

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

DEPARTMENT: Planning & Inspections, Planning Division

AGENDA DATE: September 15, 2020

PUBLIC HEARING DATE: September 29, 2020

CONTACT PERSON NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Jovani Francia, (915) 212-1613

DISTRICT(S) AFFECTED: 8

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 a twenty-foot drainage easement out of Block 22 of the Mills Addition, City of El Paso, El Paso County, Texas.

Subject Property: 500 N. Mesa
Applicant: Mesa Franklin Venture, LLC SUET19-00005

BACKGROUND / DISCUSSION:

The request is to vacate a twenty-foot drainage easement from the property for the possible future expansion of the existing building. City Plan Commission recommended 7-0 to approve the proposed twenty-foot drainage easement on January 16, 2020. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE VACATING A TWENTY-FOOT DRAINAGE EASEMENT OUT OF BLOCK 22 OF THE MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested the vacation of a twenty-foot drainage easement out of Block 22 of the Mills Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing, the City Plan Commission has recommended that a twenty-foot drainage easement out of Block 22 of the Mills Addition, 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, a twenty-foot drainage easement out of Block 22 of the Mills Addition, 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 **Mesa Franklin Venture, LLC**.

ADOPTED this _____ day of _____, 2020.

THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

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 these presents does release and quitclaim unto Mesa Franklin Venture, LLC, (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 twenty-foot drainage easement out of Block 22 of the Mills Addition, **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 _____, 2020.

CITY OF EL PASO

ATTEST:

Tomás González, City Manager

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

(Acknowledgement on following page)

ORDINANCE NO. _____

20-1007-2574 | 1025473

500 N. Mesa Drainage Easement Vacation

RTA

SUET19-00005

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2020,
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:
Mesa Franklin Venture, LLC
6500 Montana Avenue
El Paso, Texas 79925

(Exhibit "A" & "B" on the following pages)

ORDINANCE NO. _____
20-1007-2574 | 1025473
500 N. Mesa Drainage Easement Vacation
RTA

SUET19-00005

Exhibit "A"

**METES AND BOUNDS DESCRIPTION
500 N. MESA STREET**

Property Description: A twenty foot drainage easement out of Block 22 of the MILLS ADDITION, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds, as follows:

Commencing at the center line intersection of Missouri Avenue and N. Stanton Street, Thence, S37°37'00"E, with the center line of said N. Stanton Street, a distance of 35.00 feet to a point; Thence, S52°23'00"W, abandoning said center line, a distance of 35.00 feet to a found chiseled "X" laying on the westerly right-of-way of said N. Stanton Street and the south right-of-way line of Missouri Avenue; Thence, S52°23'00"W, along said right-of-way line of E. Missouri Avenue, a distance of 120.00 feet to a point for a boundary corner for the 20-foot alley herein being described, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, S37° 37' 00"E, abandoning said right-of-way line, a distance of 142.50 feet to a point for a boundary corner;

THENCE, S52° 23' 00"W, a distance of 20.00 feet to a point for a boundary corner;

THENCE, N37°37'00"W, a distance of 142.50 feet to a point for a boundary corner lying on the south right-of-way line of E. Missouri Avenue;

THENCE, N52°23'00"E, with said right-of-way line, a distance of 20.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.065 of an acre (2,850.00 sq. ft.) of land more or less.

