

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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Intro 10/02/07; Public Hearing 10/09/07
CONTACT PERSON/PHONE: Christina Stokes, Planner – 541-4627
DISTRICT(S) AFFECTED: 1

SUBJECT:

AN ORDINANCE VACATING A FIVE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN A PORTION OF LOTS 8, 9, AND 11, BLOCK 1, EL PASO WEST UNIT TWO, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: HELEN OF TROY, L.P.

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:

AN ORDINANCE VACATING A FIVE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN A PORTION OF LOTS 8, 9, AND 11, BLOCK 1, EL PASO WEST UNIT TWO, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a five-foot public utility easement located within a portion of Lots 8, 9, and 11, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a five-foot public utility easement located within a portion of Lots 8, 9, and 11, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas, and the City Council finds that said easement 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 TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a five-foot public utility easement located within a portion of Lots 8, 9, and 11, Block 1, El Paso West Unit Two, Replat A, 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, 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 easement to **Helen of Troy**.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

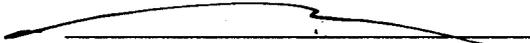
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

THE STATE OF TEXAS

COUNTY OF EL PASO

}
}
}

QUITCLAIM DEED

That, in consideration of the receipt by the City of TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and other good and 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 **Helen of Troy, L.P.** all of its right, 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 five-foot public utility easement located within Lots 8, 9, and 11 in Block 1, EL PASO WEST UNIT TWO REPLAT "A", City of El Paso, El Paso County, Texas, which is more particularly described in the attached metes and bounds identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____ 2007.

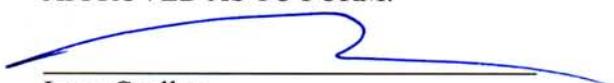
THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

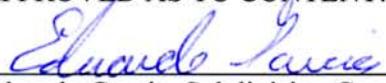
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

Acknowledgement

THE STATE OF TEXAS §
 §
COUNTY OF TEXAS §

This instrument is acknowledged before me on this _____ day of _____, 2007 by JOHN COOK as Mayor of THE CITY OF EL PASO, a municipal corporation.

My Commission Expires:

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

Property Description: A portion of Lots 8, 9 and 11, Block 1, El Paso West Unit Two, Replat "A", El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lots 8, 9 and 11, Block 1, El Paso West Unit Two, Replat "A", El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Helen of Troy Drive (90' public right-of-way) and Export Place (70' public right-of-way); Thence, 58.82 feet along the centerline of Helen of Troy Drive and along the arc of a curve to the left, having a radius of 915.00 feet, a central angle of $03^{\circ} 40' 59''$ and a chord which bears South $89^{\circ} 36' 51''$ West a distance of 58.81 feet to a point; Thence, North $02^{\circ} 13' 38''$ West, a distance of 45.00 feet to a point for a curve lying on the northerly right-of-way line of Helen of Troy Drive, said point being a found 1/2-inch iron with cap stamped "TX4178"; Thence, 312.52 feet along said right-of-way line and along the arc of a curve to the left, having a radius of 960.00 feet, a central angle of $18^{\circ} 39' 09''$ and a chord which bears South $78^{\circ} 26' 47''$ West, a distance of 311.15 feet to a point; Thence, South $69^{\circ} 07' 13''$ West, continuing along said right-of-way line, a distance of 54.78 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, South $69^{\circ} 07' 13''$ West, continuing along said right-of-way line, a distance of 5.35 feet to a point lying on the common boundary line between Lot 11, Block 1, El Paso West Unit Two, Replat "A" and Tract 3-B, S.A. & M.G. Survey No. 266;

THENCE, North $00^{\circ} 00' 53''$ East, along the easterly boundary line of said Tract 3-B, S.A. & M.G. Survey No. 266, a distance of 796.73 feet to a point lying on the common boundary line between Lots 7 and 8, Block 1, El Paso West Unit Two, Replat "A";

THENCE, South $87^{\circ} 25' 57''$ East, along said boundary line, a distance of 5.00 feet to a point for a corner;

THENCE, South $00^{\circ} 00' 53''$ West, a distance of 794.60 feet to the TRUE POINT OF BEFINNING of this description.

Said parcel of land contains 0.091 acres (3,978 sq. ft.) of land more or less.

A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

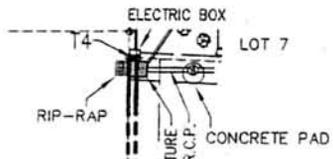
SLI ENGINEERING, INC.

