

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: March 12, 2013
Public Hearing: March 19, 2013

CONTACT PERSON/PHONE: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

DISTRICT(S) AFFECTED: District 1

SUBJECT:

An Ordinance amending Ordinance No. 017764 which amended Ordinance No. 017524 which amended Ordinance No. 017109 which vacated a portion of Boston Avenue, to allow a three year extension to complete improvements on the pedestrian walkway and to revise the quitclaim deed to reflect the extended time for completion. Applicant: EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. Subject Property: Boston Avenue between Mesa St. and Oregon St. (District 1)

BACKGROUND / DISCUSSION:

Conditions were imposed by City Council in the original vacation ordinance and the amended ordinances that require the applicant to provide landscaped pedestrian walkways within the vacated property to connect Oregon Street and Mesa Street. The applicant has requested an additional three-year extension to complete these improvements. The street will remain open for both pedestrian and vehicular use until the construction begins.

PRIOR COUNCIL ACTION:

Approval of the vacation of a portion of Boston Avenue on April 14, 2009
Approval of one-year extensions on April 5, 2011 and April 3, 2012

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission unanimously recommended approval on Feb. 7, 2013, with an added condition that the street improvements be compliant with SmartCode design standards.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director - City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 017764 WHICH AMENDED
ORDINANCE NO. 017524 WHICH AMENDED ORDINANCE NO. 017109 WHICH
VACATED A PORTION OF BOSTON AVENUE, TO ALLOW A THREE YEAR
EXTENSION TO COMPLETE PUBLIC IMPROVEMENTS ON THE PEDESTRIAN
WALKWAY AND TO REVISE THE QUITCLAIM DEED TO REFLECT THE EXTENDED
TIME FOR COMPLETION.**

WHEREAS, on April 14, 2009 the City Council of El Paso passed an ordinance vacating a portion of Boston Avenue, Alexander Addition, City of El Paso, El Paso County, Texas, and conveying the vacated portion to **EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.**; and,

WHEREAS, one of the conditions placed on the vacation of the land was that EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. would construct a 15-foot wide pedestrian walkway traversing the subject property from Oregon St. to Mesa St, to be landscaped and able to accommodate bicyclists, built to City standards, including ADA requirements, and consist of plants selected from the approved plant list on file and maintained in the development services department; and,

WHEREAS, the above improvements were to be completed within two years from the date the vacation was approved by City Council or the property would revert back to the City of El Paso; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. previously requested two one-year extensions and the City on April 5, 2011 and April 3, 2012, granted such extensions for additional consideration; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. is still unable to complete the improvements, and is proposing improvements to the adjacent site to be built in conjunction with the street improvements, and therefore requests an additional three-year extension and in exchange for the three year extension the street will remain open for public vehicular and pedestrian use;

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

1. That in consideration for allowing another three years to complete the required pedestrian walkway improvements, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. will continue to keep the street open for public use for both vehicular and pedestrian traffic until such time that the construction of the required pedestrian walkway improvements begins; and,

2. That once the construction of the required improvements begins, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. shall have six months to complete the required pedestrian walkway improvements, provided, however, that the city manager may grant a three month extension; and,

3. That the street improvements comply with a SmartCode street design, provided that it meets or exceeds all conditions previously imposed; and,

4. That the El Paso City Council has determined that the additional consideration provided by EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. is adequate consideration for amending Ordinance No. 017109, Ordinance No. 017524, and Ordinance No. 017764, and the Quitclaim Deed to grant the three year extension to complete the pedestrian walkway improvements; and,

5. That the conditions contained in Ordinance No. 017109, Ordinance No. 017524, Ordinance No. 017764 and the Quitclaim Deed dated April 14, 2009, Document # 20090026473 and the Quitclaim Deed dated April 5, 2011, Document # 20110025985 and the Quitclaim Deed dated April 9, 2012, Document #20120025701 be amended as follows:

A three year extension is granted for the completion of the improvements to the pedestrian walkways so that the improvements shall be completed within seven years of April 14, 2009 or the City, at its discretion, if and only if the improvements are not completed by April 14, 2016, may require the property owner to dedicate back to the City of El Paso, the interest conveyed by this deed and, if requested by the City of El Paso upon the dedication back to the City, remove any improvements. Should the property revert back to the City, the City shall not be required to compensate EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. for the costs of any improvements completed.

6. In addition, the City Manager is authorized to sign an instrument amending the quitclaim deed to include the amended conditions.

Except as hereby expressly amended, all conditions and requirements stated in Ordinance No. 017109, Ordinance No. 017524, and Ordinance No. 017764 shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

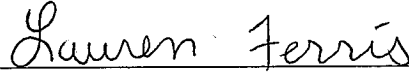
(Signatures continue on following page)

APPROVED AS TO CONTENT:



Mathew McElroy,
Director
City Development

APPROVED AS TO FORM:



Lauren Ferris
Assistant City Attorney

ORDINANCE NO. _____

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 }

THIRD AMENDED QUITCLAIM DEED

This quitclaim deed amends the quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 21, 2009, Document # 20090026473 and the first amended quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 15, 2011, Document # 20110025985 and the second amended quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 9, 1012, Document # 20120025701, in which the City, in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE DOLLARS (\$25.00) and other valuable consideration, released and quitclaimed unto EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. (Collectively, the "Grantee"), El Paso, El Paso County, an undivided 50% interest to each Grantee, all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. 017109, passed and approved by the City Council of the City of El Paso on April 14, 2009, and described as **A PORTION OF BOSTON AVENUE, ALEXANDER ADDITION, 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.

The conditions contained in the original quitclaim deed and in the first and second amended quitclaim deed are amended as follows:

A three year extension is granted for the completion of the improvements to the pedestrian walkways so that the improvements shall be completed within seven years of April 14, 2009 or the City, at its discretion, if and only if the improvements are not completed by April 14, 2016, may require the property owner to dedicate back to the City of El Paso, the interest conveyed by this deed and, if requested by the City of El Paso upon the dedication back to the City, remove any improvements. Should the property revert back to the City, the City shall not be required to compensate EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. for the costs of any improvements completed.

Except as hereby expressly amended, the quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 21, 2009, Document # 20090026473, and

the first amended quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 15, 2011, Document # 20110025985, and the second amended quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 9, 2012, Document # 20120025701, shall remain in full force and effect.

WITNESS the following signatures and seal this ____ day of _____, 2013.

CITY OF EL PASO

Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

Mathew McElroy, Director
City Development Department

APPROVED AS TO FORM:

Lauren Ferris
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this ____ day of _____, 2012, by
Joyce Wilson, 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:

**EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.
6500 Montana
El Paso, Texas 79925**



City of El Paso – City Plan Commission Staff Report

Extension of Term for completion of Pedestrian Walkway Improvements Related to the Vacation of a portion of Boston Avenue

City Council approved the vacation of a portion of Boston Avenue on April 14, 2009. The following conditions were imposed by City Council:

1. That access to the alley remain unobstructed for access by the City and utilities be given full access to the alleys.
2. That a 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St. and shall be landscaped and able to accommodate bicyclists. The walkway shall be built to City standards, including ADA requirements, and landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.
3. That the improvements to the pedestrian walkway be completed within two years of the date of approval by the El Paso City Council to vacate the portion of Boston Avenue, or the property reverts back to the City of El Paso.
4. That the full length and width shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

On April 5, 2011, the City Council granted a one-year extension of the term to complete the pedestrian walkway improvements, and amended the conditions to require an additional 5-foot pedestrian walkway on the northern side of the property from Oregon to Mesa Street, and additional landscaping for both pedestrian walkways (a minimum of 18 canopy trees along each walkway).

On April 3, 2012, the City Council granted another one-year extension of the term to complete the pedestrian walkway improvements, and amended the conditions to require that the vacated portion of Boston will remain open for vehicular and pedestrian traffic until construction of improvements begins and to set a time limit for construction.

The applicant has not begun the pedestrian walkway improvements and has requested an additional three-year extension to complete the improvements. The applicant is currently working with the City to develop a plan for the adjacent property that will be mixed-use with student housing. The street improvements will be integrated into the site. The proposed improvement plan, originally adopted as Exhibit B, at a minimum will have all previously agreed-upon conditions, but may be amended, subject to approval by the City Manager or designee, to add pedestrian amenities.

The City Development Department recommends approval of an additional three-year term to complete the required pedestrian improvements due to the desire to incorporate the street improvements into the adjacent development.

