

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

DEPARTMENT: **Engineering**

AGENDA DATE: **December 22, 2009**

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

DISTRICT AFFECTED: **6**

SUBJECT:

Engineering Department is in the process of acquiring a small portion of a private property to be used for the *Roseway Street & Drainage Improvement Project*. This item is to request approval of a resolution that would allow the payment of property taxes on the whole property to occur within a few weeks after closing rather than at the time of closing, as specified in the contract of sale approved on October 6, 2009.

BACKGROUND / DISCUSSION:

The seller's property taxes are paid by an escrow agent on a yearly basis. Taxes due on the whole are \$1,348.82 for 2009. The City is purchasing a 195 s.f. portion of the whole for \$386.00. Ordinarily, the property taxes due are deducted from the proceeds of the sale. With approval of this resolution, Engineering Department will be able to go to closing before the end of the year, with the assurance that the seller's bank will satisfy the taxes before their due date.

PRIOR COUNCIL ACTION:

Mayor and Council approved this contract of sale on October 6, 2009.

AMOUNT AND SOURCE OF FUNDING:

There are no costs associated with this action.

Project

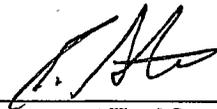
Roseway Street & Drainage Improvements

BOARD / COMMISSION ACTION:

(N/A)

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client dept. should also sign)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, the City Council previously approved a contract of sale for 195 square feet of real property between the City of El Paso, purchaser, and Margie Ortiz, seller, on October 6, 2009; and

WHEREAS, the purchase of the real property is for the Roseway Street Drainage Improvement Project; and

WHEREAS, the property being purchased is A PORTION OF Tract 10L, Block 46, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, according to the resurvey of said YSLETA GRANT made by El Paso County Texas for tax purposes and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the approved contract of sale required payment of the 2009 property taxes at the time of closing; and

WHEREAS, the seller's property taxes are paid by an escrow agent.

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

That the City acknowledges that the Seller's obligation to pay taxes may be met by the seller's escrow agent timely paying such taxes according to State law.

That the City Manager is authorized to sign any documents that may be necessary to effectuate the provisions of this Resolution.

ADOPTED this _____ day of December 2009.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:



Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.,
City Engineer

PROPERTY DESCRIPTION 7
195 Square Feet

Being a portion of Tract 10L, Block 46, Ysleta Grant, City of El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the city monument at the intersection of Onate Way and Candelaria Street and the city monument at the intersection of said Candelaria Street and Benito Way bears, South 23°00'49" West, 285.62 feet;

THENCE, South 63°38'54" East, a distance of 615.39 feet to the Northeast corner of said Tract 10L (Clerk's Document No. 20040075216) and Southeast corner of Tract 11 (book 3002, page 1025) in the West right-of-way line of Roseway Drive (30 feet wide) and POINT OF BEGINNING for the herein described tract;

THENCE, along said right-of-way line, South 45°09'00" East, a distance of 21.80 feet to the Southeast corner of said Tract 10L;

THENCE, leaving said West right-of-way line and along the South line of said Tract 10L, South 21°29'00" West, a distance of 9.80 feet to a set ½ inch rebar with cap marked (Tx2027);

THENCE, leaving said South line, North 45°10'55" West, a distance of 21.80 feet to a set ½ inch rebar with cap marked (Tx2027) in the North line of said Tract 10L;

THENCE, along said North line, North 21°31'00" East, a distance of 9.81 feet to the POINT OF BEGINNING and containing 195 square feet of land.

This description was prepared from a survey made on the ground on 7-13-04 with a plat dated 5-18-05.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
May 26, 2005
Job No. 050413-10L



“Exhibit A”