DEPARTMENT: **Planning & Economic Development**

AGENDA DATE: **CCA 03/22/11 Introduction, Public Hearing 03/29/11**

CONTACT PERSON/PHONE: **Raul Garcia, 541-4935**

DISTRICT(S) AFFECTED: **2**

SUBJECT:
An ordinance vacating a portion of Frankfort Street Right-Of-Way, within Blocks 91 & 92, Grandview Addition, an addition to the 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 and 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 FRANKFORT STREET RIGHT-OF-WAY, WITHIN BLOCKS 91 & 92, GRANDVIEW ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a portion of Frankfort Street, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Frankfort Street, Grandview Addition, an addition to the 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 Frankfort Street, Grandview Addition, an addition to the 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.

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 property to **Jorge M. Sanchez.**

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:

_____
Mathew McElroy, Deputy Director
Planning & Economic Development

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR 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 DOLLARS ($25.00) and other 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 Jorge M. Sanchez (the "Grantee"), all its rights, 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 PORTION OF FRANKFORT STREET, GRANDVIEW ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS**, 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.

WITNESS the following signatures and seal this _____day of _____, 2011.

CITY OF EL PASO

_____
Joyce Wilson, City Manager

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

_____
Mathew McElroy, Deputy Director
Planning & Economic Development

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 _____, 2011, 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:

Jorge M. Sanchez
1801 Wyoming, Ste. 201
El Paso, Texas 79902

EXHIBIT A

Barragan & Associates Inc.

Land Planning & Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Frankfort Street right-of-way, within Blocks 91 and 92, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof on file in volume 11, page 60, Plat Property Records of El Paso County, Texas being more particularly described by metes and bounds as follows:

COMMENCING for reference at an existing city monument located at the centerline intersection of Memphis Street and Lackland Street; **THENCE,** along the centerline of Memphis Street, N 88°28'00" E a distance of 470.00 feet to a found pk nail at the centerline intersection of Memphis Street and Partello Street; **THENCE,** S 01°32'00" E, along the centerline of Partello Street a distance of 295.00 feet to a point; **THENCE,** N 88°28'00" E, a distance of 207.19 feet to a found 5/8" rebar with yellow cap stamped "TX 2449, ROE ENGR., L.C." from where a found 5/8" rebar (BENT) lies on the Southerly corner of Lots 5 and 6, Block 92, said rebar also being the **POINT OF BEGINNING** of this description;

THENCE, N 88°28'00" E, along the Northerly right-of-way line of Frankfort Street and Southly line of Block 92, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, a distance of 123.81 feet to a set ½" rebar with cap stamped "B & A Inc." on the Westerly right-of-way line of El Paso & Southwestern Railway Right-Of-Way for the Southeasterly corner of said Block 92;

THENCE, S 34°35'46" W, along said right-of-way line, a distance of 86.67 feet to a set ½" rebar with cap stamped "B & A Inc." for Northeasterly corner of said Block 91;

THENCE, S 88°28'00" W, along the Southerly right-of-way of Frankfort Street and Northerly right-of-way line of said Block 91, a distance of 123.81 feet to a found 5/8" rebar with yellow cap stamped "TX 2449, ROE ENGR., L.C.";

THENCE, N 34°35'46" E, along the Easterly line of a property called for in Volume 993, Page 438, a distance of 86.67 feet to the **POINT OF BEGINNING** of this parcel, containing in all 8,667sq. ft. or 0.20 acres of land more or less.

