

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



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

DEPARTMENT: Development Services Department

AGENDA DATE: CCA Introduction: 4/7/09, Public Hearing: 4/14/09

CONTACT PERSON/PHONE: Arturo Rubio – 541-4633

DISTRICT(S) AFFECTED: 1

SUBJECT:
An Ordinance vacating a drainage easement varying in width from 45.41 feet to 48.71 feet, located within a portion of Lot 1, Block 1, Acacia Commercial Park, City of El Paso, El Paso County, Texas. Subject Property: North of Mesa Hills and East of Mesa Street, Property Owner: River Oaks Properties

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

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 A DRAINAGE EASEMENT VARYING IN WIDTH FROM 45.41 FEET TO 48.71 FEET, LOCATED WITHIN A PORTION OF LOT 1, BLOCK 1, ACACIA COMMERCIAL PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a drainage easement varying in width from 45.41 feet to 48.71 feet, located within a portion of Lot 1, Block 1, Acacia Commercial Park, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a drainage easement varying in width from 45.41 feet to 48.71 feet, located within a portion of Lot 1, Block 1, Acacia Commercial Park, City of El Paso, El Paso County, Texas, and the City Council finds that said easement 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, in consideration of the receipt by the City of El Paso of TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a drainage easement varying in width from 45.41 feet to 48.71 feet, located within a portion of Lot 1, Block 1, Acacia Commercial Park, 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, subject to the condition that a private drainage easement, which will take the place of the vacated drainage easement in handling the drainage within the lot, is filed through a separate instrument and filed with the County.

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 drainage easement to **River Oak Properties**, subject to that condition referenced above.

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

Property Description: Portion of Lot 1, Block 1, Acacia Commercial Park, an addition to the City of El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a drainage easement being a portion of Lot 1, Block 1, Acacia Commercial Park, an addition to the City of El Paso, El Paso County, Texas, said easement is recorded in Volume 4233, Page 239, El Paso County Deed Records, and is more particularly described by metes and bounds as follows:

Commencing at the city monument located at the centerline intersection of North Mesa Street and Mesa Hills Drive; THENCE, North 43° 51' 06" West, along the centerline of North Mesa Street, a distance of 294.48 feet to a point; THENCE North 46° 08' 54" East, across North Mesa Street, a distance of 75.00 feet to a point on the northerly right-of-way of North Mesa Street and the TRUE POINT OF BEGINNING of this description;

THENCE, North 43° 51' 06" West, along the northerly right-of-way line of North Mesa Street, a distance of 48.71 feet to a point;

THENCE, North 02° 11' 07" East, a distance of 76.73 feet to a point;

THENCE, a distance of 182.51 feet along the arc of a curve to the left whose radius is 200.00 feet, whose central angle is 52° 17' 02" and whose long chord bears North 22° 25' 15" East a distance of 176.24 feet to a point;

THENCE, North 89° 02' 51" East, a distance of 157.71 feet to a point;

THENCE, South 40° 32' 10" West, a distance of 45.41 feet to a point;

THENCE, South 89° 02' 51" West, a distance of 93.78 feet to a point;

THENCE, a distance of 161.31 feet along the arc of a curve to the right whose radius is 235.00 feet, whose central angle is 39° 19' 45" and whose long chord bears South 25° 08' 06" West a distance of 158.16 feet to a point;

THENCE, South 02° 04' 06" West, a distance of 98.08 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.232 acres (10,120 Sq. Ft.) of land more or less.

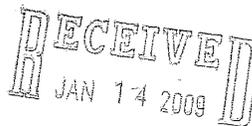
A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUND DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers - Land Surveyors.

Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



November 13, 2008
Job # 09-07-2621



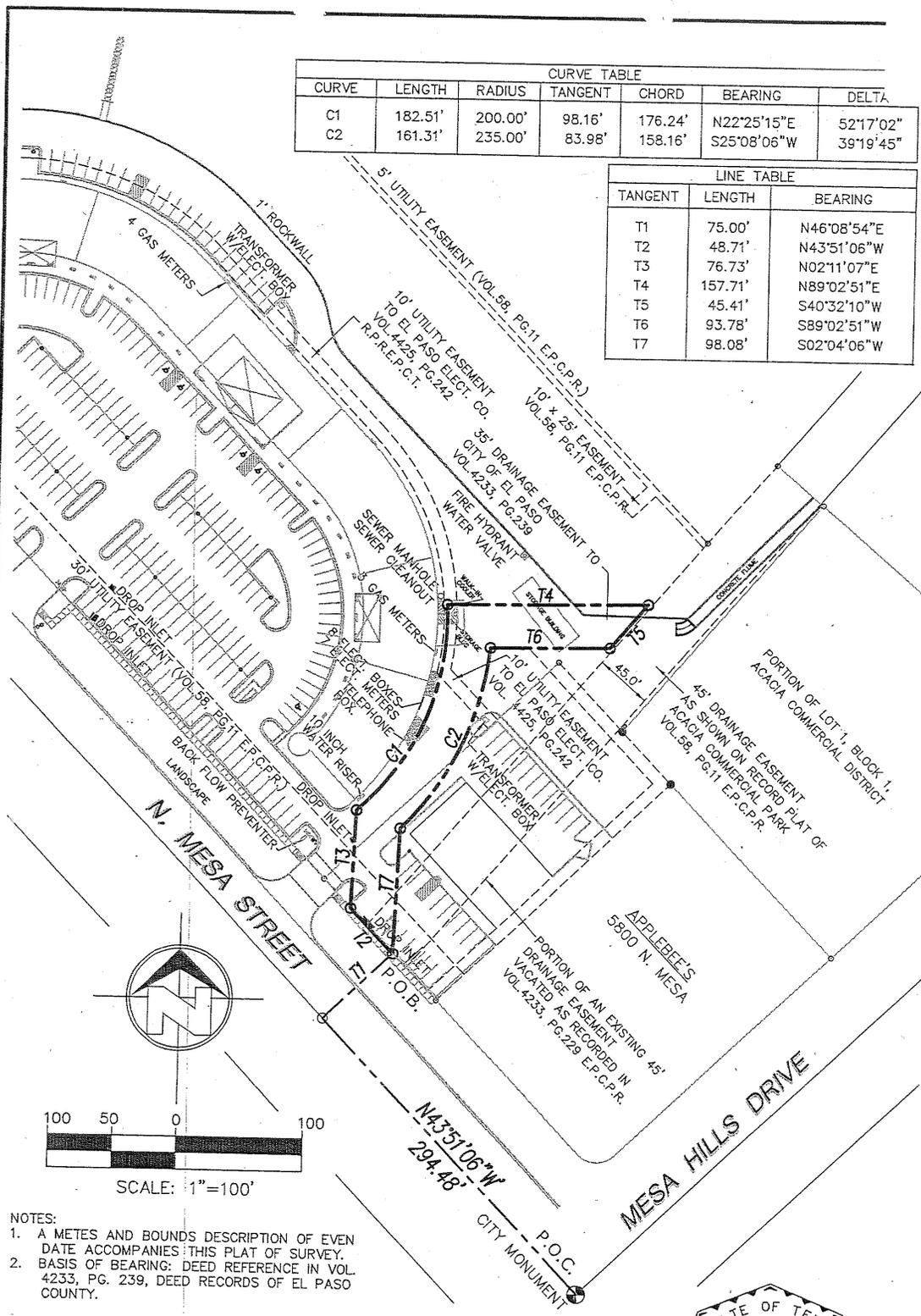
M&B/1520

CITY CLERK DEPT.
09 MAR 30 AM 10:22

CITY CLERK DEPT.
09 MAR 30 AM 10:22

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	182.51'	200.00'	98.16'	176.24'	N22°25'15"E	52°17'02"
C2	161.31'	235.00'	83.98'	158.16'	S25°08'06"W	39°19'45"

LINE TABLE		
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T1	75.00'	N46°08'54"E
T2	48.71'	N43°51'06"W
T3	76.73'	N02°11'07"E
T4	157.71'	N89°02'51"E
T5	45.41'	S40°32'10"W
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- NOTES:
1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.
 2. BASIS OF BEARING: DEED REFERENCE IN VOL. 4233, PG. 239, DEED RECORDS OF EL PASO COUNTY.

