



DEPARTMENT: Planning & Economic Development
AGENDA DATE: CCA 03/01/11 Introduction, Public Hearing 03/08/11
CONTACT PERSON/PHONE: Justin Bass, 541-4930
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a portion of Cebada Street (70' public right-of-way), between Block 60 and Block 61, East El Paso Addition, 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

APPROVED FOR AGENDA:

CITY MANAGER:

DATE:

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF CEBADA STREET (70' PUBLIC RIGHT-OF-WAY), BETWEEN BLOCK 60 AND BLOCK 61, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the City of El Paso, the abutting property owner, has requested a vacation of a portion of Cebada Street (70' public right-of-way), between Block 60 and Block 61, East El Paso Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Cebada Street (70' public right-of-way), between Block 60 and Block 61, East El Paso Addition, 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 Cebada Street (70' public right-of-way), between Block 60 and Block 61, East El Paso 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" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated.

That the City of El Paso as the abutting property owner retains all property interest in the vacated street and that the City Manager be directed to file a copy of this ordinance in the deed records of El Paso County, Texas.

PASSED AND APPROVED this _____ day of _____, 2011.

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 Dev. Department

Lupe Cuellar
Assistant City Attorney

LEGAL DESCRIPTION

Property Description: A portion of Cebada Street (70' public Right-of-way), between Block 60 and Block 61, "EAST EL PASO ADDITION", an addition to the City of El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Cebada Street (70' public Right-of-way), between Block 60 and Block 61, "EAST EL PASO ADDITION", an addition to the City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

Commencing at a city monument at the intersection of Cebada Street and Missouri Street, situated 10 feet north and 10 feet east from the centerlines of Cebada Street and Missouri Street; Thence, South 90°00'00" East, along the monument line of Missouri Street, a distance of 25.00 feet to a point lying on the easterly right-of-way line of Cebada Street; Thence, South 00° 00' 00" East, along said right-of-way line of Cebada Street, a distance of 45.00 feet to a point lying on the intersection of the southerly right-of-way line of Missouri Street and the easterly right-of-way line of Cebada Street; Thence, South 00° 00' 00" East, along said right-of-way line, a distance of 160.00 feet to a point lying on the intersection of the easterly right-of-way line of Cebada Street and the southerly boundary line of a 20 foot alley of Block 60, EAST EL PASO ADDITION, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, South 00° 00' 00" East, along said right-of-way line of Cebada Street, a distance of 140.00 feet to a point for a corner lying on the intersection of the easterly right-of-way line of Cebada Street and the northerly Gateway Boulevard West right-of-way;

THENCE, South 90° 00' 00" West, along said right-of-way line of Gateway Boulevard West, a distance of 70.00 feet to a point for a corner lying on the intersection of said right-of-way line of Gateway Boulevard West and the westerly right-of-way line of Cebada Street;

THENCE, North 00° 00' 00" West, along said right-of-way line of Cebada Street, a distance of 140.00 feet to a point for a corner lying on the intersection of said right-of-way line of Cebada Street and the southerly boundary line of a 20 foot alley;

THENCE, North 90° 00' 00" East, along said boundary line of a 20 foot alley, a distance of 70.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.225 acres (9,800 Sq. Ft.) of land more or less.

