

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

AGENDA DATE: August 31, 2021
PUBLIC HEARING DATE: September 14, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Raul Garcia, (915) 212-1643

DISTRICT(S) AFFECTED: District 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 the 20-foot alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: West of St. Vrain St. and North of Paisano Dr.
Applicant: Sisu Environ Development, LLC (SURW20-00005)

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate the subject alley and proposes to gate the property in an effo. City Plan Commission recommended 7-0 to approve the proposed right-of-way vacation on February 25, 2021. As of August 19, 2021 staff has not received any correspondence in support or opposition of the request. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE VACATING THE 20-FOOT ALLEY WITHIN BLOCK 144, CAMPBELL ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of the City right-of-way located on a parcel of land being the 20-foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that the 20-foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said 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 the City Right-of-Way located on the property described as the 20-foot Alley within Block 144, Campbell Addition, an addition to the 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 hereby vacated subject to the entire length and width of the right-of-way in **Exhibit “A”** being retained as a utility easement and the area readily accessible to utility companies for maintenance, repair, and replacement of their facilities.

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 Sisu Environ Development, LLC.

ADOPTED this _____ day of _____, 2021.

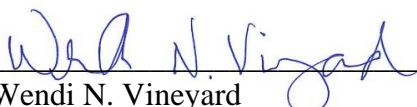
THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

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 }
 }
COUNTY OF EL PASO }**

QUITCLAIM DEED

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 Sisu Environ Development, 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 **THE 20-FOOT ALLEY WITHIN BLOCK 144, CAMPBELL ADDITION, AN ADDITION TO THE 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 _____, 20__.

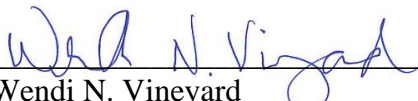
CITY OF EL PASO

ATTEST:

Tomás González, City Manager

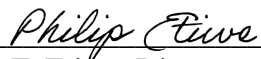
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning and Inspections Department

EXHIBIT A

METES AND BOUNDS

Property Description: The 20 foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas and more particularly described by metes and bounds as follows:

Commencing at a city monument located on the intersection of Third Street and Virginia Street; Thence,, N 05° 02' 00" E, a distance of 507.99 feet to a point for a property corner lying on the northerly right-of-way line of Paisano Drive, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, leaving said northerly right-of-way line, N 12° 28' 57" W, a distance of 130.09 feet to a point for a boundary corner, lying on the southerly right-of-way line of 1st Avenue;

THENCE, along said southerly right-of-way line, N 77° 31' 03" E, with said right-of-way line, a distance of 20.00 feet to a point for a boundary corner;

THENCE, leaving said southerly right-of-way line, S 12° 28' 57" E, a distance of 120.73 feet to a point for a boundary corner lying on the northerly right-of-way line of Paisano Drive;

THENCE, along said northerly right-of way line, S 52° 25' 12" W, a distance of 22.09 feet back to the POINT OF BEGINNING of this description.

Said parcel of land containing 0.058 of an acre, or 2,508.19 s.f. of land, more or less.



