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 a service road easement measuring 35 feet by 45 feet, 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. SUB10-00246 **(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 A SERVICE ROAD EASEMENT MEASURING 35 FEET BY 45 FEET, 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 a service road easement measuring 35 feet by 45 feet, 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 a service road easement measuring 35 feet by 45 feet, 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, a service road easement measuring 35 feet by 45 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 service road 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

EXHIBIT "A"

BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS

SERGIO J. ADAME, P.E.
Vice President - Engineering
OSCAR V. PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg. No. F-737

RECEIVED
NOV 0 8 2010
BY:

METES AND BOUNDS DESCRIPTION
"VACATED SERVICE ROAD"

A 0.0362 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of a 35 feet wide service road located adjacent to the west boundary line of 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 extension of 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 521.67 feet (521.29 feet ~ record); ***THENCE***, leaving the centerline of Junction Drive and following the extension of the east right-of-way line of said service road, North 01°49'53" East (North 01°17'30" West ~ record), a distance of 175.00 feet (measured and record) to the south boundary line of said 35 feet wide service road for the southeast corner and the ***POINT OF BEGINNING*** of the parcel herein described;

THENCE, leaving the extension of the east right-of-way line of said service road and following the south boundary line of said service road, North 88°00'07" West (South 88°52'30" West ~ record), a distance of 35.00 feet (measured and record) to the east right-of-way line of U.S. Highway No. 54 for the southwest corner of the parcel herein described;

THENCE, leaving the south boundary line of said service road and following the east right-of-way line of U.S. Highway No. 54, North 01°49'53" East (North 01°17'30" West ~ record), a distance of 45.00 feet (measured and record) to the northwest corner of the parcel herein described;

THENCE, leaving the east right-of-way line of said U.S. Highway No. 54 and following the north boundary line of said service road, South 88°00'07" East, (North 88°52'30" East ~ record), a distance of 35.00 feet (measured and record) to the east right-of-way line of said service road for the northeast corner of the parcel herein described;

THENCE, leaving the north boundary line of said service road and following the extension of the east right-of-way line of said service road, South 01°49'53" West, (South 01°17'30" East ~ record), a distance of 45.00 feet (measured and record to the ***POINT OF BEGINNING.***

Said parcel containing 0.0362 acres (1,575.0 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: November 05, 2010
058797-017 Vacated Service Road.doc

STATE OF TEXAS
REGISTERED
ISAAC CAMACHO
5337
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "A"

