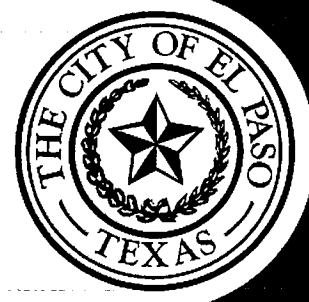


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**SERVICE SOLUTIONS SUCCESS**



**DEPARTMENT HEAD SUMMARY FORM**

**DEPARTMENT:** City Development Department  
**AGENDA DATE:** Introduction 9/24/2013; Public Hearing 10/1/2013  
**CONTACT PERSON/PHONE:** Raul Garcia, 541-4935  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An ordinance vacating a portion of 9.5' alley adjacent to Lots 29 and 30, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-0006 (DISTRICT 8)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – N/A  
City Plan Commission (CPC) – 6-0

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

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

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

**DEPARTMENT HEAD:** Carlos Gallinar  
Deputy Director  
City Development Department-Planning Division

APPROVED FOR AGENDA:

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

**Mayor**

Oscar Leeser

**City Council**

*District 1*

Ann Morgan Lilly

*District 2*

Larry Romero

*District 3*

Emma Acosta

*District 4*

Carl L. Robinson

*District 5*

Dr. Michiel R. Noe

*District 6*

Eddie Holguin Jr.

*District 7*

Lily Limón

*District 8*

Cortney C. Niland

**City Manager**

Joyce A. Wilson



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

**AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 29  
AND 30, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO  
COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of a parcel of land being a portion of 9.5' alley adjacent to Lots 29 and 30, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of 9.5' alley adjacent to Lots 29 and 30, Block 1, Map of Orchard Addition, 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 9.5' alley adjacent to Lots 29 and 30, Block 1, Map of Orchard Addition, 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.

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 **Daniel Lujan**.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

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

*(Signatures continued on following page)*

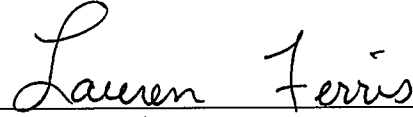


**APPROVED AS TO CONTENT:**



Carlos Gallinar, Deputy Director  
City Development Department-Planning Division

**APPROVED AS TO FORM:**



Lauren Ferris  
Assistant City Attorney



**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 **Daniel Lujan** ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does hereby GRANT, SELL AND CONVEY unto **Daniel Lujan** 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 9.5' alley adjacent to Lots 29 and 30, Block 1 Map of Orchard Addition, City of El Paso, El Paso County Texas, being more particularly described by metes and bounds 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 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 \_\_\_\_\_, 2013.

ATTEST:

CITY OF EL PASO

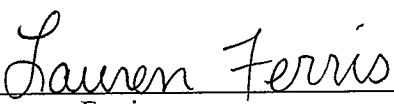
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

\_\_\_\_\_  
Joyce Wilson, City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mathew McElroy, Director  
City Development Department

  
\_\_\_\_\_  
Lauren Ferris  
Assistant City Attorney

ACKNOWLEDGEMENT ON FOLLOWING PAGE



**ACKNOWLEDGEMENT**

STATE OF TEXAS

COUNTY OF EL PASO

Before me on this day personally appeared Joyce Wilson, 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

\_\_\_\_\_  
(Print or Stamp Name of Notary)

My commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

**Daniel Lujan**  
**407 Tobin Pl.**  
**El Paso, Texas 79905**  
**(915)269-8564**

**With copy to:**

**City Development Department**  
**Planning Division**  
**222 S. Campbell**  
**El Paso, TX 79901**



## EXHIBIT A

Being a portion of a 9.50 foot alley adjacent to  
Lots 29 & 30, Block 1, Map of Orchard Addition  
City of El Paso, El Paso County, Texas  
Prepared for: The City of El Paso  
January 3, 2012  
(407 Hardesty Pl.)

