

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

**DEPARTMENT:** Development Services / Planning Division  
**AGENDA DATE:** Introduction 06/23/09: Public Hearing 07/07/2009  
**CONTACT PERSON/PHONE:** Michelle Padilla, Planner – 541-4903  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An ordinance vacating a portion of a 20' wide alley, Block 1, Mills Map, City of El Paso, El Paso County, Texas Location: East of El Paso Street and North of Main Street. Property Owner: City of El Paso. SUB08-00084 (District 8)

**BACKGROUND / DISCUSSION:**

The City Council on February 24, 2009, directed that that the City Manager City-initiate the right-of-way vacation for a portion of a 20-foot wide alley, Block 1, Mills Map, El Paso County, Texas, for the purpose of supporting the Downtown revitalization project known as "Mills Plaza."

**PRIOR COUNCIL ACTION:**

See background/discussion above.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee: Approval  
City Plan Commission: Pending

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

  
for Victor Torres, Development Services Director

**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE VACATING A PORTION OF A 20' WIDE ALLEY, BLOCK 1, MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the City of El Paso, has requested that *a portion of a 20' wide alley, Block 1, Mills Map, City of El Paso, El Paso County, Texas*, be vacated; and,

**WHEREAS**, the City Plan Commission on June 18, 2009 recommended a vacation of *a portion of a 20' wide alley, Block 1, Mills Map, City of El Paso, El Paso County, Texas*; and,

**WHEREAS**, the El Paso City Council finds that said 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:**

**Section 1.** That a determination has been made that it is in the best interest of the public that *a portion of a 20' wide alley, Block 1, 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 in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated.

**Section 2:** That the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in the portion of the right-of-way to Mills Plaza Parking, L.P.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director-Planning  
Development Services Department

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

Street Vacation SUB08-00084





Prepared for: Mills Acquisition Company, L.P.  
A Portion of a 20' wide alley, Block 1, Mills Map,  
City of El Paso, El Paso County, Texas  
W.O.# 092607-6  
File name: exhibit3\_mb.doc

**PROPERTY DESCRIPTION**

(Parcel 2)

Description of a 0.0514 acre parcel of land being a Portion of a 20' wide alley, Block 1, 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' northwest from the centerline intersection of Main Street (70' wide public right-of-way) and El Paso Street (70' wide public right-of-way), Thence North 52° 23' 00" East along the monument line of Main Street a distance of 145.02 feet to a point, Thence North 37° 37' 00" West a distance of 24.91 feet to a found nail with shiner on pavement lying on the northwesterly right-of-way line of Main Street, said point being the "True Point of Beginning",

Thence North 37° 37' 00" West a distance of 112.02 feet to a found nail with shiner on pavement;

Thence North 52° 23' 00" East a distance of 20.00 feet to a point;

Thence South 37° 37' 00" East a distance of 112.02 feet to a point;