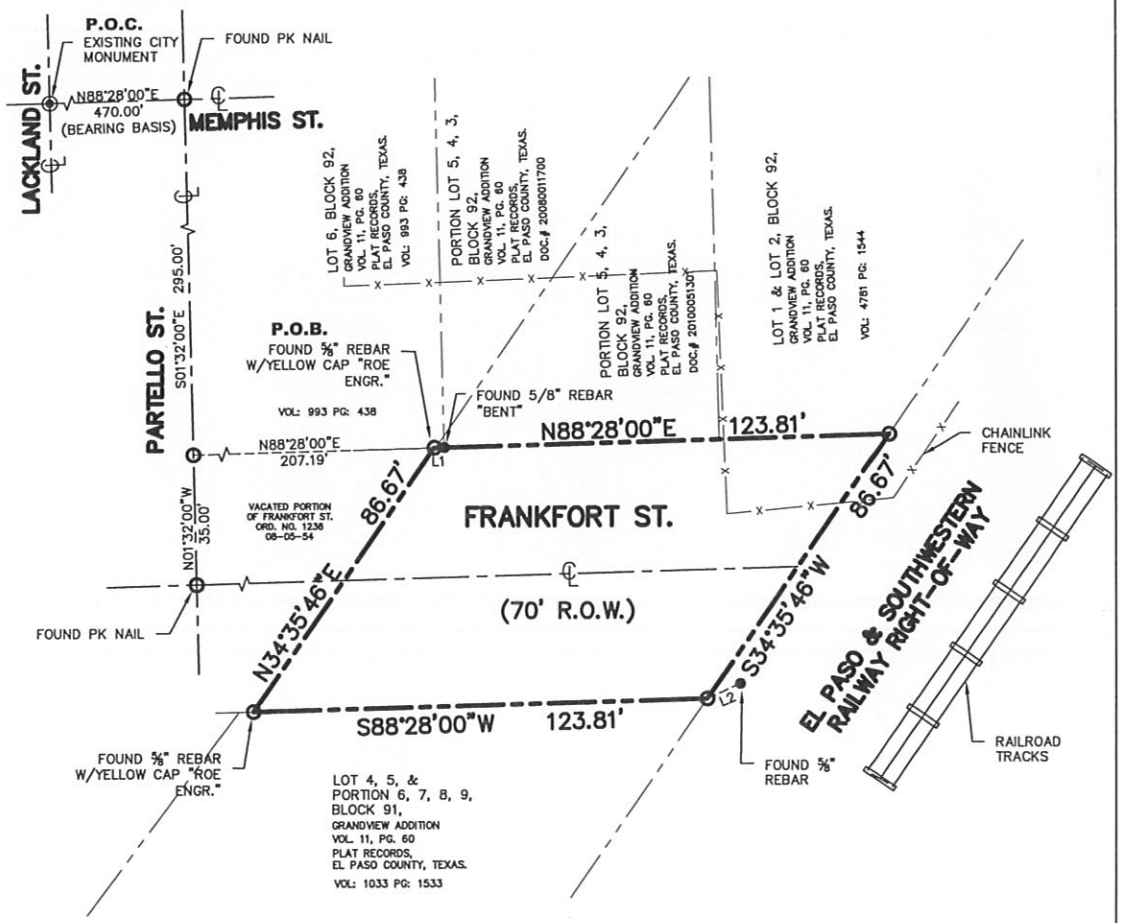
NOTES:

1. A Plat of Survey of even date accompanies this description.
2. This property may be subject to easements whether of record or not.
3. Bearings recited herein are based on the Plat of Survey by Roe Eng. L.C. dated Feb. 8, 2007.
4. This plat does not intent to be a subdivision process which may be required by the El Paso County Ordinance. The client/owner has been advised of this, and it is their responsibility to verify if this is required. Not to convey property.