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of a 9.50 foot alley adjacent to Lots 29 & 30, Block 1, Map of Orchard Addition as recorded in Book 15, Page 31, Plat Records, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at City of El Paso Brass disk stamped Cen 8 EPGS 1980, Y= 3,248,037.560, X= 121,876.35 in the Texas State Plane Coordinate System Central 4203 zone, NAD 83, Thence North 00°27'04" East a distance of 1616.97 feet to a city brass disk monument at the intersection of Tobin Pl. and Orchard Ave.; Thence North 03°18'55" East a distance of 767.10 feet to a point; Thence North 86°41'05" West a distance of 23.58 feet to a set chiseled x on concrete sidewalk for the **"TRUE POINT OF BEGINNING"**

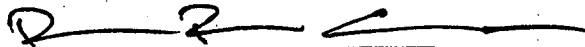
Thence South 03°18'55" West a distance of 50.00 feet to a set x chiseled on concrete sidewalk;

Thence North 86°41'05" West a distance of 4.50 feet to a point on the common line of lots 28 and 29, Block 1, Orchard Park Addition;

Thence along the Easterly line of Orchard Park Addition North 03°18'55" East a distance of 50.00 feet to a point on the common line of Lots 30 and 31, Block 1, Orchard Park Addition;

Thence leaving said line, South 86°41'05" East a distance of 4.50 feet to the **TRUE POINT OF BEGINNING** and containing 225 Sq. Ft. 0.0052 acres of land more or less.

Note: A drawing of even date accompanies this description.

  
Ron R. Conde  
R.P.L.S. No. 5152



---

CONDE INC  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905  
(915) 592-0283 FAX (915) 592-0286



# SYMBOL LEGEND

⊙	FOUND CONTROL POINT
⊕	FOUND CITY MONUMENT
○	SET 1/2" REBAR W/CAP 5152
⊗	CALCULATED POINT
PP	POWER POLE
⊗	FIRE HYDRANT
GM	GAS METER
SC	SIGNAL CONTROL BOX

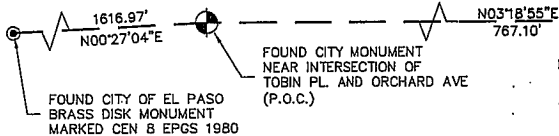
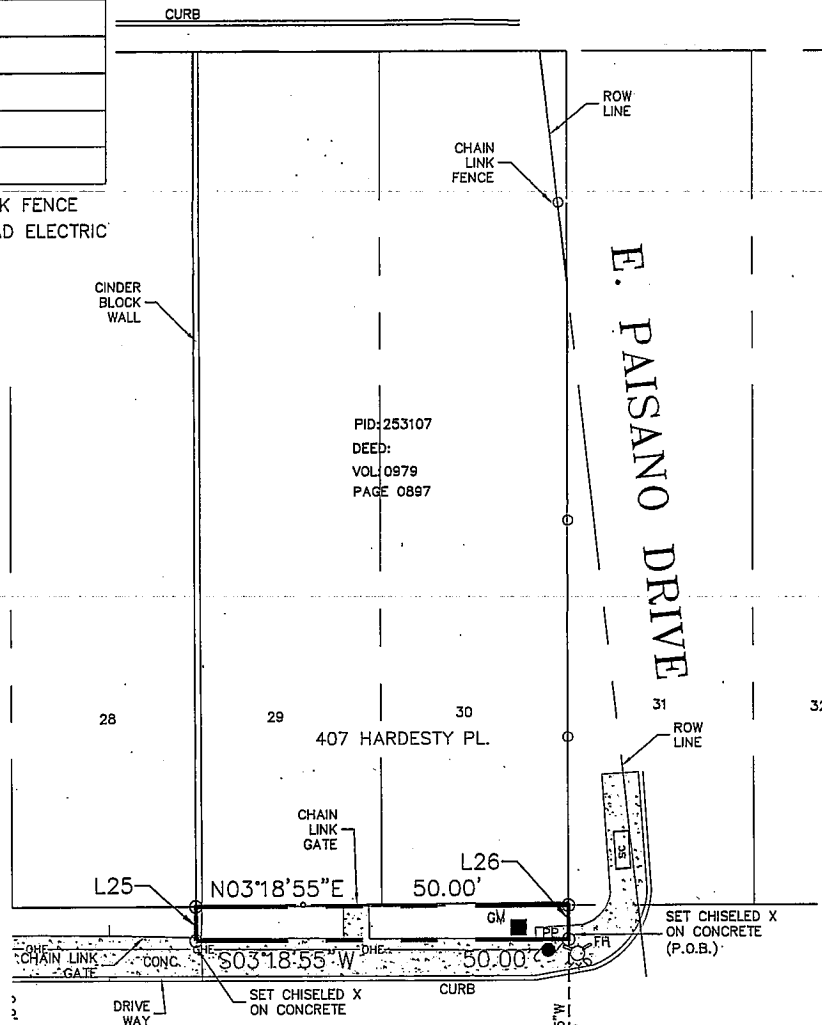
○—○—○—○ = CHAIN LINK FENCE  
 OHE—OHE— = OVER HEAD ELECTRIC

