

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

DEPARTMENT: Development Services Department\Planning Division

AGENDA DATE: Introduction 02-12-08; Public Hearing 02-19-08

CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720

DISTRICT(S) AFFECTED: #8

SUBJECT:

An Ordinance approving the assignment of a Special Privilege granted to Warren T. Burns, Jr. by Ordinance No. 014331 to Clean Group, L.P permitting the encroachment of an outdoor patio café onto portions of public rights-of-way within block 170, Campbell Addition. SP98-137, District 8

BACKGROUND / DISCUSSION:

See attached information.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE:

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ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSIGNMENT OF A SPECIAL PRIVILEGE GRANTED TO WARREN T. BURNS, JR. BY ORDINANCE NO. 014331 TO CLEAN GROUP, L.P PERMITTING THE ENCROACHMENT OF AN OUTDOOR PATIO CAFÉ ONTO PORTIONS OF PUBLIC RIGHTS-OF-WAY WITHIN BLOCK 170, CAMPBELL ADDITION

WHEREAS, on January 11, 2000, the El Paso City Council approved Ordinance No. 014331 which granted to WARREN T. BURNS, JR., a Special Privilege License to encroach onto portions of public rights-of-way on the West ½ of Lots 9 to 11, Block 170, Campbell Addition, more commonly known as 200 Anthony Street, and of property located on the East ½ of Lots 9 to 11, Block 170, Campbell Addition, more commonly known as 510 Western Court, City and County of El Paso, Texas, to encroach onto portions of City rights-of-way with an outdoor patio cafe, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the purpose of the Special Privilege License is solely for the encroachment and operation of an outdoor patio café located on a portion of public right-of-way located within the City of El Paso, El Paso County, Texas, and which real property is specifically described in the Special Privilege License; and

WHEREAS, WARREN T. BURNS, JR. desires to assign all duties, obligations and responsibilities of said Special Privilege License for the outdoor patio café to CLEAN GROUP, L.P; and

WHEREAS, CLEAN GROUP, L.P. desires to assume all duties, obligations and responsibilities of said Special Privilege License; and,

WHEREAS, Section 11 of the Special Privilege License requires the written consent of the El Paso City Council for assignment of the Special Privilege License; and

WHEREAS, both WARREN T. BURNS, JR. and CLEAN GROUP, L.P., are requesting that the City approve the assignment of the Special Privilege License granted by Ordinance No. 014331 from WARREN T. BURNS, JR.; and

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WHEREAS, the City agrees to the assignment from WARREN T. BURNS, JR., of rights, duties, obligations and responsibilities in the Special Privilege License to THE CLEAN GROUP, L.P.

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

That the Mayor be authorized to sign a Consent to Assignment assigning the Special Privilege License granted by Ordinance No. 014331 to THE CLEAN GROUP, L.P., a copy of which is attached hereto as Exhibit "B" and made a part hereof for all purposes.

