

**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:** Alfredo Austin, (915) 212-1604, [austinaj@elpasotexas.gov](mailto:austinaj@elpasotexas.gov)

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

**SUBJECT:**

An Ordinance vacating a Portion of Lot 5, Block 10, Sierra Crest Replat B, City of El Paso, El Paso County, Texas (District 1).

**BACKGROUND / DISCUSSION:**

See attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

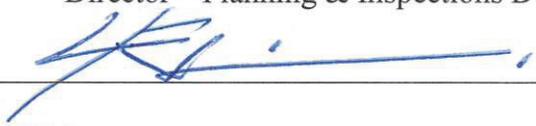
Development Coordinating Committee (DCC) recommends approval  
City Plan Commission (CPC) unanimously recommended approval on May 21, 2015.

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

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

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

**DEPARTMENT HEAD:** Larry Nichols  
Director – Planning & Inspections Department



**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE VACATING AN EASEMENT LOCATED ON A PORTION OF LOT 5, BLOCK 10, SIERRA CREST REPLAT B, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the property owner of Lot 5, Block 10, Sierra Crest Replat B, has requested vacation of a 152 square feet portion of a public easement, legally described as a portion of lot 5, Block 10, Sierra Crest Replat B, City of El Paso, El Paso County, Texas; and

**WHEREAS**, after public hearing the City Plan Commission recommended a that portion of Lot 5, Block 10, Sierra Crest Replat B, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of public 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 an easement located on a portion of Lot 5, Block 10, Sierra Crest Replat B, 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, 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 **Douglas Chan**.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**THE CITY OF EL PASO**

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

**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

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

**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 **Douglas Chan** ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto Grantee 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 Lot 5, Block 10, Sierra Crest Replat B, City of El Paso, El Paso County, 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 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 of record.
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 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.

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

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.

ATTEST:

CITY OF EL PASO

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

\_\_\_\_\_  
Tomás González  
City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Assistant City Attorney

  
\_\_\_\_\_  
Larry F. Nichols, Director  
Planning & Inspections Department

*(Acknowledgement on Following Page)*

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

**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:**

**Douglas Chan  
7409 Camino del Sol  
El Paso, TX 79911**

**With copy to:**

**City Development Department  
Planning Division  
PO Box 1890  
El Paso, TX 79950-1890**

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

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION  
(10' Utility Easement to be Vacated)

Description of a parcel being a portion of Lot 5, Block 10, Sierra Crest Replat "B", an addition to the City of El Paso, El Paso County Texas, according to the map thereof on file in volume 54, page 13, Plat Records of El Paso County, Texas, and being more particularly described as follows:

**COMMENCING** for reference at a found original 5/8" rebar with cap stamped "SLI TX RPLS 2998" for the common easterly corner of Lots 4 and 5, Block 10, Sierra Crest Replat "B", from **WHENCE**, found original Kern monument no. 238 on the north line of M. J. McKelligon Survey No. 270 bears N 86°06'13" E, a distance of 1,707.12 feet, and a found 5/8" rebar with cap stamped "TX2564" for the common easterly corner of Lots 3 and 4, Block 10, Sierra Crest Replat "B", bears S 17°37'22" E, a distance of 79.33 feet, **THENCE**, 22.20 feet along the arc of curve to the left, with a radius of 30.00 feet, an interior angle of 42°23'59", and a chord which bears N 29°26'02" W, a distance of 21.70 feet to a found original 5/8" rebar with cap stamped "SUBLAND INC" on the westerly right-of-way line of Apache Crest Drive (Private R.O.W.); **THENCE** continuing along said right-of-way line, 26.97 feet along the arc of a non-tangent curve to the right, with a radius of 35.00 feet, an interior angle of 44°09'02", and a chord which bears N 28°33'30" W a distance of 26.31 feet to the **TRUE POINT OF BEGINNING** of this description:

**THENCE**, S 87°26'20" W, a distance of 10.02 feet to a point on the westerly line of a 10 foot utility easement;

**THENCE**, along the west line of said easement, 15.17 feet along the arc of a non-tangent curve to the right, with a radius of 45.00 feet, an interior angle of 19°19'04", and a chord which bears N 04°02'54 E, a distance of 15.10 feet to a point;

**THENCE**, N 87°26'20" E, a distance of 10.55 feet to a point on the west right-of-way line of Apache Crest Drive (Private R.O.W.);

**THENCE**, along said right-of-way line, 15.29 feet along the arc of a non-tangent curve to the left, with a radius of 35.00 feet, an interior angle of 25°01'58", and a chord which bears S 06°02'00" W a distance of 15.17 feet for the **POINT OF BEGINNING** of this description, and containing in all 152 square feet.

