

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: March 3, 2020
Public Hearing: March 17, 2020

CONTACT PERSON NAME AND PHONE NUMBER:
Philip Etiwe, (915)212-1553, etiwepf@elpasotexas.gov
Jovani Francia, (915)212-1613, franciajx@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL: 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 twenty-foot utility easement out of Block 22, in Mills Addition, City of El Paso, El Paso County, Texas. Subject Property: 500 N. Mesa; Applicant: Mesa Franklin Venture, LLC; **SUET19-00005 (District 8)**

BACKGROUND / DISCUSSION:

On January 16, 2020, the CPC reviewed and recommended approval of the easement vacation.

PRIOR COUNCIL ACTION:

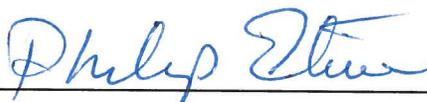
There is no prior City Council action on the easement vacation application.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



Philip F. Etiwe, Director

Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE VACATING A TWENTY-FOOT UTILITY EASEMENT OUT OF BLOCK 22, IN MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a twenty-foot utility easement out of Block 22, in Mills Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing, the City Plan Commission has recommended that a twenty-foot utility easement out of Block 22, in Mills Addition, City of El Paso, El Paso County, Texas, be vacated and the City Council finds that said easement 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, in consideration of the receipt by the City of El Paso of TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a twenty-foot utility easement out of Block 22, in Mills Addition, City of El Paso, El Paso County, Texas, as further 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, closed and abandoned.

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 easement to **Mesa Franklin Venture, LLC**.

ADOPTED this ____ day of _____, 2020.

THE 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, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

ORDINANCE NO. _____
20-1007-2574 | 965653
500 N. Mesa Easement Vacation
RTA

SUET19-00005

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 of Typed Name:

My Commission Expires:

AFTER FILING RETURN TO:
Mesa Franklin Venture, LLC
6500 Montana Avenue
El Paso, Texas 79925

(Exhibit "A" & "B" on the following pages)

ORDINANCE NO. _____
20-1007-2574 | 965653
500 N. Mesa Easement Vacation
RTA

SUET19-00005

EXHIBIT A

METES AND BOUNDS DESCRIPTION 500 N. MESA STREET

Property Description: A twenty-foot utility easement out of Block 22 of the MILLS ADDITION, in the City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds, as follows:

Commencing at the center line intersection of Missouri Avenue and N. Stanton Street, Thence, S37°37'00"E, with the center line of said N. Stanton Street, a distance of 35.00 feet to a point; Thence, S52°23'00"W, abandoning said center line, a distance of 35.00 feet to a found chiseled "X" laying on the westerly right-of-way of said N. Stanton Street and the south right-of-way line of Missouri Avenue; Thence, S52°23'00"W, along said right-of-way line of E. Missouri Avenue, a distance of 120.00 feet to a point for a boundary corner for the 20-foot alley herein being described, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, S37° 37' 00"E, abandoning said right-of-way line, a distance of 142.50 feet to a point for a boundary corner;

THENCE, S52° 23' 00"W, a distance of 20.00 feet to a point for a boundary corner;

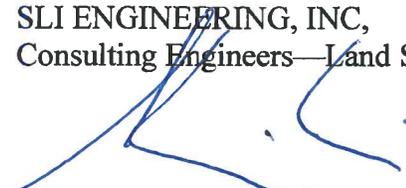
THENCE, N37°37'00"W, a distance of 142.50 feet to a point for a boundary corner lying on the south right-of-way line of E. Missouri Avenue;

THENCE, N52°23'00"E, with said right-of-way line, a distance of 20.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.065 of an acre (2,850.00 sq. ft.) of land more or less.

A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,
Consulting Engineers—Land Surveyors.


Guillermo Licon, R.P.L.S.
Registered Professional Land Surveyor
Texas License No. 2998

