

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

AGENDA DATE: February 27, 2024
PUBLIC HEARING DATE: March 12, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Adriana Martinez, (915) 212-1611

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 portion of city right-of-way over a portion of Paisano Drive as shown on right-of-way map of U.S. Highway 80, Control 1, Section 4, Job 9, City of El Paso, El Paso County, Texas.

Subject Property: Coldwell/Paisano ROW Vacation
Applicant: City of El Paso, SURW23-00014

BACKGROUND / DISCUSSION:

The applicant intends to vacate a segment of Coldwell Street (officially a portion of previous Paisano Drive alignment) to address an existing encroachment. This area lies within a City of El Paso-owned parking lot, with the intention of maintaining its current use. The City Plan Commission recommended 6-0 to approve the proposed right-of-way (ROW) vacation on September 21, 2023. As of February 13, 2024, the Planning Division has not received any communication in support or opposition to the vacation request. The vacated property is proposed to remain under City ownership and control; accordingly, transfer of the appraised value was not applied for this item. 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:

Kevin Smith for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A PORTION OF PAISANO DRIVE AS SHOWN ON RIGHT-OF-WAY MAP OF U.S. HIGHWAY 80, CONTROL 1, SECTION 4, JOB 9, 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 of Paisano Drive as shown on right-of-way map of U.S. Highway 80, Control 1, Section 4, Job 9, City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that a portion of Paisano Drive as shown on right-of-way map of U.S. Highway 80, Control 1, Section 4, Job 9, 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 Paisano Drive as shown on right-of-way map of U.S. Highway 80, Control 1, Section 4, Job 9, 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 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 the City of El Paso.

ADOPTED this _____ day of _____, 2024.

THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM

Russell Abeln
Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Kevin Smith for _____
Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

SURW23-00014

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 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 the City of El Paso (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 PAISANO DRIVE AS SHOWN ON RIGHT-OF-WAY MAP OF U.S. HIGHWAY 80, CONTROL 1, SECTION 4, JOB 9, 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 _____, 2024.

CITY OF EL PASO

ATTEST:

Cary Westin, Interim City Manager

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Kevin Smith for

Philip F. Etiwe, Director
Planning and Inspections Department

(Acknowledgement on following page)

ORDINANCE NO. _____
23-1548 | Tran # 503383 | P&I
Coldwell-Paisano ROW Vacation Ord.
RTA

SURW23-00014

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2024
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:

City of El Paso
300 N. Campbell
El Paso, Texas 79901

ORDINANCE NO. _____
 23-1548 | Tran # 503383 | P&I
 Coldwell-Paisano ROW Vacation Ord.
 RTA

SURW23-00014

EXHIBIT A

METES AND BOUNDS DESCRIPTION OF A 0.1389 ACRE PARCEL

A 0.1389-ACRE PARCEL OF LAND SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS A PORTION OF THE PAISANO DRIVE RIGHT-OF-WAY AS SHOWN ON RIGHT-OF-WAY MAP OF U. S. HIGHWAY 80. CONTROL 1, SECTION 4, JOB 9 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT A TXDOT BRASS CAP RIGHT-OF-WAY MONUMENT FOUND AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAN ANTONIO AVENUE AND THE EAST RIGHT-OF-WAY LINE OF PAISANO DRIVE (U. S. HIGHWAY 80); THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAN ANTONIO AVENUE AND FOLLOWING THE EAST RIGHT-OF-WAY LINE OF PAISANO DRIVE. NORTH 39°21'58" WEST, 74.08 FEET TO A FOUND TXDOT BRASS CAP RIGHT-OF-WAY MONUMENT; THENCE, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF PAISANO, NORTH 15°01'33" EAST, 184.40 FEET TO THE BOUNDARY LINE COMMON TO LOTS 3 AND 4, BLOCK 171 CAMPBELL ADDITION FOR THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED;

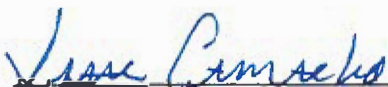
THENCE, LEAVING THE EAST RIGHT-OF-WAY LINE OF PAISANO DRIVE AND FOLLOWING THE EXTENSION OF THE BOUNDARY LINE COMMON TO SAID LOTS 3 AND 4, SOUTH 74°58'27" WEST, 60.18 FEET TO THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED;