ORDINANCE NO. _____

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ORDINANCE NO. 017524 WHICH AMENDED ORDINANCE NO. 017109 WHICH
VACATED A PORTION OF BOSTON AVENUE, TO ALLOW A THREE YEAR
EXTENSION TO COMPLETE IMPROVEMENTS ON THE PEDESTRIAN WALKWAY
AND TO REVISE THE QUITCLAIM DEED TO REFLECT THE EXTENDED TIME FOR
COMPLETION.**

WHEREAS, on April 14, 2009 the City Council of El Paso passed an ordinance vacating a portion of Boston Avenue, Alexander Addition, City of El Paso, El Paso County, Texas, and conveying the vacated portion to **EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.**; and,

WHEREAS, one of the conditions placed on the vacation of the land was that EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. would construct a 15-foot wide pedestrian walkway traversing the subject property from Oregon St. to Mesa St, to be landscaped and able to accommodate bicyclists, built to City standards, including ADA requirements, and consist of plants selected from the approved plant list on file and maintained in the development services department; and,

WHEREAS, the above improvements were to be completed within two years from the date the vacation was approved by City Council or the property would revert back to the City of El Paso; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P previously requested two one-year extensions and the City on April 5, 2011 and April 3, 2012, granted such extensions for additional consideration; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P is still unable to complete the improvements, and is proposing a development on the adjacent site to be built in conjunction with the street improvements, and therefore requests an additional three-year extension and in exchange for the three year extension the street will remain open for public vehicular and pedestrian use;

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

1. That in consideration for adding another three years to complete the required pedestrian walkway improvements, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. will continue to keep the street open for public use for both vehicular and pedestrian traffic until such time that the construction of the required pedestrian walkway improvements begins; and,

2. That once the construction of the required improvements begins, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P shall have six months to complete the required pedestrian walkway improvements, provided, however, that the city manager may grant a three month extension; and,

3. That the El Paso City Council has determined that the additional consideration provided by EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P is adequate consideration for amending Ordinance No. 017109, Ordinance No. 017524, Ordinance No. 017764 and the Quitclaim Deed to grant the three year extension to complete the pedestrian walkway improvements; and,

4. That the improvement plan, labeled as Exhibit B in Ordinance 017109, may be amended upon approval of the City Manager or designee to add pedestrian amenities, provided that it complies with all conditions previously imposed; and,

5. That the conditions contained in Ordinance No. 017109, Ordinance No. 017524, Ordinance No. 017764 and the Quitclaim Deed dated April 14, 2009, Document # 20090026473 and the Quitclaim Deed dated April 5, 2011, Document # 20110025985 and the Quitclaim Deed dated April 9, 2012, Document #20120025701 be amended as follows:

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6. The street shall remain open to both vehicular and pedestrian traffic until such time that the construction of the required pedestrian walkway improvements begins. Once the construction of the required improvements begins, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P shall have six months to complete the required pedestrian walkway improvements, provided, however, that the city manager may grant a three month extension; and,

7. In addition, the City Manager is authorized to sign an instrument amending the quitclaim deed to include the amended conditions.

Except as hereby expressly amended, all conditions and requirements stated in Ordinance No. 017109 and Ordinance No. 017524, and Ordinance No. 017764 shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Mathew McElroy,
Director
City Development

APPROVED AS TO FORM:

Assistant City Attorney

ORDINANCE NO. _____

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

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WITNESS the following signatures and seal this ____ day of _____, 2013.

CITY OF EL PASO

Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Mathew McElroy, Director
City Development Department

Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this ____ day of _____, 2013, by
Joyce Wilson, 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:

EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.
6500 Montana
El Paso, Texas 79925



MIMCO INC.
© Commercial Real Estate Management & Investments

November 30, 2012

Mr. Matthew McElroy
Deputy Director- City of El Paso
Planning and Economic
2 Civic Center Plaza
City of El Paso
El Paso, Tx 79901

Dear Mr. McElroy,

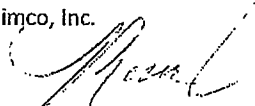
The purpose of this letter is to request a three year extension in the requirement for us to do the renovations and repairs to Boston Street. We have been pursuing the redevelopment of this site and have committed to do the improvements and will do them as soon as the project is built. However, with the projects currently pending, we feel the extension will be necessary and provide an outside date for the completion.

You may ask, "Why haven't we started?" We have attempted three times, however the recession hit and stopped all development activity, so we used that time to commission Perkowitz and Ruth to do a study on the property (at a cost of \$80,000.00) which developed a beautiful plan, but was not feasible. We then engaged a group out of Houston that developed a plan for a condominium/mixed use project that again produced a product that couldn't work in El Paso. Then last year we developed a plan working with City Staff for the entire block, rezoned the property, designed a renovation and two new buildings, applied for permits, and received bids. The bids came in almost 30% over estimates. Then about one month ago, we started getting inquiries from a medical tenant for the whole building and from several developers wanting us to switch gears and do a mixed use/student housing project. These last two options make the most sense for the site and while the student housing will be the most difficult it is the one we are most excited about. If we can get it done, it will be an 18-24 month construction project with about six months of due diligence, design, and permitting, thus the request for the additional time.

We are only trying to make the Boston renovations part of the construction of whatever we end up building, and we will do them as part of the whole project as soon as possible, in the mean time, we will continue to allow public use of the street for parking and access.

We sincerely appreciate your consideration of this request and if you have any questions regarding this, please feel free to call me.

Sincerely,
Mimco, Inc.


Robert S. Ayoub
President

6500 Montana
El Paso, TX 79925
915-779-6500
1-800-351-5252
fax 915-779-6509
www.mimcoelp.com

ORDINANCE NO. 017764

61

**AN ORDINANCE AMENDING ORDINANCE NO. 017524 WHICH AMENDED
ORDINANCE NO. 017109 WHICH VACATED A PORTION OF BOSTON AVENUE, TO
ALLOW ANOTHER ONE YEAR EXTENSION TO COMPLETE IMPROVEMENTS ON
THE PEDESTRIAN WALKWAY AND TO REVISE THE QUITCLAIM DEED TO
REFLECT THE EXTENDED TIME FOR COMPLETION.**

WHEREAS, on April 14, 2009 the City Council of El Paso passed an ordinance vacating a portion of Boston Avenue, Alexander Addition, City of El Paso, El Paso County, Texas, and conveying the vacated portion to EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.; and,

WHEREAS, one of the conditions placed on the vacation of the land was that EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. would construct a 15-foot wide pedestrian walkway traversing the subject property from Oregon St. to Mesa St, to be landscaped and able to accommodate bicyclists, built to City standards, including ADA requirements, and consist of plants selected from the approved plant list on file and maintained in the development services department; and,

WHEREAS, the above improvements were to be completed within two years from the date the vacation was approved by City Council or the property would revert back to the City of El Paso; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P was unable to complete the improvements within the two years and requested a one year extension and the City on April 5, 2011, granted such extension for additional consideration; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P is still unable to complete the improvements and wishes to request an additional one year extension and in exchange for the one year extension the street will remain open for public vehicular use;

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

1. That in consideration for adding another additional year to complete the required pedestrian walkway improvements, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. will continue to keep the street open for public use for both vehicular and pedestrian traffic until such time that the construction of the required pedestrian walkway improvements begins; and,

2. That once the construction of the required improvements begins, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P shall have six months to complete the required pedestrian walkway improvements, provided, however, that the city manager may grant a three month extension; and,

3. That the El Paso City Council has determined that the additional consideration provided by EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P is adequate consideration for amending Ordinance No. 017109, Ordinance No. 017524 and the Quitclaim Deed to grant the one year extension to complete the pedestrian walkway improvements; and,

CITY CLERK DEPT.
2012 MAR 15 AM 10:39

4. That the conditions contained in Ordinance No. 017109, Ordinance No. 017524 and the Quitclaim Deed dated April 14, 2009, Document # 20090026473 and the Quitclaim Deed dated April 5, 2011, Document # 20110025985, be amended as follows:

A one year extension is granted for the completion of the improvements to the pedestrian walkways so that the improvements shall be completed within four years of April 14, 2009 or the City, at its discretion, if and only if the improvements are not completed by April 14, 2013, may require the property owner to dedicate back to the City of El Paso, the interest conveyed by this deed and, if requested by the City of El Paso upon the dedication back to the City, remove any improvements. Should the property revert back to the City, the City shall not be required to compensate EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P for the costs of any improvements completed.

5. The street shall remain open to both vehicular and pedestrian traffic until such time that the construction of the required pedestrian walkway improvements begins. Once the construction of the required improvements begins, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P shall have six months to complete the required pedestrian walkway improvements, provided, however, that the city manager may grant a three month extension; and,

6. In addition, the City Manager is authorized to sign an instrument amending the quitclaim deed to include the amended conditions.

Except as hereby expressly amended, all conditions and requirements stated in Ordinance No. 017109 and Ordinance No. 017524 shall remain in full force and effect.

PASSED AND APPROVED this 9th day of April, 2012.

THE CITY OF EL PASO

John F. Cook
John F. Cook, Mayor

Richarda Duffy-Monsen
Richarda Duffy-Monsen
City Clerk

APPROVED AS TO CONTENT:

Mathew McElroy
Mathew McElroy,
Deputy Director
Planning & Economic Development

APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

ORDINANCE NO. 017764

61

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THE STATE OF TEXAS }
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 COUNTY OF EL PASO }

SECOND AMENDED QUITCLAIM DEED

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Except as hereby expressly amended, the quitclaim deed recorded and filed with the official public records of real property in El Paso County on April 21, 2009, Document # 20090026473, and the first amended quitclaim deed recorded and filed with the official public records of real property

CITY CLERK DEPT.
 2012 MAR 15 AM 10:39

in El Paso County on April 15, 2011, Document # 20110025985, shall remain in full force and effect.

WITNESS the following signatures and seal this 3rd day of April, 2012.

CITY OF EL PASO

Joyce A. Wilson
Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

Mathew McElroy
Mathew McElroy, Deputy Director
Planning & Economic Development Department
Planning Division

APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 3rd day of April, 2012, by
Joyce Wilson, as City Manager for the CITY OF EL PASO.

Briana M. Zepeda
Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:



CITY CLERK DEPT.
2012 MAR 15 AM 10:39

AFTER FILING RETURN TO:

EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.
6500 Montana
El Paso, Texas 79925

Being a portion of Boston Avenue
Out of Alexander Addition
City of El Paso, El Paso County, Texas
January 17, 2006

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Boston Avenue out of Alexander Addition
City of El Paso, El Paso County, Texas and being more particularly described by metes and
bounds as follows:

Commencing for reference at an existing city monument lying 10 feet northerly and
10 feet easterly of the centerline intersection of Oregon Street and University Street
Thence North $36^{\circ}58'48''$ West a distance 1015.00 feet to a point from which another
existing city monument lying 10 feet northerly and 10 feet easterly of the centerline
intersection of Cincinnati Street and Oregon Street bears North $36^{\circ}58'48''$ West a
distance of 635.00 feet, Thence leaving said line North $53^{\circ}01'12''$ East a distance of
25.00 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the intersection of the
northwesterly right of way line of Boston Avenue with the northeasterly right of way
line of Oregon Street for THE "TRUE POINT OF BEGINNING"

Thence along the northwesterly right of way line of Boston Avenue North $53^{\circ}01'12''$
East a distance of 260.00 feet to a set chiseled X on concrete on the southwesterly
right of way line of Mesa Street;

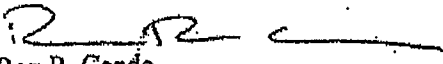
Thence along said right of way line South $36^{\circ}58'48''$ East a distance of 70.00 feet to a
found chiseled X on concrete on the southeasterly right of way line of Boston
Avenue;

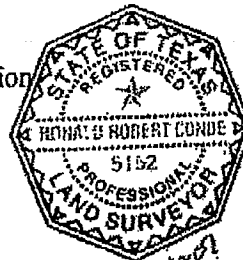
Thence along said right of way line South $53^{\circ}01'12''$ West a distance of 260.00 feet to
a found chiseled X on concrete on the northeasterly right of way line of Oregon
Street;

Thence along said right of way line North $36^{\circ}58'48''$ West a distance of 70.00 feet to the
"TRUE POINT OF BEGINNING" and containing 18,200 Square Feet or 0.4178 acres of land
more or less.

NOTE: Bearings basis is True North for a Transverse Mercator Surface Projection as
determine by RTK GPS methods

A Plat of even date accompanies this description


Ron R. Conde
R.P.L.S. No. 5152



LGL-05/1105-01

CITY CLERK DEPT.
2011 MAR 21 PM 2:11

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 692-0383

HORIZONTAL/VERTICAL
LINE THROUGH
DOCUMENT

EXHIBIT B

SCALE: 1"=50'

(70' R.O.W.)

MESA STREET
(TX. D.O.T.)

(TYPICAL)
CONCRETE CURB

SET CHISELED X
ON CONCRETE

EP DEL MESA PARTNERS L.P.,
VOLUME 3640, PAGE 451

EXISTING
BUILDING

END CHISELED X
ON CONCRETE

EP MARCUS INVESTMENTS L.P.,
VOLUME 3916, PAGE 1523

16' ALLEY
CITY OF EL PASO

EP DEL MESA PARTNERS L.P.,
VOLUME 3640, PAGE 401

SET 1 1/2" REBAR WITH
CAP MARKED TO 5152

16' ALLEY
(CITY OF EL PASO)

EP MARCUS INVESTMENTS L.P.,
VOLUME 3916, PAGE 1523

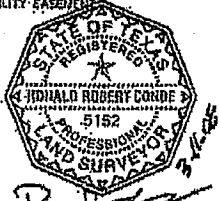
SET CHISELED X
ON CONCRETE

EXISTING
CITY
MONUMENT

EXISTING
CITY
MONUMENT

(70' R.O.W.)
OREGON STREET

- NOTES:
1. A METES & BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214-00398 THIS PROPERTY IS IN FLOOD HAZARD ZONE C.
 3. RIGHT OF WAY OF BOSTON STREET TO REMAIN A DRAINAGE AND UTILITY EASEMENT.



REVISED 3-11-08 (ADDED ROW NOTE)
© COPYRIGHT 2006/CONDE INC.
ALL RIGHTS RESERVED

- LEGEND
- ⊞ = ELECTRIC BOX
 - ⊞ = FIRE HYDRANT
 - ⊞ = POWER POLE
 - ⊞ = WATER VALVE
 - ⊞ = MANHOLE

LINE TABLE

LINE	LENGTH	BEARING
L1	25.00	N53°01'12"E
L2	260.00	N53°01'12"E
L3	70.00	S36°58'48"E
L4	260.00	S52°01'12"W
L5	70.00	N36°58'48"W

SKETCH OF SURVEY

JOB # 1105-01 DATE: JANUARY 17, 2006 FIELD: A.Y. OFFICE: H.M.

A PORTION OF BOSTON AVENUE
ALEXANDER ADDITION
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC.
1790 LEE TREVINO SUITE 400
EL PASO, TEXAS 79936

CADD FILE: P:\RON\BOSTON

HORIZONTAL/VERTICAL
LINE THROUGH
DOCUMENT

SCANNED

Doc# 20120025701
#pages 7 #of pages 0
4/9/2012 10:16:58 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$40.00

11 (MT)

I hereby certify that this instrument was filed on the date and time stamp
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones

Please return to Drawer 151
CITY CLERK'S OFFICE
2 Civic Center Plaza
El Paso, TX 79901-1196

ORD. No. 017764

Date of Introduction 3/27/2012

Date of ADOPTION 4/3/2012

City Clerk RICHARDA DUFFY MOMSEN

ADTT10

AN ORDINANCE AMENDING ORDINANCE NO. 017109 WHICH VACATED A PORTION OF BOSTON AVENUE TO ALLOW A ONE YEAR EXTENSION TO COMPLETE IMPROVEMENTS ON THE PEDESTRIAN WALKWAY AND TO REVISE THE QUITCLAIM DEED TO REFLECT THE EXTENDED TIME FOR COMPLETION.

WHEREAS, on April 14, 2009 the City Council of El Paso passed an ordinance vacating a portion of Boston Avenue, Alexander Addition, City of El Paso, El Paso County, Texas, and conveying the vacated portion to EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.; and,

WHEREAS, one of the conditions placed on the vacation of the land was that EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. would construct a 15-foot wide pedestrian walkway traversing the subject property from Oregon St. to Mesa St, to be landscaped and able to accommodate bicyclists, built to City standards, including ADA requirements, and consist of plants selected from the approved plant list on file and maintained in the development services department; and,

WHEREAS, the above improvements were to be completed within two years from the date the vacation was approved by City Council or the property would revert back to the City of El Paso; and,

WHEREAS, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P is unable to complete the improvements within the two years and is requesting a one year extension and is providing additional consideration to the City for granting the extension;

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

That in consideration of adding an additional year to complete the required pedestrian walkway improvements, EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. will provide for an additional pedestrian walkway and additional landscaping for both pedestrian walkway; and,

That the El Paso City Council has determined that the additional consideration provided by EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P is adequate consideration for amending Ordinance No. 017109 and the Quitclaim Deed to grant the one year extension to complete the pedestrian walkway improvements; and,

That the conditions contained in Ordinance No. 017109 and the Quitclaim Deed be amended as follows:

1. The following pedestrian walkways shall be constructed by EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. All pedestrian walkways shall be built to City standards, including ADA requirements, and be landscaped, and able to accommodate bicyclists. A minimum of 18 canopy trees shall be planted along the interior of each of the pedestrian walkways to include any closure along Oregon. The trees shall be shown in the irrigation plan to be approved by the city prior to installation. Landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.

CITY CLERK DEPT.

2011 MAR 28 AM 9:18

- a. A 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St.
- b. A 5' wide pedestrian walkway be added to the northern side of the subject property from Oregon Street to Mesa Street.

2. The access to the entire vacated portion shall remain unobstructed for access by the City and utilities shall be given full access to the alleys. The access to the pedestrian walkways shall remain unobstructed.

3. A one year extension is granted for the completion of the improvements to the pedestrian walkways so that the improvements shall be completed within three years of April 14, 2009 or the City, at its discretion, if and only if the improvements are not completed by April 14, 2012, may require the property owner to dedicate back to the City of El Paso, the interest conveyed by this deed and, if requested by the City of El Paso upon the dedication back to the City, remove any improvements. Should the property revert back to the City, the City shall not be required to compensate EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P for the costs of any improvements completed.

4. EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P or their successor in interest, shall maintain the improvements on the pedestrian walkway, or the property reverts back to the City of El Paso.

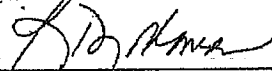
5. That the full length and width of the existing street shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

In addition, the City Manager is authorized to sign an instrument amending the quitclaim deed to include the amended conditions.

Except as hereby expressly amended, Ordinance No. 017109 shall remain in full force and effect.




ATTEST:


Richarda Duffy Momsen
City Clerk

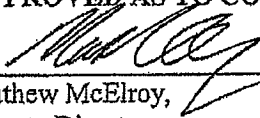
PASSED AND APPROVED this 5th day of April, 2011.

THE CITY OF EL PASO

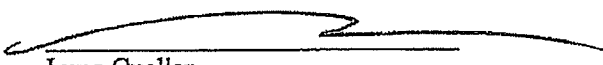

John F. Cook, Mayor

SIGNATURES CONTINUE OF FOLLOWING PAGE

APPROVED AS TO CONTENT:


Mathew McElroy,
Deputy Director
Planning & Economic Development

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

CITY CLERK DEPT.
2011 MAR 28 AM 9:18

RECEIVED
MAR 28 2011
CITY CLERK DEPT.

FILED

CITY CLERK'S OFFICE

2 Civic Center Plaza
Dallas, TX 75201-1198

73-0212 v3 - Ord/amend/boston vacation/extend time

Document Author: LUCAS

ORD. NO. 73-0212

Date of introduction

Date of adoption

City Clerk

017501

2011 MAR 28 AM 9:19

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 }

AMENDED QUITCLAIM DEED

This quitclaim deed amends the quitclaim deed recorded on April 21, 2009 at in which the city, in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE DOLLARS (\$25.00) and other valuable consideration, released and quitclaimed unto EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. (Collectively, the "Grantee"), El Paso, El Paso County, an undivided 50% interest to each Grantee, all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. 017109, passed and approved by the City Council of the City of El Paso on April 14, 2009, and described as **A PORTION OF BOSTON AVENUE, ALEXANDER ADDITION, 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".

The conditions contained in the original quitclaimed deed are amended as follows:

1. ~~The following pedestrian walkways shall be constructed by EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. All pedestrian walkways shall be built to City standards, including ADA requirements, and be landscaped, and able to accommodate bicyclists. A minimum of 18 canopy trees shall be planted along the interior of each of the pedestrian walkways to include any closure along Oregon. The trees shall be shown in the irrigation plan to be approved by the city prior to installation. Landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.~~

- a. A 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St.
- b. A 5' wide pedestrian walkway be added to the northern side of the subject property from Oregon Street to Mesa Street.

2. The access to the entire vacated portion shall remain unobstructed for access by the City and utilities shall be given full access to the alleys. The access to the pedestrian walkways shall remain unobstructed.

3. A one year extension is granted for the completion of the improvements to the pedestrian walkways so that the improvements shall be completed within three years of April 14, 2009 or the City, at its discretion, if and only if the improvements are not completed by April 14, 2012, may require the property owner to dedicate back to the City of El Paso, the interest conveyed by this

CITY CLERK DEPT.

2011 MAR 28 AM 9:19

deed and, if requested by the City of El Paso upon the dedication back to the City, remove any improvements. Should the property revert back to the City, the City shall not be required to compensate EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P for the costs of any improvements completed.

4. EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P or their successor in interest, shall maintain the improvements on the pedestrian walkway, or the property reverts back to the City of El Paso.

5. That the full length and width of the existing street shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

Except as hereby expressly amended, the quitclaim deed filed on April 21, 2009 shall remain in full force and effect.

WITNESS the following signatures and seal this 5th day of April, 2011.

CITY OF EL PASO

Joyce Wilson
Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

Mathew McElroy
Mathew McElroy, Deputy Director
Development Services Department
Planning Division

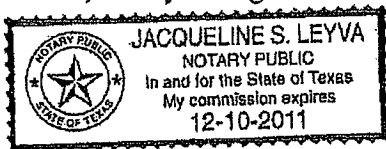
APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 6th day of April, 2011, by
Joyce Wilson, as City Manager for the CITY OF EL PASO.



My Commission Expires:
12/10/2011

AFTER FILING RETURN TO:

EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.
6500 Montana
El Paso, Texas 79925

Jacqueline S. Leyva
Notary Public, State of Texas
Notary's Printed or Typed Name:
Jacqueline S. Leyva

Being a portion of Boston Avenue
Out of Alexander Addition
City of El Paso, El Paso County, Texas
January 17, 2006

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Boston Avenue out of Alexander Addition City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument lying 10 feet northerly and 10 feet easterly of the centerline intersection of Oregon Street and University Street Thence North $36^{\circ}58'48''$ West a distance 1015.00 feet to a point from which another existing city monument lying 10 feet northerly and 10 feet easterly of the centerline intersection of Cincinnati Street and Oregon Street bears North $36^{\circ}58'48''$ West a distance of 635.00 feet, Thence leaving said line North $53^{\circ}01'12''$ East a distance of 25.00 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the intersection of the northwesterly right of way line of Boston Avenue with the northeasterly right of way line of Oregon Street for THE "TRUE POINT OF BEGINNING"

Thence along the northwesterly right of way line of Boston Avenue North $53^{\circ}01'12''$ East a distance of 260.00 feet to a set chiseled X on concrete on the southwesterly right of way line of Mesa Street;


Thence along said right of way line South $36^{\circ}58'48''$ East a distance of 70.00 feet to a found chiseled X on concrete on the southeasterly right of way line of Boston Avenue;

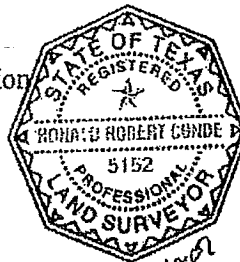
Thence along said right of way line South $53^{\circ}01'12''$ West a distance of 260.00 feet to a found chiseled X on concrete on the northeasterly right of way line of Oregon Street;

Thence along said right of way line North $36^{\circ}58'48''$ West a distance of 70.00 feet to the "TRUE POINT OF BEGINNING" and containing 18,200 Square Feet or 0.4178 acres of land more or less.

NOTE: Bearings basis is True North for a Transverse Mercator Surface Projection as determine by RTK GPS methods

A Plat of even date accompanies this description


Ron R. Conde
R.P.L.S. No. 5152



LGL-05/1105-01

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

CITY CLERK DEPT.
2011 MAR 21 PM 2:11

EXHIBIT B

SCALE: 1"=50'

(70' R.O.W.)

MESA STREET
(TX. D.O.T.)

CITY CLERK DEPT.
2011 MAR 21 PM 2:11

(209) 16' ALLEY
CITY OF EL PASO

EP DEL MESA PARTNERS L.P.
VOLUME 3640, PAGE 461

SET 1 1/2" REBAR WITH
CAP MARKED TX 5152

(TYPICAL)
CONCRETE CURB

END CHISELED X
ON CONCRETE

EP MARCUS INVESTMENTS L.P.
VOLUME 3916, PAGE 1523

(191) 16' ALLEY
(CITY OF EL PASO)

EP MARCUS INVESTMENTS L.P.
VOLUME 3916, PAGE 1523

SET CHISELED X
ON CONCRETE

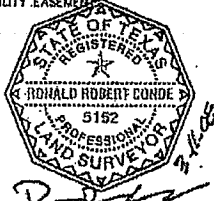
EXISTING
CITY
MONUMENT

UNIVERSITY AVE.

CINCINNATI AVE.

(70' R.O.W.)
OREGON STREET

- NOTES:
1. A METES & BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214-00398, THIS PROPERTY IS IN FLOOD HAZARD ZONE C.
 3. RIGHT OF WAY OF BOSTON STREET TO REMAIN A DRAINAGE AND UTILITY EASEMENT.



REVISED 3-11-05 (ADDED ROW NOTE.)
© COPYRIGHT 2006/CONDE INC.
ALL RIGHTS RESERVED

LEGEND

- = ELECTRIC BOX
- ⊗ = FIRE HYDRANT
- ⊕ = POWER POLE
- ⊗ = WATER VALVE
- ⊙ = MANHOLE

LINE TABLE

LINE	LENGTH	BEARING
L1	25.00	N53°01'12"E
L2	260.00	N53°01'12"E
L3	70.00	S36°58'48"E
L4	260.00	S53°01'12"W
L5	70.00	N36°58'48"W

SKETCH OF SURVEY

JOB # 1105-01 DATE: JANUARY 17, 2006 FIELD: A.V. OFFICE: M.M.

