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S E R V I C E S O L U T I O N S S U C C E S S



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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Introduction: 3/17/09, Public Hearing: 3/24/09
CONTACT PERSON/PHONE: Arturo Rubio – 541-4633
DISTRICT(S) AFFECTED: 1

SUBJECT:
An Ordinance vacating to public vehicular traffic a portion of a sixteen foot wide alley, 0.096 acres of Land, being all of the alley in Block 224, Alexander Addition, City of El Paso, El Paso County, Texas. Subject Property: East of Glory Road and South of Mesa Street, Property Owner: City of El Paso

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – 6-0 Vote

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

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
Melina Castro

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 TO PUBLIC VEHICULAR TRAFFIC A PORTION OF A SIXTEEN FOOT WIDE ALLEY, 0.096 ACRES OF LAND, BEING ALL OF THE ALLEY IN BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, a sixteen foot wide alley located within Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, located between Glory Road and Cincinnati Avenue was dedicated to the city as public right-of-way; and,

WHEREAS, the City of El Paso, desires to maintain the alley as public right-of-way for pedestrian traffic and vacate the alley for public vehicular use; and,

WHEREAS, the City Plan Commission on February 12, 2009 recommended approval of the partial vacation, and the El Paso City Council finds that said right-of-way is not needed for vehicular traffic but should continue to be used for pedestrian traffic,

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 sixteen foot alley located between Glory Road and Cincinnati Avenue within Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated to vehicular traffic and the use of right-of-way identified in Exhibit "A" shall continue to be used for pedestrian traffic.

PASSED AND APPROVED this _____ day of _____, 2009.

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
Development Services Department

FLORENCE STREET
(70-FOOT RIGHT-OF-WAY)

MONUMENT LINE
CITY MONUMENT
N 52°25'00" E 1319.90' (RECORD - 1390.00')
(NOT-TO-SCALE)
BALTIMORE STREET
(70-FOOT RIGHT-OF-WAY)

NOTE:

1. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF RECORD.
2. THE PLAT OF THE ALEXANDER ADDITION IS NOT FILED OF RECORD.
3. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.