NOTES:

1. A Plat of Survey of even date accompanies this description.
2. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
3. Bearings recited are based on the filed plat for Sierra Crest Replat "B".
4. This Description does not intend to be part of a subdivision process which may be required by City of Paso ordinance, and it is the client's /owner's responsibility to comply with this ordinance if required.

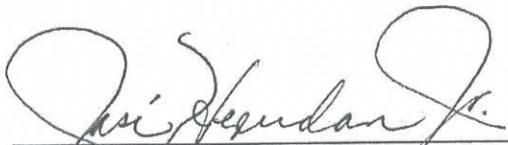
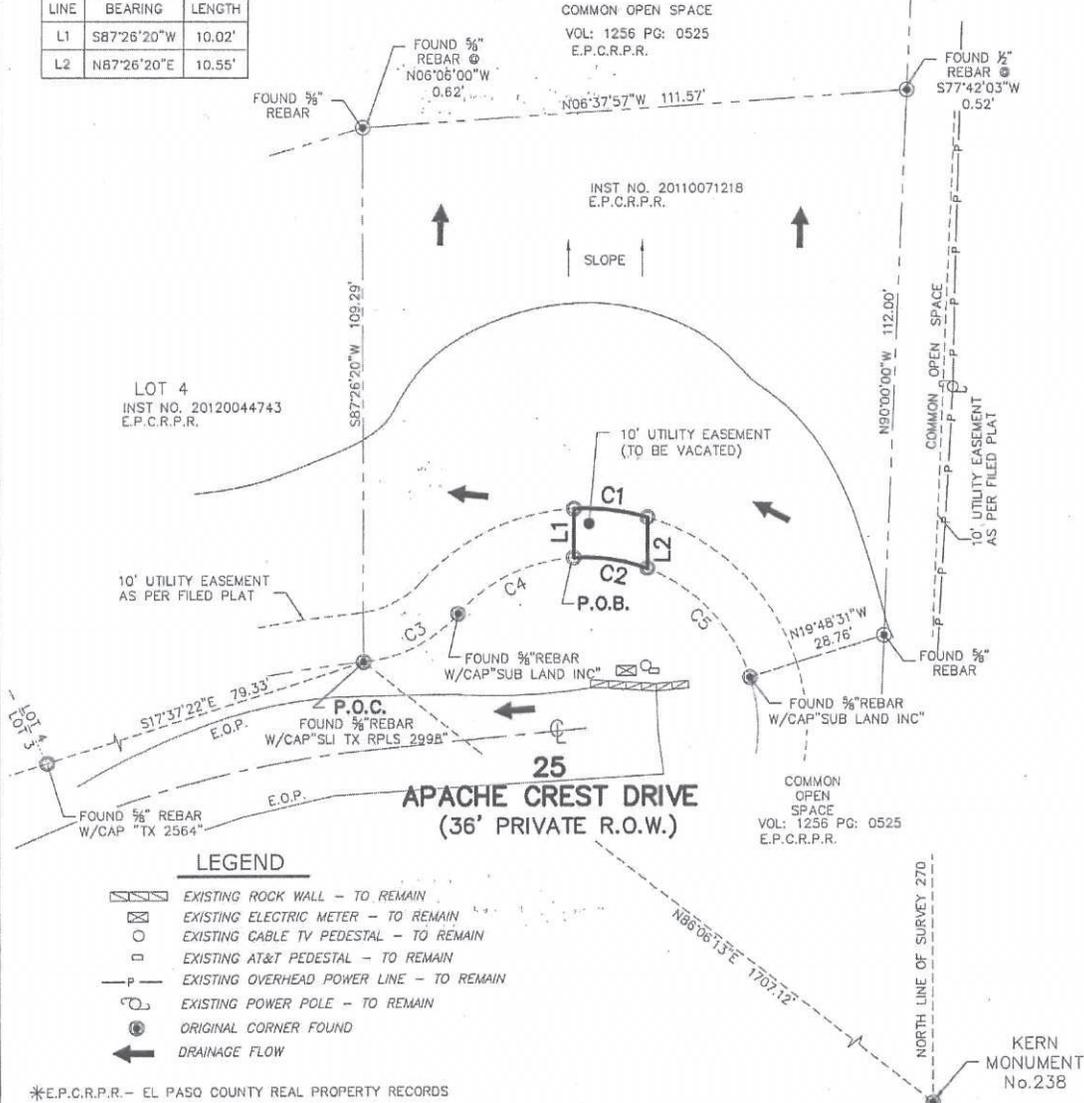
  
