

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

**DEPARTMENT:** Development Services Department—Planning Division  
**AGENDA DATE:** Consent 04/08/2008  
**CONTACT PERSON/PHONE:** Raul Garcia, 541-4935, garciar1@elpasotexas.gov  
**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

Approve a resolution that the City Manager be authorized to sign and accept on behalf of the City a drainage and PSB easement dedication deed from Enrique Escobar, dedicating to the City a 15 foot wide drainage and PSB easement, described as *being a portion of Lot 11, Block 10, Borderland Heights Unit Three, City of El Paso, El Paso County, Texas*. The area is approximately .04 acres in size, which will be used to drain and provide a sewer connection for Santiago Court Subdivision, and being more fully described by metes and bond in exhibit "A" of the dedication deed. Subject property: 6344 Pascal Street, Applicant: Enrique Escobar, SUB08-00009, (District 1)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

None

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

The Development Coordinating Committee recommends unanimous approval and the City Plan Commission recommended 7-0 to approve this easement dedication application on February 28, 2008.

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** *for* Pat Adauto, Deputy Director—Development and Infrastructure Services

**APPROVED FOR AGENDA:** \_\_\_\_\_

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

CITY CLERK DEPT.  
09 MAR 20 AM 9:58

CITY CLERK DEPT.

RESOLUTION

08 MAR 17 AM 10:35

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign and accept on behalf of the City a Drainage and PSB Easement Dedication Deed from Enrique Escobar, dedicating to the City a 15 foot wide drainage and PSB easement, described as being a portion of Lot 11, Block 10, Borderland Heights Unit Three, City of El Paso, El Paso County, Texas. The area is approximately .04 acres in size, which will be used to drain and provide a sewer connection for Santiago Court subdivision, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy-Momsen  
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto  
Patricia D. Adauto  
Interim Development Services Director

Patricia D. Adauto  
Deputy City Manager  
Development &  
Infrastructure Services

CITY CLERK DEPT.  
08 MAR 28 AM 9:58

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

**DEDICATION DEED**

KNOW ALL MEN BY THESE PRESENTS: That **Enrique Escobar**, Grantor, does hereby give and dedicate to the City of El Paso, Grantee, a 15 foot wide drainage and PSB easement in order to drain and provide a sewer connection for Santiago Court subdivision. The owner is to refrain from constructing rock walls, signs, or any structure that will interfere with the access to the drainage and PSB easement, the following described land located in the City of El Paso, El Paso County, Texas:

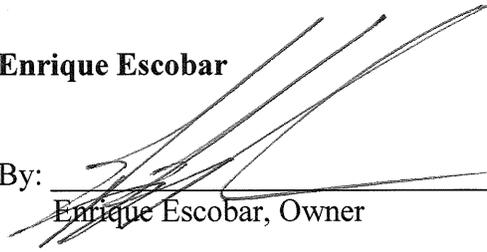
*Being a portion of Lot 11, Block 10, Borderland Heights Unit Three, City of El Paso, El Paso County, Texas*

TO HAVE AND TO HOLD the above conveyed property for the purposes aforesaid unto the City of El Paso, its successors and assigns, forever.

And the Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular the rights herein granted, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures and seal this 19 day of MARCH, 2008.

**Enrique Escobar**

By:   
Enrique Escobar, Owner

(Acknowledgment on following page)

CITY CLERK DEPT.  
08 MAR 28 AM 9:59

ACKNOWLEDGMENT

CITY CLERK DEPT.

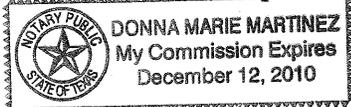
08 MAR 17 AM 10:35

STATE OF TEXAS §

COUNTY OF EL PASO §

This instrument was acknowledged before me on the 19 day of March 2008, by Enrique Escobar as [Signature] on behalf of Enrique Escobar.

