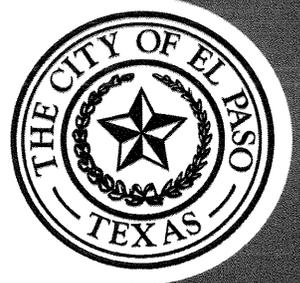


*Dedicated to Outstanding Customer Service for a Better Community*  
**SERVICE SOLUTIONS SUCCESS**



**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 ANGE STREET LOCATED BETWEEN BLOCK 1, FRANKLIN HEIGHTS ADDITION AND BLOCK 214 CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: CENTRO DE SALUD FAMILIAR LA FE. SUB08-00135. (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

**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 – 5<sup>th</sup> Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

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

**AN ORDINANCE VACATING A PORTION OF ANGE STREET BETWEEN BLOCK 1 FRANKLIN HEIGHTS ADDITION AND BLOCK 214 CAMPBELL 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 Ange Street between Block 1 Franklin Heights Addition and Block 214 Campbell 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 is in the best interest of the public that a portion of Ange Street between Block 1 Franklin Heights Addition and Block 214 Campbell 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 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.

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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 the 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:**

*Philip Elmer*  
\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Development Services Department

CITY CLERK DEPT.  
09 JAN 22 PM 12:20

PROPERTY DESCRIPTION

Being a portion of Ange Street, between Block 1, Franklin Heights Addition, and Block 214, Campbell Addition, in the City of El Paso, El Paso County, Texas according to the map thereof on file in Book 2, Page 68, Plat Records of El Paso County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8" rebar with cap set at the northeast corner of Lot 11, Block 214, Campbell Addition, at the intersection of the westerly right-of-way line of Ange street and the southerly right-of-way of Myrtle street;

**THENCE**, North 53°49'06" East along said southerly right-of-way line for a distance of 70.01 feet to a PK nail and shiner set at the northwest of Lot 1, Block 1, Franklin Heights Addition at the intersection of the Easterly right-of-way line of Ange street and the southerly right-of-way of Myrtle street;

**THENCE**, South 37°00'00" East leaving said southerly right-of-way line and with said easterly right-of-way line for a distance of 258.00 feet to a chiseled crow's foot set at the southwest corner of Lot 17, Block 1, Franklin Heights Addition at the intersection of the northerly right-of-way of Magoffin Street and the easterly right-of-way of Ange Street;

**THENCE**, South 52°10'54" West leaving said easterly right-of-way line and along said northerly right-of-way for a distance of 70.01 feet to 5/8" rebar with cap set at the southeast corner of Lot 10, Block 214, Campbell Addition at the intersection of the westerly right-of-way line of Ange street and said northerly right-of-way of Magoffin Street;

**THENCE**, North 37°00'00" West leaving said northerly right-of-way of Magoffin Street, and along said westerly right-of-way line of Ange Street for a distance of 260.00 feet to the **POINT OF BEGINNING**;

Said parcel contains 0.416 acres or 18,130 square feet of land, more or less.

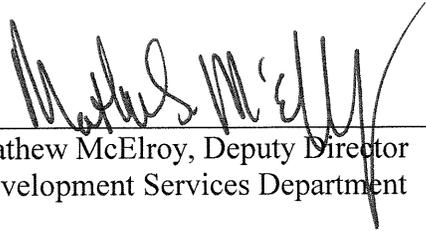
KISTENMACHER ENGINEERING COMPANY, INC.  
1420 GERONIMO DRIVE, SUITE A-2  
EL PASO, TEXAS 79925  
(915) 778-4476

November 26, 2007



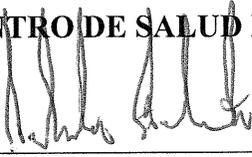


\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

  
\_\_\_\_\_  
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**

CITY CLERK DEPT.  
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**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

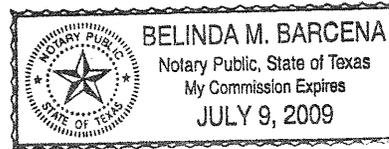
This instrument is acknowledged before me on this 22nd day of January, 2009, by Salvador Balcorta, as Executive Director of CENTRO DE SALUD FAMILIAR LA FE, INC., on behalf of said entity.

