

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

AGENDA DATE: August 29, 2023
PUBLIC HEARING DATE: September 12, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
JC Naranjo, (915) 212-1604

DISTRICT(S) AFFECTED: District 6

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 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas.

Subject Property: 12077 Banner Crest Dr.
Applicant: Elia A. Quiroga, SURW23-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a 940 square feet existing utility easement. The vacation would address an encroachment of an existing accessory structure (pergola) located on the rear patio of the property. 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. City Plan Commission recommended 6-0 to approve the proposed vacation request on December 15, 2022. As of May 4, 2023, the Planning Division has not received any communication in support or opposition to the vacation 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

ORDINANCE NO. _____

AN ORDINANCE VACATING A 940 SQUARE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 27, BLOCK 21, VISTA REAL UNIT TWO AN ADDITION TO THE, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a 940 Square-foot Public Utility Easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a 940 square-foot public utility easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the, City of El Paso, El Paso County, Texas, 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 AND 00/DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a 940 square-foot public utility easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as **Exhibit "A"** 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 Elia A. Quiroga.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser
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

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 **Elia A. Quiroga** 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 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas, which is more particularly described in the attached metes and bounds identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____ 2023.

THE CITY OF EL PASO:

Cary Westin
Interim City Manager

ATTEST:

Laura D. Prine,
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

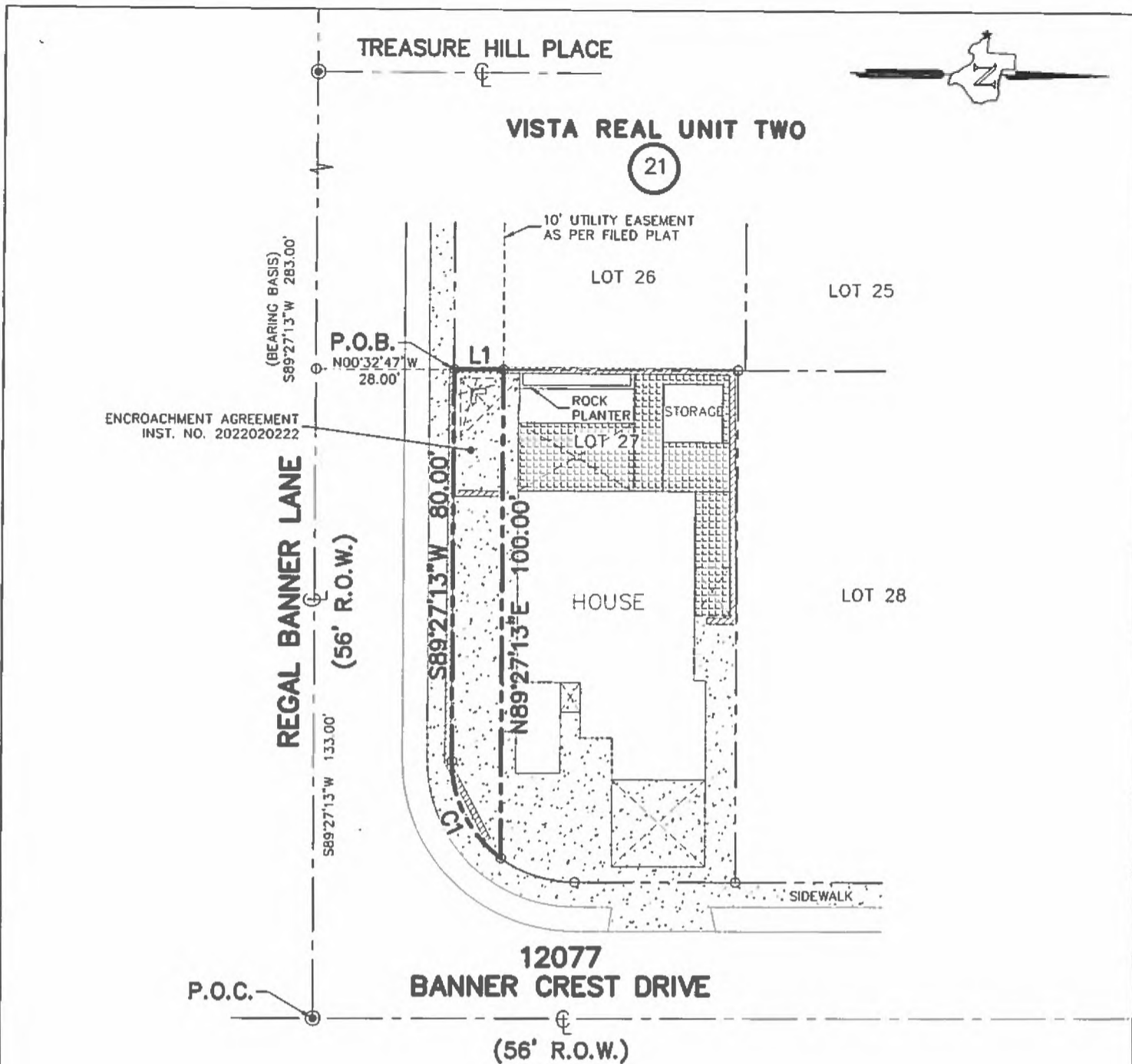
Acknowledgment

THE STATE OF TEXAS §
 §
COUNTY OF TEXAS §

This instrument is acknowledged before me on this _____ day of _____, 2023 by Cary Westin as Interim 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:



LEGEND

- ⊙ — FOUND ORIGINAL CITY MONUMENT
- — CALCULATED POINT (NOT SET)
- ▨ — ROCK WALL
- ▤ — COVERED AREA
- ▥ — CONCRETE
- ▧ — TILE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°32'47"W	10.00'

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	23.18'	25.00'	12.50'	53°07'48"	S62°53'19"W	22.36'

*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES:

1. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR VISTA REAL UNIT TWO.
2. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
3. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
4. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.
5. A WRITTEN DESCRIPTION DATED 03-09-2023 ACCOMPANIES THIS PLAT.

SHEET 2 OF 2

Barragan & Associates Inc.
 LAND PLANNING & SURVEYING
 TEXAS SURVEYING FIRM# 10151200
 10950 Pellicano Dr. Building-F,
 El Paso, Tx 79935
 Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

BEING A
 PORTION OF LOT 27, BLOCK 21,
 VISTA REAL UNIT TWO,
 AN ADDITION TO THE
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS.
 AREA 940 S.F. OR 0.02 ACRES ±

Plat Reference Vol/Bk 72 Pages 24, 24A AND 24B

Scale: 1"=30' Date: 03-09-2023 Drawn By: JA

PREPARED BY:



Benito Barragan TX, R.P.L.S. No. 5615
 Job No. 230303-15 Copy Rights ©
 Field: CC Book: N/A Page: N/A

Barragan And Associates Inc.

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

METES AND BOUNDS DESCRIPTION

