

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: August 8, 2007

CONTACT PERSON/PHONE: Frank Delgado, 541-4238

DISTRICT(S) AFFECTED: None (Eastern ETJ)

SUBJECT:

A resolution authorizing a reduction in the City Of El Paso's extraterritorial jurisdiction by a total of 636 acres located in Tract 3, C.D. Stewart Survey Number 321, El Paso County, Texas (X321-000-0000-0000), and a further reduction in the City Of El Paso's extraterritorial jurisdiction by 5 acres located in Tracts 3 and 7, Section 21, Block 79, Township 3, Texas And Pacific Railway Company Survey, El Paso County Texas (X579-000-3210-0220) as requested by the town of Horizon City, Texas. (Eastern ETJ)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

A RESOLUTION AUTHORIZING A REDUCTION IN THE CITY OF EL PASO'S EXTRATERRITORIAL JURISDICTION BY A TOTAL OF 636 ACRES LOCATED IN TRACT 3 C.D. STEWART SURVEY NUMBER 321, EL PASO COUNTY, TEXAS, AND A FURTHER REDUCTION IN THE CITY OF EL PASO'S EXTRATERRITORIAL JURISDICTION BY 5 ACRES LOCATED IN TRACTS 3 AND 7, SECTION 21, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, EL PASO COUNTY, TEXAS.

WHEREAS the Town of Horizon City, Texas, ("Horizon") a home-rule municipality, has petitioned the City of El Paso, Texas ("El Paso") to have certain parcels consisting of a total of 636 acres released from the extraterritorial jurisdiction ("ETJ") of El Paso to permit the annexation of such property into the Town of Horizon City, Texas; and,

WHEREAS, the territory sought to be annexed into the corporate boundaries of Horizon lies within the extraterritorial jurisdiction of the City of El Paso, Texas and may not be annexed by Horizon until such time as release from El Paso's ETJ ; and,

WHEREAS, the City Plan Commission has recommended the reduction of El Paso's ETJ for C.D. Stewart Survey No. 321, El Paso County, Texas, and a portion of Tract 7, Section 21, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas and Tract 3, Section 21, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas,; and,

WHEREAS, the Planning and Development Services Legislative Review Committee recommended the reduction of El Paso's ETJ for the property consisting of Ashford Street abutting Horizon, so that Horizon may have control over the construction and repair of said street ; and,

WHEREAS, Section 42.023 of the Texas Local Government Code requires the written consent by ordinance or resolution of the governing body of the municipality prior to reducing the municipality's ETJ.

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

THAT, pursuant to the provisions of the Texas local Government Code, the City of El Paso, Texas hereby consents to a reduction in the City of El Paso's extraterritorial jurisdiction of the property described as C.D. Stewart Survey No. 321, El Paso County, Texas, and which is more fully described in the attached metes and bounds descriptions identified as Exhibit "A," and a portion of Tract 7, Section 21, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas and Tract 3, Section 21, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas, and which is more fully described in the attached metes and bounds descriptions identified as Exhibit "B," and made a part hereof by reference.

Except as herein provided, no further reduction or release in extraterritorial jurisdiction of the City of El Paso is intended by this resolution.

This authorization for reduction of extraterritorial jurisdiction made by the City of El Paso is given, subject to the following condition: that such authorization and consent is for the purpose of allowing the town of Horizon City to initiate annexation proceedings, as otherwise provided by law.

ADOPTED this _____ day of _____, 2007

THE CITY OF EL PASO

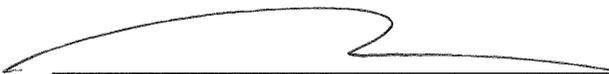
John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney



Kelly K. Carpenter
Deputy Director of Planning
Development Services Department

CITY CLERK DEPT.
07 JUL 27 AM 9:25

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES PLANNING DIVISION

DATE: July 25, 2007
TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Frank Delgado, Planner
SUBJECT: ZON07-00025

This issue came up last year. The CPC voted to recommend partial release, allowing one parcel (X3210000000000) to be released; but recommending that release of the other two requested parcels be tabled, contingent on a then-ongoing City annexation study about the entire ETJ. The matter was unresolved.

