

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: October 15, 2013
Public Hearing: November 5, 2013

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. PZST13-00021, to allow for a television broadcasting antennae and equipment facility on the property described as a portion of Lot 2, Block 3, Alto Mesa Unit 3, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.700 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 200 s. Alto Mesa. Property Owner: 99 CA, LP. PZST13-00021 (**District 8**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (9-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00021, TO ALLOW FOR A TELEVISION BROADCASTING ANTENNAE AND EQUIPMENT FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 2, BLOCK 3, ALTO MESA UNIT 3, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.700 AND 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, 99 CA, LP has applied for a Special Permit to allow for a Television Broadcasting Antennae and Equipment Facility under Section 20.10.700 and 20.04.320 of the El Paso City Code; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in a C-1 (Commercial) Zone District:

A portion of Lot 2, Block 3, Alto Mesa Unit 3, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,
2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow for a Television Broadcasting Antennae and Equipment Facility under Section 20.10.700; and,
3. That this Special Permit is issued subject to the development standards in the C-1 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,
4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00021 shall automatically terminate, and

construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

EXHIBIT "A"

Property description: A 5.373-acre portion of Lot 2, Block 3, Alto Mesa Unit 3, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 5.373-acre portion of Lot 2, Block 3, Alto Mesa Unit 3 (Book 58, Page 43, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the intersection of the centerline of Alto Mesa Drive (70-foot right-of-way) and the northerly boundary of Lot 2, Block 3, Alto Mesa Unit 3, from which a city monument at the centerline intersection of Alto Mesa Drive and Mesa Street (150-foot right-of-way) bears North 12°41'00" East, a distance of 445.00 feet, and being the **POINT OF BEGINNING** of this description;

THENCE, South 77°19'00" East, along the common boundary between Alto Mesa Drive and Lot 2, Block 3, Alto Mesa Unit 3, a distance of 5.85 feet to a bridge nail and shiner found on the westerly boundary of that certain parcel of land described October 30, 1986, in Book 1732, Page 651, Deed Records, El Paso County, Texas;

THENCE, South 12°41'00" West, along said boundary, a distance of 146.00 feet to a bridge nail found on the southerly boundary of said parcel;

THENCE, South 77°19'00" East, along said boundary, a distance of 437.57 feet to a bridge nail and shiner found on the easterly boundary of said parcel;

THENCE, North 12°41'00" East, along said boundary, a distance of 146.00 feet to a concrete nail and flagging set on the common boundary between Lots 1 and 2, Block 3, Alto Mesa Unit 3;

THENCE, South 77°19'00" East, along said boundary, a distance of 206.81 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the common boundary between Alto Mesa Unit 3 and Tract 9, A.F. Miller Survey 213;

THENCE, South 12°42'00" West, along said boundary, a distance of 45.28 feet to a 5/8" rebar with cap marked "Subland Inc" found on the common boundary between Alto Mesa Unit 3 and Coronado Hills Section Two (Book 8, Page 40, Plat Records, El Paso County, Texas);

THENCE, along said boundary, the following courses:

South 51°23'00" West, a distance of 520.27 feet to a found bridge nail and flagging;

North 38°37'00" West, a distance of 13.50 feet to a found 1/2" rebar;

South 51°23'00" West, a distance of 58.17 feet to a found 1/2" rebar;

South 38°37'00" East, a distance of 13.50 feet to a found concrete nail and flagging;

South 51°23'00" West, a distance of 209.53 feet to an "X" marked on the common boundary between Lots 2 and 3, Block 3, Alto Mesa Unit 3;

EXHIBIT "A"

THENCE, North 38°37'00" West, along said boundary, a distance of 300.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the common boundary between Lot 2, Block 3, Alto Mesa Unit 3 and Tract 15A, A.F. Miller Survey 213;

THENCE, North 00°00'00" East, along said boundary, a distance of 229.49 feet to a 5/8" rebar found on the northerly boundary of that certain parcel of land described June 1, 1988, in Book 1930, page 1037, Deed Records, El Paso County, Texas;

THENCE, South 77°19'00" East, a distance of 103.97 feet (deed - 103.95 feet) to a 5/8" rebar with cap marked "RPLS 4680" found on the westerly boundary of said parcel;

THENCE, North 12°41'00" East, along said boundary, a distance of 248.77 feet to a 1/2" rebar found on the common boundary between Alto Mesa Drive and Lot 2, Block 3, Alto Mesa Unit 3;

THENCE, South 77°19'00" East, along said boundary, a distance of 23.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 5.373 acres (234,058 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 03-0049
September 24, 2003

MEMORANDUM

DATE: October 7, 2013

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZST13-00021

The City Plan Commission (CPC), on October 03, 2013, voted 9-0 to recommend **approval** of the special permit application to allow for a Television Broadcasting Antennae and Equipment Facility.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit 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 special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Planning Division did not receive any letters or phone calls in support or opposition to the request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST13-00021
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: October 3, 2013
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: 200 South Alto Mesa Drive
Legal Description: A Portion of Lot 2, Block 3, Alto Mesa Unit 3, City of El Paso, El Paso County, Texas
Acreage: 5.37 acres
Rep District: 8
Existing Use: Office
Existing Zoning: C-1 (Commercial)
Request: Special Permit to allow for ground and roof-mounted TV broadcasting antennae facility
Proposed Use: Ground and roof-mounted TV broadcasting antennae facility

Property Owner: 99 CA, LP
Applicant: Mike Adkins
Representative: Will Brown

SURROUNDING ZONING AND LAND USE

North: C-1/sc (Commercial/special contract) / Retail
South: R-3 (Residential) / Single-family dwellings; C-1 (Commercial) / office
East: R-3 (Residential) / Single-family dwellings
West: C-3/sc (Commercial/special contract) / Vacant

THE PLAN FOR EL PASO DESIGNATION: G-4, Suburban (Walkable)
NEAREST PARK: Palo Verde Park (2,843 feet)
NEAREST SCHOOL: Coronado High School (2,155 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 18, 2013. The Planning Division did not receive any phone calls or letters in support or opposition to the request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit to allow for the placement of a ground and roof-mounted TV receiving antennae facility. The site plan shows 8 ground-mounted antennae to be placed on the paved asphalt surface and 2 roof-mounted antennae to be placed on the existing 37,517 sq. ft. office building for antennae with the following dimensions: 15.37'-foot wide and 16.9'-foot high antennas, supporting structures and the appurtenant equipment facility. Setback requirements are as follows: one foot for each one foot of height from abutting residential districts. The ground mounted antennae require 16.9'-feet and the plan shows 66'-feet, the roof mounted antennae requires 38'- feet and the plan shows over 100'-feet. A special permit is a requirement of 20.10.700 of the El Paso City Code for the proposed use. Access is proposed from South Alto Mesa Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit for a TV antennae facility as it meets all the requirements of 20.04.320, Special Permit and 20.10.700 TV and Radio Broadcasting Antennae.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

City Development Department - Planning Division - Transportation

No objections.

City Development Department - Land Development

No comments received

City Development Department - Landscaping Division

No comments received

Fire Department

No comments received

Police Department

No issues with the special permit request.

El Paso Water Utilities

No comments received

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

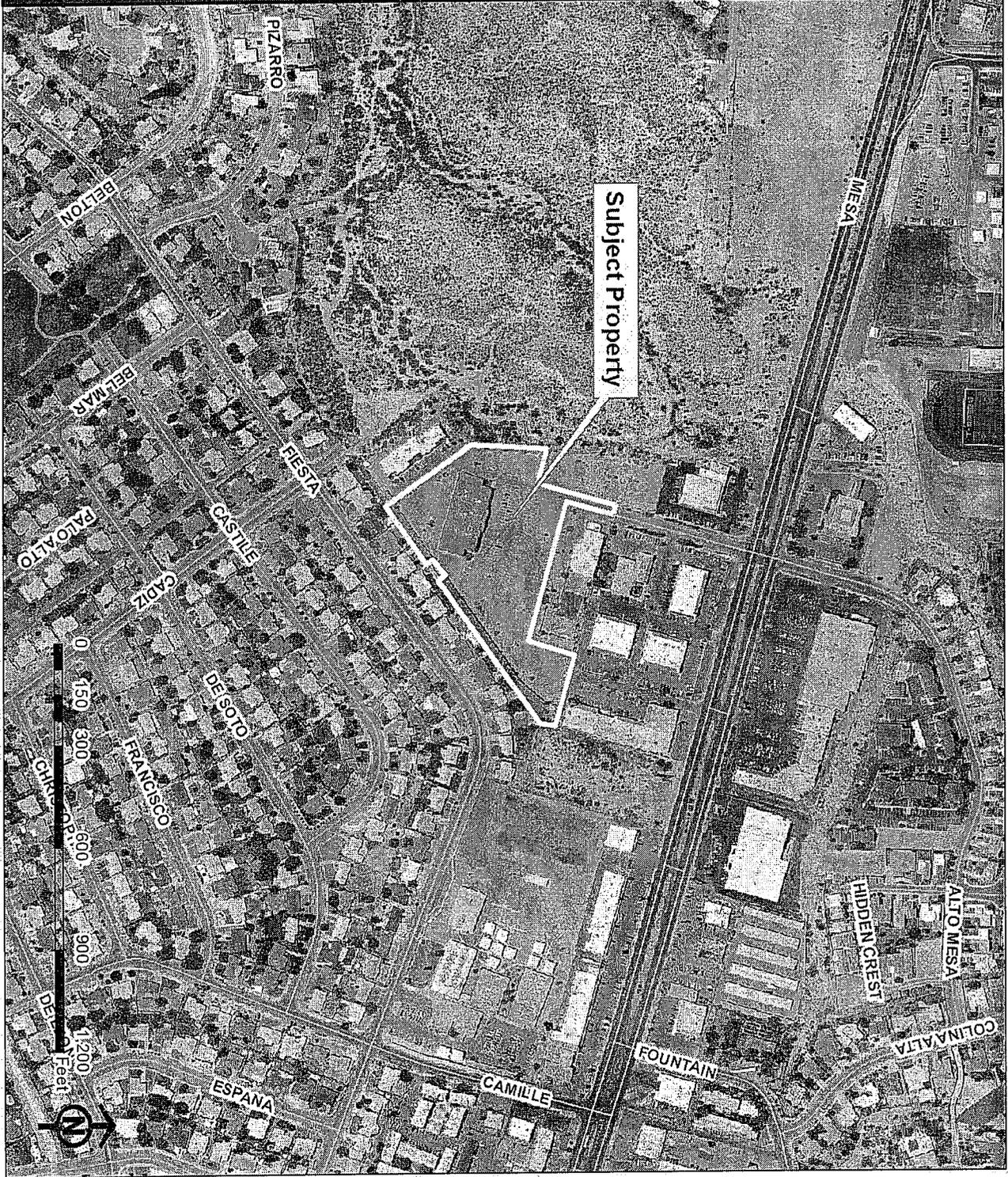
1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

