

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

AGENDA DATE: October 24, 2023
PUBLIC HEARING DATE: November 7, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Alex Alejandre, (915) 212-1642

DISTRICT(S) AFFECTED: District 8

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 0.026 acre portion of Virginia Street right-of-way, located within Alexander Addition, City of El Paso, El Paso County, Texas

Subject Property: Virginia Street
Applicant: Larry R. Wollschlager, SURW22-00014

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a portion of Virginia Street right-of-way (ROW). The area requested to be vacated is 0.026 acres in size, to allow an existing encroachment into the public right of way. The proposed vacation of the right-of-way (ROW) will not impact the passage of traffic through Virginia Street. The City Plan Commission recommended 7-0 to approve the proposed right-of-way (ROW) vacation on April 20, 2023. As of October 9, 2023, the Planning Division has received one letter with five (5) signatures in opposition to the vacation request. The applicant has provided funds in the amount of \$8,500.00, the amount of the appraised market value of the right-of-way (R.O.W.) being vacated. 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 & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.026 ACRE PORTION OF VIRGINIA STREET RIGHT-OF-WAY, LOCATED WITHIN ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner has requested vacation of a 0.026 PORTION OF VIRGINIA STREET RIGHT-OF-WAY located within Alexander Addition, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a 0.026 acre portion of VIRGINIA STREET RIGHT-OF-WAY located within Alexander Addition, City of El Paso, El Paso County, Texas, and the City Council finds that said 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, 0.026 acre portion of Virginia Street right-of-way located within Alexander Addition, 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 existing fence along Virginia St. being relocated to within the private property.

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 Larry R. Wollschlager.

ADOPTED this ____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

Russell Abeln

Russell Abeln
Assistant City Attorney

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

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 Ten Dollars (\$10.00) 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 Larry R. Wollschlager (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 VIRGINIA STREET RIGHT-OF-WAY OUT OF ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit “A” and in the attached survey identified as Exhibit “B” and made a part hereof by reference.

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

CITY OF EL PASO

ATTEST:

 Cary Westin,
 Interim City Manager

 Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

 Russell T. Abeln
 Assistant City Attorney

Philip F. Etwie

 Philip F. Etwie, Director
 Planning and Inspections Department

(Acknowledgement on following page)

Being a Portion of the Westerly
Right-of-Way of Virginia Avenue
Alexander Addition
City of El Paso, El Paso County, Texas
March 22, 2023

METES AND BOUNDS DESCRIPTION
Portion of Virginia Avenue
Exhibit "A"

FIELD NOTE DESCRIPTION of a Portion of the Westerly Right-of-Way of Virginia Avenue, Alexander Addition, 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 city monument located 10' offset northeast from the centerline intersection of Cincinnati Avenue (70' R.O.W.) and Ochoa Street (70' R.O.W.); **THENCE**, leaving said city monument and along a monument line on Cincinnati Avenue, North 52°22'00" East a distance of 285.00 feet to a point; **THENCE**, leaving said monument line, South 37°38'00" East a distance of 45.00 feet to a found iron rod at the southwest intersection of Cincinnati Avenue and Virginia Avenue same being the northwesterly corner of Lot 20, Block 218, Alexander Addition, same being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said southwest intersection, North 52°22'00" East, a distance of 9.23 feet to a point for corner;

