City of El Paso – City Plan Commission Staff Report

Case No:	SURW16-00006 Ochoa Street Vacation
Application Type:	Right-of-Way Vacation
CPC Hearing Date:	September 22, 2016
Staff Planner:	Armida Martinez, (915) 212-1605, martinezar@elpasotexas.gov
Location:	East of Ochoa and North of University
Acreage:	0.0484
Rep District:	1
Existing Use:	Unimproved right-of-way
Existing Zoning:	R-3/NCO (Residential / Neighborhood Conservancy Overlay)
Proposed Zoning:	N/A
Nearest Park:	Bill Rogers Arroyo (.18 miles)
Nearest School:	El Paso High School (.89 miles)
Property Owner:	City of El Paso
Applicant:	Maria Del Carmen and Daniel A. Casavantes
Representative:	Jose Antonio Murgia Jr.

SURROUNDING ZONING AND LAND USE

North: R-3/NCO - Residential Development
South: R-3/NCO - Residential Development
East: R-3/NCO - Residential Development
West: R-3/NCO - Residential Development

PLAN EL PASO DESIGNATION: G-2 Traditional Neighborhood (Walkable)

APPLICATION DESCRIPTION

The applicant is requesting to vacate 20’ by 111.66’ of an unimproved portion of Ochoa Street. The proposed vacation is to address an existing encroachment. The property abutting the unimproved right-of-way has improvements that encroach onto the right-of-way. The applicant will also be dedicating a 10’ PSB easement on the western side of the vacated right-of-way to accommodate the existing water main along Ochoa Street.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was published in the El Paso Times on September 8, 2016 and a notice was mailed to all property owners within 300 feet of the subject property. The Planning Division did not receive any communication in support or in opposition to the request.

DEVELOPMENT COORDINATING COMMITTEE
The Development Coordinating Committee recommends **approval** of Ochoa Street right-of-way vacation subject to the following condition and requirement:

- That the applicant dedicate 10' PSB easement o the western side of the vacated right-of-way to accommodate the existing water main along Ochoa Street.

Planning Division Recommendation:
Staff recommends approval of the ROW vacation with the condition as stated above.

Planning and Inspections Department - Land Development
No objections.

El Paso Water Utilities
EPWater has reviewed the above reference street vacation request and provide the following comments:

EPWater requires the dedication of a 10' PBS easement on the western side of the vacation to accommodate the existing water main along Ochoa Street. (Show easement on vacation survey).

Water:
There is an existing 8-inch diameter water main extending along Ochoa Street, the main is located 20 feet west from the eastern of property line.

EPWater records indicate (2) 3/4" services meter (Actives) on the properties with 701 E. University Avenue and 619 E. University Avenue as the services address.

Sanitary Sewer:
EPWater records indicate there are no sanitary sewer mains along Ochoa Street.

General:
Easement grantor shall indemnify, defend, and hold harmless the EPWU from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to EPWU which may be caused by or arise out of the maintenance and existence of water main in the easement area.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above references easement without the written consent of EPWU.

EPWU requires access to the existing water facilities, appurtenances, located within the easement 24 hours a day, seven (7) days a week.

Capital Improvements Department - Parks
No comments received.

Texas Gas Company
No comments received.

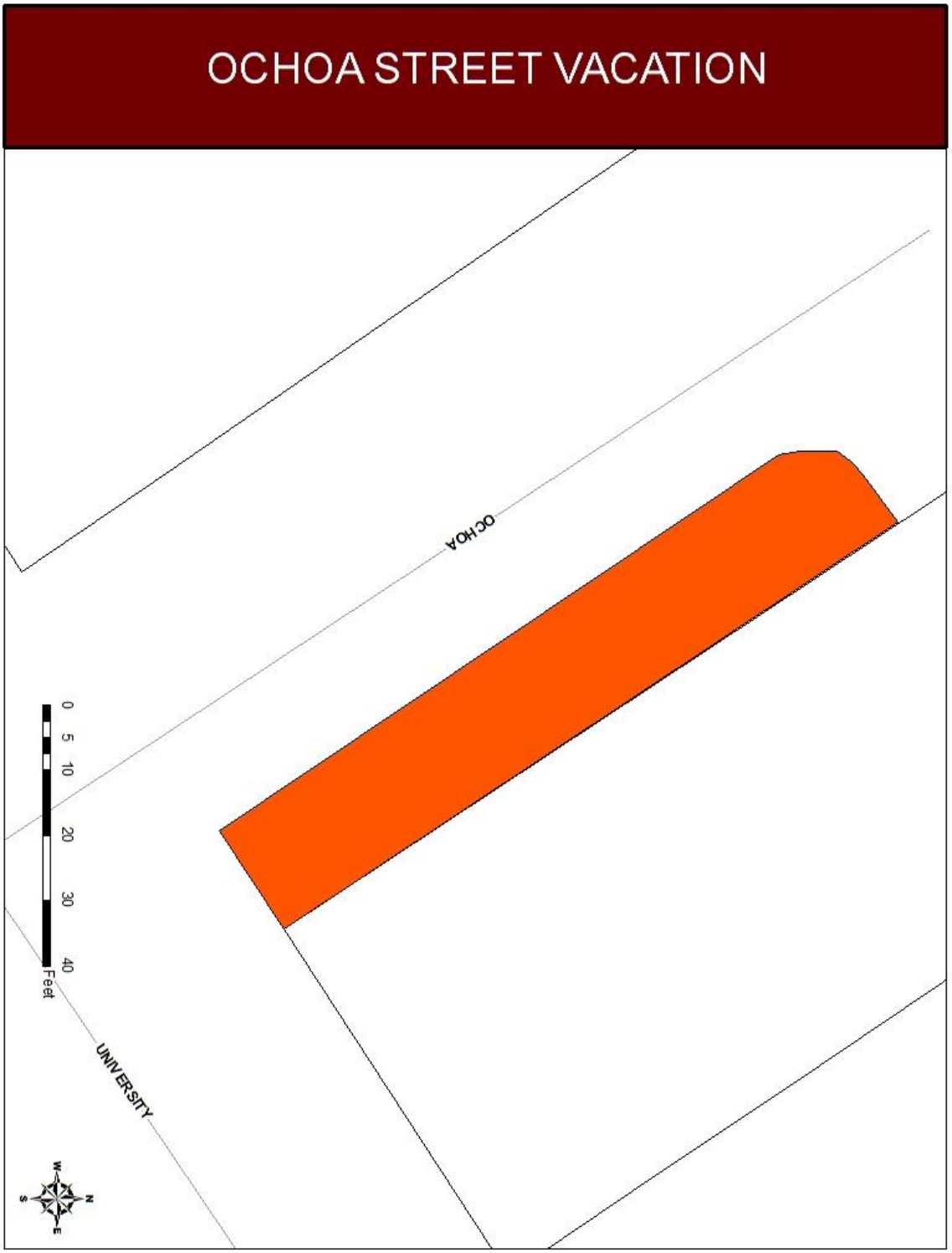
El Paso Electric Company:
No comments received.

911:

No comments received.

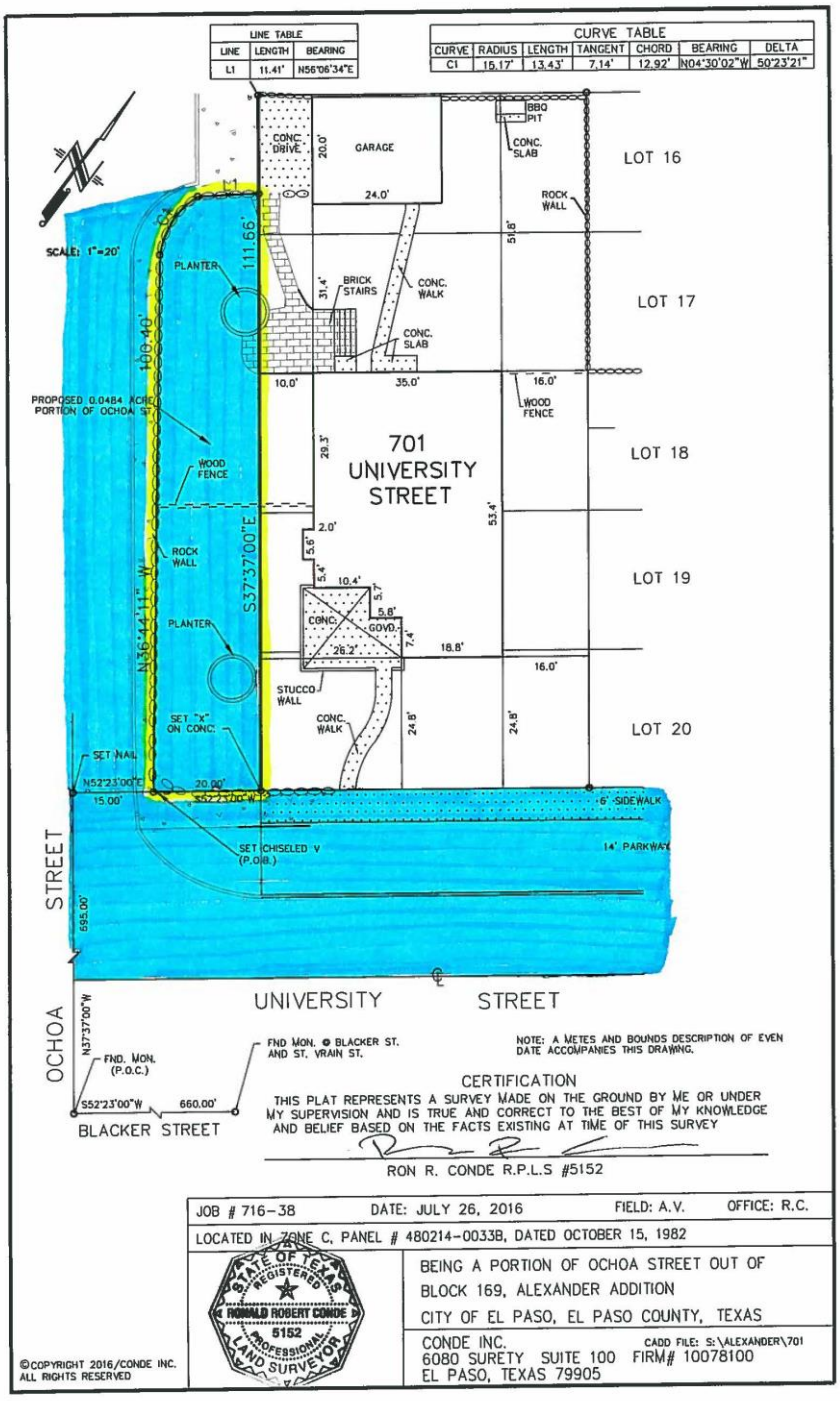
Attachments
1. Location Map
2. Aerial Map
3. Survey
4. Metes & Bounds
5. Application

