

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

AGENDA DATE: July 7, 2021
PUBLIC HEARING DATE: July 20, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Armida R. Martinez, (915) 212-1605

DISTRICT(S) AFFECTED: District 2

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 authorizing the dedication for the use of the public as right-of-way 10.1947 acres of land legally described as a 10.1947 acre parcel situated within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Sections 22 and 23, Block 80, Township 2, Texas & Pacific Railway Company Surveys.

Subject Property: South of Liberty Expy. and West of Purple Heart Hwy.

Applicant: City of El Paso (EPIA)

BACKGROUND / DISCUSSION:

The applicant is requesting to dedicate 10.1947 acres of land as public right-of-way. Currently, the area is improved and functions as a public right-of-way (Constitution Avenue and Bert Williams); however, they have not been formally dedicated. This request will formalize the dedication. City Plan Commission recommended 7-0 to approve the proposed right-of-way dedication on May 20, 2021. 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? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: El Paso International Airport

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

DEPARTMENT HEAD:

Philip Etiwe

Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE DEDICATION FOR THE USE OF THE PUBLIC AS RIGHT-OF-WAY 10.1947 ACRES OF LAND LEGALLY DESCRIBED AS A 10.1947 ACRE PARCEL SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS A PORTION OF SECTIONS 22 AND 23, BLOCK 80, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Manager be authorized to sign and accept on behalf of the City, Public Right-Of-Way Dedication Deed from the City of El Paso, Texas dedicating to the City of El Paso, Texas for the use as a public right-of-way a 10.1947 acre parcel situated within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Sections 22 and 23, Block 80, Township 2, Texas & Pacific Railway Company Surveys more fully described by metes and bounds and surveys in Exhibit "A" of the Dedication Deed attached hereto and made a part hereof for all purposes.
2. Further, that the City Manager is authorized to execute any documents and perform any actions necessary to carry out the intent of this ordinance.

ADOPTED this _____ day of _____, 2021.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E., City Engineer
Capital Improvement Department

ORDINANCE NO. _____
21-1003-1125 | Dedication of right of way
OAR

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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.

STATE OF TEXAS §
§
COUNTY OF EL PASO § DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS: That the **City of El Paso**, (“Grantor”), does hereby DEDICATE to the City of El Paso, Texas, (“Grantee”), as right-of-way for public street and utility purposes, including the right of ingress, egress, and regress therein, and easements to construct, maintain, public streets and utilities, or any other public purpose authorized by Local Government Code Section 273.001 or other federal, state, or local law and deemed necessary by Grantee into and through all that certain real property located in the City of El Paso, County of El Paso, State of Texas being 10.1947 acres of land legally described as:

A 10.1947 acre parcel situated within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Sections 22 and 23, Block 80, Township 2, Texas & Pacific Railway Company Surveys more fully described by metes and bounds and surveys in Exhibit “A” attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the above conveyed property for the purposes aforesaid unto the City of El Paso, its successors and assigns, forever and the Grantor hereby binds itself and its successors and assigns to warrant and forever defend all and singular the rights herein granted, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Provided that if the property ceases to be used as public right of way as provided herein, then such property will automatically revert to the Grantor.

WITNESS the following signatures and seal this _____ day of _____, 2021.

(Signatures begin on the following page)

GRANTOR and GRANTEE:

By: _____
Tomas Gonzalez, City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____
2021, by _____ as _____ on behalf of **City of
El Paso as Grantor and Grantee.**

My Commission Expires:

Notary Public, State of Texas
Notary's Printed Name:

AFTER RECORDING, RETURN TO:

City of El Paso
Planning & Inspections Department – Planning Division
Attn: Planning Director
801 Texas Avenue
El Paso, Texas 79901

