



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF WHEELING STREET BETWEEN  
BLOCKS 12 & 13, MANHATTAN HEIGHTS ADDITION, CITY OF EL PASO, EL  
PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of a portion of Wheeling Street between Blocks 12 & 13, Manhattan Heights Addition, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after a public hearing the City Plan Commission recommended that a portion of Wheeling Street between Blocks 12 & 13, Manhattan Heights 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;

**WHEREAS**, City Plan Commission has recommended the vacation, and the El Paso City Council finds that said right-of-way is not needed for public use by the City and should be vacated as recommended; and,

**WHEREAS**, Texas Local Government Code Section 272.001(b)-(j) allows the city to sell or convey land to an abutting property owner owning the underlying fee simple of the land being sold or conveyed for less than the fair market value of the land; and,

**WHEREAS**, the City Council wishes to use the provisions of Chapter 272.001(b)-(j) to convey one half of the vacated street to the El Paso Independent School District; and,

**WHEREAS**, the El Paso Independent School District is the abutting property owner on one side of the street being vacated and owns the underlying fee simple to that half of the street being vacated;

**WHEREAS**, in exchange for conveying the property for less than fair market value, the El Paso Independent School District will enter into a lease agreement with the City for a term of ninety nine years which will allow the City to use those existing and new facilities identified in the agreement under the terms and provisions contained in the agreement; and,

**WHEREAS**, the City Council determines that the terms and provisions contained in the lease agreement between the City and the El Paso Independent School District is adequate consideration for conveying the land for less than fair market value;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF EL PASO:**

**Section 1.** That a determination has been made that it is in the best interest of the public that a portion of Wheeling Street between Blocks 12 & 13, Manhattan Heights 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 subject to the following conditions:

1. That a 20' wide PSB easement be retained as depicted in the attached survey identified as Exhibit "B".
2. That a 10' wide El Paso Electric Company easement be retained as depicted in the attached survey identified as Exhibit "B".
3. El Paso Independent School District will enter into a lease agreement with the City for a term of ninety nine years which will allow the City to use those existing and new facilities identified in the agreement under the terms and provisions contained in the agreement

**Section 2.** That the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in such vacated property, only to that portion of the street abutting the El Paso Independent School District and to the centerline of the street, incorporating the above conditions, to the **El Paso Independent School District** and the other half of the street shall be conveyed to the City of El Paso, the underlying fee simple owner.

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:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Planning & Economic Development Department

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

*(Quitclaim Deed on following page)*



**BROCK & BUSTILLOS INC.**  
CONSULTING CIVIL ENGINEERS      LAND SURVEYORS

ROMAN BUSTILLOS, P.E.  
President  
RANDY P. BROCK, P.E.  
Executive Vice President  
SERGIO J. ADAME, P.E.  
Vice President - Engineering  
OSCAR V. PEREZ  
Vice President - Operations  
ISAAC CAMACHO, R.P.L.S.  
Survey Manager

TBPE Reg No. F-737

## EXHIBIT A

### METES AND BOUNDS DESCRIPTION "WHEELING STREET VACATION"

*A 0.9862 acre parcel situate within the corporate limits of the County of El Paso, El Paso County, Texas as a portion of Wheeling Street, between Blocks 12 and 13, Manhattan Heights Addition and being more particularly described by metes and bounds as follows.*

**COMMENCING** for reference at an existing County Monument found at the monument line intersection of Aurora Street (70.00 feet wide) and Luna Street (70.00 feet wide), said monument line intersection located 10.00 feet north and 10.00 feet east of the centerline intersection of Aurora Street and Luna Street and whence an existing County Monument found at the monument line intersection of Aurora Street and Copia Street (right-of-way varies), said monument line intersection located at 10.00 feet north and 35.69 feet east of the centerline intersection of Aurora Street and Copia Street, bears North 90°00'00" East, a distance of 668.69 feet and whence an existing County Monument found at the monument line intersection of Aurora Street and San Marcial Street (70.00 feet wide), said monument line intersection located at 10.00 feet north and 10.00 feet east of the centerline intersection of Aurora Street and San Marcial Street, bears South 90°00'00" West, a distance of 695.00 feet; **THENCE**, leaving the monument line of Aurora Street and following the monument line of Luna Street, South 00°00'00" East, a distance of 305.00 feet; **THENCE**, leaving the monument line of Luna Street, North 90°00'00" East, a distance of 25.00 feet to the intersection of the east right-of-way line of Luna Street and the north right-of-way line of Wheeling Street (70.00 feet wide) for the **POINT OF BEGINNING** of the parcel herein described;

**THENCE**, leaving the east right-of-way of Luna Street and following the north-right-of-way line of Wheeling Street, North 90°00'00" East, a distance of 613.72 feet to the east right-of-way line of Wheeling Street for the northeast corner of the parcel herein described, identical to southeast corner of Block 12, Manhattan Heights Addition;

