

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



DEPARTMENT: City Development Department  
AGENDA DATE: Introduction 2/11/13; Public Hearing 2/19/13  
CONTACT PERSON/PHONE: Nathaniel Baker, 541-4192  
DISTRICT(S) AFFECTED: 4

**SUBJECT:**  
An ordinance vacating a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, 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) – Approval  
City Plan Commission (CPC) – Approval

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

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

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

**DEPARTMENT HEAD:** Mathew McElroy, Director  
City Development Department

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



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

**AN ORDINANCE VACATING A PORTION OF THE NORTH GATE OUTLET CHANNEL R.O.W. OUT OF CASTNER HEIGHTS UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the City of El Paso, owner of subject property, has requested vacation of a portion of the North Gate Outlet Channel Right-of-Way out of Castner Heights Unit One, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of the North Gate Outlet Channel Right-of-Way out of Castner Heights Unit One, 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 the North Gate Outlet Channel Right-of-Way. out of Castner Heights Unit One, 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, be and is hereby vacated.

**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

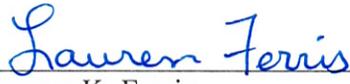
**APPROVED AS TO CONTENT:**

---

Mathew McElroy, Director  
City Development Department

**APPROVED AS TO FORM:**

---

Lauren K. Ferris  
Assistant City Attorney

EXHIBIT A

Prepared for Dunaway Associates  
September 20, 2012

METES AND BOUNDS DESCRIPTION

Being a Portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, recorded in volume 53, page 3, Plat records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city brass disk monument for the northwest corner of Section 2, Block 81, Township 2, Texas and Pacific Railway Surveys from which a U.S. Government brass disk for the southwest corner of Section 2, Block 81, Township 2, Texas and Pacific Railway Surveys bears South  $01^{\circ}56'40''$  West (S  $01^{\circ}12'06''$  E, Book 45, Page 30) a distance of 5293.31 feet, Thence along the westerly line of said section 2, South  $01^{\circ}56'40''$  West (S  $01^{\circ}12'06''$  E, Book 45, Page 30) a distance of 465.30 feet to a found brass cap sheared off, Thence leaving said section line South  $87^{\circ}49'34''$  East, passing a TX DOT Brass disk at a distance of 522.41 a total distance of 860.30 feet to a point; Thence South  $07^{\circ}12'38''$  East a distance of 107.02 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152 on the southerly right of way line of Diana Drive, said point being the northeasterly corner of Lot 1, Block 3, Castner Range Subdivision Unit One for the **"TRUE POINT OF BEGINNING"**.

Thence along the southerly right of way line of Diana Drive, South  $78^{\circ}09'36''$  East ( S  $81^{\circ}15'35''$  E, Book 45, Page 30) a distance of 74.43 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence leaving said right of way line South  $31^{\circ}42'45''$  West a distance of 988.10 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence 127.21 feet along the arc of a curve to the right which has a radius of 886.93 feet a central angle of  $08^{\circ}13'04''$  a chord which bears South  $35^{\circ}49'17''$  West a distance of 127.10 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX;

Thence, North  $50^{\circ}04'11''$  West a distance of 45.00 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152 on the easterly line of Lot 1, Block 3, Castner Range Subdivision Unit One recorded in Volume 3, Page 45, Plat records of El Paso County, Texas;

Thence along said line, 120.76 feet along the arc of a curve to the left which has a radius of 841.93 feet a central angle of  $08^{\circ}13'04''$  a chord which bears North  $35^{\circ}49'17''$  East a distance of 120.65 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line North  $31^{\circ}42'45''$  East (N  $28^{\circ}33'59''$  E, Vol. 3, Page 45 a distance of 793.63 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, North  $58^{\circ}17'24''$  West (N  $61^{\circ}26'10''$  E, Vol. 3, Pg. 45) a distance of 25.00 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, North 31°42'45" East (N 28°33'59" W, Vol. 3, Page 45) a distance of 169.17 feet to "TRUE POINT OF BEGINNING" and containing 54,020 square feet or 1.2401 acres of land more or less.

Note: Bearing basis is per Texas State Plane Coordinate System Central Zone 4203, NAD 83.