Belinda M. Barcena  
Notary Public, State of Texas

Notary's Printed or Typed Name: Belinda M. Barcena

My Commission Expires:

7-09-09



**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, 5<sup>th</sup> Floor  
El Paso, Texas 79901

CITY CLERK DEPT.  
09 JAN 22 PM 12:20



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

**Case No:** SUB08-00135 Ange Street Vacation  
**Application Type:** Street Vacation  
**CPC Hearing Date:** October 23, 2008  
**Staff Planner:** Raul Garcia, 915-541-4935, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)  
**Location:** North of Magoffin Avenue and South of Myrtle Avenue  
**Acreage:** 0.416 acre  
**Rep District:** 8  
**Existing Use:** Public ROW  
**Existing Zoning:** C-4/sp/H (Commercial/special permit/historical), C-4/sp (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/sp/H(Commercial/special permit/historical); Commercial uses

**THE PLAN FOR EL PASO DESIGNATION:** Residential

### **APPLICATION DESCRIPTION**

The applicant is proposing to vacate a portion of Ange Street located between Myrtle Avenue and Magoffin Avenue. The applicant owns all abutting parcels on both sides of the portion of the street being vacated. This street 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 subject to the following conditions and requirements:

### **Planning Division Recommendation**

**Approval.**

### **Land Development**

No objections.

**Engineering Department—Traffic**

No objection to proposed vacation of Ange Street

**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**

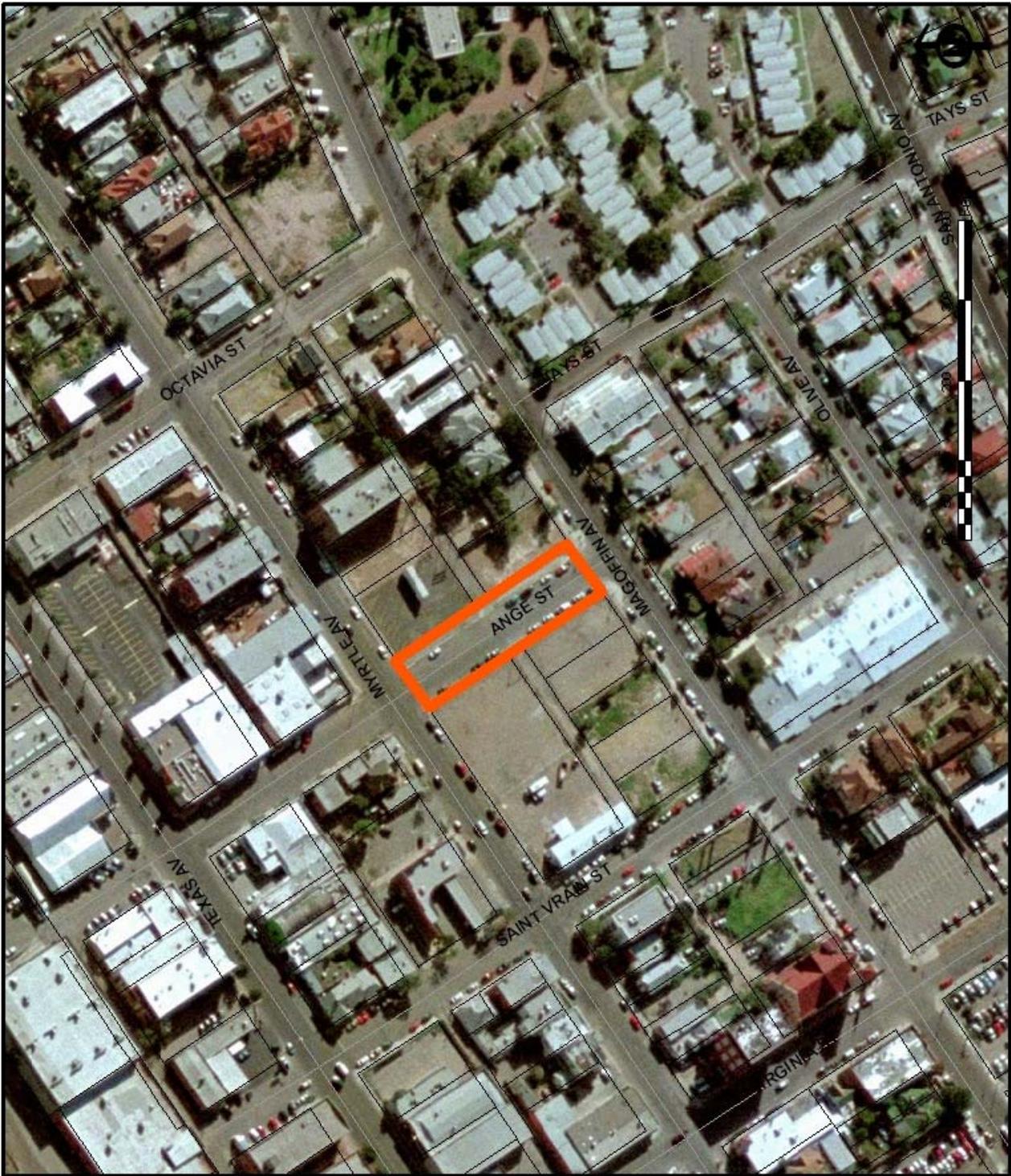
1. Location map
2. Aerial
3. Survey
4. Application

