

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

AGENDA DATE: December 3, 2024
PUBLIC HEARING DATE: December 17, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Alex Alejandre, (915) 212-1642

DISTRICT(S) AFFECTED: District 1

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance vacating a ten-foot Public Utility Easement (0.014 Acres of Land) located within Lot 20, Block 15, Park Hills #6 Amending, City of El Paso, El Paso County, Texas.

Subject Property: 6300 Via Serena Dr.
Applicant: Amy A. Nichols, SUET24-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a portion of an existing utility easement to allow for the encroachment of an existing pergola and shed situated at the side of the property. The City Plan Commission recommended 7-1 to approve the proposed vacation request on September 19, 2024. No objections were provided by any of the utility companies. As of November 14, 2024, the Planning Division has not received any communication in support or opposition to the vacation request. See attached staff report for additional information. No appraisal is required for vacation of a public easement, in all cases the market value of the city interest in a public easement is the equivalent value of twenty-five dollars.

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

ORDINANCE NO. _____

AN ORDINANCE VACATING A TEN-FOOT PUBLIC UTILITY EASEMENT (0.014 ACRES OF LAND) LOCATED WITHIN LOT 20, BLOCK 15, PARK HILLS #6 AMENDING, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the property owner has requested vacation of a ten-foot public utility easement located within Lot 20, Block 15, Park Hills #6 Amending, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission on September 19, 2024 has recommended a vacation of a ten-foot public utility easement located within Lot 20, Block 15, Park Hills #6 Amending, City of El Paso, El Paso County, Texas; and

WHEREAS the El Paso 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 ten-foot public utility easement located within Lot 20, Block 15, Park Hills #6 Amending, 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” 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 **Amy A. Nichols**.

PASSED AND APPROVED this _____ day of _____, 2024.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

(ADDITIONAL SIGNATURES ON FOLLOWING PAGE)

ORDINANCE NO. _____
HQ24-3809|Trans#593851|P&I
Ordinance 6300 Via Serena Drive
RTA

Easement Vacation SUET24-00002

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

ORDINANCE NO. _____
HQ24-3809|Trans#593851|P&I
Ordinance 6300 Via Serena Drive
RTA

Easement Vacation SUET24-00002

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 TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and other good and 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 **Amy A. Nichols** all of its right, 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 located within **LOT 20, BLOCK 15, PARK HILLS #6 AMENDING**, City of El Paso, El Paso County, 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.

WITNESS the following signatures and seal this _____ day of _____ 2024.

THE CITY OF EL PASO

Dionne Mack, City Manager

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

ORDINANCE NO. _____
HQ24-3809|Trans#593835|P&I
Quitclaim Deed 6300 Via Serena Drive
RTA

EASEMENT VACATION SUET24-00002

Acknowledgement

THE STATE OF TEXAS)
)
COUNTY OF TEXAS)

This instrument is acknowledged before me on this _____ day of _____, **2024** by Dionne Mack as City Manager of THE CITY OF EL PASO, a municipal corporation.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name

AFTER FILING RETURN TO:
Amy A. Nichols
6300 Via Serena Drive
El Paso, Texas 79912

EXHIBIT 'A'

METES AND BOUNDS DESCRIPTION

**FOR A PORTION OF AN EXISTING 10 FEET WIDE UTILITY EASEMENT LOCATED
WITHIN A RESIDENTIAL LOT AT 6300 VIA SERENA DRIVE**

A PORTION OF 15 PARK HILLS #6 (AMENDING) LOT 20 (9570.37 SQ FT), CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at an existing concrete nail situated at the southeast property corner of Lot 20, Block 15, Park Hills Unit Six of City of El Paso Texas, and common to Calle Del Sur Drive north right-of-way line; **THENCE**, South 80°17'04" West, a distance of 29.11 feet along the south property survey line common to Lot 20 and Calle Del Sur Drive, said line common to the outside face of an existing masonry rockwall, for the **POINT OF BEGINNING** of this parcel description;

