



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

**DEPARTMENT:** Planning & Economic Development  
**AGENDA DATE:** CCA 08/09/11 Introduction, Public Hearing 08/16/11  
**CONTACT PERSON/PHONE:** Justin Bass, 541-4930  
**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

An ordinance vacating a portion of the alley out of Block 12, Womble Addition, City of El Paso, El Paso County, Texas (**District 3**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval  
City Plan Commission (CPC) – Approval (6-2)

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew McElroy, Deputy Director – Planning & Economic Development

**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*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

**City Manager**  
Joyce A. Wilson



Two Civic Center Plaza  
El Paso, TX 79901  
(915) 541-0000

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

**AN ORDINANCE VACATING A PORTION OF THE ALLEY OUT OF BLOCK 12,  
WOMBLE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owner has requested vacation of a portion of the alley out of Block 12, Womble Addition, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing, the City Plan Commission recommended approval of the vacation provided that the City retains a public access easement along the entire vacated portion; and,

**WHEREAS**, the City Council finds that said portion of alley right-of-way is not needed for public use provided that a public access easement remains;

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

That a determination has been made that it is in the best interest of the public that a portion of the alley out of Block 12, Womble Addition, 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 except that the city retains for public use an access easement along the entire portion of the alley that is 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 property to **Bank of the West**.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO CONTENT:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mathew McElroy, Deputy Director  
Planning & Economic Development

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

*(Quitclaim Deed on following page)*

Being a portion of the alley  
out of Block 12, Womble Addition,  
City Of El Paso, El Paso County, Texas  
Prepared for: Bank of the West  
April 25, 2011

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of the alley out of Block 12, Womble Addition recorded in Volume 13, Page 32, 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 a found 5/8" rebar with cap marked TX 5372, NM 17779 on the intersection of the northerly right of way line of U.S. Interstate Highway No. 10 with the common line of lots 3 and 4, block 12, Womble Addition, Thence along the northerly right of way line of U.S. Interstate Highway No. 10, North 65°00'15" East a distance of 89.12 feet to a found pk nail on the westerly line of an alley in block 12, Womble Addition for THE "TRUE POINT OF BEGINNING" ;

Thence along said alley line, North 21°54'00" East passing a found chiseled x at the common line of lots 5 and 6, block 12, Womble Addition a distance of 34.93 feet a total distance of 83.93 feet to a set 1/2" rebar with cap marked TX 5152;

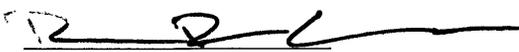
Thence leaving said line North 86°31'59" East a distance of 22.13 feet to a set 1/2" rebar with cap marked TX 5152 on the easterly line of an alley in block 12, Womble Addition

Thence along said line, South 21°54'06" West a distance of 73.54 feet to a set nail;

Thence leaving said line, South 67°04'47" West a distance of 28.19 feet to "TRUE POINT OF BEGINNING" and containing 1,574.5636 square feet or 0.0361 acres of land more or less.

Bearing basis is record for Womble Addition recorded in volume 13, page 32, Plat records of El Paso County, Texas.

A drawing of even date accompanies this description.

