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(FST101367)

MEMORANDUM OF TRANSFER OF LAND USE  
BETWEEN  
BUREAU OF RECLAMATION  
DEPARTMENT OF INTERIOR  
AND THE  
UNITED STATES SECTION, INTERNATIONAL BOUNDARY AND WATER COMMISSION  
DEPARTMENT OF STATE

THIS MEMORANDUM OF UNDERSTANDING entered into the 19th day of October, 1967, between the BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR, hereinafter referred to as the Bureau, represented by the Regional Director, Region 5, Amarillo, Texas, acting pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, particularly Section 14 of the Act of Congress approved August 4, 1939 (53 Stat. 1187), and the UNITED STATES SECTION, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO, hereinafter referred to as the Commission, represented by the United States Commissioner acting pursuant to the American-Mexican Chamizal Convention Act of 1964, approved April 29, 1964 (P. L. 88-300, 78 Stat. 184).

WITNESSETH THAT:

WHEREAS, the Commission and the Bureau entered into a memorandum of understanding and contract dated October 1, 1966, for relocation of a segment of the Franklin Canal, Rio Grande Project, Texas, and

WHEREAS, certain land administered by the Bureau, on which the Franklin Canal was located, has been vacated as a result of said relocation and is no longer required for the Rio Grande Project, and

WHEREAS, portions of said land are required to re-establish the territory of Chamizal as prescribed by the United States of America and United Mexican States Convention dated August 29, 1963, as authorized by the American-Mexican Chamizal Convention Act of 1964.

NOW, THEREFORE, the parties hereto agree as follows:

1. The following described tracts of land in the County of El Paso, Texas, which were acquired for the United States of America by the Bureau of Reclamation to serve the Rio Grande Project,

Texas, shall henceforth be held and administered by the United States Section, International Boundary and Water Commission:

Parcel No. 1

A tract of land occupied by the Franklin Canal being approximately thirteen (13) feet on each side of the center line extending from canal center line Station 78 + 55 to Station 80 + 65, a distance of two hundred ten (210) feet, containing approximately 0.13 acre of land, more or less, in El Paso County, Texas. Said described land is shown in red on Irrigable Area and Property Map, El Paso Valley Sheet-2, South El Paso, of the Bureau of Reclamation, Rio Grande Project, attached hereto and made a part hereof.

Parcel No. 2

A tract of land occupied by the Franklin Canal being approximately thirteen (13) feet on each side of the canal center line extending from canal Station 86 + 83 to Station 91 + 87, a distance of five hundred four (504) feet, containing approximately 0.30 acre of land, more or less, in El Paso County, Texas. Said described land is shown in red on the Irrigable Area and Property Map, El Paso Valley Sheet-2, South El Paso, of the Bureau of Reclamation, Rio Grande Project, attached hereto and made a part hereof.

Parcel No. 3

A tract of land occupied by the Franklin Canal, being approximately thirteen (13) feet on each side of the center line from canal Station 130 + 10 to Station 145 + 73; increasing to twenty-five (25) feet on each side of center line to Station 146 + 74; and thence continuing twenty-five (25) feet on each side of the center line to Station 163 + 30, containing approximately 2.92 acres, more or less, in El Paso County, Texas. Said described land is shown in red on Irrigable Area and Property Map, El Paso Valley Sheet-2, South El Paso, of the Bureau of Reclamation, Rio Grande Project, attached hereto and made a part hereof.

(FST101367)

2. The Bureau makes no representation as to the extent or nature of its interest in the lands described above.

3. The United States Section, International Boundary and Water Commission hereby accepts administration of any and all interests of the United States in the above described tracts of land.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day hereinabove first written.

