



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

DEPARTMENT: Development Services Department

AGENDA DATE: Resolution, Consent: 8/11/09

CONTACT PERSON/PHONE: Arturo Rubio – 541-4633

DISTRICT(S) AFFECTED: 5

SUBJECT:

That the City Manager be authorized to sign and accept on behalf of the City a Public Right-of-Way Dedication Deed from Ranchos Real XII, LTD, dedicating to the City a piece of land to be used as a public right-of-way, described as *being a portion of Sections 37 and 48, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas.* The area is 1.1473 acres in size, which incorporates an additional 5 feet of right-of-way to the 110 foot John Hayes Street to allow for a hike and bike trail, and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" of the Dedication Deed. Subject Property: East of Rich Beem Boulevard and south of Edgemere Boulevard. Property Owner: Ranchos Real XII, 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) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

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

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 Public Right-of-Way Dedication Deed from Ranchos Real XII, LTD, dedicating to the City a piece of land to be used as a public right-of-way, described as *being a portion of Sections 37 and 48, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas*. The area is 1.1473 acres in size, which incorporates an additional 5 feet of right-of-way to the 110 foot John Hayes Street to allow for a hike and bike trail, and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" of the Dedication Deed.

ADOPTED this _____ day of _____, 2009.

THE CITY OF EL PASO

ATTEST:

Mayor

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy, Deputy Director
Development Services – Planning Division

STATE OF TEXAS § DEDICATION DEED
§
COUNTY OF EL PASO §

KNOW ALL MEN BY THESE PRESENTS: That **Ranchos Real XII, LTD**, Grantor, does hereby give and dedicate to the City of El Paso, Grantee, a 1.1473 acre piece of land which incorporates an additional 5 feet of right-of-way to the 110 foot John Hayes Street to allow for a hike and bike trail, the following described land located in the City of El Paso, El Paso County, Texas:

Being a portion of Sections 37 and 48, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, 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. This conveyance is subject to easements, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens or conveyances, that affect the property provided that they do not interfere with the use of the property as a public right-of way; rights of parties in possession, and standby fees, taxes and assessments by any taxing authority for the year 2009, not yet due and payable, and subsequent assessments for changes in land use or ownership. 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 ____ day of _____, 2009.

Ranchos Real XII, LTD

**By Ranchos Real Developers, Inc.,
 General Partner**

By: _____
Douglas A. Schwartz, Vice President

ACKNOWLEDGEMENT ON FOLLOWING PAGE

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____ 2009, by Douglas A. Schwartz as Vice President of **Ranchos Real Developers, Inc., General Partner of Ranchos Real XII, LTD.**

My Commission Expires:

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

GRANTEE
CITY OF EL PASO

By: _____
Joyce Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy, Deputy Director
Development Services – Planning Division

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me this _____ day of _____ 2009, 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 Deputy Director
2 Civic Center Plaza, 5th floor
El Paso, Texas 79901

EXHIBIT "A"

Being a portion of Sections 37 and 48,
Block 79, Township 2,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
March 31, 2009

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Sections 47 and 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, 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 at the centerline intersection of Edgemere Blvd. and John Hayes St. from which an existing city monument at the centerline intersection of John Hayes St. and Ralph Seitsinger Dr. bears South $00^{\circ}35'06''$ East a distance of 2,519.13 feet; Thence North $34^{\circ}11'59''$ East a distance of 96.41 feet to a point on the easterly right of way line of John Hayes St. for the **"TRUE POINT OF BEGINNING"**

Thence leaving said right of way line South $89^{\circ}43'33''$ East a distance of 5.00 feet to a set 1/2" rebar with cap marked TX 5152;

Thence South $00^{\circ}35'06''$ East a distance of 4760.46 feet to a set 1/2" rebar with cap marked TX 5152 on the line between sections 37 and 48, Block 79, Township 2, Texas and Pacific Railway Surveys;

Thence South $00^{\circ}34'52''$ East a distance of 498.09 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, 39.03 feet along the arc of a curve to the left which has a radius of 25.00 feet, a central angle of $89^{\circ}26'33''$, a chord which bears South $45^{\circ}18'09''$ East a distance of 35.18 feet to a set 1/2" rebar with cap marked TX 5152;

Thence South $00^{\circ}50'04''$ East a distance of 110.01 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, 39.51 feet along the arc of a curve to the left which has a radius of 25.00 feet, a central angle of $90^{\circ}33'27''$ a chord which bears South $44^{\circ}41'51''$ West a distance of 35.53 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, South $00^{\circ}34'52''$ East a distance of 4483.93 feet to a set 1/2" rebar with cap marked TX 5152 for a point of curve;