December 03, 2019
Job Number 06-19-4408



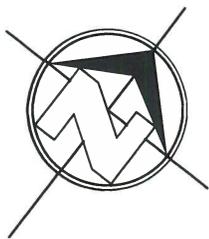
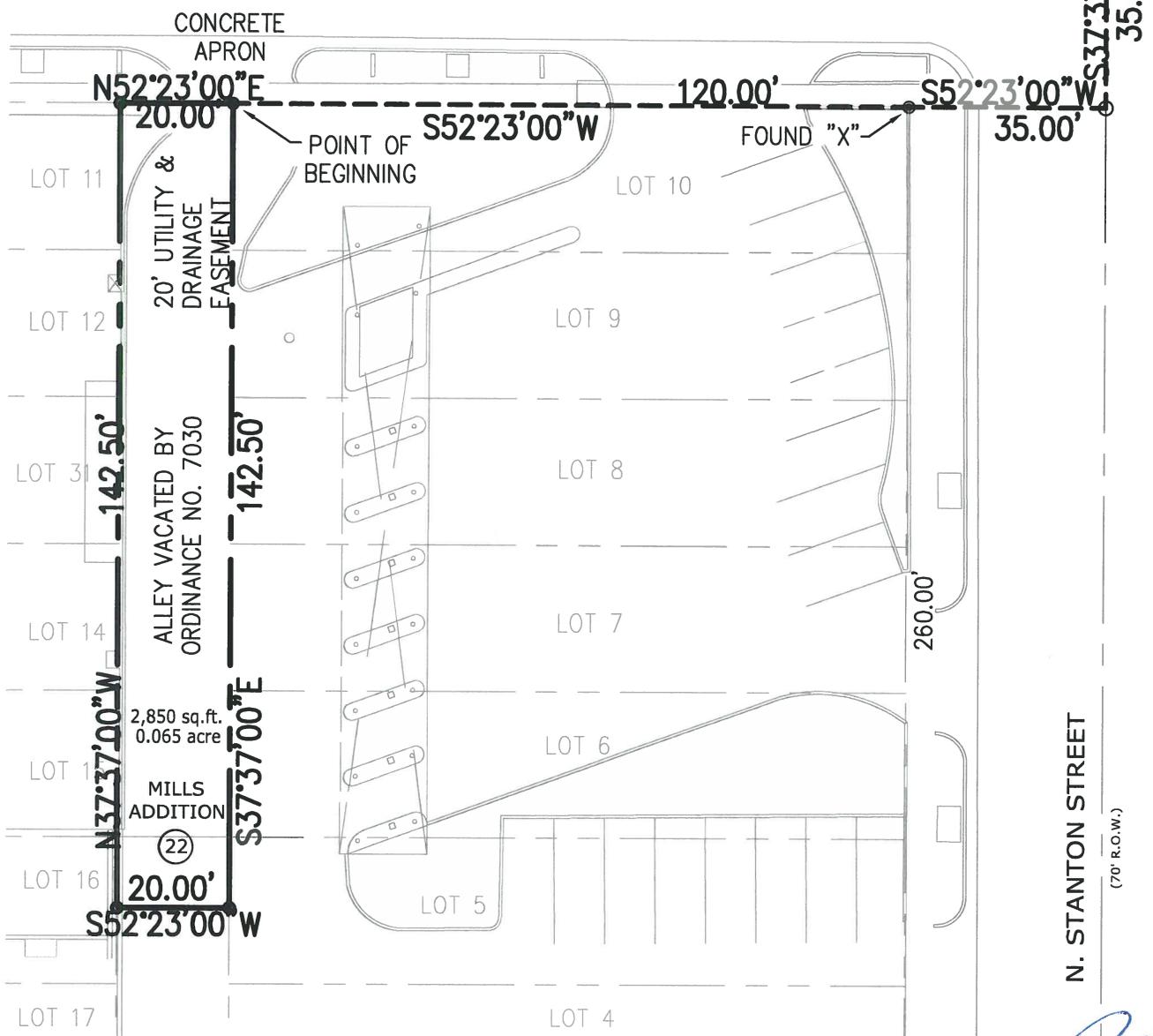


EXHIBIT B

CENTERLINE INTERSECTION
OF E. MISSOURI AVE. &
N. STANTON STREET

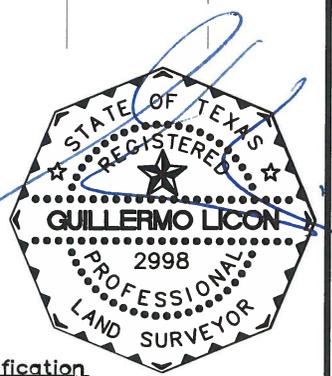
E. MISSOURI AVENUE

(70' R.O.W.)



AREA
2,850 sq. ft.
0.065 of acre.

SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00



© Copyright 2019 by SLI Engineering, Inc. All rights reserved.
This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon DECEMBER 03, 2019.

PLAT OF UTILITY EASEMENT

SLI CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6800 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457

SLI ENGINEERING, INC.

JOB #: 06-19-4408
DRAWN BY: MN CK BY: GH
DATE: 12/03/2019 SCALE: 1"=30'

**500 N. MESA STREET
LEGAL DESCRIPTION**
A TWENTY FOOT UTILITY EASEMENT
OUT OF BLOCK 22, IN MILLS
ADDITION, CITY OF EL PASO, EL
PASO COUNTY, TEXAS.

