

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

AGENDA DATE: August 29, 2023
PUBLIC HEARING DATE: September 12, 2023

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

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 Ten-Foot and a Five-Foot Public Utility Easement (0.0238 Acres of Land) located within Lot 9, Block 38, West Hills Unit 12, City of El Paso, El Paso County, Texas.

Subject Property: 904 Fireside Ln.
Applicant: Rosario Olivera, SUET23-00001

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a portion of an existing utility easement to allow for the encroachment of an existing pergola. This vacation request will allow for the existing structure to remain and will address the current encroachment into a portion of the dedicated utility easement. City Plan Commission recommended 8-0 to approve the proposed vacation request on April 6, 2023. As of July 25, 2023, the Planning Division has not received any communication in support or opposition to the vacation request. See attached staff report for additional information. No appraisal is required for vacation of a public easement, in all cases the market value of the city interest in a public easement is the equivalent value of twenty-five dollars.

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

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

DEPARTMENT HEAD:

ORDINANCE NO. _____

AN ORDINANCE VACATING A TEN-FOOT AND A FIVE-FOOT PUBLIC UTILITY EASEMENT (0.0238 ACRES OF LAND) LOCATED WITHIN LOT 9, BLOCK 38, WEST HILLS UNIT 12, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the property owner has requested vacation of a ten-foot and a five-foot public utility easement located within Lot 9, Block 38, West Hills Unit 12, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission on April 20, 2023 has recommended a vacation of a ten-foot and a five-foot public utility easement located within Lot 9, Block 38, West Hills Unit 12, City of El Paso, El Paso County, Texas; and

WHEREAS the El Paso City Council finds that said easement 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 DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a ten-foot and a five-foot public utility easement located within Lot 9, Block 38, West Hills Unit 12, 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.

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 easement to **Rosario Olvera**.

PASSED AND APPROVED this ____ day of _____, 2023.

ATTEST:

Laura D. Prine
City Clerk

CITY OF EL PASO

Oscar Leeser
Mayor

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

APPROVED AS TO FORM:

Russell T. Abeln

Russell T. Abeln
Assistant City Attorney

HiQ 885 TRAN 494443 RTA

ORDINANCE NO. _____

Easement Vacation SUE23-00001

EXHIBIT A

DORADO ENGINEERING GROUP

2717 E. YANDELL DR. EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743

904 Fireside Lane Easements Vacation

Metes and bounds description of an existing five feet and ten feet easements at 904 Fireside Lane being a portion of Lot 9, Block 38, West Hills Subdivision Unit 12, City of El Paso, County of El Paso, Texas, and being more particularly described as follows; Starting at an existing city monument located at the centerline of existing cul-de-sac at Fireside Lane, fronting 904 Fireside Lane; Thence South $00^{\circ}05'06''$ West a distance of ten and no hundredths (10.00) feet to a point on the common extended common line of Lots 9 and 10, Block 38, West Hills Subdivision; Thence South $01^{\circ}09'40''$ East along the extended common line of Lots 9 and 10, Block 38, West Hills Subdivision Unit 12 a distance of one hundred ninety one and sixty six hundredths (191.66) feet to the common southerly corner of Lots 9 and 10, Block 38, West Hills Subdivision Unit 12 said corner being the point of beginning for this description;

Thence South $57^{\circ}19'12''$ West along the common line of Lots 9 and 10 a distance of twenty eighty and forty hundredths (28.40) feet to the common westerly corner of Lots 7 and 9, Block 12, West Hills Subdivision Unit 12, said corner lying on the easterly right of way line of Redd Road;

Thence along an arc of a curve to the left a distance of ninety one and sixty three hundredths (91.63) feet said curve having a central angle of $85^{\circ}56'02''$ a radius of one thousand two hundred ninety one and sixty hundredths (1291.16) feet a chord bearing of North $44^{\circ}23'34''$ West a chord distance of ninety one and sixty one hundredths (91.61) feet to the common southerly corner of Lots 8 and 9, Block 38, West Hills Subdivision Unit 12;

