

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 4/19/16; Public Hearing 5/3/16
CONTACT PERSON/PHONE: Nelson Ortiz, 212-1606
DISTRICT(S) AFFECTED: District 1

SUBJECT:

An ordinance vacating the city right-of-way over a 0.116 acre portion of Resler Drive right-of-way, City of El Paso, El Paso County, Texas. Subject Property: South of Transmountain at Resler; Applicant: Hunt Communities Holding, LLC SURW15-00009 (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) – The City Plan Commission recommended approval of the item on August 13, 2015 with the following requirement and condition:

- That the applicant dedicate a 30' public drainage easement to the PSB for the new pipe extension upon approval by City Council.

*****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 THE CITY RIGHT-OF-WAY OVER A 0.116 ACRE PORTION OF RESLER DRIVE RIGHT-OF-WAY, 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 0.116 acre portion of Resler Drive Right-of-Way, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.116 acre portion of Resler Drive Right-of-Way, 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 0.116 acre portion of Resler Drive Right-of-Way, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description and survey, identified as Exhibit "A" and made a part hereof by reference and 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 **Hunt Communities Holding, LLC**.

ADOPTED this _____ day of _____, 2016.

THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

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

(Quitclaim Deed on following page)

ORDINANCE NO. _____

SURW15-00009

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF 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 good and 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 **Hunt Communities Holding, LLC** all of its right, 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 0.116 acre portion of Resler Drive Right-of-Way, City of El Paso, El Paso County, Texas situated in the County of El Paso, State of Texas, more fully described in the attached metes and bounds description and survey, identified as Exhibit "A", and incorporated herein for any and all purposes.

WITNESS the following signatures and seal this _____ day of _____, 2016.

ATTEST:

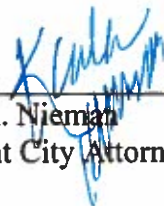
CITY OF EL PASO

Richarda Duffy Momsen
City Clerk


Tomás González
City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Karla M. Nieman
Assistant City Attorney



Larry F. Nichols, Director
Planning & Inspections Department

(Acknowledgement on following page)

ORDINANCE NO. _____

SURW15-00009

EXHIBIT A

Property description: A 0.116-acre portion of Resler Drive right-of-way, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.116-acre portion of Resler Drive right-of-way (January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the easterly right-of-way of Resler Drive and the southerly right-of-way of Woodrow Bean Trans-Mountain Drive (July 14, 2011, Clerk's File No. 20110072239, Deed Records, El Paso County, Texas), said point also being the northwesterly corner of CMC Commercial (Clerk's File No. 2014006614, Plat Records, El Paso County, Texas); Thence, North 78°33'23" West, along said southerly right-of-way, a distance of 130.06 feet to the westerly right-of-way of Resler Drive; Thence, 401.49 feet along said right-of-way and along the arc of a curve to the right, having a radius of 1935.00 feet, a central angle of 11°53'17", and a chord which bears South 19°11'26" West, a distance of 400.77 feet to the **POINT OF BEGINNING** of this description;

THENCE, 102.69 feet continuing along said right-of-way and along the arc of a curve to the right, having a radius of 1935.00 feet, a central angle of 3°02'26", and a chord which bears South 26°39'18" West, a distance of 102.68 feet;

THENCE, North 61°49'31" West, continuing along said right-of-way, a distance of 50.00 feet;

THENCE, 100.04 feet continuing along said right-of-way and along the arc of a curve to the left, having a radius of 1885.00 feet, a central angle of 3°02'26", and a chord which bears North 26°39'18" East, a distance of 100.03 feet;

THENCE, South 64°51'55" East, continuing along said right-of-way, a distance of 50.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.116 acres (5,068 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON 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
Texas Reg. Surveying Firm 10060500



Robert R. Seipel, R.P.L.S.
President
Texas License No. 15-0018
April 21, 2015

EXHIBIT A

NOTES:

1. THIS PLAT IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. THE SOUTH RIGHT-OF-WAY OF WOODROW BEAN TRANS-MOUNTAIN DRIVE IS DESCRIBED JULY 14, 2011, IN CLERK'S FILE NO. 20110072239, EL PASO COUNTY, TEXAS.
4. THE RESLER DRIVE RIGHT-OF-WAY IS DESCRIBED JANUARY 8, 2002, IN BOOK 4158, PAGE 910, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. CMC COMMERCIAL IS RECORDED IN CLERK'S FILE NO. 20140066614, PLAT RECORDS, EL PASO COUNTY, TEXAS.

TRANSMOUNTAIN ROAD
(RIGHT-OF-WAY VARIES)

TRACT 2D
NELLIE D. MUNDY SURVEY 243

PARCEL AREA
0.116 ACRES
5,068 SQ. FT.