Thence, 39.02 feet along the arc of a curve to the left which has a radius of 25.00 feet, a central angle of $89^{\circ}25'36''$ a chord which bears South $45^{\circ}17'40''$ East a distance of 35.18 feet to a set 1/2" rebar with cap marked TX 5152;

EXHIBIT "A"

Thence South 00°00'28" East a distance of 68.00 feet to a set 1/2" rebar with cap marked TX 5152 on the south line of Section 48, Block 79, Township 2, Texas and Pacific Railway Surveys;

Thence along said line South 89°59'32" West a distance of 5.00 feet to a set 1/2" rebar with cap marked TX 5152;

Thence leaving said line North 00°00'28" West a distance of 68.00 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, 39.02 feet along the arc of a curve to the right which has a radius of 25.00 feet, a central angle of 89°25'36" a chord which bears North 45°17'40" West a distance of 35.18 feet to a set 1/2" rebar with cap marked TX 5152;

Thence North 00°34'52" West a distance of 4483.93 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, 39.51 feet along the arc of a curve to the right which has a radius of 25.00 feet, a central angle of 90°33'27", a chord which bears North 44°41'51" East a distance of 35.53 feet to a set 1/2" rebar with cap marked TX 5152;

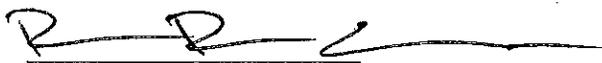
Thence North 00°50'04" West a distance of 110.01 feet to a set 1/2" rebar with cap marked TX 5152;

Thence, 39.03 feet along the arc of a curve to the right which has a radius of 25.00 feet, a central angle of 89°26'33", a chord which bears North 45°18'09" West a distance of 35.18 feet to a set 1/2" rebar with cap marked TX 5152;

Thence North 00°34'52" West a distance of 498.09 feet to a to a set 1/2" rebar with cap marked TX 5152 on the line between sections 37 and 48, Block 79, Township 2, Texas and Pacific Railway Surveys;

Thence North 00°35'06" West a distance of 4760.48 feet to "TRUE POINT OF BEGINNING" and containing 1.1473 acres of land more or less.

A plat of even date accompanies this description.


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



job #209-27

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



**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: August 3, 2009

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

FROM: Arturo Rubio, Planner

SUBJECT: John Hayes Street Dedication

The City Plan Commission (CPC) on May 21, 2009 **recommended approval of the John Hayes Street Dedication.**

The CPC determined that the dedication of the right-of-way protects the best interest, health, safety and welfare of the public in general; and that the dedication will have no 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: SUB09-00024 John Hayes Street
Application Type: Right-of-Way Dedication
CPC Hearing Date: May 21, 2009

Staff Planner: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov
Location: East of Rich Beem Boulevard and South of Edgemere Boulevard
Legal Description Acreage: 1.147 acres
Rep District: 5
Existing Use: Vacant

Property Owner: Ranchos Real XII, LTD
Applicant: Conde, Inc.
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: C-2/c (Commercial/conditions)/Vacant/ R-5 (Residential)/Vacant
South: ETJ
East: ETJ
West: C-2/c (Commercial/conditions)/Vacant/R-F (Ranch and Farm)/Vacant

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

The applicant is requesting to dedicate a 1.14-acre right-of-way. The purpose of the dedication is to allow for the addition of 5-feet of right-of-way to a 110-foot right-of-way (Hayes Street) for a hike and bike trail. The applicant is proposing to dedicate the 9,950 foot long additional right-of-way through a separate dedication as John Hayes Street abuts 5 different individual units of the Tierra De Este Subdivision. The John Hayes Street Dedication is part of a development agreement dated January 31, 2006, however 5-feet of property has not been annexed yet.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Approval

DEVELOPMENT COORDINATING COMMITTEE COMMENTS

The Development Coordinating Committee recommends *approval* of the right-of-way dedication.

Planning Division Recommendation

Approval.

Land Development

No comments.

Stormwater Division

No comments.

El Paso Water Utilities

No comments

Engineering – Traffic Division

- Is there a proposed median opening at Elk Horn Court? There is no Karen Point Court at proposed Tierra del Este Unit Sixty Four.
- No additional median cuts shall be allowed.

Parks and Recreation

- Call-out for an eight feet wide sidewalk for the Hike & Bike Trail at the Major Arterial cross section.
- Provide Parkway landscape plans for review at the subdivision improvement plans submittal.
- Recommend for sidewalk cross slope to be noted as 1%

Please note that this Subdivision is being excluded from the calculation for Parkland Dedication Ordinance **Chapter 19.20** as noted below.