Consulting Engineers-Land Surveyors

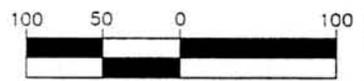


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998





TANGENT	BEARING	DISTANCE
T1	N02°13'38"W	45.00'
T2	S69°07'13"W	54.78'
T3	S69°07'13"W	5.35'
T4	S87°25'57"E	5.00'



SCALE: 1"=100'

NOTES:

1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF BOUNDARY.
2. FOUND 1/2" IRON WITH SLI CAP STAMPED TX2998 ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
3. BASIS OF BEARING: PLAT OF EL PASO WEST UNIT TWO, REPLAT "A", RECORDED IN VOLUME 65, PAGE 19.
4. TITLE COMMITMENT GF No. 1111001312, PROVIDED BY LAWYERS TITLE INSURANCE CORPORATION, WITH EFFECTIVE DATE OF OCTOBER 12, 2006.
5. THERE ARE NO BUILDINGS IN THIS PARCEL OF LAND.

NOTE:

ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

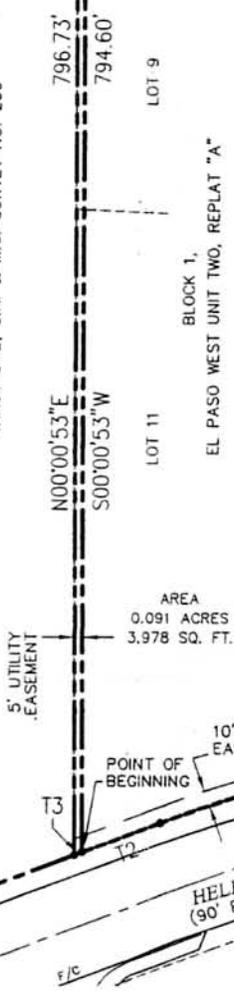
UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0016 C, DATED FEBRUARY 05, 1986, THIS PROPERTY LIES IN FLOOD ZONE "C".

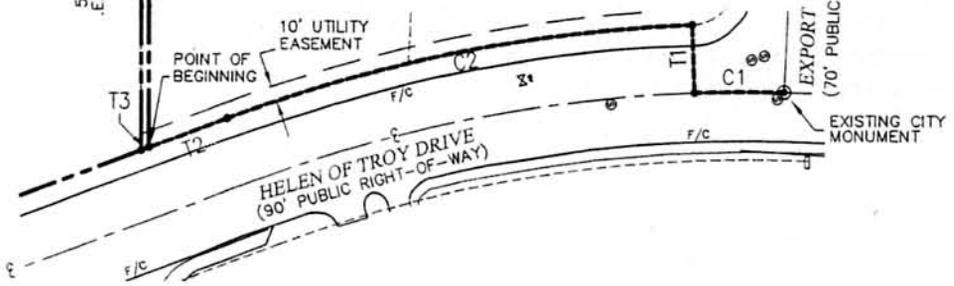
ZONE "C" AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

TRACT 3--B, S.A. & M.G. SURVEY NO. 266



AREA
0.091 ACRES
3,978 SQ. FT.



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	915.00'	58.82'	29.42'	58.81'	S89°36'51"W	3°40'59"
C2	960.00'	312.52'	157.66'	311.15'	S78°26'47"W	18°39'09"

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This map and survey are being provided solely for the use of HELEN OF TROY, L.P. A TEXAS LIMITED PARTNERSHIP and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon April 23, 2007.



PLAT OF BOUNDARY

SLI ENGINEERING, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS 79912
915-584-4457

A PORTION OF LOTS 8,
9 AND 11, BLOCK 1,
EL PASO WEST
UNIT TWO, REPLAT "A",
EL PASO, EL PASO COUNTY,
TEXAS.

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING
BOUNDARY SURVEY WAS PERFORMED
UNDER MY SUPERVISION AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.

