

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



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

**DEPARTMENT:** Planning & Economic Development  
**AGENDA DATE:** Introduction 5/8/12; Public Hearing 5/15/12  
**CONTACT PERSON/PHONE:** Kevin Smith, 541-4903  
**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

An ordinance vacating a portion of Kathy Drive right of way out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas. Applicant: Mary Stillinger and Enriqueta Godinez. SURW11-00006 (District 6)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval  
City Plan Commission (CPC) – Approval

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

**LEGAL:** N/A      **FINANCE:** N/A

**DEPARTMENT HEAD:** Mathew McElroy  
Deputy Director of Planning, Planning & Economic Development

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:**

Mayor  
John F. Cook

City Council

District 1  
Ann Morgan Lilly

District 2  
Susie Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Dr. Michiel R. Noe

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Cortney Carlisle Niland

City Manager  
Joyce A. Wilson



Two Civic Center Plaza  
El Paso, TX 79901  
(915) 541-0000

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

**AN ORDINANCE VACATING A PORTION OF KATHY DRIVE RIGHT OF WAY OUT OF RICHARD LEE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested a vacation of a portion of Kathy Drive right of way out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of Kathy Drive right of way out of Richard Lee Subdivision, 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 a portion of Kathy Drive right of way out of Richard Lee Subdivision, 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, be 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 **MARY STILLINGER AND ENRIQUETA GODINEZ**.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**THE CITY OF EL PASO**

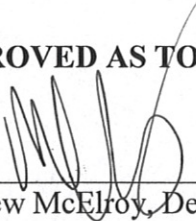
\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

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

*(Signatures continued on following page)*

**APPROVED AS TO CONTENT:**



---

Mathew McElroy, Deputy Director  
Planning & Economic Development

**APPROVED AS TO FORM:**



---

Lupe Cuellar  
Assistant City Attorney

*(Quitclaim Deed on following page)*

Being a portion of Kathy Drive right of way  
Out of Richard Lee Subdivision  
City of El Paso, El Paso County, Texas  
September 8, 2011  
(Parcel 2)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Kathy Drive right of way out of Richard Lee Subdivision, recorded in volume 2, page 47, Plat records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found bridge nail at the centerline intersection of Farrell Drive and Kathy Drive from which a found nail at the centerline intersection of Kathy Drive and Stevens Road bears North 37°10'00" West a distance of 1408.25 feet (1408.82 feet Call); Thence North 18°11'55" West a distance of 92.30 feet to a point on the intersection of the northeasterly right of way line of Kathy Drive with an existing rock wall for the "TRUE POINT OF BEGINNING";

Thence along said rock wall, North 48°00'29" West a distance of 8.68 feet to a point;

Thence along said rock wall, North 40°55'37" West a distance of 10.68 feet to a point;

Thence along said rock wall, North 38°23'39" West a distance of 53.05 feet to a point;

Thence along said rock wall, North 37°36'21" West a distance of 48.02 feet to a point;

Thence along said rock wall, North 35°51'53" West a distance of 23.83 feet to a point;

Thence along said rock wall, North 37°22'32" West a distance of 61.37 feet to a point;

Thence along said rock wall, North 36°53'46" West a distance of 60.61 feet to a point;

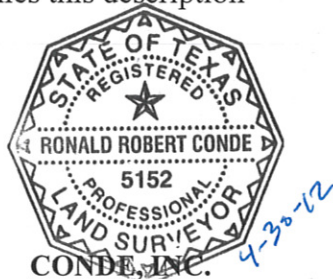
Thence along said rock wall, North 37°05'55" West a distance of 136.72 feet to a point

Thence leaving said rock wall, North 52°21'00" East a distance of 3.07 feet to a point on the northeasterly right of way line of Kathy Drive;

Thence along said right of way line of Kathy Drive South 37°10'00" East a distance of 402.79 feet to the "TRUE POINT OF BEGINNING" and containing 1288 square feet or 0.0296 acres of land more or less.

