

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

DEPARTMENT: Development Services / Planning Division
AGENDA DATE: Introduction 05/08/07; Public Hearing 05/22/07
CONTACT PERSON/PHONE: Christina Valles, Lead Planner – 541-4930
DISTRICT(S) AFFECTED: District 8

SUBJECT:

An Ordinance vacating the portion of the alley consisting of a twenty foot wide alley within Block 262 Campbell Addition, City of El Paso, El Paso County, Texas.

Subject Property: North of Yandell Drive and West of Ochoa Street. Applicant: Watchtower of the Rio Grande. SUB06-00131 (District 8)

BACKGROUND / DISCUSSION:

The City Plan Commission, at the January 18, 2007 hearing, voted (5-0) to approve the proposed alley vacation, with conditions, concurring with the DCC recommendation. 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: R. Alan Shubert

APPROVED FOR AGENDA: N/A

ORDINANCE NO. _____

AN ORDINANCE VACATING THE PORTION OF THE ALLEY CONSISTING OF A TWENTY FOOT WIDE ALLEY WITHIN BLOCK 262 CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner, Watchtower of the Rio Grande, Inc., has requested that the portion of the alley located north of Yandell Drive and west of Ochoa Street, consisting of a twenty foot wide alley within Block 262, Campbell Addition, City of El Paso, El Paso County, Texas, be vacated; and,

WHEREAS, City Plan Commission has recommended the vacation, and the El Paso City Council finds that said right-of-way is not needed for public use and should be vacated as recommended with certain conditions.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That a determination has been made that it is in the best interest of the public that the alley located north of Yandell Drive and west of Ochoa Street, consisting of a twenty foot wide alley within Block 262, Campbell Addition, City of El Paso, El Paso County, 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. The entire length and width of the above described alley shall be retained as a drainage easement; and,
2. A ten foot wide utility easement shall be retained for the Texas Gas Service Company as shown in the attached metes and bounds description, identified as Exhibit "B"; and,
3. Any relocation of existing utility services shall be completed at the expense of Watchtower of the Rio Grande, Inc. unless otherwise agreed by the utility company.

Section 2. That 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 Watchtower of the Rio Grande, Inc., incorporating the above conditions.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO:

ATTEST:

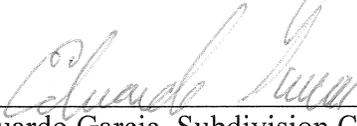
John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

SIGNATURES CONTINUE ON FOLLOWING PAGE

07 APR 30 PM 2:50
CITY CLERK DEPT.

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

CITY CLERK DEPT.
07 APR 30 PM 2:50

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS }
 }
COUNTY OF EL PASO }

QUITCLAIM DEED

That the **CITY OF EL PASO** has released and quitclaimed and by these presents does release and quitclaim unto the **WATCHTOWER OF THE RIO GRANDE, INC.**, Grantee, all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. _____, passed and approved by the City Council of the City of El Paso and described as **the portion of the alley located north of Yandell Drive and west of Ochoa Street, consisting of twenty feet in width, within Block 262, Campbell Addition, City of El Paso, El Paso County, Texas** which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference, subject to the following conditions:

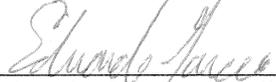
1. The entire length and width of the above described alley shall be retained as a drainage easement; and,
2. A ten foot wide utility easement shall be retained for the Texas Gas Service Company as shown in the attached metes and bounds description, identified as Exhibit "B"; and,
3. Any relocation of existing utility services shall be completed at the Grantee's expense, unless otherwise agreed by the utility company.

WITNESS the following signatures and seal this _____ day of _____, 2007.

THE CITY OF EL PASO

Joyce Wilson
City Manager

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

(Acknowledgement on the following page.)

CITY CLERK DEPT.
07 APR 30 PM 3:01

PROPERTY DESCRIPTION
5,200 Square Feet

Being the description of the Alley located in Block 262, Campbell Addition (book 2. page 68, plat records), City of El Paso, el Paso county, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the city monument at the intersection of Ochoa Street (70 feet wide) and Yandell Avenue (70 feet wide) and the city monument at the intersection of said Ochoa Street and Rio Grande Avenue bears, North 37°00'00" West (bearing base), 654.81 feet and the city monument at the intersection of said Yandell Avenue and Virginia Street bears, North 53°00'00"E, 329.92 feet;

THENCE, along the monument line in said Yandell Avenue, South 53°00'00" West, a distance of 165.00 feet;

THENCE, leaving said monument line, North 37°00'00" West, a distance of 20.00 feet to the Southeast corner of said Alley at the Southwest corner of Lot 1, Block 262 in the North right-of-way line of said Yandell Avenue and **POINT OF BEGINNING** for the herein described tract;

