



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

DEPARTMENT: Planning & Economic Development
AGENDA DATE: Introduction 2/28/12; Public Hearing 3/6/12
CONTACT PERSON/PHONE: Justin Bass, 541-4930
DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance vacating a utility easement described as a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights "Replat A", City of El Paso, El Paso County, Texas. Applicant: Stuart P. Shiloff and Nancy Shiloff. SUET12-00001 (**District 1**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval
Open Space Advisory Board (OSAB) - 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

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 UTILITY EASEMENT DESCRIBED AS A PORTION OF LOTS 16 & 17, BLOCK 1, SHADOW MOUNTAIN HEIGHTS “REPLAT A”, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a utility easement described as a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights “Replat A”, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a utility easement described as a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights “Replat A”, City of El Paso, El Paso County, Texas, and the City Council finds that said easement 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, in consideration of the receipt by the City of El Paso of TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a utility easement described as a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights “Replat A”, City of El Paso, El Paso County, Texas, as further 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 utility easement to **STUART P. SHILOFF AND NANCY SHILOFF**.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director-Planning
Planning & Economic Development

Prepared for: Mr. Stuart P. & Mrs. Nancy Shiloff
A Portion of Lots 16 & 17, Block 1,
Shadow Mountain Heights "Replat A"
City of El Paso, El Paso County, Texas
W.O.# 010212-1
File name: g-springs_mb.doc

PROPERTY DESCRIPTION

(433 Golden Springs Drive – Proposed vacation of 10' wide utility easement)

Description of a 0.0259 acre parcel of land being a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights "Replat A", City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

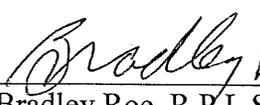
Starting at an existing city monument located at the radius point of the cul-de-sac of Golden Springs Drive (50' wide public right-of-way), Thence North 28° 46' 23" East a distance of 60.00 feet to a point, said point being the "True Point of Beginning",

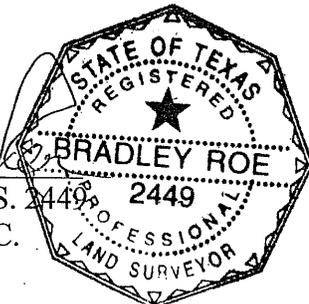
Thence along a curve to the left a distance of 10.01 feet, a radius of 60.00 feet, whose central angle is 9° 33' 37" and whose chord bears North 66° 00' 26" West a distance of 10.00 feet to a point;

