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

DEPARTMENT:	City Development Department		
AGENDA DATE:	Introduction: 09/23/14 Public Hearing: 09/30/14		
CONTACT PERSO	N/PHONE:	Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov	
DISTRICT(S) AFFECTED:		District 8	

SUBJECT:

An Ordinance vacating a portion of Cliff Drive Right-of-Way and a portion of Golden Hill Terrace Right-of-Way, adjacent to Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas (District 8).

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 8, 2014

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy Director - City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____



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CARGE STREET, SALES

<u>City Development Department</u>

Mayor Oscar Leeser	TO:	The Honorable Mayor and City Council Tommy Gonzalez, City Manager	
	FROM:	Alfredo Austin, Planner	
City Council	DATE:	September 15, 2014	
District 1 Ann Morgan Lilly District 2 Larry Romero District 3 Emma Acosta District 4 Carl L. Robinson District 5 D. Michiel R. Noe District 6 Claudia Ordaz District 7 Lily Limón District 8 Cortney C. Niland	Cliff Drive and accordance wit consists of 644 The City Plan (Cliff Street Right-of-WayVacation will correct a long-term encroachment of a rockwall into the Right- d Golden Hill Terrace. The applicant has paid 10% of the property of th City Council resolution dated February 21, 2012. The encroachment squared feet (.0148 acres) of Right-of-Way. Commission unanimously recommended approval of the proposed on May 8, 2014. There was no public comment.	value in aent area
		City Development Department	



City Development Department 801 Texas Avenue | El Paso, Texas 79901 | (915) 212-0083 CityDevelopment@elpasotexas.gov Dedicated to Outstanding Customer Service for a Better Community



ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF CLIFF DRIVE RIGHT-OF-WAY AND A PORTION OF GOLDEN HILL TERRACE RIGHT-OF-WAY, ADJACENT TO LOT 1, BLOCK 1, CITY VIEW SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner whose address is 1700 Cliff Drive has requested vacation of parcels of land being a portion of Cliff Drive Right-of-Way and a portion of Golden Hill Terrace Right-of-Way, adjacent to Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Cliff Drive Right-of-way and a portion of Golden Hill Terrace Right-of-Way, adjacent to Lot 1, Block 1, City View Subdivision, 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 a portion of Cliff Drive Right-of-Way, which is more fully described in the attached survey and metes and bounds description, identified as Exhibit "A" and made a part hereof by reference; and a portion of Golden Hill Terrace Right-of-Way, which is more fully described in the attached survey and metes and bounds description, identified as Exhibit "B" and made a part hereof by reference; and adjacent to Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas; 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 **E.P. Cliff, LLC**.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF EL PASO

Oscar Leeser Mayor

(Signatures continued on following page)

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ATTEST:

Richarda Duffy Momsen City Clerk

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director City Development Department

APPROVED, AS/ TO FORM: Karla M. Assistant C ttorney

(Quitclaim Deed on following page)

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 E.P. Cliff, LLC ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto E.P. Cliff, LLC 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 Cliff Drive Right-of-Way and a portion of Golden Hill Terrace Right-of-Way, adjacent to Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas situated in the County of El Paso, State of Texas, more fully described in the attached surveys and metes and bounds descriptions, identified as Exhibits "A" and B" and incorporated herein for any and all purposes.

This conveyance is subject to the following (all references to recorded instruments

pertain to the Real Property Records of El Paso County, Texas):

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

TO HAVE AND TO HOLD the Property together with all and singular the rights and

appurtenances thereto in any way belonging unto Grantee, Grantee's successors and assigns

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

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

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

ATTEST:

CITY OF EL PASO

Richarda Duffy Momsen City Clerk

APPROVED AS TO CONTENT:

Mathew McElroy, Director City Development Department Tomás González City Manager

APPROVED AS TO FORM:

Karla TA Naman Assistant City Attorney

(Acknowledgement on following page)

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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 he executed the instrument by proper authority, for the purposes and consideration expressed therein and in the capacity stated in the instrument.

