



**TOWN OF HORIZON CITY  
MEMORANDUM**

**Date:** March 12, 2024

**To:** Honorable Mayor and Members of City Council

**From:** Art Rubio, Chief Planner

**SUBJECT:** **1<sup>st</sup> Reading of Ordinance No. \_\_\_\_\_**, an Ordinance vacating a 10'-foot Public Utility Easement Located at 1560 Pawling Dr. in a Portion of Lot 2, Block 2, Horizon Manor Unit One, Town of Horizon City, El Paso County, Texas; and Providing for Repealer and Severability Clauses

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On March 18, 2024, the Planning and Zoning Commission will be reviewing the Vacation application.

Staff have received a letter of no objection from HRMUD and no other objections from any of the other utility companies in Horizon City.

Attached for your review is the staff report that will be presented to the Planning and Zoning Commission.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A 10'-FOOT PUBLIC UTILITY EASEMENT  
LOCATED AT 1560 PAWLING DR IN A PORTION OF LOT 2, BLOCK 2,  
HORIZON MANOR UNIT ONE SUBDIVISION PLAT, TOWN OF HORIZON  
CITY, EL PASO COUNTY, TEXAS; AND PROVIDING FOR REPEALER AND  
SEVERABILITY CLAUSES**

**WHEREAS,** the property owner has requested vacation of a 10'-foot public utility easement located at 1560 Pawling in a Portion of Lot 2, Block 2, Horizon Manor Unit One Subdivision Plat, Town of Horizon City, El Paso County, Texas.

**WHEREAS,** after public hearing, the Town of Horizon City Planning and Zoning Commission has recommended that said utility easement should be vacated.

**WHEREAS,** the City Council finds that the vacation of said public utility easement is in the public interest of the Town of Horizon City, El Paso County, Texas.

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace and order of the Town of Horizon City to adopt this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, THAT:**

**1. ENACTMENT OF PUBLIC UTILITY VACATION**

A 10'-foot public utility easement located at 1560 Pawling in a Portion of Lot 2, Block 2, Horizon Manor Unit One Subdivision Plat, Town of Horizon City, El Paso County, Texas, further described by metes and bounds attached hereto as Exhibit "A" and incorporated by reference herein, is hereby vacated and the Mayor is hereby authorized to sign an instrument releasing all of the public utility's right, and interest in such vacated easement to Horizon Oxbow Development LLC.

**2. FINDINGS OF FACT**

This ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

#### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

#### **5. EFFECTIVE DATE**

This Ordinance shall be effective upon passage.

#### **6. PROPER NOTICE AND MEETING**

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) to \_\_\_\_\_ (abstentions) of the City Council of Horizon City, Texas.