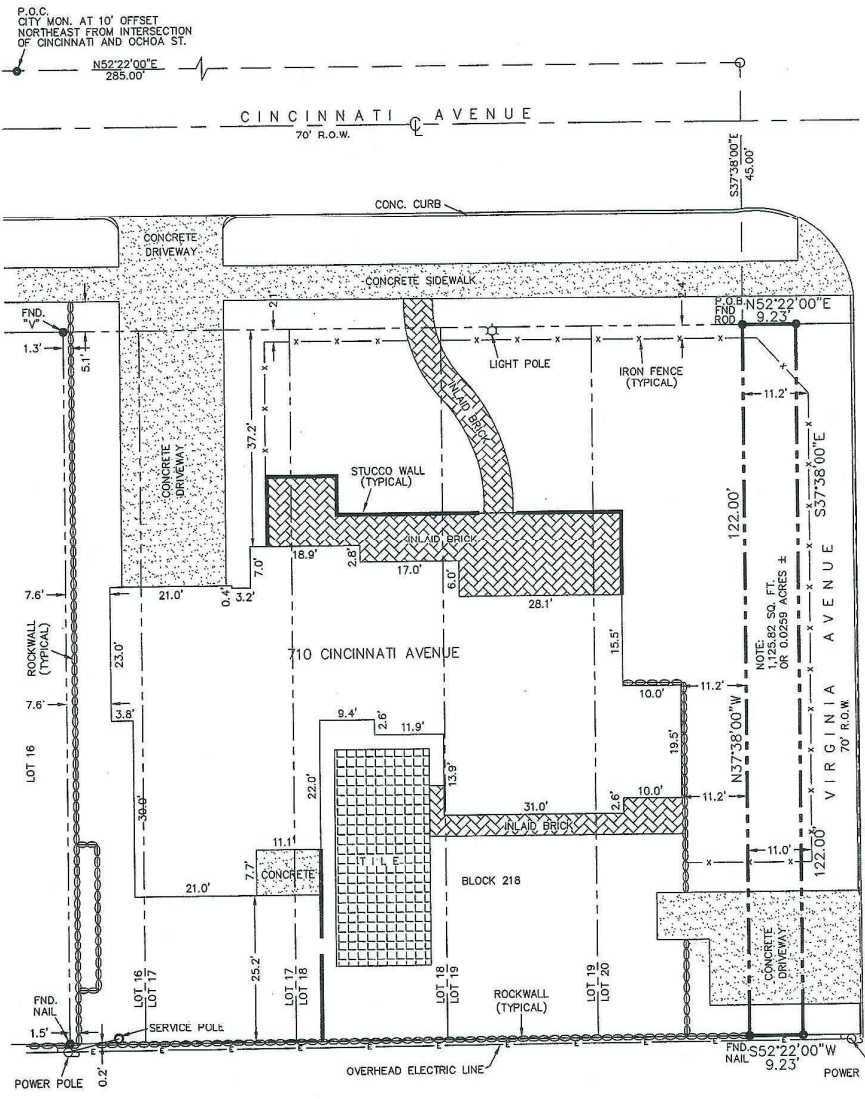
THENCE, South 37°38'00" East, a distance of 122.00 feet to a point for corner;

THENCE, South 52°22'00" West, a distance of 9.23 feet to a found nail for corner along the westerly right-of-way line of Virginia Avenue, same being the common boundary corner of Lot 20 and a 16 foot Alley;

THENCE, leaving said common boundary corner and along said westerly right-of-way line of Virginia Avenue, North 37°38'00" West, a distance of 122.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 1,125.82 square feet or 0.0259 acres of land more or less.

Carlos M. Jimenez
R.P.L.S. # 3950
CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2023\23-0441_Portion of Virginia Avenue





SCALE 1"=20'

METES AND BOUNDS DESCRIPTION
Portion of Virginia Avenue
Exhibit "A"

FIELD NOTE DESCRIPTION of a Portion of the Westerly Right-of-Way of Virginia Avenue, Alexander Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

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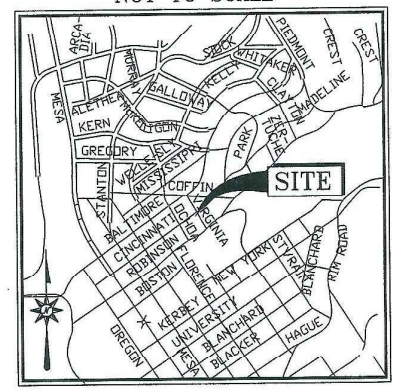
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**LOCATION MAP:
NOT TO SCALE**



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<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.</p> <p><i>Carlos M. Jimenez</i> 8050</p> <p>CARLOS M. JIMENEZ R.P.L.S. No. 3950</p>	<p>JOB # 23-0441 DATE: 03-22-2023 FIELD: JM OFFICE: JR FILE: NET:\JORGE\2023\23-0441</p>
	<p>LOCATED IN ZONE c PANEL # 480214-0033-B DATED 10-15-82</p>
	<p>RECORDED IN VOLUME 11 PAGE 63 , PLAT RECORDS, EL PASO COUNTY, TX</p>
<p>A PORTION OF THE WESTERLY RIGHT-OF-WAY OF VIRGINIA AVENUE (SEE EXHIBIT "A") ALEXANDER ADDITION CITY OF EL PASO, EL PASO COUNTY, TEXAS</p>	
<p>CAD CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 309 EL PASO, TEXAS 79936 (915) 633-6422</p>	
<p>FIRM# 10099300</p>	

NOTE:
THIS SURVEY WAS
DONE WITHOUT THE
BENEFIT OF A
TITLE COMMITMENT.