ATTACHMENT 1



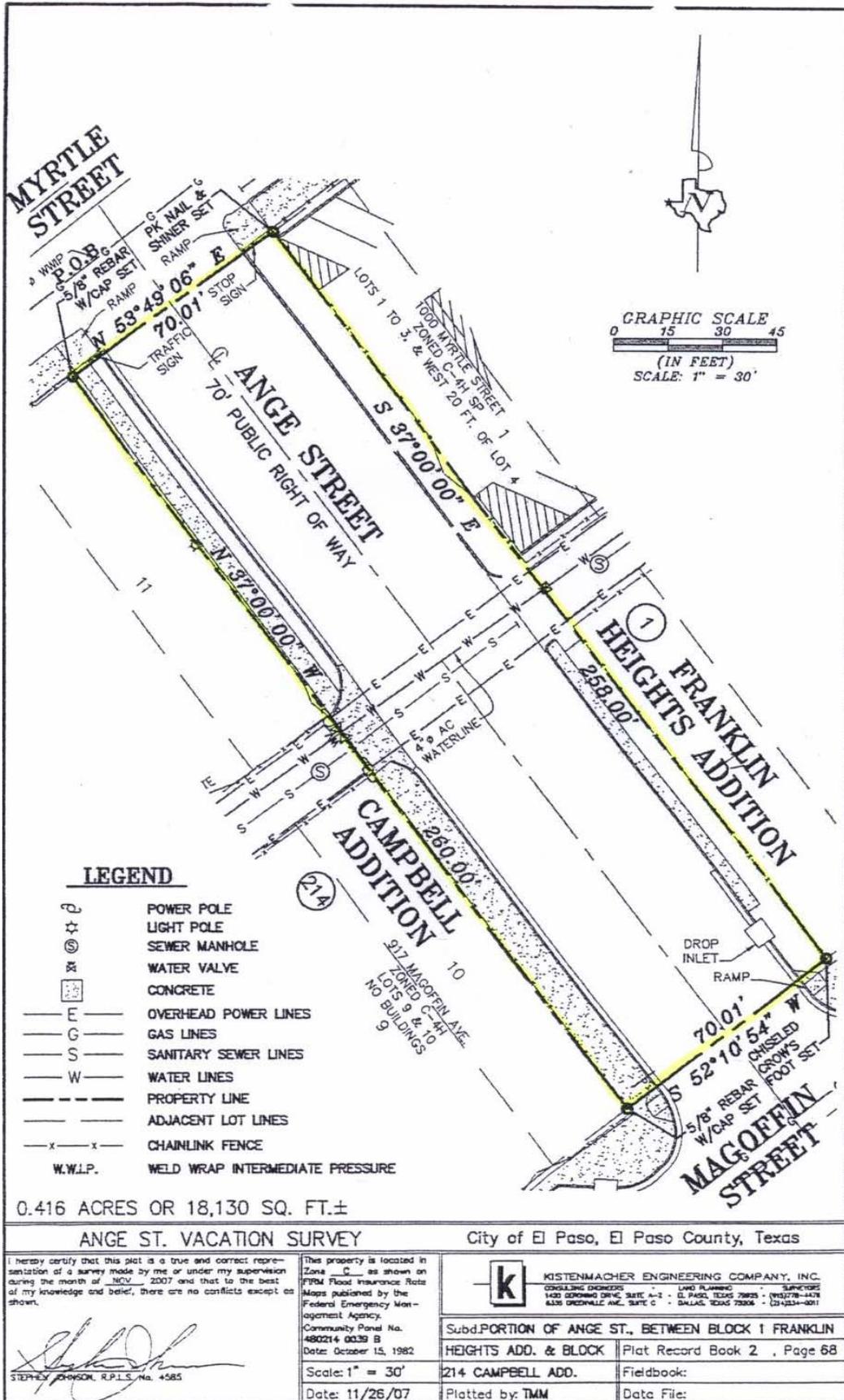
**ANGE STREET VACATION**

ATTACHMENT 2



ANGE STREET VACATION

**ATTACHMENT 3**



0.416 ACRES OR 18,130 SQ. FT.±

**ANGE ST. VACATION SURVEY**

City of El Paso, El Paso County, Texas

I hereby certify that this plat is a true and correct representation of a survey made by me or under my supervision during the month of NOV, 2007 and that to the best of my knowledge and belief, there are no conflicts except as shown.

*Stephany Johnson*  
STEPHANY JOHNSON, R.P.L.S. No. 4585

This property is located in Zone C as shown on FIRM Flood Insurance Rate Maps published by the Federal Emergency Management Agency.  
Community Panel No. 480214 0039 B  
Date: October 15, 1982

Scale: 1" = 30'  
Date: 11/26/07



**KISTENMACHER ENGINEERING COMPANY, INC.**  
CONSULTING ENGINEERS • LAND PLANNING • SURVEYING  
1400 GERRARD DRIVE, SUITE A-2 • EL PASO, TEXAS 79925 • (915) 778-4478  
6330 DRENNELL AVE., SUITE C • DALLAS, TEXAS 75206 • (214) 234-0011

Subd. PORTION OF ANGE ST., BETWEEN BLOCK 1 FRANKLIN HEIGHTS ADD. & BLOCK 214 CAMPBELL ADD. Plat Record Book 2, Page 68

Fieldbook:  
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Data File:

**ATTACHMENT 4**

SUB08 - 00135

**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) 534-7999

2. Request is hereby made to <sup>vacate</sup> ~~dedicate~~ the following: (check one)  
Street  Alley \_\_\_\_\_ Easement \_\_\_\_\_ Other \_\_\_\_\_ Franklin Heights Addition  
Street Name(s) ANGE Subdivision Name & Campbell Addition  
Abutting Blocks 1 & 214, respectively Abutting Lots 1 and 17 & 10 and 11, 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
<u>See attached.</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. 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 Gonzalez  
Date: 9/16/08 TITLE: Chief Operating Officer

FEE AMOUNTS:  
\_\_\_\_\_ Easement Vacation \$342.60  
\_\_\_\_\_ Street, Alley, Other Rights-of-Way Vacation \$571.00 plus cost of appraisal and value

CASHIER'S VALIDATION



**MEMORANDUM**

**DATE:** January 14, 2009

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

**FROM:** Raul Garcia, Planner

**SUBJECT:** **SUB08-00135**

---

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

*District 5*  
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City Manager  
Joyce A. Wilson