

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



DEPARTMENT: City Development Department
AGENDA DATE: Introduction 9/25/12; Public Hearing 10/02/12
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 8

SUBJECT:
An ordinance vacating a portion of 9.5' alley adjacent to Lots 19 and 20, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00012 (**District 8**)

BACKGROUND / DISCUSSION:
N/A

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Approval
City Plan Commission (CPC) – Approval

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew McElroy, Director
City Development Department

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
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



City Development Department
Two Civic Center Plaza – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 19 & 20, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a parcel of land being a portion of 9.5' alley adjacent to Lots 19 & 20, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of 9.5' alley adjacent to Lots 19 & 20, Block 1, Map of Orchard Addition, 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;

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 9.5' alley adjacent to Lots 19 & 20, Block 1, Map of Orchard 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 in the attached survey identified as Exhibit "B" and 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 **Jose D. Lucero**.

PASSED AND APPROVED this _____ day of _____, 2012.

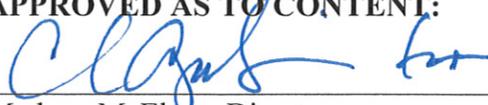
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

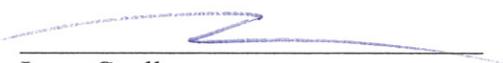
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Mathew McElroy, Director
City Development Department

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

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 in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE DOLLARS (\$25.00) 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 Jose D. Lucero (the "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 **A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 19 & 20, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____, 2012.

CITY OF EL PASO

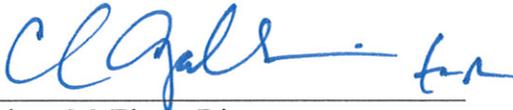
ATTEST:

Joyce Wilson, City Manager

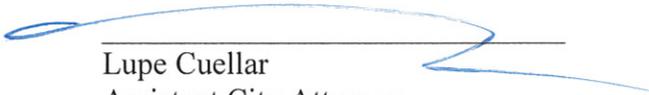
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Mathew McElroy, Director
City Development Department



Lupe Cuellar
Assistant City Attorney

(Acknowledgement on following page)

EXHIBIT A

Being a portion of a 9.50 foot alley adjacent to
Lots 19 & 20, Block 1, Map of Orchard Addition
City of El Paso, El Paso County, Texas
Prepared for: The City of El Paso
January 3, 2012
(210 Hardesty Pl.)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of a 9.50 foot alley adjacent to Lots 19 & 20, Block 1, Map of Orchard Addition as recorded in Book 15, Page 31, Plat Records, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at City of El Paso Brass disk stamped Cen 8 EPGS 1980, Y= 3,248,037.560, X= 121,876.35 in the Texas State Plane Coordinate System Central 4203 zone, NAD 83, Thence North 00°27'04" East a distance of 1616.97 feet to a city brass disk monument at the intersection of Tobin Pl. and Orchard Ave.; Thence North 03°18'55" East a distance of 517.10 feet to a point; Thence North 86°41'05" West a distance of 23.58 feet to a set x chiseled on concrete sidewalk for the **"TRUE POINT OF BEGINNING"**

Thence South 03°18'55" West a distance of 50.00 feet to a point landing on an existing power pole;

Thence North 86°41'05" West a distance of 4.50' feet to a point on the common line of lots 18 and 19, Block 1, Map of Orchard Addition;

Thence along the Easterly line of Orchard Park Addition North 03°18'55" East a distance of 50.00 feet to a point on the common line of Lots 20 and 21, Block 1, Map of Orchard Addition;

Thence leaving said line, South 86°41'05" East a distance of 4.50 feet to the **TRUE POINT OF BEGINNING**" and containing 225 Sq. Ft. 0.0052 acres of land more or less.

Note: A drawing of even date accompanies this description.