THENCE, South 80°17'04" West, continuing along said south property survey line, a distance of 30.00 feet to a tangent point of curvature of this parcel;

THENCE, along a curve to the right, having a radius of 1474.00 feet, and an arc distance of 17.94 feet to the end of the curve at a tangent point of this parcel;

THENCE, South 80°58'54" West, a distance of 11.74 feet to a point, for a corner of this parcel;

THENCE, North 09°01'06" West, a distance of 10.00 feet to a point, for a corner of this parcel;

THENCE, North 80°58'54" East, a distance of 11.74 feet to a tangent point of curvature of this parcel;

THENCE, along a curve to the left, having a radius of 1464.00 feet, and an arc distance of 17.82 feet to the end of the curve at a tangent point of this parcel;

THENCE, North 80°17'04" East, a distance of 30.00 feet to a point, for a corner of this parcel;

THENCE, S 09°42'56" East, a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 0.014 Acres (596.19 square feet) more or less.

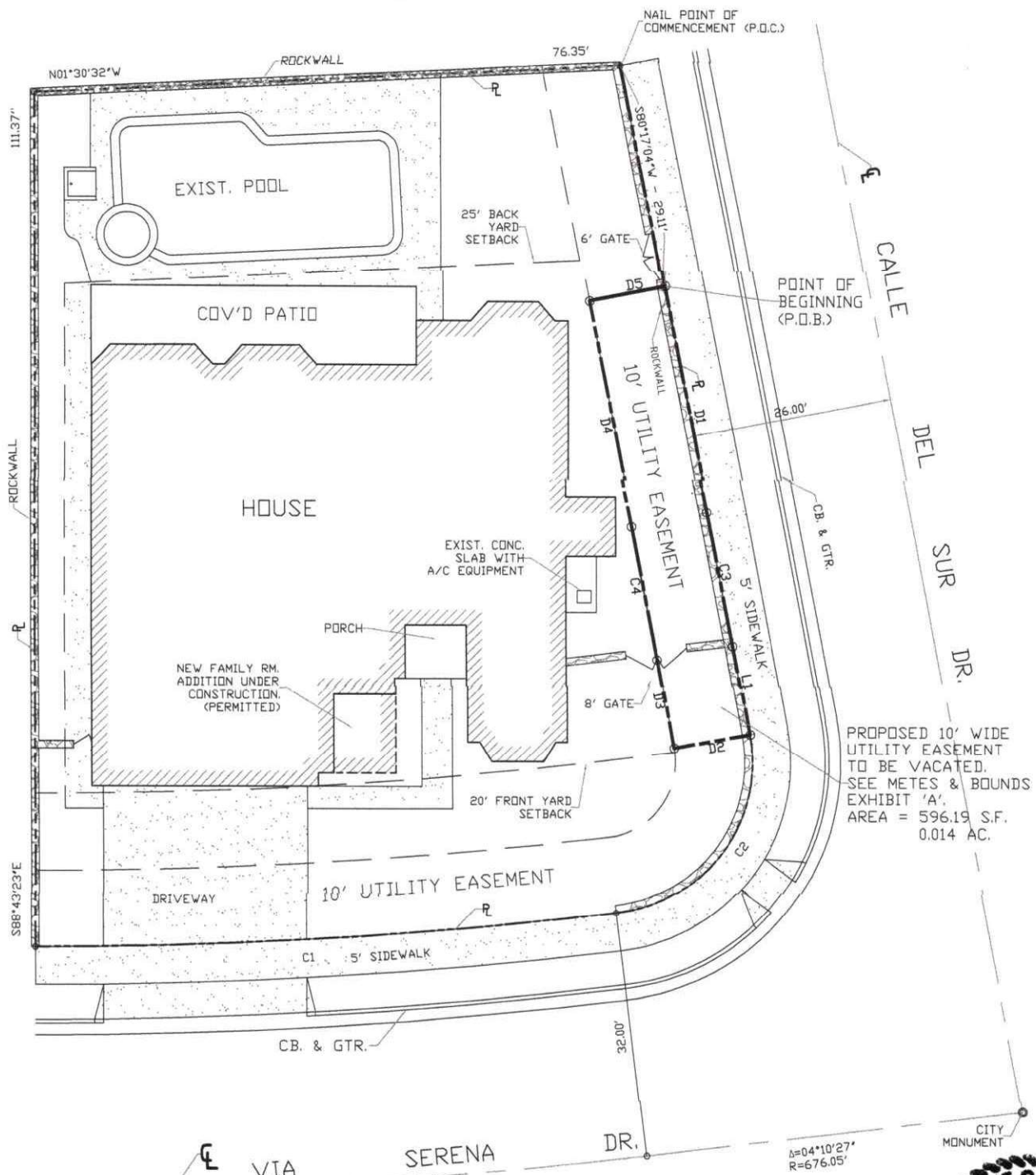
Re: Attached site plan **Exhibit B** of Metes & Bounds location and limits