Copyright 2008 SLI Engineering, Inc.

This map and survey are being provided solely for the use of River Oaks Properties 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 13, 2008.



PLAT OF SURVEY

DRAINAGE EASEMENT
PORTION OF LOT 1, BLOCK 1
ACACIA COMMERCIAL PARK
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, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

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

JOB #: 09-07-2621 DR. BY: XXX

SCALE: 1"=100' F.B. #:
F:\PROJECTS\IMPSURVA\SOM EASEMENT
DATE: 11/13/2008 DWG.: dwg\SOM-SITE

DEED REFERENCE
VOLUME 4233 PAGE 239

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TEXAS §

This instrument is acknowledged before me on this _____ day of _____, 2009
by JOYCE WILSON as CITY MANAGER of the CITY OF EL PASO, a municipal corporation.

My Commission Expires:

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

AFTER RECORDING RETURN TO:

**River Oaks Properties
106 N. Mesa Park Dr.
El Paso, Texas 79912**

with copy to:

**Development Services Department
Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901**

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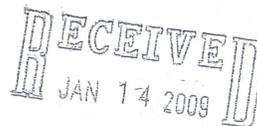
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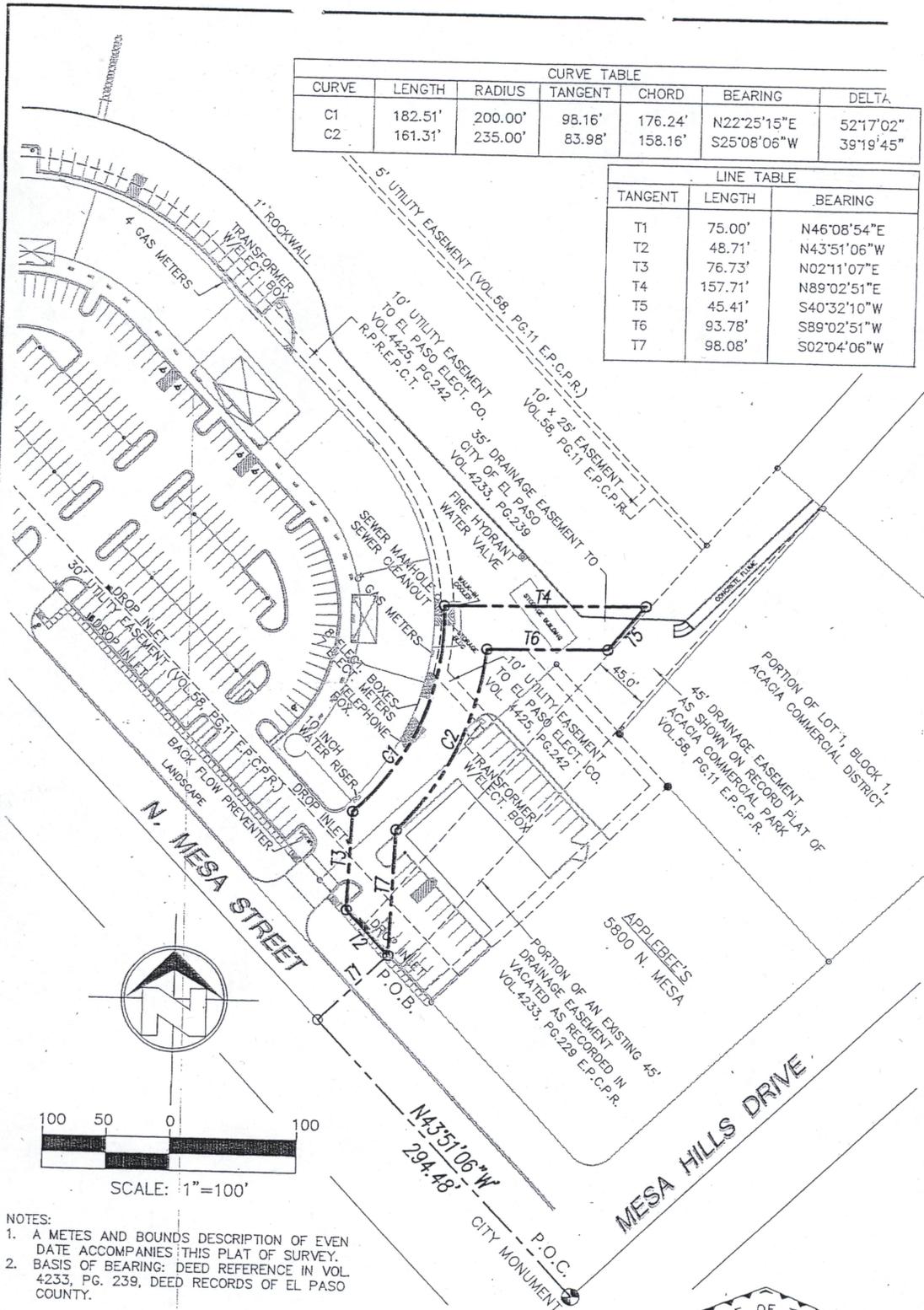
November 13, 2008
Job # 09-07-2621



