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SERVICE SOLUTIONS SUCCESS



**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Consent Item; Public Hearing 2/16/10

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

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

That the City dedicate a .107 acre of land out of a .341 acre Tract of land, Elijah Bennett Survey No. 11, 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, for use as a public right-of-way to allow Alameda Avenue to be widened.

**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) – Approved 7-0

\*\*\*\*\*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*  
Susie 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

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

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City dedicate a .107 acre of land out of a .341 acre Tract of land, *Elijah Bennett Survey No. 11, 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, for use as a public right-of-way to allow Alameda Avenue to be widened.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**THE CITY OF EL PASO**

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

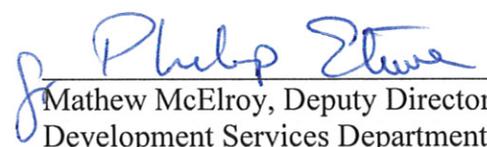
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

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

## EXHIBIT A

HIGHWAY: El Paso Drive  
 COUNTY: El Paso  
 ACCOUNT NO.:  
 ROW CSJ: 0924-06-291  
 OWNER: The City of El Paso, A Municipal Corporation

## Property Description for Parcel 2

Being 4,671 square feet or 0.107 acre of land out of a 0.341 acre tract of land as described in deed dated March 22, 2007, to The City of El Paso, A Municipal Corporation, recorded as document number 20070027122, of the Official Public Records of Real Property of El Paso County (O.P.R.R.P.E.C.), Elijah Bennett Survey, Number 11, City of El Paso, El Paso County, Texas; said 4,671 square feet or 0.107 acre of land being more particularly described as follows:

COMMENCING at a point on the east line of a tract of land as described in deed dated July 30, 2002, to The City of El Paso, recorded in Volume 4305, Page 543, of the (O.P.R.R.P.E.C.) same being the southwest corner of Lot 6, Block 1, Hadlocks Suburban Gardens according to the plat recorded in Book 12, Page 20, El Paso County Plat Records, from which a 1/2-inch iron rod found with cap stamped "TX 4156" bears South 62 degrees West, a distance of 0.3 feet;

THENCE South 01 degree 15 minutes 00 seconds East, with the common boundary of said City of El Paso tract and said Hadlocks Suburban Gardens, a distance of 128.09 feet to a point on the existing northerly right-of-way of El Paso Drive (no deed found, 60 feet wide per map of the resurvey of said Elijah Bennett Surveys 11 and 12 made for tax purposes by El Paso County in 1929) for corner;

THENCE South 80 degrees 52 minutes 39 seconds West, along the existing northerly right-of-way of said El Paso Drive, a distance of 467.77 feet to a point for corner;

THENCE South 09 degrees 07 minutes 21 seconds East, departing the said existing northerly right-of-way, a distance of 60.00 feet to an "X" chiseled in concrete, found on the existing southerly right-of-way of said El Paso Drive, for the northerly common corner of said City of El Paso 0.341 acre tract and a 0.692 acre tract of land being the remainder of a 1.034 acre tract as described in deed dated December 15, 1998, to Innson S-One, recorded in Volume 3497, Page 1426, (O.P.R.R.P.E.C.),

THENCE South 17 degrees 42 minutes 15 seconds West, along the common line of said City of El Paso 0.341 acre tract and said Innson S-One tract, a distance of 86.38 feet to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for the northeast corner and POINT OF BEGINNING of the herein described parcel, this parcel corner lies 50.11 feet left of centerline station 0+80.79;

- 1.) THENCE South 17 degrees 42 minutes 15 seconds West, continuing with the common boundary of said City of El Paso and Innson S-One tracts, a distance of 35.58 feet to an "X" chiseled in concrete found on the existing northerly right-of-way of Alameda Avenue (no deed found, 90 feet wide per map of the resurvey of Elijah Bennett Surveys 11 and 12 made for tax purposes by El Paso County in 1929) for the southerly common corner of the aforesaid tracts and the southeast corner of the herein described parcel;

