

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.166 ACRE PARCEL (7,233 SF) WITHIN 70' WIDE RIGHT-OF-WAY OF MAGOFFIN AVENUE, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a parcel of land being a 0.166 acre parcel within 70' wide Right-Of-Way of Magoffin Avenue, Campbell's Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.166 acre parcel within 70' wide Right-Of-Way of Magoffin Avenue, Campbell's Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of 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 0.166 acre parcel within 70' wide Right-Of-Way of Magoffin Avenue, 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 all utilities located there on the effective date of the vacation. The utilities shall be allowed to remain in place. The owner or operator of the utilities may inspect, maintain, replace, or upgrade them at any time.

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 the **United States of America**.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

(Signatures continued on following page)

APPROVED AS TO CONTENT:

for 

Mathew McElroy, Deputy Director
Planning & Economic Development

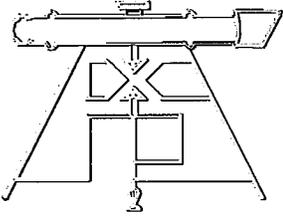
APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

EXHIBIT A



Frank X. Spencer, P.E., R.P.L.S.

Frank X. Spencer & Associates, Inc.

Consulting Civil Engineers & Surveyors

1130 Montana * El Paso, Texas 79902

(915) 533-4600
FAX (915) 533-4673
e-mail: elpaso@fxsa.com

PROPERTY DESCRIPTION

**A 0.166 ACRE PORTION OF MAGOFFIN AVENUE,
CAMPBELL'S ADDITION TO THE CITY OF EL PASO,
EL PASO COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION

**A 0.166 ACRES (7,233 SQUARE FEET) OF LAND OUT OF MAGOFFIN AVENUE,
CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT
RECORDS, EL PASO COUNTY, TEXAS) BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

COMMENCING at a city monument at the intersection of monument lines of Campbell Street (70 foot right-of-way) and Myrtle Avenue (70 foot right-of-way) said monument lines lying 10 feet north and 10 feet east of the respective centerlines of Campbell Street and Myrtle Avenue; from which, a found city monument lying 10 feet north and 10 feet east of the respective centerlines of Myrtle Avenue and Saint Vrain Street (70 foot right-of-way) bears North $56^{\circ}11'38''$ East, (North $53^{\circ}17'00''$ East-Record) a distance of 1310.65 feet (1310.00-Record), **THENCE**, North $56^{\circ}11'38''$ East, along said monument line of Myrtle Avenue, a distance of 619.98 feet to a point; **THENCE**, South $33^{\circ}48'22''$ East (South $36^{\circ}43'00''$ East-Record) , a distance of 305.00 feet, to a chiseled "X" set on the southeast corner of a certain parcel of land Quitclaimed June 2, 2004, City Ordinance # 15804 filed in file clerk's number 20040054230, Deed Records, El Paso County, Texas, and the northerly right-of-way of Magoffin Avenue, being the **POINT OF BEGINNING** of this description;

THENCE, South $33^{\circ}48'22''$ East, a distance of 14.87 feet, to a set chiseled "X";

THENCE, 13.87 feet along the arc of a non-tangent curve to the right, having a radius of 36.50 feet, a central angle $21^{\circ}46'14''$, and a chord which bears South $43^{\circ}30'18''$ West, a distance of 13.79 feet, to a set chiseled "X";

THENCE, South $57^{\circ}22'39''$ West, a distance of 396.32 feet, to a set chiseled "X";

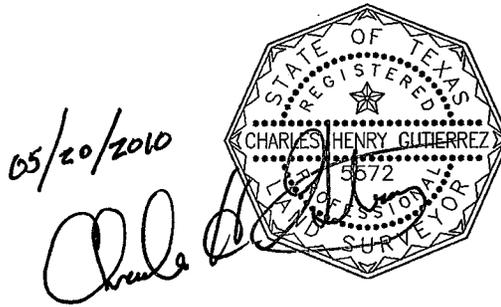
THENCE, South $51^{\circ}55'28''$ West, a distance of 91.25 feet, to a set chiseled "X";

THENCE, South $77^{\circ}49'19''$ West, a distance of 44.78 feet, to a set chiseled "X" for the northerly right-of-way line of Magoffin Avenue;

THENCE, North 56°11'38" East, a distance of 542.31 feet, along said right of way line of Magoffin Avenue, a distance of 542.31 feet, to the **POINT OF BEGINNING**, containing 0.166 Acres (7,233 square feet) of land, more or less.

