

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

AGENDA DATE: September 13, 2022
PUBLIC HEARING DATE: September 27, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Armida R. Martinez, (915) 212-1605

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 0.012 acre and 0.018 acre portions of City Right-of-way adjacent to a portion of Pioneer Plaza, Block 5 and all of Lot 28, Block 6, Mills Addition, City of El Paso, El Paso County, Texas

Subject Property: 106 W Mills Ave.

Applicant: Mills Plaza Properties II, LP and Mills Plaza Parking II, LP, SURW22-00011

BACKGROUND / DISCUSSION:

City Plan Commission recommended 7-0 to approve the right-of-way vacation on September 22, 2022. As of August 26, 2022, the Planning Division has not received any communication in support or opposition to the vacation request. See attached staff report for additional information.

"19.15.040.G of the City Code requires the applicant to pay the appraised market value for the vacated ROW. An appraisal was completed on June 25, 2022 providing a market value of \$46.00 per square foot. The estimated payment for the total requested area is \$25,000.00."

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:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE VACATING A 0.012 ACRE AND 0.018 ACRE PORTIONS OF CITY RIGHT-OF-WAY ADJACENT TO A PORTION OF PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, 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 0.012 acre and 0.018 acre portion of City Right-of-Way adjacent to a portion of Pioneer Plaza, Block 5 and all of Lot 28, Block 6, Mills Addition, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a 0.012 acre and 0.018 acre portion of City Right-of-Way adjacent to a portion of Pioneer Plaza, Block 5 and all of Lot 28, Block 6, Mills Addition, 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 a 0.012 acre and 0.018 acre portion of City Right-of-Way adjacent to a portion of Pioneer Plaza, Block 5 and all of Lot 28, Block 6, Mills Addition, City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibits "A" and "B" and in the attached surveys identified as Exhibits "C" and "D" made a part hereof by reference is hereby vacated.

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 property to Mills Plaza Properties II, LP and Mills Plaza Parking II, LP.

ADOPTED this _____ day of _____, 20__.

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

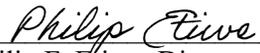
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etwie, Director
Planning & Inspections Department

(Quitclaim Deed on following page)

EXHIBIT A



Souder, Miller & Associates ♦ One San Jacinto Plaza, 201 E. Main, Suite 1205 ♦ El Paso, TX 79912
(915) 842-0598

AUGUST 15, 2022

BEING A 0.012 ACRE PORTION OF THE RIGHT OF WAY ADJACENT TO A PORTION OF PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PREPARED FOR: FRANKLIN MOUNTAIN INVESTMENTS

METES AND BOUNDS DESCRIPTION

A CERTAIN PARCEL OF LAND BEING A PORTION OF A PUBLIC RIGHT OF WAY ADJACENT TO PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND CHISLED "X" AT THE SOUTHEAST CORNER OF THE RIGHT OF WAY, ALSO BEING THE SOUTHWEST CORNER OF THE BUILDING ON THE LOT 2B, BLOCK 6, ANSON MILLS MAP;

THENCE, DEPARTING THE SOUTHEAST CORNER OF THE RIGHT OF WAY, S85°25'02"W, A DISTANCE OF 11.91 FEET TO AN ANGLE POINT OF THE RIGHT OF WAY;

THENCE, ALONG THE ARC OF A CURVE TO THE LEFT, WITH A DELTA ANGLE OF 79° 45' 04" AND A RADIUS OF 3.50 FEET FOR A DISTANCE OF 4.88 FEET, THE LONG CHORD OF WHICH BEARS N85°26'44"W FOR A DISTANCE OF 4.49 FEET TO AN ANGLE POINT OF THE RIGHT OF WAY;

THENCE N33°37'05"W A DISTANCE OF 24.26 FEET TO AN ANGLE POINT OF THE RIGHT OF WAY;

THENCE N4°17'31"E A DISTANCE OF 3.66 FEET TO AN ANGLE POINT OF THE RIGHT OF WAY;

THENCE, ALONG THE ARC OF A CURVE TO THE LEFT, WITH A DELTA ANGLE OF 31°56'12" AND A RADIUS OF 6.06 FEET FOR A DISTANCE OF 3.38 FEET, THE LONG CHORD OF WHICH BEARS N13°30'07"W FOR A FOR A DISTANCE OF 3.34 FEET TO AN ANGLE POINT;

THENCE N37°59'54"W A DISTANCE OF 1.77 FEET TO AN ANGLE POINT OF THE RIGHT OF WAY;

THENCE N31°31'21"E A DISTANCE OF 11.58 FEET TO THE NORTHEAST CORNER OF THE RIGHT OF WAY.

