

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: September 16, 2008
Public Hearing: September 23, 2008

CONTACT PERSON/PHONE: Raul Garcia, 541-4935

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance vacating a portion of Barney Street located between Lot 1, Block 1, Pasadena No. 3 and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County Texas. Subject Property: North of Delta Drive and East of Dolan Street. Applicants: Julia Esther Onate., SUB087-00113 (District 8).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: *for* Victor Q. Torres
Director, Development Services

[Signature]

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
08 SEP - 8 PM 3:13

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF BARNEY STREET LOCATED BETWEEN LOT 1, BLOCK 1, PASADENA NO. 3 AND LOT 8, BLOCK 1, PASADENA NO. 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a portion of Barney Street located between Lot 1, Block 1, Pasadena No. 3 and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a portion of Barney Street located between Lot 1, Block 1, Pasadena No. 3 and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas, and the City Council finds that said portion of 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, in consideration of the receipt by the City of El Paso of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a portion of Barney Street located between Lot 1, Block 1, Pasadena No. 3 and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas, as further described in the attached survey identified as Exhibit "A" and in the metes and bounds description identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated, closed and abandoned.

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 right-of-way to **Julia Esther Onate**.

PASSED AND APPROVED this ____ day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

for 

Mathew McElroy, Deputy Director
Development Services Department
Planning Division

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

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08 SEP - 8 PM 3:13

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF 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, in consideration of the receipt by the **CITY OF EL PASO** of FOURTEEN THOUSAND FIVE HUNDRED AND NO/100THS DOLLARS (\$14,500.00) and other valuable consideration, the sufficiency of which is acknowledged, THE CITY OF EL PASO has released and quitclaimed and by these presents does release and quitclaim unto **Julia Esther Onate** all of 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 located *between Lot 1, Block 1, Pasadena No. 3 and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas*, which is more fully described in the attached survey, identified as Exhibit "A", and in the metes and bounds description, identified as Exhibit "B", made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____ 2008.

THE CITY OF EL PASO

Joyce Wilson
City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

208 Mathew McElroy, Deputy Director
Development Services Department
Planning Division

(Acknowledgment on following page)

CITY CLERK DEPT.
08 SEP -8 PM 3:13

ACKNOWLEDGEMENT

THE STATE OF TEXAS §

§

COUNTY OF EL PASO §

This instrument is acknowledged before me on this _____ day of _____, 2008,
by Joyce Wilson as City Manager for the CITY OF EL PASO, a municipal corporation.

My Commission Expires:

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

AFTER RECORDING RETURN TO:

Julia Esther Onate
428 French
El Paso, Texas 79905

with copy to :

Development Services Department
Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901

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JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. MCELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: September 8, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Planner
SUBJECT: SUB07-00113

The City Plan Commission (CPC), on January 3, 2008, voted **6-0** to recommend **APPROVAL** of vacating the subject property.

The CPC found that this 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 that this vacation protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and 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.

There was no opposition or support of the vacation request.

Attachment: Staff Report

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SUB07-00113

Subdivision Name: SUB07-00113
Type Request: Right of Way Vacation
Property Owner: City of El Paso
Representative: Julia Esther Onate
Surveyor: Dorado Engineering
Location: North of Delta Drive and East of Dolan Street
Acres: 0.111
Planning Area: Central
Representative District: 8
Present Zone: R-5



SUB07-00113

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January 3, 2008

GENERAL INFORMATION:

The applicant proposes to vacate a portion of Barney Street. The applicant owns the abutting property to the North of the portion being vacated. The portion being vacated is currently not improved as a street. The request is being made in order to create a larger parcel on which the applicant can build.

The improved portion of Barney Street currently goes from Delta Drive to Dolan Street where it discontinues there at Dolan Street. The portion that is being vacated is located immediately east of Dolan Street and dead ends at the rear boundary of the abutting lot to the east. Barney Street is not on the MTP.

Affidavits were received from all abutting property owners stating they are not opposed to this vacation request and are not interested in purchasing any part of the property being vacated. This vacation will not have a negative effect on any of the abutting property owners.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **approval** of the proposed vacation of the portion of Barney Street subject to the following conditions and requirements:

Planning Division – Land Development

No Objections.

