

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

**DEPARTMENT:** Planning and Inspections, Planning Division

**AGENDA DATE:** Introduction: 2/18/2020  
Public Hearing: 3/3/2020

**CONTACT PERSON NAME AND PHONE NUMBER:**

Philip F. Etiwe, 915-212-1553, [Etiwepf@elpasotexas.gov](mailto:Etiwepf@elpasotexas.gov)  
Nelson Ortiz, 915-212-1606, [Ortiznx@elpasotexas.gov](mailto:Ortiznx@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 8

**STRATEGIC GOAL:** 3 – Promote the visual image of El Paso

**SUBGOAL:** 3.1 – Provide business friendly permitting and inspection processes  
3.2 – Improve the visual impression of the community

**SUBJECT:**

An Ordinance vacating a portion of City Right-of-Way over all of Linda Lane, Block 4, Upper Valley Surveys, City of El Paso, El Paso County, Texas. Subject Property: West of Montoya Drive at Linda Lane. Owner: William Kell as Trustee of the Cervantes Revocable Trust. **SURW16-00005 (District 8)**

**BACKGROUND / DISCUSSION:**

On December 20, 2018, the CPC reviewed and recommended approval of Linda Lane ROW vacation with the following conditions:

- That the Linda Estates Replat application be recorded concurrently to the approval of the ROW vacation by City Council.
- That the applicant grant a 50 ft. wide utility easement over the area proposed to be vacated prior to or concurrently to a final decision on this application by City Council.

Three appraisals were obtained in order to assess the market value of the ROW. The first appraisal, valuating the property at \$183,000, incorrectly estimated the city's interest by assuming a fee simple interest. The second appraisal, valuating the property at \$45,000, made inaccurate assumptions about the future use of the property. Finally, the third appraisal valuating the property at \$44,000, was deemed to be correct. The applicant has since paid the cost of the appraisals and \$44,000 for the market value of the subject property.

**PRIOR COUNCIL ACTION:**

There is no prior City Council action on this proposed request.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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Philip F. Etiwe, Director  
Planning and Inspections Department

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER ALL OF LINDA LANE, BLOCK 4, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the abutting property owner has requested vacation of the City right-of-way located on a parcel of land being a portion of all of Linda Lane, Block 4, Upper Valley Surveys, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of all of Linda Lane, Block 4, Upper Valley Surveys, 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 the City Right-of-Way located on the property described as all of Linda Lane, Block 4, Upper Valley Surveys, 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 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 property to William Kell, as Trustee of the CERVANTES REVOCABLE TRUST.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF EL PASO:**

\_\_\_\_\_  
Dee Margo  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe  
Planning & Inspections Department

*(Quitclaim Deed on following page)*

**ORDINANCE NO.** \_\_\_\_\_

19-1007-2356 | 854021\_2

Linda Lane Street Vacation

RTA

**SURW16-00005**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

THE STATE OF TEXAS }  
COUNTY OF EL PASO }

**QUITCLAIM DEED**

That in consideration of the receipt by the **CITY OF EL PASO** of TEN and No/100THS Dollars (\$10.00) 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 William Kell, as Trustee of the CERVANTES REVOCABLE TRUST, (the "Grantee"), 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 ALL OF LINDA LANE, BLOCK 4, UPPER VALLEY SURVEYS, 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 in the attached survey identified as Exhibit "B" and made a part hereof by reference.

**WITNESS the following signatures and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

**CITY OF EL PASO:**

**ATTEST:**

\_\_\_\_\_  
Tomás González, City Manager

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Philip F. Etiwe  
Planning and Inspections Department

*(Acknowledgement on following page)*

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS    )**  
**)**  
**COUNTY OF EL PASO    )**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020,  
by Tomás González, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:  
\_\_\_\_\_

**AFTER FILING RETURN TO:**  
William Kell  
123 W. Mills Suite 600  
El Paso, Texas 79901

## EXHIBIT A

Property description: All of Linda Lane, Block 4, Upper Valley Surveys, El Paso, El Paso County, Texas

### METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Linda Lane (July 18, 1951, Book 1037, Page 49, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at Texas – New Mexico Boundary Monument 77, from which Texas – New Mexico Boundary Monument 76 bears North 2°07'10" West, a distance of 1753.78 feet; Thence, North 2°07'10" West, along the Texas – New Mexico boundary line, a distance of 523.43 feet to the southerly right-of-way of Camino Real Drive (40-foot right-of-way, November, 1929, map of Block 4, Upper Valley Surveys, El Paso County, Texas); Thence, North 89°53'00" East, along said right-of-way, a distance of 972.10 feet to the westerly right-of-way of Montoya Lateral "A" (40-foot right-of-way, map of Block 4, Upper Valley Surveys); Thence, South 0°01'00" East, along said right-of-way, a distance of 685.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the northerly right-of-way of Linda Lane for the **POINT OF BEGINNING** of this description;

**THENCE**, South 0°01'00" East, a distance of 50.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the southerly right-of-way of Linda Lane;

