



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

DEPARTMENT: Planning & Economic Development
AGENDA DATE: CCA 10/25/11 Introduction, Public Hearing 11/1/11
CONTACT PERSON/PHONE: Justin Bass, 541-4930
DISTRICT(S) AFFECTED: 7

SUBJECT:

An ordinance vacating all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, City of El Paso, El Paso County, Texas (District 7)

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, Deputy Director – Planning & Economic Development

APPROVED FOR AGENDA:

CITY MANAGER:

DATE: _____



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

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

ORDINANCE NO. _____

AN ORDINANCE VACATING ALL OF CRINCO LANE WITHIN BARNETT HARLEY-DAVIDSON SUBDIVISION AND LOMA TERRACE ADDITION NO. FOUR-D, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested a vacation of all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, 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 all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description and survey, identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated subject to the following condition:

A drainage and utility easement shall remain on the entire vacated right-of-way.

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 **BARNETT LAND INVESTORS, LP.**

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Mathew McElroy, Deputy Director
Planning & Economic Dev. Department

Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

#86377/11-1007-133/ Planning/Ord/Crinco Lane Street Vacation SURW11-00002

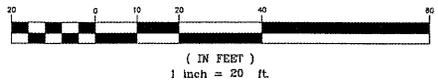
ORDINANCE NO. _____

Street R-O-W Vacation SURW11-00002

EXHIBIT "A"



GRAPHIC SCALE



LEGEND

- SET PK NAIL WITH SHINER UNLESS OTHERWISE NOTED
- ⊕ EXISTING POWER POLE
- ⊙ EXISTING LIGHT POLE
- EXISTING CHAINLINK FENCE
- ▨ EXISTING CONCRETE
- ▩ EXISTING CONCRETE WALL
- ▧ EXISTING ROCKWALL
- OHE EXISTING OVERHEAD ELECTRIC LINE
- ➔ DRAINAGE FLOW ARROW (OVERLAND SURFACE)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 15°19'54" E	35.19'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	50.00	32.74'	16.98'	32.18'	N 15°18'17" E	37°31'10"
C2	50.00	75.92'	45.83'	68.14'	N 77°01'04" E	85°54'23"
C3	50.00	116.23'	115.90'	91.77'	S 08°33'47" W	133°11'03"
C4	33.24	23.27'	12.14'	22.80'	S 53°05'51" W	40°06'53"
C5	82.00	45.74'	23.48'	45.15'	S 17°03'35" W	31°57'40"
C6	50.00	20.84'	10.57'	20.69'	N 13°01'08" E	23°52'45"

METES & BOUNDS DESCRIPTION (PROPOSED STREET VACATION)

Description of all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Commencing at a city monument located at the PI of Burnham Drive 720 feet west of Lee Trevino; Thence North 51°32'28" West a distance of 1241.22 feet to a set PK nail with shinner lying on the northerly right-of-way line of Burnham Drive, said point also being the "True Point of Beginning";

Thence North 33°02'25" East a distance of 222.38 feet to a found 5/8" diameter rebar;

Thence North 15°19' 54" East a distance of 35.19 feet to a set chiseled "X" on concrete;

Thence along an arc of a curve to the right a distance of 32.74 feet with a radius of 50.00 feet, a central angle of 37°31'10" and a chord that bears North 15°18' 17" East a distance of 32.18 feet to a set chiseled "X" on concrete;

Thence continuing along an arc of a curve to the right a distance of 74.97 feet with a radius of 50.00 feet, a central angle of 85°54'23" and a chord that bears North 77°01' 04" East a distance of 68.14 feet to a set 5/8" diameter rebar with plastic cap stamped ROE ENGR. TX 2449;

Thence continuing along an arc of a curve to the right a distance of 116.23 feet with a radius of 50.00 feet, a central angle of 133°11'03" and a chord that bears South 08°33' 47" West a distance of 91.77 feet to a set chiseled "X" on concrete;

