



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

DEPARTMENT: Development Services Department
AGENDA DATE: Introduction 7/7/09; Public Hearing 7/14/09
CONTACT PERSON/PHONE: Arturo Rubio – 541-4633
DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance vacating a portion of Depot Street, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas. Location: West of Zaragoza Road and North of Alameda Avenue, Property Owner: City of El Paso.

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) –Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

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
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Development Services Department

Victor Q. Torres – Director

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF DEPOT STREET, BLOCK 45, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the City Plan Commission has recommended that *a portion of Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof, be closed to public vehicular use and the City Council finds that said right-of-way should be closed as recommended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That *a portion of Depot Street, Block 45, Ysleta Grant, 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 made a part hereof by reference, be and is hereby closed to public vehicular use and the use of this right-of-way as described in Exhibit "A" shall be used in connection with the proposed Sun Metro Mass Transit Terminal, subject to the entire length and width of the right-of-way in Exhibit "A" being retained for bus traffic, utility easement and the area readily accessible to utility companies for maintenance, repair, and replacement of their facilities.

PASSED AND APPROVED this _____ day of _____, 2009

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy, Deputy Director
Development Services Department-Planning
Division



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS

EXHIBIT "A"

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
OSCAR V. PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager

METES AND BOUNDS DESCRIPTION
"DEPOT STREET VACATION"

A 0.1381 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Depot Street (30 feet wide right-of-way), Block 45, Ysleta Grant, Texas and being more particularly described by metes and bounds as follows to wit:

COMMENCING for reference at a county monument found at the centerline intersection of Zaragoza Road (right-of-way width varies) and Alameda Avenue (60.00 feet wide right-of-way), whence a county monument found at the centerline intersection of Harris Street (50.00 feet wide right-of-way) and Alameda Avenue (60.00 feet wide right-of-way) bears North $64^{\circ}21'19''$ West, a distance of 456.59 feet; **THENCE**, leaving the centerline of Zaragoza Road and following the centerline of Alameda Avenue, North $64^{\circ}21'19''$ West, a distance of 231.67 feet to a found "PK" nail; **THENCE**, leaving the centerline of Alameda Avenue, North $25^{\circ}38'41''$ East, a distance of 30.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 found at the intersection of the northerly right-of-way line of Alameda Avenue and the easterly right-of-way line of Depot Street (30.00 feet wide right-of-way) for the southeasterly corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving the easterly right-of-way line of Depot Street and following the northerly right-of-way line of Alameda Avenue, North $64^{\circ}21'19''$ West, a distance of 30.02 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the westerly right-of-way line of Depot Street for southwesterly corner of the parcel herein described;

THENCE, leaving the northerly right-of-way line of Alameda Avenue and following the westerly right-of-way line of Depot Street, North $23^{\circ}40'50''$ East, a distance of 108.84 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, continuing along the westerly right-of-way line of Depot Street, North $19^{\circ}16'50''$ East, a distance of 105.67 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the westerly right-of-way of Depot Street for the northwesterly corner of the parcel herein described;

THENCE, leaving the westerly right-of-way line of Depot Street, South $63^{\circ}56'19''$ East, a distance of 15.11 feet to a 1/2 inch rebar with survey cap No. TX 5337 found on the easterly right-of-way line of Depot Street for the northeasterly corner of the parcel herein described;

THENCE, following the easterly right-of-way line of Depot Street, South $04^{\circ}20'55''$ West, a distance of 57.34 feet to a 1/2 inch rebar with survey cap No. TX 5337 found on the easterly right-of-way of said Depot Street for an angle point;

THENCE, following the easterly right-of-way line of Depot Street, South $18^{\circ}48'53''$ West, a distance of 19.85 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point

THENCE, continuing along the easterly right-of-way line of Depot Street, South $19^{\circ}17'00''$ West, a distance of 30.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point

EXHIBIT "A"

THENCE, continuing along the easterly right-of-way line of Depot Street, South 23°40'00" West, a distance of 110.80 feet to the ***TRUE POINT OF BEGINNING***.

