

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

DEPARTMENT: Development Services Department
AGENDA DATE: Consent Agenda 05-01-07
CONTACT PERSON/PHONE: Eddie Garcia, Senior Planner – 541-4638
DISTRICT(S) AFFECTED: 1

SUBJECT:

A resolution allowing that the Mayor be authorized to sign and accept on behalf of the City a Dedication Warranty Deed from Canutillo Independent School District and El Paso Community College District dedicating to the City real property for use a public right of way located within a portion of Tracts 1A1 and 3A1, Nellie D. Mundy Survey No. 240 City of El Paso, El Paso County, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

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:

RESOLUTION

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

That the City Manager be authorized to accept on behalf of the City a Dedication Warranty Deed from Canutillo Independent School District and El Paso Community College District dedicating to the City real property for use as a public right of way located within a portion of Tracts 1A1 and 3A1, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

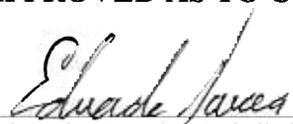
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

WARRANTY DEED

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike all or any of the following information from this instrument before it is filed for record in the public records: your social security number or your driver's license number.

Date: February 15, 2007

Grantor: CANUTILLO INDEPENDENT SCHOOL DISTRICT AND
EL PASO COMMUNITY COLLEGE DISTRICT

Grantor's Mailing Address: P.O. Box 100
Canutillo, Texas 79835

Grantee: CITY OF EL PASO, TEXAS

Grantee's Mailing Address: Two Civic Center Plaza
El Paso, Texas 79901

Consideration: TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration

Property (including any improvements):

A portion of Tracts 1A1 and 3A1, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds on Exhibit A.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made as Deed of Dedication to be used for the right-of-way for Sgt. Isela Rubalcaba Blvd. This property may be used solely by the City of El Paso for public purposes as a City dedicated street.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, and successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

CANUTILLO INDEPENDENT SCHOOL DISTRICT

BY: Pam Padilla
NAME: Pam Padilla
TITLE: Superintendent

EL PASO COMMUNITY COLLEGE DISTRICT

BY: Richard M. Rhodes
NAME: Richard M. Rhodes
TITLE: President

THE STATE OF TEXAS

COUNTY OF EL PASO)

This instrument was acknowledged before me on the 15 day of February, 2007 by Pam Padilla Superintendent of Canutillo Independent School District, on behalf of said school

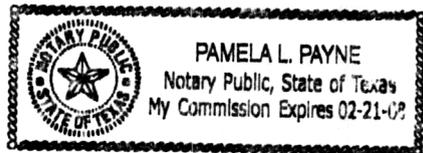


Patricia J. Mendoza
Notary Public, State of Texas

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on the 28th day of February, 2007 by Richard M. Rhodes President of the El Paso Community College District, on behalf of said entity.



Seal:

Pamela L. Payne
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

City of El Paso
Two Civic Center Plaza
El Paso, Texas 79902
F/LBAS/CISD2007/RE/WDCISDEPCC.CITY

DORADO ENGINEERING INC.

2717 E Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Isela Rubalcava Blvd

Metes and Bound description of parcel of land being a portion of tracts 1A and 3A1 Nellie D. Mundy Survey No. 240, City of El Paso, County of El Paso, Texas.

From a found rebar located at the common northerly corner of Tracts 3A and 3A1, Nellie D. Mundy Survey No. 240, Thence South $89^{\circ}59'00''$ East along the common line of Tracts 1A and 3A1, Nellie D. Mundy Survey No. 240, a distance of five hundred nine and seventy nine hundredths (509.79) feet to the common southerly corner of Tracts 1A and 1A1, Nellie D. Mundy Survey No. 240, said corner also being the Point of Beginning for this description;

Thence North $07^{\circ}06'00''$ West along the common line of Tracts 1A and 1A1, Nellie D. Mundy Survey No. 240, a distance of thirty five and twenty seven hundredths (35.27) feet to set rebar on the Northwesterly corner of the parcel being described;