19.20.6 Exclusions from Dedication Requirements.

Exclusions. The following shall be excluded from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this section:

- (8) Land shown within a subdivision, whether residential or nonresidential, which is designated for use as a public facility.

Streets Department

We have reviewed the proposed John Hayes Street ROW dedication and are offering the following comments:

No Objections

El Paso Electric Company

No comments received.

Texas Gas Service

No comments received.

Time Warner Cable

No comments received.

Fire Department

No comments received.

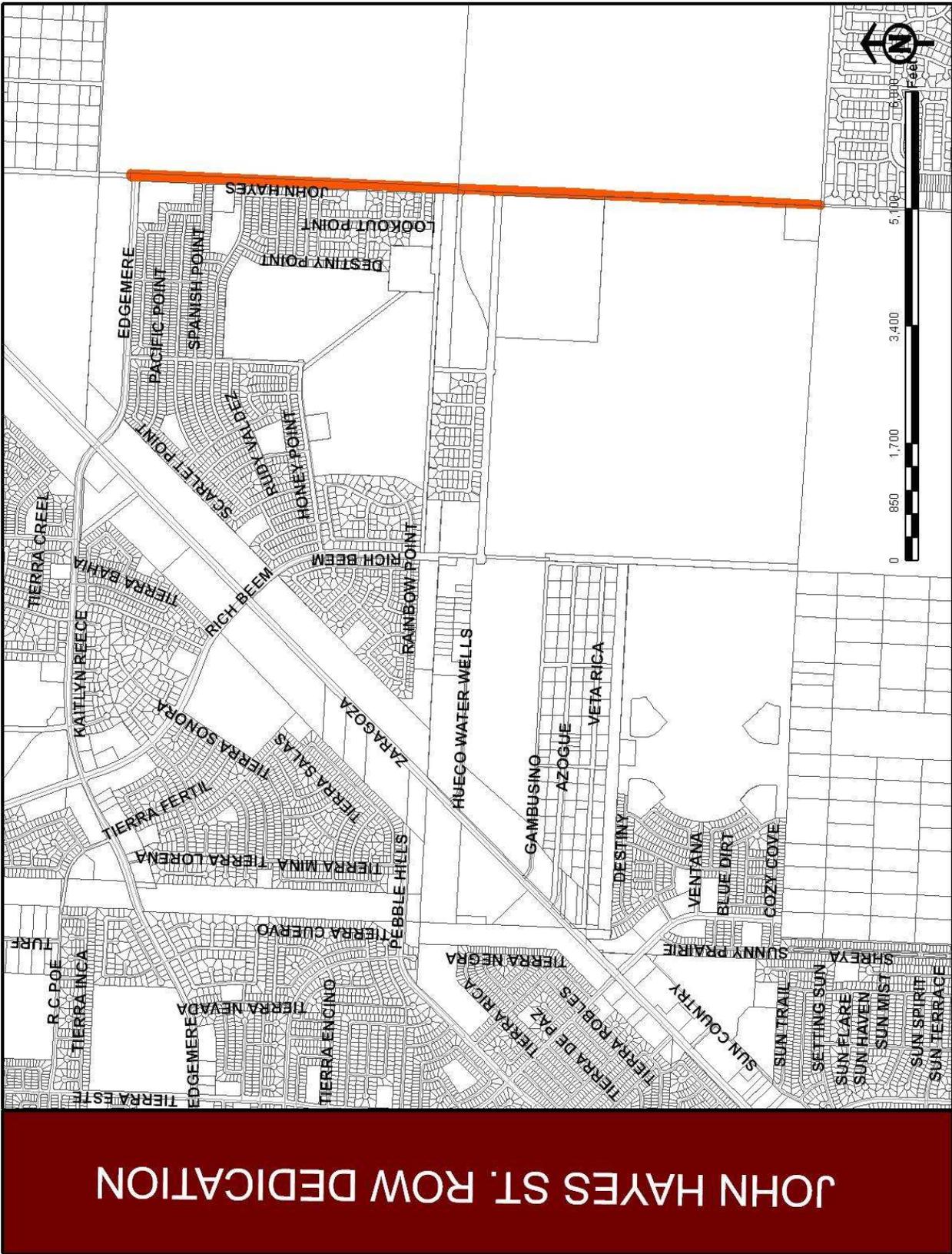
911:

No comments received.

