

## EL PASO COUNTY - FM 1109

### Description

This minute order provides for the amendment of MO 110125, passed June 30, 2005, to provide for the removal of a segment of highway from the system and for the transfer of control, jurisdiction and maintenance and transfer and quitclaim of surplus right of way to the county.

El Paso County

CSJ 0002-15-001

Tracts 1 and 2

FM 1109: From the intersection of Island Guadalupe Road with Lower Island Road to the Rio Grande west of El Paso

### Background

MO 110125 provided for the removal of FM 1109 from the system upon the award of the construction contract for a new facility. Although the construction contract has not yet been awarded, the district has recommended that a shorter segment nearest to the old port of entry be removed from the system at this time.

The surplus land to be transferred was acquired by the state in 1951. The surplus land to be quitclaimed was a county road prior to being added to the highway system. The El Paso District desires to remove the segment from the intersection of Island Guadalupe Road with Lower Island Road to the Rio Grande and to transfer control, jurisdiction and maintenance to the county. The county is prepared to assume responsibility. The district has advised that the surplus land is no longer needed for state highway purposes.

Based on an independent appraisal and the district's recommendation, the appraised value of \$3,200 was established as the value of the surplus state land. The county has authority to condemn the property for its purposes. The law provides that the commission may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property. The district has advised that maintenance of the surplus land for 20 years is estimated to be \$44,690.

The district recommends that MO 110125 be amended, that this segment of FM 1109 be removed from the system and that control, jurisdiction and maintenance be transferred to the county. The district also recommends that the surplus state land be transferred to the county and that the surplus no-title land be quitclaimed to the county. The Right of Way Division and the Transportation Planning and Programming Division concur with the recommendation.

### Criteria

None.

### Problem/Condition

None.

### Other Comments

None.

### Alternate Solutions/Actions

None.

## TEXAS TRANSPORTATION COMMISSION

EL PASO County

## MINUTE ORDER

Page 1 of 2

EL PASO District

In the city of El Paso, EL PASO COUNTY, on FARM TO MARKET ROAD 1109, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 1035, Page 269 and Volume 1043, Page 466, Deed Records of El Paso County, Texas, and the state used certain land to which there is no record title in the state's or county's name.

Minute Order 110125, passed June 30, 2005, provided that FM 1109 would not be removed from the highway system prior to the award of the construction contract by the Texas Department of Transportation for a new non-freeway facility.

An award for the construction contract has not been granted, and the county has requested that a shorter segment of the highway be removed from the system and turned over to the county.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that a segment of FM 1109 from the intersection of Island Guadalupe Road with Lower Island Road to the Rio Grande, shown on Exhibit A, be removed from the state highway system and that control, jurisdiction and maintenance be transferred to the county.

The surplus land acquired by the state (surplus state land) and the surplus no-title land, described in Exhibits B, C and D, are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property and may recommend the quitclaim to the county of any interest that might have accrued to the state by use of the property, if there is no record title to the property.

The fair value of the surplus state land has been determined to be \$3,200, and the state's costs for maintenance over the next 20 years is estimated to be \$44,690.

The county has requested that control, jurisdiction and maintenance be transferred to the county, that the surplus state land be transferred to the county and that the surplus no-title land be quitclaimed to the county.

The commission finds \$3,200 to be a fair and reasonable value of the state's rights, title and interest in the surplus state land.

IT IS THEREFORE ORDERED by the commission that MO 110125 is amended to provide for a segment of FM 1109 to be removed from the state highway system prior to the award of a construction contract from the intersection of Island Guadalupe Road with Lower Island Road to the Rio Grande, and this segment of FM 1109 is removed from the system and transferred to the county for control, jurisdiction and maintenance, a distance of approximately 0.47 mile.

**TEXAS TRANSPORTATION COMMISSION**

EL PASO County

**MINUTE ORDER**

Page 2 of 2

EL PASO District

FURTHER, the commission finds that the surplus state land and the surplus no-title land are no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute proper instruments transferring the state's rights, title and interest in the surplus state land to El Paso County, Texas, in consideration of the savings to the state of future maintenance costs, and quitclaiming the state's rights and interest in the surplus no-title land to El Paso County, Texas; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus state land.

