



**TOWN OF HORIZON CITY
MEMORANDUM**

Date: March 12, 2024

To: Honorable Mayor and Members of City Council

From: Art Rubio, Chief Planner

SUBJECT: **1st Reading of Ordinance No. _____**, an Ordinance vacating a 10'-foot Public Utility Easement Located at 14476 Desert Sage Dr. in a Portion of Lot 13, Block 32, Horizon Mesa Unit Six, Town of Horizon City, El Paso County, Texas; and Providing for Repealer and Severability Clauses

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

Staff have not received any objections from any of the 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 14476 DESERT SAGE DR IN A PORTION OF LOT 13, BLOCK
32, HORIZON MESA UNIT SIX 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 14476 Desert Sage Dr. in a Portion of Lot 13, Block 32, Horizon Mesa Unit Six 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 14476 Desert Sage Dr. in a Portion of Lot 13, Block 32, Horizon Mesa Unit Six 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 utilities right, and interest in such vacated easement to Gonzalez Delia (LE) & Gonzalez Jacob G & Gonzalez Sebastian A.

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:

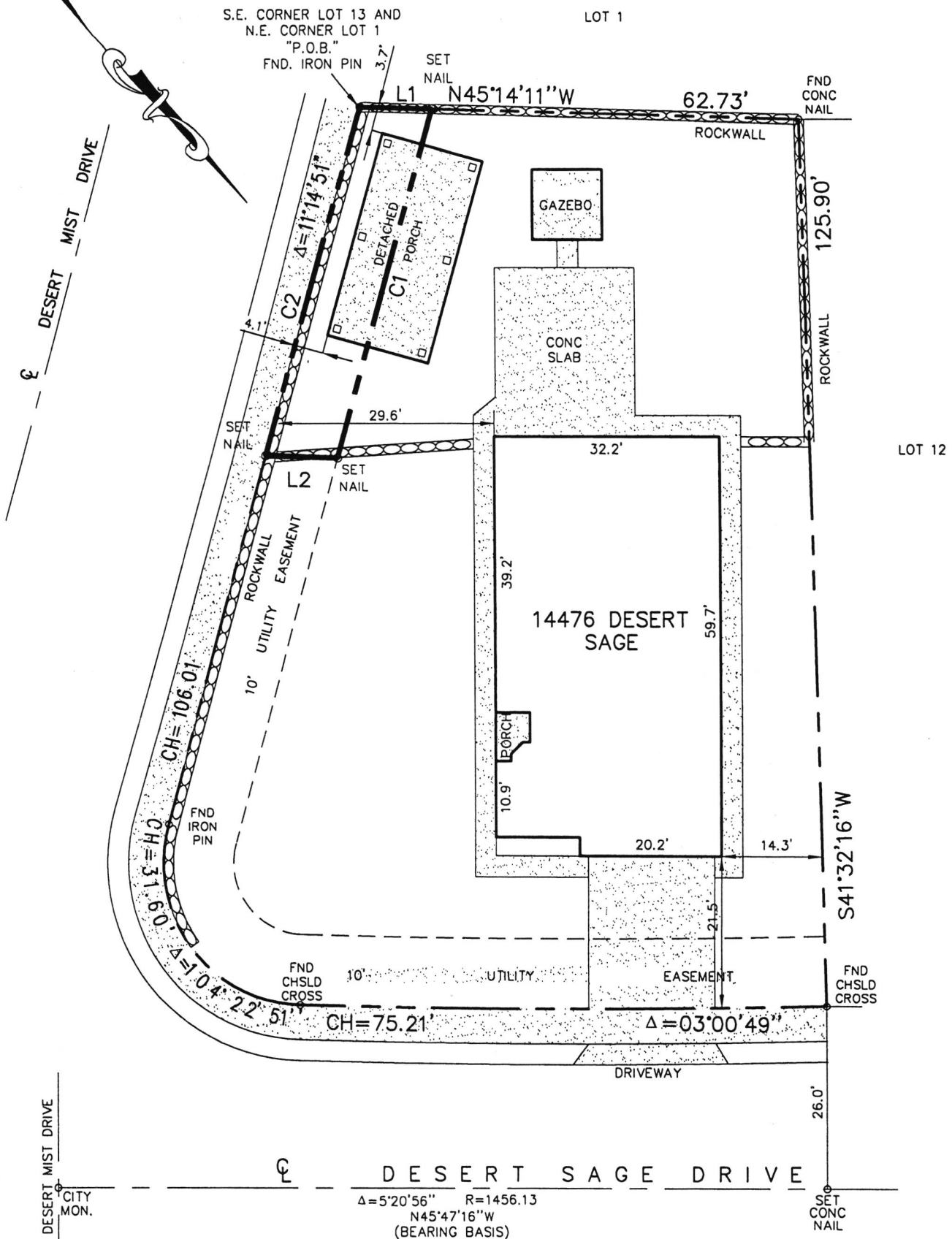
Elvia Schuller, TRMC, City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth, City Attorney

