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



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 Farrell Drive right of way out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas. Applicant: Mary Stillinger and Enriqueta Godinez. SURW11-00007 (**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 FARRELL 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 Farrell 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 Farrell 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 Farrell 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

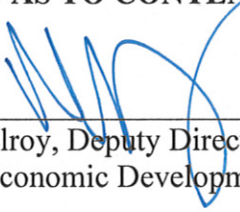
John F. Cook
Mayor

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 Farrell Drive
 Out of Richard Lee Subdivision
 City of El Paso, El Paso County, Texas
 September 8, 2011
 (Parcel 1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Farrell 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 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 02°13'30" East a distance of 84.90 feet to a point on the westerly right of way line of Farrell Drive for THE **"TRUE POINT OF BEGINNING"**;

Thence along said right of way line North 22°55'00" East a distance 129.57 feet to a point of curve;

Along the arc of a curve to the left which has a radius of 455.00 feet, a central angle of 06° 43'07" a chord which bears North 19°33'27" East a distance of 53.32 feet to a point on the face of the rock wall;

Thence leaving said right of way line and along the face of a rock wall, South 10°57'28" West a distance of 13.34 feet to a point;

Thence along the face of said rock wall, South 16°33'20" West a distance of 34.57 feet to a point;

Thence along the face of said rock wall, South 18°38'06" West a distance of 61.53 feet to a point;

Thence along the face of said rock wall, South 23°52'26" West a distance of 47.19 feet to a point;

Thence along the face of said rock wall, South 35° 46'40" West a distance of 16.92 feet to a point;

Thence along face of said rock wall, South 37°33'33" West a distance of 7.05 feet to a point;

Thence along face of said rock wall, South 48°52'34" West a distance of 3.94 feet to THE **"TRUE POINT OF BEGINNING"** and containing 911 Square feet or 0.0209 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

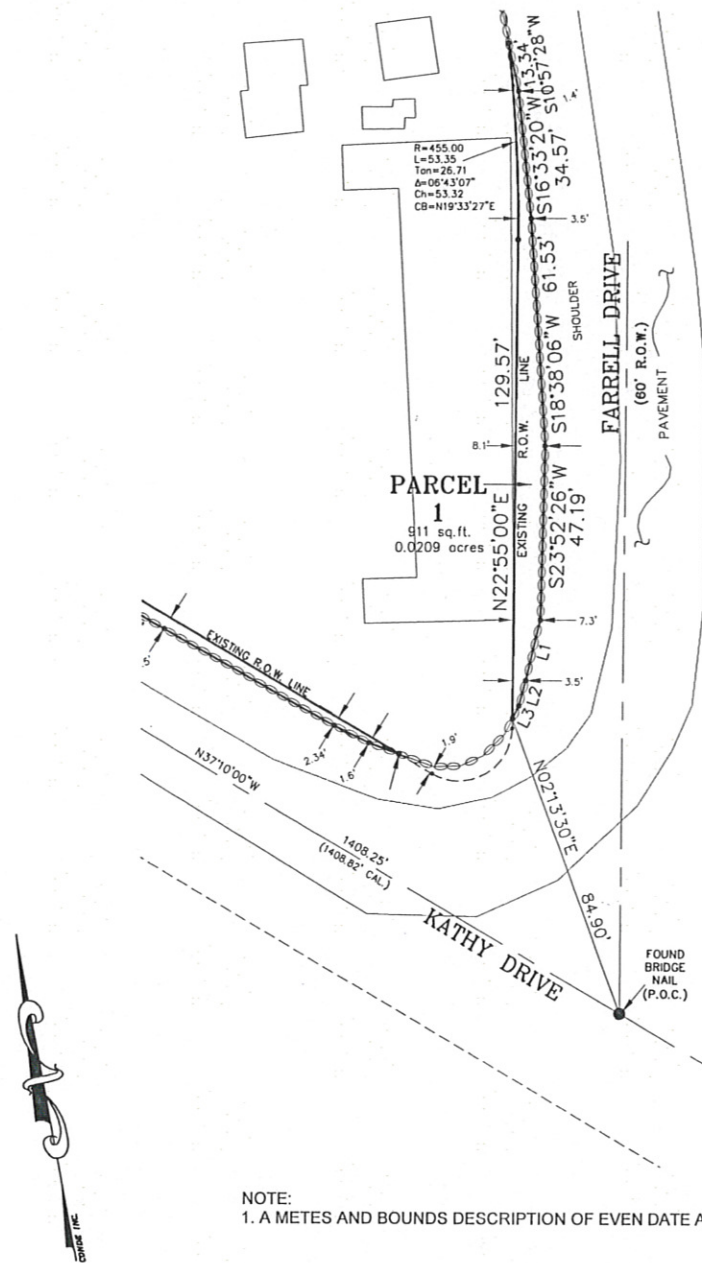
CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING

6080 SURETY DR., SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283 FAX 592-0286

LINE TABLE		
LINE	LENGTH	BEARING
L1	16.92	S35°46'40"W
L2	7.05	S37°33'33"W
L3	3.94	S48°52'34"W

EXHIBIT "B"



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

SCALE: 1" = 40'

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

JOB # 411-50

DATE: SEPTEMBER 08, 2010

FIELD: D.G.

OFFICE: F.R.

RECORDED IN VOLUME 2, PAGE 47, PLAT RECORDS OF EL PASO COUNTY, TEXAS

BEING A PORTION OF FARRELL 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: C:\SU\9\191008

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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 TWENTY-FIVE DOLLARS (\$25.00) 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 Mary Stillinger and Enriqueta Godinez (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 PORTION OF FARRELL DRIVE RIGHT OF WAY OUT OF RICHARD LEE SUBDIVISION, 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 _____, 2012.

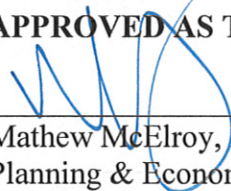
CITY OF EL PASO

ATTEST:

Joyce Wilson, City Manager

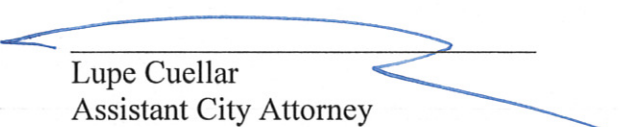
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Mathew McElroy, Deputy Director
Planning & Economic Dev. Department
Planning Division

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of _____, 2012,
by Joyce Wilson, 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:
Mary Stillinger and Enriqueta Godinez
4911 Alameda
El Paso, Texas 79905

Being a portion of Farrell Drive
 Out of Richard Lee Subdivision
 City of El Paso, El Paso County, Texas
 September 8, 2011
 (Parcel 1)

