

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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Consent 07/31/07
CONTACT PERSON/PHONE: Christina Stokes, Planner – 541-4627
DISTRICT(S) AFFECTED: 8

SUBJECT:

A RESOLUTION THAT THE CITY MANAGER BE AUTHORIZED TO SIGN AND ACCEPT ON BEHALF OF THE CITY A DRAINAGE RIGHT-OF-WAY DEDICATION DEED FROM EP NORTHEAST HILLS I, LTD, DEDICATING TO THE CITY AN 80 FOOT WIDE DRAINAGE RIGHT-OF-WAY. THE AREA IS APPROXIMATELY 1.31 ACRES IN SIZE, WHICH WILL BE USED TO CORRECT THE ENCROACHMENT OF AN EXISTING DRAINAGE CHANNEL LOCATED WITHIN A PORTION OF LOT 2, BLOCK 3, WEST TEN DEVELOPMENT, CITY OF EL PASO, ELPASO COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" OF THE DEDICATION DEED. APPLICANT: DOUGLAS A. SCHWARTZS, V.P., EP NORTHEAST HILLS I, LTD.

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation

CITY CLERK DEPT.
07 JUL 24 AM 8:29

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter, AICP

APPROVED FOR AGENDA:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign and accept on behalf of the City a Drainage Right-of-Way Dedication Deed from EP Northeast Hills I, LTD, dedicating to the City an 80 foot wide drainage right-of-way. The area is approximately 1.31 acres in size, which will be used to correct the encroachment of an existing drainage channel located within *a portion of Lot 2, Block 3, West Ten Development, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

ADOPTED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Eduardo Garcia
Eduardo Garcia, Subdivision Coordinator
Development Services – Planning Division

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS: That **EP NORTHEAST HILLS I, LTD.**, Grantor, does hereby give and dedicate to the City of El Paso, Grantee, an 80 foot wide drainage right-of-way in order to correct the encroachment of an existing drainage channel, to provide off site drainage for surrounding properties, the following described land located in the City of El Paso, El Paso County, Texas:

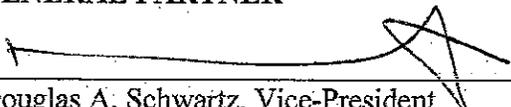
A portion of Lot 2, Block 3, West Ten Development, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above conveyed property for the purposes aforesaid unto the City of El Paso, its successors and assigns, forever.

And the Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular the rights herein granted, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures and seal this 14th day of May, 2007.

**EP NORTHEAST HILLS I, LTD.
BY: EP NORTHEAST HILLS, INC.
ITS GENERAL PARTNER**

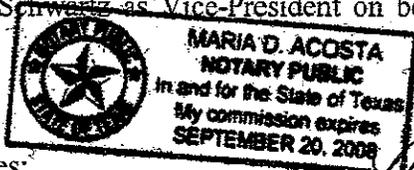
By: 
Douglas A. Schwartz, Vice-President

(Acknowledgment on following page)

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the 14th day of May 2007, by Douglas A. Schwartz as Vice-President on behalf of EP NORTHEAST HILLS I, LTD.



My Commission Expires:

Maria Acosta
Notary Public, State of Texas
Notary's Printed Name:

GRANTEE
CITY OF EL PASO

By: _____
Joyce Wilson, City Manager

APPROVED AS TO FORM:

[Signature]
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Eduardo Garcia, Subdivision Coordinator
Development Services – Planning Division

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me this _____ day of _____ 2007, by Joyce Wilson, City Manager of the City of El Paso, a municipality, on behalf of said municipality.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of El Paso
Development Services – Planning Division
Attn: Planning Director
2 Civic Center Plaza, 5th floor
El Paso, Texas 79901

Being a portion of Lot 2, Block 3
West Ten Development
City of El Paso, El Paso County, Texas
Prepared for: Southwest Land Development Services Inc.
October 10, 2006

