

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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Intro 11/06/07; Public Hearing 11/13/07
CONTACT PERSON/PHONE: Raul Garcia, Planner – 541-4935
DISTRICT(S) AFFECTED: 1

SUBJECT:

AN ORDINANCE VACATING A TWENTY-FOOT PSB EASEMENT LOCATED WITHIN A PORTION OF LOT 45, BLOCK 20, RIVER PARK WEST UNIT NINE, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: RPW DEVELOPMENT. SUB07-00095. **(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 (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****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 TWENTY-FOOT PSB EASEMENT LOCATED WITHIN A PORTION OF LOT 45, BLOCK 20, RIVER PARK WEST UNIT NINE, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a twenty-foot PSB easement located within a portion of Lot 45, Block 20, River Park West Unit Nine, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a twenty-foot PSB easement located within a portion of Lot 45, Block 20, River Park West Unit Nine, City of El Paso, El Paso County, Texas, and the City Council finds that said 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, in consideration of the receipt by the City of El Paso of TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a twenty-foot PSB easement located within a portion of Lot 45, Block 20, River Park West Unit Nine, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated, closed and abandoned, subject to the condition that the City will retain the existing 10-foot utility easement as identified in the survey of Exhibit "A".

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 **RPW Development LTD**, subject to that condition referenced above.

PASSED AND APPROVED this _____ day of _____, 2007.

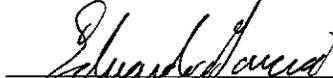
THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

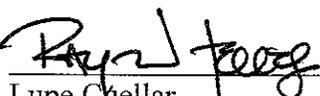
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



for: Lupe Cuellar
Assistant City Attorney

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 good and 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 **RPW DEVELOPMENT LTD.** all of its right, 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 a twenty-foot PSB easement located within *Lot 45, Block 20, RIVER PARK WEST UNIT NINE, City of El Paso, El Paso County, Texas*, which is more fully described in the attached metes and bounds 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

John F. Cook
Mayor

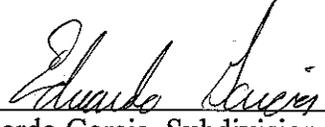
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Eduardo Garcia, Subdivision Coordinator
Development Services Department

(Acknowledgment on following page)

ACKNOWLEDGEMENT

THE STATE OF TEXAS §

§

COUNTY OF TEXAS §

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:

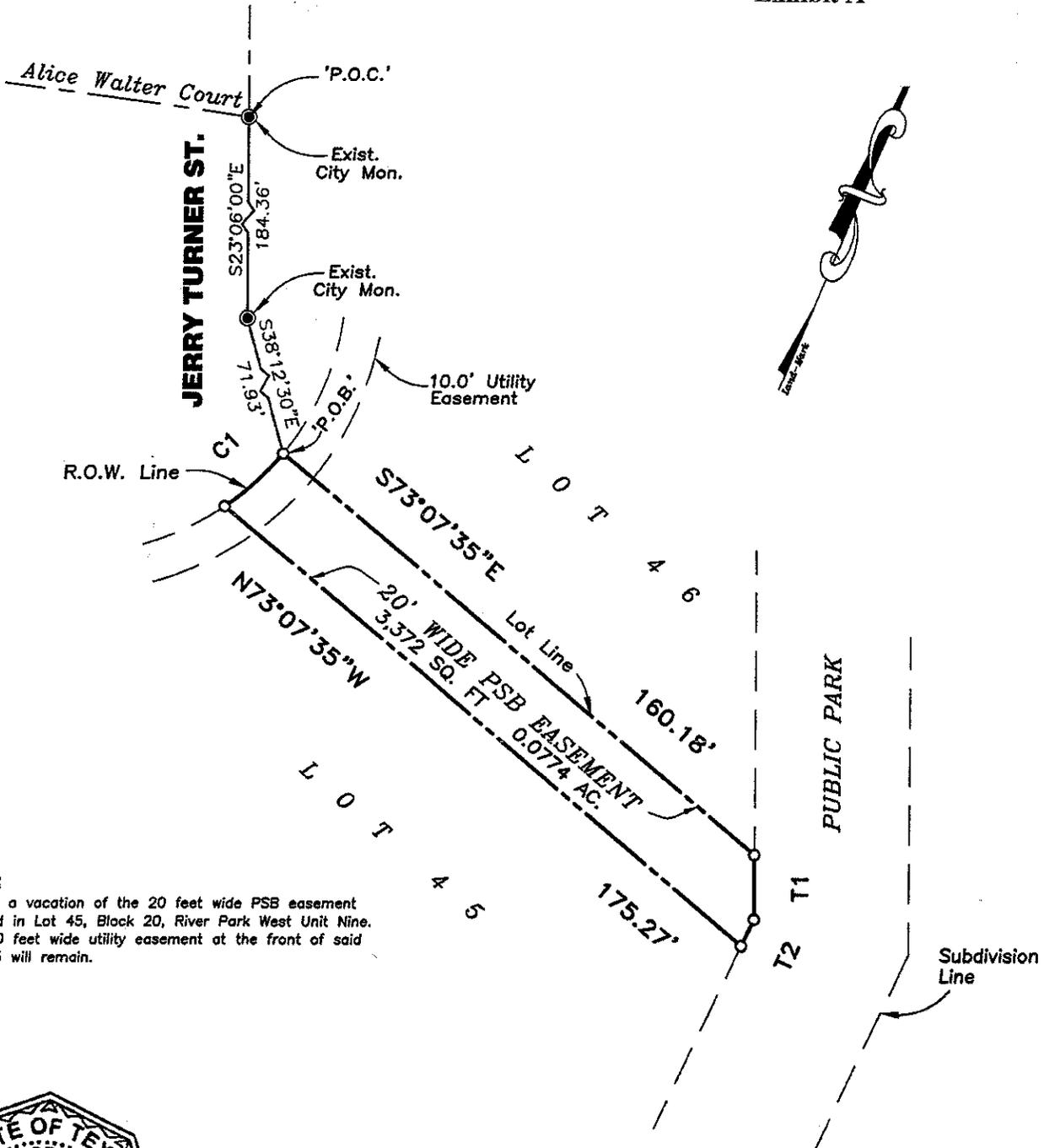
Notary Public, State of Texas
Notary's Printed or Typed Name:

AFTER RECORDING RETURN TO:

**RPW Development LTD.
7910 Gateway East, Suite 102
El Paso, Texas 79915**

with copy to:

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



NOTE:
 This is a vacation of the 20 feet wide PSB easement located in Lot 45, Block 20, River Park West Unit Nine. The 10 feet wide utility easement at the front of said Lot 45 will remain.



LINE	DIRECTION	DISTANCE
T1	S23°06'00"E	16.52'
T2	S02°40'50"W	7.57'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	70.00'	20.24'	20.17'	N24°19'29"E	16°34'02"

I hereby certify that the foregoing plat was made for me or under my supervision.

[Signature]
 Larry L. Drewes, R.P.L.S.
 Texas 4869 N.M. 11402

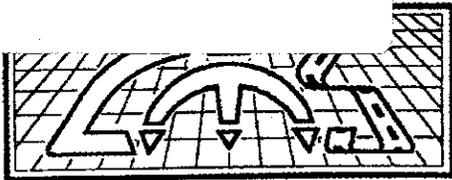
Plat of Survey
 A PORTION OF LOT 45,
 BLOCK 20, RIVER PARK WEST
 UNIT NINE,
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS
 Plat Reference: FILE NO. 20060016841

Land-Mark Professional Surveying, Inc.
 1420 Bessemer Drive, Suite 'A',
 El Paso, Texas 79936
 (915) 598-1300
 email: Larry@Land-marksurvey.com
 "Serving Texas, New Mexico and Arizona"

Job No. 07-03-24598

Scale: 1" = 40'

Date: OCTOBER 1, 2007



Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION

"20 FEET WIDE PSB EASEMENT VACATION"