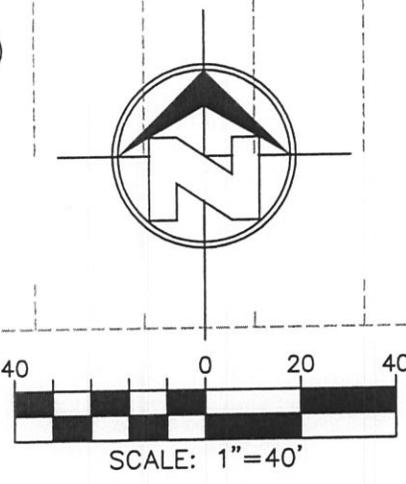
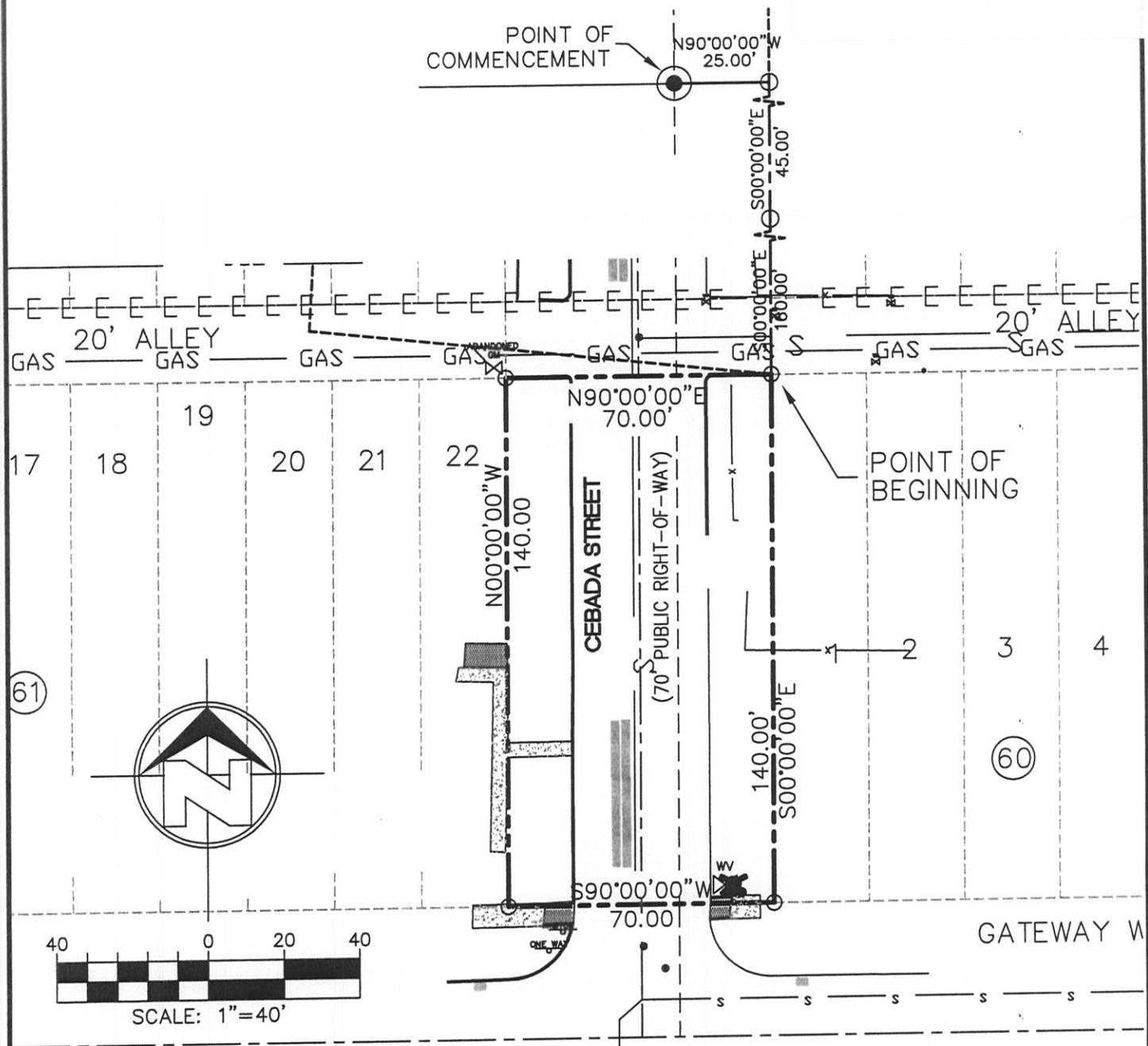
A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,
Consulting Engineers—Land Surveyors

[Handwritten Signature]

Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998
November 19, 2010
Job # 06-10-2975
M&B/1667





ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0034 B, DATED OCTOBER 15, 1982 THIS PROPERTY LIES IN FLOOD ZONE "AH".

ZONE "A" AREAS OF OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE AND THREE FEET' BASE FLOOD ELEVATIONS ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE:
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

Copyright 2010 SLI Engineering, Inc.
This map and survey are being provided solely for the use of PUBLIC SERVICE BOARD, City of El Paso County, Texas and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon November 19, 2010.

LEGEND

- ⊙ EXISTING CITY MONUMENT LOCATED 10' NORTH & 10' EAST OF CENTERLINE INTERSECTION
- ⊕ CENTERLINE
- GAS- GAS
- UGE- UNDERGROUND ELECTRIC
- E- OVERHEAD ELECTRIC
- W- WATER
- S- SEWER



BOUNDARY AND IMPROVEMENT SURVEY



SLI ENGINEERING, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS 79912
915-584-4457

A PORTION OF CEBADA STREET (70' PUBLIC RIGHT-OF-WAY), BETWEEN BLOCK 60 AND BLOCK 61, EAST EL PASO ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Guillermo Licon
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

JOB #: 06-10-2975 DR. BY: EK
SCALE: 1"=40'
DATE: 11/19/2010 M&B No.1667

F:\PROJECTS\WIP\SRV\10-2975 EP\60&61\PSB\Cebada\06-10-2975 EP\60&61\PSB\Cebada\PSB.dwg 11/19/2010 10:39:55 PM



**PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

DATE: March 1, 2011
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Justin Bass, Planner
SUBJECT: **SUB10-00305 Cebada Street Vacation**

The City Plan Commission (CPC), on January 27, 2011, **voted 6-0** to recommend **approval** of the Cebada Street 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
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

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

REVISED

Case No: SUB10-00305 Cebada Street Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: January 27, 2011

Staff Planner: Justin Bass, 915-541-4930, bassjd@elpasotexas.gov
Location: North of Gateway West Boulevard at Cebada Street
Acreage: 0.23-acre
Rep District: 8
Existing Use: ROW
Existing Zoning: C-1/sc (Commercial/ special contract) and R-5 (Residential)

Property Owner: City of El Paso
Applicant: Public Service Board
Representative: Public Service Board

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential)/ Single-family residential
South: C-1 (Commercial) and R-5 (Residential)/ Interstate right-of-way
East: R-5 (Residential)/ Single-family residential
West: C-1/sc (Commercial/special contract)/ Single-family residential

THE PLAN FOR EL PASO DESIGNATION: Commercial.

APPLICATION DESCRIPTION

The Public Service Board is requesting that a portion of Cebada Street be vacated and developed into a ponding facility, in order to alleviate current flooding problems in this area.

Staff has received one letter in opposition to the proposed vacation (see Attachment #4).

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Cebada Street Vacation subject to the following conditions and requirements:

Planning Division Recommendation:

Approval.

Engineering & Construction Management - Land Development:

We have reviewed subject plat and recommend **Approval**.

1. Due to the subdivision being within an area in a Special Flood Hazard Area (AH), applicant shall coordinate with Floodplain Coordinator for the requirements and compliance of Special

Flood Hazard Area.

EPDOT:

No objections to the proposed street vacation.

It is recommended that all existing curb and gutter and sidewalks along Missouri Avenue and Gateway West Boulevard remain and be extended along the northern and southern boundaries of the vacated street as public right-of-way in order to maintain existing pedestrian access.

Note:

1. All existing/proposed paths of travel (sidewalks, wheelchair access curb ramps, and driveways) shall be in compliance with the current ADA/TAS rules and regulations and City Design Standards for construction.

Engineering & Construction Management - Floodplain Coordinator:

No comments received.

El Paso Water Utilities:

We have reviewed the above described street vacation request and provide the following comments:

1. The El Paso Water Utilities does not object to the proposed vacation. Water and sewer mains will be relocated as required by the stormwater project.

Stormwater Division:

No comments received.

Parks and Recreation:

We have reviewed **Cebada Street - Street Right of Way Vacation** survey map and offer “No” objections to this proposed Street Right-of-way vacation request.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

El Paso Electric has no objections to the vacation of the herein referenced property. We require easement rights to be maintained for our facilities.

Sun Metro:

No comments received.

911:

No comments received.

Texas Gas Company:

No comments received.

El Paso Independent School District:

No comments received.

