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SERVICE SOLUTIONS SUCCESS

DEPARTMENT: City Development Department
AGENDA DATE: Introduction 4/30/13; Public Hearing 5/07/13
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 8

SUBJECT:
AN ORDINANCE VACATING A PORTION OF SAN FRANCISCO STREET AS SHOWN ON THE MILLS MAP AND CAMPBELL'S ADDITION, 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
City Plan Commission (CPC) – Pending

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

LEGAL: (if required) N/A **FINANCE:** (if required) N/A

DEPARTMENT HEAD: Mathew McElroy
Director, City Development Department

for

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

El Paso
All-America City
2010

City Development Department
P.O. BOX 1890
EL PASO, TEXAS 79950-1890
Phone (915) 541-4622 · Fax (915) 541-4799

THE CITY OF EL PASO TEXAS

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
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF SAN FRANCISCO STREET AS SHOWN ON THE MILLS MAP AND CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, Union Pacific Railroad Company (Union Pacific) desires to realign its main tracks in the vicinity of the Bataan Memorial Trainway and the Union Depot as part of its on-going velocity project; and

WHEREAS, as part of a conveyance of City-owned property to Union Pacific which will allow additional property to be incorporated into the design of its velocity project, Union Pacific has requested a vacation of a portion of San Francisco Street, as shown on the Mills Map and Campbell's Addition, City of El Paso, El Paso County, Texas.,

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 0.365 acre parcel of land, more or less, being a portion of San Francisco Street, as shown on the Mills Map and Campbell's Addition, 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" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated subject to the following condition:

> The vacated right-of-way shall be subject to a public utility easement reserve for any existing utilities located within the vacated right-of-way. The owner or operator of the utilities may inspect, maintain, replace, or upgrade the utilities any time. All utilities located within the vacated right-of-way may be removed, relocated, lowered or protected in place at the expense of Union Pacific. If such utilities are governed by an agreement, the costs of relocation shall be allocated as set forth in such agreement except that any relocation costs of the City in any such agreements shall be paid by Union Pacific. Union Pacific agrees to coordinate with the City and the applicable owners of the utilities as to any relocations. Without any monetary consideration, to the extent it is physically possible to do so, Union Pacific may relocate the Utilities located within the vacated right-of-way to locations under the roadway between the curbs of San Francisco Street.

In addition, the City Manager is authorized to sign an instrument conveying all of the City's right, title and interest in and to such vacated property to the Union Pacific Railroad Company.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

_____ for
Mathew McElroy, Director
City Development Department

APPROVED AS TO FORM:

Lauren Ferris
Lauren Ferris
Assistant City Attorney

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2013, by Joyce Wilson, as City Manager for the City of El Paso.

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

My Commission Expires:

_____

CITY CLERK DEPT
2013 APR 29 AM 8:58

13-1007-711/ Doc. #173713_2
San Francisco Vacation to UP
LKF

EXHIBIT A

LEGAL DESCRIPTION
SAN FRANCISCO RIGHT OF WAY PARCEL

BEING 0.365 ACRE TRACT IN THE JUAN MARIA PONCE DE LEON GRANT, REFERRED TO AS THE ATCHISON, TOPEKA, AND SANTA FE RAILROAD RESERVATION, AND BEING A PORTION OF SAN FRANCISCO STREET (70 FOOT ROW), AS SHOWN ON MILLS MAP TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND CAMPBELL'S ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, RECORDED IN VOLUME 2, PAGE 68, PLAT RECORDS OF EL PASO COUNTY, TEXAS (PREPCT), ALL IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID 0.365 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

COMMENCING FOR REFERENCE AT THE CITY MONUMENT AT THE INTERSECTION OF OVERLAND STREET AND DURANGO STREET, SAID MONUMENT BEING 15 FEET NORTH OF THE CENTERLINE OF OVERLAND STREET, WHENCE THE CITY MONUMENT AT THE INTERSECTION OF SAID OVERLAND STREET AND ANTHONY STREET BEARS S 78º 13' 38" W, A DISTANCE OF 329.99 FEET; THENCE ALONG THE CENTERLINE OF SAID DURANGO STREET N 11º 46' 22" W, A DISTANCE OF 279.05 FEET TO THE CALCULATED POSITION OF THE CITY REFERENCE MONUMENT (CITY MONUMENT NO LONGER EXISTS) AT THE INTERSECTION OF SAN ANTONIO STREET AND SAID DURANGO STREET; THENCE N 11º 46' 22" W, A DISTANCE OF 467.15 FEET TO THE CALCULATED CENTERLINE OF SAN FRANCISCO STREET AND SAID DURANGO STREET (ORIGINAL DURANGO STREET), FROM WHICH THE NORTHEAST CORNER OF BLOCK 51, MILLS MAP, SAME BEING THE PROPERTY DESCRIBED IN DOCUMENT NO. 20070061140 (RPREPCT), A FOUND CHISELED "X" IN CONCRETE BEARS, S 36º 10' 58" W, A DISTANCE OF 46.90 FEET; THENCE N 25º 02' 56" E, A DISTANCE OF 40.79 FEET TO THE **POINT OF BEGINNING** OF THIS TRACT OF LAND, SAME BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SAN FRANCISCO STREET (70 FOOT RIGHT OF WAY);

THENCE S 60º 45' 02" W, DEPARTING SAID NORTHERLY RIGHT OF WAY LINE OF SAN FRANCISCO STREET (70 FOOT RIGHT OF WAY) AND OVER AND ACROSS SAID RIGHT OF WAY, A DISTANCE OF 68.36 FEET TO AN ANGLE POINT;

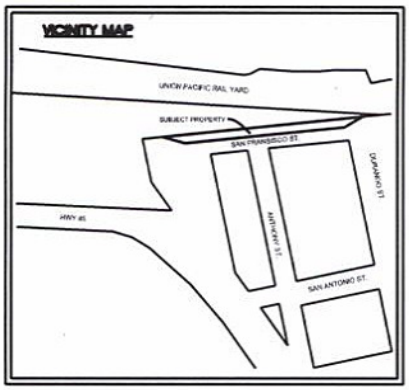
THENCE S 84º 21' 01" W, CONTINUING OVER AND ACROSS SAID RIGHT OF WAY, A DISTNACE OF 522.77 FEET TO AN ANGLE POINT;