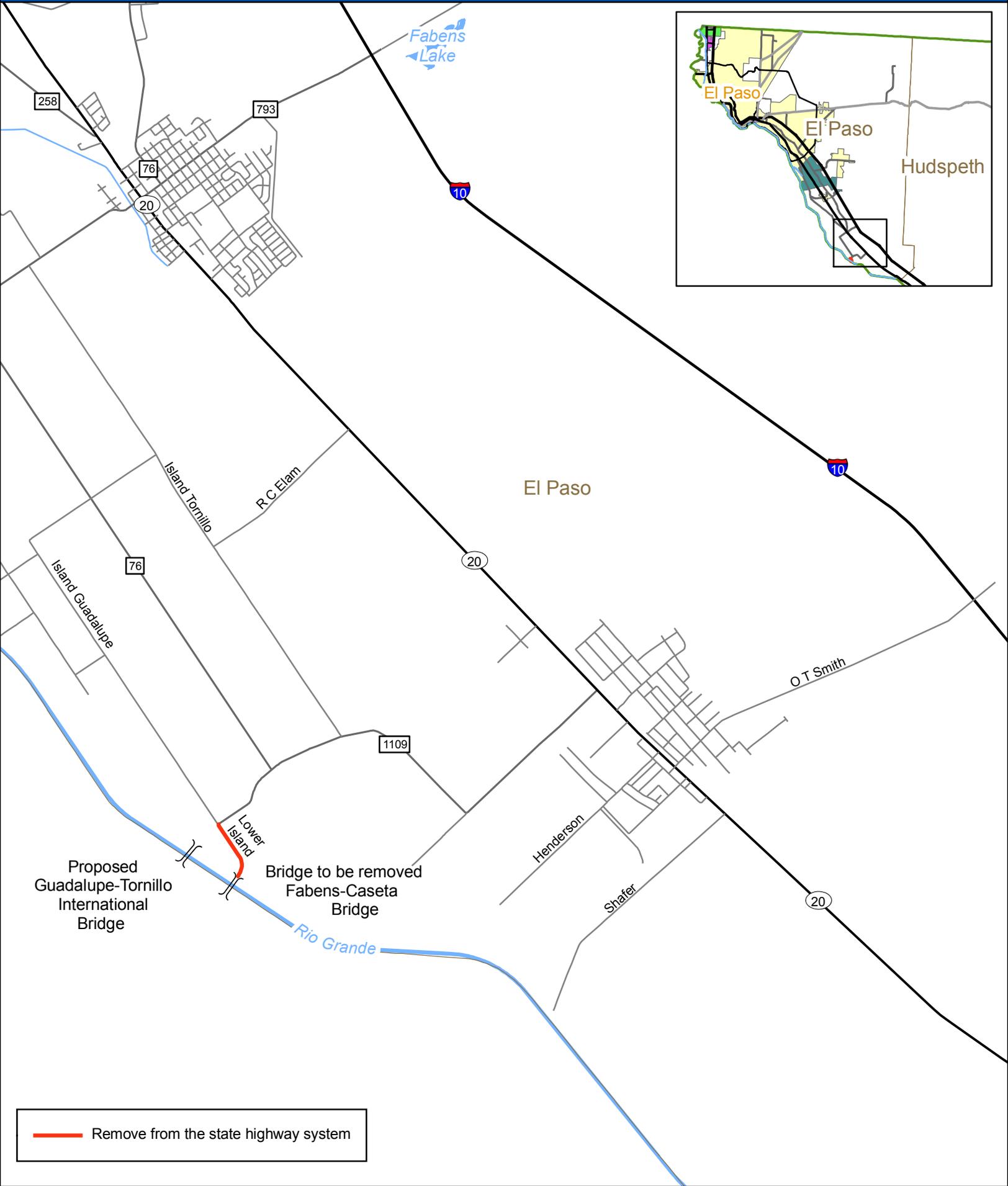
Submitted and reviewed by:

Recommended by:

\_\_\_\_\_  
Director, Right of Way Division

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Minute Number      Date Passed



 Remove from the state highway system



**EXHIBIT B**

All of and the same land, identified as Parcel 9, conveyed to the State of Texas by Right of Way Deed dated July 6, 1951, recorded in Volume 1035, Page 269, Deed Records of El Paso County, Texas, and all of and the same land, identified as Parcel 12A, conveyed to the State of Texas by Right of Way Deed dated September 17, 1951, recorded in Volume 1043, Page 466, Deed Records of El Paso County.

EXHIBIT C

Tract 1, Page 1 of 2

COUNTY:	El Paso
HIGHWAY:	Farm to Market 1109
LIMITS:	From Interstate Highway 10 to Fabens bridge
CSJ:	0002-15-012
OWNER:	State of Texas thru Texas Department of Transportation

Property Description for Tract 1

BEING 16,892 SQUARE FEET OR 0.388 ACRE PORTION OF LAND OUT OF F.M 1109, ALSO KNOWN AS ISLAND GUADALUPE ROAD, IN BLOCK 65, SAN ELIZARIO GRANT, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron found at the centerline of Island Guadalupe Road and the most northerly corner of Tract 13, Block 65, San Elizario Grant, from which a found 1" iron pipe at the southwest corner of Tract 13, bears South 55°53'26" West, a distance of 1391.11 feet;

THENCE, South 33°49'27" East, along the centerline of Island Guadalupe Road, passing the intersection of Island Guadalupe Road and F.M. 1109 at 1684.26 feet, a total distance of 1738.50 feet to a point;

THENCE, North 56°23'37" East, a distance of 25.00 feet, to a 5/8" rebar with aluminum cap marked "FXS RPLS 2198" set at the northeasterly right-of-way of F.M. 1109 and the westerly line of a certain parcel of land described November 1, 1978, in book 1052, Page 1845, Deed Records, EL Paso County, Texas;

THENCE, South 33°49'27" East, along the right-of-way line of said F.M. 1109, a distance of 1432.75 feet, to a point;

THENCE, continuing along said right-of-way line, 476.28 feet along a curve to the right, having a radius of 646.91 feet, a central angle of 42°11'00", and a chord which bears South 12°43'57" East, a distance of 465.59 feet, to a point;

THENCE, South 08°21'33" West, continuing along said right-of-way line, a distance of 13.33 feet, to a point;

THENCE, continuing along said right-of-way line, 7.33 feet, along the curve to the right, having a radius of 603.00 feet, a central angle of 00°41'46", and a chord which bears South 08°42'25" West, a distance of 7.33 feet, to a 5/8" rebar with aluminum cap marked "FXS RPLS 2198" set on the southerly line of that certain parcel of land described April 25, 1967, in Book 170, Page 1721, Deed Records, EL Paso County, Texas, for the POINT OF BEGINNING of this description;

Tract 1, Page 2 of 2

1. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 603.00 feet, a Delta Angle of 24°30'44", an Arc Length of 257.98 feet, and a Chord Bearing and Distance of South 21°18'40" West, a distance of 256.01 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
2. THENCE, South 33°34'03" West, continuing along said right-of-way line, a distance of 90.87 feet, to a concrete nail set on the northerly right-of-way line of the International Boundary and Water Commission property;
3. THENCE, North 56°25'20" West, along said right of-way line, a distance of 49.98 feet, to a found 5/8" rebar with plastic cap marked "Tim Fuller RPLS 5416" at the westerly right-of-way line of F.M. 1109;
4. THENCE, North 33°34'03" East, along said right-of-way line, a distance of 90.96 feet, to a found 5/8" rebar with plastic cap marked "Tim Fuller RPLS 5416";
5. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 553.00 feet, a Delta Angle of 24°30'17", an Arc Length of 236.51 feet, and a Chord Bearing and Distance of North 21°18'53" East, a distance of 234.71 feet, to a found 5/8 inch rebar with plastic cap marked "Tim Fulmer RPLS 5416";
6. THENCE, South 80°56'16" East, a distance of 49.93 feet, to the POINT OF BEGINNING, containing 0.388 Acres (16,892 S.F.) of land, more or less.

