

ORDINANCE NO. 019542**AN ORDINANCE VACATING A 940 SQUARE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 27, BLOCK 21, VISTA REAL UNIT TWO AN ADDITION TO THE, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

WHEREAS, the abutting property owner has requested vacation of a 940 Square-foot Public Utility Easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a 940 square-foot public utility easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the, 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 940 square-foot public utility easement located within Lot 27, Block 21, Vista Real Unit Two an Addition to the 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 Elia A. Quiroga.

ADOPTED this 26 day of SEPTEMBER, 2023.

THE CITY OF EL PASO


Oscar Leeder
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

ORDINANCE NO. 019542

HQ 23-884 | Tran #494433 | P&I
Banner Crest- Planning & Zoning Easement Vacation
RTA

SUET23-00002

STATE OF TEXAS
COUNTY OF EL PASO

§
§
§

QUITCLAIM DEED

That, in consideration of the receipt by the City of TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and other 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 **Elia A. Quiroga** all of its right, title, interest, claim and demand in and to the property which was vacated, closed and abandoned by **Ordinance No. 019542**, passed and approved by the City Council of the city of el Paso and described as located within Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas, which is more particularly described in the attached metes and bounds identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this 26 day of SEPTEMBER 2023.

THE CITY OF EL PASO:

[Signature]
Cary Westin
Interim City Manager

ATTEST:
[Signature]
Laura D. Prine,
City Clerk

APPROVED AS TO FORM:

[Signature]
Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Philip F. Etiwe, Director
Planning & Inspections Department

Acknowledgment

THE STATE OF TEXAS
COUNTY OF TEXAS

§
§
§

This instrument is acknowledged before me on this 3rd day of October, 2023 by Cary Westin as Interim City Manager of The City of El Paso, a municipal corporation.

Tracey Jerome
for:

My Commission Expires: 06/04/2026

[Signature]
Notary Public, State of Texas
Notary's Printed or Typed Name:
Mary Katz

