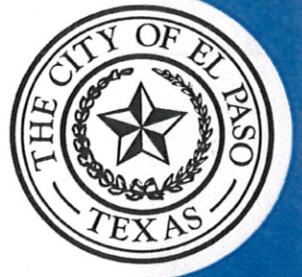


Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: CCA 01/05/2010 Introduction, CCA 01/12/2010 Public Hearing

CONTACT PERSON/PHONE: Raul Garcia, 541-4935

DISTRICT(S) AFFECTED: 2

SUBJECT:

An ordinance vacating a portion of Portland Avenue, 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) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval (4-0)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

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
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Development Services Department

Victor Q. Torres - Director

2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF PORTLAND AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, City Council directed the City Manager to direct staff to prepare an ordinance vacating a portion of Portland Avenue to vehicular traffic, but retaining the portion vacated for pedestrian use and utility easement for the continued placement of utilities for maintenance, repair, and replacement of those facilities; and,

WHEREAS, the City Plan Commission has recommended that the portion of Portland Avenue between *Elm Street & Grant Avenue, Map of Manhattan Heights Addition, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" and Survey in Exhibit "B" attached hereto and made a part hereof, be closed to public vehicular use and the City Council finds that said right-of-way should be closed as recommended;

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

That the portion of Portland Avenue, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference, be and is hereby closed to public vehicular use, subject to the entire length and width of the right-of-way in Exhibit "A" being retained as a pedestrian right of way accessible to pedestrians and a utility easement for maintenance, repair, and replacement of public utility facilities.

PASSED AND APPROVED this _____ day of _____, 2010

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy
Mathew McElroy
Development Services Department

Property Description: Portland Street, between Elm Street and Grant Avenue, Map of Manhattan Heights Addition, City of El Paso, El Paso County, Texas.

**METES AND BOUNDS DESCRIPTION
PARCEL 1**

The parcel of land herein described is all of Portland Street, between Elm Street and Grant Avenue, Map of Manhattan Heights Addition, City of El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Elm Street (70' right-of-way) and San Diego Street (70' right-of-way), from which, an existing city monument lying 10 feet east of the centerline of Elm Street bears South 00°00'08" East a distance of 713.79 feet for the Basis of Bearings; Thence, from the **Point of Commencement** and along said monument line, South 00°00'08" East a distance of 644.65 feet to an existing city monument lying 10 feet east of said centerline and the common boundary line of Manhattan Heights Addition and Alamo Heights Addition; Thence, leaving said monument line and along said boundary line, North 89°59'52" East, a distance of 25.00 feet to the easterly right-of-way line of said Elm Street and the southerly right of way line of described Portland Street, from which a found chiseled "X" bears S88°23'18"W a distance of 0.18'; said point also being the **Point of Beginning**; From which, for reference a found chiseled "X" for the southernmost corner of Block J, Alamo Heights bears S00°00'08"E a distance of 58.65;

THENCE, from the **Point of Beginning, North 00° 00' 08" West**, along said easterly right-of-way line of Elm Street, a distance of **35.00** feet to a set ½ inch rebar with SLI cap stamped TX-2998 for the northernmost corner, said point lies on the southerly boundary line of Block 38, Manhattan Heights Addition and the northerly right-of-way line of Portland Street;

THENCE, **North 89° 59' 52" East**, along said right-of-way line, a distance of **139.80** feet to a set ½ inch rebar with SLI cap stamped TX-2998 for the northeast corner, said point lies on the northwesterly right-of-way line of Grant Avenue (60' right-of-way);

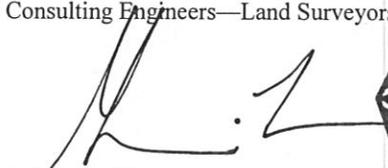
THENCE, **South 56° 10' 52" West**, along said right-of-way line, a distance of **62.89** feet to the common boundary line of Manhattan Heights Addition and Alamo Heights, said point lies on the south right-of-way line of Portland Street, from which a found ½" rebar with cap bears N62°42'49"W, a distance of 0.21 feet;

THENCE, **South 89° 59' 52" West**, along said boundary line, a distance of **87.55** feet to the **Point of Beginning** of this description.

