

ORDINANCE NO. _____

AN ORDINANCE VACATING A UTILITY EASEMENT DESCRIBED AS A PORTION OF TRACT 1-F, (SAID PORTION OF TRACT 1-F, NOW KNOWN AS ALL OF TRACT 1-F-6) BLOCK 1, ASCARATE GRANT, AND BEING A PORTION OF LOT 1, BLOCK 1, DESIERTO LOMA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a utility easement described as a portion Tract 1-F, (said portion of Tract 1-F, now known as all of Tract 1-F-6) Block 1, Ascarate Grant, and being a portion of Lot 1, Block 1, Desierto Loma Subdivision, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission recommended vacation of a utility easement described as a portion Tract 1-F, (said portion of Tract 1-F, now known as all of Tract 1-F-6) Block 1, Ascarate Grant, and being a portion of Lot 1, Block 1, Desierto Loma Subdivision, City of El Paso, El Paso County, Texas, and the 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:

That a determination has been made that it is in the best interest of the public that a utility easement described as a portion Tract 1-F, (said portion of Tract 1-F, now known as all of Tract 1-F-6) Block 1, Ascarate Grant, and being a portion of Lot 1, Block 1, Desierto Loma Subdivision, 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 utility easement to **ACCOR North America dba Studio 6 # 6001**.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

Oscar Leeser
Mayor

(Signatures continued on following page)

ATTEST:

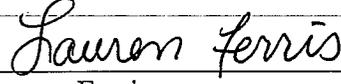
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Mathew McElroy, Director
City Development Department

APPROVED AS TO FORM:



Lauren Ferris
Assistant City Attorney

(Quitclaim Deed on following page)

Notice of Confidentiality Rights: If you are a natural person, you may remove and/or strike any of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.

QUITCLAIM DEED

STATE OF TEXAS)
)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

The City of El Paso ("Grantor"), for adequate consideration to Grantor in hand paid and agreed to be performed by **ACCOR North America dba Studio 6 # 6001** ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto Grantee certain "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 Tract 1-F, (said portion of Tract 1-F, now known as all of Tract 1-F-6) Block 1, Ascarate Grant, and being a portion of Lot 1, Block 1, Desierto Loma Subdivision situated in the County of El Paso, State of Texas, more fully described in the attached metes and bounds description, identified as Exhibit "A," and in the attached survey identified as Exhibit "B" and incorporated herein for any and all purposes.

This conveyance is subject to the following (all references to recorded instruments pertain to the Real Property Records of El Paso County, Texas):

1. Restrictive covenants of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Mineral reservations and/or mineral interests of record.
4. Any and all unrecorded agreements, contracts and leases, and rights of parties therein.
5. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed or not.
6. Rights of parties in possession.

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in any way belonging unto Grantee, Grantee's successors and assigns forever. This conveyance is made without any warranties, express or implied, and the Property is conveyed to Grantee in an "AS IS" condition, with all faults.

AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED, GRANTEE AGREES THAT GRANTEE IS TAKING THE PROPERTY AS IS, WITH ALL FAULTS, AND AS PART OF GRANTEE'S ACCEPTANCE OF TITLE WITH ANY AND ALL LATENT AND PATENT DEFECTS, AND THAT THERE ARE NO WARRANTIES BY GRANTOR THAT THE PROPERTY HAS A PARTICULAR FINANCIAL VALUE OR IS FIT FOR ANY PARTICULAR PURPOSE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION, STATEMENT, OR OTHER ASSERTION WITH RESPECT TO THE PROPERTY CONDITION BUT IS RELYING ON GRANTEE'S EXAMINATION OF THE PROPERTY. GRANTEE TAKES THE PROPERTY WITH THE EXPRESS UNDERSTANDING AND STIPULATION THAT THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OF ANY KIND.

IN WITNESS WHEREOF, this instrument is executed on this the _____ day of _____, 2013.