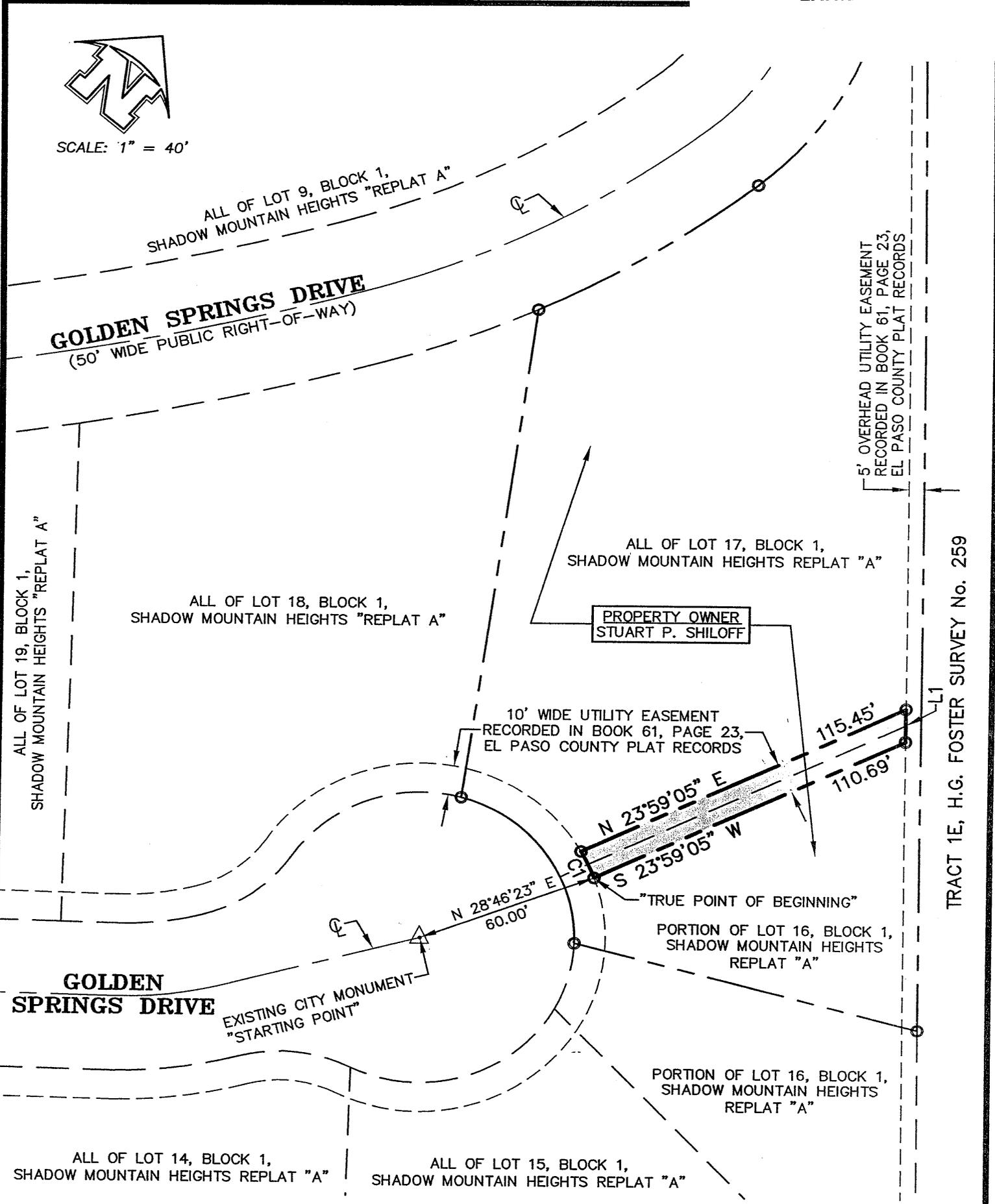
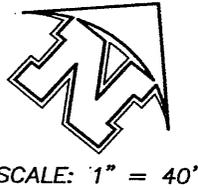
Thence North 23° 59' 05" East a distance of 115.45 feet to a point;

Thence South 40° 33' 03" East a distance of 11.08 feet to a point,

Thence South 23° 59' 05" West a distance of 110.69 feet back to the "True Point of Beginning" and said parcel containing in all 1,129.32 square feet or 0.0259 acres of land more or less.


Bradley Roe, R.F.L.S. 2449
Roe Engineering, L.C.





CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	60.00	10.01'	5.02'	10.00'	N 66°00'26" W	9°33'37"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 40°33'03" E	11.08'

NOTE: The above referenced property is within Zone "C" (Explanation: Area of Minimal Flooding) according to the Federal Emergency Management Agency Flood Insurance Rate Maps, as per Area Community Panel No. 480214-0027 D, dated 1/13/97.