A letter, dated November 16, 2006, from Horizon Mayor Morales, requests release of X32100000000000 (631 acres), bounded by Horizon on the parcel's north and east sides, and another parcel, X57900032100220 (5.95 acres), bounded by Horizon on three sides. A letter of support from the Texas General Land Office is attached, as is a copy of a memo from El Paso Water Utilities, stating that they no objections to this request. The City Plan Commission (CPC), on May 3, 2007, voted 7-0 to recommend **APPROVAL** of release of these portions of the City's eastern ETJ to allow Horizon City to annex these parcels, concurring with staff's recommendation.

There was **NO OPPOSITION** from the public to this request.

Attachments:

Staff Report
Letter From Horizon Mayor with Metes & Bounds—Parcel #1 & #2
Letter From General Land Office, State of Texas
Memo From El Paso Water Utilities

STAFF REPORT

RELEASE OF PORTION OF EASTERN EXTRATERRITORIAL JURISDICTION TO HORIZON CITY FOR ANNEXATION

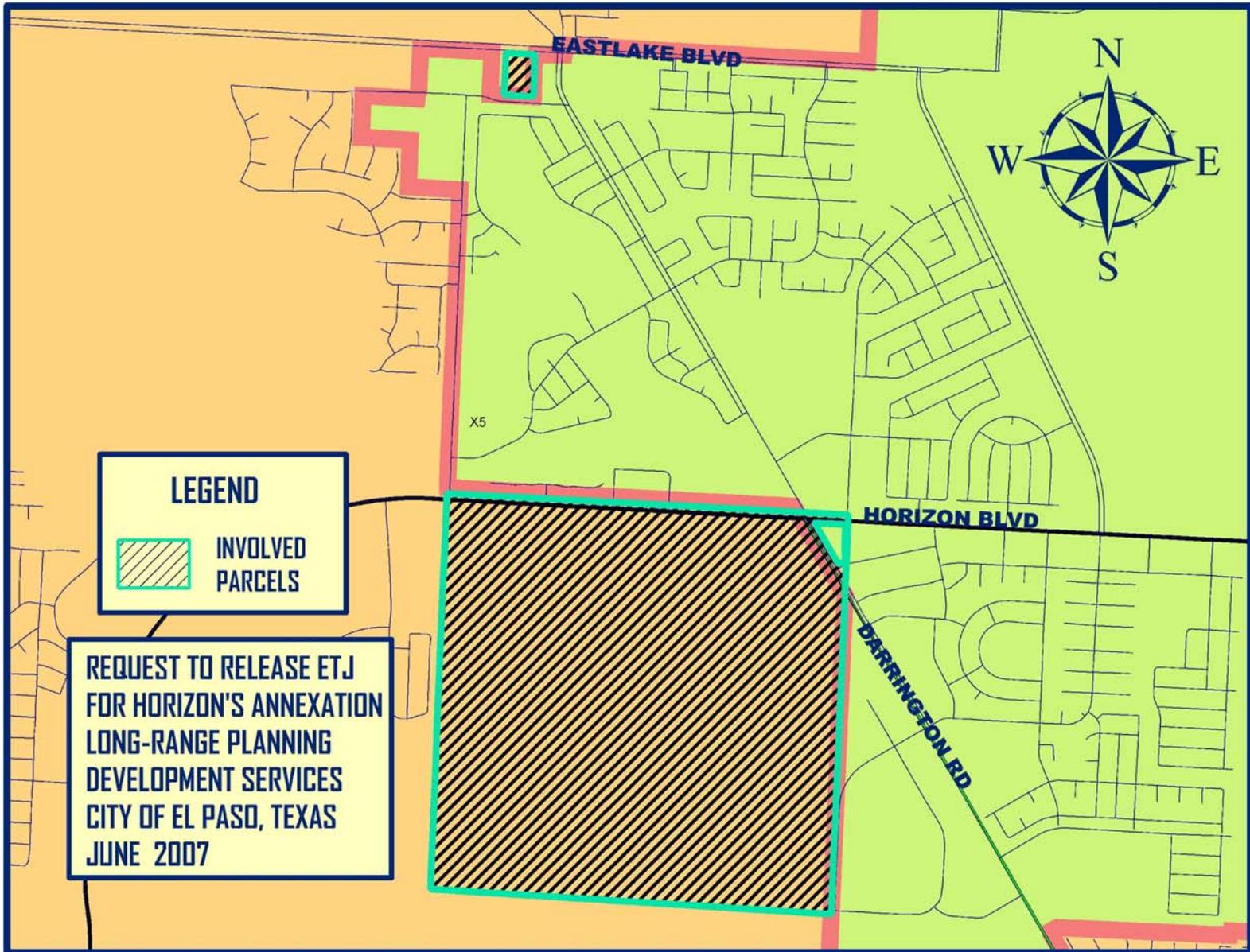
BACKGROUND

In October 2005, Horizon City approached the City of El Paso to annex parcels of land that were in the City's eastern Extraterritorial Jurisdiction (ETJ). The request was for release of three parcels, totaling 1,313 acres. At that time, the City Plan Commission (CPC) recommended release of only one parcel, X3210000000000 (a portion of C.D. Stewart Survey Number 321, El Paso County, Texas, 631 acres), but not release of the other two parcels (a portion of C.D. Stewart Survey Number 320, and a portion of Section 22, Block 79, Township 3, Texas and Pacific Railway Survey, El Paso County, Texas), because an annexation study of all ETJ lands was in progress. The result was that the City of El Paso did not release parcel X3210000000000 for annexation by Horizon City.

On November 16, 2006, Mayor Raymond Morales wrote to El Paso Mayor John Cook to seek release of two parcels, X3210000000000 and X5790000220. The larger parcel (X3210000000000) is bounded on the north and east sides by Horizon City. The smaller parcel (X57900032100220) surrounded on three sides by Horizon. The City of El Paso's ETJ surrounds Horizon City.

RECOMMENDATIONS

The CPC voted 7-0 to recommend release of these parcels in the City of El Paso's eastern ETJ to Horizon City so they may annex them. The Department Coordinating Committee (DCC) voted unanimously to recommend release to the CPC. Planning staff also recommends release of the identified portions of the ETJ.