My Commission Expires:



[Signature] Notary Public, State of Texas Notary's Printed Name:

GRANTEE CITY OF EL PASO

By: Joyce Wilson, City Manager

APPROVED AS TO FORM:

[Signature] Lupe Cuellar Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature] Patricia D. Adauto Patricia D. Adauto Interim Development Services Director Patricia D. Adauto Deputy City Manager Development & Infrastructure Services

STATE OF TEXAS ) COUNTY OF EL PASO )

This instrument was acknowledged before me this \_\_\_ day of \_\_\_ 2008, by Joyce Wilson, City Manager of the City of El Paso, a municipality, on behalf of said municipality.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of El Paso Development Services - Planning Division Attn: Planning Director 2 Civic Center Plaza, 5th floor El Paso, Texas 79901

CITY CLERK DEPT. 08 MAR 28 AM 9:59

BORDERLAND HEIGHTS UNIT THREE

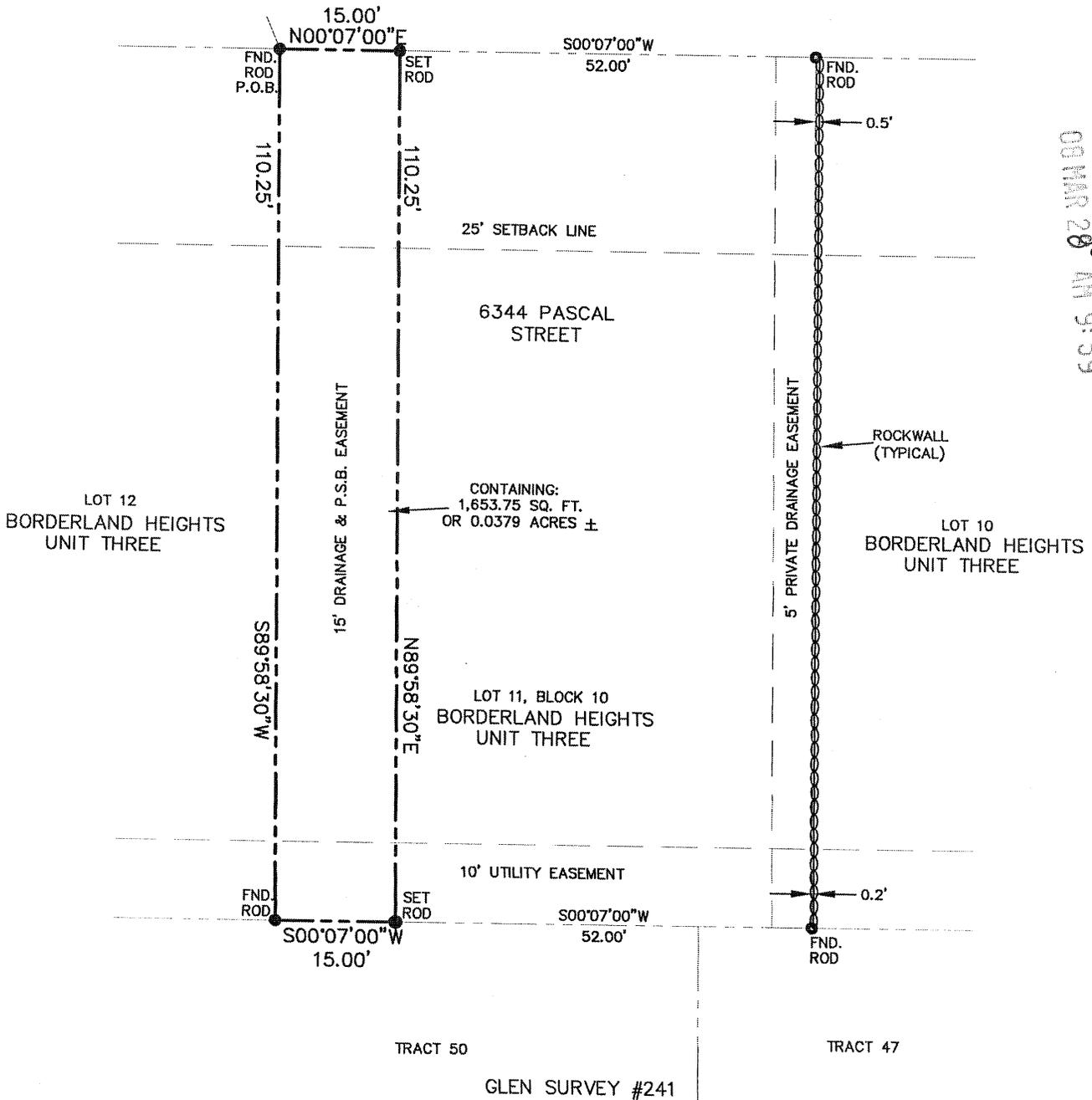
NELLIE D. MUNDY SURVEY #241  
BORDERLAND HEIGHTS AS PER  
UNIT THREE SOUTHWEST CORNER

