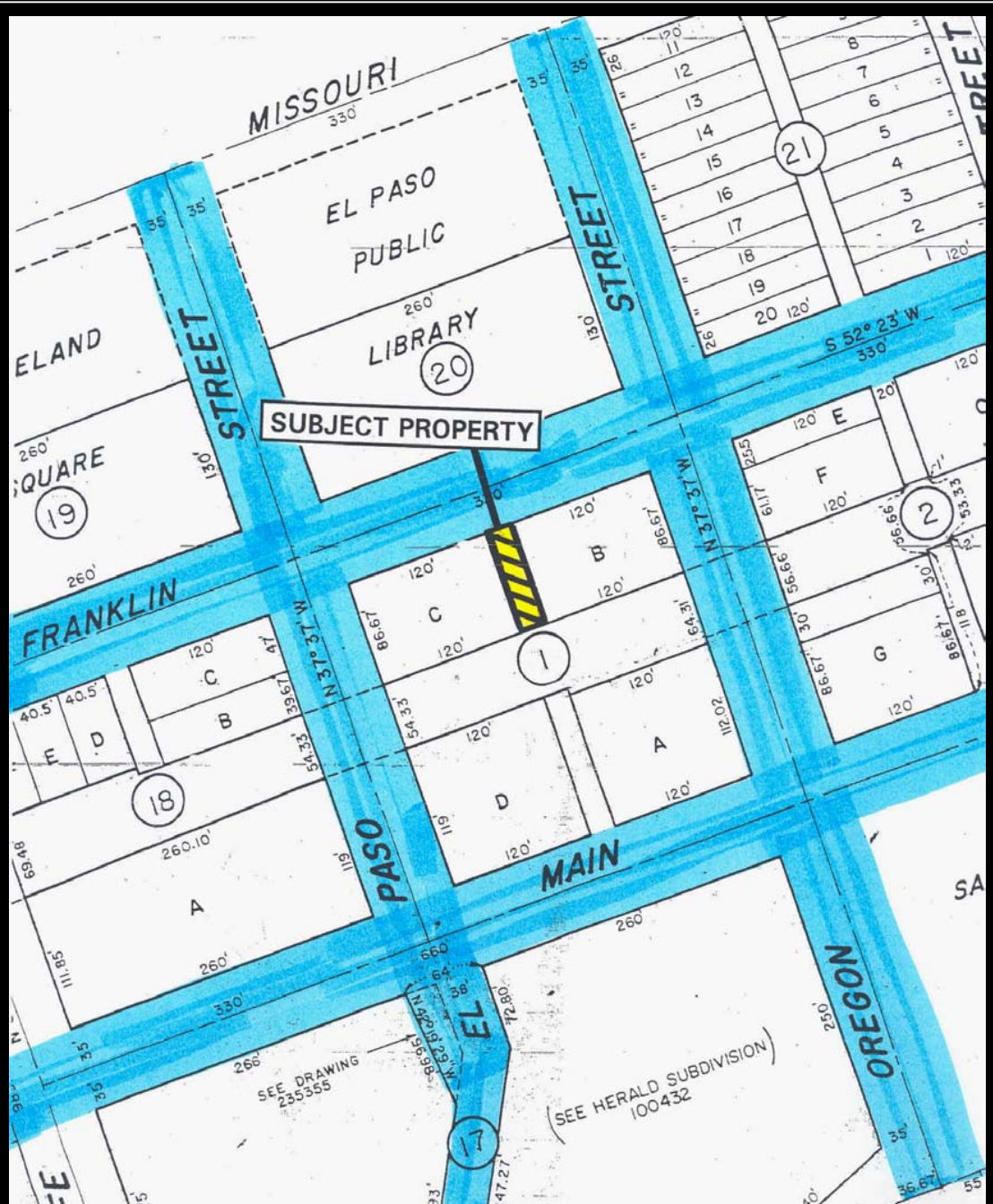