- 2.) THENCE North 72 degrees 35 minutes 21 seconds West, with existing northerly right-of-way of Alameda Avenue, a distance of 243.65 feet to the intersection of the said existing right-of-way of Alameda Avenue and the existing southerly right-of-way of said El Paso Drive, for the most westerly corner of the herein described parcel, a 60d nail bears North 72 degrees West, a distance of 0.1 feet, and a P-K nail with shiner bears North 04 degrees East, a distance of 0.30 feet;
- 3.) TEHNCE North 80 degrees 52 minutes 39 seconds East, with said existing southerly right-of-way of El Paso Drive, a distance of 33.08 feet, to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for corner of the herein described parcel, being on the proposed northerly right-of-way of El Paso Drive, this parcel corner lies 264.35 feet left of centerline station 0+58.98;
- 4.) THENCE South 70 degrees 06 minutes 27 seconds East, along the proposed northerly right-of-way of El Paso Drive, a distance of 25.07 feet to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for a corner and beginning of a curve to the left of the herein described parcel, this parcel corner lies 239.30 feet left of centerline station 0+58.90;
- 5.) THENCE southeasterly, along the proposed northerly right-of-way of El Paso Drive, with the arc of said curve to the left having a radius of 25.50 feet, a central angle of 18 degrees 38 minutes 19 seconds, an arc length of 8.30 feet, and a chord that bears South 79 degrees 25 minutes 37 seconds East, 8.26 feet, to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for a corner of the herein described parcel, this parcel corner lies 231.10 feet left of centerline station 0+59.88;
- 6.) THENCE South 88 degrees 44 minutes 46 seconds East, along the proposed northerly right-of-way of El Paso Drive, a distance of 30.83 feet to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for a corner and beginning of a curve to the right, of the herein described parcel, this parcel corner lies 201.49 feet left of centerline station 0+68.46;
- 7.) THENCE southeasterly, along the proposed northerly right-of-way of El Paso Drive, with the arc of said curve to the right having a radius of 34.50 feet, a central angle of 18 degrees 38 minutes 25 seconds, an arc length of 11.22 feet, and a chord that bears South 79 degrees 25 minutes 34 seconds East, a distance of 11.17 feet, to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for a corner of the herein described parcel, this parcel corner lies 190.40 feet left of centerline station 0+69.79;
- 8.) THENCE South 70 degrees 06 minutes 21 seconds East, along the proposed northerly right-of-way of El Paso Drive, a distance of 124.90 feet to a 5/8-inch iron rod with plastic cap stamped "Landtech" set for a corner of the herein described parcel, this parcel corner lies 65.61 feet left of centerline station 0+64.38;
- 9.) THENCE North 60 degrees 45 minutes 55 seconds East, along the proposed northerly right-of-way of El Paso Drive, a distance of 22.57 feet to the POINT OF BEGINNING of the herein described parcel, containing 4,671 square feet or 0.107 of land.

This property description is accompanied by a parcel plat of even date.

## Notes:

All bearings and coordinates are referenced to the Texas State Coordinate System, Central Zone, NAD 83 (1992 adjustment) and are referenced to NGS stations and their respective published coordinates as shown, PASO A (AC5098) X=407,780.42, Y=10,659,438.06 and TX EL (DF5389) X=450,462.41, Y=10,628,237.72. All distances and coordinates are surface and may be converted to grid by dividing by the surface adjustment factor of 1.000209927061.

I, Scott M. Fertak, a Registered Professional Land Surveyor, do hereby certify that this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.

