



**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Consent Item; Public Hearing 2/24/09

CONTACT PERSON/PHONE: Raul Garcia, 541-4935

DISTRICT(S) AFFECTED: 7

SUBJECT:

That the City Manager be authorized to sign and accept on behalf of the City a Public Right-of-Way Dedication Deed from AAV Developing & Construction, LLC, dedicating to the City a piece of land to be used as a public right-of-way, described as *being a portion of Lot 1, Block 2, San Carlos Addition, City of El Paso, El Paso County, Texas*. The area is 229.58 square feet in size, which will be added to the abutting right-of-way in order for the existing portion of Amigo Drive to align with the portion within the proposed Alborada Palms Estates subdivision, and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" of the Dedication Deed. Applicant: AAV Developing & Construction, LLC. Subject Property: East of Link Drive and South of North Loop Drive. (District 7)

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 (4-0)

*****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:** _____

Development Services Department
Victor Q. Torres - Director

2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

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

RESOLUTION

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

That the City Manager be authorized to sign and accept on behalf of the City a Public Right-of-Way Dedication Deed from AAV Developing & Construction, LLC, dedicating to the City a piece of land to be used as a public right-of-way, described as *being a portion of Lot 1, Block 2, San Carlos Addition, City of El Paso, El Paso County, Texas*. The area is 229.58 square feet in size, which will be added to the abutting right-of-way in order for the existing portion of Amigo Drive to align with the portion within the proposed Alborada Palms Estates subdivision, and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" of the Dedication Deed.

ADOPTED this _____ day of _____, 2009.

THE CITY OF EL PASO

ATTEST:

Mayor

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Philip Elmer
Mathew McElroy, Deputy Director
Development Services – Planning Division

CITY CLERK DEPT.
09 FEB 19 PM 3:52

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS: That **AAV Developing & Construction, LLC**, Grantor, does hereby give and dedicate to the City of El Paso, Grantee, a 229.58 square foot piece of land to be used as a public right-of-way in order for the existing portion of Amigo Drive to align with the portion that is within the proposed Alborada Palms Estates subdivision, the following described land located in the City of El Paso, El Paso County, Texas:

Being a portion of Lot 1, Block 2, San Carlos Addition, City of El Paso, El Paso County, Texas

TO HAVE AND TO HOLD the above conveyed property for the purposes aforesaid unto the City of El Paso, its successors and assigns, forever.

And the Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular the rights herein granted, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures and seal this _____ day of _____, 2009.

AAV Developing & Construction, LLC

By: _____
AAV Developing & Construction, LLC

(Acknowledgment on following page)

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____
2009, by _____ as _____ on behalf of **AAV
Developing & Construction, LLC**

My Commission Expires:

Notary Public, State of Texas
Notary's Printed Name:

**GRANTEE
CITY OF EL PASO**

By: _____
Joyce Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy, Deputy Director
Development Services – Planning Division

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me this _____ day of _____2009, by
Joyce Wilson, City Manager of the City of El Paso, a municipality, on behalf of said
municipality.

**NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS**

AFTER RECORDING, RETURN TO:

City of El Paso
Development Services – Planning Division
Attn: Planning Director
2 Civic Center Plaza, 5th floor
El Paso, Texas 79901

A portion of Lot 1, Block 2
San Carlos Addition,
City of El Paso, El Paso County, Texas
April 25, 2008

METES AND BOUNDS DESCRIPTION
Exhibit "A"

FIELD NOTE DESCRIPTION of all of a portion of Lot 1, Block 2, San Carlos Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the southwesterly corner of Lot 1, Block 2, same being the northerly right-of-way line of Amigo Drive (60' R.O.W.), and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said southwesterly corner, and along said northerly right-of-way line, North 52°41'00" West, a distance of 48.26 feet to a point;

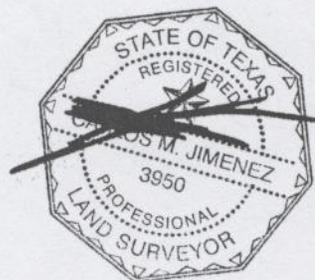
THENCE, leaving said northerly right-of-way line, 35.47 feet along the arc of a curve left, whose radius is 150.00 feet, whose interior angle is 13°32'49", whose chord bears South 64°25'11" East, a distance of 35.38 feet to a point;

THENCE, 14.36 feet along the arc of a curve left, whose radius is 200.00 feet, whose interior angle is 04°06'55", whose chord bears South 72°33'27" East, a distance of 14.36 feet to a point;

THENCE, South 36°47'00" West, a distance of 12.08 to the **POINT OF BEGINNING** of the herein described parcel and containing 229.58 square feet or 0.0053 acres of land more or less.