M&B/1520

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PLAT OF SURVEY

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

DRAINAGE EASEMENT
 PORTION OF LOT 1, BLOCK 1
 ACACIA COMMERCIAL PARK
 CITY OF EL PASO,
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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 #: 09-07-2621 DR. BY: XXX

SCALE: 1"=100' F.B. #:
 F:\PROJECTS\IMPSURV\SOM EASEMENT
 DATE: 11/13/2008 DWG.: dwg\SOM-SITE

DEED REFERENCE
 VOLUME 4233 PAGE 239



**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: March 30, 2009

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

FROM: Arturo Rubio, Planner

SUBJECT: **Acacia Easement Vacation**

The City Plan Commission (CPC) on February 12, 2009 **recommended approval of the Acacia Easement Vacation with a condition.**

The CPC determined that the vacation of the drainage easement 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: SUB09-00002 – Acacia Easement Vacation
Application Type: Drainage Easement Vacation
CPC Hearing Date: February 12, 2009

Staff Planner: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov
Location: North of Mesa Hills Drive and East of Mesa Street
Legal Description Acreage: 0.232 acre
Rep District: 1
Existing Use: Drainage Easement
Existing Zoning: PC/sc (Planned Commercial/special contract)
Proposed Zoning: PC/sc (Planned Commercial/special contract)

Nearest Park: Crestmont Park (0.88 mile)
Nearest School: Morehead Middle School (0.077 mile)

Property Owner: River Oak Properties
Applicant: SLI Engineering, Inc.
Representative: SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: P-C/sc (Planned Commercial/special contract)/ Retail offices, R-3 (Residential)/ Single-family dwellings
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

The applicant is requesting to vacate a 35 foot drainage easement located on the property. The purpose of the vacation is to allow for a realignment of the drainage easement away from existing structures.

HISTORY:

On March 21, 2000, the City Council accepted a dedication of a 35-foot wide drainage easement located within the Acacia Commercial Park Subdivision by Resolution DD-99003.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval with a condition that a separate instrument is filed at the County for a private drainage easement.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee recommends *approval* of the proposed vacation of the drainage easement located within the Acacia Commercial Park subdivision; subject the following conditions and requirements.

Planning Division Recommendation

Approval with a condition that a separate instrument is filed at the County for a private drainage easement.

Land Development:

No objections provided the easement is dedicated as a Private Drainage Easement.

Vacation request shall not be filed prior to the drainage easement Dedication request SUB09-0003.