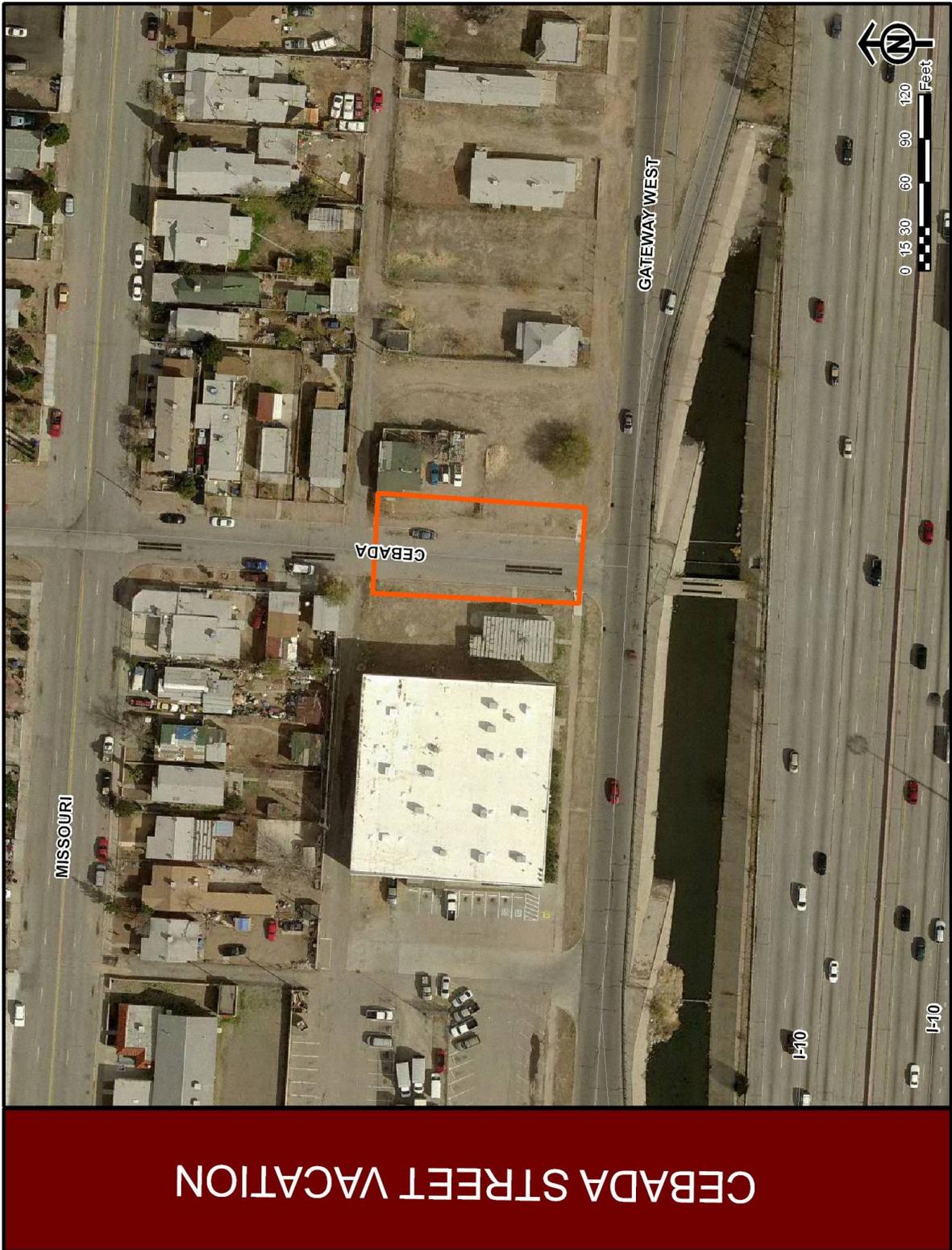
Attachments

1. Location map
2. Aerial map
3. Survey
4. Letter of Opposition
5. Application

ATTACHMENT 1

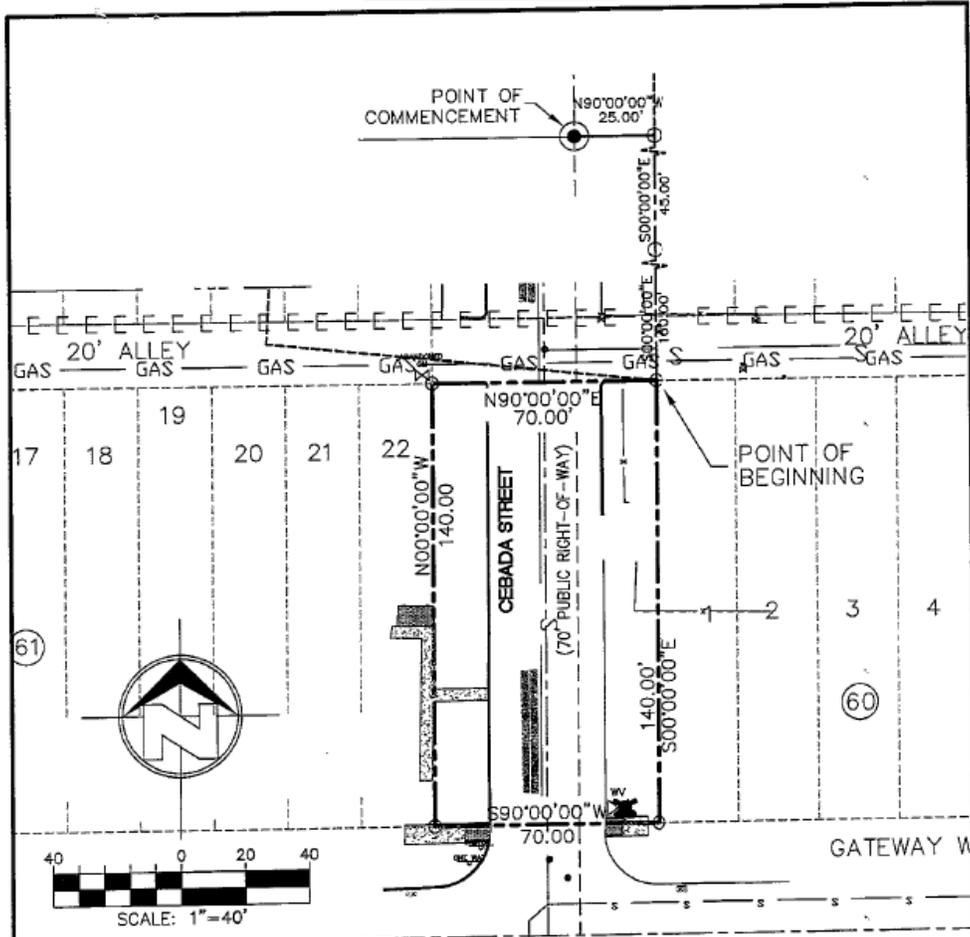


ATTACHMENT 2



CEBADA STREET VACATION

ATTACHMENT 3



ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0034 B, DATED OCTOBER 15, 1982 THIS PROPERTY LIES IN FLOOD ZONE "AH".

ZONE "A" AREAS OF OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE AND THREE FEET BASE FLOOD ELEVATIONS ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE:
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

Copyright 2010 SLI Engineering, Inc.
This map and survey are being provided solely for the use of PUBLIC SERVICE BOARD, City of El Paso County, Texas and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon November 19, 2010.

LEGEND

- EXISTING CITY MONUMENT LOCATED 10' NORTH & 10' EAST OF CENTERLINE INTERSECTION
- ⊥ CENTERLINE
- GAS- GAS
- UGE- UNDERGROUND ELECTRIC
- E- OVERHEAD ELECTRIC
- W- WATER
- S- SEWER



BOUNDARY AND IMPROVEMENT SURVEY



A PORTION OF CEBADA STREET (70' PUBLIC RIGHT-OF-WAY), BETWEEN BLOCK 60 AND BLOCK 61, EAST EL PASO ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Guillermo Licon
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2898

JOB #: 06-10-2975 DR. BY: EK
SCALE: 1"=40'
DATE: 11/19/2010 M&B No.1667

ATTACHMENT 4

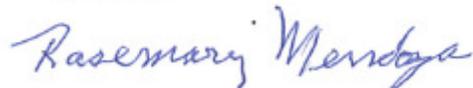
January 19, 2011

Planning Economic Development Planning Division
#2 Civic Center Plaza 5th floor
El Paso, TX 79901-1196