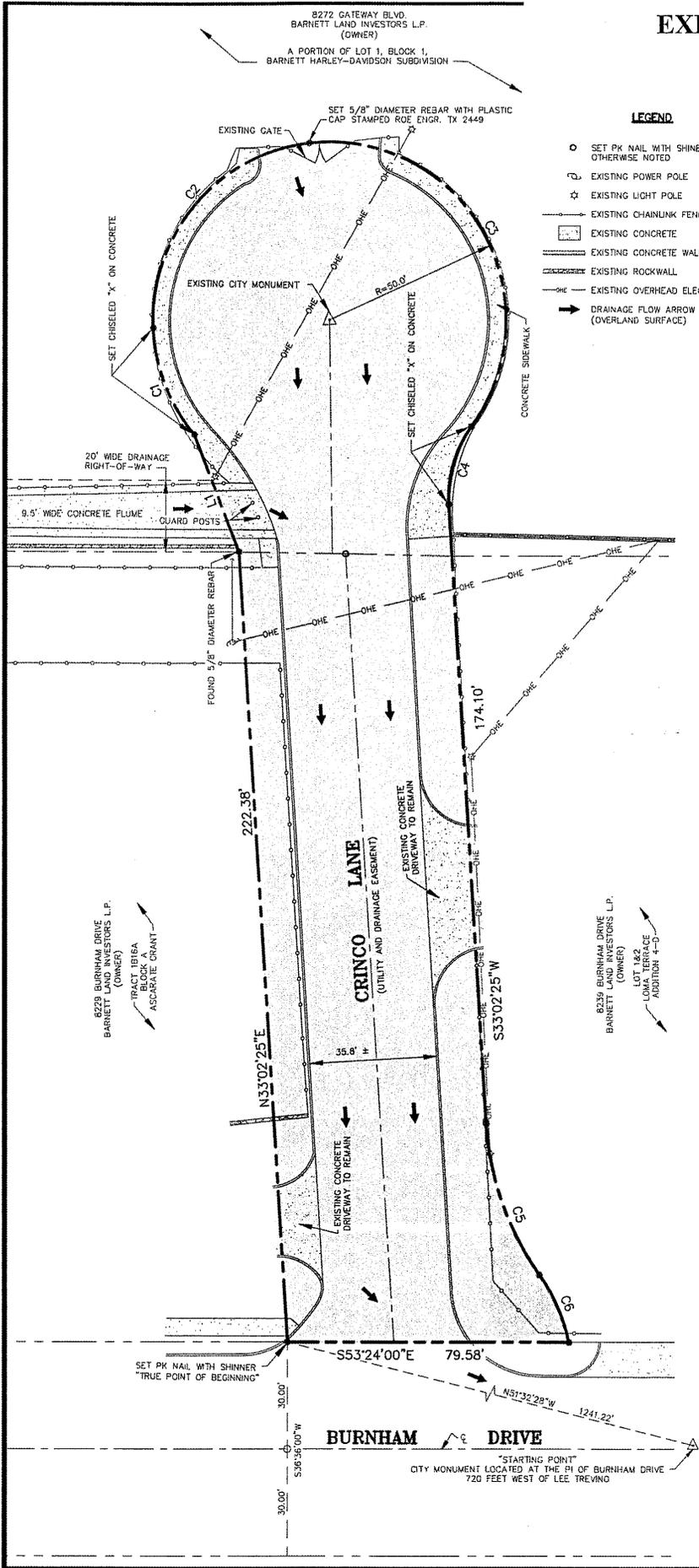
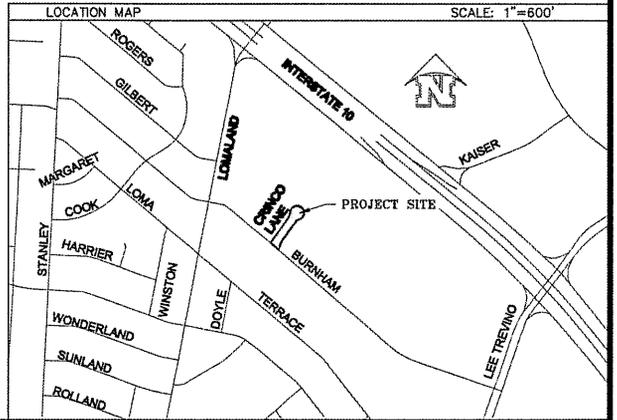
Thence along an arc of a curve to the left a distance of 23.27 feet with a radius of 33.24 feet, a central angle of 40°06'53" and a chord that bears South 53°05' 51" West a distance of 22.80 feet to a set chiseled "X" on concrete;

