CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

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DEPARTMENT: Building & Planning Services

AGENDA DATE: January 18, 2005 (Introduction); February 1, 2005 (Public Hearing)

CONTACT PERSON/PHONE: Patricia D. Adauto; (915) 541-4853

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance repealing Ordinance No. 014764, an Ordinance closing the public hearing and levying assessments for part of the costs of street improvements in the Kimberly Heights Subdivision, El Paso, El Paso County, Texas; fixing a lien and charge against property abutting the improved streets and against the owners thereof; and providing for the collection of such assessments thereof.

BACKGROUND / DISCUSSION:

On January 30, 2001, City Council held a public hearing and approved Ordinance No. 014764, which proposed to levy an assessment against the property owners for part of the costs of street and drainage improvements in the Kimberly Heights Subdivision. Subsequently, construction plans were prepared and bid. C.F. Jordan was awarded the construction contract and completed the work in May 2003. Upon initiating collection of the assessments it was found that certain steps critical to the process were not originally undertaken, and that a new ordinance and process would have to be followed in order to proceed with a lien paving collection. At a public meeting held in September 2004, over 200 residents of the Kimberly Heights area expressed their concerns with having to pay for these basic infrastructure improvements, and the costs associated with the work. After further discussion and consideration, City Council directed staff on January 4, 2005 to proceed with repealing Ordinance No. 014764. Letters to area property owners will be mailed advising of the City Council action and the date of the public hearing at which the proposed repeal ordinance will be heard.

PRIOR COUNCIL ACTION:

City Council previously approved Ordinance No. 014764 on January 30, 2001.

AMOUNT AND SOURCE OF FUNDING:

No funding required for this action.

BOARD / COMMISSION ACTION:

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 014764, AN ORDINANCE CLOSING THE PUBLIC HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COSTS OF STREET IMPROVEMENTS IN THE KIMBERLY HEIGHTS SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS; FIXING A LIEN AND CHARGE AGAINST PROPERTY ABUTTING THE IMPROVED STREETS AND AGAINST THE OWNERS THEREOF; AND PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS THEREOF.

WHEREAS, on January 30, 2001, the El Paso City Council held a public hearing and approved an Ordinance No. 014764, an Ordinance closing the public hearing and levying assessments for part of the costs of street improvements in the Kimberly Heights Subdivision, El Paso, El Paso County, Texas; fixing a lien and charge against property abutting the improved streets and against the owners thereof; and providing for the collection of such assessments thereof, and

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

Ordinance No. 014764, an Ordinance closing the public hearing and levying assessments for part of the costs of street improvements in the Kimberly Heights Subdivision, El Paso, El Paso County, Texas; fixing a lien and charge against property abutting the improved streets and against the owners thereof; and providing for the collection of such assessments thereof, be repealed.

PASSED AND APPROVED THIS _____ DAY OF JANUARY, 2005.

CITY OF EL PASO, TEXAS

_____
Joe Wardy, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:

Patricia D Adauto
Patricia D. Adauto
Deputy City Manager for
Building and Planning Services