

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

**DEPARTMENT:** Development Services Department

**AGENDA DATE:** Introduction: November 22, 2005  
Public Hearing: December 06, 2005

**CONTACT PERSON/PHONE:** Fred Lopez, AICP, 541-4925

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance vacating a fifteen foot (15') wide portion of Keltner Avenue between Blocks 47 and 48, Logan Heights Addition, City of El Paso, El Paso County, Texas. Applicant: The Estate of George E. Malooly. SV05001 (District 2)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Subdivision Coordinating Committee (SCC) – Review Only  
Development Coordinating Committee (DCC) – Approval Recommendation (2 dissenting votes)  
City Plan Commission (CPC) – Approval Recommendation (7-0)

**ACTION:** Motion made by Gary Porras to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (7-0). (Commissioner Gus Haddad abstained.)

**ACTION:** Motion was amended by Ray Mancera that the applicant will not be required to build a five-foot sidewalk, seconded by Roman Bustillos and unanimously carried (6-1). (Commissioner Dick Vorba opposed the motion.) (Commissioner Gus Haddad abstained.)

**ACTION:** Motion was amended by Roman Bustillos to include car stops, seconded by Gary Porras and unanimously carried (7-0). (Commissioner Gus Haddad abstained.)

**ACTION:** Motion was amended by Roman Bustillos to delete the rock wall, seconded by Miguel Teran and unanimously carried (7-0). (Commissioner Gus Haddad abstained.)

**ACTION: Motion made by Gary Porras to approve, subject to staff comments, subject to fifteen feet being vacated, the applicant will not be required to build a sidewalk, there will be no rock wall, there will be car stops constructed, seconded by Dick Vorba and unanimously carried (7-0). (Commissioner Gus Haddad abstained.)**

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A FIFTEEN FOOT (15') WIDE PORTION OF KELTNER AVENUE BETWEEN BLOCKS 47 AND 48, LOGAN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the City Plan Commission has recommended vacation of *a portion of Keltner Avenue between Blocks 47 and 48, Logan Heights Addition, City of El Paso, El Paso County, Texas*, and the El Paso City Council finds that said 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 fifteen foot (15') wide portion of Keltner Avenue between Blocks 47 and 48, Logan Heights 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" made a part hereof by reference, be and is hereby vacated, subject to the Estate of George Malooly installing and maintaining wheel stops on the vacated portion of the property so long as the property is used as a parking lot.

In addition, the Mayor is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to the Estate of George Malooly.

**PASSED AND APPROVED this 6<sup>th</sup> day of December, 2005.**

**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:**

\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney





Being a portion of Keltner Avenue out of  
Logan Heights Addition,  
City of El Paso, El Paso County, Texas  
Prepared for: Burton I. Cohen  
August 31, 2005

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION**

Description of a parcel of land being a portion of Keltner Avenue out of Logan Heights Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING" being a found ½" rebar with cap marked TX 5152 on the intersection of the westerly right of way line of Dyer Street with the southerly right of way line of Keltner Avenue

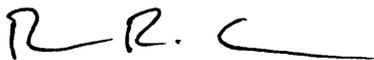
Thence along the southerly right of way line of Keltner Avenue North 90°00'00" West a distance of 135.00 feet to a set ½" rebar with cap marked TX 5152 on the westerly line of lot 22, block 47, Logan Heights Addition;

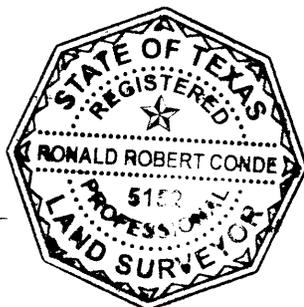
Thence leaving said right of way line North 00°00'00" East a distance of 15.00 feet to a point;

Thence South 90°00'00" East a distance of 135.00 feet to a point on the westerly right of way line of Dyer Street;

Thence along said right of way line South 00°00'00" West a distance of 15.00 feet to the "TRUE POINT OF BEGINNING" and containing in all 0.0465 acres of land more or less.

