

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



DEPARTMENT: Planning & Economic Development
AGENDA DATE: Introduction 5/22/12; Public Hearing 6/5/12
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 8

SUBJECT:
AN ORDINANCE VACATING A 0.217 ACRE PARCEL (9,439 SF) WITHIN 70' WIDE ROW OF MYRTLE AVENUE, 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) – Approval

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew McElroy
Deputy Director, Planning & Economic Development



APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

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

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.217 ACRE PARCEL (9,439 SF) WITHIN 70' WIDE ROW OF MYRTLE AVENUE, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a portion of a 0.217 acre parcel within 70' wide ROW of Myrtle Avenue, Campbell's Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.217 acre parcel within 70' wide ROW of Myrtle 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 portion of a 0.217 acre parcel within 70' wide ROW of Myrtle 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:

1. An easement is retained for utilities, as shown on the survey identified as "Exhibit B", to allow for maintenance, operation, and access to the existing public utilities.

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:



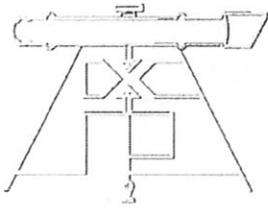
Mathew McElroy, Deputy Director
Development Services Department
Planning Division

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)



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@fksa.com

PROPERTY DESCRIPTION

A 0.217 ACRE PORTION OF MYRTLE AVENUE, CAMPBELL'S ADDITION TO THE
CITY OF EL PASO
EL PASO COUNTY TEXAS

METES AND BOUNDS DESCRIPTION

A 0.217 ACRES (9,439 S.F.) OF LAND OUT OF MYRTLE AVENUE, CAMPBELL'S
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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 141.20 feet to a point; **THENCE**, South $33^{\circ}48'22''$ East, a distance of 26.15 feet to a set chiseled "X" on concrete for the **POINT OF BEGINNING** of this description;

THENCE, North $56^{\circ}16'05''$ East, a distance of 468.76 feet, to a set concrete nail;

THENCE, 24.83 feet along the arc of a curve to the right, having a radius of 18.53 feet, a central angle $76^{\circ}45'19''$, and a chord which bears South $71^{\circ}23'04''$ East, a distance of 23.01 feet, to a set chiseled "X" on concrete;

THENCE, South $56^{\circ}11'38''$ West, a distance of 479.07 feet, passing the northeast corner of certain parcel of land described August 12, 1918, in book 322, page 110, and the northwesterly corner of a vacated alley by Ordinance 15801, dated June 2, 2004, in County Clerks File Number 20040054229, Deed Records, El Paso County, Texas, a total distance of 521.11 feet, to a set chiseled "X" on concrete;

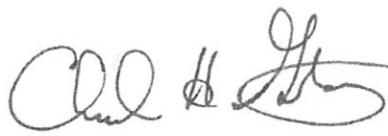
THENCE, North $33^{\circ}48'22''$ West, a distance of 9.41 feet, to a set chiseled "X" on concrete;

THENCE, 19.13 feet along the arc of a curve to the right, having a radius of 27.46 feet, a central angle $39^{\circ}54'48''$, and a chord which bears North $39^{\circ}33'38''$ East, a distance of 18.75 feet, to a set chiseled "X" on concrete;

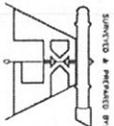
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1. THE BASIS OF BEARINGS IS THE MONUMENT LINE OF MYRTLE AVENUE.
2. BEARINGS WERE OBTAINED BY GPS OBSERVATIONS
3. A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS DECIPTION

Frank X. Spencer & Associates, Inc.

