

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

DEPARTMENT: **Parks and Recreation Department**

AGENDA DATE: **Public Hearing November 27, 2012**

CONTACT PERSON/PHONE: **Liza Ramirez-Tobias (541-4599)**

DISTRICT AFFECTED: **District 1**

SUBJECT:

Approve resolution of City Council for the taking of approximately 1.885 acres of Esmeralda Park and approximately .012 acres of Ellis Lateral Linear Trail Park for an electrical easement for a proposed transmission line.

BACKGROUND / DISCUSSION:

El Paso Electric (EPE) is proposing to construct an 115kV transmission line between the Montoya Substation located near Artcraft Road, west of I-10 in El Paso and the Santa Teresa substation located south of Airport Road and Pete Dominici, Dona Ana, New Mexico.

EPE requires an easement through Esmeralda Park and a portion of Ellis Lateral Trail. The transmission line will impact the existing playground at Esmeralda Park. EPE has agreed to relocate the playground to a suitable location within the park and will also complete a perimeter pathway as consideration for the taking of parkland.

A public hearing is required for the use of parkland as contemplated. Council is asked to make a determination that there is no feasible and prudent alternative to the use of approximately 1.885 acres of Esmeralda Park and approximately .012 acres of Ellis Lateral Trail Park, and that the proposed plan for EPE use of the acreage includes all reasonable planning to minimize harm to Esmeralda Park and Ellis Lateral Trail Park.

An Ordinance for approval of the easement will be on a future Council agenda.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

El Paso Electric will incur the full cost of the transmission line, playground relocation, and new perimeter pathway.

BOARD / COMMISSION ACTION:

City Plan Commission reviewed November 1, 2012- Memorandum with recommendations attached.
Parks and Recreation Advisory Board recommended Council approval November 13, 2012

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

DEPARTMENT HEAD: _____

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, City staff has identified 1.885 and .012 acres of land situated within the limits of Esmeralda Park and Ellis Lateral Linear Trail Park, to be taken by the El Paso Electric Company for the purpose of building a transmission line, a legal description of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, City staff has recommended the taking of the 1.897 acres for the proposed transmission line in order to serve the growing area; and

WHEREAS, the City has given notice to the public by publishing a notice once a week for three consecutive weeks in a newspaper of general circulation as required in the Texas Parks & Wildlife Code Section 26.002; and

WHEREAS, City Council determines that there is no feasible and prudent alternative to the proposed taking of Esmeralda Park and Ellis Lateral Linear Trail Park and the taking includes all reasonable planning to minimize harm to the land as a park resulting from the use.

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

1. That the El Paso City Council approves the taking of a 1.897 acre portion of Esmeralda Park and Ellis Lateral Linear Trail Park for the proposed transmission line, and
2. That, related to the proposed transmission line and in accordance with Chapter 26 of the Texas Parks and Wildlife Code, the City Council determines there is no feasible and prudent alternative to the taking of the Esmeralda Park and Ellis Lateral Linear Trail Park acreage, and that the proposed plans for the proposed transmission line include all reasonable planning to minimize harm to the land as a park resulting from the use.

(signatures follow on next page)

ADOPTED this _____ day of _____ 2012.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

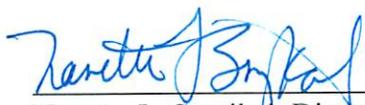
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton
Assistant City Attorney

