Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **CCA 07/27/2010 Introduction, CCA 08/03/2010 Public Hearing**

CONTACT PERSON/PHONE: **Raul Garcia, 541-4935**

DISTRICT(S) AFFECTED: 8

SUBJECT:
An ordinance vacating a portion of Randolph Drive, Alexander Addition, an addition to the City of El Paso, El Paso County, Texas

BACKGROUND / DISCUSSION:
Chapter 272.001(j) of the Local Government Code allows the City to sell land to an institution of higher education for less than its fair market value, provided that such sale is to promote a public purpose related to higher education.

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 (7-0)

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

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

DEPARTMENT HEAD: Mathew McElroy
Planning 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
2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF RANDOLPH DRIVE, ALEXANDER ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a portion of Randolph Drive, Alexander Addition, an addition to the City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Randolph Drive, Alexander Addition, an addition to the City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way is not needed for public use and should be vacated as recommended;

WHEREAS, City Plan Commission has recommended the vacation, and the El Paso City Council finds that said right-of-way is not needed for public use by the City and should be vacated as recommended; and,

WHEREAS, Chapter 272.001(j) of the Local Government Code allows the City to sell land to an institution of higher educations for less than its fair market value, provided that such sale is to promote a public purpose related to higher education; and,

WHEREAS, Chapter 272.001(j) requires the City to determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose; and,

WHEREAS, the University of Texas at El Paso intends to incorporate the vacated portion into the existing university housing, which is utilized by students, faculty and staff of the university; and,

WHEREAS, the City Council determines that the sale of the land does promote a public purpose related to higher education,

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 the portion of Randolph Drive, Alexander Addition, an addition to the 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 subject to the following condition

That the land be used to incorporate the vacated portion into the existing university housing.

Section 2. That 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, incorporating the above conditions, to the Board of Regents of The University of Texas System.

SIGNATURES ON FOLLOWING PAGE

PASSED AND APPROVED this _____ day of _____, 2010.

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
Development Services Department
Planning Division

EXHIBIT A

Barragan & Associates
Land Planning & Land Surveying
10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax(915) 591-5706

DESCRIPTION

DESCRIPTION of a parcel of land being a portion of Randolph Drive, Alexander addition, an addition to the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a city monument located at intersection of the monument line of Hawthorne Street and the monument line of Crosby Avenue, **THENCE**, N 52°24'00" E, along said monument line of Crosby Avenue, a distance of 285.00 feet to a point, **THENCE**, N 37°36'00" W, a distance of 25.00 feet to a point for the intersection of the Northerly right-of-way line of Crosby Avenue and the Westerly right-of-way line of Randolph Drive, said point also being the **POINT OF BEGINNING** of this parcel;

THENCE, N 37°36'00" W, along said Westerly right-of-way line of Randolph Drive, a distance of 250.00 feet to a point for a corner of this parcel;

THENCE, N 52°24'00" E, a distance of 70.00 feet to a point on the Easterly right-of-way line of Randolph Drive for a corner of this parcel;

THENCE, S 37°36'00" E, along said Easterly right-of-way line of Randolph Drive, a distance of 250.00 feet to a point on the said Northerly right-of-way line of Crosby Avenue for a corner of this parcel;

THENCE, S 52°24'00" W, a distance of 70.00 feet to the **POINT OF BEGINNING** of this parcel and containing in all 17,500 sq. ft. or 0.40 acres of land more or less.

Notes:

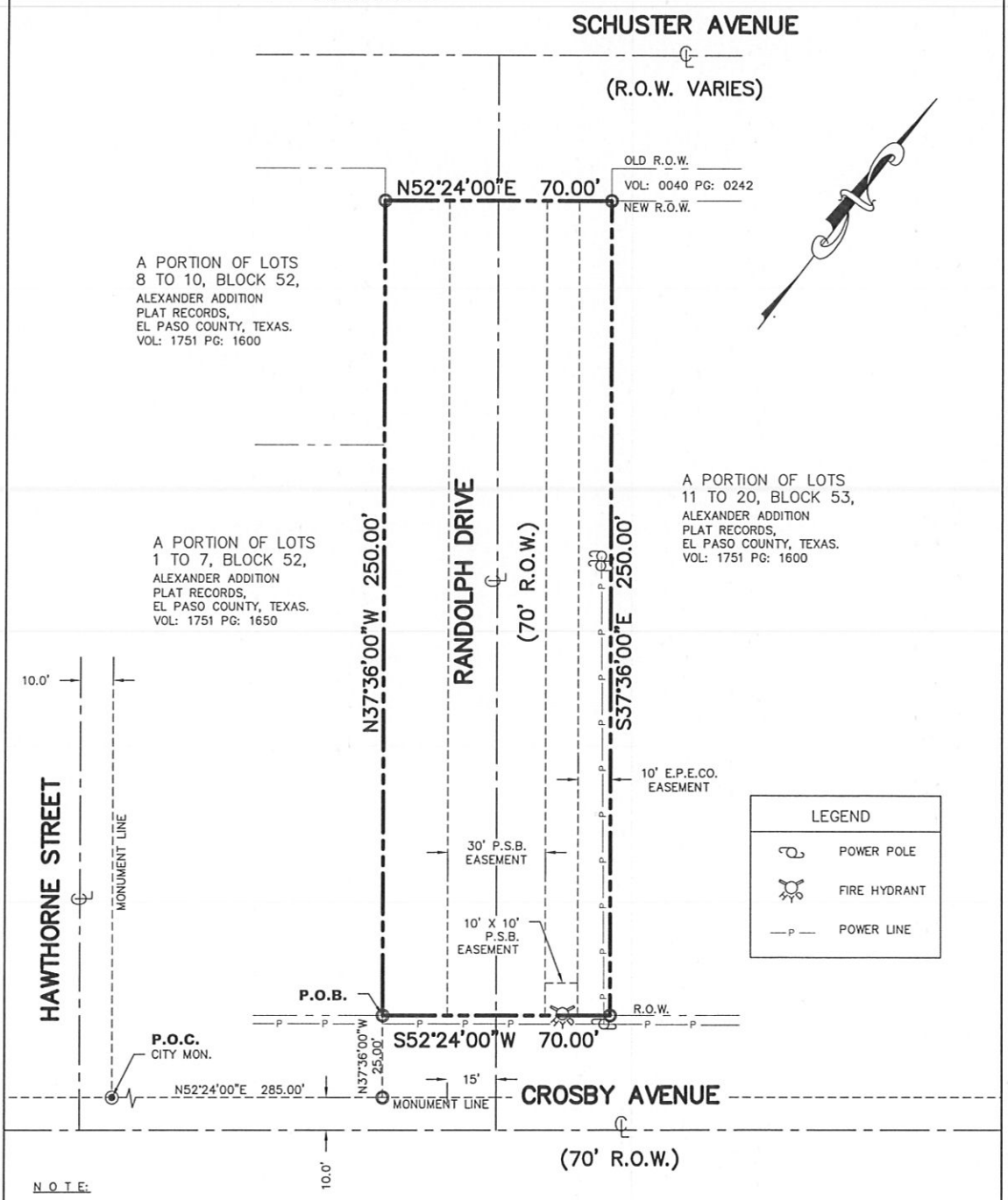
1. Bearings recited herein are based on an assumed north using the northerly right-of-way line of Schuster Avenue.
2. A parcel plan of even date accompanies this description.
3. This property may be subject to easements whether of record or not.
4. Not a ground survey.

STATE OF TEXAS
REGISTERED
BENITO BARRAGAN
5615
PROFESSIONAL
LAND SURVEYOR

Benito Barragan TX R.P.L.S. 5615 , August 25, 2008
UTEP-PARCEL1

N:\B Computer\UTEP-NEW PARKING\d

EXHIBIT B



NOTE:

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2. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT, (NOT SHOWN).
3. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
4. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAN.
5. NOT A GROUND SURVEY

FULL WIDTH DRAINAGE EASEMENT

REVISED: 05-07-10
REVISED: 03-17-10

Barragan & Associates Inc.
LAND PLANNING & SURVEYING
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Parcel Plan

