

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

AGENDA DATE: March 14, 2023
PUBLIC HEARING DATE: March 28, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Adriana Martinez, (915) 212-1611

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 Marks Street right-of-way and a portion of Herbert Street right-of-way within the Franklin D. Roosevelt Subdivision, City of El Paso, El Paso County, Texas.

Applicant: Housing Opportunity Management Enterprises (HOME) - City of El Paso, SURW22-00008

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate portions of Marks Street and Herbert Street as the abutting residential development is gated and already has access via Maxwell Avenue and Hondo Pass Drive. The City Plan Commission recommended 5-0 to approve the proposed right-of-way vacation request on June 2, 2022. The amount of the appraised market value of the right-of-way (R.O.W.) being vacated is being waived, pursuant to a valid and longstanding Cooperation Agreement in place between the City and HOME. The Cooperation Agreement provides the legal mechanism for the City to waive vacation fees in support of federally subsidized low income, affordable housing projects.

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: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF MARKS STREET RIGHT-OF-WAY AND A PORTION OF HERBERT STREET RIGHT-OF-WAY WITHIN THE FRANKLIN D. ROOSEVELT SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a 0.62 ACRE PORTION OF Marks Street right-of-way and a portion of Herbert Street right-of-way within the Franklin D. Roosevelt Subdivision, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a 0.62 acre portion of Marks Street and Herbert Street located within a portion of Marks Street right-of-way and a portion of Herbert Street right-of-way within the Franklin D. Roosevelt Subdivision City of El Paso, El Paso County, Texas, 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, 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 0.62 acre portion of Marks Street and Herbert Street located within a portion of Marks Street right-of-way and a portion of Herbert Street right-of-way within the Franklin D. Roosevelt Subdivision, 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, subject to the reservation of a full-width utility easement, to include access for maintenance to the roadway, and all surface level improvements.

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 right of way to Housing Opportunity Management Enterprises (HOME).

(Signatures Begin on Following Page)

ORDINANCE NO. _____

22-1007-2968|1203790

Planning & Zoning Easement Vacation|SURW22-00008 Herbert and Marks ROW Vacation | Ordinance

JG

ADOPTED this _____ day of _____, 2023.

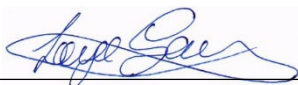
THE CITY OF EL PASO:

ATTEST:

Oscar Leeson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

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**

That in consideration of the receipt by the **CITY OF EL PASO** of TWENTY-FIVE AND 00/DOLLARS (\$25.00) and other 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 Housing Opportunity Management Enterprises (HOME) (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 MARKS STREET RIGHT-OF-WAY AND A PORTION OF HERBERT STREET RIGHT-OF-WAY WITHIN THE FRANKLIN D. ROOSEVELT SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" made a part hereof by reference.

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

CITY OF EL PASO:

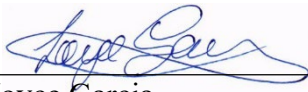
ATTEST:

Tomás González, City Manager

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Joyce Garcia
Assistant City Attorney



Philip F. Etiwe, Director
Planning and Inspections Department

(Acknowledgement on following page)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2023,
by Tomás González, as City Manager for the CITY OF EL PASO.

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

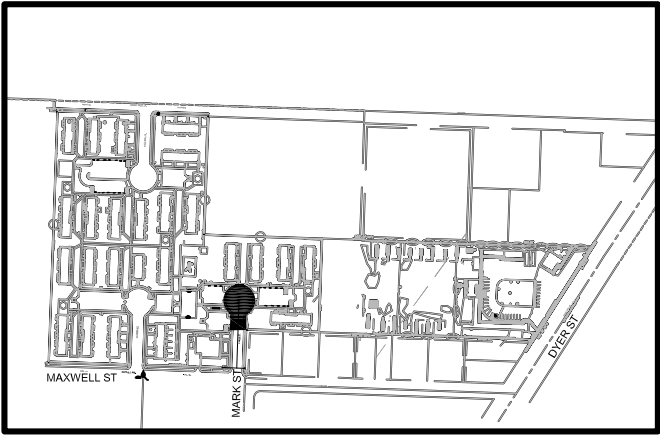
My Commission Expires:

AFTER FILING RETURN TO:

Housing Opportunity
Management Enterprises
(HOME)
304 Texas Avenue, Suite 1600
El Paso, Texas 79902

ORDINANCE NO. _____
ROW Vacation SURW22-00008 – Herbert St. & Marks St.
22-1007-2968|1203796JG

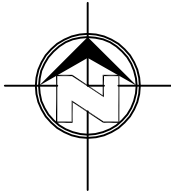
ROW Vacation SURW22-00008



SCALE: 1"=600'