Said parcel of land contains 0.091 acres (3,979 Sq. Ft.) of land more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

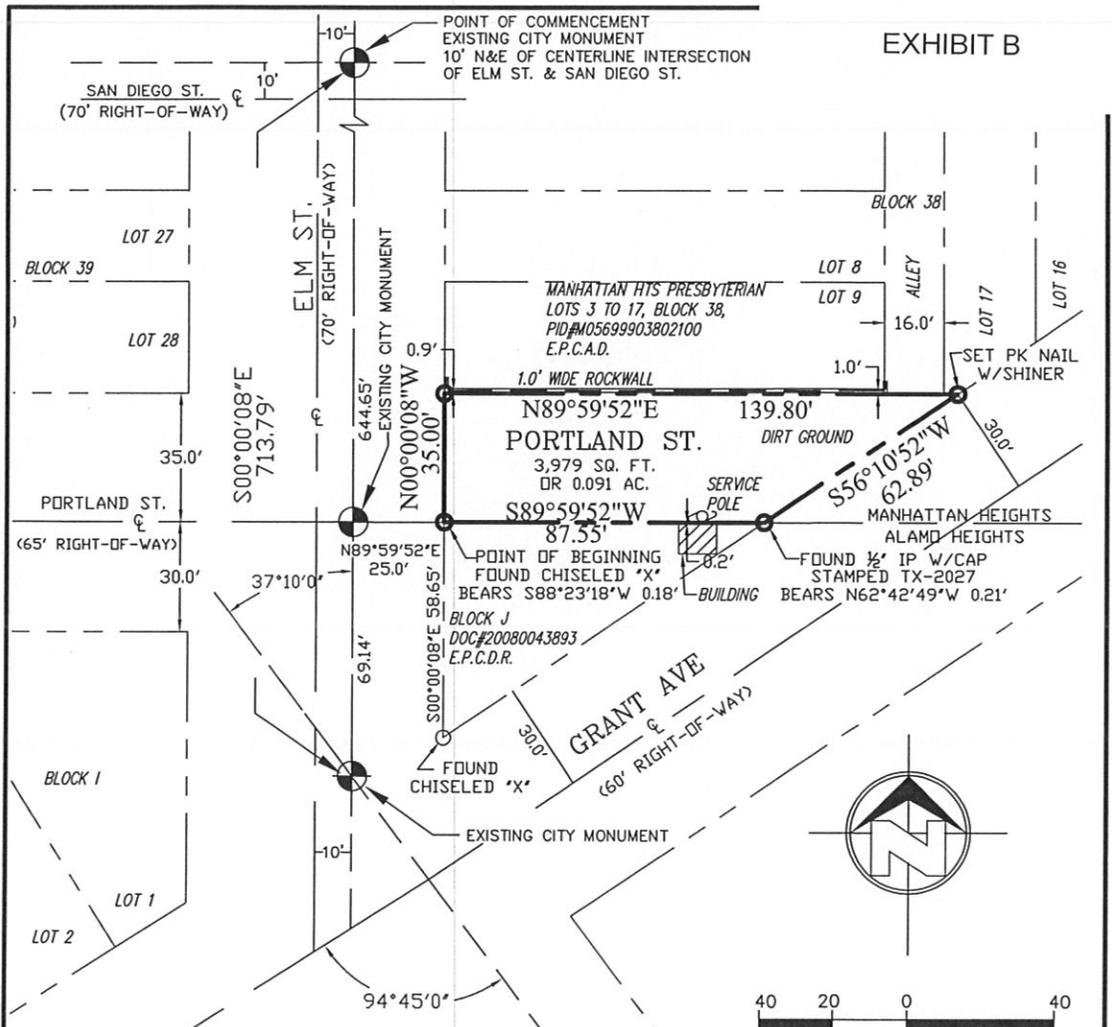
SLI ENGINEERING, INC,
Consulting Engineers—Land Surveyors



Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998
December 15, 2009
Job # 06-09-2857



M&B/1588



ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0033 B, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD ZONE C.

ZONE C: AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

Copyright 2009 SLI Engineering, Inc.

This map and survey are being provided solely for the use of The City of El Paso and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon December 15, 2009.

NOTES:

1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.
2. SET 1/2" IRON WITH SLI CAP STAMPED "TX 2998" ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
3. BASIS OF BEARINGS: MAP OF MANHATTAN HEIGHTS ADDITION.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
5. NO BUILDINGS EXIST ON THE PROPERTY.



