

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

DEPARTMENT: Development Services/Planning Division
AGENDA DATE: Introduction 10/31/06; Public Hearing 11/14/06
CONTACT PERSON/PHONE: James Fisk, Senior Planner – 541-4638
DISTRICT(S) AFFECTED: #2

SUBJECT:

An ordinance vacating a 20 foot wide alley, located in Block B, Government Hill Addition, City of El Paso, El Paso County, Texas.

Subject Property: East of Copia Street and South of Trowbridge Drive. Applicant: Catholic Diocese of El Paso and Leonor R. Marquez. AV06003 (District 2)

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: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE VACATING A 20 FOOT WIDE ALLEY, LOCATED IN BLOCK B, GOVERNMENT HILL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner, the Catholic Diocese of El Paso, has requested that a twenty (20) foot wide alley, located in Block B, Government Hill Addition, 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 right-of-way is not needed for public use and should be vacated as recommended with certain conditions.

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 a twenty (20) foot wide alley, located in Block B, Government Hill Addition, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified on Exhibit "A", made a part hereof by reference, be and is hereby vacated, subject to the following conditions:

1. The alley to be vacated shall be retained as a full-width Utility Easement by the El Paso Water Utilities – Public Service Board ("EPWU-PSB"); and
2. EPWU-PSB requires access to the existing facilities, appurtenances, and meters twenty-four (24) hours a day, seven (7) days a week. In the event that the alley is enclosed, EPWU-PSB requests gates at both ends and access keys; and
3. The Catholic Diocese of El Paso, its successors and assigns, shall indemnify, defend, and hold harmless the EPWU-PSB, its successors and assigns from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the EPWU-PSB, its successors and assigns, which may be caused by or arise out of the maintenance and existence of the water and sanitary sewer mains in the easement area. This provision shall run with the land.

Section 2. That 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, incorporating the above conditions, to the Catholic Diocese of El Paso.

PASSED AND APPROVED this _____ day of _____, 2006.

(Signatures continue on the following page.)

CITY CLERK DEPT.
06 OCT 23 AM 3:00

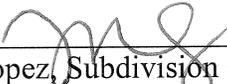
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

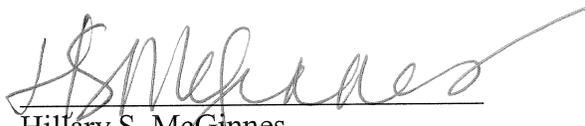
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



Hillary S. McGinnes
Assistant City Attorney

CITY CLERK DEPT.
06 OCT 23 AM 3:00



METES AND BOUNDS DESCRIPTION
"20 FEET WIDE ALLEY VACATION"

A 0.1837 acre parcel being an existing 20.00 feet wide Alley, Block B, Government Hill Addition, as recorded in Volume 11, Page 58, Plat Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at an existing City Monument found at the monument line intersection of La Luz Street (70.00 feet wide) and Lamar Street (70.00 feet wide), said monument line intersection located 10.00 feet north and 10.00 feet east of the centerline intersection of La Luz Street and Lamar Street; **WHENCE**, an existing City Monument found at the monument line intersection of Lamar Street and Tularosa Street (70.00 feet wide), said monument line intersection located at 15.00 feet north and 10.00 feet east of the centerline intersection of Lamar Street and Tularosa Street, bears South 00°00'00" East, a distance of 735.00 feet (734.41 feet ~ measured); **THENCE**, leaving the monument line of La Luz Street and following the monument line of Lamar Street, North 00°00'00" West, a distance of 745.00 feet (745.27 feet ~ measured) to the monument line of Hueco Street (70.00 feet wide), said monument line located 15.00 feet north of the centerline of Hueco Street; **THENCE**, leaving the monument line of Lamar Street and following the monument line of Hueco Street, South 90°00'00" West, a distance of 470.00 feet to an existing 60d nail located at the monument line intersection of Hueco Street and Travis Street (70.00 feet wide), said monument line intersection located 15.00 north and 10.00 feet east of the centerline intersection of Hueco Street and Travis Street; **THENCE**, leaving the monument line of Hueco Street and following the monument line of Travis Street, North 00°00'00" West, at a distance of 160.00 feet (159.73 feet ~ measured); **THENCE**, leaving the monument line of Travis Street, North 90°00'00" East, at a distance of 25.00 feet to an existing chiseled 'X' in concrete located at the intersection of the south boundary line of said 20.00 feet wide Alley and the east right-of-way line of Travis Street, identical to the northwest corner of Lot 1, Block B, Government Hill Addition, as conveyed to Catholic Diocese of El Paso, for the southwest corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving the south boundary line of said 20.00 feet wide Alley and following the east right-of-way line of Travis Street, North 00°00'00" West, a distance of 20.00 feet to an existing concrete nail found on the north boundary line of said 20.00 feet wide Alley for the northwest corner of the parcel herein described, identical to the southwest corner of Lot 23, Block B, Government Hill Addition, as conveyed to Catholic Diocese of El Paso;

THENCE, leaving the east right-of-way line of Travis Street and following the north boundary line of said 20.00 feet wide Alley, North 90°00'00" East, a distance of 400.00 feet to an existing chiseled 'X' in concrete found on the west right-of-way line of Lamar Street for the northeast corner of the parcel herein described, identical to the southeast corner of Lot 17, Block B, Government Hill Addition, as conveyed to Catholic Diocese of El Paso;

· *THENCE*, leaving the north boundary line of said 20.00 feet wide Alley and following the west right-of-way line of Lamar Street, South 00°00'00" East, a distance of 20.00 feet to a chiseled 'X' in concrete set on the south boundary line of said 20.00 feet wide Alley for the southeast corner of this parcel herein described, identical to the northeast corner of Lot 16, Block B, Government Hill Addition, as conveyed to Catholic Diocese of El Paso;

THENCE, leaving the west right-of-way line of Lamar Street and following the southerly boundary line of said 20.00 feet wide Alley, South 90°00'00" West, a distance of 400.00 feet to the *TRUE POINT OF BEGINNING*.

Said Parcel contains 0.1837 acres (8,000 square feet) more or less.

Isaac Camacho
Isaac Camacho, R.P.L.S.
TX 5337
Date: March 15, 2006

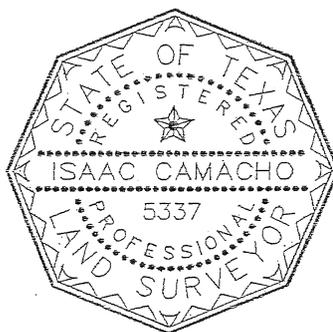
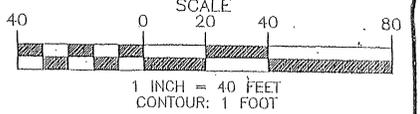
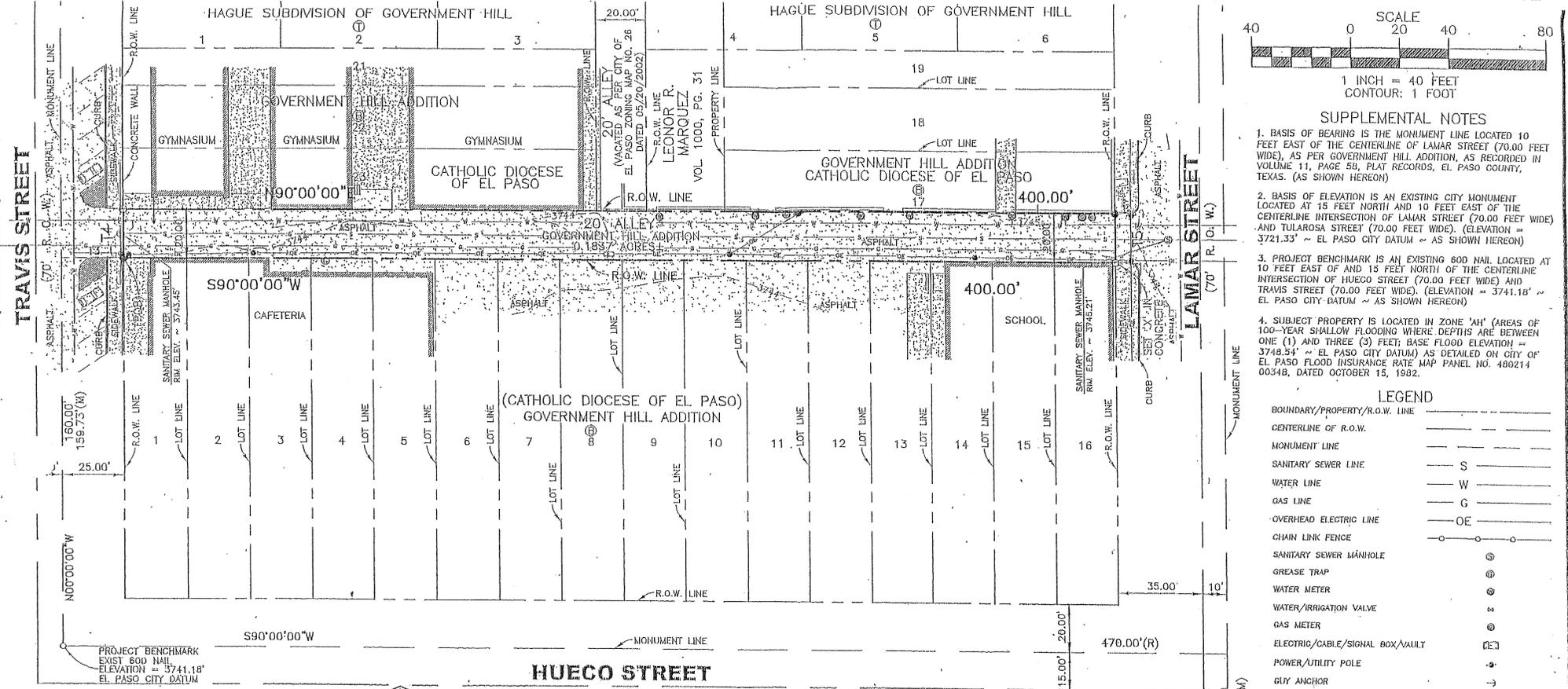


Exhibit A 2 of 3

TRAVIS STREET



SUPPLEMENTAL NOTES

1. BASIS OF BEARING IS THE MONUMENT LINE LOCATED 10 FEET EAST OF THE CENTERLINE OF LAMAR STREET (70.00 FEET WIDE), AS PER GOVERNMENT HILL ADDITION, AS RECORDED IN VOLUME 11, PAGE 58, PLAT RECORDS, EL PASO COUNTY, TEXAS. (AS SHOWN HEREON)
2. BASIS OF ELEVATION IS AN EXISTING CITY MONUMENT LOCATED AT 15 FEET NORTH AND 10 FEET EAST OF THE CENTERLINE INTERSECTION OF LAMAR STREET (70.00 FEET WIDE) AND TULAROSA STREET (70.00 FEET WIDE). (ELEVATION = 3721.33' ~ EL PASO CITY DATUM ~ AS SHOWN HEREON)
3. PROJECT BENCHMARK IS AN EXISTING 60D NAIL LOCATED AT 10 FEET EAST OF AND 15 FEET NORTH OF THE CENTERLINE INTERSECTION OF HUECO STREET (70.00 FEET WIDE) AND TRAVIS STREET (70.00 FEET WIDE). (ELEVATION = 3741.18' ~ EL PASO CITY DATUM ~ AS SHOWN HEREON)
4. SUBJECT PROPERTY IS LOCATED IN ZONE 'AH' (AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE (1) AND THREE (3) FEET; BASE FLOOD ELEVATION = 3748.54' ~ EL PASO CITY DATUM) AS DETAILED ON CITY OF EL PASO FLOOD INSURANCE RATE MAP PANEL NO. 400214 0034B, DATED OCTOBER 15, 1982.

