

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

DEPARTMENT: Planning & Inspections Department, Planning Division

AGENDA DATE: Introduction: 5/31/2016
Public Hearing: 6/14/2016

CONTACT PERSON: Larry F. Nichols, (915) 212-1550, NicholsLF@elpasotexas.gov
Joaquin Rodriguez, (915) 212-1604, rodriguezjx3@elpasotexas.gov

DISTRICT(S) AFFECTED: District 5

SUBJECT:

An Ordinance vacating a .0029 acre public utility easement legally described as a portion of Lot 14, Block 389, Tierra del Este Unit Sixty Nine, City of El Paso, El Paso County, Texas (District 5).
Subject Property: East of Zaragoza South of Edgemere.
Property Owner: Juan Garcia
SUET16-00001

BACKGROUND / DISCUSSION:

See attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

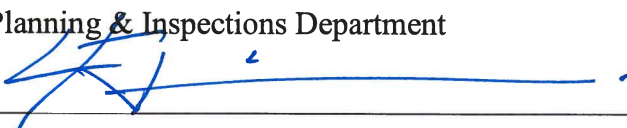
Development Coordinating Committee (DCC) recommends approval
City Plan Commission (CPC) unanimously recommended approval on April 21, 2016.

*****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 VACATING A .0029 ACRE PUBLIC UTILITY EASEMENT,
LEGALLY DESCRIBED AS BEING A PORTION OF LOT 14, BLOCK 389, TIERRA
DEL ESTE UNIT SIXTY NINE, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

WHEREAS, the property owner of Lot 14, Block 389, Tierra del Este Unit Sixty Nine, City of El Paso, El Paso County, Texas, has requested vacation of a .0029 acre portion of public utility easement legally described as a portion of Lot 14, Block 389, Tierra del Este Unit Sixty Nine, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Lot 14, Block 389, Tierra del Este Unit Sixty Nine, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of drainage easement 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 Lot 14, Block 389, Tierra del Este Unit Sixty Nine, 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 "B" and made a part hereof by reference, is not needed for public use and is 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 **Juan Garcia and Raquel Garcia**.

PASSED AND APPROVED this _____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leaser
Mayor

(Signatures continued on following page)

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Larry Nichols, Director
Planning & Inspections Department

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

(Quitclaim Deed on following page)

ORDINANCE NO. _____
16-1007-1698/534520
SUET16-00001 – Longshadow Easement Vacation
OAR

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.

STATE OF TEXAS)
)
COUNTY OF EL PASO) **QUITCLAIM DEED**

)
) **KNOW ALL MEN BY THESE PRESENTS:**

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 Juan Garcia and Raquel Garcia 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 portion of Lot 14, Block 389, Tierra del Este Unit Sixty Nine, City of El Paso, El Paso County, Texas, more fully described in the attached metes and bounds description and survey identified as Exhibit "B" 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 CONTENT:

APPROVED AS TO FORM:



Larry Nichols, Director
Planning & Inspections Department



Omar De La Rosa,
Assistant City Attorney

(Acknowledgement on following page)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this ____ day of _____, 2016,
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:

Juan Garcia and Raquel Garcia
14504 Long Shadow Ave.
El Paso TX, 79938

With copy to:

Planning & Inspections Department
Planning Division
PO Box 1890
El Paso, TX 79950-1890

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350
CalderonEngineering@elpbizclass.com

December 11, 2015

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 14, Block 389, Tierra Del Este Unit Sixty Nine, City of El Paso, El Paso County, Texas, as filed and recorded in Clerk's File No. 20130055399, Deed Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a city monument marking the centerlines intersection of Long Shadow Avenue and Woodhead Place in Block 389, Tierra Del Este Unit Sixty Nine;

Thence South 00°35'06" East, along the centerline of Woodhead Place, a distance of 94.24 feet to a set concrete nail; Thence North 89°24'54" East, a distance of 27.00 feet to a building corner marking the "Point of Beginning";

