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 5.061 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 4, CITY OF EL PASO, EL PASO COUNTY, TEXAS,* (THE "PROPERTY"), AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" FOR - 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 5.061 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 4, 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
Eduardo Garcia, Subdivision Coordinator
Development Services Department

SUB07-00019

Doc #: 30494
Doc Name: Planning/SUB07-00019/GFA Ventanas Offsite Parkland Dedication-Unit 4
Doc Author: LCUE

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 5.061 acres of land more less and referred to as "Park No. 4", 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 24th day of April, 2007, by Albert Gamboa, Manager of GFA, General, a Limited Liability Corporation, on behalf of said municipality.

CAROL R GONZALEZ
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 3-29-11

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:

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

Exhibit A

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. 4
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 2812.98 feet to a point; **THENCE**, N 00°02'21" W, a distance of 157.00 feet to the **POINT OF BEGINNING** of the parcel of land herein described:

THENCE, 31.42 feet along an arc of a curve to the right, with a radius of 20.00 feet, an interior angle of 90°00'00", and a chord which bears N 45°02'21" W, a distance of 28.28 feet, to a point for a corner of this parcel;

THENCE, N 00°02'21" W, a distance of 146.08 feet to a point for a corner of this parcel;

THENCE, 335.38 feet along an arc of a curve to the right, with a radius of 349.00 feet, an interior angle of 55°03'37", and a chord which bears N 27°29'28" E, a distance of 322.63 feet, to a point for a corner of this parcel;

THENCE, 120.84 feet along an arc of a curve to the left, with a radius of 761.08 feet, an interior angle of 09°05'51", and a chord which bears N 50°28'21" E, a distance of 120.72 feet, to a point for a corner of this parcel;

THENCE, S 46°02'05" E, a distance of 234.64 feet to a point for 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°57'56", and a chord which bears S 42°52'57" E, 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°19'50", and a chord which bears S 58°12'00" E, a distance of 16.86 feet, to a point for a corner of this parcel;

THENCE, S 46°02'05" E, a distance of 73.98 feet to a point for a corner of this parcel;

THENCE, 77.55 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°56'37" E, a distance of 77.42 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 16°01'13" E, a distance of 26.68 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°33'58" W, a distance of 170.11 feet, to a point for a 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°38'26" E, a distance of 27.95 feet, to a point for a corner of this parcel;

THENCE, S 89°57'39" W, a distance of 510.80 feet to the **POINT OF BEGINNING** of the herein parcel being described, containing 5.061 acres of land more less.