THENCE, LEAVING THE EXTENSION OF THE BOUNDARY LINE COMMON TO SAID LOTS 3 AND 4 AND FOLLOWING THE WEST FACE OF AN EXISTING ROCK WALL, NORTH 01°37'39" EAST, 209.98 FEET TO THE EAST RIGHT-OF-WAY LINE OF PAISANO DRIVE FOR THE NORTH CORNER OF THE PARCEL HEREIN DESCRIBED;

THENCE, LEAVING THE WEST FACE OF SAID EXISTING ROCK WALL AND FOLLOWING THE EAST RIGHT-OF-WAY LINE OF PAISANO DRIVE, SOUTH 15°01'33" WEST, 201.17 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.1389 ACRES (6,053.2 SQUARE FEET), MORE OR LESS AND BEING SUBJECT TO A UTILITY EASEMENT;


THE BEARINGS LISTED IN THE ABOVE DESCRIPTION ARE REFERENCED TO THE U. S. 80 RIGHT-OF-WAY MAP, CONTROL 1, SECTION 4, JOB 9.


ISAAC CAMACHO
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5337
JULY 11, 2023



REV.	DATE	BY	DESCRIPTION
1	6/28/23	IC	REVISE UTILITY NOTE

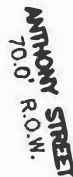
EXHIBIT OF A 0.1389-ACRE PARCEL
BEING A PORTION OF PAISANO DRIVE
RIGHT-OF-WAY,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS



www.fxsa.com

Consulting Civil Engineers & Surveyors

1130 Montana Ave., El Paso, Texas 79902
Ph: (915) 533-4600 Fax:(915)533-4673
(TBPE# F-3584, TBPLS# 100490-00)



1. U.S. HIGHWAY 80 RIGHT-OF-WAY MAP CONTROL 1, SECTION 4, JOB 9, DATED NOVEMBER 1, 1946.
2. MAP OF BLOCKS 169, 170, AND 171, CAMPBELL ADDITION, PAGE 94 BIG BOOK, EL PASO CENTRAL APPRAISAL DISTRICT RECORDS.
3. SHERIFF'S DEED FILED IN VOLUME 706, PAGE 553 OF THE EL PASO COUNTY RECORDS.
4. WARRANTY DEED FILED IN VOLUME 2283, PAGE 464, OF THE EL PASO COUNTY RECORDS.
6. WARRANTY DEED FILED IN VOLUME 2457, PAGE 662, OF THE EL PASO COUNTY RECORDS.

1. BEARINGS LISTED IN THIS EXHIBIT ARE BASED ON U.S. HIGHWAY 80 RIGHT-OF-WAY MAP CONTROL 1, SECTION 4, JOB 9.
2. DISTANCES LISTED ON THIS EXHIBIT ARE BASED ON THE MAP OF BLOCKS 169, 170, AND 171. CAMPBELL ADDITION, PAGE 94, BIG BOOK AND THE MEASURED ROCK WALL ALONG THE WEST BOUND AND OF THE SUBJECT PARCEL.
3. THE ENTIRE 0.1389 ACRES PORTION OF PAISANO R.O.W. IS SUBJECT TO A UTILITY EASEMENT.

171 BLOCK NUMBER
 ----- PAISANO DRIVE
 ----- RIGHT-OF-WAY
 ----- LOT LINES TO BE
 ----- VACATED BY THIS
 ----- EXHIBIT

I HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE EXHIBIT WAS PREPARED USING THE FILED RECORD DEEDS FOR SAID LOTS 4 THROUGH 11 AND U.S. HIGHWAY 80 RIGHT OF MAP CONTROL 1, SECTION 4, JOB 9 FOR SAID PORTION OF PAISANO DRIVE RIGHT-OF-WAY. A GROUND SURVEY OF THE SUBJECT PARCEL WAS NOT PERFORMED. THIS EXHIBIT IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

ISAAC CAMACHO
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5337
JULY 11, 2023



SHEET 1 Of 2

DRAWN BY: EA
FXSA JOB NO. S2280EP

EXHIBIT OF A 0.1389-ACRE PARCEL
BEING A PORTION OF PAISANO DRIVE
RIGHT-OF-WAY,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS

FXSA
www.fxsa.com

Consulting Civil Engineers & Surveyors

1130 Montana Ave., El Paso, Texas 79902
Ph: (915) 533-4800 Fax: (915) 533-4873
(TBPE# F-3584, TBPLS# 100480-00)

Coldwell/Paisano ROW Vacation



City Plan Commission — September 21, 2023 - **REVISED**

CASE NUMBER/TYPE:	SURW23-00014 – Right-of-Way Vacation
CASE MANAGER:	Jorge Olmos, (915) 212-1607, OlmosJA@elpasotexas.gov
PROPERTY OWNER:	City of El Paso
REPRESENTATIVE:	City of El Paso
LOCATION:	West of Mesa St. and south of Interstate 10 (District 8)
PROPERTY AREA:	0.1389 acres
ZONING DISTRICT(S):	U-P (Union Plaza District)
PUBLIC INPUT:	No opposition received as of 9/13/2023

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the Coldwell/Paisano right-of-way (ROW) Vacation.

