

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 4/16/19; Public Hearing 4/30/19
CONTACT PERSON/PHONE: Philip F. Etiwe, (915) 212-1533, EtiwePF@elpasotexas.gov
Nelson Ortiz, (915) 212-1606, Ortiznx@elpasotexas.gov
DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance vacating a 20' alley out of Block 77, Campbell Addition, City of El Paso, El Paso County, Texas. SURW18-00003 (District 8)
Subject Property: South of Paisano and East of Kansas
Applicant: Housing Authority of the City of El Paso

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 10, 2019.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Philip F. Etiwe, Director
Planning & Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A 20' ALLEY OUT OF BLOCK 77, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of the City right-of-way located on a parcel of land being a 20' alley out of Block 77, Campbell Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 20' alley out of Block 77, Campbell Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said 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 20' alley out of Block 77, Campbell 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 an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to Housing Authority of the City of El Paso

ADOPTED this _____ day of _____, 2019.

THE CITY OF EL PASO

ATTEST:

Dee Margo
Mayor

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

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 Ten Dollars \$10.00) 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 Housing Authority of the City of El Paso] (the "Grantee"), all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. _____, passed and approved by the City Council of the City of El Paso and described as a 20' alley out of Block 77, Campbell 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.

WITNESS the following signatures and seal this _____ day of _____, 2019.

CITY OF EL PASO

ATTEST:

Tomás González, City Manager

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe, Director
Planning and Inspections Department

(Acknowledgement on following page)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this ____ day of _____, 2019,
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:
Housing Authority of the City of El Paso
5500 E Paisano.
El Paso, Texas 79905

(Exhibits on the following pages)

**PROPERTY DESCRIPTION
FOR A 20' ALLEY
METES AND BOUNDS**

Property Description: A 20' alley out of Block 77 in CAMPBELL ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 2, Page 68, Real Property Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline of S. Kansas Street (a 70' public right-of-way), said city monument being 10 foot north of the centerline intersection of S. Kansas Street and E. Sixth Avenue (70' public right-of-way); Thence, S18°55'54"E, with said centerline of S. Kansas Street, a distance of 44.95 feet to a point; Thence, N71°04'06"E, abandoning said centerline, a distance of 35.15 feet to a point lying on the intersection of the south E. Sixth Avenue right-of-way and the east right-of-way of S. Kansas Street; Thence, N71°04'06"E, with said right-of-way of E. Sixth Avenue, a distance of 120.00 feet to a corner for a boundary of the 20' alley herein being described, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, N71°04'06"E, continuing with said right-of-way line, a distance of 20.00 feet to a point for a boundary corner;

THENCE, S18°55'54"E, abandoning said right-of-way line and with the easterly boundary line of said alley, a distance of 260.00 feet to a point lying on the northerly right-of-way line of E. Seventh Avenue (a 70' public right-of-way);

THENCE, S71°04'06"W, with said right-of-way line, a distance of 20.00 feet to a point for a corner;

THENCE, N18°55'54"W, abandoning said right-of-way line, a distance of 260.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 0.12 of an acre (5,200 sq. ft.) of land, more or less.

A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers - Land Surveyors

Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998

November 05, 2018
Job# 06-15-3797
M&B/





GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998
DATE: 11-05-2018

**CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS**
8600 WESTING DRIVE
EL PASO, TEXAS
(915) 284-4487

SLI ENGINEERING, INC.

JOB #: 06-15-3797 DR. BY: MN

SCALE: 1"=40' F.B. #: GPS

DATE: 11/05/2018

MEMORANDUM

DATE: April 9, 2019

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

FROM: Nelson Ortiz, Lead Planner

SUBJECT: SURW18-00003 Alley Vacation (South of Paisano and East of Kansas)

City Plan Commission (CPC), on January 10, 2019, voted to recommend approval of the proposed alley vacation.

The City Plan Commission determined that the request to vacate the alley 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 either support or opposition to this request.

