



City of El Paso – City Plan Commission Staff Report

(REVISED)

Case No: SURW15-00012 Ninth Avenue and alley ROW Vacation
Application Type: ROW Vacation
CPC Hearing Date: November 19, 2015

Staff Planner: Nelson Ortiz, 915-212-1606, OrtizNX@elpasotexas.gov
Location: East of Mesa at Ninth Avenue
Acreage: 0.4406
Rep District: 8
Existing Use: Right-of-way and dedicated commuter lane facility
Existing Zoning: C-4/sp (Commercial/ special permit) & C-4 (Commercial)
Proposed Zoning: C-4/sc (Commercial/ special contract) & C-4 (Commercial)

Property Owner: City of El Paso
Applicant: El Paso Infrastructure Collaborative, LLC
Representative: Kemp Smith Law

SURROUNDING ZONING AND LAND USE

North: C-4/sp (Commercial/ special permit) / Commercial development
South: C-4/sp (Commercial/ special permit) / Commercial development
East: C-1 (Commercial) / Commercial development
West: SRR (Special Residential Revitalization) / Vacant

PLAN EL PASO DESIGNATION: G2 Traditional Neighborhood (Walkable)

APPLICATION DESCRIPTION

The applicant seeks to vacate a 0.4406-acre portion of Ninth Avenue and adjacent alley. The existing buildings and infrastructure are to remain and the applicant proposes to dedicate utility easements for existing utility lines/facilities.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was published in the El Paso Times on October 21, 2015 and a notice was mailed to all property owners within 300 feet of the subject property. The Planning Division did receive one letter in support of this request.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the Ninth Avenue and alley ROW Vacation subject to the following condition and requirement:

- That the applicant dedicates utility easements to El Paso Water Utilities, El Paso Electric Company, AT&T and Time Warner Cable for their existing lines/facilities before approval by City Council.

Planning Division Recommendation:

Approval with the condition as stated above.

Land Development:

We have reviewed subject ROW vacation application and offer no objection.

El Paso Water Utilities (Water and Sewer):

EPWU's has reviewed the above reference street vacation request and provide the following comments:

1. EPWU's planning and development section does not object to this request with the condition that the alley to be vacated remains a full-width utility easement and an easement is retained along the northern portion of Ninth Street from Mesa Street to the alley.
2. The water and sewer mains are required to remain active and the easements are required to allow for the access to the mains for maintenance and operation purposes.

Water:

3. There is an existing 6-inch diameter water main extending along the alley. This water main is located 6-feet west of the eastern right-of-way line of the alley.
4. There is an existing 8-inch diameter water main extending along Ninth Street from Mesa Street to the alley. This water main is located 5-feet south of the northern right-of-way line of Ninth Street.
5. EPWU records also indicate water meter services located within the proposed alley vacation.

Sanitary Sewer:

6. There is an existing 8-inch diameter sewer main extending along the alley. This sewer main is located 10-feet west of the eastern right-of-way line of the alley.

General:

7. EPWU-PSB requires access to the existing water, sewer facilities, and meters 24 hours a day, seven (7) days a week. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced utility easement without the written consent of EPWU-PSB. The placement of trees or planters shall be 10-feet away from any water/sewer facility.

Parks and Recreation:

We have reviewed Ninth Avenue – Street Right of Way & Alley Vacation, a survey map and on behalf of CID Parks & Planning Division we offer “No” objections to this proposed Street Right of Way & Alley vacation request.

Texas Gas Company:

No objections.

AT&T:

There are cables that run down a pole line and feed two buildings located within the subject area. The lines will need to be relocated at the developer's expense or an easement will need to be maintained.

Time Warner Cable:

Time Warner Cable (TWC) has aerial and underground facilities within the subject property. TWC does reserve the right to have access to any applicable utility easements on the property for the purpose of future construction or maintenance. The owner and/or lessee of said property may also be responsible for the relocation/removal of any structure interfering with access to these easements, if necessary.

El Paso Electric Company:

El Paso Electric (EPE) will retain easement rights for its electrical facilities within the existing location. The rights will be retained by instrument.

Sun Metro:

No comments received.

El Paso Fire Department:

No comments received.

911:

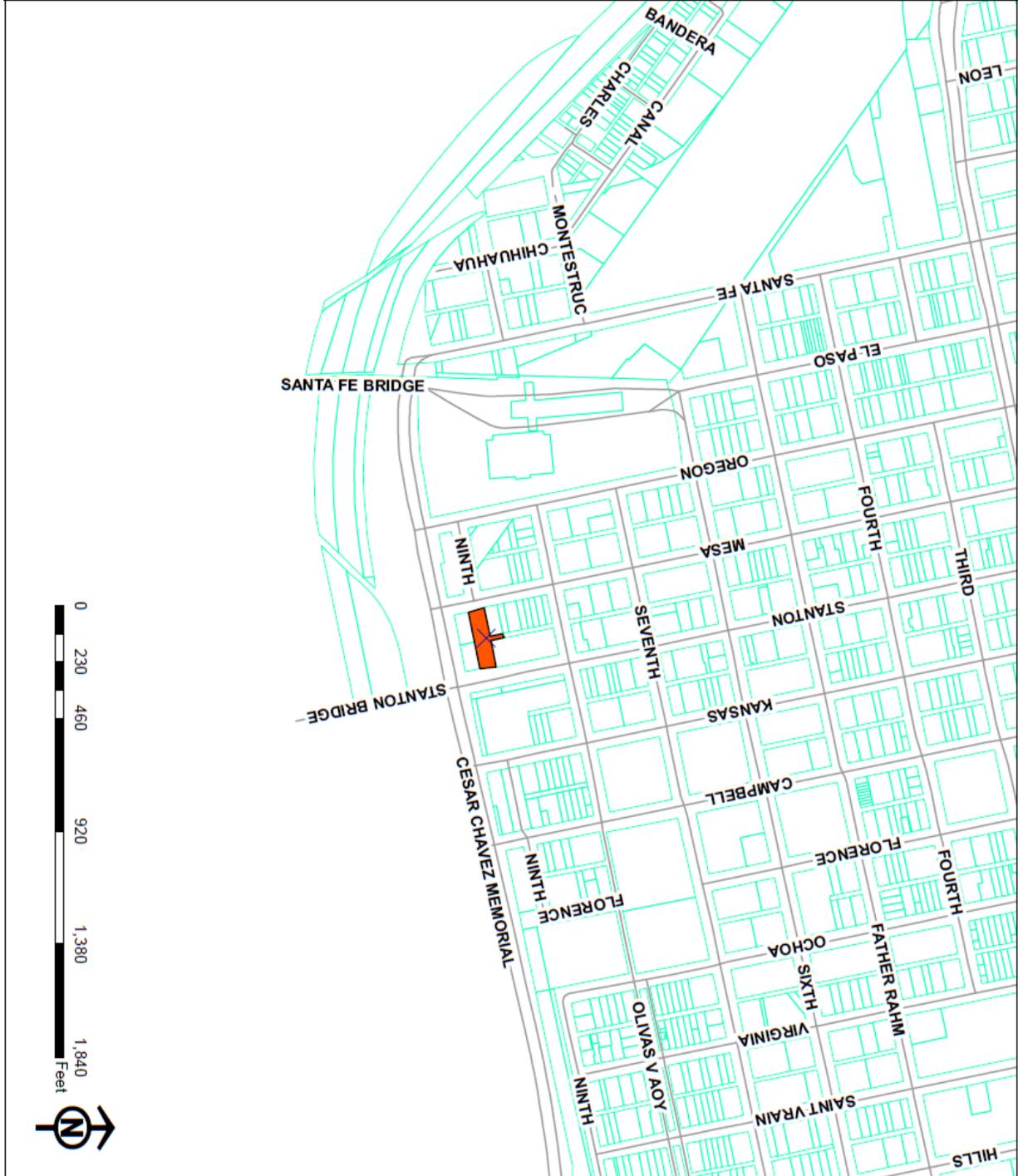
No comments received.

Attachments

1. Location map
2. Aerial map
3. Vacation survey
4. Letter in support
5. Application

ATTACHMENT 1

NINTH AVENUE STREET AND ALLEY VACATION



ATTACHMENT 4
CADENA LAW FIRM, P.C.

J. EDUARDO CADENA
ATTORNEY AND COUNSELOR AT LAW
ECADENA@CADENALAWFIRM.COM

November 18, 2015

Via Email ortiznx@elpasotexas.gov
Planning and Inspection Department
Attn: Nelson Ortiz
P.O. Box 1890
El Paso, Texas 79950-1890

Re: *Proposed Right of Way Vacation of a Portion of Ninth Avenue out of Block 47,
Campbell Addition, City of El Paso, El Paso County*

Applicant: El Paso Infrastructure Collaborative, LLC (EPIC)

Dear City Plan Commission and Mr. Ortiz:

Our Firm represents the Silva Family Limited Partnership (SFLP) in regard to the above-referenced ROW Vacation filed by EPIC.

SFLP, is the owner of property which abuts the proposed property to be vacated. SFLP presents this letter in support of the application. At this stage, the SFLP also approves the proposed utility easements. Please advise if you need additional information.

Thank you for your courtesy and consideration.

Sincerely,

CADENA LAW FIRM, P.C.



J. Eduardo Cadena

JEC:cd
Mr. Martin Silva
Mr. Ernesto L. Cisneros

5809 Acacia Circle ★ El Paso, Texas 79912 ★ Office 915.845.4440 ★ Fax 915.845.4441

ATTACHMENT 5

SURWIS-00012



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

Date: January 16, 2015 File No. SURWIS-00012

1. APPLICANTS NAME El Paso Infrastructure Collaborative, LLC ("EPIC")
ADDRESS 10 Civic Center Plaza ZIP CODE 79901 TELEPHONE 915-534-0593
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement _____ Other
Street Name(s) Ninth Avenue Subdivision Name Campbell Addition
Abutting Blocks 33 & 47 Abutting Lots 1 & 20 / 10 & 11
3. Reason for vacation request: Dedicated Commuter Lane was constructed in R.O.W. with Special Privilege License. Now must vacate R.O.W. on a permanent basis.
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
<input checked="" type="checkbox"/> Richard Dayoub, agent of EPIC	A portion of Ninth Ave., out of Block 47, Campbell Addition, City of El Paso County, Texas as more particularly described by metes and bounds attached hereto.	915-534-0593
<input checked="" type="checkbox"/> Name: <u>MARZIYA SILVA</u> Authorized representative of the Silva Family, LP		915-845-4440
<input checked="" type="checkbox"/> Name: <u>JAMES FERRACCI</u> Authorized representative of the General Services Administration		832-397-8478

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:
REPRESENTATIVE: ERNESTO L. CISNEROS
KEMP SMITH LLP

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