

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

AGENDA DATE: January 18, 2023

PUBLIC HEARING DATE: January 31, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Adriana Martinez, (915) 212-1611

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:

An Ordinance vacating a portion of Allegheny Drive Rights-of-way (54 feet wide) adjacent to Lots 3 and 4, Block 1B and Lot 4, Block 1C, El Paso International Airport Tracts Unit Six Replat, City of El Paso, El Paso County, Texas.

Applicant: El Paso International Airport - City of El Paso, SURW22-00012

BACKGROUND / DISCUSSION:

This is a city-initiated request to vacate a portion of Allegheny Drive located East of Airport Road and North of Airway Boulevard. The El Paso International Airport (EPIA) is the owner of the abutting properties and is seeking to vacate the ROW to allow for future extension of driveways to provide direct access to Airway Boulevard, in accordance with the EPIA overall real estate management plan. The City Plan Commission recommended 5-0 to approve the proposed right-of-way vacation request on September 22, 2022. The vacated property will remain under City ownership and control, accordingly an appraisal was not conducted for this item.

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

Philip E. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF ALLEGHENY DRIVE RIGHTS-OF-WAY (54 FEET WIDE) ADJACENT TO LOTS 3 AND 4, BLOCK 1B AND LOT 4, BLOCK 1C, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT SIX REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner has requested vacation of 0.78 acre portion of Allegheny Drive rights-of-way (54 feet wide) adjacent to Lots 3 and 4, Block 1B and Lot 4, Block 1C, El Paso International Airport Tracts Unit Six Replat, City of El Paso, El Paso County, Texas; and

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of 0.78 acre portion of Allegheny Drive rights-of-way (54 feet wide) adjacent to Lots 3 and 4, Block 1B and Lot 4, Block 1C, El Paso International Airport Tracts Unit Six Replat, City of El Paso, El Paso County, Texas, 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, 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 0.78 acre portion of Allegheny Drive rights-of-way (54 feet wide) adjacent to Lots 3 and 4, Block 1B and Lot 4, Block 1C, El Paso International Airport Tracts Unit Six Replat, 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 reservation of a full-width utility easement, to include access for maintenance of existing facilities within the area.

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 to El Paso International Airport – City of El Paso.

(Signatures on the following page)

ADOPTED this ____ day of _____ 2023.

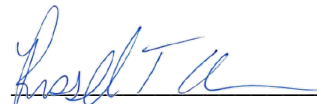
THE CITY OF EL PASO:

Oscar Leeser
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

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 }
 } **QUITCLAIM DEED**
COUNTY OF EL PASO }

That in consideration of the receipt by the **CITY OF EL PASO** of Twenty-five Dollars (\$25.00) 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 INTERNATIONAL AIRPORT-CITY OF EL PASO (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 **ALLEGHENY DRIVE RIGHTS-OF-WAYS (54 FEET WIDE) ADJACENT TO LOTS 3 AND 4, BLOCK 1B AND LOT 4, BLOCK 1C, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT SIX REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" made a part hereof by reference.

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


CITY OF EL PASO

ATTEST:

Tomás González, City Manager

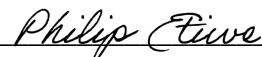
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



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 _____, 2023,
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:
El Paso International Airport –
City of El Paso
6701 Convair Road
El Paso, Texas 79925

(Exhibit on the following page)



METES AND BOUNDS DESCRIPTION
(ALLEGHENY DRIVE ROW VACATION)