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

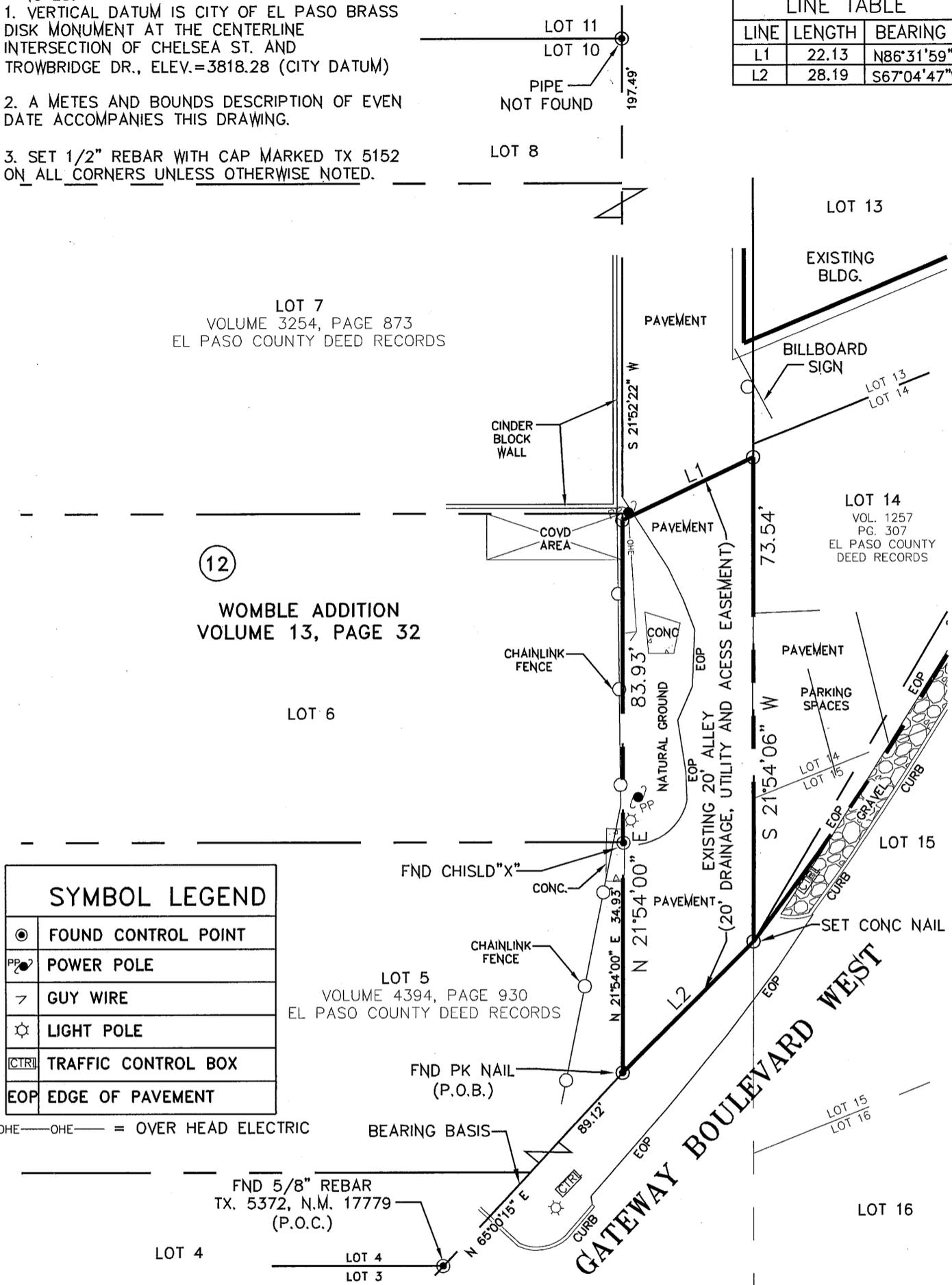


CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283  
FAX (915) 592-0286

NOTES:

1. VERTICAL DATUM IS CITY OF EL PASO BRASS DISK MONUMENT AT THE CENTERLINE INTERSECTION OF CHELSEA ST. AND TROWBRIDGE DR., ELEV.=3818.28 (CITY DATUM)
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.
3. SET 1/2" REBAR WITH CAP MARKED TX 5152 ON ALL CORNERS UNLESS OTHERWISE NOTED.

LINE TABLE		
LINE	LENGTH	BEARING
L1	22.13	N86°31'59"E
L2	28.19	S67°04'47"W



12

WOMBLE ADDITION  
VOLUME 13, PAGE 32

SYMBOL LEGEND	
⊙	FOUND CONTROL POINT
PP	POWER POLE
↗	GUY WIRE
⊙	LIGHT POLE
CTR	TRAFFIC CONTROL BOX
EOP	EDGE OF PAVEMENT

OHE—OHE = OVER HEAD ELECTRIC

LOT 5  
VOLUME 4394, PAGE 930  
EL PASO COUNTY DEED RECORDS

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

*Ron R. Conde*

RON R. CONDE R.P.L.S #5152

SCALE: 1"=20'

REVISED BOUNDARY 4-25-11  
REVISED LEGAL 10-27-10  
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ALL RIGHTS RESERVED

JOB # 1009-85	DATE: DECEMBER 16, 2009	FIELD: D.G.	OFFICE: F.R.
RECORDED IN VOLUME 13, PAGE 32, PLAT RECORDS OF EL PASO COUNTY, TX			
BEING A PORTION OF THE ALLEY OUT OF BLOCK 12, WOMBLE ADDITION CITY OF EL PASO, EL PASO COUNTY, TEXAS			
CONDE ENGINEERING INC. 6080 SURETY SUITE 100 EL PASO, TEXAS 79905			