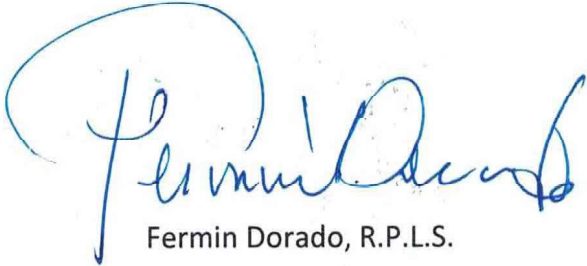
Thence North $31^{\circ}42'03''$ East along the common line of Lots 8 and 9 a distance of ten and twenty two hundredths (10.22) feet to the northwesterly corner of the existing ten (10.00) feet easement;

Thence along arc of a curve to the right a distance of ninety and twenty four hundredths (90.24) feet said curve having a central angle of $86^{\circ}01'34''$ a radius of one thousand three hundred one and sixteen hundredths (1301.16) feet a chord bearing of South $44^{\circ}31'53''$ East with a chord distance of ninety and twenty two hundredths (90.22) feet for a corner on the easterly side of the five (5.00) feet easement;

Thence North 52°19'12" East along the easterly line of the five (5.00) feet easement a distance of twenty two and forty eight hundredths (22.48) feet for a corner on the common line of Lots 9 and 10, Block 38, West Hills Subdivision Unit 12;

Thence South 01°09'44" East along the common line of Lots 9 and 10, a distance of six and twenty two hundredths (6.22) feet to the point of beginning for this description;

Said vacated easement contains 1,037.00 square feet or 0.0238 acres of land more or less.



Fermin Dorado, R.P.L.S.

