



City of El Paso – City Plan Commission Staff Report

Amendments to Title 19

The Subdivision Code requires parkland dedication or fees in lieu of dedication to be paid prior to recording of any new subdivision.

The code does not currently provide for any refund of fees paid if the development is subsequently abandoned and the property is conveyed to the City for use as open space. The amendment will allow a refund of fees paid in this circumstance, to promote the preservation of open space and conveyance of property to the City for open space purposes.

This amendment was reviewed by the DCC and is recommended for approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.110 (FEE IN LIEU OF PARKLAND DEDICATION) AND SECTION 19.20.120 (PARKLAND FEES SPECIAL FUND) OF THE CITY CODE OF THE EL PASO TO PERMIT A REFUND OF FEES IN LIEU OF PARKLAND DEDICATION WHEN THE DEVELOPMENT IN ACCORDANCE WITH THE PLAT IS ABANDONED AND THE PROPERTY IS CONVEYED FOR MUNICIPAL PUBLIC OPEN SPACE

WHEREAS, Title 19 (Subdivision and Development Plats) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the City has required that subdivision developments provide recreational areas necessary to the public welfare and has adopted policies and procedures for subdivision plat approval into Title 19 that integrates requirements for recreation areas in each proposed subdivision, including, but not limited to, dedication of neighborhood parks, community parks that serve several neighborhoods, linear parks, trails and open space areas or payment of fees in lieu of dedication;

WHEREAS, the proposed revision that allows the City to refund fees paid in lieu of parkland dedication when the subdivision development is abandoned and the property is conveyed to the City only for the purpose of use as open space is consistent with the City's policies regarding recreational resources available to the community; and

WHEREAS, the City Plan Commission has recommended approval of the amendments, and the El Paso City Council finds that the amendments proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1: That Title 19 (Subdivision and Development Plats), Chapter 19.20 (Parks and Open Space), Section 19.20.110 (Fee in lieu of parkland dedication) of the City Code shall be revised as follows:

D. Refunds. Under no circumstance shall fees received in lieu of parkland dedication required by this chapter be refunded to a subdivider, except as provided in Section 19.20.120(D).

ORDINANCE NO. _____

SECTION 2: That Title 19 (Subdivision and Development Plats), Chapter 19.20 (Parks and Open Space), Section 19.20.120 (Parkland Fees Special Fund) of the City Code shall be amended to add Subsection (D) as follows:

D. Refund. If a developer has paid fees in lieu of park dedication for an approved subdivision, but the developer subsequently abandons development of the property as shown on the approved subdivision and conveys the property to the City for the sole purpose of use as open space, the developer is entitled to a full refund at the time of the conveyance.

SECTION 3: Except as herein enumerated, Title 19 (Subdivision and Development Plats), Chapter 19.20 (Parks and Open Space), Section 19.20.110 (Fee in lieu of parkland dedication) and Section 19.20.120 (Parkland Fees Special Fund) of the City Code shall remain in full force and effect.

PASSED AND ADOPTED this _____ day of _____, 2015

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Bertha A. Ontiveros
Senior Assistant City Attorney

ORDINANCE NO. _____