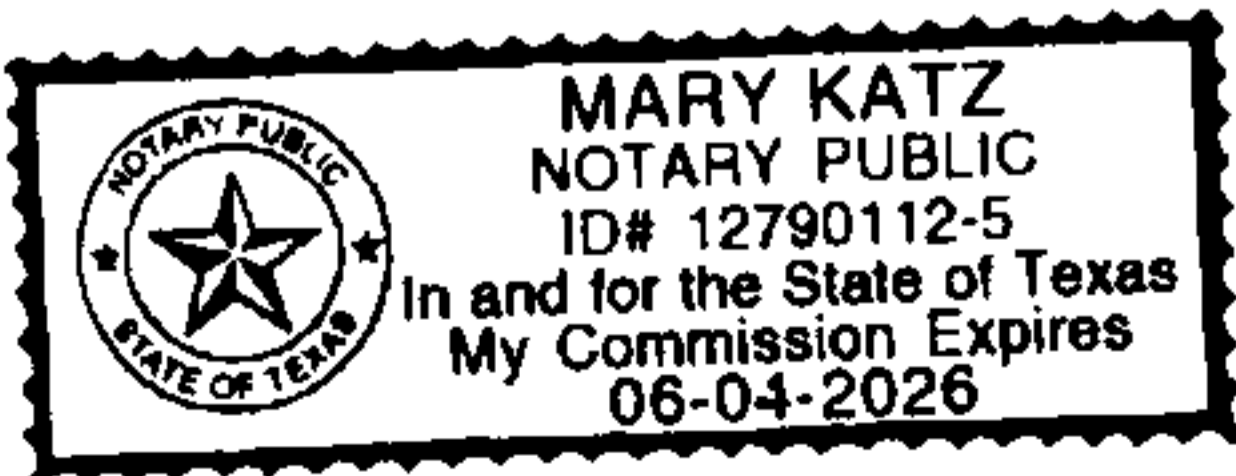
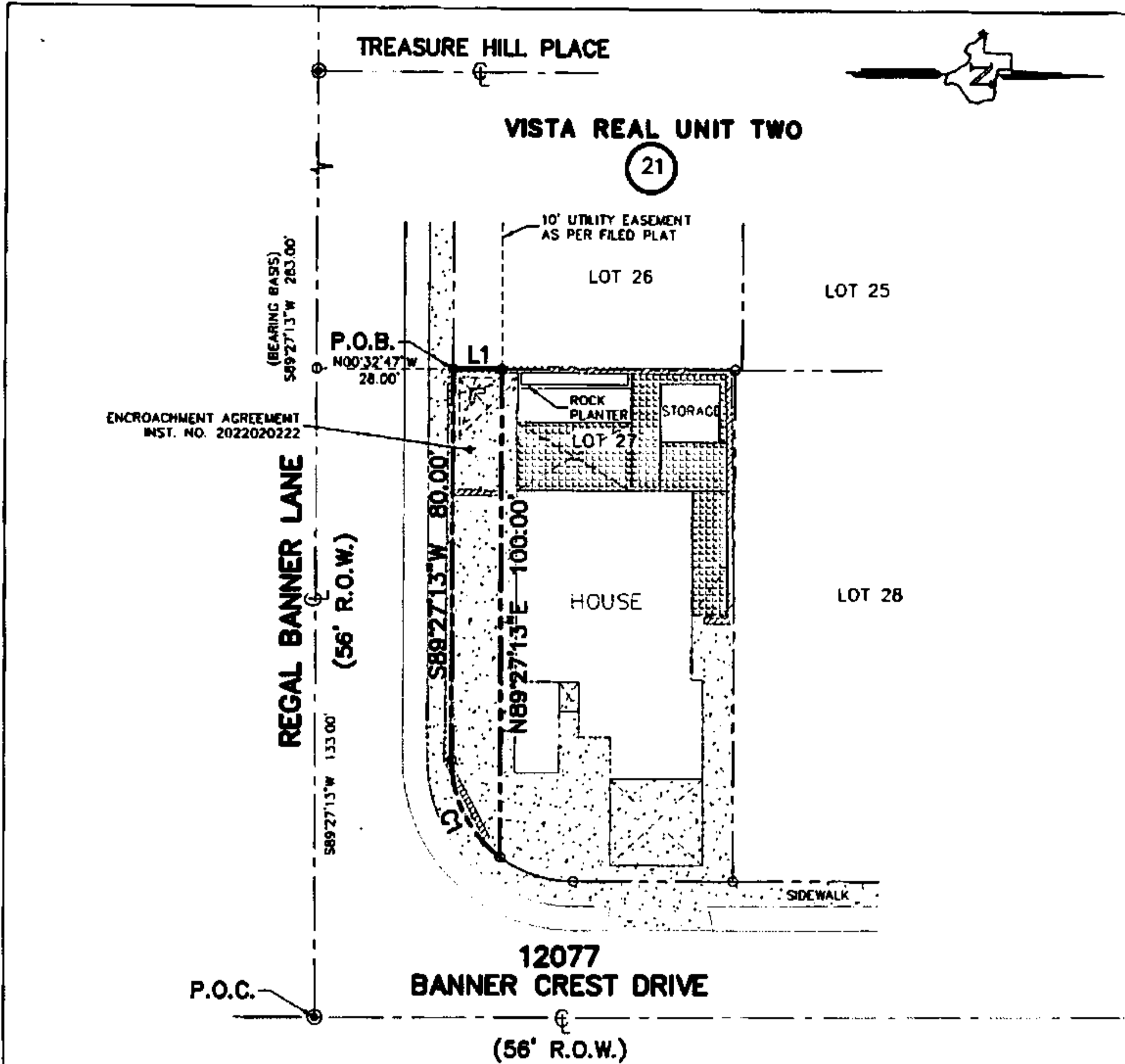


EXHIBIT "A"



ENCROACHMENT AGREEMENT
INST. NO. 2022020222

LEGEND

- ⊙ - FOUND ORIGINAL CITY MONUMENT
- - CALCULATED POINT (NOT SET)
- ▨ - ROCK WALL
- ⌞⌞ - COVERED AREA
- ▭ - CONCRETE
- ▤ - TILE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°32'47"W	10.00'

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	23.18'	25.00'	12.50'	53°07'48"	S62°53'19"W	22.36'

*R.P.R.E.P.C. - REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES:

1. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR VISTA REAL UNIT TWO.
2. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
3. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
4. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED, AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.
5. A WRITTEN DESCRIPTION DATED 03-09-2023 ACCOMPANIES THIS PLAT.

SHEET 2 OF 2

B¹ Barragan & Associates Inc.

LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pelicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5708

Plat of Survey

BEING A
PORTION OF LOT 27, BLOCK 21,
VISTA REAL UNIT TWO,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 940 S.F. OR 0.02 ACRES ±

Plot Reference Vol/Bk 72 Pages 24, 24A AND 24B
Scale: 1" = 30' Date: 03-09-2023 Drawn By: JA

PREPARED BY:

Benito Barragan TX, R.P.L.S. No. 5615
Job No. 230309-15 Copy Rights ©
Field: [Signature] Book: N/A Page: N/A

EXHIBIT "B"

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

Description of portion of Lot 27, Block 21, Vista Real Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof of record in Volume 72, Pages 24, 24A and 24B, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a Found City Monument at the centerline intersection of Banner Crest Drive and Regal Banner Lane; **WIENCE**, a City Monument at the centerline intersection of Regal Banner Lane and Treasure Hill Place, bears S 89° 27' 13" W (Bearing Basis), a distance of 283.00 feet; **THENCE**, S 89° 27' 13" W, along the centerline of said Regal Banner Drive, a distance of 133.00 feet; **THENCE**, N 00°32' 47" W, leaving said centerline a distance of 28.00 feet to a point on the northerly right-of-way line of Regal Banner Lane, marking the southwesterly corner of Lot 27, block 21, Vista Real Unit Two, said point also being the **POINT OF BEGINNING** of this description;

THENCE, N 00° 32' 47" W, along the westerly line of said Lot 27, a distance of 10.00 feet to a point on the northerly line of a 10 feet wide easement;

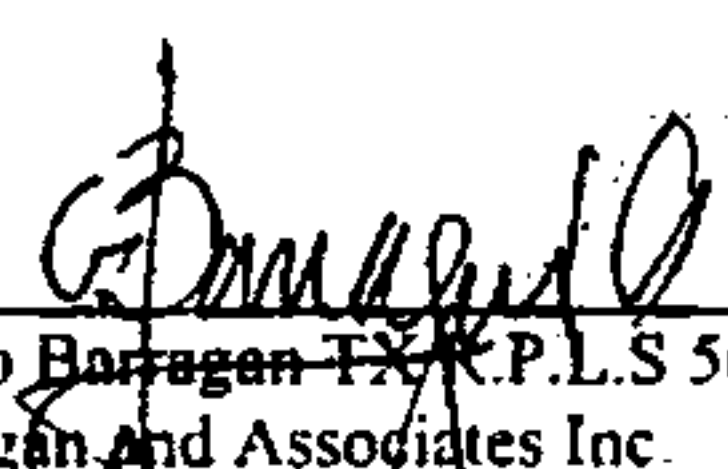
THENCE, N 89° 27' 13" E, along the northerly line of a 10 feet wide easement, a distance of 100.00 feet to a point of curvature;

THENCE, 23.18 feet, along an arc of a curve to the right with a radius of 25.00 feet, an interior angle of 53°07' 48", and a chord which bears S 62°53' 19" W, a distance of 22.36 feet to a point on the northerly line of Regal Banner Lane;

THENCE, S 89° 27' 13" W, along the northerly Right-Of-Way line of Regal Banner Lane, a distance of 80.00 feet to the **POINT OF BEGINNING** of this description and containing in all 940 square feet or 0.02 acres more or less.

NOTES

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings are based on the filed Plat for Vista Real Unit Two.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 03-09-2023 accompanies this description.


Benito Barragan T.X. P.L.S 5615,
Barragan And Associates Inc.
Texas Surveying Firm # 10151200
March 9, 2023
12077 Banner Crest 10' easmt
Job No. 230303-15

12077 Banner Crest Easement Vacation



City Plan Commission — May 4, 2023

CASE NUMBER/TYPE:	SUET23-00002 – EASEMENT VACATION
CASE MANAGER:	Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER:	Elia A. Quiroga
REPRESENTATIVE:	Hector Reyna
LOCATION:	South of Edgemere Blvd and West of Joe Battle Blvd. (District 6)
PROPERTY AREA:	940.0 square feet
ZONING DISTRICT(S):	R-3A/c (Residential/conditions)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the vacation of 12077 Banner Crest utility easement.