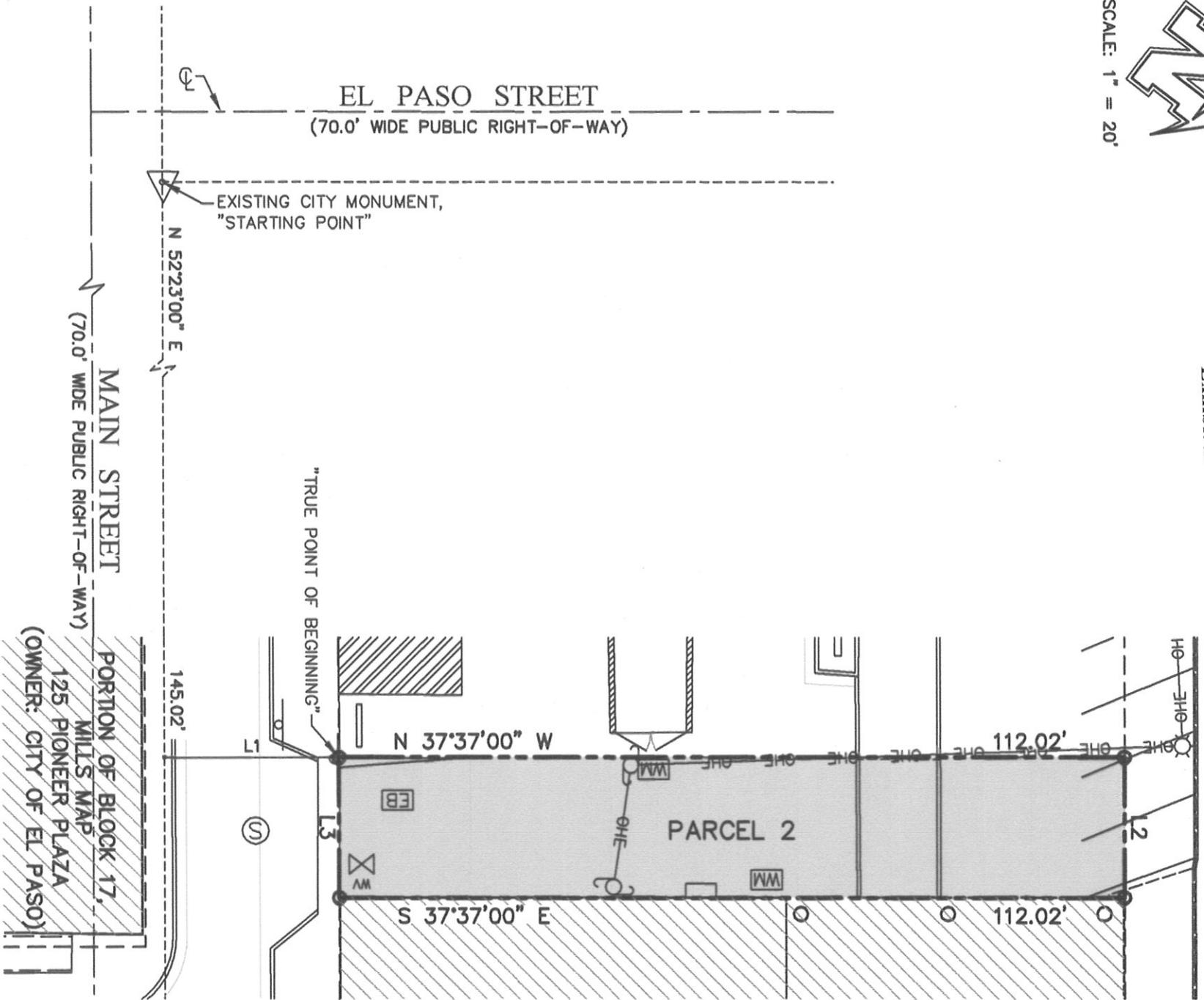
Thence South 52° 23' 00" West a distance of 20.00 feet back to the "True Point of Beginning" and said parcel containing in all 2,240.40 square feet or 0.0514 acres of land more or less.

  
Bradley Roe, R.P.L.S. 2449  
Roe Engineering, L.C.  
(Not a Ground Survey)





SCALE: 1" = 20'



PORTION OF BLOCK 1, MILLS MAP  
401-405 N. OREGON STREET  
(OWNER: EL PASO ELECTRIC Co.)

LINE	BEARING	LENGTH
L1	N 37°37'00" W	24.91'
L2	N 52°23'00" E	20.00'
L3	S 52°23'00" W	20.00'

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NOTE: The above referenced property is within Zone "C" (Explanation: Area of Minimal Flooding) according to the Federal Emergency Management Agency Flood Insurance Rate Maps, as per Area Community Panel No. 480214 0039 B, dated October 15, 1982.

**FILING INFORMATION**

DATE: JANUARY 11, 2007  
 CENSUS TRACT: 17  
 DISTRICT: SOUTHWEST B  
 AREA: 10  
 COUNTY PLAT RECORDS  
 BOOK: N/A  
 PAGE: N/A  
 FIELD: R.P.  
 OFFICE: J.H.  
 W.O.: 002807-6  
 FILE: EXHIBIT-2.DWG  
 SCALE: 1" = 20'



**EXHIBIT**  
 "PARCEL 2"  
 A PORTION OF A 20' WIDE ALLEY,  
 BLOCK 1, MILLS MAP,  
 CITY OF EL PASO, EL PASO COUNTY,  
 TEXAS  
 CONTAINING IN ALL 2,240.40 SQ. FT.  
 OR 0.0514 ACRES OF LAND MORE OR LESS.  
 PREPARED FOR:  
 MILLS ACQUISITION COMPANY, L.P.

