

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

**AGENDA DATE:** November 23, 2021  
**PUBLIC HEARING DATE:** December 7, 2021

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

**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 City Right-of-Way over a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas;

Subject Property: East of Cotton St. and North of Murchison Dr.

Applicant: Scenic View Townhomes LLC, Patricia Mendoza and City of El Paso, SURW20-00004

**BACKGROUND / DISCUSSION:**

The request is to vacate 0.2411 acres of San Jose Street. The area to be vacated is requested for development of the site. The subject property was platted in 1923 and has remained unimproved. City Plan Commission recommended 6 to 0 to approve the proposed right-of-way vacation on March 25, 2021. The Planning Division received one call and two emails of inquiry, along with one call in opposition to the vacation request.

**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

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A PORTION OF SAN JOSE STREET, HIGHLAND PARK ADDITION AMENDED MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

**WHEREAS**, the abutting property owners have requested vacation of the City right-of-way located on a parcel of land being a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, after public hearing the City Plan Commission recommended that a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, should be vacated 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 a determination has been made that it is in the best interest of the public that the City Right-of-Way located on the property described as a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, and 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 is hereby vacated.

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 property to Scenic View Townhomes, LLC., Patricia Mendoza and City of El Paso.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

*Wendi N. Vineyard*  
\_\_\_\_\_  
Wendi N. Vineyard  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*Philip F. Etrwe*  
\_\_\_\_\_  
Philip F. Etrwe, Director  
Planning & Inspections Department

*(Quitclaim Deed on following page)*

# EXHIBIT A

A Portion of San Jose Street,  
Highland Park Addition Amended Map,  
City of El Paso, El Paso County, Texas,  
September 17, 2020

## METES AND BOUNDS DESCRIPTION

(70' x 150') of San Jose Street  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found 5/8" rebar at the southwest boundary corner of Lot 16, Block 47, Highland Park Addition Amended Map, same being the easterly right-of-way line of Cotton Avenue (70' R.O.W.) and northerly right-of-way line of San Jose Street (70' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said easterly right-of-way line of Cotton Avenue and along the northerly right-of-way line of San Jose Street, South 90°00'00" East, a distance of 150.00 feet to a point for corner at the common boundary corner of Lots 10 and 11;

**THENCE**, leaving said northerly right-of-way of San Jose Street, South 00°00'00" West, a distance of 70.00 feet to a point for corner at the southerly right-of-way line of San Jose Street and the common boundary corner of Lots 26 and 27, Block 42;

**THENCE**, leaving said common boundary corner of Lots 26 and 27, and along the southerly right-of-way line of San Jose Street, North 90°00'00" West, a distance of 150.00 feet to a point for corner at the easterly right-of-way line of Cotton Avenue and the northwest boundary corner of Lot 32;

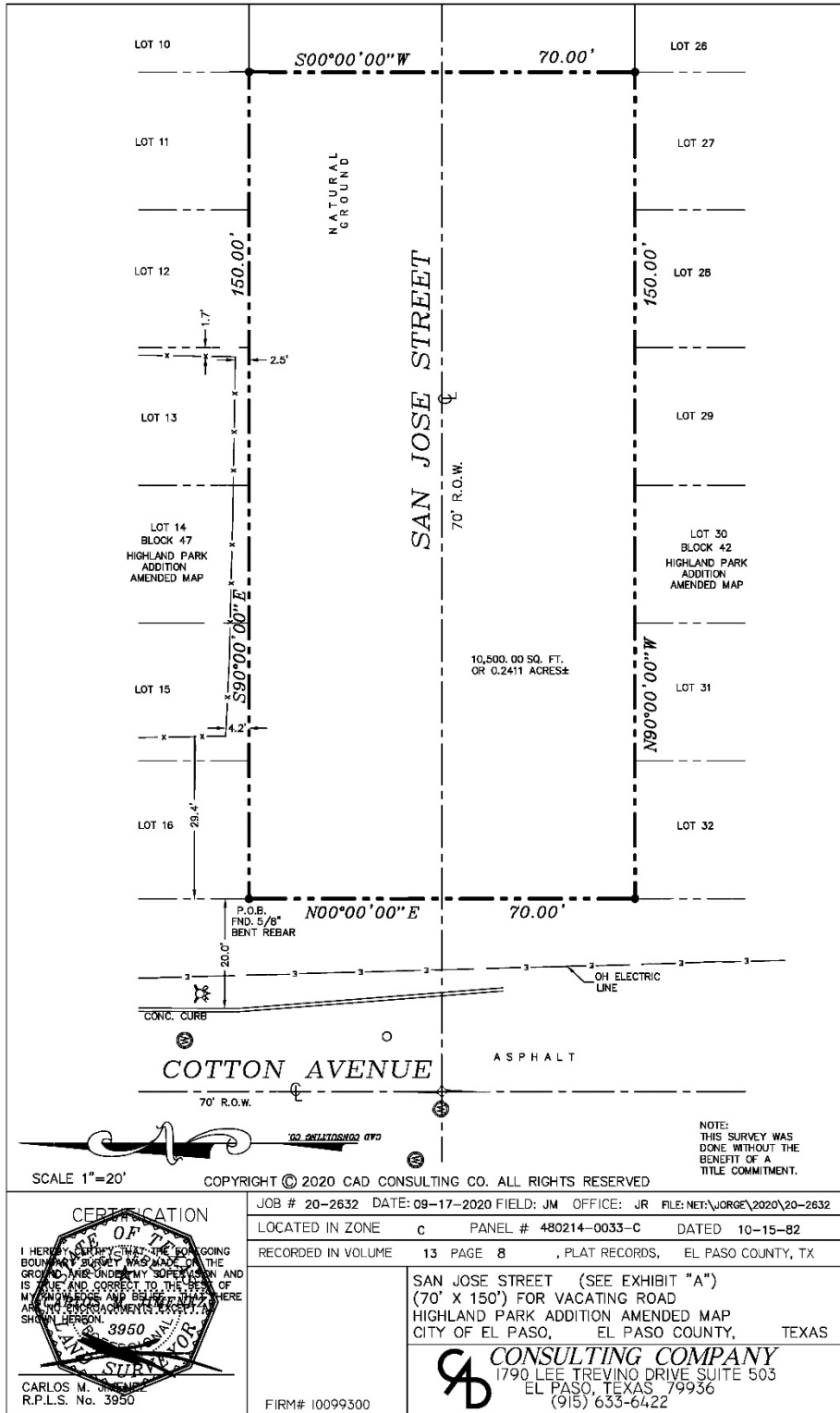
**THENCE**, leaving said northwest boundary corner of Lot 32, North 00°00'00" East, a distance of 70.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 10,500.00 square feet or 0.2411 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422

