# 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

Jorge Olmos, (915) 212-1607

**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 RIVER OAKS PROPERTIES, LTD., dedicating to the CITY OF EL PASO, TEXAS for the use as public right-of-way 0.11 acres of land legally described as a portion of Tract 5C8, Block 2, Ascarate Grant, 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: Sioux Drive

Applicant: River Oaks Properties, LTD., SURW23-0007

### **BACKGROUND / DISCUSSION:**

Applicant is requesting to dedicate an improved portion of private property as public right-of-way in order to formalize an existing situation. The City Plan Commission recommended 8-0 to approve the proposed vacation request on April 6, 2023. As of July 10, 2023, the Planning Division has not received any communication in support or opposition to the dedication request. 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? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT: N/A** 

DEPARTMENT HEAD:

Philip Ctive

### 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 **RIVER OAKS PROPERTIES**, **LTD**., dedicating to the **CITY OF EL PASO**, **TEXAS** for the use as public right-of-way 0.11 acres of land legally described as a portion of Tract 5C8, Block 2, Ascarate Grant, 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	of, 2023.
	CITY OF EL PASO:
	Oscar Leeser Mayor
ATTEST:	
Laura D. Prine	
City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Russell Abeln	Philip Clive
Russell T. Abeln	Philip F. Etiwe, Director
Assistant City Attorney	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.

	§	DEDICATI	ON DEED		
COUNTY OF EL PASO	§ §	DEDICATI	ON DEED		
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KNOW ALL MEN					• /
("Grantor"), does hereby D				•	, ,
("Grantee"), as right-of-way	y for public	street and utility	purposes, incl	uding the ri	ight of ingress,
egress, and regress therein,	and easeme	ents to construct,	maintain, pub	lic streets a	and utilities, or
any other public purpose a	uthorized by	y Local Governm	ent Code Sec	tion 273.00	1 and deemed
necessary by Grantee into an	nd through a	all that certain real	property loca	ted in the C	City of El Paso,

County of El Paso, State of Texas being 0.11 acres of land legally described as:

8

A portion of Tract 5C8, Block 2, Ascarate Grant, 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)

