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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 01/20/09 Introduction, CCA 01/27/09 Public Hearing**

CONTACT PERSON/PHONE: **Raul Garcia, 541-4935**

DISTRICT(S) AFFECTED: 8

SUBJECT:

AN ORDINANCE VACATING A PORTION OF A 20 FOOT WIDE ALLEY, BETWEEN LOTS 11-14 & 7-10, BLOCK 214 CAMPBELL ADDITION AND A PORTION OF AN 18 FOOT WIDE ALLEY BETWEEN LOTS 1-3 & 17-19, BLOCK 1 FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: CENTRO DE SALUD FAMILIAR LA FE. SUB08-00136. **(DISTRICT 8)**

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 (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

for _____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

THE CITY OF EL PASO TEXAS

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 A 20 FOOT WIDE ALLEY, BETWEEN LOTS 11-14 & 7-10, BLOCK 214 CAMPBELL ADDITION AND A PORTION OF AN 18 FOOT WIDE ALLEY BETWEEN LOTS 1-3 & 17-19, BLOCK 1 FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner, Centro de Salud Familiar La Fe, Inc., has requested that a portion of a 20 foot wide alley between lots 11-14 & 7-10, Block 214 Campbell Addition, and a portion of an 18 foot wide alley between lots 1-3 & 17-19, Block 1 Franklin Heights Addition City of El Paso, El Paso County, Texas, be vacated; and,

WHEREAS, the City Plan Commission on October 23, 2008 recommended the vacation, and the El Paso City Council finds that said right-of-way is not needed for public use by the City 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, Centro de Salud Familiar La Fe, Inc., a 501(c)(3) non-profit organization, or its assigns, intends to construct a mixed-income, mixed use redevelopment project in the Magoffin Historic District to consist of 91-unit high quality residential rental housing campus, of which 19 units shall be affordable units defined herein as units occupied by tenant households with incomes that do not exceed fifty percent (50%) of the area median income, as determined annually by the U.S. Department of Housing and Urban Development (HUD), for at least twenty (20) years; 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 to moderate-income families in the community through public/private partnership and community reinvestment, which but for the additional land provided by the portion of Ange Street and adjacent alleyway, would not be feasible; and by encouraging in-fill development and new construction on the property as part of the City's strategy of promoting revitalization and redevelopment of distressed neighborhoods in the Downtown area through the development of low to moderate income affordable housing opportunities; and,

WHEREAS, the City Council finds that the City's property interest in the area to be vacated is valued at no more than $11.18 per square foot, the average price per square foot

for fee title paid by Centro de Salud Familiar La Fe, Inc. to acquire the abutting property in 1993, 2004, and 2007;

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

Section 1. That the above findings are hereby found to be true and correct and are hereby adopted by the City Council and incorporated herein for all purposes as if fully set out herein.

Section 2. That a determination has been made that (1) it in the best interest of the public that portion of a 20 foot wide alley between lots 11-14 & 7-10, Block 214 Campbell Addition, and a portion of an 18 foot wide alley between lots 1-3 & 17-19, Block 1 Franklin Heights Addition 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, made a part hereof by reference, be and is hereby vacated and will be conveyed subject to the following terms and conditions stated below; and (2) it serves a valid public purpose to convey the City's interest in the land at less than fair market value:

a. The existing water and sanitary sewer mains that cross Ange Street along the alley will be abandoned in place. Centro de Salud Familiar La Fe, Inc. or its assigns, is responsible for the costs associated with the abandoned mains, to include cutting and plugging, and the installation of manholes, any necessary extensions, relocations, upgrades or adjustments of water and sanitary sewer lines as required by the City including the El Paso Water Utilities, and any appurtenances, public fire hydrants, and meters related to the improvement work of the vacated property.

b. Twenty four hour a day, seven (7) days a week access to the remaining public alley shall be provided to the City of El Paso.

c. That for a period of twenty (20) years from the date of the issuance of a certificate of occupancy, the above described property be used as part of the living campus for the mixed-income, mixed use rental housing project to be constructed by Centro de Salud Familiar La Fe, Inc., its successors or assigns, and that at least nineteen (19) affordable rental units be made available to low to moderate income families in the community during said twenty-year period

d. That subsection (c) above shall be enforced by a restrictive covenant in the conveying deed.

Section 3. That 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, incorporating the above conditions and reversionary interest, to Centro de Salud Familiar La Fe, Inc or its assigns.

PASSED AND APPROVED this _____ day of _____, 2009.