A PORTION OF RANDOLPH DRIVE, ALEXANDER ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 17,500 SQ. FT. OR 0.40 ACRES ±

Plat reference vol/bk N/A pages N/A

Scale 1"=40' Date 08-25-08 Drawn by RV

STATE OF TEXAS REGISTERED BENITO BARRAGAN 5615 PROFESSIONAL

Benito Barragan R.P.L.S. TX. No. 5615

Job No. 080818-09 Copy Rights ©

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 FOR 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 ("Grantor") has released and quitclaimed and by these presents does release and quitclaim unto the Board of Regents of The University of Texas System ("Grantee") 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, THE PORTION OF RANDOLPH DRIVE, ALEXANDER ADDITION, AN 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 made a part hereof by reference (the "Property"), to have and to hold unto Grantee, Grantee's successors or assigns forever, subject to the condition subsequent stated in the following paragraph. Neither the City of El Paso, nor its successors and assigns, shall have, claim, or demand any right or title to the Property or any part of the Property; provided, however, that Grantor reserves a right of entry on the failure of the condition.

This conveyance is subject to the condition that the land be used to incorporate the vacated portion into the existing university housing that is related to the University of Texas at El Paso. The foregoing is intended to create and does create a condition subsequent, and it is the intent of Grantor to convey to Grantee a fee simple subject to a condition subsequent.

WITNESS the following signatures and seal this _____day of _____, 2010.

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
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 _____, 2010, 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:

The University of Texas at El Paso
500 W. University
El Paso, Texas 79968

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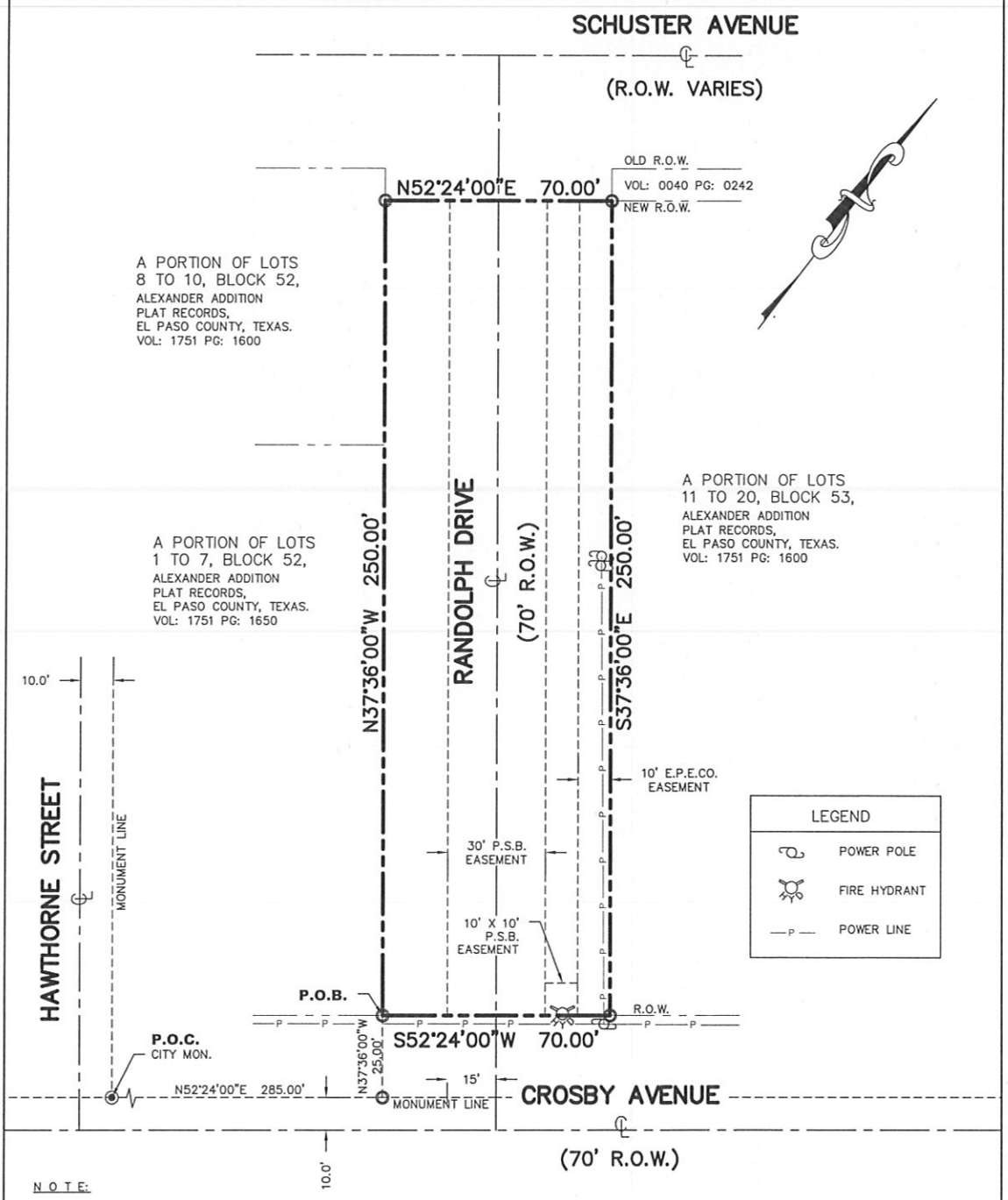
4. Not a ground survey.