Thence North 89°24'54" East, along the outside face of a building wall, a distance of 7.00 feet to a building wall;

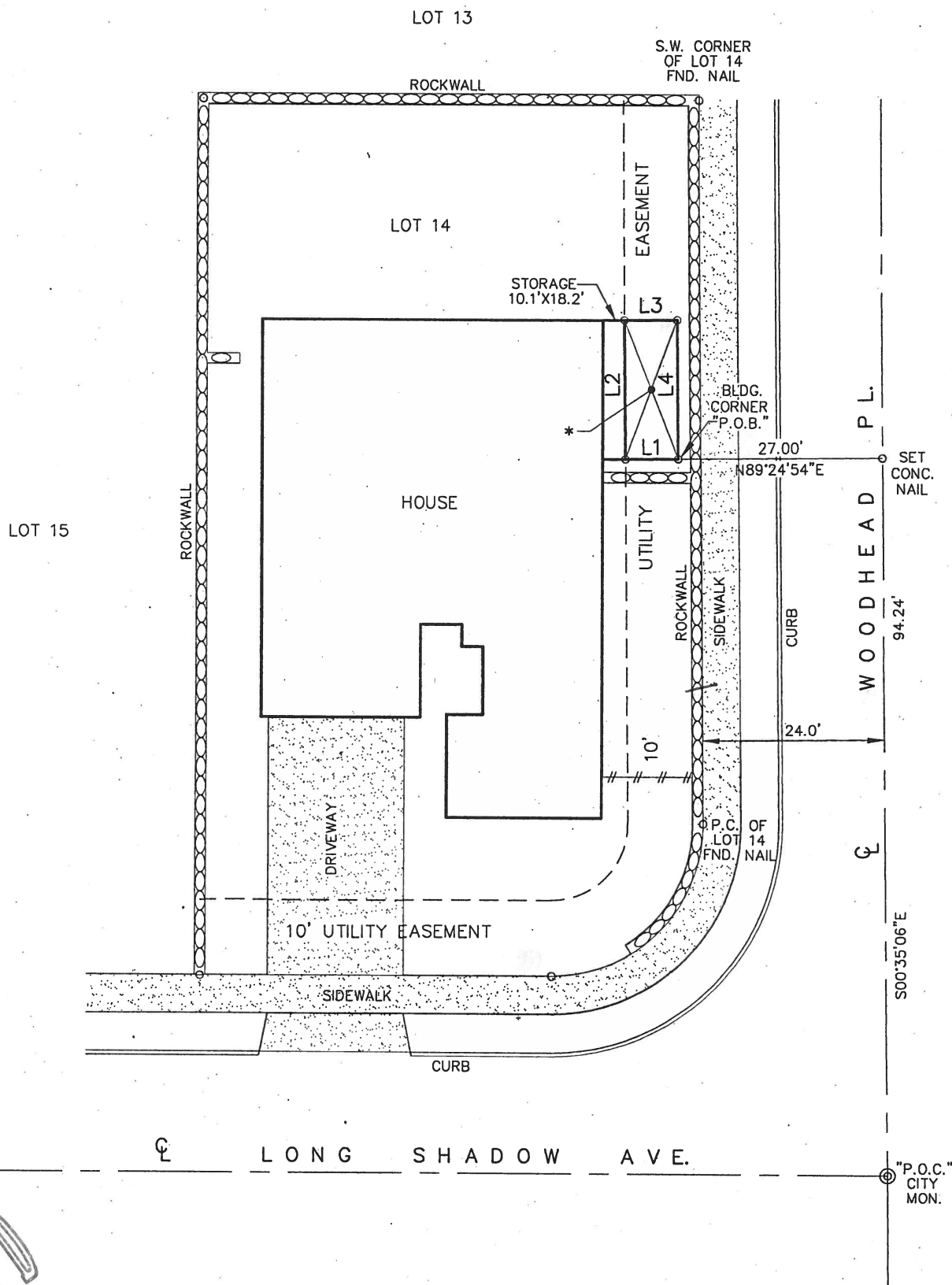
Thence South 00°35'06" East, along the East boundary of a ten foot Utility Easement in Lot 14, Block 389, Tierra Del Este Unit Sixty Nine, a distance of 18.20 feet to a building wall;