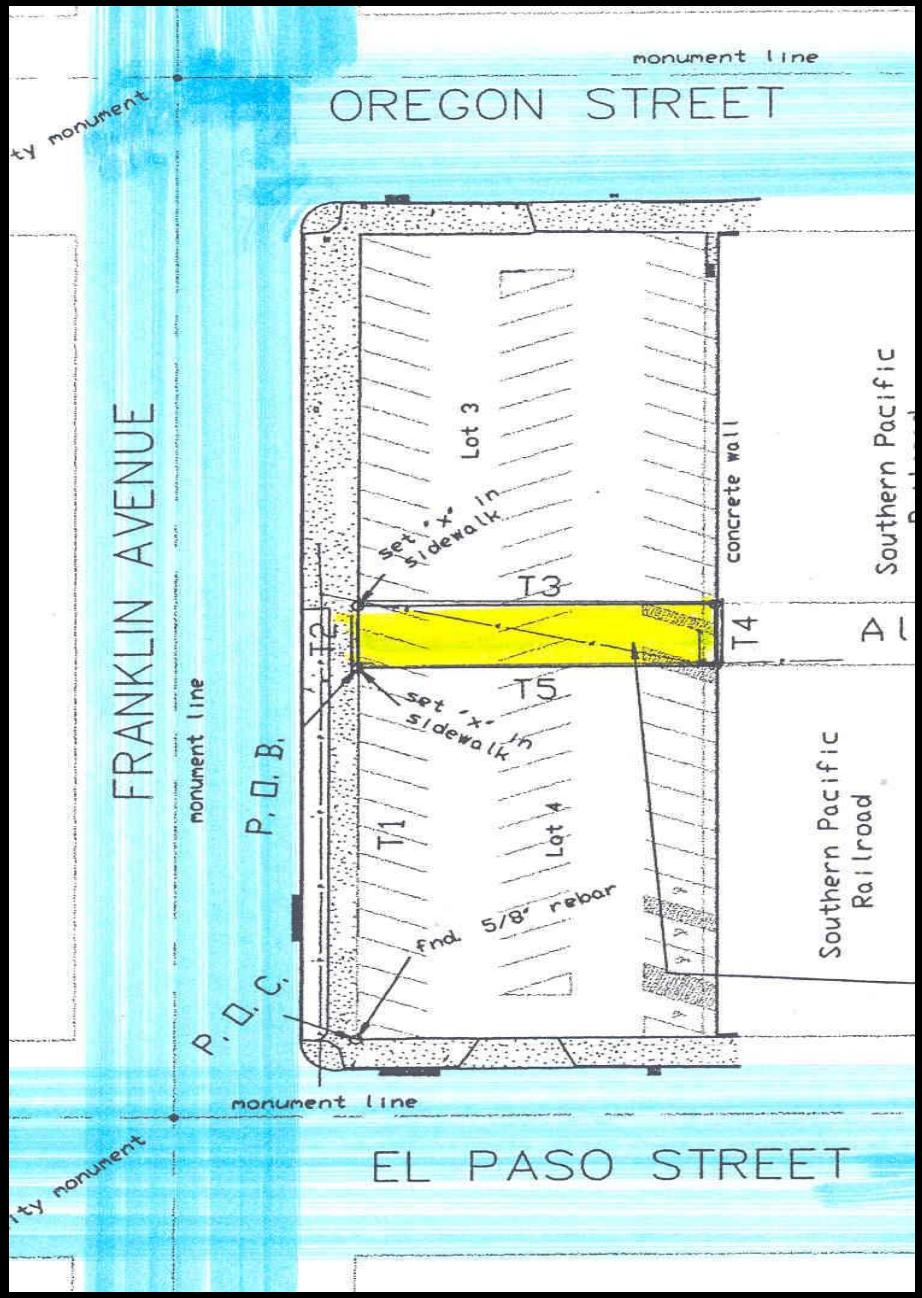
AV03002