Benito Barragan TX R.P.L.S. 5615, November 16, 2010
FRANKFORT ST

STATE OF TEXAS
REGISTERED
BENITO BARRAGAN
5615
PROFESSIONAL
LAND SURVEYOR

EXHIBIT B



N O T E:

1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "C", PER F.I.R.M. PANEL NUMBER 34B, LAST REVISION DATE 10-15-82. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON THE PLAT OF SURVEY BY ROE ENG. L.C. DATED FEB. 8, 2007.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT, (NOT SHOWN).
4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. SET ½" REBAR WITH CAP STAMPED "B & A INC." AT ALL CORNERS OF PROPOSED EASEMENT UNLESS NOTED OTHERWISE.
6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
8. THIS PLAT DOES NOT INTENT TO BE A SUBDIVISION PROCESS WHICH MAY BE REQUIRED BY CITY OF EL PASO ORDINANCE. THE CLIENT/OWNER HAS BEEN ADVISED OF THIS, AND IT IS THEIR RESPONSIBILITY TO VERIFY IF THIS REQUIRED. (BEFORE OWNER CONVEYS PROPERTY)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N88°28'00"E	2.71'
L2	N65°37'33"E	9.86'

Barragan & Associates Inc.

LAND PLANNING & SURVEYING
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

BEING A PORTION OF
FRANKFORT ST. RIGHT-OF-WAY,
WITHIN BLOCKS 91 & 92,
GRANDVIEW ADDITION,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 0.20 ACRES ±

Plat Reference Vol/Bk 11 *Pages* 60

Scale: 1"=40' *Date:* 11/16/10 *Drawn By:* BM

I hereby certify that the foregoing survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.

STATE OF TEXAS REGISTERED BENITO BARRAGAN 5615 PROFESSIONAL LAND SURVEYOR

Benito Barragan TX R.P.L.S. No. 5615

Job No. 101111-17

Copy Rights ©

MEMORANDUM

DATE: March 10, 2011

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

FROM: Raul Garcia, Planner

SUBJECT: **SUB10-00288 Frankfort Street Vacation**

The City Plan Commission (CPC), on January 6, 2011, **voted 6-0** to **approve** the Frankfort 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

Case No:	SUB10-00288 Frankfort Street Vacation
Application Type:	Right-of-Way Vacation
CPC Hearing Date:	January 6, 2011
Staff Planner:	Raul Garcia, 915-541-4935, *garciar1@elpasotexas.gov*
Location:	West of Dyer Street and South of Memphis Avenue
Acreage:	0.19-acre
Rep District:	2
Existing Use:	ROW
Existing Zoning:	A-2 (Apartments)
Property Owner:	City of El Paso
Applicant:	Jorge M. Sanchez
Representative:	City of El Paso

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartments)/ Multi-family development
South A-2 (Apartments)/ Vacant
East: A-2 (Apartments)/ Vacant
West: A-2 (Apartments)/ Railroad

THE PLAN FOR EL PASO DESIGNATION: Residential & Mixed Use

APPLICATION DESCRIPTION

On October 19, 2010, City Council approved an action directing staff to begin the vacation of this portion of Frankfort Street. The portion to the west of the proposed vacation was vacated on August 5, 1954. The applicant proposed to incorporate the vacated portion into his abutting property.

DEVELOPMENT COORDINATING COMMITTEE

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

Planning Division Recommendation:

Approval.

Land Development:

No objections.

Department of Transportation:

Transportation does not object to the proposed vacation.

Engineering Department-Floodplain Coordinator:
No comments received.

El Paso Water Utilities:
No comments received.

Stormwater Division:
No comments received.

Parks and Recreation:
No comments received.

El Paso Fire Department:
No comments received.

El Paso Electric Company:
El Paso Electric Company has no objection to the vacation of Frankfort Ave next to the railroad and Sparkman as shown on the plat submitted to EPE.

Sun Metro:
Sun Metro is not opposed to this street vacation request.

911:
No comments received.

