

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 7/21/15; Public Hearing 7/28/15
CONTACT PERSON/PHONE: Nelson Ortiz, 212-1606
DISTRICT(S) AFFECTED: District 8

SUBJECT:

An ordinance vacating a portion of Oregon Street and Mills Avenue right-of-ways, within Mills Addition, City of El Paso, El Paso County, Texas. Subject Property: South of San Jacinto Plaza; Applicant: Mills Plaza Promenade, LLC
SURW12-00020 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

On March 11, 2008, City Council directed staff to initiate a vacation of a portion of Mills Avenue in order to eliminate the vehicular interest. The City Council subsequently approved that vacation request on May 27, 2008.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

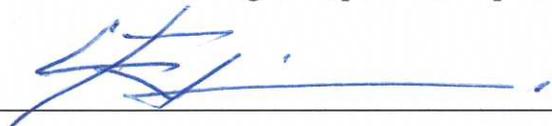
City Plan Commission (CPC) – The City Plan Commission unanimously approved the item on July 9, 2015.

*****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 PORTION OF OREGON STREET AND MILLS AVENUE RIGHT-OF-WAYS, WITHIN MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners of a portion of Block 17 has requested vacation of a parcel of land being a portion of Oregon Street and Mills Avenue right-of-ways, within Mills Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Oregon Street and Mills Avenue Right-of-Ways, adjacent to a portion of Block 17, Mills Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-ways 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 Oregon Street and Mills Avenue Right-of-Ways, adjacent to a portion of Block 17, Mills Addition, 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 be and is hereby vacated subject to the following conditions:

1. A pedestrian access and utility easement shall remain in place over a portion of the proposed vacation as identified in Exhibit "B".
2. That all areas reserved as pedestrian access easements shall provide accessibility as allowed by current conditions of the street, curbs, sidewalks, and natural terrain and shall comply with Federal and State law, and that any modifications to pull-in bays (drop-off zones) shall accommodate emergency vehicles.

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, incorporating the above conditions, to **Mills Acquisition Company, LP and Mills Plaza Properties III, LP**.

ADOPTED this _____ day of _____, 2015.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ORDINANCE NO. _____

SURW12-00020

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

ORDINANCE NO. _____

SURW12-00020

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:

CITY CLERK DEPT
2015 JUL 20 PM 5:39

The City of El Paso ("Grantor"), in exchange for \$10.00 and other good and adequate consideration to Grantor in hand paid and agreed to be performed by Mills Acquisition Company, LP and Mills Plaza Properties III, LP ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto Mills Acquisition Company, LP and Mills Plaza Properties III, LP certain Property interest, 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 Oregon Street and Mills Avenue Right-of-Ways, within Mills 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 and survey, identified as Exhibit "A," 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. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
2. Any and all unrecorded agreements, contracts and leases, and rights of parties therein.
3. 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.
4. Rights of parties in possession.
5. A pedestrian access and utility easement shall remain in place over a portion of the proposed vacation as identified in Exhibit "B".

ORDINANCE NO. _____

SURW12-00020

6. That all areas reserved as pedestrian access easements shall comply with ADA requirements as allowed by current conditions of the street, curbs, sidewalks, and natural terrain as required by Federal and State law, and that any modifications to pull-in bays (drop-off zones) shall accommodate emergency vehicles.

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 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 _____, 2015.

CITY OF EL PASO

Tomás González
City Manager

ATTEST:

Richarda Duffy Momsen
City Clerk

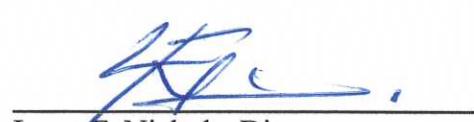
ORDINANCE NO. _____

SURW12-00020

APPROVED AS TO FORM:


Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:


Larry F. Nichols, Director
Planning & Inspections Department

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

Before me on this day personally appeared Tomás González, as 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 _____, 2015.

NOTARY PUBLIC, STATE OF TEXAS

(Print or Stamp Name of Notary)
My commission expires: _____

AFTER FILING RETURN TO:

**Mills Plaza Promenade, LLC
123 W. Mills Avenue, Ste. 600
El Paso, TX 79901**

With copy to:

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

ORDINANCE NO. _____

SURW12-00020



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

EXHIBIT A

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

SERGIO J. ADAME, P.E.
Vice President - Engineering

AARON ALVARADO, R.P.L.S.
Vice President - Surveying

ISAAC CAMACHO, R.P.L.S.
Survey Manager

TBPE Reg. No. F-737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION
MILLS-OREGON R.O.W. VACATION

A 0.3491 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Mills Avenue and Oregon Street rights-of-way located within Mills Addition according to the map prepared by City of El Paso Engineering Department and filed for record on May, 11, 1911, Deed Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a City Monument found at the monument line intersection of Mills Avenue (70.00 feet wide) and Oregon Street (70.00 feet wide), said monument line intersection located 10.00 feet south and 10.00 feet east of the centerline intersection of Mills Avenue and Oregon Street; **WHENCE**, a City Monument found at the easterly monument line intersection of Mills Avenue and Kansas Street (70.00 feet wide), said monument line intersection located at 10.00 feet south and 10.00 feet west of the easterly centerline intersection of Mills Avenue and Kansas Street, bears South 52°23'00" East, a distance of 935.00 feet (934.85 feet ~ measured); **THENCE**, leaving the monument line of Mills Avenue and Oregon Street, North 69°55'23" West, a distance of 85.69 feet, to a chiseled "X" set on concrete for the beginning of a non-tangent curve to the right and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the arc of said non-tangent curve to the right having a radius of 32.00 feet, a central angle of 87°46'15", an arc length of 49.02 feet and whose long chord bears South 10°18'52" East, a distance of 44.37 feet to a chiseled "X" set on concrete for a point of tangency;

THENCE, South 33°34'15" West, a distance of 181.93 feet to a chiseled "X" set on concrete for an angle point of the parcel herein described;

THENCE, South 31°43'45" West, a distance of 120.50 feet to a chiseled "X" set on concrete for the most southerly point of the parcel herein described;

THENCE, North 58°22'10" West, a distance of 6.50 feet to a chiseled "X" set on concrete for an angle point of the parcel herein described;

THENCE, North 12°10'15" West, at a distance of 9.29 pass the northerly right-of-way line of San Francisco Avenue (right-of-way varies) and continuing along the westerly right-of-way line of Mills Avenue for a total distance of 88.79 feet to a chiseled "X" set on concrete on the northwesterly right-of-way line of Mills Avenue for the most westerly corner of the parcel herein described;

THENCE, leaving the westerly right-of-way line of Mills Avenue and following the northwesterly right-of-way line of Mills Avenue, North 75°08'00" East, a distance of 69.25 feet (65.55 feet~plat~Mills) to a chiseled "X" set on concrete for an angle point of the parcel herein described;

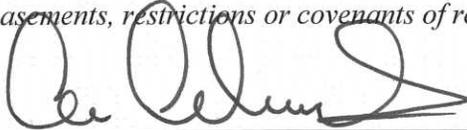
THENCE, continuing along the northwesterly right-of-way line of Mills Avenue, North 29°44'00" East, a distance of 164.41 feet (164.40 feet~plat~Mills) to a chiseled "X" set on concrete and on the southwesterly right-of-way line of Oregon Street (70 feet wide) for an angle point of the parcel herein described;

THENCE, leaving the northwesterly right-of-way line of Mills Avenue and following the southwesterly right-of-way line of Oregon Street, North 37°37'00" West, a distance of 139.38 feet to a point unable to set for the northwesterly corner of the parcel herein described;

THENCE, leaving the southwesterly right-of-way line of Oregon Street, North 52°23'00" East, a distance of 17.67 feet to a chiseled "X" set on concrete for the most northerly corner of the parcel herein described;

THENCE, South 54°12'00" East, a distance of 126.86 feet to the **POINT OF BEGINNING**.

