



DEPARTMENT: Planning & Economic Development
AGENDA DATE: CCA 01/06/11 Introduction, Public Hearing 01/18/11
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a 0.132 acre of land being a dedicated portion of Caufield Place Right-of-Way, City of El Paso, El Paso County, Texas

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) - Approval
City Plan Commission (CPC) - Approval

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew McElroy, Deputy Director
Planning and Economic Development

Handwritten signature of Mathew McElroy

APPROVED FOR AGENDA:

CITY MANAGER: \_\_\_\_\_ DATE: \_\_\_\_\_

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A 0.132 ACRE OF LAND BEING A DEDICATED PORTION OF CAUFIELD PLACE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of a 0.132 acre parcel of land being a dedicated portion of Caufield Place Right-Of-Way, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a 0.132 acre parcel of land being a dedicated portion of Caufield Place Right-Of-Way, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way is not needed for public use and should be vacated as recommended; and,

**WHEREAS**, Section 272.001(g) of the Local Government Code allows the City to sell, exchange, or otherwise convey land or interests to an entity for the development of low-income or moderate-income housing for less than its fair market value if the conveyance serves a public purpose; and,

**WHEREAS**, Section 272.001(g) of the Local Government Code requires the City to determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose; and,

**WHEREAS**, the Housing Authority of the City of El Paso is a tax-exempt municipal authority and political subdivision of the State of Texas that provides low income housing to the community of El Paso and intends to use the property for the purposes of providing low income housing; and,

**WHEREAS**, the City Council finds that the conveyance of the City's interest in the above described property at less than fair market value serves a public purpose by promoting the development of high quality, affordable rental housing for low income families in the community;

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

That a determination has been made that it is in the best interest of the public that a 0.132 acre parcel of land being a dedicated portion of Caufield Place Right-Of-Way, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated, and that the conveyance be at less than the fair market value provided that the conveyed land be used to provide low income housing to the community of El Paso.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to the Housing Authority of the City of El Paso and that such conveyance contain such terms and provisions necessary to

effectuate and maintain the public purpose of providing low income housing to the community of El Paso.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

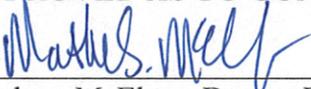
**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

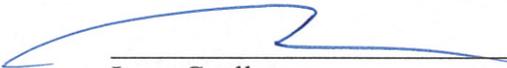
**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Planning & Economic Development

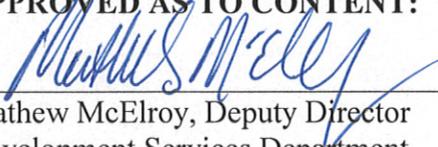
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

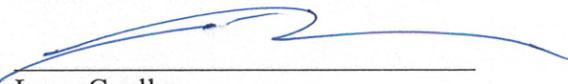
*(Quitclaim Deed on following page)*



**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Development Services Department  
Planning Division

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**ACKNOWLEDGMENT**

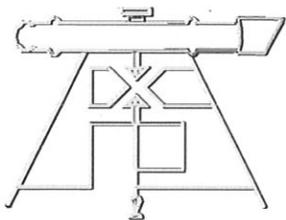
THE STATE OF TEXAS   )  
  )  
COUNTY OF EL PASO   )

This instrument is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2011,  
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:

My Commission Expires:  
\_\_\_\_\_

**AFTER FILING RETURN TO:**  
**The Housing Authority of the City of El Paso**  
**5300 E. Paisano Dr.**  
**El Paso, Texas 79905**



Frank X. Spencer, P.E., R.P.L.S.

