

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

**DEPARTMENT:** City Development Department

**AGENDA DATE:** Introduction: 06/17/14  
Public Hearing: 06/24/14

**CONTACT PERSON/PHONE:** Kimberly Forsyth, (915) 541-4668, [forsythkl@elpasotexas.gov](mailto:forsythkl@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** District 1

**SUBJECT:**

An Ordinance vacating a portion of Virginia Street Right-of-Way, adjacent to Blocks 70 and 71, Alexander Addition, City of El Paso, El Paso County, Texas (District 1).

**BACKGROUND / DISCUSSION:**

See attached. A related ordinance and ground lease between the City of El Paso and El Paso Independent School District describe the consideration for the vacation.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

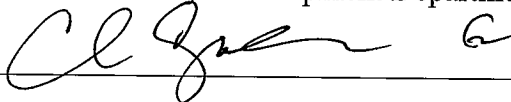
Development Coordinating Committee (DCC) recommends approval  
City Plan Commission (CPC) unanimously recommended approval on August 9, 2012

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Director - City Development Department



**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE VACATING A PORTION OF VIRGINIA STREET RIGHT-OF-WAY, ADJACENT TO BLOCKS 70 AND 71, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of a portion of Right of Way being a portion of Blocks 70 and 71, Alexander Addition, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of Virginia Street Right-of-Way, adjacent to Blocks 70 and 71, Alexander Addition, 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;

**WHEREAS**, the consideration for this vacation, (and a related lease of City property by separate instrument) the adjacent property owner/fee owner of the easterly half of the vacated property will lease to City a property adjacent to Wainwright Elementary School in the Northeast to allow for the construction of park and recreational uses.

**WHEREAS**, City Plan Commission has recommended the vacation, and the El Paso City Council finds that said right-of-way is not needed for public use by the City and should be vacated as recommended; and,

**WHEREAS**, Texas Local Government Code Section 272.001(b)-(j) allows the city to sell or convey land to an abutting property owner owning the underlying fee simple of the land being sold or conveyed for less than the fair market value of the land; and,

**WHEREAS**, the City Council wishes to use the provisions of Chapter 272.001(b)-(j) to convey one half of the vacated street to the El Paso Independent School District; and,

**WHEREAS**, the El Paso Independent School District is the abutting property owner on one side of the street being vacated and owns the underlying fee simple to that half of the street being vacated;

**WHEREAS**, in exchange for conveying the property for less than fair market value, the El Paso Independent School District will enter into a lease agreement with the City for a term of ninety nine years which will allow the City to use those existing and new facilities identified in the agreement under the terms and provisions contained in the agreement; and,

**WHEREAS**, the City Council determines that the terms and provisions contained in the lease agreement between the City and the El Paso Independent School District is adequate consideration for conveying the land for less than fair market value;

**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 Virginia Street Right-of-Way, adjacent to Blocks 70 and 71, Alexander 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.

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 the easterly half of the vacated property depicted as Parcel 1 in the attached survey identified as Exhibit "B" to the El Paso Independent School District provided that as consideration for the street vacation and related quit claim deed, the El Paso Independent School District will enter into a lease agreement with the City to allow it to construct park and recreational uses.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

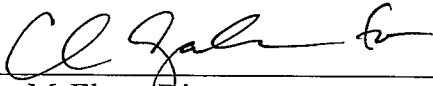
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

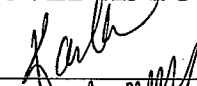
**ATTEST:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mathew McElroy, Director  
City Development Department

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Niemann  
Assistant City Attorney

*(Quitclaim Deed on following page)*

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

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**Notice of Confidentiality Rights: If you are a natural person, you may remove and/or strike any of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.**

### **QUITCLAIM DEED**

STATE OF TEXAS                    )

COUNTY OF EL PASO                )

**KNOW ALL MEN BY THESE PRESENTS:**

The City of El Paso ("Grantor"), for adequate consideration to Grantor in hand paid and agreed to be performed by El Paso Independent School District ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto El Paso Independent School District certain "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 Virginia Street Right-of-Way, adjacent to Blocks 70 and 71, Alexander Addition, City of El Paso situated in the County of El Paso, State of Texas, more fully described in the attached metes and bounds description, identified as Exhibit "A," and in the attached survey identified as Exhibit "B" and incorporated herein for any and all purposes.

