

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

DEPARTMENT: Department of the City Manager, Development & Infrastructure Services

AGENDA DATE: Introduction: April 22, 2008
Public Hearing: April 29, 2008

CONTACT PERSON/PHONE: Patricia D. Aduato, Deputy City Manager, (915) 541-4853

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending the El Paso City Code by amending Title 19 (Subdivisions) in its entirety in order to establish Subdivision Regulations to include Platting Procedures, Parkland Dedication, Improvement Standards and Design, and provide for enforcement including criminal and civil penalties for every offense; provide for civil remedies; and provide for the following: Findings of Fact; Repealer; Severability, Effective Date; and Proper Notice and a Hearing. (All Districts)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

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

APPROVED FOR AGENDA:

CITY MANAGER: Patricia D. Aduato, Deputy City Manager **DATE:** April 16, 2008

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EL PASO CITY CODE BY AMENDING TITLE 19 (SUBDIVISIONS) IN ITS ENTIRETY IN ORDER TO ESTABLISH SUBDIVISION REGULATIONS TO INCLUDE PLATTING PROCEDURES, PARKLAND DEDICATION, IMPROVEMENT STANDARDS AND DESIGN, AND PROVIDE FOR ENFORCEMENT INCLUDING CRIMINAL AND CIVIL PENALTIES FOR EVERY OFFENSE; PROVIDE FOR CIVIL REMEDIES; AND PROVIDE FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY, EFFECTIVE DATE; AND PROPER NOTICE AND A HEARING.

WHEREAS, Chapter 212 of the Texas Local Government Code allows the City to adopt rules governing plats and subdivisions of land in order to promote the health safety moral or general welfare of the city and for the safe orderly and healthful development of the City; and,

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by ensuring adequate public facilities and services are available to new development, to include transportation, water, sewerage, schools, parks and other public improvements are available concurrent with development and will have a sufficient capacity to serve the subdivision and to ensure the subdivider provides for the required public improvements attributable to the development; and,

WHEREAS, the Subdivision Ordinance establishes reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land assuring the adequacy of drainage facilities; the safeguard the water table; proper and safe circulation of traffic throughout the city; and to encourage the use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the city;

WHEREAS, the City Plan Commission (CPC) has reviewed and recommends the adoption of the amendments as herein enumerated; and,

WHEREAS, the El Paso City Council finds that the adoption of these amendments will further protect and provide for the public health, safety, morals and general welfare of the community, and

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

08 MAY -1 PM 4:33
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WHEREAS, parties in interest and citizens have had an opportunity to be heard at several public meetings and hearings conducted by City Council, notice of which was posted on the City's website, by provision of personal notice by staff, and published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours, when required by state law.

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

Section 1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That Title 19 (Subdivisions) of the El Paso City Code shall be replaced in its entirety with the language as set forth in Exhibit "A", titled "Title 19 (Subdivision)", attached and incorporated by reference for all purposes.

Section 3. REPEALER

All ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

Section 4. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

Section 5. EFFECTIVE DATE

This ordinance shall take effect on June 1, 2008.

Section 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Section 7. Except as herein amended the El Paso City Code shall remain in full force and effect.

PASSED and APPROVED this _____ day of _____, 2008.

SIGNATURES ON FOLLOWING PAGE

08 MAY - 1 PM 4:38
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THE CITY OF EL PASO

John Cook, Mayor

ATTEST

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Lupe Cuellar
Assistant City Attorney

Patricia D. Adauto

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

08 MAY - 1 PM 4:33
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