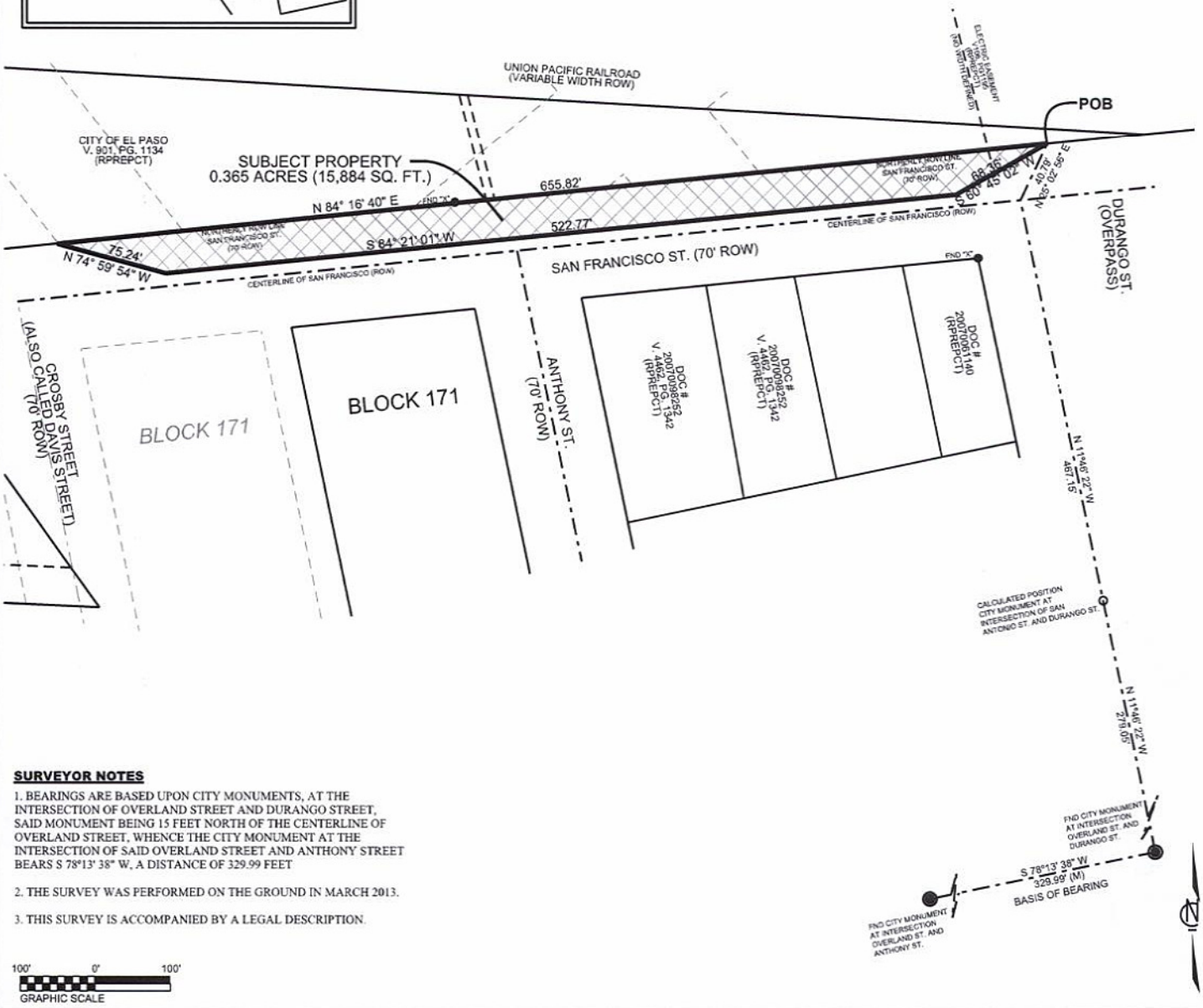
THENCE N 74º 59' 54" W, A DISTANCE OF 75.24 FEET TO THE SAID NORTHERLY RIGHT OF WAY LINE OF SAN FRANCISCO STREET (70 FOOT RIGHT OF WAY);

THENCE N 84º 16' 40" E, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAN FRANCISCO STREET (70' FOOT RIGHT OF WAY), COMMON WITH THE SOUTHERLY LINE OF THAT CERTAIN 11.851 ACRE TRACT AS DESCRIBED IN VOLUME 901, PAGE 1134, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS (RPREPCT), A DISTANCE OF 655.82 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 0.365 ACRES (15,884 SQ. FEET), MORE OR LESS.

EXHIBIT B





SURVEYOR NOTES

1. BEARINGS ARE BASED UPON CITY MONUMENTS, AT THE INTERSECTION OF OVERLAND STREET AND DURANGO STREET, SAID MONUMENT BEING 15 FEET NORTH OF THE CENTERLINE OF OVERLAND STREET, WHENCE THE CITY MONUMENT AT THE INTERSECTION OF SAID OVERLAND STREET AND ANTHONY STREET BEARS S 78°13' 38" W, A DISTANCE OF 329.99 FEET

2. THE SURVEY WAS PERFORMED ON THE GROUND IN MARCH 2013.

3. THIS SURVEY IS ACCOMPANIED BY A LEGAL DESCRIPTION.

SURVTECH PROJECT NO.		P13114
CLIENT PROJECT NO.		
REVISION DESCRIPTION		
DRAWN BY: BD	DATE: 04/12/13	SCALE: 1" = 100'

SurvTech SOLUTIONS
10200 E Girard Ave
Bldg B Suite 330
Denver, CO 80231
Tel: (720) 259-9323
SURVEY · MAPPING · INNOVATION

A PORTION OF SAN FRANCISCO STREET
CITY OF EL PASO,
COUNTY OF EL PASO, STATE OF TEXAS

TITLE:
PORTION OF SAN FRANCISCO STREET ROW
0.365 ACRES (15,884 SQ. FEET)

