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

DEPARTMENT: El Paso Water Utilities: Submitted: November 4th, 2005

AGENDA DATE: Introduction: November 15, 2005 ~ Public Hearing: November 29, 2005
The El Paso Water Utilities is requesting this matter be placed on the City Council Agenda (INTRODUCTION) for November 15, 2005. The City Attorney's Office is expected to review the Special Warranty Deed and provide any comments prior to the passage of the Ordinance.

CONTACT PERSON/PHONE: Robert D. Andron, General Counsel 
El Paso Water Utilities, (915) 594-5607

DISTRICT(S) AFFECTED: District #1
FAR WEST EL PASO LAND SALE

SUBJECT:

An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to the highest bidder El Paso Jamas, Ltd., land totaling approximately 33.045 acres consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas, in far west El Paso located north of Borderland Road between Westside Road and Morrell Road just outside the City Limits of El Paso. (District 1) [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

By Resolution dated September 9th, 2005, the El Paso Water Utilities Public Service Board, (PSB), which has jurisdiction over a certain parcel of land described as being approximately 33.045 acres consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas, found the parcel to be inexpedient to the water system and approved the sale of the land to the highest bidder; and,

El Paso Jamas, Ltd., was the sole bidder and bid above the minimum bid for the property with a total bid of \$501,000.00. The City of El Paso will receive five percent (5%) of the net sale proceeds.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

On May 3, 2005, the City Council approved the sale of four (4) parcels of land totaling approximately 460 acres (for the proposed construction of housing) which are located near this request. Also on July 12, 2005, the sale of another parcel (4.69 acres) near the same area was approved by City Council.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? n/a

Far West El Paso Land Sale
33.045 acres

BOARD / COMMISSION ACTION:

Authorized the sale of 33.045 acres of land by resolution on September 9th, 2005, by the El Paso Water Utilities Public Service Board.

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

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

Attachments

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City Manager Joyce Wilson
Department Memo, November 4th, 2005
Request for Item for City Council Agenda
INTRODUCTION: November 15, 2005;
PUBLIC HEARING: November 29, 2005
District #1
Page 2

FAR WEST EL PASO
LAND SALE

REQUEST TO PLACE ITEM ON THE CITY COUNCIL AGENDA

INTRODUCTION: November 15, 2005; PUBLIC HEARING: November 29, 2005

Attached is a copy of the PSB Resolution approved on September 9th, 2005, along with the Ordinance and Special Warranty Deed. Once approved, necessary arrangements will be made with the City Clerk's Office for document distribution and recording. The City Attorney's Office is expected to review the Special Warranty Deed and provide any comments prior to the passage of the Ordinance.

The El Paso Water Utilities is requesting this matter be placed as an INTRODUCTION for the City Council Agenda, November 15, 2005, and PUBLIC HEARING for November 29, 2005.

Please advise this office upon completion of your review and approval of the placement of this item on the City Council Agenda and my secretary will contact the City Clerk and make arrangements to have document packets hand-delivered to the City Clerk's Office and email backup documents as noted to those listed below. If there are any questions, please call me at 594-5607 or email bandron@epwu.org.

I will plan to attend the City Council meetings. Thank you for your kind attention to this matter.

Attachments

Cc: The Honorable Mayor John F. Cook (email)
City Council Representatives (email)
Pat Aduato, Deputy City Manager for Development and Infrastructure Services (email)
Matt Briones, Executive Assistant to the Mayor (email)
Charlie McNabb, City Attorney (email)
Theresa Cullen-Garney, Deputy City Attorney (email)
Richarda Duffy-Moimsen, City Clerk (hard copies & email)
Nicholas J. Costanzo, Assistant General Manager (email)
Jim Shelton, Land Administration, PSB (email)

RESOLUTION

A RESOLUTION AUTHORIZING THE SALE TO EL PASO JAMAS, LTD., THE SOLE BIDDER FOR 33.045 ACRES OF LAND, MORE OR LESS, ALL OF TRACT 9C, BLOCK 13, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS, SAID REAL PROPERTY BEING UNDER THE JURISDICTION OF THE PUBLIC SERVICE BOARD; REQUESTING THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the El Paso Water Utilities Public Service Board (PSB), Trustee, has jurisdiction over certain parcels of land in northeast El Paso; and

WHEREAS, the Public Service Board approved the sale of 33.045 acres of land in the Upper Valley of El Paso located north of Borderland Road between Westside Road and Morrell Road just outside the El Paso City Limits; and,

WHEREAS, the PSB finds that this parcel of land is inexpedient to the water system and it is in the public interest that said land should be sold to the highest bidder, and

WHEREAS, the PSB received the bid on September 1, 2005, which was in excess of the estimated market value established by an independent appraisal.

