

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

AGENDA DATE: April 27, 2021
PUBLIC HEARING DATE: May 11, 2021

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

DISTRICT(S) AFFECTED: 3

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 twenty-foot public utility easement located within a portion of Block 36, Clardy Fox Subdivision Unit Four, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a 20' utility easement to allow for the expansion of the building area. City Plan Commission recommended 8-0 to approve the proposed easement vacation on April 30, 2020. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning and Inspections

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE VACATING A TWENTY-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN A PORTION OF BLOCK 36, CLARDY FOX SUBDIVISION UNIT FOUR, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owner has requested vacation of a twenty-foot public utility easement located within a portion of Block 36, Clardy Fox Subdivision Unit Four, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a twenty-foot public utility easement located within a portion of Block 36, Clardy Fox Subdivision Unit 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 twenty-foot public utility easement located within a portion of Block 36, Clardy Fox Subdivision Unit 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 **El Paso Independent School District**.

ADOPTED this _____ day of _____, 2021.

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:

 for

Philip F. Etiwe, Director
Planning & Inspections Department

(Quitclaim Deed on 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 El Paso Independent School District (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 BLOCK 36, CLARDY FOX SUBDIVISION UNIT 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 FORM:

APPROVED AS TO CONTENT:



Russell T. Abeln
Assistant City Attorney



Phillip F. Etiwe, Director
Planning and Inspections Department

(Acknowledgement on following page)

EXHIBIT "A"



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.
El Paso, Texas 79927
Ph# (915) 222-5227

20 Easement Vacation

Being a portion of Blocks 36, Clardy Fox Subdivision Unit 4
City of El Paso, El Paso County, Texas
January 20, 2020

METES AND BOUNDS DESCRIPTION

Description of a parcel of land **Being a portion of Blocks 36, Clardy Fox Subdivision Unit 4**, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found nail with shiner at the center line P.C. of Lisbon Street, thence, North 78°15'24" West a distance of 30 feet to a point at the west right of way line of Lisbon Street, thence continuing along said west right of way line, **North 11°44'36" East** (Rec. North 08°39'12" East) a distance of **288.31 feet** to the **"TRUE POINT OF BEGINNING"**.

Thence, **North 86°32'36" West** a distance of **473.41 feet** to a point;

Thence, **South 48°18'09" West** a distance of **13.91 feet** to a point;

Thence, **North 03°10'24" East** a distance of **29.87 feet** to a point;

Thence, **South 86°32'36" East** a distance of **486.28 feet** to a point;

Thence, **South 11°44'36" West** a distance of **20.21 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **9,744 square feet or 0.2237 acres** of land more or less.

1. Bearing basis: U.S. State Plane Coordinate System, Texas Central 4203, NAD 1983 Datum, as derived using GPS methods via RTK Network establish by Western Data, El Paso Island. All distances expressed in U.S. survey feet scaled to surface.
2. A plat of even date accompanies this metes and bounds description.


