

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

DEPARTMENT: Planning & Inspections Department
AGENDA DATE: Introduction 6/14/16; Public Hearing 6/28/16
CONTACT PERSON/PHONE: Armida Martinez, (915) 212-1605
DISTRICT(S) AFFECTED: 3

SUBJECT:

An ordinance vacating a portion of Avalon Drive Right-of-way and a 20' Alley out of Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas. Subject Property: East of Airway and North of Edgemere; Applicant: E.P. Simana
SURW15-00013 (District 3)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Recommended approval on November 19, 2015, with the following requirement and condition:

- That the applicant dedicates an improved 35' vehicular access easement, connecting Avalon to Catalina prior to approval by City Council.
(The condition has been satisfied by the related plat)

*****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 CITY RIGHT-OF-WAY OVER A PORTION OF AVALON DRIVE RIGHT-OF-WAY AND A 20' ALLEY OUT OF CIELO VISTA AMENDED PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested a vacation of the City right-of-way located on a parcel of land being a portion of Avalon Drive Right-of-Way and a 20' Alley out of Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Avalon Drive Right-of-Way and a 20' Alley out of Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of right-of-way is not needed for public use and should be vacated as recommended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That a determination has been made that it is in the best interest of the public that the City Right-of-Way located on the property described as a portion of Avalon Drive Right-of-Way and a 20' Alley out of Cielo Vista Amended Plat, 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 hereby vacated subject to the following condition:

That the applicant dedicates an improved 35' vehicular access easement, connecting Avalon to Catalina prior to approval by City Council.

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 condition, to E. P. Simana.

ADOPTED this _____ day of _____, 2016.

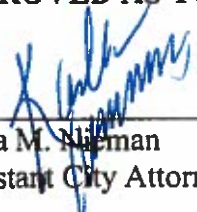
THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning and Inspections Department

(Quitclaim Deed on following page)

ORDINANCE NO. _____
16-1007-1626 / 513049_2
Avalon Dr. & Alley ROW Vacation
KMN

SURW15-00013

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS }
COUNTY OF EL PASO }

QUITCLAIM DEED

That in consideration of the receipt by the **CITY OF EL PASO** of TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration, the sufficiency of which is acknowledged, **THE CITY OF EL PASO**, has released and quitclaimed and by these presents does release and quitclaim unto E. P. Simana (the "Grantee"), all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. _____, passed and approved by the City Council of the City of El Paso and described as **A PORTION OF AVALON DR. RIGHT-OF-WAY AND A 20' ALLEY OUT OF CIELO VISTA AMENDED PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____, 2016.

CITY OF EL PASO

ATTEST:

Tomás González
City Manager

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning and Inspections Department

ORDINANCE NO. _____
16-1007-1626 / 513049_2
Avalon Dr. & Alley ROW Vacation
KMN

SURW15-00013

ACKNOWLEDGMENT

**THE STATE OF TEXAS)
)
COUNTY OF EL PASO)**

 This instrument is acknowledged before me on this ____ day of _____, 2016,
by Tomás González, as City Manager for the CITY OF EL PASO.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

AFTER FILING RETURN TO:

**E. P. SIMANA
6500 Montana
El Paso, Texas 79925**

**ORDINANCE NO. _____
16-1007-1626 / 513049_2
Avalon Dr. & Alley ROW Vacation
KMN**

SURW15-00013

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Property Description: A portion of the AVALON DRIVE street right-of-way and a 20' Alley out of CIELO VISTA AMENDED PLAT, in the City El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a found nail lying on the centerline of said Avalon Drive (a 60' wide public right-of-way); Thence, with said centerline, the following courses: South 81° 10' 00" West, a distance of 168.50 feet to a found nail for a point for a curve; 211.23 feet, along an arc of a curve to the left, having a radius of 311.39 feet, a tangent of 109.91 feet, a central angle of 38° 52' 00" and a chord which bears South 61° 44' 00" West to a point; South 42° 18' 00" West, a distance of 469.20 feet to a point for a boundary corner, said point being "THE TRUE POINT OF BEGINNING" of this description;

THENCE, South 42° 18' 00" West, with the centerline of said Avalon Drive, a distance of 29.95 feet to a point for a boundary corner;

THENCE, South 47° 42' 00" East, abandoning said centerline, a distance of 30.00 feet to a point for a boundary corner lying on the southeasterly right-of-way of Avalon Drive;

THENCE, South 42° 18' 00" West, with said right-of-way line, a distance of 95.20 feet to a point for a boundary corner and a point for a curve;

THENCE, 74.95 feet, along the arc of a curve to the right, having a radius of 50.00 feet for a cul-de-sac, a central angle of 85° 53' 09" and a chord which bears South 59° 24' 32" West, a distance of 68.13 feet to a point for a boundary corner lying on the southeasterly line of an existing 20' Alley;

THENCE, North 32° 42' 30" East, along said line, a distance of 60.56 feet to a point for a boundary corner;