Humberto Juarez
11/5/24
Firm # E-11705

EXHIBIT 'B'

PORTION OF 10' WIDE
UTILITY EASEMENT

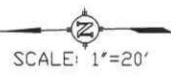


PROPOSED 10' WIDE
UTILITY EASEMENT
TO BE VACATED.
SEE METES & BOUNDS
EXHIBIT 'A'.
AREA = 596.19 S.F.
0.014 AC.

SITE PLAN

6300 VIA SERENA DR.
EL PASO, TX. 79912

LEGAL DESCRIPTION:
15 PARK HILLS #6 (AMENDING)
LOT 20 (9570.37 SQ FT)
EL PASO, TEXAS



LINE	BEARING	DISTANCE
D1	S80°17'04"W	30.00'
L1	S80°58'54"W	11.74'
D2	N09°01'06"W	10.00'
D3	N80°58'54"E	11.74'
D4	N80°17'40"E	30.00'
D5	S09°42'56"E	10.00'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C3	1474.00'	17.94'	17.94'	S80°37'59"W	00°41'50"
C4	1464.00'	17.82'	17.82'	N80°37'59"E	00°41'50"



11/5/24
Firm # F-11705

6300 Via Serena Easement Vacation



City Plan Commission — September 19, 2024 **(REVISED)**

CASE NUMBER/TYPE:	SUET24-00002 – Easement Vacation
CASE MANAGER:	Alex Alejandre, (915) 212-1642, AlejandreAX@elpasotexas.gov
PROPERTY OWNER:	Amy A. Nichols
REPRESENTATIVE:	Springwood, LLC
LOCATION:	West of Via Serena Dr. and North of Calle Del Sur Dr. (District 1)
PROPERTY AREA:	0.014 acres
ZONING DISTRICT(S):	R-3A (Residential)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the vacation of a portion of a 10-foot utility easement within 6300 Via Serena Drive.

Via Serena Easement Vacation



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 5 10 20 30 40 Feet



Figure A: Portion of easement to be vacated

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 10-foot portion of an existing utility easement to allow for the expansion of the buildable area. This vacation will address the encroachment of an existing pergola and shed into a portion of the dedicated utility easement. No objections were provided by any of the utility companies.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	R-3A (Residential) / Single-family dwelling
South	R-3A (Residential) / Single-family dwelling
East	R-3A (Residential) / Single-family dwelling
West	R-3A (Residential) / Single-family dwelling
Nearest Public Facility and Distance	
Park	Linda Daw Hudson Park (0.26 miles)
School	Lundy Elementary (0.23 miles)
Plan El Paso Designation	
G-4, Suburban (Walkable)	
Impact Fee Service Area	
N/A	