Note: a drawing of even date accompanies this description

Ron R. Conde  
R.P.L.S. No. 5152



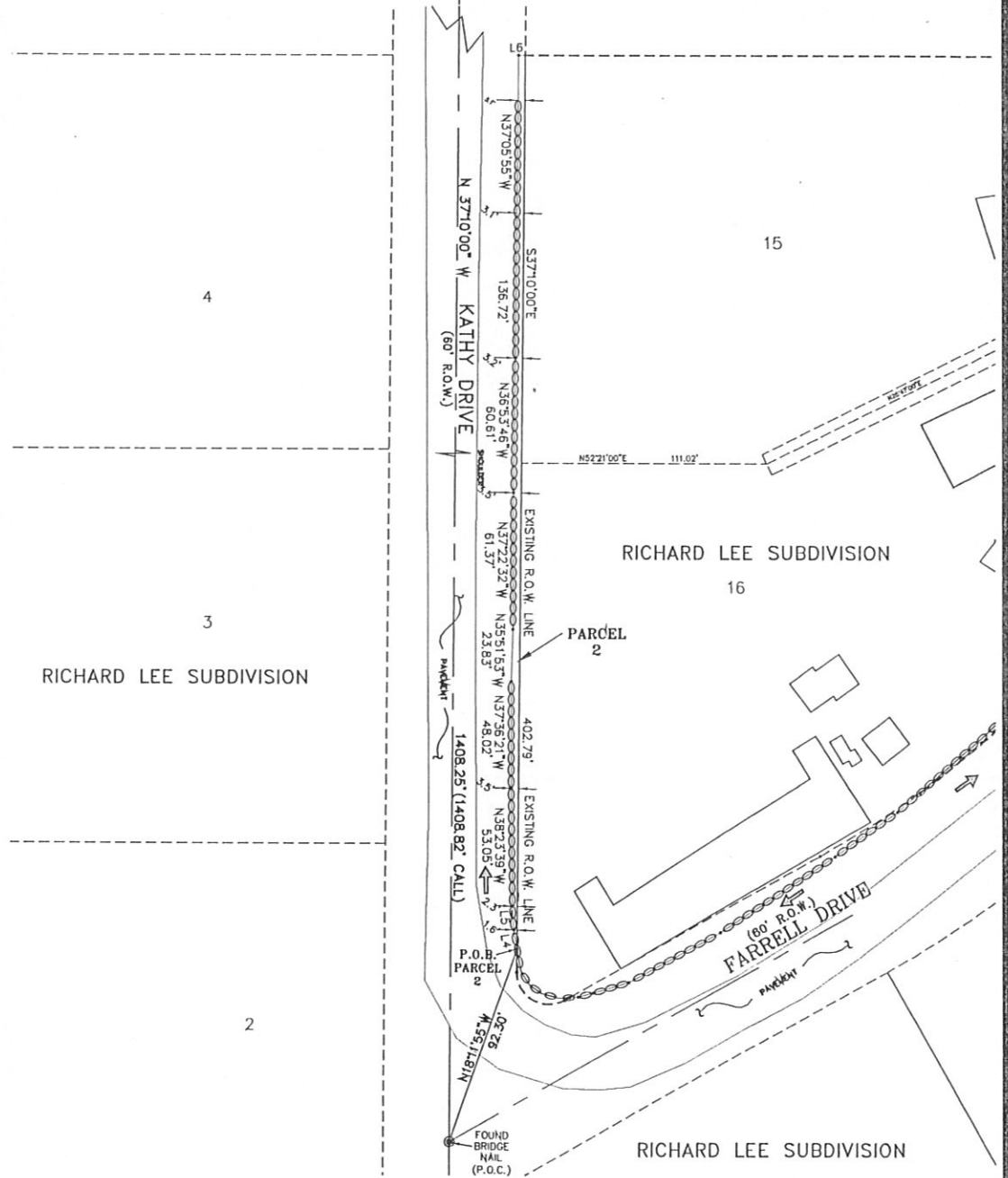
Job # 411-50

STEVENS ROAD

FND. NAIL

EXHIBIT "B"

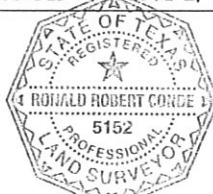
LINE TABLE		
LINE	LENGTH	BEARING
L4	8.68	N48°00'29"W
L5	10.68	N40°55'37"W
L6	3.07	N52°21'00"E



NOTE: A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.