ORDINANCE NO. _____
21-1003-1125 | Dedication of right of way
OAR

Constitution and Bert Williams Right-of-Way Dedication

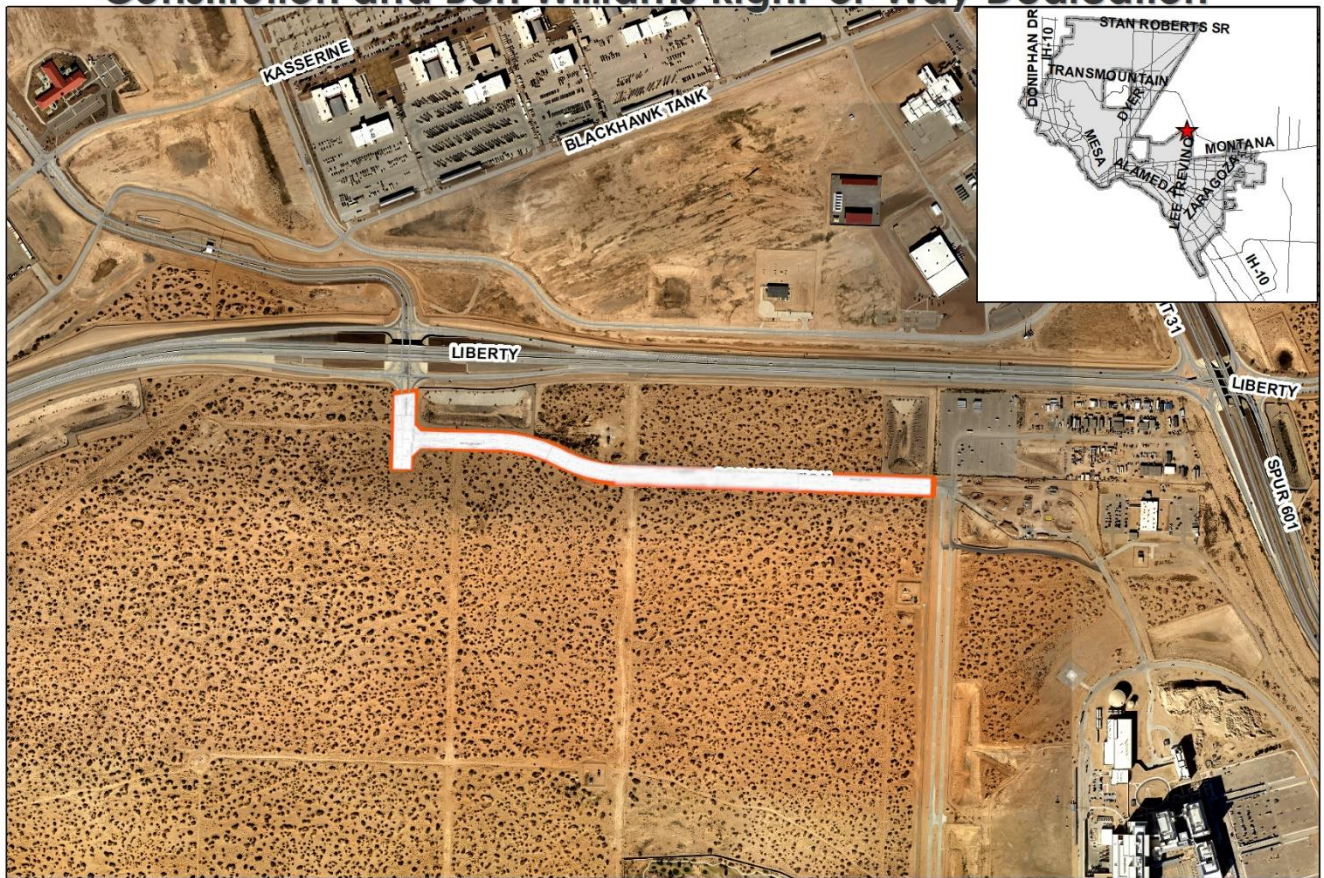


City Plan Commission — May 20, 2021

CASE NUMBER/TYPE: SURW21-00005 – RIGHT-OF-WAY DEDICATION
CASE MANAGER: Armida R. Martinez, (915) 212-1605, martinezar@elpasotexas.gov
PROPERTY OWNER: City of El Paso
REPRESENTATIVE: Brock & Bustillos
LOCATION: South of Liberty Expy. and West of Purple Heart Hwy. (District 2)
PROPERTY AREA: 10.1947 acres
ZONING DISTRICT(S): M-1 (Light Manufacturing)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the Constitution and Bert Williams Right-of-Way dedication.

Constitution and Bert Williams Right-of-Way Dedication



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.



