

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

**DEPARTMENT:** Planning Research & Development  
**AGENDA DATE:** Introduction 09-06-05; Public Hearing 09-20-05  
**CONTACT PERSON/PHONE:** Esther Guerrero, Planning Technician III – 541-4720  
**DISTRICT(S) AFFECTED:** #7

**SUBJECT:**  
**AN ORDINANCE RESCINDING ORDINANCE 13388 AS AMENDED BY ORDINANCES 13851, 23958, AND 16071, WHICH GRANTED A SPECIAL PRIVILEGE LICENSE TO YSLETA INDEPENDENT SCHOOL DISTRICT FOR USE OF CERTAIN RIGHT OF WAY. (District 7)**

**BACKGROUND / DISCUSSION:**

See attached information.

**PRIOR COUNCIL ACTION:**

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

yes

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

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

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

**DEPARTMENT HEAD:** George Sarmiento

**APPROVED FOR AGENDA:**

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

**GENERAL INFORMATION:**

**SUBJECT:** Special Privilege License

The City of El Paso previously granted Special Privilege Licenses to the Ysleta I.S.D. to use certain portions of public rights-of-way for the use of placing school signs.

The Ysleta I.S.D. will no longer require the use of the public right-of-way and is therefore requesting the City rescind all ordinances previously granted.

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

**AN ORDINANCE RESCINDING ORDINANCE 13388 AS AMENDED BY ORDINANCES 13851, 13958, AND 16071, WHICH GRANTED A SPECIAL PRIVILEGE LICENSE TO YSLETA INDEPENDENT SCHOOL DISTRICT FOR USE OF CERTAIN CITY RIGHT OF WAY.**

**WHEREAS**, Ordinance 13388 granted Ysleta I.S.D. a special privilege license to use certain City right-of-way (Exhibit "A"); and

**WHEREAS**, Ordinance 13388 was subsequently amended by special privilege license Ordinances 13851 and 13958 to ultimately allow the use of certain City of El Paso right-of-way off of Bordeaux Drive and McRae Boulevard (Exhibits "B" and "C" respectively); and

**WHEREAS**, Ordinance 16071 partially rescinded Ordinance 13388 as to those portions covering McRae Boulevard (Exhibit "D"); and

**WHEREAS**, Grantee now requests that Ordinance 13388 be rescinded in its entirety thereby removing Y.I.S.D. authorization to utilize Bordeaux Drive right-of-way.

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

1. That Ordinance 13388, as subsequently amended by Ordinances 13851, 13958, and 16071, shall be and hereby is repealed in its entirety.
2. That Ysleta Independent School District shall remove the structures rescinded by this ordinance at no cost to the City within 90 days of enactment hereof. Should the City of El Paso be required to remove the Structures due to Grantee inaction, Ysleta I.S.D. shall be charged with and become responsible for all costs resulting from such removal.
3. That Ysleta Independent School District be refunded all monies previously deposited with the City of El Paso for use of City right-of-way that are unused by virtue of this repeal.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

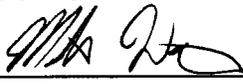
**THE CITY OF EL PASO**

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Matt Watson  
Assistant City Attorney  
Doc No. 9346

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
George G. Sarmiento, AICP, Director of  
Planning, Research and Development  
Department

013388

AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE  
YSLETA INDEPENDENT SCHOOL DISTRICT PERMITTING  
THE ENCROACHMENT OF THREE SCHOOL SIGNS ONTO  
VARIOUS PORTIONS OF PUBLIC RIGHT-OF-WAY IN THE CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

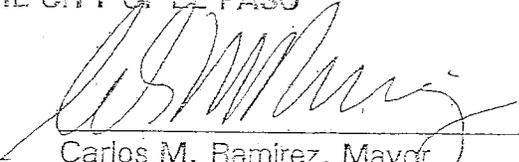
That the Mayor be authorized to sign, on behalf of the City of El Paso, a Special Privilege upon the following terms to the YSLETA INDEPENDENT SCHOOL DISTRICT:

1. This Special Privilege shall be in a form which is attached and incorporated as Exhibit "A";
2. The Special Privilege is to permit the YSLETA INDEPENDENT SCHOOL DISTRICT to encroach onto portions of City right-of-way with three (3) school signs;
3. As consideration for this Special Privilege, the YSLETA INDEPENDENT SCHOOL DISTRICT shall pay the City of El Paso the sum set forth in Section 3 of Exhibit "A", subject to the terms and conditions of this ordinance and Special Privilege; and
4. This Special Privilege shall last a term of ten (10) years.

PASSED AND APPROVED this 11<sup>th</sup> day of Nov., 1997.

(SIGNATURES ON FOLLOWING PAGE)

THE CITY OF EL PASO

  
Carlos M. Ramirez, Mayor

ATTEST:

  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

  
John F. Nance  
Asst. City Attorney

APPROVED AS TO CONTENT:

  
Patricia D. Adauto  
Current Planning/Zoning Coordinator  
Department of Planning,  
Research & Development

AN ORDINANCE AMENDING ORDINANCE NO. 013388 WHICH GRANTS A SPECIAL PRIVILEGE TO THE YSLETA INDEPENDENT SCHOOL DISTRICT PERMITTING THE ENCROACHMENT OF THREE SCHOOL SIGNS ONTO VARIOUS PORTIONS OF PUBLIC RIGHT-OF-WAY IN THE CITY, BY AMENDING SECTIONS 1 (DESCRIPTION), 3 (CONSIDERATION) AND 4 (USE OF PROPERTY) TO DELETE THE SCHOOL SIGN ON NORTH LOOP DRIVE.

