

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



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

DEPARTMENT: Development Services / Planning Division

AGENDA DATE: Introduction 07/21/2009: Public Hearing 07/28/2009

CONTACT PERSON/PHONE: Michelle Padilla, Planner – 541-4903

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a 0.212 acre portion of Western Street lying between Block 170, Campbell's Addition and Block 51, Anson Mills Map, El Paso, El Paso County, Texas
Location: west of Durango Street at Western Street. Property Owner: City of El Paso.
SUB09-00053 (District 8)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

On June 9, 2009, the City Council directed staff to begin processing this City initiated right-of-way vacation.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee: Approval
City Plan Commission: Approval

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

LEGAL: N/A

FINANCE: N/A

DEPARTMENT HEAD:

Victor Torres, Development Services Director

APPROVED FOR AGENDA:

CITY MANAGER:

DATE: _____

Development Services Department

Victor Q. Torres – Director

2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4725

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

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.212 ACRE PORTION OF WESTERN STREET LYING BETWEEN BLOCK 170, CAMPBELL'S ADDITION AND BLOCK 51, ANSON MILLS MAP, EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the City Plan Commission has recommended that a 0.212 acre portion of Western Street lying between Block 170, Campbell's Addition and Block 51, Anson Mills Map, El Paso, El Paso County, Texas, and being more fully described by metes and bounds in Exhibit "A" and in the attached survey identified as Exhibit "B" 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 0.212 acre portion of Western Street lying between Block 170, Campbell's Addition and Block 51, Anson Mills Map, 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 closed to public vehicular use and the use of this right-of-way as described in Exhibit "A" and Exhibit "B" shall be used in connection with the Open Air Entertainment Area as an environment from which pedestrians can enjoy various events, subject to the entire length and width of the right-of-way in Exhibit "A" and Exhibit "B" being retained as a pedestrian pathway, 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

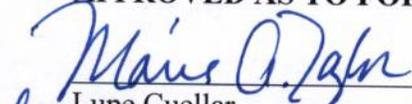
ATTEST:

John F. Cook
Mayor

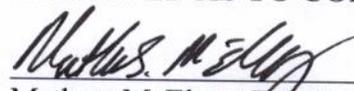
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

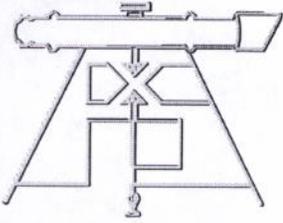
APPROVED AS TO CONTENT:

for 

Lupe Cuellar
Assistant City Attorney



Mathew McElroy, Deputy Director-Planning
Development Services Department



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

METES AND BOUNDS DESCRIPTION

A 0.212 ACRE (9,221 Sq.Ft.) PORTION OF LAND BEING A 41 FOOT WIDE RIGHT-OF-WAY OF WESTERN STREET BETWEEN BLOCK 51, OF THE ANSON MILLS MAP (NOT FILED OF RECORD) AND BLOCK 170 OF CAMPBELL'S ADDITION TO THE CITY OF EL PASO, (BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS) CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an existing county monument found at the intersection of the monument line of San Antonio Street (70-foot right-of-way East & 60-foot right-of-way West) with Durango Street (70-foot right-of-way) said monument line lying 10 feet north of the respective centerline of San Antonio Street and the centerline of Durango Street, from which an existing county monument found at the centerline intersection of South Santa Fe Street and San Antonio Street, bears North $78^{\circ}13'49''$ East, a distance of 989.74 feet (990.00' record); **THENCE**, along the monument line of San Antonio Street, South $78^{\circ}13'49''$ West, a distance of 330.04 feet (330.00 record); to a point, said point lying 10 foot north of the centerline of San Antonio Street and on the centerline of Anthony Street (70-foot right-of-way) **THENCE**, North $11^{\circ}49'03''$ West, along said centerline of Anthony Street, a distance of 157.30 feet, to a point, **THENCE**, North $78^{\circ}10'57''$ East, a distance of 70.04 feet, to a point on the northerly boundary line of a certain parcel of land (Described November 30, 1995, in Book 2290, Page 0614, Deed Records, El Paso County, Texas) and southerly boundary line of Western Street (41 foot right-of-way) said point being the **POINT OF BEGINNING** of this description;

THENCE, North $11^{\circ}49'03''$ West, a distance of 41.00 feet, to a point on the southerly boundary line of certain parcel of land (File Clerk's No. 20060017076, Deed Records, El Paso County, Texas) and the northerly right-of-way of Western Street, being the south line of Block 51, Anson Mills Map;

