

**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 5.023 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 3, 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 5.023 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 3, 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:

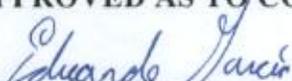
Richarda Duffy Momsen
City Clerk

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 5.023 acres of land more less and referred to as "Park No. 3", attached hereto and made a part hereof.

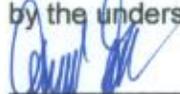
This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and restrictions, relating to the hereinabove described property as now reflected by the records of the County Clerk of El Paso County, Texas.

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

AFTER RECORDING, RETURN TO:

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

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. 3 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 3035.27 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, 119.80 feet along an arc of a curve to the left, with a radius of 761.08 feet, an interior angle of 09°01'09", and a chord which bears N 50°30'42" W, a distance of 119.68 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 N 27°31'49" W, a distance of 322.20 feet, to a point for a corner of this parcel;

THENCE, N 00°02'21" W, a distance of 49.82 feet to a point for a corner of this parcel;

THENCE, 85.72 feet along an arc of a curve to the right, with a radius of 349.00 feet, an interior angle of 14°04'19", and a chord which bears N 06°59'49" E, a distance of 85.50 feet, to a point for a corner of this parcel;

THENCE, 32.39 feet along an arc of a curve to the right, with a radius of 30.00 feet, an interior angle of 61°51'38", and a chord which bears N 44°57'47" E, a distance of 30.84 feet, to a point for a corner of this parcel;

THENCE, 85.69 feet along an arc of a curve to the right, with a radius of 349.00 feet, an interior angle of 14°04'03", and a chord which bears N 82°55'38" E, a distance of 85.47 feet, to a point for a corner of this parcel;

THENCE, N 89°57'39" E, a distance of 412.44 feet to a point for corner of this parcel;

THENCE, 30.94 feet along an arc of a curve to the right, with a radius of 20.00 feet, an interior angle of 88°38'26", and a chord which bears S 45°43'08" E, a distance of 27.95 feet, to a point for a corner of this parcel;

THENCE, 171.41 feet along an arc of a curve to the left, with a radius of 401.00 feet, an interior angle of 24°29'30", and a chord which bears S 13°38'40" E, a distance of 170.11 feet, to a point for a corner of this parcel;

THENCE, 29.20 feet along an arc of a curve to the right, with a radius of 20.00 feet, an interior angle of 83°39'53", and a chord which bears S 15°56'31" W, a distance of 26.88 feet, to a point for a corner of this parcel;

THENCE, 77.56 feet along an arc of a curve to the left, with a radius of 376.00 feet, an interior angle of 11°49'05", and a chord which bears S 51°51'55" W, a distance of 77.42 feet, to a point for a corner of this parcel;

THENCE, S 45°57'23" W, a distance of 74.00 feet to a point for a corner of this parcel;

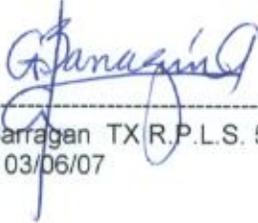
THENCE, 16.99 feet along an arc of a curve to the right, with a radius of 40.00 feet, an interior angle of 24°19'51", and a chord which bears S 58°07'18" W, a distance of 16.86 feet, to a point for a corner of this parcel;

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 S 42°48'15" W, a distance of 64.61 feet, to a point for a corner of this parcel;

THENCE, S 45°57'23" W, a distance of 234.63 feet to the **POINT OF BEGINNING** of the herein parcel being described, containing 5.023 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.