I:\M&B\2020\20-2632\_San Jose Street



# EXHIBIT B



<p style="text-align: center;"><b>CERTIFICATION</b></p> <p style="text-align: center;">OF THE</p> <p style="text-align: center;">CITY OF EL PASO</p> <p style="text-align: center;">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 AT THIS DATE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THIS DATE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THIS DATE.</p> <p style="text-align: center;">3950</p> <p style="text-align: center;">SURVEYOR</p> <p style="text-align: center;">CARLOS M. JIMENEZ R.P.L.S. No. 3950</p>	<p>JOB # 20-2632    DATE: 09-17-2020    FIELD: JM    OFFICE: JR    FILE: NET\JORGE\2020\20-2632</p> <p>LOCATED IN ZONE    c    PANEL # 480214-0033-C    DATED 10-15-82</p> <p>RECORDED IN VOLUME    13    PAGE 8    , PLAT RECORDS, EL PASO COUNTY, TX</p>
	<p>SAN JOSE STREET (SEE EXHIBIT "A") (70' X 150') FOR VACATING ROAD HIGHLAND PARK ADDITION AMENDED MAP CITY OF EL PASO, EL PASO COUNTY, TEXAS</p>
	<p><b>CONSULTING COMPANY</b> 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422</p>

**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 Scenic View Townhomes, LLC (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 SAN JOST STREET, HIGHLAND PARK ADDITION AMENDED MAP, 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 \_\_\_\_\_, 20\_\_.

**CITY OF EL PASO**

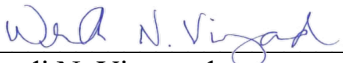
**ATTEST:**


\_\_\_\_\_  
Tomás González, City Manager

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Wendi N. Vineyard  
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 \_\_\_\_\_, 20\_\_ ,  
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:**  
Scenic View Townhomes LLC  
3518 Durazno Ave.  
El Paso, Texas 79905

# EXHIBIT A

A Portion of San Jose Street,  
Highland Park Addition Amended Map,  
City of El Paso, El Paso County, Texas,  
June 16, 2021

## METES AND BOUNDS DESCRIPTION

A Portion of San Jose Street  
Exhibit "E"

**FIELD NOTE DESCRIPTION** of a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found 5/8" rebar at the southwest boundary corner of Lot 16, Block 47, Highland Park Addition Amended Map, same being the easterly right-of-way line of Cotton Avenue (70' R.O.W.) and northerly right-of-way line of San Jose Street (70' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said easterly right-of-way line of Cotton Avenue and along the northerly right-of-way line of San Jose Street, South 90°00'00" East, a distance of 150.00 feet to a Set 1/2 iron rebar for corner at the common boundary corner of Lots 10 and 11;

**THENCE**, leaving said northerly right-of-way of San Jose Street, South 00°00'00" West, a distance of 35.00 feet to a Set 1/2 iron rebar for corner at the center right-of-way line of San Jose Street;

