

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

AGENDA DATE: May 23, 2023
PUBLIC HEARING DATE: June 6, 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 53 square-foot public utility easement, located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas.

Subject Property: 6524 Ta Suil Pl.
Applicant: El Paso Accent Homes, LLC, SUET22-00007

BACKGROUND / DISCUSSION:

Applicant is requesting to vacate a portion of an existing utility easement to allow for the expansion of the buildable area. This vacation will allow for an existing encroachment overhang and will address the encroachment into a portion of the dedicated utility easement. City Plan Commission recommended 6-0 to approve the proposed vacation request on December 15, 2022. As of May 16, 2023, the Planning Division has not received any communication in support or opposition to the vacation request. 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? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. 019514

AN ORDINANCE VACATING A 53 SQUARE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN LOT 3, BLOCK 10, RIO VALLEY SUBDIVISION REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the abutting property owner has requested vacation of a 53 square-foot Public Utility Easement located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas; and,

WHEREAS, after a public hearing, the City Plan Commission has recommended a vacation of a 53 square-foot public utility easement located within Lot 3, Block 10, Rio Valley Subdivision Replat A, City of El Paso, El Paso County, Texas, and the 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 AND 00/DOLLARS (\$25.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a 53 square-foot public utility easement located within Lot 3, Block 10, Rio Valley Subdivision Replat A, 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 El Paso Accent Homes.

(Signatures on the following pages)

ADOPTED this 6 day of June, 2023.

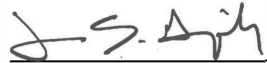
THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

(Quit Claim Deed on the following page)

ORDINANCE NO. **019514**

HQ 23-681 | Tran #490569 | P&I
Ta Suil Easement Vacation
RTA

SUET22-00007

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

That in consideration of the receipt by the **CITY OF EL PASO** of Twenty-Five AND 00/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 the **El Paso Accent Homes, LLC.**, 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 53 SQUARE-FOOT UTILITY EASEMENT LOCATED WITHIN LOT 3, BLOCK 10, RIO VALLEY SUBDIVISION REPLAT A, AN ADDITION TO THE 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

Tomás González
City Manager

ATTEST:

Laura D. Prine,
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney



Philip F. Etiwe, Director
Planning and Inspections Department

(Acknowledgement on following page)

ORDINANCE NO. 019514

HQ 23-681 | Tran #490569 | P&I
Ta Suil Easement Vacation
RTA

SUET22-00007

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:

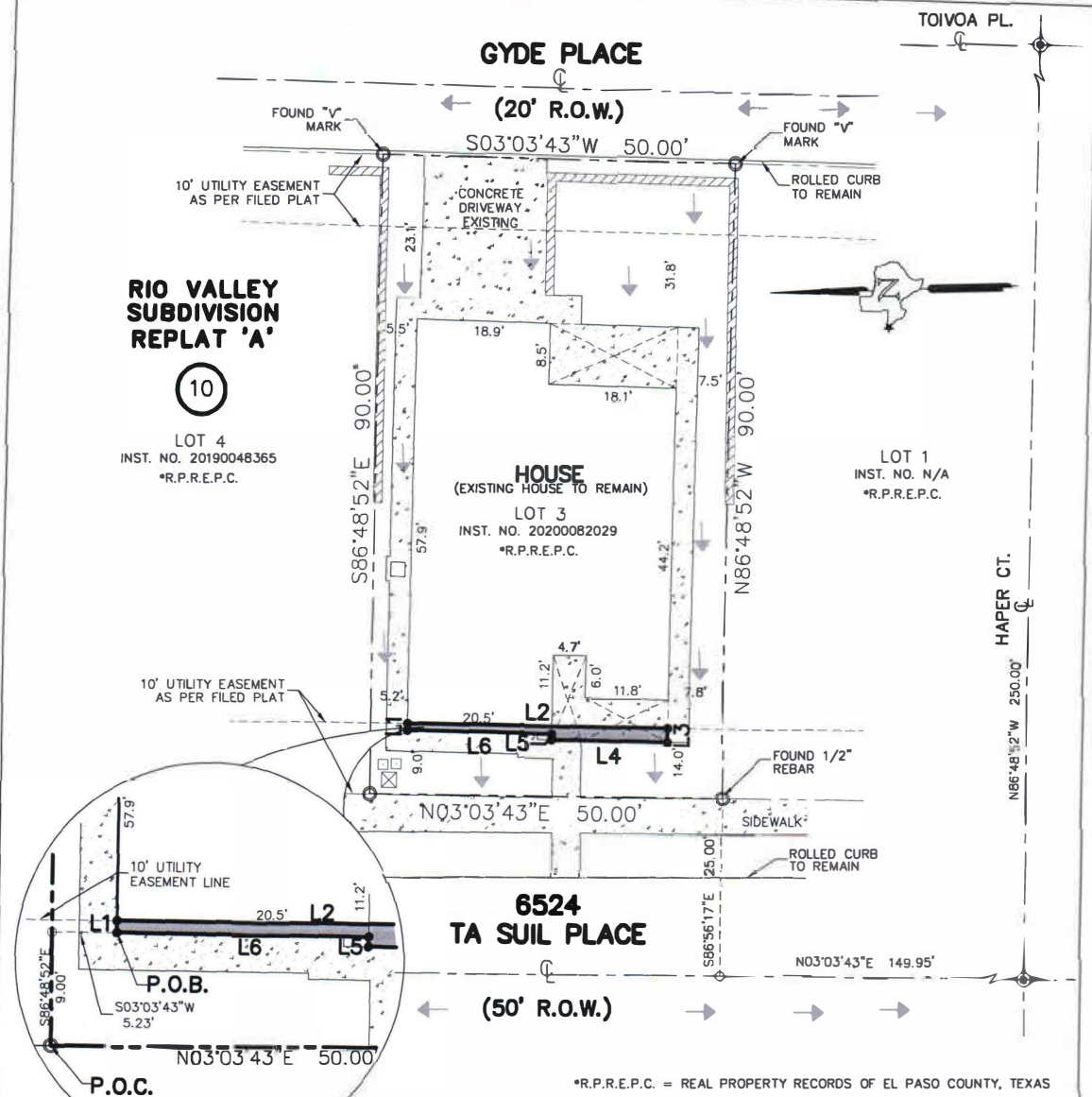
My Commission Expires:

ORDINANCE NO. _____

HQ 23-681 | Tran #490569 | P&I
Ta Suil Easement Vacation
RTA

SUET22-00007

EXHIBIT A



LINE TABLE		
LINE	BEARING	LENGTH
L1	S86°33'49\"E	0.96'
L2	S03°03'43\"W	36.96'
L3	N86°33'49\"W	2.00'
L4	N03°26'11\"E	16.46'
L5	S86°33'49\"E	0.80'
L6	N03°26'11\"E	20.50'

LEGEND

- — FOUND 1/2\" REBAR W/CAP \"B&A INC\" (UNLESS NOTED OTHERWISE)
- ⊙ — FOUND ORIGINAL CITY MONUMENT
- — CALCULATED POINT (NOT SET)
- ▨ — ROCK WALL
- ▤ — COVERED AREA
- ▥ — CONCRETE
- — UTILITY PEDESTAL
- ⊠ — ELECTRIC BOX
- — DRAINAGE FLOW

*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES

- PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE \"X\", PER F.I.R.M. PANEL NUMBER 480212 0125 B, LAST REVISION DATE 09-04-91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
- BEARINGS SHOWN ARE GRID BEARINGS DERIVED FROM RTK OBSERVATIONS TO THE TEXAS CO-OP NETWORK, REFERRED TO THE TEXAS COORDINATE SYSTEM (NAD 83) CENTRAL ZONE. DISTANCES ARE GROUND DISTANCE.
- ONLY EASEMENTS SHOWN ON THE SUBDIVISION PLAT OR RECORDED EASEMENTS AS LISTED ON THE TITLE COMMITMENT ARE SHOWN. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATIONS, RESTRICTIONS, BUILDING LINES AND/OR EASEMENTS WHICH MAY AFFECT SUBJECT PARCEL.
- PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
- THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- A WRITTEN DESCRIPTION DATED 11-10-2022 ACCOMPANIES THIS PLAT.
- THE TERM \"CERTIFY\" OR \"CERTIFICATE\" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.