~~Attachment A~~
Exhibit A

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 2, Block 3, West Ten Development as recorded in volume 38, page 3, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument found at the centerline intersection of Belvidere Street and Gem Street from whence an existing city monument at the centerline intersection of Belvidere Street and Desert Trail Dr. bears North $53^{\circ}45'30''$ East a distance of 813.51; Thence North $30^{\circ}03'54''$ West a distance of 185.56 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the line between West Ten Development and Desert Trail Unit Two, said point also lying on the easterly right of way line of Gem Street for THE "TRUE POINT OF BEGINNING"

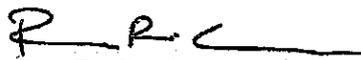
Thence along said right of way line North $41^{\circ}28'00''$ West a distance of 81.97 feet to a set chiseled X;

Thence leaving said right of way line North $62^{\circ}10'53''$ East a distance of 747.89 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the easterly line of lot 2, block 3, West Ten Development;

Thence along said line South $01^{\circ}29'21''$ East a distance of 88.87 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the line between West Ten Development and Desert Trail Unit Two;

Thence along said line South $62^{\circ}10'53''$ West a distance of 689.14 feet to the "TRUE POINT OF BEGINNING" and containing 57,230 Square Feet or 1.3138 acres of land more or less.

NOTE: Bearings based on centerline monumentation on Belvidere Street per plat of Desert Trail Unit Two recorded in Volume 80, Page 41, Plat Records, of El Paso County, Texas


