



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

DEPARTMENT: Planning & Economic Development
AGENDA DATE: CCA 06/14/11 Introduction, Public Hearing 06/21/11
CONTACT PERSON/PHONE: Justin Bass, 541-4930
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a portion of an alley being a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition, City of El Paso, El Paso County, Texas (**District 8**)

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
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF AN ALLEY BEING A 0.0136 ACRE PARCEL OF LAND OUT OF A 9.5 FOOT WIDE ALLEY ADJACENT TO BLOCK 1, MAP OF ORCHARD PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a portion of an alley being a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of an alley being a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of alley 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 an alley being a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park 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.

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 **Angela Molinar**.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

(Signatures continued on following page)

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Mathew McElroy, Deputy Director
Planning & Economic Development

Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350

March 17, 2011

METES AND BOUNDS DESCRIPTION

Description of a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition, City of El Paso, El Paso County, Texas, as filed and recorded in Book 15, Page 31, Deed Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows;

Beginning at a set concrete nail marking the Southeast corner of Lot 12, the Northeast corner of Lot 11, in Block 1, and on the West right-of-way line of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition;

Thence North 00°10'30" East along the East boundary of Lots 12, 13 and 14 and along the west right-of-way line of said 9.5 foot wide alley, a distance of 62.50 feet to a set iron pin;

Thence South 89°49'30" East across said 9.5 foot wide alley, a distance of 9.50 feet to a set iron pin;

Thence South 00°10'30" West along the East boundary of said 9.5 foot wide alley and along the West right-of-way line of Tobin Place, a street in Federal Park Subdivision as filed and recorded in Book 3 Page 5, Deed Records of El Paso County, Texas a distance of 62.50 feet to a set chiseled cross;

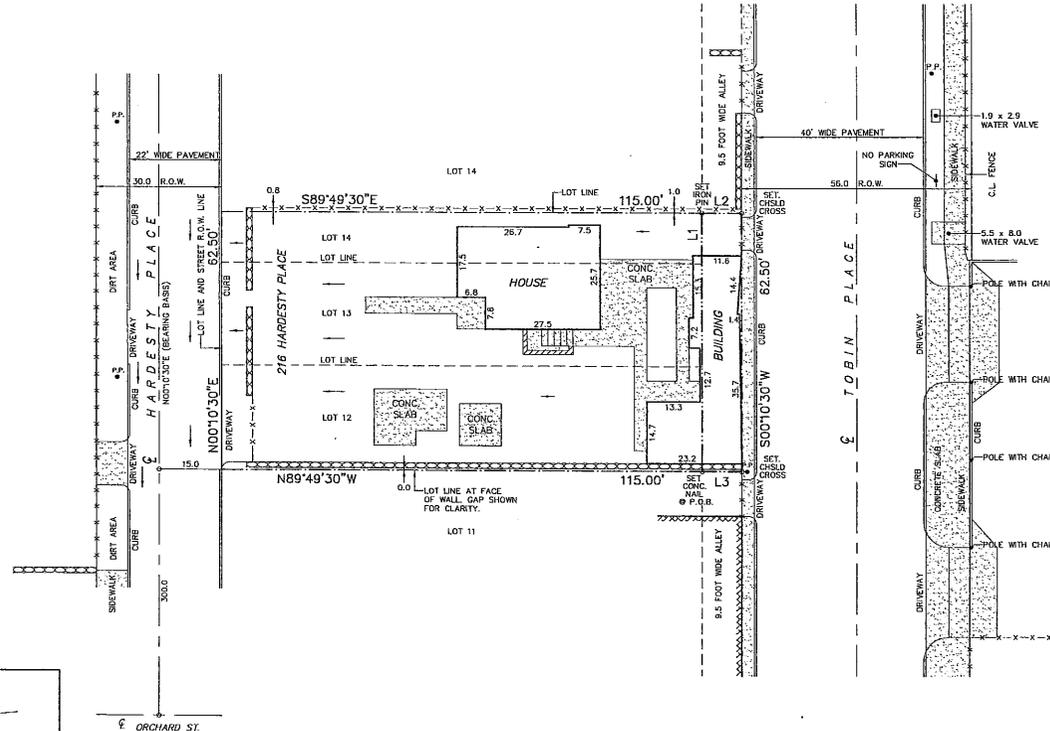
Thence North 89°49'30" West across said 9.5 foot wide alley, a distance of 9.50 feet to the "Point of Beginning" and containing in all 593.75 square feet or 0.0136 acres of land more or less. A plat of survey dated March 17, 2011 is a part of this description and is attached hereto.