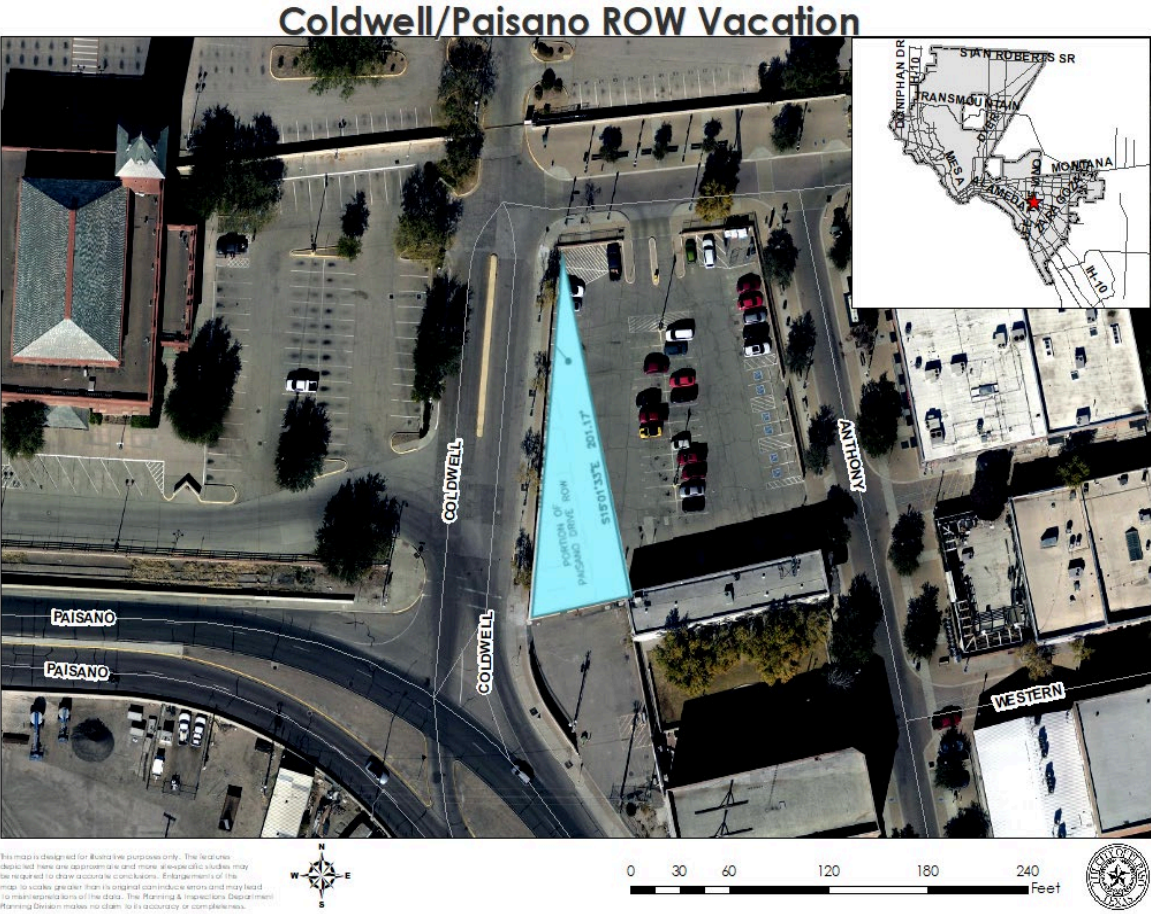


Figure A: Proposed plat with surrounding area

DESCRIPTION OF REQUEST: The applicant is proposing to vacate a 0.1389 acre portion of Coldwell Street (officially a portion of previous Paisano Drive alignment) in order to formalize an existing situation. The area is within an existing City of El Paso-owned parking lot, with the intent to keep the use as a parking lot. The right-of-way is paved, and contains a full-width utility easement, which is to remain. No improvements over the right-of-way are proposed.