THENCE, South 88° 58' 00" West, a distance of 130.52 to a boundary corner, said point lying in the easterly right-of-way line of Airway Boulevard (100' wide public right-of-way);

THENCE, North 01° 02' 00" West, along said right-of-way line, a distance of 20.00 feet to a boundary corner;

THENCE, North 88° 58' 00" East, abandoning said right-of-way line, a distance of 119.83 feet to a boundary corner;

THENCE, North 32° 42' 30" East, a distance of 46.81 feet to a boundary corner, said point lying in the southwesterly right of way line of Avalon Drive cul-de-sac;

THENCE, 147.61 feet, along the arc of a curve to the right, having a radius of 50.00 feet for a cul-de-sac, a central angle of 169° 08' 57" and a chord which bears North 30° 16' 14" East, a distance of 99.55 feet to a point for a boundary corner lying on the northwesterly right-of-way line of Avalon Drive (100' wide public right-of-way);

THENCE, North 42° 18' 00" East, along said right-of-way line, a distance of 99.25 feet to a boundary corner;

THENCE, South 47° 42' 00" East, abandoning said Avalon Drive right-of-way line, a distance of 30 feet to a boundary corner and "THE TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 0.3835 of acre (16,706.62 sq. ft.) of land, more or less.

**A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND
BOUNDS DESCRIPTION.**

SLI ENGINEERING, INC.,
Consulting Engineers—Land Surveyors



Guillermo Licon, R.P.L.S.
Registered Professional Land Surveyor
Texas License No. 2998
November 02, 2015
Job Number 09-15-3369



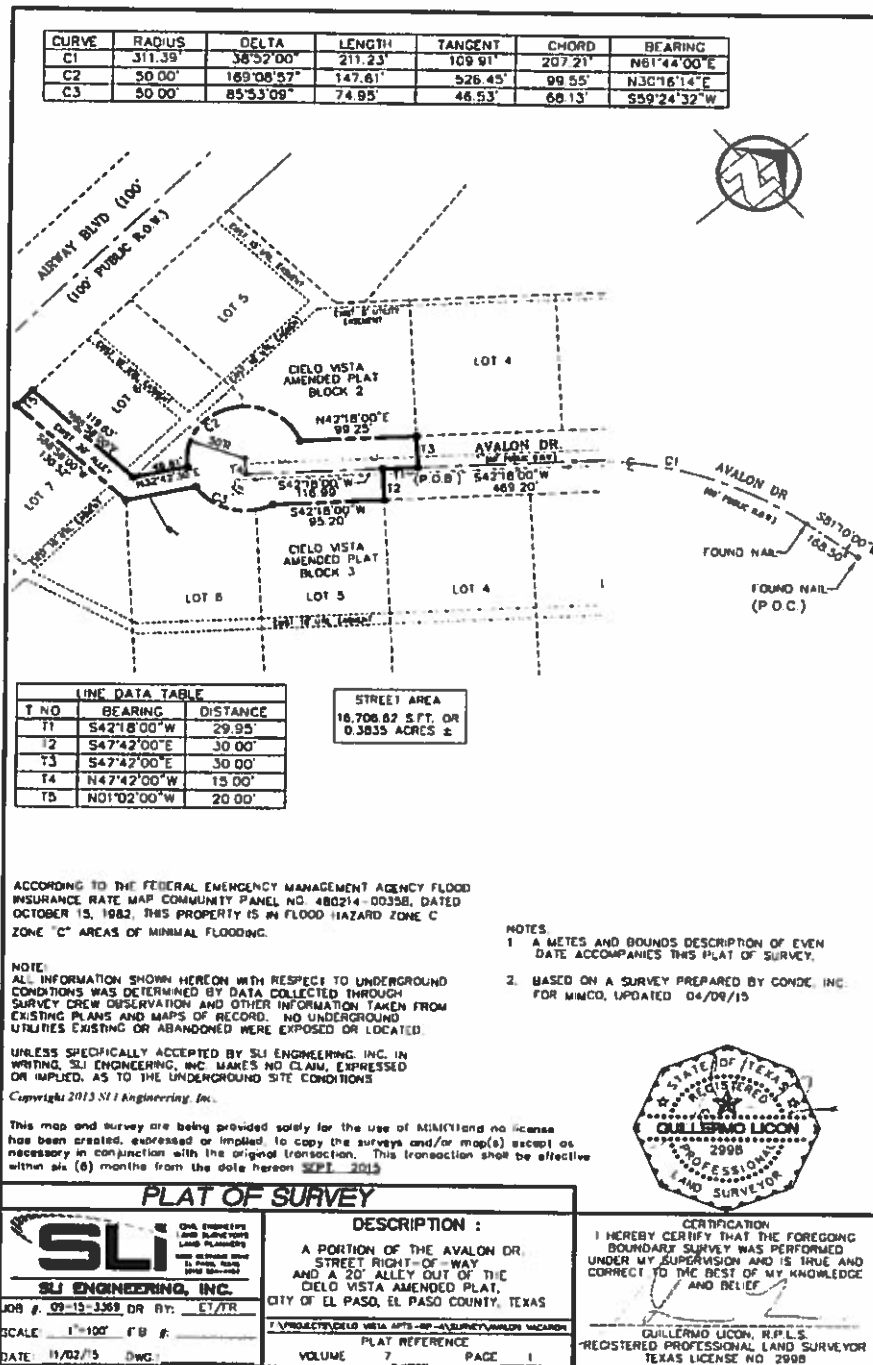
M&B/

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ORDINANCE NO. _____
16-1007-1626 / 513049 2
Avalon Dr. & Alley ROW Vacation
KMN