Said Parcel contains 0.1381 acres (6,015.5 square feet), more or less, and subject to all easements of record.

Isaac Camacho

Isaac Camacho

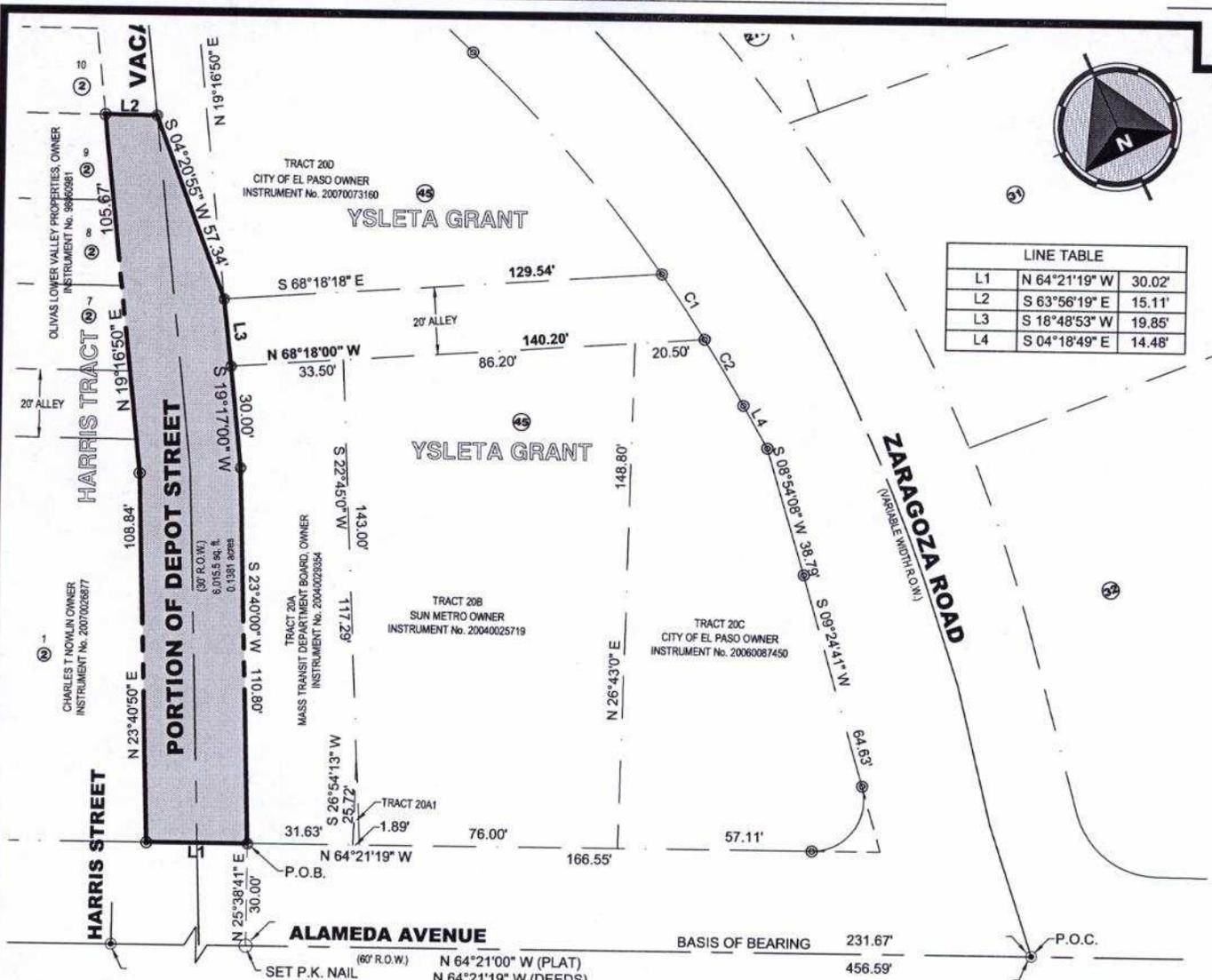
TX R.P.L.S. No. 5337

March 09, 2009

06492-008 Depot Street



B
B



LINE TABLE		
L1	N 64°21'19" W	30.02'
L2	S 63°56'19" E	15.11'
L3	S 18°48'53" W	19.85'
L4	S 04°18'49" E	14.48'

