

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 4/5/16; Public Hearing 4/19/16
CONTACT PERSON/PHONE: Nelson Ortiz, 212-1606
DISTRICT(S) AFFECTED: District 8

SUBJECT:

An ordinance amending Ordinance No. 016895 to allow public vehicular use on an identified portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas. Subject Property: South of San Jacinto Plaza (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

- On March 11, 2008, City Council directed staff to initiate a vacation of a portion of Mills Avenue in order to eliminate the vehicular interest. The City Council subsequently approved that vacation request on May 27, 2008.
- On July 28, 2015, the City Council approved Ordinance No. 018392, which vacated the ROW between the Mills Building and the curb and gutter, primarily the sidewalk and pull-in bays.
- On July 28, 2015, the City Council directed staff to repeal/amend Ordinance No. 016895.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – The City Plan Commission recommended approval of the item on February 25, 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 AMENDING ORDINANCE NO. 016895 TO ALLOW PUBLIC VEHICULAR USE ON AN IDENTIFIED PORTION OF MILLS AVENUE, ANSON MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, on May 27, 2008, the El Paso City Council approved Ordinance No. 016895 which vacated an identified portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County Texas, to public vehicular use; and

WHEREAS, the El Paso City Council directed City staff to reopen the identified portion of Mills Avenue to public vehicular use; and

WHEREAS, on July 28, 2015, the El Paso City Council approved Ordinance No. 018392, which vacated portions of Oregon Street and Mills Avenue adjacent to Block 17, Mills Addition City of El Paso, El Paso County, Texas, and the consideration for the vacated rights of way included conditions on the use of two drop-off zones which were identified in a portion of Mills Avenue; and

WHEREAS, the portion of Mills Avenue which was vacated and included the drop-off zones as identified in Ordinance No. 018392 was included in the identified portion of Mills Avenue which had been vacated to public vehicular use in Ordinance No. 016895; and

WHEREAS, a report was presented to the City Plan Commission and a public hearing was held to dedicate an identified portion of Mills Avenue, which street right of way was not vacated in Ordinance No. 018392, for public vehicular use; and

WHEREAS, the City Plan Commission has recommended approval of the request; and

WHEREAS, the City Plan Commission recommendation to dedicate an identified portion of Mills Avenue for public vehicular use has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the identified portion of Mills Avenue should be reopened to vehicular use as recommended.

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

That it is in the best interest of the public that the Ordinance No. 016895, vacating a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas, be amended, so that an identified portion of Mills Avenue, as depicted on Exhibit "A", which is attached

hereto and made a part hereof and which does not included vacated portion of Mills Avenue as identified in Ordinance No. 018392, be dedicated to public vehicular traffic.

APPROVED this _____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leoser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:





Larry F. Nichols, Director
Planning & Inspections Department

AN ORDINANCE VACATING A PORTION OF MILLS AVENUE, ANSON MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

PASSED AND APPROVED this 27th day of May, 2008


John F. Cook
Mayor


Richarda Duffy Momsen
City Clerk

Lupe Cuellar
Assistant City Attorney

Patricia D. Adaute
Patricia D. Adaute, Deputy City Manager
Development & Infrastructure Services

Prepared for: Mills Acquisition Company, L.P.
A Portion of Mills Avenue, Anson Mills Map,
City of El Paso, El Paso County, Texas
W.O.# 092607-6
File name: exhibitmills_mb.doc

PROPERTY DESCRIPTION

(Vacation of portion of Mills Avenue)

Description of a 0.3080 acre parcel of land being a Portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located 10.00' feet northeast and 10.00' southeast from the centerline intersection of Oregon Street (70' wide public right-of-way) and Mills Avenue (70' wide public right-of-way), Thence South $28^{\circ} 02' 37''$ West a distance of 35.70 feet to a point lying on the southwesterly curb line of Oregon Street, said point being the "True Point of Beginning",

Thence along a curve to the left a distance of 42.43 feet, a radius of 33.19 feet, whose central angle is $73^{\circ} 14' 19''$ and whose chord bears South $75^{\circ} 52' 22''$ West a distance of 39.60 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 41.13 feet, a radius of 73.22 feet, whose central angle is $32^{\circ} 10' 55''$ and whose chord bears South $29^{\circ} 33' 22''$ West a distance of 40.59 feet to a point lying on said curb line;

Thence South $31^{\circ} 48' 52''$ West along said curb line a distance of 89.41 feet to a point;

Thence along a curve to the left a distance of 33.24 feet, a radius of 104.22 feet, whose central angle is $18^{\circ} 16' 31''$ and whose chord bears South $45^{\circ} 44' 52''$ West a distance of 33.10 feet to a point lying on said curb line;

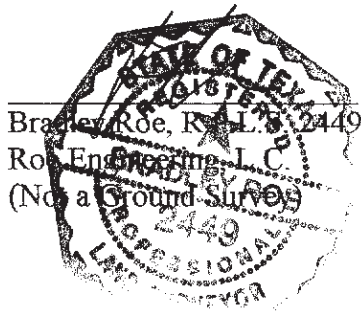
Thence South $30^{\circ} 10' 25''$ West along said curb line a distance of 36.65 feet to a point;