Exhibit A

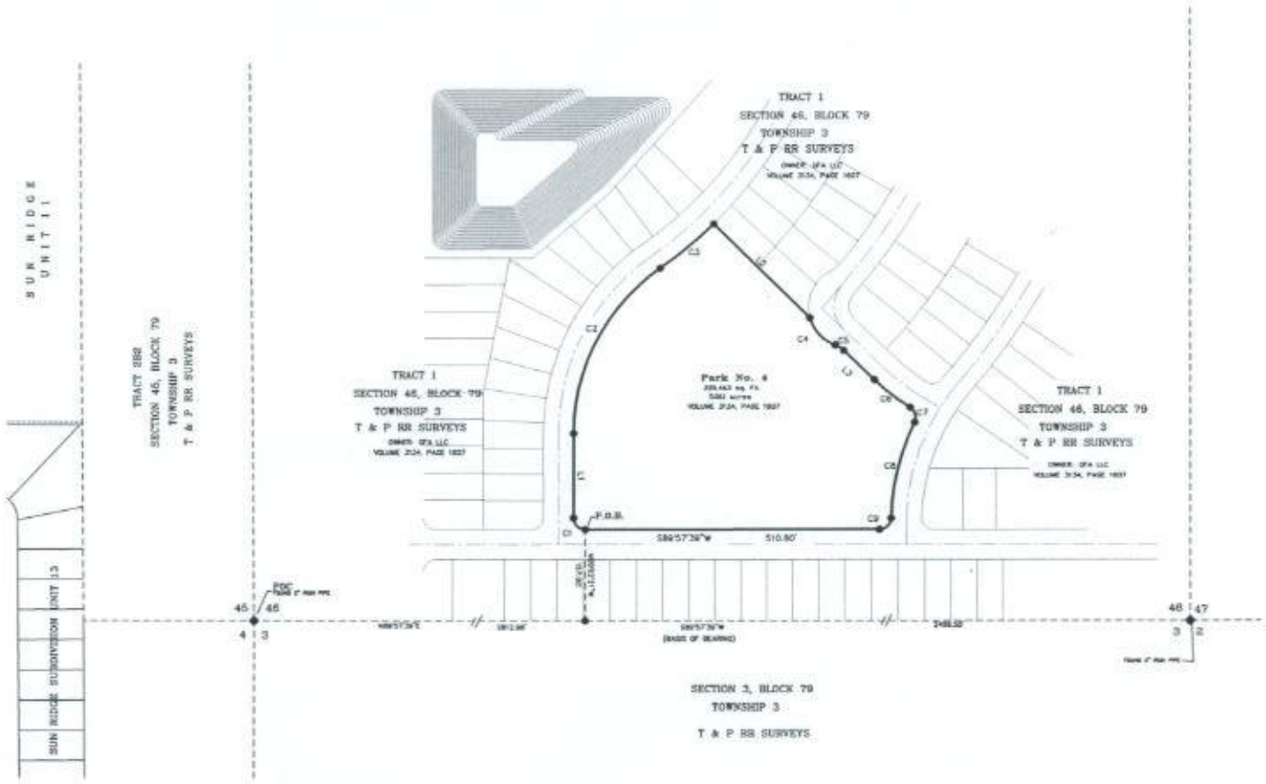
NOTES:

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, December11, 2006..
Revised 03/06/07

Plat of Survey

BEING A PORTION OF TRACT 1, SECTION 46,
BLOCK 79, TOWNSHIP 2,
TEXAS AND PACIFIC RAILROAD SURVEY,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.
CONTAINING: 5.061 ACRES ±



GRAPHIC SCALE

(IN FEET)

LINE TABLE		
LINE	Bearing	Length
L1	N00°02'24"W	146.08'
L2	N48°52'39"E	334.64'
L3	N48°52'39"E	73.58'

CURVE TABLE						
CURVE	LENGTH	RADIUS	Tangent	Bearing	Chord	Delta
C1	30.43'	20.00'	19.00'	N40°04'21"W	28.78'	87°09'09"
C2	335.36'	246.00'	185.81'	N67°39'28"E	310.51'	93°47'21"
C3	130.84'	781.08'	65.55'	N56°28'43"E	130.72'	9°35'51"
C4	67.15'	75.00'	36.41'	S42°54'57"E	64.91'	51°17'36"
C5	16.69'	44.00'	8.45'	S68°16'06"E	16.59'	21°43'39"
C6	77.55'	275.00'	39.02'	S51°58'31"E	77.31'	16°09'28"
C7	28.28'	20.00'	17.32'	S00°02'24"E	25.98'	81°00'53"
C8	171.41'	401.00'	87.02'	S12°43'06"W	170.11'	24°29'26"
C9	30.84'	20.00'	19.53'	S65°28'26"W	27.80'	88°20'28"

LOCATION MAP SCALE: 1" = 600'

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" IRONS AT ALL CORNERS UNLESS OTHERWISE SHOWN.

cea
engineering group
1234 Montana Ave., El Paso, Texas 79902
Office 915.544.5233 Fax 915.544.5233
www.ceagroup.net
CONTACT: JORGE L. AZCARATE, P.E.

Barragan & Associates
LAND PLANNING & LAND SURVEYING
1400 Pendale Road Suite B - El Paso, Tx 79936
Phone (915) 591-5706 Fax (915) 591-5708
CONTACT: BENITO BARRAGAN, R.P.L.S.

