

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



DEPARTMENT: City Development Department
AGENDA DATE: Introduction 12/10/13; Public Hearing 12/17/13
CONTACT PERSON/PHONE: Nelson Ortiz, 541-4931
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a portion of Campbell Street Right-of-Way, adjacent to the South 22 feet of Lot 17 and all of Lots 18, 19 and 20, Block 273, Campbell's Addition, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

Planning staff received direction from City Council to initiate this vacation application due to an existing rock wall encroachment onto city right-of-way. In 2012, City Council passed a resolution allowing property owners to pay 10% of the appraised value on instances in which the property owner either inherited the encroachment during acquisition of their property or the encroachment has existed for over 30 years. This application meets the aforementioned criteria and the property owner has paid 10% of the appraised value.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – **Approval**
City Plan Commission (CPC) – **Approval given on 5/30/13**

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew McElroy, Director
City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF CAMPBELL STREET RIGHT-OF-WAY, ADJACENT TO THE SOUTH 22 FEET OF LOT 17 AND ALL OF LOTS 18, 19, AND 20, BLOCK 273, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner of the south 22 feet of Lot 17 and Lots 18, 19 and 20 has requested vacation of a parcel of land being a portion of Campbell Street Right-of-Way, adjacent to the South 22 feet of Lot 17 and all of Lots 18, 19 and 20, Block 273, Campbell's Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Campbell Street Right-of-Way, adjacent to the South 22 feet of Lot 17 and all of Lots 18, 19, and 20, Block 273, Campbell's Addition, 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 portion of Campbell Street Right-of-Way, adjacent to the South 22 feet of Lot 17 and all of Lots 18, 19, and 20, Block 273, Campbell's 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" 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 **Torreon Properties Incorporated.**

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

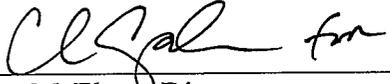
Oscar Leeser
Mayor

(Signatures continued on following page)

ATTEST:

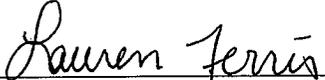
Richarda Duffy Momsen
City Clerk

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 Torreon Properties Incorporated ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto Torreon Properties Incorporated 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 **a portion of Campbell Street Right-of-Way, adjacent to the South 22 feet of Lot 17 and all of Lots 18, 19 and 20, Block 273, Campbell's Addition, City of El Paso** 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 Public Record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Any existing utility easements including easements for the overhang of service wires, conduits and pipes for underground utilities.
4. Mineral reservations and/or mineral interests as set out in the Public Records.
5. Any and all unrecorded agreements, contracts and leases, and rights of parties therein.
6. 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.
7. 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

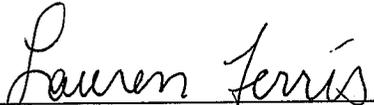
Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Mathew McElroy, Director
City Development Department



Lauren Ferris, Assistant City Attorney

(Acknowledgements 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:

**Torreon Properties Incorporated
1011 Montana Ave
El Paso, TX 79902**

With copy to:

**City Development Department
Planning Division
PO Box 1890
El Paso, TX 79950-1890**



METES AND BOUNDS DESCRIPTION
“Encroachment Area at 501 East Rio Grande Avenue”

A 0.0032 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of the North Campbell Street right-of-way adjacent to the south twenty-two (22) feet of Lot 17 and all of Lots 18, 19 and 20, Block 273, Campbell’s Addition, as recorded in Book 2, Page 68 of the Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a city monument found at the intersection of the monument line of East Rio Grande Avenue (70.00 feet wide) and the monument line of North Campbell Street (70.00 feet wide), said monument line intersection located 10.00 feet north and 10.00 feet east of the centerline intersection of East Rio Grande Avenue and North Campbell Street; **WHENCE**, a city monument found at the intersection of the monument line of East Rio Grande Avenue (70.00 feet wide) and the monument line of North Florence Street, said monument line intersection located 10.00 feet north and 10.00 feet east of the centerline intersection of East Rio Grande Avenue and North Florence Street, bears North 52°30’00” East, a distance of 330.00 feet (329.95 feet ~ measured); **THENCE**, leaving the monument line of East Rio Grande Avenue and following the monument line of North Campbell Street, North 37°30’00” West, a distance of 25.00 feet; **THENCE**, leaving the monument line of North Campbell Street, North 52°30’00” East, a distance of 23.60 feet to a chiseled “X” set in concrete for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, North 37°30’00” West, a distance of 100.00 feet to a chiseled “X” in concrete set for the northwest corner of the parcel herein described;

