

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



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

DEPARTMENT: Development Services Department
AGENDA DATE: CCA Introduction: 12/15/09 Public Hearing: 12/ 22/09
CONTACT PERSON/PHONE: Arturo Rubio -- 541-4633
DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance vacating a portion of Poplar Street right-of-way, City of EL Paso, El Paso County, Texas

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

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
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 PORTION OF POPLAR STREET RIGHT-OF-WAY,
CITY OF EL PASO, EL PASO COUNTY, TEXAS**

WHEREAS, the abutting property owner has requested vacation of a portion of Poplar Street right-of-way, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a portion of Poplar Street, right-of-way, City of El Paso, El Paso County, Texas, 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 Poplar Street right-of-way , 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, 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 right-of-way to **Robert C. Barret and Beverly B. Harris**.

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

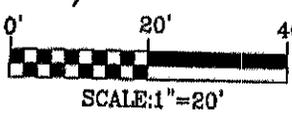
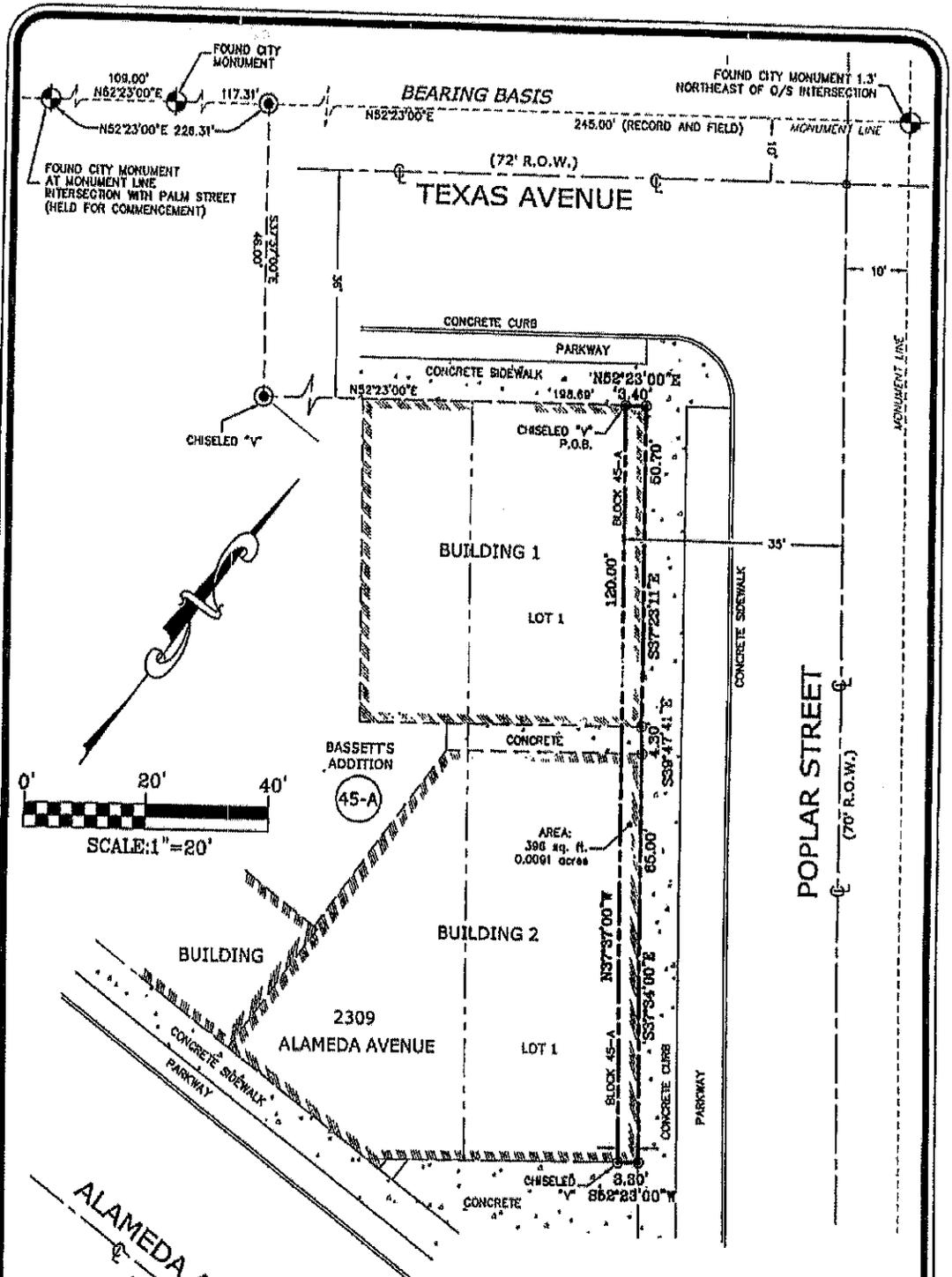
APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