Said Parcel contains 0.3491 acres (15,206.1 square feet), more or less, and being subject to any easements, restrictions or covenants of record.



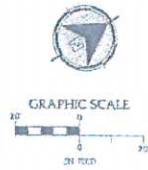
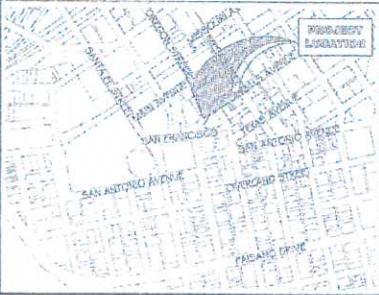
Aaron Alvarado, TX R.P.L.S., No. 6223

Date: June 11, 2014

06989-001-Mills Vac.doc



VICINITY MAP SCALE: 1"=600'



LINE	THICKNESS	LENGTH
1	3/16"	0.50'
2	1/8"	1.50'

**HERALD
SUBDIVISION**
VOL. 13, PAGE 16
P.F.C.D.R.

MILLS ADDITION

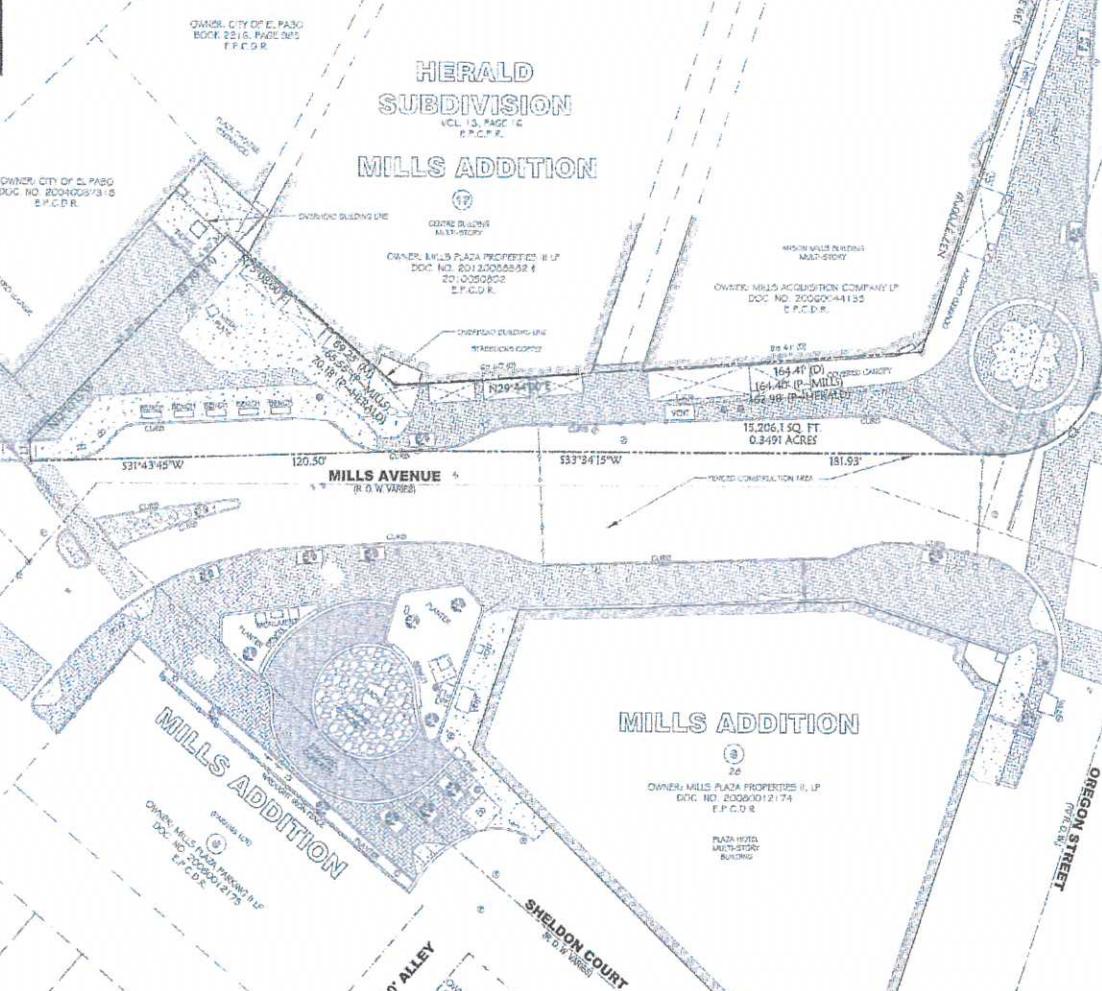
LEGEND

PROPERTY BOUNDARY	---
TRACT BOUNDARY	---
RIGHT-OF-WAY	---
CENTRELINE OF HIGHWAY	---
NEIGHBOURHOOD LINE	---
CHALK LINE POINT	○
IRON PEGGED AND B.A.	○
SHEDDING DEVICE MARKING	○
WATER METER	○
WATERPROOFING VALVE	○
BACKFLOW PREVENTOR VALVE	○
WATERPROOFING VALVE BOX	○
PIPE HYDRANT	○
GAS METER	○
TELEPHONE MANHOLE	○
ELECTRIC TRANSFORMER	○
LIGHT POLE/STANDARD	○
SINGLE SIGNAL LIGHT POST	○
TWO-SIGNAL LIGHT POST	○
TELEPHONE MANHOLE	○
ROAD SIGN	○
TRUCK VEHICLE	○
SHULDER	○
CONCRETE AREA	○
EXISTING BUILDING	○
BRICK AREA	○
CANOPY	○
PLUMBING CITY MEASUREMENT	○
SEAL CIRCLED TO INDICATE CHANGING NOTICE	○
LOT NUMBER	○
ENCLOSURE	○
MUTUALITY PERMITS AND DISTANCE	○
DEED RECORDS AND DISTANCE	○

SUPPLEMENTAL NOTES
 THIS DISTANCE SURVEYOR HAVE
 FOUND OF RECORDS IN BOOK 200600-44135 P.F.C.D.R.
 1. THIS DISTANCE SURVEYOR HAVE FOUND OF RECORDS IN BOOK 200600-44135 P.F.C.D.R.
 2. THIS DISTANCE SURVEYOR HAVE FOUND OF RECORDS IN BOOK 200600-44135 P.F.C.D.R.
 3. THIS DISTANCE SURVEYOR HAVE FOUND OF RECORDS IN BOOK 200600-44135 P.F.C.D.R.
 4. THIS DISTANCE SURVEYOR HAVE FOUND OF RECORDS IN BOOK 200600-44135 P.F.C.D.R.
 5. THIS DISTANCE SURVEYOR HAVE FOUND OF RECORDS IN BOOK 200600-44135 P.F.C.D.R.

REFERENCE DOCUMENTS
 1. HERALD ADDITION PREPARED BY CITY OF EL PASO ENGINEERING DEPARTMENT AND FILED FOR RECORD ON MAY 11, 1911, IN PASTO COUNTY DEED RECORDS.
 2. PLAN OF SURVEY FOR SECTION PREPARED BY RILEY ENGINEERING, L.L.C. BY BRADY, TEXAS, P.L.L.C. DATED FEBRUARY 11, 2013, WITH CASE NO. 2013-01-00000-0.
 3. MAP OF HERALD SUBDIVISION RECORDED IN 2013, P.F.C.D.R. NO. 200600-44135.
 4. PLAN OF THE TOWN OF EL PASO DATED JANUARY AND FEBRUARY 1859, PREPARED BY ARSON MILLS SURVEYOR.
 5. RECONCILIATION SURVEY FOR A PORTION OF OREGON MILLS, SHELTON AND SAN FRANCISCO RIGHTS-OF-WAY WITH MILLS ADDITION, PREPARED BY BRUCE A. BUSTILLOS, INC., BY BRUCE A. BUSTILLOS, OF PASTO COUNTY, TEXAS, DATED NOVEMBER 11, 2013, WITH CASE NO. 2013-01-00000-0.

SAN FRANCISCO AVENUE
 (R.D.W. VARIET)
MILLS ADDITION
 (R.D.W. VARIET)
EL PASO STREET
 (R.D.W. VARIET)
20' ALLEY
 (R.D.W. VARIET)
SHELDON COURT
 (R.D.W. VARIET)



CERTIFICATION:
 I HEREBY CERTIFY THAT THIS SURVEY PLAN AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYS IN THE STATE OF TEXAS, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 [Signature] 04/11/2014
 ARSON ALVARADO, TEXAS, P.F.C.D.R. 0292

BOUNDARY & IMPROVEMENT SURVEY

PORTION OF OREGON STREET, AND MILLS AVENUE, RIGHT-OF-WAY WITH MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

REVISION	DATE	SHEET
1		1
2		1

BROCK & BUSTILLOS INC.
 CONSULTING CIVIL ENGINEERS
 417 SOUTH E. COOPER
 EL PASO, TEXAS 79901
 WWW.BROCKANDBUSTILLOS.COM
 PH (915) 542-8500
 FAX (915) 542-8867

MAY 11, 2014 11:46 AM
 C:\PROJECTS\2014\EL PASO\20140511\20140511_1146AM.DWG
 ARSON ALVARADO, TEXAS, P.F.C.D.R. 0292



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS

EXHIBIT B
Pedestrian Easement

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
AARON ALVARADO, R.P.L.S.
Vice President - Surveying
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg. No. F-737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION
"PEDESTRIAN EASEMENT"

A 0.1821 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Mills Avenue and Oregon Street rights-of-way located within Mills Addition according to the map prepared by City of El Paso Engineering Department and filed for record on May, 11, 1911, Deed Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a City Monument found at the monument line intersection of Mills Avenue (70.00 feet wide) and Oregon Street (70.00 feet wide), said monument line intersection located 10.00 feet south and 10.00 feet east of the centerline intersection of Mills Avenue and Oregon Street; **WHENCE**, a City Monument found at the easterly monument line intersection of Mills Avenue and Kansas Street (70.00 feet wide), said monument line intersection located at 10.00 feet south and 10.00 feet west of the easterly centerline intersection of Mills Avenue and Kansas Street, bears South 52°23'00" East, a distance of 935.00 feet (934.85 feet ~ measured); **THENCE**, leaving the monument line of Mills Avenue and Oregon Street, North 69°55'23" West, a distance of 85.69 feet, to the beginning of a non-tangent curve to the right and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the arc of said non-tangent curve to the right having a radius of 32.00 feet, a central angle of 87°46'15", an arc length of 49.02 feet and whose long chord bears South 10°18'52" East, a distance of 44.37 feet to a point of tangency;

THENCE, South 33°34'15" West, a distance of 181.93 feet to an angle point of the parcel herein described;

THENCE, South 31°43'45" West, a distance of 120.50 feet to a point for the most southerly point of the parcel herein described;

THENCE, North 58°22'10" West, a distance of 6.50 feet to an angle point of the parcel herein described;

THENCE, North 12°10'15" West, at a distance of 9.29 pass the northerly right-of-way line of San Francisco Avenue (right-of-way varies) and continuing along the westerly right-of-way line of Mills Avenue for a total distance of 29.00 feet to an angle point of the parcel herein described;

THENCE, leaving the westerly right-of-way line of Mills Avenue, North 31°43'45" East, a distance of 71.18 feet to an angle point of the parcel herein described;

THENCE, North 75°08'00" East, a distance of 14.74 feet to an angle point of the parcel herein described;

THENCE, North 52°26'00" East, a distance of 18.45 feet to an angle point of the parcel herein described;

THENCE, North 29°44'00" East, a distance of 148.53 feet to a to a point of curvature;

THENCE, following the arc of a curve to the right having a radius of 40.00 feet, a central angle of $35^{\circ}18'02''$, an arc length of 24.64 feet and whose long chord bears North $47^{\circ}23'01''$ East, a distance of 24.26 feet to a point of reverse curvature;

THENCE, following the arc of a curve to the left having a radius of 21.00 feet, a central angle of $145^{\circ}07'21''$, an arc length of 53.19 feet and whose long chord bears North $07^{\circ}31'38''$ West, a distance of 40.07 feet to a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 50.00 feet, a central angle of $25^{\circ}53'19''$, an arc length of 22.59 feet and whose long chord bears North $67^{\circ}08'39''$ West, a distance of 22.40 feet to a point of tangency;

THENCE, North $54^{\circ}12'00''$ West, a distance of 59.52 feet to an angle point of the parcel herein described;

THENCE, North $37^{\circ}37'00''$ West, a distance of 40.00 feet to the northwesterly corner of the parcel herein described;

THENCE, North $52^{\circ}23'00''$ East, a distance of 7.00 feet to a point for the most northerly corner of the parcel herein described;

THENCE, South $54^{\circ}12'00''$ East, a distance of 126.86 feet to the **POINT OF BEGINNING**.

Said Parcel contains 0.1821 acres (7,930.5 square feet), more or less, and being subject to any easements, restrictions or covenants of record.



Aaron Alvarado, TX R.P.L.S., No. 6223

Date: May 22, 2015

06989-001C-Mills-Ped-Esmt-Rev A.doc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

EXHIBIT B
Utility Easement

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
AARON ALVARADO, R.P.L.S.
Vice President - Surveying
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg. No. F-737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION
"UTILITY EASEMENT"

A 0.2974 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Mills Avenue and Oregon Street rights-of-way located within Mills Addition according to the map prepared by City of El Paso Engineering Department and filed for record on May, 11, 1911, Deed Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a City Monument found at the monument line intersection of Mills Avenue (70.00 feet wide) and Oregon Street (70.00 feet wide), said monument line intersection located 10.00 feet south and 10.00 feet east of the centerline intersection of Mills Avenue and Oregon Street; **WHENCE**, a City Monument found at the easterly monument line intersection of Mills Avenue and Kansas Street (70.00 feet wide), said monument line intersection located at 10.00 feet south and 10.00 feet west of the easterly centerline intersection of Mills Avenue and Kansas Street, bears South 52°23'00" East, a distance of 935.00 feet (934.85 feet ~ measured); **THENCE**, leaving the monument line of Mills Avenue and Oregon Street, North 69°55'23" West, a distance of 85.69 feet, to the beginning of a non-tangent curve to the right and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the arc of said non-tangent curve to the right having a radius of 32.00 feet, a central angle of 87°46'15", an arc length of 49.02 feet and whose long chord bears South 10°18'52" East, a distance of 44.37 feet to a point of tangency;

THENCE, South 33°34'15" West, a distance of 181.93 feet to an angle point of the parcel herein described;

THENCE, South 31°43'45" West, a distance of 120.50 feet to a point for the most southerly point of the parcel herein described;

THENCE, North 58°22'10" West, a distance of 6.50 feet to an angle point of the parcel herein described;

THENCE, North 12°10'15" West, at a distance of 9.29 pass the northerly right-of-way line of San Francisco Avenue (right-of-way varies) and continuing along the westerly right-of-way line of Mills Avenue for a total distance of 77.97 feet to the most westerly corner of the parcel herein described;

THENCE, leaving the westerly right-of-way line of Mills Avenue, North 75°08'00" East, a distance of 23.87 feet to an angle point of the parcel herein described;

THENCE, North 14°52'00" West, a distance of 10.82 feet to the northwesterly right-of-way line of Mills Avenue for an angle point of the parcel herein described;

THENCE, following the northwesterly right-of-way line of said Mills Avenue, North 75°08'00" East, a distance of 20.00 feet to an angle point of the parcel herein described;

THENCE, leaving the northwesterly right-of-way line of said Mills Avenue, South $14^{\circ}52'00''$ East, a distance of 10.82 feet to an angle point of the parcel herein described;

THENCE, North $75^{\circ}08'00''$ East, a distance of 20.28 feet to an angle point of the parcel herein described;

THENCE, North $52^{\circ}26'00''$ East, a distance of 18.45 feet to an angle point of the parcel herein described;

THENCE, North $29^{\circ}44'00''$ East, a distance of 45.83 feet to an angle point of the parcel herein described;

THENCE, North $60^{\circ}16'00''$ West, a distance of 10.72 feet to the northwesterly right-of-way line of Mills Avenue for an angle point of the parcel herein described;

THENCE, following the northwesterly right-of-way line of said Mills Avenue, North $29^{\circ}44'00''$ East, a distance of 60.96 feet to an angle point of the parcel herein described;

THENCE, leaving the northwesterly right-of-way line of said Mills Avenue, South $60^{\circ}16'00''$ East, a distance of 10.72 feet to an angle point of the parcel herein described;

THENCE, North $29^{\circ}44'00''$ East, a distance of 19.42 feet to an angle point of the parcel herein described;

THENCE, North $37^{\circ}32'00''$ West, a distance of 11.63 feet to the northwesterly right-of-way line of Mills Avenue for an angle point of the parcel herein described;

THENCE, following the northwesterly right-of-way line of said Mills Avenue, North $29^{\circ}44'00''$ East, a distance of 10.84 feet to an angle point of the parcel herein described;

THENCE, leaving the northwesterly right-of-way line of said Mills Avenue, South $37^{\circ}32'00''$ East, a distance of 11.63 feet to an angle point of the parcel herein described;

THENCE, North $29^{\circ}44'00''$ East, a distance of 12.57 feet to a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 25.00 feet, a central angle of $67^{\circ}21'00''$, an arc length of 29.39 feet and whose long chord bears North $03^{\circ}56'30''$ West, a distance of 27.72 feet to a point of tangency;

THENCE, North $37^{\circ}37'00''$ West, a distance of 26.42 feet to an angle point of the parcel herein described;

THENCE, South $52^{\circ}23'00''$ West, a distance of 10.82 feet to the southwesterly right-of-way line of Oregon Street for an angle point of the parcel herein described;

THENCE, following the southwesterly right-of-way line of said Oregon Street, North $37^{\circ}37'00''$ West, a distance of 10.00 feet to an angle point of the parcel herein described;

THENCE, leaving the southwesterly right-of-way line of said Oregon Street, North $52^{\circ}23'00''$ East, a distance of 10.82 feet to an angle point of the parcel herein described;

THENCE, North 37°37'00" West, a distance of 27.10 feet to an angle point of the parcel herein described;

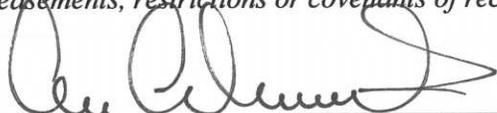
THENCE, South 52°23'00" West, a distance of 10.82 feet to the southwesterly right-of-way line of Oregon Street for an angle point of the parcel herein described;

THENCE, following the southwesterly right-of-way line of said Oregon Street, North 37°37'00" West, a distance of 66.31 feet to the northwesterly corner of the parcel herein described;

THENCE, leaving the southwesterly right-of-way line of said Oregon Street, North 52°23'00" East, a distance of 17.67 feet to a point for the most northerly corner of the parcel herein described;

THENCE, South 54°12'00" East, a distance of 126.86 feet to the **POINT OF BEGINNING**.

Said Parcel contains 0.2974 acres (12,953.7 square feet), more or less, and being subject to any easements, restrictions or covenants of record.



Aaron Alvarado, TX R.P.L.S., No. 6223

Date: February 10, 2015

06989-001B-Mills-Utility-Ease.doc



MEMORANDUM

DATE: July 21, 2015

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

FROM: Nelson Ortiz, Senior Planner

SUBJECT: SURW12-00020

The City Plan Commission (CPC), on July 9, 2015, voted to approve the Mills Street 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: Mills Plaza Promenade, LLC

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

(REVISED)

Case No: SURW12-00020 Mills Street Vacation (4th consideration)
Application Type: ROW Vacation
CPC Hearing Date: July 9, 2015

Staff Planner: Nelson Ortiz, 915-212-1606, OrtizNX@elpasotexas.gov
Location: South of San Jacinto Plaza
Acreage: .3491 acre
Rep District: 8
Existing Use: Street right-of-way
Existing Zoning: C-5/H (Commercial/Historic)
Proposed Zoning: C-5/H (Commercial/Historic)

Property Owner: City of El Paso
Applicant: Mills Plaza Promenade, LLC
Representative: Mills Plaza Promenade, LLC

SURROUNDING ZONING AND LAND USE

North: C-5/H (Commercial/Historic) / San Jacinto Plaza
South: C-5/H (Commercial/Historic) / Camino Real Hotel
East: C-5/H (Commercial/Historic) / Plaza Hotel Building
West: C-5/H (Commercial/Historic) / Plaza Theater

PLAN EL PASO DESIGNATION: G1 (Downtown)

APPLICATION DESCRIPTION

The applicant has revised their previously approved request to reduce the pedestrian easement from .2558 acre to .1821 acre (survey attached). The request is to vacate a portion of Oregon Street and Mills right-of-way, primarily the sidewalk and parkway. The applicant states that the purpose of the proposed vacation is to install hardscape and landscape improvements for pedestrians and outdoor cafés. The proposal includes a pedestrian and drainage/utility easement, which will remain in place over a portion of the proposed vacation area and as outlined in the attached surveys.

CASE HISTORY

- On March 11, 2008, the City Council directed staff to initiate a vacation of a portion of Mills Avenue in order to eliminate the vehicular interest. The City Council subsequently approved that vacation request on May 27, 2008.
- On February 7, 2013, the City Plan Commission approved the Mills Street Vacation which

included all of Pioneer Plaza, a portion of Oregon Street, Mills Avenue, and Sheldon Court.

- On December 5, 2013, the City Plan Commission approved the second consideration of the Mills Street Vacation which included a portion of Oregon Street, Mills Avenue and Sheldon Court.
- On February 12, 2015, the City Plan Commission approved the third consideration of the Mills Street Vacation which included a portion of Oregon Street and Mills Avenue. The applicant also proposed to dedicate a .2974 ac. utility easement and a .2558 ac. pedestrian easement.

DEVELOPMENT COORDINATING COMMITTEE

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

- A pedestrian and utility easement shall remain in place over a portion of the proposed vacation as outlined in the attached surveys.
- That all areas reserved as pedestrian access easements shall provide accessibility as allowed by current conditions of the street, curbs, sidewalks, and natural terrain and shall comply with Federal and State law, and that any modifications to pull-in bays (drop-off zones) shall accommodate emergency vehicles.

Planning Division Recommendation:

Approval of the Mills Street Vacation and new request with the conditions as stated above.

Land Development:

No objection.

El Paso Water Utilities:

EPWU has reviewed the utility easement survey provided and we are in agreement with the easement boundaries. EPWU needs to review the surface improvements over the utility easement prior to construction.

Stormwater Division:

No comments received.

Destination El Paso:

The concern is the reduction in size of the drop off zone directly in front of the Plaza Theatre. Not only is this a drop off zone but it also the location that first responders post themselves at when responding to a call at the Plaza.

(A condition for approval is in place in order to alleviate this concern.)

Capital Improvement Program:

1. Pedestrian access, complying with State, Federal and local requirements shall be maintained within the area being vacated.
2. Pedestrian connectivity to adjacent public spaces shall be maintained.

Parks and Recreation:

No comments received.

El Paso Fire Department:

EPFD does not have any objections to the vacation request with the condition that access is maintained and/or remains the same along the curb indentation on the North West Portion of Mills

per coordination with the applicant.

El Paso Electric Company:

No objections.

EP DOT:

Recommendations are as follows:

- The pedestrian easement shall provide for a clear path of travel zone not less than 5 feet wide at areas adjacent to restaurant outdoor seating/patio and shall be ADA/TAS/TDLR compliant through-out
- Perpetual Easement and access to all street lights, Traffic Signal infrastructure, underground communication, CEP electrical conduits and junction boxes shall be provided
- Recommend that at the right-of-way and vacated right-way line separation in the roadway be delineated with thermoplastic lane markings on both Oregon and Mills Streets, this will clearly mark maintenance responsibilities for all.
- Coordinate with EPDOT for removal of any applicable Traffic Signage.
- Coordinate with EPDOT on the timing and setting of Traffic Signal(s) upon the opening of Mills Street to through traffic.
- Recommend that the applicant repair and restore to original condition or better the roadway pavement(s); addressing all pavement cuts, damaged concrete roadway, asphalt pavement, sidewalks and curb and gutters.
- Sidewalks shall also be repaired and restored to original condition or better upon the removal of the fence and anchored poles.
- The following code is provided for information and shall be complied with:
 - 12.20.090 Display of unauthorized signs.
 - A. No person shall place, maintain or display upon or in view of any highway, street or roadway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
 - B. No person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising.
 - C. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
 - D. Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Downtown Management District:

No comments received.

Sun Metro:

Sun Metro does not oppose this ROW vacation request.

911:

No comments received.

Texas Gas Company:

No comments received.

Attachments

1. Location map
2. Aerial map
3. Vacation survey
4. Pedestrian easement survey
5. Utility easement survey
6. Application

ATTACHMENT 1

MILLS AVENUE ROW VACATION

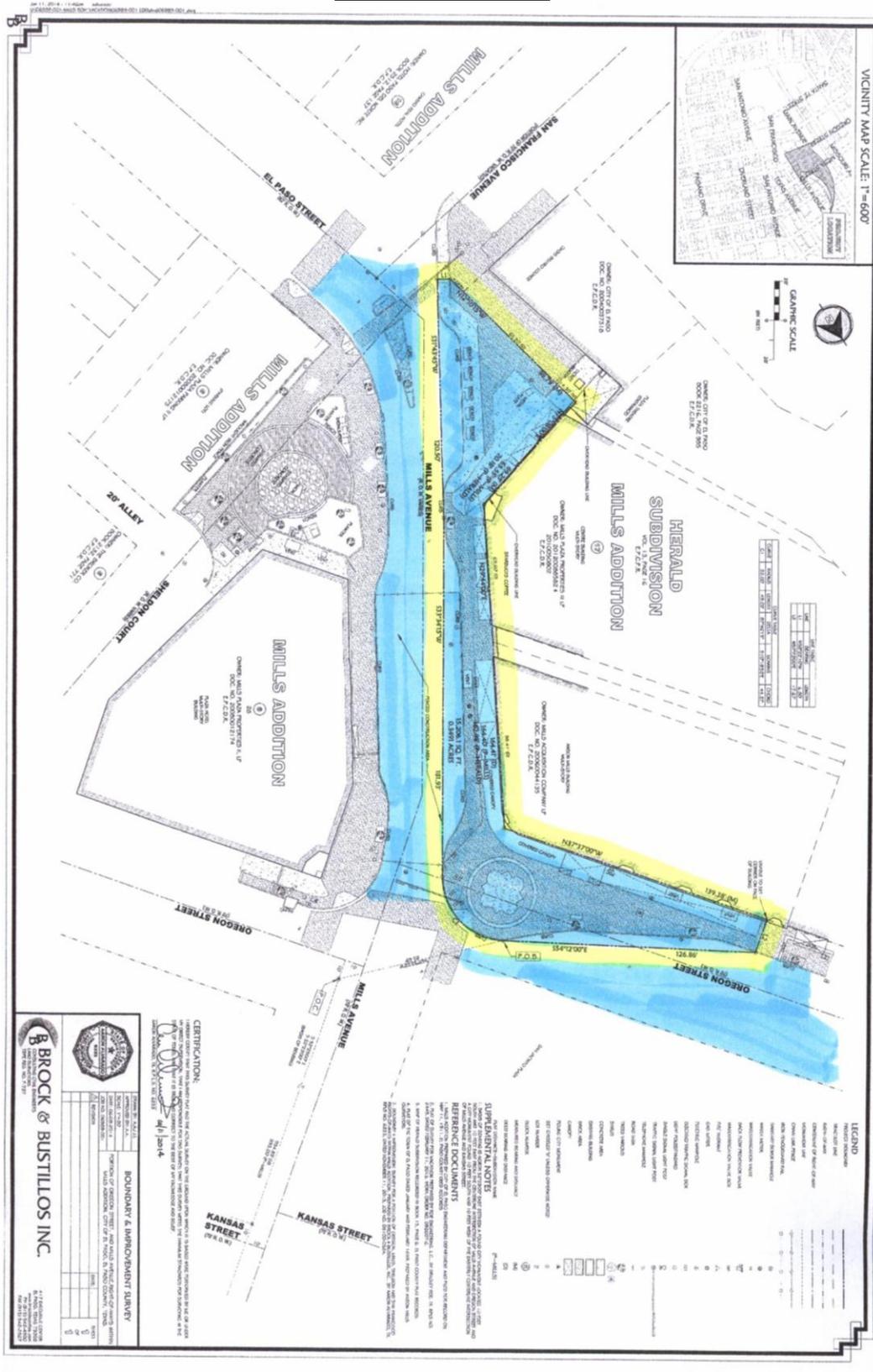


ATTACHMENT 2

MILLS AVENUE ROW VACATION



ATTACHMENT 3



ATTACHMENT 6



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

Date: _____ File No. SURW12-00020

1. APPLICANTS NAME Mills Plaza Promenade LLC
ADDRESS 123 W. Mills Ave, Ste 600 ZIP CODE 79901 TELEPHONE 915-504-7100

2. Request is hereby made to vacate the following: (check one)
Street Alley _____ Easement _____ Other _____
Street Name(s) _____ Subdivision Name Portion of Oregon St + Milk Avenue
Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: Hardscape + Landscape improvements for Pedestrians + sidewalk cafes

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 Sidewalk improvements + sidewalk cafes + drop-off for Plaza Theatre

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>[Signature]</u>	<u>Mills Building Mills Plaza Properties LP</u>	<u>504-7100</u>
<u>[Signature]</u>	<u>Centre Building</u>	<u>504-7100</u>
<u>[Signature]</u>	<u>Plaza Hotel Mills Plaza Properties II LP</u>	<u>504-7100</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.

Refer to Schedule C for current fee.

OWNER SIGNATURE: [Signature]
REPRESENTATIVE: President

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) 541-4024



Recommendation/Public Input

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

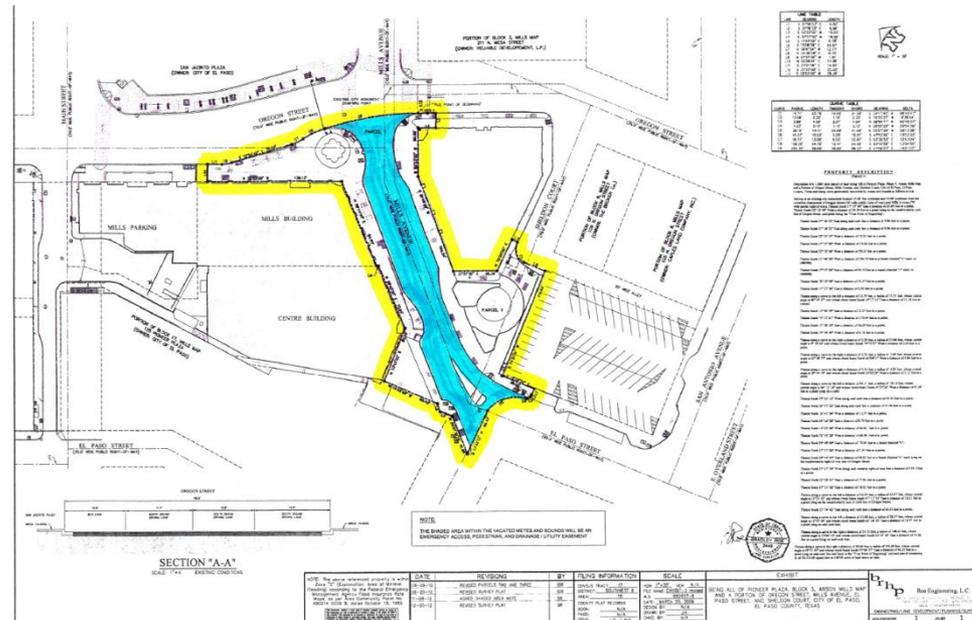
Strategic Goal #3-Promote the Visual Image of El Paso

- 3.1 Provide business-friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community.