Thence along a curve to the right a distance of 72.66 feet, a radius of 103.57 feet, whose central angle is $40^{\circ} 11' 56''$ and whose chord bears South $14^{\circ} 07' 19''$ West a distance of 71.18 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 24.82 feet, a radius of 41.65 feet, whose central angle is $34^{\circ} 08' 13''$ and whose chord bears North $40^{\circ} 28' 59''$ East a distance of 24.45 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 36.03 feet, a radius of 27.78 feet, whose central angle is $74^{\circ} 18' 36''$ and whose chord bears North $08^{\circ} 16' 25''$ West a distance of 33.55 feet to a point lying on said curb line;

Thence South $46^{\circ} 43' 00''$ East a distance of 80.25 feet back to the "True Point of Beginning" and said parcel containing in all 13,417.36 square feet or 0.3080 acres of land more or less.

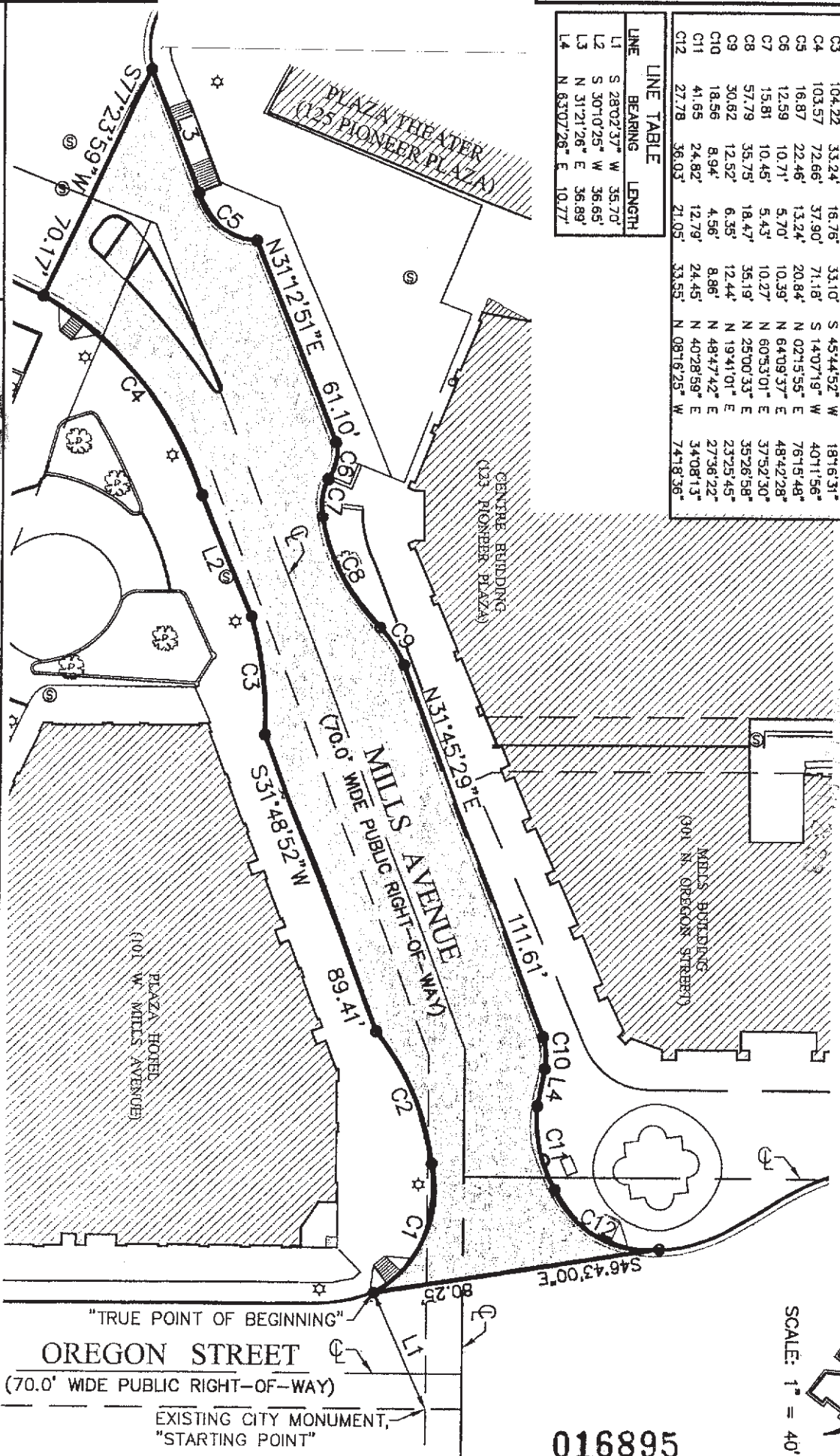


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Exhibit A

CURVE TABLE				
CURVE	RADIUS	LENGTH	TANGENT	CHORD
C1	33.19'	42.43'	24.67'	39.60'
C2	73.22'	41.13'	21.12'	40.59'
C3	104.22'	33.24'	16.76'	33.10'
C4	103.57'	72.66'	37.90'	71.18'
C5	16.87'	22.46'	13.24'	20.84'
C6	12.59'	10.71'	5.70'	10.39'
C7	15.81'	10.45'	5.43'	10.27'
C8	57.79'	35.75'	18.47'	35.19'
C9	30.62'	12.52'	6.35'	12.44'
C10	18.56'	8.94'	4.56'	8.86'
C11	41.65'	24.82'	12.79'	24.45'
C12	27.78'	36.03'	21.05'	33.55'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 28°02'37" W	35.70'
L2	S 30°10'25" W	36.65'
L3	N 31°21'26" E	36.89'
L4	N 63°07'26" E	10.77'



SCALE: 1" = 40'



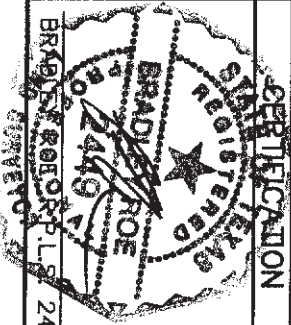
016895

SCALE

CERTIFICATION

VACATION SURVEY

HOR: 1"=20' VER: N/A
 FILE NAME: EXHIBIT-MILLS.DWG
 W.O. 092607-6
 DATE: APRIL 18, 2008
 DRAWN BY: J.H.



A PORTION OF MILLS AVENUE,
 ANSON MILLS MAP, CITY OF EL
 PASO, EL PASO COUNTY, TEXAS
 CONTAINING IN ALL 40.04732 SQ. FT. OR 0.9193
 ACRES OF LAND MORE OR LESS.
 PREPARED FOR:
 MILLS ACQUISITION COMPANY, L.P.

brnp Roe Engineering, L.C.
 601 N. Cotton St. Suite No. 6 El Paso, TX 79902
 (915) 533-1418 - FAX: (915) 533-4972
 EMAIL: roeeng@arrbell.net
 ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

MEMORANDUM

DATE: March 22, 2016

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

FROM: Nelson Ortiz, Senior Planner

SUBJECT: Ordinance Repeal/Amendment

The City Plan Commission (CPC), on February 25, 2016, voted to recommend approval of the request to repeal/amend Ordinance No. 016895, which granted the vacation of public vehicular use over a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas.

