

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

DEPARTMENT: Development Services Department
AGENDA DATE: Introduction 04-17-07; Public Hearing 05-01-07
CONTACT PERSON/PHONE: Eddie Garcia, Senior Planner – 541-4638
DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance vacating a portion of Copia Street right-of-way between Block 89-A and Block 88-D, First Revised Plat of Logan Heights, City of El Paso, El Paso County, Texas. Applicant: Eric Hardesty. SV06007 (District 2)

BACKGROUND / DISCUSSION:

See attached report.

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) – Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter, AICP

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF COPIA STREET RIGHT-OF-WAY BETWEEN BLOCK 89-A AND BLOCK 88-D, FIRST REVISED PLAT OF LOGAN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City Plan Commission on October 5, 2006 recommended a vacation of a portion of Copia Street right-of-way between Block 89-A and Block 88-D, First Revised Plat of Logan Heights, City of El Paso, El Paso County, Texas, and the El Paso City Council finds that said 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 Copia Street right-of-way between Block 89-A and Block 88-D, First Revised Plat of Logan Heights, 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" made a part hereof by reference, be and is hereby vacated subject to the following conditions:

1. Prior to vacation, the property owner shall provide a print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel.
2. Drainage easements are secured to allow the future developed and undeveloped flows to be conveyed downstream.
3. The City retains any existing utility easements.

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 Eric T. Hardesty and Sandra R. Walker.

PASSED AND APPROVED this _____ day of _____ 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Kimberly Forsyth, Senior Planner
Development Services Department

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

CITY CLERK DEPT.
07 APR -9 PM 12:40

Ordinance No. _____

Street Vacation Application No. SV06-007

STAFF REPORT

Application No: SV06007

Legal Description: Being a portion of Copia Street right-of-way between Block 89-A and Block 88-D, First Revised Plat of Logan Heights, City of El Paso, El Paso County, Texas.

Type Request: Street Vacation

Applicant: Eric Hardesty

Property Owner: The City of El Paso

Location: North of Fred Wilson and East of Alabama

Representative District: 2

Planning Area: Central

**CITY PLAN COMMISSION HEARING, OCTOBER 5, 2006
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

SV06007- Vacation of Copia Street right-of-way abutting Block 88-D and 89-A, First Revised Plat of Logan Heights, City of El Paso, El Paso County, Texas.

GENERAL INFORMATION:

The applicant proposes to vacate Copia Street in its entirety abutting Blocks 88-D and 89-A from Fred Wilson to Keltner Ave. The Copia right-of-way is unimproved, but there are existing utilities within the right-of-way. There is an electrical line bisecting the alley the right-of-way from east to west at midblock. There are existing Public Service Board facilities in an area 35 feet wide from the eastern block, from Fred Wilson 150 feet north, just past midblock. The applicant is proposing to vacate the right-of-way to develop the right-of-way and his property immediately west of the proposed street vacation.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **APPROVAL** of the vacation of a portion of Copia right-of-way. The Development Coordinating Committee recommends that this portion of right-of-way be vacated in its entirety with the following conditions:

Planning – Land Development Comments and Requirements:

1. Provide a print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel.
2. Drainage easements may need to be secured to allow the future developed and undeveloped flows to be conveyed downstream.

El Paso Water Utilities Comments:

Water:

Along Fred Wilson Road between Alabama Street and Byron Street there is an existing twelve (12) inch diameter water main. Along Copia Street between Fred Wilson Road and the alley located between Keltner Street and Fred Wilson Road (the Alley) there is an existing six (6) inch diameter water main. The alignment of this water main continues east along the Alley. Along Copia Street between the described Alley and Keltner Street there are no existing water mains. Along Keltner Street between Alabama Street and Byron Street there are no existing water mains. Previous water pressure readings from a fire hydrant located at the intersection of Copia Street and Fred Wilson Road have yielded a static pressure of 140 pounds per square inch (psi), a residual pressure of 110 psi, discharge of 1,415 gallons per minute (gpm).

Sanitary Sewer:

Along Fred Wilson Road between Alabama Street and Byron Street there are no existing sanitary sewer mains. Along Copia Street between Fred Wilson Road and Keltner Street there are no existing sanitary sewer mains. Along the alley located between Keltner Street and Fred Wilson Road, from Copia Street towards the east, there is an existing eight (8) inch diameter sanitary sewer main. Along Keltner Street between Alabama Street and Copia Street there are no existing sanitary sewer mains. Along Keltner Street between Copia Street and Byron Street there is an existing eight (8) inch diameter sanitary sewer main.

General:

The El Paso Water Utilities – Public Service Board (EPWU-PSB) requires official written notification from the appropriate Municipal Department regarding the portion of Copia Street to be vacated.

EPWU-PSB maintains and operates the above described six (6) inch diameter water main and a fire hydrant within the portion of Copia Street proposed to be vacated. EPWU-PSB requires the dedication of a utility easement on the easternmost 35 feet (half width) with a length of 150 feet. The fire hydrant located at the intersection of Copia Street and Fred Wilson Road shall be protected by placing it on a raised parking island. The Applicant shall be responsible for all costs incurred in the acquisition of the easement, protection of the fire hydrant and related work. EPWU-PSB requires written notification from the applicant regarding his/her agreement with this option.

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.

The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters 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 El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles. A minimum horizontal distance of fifteen (15) feet between the existing water main and other facilities pertaining to public utilities owned by others is required. At crossings, a minimum vertical separation of one (1) foot is required between our existing facilities and public facilities owned by others.

If the Applicant requires additional vacation width, EPWU-PSB is willing to abandon the six (6) inch diameter water main and relocate the fire hydrant. The Applicant is to submit written notification to EPWU-PSB requesting the de-activation and abandonment of the existing facilities and relocation of the existing fire hydrant. All costs incurred in the de-activation, relocation, abandonment, depreciations costs of the public facilities owned by EPWU-PSB are the responsibility of the Applicant. Any facilities abandoned by EPWU-PSB will remain in place. The Applicant will be responsible for the removal of the abandoned facility should this be required.

Frontage fees may be due from the Owner for the existing water and sanitary sewer mains. The El Paso Water Utilities (EPWU) will determine the amount due once the Owner submits an official new service application. Private water pressure regulating device(s) will be required at the discharge side of each water meter.

The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. 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. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.

The El Paso Water Utilities does not object to the proposed street vacation.

El Paso Electric:

El Paso Electric Company has existing facilities within this parcel and must retain easement rights.

City Engineering / Traffic Division Comments:

No adverse comments.

Additional Requirements and General Comments:

1. A ten-foot utility easement for the El Paso Electric Company shall be retained from the alley in Block 88-D to the western boundary of the proposed right-of-way vacation.
2. A 35-foot wide easement shall be retained for El Paso Water Utility from Fred Wilson 150 feet north, just past midblock.
3. The metes and bounds for the areas to be retained as easements shall be provided prior to the appraisal, provided that the City Plan Commission recommends approval of the vacation request.
4. The applicant shall bear the cost of the appraisal.

NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEPARTMENT OF PLANNING AT 541-4635.

AERIAL MAP

SV06007 Copia Street



SURVEY MAP

