

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

DEPARTMENT: PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

AGENDA DATE: **Introduction:** November 2, 2010
Public Hearing: November 9, 2010

CONTACT PERSON/PHONE: Frank Delgado, 541-4238, delgadofx@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An ordinance vacating the alley between Lots 22 and 23, Block 5, Map of Orchard Addition, City of El Paso, El Paso County, Texas

BACKGROUND / DISCUSSION:

The property owner of Lots 22 and 23, Block 5, Orchard Addition requests vacation of the alley on the 4500 block of Alameda Avenue. Area residents and Pasadena Neighborhood Association have no objections.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

No

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) recommends approval
City Plan Commission (CPC) recommends approval (6-0)

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

LEGAL: (if required) _____

DEPARTMENT HEAD: Mathew McElroy
Deputy Director, Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE VACATING THE ALLEY BETWEEN LOTS 22 AND 23, BLOCK 5, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of the alley between Lots 22 and 23, Block 5, Map of Orchard Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that the alley between Lots 22 and 23, Block 5, Map of Orchard Addition, 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 the alley between Lots 22 and 23, Block 5, Map of Orchard 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" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, be and is hereby vacated. 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 the KARLA GONZO, LLC.

PASSED AND APPROVED this _____ day of _____, 2010.

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 of Planning
Planning & Economic Development Department

Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

EXHIBIT A

Barragan & Associates

Land Planning & Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax(915) 591-5706

DESCRIPTION

PROPERTY DESCRIPTION of a parcel of land being the alley between Lots 22 and 23, Block 5, Map of Orchard Addition, an addition to the City of El Paso, El Paso County, Texas, filed in Vol. 15, Pg. 31, Plat Records El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found City Monument at the centerline intersection of Alameda Avenue and Hadlock Street, **THENCE**, N 80°10'06" W, along the centerline of Alameda Avenue, a distance of 116.71 feet to a point; **THENCE**, South, a distance of 50.75 feet to a set "X" mark on the Southerly right-of-way line of Alameda Avenue for the Northwesterly corner of said lot 22, said point also being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, South, along the Westerly line of said Lot 22 and the Easterly line of an alley, a distance of 117.13 feet to a set nail on the Northerly right-of-way line of a 10' alley for a corner of the herein described parcel;

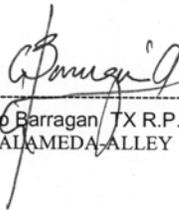
THENCE, West, along said Northerly right-of-way line of a 10' alley, a distance of 10.56 feet to a set 5/8" rebar on said Northerly right-of-way line of a 10' alley for a corner of the herein described parcel;

THENCE, North, along the Easterly line of said Lot 23 and the Westerly line of an alley, a distance of 118.96 feet to a set nail on said Southerly right-of-way line of Alameda Avenue for a corner of the herein described parcel;

THENCE, S 80°10'06" E, along said Southerly right-of-way line of Alameda Avenue, a distance of 10.72 feet to the **POINT OF BEGINNING** of the herein described parcel and containing in all 1,246 sq. ft. or 0.02 acres of land more or less.

Notes:

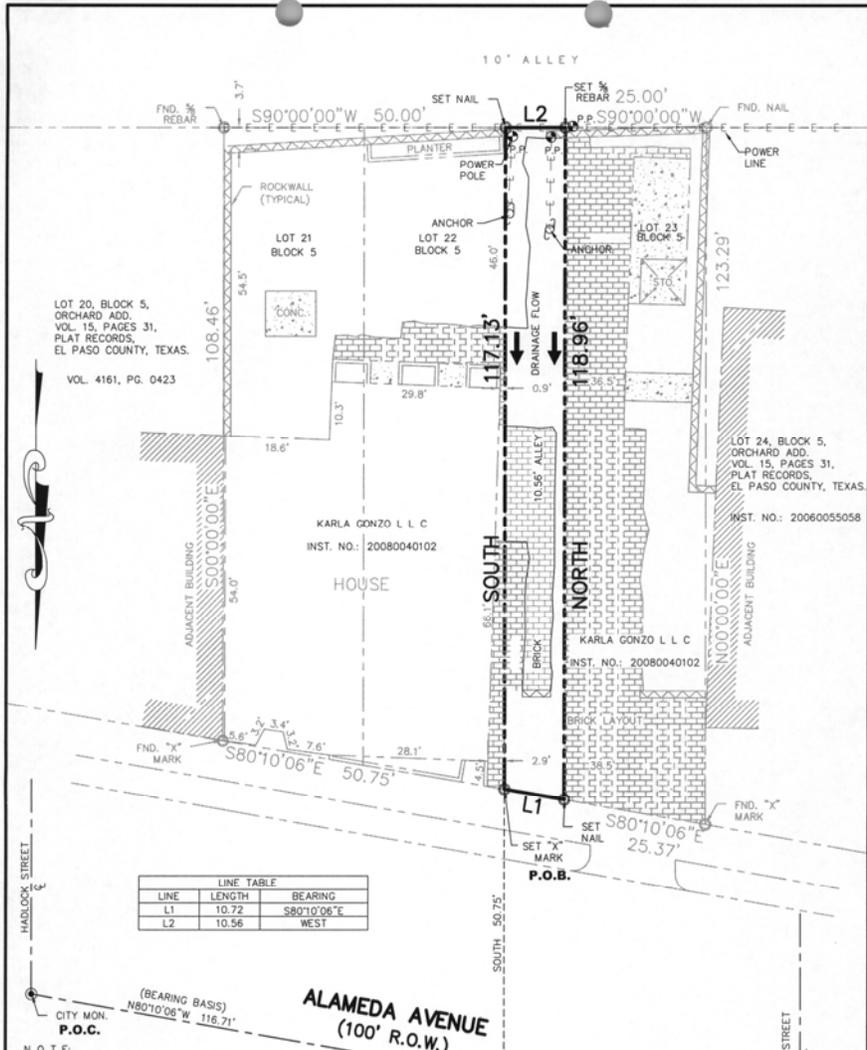
1. Bearings recited herein are based on an assumed North.
2. A plat of survey of even date accompanies this description.



Benito Barragan TX R.P.L.S. 5615, August 31, 2009
4504 ALAMEDA ALLEY



EXHIBIT B



- NOTE:**
- SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "C", AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 40B, LAST REVISION DATE 10-15-82. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
 - BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR MAP OF ORCHARD ADDITION.
 - THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT, (NOT SHOWN).
 - THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
 - THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
 - A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 - ALL IMPROVEMENTS TO REMAIN UNLESS NOTED OTHERWISE.
- REVISED: 08-27-09

<p>Barragan & Associates</p> <p>LAND PLANNING & SURVEYING 10950 Pellicano Dr. Building-F, El Paso, Tx 79935 Phone (915) 591-5709 Fax (915) 591-5706</p>	<p>PLAT OF SURVEY</p> <p>ALLEY BETWEEN LOTS 22 AND 23, BLOCK 5, MAP OF ORCHARD ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 0.02 ACRES ±</p> <p>Plat reference vol/bk 15 pages 31 Scale 1"=20' Date 03-14-08 Drawn by SV/RV</p>	<p>PREPARED BY AND UNDER THE SUPERVISION OF:</p> <p>Benito Barragan, P.E. Tex. No. 5615 Job No. 080305-05 Copy Rights ©</p>
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DATE: October 20, 2010

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

FROM: Frank Delgado, Senior Planner

THROUGH: Mathew McElroy, Deputy Director of Planning

SUBJECT: 4504 Alameda Alley Vacation

The City Plan Commission (CPC), on October 8, 2009, voted 6-0 to approve the alley vacation. The CPC determined the vacation is in conformance with *The Plan for El Paso*. 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. The applicant was subject to an appraisal of the market value of the city's interest in the public right-of-way.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: SUB09-00105 4509 Alameda-Alley Vacation
Application Type: Alley Vacation
CPC Hearing Date: October 8, 2009
Staff Planner: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov
Location: West of Hadlock Street and South of Alameda Avenue
Legal Description Acreage: 0.02 acres
Rep District: 3
Existing Use: Commercial/Industrial/Residential/Vacant
Existing Zoning: C-4 (Commercial)
Proposed Zoning: C-4 (Commercial)

Nearest Park: Washington Park (0.20 miles)
Nearest School: Jefferson High School (0.10 miles)

Property Owner: Karla Gonzo, LLC
Applicant: Karla Gonzo, LLC
Representative: Francisco Baca

SURROUNDING ZONING AND LAND USE

North: M-1 (Industrial)/ Cemetery
South: R-5 (Residential)/ Residential development
East: C-4 (Commercial)/ Commercial development
West: C-4 (Commercial)/ Commercial development

THE PLAN FOR EL PASO DESIGNATION: Residential

APPLICATION DESCRIPTION

This is an application for vacation of a right-of-way (alley) vacation. The applicant is proposing one lot. Applicant is proposing a medical clinic and is expanding the site to incorporate the vacated alley.

Ms. Sustaita, president of the Pasadena Neighborhood Association called. She said that the association has no objection to this application. Additionally, Planning received six phone calls from nearby property owners. They have no objection to this application.

IMPACT FEE

The property is not located in an impact-fee area.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Approval

DEVELOPMENT COORDINATING COMMITTEE COMMENTS

The Development Coordinating Committee recommends approval of the Alameda Alley vacation, based on compliance with Title 19 on a Minor basis.

PLANNING DIVISION RECOMMENDATION

Approval

LAND DEVELOPMENT COMMENTS AND REQUIREMENTS

- No Objections

The Alley is within Flood Zone C-“Areas of minimal flooding (No shading), Panel # 480214 0040B, dated October 15, 1982.

ENGINEERING DEPARTMENT COMMENTS

No comments received.

TRAFFIC ENGINEERING COMMENTS

No objection to proposed alley vacation.

STREETS DEPARTMENT COMMENTS

No objections to the request to vacate Alley between Lots 22 & 23 Block 5 Map of Orchard addition.

EL PASO WATER UTILITIES COMMENTS

We have reviewed the above referenced subdivision and provide the following comments:

EPWU-PSB Comments

EPWU does not object to this request

Water:

Along Alameda Avenue between Locust Street and Hadlock Street there is an existing water main. This main is located along the southernmost portion of Alameda Avenue. The size of the water main is six (6) inches in diameter east of Locust Street. West of Hadlock Street, the size of the main is ten (10) inches in diameter.

Along the alley located south and parallel to Alameda Avenue, west of Hadlock Street, there is an existing four (4) inch diameter water main. This main dead-ends at approximately 104 feet west of Hadlock Street.

Along the alley located between lots 22 and 23, Block 5, Map of Orchard, south of Alameda Avenue , there are no existing water mains.

Sewer:

Along Alameda Avenue between Locust Street and Hadlock Street there is an existing eight (8) inch diameter sanitary sewer main. This main is located along the northernmost portion of Alameda Avenue.

Along the alley located south and parallel to Alameda Avenue, between Locust Street and Hadlock Street, there is an existing sanitary sewer main. This main dead-ends at approximately 160 feet east of Locust Street. The size of approximately the first 100 feet of this main consist of eight (8) inch diameter pipe; the rest consist of six (6) inch diameter main.

Along the alley located between lots 22 and 23, Block 5, Map of Orchard, south of Alameda Avenue, there are no existing sanitary sewer mains.

General:

Alameda Avenue is Texas Department of Transportation (TxDOT) rights-of-way. All proposed water and sanitary sewer work to be performed within Alameda Avenue right-of-way requires written permission from TXDOT.

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

FIRE DEPARTMENT COMMENTS

No comments received.

PARKS COMMENTS

No comments received.

911 DISTRICT COMMENTS

No comments received.

CENTRAL APPRAISAL DISTRICT COMMENTS

No comments received.

EL PASO ELECTRIC COMPANY COMMENTS

No comments received.

EL PASO INDEPENDENT SCHOOL DISTRICT COMMENTS

No comments received.

TEXAS DEPARTMENT OF TRANSPORTATION COMMENTS

No comments received.

TEXAS GAS SERVICE COMMENTS

No comments received.