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1(M)	N 88°00'07" W	35.00'
L1(R)	S 88°52'30" W	35.00'
L2(M)	N 01°49'53" E	45.00'
L2(R)	N 01°17'30" W	45.00'
L3(M)	S 88°00'07" E	35.00'
L3(R)	N 88°52'30" E	35.00'
L4(M)	S 01°49'53" W	45.00'
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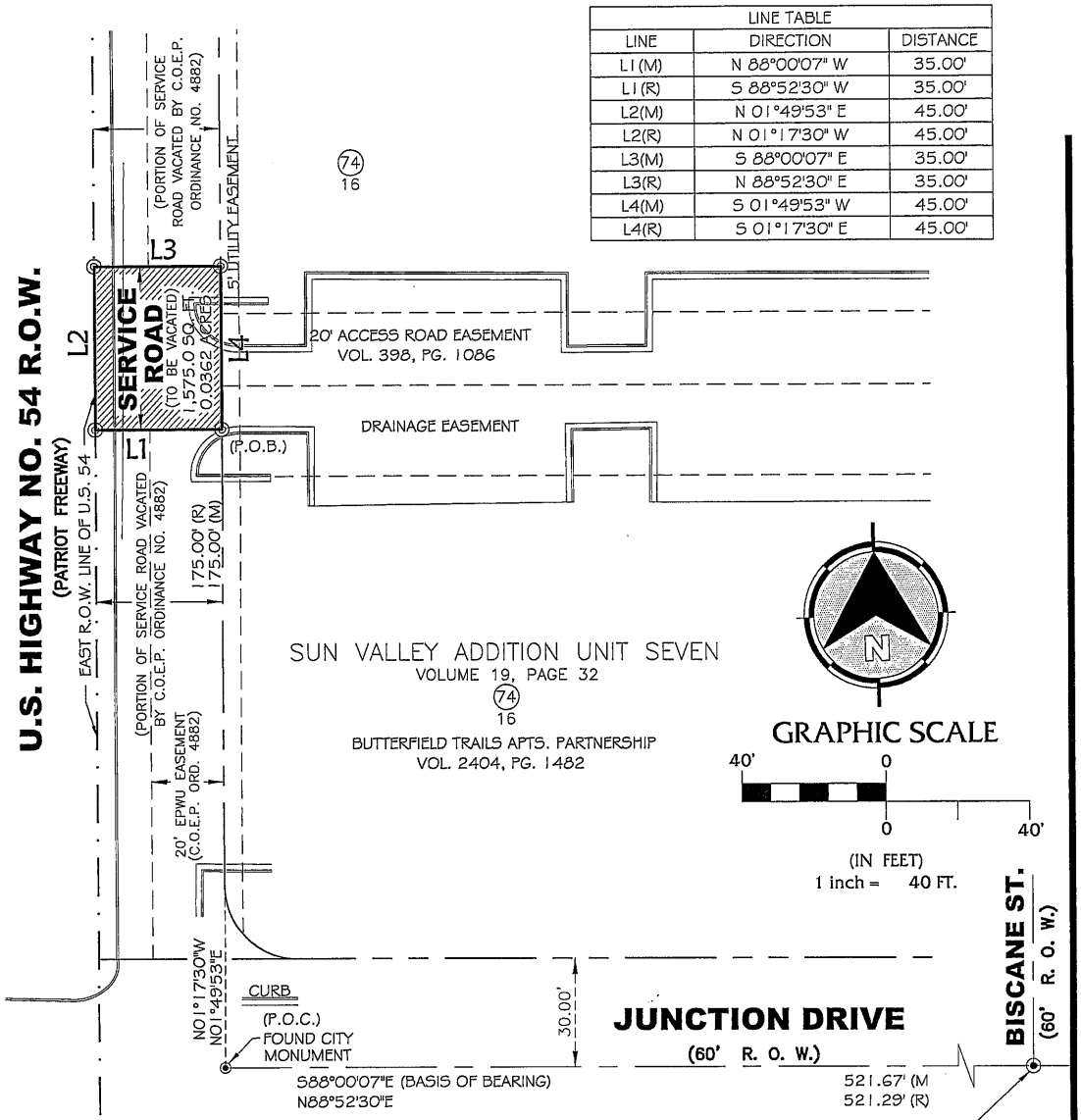

SUPPLEMENTAL NOTES

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 THE PLAT FOR SUN VALLEY ADDITION UNIT SEVEN AND U.S. HIGHWAY NO. 54 R.O.W. MAPS.

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 11/05/10
ISAAC CAMACHO, R.P.L.S. TX. NO. 5337

LEGEND

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	(R)
VACATED AREA CORNER	◎

STATE OF TEXAS REGISTERED ISAAC CAMACHO 5337 PROFESSIONAL LAND SURVEYOR

VACATION OF A 35' WIDE CITY OF EL PASO SERVICE ROAD

DRAWN BY: A.A. CHECKED BY: I.C. DATE: 11-05-2010 SCALE: 1" = 40'

SERVICE ROAD R.O.W. ADJACENT TO THE WEST BOUNDARY LINE OF LOT 16, BLOCK 74, SUN VALLEY ADDITION UNIT SEVEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

FILE NO: 05879-017

FILE PATH: U:\05879-017\05879-017-LDD\dwg\05879-017-RDVACATE.dwg

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 }
} **QUITCLAIM DEED**
COUNTY OF EL PASO }

That, in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE AND NO/100THS DOLLARS ($25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, THE CITY OF EL PASO has released and quitclaimed and by these presents does release and quitclaim unto **Butterfield Trails Apartments Partnership** all of its right, 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 service road easement measuring 35 feet by 45 feet, located within *a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas,* which is more fully described in the attached metes and bounds identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal 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