BUREAU OF RECLAMATION

By: John C. Thompson  
Acting Regional Director, Region 5  
Bureau of Reclamation

UNITED STATES SECTION,  
INTERNATIONAL BOUNDARY  
AND WATER COMMISSION

By: J. D. Johnston  
Commissioner





*Title - Franklin Canal Right of Way*

Department of the Interior  
Bureau of Reclamation  
Rio Grande Irrigation Project  
New Mexico - Texas

520. —

**FRANKLIN CANAL RIGHT OF WAY**

QUIT-CLAIM DEED  
From City of El Paso  
To the United States of America

BOOK 4660

PAGE 399

RECORDED IN EL PASO  
COUNTY RECORDS

November 9, 1939



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## QUIT-CLAIM DEED

THE STATE OF TEXAS     )  
                                   )  
 COUNTY OF EL PASO     )     KNOW ALL MEN BY THESE PRESENTS, THAT

The City of El Paso, a municipal corporation duly organized and existing under the laws of the State of Texas and situated within the County of El Paso and State of Texas, for and in consideration of the benefits derived and to be derived by the said City and all of the residents thereof by the operation and maintenance by the United States of America and its successors and assigns of the Franklin Canal of the Rio Grande Reclamation Project and pursuant to the provisions of that certain act of the 45th Legislature of Texas, Chapter 77, (1937) and ordinance of said City duly enacted and approved on the 9th day of November, 1939, does by these presents Bargain, Sell, Release and Forever Quit-Claim and confirm unto the said United States of America, pursuant to the Act of June 17, 1902 (32 Stat., 388), and acts amendatory thereof and supplementary thereto, its successors and assigns, all its right, title and interest in and to that tract or parcel of land lying in the County of El Paso, and State of Texas, described as follows, to-wit:

All parts of streets, alleys and intersections, or any other lands owned by the City of El Paso, within the limits of the following described right-of-way: Beginning at the headgates of said Franklin Canal as constructed in 1914 and enlarged in 1921 by the Bureau of Reclamation; thence to and across the Riverside Drive or Levee Road over land acquired by the United States for the headworks of said canal; thence following along the north or east bank of the Rio Grande over right-of-way acquired by the El Paso Irrigation Company from H. B. Stevens et al. to a point 3,610 feet below the headgates measured on the center line of the canal, being the end of the concrete lined section, 25 feet on each side of the center line of said canal; thence continuing along the north or east bank of the Rio Grande over said acquired right-of-way to Eighth Street 40<sup>feet</sup>



on each side of the center line of said canal, together with all wasteway or sluiceway channels leading from the canal into the river; thence along Eighth Street to and into property known as the Cotton Estate, a concrete lined section 13 feet on each side of the center line of said canal; thence turning and continuing northeasterly through said Cotton Estate to the intersection of Williams and East San Antonio Streets 50 feet on each side of the center line of said canal; thence along East San Antonio Street over right-of-way acquired by the El Paso Irrigation Company from the Bassett Addition to Piedras Street 35 feet on each side of the center line of said canal; thence continuing along East San Antonio Street and turning into an alley between Rivera Street and East San Antonio Street to Stevens Street over right-of-way acquired by the El Paso Irrigation Company from the East El Paso Addition 35 feet on each side of the center line of said canal; thence continuing along said alley and turning into Boone Avenue 35 feet on each side of the center line of said canal; thence south along Boone Avenue a distance of approximately 900 feet, and 40 feet on each side of the center line of said canal; thence turning easterly through Washington Park over right-of-way acquired by the El Paso Irrigation Company from J. B. Leahy, and extending on to the city limits, being 40 feet on each side of the center line of said canal; reserving to the said City of El Paso the right to use as a part of the City street system of said city all bridges heretofore constructed by the Bureau of Reclamation of the United States at the points on said canal where the same is intersected by the following described streets, alleys or other crossings: S. Santa Fe St., S. El Paso St., S. Oregon St., S. Mesa Ave., S. Stanton St., S. Kansas St., S. Campbell St., S. Florence St., S. Ochoa St., S. Virginia St., S. St. Vrain St., Hills St., Tays St., Park St., Fourth St., First St., Laurel St., Eucalyptus St., Willow St. Foot Bridge, S. Piedras St., S. Raynor St., S. Estrella St., S. Gram St., S. Stevens St., Hammett Boulevard, Boone Ave., Evergreen St., (In Washington Park), Washington Park East Road, Tobin Place, Alley East of Hadlock Place, Francis St., and Verde Ave.; provided, however, and this conveyance is subject to the condition that the United States shall be obligated to maintain the said bridges at the said described crossings contingent, however, upon appropriations being made therefor by Congress; and there is further reserved to the said City of El Paso the right to construct and maintain at its own cost and expense such additional bridges and other structures across said canal other than those hereinabove designated as it may deem necessary.