SIGNATURES ON FOLLOWING PAGE

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Deputy Director
Development Services Department

Exhibit A

LAND DESCRIPTION

Being a portion of a 20-foot wide alley between Lots 7 through 10 and Lots 11 through 14, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas filed in Book 2, Page 68 Plat Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at 5/8" rebar with cap found at the intersection of the southerly right-of-way line of Myrtle Street and the southerly right-of-way line of Ange Street said point being the northeast corner of said Lot 11, Block 214, Campbell Addition; **THENCE**, along said southerly right-of-way line of Ange Street South 37°00'00" East, a distance of 120.00 feet to a 60D nail found in the northerly right-of-way line of said 20-foot wide Alley and the southeast corner of said Lot 11, Block 214, Campbell Addition and being **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said southerly right-of-way line of said Ange Street South 37°00'00" East, for a distance of 20.00 feet to a 1/2" rebar found in the southerly right-of-way line of said 20-foot wide Alley being the northeast corner of Lot 10, Block 214, Campbell Addition;

THENCE, along said southerly right-of-way line of said 20-foot wide Alley South 53°00'00" West, for a distance of 104.00 feet to a 5/8" rebar with cap marked "KECO" found at the northwest corner of said Lot 7, Block 214, Campbell Addition;

THENCE, departing said southerly right-of-way line of said 20-foot wide Alley North 37°00'00" West, for a distance of 20.00 feet to a 5/8" rebar with cap marked "KECO" set in the northerly right-of-way line of said 20-foot wide Alley being the southeast corner of lot 14, Block 214, Campbell Addition;

THENCE, along said northerly right-of-way line of said 20-foot wide Alley North 53°00'00" East, for a distance of 104.00 feet to the **POINT OF BEGINNING** containing 0.048 acre or 2,080 square feet, more or less.

KISTENMACHER ENGINEERING COMPANY, INC.
1420 GERONIMO DRIVE, SUITE A-2
EL PASO, TEXAS 79925
(915) 778-4476

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS }
} **QUITCLAIM DEED**
COUNTY OF EL PASO }

That the CITY OF EL PASO ("Grantor") has released and quitclaimed and by these presents does release and quitclaim unto Centro de Salud Familiar La Fe, Inc. ("Grantee") all its rights, title, interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. _____, passed and approved by the City Council of the City of El Paso and described as, A PORTION OF A 20 FOOT WIDE ALLEY, BETWEEN LOTS 11-14 & 7-10, BLOCK 214 CAMPBELL ADDITION AND A PORTION OF AN 18 FOOT WIDE ALLEY BETWEEN LOTS 1-3 & 17-19, BLOCK 1 FRANKLIN HEIGHTS ADDITION, 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 made a part hereof by reference (the "Property") and for the public purpose recited therein, subject to the following restrictions, conditions, and reservations from and exceptions to conveyance:

1. A reservation unto the Grantor of a twenty four hour a day, seven (7) days a week access to the remaining public alley.

2. For a period of twenty (20) years from the date of the issuance of a certificate of occupancy, the above described property be used as part of the living campus for the mixed-income, mixed use rental housing project to be constructed by Centro de Salud Familiar La Fe, Inc., its successors or assigns and that at least nineteen (19) affordable rental units defined herein as units occupied by tenant households with incomes that do not exceed fifty percent (50%) of the area median income, as determined annually by U.S. Department of Housing and Urban Development (HUD), be made available to low to moderate income families in the community during said twenty-year period.

3. The foregoing in Section 2 above is intended to create and does create a restrictive covenant, and it is the intent of Grantor to convey to Grantee the Grantor's interest subject to this restrictive covenant.

This Deed is hereby accepted by Grantee under the terms, covenants and conditions stated herein.

SIGNATURES ON FOLLOWING PAGE

WITNESS the following signatures and seal this _____day of _____, 2009.

CITY OF EL PASO

_____
Joyce Wilson, City Manager

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew McElroy, Deputy Director
Development Services Department

ACCEPTANCE BY:

CENTRO DE SALUD FAMILIAR LA FE, INC.

_____
BY: Salvador Balcorta, Executive Director

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2009, 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:
_____

ACKNOWLEDGEMENTS CONTINUE ON FOLLOWING PAGE

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2009, by Salvador Balcorta, as Executive Director of CENTRO DE SALUD FAMILIAR LA FE, INC., on behalf of said entity.