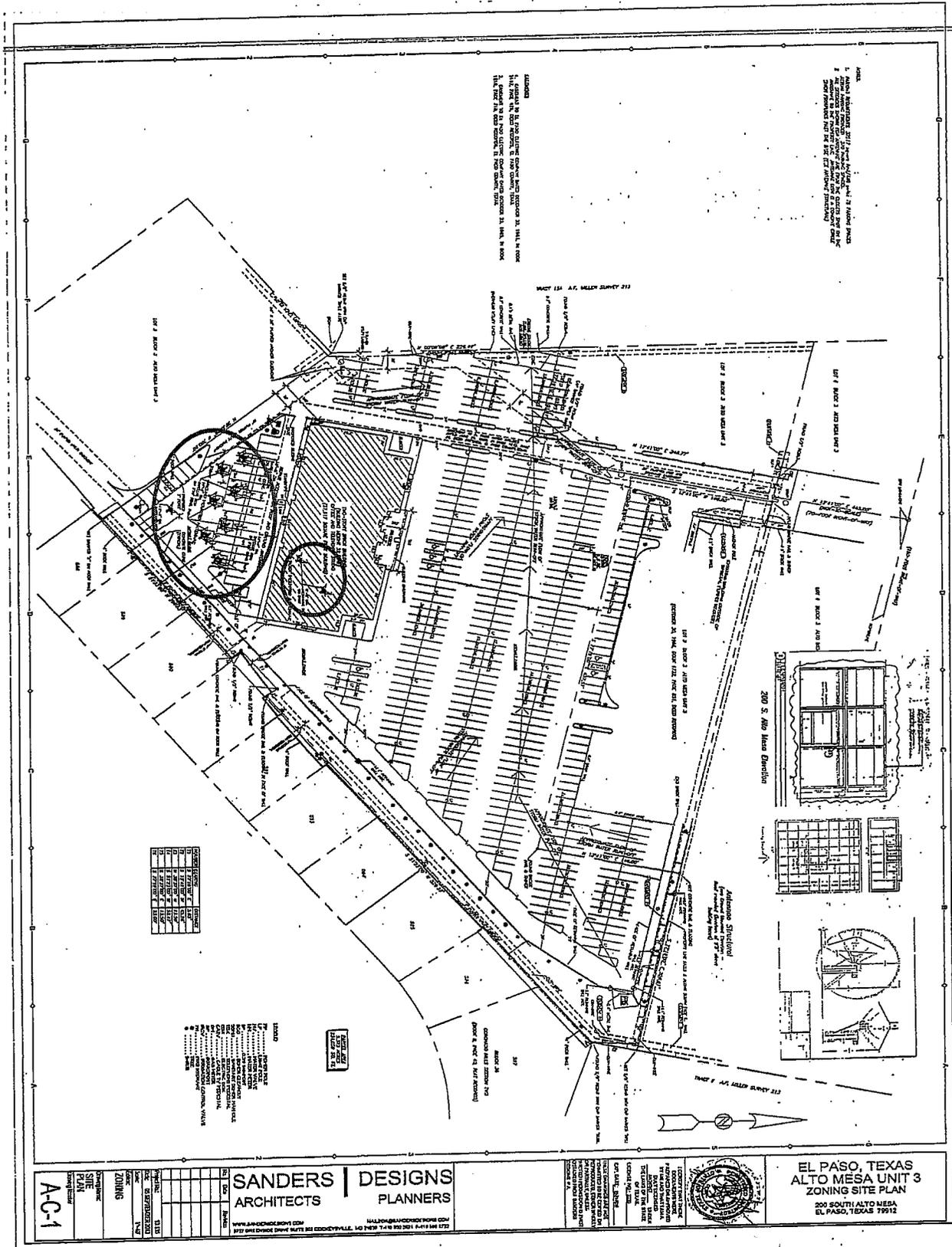
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Antennae Elevations
5. Simulation Pictures