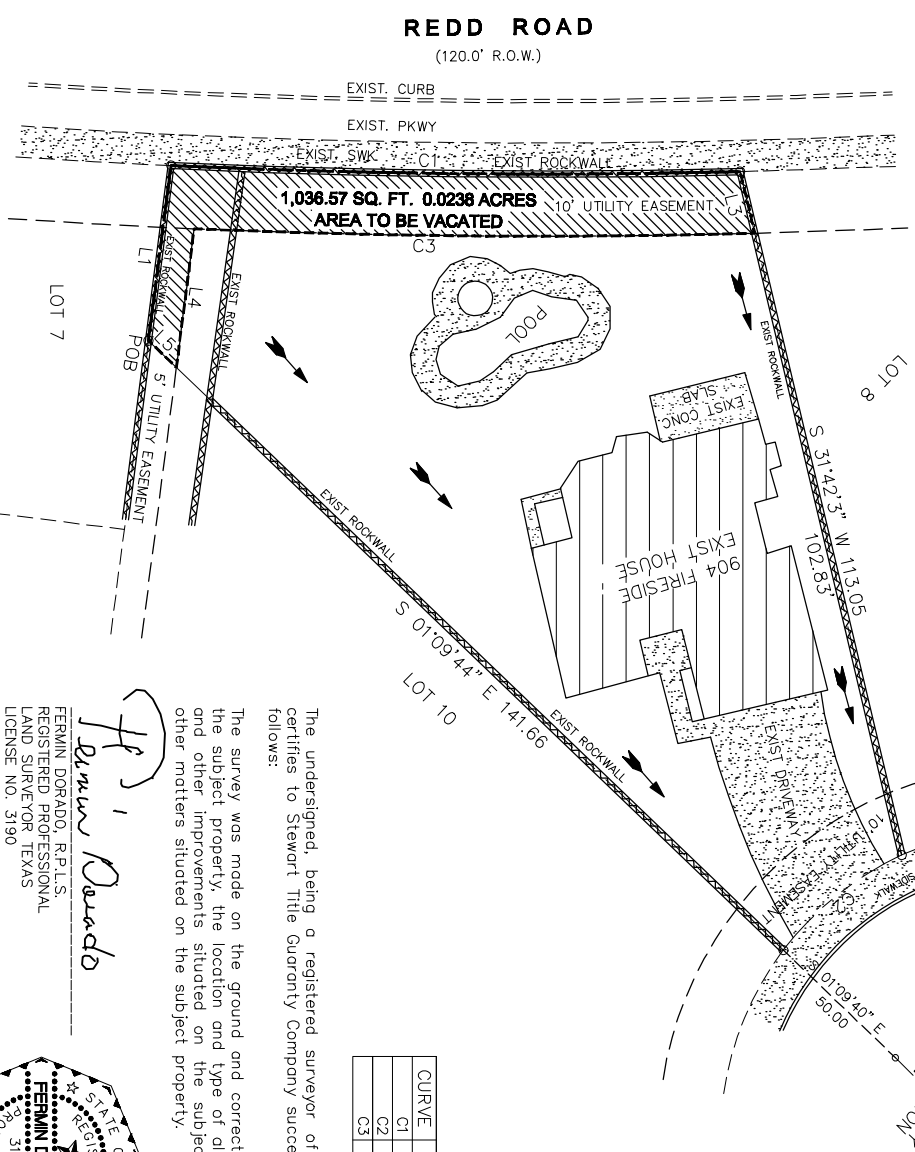


3/07/23



SCALE: 1" = 20'

**904 FIRESIDE LANE
LOT 9, BLOCK 38
WEST HILLS UNIT 12**

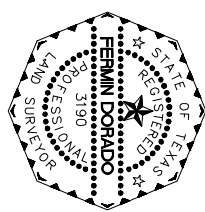


The undersigned, being a registered surveyor of the State of Texas certifies to Stewart Title Guaranty Company successors and assigns as follows:

The survey was made on the ground and correctly shows the area of the subject property, the location and type of all buildings, structures and other improvements situated on the subject property, and any other matters situated on the subject property.

FERMIN DORADO, R.P.L.S.
REGISTERED PROFESSIONAL
LAND SURVEYOR TEXAS
LICENSE NO. 3190
DATE: 02/23/23

Fermin Dorado



CURVE	DELTA	CHD BEARING	TANGENT	RADIUS	ARC LENGTH	CHD LENGTH
C1	85°56'02"	N 44°23'34" W	45.83	1291.16	91.63	91.61
C2	61°43'09"	N 83°45'49" W	12.60	50.00	24.68	24.43
C3	86°01'34"	S 44°31'53" E	43.14	1301.16	90.24	90.22

LINE	LENGTH	BEARING
L1	28.40	S 52°19'12" W
L2	10.00	S 00°05'06" W
L3	10.22	N 31°42'03" E
L4	22.48	N 52°19'12" E
L5	6.22	S 01°09'44" E



LOCATION MAP
SCALE 1:600

- NOTES:**
- DEED REFERENCE IN INST NO. 20080083379, DEED RECORDS OF EL PASO COUNTY.
 - BASIS OF BEARING: WEST HILLS UNIT 12, RECORDED IN VOL. 0065, PG. 0036, DEEDS RECORDS OF EL PASO COUNTY
 - NOT TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY
 - PROPERTY IS CURRENTLY ZONED - R-3A

DORADO ENGINEERING, INC.
ENGINEERS SURVEYORS PLANNERS
2717 E YANDELL EL PASO, TEXAS 79903 (915) 982-0002
DORADO ENGINEERING, INC. - TEXAS REGISTERED SURVEYING FIRM
REGISTRATION NO. 10092100

S:\Young\904 FIRESIDE SITE PLAN.DWG

904 Fireside Easement Vacation

City Plan Commission — April 6, 2023



CASE NUMBER/TYPE: SUET23-00001 – EASEMENT VACATION
CASE MANAGER: Stephanie Barrios-Urrieta, (915) 212-1585
Barrios-UrrietaS@elpasotexas.gov
PROPERTY OWNER: Rosario Olivera
REPRESENTATIVE: Dorado Engineering, Inc.
LOCATION: North of Redd Rd. and West of Resler Dr. (District 1)
PROPERTY AREA: 0.0238 acres
ZONING DISTRICT(S): R-3A (Residential District)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of 904 Easement Vacation.

