

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Introduction: September 3, 2019

**PUBLIC HEARING DATE:** September 17, 2019

**CONTACT PERSON NAME AND PHONE NUMBER:**

Philip F. Etiwe, (915)212-1553, [etiwepf@elpasotexas.gov](mailto:etiwepf@elpasotexas.gov)  
Jovani Francia, (915)212-1613, [franciajx@elpasotexas.gov](mailto:franciajx@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 6

**STRATEGIC GOAL:** Strategic Goal #3 – Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 – Provide business friendly permitting and inspection processes.  
3.2 – Improve the visual impression of the community.

**SUBJECT:**

An ordinance vacating an eight-foot public utility easement located within a portion of Tract 6, Franklin Place, City of El Paso, El Paso County, Texas. Subject Property: 8919 Otyokwa; Applicant: David Aragon; **SUET19-00004 (District 6)**

**BACKGROUND / DISCUSSION:**

On June 27, 2019, the CPC reviewed and recommended approval of the easement vacation. See attached Staff Report.

**PRIOR COUNCIL ACTION:**

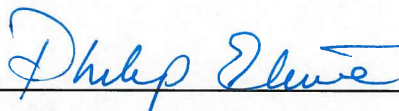
There is no prior City Council action on the easement vacation application.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



**Philip F. Etiwe, Director  
Planning & Inspections Director**

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

**AN ORDINANCE VACATING AN EIGHT-FOOT PUBLIC UTILITY EASEMENT  
LOCATED WITHIN A PORTION OF TRACT 6, FRANKLIN PLACE, CITY OF EL  
PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owner has requested vacation of an eight-foot public utility easement located within a portion of Tract 6, Franklin Place, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing, the City Plan Commission has recommended that an eight-foot public utility easement located within a Tract 6, Franklin Place, City of El Paso, El Paso County, Texas, be vacated and the City Council finds that said 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, in consideration of the receipt by the City of El Paso of TWENTY-FIVE DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, an eight-foot public utility easement located within a portion of Tract 6, Franklin Place, City of El Paso, El Paso County, Texas, as further 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, be and is hereby vacated, closed and abandoned.

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 easement to **David Aragon**.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

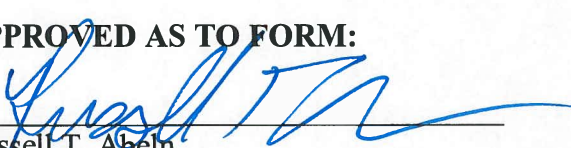
**THE CITY OF EL PASO:**

\_\_\_\_\_  
Dee Margo  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

*(Quitclaim Deed on following page)*

**ORDINANCE NO.** \_\_\_\_\_  
19-1007-2489 | 917007  
8919 Otyokwa Easement Vacation  
RTA

**SUET19-00004**

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

**THE STATE OF TEXAS    }**

**}**

**QUITCLAIM DEED**

**COUNTY OF EL PASO    }**

That in consideration of the receipt by the **CITY OF EL PASO** of Ten dollars (\$10.00) and other valuable consideration, the sufficiency of which is acknowledged, **THE CITY OF EL PASO**, has released and quitclaimed and by the presents does release and quitclaim unto David Aragon (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** Tract 6, Franklin Place, **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 \_\_\_\_\_, 2019.**

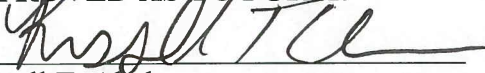
**CITY OF EL PASO**

**ATTEST:**

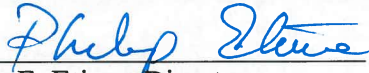
\_\_\_\_\_  
Tomás González, City Manager

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning and Inspections Department

*(Acknowledgement on following page)*

**ACKNOWLEDGMENT**

**ORDINANCE NO.** \_\_\_\_\_  
19-1007-2489 | 917006  
8919 Otyokwa Easement Vacation  
RTA

**SUET19-00004**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
by Tomás González, as City Manager for the CITY OF EL PASO.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary’s Printed of Typed Name:

My Commission Expires:  
  
\_\_\_\_\_

AFTER FILING RETURN TO:  
David Aragon  
8919 Otyokwa  
El Paso, Texas 79907

*(Exhibit “A” & “B” on the following pages)*

ORDINANCE NO. \_\_\_\_\_  
19-1007-2489 | 917006  
8919 Otyokwa Easement Vacation  
RTA

SUET19-00004

## EXHIBIT A

# Calderon Engineering

3031 Trawood Drive  
El Paso, Texas 79936  
(915) 855-7552  
Fax: 855-8350

[CalderonEngineering@elpbizclass.com](mailto:CalderonEngineering@elpbizclass.com)

April 12, 2019

### METES & BOUNDS DESCRIPTION

Description of a parcel of land being an 8 foot wide Utility Easement across Tract 6 Franklin Place, City of El Paso, El Paso County, Texas, as filed and recorded in Book 7, Page 47, Deed Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows;

Commencing at a found chiseled cross marking the Northwest corner of Tract 6, the Southwest corner of Tract 7, and on the East R.O.W. line of Otyokwa Way in Tract 6, Franklin Place, City of El Paso, El Paso County, Texas;

Thence North 48°32'00" East, along the common Tract Line between Tracts 6 and 7 a distance of 140.00 feet to a set concrete nail making the "Point of Beginning";

Thence North 48°32'00" East, continuing along the common Tract line between Tracts 6 and 7 a distance of 8.00 feet to a set concrete nail;

Thence South 41°28'00" East, a distance of 60.00 feet to a set concrete nail;

Thence South 48°32'00" West, along the common Tract Line between Tracts 5 and 6 a distance of 8.00 feet to a set concrete nail;

Thence North 41°28'00" West, a distance of 60.00 feet to the "Point of Beginning" and containing in all 480.00 square feet or 0.0118 acres of land more or less. A plat of survey dated April 12, 2019 is a part of this description and is attached hereto;

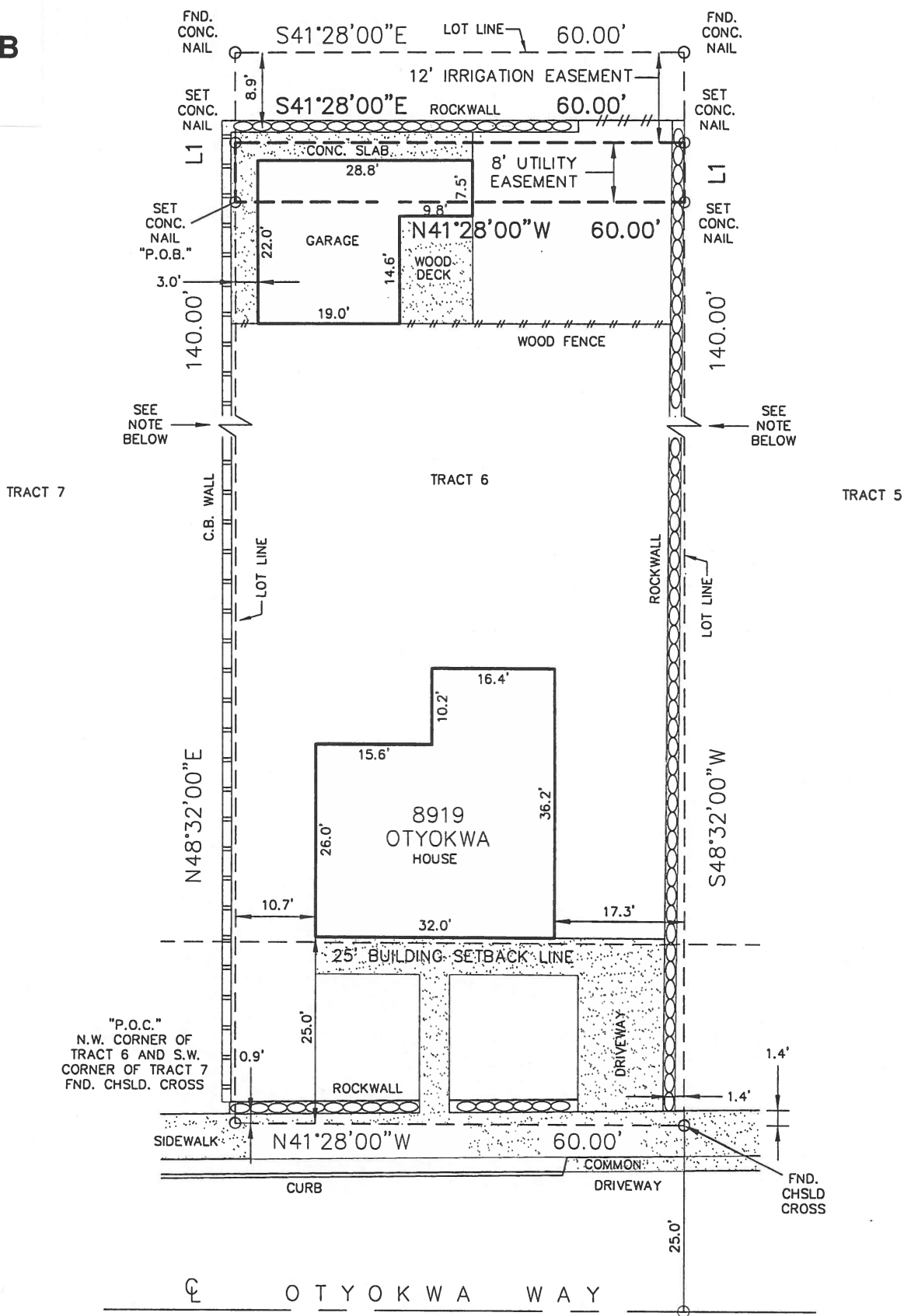


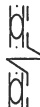
A handwritten signature in black ink, appearing to read "Manuel Calderon".

