

**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
Jorge Olmos, (915) 212-1607

DISTRICT(S) AFFECTED: District 2

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 portion of City right-of-way over a portion of Mobile Street, Map of Westlyn Heights Addition, City of El Paso, El Paso County, Texas.

Subject Property: Mobile Street
Applicant: El Paso Electric Company, SURW23-00004

BACKGROUND / DISCUSSION:

El Paso Electric is requesting to vacate a portion of unimproved Mobile right-of-way in order to expand its current electric substation to provide better services to the surrounding area. The City Plan Commission recommended 8-0 to approve the proposed vacation request on February 23, 2023. As of August 1, 2023, the Planning Division has not received any communication in support of or opposition to the vacation request. See attached staff report for additional information. The applicant has provided funds in the amount of \$52,000, the amount of the appraised market value for the portion of the ROW being vacated.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A PORTION OF MOBILE STREET, MAP OF WESTLYN HEIGHTS ADDITIONS 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 a portion of a portion of Mobile Street, Map of Westlyn Heights Additions, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of a portion of Mobile Street, Map of Westlyn Heights Addition, City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said portion of 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 a portion of Mobile Street, Map of Westlyn Addition, 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.

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 El Paso Electric Company.

ADOPTED this ____ day of _____ 2023.

THE CITY OF EL PASO:

ATTEST:

Oscar Leeser, Mayor

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

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 a portion of Mobile Street, Map of the Westlyn Heights Addition, filed for record in Volume 17, Page 23, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a found original military reservation monument on the easterly right-of-way line of El Paso and Southwestern Railroad, being the most northwesterly corner of Map of the Westlyn Heights Addition, filed for record in Volume 17, Page 23, Real Property Records of El Paso County, Texas; **WHENCE** another found original military reservation monument bears S 87°56'46" E (N 88°35'00" E-Record) (S 87°57'21" E-TxDOT), a distance of 2114.27 feet; **THENCE**, S 87° 56' 46" E (N 88° 35' 00" E - Record) (S 87° 57' 21" E - TxDOT), leaving said easterly right-of-way line of El Paso and Southwestern Railroad along the northerly line of Map of the Westlyn Heights Addition, a distance of 213.76 feet to a point on the westerly TxDOT right-of-way line (as per Volume 528, Page 72, Real Property Records of El Paso County, Texas); **THENCE** along the westerly TxDOT right-of-way line (as per Volume 528, Page 72), the following three (3) calls: **THENCE**, S 02° 03' 14" W (S 01° 25' 00" E - Record) (S 02° 02' 39" W - TxDOT), leaving said northerly line of Map of the Westlyn Heights Addition, a distance of 10.00 feet to a point on the northerly line of Block 5, Map of the Westlyn Heights Addition; **THENCE**, S 87° 56' 46" E (N 88° 35' 00" E - Record) (S 87° 57' 21" E - TxDOT), along said northerly line of Block 5, a distance of 42.00 feet to a point; **THENCE**, S 02° 03' 14" W (S 01° 25' 00" E - Record) (S 02° 02' 39" W - TxDOT), leaving said northerly line of Block 5, a distance of 130.00 feet to a found old 5/8" rebar on the northerly right-of-way line of Mobile Street (50' right-of-way) (dedicated to the public by the Map of Westlyn Heights Addition), said old 5/8" rebar being the **POINT OF BEGINNING** of this description;

THENCE, S 02° 03' 14" W (S 01° 25' 00" E - Record) (S 02° 02' 39" W - TxDOT), leaving the northerly right-of-way line of said Mobile Street along the westerly TxDOT right-of-way line (as per Volume 528, Page 72), a distance of 50.00 feet to a found concrete monument (broken) on the southerly right-of-way line of Mobile Street;

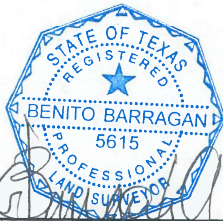
THENCE, N 87° 56' 46" W (S 88° 35' 00" W - Record) (N 87° 57' 21" W - TxDOT), leaving said westerly TxDOT right-of-way line (as per Volume 528, Page 72) along the southerly right-of-way line of Mobile Street, a distance of 350.33 feet to a found 1/2" rebar with yellow cap stamped "B&A Inc" being the beginning of a non-tangential curve on the easterly right-of-way line of El Paso and Southwestern Railroad;

