

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

DEPARTMENT: Development Services

AGENDA DATE: Introduction: October 21, 2008
Public Hearing: October 28, 2008

CONTACT PERSON/PHONE: Fred Lopez, (915) 541-4322

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance vacating a portion of a 16-foot alley within Block 80, Alexander Addition, City of El Paso, El Paso County, Texas. (District 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee - Approval
City Plan Commission - Approval

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A 16-FOOT ALLEY WITHIN BLOCK 80, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner, the Board of Regents of the University of Texas System, has requested that a portion of the alley within Block 80, Alexander Addition, City of El Paso, El Paso County, Texas, be vacated; and,

WHEREAS, City Plan Commission has recommended the vacation, and the El Paso City Council finds that said right-of-way is not needed for public use by the City and should be vacated as recommended; and,

WHEREAS, Chapter 272.001(j) of the Local Government Code allows the City to sell land to an institution of higher education for less than its fair market value, provided that such sale is to promote a public purpose related to higher education; and,

WHEREAS, Chapter 272.001(j) requires the City to determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose; and,

WHEREAS, the University of Texas at El Paso intends to build a new Child Care Center, which is utilized by students, faculty and staff of the university, and the land is needed to provide a parking lot for a new University of Texas at El Paso Child Care Center; and,

WHEREAS, the City Council determines that the sale of the land does promote a public purpose related to higher education,

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

Section 1. That a determination has been made that it is in the best interest of the public that the portion of the alley within Block 80, Alexander 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, made a part hereof by reference, be and is hereby vacated subject to the following condition

That the land be used as a parking lot for the University of Texas at El Paso Child Care Center or some other similar public purpose that is related to the University of Texas at El Paso.

Section 2. That 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, incorporating the above conditions, to the Board of Regents of The University of Texas System.

PASSED AND APPROVED this _____ day of _____, 2008.

SIGNATURES ON FOLLOWING PAGE

CITY CLERK DEPT.

08 OCT 13 AM 9:37

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director
Development Services Department

CITY CLERK DEPT.

Exhibit A

08 OCT 13 AM 9:37

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

10950 Pellicano Drive, Building "F", El Paso, Texas 79935

Ph. (915) 591-5709

Fax (915) 591-5706

DESCRIPTION

Description of a parcel of land being a portion of a 16 feet wide right-of-way within Block 80, Alexander Addition, City of El Paso, El Paso County, Texas, and being more particularly described as follows:

Beginning at found rebar with cap stamped "KEKO", at the intersection of the northerly right-of-way line of Schuster Avenue with the easterly right-of-way line of a 16' wide alley, said rebar marking the southwesterly corner for Lot 1, Block 80, Alexander Addition, City of El Paso, El Paso County, Texas, said rebar being the **Point of Beginning** of this **Description**;

THENCE, S 52°24'00" W, along said northerly right-of-way line, a distance of 16.00 feet to a found 5/8" rebar for the southeasterly corner for Lot 20, Block 80, Alexander Addition;

THENCE, N 37°36'00" W, along the westerly right-of-way line of said alley, a distance of 208.00 feet to a found nail for the northeasterly corner for Lot 13, Block 80, Alexander Addition;

THENCE, N 52°24'00" E, a distance of 16.00 feet to a found nail for the northwesterly corner for Lot 8, Block 80, Alexander Addition;

THENCE, S 37°36'00" E, along the easterly right-of-way line of said alley, a distance of 208.00 feet to the **POINT OF BEGINNING** of the herein parcel being described, containing 3,328 square feet of land more less.

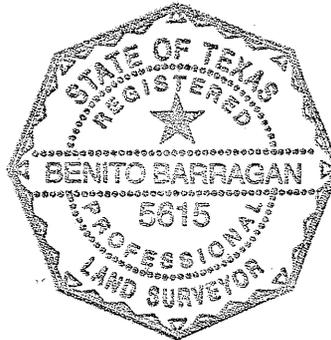
NOTES:

1. A Plat of survey of even date accompanies this description
2. Bearings recited herein are based on a city of El Paso Plat for Alexander Addition.



Benito Barragan TX R.P.L.S. 5615
Alley-row-alexander

6/09/08



CITY CLERK DEPT.

Exhibit A

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Beginning at found rebar with cap stamped "KEKO", at the intersection of the northerly right-of-way line of Schuster Avenue with the easterly right-of-way line of a 16' wide alley, said rebar marking the southwest corner for Lot 1, Block 80, Alexander Addition, City of El Paso, El Paso County, Texas, said rebar being the **Point of Beginning** of this **Description**;

THENCE, S 52°24'00" W, along said northerly right-of-way line, a distance of 16.00 feet to a found 5/8" rebar for the southeasterly corner for Lot 20, Block 80, Alexander Addition;

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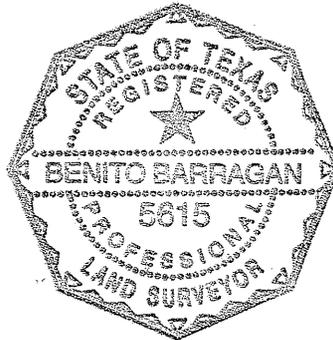
NOTES:

1. A Plat of survey of even date accompanies this description
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Benito Barragan TX R.P.L.S. 5615
Alley-row-alexander

6/09/08





City of El Paso – City Plan Commission Staff Report

Case No: SUB08-00121 Rim Rd Schuster Ave Alley Vacation
Application Type: Right of Way Vacation
CPC Hearing Date: August 28, 2008

Staff Planner: Fred Lopez, 915-541-4322, lopezar@elpasotexas.gov
Location: North of Schuster Avenue and South of Rim Road
Legal Description Acreage: 0.08
Rep District: 1

Property Owner: Board of Regents of the University of Texas System
Applicant: University of Texas at El Paso
Representative: University of Texas at El Paso

SURROUNDING ZONING AND LAND USE

North: S-D/sp (Special Development/special permit); El Paso Electric Company
South: A-3 (Apartment); Residential
East: A-3 (Apartment); Residential
West: A-3 (Apartment); Residential

THE PLAN FOR EL PASO DESIGNATION: Mixed-Use

APPLICATION DESCRIPTION

The applicant is proposing to vacate a portion of a 16-foot wide alley in Block 80, Alexander Addition. The applicant is requesting the vacation in order to construct a parking lot for a new child care center. The remaining portion of the alley in Block 80 along Rim Road was vacated by City Council on March 21, 1995.

NEIGHBORHOOD INPUT

None.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the proposed alley vacation.

Engineering Department – Traffic Division

No objection to proposed alley vacation.

El Paso Water Utilities

1. EPWU-PSB does not object to this request.
2. El Paso Water Utilities – Public Service Board (EPWU-PSB) does not own or operate any facilities within the above referenced portion of the 16-foot wide alley.

Planning Division – Land Development

No objections.

El Paso Electric Company

No comments received.

Texas Gas Service

No comments received.

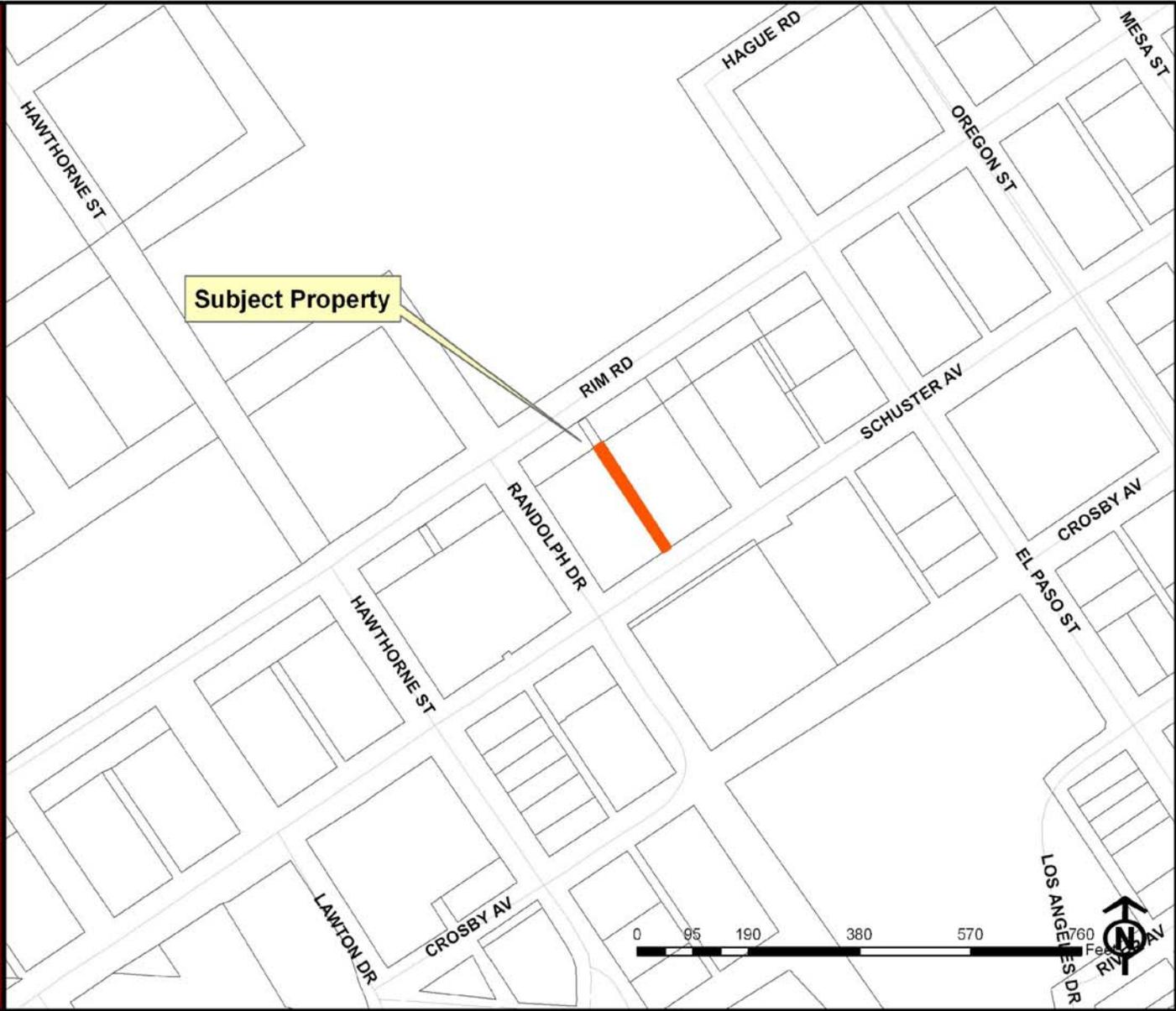
Fire Department

No comments received.

