

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

AGENDA DATE: December 5, 2023
PUBLIC HEARING DATE: December 12, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
JC Naranjo, (915) 212-1604

DISTRICT(S) AFFECTED: District 1

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 located on the property described as portion of Tract 18-A, Block 4, Upper Valley, City of El Paso, El Paso County, Texas.

Subject Property: 5000 Country Club Place.
Applicant: El Paso Country Club, SURW23-00002

BACKGROUND / DISCUSSION:

El Paso Country Club is requesting to vacate a portion of Meadowlark Dr. in order to address existing El Paso Country Club Tennis Courts encroaching into the right-of-way. The City Plan Commission recommended 5-0 to approve the proposed vacation requested on February 23, 2023. As of November 20, 2023, The Planning Division has not received any communication in support of or opposition to the vacation request. The applicant has provided funds in the amount of \$3,369.18, 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 PORTION OF CITY RIGHT-OF-WAY OVER PORTION OF TRACT 18-A, BLOCK 4, UPPER VALLEY, 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 Tract 18-A, Block 4, Upper Valley, City of El Paso, El Paso County, Texas.

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Tract 18-A, Block 4, Upper Valley, 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 portion of Tract 18-A, Block 4, Upper Valley, 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 Interim 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 El Paso Country Club.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Quitclaim Deed on the following page)

ORDINANCE NO. _____

HQ -23-710 | 491361 | P&I
Meadowlark ROW Vacation
RTA

SURW23-00002

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 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 Country Club (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 TRACT 18-A, BLOCK 4, UPPER VALLEY, 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 Abeln
Senior Assistant City Attorney

Philip Etiwe

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 Cary Westin, as Interim 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:
EI PASO COUNTRY CLUB
5000 COUNTRY CLUB ROAD
El Paso, Texas 79912**

ORDINANCE NO. _____
HQ -23-710 | 491361 | P&I
Meadowlark ROW Vacation
RTA

SURW23-00002

METES AND BOUNDS

PROPERTY DESCRIPTION: The parcel of land herein being described is a portion of MEADOWLARK DRIVE RIGHT OF WAY, City of El Paso, El Paso County, Texas and is being more specifically described by metes and bounds as follows:

Commencing at a found Rail Road Spike lying on the intersection of Country Club Place (50.00 feet Public Right-Of-Way) and Camino Real Avenue (50.00 feet Public Right-Of-Way); Thence, South 89°53'00" West, along centerline of Camino Real Avenue, a distance of 415.56 feet to a point, THENCE, South 00°07'00" East, leaving said centerline, a distance of 25.00 feet to a point lying on the southerly Right-Of-Way line of Camino Real Avenue for a boundary corner being the "TRUE POINT OF BEGINNING" of this metes and bounds description.

THENCE, 39.31 feet along said arc of a curve to the left, with a radius of 25.00 feet, an interior angle of 90°05'00", and a chord which bears South 44°55'30" West, a distance of 35.38 feet to a boundary corner;

THENCE, South 00°12'00" East, a distance of 354.96 feet to a point for a boundary corner;

THENCE, South 26°23'00" West, a distance of 55.90 feet to a point for a boundary corner lying on the easterly Right-Of-Way line of Meadowlark Drive (50.00 feet Public Right-Of-Way);

THENCE, North 00°12'00" West, along said Right-Of-Way line, distance of 404.99 feet to a point for a boundary corner;

THENCE, 39.31 feet along said arc of a curve to the right, with a radius of 25.00 feet, an interior angle of 90°05'00", and a chord which bears North 44°55'30" East, a distance of 35.38 feet to a boundary corner lying on the southerly Right-Of-Way line of Camino Real Avenue (50.00 feet Public Right-Of-Way);

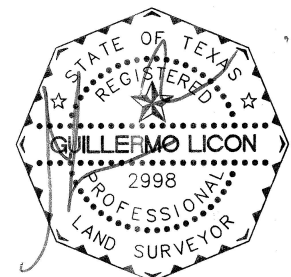
THENCE, North 89°53'00" East, along said Right-Of-Way line, a distance of 25.02 feet back to the "TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 10,131.49 Sq. Ft. (0.2326 Acres) of land, more or less.

