

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: Planning & Economic Development
AGENDA DATE: Introduction 2/14/2012; Public Hearing 2/21/12
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 1

SUBJECT:
AN ORDINANCE VACATING A 0.115 ACRE PORTION OF RESLER DRIVE RIGHT-OF-WAY, 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
Deputy Director, Planning & Economic Development

Philip Steiner

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



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

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.115 ACRE PORTION OF RESLER DRIVE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a parcel of land being a 0.115 acre portion of Resler Drive Right-Of-Way, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.115-acre portion of Resler Drive Right-Of-Way, 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 0.115-acre portion of Resler Drive Right-Of-Way, 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.

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 **Cimarron Hunt Communities, LLC**.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

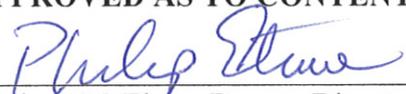
John F. Cook
Mayor

ATTEST:

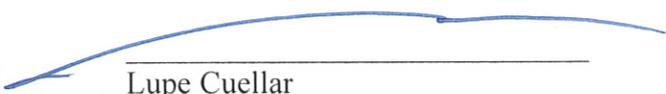
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Mathew McElroy, Deputy Director
Planning & Economic Development Dept.



Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

#99246/12-1007-260/ Planning/Ordinance-Resler Drive Right-of-Way Vacation SURW11-00005

ORDINANCE NO. _____

Street R-O-W Vacation SURW11-00005

Property description: A 0.115-acre portion of Resler Drive right-of-way, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.115-acre portion of Resler Drive right-of-way (January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the intersection of the monument line of Resler Drive (130-foot right-of-way) and the centerline of Northern Pass Drive (90-foot right-of-way, Plexxar South, Book 72, Page 32, Plat Records, El Paso County, Texas), from which a city monument at a centerline P.I. of Northern Pass Drive (92-foot right-of-way, Cimarron Unit One, County Clerk's File No. 20070089227, El Paso County, Texas) bears North 82°00'56" East, a distance of 346.50 feet; Thence South 13°33'03" East, along said monument line, a distance of 1380.51 feet; Thence, North 76°26'57" East, a distance of 72.50 feet to the easterly right-of-way of Resler Drive and the **POINT OF BEGINNING** of this description;

THENCE, North 76°26'57" East, along said right-of-way, a distance of 50.00 feet;

THENCE, South 13°33'03" East, continuing along said right-of-way, a distance of 100.00 feet;

THENCE, South 76°26'57" West, continuing along said right-of-way, a distance of 50.00 feet;

THENCE, North 13°33'03" West, a distance of 100.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.115 acres (5,000 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