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING
PLAT OF BOUNDARY WAS PERFORMED
UNDER MY SUPERVISION AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998
DATE: 12-1-2019



Planning and Inspections

MAYOR
Dee Margo

CITY COUNCIL

District 1
Peter Svarzbein

District 2
Alexsandra Anello

District 3
Cassandra Hernandez

District 4
Dr. Sam Morgan

District 5
Isabel Salcido

District 6
Claudia L. Rodriguez

District 7
Henry Rivera

District 8
Cissy Lizarraga

CITY MANAGER
Tommy Gonzalez

DATE: February 24, 2020

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

FROM: Jovani Francia, Planner

SUBJECT: SUET19-00005 500 N. Mesa Easement Vacation (South of Missouri and East of Mesa)

The City Plan Commission (CPC), on January 16, 2020, voted to recommend approval of the proposed easement vacation.

The City Plan Commission determined that the request to vacate the easement 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.

The Planning Division did not receive any communications in support or opposition to the request.

Property Owner Mesa Franklin Venture, LLC
Representative SLI Engineering

Attachments:
Staff Report

Philip F. Etiwe, Director

Planning and Inspections Department | 801 Texas Ave. | El Paso, TX 79901
Office: (915) 212-0104 | FAX: (915) 212-0084



DELIVERING **EXCEPTIONAL** SERVICES

500 N. Mesa Easement Vacation



City Plan Commission — January 16, 2020

CASE NUMBER/TYPE:	SUET19-00005 – Easement Vacation
CASE MANAGER:	Jovani Francia, (915)212-1613, franciajx@elpasotexas.gov
PROPERTY OWNER:	Mesa Franklin Venture, LLC
REPRESENTATIVE:	SLI Engineering
LOCATION:	South of Missouri and East of Mesa, (District 8)
PROPERTY AREA:	0.065 acres
ZONING DISTRICT(S):	C-5 (Commercial)
RELATED APPLICATIONS:	N/A

SUMMARY OF DCC RECOMMENDATION: The Development Coordinating Committee recommends approval of the vacation of a 20' utility and drainage easement.



DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 20' utility and drainage easement to clear the area for any possible future development. The utility and drainage easement does not serve AT&T, Charter / Spectrum, El Paso Electric, El Paso Water, or Texas Gas. These utility companies did not have any opposition to the vacation of the 20' utility easement.

CASE HISTORY / RELATED APPLICATIONS: Ordinance 7030, dated October 14, 1980, vacated a portion of the alley from Lots 6 through 15, Block 22, Mills Addition; however, the vacation was subject to a utility and drainage easement being required in the portion of the alley being vacated.

Ordinance 7866, dated September 13, 1983, vacated the alley entirely on Lots 1 through 20, Block 22, Mills Addition. This ordinance, however, did not remove the utility and drainage easement.

Neighborhood Character: The subject property is located in the City of El Paso. Properties adjacent to the subject property are zoned C-5 (Commercial). Surrounding land uses are commercial. The nearest park is San Jacinto Plaza (0.08 miles). The nearest school is Triumph High School – El Paso West (0.11 miles). This property is not located within any Impact Fee Service Areas.