N67°08'32"E  
1281.45'

PASCAL STREET  
60' R.O.W.

CITY CLERK DEPT.  
08 MAR 17 AM 10:35

CITY CLERK DEPT.  
09 MAR 28 AM 9:59



CAD CONSULTING CO.

SCALE 1"=20'

NOTE:  
DRAINAGE STRUCTURES WITHIN PROPOSED EASEMENT  
WILL BE INCLUDED AS PART OF SANTIAGO COURT  
SUBDIVISION IMPROVEMENT PLANS.

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING  
BOUNDARY SURVEY WAS MADE ON THE  
GROUND AND UNDER MY SUPERVISION AND  
IS TRUE AND CORRECT TO THE BEST OF  
MY KNOWLEDGE AND BELIEF, THAT THERE  
ARE NO ENCROACHMENTS EXCEPT AS  
SHOWN HEREON.

CARLOS M. JIMENEZ  
R.P.L.S. No. 3950

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JOB # 71701 DATE: 07-30-07 OFFICE: EA

SEE EXHIBIT "A"  
BEING A PORTION OF LOT 11, BLOCK 10,  
BORDERLAND HEIGHTS UNIT THREE  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

**CAD CONSULTING COMPANY**  
1790 LEE TREVINO DRIVE SUITE 503  
EL PASO, TEXAS 79936  
(915) 633-6422

A Portion of Lot 11, Block 10,  
Borderland Heights Unit Three,  
City of El Paso, El Paso County, Texas

July 30, 2007

METES AND BOUNDS DESCRIPTION  
15' Drainage & P.S.B. Easement  
Exhibit "A"

FIELD NOTE DESCRIPTION of Lot 11, Block 10, Borderland Heights Unit Three, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod located at the common boundary line of Lots 11 and 12, same being the easterly right-of-way line of Pascal Street (60' R.O.W.) and being the POINT OF BEGINNING of the herein described parcel;

THENCE, leaving said common boundary line and along said easterly right-of-way line, North 00°07'00" East, a distance of 15.00 feet to a set iron rod for corner;

THENCE, leaving said easterly right-of-way line, North 89°58'30" East, a distance of 110.25 feet to a set iron rod for corner;

THENCE, South 00°07'00" West, a distance of 15.00 feet to a found iron rod for corner;

THENCE, South 89°58'30" West, a distance of 110.25 feet to the POINT OF BEGINNING of the herein described parcel and containing 1,653.75 square feet or 0.0379 acres of land more or less.