Description prepared from a ground survey performed on September 20, 2012



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



Job No. 912-40

**CONDE, INC.**  
**ENGINEERING / LAND SURVEYING / PLANNING**  
**6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283**  
**FAX (915) 592-0286**

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C5	886.93'	127.21'	63.71'	127.10'	S35°49'17"W	8°13'04"
C6	841.93'	120.75'	60.48'	120.65'	N35°49'17"E	8°13'04"

SYMBOL LEGEND	
	FOUND CONTROL POINT
	FOUND CITY BRASS DISK MON.
	SET 1/2" REBAR W/CAP 5152
	CALCULATED POINT
	TELEPHONE MAN HOLE
	LIGHT POLE
	GUY WIRE
	TRAFFIC CONTROL BOX
	TRAFFIC SIGN
	FLASHING SIGNAL
	TRAFFIC LIGHT

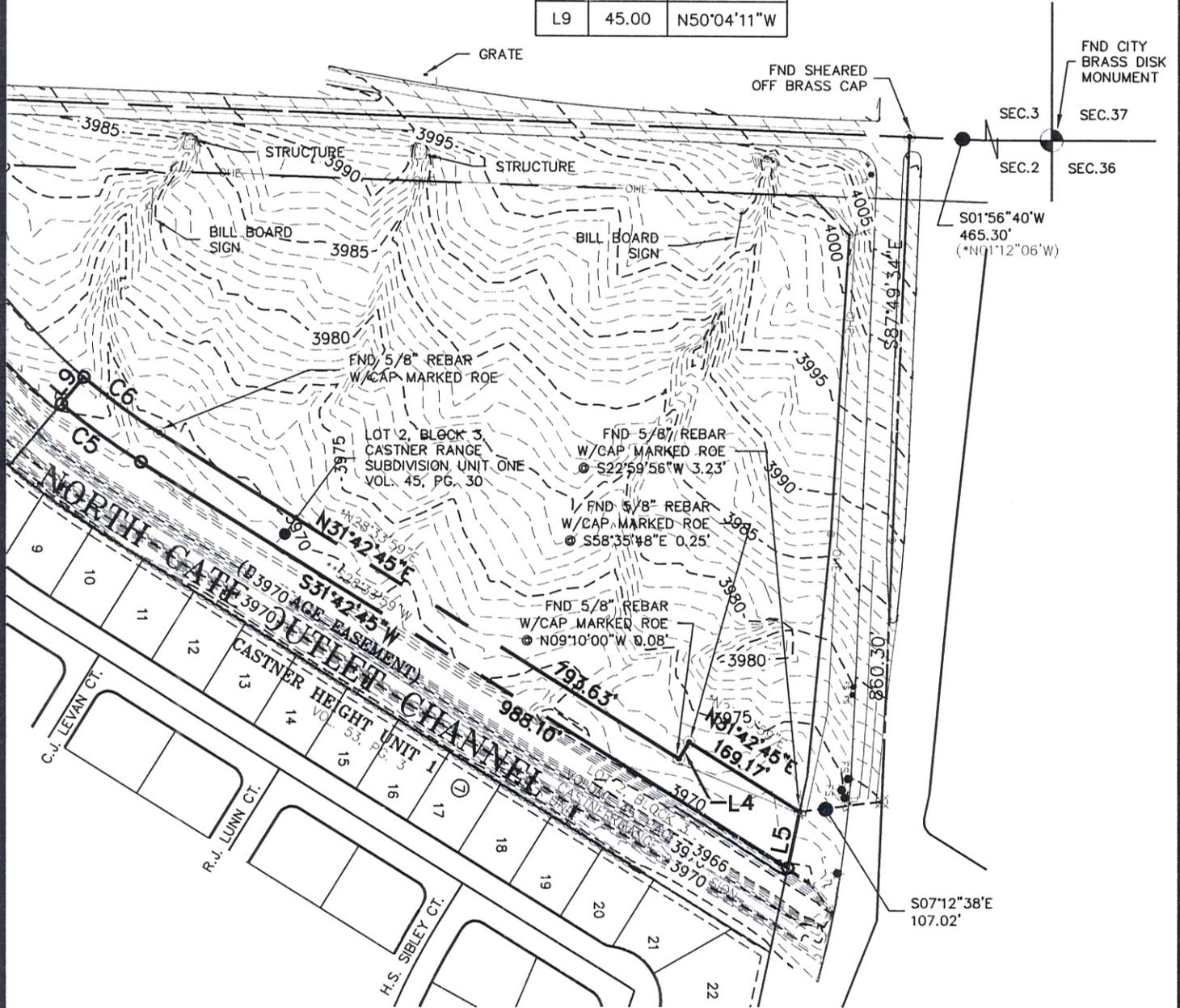
NOTE:

1. BEARING BASIS IS PER TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE 4203, NAD 83
2. CASTNER RANGE SUBDIVISION RECORDED IN BOOK 45, PAGE 30, PLAT RECORDS OF EL PASO COUNTY, TEXAS.
3. RECORD INFORMATION IS AS PER ADJOINING PLATS AND REFERENCED HERE IN BY "\*" SYMBOL TO CORRESPOND TO THE RECORD CALLS. ALL PLATS ARE RECORDED PLATS WITH THE EL PASO COUNTY PLAT RECORDS.

