

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

**DEPARTMENT:** Development Services Department – Planning Division

**AGENDA DATE:** Introduction: April 15, 2008  
Public Hearing: May 6, 2008

**CONTACT PERSON/PHONE:** Philip Etiwe, 541-4635

**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code, by amending four chapters thereunder, to provide for a reduction of the fees for applications regarding subdivisions, dedication and vacation of certain public rights-of-way and easements, and vacation of recorded subdivisions, pertaining to properties located within the Tax Increment Reinvestment Zone No. 5 and any Neighborhood Empowerment Zone through August 31, 2012.  
Applicant: City of El Paso (All Districts)

**BACKGROUND / DISCUSSION:**

A series of incentives to promote and assist revitalization activities in the Downtown Plan area are being proposed. As part of the on-going implementation program for the Downtown Plan, these incentives have been under review for some time. Other incentives are already in place and the series of incentives for fee reductions for projects in the Downtown area are now ready to come forward. Like the other incentives approved, these are front loaded with the maximum reduction early on and the level of incentive reducing each year until it phases out after 5 years.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

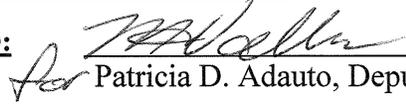
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**BOARD / COMMISSION ACTION:**

Development Coordinating Committee: Recommendation Pending  
City Plan Commission: Recommendation Pending

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**  \_\_\_\_\_  
for Patricia D. Adauto, Deputy City Manager, Development & Infrastructure Services

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE, BY AMENDING FOUR CHAPTERS THEREUNDER, TO PROVIDE FOR A REDUCTION OF THE FEES FOR APPLICATIONS REGARDING SUBDIVISIONS, DEDICATION AND VACATION OF CERTAIN PUBLIC RIGHTS-OF-WAY AND EASEMENTS, AND VACATION OF RECORDED SUBDIVISIONS, PERTAINING TO PROPERTIES LOCATED WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE THROUGH AUGUST 31, 2012.**

**WHEREAS**, on October 31, 2006, the City Council of the City of El Paso amended the Downtown 2015 Plan, to provide for revitalization of the downtown area and directed the City Manager to prepare an implementation strategy to include a package of financial and other incentives that will encourage and energize continued and more expansive investment and improvement in the downtown area; and

**WHEREAS**, the City desires to offer fee reductions for specified development related permits in order to encourage investment in the renovation, restoration and rehabilitation of properties and new development and construction within the Tax Increment Reinvestment Zone No. 5, which is located within the Downtown 2015 Plan, and within neighborhood empowerment zones designated by a resolution of the City Council in accordance with applicable State law; and

**WHEREAS**, the reduction of fees within a Tax Increment Financing Zone and within neighborhood empowerment zones are authorized by and properly made in accordance with State Law; and

**WHEREAS**, the City Council finds that the fee reductions as set forth in this ordinance constitute a benefit to the City and will further encourage private investment within the applicable areas, and will result in minimal financial impact to the City.

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

Section 1. That Section 19.08.030, Subsection H, of the El Paso City Code (Application procedure and requirements) be amended to add a new subsection H to read as follows:

**19.08.030 Application procedure and requirements. New subsection H**

H. The processing fee required by this section pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by one hundred percent (100%) for the period from the effective date of this ordinance through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

Section 2. That Section 19.40.010, of the El Paso City Code (Vacation of recorded subdivision or resubdivision) be amended to read as follows:

**19.40.010 Vacation of recorded subdivision or resubdivision.**

A. General. Any subdivision or resubdivision may be vacated upon the application by all of the property owners of the land covered by the subdivision or resubdivision. The subdivision or resubdivision shall be vacated when a written instrument declaring the subdivision or resubdivision to be vacated is duly executed, acknowledged and recorded with the county clerk following the approval of the application. Approval of an application to vacate a subdivision or resubdivision shall be obtained in the manner prescribed for the original subdivision or resubdivision, whether approved by the city plan commission or administratively by the subdivision coordinator. The execution and recording of the vacating instrument shall nullify the original subdivision or resubdivision.

B. Procedure. A request for vacation of a recorded subdivision or resubdivision shall be made by the property owners to the subdivision coordinator. The request shall be made on completed forms obtained in the office of the subdivision coordinator and shall include a written statement of the facts necessary to justify the request and the processing fee in the amount established by the city council. A decision of the city plan commission or the subdivision coordinator shall be made within thirty days from the date the application is received.

C. Notification. The county clerk shall write in plain and legible letters across the subdivision or resubdivision vacated by the recorded instrument the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded. The subdivision coordinator shall distribute copies of the instrument vacating the subdivision or resubdivision to the appropriate city, county and other official agencies.