Ron R. Conde
R.P.L.S. No. 5152



LGL-061006-20

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

LINE TABLE		
LINE	LENGTH	BEARING
L1	81.97'	N41°28'00"W
L2	88.87'	S01°29'21"E
L3	51.42'	N62°10'53"E

WEST TEN DEVELOPMENT
RECORDED IN VOLUME 38, PAGE 3
PLAT RECORDS

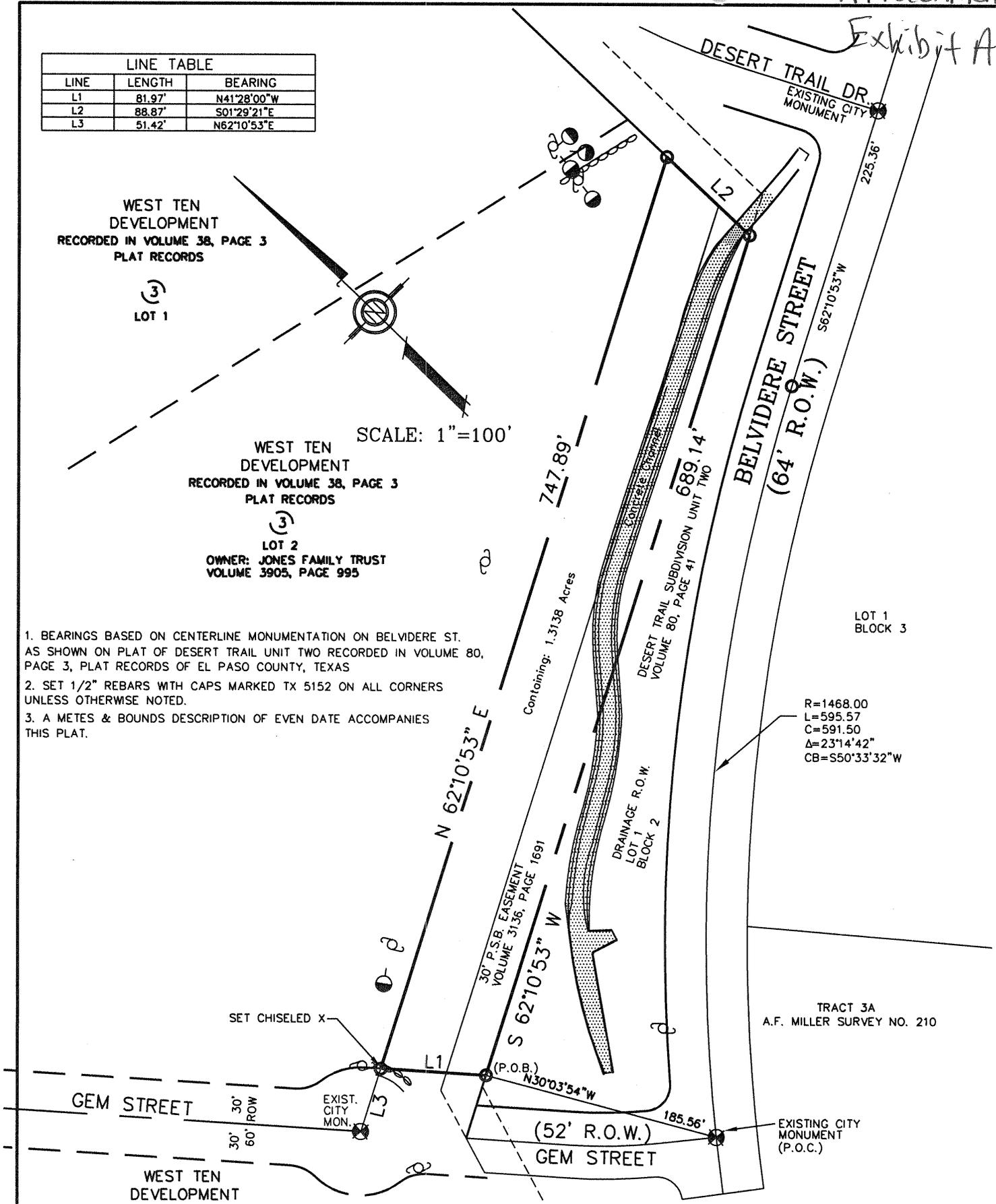
(3)
LOT 1

WEST TEN DEVELOPMENT
RECORDED IN VOLUME 38, PAGE 3
PLAT RECORDS

(3)
LOT 2
OWNER: JONES FAMILY TRUST
VOLUME 3905, PAGE 995

SCALE: 1"=100'

1. BEARINGS BASED ON CENTERLINE MONUMENTATION ON BELVIDERE ST. AS SHOWN ON PLAT OF DESERT TRAIL UNIT TWO RECORDED IN VOLUME 80, PAGE 3, PLAT RECORDS OF EL PASO COUNTY, TEXAS
2. SET 1/2" REBARS WITH CAPS MARKED TX 5152 ON ALL CORNERS UNLESS OTHERWISE NOTED.
3. A METES & BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.



CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.

R R C
RON R. CONDE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 5152

JOB # 1006	DATE: OCTOBER 4, 2006	FIELD: V.E.	OFFICE: R.C.
LOCATED IN ZONE	PANEL #	DATED	
RECORDED IN VOLUME 80	PAGE 41	, PLAT RECORDS, EL PASO COUNTY, TX	
BEING A PORTION OF LOT 2, BLOCK 3 WEST TEN DEVELOPMENT CITY OF EL PASO, EL PASO COUNTY, TEXAS		CONDE ENGINEERING INC. CADD FILE: 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936	

CITY CLERK DEPT.
07 JUL 23 AM 10:32



SUB06-00138

Application No: SUB06-00138
Legal Description: A portion of Lot 2, Block 3 West Ten Development, City of El Paso, El Paso County, Texas
Type of Request: Drainage Right-of-Way Dedication
Property Owner: E.P. Northeast Hills I, LTD
Surveyor: Conde, Inc.
Location: North of Belvidere Street and West of Desert Trail Drive
Representative District: 8
Planning Area: Northwest



GENERAL INFORMATION

The applicant is requesting to dedicate an 80 foot wide drainage right-of-way. The area is approximately 1.31 acres in size. The applicant is requesting the drainage right-of-way dedication in order to correct the encroachment of an existing drainage channel.

STAFF RECOMMENDATION

The Development Coordinating Committee unanimously recommends **denial** of the drainage right-of-way dedication.