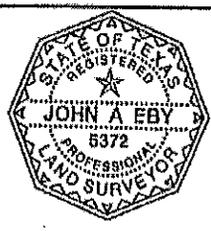
Mathew McElroy Deputy Director
Development Services Department -
Planning Division

EXHIBIT "A"



CERTIFICATION
 I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN

John A. Eby
 JOHN A. EBY TX-5372 NM-17779



A PORTION OF POPLAR STREET RIGHT-OF-WAY (AS DESCRIBED BY METES AND BOUNDS), BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
 VOLUME: 5
 PAGE: 21

DATE OF SURVEY: 09/24/2008 OFFICE: LM FIELD: JAE, AG
PASO DEL NORTE SURVEYING INC. PH. 915-241-1841
 13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX 915-855-6925
 © COPYRIGHT

NOT VALID WITHOUT IMPRESSION SEAL

PROPERTY DESCRIPTION

**A Portion of Poplar Street adjacent to
The northeast side of Block 45-A, Bassett Addition**

Description of a parcel of land being a portion of the Poplar Street Right-of-Way (70' wide ROW) occupied by two existing buildings and lying adjacent to the northeast side of Block 45-A, Bassett Addition, El Paso County, TX., said Bassett Addition recorded in book 5, page 21, Plat Records, El Paso County, TX., and described as follows;

Commencing for reference at a city monument found on the monument line that runs 10' north and east of the centerline intersection of Texas Avenue (72' wide ROW) and Palm Street (70' wide ROW), said monument lying South 52°23'00" West a distance of 472.62' from an existing monument lying 1.3' northeast of the monument line intersection of said Texas Avenue and said Poplar Street; Thence with said monument line of Texas Avenue, North 52°23'00" East passing a city monument found at a distance of 109.00' and continuing an additional 117.31' for a total distance of 226.31' a point; Thence, leaving said monument line, South 37°37'00" East a distance of 46.00' to an "V" chiseled in concrete at the most westerly corner of said Block 45-A and lying on the southerly ROW line of said Texas Avenue; Thence, with said ROW line of Texas Avenue, North 52°23'00" East a distance of 198.69' to a "V" chiseled at the most northerly corner of said Block 45-A, said block corner also being the intersection of said ROW line of Texas Avenue with the westerly ROW line of said Poplar Street, said "V" also lying at the northwesterly face of an existing building (building #1), and being the "Point Of Beginning";

Thence, with the extension of said Texas Avenue ROW and with said northwesterly face of building #1, North 52°23'00" East a distance of 3.4' to the most northerly corner of said existing building #1;

Thence, with the northeasterly face of said existing building #1, South 37°23'11" East a distance of 50.7' to the most easterly corner of said existing building #1;

Thence, leaving said building #1, South 39°47'41" East a distance of 4.3' to the most northerly corner of an existing building (building #2);

Thence, with the northeasterly face of said existing building #2, South 37°34'00" East a distance of 65.0' to the most easterly corner of said existing building #2;

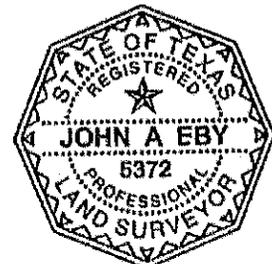
Thence, with the southeasterly face of said building #2, South 52°23'00" West a distance of 3.3' to a "V" chiseled at the most easterly corner of said Block 45-A;

Thence, with said ROW line of Poplar Street, North 37°37'00" West a distance of 120.00' to the "Point Of Beginning" and containing 396 sq. ft. or 0.0091 acres.