Applicant: Housing Authority of the City of El Paso

Attachments: Staff Report

Kansas at Sixth Alley Vacation

City of El Paso — City Plan Commission — 1/10/2019

SURW18-00003 Alley Vacation



STAFF CONTACT: Rocio Alvarado, (915) 212-1612, alvaradorp@elpasotexas.gov

PROPERTY OWNER: City of El Paso

REPRESENTATIVE: Housing Authority of the City of El Paso

LOCATION: South of Paisano and East of Kansas, District 8

ACREAGE: 0.12

VESTED: N/A

PARK FEES REQUIRED: N/A

EXCEPTION/MODIFICATION REQUEST: N/A

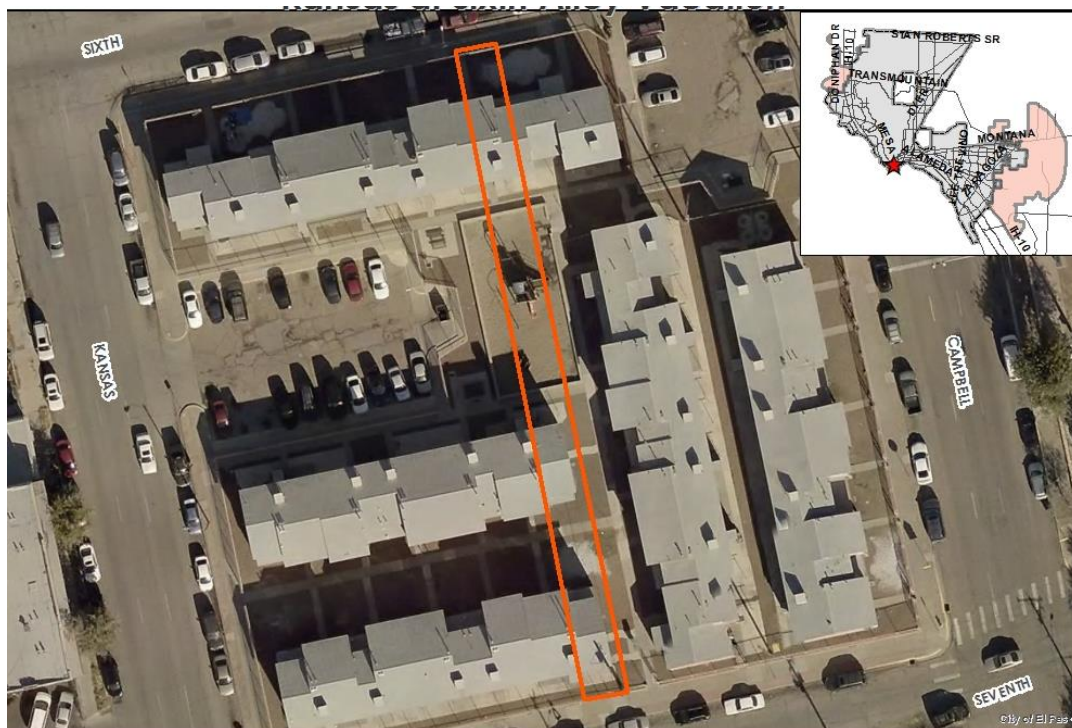
RELATED APPLICATIONS: N/A

PUBLIC INPUT: None received

STAFF RECOMMENDATION: Approval

SUMMARY OF REQUEST: The applicant is requesting to vacate a 20' public alley with existing residential improvements built over it. The proposed alley to be vacated sits on land that was developed as low income housing in 1972 and is a residual from the original plat, which dates from the early 1900's.

SUMMARY OF DCC RECOMMENDATION: The Development Coordinating Committee (DCC) on December 11, 2018, recommended approval of Kansas at Sixth Alley Vacation.



DESCRIPTION OF ANY EXCEPTIONS, MODIFICATIONS, OR WAIVERS

N/A

RELATION OF PROPOSED APPLICATION TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO: Subject property is designated G2, Traditional Neighborhood (Walkable) O1, Preserve

NEIGHBORHOOD CHARACTER: Subject property is zoned A-3 (Apartment District). Properties adjacent to and surrounding the subject property are also zoned A-3 (Apartment District) and C-4 (Commercial). The nearest park is Boys Club, adjacent to the subject property. The nearest school is AOY Elementary, also adjacent to the subject property. The property is not located within an Impact Service Fee area.