THENCE, North $78^{\circ}10'57''$ East, along said right-of-way line, a distance 224.90 feet, to a point on the westerly right-of-way of Durango Street;

THENCE, South $11^{\circ}49'03''$ East, along said right-of-way, a distance of 41.00 feet, to a point on the northeast corner of a certain parcel of land described May 6, 1927 in Book 477, Page 295, Deed Records, El Paso County, Texas, and the southerly right-of-way line of a Western Street, being the northerly line of Block 170, Campbell's Addition;

THENCE, South $78^{\circ}10'57''$ West, along said right-of-way, a distance of 224.90 feet, to the **POINT OF BEGINNING**, containing 0.212 Acres (9,221 S.F.) of land, more or less.

Frank X. Spencer & Associates, Inc.

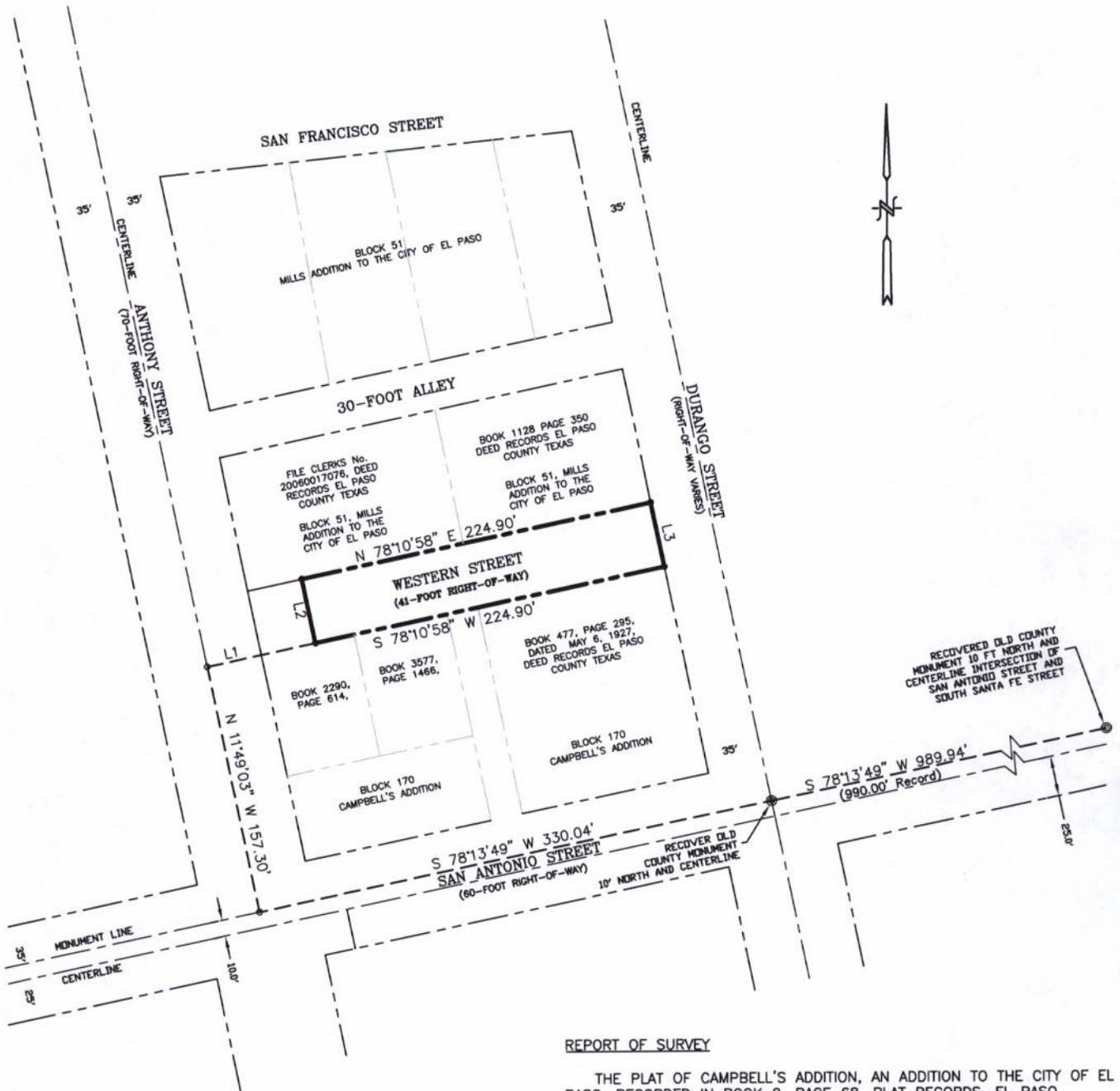


Charles Gutierrez, RPLS
Texas License No. 5572

Date: 7/02/09

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Exhibit B



LINE TABLE		
LINE	LENGTH	BEARING
L1	70.04	N78°10'57"E
L2	41.00	N11°49'03"W
L3	41.00	S11°49'03"E

REPORT OF SURVEY

THE PLAT OF CAMPBELL'S ADDITION, AN ADDITION TO THE CITY OF EL PASO, RECORDED IN BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS, AND THE ANSON MILLS MAP (NOT FILED OF RECORD) WERE USED FOR THIS SURVEY. THE BOUNDARY OF SAID SUBDIVISIONS APPEAR TO BE SLIGHTLY SKEWED WITH RESPECT TO EACH OTHER. THEREFORE, THE BOUNDARY INFORMATION SHOWN HEREON WAS LOCATED BY THE BEST EVIDENCE AVAILABLE ALONG WITH THE EXISTING IMPROVEMENTS WITHIN EACH BLOCK RESPECTING PUBLIC AND PRIVATE RIGHTS. THOSE IMPROVEMENTS WHICH EXIST ON THE GROUND ARE THE BEST EVIDENCE AVAILABLE AS TO THE BOUNDARIES OF BOTH SUBDIVISIONS.

NOTES:

1. THIS SURVEY MAY BE SUBJECT TO OTHER EASEMENTS AND COVENANTS OF RECORD NOT SHOWN. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
2. THE BASES OF BEARINGS IS THE MONUMENT LINE OF SAN ANTONIO STREET (AS SHOWN) BASED ON GPS OBSERVATIONS.
3. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP UNINCORPORATED AREA FOR EL PASO COUNTY, TEXAS, PANEL 480214-0039, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".

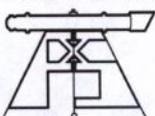
PARCEL AREA
0.212 ACRES
9,221 Sq Ft



Charles H. Gutierrez 07/02/09
CHARLES HENRY GUTIERREZ
Registered Professional Land Surveyor #5572

A 0.212 ACRE PORTION OF WESTERN STREET LYING BETWEEN BLOCK 170, CAMPBELL'S ADDITION AND BLOCK 51, ANSON MILLS MAP, EL PASO, EL PASO COUNTY, TEXAS.

SURVEYED & PREPARED BY:



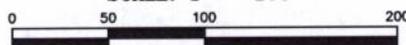
FRANK X. SPENCER & ASSOCIATES, INC.