PASSED AND APPROVED this ___ day of _____, 2008

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

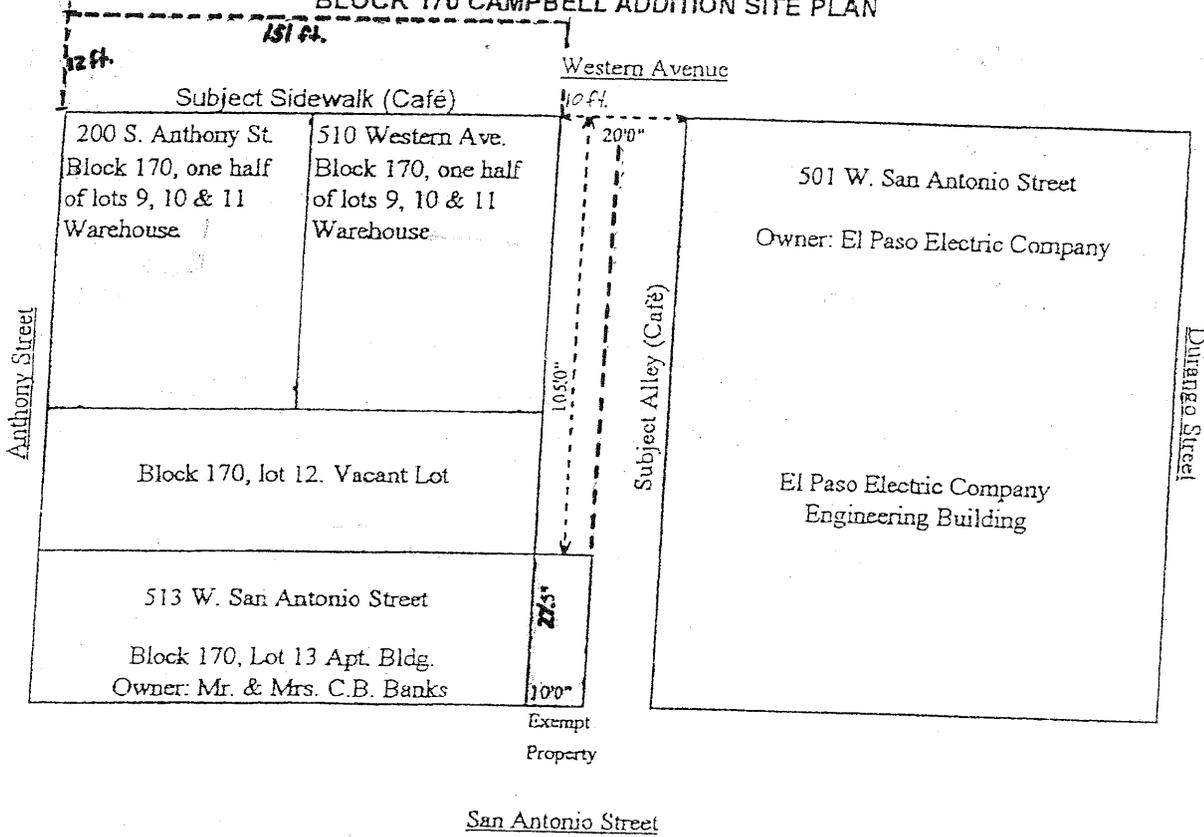


Lupe Cuellar
Assistant City Attorney


for _____
Kelly Carpenter, AICP, Deputy Director
Development Services Department,
Planning Division

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08 FEB -5 AM 8:02

BLOCK 170 CAMPBELL ADDITION SITE PLAN



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08 FEB -5 AM 8:03

EXHIBIT "B"

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Consent to Assignment

WHEREAS, on January 11, 2000, the El Paso City Council approved Ordinance No. 014331 which granted to WARREN T. BURNS, JR., a Special Privilege License for the purpose of encroaching upon a portion of public right-of-way with an outdoor patio café located within the City of El Paso, El Paso County, Texas, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the purpose of the Special Privilege License is associated with the encroachment and operation of an outdoor patio café located on a portion of public right-of-way located within the City of El Paso, El Paso County, Texas; and

WHEREAS, WARREN T. BURNS, JR. desires to assign all duties, obligations and responsibilities of said Special Privilege License for the outdoor patio cafe; and

WHEREAS, Section 11 of the Special Privilege License requires the written consent of the El Paso City Council for assignment of the Special Privilege License; and

WHEREAS, WARREN T. BURNS, JR., is requesting that the City approve the assignment of the Special Privilege License granted by Ordinance No. 014331 to THE CLEAN GROUP, L.P; and

WHEREAS, THE CLEAN GROUP, L.P., hereby agrees to be responsible for all duties, obligations and responsibilities under the Special Privilege License; and

WHEREAS, the City agrees to the assignment to THE CLEAN GROUP, L.P., of the rights, duties, obligations and responsibilities encompassed in the Special Privilege License; and

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. The City approves the assignment to THE CLEAN GROUP, L.P., of the rights, duties, obligations and responsibilities of the Special Privilege License granted by Ordinance No. 014331.

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08 FEB - 5 AM '02

2. THE CLEAN GROUP, L.P., agrees to assume and perform all duties, obligations and responsibilities of said Special Privilege License.

3. THE CLEAN GROUP, L.P., agrees to indemnify, defend and hold harmless the City from and against any and all claims, demands, causes of action, court costs, expenses and attorneys fees which are connected with or arising from the assignment of this Special Privilege License and the City's acceptance and recognition of the assignment of the Special Privilege License.

4. All notices provided shall be sent by certified or registered mail, return receipt requested, postage fully prepaid, addressed to the proper party at the following addresses:

City of El Paso
Attn: Mayor
2 Civic Center Plaza
El Paso, Texas 79901-1196

with copy to: City of El Paso
Attn: City Clerk
2 Civic Center Plaza
El Paso, Texas 79901-1196

and: THE CLEAN GROUP
Attn: Alejandro Restrepo
308 Chihuahua Street
El Paso, Texas 79901

5. Except as herein amended; Ordinance No. 014331 shall remain in full force and effect.

(Signatures on following page)

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08 FEB -5 AM 8:02

WITNESS the following signatures and seals:

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

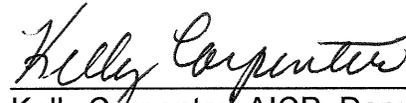
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Kelly Carpenter, AICP, Deputy Director
Development Services Department,
Planning Division

(Signatures continue on following page)

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GENERAL INFORMATION:

SUBJECT: Special Privilege SP98-137

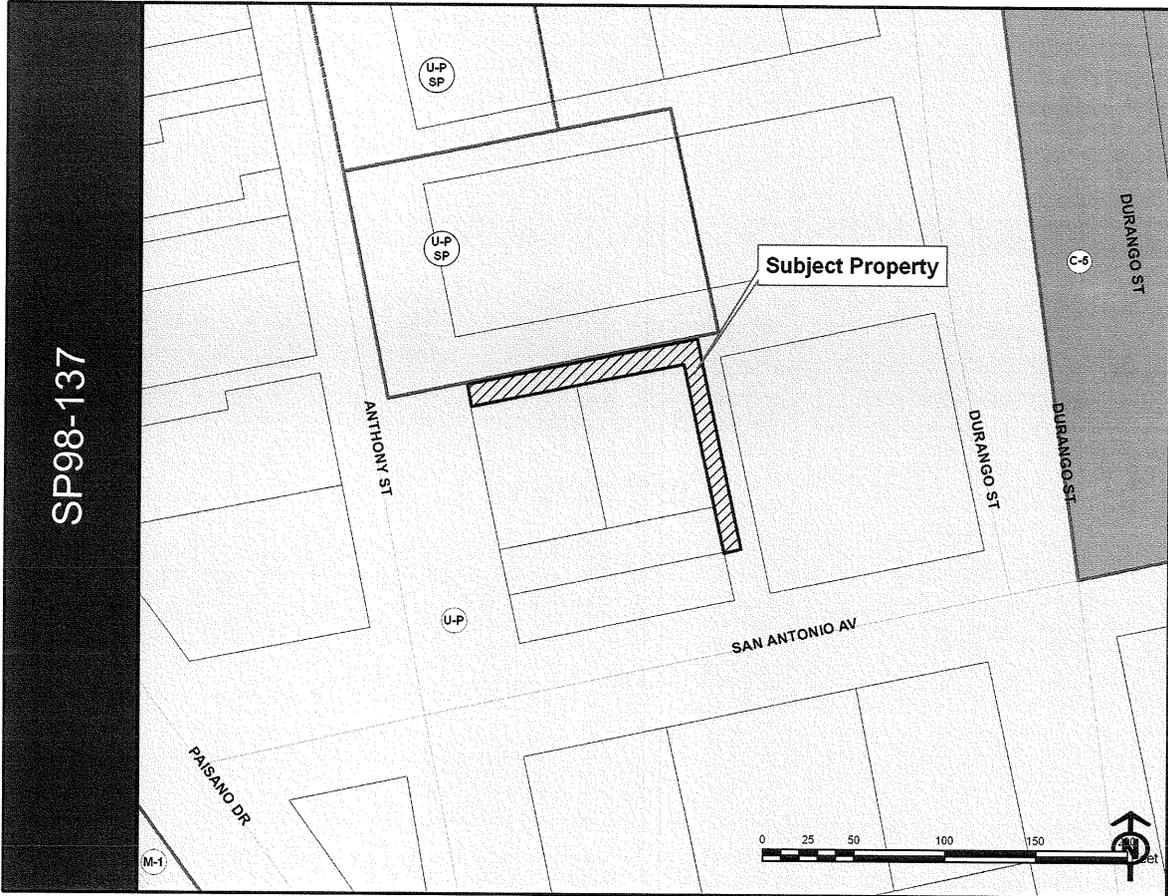
This Ordinance will permit the assignment of a Special Privilege License granted by Ordinance No. 014331 on January 11, 2000 which allows the encroachment of an outdoor patio café located along 200 Anthony Street and 510 Western Court in the Union Plaza District.

The Ordinance allows the assignment of the Special Privilege License upon written request and includes a term of 10 years to expire on January 11, 2010 with a consideration of \$300.00 per year.

The current property owner will assume all duties, obligations and responsibilities of this Special Privilege License.

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Location Map



SP98-137

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