**THENCE**, South 89°53'00" West, along said right-of-way, a distance of 400.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the common boundary between Linda Lane and Beltran Subdivision (Book 79, Page 96, Plat Records, El Paso County, Texas);

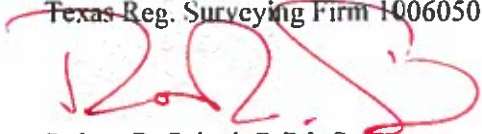
**THENCE**, North 0°01'00" West, along said boundary, a distance of 50.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the northerly right-of-way of Linda Lane;

**THENCE**, North 89°53'00" East, along said right-of-way, a distance of 400.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.459 acres (20,001 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.  
Professional Land Surveyors  
Texas Reg. Surveying Firm 10060500



Robert R. Seipel, R.P.L.S.  
President  
Texas License No. 4178

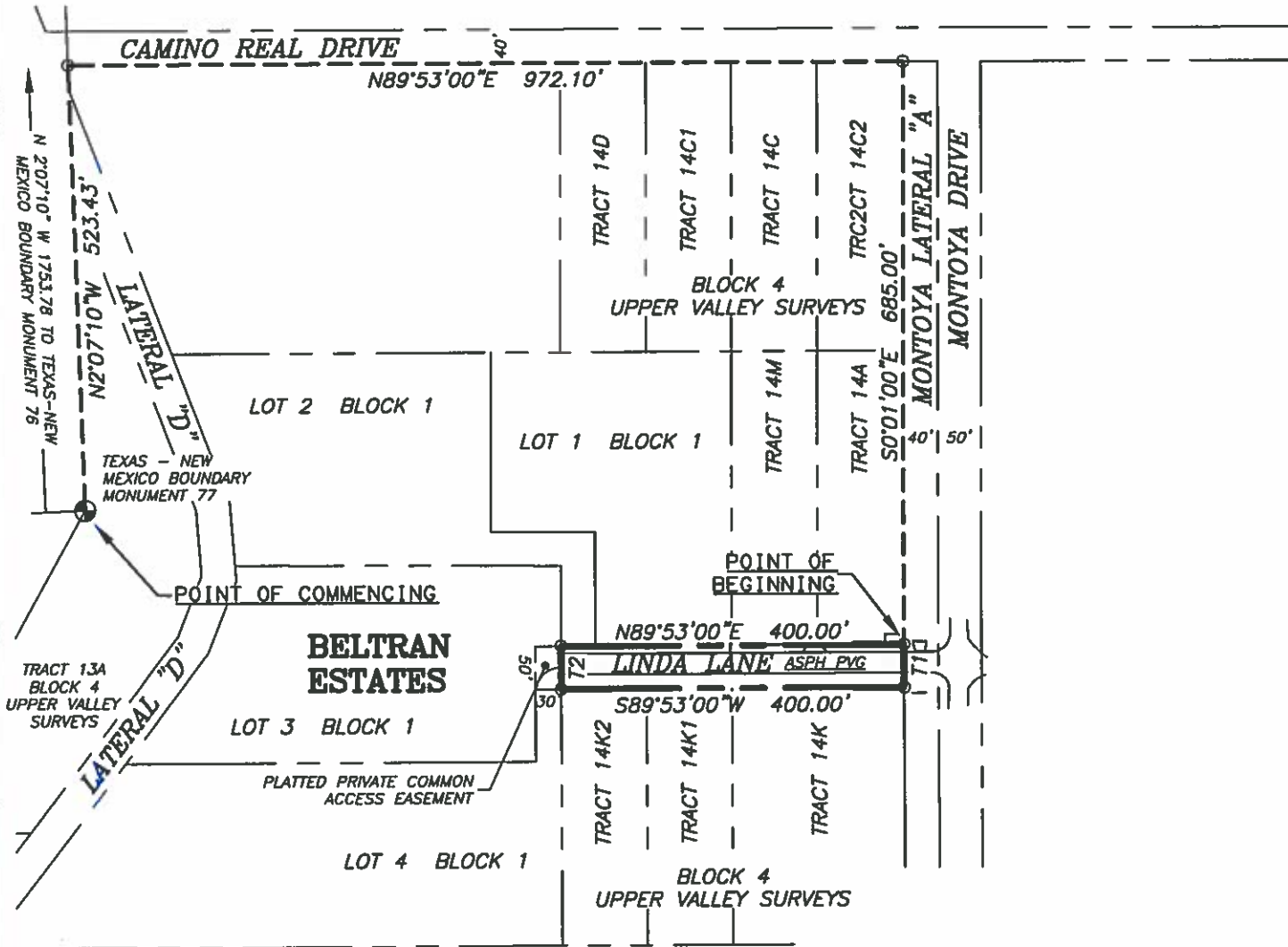
Job Number 15-0055  
November 5, 2015

EXHIBIT B

NOTE:

1. SET 5/8" REBAR WITH CAP MARKED "RPLS 4178" AT ALL CORNERS UNLESS OTHERWISE INDICATED. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS PLAT.
2. LINDA LANE IS DESCRIBED JULY 18, 1951, IN BOOK 1037, PAGE 49, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. BELTRAN SUBDIVISION IS RECORDED IN BOOK 79, PAGE 96, PLAT RECORDS, EL PASO COUNTY, TEXAS.
4. UNLESS OTHERWISE INDICATED, ALL LINES ARE FROM THE MAP OF UPPER VALLEY BLOCK 4, MADE FOR TAX PURPOSES BY EL PASO COUNTY IN NOVEMBER, 1929.
5. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF RECORD.
6. ALL STORM-WATER RUNOFF DISCHARGE VOLUMES FROM R.O.W. BEING VACATED SHALL BE RETAINED WITHIN IMMEDIATELY ABUTTING LOTS IN COMPLIANCE WITH PROVISIONS OF (DSC, 19.19.010A AND DDM, 11.1)

PARCEL AREA  
0.459 ACRES  
20,001 SQ. FT.



NOTE: EXISTING DRAINAGE PATTERNS AND CONDITIONS WILL REMAIN UNCHANGED. NO IMPROVEMENTS ARE PROPOSED WITHIN THE EXISTING RIGHT-OF-WAY, AND ALL EXISTING INFRASTRUCTURE WITHIN THE EXISTING RIGHT-OF-WAY IS EXPECTED TO REMAIN.

ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL 480214-0026D, DATED JANUARY 3, 1997, THIS PROPERTY LIES IN FLOOD HAZARD ZONES "B" AND "C".

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	S0°01'00"E	50.00'
T2	N0°01'00"W	50.00'

SCALE: 1" = 200'



ROBERT SEIPEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.

ROBERT R. SEIPEL, R.P.L.S.  
PRESIDENT  
TEXAS LICENSE No. 4178  
DATE: 11-05-15

ALL OF LINDA LANE, BLOCK 4, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

COPYRIGHT © 2015 ROBERT SEIPEL ASSOCIATES, INC.  
ALL RIGHTS RESERVED

DATE: 11-05-15  
SCALE: 1" = 200'  
DRAWN BY: RRS  
CHK'D BY: RRS  
FB: 417  
FILE #: 15-0055  
REVISED: 08-16-16

## **MEMORANDUM**

**DATE:** February 11, 2020

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Nelson Ortiz, Lead Planner

**SUBJECT: SURW16-00005 – Linda Lane ROW vacation**

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On December 20, 2018, the City Plan Commission (CPC) – recommended to approve this request subject to the following conditions:

- That the Linda Estates Replat application be recorded concurrently to the approval of the ROW vacation by City Council.
- That the applicant grant a 50 ft. wide utility easement over the area proposed to be vacated prior to or concurrently to a final decision on this application by City Council.

Three appraisals were obtained in order to assess the market value of the ROW. The first appraisal, valuating the property at \$183,000, incorrectly estimated the city's interest by assuming a fee simple interest. The second appraisal, valuating the property at \$45,000, made inaccurate assumptions about the future use of the property. Finally, the third appraisal valuating the property at \$44,000, was deemed to be correct. The applicant has since paid the cost of the appraisals and \$44,000 for the market value of the subject property.

The CPC determined that the request protects the best interest, health, safety and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

**Applicant:** William Kell, as Trustee of the Cervantes Revocable Trust

**Attachments:** Staff report and updated application reflecting new ownership in property. Note: Property has been conveyed to William Kell as Trustee of the Cervantes Revocable Trust.



# Linda Lane Street Vacation

City of El Paso — City Plan Commission — 12/20/2018

## SURW16-00005 ROW Vacation



<b>STAFF CONTACT:</b>	Armida R. Martinez, (915) 212-1605, <a href="mailto:martinezar@elpasotexas.gov">martinezar@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	Paul Foster
<b>REPRESENTATIVE:</b>	CSA Design Group, Inc.
<b>LOCATION:</b>	West of Montoya Drive at Linda Lane, District 8
<b>ACREAGE:</b>	.459 acres
<b>VESTED:</b>	N/A
<b>PARK FEES REQUIRED:</b>	N/A
<b>EXCEPTION/MODIFICATION REQUEST:</b>	N/A
<b>RELATED APPLICATIONS:</b>	SUSU18-00094, Linda Lane Estates
<b>PUBLIC INPUT:</b>	No opposition
<b>STAFF RECOMMENDATION:</b>	Approval with conditions

**SUMMARY OF REQUEST:** The applicant is requesting to vacate a 50' by 400' (0.459 acres) portion of Linda Lane right-of-way. There are no additional improvements proposed within the existing right-of-way and all existing infrastructure within the right-of-way is expected to remain. A replat application of the surrounding properties has been submitted and proposes to combine all lots into one residential lot.

**SUMMARY OF DCC RECOMMENDATION:** Planning staff recommends **approval** of Linda Lane Right-of-Way Vacation subject to the following conditions:

- That the Linda Estates Replat application be recorded concurrently to the approval of the ROW vacation by City Council.
- That the applicant grant a 50 ft. wide utility easement over the area proposed to be vacated prior to or concurrently to a final decision on this application by City Council.