ATTEST:

CITY OF EL PASO

Richarda Duffy Momsen
City Clerk

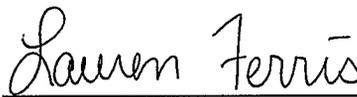
Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Mathew McElroy, Director
City Development Department



Lauren Ferris,
Assistant City Attorney

ACKNOWLEDGEMENT ON FOLLOWING PAGE

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF EL PASO

Before me on this day personally appeared Joyce Wilson, as City Manager of the City of El Paso, a municipal corporation, subscribed to the foregoing instrument and acknowledged to me ~~that she executed the instrument by proper authority, for the purposes and consideration expressed therein and in the capacity stated in the instrument.~~

Given under my hand and seal of office this _____ day of _____, 2013.

NOTARY PUBLIC, STATE OF TEXAS

(Print or Stamp Name of Notary)

My commission expires: _____

AFTER FILING RETURN TO:

**Accor North America dba Studio 6 #6001
4001 International Parkway
Carrollton, TX 75007**

With copy to:

**City Development Department
Raul Garcia - Planning Division
222 S. Campbell
El Paso, TX 79901**

Easement Vacation Legal Description

That certain parcel of land situated in the City of El Paso, County of El Paso, State of Texas, lying within and being a portion Tract 1-F, (said portion of Tract 1-F, now known as all of Tract 1-F-6) Block 1, ASCARATE GRANT, according to the resurvey of said ASCARATE GRANT, made by El Paso County, Texas for tax purposes, and being a portion of Lot 1, Block 1, DESIERTO LOMA SUBDIVISION, as shown on Map Book 20, Page 42 of the aforesaid County Records of Deeds and known as being "Parcel A", 115,375 sq.ft. or 2.6486 acres all as described in deed to Motel 6 Operating, LP by Deed Book 1716, Page 232 of the aforesaid County Records of Deeds and being more particularly described by metes and bounds as follows:

Beginning at a point situated at intersection of the southwest corner of the aforesaid Lot 1, Block 1, Desierto Loma Subdivision also being the southwest corner of the aforesaid lands of Motel 6 Operating, LP with the northerly margin of Interstate Highway Number 10 (a variable width public right of way) also being the southeast corner of the lands of Carmen M. Michael, as described in Deed Book 2901 Page 531, of the aforesaid County Records of Deeds;

Thence along the a common line between the aforesaid lands of Motel 6 Operating, LP with the aforesaid lands of Carmen M. Michael and the lands of BRE / LQ TX Properties LP as described in Instrument # 20060015506 of the aforesaid County Records of Deeds N 35°53'00" E a distance of 400.00 feet;

Thence S 54°07'00" E a distance of 400.00 feet to a point situated on the westerly margin of Lomaland Drive (a variable width public right of way);

Thence along the aforesaid westerly margin of Lomaland Drive S 35°53'00" W a distance of 5.00 feet;

Thence leaving the aforementioned westerly margin of Lomaland Drive N 54°07'00" W a distance of 395.00 feet;

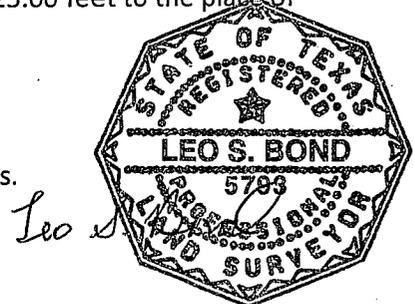
Thence S 35°53'00" W a distance of 390.00 feet;

Thence S 54°07'00" E a distance of 20.00 feet to a point, situated on the northwesterly line of the lands of Taqueria Los Canarios, LLC as described in Instrument # 20110013036 of the aforesaid County Records of Deeds;

Thence along the aforesaid lands of Taqueria Los Canarios, LLC S 35°53'00" W a distance of 5.00 feet to a point, situated on the aforesaid northerly margin of Interstate Highway Number 10;

Thence along the aforesaid northerly margin N 54°07'00" W a distance of 25.00 feet to the place of beginning.

Said parcel encumbering 4,075.00 square feet or 0.0935 acres, more or less.