Virginia Street Right-of-Way Vacation



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

CASE NUMBER/TYPE:	SURW22-00014 – RIGHT-OF-WAY VACATION
CASE MANAGER:	Alex Alejandre, (915) 212-1642, AlejandreAX@elpasotexas.gov
PROPERTY OWNER:	Larry R. Wollschlager
REPRESENTATIVE:	Gunner Weise
LOCATION:	East of Mesa St. and North of Schuster Ave. (District 8)
PROPERTY AREA:	0.026 acres
ZONING DISTRICT(S):	R-4 (Residential)
PUBLIC INPUT:	Staff received one (1) petition to the vacation request that included five (5) different signatures.

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the Virginia Street Right-of-Way (ROW) Vacation, with the following condition:

- That the existing fence along Virginia St. be relocated to within the private property.

Virginia Street ROW Vacation



This map is designed for illustrative purposes only. The locations depicted here are approximate and more definitive details may be required to draw accurate conclusions. Enhancements of this map to include greater than its original coordinates and may lead to inaccuracies in 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 proposing to vacate a 0.026 acre portion of Virginia Street, approximately nine (9) feet in width by one hundred and twenty two (122) feet, in order to accommodate the future construction of a carport over an existing driveway and legalize an existing encroachment into the public right of way. The portion of Virginia Street ROW is located west of Virginia Street and between Robinson Avenue and Cincinnati Avenue. A 10' parkway will remain as public ROW.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	R-4 (Residential) / Residential Development
South	R-4 (Residential) / Residential Development
East	R-4 (Residential) / Residential Development
West	R-4 (Residential) / Residential Development
Nearest Public Facility and Distance	
Park	Billy Rogers Arroyo Park (0.03 miles)
School	Mesita Elementary (0.42 miles)
Plan El Paso Designation	
G-2, Traditional Neighborhood (Walkable)	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on February 8, 2023 to all property owners within 200 feet of the subject property. As of April 19, 2023 staff has received one (1) petition to the vacation request that included five (5) different signatures.

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) 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:

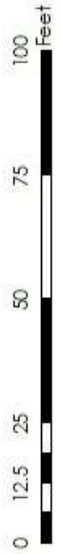
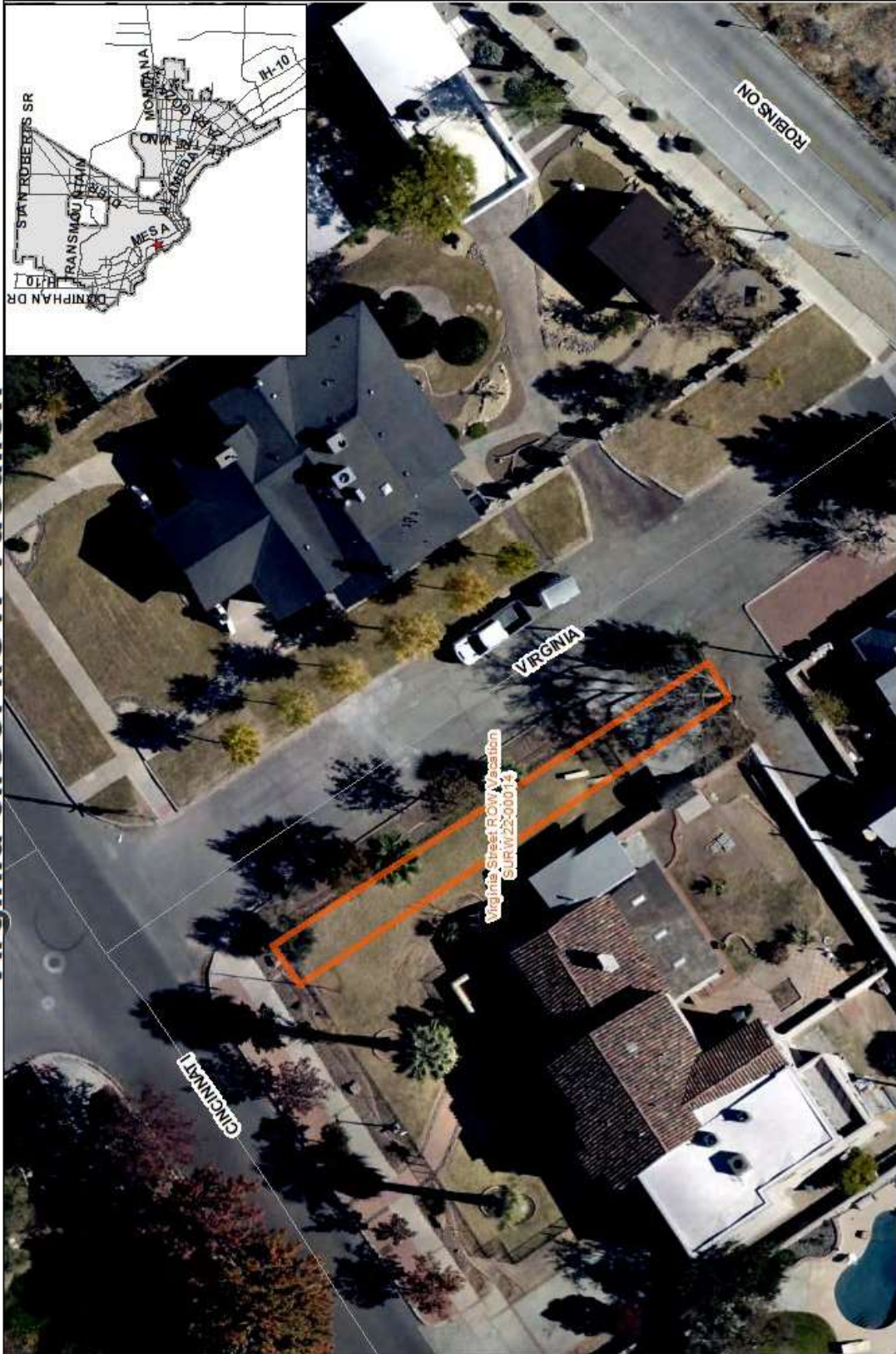
- Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code.
- Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that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

- Aerial Map
- Survey
- Metes and Bounds Description
- Application
- Public Input
- Department Comments