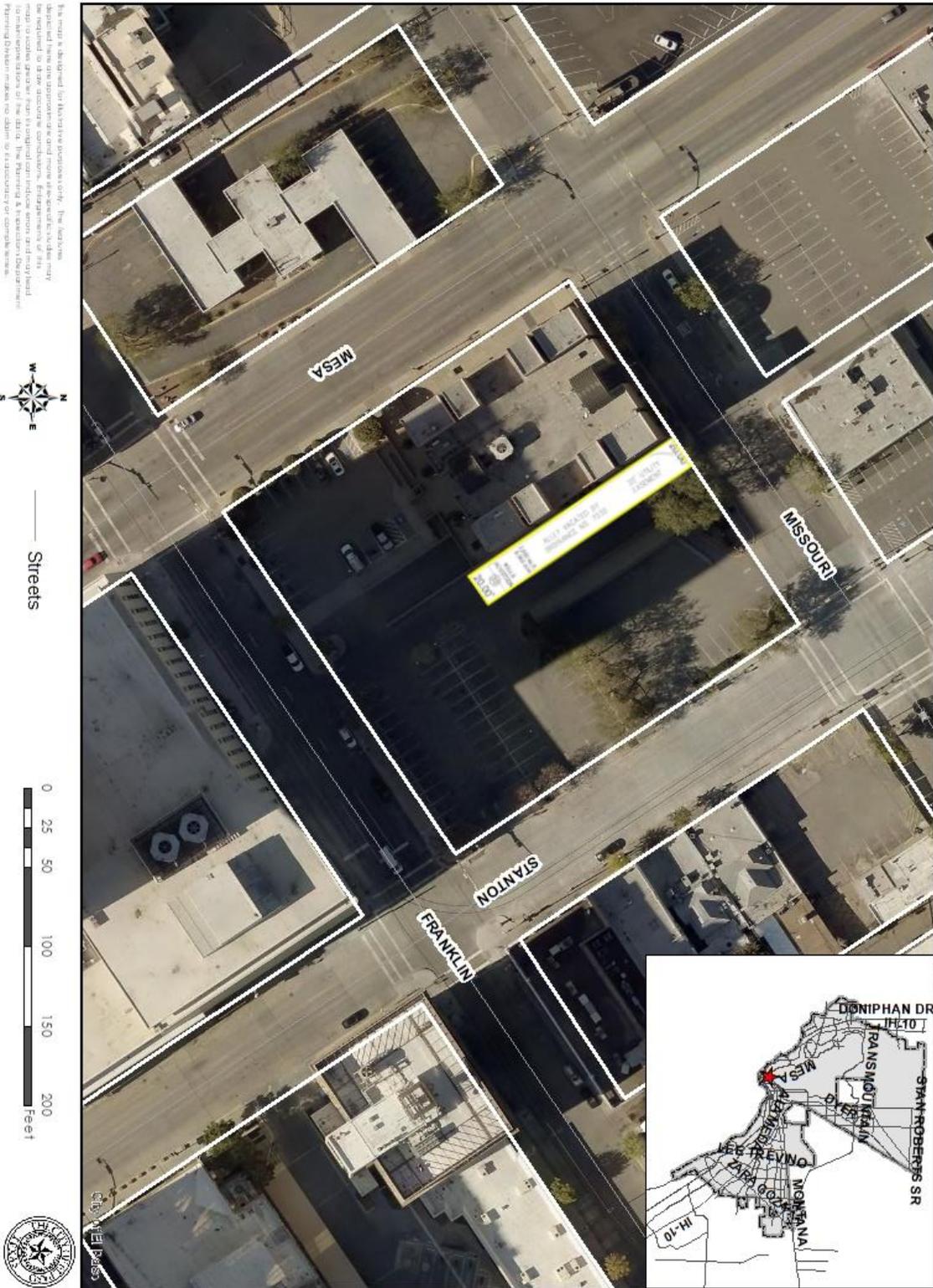
Public Comment: N/A

ATTACHMENTS:

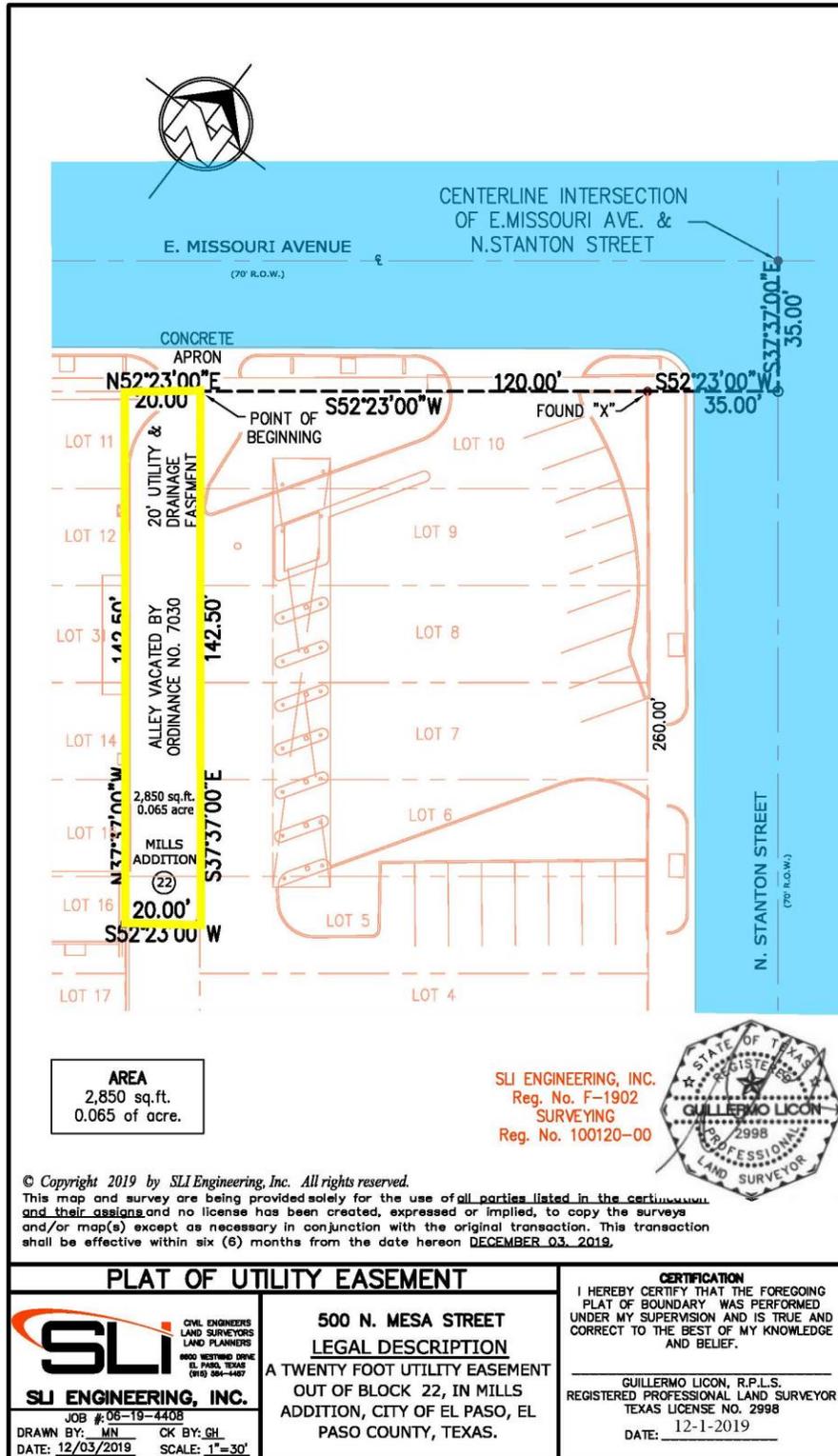
1. Location Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Ordinance 7030
6. Ordinance 7866
7. Department Comments

ATTACHMENT 1

SUET19-00005 - 500 N. Mesa Easement Vacation



ATTACHMENT 2



ATTACHMENT 3

METES AND BOUNDS DESCRIPTION 500 N. MESA STREET

Property Description: A twenty-foot utility easement out of Block 22 of the MILLS ADDITION, in the City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds, as follows:

Commencing at the center line intersection of Missouri Avenue and N. Stanton Street, Thence, S37°37'00"E, with the center line of said N. Stanton Street, a distance of 35.00 feet to a point; Thence, S52°23'00"W, abandoning said center line, a distance of 35.00 feet to a found chiseled "X" laying on the westerly right-of-way of said N. Stanton Street and the south right-of-way line of Missouri Avenue; Thence, S52°23'00"W, along said right-of-way line of E. Missouri Avenue, a distance of 120.00 feet to a point for a boundary corner for the 20-foot alley herein being described, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, S37° 37' 00"E, abandoning said right-of-way line, a distance of 142.50 feet to a point for a boundary corner;

THENCE, S52° 23' 00"W, a distance of 20.00 feet to a point for a boundary corner;

THENCE, N37°37'00"W, a distance of 142.50 feet to a point for a boundary corner lying on the south right-of-way line of E. Missouri Avenue;

THENCE, N52°23'00"E, with said right-of-way line, a distance of 20.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.065 of an acre (2,850.00 sq. ft.) of land more or less.

A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,
Consulting Engineers—Land Surveyors.

Guillermo Licon, R.P.L.S.
Registered Professional Land Surveyor
Texas License No. 2998



December 03, 2019
Job Number 06-19-4408

Page 1 of 2

F:\PROJECTS\500 N. MESA\M&B\500 N. MESA UTILITY EASEM-12-03-19.doc

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: _____

File No. SUET19-00005

1. APPLICANTS NAME MESA FRANKLIN VENTURE LLC \ MIMCO LLC

ADDRESS _____ ZIP CODE _____ TELEPHONE _____

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

Street _____ Alley _____ Easement Other _____

Street Name(s) 500 N. Mesa Subdivision Name Mills Addition

Abutting Blocks 22 Abutting Lots _____

3. Reason for vacation request: There are no utilities within the easement

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.