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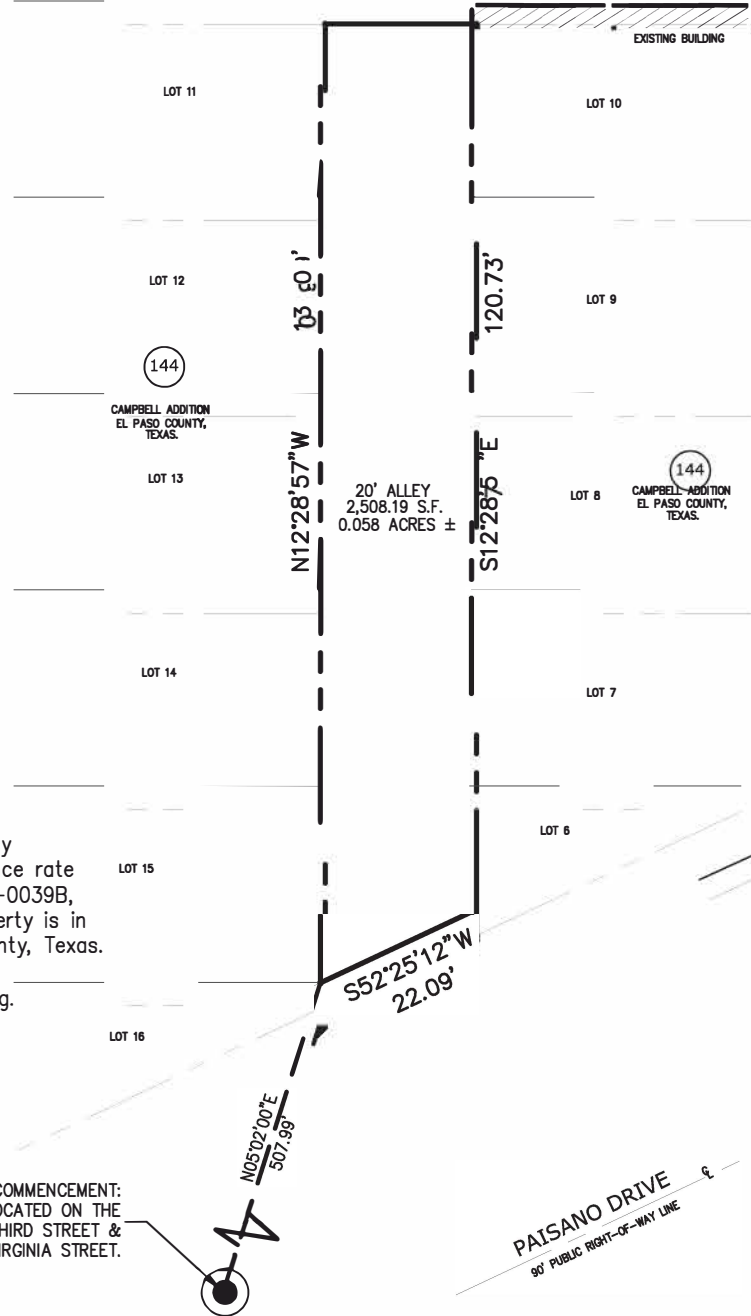
This map and survey are being provided solely for the use of RIVER OAKS PROPERTIES and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon OCTOBER 26, 2020.

Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

20' ALLEY (MEETS AND BOUNDS)		PROPERTY DESCRIPTION	CERTIFICATION
<small>CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 6600 WESTMIND DRIVE EL PASO, TEXAS (915) 584-4457</small> SLI ENGINEERING, INC.	The 20 foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas,		I HEREBY CERTIFY THAT THE FOREGOING PLAT OF BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. <div style="text-align: right; margin-top: 10px;"> </div>
JOB #: <u>20-4486</u> DR. BY: <u>SM</u> SCALE: <u>1"=20'</u> F.B. #: <u>***</u> DATE: <u>10/26/20</u>			_____ GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998

EXHIBIT B

1st AVENUE
70' PUBLIC RIGHT-OF-WAY LINE
N77°31'03"E
20.00'



According to the Federal Emergency Management Agency Flood Insurance rate Map Community Panel No. 480214-0039B, Dated October 15, 1982, This property is in Flood Hazard Zone C. El Paso County, Texas.

Zone "C", Areas of Minimal Flooding.

POINT OF COMMENCEMENT:
CITY MONUMENT LOCATED ON THE
INTERSECTION OF THIRD STREET &
VIRGINIA STREET.

PAISANO DRIVE
90' PUBLIC RIGHT-OF-WAY LINE

1. All information shown hereon with respect to underground conditions, was determined by data collected through survey crew observation and other information taken from existing plans and maps of record. no underground utilities existing or abandoned were exposed or located.
2. Bearings are based on the Texas State Plane Coordinate System N.A.D. 1983, Central Zone.
3. Drainage pattern will not be modified.

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SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Re. No. 100120-00

20' ALLEY

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING PLAT OF BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998



JOB # 20-4486 DR. BY: SM
SCALE: 1"=20' F.B. #: ***
DATE: 10/26/20

PROPERTY DESCRIPTION

The 20 foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas,

Paisano Alley L Vacation

City Plan Commission — February 25, 2021 - **REVISED**



CASE NUMBER/TYPE:	SURW20-00005 – RIGHT-OF-WAY VACATION
CASE MANAGER:	Tuuli Martin, (915) 212-1561, MartinTK@elpasotexas.gov
PROPERTY OWNER:	City of El Paso
REPRESENTATIVE:	SLI Engineering, Inc.
LOCATION:	North of Paisano Dr. and West of St. Vrain St. (District 8)
PROPERTY AREA:	0.058 acres
ZONING DISTRICT(S):	M-1 (Light Manufacturing)
PUBLIC INPUT:	No opposition received as of 02/19/2021

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** of Paisano Alley L Vacation subject to the following condition:

- That a utility easement be retained over the subject property to accommodate existing utilities.

