

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 4/4/17; Public Hearing 4/18/17
CONTACT PERSON/PHONE: Larry F. Nichols, (915) 212-1550
Vanessa Munoz, (915) 212-1644
DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance vacating a 0.476 acre portion of a Public Service Board easement, legally described as an existing twenty (20.00) feet P.S.B easement out of West Desert Marketplace Subdivision, located south of Montoya Lane and West of I-10, El Paso, El Paso County, Texas. Subject Property: South of Montoya Lane and West of I-10; Applicant: Prime Desert Properties, L.L.C.

SUET16-00003 (District 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

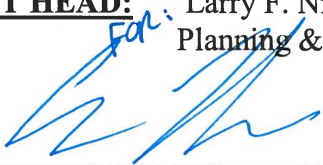
City Plan Commission (CPC) – Recommended approval on December 15, 2016

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Larry F. Nichols, Director
Planning & Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.476 ACRE PORTION OF A PUBLIC SERVICE BOARD EASEMENT, LEGALLY DESCRIBED AS AN EXISTING TWENTY (20.00) FEET P.S.B EASEMENT OUT OF WEST DESERT MARKETPLACE SUBDIVISION, LOCATED SOUTH OF MONTOYA LANE AND WEST OF I-10, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, on March 4th, 2014, City Council approved Ordinance No. 018131 vacating a 1.9075 portion of Edgar Road right-of-way; and

WHEREAS, Ordinance No. 018131 reserved a 20' PSB Easement for all PSB utilities located at the vacated portion of Edgar Road on the effective date of the vacation ("PSB Easement"); and

WHEREAS, the property owner of West Desert Marketplace Subdivision, has requested a vacation of a 0.476-acre portion of the PSB Easement; and

WHEREAS, after public hearing the City Plan Commission recommended that a 0.476-acre portion of the PSB Easement should be vacated and the City Council finds that said portion of the PSB Easement is not needed for public use and should be vacated as recommended.

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

That a determination has been made that it is in the best interest of the public that a 0.476-acre portion of the PSB Easement legally described as an existing twenty (20.00) feet P.S.B Easement out of West Desert Marketplace Subdivision, El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference, is not needed for public use and is vacated. Provided, however, that the remaining portion of the PSB Easement described in the metes and bounds description and survey attached as Exhibit "C", made part hereof by reference, is unaffected by this vacation and remains reserved as a PSB easement.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to **Prime Desert Properties, L.L.C.**

APPROVED this _____ day of _____, 2017.

(SIGNATURES ON THE FOLLOWING PAGE)

ORDINANCE NO. _____

16-1007-1876 / 613564

West Desert Marketplace Easement Vacation

OAR

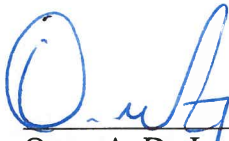
THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

 FOR:

Larry F. Nichols, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

ORDINANCE NO. _____

16-1007-1876 / 613564

West Desert Marketplace Easement Vacation

OAR

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of _____, 2017,
by Tomás González, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:

AFTER FILING RETURN TO:
Prime Desert Properties, L.L.C.
5201 El Paso Drive
El Paso, TX 79905

With copy to:

Planning & Inspections Department
Planning Division
PO Box 1890
El Paso, TX 79950-1890

Exhibit A

DORADO ENGINEERING GROUP

2717 E. YANDELL EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743

VACATION OF AN EXISTING 20 FOOT P.S.B. EASMENT

Metes and Bounds description of an existing twenty (20.00) feet P.S.B. Easement out of West Desert MarketPlace Subdivision to be vacated and being more particularly described as follows;

COMMENCING at an existing city monument located at the centerline intersection of Prime Desert Drive and Stone Wash Street, thence North 67° 07' 00" East along the centerline of Prime Desert Drive a distance of twenty six and thirty three hundredths (26.33) feet for a corner on the easterly Right-of-Way line of Stonewash Street; thence South 11° 47' 30" East along the easterly Right-of-Way line of Stonewash Street a distance of six hundred ninety and eighty one hundredths (690.81) feet to the northwesterly corner of the twenty (20.00) feet P.S.B. Easement being vacated, said corner being the Point of Beginning for this description;

THENCE, South 11° 47' 30" East, a distance of 20.20 feet;

THENCE, South 86° 12' 50" West, a distance of 211.52 feet;

THENCE, South 55° 58' 09" West, a distance of 818.71 feet;

THENCE, North 48° 17' 55" West, a distance 17.25 feet;

THENCE, North 24° 14' 45" West, a distance of 5.85 feet;

THENCE, North 76° 02' 35" East, a distance of 7.21 feet;

THENCE, North 55° 58' 17" East, a distance of 820.63 feet;

THENCE, North 86° 12' 50" East, a distance of 214.06 feet to the POINT OF BEGINNING of this description.

