

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

**DEPARTMENT:** Development Services Department  
**AGENDA DATE:** Introduction: May 20, 2008  
Public Hearing: May 27, 2008  
**CONTACT PERSON/PHONE:** Eddie Garcia, Senior Planner – 541-4638  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance vacating a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas Location: Mills Avenue between Oregon Street and Sheldon Court. Applicant: City of El Paso. SUB08-00056 (District 8)

**BACKGROUND / DISCUSSION:**

Please see attached

**PRIOR COUNCIL ACTION:**

On March 11, 2008, the City Council directed staff to begin processing this City initiated right-of-way vacation.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation  
Historic Landmark Commission (HLC) – Approval Recommendation

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

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

**DEPARTMENT HEAD:** Patricia D. Adauto  
for Patricia D. Adauto, Deputy City Manager

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

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

09 MAY 12 PM 2:28  
CITY CLERK DEPT.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF MILLS AVENUE, ANSON MILLS  
MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the City Plan Commission has recommended that *a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof, be closed to public vehicular use and the City Council finds that said right-of-way should be closed as recommended;

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

That *a portion of Mills Avenue, Anson Mills Map, 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, be and is hereby closed to public vehicular use and the use of this right-of-way as described in Exhibit "A" shall be used in connection with the Mills Plaza as an environment from which pedestrians can enjoy various cultural events, subject to the entire length and width of the right-of-way in Exhibit "A" being retained as a pedestrian pathway, utility easement and the area readily accessible to utility companies for maintenance, repair, and replacement of their facilities.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008

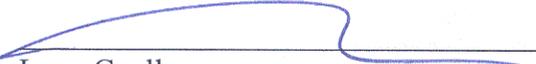
**THE CITY OF EL PASO**

**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, Deputy City Manager  
Development & Infrastructure Services

**ORDINANCE NO.** \_\_\_\_\_

Prepared for: Mills Acquisition Company, L.P.  
A Portion of Mills Avenue, Anson Mills Map,  
City of El Paso, El Paso County, Texas  
W.O.# 092607-6  
File name: exhibitmills\_mb.doc

**PROPERTY DESCRIPTION**

(Vacation of portion of Mills Avenue)

Description of a 0.3080 acre parcel of land being a Portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located 10.00' feet northeast and 10.00' southeast from the centerline intersection of Oregon Street (70' wide public right-of-way) and Mills Avenue (70' wide public right-of-way), Thence South  $28^{\circ} 02' 37''$  West a distance of 35.70 feet to a point lying on the southwesterly curb line of Oregon Street, said point being the "True Point of Beginning",

Thence along a curve to the left a distance of 42.43 feet, a radius of 33.19 feet, whose central angle is  $73^{\circ} 14' 19''$  and whose chord bears South  $75^{\circ} 52' 22''$  West a distance of 39.60 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 41.13 feet, a radius of 73.22 feet, whose central angle is  $32^{\circ} 10' 55''$  and whose chord bears South  $29^{\circ} 33' 22''$  West a distance of 40.59 feet to a point lying on said curb line;

Thence South  $31^{\circ} 48' 52''$  West along said curb line a distance of 89.41 feet to a point;

Thence along a curve to the left a distance of 33.24 feet, a radius of 104.22 feet, whose central angle is  $18^{\circ} 16' 31''$  and whose chord bears South  $45^{\circ} 44' 52''$  West a distance of 33.10 feet to a point lying on said curb line;

Thence South  $30^{\circ} 10' 25''$  West along said curb line a distance of 36.65 feet to a point;

Thence along a curve to the right a distance of 72.66 feet, a radius of 103.57 feet, whose central angle is  $40^{\circ} 11' 56''$  and whose chord bears South  $14^{\circ} 07' 19''$  West a distance of 71.18 feet to a point lying on said curb line;

Thence South  $77^{\circ} 23' 59''$  West along said curb line a distance of 70.17 feet to a point;

Thence North  $31^{\circ} 21' 26''$  East along said curb line a distance of 36.89 feet to a point;

Thence along a curve to the left a distance of 22.46 feet, a radius of 16.87 feet, whose central angle is  $76^{\circ} 15' 48''$  and whose chord bears North  $02^{\circ} 15' 55''$  East a distance of 20.84 feet to a point lying on said curb line;

Thence North  $31^{\circ} 12' 51''$  East along said curb line a distance of 61.10 feet to a point;

Thence along a curve to the right a distance of 10.71 feet, a radius of 12.59 feet, whose central angle is  $48^{\circ} 42' 28''$  and whose chord bears North  $64^{\circ} 09' 37''$  East a distance of 10.39 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 10.45 feet, a radius of 15.81 feet, whose central angle is  $37^{\circ} 52' 30''$  and whose chord bears North  $60^{\circ} 53' 01''$  East a distance of 10.27 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 35.75 feet, a radius of 57.79 feet, whose central angle is  $35^{\circ} 26' 58''$  and whose chord bears North  $25^{\circ} 00' 33''$  East a distance of 35.19 feet to a point lying on said curb line;

Thence along a curve to the right a distance of 12.52 feet, a radius of 30.62 feet, whose central angle is  $23^{\circ} 25' 45''$  and whose chord bears North  $19^{\circ} 41' 01''$  East a distance of 12.44 feet to a point lying on said curb line;

Thence North  $31^{\circ} 45' 29''$  East along said curb line a distance of 111.61 feet to a point;

Thence along a curve to the right a distance of 8.94 feet, a radius of 18.56 feet, whose central angle is  $27^{\circ} 36' 22''$  and whose chord bears North  $48^{\circ} 47' 42''$  East a distance of 8.86 feet to a point lying on said curb line;

Thence North  $63^{\circ} 07' 26''$  East along said curb line a distance of 10.77 feet to a point;

Thence along a curve to the left a distance of 24.82 feet, a radius of 41.65 feet, whose central angle is  $34^{\circ} 08' 13''$  and whose chord bears North  $40^{\circ} 28' 59''$  East a distance of 24.45 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 36.03 feet, a radius of 27.78 feet, whose central angle is  $74^{\circ} 18' 36''$  and whose chord bears North  $08^{\circ} 16' 25''$  West a distance of 33.55 feet to a point lying on said curb line;

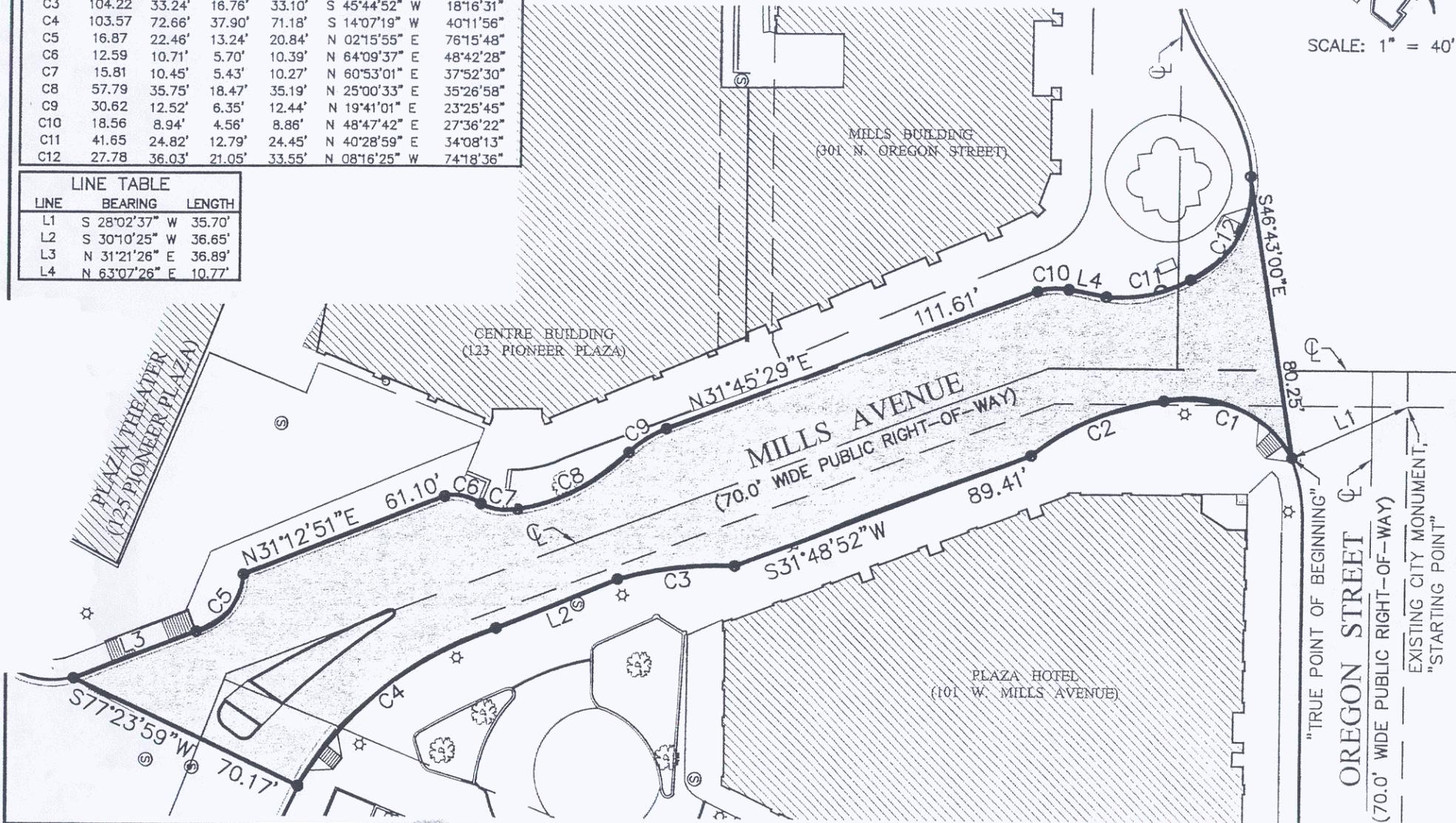
Thence South  $46^{\circ} 43' 00''$  East a distance of 80.25 feet back to the "True Point of Beginning" and said parcel containing in all 13,417.36 square feet or 0.3080 acres of land more or less.



