

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 HEAD SUMMARY FORM

DEPARTMENT: City Development Department
AGENDA DATE: Introduction 2/25/14; Public Hearing 3/4/14
CONTACT PERSON/PHONE: Raul Garcia, 541-4935
DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance vacating a 1.9075 acre portion of Edgar Road Right-of-Way out of S.A. & M.G. Survey No. 266, City of El Paso, El Paso County, Texas

BACKGROUND / DISCUSSION:

N/A

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Carlos Gallinar

Deputy Director, City Development Department-Planning

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

Mayor
Oscar Leaser

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
Lily Limón

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE VACATING A 1.9075 ACRE PORTION OF EDGAR ROAD RIGHT-OF-WAY OUT OF S.A. & M.G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of a parcel of land being a 1.9075 acre portion of Edgar Road right-of-way out of S.A. & M. G. Survey No. 266, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that the 1.9075 acre portion of Edgar Road right-of-way, 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 1.0975 acre portion of Edgar Road right-of-way, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description and survey identified as Exhibit "A" and made a part hereof by reference, be and is hereby vacated subject to the following condition:

The vacated right-of-way shall be subject to a 20' PSB Easement reserve for all PSB utilities located there on the effective date of the vacation. The PSB may inspect, maintain, replace, or upgrade them at any time.

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 **Prime Desert Properties, LLC**.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF EL PASO

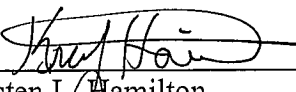
Oscar Leaser,
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk


(Signatures continue on following page)

APPROVED AS TO FORM:



Kristen L. Hamilton
Assistant City Attorney

APPROVED AS TO CONTENT:



Carlos Gallinar, Deputy Director
City Development Department – Planning

ORDINANCE NO. _____

SURW13-00012

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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 Prime Desert Properties, LLC ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto Prime Desert Properties, LLC 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 Edgar Road right-of-way out of S.A. & M.G. Survey No. 266, City of El Paso, El Paso County Texas situated in the County of El Paso, State of Texas, more fully described in the attached metes and bounds description and survey identified as Exhibit "A" 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. 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.

ORDINANCE NO. _____

SURW13-00012

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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 _____, 2014.

ATTEST:

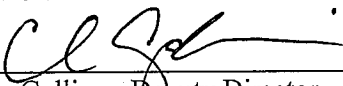
CITY OF EL PASO

Richarda Duffy Momsen
City Clerk

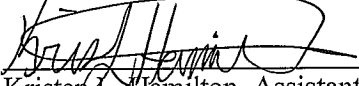
Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carlos Gallinar, Deputy Director
City Development Department - Planning



Kristen L. Hamilton, Assistant City Attorney

ACKNOWLEDGEMENTS ON FOLLOWING PAGE

ORDINANCE NO. _____

SURW13-00012

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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 _____, 2014.

NOTARY PUBLIC, STATE OF TEXAS

(Print or Stamp Name of Notary)

My commission expires: _____

AFTER FILING RETURN TO:

**Prime Desert Properties, LLC
5201 El Paso Dr.
El Paso, Tx 79905**

WITH COPY TO:

**City Development Department
Planning Division
222 S. Campbell
El Paso, TX 79901**

ORDINANCE NO. _____

SURW13-00012

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EXHIBIT A

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Edgar Road out of S.A. & M.G. Survey No. 266 as described in Volume 1124, Page 84, Real property records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

The TRUE POINT OF BEGINNING" being a found 5/8" rebar with cap marked TX 4178 at the intersection of the westerly right of way line of U.S. Interstate Highway No. 10 with the northerly right of way line of Edgar Road from which a found 5/8" rebar with cap marked TX 4178 at the intersection of the westerly right of way line of U.S. Interstate Highway No. 10 with the southerly right of way line of Montoya Lane bears North 11°47'30" West a distance of 896.67 feet;

Thence, along the westerly right of way line of U.S. Interstate Highway no. 10, South 11°47'30" East a distance of 60.49 feet to a found 5/8" rebar with cap marked TX 4178 on the southerly right of way line of Edgar Road;

Thence along said right of way line, South 85°30'00" West a distance of 552.48 feet to a point;

Thence along said right of way line, South 55°39'00" West a distance of 815.73 feet to a set 1/2" rebar with cap marked TX 5152;

Thence leaving said right of way line, North 18°37'08" West a distance of 31.17 feet to set 1/2" rebar with cap marked TX 5152;

Thence, South 55°39'00" West a distance of 3.12 feet to set 1/2" rebar with cap marked TX 5152;

Thence, South 75°47'00" West a distance of 23.88 feet to set 1/2" rebar with cap marked TX 5152;


Thence, North 14°13'00" West a distance of 30.00 feet to set 1/2" rebar with cap marked TX 5152 on the northerly right of way line of Edgar Road;

Thence along said right of way line, North 75°47'00" East a distance of 18.55 feet to point;

Thence along said right of way line, North 55°39'00" East a distance of 821.07 feet to set 1/2" rebar with cap marked TX 5152;

Thence along said right of way line, North 85°30'00" East a distance of 560.80 feet to the "TRUE POINT OF BEGINNING" and containing 83,092 Square Feet or 1.9075 Acres of land more or less.