The Development Coordination Committee's recommendation to deny the applicants request was based on policy set forth by the El Paso Water Utilities. Information on the El Paso Water Utilities objection to this request may be found under the heading, El Paso Water Utilities Comments, within this report.

Planning Division – Land Development Comments and Requirements

1. Provide the legal description and metes and bound description stating the approximate acreage.
2. Provide a print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel.
3. Provide design and details of the existing concrete channel as it was constructed; include flow expected, flow capacity, velocity, slope, etc.

Engineering Department - Traffic Division

No comments received.

El Paso Water Utilities Comments

Reclaimed Water

There is an existing 24-inch diameter reclaimed water (non-potable) transmission main along an existing 30-foot wide PSB easement within Lot 2, Block 3, West Ten Development. This easement is located within the proposed boundaries of the drainage right-of-way dedication.

General

EPWU **objects** to the drainage right-of-way dedication request.

EPWU-PSB requests for the existing 30-foot easement to remain designated as PSB Easement.

All easements dedicated for public water/sewer facilities are to comply with EPWU-PSB easement policy. No building, reservoir, structure or other improvements, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced PSB easement without the written consent of EPWU-PSB.

Preliminary research indicates that the drainage structure is located above the 30-foot PSB easement. EPWU-PSB is in the process of field-verifying the location of the above mentioned 24-inch reclaimed water main in relation to the drainage structure.

Fire Department Comments

No comments received.

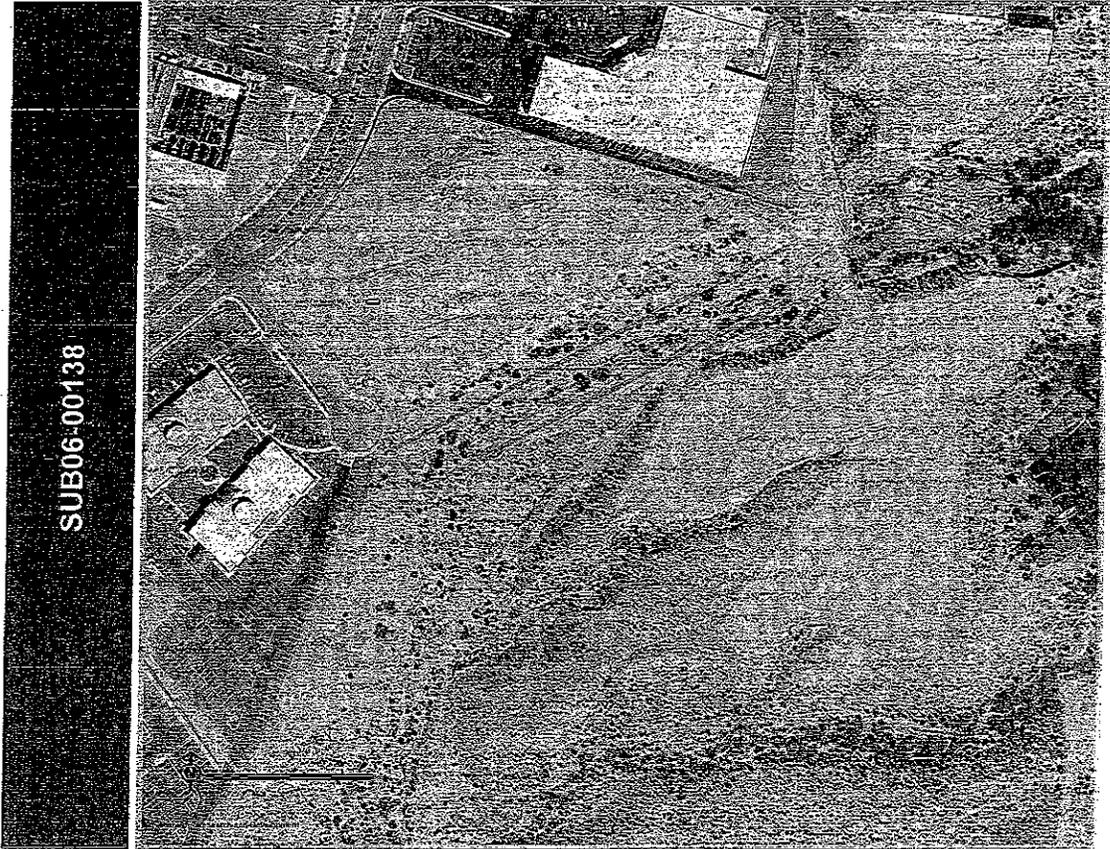
Additional Requirements and General Comments