SLI ENGINEERING, INC.
F-1902

PLAT OF SURVEY		CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. _____ GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998
 SLI ENGINEERING, INC. CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 6600 WESTWIND DRIVE EL PASO, TEXAS 79912 915-584-4457	PORTLAND STREET BETWEEN ELM STREET & GRANT AVENUE, MAP OF MANHATTAN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS	
JOB #: 06-09-2857 DR. BY: hig/ek SCALE: 1"=40' F.B. #: BS/RE DATE: 12/15/2009 M&B#: 1588		F:\PROJECTS\IMPSURV\09-2857 Portland (city)\ dwg\Portland St (city).dwg



MEMORANDUM

DATE: December 22, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Planner
SUBJECT: SUB09-00143

The City Plan Commission (CPC), on November 19, 2009, **voted 4-0 to approve** the vacation of the vehicular interest on a portion of Portland Avenue.

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
Melina Castro

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: SUB09-00143 Portland Street Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: November 19, 2009
Staff Planner: Raul Garcia, 915-541-4935, garcia1@elpasotexas.gov
Location: East of Piedras Street @ Portland Avenue
Legal Description Acreage: 0.08 acre
Rep District: 2
Existing Use: Unimproved ROW
Existing Zoning: R-3H (Residential Historical)
Proposed Zoning: R-3H (Residential Historical)
Property Owner: City of El Paso
Applicant: City of El Paso
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: R-3H (Residential Historical)/ Single-family development
South: R-3H (Residential Historical)/ Historic gas station
East: R-3H (Residential Historical)/ Single-family development
West: R-3H (Residential Historical)/ Single-family development

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

This is a city initiated vacation to vacate the vehicular interest on Portland Avenue between Elm Street and Grant Avenue. On October 20, 2009, City Council approved an action directing staff to begin the vacation of the vehicular interest on this right-of-way. The portion to be vacated measures approximately 105' in length and 35' in width. The abutting property to the south is a historical gas station that has been restored. Access for pedestrians will remain and the ROW will remain a full width utility easement.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval.

DEVELOPMENT COORDINATING COMMITTEE

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

Planning Division Recommendation:

Approval.

Land Development:

No objections.

Engineering Department-Traffic:

No objection to proposed vacation.

Parks and Recreation Department:

No comments received.

El Paso Water Utilities:

1. The El Paso Water Utilities does not object to the proposed vacation as long as the street to be vacated becomes a full-width Utility Easement to allow for the access, maintenance and operation of an existing 10-inch diameter sanitary sewer main located approximately 10-feet north of the southern right-of-way line of Portland Street.
2. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the Easement referenced above without the written consent of EPWU-PSB. EPWU requests landscape plans for review and approval
3. EPWU-PSB requires access to the sewer facilities, appurtenances, and meters 24 hours a day, seven (7) days a week.
4. There are no existing water mains along the portion of Portland Street to be vacated.
5. 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.

Stormwater Division:

1. The EPWU Stormwater Division does not object to the proposed Portland Street vacation as long as a 15-foot wide Drainage Easement is granted to accommodate an existing 36-inch diameter reinforced concrete drainage pipe (see City Eng. plan #236865, Sheet 29) located along Portland Street within the limits of the proposed vacation. The Drainage Easement shall allow for the access, maintenance, and operation of the existing 36-diameter reinforced concrete pipe.

Historic Preservation Officer:

No objections to the proposed vacating of vehicular use to this unimproved portion of land. Retaining this strip of property as open space is a correct choice that will serve as a positive attribute to the Manhattan Heights Historic District.

El Paso Fire Department:

No comments received.

Sun Metro:

Sun Metro is not opposed to this street vacation request.

911

No comments received.

El Paso Electric Company:

No comments received.

Texas Gas Company:

No comments received.