Based on a field survey performed under my supervision and dated September 24, 2008.


John A. Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841



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 Three Thousand Seven Hundred Fifty NO/100THS DOLLARS (\$3,750) and other 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 **Robert C. Barrett and Beverly B. Harris** all of its rights, 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 portion of Poplar Street right-of-way, City of El Paso, El Paso County, Texas*, which is more fully described in the attached survey, identified as Exhibit "A", and in the metes and bounds description, identified as Exhibit "B", made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____ 2009.

THE CITY OF EL PASO

Joyce Wilson, City Manager

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

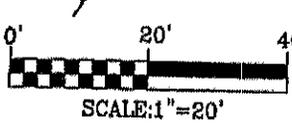
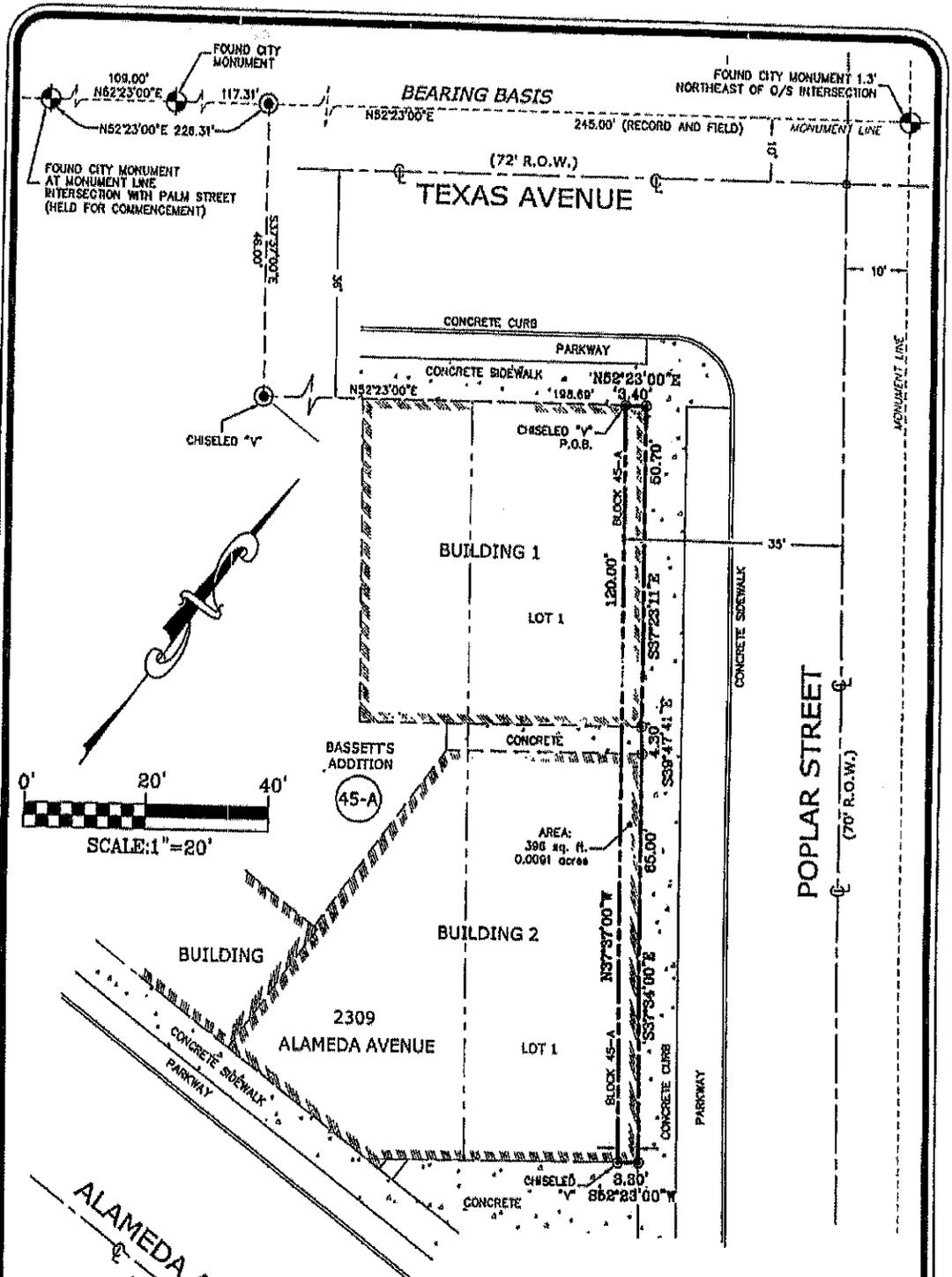
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director
Development Services Department—Planning
Division