1. THE BASIS OF BEARINGS IS THE MONUMENT LINE OF MYRTLE AVENUE.
2. BEARINGS WERE OBTAINED BY GPS OBSERVATIONS
3. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DECIPTION

Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS
Texas License No. 5572
Date of Survey: February 16, 2010

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	36.50'	13.87'	13.79'	S 43°30'18" W	21°46'14"

LINE	BEARING	DISTANCE
L1	S 33°48'22" E	14.87'
L2	S 77°49'19" W	44.78'

LEGEND

- TREE
- CHAINLINK FENCE
- P.O.B.** POINT OF BEGINNING
- P.O.C.** POINT OF COMMENCEMENT
- R.O.W.** RIGHT OF WAY

SURVEYOR'S NOTES:

1. THIS SURVEY MAY BE SUBJECT TO OTHER EASEMENTS AND COVENANTS OF RECORD NOT SHOWN. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
2. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANELS 480214-0039B, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".
3. There is imposed, and the Vacated Right Of Way shall be subject to, a public utility easement reserve for all utilities located there on the effective date of the vacation ("Utilities"). The Utilities shall be allowed to remain in place. The owner or operator of the Utilities may inspect, maintain, replace, or upgrade them at any time.
4. SET CHISELED "X" AT ALL PROPERTY CORNERS EXCEPT WHERE OTHERWISE NOTED.

PARCEL AREA
0.166 ACRES
7,233 Sq Ft

THE BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF MYRTLE AVENUE (AS SHOWN)



Charles H. Gutierrez
CHARLES HENRY GUTIERREZ
 Registered Professional Land Surveyor #5572

05/20/10
DATE

A 0.166 ACRE PARCEL
 WITHIN 70' WIDE
 RIGHT-OF-WAY OF MAGOFFIN AVENUE,
 CAMPBELL'S ADDITION,
 CITY OF EL PASO,
 EL PASO COUNTY TEXAS.



SURVEY DATE: NOVEMBER 24, 2009

drawn by: Jn, Mg

OCHOA STREET
 PUBLIC DEDICATED R.O.W. (WIDTH VARIES)
 S 33°48'22" E 305.00' (S36°43'00"E-RECORD)
 [SURVEY TIE]

P.O.B.

MAGOFFIN AVE.
 70' WIDE PUBLIC DEDICATED R.O.W. □

FLORENCE STREET
 70' WIDE PUBLIC DEDICATED R.O.W.

MYRTLE AVE.
 70' WIDE PUBLIC DEDICATED R.O.W.

CAMPBELL STREET
 70' WIDE PUBLIC DEDICATED R.O.W.

E. SAN ANTONIO ST.
 70' WIDE PUBLIC DEDICATED R.O.W.

ALL OF LOTS 9-10 AND THE NORTH 25FT OF LOT 8 AND THE WEST 84FT OF THE SOUTH 1FT OF LOT 8, BLOCK 217 S.W.D. Bk4484, Pg0830

LOT 11
 FEDERAL COURT HOUSE BUILDING
 [UNDER CONSTRUCTION AT TIME OF SURVEY]

LOT 10
CAMPBELL'S ADDITION
 BOOK 2, PAGE 68
 PLAN RECORDS OF EL PASO COUNTY

LOT 11
 CATHOLIC DIOCESE OF EL PASO
 Lots 11-13, Block 21B
 W.D. Vol.00322 Pg00110

LOT 3
 LOT 2
 LOT 1
 North R.O.W. Line of Magoffin Ave.