Manuel Calderon  
Calderon Engineering  
Registered Professional Land Surveyor No. 2564  
Registered Professional Engineer No. 42333  
Texas Registered Engineering Firm No. F-3788  
Texas Licensed Surveying Firm No. 100200-00



EXHIBIT B



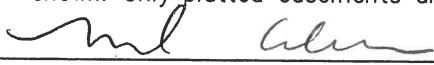
 = NOTE: THE 140.00 FOOT LENGTH IS SCALED-DOWN TO FIT THIS PAPER SIZE

LINE	BEARING	DISTANCE
L1	N48°32'00\"E	8.00'
L2	S48°32'00\"W	8.00'



CERTIFICATION

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



Manuel Calderon

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

E-Mail: [CalderonEngineering@elpbizclass.com](mailto:CalderonEngineering@elpbizclass.com)

Book 7 Page 47 Job No. 419-83A

8919 OTYOKWA WAY  
BEING A PORTION OF TRACT 6  
FRANKLIN PLACE  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS  
AND BEING MORE PARTICULARLY DESCRIBED BY  
METES AND BOUNDS ATTACHED HERETO

Field JM Office AP-C3 Date 04-12-19 Scale 1"=20'

**CALDERON ENGINEERING**

3031 TRAWOOD DR.  
EL PASO, TEXAS 79936 (915) 855-7552  
E-Mail: [CalderonEngineering@elpbizclass.com](mailto:CalderonEngineering@elpbizclass.com)

## **MEMORANDUM**

**DATE:** September 3, 2019

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

**FROM:** Jovani Francia, Planner

**SUBJECT:** SUET19-00004 8919 Otyokwa Eastment Vacation (North of Alameda and West of Zaragoza)

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The City Plan Commission (CPC), on June 27, 2019, voted to recommend **approval** of the proposed easement vacation.

The City Plan Commission determined that the request to vacate the easement 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 opposition to the request.