Subs in process

0 400 800 1,600 2,400 3,200 Feet



Figure A: Survey with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to dedicate 10.1947 acres of land as public right-of-way. Currently, the area is improved and functions as a public right-of-way; however, it has not been formally dedicated as public right-of-way. This request will formalize the dedication. The section of Constitution being dedicated is 64,693.4 sq. ft. and is designated as a Local street per the Major Thoroughfare Plan. The existing right-of-way is 134.5' and consists of 80' of roadway, 12' raised median and 42.5' of landscape park areas to include two (2) 5' sidewalks. Bert Williams is 379,387.0 sq. ft. and is also designated as Local street. The existing right-of-way is 108' and consists of 64' of roadway, 24 raised median, 20' of landscape park areas to include two (2) 5' sidewalks.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	M-1 (Light Manufacturing / vacant and stormwater ponds
South	M-1 (Light Manufacturing) and C-4 (Commercial) / vacant
East	Fort Bliss property / hospital
West	M-1 (Light Manufacturing) / vacant
Nearest Public Facility and Distance	
Park	Edgemere/Freeport Park Pond (5.16 miles)
School	Milam Elementary (4.05 miles)
Plan El Paso Designation	
O7, Urban Expansion	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: N/A

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission has the authority to advise City Council on right-of-way dedication 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 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 3



ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
AARON ALVARADO, R.P.L.S.
Vice President - Surveying

TBPE Reg. No. F-737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION (*PARCEL 1: CONSTITUTION AVENUE R.O.W.*)

A 1.4852 acres parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Section 22, Block 80, Township 2, Texas & Pacific Railway Company Surveys, and being more particularly described by metes and bounds as follows.

COMMENCING at a TXDOT Brass Cap found on the south right-of-way line of State Spur 601, (variable width), Sta. 441+60.17; **WHENCE**, a TXDOT Brass Cap found on the south right-of-way line of said State Spur 601, Sta. 439+43.18, bears North 82°38'28" West, a distance of 217.92 feet; **THENCE**, following the south right-of-way line of said State Spur 601, South 47°08'36" West, a distance of 29.06 feet to a TXDOT Brass Cap found on the south right-of-way line of said State Spur 601, Sta. 441+39.59 for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving the south right-of-way line of said State Spur 601, South 02°03'50" West, a distance of 213.51 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 05°56'16" West, a distance of 214.47 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 02°03'46" West, a distance of 83.63 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southeast corner of the parcel herein described;

THENCE, North 89°10'48" West, a distance of 120.03 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southwest corner of the parcel herein described;

THENCE, North 02°03'48" East, a distance of 492.27 feet to a TXDOT Brass Cap found on the south right-of-way line of said State Spur 601, Sta. 440+05.09, for the northwest corner of the parcel herein described;

THENCE, following the south right-of-way line of said State Spur 601, North 83°00'02" East, a distance of 136.20 feet to the **POINT OF BEGINNING**.

Said parcel containing 1.4852 acres (64,693.4 square feet), more or less, and being subject to all easements, restrictions and covenants of record.

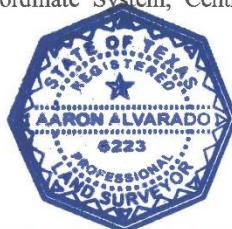
Basis of Bearing is the Texas State Plane Coordinate System, Central Zone 4203, NAD 83. Distances shown have been scaled to surface.



Aaron Alvarado, TX R. P. L. S. No. 6223

Date: April 09, 2021

05100-097-CONSTITUTION ROW-DESC





ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
AARON ALVARADO, R.P.L.S.
Vice President - Surveying
TBPE Reg. No. F-737
TBPLS Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION
(PARCEL 2: BERT WILLIAMS STREET R.O.W.)

A 8.7095 acres parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Sections 22 and 23, Block 80, Township 2, Texas & Pacific Railway Company Surveys, and being more particularly described by metes and bounds as follows.

COMMENCING at a TXDOT Brass Cap found on the south right-of-way line of State Spur 601, (variable width), Sta. 441+60.17; **WHENCE**, a TXDOT Brass Cap found on the south right-of-way line of said State Spur 601, Sta. 439+43.18, bears North 82°38'28" West, a distance of 217.92 feet; **THENCE**, following the south right-of-way line of said State Spur 601, South 47°08'36" West, a distance of 29.06 feet to a TXDOT Brass Cap found on the south right-of-way line of said State Spur 601, Sta. 441+39.59; **THENCE**, leaving the south right-of-way line of said State Spur 601, South 02°03'50" West, a distance of 213.51 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the northwest corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, South 43°52'54" East, a distance of 66.11 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 87°56'17" East, a distance of 521.22 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of curvature;