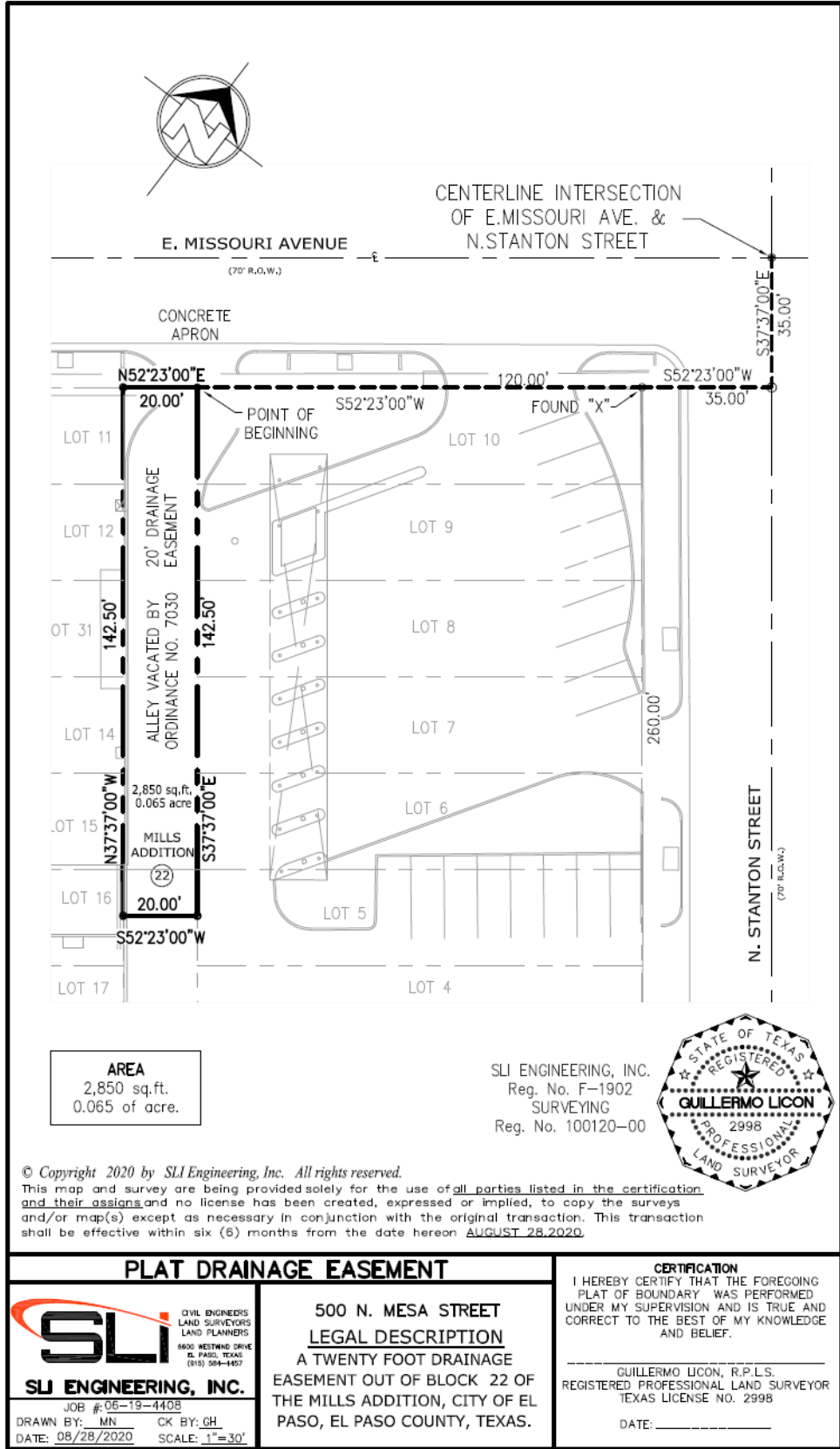
A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,
Consulting Engineers—Land Surveyors.

Guillermo Licon, R.P.L.S.
Registered Professional Land Surveyor
Texas License No. 2998

August 28, 2020
Job Number 06-19-4408

Exhibit "B"



ORDINANCE NO. _____
20-1007-2574 | 1025473
500 N. Mesa Drainage Easement Vacation
RTA

SUET19-00005

500 N. Mesa Easement Vacation



City Plan Commission — January 16, 2020

CASE NUMBER/TYPE:	SUET19-00005 – Easement Vacation
CASE MANAGER:	Jovani Francia, (915)212-1613, franciajx@elpasotexas.gov
PROPERTY OWNER:	Mesa Franklin Venture, LLC
REPRESENTATIVE:	SLI Engineering
LOCATION:	South of Missouri and East of Mesa, (District 8)
PROPERTY AREA:	0.065 acres
ZONING DISTRICT(S):	C-5 (Commercial)
RELATED APPLICATIONS:	N/A

SUMMARY OF DCC RECOMMENDATION: The Development Coordinating Committee recommends approval of the vacation of a 20' utility and drainage easement.



DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 20' utility and drainage easement to clear the area for any possible future development. The utility and drainage easement does not serve AT&T, Charter / Spectrum, El Paso Electric, El Paso Water, or Texas Gas. These utility companies did not have any opposition to the vacation of the 20' utility easement.

CASE HISTORY / RELATED APPLICATIONS: Ordinance 7030, dated October 14, 1980, vacated a portion of the alley from Lots 6 through 15, Block 22, Mills Addition; however, the vacation was subject to a utility and drainage easement being required in the portion of the alley being vacated.

Ordinance 7866, dated September 13, 1983, vacated the alley entirely on Lots 1 through 20, Block 22, Mills Addition. This ordinance, however, did not remove the utility and drainage easement.

Neighborhood Character: The subject property is located in the City of El Paso. Properties adjacent to the subject property are zoned C-5 (Commercial). Surrounding land uses are commercial. The nearest park is San Jacinto Plaza (0.08 miles). The nearest school is Triumph High School – El Paso West (0.11 miles). This property is not located within any Impact Fee Service Areas.

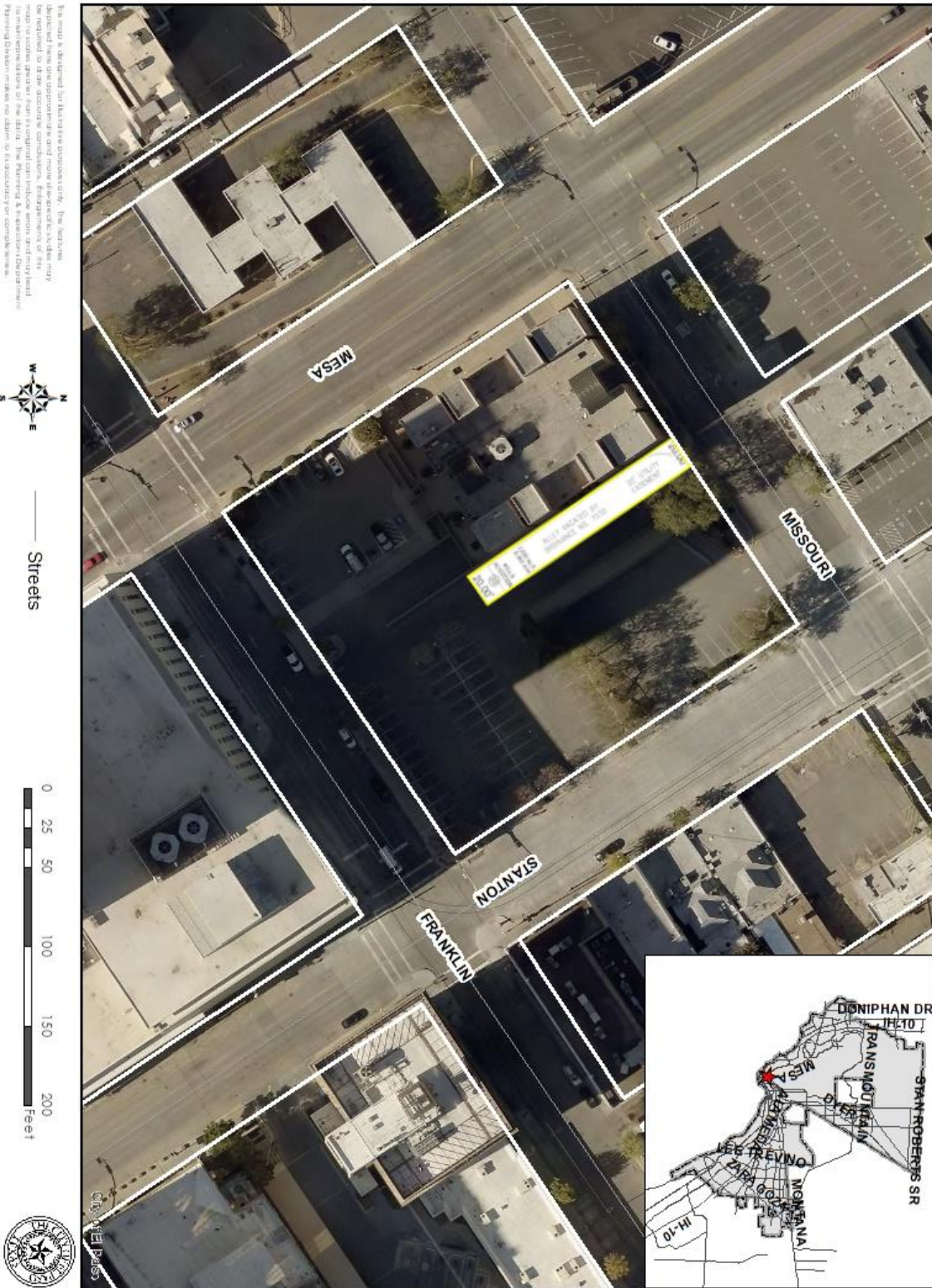
Public Comment: N/A

ATTACHMENTS:

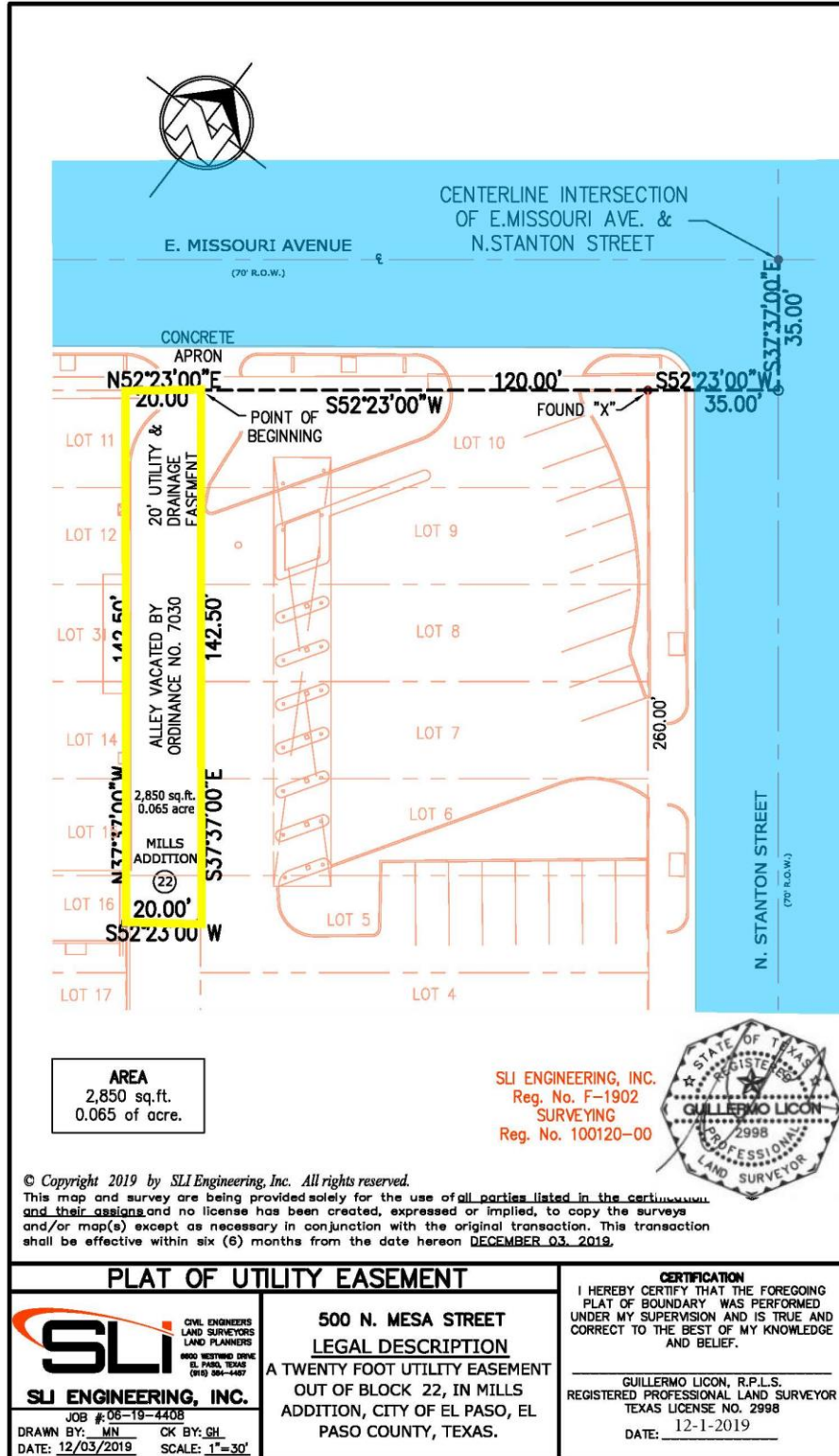
1. Location Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Ordinance 7030
6. Ordinance 7866
7. Department Comments