Consulting Civil Engineers & Land Surveyors

1130 MONTANA AVE.
EL PASO, TEXAS 79902
PHN: 915-533-4600
FAX: 915-533-4673
e-mail: elpaso@fxco.com

drawn by: C.G.

SCALE: 1" = 100'



07/02/09
revision changed western drive vacation
& row width san antonio street

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



**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: July 13, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Michelle Padilla, Planner
SUBJECT: **Western Street Vacation**

The City Plan Commission (CPC), on July 2, 2009, **voted 6-0** to recommend **approval** of the Western Street Vacation.

The CPC determined the vacation of the vehicular interest of the alley in support of an Open Air Entertainment Area 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

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District 1
Ann Morgan Lilly

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City Manager
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Development Services Department

Victor Q. Torres – Director

2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4725



City of El Paso – City Plan Commission Staff Report

Case No: SUB09-00053 Western Street Vacation
Application Type: Street Vacation
CPC Hearing Date: July 2, 2009

Staff Planner: Michelle Padilla, (915) 541-4903, padillamx@elpasotexas.gov
Location: West of Durango Street at Western Street
Legal Description Acreage: 0.25-acre
Rep District: 8

Nearest Park: Union Plaza Park (.01 mile)
Nearest School: Westside Headstart (.62 mile)

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

SURROUNDING ZONING AND LAND USE

North: U-P (Union Plaza) and U-P/sp (Union Plaza/special permit)/ Nightclubs, Bars, & Restaurants
South: U-P (Union Plaza)/ Nightclubs
East: C-5 (Commercial)/ Convention Center
West: U-P (Union Plaza)/ Union Plaza Park

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

This City initiated vacation request proposes to vacate a portion of Western Street in order to eliminate the vehicular interest. This vacation request will allow for an Open Air Entertainment Area as directed by City Council on June 9, 2009. Western Street is located in the downtown area of El Paso within the Union Plaza District. The Western Street right-of-way width is 41 feet and it measures 259.94 feet in length. The vacation will include the full width of the right-of-way and 224.90 feet in length which will not include the loading zone along Anthony Street.