PARCEL 1

S54°07'00"E 400.00'

N54°07'00"W 395.00'

S35°53'00"W 5.00'

Block 1 Lot 1
Plat Book 20 Page 42

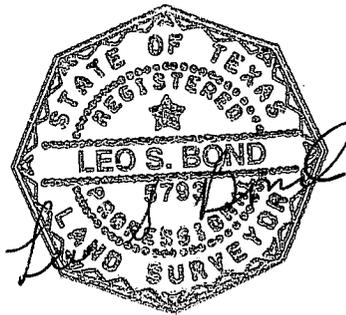
Lomaland Drive

N35°53'00"E 400.00'

S35°53'00"W 390.00'

PARCEL 3

PARCEL 2



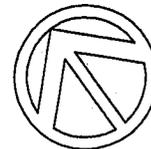
S54°07'00"E 20.00'

S35°53'00"W 5.00'

N54°07'00"W 25.00'

(P.O.B. - Easement Vacation)

Interstate Highway 10
Gateway Boulevard West



NORTH

1"=60'

Easement Vacation
11049 Gateway West
City of El Paso
County of El Paso
State of Texas

Millman Surveying, Inc.
1742 Georgetown Road, Suite H
Hudson, OH 44236
Phone: 800-520-1010
www.millmansurveying.com

MSI 27454
10/01/2012

millman
National Land Services

Dedicated to Outstanding Customer Service for a Better Community

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MEMORANDUM

DATE: November 4, 2013
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: SUET13-00001 11049 Gateway Easement Vacation

The City Plan Commission (CPC), on February 21, 2013, voted 6-0 to approve the 11049 Gateway Easement Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with Plan El Paso. 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.

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: SUET13-00001 – 11049 Gateway West Easement Vacation
Application Type: Vacation Public Easement
CPC Hearing Date: February 21, 2013

Staff Planner: George Pinal, 915-541-4152, pinalg@elpasotexas.gov
Location: West of Lomaland Dr and North of Gateway West
Acreage: 0.0935 Acres
Rep District: 7

Existing Use: Utility Easement
Existing Zoning: C-3 (Commercial)

Parkland Fees Required: N/A
Impact Fee Area: N/A

Property Owner: Accor North America dba Studio6 #6001
Applicant: Accor North America dba Studio6 #6001
Representative: Accor North America dba Studio6 #6001

SURROUNDING ZONING AND LAND USE

North: C-4 /SC (Commercial/ special contract)/ Commercial Development

South: R-3 (Residential)/ Single-family Development

East: C-3 (Commercial)/ Commercial Development, C-4/ SC (Commercial/ special contract)/ Commercial Development

West: C-4 /SC (Commercial/ special contract)/ Commercial Development

THE PLAN FOR EL PASO DESIGNATION: G-7, Industrial and/or Railyards

APPLICATION DESCRIPTION

This is an application to vacate an electrical utility easement beginning at a point situated at intersection of the southwest corner of a Lot 1, Block 1, Ascarate Grant, and a portion of Lot 1, Block 1, Desierto Loma Subdivision. The utility easement to be vacated measures 5 feet in width by 815 feet in length (0.0935 Acres). The electrical easement was never used and the applicant requests to remove it from the plat for hotel commercial operations.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the public easement and rights of way subject to the following conditions and requirements:

Planning Division Recommendation:

Staff recommends **approval**.

City Development-Land Development:

We have reviewed subject plan recommend approval; No objections.

Planning - Transportation:

No objections.

EPWU-PSB Comments

1. EPWU does not object to this request

2. There are no existing water or sanitary sewer mains extending along the proposed 5 foot easement vacation.

Stormwater Division:

No objections.

Parks and Recreation:

We have reviewed Gateway West Easement Vacation, a survey map and offer “No” objections to this proposed easement vacation request.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

No objection to the release of the platted easement.

Sun Metro:

No comments received.

911:

No comments received.

Texas Gas Company:

No comments received.

