

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

AGENDA DATE: August 29, 2023

PUBLIC HEARING DATE: August 29, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
JC Naranjo, (915) 212-1604

DISTRICT(S) AFFECTED: District 3

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

A Resolution that the City Manager be authorized to sign and accept on behalf of the City Public Right-of-Way Dedication Deed from El Paso International Airport, dedicating to the City of El Paso, Texas for the use as public right-of-way 0.0483 acres of land legally described as a portion of Lots 14 and 15, Block 5, El Paso International Airport Tracts Replat of Unit 3, City Of El Paso, El Paso County, Texas, and being more fully described by metes and bounds and surveys in Exhibits "A" and "B" of the Dedication Deed attached hereto and made a part hereof for all purposes.

Subject Property: 6631 Montana Ave.

Applicant: Brock & Bustillos Inc., SURW23-00008

BACKGROUND / DISCUSSION:

The applicant is requesting to dedicate 0.483 acres of land abutting Montana Ave. as public right-of-way. Currently, the area is partially improved and functions as a public right-of-way; however, it has not been formally dedicated to the City of El Paso. The section of Montana Ave being dedicated is 10.09 feet in width and 210.58 feet in length. The applicant will improve the area with a 10-foot sidewalk. City Plan Commission recommended 7-0 to approve the proposed dedication request on April 20, 2023.

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

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign and accept on behalf of the City Public Right-of-Way Dedication Deed from **EL PASO INTERNATIONAL AIRPORT.**, dedicating to the **CITY OF EL PASO, TEXAS** for the use as public right-of-way 0.0483 acres of land legally described as a portion of Lots 14 and 15, Block 5, El Paso International Airport Tracts Replat of Unit 3, City Of El Paso, El Paso County, Texas, and being more fully described by metes and bounds and surveys in Exhibits "A" and "B" of the Dedication Deed attached hereto and made a part hereof for all purposes.

APPROVED this _____ day of _____, 2023.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

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 §
 § **DEDICATION DEED**
COUNTY OF EL PASO §

KNOW ALL MEN BY THESE PRESENTS: That **El Paso International Airport**, (“Grantor”), does hereby DEDICATE, GRANT, and CONVEY 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 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 0.0483 acres of land legally described as:

A 0.0483-acre portion of Lots 14 and 15, Block 5, El Paso International Airport Tracts Replat of Unit 3, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds and surveys in Exhibits "A" and “B” attached hereto and made a part hereof.

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.

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

City of El Paso:

By: _____
 City of El Paso

(Acknowledgment on following page)

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____
2023, by _____ as _____ on behalf of **City of
El Paso.**

My Commission Expires:

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

**GRANTEE
CITY OF EL PASO**

By: _____
Cary Westin, Interim City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

Philip F. Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me this _____ day of _____2023,
by Cary Westin, Interim City Manager of the City of El Paso, a municipality, on behalf
of said municipality.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

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

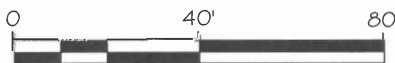
EXHIBIT A

LEGEND

- PROJECT BOUNDARY
- CENTERLINE OF RIGHT-OF-WAY
- EASEMENT LINE
- OVERHEAD ELECTRIC LINE
- WATER LINE
- CHAIN LINK FENCE
- WATER METER
- WATER VALVE
- BACK FLOW PREVENTOR VALVE
- WATER VALVE VAULT
- ELECTRIC/TRAFFIC SIGNAL BOX
- POWER/UTILITY POLE
- LIGHT POLE/STANDARD
- GAS METER
- UNDERGROUND CABLE/TELEPHONE RISER
- SINGLE SIGNAL LIGHT POST
- GUY ANCHOR
- PARKING/ROAD SIGN
- BOLLARD
- CONCRETE AREA
- EXISTING BUILDING
- EL PASO CENTRAL APPRAISAL DISTRICT
- LOT NUMBER
- BLOCK NUMBER