## DESCRIPTION OF ANY EXCEPTIONS, MODIFICATIONS, OR WAIVERS

N/A

## RELATION OF PROPOSED APPLICATION TO THE CITY'S COMPREHENSIVE PLAN

**CONSISTENCY WITH PLAN EL PASO:** Subject property is designated G3, Post-War

**NEIGHBORHOOD CHARACTER:** Subject property is zoned R-1 (Residential). Properties adjacent to and surrounding the subject property are also zoned R-1. The nearest park is White Spur (1.51 miles). The nearest school is Bond Elementary (1.06 miles). The property is not located within an Impact Service Fee area.

**COMMENT FROM THE PUBLIC:** Notice of a Public Hearing, as per Section 19.15.040 (Public right-of-way, alley, or public easement vacation), was published in the El Paso Times on December 4, 2018. In addition, a notice was mailed to all property owners within 300 feet of the subject property. The Planning Division did not receive any communication in support or against this request.

### **PLAT EXPIRATION:**

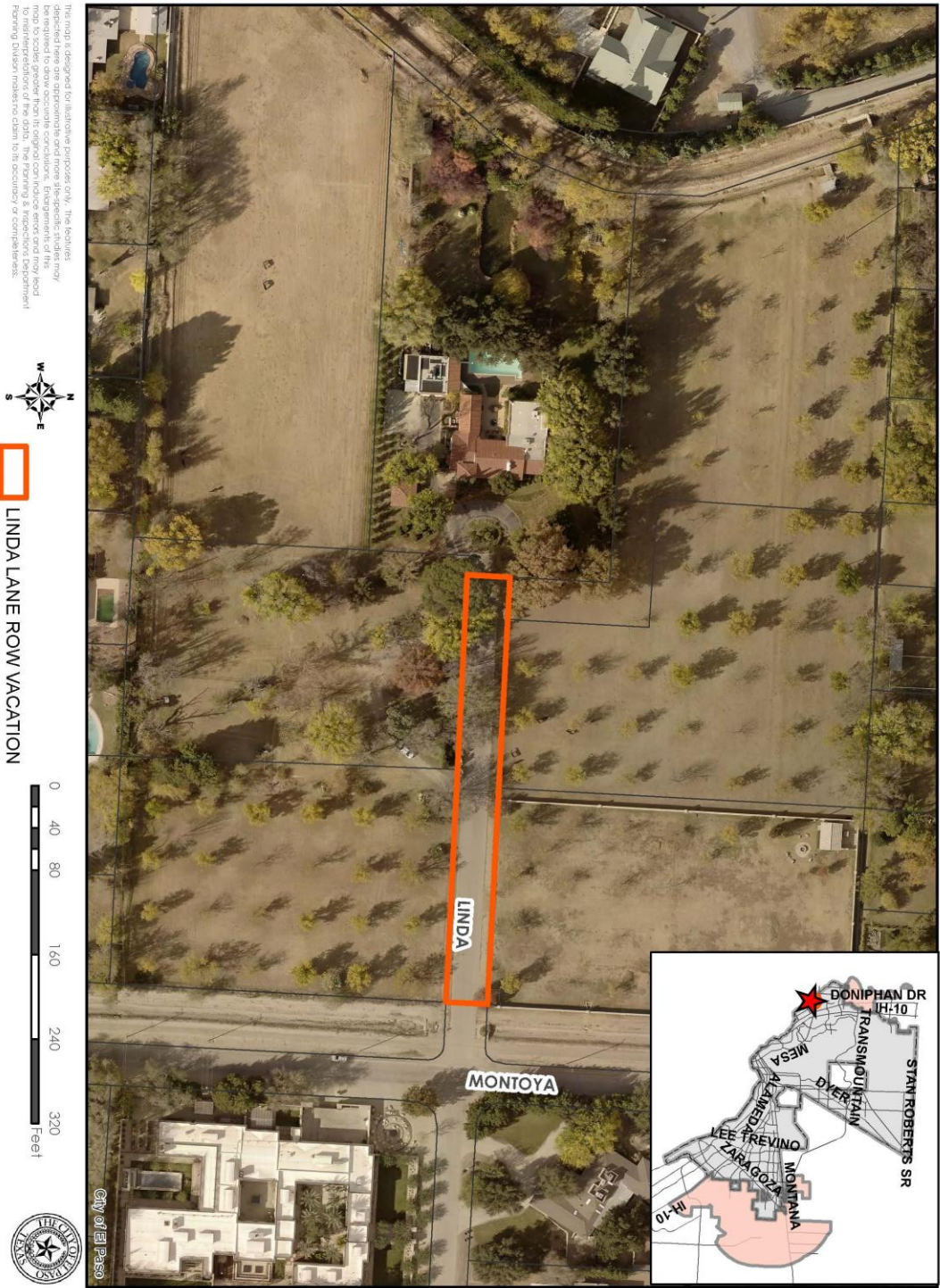
N/A

### **ATTACHMENTS:**

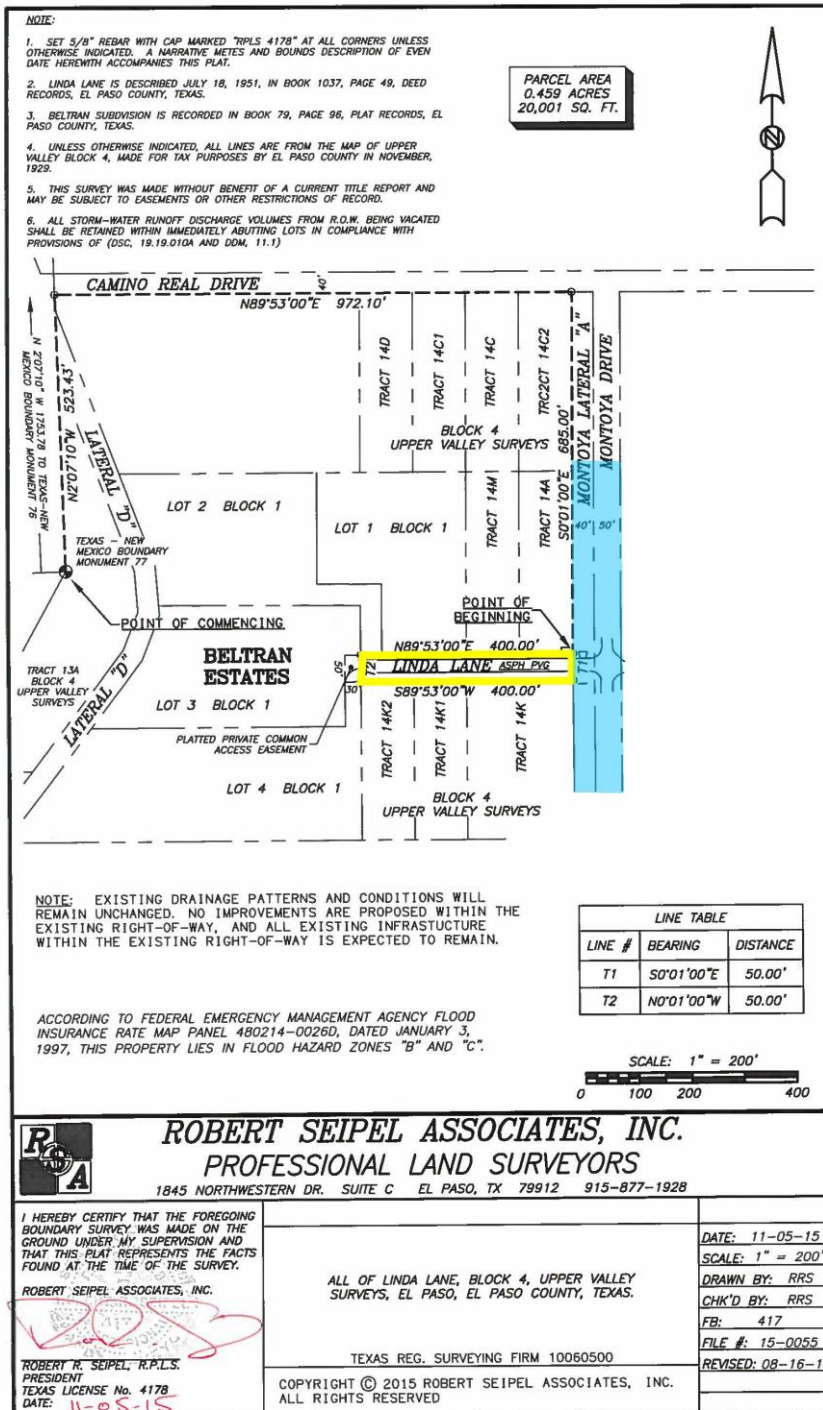
1. Aerial Map
2. Survey
3. Metes and Bounds survey
4. Application
5. Department Comments

# ATTACHMENT 1

## LINDA LANE ROW VACATION



# ATTACHMENT 2





# **ATTACHMENT 3**

Property description: All of Linda Lane, Block 4, Upper Valley Surveys, El Paso, El Paso County, Texas