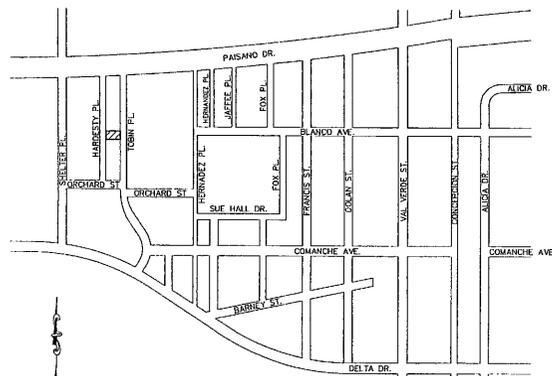
Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering

BOUNDARY AND IMPROVEMENTS SURVEY

216 HARDESTY PLACE
EL PASO, TEXAS



LOCATION MAP
SCALE 1" = 600'



NOTE: ALL BUILDINGS ON THE SUBJECT PROPERTY WILL REMAIN.
NO BUILDINGS WILL BE DEMOLISHED.

FLOOD ZONE: C
PANEL: NO. 408
DATE: OCT. 15, 1982.

LEGEND	
+	NO PARKING SIGN
→	DIRECTION OF STORMWATER FLOW
—	ROCKWALL
x-x	CHAIN LINK FENCE

LINE	BEARING	DISTANCE
L1	N00°10'30"E	62.50
L2	S89°49'30"E	9.50
L3	N89°49'30"W	9.50
L4	S89°49'30"E	0.40



CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision.

Manuel Calderon
Registered Professional Land Surveyor No. 2564
Texas Registered Engineering Firm No. F-3788

Book 15 Page 31 Job No. 311-46A

BEING A 0.0138 ACRE PARCEL OF LAND OUT OF A 9.5 FOOT WIDE ALLEY ADJACENT TO BLOCK 1, MAP OF ORCHARD PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY

Field JM Office PDG Date 3-17-11 Scale 1"=20'

CALDERON ENGINEERING
CIVIL STRUCTURAL
3031 TRAWOOD DR.
EL PASO, TEXAS 79936 (915) 855-7552

CALDERON ENGINEERING

SCALE: 1"=20'

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350

March 17, 2011

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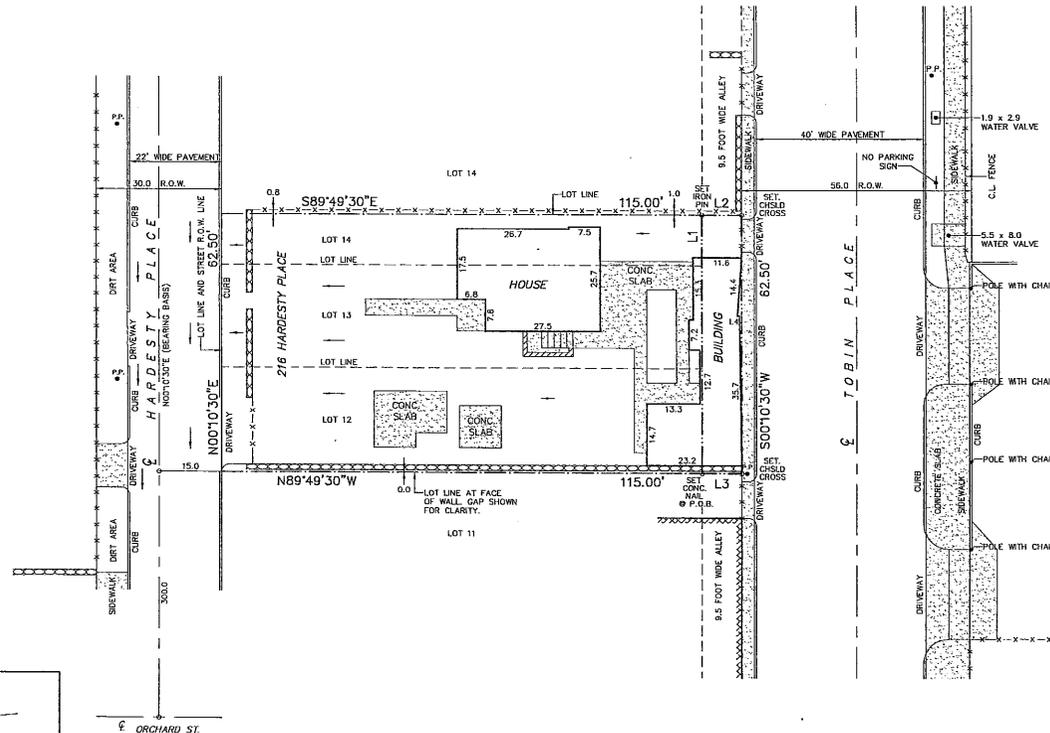


