

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 3/31/15; Public Hearing 4/7/15
CONTACT PERSON/PHONE: Jeff Howell, (915) 212-1607
DISTRICT(S) AFFECTED: District 2

SUBJECT:

An ordinance vacating a portion of Cebada Street, Missouri Avenue, Luna Street, and all of 20 foot alley between Missouri Avenue and Gateway West Boulevard (Between Luna Street and Cebada Street), City of El Paso, El Paso County, Texas. Subject Property: North of Gateway West and east of Cebada; Property Owner: El Paso Water Utilities

SURW15-00002 (District 2)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Recommended approval on February 26, 2015

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew McElroy, Director
Planning & Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF CEBADA STREET, MISSOURI AVENUE, LUNA STREET, AND ALL OF 20 FOOT ALLEY BETWEEN MISSOURI AVENUE AND GATEWAY WEST BOULEVARD (BETWEEN LUNA STREET AND CEBADA STREET), CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the City of El Paso, owners of subject property, have requested vacation of a right-of-way being a portion of Cebada Street, Missouri Avenue, Luna Street, and all of 20 foot alley between Missouri Avenue and Gateway West Boulevard (Between Luna Street and Cebada Street), City of El Paso, El Paso County, Texas.

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Cebada Street, Missouri Avenue, Luna Street, and all of 20 foot alley between Missouri Avenue and Gateway West Boulevard (Between Luna Street and Cebada Street), City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way 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 Cebada Street, Missouri Avenue, Luna Street, and all of 20 foot alley between Missouri Avenue and Gateway West Boulevard (Between Luna Street and Cebada Street), 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 and subject to the providence of a utility easement to El Paso Electric Company will be allowed, which has been recorded separately due to the inclusion of property outside of the vacated ROW.

ADOPTED this _____ day of _____, 2015.

THE CITY OF EL PASO

Oscar Leeser
Mayor

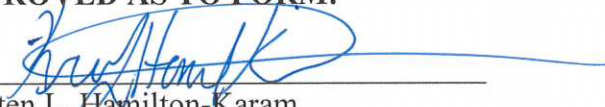
ATTEST:

Richarda Duffy Momsen
City Clerk

(the remaining signatures are on the following page)

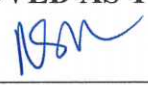
ORDINANCE NO. _____

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
Planning & Inspections Department

ORDINANCE NO. _____

#385630 / 15-1007-1355 / Cebada Street ROW Vacation Ordinance/KLH-K

Exhibit A

Prepared for: El Paso Water Utilities
December 16, 2014
(Parcel 1 Cebada Street Vacation)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Cebada Street out of Supplemental Map No. 1 of East El Paso Addition as recorded in volume 1, page 51, Plat Records of 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 north and 10 feet east of the centerline intersection of Wyoming Ave. and Luna Street; from which an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Wyoming Ave. and Cebada Street bears North 86°26'53" West a distance of 470.03 feet; Thence along the monument line of Luna Street, South 03°33'03" West a distance of 380.00 feet to a point on the centerline of Missouri Avenue; Thence along said centerline, North 86°26'57" West a distance of 445.00 feet to a point, Thence leaving said centerline, South 03°33'03" West a distance of 33.00 feet to set ½" rebar with cap marked TX 5152 for the "TRUE POINT OF BEGINNING".

Thence, South 03°33'03" West a distance of 162.00 feet to a set chiseled x in concrete on the southerly line of a 20 foot alley out of Block 60, Supplemental Map No. 1 of East El Paso Addition;

Thence, North 86°26'57" West a distance of 44.77 feet to a nail set in pavement;

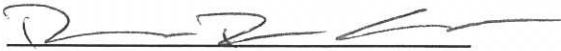
Thence, North 31°50'36" East a distance of 22.71 feet to a nail set in pavement;

Thence, North 03°32'26" East a distance of 131.89 feet to a nail set in pavement for a point of curve;

Thence 15.82 feet along the arc of a curve to the right which has a radius of 10.00 feet a central angle of 90°39'43" a chord which bears North 48°13'12" East a distance of 14.22 feet to a set nail in pavement;

Thence, South 86°26'57" East a distance of 24.03 feet to the "TRUE POINT OF BEGINNING" and containing 5,596 square feet or 0.1285 acres of land more or less.