Engineering Department – Traffic Division

No apparent traffic concerns with proposed street vacation.

El Paso Water Utilities

- 1. EPWU-PSB does not object to this request.

General

- 2. El Paso Water Utilities – Public Service Board (EPWU-PSB) does not own or operate any facilities within the above referenced portion of Barney Street to be vacated.

Central Appraisal District

No comments received.

Texas Gas Service

No comments received.

School District

No comments received.

Fire Department

No comments received.

Parks and Recreation Department

No comments received.

List of Attachments

- Attachment 1: Aerial
- Attachment 2: Survey
- Attachment 3: Application

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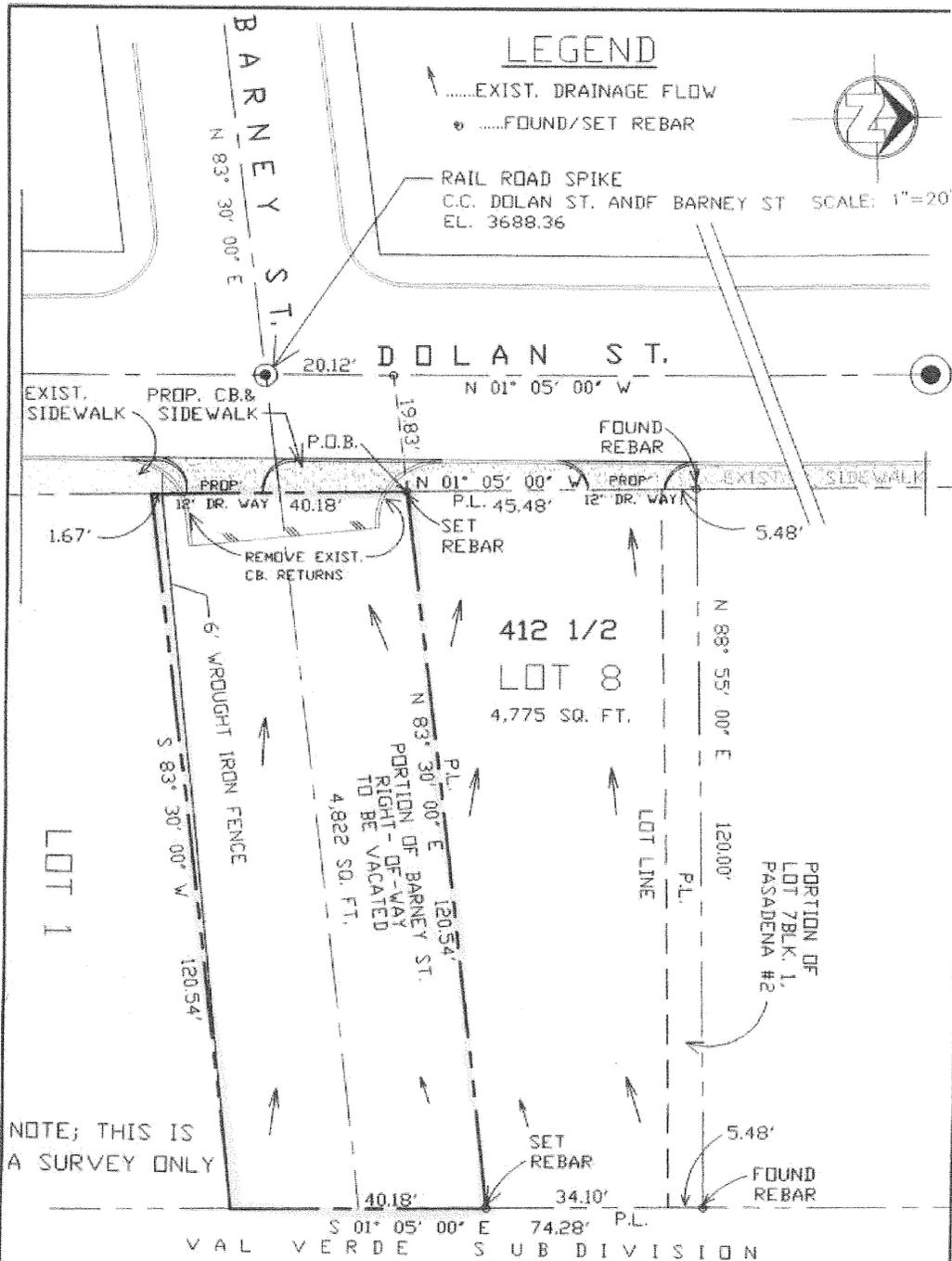
ATTACHMENT 1