Case History

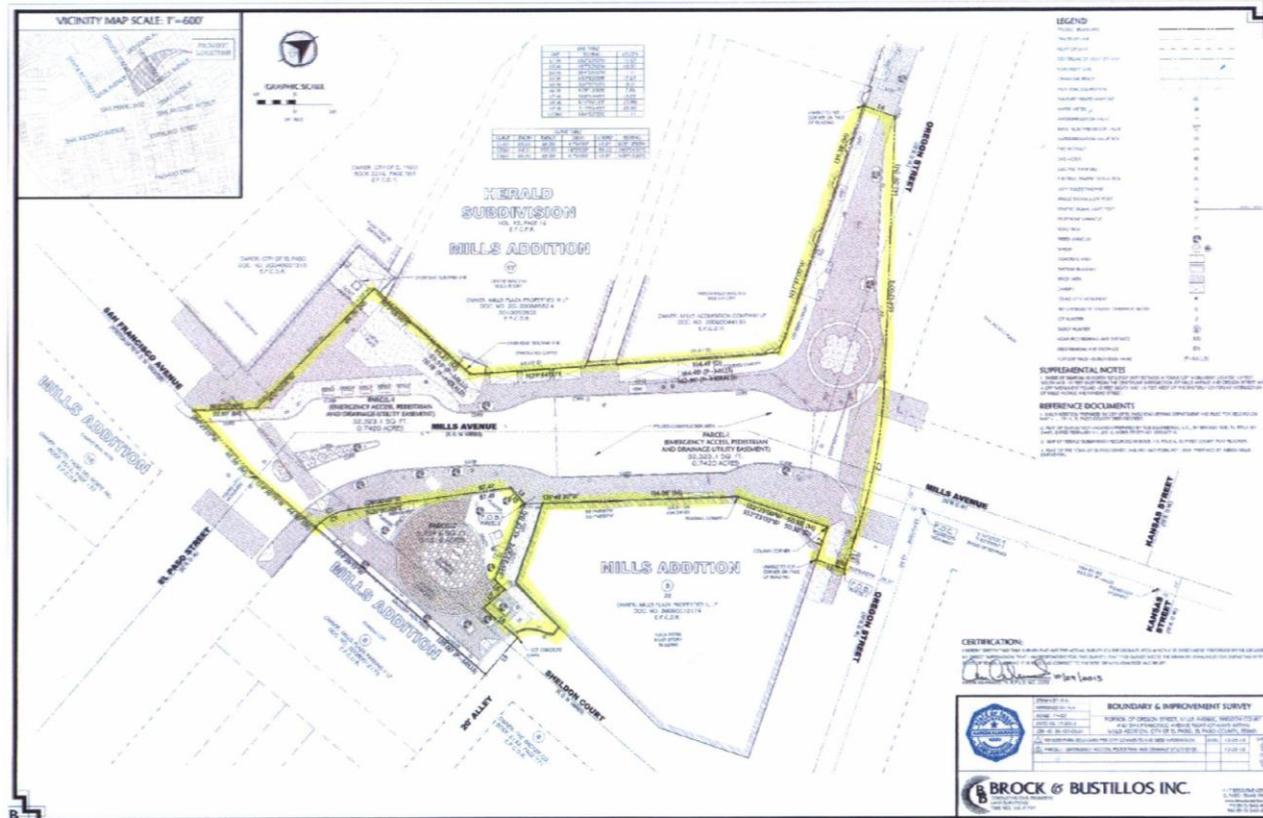
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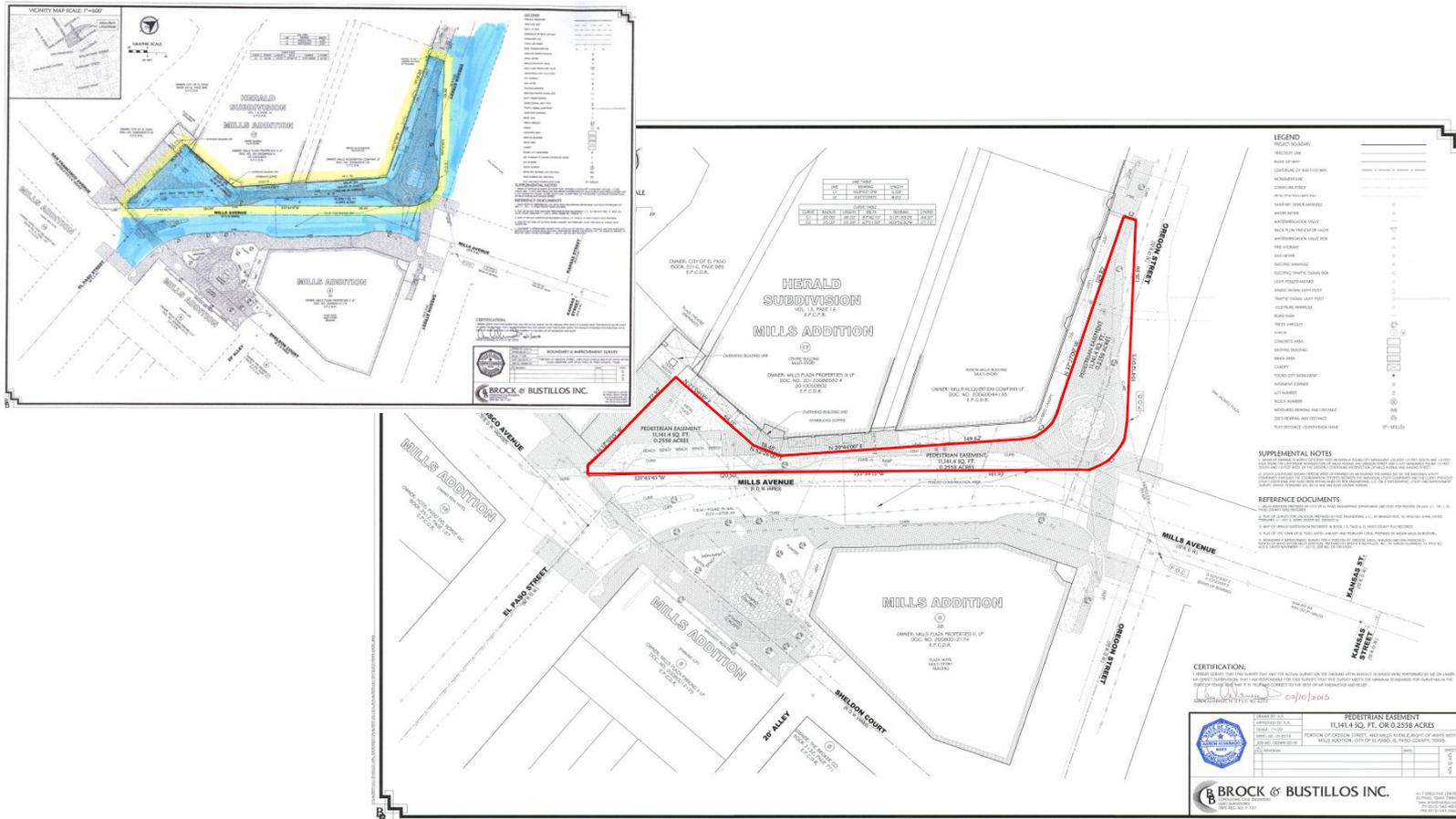
Case History (cont'd.)