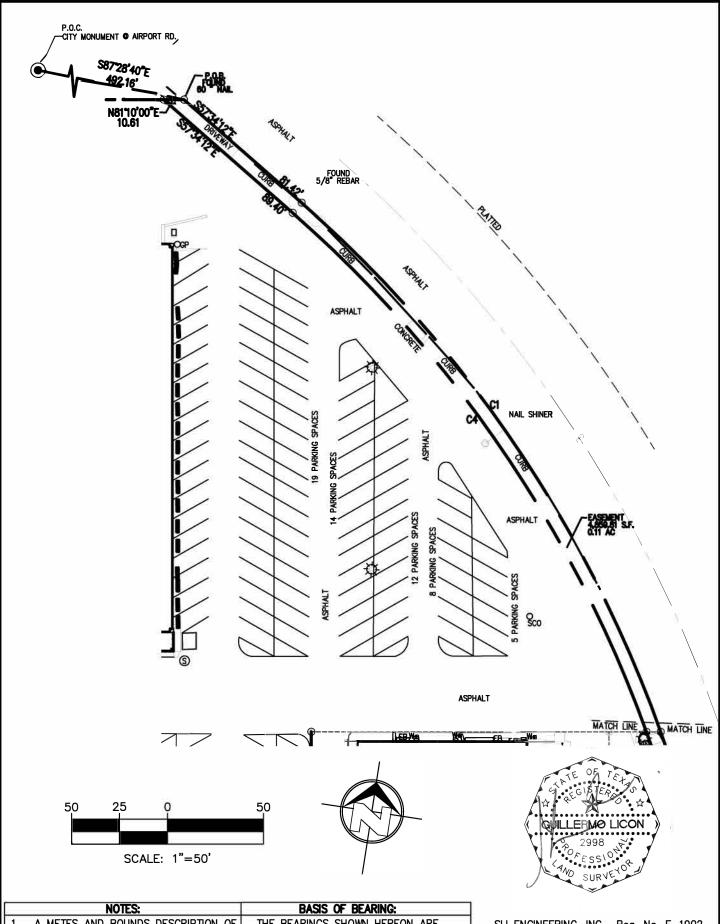
SURW23-00007

STATE OF TEXAS

### 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 Publ Notary's Pri	ic, State of Texas
GRANTEE CITY OF EL PASO	Notary 8 Fri	inted Ivaine.
By:		
Cary Westin, Interim City Manager		
APPROVED AS TO FORM:	APPROVE	D AS TO CONTENT:
Russell Abeln	Phily	e, Clive we, Director
Russell T. Abeln		
Assistant City Attorney	Planning and	d Inspections Department
STATE OF TEXAS		
COUNTY OF EL PASO )		
This instrument was acknowledged before Tomás González, City Manager of the Cmunicipality.	e me this day City of El Paso, a i	y of2023, by municipality, on behalf of said
	NOTADY	DUDI IC IV AND FOR
		PUBLIC IN AND FOR FATE OF TEXAS
AFTER RECORDING, RETURN TO:		
City of El Paso Planning & Inspections Department – Plann Attn: Planning Director 801 Texas Avenue El Paso, Texas 79901	ning Division	

SURW23-00007



- A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.
- SET ½" IRON WITH SLI CAP STAMPED TX2998 ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
- 3. DEED REFERENCE INSTRUMENT No. N/A
- 4. THIS PLAT OF SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

THE BEARINGS SHOWN HEREON ARE BASED ON ASCARATE GRANT, BLOCK 2, CITY OF EL PASO EL PASO COUNTY, TEXAS.

### VERTICAL AND HORIZONTAL DATUM:

VERTICAL AND HORIZONTAL DATUM IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 (NAVD88).

### SLI ENGINEERING, INC. Reg. No. F-1902 SURVEYING Reg. No. 100120-00 CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

DATE: \_\_\_\_\_\_\_

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### PLAT OF SURVEY



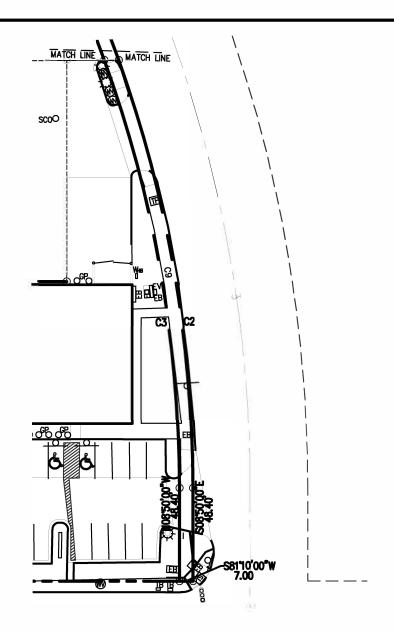
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS
(915) 584-4457

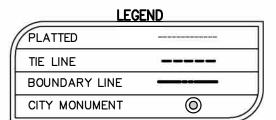
SLI ENGINEERING, INC.

JOB #:06-18-4295 DR. BY: AP

SCALE: <u>1"=50'</u> F.B. #: F:\PROJECTS\IM DATE: <u>1/17/2023</u> DWG.:\18-4295\FINAL A PORTION OF TRACT 5C8, BLOCK 2, ASCARATE GRANT, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.

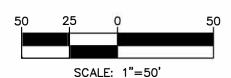
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### BASIS OF BEARING:

FOUND EXISTING CITY MONUMENT LYING AT THE INTERSECTION OF THE CENTERLINE OF CHERBOURG AVENUE AND AIRPORT ROAD.







# NOTES: D BOUNDS DESCRIPTION

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I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998

DATE: <u>08-01-2023</u>

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### PLAT OF SURVEY



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
8600 WESTWIND DRIVE
EL PASO, TEXAS

SLI ENGINEERING, INC.