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



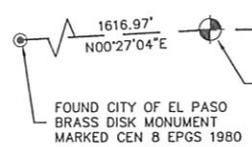
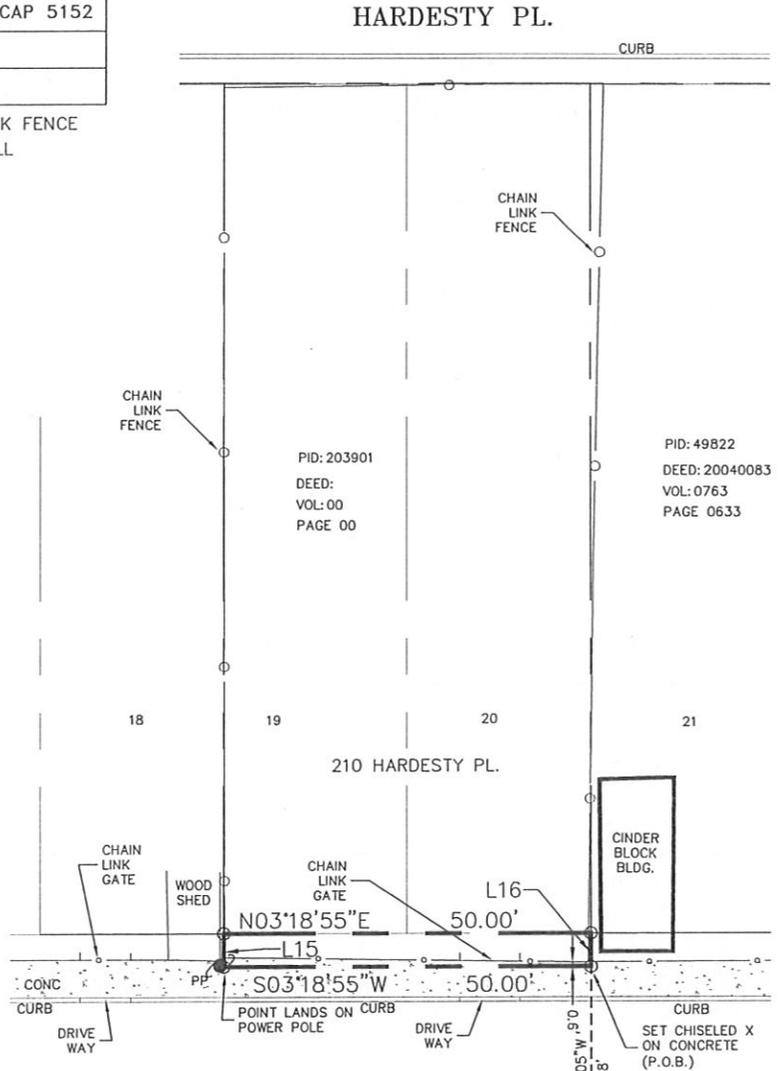
CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286

| SYMBOL LEGEND | |
|---------------|---------------------------|
| | FOUND CONTROL POINT |
| | FOUND CITY MONUMENT |
| | SET 1/2" REBAR W/CAP 5152 |
| | CALCULATED POINT |
| | POWER POLE |

○—○—○—○— = CHAIN LINK FENCE
 ○○○○○○ = ROCK WALL

| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L15 | 4.50 | N86°41'05"W |
| L16 | 4.50 | S86°41'05"E |

NOTE:
 1. BEARING BASIS IS THE PLAT OF ORCHARD PARK ADDITION RECORDED IN VOLUME 15, PAGE 31, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS.
 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.
 3. NO CENTERLINE MONUMENTATION FOUND IN THE VICINITY, BOUNDARY CONSTRUCTED FROM IMPROVEMENTS ON THIS AND ADJACENT TRACTS AND STREETS.



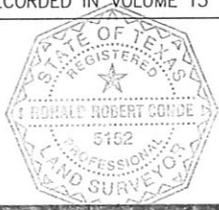
SCALE: 1" = 20'

TOBIN PL.