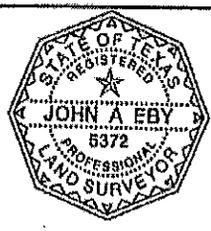
(Acknowledgment on following page)

EXHIBIT "A"



CERTIFICATION
 I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN

John A. Eby
 JOHN A. EBY TX-5372 NM-17779



A PORTION OF POPLAR STREET RIGHT-OF-WAY (AS DESCRIBED BY METES AND BOUNDS), BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
 VOLUME: 5
 PAGE: 21

DATE OF SURVEY: 09/24/2008 OFFICE: LM FIELD: JAE, AG
PASO DEL NORTE SURVEYING INC. PH. 915-241-1841
 13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX 915-855-6925
 © COPYRIGHT

NOT VALID WITHOUT IMPRESSION SEAL

PROPERTY DESCRIPTION

**A Portion of Poplar Street adjacent to
The northeast side of Block 45-A, Bassett Addition**

Description of a parcel of land being a portion of the Poplar Street Right-of-Way (70' wide ROW) occupied by two existing buildings and lying adjacent to the northeast side of Block 45-A, Bassett Addition, El Paso County, TX., said Bassett Addition recorded in book 5, page 21, Plat Records, El Paso County, TX., and described as follows;

Commencing for reference at a city monument found on the monument line that runs 10' north and east of the centerline intersection of Texas Avenue (72' wide ROW) and Palm Street (70' wide ROW), said monument lying South 52°23'00" West a distance of 472.62' from an existing monument lying 1.3' northeast of the monument line intersection of said Texas Avenue and said Poplar Street; Thence with said monument line of Texas Avenue, North 52°23'00" East passing a city monument found at a distance of 109.00' and continuing an additional 117.31' for a total distance of 226.31' a point; Thence, leaving said monument line, South 37°37'00" East a distance of 46.00' to an "V" chiseled in concrete at the most westerly corner of said Block 45-A and lying on the southerly ROW line of said Texas Avenue; Thence, with said ROW line of Texas Avenue, North 52°23'00" East a distance of 198.69' to a "V" chiseled at the most northerly corner of said Block 45-A, said block corner also being the intersection of said ROW line of Texas Avenue with the westerly ROW line of said Poplar Street, said "V" also lying at the northwesterly face of an existing building (building #1), and being the "Point Of Beginning";

Thence, with the extension of said Texas Avenue ROW and with said northwesterly face of building #1, North 52°23'00" East a distance of 3.4' to the most northerly corner of said existing building #1;

Thence, with the northeasterly face of said existing building #1, South 37°23'11" East a distance of 50.7' to the most easterly corner of said existing building #1;

Thence, leaving said building #1, South 39°47'41" East a distance of 4.3' to the most northerly corner of an existing building (building #2);

Thence, with the northeasterly face of said existing building #2, South 37°34'00" East a distance of 65.0' to the most easterly corner of said existing building #2;

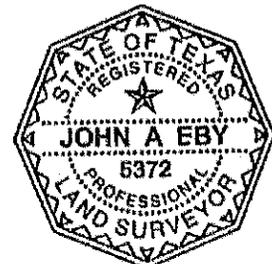
Thence, with the southeasterly face of said building #2, South 52°23'00" West a distance of 3.3' to a "V" chiseled at the most easterly corner of said Block 45-A;

Thence, with said ROW line of Poplar Street, North 37°37'00" West a distance of 120.00' to the "Point Of Beginning" and containing 396 sq. ft. or 0.0091 acres.

