

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

**DEPARTMENT:** Planning & Inspections Department  
**AGENDA DATE:** Introduction 3/21/17; Public Hearing 4/04/17  
**CONTACT PERSON/PHONE:** Larry F. Nichols, (915) 212-1550, nicholslf@elpasotexas.gov  
Armida Martinez, (915) 212-1605, martinezar@elpasotexas.gov  
**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An ordinance vacating a portion of City right-of-way over a portion of .180 Acre Tract of land situated in the C. M. Whitaker Survey, Abstract 2863, El Paso County, Texas; said Tract being part of a certain deed conveyed to the City of El Paso recorded in Volume 636 Page 386, D.R.E.P.C.T; and being a 15 ft. wide alley and a 16 ft. wide alley in Block 33, Summit Place Addition, and located East of Piedras Street and North of Taylor Avenue, City of El Paso, Texas. Subject Property: East of Piedras and North of Taylor; Applicant: El Paso Water Utilities/Public Service Board  
**SURW16-00009 (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 January 26, 2017.

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

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



**APPROVED FOR AGENDA:**



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A 0.180 ACRE TRACT OF LAND SITUATED IN THE C. M. WHITAKER SURVEY, ABSTRACT 2863, EL PASO COUNTY, TEXAS; SAID TRACT BEING PART OF A CERTAIN DEED CONVEYED TO THE CITY OF EL PASO RECORDED IN VOLUME 636 PAGE 386, D.R.E.P.C.T; AND BEING A 15 FT. WIDE ALLEY AND A 16 FT. WIDE ALLEY IN BLOCK 33, SUMMIT PLACE ADDITION, AND LOCATED EAST OF PIEDRAS STREET AND NORTH OF TAYLOR AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of the City right-of-way located on a parcel of land being a portion of a 0.180 Acre Tract of land situated in the C. M. Whitaker Survey, Abstract 2863, El Paso County, Texas; said Tract being part of a certain deed conveyed to the City of El Paso recorded in Volume 636 page 386, D.R.E.P.C.T; and being a 15 ft. wide alley and a 16 ft. wide alley in Block 33, Summit Place Addition, and located East of Piedras Street and North of Taylor Avenue, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of a 0.180 Acre Tract of land situated in the C. M. Whitaker Survey, Abstract 2863, El Paso County, Texas; said Tract being part of a certain deed conveyed to the City of El Paso recorded in Volume 636 page 386, D.R.E.P.C.T; and being a 15 ft. wide alley and a 16 ft. wide alley in Block 33, Summit Place 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 the City Right-of-Way located on the property described as a 0.180 Acre Tract of land situated in the C. M. Whitaker Survey, Abstract 2863, El Paso County, Texas; said Tract being part of a certain deed conveyed to the City of El Paso recorded in Volume 636 page 386, D.R.E.P.C.T; and being a 15 ft. wide alley and a 16 ft. wide alley in Block 33, Summit Place 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 is hereby vacated.

In addition, the City Manager is authorized to sign all instruments necessary to effectuate this vacation.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

*(Signatures follow on the next page)*

ORDINANCE NO. \_\_\_\_\_  
17-1007-1918 / 638981  
Fillmore Raynor Alley Vacation  
OAR

SURW16-00009

Page 1 of 4



**THE CITY OF EL PASO**

**ATTEST:**


\_\_\_\_\_  
Oscar Leeser  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Larry F. Nichols, Director  
Planning and Inspections Department

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Omar A. De La Rosa  
Assistant City Attorney

**ORDINANCE NO.** \_\_\_\_\_  
17-1007-1918 / 638981  
Fillmore Raynor Alley Vacation  
OAR

**SURW16-00009**



METES AND BOUNDS DESCRIPTION  
0.180 ACRE TRACT

Being a 0.180 Acre Tract of land situated in the C. M. Whitaker Survey, Abstract 2863, El Paso County, Texas; said tract being part of a certain Deed conveyed to the City of El Paso recorded in Volume 636 Page 386, D.R.E.P.C.T; and being a 15 ft. wide Alley and a 16 ft. wide Alley in Block 33, Summit Place Addition, an addition to the City of El Paso, Texas; Said tract being more particularly described as follows:

Commencing at the intersection of the South line of Fillmore Avenue (60 Ft. wide ROW) and the West line of Raynor Street (60 Ft. wide ROW), a 5/8 inch Diameter Rebar with Aluminum cap stamped FXS RPLS 2198 set for a corner (hereinafter referred to as "with cap");

THENCE, South 02 deg. 12 min. 50 sec. West along the West ROW line of Raynor Street for a distance of 120.00 ft. to a 5/8 inch Diameter Rebar with cap set for a corner; the POINT OF BEGINNING of the herein described 0.180 acre Tract;

THENCE, South 02 deg. 12 min. 50 sec. West continuing along the West line of Raynor Street for a distance of 16.00 feet to a 5/8 inch Diameter Rebar with cap set for a corner;

THENCE, North 86 deg. 42 min. 10 sec. West along the South line of a 16 ft. wide said Alley for a distance of 250.00 feet to Hole in Steel Plate for a corner on the East line of 15 ft. wide Alley;

THENCE, South 02 deg. 12 min. 50 sec. West along the East line of said 15 ft. wide Alley for a distance of 119.96 feet to the North line of Taylor Ave. (60 ft. wide ROW); a 5/8 inch Diameter Rebar with cap set for a corner;

THENCE, North 86 deg. 38 min. 47 sec. West along the North line of Taylor Ave. for a distance of 15 feet to a 5/8 inch Diameter Rebar with cap set for a corner

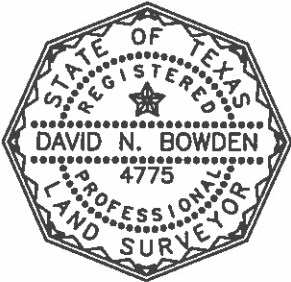
THENCE, North 02 deg. 12 min. 50 sec. East along the West line of said 15 ft. wide Alley for a distance of 256.14 feet to the South line of Fillmore Ave.; a 5/8 inch Diameter Rebar with cap set for a corner;

THENCE, South 86 deg. 39 min. 40 sec. East along the South line of Fillmore Ave. for a distance of 15.00 feet to a Chiseled "X" on concrete set for a corner;

THENCE, South 02 deg. 12 min. 50 sec. West along the East line of said 15 ft. wide Alley for a distance of 120.18 feet to a Chiseled "X" on concrete set for a corner on the North line of said 16 ft. wide Alley;

THENCE, South 86 deg. 42 min. 10 sec. East along the North line of said 16 ft. wide Alley for a distance of 250.00 to the POINT OF BEGINNING and containing 7,841 Sq. Ft. or 0.180 Acres of land, more or less.

*David N. Bowden* 6-15-16  
David N. Bowden Date  
Registered Professional Land Surveyor  
State of Texas No. 4775  
Date of Survey: 6-14-2016



REV.	DATE	BY	DESCRIPTION

**BOUNDARY SURVEY**  
0.180 ACRE TRACT  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS



EXHIBIT "B"

SHEET 1 OF 2

BOUNDARY SURVEY  
0.180 ACRE TRACT  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS

FRANK A. SPENCER & ASSOCIATES, INC.  
Consulting Civil Engineers & Surveyors  
(TSP# F-3584, TPL# 100400-00)  
1130 MONTANA AVE  
EL PASO, TX 79902  
Ph: (915) 533-4800 Fax: (915) 533-4673



DRAWN BY: C.R.  
FXSA JOB NO. S1628EP

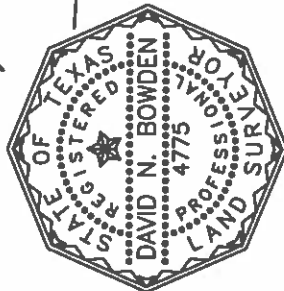
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S1628EP-EPWU\_PSB-Bound...Place Rev 2-2-17.dwg

DESCRIPTION

REV. DATE BY

GENERAL NOTES

1. This Survey was prepared without benefit of Title Commitment, No Research of the County Records was performed for easements and other matters of Record.
2. Only visible evidence of utilities are shown. No research of underground utilities was performed. No digging was performed to determine the actual location of buried utilities. The Surveyor does not guarantee the completeness or accuracy of the utility data shown hereon. Actual locations should be verified prior to any excavating.