904 Fireside Easement Vacation



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to show accurate conditions. Enlargements of this map to scales greater than its original construction may lead to misrepresentations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



0 25 50 100 150 200 Feet



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a ten-foot (10') utility easement and a five-foot (5') utility easement located in the rear and side portion of Lot 9, Block 38, of West Hills Unit 12. The area requested to be vacated is 0.0238 acres in size. The vacation would address an encroachment of an existing pergola that has been built.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	R-3A (Residential) / Residential development.
South	R-3A (Residential) / Public right-of-way.
East	R-3A (Residential) / Residential development.
West	R-3A (Residential) / Residential development.
Nearest Public Facility and Distance	
Park	Westside Community Park (0.19 mi)
School	Franklin High School (0.50 mi)
Plan El Paso Designation	
G4, Suburban (walkable)	
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 easement vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

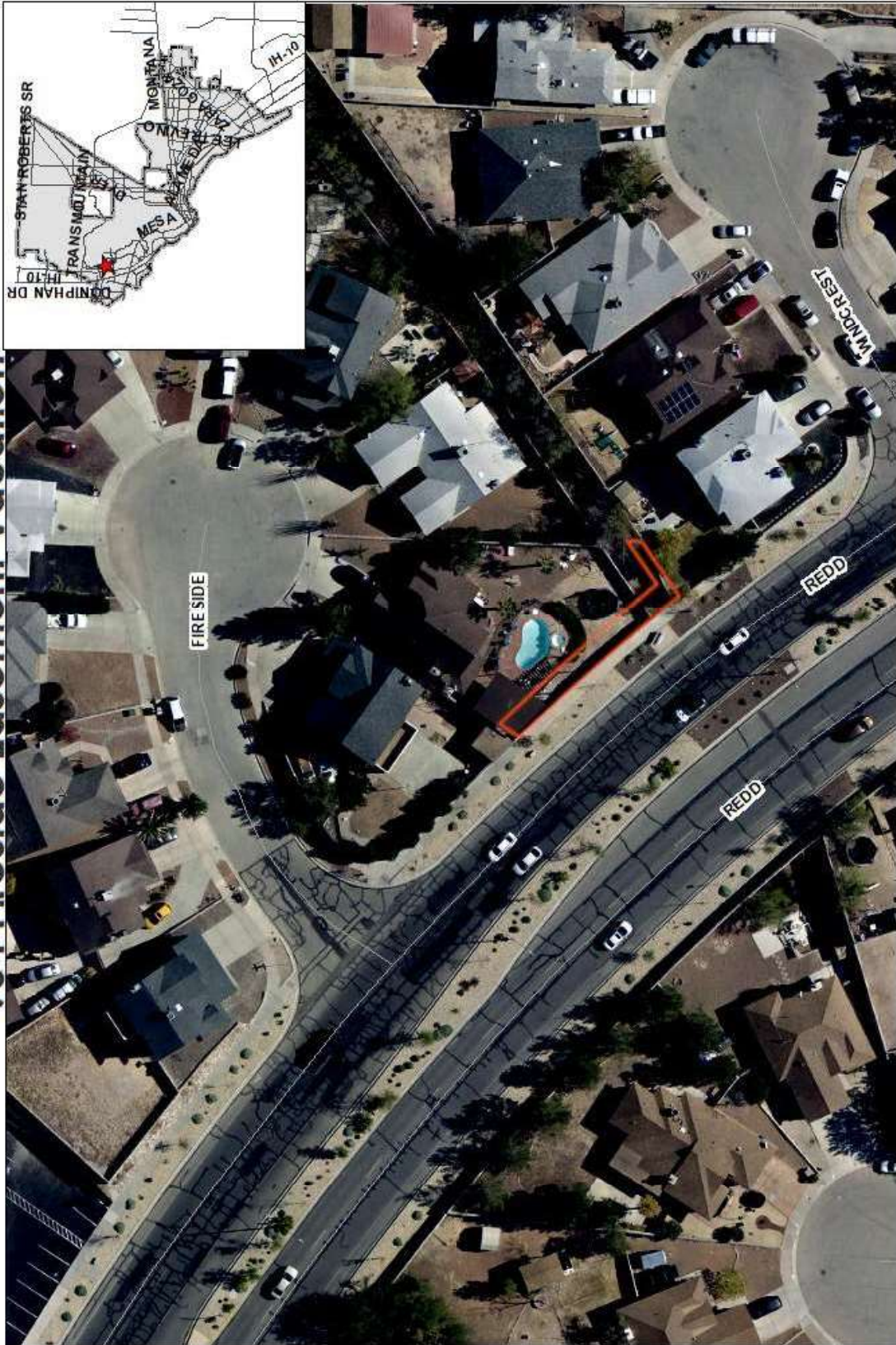
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions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