LEGEND

- BOUNDARY/PROPERTY/R.O.W. LINE _____
- CENTERLINE OF R.O.W. _____
- MONUMENT LINE _____
- SANITARY SEWER LINE _____ S _____
- WATER LINE _____ W _____
- GAS LINE _____ G _____
- OVERHEAD ELECTRIC LINE _____ OE _____
- CHAIN LINK FENCE _____
- SANITARY SEWER MANHOLE _____
- GREASE TRAP _____
- WATER METER _____
- WATER/IRRIGATION VALVE _____
- GAS METER _____
- ELECTRIC/CABLE/SIGNAL BOX/Vault _____
- POWER/UTILITY POLE _____
- GLY ANCHOR _____
- SIGN _____
- REGULAR PARKING SPACE _____
- CONCRETE AREA _____
- ASPHALT AREA _____
- NO PARKING ZONE _____
- EXISTING CITY MONUMENT _____
- EXISTING CONCRETE NAIL _____
- EXISTING CHISELED 'X' IN CONCRETE _____
- BLOCK NUMBER _____
- LOT NUMBER _____

LINE	DIRECTION	DISTANCE
T1	N00°00'00"W	745.00'
T2	N00°00'00"W	745.27'
T3	N90°00'00"E	25.00'
T4	N00°00'00"W	20.00'
T5	S00°00'00"E	20.00'
T6	S00°00'00"E	735.00'
T7	S00°00'00"E	734.41'

CERTIFICATION
 I HEREBY CERTIFY THAT THIS BOUNDARY, IMPROVEMENT AND TOPOGRAPHIC SURVEY IS BASED ON A FIELD SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN AND THAT THE INFORMATION HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
Isaac Gamacho 03/22/06
 ISAAC GAMACHO - TX.-P.L.S. NO. 5337



STOP! CALL BEFORE YOU DIG
 TEXAS ONE CALL SYSTEM
 1-800-245-4545
 (@ least 48 hours prior to digging)

BROCK & BUSTILLOS INC.
 CONSULTING CIVIL ENGINEERS
 LAND SURVEYORS
 417 EXECUTIVE CENTER
 EL PASO, TEXAS 79902
 WWW.BROCKBUSTILLOS.COM
 PH (915) 542-4800
 FAX (915) 542-2867

DRAWN BY: E.R.
 APPROVED BY: I.C.
 SCALE: 1"=40'
 DATE: 03/15/2006
 JOB NO. E-6655-01

REVISION	DATE	BY

BOUNDARY, IMPROVEMENT & TOPOGRAPHIC SURVEY
 20.00' ALLEY LOCATED IN BLOCK B, GOVERNMENT HILL ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

SHEET 1 OF 1

Exhibit A 30x3

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 the **CITY OF EL PASO** has released and quitclaimed and by these presents does release and quitclaim unto **THE CATHOLIC DIOCESE OF EL PASO**, all 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 **a twenty (20) foot wide alley, located in Block B, Government Hill Addition, 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, subject to the following conditions:

1. The alley to be vacated shall be retained as a full-width Utility Easement by the El Paso Water Utilities – Public Service Board ("EPWU-PSB"); and
2. EPWU-PSB requires access to the existing facilities, appurtenances, and meters twenty-four (24) hours a day, seven (7) days a week. In the event that the alley is enclosed, EPWU-PSB requests gates at both ends and access keys; and
3. The Catholic Diocese of El Paso, its successors and assigns, shall indemnify, defend, and hold harmless the EPWU-PSB, its successors and assigns from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the EPWU-PSB, its successors and assigns, which may be caused by or arise out of the maintenance and existence of the water and sanitary sewer mains in the easement area. This provision shall run with the land.

WITNESS the following signatures and seal this _____ day of _____, 2006.

THE CITY OF EL PASO

Joyce Wilson
City Manager

(Signatures and acknowledgement continue on the following page.)