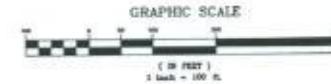


Benito Barragan TX R.P.L.S. 5615, December 11, 2006.
Revised 03/06/07



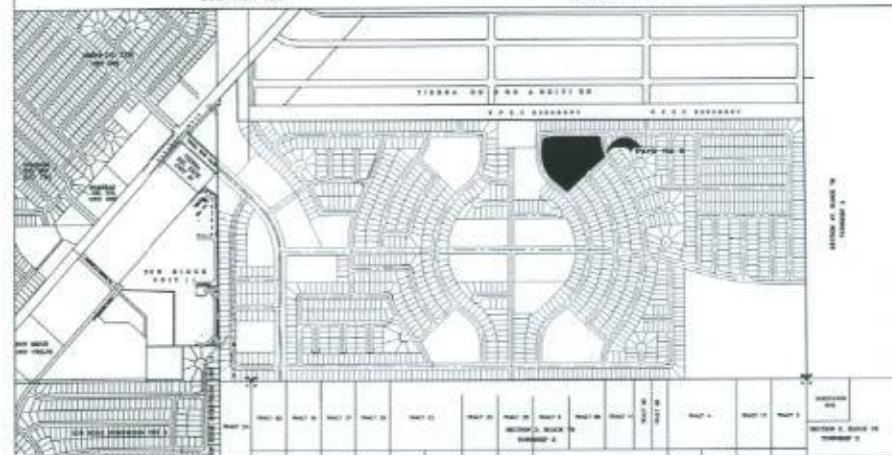
Plat of Survey

BEING A PORTION OF TRACT 1, SECTION 46, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD SURVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CONTAINING: 5.023 ACRES ±



| LINE | BEARING | LENGTH |
|------|---------------|----------|
| C1 | S 89°57'30" E | 473.44' |
| C2 | S 89°57'30" E | 1077.27' |

| LINE | LENGTH | BEARING | AREA | PERIMETER |
|------|---------|--------------|------------|-----------|
| C1 | 1146.82 | 70°28'36.00" | 400,000.00 | 1146.82 |
| C2 | 1077.27 | 89°57'30.00" | 400,000.00 | 1077.27 |
| C3 | 89.57 | 89°57'30.00" | 400,000.00 | 89.57 |
| C4 | 1146.82 | 70°28'36.00" | 400,000.00 | 1146.82 |
| C5 | 1077.27 | 89°57'30.00" | 400,000.00 | 1077.27 |
| C6 | 89.57 | 89°57'30.00" | 400,000.00 | 89.57 |
| C7 | 1146.82 | 70°28'36.00" | 400,000.00 | 1146.82 |
| C8 | 1077.27 | 89°57'30.00" | 400,000.00 | 1077.27 |
| C9 | 89.57 | 89°57'30.00" | 400,000.00 | 89.57 |
| C10 | 1146.82 | 70°28'36.00" | 400,000.00 | 1146.82 |
| C11 | 1077.27 | 89°57'30.00" | 400,000.00 | 1077.27 |
| C12 | 89.57 | 89°57'30.00" | 400,000.00 | 89.57 |



- NOTES
1. BEARINGS SHOWN ARE BASED ON THE SOUTHERLY LINE OF SECTION 46, TEXAS AND PACIFIC RAILROAD SURVEY, AS SHOWN ON PLAT OF SURVEY BY CUTTS LAND SURVEYING INC.
 2. A DESCRIPTION OF THE SAME DATE ACCOMPANIES THIS PLAT OF SURVEY.
 3. SET 5/8\"

cea
ENGINEERING GROUP
1004 Marquette Ave., El Paso, Texas 79904
Office 915.544.5232 Fax 915.544.5232
www.ceaengr.com
CONTACT JAMES L. ADEWATE, P.E.



Barragan & Associates
LAND PLANNING & LAND SURVEYING
1400 Nevada Road, Suite 200 - El Paso, TX 79906
Phone (915) 541-5700 Fax (915) 541-2700
CONTACT BENITO BARRAGAN, S.P.L.S.



NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING OR OTHERWISE, WITHOUT EXPRESS WRITTEN PERMISSION OF BARRAGAN AND ASSOCIATES.

GENERAL INFORMATION

The applicant is proposing to dedicate 5.023 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 plat of Survey.
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.

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Central Appraisal District

No comments received.

Geographic Information Systems

No comments received.

911

No comments received.