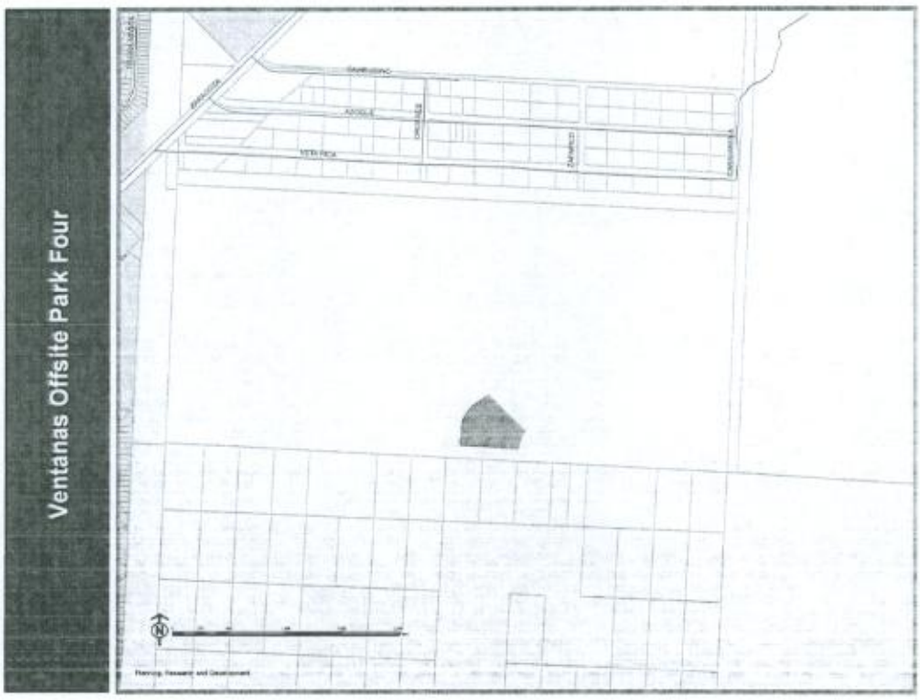
STATE OF TEXAS
REGISTERED
BENITO BARRAGAN
5615
LAND SURVEYOR

NO PART OF THIS DRAWING MAY BE REPRODUCED OR RETRANSMITTED IN ANY WAY OR FORM (ELECTRONIC, MECHANICAL, PHOTOCOPYING OR OTHERWISE) WITHOUT EXPRESS WRITTEN PERMISSION OF BARRAGAN AND ASSOCIATES

CITY CLERK DEPT.
07 JUL 23 AM 10:38

SUB07-00019

Application No:	Ventanas Offsite Parkland Dedication Unit Four
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:	5.061 ***Representative District:*** 5
Planning Area:	East



CITY CLERK DEPT.
07 JUL 23 AM 10:39

GENERAL INFORMATION

The applicant is proposing to dedicate 5.061 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.

CITY CLERK DEPT.
07 JUL 23 AM 10:39

Central Appraisal District

No comments received.

Geographic Information Systems

No comments received.

911

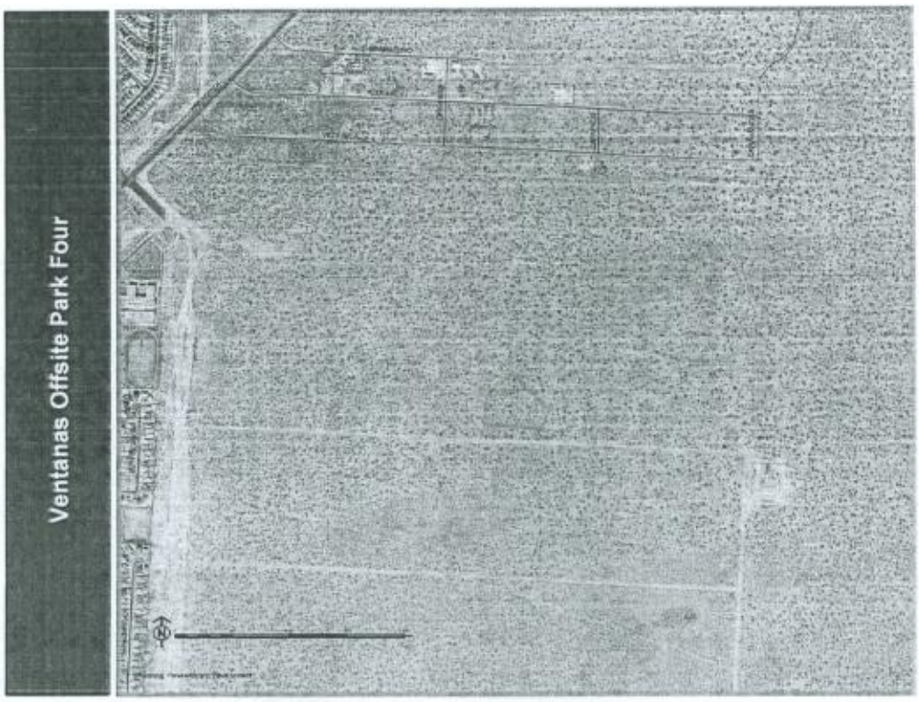
No comments received.

