

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: 09/30/14
Public Hearing: 10/7/14

CONTACT PERSON/PHONE: Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

DISTRICT(S) AFFECTED: District 4

SUBJECT:

An Ordinance vacating a utility easement measuring 11.66 feet in width and 83.49 feet in length located within a portion of Lot 1, Block 1, North Desert Palms, City of El Paso, El Paso County, Texas (District 4).

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 July 31, 2014

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

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:** _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A UTILITY EASEMENT MEASURING 11.66 FEET IN WIDTH AND 83.49 FEET IN LENGTH LOCATED WITHIN A PORTION OF LOT 1, BLOCK 1, NORTH DESERT PALMS, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the property owner of Lot 1, Block 1, North Desert Palms has requested vacation of a 974 square feet portion of a public utility easement, legally described as a portion of Lot 1, Block 1, North Desert Palms, City of El Paso, El Paso County, Texas more specifically described by metes and bounds and survey attached hereto; and,

WHEREAS, after public hearing on July 31, 2014, the City Plan Commission recommended that said utility easement located within a portion of Lot 1, Block 1, North Desert Palms, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that the 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), the utility easement measuring 11.66 feet by 83.49 feet located within a portion of Lot 1, Block 1, North Desert Palms, 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 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 the **Tropicana Building Corporation**.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF EL PASO


Oscar Leeser
Mayor

(Signatures continued on following page)

ATTEST:

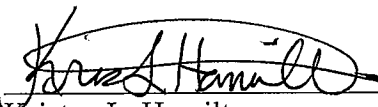
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Mathew McElroy, Director
City Development Department

APPROVED AS TO FORM:



Kristen L. Hamilton
Assistant City Attorney

(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"), in consideration of the receipt of twenty-five dollars (\$25.00) from Tropicana Building Corporation ("Grantee"), the sufficiency of which is acknowledged has released and quitclaimed and by these presents does hereby release and quitclaim unto **Tropicana Building Corporation** 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 Lot 1, Block 1, North Desert Palms, City of El Paso**, situated in the County of El Paso, State of Texas, more fully described in the attached metes and bounds description, identified as Exhibit "A," and in the attached survey identified as Exhibit "B" and incorporated herein for any and all purposes.

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

ATTEST:

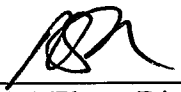
CITY OF EL PASO

Richarda Duffy Momsen
City Clerk

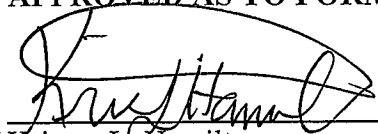
Tomás González, City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Mathew McElroy, Director
City Development Department



Kristen L. Hamilton
Assistant City Attorney

(Acknowledgement on following page)

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:

**Tropicana Building Corp.
4655 Cohen Drive
El Paso, TX 79924**

With copy to:

**City Development Department
Planning Division
PO Box 1890
El Paso, TX 79950-1890**

EXHIBIT "A"

Barragan & Associates Inc.

Land Planning & Land Surveying

10950 Pellicano Drive, Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

Description of a parcel being a portion of Lot 1, Block 1, North Desert Palms, recorded in Clerks File No. 20120037182, Plat Records of El Paso County, Texas, an addition to the City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found 5/8" rebar on the northerly right-of-way line of Dyer Street and being the southwesterly corner of said North Desert Palms, from **WHENCE**, a found 1/2" rebar with cap stamped "RPLS 2564" for the southeasterly corner of said North Desert Palms bears N 43°16'00" E, along the northerly right-of-way line of Dyer Street, a distance of 799.73 feet (Bearing Basis); **THENCE**, N 43°16'00" E, along said northerly right-of-way line of Dyer Street, a distance of 723.31 feet to a point; **THENCE**, N 46°44'00" W, a distance of 266.00 feet to the **POINT OF BEGINNING** of this description;

THENCE, S 43°17'08" W, a distance of 83.49 feet to a point;

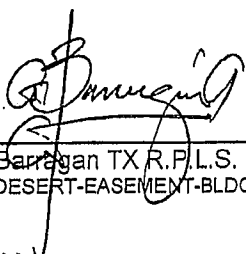
THENCE, N 46°47'03" W, a distance of 11.66 feet to a point;