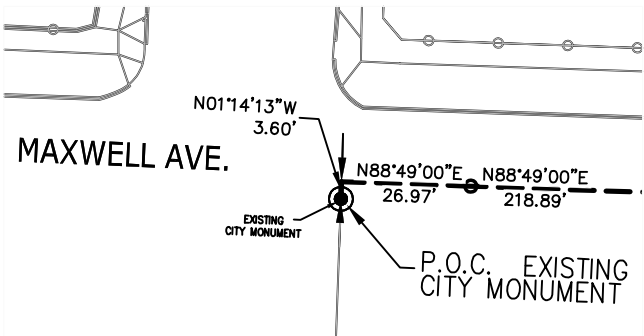
| Line Table | | |
|------------|--------|------------------|
| Line # | Length | Direction |
| L1 | 50.000 | N88° 49' 00.00"E |
| L2 | 33.580 | N1° 11' 00.00"W |
| L3 | 33.580 | S1° 11' 00.00"E |

OWNER:
HACEP
FRANKLIN D ROOSEVELT
LOT 1 BLOCK 1

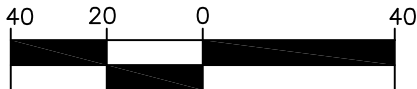


NOTE:
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.



| CURVE TABLE | | | | | | |
|-------------|--------|---------|---------|--------|-------------|------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING | DELTA |
| C1 | 30.00' | 24.38' | 12.91' | 23.72' | N24°27'57"W | 46°33'54" |
| C2 | 50.00' | 238.34' | 47.34' | 68.75' | N88°49'00"E | 273°08'01" |
| C3 | 30.00' | 24.38' | 12.91' | 23.72' | S22°05'57"W | 46°33'54" |



SCALE: 1"=40'



Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

STREET VACATE: SPLIT



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457

SLI ENGINEERING, INC.

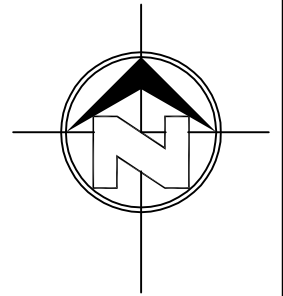
JOB #: 06-XX-XXXX DR. BY: LCD
SCALE: 1"=40' F.B. #: GPS
DATE: 01/28/2022.

PROPERTY DESCRIPTION

A parcel of land being the Right-Of-Way of Marks Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998



**MARKS STREET: SPLIT
METES AND BOUNDS**

A parcel of land being the Right-Of-Way of Marks Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974 and being more particularly described by metes and bounds as follows;

Commencing at the City Monument found 3.60 feet offset from the centerline intersection of Maxwell Avenue (60 feet public Right-Of-Way) and Herbert Street (60 feet public Right-Of-Way); Thence, North 88°49'00" East, a distance of 26.97 feet to point; North 88°49'00" East, a distance of 218.89 feet to point; Thence, leaving the centerline of Maxwell avenue (60 feet public Right-Of-Way) North 01°11'00" West, a distance of 30.00 feet to a point; Thence North 88° 49' 00" East, a distance of 70.00 feet to a point; Thence North 01° 49' 00" East, a distance of 120.00 feet to a point, point being the "TRUE POINT OF BEGINNING" of this description.

THENCE, North 88°49'00" West, a distance of 50.00 feet to a boundary point;

THENCE, North 1°11'00" West, a distance of 33.58 feet to a boundary point;

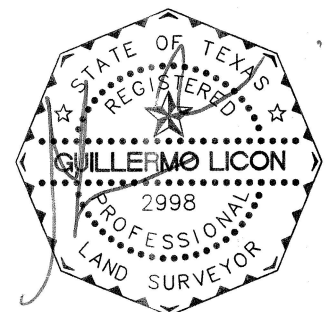
THENCE, along a curve to the left, having a radius of 30.00 feet, a Delta angle of 46°33'54", and whose long Chord bears North 24°27'57" West, a distance of 23.72 to a boundary point;

THENCE, along a curve to the right, having a Radius of 50.00 feet, a Delta angle of 273°08'01", and whose long Chord bears North 88°49'00" East, a distance of 68.75 feet to a boundary point;

THENCE, along a curve to the left, having a Radius of 30.00 feet, a Delta angle of 46°33'54", and whose long Chord bears South 22°05'57" West, a distance of 23.72 feet to a boundary point;

THENCE, South 1°11'00" East, a distance of 33.58 feet to a point back to the "TRUE POINT OF BEGINNING".

Said parcel of land containing 10,100.95 Sq.Ft. (0.2319 Acres) of land, more or less.



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This map and survey are being provided solely for the use of _____ and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon JANUARY 28, 2022.

METES AND BOUNDS: SPLIT

Reg. No. F-1902
SURVEYING
Reg. No. 100120-00



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457

SLI ENGINEERING, INC.