*R R Conde*  
 RON R. CONDE R.P.L.S #5152

JOB # 411-50      DATE: NOVEMBER 01, 2011      FIELD: D.G.      OFFICE: F.R.  
 LOCATED IN ZONE AH      PANEL # 480214-0050B      DATED OCT. 15, 1982  
 RECORDED IN VOLUME 2, PAGE 47, PLAT RECORDS OF EL PASO COUNTY, TEXAS



BEING A PORTION OF KATHY DRIVE OUT OF RICHARD LEE SUBDIVISION CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
 6080 SURETY SUITE 100  
 EL PASO, TEXAS 79905

CADD FILE: S:\LV\RICHARD LEE\

© COPYRIGHT 2011/CONDE INC. ALL RIGHTS RESERVED

SCALE: 1"=60'





Being a portion of Kathy Drive right of way  
Out of Richard Lee Subdivision  
City of El Paso, El Paso County, Texas  
September 8, 2011  
(Parcel 2)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Kathy Drive right of way out of Richard Lee Subdivision, recorded in volume 2, page 47, Plat records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found bridge nail at the centerline intersection of Farrell Drive and Kathy Drive from which a found nail at the centerline intersection of Kathy Drive and Stevens Road bears North 37°10'00" West a distance of 1408.25 feet (1408.82 feet Call); Thence North 18°11'55" West a distance of 92.30 feet to a point on the intersection of the northeasterly right of way line of Kathy Drive with an existing rock wall for the **"TRUE POINT OF BEGINNING"**;

Thence along said rock wall, North 48°00'29" West a distance of 8.68 feet to a point;

Thence along said rock wall, North 40°55'37" West a distance of 10.68 feet to a point;

Thence along said rock wall, North 38°23'39" West a distance of 53.05 feet to a point;

Thence along said rock wall, North 37°36'21" West a distance of 48.02 feet to a point;

Thence along said rock wall, North 35°51'53" West a distance of 23.83 feet to a point;

Thence along said rock wall, North 37°22'32" West a distance of 61.37 feet to a point;

Thence along said rock wall, North 36°53'46" West a distance of 60.61 feet to a point;

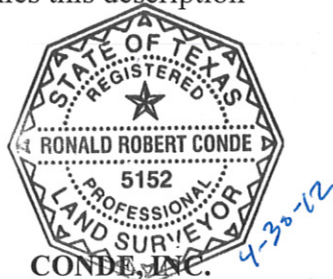
Thence along said rock wall, North 37°05'55" West a distance of 136.72 feet to a point

Thence leaving said rock wall, North 52°21'00" East a distance of 3.07 feet to a point on the northeasterly right of way line of Kathy Drive;

Thence along said right of way line of Kathy Drive South 37°10'00" East a distance of 402.79 feet to the **"TRUE POINT OF BEGINNING"** and containing 1288 square feet or 0.0296 acres of land more or less.