The CPC determined that the request to repeal/amend Ordinance No. 016895 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 item to amend Ordinance No. 016895 will have no negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Applicant: City of El Paso

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Request: Ordinance Repeal
CPC Hearing Date: February 25, 2016
Staff Planner: Nelson Ortiz, 915-212-1606, OrtizNX@elpasotexas.gov
Location: South of San Jacinto Plaza
Rep District: 8
Existing Use: Street right-of-way
Property Owner: City of El Paso

SURROUNDING ZONING AND LAND USE

North: C-5/H (Commercial/Historic) / San Jacinto Plaza
South: C-5/H (Commercial/Historic) / Camino Real Hotel
East: C-5/H (Commercial/Historic) / Plaza Hotel Building
West: C-5/H (Commercial/Historic) / Plaza Theater
PLAN EL PASO DESIGNATION: G1 (Downtown)

DESCRIPTION

This is a city-initiated effort to repeal Ordinance No. 016895, which granted the vacation of public vehicular use over a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas. If repealed, the subject area will reopen to vehicular traffic.

CASE HISTORY

- On March 11, 2008, the City Council directed staff to initiate a vacation of a portion of Mills Avenue in order to eliminate the vehicular interest. The City Council subsequently approved that vacation request on May 27, 2008.
- On July 28, 2015, the City Council approved Ordinance No. 018392, which vacated the ROW between the Mills Building and the curb and gutter, primarily the sidewalk and pull-in bays. Note: Such Ordinance will continue to remain in full force and effect.
- On July 28, 2015, the City Council directed staff to repeal Ordinance No. 016895.

Planning Division Recommendation:

Approval.

Streets and Maintenance Department:

The Streets and Maintenance Department (SAM) has reviewed the site plan and information provided and offers the following recommendations:

- Keep barricades in place until SAM completes mast arm installation, striping and concrete clean-up
 - Estimated completion time of one day
 - SAM will not begin work until Council approves reopening

El Paso Water Utilities (Stormwater Division):

EPWU Stormwater Engineering has no objection for the repeal of this Ordinance.

El Paso Police Department:

The information provided would greatly enhance the traffic flow since closing the street years ago. This has been an issue with local business owners and I am sure they would benefit great to the reopening of the roadway as well.

TxDOT:

No objections.

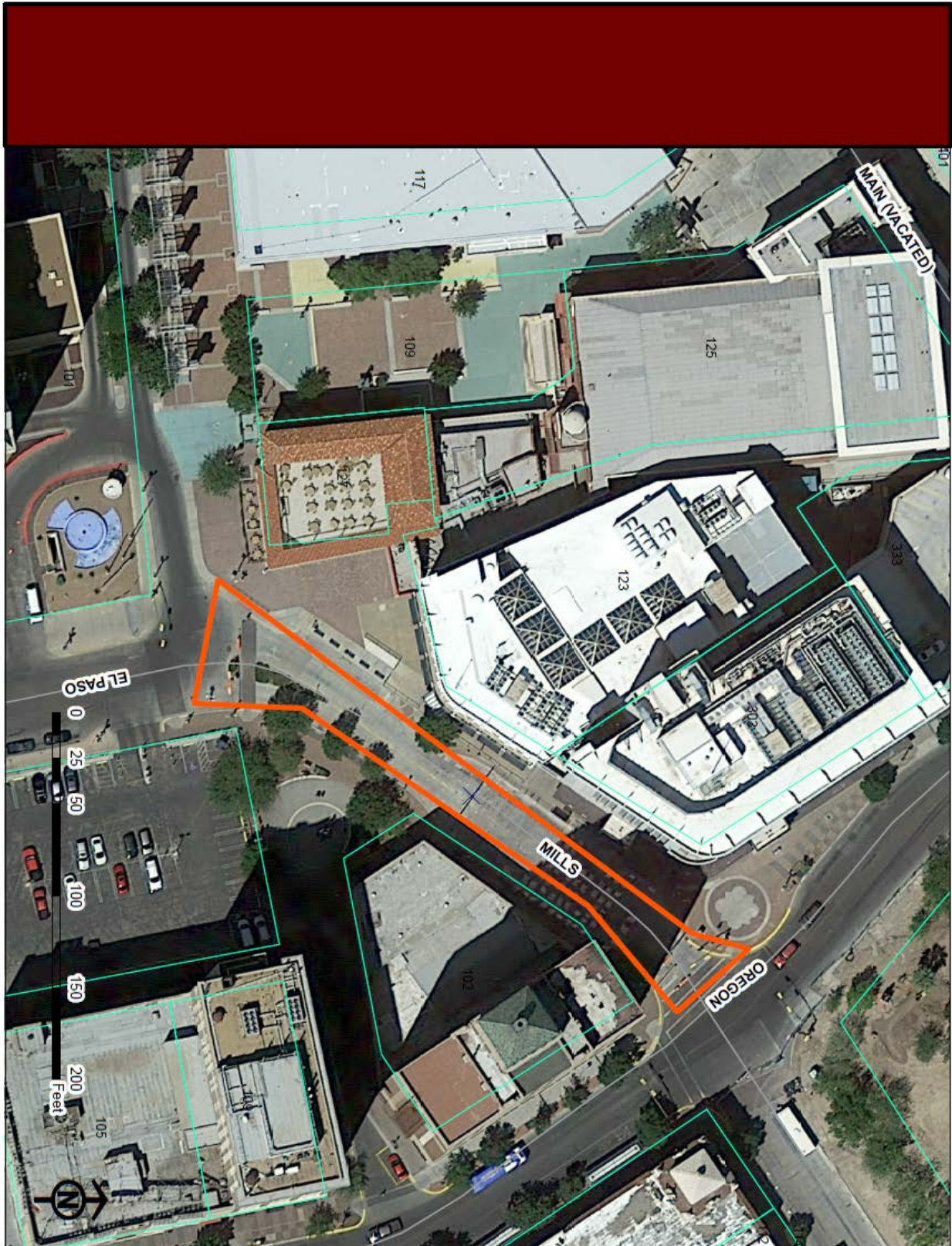
El Paso Fire Department:

No objections.

Attachments

1. Aerial Map
2. Ordinance No. 016895

ATTACHMENT 1



ATTACHMENT 2

ORDINANCE NO. 016895

**AN ORDINANCE VACATING A PORTION OF MILLS AVENUE, ANSON MILLS
MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

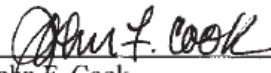
WHEREAS, the City Plan Commission has recommended that *a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas*, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof, be closed to public vehicular use and the City Council finds that said right-of-way should be closed as recommended;

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

That *a portion of Mills Avenue, Anson Mills Map, 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 made a part hereof by reference, be and is hereby closed to public vehicular use and the use of this right-of-way as described in Exhibit "A" shall be used in connection with the Mills Plaza as an environment from which pedestrians can enjoy various cultural events, subject to the entire length and width of the right-of-way in Exhibit "A" being retained as a pedestrian pathway, utility easement and the area readily accessible to utility companies for maintenance, repair, and replacement of their facilities.