Date: 3<sup>RD</sup> day of March, 2008



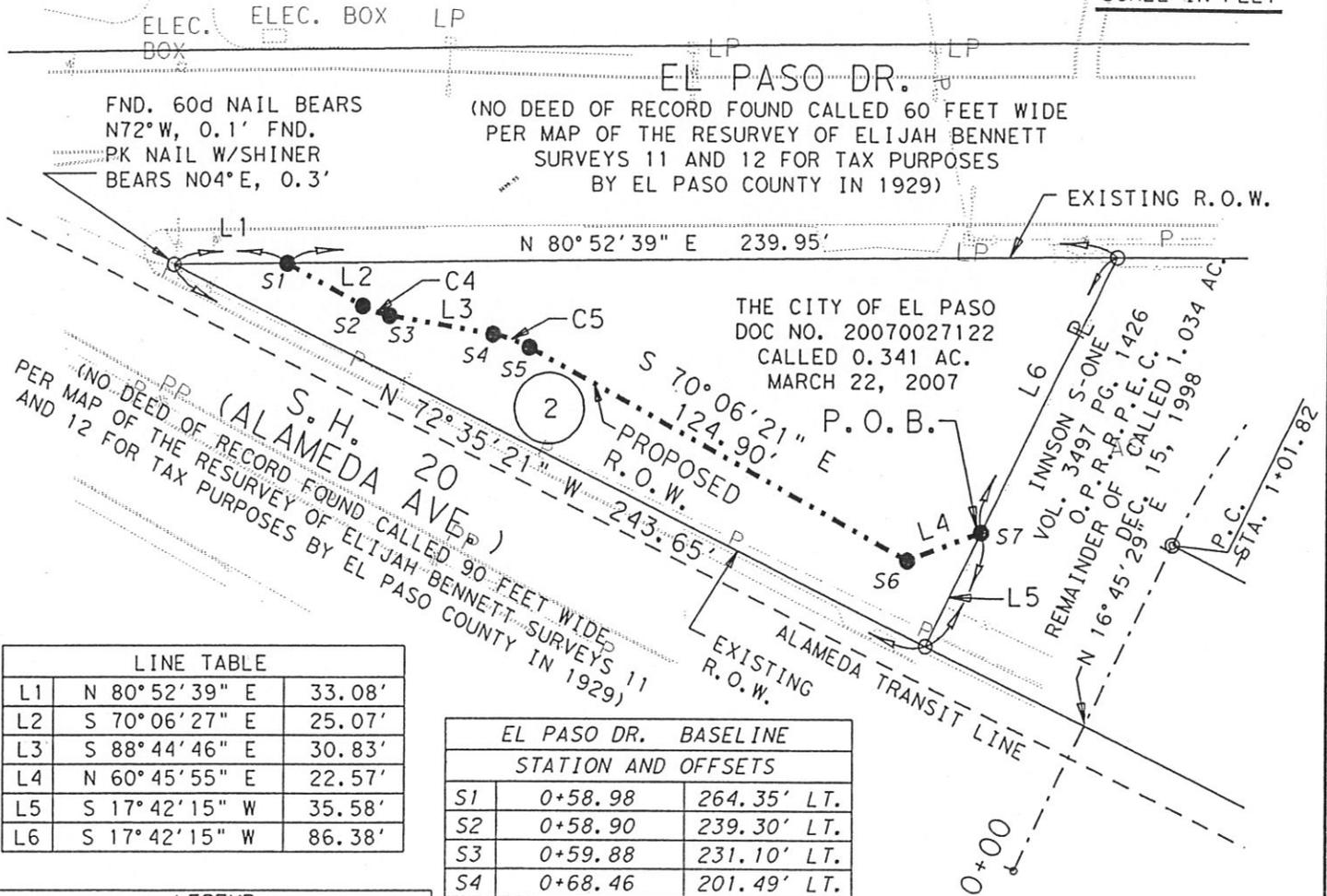
  
Scott M. Fertak  
Registered Professional Land Surveyor  
No. 5257

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD BEARING - D.
C4	25.50'	18° 38' 19"	8.30'	S 79° 25' 37" E 8.26'
C5	34.50'	18° 38' 25"	11.22'	S 79° 25' 34" E 11.17'