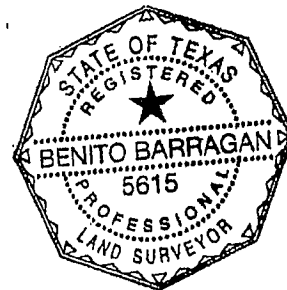
THENCE, N 43°17'08" E, a distance of 83.49 feet to a point;

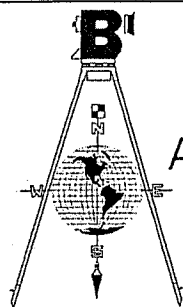
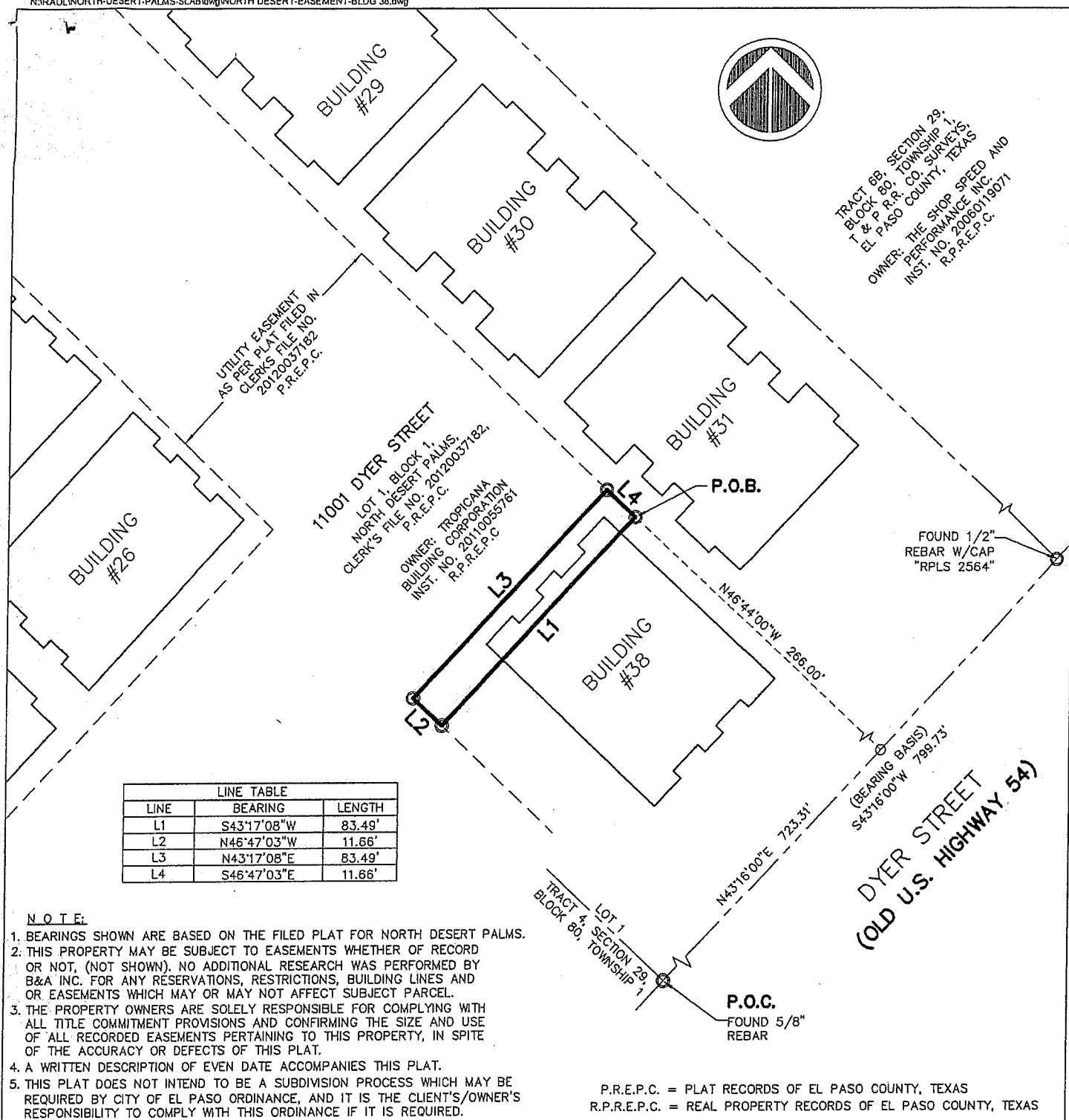
THENCE, S 46°47'03" E, a distance of 11.66 feet to the **POINT OF BEGINNING** of this parcel, and containing in all 974 sq. ft. more or less.