A 0.7791 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as Allegheny Drive Rights-of-Ways (54 feet wide) adjacent to Lots 3 and 4, Block 1B and Lot 4, Block 1C, El Paso International Airport Tracts Unit Six Replat, as recorded in Book 28, Page 49, El Paso County Plat Records and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a 1/2 inch rebar found at the east right-of-way line point of curvature of De Havilland Drive (60 feet wide); **WHENCE**, a 1/2 inch rebar found on the east right-of-way line of said De Havilland Drive bears North 02°09'11" East (North 01°01'53" West~record), a distance of 323.75 feet (323.54 feet~record); **THENCE**, leaving the east right-of-way line of said De Havilland Drive, North 87°50'49" West, a distance of 30.00 feet to the centerline right-of-way of said De Havilland Drive; **THENCE**, following the centerline right-of-way of said De Havilland Drive, South 02°09'11" West (South 01°01'53" East~record), a distance of 20.00 feet to the north right-of-way line of said Allegheny Drive and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the north right-of-way line of said Allegheny Drive, South 87°50'49" East (North 88°58'07" East~record), a distance of 279.00 feet to the northeast corner of the parcel herein described;

THENCE, leaving the north right-of-way line of said Allegheny Drive, South 02°09'11" West (South 01°01'53" East~record), a distance of 54.00 feet to the south right-of-way line of said Allegheny Drive for the southeast corner of the parcel herein described, identical to the north right-of-way line of Airway Boulevard (variable width);

THENCE, following south right-of-way line of said Allegheny Drive, North 87°50'49" West (South 88°58'07" West~record), a distance of 610.50 feet to an angle point of the parcel herein described;

THENCE, continuing along the south right-of-way line of said Allegheny Drive, North 02°09'11" East (North 01°01'53" West~record), a distance of 6.00 feet to an angle point of the parcel herein described;

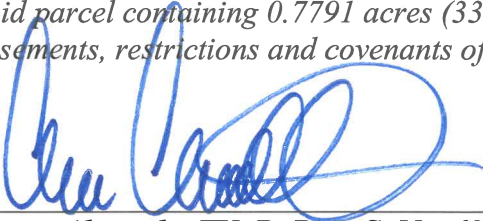
THENCE, continuing along the south right-of-way line of said Allegheny Drive, North 86°50'49" West (South 88°58'07" West~record), a distance of 18.50 feet to the southwest corner of the parcel herein described;

THENCE, leaving the south right-of-way line of said Allegheny Drive, North 02°09'11" East (North 01°01'53" West~record), a distance of 67.68 feet to a point on the east right-of-way line of Convair Road (68 feet wide) and the beginning of a non-tangent curve to the left;

THENCE, following the east right-of-way line of said Convair Road along the arc said non-tangent curve to the left having a radius of 20.00 feet, a central angle of 90°00'00", an arc length of 31.42 feet and whose long chord bears South 42°50'49" East (South 46°01'53" East-record), a distance of 28.28 feet to the north right-of-way line of said Allegheny Drive for a point of tangency;

THENCE, following the north right-of-way line of said Allegheny Drive, South 87°50'49" East (North 88°58'07" East-record), a distance of 330.00 feet to the **POINT OF BEGINNING**.

Said parcel containing 0.7791 acres (33,937.9 square feet), more or less, and being subject to all easements, restrictions and covenants of record.



Aaron Alvarado, TX. R. P. L. S. No. 6223

Date: May 17, 2022

05100-122A-ALLEGHENY ROW VACATION-DESC.doc



Allegheny Drive R.O.W. Vacation



City Plan Commission — September 22, 2022

CASE NUMBER/TYPE:	SURW22-00012 – RIGHT-OF-WAY VACATION
CASE MANAGER:	David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER:	El Paso International Airport - City of El Paso
REPRESENTATIVE:	Brock & Bustillos, Inc.
LOCATION:	East of Airport Rd. and North of Airway Blvd. (District 3)
PROPERTY AREA:	0.78 acres
ZONING DISTRICT(S):	SmartCode Transect SD3
PUBLIC INPUT:	No opposition received as of September 15, 2022

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** of the Allegheny Drive Right-of-Way (R.O.W.) Vacation subject to the following condition:

- That a full-width utility and drainage easement be retained.

