

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

DEPARTMENT: Development Services Department

AGENDA DATE: CCA Consent 08/14/07

CONTACT PERSON/PHONE: Raul Garcia, Planner – 541-4935

DISTRICT(S) AFFECTED: 5

SUBJECT:

A RESOLUTION THAT THE CITY MANAGER BE AUTHORIZED TO SIGN AND ACCEPT A DEDICATION DEED FROM GFA, LLC., CONVEYING TO THE CITY OF EL PASO A 4.851 ACRE PARCEL OF LAND, MORE OR LESS, DESCRIBED AS *A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEY, UNIT 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS*, (THE "PROPERTY"), AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" FOR PARKLAND PURPOSES, IN SATISFACTION OF THE COMMUNITY PARKLAND REQUIREMENTS IMPOSED BY ORDINANCE NUMBER 014264.
LOCATION: (DISTRICT 5)

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter, AICP

APPROVED FOR AGENDA:

RESOLUTION

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

That the City Manager be authorized to sign and accept a Dedication Deed from GFA, LLC., conveying to the City of El Paso a 4.851 acre parcel of land, more or less, described as *a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, Unit 2, City of El Paso, El Paso County, Texas*, (the "Property"), and being more fully described by metes and bounds in Exhibit "A" for parkland purposes, in satisfaction of the community parkland requirements imposed by Ordinance Number 014264.

ADOPTED this _____ day of _____, **2007**.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

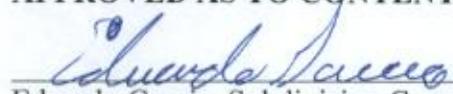
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

SPECIAL WARRANTY DEED

THE STATE OF TEXAS }
 }
COUNTY OF EL PASO } **KNOWN ALL MEN BY THESE PRESENTS**

THAT THE UNDERSIGNED, GFA Limited Partnership, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other goods and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledgement and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto City of El Paso herein referred to as "Grantee", whether one or more, the real property described as follows:

A Portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, being particularly described by metes and bounds in Exhibit "A", with an area containing 4.851 acres of land more less and referred to as "Park No. 2", attached hereto and made a part hereof.

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and restrictions, relating to the hereinabove described property as now reflected by the records of the County Clerk of El Paso County, Texas.

TO HAVE AND TO HOLD the above described, together with all the rights and appurtenances lawfully accompanying it, by the Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or part thereof, by, through, or under Grantor, but not otherwise.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this date: _____

GFA, Limited Partnership
by GFA General, LC, its general partner
by the undersigned Manager of GFA General, L.C.



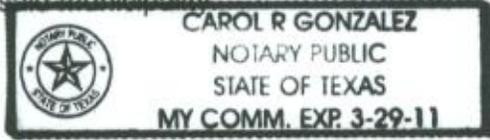
By: Albert Gamboa, Manager & President

Grantee's Address
1525 Goodyear Road
El Paso, Texas 79936

ACKNOWLEDGEMENT

THE STATE OF TEXAS }
COUNTY OF EL PASO }

This instrument was acknowledged before me this day 21st April, 2007, by Albert Gamboa, Manager of GFA, General, a Limited Liability Corporation, on behalf of said municipality.



Carol R Gonzalez
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AGREED AND ACCEPTED:
ATTEST:

GRANTEE:
CITY OF EL PASO

City Clerk
Date: _____

Joyce Wilson, City Manager
Date: _____

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

STATE OF TEXAS }
COUNTY OF EL PASO }

This instrument was acknowledged before me this day _____, 2007, by Joyce Wilson, City Manager of the City of El Paso, a municipality, on behalf of said municipality.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of El Paso
Attn: City Attorney
Two Civic Center Plaza
Ninth Floor
El Paso, Texas 79901

CITY CLERK DEPT.
07 AUG - 6 AM 8:59

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

1450 Pendale Road, Suite "B" El Paso, Texas 79936 Ph.(915) 591-5709 Fax(915) 591-5706

**PARK NO. 2
METES AND BOUNDS DESCRIPTION**

Description of a parcel of land being a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Surveys, city of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing 2" iron pipe marking the common corner for Sections 3, 4, 45 and 46; Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas; **THENCE**, N 89°57'39" E, along the southerly line of said Section 46, a distance of 1977.17 feet to a point; **THENCE**, N 00°02'21" W, a distance of 1780.21 feet to the **POINT OF BEGINNING** of the parcel of land herein described:

THENCE, N 46°02'03" W, a distance of 234.64 feet to a point for a corner of this parcel;

THENCE, 67.15 feet along an arc of a curve to the left, with a radius of 70.00 feet, an interior angle of 54°57'57", and a chord which bears N 42°52'55" W, a distance of 64.61 feet, to a point for a corner of this parcel;