Thence South 33°02' 25" West a distance of 174.10 feet to a set PK nail with shiner;

Thence along an arc of a curve to the left a distance of 45.74 feet with a radius of 82.00 feet, a central angle of 31°57'40" and a chord that bears South 17°03'35" West a distance of 45.15 feet to a set PK nail with shiner;

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Thence North 53°24'00" West a distance of 79.58 feet back to the "True Point of Beginning" and containing in all 22,899.14 square feet or 0.5257 acres of land more or less.



<p>NOTE: The above referenced property is within Zone "X" (Explanation: Area of Minimal Flooding) according to the Federal Emergency Management Agency Flood Insurance Rate Maps, as per Area Community Panel No. 480214 0045 C, dated February 16, 2006.</p>	<p>SCALE</p> <p>HOR: 1" = 20' VER: N/A</p> <p>DRAWING: CRINCO VACATION.DWG</p> <p>NO. 040108-1</p> <p>DATE: MAY 2, 2011</p> <p>DESIGN BY: [redacted]</p> <p>DRAWN BY: [redacted]</p> <p>CHECK BY: [redacted]</p> <p>APPD. BY: [redacted]</p>	<p>CERTIFICATION</p> <p>I hereby certify that this foregoing boundary and improved Survey was made by me or under my supervision on May 2, 2011, and that there are no encroachments except as shown.</p> <p>BRADLEY ROE, R.P.L.S. 2449</p>	<p>PROPOSED CRINCO LANE VACATION</p> <p>ALL OF CRINCO LANE WITHIN BARNETT HARLEY-DAVIDSON SUBDIVISION AND LOMA TERRACE ADDITION NO. FOUR-D, CITY OF EL PASO, EL PASO COUNTY, TEXAS</p> <p>CONTAINING IN ALL 22,899.14 SQ. FT. OR 0.5257 ACRES OF LAND MORE OR LESS</p> <p>PREPARED FOR: BARNETT LAND INVESTORS LP</p>	<p>RoE Engineering, L.C.</p> <p>202 E. Cotton St., Suite 606 El Paso, TX 79902</p> <p>(915) 533-2415 FAX: (915) 533-1872</p> <p>EMAIL: roe@roeeng.com</p> <p>ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING</p> <p>SHEET 1 OF 1</p>
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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} **QUITCLAIM DEED**
 }
COUNTY OF EL PASO }

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 **Barnett Land Investors, LP** (the "Grantee"), all its rights, title interest, claim and demand in and to the property, save and except that the city reserves unto itself a drainage and utility easement along the entire vacated portion, 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 **ALL OF CRINCO LANE WITHIN BARNETT HARLEY-DAVIDSON SUBDIVISION AND LOMA TERRACE ADDITION NO. FOUR-D, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description and survey, identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this ____ day of _____, 2011.

CITY OF EL PASO

ATTEST:

Joyce Wilson, City Manager

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director
Planning & Economic Dev. Department
Planning Division

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:

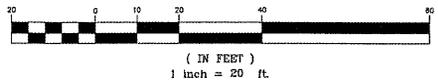
AFTER FILING RETURN TO:

Barnett Land Investors, LP
8272 Gateway East
El Paso, Texas 79907

EXHIBIT "A"