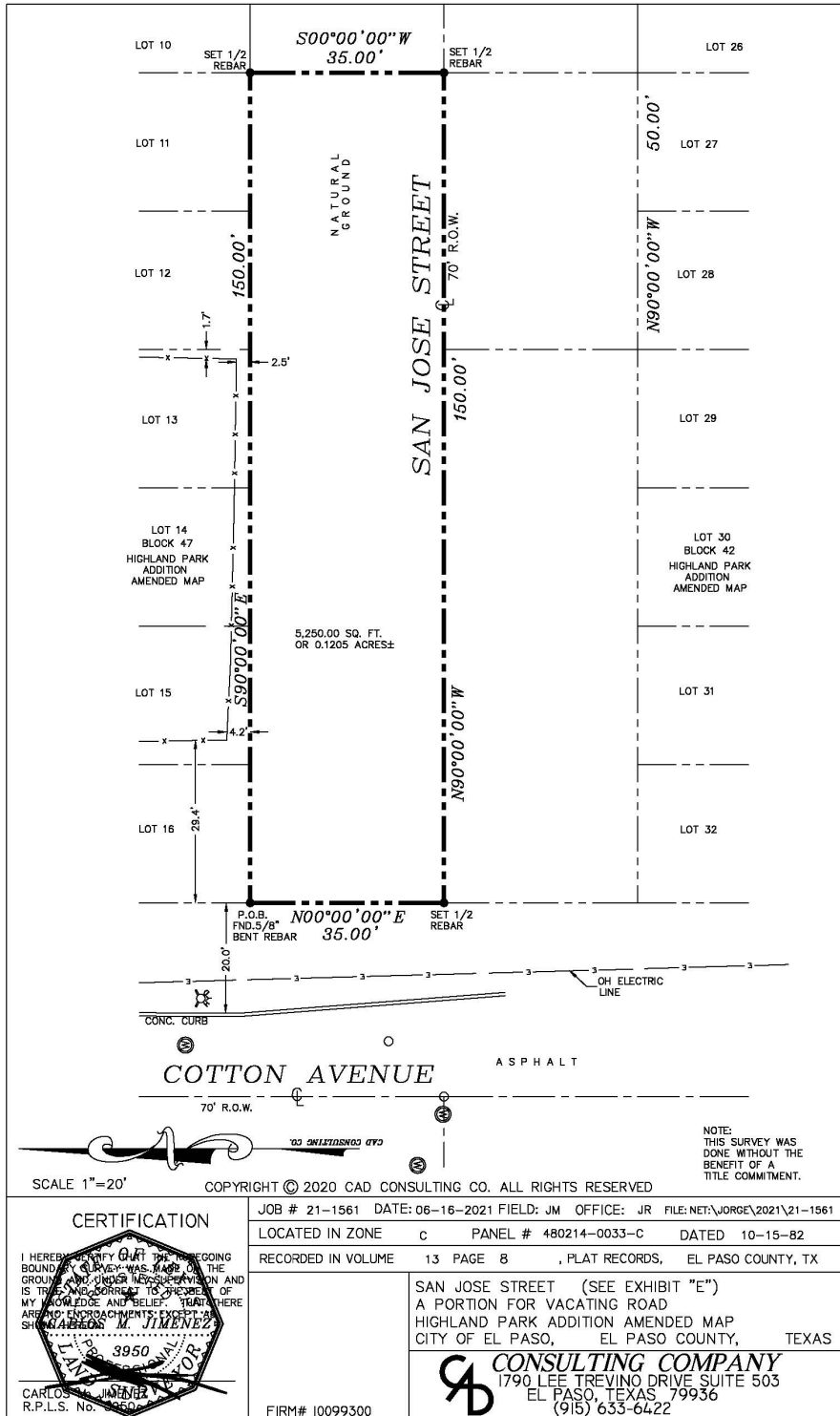
**THENCE**, along said center right-of-way line of San Jose Street, North 90°00'00" West, a distance of 150.00 feet to a Set 1/2 iron rebar for corner at the easterly right-of-way line of Cotton Avenue;

**THENCE**, along the easterly right-of-way line of Cotton Avenue, North 00°00'00" East, a distance of 35.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 5,250.00 square feet or 0.1205 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 309  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2020\21-1561\_San Jose Street (E)



**EXHIBIT B**



<p><b>CERTIFICATION</b></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, EJECTA OR SHADOWS.</p> <p><b>CARLOS M. JIMENEZ</b> R.P.L.S. No. 3950</p>		<p>JOB # 21-1561 DATE: 06-16-2021 FIELD: JM OFFICE: JR FILE: NET:\JORGE\2021\21-1561</p> <p>LOCATED IN ZONE c PANEL # 480214-0033-C DATED 10-15-82</p> <p>RECORDED IN VOLUME 13 PAGE 8 , PLAT RECORDS, EL PASO COUNTY, TX</p>	
<p>FIRM# 10099300</p>		<p>SAN JOSE STREET (SEE EXHIBIT "E") A PORTION FOR VACATING ROAD HIGHLAND PARK ADDITION AMENDED MAP CITY OF EL PASO, EL PASO COUNTY, TEXAS</p> <p><b>CONSULTING COMPANY</b> 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422</p>	



**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 Patricia Mendoza (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 SAN JOSE STREET, HIGHLAND PARK ADDITION AMENDED MAP, 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 \_\_\_\_\_, 20\_\_.

**CITY OF EL PASO:**

\_\_\_\_\_  
Tomás González, City Manager

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
*Wendi N. Vineyard*  
Wendi N. Vineyard  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
*Philip F. Etlwe*  
Philip F. Etlwe, Director  
Planning and Inspections Department

*(Acknowledgement on following page)*



## EXHIBIT A

A Portion of San Jose Street,  
Highland Park Addition Amended Map,  
City of El Paso, El Paso County, Texas,  
May 3, 2021

### METES AND BOUNDS DESCRIPTION

A Portion of San Jose Street  
Exhibit "C"

**FIELD NOTE DESCRIPTION** of a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found 5/8" rebar at the southwest boundary corner of Lot 16, Block 47, Highland Park Addition Amended Map, same being the easterly right-of-way line of Cotton Avenue (70' R.O.W.) and northerly right-of-way line of San Jose Street (70' R.O.W.); **THENCE**, leaving the northerly right-of-way line of San Jose Street, South 90°00'00" East, a distance of 35.00 feet to a Set ½ inch iron rod for corner along the center right-of-way line of San Jose Street and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, along said center right-of-way line of San Jose Street, South 90°00'00" East, a distance of 100.00 feet to a Set ½ inch iron rod for corner;

**THENCE**, leaving said center right-of-way line of San Jose Street, South 00°00'00" West, a distance of 35.00 feet to a Set ½ inch iron rod for corner at the common boundary corner of Lots 28 and 29;