(Acknowledgment on following page)

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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Vice President - Engineering
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Survey Manager
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RECEIVED
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BY:

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"VACATED SERVICE ROAD"

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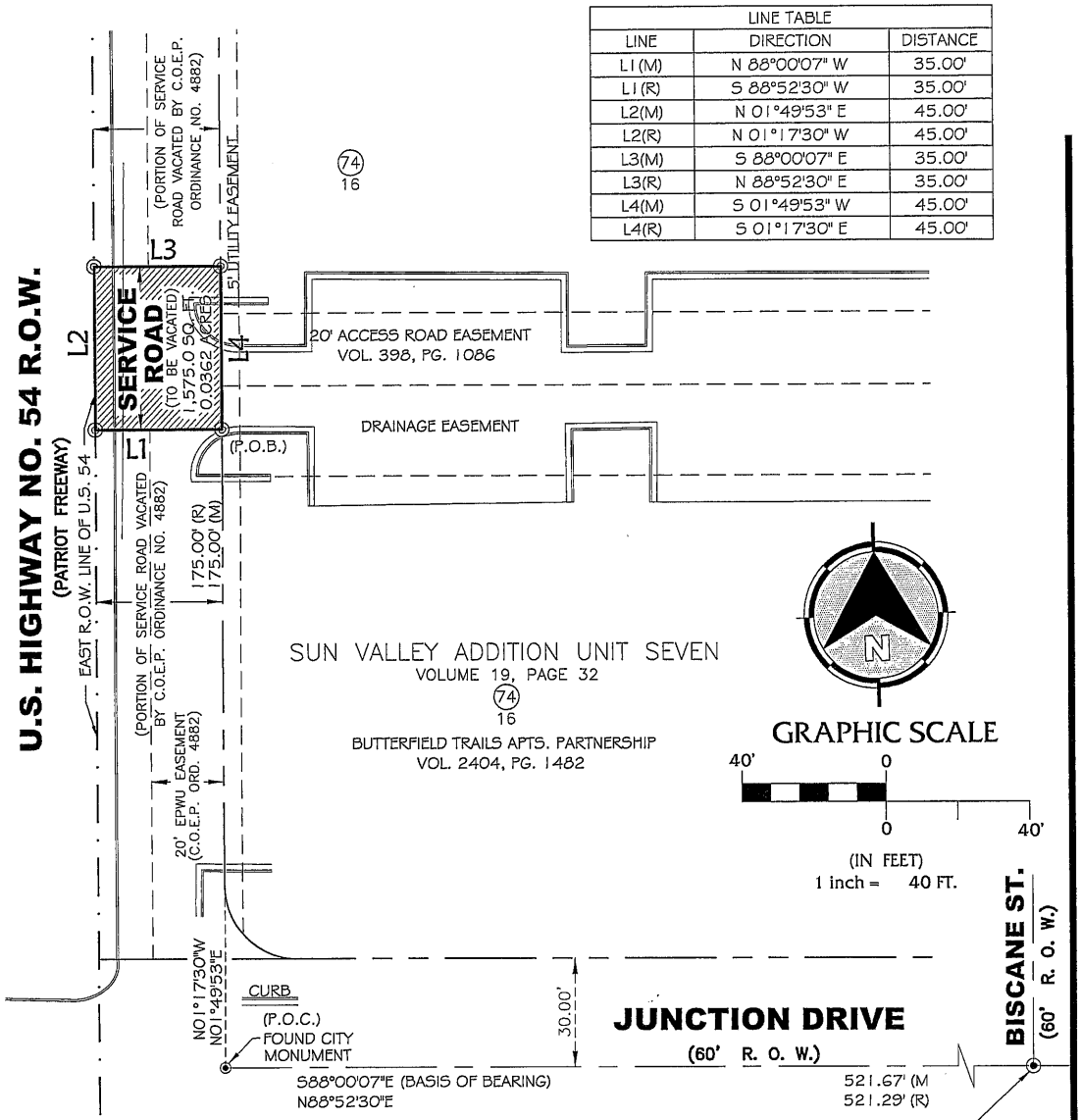

