

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

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

**AGENDA DATE:** Introduction – February 24, 2015  
Public Hearing – March 3, 2015

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

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:** APPROVE the following Ordinance

An ordinance authorizing the City Manager to sign a Contract of Sale and a Special Warranty Deed conveying a 1.656 acre parcel of land being a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, and any other documents necessary to complete the sale to El Paso Electric Company. (District 3) El Paso Water Utilities, Lupe Cuellar, Real Estate Manager and Counsel. (915) 594-5636

**BACKGROUND / DISCUSSION:**

This land is in the City of El Paso, El Paso Water Utilities/Public Service Board land inventory, which is City land managed and controlled by the Public Service Board. The Board determined the land to be inexpedient to the system and that the sale be forwarded to the City Council for action. The purchaser was the only responsive and responsible bidder with a bid of \$531,746.25.

**PRIOR COUNCIL ACTION:**

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

Yes, on November 4, 2014, City Council approved the sale of approximately 1.17 acres of land.

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

**BOARD / COMMISSION ACTION:**

The El Paso Water Utilities Public Service Board determined that the land was inexpedient to the system and recommended that the land be sold.

**AFTER EXECUTION OF ALL DOCUMENTS, PLEASE CONTACT LUPE CUELLAR TO PICK UP THE DOCUMENTS. 594-5636. THANK YOU.**

CITY CLERK DEPT.

2015 FEB 16 PM 4:33

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND A SPECIAL WARRANTY DEED CONVEYING A 1.656 ACRE PARCEL OF LAND BEING A PORTION OF BLOCK 7, CELINA PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE TO EL PASO ELECTRIC COMPANY.**

**WHEREAS**, the El Paso Water Utilities Public Service Board (EPWU/PSB) holds certain real properties in its land inventory that are owned by the City, but are under the management and control of the (EPWU/PSB); and,

**WHEREAS**, the EPWU/PSB determined approximately 1.656 acres of land located in East El Paso at the intersection of Sunmount Drive and Viscount Blvd. to be inexpedient to the water system and should be put out to bid in accordance with state law; and,

**WHEREAS**, at its regular meeting of May 14, 2014, the PSB awarded the sale bid to El Paso Electric Company, the sole bidder, for the bid amount of \$531,746.25, and adopted a Resolution making the findings set forth hereinabove and requesting the El Paso City Council pass an Ordinance authorizing the City Manager to sign a Contract of Sale and a Special Warranty Deed and any and all necessary documents to complete the conveyance to El Paso Electric Company;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS;**

That the City Manager is authorized to sign a Contract of Sale, a Special Warranty Deed and any other documents necessary to complete the sale and conveyance to El Paso Electric Company, the following described real property:

Being a 1.656 acre parcel of land legally described as a Portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, and as more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference for all purposes.

That the landscape plan, attached hereto as Exhibit "B" and made a part hereof by this reference for all purposes, is the landscape plan accepted by both the City and El Paso Electric Company to satisfy the landscape requirements of the Contract of Sale.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

SIGNATURES ON THE FOLLOWING PAGE

CITY CLERK DEPT.

2015 FEB 16 PM 4:33

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:

Bertha A. Ontiveros

Bertha Ontiveros  
Senior Assistant City Attorney

APPROVED AS TO CONTENT AND FORM:

Lupe Cuellar

Lupe Cuellar  
Real Estate Manager and Counsel

ORDINANCE NO. \_\_\_\_\_



Frank X. Spencer & Associates, Inc.  
Consulting Civil Engineers & Surveyors  
1180 Montana Ave., El Paso, Texas 79902  
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TBPIS #10048000 • TBPIS #F3084

**EXHIBIT "A"**  
**PAGE 1 OF 3**

**PROPERTY DESCRIPTION**

**A 1.656 ACRE PORTION OF BLOCK 7, CELINA PLAZA, CITY OF EL PASO,  
EL PASO COUNTY, TEXAS**

**METES AND BOUNDS DESCRIPTION**

**THE PARCEL OF LAND HEREIN DESCRIBED IS A 1.656 ACRE PORTION OF  
BLOCK 7, CELINA PLAZA, CITY OF EL PASO (BOOK 36, PAGE 10, PLAT RECORDS,  
EL PASO COUNTY, TEXAS) BEING MORE PARTICULARLY DESCRIBED BY METES  
AND BOUNDS AS FOLLOWS:**