Thence South 89°24'54" West, along the outside face of a building wall, a distance of 7.00 feet to a building corner;

Thence North 00°35'06" West, along the outside face of a building wall, a distance of 18.20 feet to the "Point of Beginning", and containing in all 127.40 square feet or 0.0029 acres of land more or less. A plat of survey dated December 11, 2015 is a part of this description and is attached hereto.

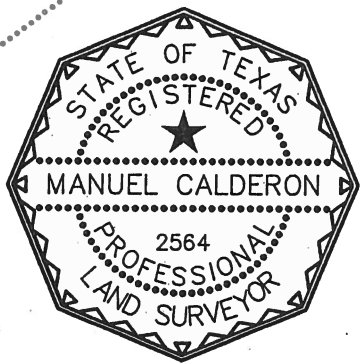


Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering
Texas Registered Engineering Firm No. F-3788
Texas Licensed Surveying Firm No. 100200-00



LINE	BEARING	DISTANCE
L1	N89°24'54"E	7.00'
L2	S00°35'06"E	18.20'
L3	S89°24'54"W	7.00'
L4	N00°35'06"W	18.20'

* NOTE: BEING THE PORTION DESCRIBED BY METES AND BOUNDS WITHIN THESE LIMITS



CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Manuel Calderon

Manuel Calderon

Registered Professional Land Surveyor No. 2564

TEXAS SURVEYING FIRM REG. NO. 100200-00

TEXAS REGISTERED ENGINEERING FIRM No. F-3788

E-Mail: Calderonengineering@elpbizclass.com

FILE No: 20130055399 Job No. 1215-41

14504 LONG SHADOW AVE.,
BEING A PORTION OF LOT 14, BLOCK 389,
TIERRA DEL ESTE UNIT SIXTY NINE, CITY OF EL
PASO, EL PASO COUNTY, TEXAS, BEING MORE
PARTICULARLY DESCRIBED BY METES AND
BOUNDS ATTACHED HERETO

Field JN Office AM-C6 Date 12/11/15 Scale 1"=20'

CALDERON ENGINEERING

3031 TRAWOOD DR.

EL PASO, TEXAS 79936 (915) 855-7552

E-Mail: CalderonEngineering@elpbizclass.com

MEMORANDUM

DATE: May 9, 2016

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

FROM: Larry F. Nichols, Director - Planning & Inspections
Joaquin Rodriguez, Planner

SUBJECT: SUET16-00001

The City Plan Commission (CPC), on April 21, 2016 voted to approve the Long Shadow Easement Vacation.

The CPC determined that 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.

Applicant: Juan Garcia

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: SUET16-00001 Longshadow Easement Vacation
Application Type: Public Easement Vacation
CPC Hearing Date: April 21, 2016
Staff Planner: Joaquin Rodriguez, (915) 212-1608
rodriguezjx3@elpasotexas.gov
Location: East of Zaragoza and South of Edgemere
Acreage: .0029 acres
Rep District: 5
Existing Use: Utility easement
Existing Zoning: R-5 (Residential)
Proposed Zoning: R-5 (Residential)
Nearest Park: Tierra del Este Linear Park (400 ft)
Nearest School: Pebble Hills Elementary (.48 Miles)
Park Fees Required: N/A
Impact Fee Area: N/A
Property Owner: Juan Garcia
Applicant: Juan Garcia
Representative: Calderon Engineering

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential)/ Single family homes
South: R-5 (Residential)/ Single family homes
East: R-5 (Residential)/ Single family homes
West: R-5 (Residential)/ Single family homes

PLAN EL PASO DESIGNATION: G4, Suburban Walkable

APPLICATION DESCRIPTION

The applicant proposes to vacate a .0029 acre portion of an unused public utility easement. The vacation is proposed to permit the completion of a residential addition and setback reduction being sought in an associated zoning case, PZST16-00038.