## Frank X. Spencer & Associates, Inc.

Consulting Civil Engineers & Surveyors

1130 Montana \* El Paso, Texas 79902

(915) 533-4600  
 FAX (915) 533-4673  
 e-mail: elpaso@fxsa.com

### METES AND BOUNDS DESCRIPTION

**A 0.132 ACRE (5,759 S.F.) OF LAND BEING A DEDICATED PORTION OF CAULFIELD PLACE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 60D nail found being 15 foot west of the respective centerline intersection of Delta Street (70-foot right-of-way) and Boone Avenue (100-foot right-of-way) from which a found 60D nail at the intersection of Boone Avenue and Oak Street (70-foot right-of-way) bears South  $03^{\circ}32'19''$  West, a distance of 730.03 feet; **Thence**, North  $03^{\circ}32'19''$  East, along said monument line, a distance of 35.00 feet to the north right-of-way of Delta street, **Thence**, North  $86^{\circ}27'41''$  West, a distance of 35 feet, to the westerly right of way of Boone Avenue and the southeast corner of Block 43, W.B. Latta's Woodlawn Addition; **Thence**, North  $03^{\circ}32'19''$  East, along said right-of-way, a distance of 415.61 feet to a 5/8" rebar with aluminum cap marked "R.P.L.S. 2198" set at the footing of a chain-link fence, and on the easterly boundary line of a certain parcel of land described January 8, 2001, in Book 3915, Page 846, Deed Records, El Paso County, Texas; **Thence**, North  $86^{\circ}18'54''$  West, along said easterly boundary line, a distance of 81.48 feet to the east right-of-way line of dedicated Caulfield Place (58 feet wide), recorded in Book 1404, Page 14, dated June 17, 1958, Deed Records, El Paso County, Texas, said point being the **POINT OF BEGINNING** of this description;

**THENCE**, North  $86^{\circ}18'54''$  West, continuing with said easterly boundary line, a distance of 87.75 feet, to a 5/8" rebar with aluminum cap marked "R.P.L.S. 2198" set at the footing of a chain-link fence;

**THENCE**, North  $58^{\circ}59'41''$  West, continuing along said chain link fence, a distance of 18.95 feet, to a 5/8" rebar with aluminum cap marked "R.P.L.S. 2198" set at the footing of a chain-link fence;

**THENCE**, North  $38^{\circ}04'20''$  West, continuing along said chain link fence, a distance of 19.57 feet, to a 2" galvanized iron pipe fence post set in concrete;

**THENCE**, North  $17^{\circ}43'57''$  West, continuing along said chain-link fence, a distance of 10.53 feet, to a 2" galvanized iron pipe fence post set in concrete;

**THENCE**, North  $86^{\circ}24'23''$  West, continuing along said chain-link fence, a distance of 89.53 feet, to a 2" galvanized iron pipe fence post set in concrete;

EXHIBIT A

**THENCE**, North 03°42'47" East, a distance of 9.95 feet, to a point on the north right-of-way line of said Caufield Place;

**THENCE**, South 86°27'30" East, along said right-of-way, a distance of 210.88 feet, to a point on the northeast corner of said Caufield Place;

**THENCE**, South 03°32'30" West, along said right-of-way, a distance of 43.43 feet, to the **POINT OF BEGINNING**, containing 0.132 Acre (5,759 S.F.) of land, more or less.

A Plat of even date accompanies this Metes & Bounds.

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS  
Texas License No. 5572

Date: 9/23/10

# A 0.132 ACRE OF LAND BEING A DEDICATED PORTION OF CAULFIELD PLACE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS

EXHIBIT B



SCALE: 1"=40'

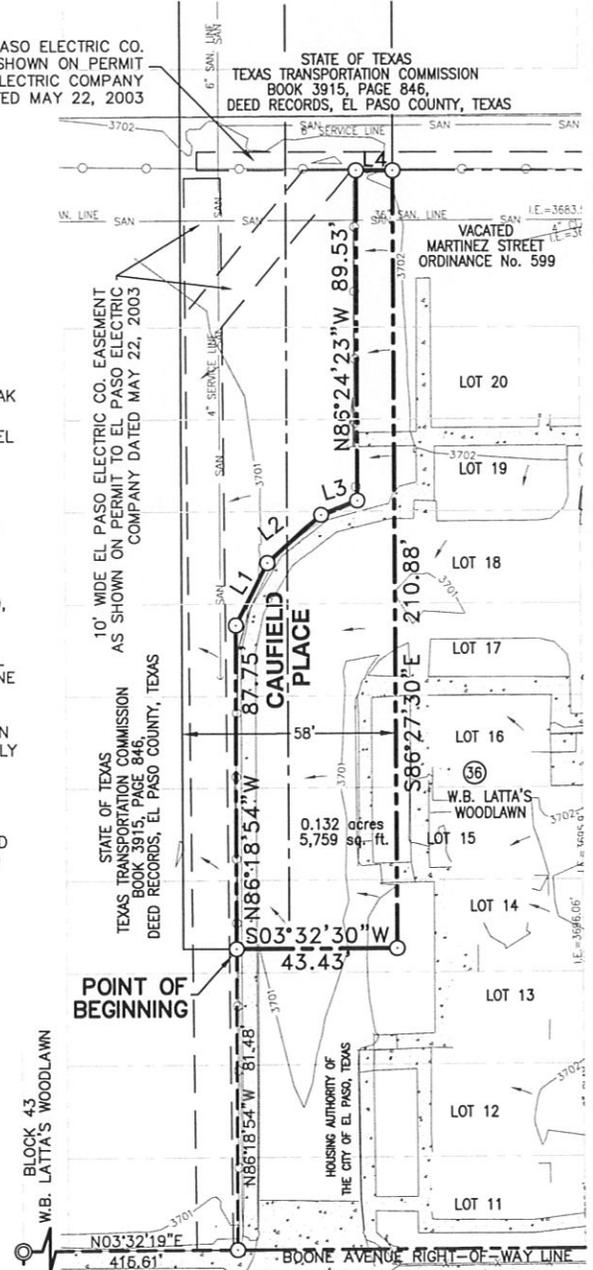
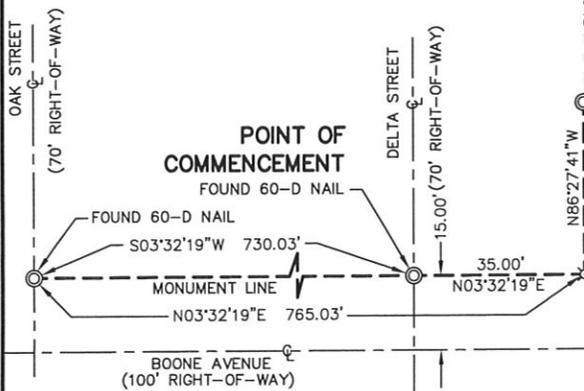
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N58°59'41"W	18.95
L2	N38°04'20"W	19.57
L3	N17°43'57"W	10.53
L4	N03°42'47"E	9.95

**SURVEYOR'S NOTES:**

1. BASIS OF BEARINGS IS BETWEEN THE FOUND 60-D NAILS FOUND WITHIN THE INTERSECTION OF BOONE STREET AND OAK AVENUE. NO BEARINGS ARE SHOWN ON W.B. LATTA'S WOODLAWN ADDITION (BOOK 13, PAGE 53, PLAT RECORDS, EL PASO COUNTY, TEXAS. BEARINGS ARE BASED ON G.P.S. OBSERVATION.
2. THIS SURVEY WAS BASED ON A DEED DATED JANUARY 8, 2001, IN BOOK 3915, PAGE 846, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. PLAT OF REFERENCE IS W.B. LATTA'S WOODLAWN ADDITION RECORDED IN BOOK 13, PAGE 53, PLAT RECORDS, EL PASO COUNTY, TEXAS.
4. CAULFIELD PLACE (58 FEET WIDE) DEDICATED TO THE CITY OF EL PASO BY DEED RECORDED IN BOOK 1404, PAGE 14, DATED JUNE 17, 1958, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. MARTINEZ STREET WITHIN BLOCK 36, W.B. LATTA'S WOODLAWN ADDITION WERE VACATED BY ORDINANCE No. 599, DATED JULY 12, 1951. SUBJECT HOWEVER TO THE RIGHTS OF THE UTILITIES.
6. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANELS 480214-0040B, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".
7. A METES & BOUNDS OF EVEN DATE ACCOMPANIES THIS PLAT.

