



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

DEPARTMENT: **Planning & Economic Development / Planning Division**

AGENDA DATE: **CCA Consent 2/15/2011**

CONTACT PERSON/PHONE: **Eduardo Garcia – 541-4638**

DISTRICT(S) AFFECTED: **All**

SUBJECT:

A Resolution that the City Council adopts an alternative method for determining the fair market value for the sale or conveyance of land dedicated to the City as a public street, alley, or easement when such sale or conveyance is to the abutting property owner owning the underlying fee simple and establishing criteria for city initiated vacation of such land.

BACKGROUND / DISCUSSION:

On January 18, 2011 City Council directed staff to look at how the city conveys public right-of-way to abutting property owners.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: N/A

FINANCE: N/A

DEPARTMENT HEAD:

Mathew McElroy, Deputy Director - Planning

APPROVED FOR AGENDA:

CITY MANAGER:

DATE:



Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

RESOLUTION

WHEREAS, Texas Local Government Code Section 272.001(a) requires a municipality selling or conveying land to sell or convey such land at fair market value, which must be determined by either an appraisal or the price obtained at public auction, with certain exceptions provided; and,

WHEREAS, Texas Local Government Code Section 272.001(b)-(j) contains exceptions that would not require the municipality to determine the fair market value in the manner specified above, one of which is land sold or conveyed to an abutting property owner if the property owner owns the underlying fee simple of the land being sold or conveyed; and

WHEREAS, the state statute allows the City to establish an alternate method of determining the fair market value for land being sold or conveyed to an abutting property owner if the property owner owns the underlying fee simple of the land being sold or conveyed and the City wishes to establish an alternative method; and,

WHEREAS, the El Paso City Council finds that establishing an alternate method of appraisal for a public street, alley or easement that is no longer needed as a public street, alley or easement; will allow the City the opportunity to remove such excess portions from City responsibility for maintenance, management, and control; and,

WHEREAS, the El Paso City Council further finds that the sale or conveyance of land dedicated to the city as a public street, alley or easement, which is no longer needed as a public street, alley or easement, will permit an abutting property owner to maintain and improve the land, will allow the excess portions of such streets, alleys and public easements vacated to be placed back onto the tax rolls and will additionally decrease costs to the city by no longer having to maintain the excess portions of the public street, alley or easement.

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

THAT, the City Council of the City of El Paso, hereby adopts this alternative method for determining the fair market value for the sale or conveyance of land dedicated to the City as a public street, alley, or easement:

1. The City will use available comparables in the area to determine the fair market value for land or interest conveyed or sold provided that the following criteria are met:
 - a. The land or interest to be sold or conveyed was dedicated as a public street, public alley or public easement; and,
 - b. The sale or conveyance must be to the abutting property owner and the abutting property owner must own the underlying fee simple to the land being sold or conveyed; and,

c. City Council must make a finding that the land or interest is no longer needed as a public street, public alley or public easement; and,

d. If the full width of the public street, alley or easement is to be vacated, then the abutting property owners on both sides of the public street, alley or easement must agree to the vacation.

2. The City may initiate the vacation of the public street, alley or easement, via plat or separate instrument, where the City determines there are multiple encroachments into the public street, alley or easement so as to create a lack of conformity within neighborhoods and between lots. The City finds that there is public purpose for initiating the vacations in order to rectify the existing conditions of the meandering lot lines to clearly distinguish and reflect the lot lines of private property owners from any existing the public street, alley or easement and so that a uniform solution can be provided.

ADOPTED this _____ day of _____, 2011.

CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Planning and Economic Development Dept.