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Isaac Camacho 11/05/10
ISAAC CAMACHO, R.P.L.S. TX. NO. 5337

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DRAWN BY: A.A. CHECKED BY: I.C. DATE: 11-05-2010 SCALE: 1" = 40'

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FILE PATH: U:\05879-017\05879-017-LDD\dwg\05879-017-RDVACATE.dwg

PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

M E M O R A N D U M

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 Service Road Easement Vacation**

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

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

City of El Paso – City Plan Commission Staff Report

Case No:	SUB10-00246 Sun Valley Addition Unit Seven Service Road 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:	0.04 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 35 by 45 foot service road 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.

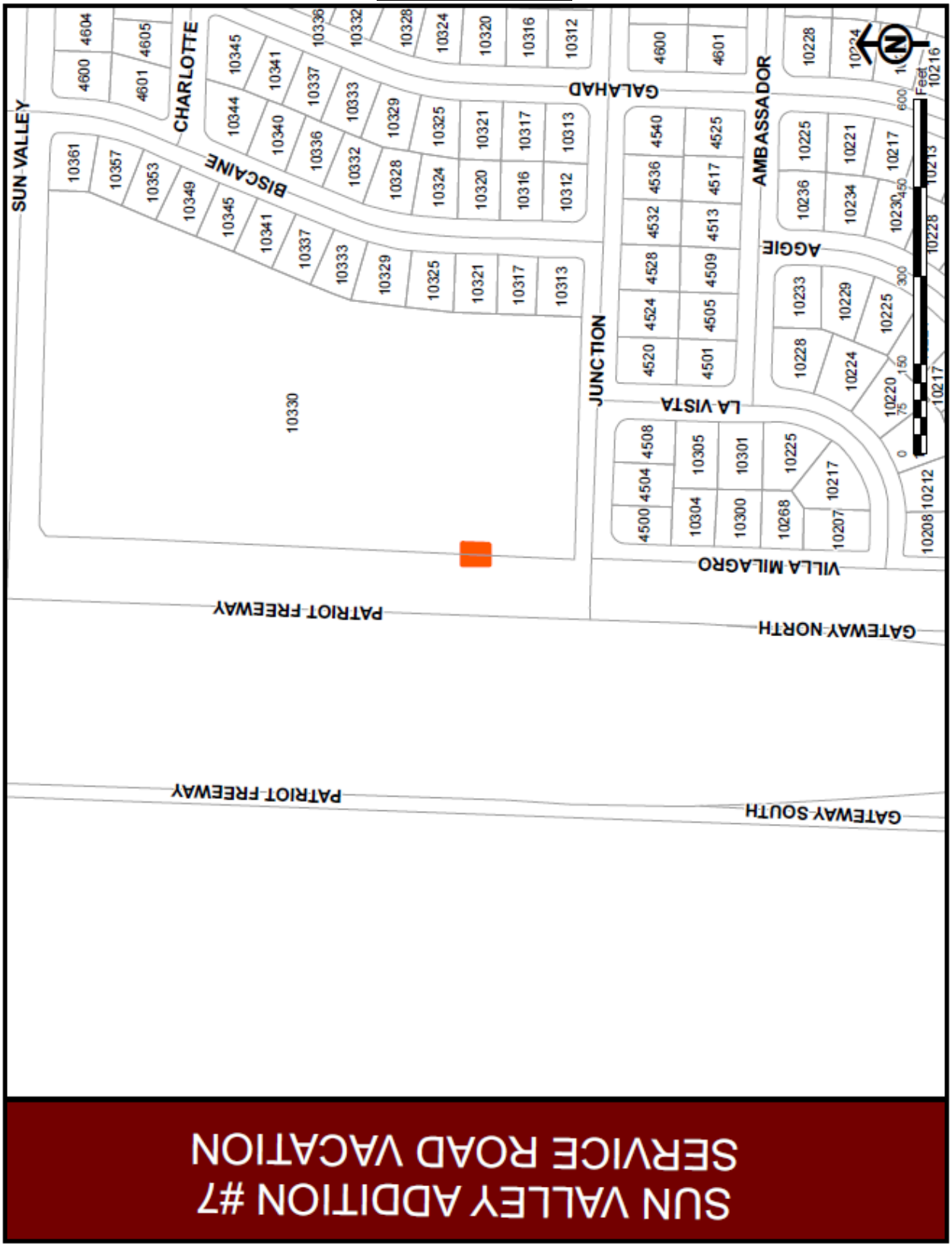
El Paso Electric Company

No comments received.