CERTIFICATION
 I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

RON R. CONDE R.P.L.S #5152

| | | | |
|-----------------------|-------------------------|---|--------------|
| JOB # 1011-61 | DATE: NOVEMBER 30, 2011 | FIELD: M.R. | OFFICE: F.R. |
| LOCATED IN ZONE C | PANEL # 480214-0040B | DATED OCT. 15, 1982 | |
| RECORDED IN VOLUME 15 | PAGE 31 | REAL PROPERTY RECORDS, EL PASO COUNTY, TX | |



REVISED ALLEY WIDTH
 JANUARY 3, 2012

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 ALL RIGHTS RESERVED

A PORTION OF 9.5' ALLEY
 ADJACENT TO LOTS 19 & 20, BLOCK 1
 MAP OF ORCHARD ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS
 CONDE INC.
 6080 SURETY SUITE 100
 EL PASO, TEXAS 79905

CADD FILE: S:\C\TOBIN\101161

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



MEMORANDUM

DATE: September 11, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: Tobin Alley Vacation SURW12-00012

The City Plan Commission (CPC), on June 28, 2012, voted 6-0 to approve the Tobin Alley Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with Plan El Paso. 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.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

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Carl L. Robinson

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Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



Engineering & Construction Management
Two Civic Center Plaza – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799



City of El Paso – City Plan Commission Staff Report

Case No: SURW12-00012 Tobin Alley Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: June 28, 2012

Staff Planner: Raul Garcia, 915-541-4935, garciar1@elpasotexas.gov
Location: 210 Hardesty
Acreage: 0.005 acre (225 sq. ft.)
Rep District: 8

Existing Use: Unimproved alley
Existing Zoning: R-5 (Residential)

Property Owner: City of El Paso
Applicant: Jose D. Lucero
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential)/ Single-family development
South: R-5 (Residential)/ Single-family development
East: A-2 (Apartments)/ School facility
West: R-5 (Residential)/ Single-family development

THE PLAN FOR EL PASO DESIGNATION: G2 Traditional Neighborhood (Walkable)

APPLICATION DESCRIPTION

This is a city-initiated vacation application to vacate a 4.5' wide portion of an unimproved alley abutting and running parallel to Tobin Place. The property contains improvements that encroach into the alley. Staff will be applying a recently adopted Resolution allowing the City to convey property for 10% of the appraised market value as this request meets the criteria stipulated in that adopted Resolution.

DEVELOPMENT COORDINATING COMMITTEE

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

Planning Division Recommendation:

Approval.

City Development Department-Land Development:

No objections.

Planning - Transportation:

All existing/proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

El Paso Water Utilities:

1. EPWU does not object to this request

EPWU-PSB Comments

Water:

2. There is an existing 8-inch diameter water main extending along Tobin Place that is available for service, the water main is located approximately 7.5 feet west from the center line of the right-of-way.

3. There is an existing 6-inch diameter water main extending along Hardesty Place that is available for service, the water main is located approximately 9 feet east from the center line of the right-of-way.

4. EPWU records indicate an active 3/4-inch water meter serving the subject properties. The service addresses for this meter is 210 Hardesty Place. This meter is connected to the water main that extends along Hardesty Place.

5. Previous water pressure from fire hydrant #1909 located at the southwest corner of Tobin Place and Paisano Drive have yielded a static pressure of 98 (psi), a residual pressure of 86 (psi), and a discharge of 2,757 gallons per minute.

6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main along Tobin Place approximately 13-ft east from the center line of the right-of-way. The water main ends approximately 575-feet north from a manhole at the intersection of Orchard Street and Tobin Place.

8. There is an existing 8-inch diameter sanitary sewer main extending along Hardesty Place that is available for service, the sewer main is located approximately 15-feet west of the eastern right of way line.

General:

9. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater Division:

No comments received.

Parks and Recreation:

No comments received.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

No comments received.