OWNER SIGNATURE: _____ REPRESENTATIVE SIGNATURE: _____

REPRESENTATIVE (PHONE): 915 584 4457

REPRESENTATIVE (E-MAIL): ghalloul@sli-engineering.com

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

Planning & Inspections Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 5

7030

FIRST READING

Date 10/17/80
City Clerk [Signature]
A. STEEP
Date 10/19/80
City Clerk [Signature]

AN ORDINANCE VACATING PART OF
THE ALLEY IN BLOCK 22, MILLS
ADDITION, RESERVING UTILITY,
DRAINAGE AND TEMPORARY VEHICULAR
TRAFFIC EASEMENTS THEREIN

WHEREAS, the City Plan Commission has recommended vacation of the hereinafter described alley, with reservation of utility, drainage and temporary vehicular traffic easements herein, and the City Council finds that said alley is not presently needed for an alleyway and should be vacated as recommended,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the portion of the alley in Block 22, Mills Addition contiguous with Lots 6 through 15 and the north 12.5 feet of Lots 5 and 16 be and is hereby vacated, closed and abandoned as a public alley, subject to the following reserved easements:

1. A utility easement across the full length and width of that portion of the alley being vacated, with the provision that no structure or surfacing other than standard H.M.A.C. paving be permitted, except for such landscaping, curbing and underground connecting elements between future buildings as are necessary to properly develop the site without impairing the ability of the utility agencies to service their facilities.
2. A drainage easement across the full length and width of that portion of the alley being vacated.
3. A temporary vehicular traffic easement to be reserved until such time as a 20-foot-wide alley is dedicated and accepted, said alley to be 13.5 feet of Lot 5 and 6.5 feet of Lot 4, as measured from the property line between said lots, both in Block 22, Mills Addition, to connect the unvacated portion of the existing alley with Stanton Street.

7030

117

PASSED AND APPROVED this 14th day of October, 1980.

ATTEST:

Thomas D. [Signature]
Mayor

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

7030

-2-

117

ATTACHMENT 6

FIRST READING

Date 9/16/83

City Clerk W.R.R.

ADOPTED mir

Date 9/13/83

City Clerk W.R.R.

7866

AN ORDINANCE VACATING
THE ALLEY IN
BLOCK 22, MILLS ADDITION

WHEREAS, the City Plan Commission has recommended vacation of the hereinafter described portion of the alley between Lots 1 through 10, Lots 11 through 20, the South 13.5 feet of Lot 5 and the North 6.5 feet of Lot 4, all in Block 22, Mills Addition and the City Council finds that said right-of-way is not needed for public travel and should be vacated as recommended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the portion of the alley between Lots 1 through 10 and Lots 11 through 20, the South 13.5 feet of Lot 5 and the North 6.5 feet of Lot 4, all in Block 22, Mills Addition to the City and County of El Paso, Texas be and is hereby vacated, closed and abandoned as a public alley.

In addition, the Mayor is hereby authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated right-of-way to FIRST FINANCIAL SAVINGS AND LOAN, the owner of the abutting property.

PASSED AND APPROVED this 13th day of September, 1983.

Mayor

ATTEST:

City Clerk

APPROVED AS TO CONTENT:

Planning, Research and Development

APPROVED AS TO FORM:

Assistant City Attorney

7866

520

ATTACHMENT 7

Planning & Inspections Department – Planning Division

Developer/Engineer shall address the following comments:

1. Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:
 - a. Current tax certificate(s)
 - b. Current proof of ownership
 - c. Release of access document, if applicable
 - d. Set of restrictive covenants, if applicable
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

AT&T

AT&T does not have any facilities in this old alley / easement.

Capital Improvement – Parks

We have reviewed 500 N. Mesa Easement Vacation survey map and on behalf of CID Parks & Planning Division, we offer “No” objections to this proposed easement vacation request.

Charter / Spectrum

Charter / Spectrum does not have any plant running through the discussed section. All of our systems run on the north side of Missouri, so we have no objections.

El Paso County Water Improvement District #1

The attached plat is not within boundaries of EPCWID No. 1.

El Paso Electric

El Paso Electric Operations has examined its system data and this communication is to confirm that El Paso Electric has no overhead or underground facilities within the subject area.

El Paso Water

El Paso Water does not object to this request.

El Paso Water does not have water or sanitary sewer mains along the vacated alley, north of Franklin Avenue between Mesa Street and Stanton Street.

General

El Paso Water requires a new service application for additional services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current El Paso Water – PSB Rules and Regulations. The owner 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.

Fire Department

Recommend approval.

Planning & Inspections – Land Development

We have reviewed subject plats and recommend approval. No objections to the proposed easement vacation.

Sun Metro

Recommend approval. No objections.

Texas Gas

No objections.

TxDOT

Developer needs to contact TxDOT for any proposed work on TxDOT right-of-way and for submittal of grading and drainage plan for review.