## **METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is all of Linda Lane (July 18, 1951, Book 1037, Page 49, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at Texas – New Mexico Boundary Monument 77, from which Texas – New Mexico Boundary Monument 76 bears North 2°07'10" West, a distance of 1753.78 feet; Thence, North 2°07'10" West, along the Texas – New Mexico boundary line, a distance of 523.43 feet to the southerly right-of-way of Camino Real Drive (40-foot right-of-way, November, 1929, map of Block 4, Upper Valley Surveys, El Paso County, Texas); Thence, North 89°53'00" East, along said right-of-way, a distance of 972.10 feet to the westerly right-of-way of Montoya Lateral "A" (40-foot right-of-way, map of Block 4, Upper Valley Surveys); Thence, South 0°01'00" East, along said right-of-way, a distance of 685.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the northerly right-of-way of Linda Lane for the **POINT OF BEGINNING** of this description;

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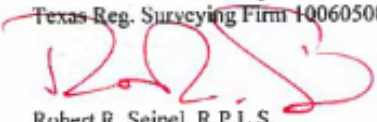
**THENCE**, North 0°01'00" West, along said boundary, a distance of 50.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the northerly right-of-way of Linda Lane;

**THENCE**, North 89°53'00" East, along said right-of-way, a distance of 400.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.459 acres (20,001 square feet) of land more or less.