Bearing basis is due west as established from centerline monuments found on Fred Wilson Ave.

  
Ron R. Conde  
R.P.L.S. No. 5152



Job# 1204-81  
R.C.  
LGL04\120481LGL

**CONDE, INC.**  
**ENGINEERING / LAND SURVEYING / PLANNING**  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79935 / (915) 592-0283

REVISED

## STAFF REPORT

**File #:** SV05001 (Street Vacation)

**Type Request:** Street Vacation Request for a portion of Keltner Avenue between Blocks 47 and 48, Logan Heights Addition

**Property Owner:** The City of El Paso

**Applicant:** Estate of George E. Malooly

**Representative:** Marsha Malooly Chanoux

**Location:** Between Dyer Street and Lackland Street

**Representative District:** 2

**Planning Area:** Northeast

**CITY PLAN COMMISSION HEARING, FEBRUARY 10, 2005  
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Street Vacation Case #: SV05001 - Vacation of a portion of Keltner Avenue**

### **GENERAL INFORMATION:**

Sorrento Italian Restaurant is proposing to vacate a 15-foot wide portion of Keltner Avenue between Blocks 47 and 48, Logan Heights Addition. The applicant is requesting the vacation so that the parking lot can officially become part of the restaurant's property. This portion of right-of-way has been used as restaurant parking for over fifty (50) years.

Section 19.44.050 of the El Paso Municipal Code requires that an appraisal be made for an application for vacation of a public right-of-way. The applicant shall pay for all appraisal fees incurred by the city. The appraisal shall be requested to determine the market value of the city's interest in the public right-of-way. The cost of the appraisal will be reimbursed to the city by the applicant whether or not the application is finally approved by the city council. The applicant shall submit a check payable to the city for all appraisal fees before the application is forwarded to the city council for finalization. The appraisal fees were paid by the applicant. The appraisal services determined the market value of the portion of this right-of-way to be vacated at \$8,100.

### **STAFF RECOMMENDATION:**

The Development Coordinating Committee recommends **APPROVAL** of the vacation of a portion of Keltner Avenue between Blocks 47 and 48, Logan Heights Addition. The Engineering Department and the Street Department opposed this request.

### **Engineering Department Comments and Requirements::**

We have reviewed this request and recommend denial. A City project by the name of Keltner Avenue Parkway Improvements is under the bidding process, which includes the area in question.

### **Engineering Department - Traffic Division Comments:**

1. Recommend denial as the request does not comply with the "Keltner Parkway Improvement." Project.
2. The bidding process has begun for the City Project of improving Keltner Avenue. Two alternatives have been proposed by the City in lieu of the base bid plan for this property. Both alternatives show and require a 7' foot sidewalk.

### **Street Department:**

1. Recommend Denial.
2. Proposed project requires a seven-foot sidewalk.

### **El Paso Water Utilities Comments:**

From the intersection of Keltner Avenue and Dyer Street, along Keltner Avenue towards the west there is an existing six (6) inch diameter water main.

### **Sanitary Sewer:**

From the intersection of Keltner Avenue and Dyer Street, along Keltner Avenue towards the west there is an existing eighty (8) inch diameter sanitary sewer main.

**General:**

The El Paso Water Utilities will assist with the location of water and sanitary sewer mains in the field. As of May 01, 2000 the El Paso Water Utilities ceased receiving telephone requests to field locate our water and sanitary sewer mains. Please call the TEXAS EXCAVATION SAFETY SYSTEM (DIG TESS) at 1-800-344-8377.

In case of water or sanitary sewer emergencies, please contact the El Paso Water Utilities Dispatch Office at 594-5775.

In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

The proposed street vacation does not follow standard practice; the El Paso Water Utilities (EPWU) can not approve this request, but recommends approval of a Special Privilege to allow parking on 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**