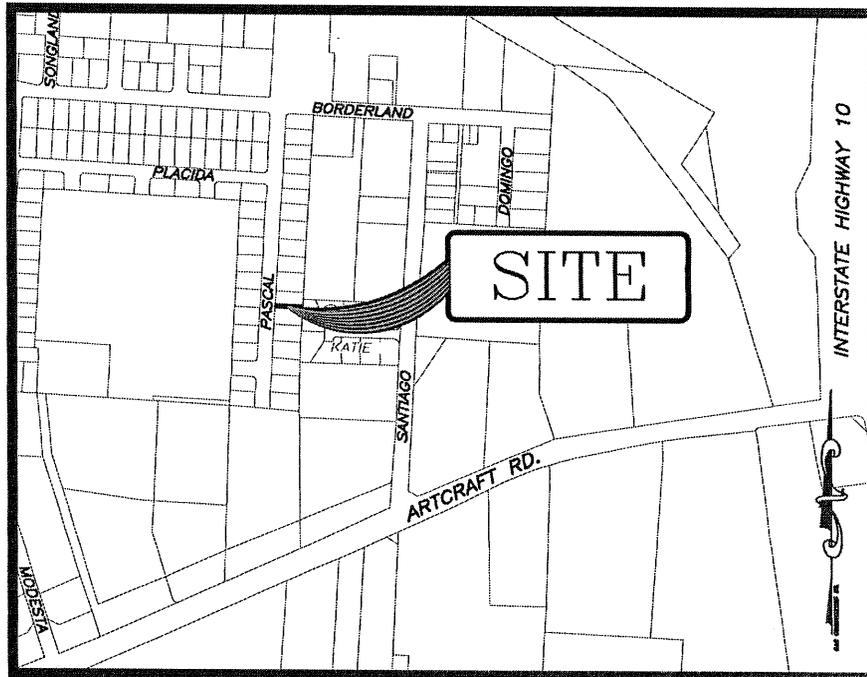
Carlos M. Jiménez  
Registered Professional Land Surveyor  
Texas No. 3950

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2007\71701.wpd



CITY CLERK DEPT.  
08 MAR 17 AM 10:35

LOCATION MAP  
SCALE 1"=600'



CITY CLERK DEPT.  
08 MAR 28 AM 9:59

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JOB # 71701      DATE: 07-30-07      OFFICE: EA  
SEE EXHIBIT "A"  
BEING A PORTION OF LOT 11, BLOCK 10,  
BORDERLAND HEIGHTS UNIT THREE  
CITY OF EL PASO,      EL PASO COUNTY,      TEXAS

NOTE:  
DRAINAGE STRUCTURES WITHIN PROPOSED EASEMENT  
WILL BE INCLUDED AS PART OF SANTIAGO COURT  
SUBDIVISION IMPROVEMENT PLANS.



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EL PASO, TEXAS 79936  
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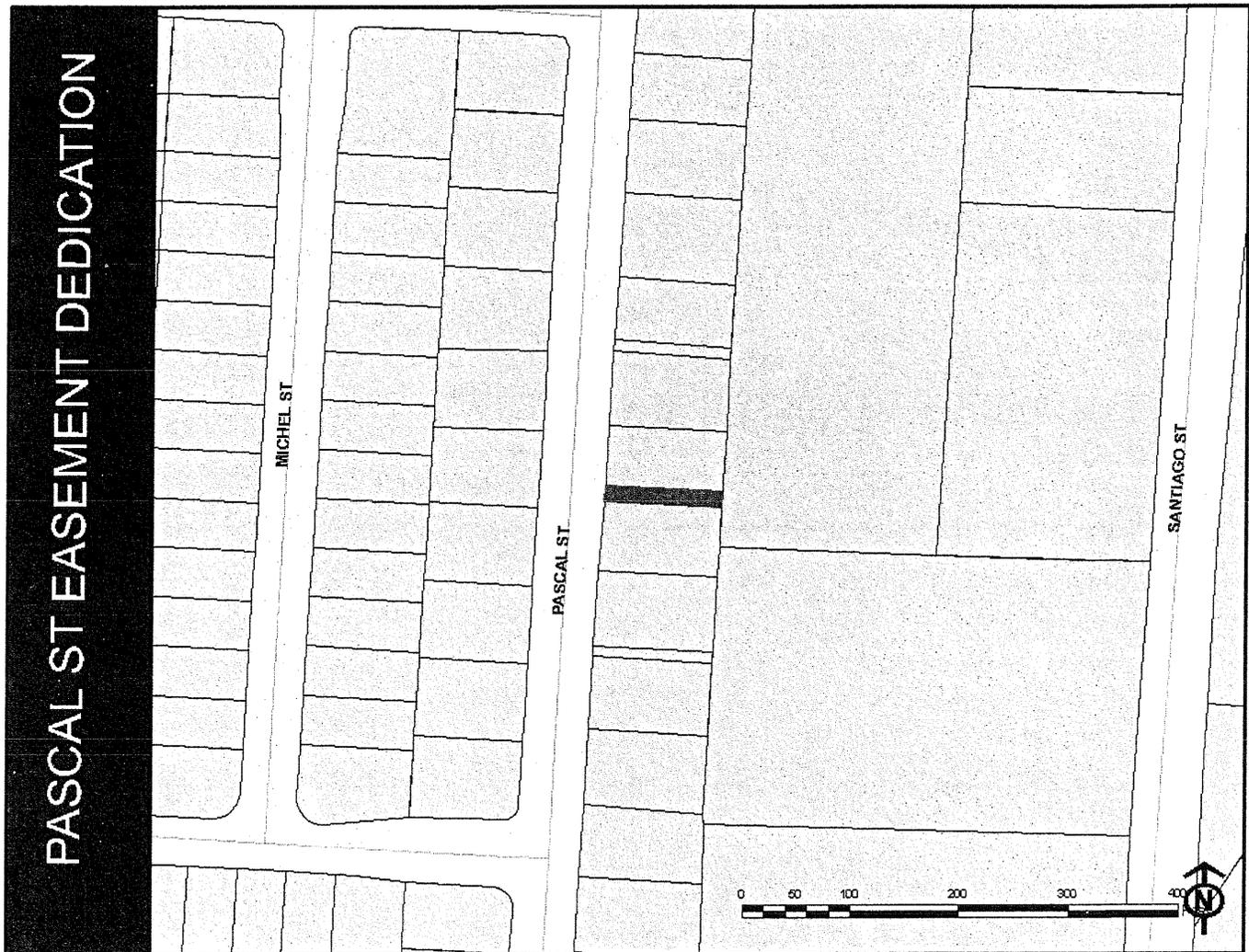