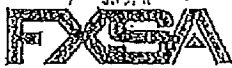
COMMENCING at a recovered  $\frac{1}{2}$ " rebar at the northeast corner of a certain tract of land described May 21, 1972, in Book 391, Page 107, Deed Records, El Paso County, Texas, from which a recovered  $\frac{1}{2}$  inch rebar bears South  $31^{\circ}30'09''$  West, (South  $28^{\circ}21'26''$  West Record) a distance of 741.91 feet (741.95 feet Record) THENCE, North  $43^{\circ}30'50''$  West, a distance of 914.44 feet to a MAG nail set on the northerly boundary line of a certain parcel of land described January 31, 1977, in Book 755, Page 2176; THENCE, 35.69 feet along said northerly boundary line along the arc of a curve to the left, having a radius of 93.00 feet, a central angle  $21^{\circ}59'11''$ , and a chord which bears North  $47^{\circ}30'11''$  West, a distance of 35.47 feet, to a set MAG nail; THENCE, North  $58^{\circ}29'53''$  West, a distance of 16.36 feet, to a set MAG nail on rock wall; THENCE, North  $31^{\circ}30'09''$  East, 101.17 feet passing the most southerly boundary corner of a certain parcel of land described December 15, 1994, Book 2831, Page 177, Deed Records, El Paso County, Texas, a total distance of 359.03 feet, to a chiseled "V" set on the edge of a concrete sidewalk; THENCE, 36.21 feet along the arc of a curve to the left, having a radius of 974.49 feet, a central angle  $02^{\circ}07'45''$ , and a chord which bears North  $30^{\circ}26'17''$  East, a distance of 36.21 feet, to a  $\frac{1}{2}$  inch rebar with aluminum cap marked "FXS RPLS 2198" set on the easterly boundary corner of the parcel described as a portion of block 2, Celina Plaza, in Book 2831, Page 177, Deed Records, El Paso County, Texas, and the most southerly boundary corner of Block 7, Celina Plaza (Book 36, Page 10, Plat Records, El Paso County, Texas, being the POINT OF BEGINNING of this description;

THENCE, North  $58^{\circ}29'51''$  West, along the northeasterly boundary line of said parcel, a distance of 314.91 feet, to a set concrete nail on rockwall lying on the easterly boundary line Young American Subdivision, City of El Paso, Texas, recorded in Book 44, Page 35, Plat Records, El Paso County, Texas;

THENCE, North  $31^{\circ}30'09''$  East, along said boundary line, a distance of 202.39 feet, to a  $\frac{1}{2}$  inch rebar with aluminum cap marked "FXS RPLS 2198" set on the southerly right-of-way line of Viscount Drive (right-of-way width varies) and being the southerly boundary line of Cleo Vista Park (Unit "L"), City of El Paso, Texas, recorded in Book 23, Page 19, Plat Records, El Paso County, Texas;

THENCE, South  $75^{\circ}22'51''$  East, along said right-of-way line, a distance of 245.28 feet, to a set  $\frac{1}{2}$  inch rebar with aluminum cap marked "FXS RPLS 2198";

THENCE, continuing with said right-of-way line, 31.51 feet along the arc of a curve to the right, having a radius of 20.14 feet, a central angle  $89^{\circ}37'48''$  and a chord which bears South  $30^{\circ}43'48''$  East, a distance of 28.39 feet, to a set  $\frac{1}{2}$ " rebar with aluminum cap marked "FXS RPLS 2198";



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EXHIBIT "A"  
PAGE 2 OF 3

THENCE, South  $75^{\circ}31'27''$  East, a distance of 9.19 feet, to a chiseled "X" on concrete found on the westerly boundary line of Summit Drive (Access Road Easement, recorded in Book 432, Page 1140, Deed Records, El Paso County, Texas) (50 feet wide);

THENCE, South  $14^{\circ}30'58''$  West, along said westerly boundary line, a distance of 15.26 feet to a found chiseled "X" on concrete;