Description of portion of Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof of record in Volume 72, Pages 24, 24A and 24B, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a Found City Monument at the centerline intersection of Banner Crest Drive and Regal Banner Lane: WHENCE, a City Monument at the centerline intersection of Regal Banner Lane and Treasure Hill Place, bears S 89° 27' 13" W (Bearing Basis), a distance of 283.00 feet; THENCE, S 89° 27' 13" W, along the centerline of said Regal Banner Drive, a distance of 133.00 feet; THENCE, N 00°32' 47" W, leaving said centerline a distance of 28.00 feet to a point on the northerly right-of-way line of Regal Banner Lane, marking the southwesterly corner of Lot 27, block 21, Vista Real Unit Two, said point also being the POINT OF BEGINNING of this description;

THENCE, N 00° 32' 47" W, along the westerly line of said Lot 27, a distance of 10.00 feet to a point on the northerly line of a 10 feet wide easement;

THENCE, N 89° 27' 13" E, along the northerly line of a 10 feet wide easement, a distance of 100.00 feet to a point of curvature;

THENCE, 23.18 feet, along an arc of a curve to the right with a radius of 25.00 feet, an interior angle of 53°07' 48", and a chord which bears S 62°53' 19" W, a distance of 22.36 feet to a point on the northerly line of Regal Banner Lane;

THENCE, S 89° 27' 13" W, along the northerly Right-Of-Way line of Regal Banner Lane, a distance of 80.00 feet to the POINT OF BEGINNING of this description and containing in all 940 square feet or 0.02 acres more or less.

NOTES

- 1. 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 this parcel.
2. Bearings are based on the filed Plat for Vista Real Unit Two.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 03-09-2023 accompanies this description.