NOTES:

1. A Plat of Survey of even date accompanies this Description.
2. This property may be subject to easements whether of record or not. No additional research was performed by B&A Inc. for any reservations, restrictions, building lines and or easements which may or may not affect subject parcel.
3. This Description does not intent to be a part of a subdivision process which may be required, and shall not be used to convey property unless is approved and allowed by the State of Texas. It is the responsibility of the client/owner to contact the City of El Paso if this process is required.
4. Bearings recited are based on the filed plat for North Desert Palms, Clerks File No. 20120037182, Plat Records of El Paso County, Texas.


Benito Barragan TX R.P.L.S. 5615, June 20, 2014
NORTH DESERT-EASEMENT-BLDG 38





**Barragan
&
Associates
Inc.**

LAND PLANNING & SURVEYING

10950 Pellicano Dr. Building-F,
El Paso, Tx 79935

Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

A PORTION OF
LOT 1, BLOCK 1,
NORTH DESERT PALMS,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 974 SQ. FT. ±

Plat Reference Clerk's File No. 20120037182

Scale: 1"=40' Date: 06-20-14 Drawn By: RV

I hereby certify that the foregoing survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.



Benito Barragan, P.S., No. 5615
Job No. 140620-05 Copy Rights ©

Field JT Book N/A Pg. N/A



City Development Department

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
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

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

FROM: Alfredo Austin, Planner

DATE: September 15, 2014

SUBJECT: Dyer Easement Vacation

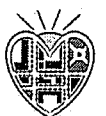
This vacation will correct an inadvertent encroachment of a building into a utility easement. The utility easement being vacated measures 11.66 feet in width and 83.49 feet in length.

The City Plan Commission unanimously recommended approval of the proposed vacation at their meeting on July 31, 2014. There was no public comment.



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





City of El Paso – City Plan Commission Staff Report

REVISED

Case No: SUET14-00002 Dyer Easement Vacation
Application Type: Easement vacation
CPC Hearing Date: July 31, 2014

Staff Planner: Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov
Location: 11001 Dyer
Acreage: 0.0223 acres
Rep District: 4

Existing Use: Vacant
Existing Zoning: C-1/c(Commercial/condition), C-4/c(Commercial/condition), C-1(Commercial)

Parkland Fees Required: N/A
Impact Fee Area: N/A

Property Owner: Tropicana Building Corp.
Applicant: Tropicana Building Corp.
Representative: CEA Group

SURROUNDING ZONING AND LAND USE

North: M-1/Manufacturing, R-F/Vacant
South: C-4/Commercial Development
East: C-3/Commercial Development, R-F/Vacant
West: C-4/Commercial Development, M-1/ Manufacturing

THE PLAN FOR EL PASO DESIGNATION: G-4, Suburban (Walkable)

APPLICATION DESCRIPTION

This is an application to vacate a portion of a public easement located in Lot 1, Block 1, North Desert Palms Subdivision. The utility easement to be vacated measures 11.66 feet in width by 83.49 feet in length (974 sq. ft.). The applicant is requesting the easement vacation in order to correct an inadvertent encroachment.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the Dyer Easement Vacation.

Planning Division Recommendation:

Staff recommends approval.

City Development-Land Development:

We have reviewed subject plan recommend approval; No objections.

EPWU-PSB Comments

1. EPWU-PSB does not object to this request.
2. EPWU-PSB does not own or operate any water mains or sewer mains within the subject easement vacation request.
3. All public water and sewer mains serving the subject property are located within a dedicated EPWU-PSB Easements by plat and separate instrument.

Parks and Recreation:

We have reviewed 11001 Dyer Street – Easement Vacation, a survey map and offer “No” objections to this proposed easement vacation request.

El Paso Fire Department:

No comments received.

El Paso Electric Company:

El Paso Electric(EPE) does not object to the release of easement as long as utility easement rights are maintained with the right of ingress and egress. EPE has an underground line and a pad mount transformer sitting in the easement area.

911:

No comments received.

Texas Gas Company:

1. TGS does not object to this request.
2. TGS does not own or operate any mains within the subject easement vacation request.
3. All gas mains serving the property are located within the Access and Utility Easement.