Based on a field survey performed under my supervision and dated September 24, 2008.


John A. Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841



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

**DEVELOPMENT SERVICES
PLANNING DIVISION**



MEMORANDUM

DATE: December 8, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: **Poplar Street Vacation**

The City Plan Commission (CPC) on November 5, 2009 **recommended approval of the Poplar Street Vacation.**

The CPC determined that the vacation of the right-of-way protects the best interest, health, safety and welfare of the public in general; and that the vacation will have no 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
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Development Services Department

Victor Q. Torres – Director

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



City of El Paso – City Plan Commission Staff Report

Case No: SUB09-00120 Poplar Street Vacation
Application Type: Street Vacation
CPC Hearing Date: November 5, 2009

Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov
Location: South of Poplar Street and East of Texas Avenue
Acreage: 0.0091-acre
Rep District: 8

Property Owner: City of El Paso
Applicant: Steven E. Anderson
Representative: Steven E. Anderson

SURROUNDING ZONING AND LAND USE:

North: C-4/ (Commercial)/Warehouse/Retail
South: C-4/ (Commercial)/Warehouse/Retail
East: C-4/ (Commercial)/Warehouse/Retail
West: C-4/ (Commercial)/Warehouse/Retail

THE PLAN FOR EL PASO DESIGNATION: Commercial

APPLICATION DESCRIPTION

The applicant is proposing to vacate a 396 square-foot, 120-foot long 3.5-foot wide portion of Poplar Street that is located within the Basset Addition Subdivision for an encroachment into City right-of-way. Poplar Street is a 70-foot wide right-of-way. The applicant's property abuts Poplar Street to the North East. There is only one other property owner abutting the proposed portion to be vacated and they are in agreement with the vacation and have no interest in any portion of the vacated street. The abutting property owner has access from Poplar Street.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

Approval.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee recommends *approval* of the proposed vacation of a portion of Poplar Street located within the Bassett Addition subdivision, subject to the following conditions and requirements:

Planning Division Recommendation

Approval.

Planning Division – Land Development

No objection to proposed vacation.

Engineering Department – Traffic Division

No objection to proposed vacation.

Streets Department

No comments received.

El Paso Water Utilities

1. EPWU does not object to this request.
2. EPWU does not own or operate facilities within the portion of Poplar Street proposed to be vacated.

EPWU-PSB Comments

Water:

3. There is an existing 12-inch diameter water main that extends along Poplar Street fronting the Subject Property.

Sanitary sewer:

4. There are two (2) 18-inch diameter sanitary sewer mains that extend along Poplar Street fronting the Subject Property. No direct service connections are allowed to the 18-inch diameter sanitary sewer mains as per El Paso Water Utilities – Public Service Board Rules and Regulations.
5. There is an existing 12-inch diameter sanitary sewer main that extends along the alley between Texas Street and Myrtle Avenue west of Poplar Street. This sanitary sewer main crosses Alameda Avenue and Poplar Street. The sewer main then continues to extend along the alley between Texas Street and Alameda Avenue east of Poplar Street.

General:

6. The applicant is responsible for the costs of any necessary extensions, relocations or adjustments of water and sanitary sewer lines, appurtenances, fire hydrants, and meters related to the proposed street vacation.

Fire Department

No comments received.

Parks and Recreation Department

No comments received.

Texas Gas Service

No comments received.

El Paso Electric Company

No comments received.