Note: A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5125



CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286

Prepared for: El Paso Water Utilities
December 16, 2014
(Parcel 2 Missouri Ave. Vacation)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Missouri Avenue out of Supplemental Map No. 1 of East El Paso Addition as recorded in volume 1, page 51, Plat Records of 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 north and 10 feet east of the centerline intersection of Wyoming Ave. and Luna Street; from which an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Wyoming Ave. and Cebada Street bears North $86^{\circ}26'53''$ West a distance of 470.03 feet; Thence along the monument line of Luna Street, South $03^{\circ}33'03''$ West a distance of 415.00 feet to a point; Thence leaving said line, North $86^{\circ}26'57''$ West a distance of 37.00 feet to a point for the "TRUE POINT OF BEGINNING".


Thence along the southerly right of way line of Missouri Avenue, North $86^{\circ}26'57''$ West a distance of 408.00 feet to a set nail in cinder block wall on the easterly right of way line of Cebada Street;

Thence North $03^{\circ}33'03''$ East a distance of 2.00 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence, South $86^{\circ}26'57''$ East a distance of 402.01 feet to a set chiseled x in concrete for a point of curve;

Thence 6.44 feet along the arc of a curve to the right which has a radius of 10.00 feet a central angle of $36^{\circ}52'12''$ a chord which bears South $68^{\circ}00'51''$ East a distance of 6.33 feet to the "TRUE POINT OF BEGINNING" and containing 812 square feet or 0.0186 acres of land more or less.

Note: A drawing of even date accompanies this description.


Ron R. Conde
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6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286

Prepared for: El Paso Water Utilities
December 16, 2014
(Parcel 3 Luna Street Vacation)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Luna Street out of Supplemental Map No. 1 of East El Paso Addition as recorded in volume 1, page 51, Plat Records of 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 north and 10 feet east of the centerline intersection of Wyoming Ave. and Luna Street; from which an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Wyoming Ave. and Cebada Street bears North $86^{\circ}26'53''$ West a distance of 470.03 feet; Thence along the monument line of Luna Street, South $03^{\circ}33'03''$ West a distance of 423.00 feet to a point; Thence leaving said line, North $86^{\circ}26'57''$ West a distance of 33.00 feet to a set chiseled x in concrete for the "TRUE POINT OF BEGINNING".

Thence, South $03^{\circ}33'06''$ West a distance of 152.00 feet to a set chiseled x in concrete;


Thence North $86^{\circ}26'57''$ West a distance of 12.00 feet to a set chiseled v in concrete on the westerly right of way line of Luna Street;

Thence along said right of way line, North $03^{\circ}33'06''$ East a distance of 160.00 feet to a set chiseled x in concrete on the southerly right of way line of Missouri Avenue;

Thence along said right of way line, South $86^{\circ}26'57''$ East a distance of 8.00 feet to a point;

Thence 9.27 feet along the arc of a curve to the right which has a radius of 10.00 feet a central angle of $53^{\circ}07'48''$ a chord which bears South $23^{\circ}00'51''$ East a distance of 8.94 feet to the "TRUE POINT OF BEGINNING" and containing 1,910 square feet or 0.0439 acres of land more or less.

Note: A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5125



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6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286

Prepared for: El Paso Water Utilities
December 16, 2014
(Parcel 4 Alley Vacation)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Missouri Avenue out of Supplemental Map No. 1 of East El Paso Addition as recorded in volume 1, page 51, Plat Records of 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 north and 10 feet east of the centerline intersection of Wyoming Ave. and Luna Street; from which an existing city monument lying 10 feet north and 10 feet east of the centerline intersection of Wyoming Ave. and Cebada Street bears North 86°26'53" West a distance of 470.03 feet; Thence along the monument line of Luna Street, South 03°33'03" West a distance of 555.00 feet to a point; Thence leaving said line, North 86°26'57" West a distance of 45.00 feet to a set chiseled v in concrete on the westerly right of way line of Luna Drive for The "TRUE POINT OF BEGINNING".


Thence, South 03°33'03" West a distance of 20.00 feet to a set ½" rebar with cap marked TX 5152 on the southerly line of a 20.00 feet alley out of Block 60, Supplemental Map No. 1 of East El Paso addition;

Thence along said line, North 86°26'57" West a distance of 400.00 feet to a set chiseled v on concrete;

Thence, North 03°33'03" West a distance of 20.00 feet to a set ½" rebar with cap marked TX 5152 on the northerly line of a 20 foot alley out of Block 60, Supplemental Map No. 1 of East El Paso Addition;

Thence along said line, South 86°26'57" East a distance of 400.00 feet to the "TRUE POINT OF BEGINNING" and containing 8,000 square feet or 0.1837 acres of land more or less.

