

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Introduction 03/23/10; Public Hearing 03/30/10
CONTACT PERSON/PHONE: Frank Delgado, 541-4238
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating to public vehicular traffic a portion of River Bend between Little Lane and the Montoya Lateral, within Los Paseos Replat A Subdivision, 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 Recommendation
City Plan Commission (CPC) - Unanimous Approval

*****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
Susie 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

Development Services Department

Victor Q. Torres – Director

2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO. _____

AN ORDINANCE VACATING TO PUBLIC VEHICULAR TRAFFIC A PORTION OF RIVER BEND BETWEEN LITTLE LANE AND THE MONTOYA LATERAL, WITHIN LOS PASEOS REPLAT A SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the City Plan Commission has recommended that *a portion of River Bend Drive, between Little Lane and the Montoya Lateral, within Los Paseos Replat A Subdivision, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" and in the attached survey identified as Exhibit "B" attached hereto and made a part hereof, be closed to public vehicular use and the City Council finds that said right-of-way should be closed as recommended;

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

That a portion of River Bend Drive, between Little Lane and the Montoya Lateral, within Los Paseos Replat A Subdivision, 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, be and is hereby closed to public vehicular use.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

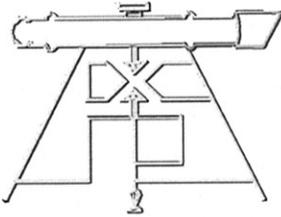


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy
Deputy Director – Planning
Development Services Department



Frank X. Spencer, P.E., R.P.L.S.

Frank X. Spencer & Associates, Inc.
Consulting Civil Engineers & Surveyors
 1130 Montana * El Paso, Texas 79902

(915) 533-4600
 FAX (915) 533-4673
 e-mail: elpaso@fxsa.com

METES AND BOUNDS DESCRIPTION

A 2.250 ACRES (98,016. S.F.) OF LAND OUT OF RIVER BEND DRIVE, LOS PASEOS ADDITION REPLAT "A" CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a recovered Supreme Court Monument #94 on the Texas-New Mexico State line and the westerly corner of Lot 1, Block 2, Los Paseos Addition Replat "A" (Book 49, Page 13, Plat Records, El Paso County, Texas) from which a recovered Supreme Court Monument # 93, bears South 47°33'43" West, a distance of 241.06 feet; **Thence**, North 47°33'43" East, a distance of 2.25 feet to a point on the southerly right-of-way line of River Bend Drive (90-Foot Right-of-Way) **Thence**, South 71°38'32" East, along said right-of-way, a distance of 90.00 feet, to a point, **Thence**, North 18°21'28" East, a distance of 20.00 feet, to a set "MAG" nail, being the **POINT OF BEGINNING** of this description;

THENCE, South 71°38'32" East, a distance of 1164.94 feet, to a set 5/8" rebar with aluminum cap marked "FXS RPLS 2198";

THENCE, 130.59 feet along the arc of a curve to the right, having a radius of 210.08 feet, a central angle of 35°37'00", and a chord which bears South 53°49'22" East, a distance of 128.50 feet, to a set 5/8" rebar with aluminum cap marked "FXS RPLS 2198";

THENCE, South 36°00'52" East, a distance of 48.14 feet, to a point;

THENCE, 39.27 feet along the arc of a curve to the left, having a radius of 25.00 feet, a central angle of 90°00'00", and a chord which bears South 81°00'52" East, a distance of 35.36 feet, to a set 5/8" rebar with aluminum cap marked "FXS RPLS 2198";

THENCE, North 53°59'08" East, a distance of 45.00 feet, to a 5/8" rebar with aluminum cap marked "FXS RPLS 2198" set on the northerly right-of-way of River Bend Drive and the southwesterly line of the Montoya Lateral (60-Foot Right-of-Way);

THENCE, North 36°00'52" West, along said right-of-way, a distance of 163.14 feet, to a 5/8" rebar with aluminum cap marked "FXS RPLS 2198" set on the most northeasterly point of certain parcel of land described February 13, 1985, Book 1536, Page 1218, Deed Records, El Paso County, Texas;

THENCE, North 71°38'32" West, a distance of 1254.90 feet, to a found 1/2" rebar with cap marked "DORADO ENG TX 3190";

EXHIBIT A

THENCE, South 18°21'28" West, a distance of 70.00 feet, to the **POINT OF BEGINNING**, containing 2.250 Acres (98,016 S.F.) of land, more or less.