Exhibit A

CURVE TABLE							
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA	
C1	33.19	42.43'	24.67'	39.60'	S 75°52'22" W	73°14'19"	
C2	73.22	41.13'	21.12'	40.59'	S 29°33'22" W	32°10'55"	
C3	104.22	33.24'	16.76'	33.10'	S 45°44'52" W	18°16'31"	
C4	103.57	72.66'	37.90'	71.18'	S 14°07'19" W	40°11'56"	
C5	16.87	22.46'	13.24'	20.84'	N 02°15'55" E	76°15'48"	
C6	12.59	10.71'	5.70'	10.39'	N 64°09'37" E	48°42'28"	
C7	15.81	10.45'	5.43'	10.27'	N 60°53'01" E	37°52'30"	
C8	57.79	35.75'	18.47'	35.19'	N 25°00'33" E	35°26'58"	
C9	30.62	12.52'	6.35'	12.44'	N 19°41'01" E	23°25'45"	
C10	18.56	8.94'	4.56'	8.86'	N 48°47'42" E	27°36'22"	
C11	41.65	24.82'	12.79'	24.45'	N 40°28'59" E	34°08'13"	
C12	27.78	36.03'	21.05'	33.55'	N 08°16'25" W	74°18'36"	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 28°02'37" W	35.70'
L2	S 30°10'25" W	36.65'
L3	N 31°21'26" E	36.89'
L4	N 63°07'26" E	10.77'