Note: A drawing of even date accompanies this description.

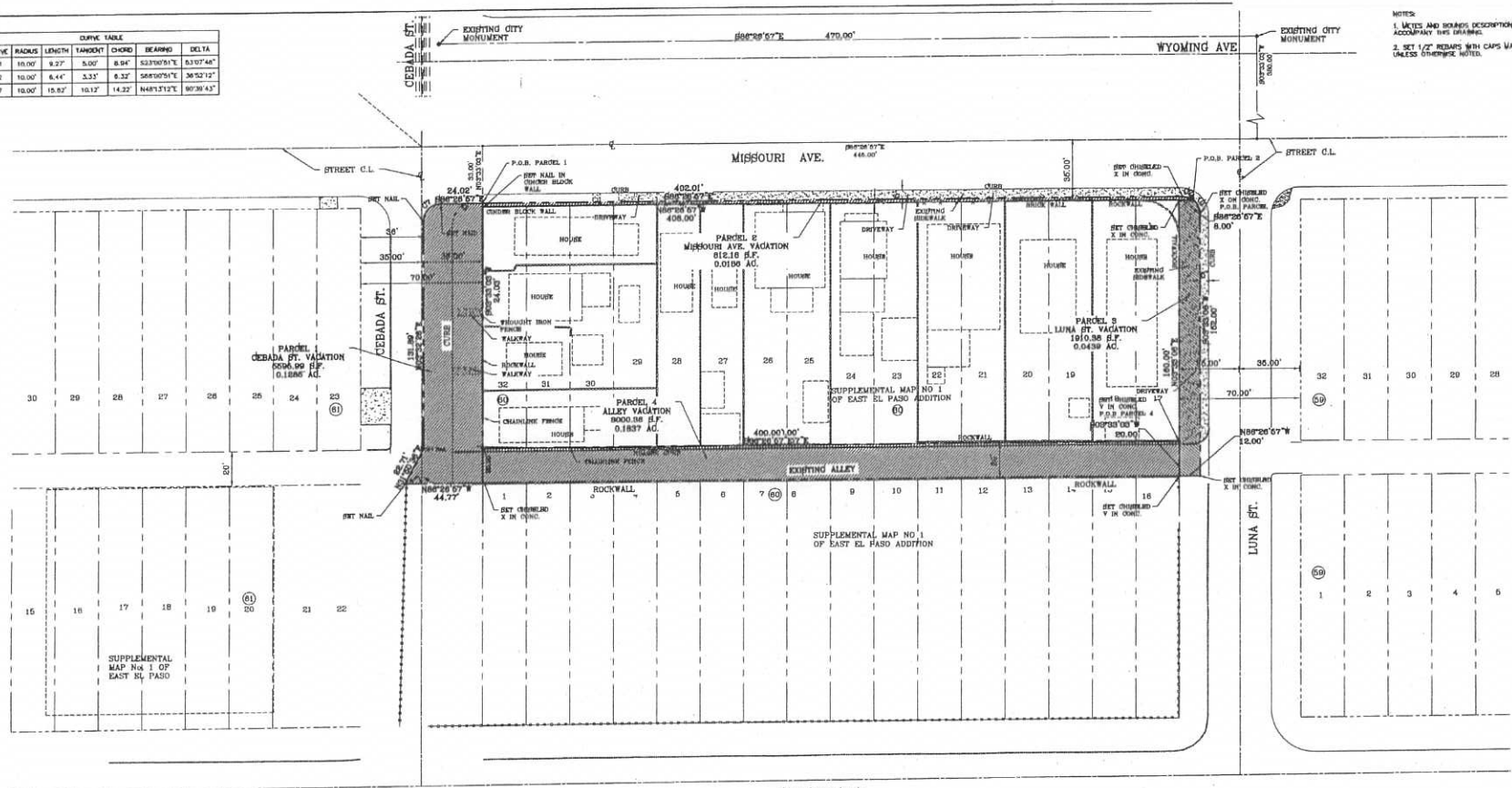

Ron R. Conde
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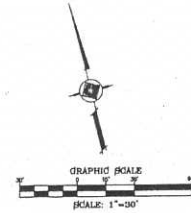
Exhibit B

CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	10.00'	9.27'	5.00'	8.94'	89°57'48"
C2	10.00'	8.44'	3.33'	8.32'	50°50'59"
C3	10.00'	10.67'	10.17'	14.32'	84°17'17"



NOTES:
 1. LINES AND BOUNDARY DESCRIPTIONS OF HEREIN SHOWN 4 PARCELS ACCORDING THIS DRAWING.
 2. SET 1/2" DEPARTS WITH CAPS WALKED TO 5152 ON ALL CORNERS UNLESS OTHERWISE NOTED.

