

ORDINANCE NO. _____

AN ORDINANCE VACATING TO PUBLIC VEHICULAR TRAFFIC A PORTION OF A TWENTY FOOT ALLEY, LOCATED BETWEEN ANTHONY STREET AND DURANGO STREET, 0.119 ACRES OF LAND, WITHIN BLOCK 160, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, a twenty foot wide alley located within Block 160, Campbell's Addition, City of El Paso, El Paso County, Texas, located between Anthony Street and Durango Street was dedicated to the city as public right-of-way; and,

WHEREAS, the City of El Paso, desires to maintain the alley as public right-of-way for pedestrian traffic and vacate the alley for public vehicular use in support of an open-air entertainment area; and,

WHEREAS, the City Plan Commission on July 30, 2009 recommended approval of the partial vacation, and the El Paso City Council finds that said right-of-way is not needed for vehicular traffic but should continue to be used for pedestrian traffic,

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 twenty foot alley located between Anthony Street and Durango Street within Block 160, Campbell's Addition, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated to vehicular traffic and the use of right-of-way identified in Exhibit "A" shall continue to be used for pedestrian traffic in support of an open-air entertainment area.

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

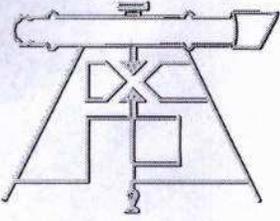
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning
Development Services Department



Frank X. Spencer & Associates, Inc.
Consulting Civil Engineers & Surveyors
1130 Montana * El Paso, Texas 79902

Frank X. Spencer, P.E., R.P.L.S.

(915) 533-4600
FAX (915) 533-4673
e-mail: elpaso@fxsa.com

METES AND BOUNDS DESCRIPTION

A 0.119 ACRE (5,200 Sq.Ft.) OF LAND BEING A PORTION OF A 20 FOOT ALLEY WITHIN BLOCK 160, CAMPBELL'S ADDITION TO THE CITY OF EL PASO (BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY TEXAS) CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an existing county monument found at the intersection of the monument line of San Antonio Street (70-foot right-of-way East & 60-foot right-of-way West) with Durango Street (70-foot right-of-way) said monument line lying 10 feet north of the respective centerline of San Antonio Street and the centerline of Durango Street, from which an existing county monument found at the centerline intersection of South Santa Fe Street and San Antonio Street, bears North 78°13'49" East, a distance of 989.94 feet (990.00' record); **THENCE**, along the centerline of Durango Street, South 11°46'20" East, a distance of 137.12 feet, to a point, **THENCE**, South 78°13'40" West, a distance of 35.00 feet, to a point, on the southeasterly boundary corner of a certain parcel of land (Book 3306, Page 1329, Deed Records, El Paso County, Texas) and the westerly right-of-way of Durango Street, said point being the **POINT OF BEGINNING** of this description;

THENCE, South 11°46'11" East, along said right-of-way, a distance of 20 feet, to a point on the northeast corner of a certain parcel of land described in (File Clerk's No. 20060020801, Deed Records, El Paso County, Texas) and the northerly right-of-way of a 20 foot alley within Block 160, Campbell's Addition;

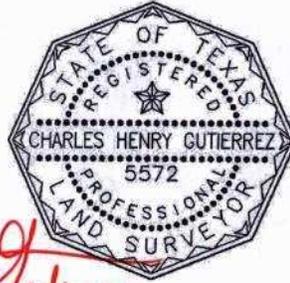
THENCE, South 78°13'49" West, along said right-of-way line, a distance 260.00 feet, to a point on the easterly right-of-way of Anthony Street (70-foot right-of-way);

THENCE, North 11°46'11" West, along said right-of-way, a distance of 20.00 feet, to a point on the southwest corner of a certain parcel of land described in (File Clerk's No. 20090007365, Deed Records, El Paso County, Texas) and the northerly right-of-way line of a 20 foot alley with in Block 160, Campbell's Addition;

THENCE, North 78°13'49" East, along said right-of-way, a distance of 260.00 feet, to the **POINT OF BEGINNING**, containing 0.119 Acres (5,200 S.F.) of land, more or less.

EXHIBIT "A"

Frank X. Spencer & Associates, Inc.