B Barragan & Associates Inc.

LAND PLANNING & SURVEYING
TBPELS FIRM # 10151200
10950 Pelicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

PORTION OF A 10' WIDE EASEMENT
WITHIN LOT 3, BLOCK 10,
RIO VALLEY SUBDIVISION REPLAT \"A\",
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 53 SQ. FEET ±

Plat Reference Clerk's File No. 20140049084

Scale: 1\"=20' Date: 11-14-2022 Drawn By: AA

I hereby certify that the foregoing survey was made on the ground and under my supervision and to the best of my knowledge and belief.



Benito Barragan, TX, RPLS NO. 5615
Job No. 210908-19 Copy Rights ©
Field: GP Book: N/A Page: N/A

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

Description of a portion of a 10' utility easement within Lot 3, Block 10, Rio Valley Subdivision Replat "A", an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in File No. 20140049084, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a found 1/2" rebar with cap "B&A Inc" at the westerly common corner of Lot 3 and Lot 4, Block 10, Rio Valley Subdivision Replat "A", an addition to the city of El Paso, El Paso County, Texas, **THENCE**, S 86°48'52" E, along the common corner of lots 3 and 4, block 10 a distance of 9.00' to a point on the easterly line of a 10 foot wide easement; **THENCE**, S 03°03'43" W, leaving said common line along said easterly line, a distance of 5.23 feet to a northwesterly corner of a house, also being the **POINT OF BEGINNING** of this description:

THENCE, S 86°33'49" E, a distance of 0.96 feet, to a point on the intersection of the northerly line of house with the easterly line of a 10' wide utility easement as shown on filed plat of Rio Valley Subdivision Replat "A";

THENCE, S 03°03'43" W, along the Easterly line of a 10' easement line a distance of 36.96 feet to a point on the easterly side of a covered area;

THENCE, N 86°33'49" W, along the easterly side of the covered area, a distance of 2.00 feet to a point to the southeast corner of said covered area;

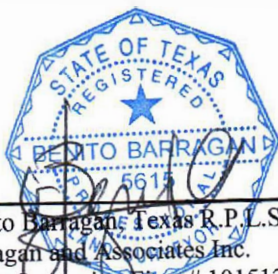
THENCE, N 03°26'11" E, along the south side of said covered area, a distance of 16.46 feet to a point on the northwesterly corner of said covered area;

THENCE, S 86°33'49" E, a distance of 0.80 feet to a point on the southwesterly corner of a house;

THENCE, N 03°26'11" E, along the westerly wall of a house, a distance of 20.50 feet to the **POINT OF BEGINNING** of this description and containing in all 53 sq. feet more or less.

NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown are grid derived from RTK observations to the Texas CO-OP network application. Referred to the Texas Coordinate System (NAD 83) central zone. Distances are ground and can be converted to grid by dividing by 1.000231.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 11-14-2022 accompanies this description.



Benito Barragan, Texas R.P.L.S. 5615
Barragan and Associates Inc.
Texas Surveying Firm # 10151200
6524 Ta Sul Pl.
November 14, 2022

Ta Suil Place Easement Vacation

City Plan Commission — December 15, 2022



CASE NUMBER/TYPE:	SUET22-00007 – EASEMENT VACATION
CASE MANAGER:	Alex Alejandre, (915) 212-1642, AlejandreAX@elpasotexas.gov
PROPERTY OWNER:	El Paso Accent Homes, LLC
REPRESENTATIVE:	Gregory Scott Winton
LOCATION:	North of Borderland Rd. and West of Westside Dr. (District 1)
PROPERTY AREA:	53.0 square feet
ZONING DISTRICT(S):	G-MU (General Mixed Use District)

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the vacation of a 53' square foot utility easement.

