



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

DEPARTMENT: **Planning & Economic Development / Planning Division**

AGENDA DATE: **Introduction 11/30/2010: Public Hearing 12/7/2010**

CONTACT PERSON/PHONE: **Justin Bass, Planner – 541-4930**

DISTRICT(S) AFFECTED: **4**

SUBJECT:

An ordinance vacating an access easement measuring 20 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas. Applicant: City of El Paso. SUB10-00245 (District 4)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee: Unanimous Approval
City Plan Commission: Unanimous Approval

*****REQUIRED AUTHORIZATION*****

LEGAL: N/A

FINANCE: N/A

DEPARTMENT HEAD:

Mathew McElroy, Deputy Director - Planning

APPROVED FOR AGENDA:

CITY MANAGER:

DATE: _____



Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE VACATING AN ACCESS EASEMENT MEASURING 20 FEET IN WIDTH, LOCATED WITHIN A PORTION OF LOT 16, BLOCK 74, SUN VALLEY ADDITION #7, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of an access easement measuring 20 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of an access easement measuring 20 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, 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, an access easement measuring 20 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, 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.

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 access easement to **Butterfield Trails Apartments Partnership**.

PASSED AND APPROVED this _____ day of _____, 2010.

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:

Mathew S. McElroy
Deputy Director-Planning
Planning & Economic Development

METES AND BOUNDS DESCRIPTION
"VACATED ACCESS EASEMENT"

A 0.1651 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of an access easement located in Lot 16, Block 74, Sun Valley Addition Unit Seven and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a City Monument found at the intersection of the centerline of Junction Drive (60.00 feet wide right-of-way) and the east right-of-way line of a 35 feet wide service road, whence a City Monument found at the centerline intersection of Junction Drive (60.00 feet wide right-of-way) and Biscane Street (60.00 feet wide right-of-way) bears South 88°00'07" East (North 88°52'30" East ~ record), a distance of 521.57 feet (521.29 feet ~ record); **THENCE**, leaving the centerline of Junction Drive and following the east right-of-way line of said service road, North 01°49'53" East (North 01°17'30" West ~ record), a distance of 187.00 feet (measured and record) to the south boundary line of an access easement, filed in Volume 398, Page 1086 of the El Paso County Records, for the southwest corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, continuing along the east right-of-way line of said service road, North 01°49'53" East (North 01°17'30" West ~ record), a distance of 20.00 feet (measured and record) to the north boundary line of said access easement for the northwest corner of the parcel herein described;

THENCE, leaving the east right-of-way line of said service road and following the north boundary line of said access easement, South 88°00'07" East (North 88°52'30" East ~ record), a distance of 281.90 feet (279.88 feet ~ record) to a point of curvature;

THENCE, continuing along the north boundary line of said access easement and following the arc of a curve to the left having a radius of 63.00 feet, a central angle of 90°00'00", an arc length of 98.96 feet and whose long chord bears North 46°59'53" East (North 43°52'30" East ~ record), a distance of 89.10 feet to the northeast corner of the parcel herein described and the end of said curve to the left;

THENCE, leaving the north boundary line of said access easement, South 01°59'53" West, a distance of 54.04 feet to the south boundary line of said access easement for the southeast corner of the parcel herein described and the beginning of a non-tangent curve to the right;

THENCE, following south boundary line of said access easement along the arc of said non-tangent curve to the right having a radius of 83.00 feet, a central angle of 49°22'45", an arc length of 71.53 feet and whose long chord bears South 67°18'30" West (South 64°11'07" West ~ record), a distance of 69.34 feet to a point of tangency;

THENCE, continuing along the south boundary line of said access easement, North 88°00'07" West (South 88°52'30" West ~ record), a distance of 281.84 feet (279.88 feet ~ record) to the **POINT OF BEGINNING**.

Said parcel contains 0.1651 acres (7,179.9 square feet), more or less, and being subject to all easements of record.