Jose Herndon Jr., Texas R.P.L.S. No. 1558,  
Barragan and Associates Inc.  
February 3, 2015, Revised April 09, 2015  
25 Apache Crest-Ease



EXHIBIT "B"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S87°26'20"W	10.02'
L2	N67°26'20"E	10.55'



LEGEND

- EXISTING ROCK WALL - TO REMAIN
- EXISTING ELECTRIC METER - TO REMAIN
- EXISTING CABLE TV PEDESTAL - TO REMAIN
- EXISTING AT&T PEDESTAL - TO REMAIN
- EXISTING OVERHEAD POWER LINE - TO REMAIN
- EXISTING POWER POLE - TO REMAIN
- ORIGINAL CORNER FOUND
- DRAINAGE FLOW

\*E.P.C.R.P.R. - EL PASO COUNTY REAL PROPERTY RECORDS

NOTE:

1. PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "C", PER F.I.R.M. COMMUNITY PANEL NUMBER 480214 0033 B, LAST REVISION DATE 10-15-82. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON FILED PLAT FOR SIERRA CREST REPLAT "B".
3. PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT. (NOT SHOWN). NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATIONS, RESTRICTIONS, BUILDING LINES AND OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
4. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
6. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
7. THIS PLAT DOES NOT INTEND TO BE A SUBDIVISION PROCESS WHICH MAY BE REQUIRED BY CITY OF EL PASO ORDINANCE, AND IT IS THE CLIENT'S/OWNER'S RESPONSIBILITY TO COMPLY WITH THIS ORDINANCE IF IT IS REQUIRED.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	15.17'	45.00'	7.66'	19°19'04"	N04°02'54"E	15.10'
C2	15.29'	35.00'	7.77'	25°01'58"	S06°02'00"W	15.17'
C3	22.20'	30.00'	11.64'	42°23'59"	N29°26'02"W	21.70'
C4	26.97'	35.00'	14.19'	44°09'02"	N28°33'30"W	26.31'
C5	31.55'	35.00'	16.94'	51°38'38"	N44°22'18"E	30.49'

REVISED 04/09/2015  
REVISED 02/23/2015

**B** Barragan & Associates Inc.

LAND PLANNING & SURVEYING  
TBPLS FIRM # 10151200  
10950 Pellicano Dr. Building-F,  
El Paso, Tx 79935  
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

10' UTILITY EASEMENT  
(TO BE VACATED)

A PORTION OF LOT 5, BLOCK 10, SIERRA CREST REPLAT "B", AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 152 SQ. FT.±

Plat Reference Vol/Bk 54 Page 13

Scale: 1" = 30' Date: 04-09-15 Drawn By: F.R.

I hereby certify that the foregoing survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.

JOSE HERNDON JR.  
REGISTERED PROFESSIONAL SURVEYOR  
No. 1558  
Jose Herndon, SURVEYOR, P.L.S. No. 1558  
Job No. 150407-07 Copy Rights ©

Field: JT Book: N/A Page: N/A



## Planning & Inspections Department

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

**FROM:** Alfredo Austin, Planner

**DATE:** July 21, 2015

**SUBJECT:** 25 Apache Crest Easement Vacation

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**Mayor**

Oscar Leeser

**City Council**

*District 1*

Peter Svarzbein

*District 2*

Larry Romero

*District 3*

Emma Acosta

*District 4*

Carl L. Robinson

*District 5*

Dr. Michiel R. Noe

*District 6*

Claudia Ordaz

*District 7*

Lily Limón

*District 8*

Cortney C. Niland

**City Manager**

Tommy Gonzalez

The property owner has requested the vacation of a portion of a public easement. The City Plan Commission found that the easement being proposed for vacation is not needed for public use and should be vacated as recommended.

