

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

DEPARTMENT: Development Services
AGENDA DATE: CCA Consent 03/25/08
CONTACT PERSON/PHONE: Christina Stokes, Planner – 541-4627
DISTRICT(S) AFFECTED: 1

SUBJECT:

A Resolution that the City extends the time period for the construction of improvements to Bartlett Drive required under a Contract of Sale between the City of El Paso and Ham Management, LLC, dated October 24, 2006 and amended on December 19, 2006 so that the improvements shall be completed by December 19, 2010. Subject Property: East of Desert Boulevard and south of Thorn Avenue. Applicant: Ham Management, LLC. SUB07-00117 (District 1)

BACKGROUND / DISCUSSION:

Request for extension is due to project delays in coordinating with the Corp of Engineers, and coordination with Parks & Recreation Departments regarding adjacent park improvements.

See attached report.

PRIOR COUNCIL ACTION:

City Council approved a Contract of Sale between the City of El Paso and Ham Management, LLC on October 24, 2006 and approved an Amendment to the Contract of Sale on December 19, 2006.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation

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

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

DEPARTMENT HEAD: _____
Patricia Adatao, Deputy City Manager, Development & Infrastructure Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

WHEREAS, the City of El Paso and Ham Management, LLC, hereinafter referred to as the Buyer, entered into contract of sale for property located within the City of El Paso, such contract dated October 24, 2006 and subsequently amended on December 19, 2006; and,

WHEREAS, the contract requires the Buyer to make street improvements to Bartlett Drive by extending Bartlett Drive and to complete such improvements within two (2) years after closing of the sale of the property, otherwise, the property would revert back to the City; and,

WHEREAS, the improvements to Bartlett Drive are to be completed by December 19, 2008, however, the contract allows the Buyer to request a two year extension to complete the improvements provided that such extension is submitted sixty days prior to the expiration of the initial two years and includes a detailed explanation of the delays and justification for the extension; and,

WHEREAS, the buyer has submitted a request for an extension and has provided a detailed explanation of delays and justification for an extension (Exhibit B); and,

WHEREAS, the contract requires City Council to consider such request,

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

That the City extends the time period for the construction of improvements to Bartlett Drive required under a contract of sale between the City of El Paso and Ham Management, LLC, dated October 24, 2006 and amended on December 19, 2006 so that the improvements shall be completed by December 19, 2010.

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:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto

Patricia D. Adauto, Deputy City
Manager Development & Infrastructure
Services

HAM Management, LLC.

5835 Cromo, Suite 2
El Paso, Texas 79912
Phone: (915) 842-0111
Fax: (915) 842-0199

January 23, 2008

Ms. Joyce A. Wilson, City Manager
City of El Paso
C/O Kelly Carpenter
2 Civic Center Plaza
El Paso, Texas 79901-1196

Re: The Bartlett Drive extension requirement in Special Warranty Deed between the City of El Paso and HAM Management, LLC dated January 22, 2007 and in Amended Contract of Sale between the City of El Paso and HAM Management, LLC dated December 19th, 2006 (copies attached)

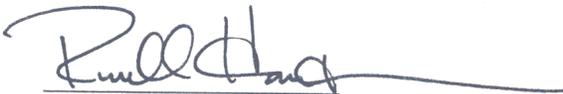
Dear Joyce,

I hereby request the two (2) year extension specifically permitted in Section 3.3.7 of the referenced Contract of Sale. The extension is requested for the following reasons:

- The improvements on this project must be coordinated with the corps of engineers.
- Coordination with the City Parks Department on the specific improvements to be constructed in the park adjacent to the proposed Bartlett extension continues but is not complete to date.
- Once final plans are prepared by me and approved a complete cost estimate can be prepared, materials can be ordered and the actual field construction may begin. Once construction is commenced, it should take no more than 1 year to complete.

This Bartlett Drive additional two year extension request is presented in advance to avoid any last minute rush. I am committed to extending Bartlett but request the additional 2 years time to do so as allowed in our contractual agreements. The specific project I have chosen to pursue on the property purchased has required more design effort and coordination than a typical subdivision and I hope the final project reflects that. Our contract also emphasizes in Section 3.3.5 the desire to "include all utility infrastructures to prevent future pavement cuts". Giving all utilities and vested parties the additional time to properly study the project should help make no paving cuts a reality. If you have any comments or question please don't hesitate to call.