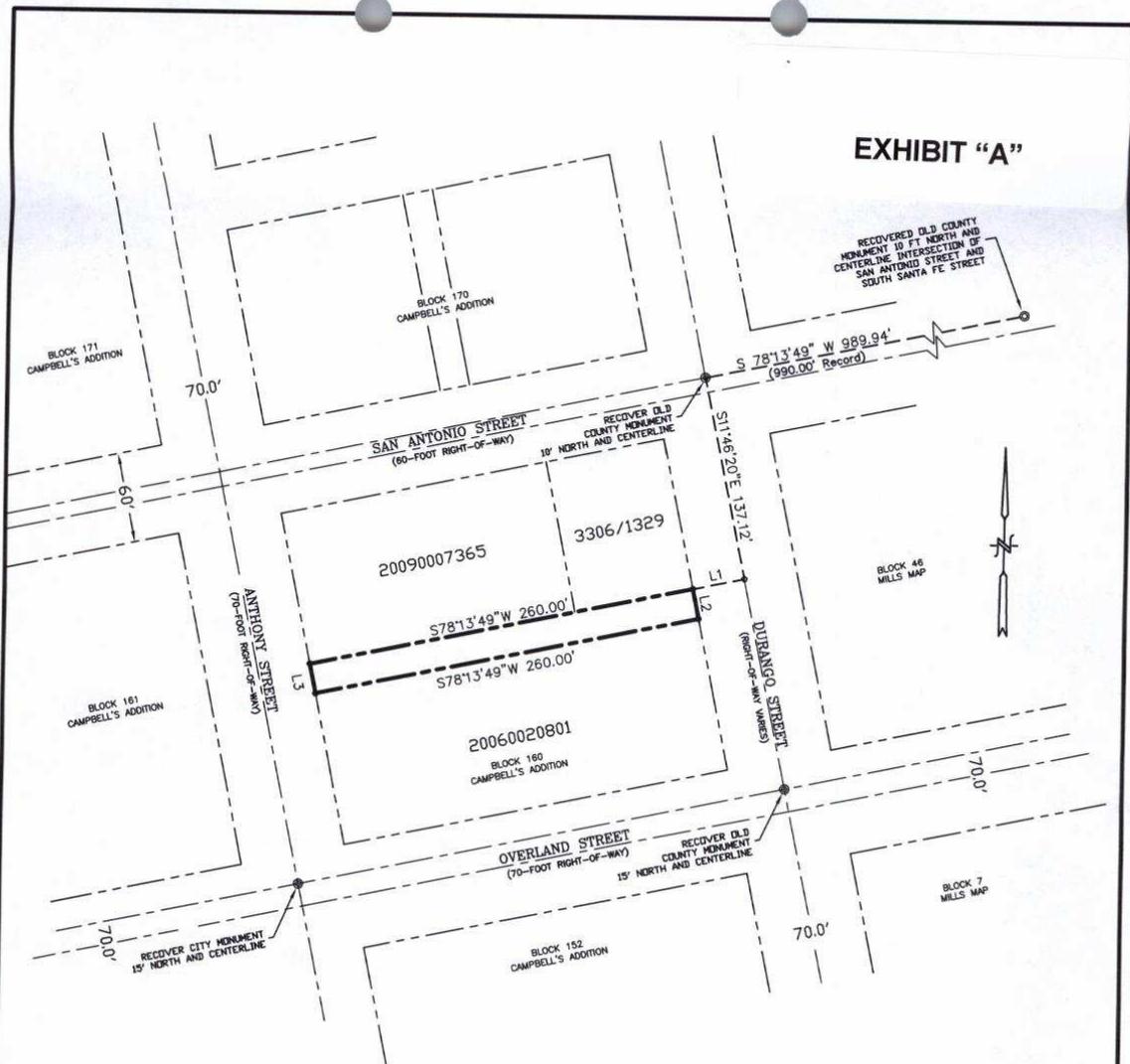
Charles H. Gutierrez

Charles Gutierrez, RPLS
Texas License No. 5572

Date: *02/06/07*

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EXHIBIT "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	35.00	$S78^{\circ}13'40''W$
L2	20.00	$S11^{\circ}46'11''E$
L3	20.00	$N11^{\circ}46'11''W$