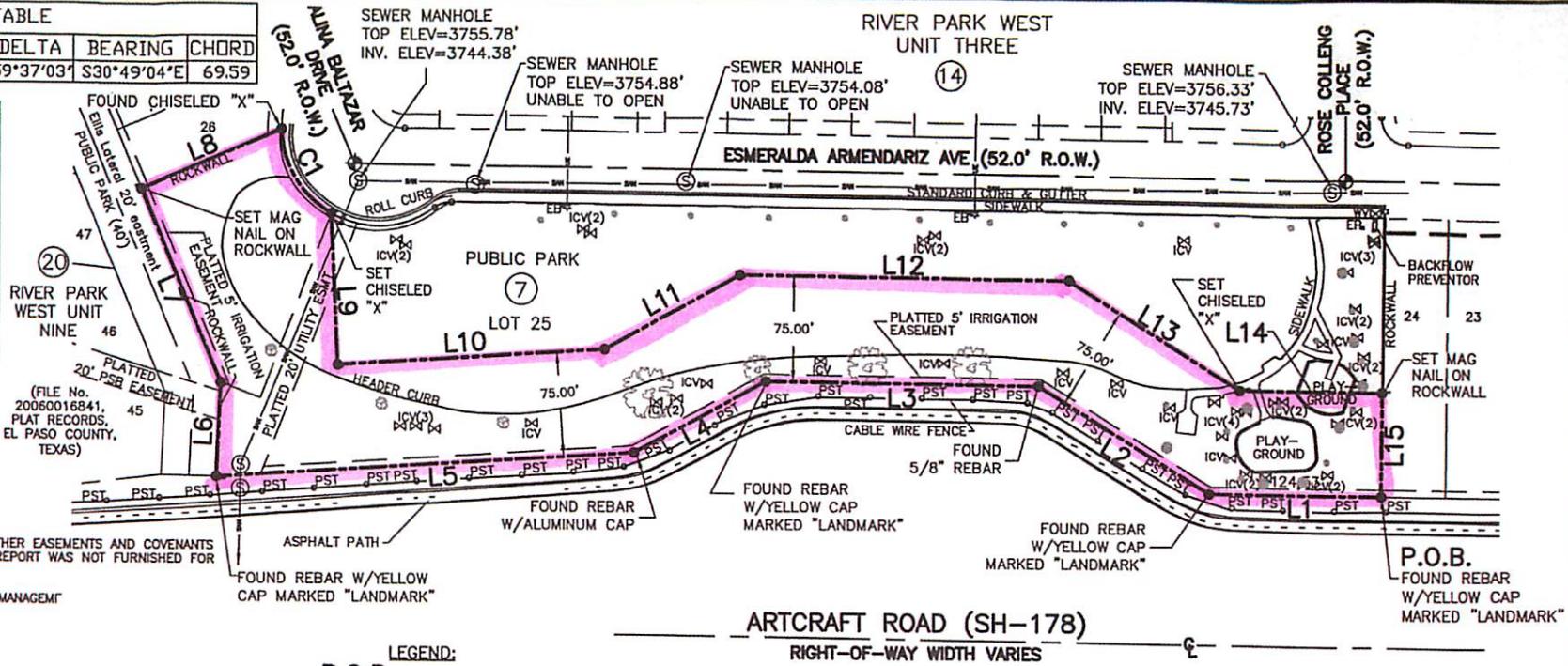
APPROVED AS TO CONTENT:



Nanette L. Smejkal, Director
Parks and Recreation Department

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	72.84	70.00	59°37'03"	S30°49'04"E	69.59

LINE TABLE		
LINE	LENGTH	BEARING
L1	124.31	N89°22'08"W
L2	145.18	N58°08'38"W
L3	197.12	N89°20'32"W
L4	108.37	S61°33'57"W
L5	301.90	S86°25'37"W
L6	67.55	N02°51'55"E
L7	148.86	N22°53'29"W
L8	110.04	N67°08'46"E
L9	107.08	S02°34'58"E
L10	193.17	N86°25'37"E
L11	111.29	N61°33'57"E
L12	237.52	S89°20'32"E
L13	145.16	S58°08'38"E
L14	103.48	S89°22'08"E
L15	75.00	S00°44'08"W



SURVEYOR'S NOTES:

1. THIS SURVEY MAY BE SUBJECT TO OTHER EASEMENTS AND COVENANTS OF RECORDS NOT SHOWN. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
2. ACCORDING TO FEDERAL EMERGENCY MANAGM
- 3.
- 4.

REFERENCES:

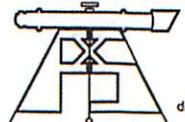
1. STATE OF TEXAS DEPARTMENT OF TRANSPORTATION PLANS FOR PROPOSED RIGHT OF WAY PROJECT, EL PASO COUNTY, CITY OF EL PASO, SH 178 (ARTCRAFT ROAD), REVISED DATE 3-18-96.
2. PARK DEDICATED BY PLAT, DATED FEBRUARY 18, 2004, FILED IN VOLUME 79, PAGE 25, PLAT RECORDS, EL PASO COUNTY, TEXAS.