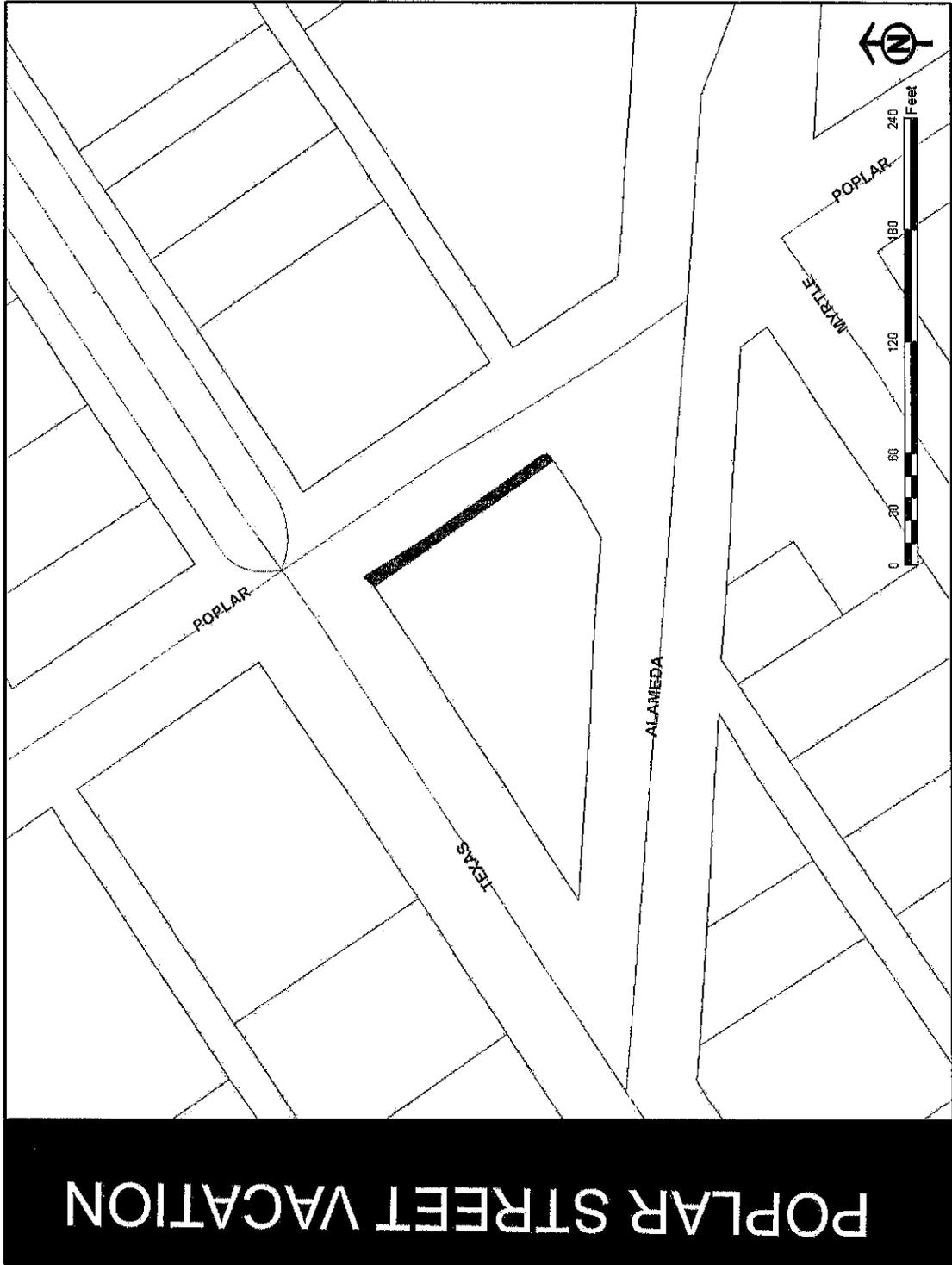
Additional Requirements and General Comments:

1. Vacation Fee for Public Right-of-Way. In addition to the application fee, the applicant shall pay the following:
 - a. The cost of the appraisal; and
 - b. The appraised market value of the city's interest in the public right-of-way.

