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SERVICE SOLUTIONS SUCCESS



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

DEPARTMENT: Development Services / Planning Division
AGENDA DATE: Introduction 07/14/2009: Public Hearing 07/21/2009
CONTACT PERSON/PHONE: Michelle Padilla, Planner – 541-4903
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a portion of Main Street, City of El Paso, El Paso County, Texas
Location: West of Oregon Street at Main Street. Property Owner: City of El Paso.
SUB08-00083 (District 8)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

See background/discussion above.

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: _____

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

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

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF MAIN STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner, Mills Plaza Parking, L.P., has requested that *a portion of Main Street, City of El Paso, El Paso County, Texas*, be vacated; and,

WHEREAS, the City Plan Commission on May 7, 2009 recommended a vacation of *a portion of Main Street, 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 Main Street, located between Oregon Street and El Paso Street, 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.

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

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY 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 the CITY OF EL PASO has released and quitclaimed and by these presents does release and quitclaim unto **Mills Plaza Parking, L.P.** all its rights, 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 PORTION OF MAIN STREET, 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,

WITNESS the following signatures and seal this _____ day of _____, 2009.

CITY OF EL PASO

Joyce Wilson, City Manager

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director-Planning
Development Services Department

ACKNOWLEDGEMENT ON FOLLOWING PAGE

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2009,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

Notary Public, State of Texas

Notary's Printed or Typed Name:

My Commission Expires:

AFTER FILING RETURN TO:
Mills Plaza Parking, L.P.
1865 Northwestern
El Paso, Texas 79912

Prepared for: Mills Acquisition Company, L.P.
Being a Portion of Main Street,
City of El Paso, El Paso County, Texas
W.O.# 092607-6
File name: exhibit4_mb.doc

PROPERTY DESCRIPTION

(Portion of Main Street to be Vacated)

Description of a 0.0535 acre parcel of land being a Portion of Main Street, 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 197.25 feet to a point, Thence South 37° 37' 00" East a distance of 19.09 feet to a point, said point being the "True Point of Beginning",

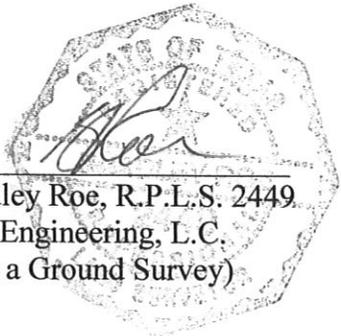
Thence North 52° 23' 00" East a distance of 87.76 feet to a point;

Thence South 37° 37' 00" East a distance of 26.00 feet to a point;

Thence South 52° 23' 00" West along said southeasterly right-of-way line a distance of 93.23 feet to a point;

Thence North 20° 35' 48" West a distance of 18.02 feet to a point;

Thence North 36° 22' 50" West a distance of 8.77 feet back to the "True Point of Beginning" and said parcel containing in all 2,331.41 square feet or 0.0535 acres of land more or less.