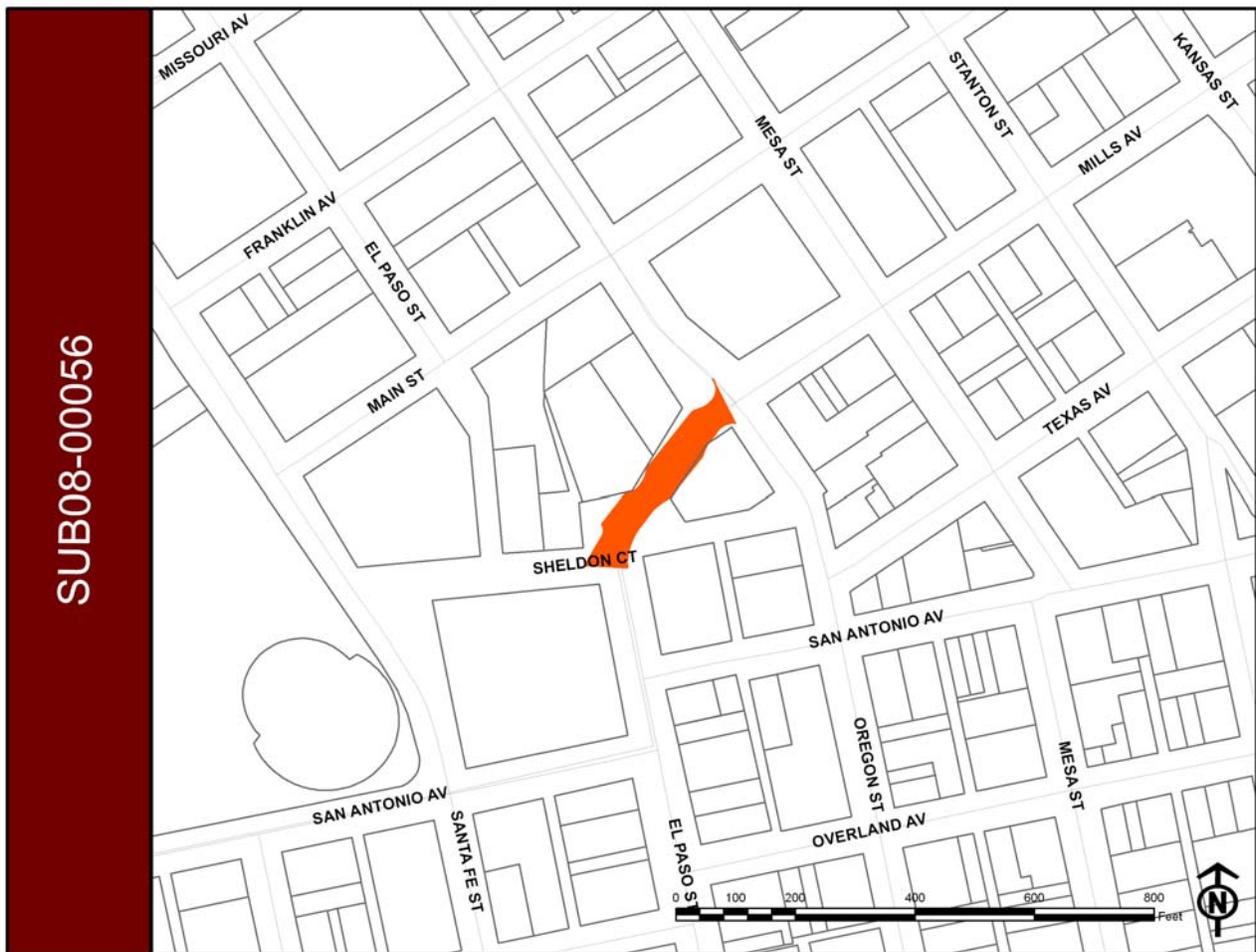
SCALE: 1" = 40'

SCALE	CERTIFICATION	VACATION SURVEY	 Roe Engineering, L.C.
HOR: 1"=20' VER: N/A FILE NAME: EXHIBIT-MILLS.DWG W.O. 092607-6 DATE: APRIL 18, 2008 DRAWN BY: J.H.	 BRADLEY ROE, R.P.L.S. 2449	A PORTION OF MILLS AVENUE, ANSON MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS  CONTAINING IN ALL 40,047.32 SQ. FT. OR 0.9193 ACRES OF LAND MORE OR LESS.  PREPARED FOR: MILLS ACQUISITION COMPANY, L.P.	



# SUB08-00056

<b>Subdivision Name:</b>	Mills Avenue Right-of-Way Vacation		
<b>Type Request:</b>	Right-of-Way Vacation		
<b>Property Owner:</b>	City of El Paso		
<b>Surveyor:</b>	Roe Engineering, L.C.		
<b>Location:</b>	West of Oregon Street at Mills Avenue		
<b>Acres:</b>	.308	<b>Representative District:</b>	8
<b>Planning Area:</b>	Central	<b>Present Zone:</b>	C-5/H & C-5/H-nc
<b>Park Fees Required:</b>	N/A	<b>Park Zone:</b>	C-3



**GENERAL INFORMATION:**

This City initiated vacation request proposes to vacate a portion of Mills Avenue in order to eliminate the vehicular interest and use as directed by the City Council on March 11, 2008. This right-of-way will remain open to pedestrian traffic and is to be maintained by the City of El Paso in accordance with the Mills Plaza project. The right-of-way vacation will allow for a pedestrian plaza as presented.