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission has the authority to advise City Council on easement 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. **(Staff Recommendation)**
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.
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 1

Via Serena Easement Vacation

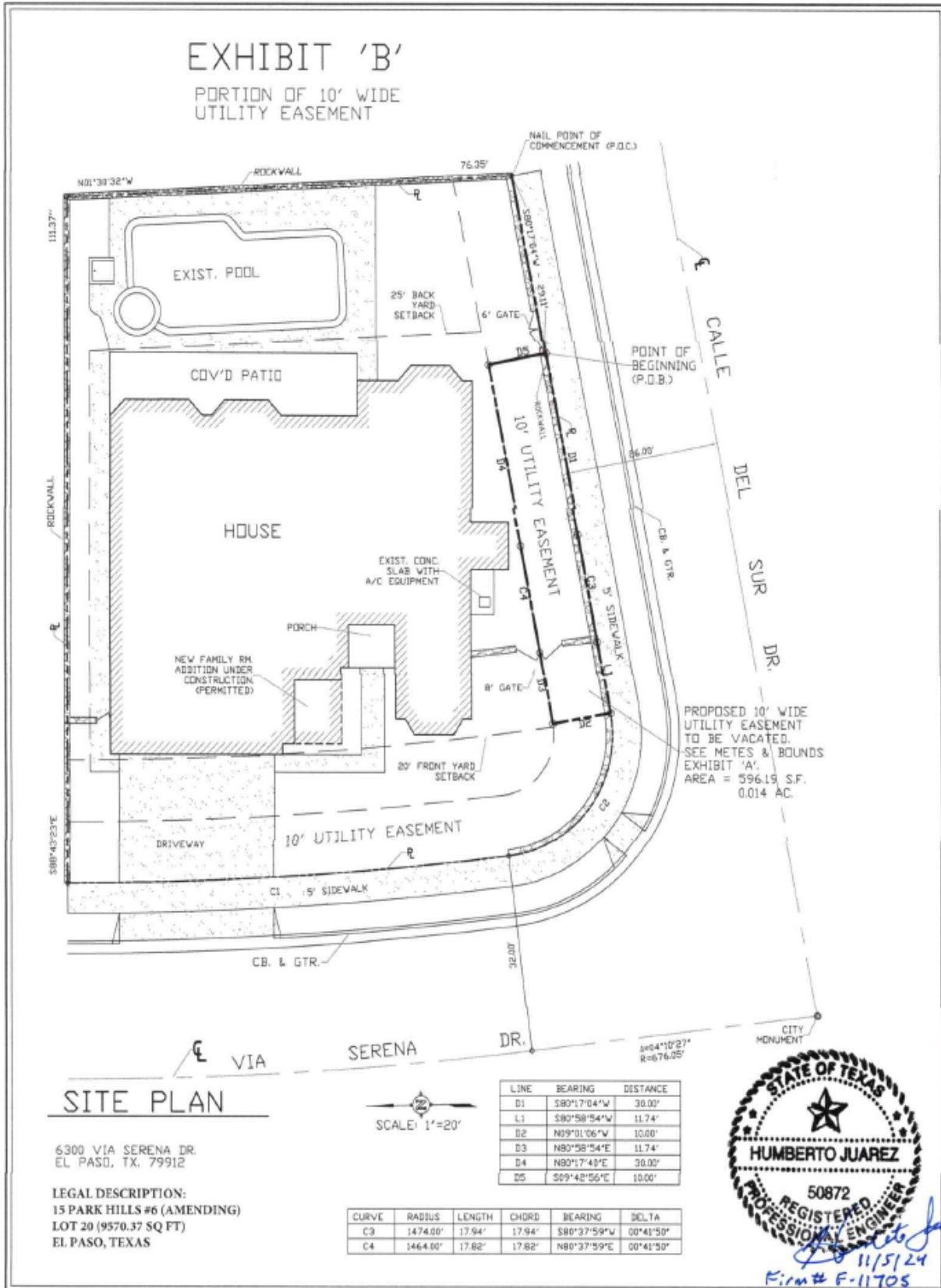


 Subject Property



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ATTACHMENT 2



ATTACHMENT 3

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Said parcel contains 0.014 Acres (596.19 square feet) more or less.