The request will be presented to the Access Management Committee (AMC) on November 8, 2019.

I T E M

500 N. Mesa Easement Vacation



Easement Vacation



Recommendation | Public Input

2

Planning Division / DCC recommendation:

Approval of the vacation of a 20' utility and drainage easement.

CPC Vote: Unanimous Approval

Public Input: N/A

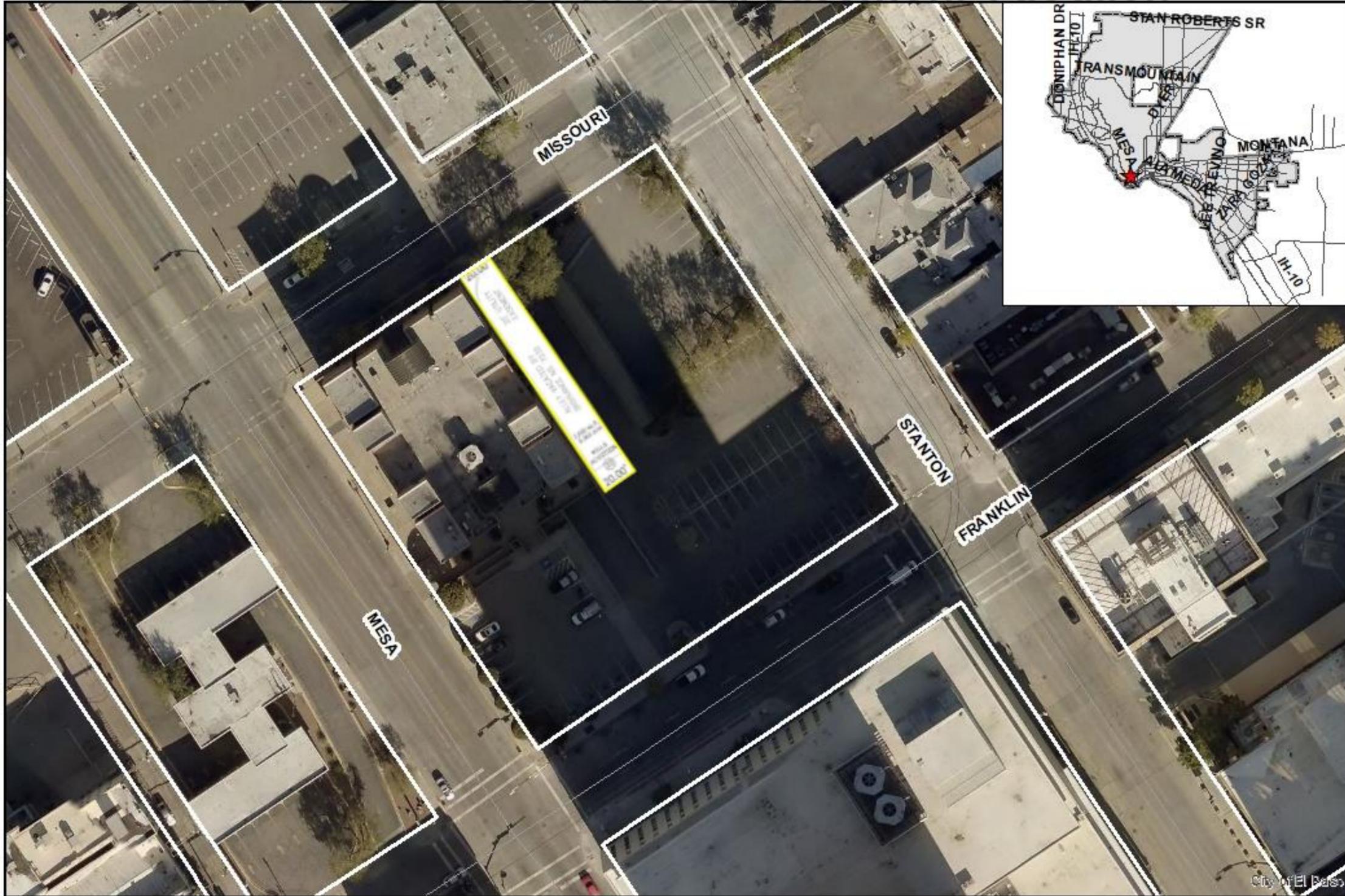
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community



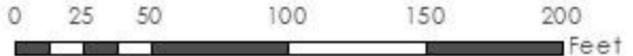
SUET19-00005 - 500 N. Mesa Easement Vacation