**Property Owner** David Aragon  
**Representative** David Aragon

**Attachments:**  
Staff Report

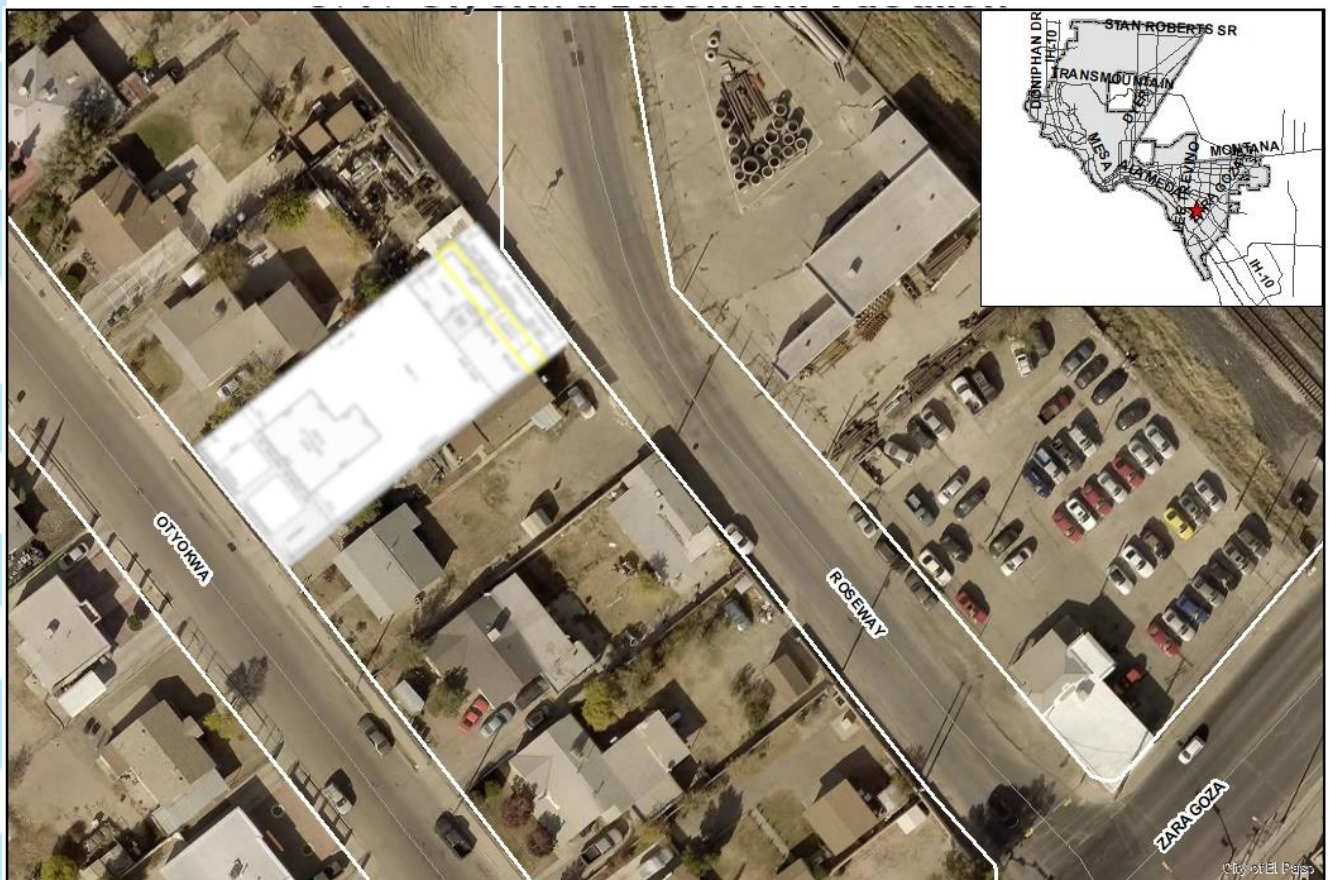
# 8919 Otyokwa Easement Vacation

City Plan Commission — June 27, 2019



<b>CASE NUMBER/TYPE:</b>	<b>SUET19-00004 – Easement Vacation</b>
<b>CASE MANAGER:</b>	Jovani Francia, 212-1613, franciadj@elpasotexas.gov
<b>PROPERTY OWNER:</b>	David Aragon
<b>REPRESENTATIVE:</b>	David Aragon
<b>LOCATION:</b>	North of Alameda and West of Zaragoza (District 6)
<b>PROPERTY AREA:</b>	0.0118 acres
<b>ZONING DISTRICT(S):</b>	R-4 (Residential)
<b>RELATED APPLICATIONS:</b>	BRAD19-00091 (washroom addition building permit)