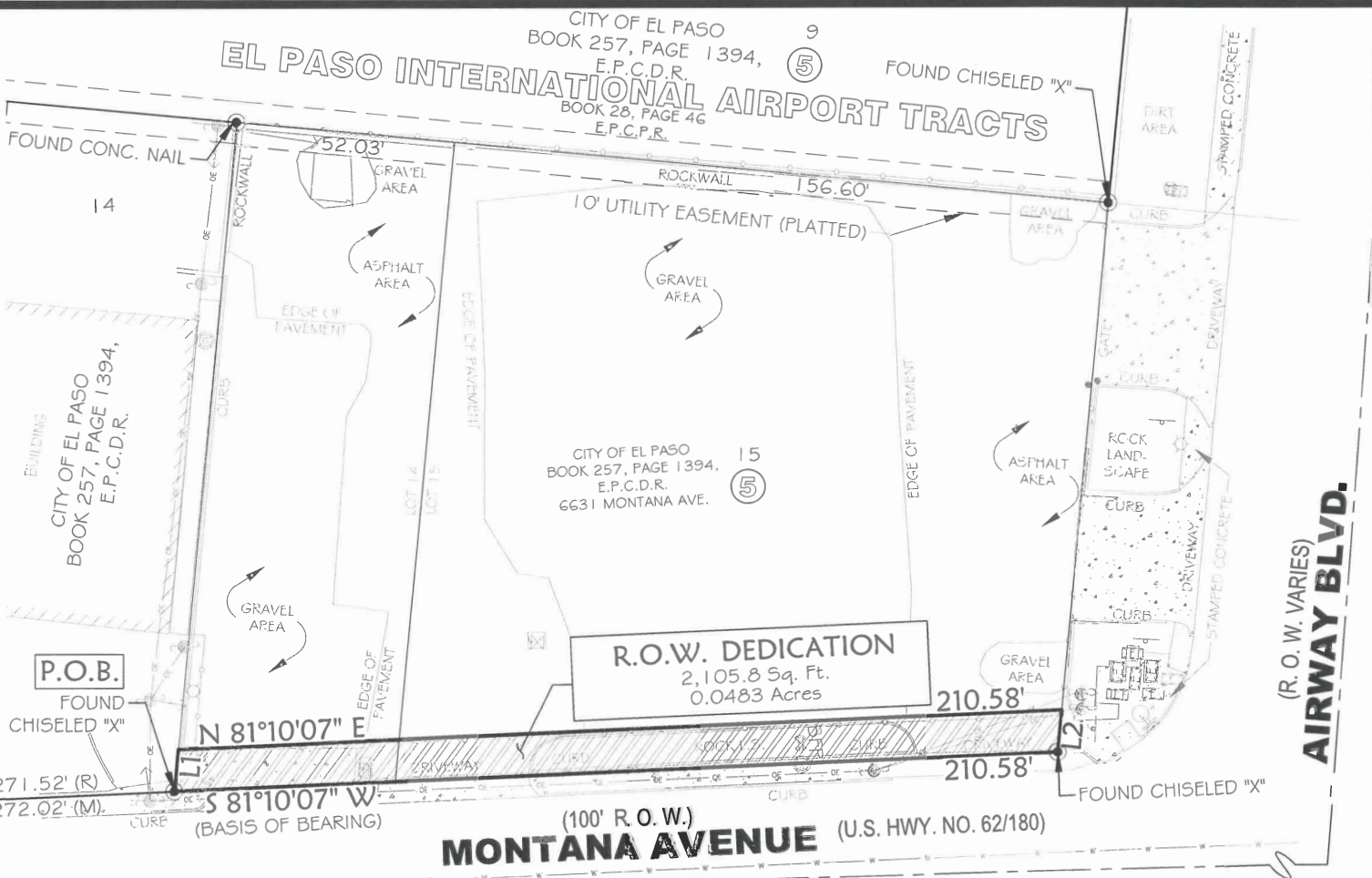


LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N01°01'53"W	10.09
L2	S01°01'53"E	10.09



SCALE: 1" = 40'

LOT 11
LOT 12



SUPPLEMENTAL NOTES

1. SUBJECT PROPERTY IS LOCATED IN ZONE "C" (DESIGNATES AREAS OF MINIMAL FLOODING) AS DETAILED ON CITY OF EL PASO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214 0035B, DATED OCTOBER 15, 1982.
2. SUBJECT PROPERTY IS ZONED "SCZ SD3" (SMART CODE-SPECIAL DISTRICT) AS DESIGNATED AT THE CITY OF EL PASO G.I.S. WEBSITE <http://gis.elpasotexas.gov/pdnmapajs>.

