

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

DEPARTMENT: **Engineering**

AGENDA DATE: **December 7, 2010**

CONTACT PERSON/PHONE: **R. Alan Shubert, City Engineer**

DISTRICT AFFECTED: **4**

SUBJECT:

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, a drainage easement and a temporary construction easement to be used for stormwater system improvements within the Butterfield Trail Apartments complex property (10330 Gateway North).

BACKGROUND / DISCUSSION:

As part of the Northeast Channel No. 2 project that is being constructed by the PSB Stormwater Division, a new storm sewer is being constructed. The new storm sewer system will be located along the proposed easement. As part of the agreement with the property owner, an existing easement is being abandoned through the middle of the property in lieu of the new easement along the edge of the property. This will allow for the construction to minimize the impact to the residents of the apartment complex as well as potential claims.

PRIOR COUNCIL ACTION:

Council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

(There are no costs associated with this action).

<u>Project</u>	<u>Fund</u>	<u>Department</u>	<u>Account</u>
~	~	~	~

BOARD / COMMISSION ACTION:

(N/A)

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

DEPARTMENT HEAD: _____



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 and accept on behalf of the City, an Easement granting to the City a drainage easement and temporary construction easement from Butterfield Trails Apartments Partnership. The drainage easement area is approximately .1907 acre in size, located within *a portion of Lot 16, Block 74, Sun Valley Addition Unit Seven, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" and "A-1" of the Easement.

ADOPTED this _____ day of _____, 2010.

THE CITY OF EL PASO

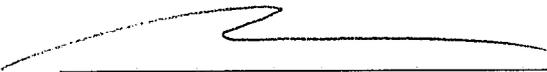
ATTEST:

John F. Cook, Mayor

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney



R. Alan Shubert, P.E.
City Engineer

metes and bounds on Exhibit "B" attached and shown by drawing on Exhibit B-1 attached (the Temporary Construction Easement). This grant of easement, together with the right of ingress and egress for all purposes incident to it, shall be for the purpose of use and occupation for additional workspace and staging area during the construction of the stormwater drainage system and Facilities. The Temporary Construction Easement will automatically terminate upon final completion of the construction.

To have and to hold, the above-described Easement and Temporary Construction Easement (collectively "the Easements") together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever; and Grantor is hereby bound, together with its successors, and assigns to warrant and forever defend the Easements and rights unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Such rights and Easements shall be covenants running with the land and be binding upon the Grantor, its successors, and assigns.

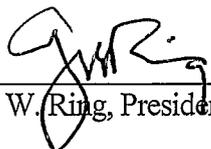
Grantor represents and warrants to Grantee that Grantor is the owner of record of the above-described property and has the full power and authority to grant the Easements. The above recited consideration for the Easements shall be considered full compensation for them and for any diminution in value that may result to remaining property by virtue of the project, construction, installation, and repair of the stormwater drainage system and Facilities, grade alignment, or the alteration of drainage patterns and existing facilities.

When the context requires, singular nouns and pronouns include the plural.

WITNESS THE EXECUTION HEREOF the 21 day of ^{OCT}~~September~~, 2010.

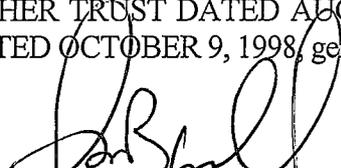
BUTTERFIELD TRAILS APARTMENTS
PARTNERSHIP, a California general partnership

By: EL PASO GATEWAY COMPANY, general partner

By: 

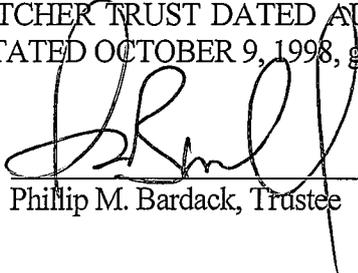
Grant W. Ring, President

By: THE SURVIVOR'S TRUST CREATED UNDER THE
THATCHER TRUST DATED AUGUST 18, 1982, AS
RESTATED OCTOBER 9, 1998, general partner

By: 

Phillip M. Bardack, Trustee

By: THE MARITAL TRUST CREATED UNDER THE
THATCHER TRUST DATED AUGUST 18, 1982, AS
RESTATED OCTOBER 9, 1998, general partner

By: 