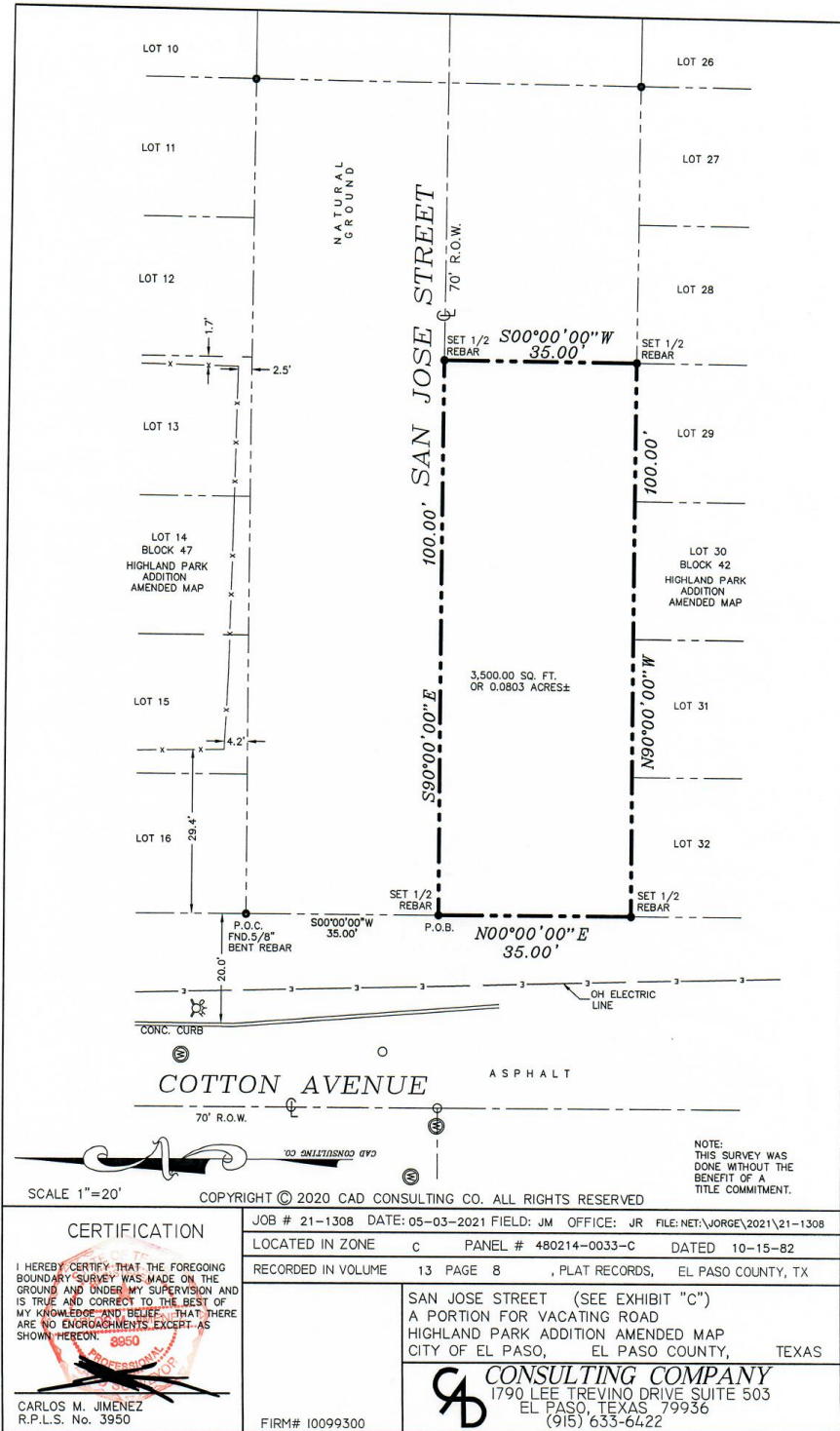
**THENCE**, along said southerly right-of-way of San Jose Street, North 90°00'00" West, a distance of 100.00 feet to a Set ½ inch iron rod for corner at the easterly right-of-way line of Cotton Avenue and the common boundary corner of Lot 32, Block 42;

**THENCE**, along the easterly right-of-way line of Cotton Avenue, North 00°00'00" East, a distance of 35.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 3,500.00 square feet or 0.0803 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 309  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2020\21-1308\_San Jose Street Exhibit C



### EXHIBIT B



**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 El Paso Water (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 SAN JOSE STREET, HIGHLAND PARK ADDITION AMENDED MAP, 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 \_\_\_\_\_, 20\_\_.

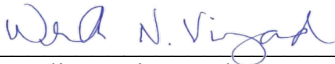
**CITY OF EL PASO:**

\_\_\_\_\_  
Tomás González, City Manager

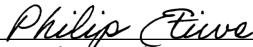
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Wendi N. Vineyard  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning and Inspections Department

*(Acknowledgement on following page)*



# EXHIBIT A

A Portion of San Jose Street,  
Highland Park Addition Amended Map,  
City of El Paso, El Paso County, Texas,  
June 16, 2021