REFERENCE NOTES

1. SUBDIVISION PLAT FOR EL PASO INTERNATIONAL AIRPORT TRACTS FILED IN BOOK, 28, PAGE, 46 OF THE EL PASO COUNTY PLAT RECORDS.
2. LEASE BOUNDARY & IMPROVEMENT SURVEY FOR LOT 15 AND A PORTION OF LOT 14, BLOCK 5, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 3 REPLAT BY BROCK & BUSTILLOS, INC. JOB. NO. 05100-109, DATED 10/13/2020.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron Alvarado 03/10/23

AARON ALVARADO, TX. R.F.L.S. NO. 6223



FILE NO: 5100-116A

R.O.W. DEDICATION

DRAWN BY: J.M. CHECKED BY: A.A. DATE: 01-30-2023 SCALE: 1" = 40'

A PORTION OF LOTS 14 & 15, BLOCK 5,
EL PASO INTERNATIONAL AIRPORT TRACTS REPLAT OF UNIT 3,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPE REG. NO. F-737
TBPLS REG. NO. 101314-00

417 EXECUTIVE CENTER-EL PASO, TX 79902~PH (915) 542-4900
FAX (915) 542-2867~WWW.BROCKBUSTILLOS.COM

EXHIBIT B



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

METES AND BOUNDS DESCRIPTION (R.O.W. DEDICATION)

A 0.0483 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Lots 14 and 15, Block 5, El Paso International Airport Tracts Replat of Unit 3, as filed in Volume 28, Page 46, El Paso County Plat Records and being more particularly described by metes and bounds as follows:

BEGINNING at a chiseled "X" found in concrete along the northerly right-way-line of Montana Avenue (U.S. Hwy. No. 62/180) (100 feet wide); **WHENCE**, a 5/8 rebar with survey cap illegible found along the northerly right-of-way line of said Montana Avenue, identical to the southwest corner of Lot 12, Block 5, El Paso International Airport Tracts Replat of Unit 3, bears South 81°10'07" West (South 81°24'26" West~measured), a distance of 271.52 feet (272.02 feet~measured);

THENCE, leaving the northerly right-of-way line of said Montana Avenue, North 01°01'53" West, a distance of 10.09 feet to the northwest corner of the parcel herein described;

THENCE, North 81°10'07" East, a distance of 210.58 feet to the westerly right-of-way line of Airway Boulevard (variable width) for the northeast corner of the parcel herein described;

THENCE, following the westerly right-of-way line of said Airway Boulevard, South 01°01'53" East, a distance of 10.09 feet to a chiseled "X" found on the northerly right-of-way line of said Montana Avenue for the southwest corner of the parcel herein described;

THENCE, leaving the westerly right-of-way line of said Airway Boulevard and following the northerly right-of-way line of said Montana Avenue, South 81°10'07" West, a distance of 210.58 feet to the **POINT OF BEGINNING**.

Said Parcel containing 0.0483 acres (2,105.8 square feet), more or less, and being subject to any easements, restrictions or covenants of record.