POINT OF BEGINNING
CONCRETE SIDEWALK TO REMAIN
CONCRETE HEADWALL TO BE REMOVED

RESLER DRIVE

CONCRETE HEADWALL TO BE REMOVED

LOT 1 BLOCK 1
CMC COMMERCIAL

PROPOSED SAN FELIPE DRIVE

TRACT 2D4
NELLIE D. MUNDY
SURVEY 243

TRACT 2A
NELLIE D. MUNDY
SURVEY 243

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	N78°33'23"W	130.06'
T2	N61°49'31"W	50.00'
T3	S64°51'55"E	50.00'

CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	11°53'17"	1935.00'	401.49'	S19°11'26"W	400.77'
C2	3°02'26"	1935.00'	102.69'	S26°39'18"W	102.68'
C3	3°02'26"	1885.00'	100.04'	N26°39'18"E	100.03'

SCALE: 1" = 100'



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

A 0.116-ACRE PORTION OF RESLER DRIVE
RIGHT-OF-WAY, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

COPYRIGHT © 2015 ROBERT SEIPEL ASSOCIATES, INC.
ALL RIGHTS RESERVED

DATE: 04-21-15
SCALE: 1" = 100'
DRAWN BY: RRS
CHK'D BY: RRS
FB: ~
FILE #: 15-0018

MEMORANDUM

DATE: April 19, 2016

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

FROM: Nelson Ortiz, Senior Planner

SUBJECT: SURW15-00009

The City Plan Commission (CPC), on August 13, 2015, voted to recommend approval of the Resler Drive ROW vacation with the following requirement and condition:

- That the applicant dedicate a 30' public drainage easement to the PSB for the new pipe extension upon approval by City Council.

The CPC determined that the request to vacate a portion of the Resler Drive ROW 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 vacation 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: Hunt Communities Holdings, LLC

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: SURW15-00009 Resler Drive ROW Vacation
Application Type: ROW Vacation
CPC Hearing Date: August 13, 2015

Staff Planner: Nelson Ortiz, 915-212-1606, OrtizNX@elpasotexas.gov
Location: South of Transmountain at Resler
Acreage: 0.116
Rep District: 1
Existing Use: Right-of-way
Existing Zoning: C-4/sc (Commercial/ special contract)
Proposed Zoning: C-4/sc (Commercial/ special contract)

Property Owner: City of El Paso
Applicant: Hunt Communities Holding, LLC
Representative: CSA Design Group

SURROUNDING ZONING AND LAND USE

North: C-4/ sc (Commercial/ special contract) / Vacant
South: C-4/sc (Commercial/ special contract) / Vacant
East: C-4/c (Commercial/ condition) / Vacant
West: C-4 (Commercial/ special contract) / Vacant

PLAN EL PASO DESIGNATION: G7 Industrial and/or Railyards

APPLICATION DESCRIPTION

The applicant seeks to vacate a 0.116-acre portion of Resler Drive. The surface drainage infrastructure that exists within the subject area is no longer needed and a new subsurface pipe system is currently being installed in its place.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was published in the El Paso Times on July 29, 2015. The Planning Division did not receive any communication in support or in opposition to the request.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the Resler Drive ROW Vacation subject to the following condition and requirement:

- That the applicant dedicates a 30' public drainage easement to the PSB for the new pipe extension before approval by City Council.

Planning Division Recommendation:

Approval with the condition as stated above.

Land Development:

No objection.

El Paso Water Utilities (Stormwater):

We have reviewed the proposal described above and have no objection to the vacation of this portion of Resler Drive as long as we are provided a 30' public drainage easement or right-of-way to cover the new pipe extension.

El Paso Water Utilities (Water and Sewer):

We have reviewed the above referenced subdivision and provide the following comments:

The property is located within the City of El Paso Westside Impact Service Fee Area. Impact fees will be assessed at the time of plat and collected by EPWU prior to the City of El Paso issuing a Building Permit in accordance with the City of El Paso's Ordinance # 017113 and the EPWU-PSB Rules and Regulation No. 16.

EPWU-PSB Planning and Development Section does not object to this request.

General

Along Resler Drive within the immediate vicinity of the intersection with the proposed San Felipe Drive there are water, sanitary sewer and reclaimed water mains as follows:

- (a) an existing twenty-four (24) inch diameter water transmission main located at approximately 15 feet east of the west right-of way of Resler Drive. This water main is not available for service, no direct service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.
- (b) an existing twelve (12) inch diameter sanitary sewer main.
- (c) an existing sixteen (16) inch diameter reclaimed water main. This water is not potable and it is not for human consumption. This water is available for irrigation purposes or may be used for industrial processes.