**THENCE**, leaving the north right-of-way line of Wheeling Street and following the east right-of-way line of Wheeling Street, South 00°00'00" East, a distance of 70.00 feet to the south right-of-way line of Wheeling Street for the southeast corner of the parcel herein described, identical to northeast corner of Block 13, Manhattan Heights Addition;

**THENCE**, leaving the east right-of-way line of Wheeling Street and following the south right-of-way line of Wheeling Street, South 90°00'00" West, a distance of 613.72 feet to the east right-of-way line of Luna Street for the southwest corner of the parcel herein described, identical to the northwest corner of Block 13, Manhattan Heights Addition;

EXHIBIT A

Page 2 of 2

**THENCE**, leaving the south right-of-way line of Wheeling Street and following the east right-of-way line of Luna Street, North 00°00'00" West, a distance of 70.00 feet to the **POINT OF BEGINNING** of the parcel herein described.

*Said parcel containing 0.9862 acres (42,960.4 square feet), more or less, and being subject to easements of record.*



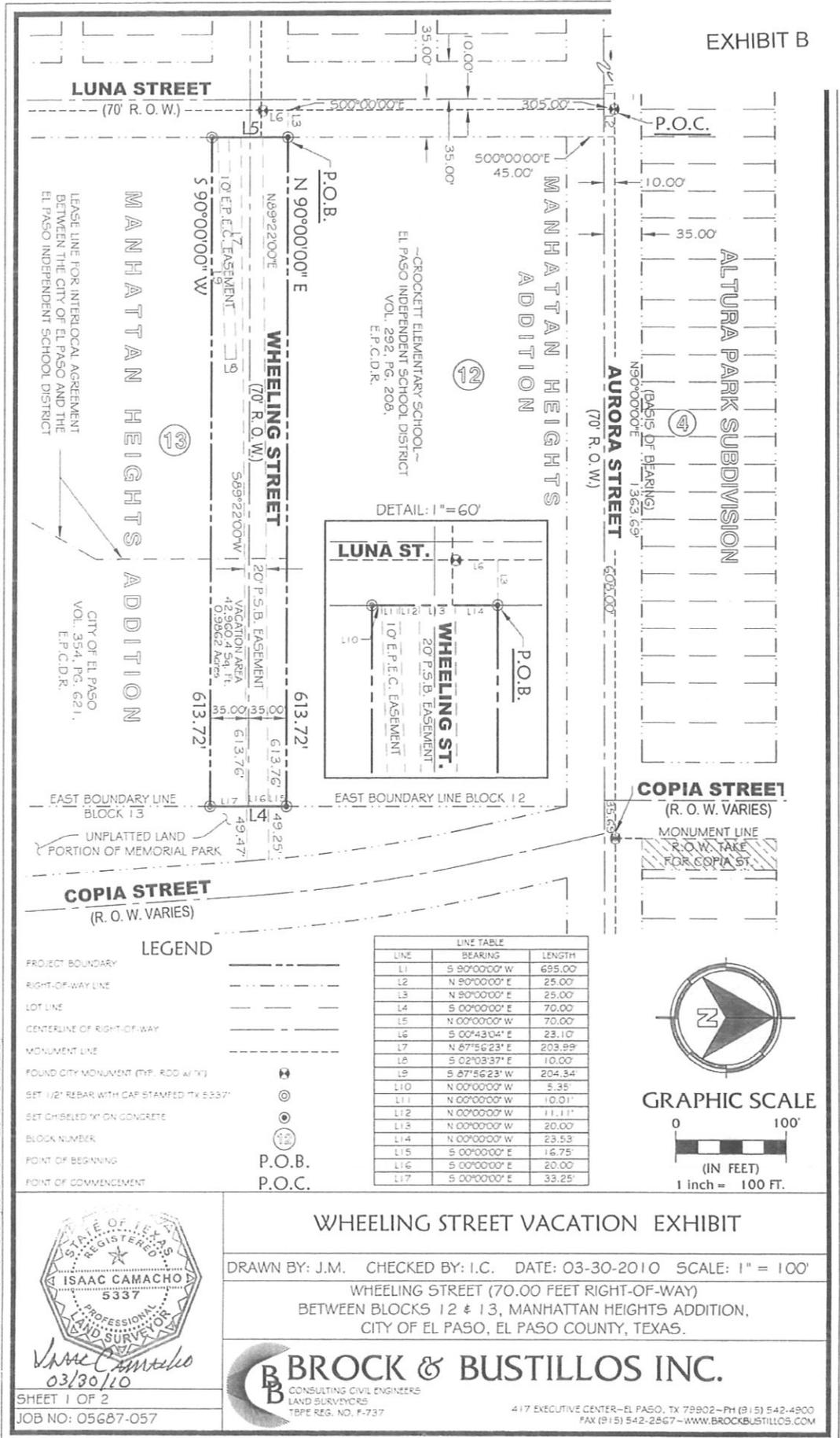
Isaac Camacho

TX R.P.L.S. No. 5337

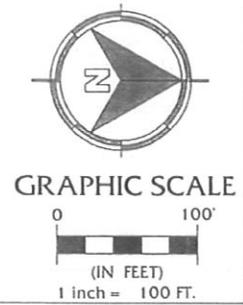
Date: March 30, 2010

05687-057-WHEELING VACATION.doc





LINE	BEARING	LENGTH
L1	S 90°00'00" W	695.00'
L2	N 90°00'00" E	25.00'
L3	N 90°00'00" E	25.00'
L4	S 00°00'00" E	70.00'
L5	N 00°00'00" W	70.00'
L6	S 00°43'04" E	23.10'
L7	N 87°56'23" E	203.89'
L8	S 02°03'37" E	10.00'
L9	S 87°56'23" W	204.34'
L10	N 00°00'00" W	5.35'
L11	N 00°00'00" W	10.01'
L12	N 00°00'00" W	11.11'
L13	N 00°00'00" W	20.00'
L14	N 00°00'00" W	23.53'
L15	S 00°00'00" E	16.75'
L16	S 00°00'00" E	20.00'