This conveyance is subject to the following (all references to recorded instruments pertain to the Real Property Records of El Paso County, Texas):

1. Restrictive covenants of Public Record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Any existing utility easements including easements for the overhang of service wires, conduits and pipes for underground utilities.
4. Mineral reservations and/or mineral interests as set out in the Public Records.
5. Any and all unrecorded agreements, contracts and leases, and rights of parties therein.
6. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed or not.
7. Rights of parties in possession.

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in any way belonging unto Grantee, Grantee's successors and assigns

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

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forever. This conveyance is made without any warranties, express or implied, and the Property is conveyed to Grantee in an "AS IS" condition, with all faults.

AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED, GRANTEE AGREES THAT GRANTEE IS TAKING THE PROPERTY AS IS, WITH ALL FAULTS, AND AS PART OF GRANTEE'S ACCEPTANCE OF TITLE WITH ANY AND ALL LATENT AND PATENT DEFECTS, AND THAT THERE ARE NO WARRANTIES BY GRANTOR THAT THE PROPERTY HAS A PARTICULAR FINANCIAL VALUE OR IS FIT FOR ANY PARTICULAR PURPOSE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION, STATEMENT, OR OTHER ASSERTION WITH RESPECT TO THE PROPERTY CONDITION BUT IS RELYING ON GRANTEE'S EXAMINATION OF THE PROPERTY. GRANTEE TAKES THE PROPERTY WITH THE EXPRESS UNDERSTANDING AND STIPULATION THAT THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OF ANY KIND.

IN WITNESS WHEREOF, this instrument is executed on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:


CITY OF EL PASO

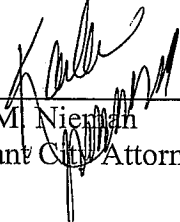
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

\_\_\_\_\_  
Sean P. McGlynn  
Interim City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mathew McElroy, Director  
City Development Department

  
\_\_\_\_\_  
Karla M. Nienhahn  
Assistant City Attorney

*(Acknowledgement on following page)*

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

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**ACKNOWLEDGEMENT**

STATE OF TEXAS

COUNTY OF EL PASO

Before me on this day personally appeared, Sean P. McGlynn, as Interim City Manager of the City of El Paso, a municipal corporation, subscribed to the foregoing instrument and acknowledged to me that she executed the instrument by proper authority, for the purposes and consideration expressed therein and in the capacity stated in the instrument.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

\_\_\_\_\_  
(Print or Stamp Name of Notary)

My commission expires: \_\_\_\_\_

**AFTER FILING RETURN TO:**

**El Paso Independent School District  
ATTN: Nicholas P. Corona, P.E.  
6531 Boeing  
El Paso, TX 79925**

**With copy to:**

**City Development Department  
Planning Division  
801 Texas  
El Paso, TX 79901**

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

#297107/14-1007-1076/Virginia Street Vacation  
KMN

2012 APR 18 AM 11:11

## DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

### Vacation of the West One-Half of Virginia Street between Rim Road (vacated) and Schuster Blvd.

#### Parcel 1

Metes and Bound description of the west one-half of Virginia Street between Rim Road (vacated) and Schuster Blvd., City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From an existing city monument located at the intersection of the monument line on Virginia Street and the centerline of Crosby Street; Thence North  $37^{\circ} 30' 00''$  West along the monument line of Virginia Street, a distance of three hundred sixty five and no hundredths (365.00) feet for a corner on a nail on the intersection of said monument line and the extended Northerly Right-of-Way line of Schuster Boulevard; Thence South  $52^{\circ} 30' 00''$  West along said extended Northerly Right-of-Way line of Schuster Boulevard, a distance of ten and no hundredths (10.00) feet to a corner on a rebar on the intersection of the Westerly Right-of-Way line of Schuster Boulevard and the centerline of Virginia Street, said corner being the Point of Beginning for this description;

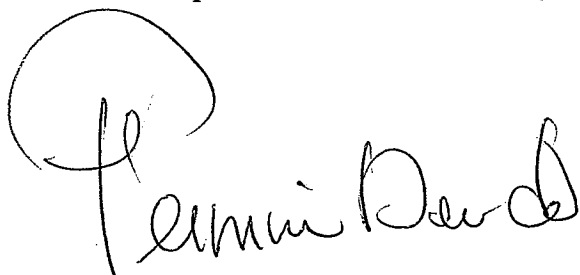
Thence South  $52^{\circ} 30' 00''$  West along the Northerly Right-of-Way line of Schuster Boulevard, a distance of thirty five and no hundredths (35.00) feet for a corner on the Westerly Right-of-Way line of Virginia Street and the Southeasterly corner of Block 71, Alexander Addition;

Thence North  $37^{\circ} 30' 00''$  East along the Easterly Right-of-Way line of Virginia Street a distance of two hundred sixty and no hundredths (260.00) feet to a rebar on the Northeasterly corner of Block 71, Alexander Addition;

Thence North  $52^{\circ} 30' 00''$  East along the Southerly Right-of-Way line of Rim Road (vacated), a distance of thirty five and no hundredths (35.00) feet for a corner on the Southerly Right-of-Way line of Rim Road (vacated) and the centerline of Virginia Street;

Thence South  $37^{\circ} 30' 00''$  East along the centerline of Virginia Street, a distance of two hundred sixty and no hundredths (260.00) feet to a corner on a rebar lying on the Northerly Right-of-Way line of Schuster Boulevard, said corner being the Point of Beginning for this description.

Said portion of land contains 18,200.00 square feet or 0.418 acres of land more or less.



Fermin Dorado, R.P.L.S.

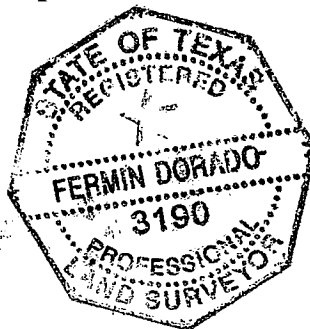


EXHIBIT A

April 17, 2012

2012 APR 18 AM 11:11

**DORADO ENGINEERING, INC.**  
2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

**Vacation of the East One-Half of Virginia Street  
between Rim Road (vacated) and Schuster Blvd.**

**Parcel 2**

Metes and Bound description of the East one-half of Virginia Street between Rim Road (vacated) and Schuster Blvd., City of El Paso, County of El Paso, Texas to be vacated and being more particularly described as follows;

From an existing city monument located at the intersection of the monument line on Virginia Street and the centerline of Crosby Street; Thence North  $37^{\circ} 30' 00''$  West along the monument line of Virginia Street, a distance of three hundred sixty five and no hundredths (365.00) feet for a corner on a nail on the intersection of said monument line and the extended Northerly Right-of-Way line of Schuster Boulevard, said corner being the Point of Beginning for this description;

Thence South  $52^{\circ} 30' 00''$  West along the Northerly Right-of-Way line of Schuster Boulevard, a distance of ten and no hundredths (10.00) feet to a corner on the centerline of Virginia Street;

Thence North  $37^{\circ} 30' 00''$  East along the centerline of Virginia Street a distance of two hundred sixty and no hundredths (260.00) feet to a rebar on the Southerly Right-of-Way line of Rim Road (vacated);

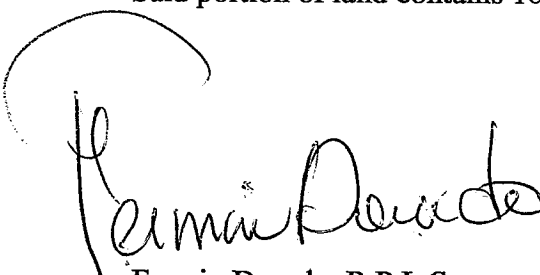
Thence North  $52^{\circ} 30' 00''$  East along the Southerly Right-of-Way line of Rim Road (vacated), a distance of thirty five and no hundredths (35.00) feet to the Northeasterly corner of Block 70, Alexander Addition;

Thence South  $37^{\circ} 30' 00''$  East along the Easterly Right-of-Way line of Virginia Street a distance of two hundred sixty and no hundredths (260.00) feet to a corner on a rebar lying on the Northerly Right-of-Way line of Schuster Boulevard,

Thence along the Northerly Right-of-Way line of Schuster Boulevard, a distance of twenty five and no hundredths (25.00) feet for a corner on the Northerly Right-of-Way line of Schuster Boulevard, said corner being the Point of Beginning for this description.

Said portion of land contains 18,200.00 square feet or 0.418 acres of land more or less.



  
Fermin Dorado, R.P.L.S.