\*CASTNER RANGE SUBDIVISION UNIT ONE (VOL. 45, PG. 30)  
 \*\*CASTNER HEIGHTS UNIT ONE (VOL. 53, PG. 3)

LINE TABLE		
LINE	LENGTH	BEARING
L4	25.00	N58°17'24"W *N61°26'10"W
L5	85.05	S78°09'46"E *S81°15'35"E
L9	45.00	N50°04'11"W

= GUARD RAIL  
 = OVER HEAD ELECTRIC



CONDE INC.  
 SCALE: 1"=200'

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 # 912-40	DATE: SEPTEMBER 20, 2012	FIELD: A.V.	OFFICE: F.R.
LOCATED IN ZONE D	PANEL # 480214-0024B	DATED OCT. 15, 1982	
RECORDED IN VOLUME 53, PAGE 3, PLAT RECORDS OF EL PASO COUNTY, TEXAS			



A PORTION OF THE NORTH GATE OUTLET CHANNEL R.O.W. OUT OF CASTNER HEIGHTS UNIT ONE CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
 6080 SURETY SUITE 100  
 EL PASO, TEXAS 79905

CADD FILE: S:\SURVEY\NE\91240

*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:** January 22, 2013  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Nathaniel Baker, Planner  
**SUBJECT:** SURW12-00018

---

The City Plan Commission (CPC), on November 15, 2012, voted to approve the Diana Drainage ROW Vacation.

The CPC determined the vacation and 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



2010

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*

**Case No:** SURW12-00018 Diana Drainage ROW Vacation  
**Application Type:** Drainage ROW Vacation  
**CPC Hearing Date:** November 15, 2012

**Staff Planner:** Nathaniel Baker, 541-4192, [bakernt@elpasotexas.gov](mailto:bakernt@elpasotexas.gov)  
**Location:** East of Patriot Freeway and south of Diana Drive  
**Acreage:** 1.24-acres  
**Rep District:** 4  
**Existing Use:** Drainage right-of-way  
**Existing Zoning:** R-4 (Residential)  
**Proposed Zoning:** C-4 (Commercial)

**Property Owner:** City of El Paso  
**Applicant:** Public Service Board (PSB)  
**Representative:** Public Service Board (PSB)

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

**North:** R-4 (Residential)/ EPCC Transmountain Campus  
**South:** R-4 (Residential)/ Post-war neighborhood  
**East:** R-4 (Residential)/ Post-war neighborhood  
**West:** Patriot Freeway and Fort Bliss

**PLAN EL PASO DESIGNATION:** Post-War

### **APPLICATION DESCRIPTION**

The applicant is requesting to vacate a 1.24-acre portion of a PSB drainage right-of-way located south of Diana Drive. The applicant states that the purpose of the proposed vacation is to be used for rear access to a proposed Sam's Club.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of the Diana Drainage right-of-way vacation subject to the following conditions and requirements:

#### **Planning Division Recommendation:**

Approval.

#### **City Development Dept. - Land Development:**

No objection

**El Paso Water Utilities:**

1. The El Paso Water Utilities Planning & Development section does not object to the proposed vacation. There are no existing Water/sewer facilities within the proposed vacation area.

**Stormwater Division:**

No comments received.

**Parks and Recreation:**

We have reviewed Diana Drainage ROW Vacation, a survey map and metes & bounds description and offer no objections to this proposed Right-of-way vacation.

Please note that this Right-of-Way vacation request meets the requirements to be excluded from the calculation for parkland dedication ordinance Title 19 – Subdivision & Development Plats, **Chapter 19.20 Parks and Open Space** as noted below.

**19.20.060 - Exclusions from Dedication Requirements.**

**Exclusions.** The following shall be excluded from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this chapter:

H. Land shown within a subdivision, whether residential or nonresidential, which is designated for use as a public facility.

**El Paso Fire Department:**

No comments received.

**El Paso Electric Company:**

No comments received.