LINE TABLE		
LINE	LENGTH	BEARING
L25	4.50	N86°41'05"W
L26	4.50	S86°41'05"E

NOTE:  
 1. BEARING BASIS IS THE PLAT OF ORCHARD PARK ADDITION RECORDED IN VOLUME 15, PAGE 31, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS.  
 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.  
 3. NO CENTERLINE MONUMENTATION FOUND IN THE VICINITY. BOUNDARY CONSTRUCTED FROM IMPROVEMENTS ON THIS AND ADJACENT TRACTS AND STREETS.

HARDESTY PL.

EXHIBIT B



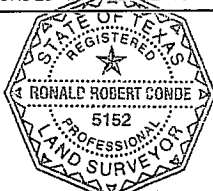
TOBIN PL.

## 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.

RON R. CONDE R.P.L.S #5152

JOB # 1011-61 DATE: NOVEMBER 30, 2011 FIELD: M.R. OFFICE: F.R.  
 LOCATED IN ZONE C PANEL # 480214-0040B DATED OCT. 15, 1982  
 RECORDED IN VOLUME 15 PAGE 31, REAL PROPERTY RECORDS, EL PASO COUNTY, TX



A PORTION OF 9.5' ALLEY  
 ADJACENT TO LOTS 29 AND 30, BLOCK 1  
 MAP OF ORCHARD ADDITION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
 6080 SURETY SUITE 100  
 EL PASO, TEXAS 79905

CADD FILE: S:\C\TOBIN\101161

REVISED ALLEY WIDTH  
 JANUARY 3, 2012

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**SERVICE SOLUTIONS SUCCESS**



**MEMORANDUM**

**DATE:** September 3, 2013

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Raul Garcia, Senior Planner

**SUBJECT:** SURW12-00006 Tobin Alley Vacation

---

The City Plan Commission (CPC), on April 19, 2012, voted 6-0 to approve the Tobin Alley Vacation.

The CPC determined the vacation is in conformance with The Plan for El Paso and the proposed use is in conformance with Plan El Paso. The CPC also determined 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.

**Mayor**  
Oscar Leaser

**City Council**

*District 1*  
Ann Morgan Lilly

*District 2*  
Larry Romero

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

**City Manager**  
Joyce A. Wilson





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

### **REVISED**

**Case No:** SURW12-00006 Tobin Alley Vacation  
**Application Type:** Right-of-Way Vacation  
**CPC Hearing Date:** April 19, 2012

**Staff Planner:** Raul Garcia, 915-541-4935, [garcia1@elpasotexas.gov](mailto:garcia1@elpasotexas.gov)  
**Location:** 407 Tobin  
**Acreage:** 0.005 acre (225 sq. ft.)  
**Rep District:** 8

**Existing Use:** Unimproved alley  
**Existing Zoning:** R-5 (Residential)

**Property Owner:** City of El Paso  
**Applicant:** Daniel Lujan  
**Representative:** Daniel Lujan

### **SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential)/ Single-family development  
**South:** R-5 (Residential)/ Single-family development  
**East:** A-2 (Apartments)/ School facility  
**West:** R-5 (Residential)/ Single-family development

**THE PLAN FOR EL PASO DESIGNATION:** G2 Traditional Neighborhood (Walkable)

### **APPLICATION DESCRIPTION**

This is a city-initiated vacation application to vacate a 4.5' wide portion of an unimproved alley abutting and running parallel to Tobin Place. The abutting properties all along the unimproved alley have improvements that encroach into the alley. Staff will be applying the recently adopted Resolution allowing the City to convey property for 10% of the appraised market value as this request meets the criteria stipulated in the adopted Resolution.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of Tobin Alley Vacation subject to the following conditions and requirements:

### **Planning Division Recommendation:**

Approval.



**Engineering & Construction Management-Land Development:**

No objections.