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



Job # 411-50

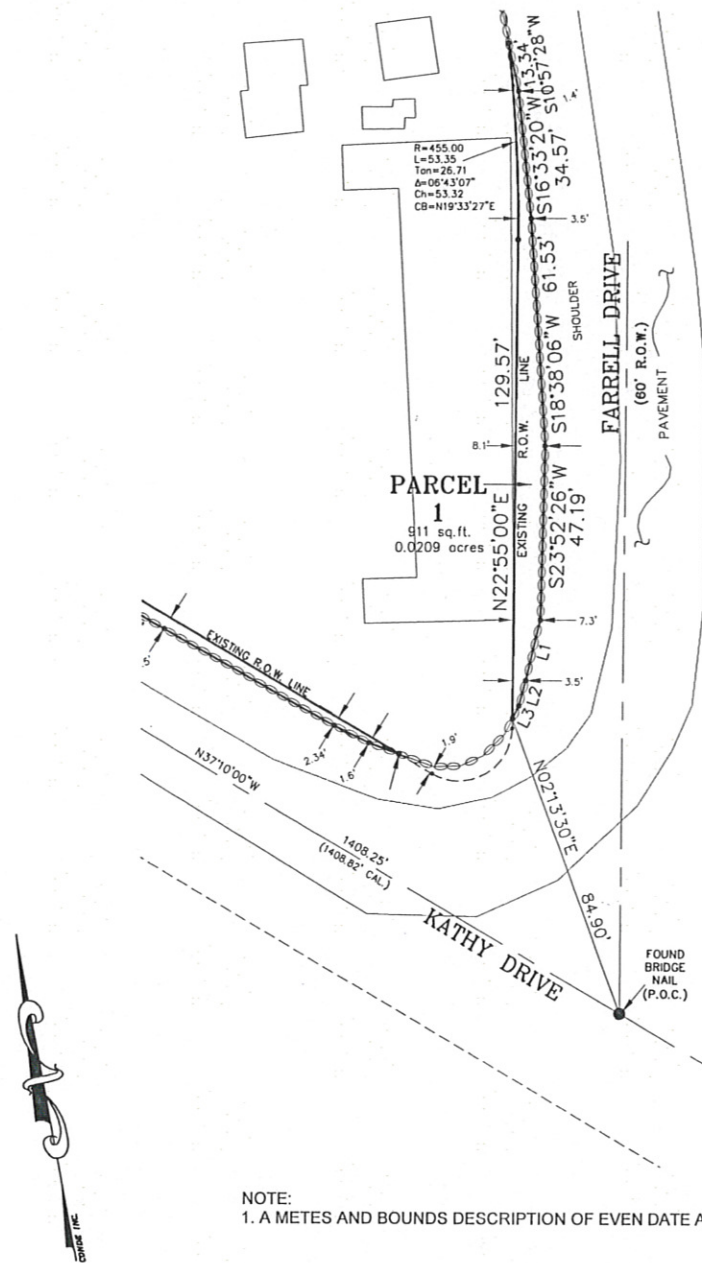
CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING

6080 SURETY DR., SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283 FAX 592-0286

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EXHIBIT "B"



SCALE: 1" = 40'

[Signature]

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

JOB # 411-50 DATE: SEPTEMBER 08, 2010 FIELD: D.G. OFFICE: F.R.

RECORDED IN VOLUME 2, PAGE 47, PLAT RECORDS OF EL PASO COUNTY, TEXAS

BEING A PORTION OF FARRELL 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: C:\SU\9\191008

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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: SURW11-00007 Farrell Drive Street Vacation

The City Plan Commission (CPC), on December 15, 2011, **voted 4-0 with one abstention** to recommend **approval** of the Farrell 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: SURW11-00007 Farrell 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
Location: East of Americas Avenue and North of Alameda Avenue
Legal Description Acreage: 0.02-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 Farrell Drive and is located within the Richard Lee Subdivision. This portion of the right-of-way is being vacated due to encroachment of, at the widest, approximately eight 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 Farrell 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 12-inch diameter water main extending along Farrell 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 12-inch diameter sanitary sewer main extending along Farrell Drive that is available for service. The alignment of the sewer main varies between the northeast and southeast property lines.

PSB - Stormwater

No comments received.

Parks and Recreation Department

We have reviewed **Farrell 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.