THENCE, along the arc of a curve to the right having a radius of 1,008.93 feet, a central angle of 26°06'42", an arc length of 459.80 feet and whose long chord bears South 74°52'56" East, a distance of 455.84 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of reverse curvature; **WHENCE**, a TXDOT Brass Cap found on the south right-of-way line of said State Spur 601, Sta. 453+57.29, bears North 27°52'06" East, a distance of 514.25 feet;

THENCE, along the arc of a curve to the left having a radius of 900.92 feet, a central angle of 26°06'39", an arc length of 410.57 feet and whose long chord bears South 74°52'55" East, a distance of 407.02 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, South 87°56'14" East, a distance of 2,040.16 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the northeast corner of the parcel herein described;

THENCE, South 02°07'47" West, a distance of 108.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southeast corner of the parcel herein described;

THENCE, North 87°56'14" West, a distance of 2,040.03 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of curvature;

THENCE, along the arc of a curve to the right having a radius of 1,008.92 feet, a central angle of 26°06'39", an arc length of 459.79 feet and whose long chord bears North 74°52'55" West, a

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distance of 455.82 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of reverse curvature;

THENCE, along the arc of a curve to the left having a radius of 900.93 feet, a central angle of $26^{\circ}06'42''$, an arc length of 410.58 feet and whose long chord bears North $74^{\circ}52'56''$ West, a distance of 407.04 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

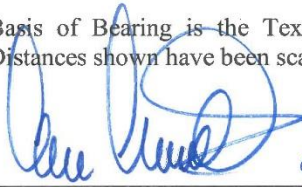
THENCE, North $87^{\circ}56'17''$ West, a distance of 521.22 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South $48^{\circ}00'02''$ West, a distance of 86.29 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the southwest corner of the parcel herein described;

THENCE, North $05^{\circ}56'16''$ West, a distance of 214.47 feet to the **POINT OF BEGINNING**.

Said parcel containing 8.7095 acres (379,387.0 square feet), more or less, and being subject to all easements, restrictions and covenants of record.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone 4203, NAD 83. Distances shown have been scaled to surface.


04/09/21

Aaron Alvarado, TX R. P. L. S. No. 6223
Date: April 09, 2021
05100-097-BERT WILLIAMS ROW-DESC



ATTACHMENT 4



DEDICATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 03/05/2021 File No. SURW21-00005

1. APPLICANTS NAME City of El Paso (El Paso International Airport)
 ADDRESS 6701 Convair Road ZIP CODE 79925 TELEPHONE (915) 212-7337

2. Request is hereby made to dedicate the following: (check one)
 Street Alley Easement Other
 Street Name(s) Constitution Ave. & Bert Williams Subdivision Name Texas and Pacific Railway Company Surveys
 Abutting Blocks 80 Abutting Lots N/A

3. Reason for dedication request: Public road was never formally dedicated

4. Surface Improvements located in subject property to be dedicated:
 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 dedicated 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 dedicated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
_____	Portion of Sections 22 & 23, Block 80, Township 2, T&PP RR Co. Svys.	<u>(915) 212-7337</u>
_____	_____	_____
_____	_____	_____

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Dedications 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 Dedication. If we further understand that the fee, if the Dedication 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 dedication 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) 542-4900
 REPRESENTATIVE (E-MAIL): aaron@brockbustillos.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 the request.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

Dimension deceleration lane length for storage capacity and sight visibility (As per DSC Section 3-32).

Parks and Recreation Department

We have reviewed **Constitution and Bert Williams ROW Dedication** survey map and on behalf of Parks & Recreation Department we offer “No” objections to this proposed Street Right-of-way dedication.

Sun Metro

No objections.

Fire Department

No adverse comments.

Streets and Maintenance Department

No objection.

Capital Improvement Department

No comments received.

El Paso Water

EPWater-PSB does not object to this request. There are no existing facilities within the proposed dedication.

Water:

There is an existing 16-inch diameter water flowline that extends in a north to south direction crossing the proposed Bert Williams

Sewer:

There is no sanitary sewer in this dedication.

Texas Gas

No comments received.

El Paso Electric

No comments received.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

US Army - Fort Bliss

We are aware of the proposed ROW dedication but since this is not within the installation boundaries we have no comment on this request.

El Paso County

No comments received.

El Paso County Water Improvement District #1

The mentioned item is not within the boundaries of EPCWID1.