REFERENCES:

1. PLAT OF BLOCK 45, YSLETA GRANT DATED DECEMBER, 1928.
2. PLAT OF HARRIS TRACT BY A.S. ALBRO.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C1	23.01'	440.00'	11.51'	02°59'46"	23.01'	S 08°45'01" E
C2	22.57'	440.00'	11.29'	02°56'19"	22.56'	N 05°46'58" W

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THIS MAP CORRECTLY SHOWS HEREON THE FACTS FOUND ON THE GROUND AT THE TIME OF THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Isaac Camacho 03/09/09
 ISAAC CAMACHO DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION No. 5337

LEGEND

- PROJECT BOUNDARY
- TRACT/LOT LINE
- CENTERLINE OF ROW
- SET 1/2" REBAR WITH CAP STAMPED "TX5337"
- FOUND 1/2" REBAR WITH CAP STAMPED "TX5337"
- FOUND COUNTY MONUMENT
- BLOCK NUMBER
- LOT NUMBER

BOUNDARY SURVEY

DRAWN BY: F.I. CHECKED BY: I.C. DATE: 03-09-2009 SCALE: 1" = 50'

A PORTION OF DEPOT STREET, BLOCK 45, YSLETA GRANT,
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.



BROCK & BUSTILLOS INC.
 CONSULTING CIVIL ENGINEERS
 LAND SURVEYORS

FILE NO: 06492-008 Depot Street

417 EXECUTIVE CENTER-EL PASO, TX 79902-PH (915) 542-4900
 FAX (915) 542-2867-WWW.BROCKBUSTILLOS.COM



**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: July 6, 2009

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

FROM: Arturo Rubio, Planner

SUBJECT: Depot Street Vacation

The City Plan Commission (CPC) on July 2, 2009 **recommended approval of the Depot Street Vacation.**

The CPC determined that the vehicular interest vacation of the right-of-way in support of a Sun Metro Mass Transit Terminal protects the best interest, health, safety and welfare of the public in general; and that the vacation will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Mayor
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District 1
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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: SUB09-00039 Depot Street Vacation
Application Type: Street Vacation
CPC Hearing Date: July 2, 2009

Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov
Location: West of Zaragoza Road and North of Alameda Avenue
Acreage: 0.14 acre
Rep District: 7

Property Owner: City of El Paso
Applicant: Mass Transit Department Board
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE:

North: C-1/H/sp (Commercial/Historical/special permit)/Mechanic shop
South: C-1/H (Commercial/Historical)/ Retail
East: C-1/H (Commercial/Historical)/ Retail, Apartments
West: C-1/H/sp (Commercial/Historical/special permit)/Vacant retail

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

This is an application to vacate the vehicular interest of a 0.14 acre 214-foot long portion of Depot Street that is located within Ysleta Grant. Depot Street is a 30-foot ROW that narrows to a 15-foot ROW as it ends to the north. The purpose of the vacation is to allow for bus traffic in support of the proposed Sun Metro Mass Transit Terminal. The applicant owns all the abutting property to Depot Street with the exception of five lots where the owners have agreed to the proposed vacation and have no interest in acquiring any portion of the proposed vacation.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee recommends *approval* of the Depot Street vacation subject the following conditions and requirements:

Planning Division Recommendation

Approval.

Planning Division – Land Development

No objections.

Engineering Department – Traffic Division

Pedestrian access shall be provided to adjacent properties.

Streets Department

No comments.

El Paso Water Utilities

EPWU does not object to this request.

EPWU-PSB Comments

Water:

Along Zaragoza Road between Alameda Avenue and Harris Street there is an existing six (6) inch diameter water main.