ATTACHMENT 2: AERIAL MAP

PZST13-00021



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS

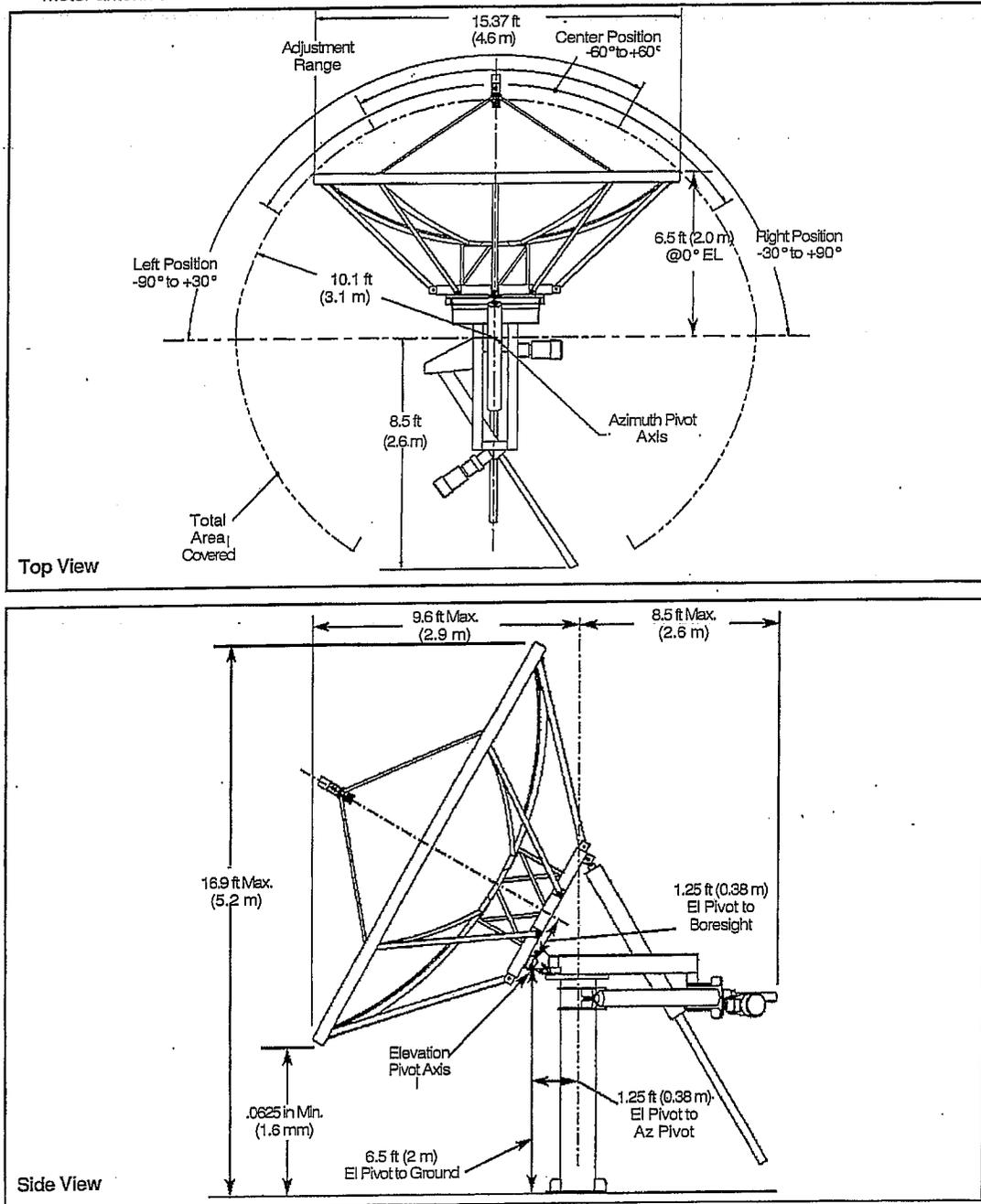
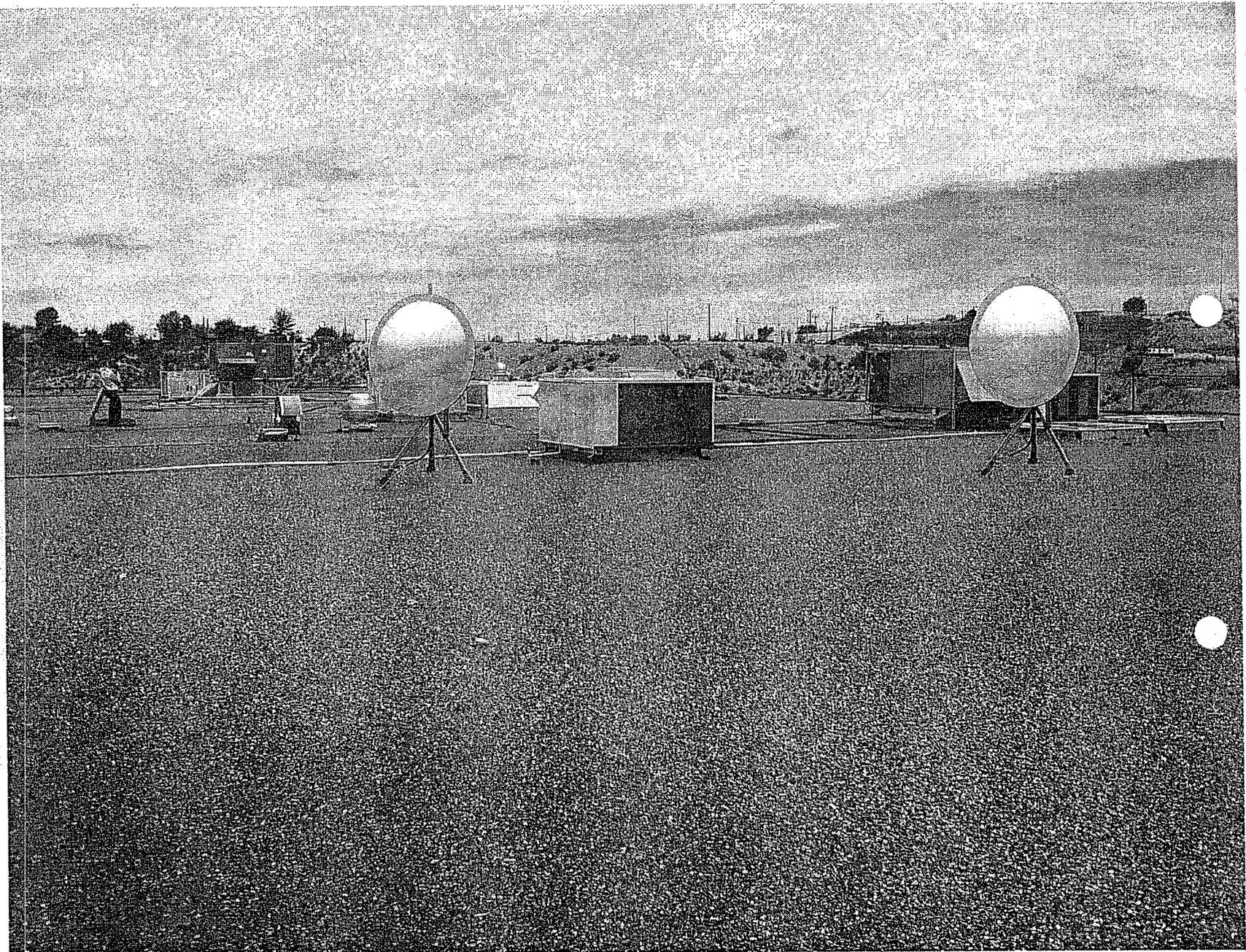
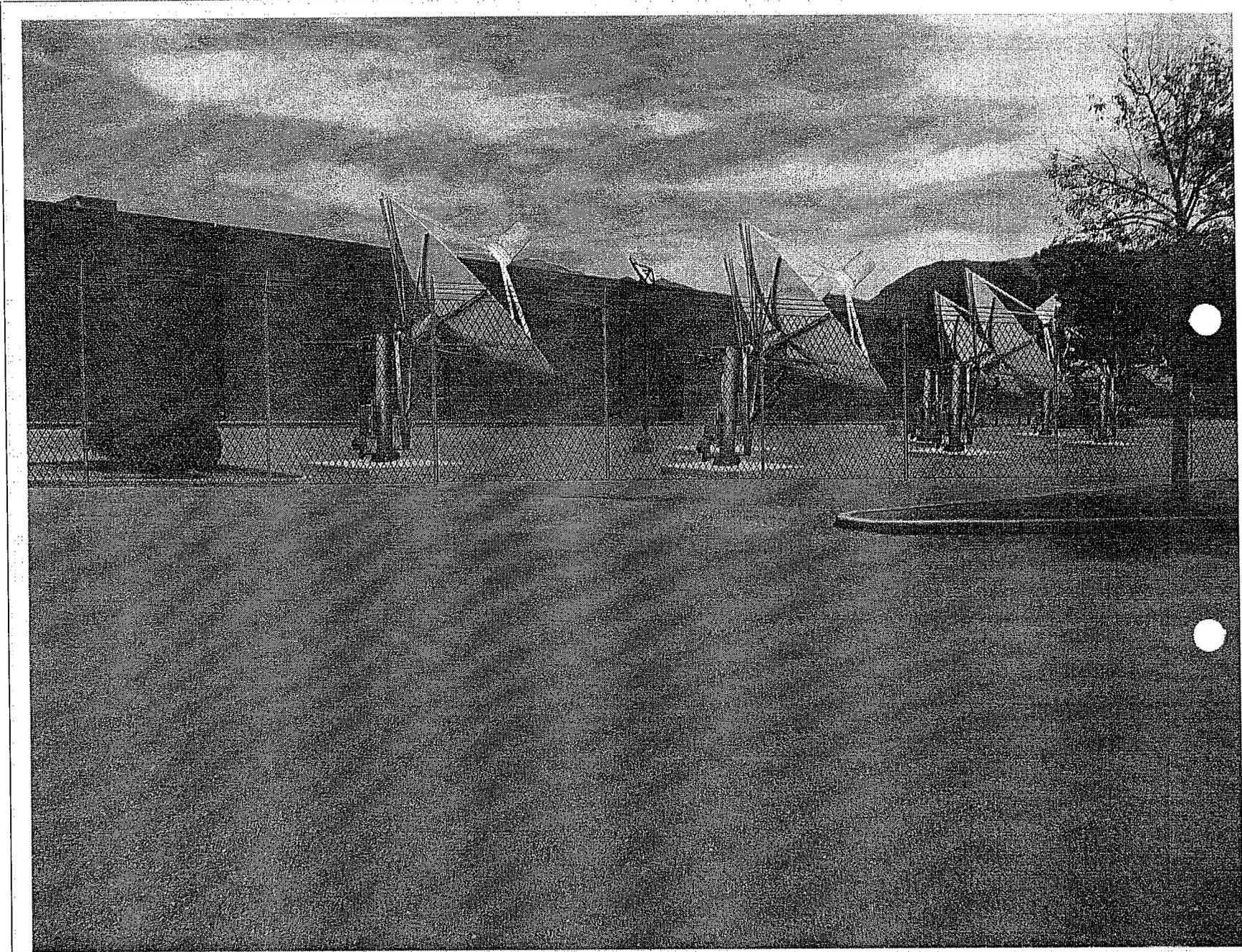
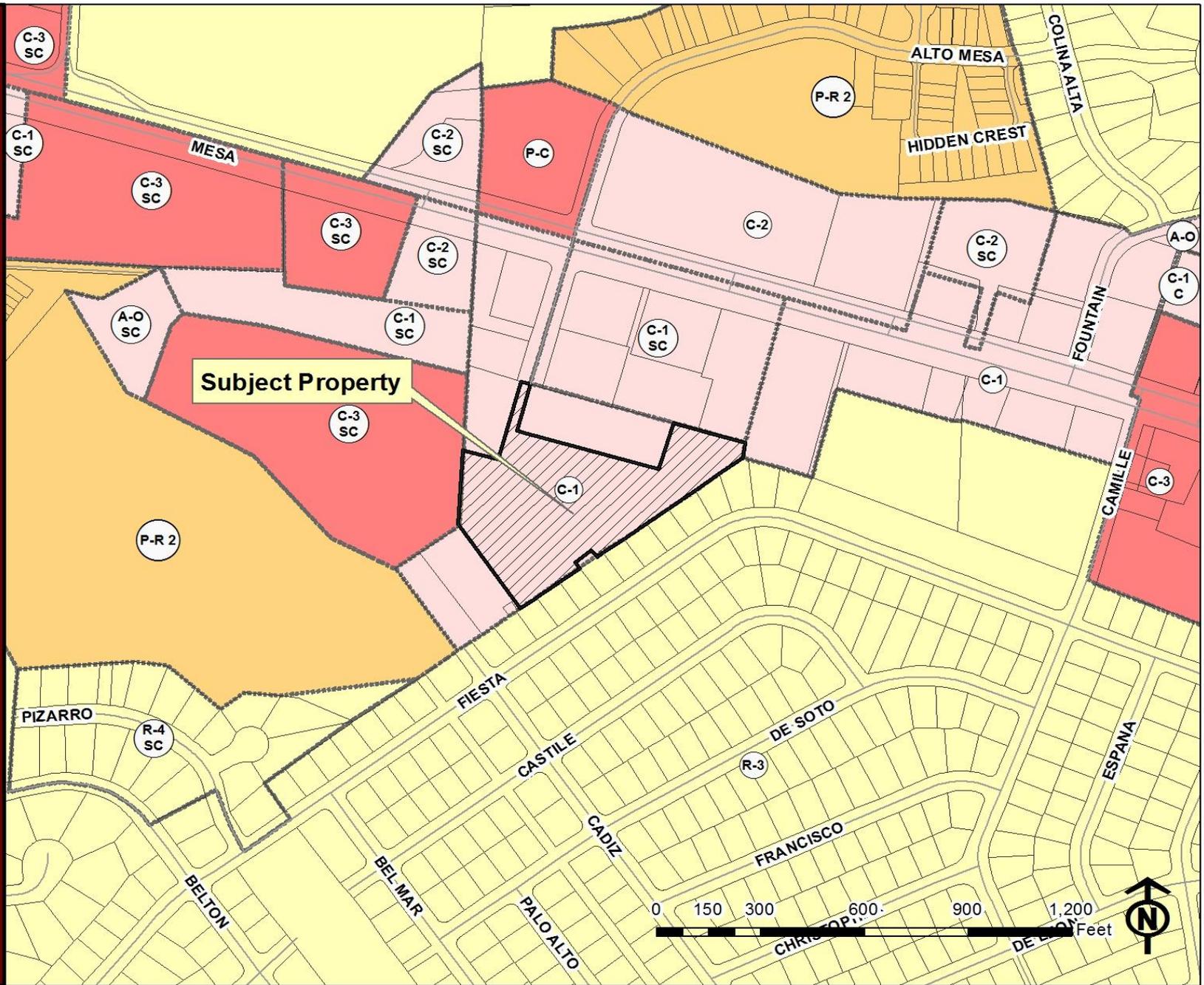