**SUMMARY OF DCC RECOMMENDATION:** The Development Coordinating Committee recommends approval of the vacation of an 8' utility easement.





**DESCRIPTION OF REQUEST:** The applicant is requesting to vacate an 8' utility easement to allow an existing storage structure to remain. The storage structure is built over the easement. The utility easement serves Charter/Spectrum, El Paso Electric, El Paso Water, and Texas Gas Service. These utility companies did not have any opposition to the vacation of the 8' utility easement.

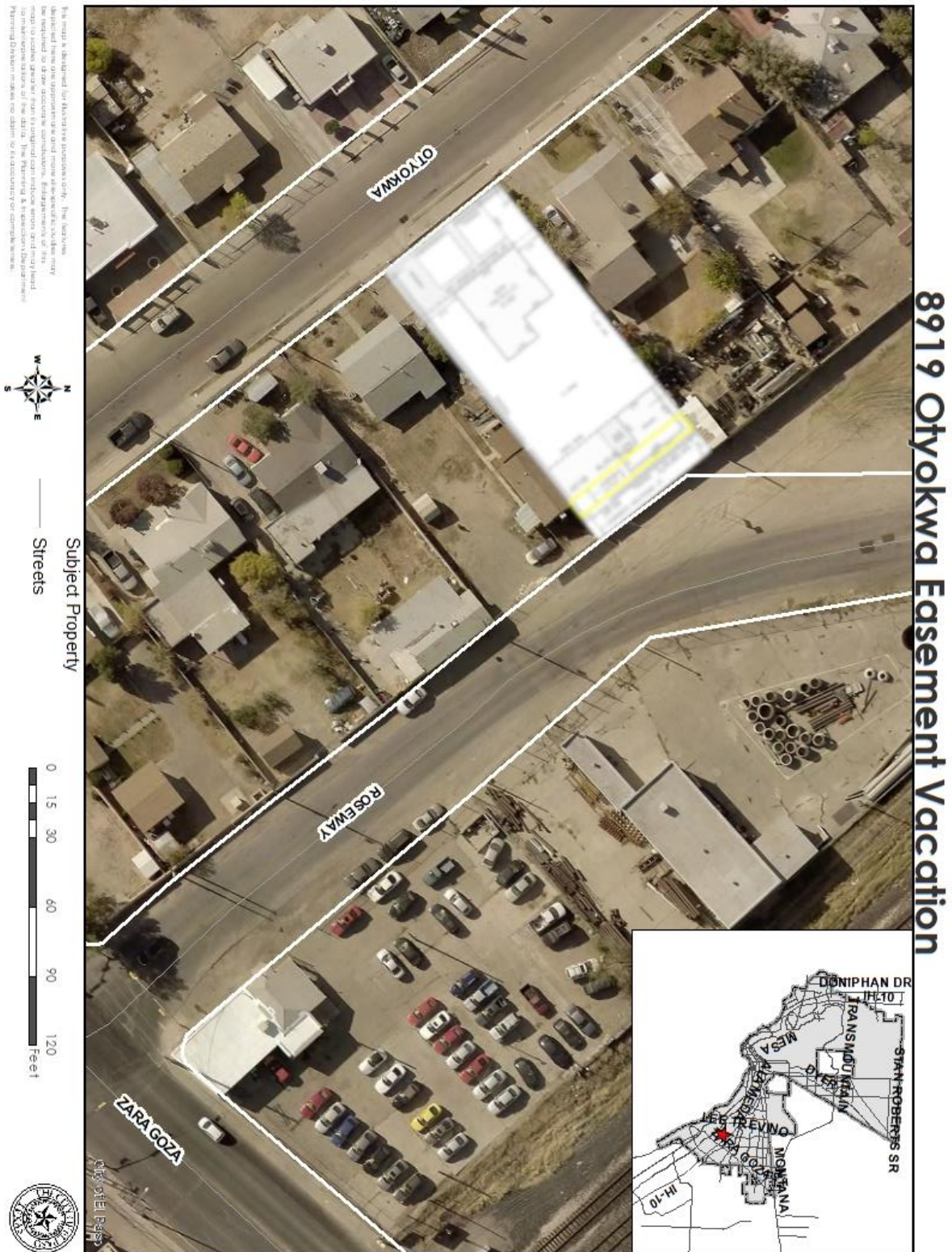
**CASE HISTORY / RELATED APPLICATIONS:** A storage structure was built without permits circa 2002. A portion of the storage structure was built over the 8' utility easement. The current owner, David Aragon, purchased the property circa 2008. The following is a list of events:

- March 8, 2019: Applicant received notice for building without permits.
- April 17, 2019: Applicant obtained BRAD19-00091 (Residential Building Addition permit) for the washroom addition built without permits. The applicant tried to obtain the permit for the storage structure but could not obtain it as the structure is built over the 8' utility easement.
- May 14, 2019: The applicant submitted an application to vacate the 8' utility easement in order to apply for a legalization permit for the storage structure.

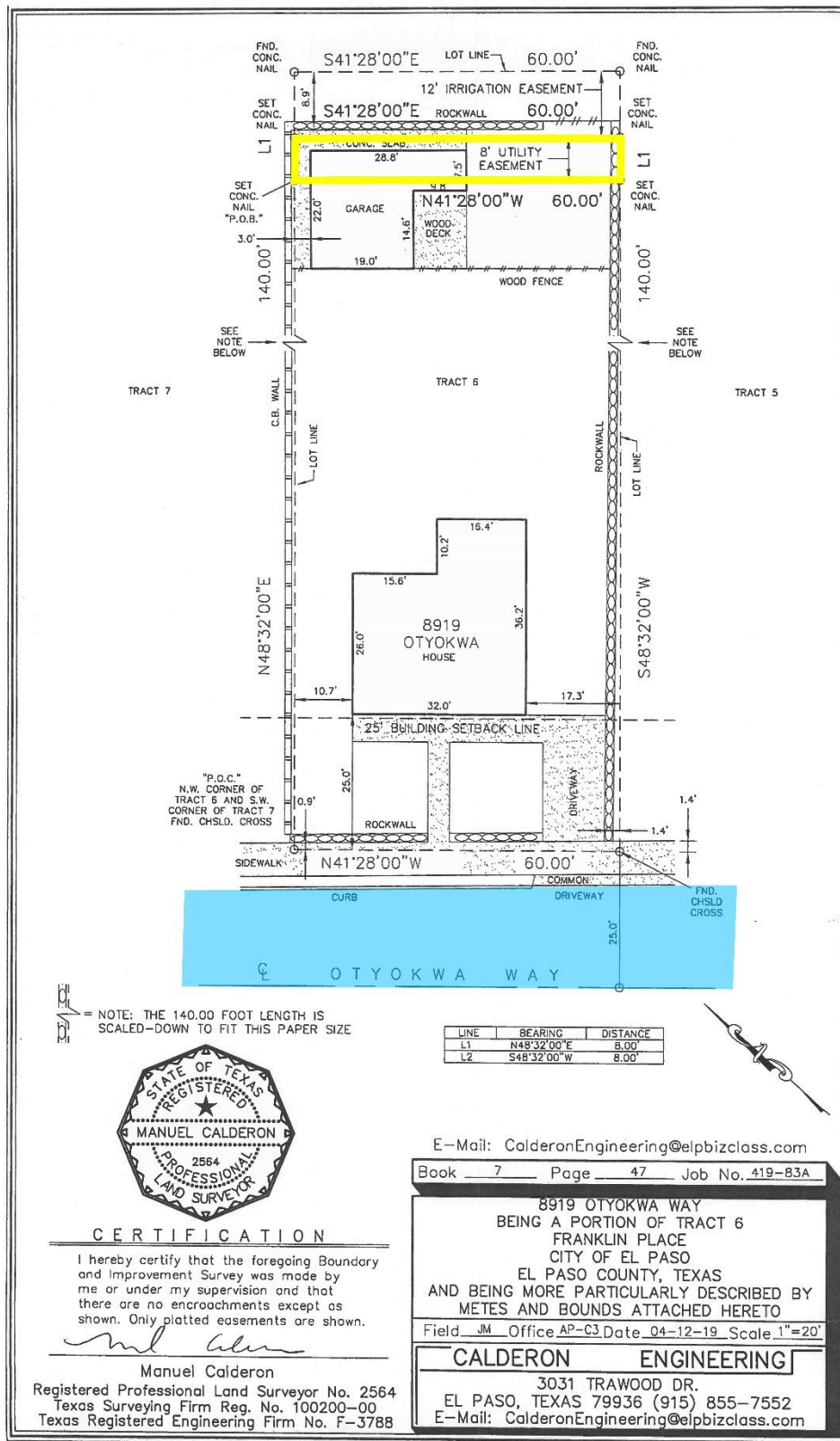
**ATTACHMENTS:**

1. Location Map
2. Survey
3. Metes and Bounds
4. Application
5. Department Comments

# ATTACHMENT 1



# ATTACHMENT 2



# ATTACHMENT 3

## Calderon Engineering

3031 Trawood Drive  
El Paso, Texas 79936  
(915) 855-7552  
Fax: 855-8350

[CalderonEngineering@elpbizclass.com](mailto:CalderonEngineering@elpbizclass.com)

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Manuel Calderon  
Calderon Engineering  
Registered Professional Land Surveyor No. 2564  
Registered Professional Engineer No. 42333  
Texas Registered Engineering Firm No. F-3788  
Texas Licensed Surveying Firm No. 100200-00

C6-SV  
8919 Otyokwa



# ATTACHMENT 4



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

Date: 5-13-19 File No. SUET19-00004  
1. APPLICANTS NAME DAVID ARAGON  
ADDRESS 8919 OTYOKWA ZIP CODE 79907 TELEPHONE 915-204-1618

2. Request is hereby made to vacate the following: (check one)

Street ☐ Alley ☐ Easement ☒ Other ☐

Street Name(s) 8919 OTYOKWA Subdivision Name FRANKLIN

Abutting Blocks \_\_\_\_\_ Abutting Lots 6

3. Reason for vacation request: EXISTING STRUCTURE

4. Surface Improvements located in subject property to be vacated:  
None ☐ Paving ☐ Curb & Gutter ☐ Power Lines/Poles ☐ Fences/Walls ☒ Structures ☒ Other ☐

5. Underground Improvements located in the existing rights-of-way:  
None ☐ Telephone ☐ Electric ☒ Gas ☐ Water ☒ Sewer ☐ Storm Drain ☐ Other ☐

6. Future use of the vacated right-of-way:  
Yards ☐ Parking ☐ Expand Building Area ☒ Replat with abutting Land ☒ Other ☐

7. Related Applications which are pending (give name or file number):  
Zoning ☐ Board of Adjustment ☐ Subdivision ☐ Building Permits ☒ Other ☐

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
	<u>Lot 6 Franklin Place</u>	<u>915-204-1618</u>
	<u>City of El Paso TX</u>	<u>coach10dave@yahoo.com</u>

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

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

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

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

OWNER SIGNATURE

REPRESENTATIVE: \_\_\_\_\_

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

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

# **ATTACHMENT 5**

## **Planning & Inspections Department – Planning Division**

Developer/Engineer shall address the following comments:

1. Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:
  - a. Current tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

## **Capital Improvement Department – Parks**

We have reviewed **Otyokwa Way - Easement Vacation** survey map and on behalf of CID Parks & Planning Division we offer “No” objections to this proposed easement vacation request.

If density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

## **Charter / Spectrum**

We have reviewed your request for the above referenced Utility Easement, and Charter Communications hereby grants the abandonment located near 8919 Otyokwa Way, El Paso, Texas. Charter Communications retains the right of access to any remaining partial or full utility easements on the property for the purpose of future construction or maintenance of existing facilities.

## **El Paso County Water Improvement District #1**

EPCWID has no objection.

## **El Paso Electric**

El Paso Electric does not object to the 8’ utility easement vacation located at 8919 Otyokwa Way. Any future land right shall be granted by separate instrument. As to the rest and remainder of any easement(s) existing within Tract 6, Franklin Place, City of El Paso, El Paso County, Texas, the rights and interests of El Paso Electric Company in and to such easement(s) are expressly ratified and confirmed, and shall remain in full force and effect.

## **El Paso Water Utilities**

EPWater does not object to this request.

## **Water:**

There is an existing 6-inch diameter water main that extends along the northeast side of Otyokwa Way, approximately 14-feet southwest of and parallel to the northeastern right-of-way line of Otyokwa Way. This water main is available for service.

