

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

**DEPARTMENT:** Economic & International Development Department

**AGENDA DATE:** November 28, 2017

**CONTACT PERSON NAME AND PHONE NUMBER:** Jose Carlos Villalva (Real Estate Manager) 915-504-5880

**DISTRICT(S) AFFECTED:** District 1

**STRATEGIC GOAL:** Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

**SUBJECT:**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONVEYANCE OF APPROXIMATELY 0.843 ACRES PORTION OF LOT 1, BLOCK 1 CMC COMMERCIAL, EL PASO, EL PASO COUNTY, TEXAS FROM TENET HOSPITALS LIMITED TO THE CITY, A TEXAS LIMITED PARTNERSHIP, PURSUANT TO THE TERMS OF THE JUNE 12, 2014 EASEMENT AGREEMENT

**BACKGROUND / DISCUSSION**

The Tenant Hospital located on Transmountain and Ressler, came to an agreement with the City of El Paso to use a property owned by the City to build their driveway to the hospital. The City had plans to build a fire station on our property. Tenant Hospitals are conveying the property next to our original property to the City. In order to better accommodate our use we are entering into an easement that will allow us to have use of two additional small pieces of land.

**PRIOR COUNCIL ACTION**

380 agreement was approved May 2014

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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

*Information copy to appropriate Deputy City Manager*

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE  
CONVEYANCE OF APPROXIMATELY 0.843 ACRES PORTION OF LOT 1, BLOCK 1  
CMC COMMERCIAL, EL PASO, EL PASO COUNTY, TEXAS FROM TENET  
HOSPITALS LIMITED TO THE CITY, A TEXAS LIMITED PARTNERSHIP,  
PURSUANT TO THE TERMS OF THE JUNE 12, 2014 EASEMENT AGREEMENT**

**WHEREAS**, on in June 2014, the Parties entered into an Easement Agreement for use of the Original Fire Station Parcel, in order to allow for safer and more efficient traffic flow and to permit access of emergency vehicles the Parties agreed that a single median cut on Resler Drive to serve both the Hospital Site and the Original Fire Station Parcel was in the best interest of the City and the proposed use of the Original Fire Station Parcel as a fire station/emergency services station; and

**WHEREAS**, the size of the Original Fire Station Parcel was reduced to accommodate a portion of that Easement, which impedes the City's ability to build a three bay fire station with pull through bays for better ingress and egress from the fire station and in order to meet the growing needs of the Far West Side of El Paso; and

**WHEREAS**, in consideration of that Easement, the City and Tenet have agreed that Tenet shall convey a 0.843 acre parcel of land to the City the "Additional Fire Station Parcel," adjacent to the Original Fire Station Parcel so that the City may build a three bay fire station with pull through bays, which is more particularly described in the attached agreement;; and

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

That the City Manager is hereby authorized to accept the conveyance of approximately 0.843 Acre Portion of Lot 1, Block 1 CMC Commercial, El Paso, El Paso County, Texas from Tenet Hospitals Limited Partnership, which will allow the City to build a Firestation to serve the needs of Far West Side El Paso.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2017.

[SIGNATURES ON NEXT PAGE]

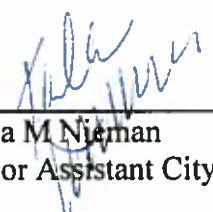
**CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo, Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
Interim City Clerk

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Karla M. Nieman  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT**

  
\_\_\_\_\_  
Jessica Herrera, Director  
Economic & International Development

CITY CLERK DEPT.  
2017 NOV 21 AM 10:33

**AFTER RECORDING RETURN TO:**

City of El Paso  
Attn: Karla M. Nieman  
P.O. Box 1890  
El Paso, Texas 79950-1890

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

Effective Date: \_\_\_\_\_, 2017

Grantor: TENET HOSPITALS LIMITED,  
a Texas limited partnership

Grantor's Mailing Address: 1445 Ross Avenue, 14<sup>th</sup> Floor  
Dallas, Dallas County, Texas 75202

Grantee: CITY OF EL PASO, a Texas home-rule municipal corporation

Grantee's Mailing Address: Attn: City Manager  
P.O. Box 1890  
El Paso, Texas 79950-1890

with a copy to:

City of El Paso  
Attn: City Development  
P.O. Box 1890  
El Paso, Texas 79950-1890

Consideration: Ten and 00/100 Dollars (\$10.00), and other valuable consideration, receipt of which is hereby acknowledged. Grantee by accepting this Deed acknowledges that Grantor has satisfied the conditions set forth in Section 4 of that certain Easement Agreement dated June 12, 2014, filed June 13, 2014 under El Paso County Clerk's file no. 20140037874, in the Real Property Records, El Paso County, Texas between The City of El Paso, a Texas home-rule municipal corporation, and Tenet Hospitals Limited, a Texas limited partnership, and that such easement is in full force and effect.