REPORT OF SURVEY

THE PLAT OF CAMPBELL'S ADDITION, AN ADDITION TO THE CITY OF EL PASO, RECORDED IN BOOK 2, PAGE 68, PLAT RECORDS, EL PASO COUNTY, TEXAS, WAS USED FOR THIS SURVEY. THE BOUNDARY INFORMATION SHOWN HEREON WAS LOCATED BY THE BEST EVIDENCE AVAILABLE ALONG WITH THE EXISTING IMPROVEMENTS WITHIN EACH BLOCK RESPECTING PUBLIC AND PRIVATE RIGHTS. THOSE IMPROVEMENTS WHICH EXIST ON THE GROUND ARE THE BEST EVIDENCE AVAILABLE AS TO THE BOUNDARIES OF THE SUBDIVISION.

- NOTES:**
- THIS SURVEY MAY BE SUBJECT TO OTHER EASEMENTS AND COVENANTS OF RECORD NOT SHOWN. A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
 - THE BASES OF BEARINGS IS THE MONUMENT LINE OF SAN ANTONIO STREET (AS SHOWN) BASED ON GPS OBSERVATIONS.
 - ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP UNINCORPORATED AREA FOR EL PASO COUNTY, TEXAS, PANEL 480214-0039, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".

PARCEL AREA
0.119 ACRES
5,200 Sq Ft

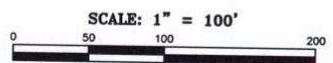


Charles H. Gutierrez 07/06/09
CHARLES HENRY GUTIERREZ
 Registered Professional Land Surveyor #5572

**A 0.119 ACRE PORTION OF A
 20-FOOT ALLEY LYING WITH IN
 BLOCK 160, CAMPBELL'S ADDITION,
 EL PASO, EL PASO COUNTY, TEXAS.**

SURVEYED & PREPARED BY:

FRANK X. SPENCER & ASSOCIATES, INC.
 Consulting Civil Engineers & Land Surveyors
 TBPE # F-3584, TDPLS # 100490-00
 1130 MONTANA AVE.
 EL PASO, TEXAS 79902
 PHN: 915-533-4600
 FAX: 915-533-4673
 e-mail: spaso@fxco.com
 drawn by: C.G.





**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: **Anthony Alley Vacation**

The City Plan Commission (CPC) on July 30, 2009 **recommended approval of the Anthony Alley Vacation.**

The CPC determined that the vacation of vehicular traffic of the right-of-way protects the best interest, health, safety and welfare of the public in general; and that the vacation 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: SUB09-00070 – Anthony Alley Vacation
Application Type: Alley Vacation
CPC Hearing Date: July 30, 2009

Staff Planner: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov
Location: East of Anthony Street and North of Overland Avenue
Acreage: 0.119-acre
Rep District: 8

Property Owner: City of El Paso
Applicant: City of El Paso
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: U-P (Union Plaza)/Restaurants, bars
South: U-P (Union Plaza)/Restaurants, bars
East: U-P (Union Plaza)/Restaurants, bars/U-P (Union Plaza) Civic-Union Plaza
West: U-P (Union Plaza)/Restaurants, bars

THE PLAN FOR EL PASO DESIGNATION: Mixed Use

APPLICATION DESCRIPTION

This is a City initiated vacation request that proposes to vacate the vehicular interest of a 0.119 acre, 260-foot long, 20-foot wide alley. The alley is located between Anthony Street and Durango Street and the purpose of the vacation is to eliminate the vehicular interest in support of an open-air entertainment area. The right-of-way will remain open to pedestrian traffic in accordance with the open-air entertainment area.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee recommends *approval* of the proposed vehicular interest vacation of Anthony alley located within the Campbell's Addition subdivision; subject the following conditions and requirements.

Planning Division Recommendation

Approval.

Land Development:

No objections.

Engineering – Traffic Division:

No objections.

El Paso Water Utilities:

We have reviewed the above referenced subdivision and provide the following comments:

Water

Along the alley located between San Antonio Street and Overland Avenue, east of Anthony Street and west of Durango Street there is an existing eight (8) inch diameter water main.