PASSED AND APPROVED this 27th day of May, 2008

THE CITY OF EL PASO



John F. Cook
Mayor

ATTEST:




Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

Doc #39237/Planning/Ord/Mills St. Vacation/LCUE

ORDINANCE NO. 016895

2008 MAY 27 10:10 AM
CITY OF EL PASO
CLERK'S OFFICE

Exhibit A

Prepared for: Mills Acquisition Company, L.P.
A Portion of Mills Avenue, Anson Mills Map,
City of El Paso, El Paso County, Texas
W.O.# 092607-6
File name: exhibitmills_mb.doc

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Thence along a curve to the left a distance of 42.43 feet, a radius of 33.19 feet, whose central angle is $73^{\circ} 14' 19''$ and whose chord bears South $75^{\circ} 52' 22''$ West a distance of 39.60 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 41.13 feet, a radius of 73.22 feet, whose central angle is $32^{\circ} 10' 55''$ and whose chord bears South $29^{\circ} 33' 22''$ West a distance of 40.59 feet to a point lying on said curb line;

Thence South $31^{\circ} 48' 52''$ West along said curb line a distance of 89.41 feet to a point;

Thence along a curve to the left a distance of 33.24 feet, a radius of 104.22 feet, whose central angle is $18^{\circ} 16' 31''$ and whose chord bears South $45^{\circ} 44' 52''$ West a distance of 33.10 feet to a point lying on said curb line;

Thence South $30^{\circ} 10' 25''$ West along said curb line a distance of 36.65 feet to a point;

Thence along a curve to the right a distance of 72.66 feet, a radius of 103.57 feet, whose central angle is $40^{\circ} 11' 56''$ and whose chord bears South $14^{\circ} 07' 19''$ West a distance of 71.18 feet to a point lying on said curb line;

Exhibit A

Thence South $77^{\circ} 23' 59''$ West along said curb line a distance of 70.17 feet to a point;

Thence North $31^{\circ} 21' 26''$ East along said curb line a distance of 36.89 feet to a point;

Thence along a curve to the left a distance of 22.46 feet, a radius of 16.87 feet, whose central angle is $76^{\circ} 15' 48''$ and whose chord bears North $02^{\circ} 15' 55''$ East a distance of 20.84 feet to a point lying on said curb line;

Thence North $31^{\circ} 12' 51''$ East along said curb line a distance of 61.10 feet to a point;

Thence along a curve to the right a distance of 10.71 feet, a radius of 12.59 feet, whose central angle is $48^{\circ} 42' 28''$ and whose chord bears North $64^{\circ} 09' 37''$ East a distance of 10.39 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 10.45 feet, a radius of 15.81 feet, whose central angle is $37^{\circ} 52' 30''$ and whose chord bears North $60^{\circ} 53' 01''$ East a distance of 10.27 feet to a point lying on said curb line;

Thence along a curve to the left a distance of 35.75 feet, a radius of 57.79 feet, whose central angle is $35^{\circ} 26' 58''$ and whose chord bears North $25^{\circ} 00' 33''$ East a distance of 35.19 feet to a point lying on said curb line;

Thence along a curve to the right a distance of 12.52 feet, a radius of 30.62 feet, whose central angle is $23^{\circ} 25' 45''$ and whose chord bears North $19^{\circ} 41' 01''$ East a distance of 12.44 feet to a point lying on said curb line;

Thence North $31^{\circ} 45' 29''$ East along said curb line a distance of 111.61 feet to a point;

Thence along a curve to the right a distance of 8.94 feet, a radius of 18.56 feet, whose central angle is $27^{\circ} 36' 22''$ and whose chord bears North $48^{\circ} 47' 42''$ East a distance of 8.86 feet to a point lying on said curb line;

Thence North $63^{\circ} 07' 26''$ East along said curb line a distance of 10.77 feet to a point;

Exhibit A

Thence along a curve to the left a distance of 24.82 feet, a radius of 41.65 feet, whose central angle is $34^{\circ} 08' 13''$ and whose chord bears North $40^{\circ} 28' 59''$ East a distance of 24.45 feet to a point lying on said curb line;

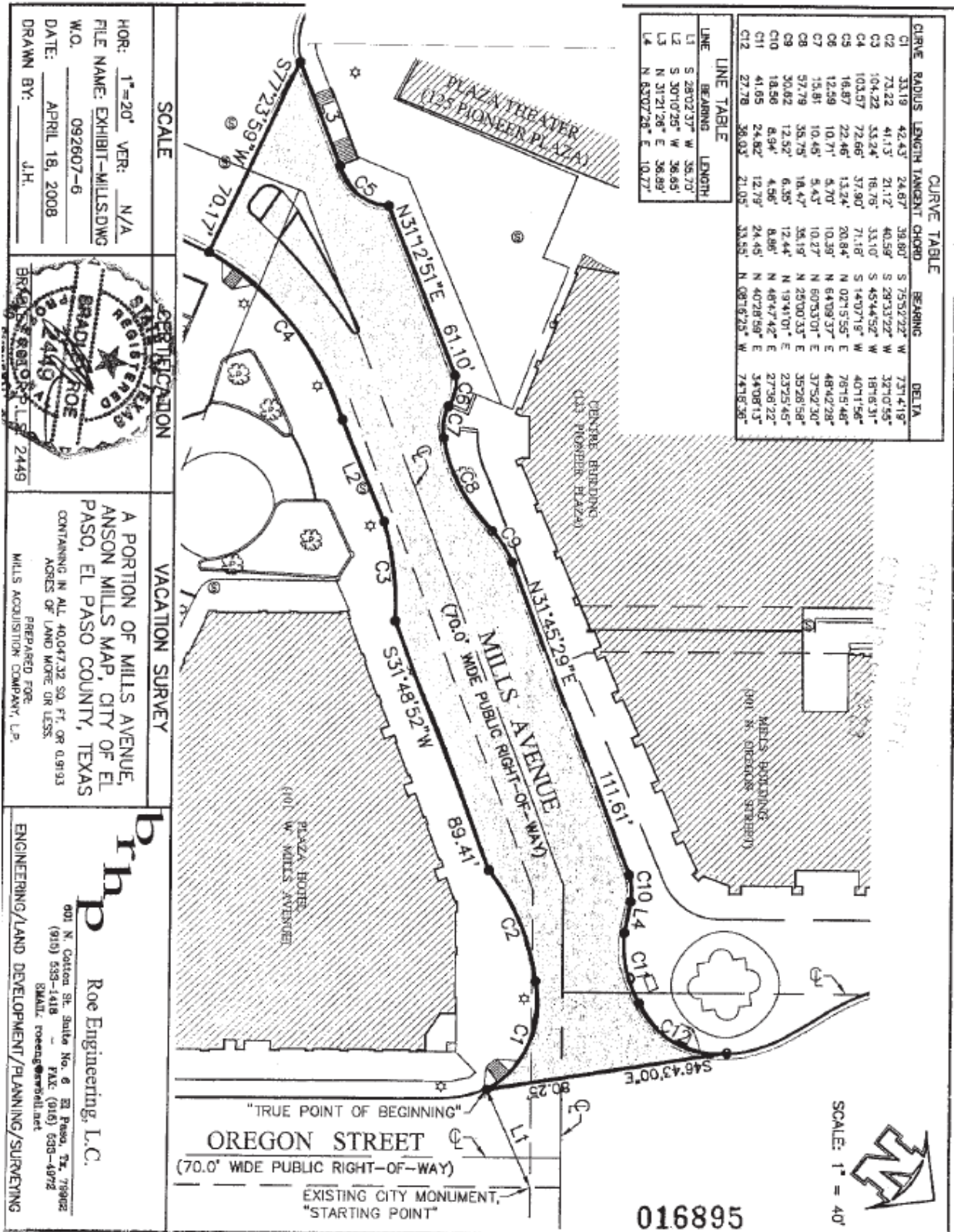
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Thence South $46^{\circ} 43' 00''$ East a distance of 80.25 feet back to the "True Point of Beginning" and said parcel containing in all 13,417.36 square feet or 0.3080 acres of land more or less.