Charles Gutierrez, RPLS
Texas License No. 5572
Date of Survey: February 12, 2010



FRANK X. SPENCER & ASSOCIATES, INC.
 Consulting Civil Engineers & Land Surveyors
 1128 Montana Ave.
 El Paso, Texas 79902
 Phone: 915-233-4800
 Fax: 915-233-4800
 Email: fxs@fxsa.com

Draw by: P

DATE: 5/26/10
 CHARLES HENRY CUIERREZ
 Registered Professional Land Surveyor #5572



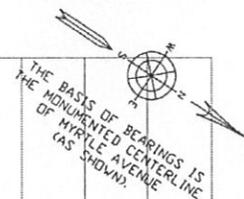
K:\2010\S10DBEP-H+MDC - Federal Courthouse-ADD-BOUNDARY/PLAT/FED-COURT-HOUSE EASEMENT

A 0.217 ACRE PARCEL
 WITHIN 70' WIDE R.O.W OF
 MYRTLE AVENUE, CAMPBELL'S ADDITON,
 EL PASO, EL PASO COUNTY, TEXAS



CAMPBELL STREET

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



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

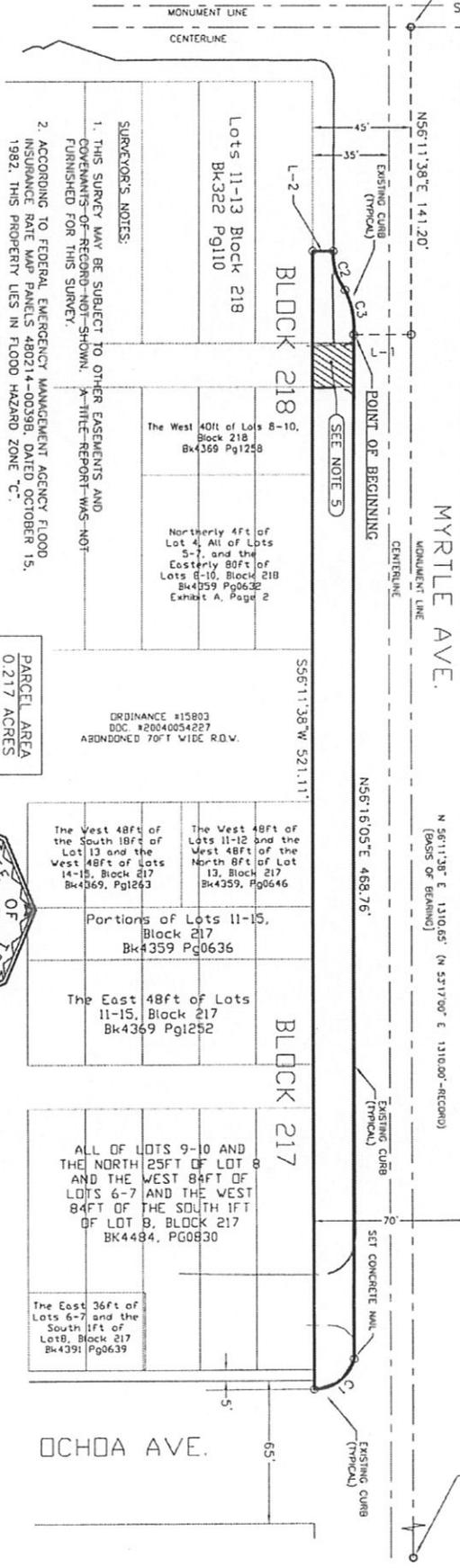
LINE	LENGTH	BEARING
L1	26.15	S33°48'22"E
L2	9.41	N33°48'22"W

BLOCK 219

FLORENCE AVE.

CURVE	DELTA		ARC		RADIUS		CHORD	
	Δ	BC	Δ	BC	Δ	BC	Δ	BC
C1	76°45'19"	24.83	24.83	18.53	571°23'04"E	23.01		
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FOUND CITY MONUMENT
 AT THE INTERSECTION OF
 MYRTLE AVE. &
 SAINT VRAIN STREET
 10' NORTH & 10' EAST



- 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. SET CHISELED "X" AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
 4. THE PLAT OF CAMPBELL'S ADDITION TO THE CITY OF EL PASO IS RECORDED IN BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS.
 5. CITY OF EL PASO RETAINS THIS PORTION AS AN UTILITY EASEMENT TO ALLOW FOR MAINTENANCE, OPERATION, AND ACCESS TO THE EXISTING PUBLIC UTILITIES.

PARCEL AREA
 0.217 ACRES
 9,439 Sq. Ft.

ORDINANCE #15803
 DDC #20040054227
 ABANDONED 70' WIDE R.O.V.