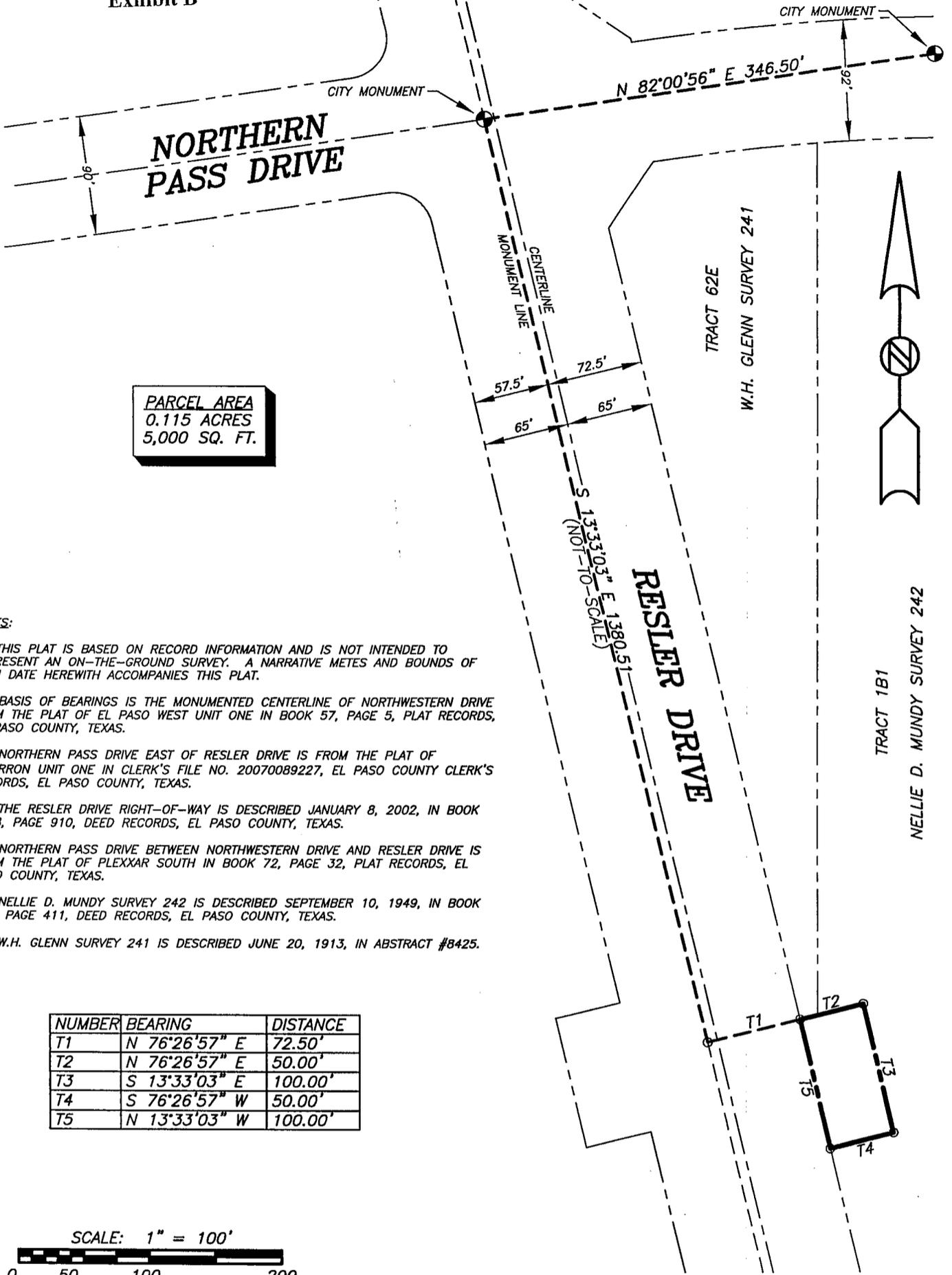
ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 11-0034
September 28, 2011

Exhibit B



NOTES:

1. THIS PLAT IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. NORTHERN PASS DRIVE EAST OF RESLER DRIVE IS FROM THE PLAT OF CIMARRON UNIT ONE IN CLERK'S FILE NO. 20070089227, EL PASO COUNTY CLERK'S RECORDS, EL PASO COUNTY, TEXAS.
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5. NORTHERN PASS DRIVE BETWEEN NORTHWESTERN DRIVE AND RESLER DRIVE IS FROM THE PLAT OF PLEXXAR SOUTH IN BOOK 72, PAGE 32, PLAT RECORDS, EL PASO COUNTY, TEXAS.
6. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
7. W.H. GLENN SURVEY 241 IS DESCRIBED JUNE 20, 1913, IN ABSTRACT #8425.

NUMBER	BEARING	DISTANCE
T1	N 76°26'57" E	72.50'
T2	N 76°26'57" E	50.00'
T3	S 13°33'03" E	100.00'
T4	S 76°26'57" W	50.00'
T5	N 13°33'03" W	100.00'



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

Robert Seipel

A 0.115-ACRE PORTION OF RESLER DRIVE
 RIGHT-OF-WAY, EL PASO, EL PASO COUNTY, TEXAS.

COPYRIGHT © 2011 ROBERT SEIPEL ASSOCIATES, INC.
 ALL RIGHTS RESERVED

DATE: 09-28-11
 SCALE: 1" = 100'
 DRAWN BY: RRS
 CHK'D BY: RRS
 FB: ~
 FILE #: 11-0034

Property description: A 0.115-acre portion of Resler Drive right-of-way, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