THENCE, continuing with said boundary line, 220.82 feet, along the arc of a curve to the right, having a radius of 974.49 feet, a central angle of  $12^{\circ}58'59''$ , and a chord which bears South  $21^{\circ}00'28''$  West, a distance of 220.35 feet, to a 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" set on the northeast boundary corner of the Southwestern Bell Telephone Co. parcel of land described May 21, 1991, in Book 2326, Page 919, Deed Records, El Paso County, Texas;

THENCE, North  $58^{\circ}29'51''$  West, along said boundary line, a distance of 28.28 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";

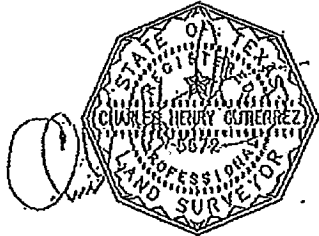
THENCE, South  $31^{\circ}30'09''$  West, continuing with said boundary line, a distance of 20.00 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";

THENCE, South  $58^{\circ}29'51''$  East, a distance of 29.47 feet, to a 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" set on the westerly boundary line of said Summit Drive;

THENCE, along said westerly boundary line, 11.84 feet, along the arc of a curve to the right, having a radius of 974.49 feet, a central angle of  $0^{\circ}41'46''$ , and a chord which bears South  $29^{\circ}01'32''$  West, a distance of 11.84 feet, to the POINT OF BEGINNING, containing 1.656 Acres (72,119 S.F.) of land, more or less.

1. THE BASIS OF BEARINGS IS THE LINE BETWEEN THE FOUND  $\frac{1}{2}$ " REBARS WITHIN BLOCK 3, OF CELINA PLAZA SUBDIVISION.
2. BEARINGS WERE OBTAINED BY GPS OBSERVATIONS
3. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DESCRIPTION

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS  
Texas License No. 5572

Date: 2/5/2014

[illegible]

LEONARD

- |    |                            |        |
|----|----------------------------|--------|
| 1  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
| 2  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
| 3  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
| 4  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
| 5  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
| 6  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
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| 8  | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |
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| 10 | අනුමතය, ප්‍රකාශය සහ අනුමතය | අනුමතය |

1. The first line of the document is a header containing the text "1. The first line of the document is a header containing the text".  
 2. The second line of the document is a header containing the text "2. The second line of the document is a header containing the text".  
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 9. The ninth line of the document is a header containing the text "9. The ninth line of the document is a header containing the text".  
 10. The tenth line of the document is a header containing the text "10. The tenth line of the document is a header containing the text".

Unit Table		
Unit	Symbol	Meaning
1	100	1000000
2	100	1000000
3	100	1000000
4	100	1000000
5	100	1000000
6	100	1000000

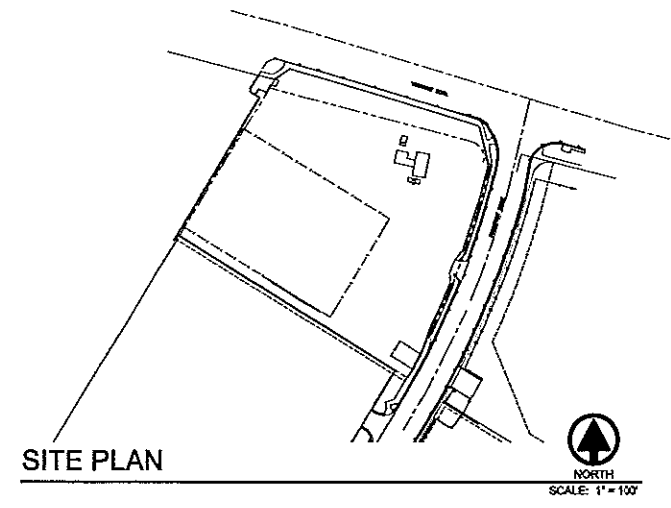
CONVERTABLE				
OF	TEMP	RANGE	DATA	ON
0	250°	250°	400000	
0	250°	250°	120000	
0	250°	250°	000000	

A 7.556 ACRE PORTION OF ELD  
CLINE PLAZA,  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS

DESIGNED BY	CAL	APPROVED BY	CE
CHECKED BY	CC	DATE	ESTIMATE OF COST

FOR OFFICIAL USE ONLY

Exhibit B



LANDSCAPE LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME	QTY
5 GALLON SHRUB - 18" HEIGHT MINIMUM UNLESS OTHERWISE INDICATED			
	SPANISH BROOM	SPARTIUM JUNCEUM	17
	SAND SAGE	ARTEMISIA FILIFOLIA	25
	UPRIGHT ROSEMARY	ROSMARINUS OFFICINALIS	30
	VALENTINE BUSH	EREMOPHILA MACULATA	33
	SIERRA GOLD	DALEA CAPITATA	48
	DEER GRASS	MUHLENBERGIA RIGENS	27
	SOFT LEAF YUCCA	YUCCA RECURVIFOLIA	21

TURF, GRAVELS, BOULDERS & MULCHES

	FRANKLIN RED SCREENINGS (OR EQUIVALENT), 3" DEPTH W/ MIRAFI 140NC WEED BARRIER	
	3/4" DESERT GOLD ROCK (OR EQUIVALENT), 3" DEPTH W/ MIRAFI 140NC WEED BARRIER	
	FRANKLIN RED BOULDER, 2'X3' AND 2'X1' (50% EACH)	21

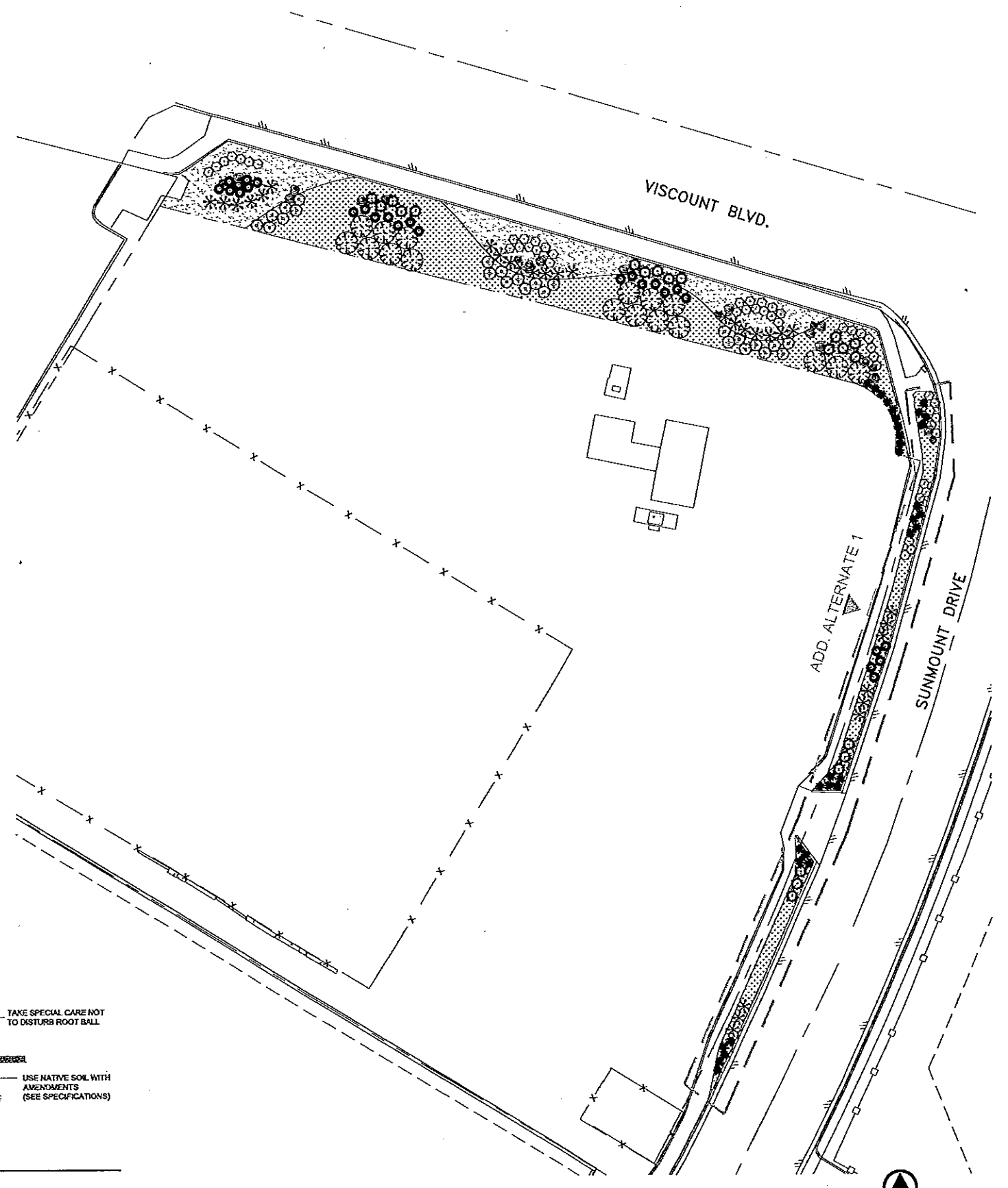
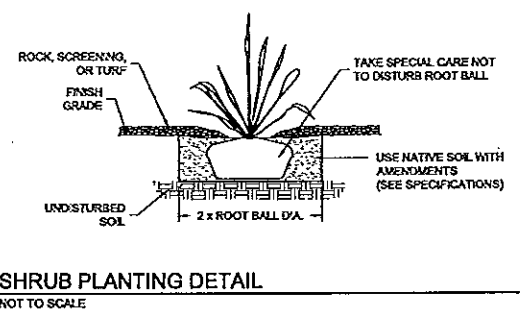
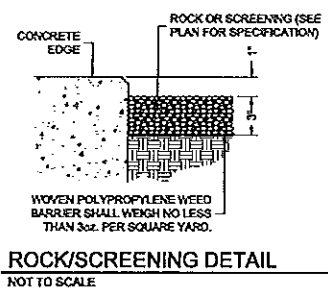
LANDSCAPE NOTES

