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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



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

**DEPARTMENT:**    Development Services / Planning Division  
**AGENDA DATE:**    Introduction 07/06/2010: Public Hearing 07/13/2010  
**CONTACT PERSON/PHONE:**    Justin Bass, Planner – 541-4930  
**DISTRICT(S) AFFECTED:**        3

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

**SUBJECT:**

An ordinance vacating a utility easement measuring 10.10 feet in width, located within a portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas. Applicant: Liev Architecture. SUB10-00090 (District 3)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee: Unanimous Approval  
City Plan Commission: Unanimous Approval

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

**LEGAL:** N/A

**FINANCE:** N/A

**DEPARTMENT HEAD:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director - Planning

**APPROVED FOR AGENDA:**

**CITY MANAGER:**

\_\_\_\_\_  
**DATE:** \_\_\_\_\_

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

**AN ORDINANCE VACATING A UTILITY EASEMENT MEASURING 10.10 FEET IN WIDTH, LOCATED WITHIN A PORTION OF LOTS 1 AND 2, BLOCK 16A, SCOTSDALE UNIT 2A, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owner has requested the vacation of a utility easement measuring 10.10 feet in width, located within a portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission has recommended the vacation of a utility easement measuring 10.10 feet in width, located within a portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas, and the City Council finds that said easement 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, in consideration of the receipt by the City of El Paso of TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a utility easement measuring 10.10 feet in width, located within a portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" 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 utility easement to **Orlando and Rosemary Garza and Circle K Stores Inc.**

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

**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 S. McElroy  
Deputy Director-Planning  
Development Services Department

A Portion of Lots 1 and 2, Block 16A,  
Scotsdale Unit 2A,  
City of El Paso, El Paso County, Texas  
February 15, 2010

**METES AND BOUNDS DESCRIPTION**

3370 Wedgewood Street  
& 10100 Montana Avenue  
(10' Utility Easement)  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of a Portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at the common boundary line of Lots 1 and 2, same being the easterly right-of-way line of Wedgewood Street (90' R.O.W.) **THENCE**, leaving said common boundary line and along said easterly right-of-way line, North 01°02'00" West, a distance of 5.05 feet to the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said easterly right-of-way line, North 81°12'00" East, a distance of 176.61 feet to a point;

**THENCE**, South 01°02'00" East, a distance of 10.10 feet to a point;

**THENCE**, South 81°12'00" West, a distance of 176.61 feet to a point;

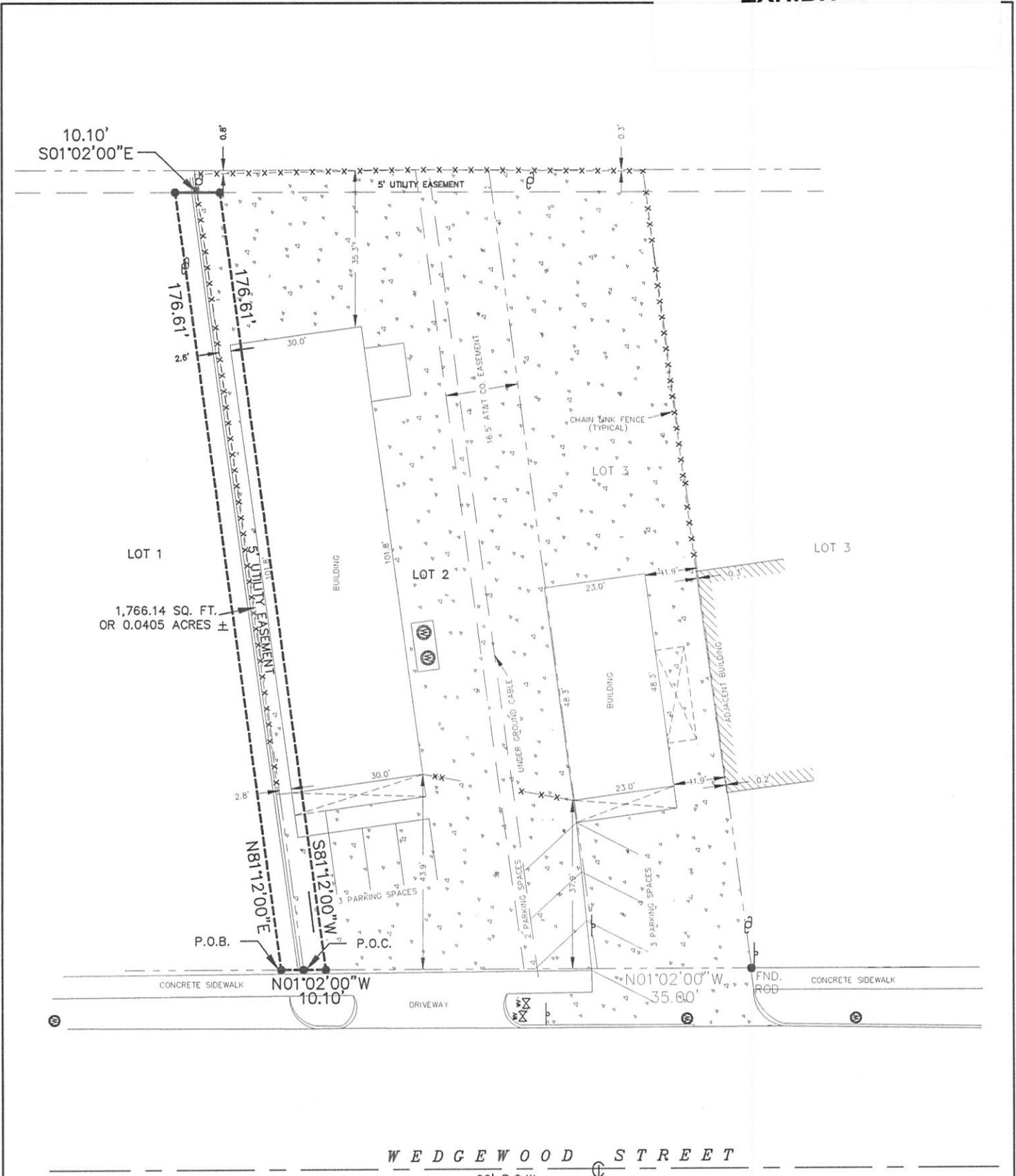
**THENCE**, North 01°02'00" West, a distance of 10.10 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 1,766.14 square feet or 0.0405 acres of land more or less.