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

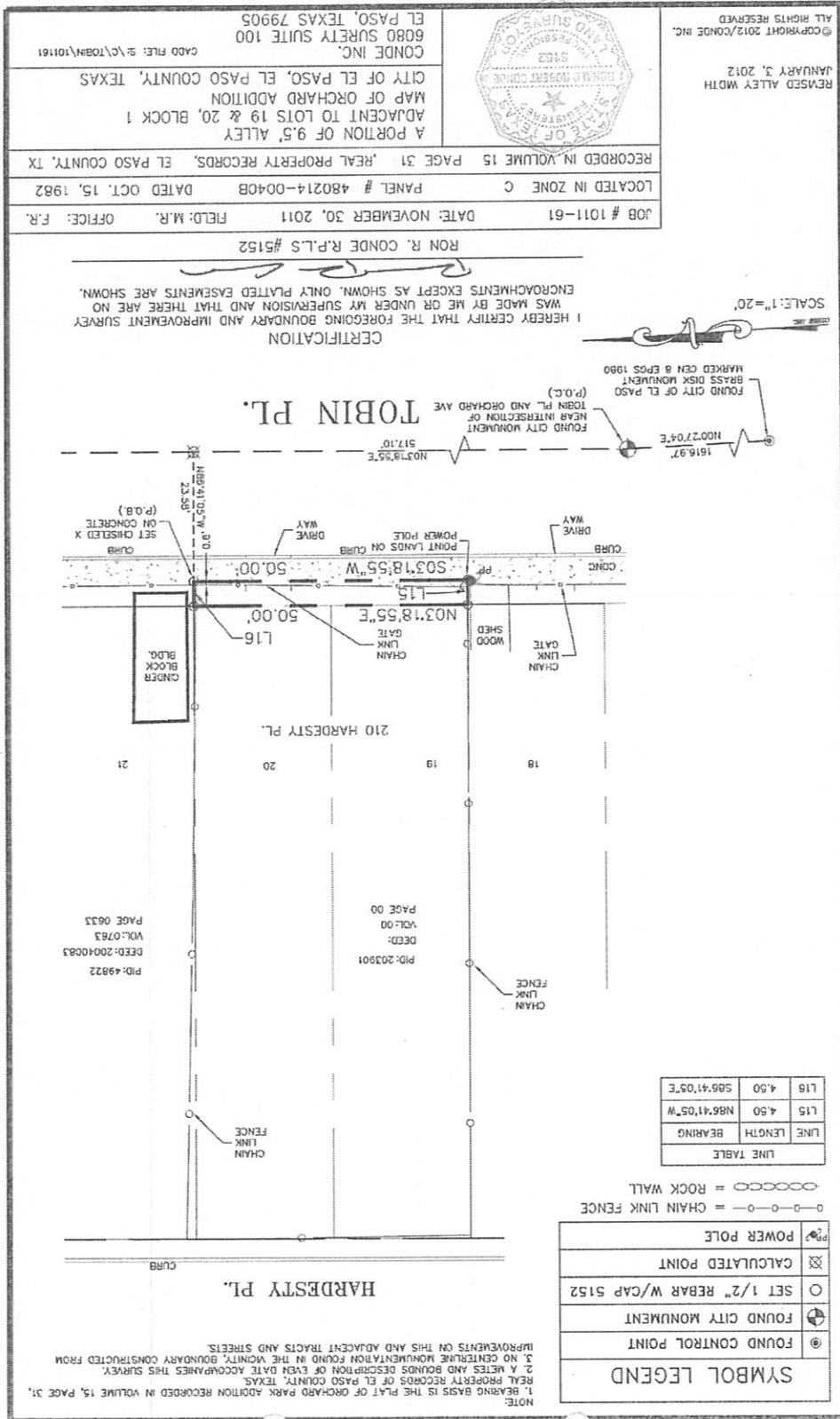
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: June 2012 File No. SURW12-00012

1. APPLICANTS NAME JOSE D. LUCERO
ADDRESS 210 HARDESTY ZIP CODE 79905 TELEPHONE 544-5866

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

3. Reason for vacation request: _____

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

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. 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.

CASHIER'S VALIDATION
FEE: \$966.00

OWNER SIGNATURE: Jose D. Lucero
REPRESENTATIVE: Merouca L. Valenzuela

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