April 17, 2012

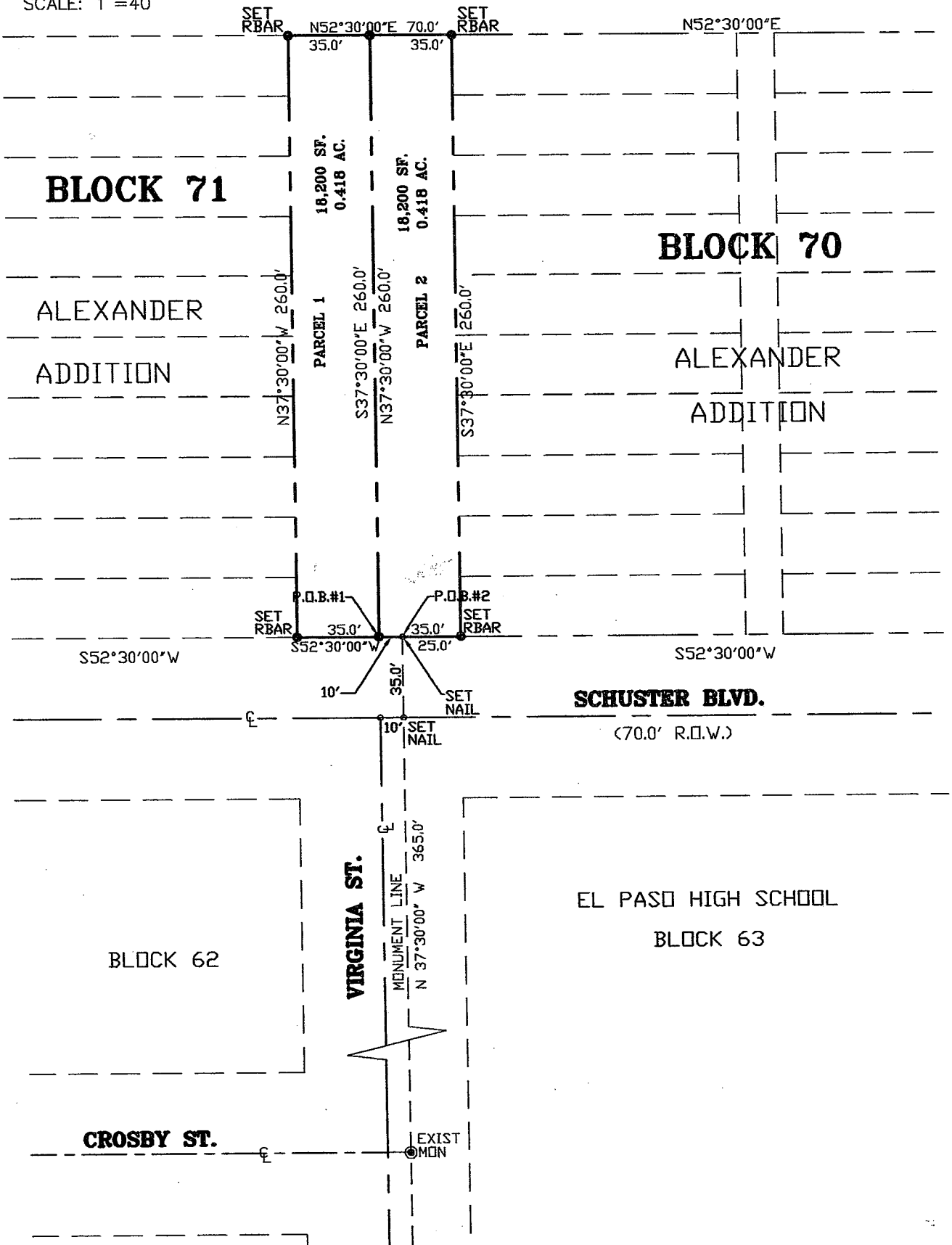




EXHIBIT B

RIM ROAD  
(VACATED)

SCALE: 1"=40'



S:\DRAWINGS\CITY\_ELP\EL PASO HIGH VIRGINIA ST VACATION.DWG

THIS IS TO CERTIFY THAT THIS PLAT  
REPRESENTS AN ACTUAL FIELD  
SURVEY PERFORMED BY ME OR  
UNDER MY SUPERVISION.