ATTACHMENT 1



ATTACHMENT 2

ATTACHMENT 3



ATTACHMENT 4

0Prepared for: Jose Murgia
July 25, 2016

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Ochoa Street out of Block 169, Alexander Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument at the intersection of Ochoa Street an Blacker Street from which an existing City monument at the intersection of Blacker Street and St. Vrain Street bears, North 52°23'00" East a distance of 660.00 feet; Thence along the centerline of Ochoa Street North 37°37'00" West a distance of 695.00 feet; Thence leaving said centerline North 52°23'00" East a distance of 15.00 feet to a set chiseled v in concrete for the **"TRUE POINT OF BEGINNING"**.

Thence, North 36°44'11" West a distance of 100.40 feet to a set chiseled v in concrete for a point of curve;

Thence 13.43 feet along the arc of a curve to the right which has a radius of 15.17 feet a central angle of 50°23'21" a chord which bears North 04°30'02" West a distance of 12.92 feet to a set chiseled v in concrete;

Thence, North 50°06'34" East a distance of 11.41 feet to a set chiseled v in concrete on the easterly right of way line of Ochoa Street;

Thence along said right of way line, South 37°37'00" East a distance of 111.66 feet to a set x chiseled in concrete sidewalk on the northerly right of way line of University Street;

Thence, South 52°23'00" West a distance of 20.00 feet to the **"TRUE POINT OF BEGINNING"** and containing 2,107 square feet or 0.0484 acres of land more or less.

Note: A drawing of even date accompanies this description

Ron R. Conde
R.P.L.S. No. 5152

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283
FIRM # 10078100

ATTACHMENT 5

CITY OF EL PASO, TEXAS
APPLICATION FOR VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY

Date: 08/20/2016 File No. SURW16-00006

1. APPLICANTS NAME JOSE ANTONIO MURGUIA JR
ADDRESS 701 E. UNIVERSITY ZIP CODE 79902 TELEPHONE (915) 443 8848

2. Request is hereby made to vacate the following: (check one)
Street ✓ Alley____ Easement____ Other____
Street Name(s) OCHOA Subdivision Name ALEXANDER ADDITION
Abutting Blocks BLOCK 169 Abutting Lots 16-20 / 11-15 / w½ OF 16 TO 20

3. Reason for vacation request: LEGALIZE ENROACHMENT IN TO PUBLIC RIGHT OF WAY

4. Surface Improvements located in subject property to be vacated:
None____Paving____Curb & Gutter____Power Lines/Poles____Fences/Walls ✓ Structures ✓ Other____

5. Underground Improvements located in the existing rights-of-way:
None____Telephone____Electric____Gas____Water____Sewer____Storm Drain____Other____

6. Future use of the vacated right-of-way:
Yards ✓ Parking____Expand Building Area____Replat with abutting Land____Other____

7. Related Applications which are pending (give name or file number):
Zoning____Board of Adjustment____Subdivision____Building Permits ✓ Other____

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

**Effective September 1, 2014, a 3% technology fee has been added to all Planning application fees.*

OWNER SIGNATURE: Jose A Murguia

REPRESENTATIVE:

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890| (915) 212-0085