

ORDINANCE NO. _____

AN ORDINANCE VACATING A 15' DRAINAGE RIGHT-OF-WAY BETWEEN LOTS 6 & 7, BLOCK 7, RANCHOS DEL SOL UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner of Lot 6 has requested vacation of a parcel of land being a 15' Drainage Right-of-Way (R.O.W.) between Lots 6 & 7, Block 7, Ranchos Del Sol Unit Two, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 15' Drainage R.O.W. between Lots 6 & 7, Block 7, Ranchos Del Sol Unit Two, 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 a 15' Drainage R.O.W. between Lots 6 & 7, Block 7, Ranchos Del Sol Unit Two, 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.

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 **Arturo and Monica De Avila**

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

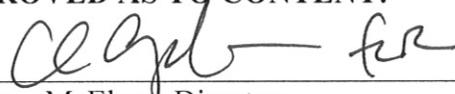
John F. Cook
Mayor

(Signatures continued on following page)

ATTEST:

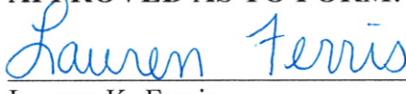
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Mathew McElroy, Director
City Development Department

APPROVED AS TO FORM:



Lauren K. Ferris
Assistant City Attorney

(Quitclaim Deed on following page)

EXHIBIT A

A 15' Drainage R.O.W. between Lots 6, and 7, Block 7,
Ranchos Del Sol Unit Two,
City of El Paso, El Paso County, Texas
July 23, 2012

METES AND BOUNDS DESCRIPTION

15' Drainage R.O.W.
Exhibit "A"

FIELD NOTE DESCRIPTION of a 15' Drainage R.O.W. between Lots 6, and 7, Block 7, Ranchos Del Sol Unit Two, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found nail located at common boundary line of Lot 6 and a 15' Drainage R.O.W., same being the easterly right-of-way line of Loma Verde Drive (90' R.O.W) and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said easterly right-of-way line of Loma Verde Drive and along said common boundary line, North 90°00'00" East, a distance of 200.01 feet to a found nail for corner;

THENCE, leaving said common boundary line, South 00°33'12" East, a distance of 15.00 feet to a found nail for corner;

THENCE, North 90°00'00" West, a distance of 200.01 feet to a found nail for corner;

THENCE, North 00°33'12" West, a distance of 15.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 3,000.01 square feet or 0.0688 acres of land more or less.