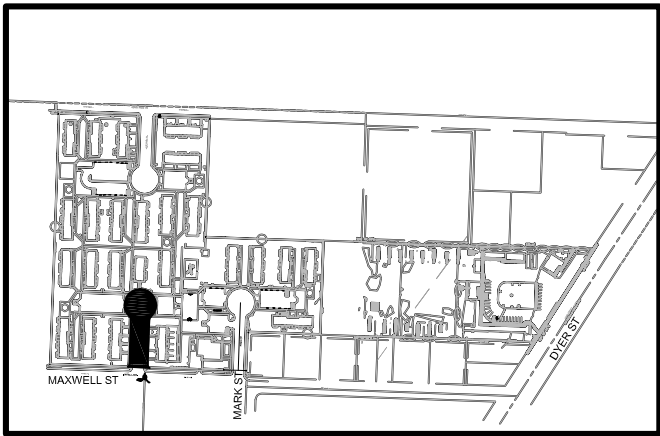
JOB #: 06-XX-XXXX DR. BY: LCD
SCALE: 1"=40' F.B. #: GPS
DATE: 01/28/2022

PROPERTY DESCRIPTION

A parcel of land being the Right-Of-Way of Marks Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974

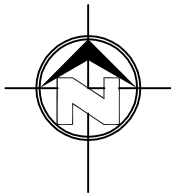
CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Guillermo Licon
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998



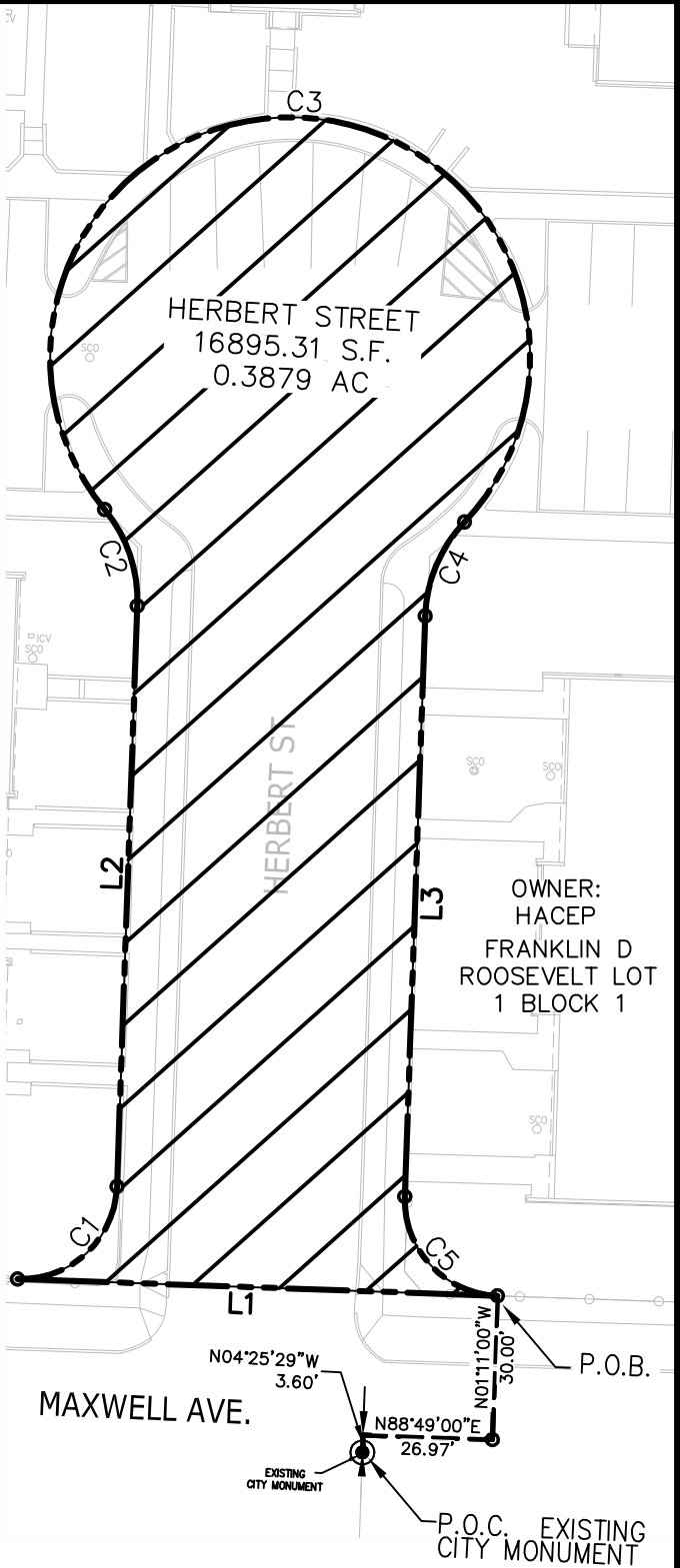
SCALE: 1"=600'

| LINE TABLE | | |
|------------|--------|---------------|
| LINE | LENGTH | BEARING |
| L1 | 100.00 | S88° 49' 00"W |
| L2 | 121.08 | N1° 11' 00"W |
| L3 | 121.08 | S1° 11' 00"E |

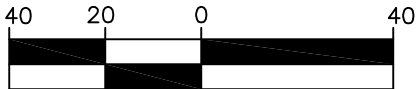


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| CURVE TABLE | | | | | | |
|-------------|--------|--------|---------|-------|---------------|------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING | DELTA |
| C1 | 20.00 | 31.42 | 20.00 | 28.28 | N43° 49' 00"E | 90°00'00" |
| C2 | 29.97 | 21.68 | 11.34 | 21.21 | N21° 53' 18"W | 41°27'01" |
| C3 | 50.00 | 229.37 | 56.69 | 75.00 | N88° 49' 00"E | 262°49'27" |
| C4 | 29.91 | 21.66 | 11.34 | 21.21 | S19° 31' 18"W | 41°32'26" |
| C5 | 20.00 | 31.42 | 20.00 | 28.28 | S46° 11' 00"E | 90°00'00" |

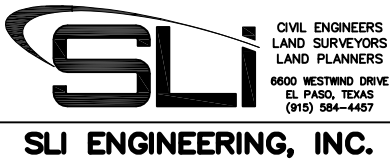


SCALE: 1"=40'



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STREET VACATE:



SLI ENGINEERING, INC.