THIS SURVEY (MAP) CONTAINS INFORMATION THAT IS PROPRIETARY TO THE FRANK X. SPENCER & ASSOC., INC. ITS USE OR DISCLOSURE IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF FRANK X. SPENCER & ASSOC., INC. IS PROHIBITED.

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SURVEYED & PREPARED BY:



drawn by: hig

CER & ASSOCIATES, INC.

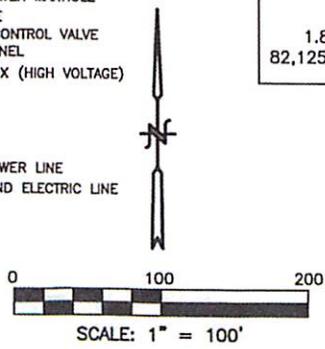
Consulting Civil Engineers & Land Surveyors
 (TBPE# F-3584, TBPLS# 100490-00)

1130 MONTANA AVE.
 EL PASO, TEXAS 79804
 TEL: 915-533-4800
 FAX: 915-533-4873
 e-mail: elpaso@fxs.com

LEGEND:

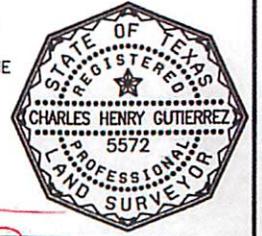
- P.O.B.**
- ⊕ EXISTING CITY MONUMENT
 - ⊙ SANITARY SEWER MANHOLE
 - WVd WATER VALVE
 - ICVd IRRIGATION CONTROL VALVE
 - EP ELECTRIC PANEL
 - EB* ELECTRIC BOX (HIGH VOLTAGE)
 - * LIGHT POLE
 - PST POST
 - PINE TREE
 - TREE
 - SANITARY SEWER LINE
 - - - UNDERGROUND ELECTRIC LINE

AREA
 1.885 ACRES
 82,125 SQ. FT. +/-



PORTION OF PUBLIC PARK LOT 25, BLOCK 7, RIVER PARK WEST UNIT 3, CITY OF EL PASO, EL PASO COUNTY, TEXAS

I HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
 SURVEY DATE: AUGUST 24, 2011



8/30/2011
 DATE

Charles H. Gutierrez
 Registered Professional Land Surveyor #5572



Frank X. Spencer & Associates, Inc.

Consulting Civil Engineers & Surveyors

1130 Montana Ave., El Paso, Texas 79902

Ph: 915-533-4600 • F: 915-533-4673

www.fxsa.com

TBPLS #100490-00 • TBPE #F-3584

METES AND BOUNDS DESCRIPTION

A 1.885 ACRE TRACT OF LAND BEING A PORTION OF PUBLIC PARK LOT 25, BLOCK 7, RIVER PARK WEST UNIT THREE, AN ADDITION TO THE CITY OF EL PASO, ACCORDING TO THE PLAT RECORDED AT VOLUME 79, PAGE 25, PLAT RECORDS, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found rebar with yellow cap marked "LANDMARK" on the northerly right-of-way line of Arcraft Road (SH-178) (right-of-way width varies) at the common southwesterly corner of Lot 24 and the southeasterly corner of Public Park Lot 25, Block 7, River Park West Unit Three;

Thence, North 89° 22' 08" West (N89°34'35"W), along the said northerly right-of-way line, a distance of 124.31 feet to a found rebar with yellow cap marked "LANDMARK";

THENCE, continuing with the said northerly right-of-way line, the following four (4) courses:

North 58° 08' 38" West (N58°18'18"W), a distance of 145.18 feet, to a found 5/8 inch rebar;

North 89° 20' 32" West (N89°34'07"W), a distance of 197.12 feet, to a found rebar with yellow cap marked "LANDMARK";

South 61° 33' 57" West (S61°18'59"W), a distance of 108.37 feet, to a found rebar with aluminum cap;

South 86° 25' 37" West (S86°14'19"W), a distance of 301.90 feet, to a found rebar with yellow cap marked "LANDMARK" for the common southerly boundary corner of said River Park West Unit Three and River Park West Unit Nine, an addition to the City of El Paso, according to the plat recorded in File No. 20060016841, El Paso County, Texas;

THENCE, North 02° 51' 55" East (N02°40'50"E), leaving said right-of-way line and along the common boundary line of said River Park West Unit Nine, a distance of 67.55 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" for a P.I.;