**brnp** Roe Engineering, L.C.  
 801 W. Collins St. Suite 300, El Paso, TX 79902  
 (915) 508-1416 FAX: (915) 508-4972  
 EMAIL: roe@brnp.com  
 ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING



*City of El Paso – City Plan Commission Staff Report*

**Case No:** SUB08-00084 Main Street Alley Vacation  
**Application Type:** Alley Vacation  
**CPC Hearing Date:** June 18, 2009

**Staff Planner:** Michelle Padilla, 915-541-4903, [padillamx@elpasotexas.gov](mailto:padillamx@elpasotexas.gov)  
**Location:** East of El Paso Street and North of Main Street  
**Acreage:** .05 acres  
**Rep District:** 8

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

**SURROUNDING ZONING AND LAND USE:**

**North:** C-5 (Commercial)/ Railroad  
**South:** C-5 (Commercial)/ Plaza Theatre  
**East:** C-5 (Commercial)/ Vacant  
**West:** C-5 (Commercial)/ Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Mixed Use

**APPLICATION DESCRIPTION**

The City of El Paso is initiating a vacation of a portion of a 20-foot wide alley that is located within Block 1 of the Mills Map subdivision. This vacation is in accordance with the Mills Plaza project and will allow for the construction of a parking garage on the vacated alley and abutting lots.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

*Approval*

**DEVELOPMENT COORDINATING COMMITTEE COMMENTS**

The Development Coordinating Committee recommends *approval* of the proposed vacation of a portion of a 20-foot wide alley within Block 1 of Mills Map subdivision, subject to the following conditions and requirements:

**Planning Division Recommendation**

*Approval*

**Planning Division – Land Development**

No objections.

**Engineering Department – Traffic Division**

No objection to proposed alley vacation.

## **El Paso Water Utilities**

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

1. The El Paso Water Utilities does not object to the proposed vacation as long as the applicant requests in writing to abandon in place the existing water and sewer mains located along the alley as well as the removal of water services for 401 and 405 N. Oregon Street.
2. The Applicant is responsible for the costs of abandonment of mains (depreciation), cutting and plugging of the mains, and removal of water meter services.

### **Water**

3. There is an existing 8-inch diameter water main that extends for approximately 25-feet along the alley. At this point the water main decreases to a 4-inch main. EPWU records indicate one active water meter service (401 N. Oregon Street) and one vacant water service (405 N. Oregon Street).

### **Sanitary Sewer**

4. There is an existing 6-inch sanitary sewer main along the alley.

### **General**

5. 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 alley vacation.

## **Texas Gas Service**

This letter is to inform the City of El Paso that Texas Gas Service ("TGS") has existing gas mains within the proposed and/or near the project limits. Enclosed for your information is TGS's aerial map 8-15 showing the approximate location of our existing gas mains in the area defined on your letter. TGS will require a complete set of design plans both in hardcopy and electronic format in order to access a proper conflict analysis with the proposed construction. Call for line spot before starting construction/excavation. Should you have any questions or require further information, please contact the undersigned at your earliest convenience at (915) 680-7280 or via email at [mchavez@txgas.com](mailto:mchavez@txgas.com).

## **El Paso Electric Company**

El Paso Electric does not object to this alley vacation. Our overhead lines have already been removed and underground facilities have been abandoned. There is a temporary pole providing construction service to the parking structure project. This pole will be removed when temporary construction service is no needed.

## **Fire Department**

The El Paso Fire Department has reviewed **SUB08-00084 Main Street Alley Vacation** and we have no opposition at this time.