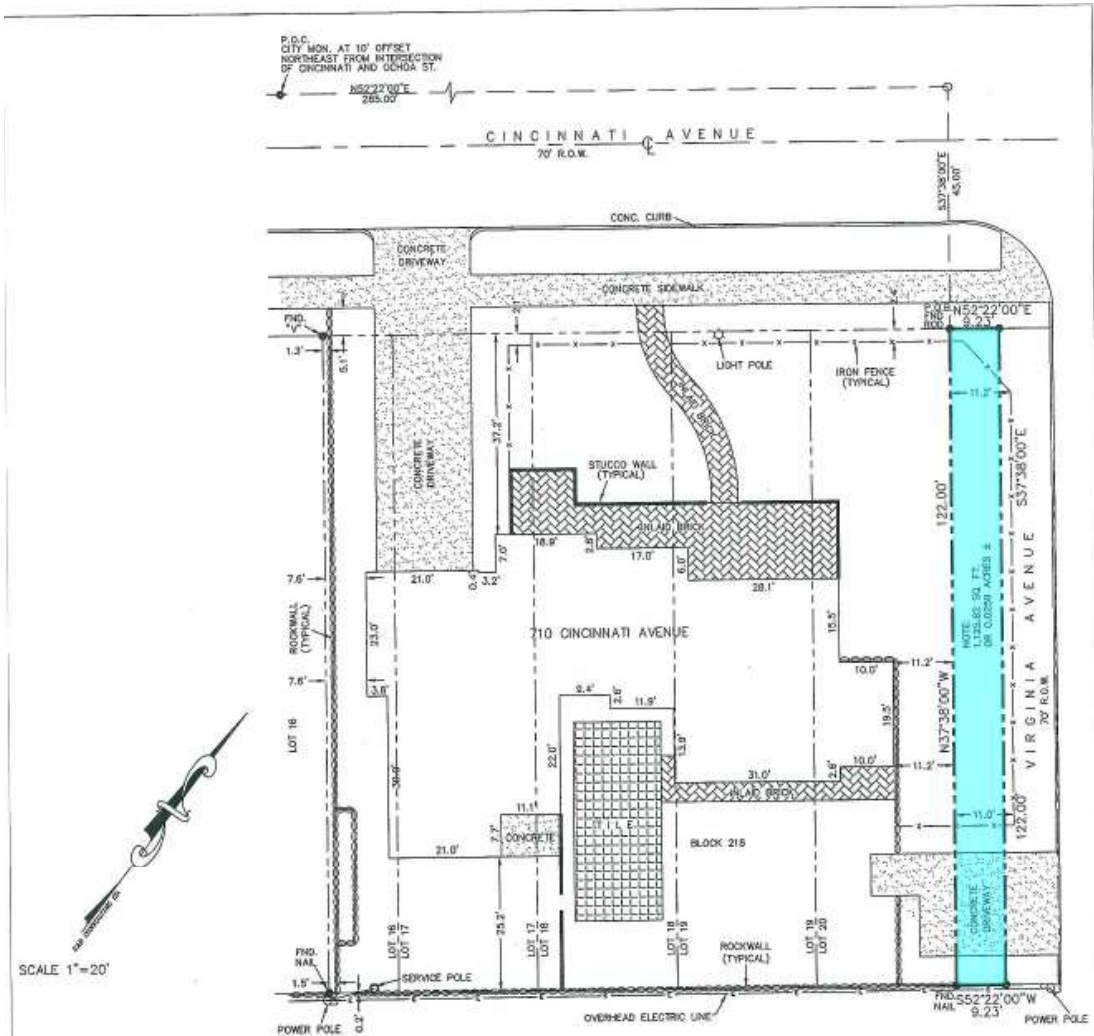
ATTACHMENT 1

Virginia Street ROW Vacation



This project is designed and constructed based on the information provided. The City and its staff are not responsible for the accuracy of the information provided. The City and its staff are not responsible for the accuracy of the information provided. The City and its staff are not responsible for the accuracy of the information provided.

ATTACHMENT 2



SCALE 1"=20'

METES AND BOUNDS DESCRIPTION
 Portion of Virginia Avenue
 Exhibit "A"

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THENCE, South 52°22'00" West, a distance of 9.23 feet to a found nail for corner

THENCE, along the westerly right-of-way line of Virginia Avenue, same being the common boundary corner of Lot 20 and a 16' foot Alley;

THENCE, leaving said common boundary corner and along said westerly right-of-way line of Virginia Avenue, North 37°38'00" West, a distance of 122.00 feet to the POINT OF BEGINNING of the herein described parcel and containing 1,125.82 square feet or 0.0259 acres of land more or less.

LOCATION MAP:
 NOT TO SCALE



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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN HEREON.

Carlos M. Jimenez
 8880

CARLOS M. JIMENEZ
 R.P.L.S. No. 3950

JOB # 23-0441	DATE: 03-22-2023	FIELD: JM	OFFICE: JR	FILE: NET_VORGE/2023/23-0441
LOCATED IN ZONE	c	PANEL # 480214-0033-B	DATED 10-15-82	
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A PORTION OF THE WESTERLY RIGHT-OF-WAY OF VIRGINIA AVENUE (SEE EXHIBIT "A")
 ALEXANDER ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONSULTING COMPANY
 1790 LEE TREVINO DRIVE SUITE 309
 EL PASO, TEXAS 79936
 (915) 633-6422

NOTE:
 THIS SURVEY WAS
 DONE WITHOUT THE
 BENEFIT OF A
 TITLE COMMITMENT.

FIRM# 10099500

ATTACHMENT 3

Being a Portion of the Westerly
Right-of-Way of Virginia Avenue
Alexander Addition
City of El Paso, El Paso County, Texas
March 22, 2023

METES AND BOUNDS DESCRIPTION

Portion of Virginia Avenue

Exhibit "A"

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I:\M&B\2023\23-0441_Portion of Virginia Avenue



ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: Sept 12, 2022 File No. _____

1. APPLICANTS NAME LARRY R. WOLLSCHLAGER
 ADDRESS 710 CINCINNATI ZIP CODE 79902 TELEPHONE 432-661-3561

2. Request is hereby made to vacate the following: (check one)

Street _____ Alley _____ Easement Other _____

Street Name(s) N. VIRGINIA Subdivision Name ALEXANDER ADDITION

Abutting Blocks 218 Abutting Lots 20

3. Reason for vacation request: Build Carport over existing driveway

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: Larry Wollschlager REPRESENTATIVE SIGNATURE: Gunnar Weise
 REPRESENTATIVE (PHONE): 915-494-6121
 REPRESENTATIVE (E-MAIL): gunnarweise@sbcglobal.net

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

February 20, 2023

City of El Paso Planning and Inspections Department

Re: Case SURW22-00014

vacating portion of Virginia Street

Property description: the East of 1/2 of Lot 16 and all of lots 17,18,19 and 20 Block 218.