This property description I accompanied by a parcel plat of even date.

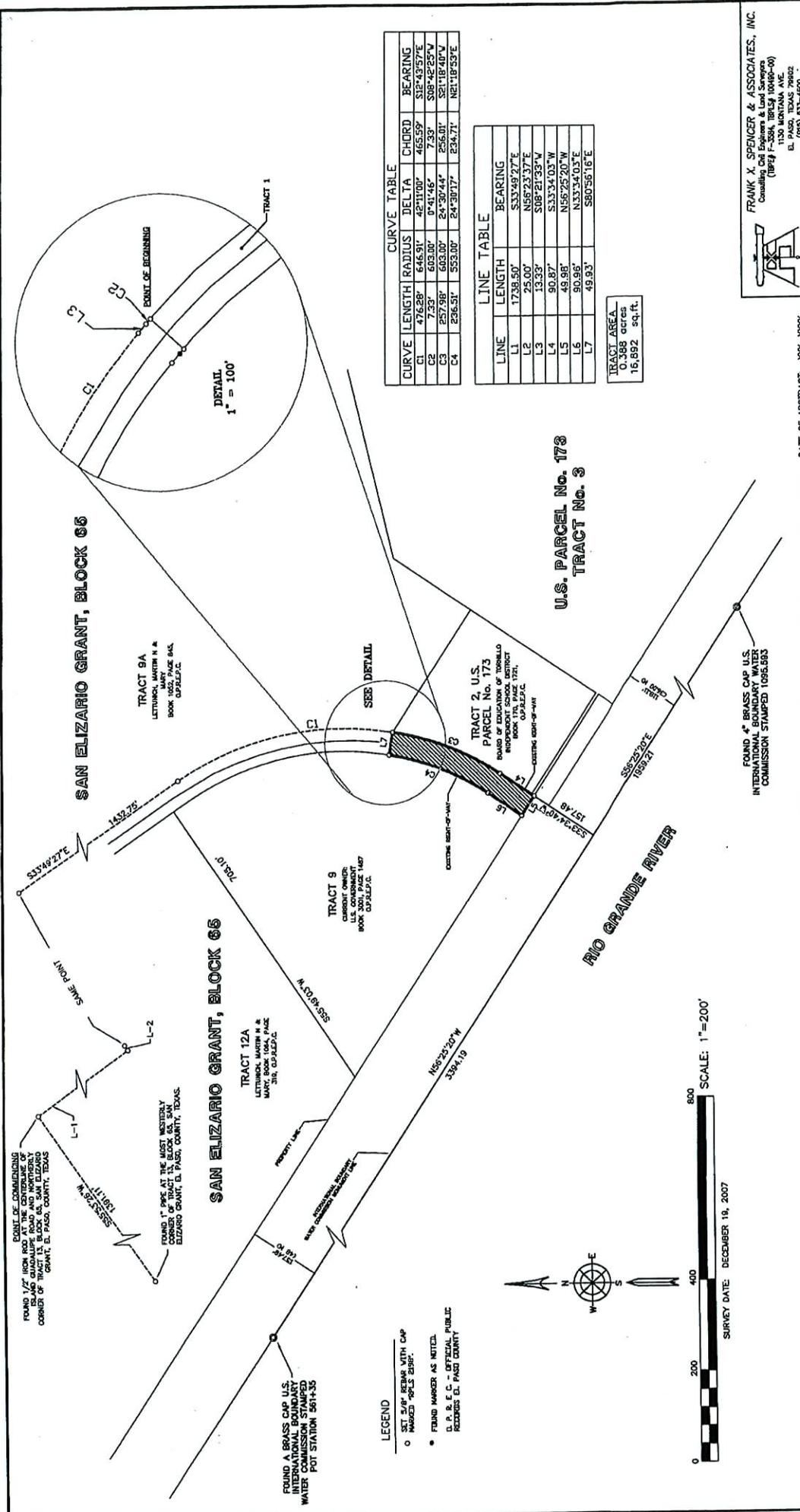
Revised January 12, 2010

Note: Bearings are based on Texas State Plane Coordinate System, Central Zone, NAD 83 (1992 Adjustment)

Date: 19<sup>th</sup> day of December, 2007



*Charles H. Gutierrez*  
Charles Gutierrez, RPLS  
Registered Professional Land Surveyor  
No. 5572



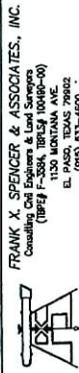
**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	476.28	646.91	42°11'00"	465.59	S12°43'57"E
C2	7.33	603.00	0°41'46"	7.33	S08°42'25"W
C3	257.96	603.00	24°30'44"	256.01	S21°18'40"W
C4	236.51	553.00	24°38'17"	234.71	N21°18'53"E

**LINE TABLE**

LINE	LENGTH	BEARING
L1	1738.50	S33°49'27"E
L2	25.00	N56°23'37"E
L3	13.33	S08°21'33"W
L4	90.87	S33°34'03"W
L5	49.96	N56°25'20"W
L6	90.96	N32°34'03"E
L7	49.93	S80°56'16"E

**TRACT AREA**  
0.388 acres  
16,892 sq.ft.



**FRANK X. SPENCER & ASSOCIATES, INC.**  
Consulting Civil Engineers & Land Surveyors  
(1812) F-3284, TRLS# 100486-00  
1130 MONTANA AVE.  
EL PASO, TEXAS 79902  
(915) 835-4289

**DATE OF ABSTRACT: 2008.0008**

**Texas Department of Transportation**  
EL PASO DISTRICT

**RIGHT OF WAY ACQUISITION**

OVER LANDS NOW OR LATE OF :  
STATE OF TEXAS

SITUATED IN : EL PASO COUNTY, TEXAS

REV.	DESCRIPTION	DATE	BY
TRACT 1	Account ROW CSJ 0002-15-012		
	Date		
	Draw By		Checked
	Sheet		of