Thence South $89^{\circ}59'00''$ East along the Northerly line of the parcel being described a distance of five hundred fifty and sixty two hundredths (550.62) feet;

Thence North $68^{\circ}05'02''$ East a distance of one hundred sixty and sixty three hundredths (160.63) feet ;

Thence South $89^{\circ}59'00''$ East a distance of fifty five and no hundredths (55.00) feet to a corner

Thence South $00^{\circ}01'00''$ West a distance of sixty and no hundredths (60.00) feet to a point on the Northerly line of said parcel;

Thence continuing along the said Northerly line of said parcel South $89^{\circ}59'00''$ East a distance of four hundred sixty and fifteen hundredths (460.15) feet to a point;

Thence North $35^{\circ}14'13''$ West a distance of sixty and no hundredths (60.00) feet to a point;

Thence North $54^{\circ}45'47''$ East a distance of fifty and no hundredths (50.00) feet to a point

Thence South $35^{\circ}45'13''$ East a distance of ninety five and thirty four hundredths (95.34) feet to a point on the Northerly line of said parcel;

Thence South $89^{\circ}59'00''$ East along said Northerly line of said parcel a distance of ninety seven and sixty seven hundredths (97.67) feet to a corner said corner lying on the Westerly Right-of-Way line of Interstate Ten (I-10);

Thence South $00^{\circ}04'30''$ West along the Westerly Right-of-Way line of Interstate Ten Freeway a distance of seventy and no hundredths (70.00) feet to the Southeasterly corner of the parcel being described.

Thence North 89° 59' 00" West along the Southerly line of said parcel a distance of forty five and no hundredths (45.00) feet to a point;

Thence South 35° 14' 13" East a distance of thirty and no hundredths (30.00) feet to a point;

Thence South 54° 45' 47" West a distance of fifty and no hundredths (50.00) feet to a point;

Thence North 35° 14' 13" West a distance of sixty five and thirty four hundredths (65.34) feet to a point on the Southerly line of said parcel;

Thence North 89°59'00" West along the Southerly line of the parcel being described a distance of one thousand two hundred fifty eight and sixty three hundredths (1258.63) feet to a set rebar on the Southwesterly corner of the parcel being described;

Thence North 07°06'00" West along the Westerly line of the parcel being described a distance of thirty five and twenty seven hundredths (35.27) feet to the common Southerly corner of Tracts 1A and 1A1, Nellie D. Mundy Survey No. 240, said corner also being the Point of Beginning for this description.