1. Prior to City Council consideration, the applicant will need to provide a title commitment and a deed conveying ownership to the City of El Paso.
2. If approved by the City Plan Commission improvements to the drainage right-of-way dedication shall be to City standards.
3. If approved by the City Plan Commission improvements must be completed within two years.

List of Attachments

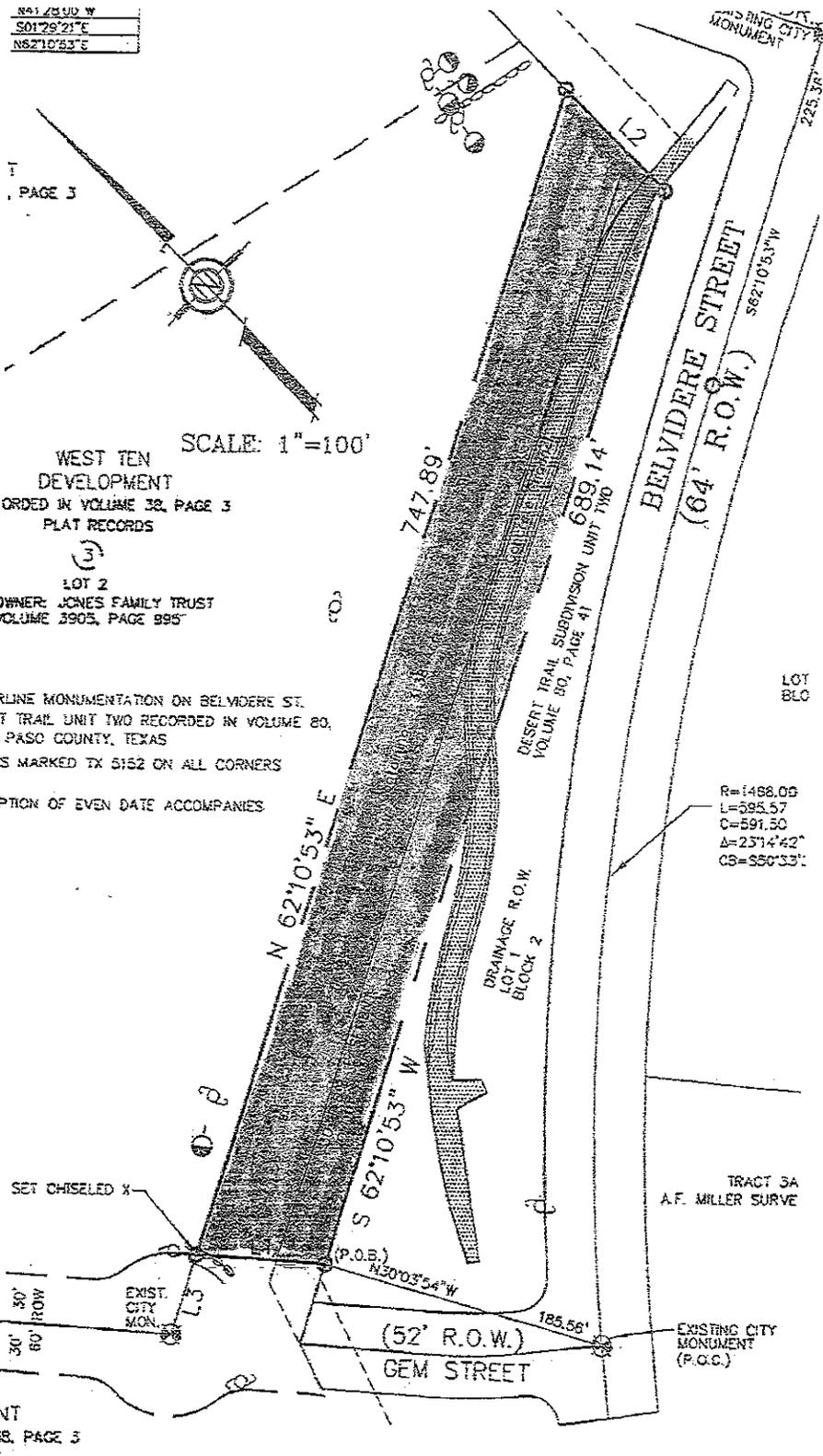
Attachment 1: Aerial
Attachment 2: Survey Map
Attachment 3: Application
Attachment 4: As Built Concrete Box Culverts
Attachment 5: As Built Drainage Plan
Attachment 6: As Built Drainage Plan Sheet 2

