

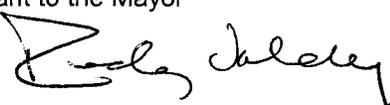




**CITY OF EL PASO, TEXAS  
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
Patricia D. Adauto, Deputy Chief Administrative Officer  
Laura Uribarri, Executive Assistant to the Mayor  
Adrian Ocegueda, Executive Assistant to the Mayor

**FROM:** Rudy Valdez, Chief Urban Planner 

**SUBJECT:** City Council Agenda Item **Ordinance Introduction 10/26/04 and Public Hearing 11/9/04**

**DATE:** October 21, 2004

Attached for your review and information is copy of an Ordinance that proposes to vacate the surface portion of a utility easement located within portion of Blocks 53, & 54, Cotton Addition. The easement was originally retained as part of the street vacation (vacated on March 19, 1985) of portion of Williams Street. Editoria Paso Del Norte, S.A. De C.V. is requesting the vacation of the subject easement in order to facilitate the construction of an all-weather walkway structure over the easement area proposed to be vacated. The applicant has agreed to the vacation subject to various conditions outlined in the attached ordinance. The City Plan Commission and Development Coordinating Committee both recommended approval of the request. There has been no opposition presented on this request. The applicant has submitted a check in the amount of \$25.00 to cover the release of the City's interest in the easement. If you have any questions, I may be contacted at 541-4635.

**Office Use Only**

|                            |             |             |           |
|----------------------------|-------------|-------------|-----------|
| Mayor's Office (5 copies): | date: _____ | time: _____ | by: _____ |
| Representative District 1: | date: _____ | time: _____ | by: _____ |
| Representative District 2: | date: _____ | time: _____ | by: _____ |
| Representative District 3: | date: _____ | time: _____ | by: _____ |
| Representative District 4: | date: _____ | time: _____ | by: _____ |
| Representative District 5: | date: _____ | time: _____ | by: _____ |
| Representative District 6: | date: _____ | time: _____ | by: _____ |
| Representative District 7: | date: _____ | time: _____ | by: _____ |
| Representative District 8: | date: _____ | time: _____ | by: _____ |

c: Lisa A. Elizondo, City Attorney; Terri Cullen-Garney, Assistant City Attorney; Matt Watson, Assistant City Attorney; George Sarmiento, Planning Director; City Clerk's

## STAFF REPORT

**File #:** EV04003

**Subdivision Name:** Portion of Blocks 53 & 54, Cotton Addition

**Type Request:** Easement Vacation on Vacated Williams Street

**Property Owner:** Editora Paso Del Norte, S.A., De C.V., Inc.

**Surveyor:** David J. Marquez

**Representative:** Conde, Inc.

**Location:** West of Piedras Street and North of Texas Avenue

**Representative District:** 8

**Planning Area:** Central

**Easement Vacation: #EV04001**

**Vacation of a Utility Easement located within Williams Street between Texas Avenue & Mills Avenue.**

**GENERAL INFORMATION:**

The applicant, Editora Paso Del Norte, S.A., De C.V., Inc. (El Diario Newspaper Co.) is requesting the vacation of an easement which covers a portion of Williams Street between Texas Avenue and Mills Avenue. The entire width and length of this portion of Williams Street was vacated on April 19, 1985, under Ordinance #8312. The vacation was subject to the City maintaining a public utility easement of the entire width and length of the street and also an access easement of 15' feet wide was also required.

The applicant is planning to build a structure over an existing storm drainage box culvert. The vacation would allow the warehouse and the printing press areas, which are located on opposite sides of Williams Street, to be connected with a climate-controlled space corridor that is important for the printing operations.

In order to construct the enclosed connection, El Dario will maintain the culvert area beneath the proposed structure as required for it to function. The area will be accessed by the installation of manholes on either side of the proposed connection. A structural bridge will eliminate any excessive loading on the box culvert.

The City of El Paso will not be held liable for damage to the proposed structure that extends over the culvert due to draining run-off water.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee unanimously recommended **approval** of the vacation request subject to Engineering Department and PSB/El Paso Water Utilities comments and also the following requirements:

1. As consideration for the release of the City's interest in the public easement, the applicant will be required to pay a fee of \$25.00 to the City of El Paso prior to the item being heard by City Council.
2. Upon submittal of the \$25.00 fee the item will next be scheduled for City Council action.
3. Applicant must still adhere to required setbacks for any structures to be located on the subject easement or adjacent to the easement.

