

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

**DEPARTMENT:** AIRPORT/PARKS & RECREATION

**AGENDA DATE:** November 13, 2012

**CONTACT PERSON NAME AND PHONE NUMBER:** Monica Lombraña/780-4724  
Liza Ramirez-Tobias/541-4259

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

That the City Manager be authorized to sign a Deed of Release from the United States of America to the City of El Paso accepting the covenants and conditions for the following described parcel (known as Hawkins Pool and Park) which parcel will be used for parks and recreation purposes:

A 3.881 acre parcel of land, more or less, being a portion of Tract 1B, Block 2, Ascarate Grant, El Paso County, Texas, and being more particularly described in Exhibit "A", which is attached hereto and made a part hereof for all purposes.

And that City Manager be authorized to approve all budget transfers and any related documentation for reimbursement to the Department of Aviation in the total amount of One Hundred Fifty-Six Thousand Nine Hundred Dollars and No/100 (\$156,900.00) for the appraised value of the identified parcel and the appraisal services fee; this amount will be placed in the Airport's Restricted Land Sales Fund.

**BACKGROUND / DISCUSSION:**

The United States of America, acting through the War Assets Administration, deeded to the City of El Paso in 1949 about 1,984 acres for public airport purposes. A portion of this land is now the site of the Hawkins Pool and Park. The FAA has approved the Deed of Release allowing transfer of this property to the City of El Paso so long as the use remains the same, and the City agrees to land use restrictions for the safety of aircraft at EPIA. Proceeds will be placed in the Restricted Land Sales account which is used only for the operation, maintenance and development of EPIA.

**PRIOR COUNCIL ACTION:**

City Council on April 15, 1980, authorized the use of this land for the construction of a new indoor swimming pool, and related facilities and structures. Park construction was approved by City Council on March 9, 2010.

**AMOUNT AND SOURCE OF FUNDING:**

\$156,900 – 2000 Certificates of Obligation

---

**BOARD / COMMISSION ACTION:** N/A

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

DEPARTMENT HEAD:

A handwritten signature in black ink, appearing to read "Monica Lombraña". The signature is written in a cursive style with a large initial 'M' and 'L'.

---

Monica Lombraña, A.A.E.  
Director of Aviation

## RESOLUTION

**WHEREAS**, the United States, acting by and through the War Assets Administration, under and pursuant to the Reorganization Plan I of 1947 (12 F.R. 4534) and the powers and authority contained in the provisions of the Surplus Property Act, did convey to the City of El Paso (the "City"), on January 10, 1949, certain lands and other properties in the City of El Paso, Texas, being generally described as "El Paso International Airport at El Paso" (the "Airport");

**WHEREAS**, under the deed, the City, for itself, its successors and assigns, assumed certain obligations and agreed to certain conditions, reservations, restrictions, warranties, and covenants which run with the land;

**WHEREAS**, the City has requested the Federal Aviation Administration (FAA) for the release of 3.881 acres, more or less, from the conditions, reservations and restrictions identified in the deed;

**WHEREAS**, the FAA through its Manager, Airports Division, has determined that the release of the identified property (1) will not prevent the accomplishment of the purpose for which the property was transferred, and (2) can be granted without materially and adversely affecting the development, improvement, operation, or maintenance of the Airport;

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

That the City Manager be authorized to sign a Deed of Release from the United States of America to the City of El Paso accepting the covenants and conditions for the following described parcel (known as Hawkins Pool and Park) which parcel will be used for parks and recreation purposes:

A 3.881 acre parcel of land, more or less, being a portion of Tract 1B, Block 2, Ascarate Grant, El Paso County, Texas, and being more particularly described in Exhibit "A", which is attached hereto and made a part hereof for all purposes.

And that City Manager be authorized to approve all budget transfers and any related documentation for reimbursement to the Department of Aviation in the total amount of One Hundred Fifty-Six Thousand Nine Hundred Dollars and No/100 (\$156,900.00) for the appraised value of the identified parcel and the appraisal services fee, and this amount will be placed in the Airport's Restricted Land Sales Fund.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

**CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

*Theresa Cullen*

\_\_\_\_\_  
Theresa Cullen  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

*Monica Lombraña*

\_\_\_\_\_  
Monica Lombraña, A.A.E.  
Director of Aviation

PREPARED FOR: El Paso International Airport  
Portion of Tract 1B, Block 2, Ascarate Grant,  
El Paso County, Texas

PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Tract 1B, Block 2, Ascarate Grant, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point on a City monument, said point being the intersection of the easterly right-of-way line of Hawkins Blvd. projected and the centerline of Parkland Drive. Thence North  $81^{\circ} 10' 00''$  East along the centerline of Parkland Drive a distance of 366.93 feet to a point; thence North  $08^{\circ} 50' 00''$  West a distance of 30.00 feet to a point on the northerly right-of-way line of Parkland Drive, said point being THE POINT OF BEGINNING;

Thence South  $81^{\circ} 10' 00''$  West along the northerly right-of-way line of Parkland Drive a distance of 134.43 feet;

Thence North  $08^{\circ} 50' 00''$  West a distance of 229.81 feet;

Thence North  $81^{\circ} 10' 00''$  East a distance of 256.88 feet;

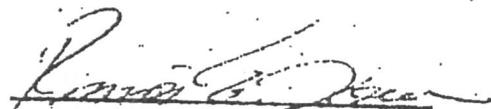
Thence 544.13 feet along the arc of a curve to the right, whose interior angle is  $46^{\circ} 20' 45''$ , whose radius is 672.69 feet and whose chord bears South  $75^{\circ} 39' 37''$  East a distance of 529.42 feet;

Thence 179.13 feet along the arc of a curve to the left, whose interior angle is  $13^{\circ} 18' 26''$ , whose radius is 771.24 feet and whose chord bears South  $35^{\circ} 35' 13''$  West a distance of 178.72 feet;

Thence South  $28^{\circ} 56' 00''$  West a distance of 30.71 feet;

Thence 30.17 feet along the arc of a curve to the right whose interior angle is  $86^{\circ} 25' 00''$ , whose radius is 20.00 feet, and whose chord bears South  $72^{\circ} 08' 30''$  West a distance of 27.39 feet to a point on the northerly right-of-way line of Parkland Drive;

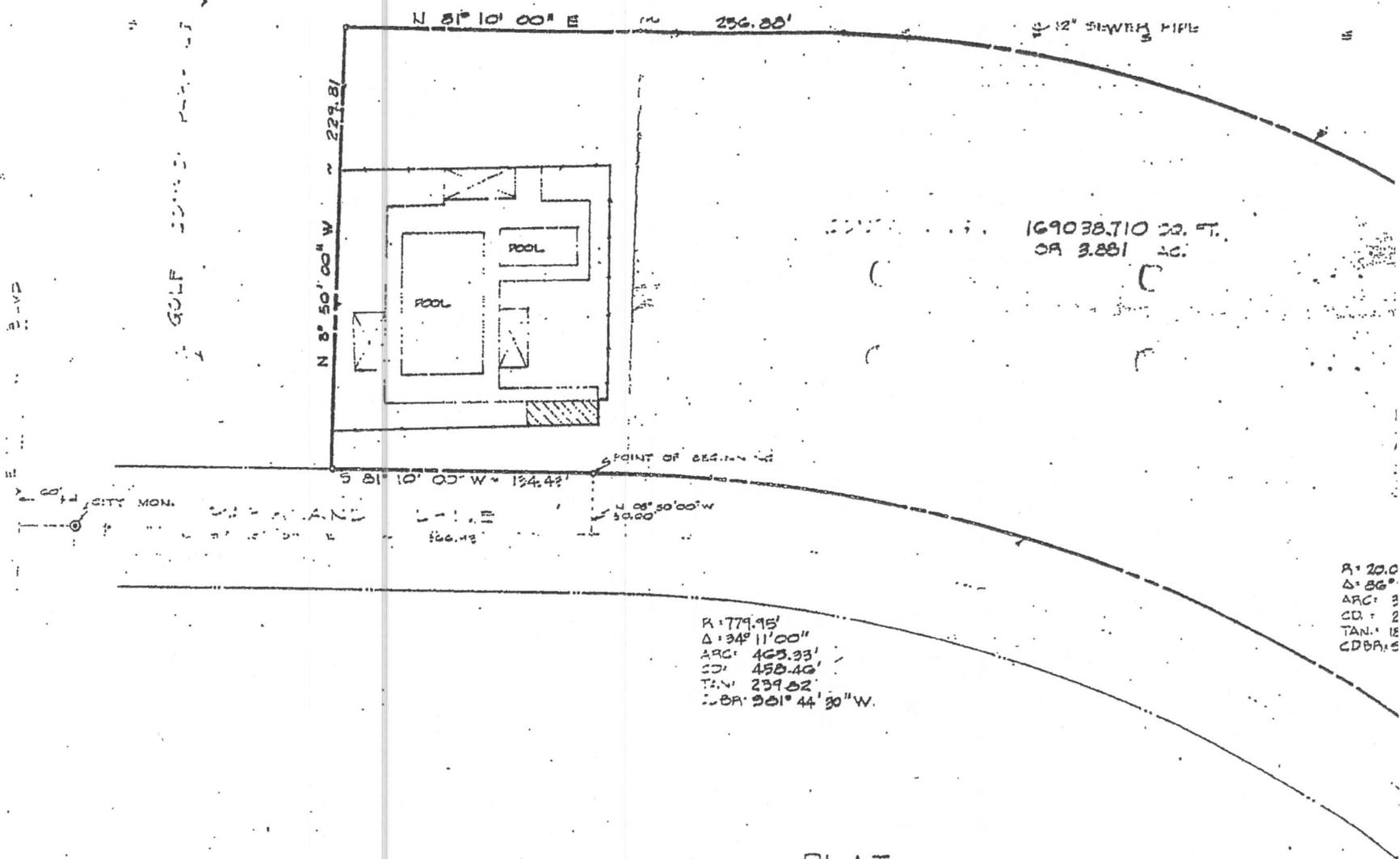
Thence, along said right-of-way line, 465.33 feet along the arc of a curve to the left whose interior angle is  $34^{\circ} 11' 00''$ , whose radius is 779.95 feet, and whose chord bears South  $81^{\circ} 44' 30''$  West a distance of 458.46 feet to THE POINT OF BEGINNING and containing in all 169038.710 square feet or 3.881 acres of land, more or less; subject to all easements of record,