CASE HISTORY/RELATED APPLICATIONS: N/A

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

Surrounding Zoning and Use	
North	M-1 (Manufacturing) / Commercial development
South	U-P H (Union Plaza/Historic) / Commercial development
East	U-P H (Union Plaza/Historic) / Commercial development
West	U-P H (Union Plaza/Historic) / Commercial development
Nearest Public Facility and Distance	
Park	Union Plaza Park (0.01 miles)
School	Mesita at Vilas Elementary School (0.35 miles)
Plan El Paso Designation	
G1, Downtown	
Impact Fee Service Area	
N/A	

PUBLIC COMMENT: Notices of the proposed right-of-way vacation were sent on September 4, 2023 to all property owners within 200 feet of the subject property. As of September 17, 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:

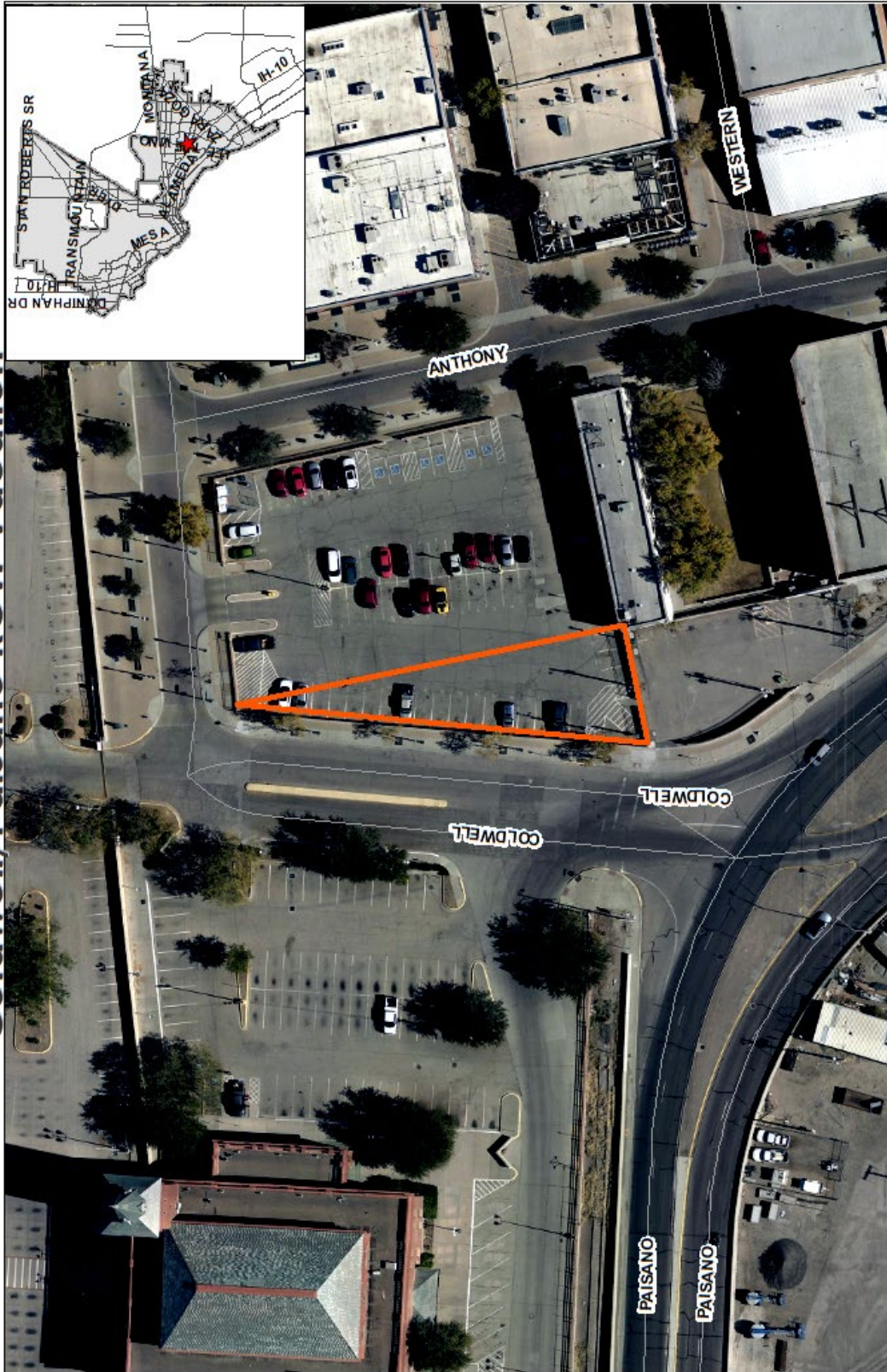
1. **Recommend Approval:** The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code. **(Staff Recommendation)**
2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions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