**LEGEND**

- ⊙ RECOVERED SURVEY MONUMENT (AS NOTED)
- SET 5/8" REBAR W/CAP MARKED "FXS RPLS 2198" OR AS NOTED
- ⊠ CALCULATED CORNER FROM PLAT RECORD (POINT NOT SET)
- ▭ CONCRETE SURFACE
- EXISTING DRAINAGE FLOW PATTERN



9/23/10 *Charles H. Gutierrez*  
**CHARLES HENRY GUTIERREZ**  
 Registered Professional Land Surveyor #5572

**FRANK X. SPENCER & ASSOCIATES, INC.**  
 Consulting Civil Engineers & Land Surveyors  
 TBPE# F-3584, TBPLS# 100490-00  
 1130 MONTANA AVE.  
 EL PASO, TX 79902  
 (915) 533-4600

40' 0' 40' 80'  
 GRAPHIC SCALE: 1"=40'  
 SURVEY DATE: 6/21/2010  
 PLAT PREPARED: SEPT. 28, 2010  
 drawn by: jn



**MEMORANDUM**

**DATE:** December 20, 2010

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Raul Garcia, Planner

**SUBJECT:** SUB10-00255 Caufield Pl. Street Vacation

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The City Plan Commission (CPC), on November 18, 2010, **voted 6-0 to approve** the Caufield Pl. Street Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined the vacation protects the best interest, health, safety and welfare of the public in general; and the proposed use is compatible with adjacent land uses; and the vacation will have no negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

**Mayor**  
John F. Cook

**City Council**

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

**City Manager**  
Joyce A. Wilson





## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SUB10-00255 Caufield Place Street Vacation  
**Application Type:** Right-of-Way Vacation  
**CPC Hearing Date:** November 18, 2010

**Staff Planner:** Raul Garcia, 915-541-4935, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)  
**Location:** South of Paisano Drive and West of Boone Street  
**Acreage:** 0.132-acre  
**Rep District:** 8  
**Existing Use:** ROW  
**Existing Zoning:** A-3 (Apartments)

**Property Owner:** City of El Paso  
**Applicant:** Housing Authority of the City of El Paso  
**Representative:** Housing Authority of the City of El Paso

### **SURROUNDING ZONING AND LAND USE:**

**North:** A-3 (Apartments)/ Multi-family development  
**South:** A-3 (Apartments)/ Ponding area  
**East:** C-3/sp (Commercial/special permit)/ Commercial development  
**West:** A-3 (Apartments)/ TXDOT Facility

**THE PLAN FOR EL PASO DESIGNATION:** Mixed Use

### **APPLICATION DESCRIPTION**

The Housing Authority of the City of El Paso (HACEP) is proposing to vacate a portion of Caufield Place. The right-of-way to be vacated was dedicated through a separate instrument on June 17, 1958. The HACEP is the abutting property owner to the north and intends to incorporate the vacated portion into their existing lot. The Texas Department of Transportation (TXDOT) is the abutting owner to the south and has submitted written concurrence approving the proposed vacation by the applicant.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Caufield Place Street Vacation subject to the following conditions and requirements:

#### **Planning Division Recommendation:**

Approval.

#### **Land Development:**

No Objections. We have reviewed subject Street Vacation and recommend **Approval**.

**Department of Transportation:**

No objections to the proposed vacation of Caufield Place provided applicants ensure Webber Street has been previously vacated to prevent the creation of a dead-end street without creating a turn around as required in Section 19.15.10 of the El Paso City Code.

*(Webber was vacated when TXDOT acquired the abutting property.)*

**Engineering Department-Floodplain Coordinator:**

No comments received.

**El Paso Water Utilities:**

1. EPWU-PSB does not object to the proposed street vacation.
2. EPWU-PSB has been coordinating with the Applicant the proposed sewer main extensions/relocations required by the development. The easements required to accommodate the existing and proposed sewer main extensions will be dedicated by separate instrument.

General

3. There are existing water and sewer mains along Boone Street. There is an existing 36-inch diameter sanitary sewer interceptor along the vacated Martinez Street.
4. The applicant is responsible for the costs of any necessary extensions, relocations or adjustments of water and sanitary sewer lines, appurtenances, fire hydrants, and meters related to the proposed street vacation.
5. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy. EPWU-PSB requires access to the existing water main and appurtenances within the Utility Easements 24 hours a day, seven (7) days a week.

**Stormwater Division:**

No comments received.

**Parks and Recreation:**

No comments received.

**El Paso Fire Department:**

No comments received.

**El Paso Electric Company:**

El Paso Electric has no objection to the release of the captioned street as shown on the print by Frank X. Spence and Associates, Inc. dated 6/21/2010. EPE has no facilities in the proposed release area.

**Sun Metro:**

Sun Metro is not opposed to this street vacation request.

**911:**

No comments received.

**Texas Gas Company:**

No comments received.