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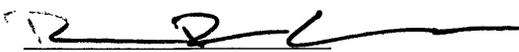
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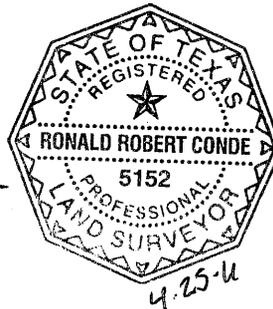
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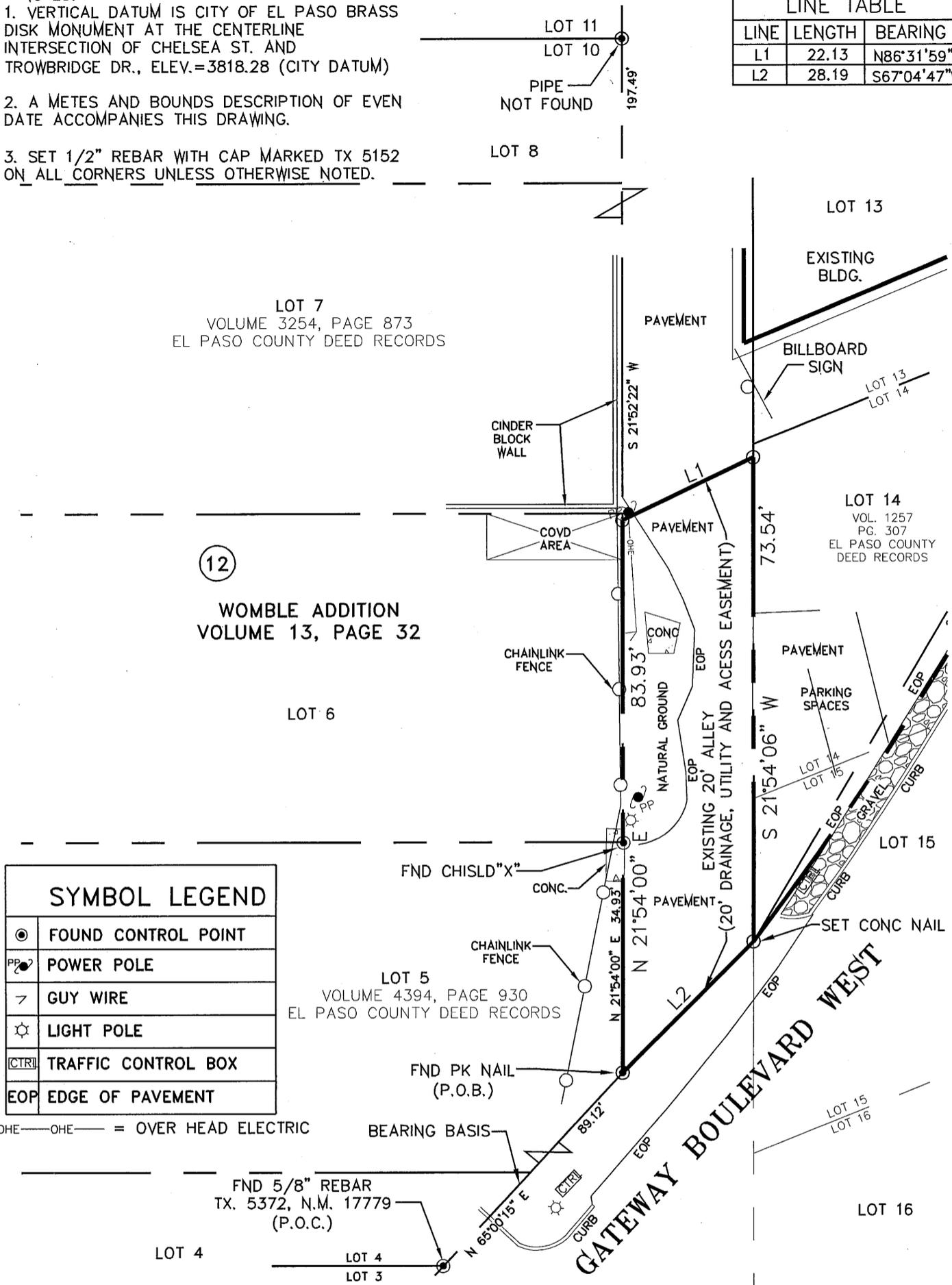


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LOT 4  
LOT 3

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*Ron R. Conde*

RON R. CONDE R.P.L.S #5152

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JOB # 1009-85      DATE: DECEMBER 16, 2009      FIELD: D.G.      OFFICE: F.R.