El Paso Independent School District:

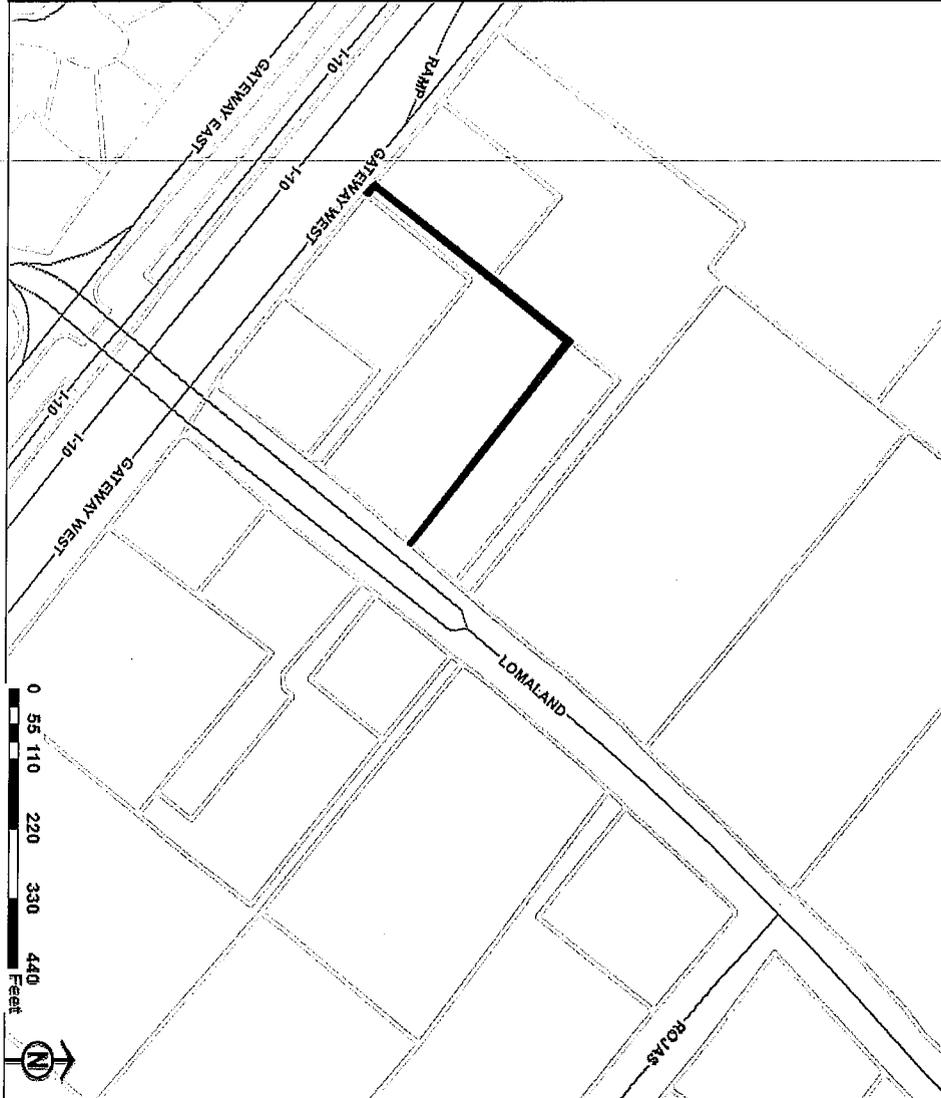
No comments received.