DEVELOPMENT COORDINATING COMMITTEE

The development coordinating committee recommends approval of the vacation request.

Planning Division Recommendation

Planning recommends approval of the vacation request.

No reviewing departments have voiced opposition to this request, additionally there are no existing utilities within the portion of easement to be vacated.

Planning and Inspections Department - Land Development

We have reviewed subject plats and recommend Approval.

Capital Improvement Program - Parks

No comments received.

El Paso Water Utilities

EPWU's planning and development section does not object to this request. EPWU does not own nor operate water and/or sanitary sewer mains within the easement proposed to be vacated.

Water:

1. There is an existing 8-inch diameter water main extending along the north side of Long Shadow Avenue, approximately 18-ft south of and parallel to the northern right-of-way line of Long Shadow Avenue. This water main is available for service.
2. There is an existing 8-inch diameter water main extending along the east side of Woodhead Place, approximately 16-feet west of and parallel to the eastern right-of-way line of Woodhead Place. This water main is available for service.
3. EPWU records indicate there is one (1) active 3/4"-inch water meter serving the subject property from the 8-inch water main on Long Shadow Avenue. The service address for the water meter is 14504 Long Shadow Avenue.
4. EPWU records indicate there is one (1) Fire Hydrant at the east side of Woodhead Place, approx. 85-feet south of Long Shadow Avenue. The Fire Hydrant address is 14504 Long Shadow Ave.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Long Shadow Avenue, approximately 21-feet north of and parallel to the southern right-of-way line of Long Shadow Avenue. This sewer main is available for service.
6. There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Woodhead Place, approximately 19-feet east of and parallel to the western right-of-way line of Northwestern Drive. This sanitary sewer main is available for service.
7. EPWU records indicate there is one (1) existing sanitary sewer service at subject property from the 8-inch sanitary sewer main on Long Shadow Avenue. The service address for the sanitary sewer service is 14504 Long Shadow Avenue.

General:

EPWU requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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 EPWU – 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.

Streets and Maintenance Department

No comments received

Sun Metro

No Objections

El Paso County 911 District

No comments received.

El Paso Fire Department

Recommends Approval.

Time Warner Cable

No objections.

El Paso Electric Company

No objections

Texas Gas Company

TGS offers no objection to the easement vacation located under the structure depicted on the metes and bounds. If you require further information in regards to the location of our facilities please let us know.