L17	S 00°00'00" E	33.25'



- LEGEND**
- PROJECT BOUNDARY
  - RIGHT-OF-WAY LINE
  - LOT LINE
  - CENTERLINE OF RIGHT-OF-WAY
  - MONUMENT LINE
  - FOUND CITY MONUMENT (TYP. ROD w/ "X")
  - SET 1/2" REBAR WITH CAP STAMPED "TK 5337"
  - SET CHISELED "X" ON CONCRETE
  - BLOCK NUMBER
  - POINT OF BEGINNING
  - POINT OF COMMENCEMENT

STATE OF TEXAS  
REGISTERED  
**ISAAC CAMACHO**  
5337  
PROFESSIONAL  
LAND SURVEYOR

*Isaac Camacho*  
03/30/10

SHEET 1 OF 2  
JOB NO: 05687-057

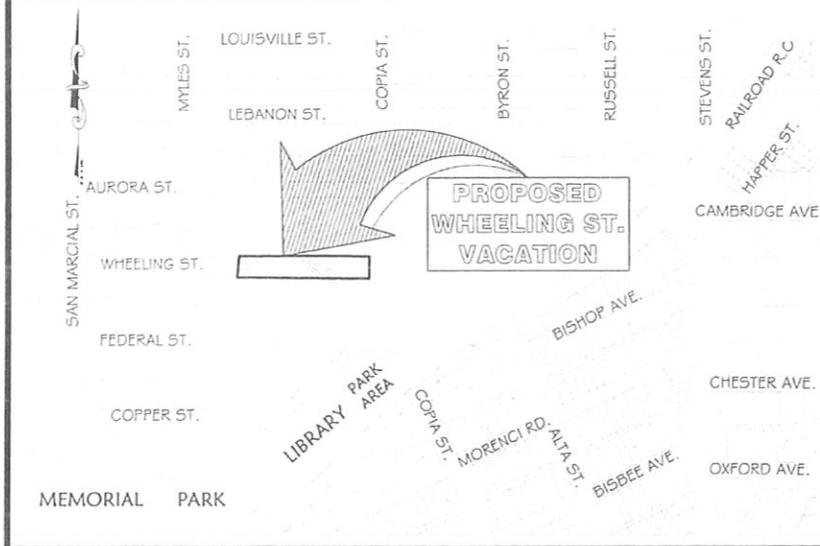
**WHEELING STREET VACATION EXHIBIT**

DRAWN BY: J.M. CHECKED BY: I.C. DATE: 03-30-2010 SCALE: 1" = 100'

WHEELING STREET (70.00 FEET RIGHT-OF-WAY)  
BETWEEN BLOCKS 12 & 13, MANHATTAN HEIGHTS ADDITION,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

**BROCK & BUSTILLOS INC.**  
CONSULTING CIVIL ENGINEERS  
LAND SURVEYORS  
TPE REG. NO. F-737

417 EXECUTIVE CENTER-EL PASO, TX 79902-PH (915) 542-4900  
FAX (915) 542-2567-WWW.BROCKBUSTILLOS.COM



**SUPPLEMENTAL NOTES**

1. BASIS OF BEARING IS THE MONUMENT LINE OF AURORA STREET BETWEEN THE CITY MONUMENTS AT THE INTERSECTION OF AURORA AND SAN MARCIAL STREET AND AT THE INTERSECTION OF AURORA AND COPIA STREET. THE MONUMENT AT AURORA AND SAN MARCIAL STREET IS OFFSET 10 FEET NORTH AND 10 FEET EAST OF THE CENTERLINE INTERSECTION. THE MONUMENT AT AURORA AND COPIA STREET IS OFFSET 10 FEET NORTH OF THE CENTERLINE OF AURORA STREET AND ON THE PLATTED EAST RIGHT-OF-WAY LINE OF COPIA STREET (AS SHOWN HEREON)
2. SUBJECT PROPERTY IS LOCATED IN ZONE "C" (DESIGNATES AREAS OF MINIMAL FLOODING) AS DETAILED ON CITY OF EL PASO FLOOD INSURANCE RATE MAP PANEL NO. 480214 0034B, DATED OCTOBER 15, 1982.

