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

AGENDA DATE: August 16, 2022 PUBLIC HEARING DATE: August 30, 2022

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

Jorge Olmos, (915) 212-1607

DISTRICT(S) AFFECTED: District 8

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 1,742 square-foot portion of a 20-foot wide alley and utility easement, located within Block 2, Mills Map Addition, City of El Paso, El Paso County, Texas

Subject Property: 415 North Mesa St. Applicant: Mills Plaza Properties VIII, LP SURW22-00002

#### **BACKGROUND / DISCUSSION:**

The applicant is requesting to vacate a 20' alley to allow for the development of the lot. The alley is located south of Franklin Avenue, and west of Mesa Street. The City Plan Commission recommended 8-0 to approve the proposed alley vacation on March 10, 2022. The applicant has provided funds in the amount of \$19,500, the amount of the appraised market value for the portion of the alley being vacated. See attached staff report for additional information.

#### PRIOR COUNCIL ACTION:

N/A

#### AMOUNT AND SOURCE OF FUNDING:

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

**DEPARTMENT HEAD:** 

Philip Five

#### **ORDINANCE NO.**

# AN ORDINANCE VACATING A 1,742 SQUARE-FOOT PORTION OF A 20-FOOT WIDE ALLEY AND UTILITY EASEMENT LOCATED WITHIN BLOCK 2, MILLS MAP ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

**WHEREAS**, the abutting property owner has requested vacation of a 1,742 SQUARE- FOOT PORTION OF A 20 WIDE ALLEY located within Block 2, Mills Map Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission has recommended a vacation of a 1,742 square foot portion of a 20-foot wide alley located within Block 2, Mills Map Addition, City of El Paso, El Paso County, Texas, and the City Council finds that said 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 1,742 square foot portion of a 20-foot wide alley located within Block 2, Mills Map Addition, 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.

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 Mills Plaza Properties VIII, LP.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_\_, 2022.

THE CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

# APPROVED AS TO CONTENT:

Wendi N. Vized Wendi N. Vineyard

Wendi N. Vineyard Assistant City Attorney

Philip Eive Philip F. Etiwe

Philip F. Etiwé 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	}	
	}	<b>QUITCLAIM DEED</b>
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 Mills Plaza Properties VIII, LP (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 20 FOOT ALLEY OUT OF BLOCK 2, MILLS MAP ADDITION, 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	dav of	, 2022.
will the so the following signatures and sear this		, 2022.

**CITY OF EL PASO:** 

**ATTEST:** 

Laura D. Prine, City Clerk

APPROVED AS TO FORM: What N. Viyan

Wendi N. Vineyard Assistant City Attorney

Tomás González, City Manager

#### **APPROVED AS TO CONTENT:**

Philip <u>Tiwe</u> Philip F. Etiwe, Director

Philip F. Etrwe, Director Planning and Inspections Department

THE STATE OF TEXAS)COUNTY OF EL PASO)

#### **ACKNOWLEDGMENT**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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:

ROW Vacation SURW22-00002 415 N Mesa| Ordinance | Quitclaim Deed 22-1007-2908 | 1177196 | WNV ORDINANCE NO.

**ROW Vacation SURW22-00002** 

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#### AFTER FILING RETURN TO: Mills Plaza Properties VIII, LP 123 W Mills Ave, Ste 600 El Paso, Texas 79925

#### 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 Kenneth C. Clarence (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 20 FOOT ALLEY OUT OF BLOCK 2, MILLS MAP ADDITION, 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 \_\_\_\_\_\_, 2022.

CITY OF EL PASO

**ATTEST:** 

Tomás González, City Manager

Laura D. Prine, City Clerk

**APPROVED AS TO FORM:** 

Wendi N. Vineyard

Wendi N. Vineyard Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Eiwe Philip F. Etiwe, Director

Philip F. Etiwe, Director Planning and Inspections Department

(Acknowledgement on following page)

#### **ACKNOWLEDGMENT**

#### THE STATE OF TEXAS

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)

#### COUNTY OF EL PASO

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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: Kenneth C. Clarence PO Box 1829 El Paso, Texas 79949

#### METES AND BOUNDS DESCRIPTION PARCEL 1

LEGAL DESCRIPTION: A portion of the alley out of **B**lock 2, MILLS MAP ADDITION, City of El Paso, El Paso County, Texas, containing 1,494.36 s.f. and being described by metes and bounds as follows:

Commencing at a city monument being 10 feet north and 15 feet east of the respective center lines intersection of East Franklin Avenue [a 70' wide public right-of-way] and North Oregon Street, [a 70' wide public right-of-way]; Thence, North 52°23'00" East, with the monument line on East Franklin Avenue, a distance of 160.08 feet to a point; Thence, South 37°37'00" East, a distance of 45.00 feet to a point lying on the southerly right-of-way line of East Franklin Avenue, said point being the TRUE POINT OF BEGINNING of this description.

THENCE, South 37°37'00" East, away from said right-of-way line, a distance of 62.87 feet to a point for a boundary corner.

THENCE, South 53°34'44" West, a distance of 10.00 feet to a point for a boundary corner.

THENCE, South 38°00'22" East, a distance of 23.95 feet to a point for a boundary corner lying on the northerly right-of-way line of an underground train right-of-way.

THENCE, South 52°23'00" West, with said right-of-way line, a distance of 10.00 feet to a point for a boundary corner.

THENCE, North 37°37'00" West, away from said right-of-way line, a distance of 86.67 feet to a point for a boundary corner lying on the southerly right-of-way line of East Franklin Avenue.

THENCE, North 52°23'00" East, with said right-of-way line, a distance of 20.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 0.03 of an acre (1,494.36 s.f.) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.

Consulting Engineers - Land Surveyors Guillermo Licon Registered Professional Land Surveyor Texas License No. 2998

March 29, 2022 Job# 06-19-4357 M&B/MN

#### METES AND BOUNDS DESCRIPTION PARCEL 2

PROPERTY DESCRIPTION: A portion of the alley out of Block 2, MILLS MAP ADDITION, City of El Paso, El Paso County, Texas, containing 173.45 s.f.

Commencing at a city monument being 10 feet north and 15 feet east of the respective center lines intersection of East Franklin Avenue [a 70' wide public right-of-way] and North Oregon Street, [a 70' wide public right-of-way]; Thence, North 52°23'00" East, with the monument line on East Franklin Avenue, a distance of 160.08 feet to a point; Thence, South 37°37'00" East, away of said monument line, a distance of 45.00 feet to a point for a corner lying on the southerly right-of-way line of said East Franklin Avenue; Thence, South 37°37'00" East, away from said right-of-way line, a distance of 62.87 feet to a point for a boundary corner, said point being the TRUE POINT OF BEGINNING of this description.

THENCE, South 37°37'00" East, a distance of 23.80 feet to a point for a boundary corner lying on the northwesterly right-of-way of an underground railroad tracks.

THENCE, South 52°23'00" West, with said right-of-way line, a distance of 10.00 feet to a point for a boundary corner.

THENCE, North 37°37'00" West, abandoning said right-of-way line, a distance of 24.01 feet to a point for a boundary corner.

THENCE, North 53°34'44" East, a distance of 10.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 239.04 s.f. of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.

Consulting Engineers - Land Surveyors Guillermo Licon Registered Professional Land Surveyor Texas License No. 2998

March 29, 2022 Job# 06-19-4357 M&B/MN MAN

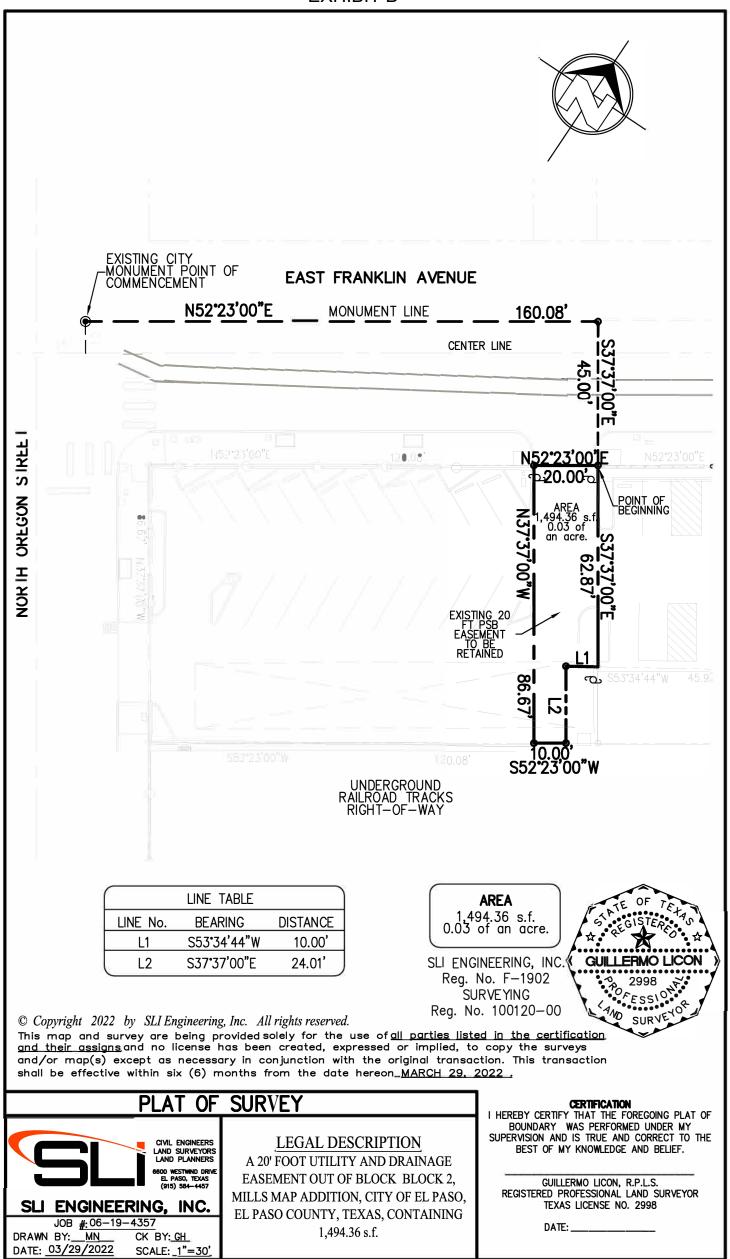
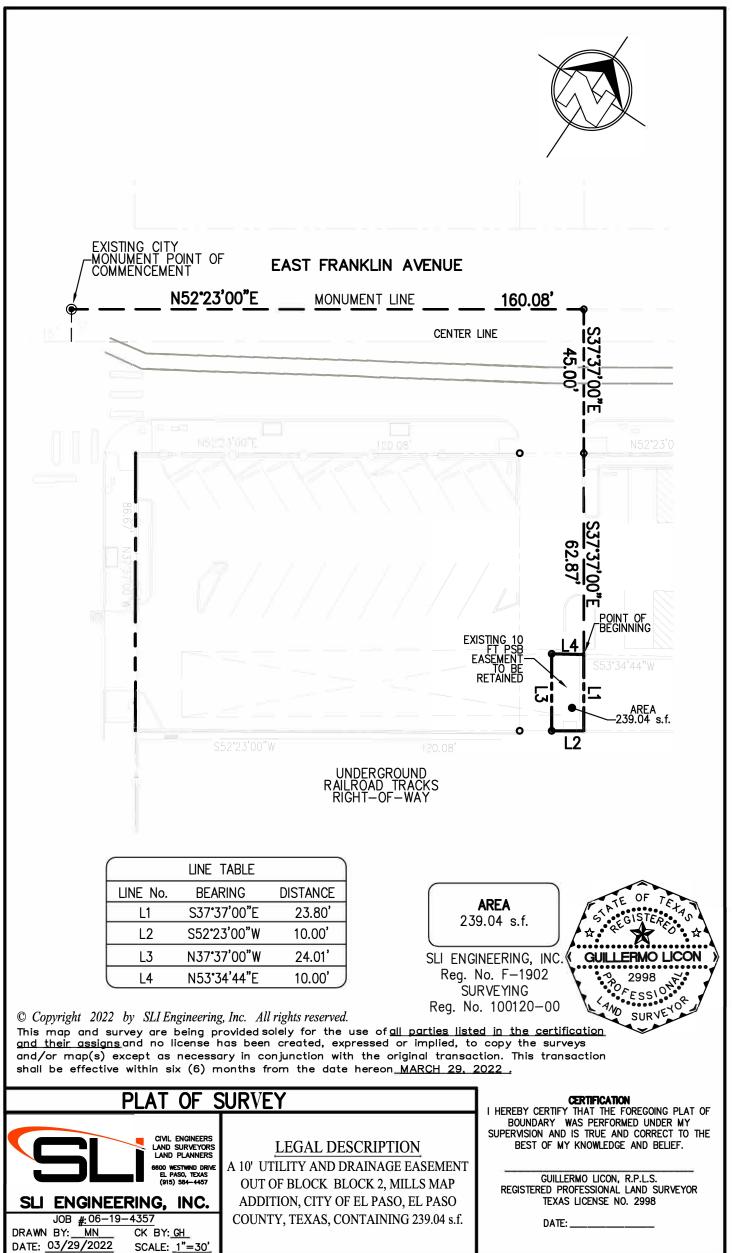


EXHIBIT B

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### 415 N Mesa Vacation

City Plan Commission — March 10, 2022 – REVISED



CASE NUMBER/TYPE:	SURW22-00002 – RIGHT-OF-WAY VACATION
CASE MANAGER:	Jorge Olmos, (915) 212-1607, OlmosJA@elpasotexas.gov
PROPERTY OWNER:	Mills Plaza Properties VIII, LP
REPRESENTATIVE:	SLI Engineering, Inc.
LOCATION:	South of I-10 and West of Campbell St (District 8)
PROPERTY AREA:	0.04 acres
ZONING DISTRICT(S):	C-5 (Central Business District)

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of 415 N Mesa Right-of-Way (ROW) Vacation.

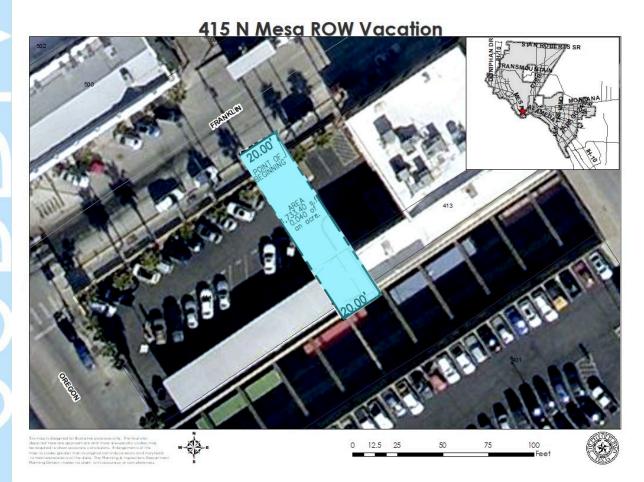


Figure A: Proposed plat with surrounding area

**DESCRIPTION OF REQUEST:** The applicant seeks to vacate a portion of the alley located east of Mesa Street and south of Franklin Avenue. Written concurrence has been received from the . The area requested to be vacated is 0.04 acres in size. The applicant is attempting to vacate ROW in order to allow for the development of the lot. The right-of-way is currently paved, with existing utility infrastructure. A full-width utility easement will be retained to accommodate exiting infrastructure within the area to be vacated.

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

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

Surrounding Zoning	urrounding Zoning and Use	
North	C-5 (Central Business District) / Commercial development	
South	C-5 (Central Business District) / Parking lot	
East	C-5 (Central Business District) / Commercial development	
West	C-5 (Central Business District) / Parking lot	
Nearest Public Facili	earest Public Facility and Distance	
Park	San Jacinto Plaza Park (0.05 miles)	
School	Triumph Charter High School (0.19 miles)	
Plan El Paso Designa	tion	
G-1 .Downtown		
Impact Fee Service A	vrea	
N/A		

**PUBLIC COMMENT:** Notices of the proposed right-of-way vacation were sent on February 25, 2022 to all property owners within 300 feet of the subject property. As of March 3, 2022, staff has not received any communication regarding this request.

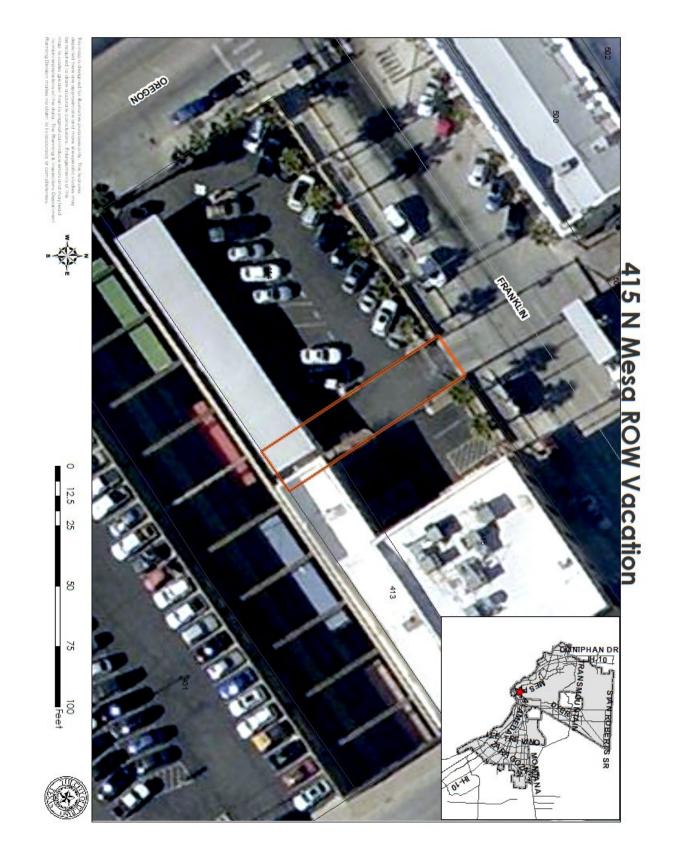
#### CITY PLAN COMMISSION OPTIONS:

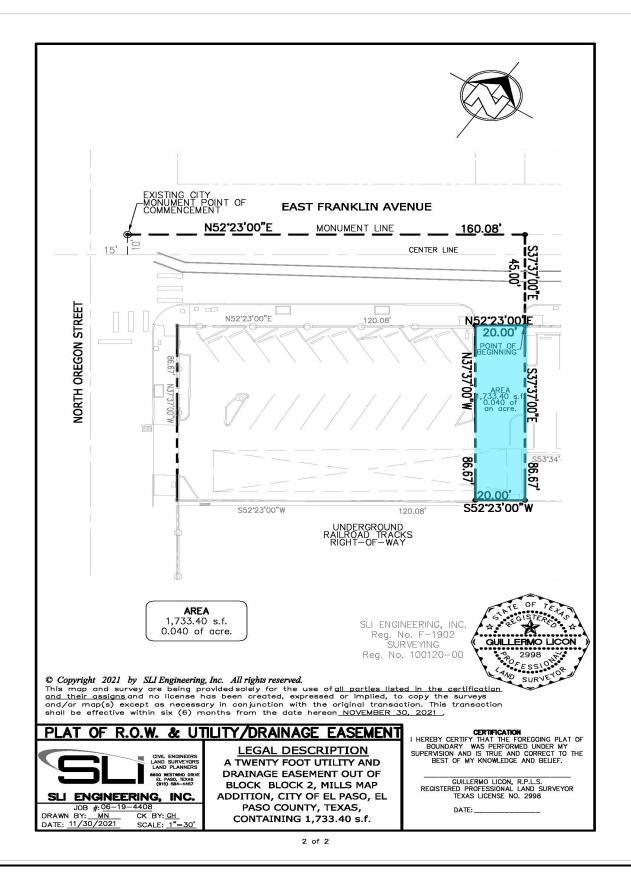
The City Plan Commission (CPC) has the authority to advise City Council on right-of-way vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