REGISTERED PUBLIC SURVEYOR

**PORTION OF VIRGINIA STREET TO BE VACATED  
BETWEEN RIM ROAD (VACATED) AND  
SCHUSTER BOULEVARD**  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

**DORADO**  
ENGINEERING, INC.

ENGINEERS SURVEYORS PLANNERS

2717 E. YANDELL, EL PASO, TEXAS 79903 (915)562-0002

DATE: 04/16/12
SCALE: 1" = 60'
DRAWN BY: FD
CHECKED BY: FD
FLOOD ZONE: C
PANEL NUMBER: 480214-0039B
DATED: 10/15/82
ZONING:
VOLUME:
PAGE:

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**City Development Department**

**DATE:** June 9, 2014

**TO:** The Honorable Mayor and City Council  
Sean P. McGlynn, Interim City Manager

**FROM:** Kimberly Forsyth, Lead Planner

**SUBJECT:** Virginia Street Right-of-Way Vacation

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This application was submitted jointly by the City of El Paso and the El Paso Independent School District, which are the abutting property owners. The vacated property will be used for a parking lot for El Paso High School. There is a related lease agreement between the EPISD and the City that describes the consideration for the vacation.

The City Plan Commission unanimously recommended approval of the proposed vacation at their meeting on Aug. 9, 2012. There was no public comment.

**Mayor**  
Oscar Leaser

**City Council**

*District 1*  
Ann Morgan Lilly

*District 2*  
Larry Romero

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

**Interim City Manager**  
Sean P. McGlynn

City Development Department  
222 S. Campbell | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0083

**EL PASO. IT'S ALL GOOD.**



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

**Case No:** SURW12-00013 Virginia Street Vacation  
**Application Type:** Right-of-Way Vacation  
**CPC Hearing Date:** August 9, 2012  
  
**Staff Planner:** Raul Garcia, 915-541-4935, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)  
**Location:** North of Schuster @ Virginia St.  
**Acreage:** 18,200 sq.ft.  
**Rep District:** 1  
  
**Existing Use:** ROW  
**Existing Zoning:** R-3 (Residential) and R-5 (Residential)  
  
**Property Owner:** City of El Paso  
**Applicant:** City of El Paso  
**Representative:** City of El Paso

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 NCO (Residential – Natural Conservancy Overlay)/ Vacant  
**South:** R-5 (Residential)/ Single-family Development and El Paso High School  
**East:** R-3 (Residential)/ El Paso High School  
**West:** R-5 (Residential)/ El Paso High School (parking lot)

**THE PLAN FOR EL PASO DESIGNATION:** G-2 Traditional Neighborhood (Walkable)

### **APPLICATION DESCRIPTION**

This is a city-initiated application to vacate a portion of Virginia Street between Schuster Street and a vacated portion of Rim Road. The ROW width to be vacated measures 70 feet in width by 260 feet in length (18,200 sq.ft.). The property will be vacated to the El Paso Independent School District (EPISD) and used as a parking lot for El Paso High School.

This vacation is part of a land lease agreement between the City of El Paso and EPISD. The vacation of the ROW will be used as consideration for the City's future lease or purchase of District property for the City's recreational and/or other municipal uses.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Virginia Street Vacation subject to the following conditions and requirements:

### **Planning Division Recommendation:**

Approval.

**City Development-Land Development:**

No objection.

**Planning - Transportation:**

No objections to the proposed street vacation.

**El Paso Water Utilities:**

The El Paso Water Utilities does not object to the proposed street vacation. There are no existing water mains or sanitary sewer mains within the portion of Virginia Street proposed to be vacated.

**Stormwater Division:**

No objections.

**Parks and Recreation:**

We have reviewed Virginia St., a Street R.O.W. Vacation boundary survey map and offer "No" objection to this proposed "Street R.O.W." vacation request.

**El Paso Fire Department:**

No comments received.

**El Paso Electric Company:**

No comments received.

**Sun Metro:**

No comments received.

**911**

No comments received.

**Texas Gas Company:**

No comments received.

**El Paso Independent School District:**

No comments received.