Property (including any improvements): A tract of land in the City of El Paso, El Paso County, Texas more particularly described by metes and bounds in Exhibit A appended hereto and made a part hereof

Reservations from Conveyance: Those set forth in Exhibit B appended hereto and made a part hereof.

Exceptions to Conveyance and Warranty: Those set forth in Exhibit B appended hereto and made a part hereof.

**GRANT AND CONVEYANCE:**

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Exceptions to Conveyance and Warranty, when the claim is by, through or under Grantor but not otherwise.

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

TENET HOSPITALS LIMITED,  
a Texas limited partnership

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS           §  
                                     §  
COUNTY OF EL PASO   §

This instrument was acknowledged before me on \_\_\_\_\_, 2017, by \_\_\_\_\_,  
\_\_\_\_\_ of TENET HOSPITALS LIMITED, a Texas limited partnership, on  
behalf of said limited partnership.

\_\_\_\_\_  
Notary Public

## EXHIBIT A

### LEGAL DESCRIPTION

The parcel of land herein described is a 0.843-acre portion of Lot 1, Block 1 CMC Commercial (Clerk's File No. 20140066614, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at the southerly intersection of the common boundary between CMC Commercial and Tract 2A, Nellie D. Mundy Survey 243 (February 27, 1989, Book 2026, Page 374, Deed Records, El Paso County, Texas) and the easterly right-of-way of Resler Drive (130-foot right-of-way, January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas), said point also being the **POINT OF BEGINNING** of this description;

**THENCE**, South 62°54'50" East, along said common boundary, a distance of 162.36 feet;

**THENCE**, North 27°05'10" East, continuing along said boundary, a distance of 70.88 feet;

**THENCE**, 32.19 feet along the arc of a curve to the left, having a radius of 284.00 feet, a central angle of 6°29'38", and a chord which bears South 78°49'01" East, a distance of 32.17 feet;

**THENCE**, 27.68 feet along the arc of a curve to the right, having a radius of 20.00 feet, a central angle of 79°17'19", and a chord which bears South 42°25'10" East, a distance of 25.52 feet;

**THENCE**, 60.61 feet along the arc of a curve to the left, having a radius of 322.00 feet, a central angle of 10°47'05", and a chord which bears South 8°10'03" East, a distance of 60.52 feet;

**THENCE**, South 75°26'30" West, a distance of 8.50 feet;

**THENCE**, South 14°33'30" East, a distance of 2.85 feet;

**THENCE**, 63.91 feet along the arc of a curve to the right, having a radius of 43.16 feet, a central angle of 84°50'39", and a chord which bears South 27°51'50" West, a distance of 58.23 feet;

**THENCE**, South 71°05'41" West, a distance of 128.58 feet;

**THENCE**, North 19°33'09" West, a distance of 18.00 feet;

**THENCE**, South 70°26'51" West, a distance of 64.62 feet;

**THENCE**, North 19°33'09" West, a distance of 82.46 feet;

**THENCE**, North 62°54'50" West, a distance of 25.57 feet;

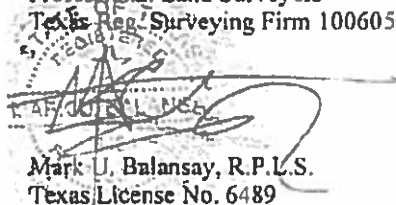
**THENCE**, North 81°26'48" West, a distance of 32.70 feet to the easterly right-of-way of Resler Drive;

**THENCE**, 126.63 feet along said right-of-way and along the arc of a curve to the left, having a radius of 2065.00 feet, a central angle of 3°30'48", and a chord which bears North 34°32'24" East, a distance of 126.61 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.843 acres (36,699 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.  
Professional Land Surveyors  
Texas Reg. Surveying Firm 10060500