THENCE, leaving said southerly right-of-way line of Mobile Street along the easterly right-of-way line of El Paso and Southwestern Railroad, 56.44 feet, along an arc of a curve to the left with a radius of 3824.78 feet, an interior angle of 00° 50' 44", and a chord which bears N 29° 40' 59" E, a distance of 56.44 feet to a found 1/2" rebar with yellow cap stamped "B&A Inc" at the intersection with a non-tangential line on the northerly right-of-way line of Mobile Street;

THENCE, S 87° 56' 46" E (N 88° 35' 00" E - Record) (S 87° 57' 21" E - TxDOT), leaving said easterly right-of-way line of El Paso and Southwestern Railroad along the northerly right-of-way line of Mobile Street, a distance of 324.16 feet to the **POINT OF BEGINNING** of this parcel and containing in all 0.39 acres of land 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 shown are referenced to the Texas Coordinate System of 1983, Texas Central Zone 4203, and are based on the North American Datum of 1983, 2011 Adjustment. Distances are ground distances and may be converted to grid dividing by 1.000231.
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 before any conveyance of property.
4. A survey dated 11/15/2022 accompanies this description.



Benito Barragan, Texas R.P.L.S. 5615
 Barragan and Associates Inc.
 Texas Surveying Firm # 10151200
 November 15, 2022
 Job No. 221101-12

Mobile Street ROW Vacation



City Plan Commission — February 23, 2023

CASE NUMBER/TYPE:	SURW23-00004 – Right-of-way Vacation
CASE MANAGER:	Jorge Olmos, (915) 212-1607, OlmosJA@elpasotexas.gov
PROPERTY OWNER:	El Paso Electric Company
REPRESENTATIVE:	CEA Group
LOCATION:	North of Pershing Dr. and west of US-54 (District 2)
PROPERTY AREA:	0.39 acres
VESTED RIGHTS STATUS:	Not Vested
PARK FEES:	Park Fees Not Required
ZONING DISTRICT(S):	R-4 (Residential)
PUBLIC INPUT:	No opposition received as of February 16, 2023

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the Mobile Street right-of-way (ROW) vacation.