Allegheny Drive ROW Vacation



This map is designed for illustrative purposes only. The features depicted here are approximate and more accurate studies may be required to draw accurate conclusions. Enlargements of the map to scales greater than its original scale introduce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Proposed ROW Vacation area

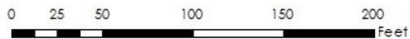


Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant seeks to vacate the remaining portion of Allegheny Drive, located east of Airport Road and north of Airway Boulevard. The total area requested to be vacated is approximately 0.78 acres in size. Allegheny Drive currently provides access to the two (2) abutting northern parcels, which also have access to Convair Road and De Havilland Drive. The applicant seeks to vacate the rights-of-way (R.O.W.) to allow for a future extension of the driveways, of the abutting two (2) northern lots along Allegheny Drive, to provide direct access to Airway Boulevard. The portions of Allegheny Drive east of De Havilland Drive have already been vacated. All abutting lots to Allegheny Drive are owned by the El Paso International Airport – 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	SmartCode Transect SD3 / Vacant and Parking lot
South	SmartCode Transect SD3 / R.O.W., Vacant and Parking lot
East	SmartCode Transect SD3 / Parking lot
West	C-4 (Commercial) / Office, Warehouse
Nearest Public Facility and Distance	
Park	Normandy Park (0.70 miles)
School	Ross Middle School (0.94 miles)
Plan El Paso Designation	
G3, Post-War	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on September 1, 2022 to all property owners within 300 feet of the subject property. In addition, notice was posted in the El Paso Times newspaper on September 4, 2022. As of September 15, 2022, staff has not received any public communications regarding this 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.
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. **(Staff Recommendation)**
3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

ATTACHMENTS:

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

ATTACHMENT 1

Allegheny Drive ROW Vacation



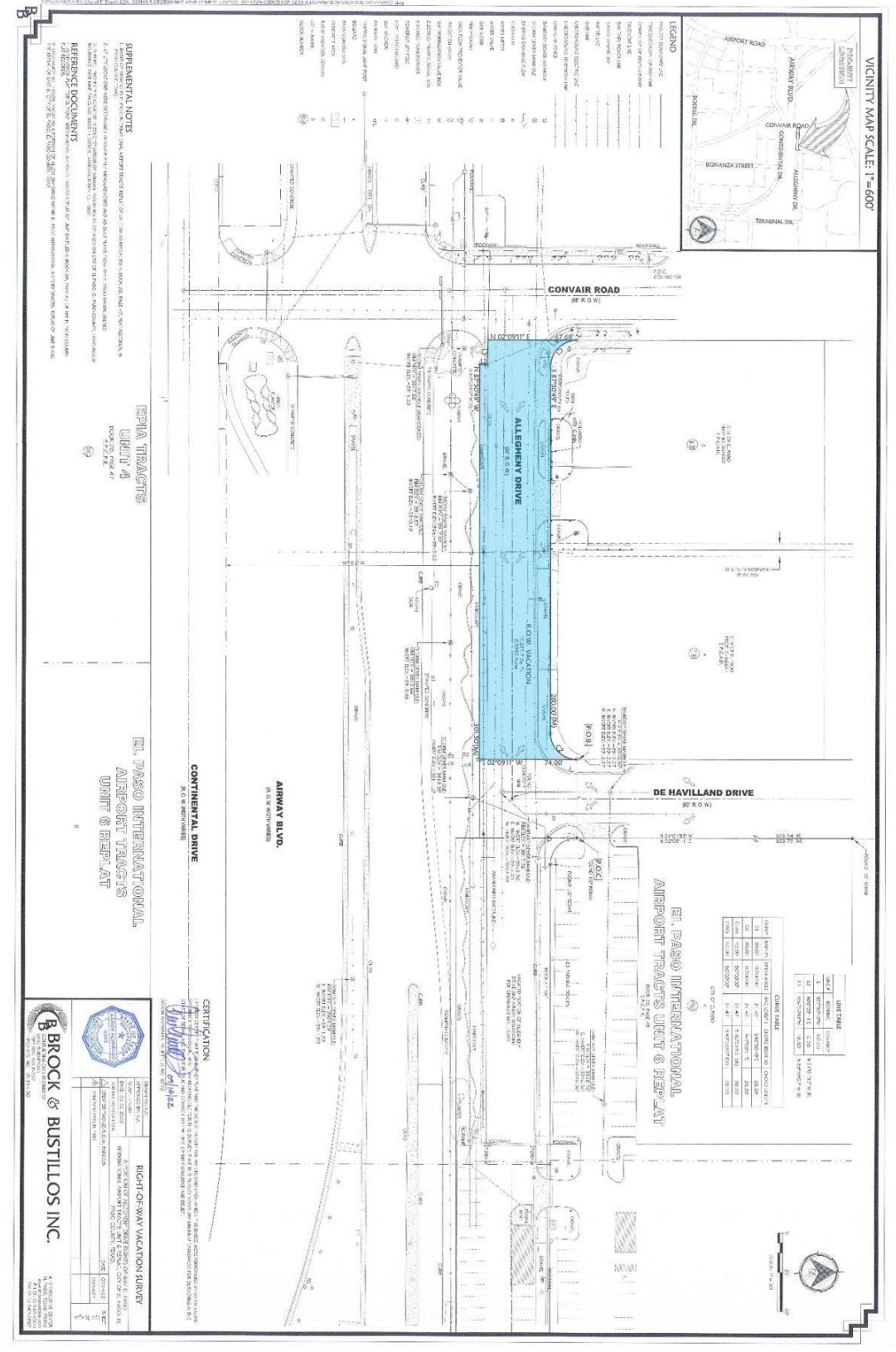
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0 25 50 100 150 200 Feet