REVISION:	DRAWING NO.	SHEET NO.
	SF-ROW	2 OF 2

City of El Paso – City Plan Commission Staff Report

REVISED

Case No:	SURW13-00011 San Francisco Street Vacation
Application Type:	Right-of-Way Vacation
CPC Hearing Date:	May 2, 2013
Staff Planner:	Raul Garcia, 915-541-4935, *garciar1@elpasotexas.gov*
Location:	West of Durango St. @ San Francisco St.
Acreage:	0.365 acre
Rep District:	8
Existing Use:	ROW
Existing Zoning:	M-1 (Manufacturing)
Property Owner:	City of El Paso
Applicant:	City of El Paso
Representative:	City of El Paso

SURROUNDING ZONING AND LAND USE

North: M-1 (Manufacturing)/ Railroad
South UP-sp (Union Plaza/special permit)/ Mixed Use
East: C-5 (Commercial)/ Proposed site of new baseball stadium
West: UP-H (Union Plaza – Historic)/ Union Depot

THE PLAN FOR EL PASO DESIGNATION: G-1 Downtown

APPLICATION DESCRIPTION

This is a city-initiated application to vacate a portion of San Francisco Street located west of Durango Street and abutting railroad property. The ROW width to be vacated measures approximately 28 feet in width by 655 feet in length. The ROW will be vacated to the Union Pacific Rail Road as part of a larger agreement between the City of El Paso and Union Pacific Rail Road.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of San Francisco Street Vacation subject to the following conditions and requirements:

Planning Division Recommendation:

Approval.

City Development-Land Development:
No objection.

Planning - Transportation:
Approval.

El Paso Water Utilities:
1. EPWU does not object to this request

EPWU-PSB Comments
Water:
2. EPWU maintains an existing 48-inch diameter water distribution main crossing the proposed vacation area following Anthony St. alignment. EPWU requires a thirty (30) feet wide utility easement across the proposed vacation area. If new tracks are built over the existing 48-inch diameter water main, the main shall be encased by EPWU in a 60-inch diameter steel casing prior to construction of the new rails at the expense of the applicant. Preliminary and final plans for improvements shall be reviewed and approved by EPWU prior to construction.

3. EPWU maintains two existing fire hydrants (#2200 and #2202) located within the proposed vacation area. These fire hydrants shall be relocated at the expense of the applicant.

4. EPWU maintains an existing water meter at the intersection of San Francisco St. and Anthony St. within the proposed vacation area. The meter shall to be removed and the service line shall be cut and plugged at the main by EPWU at the expense of the applicant.

5. There is an existing 8-inch diameter water main along San Francisco St. This main is located approximately 20 feet north of the southern right-of-way line.

Sewer:
6. EPWU maintains an existing 12-inch diameter sanitary sewer main that crosses the proposed vacation area. EPWU requires a 20 foot wide utility easement across the proposed vacation area. If new tracks are built over the existing 12-inch diameter sanitary sewer main, the main shall be encased in a 24-inch diameter steel casing by EPWU prior to construction of the new rails at the expense of the applicant. Preliminary and final plans for improvements shall be reviewed and approved by EPWU prior to construction.

General:
7. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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.

Parks and Recreation:
We have reviewed San Francisco Street, a Street vacation survey map and offer "No" objections to this proposed street vacation request.

El Paso Fire Department:
No comments received.

El Paso Electric Company:
No comments received.

Sun Metro:
No comments received.

911
No comments received.

Texas Gas Company:
No comments received.

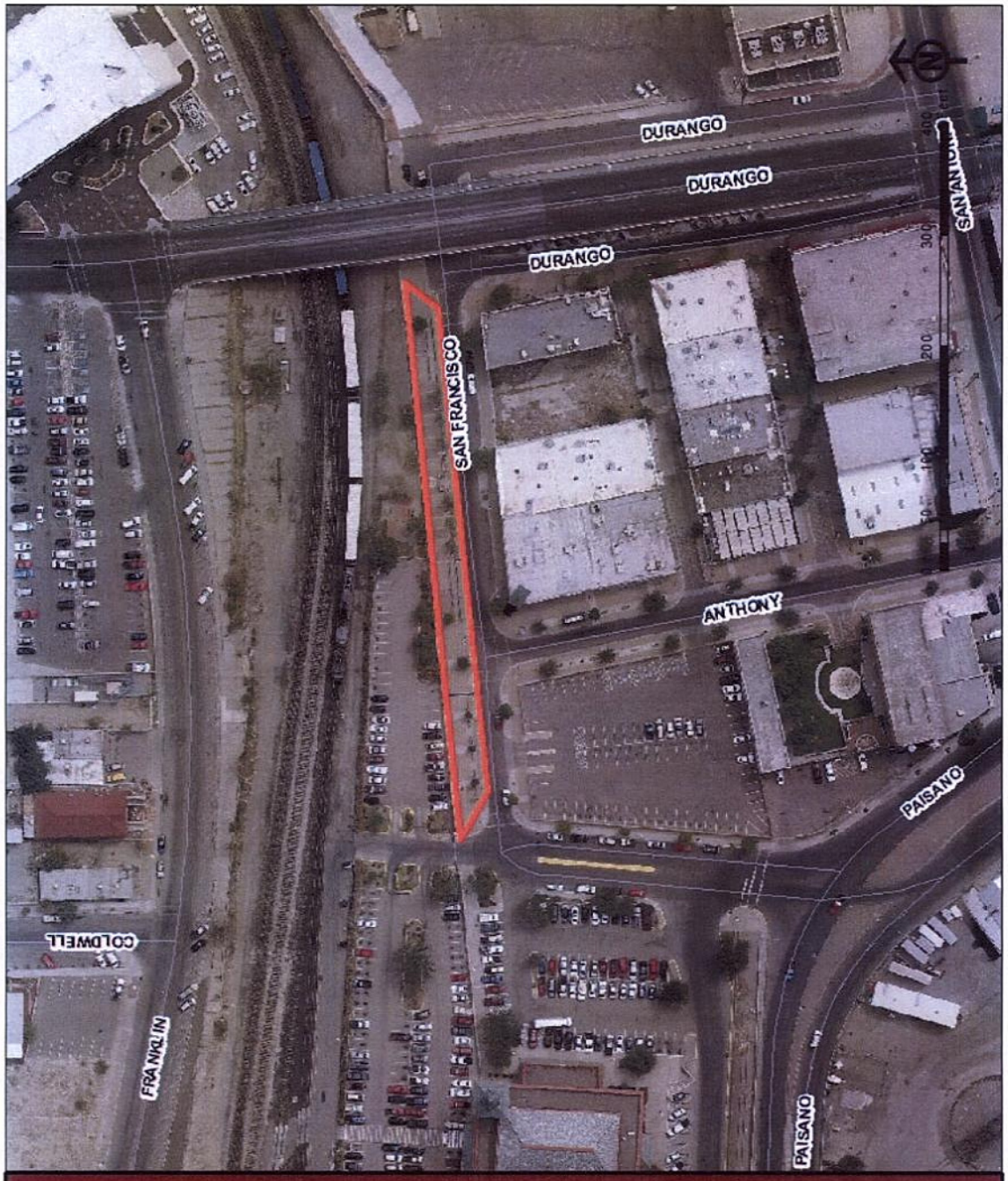
El Paso Independent School District:
No comments received.

