

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: Community and Human Development

AGENDA DATE: 08-15-06

CONTACT PERSON/PHONE: Robert Gott

DISTRICT(S) AFFECTED: 6

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve a resolution to revise an offer of Just Compensation for the three partial properties, Parcels 3, 4 and 5, for the Zaragosa Access Road Improvement Project, funded under the 29th Year (2003-2004) for right-of-way acquisition, through the Community and Human Development Department. Design was funded in the 28th Year (2002-2003), and construction was approved for funding in the 30th Year (2004-2005). Total compensation for the three parcels is \$9,298.80, which is 130% of an updated appraisal that was completed in March, 2006.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Offers of just compensation have been completed, and contracts signed in 2004 and 2005, for the other ten (10) partial properties for this road improvement project, but negotiations have stalled for these three properties. There is a lien against the three properties, and the lien holder refuses to sign a partial release of lien unless she receives some compensation. Thus, administrative settlement is warranted to prevent eventual court action for eminent domain, which can be very time consuming and costly to all parties. It is in the public interest to finish the acquisition phase of this project in order to move on to the construction phase and completion of the project.

PRIOR COUNCIL ACTION:

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

Council approved the original just compensation for these three partial properties on April 20, 2004.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

These will be paid through Grant # G7128CD0048, account # 508034, fund # 07758, Department #71150069, and Class #71000.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

NA

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

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

DEPARTMENT HEAD:

Nathaniel Price
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, the City of El Paso authorized the Zaragosa Access Road Improvement Project ("Project") under the Twenty-ninth Year (2003-2004) Community Development Program; and

WHEREAS, three parcels must still be acquired for the Project; and

WHEREAS, the El Paso City Council finds that, in consideration of all relevant facts and circumstances, it is reasonable, prudent, and in the public interest to establish a revised determination of just compensation as an administrative settlement to acquire the remaining three parcels of land needed for the Project,

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

1. That the City Council establishes a revised offer of Just Compensation for the following properties which are proposed to be acquired for the Zaragosa Access Road Improvement Project ("Project"), under the Twenty-ninth Year (2003-2004) Community Development Program:

Parcel 3: A portion of Tract 23B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 1,141 square feet, more or less; [Just Compensation Value: \$2,311.20]

Parcel 5: A portion of Tract 23B1, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, containing 2,669 square feet, more or less; [Just Compensation Value: \$5,405.40]

Parcel 4: A portion of Tract 22B, Block 8, YSLETA GRANT, in the in the City of El Paso, El Paso County, Texas, containing 781 square feet, more or less; [Just Compensation Value: \$1,582.20], and

2. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Archuleta Enterprises, Inc. for the acquisition of three parcels of land in the amount of Nine Thousand Two Hundred Ninety-eight and 80/100 Dollars (\$9,298.80) for the Zaragosa Access Road Improvement Project, and all other related documents necessary to complete the purchase of these parcels.

ADOPTED this ____ day of _____, 2006.

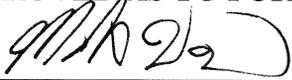
CITY OF EL PASO

John F. Cook,
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Nathalie Prise, Director
Community and Human Development