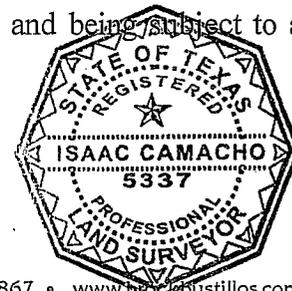
THENCE, North 52°30’00” East, a distance of 1.40 feet to a 1/2 inch rebar with survey cap No. “TX 5337” set on the west boundary of said Lot 17 for the northeast corner of the parcel herein described;

THENCE, following the west boundary line of said Lot 17 and continuing along the west boundary line of said Lots 18, 19 and 20, South 37°30’00” West, a distance of 100.00 feet to a chiseled ‘X’ set in concrete for the southeast corner of the parcel herein described, identical to the southwest corner of said Lot 20;

THENCE, leaving the southwest corner of said Lot 20, South 52°30’00” West, a distance of 1.40 feet to the **POINT OF BEGINNING**;

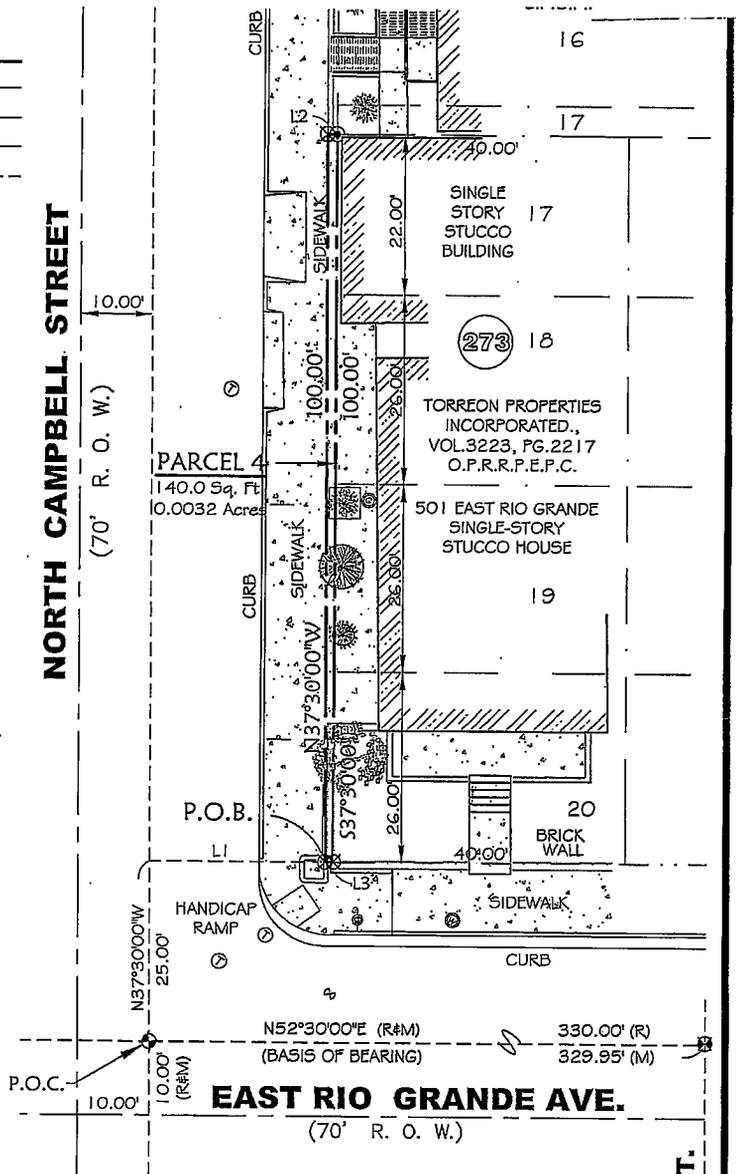
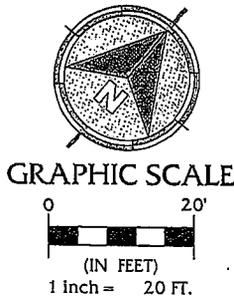
Said parcel containing 0.0032 acres (140.0 square feet), more or less, and being subject to all easements of record.