Attachments

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

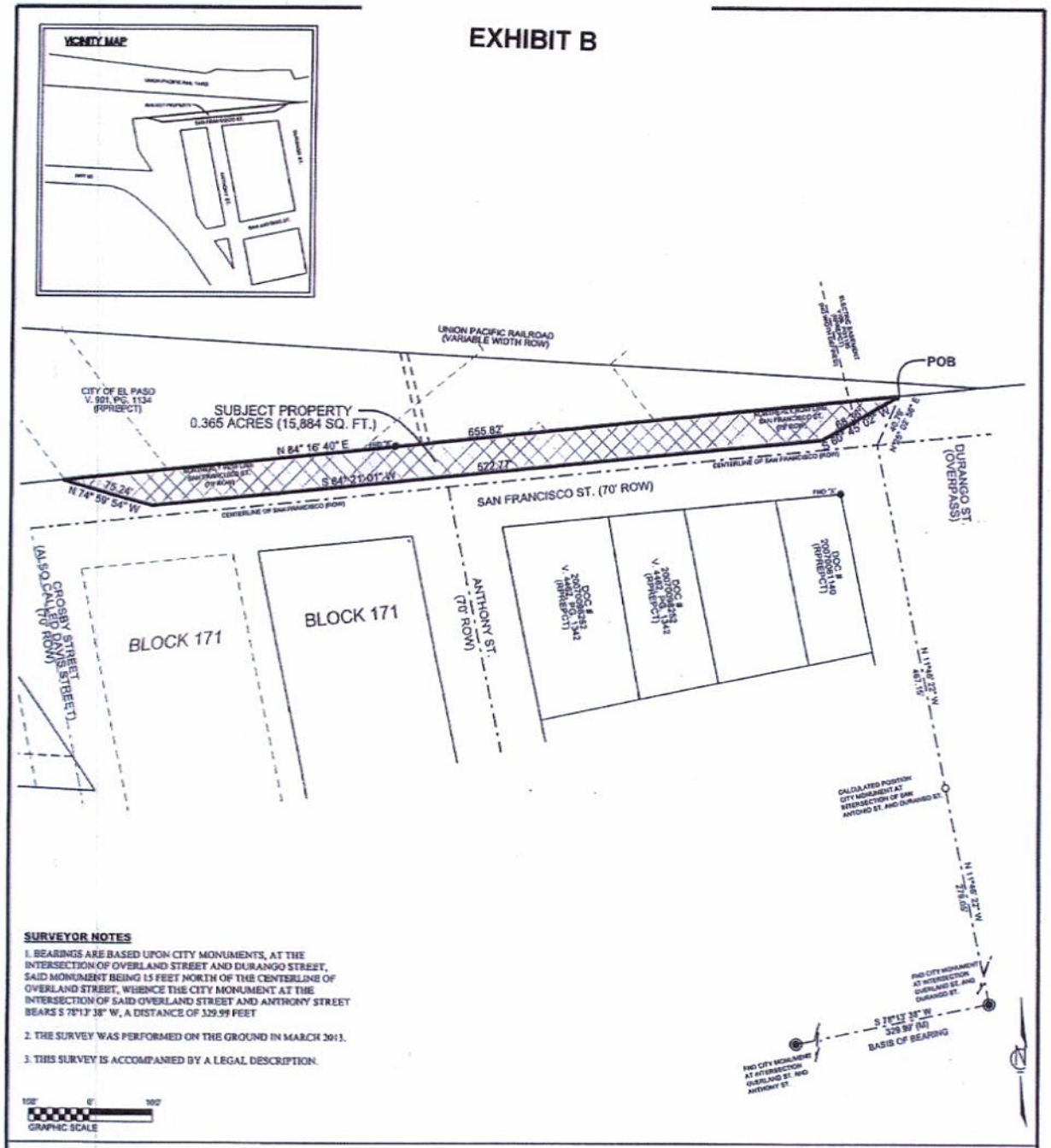
ATTACHMENT 1

ATTACHMENT 2



ATTACHMENT 3

EXHIBIT B



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DRAWN BY: BD	DATE: 04/12/13	SCALE: 1" = 100'

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A PORTION OF SAN FRANCISCO STREET
CITY OF EL PASO,
COUNTY OF EL PASO, STATE OF TEXAS

TITLE: PORTION OF SAN FRANCISCO STREET ROW
0.365 ACRES (15,884 SQ. FEET)

REVISION:	DRAWING NO.	SHEET NO.
	SF-ROW	2 OF 2

ATTACHMENT 4

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

Date: 4-16-2013 File No. SURW13-00011

1. APPLICANTS NAME City of El Paso/Union Pacific Railroad Company
ATTN: Rodney Carroll, Director-Real Estate
ADDRESS ZIP CODE TELEPHONE (402) 544-2221
1400 Douglas St., Mail Stop 1690, Omaha, Nebraska 68179