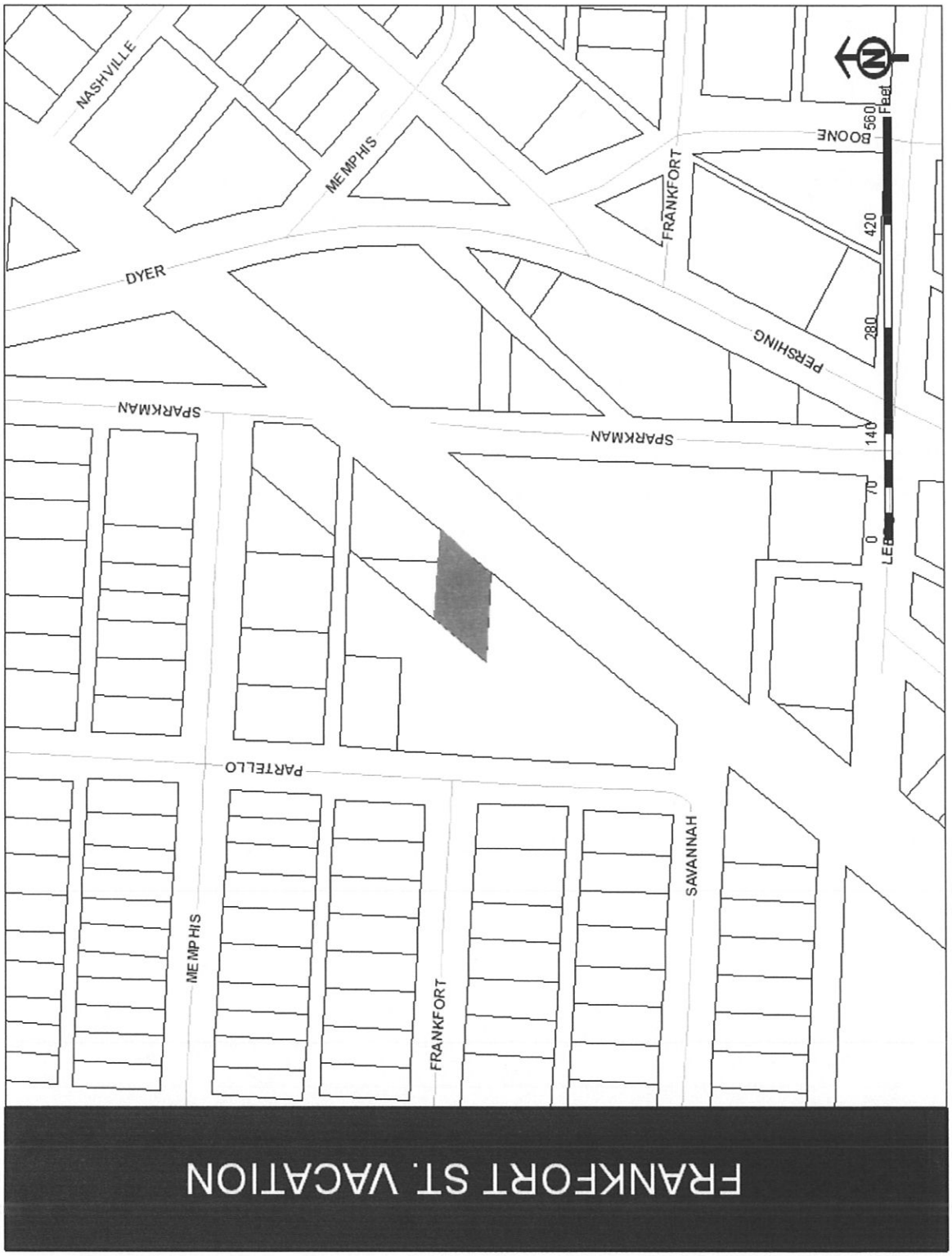
Texas Gas Company:
After review regarding the above request, Texas Gas Service has no objections to the proposed street vacation as mentioned above

El Paso Independent School District:
No comments received.