_____
Notary Public, State of Texas

Notary's Printed or Typed Name: _____

My Commission Expires:

_____

AFTER FILING RETURN TO:

Centro De Salud Familiar La Fe
608 S. St. Vrain
El Paso, Texas 79901

with copy to:
Development Services Department
Planning Division
2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901

City of El Paso – City Plan Commission Staff Report

Case No:	SUB08-00136 Ange Alley Vacation
Application Type:	Alley Vacation
CPC Hearing Date:	October 23, 2008
Staff Planner:	Raul Garcia, 915-541-4935, *garciar1@elpasotexas.gov*
Location:	North of Magoffin Avenue at Ange Street
Acreage:	0.031 & 0.048 acre
Rep District:	8
Existing Use:	Public ROW
Existing Zoning:	C-4/sp/H (Commercial/special permit/historical), C-4sp (Commercial/ special permit), C-4/H (Commercial/historical), A-3/sc/sp/H (Apartments/special contract/special permit/historical)
Property Owner:	City of El Paso
Applicant:	Centro De Salud Familiar La Fe
Representative:	Centro De Salud Familiar La Fe

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial); Commercial uses, C-4/sp/H (Commercial/special permit/historical); Commercial uses
South: A-O/H/sc (Apartment-Office/historical/special contract); Apartments
East: C-4/H/sp (Commercial/historical/special permit); Commercial & Apartment uses
West: C-4/H(Commercial/historical); Commercial uses

THE PLAN FOR EL PASO DESIGNATION: Residential

APPLICATION DESCRIPTION

The applicant is proposing to vacate two portions of Ange Street Alley located between Myrtle Avenue and Magoffin Avenue. The applicant owns the abutting parcels on the north and south sides of both portions of the alley. This alley vacation is part of a larger development plan that the applicant is proposing for the area, which includes a rezoning application that is scheduled to go before the City Plan Commission at a later date.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDS:

Approval.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee recommends ***approval*** of the proposed vacation of a portion of Ange Street Alley subject to the following conditions and requirements:

Planning Division Recommendation

Approval.

Land Development

No objections.

Engineering Department—Traffic
No objection to proposed alley vacation.

Parks and Recreation Department
No comments received.

El Paso Water Utilities
1. EPWU-PSB does not object to this request contingent to the following conditions:

- The existing water and sanitary sewer mains along the portions of the alley and the street to be vacated need to be abandoned in place. The water main will be plugged and new sanitary sewer manholes installed at the each of the limits with the remaining public alley. The Applicant is responsible for the costs of abandonment of mains (depreciation), cutting and plugging, and the installation of manholes.

- A water main extension will be required along Saint Vrain from the Alley to Myrtle Street to provide adequate water circulation on the system after cutting and plugging the existing water main. The Applicant is responsible for all water main installation costs.

- EPWU-PSB requires access to the water and sanitary sewer facilities and appurtenances in the remaining public alley 24 hours a day, seven (7) days a week. **The access provided shall allow the operation of EPWU maintenance vehicles.**

Water
2. There is an existing 4-inch diameter water main that extends along the alley from Virginia Street to Octavia Street.

Sanitary Sewer
5. There is an existing 6-inch sanitary sewer main along the alley within Block 214, Campbell Addition. This sewer mains dead-ends at the eastern right-of-way line of Ange Street. Also, there is an existing 10-inch sanitary sewer main along the alley within Block 1, Franklin Heights Addition.

General
6. **The applicant is responsible for the costs of any necessary extensions, relocations, upgrades or adjustments of water and sanitary sewer lines, appurtenances, fire hydrants, and meters related to the proposed improvement work for the site.**

7. In the event that the City of El Paso Fire Department requires additional public fire hydrants and/or an on-site fire protection system, the applicant is responsible for all costs incurred to provide this service.

El Paso Fire Department
No comments received.

911
No comments received.

El Paso Electric Company
No comments received.

Texas Gas Company
No comments received.

Central Appraisal District
No comments received.

GIS
No comments received.