A 0.0774 ACRE PARCEL OF LAND BEING A PORTION LOT 45, BLOCK 20, RIVER PARK WEST UNIT NINE, ACCORDING TO THE PLAT RECORDED IN FILE No. 20060016841, PLAT RECORDS OF EL PASO COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an existing city monument at the intersection of Jerry Turner Street and Alice Walter Court; **THENCE**, with the centerline of said Jerry Turner Street, South 23°06'00" East a distance of 184.36 feet to an existing city monument; **THENCE**, South 38°12'30" East, a distance of 71.93 feet to a 5/8" rebar with cap stamped "LAND-MARK TX4869 NM11402", set at the westerly boundary corner of Lots 45 and 46, Block 20, River Park West Unit Nine and for the **POINT OF BEGINNING** for this parcel description;

THENCE, South 73°07'35" East, with the common boundary line of said Lots 45 and 46, a distance of 160.18 feet to a point lying at the easterly common corner of said Lots 45 and 46, for a corner of this parcel;

THENCE, South 23°06'00" East, with said easterly boundary line of said Lot 45, a distance of 16.52 feet to a point, for a corner of this parcel;

THENCE, South 02°40'50" West, continuing with said easterly boundary line, a distance of 7.57 feet to a point, for a corner of this parcel;

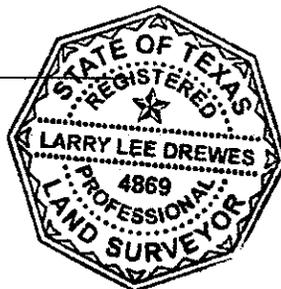
THENCE, North 73°07'35" West a distance of 175.27 feet to a point lying in the easterly right-of-way line of said Jerry Turner Street, for a corner of this parcel;

THENCE, Northeasterly with the arc of a curve to the left and with said easterly right-of-way line a distance of 20.24 feet to the **TRUE POINT OF BEGINNING**; Said curve having a radius of 70.00 feet, a central angle of 16°34'02" and a chord which bears North 24°19'29" East, a distance of 20.17 feet.

Said parcel contains 0.0774 Acres (3,372 Sq. Ft.) more or less

Note: This is a vacation of the 20 feet wide PSB easement located in Lot 45, Block 20, River Park West Unit Nine. The 10 feet wide utility easement at the front of said Lot 45, will remain.