FILING INFORMATION	
DATE:	JANUARY 19, 2005
CENSUS TRACT:	11.10
DISTRICT:	WESTSIDE I
AREA:	7
COUNTY PLAT RECORDS	
BOOK:	61
PAGE:	23
FIELD:	N/A
OFFICE:	J.H.
W.O.:	011805-B
FILE:	SPRINGS_ESMNT.DWG
SCALE:	1" = 40'



PLOT PLAN
433 GOLDEN SPRINGS DRIVE
 PORTION OF LOTS 16 & 17, BLOCK 1,
 SHADOW MOUNTAIN HEIGHTS
 "REPLAT A", CITY OF EL PASO,
 EL PASO COUNTY, TEXAS
 CONTAINING IN ALL 1,129.32 SQ. FT.
 OR 0.0259 ACRES OF LAND MORE OR LESS.
 PREPARED FOR:
 MR. STUART P. & MRS. NANCY SHILOFF

brn Roe Engineering, L.C.
 601 N. Cotton St. Suite No. 8 El Paso, Tx, 79902
 (915) 633-1418 FAX: (915) 633-4972
 EMAIL: roeeng@swball.net
 ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

TRACT 1E, H.G. FOSTER SURVEY No. 259

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF 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 AND NO/100THS DOLLARS (\$25.00) and other good and 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 **STUART P. SHILOFF AND NANCY SHILOFF** all of its right, 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 utility easement described as *a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights "Replat A", City of El Paso, El Paso County, Texas*, which is more fully described in the attached metes and bounds 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** _____ **2012.**

THE CITY OF EL PASO

Joyce Wilson
City Manager

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director-Planning
Planning & Economic Development

(Acknowledgment on following page)

ACKNOWLEDGEMENT

THE STATE OF TEXAS §

§

COUNTY OF TEXAS §

This instrument is acknowledged before me on this _____ day of _____, 2012
by JOYCE WILSON as CITY MANAGER of the CITY OF EL PASO, a municipal corporation.

My Commission Expires:

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

AFTER RECORDING RETURN TO:

**Stuart P. Shiloff and Nancy Shiloff
433 Golden Springs
El Paso, TX 79912**

with copy to:

**Planning & Economic Development
Planning Division
2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901**

#100479/12-1007-265 – Planning/SUET12-00001/ORD/Rezoning
Document Author: LCUE

ORDINANCE NO. _____

Easement Vacation SUET12-00001

Prepared for: Mr. Stuart P. & Mrs. Nancy Shiloff
A Portion of Lots 16 & 17, Block 1,
Shadow Mountain Heights "Replat A"
City of El Paso, El Paso County, Texas
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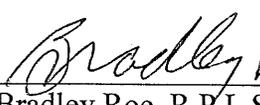
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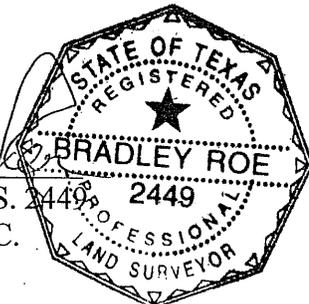
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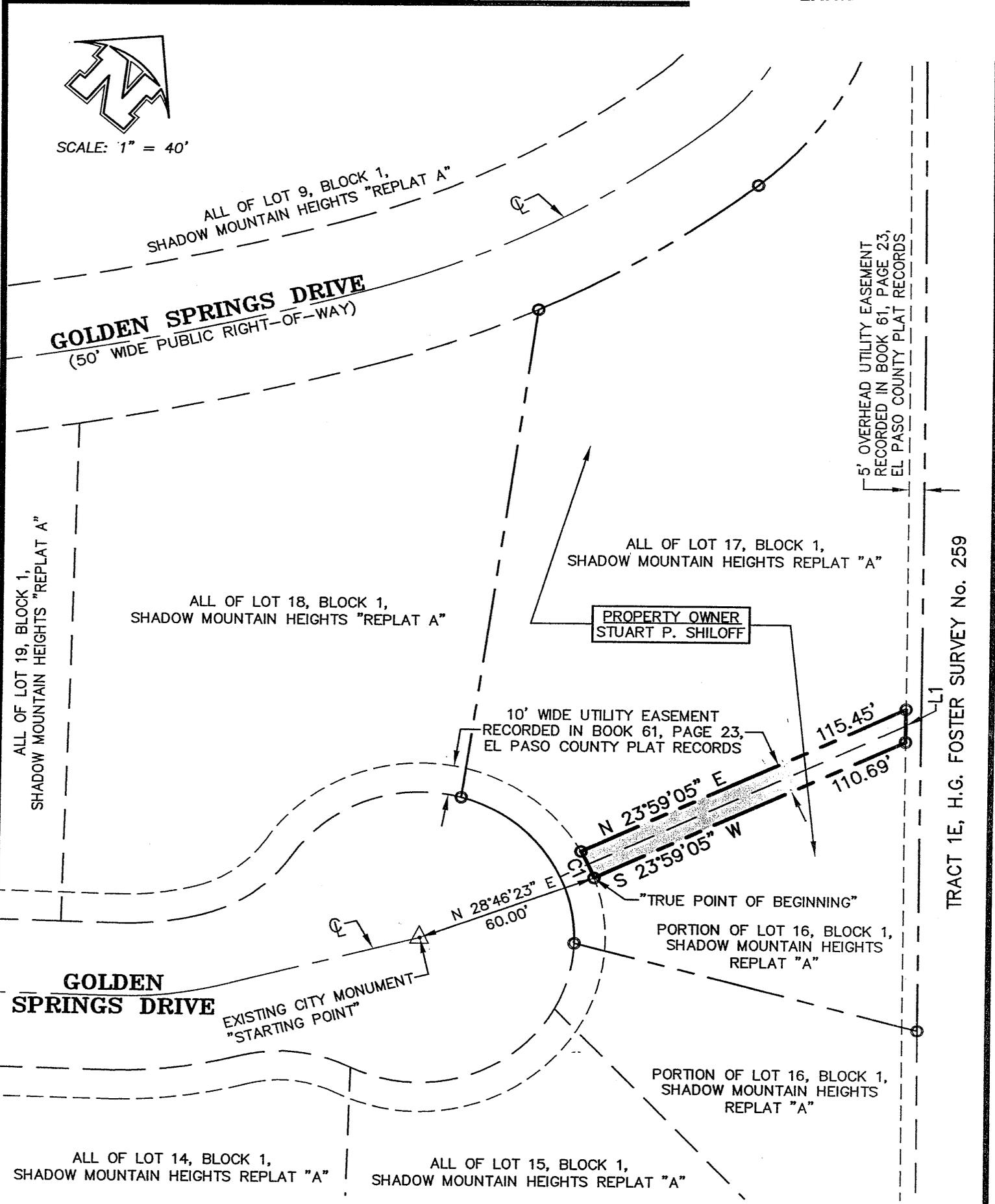
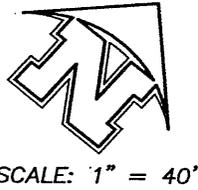
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Bradley Roe, R.F.L.S. 2449
Roe Engineering, L.C.



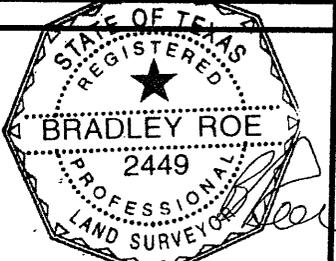


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W.O.:	011805-B
FILE:	SPRINGS_ESMNT.DWG
SCALE:	1" = 40'



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433 GOLDEN SPRINGS DRIVE
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 SHADOW MOUNTAIN HEIGHTS
 "REPLAT A", CITY OF EL PASO,
 EL PASO COUNTY, TEXAS
 CONTAINING IN ALL 1,129.32 SQ. FT.
 OR 0.0259 ACRES OF LAND MORE OR LESS.
 PREPARED FOR:
 MR. STUART P. & MRS. NANCY SHILOFF

brn Roe Engineering, L.C.
 601 N. Cotton St. Suite No. 8 El Paso, Tx, 79902
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 EMAIL: roeeng@swball.net
 ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

TRACT 1E, H.G. FOSTER SURVEY No. 259



**PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

DATE: February 28, 2012

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

FROM: Justin Bass, Planner

SUBJECT: Golden Springs Drive Easement Vacation

The City Plan Commission (CPC), on February 9, 2012, **voted 4-0** to recommend **approval** of the Golden Springs easement vacation.