**Engineering Department Comments and Requirement:**

This Division has reviewed subject requests and recommends DENIAL, as per section 19.16.120, Easements, no permanent structure or building shall be constructed on, over, across or to otherwise obstruct or block an easement.

**El Paso Electric Comments:**

Not opposed to vacation.

### **Texas Gas Service**

TGS has no objection to the proposed project. However, TGS will arrange with applicant for charges to retire a 2" inch steel main line throughout the proposed vacation.

### **El Paso Water Utilities Comments:**

El Paso water Utilities object to the vacation, however if applicant wants to build over the sewer line which is located within the easement, then the line must be encased with a steel lining.

### **SBC**

No Comments Received.

### **Other Comments and Requirements**

1. It is the opinion of the City Attorney's office that it is possible to vacate the surface portion of the easement and that the sub-surface easement be retained. That on the vacation document, a utility and drainage easement be maintained on the sub-surface portion.

**NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEPARTMENT OF PLANNING AT 541-4635.**

SUBJECT

04 OCT 21 1112

M-1

M-1 SP

C-3 SP

M-1 SP

M-1 SP

M-1 SP

C-4

A-3 H

M-1 H

M-1 H

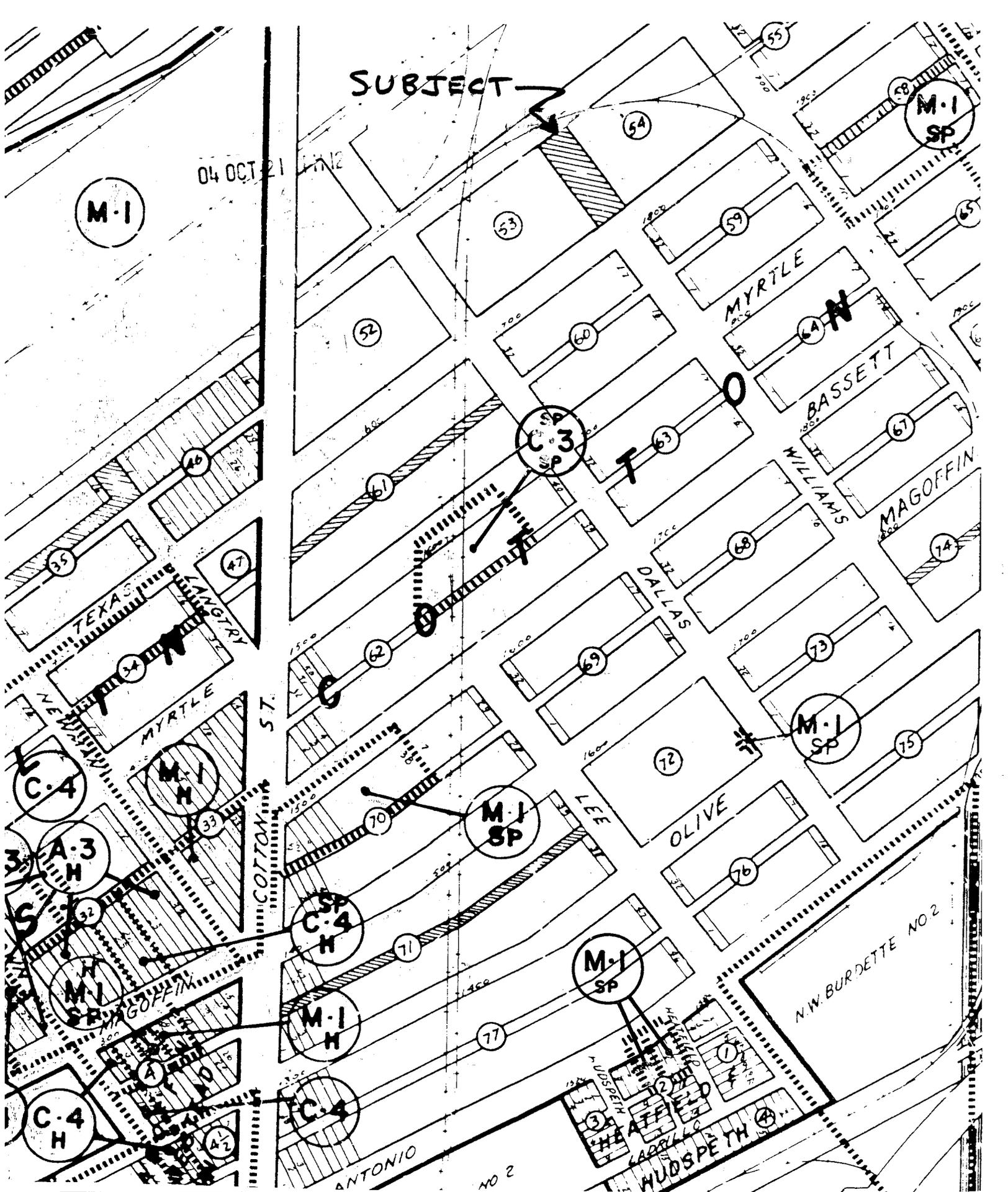
M-1 H

C-4 H

C-4 H

M-1 H

C-4



|              |                     |                             |                          |
|--------------|---------------------|-----------------------------|--------------------------|
| <p>↑</p>     | <p>SCALE</p>        | <p>GENERAL LOCATION MAP</p> | <p>EV04003</p>           |
| <p>NORTH</p> | <p>Not to Scale</p> | <p>Williams Street</p>      | <p>Easement Vacation</p> |

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A PORTION OF AN EASEMENT RETAINED BY ORDINANCE 8312 WHICH VACATED WILLIAMS STREET BETWEEN BLOCKS 53 & 54, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, Ordinance 8312 vacated a portion of Williams Street between blocks 53 & 54, Cotton Addition on March 19, 1985; and

**WHEREAS**, Ordinance 8312 retained the entire length and width of the vacated street as a public utility easement for the construction, reconstruction, replacement, maintenance, repair and utilization of utility facilities to include existing water/wastewater facilities and drainage structures, together with all necessary rights of ingress and egress and an access easement of a minimum width of 15 feet; and

**WHEREAS**, Editora Paso Del Norte, S.A. De C.V., Inc., as applicant, has submitted request for release, abandonment, and vacation of this easement at surface in an area further identified as attachment "A" so that an all-weather walkway