  
Ramon E. Lara, P.E.  
CREMANS, INC.

March 11, 1980

EXHIBIT A  
Pg 1 of 2

EXHIBIT A  
Pg 2 of 2



$R = 779.95'$   
 $\Delta = 34^{\circ} 11' 00''$   
 $ARC = 463.33'$   
 $CD = 458.40'$   
 $TAN = 239.62'$   
 $CDR = 261^{\circ} 44' 30'' W$

PLAT  
PORTION OF TRACT 12, BLOCK 2  
"CARRAN" SUBD., EL PASO  
COUNTY, TEXAS  
 DATE: / / 30 SCALE: 1" = 50'

CRFMA, INC.  
 ENGINEER - PLANNING  
 EL PASO, TEXAS

## SURPLUS PROPERTY RELEASE

### El Paso International Airport

This instrument, a Deed of Release, made by the United States of America, acting by and through the Manager, Airports Division, Southwest Region, Federal Aviation Administration ("FAA"), and pursuant to the powers and authority contained in the provisions of 49 U.S.C. §47153, to the City of El Paso, Texas, El Paso International Airport at El Paso, Texas, a body politic under the laws of the State of Texas, Witnesseth:

**WHEREAS**, the United States, acting by and through the General Services Administrator, under and pursuant to the powers and authority contained in the provisions of the Surplus Property Act, did convey to the City certain lands and other properties in the City of El Paso, State of Texas, being generally described as "El Paso International Airport at El Paso" (hereinafter termed "Airport"), which was filed for record in the original government Deed Without Warranty dated January 10, 1949, transferring property containing El Paso International Airport from the War Assets Administration to the City of El Paso, Texas;

**WHEREAS**, under the stated "Deed", the City, for itself, its successors and assigns, assumed certain obligations and agreed to certain conditions, reservations, restrictions, warranties, and covenants which run with the land;

**WHEREAS**; the City has requested to the FAA for release of a portion of the total airport, 3.881 acres, more or less;

**WHEREAS**, the said Manager, Airports Division, has determined that the release of said property (1) will not prevent the accomplishment of the purpose for which the property was transferred, (2) can be granted without materially and adversely affecting the development, improvement, operation, or maintenance of the Airport;

**NOW THEREFORE**, for and in consideration of the above-expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, upon inclusion by the City in the Instrument of Transfer conveying title to the hereinafter described real property of provisions as follows:

- (1) That the City of El Paso reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for use of said airspace for landing on, taking off from or operating on the El Paso International Airport,
- (2) That the Grantee expressly agrees for itself, its successors and assigns to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property,
- (3) That the Grantee expressly agrees for itself, its successors and assigns to prevent any use of the hereinafter described real property which would interfere with landing or taking off of aircraft at the El Paso International Airport, or otherwise constitute an airport hazard,

Hereby releases the said real property from the conditions, reservations and restrictions as contained in the above-mentioned Instrument of Transfer from the United States of America to the City of El Paso, which real property consists of a tract of 3.881 acres more or less, with the following descriptions:

From a point on a City monument, said point being the Intersection of the easterly right-of-way line of Hawkins Blvd. projected and the centerline of