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO EL PASO WATER UTILITIES:

Section 1. That the findings and recitations set out in the preamble to this Resolution are true and correct and are hereby adopted by the Public Service Board and made a part of this Resolution for all purposes.

Section 2. That the Public Service Board hereby finds the land the subject of this Resolution to be inexpedient to the needs of the water utility system and hereby approves the conveyance of land described as follows:

Being all Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas, being approximately 33.045 acres of land to El Paso Jamas, Ltd., in the amount of \$15,161.14 per acre for a total sales price of \$501,000.00.

Section 3. That the Public Service Board hereby requests the City Council authorize the City Manager to sign a Special Warranty Deed and any other necessary documents to convey the property to El Paso Jamas, Ltd.

Section 4. That a copy of this Resolution shall be transmitted to the City Attorney's Office.

PASSED AND APPROVED at a rescheduled meeting of the Public Service Board of the City of El Paso, Texas, this 9th day of September, 2005, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

PUBLIC SERVICE BOARD

Chair

Fermin Acosta, Jr.

ATTEST:


Secretary

Ruben Guerra

APPROVED AS TO FORM:


Robert D. Andron, General Counsel

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO EL PASO JAMAS, LTD., LAND TOTALING APPROXIMATELY 33.045 ACRES CONSISTING OF TRACT 9C, BLOCK 13, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS, IN FAR WEST EL PASO LOCATED NORTH OF BORDERLAND ROAD BETWEEN WESTSIDE ROAD AND MORRELL ROAD JUST OUTSIDE THE CITY LIMITS.

WHEREAS, by Resolution dated September 9th, 2005, the El Paso Water Utilities Public Service Board (PSB), which has jurisdiction over a certain parcel of land described as being approximately 33.045 acres consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas, found the parcel to be inexpedient to the water system and approved the sale of the land to the sole bidder; and,

WHEREAS, El Paso Jamas, Ltd., was the sole bidder and bid above the minimum bid for the property with a total bid of \$501,000.00; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is hereby authorized to sign a Special Warranty Deed conveying to El Paso Jamas, Ltd., the sole bidder, land described as being approximately 33.045 acres of land consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas. Said property is located in far west El Paso just north of Borderland Road between Westside Road and Morrell Road just outside the City Limits of El Paso. The City Manager is further authorized to sign any and all documents required to accomplish the conveyance of said property.

PASSED AND APPROVED this _____ day of _____, 2005.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Robert D. Andron
General Counsel, El Paso Water Utilities

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: SOCIAL SECURITY NUMBER AND DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: _____, 2005

Grantor: The City of El Paso, Texas, a Texas municipal corporation
On Behalf of El Paso Water Utilities Public Service Board

Grantor's Mailing Address (including county): Two Civic Center Plaza
El Paso, Texas
El Paso County, Texas 79901-1196

Grantee: El Paso Jamas, Ltd.

Grantee's Mailing Address (including county): P.O. Box 12122
El Paso, Texas 79913
El Paso County, Texas

Consideration: TEN AND NO/100 DOLLARS and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed.

Property: Being approximately 33.045 acres consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas; and more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference for all purposes.

Restrictions and Reservations from and Exceptions to Conveyance and Warranty:

1. This conveyance is subject to all easements, restrictions, reservations, dedications and other encumbrances of record or apparent upon the Property and all presently recorded instruments, other than lien and conveyances that affect the property.
2. Grantee shall not, discard, place or store upon such land, any radioactive material or other hazardous waste material which would contaminate or otherwise damage the ground water supply or sources of the City of El Paso.
3. Development of the property shall be governed by the following restrictions as to turf:
 - a. Turf Areas, exclusive of non-irrigated or non-maintained landscape areas, shall not exceed the following percentages of the landscape area provided:
 - i. Commercial, office, and industrial: 33⅓%
 - ii. Apartments, duplexes and other multi-family dwellings, single-family detached or attached dwellings, and all other residential dwellings, including mobile and modular homes: 50%
 - iii. All other developments excluding parks, golf courses, and cemeteries: 15%
 - b. Turf and/or sprinkler spray heads shall not be installed in the following locations:

- i. Along street curbs;
- ii. In areas whose width is less than 8 feet; and
- iii. In rights-of-way whose slopes are a ratio of 1:3 or greater from the horizontal.

4. Grantor hereby for itself, its successors and assigns forever, reserves all water in and under, and that may be produced from or attributable to the property. If the water estate is subject to existing production or an existing license, this reservation includes the production, the license and all benefits from it.

5. Grantee acknowledges that he has examined the property and accepts the land "AS IS" including, but not limited to, the present zoning and surface conditions.