**LEGAL: A PORTION OF FARM TO MARKET ROAD F.M. 1109 SAN ELIZARIO GRANT, BLOCK 65**

WHOLE:	ACRES	SQ. FT.
0.388	16.892	
REQUIRED:	00.00	ACRES
00.00	SQ. FT.	
REMAINING:	00.00	ACRES
00.00	SQ. FT.	



I hereby certify that this survey was performed on the ground and that this plot of survey shows the facts found at the time of said survey.

*Charles Henry Gutierrez*  
Professional Land Surveyor  
No. 5572

2/16/08

## EXHIBIT D

Tract 2, Page 1 of 2

COUNTY: El Paso  
HIGHWAY: Farm to Market 1109  
LIMITS: From Interstate Highway 10 to Fabens bridge  
CSJ: 0002-15-012  
OWNER: State of Texas thru Texas Department of Transportation

## Property Description for Tract 2

BEING 96,623 SQUARE FEET OR 2.218 ACRE PORTION OF LAND OUT OF F.M 1109, ALSO KNOWN AS ISLAND GUADALUPE ROAD, IN BLOCK 65, SAN ELIZARIO GRANT, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron found at the centerline of Island Guadalupe Road and the most northerly corner of Tract 13, Block 65, San Elizario Grant, from which a found 1" iron pipe at the southwest corner of Tract 13, bears South 55°53'26" West, a distance of 1391.11 feet;

THENCE, South 33°49'27" East, along the centerline of Island Guadalupe Road, passing the intersection of Island Guadalupe Road and F.M. 1109 at 1684.26 feet, a total distance of 1694.94 feet to a set MAG nail for the POINT OF BEGINNING of this description;