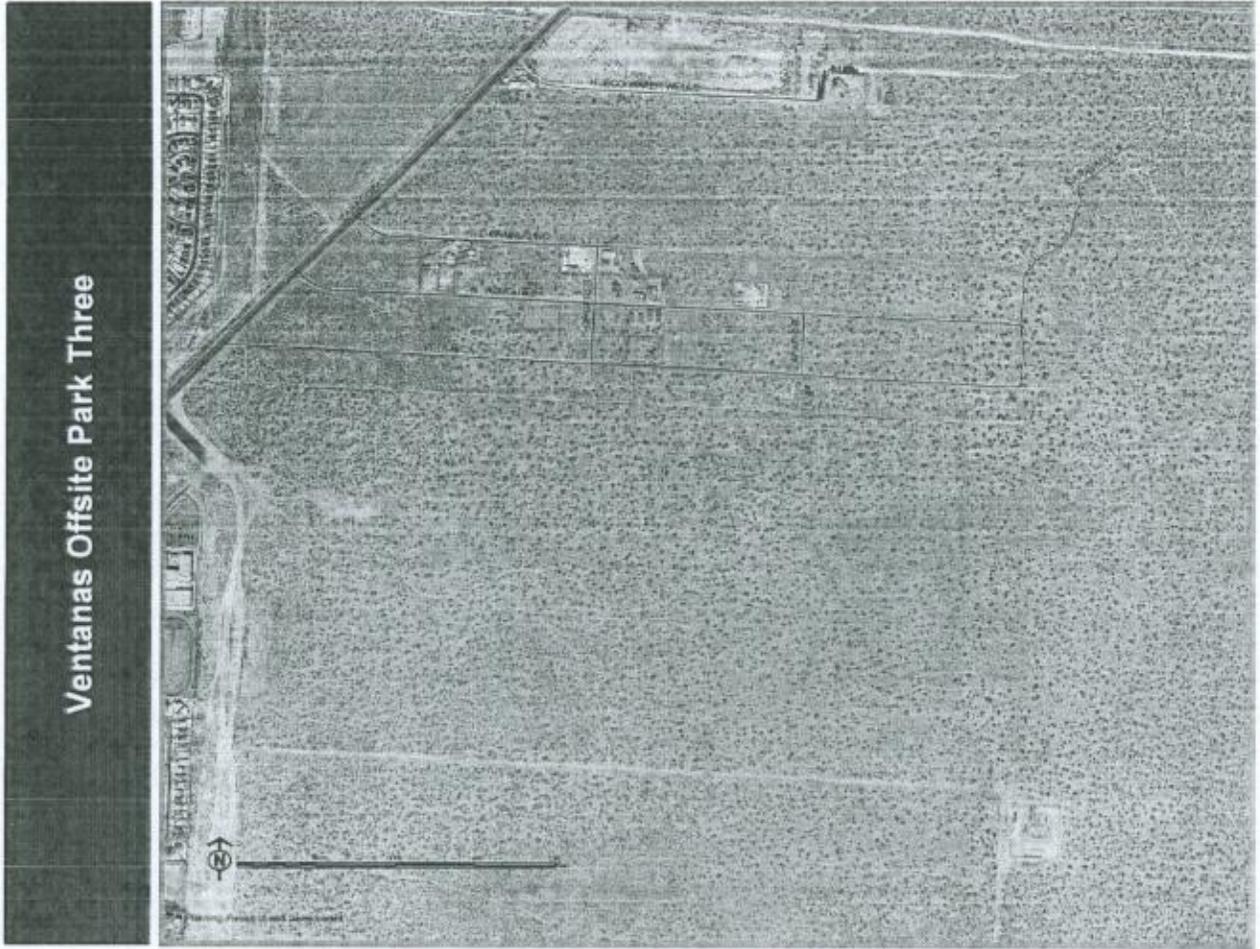
List of Attachments

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

CITY CLERK DEPT.