## METES AND BOUNDS DESCRIPTION A Portion of San Jose Street Exhibit "D"

**FIELD NOTE DESCRIPTION** of a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found 5/8" rebar at the southwest boundary corner of Lot 16, Block 47, Highland Park Addition Amended Map, same being the easterly right-of-way line of Cotton Avenue (70' R.O.W.) and northerly right-of-way line of San Jose Street (70' R.O.W.); **THENCE**, leaving said easterly right-of-way line of Cotton Avenue and along the northerly right-of-way line of San Jose Street, South 90°00'00" East, a distance of 150.00 feet to a found ½ iron rebar for corner at the common boundary corner of Lots 10 and 11; **THENCE**, leaving said northerly right-of-way line of San Jose Street, South 00°00'00" West, a distance of 35.00 feet to a Set ½ iron rebar for corner at the center right-of-way line of San Jose Street and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said center right-of-way of San Jose Street, South 00°00'00" West, a distance of 35.00 feet to a Set ½ iron rebar for corner at the southerly right-of-way line of San Jose Street and the common boundary corner of Lots 26 and 27, Block 42;

**THENCE**, leaving said common boundary corner of Lots 26 and 27, and along the southerly right-of-way line of San Jose Street, North 90°00'00" West, a distance of 50.00 feet to a Set ½ iron rebar for corner along the southerly right-of-way line of San Jose Street and the common boundary corner of Lots 28 and 29;

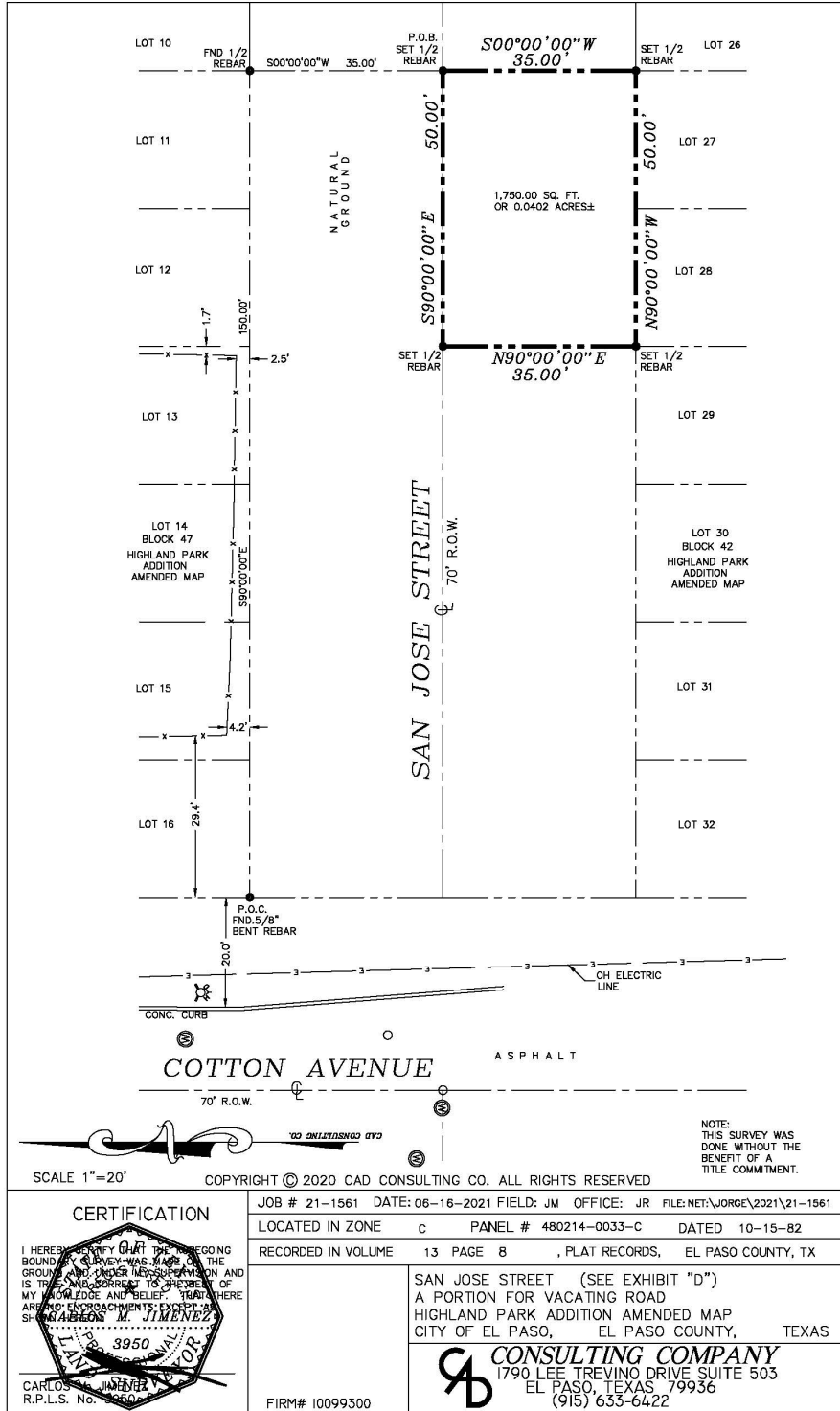
**THENCE**, leaving said common boundary corner of Lots 28 and 29 same being the southerly right-of-way line of San Jose Street, North 90°00'00" East, a distance of 35.00 feet to a Set ½ iron rebar for corner along the center right-of-way line of San Jose Street;

**THENCE**, along the center right-of-way line of San Jose Street, South 90°00'00" East, a distance of 50.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 1,750.00 square feet or 0.0402 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 309  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2020\21-1561\_San Jose Street (D)



# EXHIBIT B





# San Jose Right-of-Way Vacation



City Plan Commission — March 25, 2021 **REVISED**

<b>CASE NUMBER/TYPE:</b>	<b>SURW20-00004 – RIGHT-OF-WAY VACATION</b>
<b>CASE MANAGER:</b>	Armida R. Martinez, (915) 212-1605, martinezar@elpasotexas.gov
<b>PROPERTY OWNER:</b>	City of El Paso
<b>REPRESENTATIVE:</b>	Mancera Group
<b>LOCATION:</b>	East of Cotton St. and North of Murchison Dr. (District 2)
<b>PROPERTY AREA:</b>	0.2411 acres
<b>ZONING DISTRICT(S):</b>	A-2/sc (Apartments/special contact)
<b>PUBLIC INPUT:</b>	Staff received one phone call and two emails of inquiry regarding this request and one call in opposition to the vacation request.