1. THENCE, South 33°49'27" East, along said centerline, a distance of 43.56 feet, to a set 5/8" rebar;
2. THENCE, North 56°23'37" East, a distance of 25.00 feet, to a 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" set on the northerly right-of-way line of F.M. 1109, and the most westerly corner of a certain parcel of land described January 1, 1978, Book 1052, Page 1845, Deed Records, El Paso County, Texas;
3. THENCE, South 33°49'27" East, along said right-of-way line, a distance of 1432.75 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
4. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 646.91 feet, a Delta Angle of 42°11'00", an Arc Length of 476.28 feet, and a Chord Bearing and Distance of South 12°43'57" East, a distance of 465.59 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
5. THENCE, South 08°21'33" West, continuing along said right-of-way line, a distance of 13.33 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
6. THENCE following a curve to the right, continuing along the right-of-way line of said road, a Radius of 603.00 feet, a Delta Angle of 0°41'46", an Arc Length of 7.33 feet, and a Chord Bearing and Distance of South 8°42'25" West, a distance of 7.33 feet, to a 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198" set on the southwesterly corner of a certain parcel of land described April 25, 1967, Book 170, Page 1721, Deed Records, El Paso County, Texas;

7. THENCE, North 80°56'16" West, a distance of 49.93 feet, to a found set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
8. THENCE following a curve to the left, continuing along the right-of-way line of said road, a Radius of 553.00 feet, a Delta Angle of 08°42'11", an Arc Length of 6.79 feet, and a Chord Bearing and Distance of North 08°42'39" East, a distance of 6.79 feet, to a found 5/8" rebar with plastic cap marked "Tim Fuller RPLS 5416" at the westerly right-of-way line of F.M. 1109;
9. THENCE, North 08°21'33" East, along said right-of-way line, a distance of 13.17 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
10. THENCE following a curve to the left, continuing along the right-of-way line of said road, a Radius of 596.91 feet, a Delta Angle of 42°11'00", an Arc Length of 439.47 feet, and a Chord Bearing and Distance of North 12°43'57" West, a distance of 429.61 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
11. THENCE, North 33°49'27" West, continuing along said right-of-way line, a distance of 1476.52 feet, to a set 5/8 inch rebar with aluminum cap marked "FXS RPLS 2198";
12. THENCE, North 56°10'33" East, a distance of 25.00 feet, to the POINT OF BEGINNING, containing 2.218 Acres (96,623 S.F.) of land, more or less.

This property description I accompanied by a parcel plat of even date.