Note: a drawing of even date accompanies this description

Ron R. Conde  
R.P.L.S. No. 5152



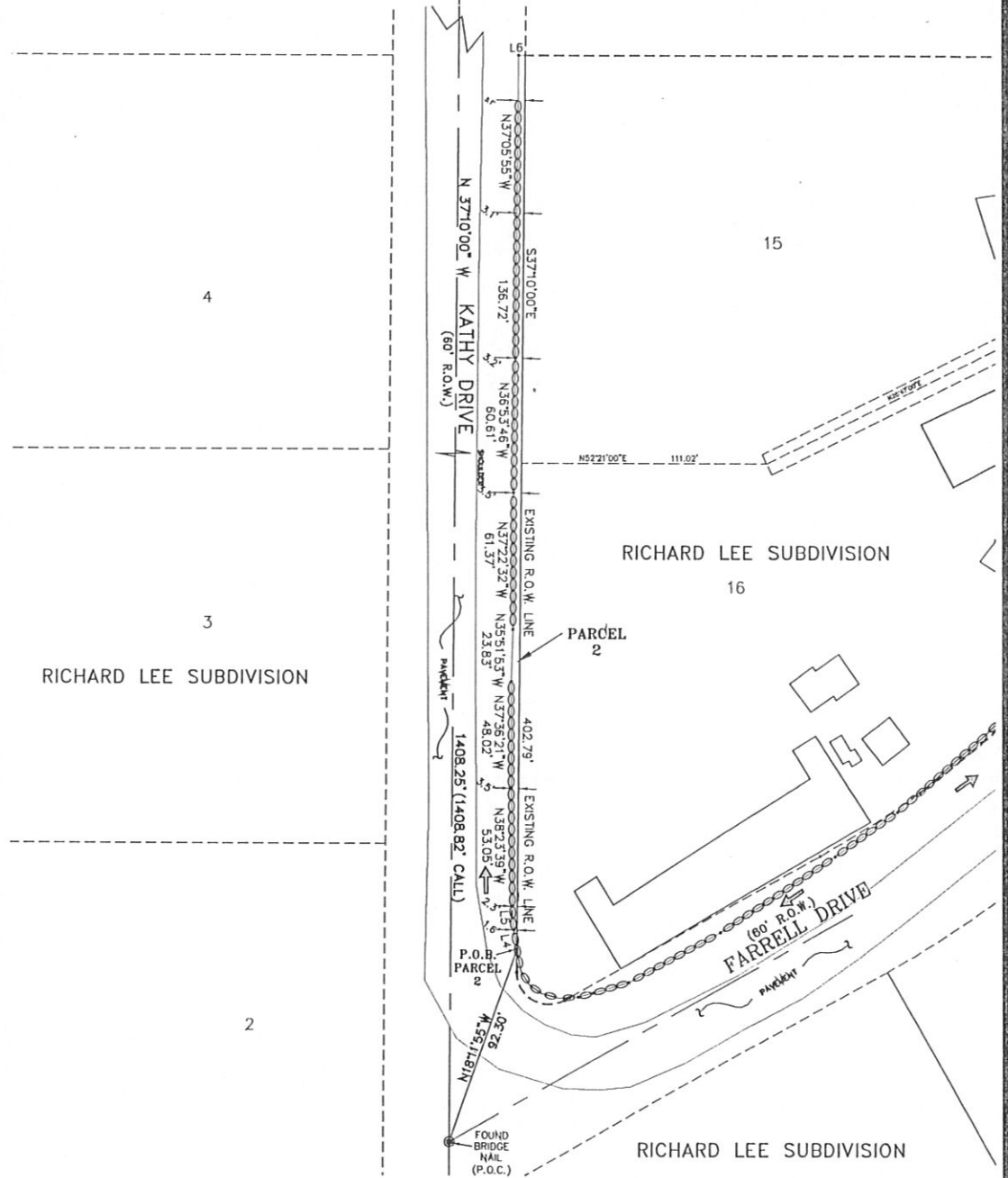
Job # 411-50

STEVENS ROAD

FND. NAIL

EXHIBIT "B"

LINE TABLE		
LINE	LENGTH	BEARING
L4	8.68	N48°00'29"W
L5	10.68	N40°55'37"W
L6	3.07	N52°21'00"E



NOTE: A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.

*R R Conde*  
 RON R. CONDE R.P.L.S #5152

JOB # 411-50      DATE: NOVEMBER 01, 2011      FIELD: D.G.      OFFICE: F.R.  
 LOCATED IN ZONE AH      PANEL # 480214-0050B      DATED OCT. 15, 1982  
 RECORDED IN VOLUME 2, PAGE 47, PLAT RECORDS OF EL PASO COUNTY, TEXAS



BEING A PORTION OF KATHY DRIVE OUT OF  
 RICHARD LEE SUBDIVISION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
 6080 SURETY SUITE 100  
 EL PASO, TEXAS 79905