TO HAVE AND TO HOLD all its right, title, interest, estate and

claim in and to the said premises, together with all and singular, the rights, privileges and appurtenances to the same in any manner belonging unto the said United States of America, its successors and assigns, forever; provided, however, that if at any time in the future, the Secretary of the Interior of the United States of America or other duly authorized officer of the United States shall decide that said right-of-way or any part thereof is no longer needed for the operation of said canal or for irrigation purposes, then and in that event whatever rights or title the City of El Paso has by these presents conveyed to the United States as to such part thereof shall thereupon revert to the said City of El Paso and the obligation of the United States under the conditions of this conveyance to maintain any bridge or bridges situated on such part thereof so reverting to the City of El Paso shall thereupon terminate, but any such reverter shall leave unaffected whatever right, title or interest the United States may have or acquire in or to said hereinabove described premises other than by virtue of this conveyance.

IN WITNESS WHEREOF the said City of El Paso has caused these presents to be executed and subscribed by its Mayor and attested by its Clerk this 9th day of November, A.D. 1939.

THE CITY OF EL PASO

By J. E. Anderson  
Mayor.

Attest:

W.R. Collins  
City Clerk

(SEAL)

THE STATE OF TEXAS }  
COUNTY OF EL PASO }

BEFORE ME, a Notary Public in and for El Paso County, Texas, on this

day personally appeared J. B. Anderson, Mayor of the City of El Paso, a municipal corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the Act of the said City of El Paso, a municipal corporation, and that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND And seal of office, this 9th day of November  
A.D. 1939.

G. R. DANIELS  
Notary Public in and for  
El Paso County, Texas

(SEAL)

**Department of the Interior  
Bureau of Reclamation  
Rio Grande Irrigation Project  
New Mexico - Texas**

MINUTE Book 2-2  
PAGE -

**FRANKLIN CANAL RIGHT OF WAY**

PROBABLY RECORDED AT  
CITY HALL

**Ordinance conveying unto the United States of  
America all of the right, title and interest of the  
City of El Paso in and to the right-of-way occupied  
by the Franklin Canal in the City of El Paso.**

**November 9, 1939**

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Council Chambers, City Hall, El Paso,  
Texas, Thursday, November 9, 1939.

At a meeting of the City Council on the above day and date, Mayor Anderson present and presiding, the following members answered roll-call: - Alderman Travis, Walthall, Duke and Morgan; absent, none.

The City Clerk read an ordinance entitled "An ordinance amending an ordinance entitled 'An ordinance conveying unto the United States of America all the right, title and interest of the City of El Paso in and to the right-of-way occupied by the Franklin Canal over, along and across all streets, alleys and other public lands of the City of El Paso, with certain reservations and providing for a reverter when the said right-of-way is no longer used for canal purposes, and declaring an emergency, ' by inserting therein the clause 'contingent, however, upon appropriations being made therefor by Congress' and declaring an emergency."

Motion made, seconded and carried that said ordinance be adopted. Whereupon the Mayor ordered that the vote be taken on the passage and adoption of the ordinance, which when so taken resulted as follows:- Ayes, Alderman Travis, Walthall, Duke and Morgan; Nays, none; absent, none. Thereupon the Mayor declared that the majority vote of the members of the City Council having been cast in favor thereof, the same be and hereby is adopted as an emergency measure, said ordinance being in words and figures as follows:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE CONVEYING UNTO THE UNITED STATES OF AMERICA ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF EL PASO IN AND TO THE RIGHT-OF-WAY OCCUPIED BY THE FRANKLIN CANAL OVER, ALONG AND ACROSS ALL STREETS, ALLEYS AND OTHER PUBLIC LANDS OF THE CITY OF EL PASO, WITH CERTAIN RESERVATIONS AND PROVIDING FOR A REVERTER WHEN THE SAID RIGHT-OF-WAY IS NO LONGER USED FOR CANAL PURPOSES, AND DECLARING AN EMERGENCY," BY INSERTING THEREIN THE CLAUSE "CONTINGENT, HOWEVER, UPON APPROPRIATIONS BEING MADE THEREFOR BY CONGRESS," AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1 of that certain ordinance entitled "An ordinance conveying unto the United States of America all the right, title and interest of the City of El Paso in and to the right-of-way occupied by the Franklin Canal over, along and across all streets, alleys and other public lands of the City of El Paso, with certain reservations and providing for a reverter when the said right-of-way is no longer used for canal purposes, and declaring an emergency, "passed and approved the 5th day of September, 1939, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. In consideration of the very great benefits conferred upon the City and County of El Paso and all of the residents thereof by the maintenance and operation of the RioGrande Reclamation Project, furnishing water for the irrigation of land in the City and County of El Paso, and the further consideration that the maintenance and operation of what is known as the Franklin Irrigation Canal is indispensable to the carriage and distribution of said waters for irrigation purposes, and in accordance with that certain Act of the