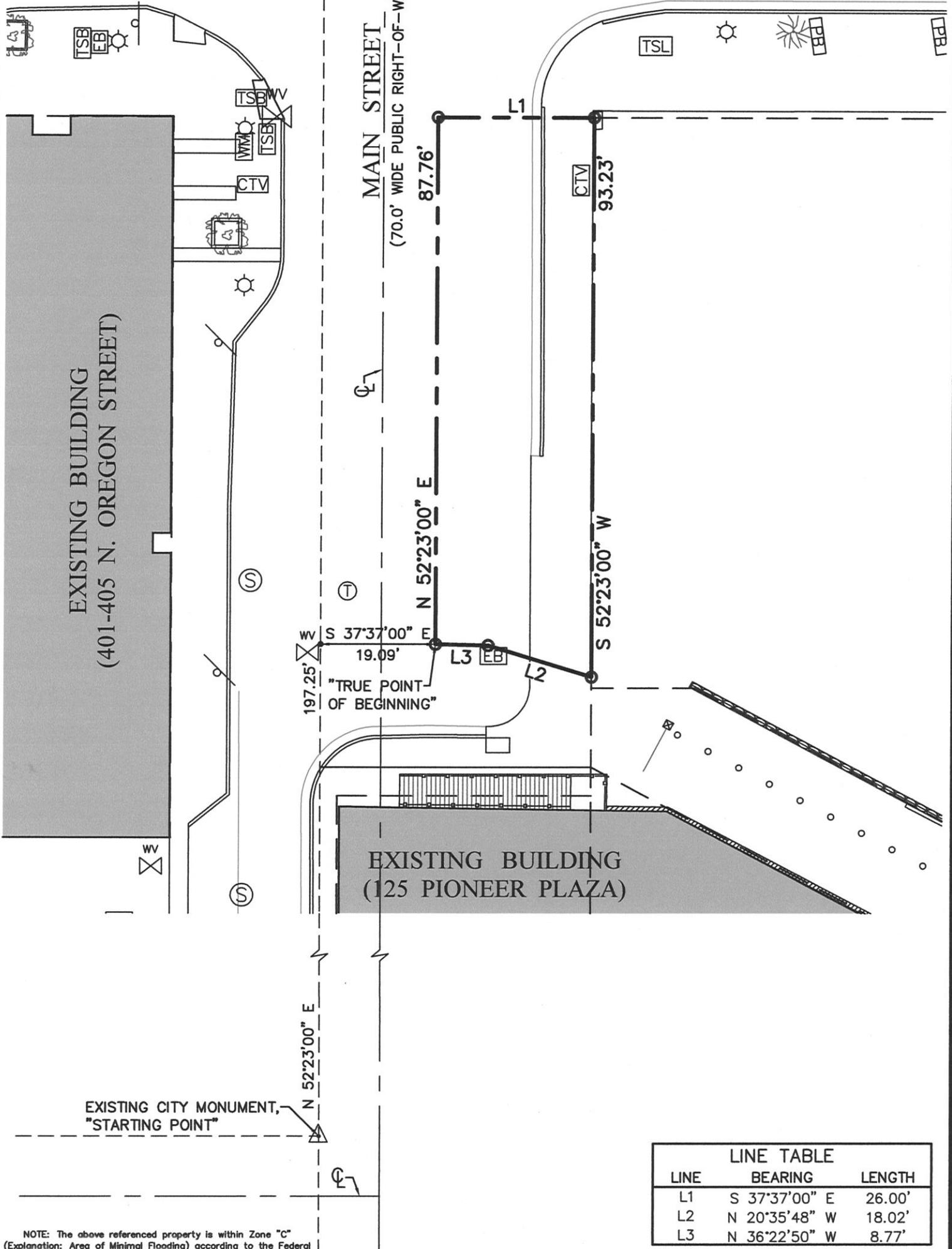
Bradley Roe, R.P.L.S. 2449
Roe Engineering, L.C.
(Not a Ground Survey)



Exhibit B

OREGON STREET
(70.0' WIDE PUBLIC RIGHT-OF-WAY)

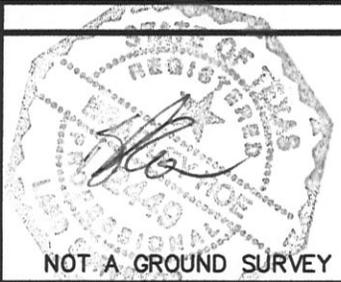
SCALE: 1" = 20'



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 37°37'00\" E	26.00'
L2	N 20°35'48\" W	18.02'
L3	N 36°22'50\" W	8.77'

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 0043 B, dated October 15, 1982.

FILING INFORMATION	
DATE:	MARCH 30, 2009
CENSUS TRACT:	17
DISTRICT:	SOUTHWEST 8
AREA:	10
COUNTY PLAT RECORDS	
BOOK:	N/A
PAGE:	N/A
FIELD:	N/A
OFFICE:	J.H.
W.O.:	092607-6
FILE:	EXHIBIT-4.DWG
SCALE:	1" = 20'



NOT A GROUND SURVEY

PLOT PLAN

BEING A PORTION OF MAIN STREET,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS

CONTAINING IN ALL 2,331.41 SQ. FT.
OR 0.0535 ACRES OF LAND MORE OR LESS.