COMMENT FROM THE PUBLIC: Notice of a Public Hearing was published in the El Paso Times on December 21, 2018. In addition, a notice was mailed to all property owners within 300 feet of the subject property. The Planning Division did not receive any public input in favor or opposition to the request, nor any inquiries about the proposed vacation.

STAFF COMMENTS:

The utility companies that responded to staff's request for comments had no objections with the request.

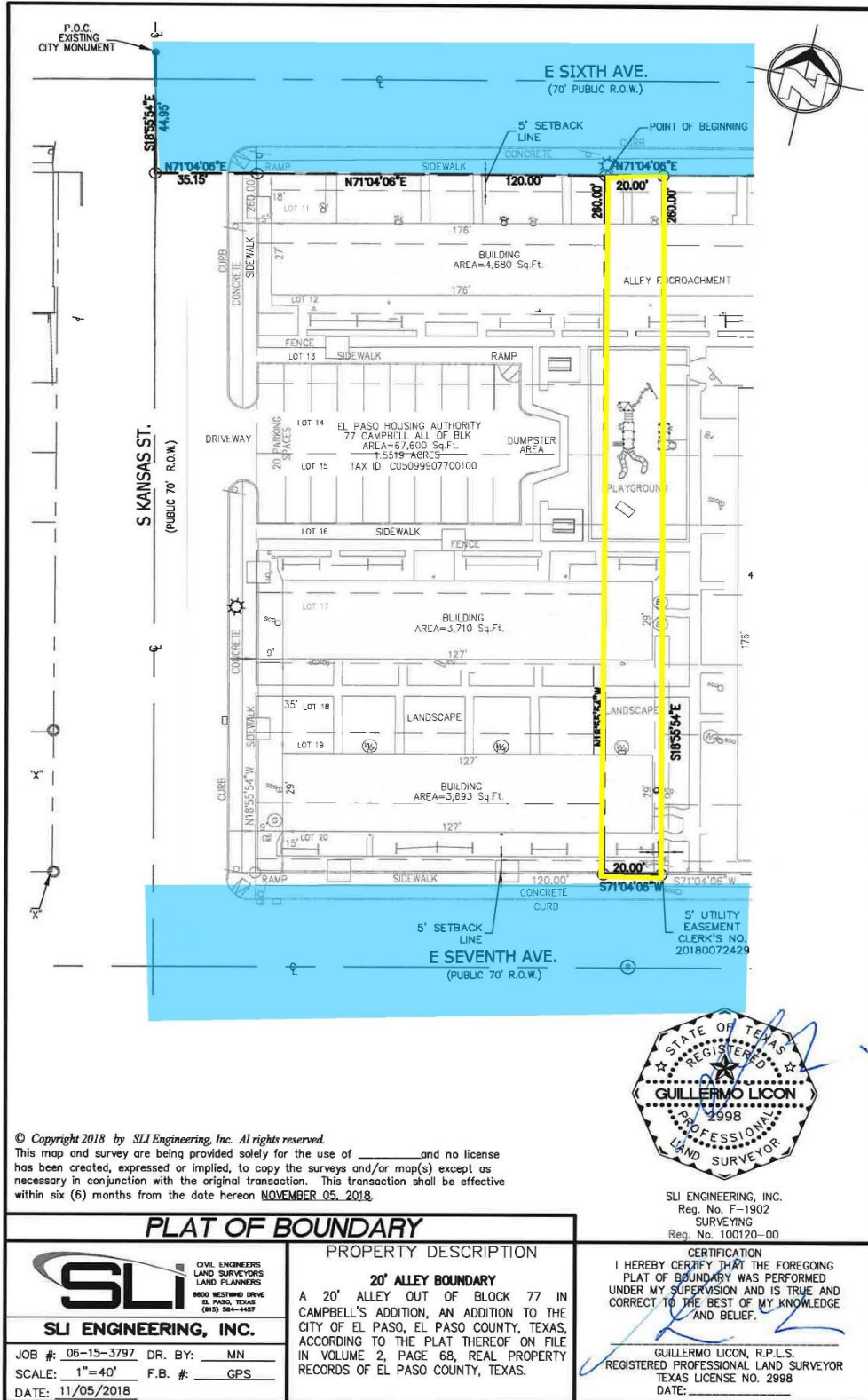
PLAT EXPIRATION:

N/A

ATTACHMENTS:

1. Survey
2. Metes and Bounds survey
3. Application
4. Department Comments

ATTACHMENT 1



ATTACHMENT 2

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Said parcel of land containing 0.12 of an acre (5,200 sq. ft.) of land, more or less.