12077 Banner Crest Easement Vacation

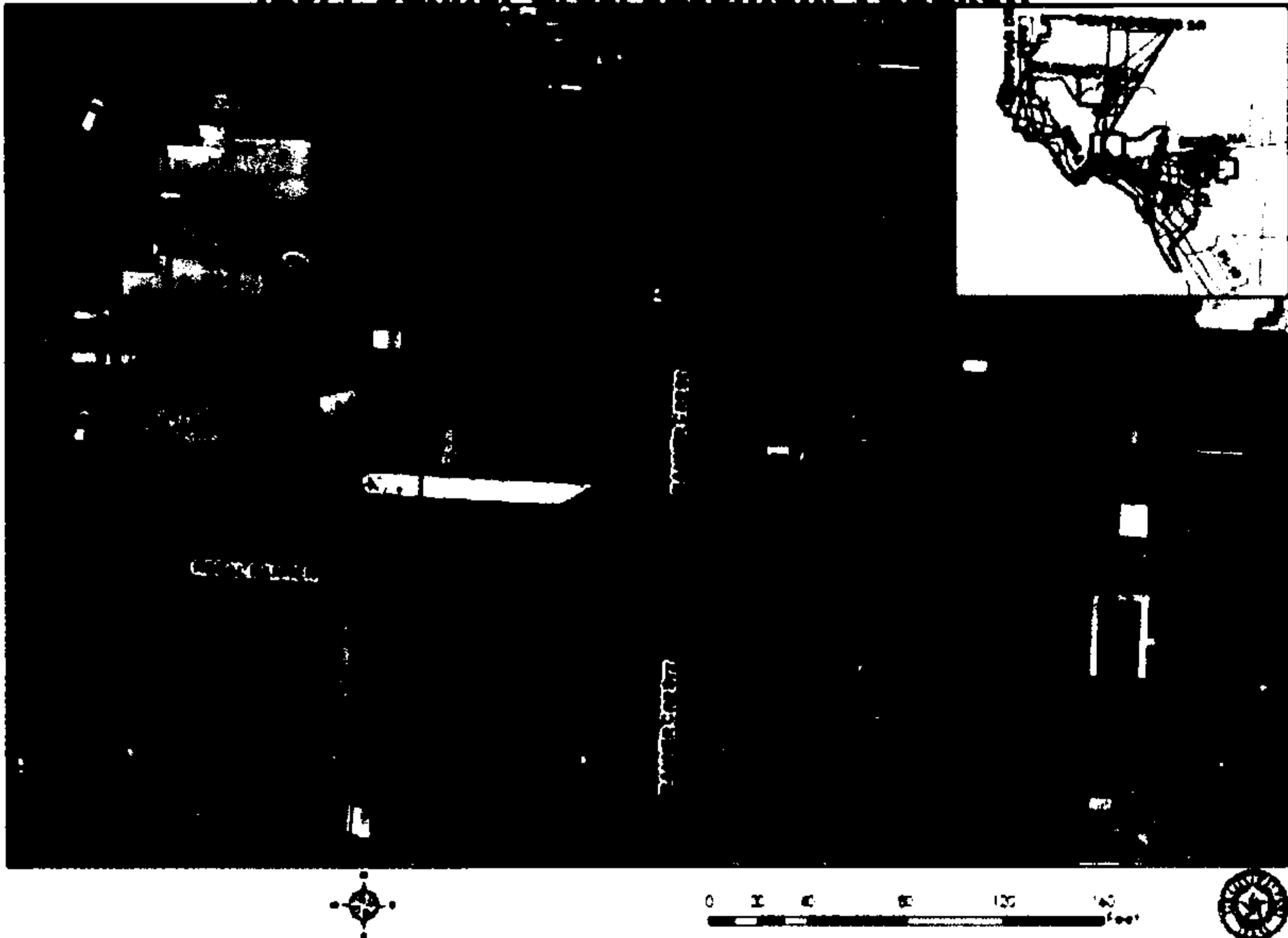


Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 10' foot existing utility easement located on the side of Lot 27, Block 21, Vista Real Unit Two. The vacation would address an encroachment of an existing accessory structure (pergola) located on the rear patio of the property.

Doc # 20230073131
#Pages 5 #NFPages 1
10/04/2023 08:40 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$42.00

eRecorded

I hereby certify that this instrument was filed on the date and time stamped
heron by me and was duly recorded by document number in the Official
Public Records of real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones