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**County of El Paso
Agenda Item Details**

Item Title: Planning & Development - Right-of-Way Access Order Violation Appeals Hearing - 800 Acton Street

Submitted By: Michael McElroy, Director

Department: Planning and Development

Department Phone Number: 915-273-3330

Subject: Discuss and take appropriate action on the appeal hearing for a violation of the County's Right-of-Way Access Order at 800 Acton Street.

Background: On April 23, 2024, the Planning & Development Department sent a Notice to Abandon the Unauthorized Access Point letter to the property owner, Mr. Isaac Rodarte. The notice cites a violation to the Right-of-Way Access Management Policies and Procedures Order (aka Driveway Order) that was adopted by Commissioners Court on December 20, 2021. The driveway was constructed without a permit and is located at the corner of the property that does not comply with the County residential driveway standards. This results in ingress and egress directly to the intersection of Acton Street and Eltham Drive intersection, posing a threat to the public health, safety and welfare of the community. Mr. Rodarte has requested an appeal hearing that shall be conducted by the Commissioners Court in an open meeting in accordance with the Driveway Order.

Fiscal Impact: Fiscal Impact Historical

Fiscal Impact Projected

Long Account Number: Amount:

Long Account Number: Amount:

Budget or Unbudgeted Match:

Recommendation: Planning & Development Department recommends the property owner remove the concrete driveway within the

County right-of-way and restore it to its original condition. Further, the curb restoration method should be approved by the Department and require County inspections before and after pouring concrete. The Department also recommends waiving any fees if restoration is completed within 45 days of this hearing date.

Prior Action:

None

Strategic Plan:

Goal:

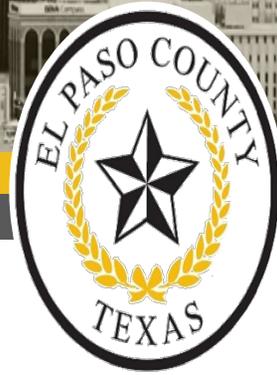
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Objective:

Strategic Plan Information:

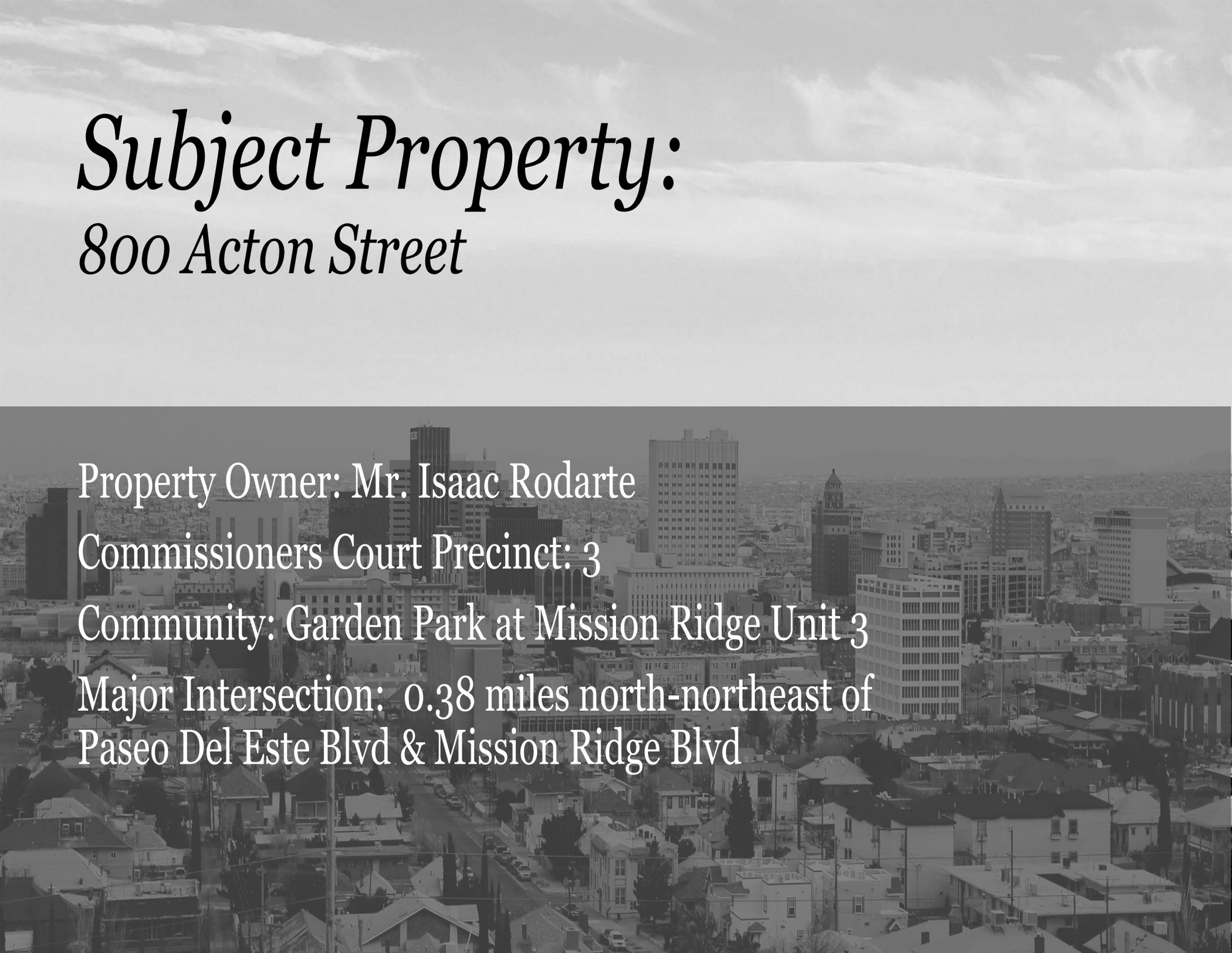
**Estimated Time Needed
For This Item:**