**Planning - Transportation:**

Note:

All existing/proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

**El Paso Water Utilities:**

1. EPWU does not object to this request

EPWU-PSB Comments

Water:

2. There is an existing 8-inch diameter water main extending along Tobin Place that is available for service, the water main is located approximately 7.5 feet west from the center line of the right-of-way.
3. There is an existing 6-inch diameter water main extending along Hardesty Place that is available for service, the water main is located approximately 9 feet east from the center line of the right-of-way.
4. EPWU records indicate seven active 3/4-inch water meters serving the subject properties. The service addresses for these meters are 224, 222, 220, 218, 214, 212 Hardesty Place and 407 Tobin Place. These meters are connected to the water main that extends along Hardesty Place.
5. Previous water pressure from fire hydrant #1909 located at the southwest corner of Tobin Place and Paisano Drive have yielded a static pressure of 98 (psi), a residual pressure of 86 (psi), and a discharge of 2,757 gallons per minute.
6. 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:

7. There is an existing 8-inch diameter sanitary sewer main along Tobin Place approximately 13-ft east from the center line of the right-of-way. The water main ends approximately 575-feet north from a manhole at the intersection of Orchard Street and Tobin Place.
8. There is an existing 8-inch diameter sanitary sewer main extending along Hardesty Place that is available for service, the sewer main is located approximately 15-feet west of the eastern right of way line.

General:

9. 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.



**Stormwater Division:**

No comments received.

**Parks and Recreation:**

No comments received.

**El Paso Fire Department:**

No comments received.

**El Paso Electric Company:**

El Paso Electric Company has no objection to the proposed street vacation at 218, 222, 224 Hardesty Place and 407 Tobin Place as proposed on surveys by Conde Inc. of Orchard Addition dated January 3, 2012.

However as per your request for 212, 214, and 220 Hardesty Place, EPE has an existing line running perpendicular to Tobin Street along the lot line between 212 and 214. The pole line starts out on 212 and crosses the lot line into 214 and then crosses Tobin PL. There is also a line running on 220 Hardesty with a pole setting in the alley.

EPE requires that utility easements rights are maintained for our existing facilities as described.

**Sun Metro:**

No comments received.

**911**

No comments received.

**Texas Gas Company:**

No comments received.

**El Paso Independent School District:**

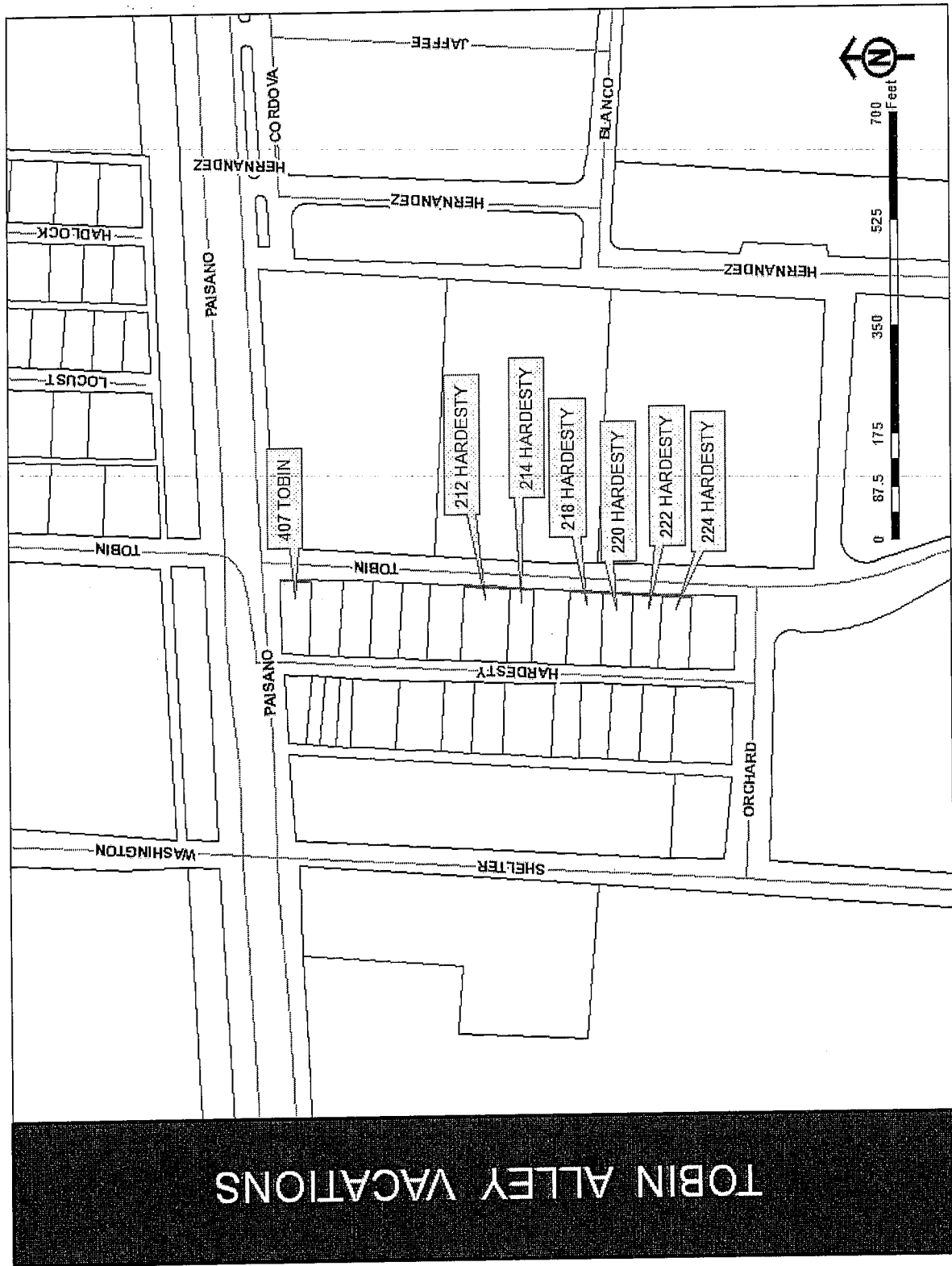
No comments received.

