

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** April 13, 2021

**PUBLIC HEARING DATE:** April 27, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Emily Diaz-Melendez, (915) 212-1612

**DISTRICT(S) AFFECTED:** 5

**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 a 87 square-foot portion of a 10-foot public utility easement located within a portion of Lot 14, Block 485, Tierra del Este Unit Seventy Four, City of El Paso, El Paso County, Texas.

Subject Property: 2401 Tierra Murcia St.  
Applicant: Sanderson Village, LLC SUET21-00001

**BACKGROUND / DISCUSSION:**

Applicant is proposing to vacate a portion of a 10-foot utility easement, of which a newly constructed single-family home is inadvertently encroaching. City Plan Commission recommended 7-0 to approve the proposed easement vacation on February 11, 2021. As of April 6, 2021, staff has received no communication in support/opposition of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A 87 SQUARE-FOOT PORTION OF A 10-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN A PORTION OF LOT 14, BLOCK 485, TIERRA DEL ESTE UNIT SEVENTY FOUR, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owner has requested vacation of a 87 SQUARE-FOOT PORTION OF A 10-FOOT PUBLIC UTILITY EASEMENT located within *a portion of Lot 14, Block 485, Tierra del Este Unit Seventy Four, City of El Paso, El Paso County, Texas*; and,

**WHEREAS**, after public hearing the City Plan Commission has recommended a vacation of a 87 square-foot portion of a 10-foot public utility easement located within *a portion of Lot 14, Block 485, Tierra del Este Unit Seventy Four, 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 87 square-foot portion of a 10-foot public utility easement located within *a portion of Lot 14, Block 485, Tierra del Este Unit Seventy Four, 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 Sanderson Village, LLC.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

*(Signatures on the following page)*


**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

*(Quitclaim Deed on the following page)*

**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 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 Sanderson Village, 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 **A PORTION OF LOT 14, BLOCK 485, TIERRA DEL ESTE UNIT SEVENTY FOUR, 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 purposed.

**WITNESS the following signatures and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

CITY OF EL PASO

**ATTEST:**


\_\_\_\_\_  
Tomás González, City Manager

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Phillip F. Etiwe, Director  
Planning and Inspections Department

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

*(Acknowledgment on the following page)*

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS    )**  
**)**  
**COUNTY OF EL PASO     )**

This instrument is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021,  
by Tomás González, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:  
\_\_\_\_\_

**AFTER FILING RETURN TO:**

Sanderson Village, LLC  
7307 Remcon Circle, Suite 105  
El Paso, Texas 79912

*(Exhibit "A" & "B" on the following pages)*

# EXHIBIT A

## PROPERTY DESCRIPTION

### BUILDING ENCROACHMENT LYING IN A PORTION OF LOT 14, BLOCK 485, TIERRA DEL ESTE UNIT SEVENTY FOUR

Description of a parcel of land lying in a portion of Lot 14, Block 485, Tierra Del Este Unit Seventy Four, City of El Paso, El Paso County, Texas, map of said Tierra Del Este Unit Seventy Four recorded in Clerk's File #20190057591, Plat Records, El Paso County, Texas and lying in that same parcel recorded in Clerk's File #20190075763, El Paso County Clerks Records, and described as follows;

Commencing for reference at a city monument found at the centerline intersection of Tierra Magnolia Avenue (52' wide) and Tierra Murcia Street (52' wide), said monument located South 00°34'52" East a distance of 605.03' from a city monument located at the centerline intersection of said Tierra Murcia and Tierra Campeon (bearing basis); Thence, with said centerline of Tierra Magnolia Avenue, North 89°58'33" East a distance of 47.66'; Thence, leaving said centerline of Tierra Magnolia Avenue, North 00°01'27" West a distance of 26.00' to point on the north ROW of Tierra Magnolia Avenue; Thence, North 00°01'27" West a distance of 9.08' to the existing southeast building corner, and being the "Point Of Beginning";

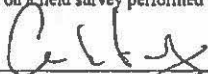
Thence, along the south face of the existing building, South 89°17'03" West a distance of 68.50' to the southwest existing building corner;

Thence, with the west face of said building, North 00°42'57" West a distance of 1.61' to the intersection of said southwest existing face of building and the 10' wide platted utility easement (also being the 10' side setback line);

Thence, with said 10' utility easement and said building setback line, North 89°52'02" East a distance of 68.50' to a point on the east face of said building;

Thence, with the east face of building, South 00°42'57" East a distance of 0.91' to the "Point Of Beginning" and containing 87 sq. ft. or 0.0020 acres.

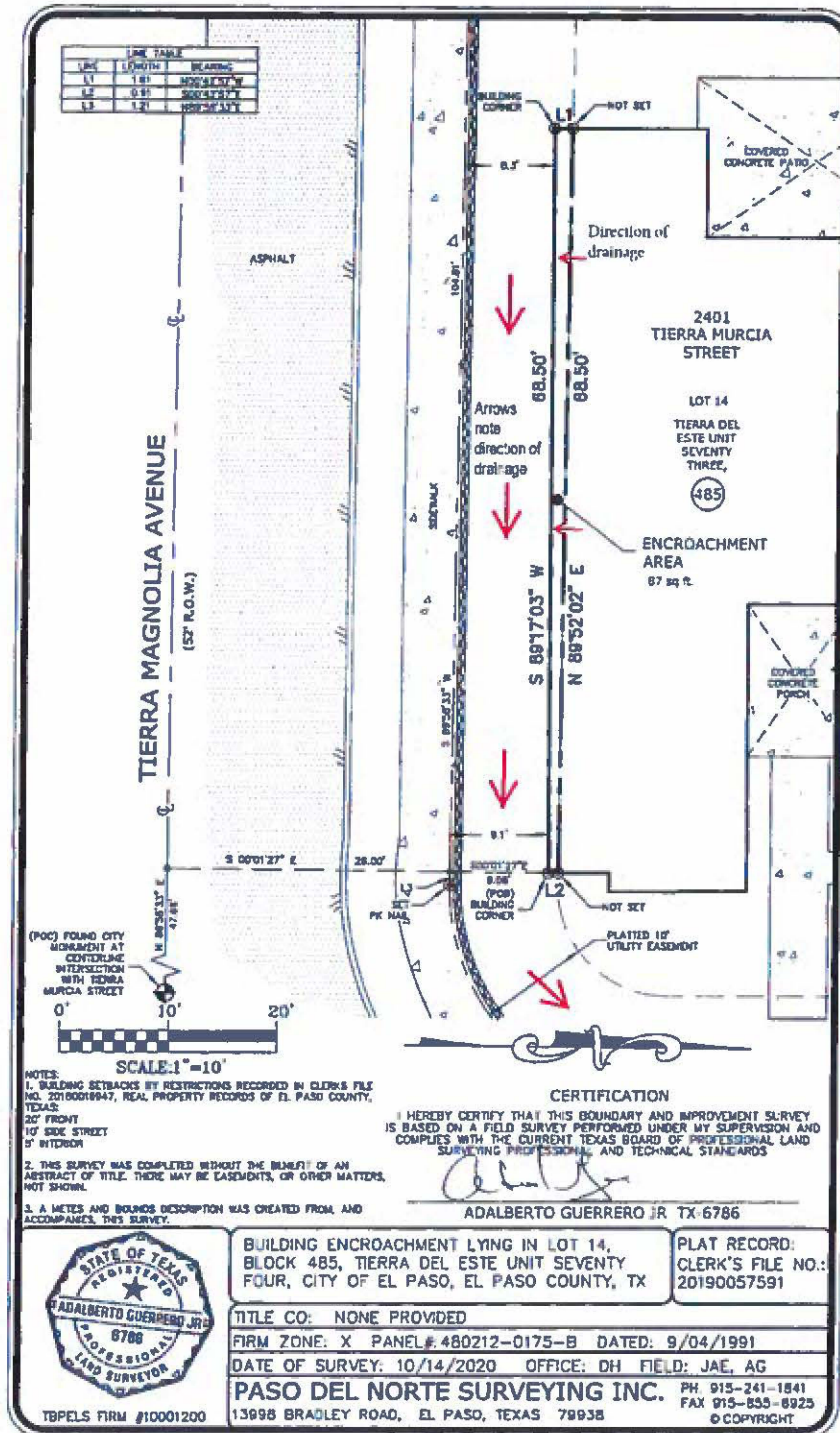
Based on a field survey performed under my supervision and dated 10/14/2020.