Attachments

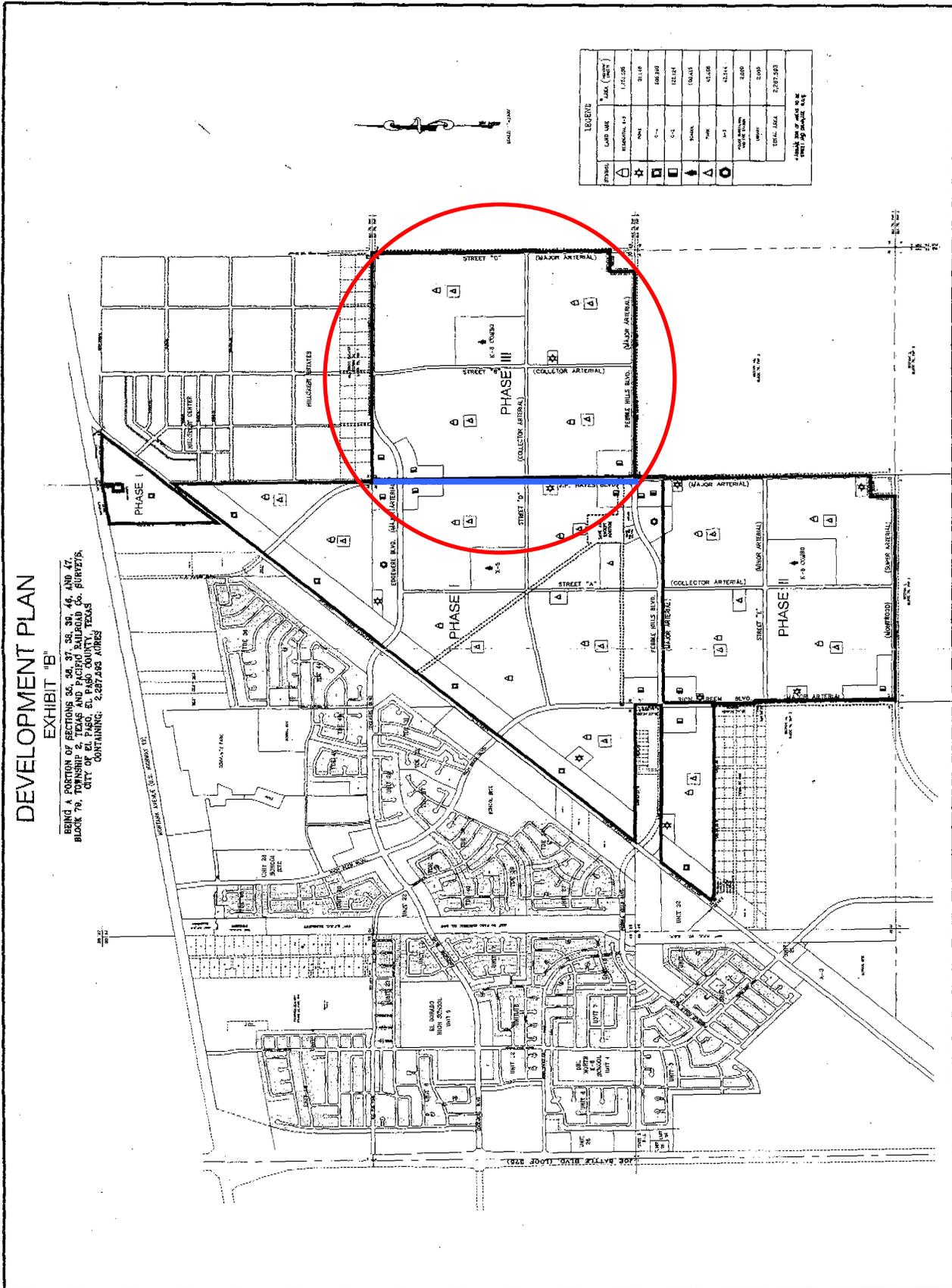
1. Location map
2. Aerial map
3. Development Agreement Map
4. Survey
5. Application