JOB <u>#: 06-18-4295 DR.</u> BY: <u>AP</u> SCALE: 1"=50' F.B. #:

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### Exhibit B

	2.		CURVE	TABLE		
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	336.51	662.32	171.97	332.91	N43°01'01"W	29°06'39"
C2	226.92	662.32	114.58	225.81	S18°38'54"E	19 <b>°</b> 37'48"
C3	227.02	655.32	114.66	225.88	N39°56'06"W	19 <b>°</b> 50'54"
C4	330.46	655.32	168.82	326.97	N39°56'06"W	28°53'33"

### METES AND BOUNDS Kenworthy

A portion of Tract 5C8, Block 2, Ascarate Grant, in the city of El Paso, El Paso County, Texas, and is more particularly described by Metes and Bound as follows:

Commencing at a city monument found on the northerly line of said Tract 5 and the monument line of Airport Road, formerly Fred Wilson Road; THENCE South 87'28'40" West, a distance of 492.16 feet to a point, said point also being the "TRUE POINT OF BEGINNING" of this metes and bounds description.

THENCE, South 57°34'12" East, along the westerly right-of-way line of Sioux Drive, a distance of 81.42 feet to a point for a curve;

THENCE, along said right—of—way, 336.51 feet, along the arc of a curve to the right, having a radius of 662.32 feet, a central angle of 29°06'39" and chord which bears South 43°01'01" West, a distance of 332.91 feet to a point for a curve;

THENCE, along said right-of-way, 226.92 along the arc of a curve to the right, having a radius of 662.32 a central angle of 19°37'48" and chord which bears South 18°38'54"East, a distance of 225.81 feet to a point for a property corner;

THENCE, South 08°50'00" East, along the westerly right-of-way line of Sioux Drive, a distance of 48.40 feet to a point for property corner;

THENCE, South 81°10'00" West, a distance of 7.00 feet to a point for a property corner;

THENCE, North 0810'00" West, a distance of 48.40 feet to a point for a curve;

THENCE, 227.02 feet, along the arc of a curve to the right, having a radius of 655.32 feet, a central angle of 19°50′54" and chord which bears North 39°56'06" West, a distance of 225.88 feet to a point for a curve;

THENCE, 330.46 feet, along the arc of a curve to the left, having a radius of 655.32 feet, a central angle of 28°53'33" and chord which bears North 39°56'06" West, a distance of 326.97 feet to a point for boundary corner;

THENCE, North 8110'00" East, a distance of 10.61 feet to the "TRUE POINT OF BEGINNING" of this property description.

Said parcel of land containing 4,859.81 Sq. Ft. (0.11 Acres) of land, more or less.



SLI ENGINEERING, INC. Reg. No. F-1902 SURVEYING Reg. No. 100120-00 CERTIFICATION

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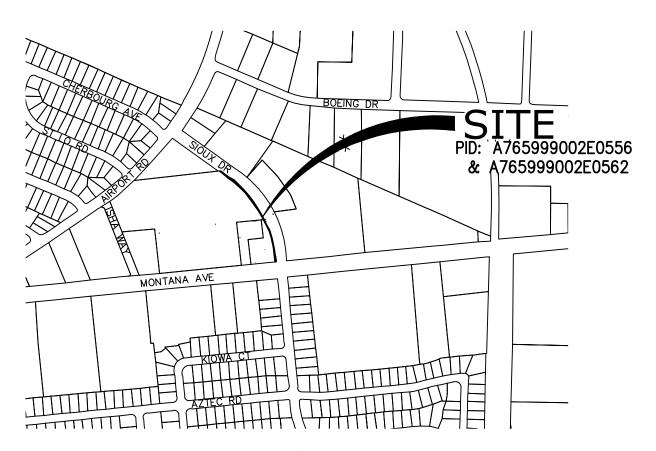
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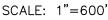




SCALE: \_\_<u>1"=50'</u>\_\_\_ F.B. #:

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AT OF SURVEY



SLI ENGINEERING, INC.