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

"EXHIBIT A"



CURVE	RADIUS	BEARING	CHORD	DELTA	ARC
C1	4859.28'	N58°39'32"E	51.41'	00°36'22"	51.41'
C2	4869.28'	S58°37'48"W	51.40'	00°36'17"	51.40'

LINE	BEARING	DISTANCE
L1	N45°14'11"W	10.31'
L2	S45°14'11"E	10.29'

CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Manuel Calderon

Manuel Calderon

Registered Professional Land Surveyor No. 2564
Texas Surveying Firm Reg. No. 100200-00
Texas Registered Engineering Firm No. F-3788

E-Mail: CalderonEngineering@elpbizclass.com

File No: 20090020468

Job No. 0224-27

14476 DESERT SAGE DRIVE,
A PORTION OF LOT 13, BLOCK 32,
HORIZON MESA UNIT SIX, CITY OF HORIZON,
EL PASO COUNTY, TEXAS, AND BEING MORE
PARTICULARLY DESCRIBED BY
METES AND BOUNDS ATTACHED HERETO.

Field JM Office RM-C6 Date 02/13/24 Scale 1"=20'

CALDERON

ENGINEERING

3031 TRAWOOD DR.
EL PASO, TEXAS 79936 (915) 855-7552
E-Mail: CalderonEngineering@elpbizclass.com

Calderon Engineering

3031 Trawood Drive

El Paso, Texas 79936

(915) 855-7552

Fax: 855-8350

calderonengineering@elpbizclass.com

February 13, 2024

14476 Desert Sage Drive METES & BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 13, Block 32, Horizon Mesa Unit Six, City of Horizon, El Paso County, Texas, as filed and recorded in File No. 20090020468, Deed Records of El Paso County, Texas; and being more particularly described by metes and bounds as follows;

Beginning at a found iron pin marking the Southeast corner of Lot 13 and the Northeast corner of Lot 1 on the West R.O.W. line of Desert Mist Drive, all in Block 32, Horizon Mesa Unit Six, City of Horizon, El Paso County, Texas;


Thence North $45^{\circ}14'11''$ West along the common Lot line between Lots 1 and 13 a distance of 10.31 feet to a set nail;

Thence 51.41 feet along arc of a curve to the right, whose interior angle is $00^{\circ}36'22''$, whose radius is 4859.28 feet and whose chord bears North $58^{\circ}39'32''$ East a distance of 51.41 feet to a set nail;

Thence South $45^{\circ}14'11''$ East a distance of 10.29 feet to a set nail;

Thence 51.40 feet along arc of a curve to the left and along the West R.O.W. line of Desert Mist Drive, whose interior angle is $00^{\circ}36'17''$, whose radius is 4869.28 feet and whose chord bears South $58^{\circ}37'48''$ West a distance of 51.40 feet to the "Point of Beginning" and containing in all 514.00 square feet or 0.011 acres of land more or less. A plat of survey dated February 13, 2024 is a part of this description and is attached hereto.




Manuel Calderon
Calderon Engineering
Registered Professional Land Surveyor No. 2564
Registered Professional Engineer No. 42333
Texas Registered Engineering Firm No. F-3788
Texas Licensed Surveying Firm No. 100200-00



TOWN OF HORIZON CITY
Planning and Zoning Commission Staff Report

Case No.: SDV24-0002
Application Type: 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: 14476 Desert Sage Dr., located North of Eastlake Blvd. and East of Horizon Mesa Blvd.
Property ID No.: 610908
Legal Description: A Portion of Lot 13, Block 32, Horizon Mesa Unit 6, Town of Horizon City, El Paso County, Texas
Existing Use: Single-Family Dwelling
Owner: Delia & Jacob Gonzalez & 1
Applicant: Delia Gonzalez
Nearest Park: Horizon Mesa Park
Nearest School: Horizon Heights Elementary School

SURROUNDING PROPERTIES:		
	Zoning	Land Use
N	R-9 (Single-Family Dwelling)	Residential
E	R-3 (Single-Family Dwelling)	Vacant
S	R-3 (Single-Family Dwelling)	Vacant
W	R-9 (Single-Family Dwelling)	Residential
LAND USE AND ZONING:		
	Existing	Proposed
Land Use	Residential	No Change Proposed
Zoning	R-9 (Single-Family Dwelling)	No Change Proposed

Application Description:

The applicant is requesting to vacate a 10' foot utility easement due to an accessory open porch encroachment over the easement.