Mobile Street Vacation

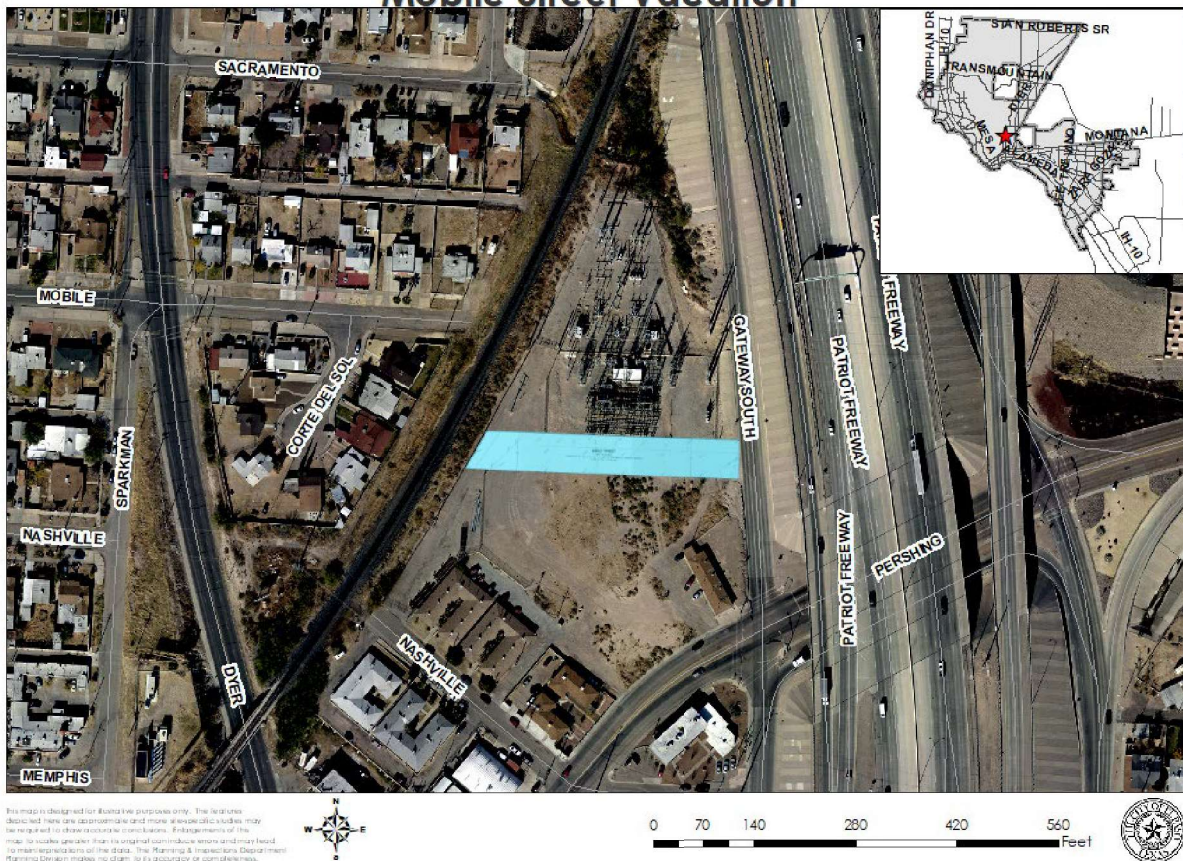


Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is proposing to vacate a 0.39 acre portion of Mobile Street, approximately fifty (50) feet by three hundred and fifty (350) feet, in order to expand its current electric substation in order to enhance its capability and provide better service to the surrounding area. The applicant owns the properties on both sides abutting the right-of-way proposed to be vacated. The right-of-way is currently unpaved, with no utility infrastructure.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	R-4 (Residential) / Utility structure
South	R-4 (Residential) / Vacant
East	R-4 (Residential) / Vacant
West	R-4 (Residential) / Residential development
Nearest Public Facility and Distance	
Park	Pollard Park (0.10 miles)
School	Coldwell Elementary School (0.36 miles)
Plan El Paso Designation	
G-2, Traditional Neighborhood (Walkable)	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on February 3, 2023 to all property owners within 200 feet of the subject property. As of February 16, 2023, staff has not received any communication 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:

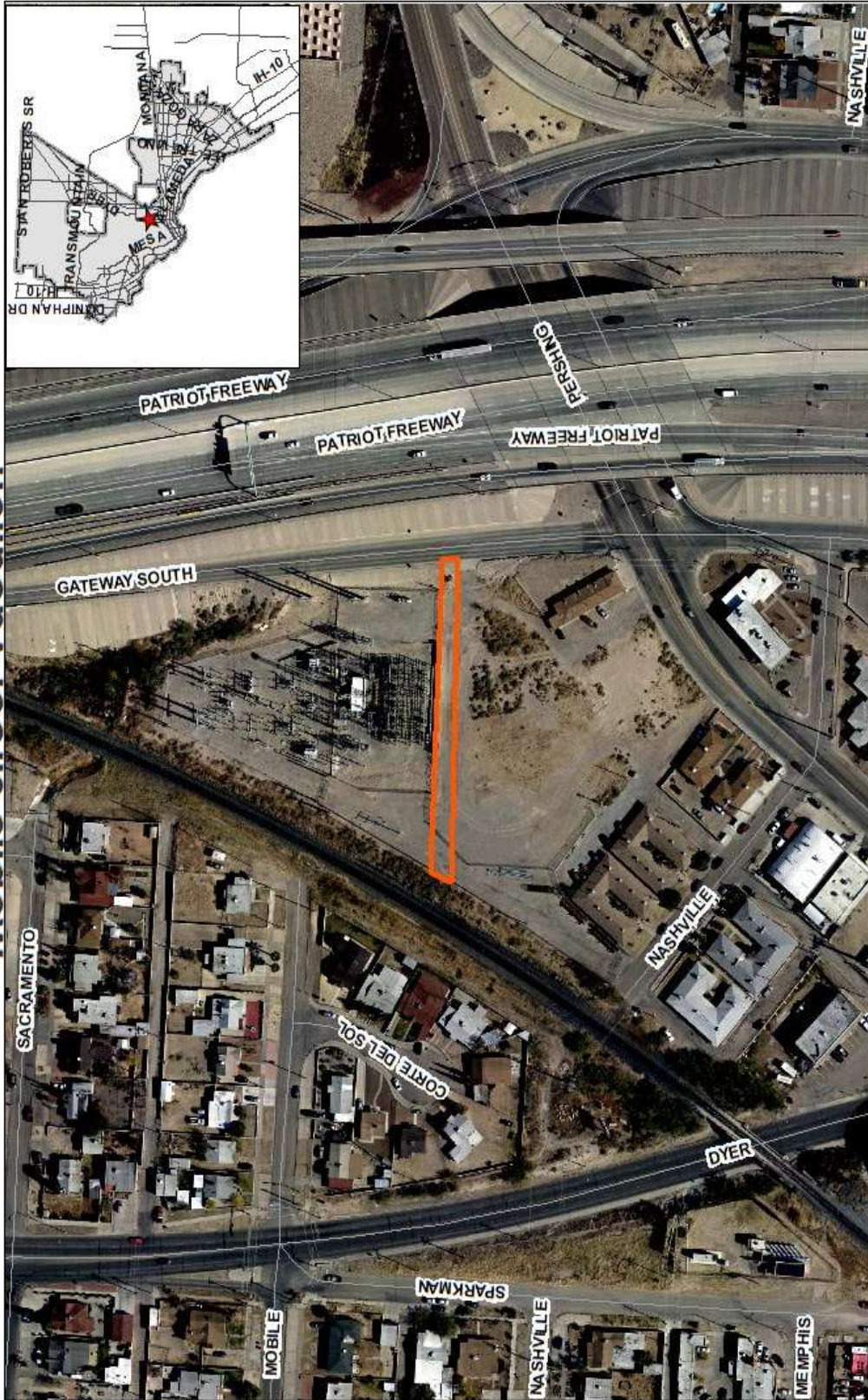
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions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