NOTE:
 HEREON DESCRIBED TRACT LIES IN ZONE A4, COMMUNITY PANEL NO. 480514 DOWNS, DATED OCTOBER 10, 1988. (BPE = 3700)



U.S. INTERSTATE HIGHWAY 10



CERTIFICATION
 THIS PLAN REPRESENTS A SURVEY MADE ON THE BASIS OF MY OWN OR MY SUBORDINATE'S FIELD AND OFFICE WORK AND I BELIEVE IT TO BE CORRECT AND RELYABLE.
 SIGNATURE: [Signature]
 TITLE: REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS LICENSE NO. 6188

CONDE INC.
 ENGINEERING / PLANNING
 SURVEYING / GPS
 6000 BURETY DR. STE 100
 EL PASO, TEXAS 79905
 PHONE: (915) 592-0285
 FAX: (915) 592-0286

DRAWN BY: R.O.
 CHECKED: R.O.
 CHECKED: Y.J.
 APPROVED: R.O.

EXTERNAL REFERENCE FILES
 ONLY - GATEWAY WEST - NORTH DOWNS

REVISIONS				
REVISION	BY	DATE	APP.	
ADDED FLOOD ZONE DESIGNATION	R.O.	2-11-2010	R.O.	

EL PASO **WATER UTILITIES**
PUBLIC SERVICE BOARD
GATEWAY WEST STORMWATER RETENTION EXPANSION PHASE I
 BEING A PORTION OF CEBADA ST., MISSOURI AVE., LUNA ST., AND ALL OF 20 FOOT ALLEY BETWEEN MISSOURI AVE AND GATEWAY WEST BLVD (BETWEEN LUNA ST. AND CEBADA ST.)
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

VACATION OF CEBADA ST., LUNA ST., MISSOURI AVE, AND ALLEY OUT OF BLOCK 60, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO ADDITION

FILE NAME
SURVEY - STREET - VACATION
BO PROJECT NUMBER
SPW/PBB BO NUMBER
DRAWING NUMBER
DRAWING SHEET NUMBER
1 OF 1

MEMORANDUM

DATE: March 23, 2015

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

FROM: Jeff Howell, Planner

SUBJECT: Right-of-Way Vacation SURW15-00002 (North of Gateway West and east of Cebada)

The proposed right-of-way vacation was scheduled for the City Plan Commission (CPC), on February 26, 2015. The CPC recommended **approval** of the proposed right-of-way vacation.

The recommendation is based on the determination that the right-of-way vacation is in 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.

Property Owners/Applicant: El Paso Water Utilities

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: SURW15-00002 Cebada Street and Alley Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: February 26, 2015
Staff Planner: Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov
Location: North of Gateway West and East of Cebada
Acreage: 0.3747 acres
Rep District: 2
Existing Use: Street right-of-way, Alley
Existing Zoning: R-5 (Residential)/A-O/sp (Apartment-Office/special permit)
Proposed Zoning: R-5 (Residential)/A-O/sp (Apartment-Office/special permit)
Property Owner: El Paso Water Utilities
Applicant: El Paso Water Utilities
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Single-family homes, A-2/sc (Apartment/special contract) / Single-family home
South: R-5 (Residential) / Pond, C-3/c (Commercial/condition) / Pond
East: R-5 (Residential) / Single-family homes
West: R-5 (Residential) / Single-family homes, C-1/sc (Commercial/special contract) / Clinic

PLAN EL PASO DESIGNATION: G2, Traditional Neighborhood (Walkable)

APPLICATION DESCRIPTION

The applicant is proposing to vacate a 34' wide portion of Cebada Street (0.1285 acres), a 2' wide portion of Missouri Avenue (0.0186 acres), a 12' wide portion of Luna Street (0.0439 acres), and a 20' alley from Cebada Street to Luna Street (0.1837 acres). The area to be vacated is requested for the construction of a stormwater pond within the existing Lots 17-32, Block 60 East El Paso Addition, which are all owned by the applicant.