Coldwell/Paisano ROW Vacation

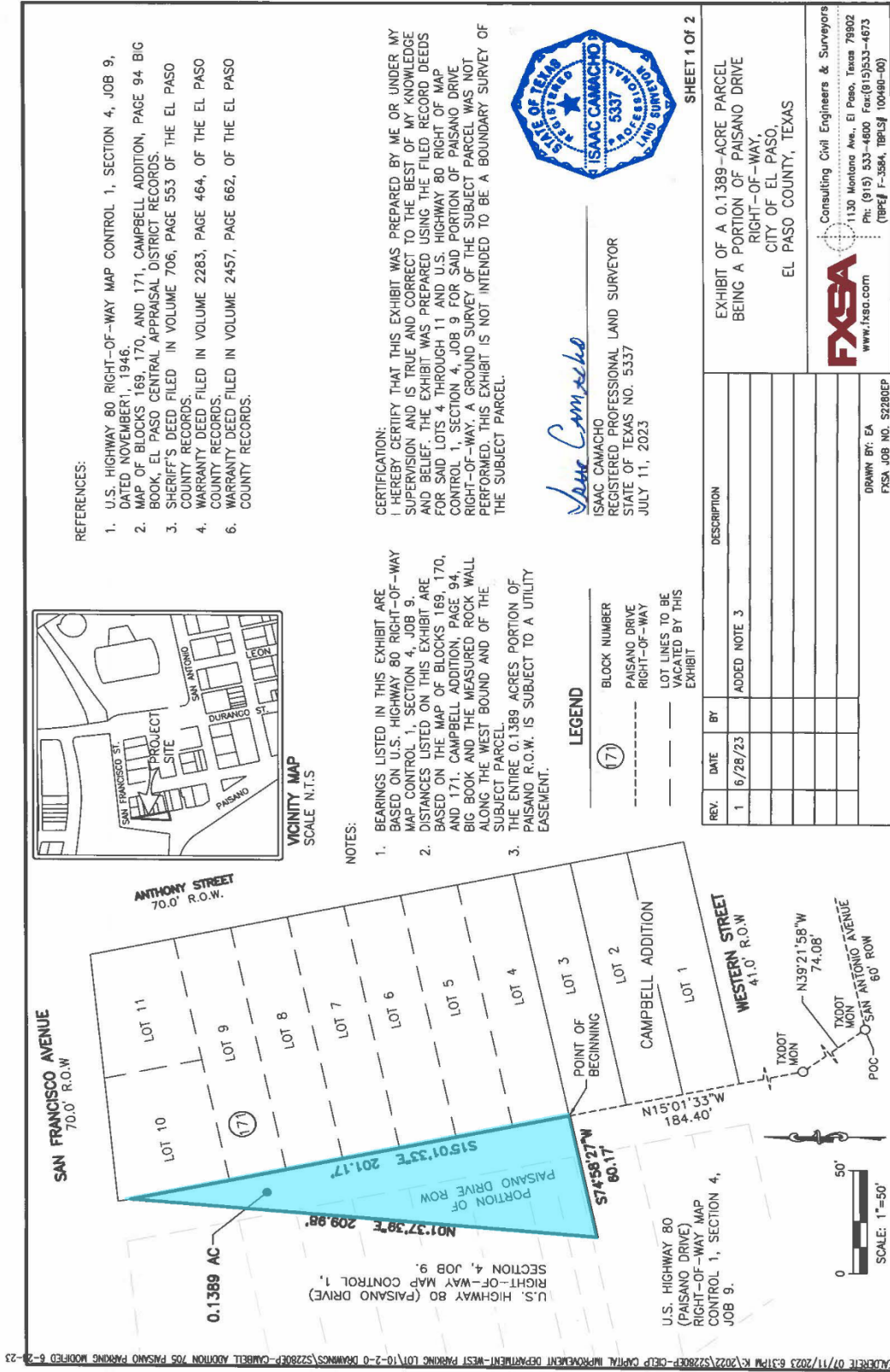


0 30 60 120 180 240 Feet



This map is designed for Board use purposes only. The location depicted here are approximate and more specific studies may be required to draw accurate conclusions. Enhancements of the map may be made without notice. The Planning & Inspection Department makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