Carlos M. Jiménez  
Registered Professional Land Surveyor  
Texas No. 3950



CAD Consulting Co.  
1790 Lee Trevino Drive. Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
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**EXHIBIT "A"**



SCALE 1"=30'

NOTE:  
THIS SURVEY WAS  
DONE WITHOUT THE  
BENEFIT OF A  
TITLE COMMITMENT.

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<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.</p> <p><b>CARLOS M. JIMENEZ</b></p> <p>PROFESSIONAL SURVEYOR</p> <p>R.P.L.S. No. 3950</p>	<p>JOB # 00444 DATE: 02-15-10 FIELD: JM OFFICE: EA FILE: NET:\ENRIQUE\2010\00444</p>
	<p>LOCATED IN ZONE A15,B,C PANEL # 480214-0036-B DATED 10-15-82</p>
<p>RECORDED IN VOLUME XX PAGE XX, PLAT RECORDS, EL PASO COUNTY, TX</p>	<p>10' UTILITY EASEMENT 3370 WEDGEWOOD STREET &amp; 10100 MONTANA AVENUE A PORTION OF LOTS 1 AND 2, BLOCK 16A SCOTSDALE UNIT 2A (SEE EXHIBIT "A") CITY OF EL PASO, EL PASO COUNTY, TEXAS</p>
<p><b>CAD CONSULTING COMPANY</b> 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422</p>	

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**THE STATE OF TEXAS**                    }  
  }  
**COUNTY OF EL PASO**                    }                    **QUITCLAIM DEED**

That, in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, THE CITY OF EL PASO has released and quitclaimed and by these presents does release and quitclaim unto **Orlando and Rosemary Garza and Circle K Stores Inc.** all of its right, title, interest, claim and demand in and to the property which was vacated, closed and abandoned by **Ordinance No. \_\_\_\_\_**, passed and approved by the City Council of the City of El Paso and described as a utility easement measuring 10.10 feet in width, located within *a portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas*, which is more fully described in the attached metes and bounds identified as Exhibit "A" and made a part hereof by reference.

**WITNESS** the following signatures and seal this \_\_\_\_\_ **day of** \_\_\_\_\_ **2010.**

THE CITY OF EL PASO

\_\_\_\_\_

Joyce Wilson  
City Manager

ATTEST:

\_\_\_\_\_

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_

Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_

Mathew S. McElroy  
Deputy Director-Planning  
Development Services Department

*(Acknowledgment on following page)*

**ACKNOWLEDGEMENT**

**THE STATE OF TEXAS     §  
  §  
COUNTY OF TEXAS       §**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010  
by JOHN F. COOK as MAYOR of the CITY OF EL PASO, a municipal corporation.