EPWU-PSB records reveal the following water services located within the subject Alley:

- (a) a single three-quarter ($\frac{3}{4}$) inch diameter service for 516 W. San Antonio Street,
- (b) a single three-quarter ($\frac{3}{4}$) inch diameter service for 520 W. San Antonio Street,
- (c) a single one and one-half ($1 - \frac{1}{2}$) inch diameter service for 501 W. Overland Street,
- (d) a single three-quarter ($\frac{3}{4}$) inch diameter service for 504 W. San Antonio Street,
- (a) a single three-quarter ($\frac{3}{4}$) inch diameter service for 500 W. San Antonio Street,

Along Anthony Street between San Antonio and Overland Street there is an existing forty-eight (48) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Along Anthony Street between San Antonio Street and Overland Street there is an existing eight (8) inch diameter water main.

Along Durango Street between San Antonio Street and Overland Street there is an existing eight (8) inch diameter water main.

Along Durango Street between San Antonio Street and Overland Street there is an existing twenty-four (24) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Sanitary Sewer

Along the alley located between San Antonio Street and Overland Street, east of Anthony Street and west of Durango Street there is an existing six (6) inch diameter sanitary sewer main. This main provides service to 500, 501, 504, 516, & 520 W. San Antonio Street. The exact number of services is unknown at this time.

Along Anthony Street between San Antonio Street and Overland Street there are no existing sanitary sewer mains.

Along Durango Street between San Antonio Street and Overland Street there is an existing eight (8) inch diameter sanitary sewer main.

General

The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request as long as the alley is designated as a full-width utility easement in order to enable the existing public water, sanitary sewer mains and appurtenances described below to remain in place. EPWU-PSB requires access to the existing water and sanitary sewer mains at all times to operate, maintain, repair, and replace the water and sanitary sewer mains described below.

No permanent fencing/screening shall be allowed on the alley to be vacated. Fences/screening walls shall include sleeves at the base of the poles to allow easy removal if necessary.

EPWU-PSB does not object to the proposed use of the alley as long as the fence/screening is made of removable structures/panels and that the location of the fence does not impede the access to the described public water, sanitary sewer mains, water meters and appurtenances within the alley at all times.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

Proposed improvements to the easement shall be presented to EPWU-PSB for review and approval prior to any work performed within the easement.

Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Parks and Recreation:

We have reviewed Anthony Alley Vacation plat map and offer “No” objections to this development.

El Paso Electric Company:

No comments received.

Texas Gas Service:

No comments received.

Time Warner Cable:

No comments received.

AT&T:

No comments received.

Fire Department

No comments received.

911:

No comments received.