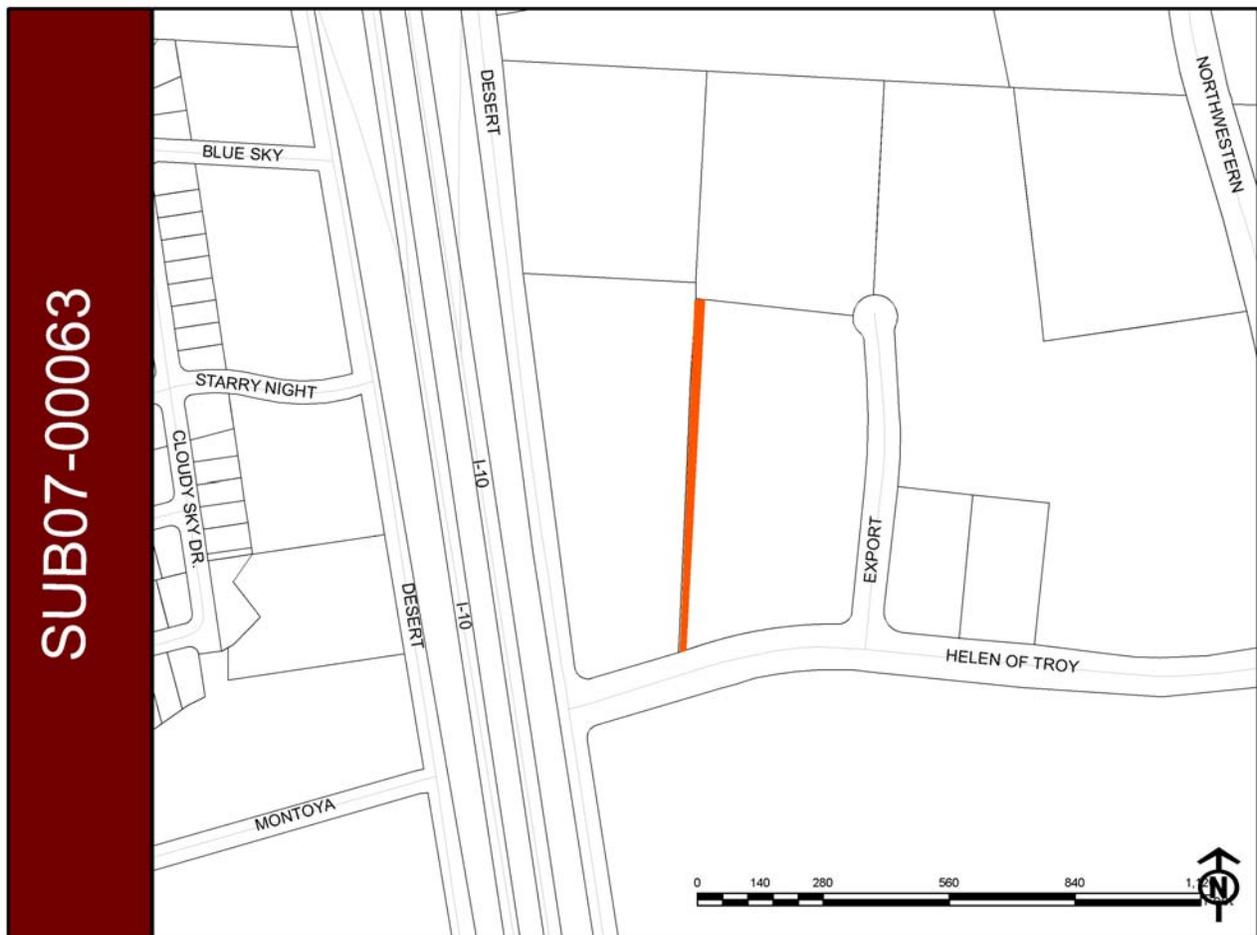
Guillermo Licon
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

JOB #: 06-06-2522 DR. BY: MN
SCALE: 1"=100' F.B. #: Book
F:\Projects\Impsurv\
DATE: 04/23/2007 DWG.: L43ZSA266-EPW2Rc-SUTLea.dwg



SUB07-00063

Type Request: Helen of Troy Easement Vacation
Subdivision Name: El Paso West Unit Two Replat A
Property Owner: Helen of Troy, L.P.
Developer: Helen of Troy, L.P.
Engineer: SLI Engineering, Inc.
Surveyor: SLI Engineering, Inc.
Location: South of Artcraft Road and East of Interstate Highway 10
Representative District: 1
Planning Area: Northwest



GENERAL INFORMATION:

The applicant is requesting the vacation of a five-foot public utility easement that runs north and south from Lots 8, 9, and 11 in Block 1 and is approximately 780 feet in length, consisting of 3,978 square feet. The applicant is proposing to construct a building along those same lots on property zoned M-1. There are no existing utilities in this easement. The property lies within Park Zone NW-10. The park nearest the subject property is in Park Zone NW-9, which is Ruby Coates Park, within approximately 5,200 feet. The nearest school is Olga Kohlberg Elementary School, which is approximately 6,630 feet from the property.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **Approval** of the Vacation of the Public Easement subject to the following conditions and requirements:

Planning Division – Land Development Comments and Requirements:

No objections.

Engineering Department – Traffic Division

No apparent traffic concerns with proposed easement vacation.