STATE OF TEXAS
REGISTERED
BENITO BARRAGAN
5615
PROFESSIONAL
LAND SURVEYOR

Benito Barragan TX R.P.L.S. 5615 , August 25, 2008
UTEP-PARCEL1

N:\B Computer\UTEP-NEW PARKING\d

EXHIBIT B



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FULL WIDTH DRAINAGE EASEMENT

REVISED: 05-07-10
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Parcel Plan

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Plat reference vol/bk N/A pages N/A

Scale 1"=40' Date 08-25-08 Drawn by RV

STATE OF TEXAS REGISTERED BENITO BARRAGAN 5615 PROFESSIONAL

Benito Barragan R.P.L.S. TX. No. 5615

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Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS

MEMORANDUM

DATE: July 20, 2010

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

FROM: Raul Garcia, Planner

SUBJECT: **SUB08-00161**

The City Plan Commission (CPC), on June 3, 2010, **voted 7-0** to **approve** the Randolph Drive vacation.

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.

The applicant is not subject to an appraisal or appraised market value of the city's interest in the public right-of-way based on Local Government Code 272.001(j) *A political subdivision may donate, exchange, convey, sell or lease land, improvements, or any other interest in real property to an institution of higher education, as that term is defined by Section 61.003, Education Code, to promote a public purpose related to higher education. The political subdivision shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. A political subdivision may donate, exchange, convey, sell, or lease the real property interest for less than its fair market value and without complying with the notice and bidding requirements of Subsection (s).*

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.

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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) 541-4799

City of El Paso – City Plan Commission Staff Report

Case No:	SUB08-00161 Randolph Drive Street Vacation
Application Type:	Right-of-Way Vacation
CPC Hearing Date:	June 3, 2010
Staff Planner:	Raul Garcia, 915-541-4935, *garciar1@elpasotexas.gov*
Location:	South of Schuster Avenue at Randolph Drive
Acreage:	0.40-acre
Rep District:	8
Existing Use:	ROW
Existing Zoning:	A-3 (Apartments)
Property Owner:	City of El Paso
Applicant:	Board of Regents for the University of Texas System
Representative:	University of Texas at El Paso

SURROUNDING ZONING AND LAND USE

North: A-3 (Apartments)/ Multi-family development
South A-3 (Apartments)/ Multi-family development
East: A-3 (Apartments)/ Multi-family development
West: A-3 (Apartments)/ Multi-family development

THE PLAN FOR EL PASO DESIGNATION: Residential

APPLICATION DESCRIPTION

The Board of Regents for the University of Texas System on behalf of the University of Texas at El Paso is proposing to vacate a 70' by 250' long portion of Randolph Drive between Crosby Avenue and Schuster Avenue. The applicant owns properties on both sides of the portion to be vacated and proposes to incorporate the vacated portion into the existing university housing.