ATTACHMENT 2



ATTACHMENT 3



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

METES AND BOUNDS DESCRIPTION (ALLEGHENY DRIVE ROW VACATION)

A 0.3980 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Allegheny Drive Rights-of-Ways (54 feet wide) adjacent to Lots 3 and 4, Block 1B, El Paso International Airport Tracts Unit Six Replat, as recorded in Book 28, Page 49, El Paso County Plat Records and being more particularly described by metes and bounds as follows:

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THENCE, leaving the west right-of-way line of said De Havilland Drive, South 02°09'11" West, a distance of 74.00 feet to the south right-of-way line of said Allegheny Drive for the southeast corner of the parcel herein described, identical to the north right-of-way line of Airway Boulevard (variable width);

THENCE, following the south right-of-way line of said Allegheny Drive, North 87°50'49" West (South 88°58'07" West~record), a distance of 301.50 feet to an angle point of the parcel herein described;

THENCE, continuing along the south right-of-way line of said Allegheny Drive, North 02°09'11" East (North 01°01'53" West~record), a distance of 6.00 feet to an angle point of the parcel herein described;

THENCE, continuing along the south right-of-way line of said Allegheny Drive, North 86°50'49" West (South 88°58'07" West~record), a distance of 18.50 feet to the southwest corner of the parcel herein described;

THENCE, leaving the south right-of-way line of said Allegheny Drive, North 02°09'11" East, a distance of 67.68 feet to a point on the east right-of-way line of Convair Road (68 feet wide) and the beginning of a non-tangent curve to the left;

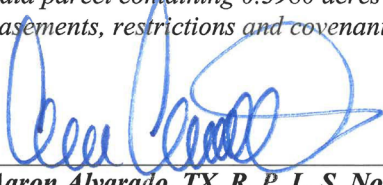
THENCE, following the east right-of-way line of said Convair Road along the arc said non-tangent curve to the left having a radius of 20.00 feet, a central angle of 90°00'00", an arc length of 31.42 feet and whose long chord bears South 42°50'49" East (South 46°01'53" East~record), a distance of 28.28 feet to the north right-of-way line of said Allegheny Drive for a point of tangency;

417 Executive Center Blvd. • El Paso, Texas 79902 • P - (915) 542-4900 • F - (915) 542-2867 • www.brockbustillos.com

THENCE, following the north right-of-way line of said Allegheny Drive, South 87°50'49" East (North 88°58'07" East-record), a distance of 280.00 feet to a point of curvature;

THENCE, continuing along the north right-of-way line of said Allegheny Drive along the arc of a curve to the left having a radius of 20.00 feet, a central angle of 90°00'00", an arc length of 31.42 feet and whose long chord bears North 47°09'11" East (North 43°58'07" East-record), a distance of 28.28 feet to the **POINT OF BEGINNING**.