Figure 3 - 4.5-Meter Earth Station Antenna With Motorizable Mount

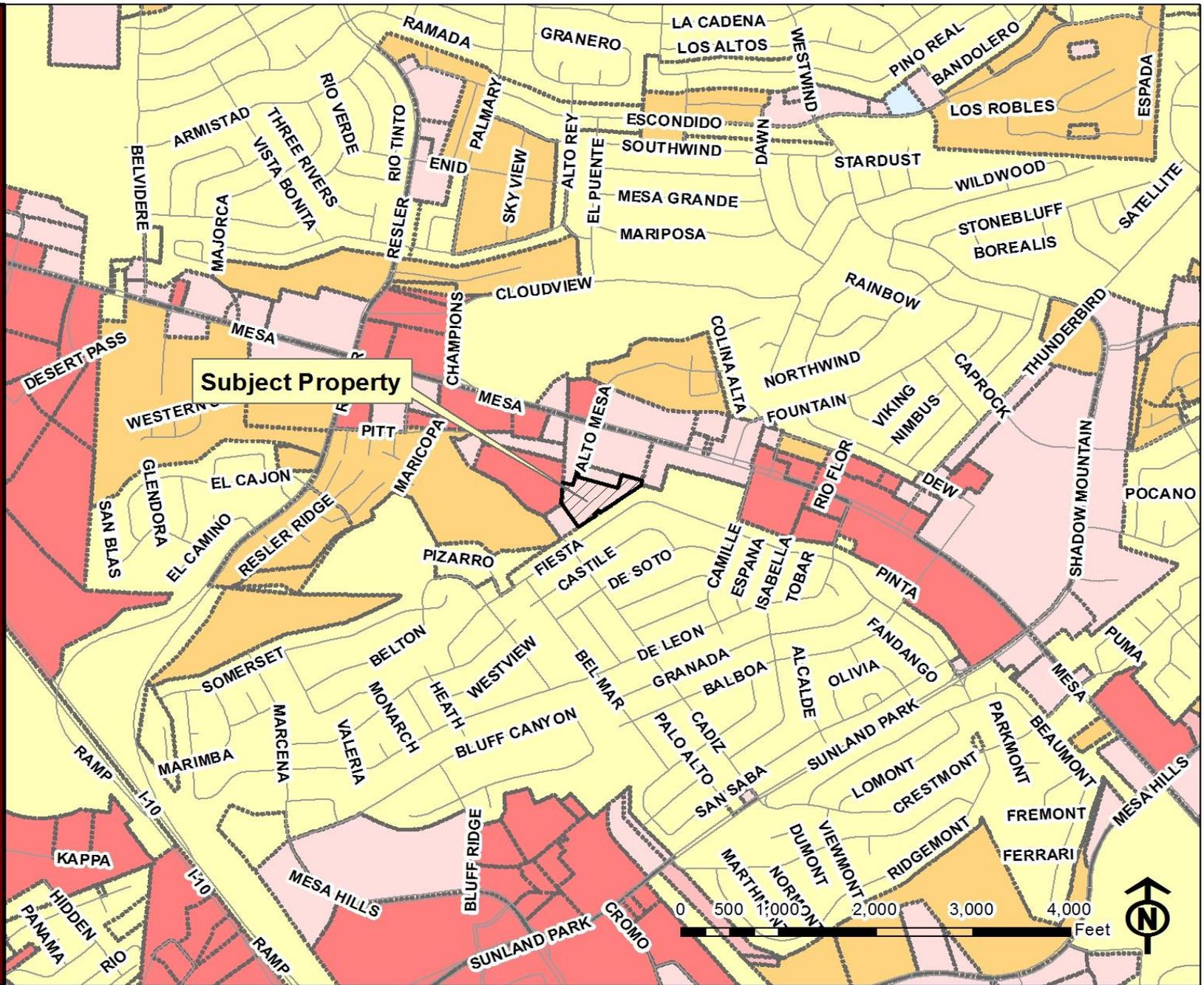




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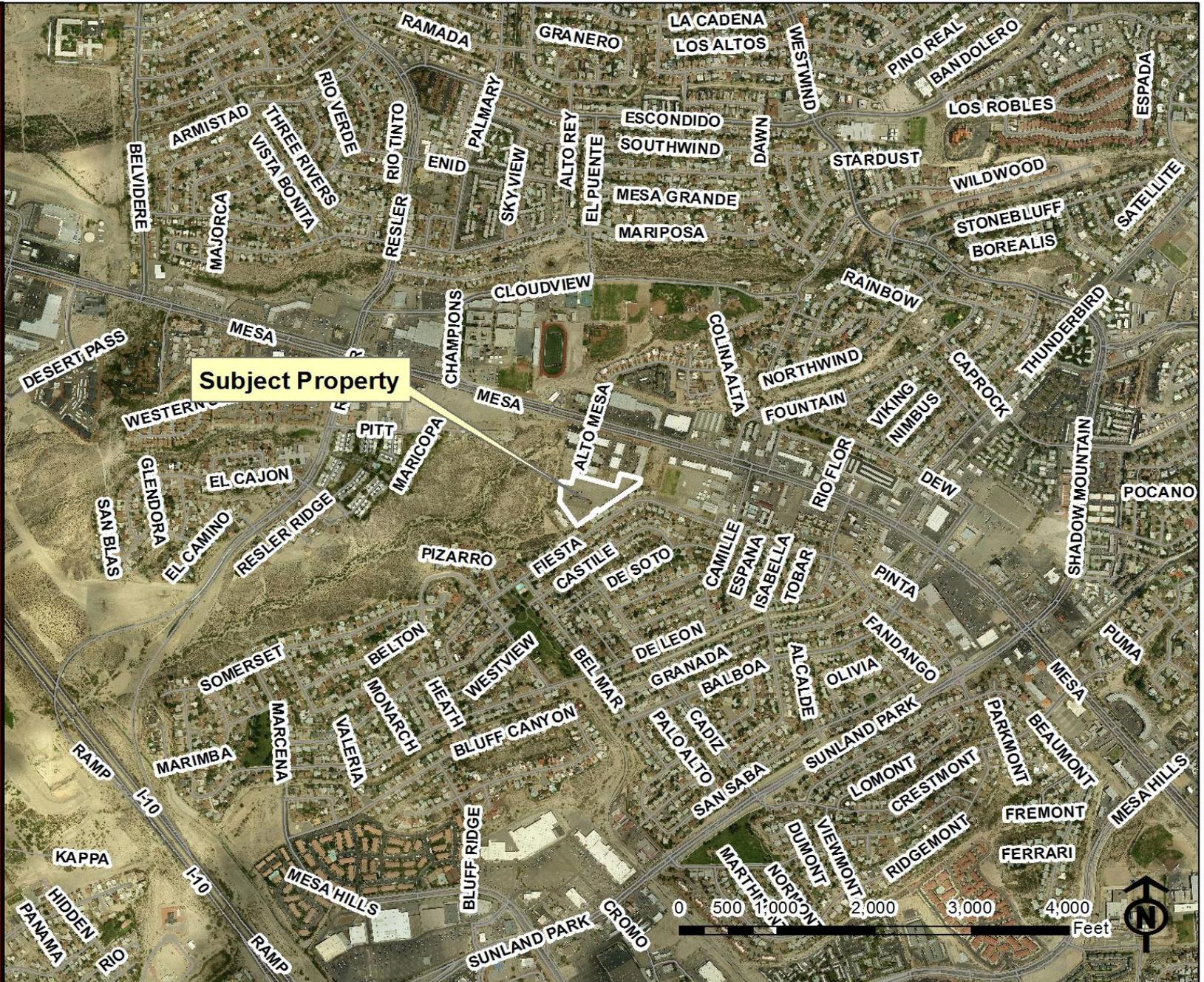
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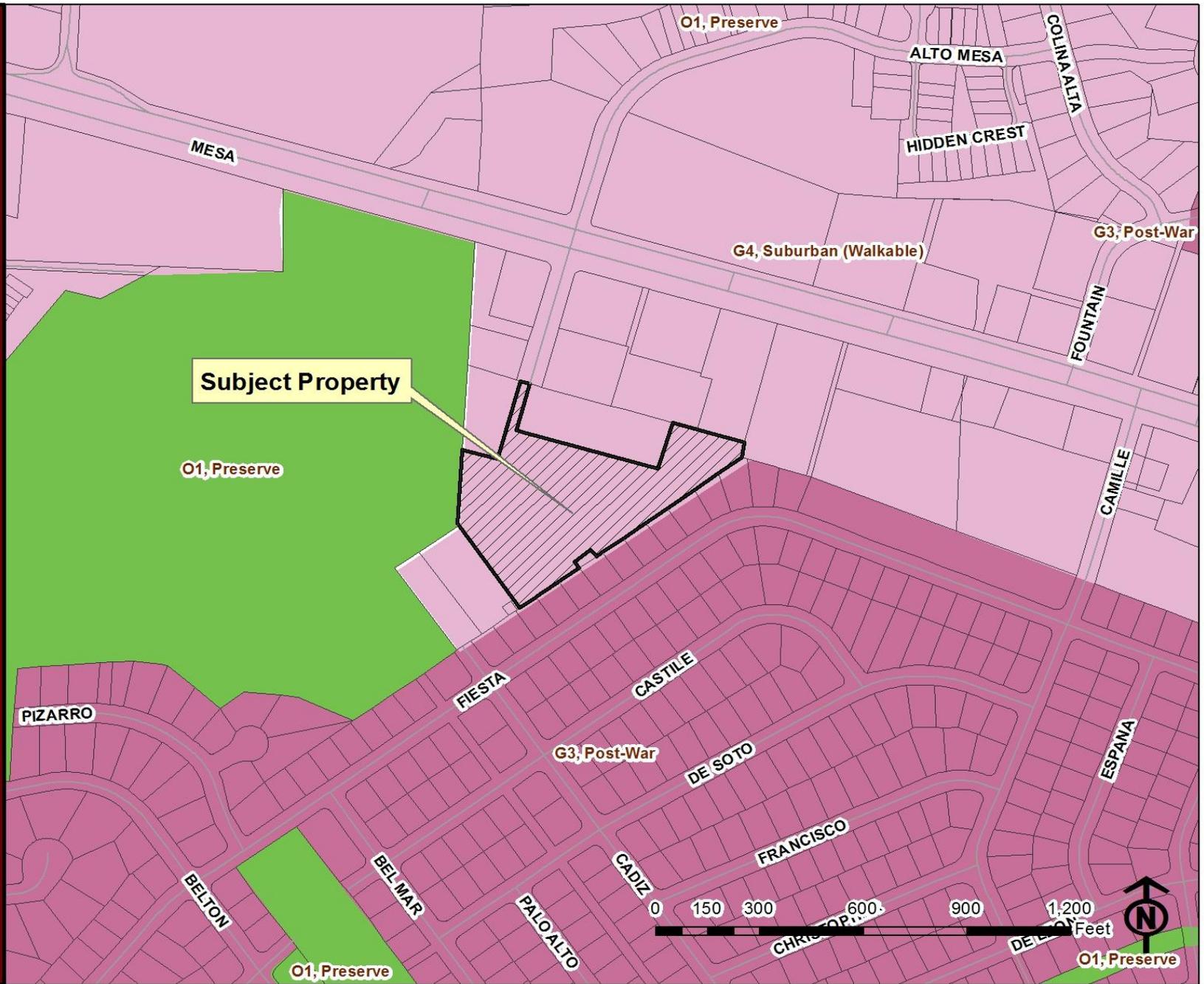