Along the proposed an Felipe Drive project that will extend west of Resler Drive, there is a proposed eight (8) inch diameter water main along San Felipe Drive that will connect to the above described 24-inch main.

Similarly, along the proposed an Felipe Drive project that will extend west of Resler Drive, there is a proposed eight (8) inch diameter reclaimed water main along San Felipe Drive that will connect to the above described 16-inch reclaimed water main.

Parks and Recreation:

We have reviewed Resler Drive, a Street right-of-way vacation survey map and offer “No” objections to this proposed street right-of-way vacation request.

El Paso Electric Company:

EPEC does not object to the vacation and has no facilities in the area of concern.

Sun Metro:

Sun Metro does not oppose this request.

El Paso Fire Department:

No comments received.

Time Warner Cable:
No comments received.

911:
No comments received.

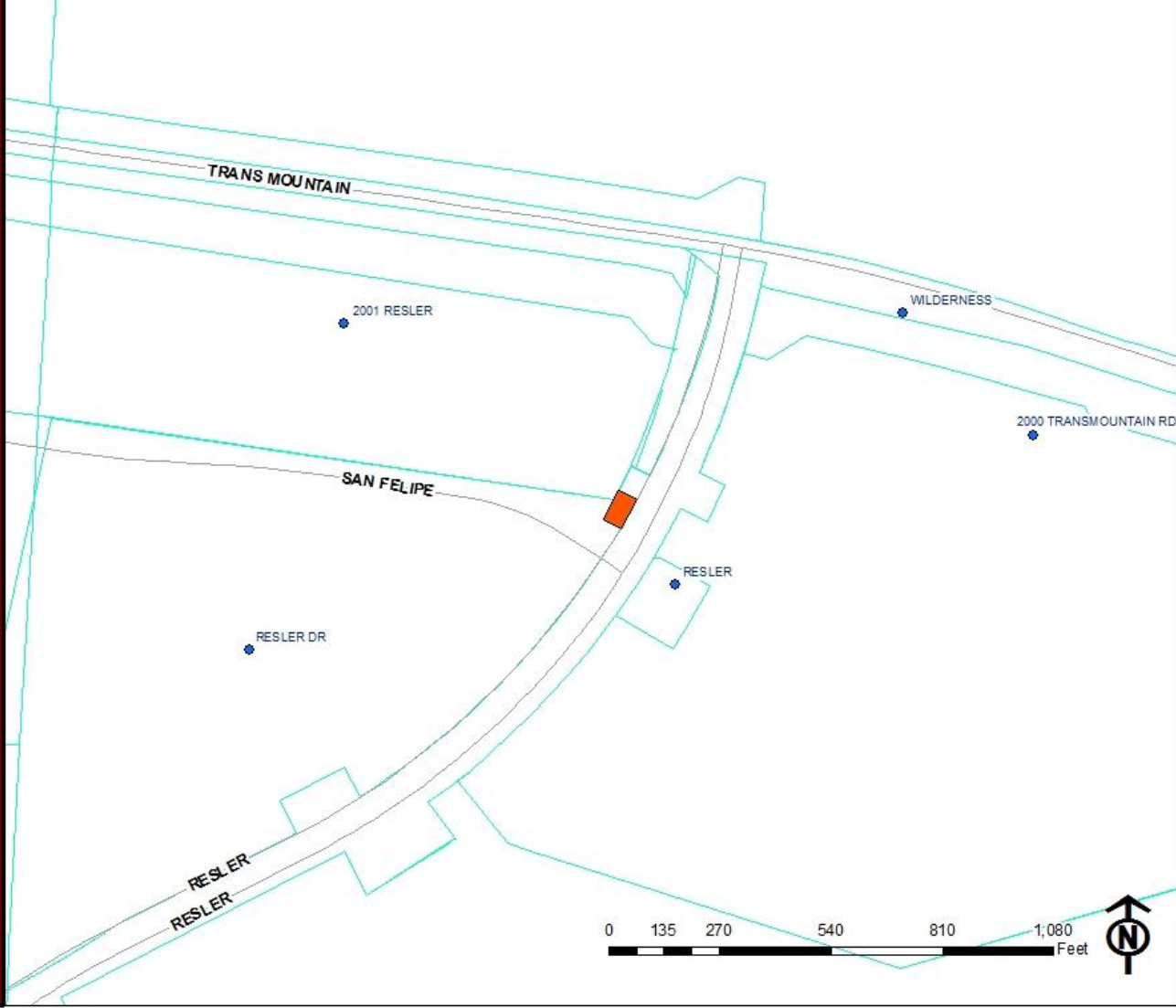
Texas Gas Company:
No comments received.