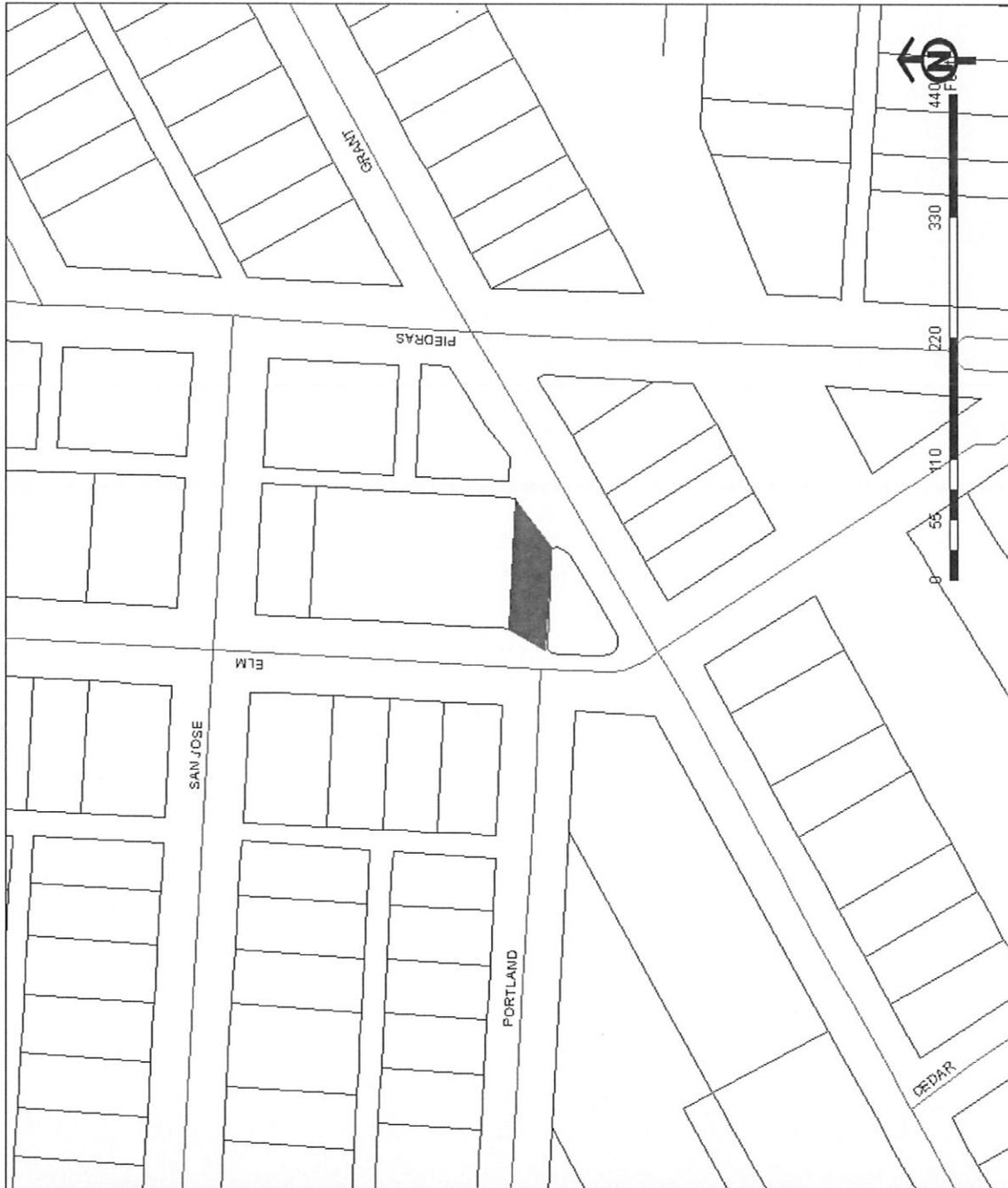
El Paso Independent School District:

No comments received.

Attachments

1. Location map
2. Aerial map
3. Application

ATTACHMENT 1



PORTLAND STREET VACATION

ATTACHMENT 2



ATTACHMENT 3



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

Date: 10-22-09 File No. SUB09-00143

1. APPLICANTS NAME City of El Paso
ADDRESS 2 Civic Center ZIP CODE 79901 TELEPHONE 541-4056

2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) Portland St. Subdivision Name Alamo Heights + Manhattan Heights
Abutting Blocks J, 38 Abutting Lots 3-17 Manhattan Heights

3. Reason for vacation request: to vacate vehicular interest

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. If 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 Jorge G. Millan
REPRESENTATIVE _____

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