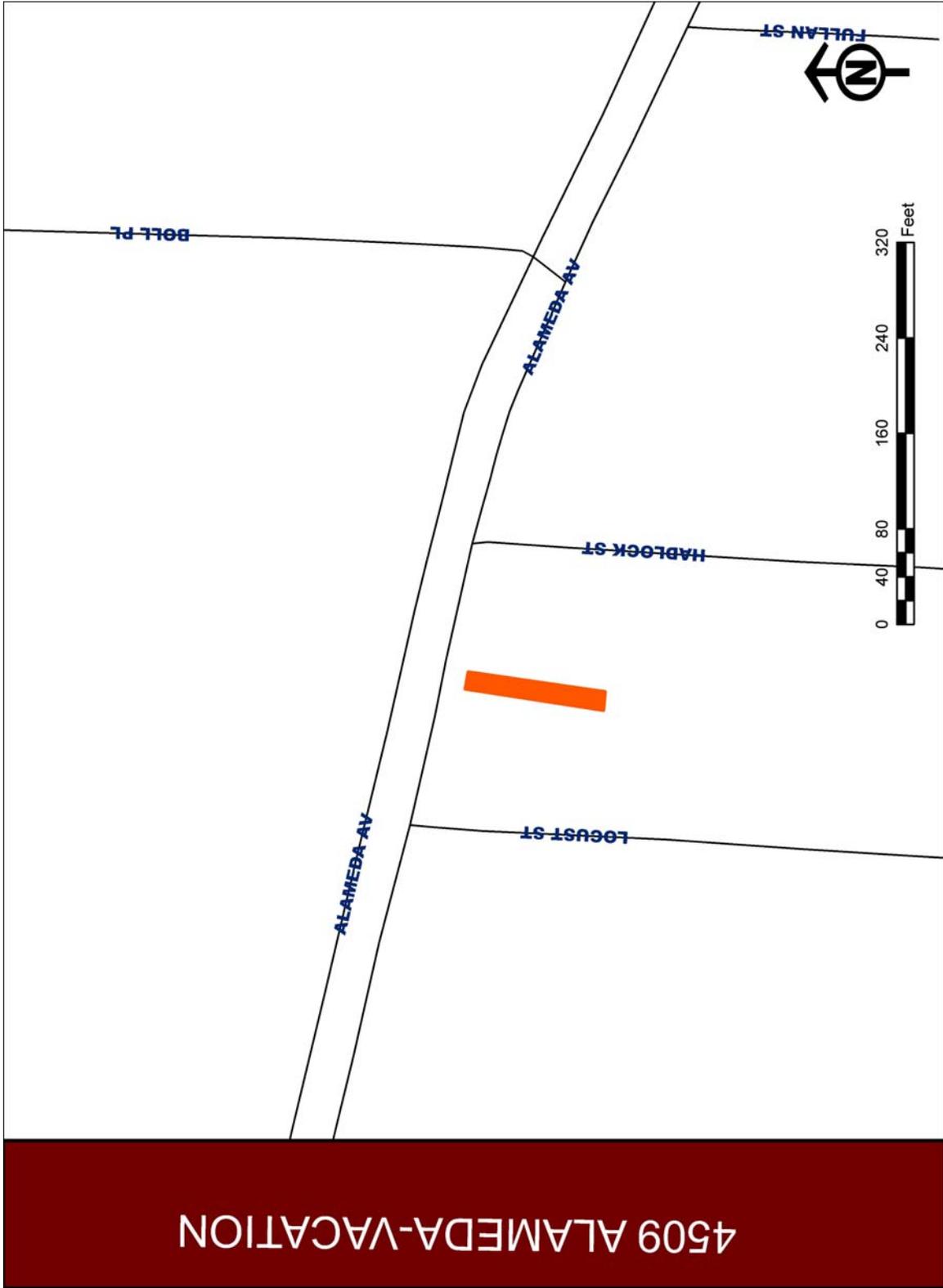
ADDITIONAL REQUIREMENTS AND GENERAL COMMENTS:

1. Prior to recording, please submit to Development Services Department—Planning Division the following:
 - a. tax certificates
 - b. release of access document
 - c. set of restrictive covenants
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