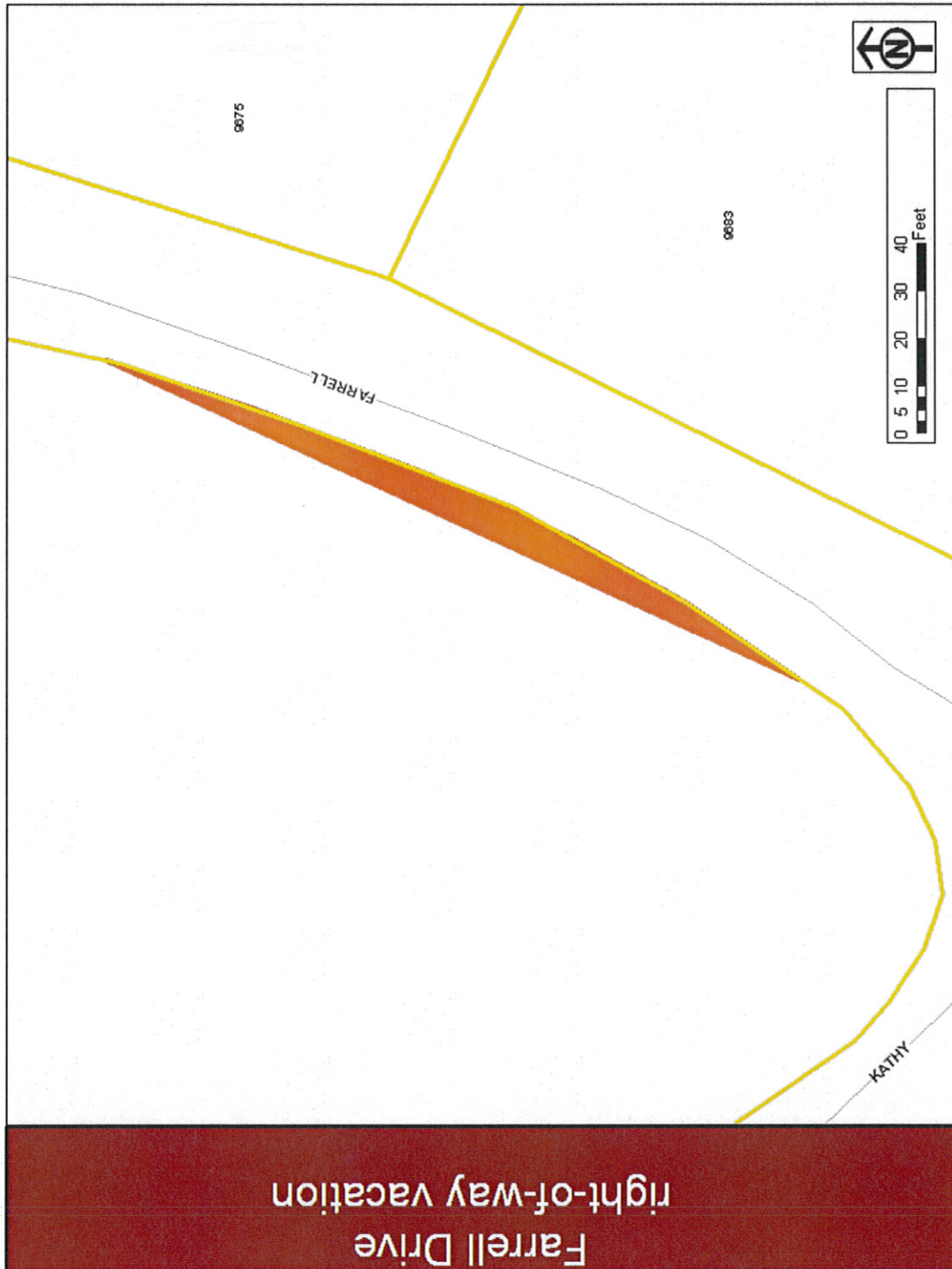
Ysleta Independent School District

No comments received.