#### **TOWN OF HORIZON CITY**

by: \_\_\_\_\_  
Andres Renteria, Mayor

#### **ATTEST:**

\_\_\_\_\_  
Elvia Schuller, TRMC, City Clerk

#### **APPROVED AS TO FORM:**

\_\_\_\_\_  
Sylvia Borunda Firth, City Attorney

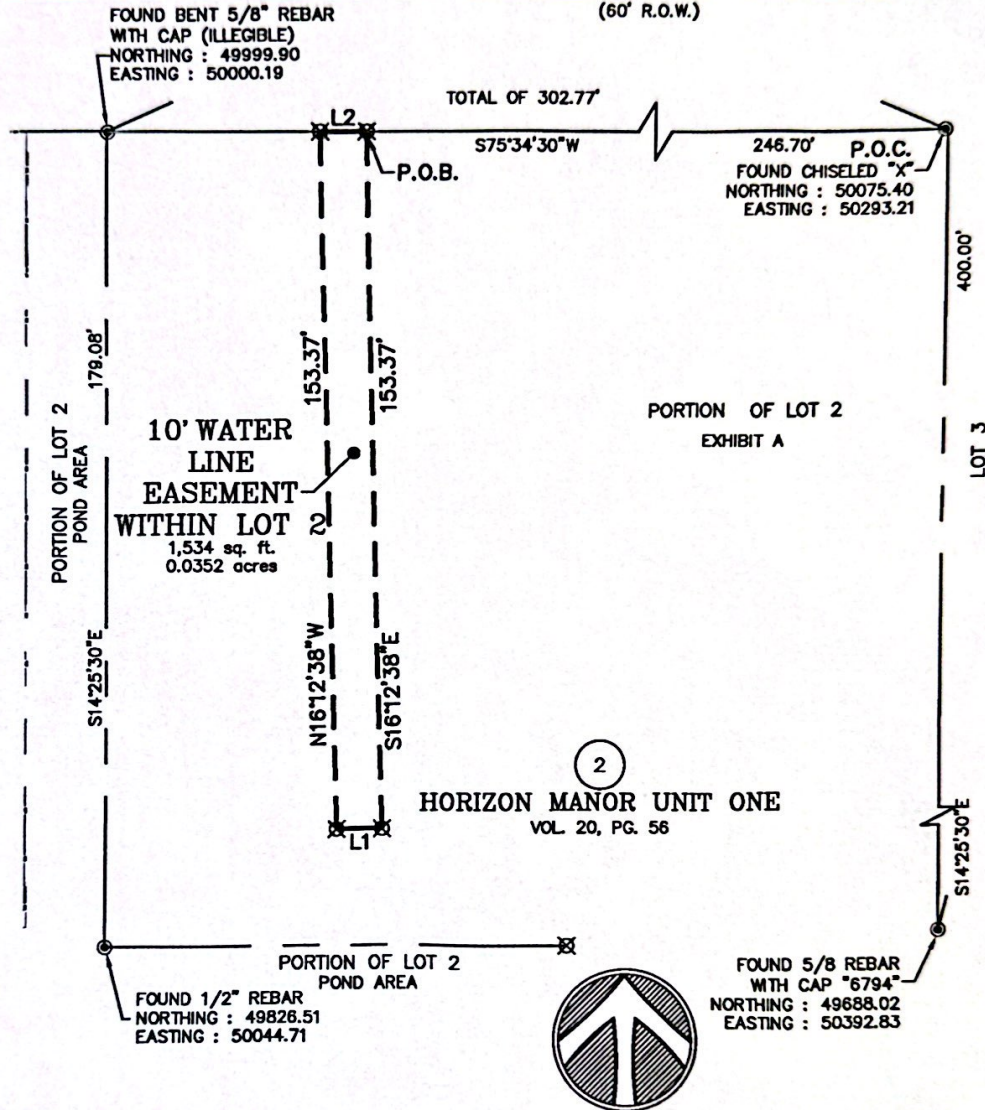
First Reading            03/12/2024  
Second Reading        04/09/2024

"EXHIBIT A"  
Survey

Doc# 20240005749

10' WATER LINE EASEMENT WITHIN LOT 2,  
BLOCK 2, HORIZON MANOR UNIT ONE

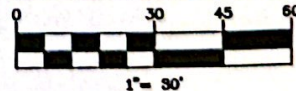
PAWLING DR



NOTES:

1. BEARING BASIS IS RECORD FOR HORIZON MANOR UNIT ONE, AN ADDITION TO THE CITY OF HORIZON, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF FILED IN BOOK 20, PAGE 56, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS AND REFERENCE BY FOUND CITY MONUMENTS SHOWN HEREIN.
2. THIS PROPERTY MAY BE SUBJECT TO EASEMENT WHETHER OF RECORD NOT. (NOT SHOWN).
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00	S75°34'30"W
L2	10.00	N75°34'30"E

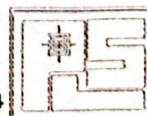


CERTIFICATION

I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY AND THAT THE MONUMENTATION SHOWN HEREIN WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION. I ALSO CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

JESUS D. IBARRA RPLS#6085, FIRM#10194184

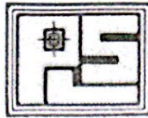
DATE: 1/5/2024



PRECISION LAND SURVEYORS

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## PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being that 10' Water Line  
Easement within Lot 2, Block 2,  
Horizon Manor Unit One,  
City of Horizon,  
El Paso County, Texas,  
January 5, 2024