Carlos M. Jiménez
Registered Professional Land Surveyor
Texas No. 3950

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
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MEMORANDUM

DATE: February 11, 2009

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

FROM: Raul Garcia, Planner

SUBJECT: SUB08-00156

The City Plan Commission (CPC), on December 18, 2008, **voted 4-0 to approve** the Amigo Dr. 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
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City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

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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: SUB08-00156 Amigo Drive Right-of-Way Dedication
Application Type: Dedication by Metes & Bounds
CPC Hearing Date: December 18, 2008
Staff Planner: Raul Garcia, 915-541-4935, garciar1@elpasotexas.gov
Location: East of Link Drive and South of Norht Loop Drive
Legal Description Acreage: 0.0053
Rep District: 7
Existing Use: Residential
Existing Zoning: R-3 (Residential)
Proposed Zoning: R-3 (Residential)
Property Owner: AAV Developing & Construction, LLC
Applicant: AAV Developing & Construction, LLC
Representative: Tri-Dimensional Group

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential); Single-family development

South: R-4 (Residential); Vacant

East: R-4 (Residential); Vacant

West: R-3 (Residential); Single-family development

THE PLAN FOR EL PASO DESIGNATION: Residential

APPLICATION DESCRIPTION

The applicant is proposing to dedicate the property to the City of El Paso to be used as a street. The dedication is needed in order for the existing portion of Amigo Drive to align with the portion that will be located within the proposed Alborada Palms Estates subdivision.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Amigo Drive 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:

1. EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water:

2. Along Amigo Drive east of Link Drive there is an existing 8-inch diameter water main located approximately 18 feet south of and parallel to the north Amigo Drive right-of-way line.

3. Previous water pressure readings from fire hydrant #3183 located at the southwest intersection of Amigo Drive and Link Drive have yielded a static pressure of 86 pounds per square inch, a residual pressure of 72 pounds per square inch, and a discharge of 1,113 gallons per minute.

4. On-site water main extensions from the 8-inch water main on Amigo Drive are required for service to the proposed Alborada Palms Estates subdivision. The Developer is responsible for all water main extension costs.

Sanitary Sewer:

5. Along Amigo Drive east of Link Drive there is an existing 8-inch diameter sanitary sewer main located approximately 25 feet north of and parallel to the south Amigo Drive right-of-way line. EPWU records indicate the existing sanitary sewer main is approximately six (6) feet deep. EPWU requests that the Developer grade the subject property to allow the proposed sanitary sewer system to flow by gravity towards Amigo Drive.

6. On-site sanitary sewer main extensions from the 8-inch water main on Amigo Drive are required for service to the proposed Alborada Palms Estates subdivision. The Developer is responsible for all water main extension costs.

General:

7. EPWU requires a new service application to initialize design of the on-site water and sanitary sewer main extensions required to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (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 objections.