My Commission Expires:

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

**AFTER RECORDING RETURN TO:**

**Orlando and Rosemary Garza  
3023 Dublin  
El Paso, TX 79925**

**and**

**Circle K Stores Inc  
PO Box 52085  
Phoenix, AZ 85072-2085**

**with copy to:**

**Development Services Department  
Planning Division  
#2 Civic Center Plaza, 5<sup>th</sup> Floor  
El Paso, Texas 79901**

A Portion of Lots 1 and 2, Block 16A,  
Scotsdale Unit 2A,  
City of El Paso, El Paso County, Texas  
February 15, 2010

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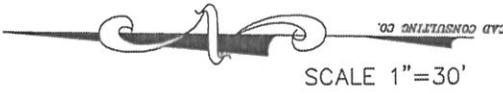
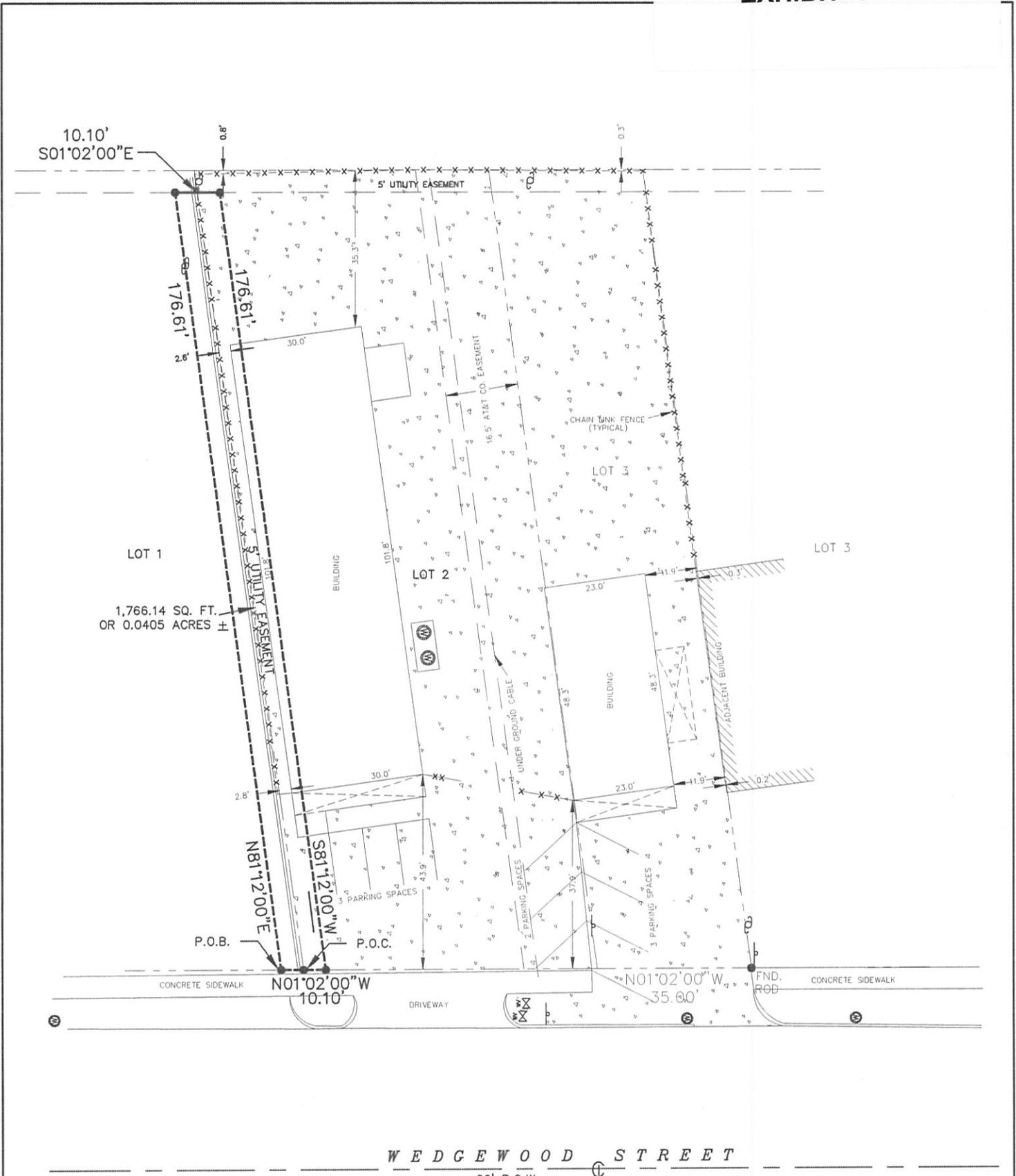
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<p><b>CAD CONSULTING COMPANY</b> 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422</p>	