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Case History (cont'd.)



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“Delivering Outstanding Services”

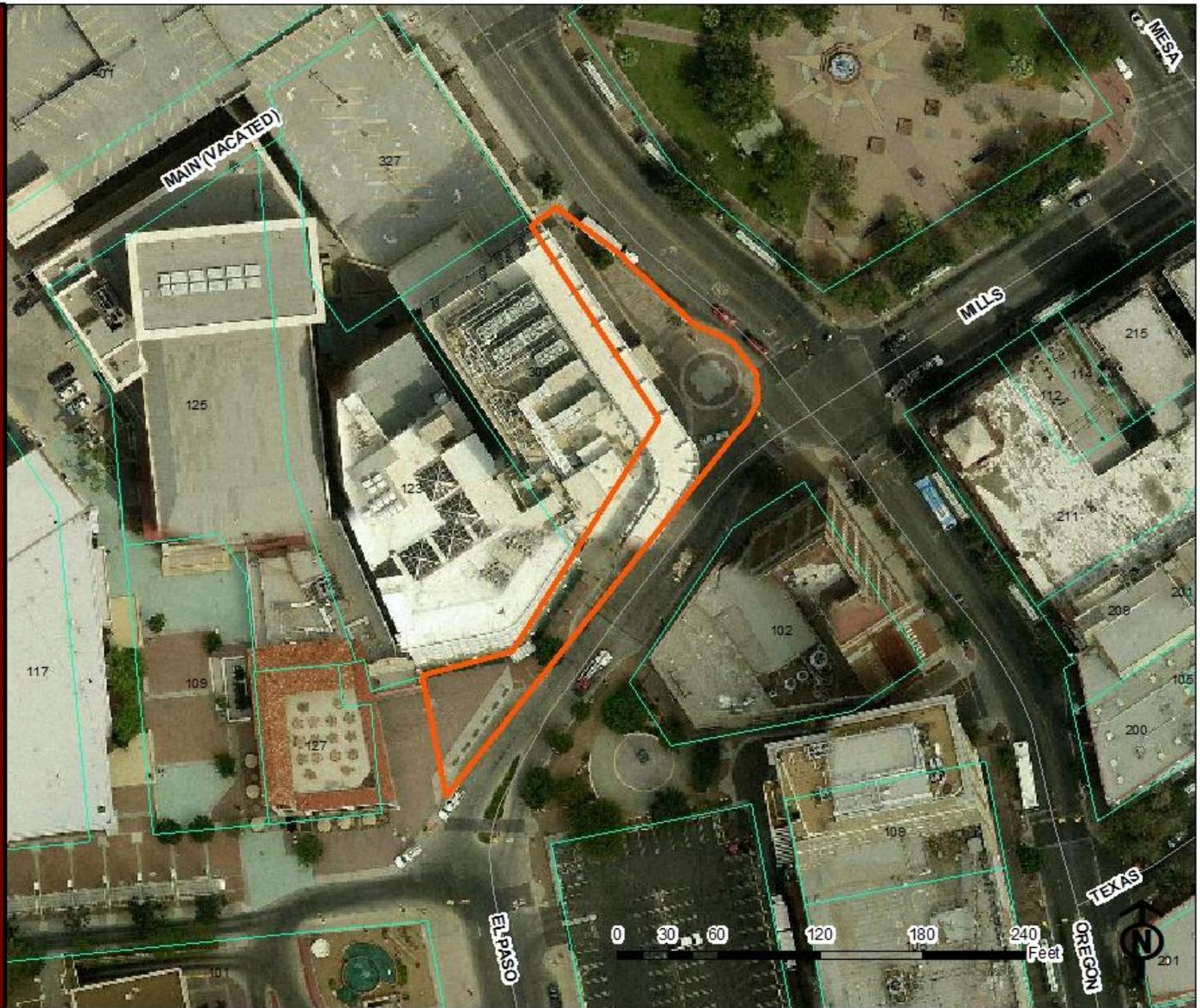


MILLS AVENUE ROW VACATION

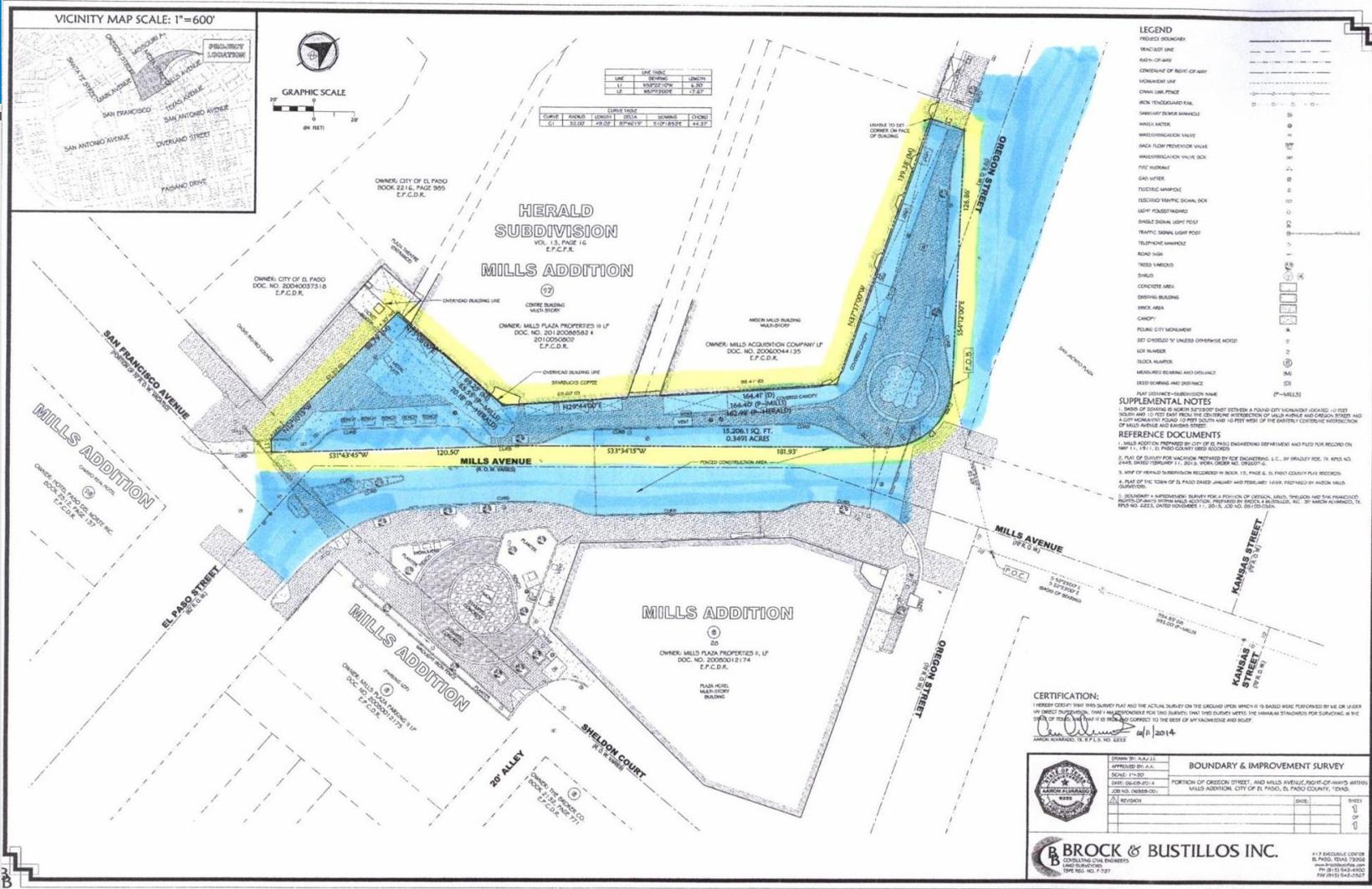




MILLS AVENUE ROW VACATION



"Delivering Outstanding Services"