**Sun Metro:**

No comments received.

**911:**

No comments received.

**Texas Gas Company:**

No comments received.

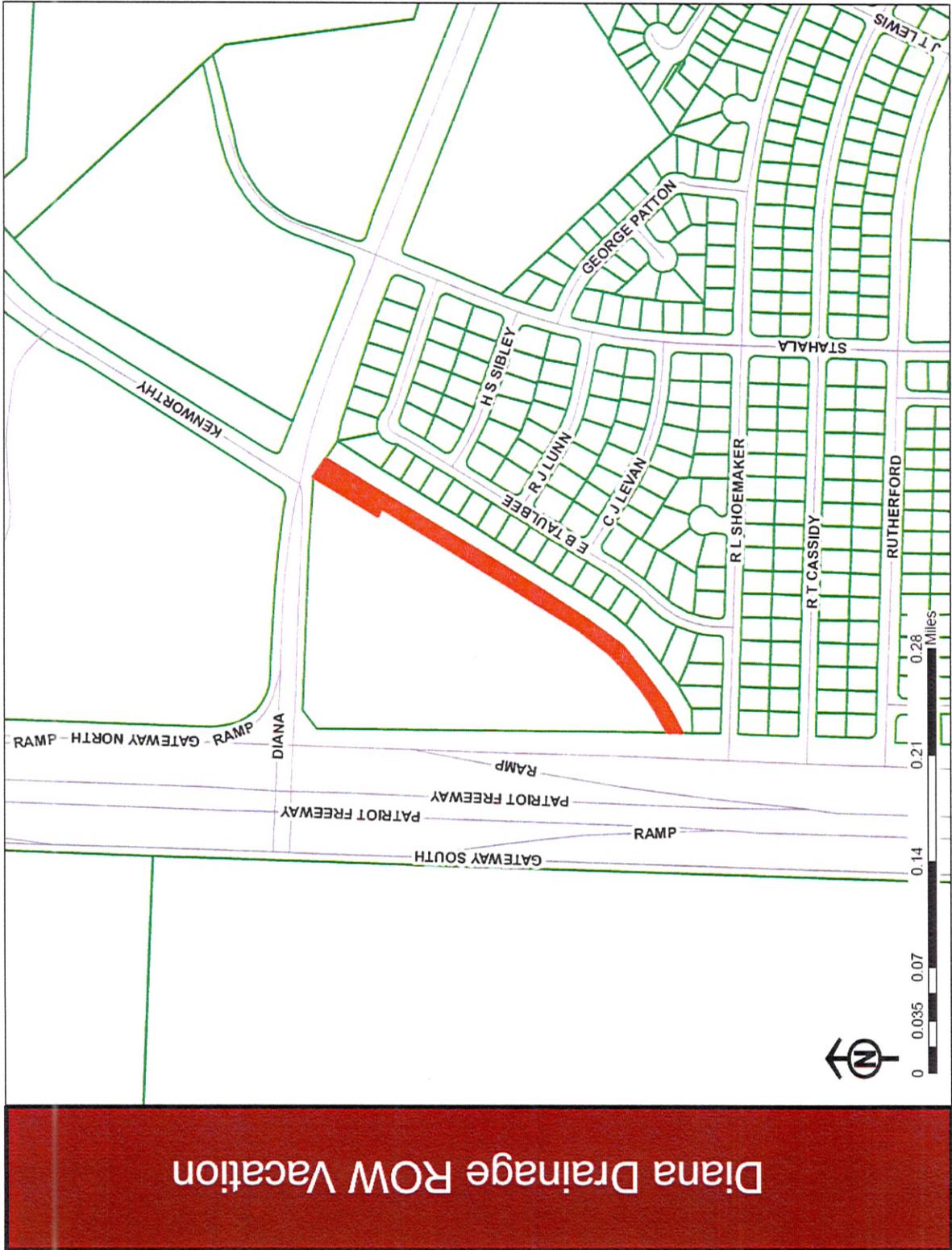
**School District:**

No comments received.