Ta Suil Place Easement Vacation



Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a 53' square foot portion of an existing utility easement to allow for the expansion of the buildable area. This vacation will allow for an existing encroachment overhang and will address the encroachment into a portion of the dedicated utility easement.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	G-MU (General Mixed Use) / General mixed use development.
South	G-MU (General Mixed Use) / Vacant lot.
East	G-MU (General Mixed Use) / General mixed use development.
West	G-MU (General Mixed Use) / General mixed use development.
Nearest Public Facility and Distance	
Park	Rio Valley City Park (0.03 miles)
School	Jose H. Damian Elementary (1.36 miles)
Plan El Paso Designation	
O-3 (Agriculture)	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: N/A

CITY PLAN COMMISSION OPTIONS:

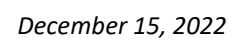
The City Plan Commission (CPC) has the authority to advise City Council on easement vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

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.

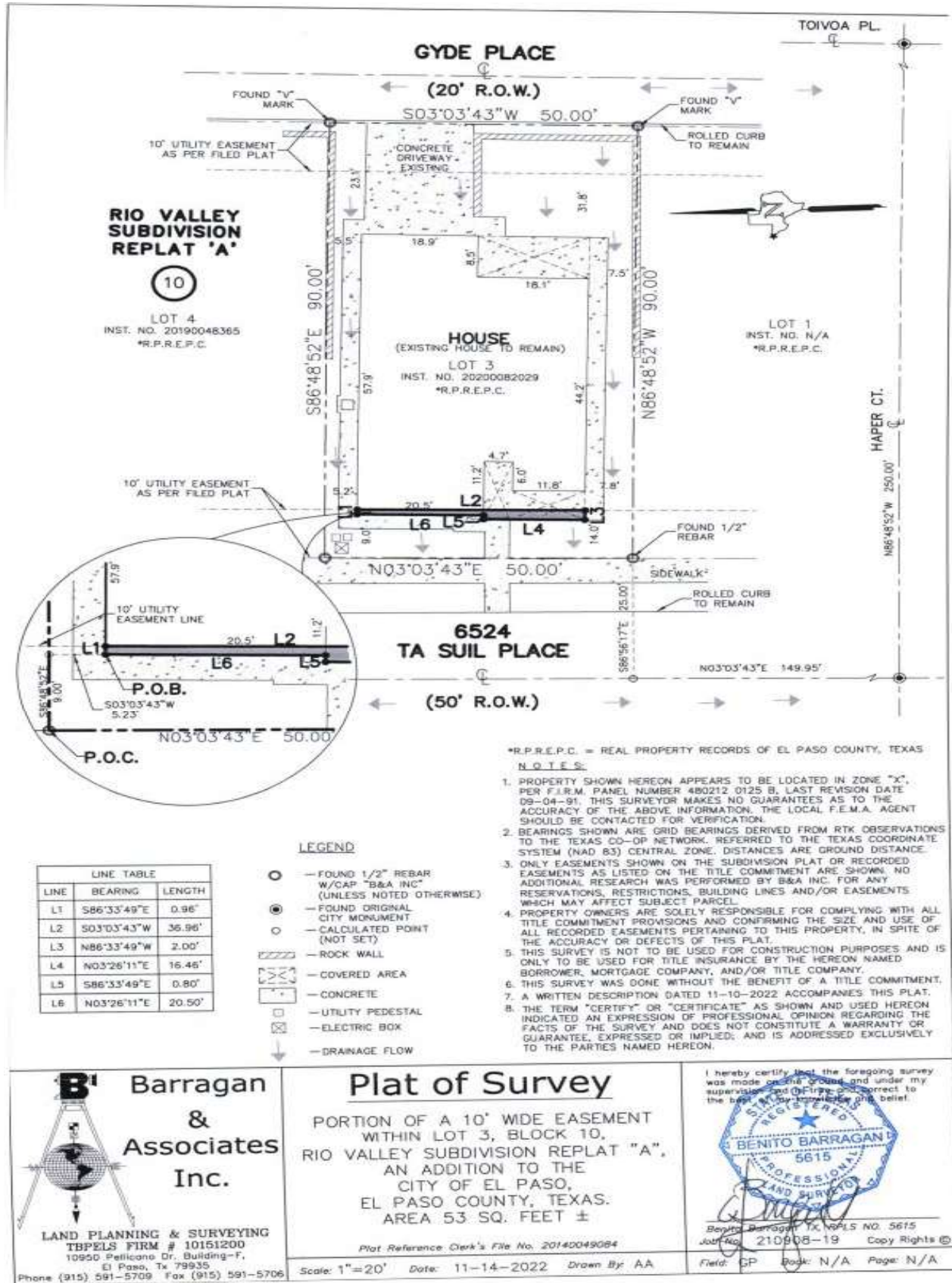
ATTACHMENTS:

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

Ta Suil Place Easement Vacation



ATTACHMENT 2



ATTACHMENT 3

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

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THENCE, N 86°33'49" W, along the easterly side of the covered area, a distance of 2.00 feet to a point to the southeast corner of said covered area;

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THENCE, S 86°33'49" E, a distance of 0.80 feet to a point on the southwesterly corner of a house;

THENCE, N 03°26'11" E, along the westerly wall of a house, a distance of 20.50 feet to the **POINT OF BEGINNING** of this description and containing in all 0.21 sq. feet more or less.

NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown are grid derived from RTK observations to the Texas CO-OP network application. Referred to the Texas Coordinate System (NAD 83) central zone. Distances are ground and can be converted to grid by dividing by 1.000231.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's owner responsibility to comply with this code if required.
4. A Plat of Survey dated 11-10-2022 accompanies this description.


Benito Barragan, Texas R.P.L.S. 5615
Barragan and Associates Inc.
Texas Surveying Firm # 10151200
6524 Ta Suil Pl
November 14, 2022

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 8-15-2022

File No. _____

1. APPLICANT'S NAME El Paso Acorn Homes, LLC

ADDRESS 5300 Escondido Dr El Paso, TX ZIP CODE 79912 TELEPHONE 915-884-8629

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

Street ☐ Alley ☐ Easement ☒ Other ☐

Street Name(s) 6524 Ta Sul Place Subdivision Name Rio Valley Subdivision Re-Plat A

Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: Building encroaches on easement


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
 Kenneth Capshaw	<u>Lot 1, Block 10 - 6520 Ta Sul Place</u>	<u>915-884-8629</u>
	<u>Lot 4, Block 10 - 6526 Ta Sul Place</u>	<u>915-203-0929</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: 

REPRESENTATIVE (PHONE): 915-637-6787

REPRESENTATIVE (E-MAIL): SCOTT.WINKLER@SOLARIS.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

Planning staff recommends approval of the Ta Suil Place Easement Vacation.

Planning and Inspections Department- Land Development Division

No objections to proposed ROW vacation.

Parks and Recreation Department

We have reviewed **6524 Ta Suil Easement Vacation** survey map and on behalf of Parks & Recreation Department we offer “No” objections to this proposed easement vacation request.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Ta Suil Pl., located approximately 17-feet west of the east right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch water meter serving the subject property. The service address for this meter is 6524 Ta Suil Pl.

Previous water pressure from fire hydrant #11118, located along Ta Suil Pl. approximately 25-feet north of Haper Ct., has yielded a static pressure of 94 (psi), a residual pressure of 90 (psi), and a discharge of 750 (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.

Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Ta Suil Pl., located approximately 30-feet west of the east right-of-way line. This main is available for service.

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.

Streets and Maintenance Department

We have no objections for this application.

Texas Gas

No comments received.

El Paso Electric

EPE is okay to proceed with the new dimensions provided on the plat. The customer has been advised, EPE is not liable for any damages if the line needs any maintenance or repairs in the future.

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

EPCWID has no comments on the attached item.

Sun Metro

No comments received.

Fire Department

No comments received.

Capital Improvement Department

No comments received.