ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF ETHEL ROAD ADJACENT TO SUNSET VIEW SUBDIVISION UNIT 1, W.H. LENOX SURVEY NO. 432, NELLIE D. MUNDY SURVEY NO. 241, J.L. JOHANNSEN SURVEY NO. 185, AND S.A. & M.G. R.R. CO. SURVEY NO'S. 265 AND 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City Plan Commission has recommended vacation of *a portion of Ethel Road adjacent to Sunset View Subdivision Unit 1, W.H. Lenox Survey No.432, Nellie D. Mundy Survey No. 241, J.L. Johannsen Survey No. 185, and S.A. & M.G. R.R. Co. Survey No's. 265 and 266, City* of El Paso, El Paso County, Texas, and the City Council finds that said 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 *portion of Ethel Road adjacent to Sunset View Subdivision Unit 1, W.H. Lenox Survey No.432, Nellie D. Mundy Survey No. 241, J.L. Johannsen Survey No. 185, and S.A. & M.G. R.R. Co. Survey No's. 265 and 266,* 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" made a part hereof by reference, be and is hereby vacated.

In addition, the Mayor is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to Tropicana Homes, Inc.

PASSED AND APPROVED this 31st day of August, 2004.

THE CITY OF EL PASO

_____
Joe Wardy
Mayor

Document #: 3080
Document Name: Planning/1/ORD-St Vacation Ethel Road MW

ATTEST:

_____
Richarda Momsen
City Clerk

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:

Rudy Valdez, Chief Urban Planner
Planning, Research and Development

Document #: 3080
Document Name: Planning/1/ORD-St Vacation Ethel Road MW

ORDINANCE NO._____ **SV04003**
MW:

BROCK & BUSTILLOS INC.
CONSULTING ENGINEERS
LAND SURVEYORS
(Formerly Faught & Associates)

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
OSCAR V. PEREZ
Vice President
ISAAC CAMACHO, P.E., R.P.L.S.
Survey Manager

March 05, 2004

LEGAL DESCRIPTION OF A 3.12 ACRE TRACT

A tract of land situate within the corporate limits of the City of El Paso, El Paso County, Texas as portion of Ethel Road right-of-way and being more particularly described as follows, to wit:

BEGINNING at a 5/8" rebar with "SLI" survey cap found at the intersection of the west right-of-way line of Ethel Road and the south boundary line of the Nellie D. Mundy Survey No. 241 for the northwest corner of the tract herein described, identical to the northeast corner of Tract 1, W. H. Lenox Survey No. 432;

THENCE, leaving the west right-of-way line of Ethel Road and following the south boundary line of the Nellie D. Mundy Survey No. 241, **South 89°54'40" East, 60.00' feet** to the intersection of the east right-of-way line of Ethel Road and the south boundary line of the Nellie D. Mundy Survey No. 241 for the northeast corner of the tract herein described, identical to the northwest corner of Sunset View Subdivision as recorded in Book 76, Page 65, El Paso County Plat Records;

THENCE, leaving the south boundary line of the Nellie D. Mundy Survey No. 241 and following the west boundary line of said Sunset View Subdivision and continuing along the west boundary line of Tract 4A, S. A. & M. G. Railroad Company Survey No. 266, **South 00°00'00" East, 2259.13 feet** to a 1/2 inch rebar with survey cap No. TX1978 found at the intersection of the east right-of-way line of Ethel Road and the northerly right-of-way line of Montoya Lane for the southeast corner of the tract herein described, identical to the southwest corner of said Tract 4A;

THENCE, leaving the east right-of-way line of Ethel Road and following the northerly right-of-way line of Montoya Lane, **South 78°41'00" West, 61.19 feet** to a 1/2 inch rebar with survey cap No. TX5337 found at the intersection of the west right-of-way line of Ethel Road and the northerly right-of-way line of Montoya Lane for the southwest corner of the tract herein described, identical to the southeast corner of Tract 1A, J.L. Johannsen Survey No. 185,;