SUB08-00009

CITY CLERK DEPT.  
08 MAR 17 AM 10:35

<b>Subdivision Name:</b>	Pascal Street Easement Dedication		
<b>Type Request:</b>	Public Easement Dedication		
<b>Property Owner:</b>	Enrique Escobar		
<b>Developer:</b>	Enrique Escobar		
<b>Engineer:</b>	N/A		
<b>Surveyor:</b>	Carlos M. Jimenez, CAD Consulting		
<b>Location:</b>	East of Doniphan Drive and North of Aircraft Road		
<b>Acres:</b>	0.04	<b>Representative District:</b>	1
<b>Planning Area:</b>	Northwest	<b>Present Zone:</b>	R-5
<b>Park Fees Required:</b>	N/A	<b>Park Zone:</b>	NW-9

CITY CLERK DEPT.  
08 MAR 29 AM 9:59



**GENERAL INFORMATION:**

The applicant is proposing to dedicate by metes & bounds a 15-foot drainage & PSB easement that lies within Borderland Heights Unit Three subdivision. The PSB has requested that the applicant provide a sewer line on Pascal Street to connect Santiago Subdivision and a 15-foot drainage easement to drain Santiago Subdivision.

**CURRENT REQUEST**

The applicant is requesting to dedicate the easement pursuant to *Title 19.48.10 of the Subdivision Ordinance: Where a property owner requests that the city plan commission grant an exception to the subdivision regulations contained within this title as provided in Section 19.04.180, and that approval be given for the metes and bounds dedication of a public easement or right-of-way, the property owner shall file an application for a metes and bounds dedication with the subdivision coordinator.*

**STAFF RECOMMENDATION:**

The Development Coordinating Committee recommends **approval** of Pascal Street Easement Dedication subject to the following conditions and requirements:

**Planning Division– Land Development Comments and Requirements**

No objections

**Engineering Department - Traffic Division**

No comments received.

**Parks and Recreation Department**

No comments received.

**Environmental Services**

No comments received.

**EI Paso Water Utilities Comments**

Easement grantor shall indemnify, defend, and hold harmless the EI 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 EI Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said sanitary sewer main in the easement area.

EPWU-PSB requires access to the proposed sanitary sewer facilities and appurtenances within the easement 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 Public Service Board Easement without the written consent of PSB.

