

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:** City Development Department  
**AGENDA DATE:** Introduction 1/22/13; Public Hearing 1/29/13  
**CONTACT PERSON/PHONE:** Raul Garcia, 541-4935  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**  
An ordinance vacating a portion of 9.5' alley adjacent to Lots 4 and 5, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00005 (**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) – Approval  
City Plan Commission (CPC) – Approval

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Carlos Gallinar, Deputy Director of  
City Development - Planning

APPROVED FOR AGENDA:

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

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

City Manager  
Joyce A. Wilson



**City Development Department**  
Two Civic Center Plaza – 5<sup>th</sup> Floor · El Paso, Texas 79901  
Phone (915) 541-4622 · Fax (915) 541-4799

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

**AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 4 AND 5, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of a parcel of land being a portion of 9.5' alley adjacent to Lots 4 and 5, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of 9.5' alley adjacent to Lots 4 and 5, Block 1, Map of Orchard Addition, 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;

**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 portion of 9.5' alley adjacent to Lots 4 and 5, Block 1, Map of Orchard 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 in the attached survey identified as Exhibit "B" and made a part hereof by reference.

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 **Esteban Alva**.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF EL PASO**

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

*(Signatures continued on following page)*

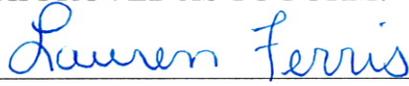
**ATTEST:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Carlos Gallinar, Deputy Director of  
City Development – Planning

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Lauren Ferris  
Assistant City Attorney

*(Quitclaim Deed on following page)*

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

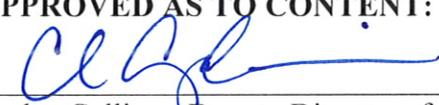
THE STATE OF TEXAS }  
 }  
 COUNTY OF EL PASO } QUITCLAIM DEED

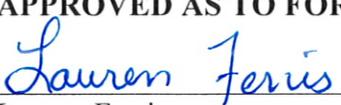
That in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE DOLLARS (\$25.00) and other valuable consideration, the sufficiency of which is acknowledged, **THE CITY OF EL PASO**, has released and quitclaimed and by these presents does release and quitclaim unto Esteban Alva (the "Grantee"), 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 9.5' ALLEY ADJACENT TO LOTS 4 AND 5, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, 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.

**WITNESS the following signatures and seal this \_\_\_\_ day of \_\_\_\_\_, 2013.**

CITY OF EL PASO  
 \_\_\_\_\_  
 Joyce Wilson, City Manager

**ATTEST:**  
 \_\_\_\_\_  
 Richarda Duffy Momsen  
 City Clerk

**APPROVED AS TO CONTENT:**  
  
 \_\_\_\_\_  
 Carlos Gallinar, Deputy Director of  
 City Development – Planning

**APPROVED AS TO FORM:**  
  
 \_\_\_\_\_  
 Lauren Ferris  
 Assistant City Attorney

*(Acknowledgement on following page)*



Being a portion of an alley adjacent to  
Lots 4 and 5, Block 1,  
Map of Orchard Addition  
City of El Paso, El Paso County, Texas  
Prepared for: The City of El Paso  
January 3, 2012  
(224 Hardesty Pl.)

## EXHIBIT A

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of a 9.5 foot alley adjacent to Lots 4 and 5, Block 1, Map of Orchard Addition as recorded in Book 15, Page 31, Plat Records, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at City of El Paso Brass disk stamped Cen 8 EPGS 1980, Y= 3,248,037.560, X= 121,876.35 in the Texas State Plane Coordinate System Central 4203 zone, NAD 83, Thence North 00°27'04" East a distance of 1616.97 feet to a city brass disk monument at the intersection of Tobin Pl. and Orchard Ave.; Thence North 03°18'55" East a distance of 92.10 feet to a point; Thence North 86°41'05" West a distance of 23.58 feet to a point landing on an existing power pole for the **"TRUE POINT OF BEGINNING"**

Thence North 86°41'05" West a distance of 4.50 feet to a point on the common line of Lots 3 and 4, Block 1, Map of Orchard Addition;

Thence along the Easterly line of Orchard Park Addition North 03°18'55" East a distance of 50.00 feet to a point on the common line of Lots 5 and 6, Block 1, Map of Orchard Addition;

Thence leaving said line South 86°41'05" East a distance of 4.50 feet to a set chiseled x on the concrete sidewalk;

Thence South 03°18'55' West a distance of 50.00 feet to the **TRUE POINT OF BEGINNING**" and containing 225 Sq. Ft. 0.0052 acres of land more or less.