Attachments

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

ATTACHMENT 1

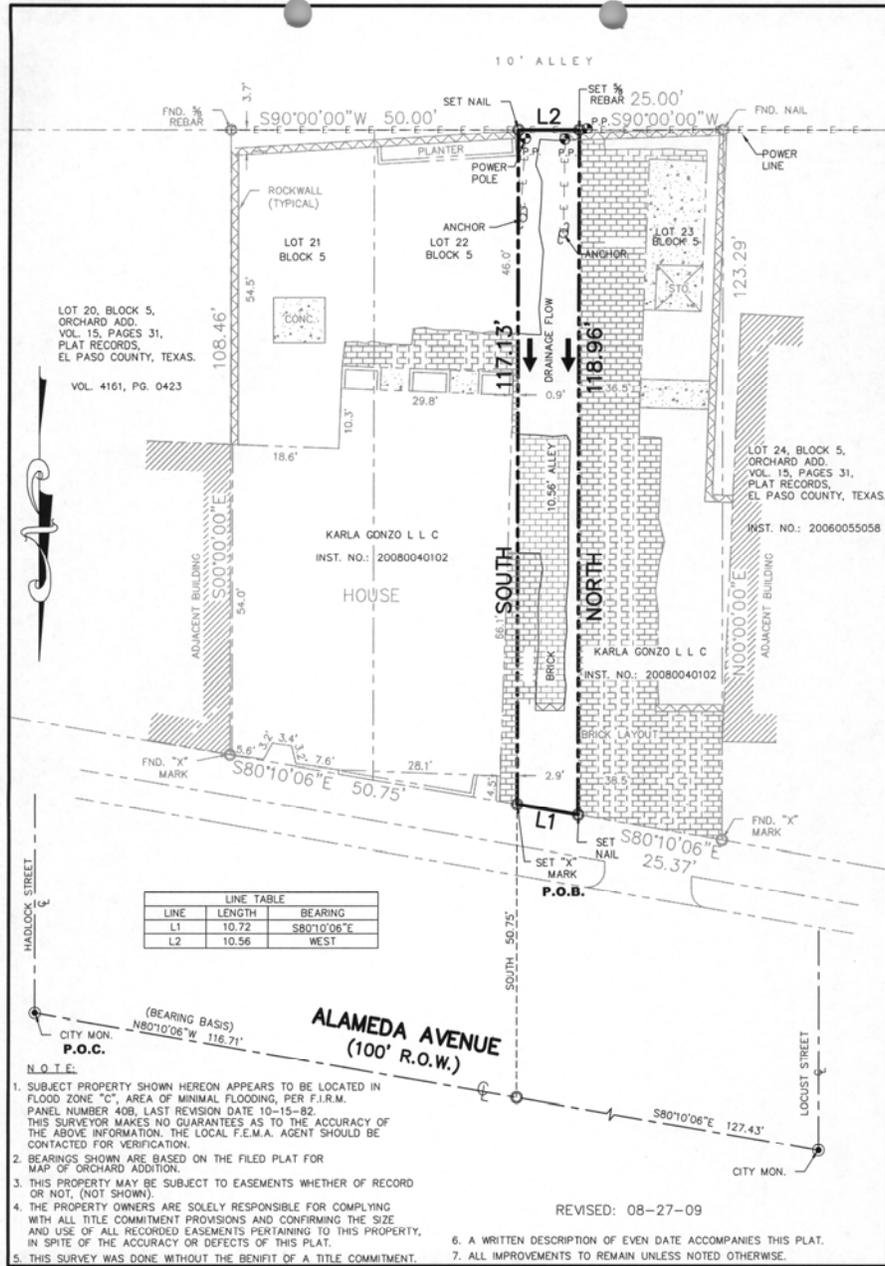


4509 ALAMEDA-VACATION

ATTACHMENT 2

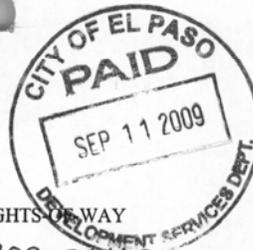


ATTACHMENT 3



 <p>Barragan & Associates</p> <p>LAND PLANNING & SURVEYING 10950 Pelicano Dr. Building-F, El Paso, Tx 79935 Phone (915) 591-5709 Fax (915) 591-5706</p>	<p>PLAT OF SURVEY</p> <p>ALLEY BETWEEN LOTS 22 AND 23, BLOCK 5, MAP OF ORCHARD ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 0.02 ACRES ±</p> <p>Plat reference vol/bk 15 pages 31 Scale 1"=20' Date 03-14-08 Drawn by SV/RV</p>	<p>PREPARED BY AND UNDER THE SUPERVISION OF:</p>  <p>Benito Barragan, Registered Professional Surveyor, No. 5615 Job/No. 080305-05 Copy Rights ©</p>
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ATTACHMENT 4



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

Date: 09-09-09 File No. SUB09-00105

1. APPLICANTS NAME Karla Gomez, LLC
ADDRESS #1016 Santa Antigua ZIP CODE 79912 TELEPHONE (915) 526-3701

2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) #4504 Olmeca Ave. El Paso, TX, 79905 Subdivision Name Orchard Park
Abutting Blocks 5 Abutting Lots 21, 22 & 23

3. Reason for vacation request: Existing Buildings will be torn down & a new medical clinic will be built.

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).

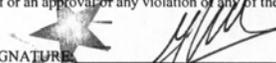
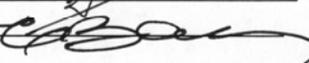
Signature	Legal Description	Telephone
	<u>Lots 21, 22 & 23</u>	<u>(915) 526-3701</u>
	<u>Accts. No 026399900505701,</u>	
	<u>026399900505700 &</u>	
	<u>026399900506100</u>	

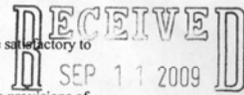
The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance 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: 



NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.
Representative: Francisco Baca
(915) 867-2256
E-mail - franciscobaca22@yahoo.com