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Attachment 1



Ventanas Offsite Park Three

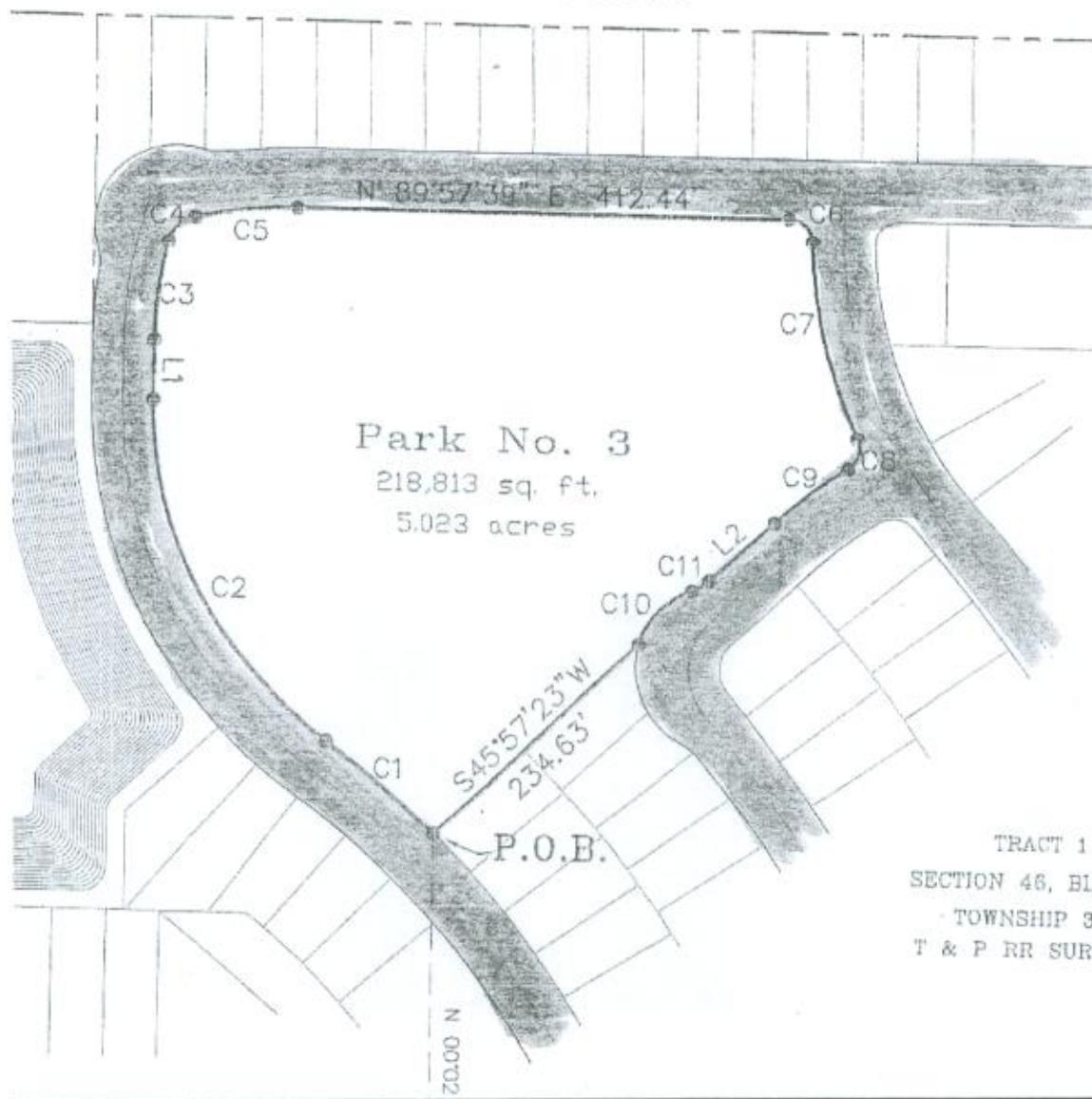
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Attachment 2