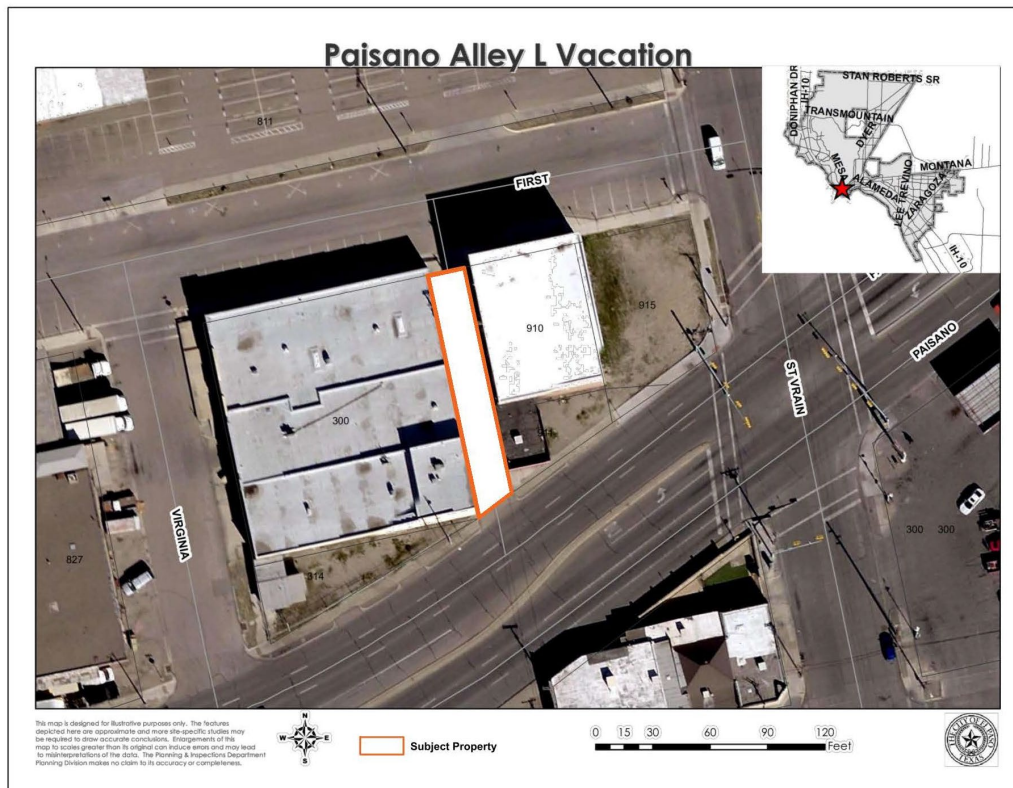


Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is proposing to vacate a 20-foot public alley located within Block 144 of Campbell Addition. The area requested to be vacated is 0.058 acres in size. All properties abutting the alley belong to one owner. The owner seeks to gate the alley to prevent dumping of trash. Further coordination is required with utility companies to retain existing infrastructure and services.

CASE HISTORY/RELATED APPLICATIONS: N/A

NEIGHBORHOOD CHARACTER: Surrounding neighborhood characteristics are identified in the following table.

Surrounding Zoning and Use	
North	C-4 (Commercial) / Parking lot and commercial development
South	C-4 (Commercial) / Church
East	M-1 (Light Manufacturing) / Car dealership
West	M-1 (Light Manufacturing) / Commercial development
Nearest Public Facility and Distance	
Park	Tual Irraboli Park (0.36 mi.)
School	Aoy Elementary School (0.57 mi.)
Plan El Paso Designation	
G2, Traditional Neighborhood (Walkable)	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on February 12, 2021 to all property owners within 200 feet of the subject property. As of February 19, 2021, staff has not received any inquiries regarding this request.