METES AND BOUNDS DESCRIPTION OF A 0.1389 ACRE PARCEL

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Isaac Camacho

ISAAC CAMACHO
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5337
JULY 11, 2023



SHEET 2 OF 2

REV.	DATE	BY	DESCRIPTION	EXHIBIT OF A 0.1389-ACRE PARCEL BEING A PORTION OF PAISANO DRIVE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS
1	6/28/23	IC	REVISE UTILITY NOTE	
				 FXSA Consulting Civil Engineers & Surveyors 1130 Montana Ave., El Paso, Texas 79902 Ph: (915) 533-4800 Fax: (915) 533-4673 (TBPE# F-3584, TBPLS# 100490-00)
DRAWN BY: EA FXSA JOB NO. S2280EP				

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: 05/18/2023

File No. _____

1. APPLICANTS NAME City of El Paso - Sun Metro
ADDRESS 10151 Montana Ave., El Paso, Texas ZIP CODE 79925 TELEPHONE (915) 212-3317
2. Request is hereby made to vacate the following: (check one)
Street ☒ Alley ☐ Easement ☐ Other ☐
Street Name(s) Paisano Dr. aka Coldwell St. Subdivision Name Campbell Addition
Abutting Blocks 171 Abutting Lots Lots 3-10
3. Reason for vacation request: Portion of street is within an existing City-owned parking lot
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>Anthony R. DeKeyser</u>	<u>Lots 2-10, Block 171, Campbell Addition</u>	<u>(915) 212-3306</u>
<u>Letter of Concurrence w/owner's signature attached</u>	<u>Lot 3, Block 171, Campbell Addition</u>	<u>(915) 203-3870</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: Sam C. Kelly REPRESENTATIVE SIGNATURE: Anthony R. DeKeyser

REPRESENTATIVE (PHONE): Anthony DeKeyser @ (915) 212-3306 / David Samaniego @ (915) 335-5960

REPRESENTATIVE (E-MAIL): dekeyzerar@elpasotexas.gov; SamaniegoDC@elpasotexas.gov

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

No objections to the proposed right-of-way (ROW) vacation.

Planning and Inspections Department- Land Development Division

No objections.

Parks and Recreation Department

No objections.

Sun Metro

No comments received.

Fire Department

No comments received.

Streets and Maintenance Department

No objections.

Capital Improvement Department

No comments received.

El Paso Water

EPWater-PSB does not object to this request. EPWater does not have facilities within the proposed area to be vacated.

Water:

There is an existing 12-inch diameter water main that extends along Coldwell St., located approximately 5-feet west of the east street curb.

Sanitary Sewer:

There is an existing 10-inch diameter sanitary sewer main that extends along the west side of Coldwell St.

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.

Texas Gas

The main(s) and/or service line(s) locations depicted on the plans are for reference only. The designer is responsible for requesting line locates to verify existing infrastructure on the field and to notify TGS if the proposed improvements will conflict with any of our existing facilities before the construction commencement. It is also the responsibility of the construction contractor to contact Texas811 to locate lines before any excavation. In addition, please note that any high-pressure mains require a TGS stand-by crew during any work within the vicinity of the existing high-pressure main. TGS must be notified 48 hours before any construction and/or ground

disturbance within the area of the TGS high-pressure mains. Please let us know if you have any questions regarding the exhibits provided.

Texas Gas Service Data Disclaimer

While Texas Gas Service makes every effort to maintain and distribute accurate information, it makes no warranties and/or representations of any kind regarding information, data provided, nor are any such warranties to be implied with respect to the information, data furnished herein.

As consideration for providing the attached data, Texas Gas Service requires that the user agree as follows:

- The use of such data shall be at the user's risk. The user acknowledges that it is responsible for assessing the accuracy and reliability of the data or information provided.
- In no event shall Texas Gas Service, its employees, officers or agents become liable or responsible for any use of this data or any consequential damages monetary or otherwise, which may result from the use of this data.
- The user agrees to indemnify, defend, and hold harmless Texas Gas Service, and its employees, officers and agents for any and all liability of any nature arising in connection with its of the information or data, and any inaccuracies therein.
- The user shall not distribute the information provided to any other person or entity without the prior written consent of Texas Gas Service.

El Paso Electric

No comments received.

El Paso County 911 District

No comments received.

Texas Department of Transportation

The requestor shall submit grading and drainage plans for TxDOT review. Any proposed work on US-85 (TxDOT ROW) would require a permit.

El Paso County

No comments received.

El Paso County Water Improvement District #1

No objections.