LETTER FROM HORIZON MAYOR

November 16, 2006

John Cook, Mayor
City of El Paso
2 Civic Center Plaza, 10th Floor
El Paso, Texas 79912

Subject: Request for release from the El Paso Extraterritorial Jurisdiction – Tracts 3 and 7,
Section 21, Block 79, Township 3, T&PRR Surveys, El Paso County, Texas

Dear Mayor Cook:

Per our conversation, we hereby request the release of the subject 5.112 parcel from the El Paso Extraterritorial Jurisdiction. Enclosed is a metes-and-bounds description of the property. This parcel is vacant and lies south of Eastlake Boulevard. It is bounded on three sides by the Town of Horizon City.

We also wish to reopen discussions regarding the respective Extraterritorial Jurisdictions of our two cities. Such discussions will help us plan for future growth, as well as enable our two cities to coordinate our respective planning and development controls. When we previously broached the subject, the El Paso City Council deemed such discussions premature. Perhaps now the City of El Paso is in a better position to consider the matter.

Previously, we were told that the El Paso was undertaking a comprehensive study of potential future annexations, and we requested to be kept apprised of that planning study. Thus far, however, we have not been contacted by any of your staff. Based on the information posted on your website, we understand that the City of El Paso is currently pursuing the annexation of six parcels totaling approximately 2,430 acres. The most southerly of these parcels lies north of Pellicano Drive – approximately three miles northwest of our corporate limits. We are not aware of any annexation proposed in the immediate vicinity of the Town of Horizon City.

We are still keen to annex the remainder of C.D. Stewart Section 321. This property is bounded by the Town of Horizon City on its northerly and easterly boundaries, and we regard it as a logical extension of our community. This section is controlled by the State General Land Office, and it lies wholly within the Horizon Regional Municipal Utility District.

We will appreciate your assistance in this matter and we look forward to your response.

Sincerely,

Raymond Morales
Mayor

cc: Patricia D. Adauto, Deputy City Manager, Development & Infrastructure Services
Gus Haddad, Chairman, City Plan Commission
Charles McNabb, El Paso City Attorney
Robert Duran, City Attorney, Town of Horizon City

DATE OF PREPARATION: 12/12/05 SCALE: 1"=1000' (11"x17" Sheet)

OFFICE: SEC

HUITT~ZOLLARS, INC.

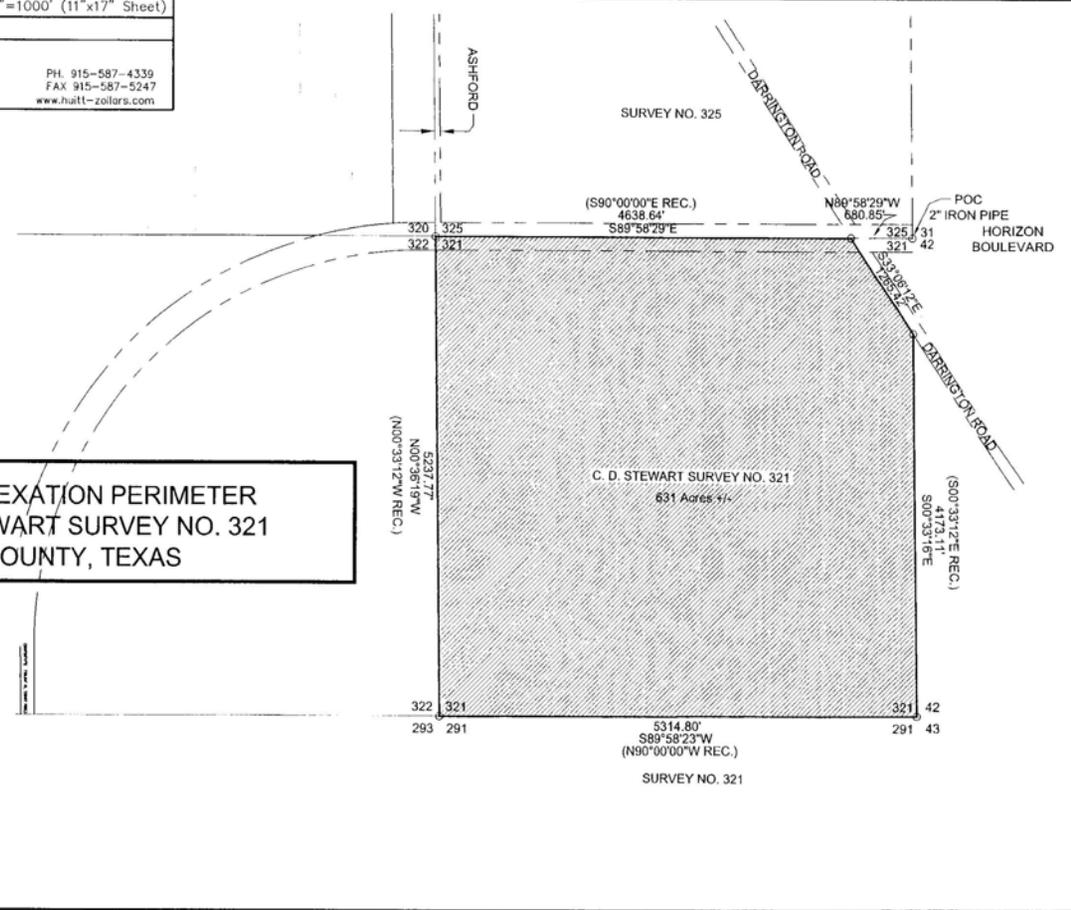
Engineering/Surveying
5822 CROMO DR., STE 210, EL PASO, TEXAS 79912

PH. 915-587-4339
FAX 915-587-5247
www.huilt-zollars.com

PROPOSED ANNEXATION PERIMETER
WITHIN C.D. STEWART SURVEY NO. 321
EL PASO COUNTY, TEXAS



CERTIFICATION
THIS EXHIBIT WAS PREPARED FROM RECORD DATA ONLY, AND DOES NOT REPRESENT AN ON-THE-GROUND SURVEY.
Stephen Earl Coeb
STEPHEN EARL COEB TX4297 INT10472 A225068



HUITT-ZOLLARS

5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427

(915) 587-4339 Phone
(915) 587-5247 Fax

The parcel of land herein described is a portion of State of Texas property known as Tract 7 (3.288 Acre Parcel described in Bk. 2595 Pg. 1517) and Tract 3 (a 5.112 Acre parcel described in Bk. 2361 Pg. 831 and in Bk. 1368 at Pg. 163), Section 21, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas, (said designations of Tract 3 and Tract 7 being from the current revision of El Paso County Central Appraisal District map for said Section 21), and is more particularly described by metes and bounds as follows:

The POINT OF BEGINNING being the northwest corner of that certain 1.0044 acre parcel conveyed to Bean Oil by deed recorded in Bk. 4577 at Pg. 389, on the south right-of-way line of Eastlake Boulevard;

Thence, with the west boundary line of said 1.0044 acre Bean Oil parcel, South 00°00'36" West, 175.00 feet;

Thence, with the south boundary line of said Bean Oil parcel, South 89°59'18" East, 1.27 feet to the common boundary line between said Tracts 3 and 7;

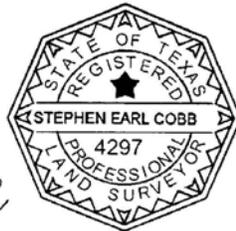
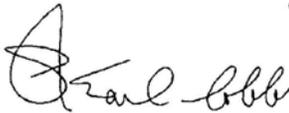
Thence, with the common boundary line between said Tract 3 and Tract 7, South 00°32'45" East, 385.59 feet to the southerly common corner of those two tracts on the north right-of-way line of Ryderwood Avenue;

Thence, with the north right-of-way line of Ryderwood Avenue, North 89°57'11" West, 397.48 feet to the southwest corner of said 5.112 acre Tract 3;

Thence, with the west boundary line of said 5.112 acre Tract 3, being the east boundary line of Tract 2A (the remnant portion of a 7.520 acre parcel described in Bk. 2361 at Pg. 833), North 00°32'45" West, 560.36 feet to the south right-of-way line of Eastlake Blvd.;

Thence, with the south right-of-way line of Eastlake Blvd., South 89°59'16" East, 397.91 feet to the POINT OF BEGINNING and having an area of 222,694 square feet or 5.112 acres.

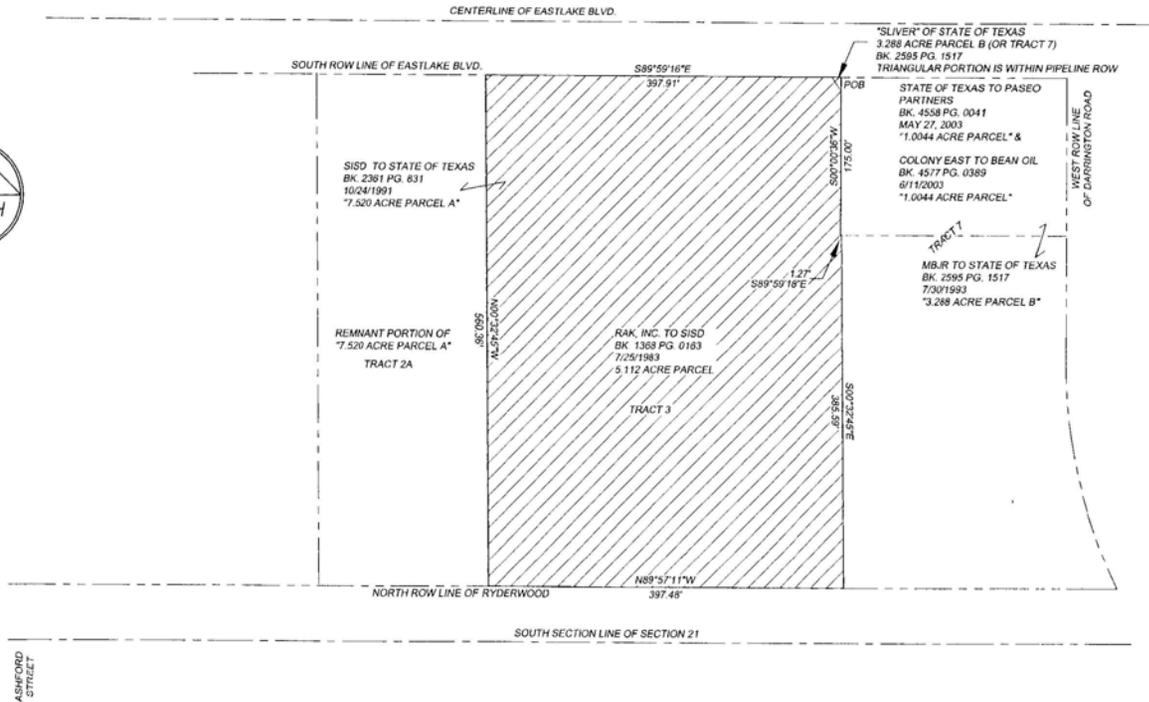
This description, and the accompanying sketch, is based on record data, and does not represent an on-the-ground survey. Some record bearings have been rotated to conform with the Bean Oil parcel bearing basis.



Stephen Earl Cobb

Survey Supervisor for Huitt-Zollars, Inc., El Paso Office

November 15, 2006



CERTIFICATION

THIS SKETCH IS BASED ON RECORD DATA AND DOES NOT REPRESENT AN ON-THE-GROUND SURVEY. BEARINGS HAVE BEEN ROTATED TO CONFORM WITH THE REFERENCE COMPANY PARCEL.

Stephen Earl Cobb

STEPHEN EARL COBB TX4297 NM10472 AZ25068



SKETCH TO ACCOMPANY WRITTEN DESCRIPTION
 A PORTION OF TRACTS 7 & 3, SECTION 21, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS
 EL PASO COUNTY, TEXAS
 DESCRIBED BY METES AND BOUNDS

DATE OF SKETCH: 11/15/2006; SCALE: 1"=100' OFFICE: SEC
 HUITT-ZOLLARS, INC. PH: 915-587-4330
 5822 CROMO DRIVE, STE. 210, EL PASO, TEXAS 79912 FAX: 915-587-5247

HUITT-ZOLIARS

5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427

(915) 587-4339 Phone
(915) 587-5247 Fax

The parcel of land herein described is a portion of Survey No. 321, C. D. Stewart Survey No. 321, El Paso County, Texas; and is more particularly described by metes and bounds as follows:

Commencing for reference at a found 2" dia. iron pipe at the northeast corner of said Survey No. 321 (and lying on the centerline of Horizon Blvd.); Thence, with the north boundary line of said Survey No. 321, N 89°58'29" W 680.85 feet to the POINT OF BEGINNING hereof;

Thence, S 33°06'12" E, at approximately 179.12 feet joining the southwest right-of-way line of Darrington Road, for a total distance of 1265.42 feet;

Thence, with the east boundary line of said Survey No. 321, S 00°33'16" E (S 00°33'12" E REC.) 4173.11 feet;

Thence, with the south boundary line of said Survey No. 321, S 89°58'23" W (S 90°00' W REC.) 5314.80 feet;

Thence, with the west boundary line of said Survey No. 321, N 00°36'19" W (N 00°33'12" W REC.) 5237.77 feet;

Thence, with the north boundary line of said Survey No. 321, and with the centerline of Horizon Blvd., S 89°58'29" E (S 90°00' E REC.) 4638.64 feet to the POINT OF BEGINNING and containing 631 acres more or less.

This description is based on record data, does not represent a current "on the ground survey" of the subject parcel, and was prepared by Stephen Earl Cobb, RPLS 4297. The perimeter described herein is roughly in conformity with the 1939 Baker survey of certain sections in the Texas and Pacific Railway Company Survey in El Paso County, Texas.

Stephen Earl Cobb, RPLS 4297
December 12, 2005

LETTER FROM GENERAL LAND OFFICE, STATE OF TEXAS

03/22/2007 16:05 9158521805

TOWN OF HORIZON CITY

PAGE 02

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

November 21, 2005

COPY

The Honorable John Cook
Mayor of El Paso
2 Civic Center Plaza, 10th Floor
El Paso, Texas 79901

RE: Removal of Section 321 From City of El Paso ETJ

Dear Mayor Cook:

We are writing to support Horizon City Mayor Raymond Morales's request that Section 321, a tract of Permanent School Fund Land on Horizon Boulevard, be removed from the ETJ of the City of El Paso. We have had conversations with Horizon City officials, including Mayor Morales, concerning the future development and growth of Horizon City in relation to Section 321. As you are aware, Horizon City is growing rapidly and the need for new city service facilities is critical. Section 321 is located in the heart of this growing area and is an ideal location for the facility.

