

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

**DEPARTMENT:** Development Services Department  
**AGENDA DATE:** CCA Intro 10/30/07; Public Hearing 11/06/07  
**CONTACT PERSON/PHONE:** Raul Garcia, Planner – 541-4935  
**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

AN ORDINANCE VACATING A 90-FOOT UTILITY EASEMENT LOCATED WITHIN A PORTION OF PLAZA CIRCLE RIGHT-OF-WAY, PAN AMERICAN CENTER FOR INDUSTRY UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: B.H. 9600 EL PASO, LLC. SUB06-00127. **(DISTRICT 6)**

**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

CITY CLERK DEPT.  
07 OCT 22 PM 4:00

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Kelly Carpenter, AICP

**APPROVED FOR AGENDA:**

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

**AN ORDINANCE VACATING A 90-FOOT UTILITY EASEMENT LOCATED WITHIN A PORTION OF PLAZA CIRCLE RIGHT-OF-WAY, PAN AMERICAN CENTER FOR INDUSTRY UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the property owner, B.H. 9600 El Paso, LLC, has requested that the 90-foot utility easement located with a portion of Plaza Circle right-of-way, Pan American Center for Industry Unit Three, 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 utility 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:**

**Section 1.** That a determination has been made that it is in the best interest of the public that the 90-foot utility easement located within a portion of Plaza Circle right-of-way, Pan American Center for Industry Unit Three, 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, 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 **B.H. 9600 El Paso, LLC**.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*Christina Stokes*  
\_\_\_\_\_  
for Eduardo Garcia, Subdivision Coordinator  
Development Services Department

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS            }  
  }  
  }  
COUNTY OF EL PASO            }            QUITCLAIM DEED

That, in consideration of the receipt by the CITY OF EL PASO of TWENTY-FIVE AND NO/100THS 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 B.H. 9600 EL PASO, LLC all of its rights, 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 located within a portion of Plaza Circle right-of-way, Pan American Center for Industry Unit Three, City of El Paso, El Paso County, Texas, which is more fully described in the attached metes and bounds description, 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

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

*Christina Stokes*  
\_\_\_\_\_  
for Eduardo Garcia, Subdivision Coordinator  
Development Services Department

(Acknowledgment on following page)

**ACKNOWLEDGEMENT**

**THE STATE OF TEXAS   §**  
                                  §  
**COUNTY OF EL PASO   §**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by  
Joyce Wilson, as City Manager of the CITY OF EL PASO, a municipal corporation.

My Commission Expires:

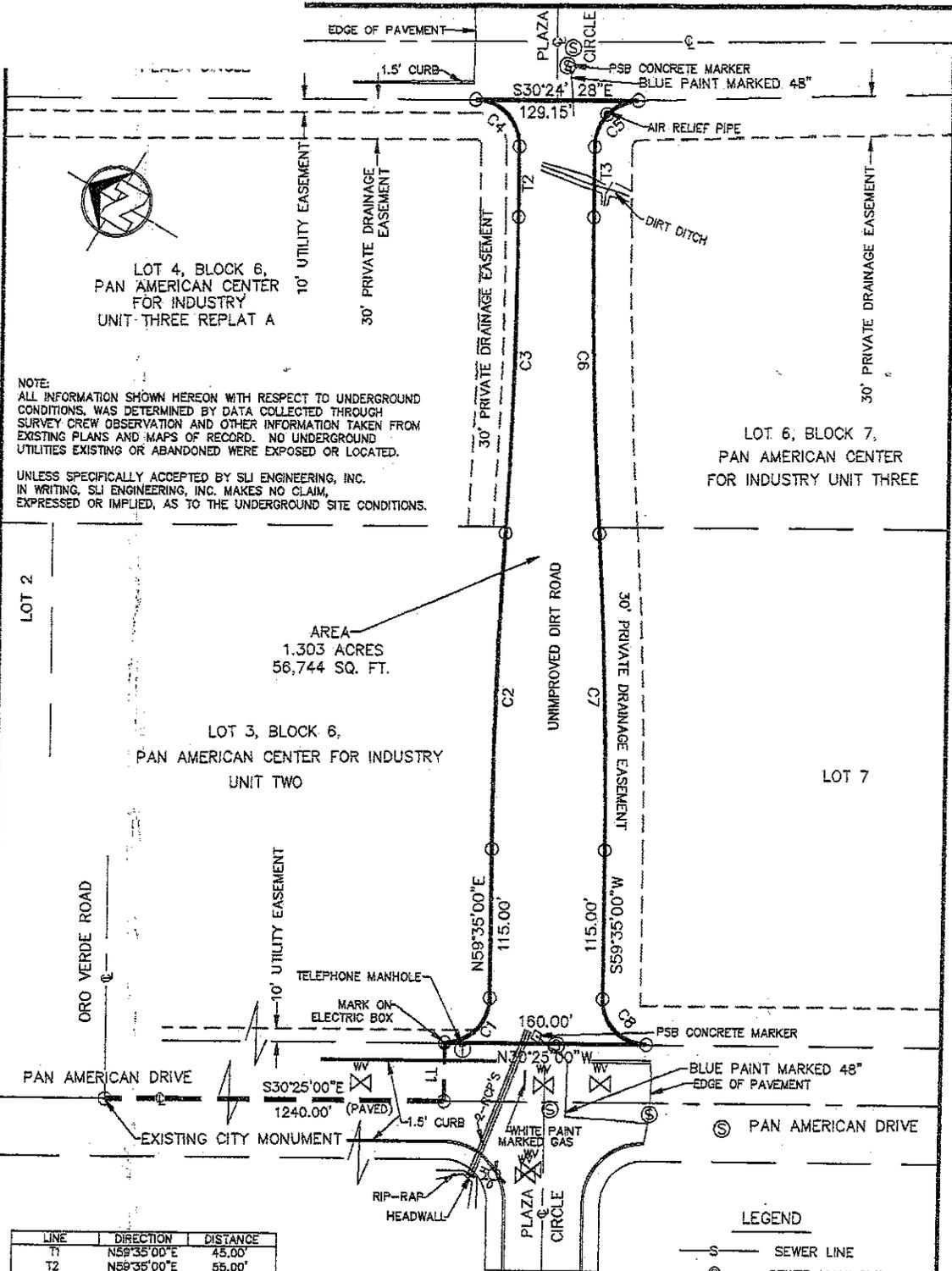
\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_  
\_\_\_\_\_

**AFTER RECORDING RETURN TO:**

**B.H. 9600 El Paso, LLC  
9600 Pan American Drive  
El Paso, Texas 79927**

**with copy to :**

**Development Services Department  
Planning Division  
#2 Civic Center Plaza, 5<sup>th</sup> Floor  
El Paso, Texas 79901**



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.

AREA  
 1.303 ACRES  
 56,744 SQ. FT.

LINE	DIRECTION	DISTANCE
T1	N59°35'00"E	45.00'
T2	N59°35'00"E	55.00'
T3	S59°35'00"W	54.99'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	35.00'	54.98'	35.00'	49.50'	S75°25'00"E	90°00'00"
C2	4014.90'	245.45'	122.76'	245.41'	N61°20'05"E	03°30'10"
C3	4014.90'	245.43'	122.76'	245.39'	N61°20'06"E	03°30'09"
C4	35.00'	54.98'	35.00'	49.50'	N14°35'00"E	90°00'00"
C5	35.00'	54.13'	34.16'	48.89'	N76°06'51"W	88°36'19"
C6	4014.90'	245.43'	122.76'	245.39'	S57°49'55"W	03°30'09"
C7	4014.90'	245.45'	122.76'	245.41'	S57°49'55"W	03°30'10"
C8	35.00'	54.98'	35.00'	49.50'	S14°35'00"W	90°00'00"

LEGEND

- SEWER LINE
- ⊙ SEWER MANHOLE
- ⊗ WATER VALVE
- ⊠ FIRE HYDRANT

NOTE: SET 5/8" REBAR WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.

