

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

AGENDA DATE: June 11, 2024
PUBLIC HEARING DATE: July 2, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul J. G. Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 6

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 public utility easement (0.010 acres of land) located within Lot 9, Block 12, Stanton Heights Unit Three, City of El Paso, El Paso County, Texas.

Subject Property: 3312 Martina Pl.
Applicant: Elizabeth Morales, SUET24-00001

BACKGROUND / DISCUSSION:

The applicant is requesting to vacate a ten (10) foot utility easement located on the front of Lot 9, Block 12, Stanton Heights Unit Three, 3312 Martina. The vacation would address an encroachment of an existing 395.65 square foot carport situated at the front of the property. 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. The City Plan Commission recommended 7-1 to approve the proposed vacation request on April 4, 2024. As of April 23, 2024, 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? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE VACATING A TEN-FOOT PUBLIC UTILITY EASEMENT (0.010 ACRES OF LAND) LOCATED WITHIN LOT 9, BLOCK 12, STANTON HEIGHTS UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

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

WHEREAS, after public hearing the City Plan Commission on April 4, 2024 has recommended a vacation of a ten-foot public utility easement located within Lot 9, Block 12, Stanton Heights Unit Three, 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 public utility easement located within Lot 9, Block 12, Stanton Heights, Unit Three, City of El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit “A” and in the attached survey identified as Exhibit “B” 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 **Elizabeth Morales**.

PASSED AND APPROVED this _____ day of _____, 2024.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine City Clerk

Additional signatures on following page

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

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 TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and other good and 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 **ELIZABETH MORALES** all of its right, 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 located within **LOT 9, BLOCK 12, STANTON HEIGHTS UNIT THREE** to the City of El Paso, El Paso County, Texas, more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and incorporated herein for any and all purposes.

WITNESS the following signatures and seal this _____ **day of** _____ **2024.**

THE CITY OF EL PASO

Cary Westin, Interim City Manager

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(ACKNOWLEDGEMENT ON FOLLOWING PAGE)

HQ24-2570|Trans#515934|P&I
EASEMENT VACATION SUE24-00001
ORDINANCE NO. _____
RTA

Acknowledgement

THE STATE OF TEXAS)
)
COUNTY OF TEXAS)

This instrument is acknowledged before me on this _____ day of _____, **2024** by Cary Westin as Interim City Manager of THE CITY OF EL PASO, a municipal corporation.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name

AFTER FILING RETURN TO:
ELIZABETH MORALES

EXHIBIT "A"

**10 ft Utility Easement
3312 Martina Place, EP, TX
METES AND BOUNDS**

Description of a parcel of land being a portion of lot 9, block 12, Stanton Heights Unit Three, City of El Paso, El Paso County, Texas; recorded in volume 73, page 56, El Paso County records and being more particularly described by metes and bounds as follows: BEGINNING at the Southwest corner of said lot 9, said point being on the North ROW line of Martina Place;

THENCE due East along said North ROW line of Martina Place, distance of 44.18 feet to a point that marks the Southeast corner of lot 9;

THENCE, due North along the boundary line of lot 9 and lot 10, a distance of 10.00 feet to a point;

THENCE, due West a distance of 44.18 ft. to a point on the West boundary line of lot 9;

THENCE, along the boundary line of said lot 9 and lot 8, block 12, Stanton Heights Unit Three due South a distance of 10.00 feet to the POINT OF BEGINNING OF THIS DESCRIPTION, Said parcel of land contains 441.80 square feet or 0.0101 acres plus or minus.