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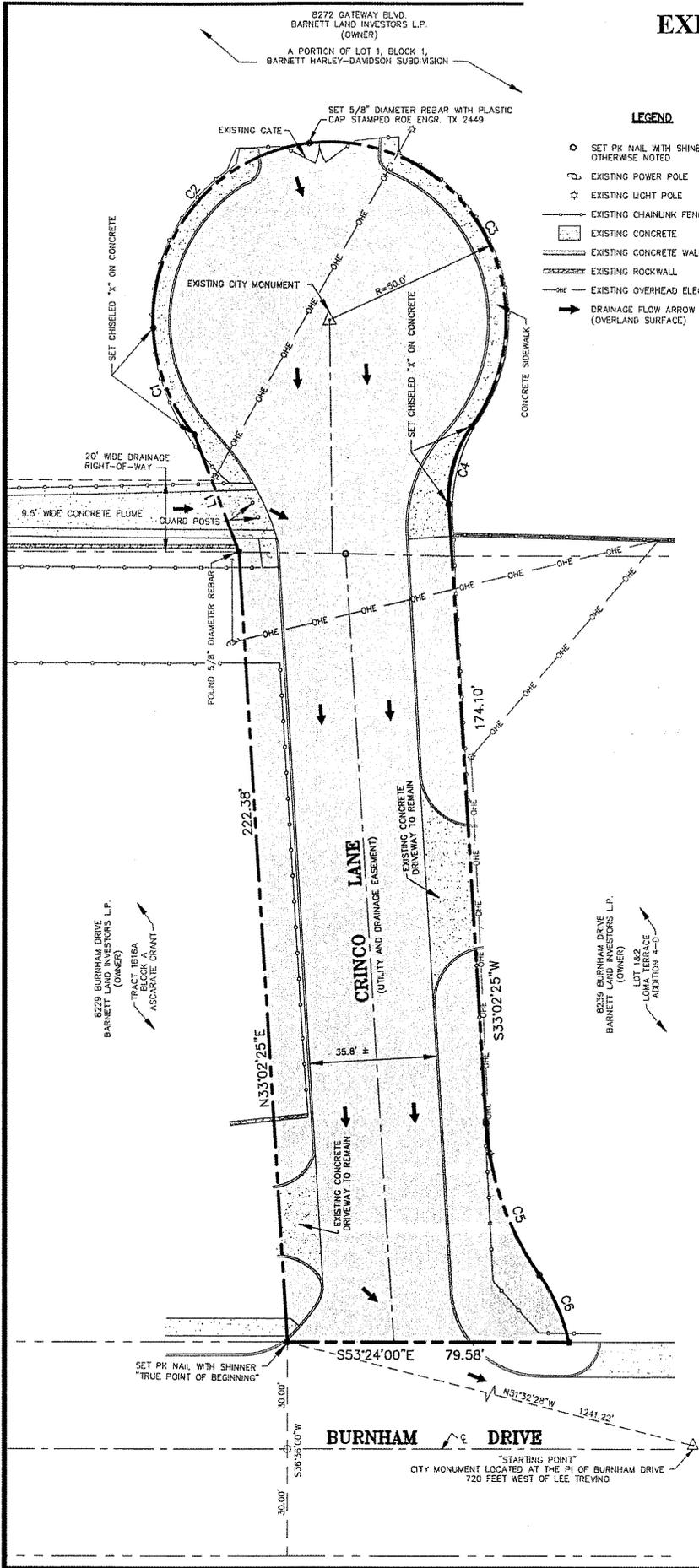
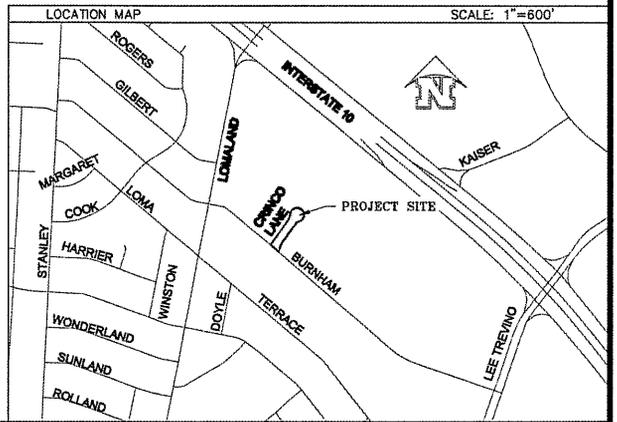
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NOTE: The above referenced property is within Zone "X" (Explanation: Area of Minimal Flooding) according to the Federal Emergency Management Agency Flood Insurance Rate Maps, as per Area Community Panel No. 480214 0045 C, dated February 16, 2006.