THENCE, leaving the northerly right-of-way line of Montoya Lane and following the east boundary line of said Tract 1A and continuing along the east boundary line of Tract 8, S. A. & M. G. Railroad Company Survey No. 265 and the east boundary line of said Tract 1, W. H. Lenox Survey No. 432, **North 00°00'00" West, 2271.23 feet** to the point of beginning;

Said tract containing **3.12 acres**, more or less, and being subject to easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho

Isaac Camacho, TX RPLS No. 5337

STATE OF TEXAS
REGISTERED
ISAAC CAMACHO
5337
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "A"

THE STATE OF TEXAS }
}
COUNTY OF EL PASO }

QUITCLAIM DEED

That the **CITY OF EL PASO** has released and quitclaimed and by these presents does release and quitclaim unto Tropicana Homes, Inc., 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 ETHEL ROAD ADJACENT TO SUNSET VIEW SUBDIVISION UNIT 1, W.H. LENOX SURVEY NO. 432, NELLIE D. MUNDY SURVEY NO. 241, J.L. JOHANNSEN SURVEY NO. 185, AND S.A. & M.G. R.R. CO. SURVEY NO'S. 265 AND 266, 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 made a part hereof by reference.

WITNESS the following signatures and seal this **31st day of August, 2004**.

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Document #: 3080
Document Name: Planning/1/ORD-St Vacation Ethel Road MW

ORDINANCE NO._____

SV04003

MW:

Matt Watson
Assistant City Attorney

Rudy Valdez, Chief Urban Planner
Planning, Research and Development

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2004, by Joe Wardy, as Mayor of the CITY OF EL PASO.

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

_____

My Commission Expires:

_____

AFTER FILING RETURN TO:

Tropicana Homes, Inc.
Attn. Bob Bowling
4655 Cohen Drive
El Paso, TX 79924

Document #: 3080
Document Name: Planning/1/ORD-St Vacation Ethel Road MW

ORDINANCE NO._____ **SV04003**
MW:

BROCK & BUSTILLOS INC.
CONSULTING ENGINEERS
LAND SURVEYORS
(Formerly Faught & Associates)

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
OSCAR V. PEREZ
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ISAAC CAMACHO, P.E., R.P.L.S.
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March 05, 2004

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THENCE, leaving the south boundary line of the Nellie D. Mundy Survey No. 241 and following the west boundary line of said Sunset View Subdivision and continuing along the west boundary line of Tract 4A, S. A. & M. G. Railroad Company Survey No. 266, **South 00°00'00" East, 2259.13 feet** to a 1/2 inch rebar with survey cap No. TX1978 found at the intersection of the east right-of-way line of Ethel Road and the northerly right-of-way line of Montoya Lane for the southeast corner of the tract herein described, identical to the southwest corner of said Tract 4A;

THENCE, leaving the east right-of-way line of Ethel Road and following the northerly right-of-way line of Montoya Lane, **South 78°41'00" West, 61.19 feet** to a 1/2 inch rebar with survey cap No. TX5337 found at the intersection of the west right-of-way line of Ethel Road and the northerly right-of-way line of Montoya Lane for the southwest corner of the tract herein described, identical to the southeast corner of Tract 1A, J.L. Johannsen Survey No. 185,;

THENCE, leaving the northerly right-of-way line of Montoya Lane and following the east boundary line of said Tract 1A and continuing along the east boundary line of Tract 8, S. A. & M. G. Railroad Company Survey No. 265 and the east boundary line of said Tract 1, W. H. Lenox Survey No. 432, **North 00°00'00" West, 2271.23 feet** to the point of beginning;

Said tract containing **3.12 acres**, more or less, and being subject to easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho

Isaac Camacho, TX RPLS No. 5337

STATE OF TEXAS
REGISTERED
ISAAC CAMACHO
5337
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "A"

417 Executive Center Blvd. • El Paso, Texas 79902 • T - (915) 542-4200 • F - (915) 542-2867 • www.brockbustillos.com