List of Attachments

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

CITY CLERK DEPT.
07 JUL 23 AM 10:39

Attachment 1



CITY CLERK DEPT.
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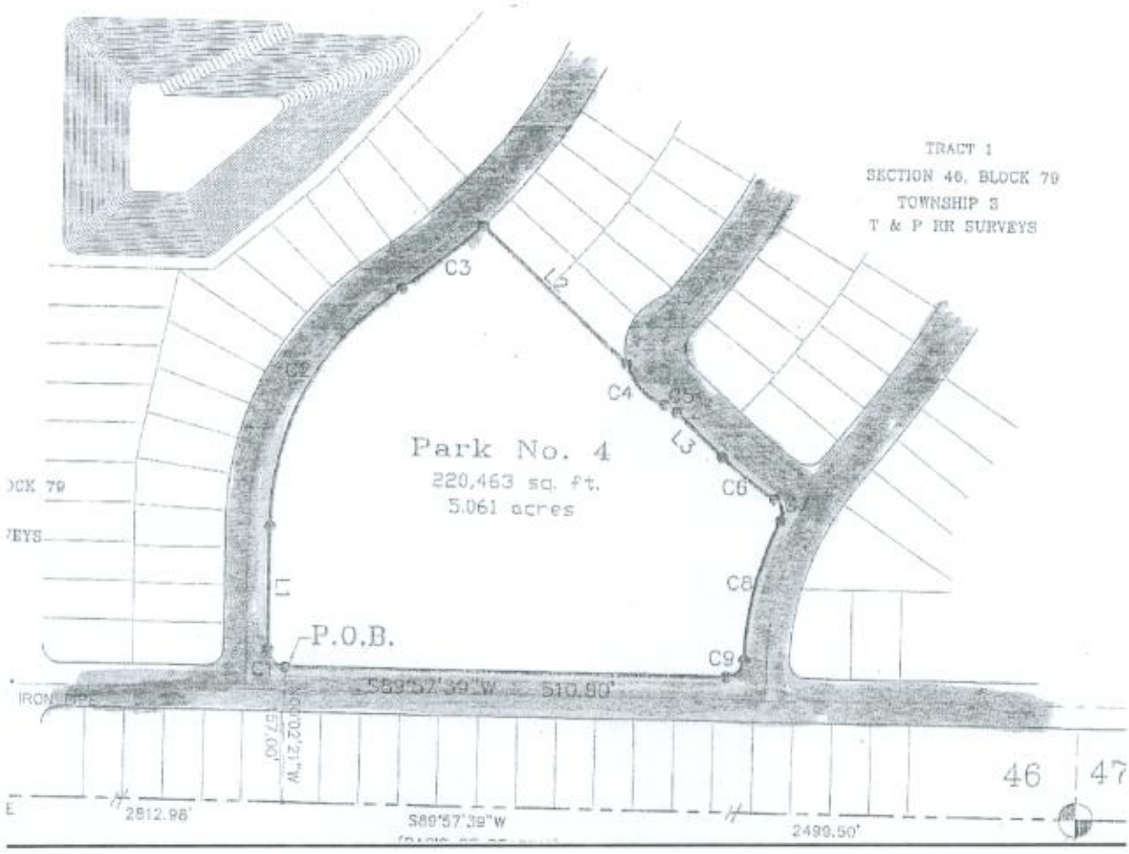
Attachment 2