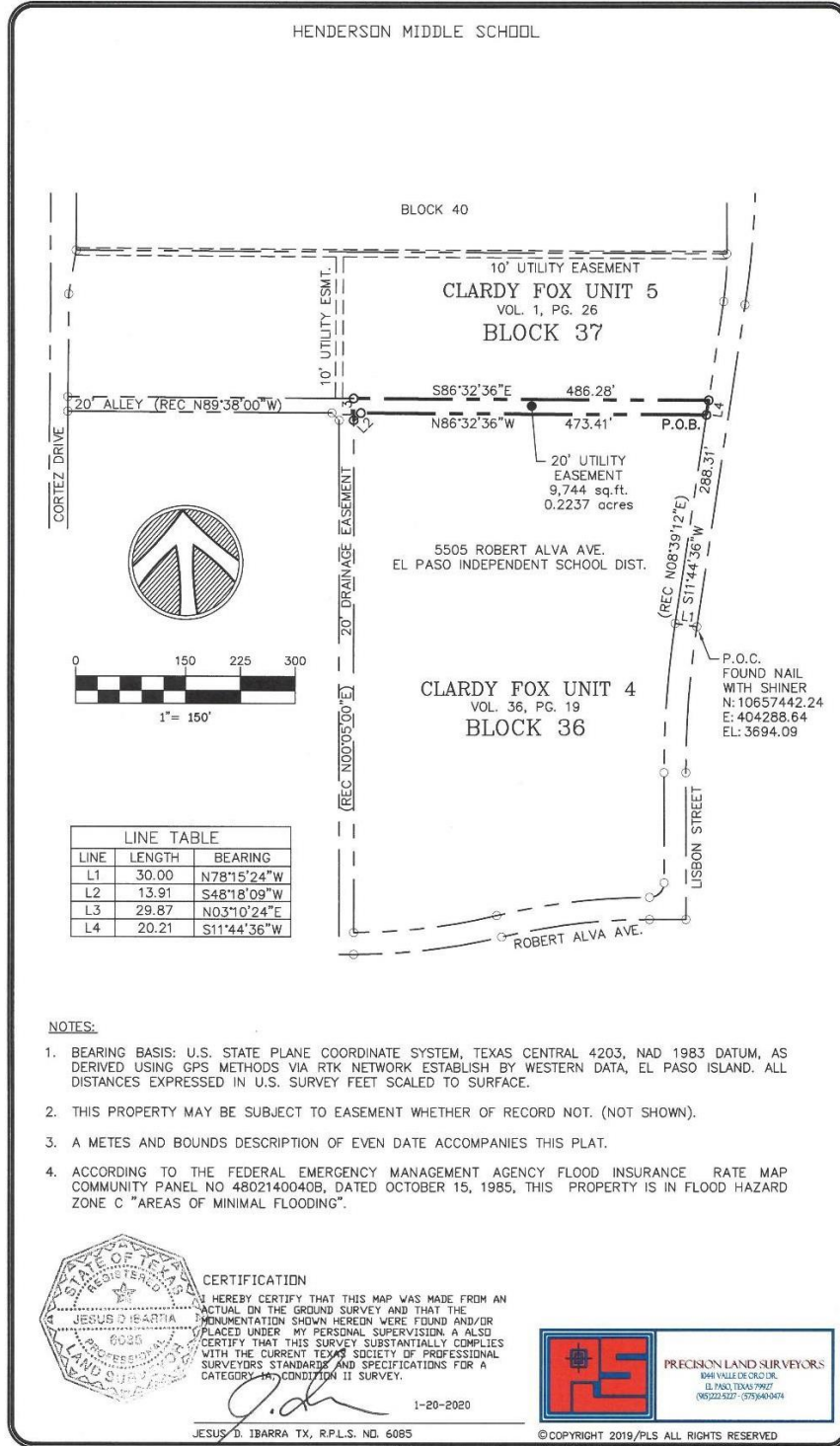

Jesus D. Ibarra, RPLS No. 6085
March 2, 2020



EXHIBIT "B"



Robert Alva Easement Vacation



City Plan Commission — April 30, 2020

CASE NUMBER/TYPE:	SUET20-00001 – Easement Vacation
CASE MANAGER:	Armida R. Martinez, (915) 212-1605, martinezar@elpasotexas.gov
PROPERTY OWNER:	El Paso Independent School District
REPRESENTATIVE:	Mijares-Mora Architects, Inc.
LOCATION:	5505 Robert Alva (District 3)
PROPERTY AREA:	0.2237 acres
VESTED RIGHTS STATUS:	Not Vested
PARK FEES:	Park Fees Not Required
ZONING DISTRICT(S):	R-4 (Residential)
PUBLIC INPUT:	N/A

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the vacation of a 20 foot utility easement.

Robert Alva Easement Vacation



Figure A: Aerial with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 20 foot utility easement to allow for the expansion of the building area. The expansion will include the relocation of Clardy Elementary School within the Henderson Middle School footprint.