  
Adalberto Guerrero Jr, Texas R.P.L.S. 6786

Paso Del Norte Surveying Inc.  
13998 Bradley Road  
El Paso, TX. 79938,  
915-241-1841,  
TBPELS FIRM #10001200



# EXHIBIT B



# Tierra Murcia Easement Vacation

City Plan Commission — February 11, 2021



<b>CASE NUMBER/TYPE:</b>	<b>SUET21-00001 – EASEMENT VACATION</b>
<b>CASE MANAGER:</b>	Emily Diaz-Melendez, (915) 212-1612, DiazMelendezEM@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Sanderson Village, LLC
<b>REPRESENTATIVE:</b>	Sanderson Village, LLC
<b>LOCATION:</b>	East of John Hayes St. and South of Pebble Hills Blvd. (District 5)
<b>PROPERTY AREA:</b>	0.002 acres
<b>ZONING DISTRICT(S):</b>	R-5 (Residential)
<b>RELATED APPLICATIONS:</b>	PZBA20-00042 (ZBA Special Exception G – Builder Error)

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of Tierra Murcia Easement Vacation.

## Tierra Murcia Easement Vacation



Figure A: Proposed easement vacation with surrounding area



**DESCRIPTION OF REQUEST:** The applicant is requesting to vacate an 87 square-foot portion of an existing 10-foot utility easement at 2401 Tierra Murcia Street. A single-family home was inadvertently built over a portion of the easement during construction. There were no objections to this request from any of the utility companies.

**CASE HISTORY/RELATED APPLICATIONS:** The applicant has applied for a Zoning Board of Adjustment Special Exception (PZBA20-00042) under Section G – Builder Error to allow for the encroachment into the side street setback along Tierra Magnolia.

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

<b>Surrounding Zoning and Use</b>	
North	R-5 (Residential) / Residential development
South	R-5 (Residential) / Residential development
East	R-5 (Residential) / Residential development
West	R-5 (Residential) / Residential development
<b>Nearest Public Facility and Distance</b>	
Park	East Cave Park (1.0 mile)
School	James P. Butler Elementary (1.4 miles)
<b>Plan El Paso Designation</b>	
G4, Suburban (Walkable)	
<b>Impact Fee Service Area</b>	
Eastside	