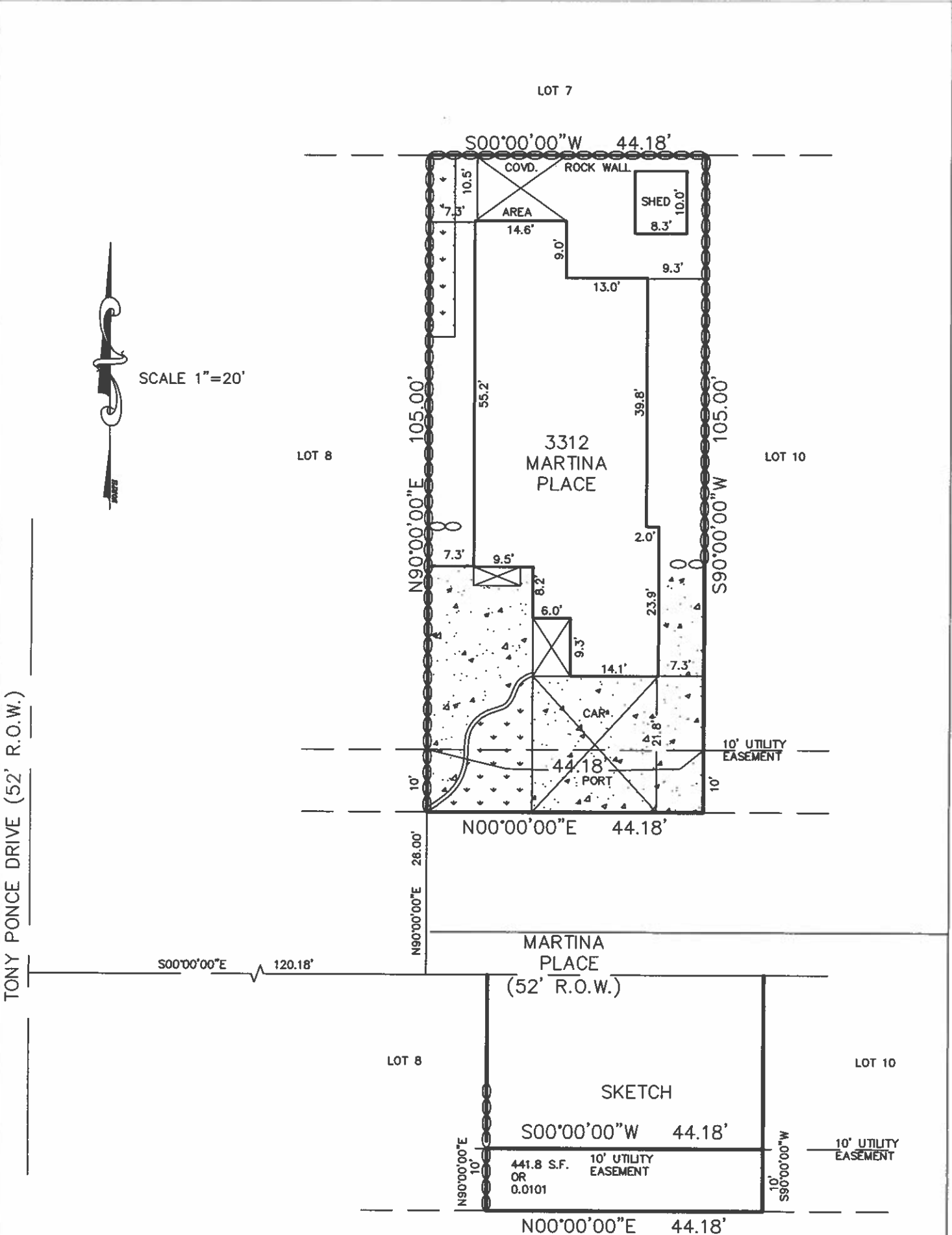


REY ENGINEERING INC.
9434 VISCOUNT STE. 148
EL PASO TEXAS, 79925
(915) 633-8070
R.P.L.S. TX 3505
TX FIRM REG # F-3368



El Paso, Texas Friday, December 8, 2023

EXHIBIT "B"

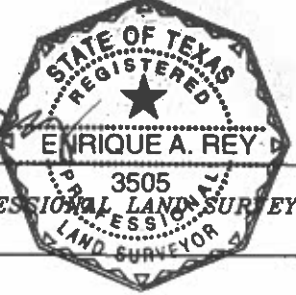


PLAT OF SURVEY BEING
 ALL OF LOT 9, BLOCK 12
 STANTON HEIGHTS UNIT THREE
 CITY OF EL PASO, EL PASO COUNTY, TEXAS
 RECORDED IN VOLUME 73, PAGE 56
 EL PASO COUNTY RECORDS

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY
 AND IMPROVEMENT SURVEY WAS MADE ON THE
 GROUND BY ME OR UNDER MY SUPERVISION AND IS
 TRUE AND CORRECT TO THE
 BEST OF MY KNOWLEDGE AND BELIEF.