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of San Jose Right-of-Way vacation.

## San Jose Right-of-Way Vacation



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 error and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 30 60 120 180 240 Feet



Figure A: Proposed plat with surrounding area

**DESCRIPTION OF REQUEST:** The applicant is requesting to vacate a 0.2411 acres of San Jose Street. The area to be vacated is requested for development of the site. The subject property is unimproved and has remained as such since the platting of the property in 1923.

**CASE HISTORY/RELATED APPLICATIONS:** N/A

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

<b>Surrounding Zoning and Use</b>	
North	A-2/sc and R-5 (Apartments/special contract and Residential) Residential development
South	A-2/sc and R-5 (Apartments/special contract and Residential) / Vacant
East	R-5 (Residential) / Residential development
West	R-5 (Residential) / Residential development
<b>Nearest Public Facility and Distance</b>	
Park	Scenic Drive (0.12 miles)
School	Paul C. Moreno Elementary (0.04 miles)
<b>Plan El Paso Designation</b>	
G2, Traditional Neighborhood (Walkable)	
<b>Impact Fee Service Area</b>	
N/A	

**PUBLIC COMMENT:** Notices of the proposed right-of-way vacation were sent on March 11, 2021 to all property owners within 200 feet of the subject property. As of March 25, 2021, staff has received one phone call and two emails of inquiry regarding this request and one phone call in opposition to the vacation 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. **(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. Letter of Inquiry
6. Department Comments



# ATTACHMENT 1

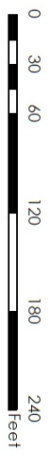
## San Jose Right-of-Way Vacation



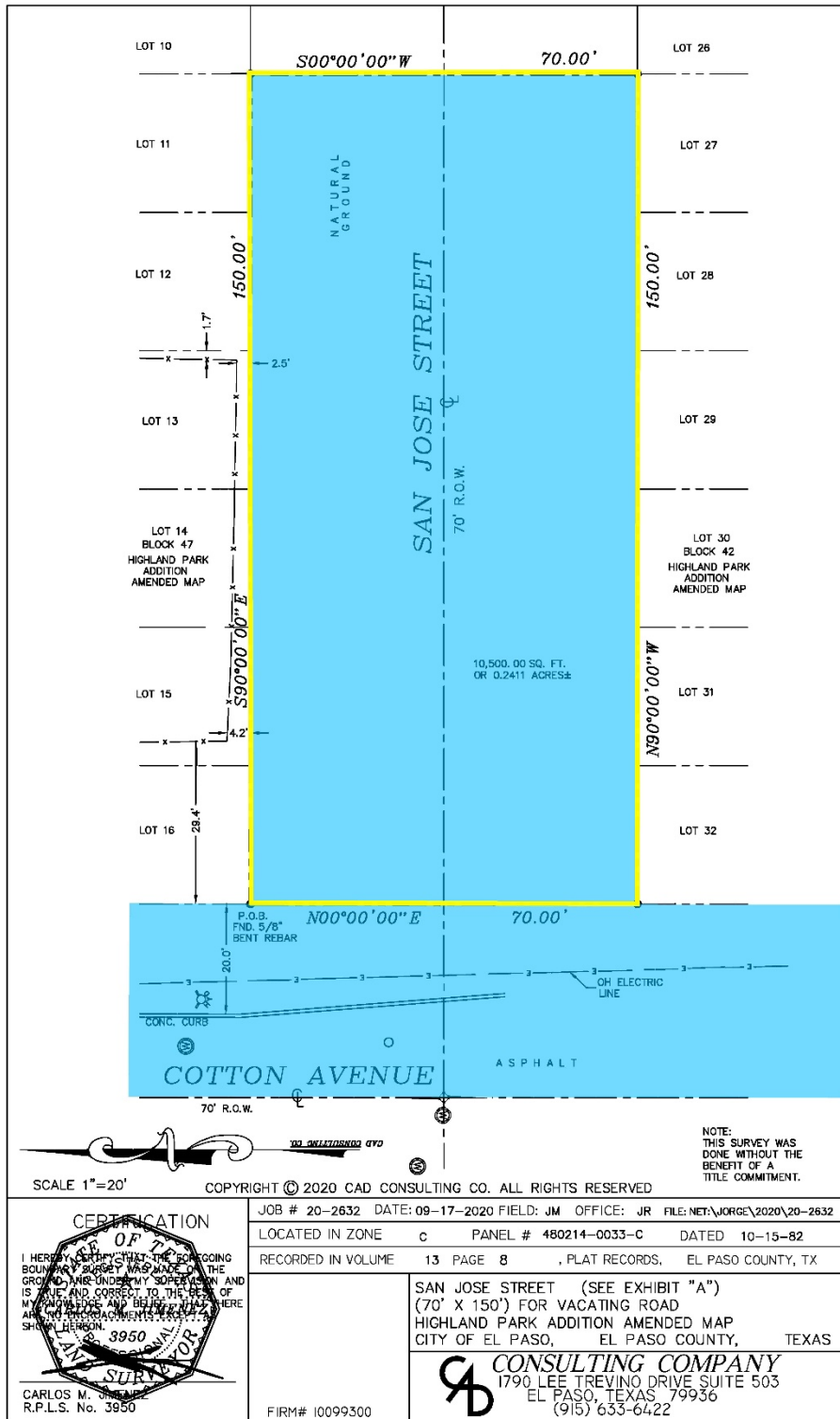
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Engineers of this office are not responsible for any errors or omissions that may lead to misinterpretation of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Subject Property