The General Land Office, in cooperation with Horizon City officials, expects to participate in master planning Section 321, to include city services, residential and retail development. We feel the location of Section 321 offers the most viable opportunity for Horizon City to expand and plan toward the future. The first step in this process would be the removal of Section 321 from the City of El Paso's ETJ, with an agreement for annexation into Horizon City. Utilities are already available from Horizon's utility district. The construction of these facilities is in the best interest of the citizens of Horizon City, and we hope you will agree as well that this is in the best interest of the City of El Paso. Your consideration of this request is greatly appreciated, and we look forward to working with you again very soon.

Sincerely,

Richard B. Tanner
Deputy Commissioner
Asset Management

cc: Honorable Raymond Morales

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

www.glo.state.tx.us

RECEIVED
NOV 28 2005

J
N
ES

MEMO FROM EL PASO WATER UTILITIES

03/22/2007 16:05 9158521005

TOWN OF HORIZON CITY

PAGE 02

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

November 21, 2005

COPY

The Honorable John Cook
Mayor of El Paso
2 Civic Center Plaza, 10th Floor
El Paso, Texas 79901

RE: Removal of Section 321 From City of El Paso ETJ

Dear Mayor Cook:

We are writing to support Horizon City Mayor Raymond Morales's request that Section 321, a tract of Permanent School Fund Land on Horizon Boulevard, be removed from the ETJ of the City of El Paso. We have had conversations with Horizon City officials, including Mayor Morales, concerning the future development and growth of Horizon City in relation to Section 321. As you are aware, Horizon City is growing rapidly and the need for new city service facilities is critical. Section 321 is located in the heart of this growing area and is an ideal location for the facility.

The General Land Office, in cooperation with Horizon City officials, expects to participate in master planning Section 321, to include city services, residential and retail development. We feel the location of Section 321 offers the most viable opportunity for Horizon City to expand and plan toward the future. The first step in this process would be the removal of Section 321 from the City of El Paso's ETJ, with an agreement for annexation into Horizon City. Utilities are already available from Horizon's utility district. The construction of these facilities is in the best interest of the citizens of Horizon City, and we hope you will agree as well that this is in the best interest of the City of El Paso. Your consideration of this request is greatly appreciated, and we look forward to working with you again very soon.

Sincerely,

Richard B. Tanner
Deputy Commissioner
Asset Management

cc: Honorable Raymond Morales

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

www.glo.state.tx.us

RECEIVED
NOV 28 2005

12/23

LETTER FROM EL PASO WATER UTILITIES



EDMUND G. ARCHULETA, P.E.

April 3, 2007

Ms. Joyce Wilson
City Manager
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

Dear Ms. Wilson:

A handwritten signature in black ink, appearing to read "Joyce".

This is to inform you that the El Paso Water Utilities (EPWU) has reviewed a request submitted by the Town of Horizon City to the City of El Paso for consideration to release certain properties from the City's extraterritorial jurisdiction (ETJ). It is our understanding that the Town of Horizon City intends to annex the subject properties into their municipal boundaries. EPWU offers no objection to the request as submitted for the properties identified in the attached map exhibit. These properties will be served with water and wastewater service by the El Paso County Water Authority. It is further recommended that any future requests for release of the City's ETJ be delayed until such time as the City has completed its ongoing comprehensive annexation study.