BARNEY STREET VACATION

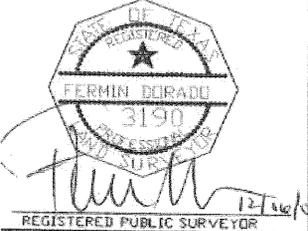
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ATTACHMENT 2



CITY CLERK DEPT.
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THIS IS TO CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION.



PORTION OF VACATED BARNEY STREET
RIGHT-OF-WAY BETWEEN LOT 1 AND LOTS,
BLOCK 1, PASADENA NO. 2

DORADO
ENGINEERING, INC.

ENGINEERS SURVEYORS PLANNERS
2717 E. YANDELL, EL PASO, TEXAS 79903 (915)562-0002

DATE: 12-06-07
SCALE: 1" = 20'
DRAWN BY: J.G.
CHECKED BY: F.D.
FLOOD ZONE: C
PANEL NUMBER: 4802140040B
DATE: 10-15-82
LOCAL DISK C/
TEMP/417 DOLAN

ATTACHMENT 3

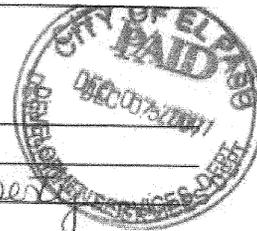
SUB07-00113

APPLICATION FOR VACATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY

DATE 10-3-07

1. APPLICANTS NAME Julia Esther Ouate
ADDRESS _____ ZIP CODE 79905 TELEPHONE _____

2. Request is hereby made to dedicate the following: (check one)
Street Alley _____ Easement _____ Other _____
Street Name(s) 412 Ya Dolan Subdivision Name _____
Abutting Blocks _____ Abutting Lots _____



3. Reason for the vacation request: I am buying the property

4. Surface Improvements located in subject property to be dedicated:
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:
Yards _____ Parking _____ Expand Building Area Replat with abutting Land _____ Other _____

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 dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description/Address	Telephone Number
<u>[Signature]</u>	<u>Lot 1 + N 4 Ft of Lot 2 Blk 1</u>	_____
<u>[Signature]</u>	<u>PASADENA ADDITION NO. 2</u>	_____
<u>[Signature]</u>	<u>Lot 8, is a portion of Lot 7, Blk 1</u>	_____
<u>[Signature]</u>	<u>PASADENA NO. 2</u>	_____
<u>[Signature]</u>	<u>Lots 14, 15, + 16, Blk 12, 08</u>	_____
<u>[Signature]</u>	<u>Second Revised Map of the</u>	_____
<u>[Signature]</u>	<u>Val Verde Addition</u>	_____

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. If 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.

Signed By: [Signature]
Land Owner/Applicant/Agent
Date 12-7-07

FEE AMOUNTS:
Easement Vacation \$342.60
 Street, Alley, Other Rights-of-Way Vacation \$571.00 plus cost of appraisal and value

CASHIER'S VALIDATION

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LEGEND EXHIBIT "A"

.....EXIST. DRAINAGE FLOW

oFOUND/SET REBAR



RAILROAD SPIKE
C.C. DOLAN ST. AND BARNEY ST
EL. 3688.36

SCALE: 1"=20'

BARNEY ST.
N 83° 30' 00" E

DOLAN ST.
N 01° 05' 00" W

EXIST. SIDEWALK

PROP. CB. & SIDEWALK

20.12'

N 01° 05' 00" W

19.83'

FOUND REBAR

PROP.

EXIST. SIDEWALK

N 01° 05' 00" W

P.L. 45.48'

PROP.

5.48'

SET REBAR

1.67'

12" DR. WAY

P.O.B.

REMOVE EXIST. CB. RETURNS

SET REBAR

**412 1/2
BLOCK 1
LOT 8**
4,775 SQ. FT.

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N 88° 55' 00" E

120.00'

PORTION OF
LOT 7 BLK. 1,
PASADENA #3

LOT LINE

P.L.