FILED
FEB 25 2016
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Exhibit A





Recommendation/Public Input

- Planning & Inspections Recommendation: Approval
- CPC Vote: Approval

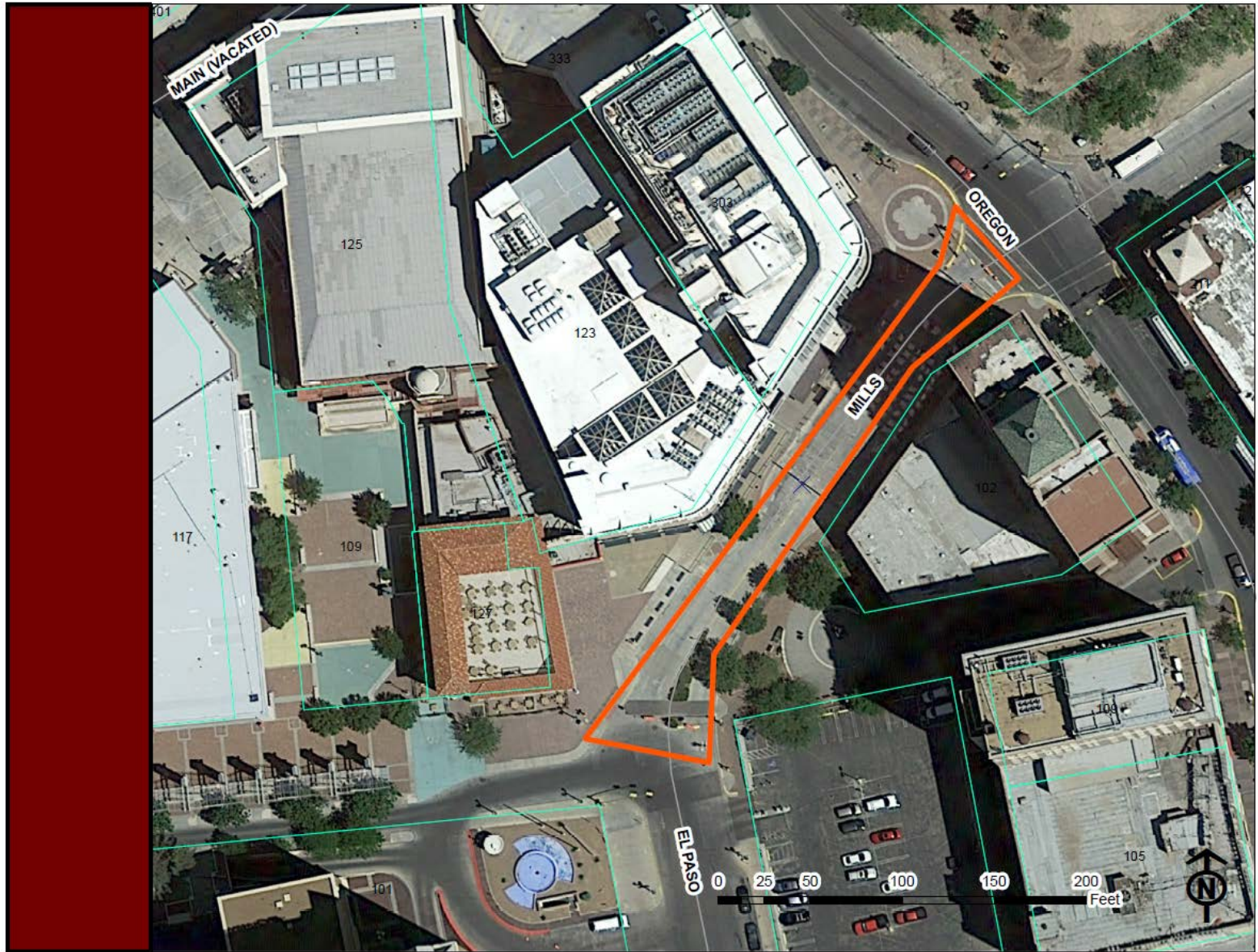
Strategic Goal# 3 – Promote the Visual Image of El Paso

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



Case History

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"Delivering Outstanding Services"



"Delivering Outstanding Services"