Attachments

1. Location map
2. Aerial map
3. Vacation survey
4. Application

ATTACHMENT 1

RESLER DRIVE STREET VACATION



ATTACHMENT 2

RESLER DRIVE STREET VACATION



ATTACHMENT 4



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

Date: July 1, 2015

File No. SURW15-00009

1. APPLICANTS NAME CSA Design Group, Inc.
ADDRESS 1845 Northwestern Drive, Suite C, El Paso, Texas ZIP CODE 79912 TELEPHONE (915) 877-4155
2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other R.O.W.
Street Name(s) Restler Drive Subdivision Name San Felipe Drive
Abutting Blocks _____ Abutting Lots Tract 2D and 2D4, Nello D. Mundy Survey 243
3. Reason for vacation request: Drainage Outfall Structure no longer needed. Storm water now managed in subsurface pipe system.
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>Tract 2D, Nello D. Mundy Survey 243 (Hunt Communities LTD)</u>	<u>(915) 533-1122</u>
	<u>Tract 2D4, Nello D. Mundy Survey 243 (Flexcor Capital LTD)</u>	<u>(915) 877-4300</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:
 CSA Design Group, Inc.

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

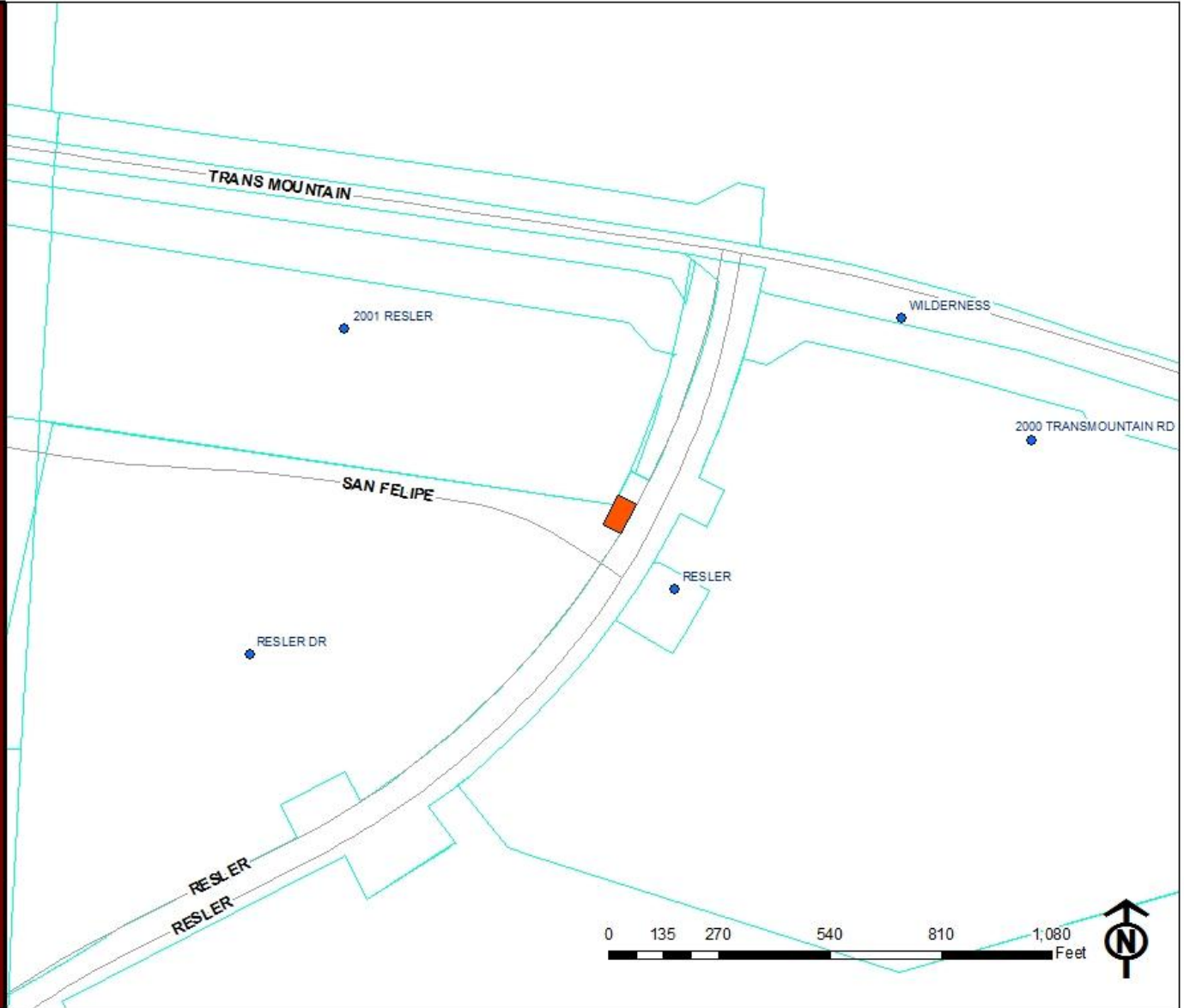
- **Planning & Inspections Recommendation:** Approval w/ condition
- **CPC Vote:** Approval w/ condition

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.