EPWater records indicate one (1) 3/4-inch water service meter serving the subject property. The service address for this meter is 8919 Otyokwa Way.

Previous water pressure reading from fire hydrant # 2653 located 43-feet south of Roseway Dr. along Zaragoza Rd, yielded a static pressure of 110 psi, a residual pressure 94 psi and a discharge of 1,186 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along the southwest side of Otyokwa Way, approximately 20-feet northeast of and parallel to the southwestern right-of-way line of Otyokwa Way. This sanitary sewer main is available for service.

**General:**

EPWater requires a new service application for additional services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenance.

**Fire Department**

No comments.

**Planning and Inspections Department – Land Development**

We have reviewed subject plats and recommend Approval. The Developer / Engineering shall address the following comments:

- 1: No objections to proposed easement vacation.

**Sun Metro**

No objections.

**Texas Gas Service**

Texas Gas is fine with the vacation of the utility easement. Since it is a single service, we will not be requiring a separate easement. Texas Gas Service currently serves 8919 with a 1/2" PE gas line that crosses the easement from Roseway Dr. Please relay to the owner that line locates are required before digging and if gas service needs to be terminated then please contact Texas Gas Service.

**TxDOT**

Address is not abutting TXDOT Right of Way.



I T E M

# 8919 Otyokwa Easement Vacation





# 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.



# 8919 Otyokwa Easement Vacation

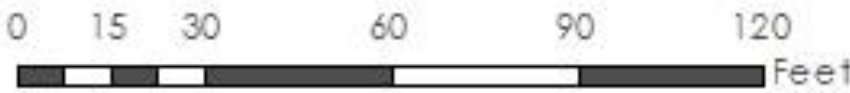


This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

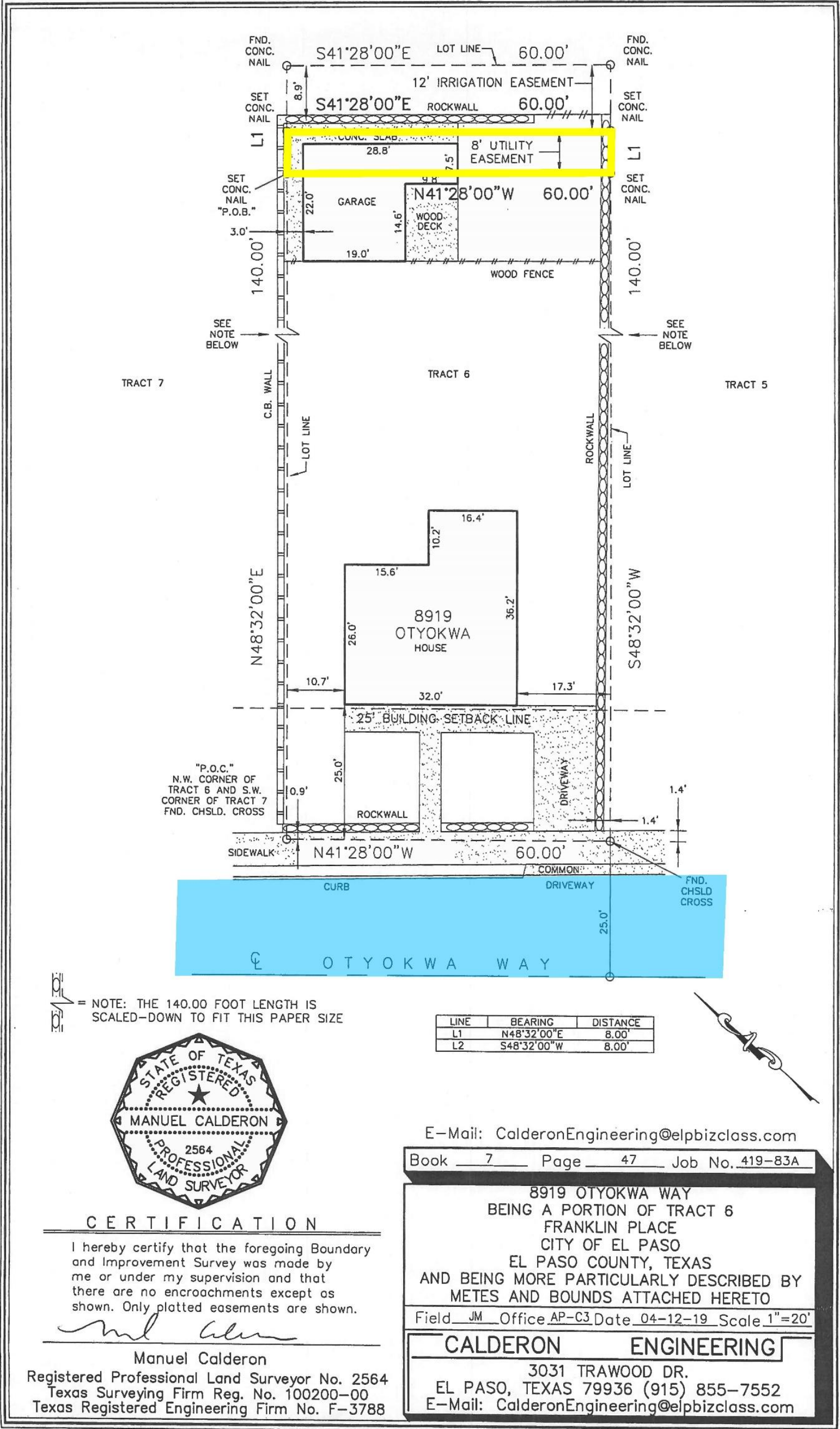


Subject Property

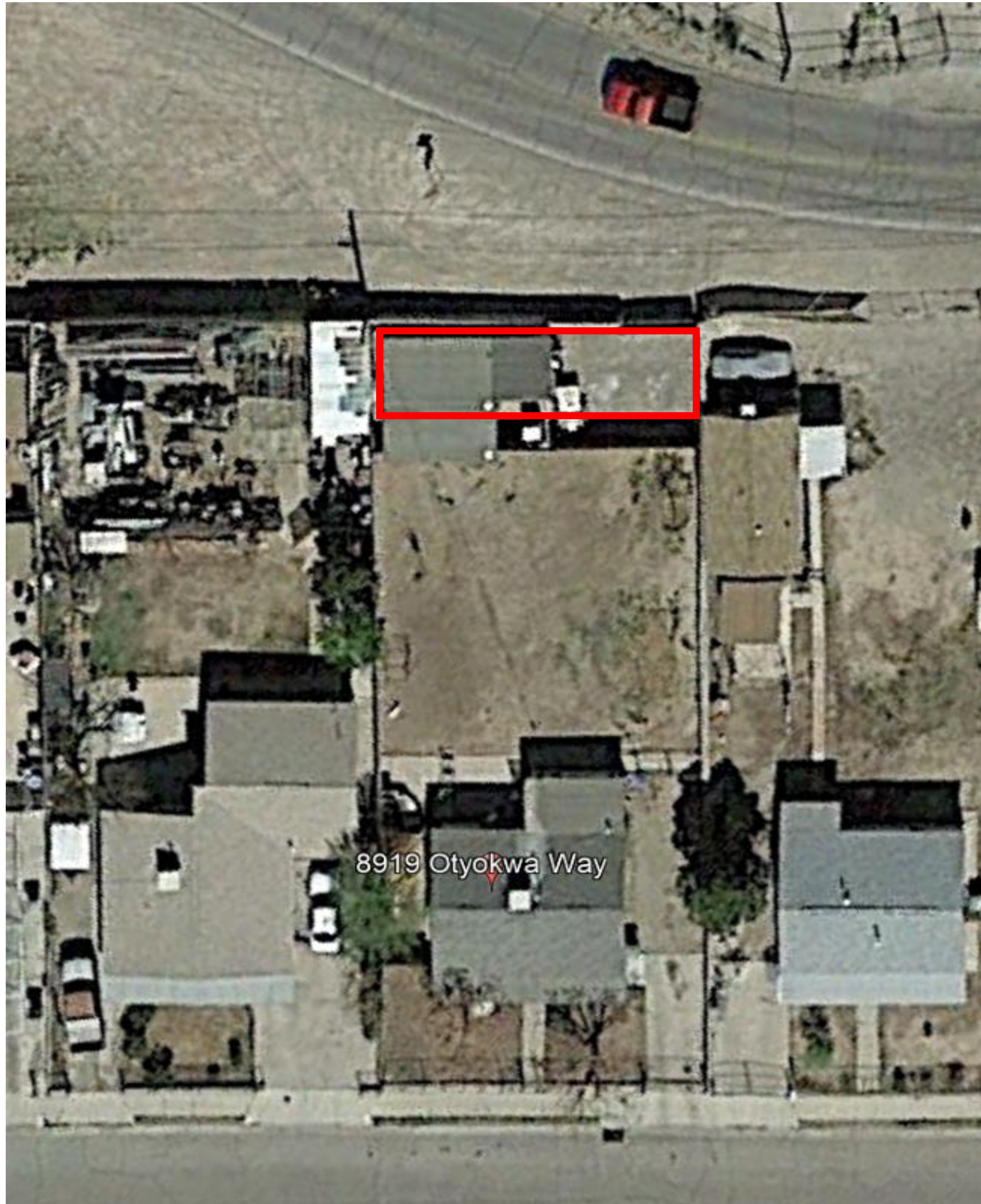
Streets











8919 Otyokwa Way



# Recommendation | Public Input

6

## **Planning Division / DCC recommendation:**

**Approval** of the vacation of an 8' utility easement.

### **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





**THANK YOU**