NEIGHBORHOOD CHARACTER: The surrounding properties are zoned R-4 (Residential), A-O (Apartment/Office) and C-4 (Commercial). The subject property abuts a grocery store to the north, multi-family apartments to the East and residential development to the West. This easement is located within Henderson Middle School. The nearest park is De Vargas park (is 0.7 miles). The property is not located within any Impact Fee Service areas.

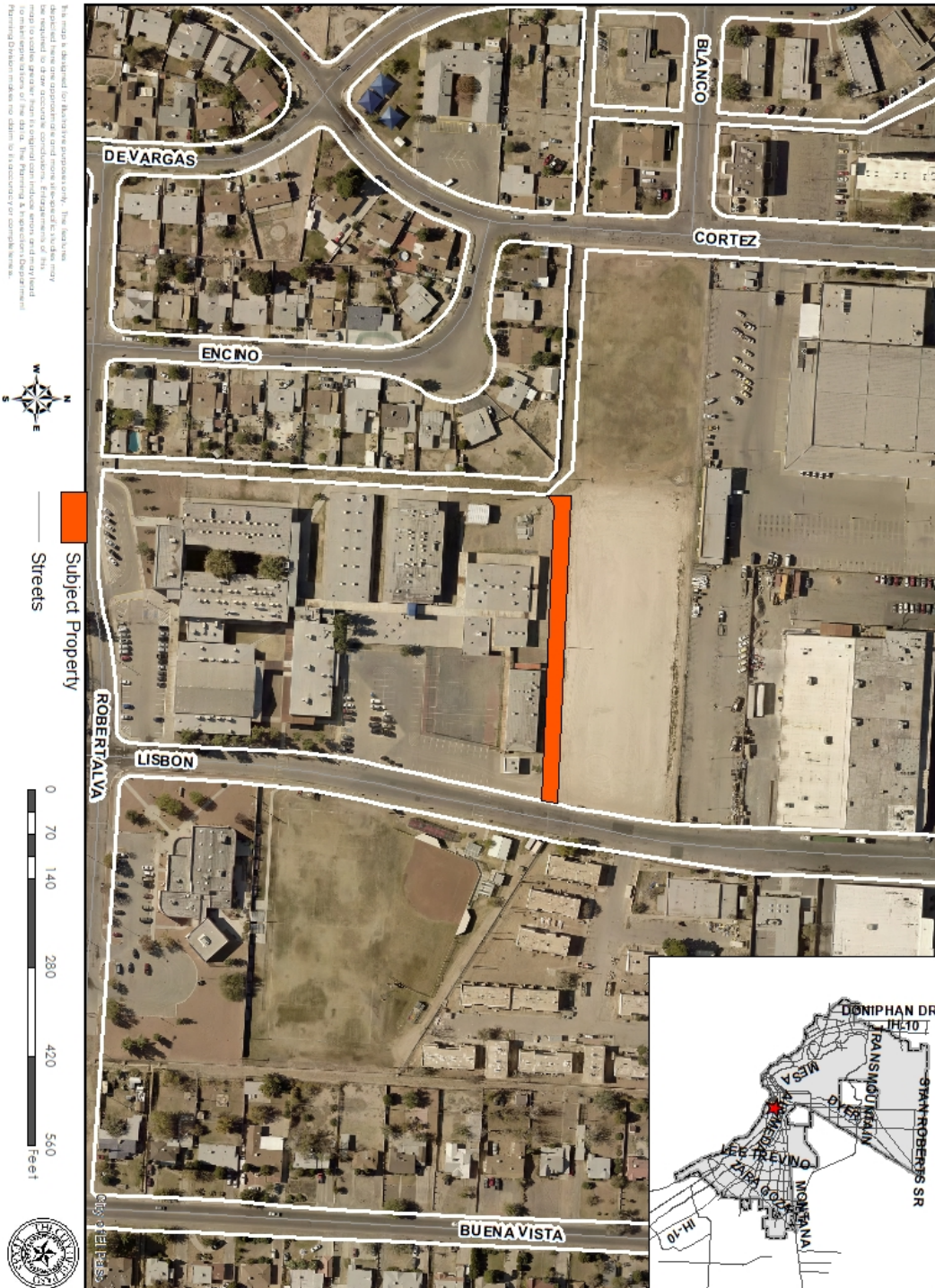
PUBLIC COMMENT: N/A

ATTACHMENTS:

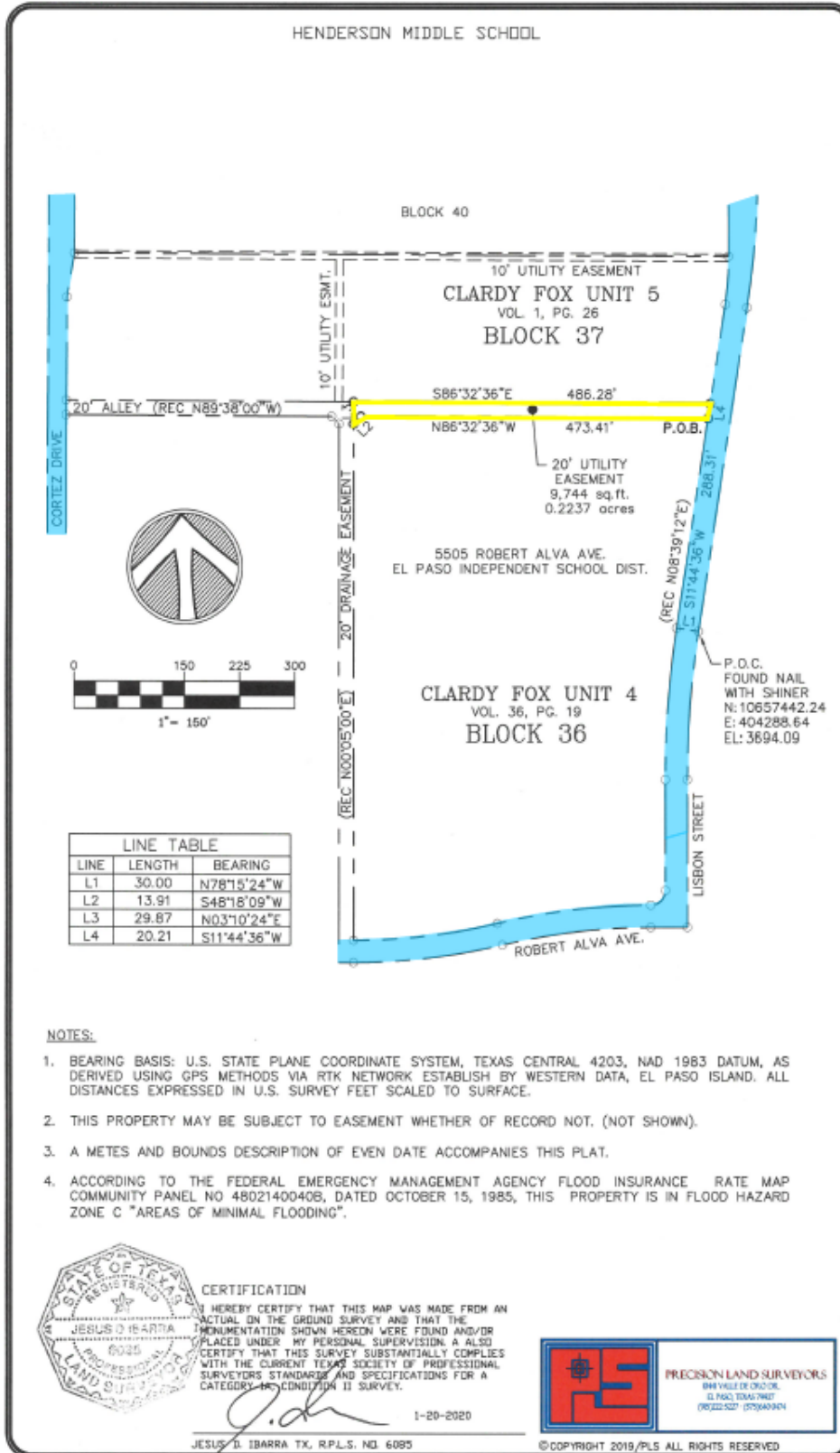
1. Location Map
2. Surveys
3. Metes and Bounds descriptions
4. Application
5. Department Comments

ATTACHMENT 1

Robert Alva Easement Vacation



ATTACHMENT 2



ATTACHMENT 3



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2. A plat of even date accompanies this metes and bounds description.