Attachments

1. Location map
2. Aerial map
3. Survey

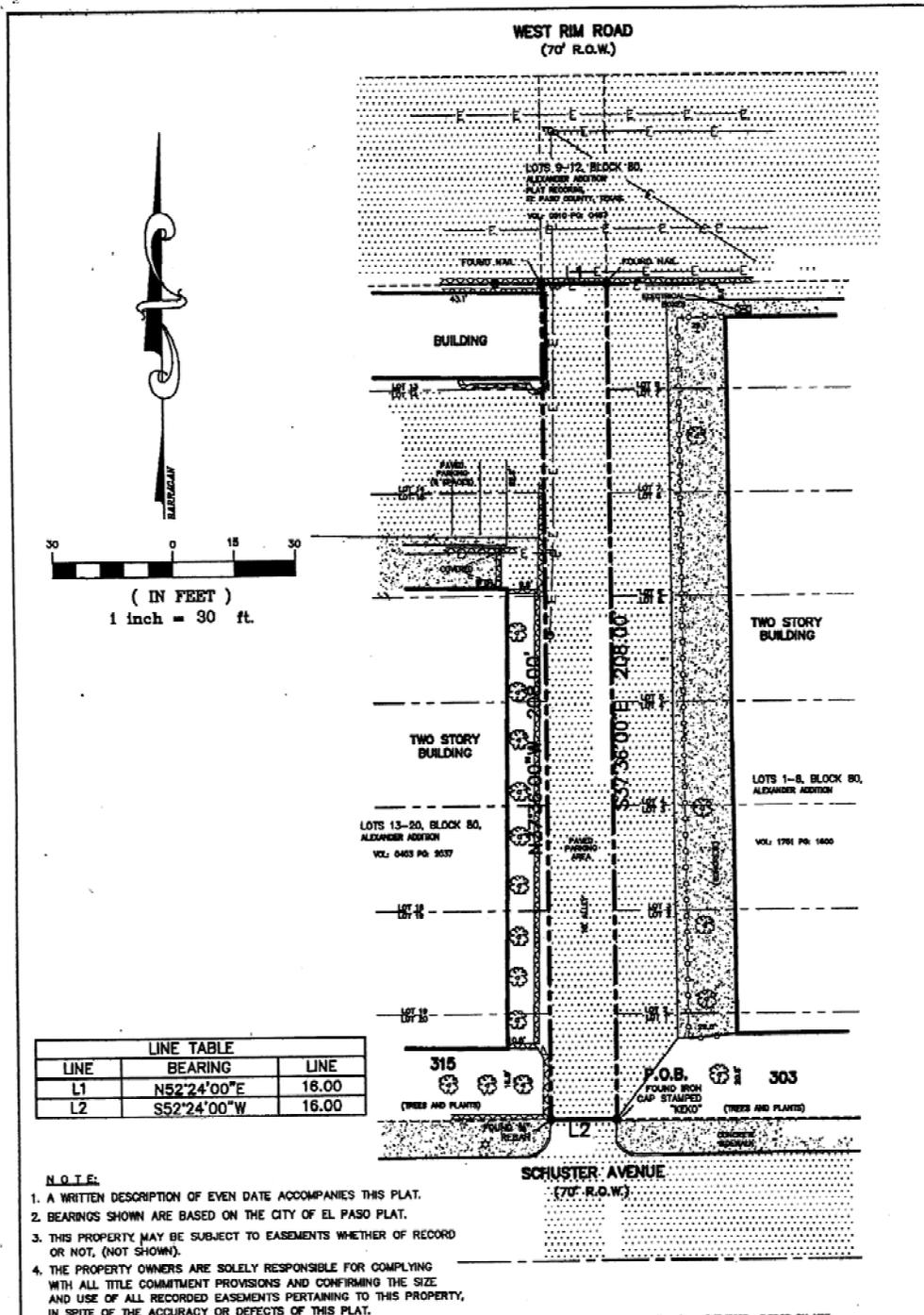
SUB08-00121 ALLEY VACATION



SUB08-00121 ALLEY VACATION



ATTACHMENT 3



Plat of Survey

BEING A PORTION OF A 16 FEET WIDE ALLEY, WITHIN BLOCK 80, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AREA 3,328 SQUARE FEET



Plot reference vol/bk N/A page N/A

Benito Barragan, R.P.S., No. 5615