Manuel Calderon

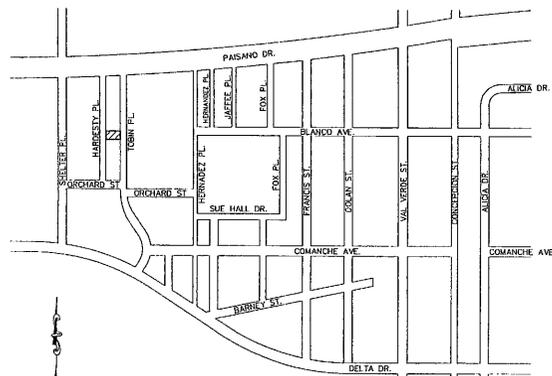
Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering

BOUNDARY AND IMPROVEMENTS SURVEY

216 HARDESTY PLACE
EL PASO, TEXAS



LOCATION MAP
SCALE 1" = 600'



NOTE: ALL BUILDINGS ON THE SUBJECT PROPERTY WILL REMAIN.
NO BUILDINGS WILL BE DEMOLISHED.

FLOOD ZONE: C
PANEL: NO. 408
DATE: OCT. 15, 1982.

SCALE: 1"=20'

LEGEND

	NO PARKING SIGN
	DIRECTION OF STORMWATER FLOW
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	CHAIN LINK FENCE

LINE	BEARING	DISTANCE
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Manuel Calderon
Registered Professional Land Surveyor No. 2564
Texas Registered Engineering Firm No. F-3788

Book 15	Page 31	Job No. 311-46A
BEING A 0.0136 ACRE PARCEL OF LAND OUT OF A 9.5 FOOT WIDE ALLEY ADJACENT TO BLOCK 1, MAP OF ORCHARD PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY		
Field <u>JM</u> Office <u>PDG</u> Date <u>3-17-11</u> Scale <u>1"=20'</u>		
CALDERON ENGINEERING		
CIVIL STRUCTURAL		
3031 TRAWOOD DR. EL PASO, TEXAS 79936 (915) 855-7552		

CALDERON ENGINEERING



**PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

DATE: June 21, 2011

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Justin Bass, Planner

SUBJECT: **SURW11-00001 Tobin Place Alley Vacation**

The City Plan Commission (CPC), on April 21, 2011, **voted 5-0** to recommend **approval** of the Tobin Place Alley Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. 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
Susannah M. Byrd

District 3
Emma Acosta

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Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: SURW11-00001 Tobin Place Alley Vacation
Application Type: Alley Vacation
CPC Hearing Date: April 21, 2011

Staff Planner: Justin Bass, 915-541-4930, bassjd@elpasotexas.gov
Location: West of Tobin Place and South of Paisano Drive
Acreage: 0.0136-acre
Rep District: 8
Existing Use: Residential Building
Existing Zoning: R-5 (Residential)

Property Owner: City of El Paso
Applicant: Angela Molinar
Representative: Manuel Calderon

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential)/ Single-family development
South: R-5 (Residential)/ Single-family development
East: A-2 (Apartments)/ School facility
West: R-5 (Residential)/ Single-family development

THE PLAN FOR EL PASO DESIGNATION: Residential.

APPLICATION DESCRIPTION

The applicant is requesting to vacate a portion of a 9.5-foot wide alley situated at the rear of the property located at 216 Hardesty Place. The alley is directly adjacent and parallel to Tobin Place. It was dedicated as part of Orchard Park Addition in 1907 but never improved. According to Central Appraisal District records, a structure was built – encroaching into the alley – in 1947. The applicant states that the purpose of the alley vacation is to sell the house on the property.

Staff has received two phone calls inquiring about the proposed vacation.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Tobin Place Alley Vacation subject to the following conditions and requirements:

- Staff will also be contacting all other property owners affected by the subject alley to determine whether the City can pursue a vacation of this alley in its entirety.

Planning Division Recommendation:

Approval.

Engineering & Construction Management - Land Development:

We have reviewed subject plan recommend **Approval**, however; developer/engineer needs to address the following comments:

1. Provide print-out of the mathematical closure of the exterior boundary of the subdivision indicating the error of closure.