PLAT OF IMPROVEMENTS

**SLI ENGINEERING, INC.**  
 CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS  
 6800 WESTWIND DRIVE  
 EL PASO, TEXAS 79912  
 915-584-4457

A PORTION OF PLAZA CIRCLE  
 RIGHT-OF-WAY,  
 PAN AMERICAN CENTER  
 FOR INDUSTRY UNIT THREE,  
 EL PASO, EL PASO COUNTY,  
 TEXAS

CERTIFICATION

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

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

JOB #: 09-95-1149 DR. BY: AMC  
 SCALE: 1" = 100' DRAWING: PAPCMB1  
 DATE: 10/23/95 F.B. #: MCI BOOK

## Exhibit A

Property Description: A portion of Plaza Circle right-of-way, Pan American Center For Industry Unit Three, El Paso, El Paso County, Texas

### METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Plaza Circle right-of-way, Pan American Center For Industry Unit Three, 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 Oro Verde Road and Pan American Drive; Thence, South  $30^{\circ} 25' 00''$  East, along the centerline of Pan American Drive, a distance of 1240.00 feet; Thence, North  $59^{\circ} 35' 00''$  East, a distance of 45.00 feet to a point for a curve lying on the northerly right-of-way line of Plaza Circle, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, along said right-of-way line the following courses:

54.98 feet along the arc of a curve to the left, having a radius of 35.00 feet, a central angle of  $90^{\circ} 00' 00''$  and a chord which bears South  $75^{\circ} 25' 00''$  East, a distance of 49.50 feet to a set iron;

North  $59^{\circ} 35' 00''$  East, a distance of 115.00 feet to a point for a curve, said point being a set iron;

245.45 feet along the arc of a curve to the right, having a radius of 4014.90 feet, a central angle of  $03^{\circ} 30' 10''$  and a chord which bears North  $61^{\circ} 20' 05''$  East, a distance of 245.41 feet to a point for a curve, said point being a set iron;

245.43 feet along the arc of a curve to the left, having a radius of 4014.90 feet, a central angle of  $03^{\circ} 30' 09''$  and a chord which bears North  $61^{\circ} 20' 06''$  East, a distance of 245.39 feet to a set iron;

North  $59^{\circ} 35' 00''$  East, a distance of 55.00 feet to a point for a curve, said point being a set iron;

54.98 feet along the arc of a curve to the left, having a radius of 35.00 feet, a central angle of  $90^{\circ} 00' 00''$  and a chord which bears North  $14^{\circ} 35' 00''$  East, a distance of 49.50 feet to a set iron;

THENCE, South  $30^{\circ} 24' 28''$  East, a distance of 129.15 feet to a point for a curve lying on the southerly right-of-way line of Plaza Circle, said point being a set iron;

THENCE, along said right-of-way line the following courses:

54.13 feet along the arc of a curve to the left, having a radius of 35.00 feet, a central angle of  $88^{\circ} 36' 19''$  and a chord which bears North  $76^{\circ} 06' 51''$  West, a distance of 48.89 feet to a set iron;

South  $59^{\circ} 35' 00''$  West, a distance of 54.99 feet to a point for a curve, said point being a set iron;

245.43 feet along the arc of a curve to the left, having a radius of 4014.91 feet, a central angle of  $03^{\circ} 30' 09''$  and a chord which bears South  $57^{\circ} 49' 55''$  West, a distance of 245.39 feet to a point for a curve, said point being a set iron;

245.45 feet along the arc of a curve to the right, having a radius of 4014.90 feet, a central angle of  $03^{\circ} 30' 10''$  and a chord which bears South  $57^{\circ} 49' 55''$  West, a distance of 245.41 feet to a set iron;

South  $59^{\circ} 35' 00''$  West, a distance of 115.00 feet to a point for a curve, said point being a set iron;