**REFERENCE DOCUMENTS**

1. TITLE SEARCH BY LONE STAR TITLE, ISSUED APRIL 27, 2009 WAS USED FOR THIS SURVEY.
2. MAP OF MANHATTAN HEIGHTS ADDITION FOUND IN THE EL PASO COUNTY PLAT RECORDS. UNABLE TO LOCATE THE FILING INFORMATION.
3. ALTRA PARK SUBDIVISION FILED IN VOLUME 1, PAGE 7 OF THE EL PASO COUNTY PLAT RECORDS.
4. TOPOGRAPHIC MAP FOR A PORTION OF AURORA STREET RIGHT-OF-WAY PREPARED BY BROCK & BUSTILLOS, INC. DATED 04/11/2002.
5. PLAT OF SURVEY SHOWING THE LEASE AREA FOR THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF EL PASO AND THE EL PASO INDEPENDENT SCHOOL DISTRICT PREPARED BY ATCON ENGINEERING AND SURVEYING, DATED 11/27/1992.
6. PLAT OF COPIA STREET EXTENSION FROM MORENCI STREET TO AURORA STREET PREPARED BY THE ENGINEERING DEPARTMENT OF THE CITY OF EL PASO, DATED 08/09/1923.
7. PLAT OF BOUNDARY & IMPROVEMENT SURVEY FOR WHEELING STREET INSIDE CROCKETT ELEMENTARY SCHOOL GROUNDS PREPARED BY ISAAC CAMACHO, TEXAS R.P.L.S. NO. 5337, DATED 09/18/2009. BROCK & BUSTILLOS, INC. JOB NO. 05687-057.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN TEXAS; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Isaac Camacho* 03/30/10  
 ISAAC CAMACHO, TX. RPLS NO. 5337



**WHEELING STREET VACATION EXHIBIT**

DRAWN BY: J.M. CHECKED BY: I.C. DATE: 03-30-2010 SCALE: 1" = 100'  
 WHEELING STREET (70.00 FEET RIGHT-OF-WAY)  
 BETWEEN BLOCKS 12 & 13, MANHATTAN HEIGHTS ADDITION,  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.



SHEET 2 OF 2  
 JOB NO: 05687-057

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 FAX (815) 542-2267-WWW.BROCKBUSTILLOS.COM

05687-057-CROCKETT ELEM. SCHOOL GROUNDS SURVEY 057 WHEELING VACATION.dwg



**APPROVED AS TO CONTENT:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Planning & Economic Development

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2012,  
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:  
\_\_\_\_\_

**AFTER FILING RETURN TO:**  
El Paso Independent School District  
6531 Boeing  
El Paso, Texas 79925

**METES AND BOUNDS DESCRIPTION**  
**"NORTH HALF OF WHEELING STREET VACATION"**

*A 0.4931 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as the north half of Wheeling Street, between Blocks 12 and 13, Manhattan Heights Addition and being more particularly described by metes and bounds as follows.*

*COMMENCING* for reference at an existing County Monument found at the monument line intersection of Aurora Street (70.00 feet wide) and Luna Street (70.00 feet wide), said monument line intersection located 10.00 feet north and 10.00 feet east of the centerline intersection of Aurora Street and Luna Street and whence an existing County Monument found at the monument line intersection of Aurora Street and Copia Street (right-of-way varies), said monument line intersection located at 10.00 feet north and 35.69 feet east of the centerline intersection of Aurora Street and Copia Street, bears North 90°00'00" East, a distance of 668.69 feet and whence an existing County Monument found at the monument line intersection of Aurora Street and San Marcial Street (70.00 feet wide), said monument line intersection located at 10.00 feet north and 10.00 feet east of the centerline intersection of Aurora Street and San Marcial Street, bears South 90°00'00" West, a distance of 695.00 feet; *THENCE*, leaving the monument line of Aurora Street and following the monument line of Luna Street, South 00°00'00" East, a distance of 305.00 feet; *THENCE*, leaving the monument line of Luna Street, North 90°00'00" East, a distance of 25.00 feet to the intersection of the east right-of-way line of Luna Street and the north right-of-way line of Wheeling Street (70.00 feet wide) for the *POINT OF BEGINNING* of the parcel herein described;

*THENCE*, leaving the east right-of-way line of Luna Street and following the north-right-of-way line of Wheeling Street, North 90°00'00" East, a distance of 613.72 feet to the east right-of-way line of Wheeling Street for the northeast corner of the parcel herein described, identical to southeast corner of Block 12, Manhattan Heights Addition;

*THENCE*, leaving the north right-of-way line of Wheeling Street and following the east right-of-way line of Wheeling Street, South 00°00'00" East, a distance of 35.00 feet to the center line of Wheeling Street for the southeast corner of the parcel herein described;

*THENCE*, leaving the east right-of-way line of Wheeling Street and following the center line of Wheeling Street, South 90°00'00" West, a distance of 613.72 feet to the east right-of-way line of Luna Street for the southwest corner of the parcel herein described;

*THENCE*, leaving the center line of Wheeling Street and following the east right-of-way line of Luna Street, North 00°00'00" West, a distance of 35.00 feet to the *POINT OF BEGINNING* of the parcel herein described.