RESLER DRIVE STREET VACATION

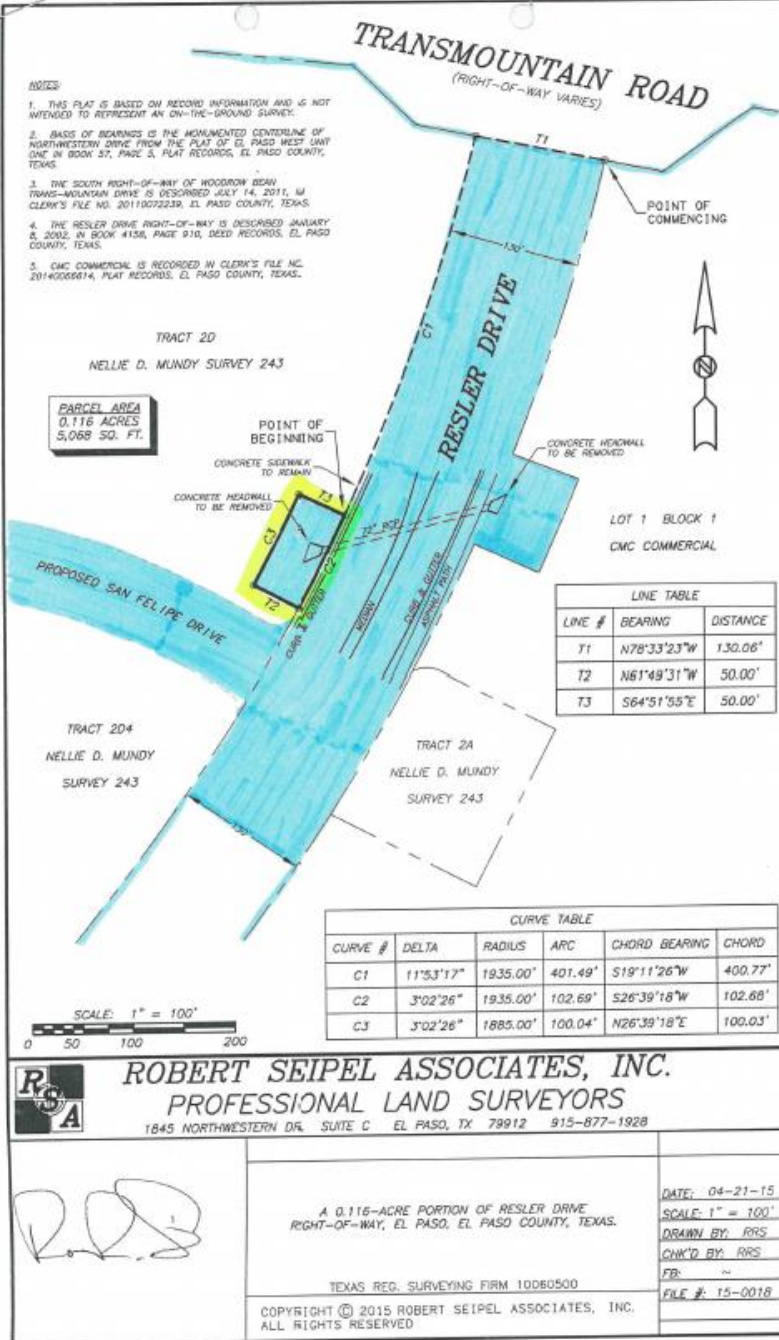




RESLER DRIVE STREET VACATION



"Delivering Outstanding Services"



"Delivering Outstanding Services"