ATTACHMENT 1

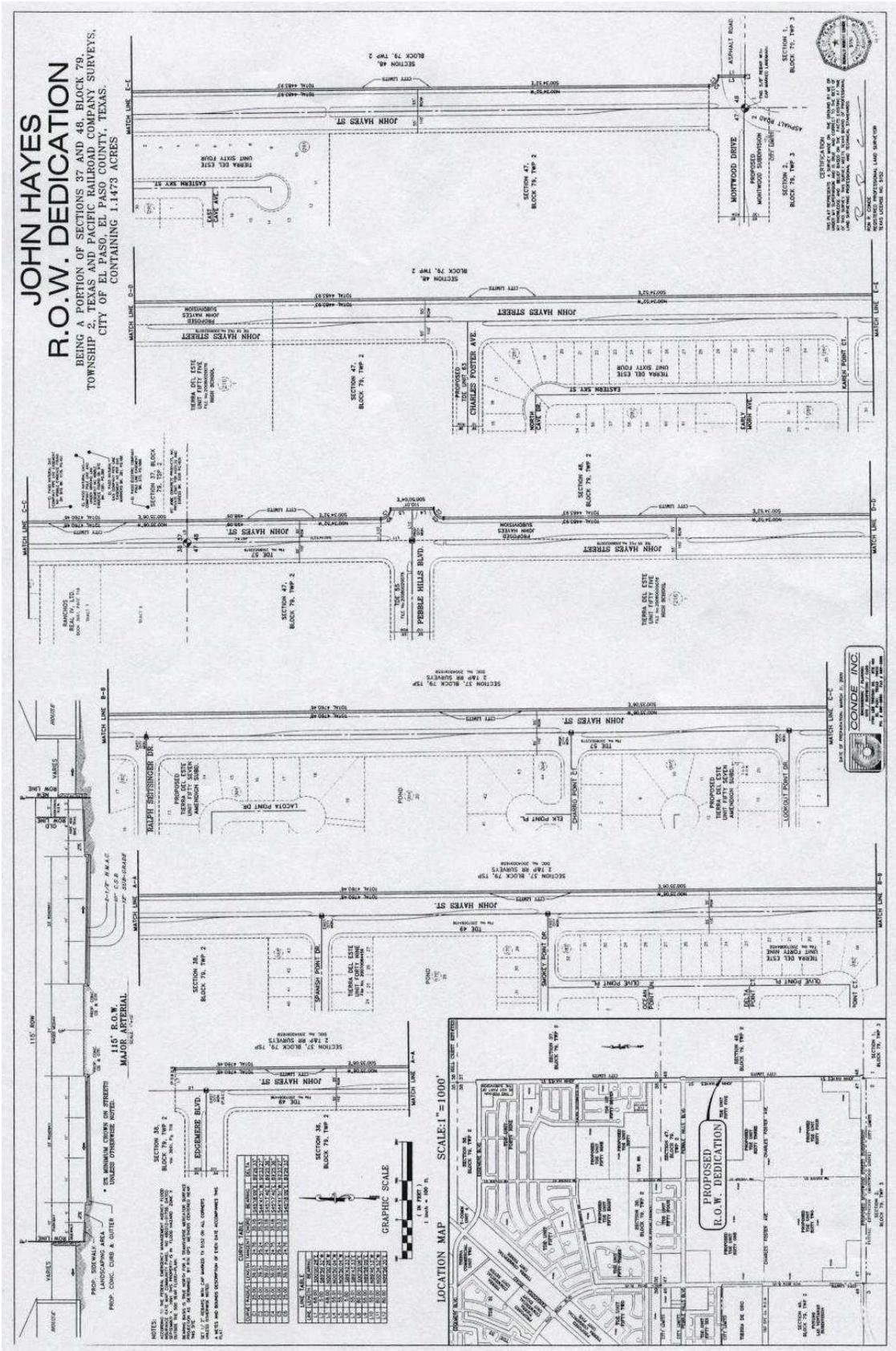


JOHN HAYES ST. ROW DEDICATION

ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5



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

Date: February 11, 2009

File No. SUB09-00024

1. APPLICANTS NAME Ranchos Real XII, LTD

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) John Hayes Subdivision Name n/a

Abutting Blocks _____ Abutting Lots _____

3. Reason for the dedication request: To dedicate additional 5' ROW for John Hayes to allow for a Hike/Bike Trail.

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).

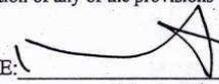
| Signature | Legal Description/Address | Telephone Numbers |
|---|---|---------------------|
| <u>Ranchos Real XII, LTD</u> | <u>Being a portion of Sections 37 and 48.</u> | <u>915-592-0290</u> |
| <u>By: Ranchos Real Developers, Inc.</u> <u>Its General Partner</u> | <u>Block 79, Township 2, Texas and Pacific</u> <u>Railroad Company Surveys, City of</u> <u>El Paso, El Paso County, Texas</u> | _____ |
|  <u>Douglas A. Schwartz, Vice President</u> | | |

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedications 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 Dedication 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: \$562.00

OWNER SIGNATURE: 

REPRESENTATIVE: 

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