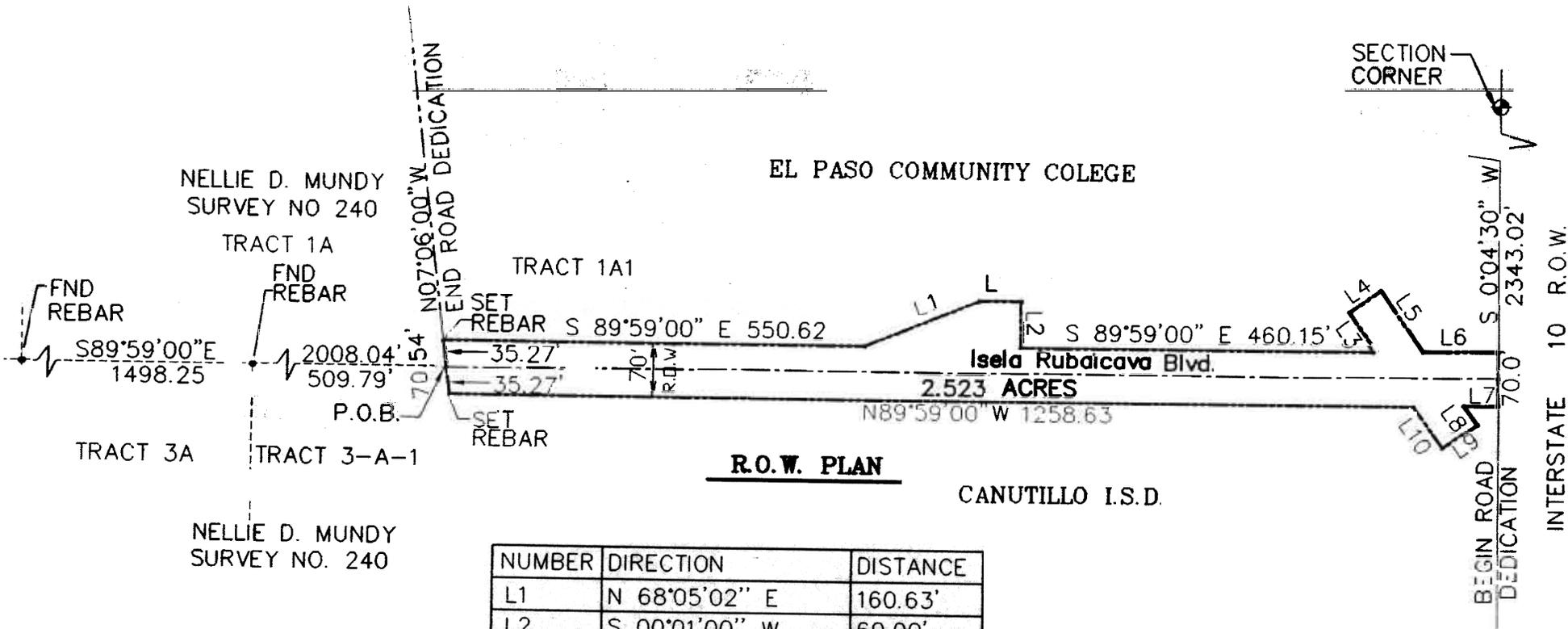
Said parcel of land contains 109,880 square feet or 2.523 acres of land more or less



A handwritten signature in cursive script that reads "Fermin Dorado".

Fermin Dorado, R.P.L.S

October 16, 2006



TRACT 3A TRACT 3-A-1

NELLIE D. MUNDY SURVEY NO 240 TRACT 1A

EL PASO COMMUNITY COLEGE

TRACT 1A1

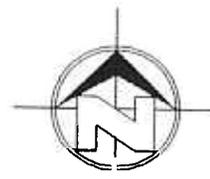
Isela Rubalcava Blvd.

2.523 ACRES

CANUTILLO I.S.D.

R.O.W. PLAN

NUMBER	DIRECTION	DISTANCE
L1	N 68°05'02" E	160.63'
L2	S 00°01'00" W	60.00'
L3	N 35°14'13" W	60.00'
L4	N 54°45'47" E	50.00'
L5	S 35°14'13" E	95.34'
L6	S 89°59'00" E	97.67'
L7	N 89°59'00" E	45.00'
L8	S 35°14'13" E	30.00'
L9	S 54°45'47" W	50.00'
L10	N 35°14'13" W	65.34'
L11	S 89°59'00" E	55.00'



SCALE 1" = 200'

INTERSTATE 10 R.O.W.

Hubal

STAFF REPORT

Application No: DD06003

Legal Description: A portion of Tract 1A1 and 3A1, Nellie D. Mundy Survey No.240

Type Request: Street Dedication

Property Owner: Canutillo Independent School District/ El Paso Community College

Surveyor: Dorado Engineering, Inc.

Location: West of Interstate Highway 10 and South of Talbot Road

Representative District: 1

Planning Area: Northwest

**CITY PLAN COMMISSION HEARING, NOVEMBER 16, 2006,
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

DD06003: Street Dedication - A portion of Tract 1A1 and 3A1, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas.

GENERAL INFORMATION:

The applicant is requesting to dedicate a 70 feet wide right-of-way in order to provide public access to the park, which abuts the proposed right-of-way on the west.