6. Water and sanitary sewerage service will be provided in accordance with the most current Public Service Board Rules and Regulations of the El Paso Water Utilities at the time of application for service to the Developer and Land Administration Services Section of the El Paso Water Utilities.

7. Grantee shall be responsible for the costs of any necessary on-site & off-site extensions, relocations, replacements or adjustments of water and sanitary sewer mains and appurtenances as a result of the proposed subdivision improvement plans.

8. In order to promote water conservation, to ensure optimum water-use efficiency, and to prevent runoff into streets, it is the policy of the PSB to require landscape and irrigation restrictions in the sales of undeveloped land. Development of the property will be governed by the El Paso Municipal Code Title 15 (Public Services), Chapter 12 (Water and Sewer System) and Chapter 13 (Water Conservation), including no more than 50% turf in irrigated or maintained landscapable area.

Grantor, for the consideration and subject to the restrictions, reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee, Grantee's, heirs, executors, administrators, successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantor but not otherwise.

THE CITY OF EL PASO

Joyce Wilson, City Manager

APPROVED AS TO FORM:



Robert D. Andron, General Counsel, PSB

(Signatures & Acknowledgments continued on following page)

This Deed is hereby accepted by Grantee under the terms, covenants, obligations and conditions stated herein:

EL PASO JAMAS, LTD.

By: _____

ATTEST:

(print name) (title)

ACKNOWLEDGMENTS

STATE OF TEXAS }
 }
COUNTY OF EL PASO }

This instrument was acknowledged before me on the _____ day of _____, 2005, by Joyce Wilson, the City Manager of the City of El Paso.

Notary Public, State of Texas

STATE OF TEXAS }
 }
COUNTY OF EL PASO }

This instrument was acknowledged before me on the _____ day of _____, 2005, by _____, the _____ of El Paso Jamas, Ltd.

Notary Public, State of Texas

PROPERTY DESCRIPTION

33.045 Acres

Being the description of all of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found $\frac{1}{2}$ inch rebar at the intersection of Borderland Road (40 feet wide) and Westside Road (40 feet wide) and a found square bolt at the intersection of said Borderland Road and Upper Valley Road bears, North $89^{\circ}49'00''$ East, 4,589.55 feet;

THENCE, along the centerline of said Westside Road, North $01^{\circ}30'00''$ East, a distance of 1788.28 feet;

THENCE, leaving said centerline, North $89^{\circ}59'00''$ East, a distance of 60.02 feet to a set $\frac{1}{2}$ inch rebar with cap marked (Tx2027) at the Northwest corner of said Tract 9C and Southwest corner of Tract 9B1 (book 3620, page 1890) in the East right-of-way line of the La Union East Lateral (40 feet wide) and POINT OF BEGINNING for the herein described tract;

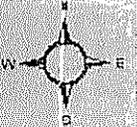
THENCE, along the North line of said Tract 9C, North $89^{\circ}59'00''$ East, a distance of 1633.39 feet to a set $\frac{1}{2}$ inch rebar with cap marked (Tx2027) at the Northeast corner of said Tract 9C in the West right-of-way line of the Borderland Spur Drain (110 feet wide);

THENCE along the West line of said Spur Drain, South $00^{\circ}11'00''$ East, a distance of 876.08 feet to a set $\frac{1}{2}$ inch rebar with cap marked (Tx2027) at the Southeast corner of said Tract 9C and Northeast corner of Tract 9D1A (book 4241, page 1707);

THENCE, leaving said West line and along the South line of said Tract 9C, North $89^{\circ}54'00''$ West, a distance of 1659.05 feet to a set $\frac{1}{2}$ inch rebar with cap marked (Tx2027) at the Southwest corner of said Tract 9C Northwest corner of Tract 9D (book 2823, page 1841) in said East right-of-way line of the La Union East Lateral (40 feet wide);

THENCE, along said East right-of-way line, North $01^{\circ}30'00''$ East, a distance of 873.00 feet to the POINT OF BEGINNING and containing 33.045 acres of land.

Sale of 33 Acres



BLK 13, TR 9C
Upper Valley

E P Jamas

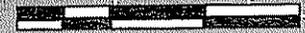
B A R
Construction Inc

Westside Dr.

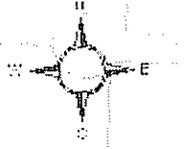
Borderland Rd.

Land Administration
RL - 9/09/2005

200 0 200 400 Feet



LOCATION MAP ONLY



Westside Dr.

Union East lateral

dirt irrigation ditch

873.00 ft.

1633.39 ft.

BLK 13, TR 9C
Upper Valley
33.045 Acres

1659.05 ft.

dirt irrigation ditch

876.08 ft.

Borderland Spur Drain

Borderland Rd.

200 0 200 400 Feet

LOCATION MAP ONLY