**PUBLIC COMMENT:** 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:**

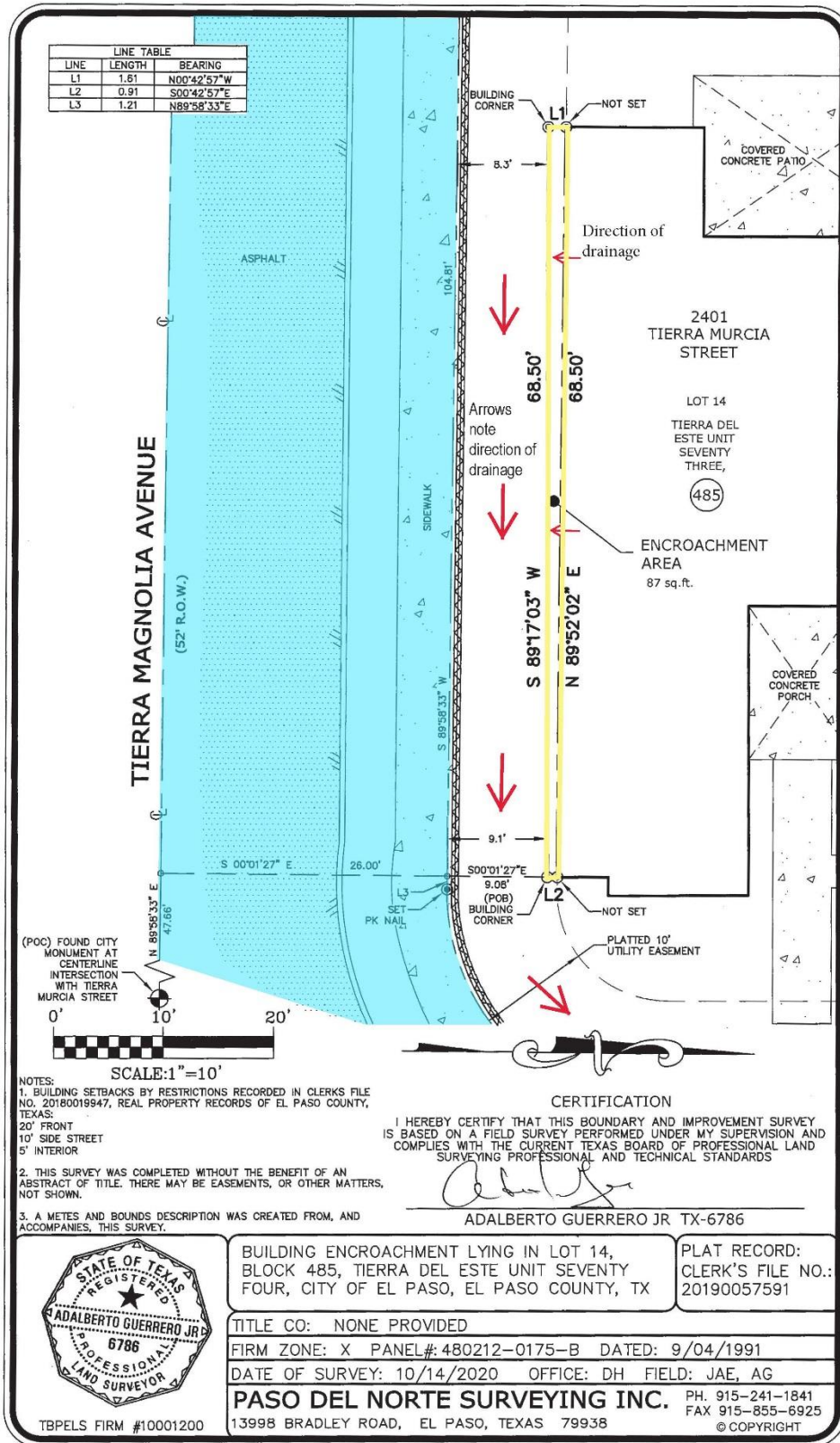
1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Department Comments

# ATTACHMENT 1

## Tierra Murcia Easement Vacation



# ATTACHMENT 2



# ATTACHMENT 3

## PROPERTY DESCRIPTION

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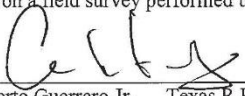
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Based on a field survey performed under my supervision and dated 10/14/2020.

  
\_\_\_\_\_  
Adalberto Guerrero Jr, Texas R.P.L.S. 6786

Paso Del Norte Surveying Inc.  
13998 Bradley Road  
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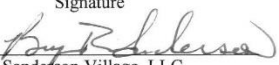
# ATTACHMENT 4



## VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 12-28-2020 File No. \_\_\_\_\_

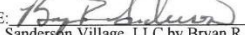
1. APPLICANTS NAME Sanderson Village, LLC  
ADDRESS 7307 Remcon Circle, Suite 105 ZIP CODE 79912 TELEPHONE 915-584-5527
2. Request is hereby made to vacate the following: (check one)  
Street \_\_\_\_\_ Alley \_\_\_\_\_ Easement  Other \_\_\_\_\_ (\*Partial)  
Street Name(s) 2401 Tierra Murcia St. Subdivision Name Tierra Del Este Unit 74  
Abutting Blocks Tierra Magnolia Ave. (block 484) Abutting Lots Lot 1 & 13 , Block 485, Tierra Del Este Unit 74
3. Reason for vacation request: Encroachment into easement by a portion of single family dwelling
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
 Sanderson Village, LLC	Agent for Sanderson Village, LLC	915-584-5527
_____	_____	_____
_____	_____	_____

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: \_\_\_\_\_  
Sanderson Village, LLC by Bryan R. Sanderson (Agent)  
REPRESENTATIVE (PHONE): 915-584-5527  
REPRESENTATIVE (E-MAIL): bryan.sanderson@att.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

# **ATTACHMENT 5**

## **Planning and Inspections Department- Planning Division**

Planning staff recommend approval of the Tierra Murcia Easement Vacation.