  
Mark U. Balansay, R.P.L.S.  
Texas License No. 6489

## **EXHIBIT B**

### **PERMITTED EXCEPTIONS**

1. Restrictive Covenants recorded in Volume 4189, Page 1643; Volume 4881, Page 1194; Clerk's File No. 20100083725, filed December 9, 2010; Clerk's File No. 20090078206, filed November 14, 2009, Real Property Records of El Paso County, Texas, filed under Clerk's File No 20140066616, and Clerk's File No. 20150034233;
2. Standby fees, taxes and assessments by any taxing authority for the year 2017, prorated to the date of this Deed;
3. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records;
4. Any and all claims of right, title and interest to the land, including, but not limited to, any right of possession or claim for damages relating to the land which has been asserted or may be asserted, of record or not, by or on behalf of any Indian or Indian Tribe, including but not limited to the Tigua Indian Tribe of El Paso, Texas, also known as Pueblo De La Ysleta del Sur, also known as the Ysleta del Sur Pueblo Indian Tribe, also known as the Tigua Indian Community, including, but, not limited to, claims appearing in Affidavit of Julian Granillo, filed for record April 16, 1993, recorded in Volume 2553, Page 1958, Real Property Records of El Paso County, Texas;
5. One-sixteenth royalty in all minerals, except sulphur, and one-eighth royalty in all sulphur and other mineral substances for which sulphur may be derived or produced, reserved as a free royalty to the State of Texas as contained in Volume 945, Page 412, Real Property Records of El Paso County, Texas;
6. Ordinance changing the zoning and imposing certain conditions of record in Volume 4881, Page 1194, as amended and modified by Ordinance No. 17464, dated November 30, 2010, and filed on December 9, 2010, under Clerk's File No. 20100083725, Real Property Records of El Paso County, Texas;
7. Terms and provisions of Declaration of Restrictive Covenants and Use Agreement, dated August 24, 2001, in Volume 4189, Page 1643, Real Property Records of El Paso County, Texas, as amended by an unrecorded First Amendment to Declaration of Restrictive Covenants and Use Agreement, made and entered into as of August 24, 2001, by and between Hunt El Paso Investment, Ltd., a Texas limited partnership, Campbell Capital, Ltd., a Texas limited partnership, DC Partners, a Texas general partnership, Plexxar Capital, Ltd., a Texas limited partnership, and Stonegate Properties I, Ltd., a Texas limited partnership;
8. Terms and provisions of Declaration of Restrictive Covenants filed November 14, 2009, under Clerk's File No. 20090078206, Real Property Records of El Paso County, Texas; and
9. Easement to El Paso Electric Company, dated February 12, 2014, filed March 11, 2014, under Clerk's File No. 20140015342, Real Property Records of El Paso County, Texas.
10. Matters set forth on the subdivision plat, including but not limited to building set back lines and easements for public utilities, with the right to ingress and egress for service, shown on the recorded plat of said addition filed under Clerk's No. 20140066614, Real Property Records, El Paso County, Texas.

11. Terms and conditions as set forth in that certain Easement Agreement dated June 12, 2014, filed June 13, 2014 under Clerk's file no. 20140037874, Real Property Records, El Paso County, Texas between The City of El Paso, a Texas home-rule municipal corporation, and Tenet Hospitals Limited, a Texas limited partnership.

12. Drainage, Access and Cost Sharing Agreement dated June 12, 2014, filed June 13, 2014, under Clerk's File No. 20140037871, Real Property Records, El Paso County, Texas, between Hunt Communities Holding, LLC and Plexxar Capital, Ltd.; with First Amendment to Drainage, Access and Cost Sharing Agreement dated December 15, 2014, filed January 20, 2015, under Clerk's File No. 20150003645, Real Property Records, El Paso County, Texas, between Hunt Communities Holding, LLC, Plexxar Capital Ltd., and Tenet Hospitals Limited.

13. Terms, conditions, restrictions and other provisions as set forth in Declaration of Easements, Covenants, Conditions and Restrictions dated as of May 15, 2015, filed May 21, 2015 under Clerk's file No. 20150034233, Real Property Records, El Paso County, Texas by Tenet Hospitals Limited, a Texas limited partnership.