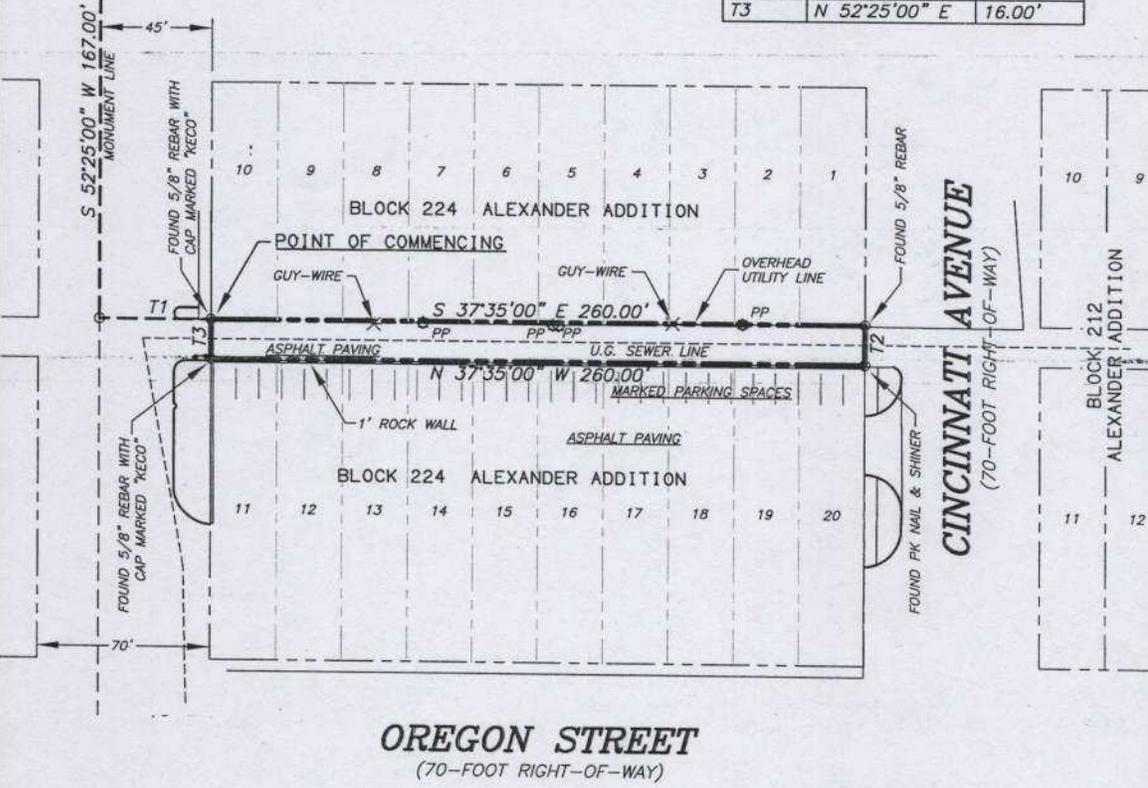
LEGEND

PP POWER POLE

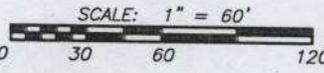
PARCEL AREA
0.096 ACRES
4,160 SQ. FT.

NUMBER	BEARING	DISTANCE
T1	S 37°35'00" E	45.00'
T2	S 52°25'00" W	16.00'
T3	N 52°25'00" E	16.00'

MONUMENT LINE
CITY MONUMENT
MESA STREET
(120-FOOT RIGHT-OF-WAY)
POINT OF COMMENCING



OREGON STREET
(70-FOOT RIGHT-OF-WAY)



REVISED: 12-05-08



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

PLAT OF SURVEY

0.096 ACRES, BEING ALL OF THE ALLEY IN BLOCK 224, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS.

SURVEY DATE: 10-16-08
SCALE: 1" = 30'
DRAWN BY: RRS
CHECKED BY: RRS
FIELD BOOK: UTEPBB
FILE #: 08-0021A

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Property description: 0.096 acres, being all of the alley in Block 224, Alexander Addition, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is 0.096 acres, being all of the alley in Block 224, Alexander Addition, El Paso, El Paso County, Texas, and more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the intersection of the monument lines of Mesa Street (120-foot right-of-way) and Baltimore Street (70-foot right-of-way), said monument lines lying 10 feet east and 10 feet north of the respective centerlines of Mesa Street and Baltimore Street, from which a city monument at the intersection of the monument lines of Florence Street (70-foot right-of-way) and Baltimore Street bears North 52°25'00" East, a distance of 1319.90 feet (record - 1320.00 feet); Thence, South 52°25'00" West, along the monument line of Baltimore Street, a distance of 167.00 feet; Thence, South 37°35'00" East, a distance of 45.00 feet to a 5/8" rebar with cap marked "KECO" found at the intersection of the southerly right-of-way of Baltimore Street and the easterly right-of-way of the 16-foot alley in Block 224, Alexander Addition and the **POINT OF BEGINNING** of this description;

THENCE, South 37°35'00" East, along said right-of-way, a distance of 260.00 feet to a 5/8" rebar found on the northerly right-of-way of Cincinnati Avenue (70-foot right-of-way);

THENCE, South 52°25'00" West, along said right-of-way, a distance of 16.00 feet to a P.K. nail and shiner found on the westerly right-of-way of said 16-foot alley;

THENCE, North 37°35'00" West, along said right-of-way, a distance of 260.00 feet to a 5/8" rebar with cap marked "KECO" found on the southerly right-of-way of Baltimore Street;

THENCE, North 52°25'00" East, along said right-of-way, a distance of 16.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.096 acres (4,160 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 08-0021A
October 16, 2008

REVISED: December 5, 2008



**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: March 6, 2009

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

FROM: Arturo Rubio, Planner

SUBJECT: **Glory Road Alley Vacation**

The City Plan Commission (CPC) on February 12, 2009 **recommended approval of the Glory Road Alley Vacation.**

The CPC determined that the vacation of right of way in order to eliminate vehicular interest by the City of El Paso protects the best interest, health, safety and welfare of the public in general; and that the vacation will have no 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
Melina Castro

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: SUB09-00005 – Glory Road Alley Vacation **(Revised)**
Application Type: Alley Vacation
CPC Hearing Date: February 12, 2009

Staff Planner: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov
Location: East of Glory Road and South of Mesa Street
Acreage: 0.096 acres
Rep District: 1
Existing Use: Parking Lot
Existing Zoning: S-D
Proposed Zoning: S-D

Nearest Park: Arroyo Park (0.32 mile)
Nearest School: El Paso High School (1.13 miles)

Property Owner: City of El Paso
Applicant: Quantum Engineering
Representative: Quantum Engineering

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial)/ UTEP, retail, bars, restaurants
South: A-O (Apartment Office)/ Apartments, offices, restaurants
East: C-1 (Commercial)/ Bars, restaurants
West: GMU (General Mixed Use)/ UTEP, R-4 (Residential) UTEP

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

This is a City initiated vacation request that proposes to vacate an alley between Glory Road and Cincinnati Avenue in order to eliminate the vehicular interest. The right-of-way will remain open to pedestrian traffic in accordance with the Glory Road Transit Terminal and Shops at Glory Road retail development project that was presented to the City Plan Commission on February 28, 2008. The right-of-way vacation will allow for a pedestrian walkway to connect both projects as presented.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee recommends **approval** of the proposed partial vacation of Glory Road alley located within the Alexander Addition subdivision; subject the following conditions and requirements.