Said parcel containing 0.4931 acres (21,480.2 square feet), more or less, and being subject to easements of record.

*Isaac Camacho*

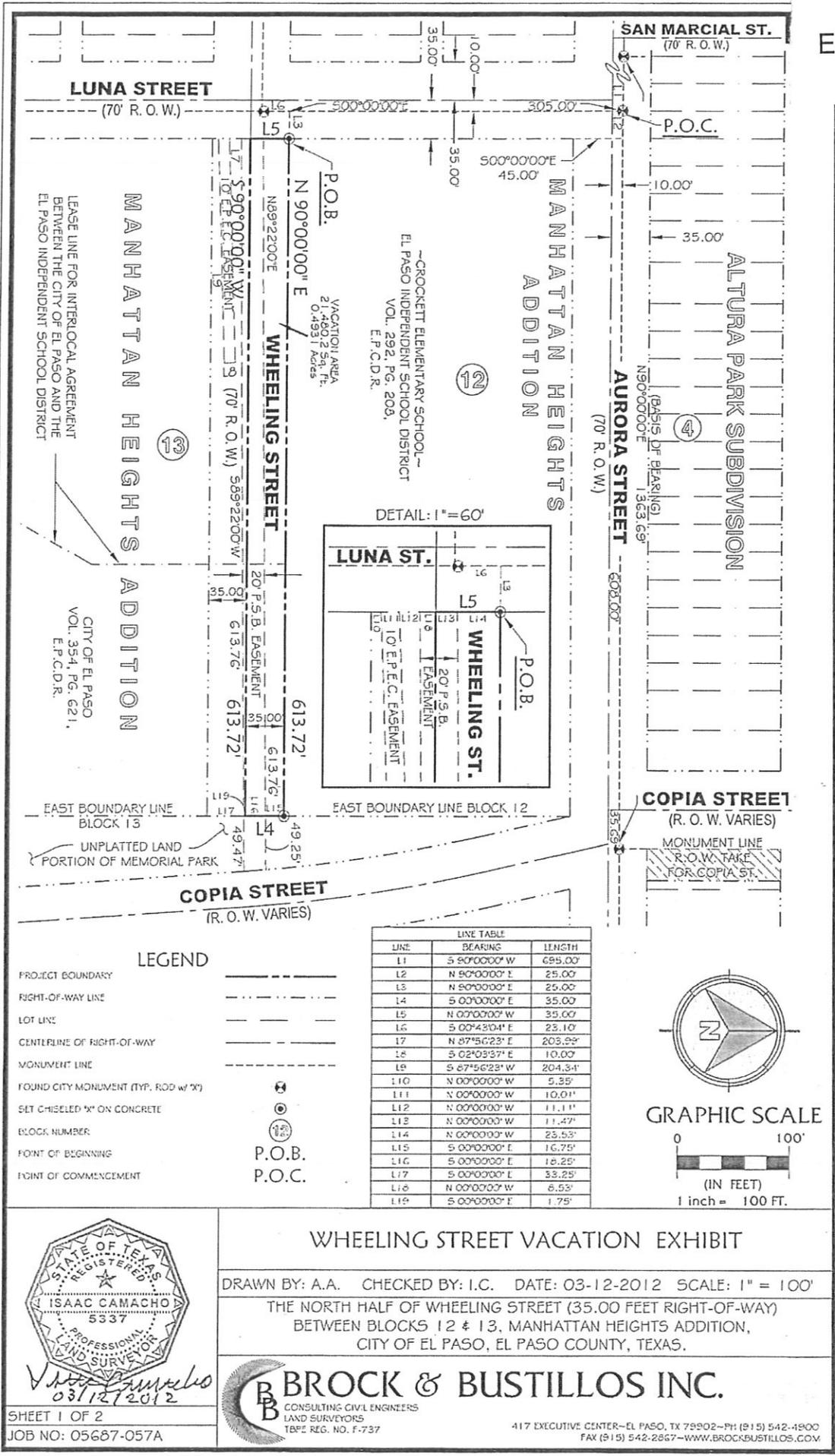
Isaac Camacho

TX R.P.L.S. No. 5337

Date: March 12, 2012

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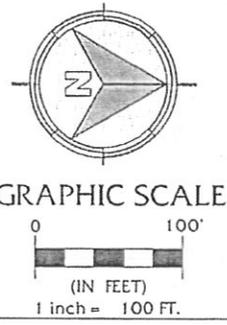