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) has the authority to advise City Council on right-of-way vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code.
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that bring the request into conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

ATTACHMENTS:

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

ATTACHMENT 3

METES AND BOUNDS

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Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

20' ALLEY (MEETS AND BOUNDS)

 <p style="font-size: small;">CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 8800 WESTINGHOUSE DRIVE EL PASO, TEXAS (915) 564-4487</p> <p style="text-align: center;">SLI ENGINEERING, INC.</p>	<p>PROPERTY DESCRIPTION</p> <p>The 20 foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas,</p>	<p style="text-align: center;">CERTIFICATION</p> <p>I HEREBY CERTIFY THAT THE FOREGOING PLAT OF BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p style="text-align: center;">  GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998 </p>
JOB #: 20-4486 DR. BY: SM SCALE: 1"=20' F.B. #: *** DATE: 10/26/20		

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 08-10-2020 File No. _____

1. APPLICANTS NAME Sinsu Environ Development LLC.
 ADDRESS 6600 Westwind ZIP CODE 79912 TELEPHONE 584-4457
2. Request is hereby made to vacate the following: (check one)
 Street _____ Alley Easement _____ Other _____
 Street Name(s) _____ Subdivision Name _____
 Abutting Blocks 144 Abutting Lots 11-16 AND 6-10
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
_____	<u>Lots 11-16 Block 144 Campbell addition</u>	_____
_____	<u>Lots 6-10, block 144 Campbell Addition</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.

OWNER SIGNATURE: REPRESENTATIVE SIGNATURE:

REPRESENTATIVE (PHONE): 915 203 7277

REPRESENTATIVE (E-MAIL): ghallant@sti-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

Planning and 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 certificate tax certificate(s)
 - b: Current proof of ownership.
3. Verify easements in the requested vacation area. See El Paso Water comment.
4. Staff will recommend that a utility easement be retained over the subject property to accommodate existing utility services.
5. Coordinate with Texas Gas and AT&T.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

1. No objections to proposed alley vacation.

EPWU Stormwater Comments:

No comments received.

Parks and Recreation Department

We have reviewed Paisano Alley L - ROW Vacation survey map and on behalf of Parks & Recreation Department we offer “No” objections to this proposed Street Right-of-way vacation request.

El Paso Water

We have reviewed the request described above and provide the following comments:

EPWater-PSB does not object to this request as long as a full width PSB easement is retained to accommodate the existing water and sewer mains and services.

Water:

There is an existing 2-inch diameter water main that extends along the east side of the alley east of Virginia Dr., located approximately 5-feet west of and parallel to the eastern right-of-way line of this alley. This water main is available for service.

There is an existing 1-inch diameter water main that extends along the south side of First Ave. located approximately 2-feet north of and parallel to the southern right-of-way line of First Ave. This water main is available for service.

There is an existing 8-inch diameter water main that extends along the north side of First Ave., located approximately 45-feet north of and parallel to the southside right-of-way line of north side of First Ave. This water main is available for service

EPWater records indicate two active 3/4-inch water meters within the subject property. The service addresses for these meters are 911 E. Paisano Dr. and 300 S. Virginia St.

Previous water pressure from fire hydrant #976 located on the southwest corner of First Ave. and St. Vrian St. has yield a static pressure of 100 (psi), a residual pressure of 92 (psi) and a discharge of 1363 gallons per minute (gpm). 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

There is an existing 6-inch diameter sanitary sewer main that extends along the west side of the alley east of Virginia Dr., approximately 10-feet west of and parallel to the eastern right-of-way line of this alley. This sanitary sewer main is available for service.

General:

Paisano Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Paisano Drive right-of-way requires written permission from TxDOT.

EPWater requires a new service application for 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 appurtenances.

AT&T

AT&T does have facilities in the alley to provide services. A fence will not impede our service ability but access is required for repair and installations. A door should be available with a contact to open or we can provide an ATT lock for technician access.

Texas Gas

TGS has a main that provides service to the buildings and has recently completed a replacement project. Developer and/or Owner Representative must coordinate the development with TGS in order to determine if an easement is required and/or if the main needs to be relocated, retired before the Alley is vacated.

Sun Metro

No objections.

Fire Department

No adverse comments.

Streets and Maintenance Department

No comments or objections.

Environmental Services Department

No objections.

TxDOT

Property is not abutting TxDOT Right of Way.

El Paso County 911 District

The 911 District has no objections to this alley vacation.

El Paso County Water Improvement District #1

No comments received.

El Paso County

No comments received.

El Paso Electric

No comments received.

Capital Improvement Department

No comments received.