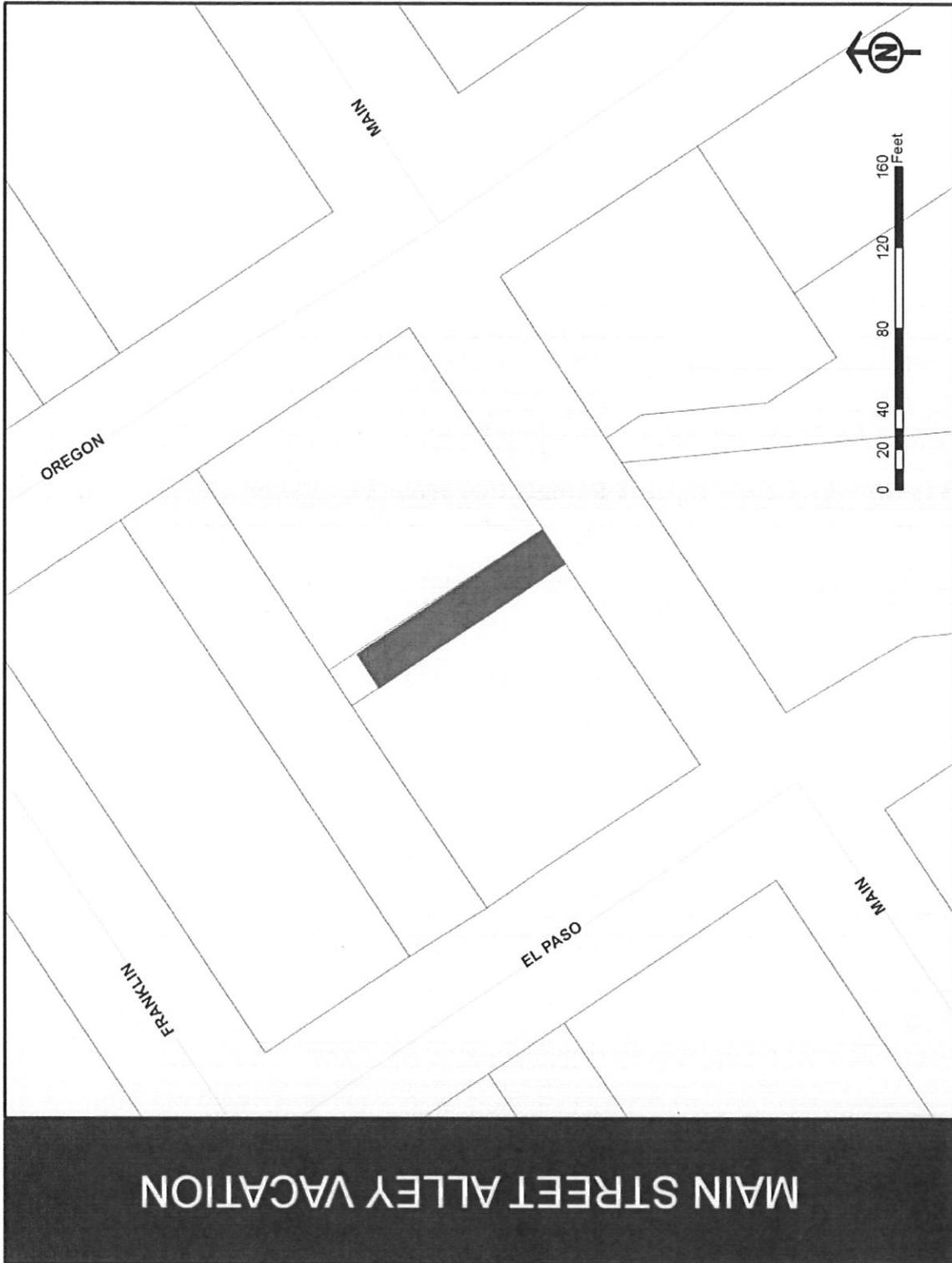
## **Additional Requirements and General Comments:**

1. The developer shall coordinate with all applicable utility companies to remove any existing facilities within the alley prior to construction.
2. The developer shall pay the appraised market value of the city's interest in the public right-of-way.

