way line of Mesa Street; from which a recovered Chiseled "X" at the southernmost corner of Lot 1, Block 1, Coronado Commercial District Unit 1, bears South 74° 02'15" East, a distance of 261.63 feet;

THENCE, North 74°02'15" West, along said right-of-way line, a distance of 90.00 feet to the **POINT OF BEGINNING** and containing 0.023 acres (1,010 square feet) of land.

NOTE:
A SURVEY PLAT OF EVEN DATE ACCOMPANIES THIS "METES AND BOUNDS DESCRIPTION".
 Frank X. Spencer & Associates, Inc.


 _____ 5-23-12
 JOHN N. CORDLE, RPLS Date
 Texas License No. 2026



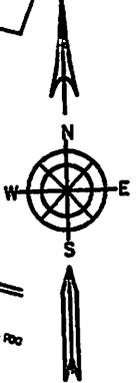
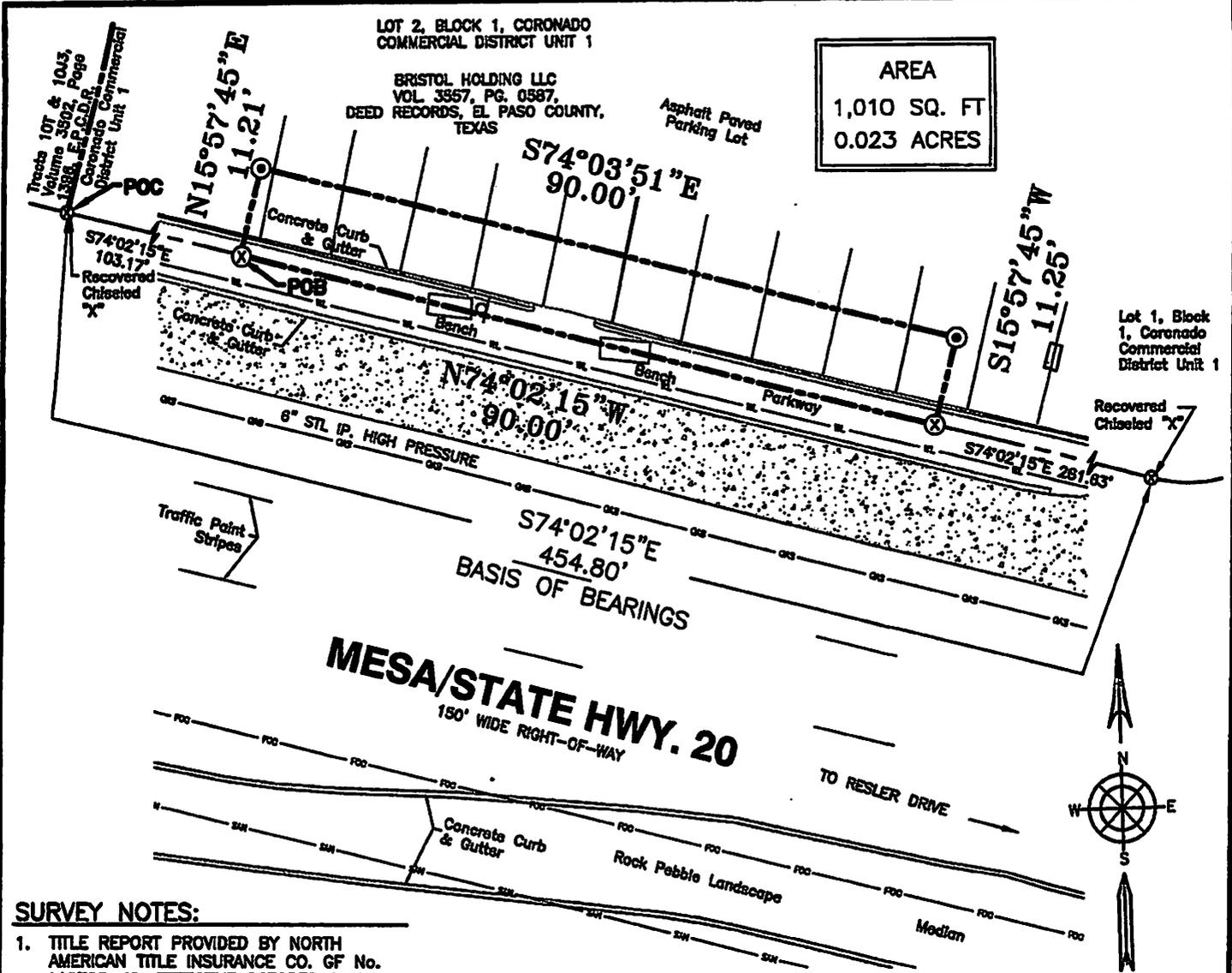
LOT 2, BLOCK 1, CORONADO
COMMERCIAL DISTRICT UNIT 1

BRISTOL HOLDING LLC
VOL. 3567, PG. 0587,
DEED RECORDS, EL PASO COUNTY,
TEXAS

Asphalt Paved
Parking Lot

AREA
1,010 SQ. FT
0.023 ACRES

Lot 1, Block
1, Coronado
Commercial
District Unit 1



SCALE: 1"=20'
0 10' 20'
CONTOUR INTERVAL: 1.0'



SURVEY NOTES:

1. TITLE REPORT PROVIDED BY NORTH AMERICAN TITLE INSURANCE CO. GF No. 112708-JC, EFFECTIVE OCTOBER 2, 2011.
2. THE BASES OF BEARINGS IS THE MONUMENTED NORTHERLY RIGHT-OF-WAY LINE OF MESA STREET/STATE HIGHWAY 20, AS SHOWN ON TX-DOT RIGHT-OF-WAY MAP BY LANDTECH CONSULTANTS, INC.
3. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL 4802140027D, DATED JANUARY 3, 1997, THIS PROPERTY LIES IN FLOOD ZONE C.
4. THE PLAT OF CORONADO COMMERCIAL DISTRICT UNIT ONE IS RECORDED IN VOLUME 51, PAGE 13, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. SET 5/8 INCH REBAR WITH ALUMINUM CAP MARKED "FXS RPLS 2198" AT ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.

LEGEND:

- ⊗ RECOVERED CHISELED "X"
- ⊗ SET CHISELED "X"
- ⊙ SIGN
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- ⊙ SET P.K. NAIL

5-23-12
DATE

John N. Cordle
JOHN N. CORDLE
Registered Professional Land Surveyor #2026

FXSA
FRANK X. SPENCER & ASSOCIATES, INC.
Consulting Civil Engineers & Surveyors
(TBP# F-3684, TBPL# 100460-00)
1130 MONTANA AVE
EL PASO, TX 79902
Ph: (915) 533-4600
Fax: (915) 533-4873
www.fxsa.com

BOUNDARY SURVEY OF
A PORTION OF LOT 2, BLOCK 1,
CORONADO COMMERCIAL
DISTRICT UNIT 1
CITY OF EL PASO, EL PASO COUNTY, TEXAS

EXHIBIT B