David N. Bowden  
Registered Professional Land Surveyor  
State of Texas No. 4775  
Date of Survey: 6-14-2016

David N. Bowden 6-15-16

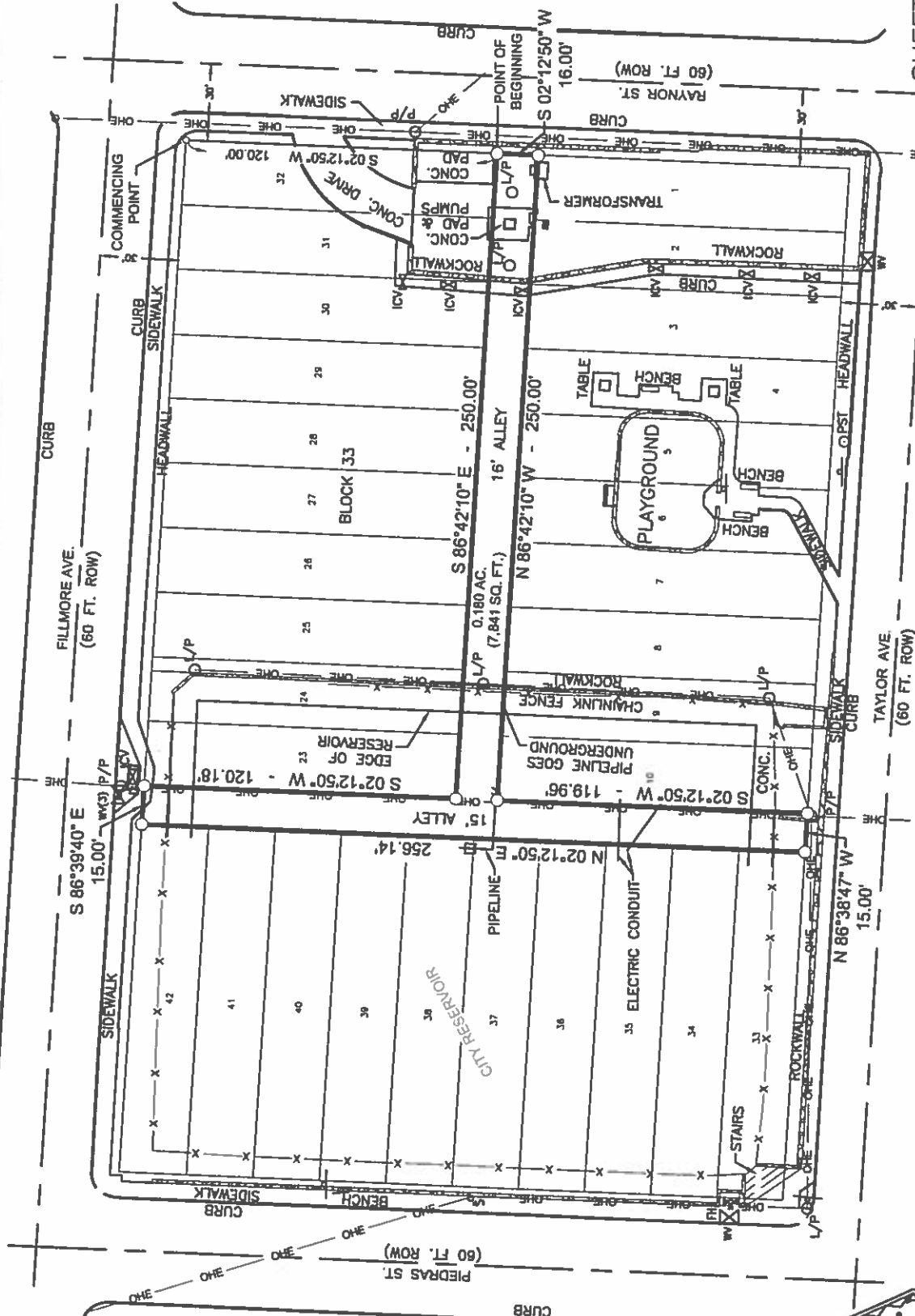


SCALE: 1"=60'