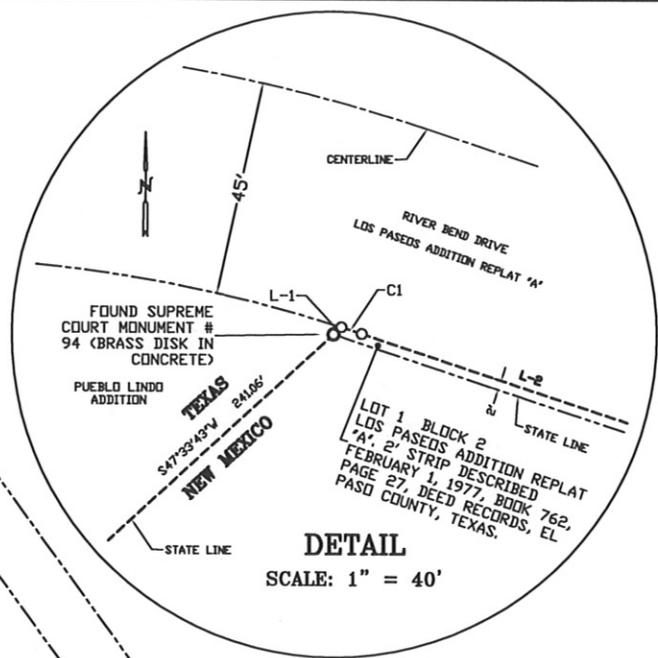
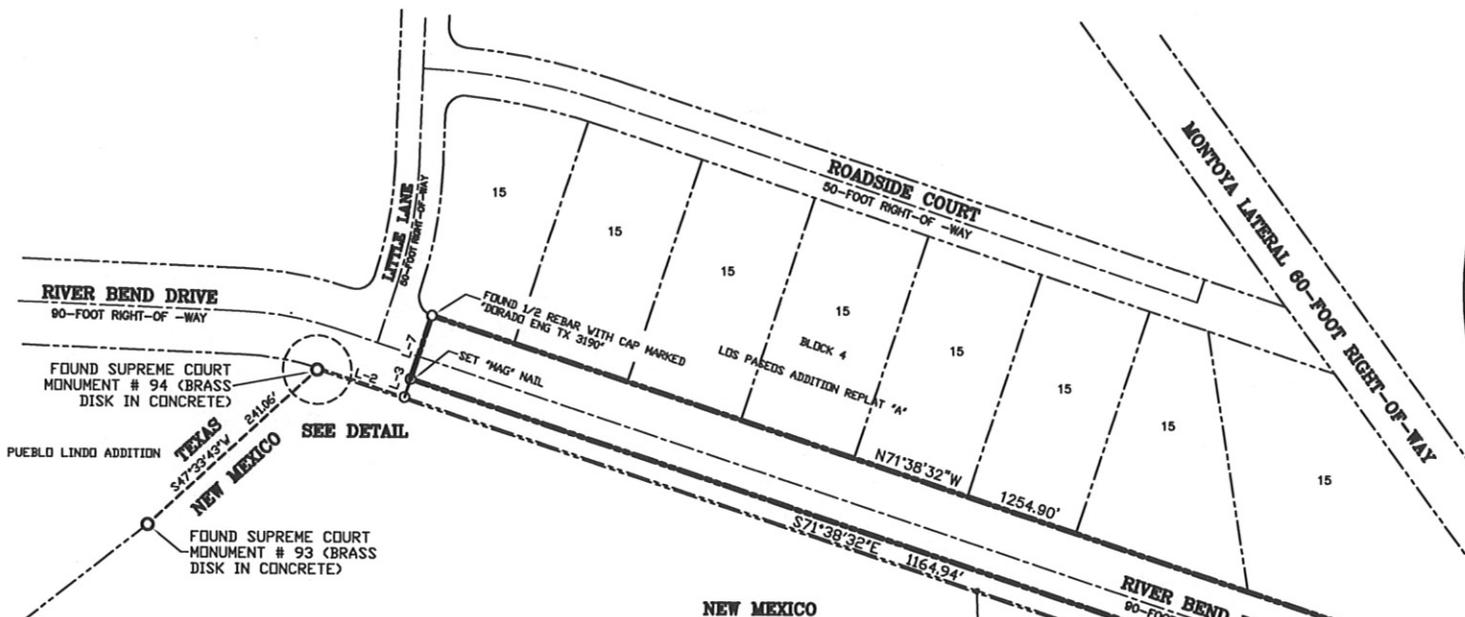
NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS
Texas License No. 5572