THENCE, 16.99 feet along an arc of a curve to the right, with a radius of 40.00 feet, an interior angle of 24°19'51", and a chord which bears N 58°11'59" W, a distance of 16.86 feet, to a point for a corner of this parcel;

THENCE, N 46°02'03" W, a distance of 139.19 feet to a point for a corner of this parcel;

THENCE, 29.35 feet along an arc of a curve to the right, with a radius of 20.00 feet, an interior angle of 84°04'48", and a chord which bears N 03°59'39" W, a distance of 26.79 feet, to a point for a corner of this parcel;

THENCE, 190.24 feet along an arc of a curve to the left, with a radius of 426.00 feet, an interior angle of 25°35'13", and a chord which bears N 25°15'09" W, a distance of 188.66 feet, to a point for a corner of this parcel;

THENCE, 27.05 feet along an arc of a curve to the right, with a radius of 20.00 feet, an interior angle of 77°30'07", and a chord which bears N 51°12'36" E, a distance of 25.04 feet, to a point for a corner of this parcel;

THENCE, N 89°57'39" E, a distance of 376.56 feet to a point for corner of this parcel;

THENCE, 38.71 feet along an arc of a curve to the right, with a radius of 349.00 feet, an interior angle of 06°21'21", and a chord which bears S 86°52'33" E, a distance of 38.69 feet, to a point for a corner of this parcel;

THENCE, S 83°41'53" E, a distance of 24.91 feet to a point for a corner of this parcel;

THENCE, 40.52 feet along an arc of a curve to the right, with a radius of 30.00 feet, an interior angle of 77°23'47", and a chord which bears S 44°59'59" E, a distance of 37.51 feet, to a point for a corner of this parcel;

THENCE, S 06°18'07" E, a distance of 24.91 feet to a point for a corner of this parcel;

THENCE, 38.63 feet along an arc of a curve to the right, with a radius of 349.00 feet, an interior angle of 06°20'28", and a chord which bears S 03°07'53" E, a distance of 38.61 feet, to a point for a corner of this parcel;

THENCE, S 00°02'21" E, a distance of 71.82 feet to a point for a corner of this parcel;

THENCE, 334.91 feet along an arc of a curve to the right, with a radius of 349.00 feet, an interior angle of 54°58'56", and a chord which bears S 27°31'49" W, a distance of 322.20 feet, to a point for a corner of this parcel;

THENCE, 120.85 feet along an arc of a curve to the left, with a radius of 761.08 feet, an interior angle of 09°05'52", and a chord which bears S 50°28'21" W, a distance of 120.72 feet to the **POINT OF**

BEGINNING of the herein parcel being described, containing 4.851 acres of land more less.

NOTES:

1. A Parcel Plan of even date accompanies this description.
2. Bearings recited herein are based on southerly line for Section 46, Block 79, Tsp 2, Texas and Pacific Railroad Surveys, as shown on the Plat of Survey by Cutts Land Surveying, Inc.