THENCE, along said North right-of-way line of Yandell Avenue, South 53°00'00" West, a distance of 20.00 feet to the Southwest corner of said Alley at the Southeast corner of Lot 20, said Block 262;

THENCE, leaving said North right-of-way line and along the West line of said Alley, North 37°00'00" West, a distance of 260.00 feet to the Northwest corner of said Alley at the Northeast corner of Lot 11, said Block 262 in the South right-of-way line of Montana Avenue (70 feet wide);

THENCE, along said South right-of-way line, North 53°00'00" East, a distance of 20.00 feet to the Northeast corner of said Alley at the Northwest corner of Lot 10, said Block 262;

THENCE, leaving said South right-of-way line and along the East line of said Alley, South 37°00'00" East, a distance of 260.00 feet to the **POINT OF BEGINNING** and containing **5,200 square feet** of land.

This description was prepared from a survey made on the ground on June 19, 2006 with a plat of same date.

PREPARED BY:
Cutts land Surveying, Inc.
El Paso, Texas
June 20, 2006
Job no. 060617

CITY CLERK DEPT.
07 APR 30 PM 3:02

PROPERTY DESCRIPTION
2,600 Square Feet

Being the description of a portion of the Alley located in Block 262, Campbell Addition (book 2. page 68, plat records), City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the city monument at the intersection of Ochoa Street (70 feet wide) and Yandell Avenue (70 feet wide) and the city monument at the intersection of said Ochoa Street and Rio Grande Avenue bears, North 37°00'00" West (bearing base), 654.81 feet and the city monument at the intersection of said Yandell Avenue and Virginia Street bears, North 53°00'00"E, 329.92 feet;

THENCE, along the monument line in said Yandell Avenue, South 53°00'00" West, a distance of 165.00 feet;

THENCE, leaving said monument line, North 37°00'00" West, a distance of 20.00 feet to the Southeast corner of said Alley at the Southwest corner of Lot 1, Block 262 in the North right-of-way line of said Yandell Avenue and **POINT OF BEGINNING** for the herein described tract;

THENCE, along said North right-of-way line of Yandell Avenue, South 53°00'00" West, a distance of 10.00 feet;

THENCE, leaving said North right-of-way line, North 37°00'00" West, a distance of 260.00 feet to the South right-of-way line of Montana Avenue (70 feet wide);

THENCE, along said South right-of-way line, North 53°00'00" East, a distance of 10.00 feet to the Northeast corner of said Alley at the Northwest corner of Lot 10, said Block 262;

THENCE, leaving said South right-of-way line and along the East line of said Alley, South 37°00'00" East, a distance of 260.00 feet to the **POINT OF BEGINNING** and containing **2,600 square feet** of land.

This description was prepared from a survey made on the ground on June 19, 2006 with a plat dated January 4, 2007.

PREPARED BY:
Cutts land Surveying, Inc.
El Paso, Texas
January 4, 2007
Job No. 070106

CITY CLERK DEPT.
07 APR 30 PM 3:02



SUB06-00131

Legal Description: A 20-foot alley within Block 262, Campbell Addition, City of El Paso, El Paso County, Texas.