Parkland Drive. Thence North  $81^{\circ} 10' 00''$  East along the centerline of Parkland Drive a distance of 366.93 feet to a point; thence North  $08^{\circ} 50' 00''$  West a distance of 30.00 feet to a point on the northerly right-of-way line of Parkland Drive, said point being THE POINT OF BEGINNING;

THENCE: South  $81^{\circ} 10' 00''$  West along the northerly right-of-way line of Parkland Drive a distance of 134.43 feet;

THENCE: North  $08^{\circ} 50' 00''$  West a distance of 229.81 feet;

THENCE: North  $81^{\circ} 10' 00''$  East a distance of 256.88 feet;

THENCE: 544.13 feet along the arc of a curve to the right, whose interior angle is  $46^{\circ} 20' 45''$  whose radius is 672.69 feet and whose chord bears South  $75^{\circ} 39' 37''$  East a distance of 529.42 feet;

THENCE: 179.13 feet along the arc of a curve to the left, whose Interior angle is  $13^{\circ} 18' 26''$ , whose radius is 771.24 feet and whose chord bears South  $35^{\circ} 35' 13''$  West a distance of 178.72 feet;

THENCE: South  $28^{\circ} 56' 00''$  West a distance of 30.71 feet;

THENCE: 30.17 feet along the arce of a curve to the right whose Interior angle is  $86^{\circ} 25' 00''$ , whose radius is 20.00 feet, and whose chord bears South  $72^{\circ} 08' 30''$  West a distance of 27.39 feet to a point on the northerly right-of-way of Parkland Drive;

THENCE: Along said right-of-way line, 465.33 feet along the arc of a curve to the left whose interior angle is  $34^{\circ} 11' 00''$  whose radius is 779.95 feet; and whose chord bears South  $81^{\circ} 44' 30''$  West a distance of 458.46 feet to THE POINT OF BEGINNING and containing in all 169038.710 square feet or 3.881 acres of land, more or less; subject to all easements of record.

By its acceptance of this Deed of Release the (Airport Owner) covenants and agrees for itself, its successors and assigns, to comply with and observe all of the conditions and limitations hereof, which are expressly limited to the above-described real property.

IN WITNESS WHEREOF the United States of America has caused this Deed of Release to be executed as of the 16 day of OCTOBER 20 12.

UNITED STATES OF AMERICA

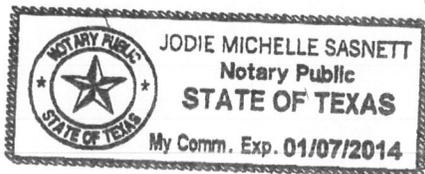
By

  
 Manager, Airports Division  
 Southwest Region  
 Federal Aviation Administration  
 Department of Transportation

The State of Texas  
County of Tarrant

BEFORE ME, the undersigned authority, personally appeared Kevin Solano, the above-named official of the Southwest Region, Federal Aviation Administration, Department of Transportation, who acknowledged she is the official who subscribed to the foregoing instrument for the purposes and consideration expressed in the instrument and that the same is executed as the act and deed of the Administrator, Federal Aviation Administration, Department of Transportation, acting for and on behalf of the United States of America.

GIVEN under my hand and seal of office this the 16 day of October, 2012



Jodie Michelle Sasnett  
Notary Public  
My commission expires: 01/07/2014

ACCEPTANCE

The City of El Paso does hereby accept this Deed of Release and by such acceptance agrees to all of the terms, conditions and limitations thereof.

City of El Paso

By \_\_\_\_\_

Joyce A. Wilson

Title City Manager

State of Texas  
County (~~or Parish~~) of El Paso

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_, who acknowledged to me he/she is the official who subscribed the foregoing instrument while acting in the capacity stated therein, that the same was the act of the said City of El Paso and that he/she executed the same as the act of said City of El Paso for the purposes and consideration and subject to the terms and conditions therein expressed.

GIVEN under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

CERTIFICATE OF GRANTEE'S ATTORNEY

I, Theresa Cullen, acting as attorney for City of El Paso herein referred to as the "grantee," do hereby certify: That I have examined the foregoing Deed of Release and the proceedings taken by the grantee relating thereto, and find that the acceptance thereof by the grantee has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of Texas, and further that, in my opinion, the Deed of Release constitutes a legal and binding compliance obligation of the grantee in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2012

/s/ \_\_\_\_\_  
Theresa Cullen  
Title Deputy City Attorney

APPROVED AS TO FORM:

Theresa Cullen  
Theresa Cullen  
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombrana  
Monica Lombrana, A.A.E.  
Director of Aviation