Attachments

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

ATTACHMENT 1

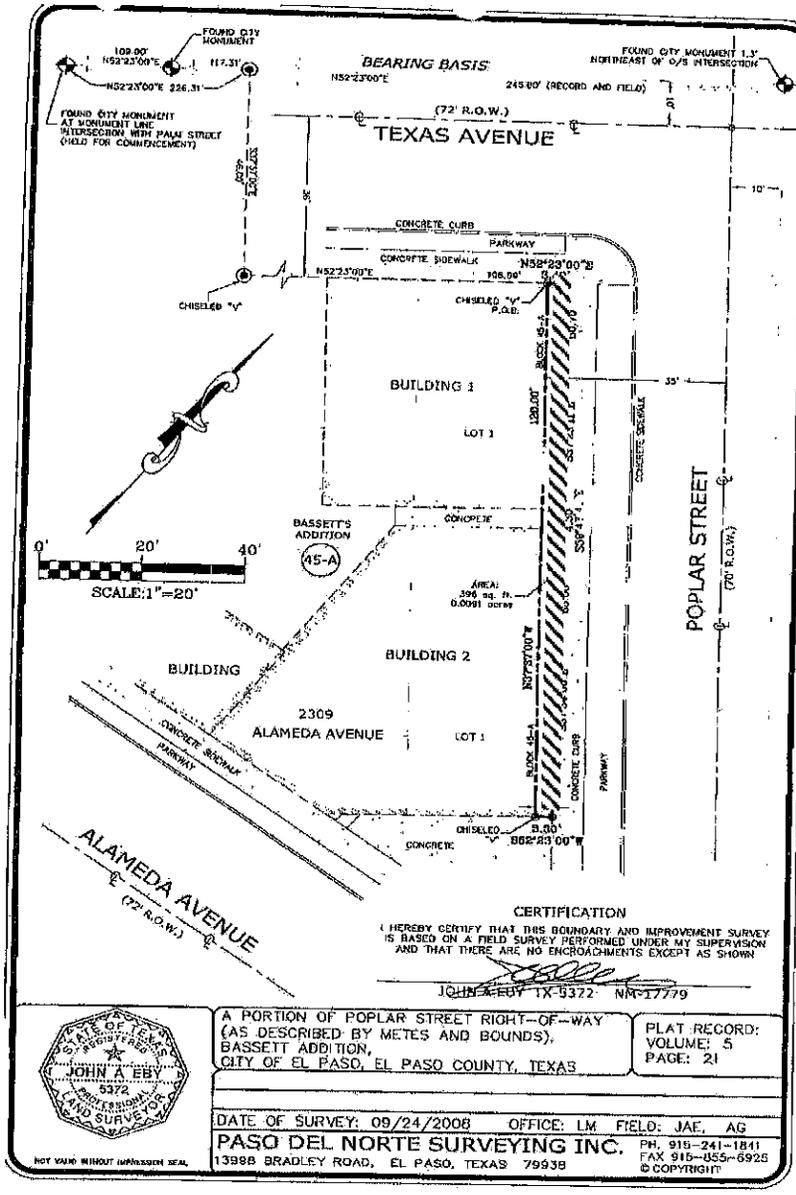


ATTACHMENT 2

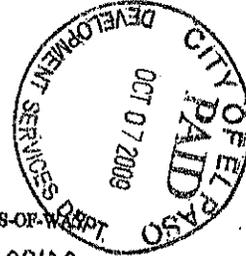


POPLAR STREET VACATION

ATTACHMENT 3



ATTACHMENT 4



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

Date: 10-1-09 File No. SUB09-00120

1. APPLICANTS NAME Robert C. Barnett and Beverly B. Harris
- ADDRESS 5865 Sunford ZIP CODE 46220 TELEPHONE (377) 267-7585
INDIANAPOLIS
2. Request is hereby made to vacate the following: (check one)
Street Alley _____ Basement _____ Other _____
Street Name(s) 2309 Alameda Subdivision Name BASSETT ADDITION
Abutting Blocks 46 Abutting Lots 16
3. Reason for vacation request: ENCROACHMENT INTO CITY RIGHT OFWAY
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 CORRECT EXISTING ENCROACHMENT
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
<u>Starlike Properties, LP</u> <u>By: Starlike Properties</u> <u>Management, LLC</u> <u>By: [Signature]</u> <u>Trustee/Authorized Agent</u>	<u>Lot 16, Block 46,</u> <u>Bassett Addition</u> <u>to the City of</u> <u>El Paso, Texas</u>	<u>544-0100</u>

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 Robert C. Barnett
Beverly B. Harris

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