NOTE: A plat of survey of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 213-14



NOTES:

1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.

EXHIBIT A



SCALE: 1"=200'

TRACK 6, S.A. & M.G.
RAILWAY COMPANY
SURVEY No. 266

(60' R.O.W.)
EDGAR ROAD
CONTAINING:
0.7403 Ac.

LOT 3
126700.89 S.F.
2.88 AC.

*333 EDGAR ROAD

TRACK 6, S.A. & M.G.
RAILWAY COMPANY
SURVEY No. 266

R-3 TO C-1 VOL. 3821, PG. 89
R-3 TO M-1 VOL. 3821, PG. 89
ZONED C-3 ON CITY ZONING MAP

TRACK 6, S.A. & M.G.
RAILWAY COMPANY
SURVEY No. 266

LINE TABLE		
LINE	BEARING	LENGTH
L1	N16°37'08"W	31.17
L2	S55°39'00"W	3.12
L3	S75°47'00"W	23.88
L4	N14°13'00"W	30.00
L5	N75°47'00"E	18.55

TRACK 10, S.A. & M.G.
RAILWAY COMPANY
SURVEY No. 266

(60' R.O.W.)
EDGAR ROAD
CONTAINING: 1.9075 Ac.

TRACK 10, S.A. & M.G.
RAILWAY COMPANY
SURVEY No. 266

TRACK 6, S.A. & M.G.
RAILWAY COMPANY
SURVEY No. 266

FND 5/8" REBAR
W/CAP TX. 4178
(P.O.C. PARCEL 1)

BEARING
BASIS

FND 5/8" REBAR
W/CAP TX. 4178
(P.O.C.)

SYMBOL LEGEND

SS SANITARY SEWER

PP POWER-POLE

SS — SS — = SANITARY SEWER LINE
OHE — OHE — = OVER HEAD ELECTRIC

JOB # 114-50

DATE: JANUARY 30, 2014

FIELD: A.V.

OFFICE: E.A.

A PORTION OF EDGAR ROAD
OUT OF S.A. & M.G.
RAILWAY COMPANY SURVEY No.266
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.
6080 SURETY SUITE 100

CADD FILE: S:\WS\SAM 266\21341

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



MEMORANDUM

DATE: February 13, 2014
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Raul Garcia, Senior Planner
SUBJECT: SURW13-00012 Edgar Road Vacation

The City Plan Commission (CPC), on May 16, 2013, voted 6-0 to approve the Edgar Road Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with Plan El Paso. The CPC also 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
Lily Limón

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: SURW13-00012 Edgar Road Vacation
Application Type: Right-of-way Vacation
CPC Hearing Date: May 16, 2013

Staff Planner: Mirian Spencer, 915-541-4482, spencermd2@elpasotexas.gov
Location: East of IH-10 and South of Montoya Lane
Acreage: 1.91 acres
Rep District: 1
Existing Use: vacant
Existing Zoning: C-3/c (Commercial/conditions) and C-3 (Commercial)

Property Owner: Prime Desert Properties, LLC
Applicant: El Paso Electric Company
Representative: Quantum Engineering Consultants, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3/c (Commercial/conditions)/ Vacant
South: C-3 (Commercial)/ Vacant
East: C-1/c (Commercial/conditions)/ Vacant
West: M-1 (Light Manufacturing)/ IH-10

PLAN EL PASO DESIGNATION: G-3, Post-War

APPLICATION DESCRIPTION

The applicant is requesting to vacate a portion of Edgar Road, located between Ethel Road and Desert Boulevard South. The entire right-of-way is proposed to be vacated in order to allow for the construction of an El Paso Electric Company operations, fleet services and maintenance facility. There are no existing improvements on the right-of-way that is proposed to be vacated.

All abutting properties are owned by Prime Desert Properties, LLC.

Planning Division Recommendation:

The Planning Division recommends **Approval** of the street right-of-way vacation with the condition that a 25 ft. wide PSB easement shall be retained to accommodate an existing 15 inch diameter sewer main located along Edgar Road that will remain active to continue providing service to the public.

City Development Department - Land Development:

No objections

EPDOT

No objections

El Paso Water Utilities:

El Paso Water Utilities does not object to the proposed vacation as long as a 25 ft. wide PSB easement is retained to accommodate an existing 15 inch diameter sewer main located along Edgar Road that will continue providing service to the public.