SURW15-00013

EXHIBIT B



ORDINANCE NO. _____
16-1007-1626 / 513049 2
Avalon Dr. & Alley ROW Vacation
KMN

SURW15-00013

MEMORANDUM

DATE: June 14, 2016

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

FROM: Armida Martinez, Planner

SUBJECT: Right-of-Way Vacation SURW15-00013 (East of Airway and North of Edgemere)

The City Plan Commission (CPC), on November 19, 2015, voted to recommended **approval** of the proposed right-of-way vacation and adjacent 20' alley with the following requirement and condition:

- That the applicant dedicates an improved 35' vehicular access easement, connecting Avalon to Catalina prior to approval by City Council.
(This condition has been satisfied by the related plat)

The City Plan Commission determined that the request to vacate a portion of Avalon Drive and a 20' Alley protects the best interest, health, safety and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division did not receive any communication in support or in opposition to the request.

Applicant: E. P. Simana

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: SURW15-00013 Avalon Drive and Alley ROW Vacation
Application Type: Right-of-Way Vacation
CPC Hearing Date: November 19, 2015
Staff Planner: Armida Martinez, (915) 212-1605, martinezar@elpasotexas.gov
Location: East of Airway and North of Edgemere
Acreage: 0.3835 acres
Rep District: 3
Existing Use: Right-of-way
Existing Zoning: A-2 (Apartment)
Proposed Zoning: C-3 (Commercial)
Property Owner: E. P. Simana
Applicant: E. P. Simana
Representative: SLI Engineering

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Retail / Car Sales
South: C-1 (Commercial) / Retail / Restaurant/ Convenience Store
East: R-4 (Residential) / Elementary School
West: M-1 (Light Manufacturing) / Car Sales and C-4 (Commercial) / Retail / Car Sales

PLAN EL PASO DESIGNATION: G-3 Post-War

APPLICATION DESCRIPTION

The applicant seeks to vacate a portion of Avalon Drive and an adjacent 20' alley. The area to be vacated is requested for the redevelopment of the site which is owned by the applicant. The applicant has submitted an exception request to allow for Avalon Drive to dead-end.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was published in the El Paso Times on November 3, 2015 and a notice was mailed to all property owners within 300 feet of the subject property. The Planning Division did not receive any communication in support or in opposition to the request.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the exception and of Avalon Drive and alley right-of-way vacation subject to the following conditions and requirements:

- That the applicant dedicates an improved 35' vehicular access easement, connecting Avalon to Catalina prior to approval by City Council, and

- That the applicant dedicates a 20' public drainage easement prior to approval by City Council.

Planning Division Recommendation:

Approval with the conditions as stated above

Planning and Inspections Department - Land Development

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

The Developer/Engineer shall address the following comments.

EPWU does not object to the vacation of portion of Avalon Dr. However, the City's base flood map shows the surface runoff going from Avalon Dr. through the existing alley and discharging into Airway Blvd. The historic stormwater hydrologic response must be maintained throughout the street and alley; they must be free of obstructions from surface runoff. A 20' public Drainage easement or right-of-way must be dedicated to EPWU for this purpose.

El Paso Water Utilities

EPWU's has reviewed the above reference street vacation request and provide the following comments:

EPWU's Planning and Development Section does not object to this request with a condition that the existing water main be cut & capped and the existing fire hydrant (#217) will have to be relocated. The existing sewer main will have to be cut and a manhole will have to be installed at the new end of line. All cost associated with this work is the responsibility of the applicant.

Parks and Recreation:

We have reviewed **Avalon Drive - Street Vacation**, a survey map and on behalf of CID Parks & Planning Division we offer "No" objections to this proposed street Right of Way vacation request provided adequate turnaround at terminus of Avalon per El Paso City Code (EPCC) 19.15.090 and Alley must comply with El Paso City Code (EPCC) 19.15.160 – Adequate turnaround unless vacated.

Texas Gas Company

Texas Gas Service has no facilities within the subject area, and therefore offers no objections to the above street vacation.

Time Warner Cable:

We have reviewed your request for the above reference Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment Avalon Drive in El Paso, TX.

AT&T:

No comments received.

El Paso Electric Company:

No comments received.

El Paso Fire Department:

The EPFD does not have any objections to the ROW Vacation request. Please note that if direct access is not provided from Avalon to Airway, then a turnaround per municipal code specifications will be required on Avalon.