Stormwater Division:

1. The existing drainage easement to be vacated is a surface flow drainage conveyance facility. The acute configuration of this easement may not contain drainage flow within its limits. Furthermore, existing improvements within the boundary of the easement impede drainage flows from following the deigned flow path.
2. The alignment of the proposed 15-foot wide drainage easement is more acute than the existing easement. The proposed easement may not contain drainage flow within its limits. The Stormwater Division does not recommend acceptance of the proposed alignment due to potential liabilities incurred from drainage that may flow onto abutting properties. The Stormwater Division will accept the proposed easement alignment if the property owner installs an underground storm drain system within the limits of the 15-foot wide drainage easement.

El Paso Water Utilities:

EPWU does not object to this request.

Water:

From the intersection of Mesa Hills Drive and Mesa Street along Mesa Street towards the north there is an existing six (6) inch diameter water main. This main is located at approximately 5 feet east of the westernmost right-of-way line of Mesa Street.

Along Mesa Street between Mesa Hills Drive and Crestmont Street (Crown Point Drive) there is an existing twenty-four (24) inch diameter water transmission main. This main is located at approximately 10 feet east of the westernmost right-of-way line of Mesa Street. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Along Mesa Street between Mesa Hills Drive and Crestmont Street (Crown Point Drive) there is an existing eight (8) inch diameter water main. This main is located approximately along the centermost portion of Mesa Street.

Along Mesa Street between Mesa Hills Drive and Crestmont Street (Crown Point Drive) there is an existing twelve (12) inch diameter water main. This main is located at approximately along the centermost portion of Mesa Street.

Within Acacia Commercial Park there is an existing eight (8) inch diameter water main. This main is located within the 30-foot wide Utility Easement located immediately east and parallel to Mesa Street as depicted by the Acacia Commercial Park "Filing Map". The described main is located at approximately 15 feet west of

the easternmost easement line and aligned parallel to Mesa Street. This main dead-ends at approximately 970 feet north of Mesa Hills Drive.

Sanitary Sewer:

Along Mesa Street between Mesa Hills Drive and Crestmont Street (Crown Point Drive) there are no existing sanitary sewer mains.

Within Acacia Commercial Park there is an existing eight (8) inch diameter sanitary sewer main. This main is located within the 30-foot wide Utility Easement located immediately east and parallel to Mesa Street as depicted by the Acacia Commercial Park "Filing Map". The described main is located at approximately 68 feet east of the easternmost curb line of Mesa Street. This main dead-ends at approximately 920 feet north of Mesa Hills Drive.

General:

The El Paso Water Utilities – Public Service Board (EPWU-PSB) will retain the described the 30-foot wide Utility Easement located immediately east and parallel to Mesa Street as depicted by the Acacia Commercial Park "Filing Map".

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 the Property where the proposed Easement Vacation is located. This is required in order to ascertain that the proposed improvements and/or grading pertaining to the proposed Easement Vacation will not adversely affect the existing described eight (8) inch diameter water main and the existing eight (8) inch diameter sanitary sewer main.

Mesa Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Mesa Street right-of-way requires written permission from TxDOT.

In the event that 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.

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

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.

No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the existing water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

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.

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd 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.

Engineering -Traffic Division:

No objection to proposed drainage easement vacation.

Parks and Recreation:

No comments received.

El Paso Electric Company:

No comments received.

Texas Gas Service:

No comments received.

Time Warner Cable:

No comments received.

Fire Department

No comments received.