Benito Barragan TX R.P.L.S 5615, Barragan and Associates Inc. Texas Surveying Firm # 10151200 March 9, 2023 12077 Banner Crest 10' easmt Job No. 230303-15

12077 Banner Crest Easement Vacation



City Plan Commission — May 4, 2023

CASE NUMBER/TYPE: SUET23-00002 – EASEMENT VACATION
CASE MANAGER: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: Elia A. Quiroga
REPRESENTATIVE: Hector Reyna
LOCATION: South of Edgemere Blvd and West of Joe Battle Blvd. (District 6)
PROPERTY AREA: 940.0 square feet
ZONING DISTRICT(S): R-3A/c (Residential/conditions)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the vacation of 12077 Banner Crest utility easement.



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 10' foot existing utility easement located on the side of Lot 27, Block 21, Vista Real Unit Two. The vacation would address an encroachment of an existing accessory structure (pergola) located on the rear patio of the property.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	R-3A/c (Residential/conditions) / Residential development.
South	R-3A/c (Residential/conditions) / Residential development.
East	A-2/c (Apartment/conditions) / Residential development.
West	R-3A/c (Residential/conditions) / Residential development.
Nearest Public Facility and Distance	
Park	Arbor Green Park (0.32 miles)
School	Jane A. Hambric Elementary (0.5 miles)
Plan El Paso Designation	
G-3 (Post-War)	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: N/A

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) 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:

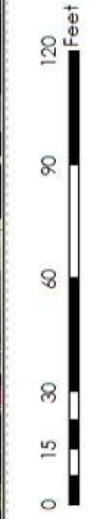
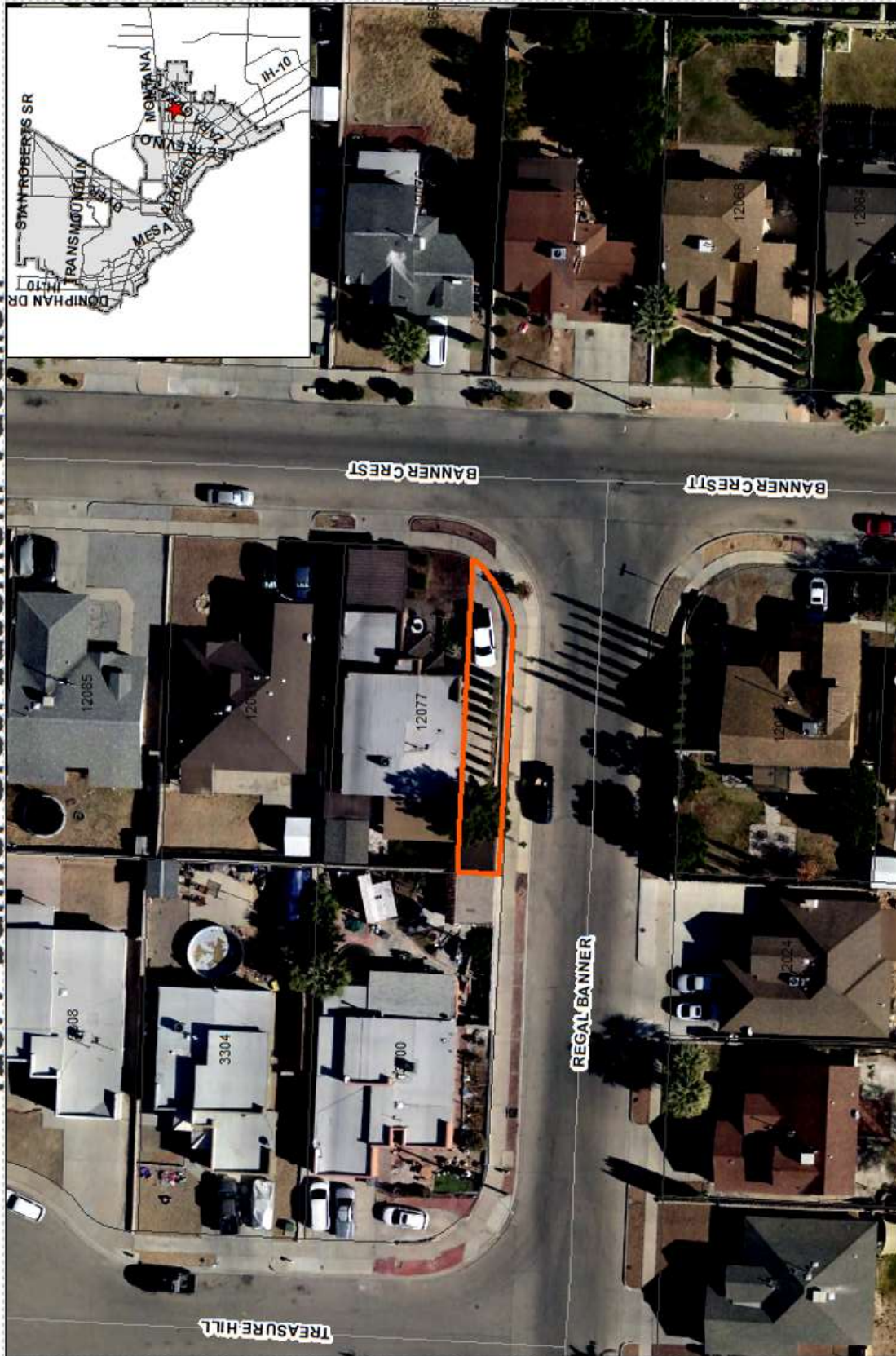
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions 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

