

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 5/29/12
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 8

SUBJECT:
AN ORDINANCE VACATING A 0.068 ACRE PARCEL (2,987 SF) WITHIN 70' WIDE RIGHT-OF-WAY OF SAN ANTONIO STREET, 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 0.068 ACRE PARCEL (2,987 SF) WITHIN 70' WIDE RIGHT-OF-WAY OF SAN ANTONIO STREET, 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 0.068 acre parcel within 70' wide Right-Of-Way of San Antonio Street, Campbell's Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.068 acre parcel within 70' wide Right-Of-Way of San Antonio Street, 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 0.068 acre parcel within 70' wide Right-Of-Way of San Antonio Street, 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

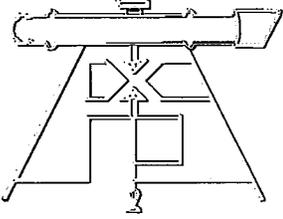
APPROVED AS TO FORM:



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 0.068 ACRE PORTION OF EAST SAN ANTONIO STREET,
CAMPBELL'S ADDITION TO THE CITY OF EL PASO
EL PASO COUNTY TEXAS**

METES AND BOUNDS DESCRIPTION

A 0.068 ACRES (2,987 SQUARE FEET) OF LAND OUT OF EAST SAN ANTONIO STREET, 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; **THENCE**, South $56^{\circ}11'38''$ West, along said right-of-way line, a distance to 542.31 feet, to a set chiseled "X", said point being the **POINT OF BEGINNING** of this description;

THENCE, North $77^{\circ}49'19''$ East, a distance of 44.78 feet, to a set chiseled "X";

THENCE, South $51^{\circ}55'28''$ West, a distance of 29.75 feet, to a set chiseled "X";

THENCE, South $55^{\circ}24'23''$ West, a distance of 4.78 feet, to a set chiseled "X";

THENCE, South $74^{\circ}27'31''$ West, a distance of 43.39 feet, to a set chiseled "X";

THENCE, South $78^{\circ}07'18''$ West, a distance of 70.73 feet, to a set chiseled "X";

THENCE, South $77^{\circ}46'53''$ West, a distance of 35.87 feet, to a set chiseled "X";

THENCE, 9.51 feet along the non-tangent arc of a curve to the right, having a radius of 30.44 feet, a central angle $17^{\circ}54'34''$, and a chord which bears South $89^{\circ}47'13''$ West, a distance of 9.48 feet, to a set chiseled "X";

THENCE, 13.76 feet along the non-tangent arc of a curve to the right, having a radius of 14.74 feet, a central angle $53^{\circ}29'12''$, and a chord which bears North $44^{\circ}35'52''$ West, a distance of 13.27 feet, to a set MAG nail;

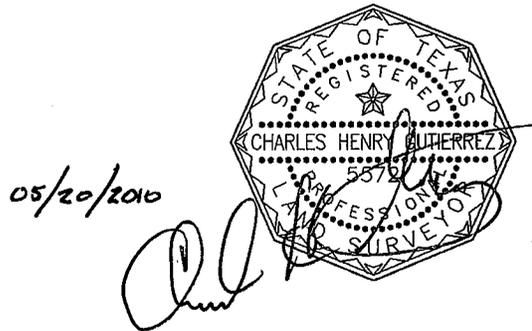
THENCE, North $09^{\circ}57'26''$ East, a distance of 4.17 feet, to a set chiseled "X";

THENCE, North $77^{\circ}49'19''$ East, a distance of 151.15 feet, to the **POINT OF BEGINNING**, containing 0.068 Acres (2,987 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 DESCRIPTION

Frank X. Spencer & Associates, Inc.

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



APPROVED AS TO CONTENT:

For 

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)

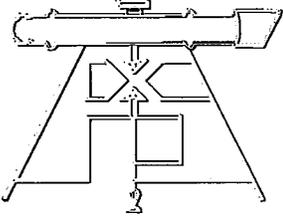
This instrument is acknowledged before me on this _____ day of _____, 2012,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

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

EXHIBIT A



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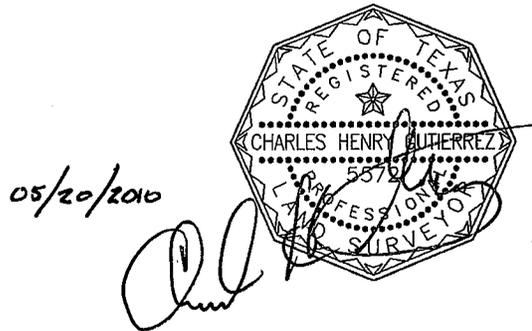
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Charles Gutierrez, RPLS
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Date of Survey: February 16, 2010



