

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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Intro 08/14/07; Public Hearing 08/21/07

CONTACT PERSON/PHONE: Christina Stokes, Planner – 541-4627

DISTRICT(S) AFFECTED: 1

SUBJECT:

AN ORDINANCE VACATING A PORTION OF THE DAM SITE AND DRAINAGE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF CLAUSSEN CANYON, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

Location: Northeast location from the intersection of Lost Padre Mine Drive and Camino Alto Drive, a portion of Claussen Canyon dam site and drainage R.O.W. Applicant: Paul L. Foster. SUB07-00021 (District 1).

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter, AICP

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF THE DAM SITE AND DRAINAGE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF CLAUSSEN CANYON, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the applicant, Paul L. Foster, has requested a dam site and drainage right-of-way vacation of *a portion of the Dam Site and Drainage Right-of-Way as shown on the plat of Claussen Canyon, City of El Paso, El Paso County, Texas*, in order to allow for the construction of a driveway. The proposed driveway will provide access to one single family residential unit; and,

WHEREAS, the City Plan Commission on April 5, 2007 recommended a vacation of *a portion of the Dam Site and Drainage Right-of-Way that is approximately .0350 acres in size as shown on the plat of Claussen Canyon, City of El Paso, El Paso County, Texas*, and 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:

That a determination has been made that it is in the best interest of the public that *a portion of the Dam Site and Drainage Right-of-Way that is approximately .0350 acres in size as shown on the plat of Claussen Canyon, 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" made a part hereof by reference, be and is hereby 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 Paul L. Foster.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

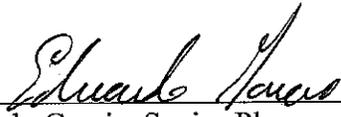
APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Eduardo Garcia, Senior Planner
Development Services Department

APPROVED AS TO CONTENT:



Eduardo Garcia, Senior Planner
Development Services Department

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

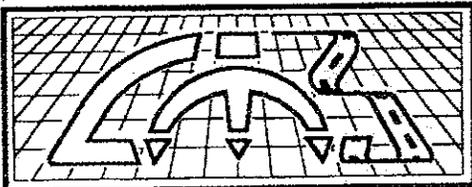
This instrument is acknowledged before me on this _____ day of _____, 2007,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:

AFTER FILING RETURN TO:

**Paul L. Foster
6500 Trowbridge Drive
El Paso, Texas 79905**

Land - Mark Professional Surveying Inc.*"Serving Texas, New Mexico and Arizona"***METES AND BOUNDS DESCRIPTION**

A 0.0350 ACRE PARCEL OF LAND BEING A PORTION OF THE DAM SITE AND DRAINAGE RIGHT OF WAY AS SHOWN ON THE PLAT OF CLAUSSEN CANYON RECORDED IN BOOK 56, PAGE 42, PLAT RECORDS OF EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an existing city of El Paso Monument located at the intersection of Camino Alto Drive and Lost Padre Mine Drive; **THENCE**, North 02°49'00" East a distance of 575.96 feet to an existing 5/8" rebar with cap stamped "LAND-MARK TX5710" located at the southeasterly corner of Lot 10, of said Claussen Canyon and the **POINT OF BEGINNING** for the following parcel description;

THENCE North 04°10'00" East with the easterly boundary line of said Lot 10 a distance of 38.74 feet to a 5/8" rebar with cap stamped "LAND-MARK TX5710" located at the northeasterly corner of said Lot 10 and a corner of this parcel;

THENCE South 59°38'47" East a distance of 87.79 feet to a 5/8" rebar with cap stamped "LAND-MARK TX5710" set in the common boundary line of said Dam Site and Drainage Right of Way and Lot 9 of said Claussen Canyon and a corner of this parcel;

THENCE North 85°50'00" West with said common boundary line a distance of 78.78 feet to the **TRUE POINT OF BEGINNING**.

This parcel of land as described contains 0.0350 Acres (1,526 Sq. Ft.) more or less.

LAND-MARK PROFESSIONAL
SURVEYING, INC.