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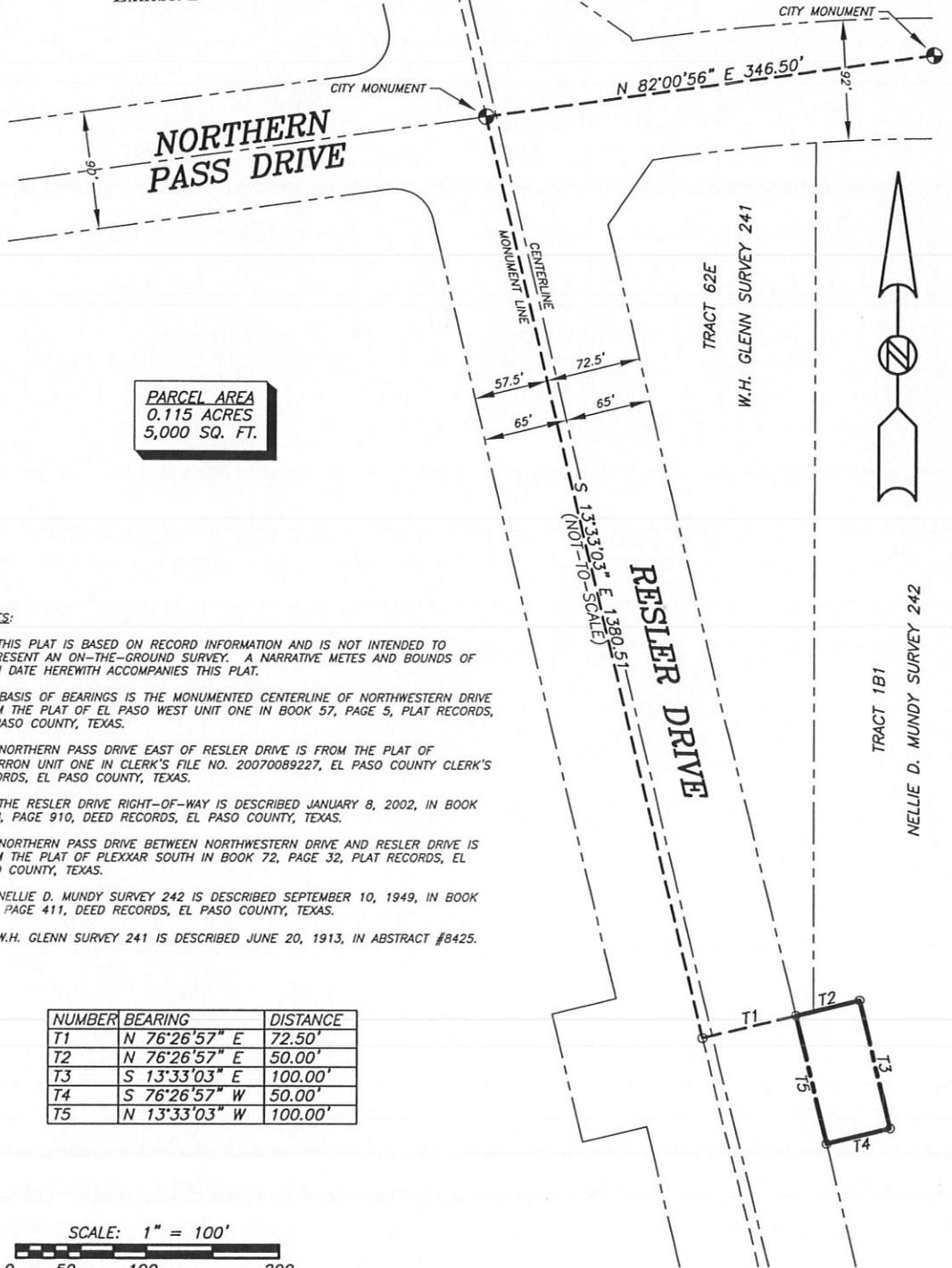
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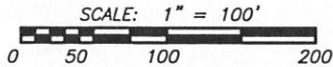


PARCEL AREA
0.115 ACRES
5,000 SQ. FT.

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PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

Robert Seipel

A 0.115-ACRE PORTION OF RESLER DRIVE
RIGHT-OF-WAY, EL PASO, EL PASO COUNTY, TEXAS.

DATE: 09-28-11
SCALE: 1" = 100'
DRAWN BY: RRS
CHK'D BY: RRS
FB: ~
FILE #: 11-0034

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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: February 6, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: SURW11-00005 Resler Dr. Right-of-Way Vacation

The City Plan Commission (CPC), on November 17, 2011, voted unanimously to approve the Resler Drive ROW 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
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 – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799



City of El Paso – City Plan Commission Staff Report

Case No: SURW11-00005 Resler Drive Street Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: November 17, 2011
Staff Planner: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov
Location: North of Paseo del Norte Road at Resler Drive
Legal Description Acreage: 0.115-acre
Rep District: 1
Existing Use: Right-of-Way
Existing Zoning: C-3 (Commercial)
Proposed Zoning: C-3 (Commercial)

Nearest Park: Proposed Park (0.40-mile)
Nearest School: Brown Middle School (0.58-mile)
Park Fees: N/A
Impact Fee: The property is not located in an impact-fee area.