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



M E M O R A N D U M

DATE: May 10, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: SUB10-00164 San Antonio Street Vacation

The City Plan Commission (CPC), on May 3, 2012, voted 6-0 to approve the San Antonio Street 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

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Dr. Michiel R. Noe

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Steve Ortega

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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: SUB10-00164 E. San Antonio Street Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: May 3, 2012

Staff Planner: Raul Garcia, 915-541-4935, garcia1@elpasotexas.gov
Location: North of East San Antonio Street @ Campbell Street
Acreage: 0.068 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 E. San Antonio Street between Campbell Street and Magoffin Avenue. The portion to be vacated measures approximately 17 feet wide by 196 feet length and includes encroachment of the new Federal Courthouse.

This proposed vacation along with the Magoffin Avenue vacation and the Myrtle Street vacation all about the new Federal Courthouse 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 Magoffin Avenue 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 the E. San Antonio Street 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 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. Within an existing triangular utility easement located between East San Antonio Avenue and Campbell Street there is an existing 12-inch diameter water main.

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

4. There is an existing fire hydrant # 2171 within the proposed street vacation approximately 74-ft east from the south west triangular utility easement property line.

5. Previous water pressure reading from fire hydrant # 2171, have yield a static pressure of 90 (psi) pounds per square inch, a residual pressure of 85 (psi) pounds per square inch and a discharge of 1453 (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. Within an existing triangular utility easement located between East San Antonio Avenue and Campbell Street there is an existing 8-inch diameter sanitary sewer main.

8. Along East San Antonio Avenue between Campbell Street and Magoffin Avenue there is an existing 8-inch diameter sanitary sewer main.

General:

9. 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.

10. 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:

East San Antonio Street Vacation – Street Vacation

1. EPWU records indicate existing storm water infrastructure within the proposed limits of the vacation. On Exhibit C, 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:

No comments received.

Sun Metro:

No comments received.

911

No comments received.

Texas Gas Company:

No comments received.

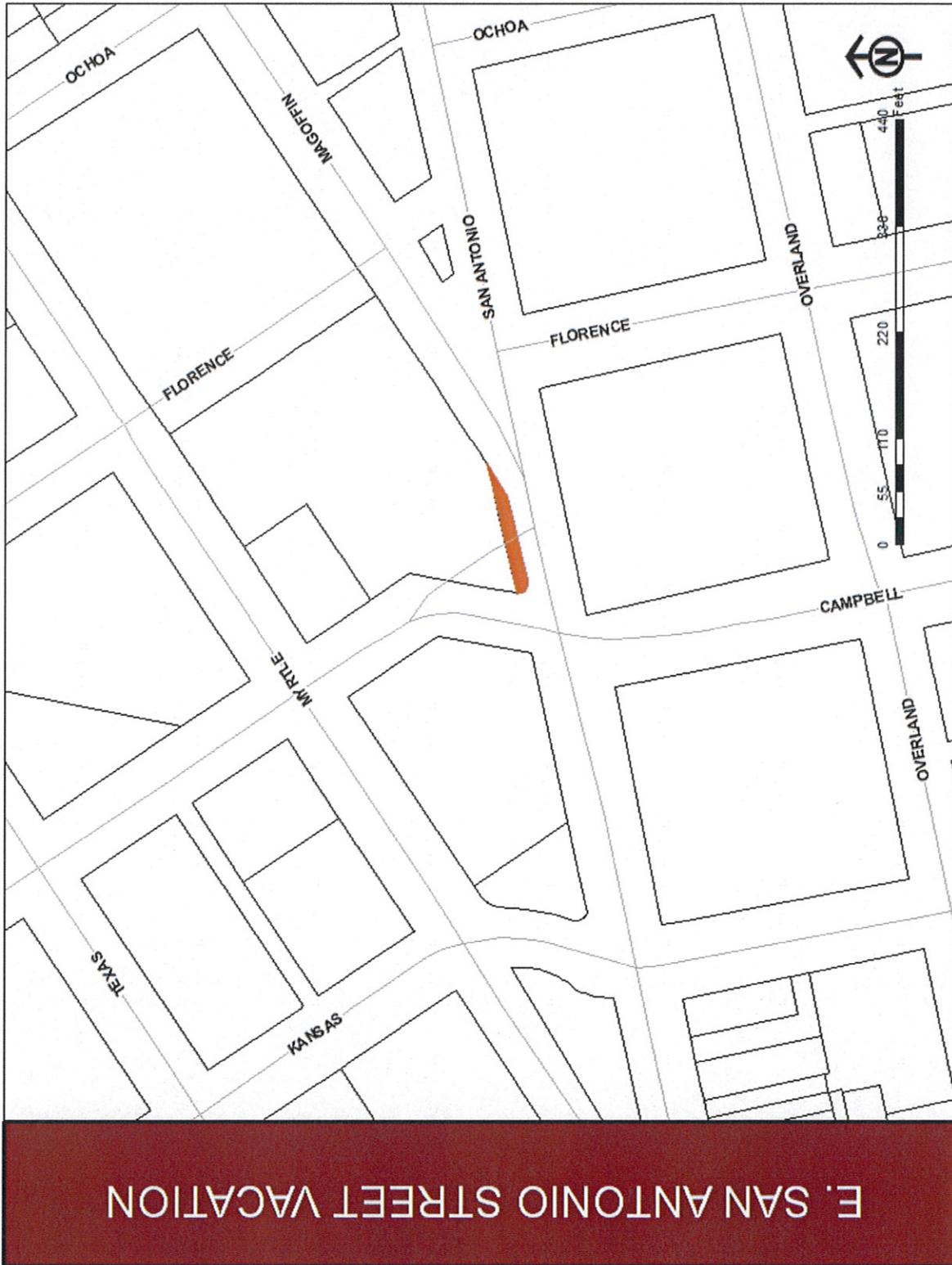
El Paso Independent School District:

No comments received.

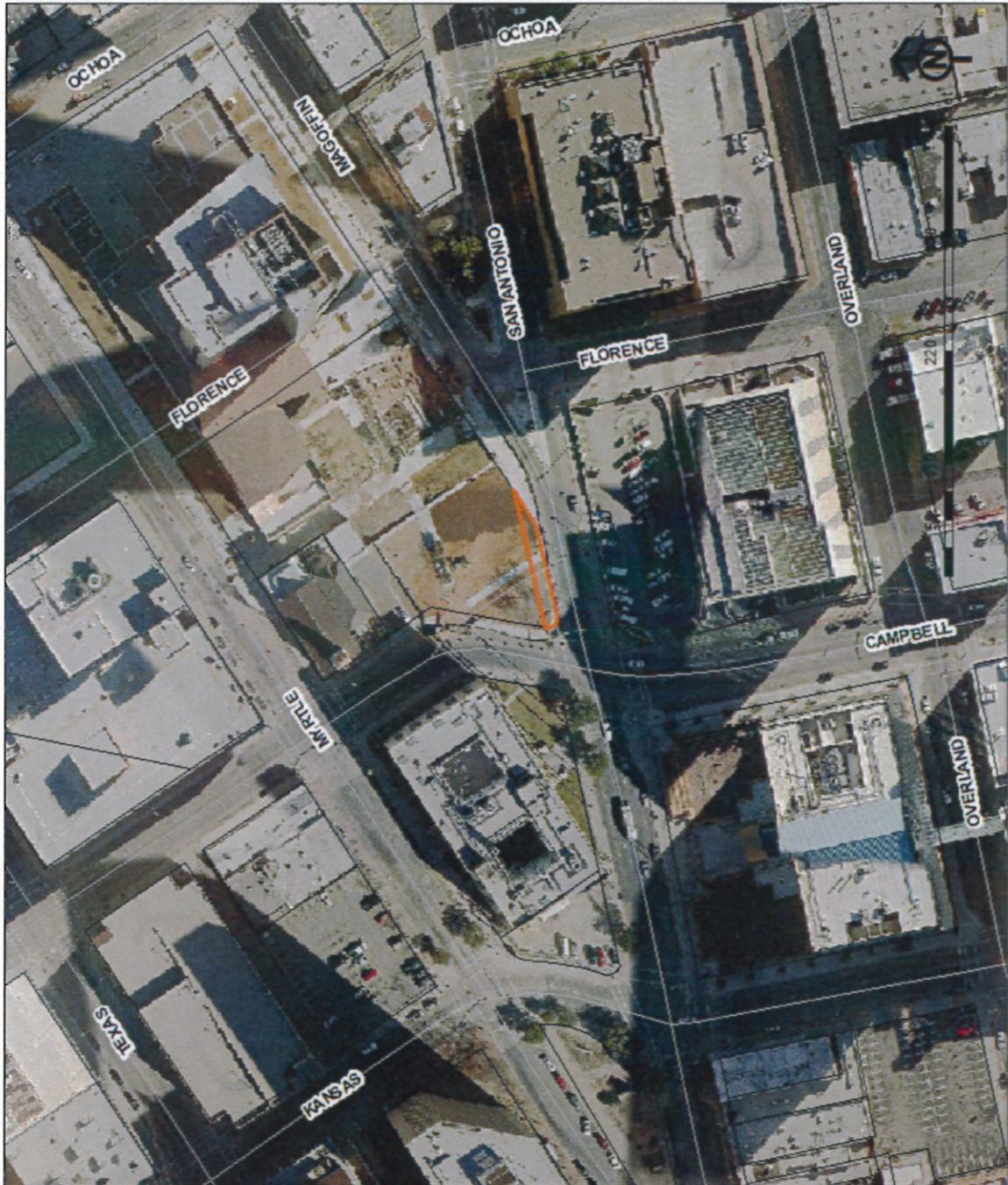
Attachments

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

ATTACHMENT 1

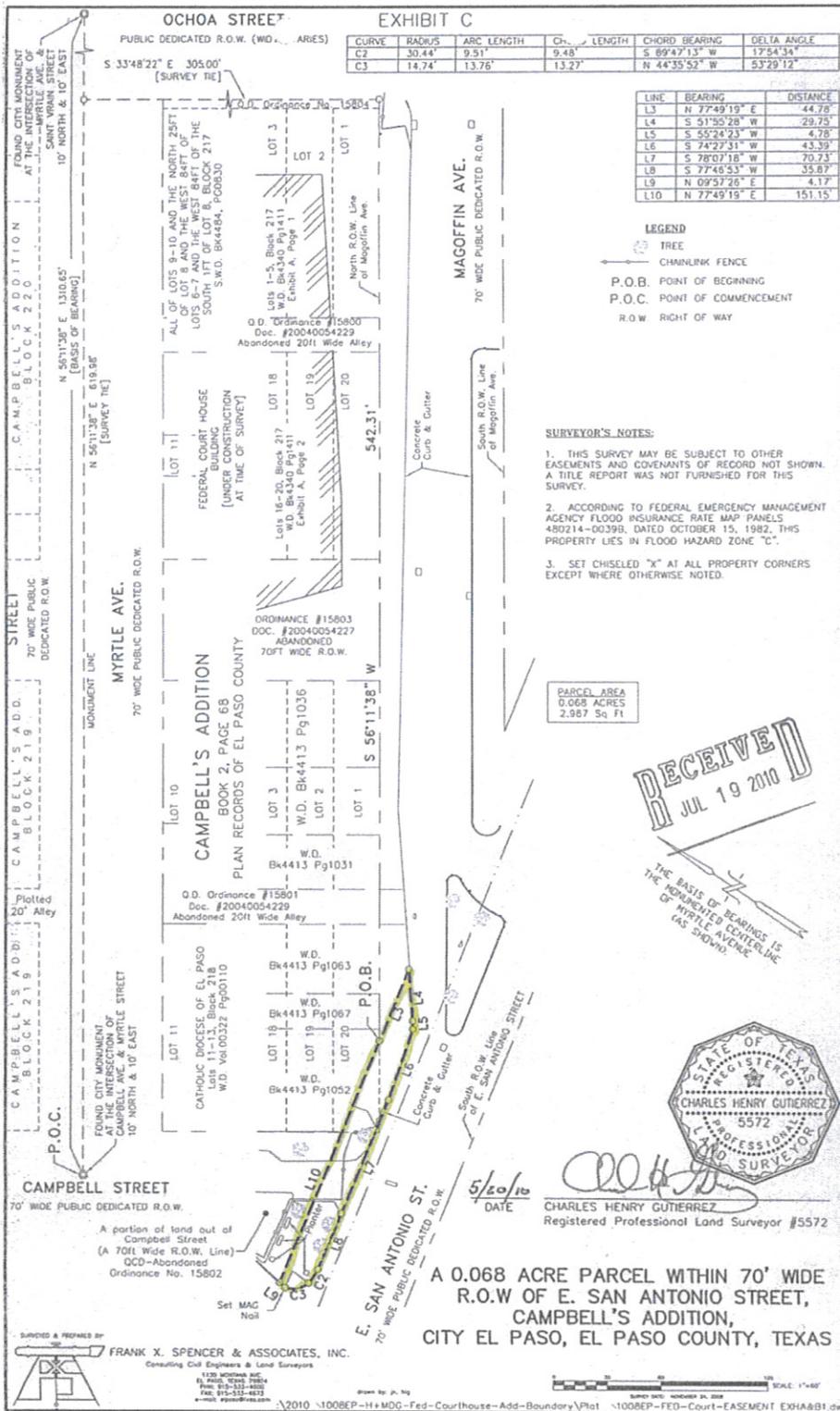


ATTACHMENT 2



E. SAN ANTONIO STREET 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. SUB10-00164

1. APPLICANT'S 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) San Antonio Subdivision Name Campbell Addition
Abutting Blocks 21B ~~21A~~ Abutting Lots 20
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. If 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: \$555.00

OWNER SIGNATURE Michael G. Jones
REPRESENTATIVE: _____

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