Re: Attached site plan **Exhibit B** of Metes & Bounds location and limits



ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 12.21.23

File No. SUET24-00002

1. APPLICANTS NAME Annif Moore
 ADDRESS 6300 Via Serena ZIP CODE 79912 TELEPHONE 915-309-4563
2. Request is hereby made to vacate the following: (check one)
 Street Alley Easement Other
 Street Name(s) _____ Subdivision Name Park Hills
 Abutting Blocks Via Serena Abutting Lots None
3. Reason for vacation request: Build a garden shed & pergola.
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>6304 Via Serena</u> ^{will not} _{answer}	_____
_____	<u>left of Residence</u> ^{wanted} _{lawyer review}	_____
_____	_____	_____

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.

OWNER SIGNATURE: [Signature] REPRESENTATIVE SIGNATURE: [Signature]
 REPRESENTATIVE (PHONE): 915-433-9382
 REPRESENTATIVE (E-MAIL): Info@SpringwoodConstruction.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

Staff recommends approval of the 6300 Via Serena Easement Vacation.

1. A Zoning Board of Adjustments application shall be submitted in order to legalize the encroachment of existing structures.

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 easement vacation.
2. Be sure to call 811 to have them locate utility lines prior to doing any digging for footings in the ground.

El Paso Electric

At present, the proposed encroachments do not interfere with El Paso Electric Company's (EPE) use of the easement. In consideration for our allowance of the encroachments, El Paso Electric Company must be held harmless from any claims or demands which may result from the existence of these encroachments within the easement area. It is, and will be, the property owner's responsibility to assure that no part of the improvements or any equipment on the improvements violates any safety clearances. This non objection is pertaining to EPE's portion of the utility easement. Other utility companies would need to provide their approval separately.

AT&T

We have no objections to this vacate request. I have revisited with the engineer for this area, he advised our facilities are in the ROW, therefore we do not have any objections to this vacate request.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 12-inch diameter water main that extends along Via Serena Drive. It is located approximately 18-feet west of the eastern right of way line. This water main is available for service.

There is an existing 16-inch diameter water main that extends along Via Serena Drive. It is located approximately 22-feet west of the eastern right right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 8-inch diameter water main that extends along Calle del Sur Drive. It is located approximately 18-feet south of the northern right of way line. This water main is available for service.

Previous water pressure from fire hydrant #09365 located at the northwest corner of the intersection of Via Serena Drive and Calle del Sur Drive, has yielded a static pressure of 90 psi, a residual pressure of 86 psi, and a discharge of 1,481 gallons per minute. 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.

EPWater records indicate an active ¾-inch water service serving the subject property. The service address for these meters is 6300 Via Serena Dr.

Sanitary Sewer:

There is an existing 8-inch diameter sewer main that extends along Via Serena Drive. It is located approximately 25-feet west of the eastern right of way line. This sewer main is available for service.

There is an existing 8-inch diameter sewer main that extends along Calle del Sur Drive. It is located approximately 21-feet north of the southern right of way line. This sewer main is available for service.

General:

EPWater requires a new service application to provide additional 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 EPWater – 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:

EPW-Stormwater has no issues with the proposed vacation; there is no underground stormwater system within this utility easement.

Parks and Recreation Department

We have reviewed **6300 Via Serena Easement Vacation** survey map and on behalf of Parks & Recreation Department we offer “No” objections to this proposed utility easement vacation request.

Texas Gas

Texas Gas Service has no comments.

Fire Department

Recommend Approval. No adverse comments.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to application.

El Paso County Water Improvement District #1

No comments received.