904 Fireside Easement Vacation



This map is intended for informational purposes only. The information shown on this map is not intended to be used for any other purpose. The information shown on this map is not intended to be used for any other purpose. The information shown on this map is not intended to be used for any other purpose.

ATTACHMENT 3

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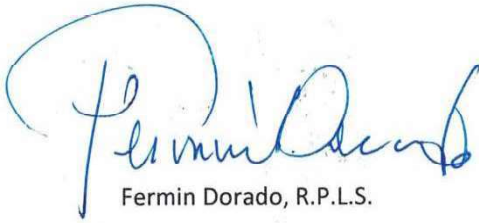
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S:\Drawings\904 FIRESIDE\M&B EASEMENTS VACATION

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Fermin Dorado, R.P.L.S.



3/07/23

S:\Drawings\904 FIRESIDE\M&B EASEMENTS VACATION

ATTACHMENT 4

(5)



904 FIRESIDE ST

VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 10-26-22 File No. _____

1. APPLICANTS NAME ROSARIO OLIVERA
ADDRESS 904 FIRESIDE ZIP CODE 79912 TELEPHONE 915-422-1799

2. Request is hereby made to vacate the following: (check one)
Street Alley Easement Other
Street Name(s) FIRESIDE Subdivision Name WEST HILLS UNIT 12
Abutting Blocks 38 Abutting Lots 8 ± 10

3. Reason for vacation request: TO EXPAND USE OF BACK YARD

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 NONE

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>Rosario Olivera</u>	<u>4079, BLK 38</u>	<u>(915) 832-1236</u>
	<u>WEST HILLS UNIT 12</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: Rosario Olivera REPRESENTATIVE SIGNATURE: Herminio Duran
REPRESENTATIVE (PHONE): 915-562-0002 - DONADO ENCAR.
REPRESENTATIVE (E-MAIL): donadoengmeering@sbe global.net

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

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

ATTACHMENT 5

Planning and Inspections Department- Planning Division

Planning does not object.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approval with condition

The Developer/Engineer shall address the following comments.

1. Closure report does not coincide with the survey.

Parks and Recreation Department

We have reviewed **904 Fireside Vacation Request**, a survey map and on behalf of Parks & Recreation Department, we offer “No” objections to this proposed right of way vacation request.

El Paso Water

EPWater-PSB does not object to this request.

West Hills Unit 12 Plat shows the property is in Block 35, the survey says Block 38. Revise survey to show correct block description.

Water:

There is an existing 6-inch diameter water main that extends along Fireside Ln., located approximately 18-feet west of the east right-of-way line. This main is available for service.

There is an existing 24-inch diameter water main that extends along Redd Rd., located approximately 28-feet south of the north right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 16-inch diameter water main that extends along Redd Rd., located approximately 40-feet south of the north right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 904 Fireside Ln.

Previous water pressure from fire hydrant #6330, located on the southeast corner of Redd Rd. and Fireside Ln., has yielded a static pressure of 98 (psi), a residual pressure of 92 (psi), and a discharge of 919 (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 Fireside Ln., located approximately 31-feet west of the east right-of-way line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Redd Rd., located approximately 82-feet south of the north right-of-way line.

General:

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 objections.

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.

Sun Metro

No comments received.

Fire Department

No comments received.

Streets and Maintenance Department

No objections.

Capital Improvement Department

No comments received.

Spectrum

We have reviewed your request for the above referenced Utility Easement, and Spectrum Communications hereby grants an abandonment located near 904 Fireside, El Paso, TX. Spectrum Communications retains the right of access to any remaining partial or full utility easements on the property for the purpose of future construction or maintenance of existing facilities.

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