CITY CLERK DEPT.
06 OCT 23 AM 3:00

APPROVED AS TO CONTENT:



Fred Lopez, Subdivision Coordinator
Development Services Department

APPROVED AS TO FORM:



Hillary S. McGinnes
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2006, 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:

Catholic Diocese of El Paso
499 Mathew Street
El Paso, Texas 79909

CITY CLERK DEPT.
06 OCT 23 AM 3:00

STAFF REPORT

File #: AV06003

Legal Description: 20 feet wide Alley, Block B, Government Hill Addition, City of El Paso, El Paso County, Texas.

Type Request: Alley Vacation

Property Owner: City of El Paso

Applicants: Catholic Diocese of El Paso and Leonor R. Marquez

Surveyor: Isaac Camacho

Representative: Brock & Bustillos Inc.

Location: East of Copia Street and South of Trowbridge Drive.

Representative District: 2

Planning Area: Central

**CITY PLAN COMMISSION HEARING, JUNE 15, 2006
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

AV06003- Vacation of a 20 feet wide alley located in Block B, Government Hill Addition, City of El Paso, El Paso County, Texas.

GENERAL INFORMATION:

The applicants are proposing to vacate a 20 feet wide alley between Lamar Street and Travis Street, in order to connect the use of the parochial school structures located at either sides of the alley.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **approval** of the vacation of a 20 feet wide alley located in Block B, Government Hill Addition. Approval is subject to the following conditions and recommendations:

Planning Division– Land Development Comments and Requirements:

We have reviewed subject request and recommend approval.

El Paso Water Utilities Comments:

Water

There is an existing 4-inch diameter water main along the entire length of the alley proposed to be vacated. EPWU-PSB records show that there are water services connected to the above described water main.

Sanitary Sewer

There is an existing 4-inch diameter sanitary sewer main along the entire length of the alley proposed to be vacated.

General:

The alley to be vacated is required to be designated as a full-width Utility Easement in order to enable the operation and maintenance of the above described public water and sewer mains and appurtenances. Unrestricted access to the meters must be maintained. In the event that the alley be enclosed, EPWU requests gates at both ends and access keys.

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 water, sanitary sewer facilities, appurtenances, and meters 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 Utility Easement without the written consent of EPWU-PSB.

No concrete paving shall be constructed or maintained on the above referenced Utility Easement without the written consent of EPWU-PSB.

The easement shall be improved to allow the operation of EPWU maintenance vehicles.

EPWU does not object to the proposed alley vacation.

City Engineering / Traffic Division Comments:

No comments received.

Time Warner Cable:

No comments received.

Geographic Information Systems:

No comments received.

911:

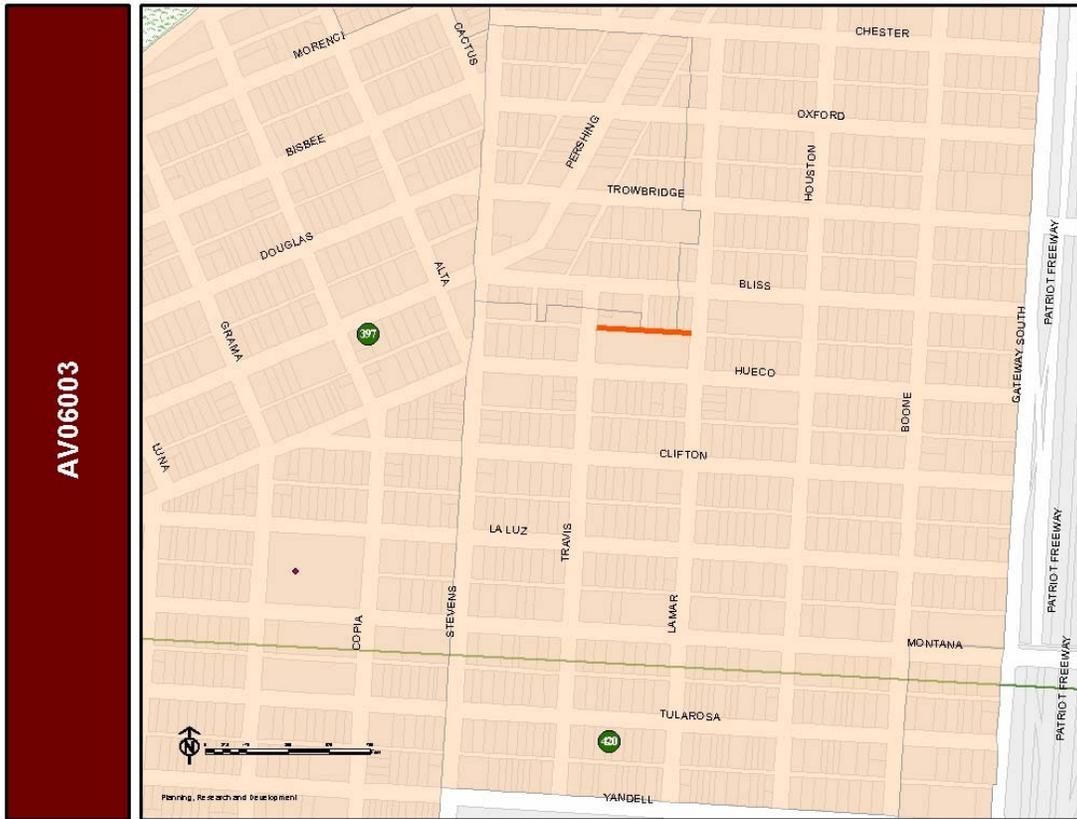
No comments received.