ATTACHMENT 1

SUET19-00005 - 500 N. Mesa Easement Vacation



ATTACHMENT 2



ATTACHMENT 3

METES AND BOUNDS DESCRIPTION 500 N. MESA STREET

Property Description: A twenty-foot utility easement out of Block 22 of the MILLS ADDITION, in the City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds, as follows:

Commencing at the center line intersection of Missouri Avenue and N. Stanton Street, Thence, S37°37'00"E, with the center line of said N. Stanton Street, a distance of 35.00 feet to a point; Thence, S52°23'00"W, abandoning said center line, a distance of 35.00 feet to a found chiseled "X" laying on the westerly right-of-way of said N. Stanton Street and the south right-of-way line of Missouri Avenue; Thence, S52°23'00"W, along said right-of-way line of E. Missouri Avenue, a distance of 120.00 feet to a point for a boundary corner for the 20-foot alley herein being described, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, S37° 37' 00"E, abandoning said right-of-way line, a distance of 142.50 feet to a point for a boundary corner;

THENCE, S52° 23' 00"W, a distance of 20.00 feet to a point for a boundary corner;

THENCE, N37°37'00"W, a distance of 142.50 feet to a point for a boundary corner lying on the south right-of-way line of E. Missouri Avenue;

THENCE, N52°23'00"E, with said right-of-way line, a distance of 20.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.065 of an acre (2,850.00 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



December 03, 2019
Job Number 06-19-4408

Page 1 of 2

F:\PROJECTS\500 N. MESA\M&B\500 N. MESA UTILITY EASEM-12-03-19.doc

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: _____ File No. SUET19-00005

1. APPLICANTS NAME MESA FRANKLIN VENTURE LLC \ MIMCO LLC
 ADDRESS _____ ZIP CODE _____ TELEPHONE _____
2. Request is hereby made to vacate the following: (check one)
 Street _____ Alley _____ Easement Other _____
 Street Name(s) 500 N. Mesa Subdivision Name Mills Addition
 Abutting Blocks 22 Abutting Lots _____
3. Reason for vacation request: There are no utilities within the 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
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

OWNER SIGNATURE: _____ REPRESENTATIVE SIGNATURE: 
 REPRESENTATIVE (PHONE): 915 584 4457
 REPRESENTATIVE (E-MAIL): ghalloul@sli-engineering.com

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

Planning & Inspections Department
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 5

7030

FIRST READING

Date 10/17/80
City Clerk [Signature]
A. STEEP
Date 10/19/80
City Clerk [Signature]

AN ORDINANCE VACATING PART OF
THE ALLEY IN BLOCK 22, MILLS
ADDITION, RESERVING UTILITY,
DRAINAGE AND TEMPORARY VEHICULAR
TRAFFIC EASEMENTS THEREIN