45th Legislature of Texas, Chapter 77, (1937), the City of El Paso does hereby convey, transfer, quit-claim, relinquish and confirm unto the United States of America all of the right, title and interest of the City of El Paso in and to the right-of-way occupied by the said Franklin Canal and the appurtenances thereto, through the City of El Paso and in the present location thereof, over, along and across all streets, alleys and other public lands of the City of El Paso, continuing and confirming the use of said right-of-way as hereinafter described.

Said right-of-way is described in words and figures as follows, to-wit: All parts of streets, alleys and intersections, or any other lands owned by the City of El Paso, within the limits of the following described right-of-way: Beginning at the headgates of said Franklin Canal as constructed in 1914 and enlarged in 1921 by the Bureau of Reclamation; thence to and across the Riverside Drive or Levee Road over land acquired by the United States for the headworks of said canal; thence following along the north or east bank of the Rio Grande over right-of-way acquired by the El Paso Irrigation Company from H. B. Stevens et al., to a point 3,610 feet below the headgates measured on the center line of the canal, being the end of the concrete lined section, 25 feet on each side of the center line of said canal; thence continuing along the north or east bank of the Rio Grande over said acquired right-of-way to Eighth Street 40 feet on each side of the center line of said canal, together with all wasteway or sluiceway



channels leading from the canal into the river; thence along Eighth Street to and into property known as the Cotton Estate, a concrete lined section 13 feet on each side of the center line of said canal; thence turning and continuing northeasterly through Cotton Estate to the intersection of Williams and East San Antonio Streets 50 feet on each side of the center line of said canal; thence along East San Antonio Street over right-of-way acquired by the El Paso Irrigation Company from the Bassett Addition to Piedras Street 35 feet on each side of the center line of said canal; thence continuing along East San Antonio Street and turning into an alley between Rivera Street and East San Antonio Street to Stevens Street over right-of-way acquired by the El Paso Irrigation Company from the East El Paso Addition 35 feet on each side of the center line of said canal; thence continuing along said alley and turning into Boone Avenue 35 feet on each side of the center line of said canal; thence south along Boone Avenue a distance of approximately 900 feet, and 40 feet on each side of the center line of said canal; thence turning easterly through Washington Park over right-of-way acquired by the El Paso Irrigation Company from J. B. Leahy, and extending on to the city limits, being 40 feet on each side of the center line of said canal; provided, however, there is reserved to the City of El Paso the right to use as a part of the City street system of said city, all bridges heretofore constructed by the Bureau of Reclamation of the United States at the points on said canal where the same is intersected by the following described streets,

alleys or other crossings: S. Santa Fe St., S. El Paso St., S. Oregon St., S. Main Ave., S. Stanton St., S. Kansas St., S. Campbell St., S. Florence St., S. Ochoa St., S. Virginia St., S. St. Vrain St., Hills St., Tays St., Park St., Fourth St., First St., Laurel St., Eucalyptus St., Willow St. Foot Bridge, S. Piedras St., S. Raynor St., S. Estrella St., S. Gram St., S. Stevens St., Hammett Boulevard, Boone Ave., Evergreen St. (In Washington Park), Washington Park East Road, Tobin Place, Alley East of Hadlock Place, Francis St., and Verde Ave.; provided, however, and this ordinance and the conveyance to be made hereunder are subject to the condition that the United States shall be obligated to maintain the said bridges at the said described crossings, contingent, however, upon appropriations being made therefor by congress; and there is further reserved to the City of El Paso the right to construct and maintain, at its own cost and expense, such additional bridges and other structures across said canal other than those hereinabove designated as it may deem necessary; provided further that if at any time in the future, the Secretary of the Interior of the United States of America or other duly authorized officer of the United States shall decide that the said right-of-way or any part thereof is no longer needed for the operation of said canal or for irrigation purposes, then and in that event, whatever rights or title the City of El Paso had conveyed hereunder to the United States as to such part thereof shall thereupon revert to the said City of El Paso, and the obligation of the United States under the conditions hereof to maintain any bridge or bridges situated on such part thereof