Aaron Alvarado, R.P.L.S. TX 6223

Date: January 30, 2023

05100-116A-ROW DEDICATION-DESC.doc



Montana ROW Dedication

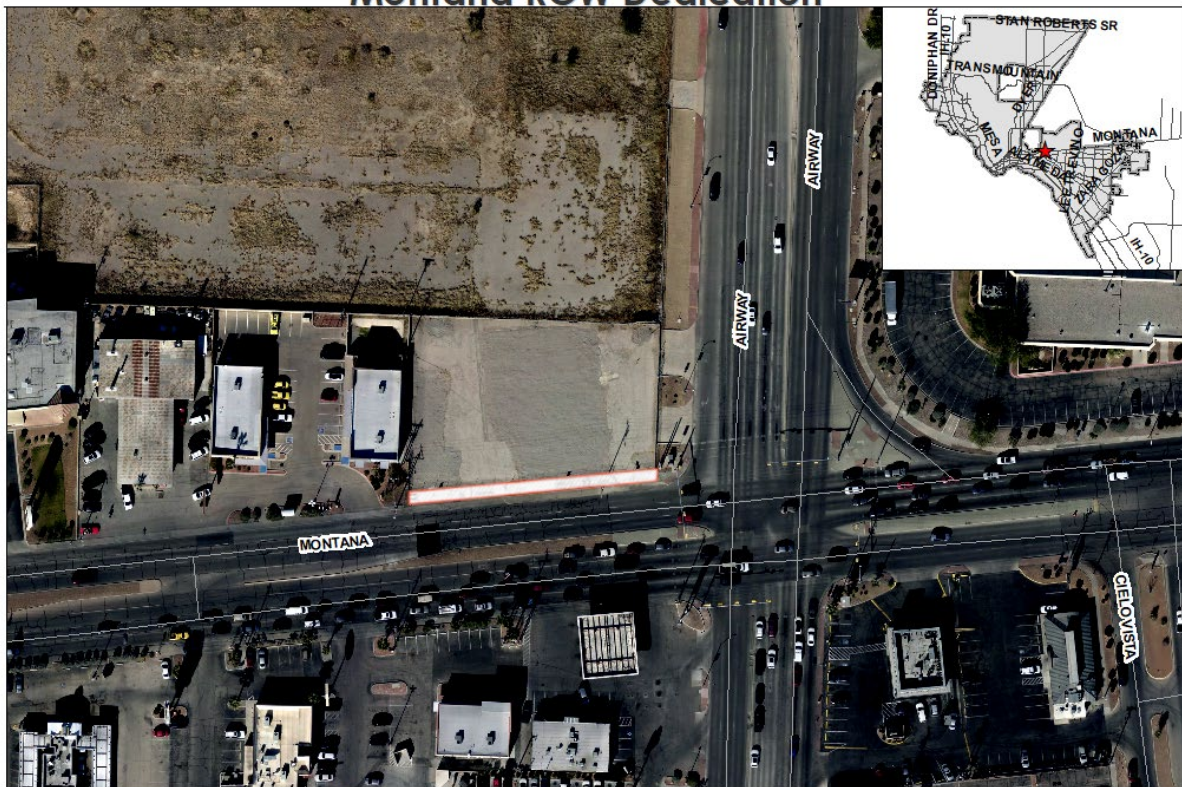


City Plan Commission — April 20, 2023 **REVISED**

CASE NUMBER/TYPE: SURW23-00008 – RIGHT-OF-WAY DEDICATION
CASE MANAGER: Stephanie Barrios-Urrieta, (915) 212-1585, Barrios-UrrietaS@elpasotexas.gov
PROPERTY OWNER: El Paso International Airport (City of El Paso)
REPRESENTATIVE: Brock & Bustillos Inc.
LOCATION: West of Airway Blvd and North of Montana Ave (District 3)
PROPERTY AREA: 00.0483 acres
ZONING DISTRICT(S): SCZ (Smart Code)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of Montana ROW Dedication.

Montana ROW Dedication



This map is designed for 800 dpi use purposes only. The features depicted here are approximate and more accurate studies may be required to show accurate conditions. Enlargements of this map to scales greater than its original scale may lead to misrepresentation of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to dedicate 0.483 acres of land abutting Montana Ave. as public right-of-way. Currently, the area is partially improved and functions as a public right-of-way; however, it has not been formally dedicated to the City of El Paso. The section of Montana Ave being dedicated is 10.09 feet in width and 210.58 feet in length. The applicant will improve the area with a 10-foot sidewalk.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	SCZ (Smart Code) / Vacant
South	C-2 (Commercial) and C-4 (Commercial) / Commercial development
East	SCZ (Smart Code) / Commercial development
West	SCZ (Smart Code) / Commercial development
Nearest Public Facility and Distance	
Park	Edgemere Park (0.38 mi)
School	Burges High School (0.61 mi)
Plan El Paso Designation	
G3 Post-War	
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