The applicant is requesting approval of an alternative design for the remaining street right-of-ways after the vacation is complete:

- Cebada Street-ROW reduction from 70' to 36', pavement width reduction from 36' to 27' and parkway reduction from 17' to 9'.
- Missouri Street-ROW reduction from 70' to 68'
- Luna Street-ROW reduction from 70' to 58'

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 200 feet of the subject property and within the original subdivision on February 12, 2015. The Planning Division received two phone calls asking for clarification of the project, with no objections to the vacation.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of Cebada Street and Alley Vacation subject to the following conditions.

Planning Division Recommendation:

Staff recommends **approval**.

Planning and Inspections Department - Land Development

No objections.

Parks and Recreation Department

We have reviewed Cebada St. & Alley, a right-of-way and alley vacation survey map and offer "No" objections to this proposed street right-of-way and alley vacation request.

El Paso Water Utilities

We have reviewed the above described subdivision request and provide the following comments:

1. (EPWU) does not object to this request.
2. Existing water and sanitary sewer mains along the alley between Cebada St & Luna St, Cebada St., Luna St., and Missouri Avenue will be relocated and/or abandoned as required by the stormwater project.

El Paso Fire Department

No comments received.

Sun Metro

Sun metro is not opposed to this request.

TxDOT

No comments received.

Central Appraisal District

No comments received.

El Paso Electric Company

El Paso Electric requests to relocate their existing lines into proposed easements along Missouri and Luna. EPWU will be providing easements to El Paso Electric Company on Missouri and Luna for relocation of their existing lines.

Texas Gas Company

TGS has no objections to the ROW Vacation. TGS has been coordinating with PSB to retire our line.

El Paso Independent School District

No comments received.

Additional Comments

1. Submit to the Planning & Inspections Department-Planning Division the following prior to the application going before City Council.
 - a. Metes and Bounds of easement requested by El Paso Electric.
 - b. Survey showing easement requested by El Paso Electric.