Jesus D. Ibarra, RPLS No. 6085
March 2, 2020



ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 03/03/2020 File No. SUET20-00001

1. APPLICANTS NAME El Paso Independent School District
ADDRESS 6531 Boeing Drive / El Paso, TX ZIP CODE 79925 TELEPHONE 915.230.2000

2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other Being all of Blocks 36, Clardy Fox Subdivision Unit 4 and all of Block 37, Clardy Fox Subdivision Unit 5, City of El Paso, El Paso County, Texas
Street Name(s) _____ Subdivision Name City of El Paso, El Paso County, Texas
Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: There are no utilities running through the easement

4. Surface Improvements located in subject property to be vacated:
None Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other _____

5. Underground Improvements located in the existing rights-of-way:
None Telephone Electric Gas Water Sewer Storm Drain Other _____

6. Future use of the vacated right-of-way:
Yards Parking Expand Building Area Replat with abutting Land Other _____

7. Related Applications which are pending (give name or file number):
Zoning Board of Adjustment Subdivision Building Permits Other _____

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____

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: *Clemente Cardenas* REPRESENTATIVE SIGNATURE: *Am*
REPRESENTATIVE (PHONE): 915.542.1591
REPRESENTATIVE (E-MAIL): epadilla@mjaresmora.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 & Inspections Department- Planning Division

Planning recommends approval of the easement vacation.

Planning and Inspections - Land Development Division

No objections to the easement vacation.

El Paso Fire Department

Recommend approval.

Sun Metro

Recommend approval.

El Paso Water

We have reviewed the above referenced proposed easement vacation and provide the following comment:

EPWater PSB does not object to this request. There are no water/sanitary sewer sewer mains within the proposed easement vacation.

El Paso Electric

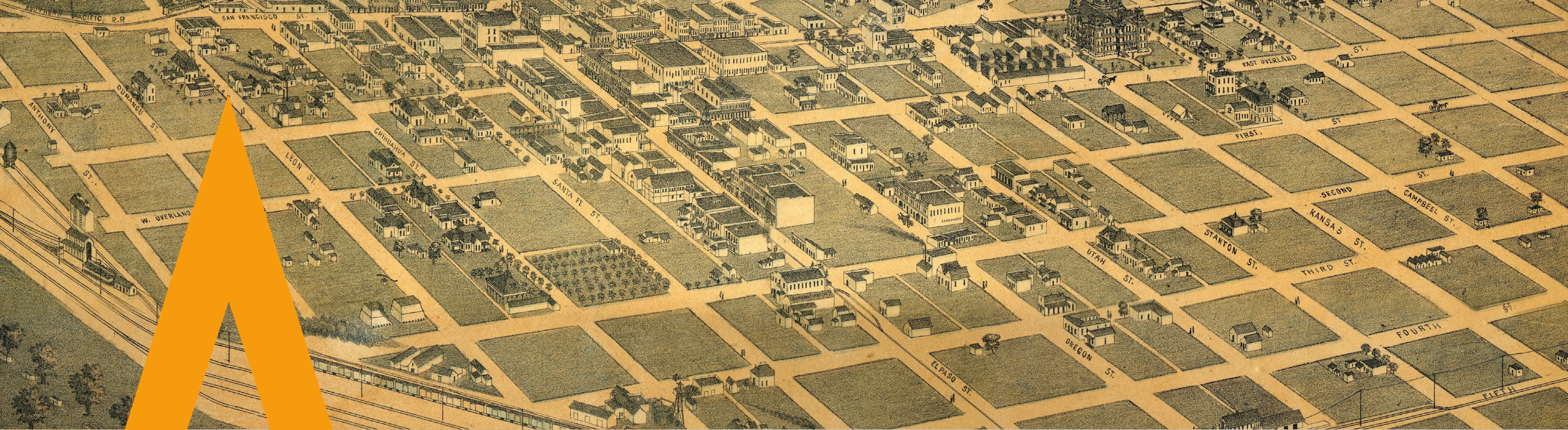
No comments received.