LOT 18
 LOT 19
 LOT 20
 W.D. Bk4340 Pg1411 Exhibit A, Page 1
 W.D. Bk4340 Pg1411 Exhibit A, Page 2

ORDINANCE #15803
 DOC. #20040054227
 ABANDONED 70FT WIDE R.O.W.

LOT 3
 LOT 2
 LOT 1
 W.D. Bk4413 Pg1036
 W.D. Bk4413 Pg1031

Q.D. Ordinance #15801
 Doc. #20040054229
 Abandoned 20ft Wide Alley

LOT 18
 LOT 19
 LOT 20
 W.D. Bk4413 Pg1063
 W.D. Bk4413 Pg1067
 W.D. Bk4413 Pg1052

(N53°17'00"E 1310.00-RECORD)
 N 56°11'38" E 1310.65'
 [BASIS OF BEARING]

N 56°11'38" E 619.98'
 [SURVEY TIE]

MONUMENT LINE

FOUND CITY MONUMENT AT THE INTERSECTION OF CAMPBELL AVE. & MYRTLE STREET 10' NORTH & 10' EAST

FOUND CITY MONUMENT AT THE INTERSECTION OF MYRTLE AVE. & SAINT VRAIN STREET 10' NORTH & 10' EAST

Platted 20' Alley

A portion of land out of Campbell Street (A 70ft Wide R.O.W. Line) QCD-Abandoned Ordinance No. 15802



FRANK X. SPENCER & ASSOCIATES, INC.
 Consulting Civil Engineers & Land Surveyors

1130 MONTANA AVE.
 EL PASO, TEXAS 79864
 PHONE 915-533-4800
 FAX 915-533-4873
 e-mail: spencer@fxa.com

APPROVED AS TO CONTENT:

for Eddie Aarce
Mathew McElroy, Deputy Director
Development Services Department
Planning Division

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

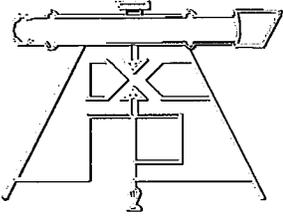
This instrument is acknowledged before me on this _____ day of _____, 2012,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:

AFTER FILING RETURN TO:
United States of America-General Services Administration
819 Taylor St., 11th Floor
Fort Worth, TX 76102-6124

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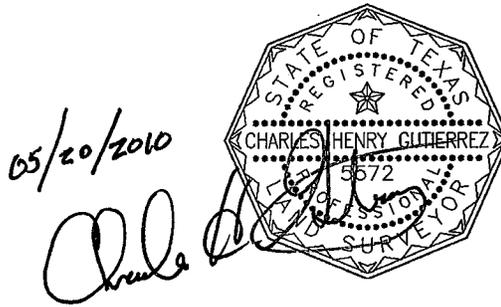
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Frank X. Spencer & Associates, Inc.



Charles Gutierrez, RPLS
Texas License No. 5572
Date of Survey: February 16, 2010

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



MEMORANDUM

DATE: May 10, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: SUB10-00165 Magoffin Avenue Vacation

The City Plan Commission (CPC), on May 3, 2012, voted 6-0 to approve the Magoffin Avenue Vacation.

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

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



Engineering & Construction Management
Two Civic Center Plaza – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799



City of El Paso – City Plan Commission Staff Report

Case No: SUB10-00165 Magoffin Avenue Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: May 3, 2012

Staff Planner: Raul Garcia, 915-541-4935, garcia1@elpasotexas.gov
Location: East of Campbell @ Magoffin
Acreage: 0.166 acre
Rep District: 8

Existing Use: ROW
Existing Zoning: C-5 (Commercial)

Property Owner: City of El Paso
Applicant: City of El Paso
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial)/ Federal Courthouse
South: C-4H (Commercial/Historic)/ Commercial development
East: C-4/sp (Commercial/special permit)/ Commercial development
West: C-5 (Commercial)/ Governmental development

THE PLAN FOR EL PASO DESIGNATION: G-2 Traditional Neighborhood

APPLICATION DESCRIPTION

This is a city-initiated application to vacate a portion of Magoffin Avenue between E. San Antonio Street and Ochoa Street. The ROW width to be vacated varies between 9 and 17 feet in width and measures 542 feet in length and includes encroachments that resulted from the construction of the new Federal Courthouse. A 20' easement is being retained at the western edge of the ROW to allow for maintenance and access to the existing public utilities.