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being that 10 foot water easement within Lot 2, Block 2, Horizon Manor Unit One, City of horizon, El Paso County, Texas, according to the plat thereof filed in Volume 20, Page 56, El Paso County plat records and being more particularly described by metes and bounds as follows:

Commencing for reference at a found chiseled "X" at the northerly common corner of Lots 2 and 3, Block 2, Horizon Manor Unit One and the south right of way line of Pawling Drive (60 foot R.O.W.), whence a found 5/8" rebar with cap "6794" at the southerly common corner of said Lots 2 and 3 bears, South  $14^{\circ}25'30''$  East a distance of 400.00 feet, thence along said right of way line, South  $75^{\circ}34'30''$  West a distance of 246.70 feet to the **"TRUE POINT OF BEGINNING"**.

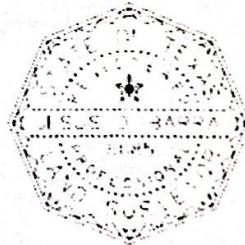
Thence leaving said right of way line, South  $16^{\circ}12'38''$  East a distance of 153.37 feet to a point;

Thence, South  $75^{\circ}34'30''$  West a distance of 10.00 feet to a point;

Thence, North  $16^{\circ}12'38''$  West a distance of 153.37 feet to a point on said right of way line;

Thence along said south right of way line, North  $75^{\circ}34'30''$  East a distance of 10.00 feet to **"TRUE POINT OF BEGINNING"** and containing in all 1,534 square feet or 0.0352 acres of land more or less.

Jesus D. Ibarra, RPLS No.6085  
January 5, 2024





**TOWN OF HORIZON CITY**  
**Planning and Zoning Commission Staff Report**

**Case No.:** SDV24-0001  
**Application Type:** Water Utility Easement Vacation  
**P&Z Hearing Date:** March 18, 2024  
**Staff Contact:** Art Rubio, Chief Planner  
915-852-1046 ext.407; arubio@horizoncity.org  
**Address/Location:** 1560 Pawling Dr., located East of Darrington Rd. and North of Oxbow Dr.  
**Property ID No.:** 221233  
**Legal Description:** Lot 2, Block 2, Horizon Manor Unit One, Town of Horizon City, El Paso County, Texas  
**Existing Use:** Vacant  
**Owner:** Horizon Oxbow Development, LLC  
**Applicant/Rep.:** Karam Development, LLC  
**Nearest Park:** Corky Park  
**Nearest School:** Horizon Middle School

SURROUNDING PROPERTIES:		
	Zoning	Land Use
N	C-1 (General Commercial), C-2 (Heavy Commercial)	Retail, Restaurant
E	C-1 (General Commercial), A-1 (Apartments)	Retail, Warehousing, Multi-family Residential
S	C-1 (General Commercial)	ESD #1, Warehousing, Retail
W	C-2 (Heavy Commercial)	Retail, Restaurant
LAND USE AND ZONING:		
	Existing	Proposed
Land Use	Vacant (Demolishing existing structures)	Warehouse Flex units
Zoning	C-1 (General Commercial)	No proposed change

**Application Description:**

The applicant is requesting to vacate an existing 10' foot water utility easement within his property to incorporate and make use of the property for their plan to develop the entire property.

**Notice:**

In accordance with Horizon City Code of Ordinance, *Chapter 1 General Provisions, Article 1.08 Vacation of Public Easement or Right-of-Way, Section 1.08.003 Procedure; Notice of Public Hearings (b) (2) Public Easement Vacation*, notice of the planning and zoning commission and the city council hearing shall not be required personally to abutting property owners when the application is for vacation of a public easement. Any responses received by staff will be presented to the Commission at the meeting.

**Staff Recommendation:**

Staff recommends **approval** of the request to vacate the easement in question as HRMUD has no objection to the vacation of the water utility easement.

**Horizon Regional Municipal Utility District**

No comments have been received. Letter of no objection to vacation was received.

**El Paso Electric**

No comments have been received.

**Texas Gas Service**

No comments have been received.

**Spectrum**

No comments have been received.

**AT&T**

AT&T has no objection nor AT&T facilities in this easement.