Isaac Camacho

Isaac Camacho
TX. R.P.L.S. No. 5337
Date: March 11, 2010
File 058797-012C Vacated Access Easement.doc



FILE PATH: L:\05579-01\200579-01\2C-LDD\DWG\05579-01\2C-VACATE-ACC-EASE.dwg

SUN VALLEY ADDITION UNIT SEVEN
VOLUME 19, PAGE 32

BUTTERFIELD TRAILS APTS. PARTNERSHIP
VOL. 2404, PG. 1482

N88°52'30"E 279.88' (R)
S88°00'07"E 281.90' (M)
PORTION OF 20' ACCESS EASEMENT TO BE VACATED
VOL. 398, PG. 1086
7,179.9 SQ. FT OR 0.1651 ACRES

N88°00'07"W 281.84' (M)
S88°52'30"W 279.88' (R)
DRAINAGE EASEMENT

BUTTERFIELD TRAILS APTS. PARTNERSHIP
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SUN VALLEY ADDITION UNIT SEVEN
VOLUME 19, PAGE 32

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1 (M)	N 01°49'53" E	20.00'
L1 (R)	N 01°17'30" W	20.00'
L2 (M)	S 01°59'53" W	54.04'
L2 (R)	S 01°07'30" E	54.04'

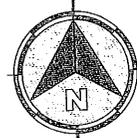
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1 (M)	63.00'	98.96'	89.10'	N46°59'53"E	90°00'00"
C1 (R)	63.00'	98.96'	89.10'	N43°52'30"E	90°00'00"
C2 (M)	83.00'	71.53'	69.34'	S67°18'30"W	49°22'45"
C2 (R)	83.00'	71.53'	69.34'	S64°11'07"W	49°22'45"

JUNCTION DRIVE

588°00'07"E (BASIS OF BEARING) (60' R. O. W.)
N88°52'30"E

521.57' (M)
521.29' (R)

LA VISTA PLACE
(60' R. O. W.)



GRAPHIC SCALE



LEGEND

(IN FEET)
1 inch = 40 FT.

- PROJECT BOUNDARY _____
- SUBDIVISION BOUNDARY _____
- LOT LINE _____
- CENTERLINE OF ROW _____
- EASEMENT LINE _____
- RIGHT-OF-WAY LINE _____
- BLOCK NUMBER (74)
- LOT NUMBER 16
- RECORD BEARING AND DISTANCE (R)
- MEASURED BEARING AND DISTANCE (M)
- EASEMENT CORNER (C)

SUPPLEMENTAL NOTES

1. BASIS OF BEARING WAS OBTAINED BY G.P.S. OBSERVATION AT SHOWN MONUMENTS, AND IS EXPRESSED BY GRID BEARINGS FOR TEXAS STATE PLANE CENTRAL ZONE 4203.

2. RECORD BEARINGS SHOWN ARE FROM PLAT FOR SUN VALLEY ADDITION UNIT SEVEN.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Isaac Camacho 03/11/10
ISAAC CAMACHO, R.P.L.S. TX. NO. 5337

DRAWN BY: AA
APPROVED BY: IC
DATE: 03/11/2010
SHEET: 1 OF 1
JOB NO. 05879-012C

VACATION OF A PORTION OF 20' WIDE ACCESS EASEMENT

A PORTION OF LOT 16, BLOCK 74,
SUN VALLEY ADDITION UNIT SEVEN,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

DATE: _____



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPE REG. NO. F-737

417 EXECUTIVE CENTER
EL PASO, TX 79902
PH (915) 542-4900
FAX (915) 542-2867
www.brockbustillos.com



EXHIBIT "A"

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TEXAS §

This instrument is acknowledged before me on this _____ day of _____, 2010
by JOHN F. COOK as MAYOR 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:

**Butterfield Trail Apartments
Attn: Grant W. Ring, partner
433 Spreading Oak Drive
Scotts Valley, CA 95066-4610**

with copy to:

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

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SUN VALLEY ADDITION UNIT SEVEN
VOLUME 19, PAGE 32

BUTTERFIELD TRAILS APTS. PARTNERSHIP
VOL. 2404, PG. 1482

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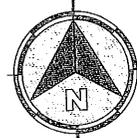
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(60' R. O. W.)