LEGEND

TIE LINE	————	SIGN	○
BOUNDARY LINE	————	IRON PIN FOUND	⊙
WATER VALVE	⊙ Wv	CITY MONUMENT	⊙
FIRE HYDRANT	⊙	LIGHT POST	⊙

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



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This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon AUGUST 23, 2023

METES AND BOUNDS

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

**EL PASO COUNTRY CLUB, INC.
RIGHT-OF-WAY VACATED
5000 COUNTRY CLUB PL**

LEGAL DESCRIPTION
PORTION OF MEADOWLARK DRIVE
RIGHT OF WAY
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

CERTIFICATION
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.

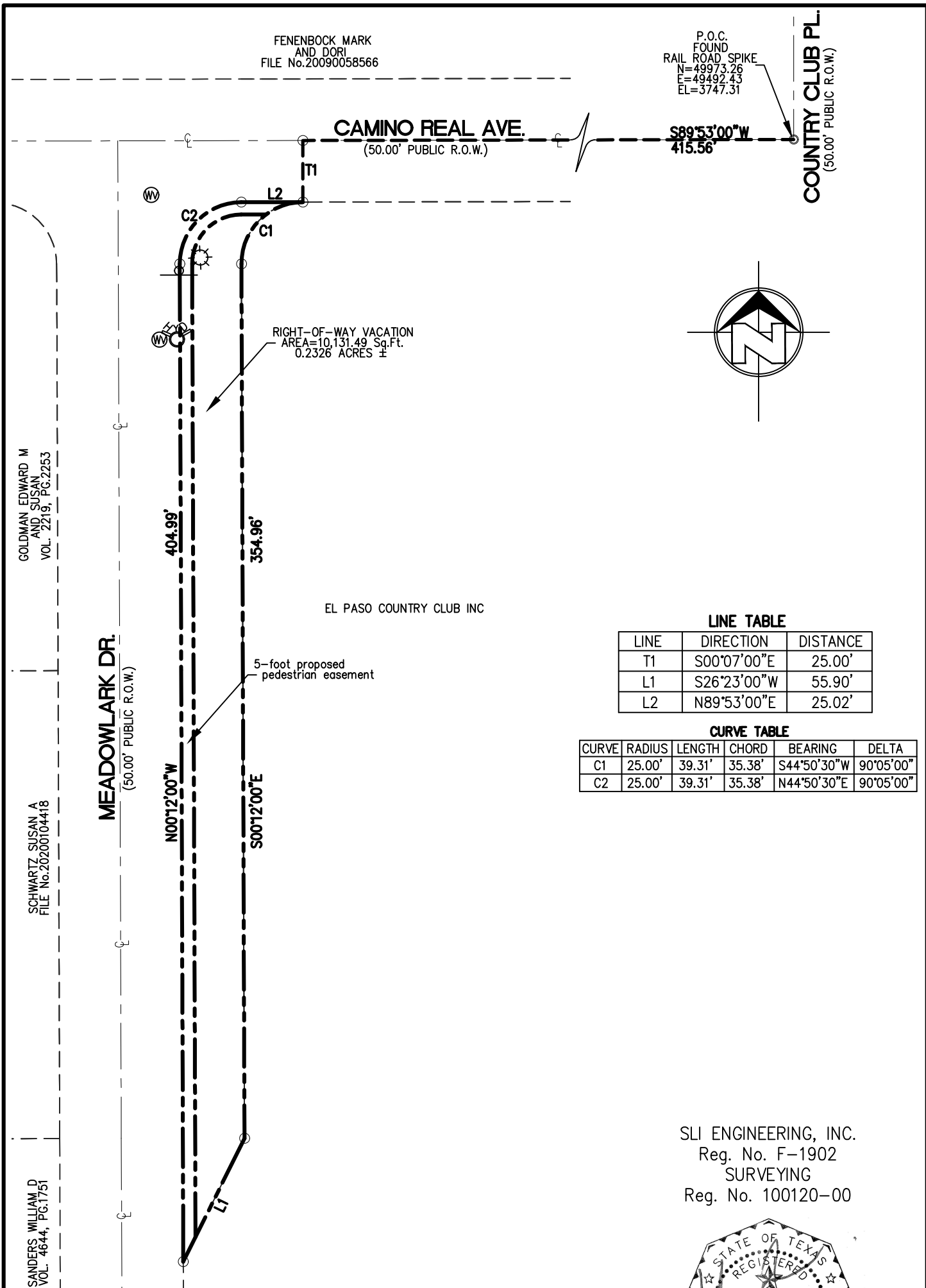
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