RECORDED IN VOLUME 13,      PAGE 32, PLAT RECORDS OF EL PASO COUNTY, TX

BEING A PORTION OF THE ALLEY OUT OF BLOCK 12,  
WOMBLE ADDITION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC.  
6080 SURETY SUITE 100  
EL PASO, TEXAS 79905



**PLANNING AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION**

**MEMORANDUM**

**DATE:** August 1, 2011

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

**FROM:** Justin Bass, Planner

**SUBJECT:** **SUB10-00250 Paisano Alley Vacation**

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The City Plan Commission (CPC), on May 5, 2011, **voted 6-2** to recommend **approval** of the Paisano Alley Vacation, with all staff recommendations and requirements.

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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*District 7*

Steve Ortega

*District 8*

Cortney Carlisle Niland

**City Manager**

Joyce A. Wilson



Two Civic Center Plaza  
El Paso, TX 79901  
(915) 541-0000



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SUB10-00250 Paisano Alley Vacation  
**Application Type:** Alley Vacation  
**CPC Hearing Date:** May 5, 2011

**Staff Planner:** Justin Bass, 915-541-4930, [bassjd@elpasotexas.gov](mailto:bassjd@elpasotexas.gov)  
**Location:** East of Paisano Drive and North of Interstate Hwy 10  
**Acreage:** 0.0361-acre  
**Rep District:** 3  
**Existing Use:** Alley  
**Existing Zoning:** C-4 (Commercial)

**Property Owner:** City of El Paso  
**Applicant:** Bank of the West  
**Representative:** Conde, Inc.

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

**North:** C-4 (Commercial)/ Commercial development  
**South:** C-4 (Commercial)/ Interstate Highway 10  
**East:** C-4 (Commercial)/ Commercial development  
**West:** C-4 (Commercial)/ Commercial development

**THE PLAN FOR EL PASO DESIGNATION:** Commercial.

### **APPLICATION DESCRIPTION**

The applicant is requesting to vacate a portion of an alley located within Block 12 of Womble Addition. The alley is situated between two properties – a Bank of the West facility and a small city-owned parcel developed as a parking lot. The applicant states that the purpose of the alley vacation is to accommodate additional parking for the bank.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of the Paisano Alley Vacation subject to the following conditions and requirements:

#### **Planning Division Recommendation:**

Approval.

#### **Engineering & Construction Management - Land Development:**

We have reviewed subject Alley Vacation and recommend **Approval**.

- No Objections

**EPDOT:**

No Objection to the proposed alley ROW vacation provided an Access Easement is dedicated to provide pedestrian/vehicular access at all times.

Access Easement shall be the entire existing width as clear access to pedestrians/vehicles, no landscaping or other physical barriers in “roadway”.

- Vacated alley ROW shall be maintained by the property owner

(comments have been addressed)

**El Paso Water Utilities:**

1. The El Paso Water Utilities does not object to the proposed alley vacation as long as the applicant requests in writing to abandon in place the existing water main located along the portion of the alley to be vacated.

2. The Applicant is responsible for the costs of the abandonment including depreciation, cutting and plugging of the main.

**Water**

3. There is an existing 4-inch diameter water main that extends along the portion of the alley to be vacated.

**Sanitary Sewer**

4. There are no sanitary sewer mains along the alley.

**General**

5. 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 alley vacation.

**Stormwater Division:**

The revised survey satisfies our previous stormwater comment.

**Parks and Recreation:**

No comments received.

**El Paso Fire Department:**

No comments received.

**El Paso Electric Company:**

We acknowledge the new survey and are in agreement. EPE must maintain easement rights.

**Sun Metro:**

No comments received.

**911:**

No comments received.

**Texas Gas Company:**

Texas Gas Service comment has been addressed and does not object to the proposed vacation as stated in revised survey.