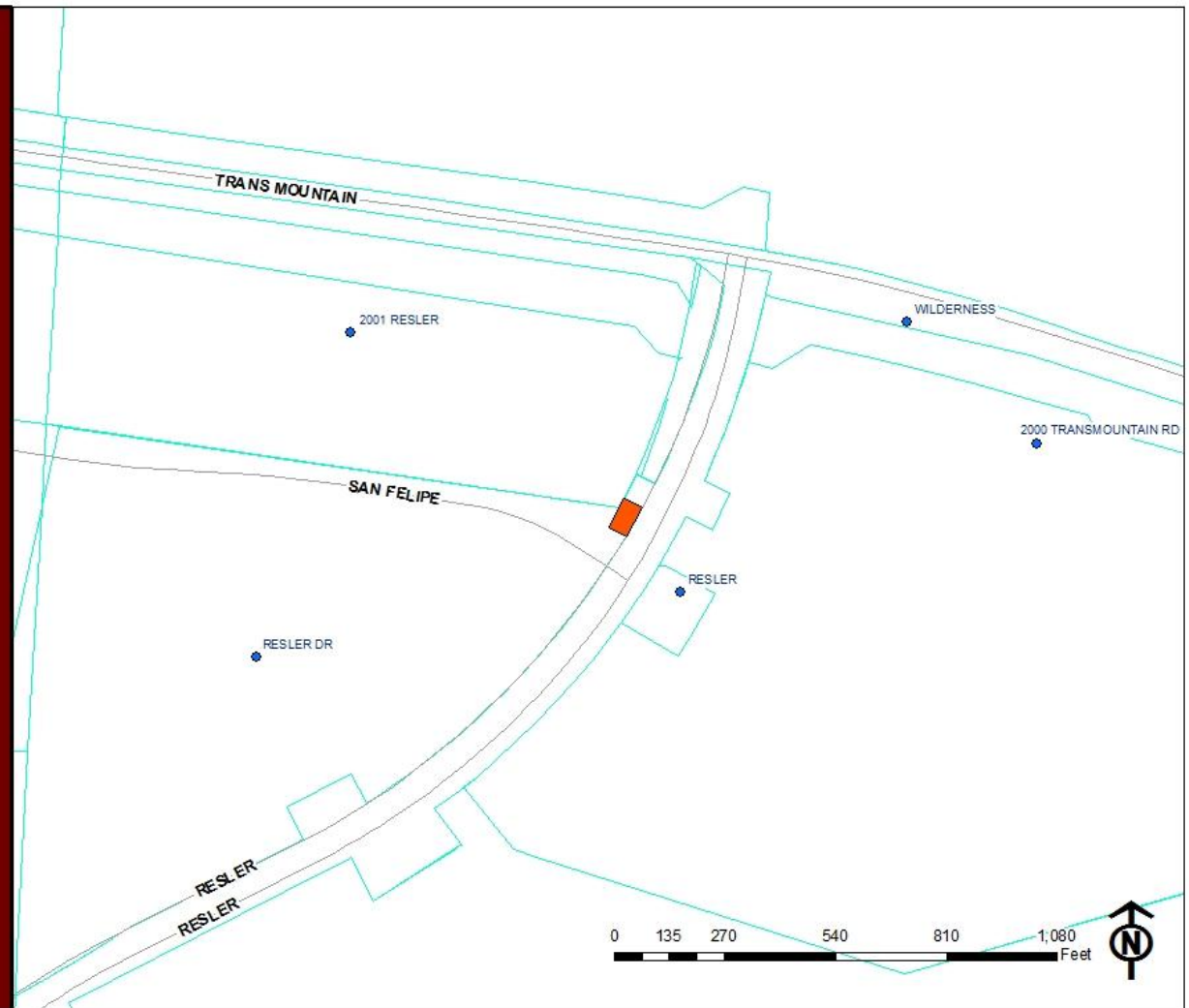
“Delivering Outstanding Services”



"Delivering Outstanding Services"