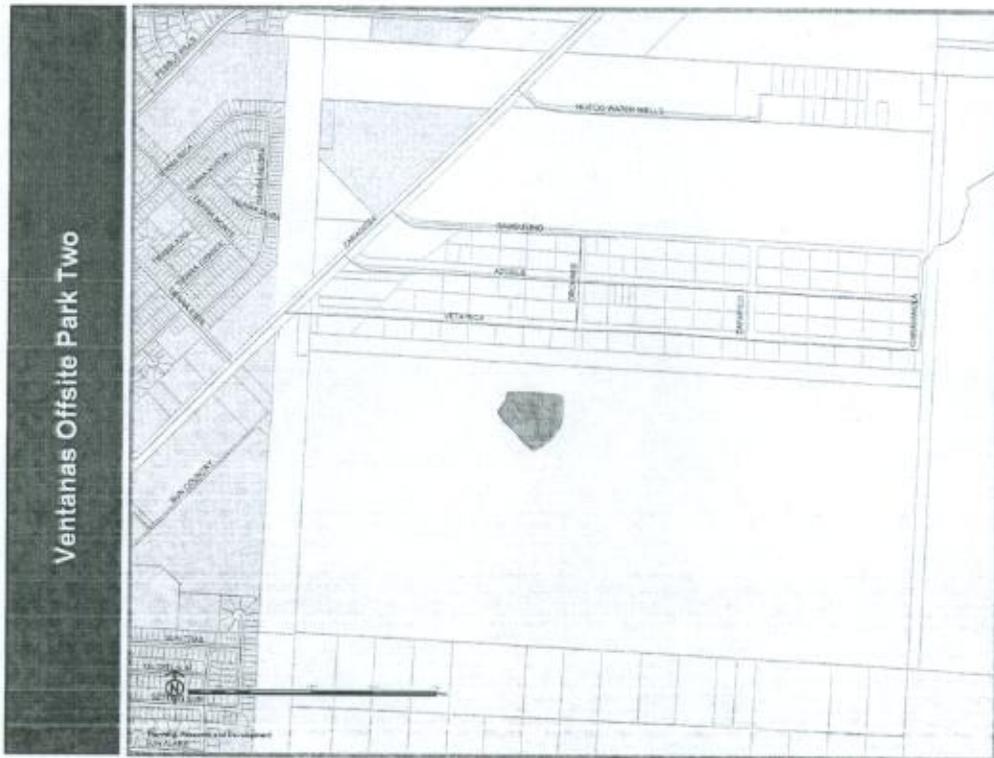


Benito Barragan TX R.P.L.S. 5615, December 11, 2006.
Revised 03/06/07





Application No: Ventanas Offsite Parkland Dedication Unit Two
Legal Description: A portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas
Type of Request: Offsite Parkland Dedication
Property Owner: GFA, LLC
Engineer: CEA Engineering
Surveyor: Barragan and Associates
Location: East of Zaragoza and South of Pebble Hills
Acres: 4.851 **Representative District:** 5
Planning Area: East



GENERAL INFORMATION

The applicant is proposing to dedicate 4.851 acres of land for use as a public park within the recently annexed property east of Zaragoza and south of Pebble Hills. The subject dedication was a requirement of the June 20, 2006 Annexation Agreement for properties located in the Ventanas Land Study area.

The dedication of the parkland will also satisfy the requirements for parkland that was part of the Ventanas Land Study approved by the City Plan Commission on December 21, 2006.

STAFF RECOMMENDATION

The Development Coordinating Committee considered this request at its meeting of March 7, 2007 and unanimously recommended **approval** of acceptance of the off-site parkland dedication subject to the 2006 Annexation Agreement. The 2006 Annexation Agreement required that all parks within the annexation area be improved according to current City of El Paso Municipal Code. The subdivisions that are part of the annexed property and the Ventanas Land Study shall not be recorded until the dedication has been approved by the El Paso City Council.

Planning Division– Land Development Comments and Requirements

1. Provide date of preparation on survey plat.
2. Clarify the legal description of the proposed parkland dedication, is site in the City limits or within the ETJ.
3. A print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel.
4. This Subdivision is within a Flood Zone X (un-shaded) "Areas determined to be outside 500 year flood plain". Panel # 480212 0175.

Engineering Department - Traffic Division

No comments received.

El Paso Water Utilities Comments

No comments received.

Fire Department Comments and Requirements

No comments received.

El Paso Electric Company

No comments received.

Texas Gas Service

No comments received.

CITY CLERK DEPT.
07 JUL 23 AM 10:36

Central Appraisal District

No comments received.

CITY CLERK DEPT.

07 JUL 23 AM 10:36

Geographic Information Systems

No comments received.

911

No comments received.