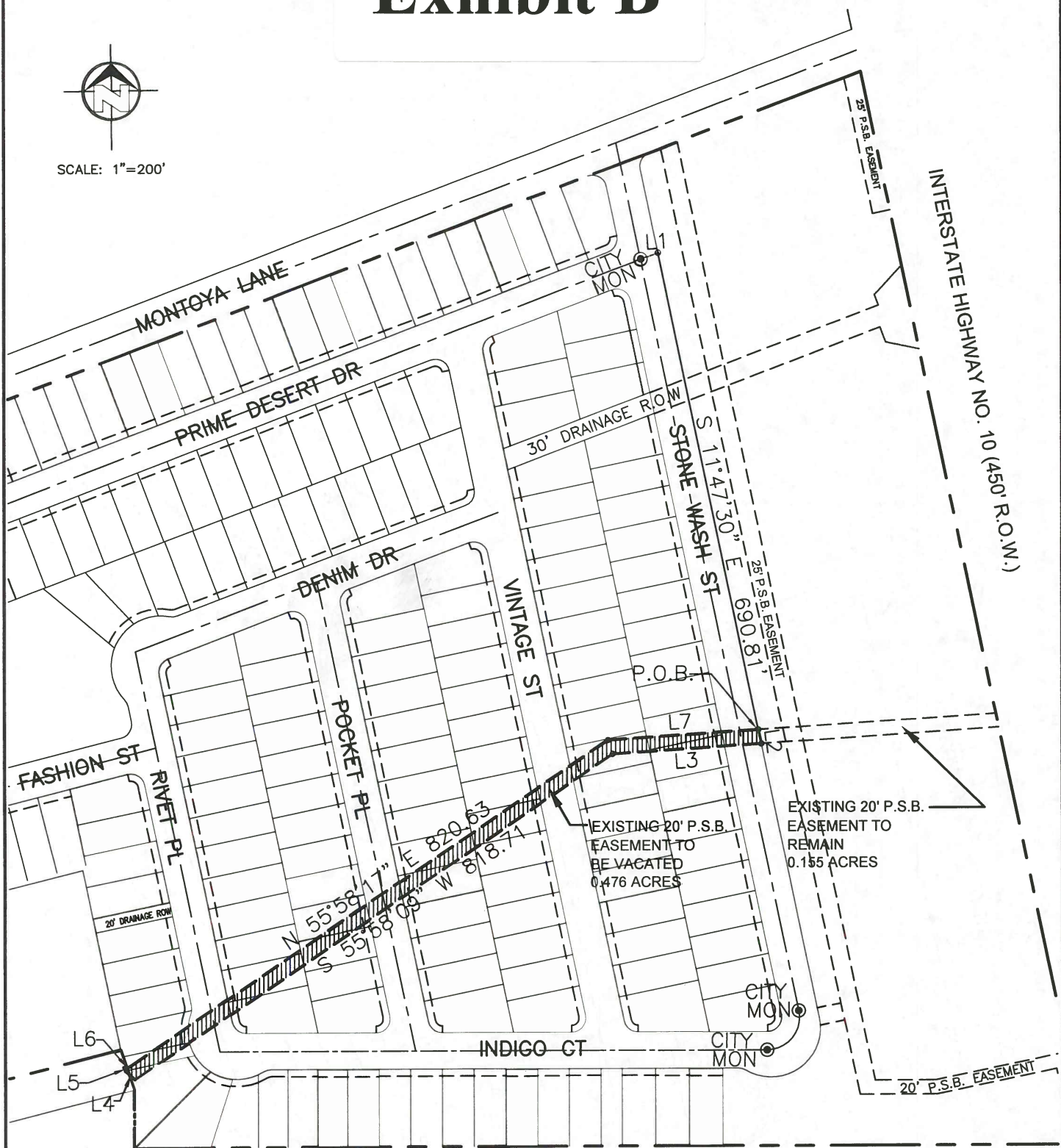
Said parcel of land contains 0.476 acres (20,736 square feet) of land more or less.