SCALE	CERTIFICATION
HOR: 1" = 20' VER: N/A DRAWING: CRINCO VACATION.DWG NO. 040108-1 DATE: MAY 2, 2011 DESIGN BY: — DRAWN BY: SR CHKD BY: HP APPD BY: BR	I hereby certify that this foregoing boundary and improved Survey was made by me or under my supervision on May 2, 2011, and that there are no encroachments except as shown. BRADLEY ROE, R.P.L.S. 2449

PROPOSED CRINCO LANE VACATION
ALL OF CRINCO LANE WITHIN BARNETT HARLEY-DAVIDSON SUBDIVISION AND LOMA TERRACE ADDITION NO. FOUR-D, CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING IN ALL 22,899.14 SQ. FT. OR 0.5257 ACRES OF LAND MORE OR LESS
PREPARED FOR: BARNETT LAND INVESTORS LP

RoE Engineering, L.C.
202 E. Cotton St., Suite 606 El Paso, TX 79902
(915) 532-2415 FAX: (915) 532-1872
EMAIL: roe@roeeng.com
ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING
SHEET 1 OF 1



**PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

DATE: October 25, 2011

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

FROM: Justin Bass, Planner

SUBJECT: **SURW11-00002 Crinco Lane Street Vacation**

The City Plan Commission (CPC), on June 2, 2011, **voted 6-0** to recommend **approval** of the Crinco Lane Street Vacation.

The CPC determined the 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 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

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Emma Acosta

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Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000



City of El Paso – City Plan Commission Staff Report

Case No: SURW11-00002 Crinco Lane Street Vacation
Application Type: Street Vacation
CPC Hearing Date: June 2, 2011

Staff Planner: Justin Bass, 915-541-4930, bassjd@elpasotexas.gov
Location: East of Lomaland Drive and North of Burnham Road
Acreage: 0.5257-acre
Rep District: 7
Existing Use: Right-of-way
Existing Zoning: C-3/sc (Commercial/ special contract) & C-4 (Commercial)

Property Owner: City of El Paso
Applicant: Barnett Land Investors, LP
Representative: Roe Engineering, LC

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial)/ Commercial development
South: C-4/sc (Commercial/ special contract)/ Vacant
East: C-3/sc (Commercial/ special contract) & C-4 (Commercial)/ Commercial development
West: C-3/sc (Commercial/ special contract) & C-4 (Commercial)/ Commercial development

THE PLAN FOR EL PASO DESIGNATION: Commercial.

APPLICATION DESCRIPTION

The applicant is requesting to vacate Crinco Lane in its entirety. Crinco Lane is located within both the Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D. It serves as a secondary point of access to the commercial development located within the Barnett Harley-Davidson Subdivision to the north. The abutting properties to the east and to the west have been acquired by the owner of the Barnett Harley-Davidson Subdivision. The applicant states that the purpose of the street vacation is to help better control traffic and security to the sites.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Crinco Lane Street Vacation subject to the following conditions and requirements:

Planning Division Recommendation:

Approval.

Engineering & Construction Management - Land Development:

We have reviewed subject plan recommend **Approval**, however; developer/engineer needs to

address the following comments:

1. Provide print-out of the mathematical closure of the exterior boundary of the subdivision indicating the error of closure.

The Subdivision is within Flood Zone X-“Areas of minimal flooding” – Panel # 480214 0045C, dated February 16, 2006.