so reverting to the City shall thereupon terminate, but any such reverter shall leave unaffected whatever right, title or interest the United States may have or acquire in or to the premises described herein other than by virtue of this ordinance or the conveyance executed in pursuance hereof. Should the El Paso County Water Improvement District No. 1 request the execution of a conveyance to the United States in accordance with the terms hereof, the Mayor and City Clerk are hereby authorized to execute and attest the same."

Section 2. The fact that it is immediately necessary to commence work on fencing the right-of-way of the Franklin Canal as a measure of public safety and that this work is awaiting the vesting of title in the United States of America to the right-of-way aforesaid, creates a great public emergency justifying the suspension of the rule laid down in Section 33 of the Charter of the City of El Paso providing that no ordinance shall be finally adopted until it has been read in regular meeting of the City Council at two regular meetings and by unanimous vote of the Aldermen present and with the consent of the Mayor, as in this section provided, said rule is suspended and this ordinance shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this 9th day of November, A.D. 1939.

/s/ J. B. Anderson  
Mayor

Attest:

(SEAL)

/s/ W. R. Collins  
City Clerk

State of Texas        }  
County of El Paso    }  
City of El Paso       }

I, W. R. Collins, City Clerk of the City of El Paso, Texas,  
do hereby certify that the foregoing is a true and correct copy of the  
proceedings of the City Council of the City of El Paso under date of  
November 9, 1939, recorded in Minute Book 2-2, Page \_\_\_\_, relative to  
the adoption of an ordinance conveying unto the United States of America  
all the right, title and interest of the City of El Paso in and to  
the right-of-way occupied by the Franklin Canal in the City of El Paso.

WITNESS MY HAND and seal of the City of El Paso, Texas, this  
9th day of November, A. D. 1939.

(SEAL)

/s/ W. R. Collins  
City Clerk in and for the City of El Paso,  
Texas.

**Department of the Interior  
Bureau of Reclamation  
Rio Grande Irrigation Project  
New Mexico - Texas**

Book 0-2

PAGE ?

PROBABLY RECORDED AT  
CITY HALL

**FRANKLIN CANAL RIGHT OF WAY**

**Amendment of Original Franchise  
Granted to El Paso Irrigation Company  
By City of El Paso**

**December 11, 1913**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Section 1 and Section 4 of an ordinance passed and approved the 16th day of September, 1889, recorded in Book "F", page 41, granting to El Paso Irrigation Company certain rights and privileges, be amended so as to hereafter read as follows:

Section 1: Right of way, 50 feet in width is hereby granted to the United States of America assignee and successor of El Paso Irrigation Company, their successors and assigns, to construct, operate and maintain a canal for irrigation through the City of El Paso as follows:

Beginning at a point of rock 650 feet up the Rio Grande from the A.T. & S.F. Railway well; running thence southeasterly to the intersection of Eighth and Leon Streets across all streets and alleys crossed by said line, including Lea, Senora, West Overland, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Nell, Hyde, O'Bannon, Cresky, Anthony and Durango; also right of way 25 feet wide along the center of Eighth Street from its intersection with the west line of Leon Street; thence in an easterly direction along Eighth Street, 7,200 feet to where said irrigation canal takes a northerly course and leaves Eighth Street; said point being designated as Station 150 according to Doyle's Survey made by the Reclamation Service; provided that the United States of America, their successors or assigns shall concrete-line said canal on Eighth Street and shall erect iron railings on each side of said canal the whole length of Eighth Street, said railing to be erected in accordance with plans hereto attached and

made a part hereof, and shall construct, erect and maintain bridges at the points and of the dimensions and on the streets hereinafter set forth:

Concrete bridge on Santa Fe Street to be 70 feet wide; concrete bridge on El Paso Street to be 32 feet wide; concrete bridge on Broadway to be 32 feet wide; concrete bridge on Stanton Street to be 70 feet wide; concrete bridge on Kansas street to be 32 feet wide; concrete bridge on Campbell Street to be 70 feet wide; concrete bridge on Florence Street to be 32 feet wide; concrete bridge on Virginia Street to be 32 feet wide; concrete bridge on St. Vrain Street to be 32 feet wide; steel or concrete bridge on Ochoa Street to be 20 feet wide; steel or concrete bridge on Park Street to be 32 feet wide; steel bridge on Hill Street to be 24 feet wide; steel bridge on Tays Street to be 24 feet wide;

And shall erect and maintain and replace all bridges east of Cotton Avenue with steel or concrete bridges to be 20 feet wide, and bridges on such other streets as the Council may require; provided, however, that no bridges shall be erected with wooden flooring; the roadway of all bridges to be of asphalt.

All the bridges, railings and the concrete lining of said canal on Eighth Street to be of a substantial character and all materials to be of first-class quality and to be erected in a good workmanlike manner, and to be completed within four months from the date hereof and to be on grade established by the City.

Also right of way 50 feet wide, commencing at point 7,200 feet easterly of Leon Street along Eighth Street, is hereby granted



to said United States of America, their successors and assigns, to cross, intersect and pass along any street or alley from said point to the city limits of said city;

That said United States of America, their successors or assigns shall hold the city harmless in case of damages resulting from faulty construction of said canal, bridges or fences, and from any damage by reason of overflow by or from said canal.

Section 4: Should the United States of America, their successors or assigns allow said canal to remain dry when there is water in the reservoir available for distribution, for a space of four continuous months, the City Council reserves to itself the right to forfeit and cancel all rights, privileges and franchises herein granted.

Passed and approved this 11th day of December, A.D., 1913.

(Signed) C. E. Kelly  
Mayor.

**Attest:**

(Signed) C.W. Fassett.  
City Clerk

State of Texas )  
City and County of El Paso )

I, C. W. Jassett, City Clerk in and for the city of El Paso, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of an ordinance amending Sections One and Four of an ordinance passed and approved Sept. 16, 1889, granting to El Paso Irrigation Company certain rights and privileges. Passed and approved December 11th, 1913 and of record in Minute Book "G-2", of the proceedings of the City Council of El Paso, Texas.

Given under my hand and official seal this 12th day of  
December, A.D. 1913.

(sd) C. W. Faysett,  
City Clerk in and for El Paso, Texas

**Department of the Interior  
Bureau of Reclamation  
Rio Grande Irrigation Project  
New Mexico - Texas**

Book F  
Page 41

**FRANKLIN CREEK RIGHT OF WAY**

**Original Franchise  
Granted to El Paso Irrigation Company  
By City of El Paso**



**Passed September 16, 1889**

**EL PASO IRRIGATION COMPANY, FRANCHISE.**

Section 1. Right of way, fifty feet in width, is hereby granted to the El Paso Irrigation Company to construct, operate and maintain a canal for irrigation through the City of El Paso, as follows, to wit: Beginning at a point of rock six hundred and fifty feet to the Rio Grande from the A.T. & S.F. Ry. well; running thence southeasterly to the intersection of Eighth and Durango streets, across all streets and alleys crossed by said line, including Lea, Senora, West Overland, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Nell, Hyde, O'Bannen, Crosby and Anthony; also right of way fifty feet wide along the center of Eighth street from its intersection with Durango street to its intersection with Cotton Ave., according to the map filed with and attached to the petition presented by the El Paso Irrigation Company: Provided that the El Paso Irrigation Company shall, whenever the city council shall require it, cover said canal so as to make a suitable and proper roadway over said canal, and maintain bridges at such points as the council shall require, and shall maintain that portion of the streets actually occupied by the canal in a suitable condition for travel; that the said El Paso Irrigation Company shall hold the city harmless in case of damages resulting from faulty construction of all bridges and highways covering said canal as aforesaid, and from any damage by reason of overflow by or from said canal.