Isaac Camacho
Isaac Camacho, TX R.P.L.S. No. 5337
Date: March 26, 2013
05100-050 501 East Rio Grande Desc



LEGEND

- PROJECT BOUNDARY
- LOT LINE
- RIGHT-OF-WAY LINE
- CENTERLINE OF RIGHT-OF-WAY
- MONUMENT LINE
- WATER METER
- TELEPHONE MANHOLE
- WATER VALVE
- POWER POLE
- SIGN
- TREES
- CONCRETE AREA
- EXISTING BUILDING
- MEASURED BEARING + DISTANCE (M)
- RECORD BEARING + DISTANCE (R)
- LOT NUMBER 18
- BLOCK NUMBER 273
- FOUND CITY MONUMENT
- SET 1/2" REBAR W/ SURVEY CAP NO. TX 5337
- SET CHISELED 'X' ON CONCRETE
- OFFICIAL PUBLIC RECORD OF REAL PROPERTY EL PASO COUNTY O.P.R.R.P.E.P.C.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N52°30'00"E	23.60'
L2	N52°30'00"E	1.40'
L3	S52°30'00"W	1.40'

REFERENCES:

- 1. PLAT OF CAMPBELL'S ADDITION, FILED IN BOOK 2, PAGE 68 OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS.

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 03/27/2013
ISAAC CAMACHO, TX. R.P.L.S. NO. 5337



BOUNDARY & IMPROVEMENT SURVEY

DRAWN BY: J.R. CHECKED BY: I.C. DATE: 03-19-2013 SCALE: 1" = 20"

A PORTION OF THE CAMPBELL STREET RIGHT-OF-WAY ADJACENT TO THE SOUTH 22 FEET OF LOT 17 AND LOTS 18, 19 AND 20, BLOCK 273, CAMPBELL'S ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.

BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
T&PE REG. NO. P-737

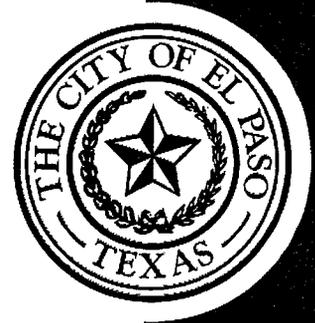
417 EXECUTIVE CENTER-EL PASO, TX 79902-PH (915) 542-4900
FAX (915) 542-2667-WWW.BROCKBUSTILLOS.COM

Mar 27, 2013 - 7:45am
 J:\05100050\CAMPBELL STREET VACATIONS\05100050\100-050-501-62-ST-VACATE.dwg
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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: December 2, 2013
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Nelson Ortiz, Planner
SUBJECT: SURW13-00010

The City Plan Commission (CPC), on May 30, 2013, voted to approve the street right-of-way vacation request for the property located at 501 E. Rio Grande Avenue.

The CPC 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
Lilia B. Limon

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: SURW13-00010 501 Rio Grande Avenue Street Vacation
Application Type: Street ROW Vacation
CPC Hearing Date: May 30, 2013

Staff Planner: Nathaniel Baker, 541-4192, bakernt@elpasotexas.gov
Location: West of Florence Street and between Rio Grande and Arizona
Acreage: 0.0032-acre and 0.0022-acre
Rep District: 8
Existing Use: Street right-of-way
Existing Zoning: S-D/c (Special Development / condition)
Proposed Zoning: S-D/c (Special Development / condition)

Property Owner: City of El Paso
Applicant: Torreon Properties, Inc.
Representative: City of El Paso

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartments) / Multifamily neighborhood
South: A-O (Apartment-Office) / Multifamily neighborhood and offices
East: A-2 (Apartments) / Multifamily neighborhood
West: S-D (Special District) / Multifamily neighborhood

PLAN EL PASO DESIGNATION: G-2 Traditional Neighborhood

APPLICATION DESCRIPTION

The applicant is requesting to vacate a 0.0032-acre portion of right-of-way within block 273 of Campbell's Addition. The purpose of the proposed vacation is to address an existing encroachment.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the vacation.

Planning Division Recommendation:

Planning recommends **approval**.

City Development Dept. - Land Development:

No objection

El Paso Water Utilities:

No comments received.

Parks and Recreation:

No objection

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.