Along Harris Street between Zaragoza Road and Alameda Avenue there is an existing sixteen (16) inch diameter water main.

Along Alameda Avenue between Harris Street and Zaragoza Road there is an existing twelve (12) inch diameter water main.

Along the twenty (20) foot wide alley located north and parallel to Alameda Avenue and situated between Harris Street and Zaragoza Road there is an existing four (4) inch diameter water main. This 4-inch diameter main transects Depot Street and connects to the above-described water mains located along Harris Street and Zaragoza Road. The City Engineering department requested EPWU-PSB to abandon the portion of the 4-inch diameter water main located east of Depot Street. The portion of the 4-inch diameter water main located west of Depot Street is to remain active.

Sanitary Sewer:

Along Zaragoza Road between Alameda Avenue and Harris Street there is an existing eight (8) inch diameter sanitary sewer main.

Along Harris Street between Zaragoza Road and Alameda Avenue there is an existing ten (10) inch diameter sanitary sewer main. Also, parallel to the described 10-inch diameter main, there is an existing six (6) inch diameter sanitary sewer main. The 6-inch diameter main discharges into the 10-inch diameter main.

Along Alameda Avenue between Harris Street and Zaragoza Road there are no existing sanitary sewer mains.

Along the twenty (20) foot wide alley located north and parallel to Alameda Avenue and situated between Harris Street and Zaragoza Road there is an existing six (6) inch diameter sanitary sewer main. This 6-inch diameter main transects Depot Street and discharges into above-described main located along Harris Street. The City Engineering department requested EPWU-PSB to abandon the portion of this 6-inch diameter sanitary sewer main located east of Depot Street. The portion of this 6-inch diameter sanitary sewer main located west of Depot Street is to remain active. Two existing sanitary sewer manholes located within Depot Street are to remain in place and active.

General:

The El Paso Water Utilities – Public Service Board (EPWU) **does not object to this request as long as Depot Street is designated as a full-width utility easement in order to enable the described sanitary sewer main and manholes to remain in place once the abandonment of the easternmost portion of the main is completed.**

EPWU-PSB requires access to the described existing sanitary sewer mains at all times to operate, maintain, repair, and replace the described mains.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

Proposed improvements to the easement shall be presented to EPWU-PSB for review and approval prior to any work performed within the easement.

Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Alameda Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Alameda Avenue right-of-way requires written permission from TxDOT.

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.

Parks and Recreation Department

No comments received.

Fire Department

The El Paso Fire Department has reviewed **SUB09-00039 Depot Street Vacation** and we have no opposition at this time.

Texas Gas Service

Texas Gas Service requires that all streets be public right-of-ways and have dedicated utility easements. Texas Gas Service has no objections to the proposed project limits.

Texas Gas Service has an existing 2” gas line on Depot St. extending north to Zaragosa Rd. should you have any questions or require further information, please contact the undersigned.

El Paso Electric Company

No comments received.

911

No comments received.

Central Appraisal District

No comments received.

Additional Requirements and General Comments:

1. Vacation Fee for Public Right-of-Way. In addition to the application fee, the applicant shall pay the following:
 - a. The cost of the appraisal; and
 - b. The appraised market value of the city's interest in the public right-of-way.