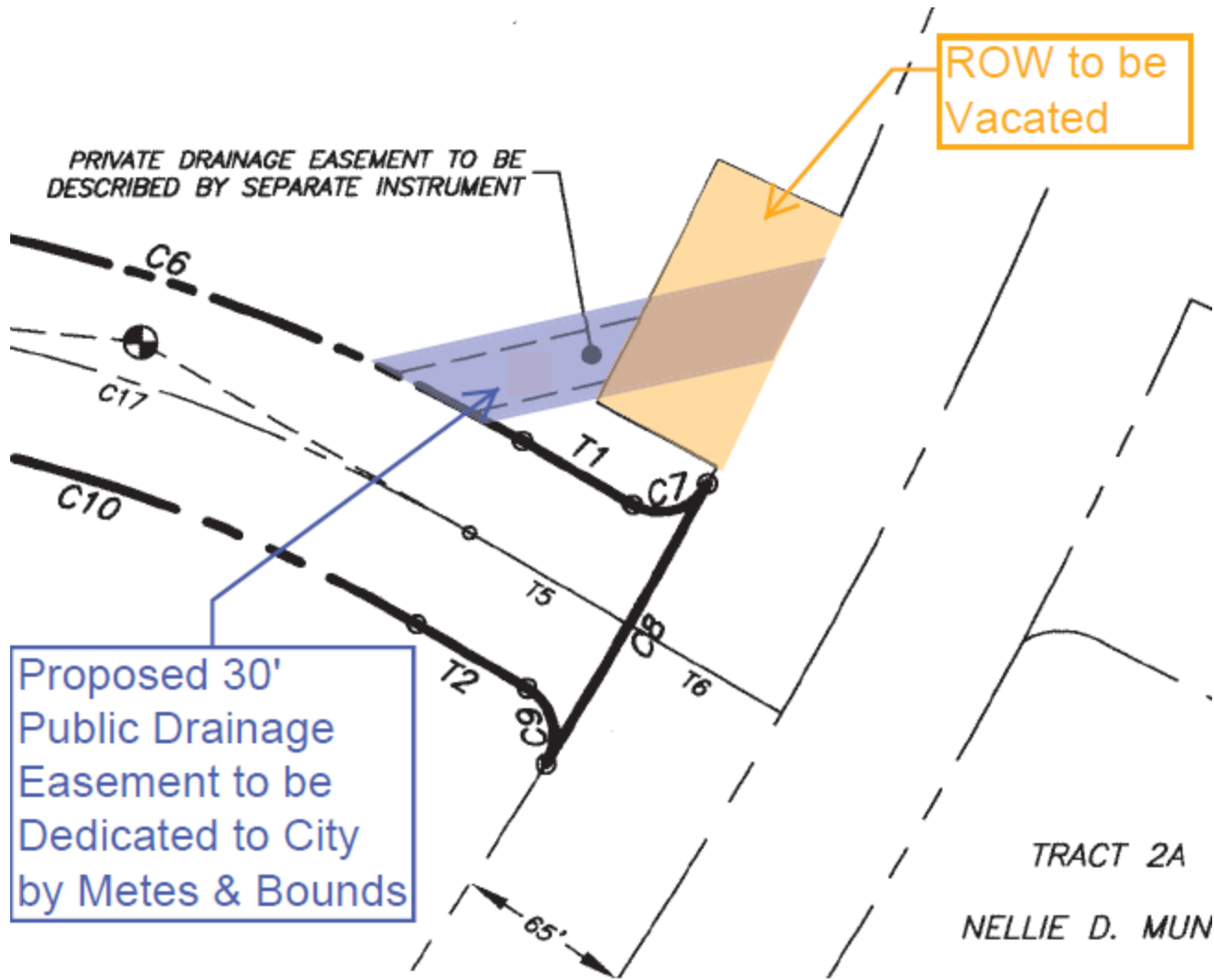


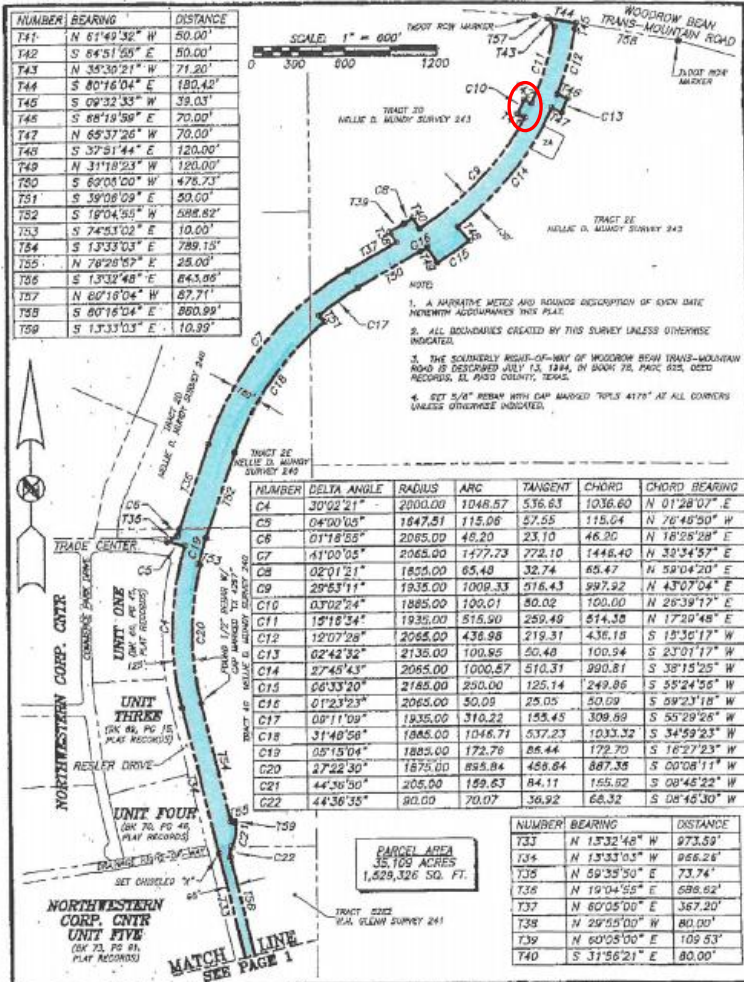
RESLER DRIVE STREET VACATION



Condition and Requirement:

- That the applicant dedicate a 30' public drainage easement to the PSB for the new pipe extension upon approval by City Council.