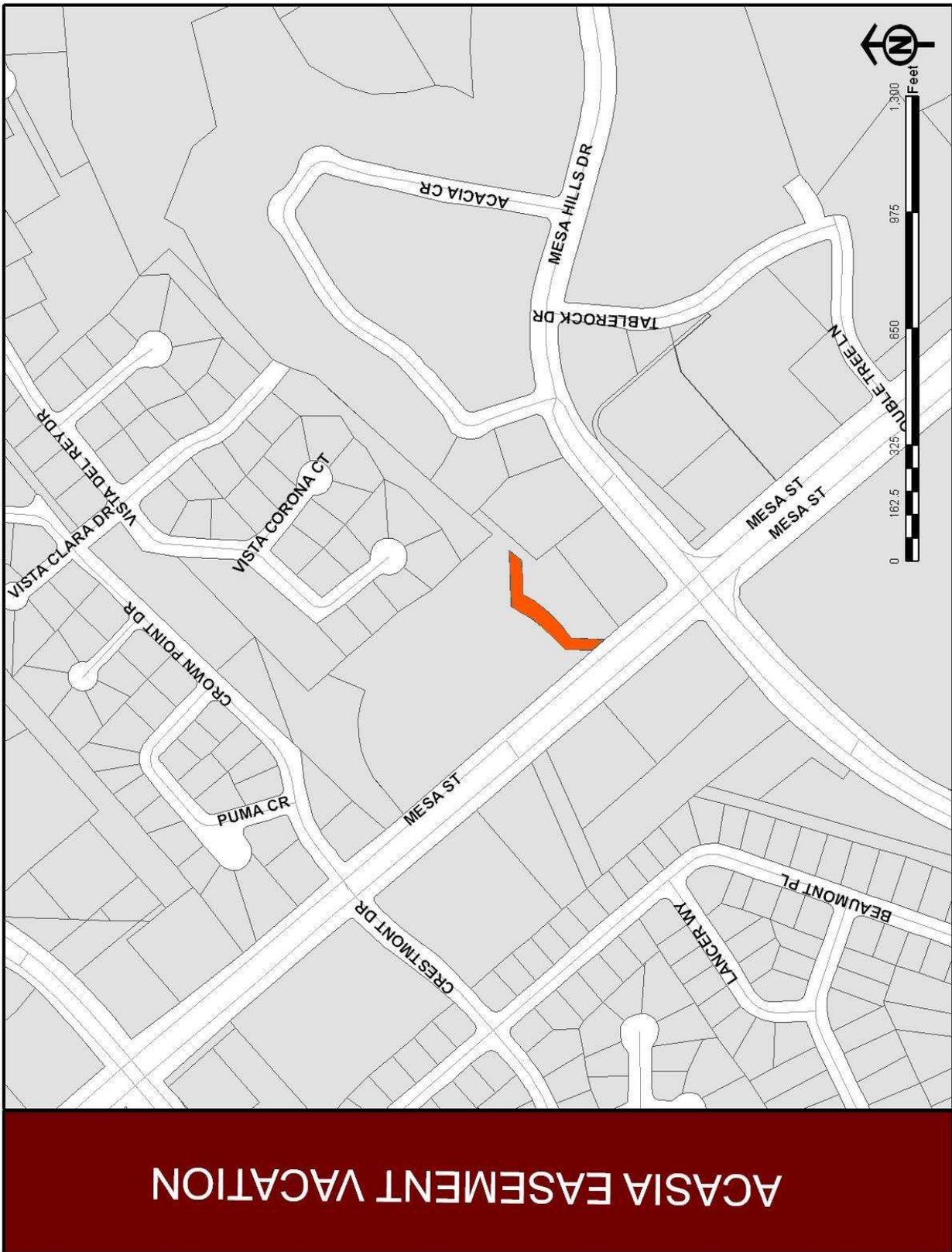
911:

No comments received.