Planning Division Recommendation

Approval.

Land Development:

We have reviewed subject information and offer no objections.

Engineering – Traffic Division:

No objection to proposed vacation.

El Paso Water Utilities:

EPWU-PSB owns and operates an existing 18-inch diameter sewer main that extends along the alley. The sewer main is located approximately at the centerline of the 16-foot alley. This sewer main is to remain in place and active to continue service to the public.

EPWU-PSB does not object to the proposed alley vacation as long as a full width Utility Easement is retained to accommodate the above described 18-inch diameter sewer main. EPWU-PSB requires access to the sanitary sewer facilities and appurtenances 24 hours a day, seven (7) days a week. The access provided shall allow the operation of EPWU maintenance vehicles.

No building, reservoir, structure or other improvement shall be constructed or maintained on the retained Utility Easement without the written consent of EPWU-PSB.

In work associated with the maintenance or repair of the existing sewer main, EPWU is not responsible for replacement of surface improvements, other than asphaltic paving (HMAC).

During the site improvement work, the Owner/Contractor shall safeguard the existing sewer main. If the PSB facilities are damaged during the improvement work, the Owner/Contractor is responsible for the repair costs.

As additional information regarding the construction of the Transit Terminal, the Fire Hydrant and Air Release Piping located on the parkway within the Oregon Street Right-of-way shall also be safeguarded during the improvement work.

Parks and Recreation:

No comments received.

El Paso Electric Company:

El Paso Electric Company has a steel pole on the easterly side of the alley at its intersection with Cincinnati Avenue. This pole must remain. We have removed our wire facilities from 3 other wood poles within the alley, but Time Warner Cable remains attached to these poles. It is Time Warner's responsibility, upon request by the City of El Paso, to remove their cable and pull these poles.

El Paso Electric does not object to the vacation of this alley.

Texas Gas Service:

TGS has no objection to the proposed vacation of the above referenced alley. Below is a copy of an earlier e-mail transmission between Texas Gas Service Co. and Quantum Engineering with additional comments.

Texas Gas Service Company (TGS) has a 4" steel main within the alleyway to be vacated under the subject proposal. We have no objection to the proposal provided the following:

1. The area is reserved as a utility easement.
2. No structures are allowed on the easement.
3. The area remains accessible for maintenance purposes.

Time Warner Cable:

Time Warner Cable has existing cable south to north, aerial along the alley and rises down at the north end of the alley then crosses the existing parking lot on the west side of the alley before entering into UTEP conduit structure. Time Warner is against vacation and will require this ROW for continued service to UTEP.

I believe the underground portion of this line that falls within the parking lot, may have to be relocated due to your proposed structure. Please advise us if you determine this to be in conflict and require relocate. If you require a cable locate on site please let me know and we can mark it for you.

AT&T:

We vacated all of our facilities in that area when demolition began, and currently have a splice on the south side of Cincinnati, in the alley. That splice is going to feed the new structures being built, however, I was told they wanted it fed aerially, and they would be placing, or leave the existing poles there to be re-used. If they are demolished, I will have no way to feed the new business going in there.

Fire Department

No comments received.

911:

No comments received.