BLOCK 1
LOT 1

S 83° 30' 00" W

120.54'

6' EXIST WROUGHT IRON FENCE

4,822 SQ. FT.

PORTION OF BARNEY ST.
RIGHT-OF-WAY
TO BE VACATED

N 83° 30' 00" E

P.L. 120.54'

120.54'

SET REBAR

34.10'

5.48'

FOUND REBAR

NOTE; THIS IS
A SURVEY ONLY

S 01° 05' 00" E 74.28' P.L.

SET REBAR

V A L V E R D E S U B D I V I S I O N

REV. 03-28-08

THIS IS TO CERTIFY THAT THIS PLAT
REPRESENTS AN ACTUAL FIELD
SURVEY PERFORMED BY ME OR
UNDER MY SUPERVISION.

PORTION OF BARNEY STREET TO BE VACATED
BETWEEN LOT 1, BLOCK 1,
PASADENA NO. 3 AND LOT 8,
BLOCK 1, PASADENA NO. 2
CITY OF EL PASO, COUNTY OF EL PASO, TEXAS

DATE: 12-06-07
SCALE: 1" = 20'
DRAWN BY: J.G.
CHECKED BY: F.D.
FLOOD ZONE: C
PANEL NUMBER: 4802140040B
DATED: 10-15-82
LOCAL DISK C/
TEMP/412 DOLAN



DORADO
ENGINEERING, INC.

ENGINEERS SURVEYORS PLANNERS

2717 E. YANDELL, EL PASO, TEXAS 79903 (915)582-0002

REGISTERED PUBLIC SURVEYOR

DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

BARNEY STREET VACATION

Metes and Bounds description of a portion of Barney Street Right-of Way to be vacated by the City of El Paso, between Lot 1, Block 1, Pasadena No. 3 and Lot 8, Block 1, Pasadena No. 2, located in City of El Paso, County of El Paso, Texas and more particularly described as follows:

From a railroad spike located at the centerline intersection of Barney Street and Dolan Street; Thence North 01° 05' 00" West, along the centerline of Dolan Street, a distance of twenty and twelve hundredths (20.12) feet to a point on the extended North Right-of-Way line of Barney Street; Thence North 83° 30' 00" East along said extended Right-of-Way line of Barney Street, a distance of nineteen and eighty three hundredths (19.83) feet for a corner, said corner being the intersection of the East Right-of-Way line of Barney Street and also being the Point of Beginning;

Thence North 83° 30' 00" East along a line common to Lot 8, Block 1, Pasadena No. 2 and the North Right-of-Way line of Barney Street a distance of one hundred twenty and fifty four hundredths (120.54) feet to a corner common to the Southeasterly corner of Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas and the Northerly Right-of-Way of Barney Street to be vacated;

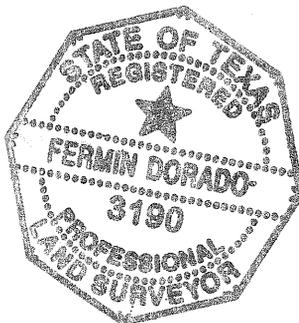
Thence South 01° 05' 00" East along the Easterly line of Pasadena Addition No. 2, a distance of forty and eighteen hundredths (40.18) feet for a corner on the common Northeasterly corner of Lot 1, Block 1, Pasadena No. 3, City of El Paso, El Paso County, Texas and the Southerly Right-of-Way line of Barney Street;

Thence South 83° 30' 00" West along the Southerly Right-of-Way line of Barney Street a distance one hundred twenty and fifty four hundredths (120.54) feet for a corner on the Easterly Right-of-Way line of Dolan Street;

Thence North 01° 05' 00" West along the extended Easterly Right-of-Way line of Dolan Street a distance of forty and eighteen hundredths (40.18) feet for a corner, said corner also being the Point of Beginning.

Said parcel of land contains 4,822.00 square feet or 0.111 acres more or less.

Fermin Dorado
Fermin Dorado, R.P.L.S.



CITY CLERK DEPT.
08 SEP - 8 PM 3:14

October 26, 2007
Rev. March 27, 2008