Two informational public meetings were held on April 15, 2008 and April 18, 2008.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee recommends *approval* of the proposed vacation of this portion of Mills Avenue.

**CPC RECOMMENDATION:**

On April 24, 2008, the City Plan Commission recommended *approval* of the proposed vacation of this portion of Mills Avenue.

**HLC RECOMMENDATION:**

On May 5, 2008, the Historic Landmark Commission recommended *approval* of the proposed vacation of this portion of Mills Avenue and expressed a strong concern about the traffic circulation in the area.

All subject to the following requirements:

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

No objections.

**Engineering Department – Traffic Division:**

1. No objection to proposed vacation of Mills Avenue.

**El Paso Water Utilities:**

We have reviewed the above referenced street vacation request and provide the following comments:

1. The El Paso Water Utilities does not object to the proposed vacation as long as the public right-of-way to be vacated becomes a utility easement and the existing water main and sanitary sewer mains remain in place and in operation to continue providing service to the public.
2. EPWU-PSB requires access to the water and sewer facilities, appurtenances, fire hydrants, and meters 24 hours a day, seven (7) days a week. The access provided shall allow the operation of EPWU maintenance vehicles.
3. In the event that the City of El Paso Fire Department requires additional public fire hydrants and/or an on-site fire protection system, the applicant is responsible for all costs incurred to provide this service.
4. EPWU-PSB requests a set of complete plans describing the improvement work for review.

**Water**

5. There are existing water mains along Mills Street and Pioneer Plaza. These water mains are required to remain active because they provide water services to adjacent buildings.

**Sanitary Sewer**

6. There are existing sanitary sewer mains along the portion of Oregon Street, Pioneer Plaza, and Mills Street. EPWU-PSB records indicate sewer service connection to these mains.

**General**

7. The applicant is responsible for the costs of any necessary extensions, relocations or adjustments of water and sanitary sewer lines, appurtenances, fire hydrants, and meters related to the proposed improvement work.

**El Paso Electric Company:**

1. El Paso Electric has existing facilities within these parcels and must retain complete 24 hour/7 day access for our large maintenance vehicles and equipment.

**Central Appraisal District:**

No comments received.

**Texas Gas Service:**

No comments received.