**Attachments**

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

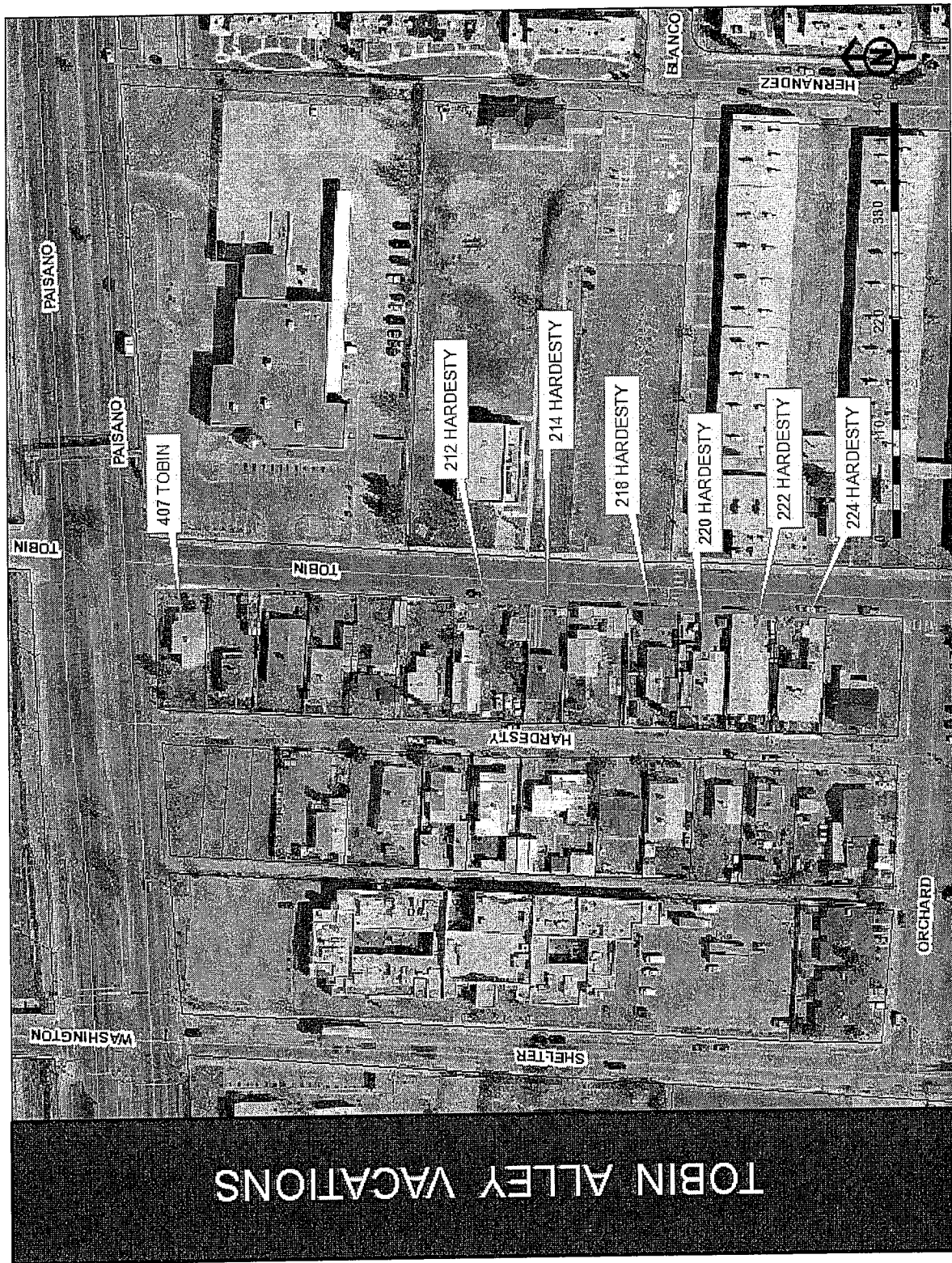


# ATTACHMENT 1



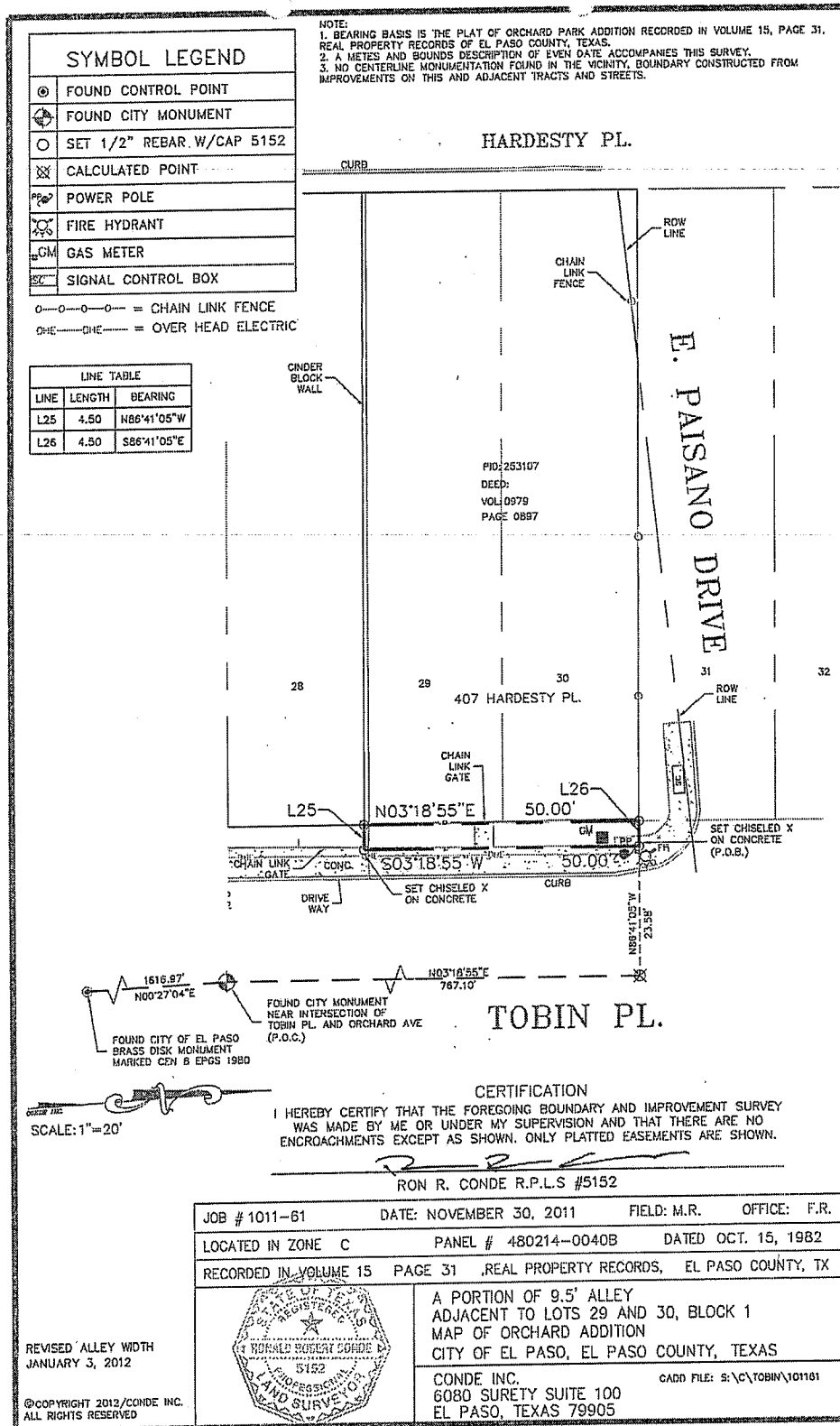


ATTACHMENT 2





# ATTACHMENT 3





# ATTACHMENT 4



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

Date: 3/21/12

File No. SURW12-00006

1. APPLICANTS NAME Daniel Lujan  
ADDRESS 407 Tobin Pl. ZIP CODE 79905 TELEPHONE 915-593-3873/269-8564
2. Request is hereby made to vacate the following: (check one)  