Attachments

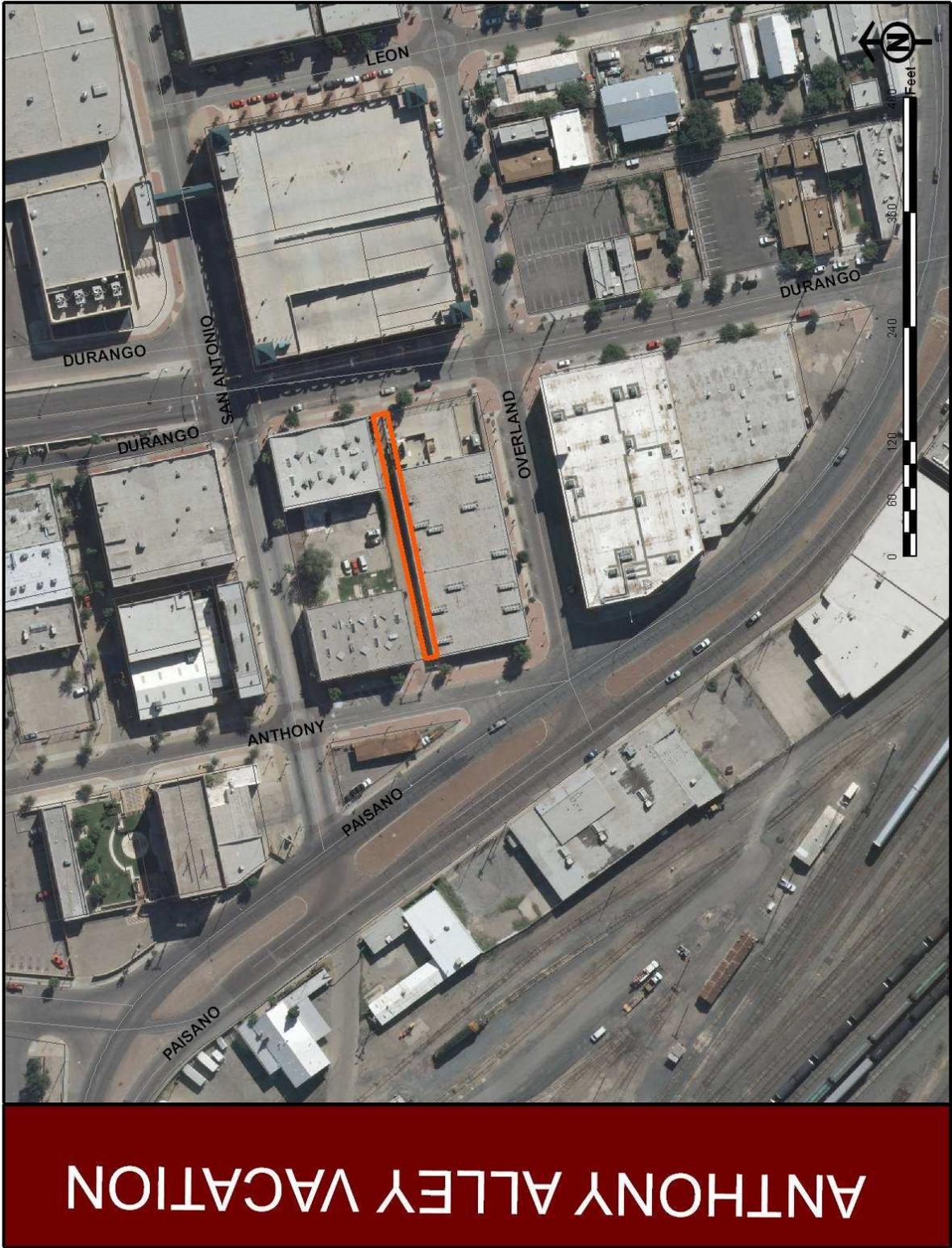
1. Location map
2. Aerial map
3. Survey
4. Application