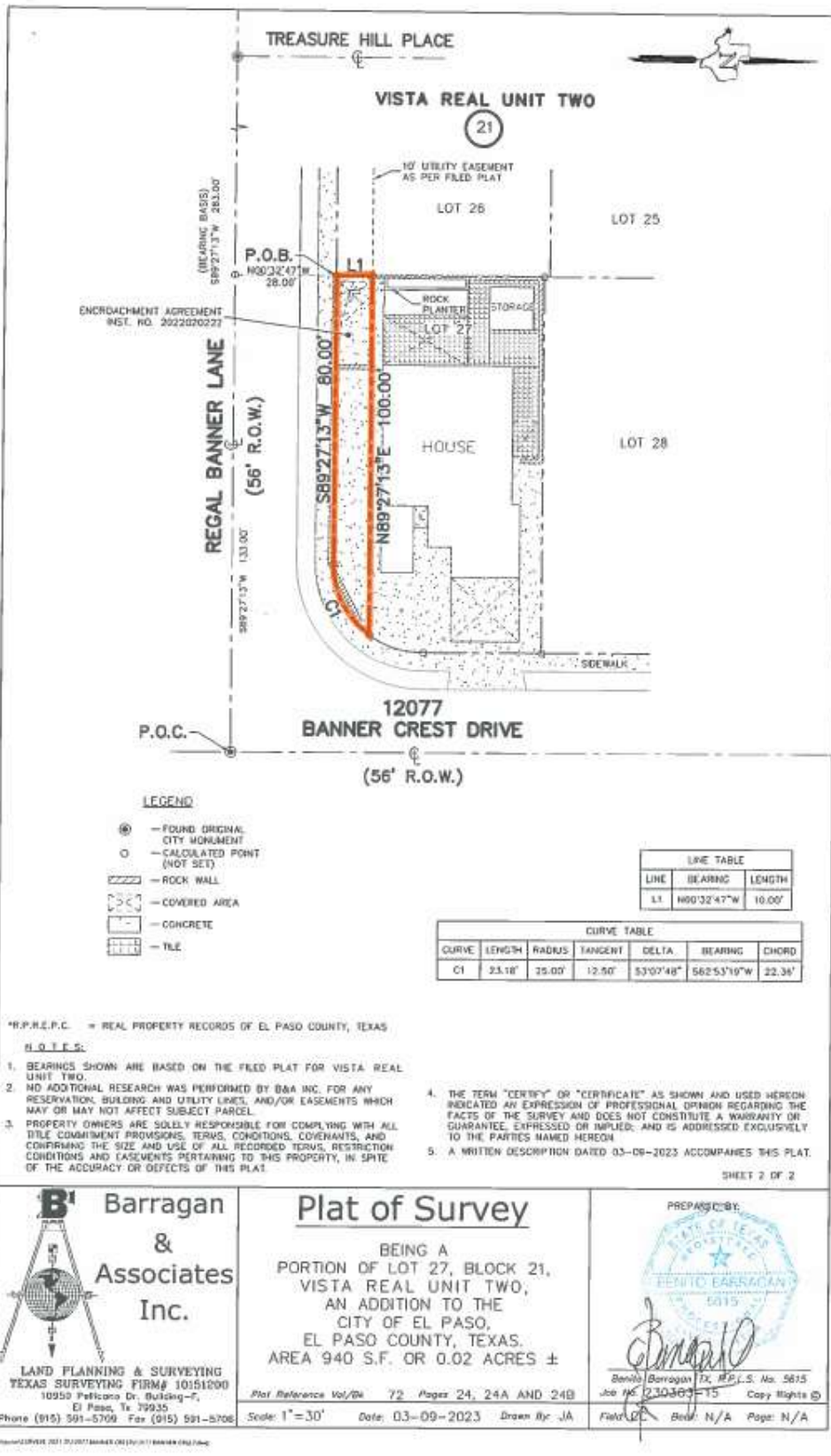
ATTACHMENT 1

12077 Banner Crest Easement Vacation



The map is the approved for illustrative purposes only. The boundaries illustrated herein are approximate and precise characteristics shall only be required to show accurate cadastral data. The accuracy of this map is not guaranteed by the City of Phoenix. The Phoenix & Associates, Inc. (P&A) makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Barragan And Associates Inc.

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

METES AND BOUNDS DESCRIPTION

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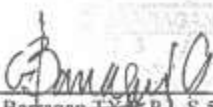
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NOTES

1. 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 this parcel.
2. Bearings are based on the filed Plat for Vista Real Unit Two.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 03-09-2023 accompanies this description.


Benito Barragan T.S.P.L.S 5615,
Barragan And Associates Inc.
Texas Surveying Firm # 10151200
March 9, 2023
12077 Banner Crest 10' easmt
Job No. 230303-15

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 4/11/23 File No. _____

1. APPLICANTS NAME Elia A. Quiroga
 ADDRESS 12077 Banner Crest ZIP CODE _____ TELEPHONE 915-633-3716
2. Request is hereby made to vacate the following: (check one)
 Street Alley Easement Other
 Street Name(s) Banner Crest Subdivision Name _____
 Abutting Blocks _____ Abutting Lots _____
3. Reason for vacation request: 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
<u>Elia A. Quiroga</u>	<u>Lot 27 Block 21 Vista Real Unit # 2</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 Elia A. Quiroga REPRESENTATIVE SIGNATURE _____
 REPRESENTATIVE (PHONE): reynasernahector@gmail.com
 REPRESENTATIVE (E-MAIL): elia_baylen@yahoo.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

Planning does not object to this request.

Planning and Inspections Department- Land Development Division

No objections to proposed easement vacation.

Parks and Recreation Department

We have reviewed **Banner Crest Easement Vacation**, a survey map and on behalf of Parks & Recreation Department, we offer “No” objections to this proposed easement vacation.

Texas Gas

TGS has a condition. Property owner can't enclose the meter or can built any permanent structure over the service gas line that could be within the easement being vacated. Prior to any construction previously mentioned, property owner must contact TGS to go over the agreement to relocate the service line.

El Paso Electric

The instrument number is incorrect on the plat, please use instrument number 20220102222. No other comments for the plat.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Banner Crest Dr., located approximately 18-feet west of the east right-of-way line. This main is available for service.

There is an existing 8-inch diameter water main that extends along Regal Banner Ln., located approximately 18-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 12077 Banner Crest Dr.

Previous water pressure from fire hydrant #7764, located on the southeast corner of Edgemere Blvd. and Banner Crest Dr., has yielded a static pressure of 50 (psi), a residual pressure of 44 (psi), and a discharge of 822 (gpm).

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Banner Crest Dr., located approximately 23-feet east of the west right-of-way line. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main that extends along Regal Banner Ln., located approximately 23-feet north of the south right-of-way line. This main is available for service.

General:

New water and sanitary sewer service may require paving cuts on Banner Crest Dr. and Regal Banner Ln. 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.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to pergola as long it follows City Ordinance 12.68 Visibility Obstruction.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County

No comments received.

El Paso County Water Improvement District #2

No comments received.

Sun Metro

No comments received.

Fire Department

No comments received.

Capital Improvement Department

No comments received.