THENCE S33°50'47"E A DISTANCE OF 45.47 FEET TO THE POINT OF BEGINNING.

LOT CONTAINING 512 Sq. Ft. OR 0.012 ACRES OF LAND MORE OR LESS.

EXHIBIT "A" SKETCH OF THE RIGHT OF WAY ACCOMPANIES THIS DESCRIPTION.

William J. Brewster



EXHIBIT B



Souder, Miller & Associates ♦ One San Jacinto Plaza, 201 E. Main, Suite 1205 ♦ El Paso, TX 79912
(915) 842-0598

AUGUST 12, 2022

BEING A 0.018 ACRE PORTION OF THE RIGHT OF WAY ADJACENT TO A PORTION OF PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PREPARED FOR: FRANKLIN MOUNTAIN INVESTMENTS

METES AND BOUNDS DESCRIPTION

A CERTAIN PARCEL OF LAND BEING A PORTION OF A PUBLIC RIGHT OF WAY ADJACENT TO THE PARCEL DESCRIBED AS PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF THE RIGHT OF WAY, WHENCE A SCRIBED "X" AT THE SOUTHWEST CORNER OF THE MILLS ADDITION MILLS PLAZA PROPERTIES II, DOCUMENT No. 20080012174, FILED IN THE OFFICE OF THE EL PASO COUNTY CLERKS OFFICE, BEARS N12° 48' 40"W, FOR A DISTANCE OF 33.94 FEET;

THENCE, S11° 45' 24"E, FOR A DISTANCE OF 12.00' TO THE SOUTHEAST CORNER OF THE RIGHT OF WAY;

THENCE, S78° 14' 36"W, FOR A DISTANCE OF 65.78' TO THE SOUTHWEST CORNER OF THE RIGHT OF WAY;

THENCE, N11° 45' 24"W, FOR A DISTANCE OF 12.00' TO THE NORTHWEST CORNER OF THE RIGHT OF WAY;

THENCE, N78° 14' 36"E, FOR A DISTANCE OF 65.78' TO THE POINT OF BEGINNING;

LOT CONTAINING 789 SQ. FT. OR 0.018 ACRES OF LAND MORE OR LESS.

EXHIBIT "A" SKETCH OF THE RIGHT OF WAY ACCOMPANIES THIS DESCRIPTION.