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Isaac Camacho 03/11/10
ISAAC CAMACHO, R.P.L.S. TX. NO. 5337

DRAWN BY: AA
APPROVED BY: IC
DATE: 03/11/2010
SHEET: 1 OF 1
JOB NO. 05879-012C

VACATION OF A PORTION OF 20' WIDE ACCESS EASEMENT

A PORTION OF LOT 16, BLOCK 74,
SUN VALLEY ADDITION UNIT SEVEN,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

DATE: _____



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
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417 EXECUTIVE CENTER
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www.brockbustillos.com



EXHIBIT "A"



**PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

DATE: November 15, 2010

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Justin Bass, Planner

SUBJECT: Sun Valley Addition #7 Access Easement Vacation

The City Plan Commission (CPC), on November 4, 2010, **voted 7-0** to recommend **approval** of the Sun Valley Addition #7 Access Easement Vacation.

The CPC determined the vacation of the drainage easement protects the best interest, health, safety and welfare of the public in general; 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
Susannah M. Byrd

District 3
Emma Acosta

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Rachel Quintana

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Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: SUB10-00245 Sun Valley Addition Unit Seven Access
Easement Vacation
Application Type: Public Easement Vacation
CPC Hearing Date: November 4, 2010

Staff Planner: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov
Location: South of Sun Valley Drive and West of Biscaine Street
Acreage: 0.17-acre
Rep District: 4
Existing Use: Apartment Complex Driveway
Existing Zoning: A-2/sc (Apartment/ special contract)
Proposed Zoning: A-2/sc (Apartment/ special contract)

Nearest Park: Arlington Park (0.23 mile)
Nearest School: Collins Elementary School (0.82 mile)

Property Owner: Butterfield Trails Apartments Partnership
Applicant: City of El Paso
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: A-2/sc (Apartment/ special contract)/ Multi-Family Residential
South: A-2/sc (Apartment/ special contract)/ Multi-Family Residential
East: R-3 (Residential)/ Single-Family Residential
West: A-2/sc (Apartment/ special contract)/ Freeway

THE PLAN FOR EL PASO DESIGNATION: Residential.

APPLICATION DESCRIPTION

The applicant is requesting to vacate an existing 20-foot access easement located within a driveway/parking area at 10330 Gateway North, part of the Butterfield Trails Apartments (Lot 16, Block 74, Sun Valley Addition #7). This vacation would allow El Paso Water Utilities (EPWU) to begin the realignment and eventual new construction of the drainage facilities that currently run underneath the complex.

DEVELOPMENT COORDINATING COMMITTEE:

The Development Coordinating Committee recommends *approval* of the public easement vacation, subject to the following comments and conditions:

Planning Division Recommendation

Approval.

Planning Division – Land Development

No objections.

El Paso Department of Transportation

No objections.

El Paso Water Utilities

General

EPWU-PSB own and operate water and sanitary sewer mains along Sun Valley Drive and Junction Drive.

As per the EPWU-PSB records no water or sanitary sewer mains exist within the vacated service road located within the subject Property.

EPWU-PSB records do not depict water or sanitary sewer mains exist within the subject Property.

As per EPWU-PSB records the Property is being served by a single six (6) inch diameter water meter.

If 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

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

El Paso Water Utilities – Stormwater Division

1. The easement vacations listed above are required for EPWU’s Northeast Channel No. 2 Phase II project. This is a stormwater project identified in the City of El Paso Stormwater Master Plan to address flooding and erosion damage along Northeast Channel No. 2. Besides these proposed vacations, new easement dedications are necessary for construction of the Northeast Channel No.

2. Phase II project. The EPWU Stormwater Utility requires dedication of these new easements before vacating the easements listed above.

Parks and Recreation Department

No comments received.

Fire Department

No comments received.

Texas Gas Service

No comments received.