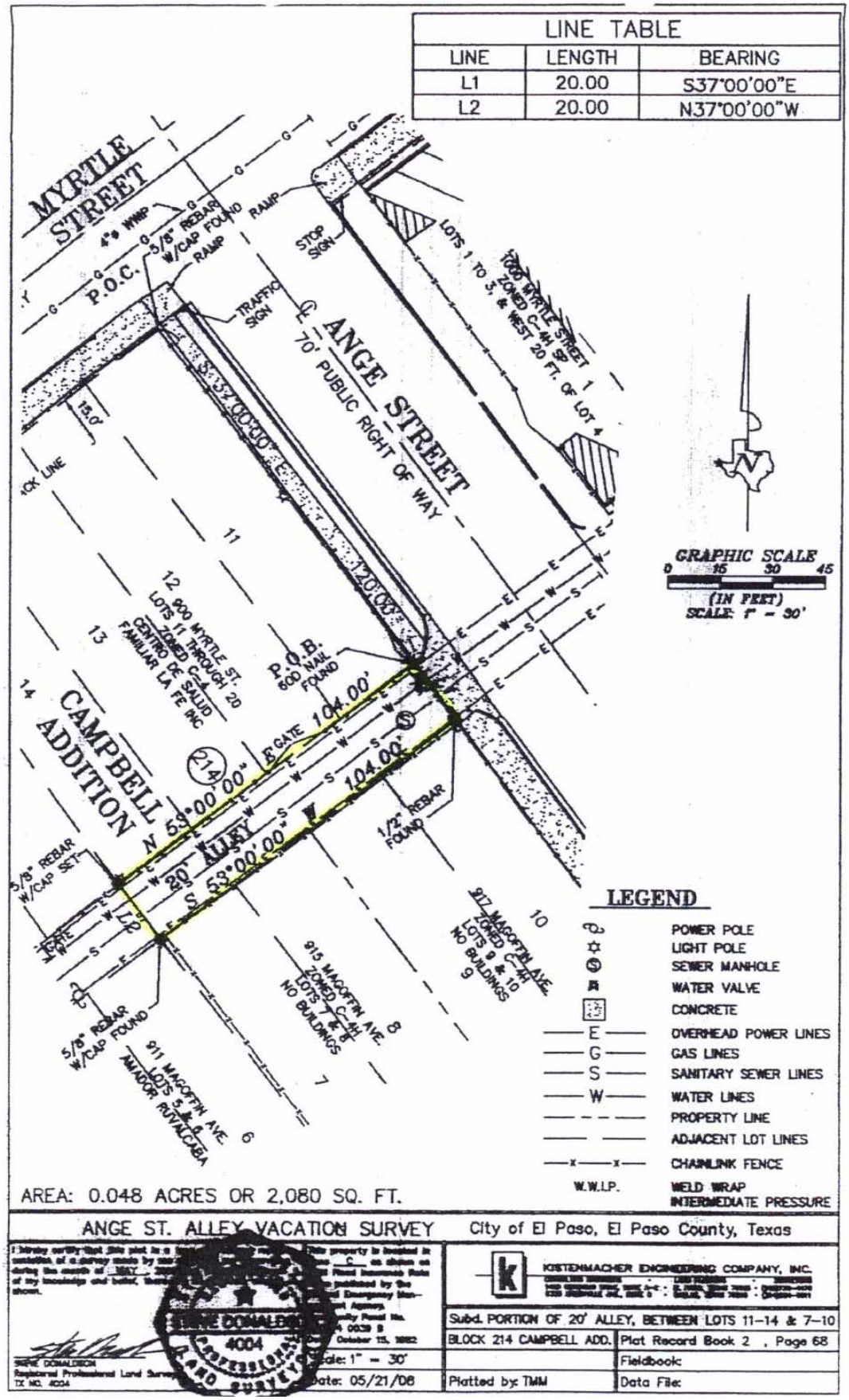
Attachments

1. Location map
2. Aerial
3. Survey (western portion)
4. Survey (eastern portion)
5. Application

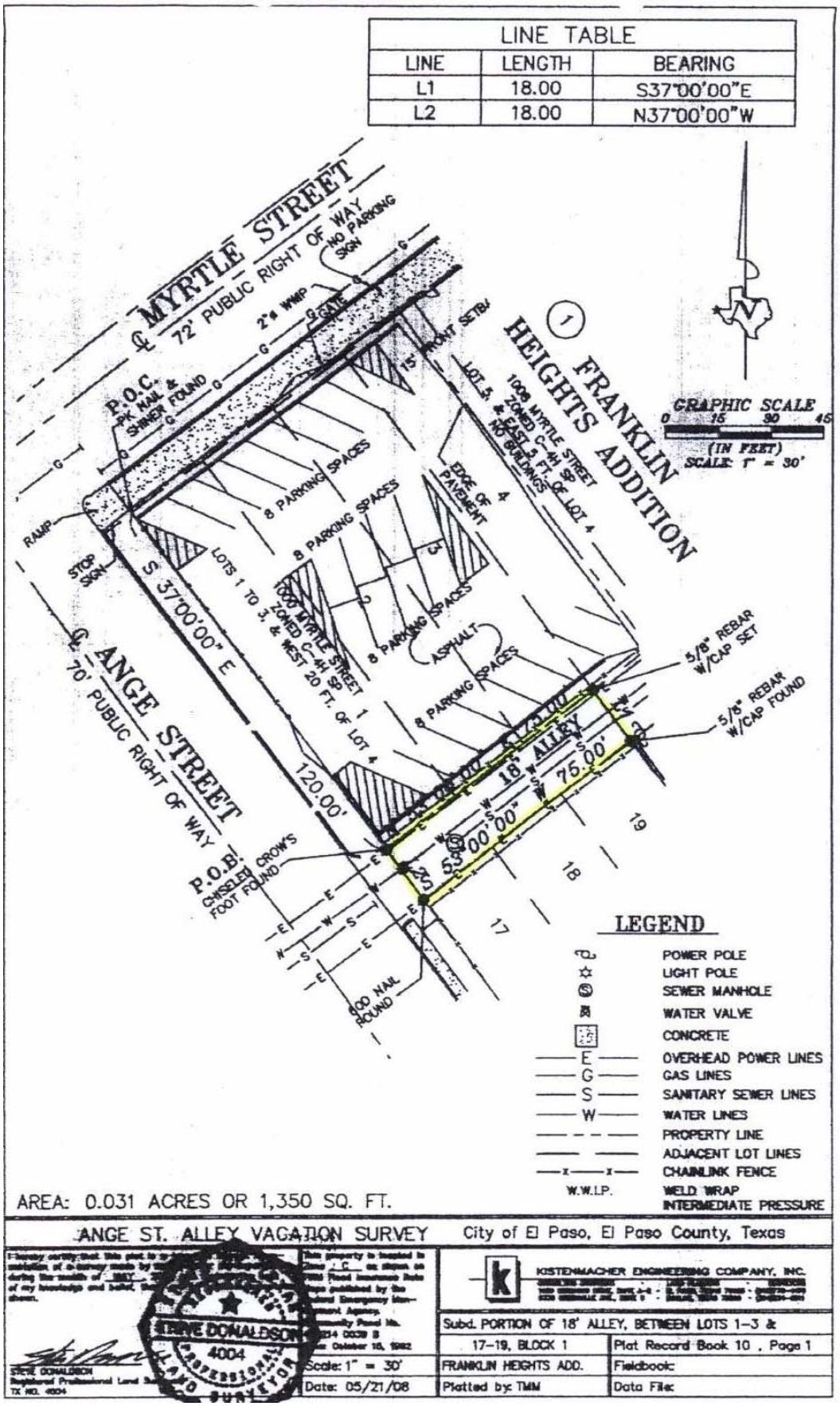
ATTACHMENT 1

ATTACHMENT 2

ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5

SUB08-00136

APPLICATION FOR VACATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY

DATE_____

1. APPLICANTS NAME Centro de Salud Familiar LaFe, Inc

ADDRESS 608 S. St. Vrain ZIP CODE 79901 TELEPHONE (915) 534-7979

2. Request is hereby made to ~~dedicate~~ vacate the following: (check one)

Street____ Alley ✓ Easement____ Other____

Street Name(s)_____ Subdivision Name Franklin Heights Addition & Campbell Addition

Abutting Blocks 1 & 214, respectively Abutting Lots 1-3, 17-19 & 7-10, 11-14, respectively

3. Reason for the vacation request: To create a secure living campus by joining four parcels.

4. Surface Improvements located in subject property to be dedicated:

None____ Paving ✓ Curb & Gutter____ Power Lines/Poles ✓ Fences/Walls____ Structures____ Other____

5. Underground Improvements located in subject right-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 dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description/Address	Telephone Number
See attached.		

CITY OF EL PASO PAID OCT 02 2008 DEVELOPMENT SERVICES DEPT.

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.

Signed By: [signature]

Land Owner/Applicant/Agent NAME: Robert Gonzales

9/16/08 TITLE: Chief Operating Officer

Date

FEE AMOUNTS:

_____ Easement Vacation $342.60

_____ Street, Alley, Other Rights-of-Way Vacation $571.00 plus cost of appraisal and value

CASHIER'S VALIDATION

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

M E M O R A N D U M

DATE: January 14, 2009

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

FROM: Raul Garcia, Planner

SUBJECT: **SUB08-00136**

The City Plan Commission (CPC), on October 23, 2008, **voted 6-0** to **approve** the Ange Alley 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

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Melina Castro

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