The CPC determined the vacation of the utility easement protects the best interest, health, safety and welfare of the public in general; 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



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000



City of El Paso – City Plan Commission Staff Report

Case No: SUET12-00001 Golden Springs Dr. Easement Vacation
Application Type: Easement Vacation
CPC Hearing Date: February 9, 2012
Staff Planner: Justin Bass, 915-541-4930, bassjd@elpasotexas.gov
Location: East of Shadow Mountain Drive and South of Silver Springs Drive
Legal Description Acreage: 0.0259-acre
Rep District: 1
Existing Use: Residential
Existing Zoning: R-3 (Residential)
Proposed Zoning: R-3 (Residential)

Parkland Fees Required: N/A
Impact Fee Area: This property is not in an Impact Fee Service Area and is not subject to impact fees.

Property Owner: Stuart P. Shiloff & Nancy Shiloff
Applicant: Roe Engineering, L.C.
Representative: Roe Engineering, L.C.

SURROUNDING ZONING AND LAND USE:

North: R-3 (Residential)/ Single Family Residential Development

South: R-3 (Residential)/ Single Family Residential Development

East: R-3 (Residential)/ Single Family Residential Development

West: R-3 (Residential)/ Single Family Residential Development

THE PLAN FOR EL PASO DESIGNATION: Residential.

APPLICATION DESCRIPTION

The subdivider is proposing to vacate a ten-foot utility easement located within the Shadow Mountain Heights “Replat A” subdivision in order to expand the existing residential home without encroaching upon the easement.

Development Coordinating Committee

The Development Coordinating Committee recommends *approval* of the Golden Springs Dr. Easement Vacation, subject to the following conditions and requirements:

Open Space Advisory Board

Approved unanimously.

Planning Division Recommendation

Approval.

Engineering and Construction Management – Land Development

No objections.

The subdivision is within Flood Zone C -Panel # 480214 0027 D, dated January 03, 1997.

EPDOT

Department of Transportation does not object to the proposed easement vacation.

El Paso Water Utilities

1. EPWU does not object to this request

Water:

2. There is an existing 8-inch diameter water main extending along Golden Springs Drive that is available for service, the water main is located approximately 7-feet south from the center right-of-way line.

Sewer:

3. There is an existing 8-inch diameter sanitary sewer main extending along Golden Springs Drive that is available for service, the sanitary sewer main is located approximately 5-feet north from the center right-of-way line.

General:

4. 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.

PSB - Stormwater

No comments received.

Parks and Recreation Department

We have reviewed **Golden Springs Dr. - Easement Vacation** survey map and offer “No” objections to this proposed easement vacation request.

Texas Gas Service

No comments received.

Central Appraisal District

No comments received.

El Paso Electric Company

El Paso Electric Company has no objections to the proposed vacation at 433 Golden Springs as shown on the survey done by Roe Engineering of subject property dated January 3, 2012.

Sun Metro

Sun Metro does not oppose to this request.

911 District

No comments received.

Fire Department

No comments received.