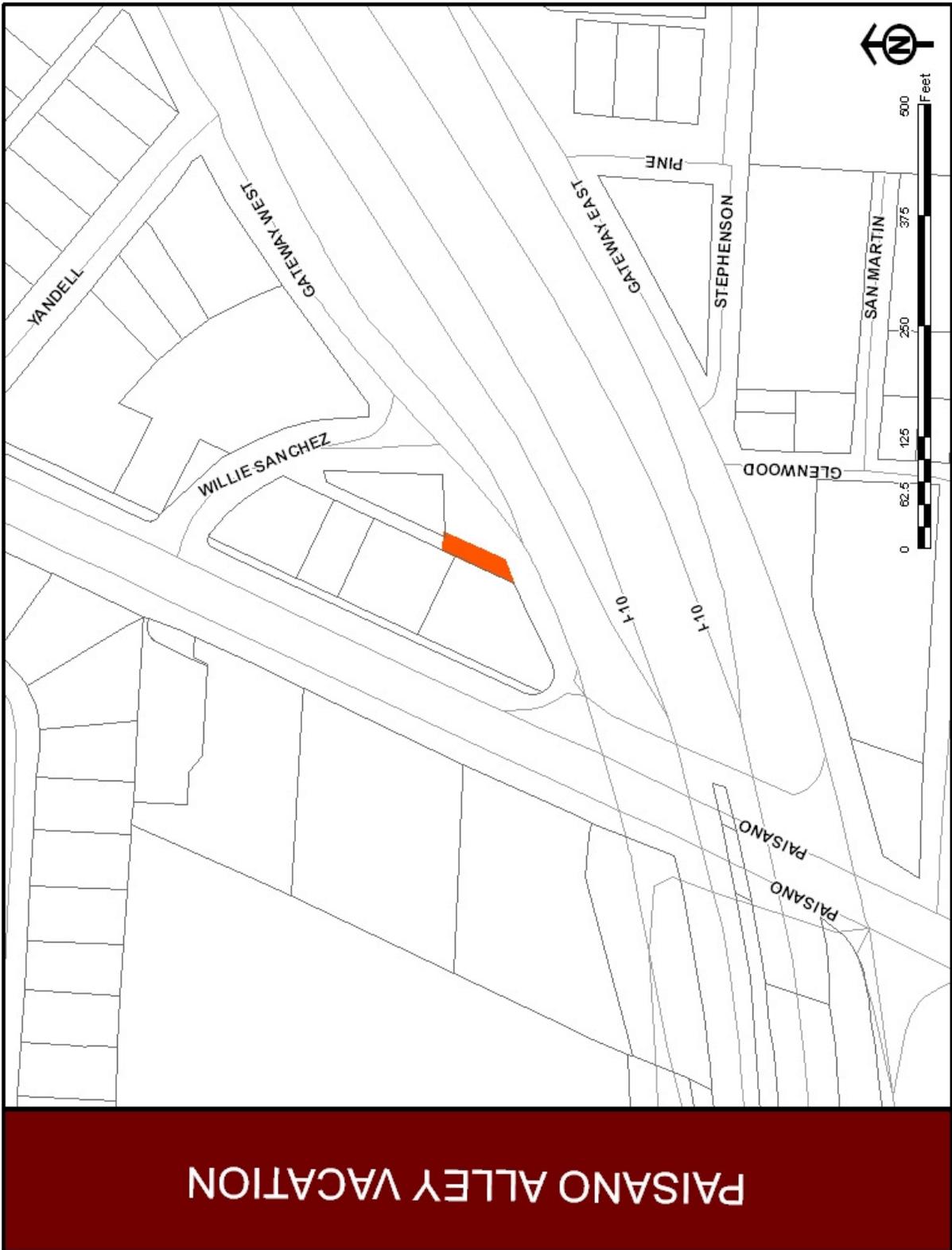
**El Paso Independent School District:**

No comments received.

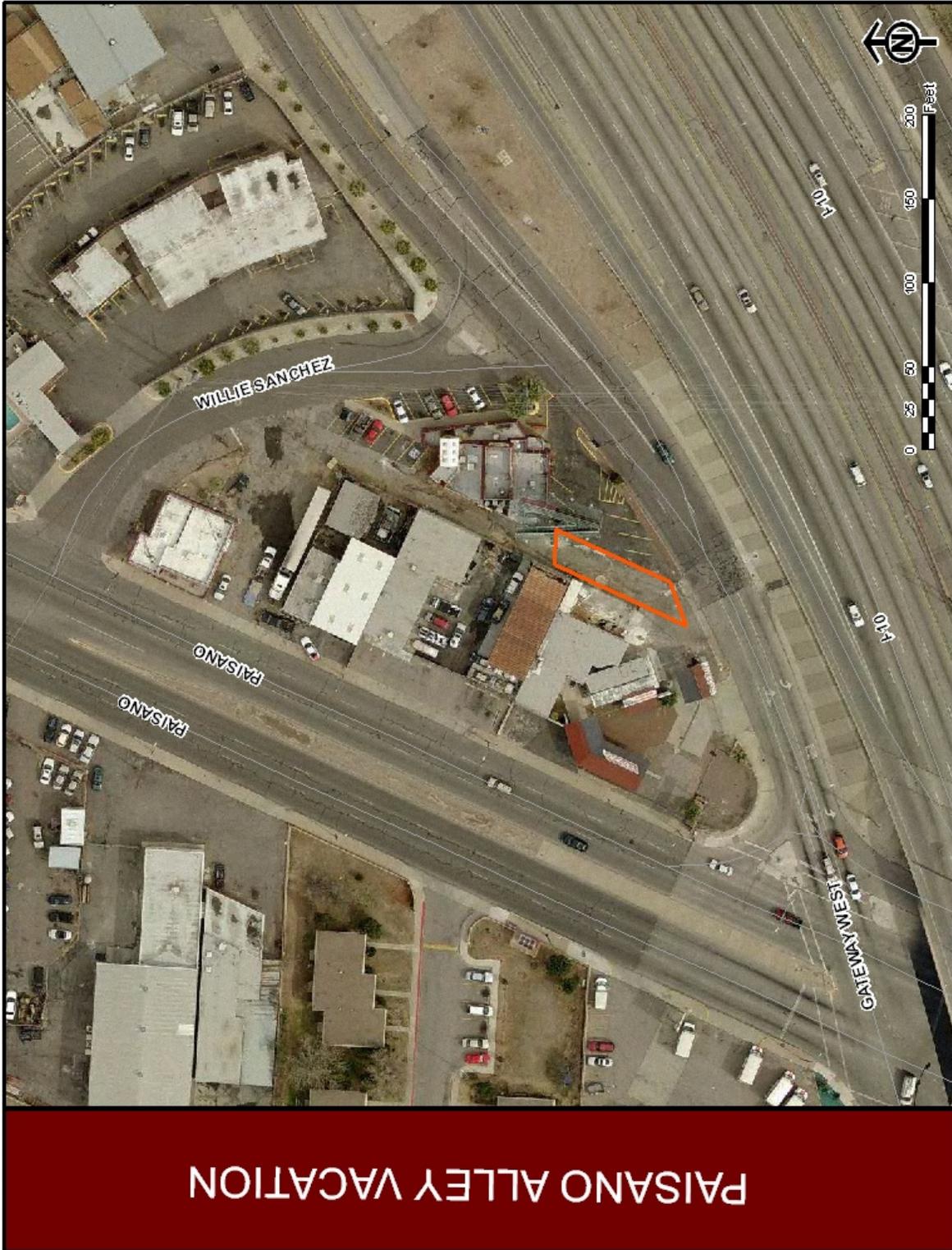
**Attachments**

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

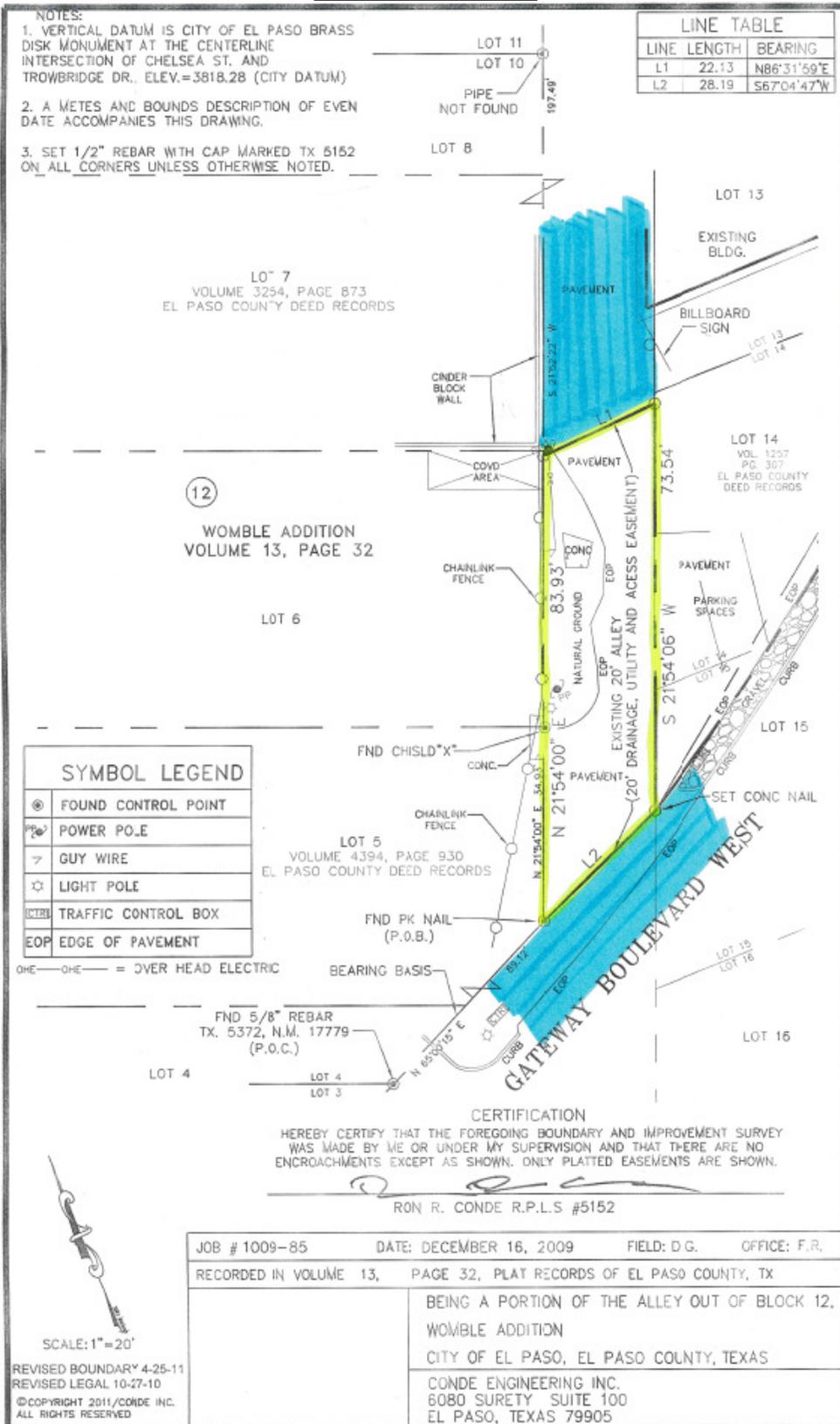
ATTACHMENT 1



ATTACHMENT 2



# ATTACHMENT 3



**ATTACHMENT 4**



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

Date: November 10, 2009

File No. SUB10-00250

1. APPLICANTS NAME Larry L. Patton

ADDRESS 500 North Mesa Street ZIP CODE 79901 TELEPHONE 747-1002

2. Request is hereby made to vacate the following: (check one)

Street  Alley  Easement  Other

Street Name(s) Paisano & I-10 Subdivision Name Womble Addition

Abutting Blocks 12 Abutting Lots 4, 5, 6

3. Reason for the vacation request: To allow for shared Parking with abutting Property

4. Surface Improvements located in subject right-of-way:  
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. Future Use of the vacated right-of-way:  
Yard  Parking  Expand Building Area  Replat with abutting Land  Other

7. Related Application which are pending (give name or file number):  
Zoning  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).

Signature	Legal Description/Address	Telephone Numbers
_____	<u>A Portion of Lots 4, 5, and 6, Block 12.</u>	<u>915-747-1002</u>
_____	<u>Womble Addition, City of El Paso, El</u>	_____
_____	<u>Paso County, Texas</u>	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacation 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. I/We further understand that the fee, if the Vacation is granted, will be determined by the City of El Paso and Certified or Cashier's Check must be presented before the request will be recommended for Council action.

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 a 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.

CASHIER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE: Bob Womble EW  
REPRESENTATIVE: \_\_\_\_\_

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

OWNER SIGNATURE Joseph L. Miller  
CITY OF EL PASO