DEVELOPMENT COORDINATING COMMITTEE

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

Planning Division Recommendation:
Approval.

Land Development:
No objections.

Engineering Department-Traffic:
Traffic does not object to the proposed street vacation.

Engineering Department-Floodplain Coordinator:
No comments received.

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

-A 30-foot wide utility easement is retained and shown on the Street Vacation Survey Drawing (not currently shown). The utility easement is to be centered at the centerline on Randolph Street (curb to curb). An additional 10' x 10' anchor easement is required to accommodate Fire Hydrant #909 located at the intersection of Randolph Drive and Crosby Avenue.

-The existing water main and sanitary sewer main and appurtenant structures along Randolph Drive are to remain in place and in operation to continue providing service to the public. EPWU-PSB requires access to the water and sanitary sewer facilities, appurtenances, and meters 24 hours a day, seven (7) days a week. The access provided shall allow the operation of EPWU maintenance vehicles.

-No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the Easement referenced above without the written consent of EPWU-PSB.

-Coordinate with the Fire Department regarding accessibility to Fire Hydrant #909.

(Applicant has included PSB Easements.)

2. EPWU-PSB requests a set of complete construction plans describing the improvement work for the vacated street for review and approval.

Water
3. There is an existing 6-inch diameter water main along Randolph Drive from Schuster Avenue to Crosby Avenue. The water main is required to remain active because it provides water to the meters for 300 W. Schuster Avenue and 1611 Randolph Drive Street as well as providing fire protection with Fire Hydrant No. 909.

Sanitary Sewer
4. There is an existing 8-inch diameter sanitary sewer main along Randolph Drive from Crosby Avenue to Schuster Avenue. This main is required to remain active to continue providing service to the public.

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 street vacation.

Stormwater Division:
No comments received.

Street Department:
We offer no objections to the request for street ROW vacation but are providing the following note:

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Parks and Recreation:
No comments received.

El Paso Fire Department:
No comments received.

El Paso Electric Company:
El Paso Electric Company has existing facilities within this parcel and must retain full easement rights (10' wide) where our facilities are located. El Paso Electric Company must also retain full 24/7 access for maintenance and emergency repairs of our facilities.

(Applicant has included a 10' El Paso Electric Company easement)

Sun Metro:
No comments received.

911
No comments received.

Texas Gas Company:
No comments received.

El Paso Independent School District:
No comments received.