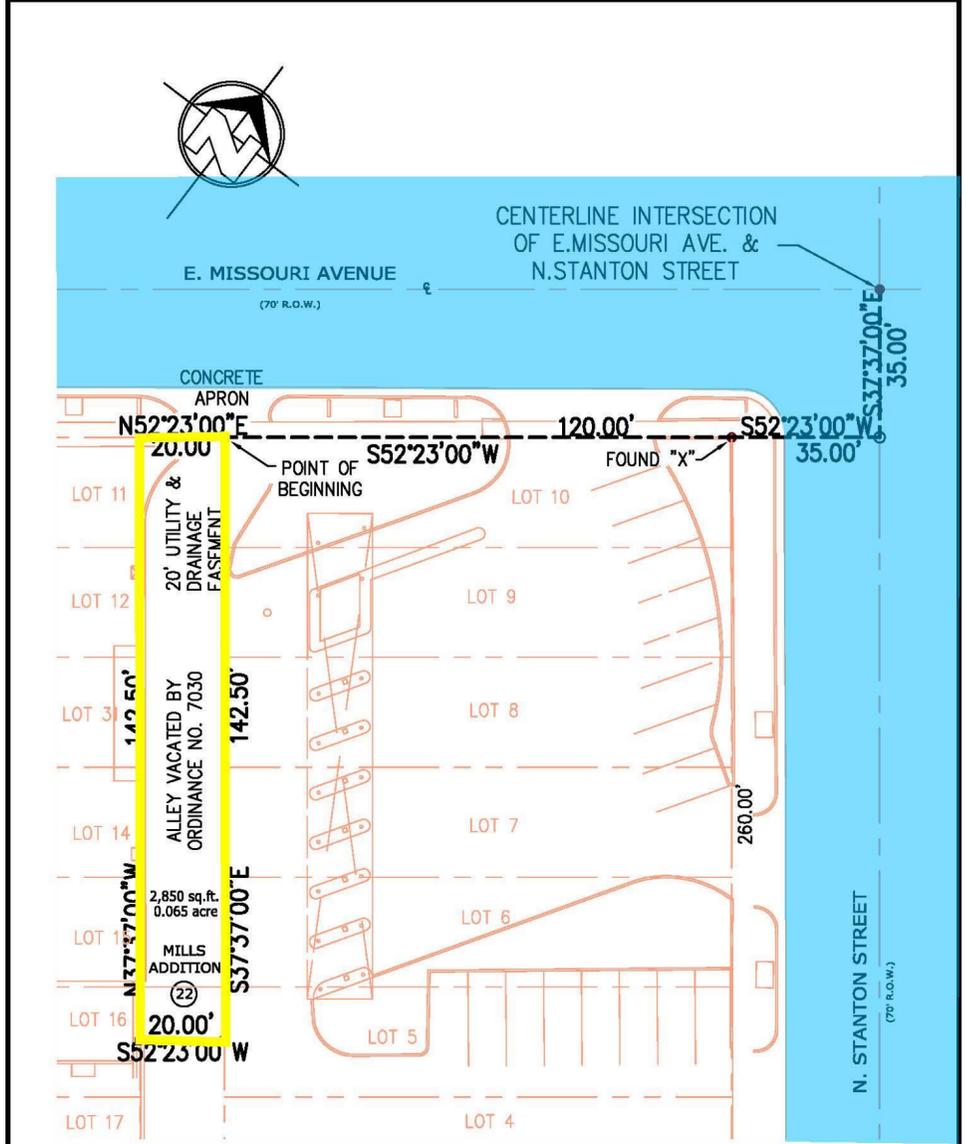


This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The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



Streets





AREA
2,850 sq.ft.
0.065 of acre.

SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00



© Copyright 2019 by SLI Engineering, Inc. All rights reserved.
This map and survey are being provided solely for the use of all parties listed in the certain... and their assigns and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon DECEMBER 03, 2019.

PLAT OF UTILITY EASEMENT		
 <p>CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS</p> <p>8900 WESTINGHOUSE DRIVE EL PASO, TEXAS (915) 994-4467</p> <p>SLI ENGINEERING, INC.</p> <p>JOB #: 06-19-4408</p> <p>DRAWN BY: MN CK BY: GH DATE: 12/03/2019 SCALE: 1"=30'</p>	<p>500 N. MESA STREET</p> <p>LEGAL DESCRIPTION</p> <p>A TWENTY FOOT UTILITY EASEMENT OUT OF BLOCK 22, IN MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.</p>	<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT THE FOREGOING PLAT OF BOUNDARY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p>GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998 DATE: 12-1-2019</p>

South from Missouri Avenue



North to Missouri Avenue (On Property)



THANK YOU