Stormwater Division:

No comments received

Parks and Recreation:

No comments received

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

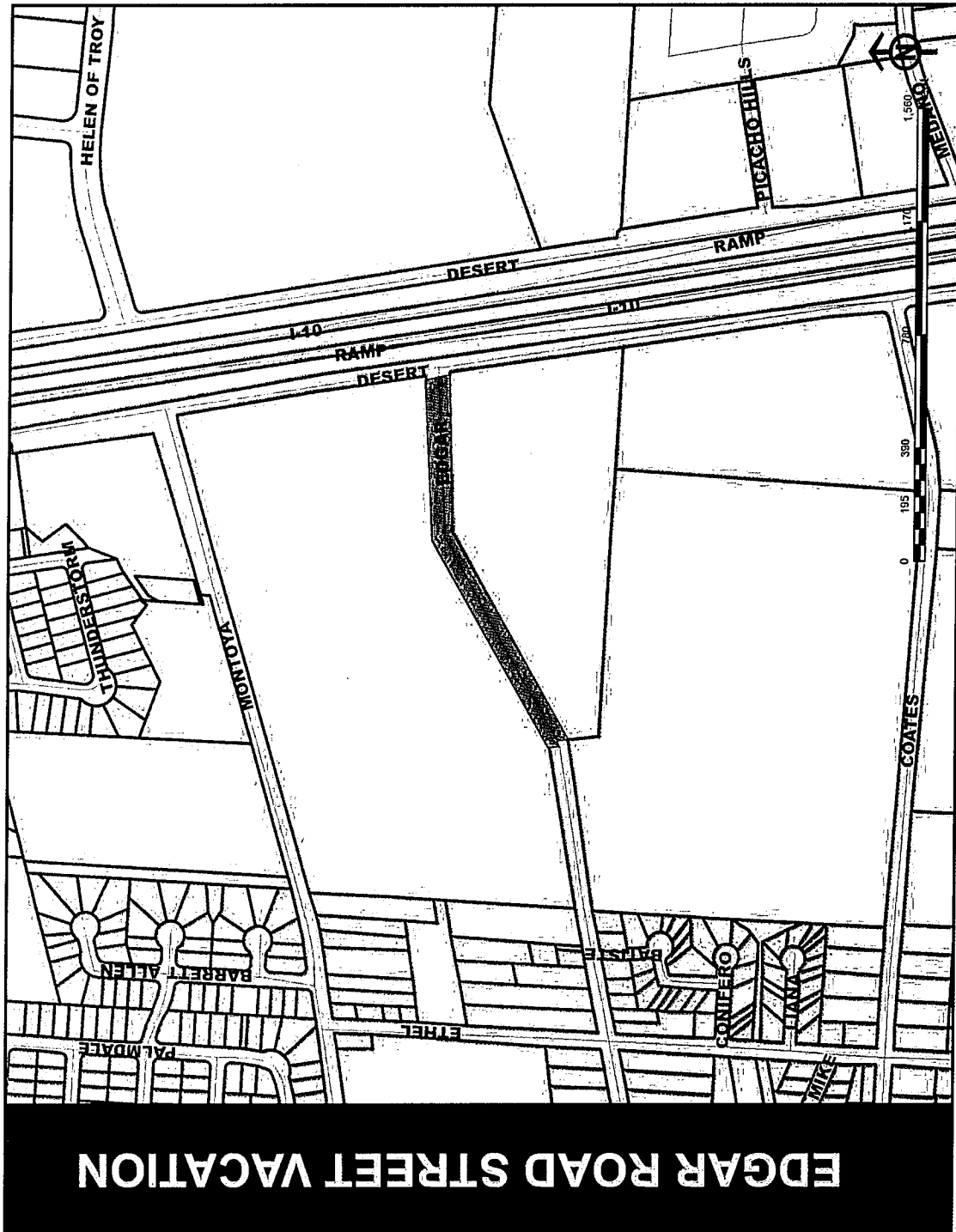
Canutillo Independent School District:

No comments received.

Attachments

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

ATTACHMENT 1

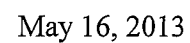


ATTACHMENT 2



NOTES:

1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.
2. * INDICATES EASEMENTS, ADDRESSES, ETC, TO BE RECORDED AT TIME OF FILING OF THE PLAT OF WEST DESERT MARKETPLACE.