Attachments

1. Location map
2. Aerial map
3. Survey
4. Metes & Bounds
5. Application

ATTACHMENT 1

14504 Long Shadow Easement Vacation

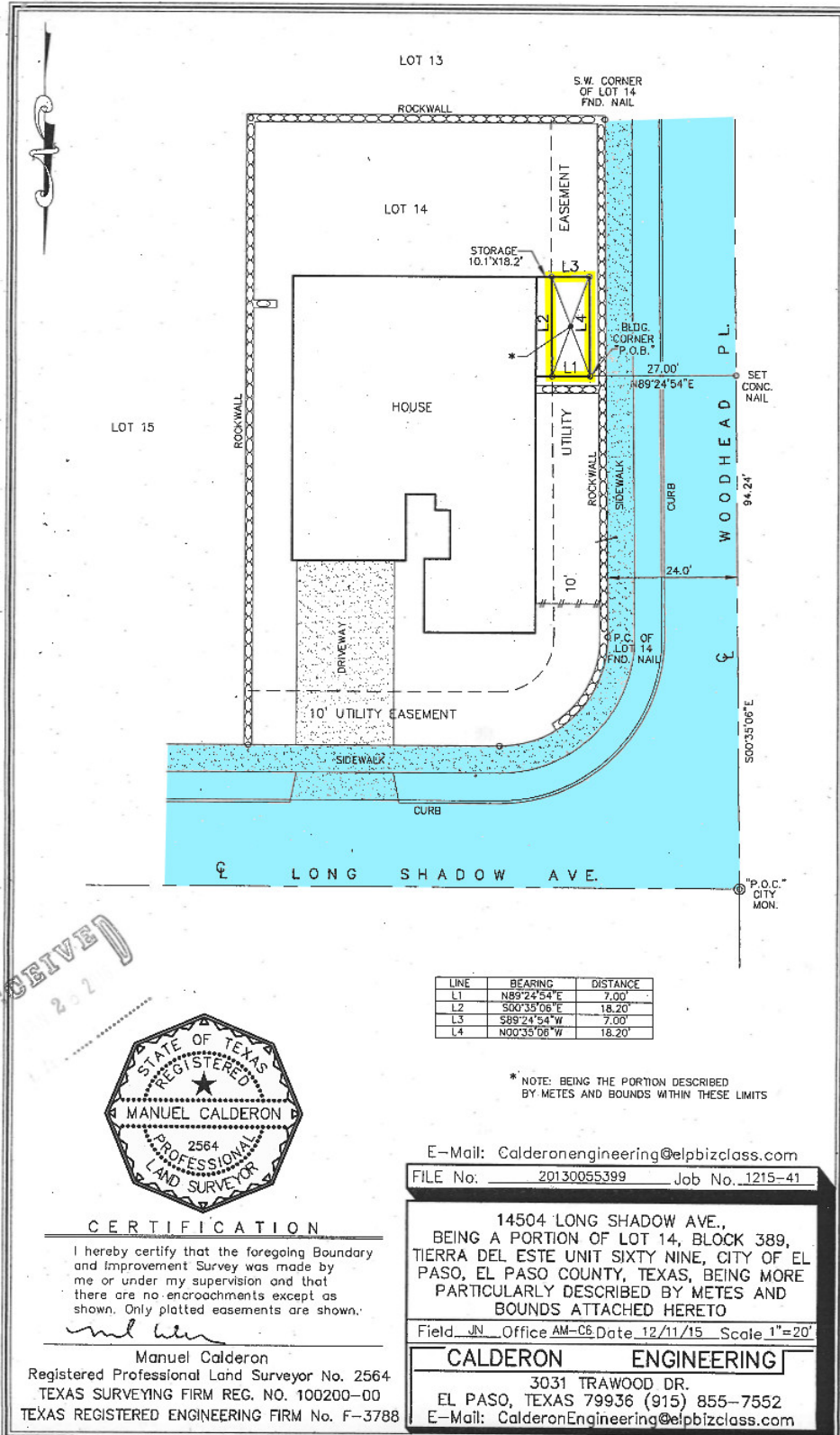


ATTACHMENT 2

14504 Long Shadow Easement Vacation



ATTACHMENT 3



ATTACHMENT 4

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350
CalderonEngineering@elpbizclass.com

December 11, 2015

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Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering
Texas Registered Engineering Firm No. F-3788
Texas Licensed Surveying Firm No. 100200-00

MVC3
14504 Long Shadow

ATTACHMENT 5



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

Date: 1/26/2016

File No. SUET16-00001

1. APPLICANTS NAME Juan P. Garcia
ADDRESS 14504 Long Shadow Ave ZIP CODE 79938 TELEPHONE 915-373-8165
2. Request is hereby made to vacate the following: (check one)
Street ☐ Alley ☐ Easement ☒ Other ☐
Street Name(s) Long Shadow/Woodhead Subdivision Name tdc # 69
Abutting Blocks 389 Abutting Lots 14
3. Reason for vacation request: building addition
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>Lot 14, block 389, tdc 69</u>	<u>915 373-8165</u>
	<u>El Paso, El Paso County, Texas</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:

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
- **CPC Vote:** Unanimous approval

Strategic Goal #3 – Promote the Visual Image of El Paso
3.2 Improve the visual image of El Paso.