911:

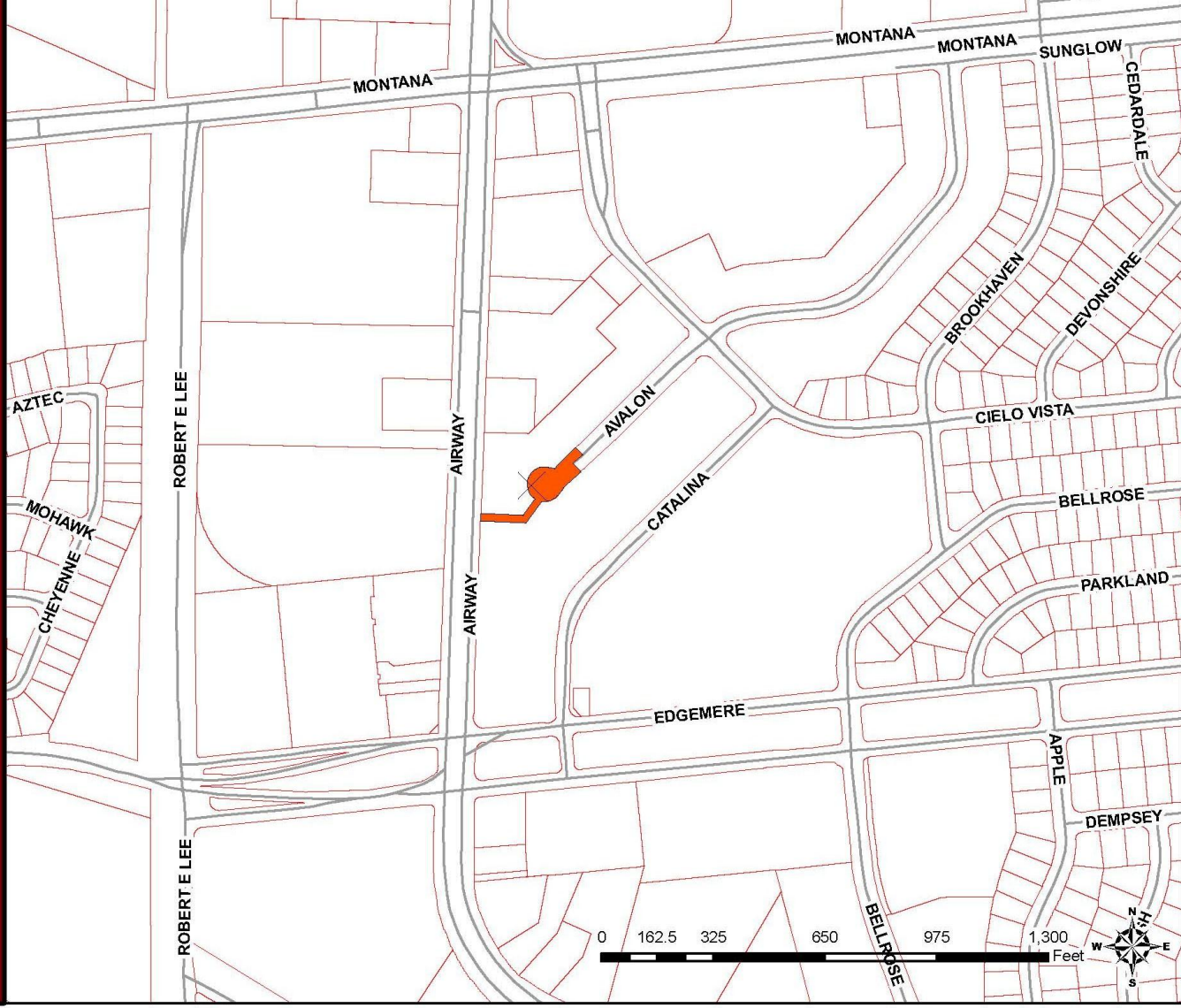
No comments received.

