

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

**DEPARTMENT:** El Paso Water Utilities Public Service Board

**AGENDA DATE:** November 27, 2012.

**CONTACT PERSON/PHONE:** Lupe Cuellar, Real Estate Manager and Counsel, 594-5636.

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:** APPROVE the following Joint Resolution

**Joint Resolution Between The El Paso City Council and the El Paso Water Utilities – Public Service Board on the transfer of the Rio Bosque Park from the City to the management and control of the Public Service Board and the assignment of the License Agreement between the City and the University of Texas El Paso from the City to the El Paso Water Utilities –Public Service Board.** (District6) El Paso Water Utilities, Lupe Cuellar, Real Estate Manager and Counsel. (915) 594-5636

**BACKGROUND / DISCUSSION:**

The City of El Paso has leased the Rio Bosque to the University of Texas at El Paso for the development of a park and a wetland habitat for migratory water fowl. UTEP is having difficulty with getting water to the site for the wetland habitat. A transfer of the Rio Bosque from the City to the El Paso Water Utilities-Public Service Board would allow the Public Service Board better opportunities to assist UTEP in providing water to the Rio Bosque. The transfer of the land would be at no cost to the PSB, but the PSB would have to accept the assignment of the License Agreement between the City and UTEP, from the City to the PSB.

**PRIOR COUNCIL ACTION:** N/A

**AMOUNT AND SOURCE OF FUNDING:** N/A

**BOARD / COMMISSION ACTION:**

At a regular meeting held November 14, 2012, the El Paso Water Utilities Public Service Board adopted the Joint Resolution.

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**JOINT RESOLUTION BETWEEN THE EL PASO CITY COUNCIL AND THE EL PASO WATER UTILITIES –PUBLIC SERVICE BOARD ON THE TRANSFER OF THE RIO BOSQUE PARK FROM THE CITY TO THE MANAGEMENT AND CONTROL OF THE PUBLIC SERVICE BOARD AND THE ASSIGNMENT OF THE LICENSE AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF TEXAS EL PASO FROM THE CITY TO THE EL PASO WATER UTILITIES –PUBLIC SERVICE BOARD**

**WHEREAS**, the City of El Paso owns land known as the Rio Bosque Park; and,

**WHEREAS**, the land was acquired by the City from the Department of Interior, National Park Services’ Federal Lands-to-Parks Program for public park and recreation purposes; and,

**WHEREAS**, on January 22, 2008 by Ordinance No. 016832 (the “License Agreement”) the City entered into a License Agreement with the University of Texas El Paso for the development and maintenance of a public park and a wetland habitat for migratory water fowl; and,

**WHEREAS**, the City wishes to transfer the Rio Bosque Park to the management and control of the Public Service Board so that Board can assist in providing water to the Rio Bosque; and,

**WHEREAS**, the City also wishes to assign the duties and responsibilities under the License Agreement to the Public Service Board; and,

**WHEREAS**, transfer of the Rio Bosque Park into the management and control of the Public Service Board will not change the status or use of the Rio Bosque as a public park; and,

**WHEREAS**, the Public Service Board is willing to accept the Rio Bosque Park into its inventory of land and also accept the assignment of the duties and responsibilities of the License Agreement; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE EL PASO CITY COUNCIL AND THE EL PASO WATER UTILITIES-PUBLIC SERVICE BOARD,**

**THAT** the El Paso City Council and the El Paso Water Utilities-Public Service Board agree as follows:

1. The Rio Bosque Park, located at 10717 Socorro Road, El Paso, El Paso County, Texas, and as is further described below, is hereby transferred from the City of El Paso to the management and control of the El Paso Water Utilities-Public Service Board.

*372 acres, more or less, being a portion of Tracts 13, 15A and 18 and Tracts 10B, 13B, 14A, 15B, 16, 17, and 19, Block 24 Socorro Grant Surveys and Tracts 6,7, and 8A, Block 25, Socorro Grant Surveys, El Paso County, Texas, as platted by the County of El Paso Texas in November 1927*

*and July 1928 and U.S. Parcel No. 18 of the Rio Grande Rectification Project and the Desagua Drain in Tract 18, Block 24 Socorro Grant Surveys, the riverbed area between U.S. Parcel No. 18 and the Blocks 24 and 25, Socorro Grant Surveys and being more particularly described by the metes and bounds in Exhibit "A" attached hereto and made a part hereof, and 0.45 acres, more or less, being a portion of Socorro Grant, Block 24, Tract 3, City of El Paso, El Paso County Texas, and being more particularly described by metes and bounds in Exhibit A-1, attached hereto and made a part hereof.*

2. Due to the restrictions on use placed on the land by the Department of Interior and the existing License Agreement, the transfer of the land is at no cost to the Public Service Board; and,

3. The Public Service Board agrees to the assignment of the License Agreement between the City of El Paso the University of Texas El Paso from the City to the Public Service Board and agrees to assume and perform all rights, duties, obligations, and responsibilities under said Agreement; and,

4. The Public Service Board agrees to provide the City of El Paso Parks and Recreation Department Director with notice and an opportunity to review and advise prior to approving any proposed improvements, additions or alterations to the Rio Bosque Park made under the License Agreement by the University of Texas at El Paso.

**THAT** the El Paso City Manager and the CEO/President of the El Paso Water Utilities be authorized to sign all the necessary documents to effectuate the transfer of Rio Bosque Park and the assignment of the License Agreement between the City and the University of Texas El Paso from the City to the Public Service Board.

Passed and approved by the El Paso City Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF EL PASO

\_\_\_\_\_  
John Cook, Mayor

ATTEST:

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Richarda Duffy-Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kristen Hamilton  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Nanette Smejkal, Director  
Parks and Recreation Department

***SIGNATURES CONTINUE ON FOLLOWING PAGE***

Passed and approved by the El Paso Water Utilities-Public Service Board on this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

El Paso Water Utilities-  
Public Service Board

\_\_\_\_\_  
Chair

APPROVED AS TO FORM:

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Lupe Cuellar, Real Estate Manager  
and Counsel

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Edmund G. Archuleta, P.E.  
CEO and President



Jonathan Rogers WTP

Bustamante WTP Plant

Rio Bosque Wetlands Park

Socorro Ponds

Southside Road

Pan American

City Limits

# Rio Bosque Wetland Park