MISSOURI
EL PASO PUBLIC LIBRARY
SUBJECT PROPERTY
FRANKLIN
STREET
EL PASO
MAIN
OREGON
S 52° 23' W
N 37° 37' W
SEE DRAWING 235355
SEE HERALD SUBDIVISION 100432

AV03002


FRANKLIN AVENUE
OREGON STREET
EL PASO STREET
monument line
monument line
monument line
ty monument
ty monument
P. O. B.
P. O. C.
Lot 3
Lot 4
T1
T2
T3
T4
T5
set "x" in sidewalk
set "x" in sidewalk
fnd. 5/8" rebar
concrete wall
Southern Pacific Railroad
Southern Pacific

AV03002

AV03002

AV03002

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A 20 FOOT WIDE ALLEY ABUTTING LOTS 3 & 4, BLOCK 1, MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City Plan Commission has recommended vacation of the *portion of a 20 foot wide alley abutting Lots 3 and 4, Block 1, Mills Map in the City of El Paso*, El Paso County, Texas, and the 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 the *portion of a 20 foot wide alley abutting Lots 3 and 4, Block 1, Mills Map in the* 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 following conditions:

1. *That the portion of the Alley to be vacated be designated as a full width Utility Easement, such utility easement to include drainage.*
2. *That no permanent structures or other improvements other than asphaltic paving (HMAC) be permitted over the utility easement to be retained.*

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 **Branca, L.P. a Texas Limited Partnership**.

PASSED AND APPROVED this _____ day of _____, 2004.

THE CITY OF EL PASO

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Momsen,
City Clerk

Document #: 3904
Document Name: PLANNING/1/ORD/AV03002
MWAT

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:

Rudy Valdez, Chief Urban Planner
Planning, Research and Development
Department

Document #: 3904
Document Name: PLANNING/1/ORD/AV03002
MWAT

C

PROPERTY DESCRIPTION
1,790 Square Feet

Being a portion of the Alley located in Block 1, Mills Map, City of El Paso, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 5/8 inch rebar at the Northwest corner of Lot 4, said Block 1 at the intersection of the South right-of-way line of Franklin Avenue (70 feet wide) and the East right-of-way line of El Paso Street (70 feet wide);

THENCE, along said South right-of-way line, North 52°23'00" East, a distance of 120.00 feet to a set "x" in sidewalk at the Northeast corner of said Lot 4 at the Northwest corner of a 20 feet wide Alley and **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said South right-of-way line, North 52°23'00" East, a distance of 20.00 feet to a set "x" in sidewalk at the Northwest corner of Lot 3, said Block 1 and the Northeast corner of said Alley;

THENCE, leaving said South right-of-way line and along the East line of said Alley, South 37°37'00" East, a distance of 89.51 feet to a point adjacent a concrete wall near the North right-of-way line of the Southern Pacific Railroad;

THENCE, along the North edge of said concrete wall, South 52°19'30" West, a distance of 20.00 feet to the West line of said Alley;