Attachments

1. Location Map
2. Aerial Map
3. Survey
4. Alternative Design Request
5. Application

ATTACHMENT 1

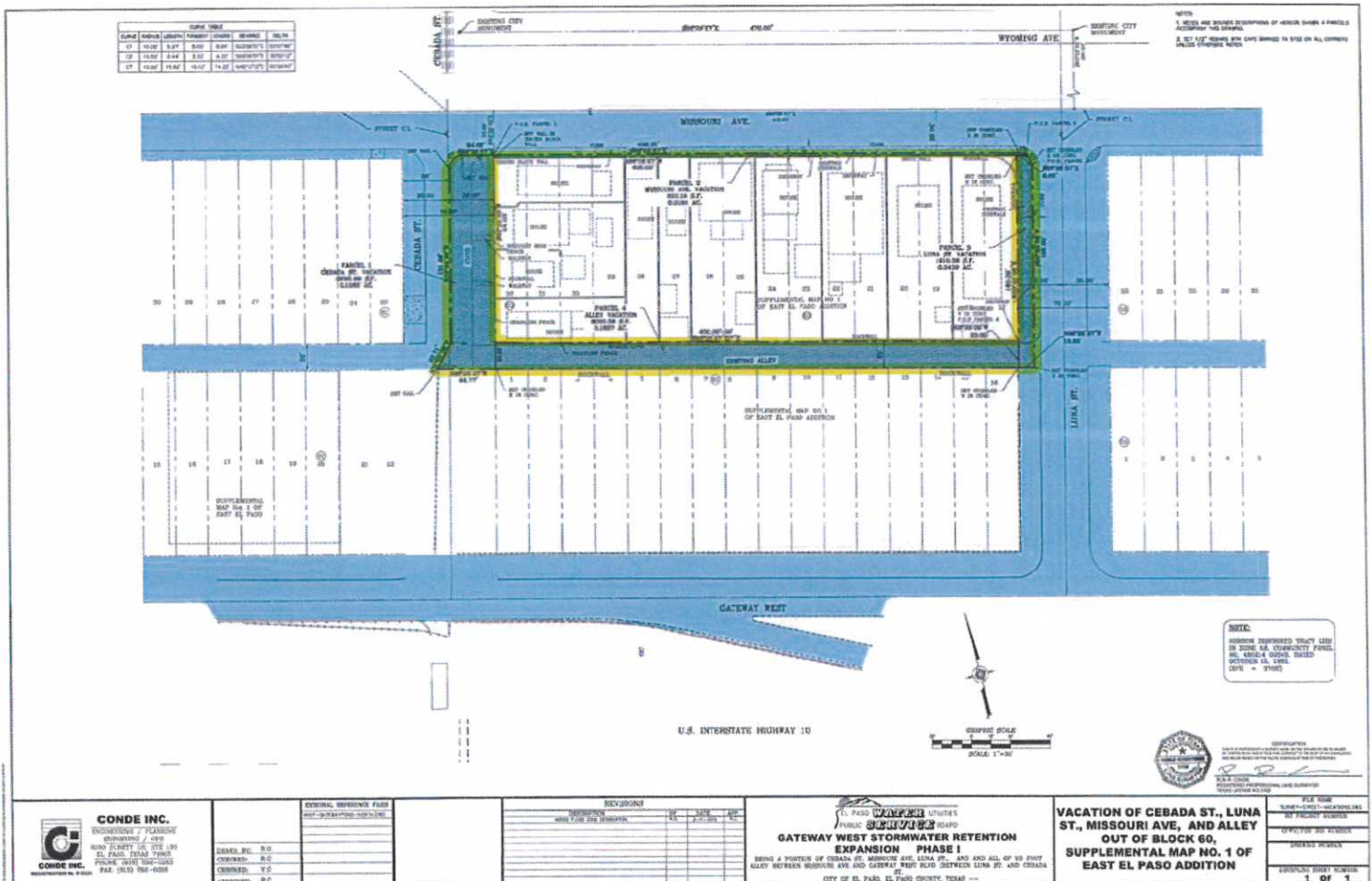
CEBADA STREET & ALLEY ROW VACATION



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



January 27, 2015

Kim Forsyth
City of El Paso
Land Development

RE: Request for Approval of Alternative Design for Proposed Vacation of ROW's for Portions of Cebada Street, Missouri Street and Luna Street for Proposed Stormwater Pond

Dear Ms. Forsyth:

The El Paso Water Utilities is submitting a vacation request for the ROW's shown on the attached survey map. As part of the application we are requesting that an alternative design be approved for street right-of-ways for portions of Cebada Street, Missouri Street and Luna Street (see attached cross sections proposed for all three streets). The alternative design includes the following proposed changes to the existing rights-of-way.

- Cebada Street – ROW reduced from 70 feet to 36 feet, pavement width remains the same except at bulb out where it is reduced from 36 feet to 27 feet and parkway is reduced from 17 feet to 9 feet.
- Missouri Street – ROW reduced from 70 to 68 feet, pavement width remains the same except at bulb out where it is reduced from 56 feet to 48 feet.
- Luna Street – ROW reduced from 70 to 58 feet, pavement width remains the same except at bulb out where it is reduced 36 feet to 28 feet.

If you have any questions, please call Mr. Rudy Valdez at 915-594-5590 or Alma De Anda at 594-5513.

Sincerely,

A handwritten signature in black ink, appearing to read "Rudy Valdez", is written over a horizontal line.

Rudy Valdez
Utility Land Management Coordinator

ATTACHMENT 5



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

Date: December 18, 2014

File No. SURW15-00002

1. APPLICANTS NAME City of El Paso/El Paso Water Utilities/Public Service Board (Stormwater Utility)
ADDRESS 1154 Hawkins ZIP CODE 79912 TELEPHONE 915-594-5636
2. Request is hereby made to vacate the following: (check one)
Street ☒ Alley ☒ Easement ☐ Other ☐
Street Name(s) Ptn of Celada/Ptn of Missouri & Ptn of Luna Subdivision Name Supplemental Map No. 1 of East El Paso, Texas
Abutting Blocks Within and abutting Block 60 Abutting Lots 17-32
3. Reason for vacation request: Intend to construct a stormwater pond within Block 60 and the proposed ROW's proposed to be vacated.
4. Surface Improvements located in subject property to be vacated:
None ☐ Paving ☒ Curb & Gutter ☒ Power Lines/Poles ☒ Fences/Walls ☐ Structures ☐ Other ☐
5. Underground Improvements located in the existing rights-of-way:
None ☐ Telephone ☐ Electric ☐ Gas ☒ Water ☒ Sewer ☒ Storm Drain ☐ Other ☐
6. Future use of the vacated right-of-way:
Yards ☐ Parking ☐ Expand Building Area ☐ Replat with abutting Land ☐ Other ☒
7. Related Applications which are pending (give name or file number):
Zoning ☐ Board of Adjustment ☐ Subdivision ☐ Building Permits ☐ Other ☐
8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
	<u>Lots 17-32, Block 60, Supplemental Map No. 1 of East El Paso, Texas</u>	<u>594-5636</u>
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