The West 48ft of Lot 13 and the West 48ft of Lot 14, Block 217 Bk4369, Pg1263

The West 48ft of Lots 11-12 and the West 48ft of the North 8ft of Lot 13, Block 217 Bk4359, Pg0646

Portions of Lots 11-15, Block 217 Bk4359 Pg0636

The East 48ft of Lots 11-15, Block 217 Bk4369 Pg1252

ALL OF LOTS 9-10 AND THE NORTH 25FT OF LOT 8 AND THE WEST 84FT OF LOTS 6-7 AND THE WEST 84FT OF THE SOUTH 1FT OF LOT 8, BLOCK 217 Bk4484, Pg0830

The East 36ft of Lots 6-7 and the South 1ft of Lot 8, Block 217 Bk4391 Pg0639

OCHOA AVE.

ACKNOWLEDGMENT

THE STATE OF TEXAS)

)

COUNTY OF EL PASO)

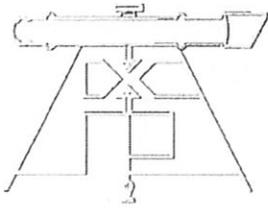
This instrument is acknowledged before me on this _____ day of _____, 2012,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:

AFTER FILING RETURN TO:

**William Neil Landers
United States of America-General Services Administration
819 Taylor Street, Room 11B01
Fort Worth, Texas 76102**



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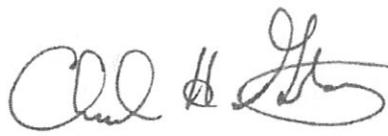
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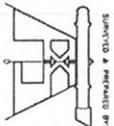
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Draw by P

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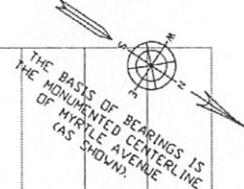
K:\2010\S10DBEP-H+MDC - Federal Courthouse-ADD-BOUNDARY/PLAT/FED-COURT-HOUSE EASEMENT



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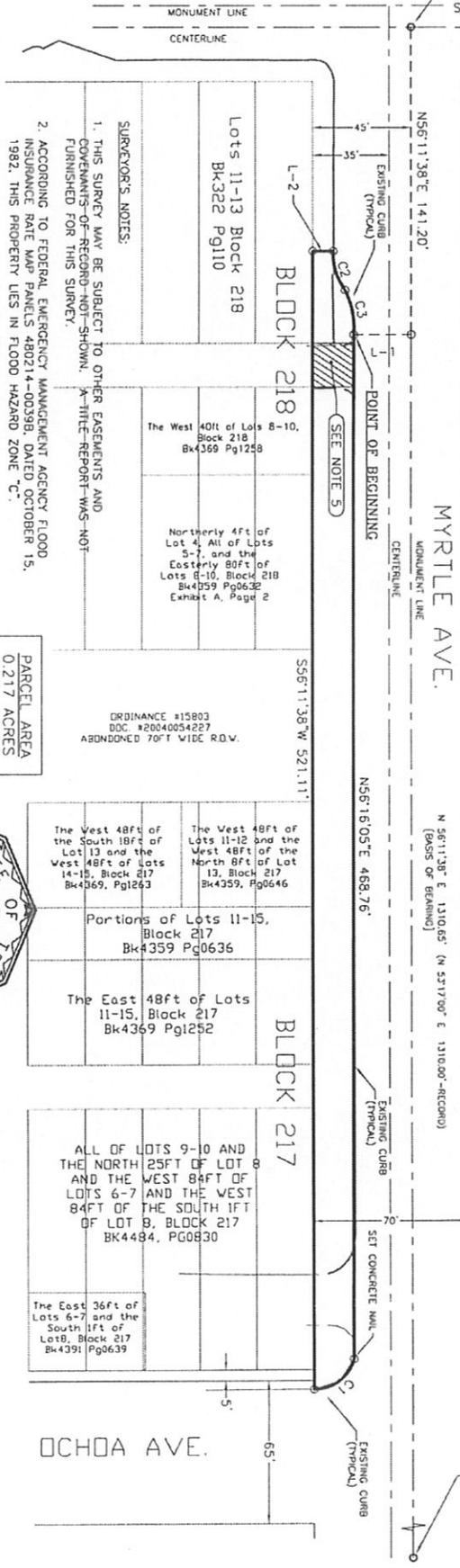
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FLORENCE AVE.