JOB #: 06-XX-XXXX DR. BY: LCD
SCALE: 1"=40' F.B. #: GPS
DATE: 01/28/2022

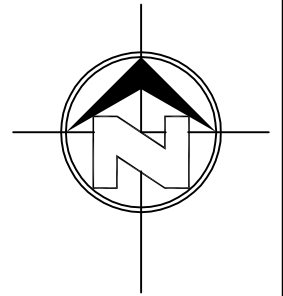
PROPERTY DESCRIPTION

A parcel of land being the Right-Of-Way of Herbert Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974

Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998



HERBERT STREET METES AND BOUNDS

A parcel of land being the Right-Of-Way of Herbert Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974 and being more particularly described by metes and bounds as follows;

Commencing at the City Monument found 3.60 feet offset from the centerline intersection of Maxwell Avenue (60 feet public Right-Of-Way) and Herbert Street (60 feet public Right-Of-Way); Thence, North 88°49'00" East, a distance of 26.97 feet to point; Thence, leaving the centerline of Maxwell avenue (60 feet public Right-Of-Way) North 01°11'00" West, a distance of 30.00 feet to a point, point being the "TRUE POINT OF BEGINNING" of this description.

THENCE, South 88°49'00" West, a distance of 100.00 feet to a boundary point;

THENCE, along a curve to the left, having a radius of 20.00 feet, a Delta angle of 90°00'00", and whose long Chord bears North 43°49'00" East, a distance of 28.28 to a boundary point;

THENCE, North 1°11'00" West, a distance of 121.08 feet to a boundary point;

THENCE, along a curve to the left, having a radius of 29.97 feet, a Delta angle of 41°27'01", and whose long Chord bears North 21°53'18" West, a distance of 21.21 to a boundary point;

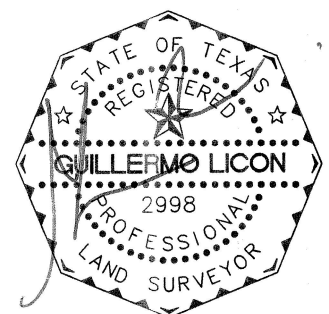
THENCE, along a curve to the right, having a Radius of 50.00 feet, a Delta angle of 262°49'27", and whose long Chord bears North 88°49'00" East, a distance of 75.00 feet to a boundary point;

THENCE, along a curve to the left, having a Radius of 29.91 feet, a Delta angle of 41°32'26", and whose long Chord bears South 19°31'18" West, a distance of 21.21 feet to a boundary point;

THENCE, South 1°11'00" East, a distance of 121.08 feet to a boundary point;

THENCE, along a curve to the left, having a Radius of 20.00 feet, a Delta angle of 90°00'00", and whose long Chord bears South 46°11'00" East, a distance of 28.28 feet to a point back to the "TRUE POINT OF BEGINNING".

Said parcel of land containing 16,895.31 Sq.Ft. (0.3879 Acres) of land, more or less.



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METES AND BOUNDS:



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457

SLI ENGINEERING, INC.

JOB #: 06-XX-XXXX DR. BY: LCD

SCALE: 1"=40' F.B. #: GPS

DATE: 01/28/2022

PROPERTY DESCRIPTION

A parcel of land being the Right-Of-Way of Herbert Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974

Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

[Signature]

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

Herbert Street and Marks Street ROW Vacation

City Plan Commission — June 2, 2022



| | |
|----------------------------|--|
| CASE NUMBER/TYPE: | SURW22-00008 – RIGHT-OF-WAY VACATION |
| CASE MANAGER: | David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov |
| PROPERTY OWNER: | Housing Authority of the City of El Paso |
| REPRESENTATIVE: | SLI Engineering, Inc. |
| LOCATION: | South of Hondo Pass Dr. and East of Dyer St. (District 2) |
| PROPERTY AREA: | 0.62 acres |
| ZONING DISTRICT(S): | A-M (Apartment/Mobile Home Park) |
| PUBLIC INPUT: | None received as of May 26, 2022 |

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the Roosevelt Apartments Right-of-Way (ROW) Vacation, subject to the following condition:

- That a full-width utility easement be retained.