A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers - Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998

November 05, 2018
Job# 06-15-3798
M&B/



ATTACHMENT 3



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: OCTOBER 31, 2018 File No. _____

1. APPLICANTS NAME HOUSING AUTHORITY OF THE CITY OF EL PASO
ADDRESS 5500 E. FAHSHAW DR. EL PASO ZIP CODE 79905 TELEPHONE 915-849-3742

2. Request is hereby made to vacate the following: (check one)

Street _____ Alley ☒ Easement _____ Other _____

Street Name(s) 5 OCHOA ST Subdivision Name GUILLEN

Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: THIS IS A "TAPER ALLEY" ONLY, A RESIDUAL FROM A PLAT FROM THE EARLY 1900'S. THE ALLEY SITS ON LAND THAT WAS DEVELOPED AS LOW INCOME HOUSING IN 1973.

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>CEO</u>	<u>915-849-3702</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.

OWNER SIGNATURE:  REPRESENTATIVE SIGNATURE: _____

REPRESENTATIVE (PHONE): _____

REPRESENTATIVE (E-MAIL): _____

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

Planning & Inspections Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 4

PLANNING AND INSPECTION DEPARTMENT – PLANNING:

Developer/Engineer shall address the following comments:

- The property owner shall provide an amended metes and bounds survey that includes the name of the subdivision.
- The property owner shall provide an amended survey map that clearly labels each of the parcels requested for vacation.

PLANNING AND INSPECTIONS - LAND DEVELOPMENT

No objections to proposed alley vacation.

CAPITAL IMPROVEMENTS DEPARTMENT – PARKS:

No objections.

EL PASO FIRE DEPARTMENT

No objections.

SUN METRO

No objections.

EL PASO ELECTRIC

EPE does not object to the vacation of the alley, any future land right shall be granted by separate instrument, as to the rest and remainder of any easement(s) existing in Block 77, Campbell's Addition, El Paso County, Texas, the rights and interests of EL PASO ELECTRIC COMPANY in and to such easement(s) are expressly ratified and confirmed, and shall remain in full force and effect.

TEXAS GAS SERVICE

No objections.

AT&T

No comments received.

CHARTER SPECTRUM

No comments received.

EPWATER

EPWater does not object to this request.

El Paso Water Records do not depict existing water or sanitary sewer mains along the Alley located between Kansas Street and Campbell Street, south of Sixth Street.

Water

Along Sixth Street between Kansas Street and Campbell Street there is an existing six (6) inch diameter water main. This main is available for service.

Along Campbell Street between Sixth Street and Seventh Street there is an existing six (6) inch diameter water main located along the western portion of the Campbell Street. This main is available for service.

Along Campbell Street between Sixth Street and Seventh Street there is an existing eight (8) inch diameter water main located along the eastern portion of the Campbell Street. This main dead-ends approximately 154 feet north of Seventh Street. This main is available for service.

Along Seventh Street between Campbell Street and Kansas Street there is an existing six (6) inch diameter water main. This main is available for service.

Along Kansas Street between Seventh Street and Sixth Street there are no existing water mains.

Sanitary Sewer

Along Sixth Street between Kansas Street and Campbell Street there are no existing sanitary sewer mains.

Along Campbell Street, between Sixth Street and Seventh Street there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

Along Seventh Street between Campbell Street and Kansas Street there is an existing twelve (12) inch diameter sanitary sewer main. This main is available for service.

Along Kansas Street, between Seventh Street and Sixth Street there are no existing sanitary sewer mains.

General

As per EPWater Records, 801 S. Campbell Street has a single two (2) inch diameter water service and a single six (6) inch diameter sanitary sewer service.

Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant 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

I T E M

Alley Vacation





Recommendation | Public Input

2

Planning Division recommendation:

Approval

CPC Vote:

Unanimous approval; January 10, 2019

Public Input:

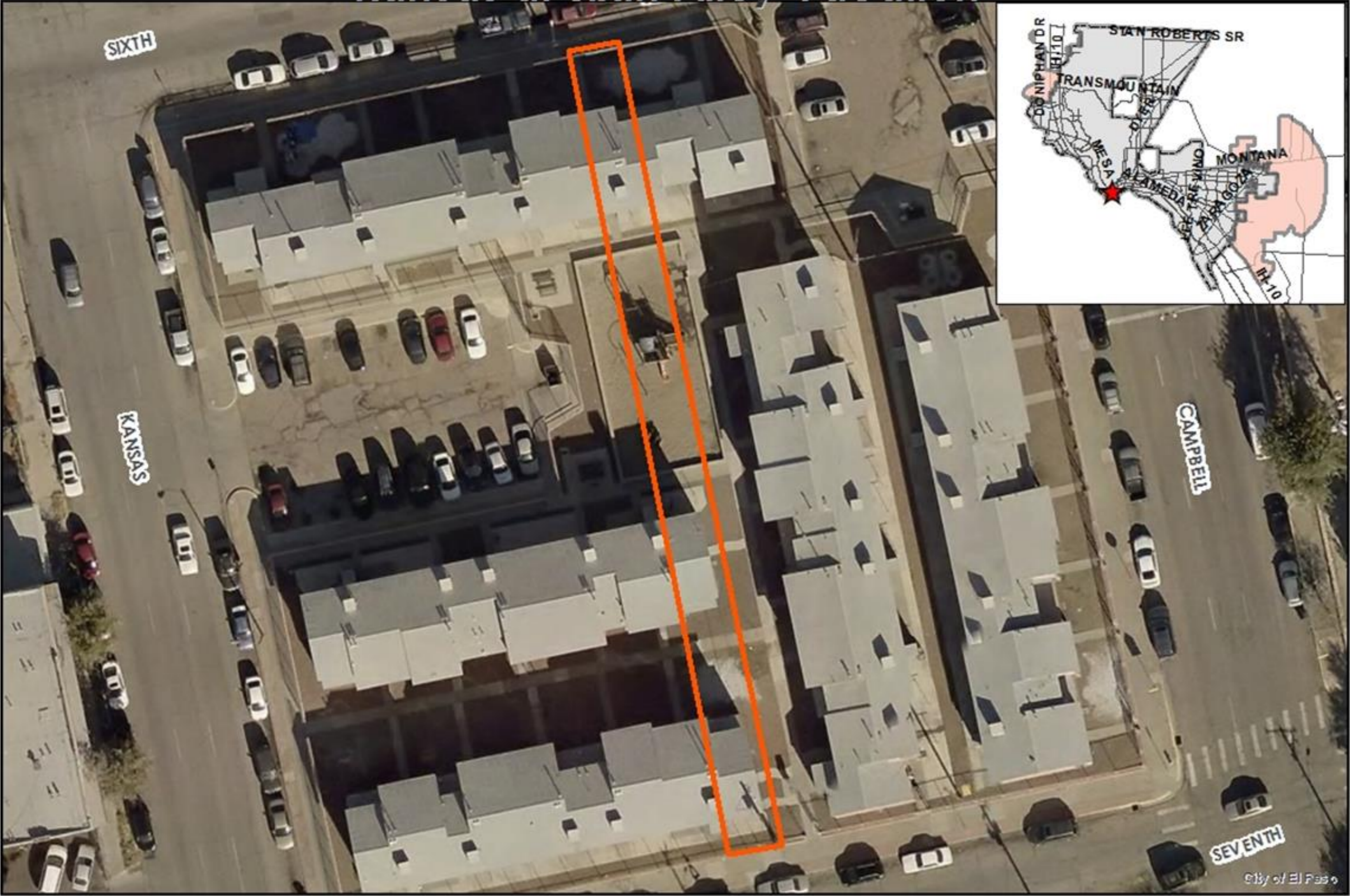
Planning did not receive any communication in support or opposition to this request.