EXHIBIT B

ELIJAH BENNETT SURVEY NO. 11

SCALE IN FEET



LINE TABLE		
L1	N 80° 52' 39" E	33.08'
L2	S 70° 06' 27" E	25.07'
L3	S 88° 44' 46" E	30.83'
L4	N 60° 45' 55" E	22.57'
L5	S 17° 42' 15" W	35.58'
L6	S 17° 42' 15" W	86.38'

EL PASO DR. BASELINE		
STATION AND OFFSETS		
S1	0+58.98	264.35' LT.
S2	0+58.90	239.30' LT.
S3	0+59.88	231.10' LT.
S4	0+68.46	201.49' LT.
S5	0+69.79	190.40' LT.
S6	0+64.38	65.61' LT.
S7	0+80.79	50.12' LT.

AREA TABLE (ACRES)			
EXISTING	TAKING	REMAINDER	
		LEFT	RIGHT
0.341 AC.	0.107 AC.	0.234 AC.	

**LEGEND**

- EXIST. ROW LINE
- PROP. ROW LINE
- PROPERTY LINE
- COUNTY LINE
- CONTROL OF ACCESS LINE
- SURVEY LINE
- FENCE
- CITY LIMITS
- RAILROAD
- STRUCTURE
- ⊗ PARCEL NUMBER
- SET 5/8" IRON ROD W/LANDTECH CAP UNLESS OTHERWISE NOTED
- SET "X" IN CONC. UNLESS OTHERWISE NOTED
- FND. "X" IN CONC. UNLESS OTHERWISE NOTED
- E.P.C.P.R. - EL PASO COUNTY PLAT RECORDS
- O.P.R.R.P.E.C. - OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF EL PASO COUNTY

- NOTES:**
- Deed research for this project was performed in December 2005 and updated December 2007.
  - All bearings and coordinates are referenced to the Texas Coordinate System, Central Zone, NAD 83 (1992 Adj). All distances and coordinates are surface values and can be converted to State Plane (grid) by dividing by the surface adj. factor of 1.000209927061.
  - Field work for this project was performed December 2007.
  - This Right-of-way map was completed in February, 2008.
  - Survey line locations are approximate.
  - This plat is accompanied by a separate property description of even date.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
 SURVEY DATE: FEBRUARY 2008.

SCOTT M. FERTAK  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 5257



**PARCEL 2**  
**RIGHT OF WAY PLAT**  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

EL PASO DRIVE EL PASO COUNTY  
 RCSJ 0924-06-291  
 LANDTECH CONSULTANTS, INC.  
 PAGE 4 OF 5 SCALE: 1" = 50'



**MEMORANDUM**

**DATE:** February 4, 2010  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Raul Garcia, Planner  
**SUBJECT:** SUB10-00007

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The City Plan Commission (CPC), on January 28, 2010, **voted 7-0** to **approve** the Alameda ROW dedication.

The CPC determined the dedication 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 dedication 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 dedication 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*  
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:** SUB10-00007 Alameda Ave. Right-of-Way Dedication  
**Application Type:** Dedication by Metes & Bounds  
**CPC Hearing Date:** January 28, 2010  
**Staff Planner:** Raul Garcia, 915-541-4935, [garcia1@elpasotexas.gov](mailto:garcia1@elpasotexas.gov)  
**Location:** 5003 Alameda Avenue  
**Legal Description Acreage:** 0.107 acre  
**Rep District:** 3  
**Existing Use:** Vacant  
**Existing Zoning:** C-4 (Commercial)  
**Proposed Zoning:** C-4 (Commercial)  
**Property Owner:** City of El Paso  
**Applicant:** City of El Paso  
**Representative:** City of El Paso

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

**North:** C-4 (Commercial)/ Commercial development  
**South:** C-4 (Commercial)/ Commercial development  
**East:** C-4 (Commercial)/ Commercial development  
**West:** C-4 (Commercial)/ Commercial development

**THE PLAN FOR EL PASO DESIGNATION:** Public Use Facility

### **APPLICATION DESCRIPTION**

This is a city-initiated ROW dedication. The City of El Paso is proposing to dedicate city owned property for a street widening project on a portion of Alameda Ave. The width of the portion being dedicated varies from 33 ft. to 35.5 ft. and the length measures 243.6 ft. in length.