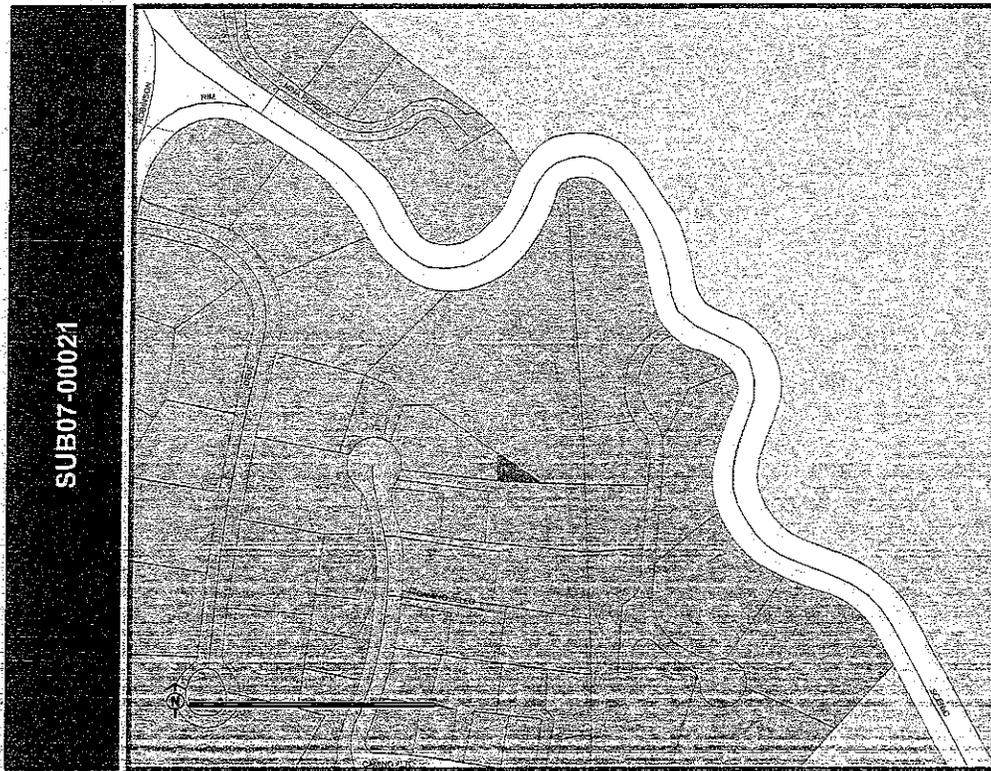
Kenneth R. Kindle
Kenneth R. Kindle, R.P.L.S.
Texas License No. 5710
Job. No. 23334
Date: December 7, 2006
Revised March 23, 2007.





SUB07-00021

Subdivision Name: Claussen Canyon Drainage Right-of Way Vacation
Legal Description: A Portion of the Dam Site and Drainage R.O.W as shown on the plat of Claussen Canyon, City of El Paso, El Paso County
Type Request: Dam Site and Drainage R.O.W Vacation
Property Owner: The City of El Paso
Applicant: Paul L. Foster
Representative: Brent Harris
Surveyor: Land-Mark Professional Surveying Inc.
Location: South of Scenic Drive and East of Camino Bello Lane
Representative District: 1
Planning Area: Central



GENERAL INFORMATION:

The applicant is proposing to vacate a portion of a dam site and drainage r.o.w that is approximately .0350 Acres in size. The applicant is proposing to vacate this portion of dam site and drainage r.o.w in order to allow for the construction of a driveway. The proposed driveway will provide access to one single family residential unit.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **approval** of the vacation of the portion of dam site and drainage r.o.w as shown on the Claussen Canyon Plat subject to the following conditions:

Planning Division– Land Development Comments and Requirements:

1. 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.
2. The subdivision is within Flood Zone C "Areas of minimal flooding" Panel 480214 0033 B.

El Paso Water Utilities Comments:

1. EPWU-PSB does not object to this request.
2. EPWU-PSB does not own or operate any facilities within the above referenced drainage right-of-way. Existing water and sanitary sewer facilities are located along Camino Bello Lane.

Engineering Department - Traffic Division Comments:

No comment received.