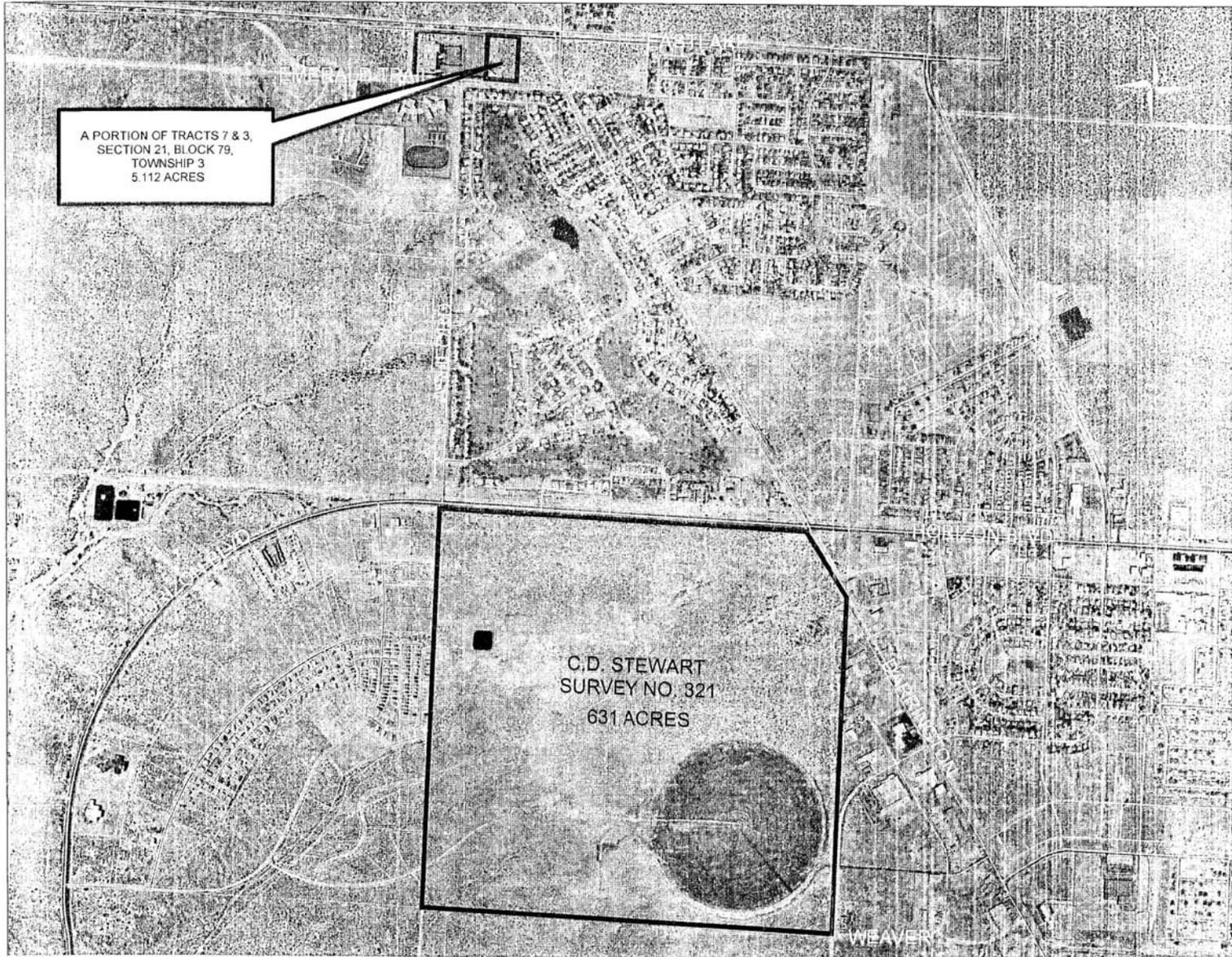
Sincerely,

A handwritten signature in black ink, appearing to read "Ed Archuleta".

Edmund G. Archuleta, P.E.
General Manager

cc: Pat Adatao, Deputy City Manager
Alan Shubert, Development Services Director/Interim City Engineer
Kelly Carpenter, City of El Paso/Development Services Department/Planning Director
Nick Costanzo, EPWU, Assistant General Manager
Jim Shelton, EPWU, Utility Land & Water Rights Manager
Rudy Valdez, EPWU, Utility Land Management Coordinator

Attach. Map



A PORTION OF TRACTS 7 & 3,
SECTION 21, BLOCK 79,
TOWNSHIP 3
5.112 ACRES

C.D. STEWART
SURVEY NO. 321
631 ACRES

WEAVER