JOB #: 09-21-4736
DRAWN BY: CV CK BY: GH/ET
DATE: 08/23/2023 SCALE: —

PLAT REFERENCE
VOLUME x PAGE xx

DATE: 08-01-2023

EXHIBIT "B"



FENENBOCK MARK
AND DORI
FILE No. 20090058566

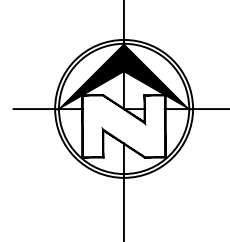
P.O.C.
FOUND
RAIL ROAD SPIKE
N=49973.26
E=49492.43
EL=3747.31

COUNTRY CLUB PL
(50.00' PUBLIC R.O.W.)

CAMINO REAL AVE.
(50.00' PUBLIC R.O.W.)

S89°53'00"W
415.56'

RIGHT-OF-WAY VACATION
AREA=10,131.49 Sq.Ft.
0.2326 ACRES ±



GOLDMAN EDWARD M
AND SUSAN
VOL. 2219, PG. 2253

MEADOWLARK DR.
(50.00' PUBLIC R.O.W.)

EL PASO COUNTRY CLUB INC

5-foot proposed
pedestrian easement

SCHWARTZ SUSAN A
FILE No. 20200104418

SANDERS WILLIAM D
VOL. 4644, PG. 1751

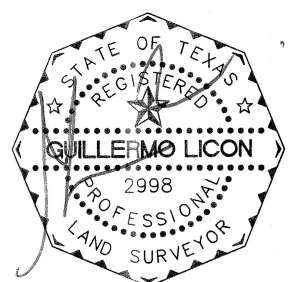
LINE TABLE

LINE	DIRECTION	DISTANCE
T1	S00°07'00"E	25.00'
L1	S26°23'00"W	55.90'
L2	N89°53'00"E	25.02'

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	25.00'	39.31'	35.38'	S44°50'30"W	90°05'00"
C2	25.00'	39.31'	35.38'	N44°50'30"E	90°05'00"

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



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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 #: 09-21-4736
DRAWN BY: CV CK BY: GH/ET
DATE: 08/23/2023 SCALE: 1"=50'