Herbert Street and Marks Street ROW Vacation



Figure A: Proposed right-of-way vacation (ROW) with surrounding area

DESCRIPTION OF REQUEST: The applicant seeks to vacate portions of Marks Street and Herbert Street located south of Hondo Pass Drive and east of Dyer Street. The total areas requested to be vacated is 0.62 acres in size. The applicant is vacating the rights-of-way (ROW) as the development abutting Marks Street and Herbert Street will be gated and already has access to Maxwell Avenue and Hondo Pass Drive.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

| Surrounding Zoning and Use | |
|--------------------------------------|---|
| North | A-M (Apartment/Mobile Home Park) / multifamily |
| South | A-2 (Apartment) and C-1/sc (Commercial/special contract) / multifamily |
| East | A-M (Apartment/Mobile Home Park) and C-1/sc (Commercial/special contract) / multifamily |
| West | A-2/sp (Apartment/special permit) / church |
| Nearest Public Facility and Distance | |
| Park | Nolan Richardson Park (0.33 miles) |
| School | Moye Elementary School (0.27 miles) |
| Plan El Paso Designation | |
| G3, Post-War | |
| Impact Fee Service Area | |
| Northeast | |

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on May 18, 2022 to all property owners within 300 feet of the subject property. In addition, notice was posted in the El Paso Times newspaper on May 18, 2022. As of May 26, 2022 staff has not received any communication regarding this request.

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission 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:

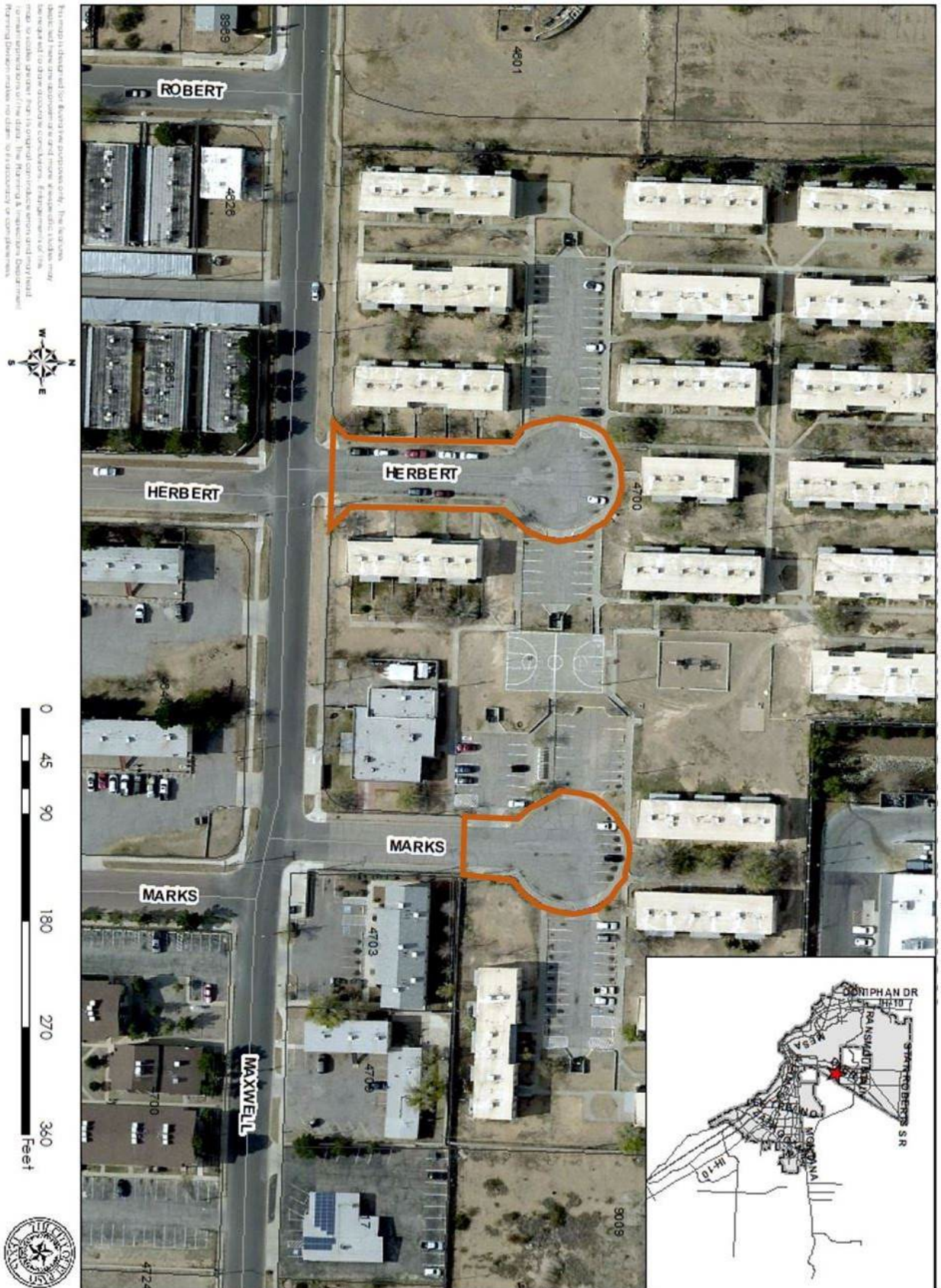
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code.
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request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