Date: 01/07/10



DETAIL
SCALE: 1" = 40'

PARCEL AREA
2.250 ACRES
98,016 Sq Ft

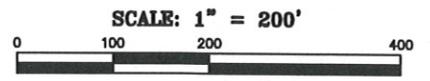
LINE TABLE		
LINE	LENGTH	BEARING
L-1	2.25	N47°33'43"E
L-2	90.00	S71°38'32"E
L-3	20.00	N18°21'28"E
L-4	48.14	S36°00'52"E
L-5	45.00	N53°59'08"E
L-6	163.14	N36°00'52"W
L-7	70.00	S18°21'28"W

CURVE TABLE					
CURVE	DELTA	ARC	RADIUS @ BC	CHORD BEARING	CHORD LENGTH
C1	0°50'00"	4.50	309.41	S72°03'32"E	4.50
C2	35°37'00"	130.59	210.08	S53°49'22"E	128.50
C3	90°00'00"	39.27	25.00	S81°00'52"E	35.36

NOTES:

1. THIS SURVEY MAY BE SUBJECT TO OTHER EASEMENTS AND COVENANTS OF RECORD NOT SHOWN. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
2. THE BASIS OF BEARINGS IS THE MONUMENTED STATE LINE, AS SHOWN (THE SUPREME COURT OF THE UNITED STATES OCTOBER TERM 1930, NO. 2, ORIGINAL SURVEY REPORT BY S. A. COLWELL. NOTE: BEARINGS SHOWN HERE ON ARE BASED ON GPS OBSERVATIONS; TO OBTAIN PLAT BEARINGS ROTATE -03°11'07".
3. THE PLAT OF LOS PASEOS ADDITION REPLAT "A" IS IN BOOK 49, PAGE 13, PLAT RECORDS, EL PASO COUNTY, TEXAS.
4. SET 5/8" REBARs WITH ALUMINUM CAP MARKED "FXS RPLS 2198" AT ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
5. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANELS 480214-0027D, DATED JANUARY 3, 1997, THIS PROPERTY LIES IN FLOOD HAZARD ZONES "A" & "C".

CITY OF EL PASO DESCRIBED FEBRUARY 13, 1985, BDDK 1536, PAGE 1218, DEED RECORDS, EL PASO COUNTY, TEXAS.



01/07/10 *Charles H. Gutierrez*
CHARLES HENRY GUTIERREZ
 Registered Professional Land Surveyor #5572

A 2.250 ACRE PORTION OF RIVER BEND DRIVE, LOS PASEOS ADDITION REPLAT "A", EL PASO, EL PASO COUNTY, TEXAS

SURVEYED & PREPARED BY:



FRANK X. SPENCER & ASSOCIATES, INC.
 Consulting Civil Engineers & Land Surveyors
 1130 MONTANA AVE.
 EL PASO, TEXAS 79902
 PHN: 915-533-4800
 FAX: 915-533-4873
 e-mail: elpaso@fxsa.com

drawn by: C.G.

Dedicated to Outstanding Customer Service for a Better Community

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



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: March 15, 2010

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

FROM: Frank Delgado, Senior Planner

SUBJECT: SUB10-00025 Vacation of River Bend Drive

On February 25, 2010, the City Plan Commission (CPC) voted unanimously to approve the vacation of the vehicular interest on a portion of River Bend Drive. The CPC determined the vacation is in conformance with *The Plan for El Paso* and the proposed use is in conformance with the *2025 Projected General Land Use Map*. The CPC also determined that the vacation protects the best interest, health, safety and welfare of the public in general; 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
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City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

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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: SUB10-00025 River Bend
Application Type: Right-of-Way Vacation to Vehicular Interests
CPC Hearing Date: February 25, 2010
Staff Planner: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov
Location: West of Doniphan Drive and South of Sunset Drive
Legal Description Acreage: 3.04 acres
Rep District: 8
Existing Use: Right-of-Way
Existing Zoning: R-2 (Residential)
Proposed Zoning: R-2 (Residential)

Nearest Park: Marwood Park (0.73 miles)
Park Fees: None
Nearest School: Zach White Elementary School (0.6 miles)

Impact Fee: The property is not located in an impact-fee area.