- 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





#### METES AND BOUNDS DESCRIPTION PLAT OF R.O.W. & UTILITY/DRAINAGE EASEMENT

A portion of Block 2, MILLS MAP ADDITION, an Addition to the City of El Paso, El Paso County, Texas and is described by metes and bounds as follows:

Commencing at a city monument being 10 feet north and 15 feet east of the respective center lines intersection of East Franklin Avenue [a 70' wide public right-of-way] and North Oregon Street, [a 70' wide public right-of-way]; Thence, North 52°23'00'' East, with the monument line on East Franklin Avenue, a distance of 160.08 feet to a point; Thence, South 37°37'00'' East, away of said monument line, a distance of 45.00 feet to a point for a boundary corner of the parcel herein being described and lying on the southeasterly right-of-way line of said East Franklin Avenue, said point being the TRUE POINT OF BEGINNING of this description.

THENCE, South 37°37'00" East, away from said right-of-way line, a distance of 86.67 feet to a point for a boundary corner lying on the northwesterly right-of-way of an underground railroad tracks.

THENCE, South 52°23'00" West, with said right-of-way line, a distance of 20.00 feet to a point for a boundary corner.

THENCE, North 37°37'00" West, abandoning said right-of-way line, a distance of 86.67 feet to a point for a boundary corner lying on the southeasterly right-of-way line of East Franklin Avenue.

THENCE, North 52°23'00" East, with said right-of-way line, a distance of 20.00 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 0.040 of an acre (1,733.40 s.f.) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.

Consulting Engineers - Land Surveyors Guillermo Licon Registered Professional Land Surveyor Texas License No. 2998

November 30, 2021 Job# 06-19-4357 M&B/MN

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

Date: 01/10/2022		File No	
APPLICANTS NAME	LLS PLAZA PROPERTIES VI	II, LP	
ADDRESS 123 W Mills Ave	e Suite 600 El Paso, Texas	ZIP CODE 79901 TELEPHONE 915-504-7	7152
Request is hereby made	e to vacate the following	: (check one)	
Street Alley	Easement	Other	
Street Name(s) 415 NM	esa/414 N. Oregon	Subdivision Name MILLS ADDITION	
Abutting Blocks	2	Abutting Lots 10	
Reason for vacation rec	quest: TO COMBINE ABUTT	TING LOTS TO CREATE A LARGER LOT FOR FUTURE D	EVELOPMENT
Surface Improvements None Paving	located in subject proper Curb & Gutter P	rty to be vacated: ower Lines/Poles	tures Other
Underground Improver NoneTelephone	nents located in the exist	ting rights-of-way: Water Sewer Storm Drain	Other
Future use of the vacate	ed right-of-way:	a Replat with abutting Land Other	
Yards Parking	Cxpand Building Are		
Related Applications w	hich are pending (give n	410-0-0-04P* 5 07-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-	
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811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 (915) 212-0085

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

No objections, staff recommends approval.

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

No objections to proposed vacation.

#### Parks and Recreation Department

No objections.

<u>Sun Metro</u> No comments received.

<u>Fire Department</u> No comments received.

#### **Streets and Maintenance Department**

TIA is not required.

#### **Capital Improvement Department**

No comments received.

#### El Paso Water

El Paso Water (EPWater) does not object to this request, as long as a full width utility easement is retained.

EPWater is coordinating with the owner's representative regarding accessibility for the easement.

#### Water:

There is an existing 4-inch diameter water main located along the Alley, south of Franklin Ave. between Mesa Street and Oregon Street. This water main is available for service.

EPWater records indicate one (1) 3/4" service meter (Active) on the property with 413 N. Mesa St., as the service address.

#### Sanitary Sewer:

There is an existing 6-inch diameter sanitary sewer main located along the Alley south of Franklin Ave. between Mesa Street and Oregon Street. This sanitary sewer main is available for service.

#### General:

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWater-PSB Easement Policy. EPWater-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. No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced utility easements without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, 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 sign or structure.

During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

An application for water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. Additional service applications are available at 1154 Hawkins, 3rd Floor. 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 EPWU – 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: No objections to the proposed development.

<u>Texas Gas</u> No comments received.

<u>El Paso Electric</u> 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.