Attachments

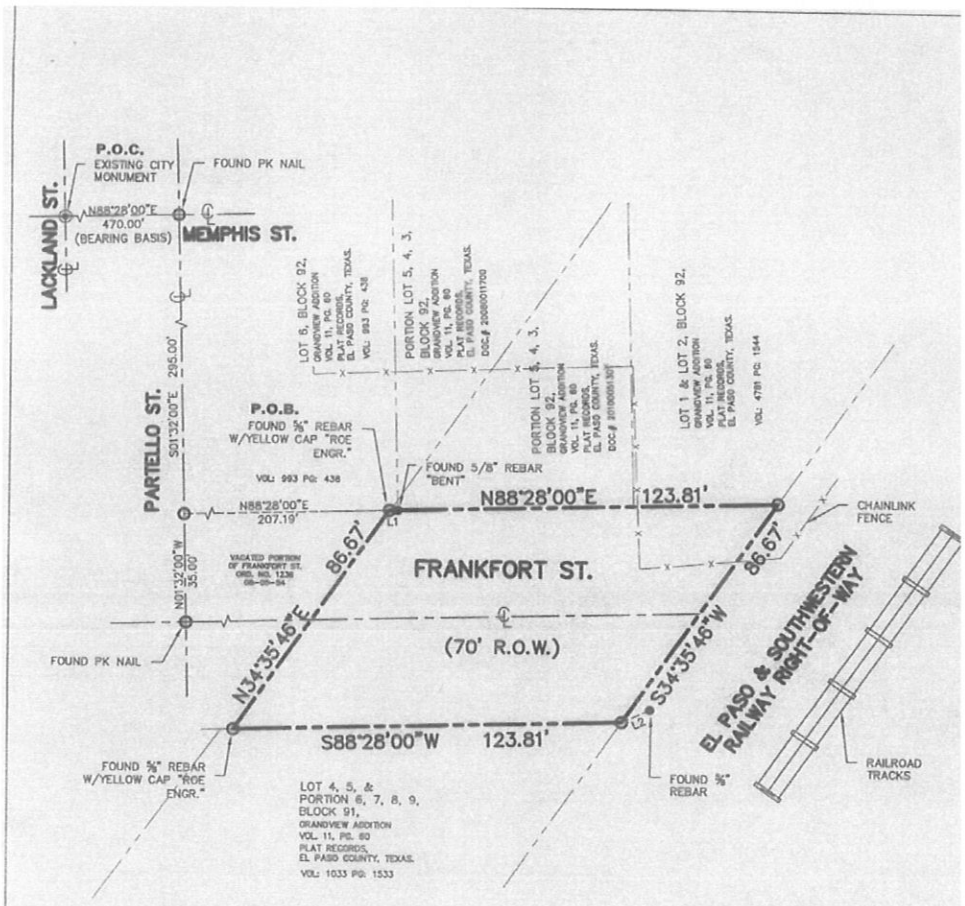
1. Location map
2. Aerial map
3. Survey
4. Application

ATTACHMENT 1



ATTACHMENT 2

ATTACHMENT 3



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Plat of Survey

BEING A PORTION OF FRANKFORT ST. RIGHT-OF-WAY, WITHIN BLOCKS 91 & 92, GRANDVIEW ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 0.20 ACRES ±

Plat Reference Vol/Bk 11 Pages 60

I hereby certify that the foregoing survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.

STATE OF TEXAS REGISTERED BENITO BARRAGAN 5615 PROFESSIONAL SURVEYOR

Benito Barragan TX R.P.L.S. No. 5615

ATTACHMENT 4

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

Date: 10-27-10 File No. SUB10-00253

1. APPLICANTS NAME City of El Paso
ADDRESS 2 Civic Center ZIP CODE 79901 TELEPHONE 541-4935

2. Request is hereby made to vacate the following: (check one)
Street ✓ Alley ____ Easement ____ Other ____
Street Name(s) Frankfort St. Subdivision Name Grandview Add.
Abutting Blocks 92 + 91 Abutting Lots 1 to 6, Block 91 1 to 7, Block 92

3. Reason for vacation request: Develop property for multi-family

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. 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 [signature]
REPRESENTATIVE: ____

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