Larry L. Drewes, R.P.L.S.
Texas License No. 4869

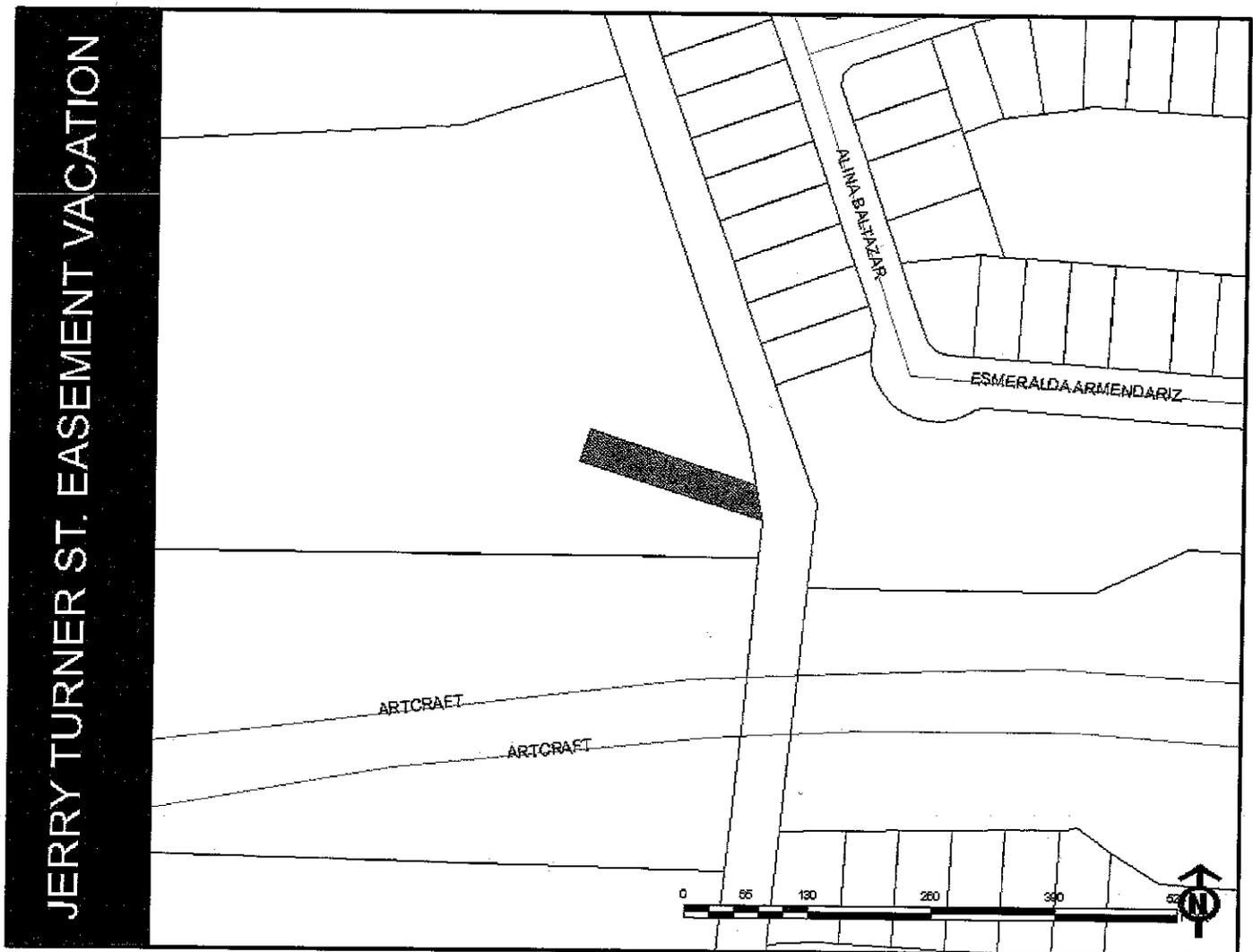


October 1, 2007
Job No. 24598



SUB07-00095

Subdivision Name:	Jerry Turner Street Easement Vacation		
Type Request:	Easement Vacation		
Property Owner:	City of El Paso		
Developer:	N/A		
Engineer:	CEA		
Surveyor:	Larry Lee Drewes		
Location:	North of Artcraft Road and East of Westside Drive		
Acres:	0.0974 Acres	Representative District:	1
Planning Area:	Northwest	Present Zone:	R-3A
Park Fees Required:	N/A	Park Zone:	NW-8



GENERAL INFORMATION:

The applicant is proposing to vacate a 20' wide EPWU/PSB easement located on a portion of Lot 45, and public park, Block 20, River Park West Unit Nine subdivision. The applicant states the reason for the vacation is that the EPWU/PSB does not require the easement to service the development.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **approval** of the proposed vacation of the 20' wide PSB easement.

Planning Division – Land Development Comments and Requirements:

No comments received.

Engineering Department – Traffic Division:

No comments received.

EI Paso Water Utilities Comments:

Water and sanitary sewer mains exist along Juan Muñoz Court and along Jerry Turner Street.

EPWU does not object to the proposed easement vacation.

EI Paso Electric Company:

No comments received.

Central Appraisal District:

No comments received.

Texas Gas Service

No comments received.

Time Warner Cable

No comments received.

Additional Requirements and General Comments:

Submit to the Development Services Department – Planning Division the following prior to recording of the subdivision.

1. Square footage datum for the easement being vacated.

List of Attachments

- Attachment 1: Aerial
- Attachment 2: Survey
- Attachment 3: Application

ATTACHMENT 1



ATTACHMENT 2