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PARCEL AREA
 0.217 ACRES
 9,439 Sq. Ft.

BLOCK 217

OCHOA AVE.

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: SUB09-00166 Myrtle Avenue Vacation

The City Plan Commission (CPC), on May 3, 2012, voted 6-0 to approve the Myrtle 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
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Emma Acosta

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Dr. Michiel R. Noe

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City of El Paso – City Plan Commission Staff Report

Case No: SUB09-00166 Myrtle Avenue Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: January 14, 2010

Staff Planner: Raul Garcia, 915-541-4935, garciar1@elpasotexas.gov
Location: East of Campbell Street and West of Ochoa Street
Legal Description Acreage: 0.103 acre
Rep District: 8

Existing Use: Improved ROW
Existing Zoning: C-4 (Commercial) & C-5H (Commercial/Historical)
Proposed Zoning: C-4 (Commercial) & C-5H (Commercial/Historical)

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) & C-4/sp (Commercial/special permit)/ Commercial development
South: C-4H (Commercial/Historical)/ Commercial development
East: C-4/sp (Commercial/special permit) Commercial development
West: C-5 (Commercial)/ Commercial development

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

This is a city initiated vacation to vacate a 9.5' wide portion of Myrtle Avenue between Campbell Street and Ochoa Street. The portion to be vacated measures approximately 475' in length and 9.5' in width. The vacation is being requested to provide a security perimeter for the new Federal Courthouse.

DEVELOPMENT COORDINATING COMMITTEE

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

That a utility easement be retained at the western edge of the vacation, as described under El Paso Water Utilities comment No. 1.

Planning Division Recommendation:

Approval subject to utility easement being retained.

City Engineer's Office

Please note that Myrtle Ave. is being considered as a BRT route and if selected we could lose another lane to traffic.

Land Development:

No objections.

Engineering Department-Traffic:

1. No objection to the vacation request. Myrtle is a one-way street with three lanes traveling west. The vacation will cause a loss of one lane on the south side of Myrtle.
2. Proposed angled parking project design on Myrtle will be coordinated with the vacation.

El Paso Water Utilities:

1. The El Paso Water Utilities does not object to the proposed vacation as long as a utility easement is retained from the north east property line of 118 Campbell to approximately 20 feet east from said location and approximately 9.5 ft north to the proposed northern vacation line.

EPWU-PSB Comments

Water:

2. There is an existing 8-inch diameter water main extending along Myrtle Avenue. Said main is located approximately 24 ft south from the northern right of way property line from Ochoa Street and Myrtle Avenue to Florence Street and Myrtle Avenue. The water main continues west from Florence Street and Myrtle Street at approximately 21 ft south from the northern right of way property line to Campbell Street and Myrtle Avenue.
3. There is an existing 8-inch diameter water main extending along Ochoa Street approximately 21.5 ft east from the western right of way property line.
4. EPWU records indicate there is a 2-inch water meter and a 4-inch active water meter serving the subject property. The service address for these meters is 525 Magoffin Ave. Meters will have to be relocated by the EPWU to an area outside of the proposed vacated area, to with-in the public right of way at the requesting party's cost.
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 property line.

General:

8. 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.

Street Department:

We offer no objections but the following conditions shall be placed on the approval:

1. Recommend that a sidewalk easement be dedicated within the portion of street right-of-way to be vacated to provide a continuous path of travel for the use by pedestrians.
2. The survey does not reflect current field conditions or proposed location of curb & gutter/ edge of pavement, sidewalk location.
3. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public and right-of-way and sidewalk easement within private property shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Stormwater Division:

No comments received.

El Paso Fire Department:

No comments received.

Sun Metro:

Sun Metro is not opposed to this street vacation request.

911

No comments received.

El Paso Electric Company:

No comments received.

Texas Gas Company:

No comments received.