Use of low maintenance easement surface improvements is required. Proposed surface improvements such as landscaping and other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

The Owner is to refrain from constructing rock walls, signs, or any structure that will interfere with the access to the PSB easements.

**Fire Department Comments and Requirements**

No comments received.

**EI Paso Electric Company**

No comments received.

**Texas Gas Service**

No comments received.

**Central Appraisal District**

No comments received.

**Geographic Information Systems**

No comments received.

**911**

No comments received.

**Additional Requirements and General Comments**

**Construction of rock walls, signs, or any structure that will interfere with the access to the PSB easement is prohibited.**

1. Prior to recording submit to Development Services Department — Planning Division the following:
  - a) tax certificates
  - b) release of access document
  - c) set of restrictive covenants

**List of Attachments**

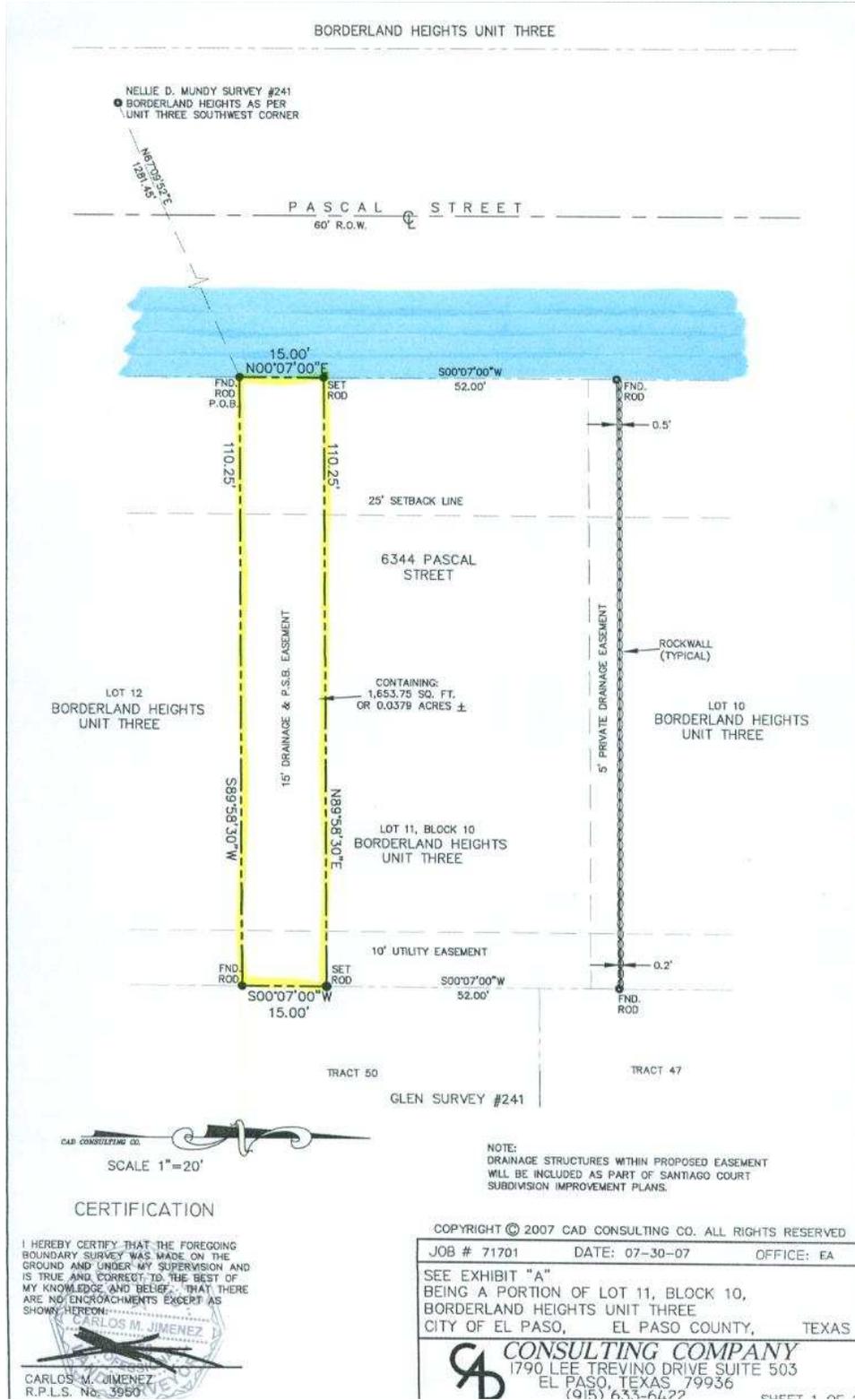
- Attachment 1: Aerial
- Attachment 2: Survey
- Attachment 3: Metes & Bounds Description
- Attachment 4: Application