CITY CLERK DEPT.
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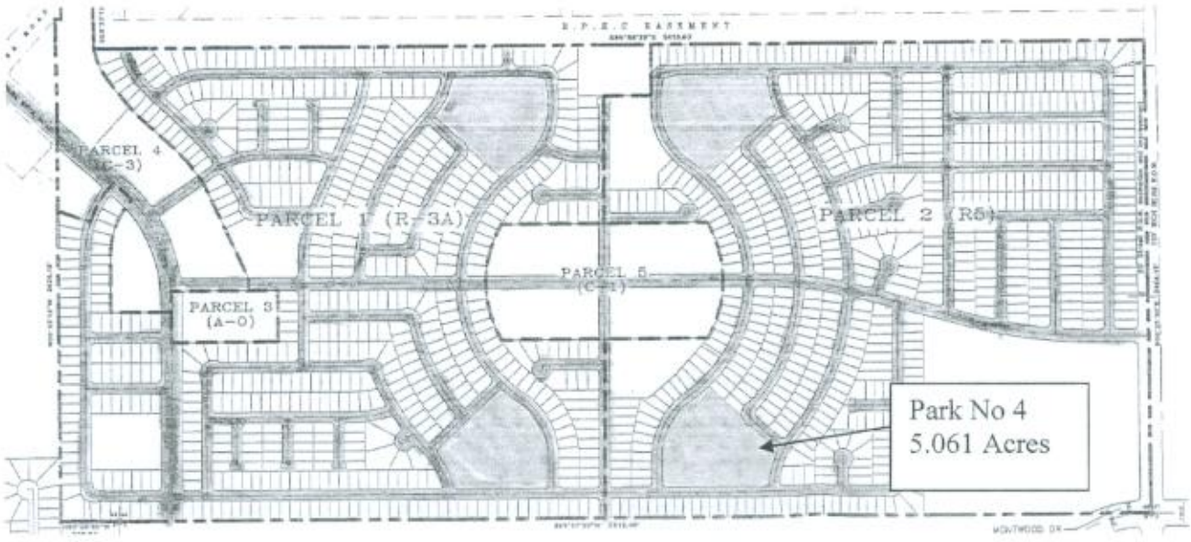
Attachment 3



CITY CLERK DEPT.
07 JUL 23 AM 10:39

Attachment 4

APPLICATION FOR OFF-SITE PARKLAND DEDICATION

DATE 12/14/06

1. APPLICANT'S NAME GFA LLC
   ADDRESS 1525 Gardner ZIP CODE 7998 TELEPHONE 915 599 1140
2. Request is hereby made to dedicate the following Park Site: Park No. 4
   Legal Description: Being a Portion of Tract 3, Section 46, Block 79, Township 2, Texas and Part of T&NO Survey (Park No. 4 (5.001-ac.))
3. Reason for the dedication request: As per Annexation Agreement
4. Surface Improvements located on subject property to be dedicated:
   None X Paving ___ Curb & Gutter ___ Power Lines/Poles ___ Fences/Walls ___ Structures ___ Other ___
5. Underground Improvements located in the property to be dedicated:
   None X Telephone ___ Electric ___ Gas ___ Water ___ Sewer ___ Storm Drain ___ Other ___
6. Related Applications which are pending (give name or file number):
   Zoning ___ Zoning Board of Adjustment X Subdivision ___ Building Permits ___ Other ___
7. Signatures: All owners of properties which abut the Park Site to be dedicated must subscribe hereto with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description/Address	Telephone Number
	Being a Portion of Tract 3, Section 46, Blk 79, Tsp 2, T&PRR Co. Park No. 4 (5.001-ac.)	

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: _____
Lead Owner/Applicant/Agent
12/14/06
Date

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 Note 7671 Date ___ # of pages* ___
To Jessica Escobedo From C.S. Hernandez
Co./Dept. Co. City of El Paso
Phone # Phone #
Fax # 7 Fax #