structure can be constructed over the easement area connecting both structures on either side; and

**WHEREAS**, applicant agrees to the imposition of certain covenants as partial consideration for the benefit of the vacation of a portion of this easement at surface; and

**WHEREAS**, the City Plan Commission has recommended vacation at surface, of the area identified herein as attachment "A", and the City Council finds that said surface 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 a determination has been made that it is in the best interest of the public that the easement located within a portion of Blocks 53 & 54, Cotton Addition, in the 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 as to the surface portion only such vacation subject to the following real covenants:

1. That owner agrees to repair or replace the existing utilities and drainage structures in the easement subsurface area to their original condition should same be damaged as a result of the construction or existence of the covered walkway structure contemplated herein;
2. Owner shall not hold the City of El Paso or its Public Service Board liable for any damage to owner's structure as a result of any utilities including drainage facilities retained or added to and within the subsurface easement or the maintenance of same;
3. Owner shall install and retain a manhole on either side of the easement area vacated at surface, such manhole to function as access to the subsurface easement retained;
4. Owner shall design the covered walkway structure contemplated herein with a structural bridge or utilize other similar engineering design as necessary to eliminate excess loading on the box culvert and water utility line currently in existence in the subsurface portion of the easement to be retained.

In addition, the Mayor is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to Editora Paso Del Norte, S.A. De C.V., Inc..

**PASSED AND APPROVED** this \_\_\_\_\_ day of November, 2004.

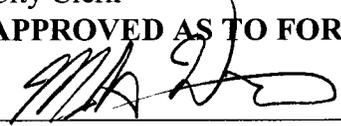
**THE CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy  
Mayor

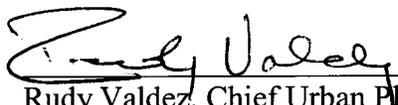
**ATTEST:**

\_\_\_\_\_  
Richarda Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Matt Watson  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Rudy Valdez, Chief Urban Planner  
Planning, Research and Development  
Department



**APPROVED AS TO FORM:**



\_\_\_\_\_  
Matt Watson  
Assistant City Attorney

**APPROVED AS TO CONTENT:**



\_\_\_\_\_  
Rudy Valdez, Chief Urban Planner  
Planning, Research and Development

**ACKNOWLEDGMENT**

THE STATE OF TEXAS   )  
  )  
COUNTY OF EL PASO   )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by Joe Wardy, as Mayor of the CITY OF EL PASO.