Street ☐ Alley ☐ Easement ☐ Other ☐  
Street Name(s) \_\_\_\_\_ Subdivision Name \_\_\_\_\_  
Abutting Blocks \_\_\_\_\_ Abutting Lots \_\_\_\_\_
3. Reason for vacation request: \_\_\_\_\_
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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

CASHIER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE: Daniel Lujan

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

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





TOBIN ALLEY VACATION  
407 TOBIN





TOBIN ALLEY VACATION  
407 TOBIN





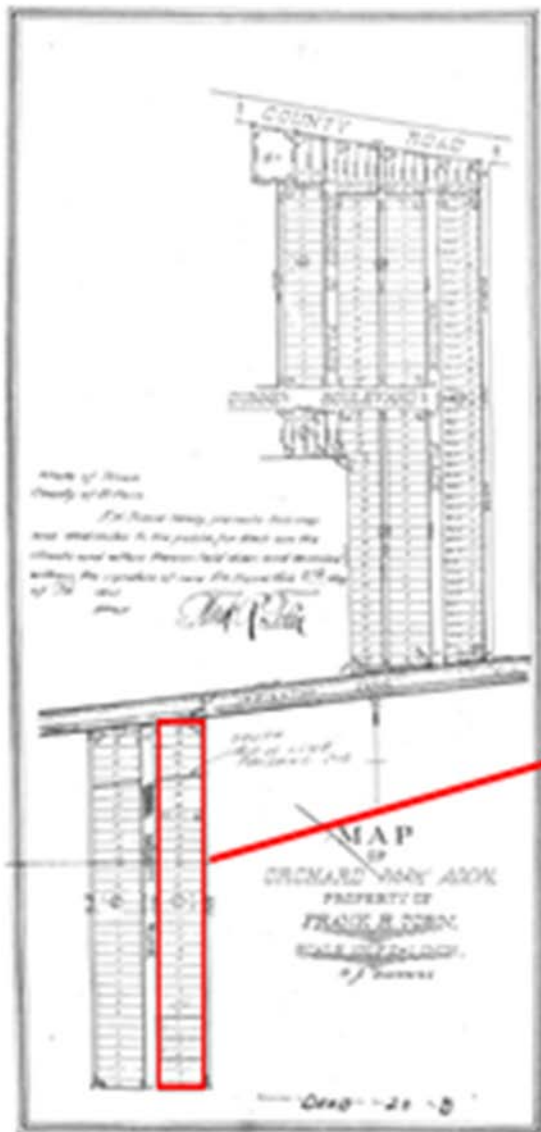


**OUT OF THE 14 PROPERTIES ON THE BLOCK:**

- 10 HAVE BEEN APPROVED BY CITY COUNCIL
- 1 IS BEFORE COUNCIL TODAY
- 1 WAS VACATED THROUGH TYPICAL VACATION PROCESS IN JUNE 2011
- 2 NEVER TURNED IN APPLICATION

**BASED ON THE VARIOUS SQUARE FOOTAGES, 10% OF FAIR MARKET VALUE RANGES FROM \$52 TO \$105**





9.5' Alley

ORCHARD ADDITION  
PLAT



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TOBIN ALLEY VACATION  
407 TOBIN