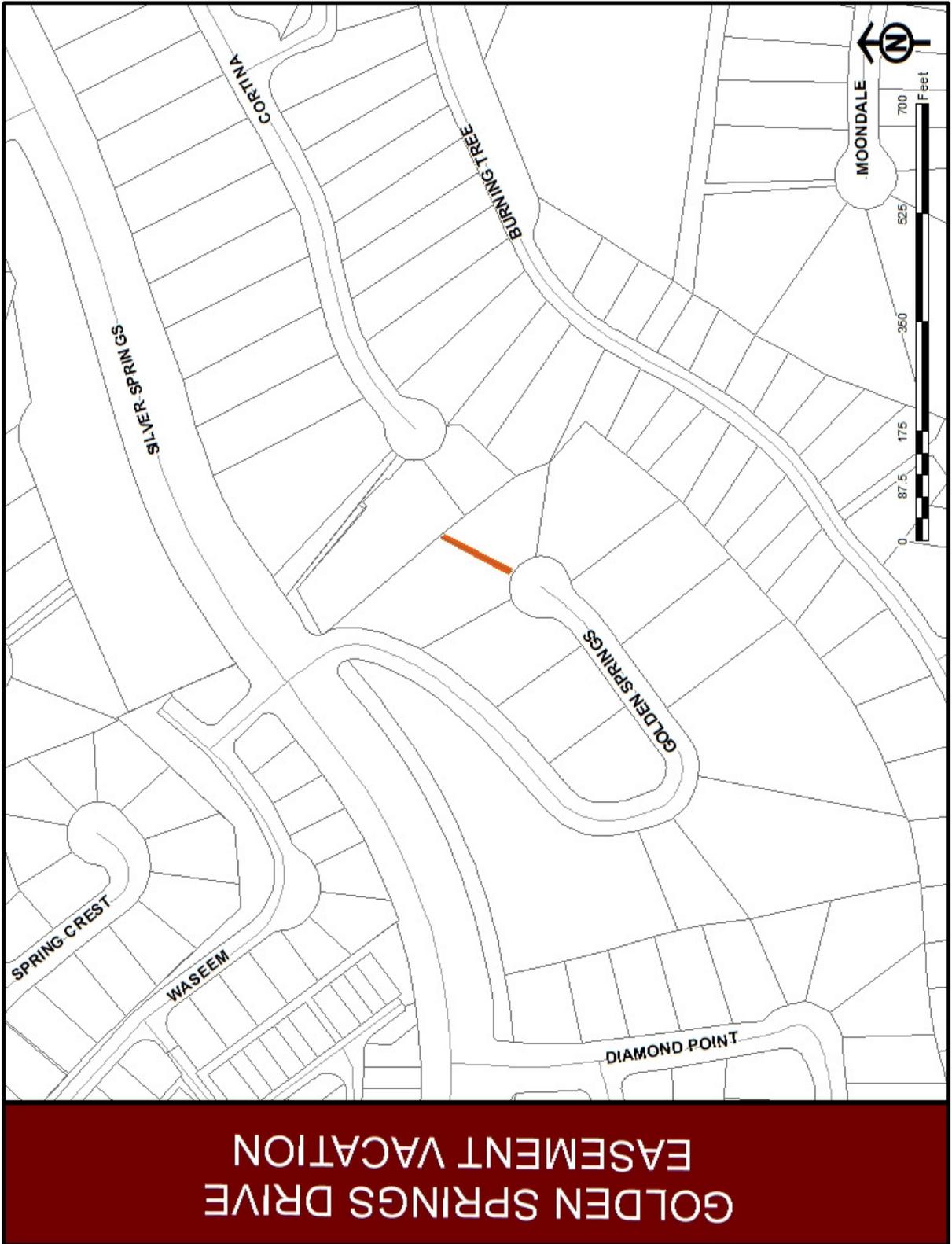
El Paso Independent School District

No comments received.