**DEVELOPMENT SERVICES  
PLANNING DIVISION**

**MEMORANDUM**

**DATE:** June 24, 2010

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

**FROM:** Justin Bass, Planner

**SUBJECT:** **3370 Wedgewood Easement Vacation**

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The City Plan Commission (CPC), on June 3, 2010, **voted 7-0** to recommend **approval** of the 3370 Wedgewood Easement Vacation.

The CPC determined the vacation of the utility easement protects the best interest, health, safety and welfare of the public in general; 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

*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:** SUB10-00090 3370 Wedgewood Easement Vacation  
**Application Type:** Public Easement Vacation  
**CPC Hearing Date:** June 3, 2010

**Staff Planner:** Justin Bass, (915) 541-4930, [bassjd@elpasotexas.gov](mailto:bassjd@elpasotexas.gov)  
**Location:** South of Montana Avenue and East of McRae Boulevard  
**Acreage:** 0.04 acres  
**Rep District:** 3  
**Existing Use:** Vacant  
**Existing Zoning:** C-1 (Commercial) and C-2 (Commercial)  
**Proposed Zoning:** C-1 (Commercial) and C-2 (Commercial)

**Nearest Park:** Cork Park (0.22 mile)  
**Nearest School:** Edgemere Elementary School (0.85 mile)

**Property Owner:** Rose & O Family LP; Circle K Stores, Inc  
**Applicant:** Liev' Architecture  
**Representative:** Liev' Architecture

### **SURROUNDING ZONING AND LAND USE**

**North:** C-1 (Commercial)/ Retail  
**South:** C-2 (Commercial)/ Retail  
**East:** C-3 (Commercial)/ Retail  
**West:** C-3 (Commercial)/ Commercial Development

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

### **APPLICATION DESCRIPTION**

The applicant is requesting to vacate an existing 10-foot utility easement which straddles the two properties located at 10100 Montana Avenue and 3370 Wedgewood Street (Lots 1 & 2, Block 16A, Scotsdale Unit 2A). The request is proposed so that the building at 3370 Wedgewood will no longer encroach into the easement and future redevelopment of the lot may occur. No utilities are currently located within this easement. Both property owners have signed the application and are in agreement with the proposed vacation.

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:**

*Approval*

**DEVELOPMENT COORDINATING COMMITTEE COMMENTS:**

The Development Coordinating Committee recommends *approval* of the public easement vacation requested for the 10-foot utility easement at 10100 Montana Avenue and 3370 Wedgewood Street.

**Planning Division Recommendation**

*Approval.*

**Planning Division – Land Development**

No objections.

**Engineering Department – Traffic Division**

No comments received.

**Streets Department**

No comments received.

**El Paso Water Utilities**

No objections.

**Fire Department**

No comments received.

**Parks and Recreation Department**

No comments received.

**Texas Gas Service**

No comments received.

**El Paso Electric Company**

El Paso Electric Company has no objections to the release of the platted easement located at 3370 Wedgewood in portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, as shown on the plat by CAD Consulting Co. dated 02-15-10.

**Attachments**

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

ATTACHMENT 1



ATTACHMENT 2



**ATTACHMENT 3**



**ATTACHMENT 4**



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

Date: 4-28-2010 File No. SUB10-00090

1. APPLICANTS NAME Carlos Lievano  
ADDRESS 1501 Desierto Rico ZIP CODE 79912 TELEPHONE 219-3166
2. Request is hereby made to vacate the following: (check one)  
Street  Alley  Easement  Other   
Street Name(s) 3370 Wedgewood Subdivision Name Scotsdale Unit 2A.  
Abutting Blocks 16A Abutting Lots 2
3. Reason for vacation request: Expand Building Area.
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>[Signature]</u>	<u>Being A Portion of Lots</u>	<u>593-1712</u>
<u>[Signature]</u> <u>Director of Real Estate</u> <u>for Circle K</u>	<u>1 and 2</u>	<u>(972) 815-4755</u>
	<u>Block 16a Scotsdale</u>	
	<u>Unit 2A City of El Paso</u>	
	<u>El Paso County TX.</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: [Signature]  
REPRESENTATIVE: [Signature]

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