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

NOTARY PUBLIC, STATE OF TEXAS

(Print or Stamp Name of Notary)

My commission expires:

AFTER FILING RETURN TO:

E. P. Cliff, LLC 1700 Cliff Drive El Paso, TX 79902

With copy to:

City Development Department Planning Division P.O. Box 1890 El Paso, TX 79950-1890



PROPERTY DESCRIPTION

Property Description: A portion of the apparent 65 foot wide right of way of Cliff Drive, City of El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of the apparent 65 foot wide right of way of Cliff Drive lying adjacent to the property whose address is 1700 Cliff Drive, said property being a portion of Lot 1, Block 1, City View Subdivision, an addition to the City of El Paso, El Paso County, Texas, according to the plat of said subdivision recorded in Document No. 20080067796, Real Property records of El Paso County, said parcel being more particularly described by metes and bound as follows,

COMMENCING at the City Monument(Star) found at the centerline intersection of Cliff Drive and Golden Hill Terrace Street; THENCE South 40° 57' 18" West a distance of 50.20 feet to the TRUE POINT OF BEGINNING of the parcel herein described;

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THENCE, South 81° 54' 39" West, along the southerly right of way line of Cliff Drive, a distance of 160.64 feet to a point in the face of a rock wall;

THENCE, along said rock wall, a distance of 3.41 feet along the arc of a curve to the right having a radius of 8.13 feet, a central angle of 24° 04' 21", and a chord that bears North 59° 02' 55" East for a distance of 3.39 feet to a point;

THENCE, North 81° 56' 29" East, continuing along said rock wall, a distance of 75.91 feet to a point;

THENCE, North 82° 02' 00" East, continuing along said rock wall, a distance of 43.55 feet to a point;

THENCE, North 82° 12' 26" East, continuing along said rock wall, a distance of 38.07 feet to a point;

THENCE, South 07° 22' 55" East, a distance of 1.00 foot to the TRUE POINT OF BEGINNING of the parcel herein described containing 196 square feet or 0.0045 acres of land MORE OR LESS.

AN EXHIBIT OF EVEN DATE ACCOMPANIES THIS METES AND BOUND DESCRIPTION.

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SLI ENGINEERING, INC. Consulting Engineers - Land Surveyors. Guillermo Licon

Registered Professional Land Surveyor Texas License No, 2998

February 19-, 2014 Job # 06-14-3491



FAPROJECTSMMPSURVA4-3491 1700 CLIFFAsievoy/14-3491 CITYVIEW ROCK. WALLdoc



PROPERTY DESCRIPTION

Property Description: A portion of the apparent 60' right of way of Golden Hill Terrace Street, City of El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of the apparent 60 foot wide right of way of Golden Hill Terrace Street lying adjacent to the property whose address is 1700-A Cliff Drive, said property being a portion of Lot 1, Block 1, City View Subdivision, an addition to the City of El Paso, El Paso County, Texas, according to the plat of said subdivision recorded in Document No. 20080067796, Real Property records of El Paso County, said parcel being more particularly described by metes and bound as follows,

COMMENCING at the City Monument(Star) found at the centerline intersection of Cliff Drive and Golden Hill Terrace Street; THENCE South 35° 37' 47" West a distance of 45.53 feet to a 5/8" rebar found at the intersection of the southerly right of way line of Cliff Drive and the westerly right of way line of Golden Hill Terrace Street; THENCE South 04° 40' 30" East, along the westerly right of way line of Golden Hill Terrace Street, a distance of 17.75 feet to the TRUE POINT OF BEGINNING of the parcel herein described;

THENCE, South 14° 46' 45" East, along the face of a rock wall. a distance of 5.90 feet to a point;

THENCE, South 07° 30' 37" East, continuing along said rock wall, a distance of 49.34 feet to a point;

THENCE, South 01° 28' 18" East, continuing along said rock wall, a distance of 12.80 feet to a point;

THENCE, South 08° 12' 15" West, continuing along said rock wall, a distance of 23.50 . feet to a point;

THENCE, South 14° 46' 47" West, continuing along said rock wall, a distance of 15.24 feet to a point;

THENCE, South 18° 30' 03" West, continuing along said rock wall, a distance of 11.93 feet to a point;

THENCE, North 68° 36' 21" West, continuing along said rock wall, a distance of 8.65 feet to a point in the westerly right of way line of Golden Hill Terrace Street;

Page 2 of 3

)J TS MP R \14-3491 1700 CLIE \survey 14 349 C V \\ (ALL_doe THENCE, North 21° 23' 39" East, along said right of way line, a distance of 45.55 feet to a point;

THENCE, North 04° 40' 30" West, continuing along said right of way line, a distance of 71.39 feet to the TRUE POINT OF BEGINNING of the parcel herein described containing 448 square feet or 0.0103 acres of land MORE OR LESS.