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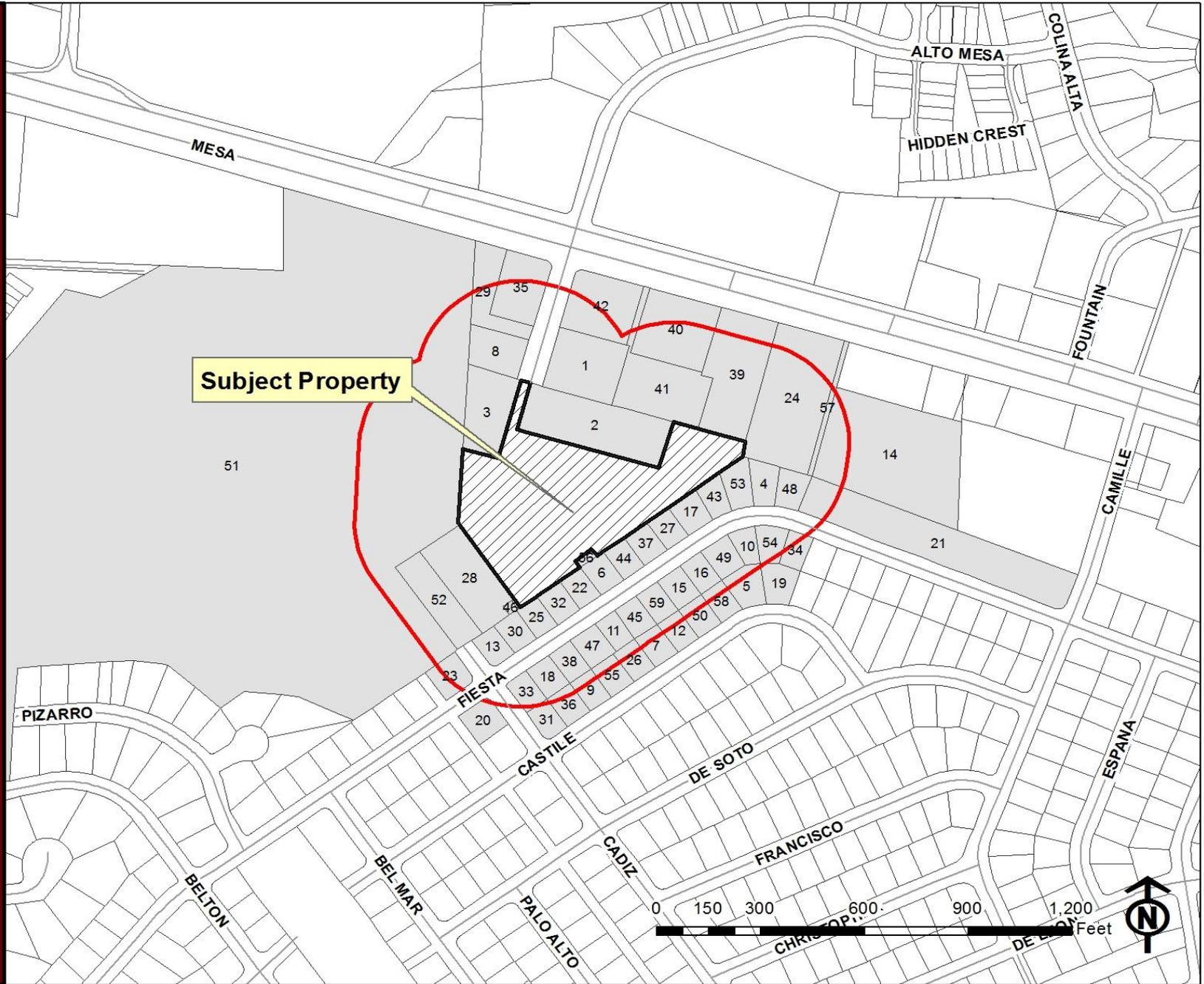
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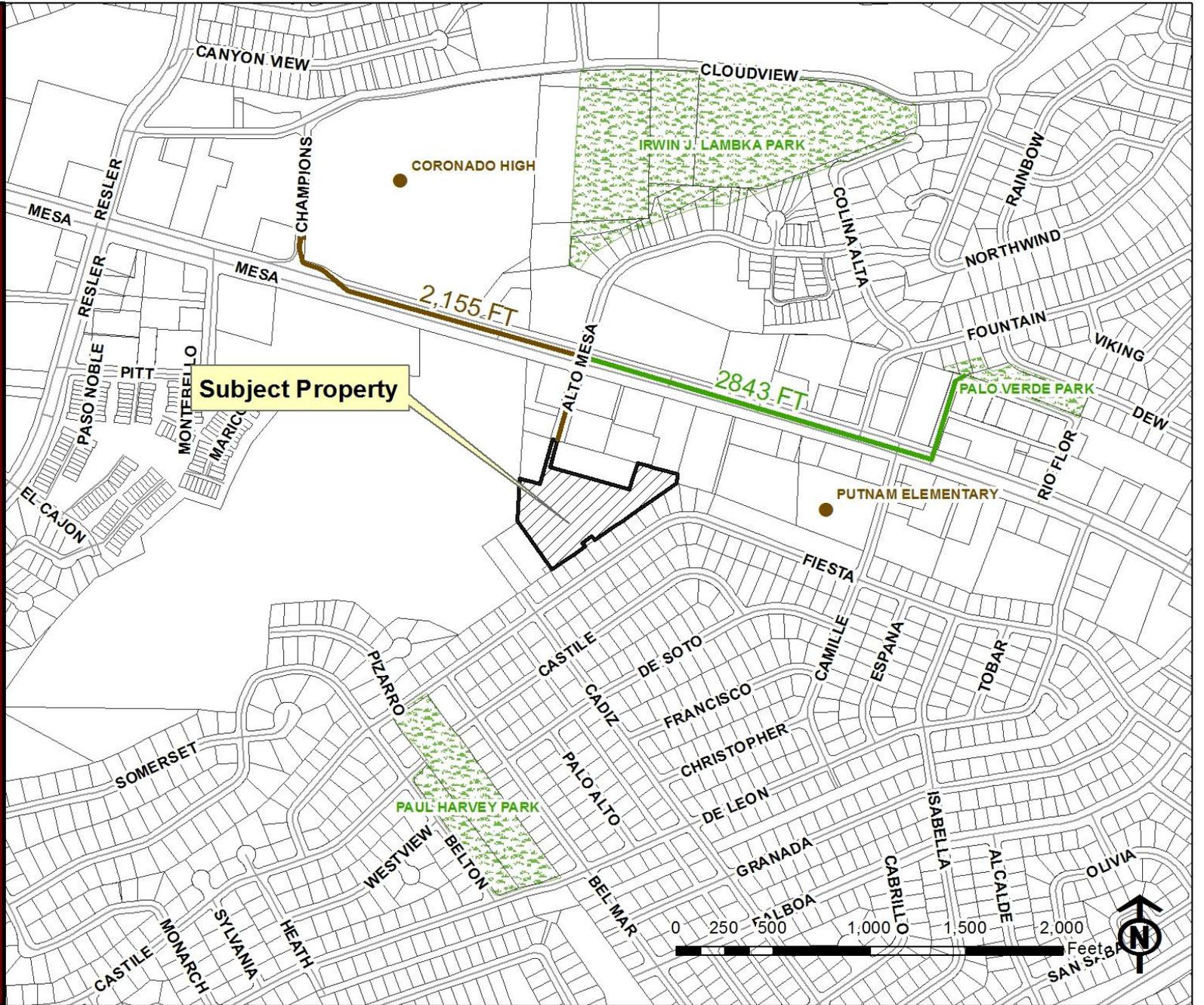
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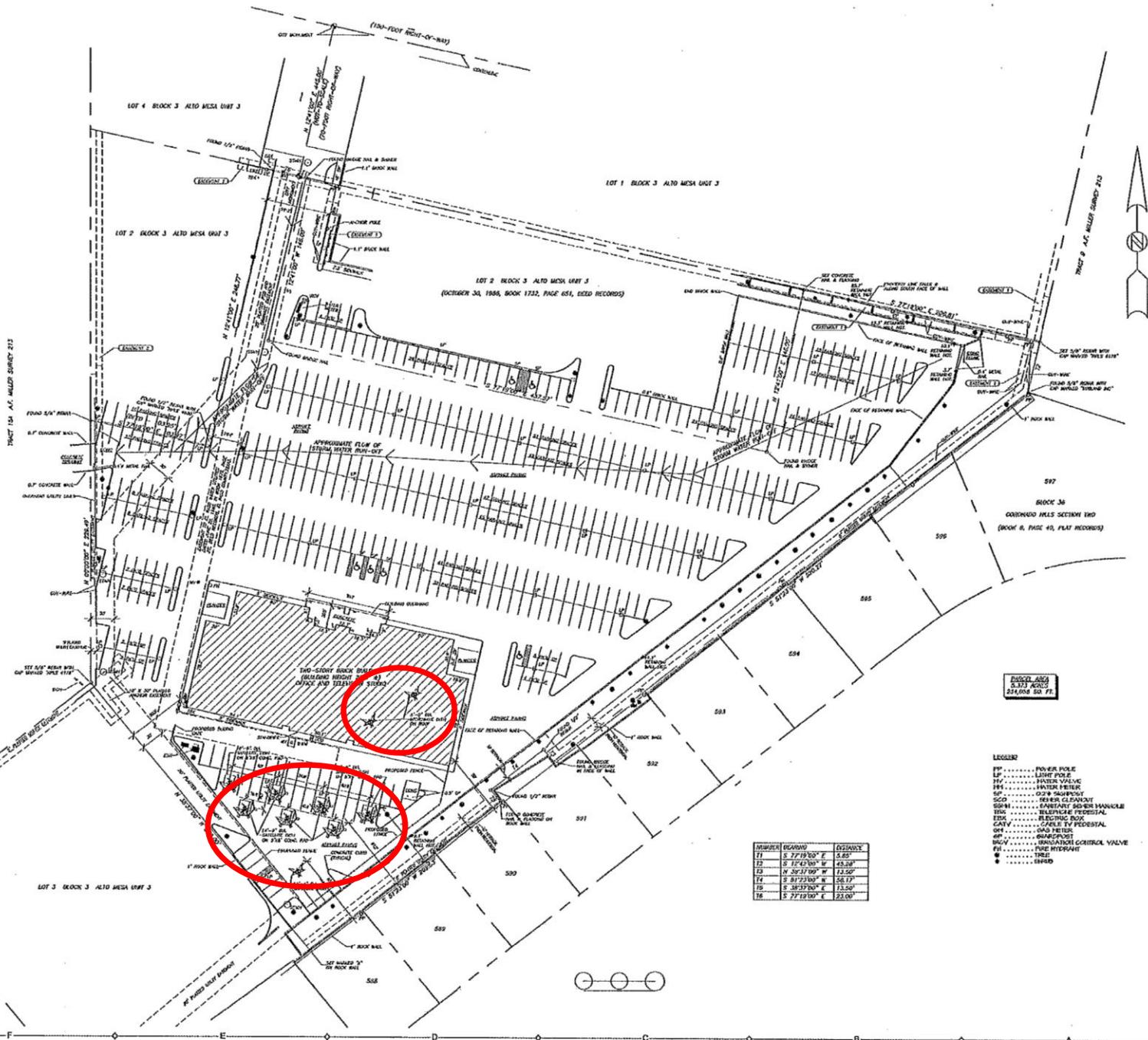