LINE TABLE

LINE	BEARING	LENGTH
L1	S 90°00'00" W	695.00'
L2	N 90°00'00" E	25.00'
L3	N 90°00'00" E	25.00'
L4	S 00°00'00" E	35.00'
L5	N 00°00'00" W	35.00'
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- LEGEND**
- PROJECT BOUNDARY
  - RIGHT-OF-WAY LINE
  - LOT LINE
  - CENTERLINE OF RIGHT-OF-WAY
  - MONUMENT LINE
  - FOUND CITY MONUMENT (TYP. ROD w/ "X")
  - SET CHISELED "X" ON CONCRETE
  - BLOCK NUMBER
  - POINT OF BEGINNING
  - POINT OF COMMENCEMENT



**WHEELING STREET VACATION EXHIBIT**

DRAWN BY: A.A. CHECKED BY: I.C. DATE: 03-12-2012 SCALE: 1" = 100'

THE NORTH HALF OF WHEELING STREET (35.00 FEET RIGHT-OF-WAY)  
BETWEEN BLOCKS 12 & 13, MANHATTAN HEIGHTS ADDITION,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

**BROCK & BUSTILLOS INC.**

CONSULTING CIVIL ENGINEERS  
LAND SURVEYORS  
T&E REG. NO. F-737

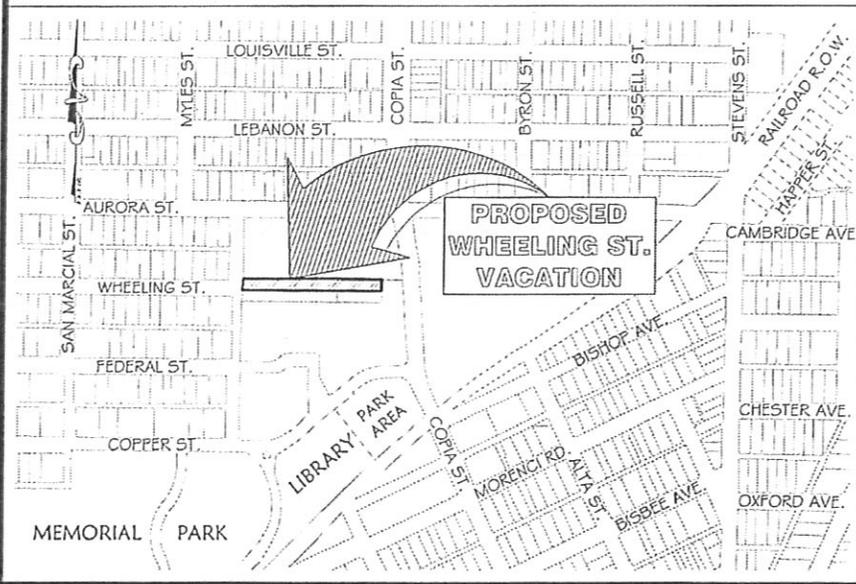
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FAX (915) 542-2867-WWW.BROCKBUSTILLOS.COM

SHEET 1 OF 2  
JOB NO: 05687-057A

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VICINITY MAP SCALE: 1"=600'

EXHIBIT B



**SUPPLEMENTAL NOTES**

1. BASIS OF BEARING IS THE MONUMENT LINE OF AURORA STREET BETWEEN THE CITY MONUMENTS AT THE INTERSECTION OF AURORA AND SAN MARCIAL STREET AND AT THE INTERSECTION OF AURORA AND COPIA STREET. THE MONUMENT AT AURORA AND SAN MARCIAL STREET IS OFFSET 10 FEET NORTH AND 10 FEET EAST OF THE CENTERLINE INTERSECTION. THE MONUMENT AT AURORA AND COPIA STREET IS OFFSET 10 FEET NORTH OF THE CENTERLINE OF AURORA STREET AND ON THE PLATTED EAST RIGHT-OF-WAY LINE OF COPIA STREET (AS SHOWN HEREON)
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**CERTIFICATION;**

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*Isaac Camacho* 03/12/2012  
 ISAAC CAMACHO, TX. RPLS NO. 5337



**WHEELING STREET VACATION EXHIBIT**

DRAWN BY: A.A. CHECKED BY: I.C. DATE: 03-12-2012 SCALE: 1" = 100'

THE NORTH HALF OF WHEELING STREET (35.00 FEET RIGHT-OF-WAY)  
 BETWEEN BLOCKS 12 & 13, MANHATTAN HEIGHTS ADDITION,  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.

**BROCK & BUSTILLOS INC.**  
 CONSULTING CIVIL ENGINEERS  
 LAND SURVEYORS  
 TBPB REG. NO. F-737

SHEET 2 OF 2  
 JOB NO: 05687-057A

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**SERVICE SOLUTIONS SUCCESS**



**MEMORANDUM**

**DATE:** March 5, 2012  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Raul Garcia, Senior Planner  
**SUBJECT:** SUB10-00030

The City Plan Commission (CPC), on March 25, 2010, voted 6-0 to approve the Wheeling 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*  
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 – 5<sup>th</sup> Floor · El Paso, Texas 79901  
Phone (915) 541-4622 · Fax (915) 541-4799