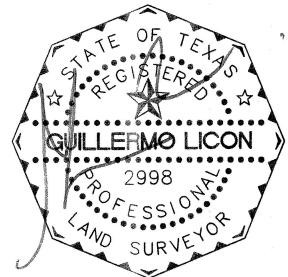
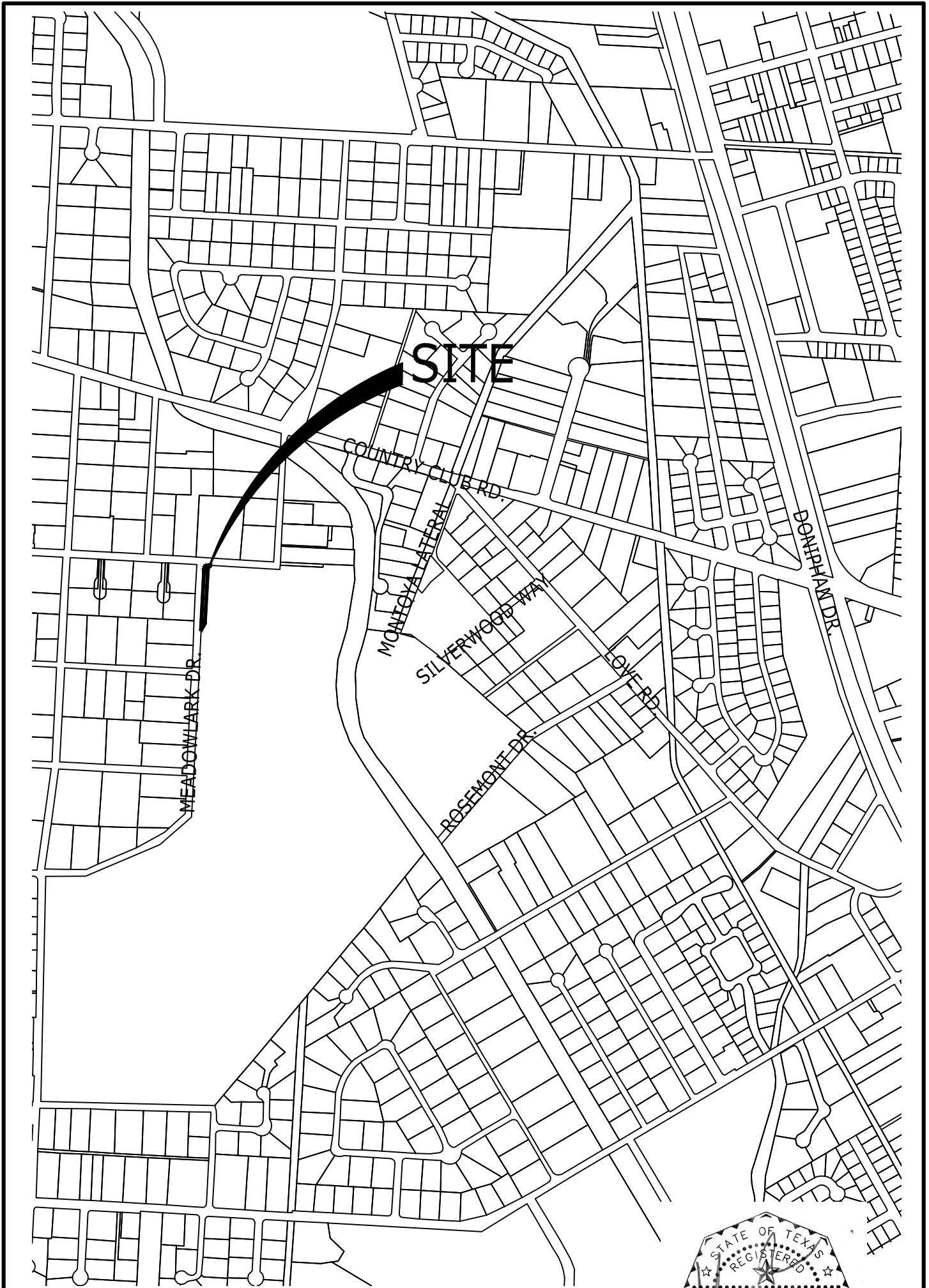
EL PASO COUNTRY CLUB, INC.
RIGHT-OF-WAY VACATED
5000 COUNTRY CLUB PL

LEGAL DESCRIPTION
PORTION OF MEADOWLARK DRIVE
RIGHT OF WAY
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

PLAT REFERENCE
VOLUME x PAGE xx

CERTIFICATION
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
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998
DATE: 08-01-2023



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LOCATION MAP

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

JOB #: 09-21-4736
 DRAWN BY: CV CK BY: GH/ET
 DATE: 08/23/2023 SCALE: 1"=800'

EL PASO COUNTRY CLUB, INC.
RIGHT-OF-WAY VACATED
5000 COUNTRY CLUB PL
LEGAL DESCRIPTION
 PORTION OF TRACT 18-A,
 BLOCK 4, UPPER VALLEY
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.
 PLAT REFERENCE
 VOLUME x PAGE xx

CERTIFICATION
 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: 08-01-2023

Meadowlark ROW Vacation



City Plan Commission — February 23, 2023

CASE NUMBER/TYPE:	SURW23-00002 – RIGHT-OF-WAY VACATION
CASE MANAGER:	Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER:	El Paso County Club
REPRESENTATIVE:	SLI Engineering, Inc.
LOCATION:	East of Montoya Dr. and South of Country Club Rd. (District 1)
PROPERTY AREA:	0.2326 acres
ZONING DISTRICT(S):	R-1
PUBLIC INPUT:	No opposition received as of 2/14/2023

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the Meadowlark Right-of-Way (ROW) Vacation subject to the following conditions:

- That a five (5) foot pedestrian easement be retained.
- That an anchor easement be retained for the existing fire hydrant.

Meadowlark ROW Vacation



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant proposes to vacate a portion of Meadowlark Dr located on the north-east side of Meadowlark Drive at the intersection with Camino Real Avenue. The area requested to be vacated is 0.23 acres in size and consists of unimproved land. The applicant is requesting to vacate ROW in order to address existing El Paso Country Club Tennis Courts encroaching into the ROW.