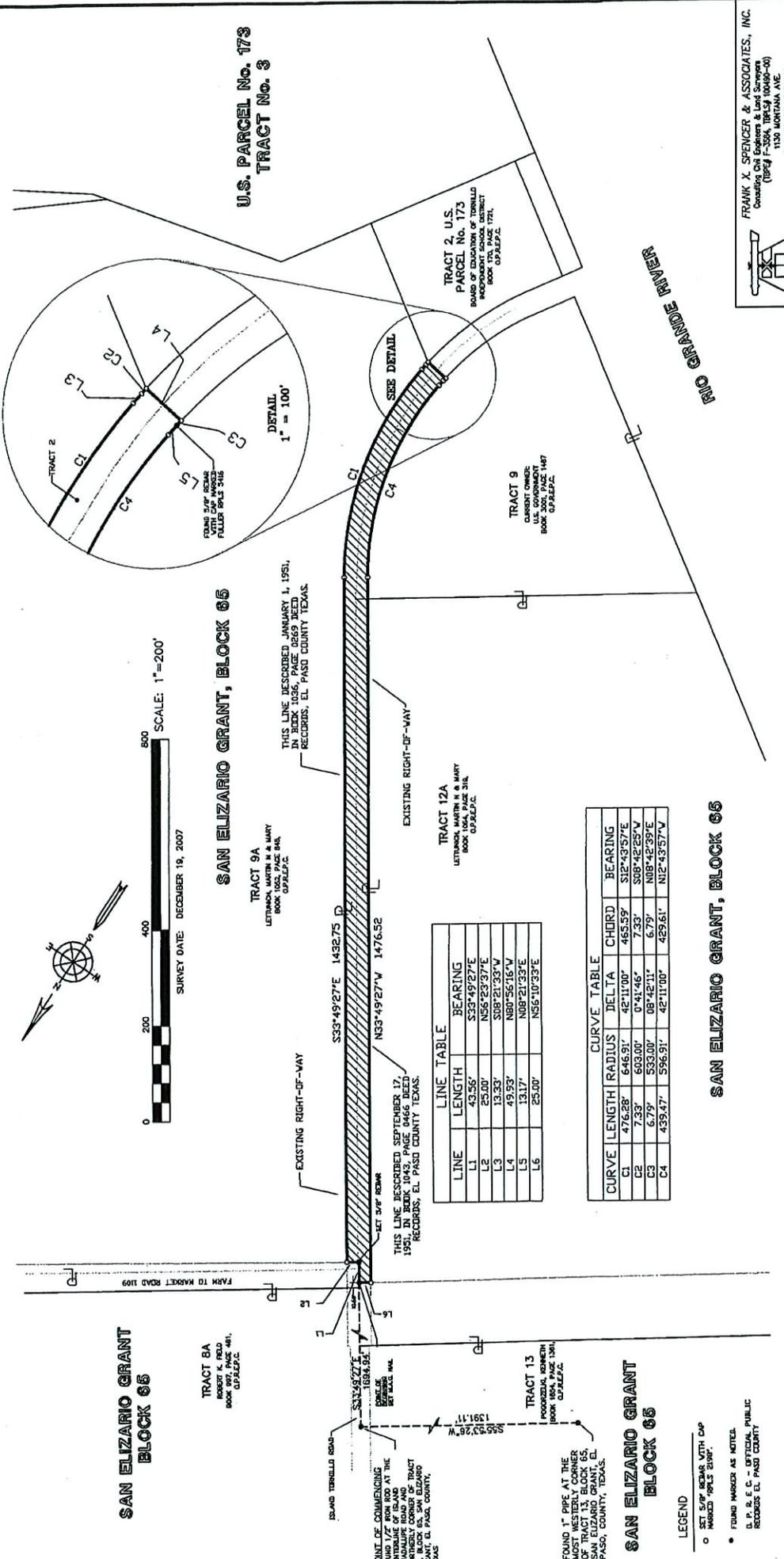
Revised January 12, 2010

Note: Bearings are based on Texas State Plane Coordinate System, Central Zone, NAD 83 (1992 Adjustment)

Date: 19<sup>th</sup> day of December, 2007



  
Charles Gutierrez, RPLS  
Registered Professional Land Surveyor  
No. 5572



SCALE: 1"=200'  
 SURVEY DATE: DECEMBER 19, 2007



**SAN ELIZARIO GRANT, BLOCK 65**

TRACT 9A  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9B  
 ROBERT A. FELD  
 BOOK 1045, PAGE 1616.  
 O.P.R.E.P.C.

TRACT 9C  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9D  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9E  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9F  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9G  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9H  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9I  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9J  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9K  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9L  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9M  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9N  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9O  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9P  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9Q  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

TRACT 9R  
 UTRINACK, MARTIN, JR. & WIFE  
 BOOK 1004, PAGE 314.  
 O.P.R.E.P.C.