Attachments

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

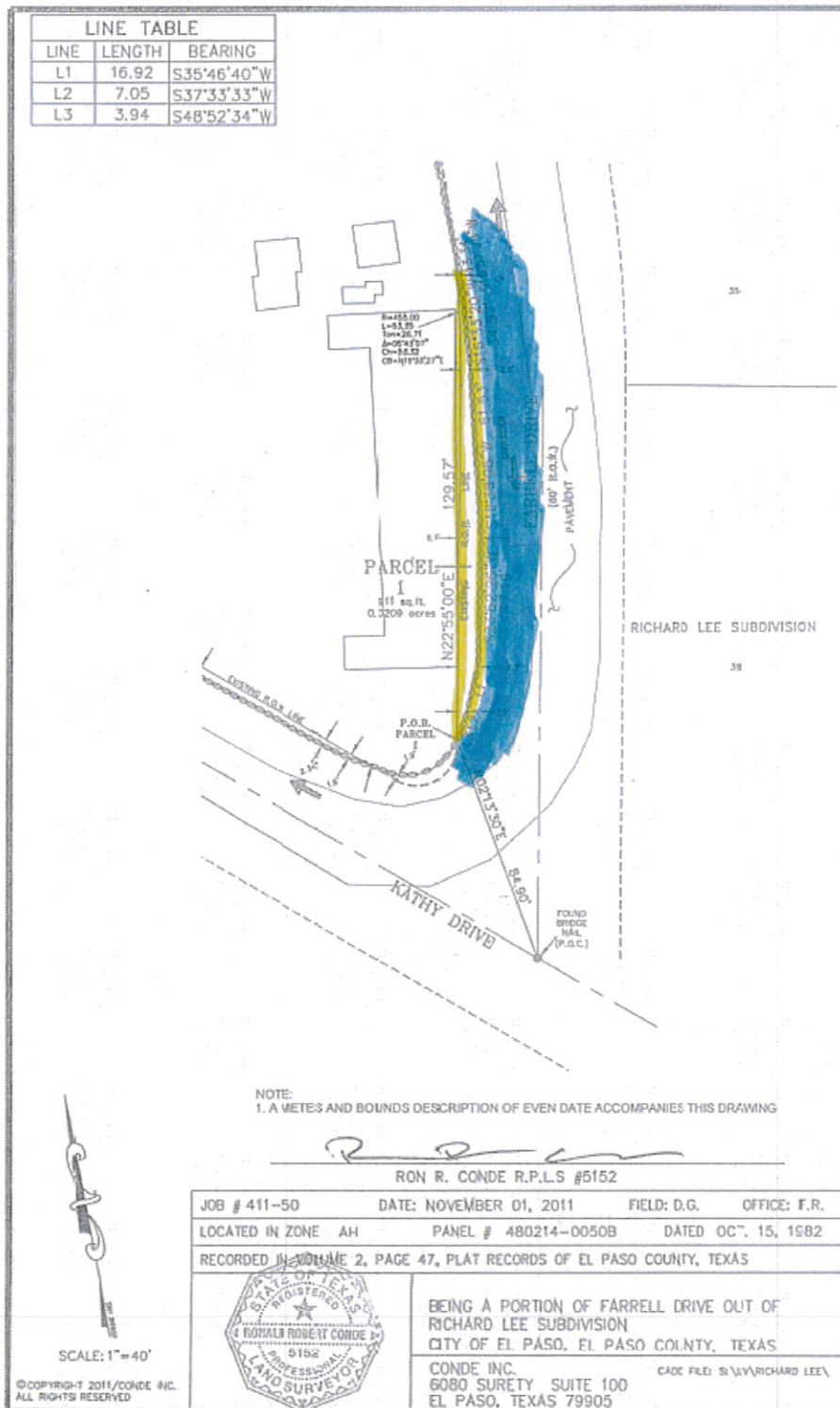
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



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

Date: 9/20/11

File No. SURW11-00007

1. APPLICANTS NAME Mary Stillinger & Enriqueta Godínez
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) Farrell Drive Subdivision Name Richard Lee Subdivision
Abutting Blocks _____ Abutting Lots _____
3. Reason for vacation request: to allow for a maximum 8' Rockwall encroachment into ROW
4. Surface Improvements located in subject property to be vacated: Rockwall
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>Enriqueta Godínez</u>	<u>Being a Portion of</u>	<u>775-0705</u>
<u>[Signature]</u>	<u>Farrell 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: [Signature]

REPRESENTATIVE: [Signature]

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
5th Floor, City Hall
2 Civic Center Plaza
El Paso, Texas 79901

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

2nd 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