Attachments

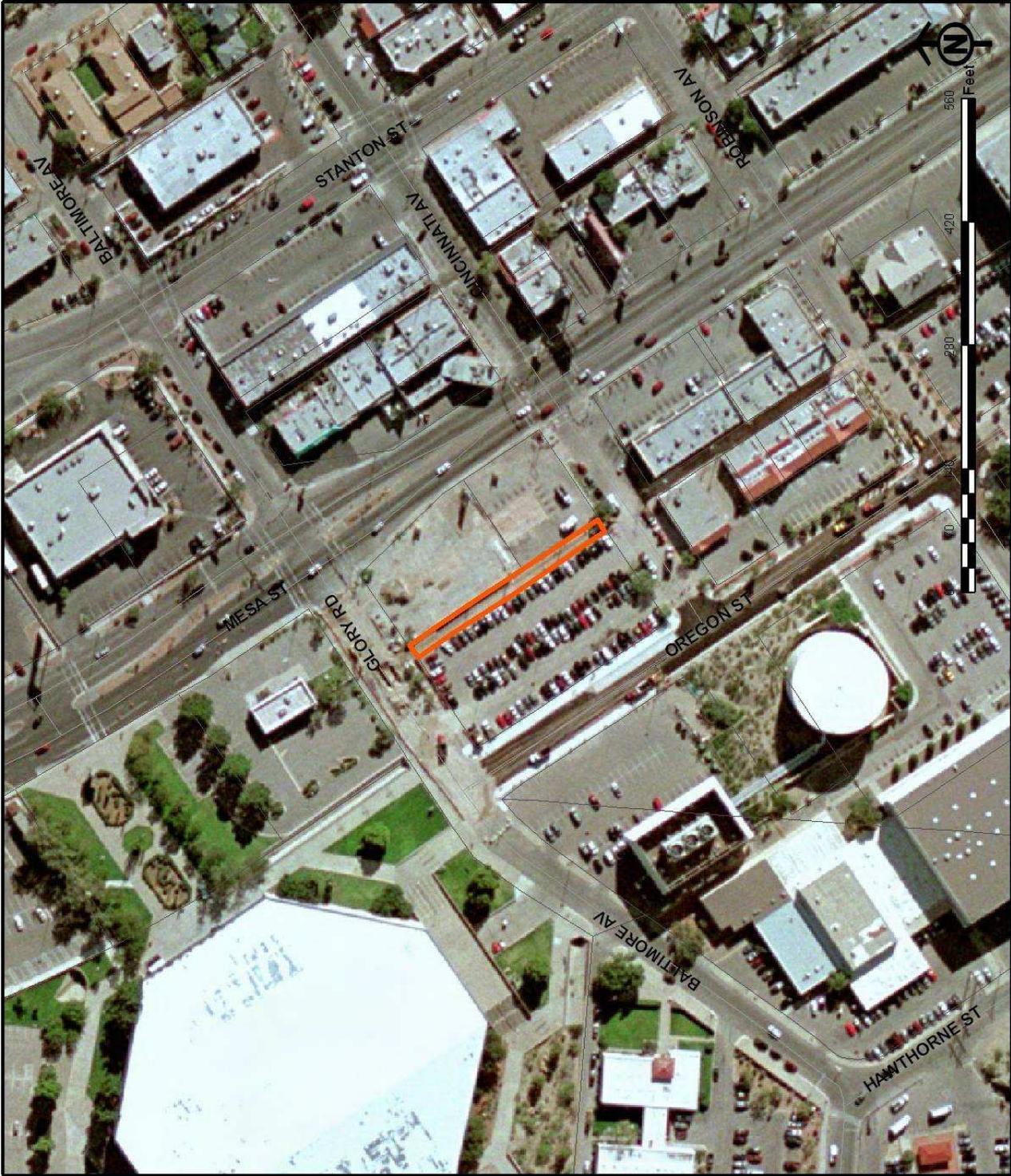
1. Location map
2. Aerial map
3. Survey
4. Application