Type Request: Alley Vacation

Property Owner: The City of El Paso

Applicant: Watchtower of the Rio Grande

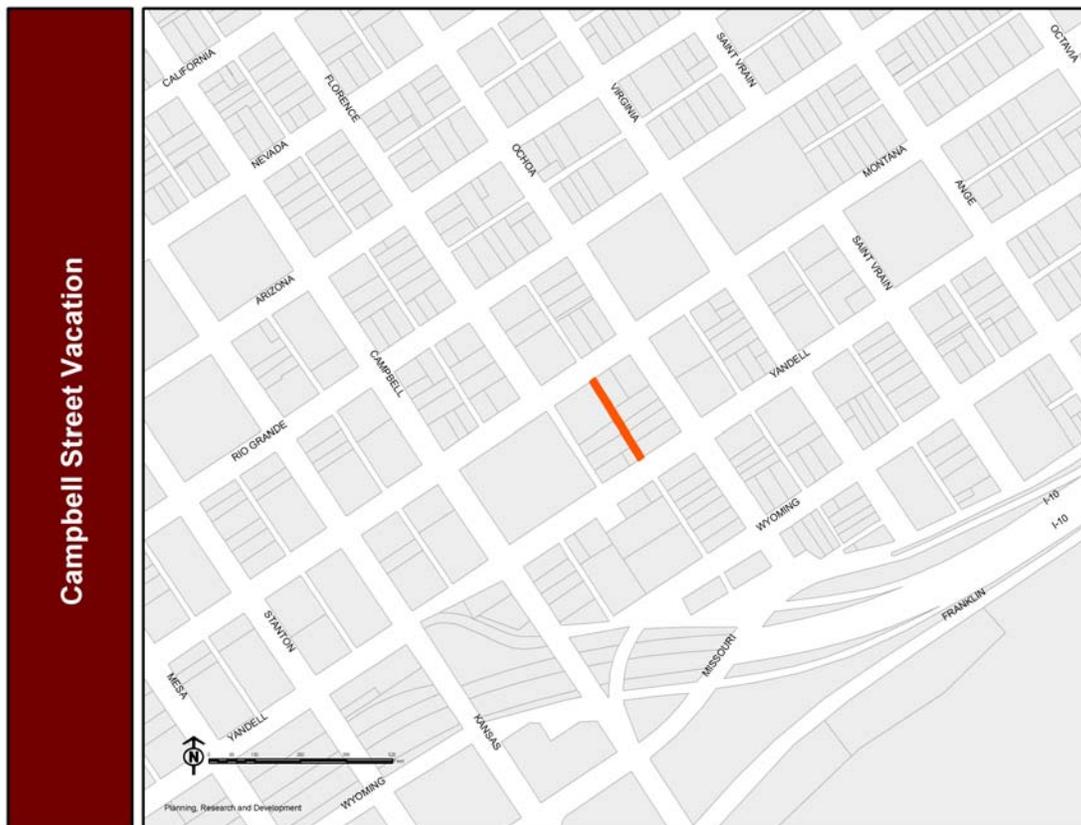
Representative: The Gilbert Law Firm

Surveyor: Jerry Cutts

Location: North of Yandell Drive and West of Ochoa Street

Representative District: 8

Planning Area: Central



GENERAL INFORMATION:

The applicant, the Watchtower of the Rio Grande, proposes to vacate a 20-foot alley in its entirety from Montana to Yandell. The applicant has sited drainage, traffic and safety concerns for cause of the proposed alley vacation. The El Paso Water Utilities, El Paso Electric Company, and Texas Gas Service have indicated that utility facilities exist within the right-of-way and must retain an easement. The applicant is proposing to retain a 10-foot wide utility easement along the eastern boundary of the alley.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **approval** of the vacation of the 20-foot alley within Block 262, Campbell Addition in its entirety with the following conditions:

1. Retaining the full width and length of the alley as a drainage easement.
2. Retaining a 10-foot wide utility easement for Texas Gas Service Company and providing a metes and bounds description for the aforementioned easement, prior to the appraisal, provided that the City Plan Commission recommends approval of the vacation request.
3. Requiring that any relocation of existing utility services be done at the applicant's expense.

Planning Division– Land Development Comments and Requirements:

1. The alley area to be vacated shall be retained as a drainage easement.
2. The alley vacation is in Flood Zone C “Areas of Minimal Flooding.”

El Paso Water Utilities Comments:

Water

There is an existing 6-inch diameter water main along the entire length of the alley proposed to be vacated. EPWU-PSB records indicate that there are three (3) active water services (meters) connected to the above described water main.

Sanitary Sewer

There is an existing 6-inch diameter sanitary sewer main along the entire length of the alley proposed to be vacated.

General:

The applicant has the intent to acquire ownership of the above described sanitary sewer main and abandon the above described water main located along the alley. EPWU-PSB requires a request in writing in which the applicant agrees to accept the sewer main as a private sewer line. EPWU-PSB is coordinating with the applicant the transfer of ownership of the sewer main and the relocation of the water services. The applicant is responsible for all the cost associated with the cutting and plugging, depreciation of the water main, as well as the relocation of the water services. EPWU does not object to the proposed alley vacation.

El Paso Electric:

El Paso Electric Company has existing facilities in this alley. EPE will reroute these facilities from the alley at the expense of the parties requesting the vacation. We have no objection to the vacation request. Other utilities exist in the alley including ATT and Time Warner which are attached to our pole facilities. The applicant will also have to reroute the facilities.

Texas Gas Service:

The existing gas facilities can be replaced within the alley adjacent to the St. Clements Center for Excellence if the new main remains in a 10-foot utility easement adjacent to the east property line of the vacated alley as referenced in an email dated December 20, 2006 from Mr. J. Ivan Alcocer to Mr. Gonzalez. "As per our conversation earlier this morning, Texas Gas Service proposes to replace the existing 6" main line within the alley adjacent to the above referenced property. This can be carried out at TGS' expense provided that the line remains in a 10' utility easement adjacent to the east property line of the vacated alley. If available, I would like to get a construction schedule so that we can begin our preparations. Please call me if you have any questions." Provided these conditions are adhered to, and any others not stated within this letter that were agreed upon between Mr. Gonzalez and Mr. Alcocer, Texas Gas Service Company does not object to the alley vacation mentioned above.