ATTACHMENT 1

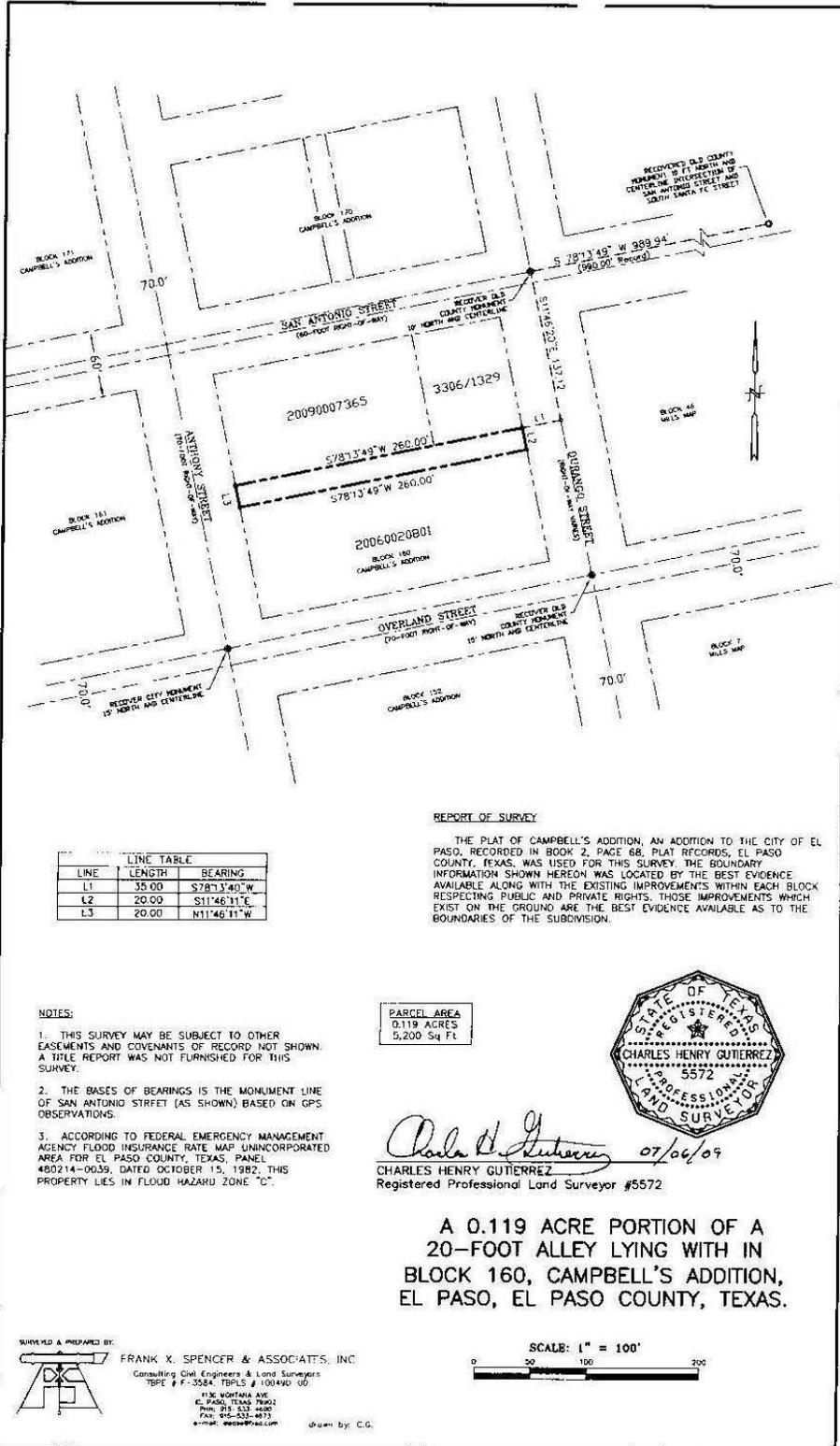


ANTHONY ALLEY VACATION

ATTACHMENT 2



ATTACHMENT 3



LINE	LENGTH	BEARING
L1	35.00	S78°13'40" W
L2	20.00	S11°46'11" E
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3. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP UNINCORPORATED AREA FOR EL PASO COUNTY, TEXAS, PANEL 480314-0039, DATED OCTOBER 15, 1982, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "C".

PARCEL AREA
0.119 ACRES
5,200 Sq Ft



Charles H. Gutierrez 07/06/09
CHARLES HENRY GUTIERREZ
 Registered Professional Land Surveyor #5572

**A 0.119 ACRE PORTION OF A
 20-FOOT ALLEY LYING WITH IN
 BLOCK 160, CAMPBELL'S ADDITION,
 EL PASO, EL PASO COUNTY, TEXAS.**

SURVEYED & PREPARED BY:

FRANK X. SPENCER & ASSOCIATES, INC.
 Consulting Civil Engineers & Land Surveyors
 TBPE # F-3524, TBPLS # 100490 UD
 1130 NORTHERN AVE.
 EL PASO, TEXAS 79902
 Phone: 915-532-4680
 Fax: 915-532-4873
 e-mail: info@fxsai.com

SCALE: 1" = 100'


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ATTACHMENT 4



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

Date JULY 6, 2009

File No. SUB09-00070

1. APPLICANTS NAME CITY OF EL PASO
ADDRESS 2 CIVIC CENTER PLAZA ZIP CODE 79901 TELEPHONE (915)541-4000

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

Street Alley Easement Other

Street Name(s) _____ Subdivision Name CAMPBELL'S ADDITION

~~Abutting~~ ^{WITHIN} Blocks 160 Abutting Lots _____

3. Reason for vacation request: TO PROVIDE FOR AN OPEN-AIR ENTERTAINMENT AREA.

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

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

6. Future use of the vacated right-of-way:
Yards Parking Expand Building Area Replat with abutting Land Other **OPEN-AIR ENTERTAINMENT AREA**

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

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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. 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.

CASHIER'S VALIDATION
FEE: \$966.00

OWNER SIGNATURE Joseph G. Wilson
REPRESENTATIVE _____

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