THENCE, North 22° 53' 29" West (N23°06'00"W), continuing with said common boundary line, a distance of 148.86 feet, to a set Mag nail on rockwall, for the northwest corner of Public Park Lot 25, same being the southwest corner of Lot 26, Block 7, River Park West Unit Three;

THENCE, North 67° 08' 46" East (N66°54'00"E), with said common lot line, a distance of 110.04 feet, to a found chiseled "X" on sidewalk on the southwesterly right-of-way line of Alina Baltazar Drive (52.00' right-of-way);

THENCE, along said right-of-way line, 72.84 feet along an arc of a curve to the left having a radius of 70.00 feet, a delta angle of 59°37'03", and a chord bearing of South 30° 49' 04" East and a distance of 69.59 feet, to a set chiseled "X", for the point of intersection of the west line of a 20 foot utility easement as shown on said plat with the southwest line of Alina Baltazar Drive;

THENCE, South 02° 34' 58" East, leaving said right-of-way line, a distance of 107.08 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198", for a point 75.00 feet perpendicular distance from said Aircraft Road (SH-178) right-of-way;

THENCE, 75.00 feet perpendicular distance from and parallel to said right-of-way line the following five (5) courses;

North 86° 25' 37" East, a distance of 193.17 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";

North 61° 33' 57" East, a distance of 111.29 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";

South 89° 20' 32" East, a distance of 237.52 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";

South 58° 08' 38" East, a distance of 145.16 feet, to a set chiseled "X";

South 89° 22' 08" East, a distance of 103.48 feet, to a set Mag nail on rockwall, lying on the common boundary line of Public Park Lot 25 and Lot 24, Block 7, River Park West Unit Three;

Thence, South 00° 44' 08" West (S00°25'35"W), a distance of 75.00 feet, to the **POINT OF BEGINNING**, containing 1.885 Acres (82,125 square feet) of land, more or less.

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS
Texas License No. 5572

Date: 8/30/2011

EASEMENT DESCRIPTION

Being a portion of a 40' wide park within River Park West Unit 9, in the City of El Paso, El Paso County, Texas, adjacent to the Northerly right-of-way line of Artcraft Road and more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped TX-4869 found at the southern most common corner of River Park West Unit 9 and Lot 25, Block 7, River Park West Unit 3 and on the northerly right-of-way line of Artcraft Road (SH 178)*;

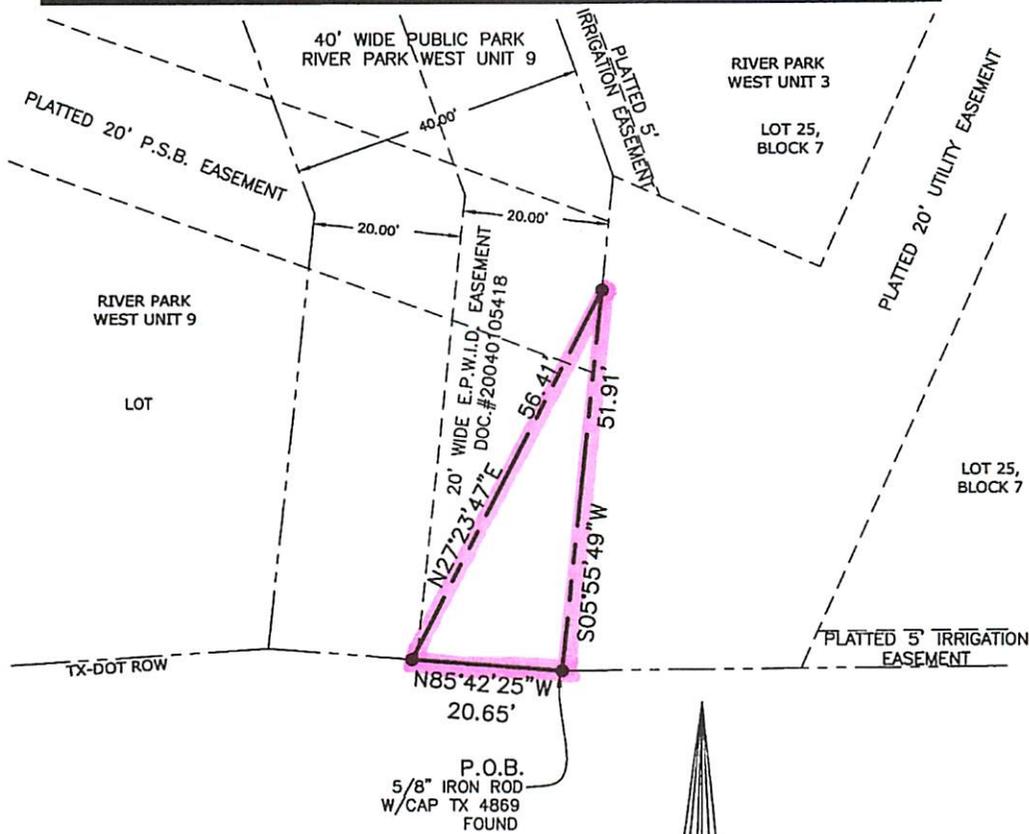
Thence, continuing along said right-of-way line, North 85°42'25" West 20.65 feet to a point;