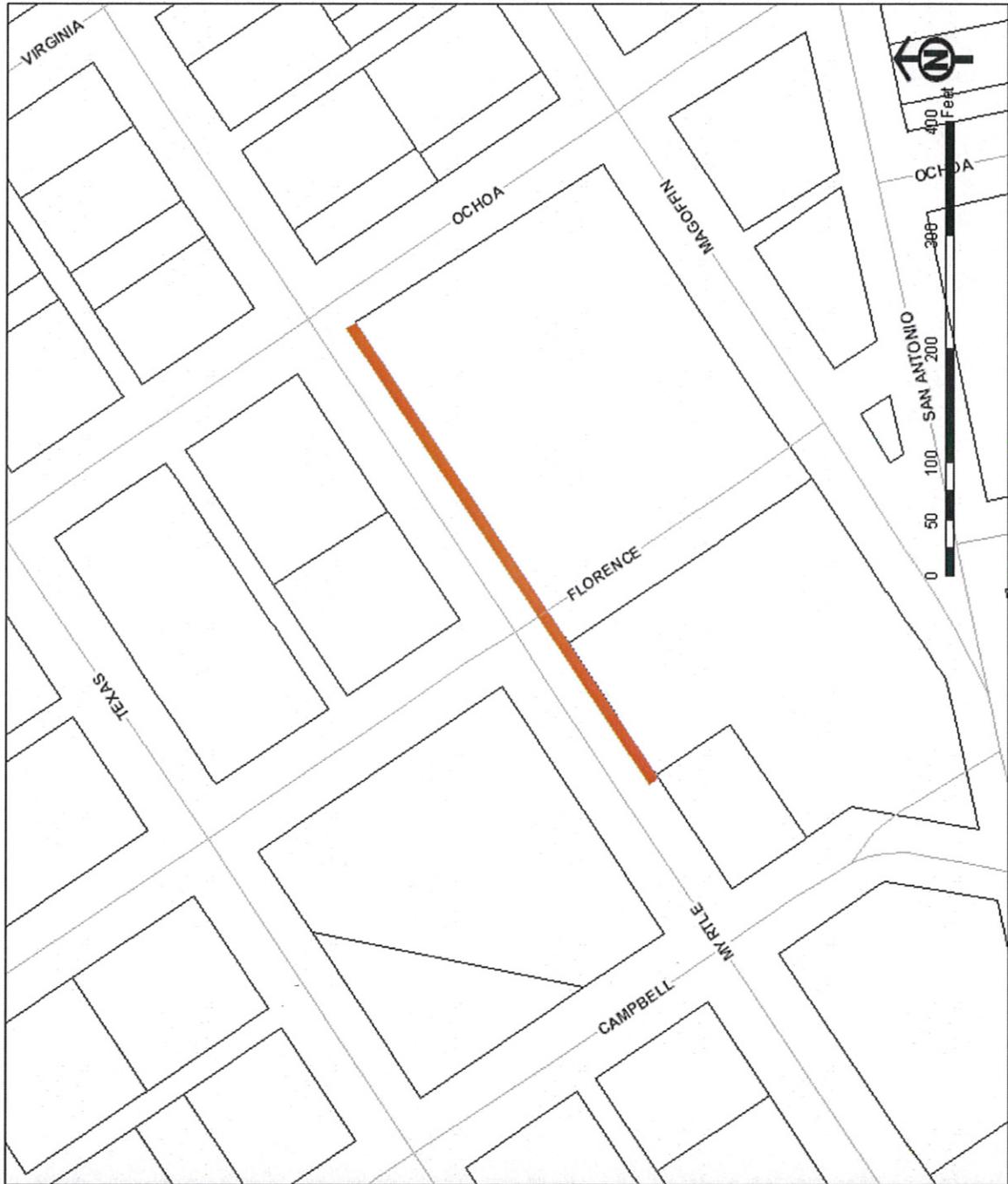
El Paso Independent School District:

No comments received.