The applicants are requesting a modification to allow for the proposed street name, Isela Rubalcava Ave., to exceed the 13 character limit.

19.04.170 Modifications of conditions.

A. General. Where the city plan commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured. Such a finding by the city plan commission shall not have the effect of nullifying the intent and purpose of these regulations; the granting of the modification of conditions will not be detrimental to the public safety, health or welfare or injurious to other property; the relief sought will not in any manner vary the provisions of any other city ordinance or regulation, The Plan for El Paso, or the official zoning map of the city, except that those documents may be amended in the manner prescribed by law; and further provided, that the city plan commission shall not approve a modification unless it shall make findings based upon the evidence presented in each specific case that:

1. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property; or

2. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or

3. The subdivider has demonstrated an alternative method of development that will improve the aesthetic value of the subdivision while giving equal emphasis to safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access and pedestrian passage.

B. Conditions. In approving a modification, the city plan commission may require such conditions as will, in its judgment, secure substantially the purposes described in subsection A of this section.

The Development Coordinating Committee recommends approval of the requested modification.

STAFF RECOMMENDATION:

The Development Coordinating Committee unanimously recommends **approval** of the street dedication, subject to the following requirements and conditions:

Planning Division – Land Development Comments and Requirements:

No comments received.

Engineering Department - Traffic Division

Street shall be improved according to City's standards.

El Paso Water Utilities Comments:

Water

Along Quail Avenue between Raccoon Drive and Wolverine Drive there is an existing six (6) inch diameter water main. This main dead-ends at approximately 184 feet east of Wolverine Drive.

Previous pressure readings conducted on a fire hydrant located at the corner of Quail Avenue and Wolverine Drive have yielded a static pressure of 96 pounds per square inch (psi), residual pressure of 82 psi, discharge of 1,256 gallons per minute (gpm).

Sanitary Sewer

Along Quail Avenue between Wolverine Drive and Railroad Drive there is an existing twelve (12) inch diameter sanitary sewer main.

General

The El Paso Water Utilities – Public Service Board (EPWU-PSB) favors public right-of-way instead of easements. Due to the proposed development located south of Quail Avenue and West of Railroad Drive the water main will be required to be extended along Quail Drive along the entire frontage of the property at the time of development. The Owner/Developer will be responsible for all water and sanitary sewer main extensions costs.

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.

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 on the 2nd floor at City Hall.

EPWU does not object to this proposed dedication of this portion of public right-of-way.

Fire Department Comments:

No comments received.

Additional Requirements and General Comments:

1. Prior to City Council approval, the applicant will need to provide a title commitment and a deed conveying ownership to the City of El Paso.
2. Improvements to the right-of-way shall be to City standards.
3. Improvements must be completed within two years.

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 DEVELOPMENT SERVICES DEPARTMENT AT 541-4635.

LOCATION



AERIAL

DD06003



MODIFICATION REQUEST LETTER

November 9, 2006

Mr. Jim Fisk
Development Services Department
Planning Division
Two Civic Center Plaza
El Paso, Texas 79901

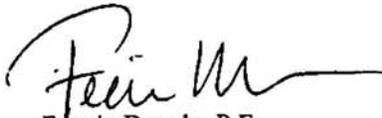
RE: Isela Rubalcava Avenue

Dorado Engineering is requesting a variance in the Subdivision Ordinances Section 19.16.040 D where street names shall contain a maximum of thirteen (13) letters and spaces, we are requesting to exceed that amount. A total of 22 letters and spaces is being requested.

Canutillo High School Would like to honor one of their alumni and fallen hero, Isela Rubalcava 25, of El Paso, Texas died in Mosul, Iraq, when a mortar round hit near her. She was assigned to the 296th Combat Support Battalion, 3rd Brigade, 2nd Infantry Division (Stryker Brigade Combat Team), Fort Lewis, Washington. Died on May 8, 2004.

We would greatly appreciate any consideration given.

Thank You,


Formin Dorado, P.E.