Fermin Dorado
Fermin Dorado, R.P.L.S.
Texas License No. 3190

03.09.17



Exhibit B



LINE	LENGTH	BEARING
L1	26.33	N 69°07'00" E
L2	20.20	S 11°47'30" E
L3	211.52	S 86°12'50" W
L4	17.25	N 48°17'55" W
L5	5.85	N 24°14'45" W
L6	7.21	N 76°02'35" E
L7	214.06	N 86°12'50" E

LOT 2, BLOCK 2
WHITFIELD SUBDIVISION UNIT TWO

S:DRAWINGS\WDMP\20 FEET EPWU EASEMENT.DWG

REV. 03/09/17

THIS IS TO CERTIFY THAT THIS PLAT
REPRESENTS AN ACTUAL FIELD SURVEY
PERFORMED BY ME OR UNDER MY SUPERVISION

EXIST 20 FOOT P.S.B.
EASEMENT TO BE VACATED
WEST DESERT MARKETPLACE SUBDIVISION
CITY OF EL PASO, EL PASO COUNTY, TEXAS

DORADO
ENGINEERING, INC.

ENGINEERS SURVEYORS PLANNERS
2717 E. YANDELL, EL PASO, TEXAS 79903 (915)562-0002

DATE: 02/16/17
SCALE: 1"=200'
DRAWN BY: FDJ
CHECKED BY: FD
FLOOD_ZONE: C
PANEL NUMBER:
480214-0021D
DATED: 01/03/97
ZONING: PR2-C
VOLUME:
PAGE:



REGISTERED SURVEYOR

Exhibit C

DORADO ENGINEERING, INC.

2717 E. YANDELL EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743

EXISTING 20 FOOT P.S.B. EASMENT

Metes and Bounds description of an existing twenty (20.00) feet P.S.B. Easement out of West Desert MarketPlace Subdivision and being more particularly described as follows;

COMMENCING at an existing city monument located at the centerline intersection of Prime Desert Drive and Stone Wash Street, thence North $67^{\circ} 07' 00''$ East along the centerline of Prime Desert Drive a distance of twenty six and thirty three hundredths (26.33) feet for a corner on the easterly Right-of-Way line of Stonewash Street; thence South $11^{\circ} 47' 30''$ East along the easterly Right-of-Way line of Stonewash Street a distance of six hundred ninety and eighty one hundredths (690.81) feet to the northwesterly corner of the twenty (20.00) feet existing P.S.B. Easement, said corner being the Point of Beginning for this description;

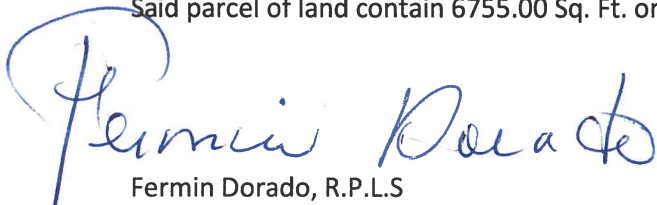
Thence, North $86^{\circ} 12' 50''$ East, along the northerly line of said twenty (20.0) feet easement a distance of three hundred thirty seven and seventy six hundredths (337.76) feet to the westerly right-of-way of U.S Interstate highway No. 10

Thence, South $11^{\circ} 47' 30''$ East, along said westerly right-of-way, a distance of twenty and twenty hundredths (20.20) feet;

Thence, South $86^{\circ} 12' 50''$ West, along the southerly line of said twenty (20.0) feet easement a distance of three hundred thirty seven and seventy six (337.76) feet for a corner on the easterly Right-of-Way line of Stone Wash Street;

Thence, North $11^{\circ} 47' 30''$ West, along the easterly Right-of-Way line of Stone Wash street a distance of twenty and twenty hundredths (20.20) feet to the POINT OF BEGINNING of this description.

Said parcel of land contain 6755.00 Sq. Ft. or 0.155 Acres of land more or less.



Fermin Dorado, R.P.L.S
Texas License No. 3190



Exhibit C



SCALE: 1"=200'



LINE	LENGTH	BEARING
L1	26.33	N 69°07'00" E
L2	20.20	S 11°47'30" E
L3	20.20	S 11°47'30" E

LOT 2, BLOCK 2
WHITFIELD SUBDIVISION UNIT TWO

S:\DRAWINGS\WDMP\20 FEET EPWU EASEMENT.DWG

REV. 03/21/17
REV. 03/09/17

THIS IS TO CERTIFY THAT THIS PLAT
REPRESENTS AN ACTUAL FIELD SURVEY
PERFORMED BY ME OR UNDER MY SUPERVISION



03.27.17
REGISTERED SURVEYOR

EXISTING 20 FOOT
P.S.B. EASEMENT

WEST DESERT MARKETPLACE SUBDIVISION
CITY OF EL PASO, EL PASO COUNTY, TEXAS

DORADO
ENGINEERING, INC.