WHEREAS, the City Plan Commission has recommended vacation of the hereinafter described alley, with reservation of utility, drainage and temporary vehicular traffic easements herein, and the City Council finds that said alley is not presently needed for an alleyway and should be vacated as recommended,

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

That the portion of the alley in Block 22, Mills Addition contiguous with Lots 6 through 15 and the north 12.5 feet of Lots 5 and 16 be and is hereby vacated, closed and abandoned as a public alley, subject to the following reserved easements:

1. A utility easement across the full length and width of that portion of the alley being vacated, with the provision that no structure or surfacing other than standard H.M.A.C. paving be permitted, except for such landscaping, curbing and underground connecting elements between future buildings as are necessary to properly develop the site without impairing the ability of the utility agencies to service their facilities.
2. A drainage easement across the full length and width of that portion of the alley being vacated.
3. A temporary vehicular traffic easement to be reserved until such time as a 20-foot-wide alley is dedicated and accepted, said alley to be 13.5 feet of Lot 5 and 6.5 feet of Lot 4, as measured from the property line between said lots, both in Block 22, Mills Addition, to connect the unvacated portion of the existing alley with Stanton Street.

7030

117

PASSED AND APPROVED this 14 day of October, 1980.

ATTEST:

Thomas D. [Signature]
Mayor

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

7030

-2-

117

ATTACHMENT 6

FIRST READING

Date 9/16/83

City Clerk W.R.R.

ADOPTED mir

Date 9/13/83

City Clerk W.R.R.

7866

AN ORDINANCE VACATING
THE ALLEY IN
BLOCK 22, MILLS ADDITION

WHEREAS, the City Plan Commission has recommended vacation of the hereinafter described portion of the alley between Lots 1 through 10, Lots 11 through 20, the South 13.5 feet of Lot 5 and the North 6.5 feet of Lot 4, all in Block 22, Mills Addition and the City Council finds that said right-of-way is not needed for public travel and should be vacated as recommended;

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

That the portion of the alley between Lots 1 through 10 and Lots 11 through 20, the South 13.5 feet of Lot 5 and the North 6.5 feet of Lot 4, all in Block 22, Mills Addition to the City and County of El Paso, Texas be and is hereby vacated, closed and abandoned as a public alley.

In addition, the Mayor is hereby authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated right-of-way to FIRST FINANCIAL SAVINGS AND LOAN, the owner of the abutting property.

PASSED AND APPROVED this 13th day of September, 1983.

Mayor

ATTEST:

City Clerk

APPROVED AS TO CONTENT:

Planning, Research and Development

APPROVED AS TO FORM:

Assistant City Attorney

7866

520

ATTACHMENT 7

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.

AT&T

AT&T does not have any facilities in this old alley / easement.

Capital Improvement – Parks

We have reviewed 500 N. Mesa Easement Vacation survey map and on behalf of CID Parks & Planning Division, we offer “No” objections to this proposed easement vacation request.

Charter / Spectrum

Charter / Spectrum does not have any plant running through the discussed section. All of our systems run on the north side of Missouri, so we have no objections.

El Paso County Water Improvement District #1

The attached plat is not within boundaries of EPCWID No. 1.

El Paso Electric

El Paso Electric Operations has examined its system data and this communication is to confirm that El Paso Electric has no overhead or underground facilities within the subject area.

El Paso Water

El Paso Water does not object to this request.

El Paso Water does not have water or sanitary sewer mains along the vacated alley, north of Franklin Avenue between Mesa Street and Stanton Street.

General

El Paso Water 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 El Paso Water – 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 appurtenances.

Fire Department

Recommend approval.

Planning & Inspections – Land Development

We have reviewed subject plats and recommend approval. No objections to the proposed easement vacation.

Sun Metro

Recommend approval. No objections.

Texas Gas

No objections.

TxDOT

Developer needs to contact TxDOT for any proposed work on TxDOT right-of-way and for submittal of grading and drainage plan for review.

The request will be presented to the Access Management Committee (AMC) on November 8, 2019.