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

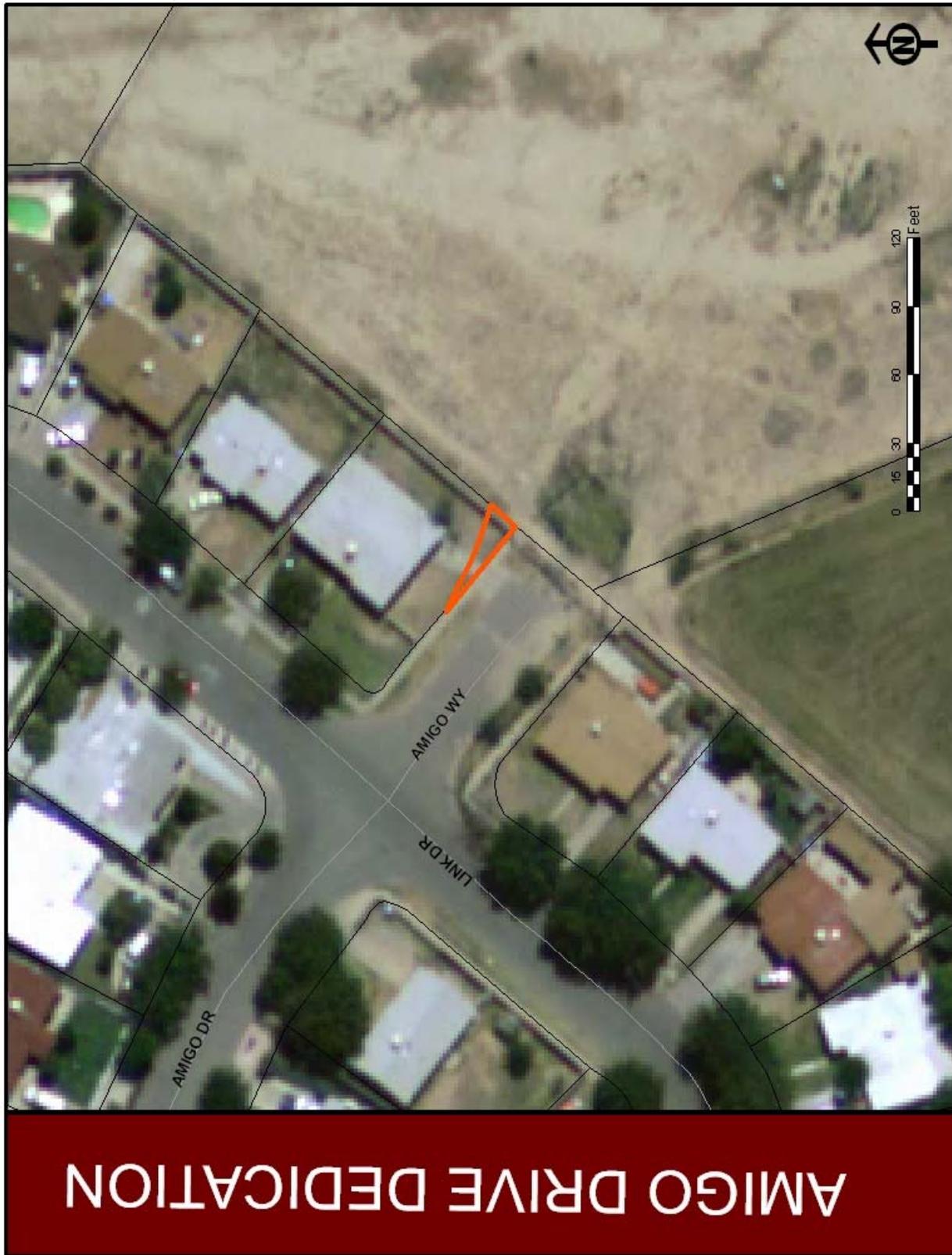
Attachments

- 1. Location map
- 2. Aerial map
- 3. Map of survey
- 4. Metes & Bounds
- 5. Application

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 4

A portion of Lot 1, Block 2
San Carlos Addition,
City of El Paso, El Paso County, Texas
April 25, 2008

METES AND BOUNDS DESCRIPTION
Exhibit "A"

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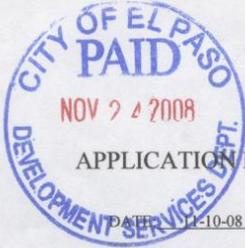
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ATTACHMENT 5



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

DATE: 11-10-08

FILE NO. SUB08-00156

1. APPLICANTS NAME AAV DEVELOPING & CONSTRUCTION, LLC
ADDRESS 501 MOONDALE ZIP CODE 79912 TELEPHONE (915) 633-6977
2. Request is hereby made to dedicate the following: (check one)
Street Alley _____ Easement _____ Other
Street Name(s) Amigo Drive Subdivision Name A PORTION OF LOT 1, BLOCK 2, SAN CARLOS ADDITION
Abutting Blocks BLOCK 2 Abutting Lots LOT 1
3. Reason for dedication request WIDEN EXISTING STREET
4. Surface Improvements located in the existing rights-of-way:
None _____ Pavement 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 dedicated must appear below with an adequate legal description of the properties they own 9use additional paper if necessary).

Signature	Legal Description	Telephone
	<u>Lot 1, Block 2, San Carlos Addition, City of El Paso</u>	<u>571-1360</u> <u>(915) 355-4797</u>
	<u>Being All of Tract 11A, Block 7, Ysleta Grant, City of El Paso</u>	<u>(915) 633-6977</u>
_____	_____	_____
_____	_____	_____

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 no 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: \$542.00 A.A.

AAV. DEVELOPING & CONSTRUCTION
OWNER SIGNATURE:
REPRESENTATIVE: ARMANDO TELLEZ-GIRON

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

care@elp.rr.com