ATTACHMENT 1



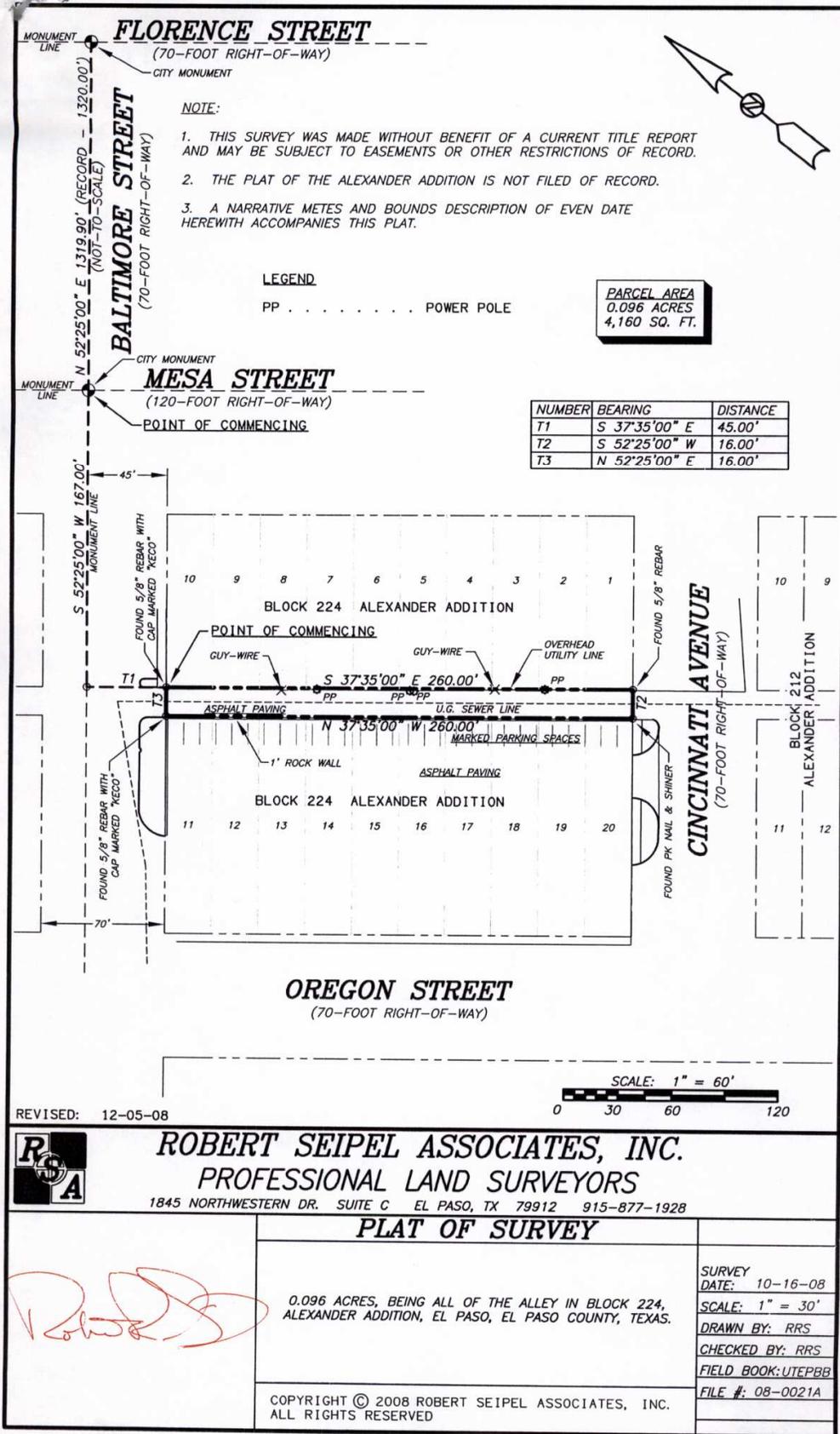
GLORY ROAD ALLEY VACATION

ATTACHMENT 2

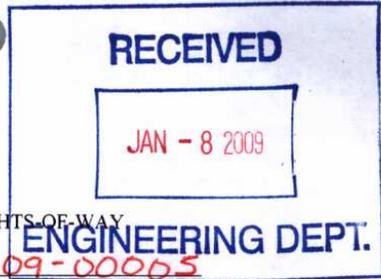
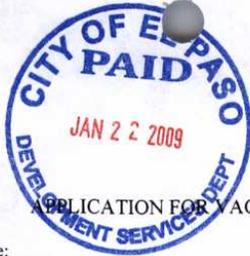


GLORY ROAD ALLEY VACATION

ATTACHMENT 3



ATTACHMENT 4



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

Date: _____ File No. SUB09-00005

1. APPLICANTS NAME CITY OF EL PASO
ADDRESS 2 CIVIC CENTER PLAZA ZIP CODE 79901 TELEPHONE 916-541-4000
EL PASO, TEXAS

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

Street _____ Alley _____ Easement _____ Other _____

Street Name(s) _____ Subdivision Name A PORTION OF BLOCK 224, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS

Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: CREATION OF A PEDESTRIAN WALKWAY BETWEEN THE NEW GLORY ROAD TRANSIT TERMINAL/PARKING STRUCTURE AND THE NEW COMMERCIAL/RETAIL DEVELOPMENT TO THE EAST ("THE SHOPS AT GLORY ROAD").

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 (PEDESTRIAN WALKWAY)

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
<u>[Signature]</u>	<u>Block 224 Alexander Addition</u>	<u>747-7182</u>
<u>[Signature]</u> <u>AVPBA-FS</u>	<u>Lots, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20</u>	<u>727-4167</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.

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: [Signature]
ROBERT A. GONZALES

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