NOTES:

1. THE PLAN OF ALTO MESA UNIT 3 IS RECORDED IN BOOK 58, PAGE 43, PLAT RECORDS, EL PASO COUNTY, TEXAS.
2. WHERE NOTED, THE ORIGINAL DEED DISTANCES DIFFER FROM THE FIELD DISTANCES AS A RESULT OF A SIGHT SURVEILLANCE MEASUREMENT BY THE GEORGE PROPERTY DESCRIPTION DATED JUNE 1, 1984, IN BOOK 1284, PAGE 1033, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. PROPERTY IS SUBJECT TO DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS DATED JUNE 3, 1984, IN BOOK 1458, PAGE 1606, AMENDED AUGUST 30, 1984, IN BOOK 1484, PAGE 1354, CORRECTED AUGUST 30, 1984, IN BOOK 1485, PAGE 1365, AND AMENDED OCTOBER 15, 1984, IN BOOK 1500, PAGE 133, DEED RECORDS, EL PASO COUNTY, TEXAS.
4. PROPERTY IS SUBJECT TO DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS DATED JANUARY 14, 1984, IN BOOK 1528, PAGE 1985, AMENDED JULY 2, 1984, IN BOOK 1574, PAGE 110, AND DECEMBER 8, 1984, IN BOOK 2463, PAGE 508, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. PROPERTY IS SUBJECT TO RESERVATION OF MINORALS TO THE STATE OF TEXAS DATED APRIL 15, 1987, IN BOOK 884, PAGE 112, DEED RECORDS, EL PASO COUNTY, TEXAS.
6. PROPERTY IS SUBJECT TO ACCESS EASEMENT AGREEMENT DATED AUGUST 30, 1984, IN BOOK 1484, PAGE 1357, CORRECTED AUGUST 30, 1984, IN BOOK 1485, PAGE 1374, DEED RECORDS, EL PASO COUNTY, TEXAS.
7. PROPERTY IS SUBJECT TO SHORT FORM OR RESERVATION OF LEASE DATED JANUARY 14, 1984, IN BOOK 1528, PAGE 1573, DEED RECORDS, EL PASO COUNTY, TEXAS.
8. PROPERTY IS SUBJECT TO THE EFFECTS, IF ANY, OF RESERVATIONS BY ARCHITECTURAL COUNTY COURTS NUMBERED DATED OCTOBER 28, 1934, IN BOOK 2045, PAGES 954 AND 908, DEED RECORDS, EL PASO COUNTY, TEXAS.
9. TITLE COMMITMENT NO. 028417, DATED SEPTEMBER 25, 2003, SUPPLIED BY LAWYERS TITLE ASSURANCE CORPORATION.
10. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) 480214-0007D, DATED JANUARY 3, 1992, THIS PROPERTY LIES IN FLOOD HAZARD ZONE "X" AND "C" WITH THE "X" ZONE APPARENTLY LIMITED TO THE NORTHERN PORTION OF THE PROPERTY ALLOWING ALTO MESA GOLF.
11. A NARRATIVE NOTES AND BOUNDS DESCRIPTION OF EVERY DATE HEREIN ACCOMPANIES THIS PLAN.