The City Plan Commission unanimously recommended approval of the proposed vacation at their meeting on May 21, 2015. There was no public comment.

**Property Owners/Applicant:** Douglas Chan

**Attachments:** Staff Report



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

**Case No:** SUET15-00001 25 Apache Crest Easement Vacation  
**Application Type:** Easement Vacation  
**CPC Hearing Date:** May 21, 2015

**Staff Planner:** Alfredo Austin, 915-212-1604, [austinaj@elpasotexas.gov](mailto:austinaj@elpasotexas.gov)  
**Location:** North of Robinson & East of Okeefe  
**Acreage:** 0.0235 Acres  
**Rep District:** 1

**Existing Use:** Easement within a single-family lot  
**Existing Zoning:** P-R 1 (Planned Residential)

**Property Owner:** Douglas Chan  
**Applicant:** Douglas Chan  
**Representative:** Blanca Ramos

**SURROUNDING ZONING AND LAND USE**

**North:** PMD (Planned Mountain Development)/ Vacant  
**South:** P-R 1 (Planned Residential)/Vacant  
**East:** P-R 1 (Planned Residential)/Vacant  
**West:** P-R 1 (Planned Residential)/Vacant

**THE PLAN FOR EL PASO DESIGNATION:** G-4, Suburban (Walkable)

**APPLICATION DESCRIPTION**

This is an application to vacate a portion of a public utility easement located in Lot 5, Block 10, Sierra Crest Replat B. The 10 foot utility easement to be vacated has an area measuring 152 square feet. The applicant is requesting the easement vacation in order to build over the current easement location.

**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommendation is **approval**

**Planning & Inspections Department-Planning Division Recommendation:**

Staff recommendation is **approval**.

**Planning & Inspections Department-Land Development:**

We have reviewed subject plats and recommend **approval**.

**EPWU-PSB Comments**

EPWU does not object to this request.

The El Paso Water Utilities – Public Service Board (EPWU-PSB) operates and maintains water and sanitary sewer mains along Apache Crest Drive.

EPWU-PSB Records do not depict water or sanitary sewer mains located along the above described ten (10) foot wide utility easement.

**Parks and Recreation:**

We have reviewed **25 Apache Crest – Easement Vacation**, a survey map and offer “No” objections to this proposed easement vacation request.

**El Paso Electric Company:**

EPE has no objection to the vacation of the utility easement; however, it should be noted EPE has underground in the area and should underground service be requested the path of the existing utility easement would be the most likely source of the underground service.

**Texas Gas Company:**

Texas Gas Service maintains a gas main along Apache Crest, but that it is not within the 10’ utility easement requesting to be vacated fronting said property. However, should line locates in the field or the location of the gas line verified via potholes during construction indicate that the gas main is indeed within the easement or after this application inside property, we ask that the customer/applicant inform Texas Gas Service as soon as possible to resolve the conflict prior to continuing construction.

**AT&T**

AT&T agrees to the release of easement.

**Time Warner Communication**

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants a 10’ X 15’ portion of the requested 10’ abandonment located Lot 5, Block 10, Sierra Crest, El Paso, TX. TWC retains the right to access to any remaining partial or full utility easement on the property for the purpose of future construction or maintenance of existing facilities.

**El Paso Independent School District:**

No comments received.

**El Paso Fire Department:**

No comments received.

**911:**

No comments received.