Texas Gas Service

No comments received.

TxDOT

Not on TxDOT ROW



ITEM

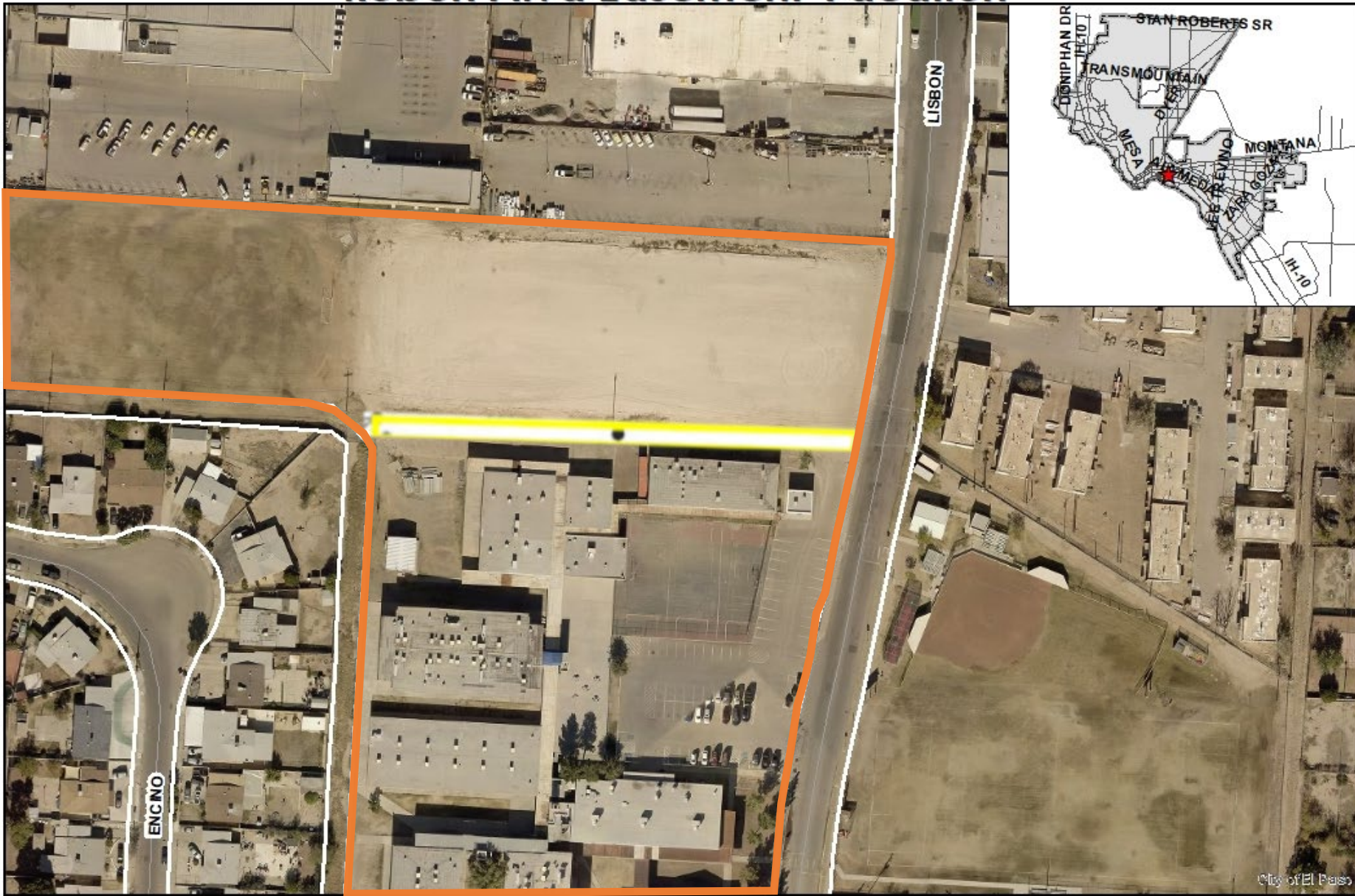
Robert Alva Easement Vacation

SUET20-00001



Strategic Goal 3.
Promote the Visual
Image of El Paso

Robert Alva Easement Vacation



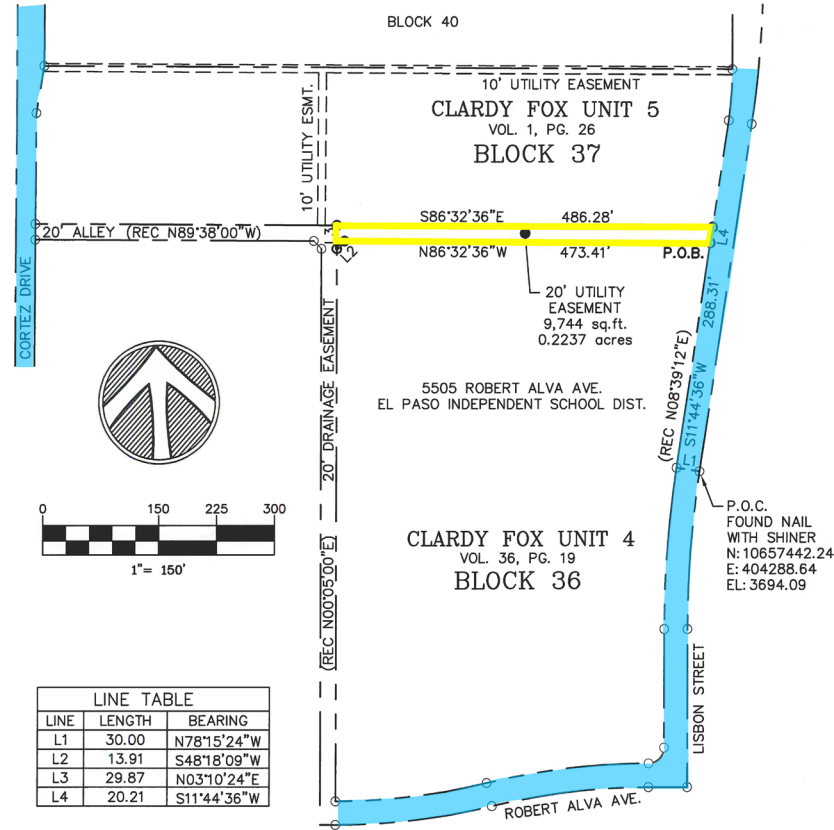
Aerial with Proposed Easement

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.



— Streets





NOTES:

1. BEARING BASIS: U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL 4203, NAD 1983 DATUM, AS DERIVED USING GPS METHODS VIA RTK NETWORK ESTABLISH BY WESTERN DATA, EL PASO ISLAND. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET SCALED TO SURFACE.
2. THIS PROPERTY MAY BE SUBJECT TO EASEMENT WHETHER OF RECORD NOT. (NOT SHOWN).
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
4. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO 4802140040B, DATED OCTOBER 15, 1985, THIS PROPERTY IS IN FLOOD HAZARD ZONE C "AREAS OF MINIMAL FLOODING".



CERTIFICATION

I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY AND THAT THE MONUMENTATION SHOWN HEREON WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION. I ALSO CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES







Recommendation

- Staff recommends approval of the 20' utility easement vacation.



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People