Section 2. The rights, grants, privileges, franchises, powers and authority herein granted shall continue for the period of

fifty years from the sixth day of July A.D. 1889.

Section 3. Said company in good faith shall commence work on the construction of its canal for irrigation within ninety days from and after the approval of this ordinance by the Mayor, and shall have the same completed through the city limits within six months from and after the date of the approval of this ordinance by the Mayor, In the event the said company shall fail, neglect or refuse to commence said work or complete said work within the time specified, this ordinance shall become of no effect and void and all privileges, rights and franchises herein granted shall ipso facto, be forfeited.

Section 4. Should the said company fail, neglect or refuse to operate said irrigation canal, or should the said company allow said canal to remain dry when there is water in the river, for the space of 3 continuous months, the city council reserves the right to forfeit and cancel all rights, privileges and franchises herein granted.

Section 5. Said company shall not discriminate in the use or sale of water against the inhabitants of the City of El Paso, but the inhabitants of said city shall have the right to use the water for said canal at reasonable times by paying therefor at a rate not to exceed one dollar per annum per lot of 26 feet for domestic and irrigation purposes; and for all other purposes may use said water at reasonable times, paying therefor not to exceed five cents for each one thousand cubic feet of water, and any such discrimination or overcharge shall subject said company to a forfeiture of all rights, grants, franchises, privileges and powers herein conferred.

Section 6. This ordinance shall take effect from and after its passage and publication, which publication shall be at the expense of the El Paso Irrigation Company.

(Passed Sept. 16, 1889; recorded in Minute Book F, page 41.)

**Note:**

Section 1 and Section 4 of this franchise revised and superseded by city ordinance dated December 11, 1913.

the only Interest the City had at the time  
was maintenance of crossings on the canal

the City of El Paso Quit Claim their Interest which  
was maintenance of Bridge Crossings in order to  
comply with the act of the forty Fifth Legislature  
of TEXAS

The Federal Government bought the Right of Way for  
the Franklin Canal in fee Simple from the  
Franklin Irrigation Co. July 19, 1912.

We contend that City of El Paso except for one  
parcel had no interest or did not own  
that portion of Franklin Canal called for  
on Quit Claim deed dated November 9, 1939.

dispute arises as to whether the City  
had legal document to show that they  
owned that portion of Franklin Canal in  
fee simple.

We believe the City of El Paso was  
complying ~~the~~ with that certain act of  
the forty fifth Legislature of TEXAS Chapter  
77. A copy of which you will find enclosed.  
when they wrote Quit Claim deed (document No  
9371), dated November 9, 1939.

<sup>Copy of</sup>  
please find document here enclosed.

forward to field solicitor for a legal  
opinion based on our findings

Subpart 101.47.5

101.-47.502 Donations To public bodies.

47.502-1 No Lands, regardless of cost, shall be donated To public  
bodies without prior concurrence of GSA

**AUTHORIZING THE CONVEYANCE OF PROPERTY BY  
CERTAIN POLITICAL SUBDIVISIONS TO THE UNITED  
STATES GOVERNMENT TO CARRY OUT ACTS OF  
CONGRESS RELATING TO AID OF NAVIGA-  
TION, FLOOD CONTROL OR IMPROVE-  
MENT OF WATER COURSES.**

S. B. No. 223.]

CHAPTER 77.

