

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

DEPARTMENT: Development Services/Planning Division
AGENDA DATE: Introduction 03/06/07; Public Hearing 03/20/07
CONTACT PERSON/PHONE: James Fisk, Senior Planner – 541-4638
DISTRICT(S) AFFECTED: #2

SUBJECT:

An Ordinance vacating a portion of Dakota Street right of way, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: Southwest corner of intersection of Portland Avenue and Dakota Street. Applicant: Ruben and Virginia Ramirez, SV06002, (District 2)

BACKGROUND / DISCUSSION:

See attached report

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF DAKOTA STREET RIGHT OF WAY, HIGHLAND PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City Plan Commission has recommended vacation of *a portion of Dakota Street Right of Way, Highland Park Addition, City of El Paso, El Paso County, Texas*, and the El Paso City Council finds that said 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 Dakota Street Right of Way, Highland Park Addition, 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" made a part hereof by reference, be and is hereby vacated, subject to the condition that the El Paso Electric Company has existing facilities within this parcel and must retain all of the parcel as an easement, save and except the portion of the parcel which is more particularly described in the attached Exhibit "B."

In addition, the Mayor is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to Ruben and Virginia Ramirez.

PASSED AND APPROVED this ___ day of _____ 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

CITY CLERK DEPT.
07 FEB 26 AM 9:03

APPROVED AS TO CONTENT:



Fred Lopez, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2007,
by John F. Cook, as Mayor for the CITY OF EL PASO.

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

My Commission Expires:

AFTER FILING RETURN TO:

**Ruben and Virginia Ramirez
2332 Portland Street
El Paso, Texas 79902**

CITY CLERK DEPT.
07 FEB 26 AM 9:03

Prepared for: Mr. Ruben Ramirez, Mrs. Virginia Ramirez
A PORTION OF DAKOTA STREET RIGHT-OF- WAY
HIGHLAND PARK ADDITION
EL PASO COUNTY, TEXAS.
W.O. 011106-3
FEBRUARY 9, 2006
PORTL SURVEY.DWG

CITY CLERK DEPT.

07 FEB 26 AM 9:03

PROPERTY DESCRIPTION

2332 PORTLAND AVE.

Description of 0.0185 acre parcel of land being a Portion of DAKOTA STREET RIGHT-OF-WAY, HIGHLAND PARK ADDITION, 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 10 feet North and 10 feet East from the centerline intersection of Dakota Street (70' wide public right-of-way) and San Jose Avenue (70' wide public right-of-way) said monument being the starting point, Thence South a distance of 375.00 feet along the monument line to point, Thence West a distance of 38.29 feet to a set $\frac{5}{8}$ " \emptyset rebar with yellow plastic cap stamped TX 2449 Roe Eng. L.C., said point being the "True Point of Beginning",

Thence South a distance of 120.00 feet to a set $\frac{5}{8}$ " \emptyset rebar with yellow plastic cap stamped TX 2449 Roe Eng. L.C.;

Thence West a distance of 6.71 feet to a set $\frac{5}{8}$ " \emptyset rebar with yellow plastic cap stamped TX 2449 Roe Eng. L.C; said point lying along the northerly Right of Way line of a 20.00 foot wide Alley and the westerly Right of Way line of Dakota Street;

Thence North a distance of 120.00 feet to a set $\frac{5}{8}$ " \emptyset rebar with yellow plastic cap stamped TX 2449 Roe Eng. L.C; said point lying along the westerly Right of Way line of Dakota Avenue and the southerly Right of Way line of Portland Avenue;

Thence East along said southerly right of way line of Portland Avenue a distance of 6.71 feet back to the "TRUE POINT OF BEGINNING" and containing in all 805.2 square feet or 0.0185 acres of land more or less.



Exhibit "A"

Prepared for: Mr. Ruben Ramirez, Mrs. Virginia Ramirez
A PORTION OF DAKOTA STREET RIGHT-OF- WAY
HIGHLAND PARK ADDITION
EL PASO COUNTY, TEXAS.
W.O. 011106-3
FEBRUARY 9, 2006
PORTL SURVEY.DWG

CITY CLERK DEPT.