To Whom It May Concern:

The vacating of this property is not in the best interests of the pedestrians who use this particular block of Virginia to reach Robinson, walk in and out of Kern Place from Cincinnati Ave to Robinson St, access the nature preserve, (arroyo) and access to Rim Road.

It would seem to allow the owner to bypass zoning rules concerning setbacks. Also, once fenced in, it would make it impossible for cars to park along Virginia and a passenger to exit their vehicle. (the Hoover house has functions where parking along side streets is necessary. There is also no sidewalk on either side of this block of Virginia.

The undersigned are against the city allowing this property to be vacated.

Brian Stickney 804 Cincinnati Ave
B.S.

Linda McClain 715 Cincinnati Ave

Steph P. 715 Cincinnati Ave

MARY BROWER 801 CINCINNATI AVE. *[Signature]*

MARCA D. RODRIGUEZ 802 CINCINNATI AVE *[Signature]*

ATTACHMENT 6

Planning and Inspections Department- Planning Division

No adverse comments, recommend approval with condition that the existing fence along Virginia St. be relocated to within the private property. A 10' parkway shall remain as public ROW.

Planning and Inspections Department- Land Development Division

No objections to proposed vacation of easement.

Parks and Recreation Department

We have reviewed N Virginia Easement Vacation survey map and on behalf of Parks & Recreation Department we offer "No" objections to this proposed easement vacation request.

El Paso Water

El Paso Water (EPWater) doesn't object to this request.

Water:

There is an existing 6-inch diameter water main located 21-feet south of the northern right-of-way of Cincinnati Ave. This water main is available for service.

Previous water pressure from fire hydrant #530 located on the southeast corner of Coffin Ave. and Cincinnati Ave. has yielded a static pressure of 78 (psi), a residual pressure of 72 (psi), and a discharge of 1,424 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main located along the alley south of Cincinnati Ave. approximately 3-feet south of the alley's north right-of-way. This sanitary sewer main is available for service.

General:

An application for water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. Additional service applications are available at 1154 Hawkins, 3rd Floor. 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 EPWU – 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.

Capital Improvement Department

- CID recommends that this request be denied.
- The request results in remaining right-of-way that does not meet the minimum standards of the city's adopted street design manual which calls for a minimum 60 foot right of way width, 6 foot sidewalk and buffer.
- [Per section 13.04.070](#), the City code requires installation of sidewalks when they are absent at the time of permit. While the code does allow for exceptions, this request does not merit disregarding the requirement and runs counter to the City's objectives identified in *Plan El Paso*, the adopted Complete Streets Policy and strategies currently being develop as part of the City's Vision Zero goals.

Finally, vacating the right of way precludes the City from the future installation of sidewalks as required by the city's code of ordinances and adopted street design manual as the right of way would become private property. The proposed pedestrian access easement does not grant the city any future right to construct a sidewalk within private property.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no exceptions to the carport canopy over driveway if vacation is granted by planning.

Note: ROW vacations are approved by City Council.

Spectrum

We have reviewed your request for the above referenced Utility Easement, and Spectrum Communications hereby grants an abandonment located near 710 Cincinnati, Cincinnati & N Virginia St, El Paso, TX. Spectrum Communications retains the right of access to any remaining partial or full utility easements on the property for the purpose of future construction or maintenance of existing facilities.

If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to forcerelos@kinetic-eng.com. Please share this information with whoever needs these services.

El Paso Electric

At present, El Paso Electric Company does not have any current or future use for the easement and agrees to vacate for our use only.

AT&T

AT&T Texas, has no objections to the requested release of ROW for installation of a carport as highlighted on the attached sketch, plat found in El Paso County Clerk File Map Records showing ROW found in Volume 4, Page 28.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County

No comments received.

Sun Metro

No comments received.

Fire Department

No comments received.

Texas Gas

No comments received.