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

OWNER SIGNATURE:

REPRESENTATIVE: Gonzalo Cedillos/Grisel Arizpe

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

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



Recommendation/Public Input

- **Planning & Inspections Recommendation:** Approval
- **CPC Vote:** Unanimous Approval
- Two phone calls asking for clarification of the project were received, with no objections to the vacation

Strategic Goal #7-Enhance and Sustain El Paso's Infrastructure Network

- 7.1 Provide reliable and sustainable water supply and distribution systems
- 7.4 Continue the strategic investment in City facilities and technology



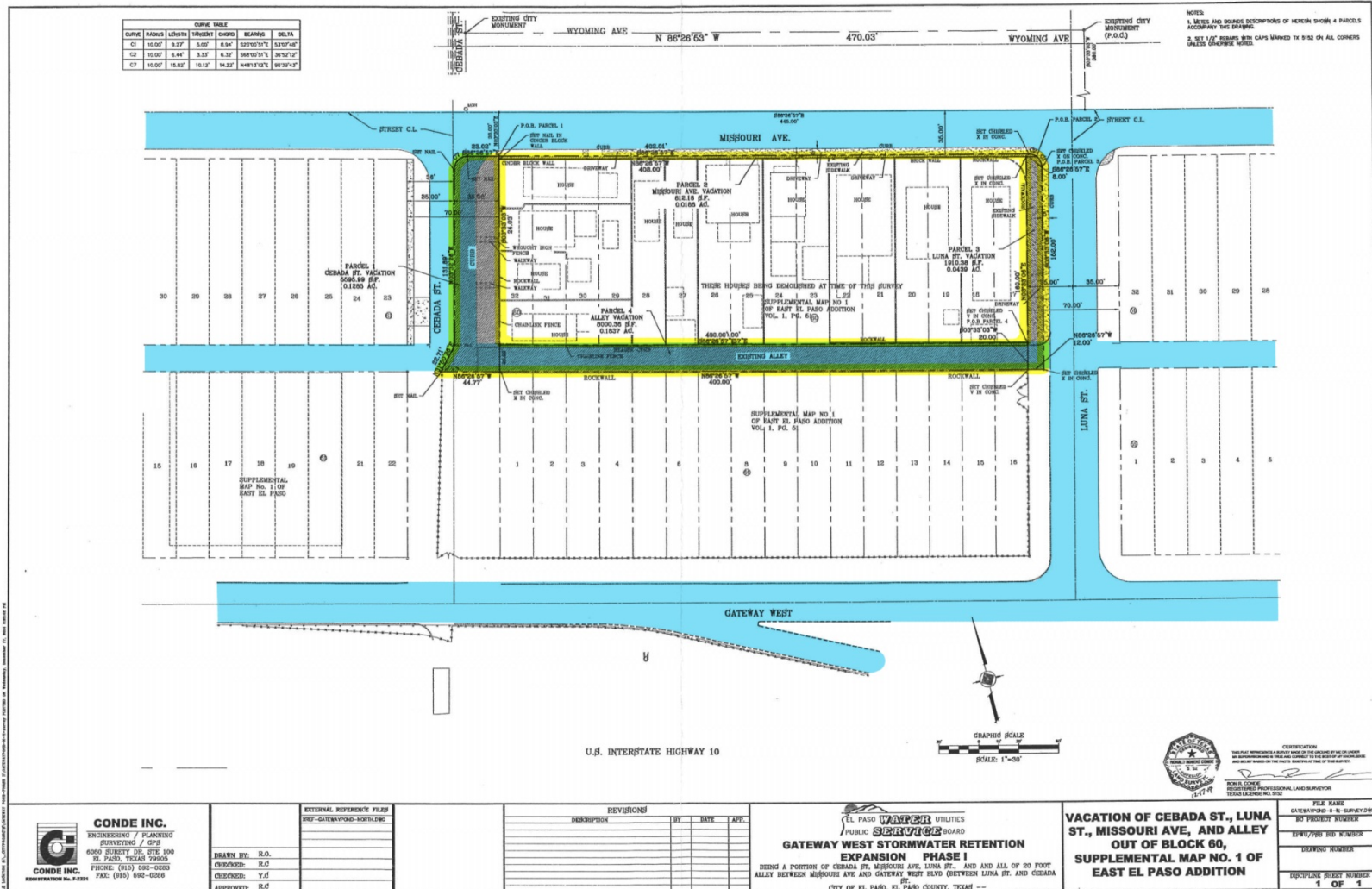
CEBADA STREET & ALLEY ROW VACATION





CEBADA STREET & ALLEY ROW VACATION









View looking along Cebada Street toward the North



View looking along the alley toward the East



View looking along Missouri Ave toward the West.