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:**

**Approval.**

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Alameda Avenue Right-of-Way Dedication subject to the following conditions and requirements:

### **Planning Division Recommendation:**

**Approval.**

### **Land Development:**

**No objections.**

**Engineering Department-Traffic:**

No objections.

**Parks and Recreation Department:**

No comments received.

**El Paso Water Utilities:**

EPWU does not object to this request.

**EPWU-PSB Comments**

Water:

Along El Paso Drive between Concepcion Avenue and Colfax Street there is an existing eight (8) inch diameter water main. This main is located along the northernmost portion of El Paso Drive.

Along Alameda Avenue between the intersection of Concepcion Street and El Paso Drive, and Paisano Drive there is an existing eight (8) inch diameter water main. This main is located along the southernmost portion of Alameda.

Sanitary Sewer:

From the intersection of El Paso Drive and Colfax Avenue along El Paso Drive towards the west there is an existing ten (10) inch diameter sanitary sewer main. This main dead-ends at approximately 640 feet west of Colfax Street.

Along Alameda Avenue, east of Concepcion Street there is an existing eight (8) inch diameter sanitary sewer main. This main initiates at approximately 450 feet east of Concepcion Street and flows towards the east. There are no existing sanitary sewer mains along Alameda Avenue fronting the subject Property.

General:

Alameda Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Alameda Avenue right-of-way requires written permission from TxDOT.

If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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.

**El Paso Fire Department:**

No comments received.

**911**

No comments received.

**El Paso Electric Company:**

No comments received.

**Texas Gas Company:**

No comments received.