ENGINEERS SURVEYORS PLANNERS
2717 E. YANDELL, EL PASO, TEXAS 79903 (915)562-0002

DATE: 02/16/17
SCALE: 1"=200'
DRAWN BY: FDJ
CHECKED BY: FD
FLOOD ZONE: C
PANEL NUMBER: 480214-0021D
DATED: 01/03/97
ZONING: PR2-C
VOLUME:
PAGE:

MEMORANDUM

DATE: March 28, 2017

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

FROM: Vanessa Munoz, Planner

SUBJECT: West Desert Marketplace Easement Vacation SUET16-00003 (South of Montoya Lane and West of I-10)

The proposed easement vacation was scheduled for the City Plan Commission (CPC), on December 15, 2016. The CPC recommended **approval** of the proposed easement vacation.

The recommendation is based on the determination that the easement 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.

Applicant: Prime Desert Properties, L.L.C.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: SUET16-00003 West Desert Marketplace Easement Vacation
Application Type: Easement Vacation
CPC Hearing Date: December 15, 2016
Staff Planner: Vanessa Munoz, (915) 212-1644, munozvx@elpasotexas.gov
Location: South of Montoya and West of I-10
Acreage: 0.476
Rep District: 1
Existing Use: P.S.B. easement
Existing Zoning: P-R II/c (Planned Residential District II/condition)
Proposed Zoning: P-R II/c (Planned Residential District II/condition)
Nearest Park: Montoya Heights (0.47 miles)
Nearest School: Herrera Elementary (0.58 miles)
Park Fees Required: N/A
Impact Fee Area: N/A
Property Owners: Prime Desert Properties, LLC
Applicant: Alfred Fernandez
Representative: Dorado Engineering

SURROUNDING ZONING AND LAND USE

North: P-R II/c (Planned Residential District II/condition) / vacant
South: P-R II/c (Planned Residential District II/condition) / vacant
East: C-3/c (Commercial/condition) / vacant
West: P-R II/c (Planned Residential District II/condition) / vacant

PLAN EL PASO DESIGNATION: G3, Post-War

APPLICATION DESCRIPTION

The applicant seeks to vacate a portion of a Public Service Board easement totaling 0.476 acres. This Public Service Board easement was reserved after a portion of Edgar Road was vacated on March 4, 2014. The applicant is requesting the easement vacation as this easement is no longer utilized.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval**.

Planning Division Recommendation

Staff recommends **approval**.

Plan El Paso Goals & Policies

The applicant's proposal meets goal 6.1 of Plan El Paso:

Goal 6.1: Maintain a sustainable and efficient housing supply for all residents of El Paso.

Planning and Inspections Department - Land Development

We have reviewed subject plats and recommend **Approval**, No objections.

Capital Improvement Department – Parks

We have reviewed **West Desert Market Place – Easement Vacation**, a survey map and on behalf of CID Parks & Planning Division we **offer no objections** to this proposed easement vacation request.

El Paso Water/PSB

El Paso Water (EPWater) does not object to this request.

Time Warner Cable

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the easement vacation of the specified portion of Edgar Rd in El Paso, TX.

AT&T

AT&T does not object to the request.

El Paso Electric Company

El Paso Electric does not object to the vacation of easement, as shown as a portion of Edgar Rd in the Metes and Bounds and Plat of Survey provided. EPE does not have any electrical facilities within the subject area.

Texas Gas Company

No comments received.

Central Appraisal District

No comments received.

Streets and Maintenance

No comments received.

Sun Metro

No comments received.

911

No comments received.

El Paso Fire Department

No comments received.