JOB #: <u>06-18-4295</u> DR. BY: <u>AP</u>

SCALE: \_\_1"=50' \_ F.B. #: F:\PROJECTS\IMI

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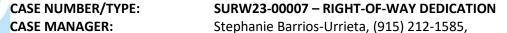
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## Sioux Right-of-Way Dedication

City Plan Commission — April 6, 2023



Barrios-UrrietaS@elpasotexas.gov

**PROPERTY OWNER:** River Oaks Properties, Ltd.

**REPRESENTATIVE:** SLI Engineering, Inc.

LOCATION: West of Airway Blvd. and North of Montana Ave (District 3)

**PROPERTY AREA:** 0.11 acres

**ZONING DISTRICT(S):** C-4/sp (Commercial/special permit)

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of the Sioux Right-of-Way Dedication.



Figure A: Proposed plat with surrounding area

**DESCRIPTION OF REQUEST:** The applicant is dedicating 0.11 acres of land as public-right-of-way. The dedication measures 7 to 10 feet in width and 557.48 feet in length. Currently, the area is improved and functions as a public right-of-way; however, it has not been formally dedicated to the City Of El Paso.

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

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

Surrounding Zoning and Use			
North	C-4 (Commercial) / Commercial development		
South	C-4/sp (Commercial/special permit) / Commercial development		
East	C-4 (Commercial) / Commercial development		
West	C-4/sp (Commercial/special permit) / Commercial development		
Nearest Public Facility and Distance			
Park	Normandy Park (.27mi)		
School	Hughey Elementary School (.33 mi)		
Plan El Paso Designa	ition		
G-7 Industrial and/or Railyards			
Impact Fee Service Area			
N/A			