Attn: Justin Bass
Re: N. Cebada Street

I am the owner of a property at 516 N. Cebada Street. I am concerned with the closure of N. Cebada Street. It is Zoned Commercial and my property is presently rented. The people like the easy convenient entrance access to the Freeway whether it is going to work or in case of an emergency. Adults and children live in this area and it is important to have this particular Street opening specially in case of an emergency. As a Tax payer I feel the property value will depreciate if you close this Street. I understand you are planning a ponding area and this will bring additional problems such as mosquitoes and tempting children to play. I am asking you to reconsider the closure of N. Cebada.

Cordially,



Rosemary Mendoza
10524 Candlewood Ave.
El Paso, TX. 79925
Phone: (915) 591-5335

ATTACHMENT 5



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

Date: November 10, 2010 File No. SUB10-00305

1. APPLICANTS NAME City of El Paso/Public Service Board/El Paso Water Utilities
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) Ptn of Cebada St. Subdivision Name El Paso Addition
Abutting Blocks 60 and 61 Abutting Lots 1 and 32 (Blk 60) 22 and 23 (Blk 61)
3. Reason for vacation request: Need to acquire the property for Stormwater Project (Ponding Area)
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. If 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: *Acabla City of P.*
REPRESENTATIVE: *Judy Valdez*
594-5590

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