A PORTION OF BOSTON AVENUE
ALEXANDER ADDITION
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC.
1790 LEE TREVINO SUITE 400
EL PASO, TEXAS 79936

CADD FILE: F:\RON\BOSTON

09 MAR 30 AM 11:21

11C

ORDINANCE NO. 017109

**AN ORDINANCE VACATING A PORTION OF BOSTON AVENUE, LOCATED
BETWEEN MESA STREET AND OREGON STREET, IN THE ALEXANDER
ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

WHEREAS, the abutting property owners have requested vacation of a portion of Boston Avenue, located between Mesa Street and Oregon Street, Alexander Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Boston Avenue, Alexander Addition, 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:**

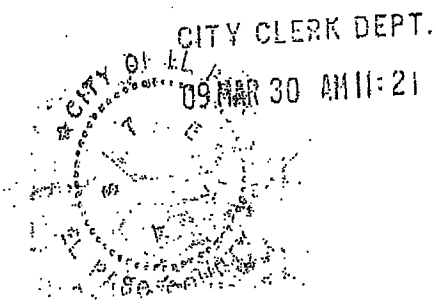
That a determination has been made that it is in the best interest of the public that a portion of Boston Avenue, located between Mesa Street and Oregon Street, Alexander Addition, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, 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 subject to the following conditions:

1. That access to the alley remain unobstructed for access by the City and utilities be given full access to the alleys.
2. That a 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St. and shall be landscaped and able to accommodate bicyclists. The walkway shall be built to City standards, including ADA requirements, and landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.
3. That the improvements to the pedestrian walkway be completed within two years of the date of approval by the El Paso City Council to vacate the portion of Boston Avenue, or the property reverts back to the City of El Paso.
4. That the full length and width shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

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 EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P.

PASSED AND APPROVED this 14th day of April, 2009.

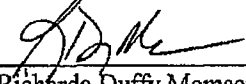
(Signatures on following page)



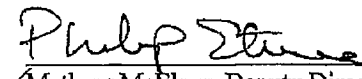
THE CITY OF EL PASO


John F. Cook
Mayor

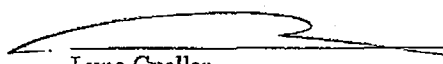
ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:


Mathew McElroy, Deputy Director
Development Services Department
Planning Division

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

(Quitclaim Deed on following page)

POOR QUALITY ORIGINAL
BEST AVAILABLE IMAGE

Embossed Seal

Being a portion of Boston Avenue CITY CLERK DEPT.
Out of Alexander Addition
City of El Paso, El Paso County, Texas
January 17, 2006

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Thence along the northwesterly right of way line of Boston Avenue North $53^{\circ}01'12''$ East a distance of 260.00 feet to a set chiseled X on concrete on the southwesterly right of way line of Mesa Street;

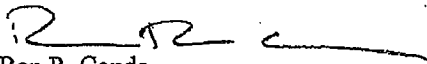
Thence along said right of way line South $36^{\circ}58'48''$ East a distance of 70.00 feet to a found chiseled X on concrete on the southeasterly right of way line of Boston Avenue;

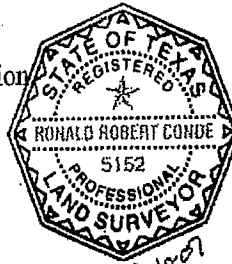
Thence along said right of way line South $53^{\circ}01'12''$ West a distance of 260.00 feet to a found chiseled X on concrete on the northeasterly right of way line of Oregon Street;

Thence along said right of way line North $36^{\circ}58'48''$ West a distance of 70.00 feet to the "TRUE POINT OF BEGINNING" and containing 18,200 Square Feet or 0.4178 acres of land more or less.

NOTE: Bearings basis is True North for a Transverse Mercator Surface Projection as determine by RTK GPS methods

A Plat of even date accompanies this description


Ron R. Conde
R.P.L.S. No. 5152

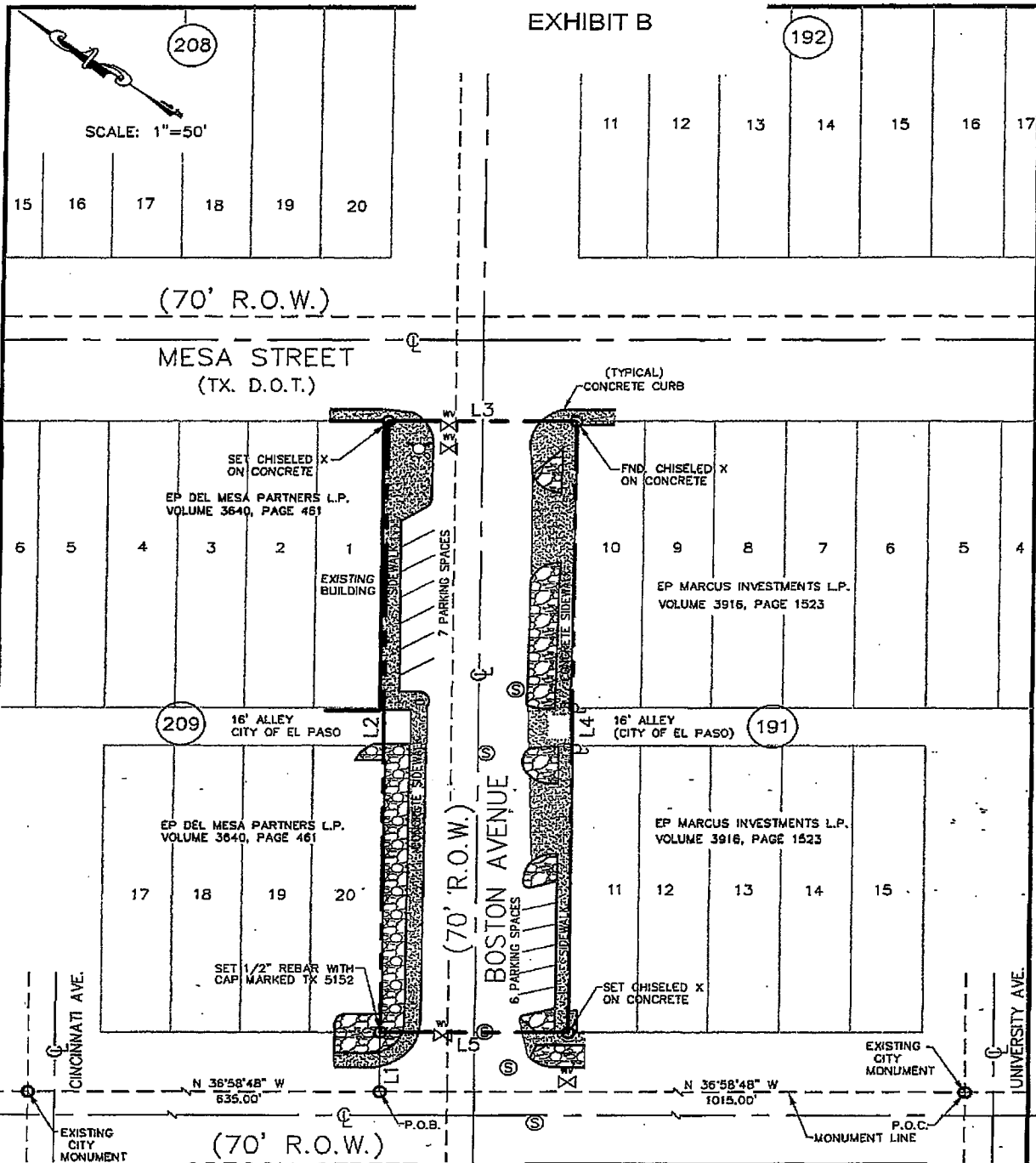


LGL-05/1105-01

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

017109

EXHIBIT B



- NOTES:
1. A METES & BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214-0039B THIS PROPERTY IS IN FLOOD HAZARD ZONE C.
 3. RIGHT OF WAY OF BOSTON STREET TO REMAIN A DRAINAGE AND UTILITY EASEMENT.



REVISED 3-11-08 (ADDED ROW NOTE.)
 © COPYRIGHT 2006/CONDE INC.
 ALL RIGHTS RESERVED

LEGEND

- = = ELECTRIC BOX
- ⊗ = FIRE HYDRANT
- ⊕ = POWER POLE
- ⊗ = WATER VALVE
- ⊙ = MANHOLE

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00	N53°01'12"E
L2	260.00	N53°01'12"E
L3	70.00	S36°58'48"E
L4	260.00	S53°01'12"W
L5	70.00	N36°58'48"W

SKETCH OF SURVEY

JOB # 1105-01 DATE: JANUARY 17, 2006 FIELD: A.V. OFFICE: M.M.