This vacation along with the E. San Antonio Street vacation and the Myrtle Street vacation all abut the new Federal Courthouse downtown and are part of a supplemental lease agreement between the City and the Federal Government. In exchange for vacating the portions of ROW, the Federal Government is extending the City's lease for the Stanton Street Bridge toll facilities for 49 years.

The E. San Antonio Street vacation is running concurrently with this vacation and the Myrtle Street vacation was approved by the City Plan Commission on January 14, 2010. All three vacations will move forward together to City Council.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Magoffin Avenue Vacation subject to the following conditions and requirements:

- **The proposed vacation area shall be retained as a full-width utility easement.**

Planning Division Recommendation:

Approval subject to the proposed vacation area being retained as a full-width utility easement.

Engineering & Construction Management-Land Development:

No objection.

Planning - Transportation:

No objections.

El Paso Water Utilities:

1. The El Paso Water Utilities does not object to the proposed vacation as long as the proposed street vacation is dedicated as a full width utility easement.

EPWU-PSB Comments

Water:

2. Along Magoffin Avenue and East San Antonio Avenue between Campbell Street and Ochoa Street there is an existing 12-inch diameter water main.

3. Along North Ochoa Street between Myrtle Avenue and Magoffin Avenue there is an existing 8-inch diameter water main.

4. There is an existing fire hydrant # 7187 within the proposed street vacation located approximately 287-ft west from Ochoa Street right of way line.

5. Previous water pressure reading from fire hydrant #8823 located at the southeast intersection of Ochoa Street and Myrtle Avenue have yield a static pressure of 86 (psi) pounds per square inch, a residual pressure of 80 (psi) pounds per square inch and a discharge of 919 (GPM) gallons per minute.

6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main that extends from Myrtle Avenue to Magoffin Avenue along a 20 foot wide utility easement. The sanitary sewer main is located approximately 10 ft east from the western utility easement property line.

General:

8. All easements dedicated for public sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

9. EPWU requires a new service application to provide service to the property. 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.

Stormwater Division:

We have reviewed the subdivision described above and provide the following comments:

Magoffin Avenue Street Vacation – Street Vacation

1. EPWU records indicate existing storm water infrastructure within the proposed limits of the vacation. On Exhibit B, show all existing storm water structures. All public stormwater structures must remain within public rights-of-way.

Parks and Recreation:

No comments received.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

El Paso Electric Company has no objection to the release of 0.166 Acres of Magoffin Avenue, Campbell Addition as shown on survey plat by Frank X. Spencer and Associates, Inc. dated 5/20/10 as shown on the attachment, provided utility easements rights are maintained.

Sun Metro:

No comments received.

911

No comments received.

Texas Gas Company:

No comments received.