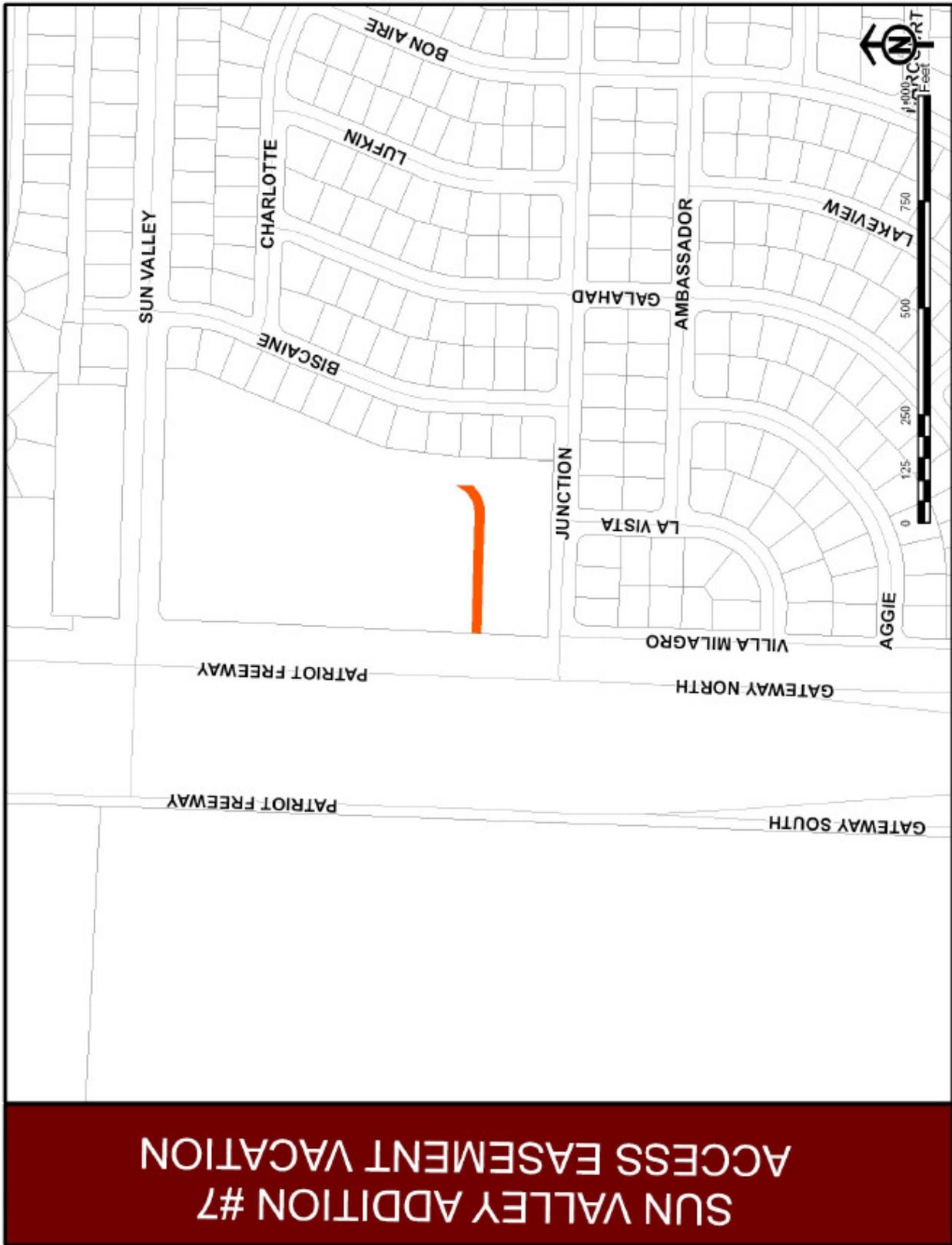
El Paso Electric Company

No comments received.