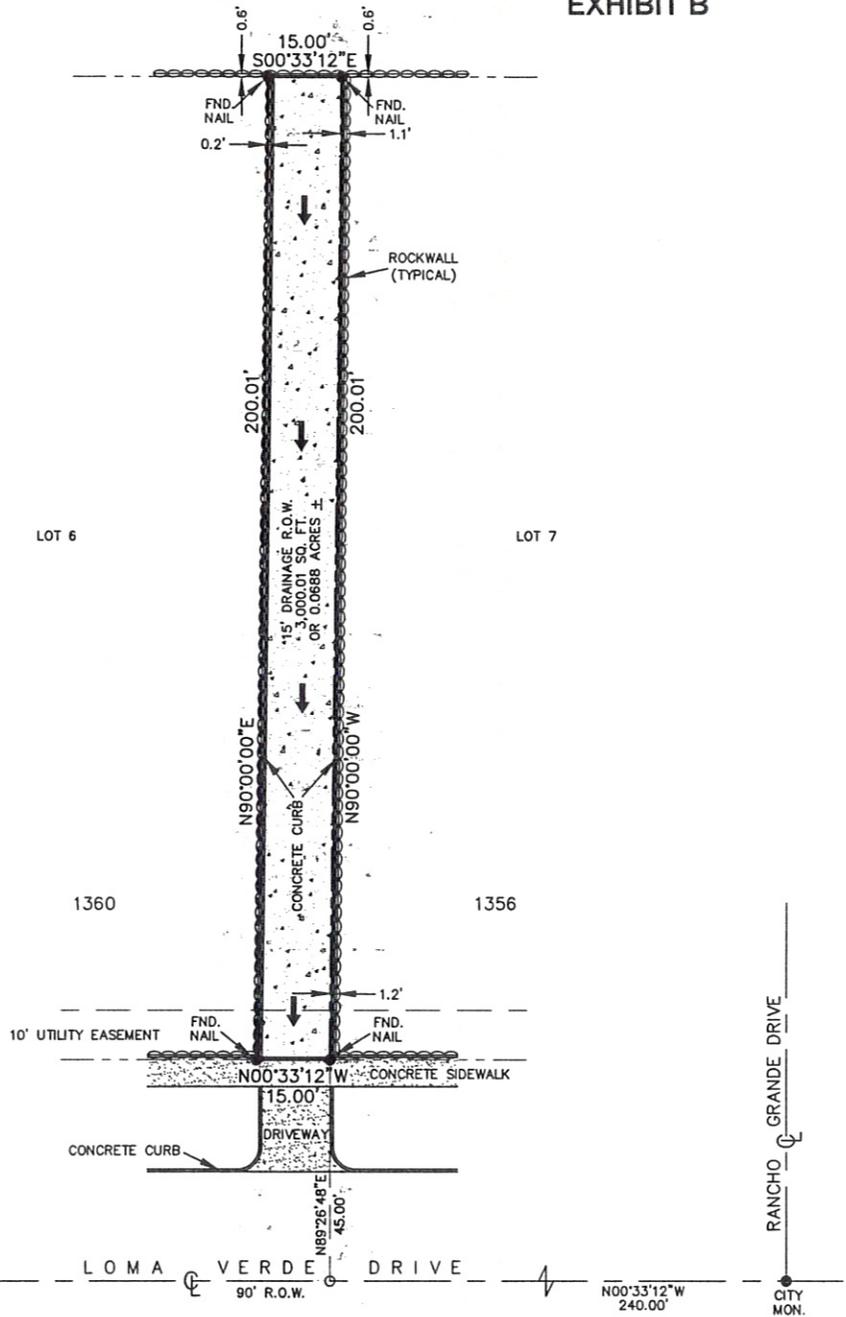


Carlos M. Jiménez
Registered Professional Land Surveyor
Texas No. 3950

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
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PONDING AREA
 LOT 12, BLOCK 7
 RANCHOS DEL SOL UNIT FOUR

EXHIBIT B



NOTE:
 THIS SURVEY WAS
 DONE WITHOUT THE
 BENEFIT OF A
 TITLE COMMITMENT.

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CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.  CARLOS M. JIMENEZ R.P.L.S. No. 3950	JOB # 12-1609 DATE: 07-19-12 FIELD: DG OFFICE: EA FILE: NET:\ENRIQUE\2012\12-1609
	LOCATED IN ZONE C PANEL # 480214-0045-B DATED 10-15-82
RECORDED IN VOLUME 63 PAGE 13, PLAT RECORDS, EL PASO COUNTY, TX	15' DRAINAGE R.O.W. BETWEEN LOTS 6 AND 7, BLOCK 7 RANCHOS DEL SOL UNIT TWO CITY OF EL PASO, EL PASO COUNTY, TEXAS
 CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422	

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



MEMORANDUM

DATE: November 27, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Nelson Ortiz, Planner
SUBJECT: SURW12-00016

The City Plan Commission (CPC), on August 23, 2012, voted 6-0 to approve the Loma Verde Drainage ROW 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
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



Two Civic Center Plaza – 5th Floor · El Paso, Texas 79901
Phone (915) 541-4622 · Fax (915) 541-4799



City of El Paso – City Plan Commission Staff Report
(Revised)

Case No: SURW12-00016 Loma Verde Drainage ROW Vacation
Application Type: Drainage Right-of-Way Vacation
CPC Hearing Date: August 23, 2012

Staff Planner: Nelson Ortiz, 915-541-4931, OrtizNX@elpasotexas.gov
Location: East of Loma Verde and North of Rancho Grande
Acreage: 0.0688 Acres
Rep District: 6

Existing Use: Drainage ROW
Existing Zoning: R-3 (Residential)

Property Owner: City of El Paso
Applicant: Arturo and Monica De Avila
Representative: Arturo De Avila

SURROUNDING ZONING AND LAND USE

North: R-3A (Residential)/ Single-family Development
South: R-1 (Residential)/ Single-family Development
East: R-3A (Residential)/ Single-family Development
West: R-3 (Residential)/ Single-family Development

THE PLAN FOR EL PASO DESIGNATION: G-4 Suburban

APPLICATION DESCRIPTION

This is an application to vacate a drainage ROW between Lots 6 and 7, Block 7, Ranchos Del Sol Unit Two. The drainage ROW to be vacated measures 15 feet in width by 200 feet in length (0.0688 Acres). The property will be vacated to the applicant (Arturo and Monica De Avila) and used to park a recreational vehicle.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Loma Verde Drainage ROW Vacation subject to the following conditions and requirements:

Planning Division Recommendation:

Staff recommends **approval** based on the subject drainage ROW not serving its true intention of draining stormwater towards the ponding area located **east** of the ROW; instead, the water **flows west** towards Loma Verde Drive.

City Development-Land Development:

We have reviewed subject plan recommend approval; No objections.

Planning - Transportation:

No objections.

El Paso Water Utilities - PSB:

The El Paso Water Utilities–Public Service Board (EPWU-PSB) Planning and Development section does not object to this request.

EPWU-PSB Comments

Water:

1. There is an existing 12-inch diameter water main extending along Loma Verde Drive, the water main is located approximately 15-ft west from the center line of the right-of-way.

Sewer:

2. There is an existing 8-inch diameter sanitary sewer main extending along Loma Verde Drive, the sewer main is located approximately 15-ft east from the center line of the right-of-way.

Stormwater Division:

No objections.

Parks and Recreation:

We have reviewed Loma Verde Drainage R.O.W., a boundary survey map and offer “No” objections to this proposed drainage R.O.W. vacation request.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

No comments received.

Sun Metro:

No comments received.

911:

No comments received.

Texas Gas Company:

No comments received.

Socorro Independent School District:

No comments received.

Attachments

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

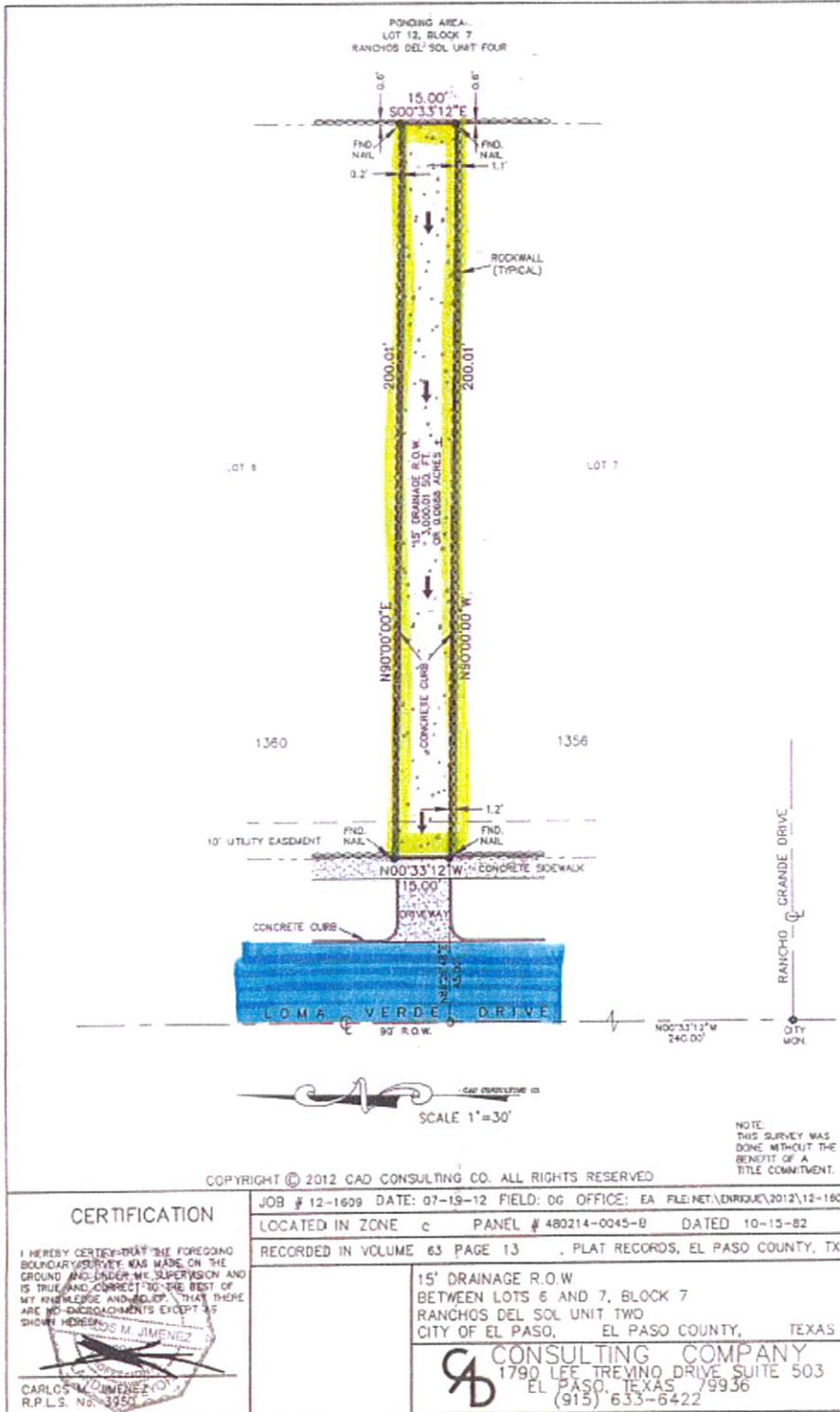
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: 07-06-2012

File No. SURW12-00016

1. APPLICANTS NAME Arturo and Monica De Avila
- ADDRESS 1360 Loma Verde ZIP CODE 79934 TELEPHONE 329-0190
2. Request is hereby made to vacate the following: (check one)
 Street Alley Easement ~~X~~ Other X
 Street Name(s) Loma Verde Subdivision Name 7 Ranchos Del Sol Unit 2
 Abutting Blocks Loma Verde Abutting Lots 6 & 7
3. Reason for vacation request: Applicant would like to use the property to park a recreational vehicle.
4. Surface Improvements located in subject property to be vacated:
 None X Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other
5. Underground Improvements located in the existing rights-of-way:
 None X Telephone Electric Gas Water Sewer Storm Drain Other
6. Future use of the vacated right-of-way:
 Yards Parking X 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 None X
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
	7 Ranchos Del Sol #2 Lot 6	329-0190
	7 Ranchos Del Sol #2 Lot 6	329-0190
	7 Ranchos Del Sol #2 Lot 7	859-8475
	7 Ranchos Del Sol #2 Lot 7	859-8475

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:
REPRESENTATIVE:

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