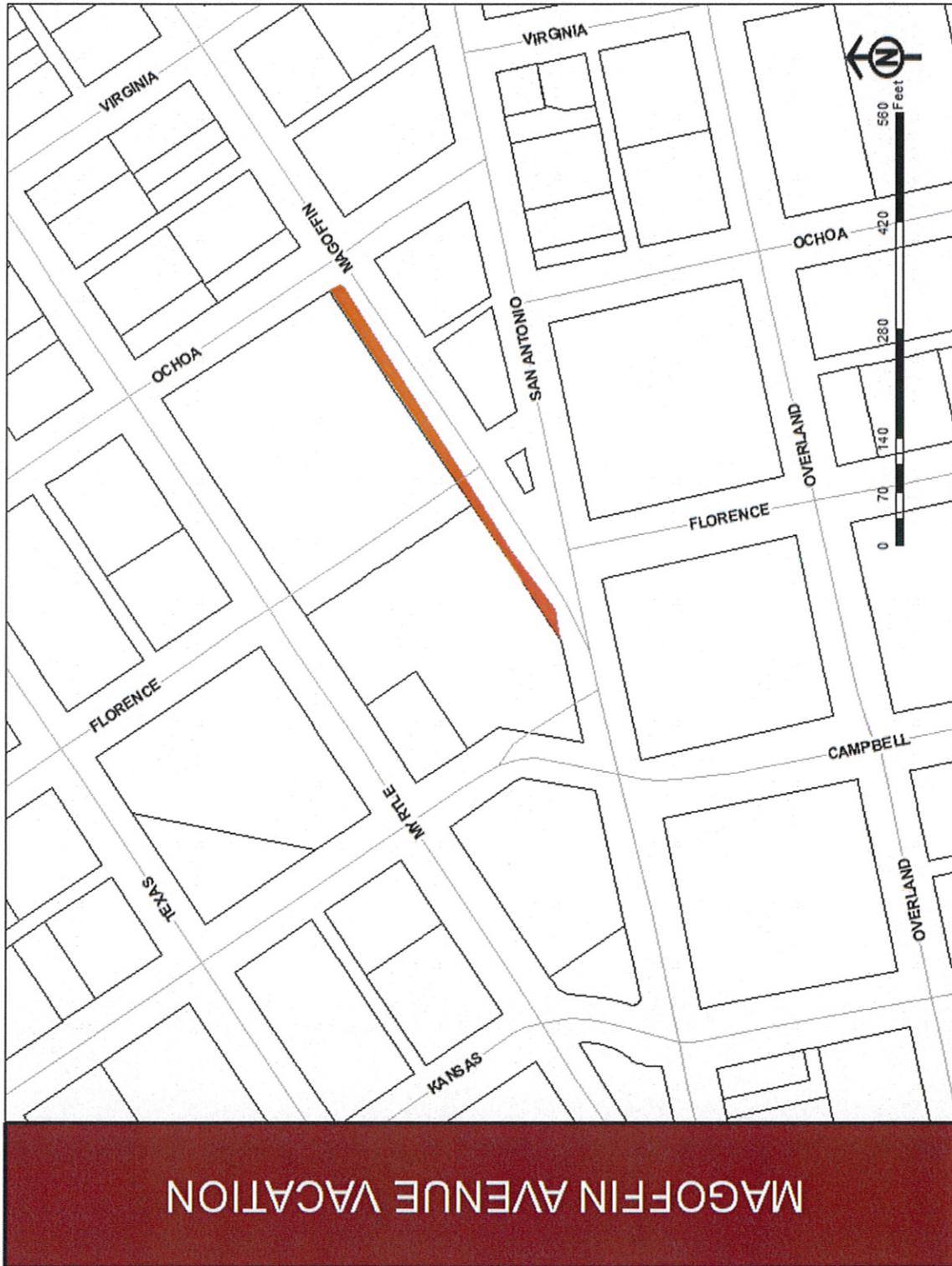
El Paso Independent School District:

No comments received.