*City of El Paso – City Plan Commission Staff Report*

**REVISED**

**Case No:** SUB10-00030 Wheeling Street Vacation  
**Application Type:** Right-of-Way Vacation  
**CPC Hearing Date:** March 25, 2010

**Staff Planner:** Raul Garcia, 915-541-4935, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)  
**Location:** West of Copia Street and South of Aurora Avenue  
**Legal Description Acreage:** 0.9862 acre  
**Rep District:** 2

**Existing Use:** Parking lot  
**Existing Zoning:** R-3H (Residential/Historical)  
**Proposed Zoning:** R-3H (Residential/Historical)

**Property Owner:** City of El Paso  
**Applicant:** El Paso Independent School District  
**Representative:** Brock & Bustillos

**SURROUNDING ZONING AND LAND USE**

**North:** R-3H (Residential Historical)/ Crockett Elementary School  
**South:** R-3H (Residential Historical)/ Memorial Park  
**East:** R-3H (Residential Historical)/ Memorial Park  
**West:** R-3H (Residential Historical)/ Single-family development

**THE PLAN FOR EL PASO DESIGNATION:** Residential and Open Space

**APPLICATION DESCRIPTION**

The El Paso Independent School District is proposing to vacate a 70' by 613.72' long portion of Wheeling Street between Luna Street and Copia Street. A 20' wide PSB easement and a 10' by 204' El Paso Electric Company easement will be retained. The applicant is proposing a building and parking on the vacated street.

The City and the EPISD entered into negotiations and have agreed that the City will lease the vacated portion of the street that belongs to the City to EPISD, along with a portion of Memorial Park that contains an encroachment of Crockett School. In exchange, the EPISD will permit the City to use approximately four acres abutting Wainwright school property as parkland. There is no monetary consideration, either for the lease or for the street vacation.

The conveyance of this property does not fall within council's adopted policy for conveying to

the abutting property owner owning the fee simple, but staff recommends approval because of the benefit that the city will receive through the related lease agreement.

**DEVELOPMENT COORDINATING COMMITTEE**

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

**Planning Division Recommendation:**

Approval.

**Land Development:**

No objections.

**Engineering Department-Traffic:**

Traffic has no objections to the proposed street vacation.

**Engineering Department-Floodplain Coordinator:**

No Objection. Located in Panel 480214 0034B in a zone C.

**El Paso Water Utilities:**

1. The El Paso Water Utilities – Public Service Board (EPWU-PSB) does not object to the proposed vacation as long as the proposed twenty (20) foot wide easement depicted in the revised “*Boundary and Improvement Survey*” (received 3/12/10) is retained. The easement is to be designated “*PSB Easement*”.

All proposed buildings shall comply with EPWU-PSB Easement Policy. Building setback lines are required abutting the easement (5-foot minimum).

The applicant is requested to forward a revised survey with the described requirements above for consideration to the El Paso Water Utilities – Public Service Board to the attention of:

Mr. Felipe Lopez, Jr., P. E.  
Utility Engineering Division Manager – Engineering Services  
El Paso Water Utilities – Public Service Board  
1154 Hawkins Boulevard  
El Paso, Texas 79925

2. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the Easement referenced above without the written consent of EPWU-PSB.

3. EPWU-PSB requires access to the sewer facilities and appurtenances 24 hours a day, seven (7) days a week.

**EPWU-PSB Comments**

**Water:**

4. Along Wheeling Street between Luna Street and Copia Street, within the vacation request area there are no existing water mains.

5. Along Luna Street between Aurora Street and Federal Street there are two (2) existing water mains. The mains are located along the easternmost portion of Luna Street. The respective sizes of the water mains are six (6) inches and twelve (12) inches in diameter respectively.

**Sanitary Sewer:**

6. Along Wheeling Street between Luna Street and Copia Street there is an existing eight (8) inch diameter sanitary sewer main.

7. Along Luna Street between the alley located between Aurora Street, within the vacation request area and Wheeling Street there is an existing eight (8) inch diameter sanitary sewer main.

**General:**

8. The El Paso Water Utilities – Public Service Board (EPWU-PSB) requires a complete set of improvement plans, and grading plans for review and approval prior to any work pertaining to the portion of Wheeling Street to be vacated. This is required in order to ascertain that the proposed improvements and/or grading will not adversely affect the existing described sanitary sewer main.

9. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

10. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

11. Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

12. If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

13. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (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.

**Stormwater Division:**

EPWU Stormwater Utility does not object to the proposed Wheeling Street Vacation.