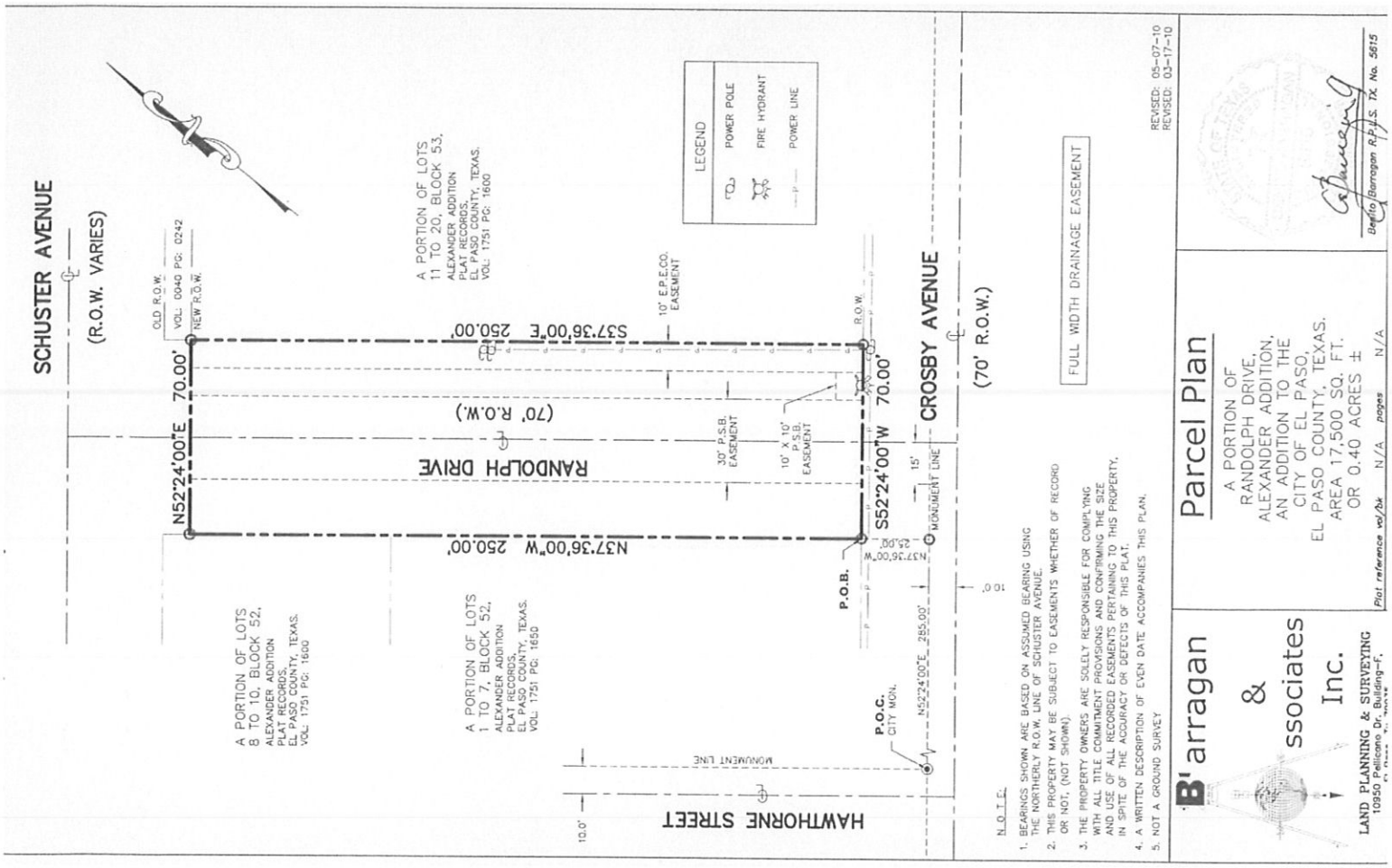
Attachments

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 PUBLIC EASEMENTS AND RIGHTS-OF-WAY

Date: _____ File No. _____

1. APPLICANTS NAME Board of Regents for the The University of Texas System for and on behalf of The University of Texas at El Paso
   ADDRESS 500 W. University ZIP CODE 79968 TELEPHONE (915) 747 - 5555

2. Request is hereby made to vacate the following: (check one)
   Street X Alley ____ Easement ____ Other ____
   Street Name(s) Randolph Dr Subdivision Name Alexander Addition
   Abutting Blocks Blocks 52 & 53 Abutting Lots Lots 1-7, 8-10, 11-20

3. Reason for vacation request: For university educational purposes and university housing.

4. Surface Improvements located in subject property to be vacated:
   None ____ Paving X Curb & Gutter X Power Lines/Poles X Fences/Walls X (Retaining) Structures ____ Other ____

5. Underground Improvements located in the existing rights-of-way:
   None ____ Telephone ____ Electric X Gas X Water X Sewer X Storm Drain ____ Other ____

6. Future use of the vacated right-of-way:
   Yards ____ Parking ____ Expand Building Area ____ Replat with abutting Land ____ Other X

7. Related Applications which are pending (give name or file number):
   Zoning ____ Board of Adjustment ____ Subdivision ____ Building Permits ____ Other X

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
Board of Regents for UT System For UTEP	Lots 1-7, 8-10, Block 52 Alexander Addition	(915) 747 - 5555
Board of Regents for UT System For UTEP	Lots 11-20, Block 53 Alexander Addition	(915) 747 - 5555

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. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

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 confirming 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.

Board of Regents of The University of Texas System

By: Florence P. Mayne
Executive Director, Real Estate
The University of Texas System

CASHIER'S VALIDATION
FEE: $966.00

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