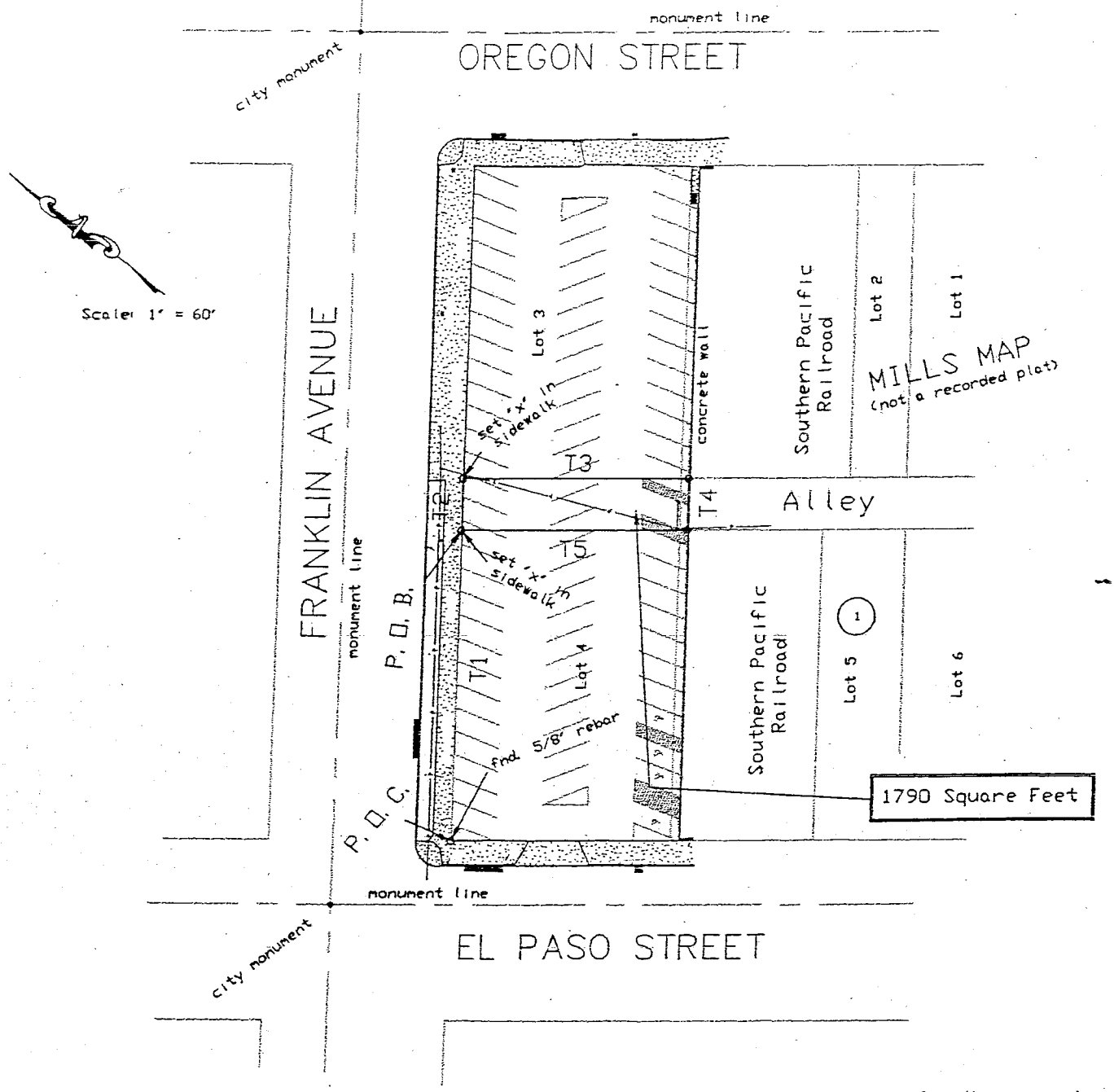
THENCE, along said West line, North 37°37'00" West, a distance of 89.53 feet to the **POINT OF BEGINNING** and containing 1,790 square feet of land.

This description was prepared from a survey made on the ground on November 24, 1998.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
January 6, 1999
Job No. 981217

STATE OF TEXAS
REGISTERED
JERRY E. CUTTS
2027
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "A"



NOTE: A metes and bounds description for this parcel was prepared on this date and is a part of this plat.

No.	Bearing	Distance
T1	N52° 23' 00" E	120.00'
T2	N52° 23' 00" E	20.00'
T3	S37° 37' 00" E	89.51'
T4	S52° 19' 30" W	20.00'
T5	N37° 37' 00" W	89.53'

I hereby certify that this survey was made on the ground under my supervision and that this plat represents the facts found at the time of this survey.