D. The processing fee required by this section pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by one hundred percent (100%) for the period from the effective date of this ordinance through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

Section 3. That Section 19.44.010, of the El Paso City Code (Application by property owner) be amended to read as follows:

**19.44.010 Application by property owner.**

A property owner whose property abuts a public easement or right-of-way, and located within the corporate limits, may apply to the city for a vacation, in whole or in part, of the abutting public easement or right-of-way. In the event that no improvements have been made to the public easement or right-of-way, such vacation may be obtained either by following the process for vacation of a recorded subdivision or resubdivision as described in Chapter 19.40 of this title or by complying with the requirements of this Chapter 19.44. In the event that improvements have been made to the public easement or right-of-way, such vacation may be obtained only by complying with the requirements of this Chapter 19.44. An application for vacation of public easements and rights-of-way, a copy of which is found in Appendix Y, on file with the planning department, accompanied with the following information, shall be submitted to the subdivision coordinator:

- A. A nonrefundable processing fee in the amount established by the city council;
- B. The written concurrence of all persons who own property abutting the public easement or right-of-way proposed to be vacated;
- C. Copies of recorded deeds showing current ownership of all properties abutting the public easement or right-of-way proposed to be vacated;
- D. Eighteen copies of a survey of the area requested for vacation, showing all abutting property boundaries, improvements, dimensions and other easements or rights-of-way contained on the property. Such survey shall be prepared by a surveyor;
- E. A metes and bounds description of the property to be vacated and calculations showing the area in square feet; and
- F. One copy of the subdivision plat or instrument by which the public easement or right-of-way was dedicated, showing the recording information.
- G. The processing fee required by this section pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by one hundred percent (100%) for the period from the effective date of this

ordinance through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

Section 4. That Section 19.44.060, of the El Paso City Code (Fees to be paid by applicant) be amended to read as follows:

**19.44.060 Fees to be paid by applicant.**

A. Vacation Fee for Public Right-of-Way. In addition to the processing fee for the application required in Section 19.44.010 of this Code fee, the applicant shall pay the following fee before the city council authorizes the vacation of all or part of a public easement or right-of-way:

1. The cost of the appraisal; and
  2. The appraised market value of the city's interest in the public right-of-way.
- B. Publication Costs. The city shall bear the costs for publishing notices related to the application to vacate a public easement or right-of-way when it is presented before the city council for finalization.

Section 5. That Section 19.48.010, of the El Paso City Code (Application required) be amended to read as follows:

**19.48.010 Application required.**

Where a property owner requests that the city plan commission grant an exception to the subdivision regulations contained within this title as provided in Section 19.04.180, and that approval be given for the metes and bounds dedication of a public easement or right-of-way, the property owner shall file an application for a metes and bounds dedication with the subdivision coordinator. The metes and bounds dedication application shall include:

- A. Completed forms available at the office of the subdivision coordinator signed by the property owner;
- B. A metes and bounds description prepared by a surveyor of the property to be dedicated as a public easement or right-of-way, including calculations showing the area;
- C. A minimum of eighteen copies of a survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four-inch by thirty-six-inch sheets having a minimum one-half-inch border on all sides, except where the subdivision coordinator approves a modified scale or other acceptable format, showing all of the following:
  1. Legal description stating approximate acreage,
  2. Date of preparation, map scale (both graphic and numeric), north direction and

basis of north direction,

3. Length, bearings and curve data for the survey map boundaries,
4. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions; including at least one row of adjacent lots and parcels,
5. Width and location of proposed public easements or rights-of-way,
6. A location map at a scale of one inch equals six hundred feet, except where the subdivision coordinator approves a modified scale, which provides identification of the proposed public easement or right-of-way in relation to features such as local streets, arterial streets, schools and other features,
7. Identification of any release or other limitations of rights of access to and from the proposed public easement or right-of-way,
8. Survey data, including:
  - a. The survey map shall be tied by bearing and distance to either a section corner, survey line, grant line, or other known and accepted survey points. This tie shall be delineated on the plat,
  - b. Any section line, survey line, or grant line crossing or adjoining the property shall be clearly designated and located on the survey map,
  - c. The survey map shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines,
  - d. All recognized survey monuments and other evidence of the survey map boundary location found, set, reset or replaced, describing their type and location shall be identified,
  - e. All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification,
  - f. The centerlines of streets adjoining the property, indicating all permanent survey monuments found,
  - g. All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second,
  - h. A print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel,
  - i. The survey map shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the property is within three thousand feet of such horizontal control monument as determined by the deputy director for engineering,
  - j. A survey map tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the reference angle to a published azimuth marker, shall be shown on the map. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey,
9. Certification by the surveyor that the survey map represents a survey made on

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the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards;  
D. Certification from a title company qualified to do business in the state, showing the name(s) of the owner(s) of the property to be dedicated by metes and bounds;  
E. A processing fee in the amount established by the city council;  
F. A written detailed justification for the request for exception of the regulations contained under this title and dedication by metes and bounds; and  
G. A current tax certificate from the city tax assessor-collector indicating that all ad valorem taxes have been paid on the property included within the survey map.  
H. The processing fee required by this section pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the City Council, shall be reduced by one hundred percent (100%) for the period from the effective date of this ordinance through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2009; reduced by sixty percent (60%) for the period from September 1, 2009 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

Section 6. The effective date of this ordinance shall be May 12, 2008.

Section 7. Except as herein provided, Title 19 (Subdivisions) shall remain in full force and effect.

ADOPTED this 6th day of May 2008.

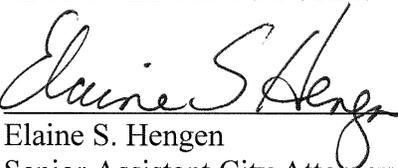
CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Patricia D. Adauto  
Deputy City Manager