## **Attachments**

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

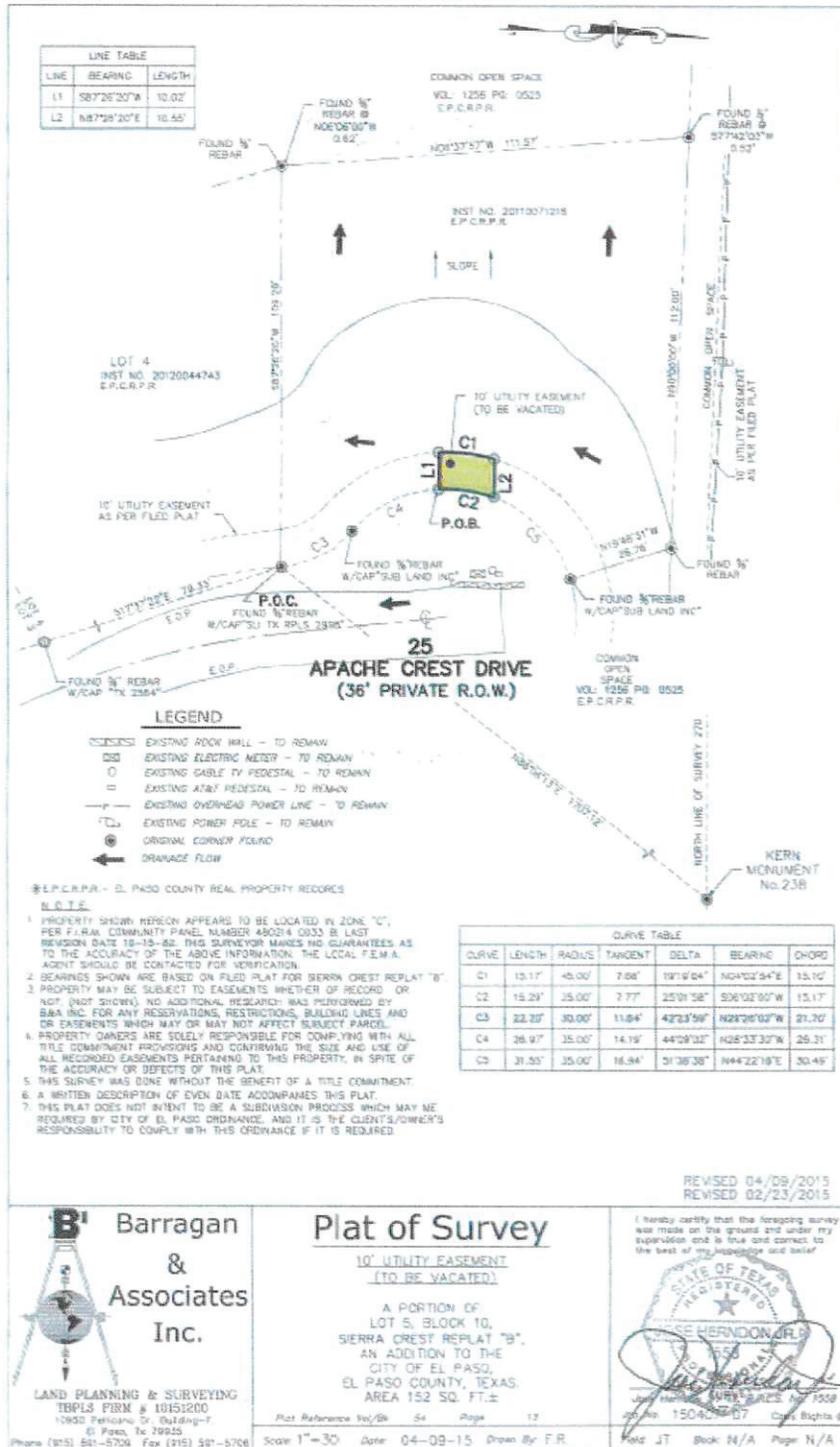


ATTACHMENT 2



# ATTACHMENT 3

AS COMPLETERS SURVEYS AND APACHE CREST (SIERRA CREST REPLAT 'B')



**ATTACHMENT 4**



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

Date: 2/24/2015 File No. SUET15-00001

1. APPLICANTS NAME DOUGLAS CHAN
- ADDRESS 7909 Camino del Sol ZIP CODE 79911 TELEPHONE (915) 345-4479
2. Request is hereby made to vacate the following: (check one)  
 Street  Alley  Easement  Other   
 Street Name(s) 25 Apache Crest Subdivision Name Sierra Crest Replat "B"  
 Abutting Blocks Block 9, Block 11 Abutting Lots Lot 4
3. Reason for vacation request: Encroach into front Set-back, Over Utilities easement
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>Douglas Chan</u>	<u>Lot 4</u>	<u>(915) 345-4479</u>
<u>Douglas Chan</u>	<u>Block 10</u>	
	<u>Sierra Crest Replat "B"</u>	