# ATTACHMENT 2



# ATTACHMENT 3

A Portion of San Jose Street,  
Highland Park Addition Amended Map,  
City of El Paso, El Paso County, Texas,  
September 17, 2020

**METES AND BOUNDS DESCRIPTION**  
(70' x 150') of San Jose Street  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of a portion of San Jose Street, Highland Park Addition Amended Map, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found 5/8" rebar at the southwest boundary corner of Lot 16, Block 47, Highland Park Addition Amended Map, same being the easterly right-of-way line of Cotton Avenue (70' R.O.W.) and northerly right-of-way line of San Jose Street (70' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said easterly right-of-way line of Cotton Avenue and along the northerly right-of-way line of San Jose Street, South 90°00'00" East, a distance of 150.00 feet to a point for corner at the common boundary corner of Lots 10 and 11;

**THENCE**, leaving said northerly right-of-way of San Jose Street, South 00°00'00" West, a distance of 70.00 feet to a point for corner at the southerly right-of-way line of San Jose Street and the common boundary corner of Lots 26 and 27, Block 42;

**THENCE**, leaving said common boundary corner of Lots 26 and 27, and along the southerly right-of-way line of San Jose Street, North 90°00'00" West, a distance of 150.00 feet to a point for corner at the easterly right-of-way line of Cotton Avenue and the northwest boundary corner of Lot 32;

**THENCE**, leaving said northwest boundary corner of Lot 32, North 00°00'00" East, a distance of 70.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 10,500.00 square feet or 0.2411 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2020\20-2632\_San Jose Street





# ATTACHMENT 4



## VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: **September 22, 2020**

File No. **SURW20-00004**

1. APPLICANTS NAME: **Scenic View Townhomes, LLC**  
 ADDRESS **3518 Durazno Ave.** ZIP CODE **79905** TELEPHONE **915.850.0009**
2. Request is hereby made to vacate the following: (check one)  
 Street  Alley  Easement  Other   
 Street Name(s) **San Jose St.** Subdivision Name **Highland Park - Block 47**  
 Abutting Blocks **47 and 42** Abutting Lots: **On Block 47 Lots 11 to 16 and on Block 42 Lots 27 to 32**
3. Reason for vacation request: **Build Duplexes at 2101 San Jose. Applicant owns Lots 9-16 (11 total) on Block 47 yet Lots 9 and 10 are undevelopable. Across street to be vacated, 1330 Cotton, property is only developable land in Block 42. Owner also expressed interest in vacating street. Balance of block 42 is owned by PSB or City.**
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: **Do not know**  
 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  Ingress/Egress
7. Related Applications which are pending (give name or file number): **None**  
 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
<b>See Exhibit A</b>		

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: *[Signature]* REPRESENTATIVE SIGNATURE: *[Signature]*

REPRESENTATIVE (PHONE): **Ray Mancera (915) 532-2444**

REPRESENTATIVE (E-MAIL): **Ray@ManceraGroup.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

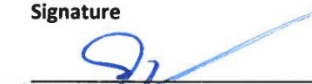
City of El Paso  
300 N. Campbell St  
El Paso, TX 79901

**EXHIBIT A**

**Signature Page as required in:**

**VACATION PUBLIC EASEMENTS AND RIGHTS OF WAY APPLICATION**

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
 John E. Balliew, CEO	Lots 17 through 28, Block 42, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas	(915) 594-5513

**Return to:**  
Ray Mancera  
1790 Lee Trevino, Suite 408  
El Paso, TX 79936  
(915) 532.2444  
Ray@ManceraGroup.com

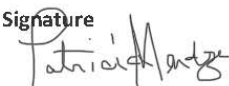
Patricia Y. Mendoza  
1330 Cotton  
El Paso, TX 79930

**EXHIBIT A**

**Signature Page as required in:**

**VACATION PUBLIC EASEMENTS AND RIGHTS OF WAY APPLICATION**

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).

<b>Signature</b>	<b>Legal Description</b>	<b>Telephone</b>
 _____	Lots 29 through 32, Block 42, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas	<u>915-490-1057</u>

**Return to:**  
Ray Mancera  
1790 Lee Trevino, Suite 408  
El Paso, TX 79936  
(915) 532.2444  
Ray@ManceraGroup.com



# **ATTACHMENT 5**

Eduardo Calderon  
2029 San Jose Ave  
El Paso Texas 79902

915-565-0286  
eduardo9202@gmail.com

March 22nd 2021

Planning and Inspections  
attn: [Martinezar@elpasotexas.gov](mailto:Martinezar@elpasotexas.gov)  
801 Texas Ave  
El Paso TX 79901

re:Public Notice on meeting March 25 2021 at 130pm  
case:SURW20-0004 San Jose right of way vacation

## **Positives:**

This parcel where you have your road assigned, but not developed, serves no purpose to develop as a road, as the cost is enormous (getting rid of 1000's tons of fill that has been added over the last 40 years (by the owners) plus possibly dealing with a massive retaining wall), the grade is too high, and the usage would be negligible,

Development makes sense, especially since it will bring in new taxes to our depleted city coffers.