Note: A drawing of even date accompanies this description.

Ron R. Conde  
R.P.L.S. No. 5152



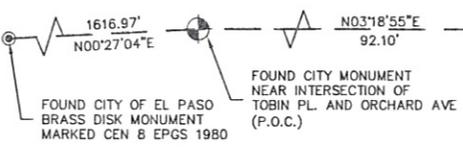
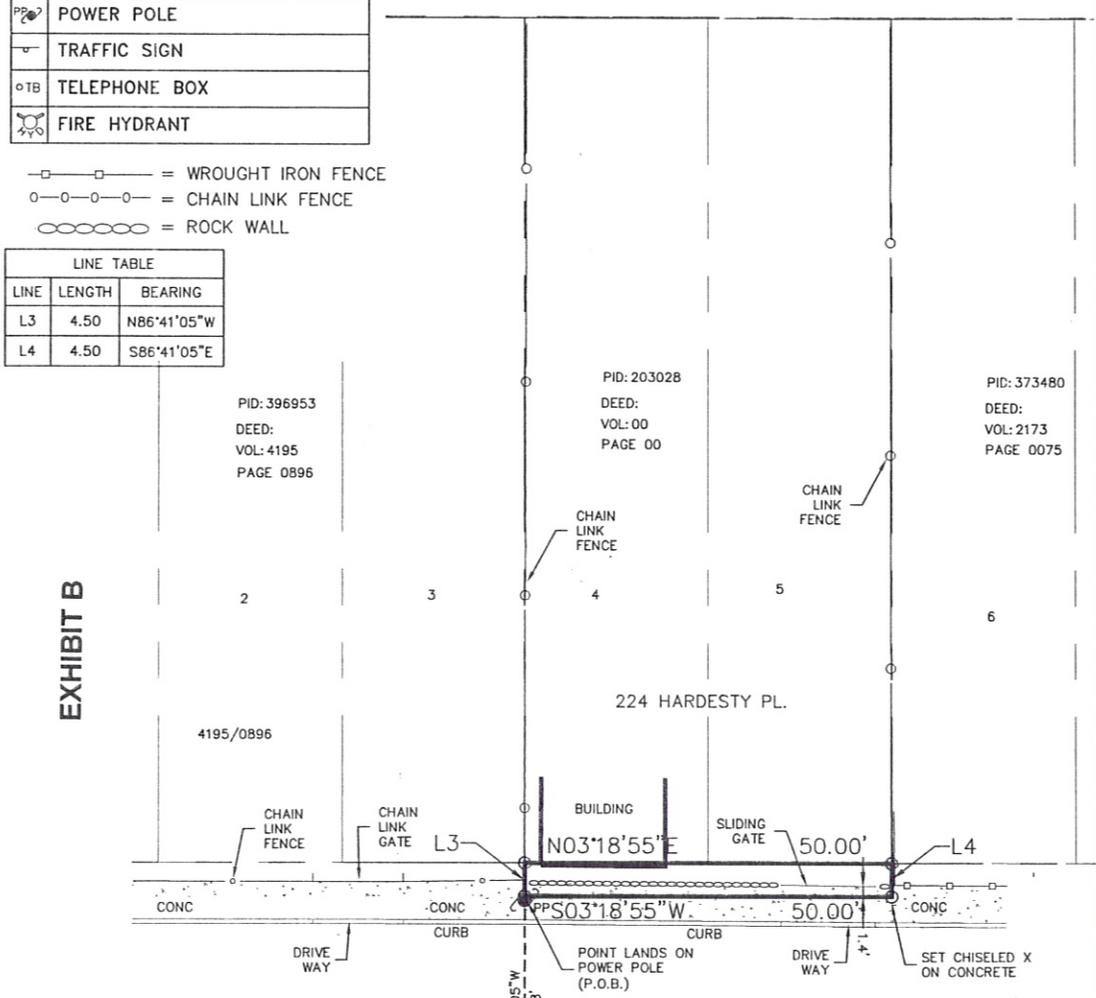
SYMBOL LEGEND	
⊙	FOUND CONTROL POINT
⊕	FOUND CITY MONUMENT
○	SET 1/2" REBAR W/CAP 5152
⊗	CALCULATED POINT
PP	POWER POLE
TS	TRAFFIC SIGN
TB	TELEPHONE BOX
HY	FIRE HYDRANT