BEARINGS AND DISTANCES  
ARE REFERENCED TO  
NAD83 (2011), TXSP CENTRAL ZONE 4203  
US SURVEY FEET

LEGEND

- SIGN
- WATER VALVE
  - IRRIGATION VALVE
  - POST
  - POWER POLE
  - LIGHT POLE
  - FIRE HYDRANT
  - SET CORNER AS DESCRIBED
- OPST
- OP/P
- OL/P
- PH





## MEMORANDUM

**DATE:** March 9, 2017

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

**FROM:** Armida Martinez, Planner

**SUBJECT:** Right-of-Way Vacation SURW16-00009 (East of Piedras and North of Taylor)

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The City Plan Commission (CPC), on January 26, 2017, voted to recommended **approval** of the proposed alley vacations.

The City Plan Commission determined that the request to vacate Fillmore Ave. and Raynor St. Alleys protects the best interest, health, safety and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

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

**Applicant:** El Paso Water Utilities/Public Service Board

**Attachments:** Staff Report





## *City of El Paso – City Plan Commission Staff Report*

**Case No:** SURW16-00009 Fillmore Ave., Raynor St., and Taylor Ave.  
**Application Type:** Alley Vacations  
**CPC Hearing Date:** Right-of-Way Vacations  
January 26, 2017  
**Staff Planner:** Armida Martinez, (915) 212-1605, [martinezar@elpasotexas.gov](mailto:martinezar@elpasotexas.gov)  
**Location:** East of Piedras and North of Taylor  
**Acreage:** 0.180  
**Rep District:** 2  
**Existing Use:** Unimproved right-of-way within existing park  
**Existing Zoning:** R-4 (Residential)  
**Proposed Zoning:** N/A  
**Nearest Park:** Summit-Fillmore Park  
**Nearest School:** Bassett Middle School (0.145 miles)  
**Property Owner:** El Paso Water Utilities/Public Service Board  
**Applicant:** El Paso Water Utilities/Public Service Board  
**Representative:** El Paso Water Utilities/Public Service Board

### **SURROUNDING ZONING AND LAND USE**

**North:** R-4 (Residential) / Residential Development  
**South:** R-4 (Residential) / Residential Development  
**East:** R-4 (Residential) / Residential Development  
**West:** R-4 (Residential) / Residential Development

**PLAN EL PASO DESIGNATION:** G-2, Traditional Neighborhood (Walkable) and O1, Preserve

### **APPLICATION DESCRIPTION**

The applicant is requesting to vacate a 15' wide and a 16' wide alley both located within Summit Place Addition. The subject property (city-owned) will be vacated to the applicant, El Paso Water Utilities, in exchange for a different property owned and managed by El Paso Water Utilities per a memorandum of agreement dated December 13, 2016. The existing building and infrastructure are to remain.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was published in the El Paso Times on January 11, 2017 and a notice was mailed to all property owners within 300 feet of the subject property. The Planning Division did receive two phone calls inquiring about the vacation.



**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Fillmore Avenue and Raynor Street alley vacation.

**Planning Division Recommendation:**

Staff recommends approval of the Right-of-Way vacation.

**Planning and Inspections Department - Land Development**

No objections.

**El Paso Water Utilities**

No comments received.

**Capital Improvements Department – Parks**

No comments received.

**Texas Gas Company**

No comments received.

**El Paso Electric Company:**

No comments received.