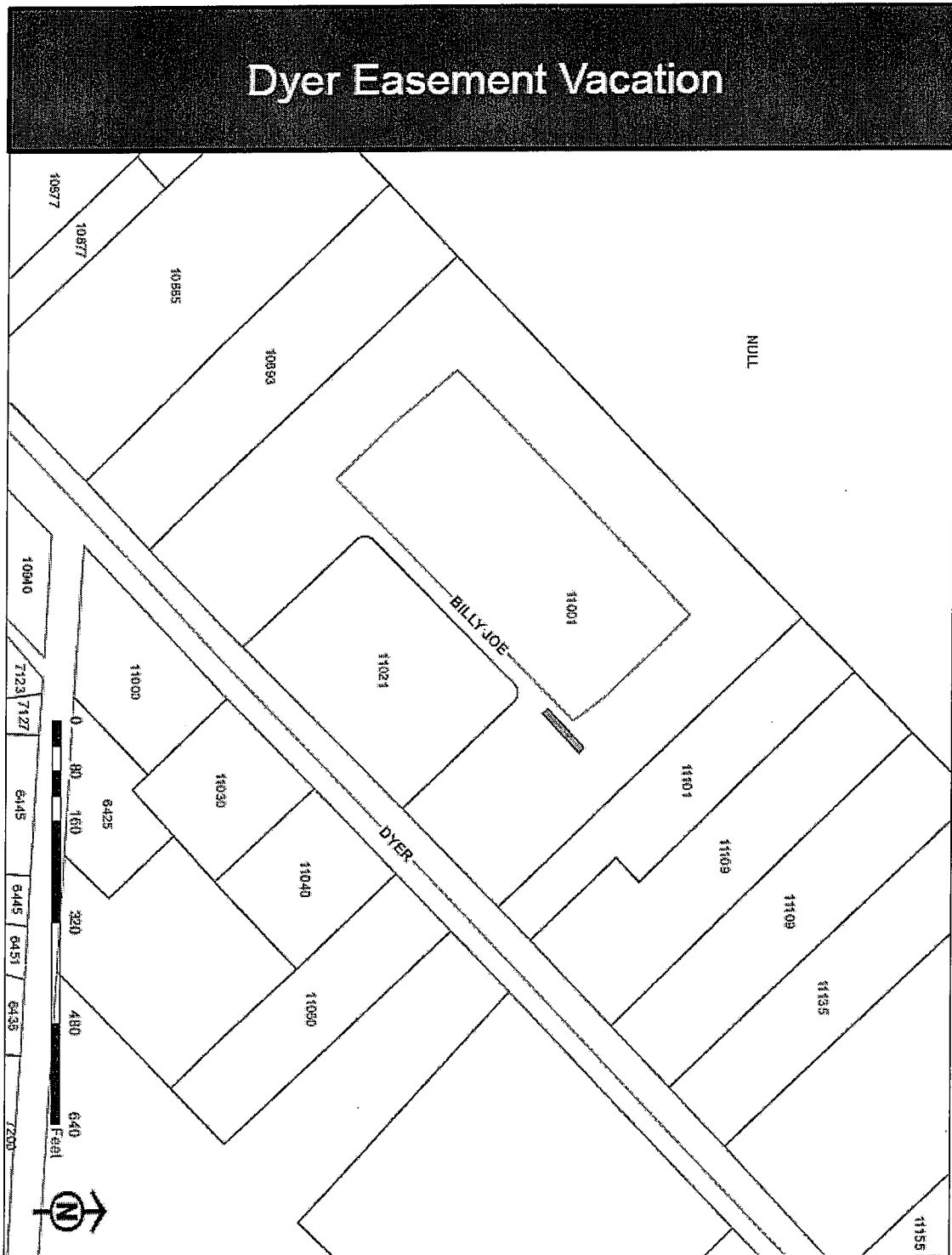
El Paso Independent School District:

No comments received.