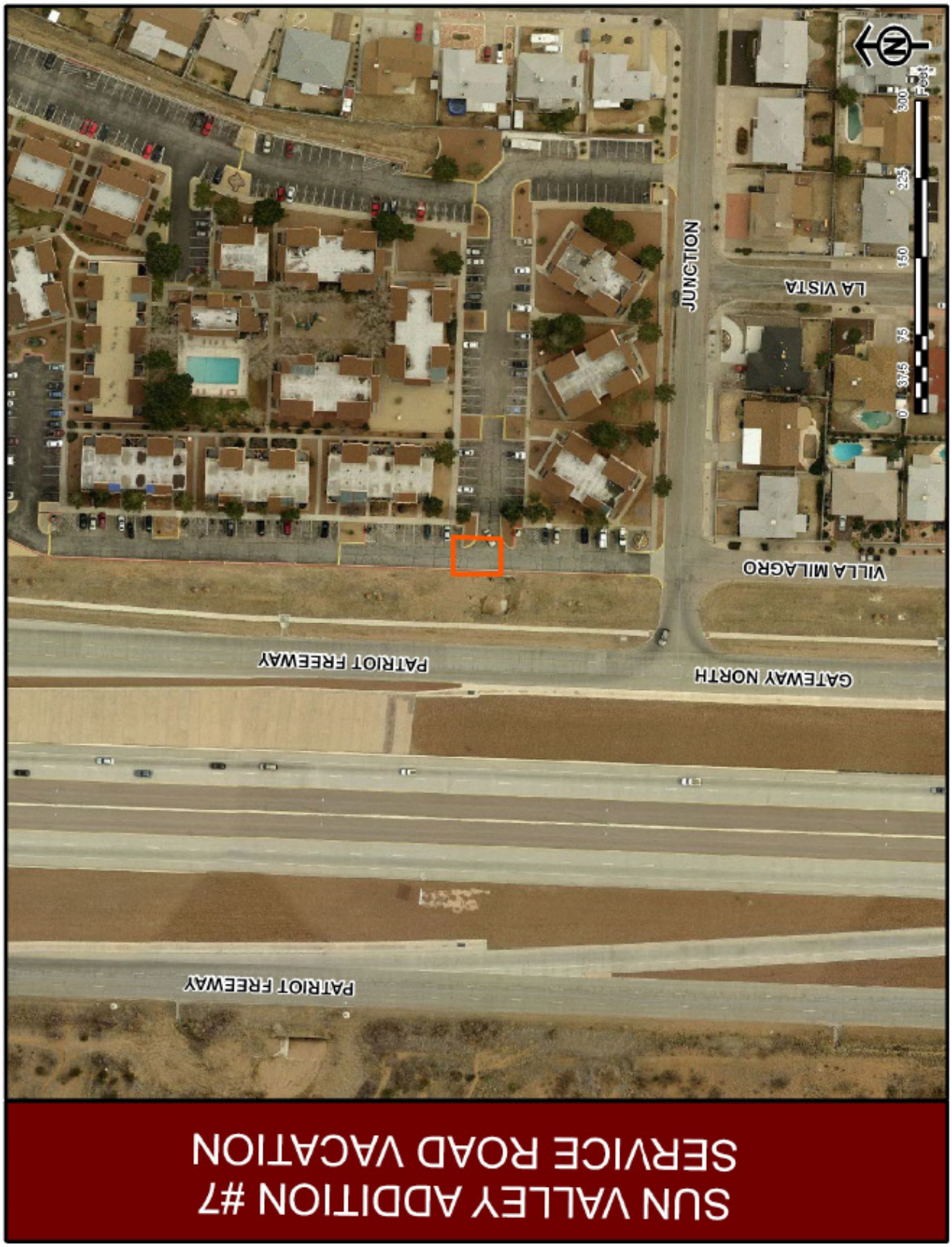
Attachments

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

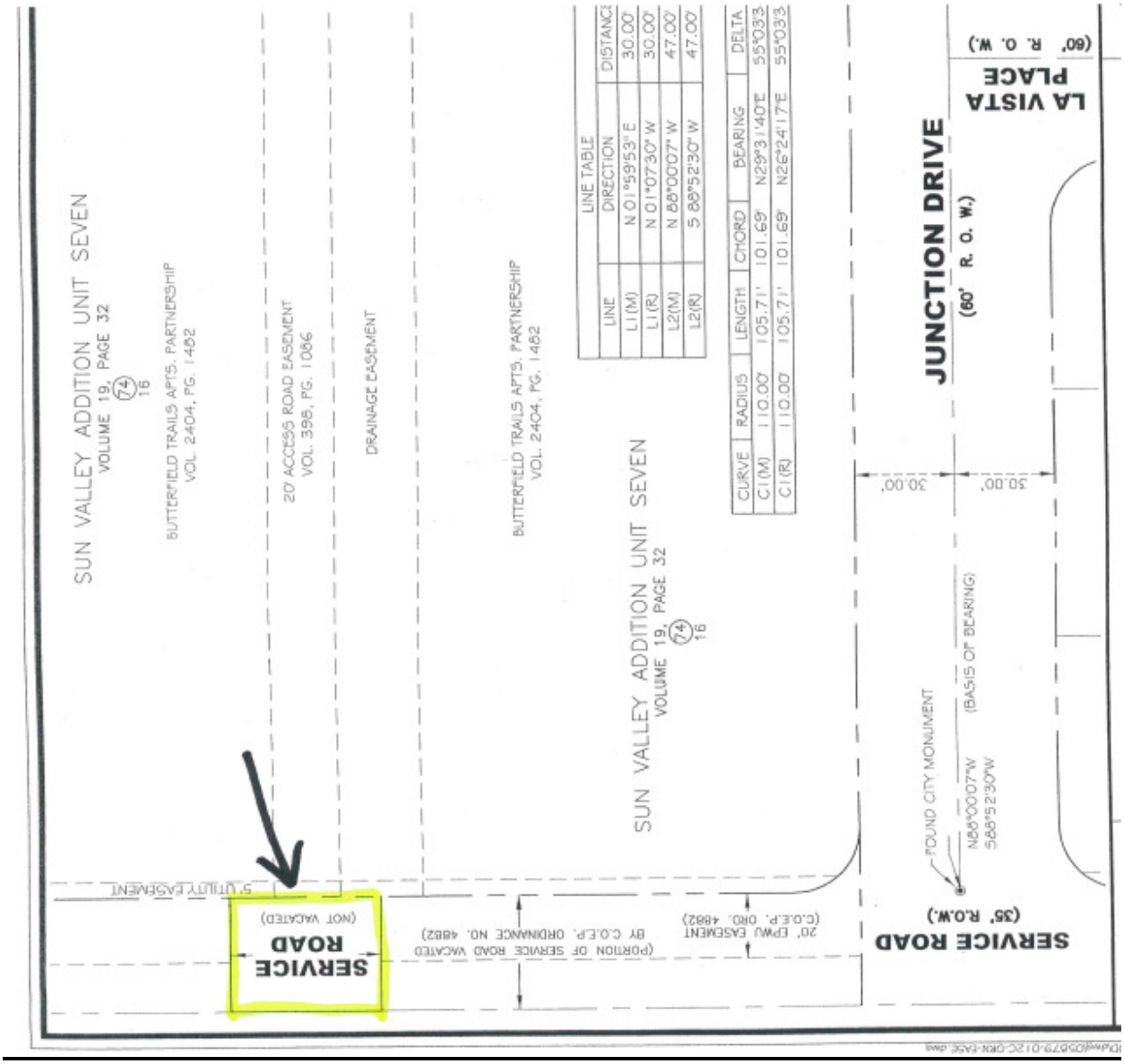
ATTACHMENT 1