STATE OF TEXAS REGISTERED JERRY E. CUTTS 2027 PROFESSIONAL LAND SURVEYOR

Jerry E. Cutts, RPLS

Date prepared: 1-06-98
Job No.: 981217

PLAT OF SURVEY
PORTION OF ALLEY,
BLOCK 1, MILLS MAP,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Cutts Land Surveying, Inc.
Professional Land Surveyors
1100 Montana Avenue, Suite 206 Ph. (915) 534-9391

THE STATE OF TEXAS }
}
COUNTY OF EL PASO }

QUITCLAIM DEED

That the **CITY OF EL PASO** has released and quitclaimed and by these presents does release and quitclaim unto Branca L.P., all 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 A 20 FOOT WIDE ALLEY ABUTTING LOTS 3 & 4, BLOCK 1, MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ **day of** _____**, 2004**.

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Momsen
City Clerk

APPROVED AS TO FORM:

_____
Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Rudy Valdez, Chief Urban Planner
Planning, Research and Development

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)

Document #: 3904
Document Name: PLANNING/1/ORD/AV03002
MWAT

COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2004, by Joe Wardy, as Mayor of the CITY OF EL PASO.

_____
Notary Public, State of Texas
Notary's Printed or Typed Name:

_____

My Commission Expires:

_____

AFTER FILING RETURN TO:

Branca L.P.
Attention: Laura Pople
300 East Main, Ste. 1208
El Paso, Texas 79901

C

PROPERTY DESCRIPTION
1,790 Square Feet

Being a portion of the Alley located in Block 1, Mills Map, City of El Paso, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 5/8 inch rebar at the Northwest corner of Lot 4, said Block 1 at the intersection of the South right-of-way line of Franklin Avenue (70 feet wide) and the East right-of-way line of El Paso Street (70 feet wide);

THENCE, along said South right-of-way line, North 52°23'00" East, a distance of 120.00 feet to a set "x" in sidewalk at the Northeast corner of said Lot 4 at the Northwest corner of a 20 feet wide Alley and **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said South right-of-way line, North 52°23'00" East, a distance of 20.00 feet to a set "x" in sidewalk at the Northwest corner of Lot 3, said Block 1 and the Northeast corner of said Alley;

THENCE, leaving said South right-of-way line and along the East line of said Alley, South 37°37'00" East, a distance of 89.51 feet to a point adjacent a concrete wall near the North right-of-way line of the Southern Pacific Railroad;

THENCE, along the North edge of said concrete wall, South 52°19'30" West, a distance of 20.00 feet to the West line of said Alley;