EASEMENTS:

1. EASEMENT TO EL PASO ELECTRIC COMPANY DATED DECEMBER 22, 1953, IN BOOK 1447, PAGE 416, DEED RECORDS, EL PASO COUNTY, TEXAS.
2. EASEMENT TO EL PASO ELECTRIC COMPANY DATED OCTOBER 20, 1965, IN BOOK 1816, PAGE 718, DEED RECORDS, EL PASO COUNTY, TEXAS.



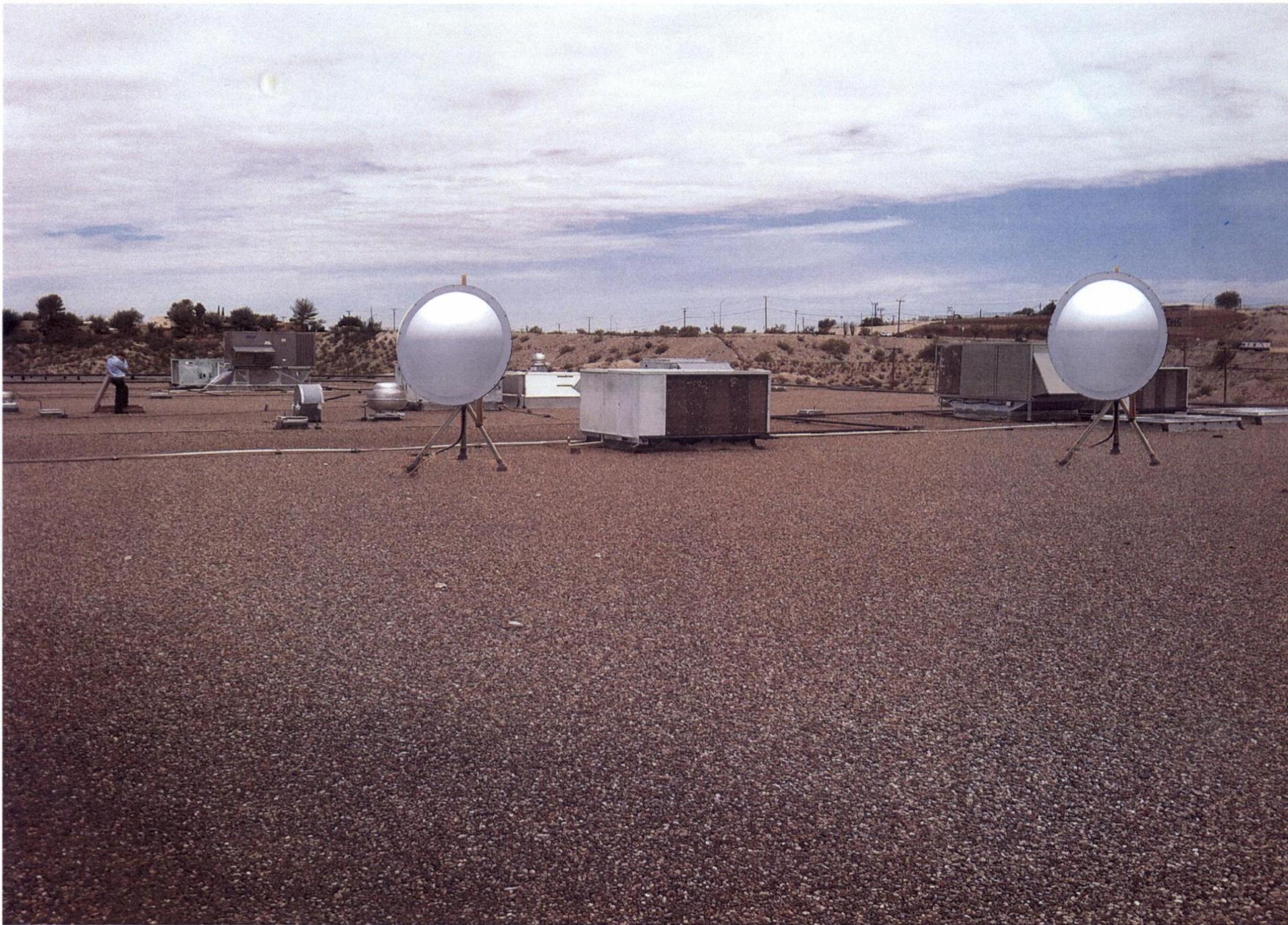
NUMBER	BEARING	DISTANCE
T1	S 77°19'20" E	5.85'
T2	N 71°47'00" W	45.20'
T3	N 28°37'00" W	12.50'
T4	S 81°23'00" W	58.17'
T5	S 38°37'00" E	13.20'
T6	S 77°19'20" E	23.00'

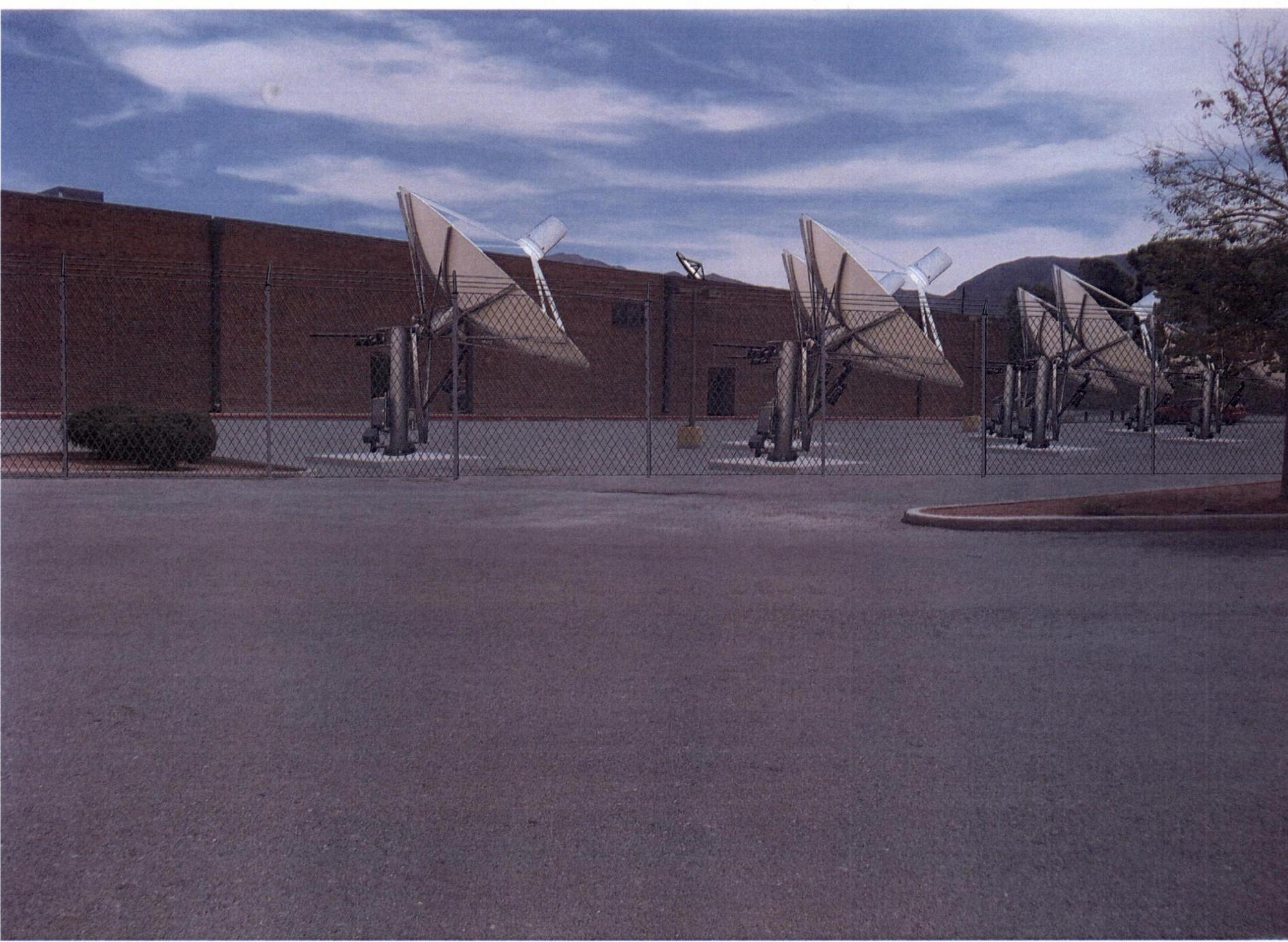
BLOCK 3
ALTO MESA
STANDARD 50 FT

- LEGEND:**
- PP POWER POLE
 - LP LIGHT POLE
 - TV WATER VALVE
 - PR WATER PILE
 - SP 0.25" SINKHOLE
 - SCD SEWER CLEANOUT
 - SMH SANITARY SOBER HANDLE
 - BS BUSINESS PEDestal
 - EPK ELECTRIC POK
 - CAV CABLE TV PEDestal
 - OH GAS METER
 - GR GAS METER
 - BRV BRASS VALVE CONTROL VALVE
 - EV FIRE HYDRANT
 - TR TREE
 - SH SHED

TV Antennae Requirements

Type	Setbacks Required	Setbacks Used	Rockwall Requirement	Rockwall Existing
Roof Mounted	38' feet	100'feet +	6'feet	6-11 feet
Ground Mounted	16.9' feet	66' feet	6'feet	6-11 feet