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 recommend **approval** based on not receiving any objections from any of the reviewing utility companies in the area.

Horizon Regional Municipal Utility District

No objections

El Paso Electric

Thank you for the clarification, we can accept the vacation of the easement shown on the survey.

Texas Gas Service

No objections

AT&T

No objections

Spectrum

No objections

Attachments:

Attachment 1 – Zoning Map

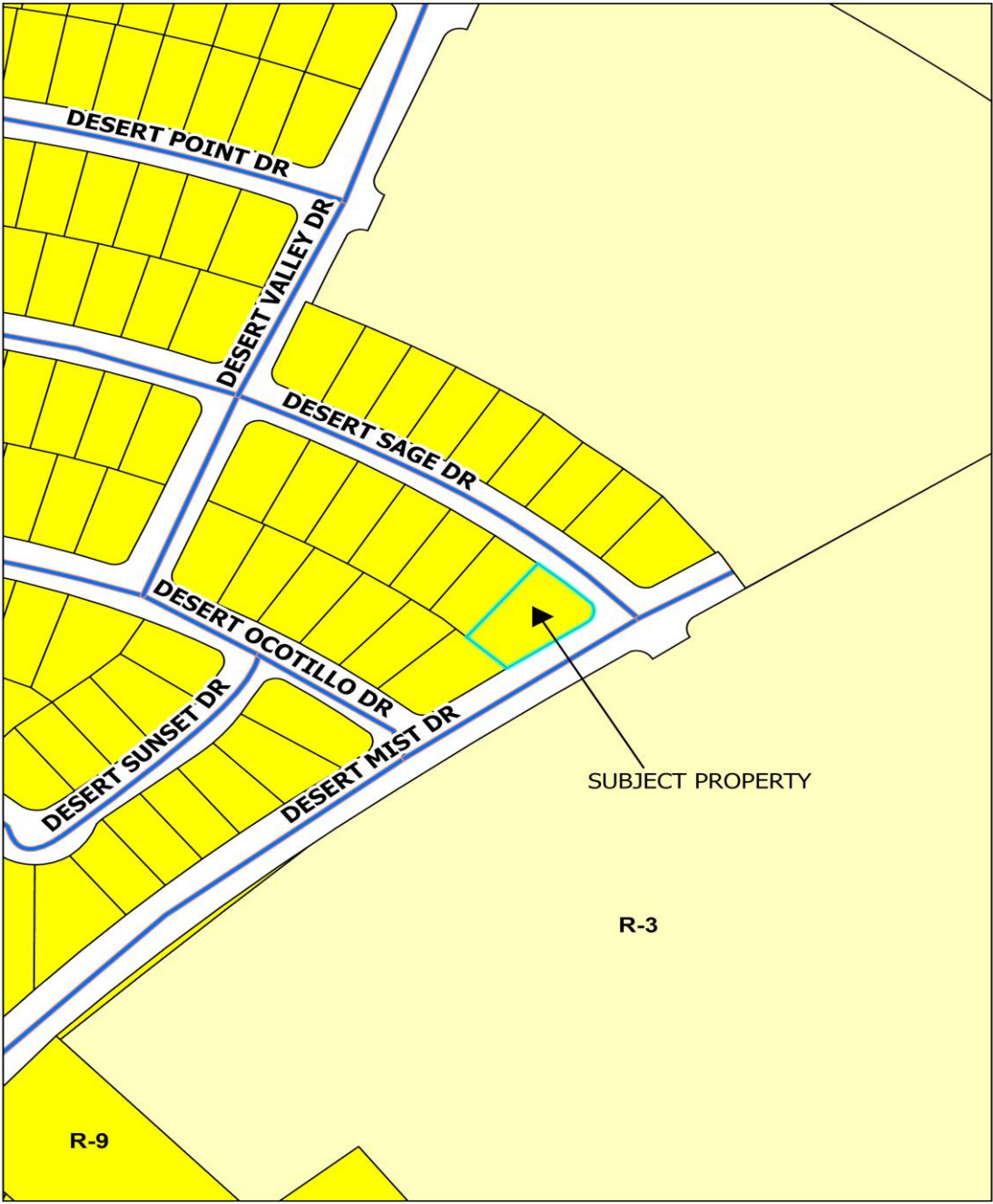
Attachment 2 – Aerial

Attachment 3 – Survey

Attachment 4 – Application

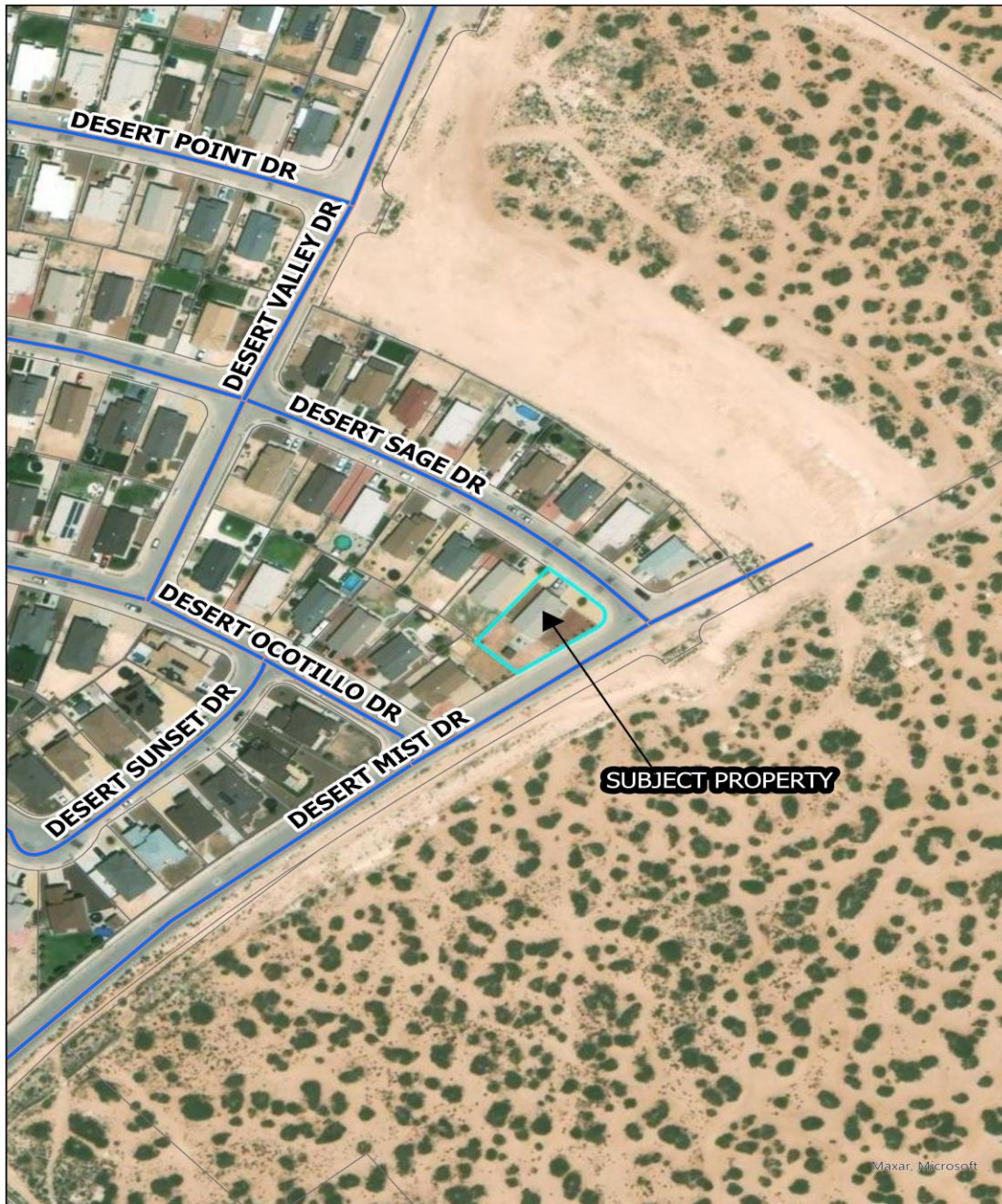
Attachment 1: Zoning Map

**Planning & Zoning Commission
10' Foot Easement Vacation
14476 Desert Sage Dr.**