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

Street X Alley____ Easement____ Other____

Street Name(s) San Franciso Subdivision Name Mills and the Juan Mana Ponce de Leon Grant, referred to as the Atchison, Topeka & Santa Fe Railroad Reservation

Abutting Blocks 171 & 51 Abutting Lots

3. Reason for vacation request: Union Pacific acquiring property from City to incorprate parcel into the design of its Velocity Project

4. Surface Improvements located in subject property to be vacated:
None____ Paving____ Curb & Gutter____ Power Lines/Poles____ Fences/Walls X Structures____ Other X

5. Underground Improvements located in the existing rights-of-way:
None____ Telephone X Electric X Gas____ Water X Sewer____ Storm Drain____ Other X

6. Future use of the vacated right-of-way:
Yards____ Parking____ Expand Building Area____ Replat with abutting Land____ Other X Railroad Use

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

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 Jaye G. Nelson

REPRESENTATIVE

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

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS

MEMORANDUM

DATE: April 22, 2013

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

FROM: Raul Garcia, Senior Planner

SUBJECT: SURW13-00011

The City Plan Commission (CPC), on May 2, 2013 will vote to approve, approve with condition or deny the San Francisco Street Vacation.

The CPC will determine if the vacation is in conformance with The Plan for El Paso and if the proposed use is in conformance with Plan El Paso. The CPC will also determine if the vacation protects the best interest, health, safety and welfare of the public in general; and if the proposed use is compatible with adjacent land uses; and if 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
John F. Cook

City Council

District 1
Ann Morgan Lilly

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Susie Byrd

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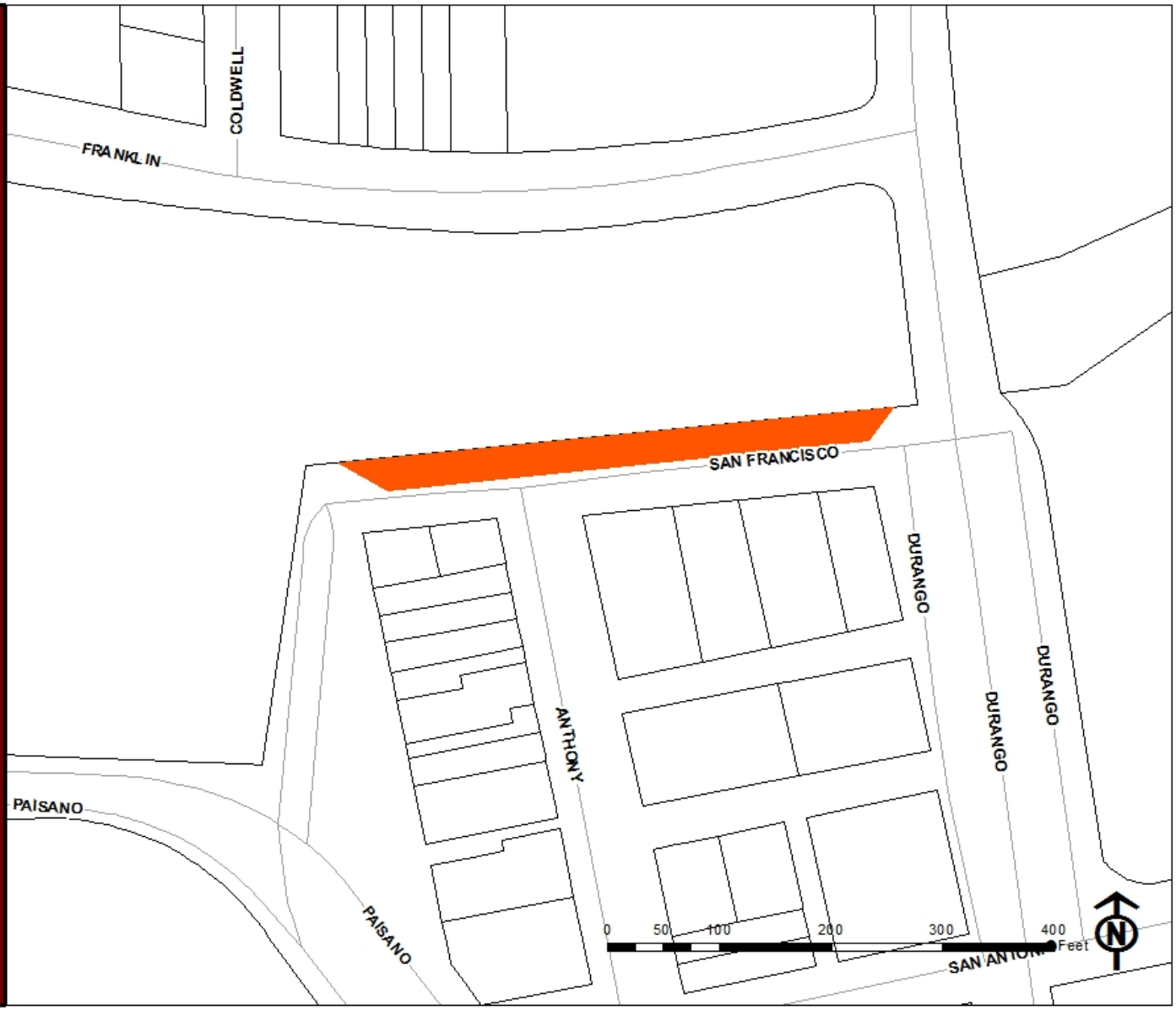
SAN FRANCISCO STREET VACATION