Attachments

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

ATTACHMENT 1

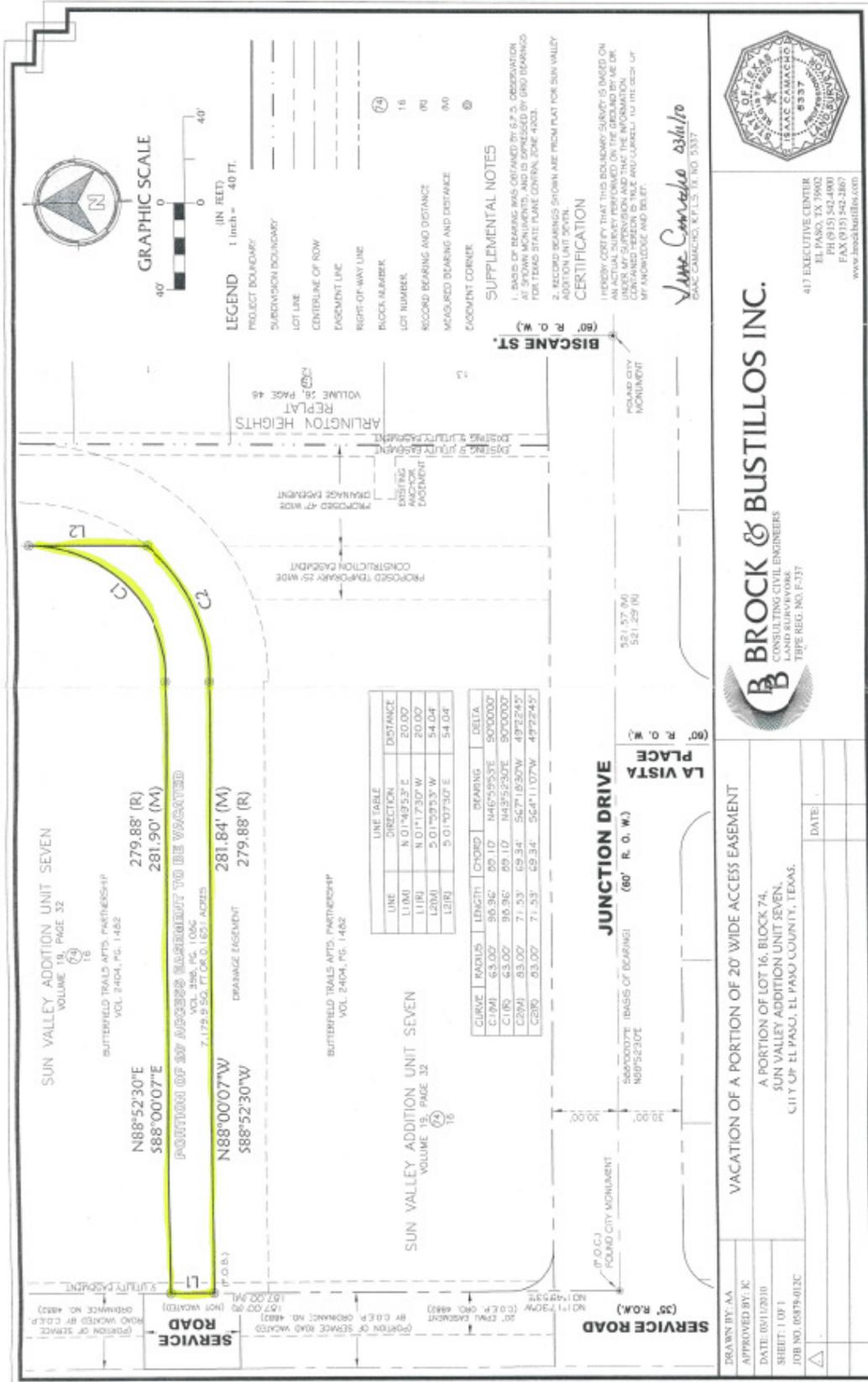


**SUN VALLEY ADDITION #7
ACCESS EASEMENT VACATION**

ATTACHMENT 2



ATTACHMENT 3



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
1417 EXECUTIVE CENTER
EL PASO, TX 79902
PH (915) 542-4800
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VACATION OF A PORTION OF 20' WIDE ACCESS EASEMENT
A PORTION OF LOT 16, BLOCK 74,
SUN VALLEY ADDITION UNIT SEVEN,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

DRAWN BY: AA	DATE: 05/10/10
APPROVED BY: JC	SHEET: 1 OF 1
JOB NO. 05019-012C	DATE:

ATTACHMENT 4



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

Date: 09-09-10 File No. SUB10-00245

1. APPLICANTS NAME THE CITY OF EL PASO
ADDRESS 2 CIVIC CENTER PLAZA ZIP CODE 79901 TELEPHONE 541-4945

2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) WITHIN APARTMENT COMPLEX Subdivision Name SUN VALLEY ADDITION UNIT 7
Abutting Blocks 74 Abutting Lots 16

3. Reason for vacation request: RELOCATION OF UNDERGROUND STORM DRAIN SYSTEM

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 **VACATION OF EASEMENT
VACATION OF PORTION
OF SERVICE ROAD**

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. I/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: [Signature]
REPRESENTATIVE: CITY ENGINEER

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