**911:**

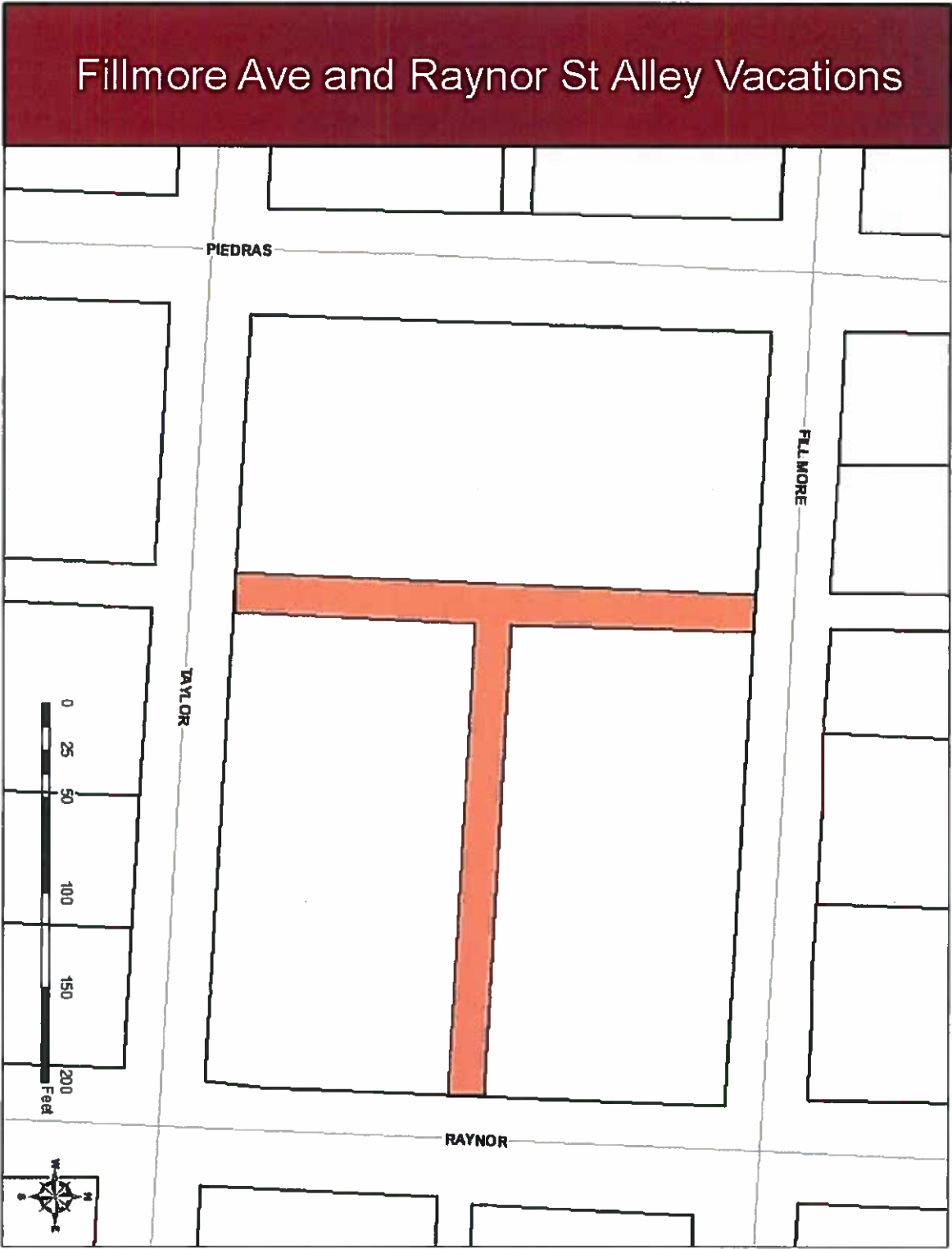
No comments received.