Attachments

1. Location map
2. Aerial map
3. Survey and Metes & Bounds
4. Application

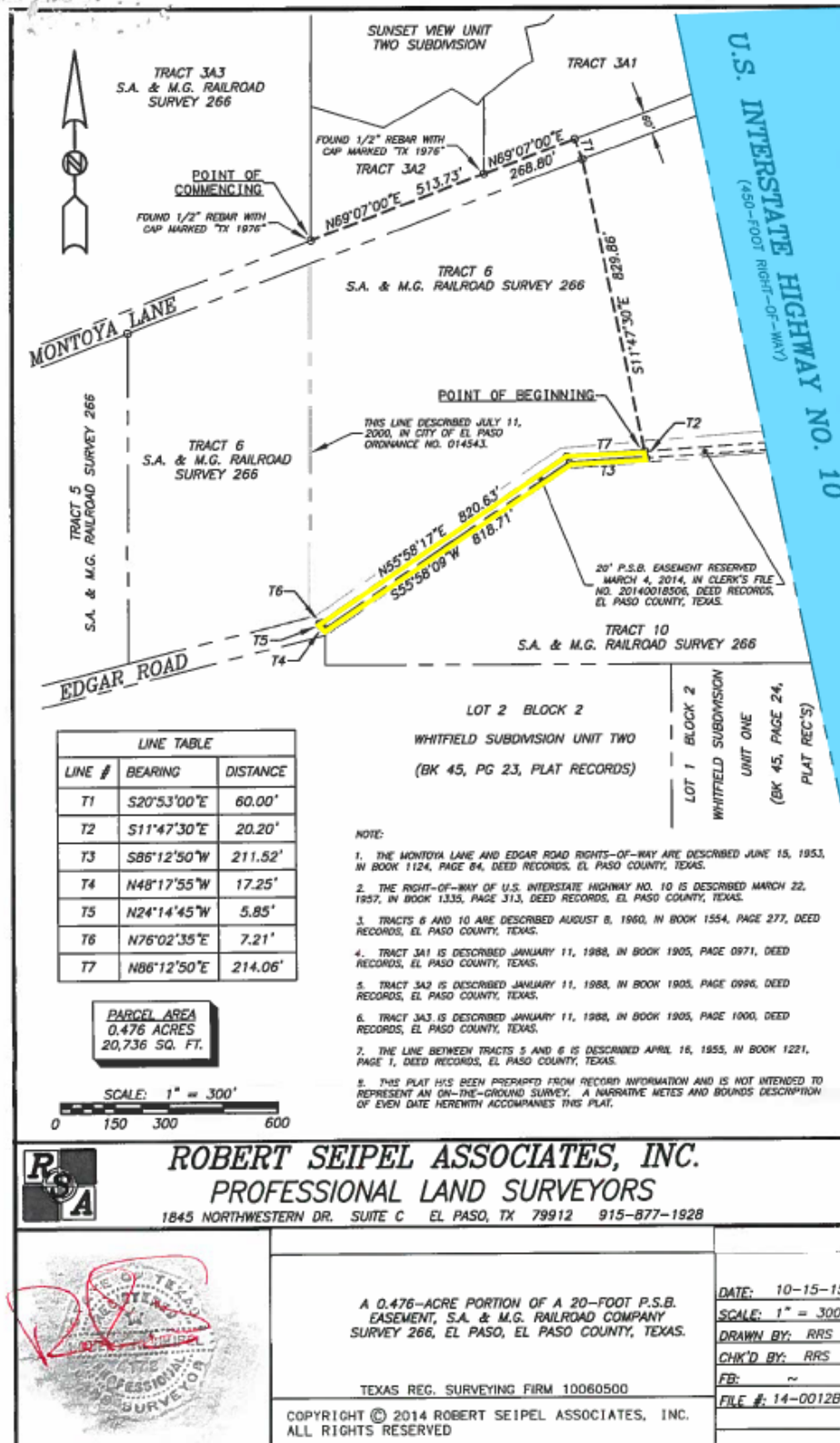
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



Property description: A 0.476-acre portion of a 20-foot P.S.B easement, S.A. & M.G. Railroad Company Survey 266, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.476-acre portion of a 20-foot P.S.B easement (March 4, 2014, Clerk's File No. 20140018506, Deed Records, El Paso County, Texas), S.A. & M.G. Railroad Company Survey 266, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a ½" rebar with cap marked "TX 1976" found at the intersection of the common boundary between Tracts 3A2 (January 11, 1988, Book 1905, Page 0996, Deed Records, El Paso County, Texas) and 3A3 (January 11, 1988, Book 1905, Page 1000, Deed Records, El Paso County, Texas), S.A. & M.G. Railroad Company Survey 266 and the northerly right-of-way of Montoya Lane (60-foot right-of-way, June 15, 1953, Book 1124, Page 84, Deed Records, El Paso County, Texas); Thence, North 69°07'00" East, along said right-of-way, a distance of 513.73 feet to a ½" rebar with cap marked "TX 1976" found on the common boundary between Tracts 3A1 (January 11, 1988, Book 1905, Page 1000, Deed Records, El Paso County, Texas) and 3A2, S.A. & M.G. Railroad Company Survey 266; Thence, North 69°07'00" East, continuing along said right-of-way, a distance of 268.80 feet; Thence, South 20°53'00" East, a distance of 60.00 feet to the southerly right-of-way of Montoya Lane; Thence, South 11°47'30" East, a distance of 829.86 feet to the **POINT OF BEGINNING** of this description;