Attachments

1. Location Map
2. Aerial Map
3. Survey
4. Exception Request Letter
5. Application

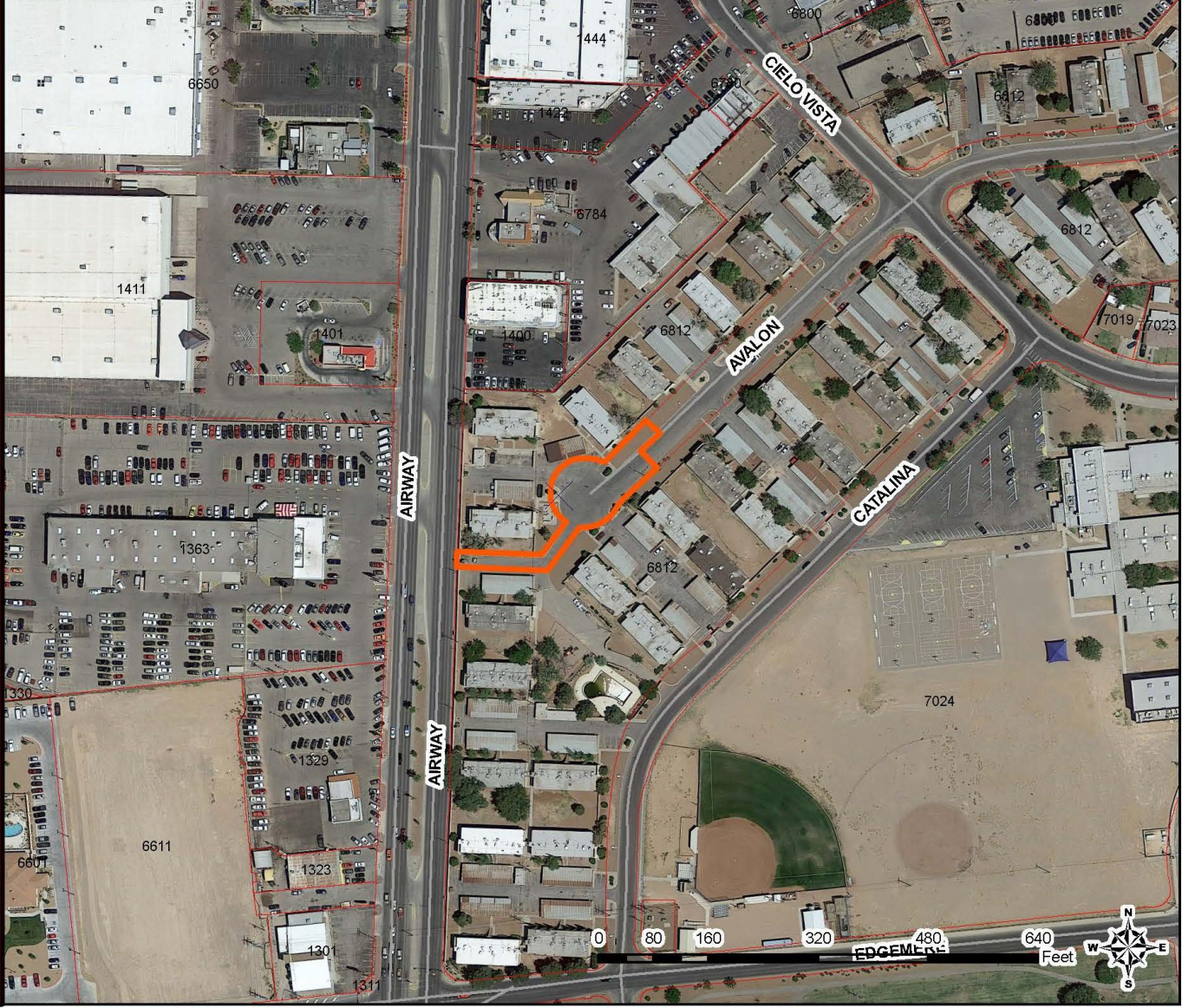
ATTACHMENT 1

AVALON DRIVE ROW VACATION

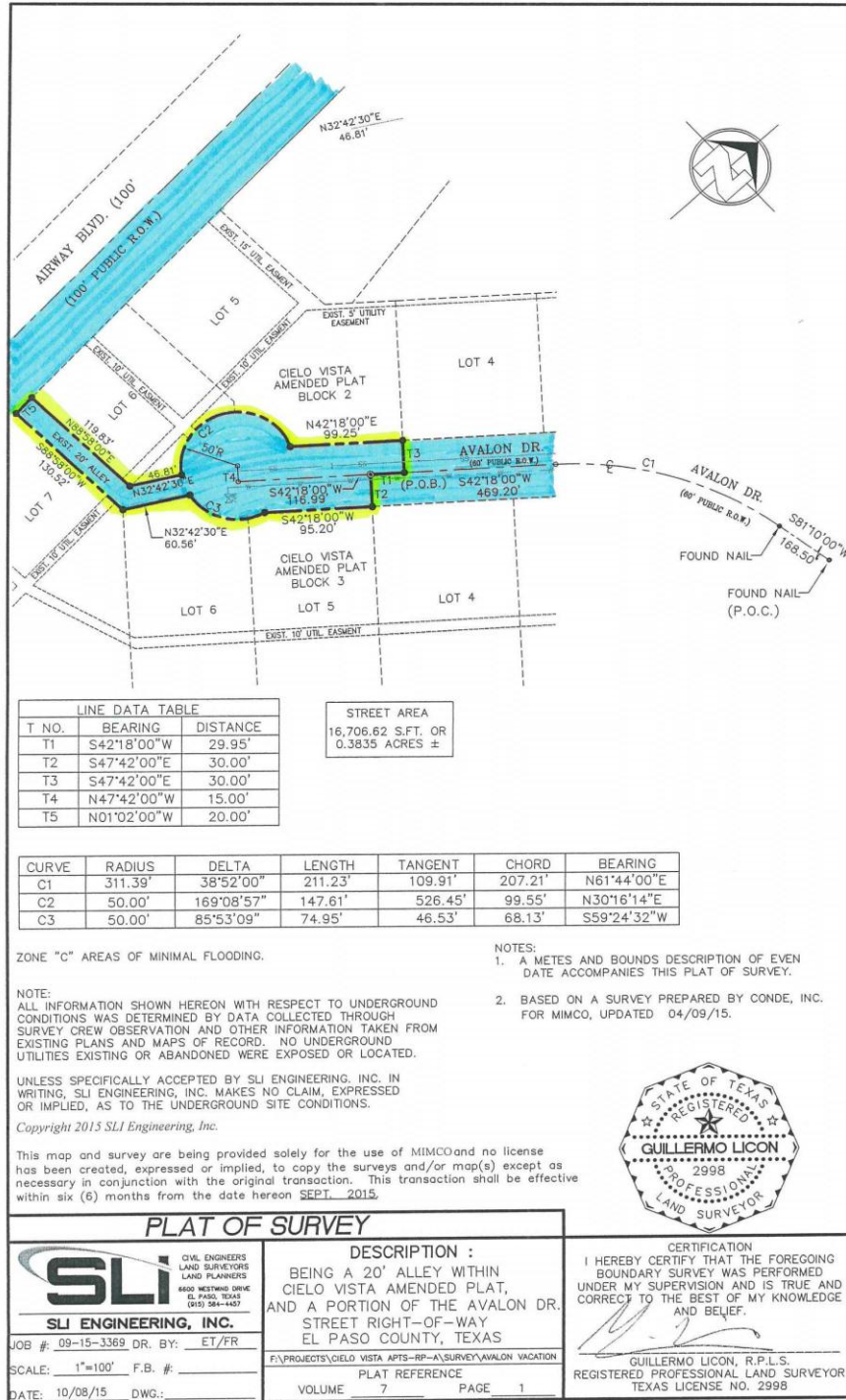


ATTACHMENT 2

AVALON DRIVE ROW VACATION



ATTACHMENT 3



ATTACHMENT 4



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October 19, 2015

Guillermo Licón, P.E.
President

Nelson Ortiz
City of El Paso Planning Department
701 Texas Street
El Paso, TX 79925


Dear Mr. Ortiz

Subject: Cielo Vista Subdivision, Replat A, El Paso Texas

On Behalf of my client, developer of the subdivision listed above, we cordially request an exception to allow Avalon drive to end at the proposed development without a cul-de sac. We are proposing a 35 foot public access easement to be dedicated with the proposed replat.

Thank you for your assistance.

Sincerely;



Georges Halloul
SLI Engineering, Inc.

Civil Engineers
Land Surveyors & Planners
Construction Management

Licensed Registered Engineers
Texas - New Mexico
Arizona - Colorado

6600 Westwind Drive
El Paso, TX 79912
Phone (915) 584-4457
Fax (915) 581-7756

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ATTACHMENT 5



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

Date: 8/29/2015 File No. SURW15-00013

1. APPLICANT'S NAME E. P. Simana
ADDRESS 6500 Montana ZIP CODE 79925 TELEPHONE 915 779 6500
2. Request is hereby made to vacate the following: (check one)
Street ☒ Alley ☐ Easement ☐ Other Cul De Sac
Street Name(s) Avalon Dr. Subdivision Name Cielo Vista Replat
Abutting Blocks 2 and 3 Abutting Lots 3, 5, 6, and 7
3. Reason for vacation request: Redeveloping the site
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
	same as above	7796500
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

**Effective September 1, 2014, a 3% technology fee has been added to all Planning application fees.*

OWNER SIGNATURE:

REPRESENTATIVE:

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 (915) 212-0085



Recommendation/Public Input

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

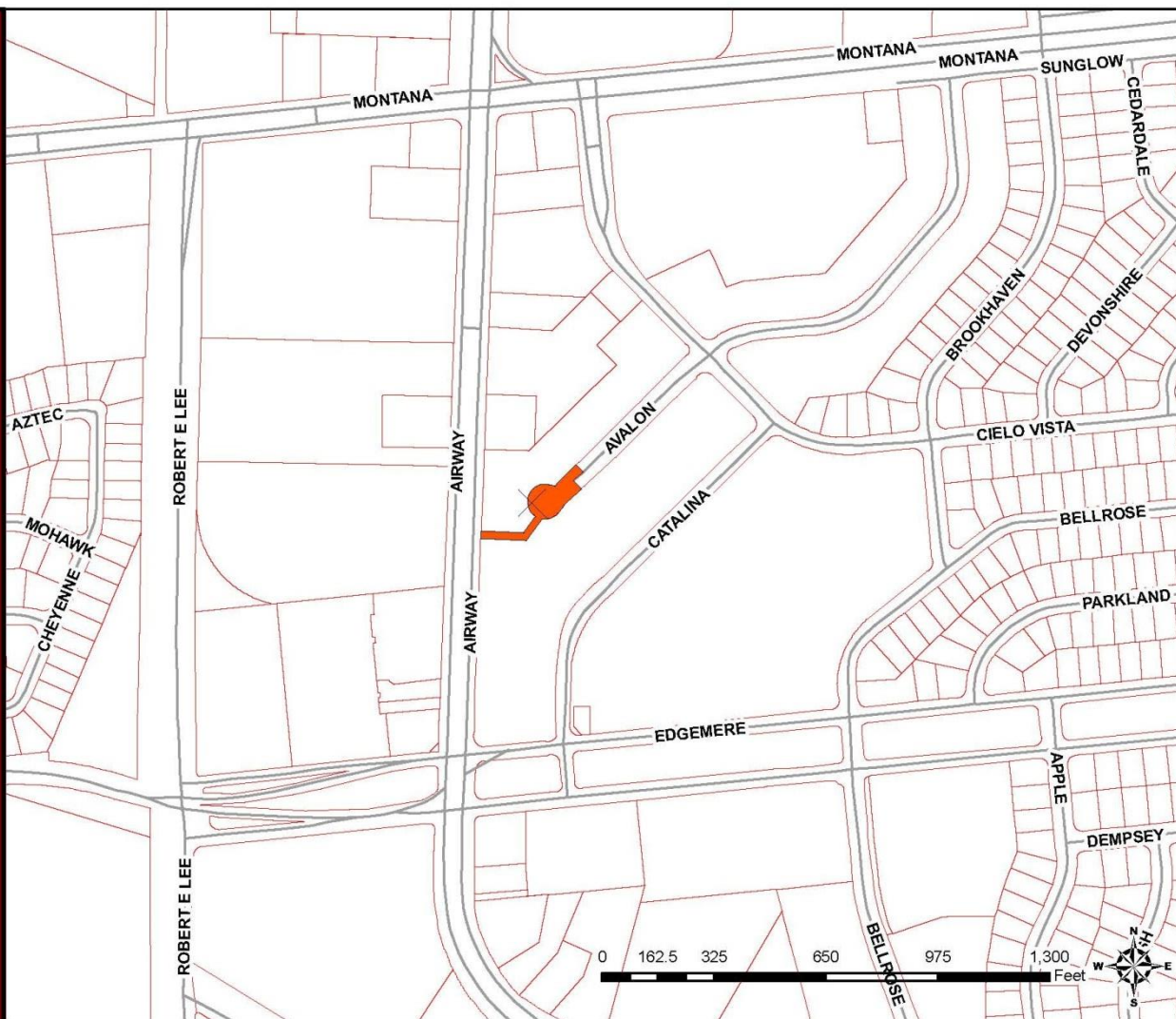
That the applicant dedicates an improved 35' vehicular access easement, connecting Avalon to Catalina prior to approval by City Council. (This condition has been satisfied by the related plat)

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.