NEIGHBORHOOD INPUT

Planning Division has received no public response in support or opposition of this vacation request.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends *approval* of the proposed vacation of Western Street, subject to the following conditions and requirements:

Planning Division Recommendation

Approval

Planning Division – Land Development

No objections.

Engineering Department – Traffic Division

Traffic does not object to vacating the vehicular interest, provided that the loading zones at Anthony remain.

Sun Metro

No comments received.

TXDOT

No comments received.

El Paso Water Utilities

The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request as long as Western Street is designated as a full-width utility easement in order to enable the existing public water, sanitary sewer mains and appurtenances, described below, to remain in place. EPWU-PSB requires access to the existing water and sanitary sewer mains at all times to operate, maintain, repair, and replace the water and sanitary sewer mains below described.

No permanent fencing/screening shall be allowed on the alley to be vacated. Fences/screening walls shall include sleeves at the base of the poles to allow easy removal if necessary.

Water

From the intersection of Western Street and Anthony Street, along Western Street towards the east, there is an existing eight (8) inch diameter water main. The alignment of this water main continues towards the south along the alley located between Anthony Street and Durango Street. East of the described alley, there are no existing water mains along Western Street.

EPWU-PSB records reveal two (2) water services located within Western Street: (a) a single one (1) inch diameter service for 510 Western Street, and, (b) a single one and one-half (1 – ½) inch diameter service for 511 Western Street.

Along Anthony Street between San Francisco Street and San Antonio Street there is an existing forty-eight (48) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Along Anthony Street between San Francisco Street and San Antonio Street there is an existing eight (8) inch diameter water main.

Along Durango Street between San Francisco Street and San Antonio Street there is an existing eight (8) inch diameter water main.

Sanitary Sewer

Along Anthony Street between San Francisco Street and Western Street there is an existing eight (8) inch diameter sanitary sewer main.

From the intersection of Western Street and Anthony Street, along Western Street towards the east, there is an existing eight (8) inch diameter sanitary sewer main. The alignment of this sanitary sewer main continues towards the south along the alley located between Anthony Street and Durango Street. East of the described alley, there are no existing water mains along Western Street.

General

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.

El Paso Electric Company

No comments received.

Texas Gas Service

No comments received.

Fire Department

No comments received.

Attachments

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

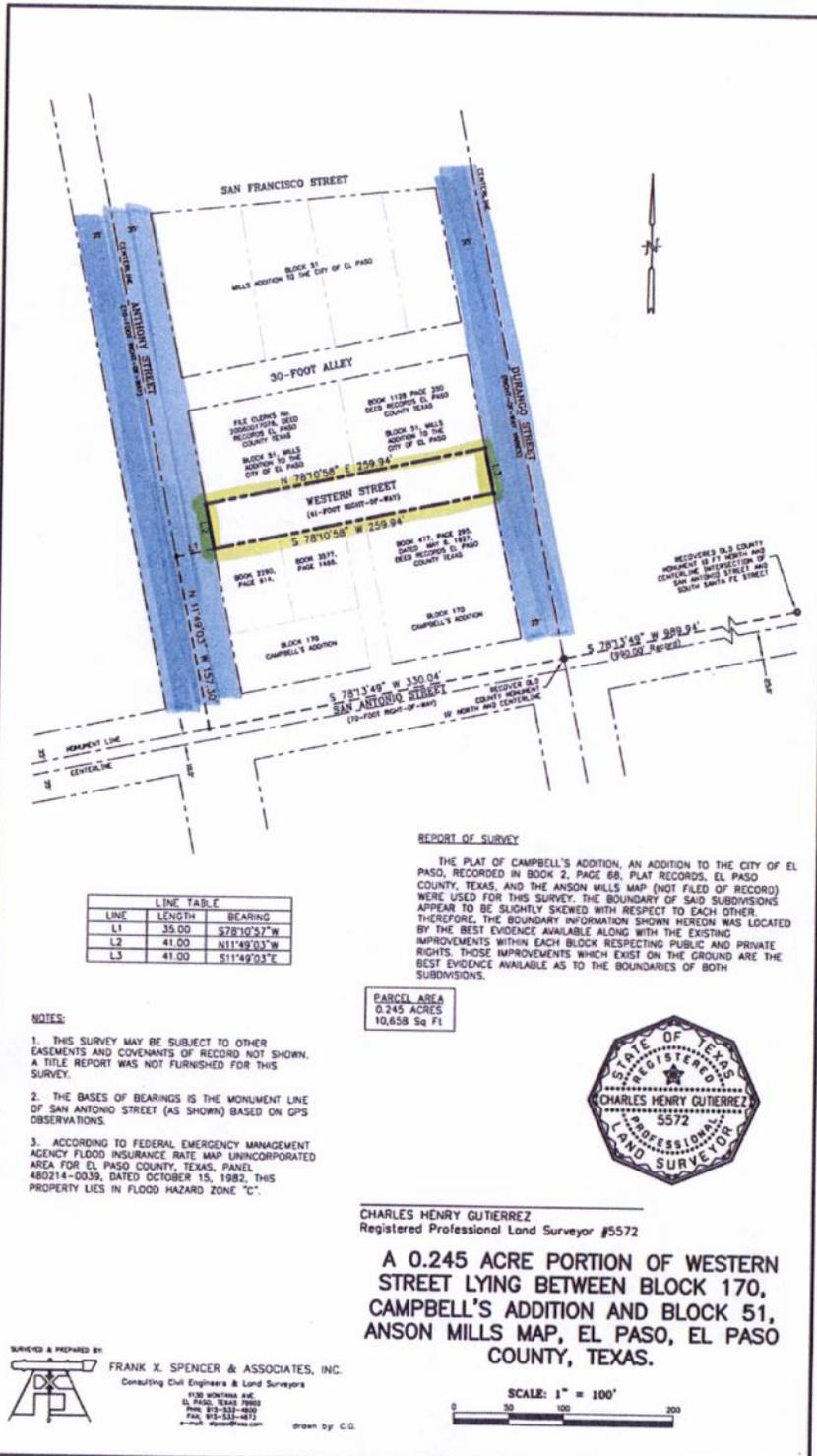
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