THENCE, South 11°47'30" East, a distance of 20.20 feet;

THENCE, South 86°12'50" West, a distance of 211.52 feet;

THENCE, South 55°58'09" West, a distance of 818.71 feet;

THENCE, North 48°17'55" West, a distance of 17.25 feet;

THENCE, North 24°14'45" West, a distance of 5.85 feet;

THENCE, North 76°02'35" East, a distance of 7.21 feet;

THENCE, North 55°58'17" East, a distance of 820.63 feet;

THENCE, North 86°12'50" East, a distance of 214.06 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.476 acres (20,736 square feet) of land more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FROM RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors


ROBERT R. SEIPEL
President
Texas License No. 4178

Job Number 14-0012B
October 15, 2015

14-0012B.docx

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ATTACHMENT 4


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

Date: _____ File No. SUET16-00003

1. APPLICANTS NAME ALFRED FERNANDEZ
ADDRESS 5201 EL PASO DRIVE ZIP CODE 79905 TELEPHONE 915 772-9090

2. Request is hereby made to vacate the following: (check one)
Street _____ Alley _____ Easement ☒ Other _____
Street Name(s) _____ Subdivision Name WEST DESERT MARKET PLACE
Abutting Blocks 1, 2 AND 3 Abutting Lots _____

3. Reason for vacation request: NOT NEEDED

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 LOT AREAS

7. Related Applications which are pending (give name or file number):
Zoning _____ Board of Adjustment _____ Subdivision _____ Building Permits _____ Other NONE

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>NONE</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: DORRIS ENCO

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

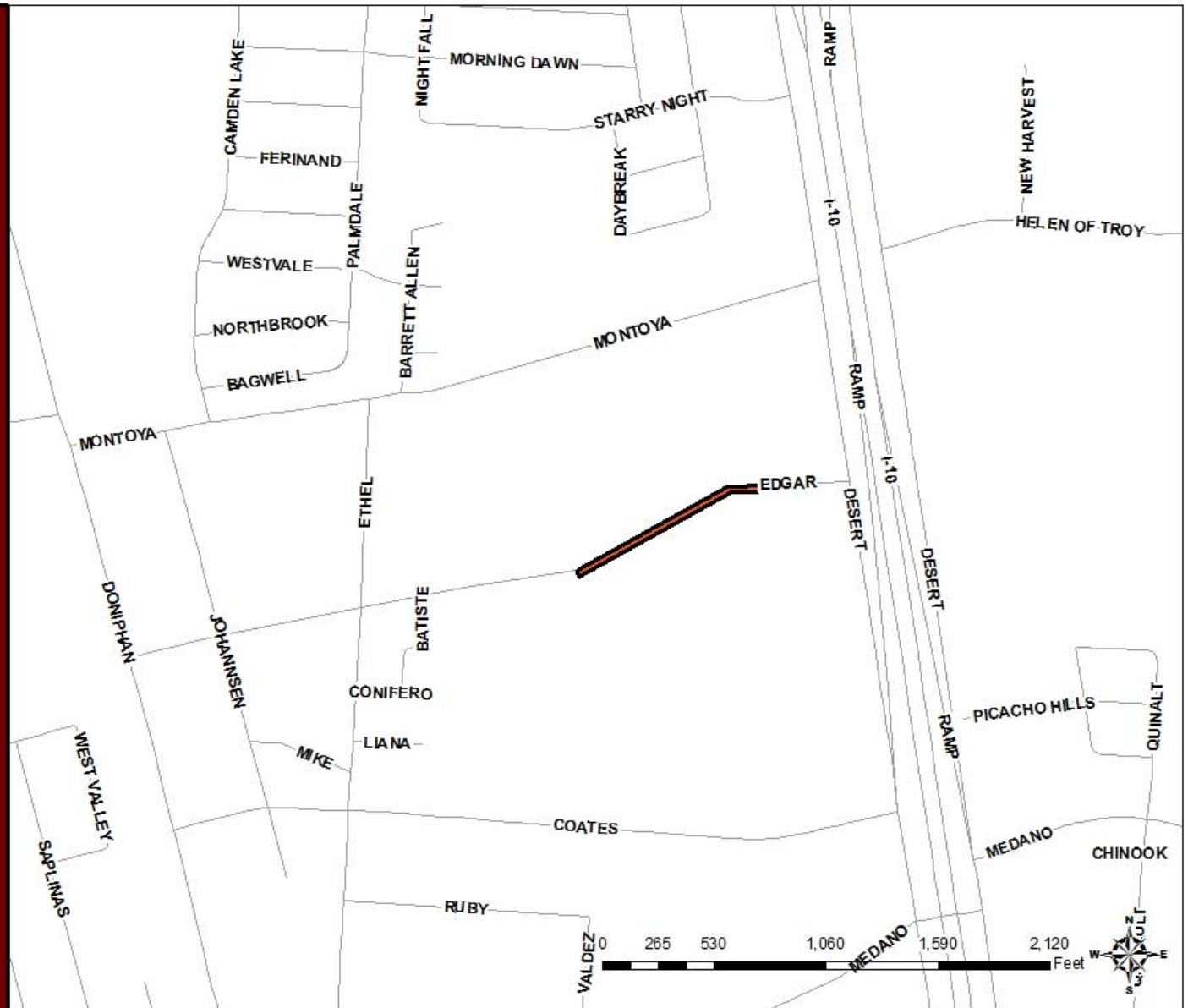


Recommendation/Public Input

- **Planning & Inspections Recommendation:** Approval
- **CPC Vote:** Unanimous Approval
- **Strategic Goal #3 – Promote the Visual Image of El Paso**
 - 3.1 Streamline processes to provide a solid foundation for development
 - 3.2 Improve the visual impression of the community (gateways, corridors, intersections, and parkland)



WEST DESERT MARKETPLACE EASEMENT VACATION



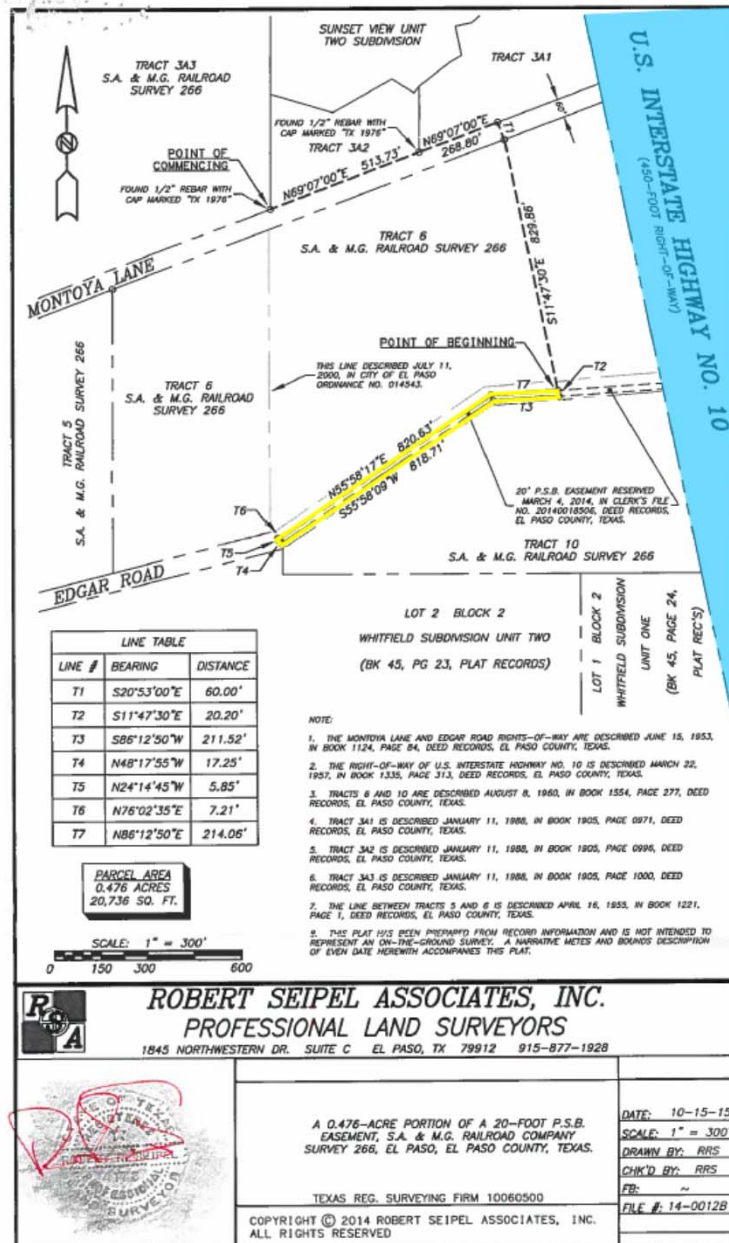
"Delivering Outstanding Services"



WEST DESERT MARKETPLACE EASEMENT VACATION



"Delivering Outstanding Services"



"Delivering Outstanding Services"



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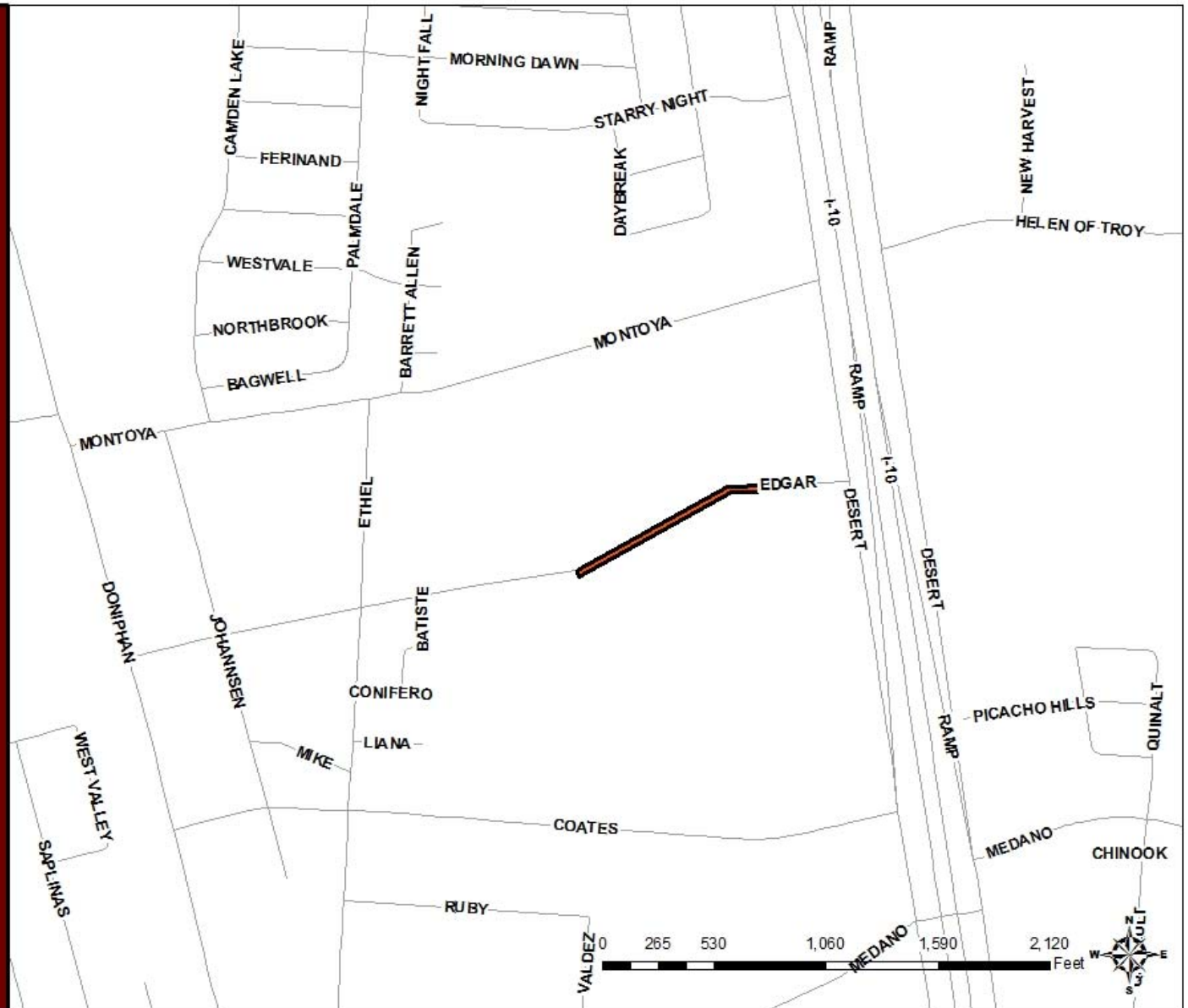


Plan El Paso

- The applicant's proposal meets Goal 6.1 of Plan El Paso:
- Goal 6.1: Maintain a sustainable and efficient housing supply for all residents of El Paso.



WEST DESERT MARKETPLACE EASEMENT VACATION



"Delivering Outstanding Services"