Subject
Property



Alto Mesa



Subject Property/
Alto Mesa



Subject Property – Front



Subject Property –
Rear /Proposed
Antennae



Subject Property –
Rear /Proposed
Antennae



Subject Property –
Rear /Proposed
Antennae



Subject Property –
Rear /Proposed
Antennae



Adjacent
Residential
to the East



Adjacent
Residential



North



North &
East



ALTO MESA
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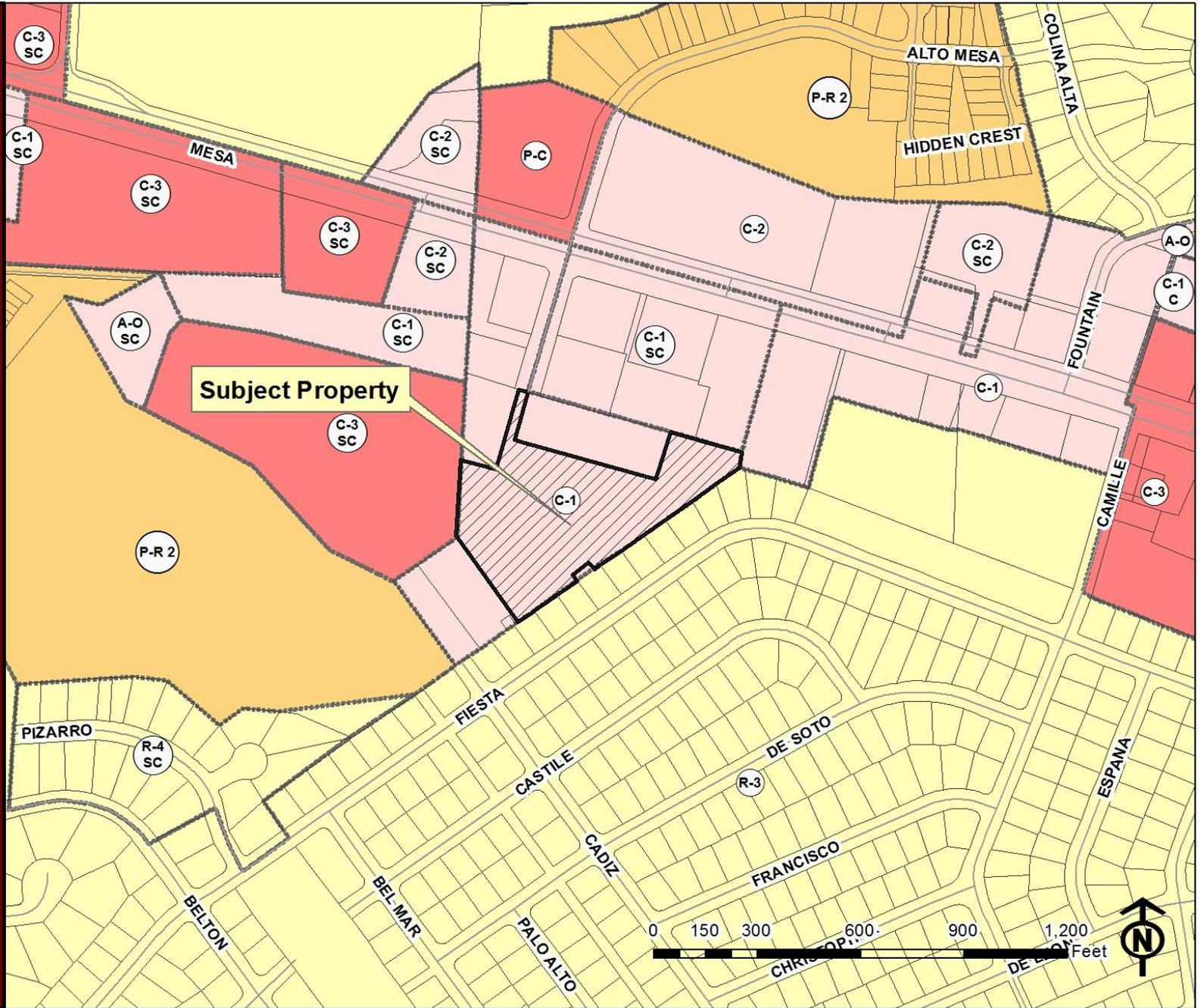
AVAILABLE
CALL TODAY

West



West

PZST13-00021



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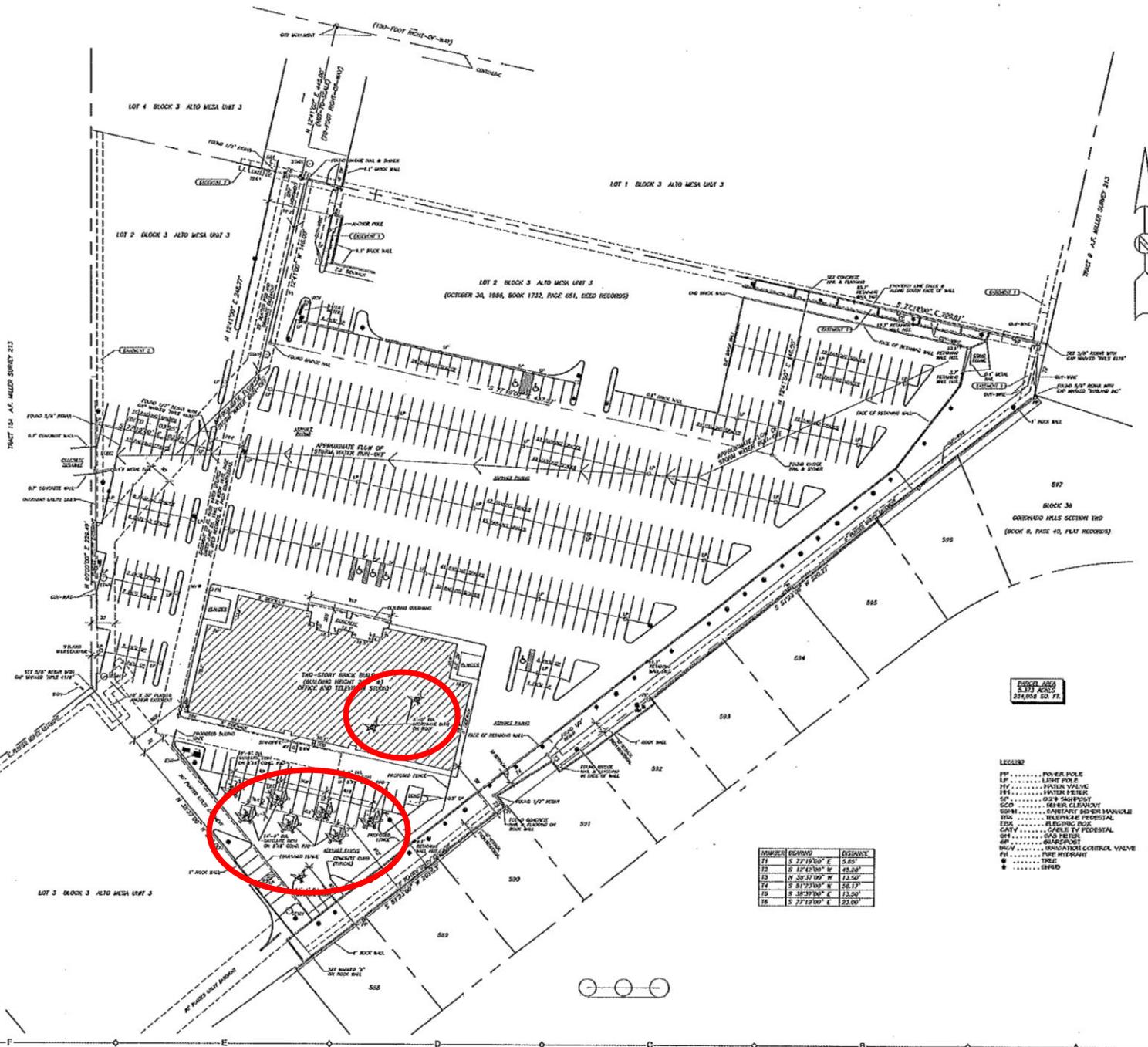


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2. EASEMENT TO EL PASO ELECTRIC COMPANY DATED OCTOBER 20, 1965, IN BOOK 1816, PAGE 718, DEED RECORDS, EL PASO COUNTY, TEXAS.



BLOCK AREA
5.173 ACRES
STANDARD 50 FT

- LEGEND:**
- PP POWER POLE
 - LP LIGHT POLE
 - TV WATER VALVE
 - PR WATER PILE
 - SP 0.25' SLOPE
 - SCD SEWER CLEANOUT
 - SMH SANITARY SOBER MANHOLE
 - BS BUSINESS PEDestal
 - EPK ELECTRIC POK
 - CAV CABLE TV PEDestal
 - OM GAS METER
 - GR GAS METER
 - BRV BRASS VALVE CONTROL VALVE
 - EV FIRE HYDRANT
 - TR TREE
 - SH SHED

NUMBER	BEARING	DISTANCE
T1	S 77°19'20" E	5.85'
T2	N 71°47'00" W	45.20'
T3	N 28°37'00" W	12.50'
T4	S 81°23'00" W	58.17'
T5	S 38°37'00" E	13.20'
T6	S 77°19'20" E	23.00'