NOTE:
 THIS PROPERTY LIES IN ZONE C, AS DESIGNATED BY THE
 F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL
 NO.480214 0037B, DATED, OCTOBER 15, 1982 EL PASO
 COUNTY, TEXAS

Enrique A. Rey
 ENRIQUE A. REY
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS NO. 3505



D.M.	OCTOBER, 2023
JOB NO. 2023-	ARMANDO ROJAS

REY ENGINEERING INC.
 CONSULTING ENGINEERING-SURVEYING-LAND PLANNING
 9434 VISCOUNT DR. SUITE 148 EL PASO TEXAS, 79925
 PH. (915)309-1889 FAX (915) 633-8060
 TEXAS FIRM REGISTRATION F-3368

3312 Martina Easement Vacation



City Plan Commission — April 4, 2024 **(Revised)**

CASE NUMBER/TYPE: SUET24-00001 – Easement Vacation
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Elizabeth Morales
REPRESENTATIVE: Elizabeth Morales
LOCATION: South of Edgemere Blvd. and East of Lee Blvd. (District 6)
PROPERTY AREA: 0.11 acres
ZONING DISTRICT(S): R-3A/sp (Residential/special permit)
RELATED APPLICATIONS: PZBA22-00088 – Zoning Board of Adjustment

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the 3312 Martina Easement Vacation.

3312 Martina Easement Vacation



Figure A: Portion of easement to be vacated

DESCRIPTION OF REQUEST: The applicant is requesting to vacate a ten (10) foot utility easement located on the front of Lot 9, Block 12, Stanton Heights Unit Three, 3312 Martina. The vacation would address an encroachment of an existing 395.65 square foot carport situated at the front of the property.

CASE HISTORY/RELATED APPLICATIONS: This subdivision case is related to the Zoning Board of Adjustment case PZBA22-00088, which involved the review and approval of a carport encroachment. The Zoning Board of Adjustment granted approval of the case on May 1, 2023.

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

Surrounding Zoning and Use	
North	R-3A/sp (Residential/special permit), R-3 (Residential) / Single-family dwellings
South	R-3A/sp (Residential/special permit) / Single-family dwellings
East	R-3A/sp (Residential/special permit) / Single-family dwellings
West	R-3A/sp (Residential/special permit) / Single-family dwellings
Nearest Public Facility and Distance	
Park	Stanton Heights Park (0.2 miles)
School	Bill Sybert School (0.5 miles)
Plan El Paso Designation	
G-3, Post-War	
Impact Fee Service Area	
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