ATTACHMENT 4



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

Date: 4-24-2013

File No. SURW13-00012

1. APPLICANTS NAME QUANTUM ENGINEERING CONSULTANTS, INC. (ROBERT A. GONZALES)

ADDRESS 44 EVOLUTION CENTER BVD SUITE 200 ZIP CODE 79902 TELEPHONE 915-532-1272

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

Street ☒ Alley ☐ Easement ☐ Other ☐

Street Name(s) EDGAR ROAD Subdivision Name WEST DESERT MARKETPLACE

Abutting Blocks 1 Abutting Lots 1 & 2

3. Reason for vacation request: ACCOMMODATE AN SPEC OPERATIONS, FLEET SERVICES AND MAINTENANCE FACILITY

4. Surface Improvements located in subject property to be vacated:
None ☒ Paving ☐ Curb & Gutter ☐ Power Lines/Poles ☐ Fences/Walls ☐ Structures ☐ Other N/A

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 N/A

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>WEST DESERT MARKETPLACE LOT 2, BLOCK 1</u>	<u>915-532-0475</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.

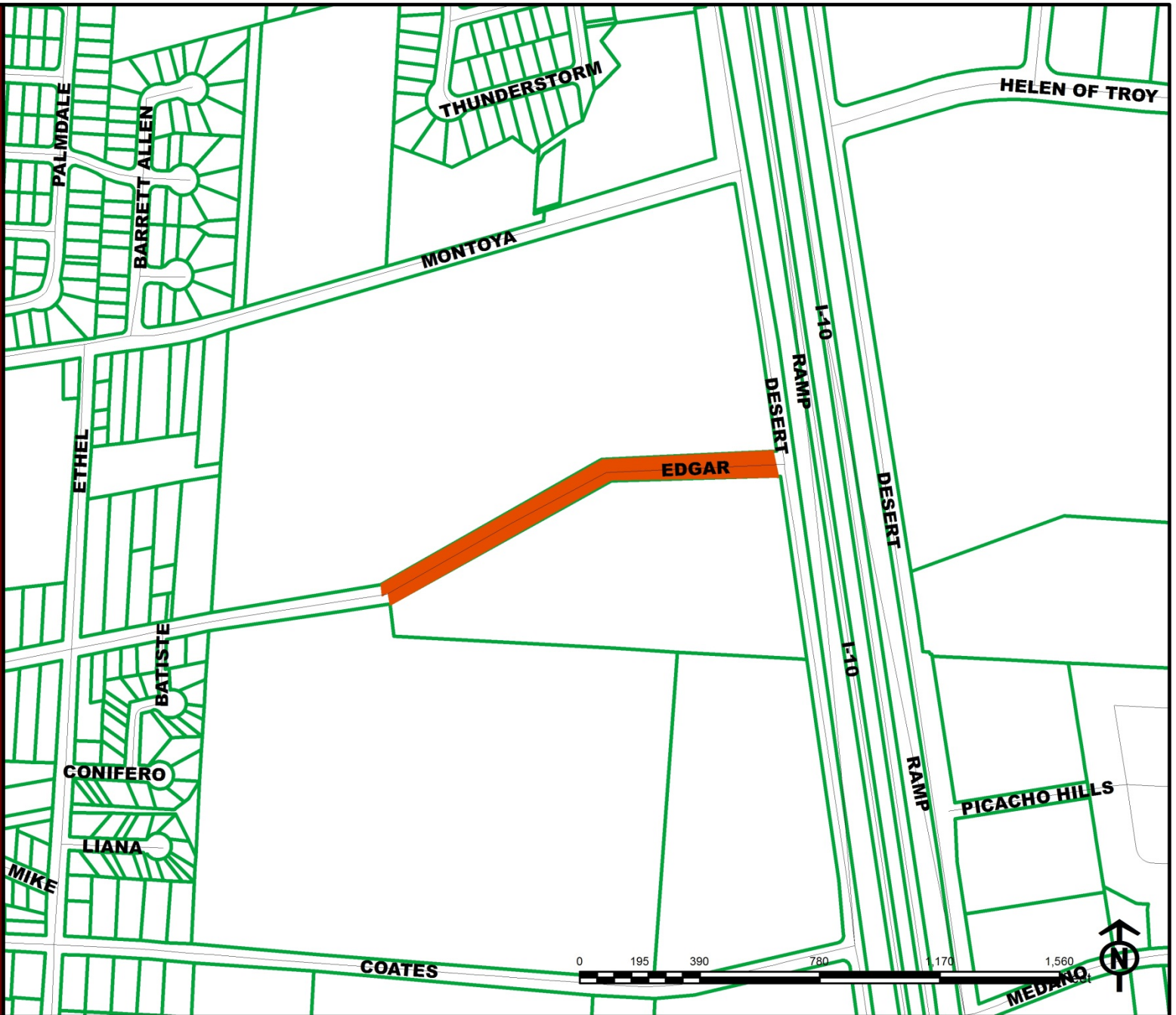
CASHIER'S VALIDATION
FEE: \$966.00

OWNER SIGNATURE:

REPRESENTATIVE: ROBERT A. GONZALES
QUANTUM ENGINEERING CONSULTANTS, INC.

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

EDGAR ROAD STREET VACATION



EDGAR ROAD STREET VACATION







EDGAR ROAD VACATION