## **Negatives:**

The last work done on that land was in the last couple of years where 10 to 15 feet of fill was added mainly to the southern portion to increase the lot usage size (vs building a retaining wall).

1. Will this new fill continue to settle and ruin the development?
2. The alley below, which is used by the homes south of it has increased in height by about three feet of fill to encumber on the stone fences and pose a danger to the owners/renters. This needs to be rectified. Those living east of the lot may also have spillover issues.
3. This 1000's of tons of additional fill will continue to erode (possible runoffs) and cause problems for the people below (& east) and the construction project.

## **Solutions:**

We need assurance that the settling of dirt is addressed in the owners' designs so any work to be done will not crack and cause devaluation and problems for our area.

The block below needs the safety and assurance that no runoffs will continue, perhaps by placing a solid retaining wall. The alley below needs the excess tonnage of fill to be cleared up as soon as possible.

If damage does happen with the existing illegal fill or in future collapses, water runoffs, and dirt/water erosions, the city could be liable for allowing this issue to not be addressed in preventive designs to keep this from happening. Will you lose leverage, once you vacate the street???

Sincerely

Eduardo Calderon

# **ATTACHMENT 6**

## **Planning and Inspections Department- Planning Division**

Developer / Engineer shall address the following comments:

1. Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:
  - a: Current certificate tax certificate(s)
  - b: Current proof of ownership.
  - c: Release of access document, if applicable.
  - d: Set of restrictive covenants, if applicable.
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.
3. Provide a metes and bounds and survey for each property owner's proportionate share. They are required as part of the quitclaim deeds and ordinance.

## **Planning and Inspections Department- Land Development Division**

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments:

No objections to proposed street vacation.

EPWU Stormwater Comments:

EPWater-SW does not object to the vacation request provided the ground within City property is not filled.

## **Parks and Recreation Department**

We have reviewed **San Jose Right of Way Easement Vacation** survey maps and on behalf of Parks & Recreation Department we offer "No" objections to this proposed easement vacation request.

## **Sun Metro**

No objections.

## **Fire Department**

Recommend approval.

## **Streets and Maintenance Department**

No comment.

## **Capital Improvement Department**

No comments received.

## **El Paso Water**

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

El Paso Water does not object.

Based upon an investigation conducted by the El Paso Water, no sanitary sewer mains were found along San Jose Street immediately east of Cotton Street.

EPWater Records depict a six ( 6 ) inch diameter sanitary sewer main that transects Lots 30 and 31, Block 42, the Alley located between San Jose Street and Portland Street, east of Cotton Street, as well as Lot 15, Block 42, Highland Park Addition. However, based upon an investigation conducted by the El Paso Water, the existing six ( 6 ) inch sanitary sewer main was found plugged at approximately 15 feet north of the manhole located along Portland Street.

#### **EPW-PSB Comments**

##### **Water:**

EPWater Records do not depict existing water mains along San Jose Street between Cotton Street and Ohio Street.

Along Cotton Street between San Diego Avenue and Portland Street there is an existing six ( 6 ) inch diameter water main. This main is available for service.

Along the alley located between San Diego Street and San Jose Street there is an existing six ( 6 ) inch diameter water main. This main is available for service.

Previous water pressure readings conducted on fire hydrant number 633 located at the northeast corner of Cotton Street and San Jose Avenue have yielded a static pressure of 94 pounds per square inch (psi), residual pressure of 88 psi, discharge of 1,501 gallons per minute (gpm). Private water pressure regulating devices will be required at the discharge side of each water meter. The seller of the property / the Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

##### **Sanitary Sewer:**

Along Cotton Street between San Diego Avenue and Portland Street there is an existing eight ( 8 ) inch diameter sanitary sewer main. This main is available for service.

From the intersection of San Jose Street and Ohio Avenue along San Jose Street towards the west there is an existing eight ( 8 ) inch diameter sanitary sewer main. This main dead-ends approximately 160 feet west of Ohio Avenue. This main is available for service.

##### **General**

EPWater requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner 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.

#### **El Paso Water - Stormwater**

For the proposed development at San Jose St. ROW Vacation, EPWater - Stormwater Engineering has the following comments:

- 1. EPWater-SW does not object to the vacation request provided the ground within City property is not filled (No dumping of dirt and/or Construction materials will be allowed in any of the drainage features near the subject area).**
2. There's a 36" CMP including a 10 ft easement traversing the property at 2101 Cotton St. the pipe begins at the discharge tower on San Diego Dam to a manhole in Cotton St. and from the manhole to an outfall located in San Jose St. no vertical construction will be allowed on this easement.
3. No improvements or modifications shall be done to the existing drainage channel/arroyo. If a cul-de-sac is required at the end of San Jose St., no modifications to the drainage features will be allowed.

4.No modifications to the slope are recommended. Any construction work that modifies the existing slope may un-stabilize the slope affecting new and/or existing buildings near it. It may also create erosion, blocking the channel and consequently causing flooding in the area.

**Texas Gas**

No comments received.

**El Paso Electric**

No comments received.

**El Paso County 911 District**

No comments received.

**Texas Department of Transportation**

San Jose St. is not a state road.

**El Paso County**

No comments received.

**El Paso County Water Improvement District #1**

No comments received.