Property Owner: City of El Paso
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: R-2 (Residential)/ Residential development
South: None (State Line)/ Vacant
R-F (Ranch and Farm)/ Ranch development
East: R-2 (Residential)/ Residential development
R-3 (Residential)/ Residential development
West: R-2 (Residential)/ Residential development

THE PLAN FOR EL PASO DESIGNATION: Residential and None

APPLICATION DESCRIPTION

The City of El Paso is proposing to vacate the vehicular interests and a portion of the right-of-way of a 134,220 square-foot, 1,535.26-foot long portion of River Bend Drive located within the Los Paseos Replat A Subdivision for a recreational trail.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Approval

DEVELOPMENT COORDINATING COMMITTEE COMMENTS

The Development Coordinating Committee recommends *Approval* of the River Bend vacation subject to the following conditions and requirements:

PLANNING DIVISION RECOMMENDATION

Approval

LAND DEVELOPMENT COMMENTS AND REQUIREMENTS

No comments received.

ENGINEERING DEPARTMENT COMMENTS

No comments received.

TRAFFIC ENGINEERING COMMENTS

No objection to proposed vacation of vehicular interest.

STREETS DEPARTMENT COMMENTS

No objections provided that the following conditions be properly addressed.

- Recommend that the portion remaining as street ROW be vacated to the abutting property owner or paved if it will remain as a drivable access to abutting property owner. Cul-de-sac turn around area may be utilized as a parking area also and defeat the purpose of the cul-de-sac.
- The street department is requesting that the remaining portion of UNPAVED ROW become the maintenance responsibility of the Parks Dept.
- It should be noted that the City Of El Paso is required to comply with Texas Commission on Environmental Quality (TCEQ) requirements of Title 30, Texas Administrative Code, Chapter 111 in pursuit of minimizing particulate matter in the air within the El Paso region.

EL PASO WATER UTILITIES COMMENTS

We have reviewed the above referenced right-of-way vacation request and provide the following comments:

1. EPWU-PSB owns and operates existing water and sanitary sewer mains along the proposed vacated property. The mains are to remain in place and active to continue providing service to the public.
2. EPWU-PSB does not object to the proposed vacation as long as a full width Utility Easement within the proposed vacated property is retained to accommodate the mains, public fire hydrant and water service meter. Coordination with engineer retained by the City of El Paso is requested to define the easement boundaries.
3. EPWU-PSB requires access to the facilities and appurtenances 24 hours a day, seven (7) days a week. The access provided shall allow the operation of EPWU maintenance vehicles.
4. EPWU-PSB has reviewed drawings for the Upper Valley Tree Planting Project. The proposed project is to take place within the property to be vacated. EPWU-PSB requests that the applicant insure that the proposed trees are located a minimum of 10 ft. from existing water and sanitary sewer mains.

Water

5. There is an existing 8-inch diameter water main along the portion of River Bend Drive that is proposed to be vacated. The water main extends parallel to the northern River Bend Drive right-of-way line, located approximately 28 ft. south of the northern right-of-way line.
6. A public fire hydrant is connected to the water main and is located approximately 1,200 ft. east of the Little Lane and River Bend Drive intersection.
7. A 1-inch diameter water meter that services 4000 River Bend drive is located at the end of the water main.

Sanitary Sewer

8. There is an existing 8-inch sanitary sewer main along the portion of River Bend Drive that is proposed to be vacated. The sanitary sewer main extends parallel to the southern right-of-way approximately 40 ft north.

General

9. The applicant is responsible for the costs of any necessary extensions, relocations or adjustments of water and sanitary sewer lines, appurtenances, fire hydrants, and meters related to the proposed improvement work.

FIRE DEPARTMENT COMMENTS

No objections.

PARKS COMMENTS

No comments received.

911 DISTRICT COMMENTS

No comments received.

CENTRAL APPRAISAL DISTRICT COMMENTS

No comments received.

EL PASO ELECTRIC COMPANY COMMENTS

No comments received.

EL PASO INDEPENDENT SCHOOL DISTRICT COMMENTS

No comments received.

TEXAS DEPARTMENT OF TRANSPORTATION COMMENTS

No comments received.