07 FEB 26 AM 9:03

PROPERTY DESCRIPTION

BUILDING ENCROACHMENT TO PROPOSED ELECTRIC EASEMENT

Description of 0.0007 acre parcel of land being a Portion of DAKOTA STREET RIGHT-OF-WAY, HIGHLAND PARK ADDITION, 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 10 feet North and 10 feet East from the centerline intersection of Dakota Street (70' wide public right-of-way) and San Jose Avenue (70' wide public right-of-way) said monument being the starting point, Thence South a distance of 399.14 feet along the monument line to point, Thence West a distance of 43.79 feet to a set $\frac{5}{8}$ " ϕ rebar with yellow plastic cap stamped TX 2449 Roe Eng. L.C., said point being the "True Point of Beginning",

Thence South 01° 27' 53" East a distance of 19.90 feet to a set point;

Thence West a distance of 1.72 feet to point lying along the existing westerly Right of Way line of Dakota Avenue;

Thence North a distance of 19.90 feet to a point;

Thence East a distance of 1.21 feet back to the "TRUE POINT OF BEGINNING" and containing in all 29.10 square feet or 0.0007 acres of land more or less.

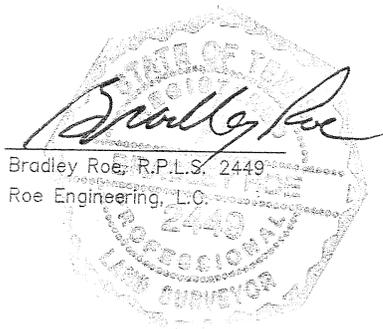


Exhibit "B"

STAFF REPORT

Application No: SV06002

Legal Description: Right of way abutting Block 35, Lot 17, Highland Park Addition, City of El Paso, El Paso County, Texas

Type Request: Street Vacation

Applicant: Ruben and Virginia Ramirez

Property Owner: The City of El Paso

Surveyor: Roe Engineering

Location: Southwest corner of intersection of Portland Ave and Dakota St.

Representative District: 2

Planning Area: Central

SV06002- Vacation of Dakota Street right of way abutting Block 35, Lot 17, Highland Park Addition, City of El Paso, El Paso County, Texas.

GENERAL INFORMATION:

The applicant proposes to vacate 6.7 feet of Dakota Street to include a portion of an existing structure within the applicant's property. The home on the abutting property was remodeled in 1977 with permits; the house was remodeled again in 1981. Unknown to the property owners and the City, Permits were issued using an incorrect survey. In 2005, a permit was issued using the same survey. During construction the error was discovered as the building addition encroaches into the Dakota Street right of way by 1.6 feet. This application is the first step to remedy the situation; the vacation of 6.7 feet would create a side yard setback of five feet. Although a 10-yard side setback applies when the side yard abuts a street, the applicant would request that the Zoning Board of Adjustment grant a Special Exception for a five-foot side-yard setback.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends *approval* of the vacation of a portion of Dakota Street right-of-way. The Development Coordinating Committee recommends that the right of way be vacated in its entirety with the following conditions:

Planning – Land Development Comments and Requirements:

We have reviewed the proposed Street Vacation request and recommend that the Applicant address the following comments.

1. Provide a printout of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel.
2. Identify and / or illustrate existing improvements on the street ROW.
3. Proposed concrete sidewalk shall be illustrated along Dakota Street abutting new right-of-way line.
4. New curb shall be installed at existing curb opening on Dakota Street.
5. Provide the existing and proposed drainage patterns, conditions, and what will be modified.
6. Show flood zone designation.

El Paso Water Utilities Comments:

General

El Paso Water Utilities – Public Service Board (EPWU-PSB) does not own or operate any facilities within the above referenced portion of Dakota Street to be vacated. Existing water and sanitary sewer facilities are located along Portland Avenue.

EPWU-PSB does not object to this request.

El Paso Electric:

El Paso Electric Company has existing facilities within this parcel and must retain all easements.

City Engineering / Traffic Division Comments:

1. No apparent traffic concerns with the proposed vacation.
2. Sidewalks shall be provided along Dakota Street.
3. No driveways shall be allowed on Dakota Street.

Additional Requirements and General Comments:

1. The vacated portion of right of way shall be retained as an easement except that portion of right of way that the existing structure encroaches upon. Provide revised metes and bounds for the portion to remain an easement and the portion that the structure encroaches upon the existing right of way.
2. The applicant shall bear the cost of the appraisal.
3. The appraised value for the property was \$2,200.00. The applicant paid this amount in full.

NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEPARTMENT OF PLANNING AT 541-4635.

LOCATION



AERIAL