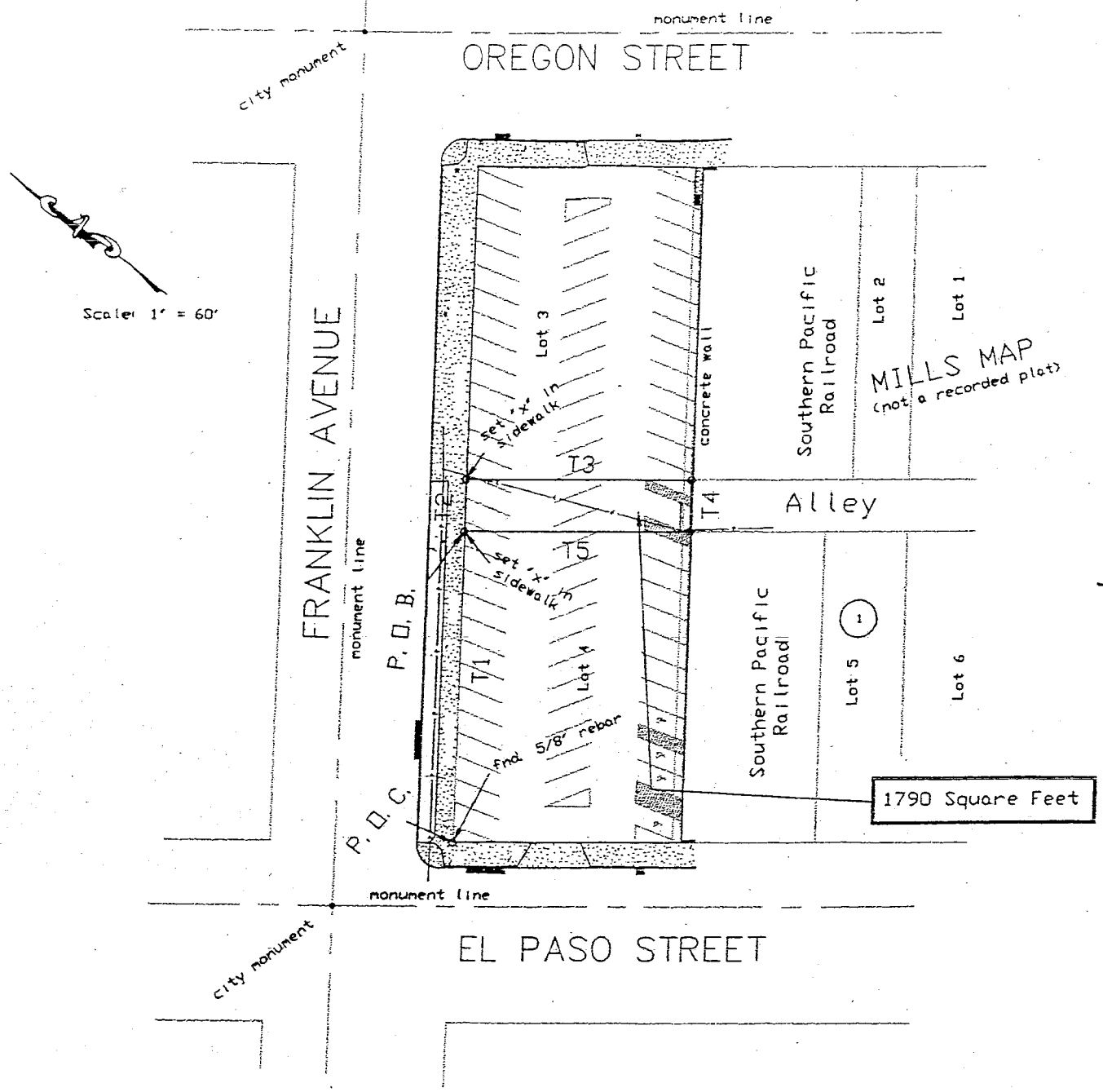
THENCE, along said West line, North 37°37'00" West, a distance of 89.53 feet to the **POINT OF BEGINNING** and containing 1,790 square feet of land.

This description was prepared from a survey made on the ground on November 24, 1998.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
January 6, 1999
Job No. 981217

STATE OF TEXAS
REGISTERED
JERRY E. CUTTS
2027
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "A"



NOTE: A metes and bounds description for this parcel was prepared on this date and is a part of this plat.

No.	Bearing	Distance
T1	N52° 23' 00" E	120.00'
T2	N52° 23' 00" E	20.00'
T3	S37° 37' 00" E	89.51'
T4	S52° 19' 30" W	20.00'
T5	N37° 37' 00" W	89.53'

I hereby certify that this survey was made on the ground under my supervision and that this plat represents the facts found at the time of this survey.

STATE OF TEXAS REGISTERED JERRY E. CUTTS 2027 PROFESSIONAL LAND SURVEYOR

Jerry E. Cutts, R.P.L.S.

Date prepared: 1-06-98
Job No.: 981217

PLAT OF SURVEY
PORTION OF ALLEY,
BLOCK 1, MILLS MAP,
TY OF EL PASO, EL PASO COUNTY, TEXAS

Cutts Land Surveying, Inc.
Professional Land Surveyors
[illegible] Suite 206 Ph. (915) 534-8391