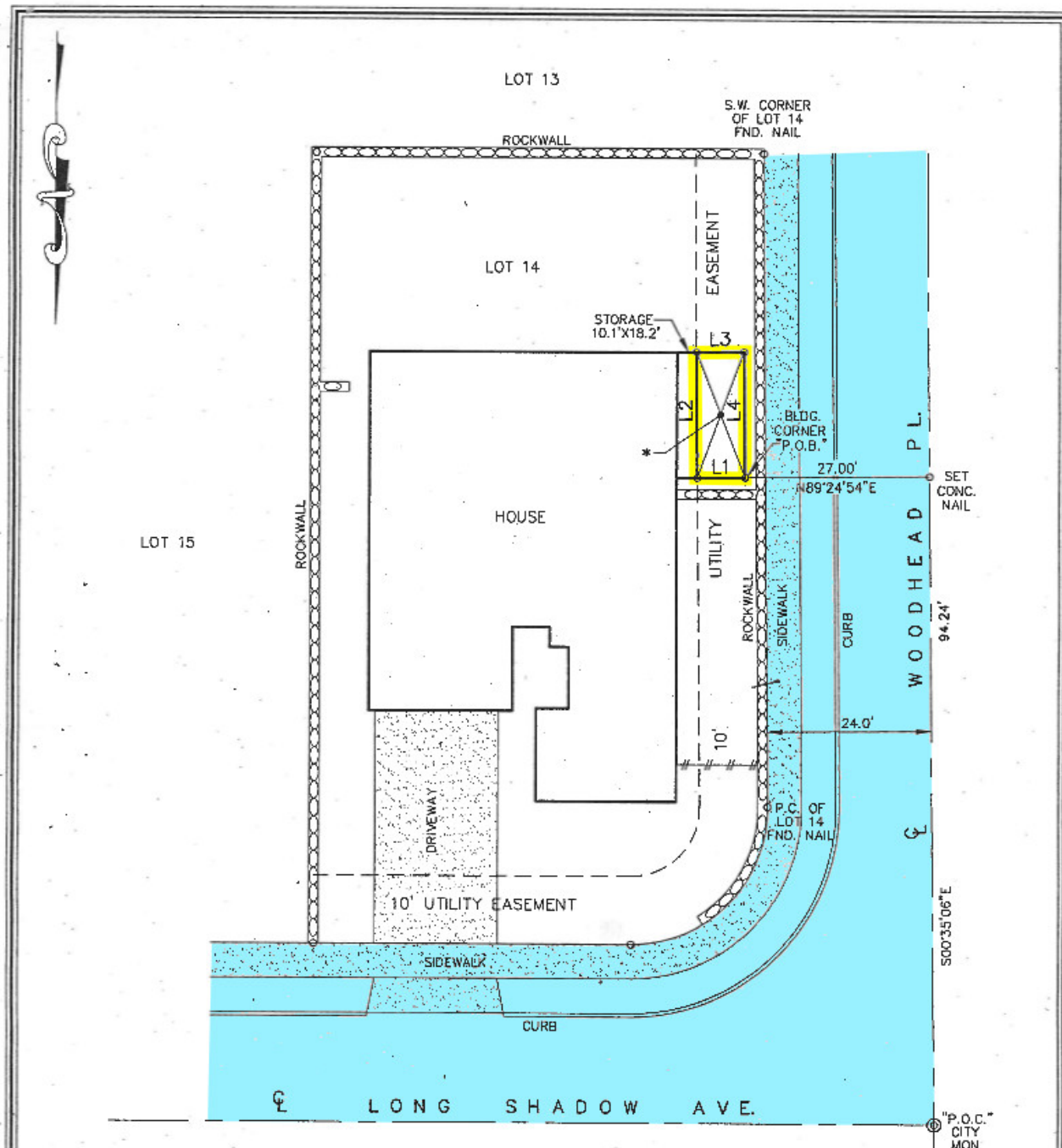
14504 Long Shadow Easement Vacation





14504 Long Shadow Easement Vacation







- Reason for vacation is for residential addition.
- No objections from any utilities.
- Planning recommends approval.



Eastridge Unit 4 Replat A