**Attachments:**

**Attachment 1 – Zoning Map**

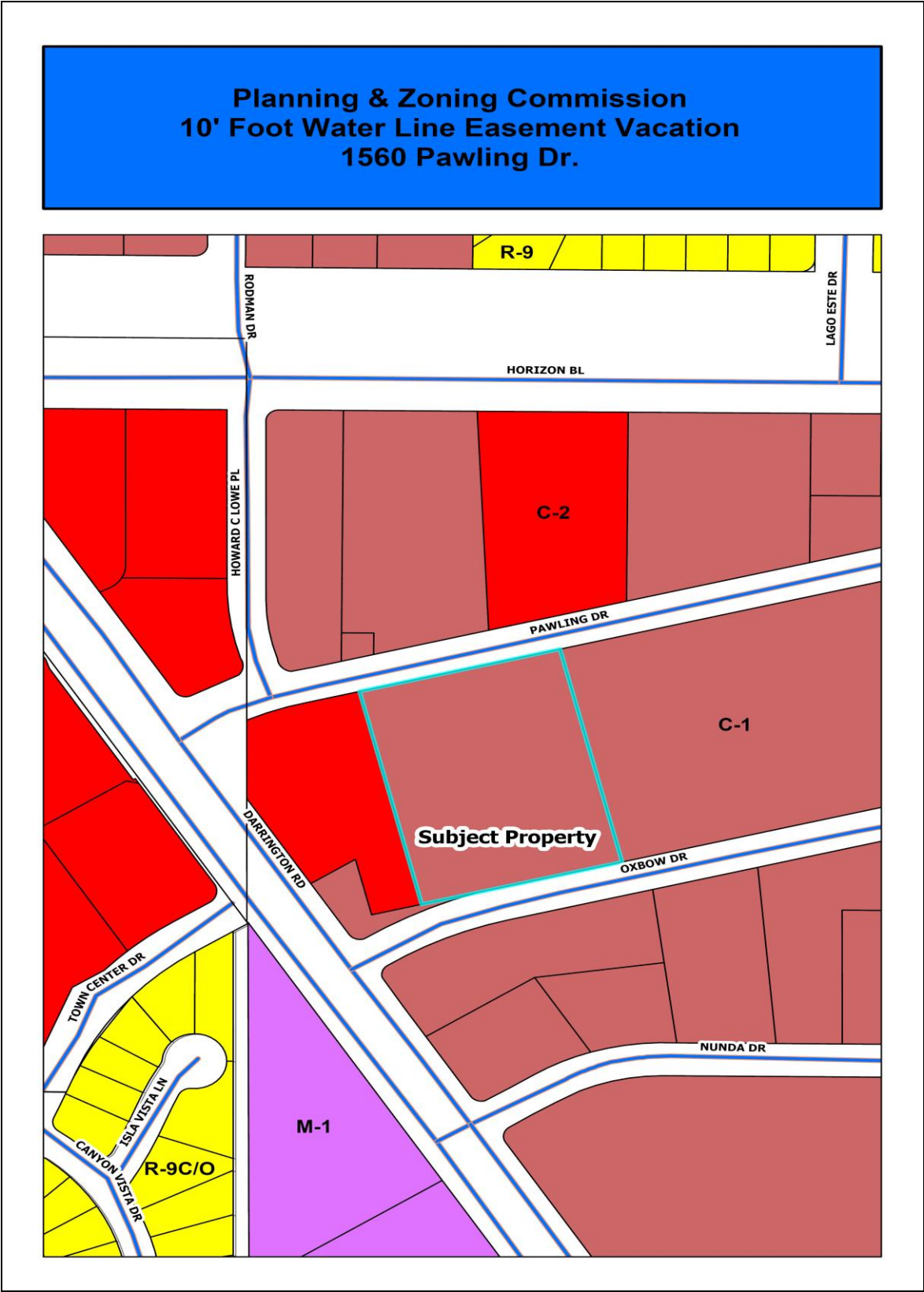
**Attachment 2 – Aerial**

**Attachment 3 – Survey and M&B**

**Attachment 4 – Application**

**Attachment 5 – Applicant/Representative Affidavit**

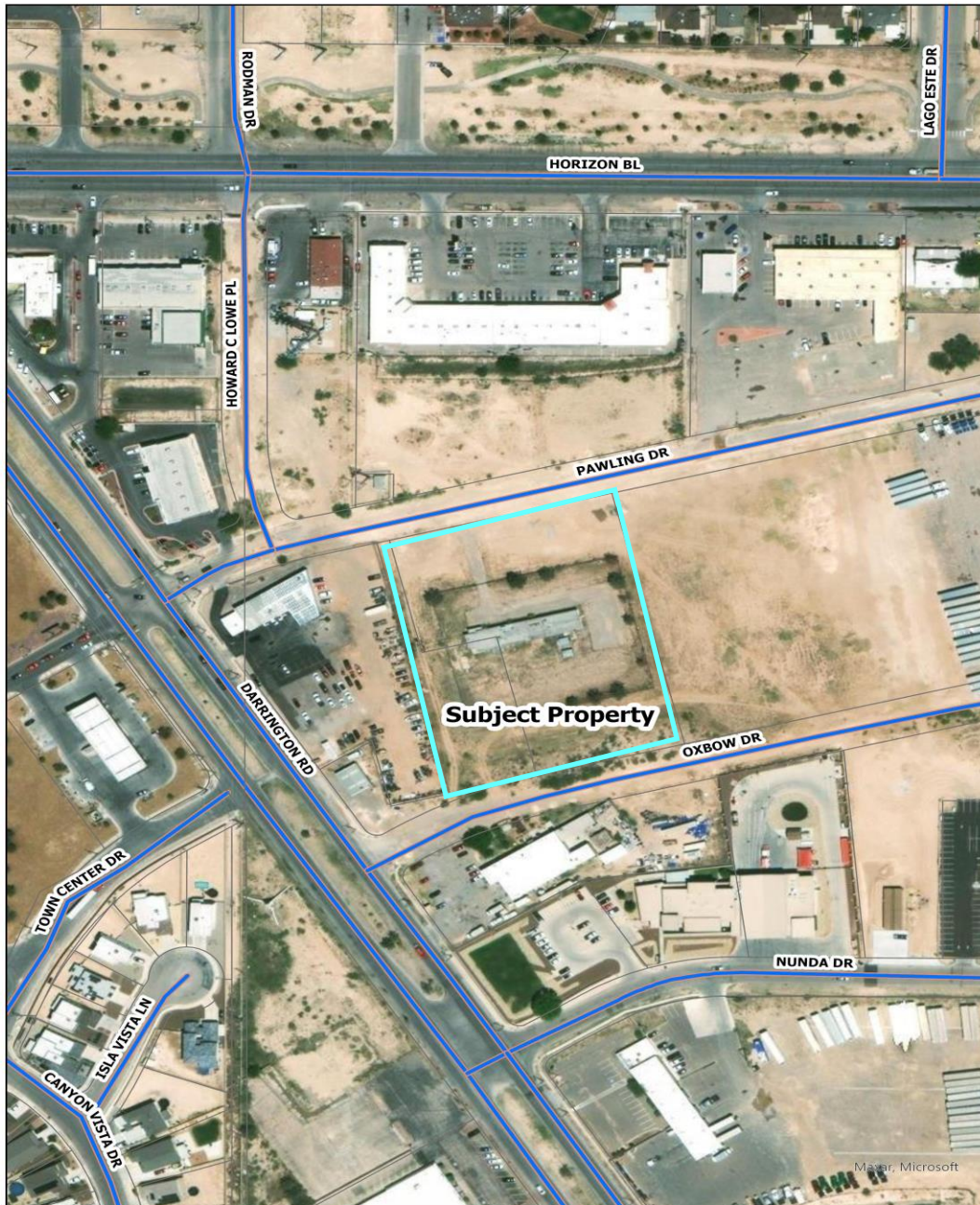
Attachment 1: Zoning Map





Attachment 2: Aerial

**Planning & Zoning Commission  
10' Foot Water Line Easement Vacation  
1560 Pawling Dr.**







Attachment 3: Survey & M&B



**PRECISION LAND SURVEYORS**

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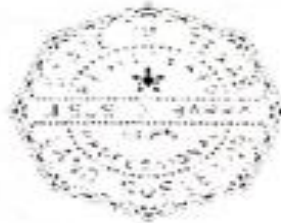
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Jesus D. Ibarra, RPLS No.6085  
January 5, 2024