**NOTE:** A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.  
Professional Land Surveyors  
Texas Reg. Surveying Firm 10060500

  
Robert R. Seipel, R.P.L.S.  
President  
Texas License No. 4178

Job Number 15-0055  
November 5, 2015

# ATTACHMENT 4



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

Date: October 1, 2018

File No. SURW16-00005

1. APPLICANTS NAME CSA Design Group, Inc.  
ADDRESS 1845 Northwestern Drive, Suite C, El Paso, Texas ZIP CODE 79912 TELEPHONE (915) 877-4155
2. Request is hereby made to vacate the following: (check one)  
Street ☐ Alley ☐ Easement ☐ Other R.O.W.  
Street Name(s) Linda Lane Subdivision Name \_\_\_\_\_  
Abutting Blocks \_\_\_\_\_ Abutting Lots Tracts 14K2, 14K1, 14K, 14A, 14M - Block 4 Upper Valley Surveys  
Block 1, Lots 1, 2, 3, and 4 - Beltran Estates Subdivision
3. Reason for vacation request: Road no longer serves its purpose as previous owner no longer resides. Current Owner would like to replat property into single piece.
4. Surface Improvements located in subject property to be vacated:  
None ☐ Paving ☒ Curb & Gutter ☐ Power Lines/Poles ☐ Fences/Walls ☐ Structures ☐ Other ☒ Header Curb
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
	<u>Beltran Estates Subdivision - Lot 3, Block 1 (750 Linda Ave.)</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.

*\*Effective September 1, 2014, a 3% technology fee has been added to all Planning application fees.*

OWNER SIGNATURE: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

CSA Design Group, Inc.

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

City Development Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

# **ATTACHMENT 5**

## **PLANNING AND INSPECTION DEPARTMENT – PLANNING:**

Developer/Engineer shall address the following comment:

Please be advised that the City and the El Paso Water County Improvement District #1 will need to amend License L-1300 (granted/established on March 27, 2012 by a City Resolution). If City Council approval is required to amend the License, such approval shall occur at the same Council hearing as the decision on this ROW vacation application.

## **PLANNING AND INSPECTIONS - LAND DEVELOPMENT**

No objections to proposed ROW vacation.

## **CAPITAL IMPROVEMENTS DEPARTMENT – PARKS:**

No objections to this proposed Street Right-of-way vacation.

## **EL PASO FIRE DEPARTMENT**

No objections.

## **EL PASO ELECTRIC**

No comments received.

## **TEXAS GAS SERVICE**

Texas Gas Service objects to this request unless requestor provides an easement for the facilities to remain in place or request that facilities be relocated at requestor/applicant expense.

**Note:** Applicant proposes to dedicate a utility easement through the proposed replat (SUSU18-00094 Linda Lane Estates)

## **EP WATER**

1. El Paso Water (EPWater) does not object to this request, as long as a full width utility easement is retained to accommodate the existing water and sewer mains.

### **Water:**

2. There is an existing 6-inch diameter water main extending along the north side of Linda Lane, approximately 16-foot south of and parallel to the northern right-of-way line of Linda Lane. This water main is available for service.
3. EPWater records indicate (1) ¾" service meter on the property with 730 Linda Ave. as the service address and (1) 1" service meter on the property with 750 Linda Ave. as the service address.
4. No fire hydrants are located along the proposed Linda Lane ROW vacation.

### **Sanitary Sewer:**

5. There is an existing 8-inch diameter sanitary sewer main extending along the south side of Linda Lane, approximately 17-foot north of and parallel to the southern right-of-way line of Linda Lane. This sanitary sewer main is available for service.

### **General:**

6. EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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 EPWater 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.

#### **STREETS AND MAINTENANCE**

- Street vacation will create landlocked lots and remove access to other lots in the Beltran subdivision and
- Also, the crossing across the Montoya lateral will remain, it should revert to a private crossing as it will no longer be a public street and not within city ROW.

**Note:** The applicant proposes to replat the property into one lot – no landlock parcels will exist. The applicant is also coordinating with EPCWID No. 1 to obtain a transfer license to a private owner.

#### **SUN METRO:**

Recommend approval.

#### **TXDOT:**

The Vacation at Linda Lane is not abutting TXDOT ROW.

#### **EL PASO WATER COUNTY WATER IMPROVEMENT DISTRICT NO. 1:**

The applicant needs to submit an application and application fee of \$250 for transfer of license to private entity or owner (owner will be responsible for any and all maintenance of crossing within existing 50' width of right-of-way).



## VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 1/27/2020

File No. SUR2W16-00005

1. APPLICANTS NAME William Kell, as Trustee of the Cervantes Revocable Trust  
ADDRESS 123 W. Mills Ave, Suite 600 ZIP CODE 79901 TELEPHONE 915-504-7100

2. Request is hereby made to vacate the following: (check one)

Street ☐ Alley ☐ Easement ☐ Other ROW

Street Name(s) Linde Lane Subdivision Name \_\_\_\_\_

Abutting Blocks \_\_\_\_\_ Abutting Lots Tracts 14K2, 14K1, 14K, 14A, 14M - Block 4 Upper Valley  
Block 1, Lots 1, 2, 3 & 4 - Beltran Estates Subdivision Survey

3. Reason for vacation request: Prune the Road

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
<u>W. Kell Trustee</u>	<u>All of Abutting lots listed above</u>	<u>915-504-7100</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.

OWNER SIGNATURE: W. Kell Trustee REPRESENTATIVE SIGNATURE: [Signature]

REPRESENTATIVE (PHONE): 915-504-7100

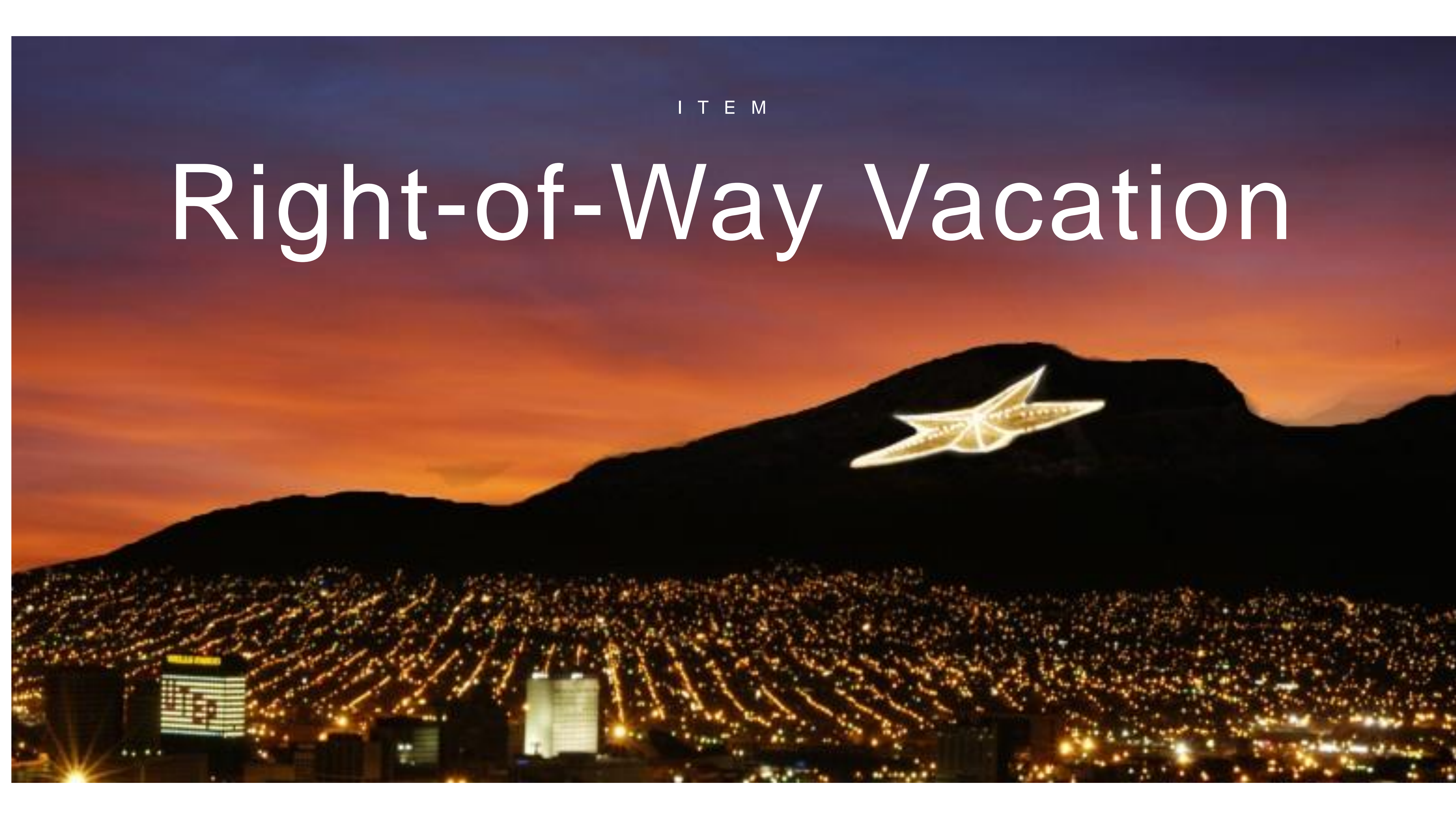
REPRESENTATIVE (E-MAIL): BCHARRIS@PLEXAR.COM

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



I T E M

# Right-of-Way Vacation







# Recommendation | Public Input

2

## **Planning and Development Coordinating Committee**

### **recommendation:**

- Approval w/ conditions

### **Public Input:**

- Planning division did not receive any communication in support or opposition to this request.