CADD FILE: S:\LV\RICHARD LEE\

SCALE: 1"=60'

© COPYRIGHT 2011/CONDE INC.  
 ALL RIGHTS RESERVED

*Dedicated to Outstanding Customer Service for a Better Community*

S E R V I C E   S O L U T I O N S   S U C C E S S



PLANNING AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

MEMORANDUM

**DATE:** May 1, 2012

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Kevin Smith, Planner

**SUBJECT:** SURW11-00006 Kathy Drive Street Vacation

---

The City Plan Commission (CPC), on December 15, 2011, **voted 4-0 with one abstention** to recommend **approval** of the Kathy Drive street vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined the vacation 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.

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

City Manager  
Joyce A. Wilson



Two Civic Center Plaza  
El Paso, TX 79901  
(915) 541-0000



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

**Case No:** SURW11-00006 Kathy Drive Street Vacation  
**Application Type:** Right-of-way Vacation  
**CPC Hearing Date:** December 15, 2011

**Staff Planner:** Kevin Smith, 915-541-4903, [smithkw@elpasotexas.gov](mailto:smithkw@elpasotexas.gov)  
**Location:** East of Americas Avenue and North of Alameda Avenue  
**Legal Description Acreage:** 0.03-acre  
**Rep District:** 6  
**Existing Use:** Right-of-way  
**Existing Zoning:** R-F  
**Proposed Zoning:** R-MU

**Property Owner:** City of El Paso  
**Applicant:** Mary Stillinger and Enriqueta Godinez  
**Representative:** Conde, Inc.

**SURROUNDING ZONING AND LAND USE:**

**North:** R-F (Ranch and Farm)/ Residential Development  
**South:** R-F (Ranch and Farm)/ Residential Development  
**East:** R-F (Ranch and Farm)/ Residential Development  
**West:** R-F (Ranch and Farm)/ Residential Development

**THE PLAN FOR EL PASO DESIGNATION:** Residential

**APPLICATION DESCRIPTION**

The applicant is proposing to vacate a portion of Kathy Drive and is located within the Richard Lee Subdivision. This portion of the right-of-way is being vacated due to encroachment of approximately three feet into the right-of-way.

**CASE HISTORY**

On December 1, 2011, the City Plan Commission recommended approval of a rezoning request, to rezone to R-MU (Residential Mixed Use District).

**Development Coordinating Committee**

The Development Coordinating Committee recommends *approval* of the request to vacate a portion of Kathy Drive with the following requirements and conditions:

**Planning Division Recommendation**

Approval.

**Engineering and Construction Management – Land Development**

No Objections

**El Paso DOT**

Transportation does not object to the proposed street vacation provided a minimum of 52ft. of right-of-way remains.

**El Paso Water Utilities**

1. EPWU does not object to this request.

**Water:**

2. There is an existing 8-inch diameter water main extending along Kathy Drive that is available for service, the water main is located approximately 10-feet east from the center right of way line.

**Sewer:**

3. There is an existing 8-inch diameter water main extending along Kathy Drive that is available for service, the sewer main is located approximately 5-feet west from the center right of way line.

**PSB - Stormwater**

No comments received.

**Parks and Recreation Department**

We have reviewed Kathy Drive - Street Right of Way Vacation boundary survey map and offer “No” objections to this proposed Street Right-of-way vacation request.

**Texas Gas Service**

No comments received.

**Central Appraisal District**

No comments received.

**El Paso Electric Company**

No comments received.

**911 District**

No comments received.

**Fire Department**

No comments received.

**Sun Metro**

No comments received.

**Geographic Information Systems**

No comments received.