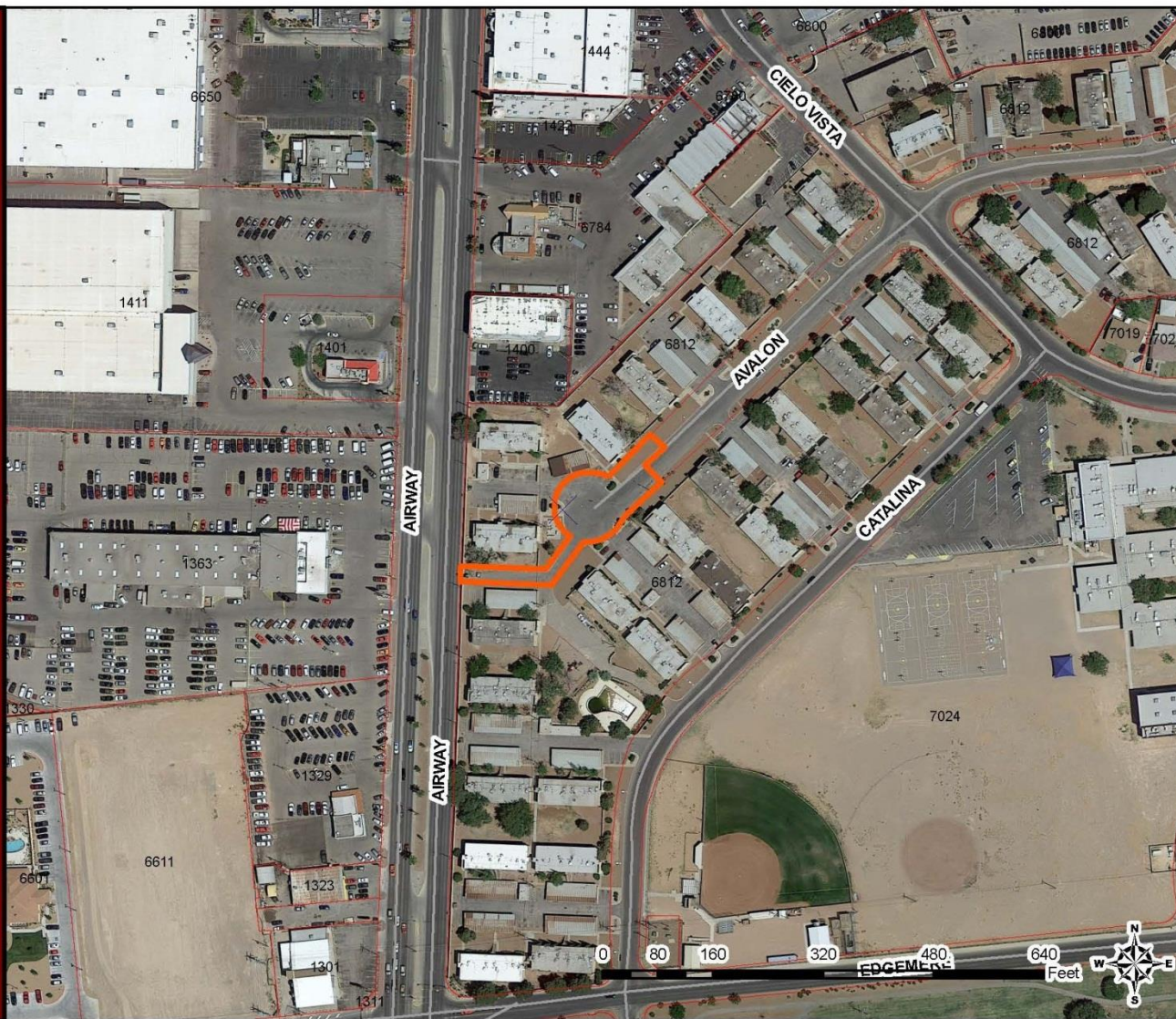


AVALON DRIVE ROW VACATION

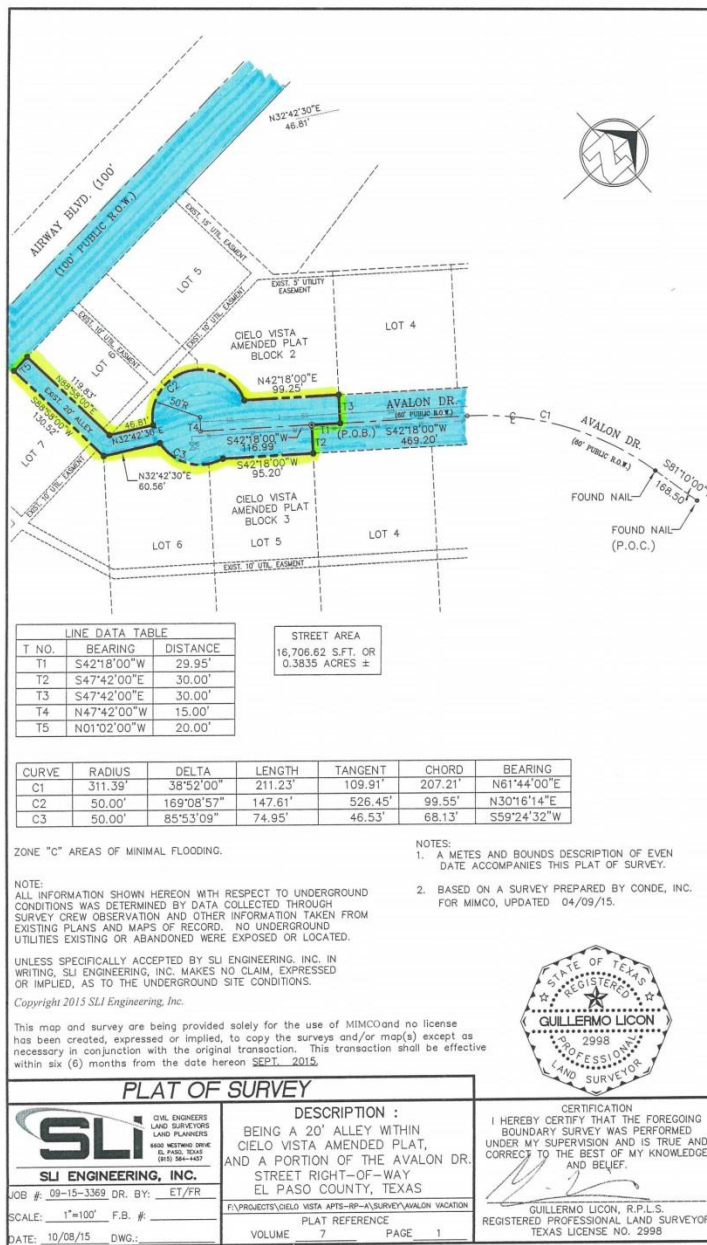




AVALON DRIVE ROW VACATION



"Delivering Outstanding Services"







"Delivering Outstanding Services"



"Delivering Outstanding Services"