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

My Commission Expires:

\_\_\_\_\_

**AFTER FILING RETURN TO:**

City of El Paso  
2<sup>nd</sup> Floor City Clerk's Office  
2 Civic Center Plaza  
El Paso, Texas, 79902

**PROPERTY DESCRIPTION**

BEING THE NORTHERLY PORTION OF THE WILLIAMS STREET R.O.W. ADJACENT TO RAILROAD SIDING, WITHIN BLOCKS 53 & 54, COTTON ADDITION, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHERE THE NORTHERLY R.O.W. OF TEXAS STREET INTERSECTS WITH THE EASTERLY R.O.W. OF WILLIAMS STREET, THENCE N 37° 00' 00" W 176.99 FEET ALONG THE EASTERLY R.O.W. OF WILLIAMS STREET TO A POINT BEING THE POINT OF BEGINNING OF THE NORTHERLY PORTION BEING DESCRIBED:

THENCE, S 37° 00' 00" W 41.90 FEET TO A PONT ON THE WEST R.O.W. OF WILLIAMS STREET:

THENCE, S 66° 23' 33" W 71.96 FEET TO A PONT ON THE WEST R.O.W. OF WILLIAMS STREET:

THENCE, S 37° 00' 00" E 25.36 FEET TO A POINT ON THE WESTERLY R.O.W. OF WILLIAMS:

THENCE, N 62° 45' 00" E 20.80 FEET TO A POINT WITHIN THE R.O.W. OF WILLIAMS ST:

THENCE, S 83° 57' 00" E 57.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 2136.89 SQUARE FEET.

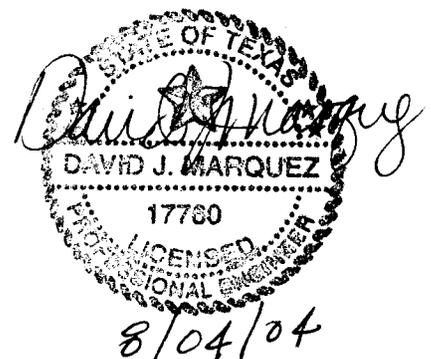
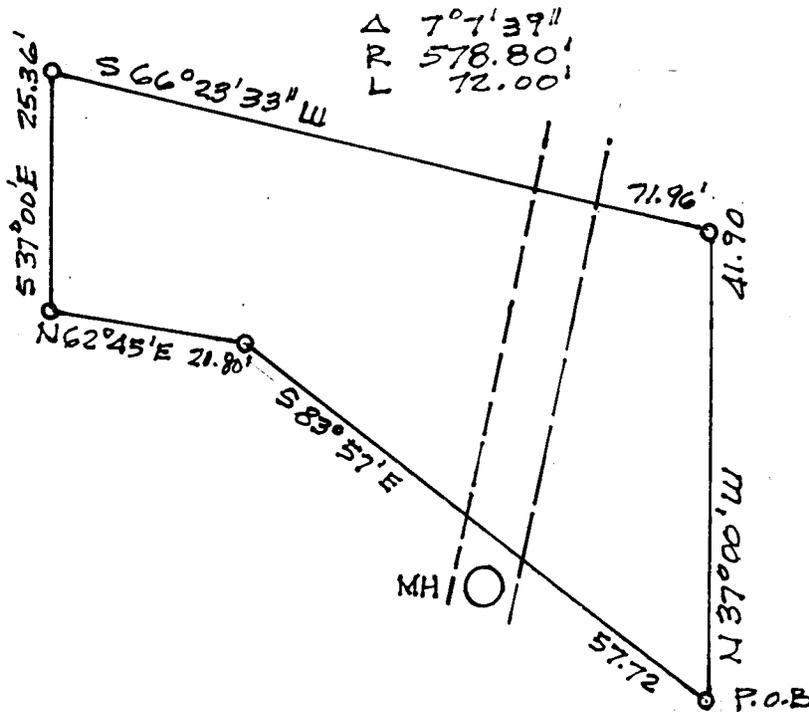


EXHIBIT "A1"

MILLS ST.

EXIST. BOX CULVERT

STL. SLEEVE BY PSB

M.H.

REQUESTED SURFACE VACATION AREA

M.H.

53

54

EXIST. P.S.B. LINE

WILLIAM'S ST. VACATED R.O.W.

10' S. WALK

TEXAS 70' R.O.W.

WILLIAMS ST. 70' R.O.W.

EXHIBIT "A2"