### **PUBLIC COMMENT:** N/A

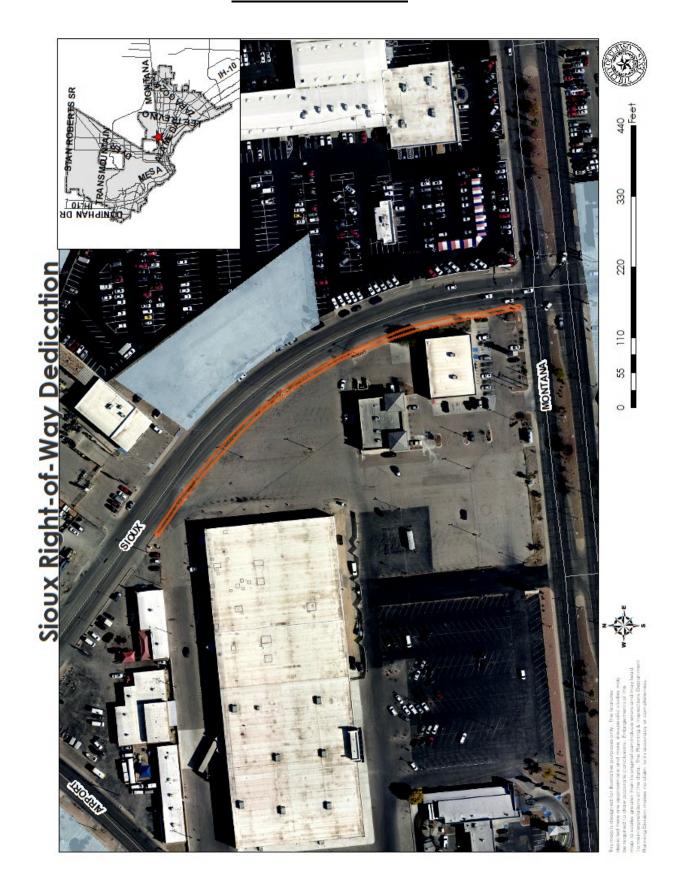
### **CITY PLAN COMMISSION OPTIONS:**

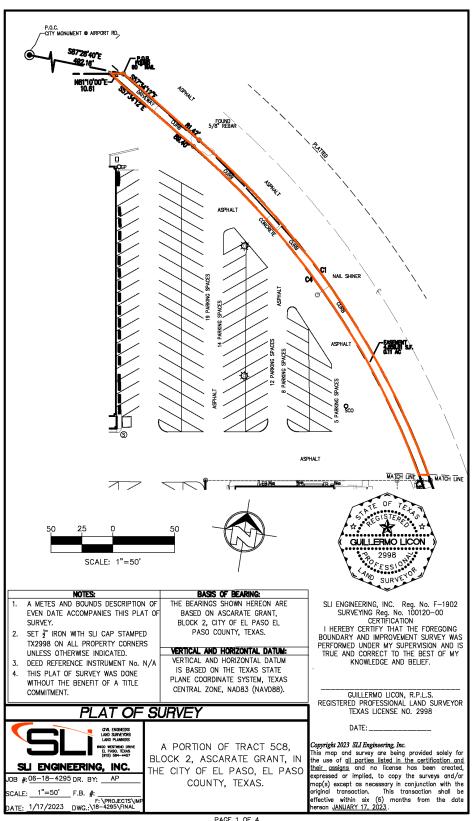
The City Plan Commission has the authority to advise City Council on right-of-way dedication requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

- 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.

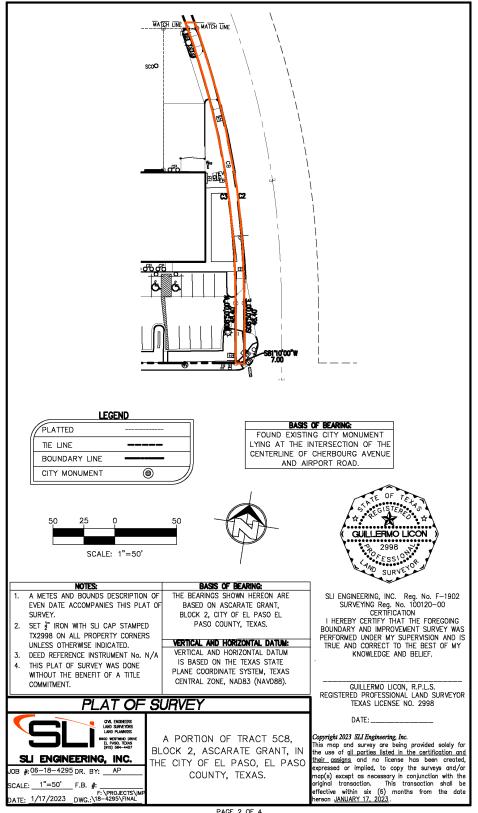
### **ATTACHMENTS:**

- 1. Aerial Map
- 2. Survey
- 3. Metes and Bounds Description
- 4. Application
- 5. Department Comments

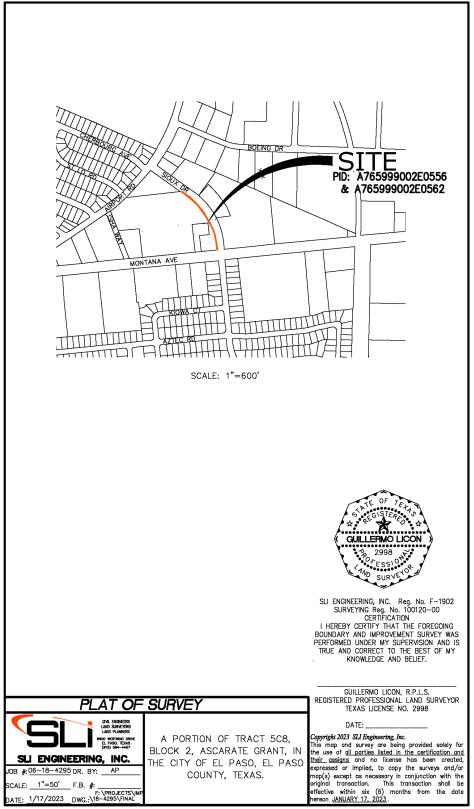




PAGE 1 OF 4



PAGE 2 OF 4



PAGE 4 OF 4

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<u>PL</u>	<u> 47 0</u>	F SL	<u> IRVEY</u>	
	CIVIL ENGINEERS			_

SU ENGINEERING, INC.