**Attachments**

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

ATTACHMENT 1

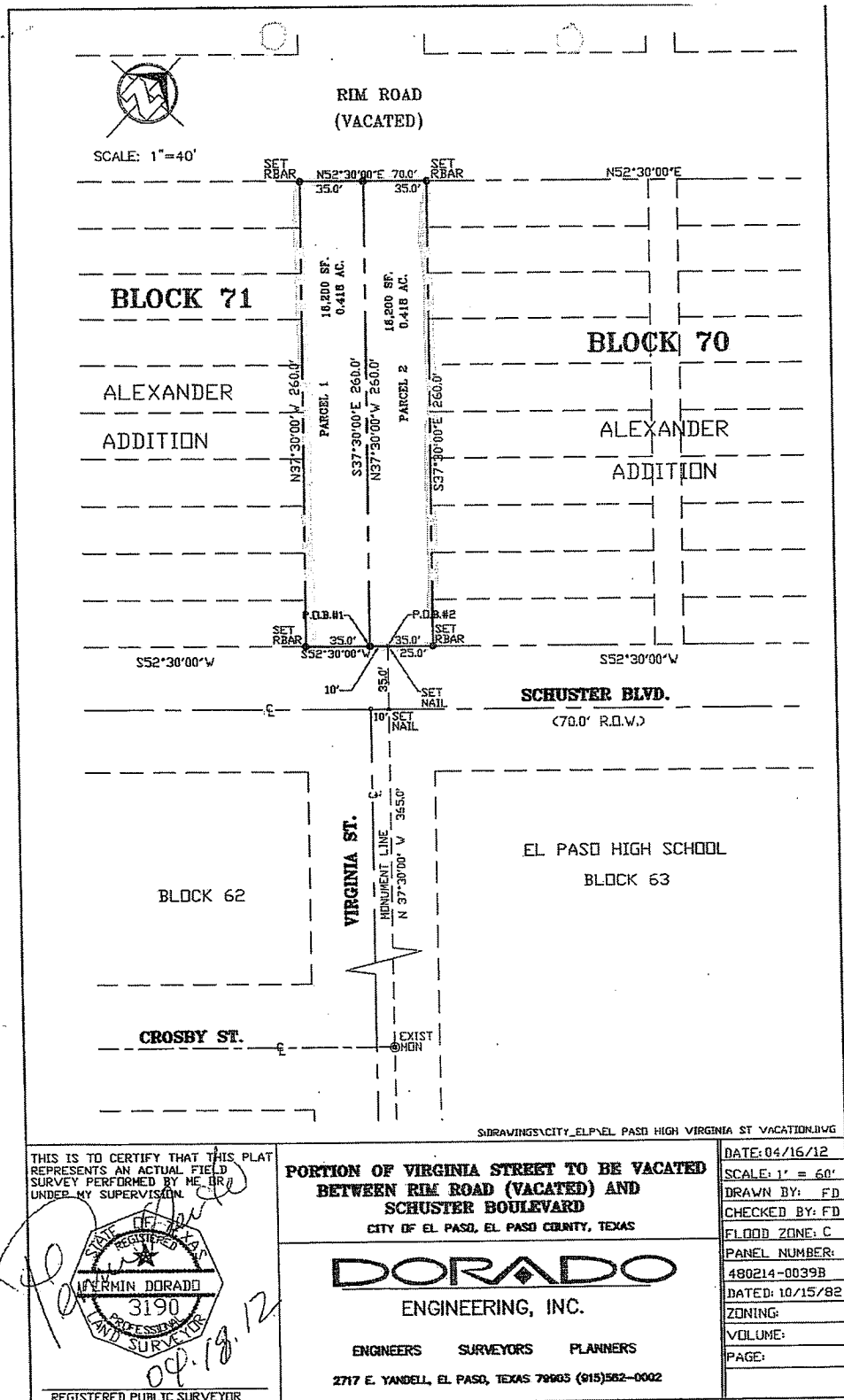


ATTACHMENT 2



VIRGINIA STREET VACATION

# ATTACHMENT 3



## ATTACHMENT 4



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

Date: 6/28/12

File No. SURW12-00013

1. APPLICANTS NAME City of El Paso  
ADDRESS 2 Civic Center Plaza ZIP CODE 79901 TELEPHONE 541-4599
2. Request is hereby made to vacate the following: (check one)  
Street ☒ Alley ☐ Easement ☐ Other ☐  
Street Name(s) Virginia Street Subdivision Name Alexander Addition  
Abutting Blocks 69,70,71 Abutting Lots All
3. Reason for vacation request: to incorporate into existing parking lot
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).

  
EL PASO INDEPENDENT SCH. DIST.

**Nicholas P. Corona, P.E., Exec. Dir.**  
**Facilities, Maintenance & Construction**

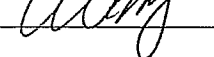
Legal Description	Telephone
Alexander Addition Block 71, lots 1-10	915-887-5421

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.

CASHER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE:   
REPRESENTATIVE: \_\_\_\_\_





## VIRGINIA STREET VACATION







# VIRGINIA STREET VACATION