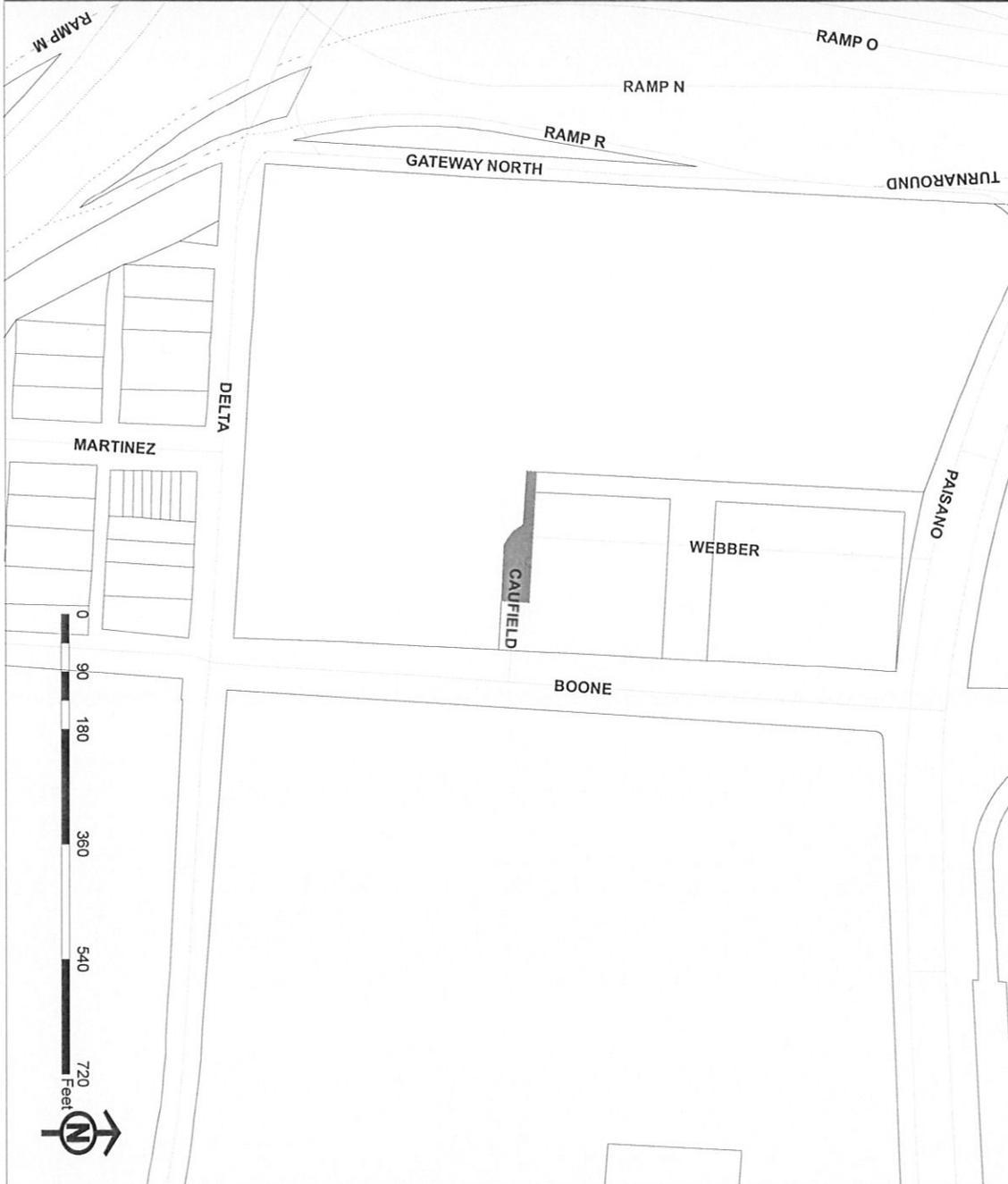
**El Paso Independent School District:**

No comments received.