Sincerely,



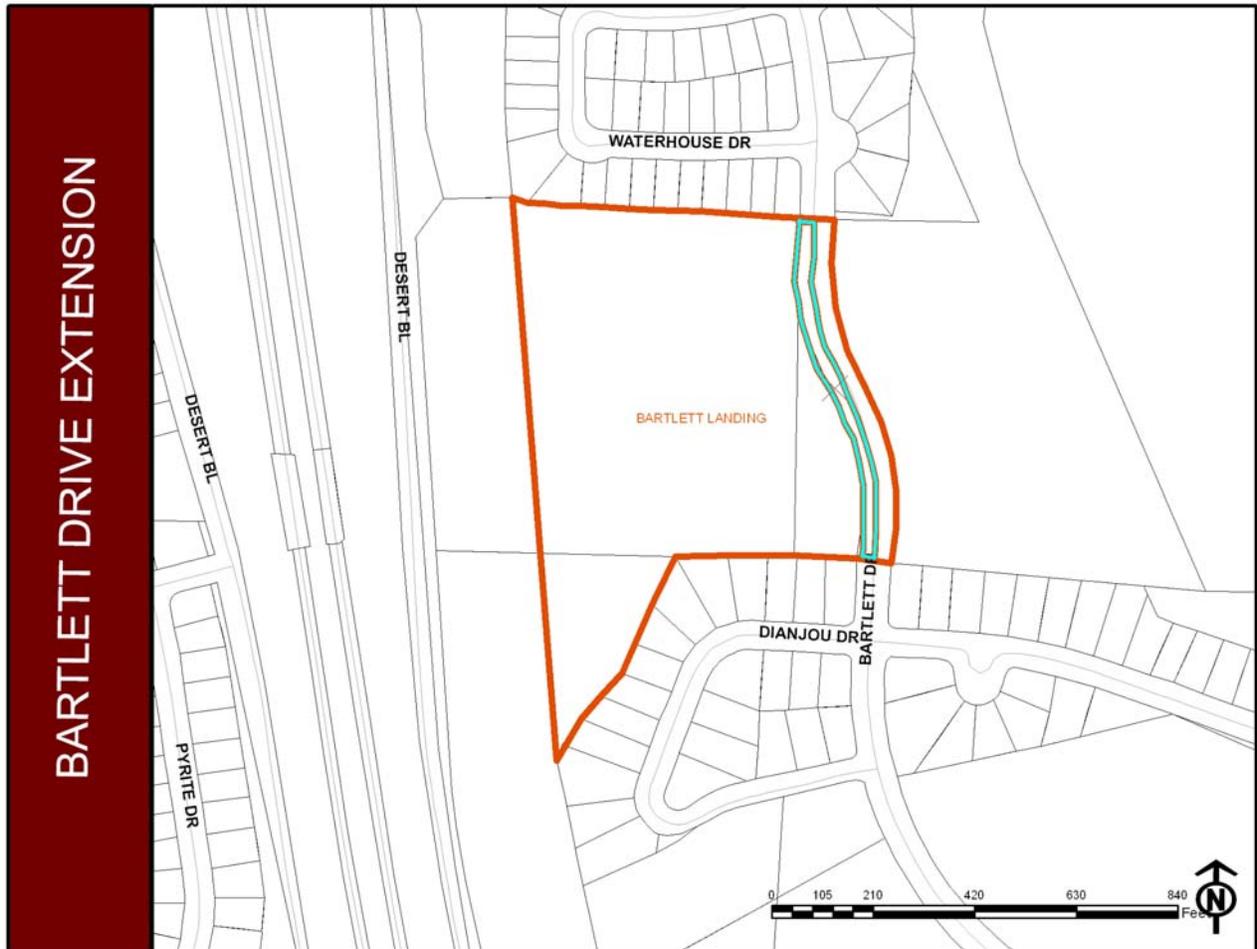
Russell Hanson
Manager

RECEIVED
JAN 23 2008



SUB07-00117

Subdivision Name: Bartlett Drive Extension
Type Request: Extension Request to Construct Right-of-way Improvements per Amended Contract of Sale
Property Owner: HAM Management, LLC
Representative: HAM Management, LLC
District: 1
Location: East of Desert Boulevard and South of Thorn Avenue



GENERAL INFORMATION:

The applicant proposes construct right-of-way improvements for the Bartlett Drive Extension in accordance with the Amended Contract of Sale. The property is located within the Bartlett Landing Subdivision that was approved on a Major Final basis by the City Plan Commission on January 3, 2008.

STAFF RECOMMENDATION:

The Development Coordinating Committee recommends *approval* of the requested two-year extension to construct the Bartlett Drive Extension in accordance with the Amended Contract of Sale.

List of Attachments

Attachment 1: Aerial

Attachment 2: Request for Extension

ATTACHMENT 1



ATTACHMENT 2

HAM Management, LLC.

5835 Cromo, Suite 2
El Paso, Texas 79912
Phone: (915) 842-0111
Fax: (915) 842-0199

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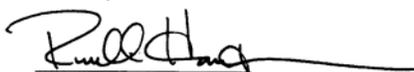
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