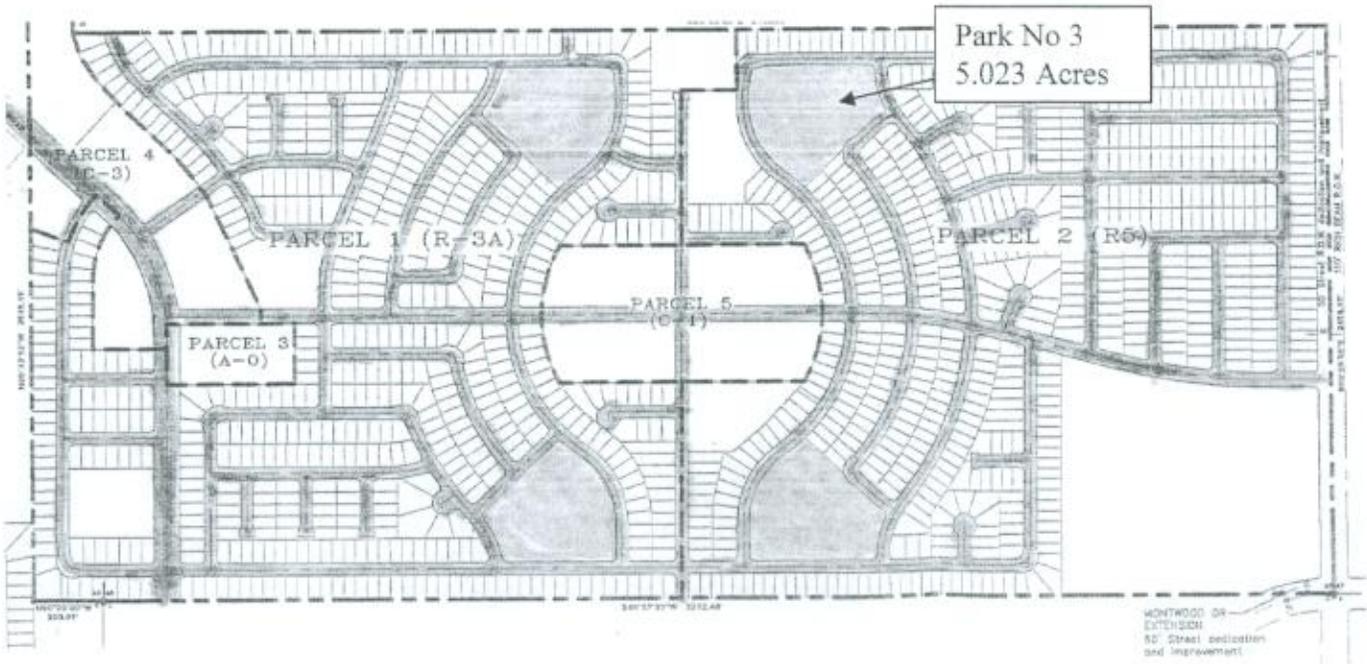
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E . P . E . C E A S E M E N T



Attachment 3



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Attachment 4

APPLICATION FOR OFF-SITE PARKLAND DEDICATION



DATE 12/14/06

1. APPLICANT'S NAME GFA LLC

ADDRESS 1515 Goodwin ZIP CODE 75202 TELEPHONE 972 592 1100

2. Request is hereby made to dedicate the following Park Site: Park No. 3

Legal Description: Being a Portion of Tract 3, Section 4, Block 71, Townships 2, Texas
and Parks District 3 PARK No. 3 (5023-2)

3. Reasons for the dedication requested: As per Attachment Agendum

4. Surface Improvements located on subject property to be dedicated:
None Paving Curb & Gutter Power Lines/Poles Fences/Walls Sidewalks Other _____

5. Underground Improvements located on 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 Subdivisions Building Permits Other _____

7. Signatures: All owners of properties which abut the Park Site to be dedicated must appear below with an identical legal description of the properties they own (see additional paper if necessary).

| Signature | Legal Description/Address | Telephone Number |
|--------------------|--|------------------|
| <u>[Signature]</u> | <u>Being a Portion of Tract 3, Section 4, Block 71, Townships 2, Texas - Parks District 3 (5023-2)</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: [Signature]

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-Net Fax No's: 7871 | City: <u>USA</u> |
| Name: <u>William Barron</u> | State: <u>USA</u> |
| City/State: <u>USA</u> | Zip: <u>75202</u> |
| Phone # | Phone # |
| Fax # | Fax # <u>972-592-1100</u> |