CASE HISTORY/RELATED APPLICATIONS: "N/A"

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

Surrounding Zoning and Use	
North	R-1 / Residential development)
South	R-1 / Residential development)
East	R-1 / Residential development)
West	R-1 / Residential development)
Nearest Public Facility and Distance	
Park	White Spur Park (0.8 mi.)
School	Don Haskins Middle School (0.75 mi.)
Plan El Paso Designation	
G-3, Post-War	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on February 5, 2023 to all property owners within 200 feet of the subject property. As of February 14, 2023, staff has not received any communication regarding this request.

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:

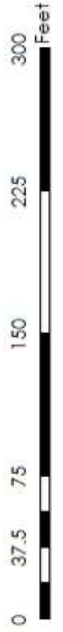
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions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

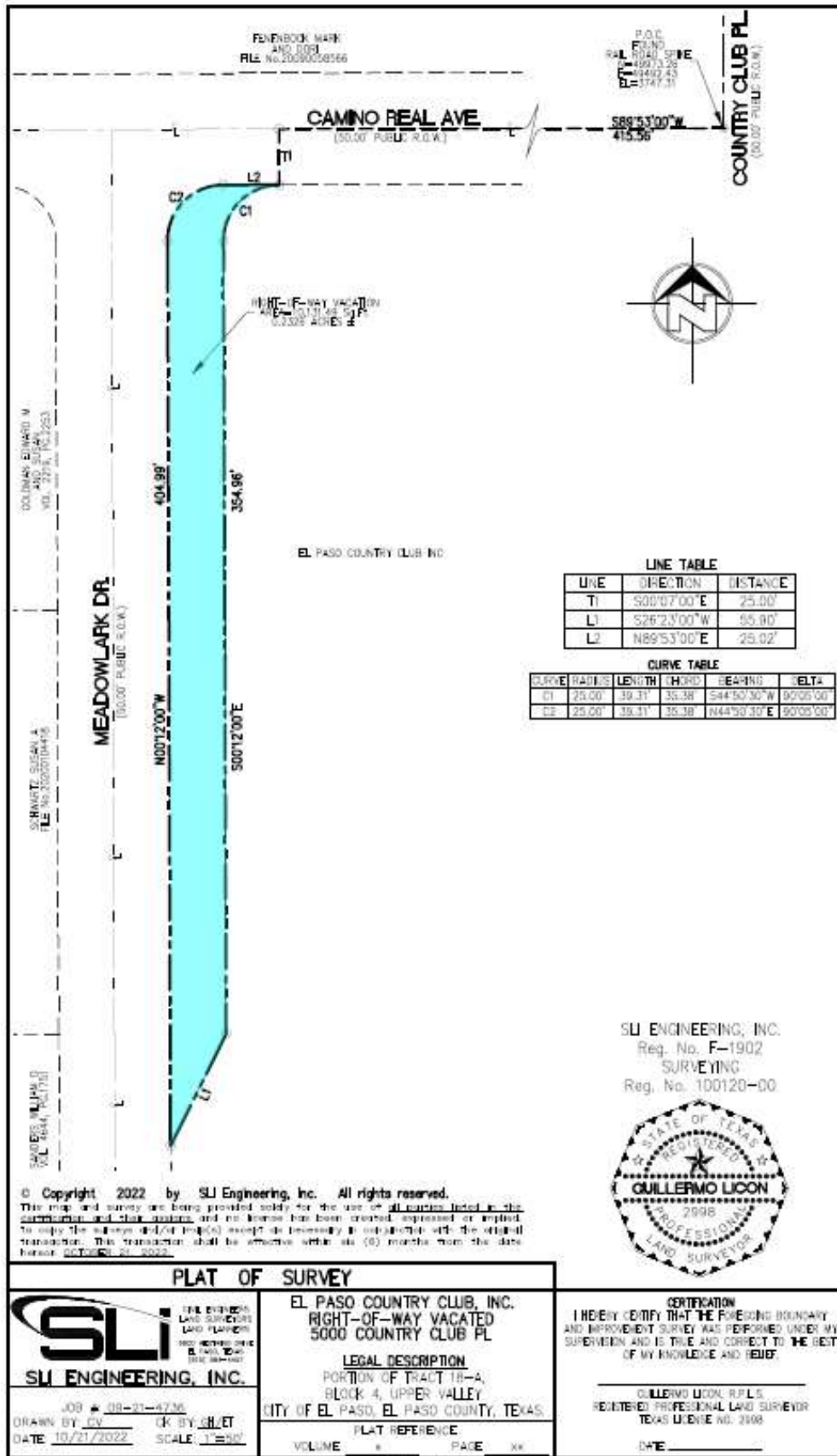
ATTACHMENT 1

Meadowlark ROW Vacation



The map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific details may result in a final design that differs from the map. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