20 minutes



Right-of-Way Access Order Violation for 800 Acton St Appeals Hearing

*Planning & Development Department
El Paso County Public Works
August 12, 2024*



Subject Property: *800 Acton Street*

Property Owner: Mr. Isaac Rodarte

Commissioners Court Precinct: 3

Community: Garden Park at Mission Ridge Unit 3

Major Intersection: 0.38 miles north-northeast of
Paseo Del Este Blvd & Mission Ridge Blvd

Location Map – 800 Acton Street



Location Map



Makar, Microsoft, Source, Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCES, NLS, OS, NMA, Geodatenzentrum, Bundesanstalt, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of El Paso, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONAMP, Esri, TomTom, Garmin, FourSquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

Background – 800 Acton Street

- Right-of-Way Access Management Policy & Procedure Order
 - Adopted December 20, 2021
 - Permit required to construct a driveway
 - County can restrict access if it is a threat to the health, safety and welfare of the community
- County Inspector noticed illegal driveway during the Subdivision Pre-Final Acceptance Walk Through.
- Field Investigation was performed by the County Inspector

800 Acton Street – Corner Driveway

■ Findings:

- Constructed without a permit
- Constructed at the center of the radius of the curb (corner of the street)
- Driveway is directed to street intersection
- Does not comply with Design Standards
 - City nor County standards allow driveway within the radius of curb on a corner lot
- Accessing the driveway at the street intersection poses a safety issue.
- TxDOT Access Management Manual - “proper access management assists in protecting the substantial public investment in transportation by preserving roadway efficiency and enhancing traffic safety, thus reducing the need for expensive improvements. Furthermore, access management can significantly reduce traffic accidents, personal injury, and property damage.”



Conflict Points at a T-intersection

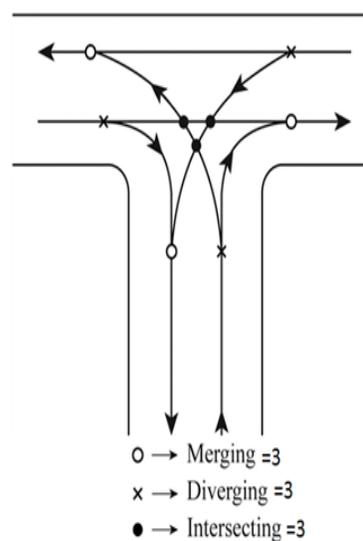


800 Acton St



Conflict points at an unsignalized T intersection.

Figure shows the possible conflict points at an unsignalized T intersection,



The 3 types of possible conflicts at an unsignalized T intersection are,

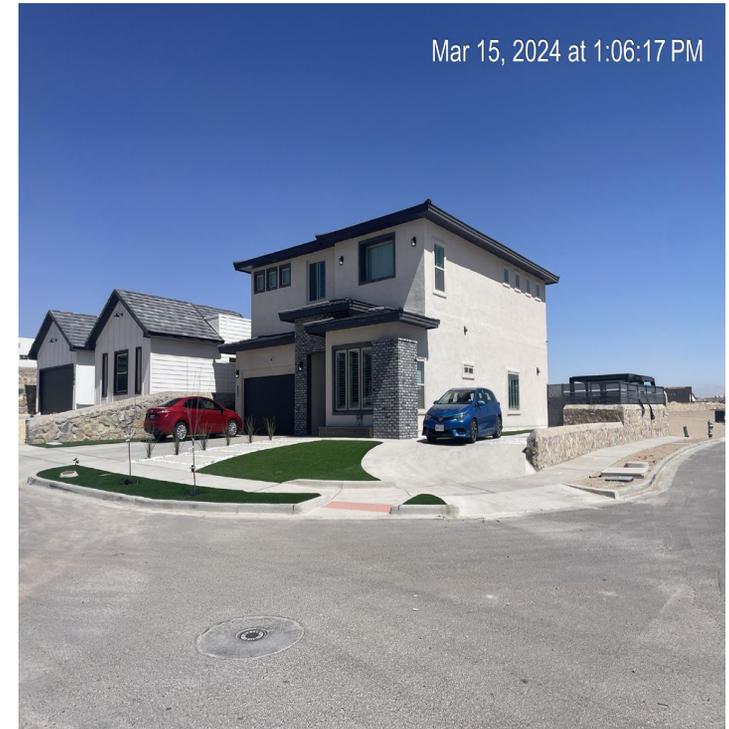
1. Merging conflict points –3
2. Diverging conflict points –3
3. Crossing conflict points –3