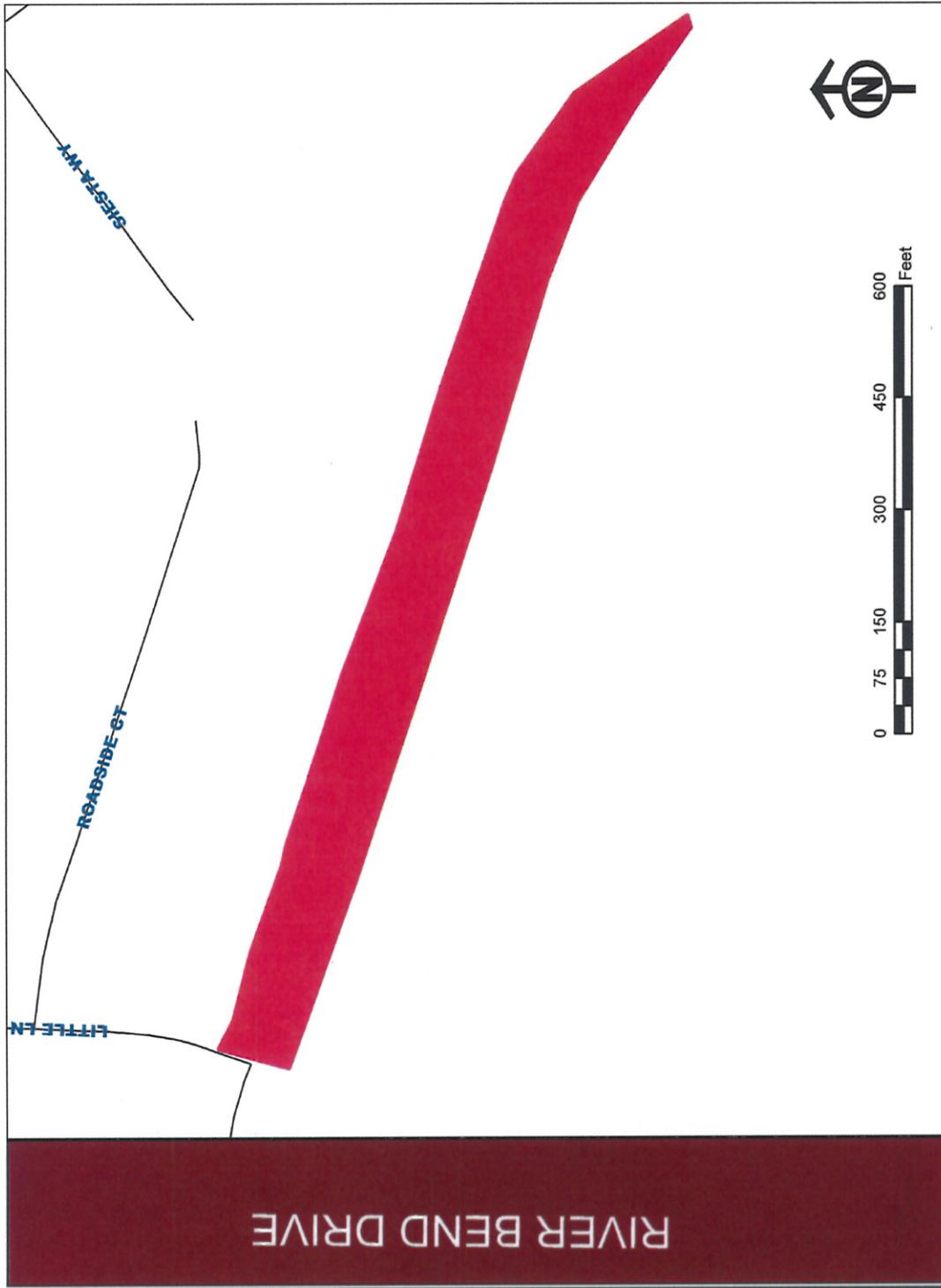
TEXAS GAS SERVICE COMMENTS

No comments received.

Attachments

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

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 4



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

Date: July 16, 2009 File No. SLB09-00082 / SUB10-00025

1. APPLICANTS NAME City of El Paso
ADDRESS 2 Civic Center Plaza ZIP CODE 79901 TELEPHONE 541-4001
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) River Bend Drive Subdivision Name Los Paseos Addition Replat A
Abutting Blocks 4 Abutting Lots 8, 9, 10, 11, 12, 13, 14, 15
3. Reason for vacation request: Recreational Trail
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
_____	<u>Lot 8 Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 9 Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 10 Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 11 Block 4, Los Paseos Addition Replat A</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: Joseph K. Jullion
REPRESENTATIVE: _____

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

SIGNATURES OF PROPERTY OWNERS ABUTTING PROPERTY TO BE VACATED

Signature	Legal Description	Telephone
_____	<u>Lot 12, Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 13, Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 14, Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 15, Block 4, Los Paseos Addition Replat A</u>	_____
_____	<u>Lot 2, Block 2, Los Paseos Addition</u>	_____