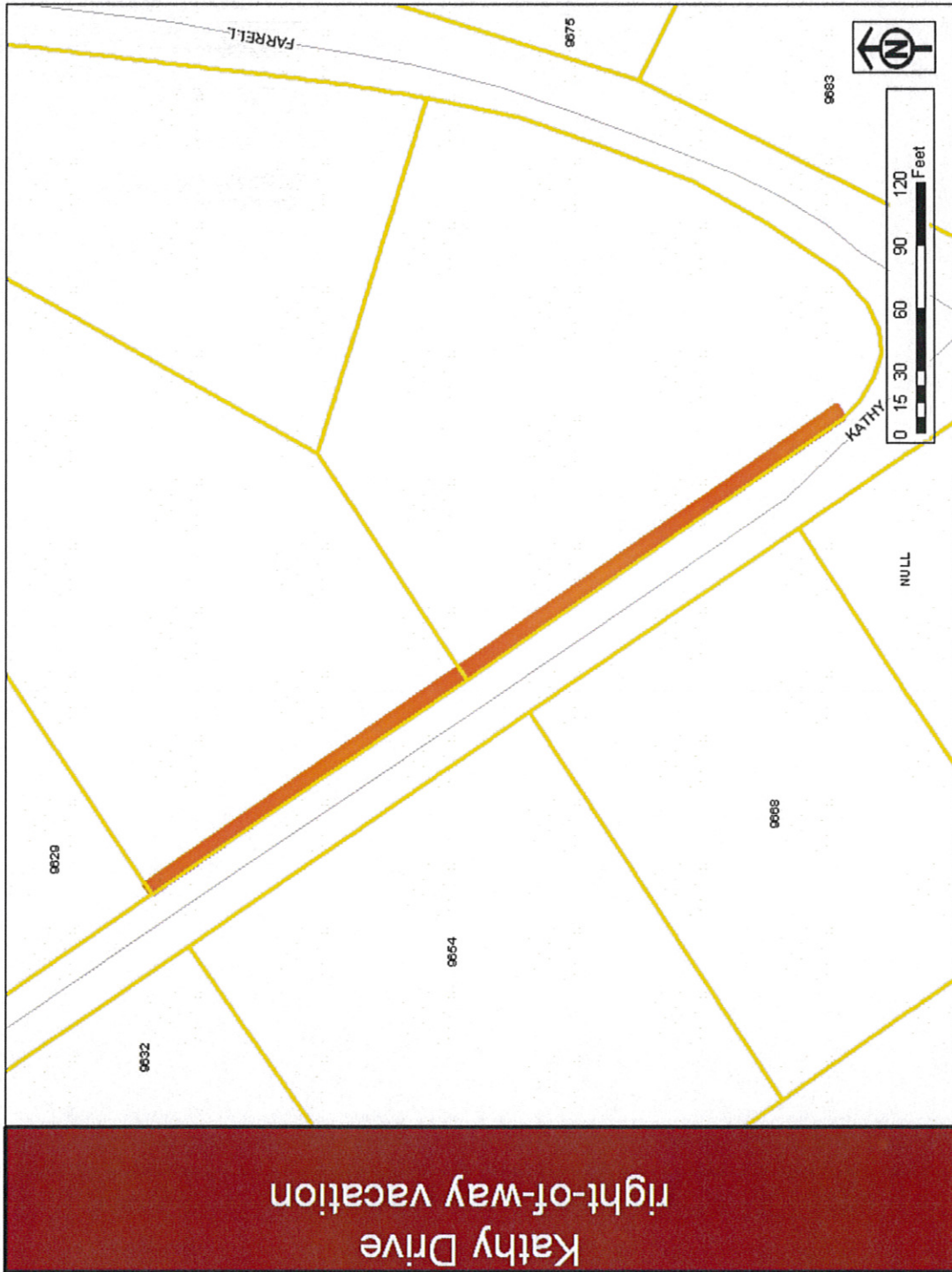
**Ysleta Independent School District**

No comments received.