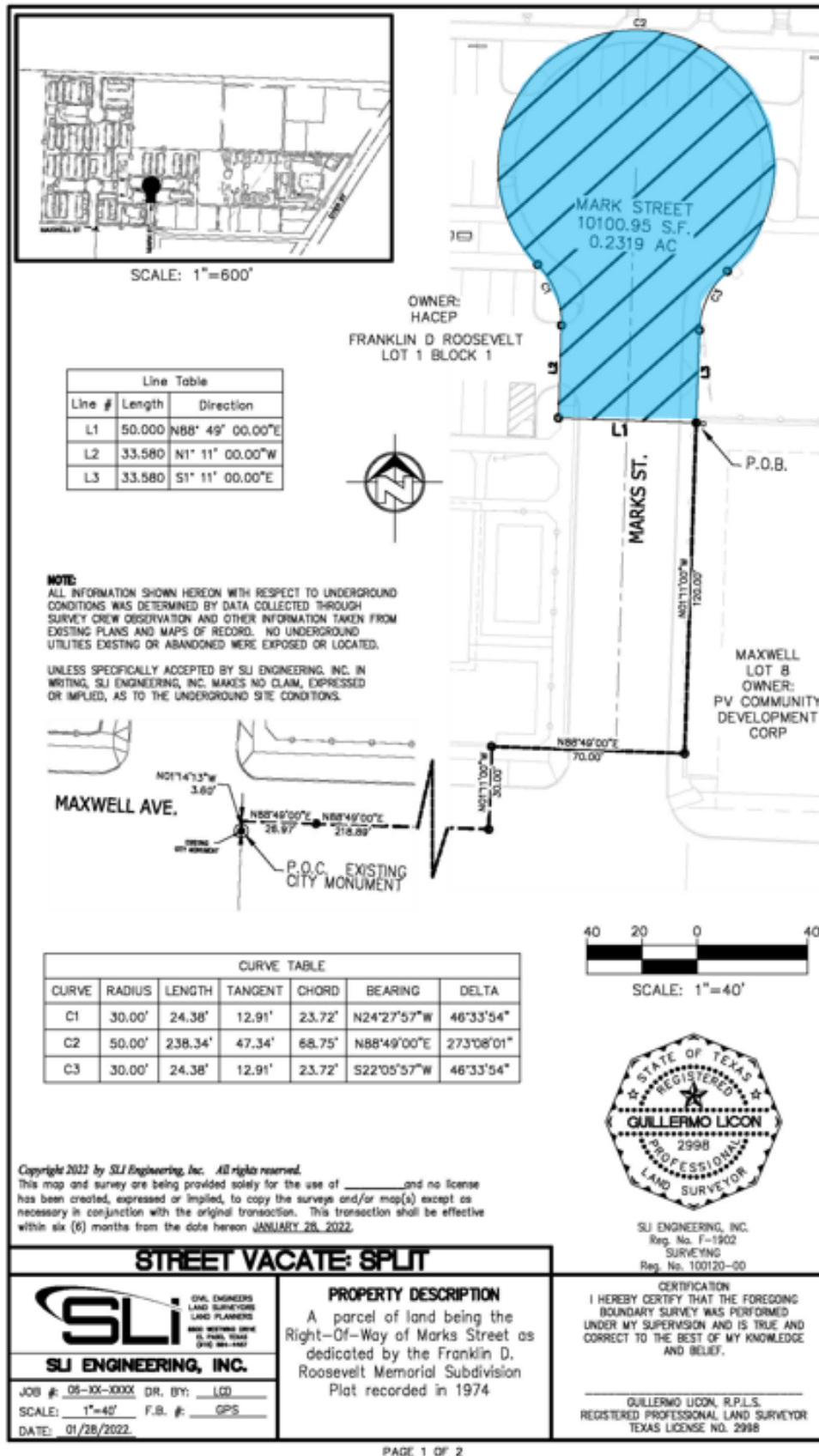
1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Application
5. Department Comments