EPDOT:

Transportation has the following notes regarding the proposed right-of-way vacation:

1. Curb and gutter shall be replaced in accordance with Section 19.15.130 (Curb and Gutter) for any driveways that will be abandoned due to the right-of-way vacation.
2. All existing/proposed paths of travel (accessible sidewalks, wheelchair access curb ramps, and driveways) within Public rights-of-way shall comply with the City Design Standards for Construction and be ADA/TAS compliant.

El Paso Water Utilities:

Along Crinco Lane, north of Burnham Drive there is an existing sanitary sewer main. This main is providing service to the Properties described under the Sanitary Sewer portion of these comments.

This sanitary sewer main is required to remain in place.

EPWU-PSB requires for Crinco Lane to be dedicated as a full-width utility easement in order for the sanitary sewer main located within Crinco Lane to remain in place.

(Comments have been addressed)

Water

Along Burnham Drive between Lomaland Drive and Lee Trevino Drive there is an existing forty-two (42) inch diameter water transmission main. No direct service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules and Regulations.

From the intersection of Burnham Drive and Lomaland Drive along Burnham Drive towards the east there is an existing six (6) inch diameter water main. This water main dead-ends approximately at the easternmost right-of-way line of Crinco Lane.

Along Crinco Lane north of Burnham Drive there are no existing water mains.

Sanitary Sewer

Along Burnham Drive between Lomaland Drive and Crinco Lane there is an existing eight (8) inch diameter sanitary sewer main.

Along Crinco Lane north of Burnham Drive there is an existing eight (8) inch diameter sanitary sewer main.

As per EPWU-PSB records, the following addresses are connected to the sanitary sewer main located along Crinco Lane: 8229 Burnham Drive, 8269 Burnham Drive, 8272 Gateway Boulevard East, and 8280 Gateway Boulevard East.

General

The sanitary sewer main located along Crinco Lane is necessary to provide service to the described properties. EPWU-PSB requires for Crinco Lane to be dedicated as a full-width utility easement in order for the described existing 8-inch diameter sanitary sewer main located within Crinco Lane to remain in place.

EPWU-PSB requires a complete set of improvement plans, and grading plans for review and approval prior to any work to be performed within Crinco Lane. This is required in order to ascertain that the proposed improvements and/or grading will not adversely affect the described existing 8-inch diameter sanitary sewer main.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

EPWU-PSB requires access to the proposed/existing water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

Stormwater Division:

We do not have any objections.

Parks and Recreation:

We have reviewed **Crinco Lane - Street Right of Way Vacation** survey map and offer “No” objections to this proposed Street Right-of-way vacation request.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

Due to the fact that EPE has electrical lines in the street we must maintain easement rights for our facilities.

(Comment has been addressed)

Sun Metro:

No comments received.

911:

No comments received.

Texas Gas Company:

Texas Gas Service does not object to the proposed street vacation as proposed on survey plat provided.