**Attachments**

1. Location map
2. Aerial map
3. Survey
4. Application

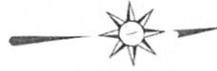
# CAUFIELD PL. STREET VACATION



# CAUFIELD PL. STREET VACATION



**A 0.132 ACRE OF LAND BEING A DEDICATED PORTION OF CAULFIELD PLACE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS**



SCALE: 1"=40'

5' WIDE EL PASO ELECTRIC CO. EASEMENT AS SHOWN ON PERMIT TO EL PASO ELECTRIC COMPANY DATED MAY 22, 2003

STATE OF TEXAS  
TEXAS TRANSPORTATION COMMISSION  
BOOK 3915, PAGE 846,  
DEED RECORDS, EL PASO COUNTY, TEXAS

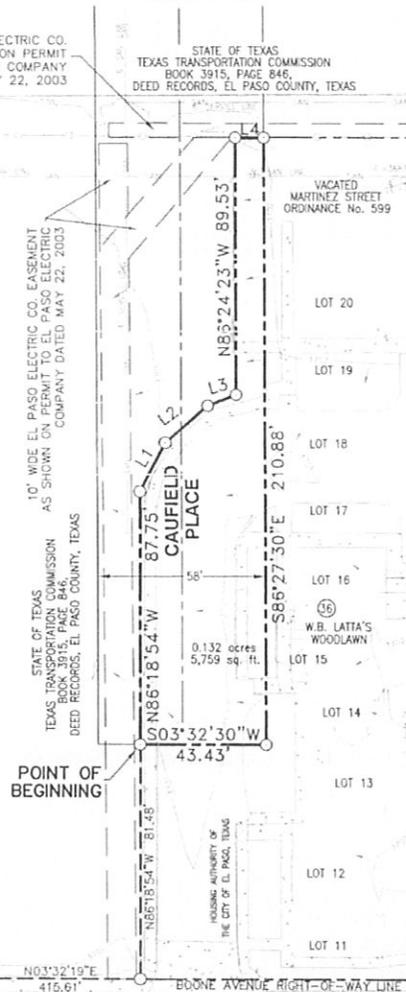
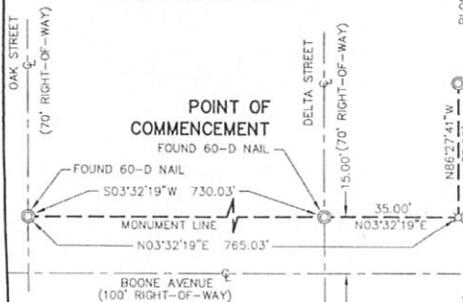
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9/23/10 *Charles H. Gutierrez*  
**CHARLES HENRY GUTIERREZ**  
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40' 0' 40' 80'  
 GRAPHIC SCALE: 1"=40'  
 SURVEY DATE: 6/21/2010  
 PLAT PREPARED: SEPT. 28, 2010  
 drawn by: jh

**ATTACHMENT 4**



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

Date: \_\_\_\_\_ File No. SUB10-00255

1. APPLICANTS NAME Housing Authority of the City of El Paso  
ADDRESS 5300 E. Paisano Dr. ZIP CODE 79905 TELEPHONE (915) 849-3742
2. Request is hereby made to vacate the following: (check one)  
Street  Alley \_\_\_\_\_ Easement \_\_\_\_\_ Other \_\_\_\_\_  
Street Name(s) Cayfield Place Subdivision Name W.B. Latta's Woodlawn Addition  
Abutting Blocks 36 Abutting Lots 14-20 Vacated Martinez Street Ordinance N# 599
3. Reason for vacation request: Replat Required by the City of El Paso.
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 Paisano Green Community
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
<u>Joseph Lopez</u>	<u>36 Woodlawn 1 to 10 +</u>	<u>(915) 849-3728</u>
<u>Renee Lopez</u>	<u>NLY PT of 11 to 20</u>	<u>(915) 790-4202</u>
_____	<u>34 Woodlawn all of Blk</u>	_____
_____	<u>(EXC WLY PT) + BIKS 37 &amp; 42</u>	_____
_____	<u>(EXC WLY PT) All of Blk 43 +</u>	_____
_____	<u>SLY PT of 11 to 20 Blk 36 +</u>	_____
_____	<u>SLY PTS of 1 to 13 Blk 1 Bonita</u>	_____

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. 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.

CASHIER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE: [Signature]  
REPRESENTATIVE: CEO HACEP

**APPROVED AS TO FORM:**

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.  
M. [Signature]  
HACEP Legal Counsel

Date: 10-5-10