William J. Brewster



EXHIBIT C

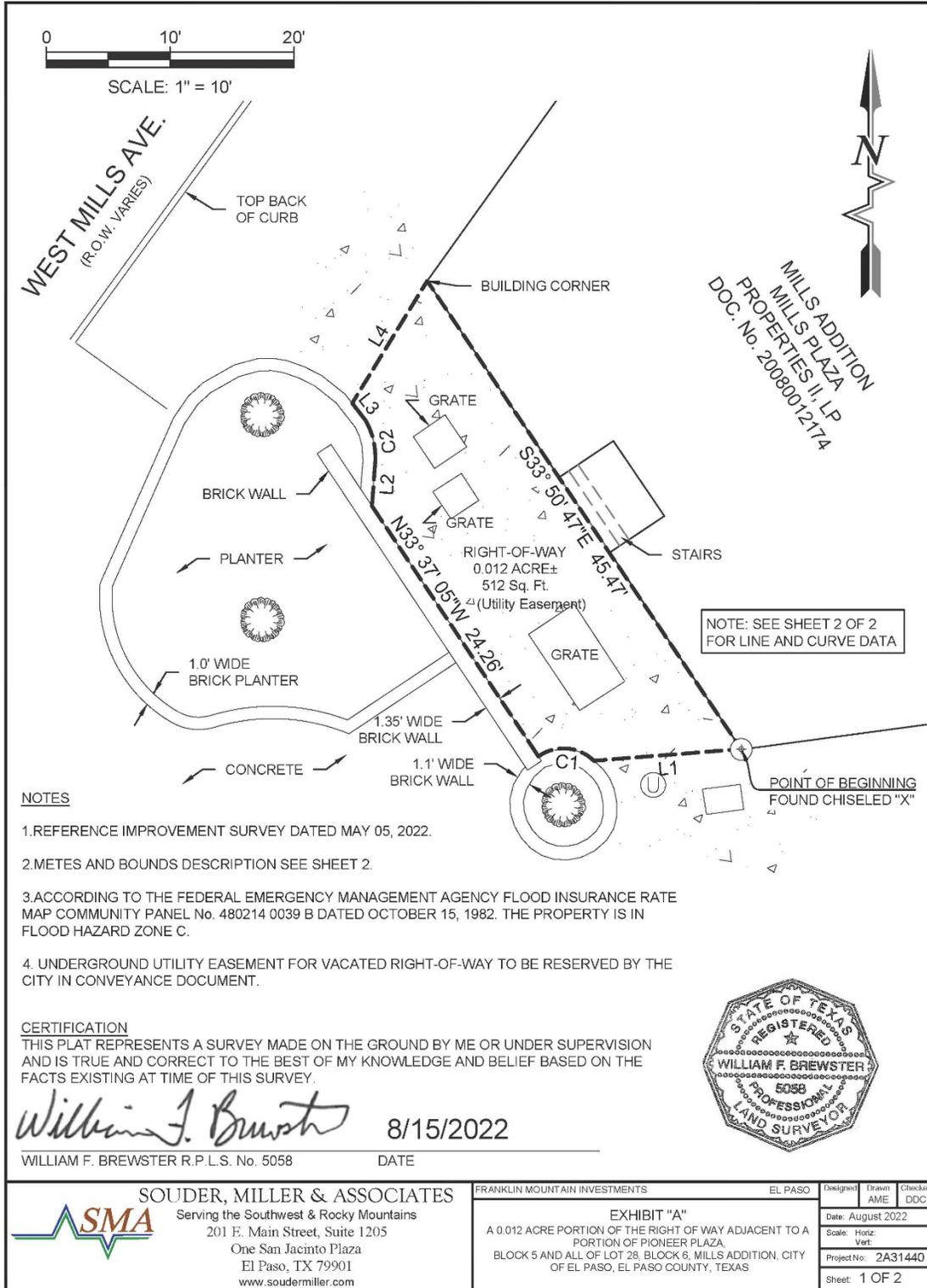


EXHIBIT "A"

LINE TABLE

LINE #	BEARING	DISTANCE
L1	S85°25'02"W	11.91
L2	N04°17'31"E	3.66
L3	N37°59'54"W	1.77
L4	N31°31'21"E	11.58

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	4.88	3.50	79°45'04"	N85°26'44"W	4.49
C2	3.38	6.06	31°56'12"	N13°30'07"W	3.34

 <p>SOUDER, MILLER & ASSOCIATES Serving the Southwest & Rocky Mountains 201 E. Main Street, Suite 1205 One San Jacinto Plaza El Paso, TX 79901 www.soudemiller.com</p>	FRANKLIN MOUNTAIN INVESTMENTS	EL PASO	Designed	Drawn	Checked	
	EXHIBIT "A"			Date: August 2022	AME	DOC
	A 0.012 ACRE PORTION OF THE RIGHT OF WAY ADJACENT TO A PORTION OF PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS			Scale: Horiz		
				Vert		
			Project No: 2A31440			
			Sheet: 2 OF 2			

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ORDINANCE NO.

ROW Vacation SURW22-00011

Sheldon Court Right-of-Way Vacation

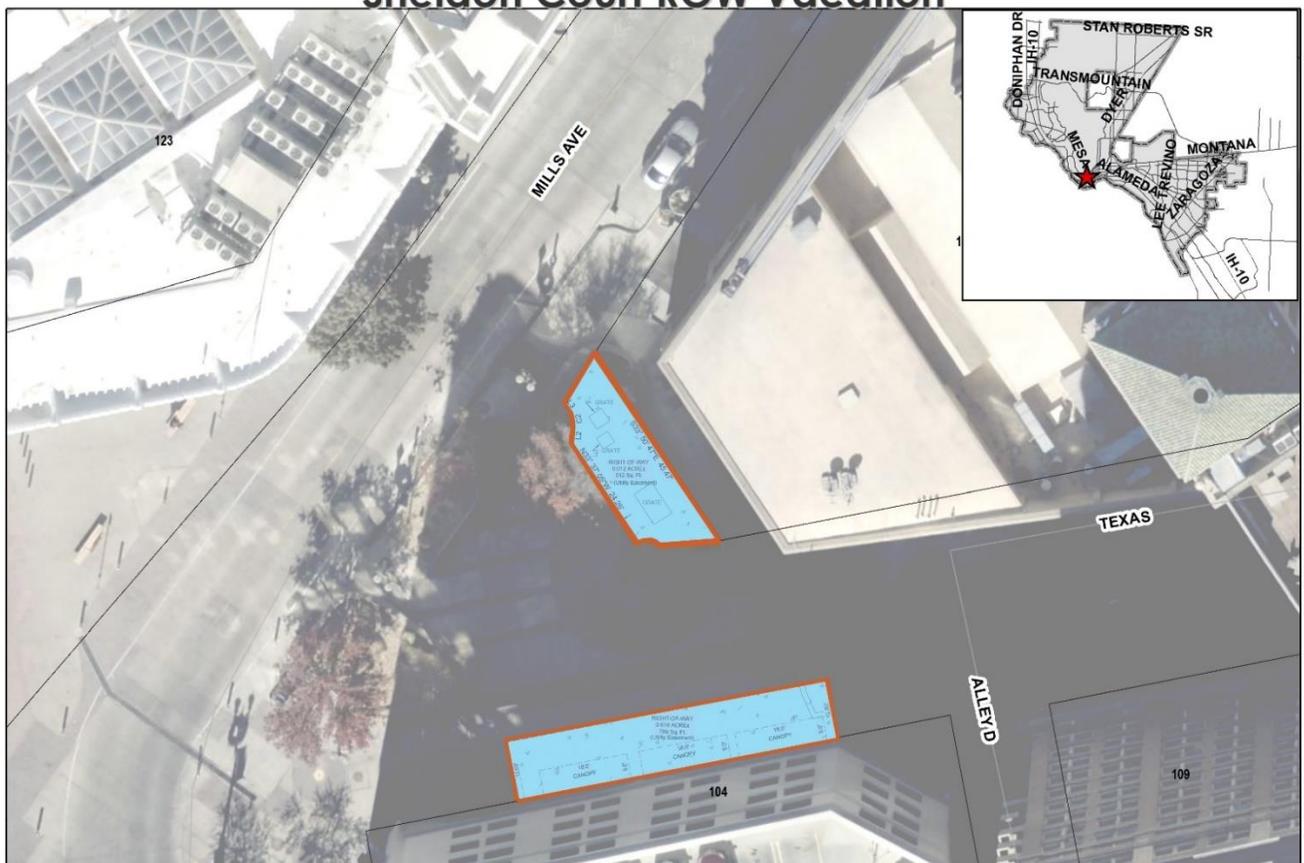
City Plan Commission — September 22, 2022



CASE NUMBER/TYPE:	SURW22-00011 –SHELDON COURT RIGHT-OF-WAY VACATION
CASE MANAGER:	Armida R. Martinez, (915) 212-1605, martinezar@elpasotexas.gov
PROPERTY OWNER:	Mills Plaza Parking II, LP and Mills Plaza Properties II, LP
REPRESENTATIVE:	Franklin Mountain Investments
LOCATION:	West of Oregon St. and South of Mills Ave. (District 8)
PROPERTY AREA:	0.03 acres
ZONING DISTRICT(S):	C-5/H (Commercial/Historic)
PUBLIC INPUT:	No opposition received as of 09/13/2022

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of Sheldon Court Right-of-Way (ROW) Vacation.

Sheldon Court ROW Vacation



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



0 5 10 20 30 40 Feet



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant seeks to vacate two portions of Sheldon Court located within Mills Addition Subdivision. The total area requested to be vacated is 0.03 acres in size. The areas currently serve as a walkway and seating area adjacent to Pioneer Plaza Park. The applicant is vacating the right-of-way in order to provide amenities such as an outdoor patio café that will serve the Plaza Hotel and Mills Plaza parking garage. A utility easement will be retained as all existing infrastructure and services are expected to remain.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	C-5/NC/H (Commercial/Historic) / Commercial Development
South	C-5/H/sp (Commercial/Historic /special permit) / Parking lot; Commercial Development
East	C-5/NC/H (Commercial/Historic) / Commercial Development
West	C-5/H (Commercial/Historic) / Park
Nearest Public Facility and Distance	
Park	Pioneer Plaza Park (abutting)
School	Triumph High School (0.38 mi.)
Plan El Paso Designation	
G1, Downtown and O1, Preserve	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on August 26,2022 to all property owners within 200 feet of the subject property. As of September 13, 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:

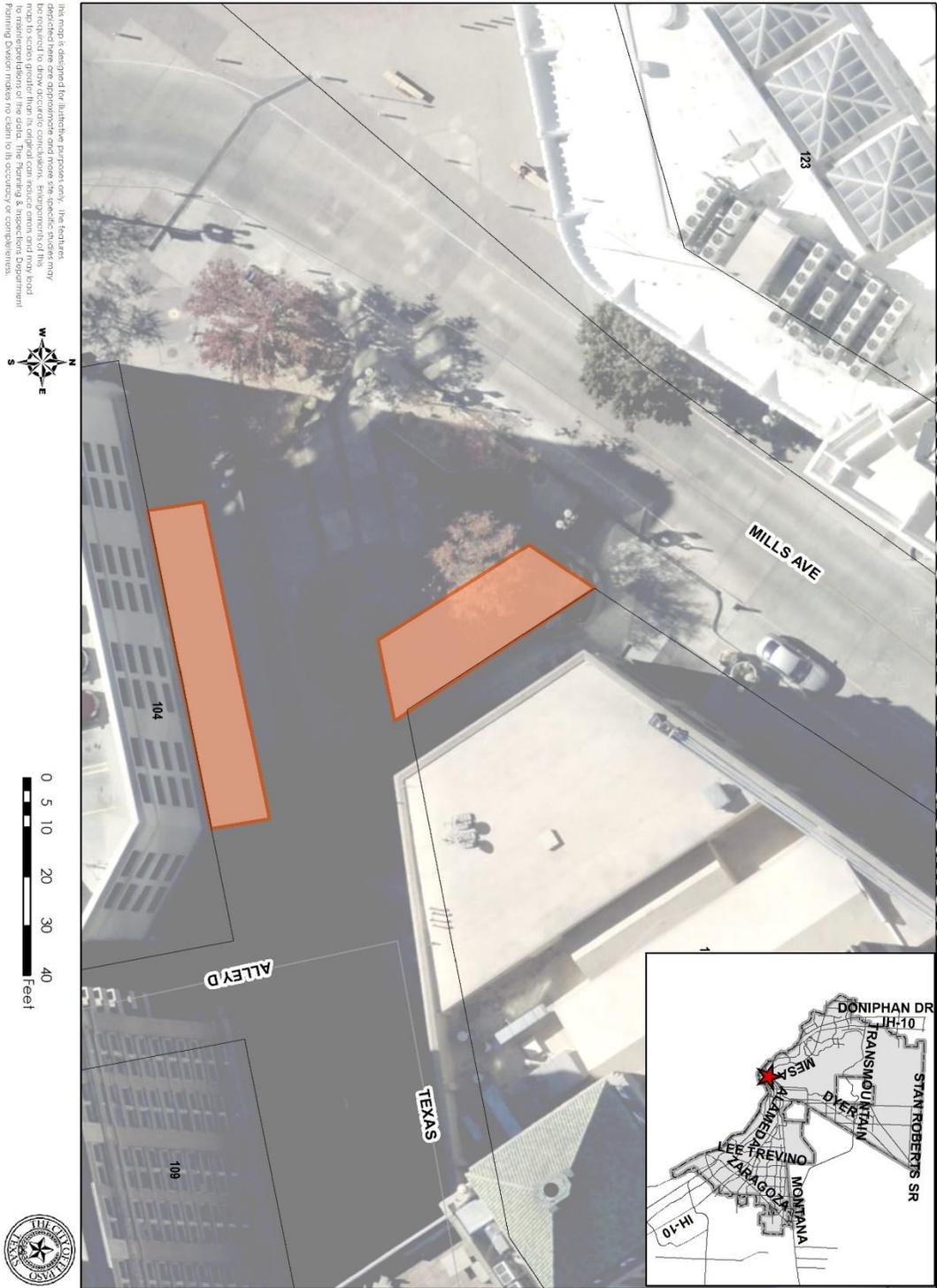
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions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

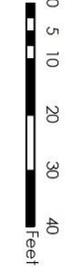
1. Aerial Map
2. Survey
3. Metes and Bounds Description
4. Survey
5. Metes and Bounds Description
6. Application
7. Department Comments

ATTACHMENT 1

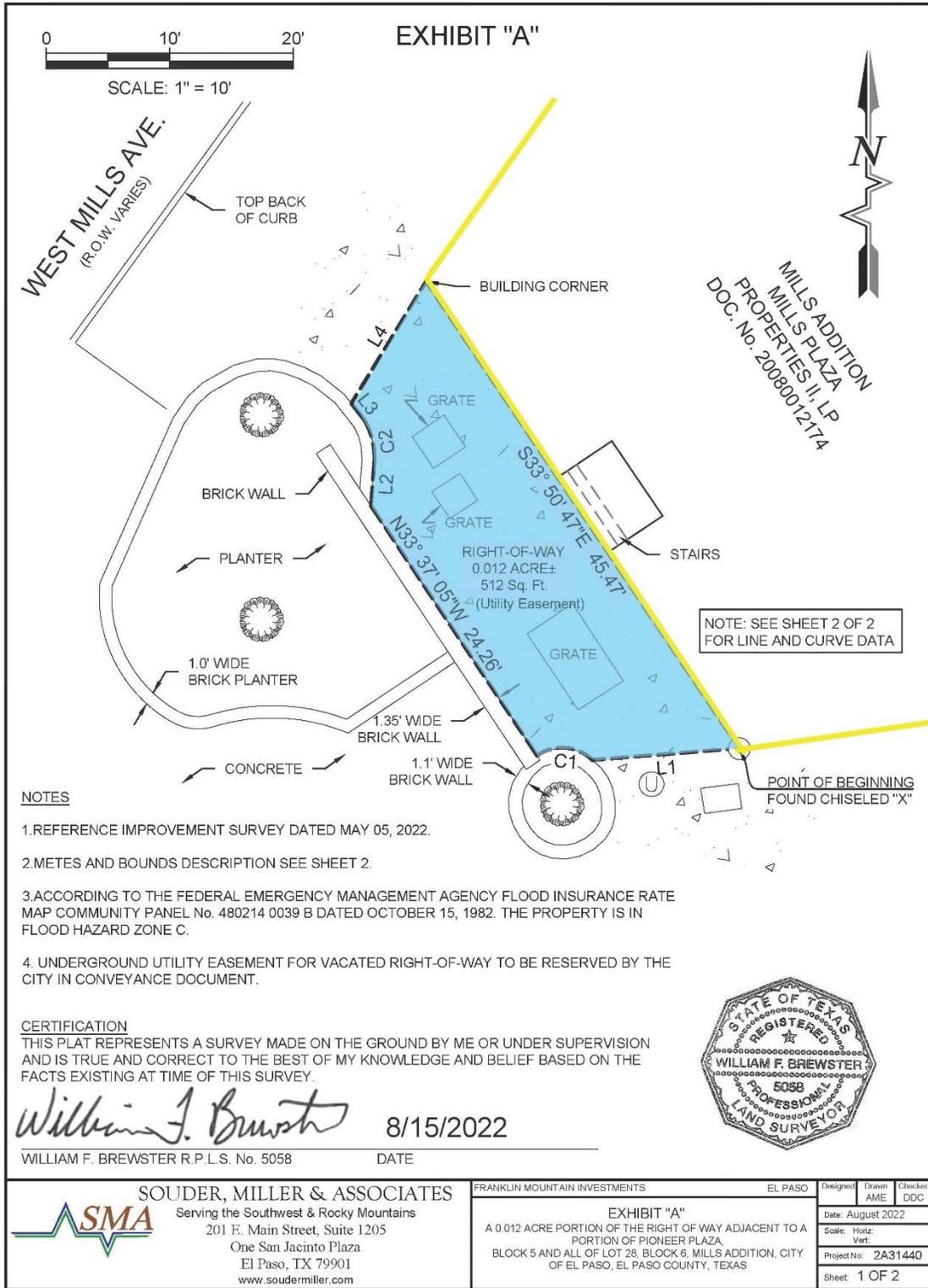
Sheldon Court ROW Vacation



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ATTACHMENT 2



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	Date: August 2022		Scale: Horiz. Vert.
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	© Copyright 2022 Souder, Miller & Associates - All Rights Reserved P:\2-FMI Pioneer Pk Outdoor Dining Easements (2A31440)\Survey\01-DWGFMI EASEMENTS.dwg, AME, 8/15/2022 12:59 PM		

ATTACHMENT 3



Souder, Miller & Associates ♦ One San Jacinto Plaza, 201 E. Main, Suite 1205 ♦ El Paso, TX 79912
(915) 842-0598

AUGUST 15, 2022

BEING A 0.012 ACRE PORTION OF THE RIGHT OF WAY ADJACENT TO A PORTION OF PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PREPARED FOR: FRANKLIN MOUNTAIN INVESTMENTS

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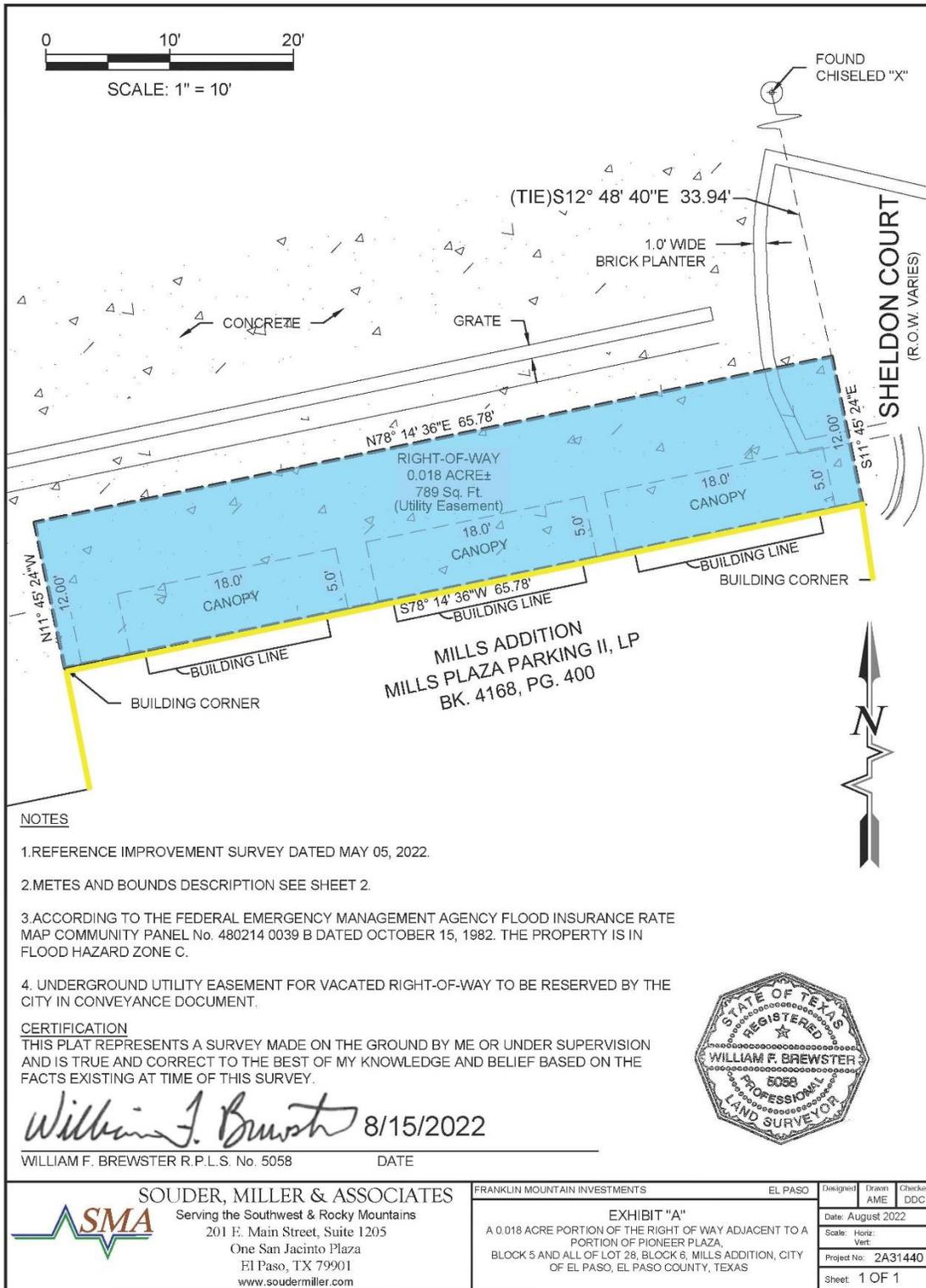
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EXHIBIT "A" SKETCH OF THE RIGHT OF WAY ACCOMPANIES THIS DESCRIPTION.