- ALL UTILITY EASEMENTS SHALL BE MARKED PRIOR TO EXCAVATION.
- THERE SHALL BE NO STEEL EDGING BETWEEN ROCK TYPES.
- CONTRACTOR SHALL PROVIDE ROCK SAMPLES AND OBTAIN APPROVAL FROM OWNER PRIOR TO FINAL DELIVERY OF QUARRIED MATERIALS.

SPECIAL NOTE

ALL PLANT MATERIAL MUST BE INSTALLED AS SPECIFIED. IF LOCAL NURSERIES DO NOT HAVE CERTAIN PLANT MATERIAL INSTOCK, PLANT MATERIAL MAY BE ORDERED FROM SIERRA VISTA GROWERS, SUNLAND NURSERY, OR MOUNTAIN STATE WHOLESALE NURSERY. CONTRACTOR MUST PROVIDE PROOF TO ARCHITECT OR LANDSCAPE DESIGNER THAT PLANT MATERIAL CAN NOT BE OBTAINED. ALL PLANT SUBSTITUTIONS MUST BE APPROVED BY LANDSCAPE DESIGNER.

NOTE: ALL BOULDERS TO BE BURIED AT WIDEST POINT



10-6-14

DESIGN BY: JM  
DRAWN BY: JM  
CHECKED BY: JBA

REVISIONS:  
DATE: DESCRIPTION:

desert elements  
1111 N. 10th St., Suite 100  
El Paso, TX 79902  
Tel: 915.533.1111  
Fax: 915.533.1112

EL PASO ELECTRIC  
VISCOUNT AND SUNMOUNT  
EL PASO, TEXAS

LANDSCAPE PLAN

L-1  
SHEET 1 OF 2

**AUTHORIZING THE CITY MANAGER TO  
SIGN A CONTRACT OF SALE, SPECIAL WARRANTY  
DEED AND ANY OTHER DOCUMENTS NECESSARY  
TO COMPLETE THE SALE OF LAND  
TO EL PASO ELECTRIC COMPANY**





- Property Leased to Simon Properties
- Property Sub-Leased to EPEC
- Driveway Owned by Simon Properties
- Viscount Parkway

Independent Appraisal established the minimum Bid for the Land

\$506,425.00

El Paso Electric Company was the sole bidder bid \$25,321.25 dollars above the minimum bid amount

Bid submitted was \$531,746.25

Additional requirement of landscaping per contract of sale, not per code requirement

Takes the property subject to the Lease with Simon Properties

Recommendation:

Approve the Sale of Land to El Paso Electric  
Company

Authorize the City Manager to Sign any and all  
Documents Necessary to Complete the Sale