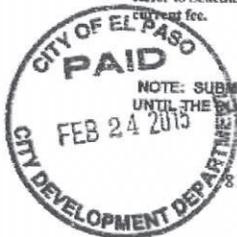
The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action or processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. If/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: Douglas Chan  
 REPRESENTATIVE: Blanca F. Ramos



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
- **CPC Vote:** Unanimous Approval

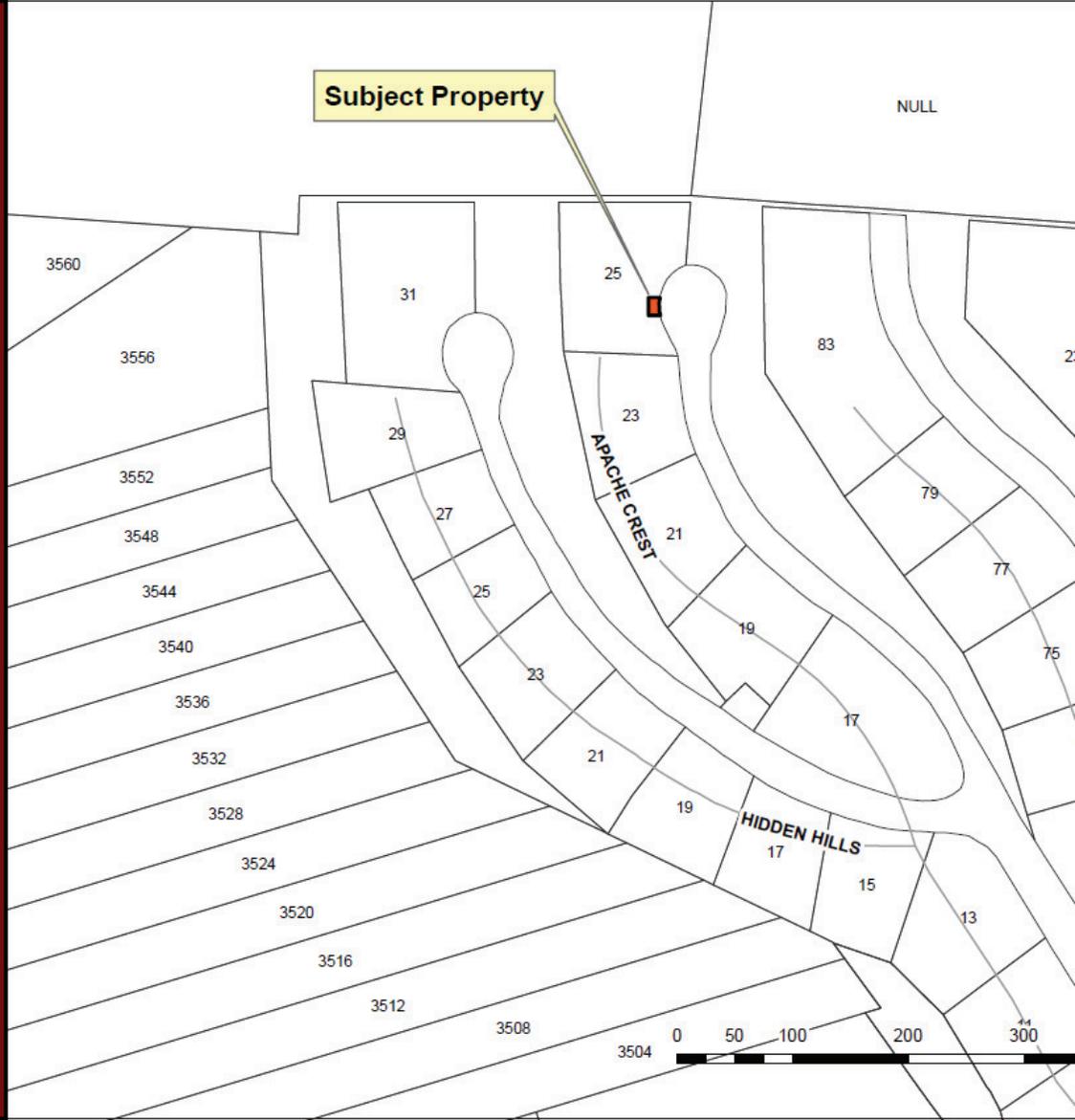
## **Strategic Goal #3-Promote the Visual Image of El Paso**