**Attachments**

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



ATTACHMENT 1



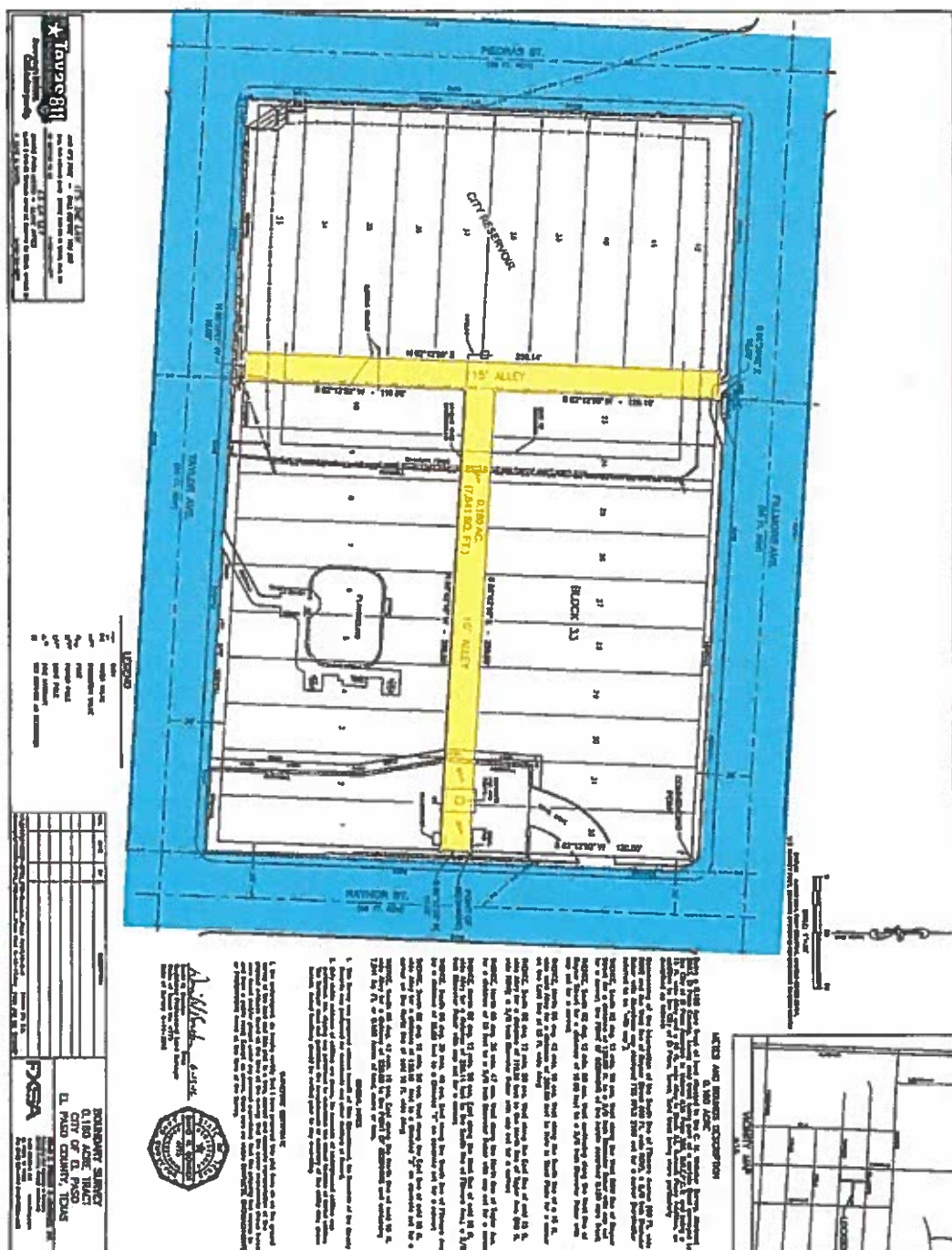


ATTACHMENT 2





**ATTACHMENT 3**





**ATTACHMENT 4**



\$1054.72

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

Date: November 18, 2016

File No. SURW16-00009

1. APPLICANTS NAME El Paso Water Utilities/ Public Service Board  
ADDRESS 1151 Hawkins Blvd ZIP CODE 79924 TELEPHONE (915) 594-5493
2. Request is hereby made to vacate the following: (check one)  
Street        Alley X Easement        Other         
  
Street Name(s) Fillmore Ave. Raynor St. and Taylor Ave. Subdivision Name Summit Place Addition, Block 33  
Abutting Blocks None Abutting Lots J-10, 23-32, 33-42
3. Reason for vacation request: El Paso Water Utilities desires to transfer the portion of its property being used as Summit-Fillmore Park in the City of El Paso Land Inventory. City staff requested that the alleys be vacated prior to the transfer.
4. Surface Improvements located in subject property to be vacated:  
None        Paving X Curb & Gutter        Power Lines/Poles        Fences/Walls X Structures X Other
5. Underground Improvements located in the existing rights-of-way:  
None        Telephone        Electric        Gas        Water X Sewer        Storm Drain        Other
6. Future use of the vacated right-of-way:  
Yards        Parking        Expand Building Area        Replat with abutting Land X 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>Marcia Navarrete</u>	<u>See attached metes and bounds</u>	<u>594-5636</u>
<u>      </u>	<u>      </u>	<u>      </u>
<u>      </u>	<u>      </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. 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 Marcia Navarrete