Attachment 1



Attachment 2

N81°28'00"W
S01°29'21"E
N82°10'53"E



SCALE: 1"=100'
 WEST TEN DEVELOPMENT
 ORDERED IN VOLUME 38, PAGE 3
 PLAT RECORDS

LOT 2
 OWNER: JONES FAMILY TRUST
 VOLUME 3905, PAGE 595

PLINE MONUMENTATION ON BELVIDERE ST.
 T TRAIL UNIT TWO RECORDED IN VOLUME 80,
 PASO COUNTY, TEXAS
 'S MARKED TX 5152 ON ALL CORNERS

PTION OF EVEN DATE ACCOMPANIES

R=1488.00
L=595.57
C=591.50
A=25°14'42"
CS=950°33'

TRACT 3A
 A.F. MILLER SURVEY

EXISTING CITY
 MONUMENT
 (P.O.C.)

Attachment 3

APPLICATION FOR DEDICATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY BY METES AND BOUNDS

1. APPLICANTS NAME E.P. Northeast Hills I, LTD SUB06-00138

ADDRESS 1790 Lee Trevino, Ste. 601 ZIP CODE 79936 TELEPHONE 915-592-0290

2. Request is hereby made to dedicate the following: (check one) Street Alley Easement Other

Street Name(s) Belyvidere St. Subdivision Name Desert Trail

Abutting Blocks 3 Abutting Lots 2

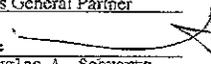
3. Reason for the dedication request: Request to Dedicate additional Drainage ROW

4. Surface Improvements located in subject property to be dedicated:
None Paving 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

6. Related Application which are pending (give name or file number):
Zoning Zoning Board of adjustment Subdivision Building Permits Other

7. 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).

Signature	Legal Description/Address	Telephone Numbers
<u>E.P. Northeast Hills I, LTD</u>	<u>Being a portion of Lot 2, Block 3</u>	<u>915-592-0290</u>
<u>By: El Paso Northeast Hills, Inc.</u>	<u>West Ten Development</u>	
<u>It's General Partner</u>	<u>City of El Paso, El Paso County</u>	
<u>By: </u>	<u>Texas</u>	

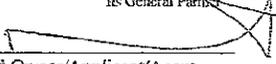
Douglas A. Schwartz
Vice President
The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedication and that no action on processing will be taken without payment of the nonrefundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Dedication

The undersigned acknowledges that he is authorized to represent the property owner(s), and upon the City's request will provide evidence satisfactory to the City confirming these representations

The granting of dedication 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.