SAN FRANCISCO STREET VACATION

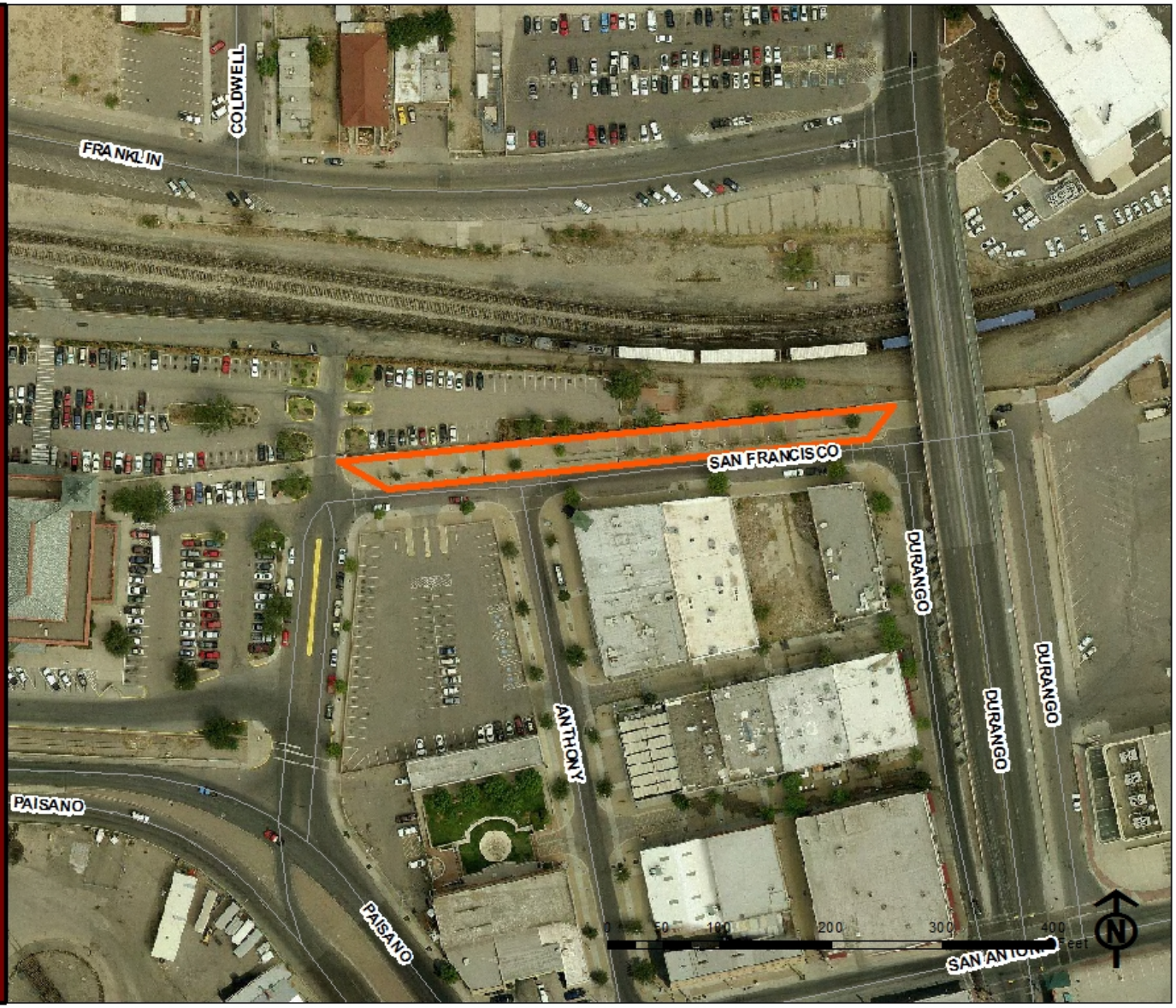
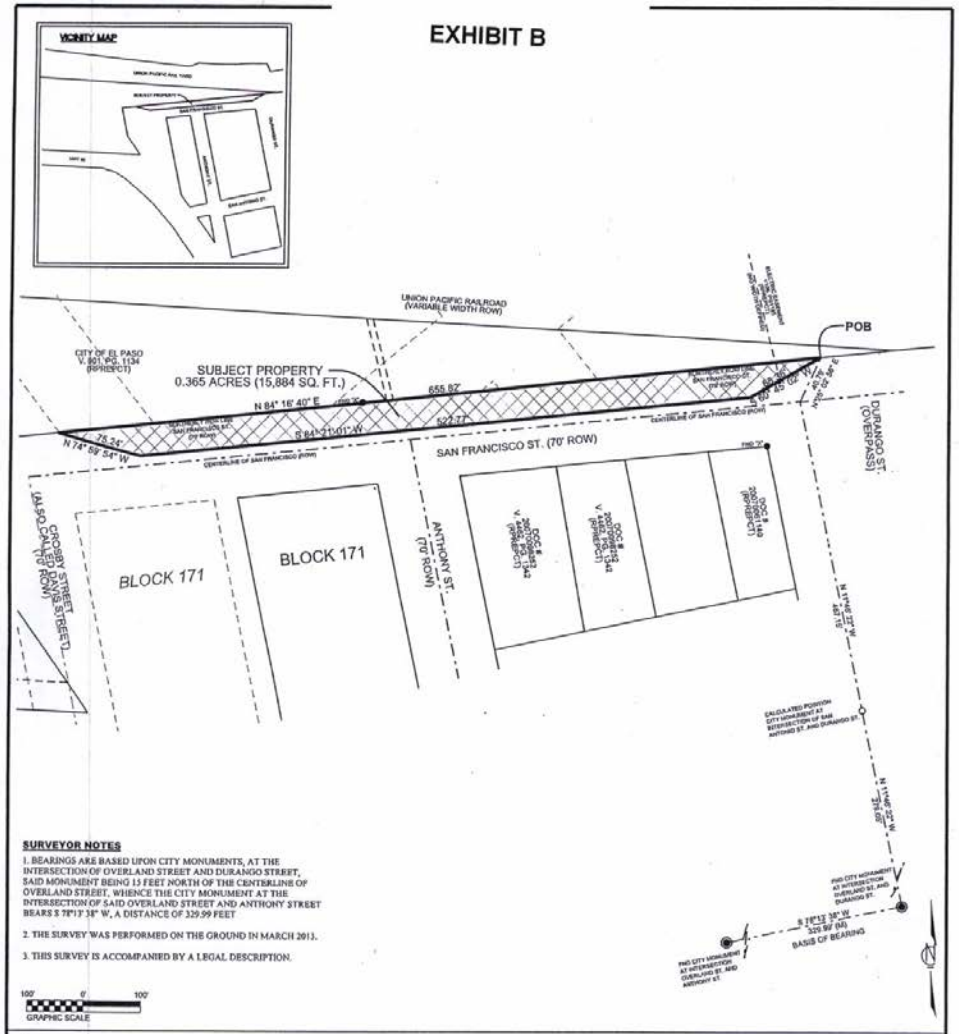