Property Owner: City of El Paso
Applicant: City of El Paso
Representative: CSA Design Group

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial)/ Vacant
South: C-3 (Commercial)/ Vacant
East: C-3 (Commercial)/ Vacant
West: C-4 (Commercial)/ Vacant

THE PLAN FOR EL PASO DESIGNATION: Commercial

APPLICATION DESCRIPTION

The applicant is proposing to vacate a 0.115-acre portion of Resler Drive.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Approval

DEVELOPMENT COORDINATING COMMITTEE COMMENTS

The Development Coordinating Committee recommends approval of the vacation of a portion of Resler Drive, based on compliance with Title 19 and subject to the following conditions and requirements:

PLANNING & ECONOMIC DEVELOPMENT RECOMMENDATION

Approval

OPEN SPACE ADVISORY BOARD RECOMMENDATION

Pending

**LAND DEVELOPMENT—ENGINEERING & CONSTRUCTION MANAGEMENT
COMMENTS AND REQUIREMENTS**

- No Objections.

The Subdivision is within Flood Zone C–Panel # 480214 0016 C, dated February 5, 1986

PARKS & RECREATION DEPARTMENT COMMENTS

We have reviewed Resler Drive – Portion of Street R.O.W. Vacation Boundary, Topographic Survey map and offer “No” objections to this proposed Street Right-of-way vacation request.

EL PASO WATER UTILITIES COMMENTS

1. EPWU does not object to this request.

Water:

2. There is an existing 24-inch diameter transmission water main extending along Resler Drive, the water main is located approximately 16-ft east from the western right-of-way line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Sewer:

3. There is an existing 12-inch diameter sanitary sewer main extending along Resler Drive that is available for service, the sanitary sewer main is located approximately 52-ft west from the eastern right-of-way property line. This main dead-ends at approximately 1290-feet south of Northern Pass Drive.

Reclaim:

4. There is an existing 16-inch diameter reclaim water main extending along Resler Drive, the reclaim water main is located about 35-ft west from the eastern right-of-way property line.

General:

5. EPWU requires a new service application to provide service to the property. 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—EL PASO WATER UTILITIES COMMENTS

The EPWU Stormwater Utility does not object to the vacation as long as the proposed drainage easements (currently shown on The Shops At Cimarron subdivision plat) for the existing drainage structures are dedicated prior to the vacation of the Resler Drive right-of-way.

FIRE DEPARTMENT COMMENTS

No comments received.

SUN METRO COMMENTS

No comments received.

DEPARTMENT OF TRANSPORTATION COMMENTS

Transportation does not object to the proposed right-of-way vacation.

911 DISTRICT COMMENTS

No comments received.

CENTRAL APPRAISAL DISTRICT COMMENTS

No comments received.

EL PASO ELECTRIC COMPANY COMMENTS

El Paso Electric Company (EPE) has no objection to the vacation of the area as shown on the attachment. EPE has facilities in the Resler Street row but not in the area depicted in the survey.

CANUTILLO INDEPENDENT SCHOOL DISTRICT COMMENTS

No comments received.

TEXAS DEPARTMENT OF TRANSPORTATION COMMENTS

No comments received.

TEXAS GAS SERVICE COMMENTS

No comments received.

ADDITIONAL REQUIREMENTS AND GENERAL COMMENTS:

1. Prior to recording, please submit to Planning & Economic Development—Planning Division the following:
 - a. tax certificates
 - b. release of access document
 - c. set of restrictive covenants
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