William F. Brewster



ATTACHMENT 4



ATTACHMENT 5



Souder, Miller & Associates ♦ One San Jacinto Plaza, 201 E. Main, Suite 1205 ♦ El Paso, TX 79912
(915) 842-0598

AUGUST 12, 2022

BEING A 0.018 ACRE PORTION OF THE RIGHT OF WAY ADJACENT TO A PORTION OF PIONEER PLAZA, BLOCK 5 AND ALL OF LOT 28, BLOCK 6, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PREPARED FOR: FRANKLIN MOUNTAIN INVESTMENTS

METES AND BOUNDS DESCRIPTION

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EXHIBIT "A" SKETCH OF THE RIGHT OF WAY ACCOMPANIES THIS DESCRIPTION.

William J. Brewster



Engineering ♦ Environmental ♦ Geomatics

www.soudermiller.com

ATTACHMENT 6



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: _____ File No. SURW22-00011

1. APPLICANTS NAME Mills Plaza Parking II, LP and Mills Plaza Properties II, LP

ADDRESS 100 East San Antonio /106 W Mills Ave El Paso, TX ZIP CODE 79901 TELEPHONE 915-504-7152

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

Street Alley Easement Other

Street Name(s) Sheldon Court Subdivision Name Mills Addition

Abutting Blocks Block 6 Abutting Lots Lot 28

3. Reason for vacation request: Outdoor Dining

4. Surface Improvements located in subject property to be vacated:
None Paving Curb & Gutter Power Lines/Poles Fences/Walls Structures Other Sidewalk

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 Outdoor Dining

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></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: _____ REPRESENTATIVE SIGNATURE: Richard Bransford

REPRESENTATIVE (PHONE): 915-504-7151

REPRESENTATIVE (E-MAIL): rbransford@fmnep.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

ITEM 1 - General Comments

ATTACHMENT 7

Planning and Inspections Department- Planning Division

Staff recommends approval.

Planning and Inspections Department- Land Development Division

No objections to proposed ROW vacation.

Parks and Recreation:

No objections.

Sun Metro:

No comments received.

Fire Department:

Recommend approval. No adverse comments.

Streets and Maintenance Department:

The Streets and Maintenance Department has no objections for this application.

Capital Improvement Department

No comments received.

El Paso Water Utilities:

EPWater-PSB does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Sheldon Ct., located approximately 20-feet north of the Mills Plaza Parking II building line. This main is available for service.

There is an existing 8-inch diameter water main that extends along Mills Ave, located approximately 30-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate an active 1-inch yard meter serving Pioneer Plaza. The service address for this meter is 101 Texas Ave.

Previous water pressure from fire hydrant #1391, located on Mills Ave approximately 300-feet west of Oregon St., has yielded a static pressure of 90 (psi), a residual pressure of 86 (psi), and a discharge of 1,482 (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 Mills Ave., located approximately 40-feet south of the north 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.

AT&T

No objections if easement is granted.

Texas Gas

No comments received.

El Paso Electric

No comments received.

Spectrum:

No comments received.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.