JUD # .06-18-4295 DR, BY: AP

JOB #: 06-18-4295 DR. BY: AP

SCALE: 1"=50' F.B. #:
F:\PRO.ECTS\IM

DATE: 1/17/2023 DWG:\18-4295\FINAL

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DATE: \_

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PAGE 3 OF 4



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

	Date: File No
I.	APPLICANTS NAME River Oaks Properties, Ltd.
	ADDRESS 5678 N. Mesa Street, El Paso, Texas ZIP CODE 79912 TELEPHONE (915) 225-5700
2,	Request is hereby made to dedicate the following: (check one)  Street Alley Easement Other
	Street Name(s) 6375 Montana Avenue, El Paso TX 79925 Subdivision Name Ascarate Tract 5-C-8
	Abutting Blocks Abutting Lots Application owns all of the abutting lots in 2 ASCARATE TR 5-C-8
3.	Reason for dedication request: A portion of the sidewalk along the west side of Sloux Drive is within Applicant's property line
4.	Surface Improvements located in subject property to be dedicated:  None Paving Curb & Gutter Power Lines/Poles 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):  ZoningBoard of AdjustmentSubdivisionBuilding PermitsOther
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 2 Aslandse Truct 5-C.8 (915) 225 5700
	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:  REPRESENTATIVE SIGNATURE:
	REPRESENTATIVE (PHONE): (915) 241-6975
	REPRESENTATIVE (E-MAIL): Don R. Mendoza dmendoza@ropelpaso.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

### Planning and Inspections Department- Planning Division

Planning does not object to the dedication of part of Sioux Dr.

### Planning and Inspections Department-Land Development Division

We have reviewed subject plats and recommend Approved.

The Developer/Engineer shall address the following comments.

1. No objections to proposed ROW dedication.

### **Parks and Recreation Department**

We have reviewed <u>Sioux ROW dedication</u>, 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**

No objections.

### **Capital Improvement Department**

No comments received.

#### **El Paso Water**

EPWater-PSB does not object to this request.

### Water:

There is an existing 6-inch diameter water main that extends within a 15-foot PSB easement parallel to Sioux Dr., located approximately 12-feet east of the east right-of-way line. The main is realigned to Sioux Dr., approximately 800-feet south of Airport Rd., and is located approximately 5-feet west of the east right-of-way line. The main dead-ends approximately 880-feet south of Airport Rd. This main is available for service.

EPWater records indicate an active 2-inch domestic water meter serving the subject property. The service address for this meter is 6375 Montana Ave.

EPWater records indicate two (2) active 1-inch domestic water meters, a 1-inch yard meter, and a ¾-inch domestic water meter serving the subject property. The service address for these meters is 1601 Sioux Dr.

Previous water pressure from fire hydrant #2946, located on Sioux Dr. approximately 430-feet south of Airport Rd., has yielded a static pressure of 88 (psi), a residual pressure of 70 (psi), and a discharge of 1,087 (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

#### **Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends within the 15-foot PSB easement mentioned above, located approximately 5-feet east of the east right-of-way line. This main dead-ends approximately 750-feet south of Airport Rd. This main is available for service.

#### General:

No building, reservoir, structure, parking stalls, or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, trees, buildings, curbs, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign, or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

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**

No comments received.

#### **El Paso Electric**

No comments received.

#### **El Paso County 911 District**

No comments received.

#### <u>Texas Department of Transportation</u>

No comments received.

### **El Paso County**

No comments received.

### El Paso County Water Improvement District #1

The right-of-way is not within the boundaries of EPWID1