ATTACHMENT 1



PASCAL ST EASEMENT DEDICATION

# ATTACHMENT 2



**ATTACHMENT 3**

A Portion of Lot 11, Block 10,  
Borderland Heights Unit Three,  
City of El Paso, El Paso County, Texas

July 30, 2007

**METES AND BOUNDS DESCRIPTION**  
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Exhibit "A"

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i:\M&B\2007\71701.wpd



**LOCATION MAP**  
SCALE 1"=600'



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JOB # 71701      DATE: 07-30-07      OFFICE: EA

SEE EXHIBIT "A"  
BEING A PORTION OF LOT 11, BLOCK 10,  
BORDERLAND HEIGHTS UNIT THREE  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

NOTE:  
DRAINAGE STRUCTURES WITHIN PROPOSED EASEMENT  
WILL BE INCLUDED AS PART OF SANTIAGO COURT  
SUBDIVISION IMPROVEMENT PLANS.

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EL PASO, TEXAS 79936  
(915) 633-6422

SHEET 2 OF

**ATTACHMENT 4**

CITY CLERK DEPT.  
08 MAR 17 AM 10:36



**APPLICATION FOR DEDICATION OF  
PUBLIC RIGHTS-OF-WAY AND  
PUBLIC EASEMENTS**

SUB 08-00009

DATE 12-06-07

1. APPLICANTS NAME Enrique Escobar % Carlos Jimenez

ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_ TELEPHONE \_\_\_\_\_

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

Street \_\_\_\_\_ Alley \_\_\_\_\_ Easement  Other \_\_\_\_\_

Street Name(s) \_\_\_\_\_ Subdivision Name BORDERLAND HEIGHTS UNIT THREE

Abutting Blocks 10 Abutting Lots 11 & 12

3 Reason for the dedication request: 15' DRAINAGE & UTILITY EASEMENT  
TO SERVE THE SANTIAGO COURT SUBDIVISION

4. Surface Improvements located in subject property to be dedicated:

None \_\_\_\_\_ Paving  Curb & Gutter  Power Lines/Poles \_\_\_\_\_ Fences/Walls \_\_\_\_\_ Structures \_\_\_\_\_ Other \_\_\_\_\_

5. Underground improvements located in subject right-of-way:

None \_\_\_\_\_ Telephone \_\_\_\_\_ Electric \_\_\_\_\_ Gas \_\_\_\_\_ Water \_\_\_\_\_ Sewer  Storm Drain \_\_\_\_\_ Other \_\_\_\_\_

6. Related Applications which are pending (give name or file number):

Zoning \_\_\_\_\_ Board of Adjustment \_\_\_\_\_ Subdivision \_\_\_\_\_ Building Permits \_\_\_\_\_ Other \_\_\_\_\_

7. Signatures: All owners of properties which abut the property to be dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

*Escobar*

Signature [Signature]

Legal Description/Address	Telephone Number
LOT 12, BLOCK 10 BORDERLAND HEIGHTS UNIT THREE	915-525-4907
LOT 11, BLOCK 10 BORDERLAND HEIGHTS UNIT THREE	471-4004

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedications 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 Dedication.

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 dedication 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.

FEE AMOUNT.  
\$571.00  
CASHIER'S VALIDATION

Signed By [Signature]  
Lane Owner/Applicant/Agent  
Date 12-6-07  
FILE NO. \_\_\_\_\_

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

CITY CLERK DEPT.  
08 MAR 28 AM 10:00