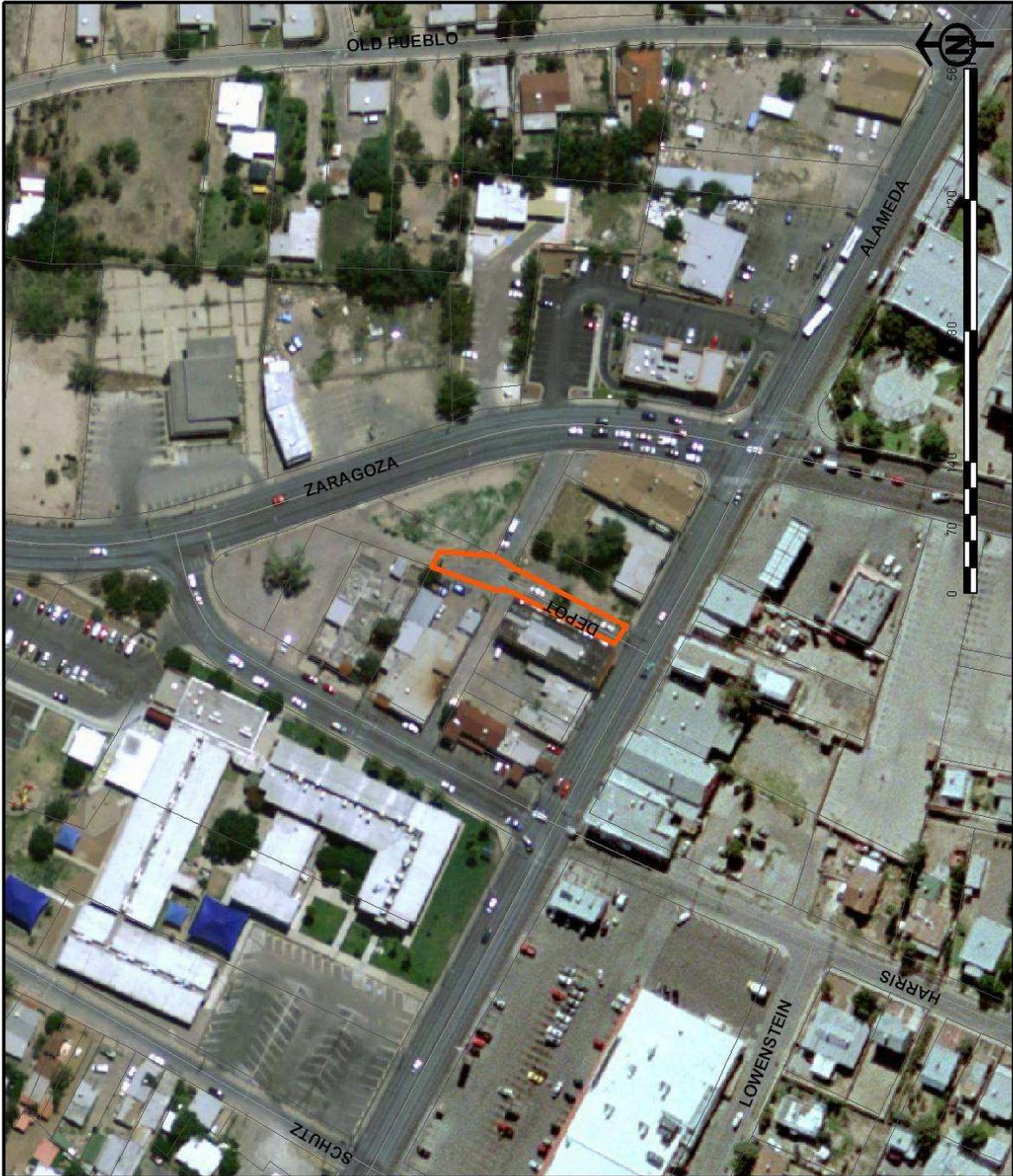
Attachments

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

ATTACHMENT 1

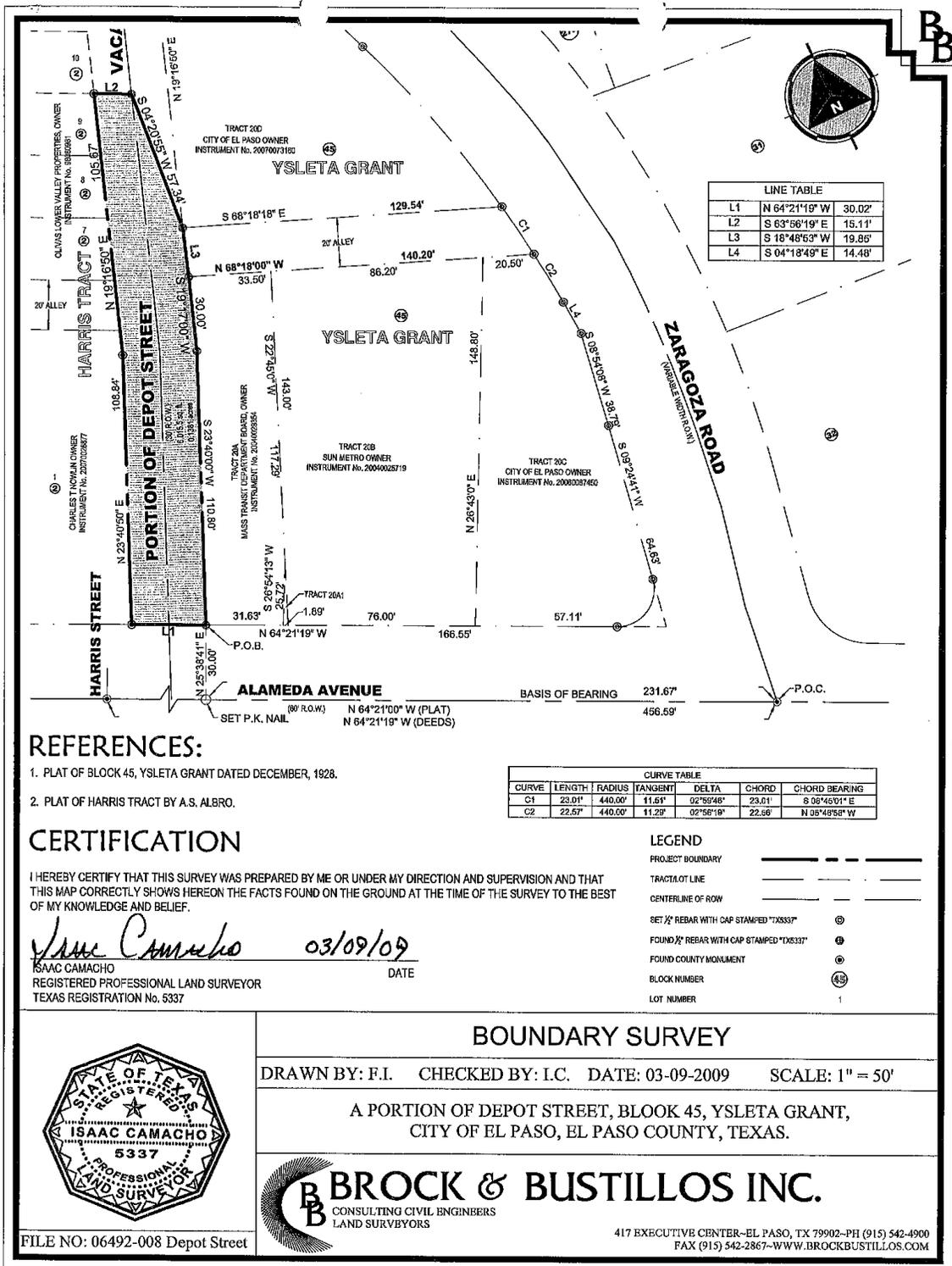


ATTACHMENT 2



DEPOT STREET VACATION

ATTACHMENT 3



ATTACHMENT 4



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

Date: 03/09/2009 File No. SUB09-00039

1. APPLICANTS NAME Mass Transit Department Board
ADDRESS Two Civic Center Plaza ZIP CODE 79901 TELEPHONE (915) 533-1220
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) Depot Street Subdivision Name Harris Tract
Abutting Blocks Block 2 Abutting Lots _____
3. Reason for vacation request: Proposed construction of Sun Metro Mass Transit Terminal
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
<u>Martha F. Munoz</u>	<u>Block 2, Lot 1, Harris Tract</u>	_____
<u>Olivas Lower Vallet Properties</u>	<u>Block 2, Lots 7, 8 & 9, Harris Tract</u>	_____
<u>Mass Transit Dept. Board</u>	<u>Tracts 20A & 20D, Ysleta Grant</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 A. Wilson*
REPRESENTATIVE: _____

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