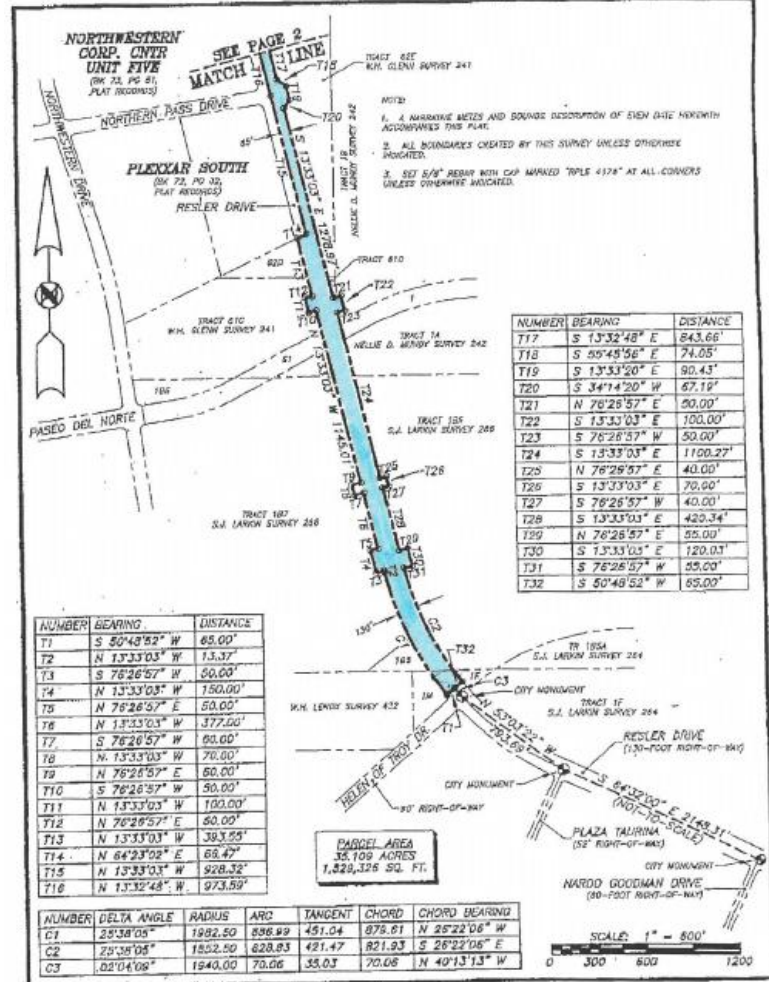
ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
 1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

PLAT OF SURVEY
 A 35.109-ACRE PORTION OF TRACTS 1, 1F AND 1M, S.J. LARKIN SURVEY 264, TRACTS 18, 187, 185 AND 188, S.J. LARKIN SURVEY 268, TRACTS 61, 61C, 61D, 61E, 62, 62D AND 62E, W.H. GLENN SURVEY 241, TRACTS 2, 20, 2E, 4 AND 4G, NELLIE D. MUNDY SURVEY 240, TRACTS 1, 1A AND 1B, NELLIE D. MUNDY SURVEY 242, AND TRACTS 2A, 2D AND 2E, NELLIE D. MUNDY SURVEY 243, EL PASO, EL PASO COUNTY, TEXAS.

REVISOR: DECEMBER 19, 2001
 REVISOR: SEPTEMBER 25, 2001

COPYRIGHT © 2001 ROBERT SEIPEL ASSOCIATES, INC.
 ALL RIGHTS RESERVED

PAGE 2 OF 2



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
 1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

PLAT OF SURVEY
 A 35.109-ACRE PORTION OF TRACTS 1, 1F AND 1M, S.J. LARKIN SURVEY 264, TRACTS 18, 187, 185 AND 188, S.J. LARKIN SURVEY 268, TRACTS 61, 61C, 61D, 61E, 62, 62D AND 62E, W.H. GLENN SURVEY 241, TRACTS 2, 20, 2E, 4 AND 4G, NELLIE D. MUNDY SURVEY 240, TRACTS 1, 1A AND 1B, NELLIE D. MUNDY SURVEY 242, AND TRACTS 2A, 2D AND 2E, NELLIE D. MUNDY SURVEY 243, EL PASO, EL PASO COUNTY, TEXAS.

REVISOR: DECEMBER 19, 2001
 REVISOR: SEPTEMBER 25, 2001

COPYRIGHT © 2001 ROBERT SEIPEL ASSOCIATES, INC.
 ALL RIGHTS RESERVED

PAGE 1 OF 2