Additional Requirements and General Comments:

1. Vacation Fee for Public Right-of-Way. In addition to the application fee, the applicant shall pay the following:
 - a. The cost of the appraisal; and
 - b. The appraised market value of the city's interest in the public right-of-way.

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.

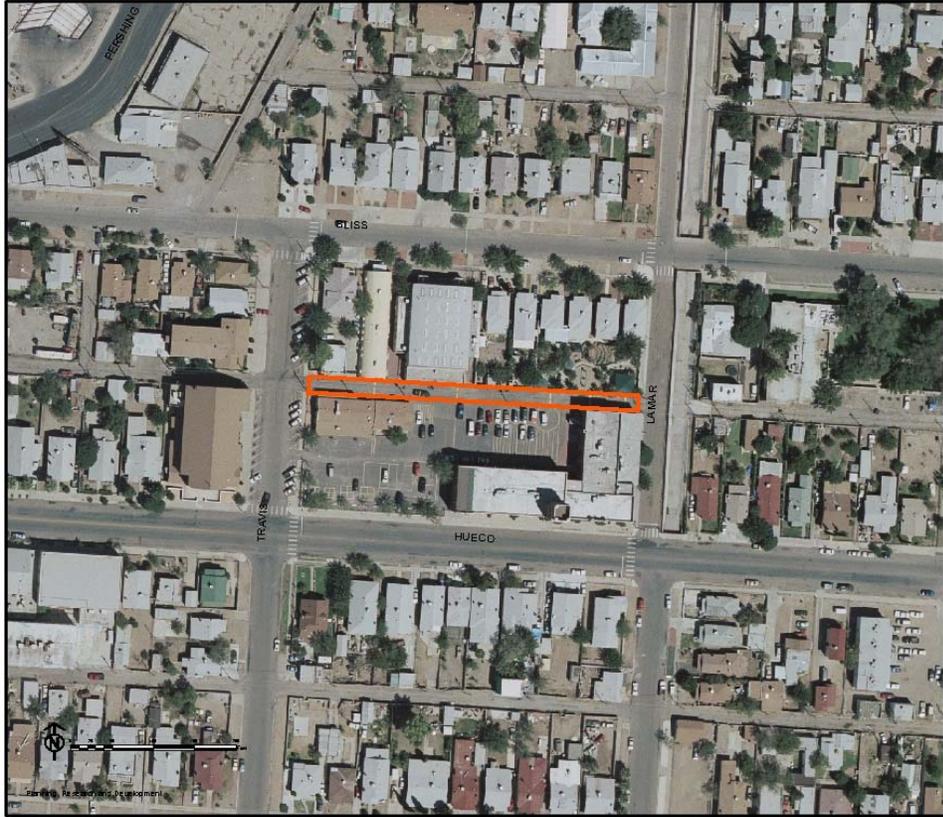
LOCATION MAP



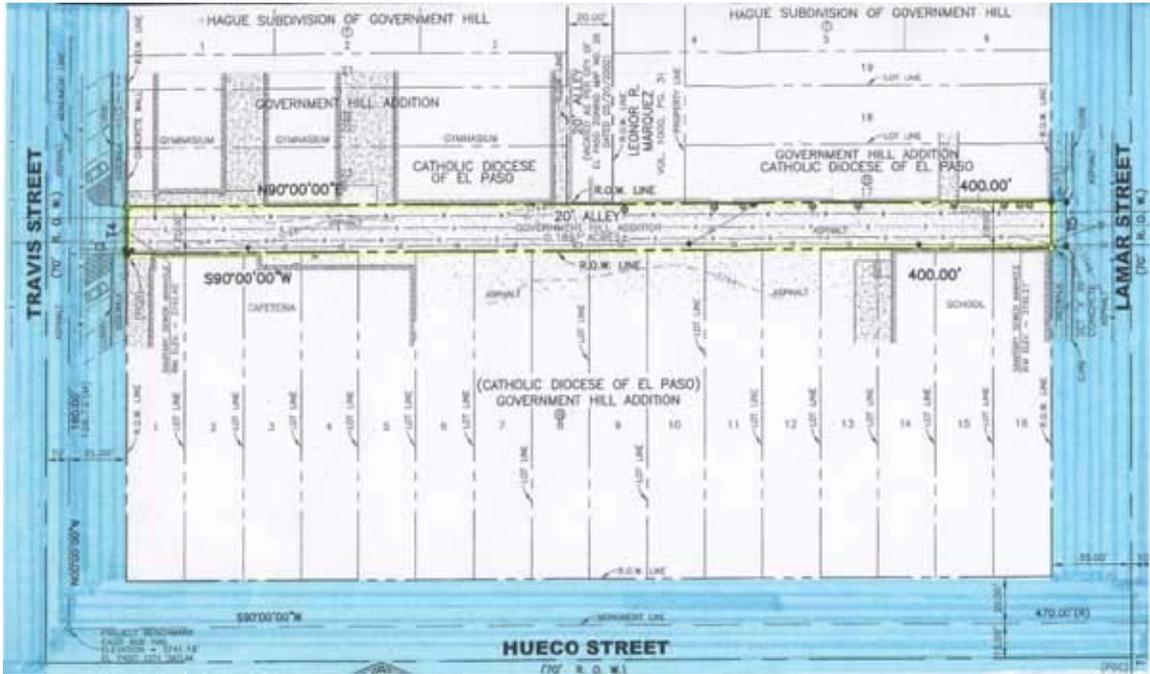
AV06003

AERIAL MAP

AV/06003



SURVEY



PUBLIC NOTICE

June 5, 2006

Dear Property Owner:

A public hearing will be held by the City Plan Commission on Thursday, June 15, 2006, at 1:30 p.m. in the City Council Chambers, City Hall Building, 2nd Floor, #2 Civic Center Plaza, El Paso, Texas, regarding the proposed vacation of a 20 feet wide alley located in Block B, Government Hill Addition, City of El Paso, El Paso County, Texas.

Applicant: Catholic Diocese of El Paso & Leonor R. Marquez

If you have any comments or facts that you wish to make known to the Commission, please address a letter to:

Development Services – Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901-1196

You may wish to attend the meeting in person to present the information.

If you have any questions, contact Srijana Basnyat, City Planning Department at 541-4903.

Cordially,

Srijana Basnyat
Planner

Notice to the Public: Sign language interpreters will be provided for this hearing upon request. Requests must be made to the Department of Planning at a minimum of 24 hours prior to the date and time of the hearing at either of the following number 541-4903 or 541-4635.

Si usted no entiende ingles, llame al telefono 541-4635 y se le explicara el contennido de este aviso.

PUBLIC NOTICE MAP