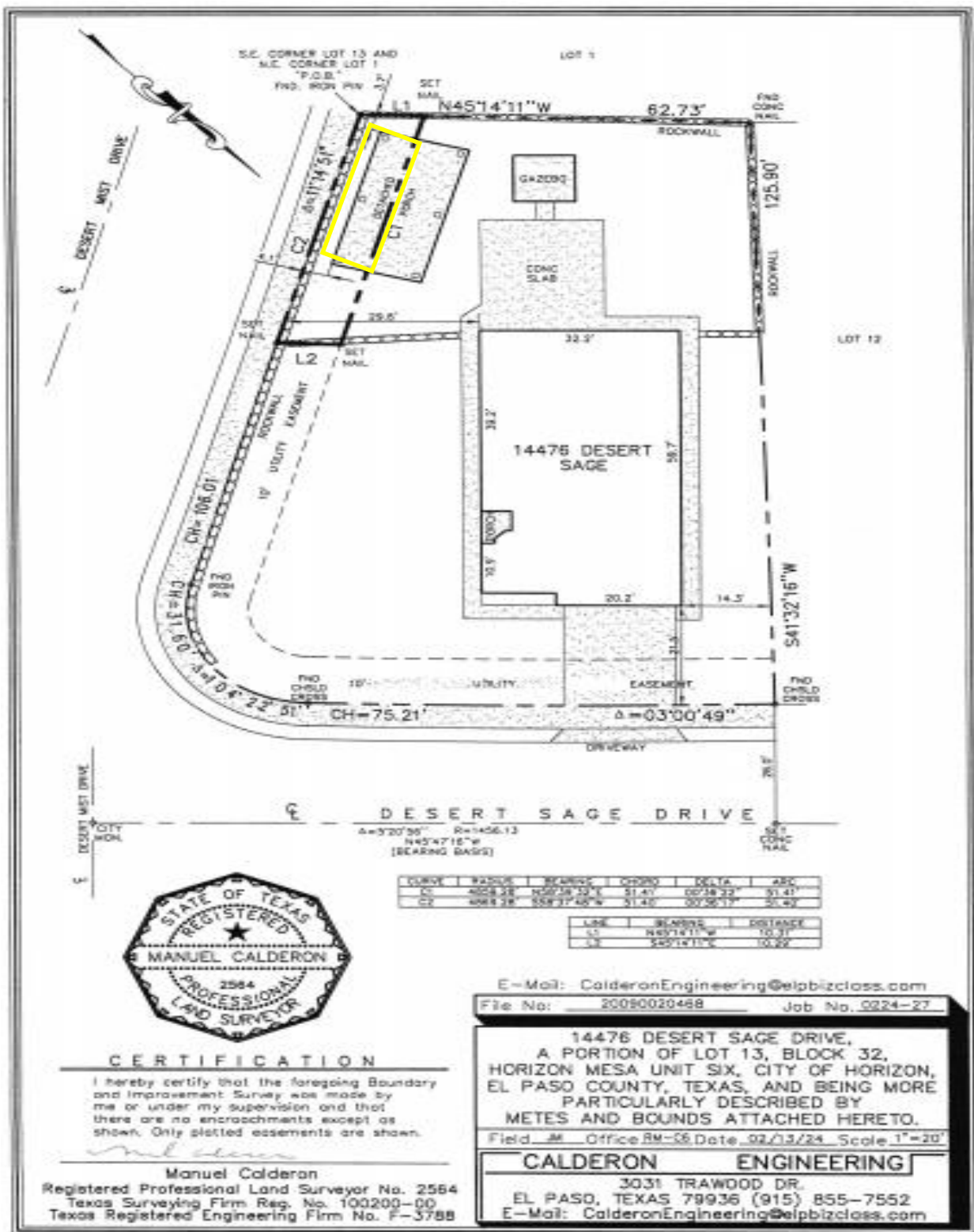


Attachment 2: Aerial

**Planning & Zoning Commission
10' Foot Easement Vacation
14476 Desert Sage Dr.**



Attachment 3: Survey and M&B



Attachment 3: Survey and M&B

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3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
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February 13, 2024

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Texas Licensed Surveying Firm No. 100200-00

VP-C1
Desert Sage

Attachment 3: Application



Case No. _____

VACATION OF PUBLIC EASEMENTS & RIGHTS-OF-WAY
APPLICATIONDate: 2/21/2024

1. APPLICANT'S NAME Delia Gonzalez
ADDRESS 14476 Desert Sage ZIP CODE 79928 TELEPHONE (915) 329-2741 / (915) 215-0649
2. PROPERTY OWNER Delia Gonzalez
ADDRESS 14476 Desert Sage ZIP CODE 79928 TELEPHONE _____
3. Request is hereby made to vacate the following: (check one) Street ☐ Alley ☐ Easement ☒ Other ☐
Street Name / Location: Same as owner - Above
Subdivision Name: _____
4. Reason for vacation request: building porch structure on top of easement
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: N/A
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): N/A

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 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 Same as ownerEasement 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 N/A

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.