Attachments

1. Location Map
2. Aerial Map
3. Plot Plan
4. Application

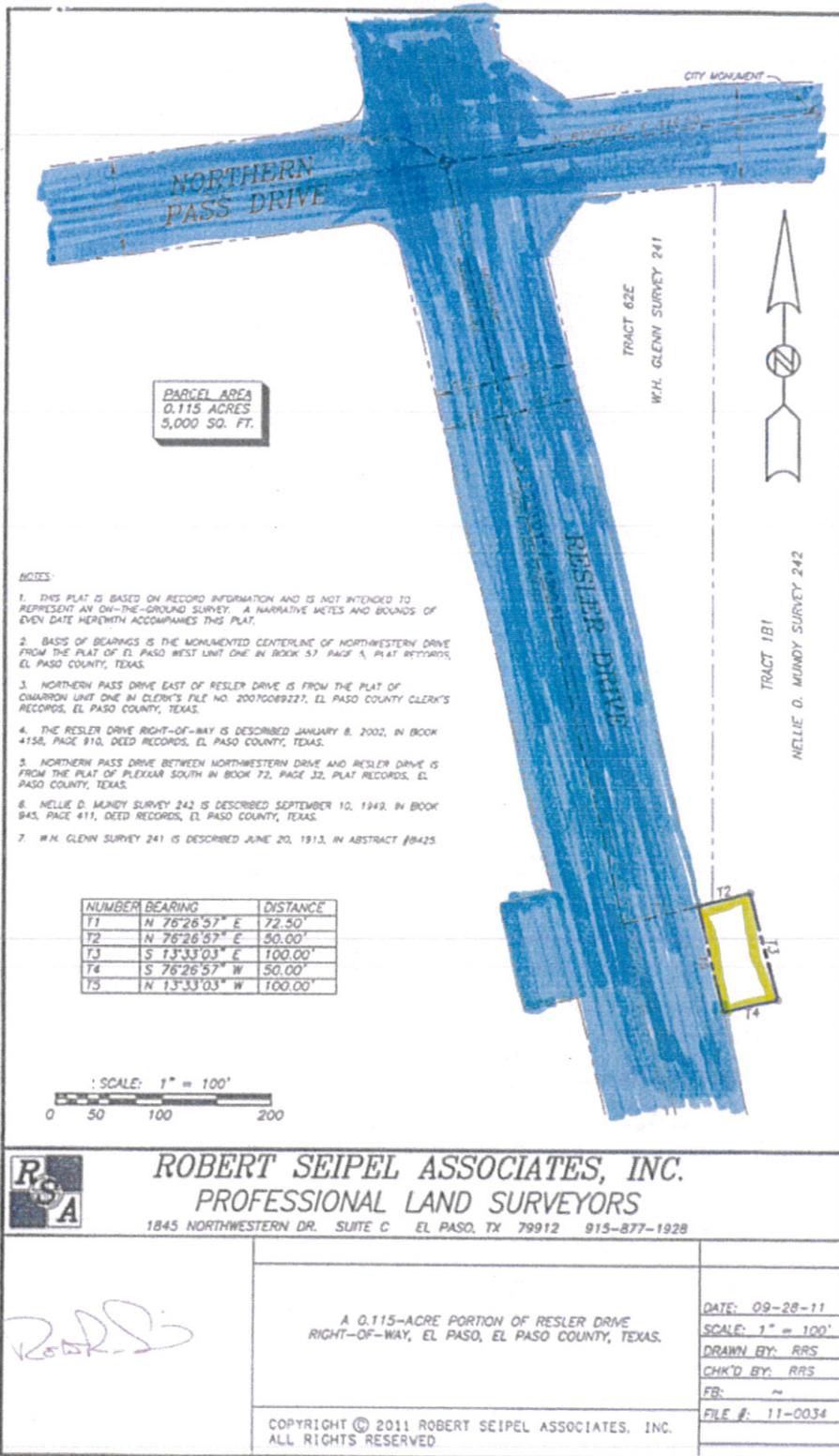
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: 10-25-11 File No. SURW11-00005

1. APPLICANTS NAME Cimarron Hunt Communities, LLC
ADDRESS 1845 Northwest Dr. Ste. C ZIP CODE 79912 TELEPHONE (915) 877-4155
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other R.O.W
Street Name(s) Resler Drive Subdivision Name _____
Abutting Blocks _____ Abutting Lots _____
3. Reason for vacation request: desilting basin no longer needed.
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 _____ drainage desilting basin
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 The Plans @ Cimarron
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
<u>[Signature]</u> <u>Cimarron Hunt Communities, LLC</u>	<u>Being a portion of tract 1B1, Nellie D. Mundy Survey 242, and tracts 61D and 62E, W. H. Glenn Survey 241, City of El Paso, El Paso County, TX</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.

CASHIER'S VALIDATION
FEE: \$966.00

OWNER SIGNATURE: [Signature]
REPRESENTATIVE: [Signature]
Cimarron Hunt Communities, LLC

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