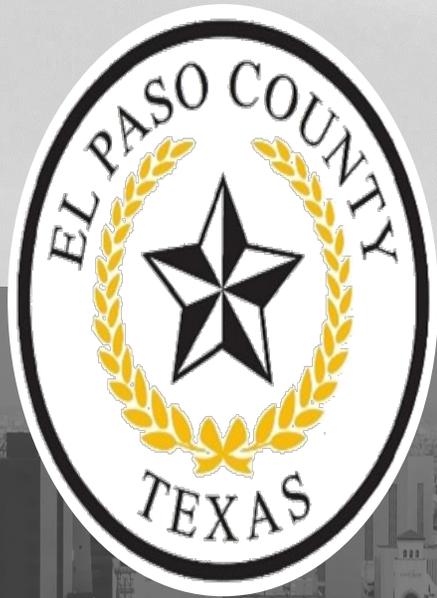
Figure (1) shows the different conflict points that exist at unsignalized T intersection. Here total 9 conflict points in this type of intersection of unsignalized. The number of possible conflict points at any intersection will depend on the turning movements of vehicles and the type of traffic control at the intersection.

*Traffic and Highway Engineering 5th Edition, Garber

Violation Determination – 800 Acton Street

- Planning and Development Dept. determined the driveway is in violation of the Right-of-Way Access Order
- Notice to Abandon the Unauthorized Point was sent to the property owner on April 23, 2024
- Property owner requested an appeal hearing
- Per the Order, Commissioners Court shall hear the appeal in an open meeting and make a determination if a violation exists and set mediation requirements, if any.





Questions and Recommendations

Planning & Development Department recommends property owner to remove the concrete driveway within the County right-of-way and restore to its original condition. Further, curb restoration method should be approved by the Department and require County inspections before and after pouring concrete. Department also recommends waiving any fees if restoration is completed within 45 days of this hearing date.



PLANNING & DEVELOPMENT DEPARTMENT
DEVELOPMENT SERVICES & ENGINEERING

April 23, 2024

Rohana-Rodarte Sara & Isaac
800 Acton St
El Paso, Texas 79928

Dear Mr. & Ms. Rohana-Rodarte

Re: Notice to Abandon the Unauthorized Access Point (Driveway) at 800 Acton St.

An El Paso County Construction Inspector observed a driveway constructed on your subject property that appears to be an Unauthorized Right-of-Way Access. El Paso County adopted a Right-of-Way Access Management Policies and Procedures Order on December 20, 2021 that requires a driveway permit be obtained from the County Planning and Development Department. Attached is a copy of the Order for your reference. El Paso County staff reviewed the subject driveway and determined that it is a violation of the Order since it was constructed without a permit. The subject driveway was constructed in a manner/location that does not meet the requirements of Article III B of the Order. Since the location of the driveway requires access through the roadway intersection, it poses a threat to the public health, safety and welfare of the community. Therefore, you are required to demolish the driveway improvements within the Right-of-Way and restore the parkway and concrete curb to its original condition.

Please contact the Inspections Division to request a meeting with the County Inspector at the site prior to performing any work to propose limits of demolition and to agree on the plan for restoration. Another inspection will be required prior to pouring any concrete for the County Inspector to approve the preparation work. A final inspection needs to be requested when all the restoration work has been completed to close your case.

As per Article VI B of the Order, you have fifteen (15) calendar days from the day you receive this notice to abandon and perform the restoration work mentioned above or provide a written request for a hearing before Commissioners Court to appeal the department's findings and remediation requirements.

Should you have any questions, please contact me at (915) 273-3330 or via email at f.nunez@epcounty.com
Regards,

Sincerely,

Fidel Nunez, E.I.T., CFM, Civil Engineer
Planning & Development Department
Development Services & Engineering Division

Enclosures:

1. *Right-of-Way Access Management Policies & Procedures Order*
2. *Photo of Illegal Driveway*



PLANNING & DEVELOPMENT DEPARTMENT
DEVELOPMENT SERVICES & ENGINEERING

March 15, 2024

Mar 15, 2024 at 1:06:17 PM