# Attachment 4: Application



Case No. \_\_\_\_\_

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

Date: 2.7.2024

1. APPLICANT'S NAME Karam Development (TJ Karam)  
ADDRESS 709 Cervantes Ct ZIP CODE 79922 TELEPHONE 915 204 0095
2. PROPERTY OWNER Horizon Oxbow Development, LLC  
ADDRESS 320 TEXAS AVE FL 2 ZIP CODE 79901 TELEPHONE 915 204 0095
3. Request is hereby made to vacate the following: (check one) Street ☐ Alley ☐ Easement ☒ Other ☐  
Street Name / Location: ~~8200~~ Pawling Dr.  
Subdivision Name: HORIZON MANOR UNIT ONE
4. Reason for vacation request: Will not be used and property will be developed.
5. Surface Improvements located in subject property to be vacated:  
None ☒ Paving ☐ Curb & Gutter ☐ Power Lines/Poles ☐ Fences/Walls ☐ Structures ☐ Other ☐
6. Underground Improvements located in the existing rights-of-way:  
None ☒ Telephone ☐ Electric ☐ Gas ☐ Water ☐ Sewer ☐ Storm Drain ☐ Other ☐
7. Future use of the vacated right-of-way:  
Yards ☐ Parking ☐ Expand Building Area ☐ Replat with abutting Land ☐ Other ☒
8. Related applications which are pending (give name or file number): Zoning ☐ Board of Adjustment ☐  
Subdivision ☐ Building Permits ☐ Other ☐
9. 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
N/A		

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 Town of Horizon City to grant the Vacation.

The undersigned acknowledges that he or she is authorized to do so, and upon the Town's request will provide evidence satisfactory to the Town's 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 ordinances.

OWNER / APPLICANT SIGNATURE: [Signature] REPRESENTATIVE: TJ Karam

Easement Fee: \$75  
Right-of-Way Fee: \$150

Note: Applicant is responsible for all expenses incurred by the City in connection with this request, including but not limited to attorney's fees, engineering fees, appraisals, and publication. Charges will be invoiced separately. Applicant's initials \_\_\_\_\_

Please see reverse side for a list of items required when submitting the Vacation application.

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.



**Attachment 5: Applicant/Representative Affidavit**

**AFFIDAVIT**

(Appointment of Representative)

THE STATE OF TEXAS

COUNTY OF EL PASO

BEFORE ME, the undersigned official, on this day personally appeared GEORGE M. DIPP FOR HORIZON OX-BOW LLC., who is personally know to me, and first being duly sworn according to law upon his/her oath deposed and said:

"My name is George M Dipp; I am over eighteen (18) years of age and I reside at: 912 Kelby Place El Paso TX 79922. I have the legal authority to appoint a representative and I have personal knowledge of this facts stated herein, and they are all true and correct. I own the property which is the subject of this proposed ☐ Land Development Exemption Determination ☐ Subdivision Application ☐ Rezoning Application ☐ Specific Use Permit ☐ Variance Application ☐ Building Permit Application ☒ Other Application (Application name) EASEMENT VACATION. I have designated (Firm/Individual) KARAM DEVELOPMENT/TJ KARAM to represent me in filing an application for a with Planning Department of the Town of Horizon City, and to appear on my behalf at all necessary meetings of the Planning and Zoning Commission and the City Council of Horizon City with respect to this application. In relation to this, it is my understanding that as owner of the aforementioned property either I or my designated representative may appear on behalf of the proposed application. It has been explained to me and I understand that a written notice must be filed with the Planning Director of the Town of Horizon City to give notice of a termination of this appointment prior to the final determination regarding my application, and I must make and file a new affidavit and appointment of representative to change or substitute the representative."

\_\_\_\_\_  
Affiant

On 3/6, 2024, personally appeared George M Dipp and having been duly sworn by me, subscribed to the foregoing affidavit and has stated that the facts therein are true and correct.

\_\_\_\_\_  
Notary Public, State of Texas