Attachments

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

ATTACHMENT 1

11049 Gateway West Easement Vacation

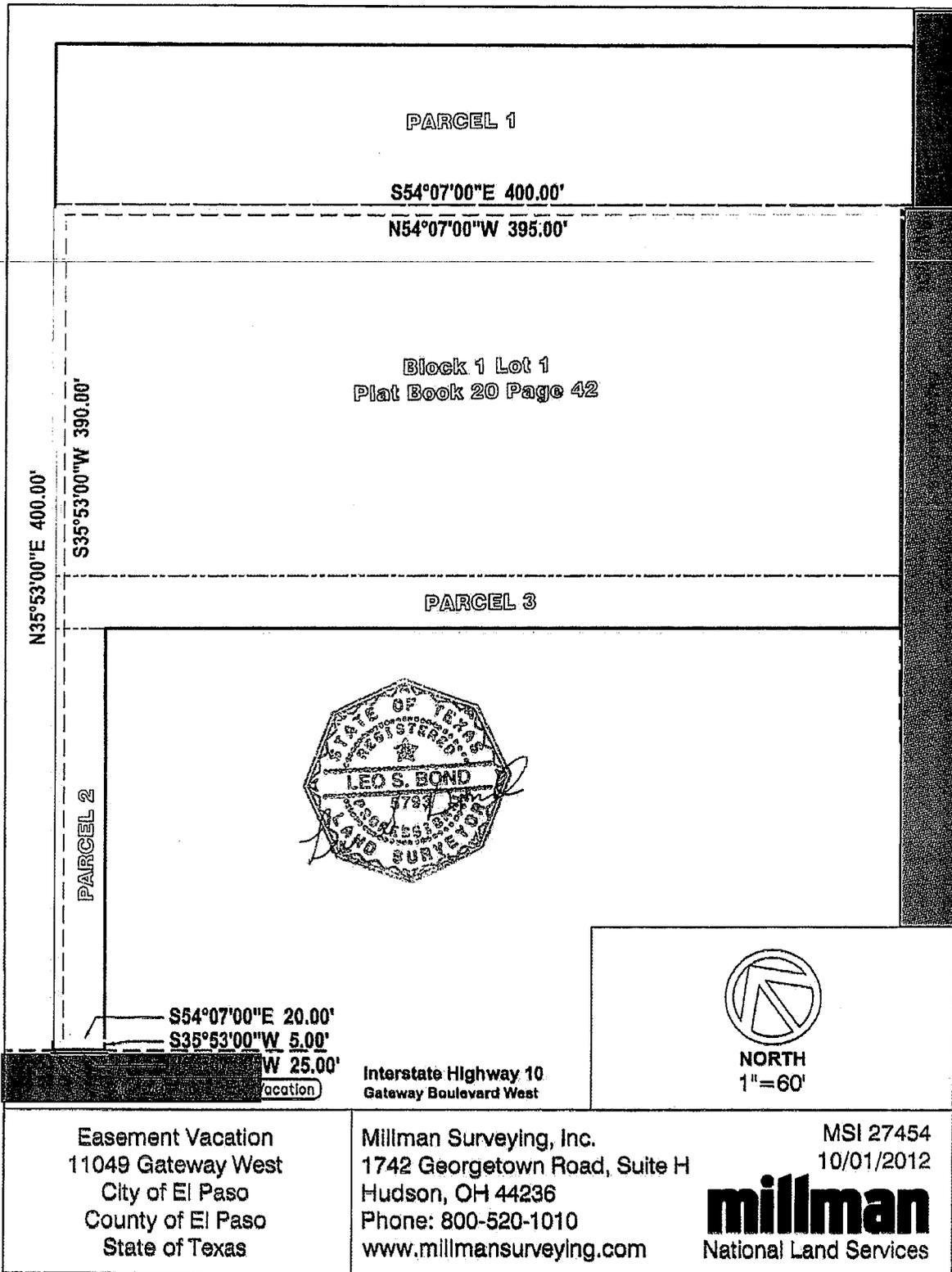


ATTACHMENT 2

11049 Gateway West Easement Vacation



ATTACHMENT 3



ATTACHMENT 4

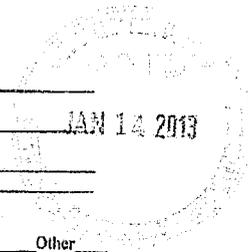


COPY

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

Date: 7-11-12 File No. SUET13-00001

1. APPLICANTS NAME: ACCOR NORTH AMERICA dba Studio 6 #6001
ADDRESS: 5001 INTERATIONAL PKWY ZIP CODE: 75007 TELEPHONE: 972-360-2716
2. Request is hereby made to vacate the following: (check one)
Street _____ Alley _____ Easement Other _____
Street Name(s) _____ Subdivision Name _____
Abutting Blocks _____ Abutting Lots _____
3. Reason for vacation request: EASEMENT RELEASE
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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. If 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: *Ricardo*
REPRESENTATIVE: *Demou*

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.