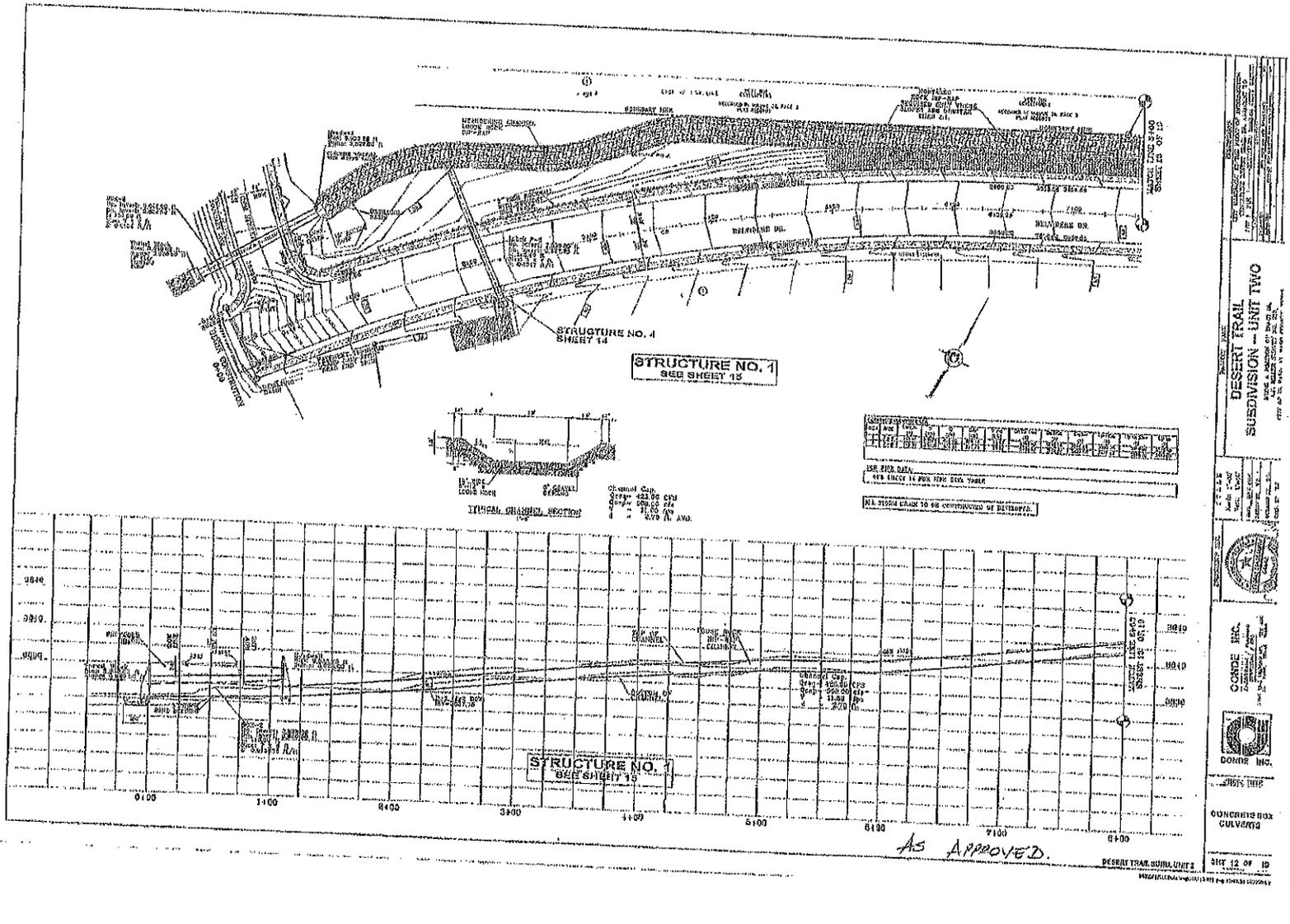
FEE AMOUNT
\$371.00

Signed By: E.P. Northeast Hills I, LTD
By: E. P. North Hills, Inc.
Its General Partner

By: 
Land Owner/Applicant/Agent
Douglas A. Schwartz, Vice President
October 23, 2006
Date

CASHIER'S VALIDATION

FILE NO. _____



Attachment 5