REPRESENTATIVE: Patricia Dalbin

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:** Approval

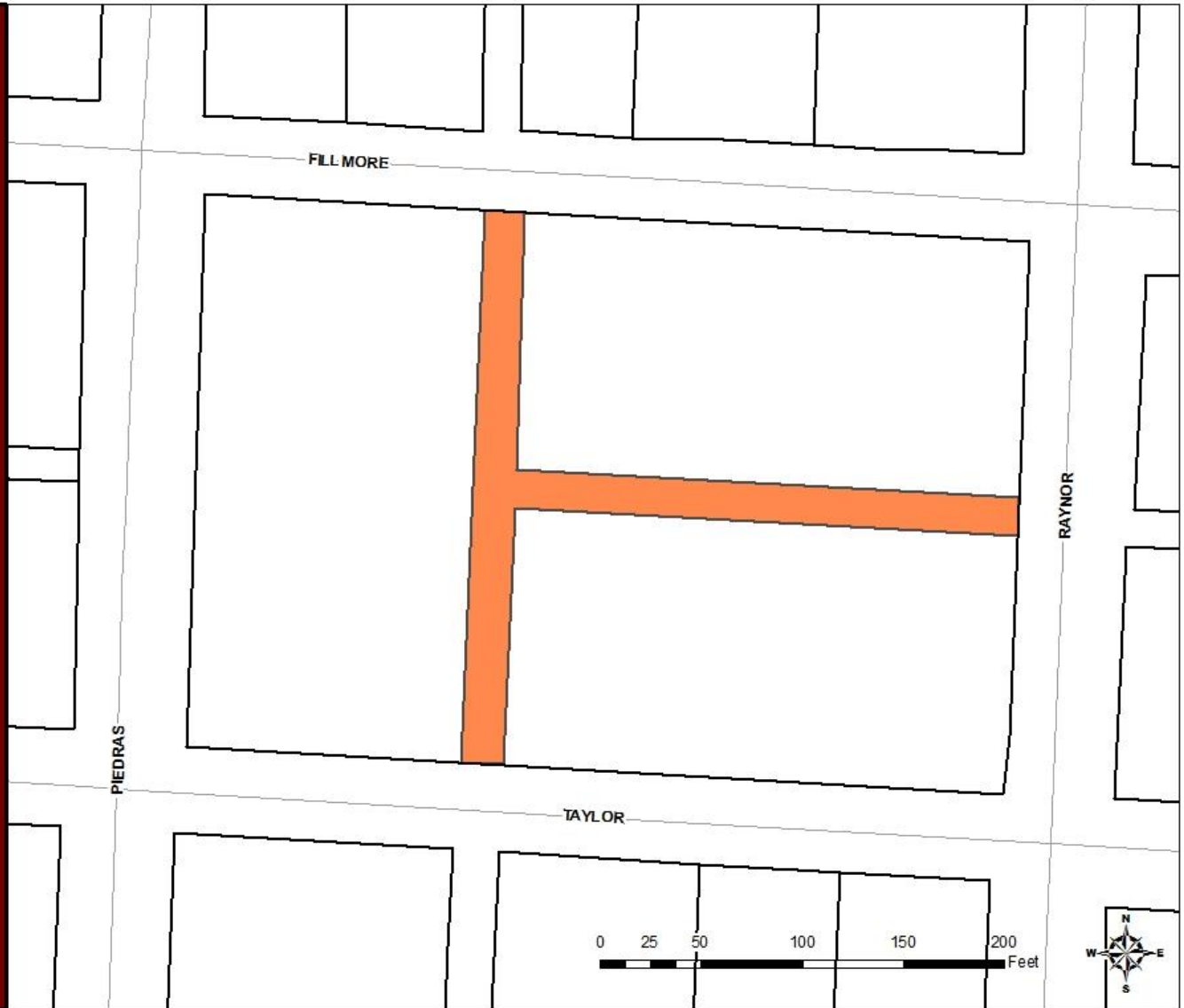
## **Strategic Goal #3-Promote the Visual Image of El Paso**

- 3.1 Provide business-friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community





## Fillmore Ave and Raynor St Alley Vacations







## Fillmore Ave and Raynor St Alley Vacations











*"Delivering Outstanding Services"*





*"Delivering Outstanding Services"*





*"Delivering Outstanding Services"*





## Fillmore Ave and Raynor St Alley Vacations