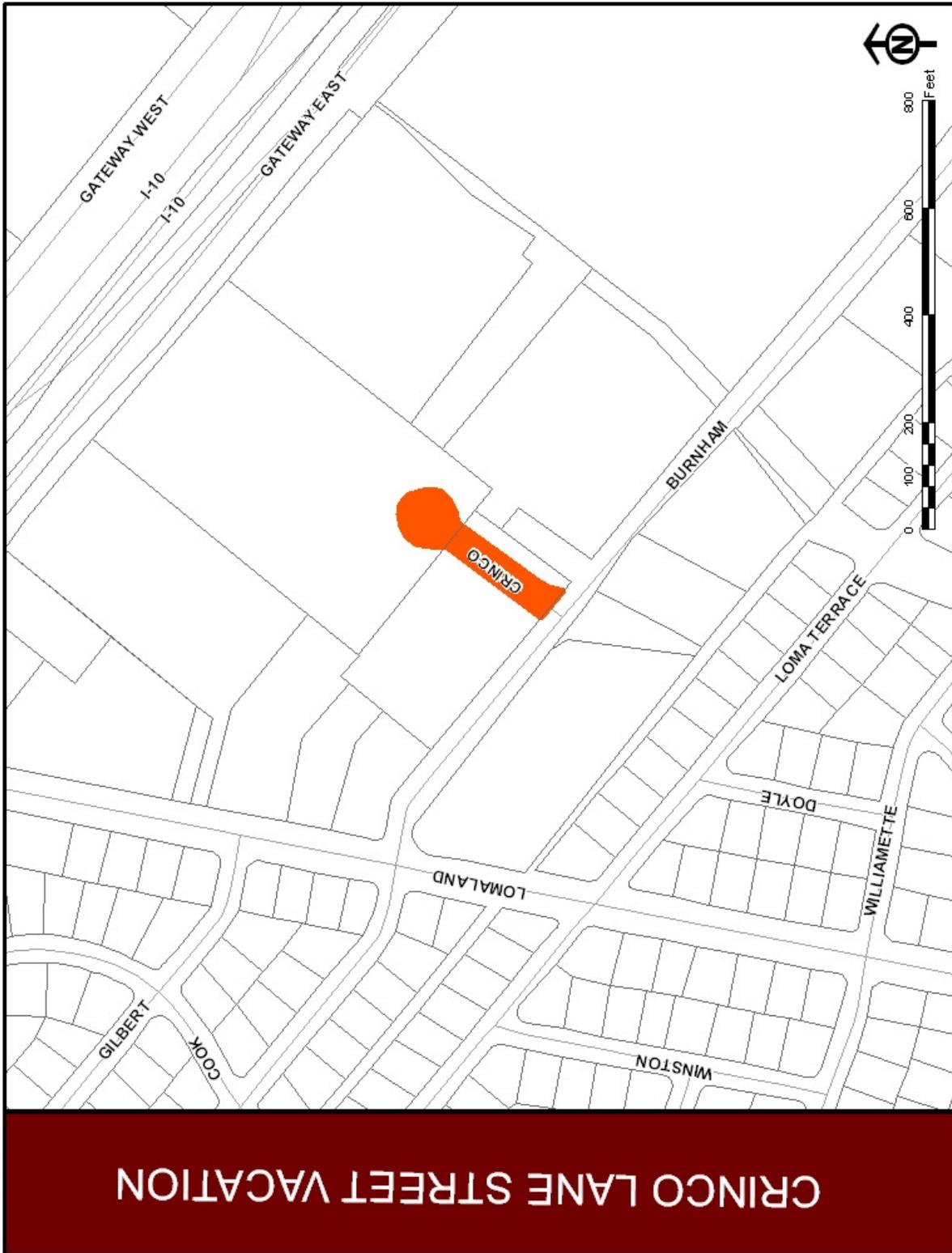
El Paso Independent School District:

No comments received.