Phillip M. Bardack, Trustee

ACKNOWLEDGMENT

State of California
County of Los Angeles

On 10-20-2010 before me, Sandra Veronica Caceres
(insert name and title of the officer)

personally appeared Phillip M. Bardack,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Sandra Veronica Caceres* (Seal)



ACKNOWLEDGMENT

State of California
County of Santa Cruz

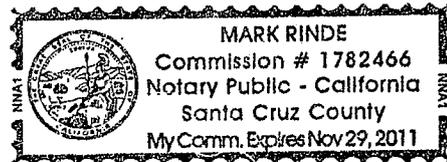
On 21 October, 2010 before me, MARK RINDE, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared GRANT W. RING,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

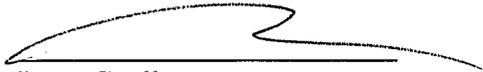
Signature *Mark Rinde* (Seal)



**GRANTEE:
CITY OF EL PASO**

By: _____
Joyce Wilson, City Manager

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

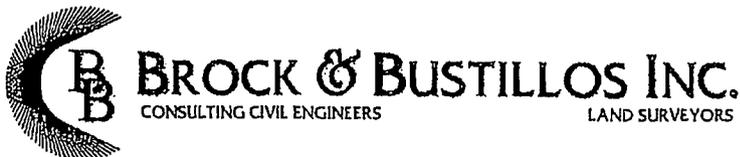
STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me this _____ day of _____ 2010, 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
Engineering Department
Attn: City Engineer
2 Civic Center Plaza, 5th floor
El Paso, Texas 79901



ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
OSCAR V. PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg. No. F-737

METES AND BOUNDS DESCRIPTION
"DRAINAGE EASEMENT"

A 0.1907 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Lot 16, Block 74, Sun Valley Addition Unit Seven and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a City Monument found at the centerline intersection of Junction Drive (60.00 feet wide right-of-way) and Biscane Street (60.00 feet wide right-of-way), whence a City Monument found at the intersection of the centerline of Junction Drive and the east right-of-way line of a 35 feet wide service road bears North 88°00'07" West (South 88°52'30" West ~ record), a distance of 521.57 feet (521.29 feet ~ record); **THENCE**, leaving the centerline of Biscane Street and following the centerline of Junction Drive, North 88°00'07" West (South 88°52'30" West ~ record), a distance of 130.28 feet (130.00 feet ~ record); **THENCE**, leaving the centerline of Junction Drive, North 01°59'53" West (North 01°17'30" West ~ record), a distance of 30.00 feet (measured and record) to the north right-of-way line of Junction Drive for the southeast corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the north right-of-way line of Junction Drive, North 88°00'07" West (South 88°52'30" West ~ record), a distance of 47.00 feet to the southwest corner of the parcel herein described;

THENCE, leaving the north right-of-way line of Junction Drive, North 01°59'53" East (North 01°07'30" West ~ record), a distance of 149.83 feet to the south boundary line of a drainage easement for the northwest corner of the parcel herein described and the beginning of a non-tangent curve to the left;

THENCE, following the south boundary line of said drainage easement along the arc of said non-tangent curve to the left having a radius of 110.00 feet (measured and record), a central angle of 55°03'34" (measured and record), an arc length of 105.71 feet (measured and record) and whose long chord bears North 29°31'40" East (North 26°24'17" East ~ record), a distance of 101.69 feet (measured and record) to the east boundary line of said Lot 16 for the northeast corner of the parcel herein described;

THENCE, leaving the south boundary line of said drainage easement and following the east boundary line of said Lot 16, South 01°59'53" West (South 01°07'30" East ~ record), a distance of 240.00 feet (measured and record) to the **POINT OF BEGINNING**.

Said parcel contains 0.1907 acres (8,306.6 square feet), more or less, and being subject to all easements of record.