MORE PARTICULARLY DESCRIBED BY METES
AND BOUNDS ATTACHED HERETO

PREPARED FOR:
MILLS ACQUISITION COMPANY, L.P.

brhp Roe Engineering, L.C.

601 N. Cotton St. Suite No. 6 El Paso, Tx, 79902
(915) 533-1418 - FAX: (915) 533-4972
EMAIL: roeeng@swbell.net

ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING



**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: July 6, 2009

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

FROM: Michelle Padilla, Planner

SUBJECT: Main Street Vacation

The City Plan Commission (CPC), on May 7, 2009, **voted 7-0** to recommend **approval** of the Main Street Vacation.

The abutting property owner/developer has paid the appraised market value of \$70,000.00 for the property.

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

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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: SUB08-00083 Main Street Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: May 7, 2009

Staff Planner: Michelle Padilla, (915) 541-4903, padillamx@elpasotexas.gov
Location: West of Oregon Street at Main Street
Legal Description Acreage: 0.0535-acre
Rep District: 8

Nearest Park: San Jacinto Park (.02 mile)
Nearest School: Raymond Telles Academy Special Campus (.57 mile)

Property Owner: Mills Plaza Parking, L.P.
Applicant: Mills Plaza Parking, L.P.
Representative: Brent D. Harris

SURROUNDING ZONING AND LAND USE

North: C-5 (Commercial)/ Mixed Use
South: C-5/H (Commercial/Historic)/ Mixed Use
East: C-5 (Commercial)/ Park
West: C-5 (Commercial)/ Mixed Use

THE PLAN FOR EL PASO DESIGNATION: Commercial

APPLICATION DESCRIPTION

The applicant is proposing to vacate a .0535-acre portion of Main Street in the downtown area of El Paso within the Mills Map subdivision. The Main Street right-of-way width is 70'. This request proposes to vacate the right-of-way width of 26' and 87.76' in length at the northwest side and 93.23' of the southeast side of the right-of-way. The primary reason for the vacation request is to construct a parking garage on the vacated portion of the street as proposed by the Mills Plaza Project. The remaining portion of Main Street will be open to through traffic.

As part of the Mills Plaza Project, the vehicular interest on Mills Avenue was also vacated on May 27, 2008.

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 the .0535-acre portion of Main Street and 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 vacation.

Sun Metro

No comments received.

TXDOT

No comments received.

El Paso Water Utilities

1. The El Paso Water Utilities does not object to the proposed vacation.

Water

2. There is an existing 16-inch diameter water main along the portion of Main Street that is not proposed to be vacated.

Sanitary Sewer

3. There is an existing 8-inch sanitary sewer main along the portion of Main Street that is not proposed to be vacated.

General

4. 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 improvement work.

El Paso Electric Company

No comments received.

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.

Should you have any questions or require further information, please contact the undersigned by phone at (915) 680-7280 or email atmchavez@txgas.com.

Fire Department

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.