EXHIBIT B



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100' 0' 100'
GRAPHIC SCALE

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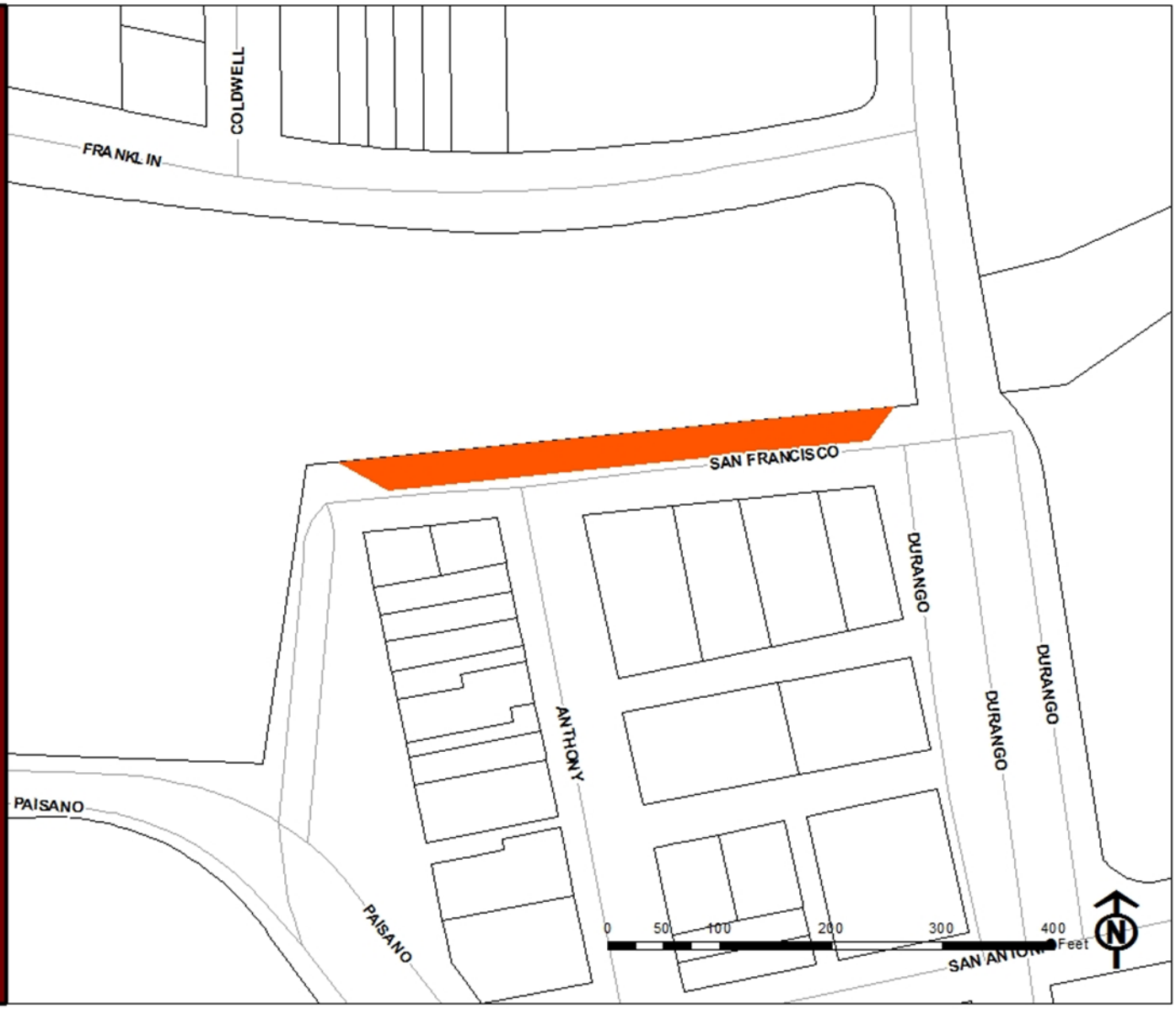
	SF-ROW	2 OF 2