El Paso Water Utilities Comments

1. EPWU 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 easement.
3. Public water and sanitary sewer mains exist along Helen of Troy Drive and Export Place.

Central Appraisal District

No comments received.

Texas Gas Service

No comments received.

El Paso Electric Company

No comments received.

Geographic Information Systems

No comments received.

911 District

No comments received.

Fire Department

No comments received.

List of Attachments

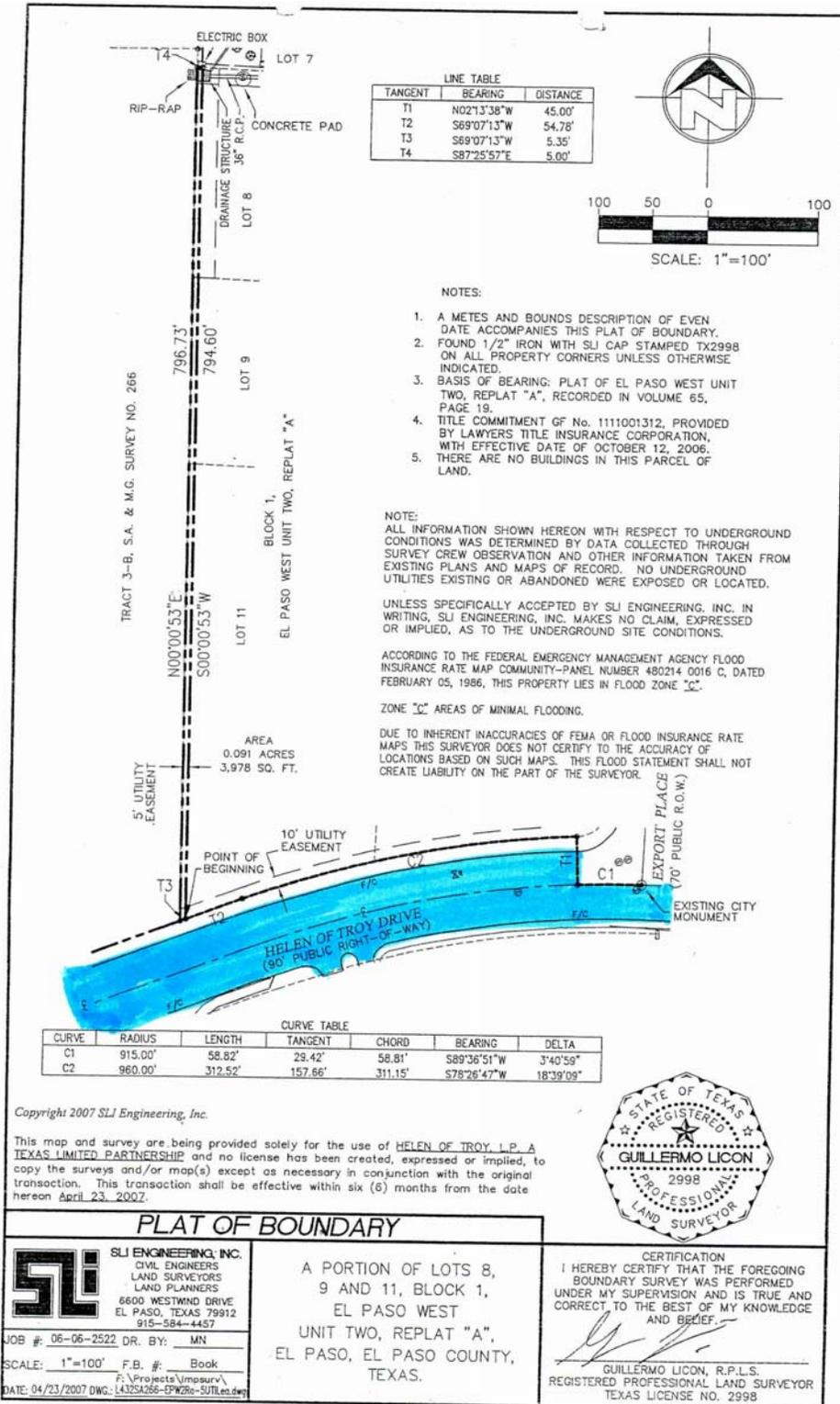
- Attachment 1: Aerial
- Attachment 2: Survey
- Attachment 3: Application

ATTACHMENT 1



ATTACHMENT 2

Survey



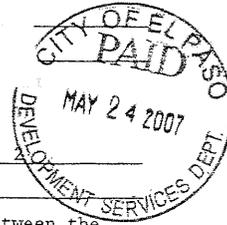
ATTACHMENT 3



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

SUBD 7-000 63

DATE 04/23/07



1. APPLICANTS NAME Helen of Troy

ADDRESS _____ '00- _____ TELEPHONE _____

2. Request is hereby made to dedicate the following: (check one)
 Street _____ Alley _____ Easement Other _____

Street Name(s) Helen of Troy Subdivision Name El Paso West Unit 2

Abutting Blocks 1 & 3B Abutting Lots 8, 9, 11

3. Reason for the vacation request: The owner is planning to build a building between the
lots.

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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 or 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.