□—□ = WROUGHT IRON FENCE  
 ○—○—○ = CHAIN LINK FENCE  
 ○○○○○ = ROCK WALL

LINE TABLE		
LINE	LENGTH	BEARING
L3	4.50	N86°41'05"W
L4	4.50	S86°41'05"E

NOTE:  
 1. BEARING BASIS IS THE PLAT OF ORCHARD PARK ADDITION RECORDED IN VOLUME 15, PAGE 31, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS.  
 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.  
 3. NO CENTERLINE MONUMENTATION FOUND IN THE VICINITY, BOUNDARY CONSTRUCTED FROM IMPROVEMENTS ON THIS AND ADJACENT TRACTS AND STREETS.

HARDESTY PL. CURB



CONDE INC.  
 SCALE: 1"=20'

TOBIN PL.

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

  
 RON R. CONDE R.P.L.S #5152

JOB # 1011-61	DATE: NOVEMBER 30, 2011	FIELD: M.R.	OFFICE: F.R.
LOCATED IN ZONE C	PANEL # 480214-0040B	DATED OCT. 15, 1982	
RECORDED IN VOLUME 15 PAGE 31 ,REAL PROPERTY RECORDS, EL PASO COUNTY, TX			



REVISED ALLEY WIDTH  
 JANUARY 3, 2012  
 ©COPYRIGHT 2012/CONDE INC.  
 ALL RIGHTS RESERVED

A PORTION OF 9.5' ALLEY  
 ADJACENT TO LOTS 4 AND 5, BLOCK 1  
 MAP OF ORCHARD ADDITION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
 6080 SURETY SUITE 100  
 EL PASO, TEXAS 79905  
 CADD FILE: S:\C\TOBIN\101161

*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**



**MEMORANDUM**

**DATE:** December 19, 2012  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Raul Garcia, Senior Planner  
**SUBJECT:** Tobin Alley Vacation SURW12-00005

The City Plan Commission (CPC), on April 19, 2012, voted 6-0 to approve the Tobin Alley Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with Plan El Paso. 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*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

**City Manager**  
Joyce A. Wilson



**Engineering & Construction Management**  
Two Civic Center Plaza – 5<sup>th</sup> Floor · El Paso, Texas 79901  
Phone (915) 541-4622 · Fax (915) 541-4799



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

### **REVISED**

**Case No:** SURW12-00005 Tobin Alley Vacation  
**Application Type:** Right-of-Way Vacation  
**CPC Hearing Date:** April 19, 2012

**Staff Planner:** Raul Garcia, 915-541-4935, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)  
**Location:** 224 Hardesty  
**Acreage:** 0.005 acre (225 sq. ft.)  
**Rep District:** 8

**Existing Use:** Unimproved alley  
**Existing Zoning:** R-5 (Residential)

**Property Owner:** City of El Paso  
**Applicant:** Esteban Alva  
**Representative:** Esteban Alva

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

**North:** R-5 (Residential)/ Single-family development  
**South:** R-5 (Residential)/ Single-family development  
**East:** A-2 (Apartments)/ School facility  
**West:** R-5 (Residential)/ Single-family development

**THE PLAN FOR EL PASO DESIGNATION:** G2 Traditional Neighborhood (Walkable)

### **APPLICATION DESCRIPTION**

This is a city-initiated vacation application to vacate a 4.5' wide portion of an unimproved alley abutting and running parallel to Tobin Place. The abutting properties all along the unimproved alley have improvements that encroach into the alley. Staff will be applying the recently adopted Resolution allowing the City to convey property for 10% of the appraised market value as this request meets the criteria stipulated in the adopted Resolution.