LINE TABLE

LINE	LENGTH	BEARING
L1	43.55'	S33°49'27"E
L2	25.00'	N55°23'37"E
L3	13.33'	S08°21'33"W
L4	49.53'	N00°56'16"W
L5	13.17'	N08°21'33"E
L6	25.00'	N55°10'33"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	476.28'	6146.91'	42°11'00"	455.59'	S12°43'57"E
C2	7.33'	603.00'	0°41'46"	7.33'	S08°42'25"W
C3	6.79'	533.00'	08°42'11"	6.79'	N08°42'39"E
C4	439.47'	596.91'	42°11'00"	429.61'	N12°43'57"W

**SAN ELIZARIO GRANT, BLOCK 65**



I hereby certify that this survey was performed on the ground under my supervision. That this plot of survey shows the facts found at the time of said survey.

*Charles Henry Gutierrez*  
 Registered Professional Land Surveyor  
 No. 5572

LEGAL: A PORTION OF FARM TO MARKET ROAD F.M. 1109  
 SAN ELIZARIO GRANT, BLOCK 65

RIGHT OF WAY ACQUISITION

WHOLE:	ACRES
96.623	SQ. FT.
00.00	ACRES
00.00	SQ. FT.
00.00	ACRES
00.00	SQ. FT.

DATE OF ABSTRACT: XXX, XXXX  
 Texas Department of Transportation  
 EL PASO DISTRICT

RIGHT OF WAY ACQUISITION

REV.	DESCRIPTION	DATE	BY
1.	REDRAWN	2/16/10	CG

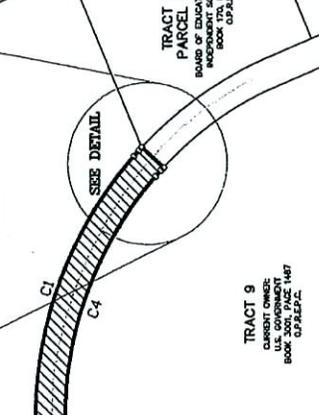
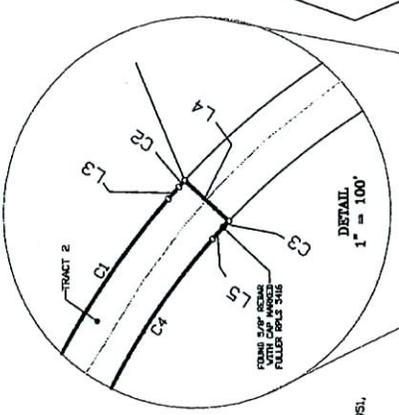
Account: ROW CSJ 0002-15-012  
 Parcel: TRACT 2  
 Date: \_\_\_\_\_  
 Draw By: \_\_\_\_\_  
 Sheet: \_\_\_\_\_ of \_\_\_\_\_

FRANK X. SPENCER & ASSOCIATES, INC.  
 Consulting Civil Engineers & Land Surveyors  
 (1987 F-3584, TRS-59 10049-00)  
 1130 MONTANA AVE.  
 EL PASO, TEXAS 79902  
 (915) 533-4800

U.S. PARCEL No. 173  
 U.S. PARCEL No. 3

TRACT 2, U.S. PARCEL No. 173  
 BOARD OF EDUCATION OF TORNILLO  
 INDEPENDENT SCHOOL DISTRICT  
 BOOK 174, PAGE 172L  
 O.P.R.E.P.C.

TRACT 9  
 U.S. GOVERNMENT  
 BOOK 1045, PAGE 1616  
 O.P.R.E.P.C.



BEAR BEARING ROAD

LEGEND  
 SET 5/8" BEARS WITH CAP  
 MARKED "P.L.S. 5/8"

FOUND MARKER AS NOTED  
 IN EL PASO COUNTY

**SAN ELIZARIO GRANT, BLOCK 65**

POINT OF COMMENCING  
 FOUND 1/2" IRON ROD AT THE  
 CENTERLINE OF ISLAND  
 TRACT 3, BLOCK 65,  
 NORTHERLY CORNER OF TRACT  
 9, SAN ELIZARIO GRANT,  
 EL PASO COUNTY,  
 TEXAS

FOUND 1" PIPE AT THE  
 MOST WESTERLY CORNER  
 OF TRACT 3, BLOCK 65,  
 EL PASO COUNTY,  
 TEXAS.