A PORTION OF BOSTON AVENUE
 ALEXANDER ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC.
 1790 LEE TREVINO SUITE 400
 EL PASO, TEXAS 79936

CADD FILE: F:\RON\BOSTON

017109

09 MAR 30 AM 11:22

11C

151/9

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 TWENTY-FIVE DOLLARS (\$25.00) 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 EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. (Collectively, the "Grantee"), El Paso, El Paso County, an undivided 50% interest to each Grantee, all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. **017109**, passed and approved by the City Council of the City of El Paso and described as **A PORTION OF BOSTON AVENUE, ALEXANDER ADDITION, 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 subject to the following conditions:

1. That access to the alley remain unobstructed for access by the City and utilities be given full access to the alleys.
2. That a 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St. and shall be landscaped and able to accommodate bicyclists. The walkway shall be built to City standards, including ADA requirements, and landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.
3. That the improvements to the pedestrian walkway be completed within two years of the date of approval by the El Paso City Council to vacate the portion of Boston Avenue, or the property reverts back to the City of El Paso.
4. That the full length and width shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

CITY CLERK DEPT.

09 MAR 30 AM 11:22

WITNESS the following signatures and seal this 14th day of April, 2009.

CITY OF EL PASO

Joyce Wilson
Joyce Wilson, City Manager

ATTEST:

Richarda Duffy Momsen
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Mathew McElroy
Mathew McElroy, Deputy Director
Development Services Department
Planning Division

APPROVED AS TO FORM:

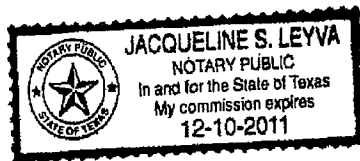
Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15th day of April, 2009,
by Joyce Wilson, as City Manager for the CITY OF EL PASO.



My Commission Expires:

12/10/2011

AFTER FILING RETURN TO:

EP Marcus, Investments, L.P. and EP Del Mesa Partners, L.P.
6500 Montana
El Paso, Texas 79925

Jacqueline S. Leyva
Notary Public, State of Texas
Notary's Printed or Typed Name:
Jacqueline S. Leyva

Being a portion of Boston Avenue CITY CLERK DEPT.
Out of Alexander Addition
City of El Paso, El Paso County, Texas
January 17, 2006

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Boston Avenue out of Alexander Addition City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument lying 10 feet northerly and 10 feet easterly of the centerline intersection of Oregon Street and University Street Thence North $36^{\circ}58'48''$ West a distance 1015.00 feet to a point from which another existing city monument lying 10 feet northerly and 10 feet easterly of the centerline intersection of Cincinnati Street and Oregon Street bears North $36^{\circ}58'48''$ West a distance of 635.00 feet, Thence leaving said line North $53^{\circ}01'12''$ East a distance of 25.00 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the intersection of the northwesterly right of way line of Boston Avenue with the northeasterly right of way line of Oregon Street for THE "TRUE POINT OF BEGINNING"

Thence along the northwesterly right of way line of Boston Avenue North $53^{\circ}01'12''$ East a distance of 260.00 feet to a set chiseled X on concrete on the southwesterly right of way line of Mesa Street;

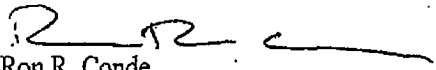
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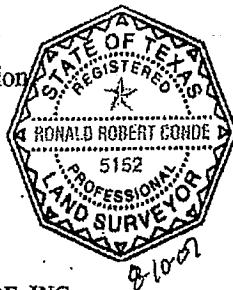
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NOTE: Bearings basis is True North for a Transverse Mercator Surface Projection as determine by RTK GPS methods

A Plat of even date accompanies this description


Ron R. Conde
R.P.L.S. No. 5152

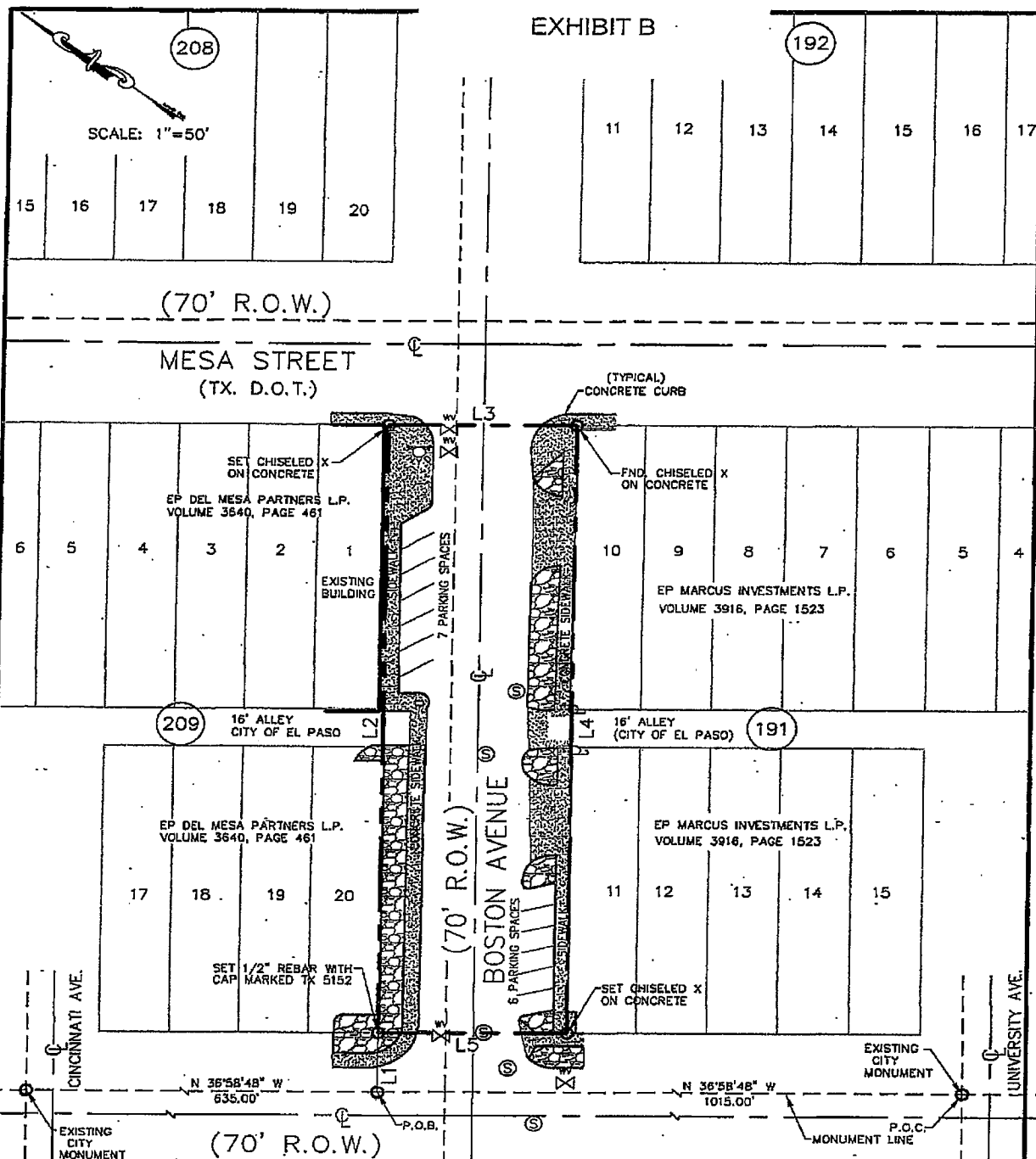


LGL-05/1105-01

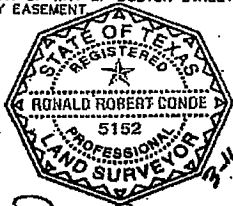
CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

017109

EXHIBIT B



NOTES:
 1. A METES & BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214-00398 THIS PROPERTY IS IN FLOOD HAZARD ZONE C.
 3. RIGHT OF WAY OF BOSTON STREET TO REMAIN A DRAINAGE AND UTILITY EASEMENT.



REVISED 3-11-08 (ADDED ROW NOTE.)
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 ALL RIGHTS RESERVED

LEGEND

- = ELECTRIC BOX
- ⊗ = FIRE HYDRANT
- ⊕ = POWER POLE
- ⊗ = WATER VALVE
- ⊙ = MANHOLE

LINE TABLE

LINE	LENGTH	BEARING
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L2	260.00	N53°01'12"E
L3	70.00	S36°58'48"E
L4	260.00	S53°01'12"W
L5	70.00	N36°58'48"W

SKETCH OF SURVEY

JOB # 1105-01 DATE: JANUARY 17, 2006 FIELD: A.V. OFFICE: M.M.

A PORTION OF BOSTON AVENUE
 ALEXANDER ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC.
 1790 LEE TREVINO SUITE 400
 EL PASO, TEXAS 79936

CADD FILE: F:\R\N\BOSTON

017109

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 Intro 04/07/09; Public Hearing 04/14/09
CONTACT PERSON/PHONE: Raul Garcia, Planner - 541-4935
DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance vacating a portion of Boston Avenue, located between Mesa Street and Oregon Street, in the Alexander Addition, City of El Paso, El Paso County, Texas. Applicant: EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. Subject Property: East of Oregon Street and West of Mesa Street. (DISTRICT 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) - Approval Recommendation

City Plan Commission (CPC) - Unanimous Approval Recommendation

*****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
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



MEMORANDUM

DATE: March 26, 2009

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Raul Garcia, Planner

SUBJECT: SUB08-00034

The City Plan Commission (CPC), on April 10, 20089, voted 6-0 to approve the Boston Avenue Vacation subject to the following conditions:

1. That access to the alley remain unobstructed for access by the City and utilities be given full access to the alleys.
2. That a 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St. and shall be landscaped and able to accommodate bicyclists. The walkway shall be built to City standards, including ADA requirements, and landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.
3. That the improvements to the pedestrian walkway be completed within two years of the date of approval by the El Paso City Council to vacate the portion of Boston Avenue, or the property reverts back to the City of El Paso.
4. That the full length and width shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. 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.