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

Kansas at Sixth Alley Vacation

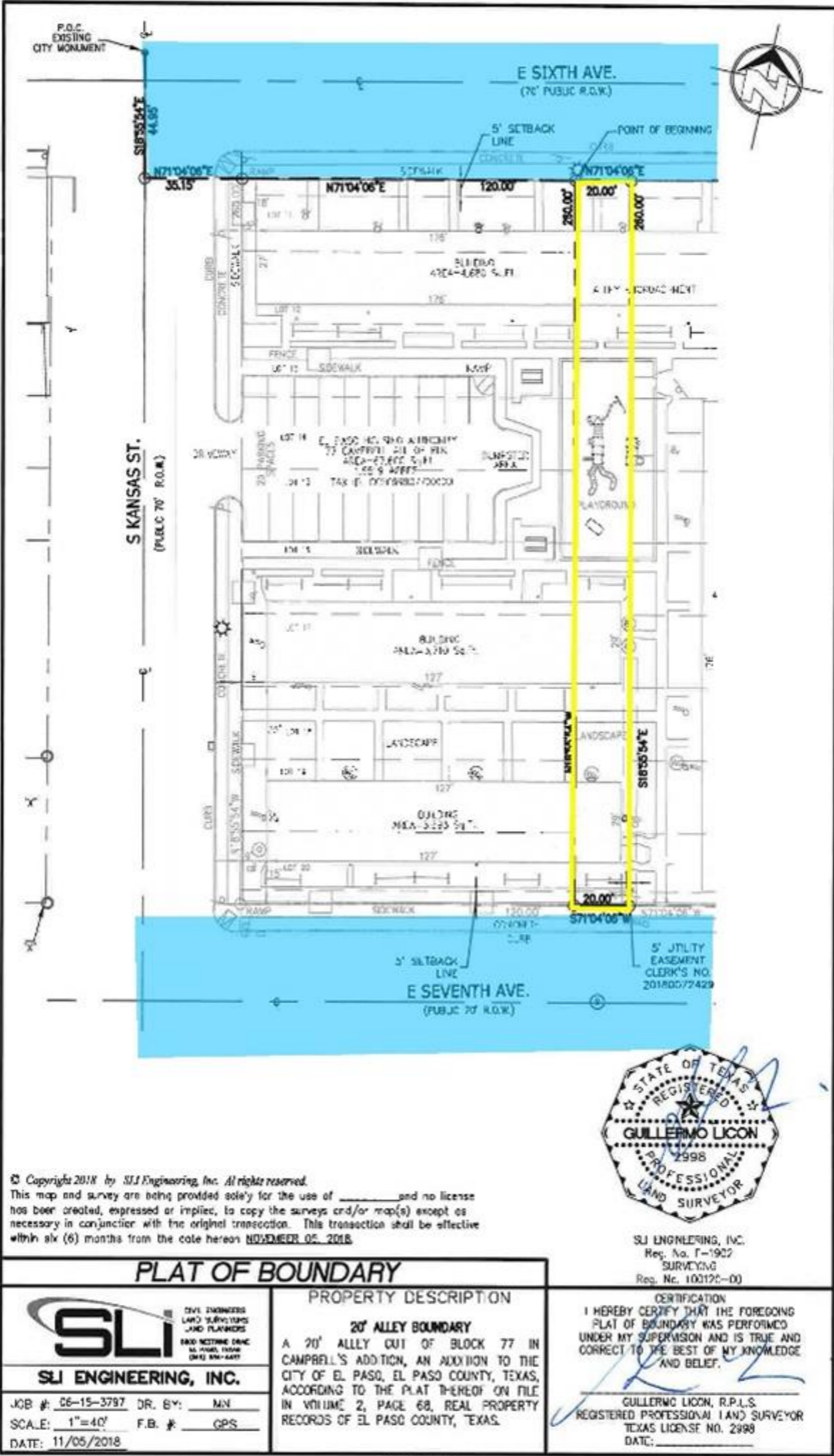


This map is designed for illustrative purposes only. The features depicted here are approximate and more accurate studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original scale induce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Kansas at Sixth Alley Vacation





Site Visit Photo

5



Site Visit Photo

6



THANK YOU