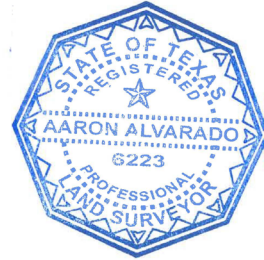
Said parcel containing 0.3980 acres (17,337.7 square feet), more or less, and being subject to all easements, restrictions and covenants of record.



Aaron Alvarado, TX. R. P. L. S. No. 6223

Date: September 14, 2022

05100-122A-ALLEGHENY ROW VACATION-DESC.doc



ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: May 17, 2022 File No. _____

1. APPLICANTS NAME El Paso International Airport / City of El Paso
 ADDRESS 6701 Convar Road ZIP CODE 79925 TELEPHONE (915) 212-0330
2. Request is hereby made to vacate the following: (check one)
 Street Alley _____ Easement _____ Other _____
 Street Name(s) Allegheny Drive Subdivision Name El Paso International Airport Tracts Unit 6 Replat
 Abutting Blocks 1B & 1C Abutting Lots 3 & 4; 4
3. Reason for vacation request: To allow abutting lots to front and extend driveways up to Airway Boulevard
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
	Lots 3 & 4, Block 1B & Lot 4, Block 1C, El Paso International Airport Tracts Unit 6 Replat	<u>(915) 212-0000</u>

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 *Sam Rodriguez* REPRESENTATIVE SIGNATURE _____
Sam Rodriguez, Aviation Director
 REPRESENTATIVE (PHONE) (915) 542-4900
 REPRESENTATIVE (E-MAIL) aaron@brockbustillos.com

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

Planning & Inspections Department
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

ATTACHMENT 5

Planning and Inspections Department- Planning Division

1. Note El Paso Water comments regarding retaining an easement for the existing water/sewer mains within the proposed vacation area.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments:

1. Provide print-out of the mathematical closure of the exterior boundary of the subdivision indicating the error of closure.
2. Stormwater runoff shall remain unimpeded from historic flows.

Parks and Recreation Department

We have reviewed **Allegheny Right of Way Vacation** survey map and on behalf of Parks & Recreation Department we offer "No" objections to this proposed street right of way vacation request.

Fire Department

No adverse comments – recommend approval.

Streets and Maintenance Department

No objections.

El Paso Water

EPWater-PSB does not object to this request as long as utility easements are retained to accommodate the existing water/sewer mains and facilities within the area.

Water:

There is an existing 8-inch diameter water main that extends along Allegheny Dr., located approximately 17.5-feet south of the north right-of-way line. This main is available for service.

There is an existing 12-inch diameter water flow line that extends along Allegheny Dr., located approximately 12-feet north of the south right-of-way line. This main is available for service.

EPWater records indicate an active 1½-inch yard meter serving the subject property. The service address for this meter is 6510 Allegheny Dr.

EPWater records indicate a vacant 1-inch water service connection (inactive meter) serving the subject property. The address for this service is 6511 Allegheny Dr.

Previous water pressure from fire hydrant #2692, located on the northeast corner of Allegheny Dr. and De Havilland Dr., has yielded a static pressure of 90 (psi), a residual pressure of 76 (psi), and a discharge of 1,592 (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 along Allegheny Dr., located approximately 20-feet north of the south right-of-way line. This main is available for service.

General:

EPWater requires a new service application to provide 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.

Stormwater Engineering

- EPWater – SW has reviewed the proposal and has no objection to its approval. However, storm sewer runoff is presently flowing on this street from east to west; this flow cannot be impeded.

Sun Metro

No comments received.

Capital Improvement Department

No comments received.

Texas Gas

No comments received.

El Paso Electric

No comments received.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County

No comments received.

El Paso County Water Improvement District #1

The proposed ROW Vacation is not within the boundaries of EPCWID1.