Development Services Department
Victor Q. Torres - Director

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

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Molina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

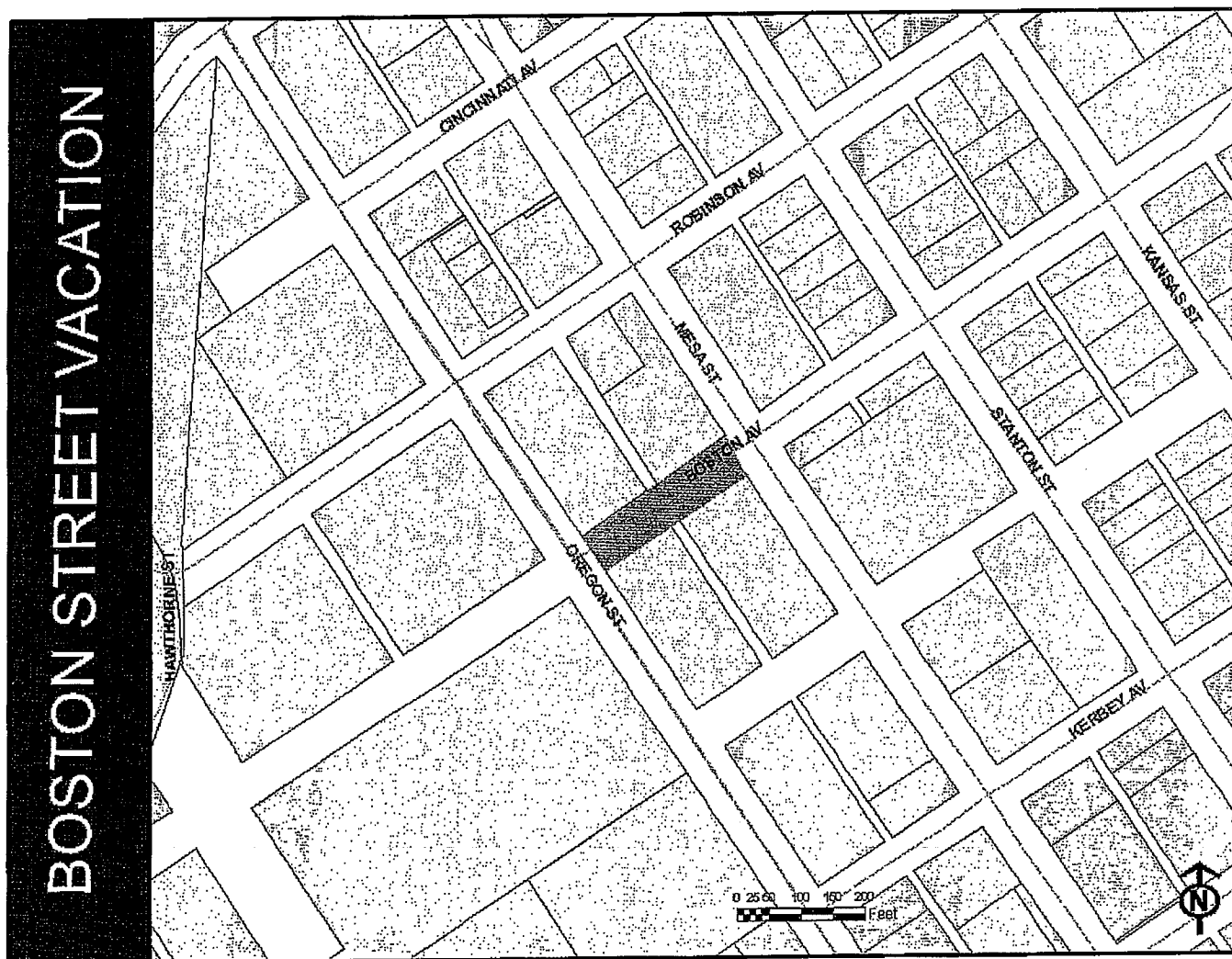
District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



SUB08-00034

Subdivision Name:	Boston Avenue Vacation	
Type Request:	Right of Way Vacation	
Property Owner:	City of El Paso	
Representative:	EP Marcus and EP Del Mesa Partners, L.P.	
Surveyor:	Conde, Inc.	
Location:	East of Oregon Street and West of Mesa Street	
Acres:	0.418	Representative District: 1
Planning Area:	Central	Present Zone: C-1, A-O/sp, C-1/c



GENERAL INFORMATION:

The applicants are proposing to vacate a portion of Boston Avenue located between Mesa Street and Oregon Street. The applicants own the abutting properties to the north and south of the portion being vacated and the request is being made in order to create a parking lot and expand the building area.

The property is currently zoned C-1, A-O/sp, and C-1/c. The special permit on the A-O zoned portion (approved April 27, 1993) allows for off-site, off-street parking for a restaurant/bar on Lots 11-20, Block 208, Alexander Addition. The condition on the C-1 zoned portion (approved May 16, 1995) requires the owner to coordinate and obtain approval from Traffic Engineering and TXDOT on the driveway design and location onto Mesa Street prior to issuance of any building permits.

CASE HISTORY:

This request was presented to the City Plan Commission on March 16, 2006 with the following conditions:

1. That driveway access be provided via Oregon St. and Mesa St as per code requirements.
2. That the alleys in Block 191 and Block 209 be unobstructed; and that the City and utilities be given full access to the alleys.
3. That a 15-foot pedestrian mall be provided that traverses the subject property from Oregon St. to Mesa St. and shall be landscaped and accommodate bicyclists, and;
4. That the improvements to the pedestrian mall be completed within three years of the date of approval by the El Paso City Council to vacate the portion of Boston Ave, or the property reverts back to the City of El Paso.
5. The full length and width retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

The City Plan Commission denied this request (5-0) based on the following:

1. The applicant did not agree to provide the 15-foot pedestrian mall.
2. The applicant did not agree with three-year time limit to complete the improvements to the pedestrian mall (condition #4). The applicant did not want to be tied down to any time limit.
3. Potential access issues and future congestion.
4. Not in the best interest of the public.

The applicant then appealed to the City Council where it was denied on May 2, 2006 (6-1).

CURRENT REQUEST:

The applicant has re-submitted this right-of-way vacation request as it has been more than 12 months since it was denied by the City Council.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends **denial** of the proposed vacation of the portion of Boston Avenue because the applicant does not agree to the proposed conditions. The proposed conditions and requirements are:

1. That driveway access be provided via Oregon St. only and vehicular access to the existing commercial driveways and to the alley from Boston Avenue shall be preserved.
2. That the alley be unobstructed and the City and utilities be given full access to the alleys.
3. That a 15-foot wide pedestrian walkway be provided that traverses the subject property from Oregon St. to Mesa St. and shall be landscaped and accommodate bicyclists. The walkway shall be built to City standards, including ADA compliant, and landscaping shall consist of plants selected from the approved plant list on file and maintained in the development services department.
4. That the improvements to the pedestrian walkway be completed within two years of the date of approval by the El Paso City Council to vacate the portion of Boston Avenue, or the property reverts back to the City of El Paso.

5. The full length and width shall be retained as an easement for utilities and no structures shall be constructed that interfere with existing utility infrastructure and access.

The following comments were received:

Planning Division – Land Development

No objections.

Engineering Department – Traffic Division

Traffic does not object to this vacation if the following conditions are met:

1. Pedestrian access/sidewalks from Mesa to Oregon shall be maintained.
2. Vehicular access to the existing commercial driveways and to the alley from Boston Ave. shall be preserved.

Sun Metro

1. All vehicular traffic shall ingress and egress from the Oregon St. Side.
2. All deliveries shall be from the Oregon St. side.
3. No parking shall be allowed on Mesa St. adjacent to the building.
4. A 15' pedestrian access shall be maintained for thru access and connectivity from Mesa and Oregon streets.

TXDOT

TxDOT supports the City of El Paso in regards to closing the Boston Avenue connection onto SH 20 (Mesa).

El Paso Water Utilities

EPWU- PSB does not object to this request.

The El Paso Water Utilities does not object to the proposed vacation contingent on the public right-of-way being assigned as an easement and the existing water and sanitary sewer mains as described below remain in place to continue providing service to the public.

Water

Along Boston Avenue between Oregon Street and Mesa Street there is an existing six (6) inch diameter water main.