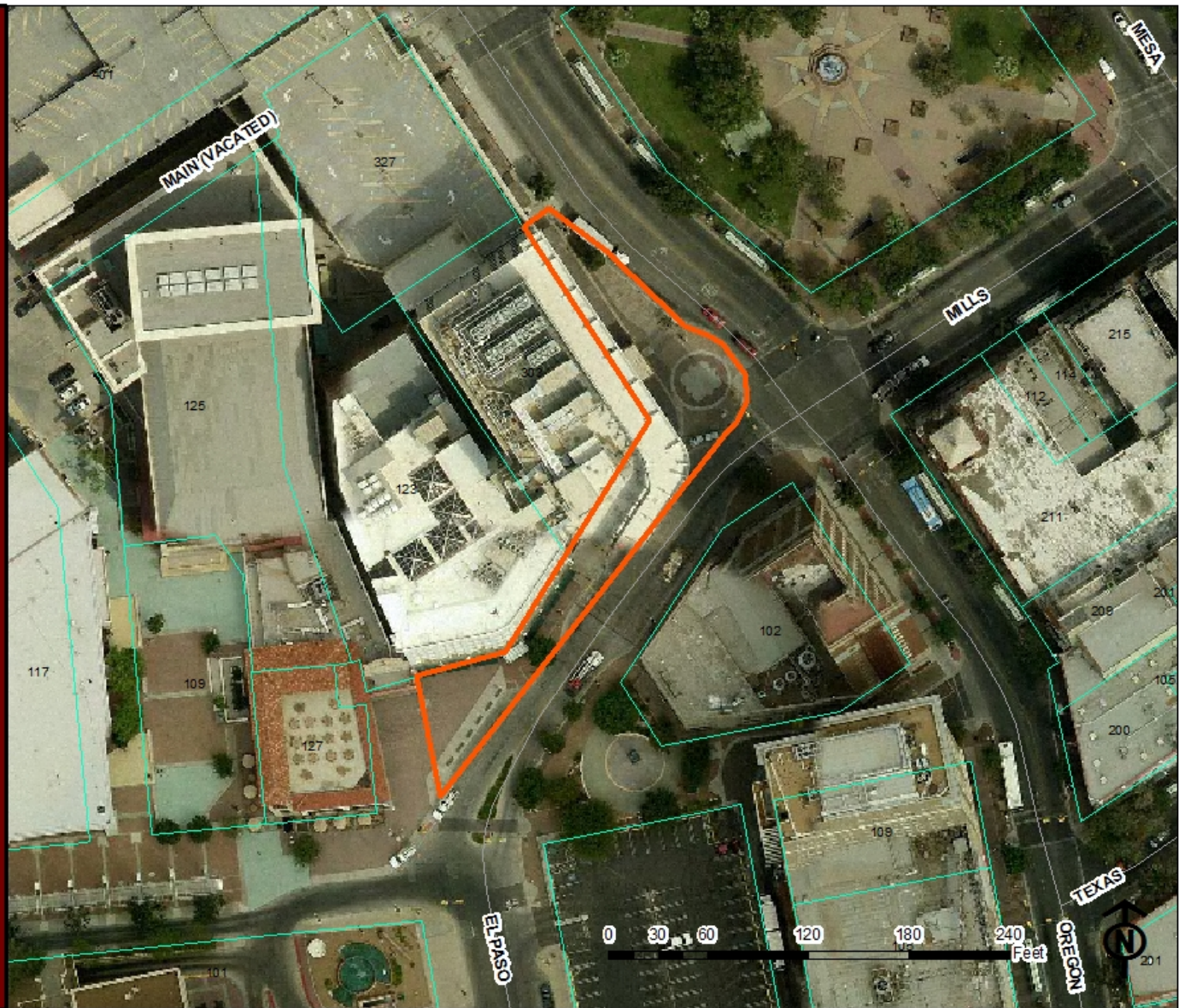


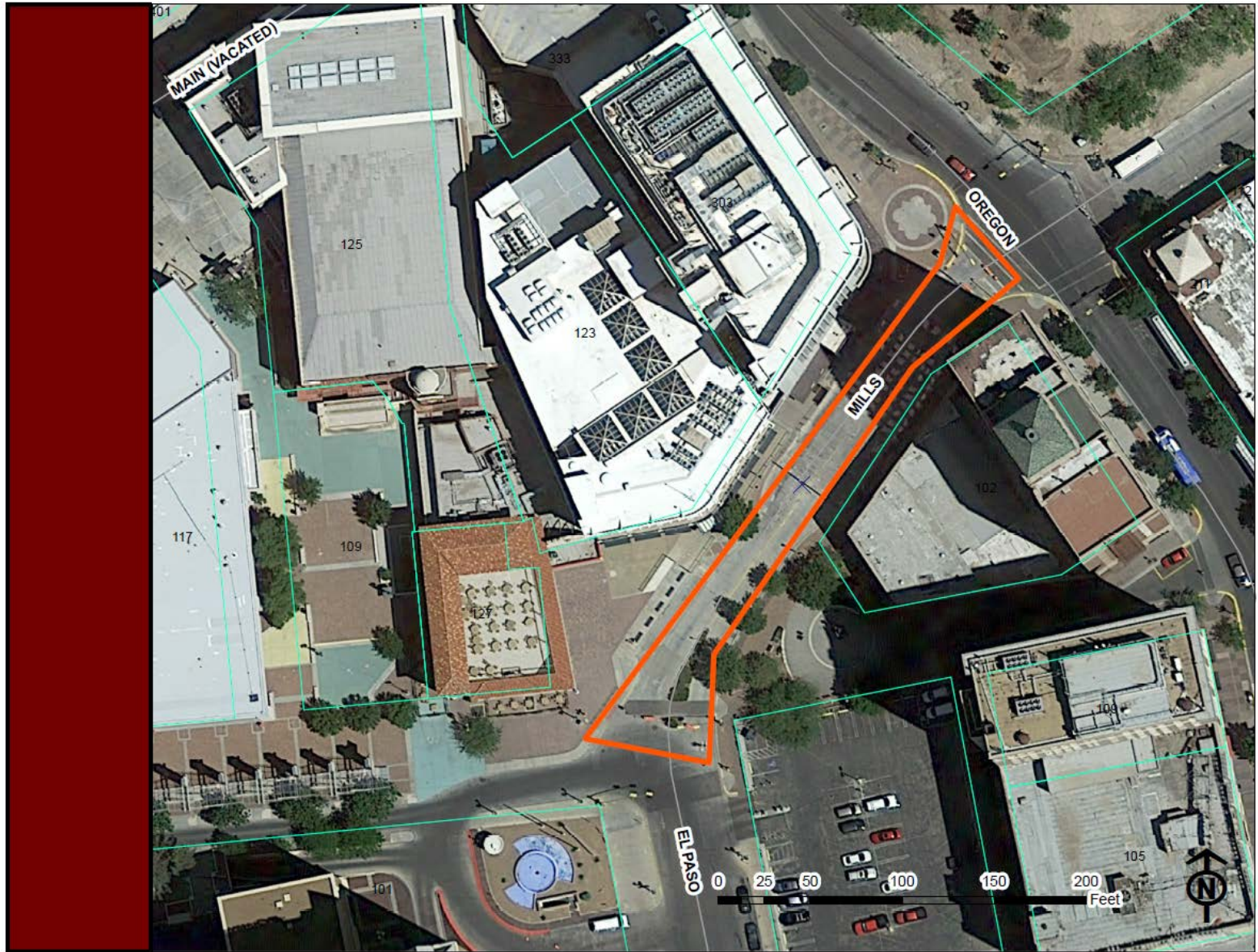
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MILLS AVENUE ROW VACATION





"Delivering Outstanding Services"