

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

**DEPARTMENT:** Parks and Recreation

**AGENDA DATE:** December 23, 2008

**CONTACT PERSON/PHONE:** Nanette Smejkal, 541-4331

**DISTRICT(S) AFFECTED:** District #7

CITY CLERK DEPT.  
08 DEC 18 PM 12:03

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Approve a Joint Resolution of the Public Service Board and the City Council of the City of El Paso authorizing the transfer of a 5.1875 acre tract of land within all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas. The City will pay to PSB compensation in the amount of \$112,984 for the land.

**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?**

The Parks and Recreation Department desires to implement the goals of the adopted Parks and Recreation Master Plan and acquire additional park land and recommends acquiring a 5.1875 acre parcel for park purposes. This site is known as E.L. Williams Park, and contains some park improvements, including a club house and two ball fields that were installed in the past by an Optimist Club through a lease agreement with PSB. The legal description for the parcel is as follows:

Being all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas, as described by metes and bounds in the attached Exhibit "A".

The PSB passed and approved a Joint Resolution on December 10, 2008 authorizing the transfer of a 5.1875 acre parcel located in east El Paso to the City of El Paso for park purposes. The PSB and the City have determined that the City will pay a reasonable compensation of \$112,984 to the PSB for the tract of land, and this compensation is twenty five percent (25%) of \$451,936, which is the market value of the property identified by using comparable sales in the area.

Attached is the Joint Resolution passed and approved by the El Paso Water Utilities Public Service Board at their regular meeting on December 10, 2008, authorizing the transfer of a 5.1875 acre tract of PSB land to the City of El Paso for use as a City Park; and requesting City Council authorize the Mayor to sign the Joint Resolution to convey the parcel.

**PRIOR COUNCIL ACTION:**

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

From time-to-time, the City Council approves certain land transfers from the PSB to the City for use by the City.

**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?**

Funding for this acquisition is from the Capital Assets Fund, as recommended by the City's Capital Assets and Real Estate Committee (CARE) at their meeting of September 19, 2008. This value and cost of \$112,984 is not pursuant to the 1965 Memorandum of Understanding.

**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**

Approved by the El Paso Water Utilities Public Service Board by Joint Resolution December 10, 2008.

**\*\*\*\*\*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

CITY CLERK DEPT.  
08 DEC 18 PM 12:03

## JOINT RESOLUTION

**A JOINT RESOLUTION OF THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO AUTHORIZING THE TRANSFER OF A 5.1875 ACRE PARCEL OF LAND LOCATED WITHIN ALL OF TRACTS 2C-1, 2A-2, 2B & 2B-3, BLOCK 6, ASCARATE GRANT, EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the El Paso Water Utilities/Public Service Board (the PSB) has jurisdiction and control over a 5.1875 acre parcel of real property located within all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas; and,

**WHEREAS**, the City of El Paso (City) is interested in acquiring the identified property for park purposes; and,

**WHEREAS**, the PSB finds that the tract of land requested to be relinquished to the City is surplus to the PSB and inexpedient to the use by the PSB in connection with the City's water and wastewater system; and further, that the transfer of the land to the City for use as a neighborhood park will not impair the assets of the PSB or adversely affect the operations thereof; and,

**WHEREAS**, the PSB and the City have determined that the City will pay a reasonable compensation of \$112,984.00 to the PSB for the tract of land, and this compensation is twenty-five percent (25%) of \$451,936.00, which is the market value of the property identified by using comparable sales in the area,

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

**Section 1.** The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and they are hereby adopted by the PSB and the City Council and made a part of this Joint Resolution by this reference for all purposes.

**Section 2.** The City and the PSB hereby agree that the real property and improvements described as a 5.1875 acre parcel of land located within all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas shall be and hereby is transferred from the real property assets of the PSB to the real property assets of the City for use by the City as a City park in accordance with the terms of this Joint Resolution.

**Section 3.** The property transferred hereby is subject to all rights-of-way, easements, dedications, restrictions, reservations and other encumbrances of record and running with the land or apparent on the ground.

**Section 4.** The PSB hereby retains any and all water rights or rights to water for the Property.

**PASSED, ADOPTED and APPROVED** at a regular meeting of the Public Service Board of the City of El Paso, Texas, the 10<sup>TH</sup> day of DECEMBER, 2008, at a meeting at

CITY CLERK DEPT.  
08 DEC 18 PM 12:03

which a quorum was present, and was held in accordance with the provisions of Vernon's Texas Codes Annotated, Government Code, Sections 551.001, et seq.

**PUBLIC SERVICE BOARD:**

*[Signature]*  
Chair

ATTEST:

*[Signature]*  
~~Secretary~~ Vice Chair

APPROVED AS TO FORM:

*[Signature]*  
Robert D. Andron  
General Counsel

**PASSED AND APPROVED** by the El Paso City Council this \_\_\_\_ day of \_\_\_\_\_, 2008.

**CITY OF EL PASO:**

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

ATTEST:

\_\_\_\_\_  
Richarda D. Momsen  
Municipal Clerk

APPROVED AS TO CONTENT:

*[Signature]*  
Patricia D. Adauto  
Deputy City Manager, Development  
& Infrastructure Services

APPROVED AS TO CONTENT:

*[Signature]*  
Nanette L. Smejkal, Director  
Parks and Recreation Department

APPROVED AS TO FORM:

*[Signature]*  
Theresa Cullen  
Deputy City Attorney

CITY CLERK DEPT.  
08 DEC 18 PM 12:03



CITY CLERK DEPT.  
08 DEC 18 PM 12:03



5.1876  
acres