Along the alley located between Oregon Street and Mesa Street, north of Boston Avenue there is an existing one (1) inch diameter water line. This water line dead-ends at approximately 120 feet north of Boston Avenue. This main is fed by the above-described main located along Boston Street.

Along the alley located between Oregon Street and Mesa Street, south of Boston Avenue there is an existing four (4) inch diameter water main. This main dead-ends at approximately 250 feet south of Boston Avenue. This main is fed by the above described main located along Boston Street.

The above described existing 6-inch diameter water main is required to remain active to provide service to several water meters located along the alleys north and south of Boston Avenue.

Sanitary Sewer

Along the alley located between Oregon Street and Mesa Street, north of Boston Avenue there is an existing eighteen (18) inch diameter sanitary sewer main. The alignment of this main continues along Boston Avenue towards the west (towards Oregon Street). At Oregon Street, the alignment of this main continues towards the south along Oregon Street.

Along Boston Avenue, between Mesa Street and the alley located west of Mesa Street, there are no existing sanitary sewer mains.

The described existing eighteen (18) inch diameter sanitary sewer main is required to remain active.

General:

The existing Boston Avenue public right-of-way to be vacated is required to be designated as a full-width utility easement in order to enable for the described existing water and sanitary sewer mains to remain in place and in operation.

Mesa Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Mesa Street right-of-way requires written permission from TxDOT.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said sanitary sewer main in the easement area.

EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities – Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

The EPWU-PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

If street improvements are required in conjunction to the right-of-way vacation process, the El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans for review and approval prior to any work to ascertain that the proposed improvements do not impact the described existing water and sanitary sewer mains.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve 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; (2) finalized set of street 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 EPWU – 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.

Central Appraisal District

No comments received.

Texas Gas Service

No comments received.

Fire Department

No comments received.

Parks and Recreation Department

No comments received.

List of Attachments

Attachment 1: Aerial

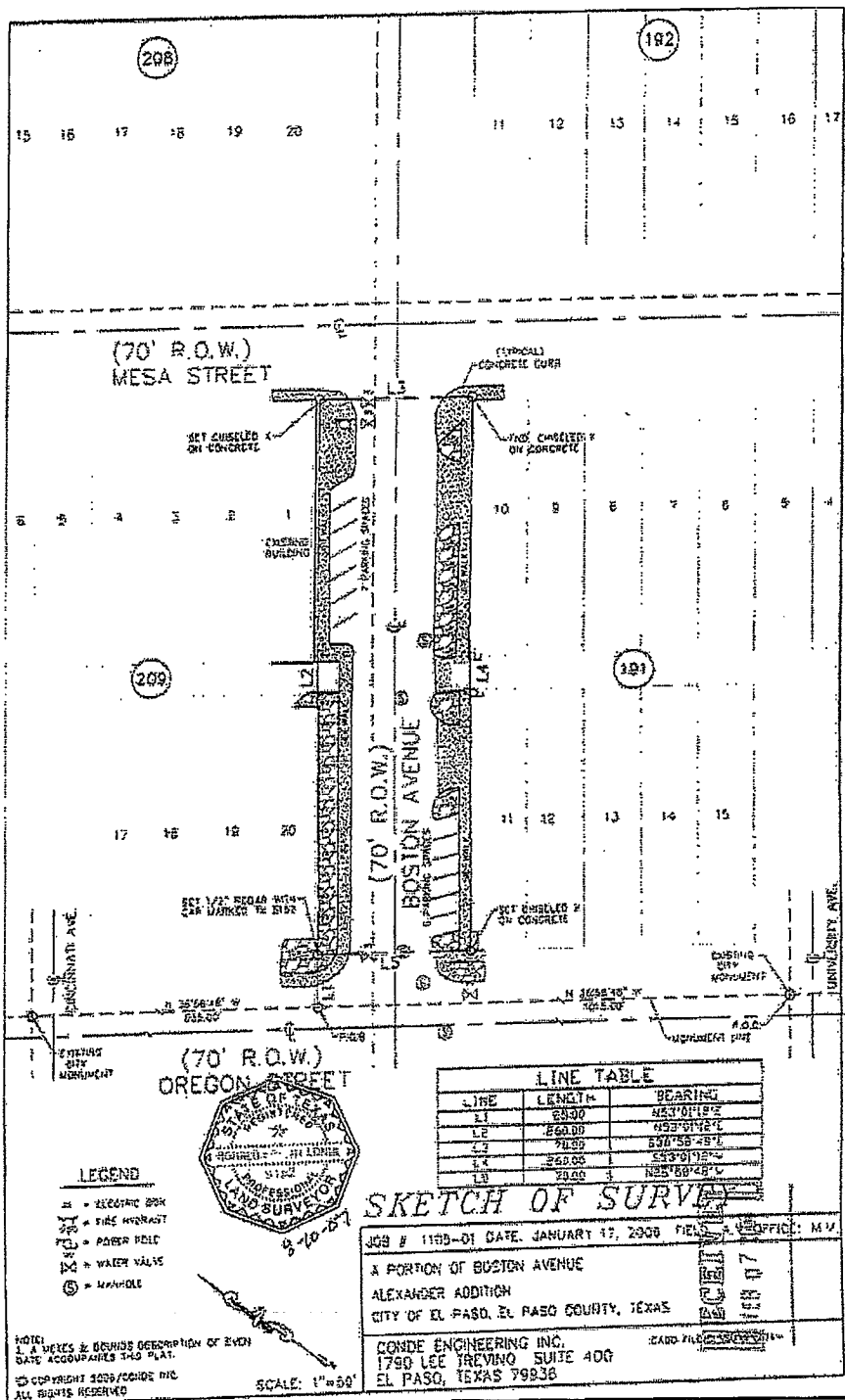
Attachment 2: Survey

Attachment 3: Application

ATTACHMENT 1



ATTACHMENT 2





CITY PLAN COMMISSION APPLICATION FOR
LAND STUDY APPROVAL

DATE: _____

FILE NO. _____

SUBDIVISION NAME: _____

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)

2. Property Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	_____	_____	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	_____	_____	_____
School	_____	_____	_____	_____	_____
Commercial	_____	_____	Total No. Sites	_____	_____
Industrial	_____	_____	Total (Gross) Acreage	_____	_____

3. What is existing zoning of the above described property? _____ Proposed zoning? _____

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes _____ No _____

5. What type of utility easements are proposed: Underground _____ Overhead _____ Combination of Both _____

6. What type of drainage is proposed? (If applicable, list more than one)

7. Are special public improvements proposed in connection with development? Yes _____ No _____

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes _____ No _____
If answer is "Yes", please explain the nature of the modification or exception _____

9. Remarks and/or explanation of special circumstances: _____

10. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes _____ No _____

Rights If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 - Vested (See Attached).

ATTACHMENT 3

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

SUB08-00034

DATE: August 03, 2007

1. APPLICANTS NAME EP Marcus, L. P. / EP Del Mesa Partners, L. P.

ADDRESS 6300 Montoya ZIP CODE 79925 TELEPHONE 779-6300

2. Request is hereby made to vacate the following: (check one) Street ☒ Alley ☐ Easement ☐

Street Name(s) Boston Avenue Subdivision Name Alexander Addition

Abutting Blocks 191/200 Abutting Lots 1-20 / 1-20

3. Reason for the vacation request: To allow for a Parking Lot

4. Surface Improvements located in subject right-of-way:
None ☐ Paving ☒ Curb & Gutter ☒ Power Lines/Poles ☒ Fences/Walls ☐ Structures ☐ Other ☐

5. Underground Improvements located in subject right-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 Application which are pending (give name or file number):
Zoning ☐ Zoning Board of adjustment ☐ Subdivision ☐ Building Permits ☐ Other ☐

8. Signatures: All owners of properties which abut the property to be dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description/Address	Telephone Numbers
<u>[Signature]</u>	<u>Being a portion of Boston Street out of</u>	<u>779-6300</u>
<u></u>	<u>Alexander Addition, City of El Paso,</u>	<u></u>
<u></u>	<u>El Paso, County, Texas</u>	<u></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. If/We further understand that the fee, if the Vacation is granted, will be determined by the City of El Paso and Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he is authorized to represent the property owner(s), 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.

FEE AMOUNT

Easement Vacation \$300.00
☒ Street, Alley, Other Rights-of-way Vacation \$571.00
CASHIER'S VALIDATION

Signed By:

[Signature]
Land Owner/Applicant/Agent

Date

FILE NO. _____

11. Owner of record _____
(Name & Address) (Zip) (Phone)
12. Developer _____
(Name & Address) (Zip) (Phone)
13. Engineer _____
(Name & Address) (Zip) (Phone)

CASHIER'S VALIDATION

FEE: 0.0 to 300 acres \$4,456.00
301 to 600 acres \$6,570.00
601 to 900 acres \$8,409.00
901+acres \$11,001.00

APPLICATION MUST BE COMPLETED
& VALIDATED PRIOR TO SUBDIVISION
PROCESSING

OWNER SIGNATURE: _____

REPRESENTATIVE: _____

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