Thence, North 27°23'47" East 56.41 feet to a point on the common boundary line of River Park West Unit 9 and Lot 25, Block 7, River Park West Unit 3;

Thence, with said boundary line, South 05°55'49" West 51.91 feet to the POINT OF BEGINNING, containing 536 sq. ft. or 0.012 acres.

Basis of Bearing is Grid North, Texas State Plane Coordinate System, Texas Central 4203.

*Right-of-Way information provided by Tx DOT according to State of Texas Department of Transportation Plans of Proposed Right-of-Way Project, SH 178 (Artcraft Road), Revision Date: 5-19-97.



CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT FOR THE DATE OF SURVEY.

B. R. Monroe

B. R. MONROE R.P.L.S. TX 5586



1 inch = 20 ft.

LEGEND

P.O.B. POINT OF BEGINNING



PORTION OF 40' WIDE PUBLIC PARK,
RIVER PARK WEST UNIT 9,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
VOLUME:
PAGE:

...\\Projects\EPEC BOR Datum\dwg\BOR ELLIS.dwg

DATE OF SURVEY: 07/29/05 SCALE: 1"=20' OFFICE:hig FIELD:cc

TSC SURVEYING COMPANY

5959 GATEWAY WEST, STE 222,

PHONE 915-772-6500

FAX 915-772-6621

EL PASO, TEXAS 79925

City Park

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS

City Plan Commission
November 13, 2012



Mayor and City Council
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

Re: The use of 1.885 acres of a portion of Esmeralda Park and 0.012 acres of a portion of Ellis Lateral Linear Trail.

Dear Mayor and City Council:

A City Plan Commission (CPC) meeting was held on November 1, 2012. During this meeting, the CPC was briefed on and discussed the above referenced project.

As per Section 2.08.080 of the El Paso City Code, among the duties and responsibilities given to the CPC by the City Council is the Commission's responsibility to provide consultation or advice to the City Council on any plans for any general change or alteration relating to public parks.

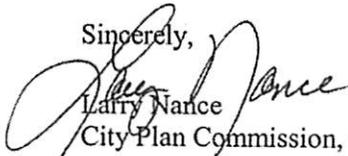
After having reviewed the details of this project, the CPC voted unanimously to recommend to the City Council the following items:

- 1) to consider whether or not it could be feasible to put the transmission line underground; and whether there is any information available to determine how hazardous this would be to children with the above ground lines;
- 2) to consider if there is another alternative by perhaps putting it on the south side of Arcraft;
- 3) and, for this project and future new public utility easement projects in addition to the notification requirements already listed under the Texas Parks and Wildlife Code, to notify the property owners, in writing, within 300 feet of the subject property. The current public notification requirements include a public hearing and three public notices, for three consecutive weeks, published in a newspaper of general circulation as per Section 26.002 Notice of Hearing of the Parks and Wildlife Code.

This project will be discussed at the City Council meeting on Tuesday, November 27, 2012.

Thank you for your consideration regarding this matter.

Sincerely,



Larry Nance
City Plan Commission, Chair



City Development Department
Two Civic Center Plaza - 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



MILTON HENRY

LINDA JOHNSON

ALINA BALTAZAR

ROSE COLLENG

ESMERALDA ARMENDARIZ

ARTCRAFT

ARTCRAFT

DAKOTA RIVER

SAND RIVER

THUNDER RIVER

SNOWY RIVER

WIND RIVER

LARAMIE RIVER