METES AND BOUNDS

PROPERTY DESCRIPTION: The parcel of land herein being described is a portion of Tract 18-A, Block 4, UPPER VALLEY, City of El Paso, El Paso County, Texas and is being more specifically described by metes and bounds as follows:

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THENCE, South 00°12'00" East, a distance of 354.96 feet to a point for a boundary corner;

THENCE, South 26°23'00" West, a distance of 55.90 feet to a point for a boundary corner lying on the easterly Right-Of-Way line of Meadowlark Drive (50.00 feet Public Right-Of-Way);

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THENCE, North 89°53'00" East, along said Right-Of-Way line, a distance of 25.02 feet back to the "TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 10,131.49 Sq. Ft. (0.2328 Acres) of land, more or less.

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



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METES AND BOUNDS		
 THE ENGINEERING LAND SURVEYING PLAT PLANNING AND DESIGN GROUP SLI ENGINEERING, INC.	EL PASO COUNTRY CLUB, INC. RIGHT-OF-WAY VACATED 5000 COUNTRY CLUB PL LEGAL DESCRIPTION PORTION OF TRACT 18-A, BLOCK 4, UPPER VALLEY CITY OF EL PASO, EL PASO COUNTY, TEXAS.	CERTIFICATION 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.
	JOB # 08-21-4236 DRAWN BY: CV CK BY: CH/ET DATE 10/21/2022 SCALE: —	PLAT REFERENCE VOLUME x PAGE xx

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 12-01-2022 File No. _____

1. APPLICANTS NAME: EL PASO COUNTRY CLUB

ADDRESS: 5000 COUNTRY CLUB ROAD ZIP CODE: 79912 TELEPHONE: _____

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

Street Alley Easement Other

Street Name(s): MEADOWLARK Subdivision Name: UPPER VALLEY

Abutting Blocks: 4 Abutting Lots: TRACTS 16 A

3. Reason for vacation request: TENNIS COURTS ENCRoACHMENT

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
	<u>General Manager / COO</u> tract 16 A Block 4	<u>915-637-4578</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. If/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: REPRESENTATIVE SIGNATURE: georgek

REPRESENTATIVE (PHONE): 915 268 7277

REPRESENTATIVE (E-MAIL): gkelou@vii-engineering.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

Staff recommend approval with the following conditions:

1. That a five (5) foot pedestrian easement be retained.
2. That an anchor easement be retained for the existing fire hydrant.

Planning and Inspections Department- Land Development Division

No objections to proposed ROW vacation.

Parks and Recreation Department

We have reviewed **Meadowlark Easement Vacation Request**, a survey map and on behalf of Parks & Recreation Department, we offer “No” objections to this proposed street vacation request.

El Paso Water

El Paso Water (EPWater) requests to retain an anchor easement between the Meadowlark Dr. right-of-way and the portion of land to be vacated to accommodate the Fire Hydrant located in the corner with Camino Real Ave.

Water:

There is an existing 12-inch diameter water main that extends along Meadowlark Dr., located approximately 35-feet west of the eastern right-of-way line. This main is available for service.

There is an existing 12-inch diameter water main that extends along Camino Real Ave., located approximately 13-feet south of the northern right-of-way line. This main is available for service.

Previous water pressure from fire hydrant #00429, located on the southeast corner of the intersection of Meadowlark Dr. and Camino Real Ave., has yielded a static pressure of 170 pounds per square inch (psi), a residual pressure of 62 (psi), and a discharge of 822 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Meadowlark Dr., located approximately 14 feet east of the western right-of-way line. This main dead-ends 347 feet north of Linda Ave. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Camino Real Ave., located approximately 10 feet north of the southern 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.

Sun Metro

Sun Metro does not have any issues or exceptions.

Streets and Maintenance Department

No objections.

Fire Department

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

No comments received.