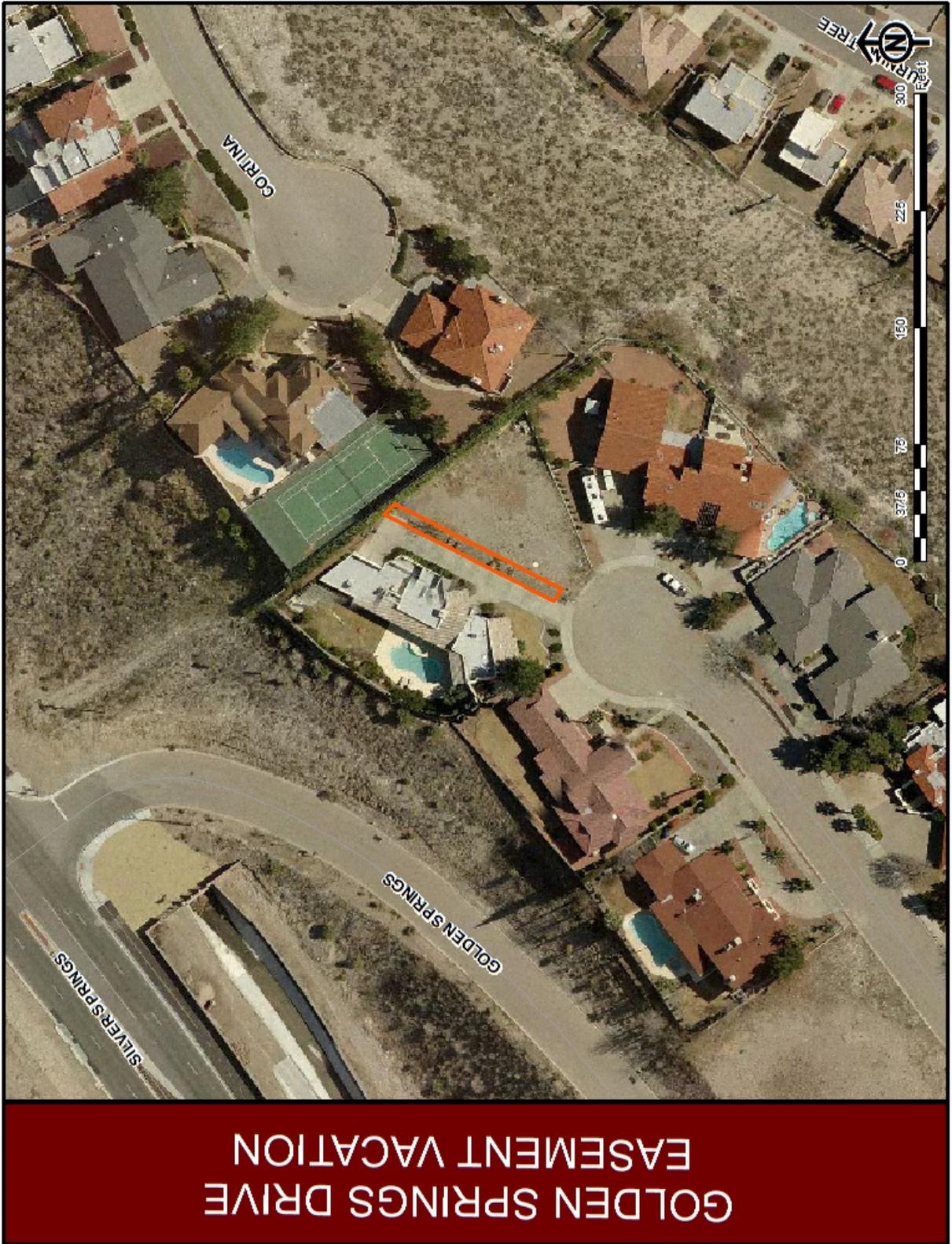
Attachments

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

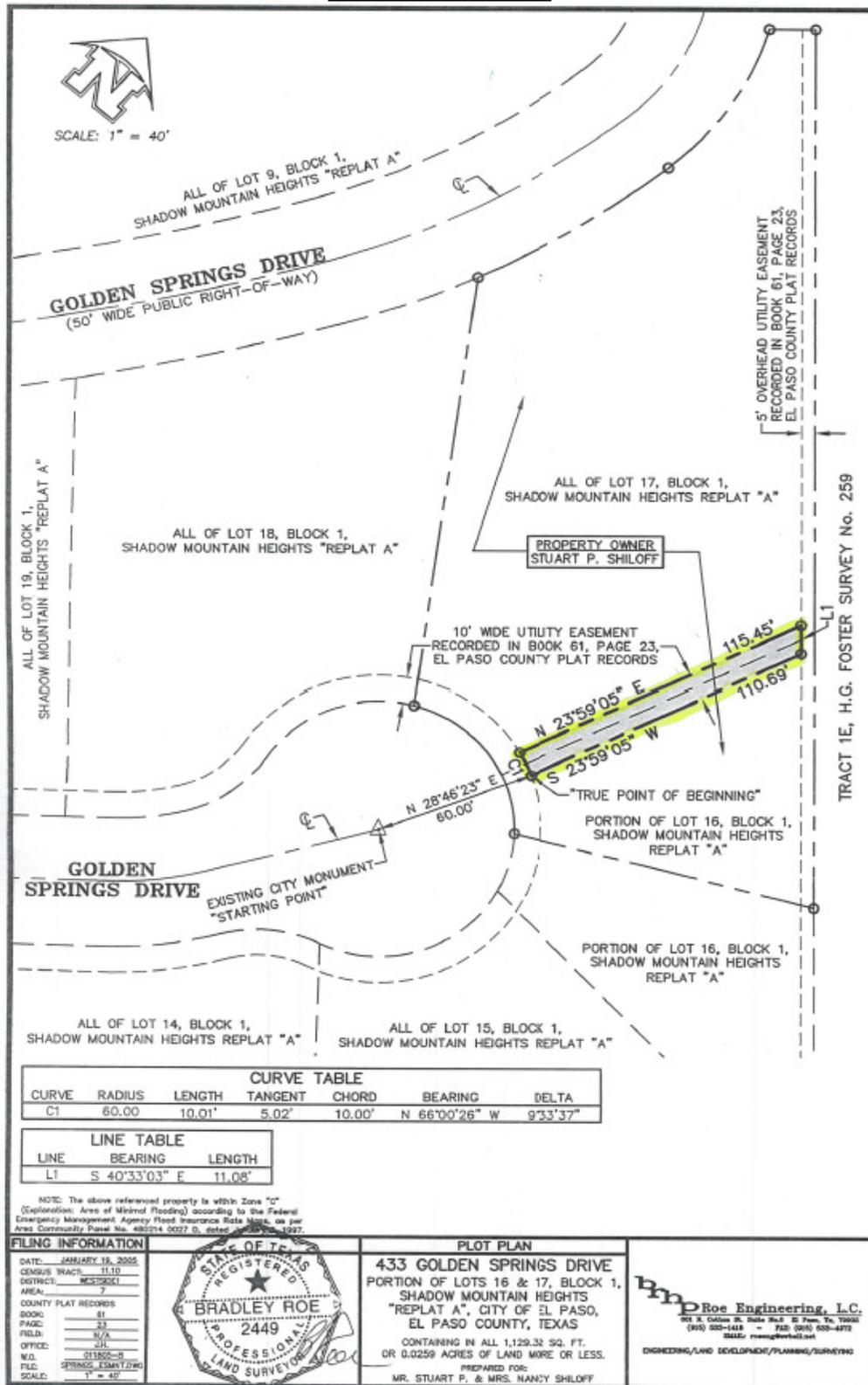
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: January 2012

File No. SUET12-00001

1. APPLICANTS NAME Stuart Philip Shiloff and Nancy R. Spitz

ADDRESS 433 Golden Springs ZIP CODE 79925 TELEPHONE 915-204-4444

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

Street Alley Easement Other **"Replat A" Shadow Mountain**

Street Name(s) Golden Springs Drive Subdivision Name Estates

Abutting Blocks 1 Abutting Lots 16 and 17

3. Reason for vacation request: Owners want to expand existing house and build over the easement.

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
	Lot 17 and a portion of Lot 16, Block 1, Replat A Shadow Mountain Estates	915-204-4444
	11	

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:
REPRESENTATIVE: _____

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