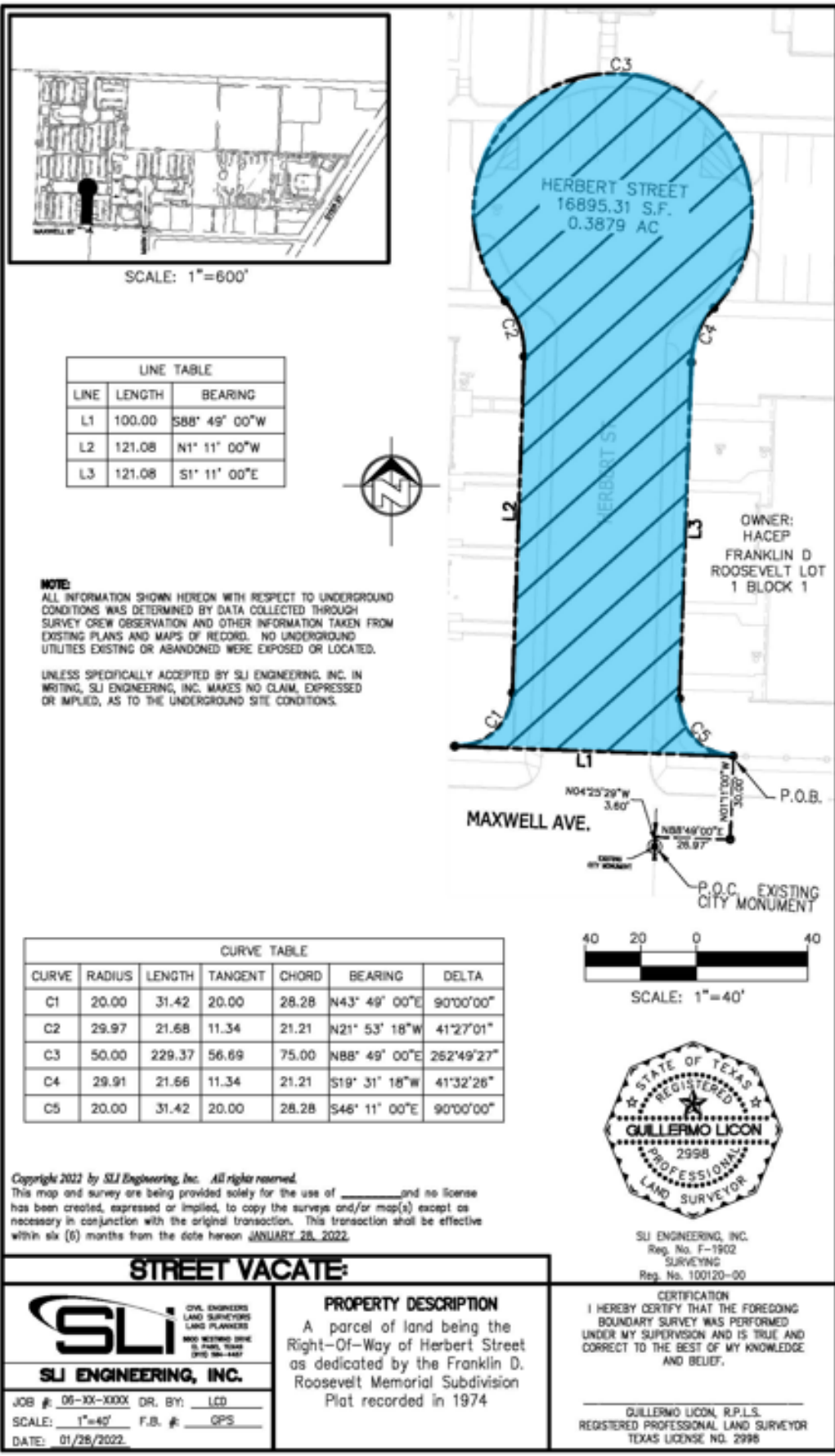
ATTACHMENT 1

Herbert Street and Marks Street ROW Vacation

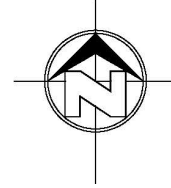


ATTACHMENT 2





ATTACHMENT 3



MARKS STREET: SPLIT METES AND BOUNDS

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THENCE, North 1°11'00" West, a distance of 33.58 feet to a boundary point;

THENCE, along a curve to the left, having a radius of 30.00 feet, a Delta angle of 46°33'54", and whose long Chord bears North 24°27'57" West, a distance of 23.72 to a boundary point;

THENCE, along a curve to the right, having a Radius of 50.00 feet, a Delta angle of 273°08'01", and whose long Chord bears North 88°49'00" East, a distance of 68.75 feet to a boundary point;

THENCE, along a curve to the left, having a Radius of 30.00 feet, a Delta angle of 46°33'54", and whose long Chord bears South 22°05'57" West, a distance of 23.72 feet to a boundary point;


THENCE, South 1°11'00" East, a distance of 33.58 feet to a point back to the "TRUE POINT OF BEGINNING".

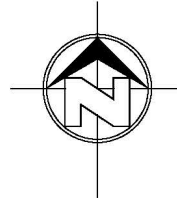
Said parcel of land containing 10,100.95 Sq.Ft. (0.2319 Acres) of land, more or less.



SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

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This map and survey are being provided solely for the use of _____ and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon JANUARY 28, 2022.

| METES AND BOUNDS: SPLIT | | |
|---|--|---|
|  <p>CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 6800 WESTINGHOUSE DRIVE EL PASO, TEXAS (915) 596-4407</p> <p>SLI ENGINEERING, INC.</p> | <p>PROPERTY DESCRIPTION</p> <p>A parcel of land being the Right-Of-Way of Marks Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974</p> | <p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> |
| | | <p>JOB #: 06-XX-XXXX DR. BY: LCD</p> |
| | | <p>SCALE: 1"=40' F.B. #: GPS</p> |
| | | <p>DATE: 01/28/2022.</p> |
| | | <p>GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998</p> |



HERBERT STREET METES AND BOUNDS

A parcel of land being the Right-Of-Way of Herbert Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974 and being more particularly described by metes and bounds as follows;

Commencing at the City Monument found 3.60 feet offset from the centerline intersection of Maxwell Avenue (60 feet public Right-Of-Way) and Herbert Street (60 feet public Right-Of-Way); Thence, North 88°49'00" East, a distance of 26.97 feet to point; Thence, leaving the centerline of Maxwell Avenue (60 feet public Right-Of-Way) North 01°11'00" West, a distance of 30.00 feet to a point, point being the "TRUE POINT OF BEGINNING" of this description.