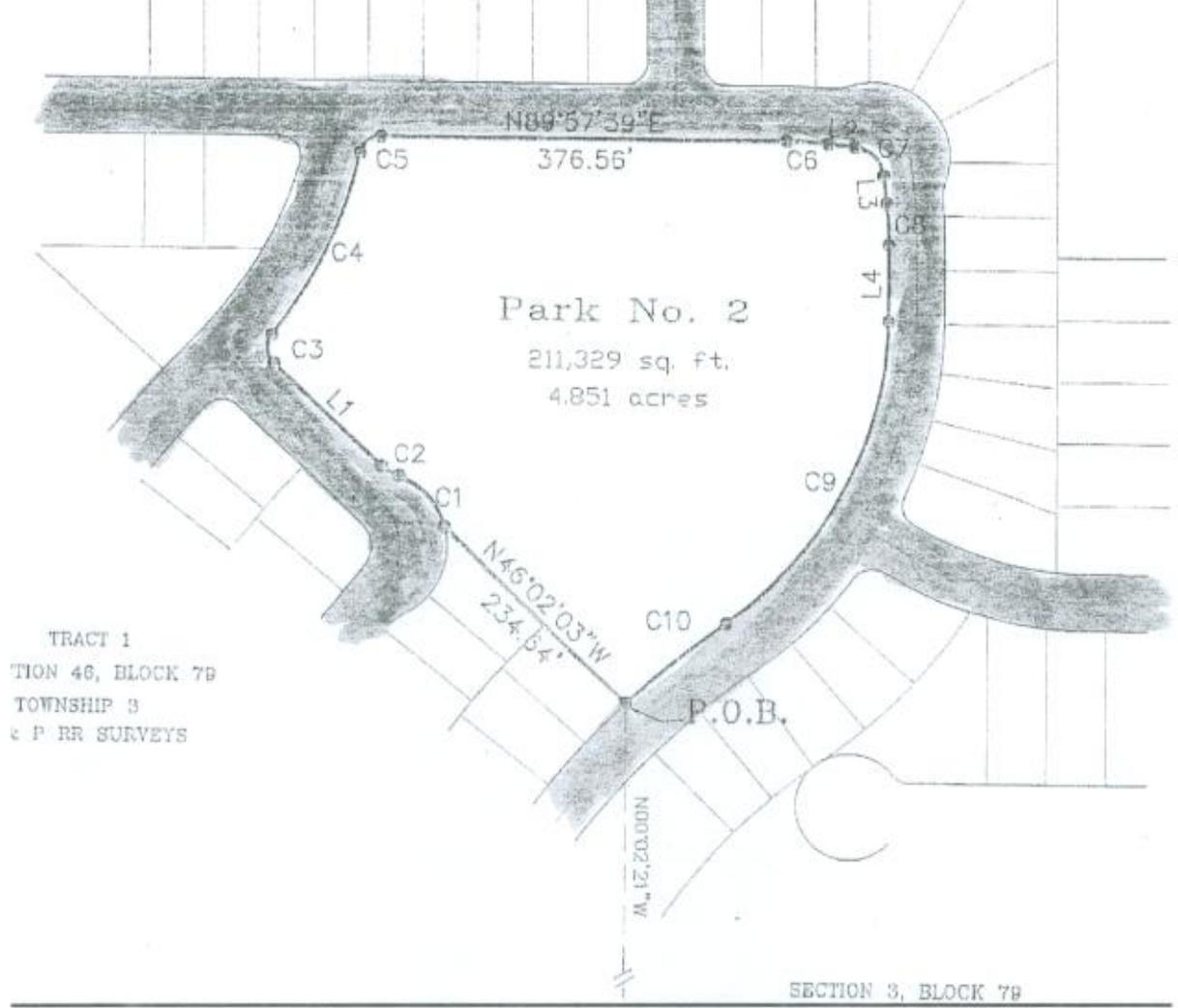
List of Attachments

- Attachment 1: Aerial
- Attachment 2: Survey
- Attachment 3: Ventanas Land Study Area
- Attachment 4: Application

Attachment 1



CITY CLERK DEPT.
07 JUL 23 AM 10:36



TRACT 1
 TION 46, BLOCK 79
 TOWNSHIP 3
 & P RR SURVEYS

CITY CLERK DEPT.
 07 JUL 23 AM 10:36

07 AM 9:00

APPLICATION FOR OFF-SITE PARKLAND DEDICATION

DATE 12/14/06 SUB07-00017 07 JUL 23 AM 10:36



1. APPLICANT'S NAME GFA LLC
ADDRESS 1525 Goodyear ZIP CODE 75202 TELEPHONE 972 598 1100
2. Request is hereby made to dedicate the following Park Site: Park No. 2
Legal Description: Being a Portion of Tract 1, Section 46 Block 79, Township 2, Texas and Part of Railroad Right-of-Way - PARK No. 2 (4.851-2.)
3. Reason for the dedication request: As per Annexation Agreement
4. Surface Improvements located in subject property to be dedicated:
None Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other
5. Underground Improvements located in the property to be dedicated:
None Telephone Electric Gas Water Sewer Storm Drain Other
6. Related Applications which are pending (give name or file number):
Zoning Zoning Board of Adjustment Subdivision Building Permits Other
7. Signatures: All owners of properties which abut the Park Site to be dedicated must appear below with an adequate legal description of the properties they own (see additional paper if necessary).

Signature	Legal Description/Address	Telephone Number
	<u>Being a Portion of Tract 4</u>	
	<u>Section 46 Bk 79, T5N 2</u>	
	<u>TPRS-Park No. 2</u>	
	<u>(4.851-2.2)</u>	

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Off-Site Parkland Dedications. It is further understood that acceptance of this application in no way obligates the City to grant the Dedication.

The undersigned acknowledges that he is authorized to represent the property owner(s) and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of an Off-Site Parkland Dedication request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

Signed By:

Land Owner/Applicant/Agent

Date: 12/14/06

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Post-It Fax No's	7571	Date		Total Pages	1
To	<u>Nancy Barron</u>	From	<u>CSA</u>		
Co./Dept.		City	<u>Dallas</u>		
Phone #		Phone #			