**Street Department:**

We offer no objections to the street right-of-way vacation

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

**Parks and Recreation**

We have reviewed Wheeling Street Right-of-Way Vacation plat 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 Company (EPE) has existing facilities within this parcel and must retain full easement rights (10' wide) where our facilities are located. EPE must also retain full 24/7 access for maintenance and emergency repairs of 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. Application

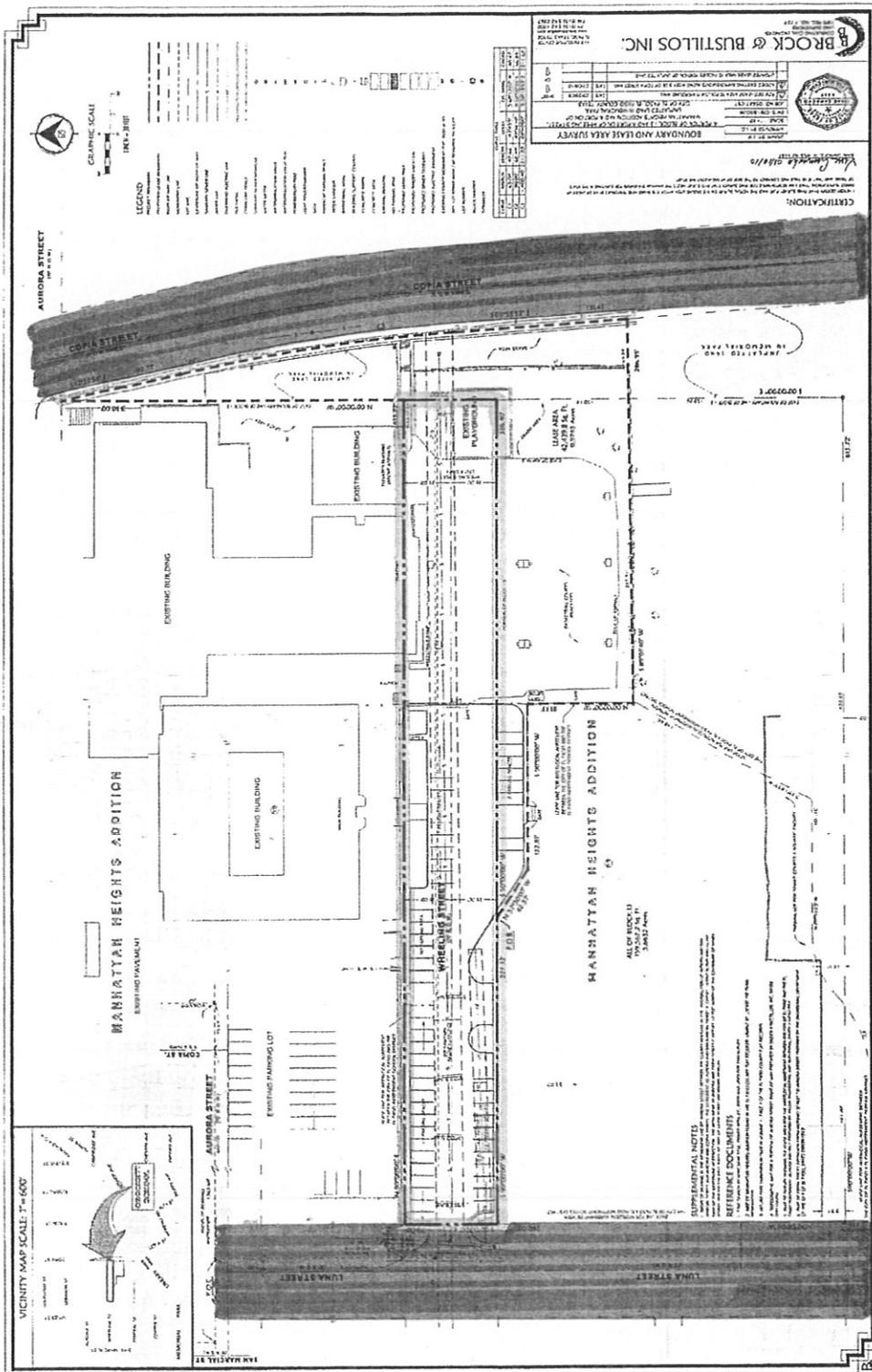
ATTACHMENT 1



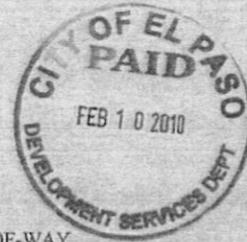
ATTACHMENT 2



# ATTACHMENT 3



**ATTACHMENT 4**



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

Date: 01-05-10 File No. SUB10-00030

1. APPLICANTS NAME El Paso Independent School District  
ADDRESS 6531 Boeing ZIP CODE 79925 TELEPHONE (915) 887-5425
2. Request is hereby made to vacate the following: (check one)  
Street  Alley  Easement  Other   
Street Name(s) Wheeling Street Subdivision Name Manhattan Heights Addition  
Abutting Blocks Eleven and twelve Abutting Lots Crockett School/Memorial Park Swimming Pool
3. Reason for vacation request: To be used as faculty access parking and playground
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 Access and playground
7. Related Applications which are pending (give name or file number):  
Zoning  Board of Adjustment  Subdivision  Building Permits  Other N/A
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>Block 12, Crockett School</u>	_____
_____	<u>Block 13, Memorial Park</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.

**Nicholas P. Corona, P.E. Exec. Dir.**  
**Facilities, Maintenance & Construction**

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: \_\_\_\_\_  
Oscar V. Perez

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