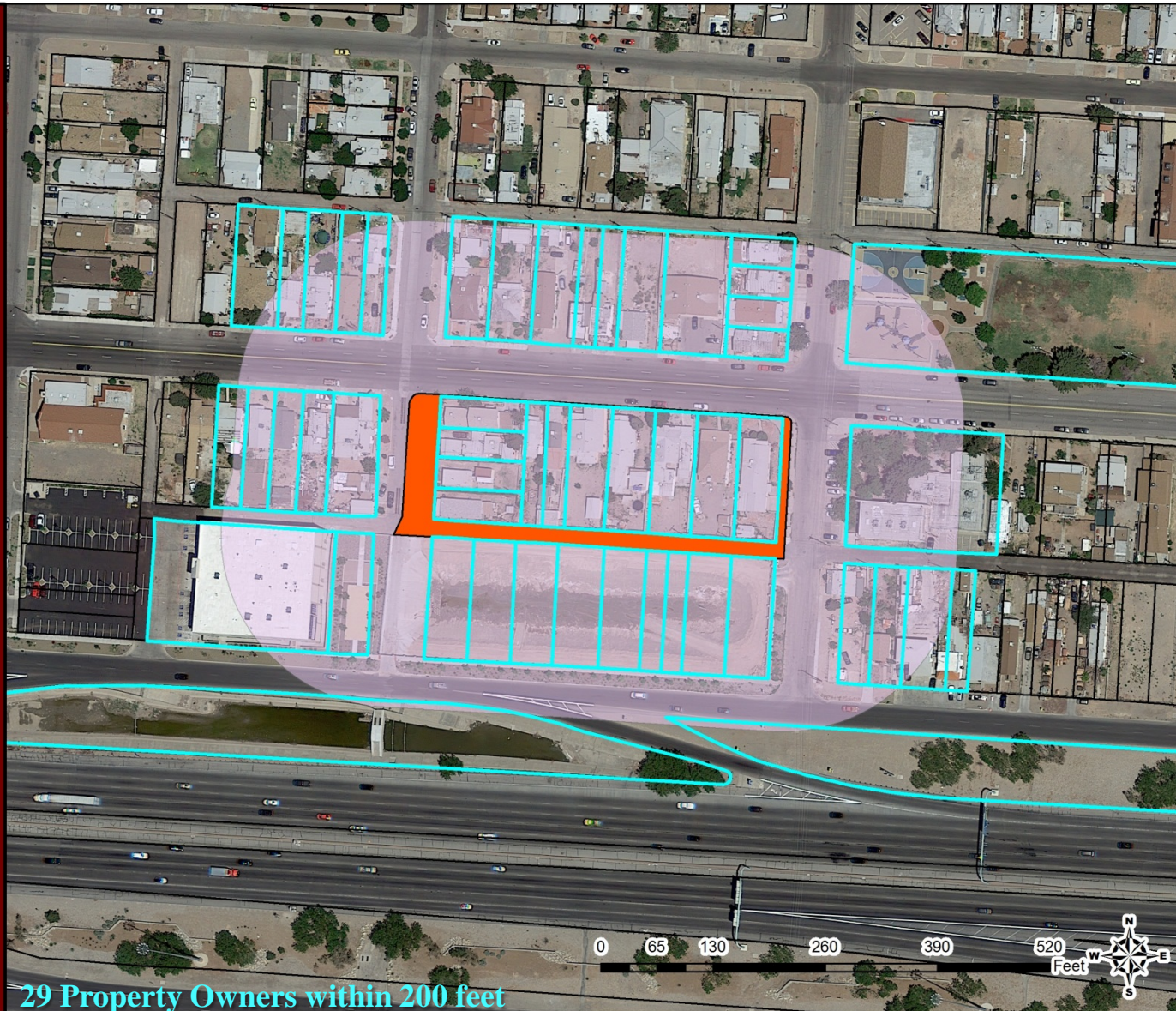


View looking along Luna toward the South.





CEBADA STREET & ALLEY ROW VACATION



29 Property Owners within 200 feet



CEBADA STREET & ALLEY ROW VACATION