### **CPC Vote:**

- Approval w/ conditions

### **Strategic Goal #3 Promote the Visual Image of El Paso**

3.1 Provide business friendly permitting and inspection processes

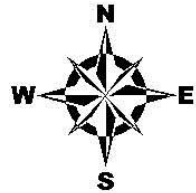
3.2 Improve the visual impression of the community



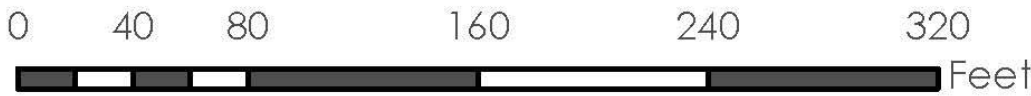
# LINDA LANE ROW VACATION



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



LINDA LANE ROW VACATION





LINDA LANE ROW VACATION



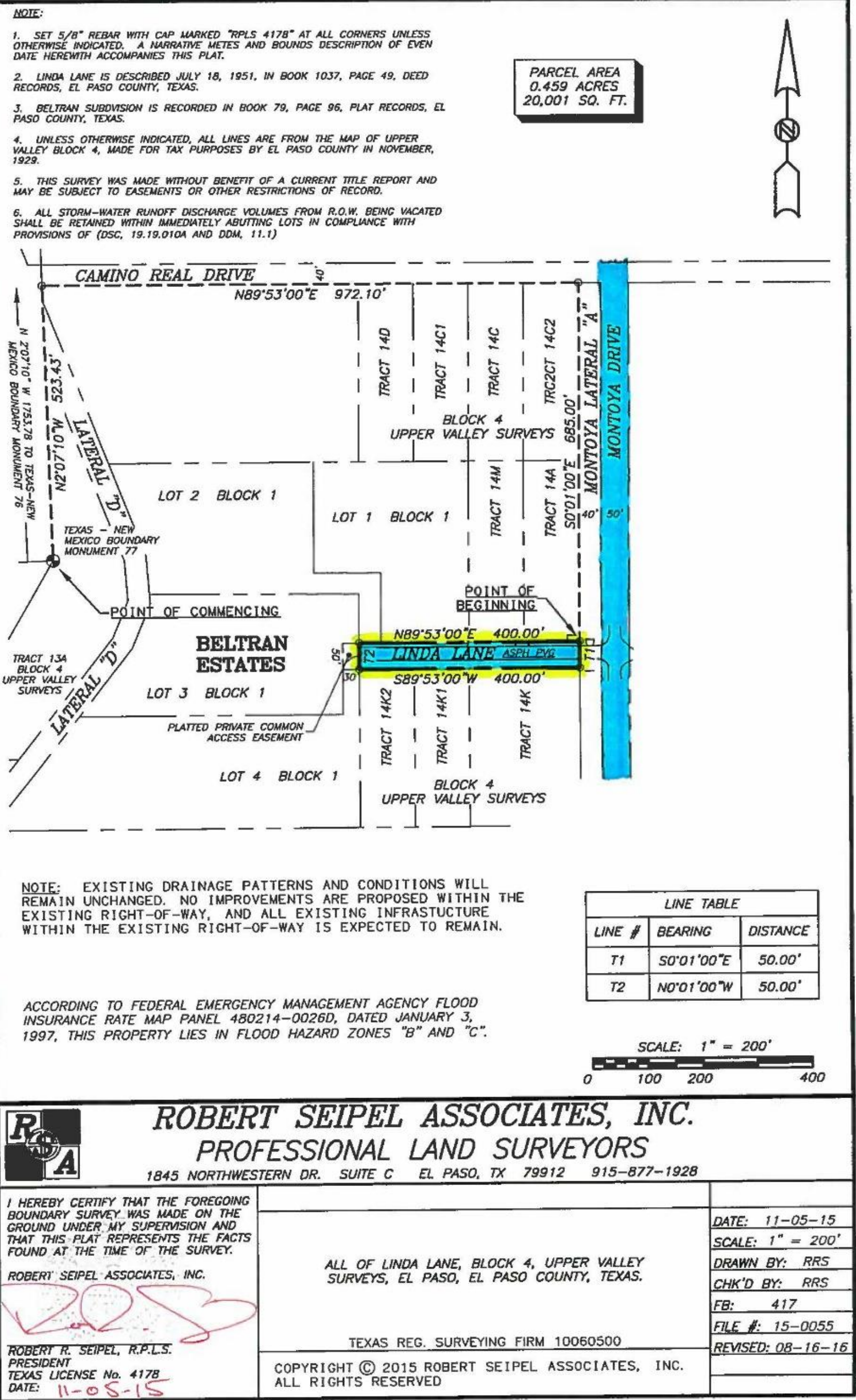
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LINDA LANE ROW VACATION













THANK YOU