LINE	LENGTH	BEARING
L1	35.00	S78°10'37\"W
L2	41.00	N11°49'03\"W
L3	41.00	S11°49'03\"E

REPORT OF SURVEY

THE PLAT OF CAMPBELL'S ADDITION, AN ADDITION TO THE CITY OF EL PASO, RECORDED IN BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS, AND THE ANSON MILLS MAP (NOT FILED OF RECORD) WERE USED FOR THIS SURVEY. THE BOUNDARY OF SAID SUBDIVISIONS APPEAR TO BE SLIGHTLY SKEWED WITH RESPECT TO EACH OTHER THEREFORE THE BOUNDARY INFORMATION SHOWN HEREON WAS LOCATED BY THE BEST EVIDENCE AVAILABLE ALONG WITH THE EXISTING IMPROVEMENTS WITHIN EACH BLOCK RESPECTING PUBLIC AND PRIVATE RIGHTS. THOSE IMPROVEMENTS WHICH EXIST ON THE GROUND ARE THE BEST EVIDENCE AVAILABLE AS TO THE BOUNDARIES OF BOTH SUBDIVISIONS.

PARCEL AREA
0.245 ACRES
10,658 Sq Ft

- NOTES:**
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 3. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP UNINCORPORATED AREA FOR EL PASO COUNTY, TEXAS, PANEL 480214-0039, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".



CHARLES HENRY GUTIERREZ
Registered Professional Land Surveyor #5572

A 0.245 ACRE PORTION OF WESTERN STREET LYING BETWEEN BLOCK 170, CAMPBELL'S ADDITION AND BLOCK 51, ANSON MILLS MAP, EL PASO COUNTY, TEXAS.

Surveyed & Prepared by:
FRANK X. SPENCER & ASSOCIATES, INC.
Consulting Civil Engineers & Land Surveyors
1130 WINDYBARK AVE.
EL PASO, TEXAS 79902
TEL: 972-532-4822
FAX: 972-532-4822
E-MAIL: fsp@fxsp.com

SCALE: 1" = 100'
0 50 100 200

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ATTACHMENT 4



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

Date: JUNE 9, 2009

File No. SUB 09-00053

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) WESTERN STREET Subdivision Name CAMPBELL ADDITION
Abutting Blocks BLOCK 170, CAMPBELL ADDITION Abutting Lots _____
BLOCK 51, MILLS MAP

3. Reason for vacation request:
TO PROVIDE FOR AN OPEN-AIR ENTERTAINMENT 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 OPEN-AIR ENTERTAINMENT AREA.

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. 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: Joseph G. Indice
REPRESENTATIVE: _____

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