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

*"Delivering Outstanding Services"*



**25 APACHE CREST EASEMENT VACATION**



*"Delivering Outstanding Services"*



# 25 APACHE CREST EASEMENT VACATION

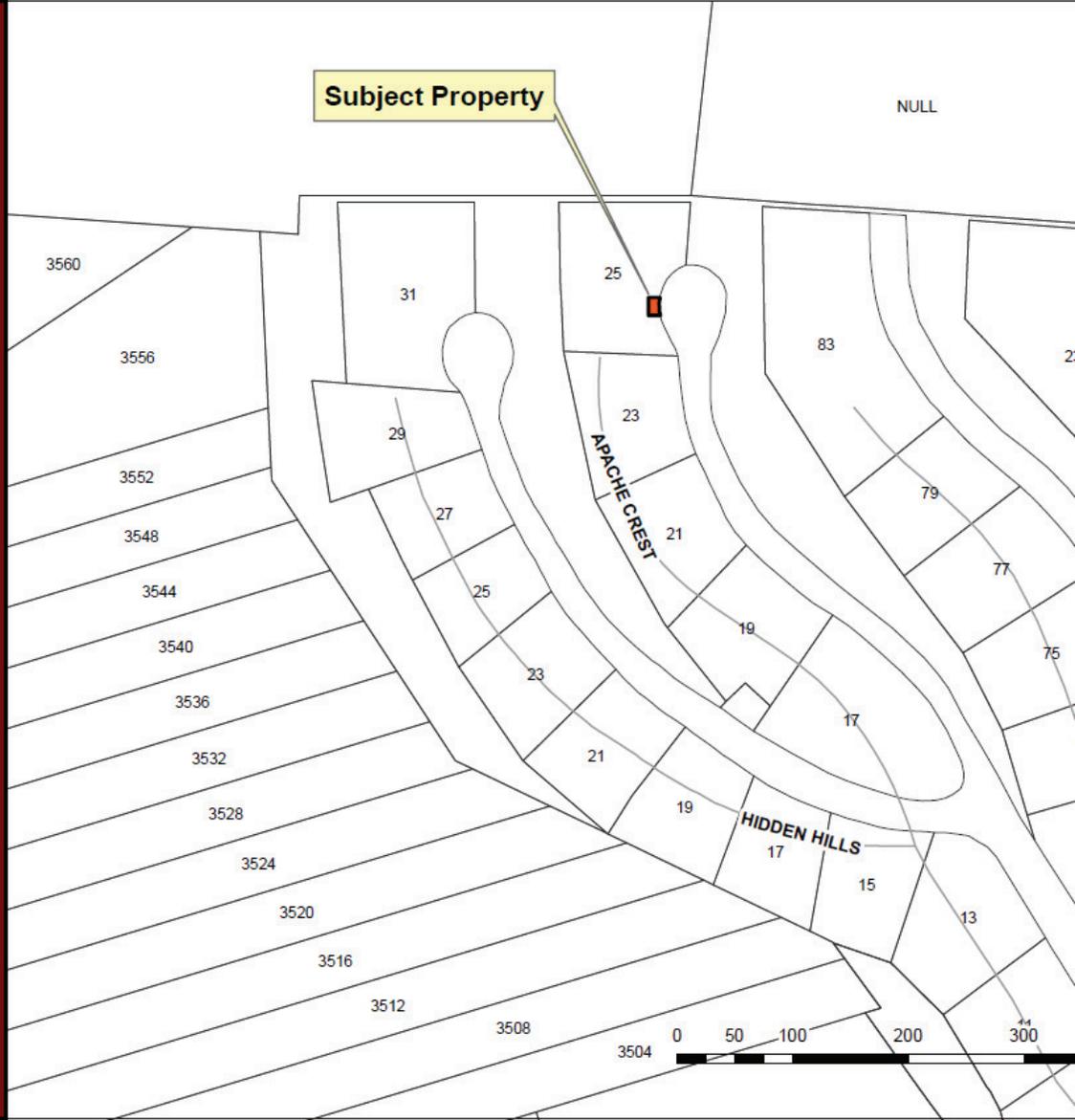


*"Delivering Outstanding Services"*





**25 APACHE CREST EASEMENT VACATION**



*"Delivering Outstanding Services"*