Attachments

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

ATTACHMENT 1

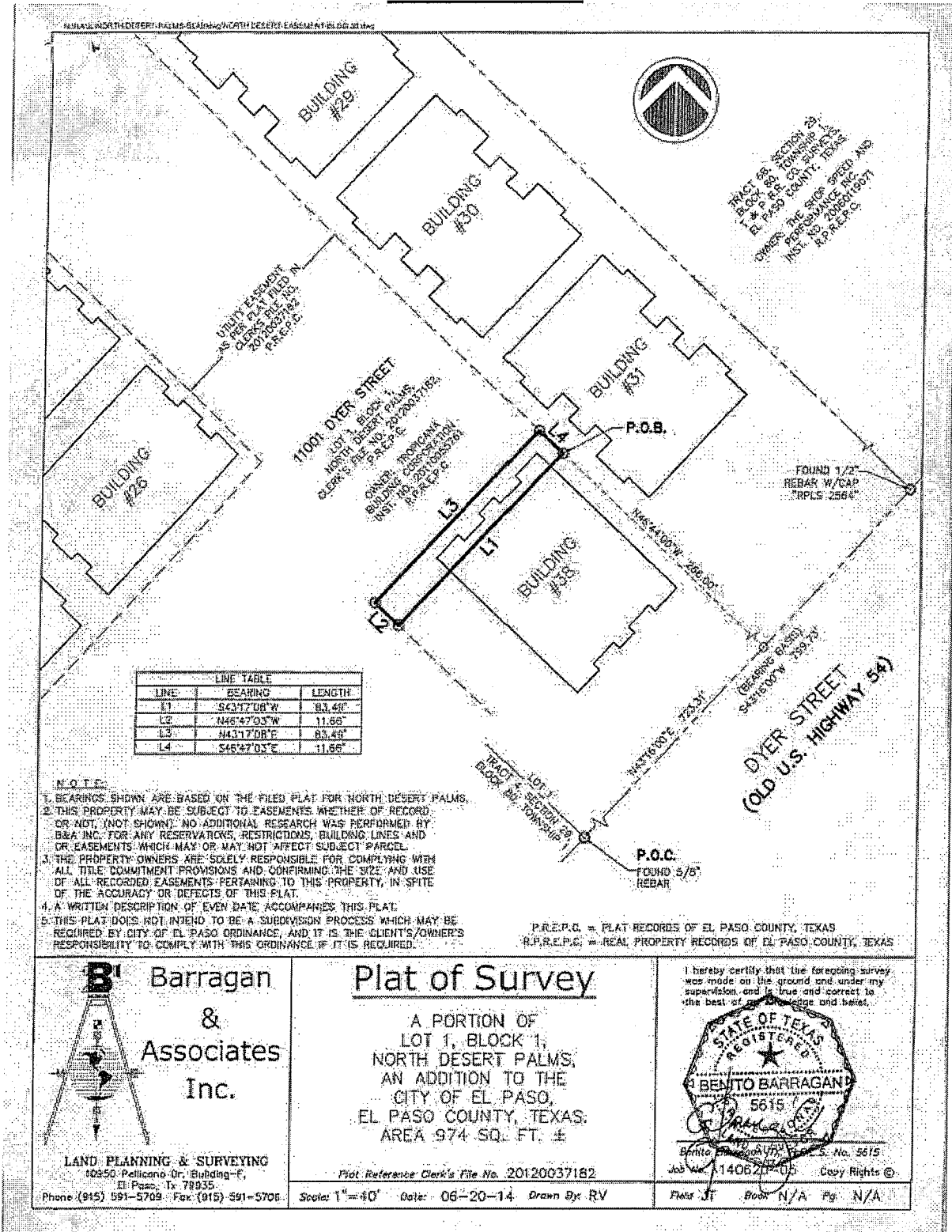


ATTACHMENT 2

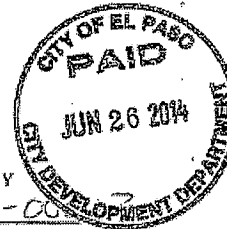
Dyer Easement Vacation



ATTACHMENT 3



ATTACHMENT 4



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

Date: _____

File No. SUET14-00002

1. APPLICANTS NAME Tropicana Building Corporation
ADDRESS 4655 Cohen Drive ZIP CODE 79924 TELEPHONE (915) 821-3550
2. Request is hereby made to vacate the following: (check one)
Street ☐ Alley ☐ Easement ☒ Other ☐
Street Name(s) Dyer Street Subdivision Name North Desert Palms
Abutting Blocks Block 1 Abutting Lots Lot 2
3. Reason for vacation request: Removed easement from building footprint
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 ☒ Replot with abutting Land ☐ Other ☐
7. Related Applications which are pending (give name or file number):
Zoning ☐ Board of Adjustment ☐ Subdivision ☐ Building Permits ☐ Other N/A
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>R.P. Pies</u>	<u>A portion of Lot 1, Block 1,</u>	<u>915-821-3550</u>
	<u>North Desert Palms</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. 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.

Refer to Schedule C for current fee.

OWNER SIGNATURE R.P. Pies
REPRESENTATIVE [Signature]

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 79905-1890 | (915) 541-4024