ATTACHMENT 1

Mobile Street Vacation



This map is designed for informational purposes only. The City of Nashville has no responsibility for any errors or omissions. The City of Nashville is not responsible for any damages or liabilities resulting from the use of this map. The City of Nashville is not responsible for any damages or liabilities resulting from the use of this map. The City of Nashville is not responsible for any damages or liabilities resulting from the use of this map.

ATTACHMENT 3



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 1/28/2022 File No. _____

1. APPLICANTS NAME El Paso Electric
 ADDRESS 100 N STANTON ST. EL PASO, TX ZIP CODE 79901 TELEPHONE 915-543-5970
2. Request is hereby made to vacate the following: (check one)
 Street Alley Easement Other
 Street Name(s) Mobile Street Subdivision Name WESTLYN HEIGHTS ADDITION
 Abutting Blocks 4 AND 5 Abutting Lots 12-23 AND 32-46
3. Reason for vacation request: El Paso Electric Company is seeking to expand its current substation to enhance and provide better service to the surrounding service area.
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
	See Attached Sheet for Property Owner Information	

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: [Signature] REPRESENTATIVE SIGNATURE: [Signature]

REPRESENTATIVE (PHONE): 915-200-1103

REPRESENTATIVE (E-MAIL): jszc22st@ce29.com.net

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

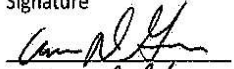
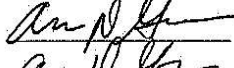
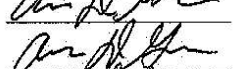
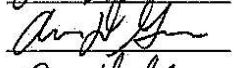
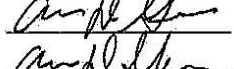
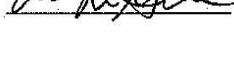

Planning & Inspections Department
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

APPROVED AS TO FORM
 OFFICE OF THE GENERAL COUNSEL [Signature]

Signature

Legal Description

Telephone

Block 5 Westlyn Heights 13 to 23 & W 19ft of 12
Block 4 Westlyn Heights 44 & 45
Block 4 Westlyn Heights 40 to 43
Block 4 Westlyn Heights 37 to 39
Block 4 Westlyn Heights 35 & 36
Block 4 Westlyn Heights Lot 34
Block 4 Westlyn Heights 30 to 33

(915)543-4388
(915)543-4388
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(915)543-4388
(915)543-4388
(915)543-4388

ATTACHMENT 4

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.
 - c. Release of access document, if applicable.
 - d. Set of restrictive covenants, if applicable.

Planning and Inspections Department- Land Development Division

1. Provide print-out of the mathematical closure of the exterior boundary of the subdivision, indicating the error of closure. (Attached not found)

Parks and Recreation Department

No objections.

Sun Metro

No objections.

Fire Department

No comments received.

Streets and Maintenance Department

No objections.

Capital Improvement Department

No comments received.

El Paso Water

1. Provide a conceptual Drainage Plan indicating existing and proposed major stormwater sewer facilities as per Section 19.02.020 of the Municipal Code.
2. Show existing & proposed drainage flow patterns on the preliminary plat and identify the discharge location for all storm water runoff.
3. Annotate the FEMA FIRM panel and flood zone on the Preliminary & Filing Plats.
4. At the improvement plan stage, provide protection to the subdivision from all offsite storm water runoff that may have an adverse impact on any improvements and convey the existing watercourse through the subdivision.
5. The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

Texas Gas

No objections.

El Paso Electric

No comments.

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 #1

No comments received.