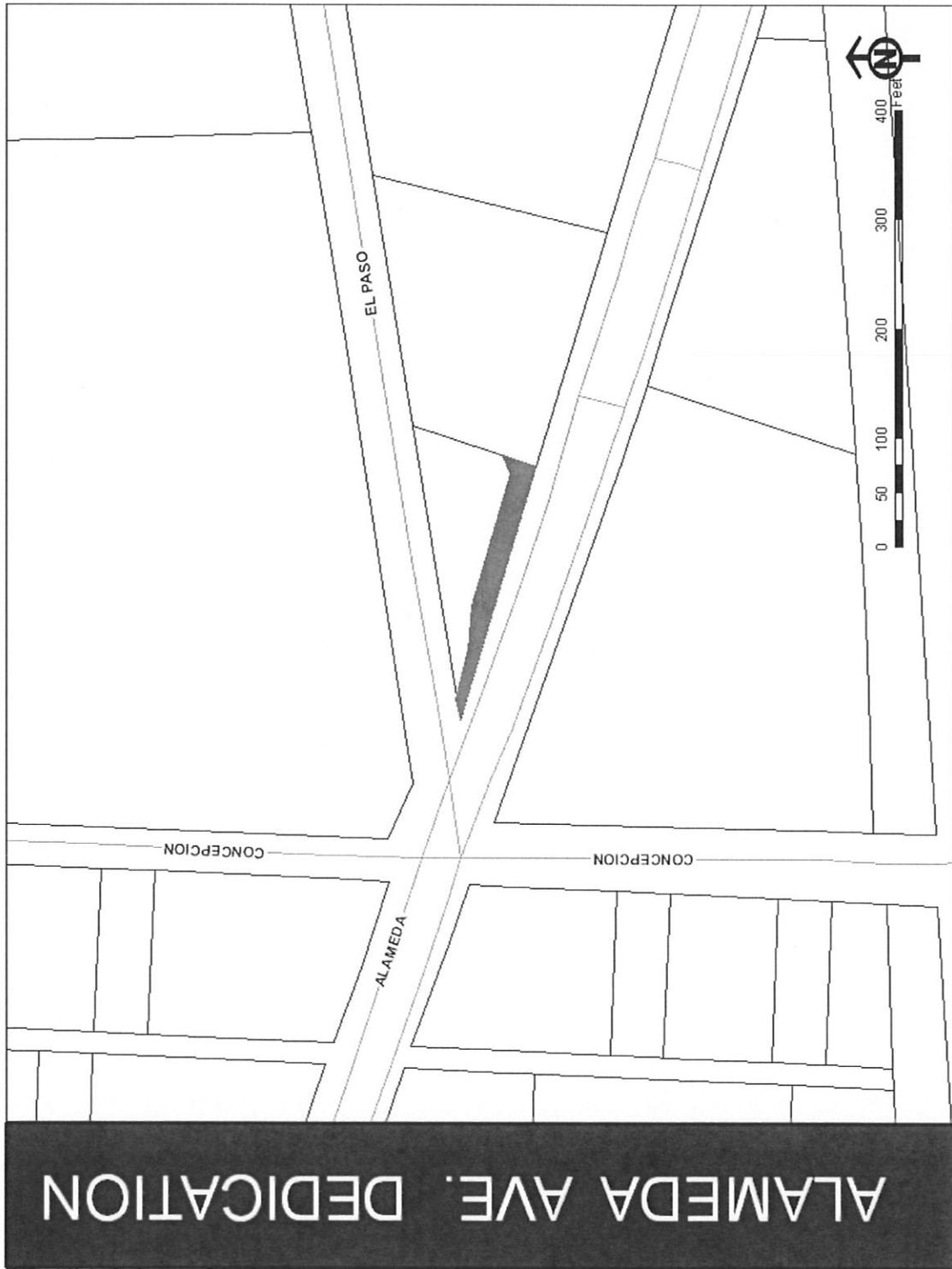
**Additional Requirements and General Comments:**

1. Submit to the Development Services Department – Planning Division the following prior to recording of the dedication.
  - a. Current certified tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable

**Attachments**

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

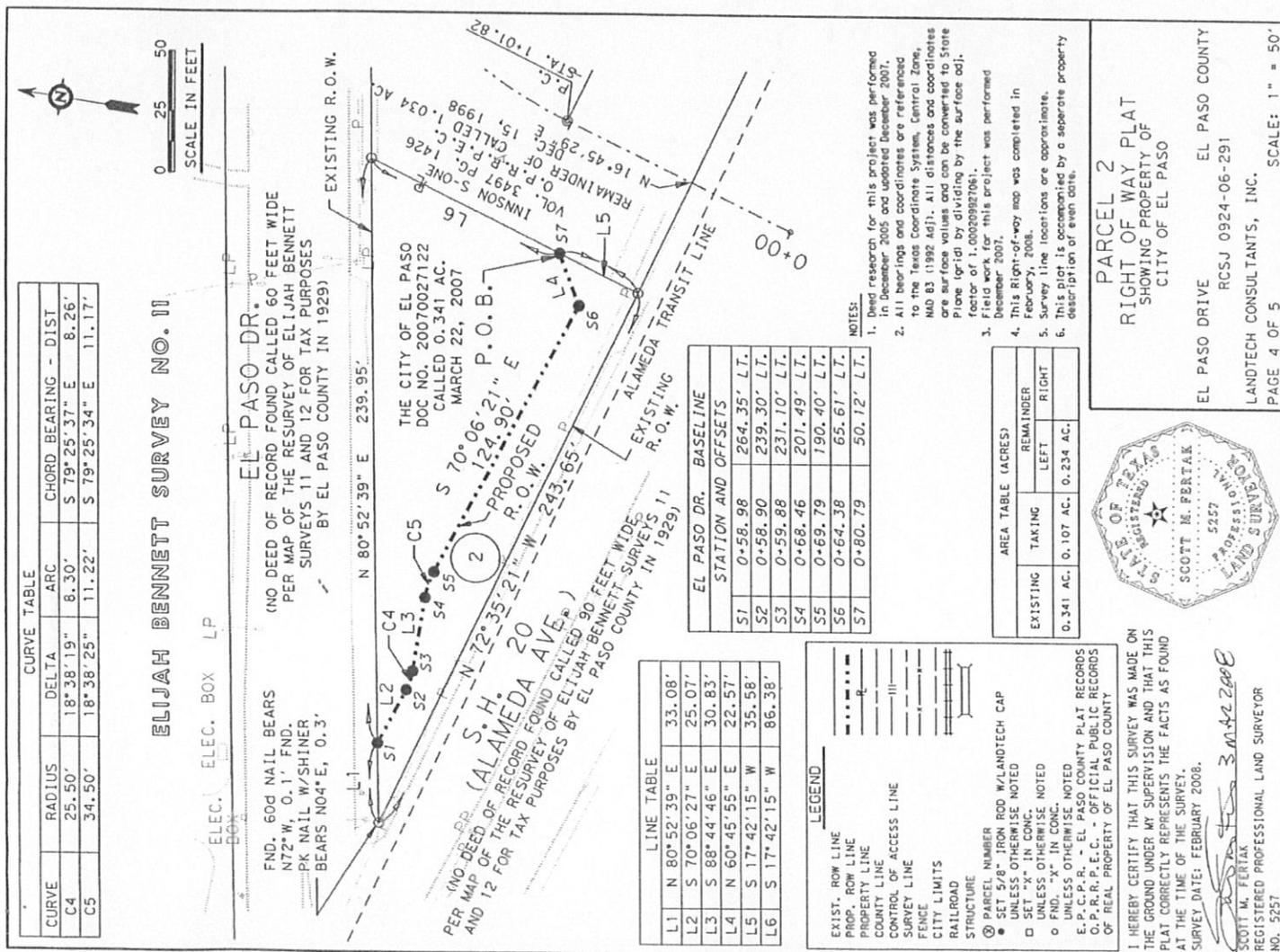
ATTACHMENT 1



ATTACHMENT 2



**ATTACHMENT 3**



**ATTACHMENT 4**



El Paso/Alameda Project  
Parcel 2

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

Date: December 29, 2009 File No. \_\_\_\_\_

1. APPLICANTS NAME City of El Paso, Engineering Dept., Capital Improvement Program  
ADDRESS 2 Civic Center Plaza ZIP CODE 79901 TELEPHONE 541-4877

2. Request is hereby made to dedicate the following: (check one)  
Street \_\_\_\_\_ Alley \_\_\_\_\_ Easement \_\_\_\_\_ Other Portion of City-owned lot (survey attached - Parcel 2)  
Street Name(s) 5003 Alameda Ave. Subdivision Name Elijah Bennett Survey No. 11  
Abutting Blocks \_\_\_\_\_ Abutting Lots \_\_\_\_\_

3. Reason for dedication request: Street widening project: PST 05006

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 the existing rights-of-way:  
None \_\_\_\_\_ Telephone \_\_\_\_\_ Electric \_\_\_\_\_ Gas \_\_\_\_\_ Water \_\_\_\_\_ Sewer \_\_\_\_\_ Storm Drain \_\_\_\_\_ Other \_\_\_\_\_

6. Future use of the dedicated right-of-way:  
Yards \_\_\_\_\_ Parking \_\_\_\_\_ Expand Building Area \_\_\_\_\_ Replat with abutting Land \_\_\_\_\_ Other  roadway

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	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedications 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 dedication. I/We further understand that the fee, if the Dedication 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 dedication 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: \$562.00  
OWNER SIGNATURE: \_\_\_\_\_  
REPRESENTATIVE: \_\_\_\_\_

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