**List of Attachments**

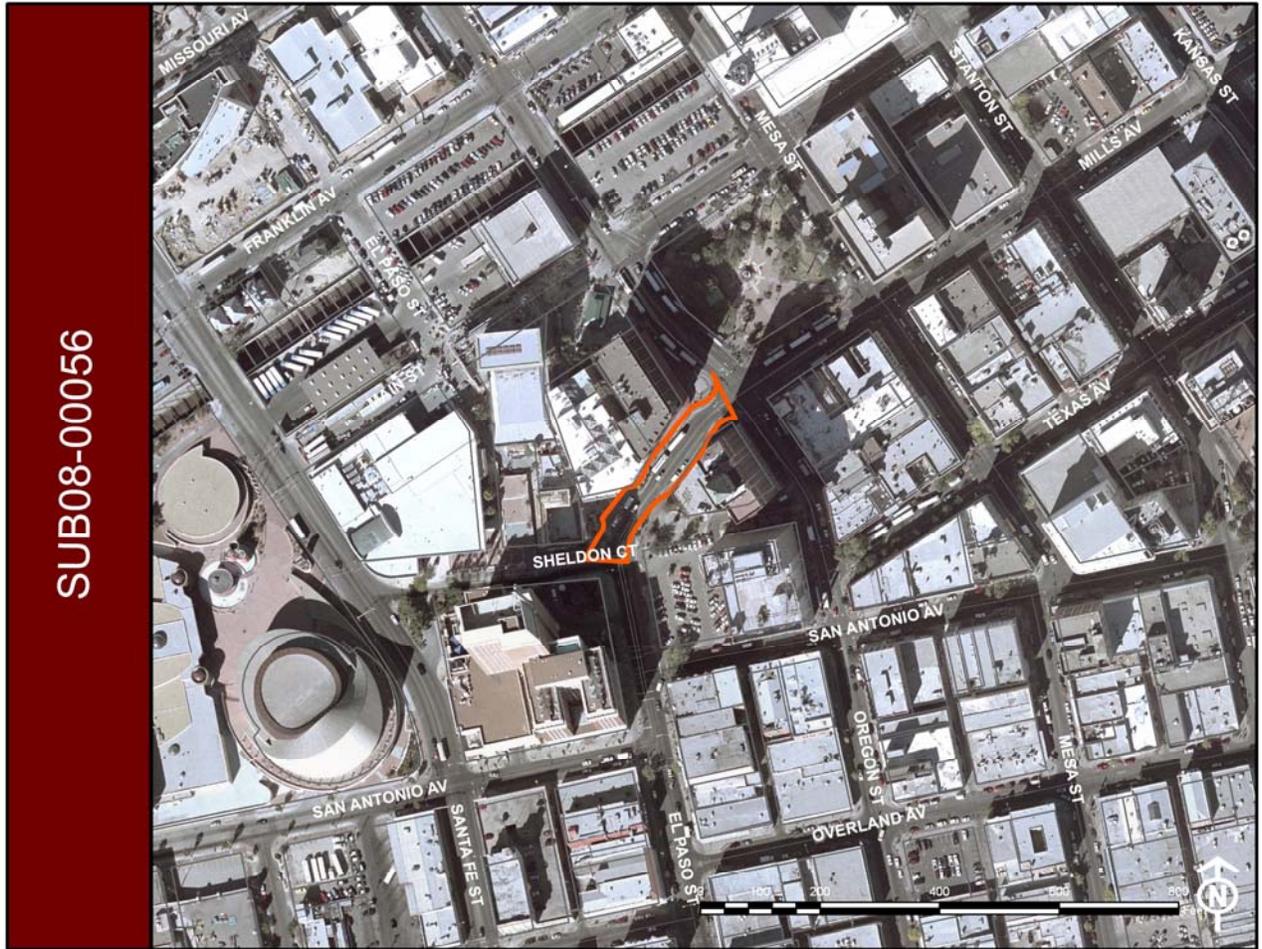
Attachment 1: Aerial

Attachment 2: Survey

Attachment 3: Public Comments

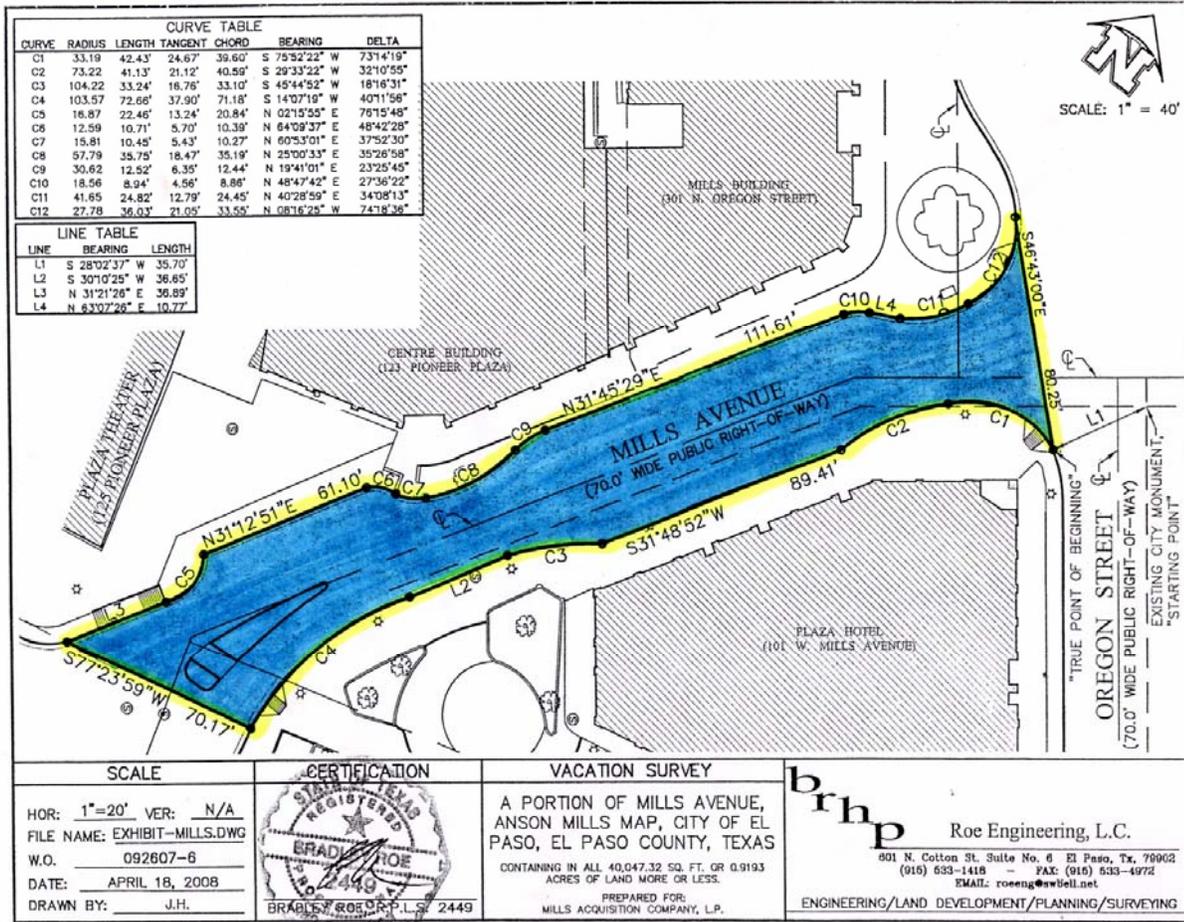
Attachment 4: Application

ATTACHMENT 1



SUB08-00056

# ATTACHMENT 2



**ATTACHMENT 3**

**Public Comment Cards Received**

April 15, 2008

1. “Despite the traffic counts, San Antonio street should be two way, making it easier for the public, including those who are not familiar with downtown streets.”
2. “Need to be aware that adjacent businesses need loading zones & access.”

Mike Breitinger  
915-533-2656

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April 18, 2008

1. “Informative presentation. Good detail. Seemed to fulfill the purpose of informing the public. Professionally done.”

“Hopefully the project comes to fruition. Good job.”

2. “Next time advertise for a PM meeting. You’re too sneaky again where {illegible} today’s EP Times did you notify the public”

①

4.15.08

Despite the traffic counts,

SAN ANTONIO STREET SHOULD BE  
TWO WAY, MAKING IT EASIER  
FOR THE PUBLIC, INCLUDING  
THOSE WHO ARE NOT FAMILIAR  
WITH DOWNTOWN STREETS.

MIKE BREITENBERG, 5382656  
(back)

②

NEED TO BE AWARE THAT ADJACENT  
BUSINESSES NEED LOADING ZONES &  
ACCESS.

Mills Plaza Project  
Public Meeting  
April 15, 2008  
4:30 -

Mills Plaza Project  
Public Meeting  
April 18, 2008  
10:00 a.m.

4-18-08  
May 14 6:00  
Next time  
advertise for a PM  
meeting.  
You to sneaky, organize  