Attachments

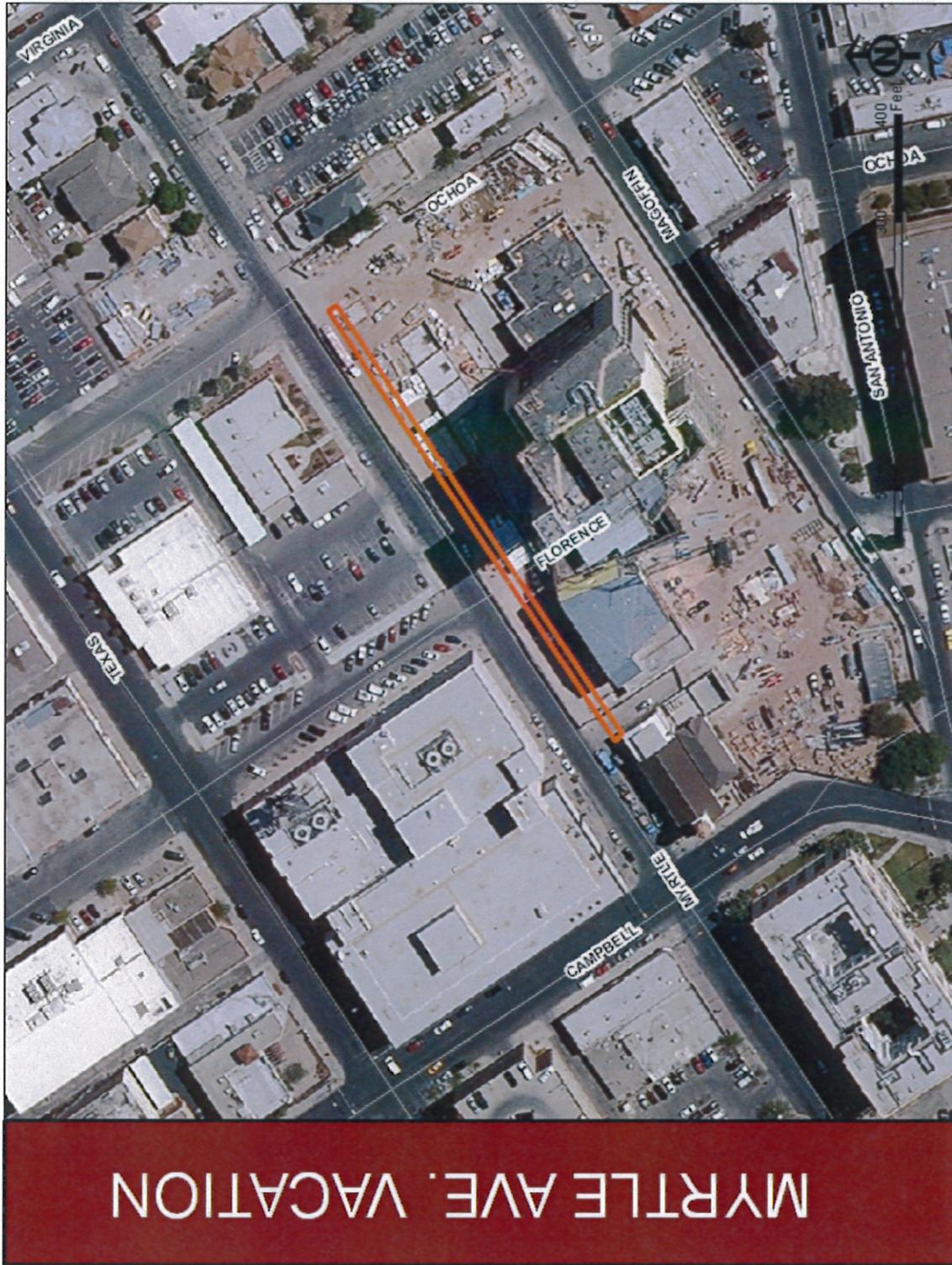
1. Location map
2. Aerial map
3. Survey
4. Application