School District:

No comments received.

Attachments

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

ATTACHMENT 1

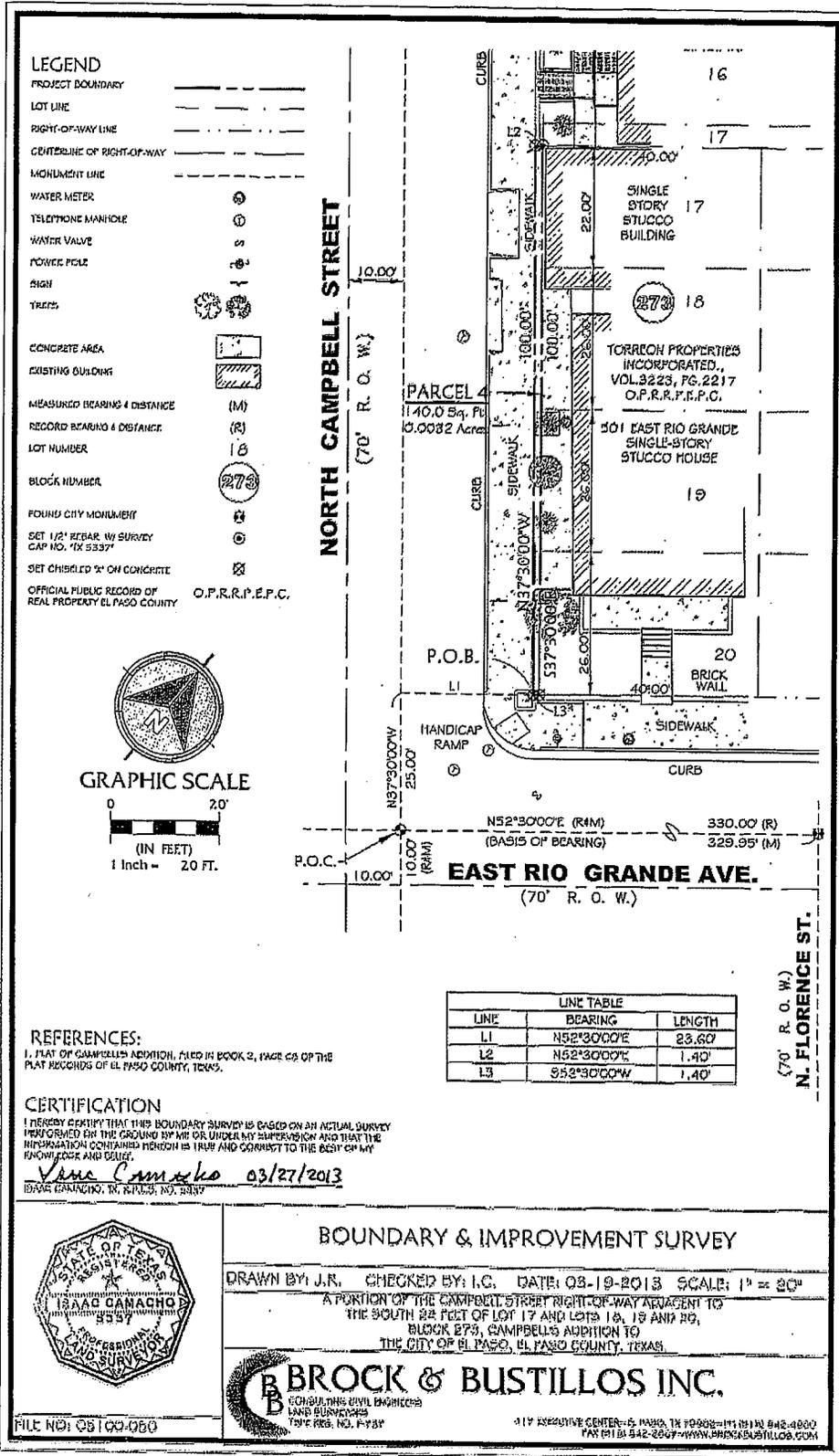


Campbell Street Encroachment Vacations

ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: 04/11/13 File No. SURW13-00010

1. APPLICANTS NAME R. TORRESON PROPERTIES, L.P.
ADDRESS 501 RIO GRANDE ZIP CODE 79902 TELEPHONE 532-8000

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: to address encroachment

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. 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: _____

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