### **DEVELOPMENT COORDINATING COMMITTEE**

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

### **Planning Division Recommendation:**

Approval.

**Engineering & Construction Management-Land Development:**

No objections.

**Planning - Transportation:**

Note:

All existing/proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

**El Paso Water Utilities:**

1. EPWU does not object to this request

EPWU-PSB Comments

Water:

2. There is an existing 8-inch diameter water main extending along Tobin Place that is available for service, the water main is located approximately 7.5 feet west from the center line of the right-of-way.

3. There is an existing 6-inch diameter water main extending along Hardesty Place that is available for service, the water main is located approximately 9 feet east from the center line of the right-of-way.

4. EPWU records indicate seven active 3/4-inch water meters serving the subject properties. The service addresses for these meters are 224, 222, 220, 218, 214, 212 Hardesty Place and 407 Tobin Place. These meters are connected to the water main that extends along Hardesty Place.

5. Previous water pressure from fire hydrant #1909 located at the southwest corner of Tobin Place and Paisano Drive have yielded a static pressure of 98 (psi), a residual pressure of 86 (psi), and a discharge of 2,757 gallons per minute.

6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main along Tobin Place approximately 13-ft east from the center line of the right-of-way. The water main ends approximately 575-feet north from a manhole at the intersection of Orchard Street and Tobin Place.

8. There is an existing 8-inch diameter sanitary sewer main extending along Hardesty Place that is available for service, the sewer main is located approximately 15-feet west of the eastern right of way line.

General:

9. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water

and sanitary sewer lines and appurtenances.

**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 Company has no objection to the proposed street vacation at 218, 222, 224 Hardesty Place and 407 Tobin Place as proposed on surveys by Conde Inc. of Orchard Addition dated January 3, 2012.

However as per your request for 212, 214, and 220 Hardesty Place, EPE has an existing line running perpendicular to Tobin Street along the lot line between 212 and 214. The pole line starts out on 212 and crosses the lot line into 214 and then crosses Tobin PL. There is also a line running on 220 Hardesty with a pole setting in the alley.

EPE requires that utility easements rights are maintained for our existing facilities as described.

**Sun Metro:**

No comments received.

**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

ATTACHMENT 1



ATTACHMENT 2





**ATTACHMENT 4**



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

1/7/11 File No. SURW12-00005

APPLICANT'S NAME Esteban Alva  
ADDRESS 224 Hardesty Pl ZIP CODE 79905 TELEPHONE (915) 542-2746

I hereby made to vacate the following: (check one)

Alley  Easement  Other

Block(s) \_\_\_\_\_ Subdivision Name \_\_\_\_\_

Blocks \_\_\_\_\_ Abutting Lots \_\_\_\_\_

Other vacation request: \_\_\_\_\_

Improvements located in subject property to be vacated:  
 Paving  Curb & Gutter  Power Lines/Poles  Fences/Walls  Structures  Other \_\_\_\_\_

And Improvements located in the existing rights-of-way:  
 Telephone  Electric  Gas  Water  Sewer  Storm Drain  Other \_\_\_\_\_

Use of the vacated right-of-way:  
 Parking  Expand Building Area  Replat with abutting Land  Other \_\_\_\_\_

Applications which are pending (give name or file number):  
 Board of Adjustment  Subdivision  Building Permits  Other \_\_\_\_\_

NOTE: 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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, the undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the City's rules and regulations for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. I/we understand that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We 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.

I, 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.

A grant 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 the City ordinances.

NON-VALIDATION FEE: \$6.00  
OWNER SIGNATURE: *Esteban Alva*  
REPRESENTATIVE: \_\_\_\_\_

THIS APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING. THE ENGINEERING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.