Attachments

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

ATTACHMENT 1



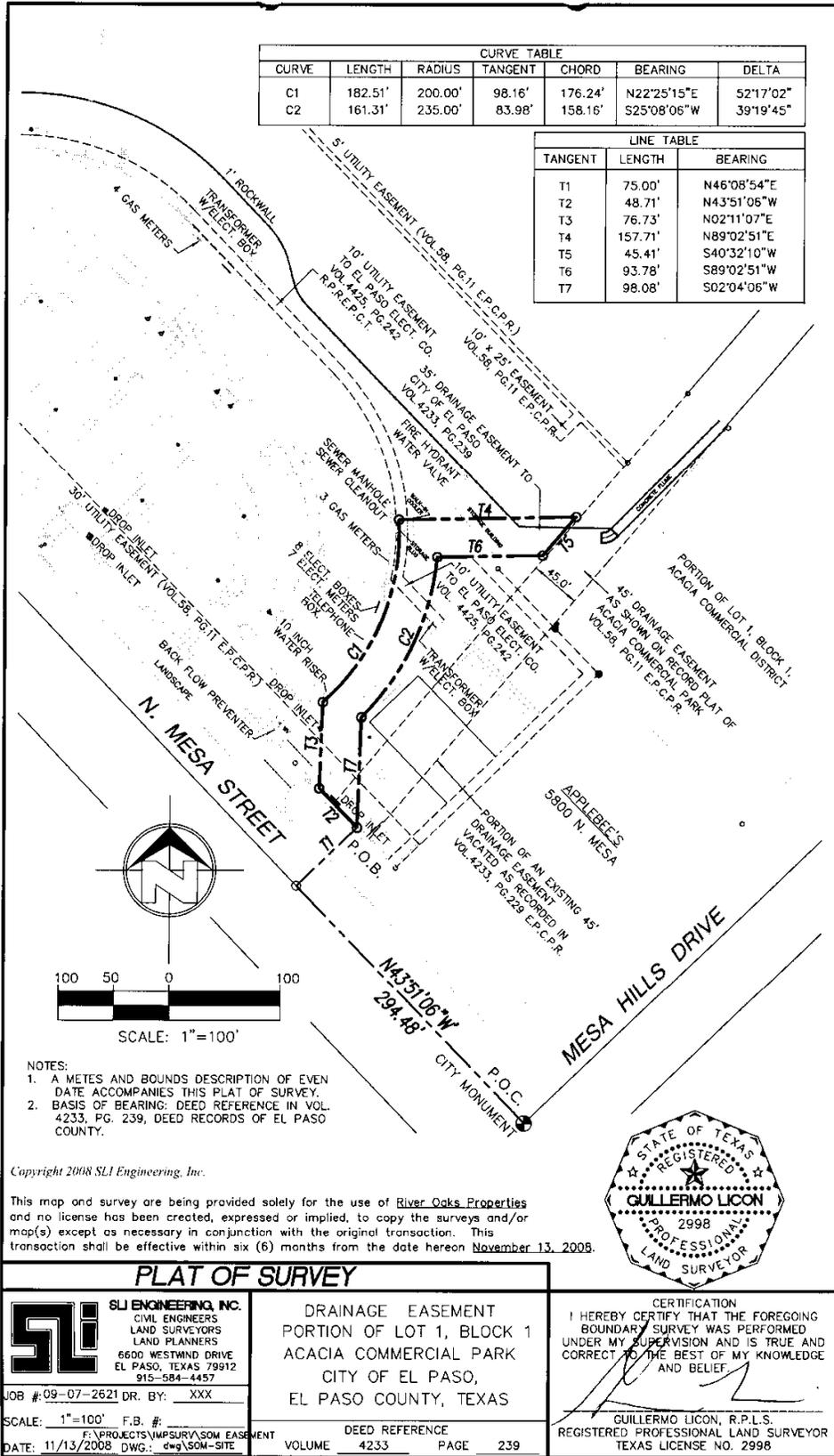
ACASIA EASEMENT VACATION

ATTACHMENT 2



ACASIA EASEMENT VACATION

ATTACHMENT 3



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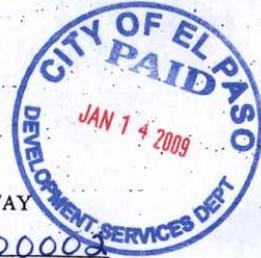
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 TEXAS LICENSE NO. 2998

ATTACHMENT 4



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

Date: 12/04/08

File No. SUB09-00002

1. APPLICANTS NAME Riveroak Properties
ADDRESS 106 N. Mesa Park Dr. ZIP CODE 79912 TELEPHONE (915) 225-5700
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) _____ Subdivision Name Acacia Commercial Park
Abutting Blocks _____ Abutting Lots _____
3. Reason for vacation request: Align with storm drian structures
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 None
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: Jim Payne
REPRESENTATIVE: _____

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