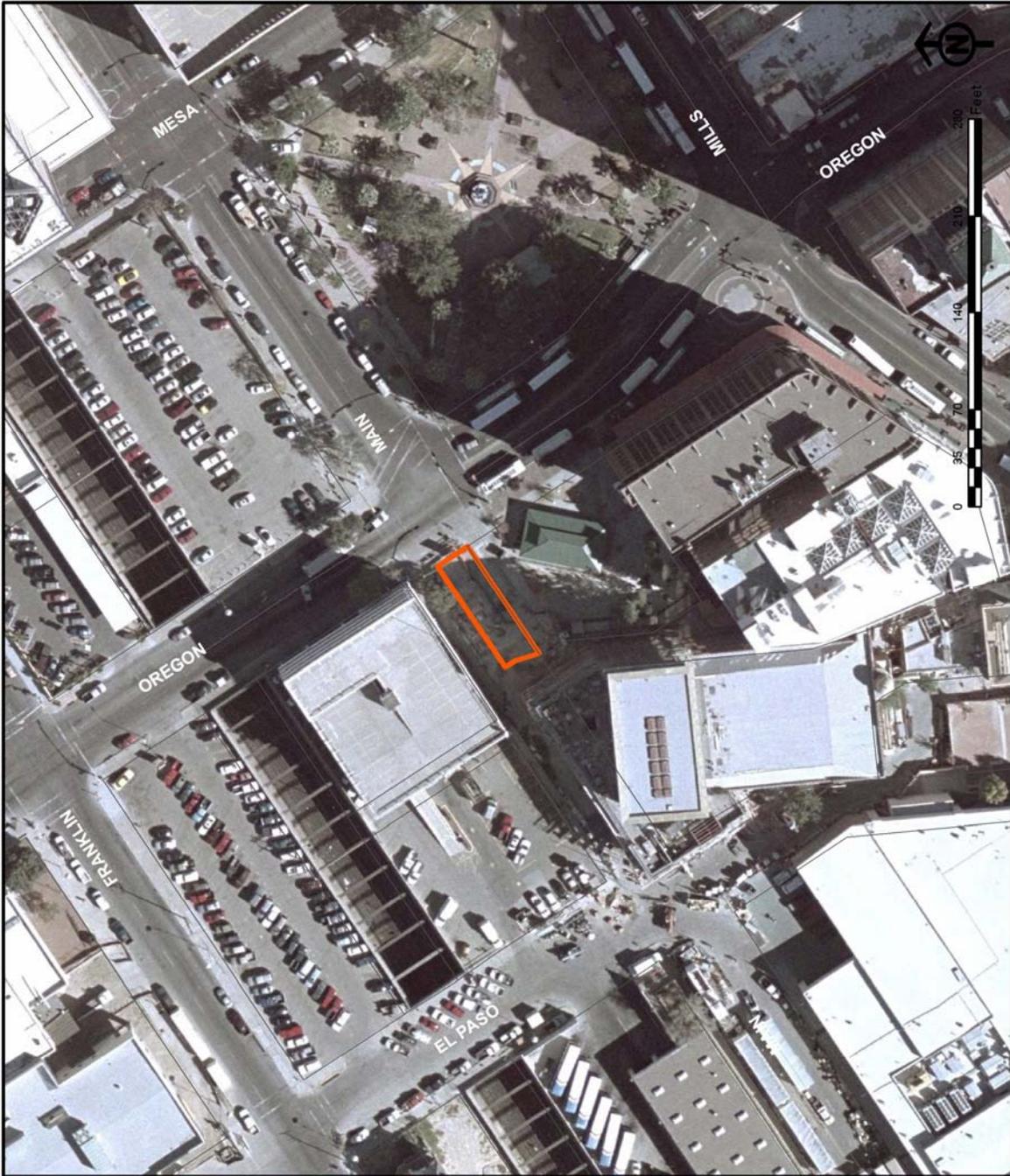
Attachments

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

ATTACHMENT 1

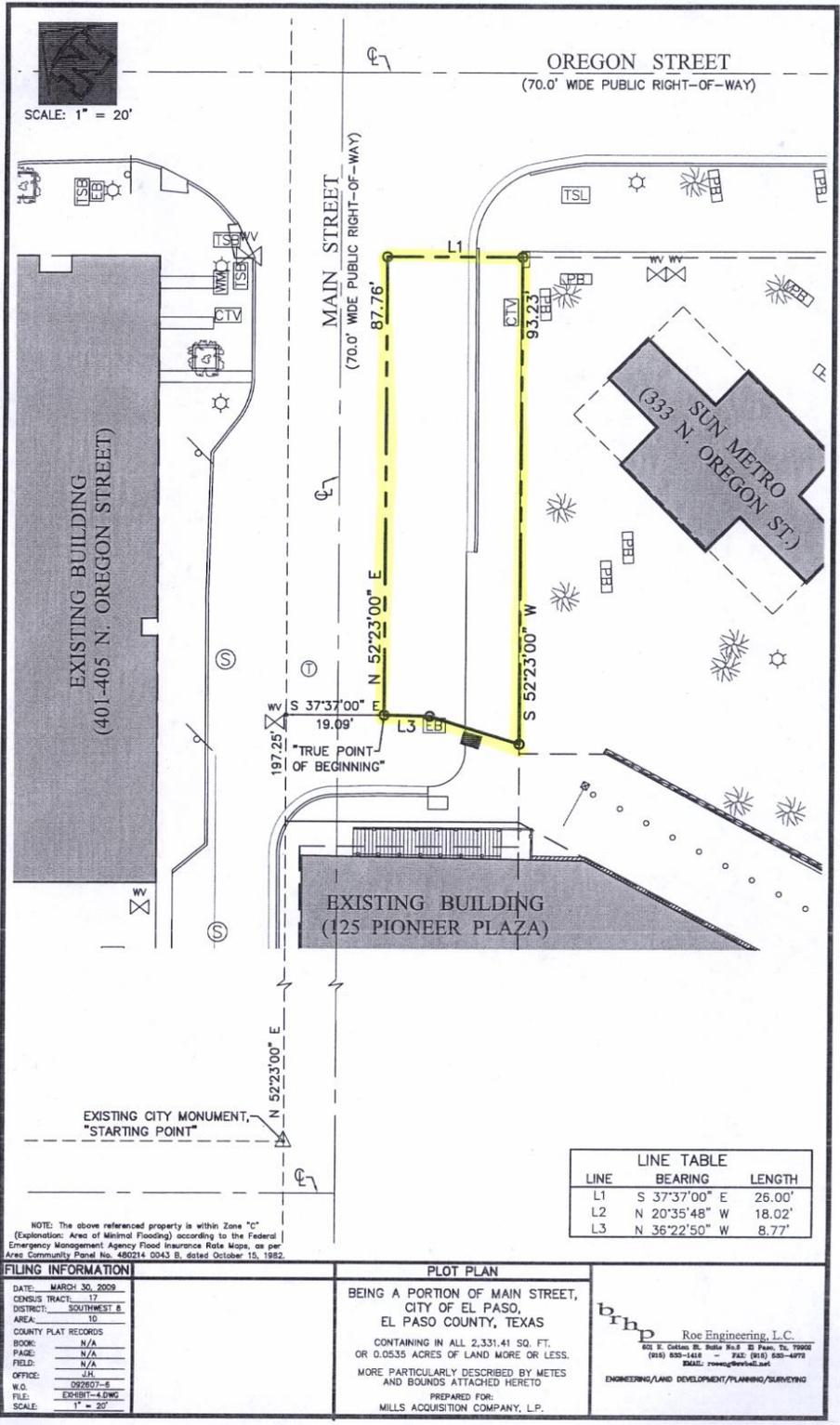


ATTACHMENT 2



MAIN STREET VACATION

ATTACHMENT 3



ATTACHMENT 4

APPLICATION VACATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY

SUB08-00083

DATE 5/30/08

No. 2837 P. 1

1. APPLICANTS NAME Mills Plaza Parking LP ADDRESS 1865 Northwestern ZIP CODE 79912 TELEPHONE 915-877-4300

2. Request is hereby made to dedicate the following: (check one) Street [checked] Alley Easement Other Street Name(s) Main Street (Portion of) Subdivision Name Abutting Blocks Abutting Lots

3. Reason for the vacation request: Build a parking garage. (Main Street to remain open to thru traffic)

4. Surface Improvements located in subject property to be dedicated: None Paving [checked] Curb & Gutter Power Lines/Poles Fences/Walls Structures Other

5. Underground Improvements located in subject right-of-way: None Telephone Electric Gas Water Sewer Storm Drain Other TBD

6. Future use of the vacated right-of-way: Yards Parking Expand Building Area Replat with abutting Land Other [checked] Parking Garage for Mills Building

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 dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Table with 3 columns: Signature, Legal Description/Address, Telephone Number. Includes signatures and addresses like 333 N. Oregon (Metro T-Shop) and 401-405 N. Oregon St.

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.

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 concerning 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.



Signed By: [Signature] Brent R. Harris Land Owner/Applicant/Agent Date: 5/30/08

FEE AMOUNTS: Easement Vacation \$342.60 [checked] Street, Alley, Other Rights-of-Way Vacation \$671.00 plus cost of appraisal and value

CASHIER'S VALIDATION

866.25. 2008 9:23AM CITY OF EL PASO