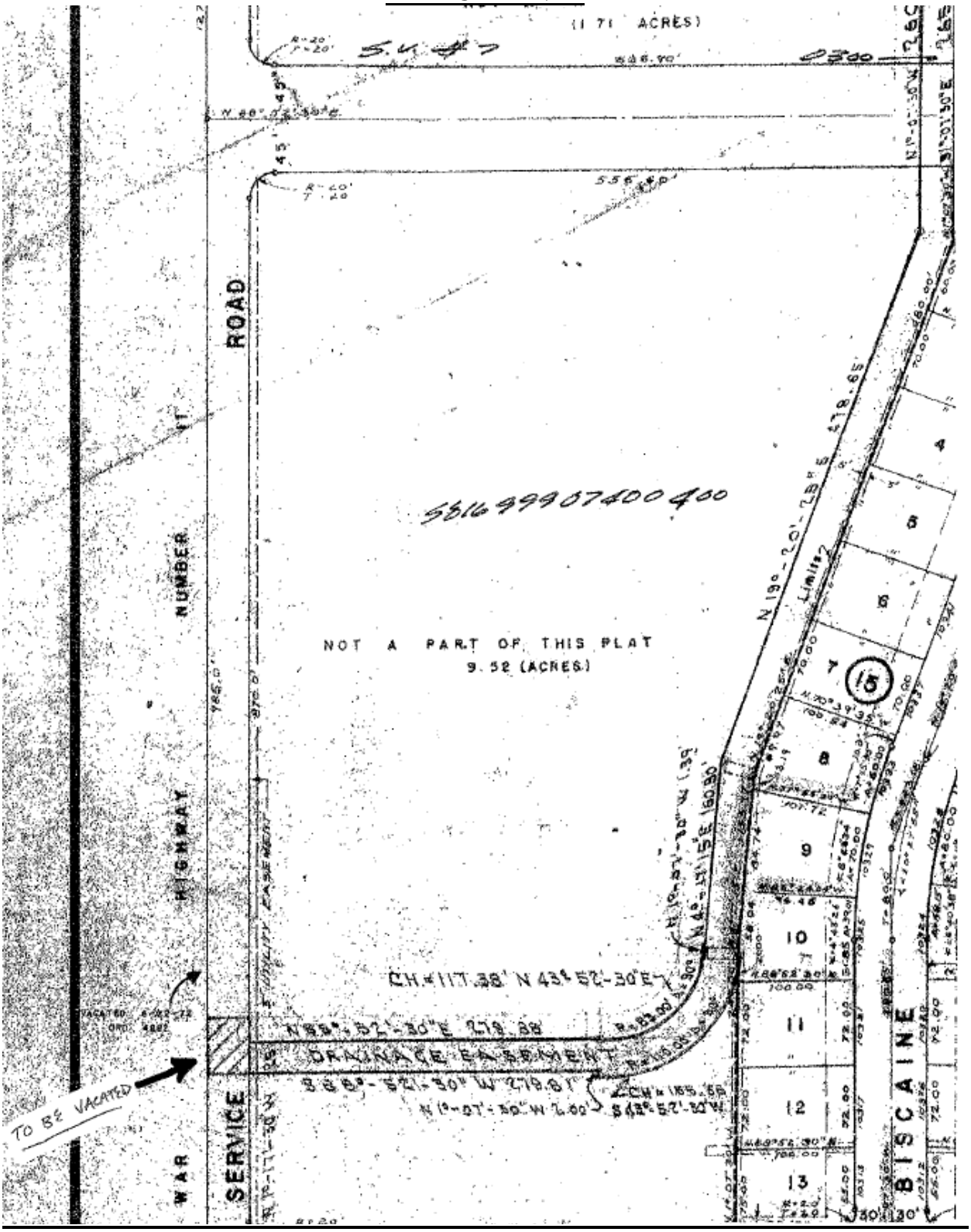
ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5

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

Date: 09-09-10 File No. SUB10-00246

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 ✓ TWO EASEMENT VACATIONS

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.