

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

**DEPARTMENT:** Engineering and Construction Management

**AGENDA DATE:** November 12, 2013

**CONTACT PERSON NAME AND PHONE NUMBER:** Irene D. Ramirez, P.E., Interim City Engineer, 541-4428

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

That the City Manager be authorized to sign an Easement Agreement by and between the City of El Paso and Jose L. and Velia R. Rios allowing the city use of property for the construction, installation and maintenance of a school zone flasher signal on Altura Avenue for Coldwell Elementary School, said easement more particularly described as a portion of (approximately 9 s.f.) of Lot 25, Block 32, Government Hill Addition as recorded in Book 11, Page 58, Plat Records, City of El Paso, El Paso County, Texas.

**BACKGROUND / DISCUSSION:**

The proposed easement is one of two required to enable the installation and maintenance of a school zone flasher signal on Altura Avenue for Coldwell Elementary School. This flasher is being installed under the 2012 School Flasher Project.

**PRIOR COUNCIL ACTION:**

None

**AMOUNT AND SOURCE OF FUNDING:**

None required

**BOARD / COMMISSION ACTION:**

N/A

---

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



---

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)  
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 be authorized to sign an Easement Agreement by and between the City of El Paso and Jose L. and Velia R. Rios allowing the city use of property for the construction, installation and maintenance of a school zone flasher signal on Altura Avenue for Coldwell Elementary School, said easement more particularly described as a portion of (approximately 9 sf.) of Lot 25, Block 32, Government Hill Addition as recorded in Book 11, Page 58, Plat Records, City of El Paso, El Paso County, Texas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

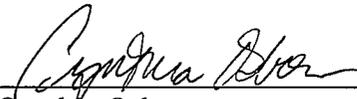
THE CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

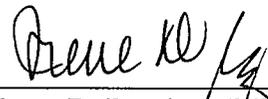
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

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



7. Abandonment. Should the City abandon the easement, then the easement shall revert to Grantors or their successors and assigns. Such abandonment shall be conclusively presumed following non-use by the City for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantors. Upon such abandonment, the City shall then execute any and all necessary documents to evidence such abandonment.

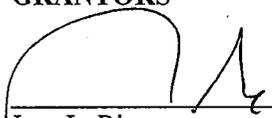
8. Governing Law and Venue. This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of Texas. Any controversy arising out of or connected with this Agreement shall be instituted and maintained in the courts of the State of Texas, County of El Paso.

9. Entire Agreement. This document contains all of the agreements between the parties and may not be modified, except by an agreement in writing signed by both parties.

10. Effective Date. The effective date of this Agreement shall be the date signed by the City Manager for the City of El Paso.

EXECUTED this 16 day of September, 2013.

**GRANTORS**

  
\_\_\_\_\_  
Jose L. Rios

Date: 9-16-13

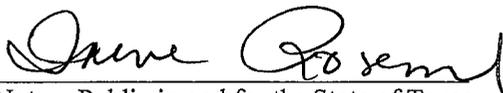
  
\_\_\_\_\_  
Velia R. Rios

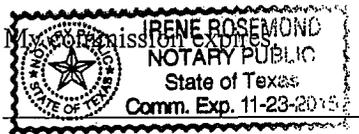
Date: 9-16-13

**ACKNOWLEDGMENT**

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the 16 day of September, 2013, by Jose L. and Velia R. Rios.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



**GRANTEE  
THE CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson,  
City Manager

**ACKNOWLEDGMENT**

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

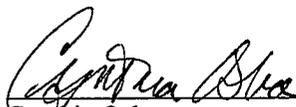
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by **Joyce A. Wilson**, as **City Manager** for the **City of El Paso**.

\_\_\_\_\_  
Notary Public in and for the State of Texas

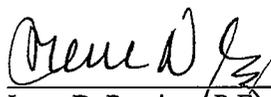
My commission expires:

\_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

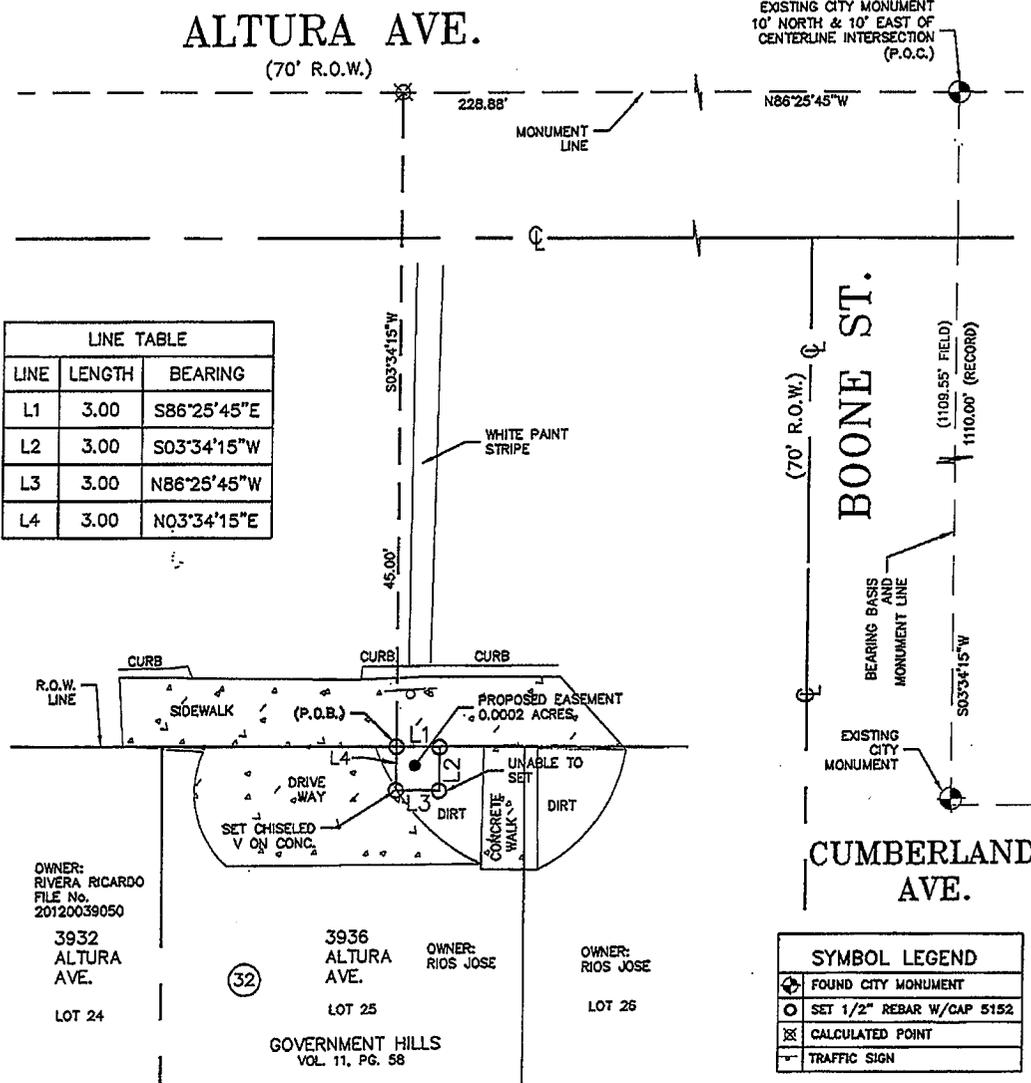
  
\_\_\_\_\_  
Irene D. Ramirez, P.E.  
Interim City Engineer

AFTER FILING PLEASE RETURN  
ORIGINAL TO:

City of El Paso  
Engineering and Construction Management Dept.  
P.O. Box 1890  
El Paso, TX 79950-1890

NOTES:

1. BEARINGS AND COORDINATES ARE GRID AND BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE 4203 (NAD 83)
2. GOVERNMENT HILL ADDITION, RECORDED IN VOLUME 11, PAGE 58, PLAT RECORDS OF EL PASO COUNTY, TEXAS.
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.
4. SET 1/2" REBARS WITH CAPS MARKED TX 5152 ON ALL CORNERS UNLESS OTHERWISE NOTED.



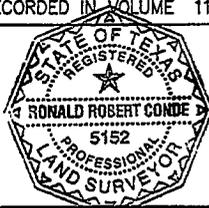
CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.

RON R. CONDE R.P.L.S #5152

JOB # 713-34 DATE: JULY 31, 2013 FIELD: A.V. OFFICE: F.R.

RECORDED IN VOLUME 11, PAGE 58, PLAT RECORDS OF EL PASO COUNTY, TEXAS



BEING A PORTION OF LOT 25, BLOCK 32  
GOVERNMENT HILLS ADDITION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
6080 SURETY SUITE 100  
EL PASO, TEXAS 79905

CADD FILE: S:\CGH\71334

SCALE: 1"=10'  
©COPYRIGHT 2013/CONDE INC.  
ALL RIGHTS RESERVED

Prepared for: The City of El Paso  
July 31, 2013  
(Easement at 3936 Altura Ave.)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of Lot 25, Block 32, Government Hill Addition recorded in Book 11, Page 58, Plat Records, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at a City of El Paso monument located 10 feet north and 10 feet east of the centerline intersection of Altura Avenue and Boone Street, Y= 10,668,666.92, X= 399,158.52 in the Texas State Plane Coordinate System Central 4203 zone, Whence an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Boone Street and Cumberland Street bears, South 03°34'15" West a distance of 1109.55 feet; Thence along the monument line of Altura Avenue, North 86°25'45" West a distance of 228.88 feet to a point; Thence leaving said line, South 03°34'15" West a distance of 45.00 feet to a set ½" rebar with cap marked TX 5152 on the southerly right of way line of Altura Avenue for the "TRUE POINT OF BEGINNING"

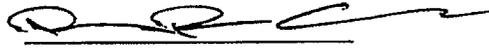
Thence along said right of way line, South 86°25'45" East a distance of 3.00 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said right of way line, South 03°34'15" West a distance of 3.00 feet to a point unable to set;

Thence, North 86°25'45" West a distance of 3.00 feet to a set chiseled v on concrete sidewalk;

Thence leaving said line, North 03°34'15" East a distance of 3.00 feet to the TRUE POINT OF BEGINNING" and containing 9 Sq. Ft. 0.0002 acres of land more or less.

Note: A drawing of even date accompanies this description.



Ron R. Conde  
R.P.L.S. No. 5152



---

CONDE INC  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905  
(915) 592-0283 FAX (915) 592-0286