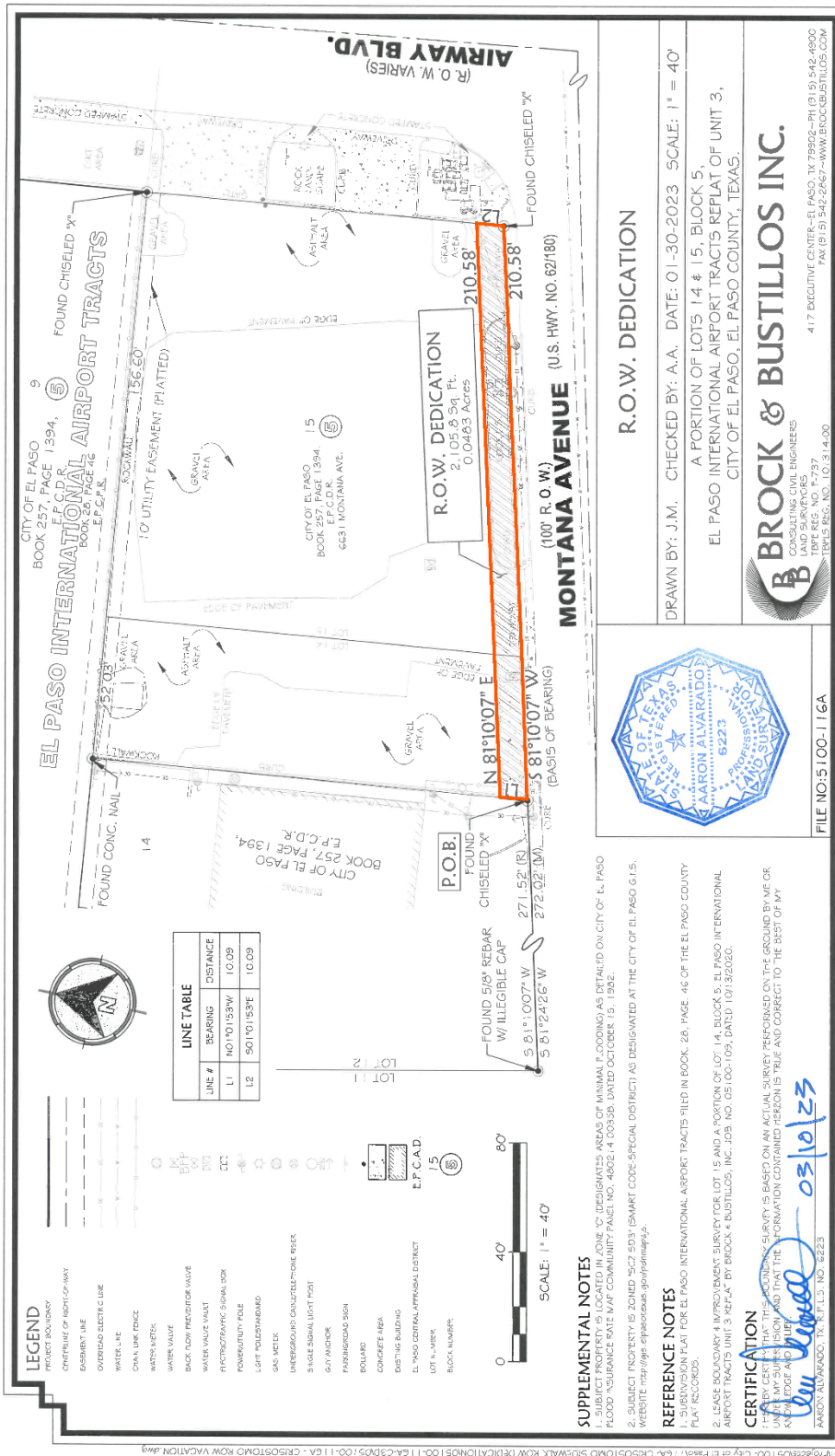
ATTACHMENT 1

Montana ROW Dedication



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ATTACHMENT 2



R.O.W. DEDICATION

A PORTION OF LOTS 14 & 15, BLOCK 5,
EL PASO INTERNATIONAL AIRPORT TRACTS REPLAT OF UNIT 3,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
1825 W. 15th St., Suite 1400
El Paso, TX 79902-3101
Tel: (915) 542-2627
Fax: (915) 542-2627
www.brockbustillos.com



FILE NO: 5100-116A

LEGEND

- PROJECT BOUNDARY
- CENTERLINE OF RIGHT-OF-WAY
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- OVERHEAD ELECTRIC LINE
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- BOLLARD
- CONCRETE AREA
- EXISTING BUILDING
- EL PASO CENTRAL APPRAISAL DISTRICT
- LOT NUMBER
- BLOCK NUMBER

SUPPLEMENTAL NOTES

- SUBJECT PROPERTY IS LOCATED IN ZONE "C" (DESIGNATED AREAS OF MINIMAL FLOODING) AS DETAILED ON CITY OF EL PASO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 4802; 4 0033D, DATED OCTOBER 15, 1992.
- SUBJECT PROPERTY IS ZONED "S02 503" (SMART CODE SPECIAL DISTRICT) AS DESIGNATED AT THE CITY OF EL PASO G.I.S. WEBSITE: <http://gis.elpasotexas.gov/indexmap2>.