The Subdivision is within Flood Zone C-“Areas of minimal flooding” – Panel # 480214 0040B, dated October 15, 1982.

EPDOT:

No objections to the proposed alley vacation.

Note to the applicants:

All exiting/proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall comply with the City Design Standards for Construction and be ADA/TAS compliant.

El Paso Water Utilities:

No comments received.

Stormwater Division:

No comments received.

Parks and Recreation:

No comments received.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

As per the Boundary and Improvements Survey by Calderon Engineering dated 3-17-11, El Paso Electric Company has no objection to the vacation of the alleyway. El Paso Electric Company has no facilities in the alley.

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



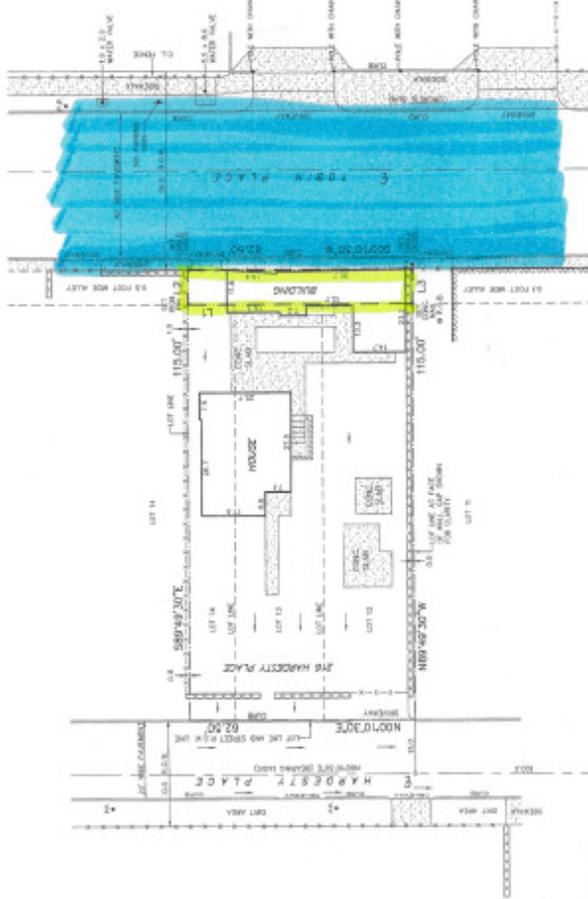
ATTACHMENT 2



ATTACHMENT 3

BOUNDARY AND IMPROVEMENTS SURVEY

216 HARDESTY PLACE
EL PASO, TEXAS



BLOND ZONE C
SOUTH OF R. 10
DATE: OCT. 15, 1982.

DATE	BY	REVISION

DATE	BY	REVISION



Book: 13 Page: 11 Job No. 216-801
 BEING A 6.036 ACRE PARCEL OF LAND OUT OF
 A 9.5 FOOT WIDE ALLEY ADJACENT TO BLOCK 1,
 MAP OF HARDESTY PLACE, CITY OF EL PASO,
 EL PASO COUNTY
 Filed in Office with Date 3-17-81. Scale: 1"=40'

CALDERON ENGINEERING
 CIVIL - STRUCTURAL
 3031 TRAVWOOD DR.
 EL PASO, TEXAS 79938 (915) 885-2559

CERTIFICATION
 I hereby certify that the foregoing Boundary
 Survey was made by me or under my supervision, and is
 true and correct.

Manuel Calderon
 Manuel Calderon
 Registered Professional Land Surveyor No. 2824
 Texas Registered Engineering Firm No. E-3189

CALDERON ENGINEERING

ATTACHMENT 4



SURW11-00001

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

Date: 3-25-11 File No. SURW11-00001

1. APPLICANTS NAME ANGELA MOLINER
ADDRESS 10314 Leewood ZIP CODE 79925 TELEPHONE 590-9212

2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) HARDESTY PLACE & Tobin PLACE Subdivision Name ORCHARD PARK Addition
Abutting Blocks 1 Abutting Lots 12, 13, and 14

3. Reason for vacation request: To sell the house

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 NONE

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
<u>Angela Moliner</u>	<u>LOTS 12 and 13 and the south 1/2 of LOT 14, BLOCK 1 MAP OF orchard PARK Addition</u>	<u>590-9212</u>
_____	_____	_____
_____	_____	_____

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: Angela Moliner
REPRESENTATIVE: X

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