Attachments

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

ATTACHMENT 1

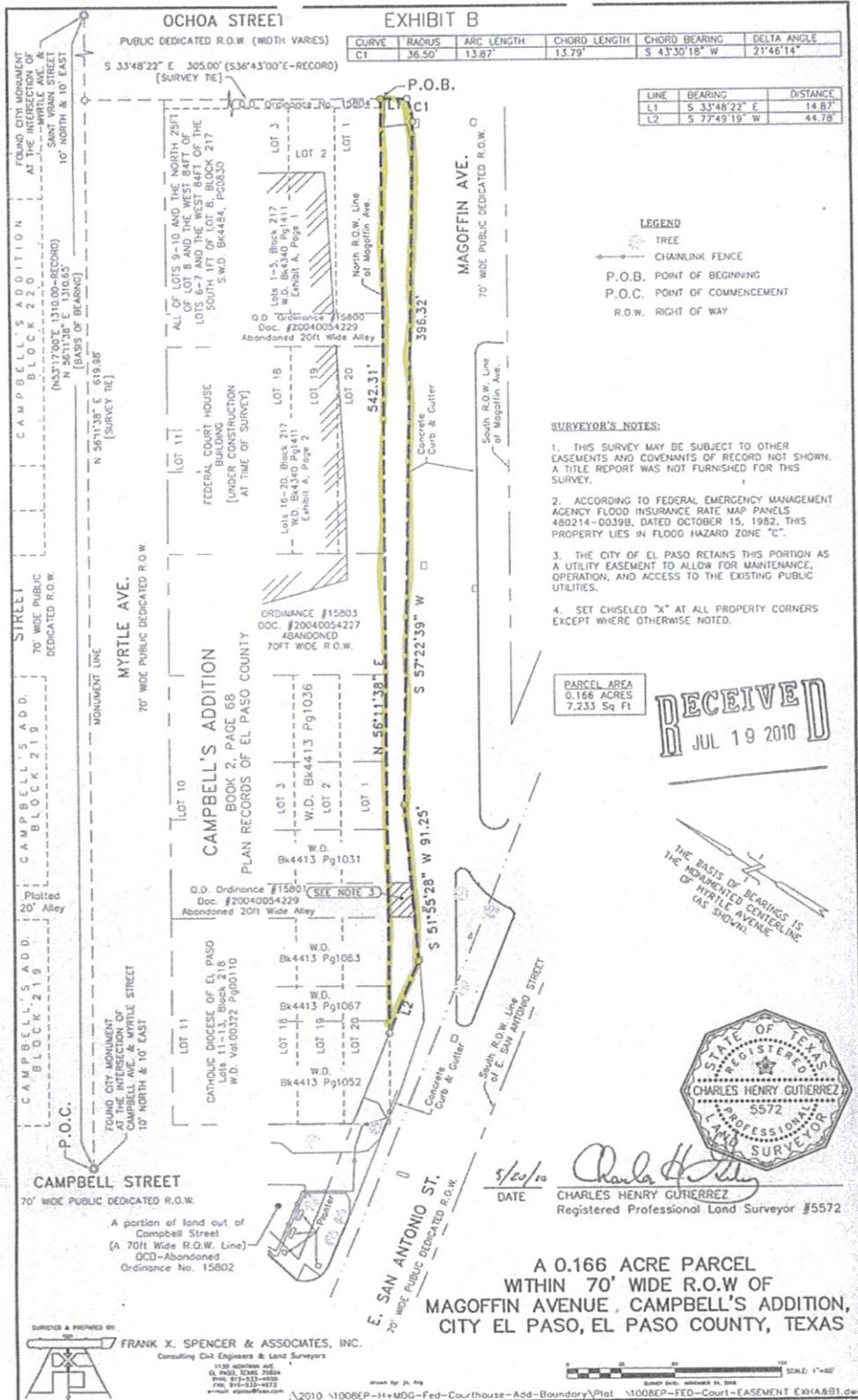


ATTACHMENT 2



MAGOFFIN AVENUE VACATION

ATTACHMENT 3



ATTACHMENT 4



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

Date: 7-19-10 File No. _____

1. APPLICANTS NAME CITY of El Paso
- ADDRESS 2 Civic Center ZIP CODE 79901 TELEPHONE 541-4024
2. Request is hereby made to vacate the following: (check one)
 Street Alley _____ Easement _____ Other _____
 Street Name(s) Magoffin Subdivision Name Campbell Addition
 Abutting Blocks 217, 218 Abutting Lots 20, 1, 20, 1
3. Reason for vacation request: Construction of Federal Courthouse
4. Surface Improvements located in subject property to be vacated:
 None _____ Paving _____ Curb & Gutter _____ Power Lines/Poles _____ Fences/Walls _____ Structures _____ Other _____
5. Underground Improvements located in the existing rights-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):
 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. 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: \$366.00
 OWNER SIGNATURE: Joseph G. Wilson
 REPRESENTATIVE: _____

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