ATTACHMENT 1

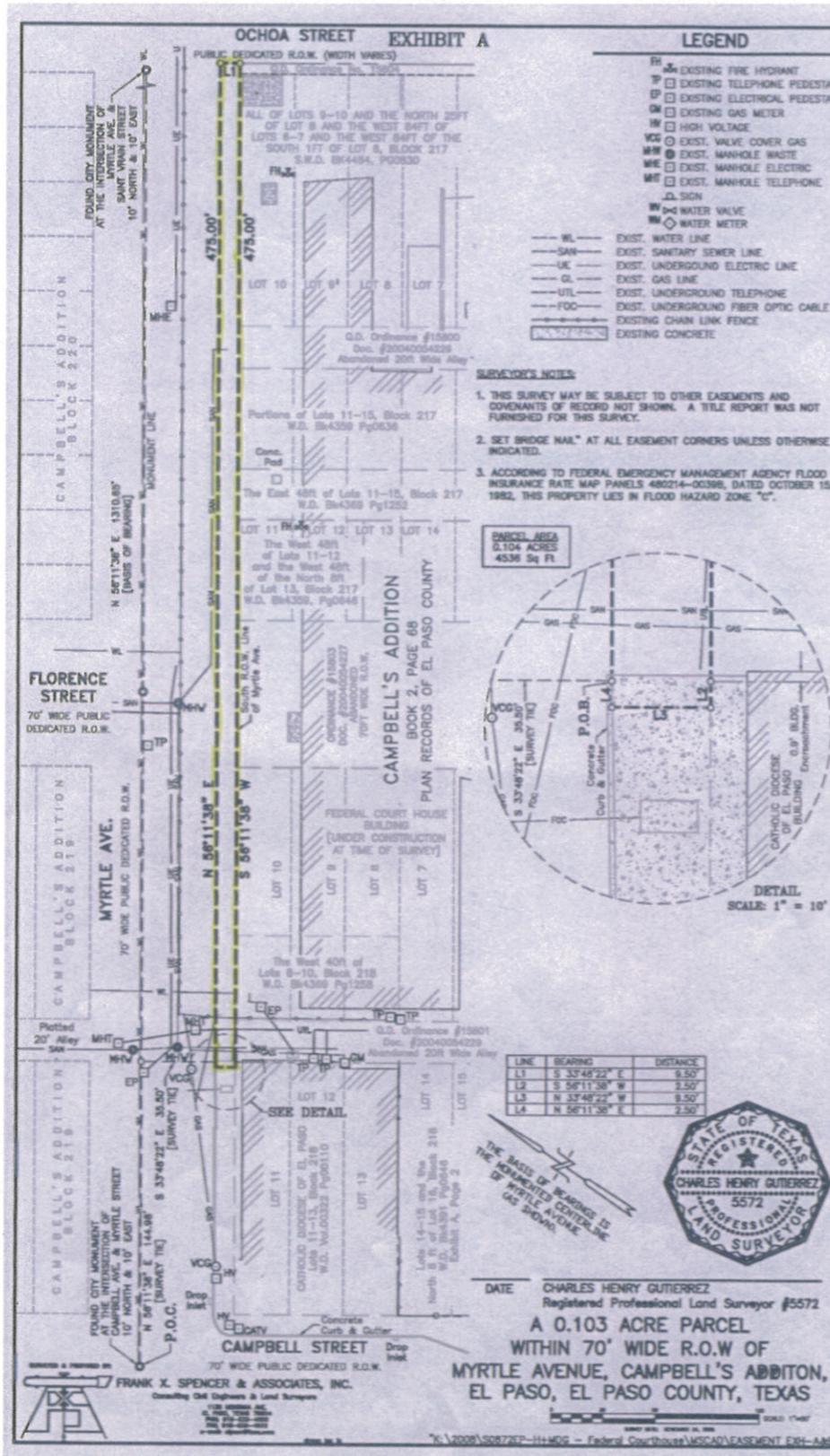


MYRTLE AVE. VACATION

ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: 11-20-2009 File No. _____

1. APPLICANTS NAME United States of America - General Services Administration
ADDRESS 819 Taylor Street ZIP CODE 76102 TELEPHONE 817-978-6159

2. Request is hereby made to vacate the following: (check one)
Street Alley _____ Easement _____ Other _____

Street Name(s) Myrtle Subdivision Name Campbell

Abutting Blocks Block 217 Abutting Lots 9 and 10

3. Reason for vacation request: Security perimeter for the new 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. 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: *William Valverde*

REPRESENTATIVE: _____
OWNER SIGNATURE: *[Signature]* DEPUTY CITY MGR. (CITY OF EL PASO)

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