where rents today, so far did  
you not by the public

4-18-08  
Informative presentation. Good detail.  
Seemed to fulfill the purpose  
of informing the public.  
Professionally done.  
Hopefully the project comes to  
fruition. Good job.

**ATTACHMENT 4**

SUB08-00056

APPLICATION FOR VACATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY

DATE 3/31/08

1. APPLICANTS NAME City of El Paso  
ADDRESS 2 Civic Center Plaza ZIP CODE 79901 TELEPHONE 541-4638
2. Request is hereby made to dedicate the following: (check one) NA  
Street  Alley  Easement  Other   
Street Name(s) Mills Avenue Subdivision Name Mills addition  
Abutting Blocks Block 17 + 6 Mills Addition Abutting Lots \_\_\_\_\_
3. Reason for the vacation request: Vacating vehicular interest
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. Future use of the vacated right-of-way:  
Yards  Parking  Expand Building Area  Replat with abutting Land  Other
7. Related Applications which are pending (give name or file number): N/A  
Zoning  Board of Adjustment  Subdivision  Building Permits  Other
8. 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).

Signature	Legal Description/Address	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. 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.

Signed By:

Jacqueline Johnson  
Land Owner/Applicant/Agent

Date

FEE AMOUNTS:

\_\_\_\_\_ Easement Vacation \$342.60  
\_\_\_\_\_ Street, Alley, Other Rights-of-Way Vacation \$571.00 plus cost of appraisal and value

CASHIER'S VALIDATION