Additional Requirements and General Comments:

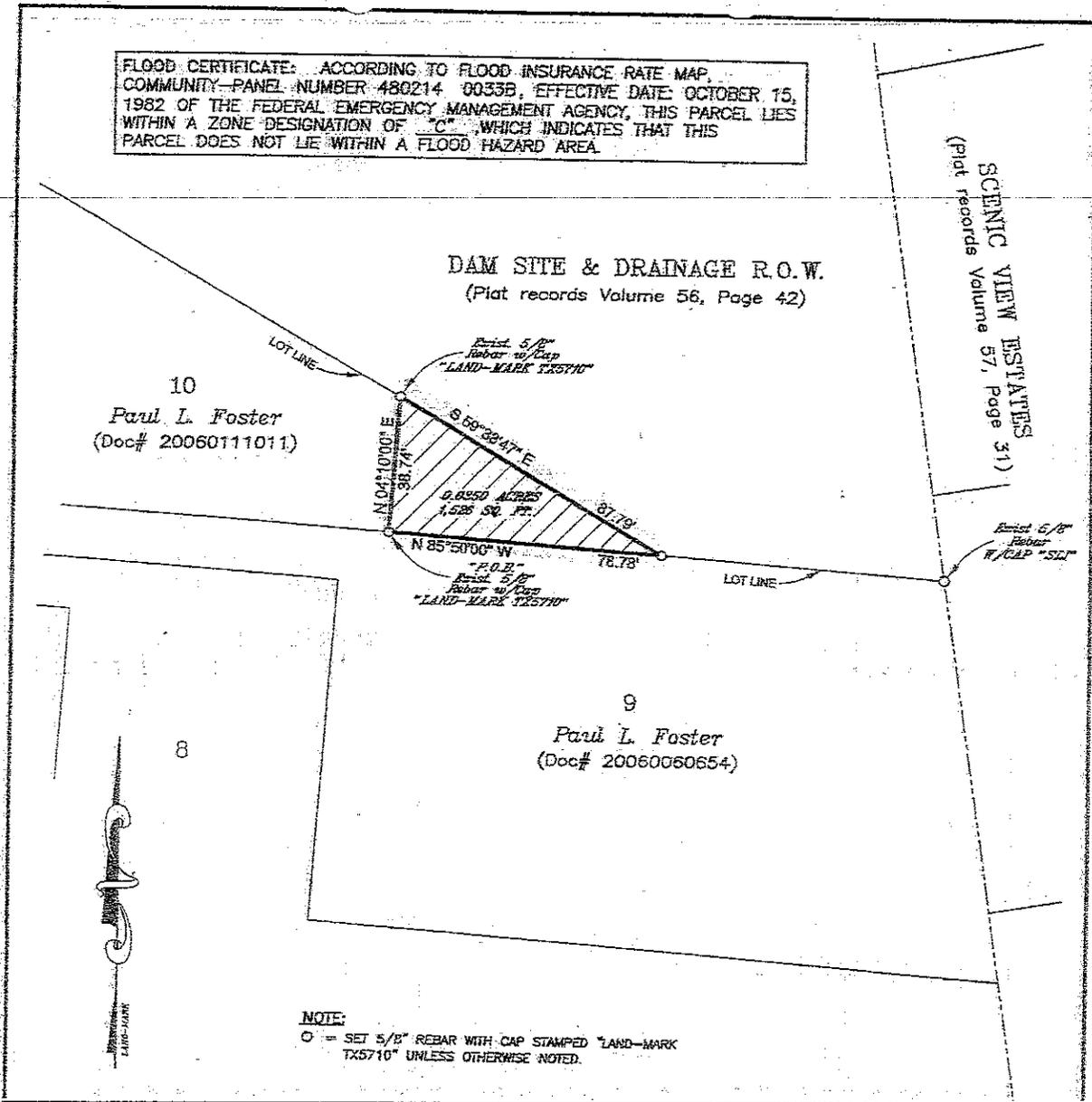
The applicant shall bear the cost of the appraisal and the appraised value of the dam site and drainage r.o.w. vacation.

List of Attachments

- Attachment 1: Aerial
- Attachment 2: Survey

SURVEY

FLOOD CERTIFICATE: ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 480214 0033B, EFFECTIVE DATE: OCTOBER 15, 1982 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THIS PARCEL LIES WITHIN A ZONE DESIGNATION OF "C", WHICH INDICATES THAT THIS PARCEL DOES NOT LIE WITHIN A FLOOD HAZARD AREA.



AERIAL

SUB07-00021