**Attachments**

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

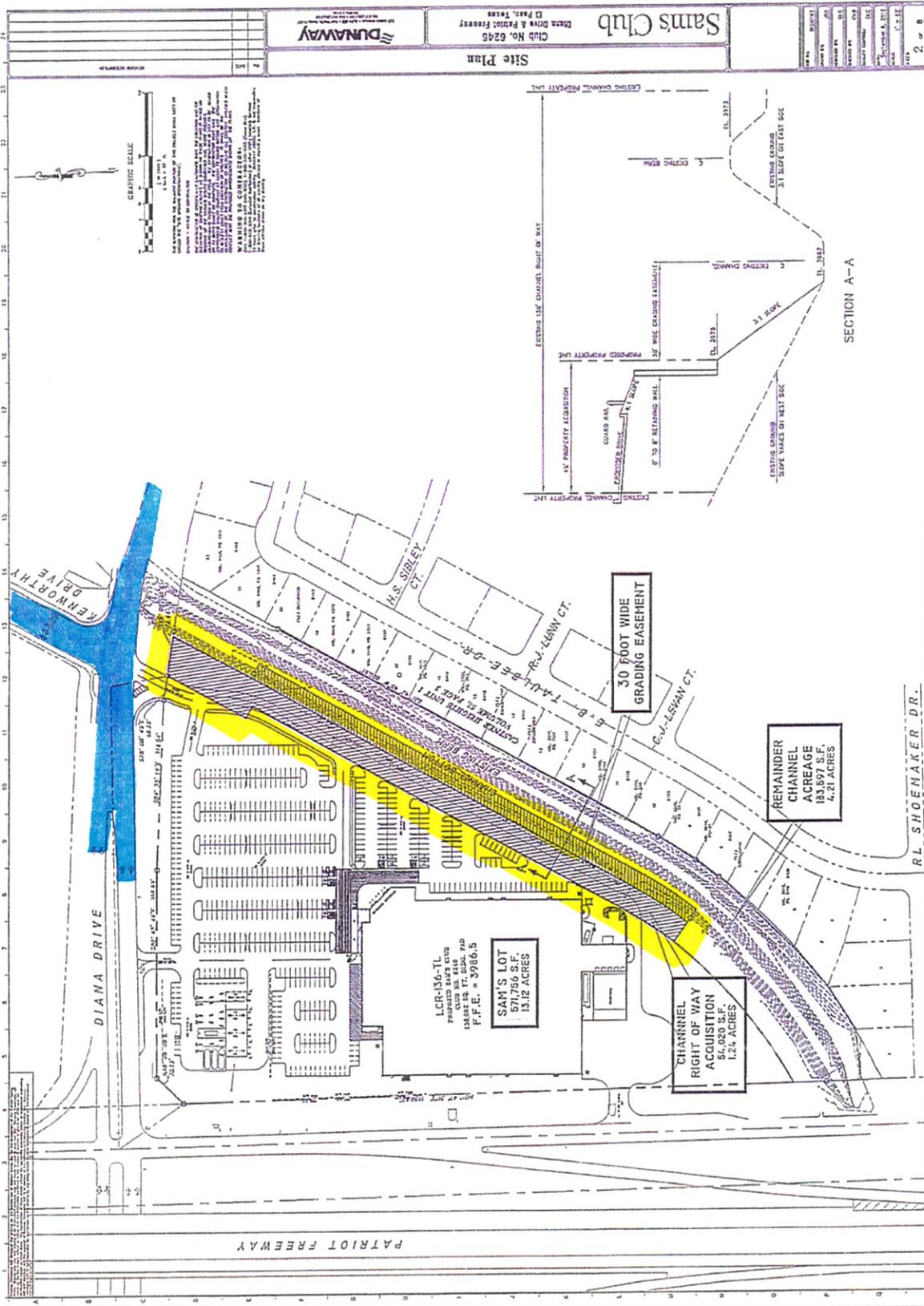
ATTACHMENT 1



ATTACHMENT 2



# ATTACHMENT 3



**ATTACHMENT 4**



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

Date: September 26, 2012 File No. SURW12-00018



1 APPLICANTS NAME Public Service Board/El Paso Water Utilities/City of El Paso  
ADDRESS 1154 Hawkins ZIP CODE 79925 TELEPHONE 594-5590

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

Street  Alley  Easement  Other

Street Name(s) Drainage ROW Subdivision Name Castner Range Subdivision Unit 1

Abutting Blocks Portion Block 3, Castner Range Unit 1 Subdivision Abutting Lots Portion of Lot 2, Castner Range Unit 1 Subdivision

3 Reason for vacation request: Portion of ROW to be used for Rear Access to Proposed new Sam's Club

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. 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.

CASHIER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE: Edmund Archuleta, EPWU - PSB  
Rudy Valdez, EPWU - PSB - 594-5590  
REPRESENTATIVE: \_\_\_\_\_

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