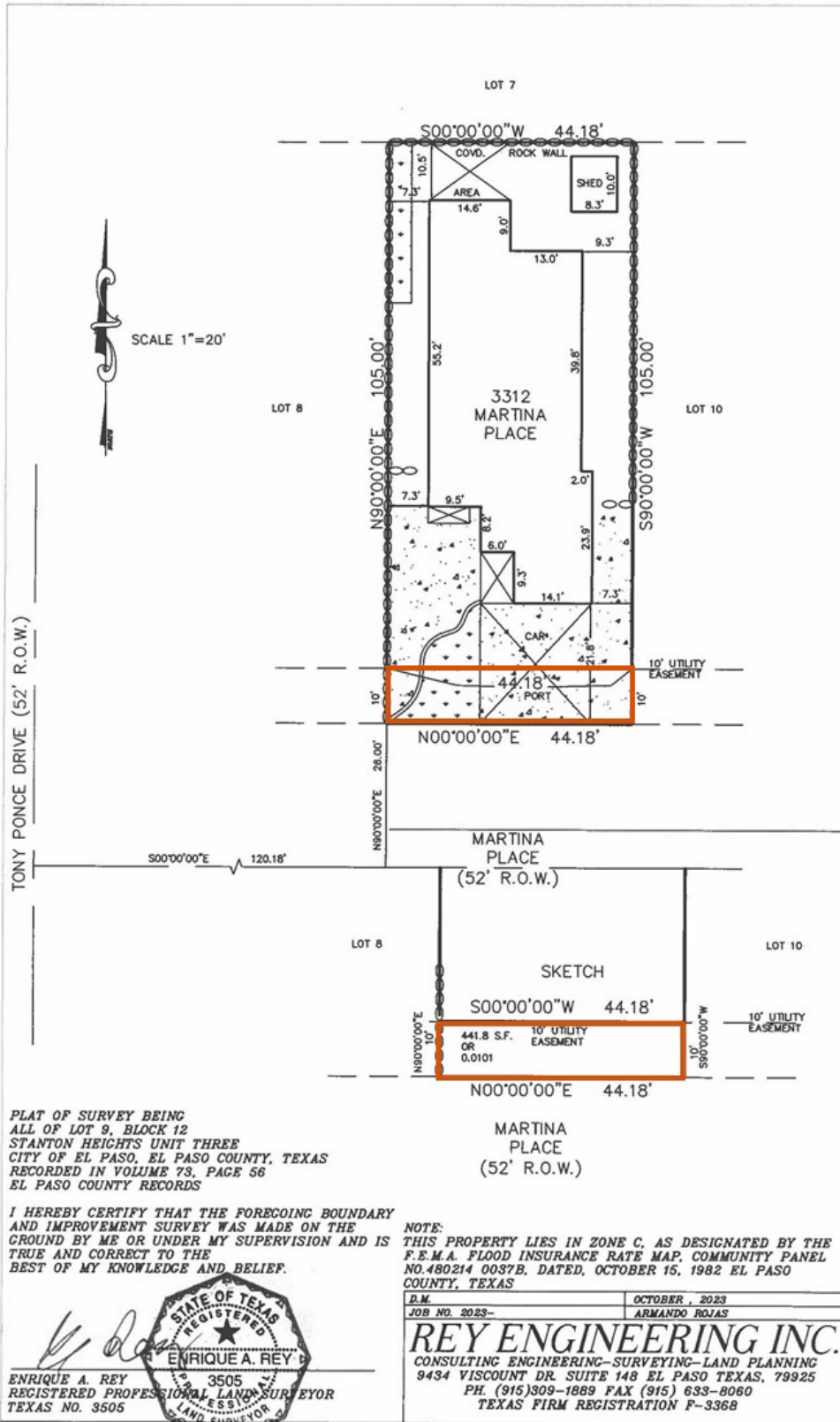
ATTACHMENT 1

3312 Martina Easement 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 errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

**10 ft Utility Easement
3312 Martina Place, EP, TX
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El Paso, Texas Friday, December 8, 2023

ATTACHMENT 4



VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

Date: _____ File No. _____

1. APPLICANTS NAME Elizabeth Morales
 ADDRESS 3312 Martina Pl. ZIP CODE 79936 TELEPHONE (915) 356-8470

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

Street Alley Easement Other

Street Name(s) _____ Subdivision Name _____

Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: _____

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

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: [Signature] REPRESENTATIVE SIGNATURE: _____

REPRESENTATIVE (PHONE): _____

REPRESENTATIVE (E-MAIL): _____

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

litzym47@yahoo.com.

ATTACHMENT 5

Planning and Inspections Department- Planning Division

Staff recommends approval of the 3312 Martina Easement Vacation.

Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend *approval*.

The Developer/Engineer shall address the following comments:

- No objections to proposed vacation of easement.

Parks and Recreation Department

We have reviewed **3312 Martina Pl – Easement Vacation**, and on behalf of Parks & Recreation Department we offer “No” objections to this proposed easement vacation request.

El Paso Water

EPWater does not object to this request.

EPWater records does not show existing water and sewer mains within the 10-foot utility easement.

Water:

There is an existing 8-inch diameter water main that extends along Martina Place. This water main is available for service.

Previous water pressure from fire hydrant #7806 located at the intersection of Edward James Ave. and Martina Pl. has yielded a static pressure of 50 psi, a residual pressure of 42 psi, and a discharge of 822 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main along Martina Place. This main is available for service.

General:

An application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New 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 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

Texas Gas Service has an existing service line at 3312 Martina Pl. **The gas lines are located outside the easement being vacated.** If you need to do work in this area please reach out to opsrim@onegas.com.

El Paso County Water Improvement District #1

The proposed easement vacation is not within the boundaries of EPCWID1.

Fire Department

Recommend approval. No adverse comments.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections.

El Paso Electric

No comments received.

Spectrum

No comments received.