## **Planning and Inspections Department- Land Development Division**

No objections to proposed easement vacation.

## **Parks and Recreation Department**

We offer no objections to this proposed easement vacation request.

## **El Paso Water**

EPWater-PSB records do not depict water or sanitary sewer mains located along the above described 10-foot utility easement. Future encroachments shall be requested by the Property owner prior to construction of any structure on the existing easement.

The El Paso Water – Public Service Board (EPWater-PSB) operates and maintains a 8-inch diameter water main and a 8-inch diameter sanitary sewer main along Tierra Murcia St., as well as a 8-inch diameter water main and an 15-inch diameter sanitary sewer main along Tierra Magnolia Ave.

## **Texas Gas**

Texas Gas Services has no main line facilities at the noted 10' Utility Easement running along the property, as shown on the survey provided; and therefore offers no objection. Texas Gas Company currently operates an existing 2" PE Main Line located on Tierra Murcia St.

This does not waive or relinquish any rights that Texas Gas Service has, to utilize available utility easements now or in the future. The property owner should be aware as to not place any structures in utility easements. The property owner is advised to call Texas 811 for line spots before digging.

Texas Gas Service shall not be responsible for any damages to structures, or to the property located on said utility easement, resulting directly or indirectly from the exercise of any of the aforementioned rights.

## **El Paso Electric**

At present, the proposed encroachments do not interfere with El Paso Electric Company's 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.

## **AT&T**

AT&T hereby consents to the encroachment upon the easement so long as the encroachment in no manner interferes with the Easement, and hereby grants a non-revocable permit for the Encroachment. However, AT&T does not waive or relinquish any rights held by it to operate, maintain, renew, construct,

reconstruct, repair, add or remove telephone facilities that are now located, or may be located in the future within the Easement, nor any rights of ingress or egress thereto.

As consideration for AT&T's granting this permission to retain the Encroachment on the Easement, subject to the aforesaid rights of AT&T, the Owner agrees as follows:

1. At least two (2) working days prior to any work is being performed on the Encroachment, Owner shall request AT&T to mark location of its facilities within the Easement.
2. If it is determined by AT&T that the encroachment is interfering within the Easement and the owner has not corrected the cause of the interference within sixty (60) days of receipt of notice from AT&T requiring the same, AT&T may cause the work to be done at Owner's expense and shall not be liable for any damage caused hereby.
3. The Owner, on behalf of itself and future owners of said property agrees to hold AT&T harmless from and against any and all claims for personal injuries or death or damages to property including property of AT&T when such injuries, death or damages directly or indirectly arise out of existence, construction, maintenance, repair, condition, use or presence of the Encroachment upon the Easement. AT&T shall not be responsible for any damages to the Encroachment.

The conditions and agreements contained herein are covenants running with the land shall be binding and inure to the benefit of the heirs, representatives, successors and assigns of AT&T and the Owner.

#### **Spectrum**

Spectrum Communications hereby grants an encroachment for the purpose of general home and property improvements to a portion of the General Utility Easement associated with the property located at 2401 Tierra Murcia, within the City of El Paso, Texas 79938. Spectrum Communications reserves the right to have access to any applicable utility easements on the property for the purpose of future construction or maintenance. The owner and/or lessee of said property may also be responsible for the relocation/removal of any structure interfering with access to these easements, if necessary.

Spectrum Communications currently has no facilities within this easement. If it has not already taken place, please call 1-800-DIG-TESS to have facilities marked and located within affected easements before any excavations are started.

#### **Streets and Maintenance Department**

1. The building shall not encroach the 20 foot triangle and obstruct vision clearance as per section 20.12.060 of the CoEP Municode.
2. All design and construction shall be in compliance with the Design Standards for Construction (DSC) and Texas Accessibility Standards (TAS).

#### **Sun Metro**

No objections.

#### **Texas Department of Transportation**

Development does not abut TxDOT right of way.

#### **Fire Department**

No comments received.

**Capital Improvement Department**

No comments received.

**El Paso County 911 District**

No comments received.

**El Paso County**

No comments received.

**El Paso County Water Improvement District #1**

No comments received.