COLDWELL
WET
WELLS FARGO

DURANGO
DO NOT
ENTER

SAN FRANCISCO STREET VACATION



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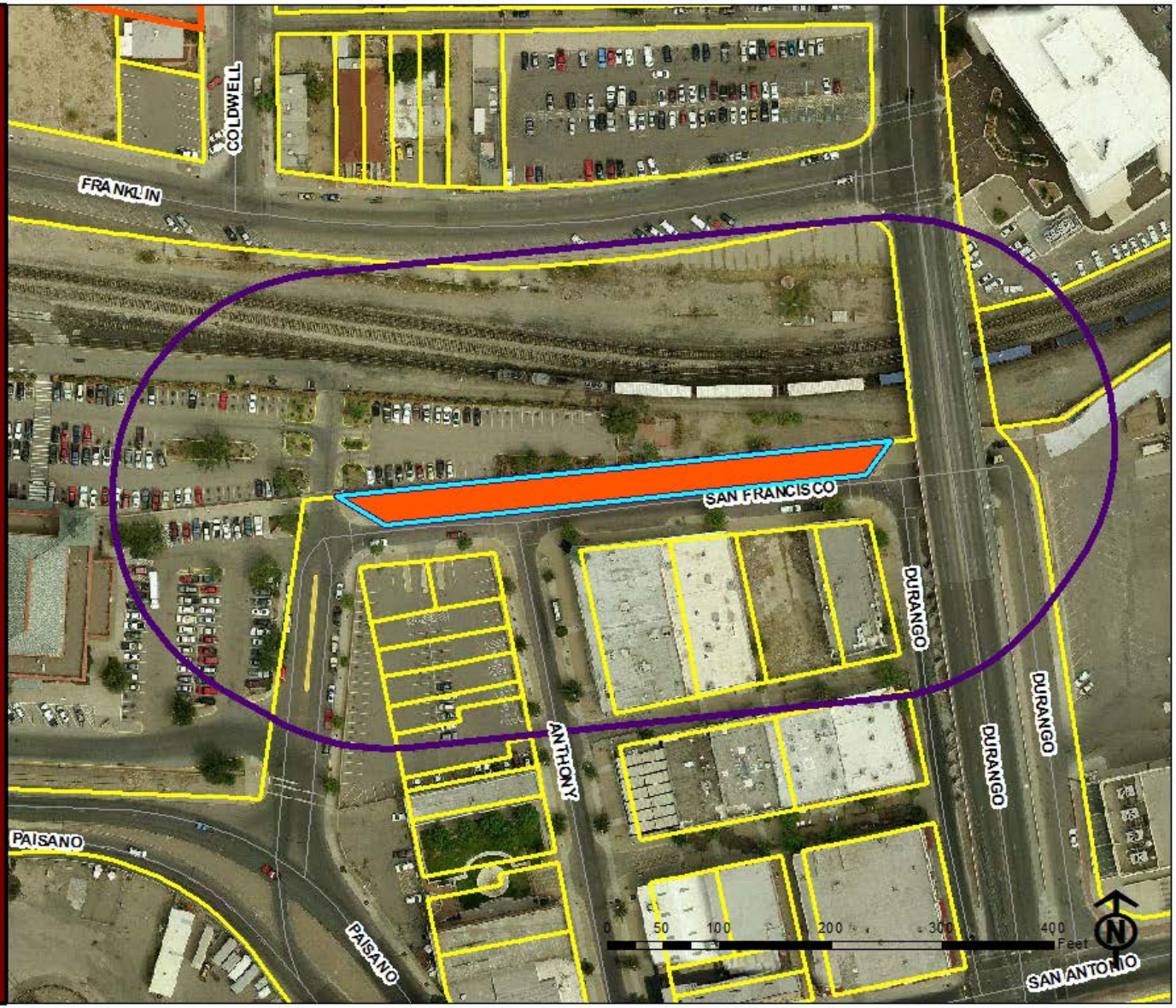
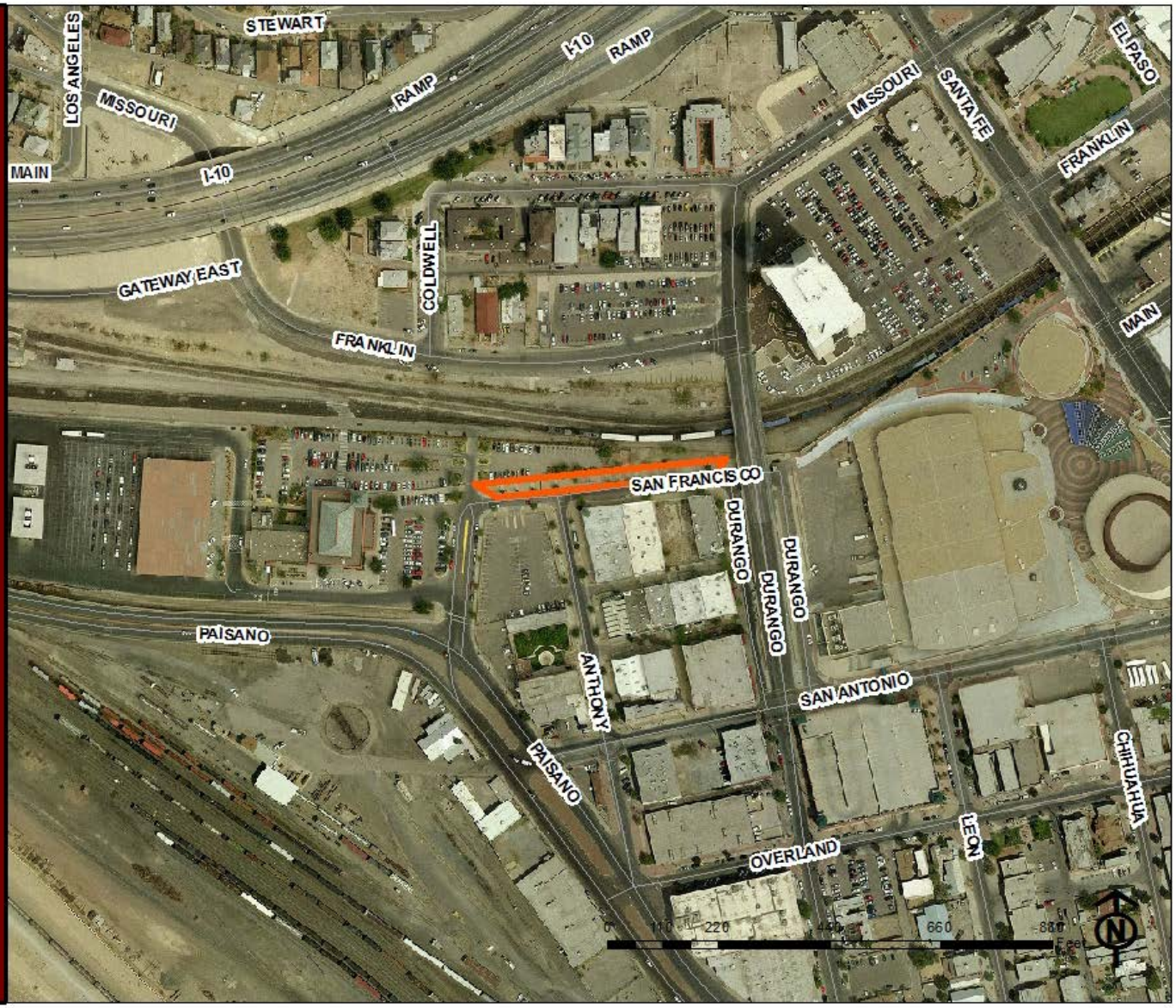
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