**Attachments**

1. Location map
2. Aerial map
3. Survey
4. Application

ATTACHMENT 1

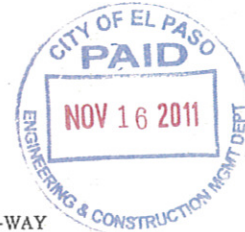


ATTACHMENT 2





**ATTACHMENT 4**



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

Date: 9/20/11 File No. SURW11-00006

1. APPLICANTS NAME Mary Stillinger & Enriqueta Godinez
- ADDRESS 4911 Alameda ZIP CODE 79905 TELEPHONE 775-0705
2. Request is hereby made to vacate the following: (check one)  
 Street  Alley  Easement  Other   
 Street Name(s) Kathy Drive Subdivision Name Richard Lee Subdivision  
 Abutting Blocks \_\_\_\_\_ Abutting Lots \_\_\_\_\_
3. Reason for vacation request: to allow for a maximum 3' Rockwall encroachment into ROW
4. Surface Improvements located in subject property to be vacated:  
 None  Paving  Curb & Gutter  Power Lines/Poles  Fences/Walls  Structures  Other  Rockwall
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><i>Enriqueta Godinez</i></u>	<u>Being a Portion of</u>	<u>775-0705</u>
<u><i>Mary Stillinger</i></u>	<u>Kathy Drive out of</u>	_____
_____	<u>Richard Lee Subdivision</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.

CASHIER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE: *Mary Stillinger*  
REPRESENTATIVE: *John L. ...*

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

Maria Guadalupe Dempsey  
9650 Farrell Drive  
El Paso, TX 79927

ADDITIONAL ATTACHMENTS  
ITEMS 4 & 5

December 14, 2011

City of El Paso Plan Commission  
c/o Planning Division  
5<sup>th</sup> Floor, City Hall  
2 Civic Center Plaza  
El Paso, Texas 79901

ATTN: Kevin Smith, Planner  
Case No: PZRZ11-00031

**2<sup>nd</sup> FOLLOW-UP LETTER OF PROTEST**

Dear Mr. Smith:

This **Letter of Protest** is in response to your public notification for a request to vacate a portion of Kathy Drive right of way and a portion of Farrell Drive right of way out of the Richard Lee Subdivision by the owners of 9860 Farrell Drive, El Paso, Texas, Lots 15 and 16 Richard Lee Subdivision, El Paso, Texas, Enriqueta Godinez, Attorney Mary Stillinger, and her husband John Godinez.

I, along with other property owners in the Richard Lee Subdivision, am again protesting this application for the rezoning and vacation of the road, due to the fact that the construction on that property was built illegally, without any permits and in violation of numerous city codes. I have obtained approximately 40 signatures from concerned neighbors and other El Paso taxpaying and law abiding citizens, as this case affects all El Paso taxpayers. Portions of El Paso streets should not be provided to persons who are facing criminal charges by the City of El Paso.

I wish to personally applaud and thank the one Member of the Plan Commission for standing up for what is right and voting NO on the rezoning request during the hearing held December 1, 2011. He is doing what is right.

I again contacted the Central Appraisal District this week and did not obtain an update the re-evaluation on the above property. Past due property taxes are still owed on the above property since approximately 2006. It is my understanding the request cannot be approved unless all past due property taxes have been paid.

I am again requesting the City of El Paso DENY this request to vacate portions of Kathy Avenue and Farrell Drive as the City will be setting precedence and will be allowing property owners and builders to circumvent established requirements

and city codes and build in a substandard and unsafe manner with impunity, while enjoying their property without paying the appropriate taxes to the City, County and School Districts.

I will reserve the submission of my list of additional signatures from concerned neighbors and other taxpayers when this request is presented before City Council.

Should you require additional information, I may be reached at (915) 227-4497.

Sincerely,

Maria Guadalupe Dempsey

**Smith, Kevin W.**

---

**From:** wendy dennis <wendy.dennis@att.net>  
**Sent:** Friday, December 09, 2011 10:59 AM  
**To:** Smith, Kevin W.  
**Subject:** Vacations of right of way on Kathy & Farrell

My name is Wendy Dennis. I live at 9683 Farrell Dr., directly across from the property owned by John Godinez and Mary Stillinger. We met briefly when you and your assistant were photographing the property in question. Please take note that I have **NO OBJECTION** to the proposed vacations of right of way on Kathy Drive and Farrell Drive. If you have any questions or desire further clarification on this topic please feel free to contact me.

Wendy Dennis  
9683 Farrell Dr.  
El Paso, TX 79927

915-217-3099