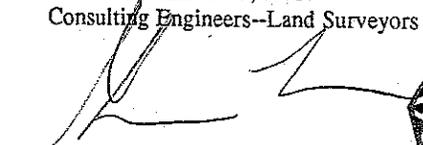
54.98 feet along the arc of a curve to the left, having a radius of 35.00 feet, a central angle of  $90^{\circ} 00' 00''$  and a chord which bears South  $14^{\circ} 35' 00''$  West, a distance of 49.50 feet to a set iron;

Exhibit A

THENCE, North 30° 25' 00" West, a distance of 160.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 1.303 acres (56,744 sq. ft.) of land more or less.

SLI ENGINEERING, INC.  
Consulting Engineers--Land Surveyors

  
Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



October 23, 1995  
Job Number 09-95-1149  
Page 2 of 3

M&B\0415

**STAFF REPORT**

**Application No:** SUB06-00127

**Legal Description:** Being a portion of Plaza Circle right-of way (vacated), Pan American Center for Industry Unit Three

**Type Request:** Utility Easement Vacation

**Property Owner:** Electrolux Home Care Products, Ltd.

**Surveyor:** SLI Engineering, Inc.

**Location:** South of Americas, East of Pan American

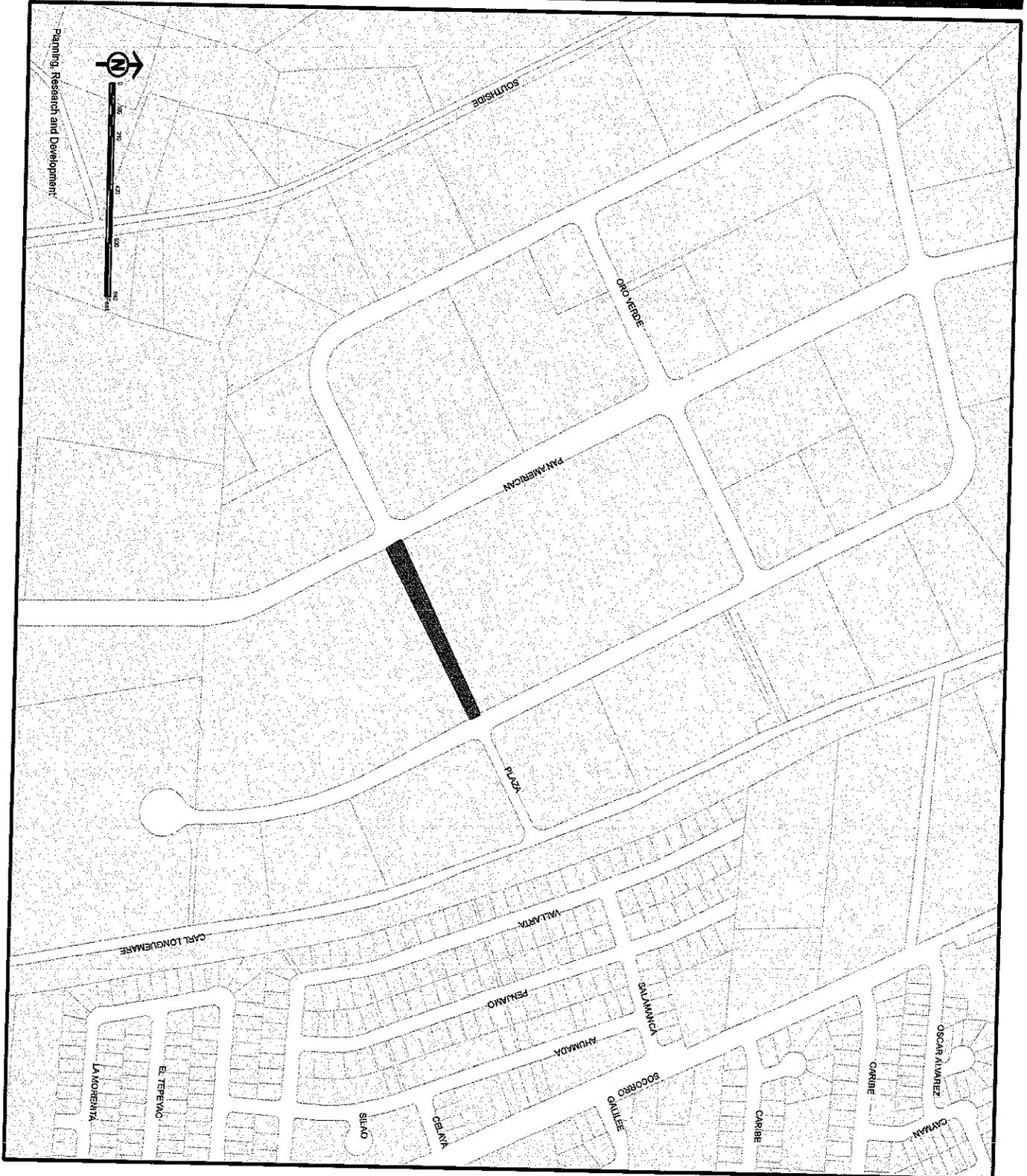
**Representative District:** 6

**Planning Area:** Mission Valley

**CITY PLAN COMMISSION HEARING, DECEMBER 7, 2006  
1:30 P.M., COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR, CITY HALL**

**ITEM #11**

SUB06-00127



**Easement Vacation Application: SUB06-00127 *Being a portion of Plaza Circle right-of way (vacated), Pan American Center for Industry Unit Three***

**GENERAL INFORMATION:**

The applicant is requesting the vacation of a 90-foot utility easement located within a portion of Plaza Circle right-of way (vacated), Pan American Center for Industry Unit Three, City of El Paso, El Paso County, Texas. The right-of way was vacated and a Public Service Board easement was retained. The property was replatted and due to an oversight the easement was not reflected on the plat. The easement still exists on the property and a structure was built on that easement. The applicant is requesting to vacate the easement as the PSB has relocated their facilities and there are no facilities within the easement.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee unanimously recommends **approval** of the vacation a portion of Plaza Circle right-of way (vacated), Pan American Center for Industry Unit Three.

**El Paso Electric Comments:**

El Paso Electric Company has no existing facilities within this parcel and has no objection to its vacation.

**Texas Gas Service Comments:**

No comments received.

**El Paso Water Utilities Comments:**

No comments received.

**Planning – Land Development Division Comments and Requirements:**

1. Provide a print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure and acreage of the respective parcel.
2. Provide a current ground improvement survey certified by the surveyor.