THENCE, South 88°49'00" West, a distance of 100.00 feet to a boundary point;

THENCE, along a curve to the left, having a radius of 20.00 feet, a Delta angle of 90°00'00", and whose long Chord bears North 43°49'00" East, a distance of 28.28 to a boundary point;

THENCE, North 1°11'00" West, a distance of 121.08 feet to a boundary point;

THENCE, along a curve to the left, having a radius of 29.97 feet, a Delta angle of 41°27'01", and whose long Chord bears North 21°53'18" West, a distance of 21.21 to a boundary point;

THENCE, along a curve to the right, having a Radius of 50.00 feet, a Delta angle of 262°49'27", and whose long Chord bears North 88°49'00" East, a distance of 75.00 feet to a boundary point;

THENCE, along a curve to the left, having a Radius of 29.91 feet, a Delta angle of 41°32'26", and whose long Chord bears South 19°31'18" West, a distance of 21.21 feet to a boundary point;

THENCE, South 1°11'00" East, a distance of 121.08 feet to a boundary point;

THENCE, along a curve to the left, having a Radius of 20.00 feet, a Delta angle of 90°00'00", and whose long Chord bears South 46°11'00" East, a distance of 28.28 feet to a point back to the "TRUE POINT OF BEGINNING".

Said parcel of land containing 16,895.31 Sq.Ft. (0.3879 Acres) of land, more or less.



SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00

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METES AND BOUNDS:



SLI ENGINEERING, INC.

JOB #: 06-XX-XXXX DR. BY: LCD
SCALE: 1"=40' F.B. #: GPS
DATE: 01/28/2022

PROPERTY DESCRIPTION

A parcel of land being the Right-Of-Way of Herbert Street as dedicated by the Franklin D. Roosevelt Memorial Subdivision Plat recorded in 1974

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

ATTACHMENT 4

DocuSign Envelope ID: F7CB4033-A5E5-4820-B7F0-B2461829B89E



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 02-02-2022 File No. _____

1. APPLICANTS NAME HOUSING OPPORTUNITY MANAGEMENT ENTERPRISES (HOME)
ADDRESS 304 TEXAS AVENUE, SUITE 1600 ZIP CODE 79902 TELEPHONE 915 584 4457
2. Request is hereby made to vacate the following: (check one)
Street ☒ Alley ☐ Easement ☐ Other ☐
Street Name(s) MARKS and HERBERT STREETS Subdivision Name FRANKLIN D ROOSEVELT MEMORIAL SUBDIVISION
Abutting Blocks ¹ Abutting Lots ¹
3. Reason for vacation request: THE STREET SERVES THE EXISTING DEVELOPMENT ONLY. THIS LOCATION IS NOT NEEDED ANY MORE TO ACCESS THE SITE SINCE THE DEVELOPMENT WILL BE GATED.
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 |
|---|--------------------------------------|-----------|
| <small>Not Signed by:</small> Gerald Lichon <small>310655603 0167</small> | lot 1 block 1, Franklin D. Roosevelt | |
| | | |
| | | |

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 Not Signed by: Gerald Lichon 310655603 0443 REPRESENTATIVE SIGNATURE: georges Details appear to be correct Date: 02/02/2022 09:55:41 AM
REPRESENTATIVE (PHONE): 915 203 7277
REPRESENTATIVE (E-MAIL): Ghaloul@eli-engineering.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

1. Staff will be recommending a condition requiring that a full-width utility easement be retained
2. Location Map: add "s" to Mark St.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

1. Any proposed improvements shall not impede the flow of storm-water runoff.

Parks and Recreation Department

We have reviewed **Roosevelt Apts Vacation** survey map and on behalf of Parks & Recreation Department we offer "No" objections to this proposed Street Right-of-way vacation request.

El Paso Water

EPWater-PSB does not object to this request as long as utility easements are retained to accommodate the existing 8-inch diameter sanitary sewer main along Marks St. north of Maxwell Ave. and the existing manhole on Herbert St. north of Maxwell Ave.

Water:

There is an existing 6-inch diameter water main that extends along Maxwell Ave., located approximately 20-feet south of the north right-of-way line. This main is available for service.

Previous water pressure from fire hydrant #1501, located on the northwest corner of Maxwell Ave. and Marks St., has yielded a static pressure of 75 (psi), a residual pressure of 70 (psi), and a discharge of 1,501 (gpm).

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Maxwell Ave., located approximately 6-feet north of the south right-of-way line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Marks St., north of Maxwell Ave and located approximately 30-feet west of the east right-of-way line. This main is available for service if a utility easement is retained.

General:

EPWater requires a new service application to provide 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

A TIA is not required for this application.

El Paso County Water Improvement District #1

This item is not within the boundaries of EPCWID1.

Fire Department

Recommend approval – no adverse comments.

Sun Metro

No comments received.

Capital Improvement Department

No comments received.

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.

El Paso County

No comments received.