An Act to authorize any County, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any County contiguous to any County of such described class, and all Cities, Towns, Independent School Districts, Common School Districts, Water Improvement Districts, Water Control and Improvement Districts, Navigation Districts, Road Districts, Levee Districts, Drainage Districts, and all other municipal corporations, political subdivisions or Districts organized and existing under the Constitution and laws of this State, which may be located within any County of such described class, to convey to the United States of America with or without monetary consideration, upon request therefor, title or easement to property, lands, or interest in lands owned by such municipal corporations, political subdivisions or districts, to enable any department or establishment of the United States to carry out the provisions of any Act of Congress in aid of navigation, flood control, or improvement of water courses, and in order to accomplish any and all of the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, and authorizing any and all such Counties, Cities, Towns, and other public municipal corporations and Districts above enumerated to convey with or without monetary consideration to any other of the political subdivisions herein enumerated which, by resolution of its governing body, may have heretofore or may hereafter agree to acquire and convey the same, for ultimate conveyance, to the United States of America; validating any such conveyance heretofore made by any such political subdivision; providing that nothing in this Act shall affect the rights of the Arroyo-Colorado Navigation District of Cameron and Willacy Counties in regard to the improving of the Arroyo-Colorado and other projects; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. When any County one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any County contiguous to any County of such described class, and when any City, Town, Independent School District, Common School District, Water Improvement District, Water Control and Improvement District, Navigation District, Road District, Levee District, Drainage District, or any other municipal corporation, political subdivision or District organized and existing under the Constitution and laws of this State, which may be located within any County of such described class, may be the owner of any property, land, or interest in land desired by the United States of America to enable any department or establishment thereof to carry out the provisions of any Act of Congress in aid of naviga-



tion, flood control, or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, any such County, City, Town, or other municipal corporation, political subdivision, or District of this State is hereby authorized and empowered, upon request by the United States through its proper officers for conveyance of title or easement to any part of such property, land, or interest in land, which may be necessary for the construction, operation, and maintenance of such works, to convey the same with or without monetary consideration therefor to the United States of America, or to any other of the political subdivisions herein enumerated which by resolution of its governing body may have heretofore agreed or may hereafter agree to acquire and convey the same, for ultimate conveyance to the United States of America and all such conveyances heretofore made are hereby ratified and confirmed. Provided that nothing in this Act is intended, nor shall this Act cede any of the rights of the Arroyo-Colorado Navigation District of Cameron and Willacy Counties, which District was formed in 1927 under the Acts of the Thirty-ninth Legislature, from dredging, widening, straightening, or otherwise improving the Arroyo-Colorado and all other lakes, bays, streams or bodies of water within said Navigation District or adjacent or appurtenant thereto, as a Navigation Project or the construction of turning basins, yacht basins, port facilities, reserving to said District all rights conferred by law in developing said Navigation Project and all improvements incident, necessary or convenient thereto.

SEC. 2. If any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby.

SEC. 3. The fact that certain political subdivisions, public municipal corporations, and defined Districts of this State are unable to comply with Acts of Congress which require the acquisition by such political subdivisions of property, lands, or interest in lands and the conveyance thereof to the United States of America, and the fact that such acquisition is of ultimate importance to the State of Texas constitutes an emergency and an imperative public necessity, demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 223 passed the Senate, March 22, 1937, by a vote of 28 yeas, 0 nays; passed the House, March 24, 1937, with amendments, by a vote of 125 yeas, 0 nays; Senate concurred in House amendments, March 24, 1937, by a vote of 29 yeas, 0 nays.]

Approved March 26, 1937.  
Effective March 26, 1937.

## QUAIL HUNTING I

H. B. No. 509.]

An Act requiring any person who resides upon the public lands of this State, to first obtain a license from the game warden of the County, to first obtain a license from the game warden of the County, providing that the provisions of this Act shall not be construed to prohibit hunting in company with other necessary regulation providing that the failure to obtain a license shall be prima facie evidence of violation of any provision of this Act to enforce the provisions of this Act so far as they conflict with

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. It shall be unlawful for any person to hunt quail with a gun or with a bow and arrow on the private land of another without obtaining written permission from the owner of such land, or the game warden in charge of such land, for a period of time specified in the provisions of this Act, except as provided in this Act.

SEC. 2. Any person who violates the provisions of this Act shall be fined in a sum not less than Two Hundred Dollars and not more than Five Hundred Dollars.

SEC. 3. Any person who violates the provisions of this Act shall be fined in a sum not less than Two Hundred Dollars and not more than Five Hundred Dollars.

SEC. 4. This Act shall not be construed to repeal or amend all laws or parts of laws in conflict with this Act, and the provisions of this Act shall be construed to be in addition to the provisions of the laws of this State, and the provisions of this Act shall be construed to be in addition to the provisions of the laws of this State.

SEC. 5. It shall be the duty of the game warden of the county to which this Act applies to enforce the provisions of this Act. Provided, that the game warden shall not exercise any authority, power and jurisdiction over the game warden operating in any other county.