Attachments

1. Location map
2. Aerial map
3. Survey
4. Application

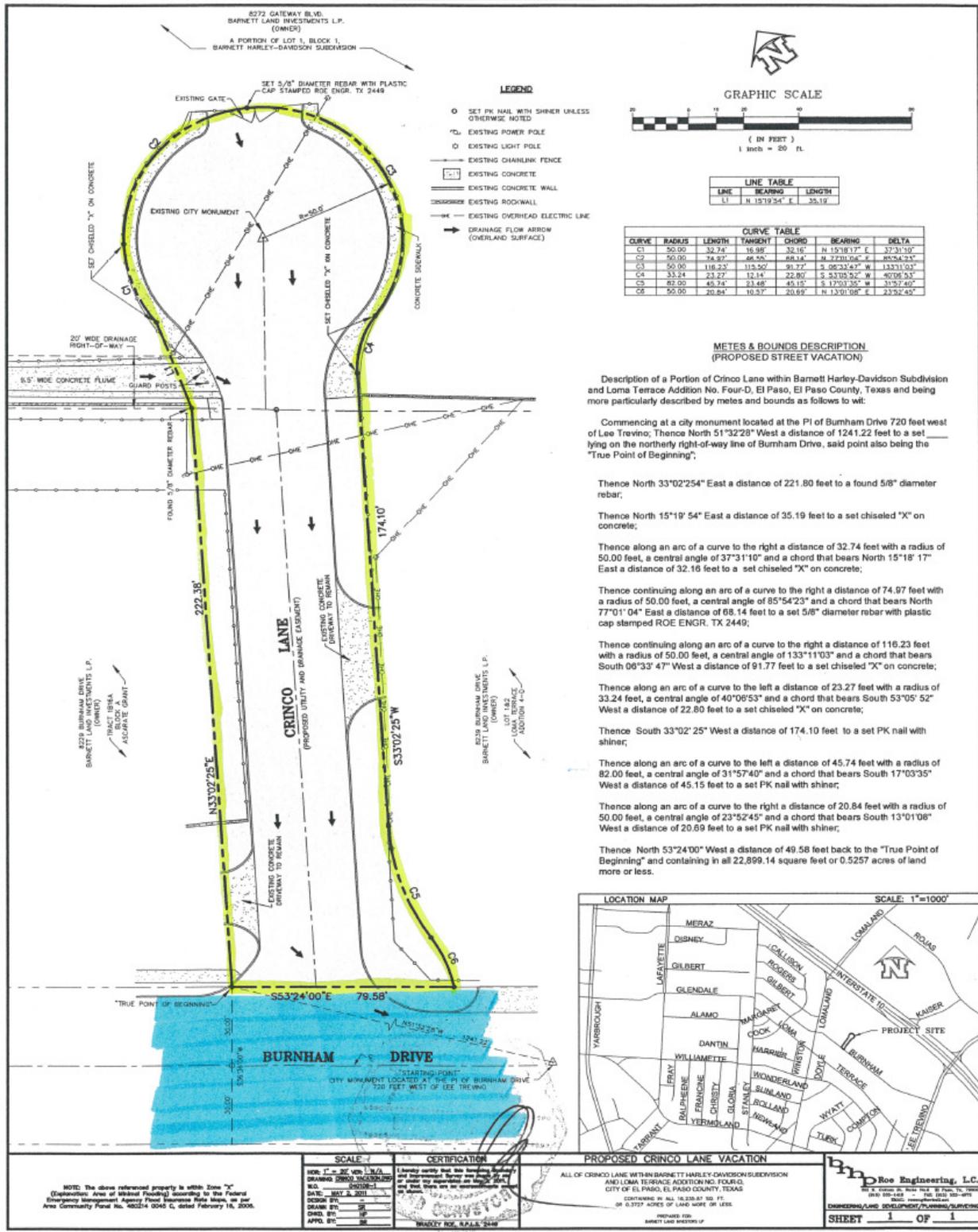
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: 5-02-11 File No. SURW11-00002

1. APPLICANTS NAME BARNETT LAND INVESTMENTS L.P.
ADDRESS 8272 GATEWAY EAST ZIP CODE 79907 TELEPHONE 592-5804

2. Request is hereby made to vacate the following: (check one)

Street Alley Easement Other

Street Name(s) CRINCO LANE Subdivision Name LOMA TERRACE ADDITION NO. FOUR-D

Abutting Blocks and Lots: LOTS 1 AND 2, BLOCK 1, LOMA TERRACE ADDITION NO. FOUR-D; LOT 1, BLOCK 1, BARNETT HARLEY-DAVIDSON SUBDIVISION, TRACT 1B16A, BLOCK 1, ASCARATE GRANT

3. Reason for vacation request: Now that the applicant owns all 3 abutting parcels around Crinco Lane it is to better control traffic flow and security that leads to all 3 buisness (Barnett Harley-Davidson, B&W Dealership and Auto Shop)

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
	LOTS 1 AND 2, BLOCK 1, LOMA TERRACE ADDITION NO. FOUR-D; LOT 1, BLOCK 1, BARNETT HARLEY-DAVIDSON SUBDIVISION, TRACT 1B16A, BLOCK 1, ASCARATE GRANT	<u>592-5804</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. 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

REPRESENTATIVE

ROE ENG, LC



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