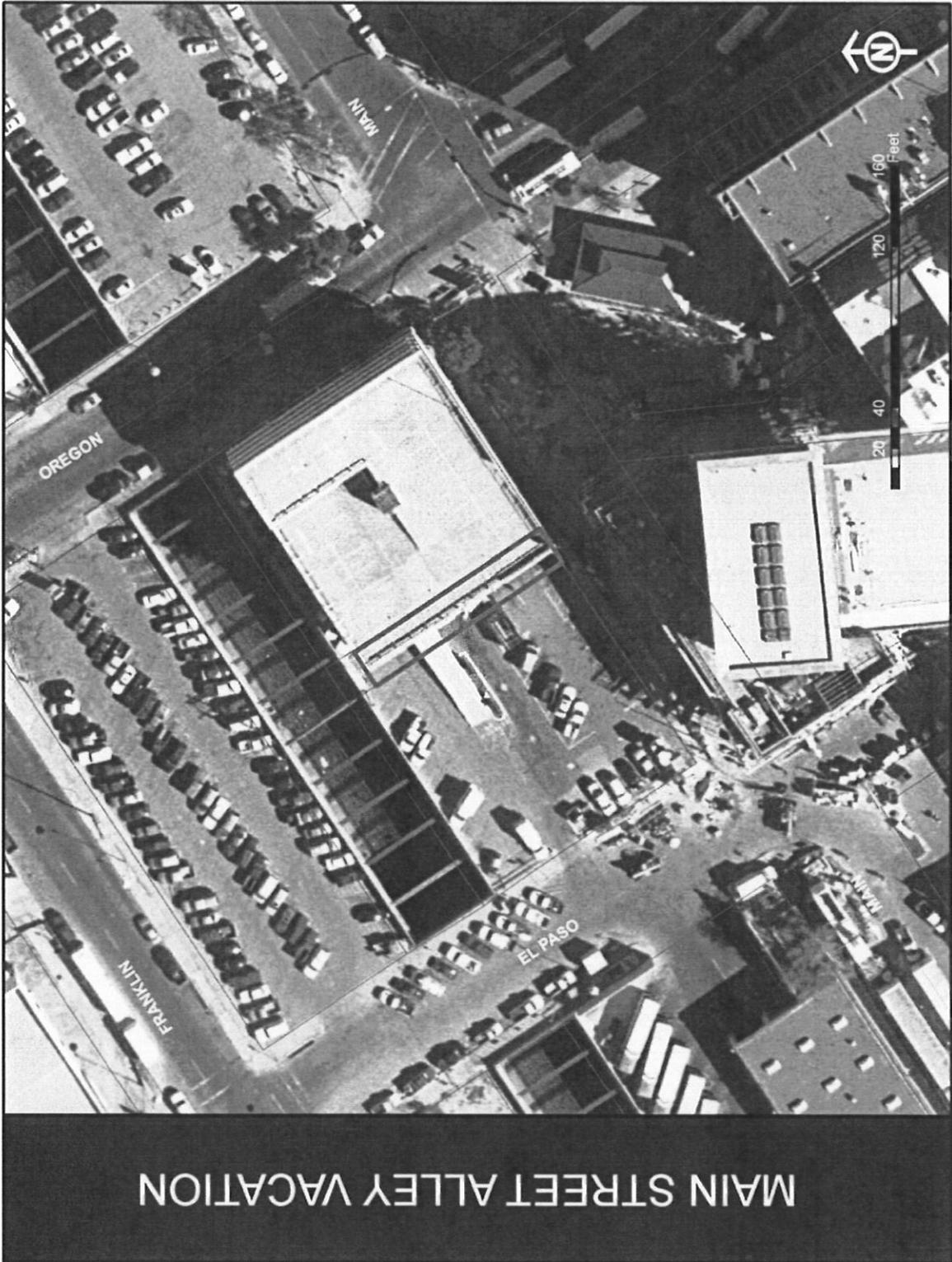
## **Attachments**

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

ATTACHMENT 1



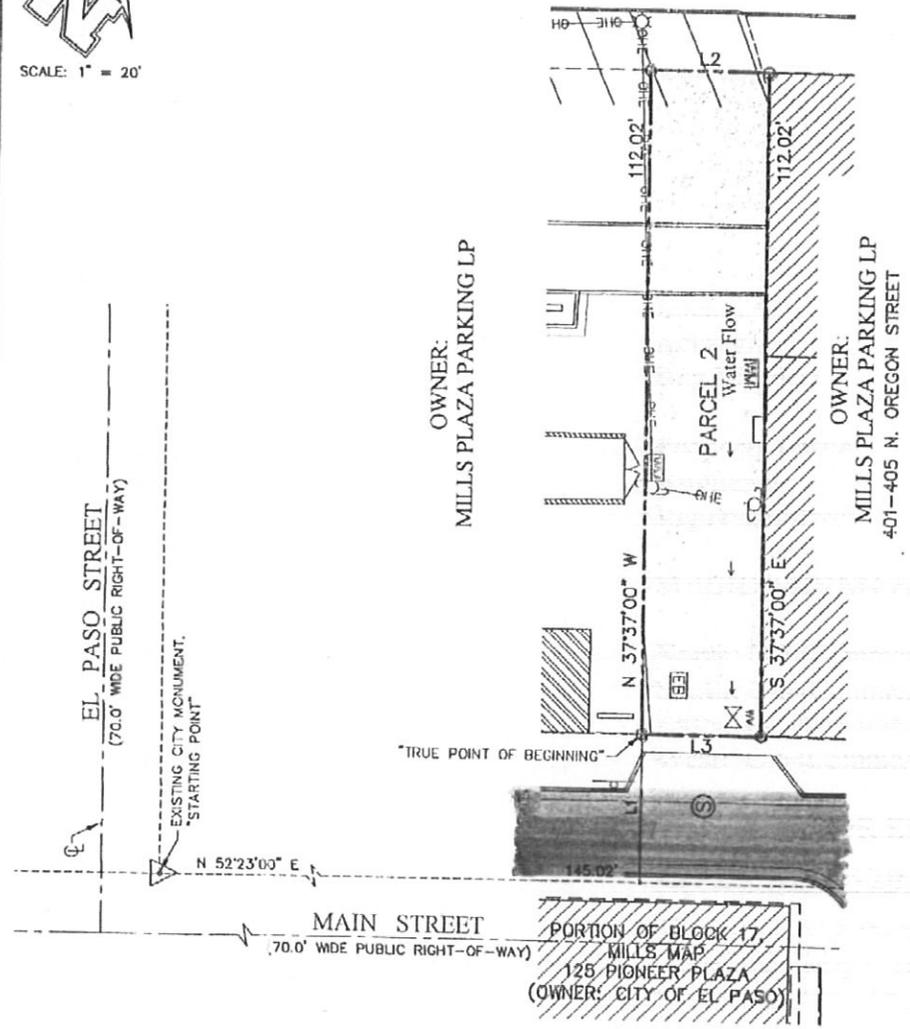
ATTACHMENT 2



**ATTACHMENT 3**



SCALE: 1" = 20'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 37°37'00" W	24.91'
L2	N 52°23'00" E	20.00'
L3	S 52°23'00" W	20.00'

NOTE: The above referenced property is within Zone "C" (Expendable Area of Minimal Flood) according to the Federal Emergency Management Agency Flood Insurance Rate Map, as per the Community Panel No. 402214 0038 B, dated October 12, 1982.

FILING INFORMATION	
DATE:	JANUARY 11, 2007
CENSUS TRACT:	17
DISTRICT:	SEVENTH ST
AREA:	10
COUNTY PLAT RECORDS	
BOOK:	N/A
PAGE:	N/A
FIELD:	SP
OFFICE:	JH
W.O.:	091607-6
FILE:	EX1001-2.000
SCALE:	1" = 20'

**EXHIBIT**  
**"PARCEL 2"**  
 A PORTION OF A 20' WIDE ALLEY,  
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 PREPARED FOR  
 MILLS ACQUISITION COMPANY, L.P.

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**Roe Engineering, L.C.**  
505 N. Collins St. Suite 300 El Paso, TX 79901  
 (915) 592-1433 • FAX (915) 599-0778  
 EMAIL: roe@roeeng.com

**ATTACHMENT 4**



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

Date: May 27, 2009 File No. SUB08-00084

1. APPLICANTS NAME CITY OF EL PASO  
ADDRESS 2 CIVIC CENTER PLAZA ZIP CODE 79901 TELEPHONE 915-541-4000

2. Request is hereby made to vacate the following: (check one)  
Street  Alley  Easement  Other   
Street Name(s) \_\_\_\_\_ Subdivision Name MILLS MAP  
Abutting Blocks 1 Abutting Lots A & D

3. Reason for vacation request: TO CONSTRUCT A PARKING GARAGE IN ACCORDANCE WITH THE MILLS PLAZA PROJECT.

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  PARKING GARAGE

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
<u>MILLS PLAZA PARKING, L.P.</u>	<u>PORTION OF BLOCK 1, MILLS MAP 401-405 OREGON STREET</u>	<u>915-877-4300</u>
<u>MILLS PLAZA PARKING, L.P.</u>	<u>400 EL PASO STREET</u>	<u>915-877-4300</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: Jayce G. J. [Signature]  
REPRESENTATIVE: \_\_\_\_\_

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