REFERENCE NOTES

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CERTIFICATION

I, THE ENGINEER, HAVE CONDUCTED THIS SURVEY AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron Alvarado 03/10/23

PROJ: 2023-116A - CRISTO TOMO ROW DEDICATION.dwg
DATE: 03/10/23
TIME: 1:45pm
DRAWN BY: J.M. AGOSTAR
CHECKED BY: J.M. AGOSTAR

ATTACHMENT 3



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

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THENCE, following the westerly right-of-way line of said Airway Boulevard, South 01°01'53" East, a distance of 10.09 feet to a chiseled "X" found on the northerly right-of-way line of said Montana Avenue for the southwest corner of the parcel herein described;

THENCE, leaving the westerly right-of-way line of said Airway Boulevard and following the northerly right-of-way line of said Montana Avenue, South 81°10'07" West, a distance of 210.58 feet to the **POINT OF BEGINNING**.

Said Parcel containing 0.0483 acres (2,105.8 square feet), more or less, and being subject to any easements, restrictions or covenants of record.

Aaron Alvarado, R.P.L.S. TX 6223
Date: January 30, 2023
05100-116A-ROW DEDICATION-DESC.doc



ATTACHMENT 4



DEDICATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 01/27/2023 File No. _____

1. APPLICANTS NAME El Paso International Airport (City of El Paso)
 ADDRESS 6701 Convair Road ZIP CODE 79925 TELEPHONE 915-212-0330
2. Request is hereby made to dedicate the following: (check one)
 Street Alley Easement Other
 Street Name(s) Montana Avenue (US HWY No. 62/180) Subdivision Name El Paso International Airport Tracts Replat Unit 3
 Abutting Blocks Block 5 Abutting Lots Lot 14 and Lot 15
3. Reason for dedication request: To provide pedestrian traffic a safer and wider walkway when traversing across the frontage of said Lots 14 and 15 abutting the north side of Montana Avenue.
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
	El Paso International Airport Tracts Replat Unit 3	915-212-0065

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. I/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: R. Brock 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 recommends approval of 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.

1. Closure report is compliant.

Parks and Recreation Department

We have reviewed Montana ROW Dedication, a survey map and on behalf of Parks & Recreation Department, we offer "No" objections to this proposed right of way dedication.

Sun Metro

No comments received.

Fire Department

No comments received.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to ROW dedication.

Capital Improvement Department

No comments received.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 12-inch diameter water main that extends along Montana Ave. located approximately 24 feet south of the northern right-of-way line. This main is available for service.

There is an existing 12-inch diameter water main that extends along Airway Blvd. located approximately 55 feet west from the eastern right-of-way line. This main is available for service.

EPWater records show a vacant one (1) 1-inch and one (1) 2-inch water services serving the subject property. The service address for these services is 6631 Montana Ave.

Previous water pressure from fire hydrant #03061, located on Montana Ave., 300 feet west of Airway Blvd. in the median, has yielded a static pressure of 78 pounds per square inch (psi), a residual pressure of 74 (psi), and a discharge of 1,256 gallons per minute (gpm).

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Montana Ave., located approximately 18 feet north of the southern right-of-way line. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main that extends along Airway Blvd., located approximately 35 feet east of the western right-of-way line. This main is available for service.

General:

Montana Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Montana Avenue right-of-way requires written permission from TxDOT.

EPWater requires a new service application to provide additional 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.

Texas Gas

Pending.

El Paso Electric

No comments received.

El Paso County 911 District

No comments received.

Texas Department of Transportation

Please verify sidewalk will be leveled to existing sidewalk

Please verify curb and gutter will be included.

(Comments to be addressed at the building permit phase.)

El Paso County

No comments received.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.