"Delivering Outstanding Services"



swa

Mills Avenue Enhancement Streetscape Project
Mills Plaza Properties

February 10, 2015



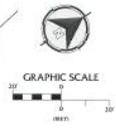
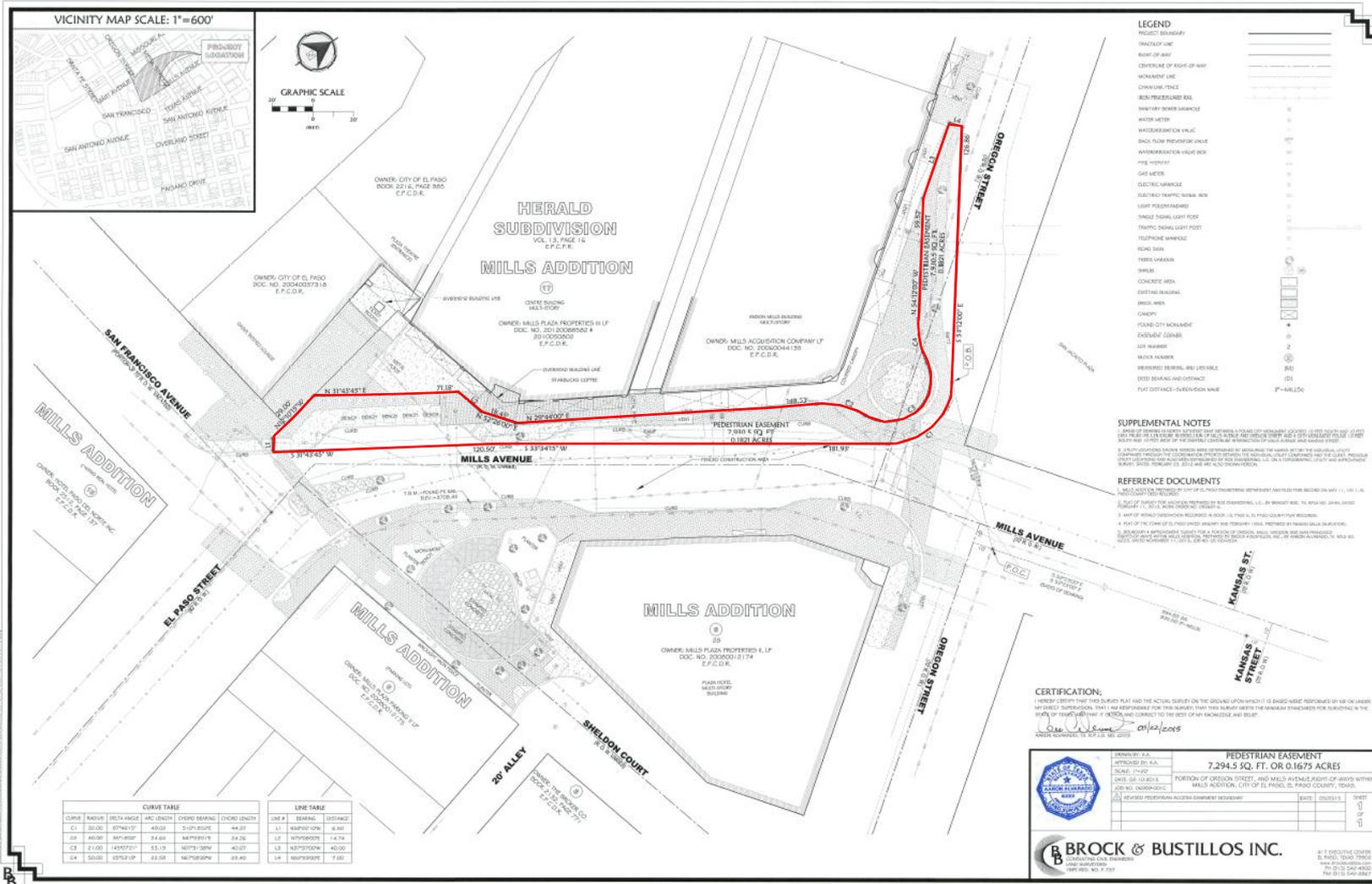
“Delivering Outstanding Services”



"Delivering Outstanding Services"



“Delivering Outstanding Services”



LEGEND

PROJECT BOUNDARY

TRACT OF LAND

RIGHT OF WAY

CENTERLINE OF RIGHT OF WAY

BOUNDARY LINE

CHAIN LINK FENCE

IRON PRESSED AIR

SHUNTARY DEAR SERVICE

WATER METER

WATER SERVICE VALVE

BACK FLUSH PRESSURIZED VALVE

WATER/SEWERAGE VALVE BOX

TRIP MOUNT

SAFETY METER

ELECTRIC SERVICE

ELECTRIC TRAFFIC SIGNAL BOX

LIGHT PRESSURIZED

TRIPLE SIGNAL LIGHT POLE

TRAFFIC SIGNAL LIGHT POST

ELECTRIC SERVICE

ROAD SIGN

TREES EXISTING

DRIVE

CONCRETE AREA

EXISTING BUILDING

BRICK AREA

CANOPY

FOARD CITY MOUNTAIN

EXCLUSIVE CORNER

LOT NUMBER

BLOCK NUMBER

RENDERED BOUNDARY LINE

DEEP BOARDING AND DISTANCE

PLAT DISTANCE - SUBDIVISION NAME

SUPPLEMENTAL NOTES

1. KINDS OF SERVICE OR SERVICE PROVIDED SHALL BE DETERMINED BY THE UTILITY COMPANIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE UTILITY COMPANIES AND THE CITY OF EL PASO. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE UTILITY COMPANIES AND THE CITY OF EL PASO.

2. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE UTILITY COMPANIES AND THE CITY OF EL PASO.

REFERENCE DOCUMENTS

1. 2015 CITY OF EL PASO SUBDIVISION REGULATIONS

2. 2015 CITY OF EL PASO SUBDIVISION REGULATIONS

3. 2015 CITY OF EL PASO SUBDIVISION REGULATIONS

4. 2015 CITY OF EL PASO SUBDIVISION REGULATIONS

5. 2015 CITY OF EL PASO SUBDIVISION REGULATIONS

CURVE TABLE					LINE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH	LINE #	BEARING	DISTANCE
C1	20.00	87°46'12"	44.00	S 47°30'00" E	44.00	L1	N 89°50'00" W	6.80
C2	10.00	180°00'00"	31.42	N 89°50'00" E	31.42	L2	N 70°00'00" W	14.34
C3	21.00	143°57'21"	33.19	N 67°31'38" W	40.07	L3	N 67°31'38" W	40.00
C4	50.00	87°52'18"	88.98	N 67°31'38" W	88.40	L4	N 67°31'38" W	7.60

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY PLAN AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION. I AM RESPONSIBLE FOR THIS SURVEY AND THE ACCURACY THEREOF. I HAVE REVIEWED THE WORK AND APPROVED IT FOR RECORDATION.

D. Brock & Bustillos 01/12/2015

DAVID BROCK, P.E. 01/12/2015

DAVID BUSTILLOS, P.E. 01/12/2015

PEDESTRIAN EASEMENT

7,294.5 SQ. FT. OR 0.1675 ACRES

PORTION OF OREGON STREET, AND MILLS AVENUE, PART OF MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

FOR PEDESTRIAN ACCESS EASEMENT PURPOSES

DATE: 01-12-2015

BY: BROCK & BUSTILLOS INC.

417 DEXTER DRIVE
EL PASO, TEXAS 79906
PH: 915.540.4400
FAX: 915.540.4507



MILLS AVENUE ROW VACATION