Isaac Camacho
TX. R.P.L.S. No. 5337

Date: March 11, 2010

File 058797-012C Drainage Easement.Doc



SUN VALLEY ADDITION UNIT SEVEN
VOLUME 19, PAGE 32

BUTTERFIELD TRAILS APTS. PARTNERSHIP
VOL. 2404, PG. 1482

BUTTERFIELD TRAILS APTS. PARTNERSHIP
VOL. 2404, PG. 1482

SUN VALLEY ADDITION UNIT SEVEN

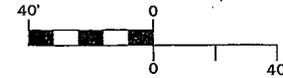
VOLUME 19, PAGE 32

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1 (M)	N 01°59'53" E	30.00'
L1 (R)	N 01°07'30" W	30.00'
L2 (M)	N 88°00'07" W	47.00'
L2 (R)	S 88°52'30" W	47.00'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1 (M)	110.00'	105.71'	101.69'	N29°31'40"E	55°03'34"
C1 (R)	110.00'	105.71'	101.69'	N26°24'17"E	55°03'34"



GRAPHIC SCALE



(IN FEET)
1 inch = 40 FT.

LEGEND	
PROJECT BOUNDARY	—
SUBDIVISION BOUNDARY	- - -
LOT LINE	---
CENTERLINE OF ROAD	—+—
EASEMENT LINE	- · - · -
RIGHT-OF-WAY LINE	—+—+—
BLOCK NUMBER	74
LOT NUMBER	16
RECORD BEARING AND DISTANCE	(R)
MEASURED BEARING AND DISTANCE	(M)
PROPOSED EASEMENT CORNER	⊙

SUPPLEMENTAL NOTES

1. BASIS OF BEARING WAS OBTAINED BY G.P.S. OBSERVATION AT SHOWN MONUMENTS, AND IS EXPRESSED BY GRID BEARINGS FOR TEXAS STATE PLANE CENTRAL ZONE 1203.
2. RECORD BEARINGS SHOWN ARE FROM PLAT FOR SUN VALLEY ADDITION UNIT SEVEN.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Isaac Camacho 03/11/10
ISAAC CAMACHO, R.P.L.S. TX. NO. 5337



417 EXECUTIVE CENTER
EL PASO, TX 79902
PH (915) 542-4900
FAX (915) 542-2867
www.brockbustillos.com



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPB REG. NO. F-73

DRAWN BY: AA
APPROVED BY: IC
DATE: 03/11/2010
SHEET: 1 OF 1
JOB NO. 05879-012C

PROPOSED 47' WIDE DRAINAGE EASEMENT

A PORTION OF LOT 16, BLOCK 74,
SUN VALLEY ADDITION UNIT SEVEN,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

DATE: .

SERVICE ROAD
(35' R.O.W.)

FOUND CITY MONUMENT
N88°00'07"W
588°52'30"W (BASIS OF BEARING)

JUNCTION DRIVE
(60' R. O. W.)

LA VISTA PLACE
(60' R. O. W.)

391.29' (R)
391.29' (M)

L2

130.00' (R)
130.28' (M)
521.57' (M)
521.29' (R)
(P.O.C.)
FOUND CITY MONUMENT

BISCANE ST.
(60' R. O. W.)

N01°07'30"W PROPOSED 25' WIDE TEMPORARY CONSTRUCTION EASEMENT 149.83' (R)
N01°59'53"E 149.83' (M)

PROPOSED 47' WIDE DRAINAGE EASEMENT
0.3066 SQ. FT. OR 0.1907 ACRES

EXISTING ANCHOR EASEMENT

EXISTING UTILITY EASEMENT

EXISTING UTILITY EASEMENT

ARLINGTON HEIGHTS REPLAT
VOLUME 26, PAGE 46

240.00' (M)
240.00' (R)

10

11

12

13

5' UTILITY EASEMENT

SERVICE ROAD
(NOT VACATED)

(PORTION OF SERVICE ROAD VACATED BY C.O.E.P. ORDINANCE NO. 4882)

30' EPWU EASEMENT (C.O.E.P. ORD. 4882)

20' ACCESS ROAD EASEMENT
VOL. 398, PG. 1086

DRAINAGE EASEMENT



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
OSCAR V. PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg. No. F-737

METES AND BOUNDS DESCRIPTION
"TEMPORARY CONSTRUCTION EASEMENT"

A 0.0819 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Lot 16, Block 74, Sun Valley Addition Unit Seven and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a City Monument found at the centerline intersection of Junction Drive (60.00 feet wide right-of-way) and Biscane Street (60.00 feet wide right-of-way), whence a City Monument found at the intersection of the centerline of Junction Drive and the east right-of-way line of a 35 feet wide service road bears North 88°00'07" West (South 88°52'30" West ~ record), a distance of 521.57 feet (521.29 feet ~ record); **THENCE**, leaving the centerline of Biscane Street and following the centerline of Junction Drive, North 88°00'07" West (South 88°52'30" West ~ record), a distance of 177.28 feet (177.00 feet ~ record); **THENCE**, leaving the centerline of Junction Drive, North 01°59'53" West (North 01°17'30" West ~ record), a distance of 30.00 feet (measured and record) to the north right-of-way line of Junction Drive for the southeast corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the north right-of-way line of Junction Drive, North 88°00'07" West (South 88°52'30" West ~ record), a distance of 25.00 feet to the southwest corner of the parcel herein described;

THENCE, leaving the north right-of-way line of Junction Drive, North 01°59'53" East (North 01°17'30" West ~ record), a distance of 136.77 feet to the south boundary line of an existing drainage easement for the beginning of a non-tangent curve to the left and the northwest corner of the parcel herein described;

THENCE, following the south boundary line of said existing drainage easement along the arc of said non-tangent curve to left have a radius of 110.00 feet, a central angle of 14°43'52", an arc length of 28.28 feet and whose long chord bears North 64°25'23" East (North 61°18'00" East), a distance of 28.20 feet to the end of said non-tangent curve to the left for the northeast corner of the parcel herein described;

THENCE, leaving the south boundary line of said existing drainage easement, South 01°59'53" West (South 01°07'30" East ~ record), a distance of 149.83 feet to the **POINT OF BEGINNING**.

Said parcel contains 0.0819 acres (3,565.4 square feet), more or less, and being subject to all easements of record.


Isaac Camacho
TX. R.P.L.S. No. 5337
Date: March 11, 2010
File 058797-012C TCE.doc



SUN VALLEY ADDITION UNIT SEVEN

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74
16

BUTTERFIELD TRAILS APTS. PARTNERSHIP
VOL. 2404, PG. 1482

20' ACCESS ROAD EASEMENT
VOL. 398, PG. 1086

DRAINAGE EASEMENT

BUTTERFIELD TRAILS APTS. PARTNERSHIP
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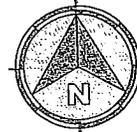
SUN VALLEY ADDITION UNIT SEVEN

VOLUME 19, PAGE 32

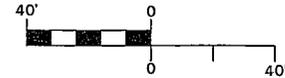
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L2(R)	S 88°52'30" W	25.00'
L3(M)	S 88°00'07" E	25.00'
L3(R)	N 88°52'30" E	25.00'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1(M)	110.00'	28.28'	28.20'	NG4°25'23"E	14°43'52"
C1(R)	110.00'	28.28'	28.20'	NG1°18'00"E	14°43'52"



GRAPHIC SCALE



(IN FEET)
1 inch = 40 FT.

LEGEND

- PROJECT BOUNDARY
- SUBDIVISION BOUNDARY
- LOT LINE
- CENTERLINE OF ROW
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- BLOCK NUMBER (74)
- LOT NUMBER 16'
- RECORD BEARING AND DISTANCE (R)
- MEASURED BEARING AND DISTANCE (M)
- PROPOSED EASEMENT CORNER ⊙

SUPPLEMENTAL NOTES

1. BASIS OF BEARING WAS OBTAINED BY G.P.S. OBSERVATION AT SHOWN MONUMENTS, AND IS EXPRESSED BY GRID BEARINGS FOR TEXAS STATE PLANE CENTRAL ZONE 4203.
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Isaac Camacho 03/11/10
ISAAC CAMACHO, R.P.L.S., TX. NO. 5337

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(35' R.O.W.)

FOUND CITY MONUMENT
N88°00'07"W (BASIS OF BEARING)
S88°52'30"W

JUNCTION DRIVE

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LA VISTA PLACE
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(P.O.C.)
FOUND CITY MONUMENT

BISCANE ST.
(60' R. O. W.)

DRAWN BY: AA
APPROVED BY: IC
DATE: 03/11/2010
SHEET: 1 OF 1
JOB NO. 05879-012C

25' WIDE TEMPORARY
CONSTRUCTION EASEMENT
A PORTION OF LOT 16, BLOCK 74,
SUN VALLEY ADDITION-UNIT SEVEN,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

DATE:



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPE REG. NO. F-737



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FAX (915) 542-2867
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EXHIBIT B-1