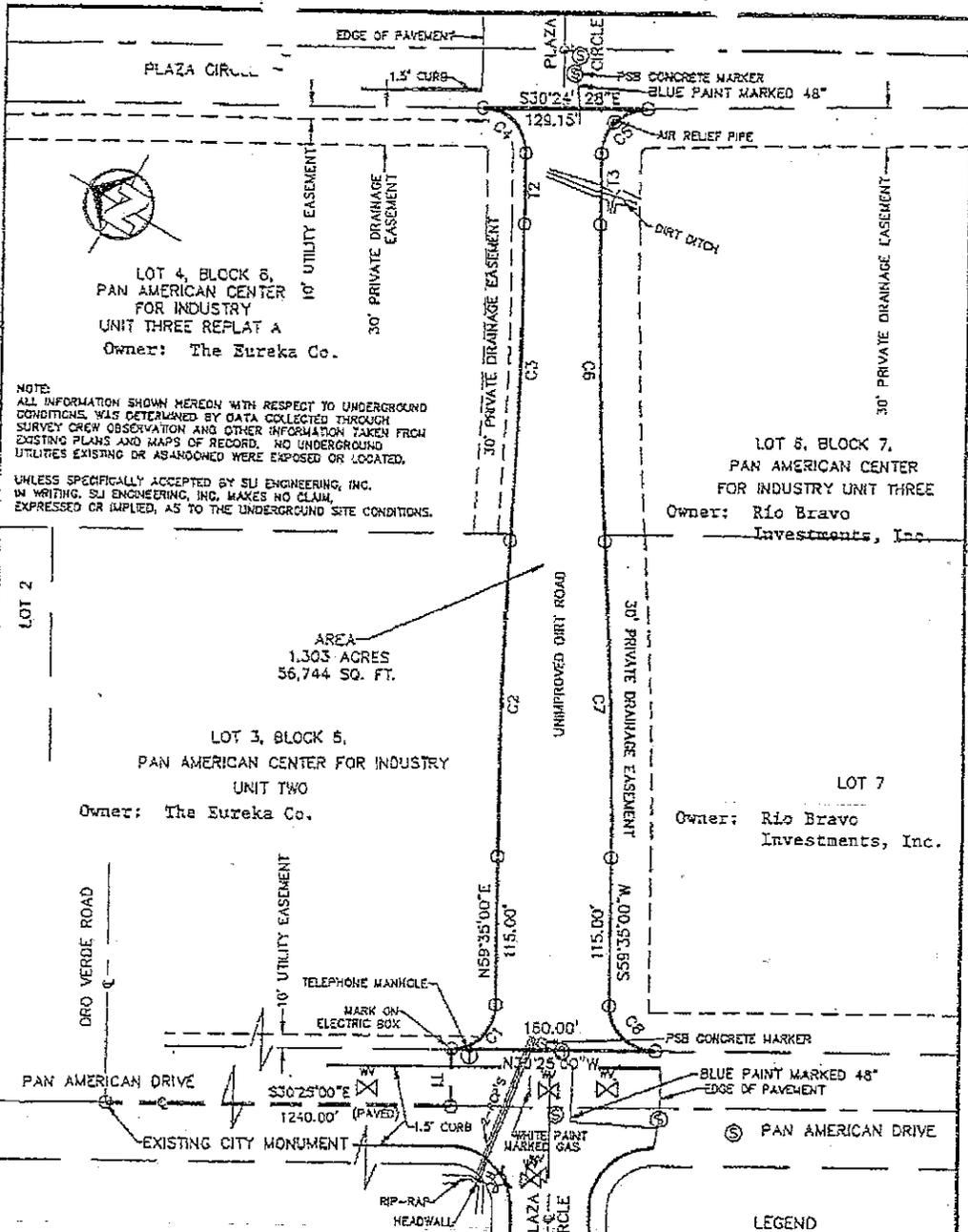
**Engineering Traffic Division**

1. No major traffic issues with the proposed street vacation.

**Additional Requirements and General Comments:**

Submittal of a \$25.00 fee for consideration of the City of El Paso's value of the easement is required.

**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 DEVELOPMENT SERVICES DEPARTMENT AT 541-4635.**



LINE	DIRECTION	DISTANCE
T1	N59°35'00"E	45.00'
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CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
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- LEGEND**
- SEWER LINE
  - SEWER MANHOLE
  - ⊕ WATER VALVE
  - ⊕ FIRE HYDRANT

NOTE: SET 5/8" REBAR WITH S11 CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.

**PLAT OF IMPROVEMENTS**

**SLI ENGINEERING, INC.**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS  
8500 WESTWIND DRIVE  
EL PASO, TEXAS 79912  
915-384-4457

A PORTION OF PLAZA CIRCLE  
RIGHT-OF-WAY,  
PAN AMERICAN CENTER  
FOR INDUSTRY UNIT THREE,  
EL PASO, EL PASO COUNTY,  
TEXAS

JOB #: 09-95-1149 DR. BY: AMC  
SCALE: 1" = 100' DRAWING: PAPCM01  
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**CERTIFICATION**

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

*Guillermo Licow*  
GUILLERMO LICOW, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS LICENSE NO. 2598

012800

*Plaza Circle  
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