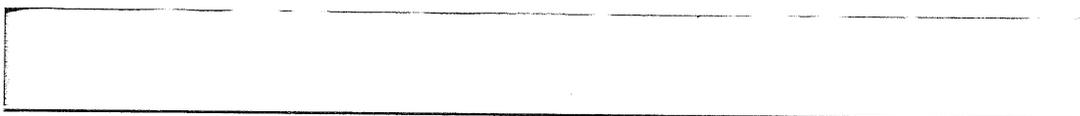
The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

FEE AMOUNTS:
 _____ Easement Vacation \$342.60
 _____ Street, Alley, Other Rights-of-Way Vacation \$571.00

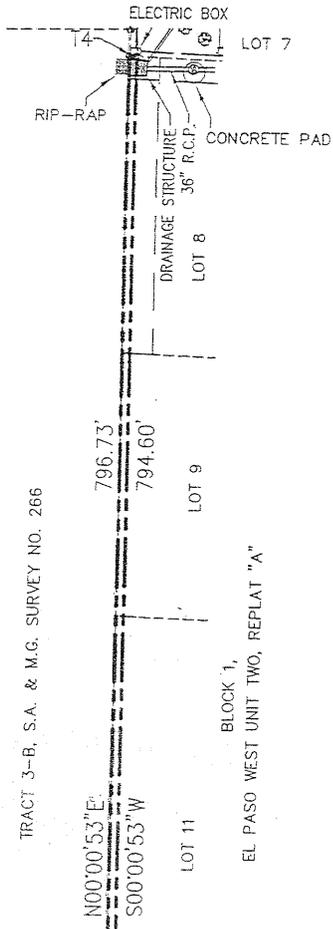
Signed By: _____
 Land Owner/Applicant/Agent

CASHIER'S VALIDATION _____
 Date 4-27-07

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

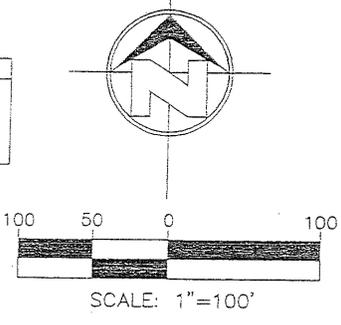


CITY CLERK DEPT.
07 SEP 24 PM 2:45



LINE TABLE

TANGENT	BEARING	DISTANCE
T1	N02°13'38\"W	45.00'
T2	S89°07'13\"W	54.78'
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5. THERE ARE NO BUILDINGS IN THIS PARCEL OF LAND.

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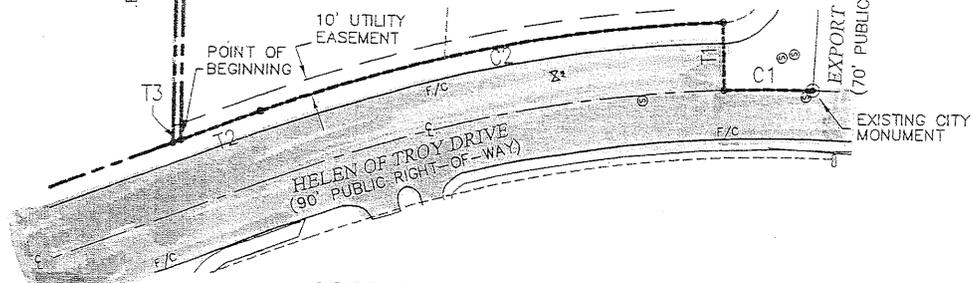
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ZONE "C" AREAS OF MINIMAL FLOODING.

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TRACT 3-B, S.A. & M.G. SURVEY NO. 266

5' UTILITY EASEMENT
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0.091 ACRES
3,978 SQ. FT.



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JOB #: 06-06-2522 DR. BY: MN
SCALE: 1"=100' F.B. #: Book
DATE: 04/23/2007 DWG.: L4325A266-SPW2R-5UTILEA.dwg

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Guillermo Licon
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
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07 SEP 24 PM 2:45