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

ERING, INC. SLI 🖌 ng Engineers-Land Surveyors Con Guillermo Licon

Registered Professional Land Surveyor Texas License No. 2998

February 28-, 2014 Job # 06-14-3491



N 1 7 , M PS - VM 3491 1700 CL1 F\survey/14-3 91 C 1 Y E 1 C 5 - .2.dc 5



City of El Paso – City Plan Commission Staff Report

Case No: Application Type: CPC Hearing Date: Staff Planner: SURW14-00002 Cliff Street Vacation Street ROW Vacation May 8, 2014 Alfredo Austin, 915-212-1604, austinaj@elpasotexas.gov

Location: Acreage: Rep District: Existing Use: Existing Zoning: Proposed Zoning: 1700 Cliff Drive
.0148 acres
8
Street right-of-way
G-MU (General Mixed Use District)
G-MU (General Mixed Use District)

Property Owner:E.P. CliffApplicant:E.P. CliffRepresentative:SLI Engineering

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial) / Commercial Development South: G-MU (General Mixed Use District) / Vacant East: A-O (Apartment/Office) / Offices West: G-MU (General Mixed Use District) / Vacant

PLAN EL PASO DESIGNATION: G3, Post-War / G2, Traditional Neighborhood (Walkable)

APPLICATION DESCRIPTION

The applicant is proposing to vacate a portion of Cliff Drive right-of-way measuring approximately 1 foot by 160 feet and a portion of Golden Hill Terrace right-of-way that varies in width between 1 foot - 8.65 feet and is approximately 117 feet in length, in order to correct an existing rock wall encroachment.

DEVELOPMENT COORDINATING COMMITTEE

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

Planning Division Recommendation:

Staff recommends approval.

City Development Department - Land Development

We have reviewed subject plats and recommend **Approval**. The Developer/Engineer needs to address the following comments:

Parks and Recreation Department

We have reviewed <u>Cliff Street</u>, a street ROW vacation survey map and offer "No" objections to this proposed street vacation request.

El Paso Water Utilities

1. The El Paso Water Utilities does not object to the proposed vacation.

Water:

2. There is an existing 6-inch diameter water main extending along Golden Drive that is available for service, the water main is located approximately 5-ft north from the center line of the right-of-way.

3- EPWU records indicate two water services and a fire line serving the subject property a ³/₄inch, 2-inch and 4-inch respectively. The service address for these meters is 1700 E. Cliff Drive.

Sanitary Sewer:

4. There is an existing 8-inch diameter sanitary sewer main extending along Cliff Drive that is available for service, the sewer main is located approximately 5-ft south from the center line of the right-of-way.

General:

5. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

<u>911:</u>

No comments received.

Attachments

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

ATTACHMENT 1



ATTACHMENT 2







ATTACHMENT 4

GUBW14-0000Z CITY OF EL PASO, TEXAS APPLICATION FOR VACATION FUBLIC EASEMENTS AND RIGHTS-OF-WAY Date: 2/24 2014 FILENC SURLING-00002 Q F \cap IFF 2 1. APPLICANTS NAME ADDRESS 1720 QL: FF TELEPHONE 373 In RO ZP CODE 749 2. Request is hereby made to vacuue the following: (check one) Aller Easement____ Other_// WALL Street CITY VIEW BUBNIVISION CLIFF Statest Manae(s) Subdivision Name Abuiting Blocks Alsorium Laux FNCROACHING ä. Reason for variation requests <u> W 91</u> RAW 1.5 OF W B Surface Improvements located in subject property in he warsted; None_____Paving Outb & Guzer ____Power Lines/Poles Æ, Power Lines/Pedes Fences Walls / Strakeures 0.6 Underground Improvements located in the existing rights-of-way: None_____Telephone_____Electric____Gas____Waser____f 5. Storm Drain Offer x/a1/1/ Future use of the weoment right-of-way: Yards _____Patking _____Expand Building Aren_ б. Replat with abutting Land Other WALL Related Applications which are pauling (give name or file number): Zoning_____Board of Adjustment____Subdivision_____Building 7. Building Permits // Other Signatures: All owners of properties which about the property to be variable most appear below will up, adequate legal description of the properties they own (use additional paper if necessary). 2. Legal Destription Telephone dá The undersigned Owner/Applicant/Appet understands that the processing of this Application will be bandled in correctance with the procedure for Requesting Varations and that an autimous processing will be there without popurer of the ran-sellundrike processing. I.e., it is further understood that are particularly populations and for its no way obligates the City in gona the Varation. *DWs* further understood that are, if the Varation is granted will be determined by the City of El Vara and a Castified or Check must be received bafters the provest will be record mended for Council action OF EL PAGE the undersigned acknowledges that he or she is authorized in du sa, and upon the City's request will provide evidence substrainty to ity conditining these representations a a ID The printing of a varation request shall not be concurred to be a valves of or us upper and an ary vielding of any of the provisions of any applicable (Say endingness) Refer to relation of the Concerned of the provision of th MAR 2020 REPRESENTATIVE NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENEES. City Development Department 811 Texas [P.O. Box 1890 | El Paso, Texas 79986-1890 (915) 541-4024