WHEREAS, the El Paso City Council approved Ordinance No. 013388 on November 11, 1997, a copy of which is attached as Exhibit "A", which authorized the encroachment onto public right-of-way of three school signs for the Ysleta Independent School District; and

WHEREAS, the school sign permitted for Del Valle High School is on a portion of North Loop Drive designated as a state highway and maintained by the Texas Department of Transportation (TxDOT); and

WHEREAS, TxDOT has informed the City that signage will no longer be permitted on any portion of state designated and maintained highways;

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

1. That Subparagraph 1 (Description) of Ordinance No. 013388 shall be and hereby is amended to read as follows:

"1. DESCRIPTION. The City hereby grants a Special Privilege to Grantee to permit two (2) school signs onto various portions of public right-of-way, both located on Mc Rae Boulevard, as more particularly shown in the attached and incorporated Exhibits "C" and "D", hereinafter referred to as the "Premises"."

2. That Subparagraph 3 (Consideration) of Ordinance No. 013388 shall be and hereby is amended to read as follows:

"3. CONSIDERATION. As consideration for this Special Privilege, Grantees shall pay to the City, pursuant to the fee structures set forth in Ordinance No. 10363, as amended, Section 15.08.120.D., the sum of One Hundred Fifty and No/100 Dollars (\$150.00) per year. This Special Privilege is granted on the condition that Grantee shall pay for all costs associated

with the two (2) school signs, as well as all costs for the restoration of the Premises. The first year's payment shall be made within thirty (30) days of the execution of the Special Privilege, and each subsequent year's fees shall be due on the anniversary date.

Grantee's failure to make the payment within thirty (30) days after a payment is due shall constitute a late payment and Grantee shall pay the City a late charge of five (5) percent. The City does have the right to terminate this Special Privilege for nonpayment of the annual fee within a timely manner.

The fee payment shall be exclusive of and in addition to all costs of obtaining required permits, plans and other approvals as necessary to conform with all other applicable ordinances and regulations."

3. That Subparagraph 4 (Use of Property) of Ordinance No. 013388 shall be and hereby is amended to read as follows:

"4. USE OF PROPERTY. This Special privilege is granted solely for the encroachment onto public right-of-way with two (2) school signs measuring nine feet-six inches (9'6") by twelve feet-six inches (12'6") for Eastwood High School, hereinafter referred to as "Structures". As express conditions of this Special Privilege, the Grantee shall provide a thirty-five foot (35') minimum setback from the bullet nose of the median to the edge of the sign, and shall maintain a five foot (5') minimum clearance from the bottom of the sign to the ground. Grantee shall not commence construction under this Special Privilege until all plans for the construction of the Structures shall have been approved by the Department of Building Services as appropriate under the applicable City ordinances and the terms of this Special Privilege. This Special Privilege shall not be construed to waive any City permit requirements. Grantee shall be responsible for all maintenance of the Structures.

Nothing contained herein shall grant or be construed to grant any real property interest to the Grantee, nor shall it give rise to any vested right in the Grantee, its assigns or successors in interest who shall not have a cause of action for damages upon revocation of this Special Privilege.

Nothing contained herein shall be construed to imply that the City is involved in the design, construction, maintenance or repair of the Structures."

4. Except as herein amended, Ordinance No. 013388 shall remain in full force and effect.

PASSED AND APPROVED this 27<sup>th</sup> day of October, 1998.

THE CITY OF EL PASO

  
\_\_\_\_\_  
JESUS TERRAZAS, JR. Mayor PRO-TEM

ATTEST:

  
\_\_\_\_\_  
Carole Hunter, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John F. Nance, Asst. City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Patricia D. Adauto, Current Planning/Zoning Coordinator  
Department of Planning, Research & Development



013958

AN ORDINANCE AMENDING ORDINANCE NOS. 013388 AND 013851 WHICH GRANT A SPECIAL PRIVILEGE TO THE YSLETA INDEPENDENT SCHOOL DISTRICT PERMITTING THE ENCROACHMENT OF SCHOOL SIGNS ONTO VARIOUS PORTIONS OF PUBLIC RIGHTS-OF-WAY IN THE CITY, BY AMENDING SECTIONS 1 (DESCRIPTION), 3 (CONSIDERATION) AND 4 (USE OF PROPERTY) TO ADD A SCHOOL SIGN ON BORDEAUX DRIVE.

WHEREAS, the El Paso City Council approved Ordinance No. 013388 on November 11, 1997, a copy of which is attached as Exhibit "A", which authorized the encroachment onto public right-of-way of three (3) school signs for the Ysleta Independent School District; and

WHEREAS, Ordinance No. 013388 permitted school signs on North Loop Drive and Mc Rae Boulevard; and

WHEREAS, the El Paso City Council approved Ordinance No. 013851 on October 11, 1998, a copy which is attached as Exhibit "B", which amended the Special Privilege by removing the school sign on North Loop Drive as requested by the Texas Department of Transportation; and

WHEREAS, Ysleta Independent School District is requesting that the former displaced school sign on North Loop Drive be relocated on a portion of Bordeaux Drive; and

WHEREAS, the City Council finds that the location on Bordeaux Drive, upon the terms and conditions set forth by the grant of the Special Privilege, is not inconsistent with and will not unreasonably impair the public use of the right-of-way;

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

1. That Subparagraph 1 (Description) of Ordinance Nos. 013388 and 013851 shall be and hereby is amended to read as follows:

"1. DESCRIPTION. The City hereby grants a Special Privilege to Grantee to permit three (3) school signs onto various portions of public rights-of-way, one (1) located on Bordeaux Drive and two (2) located on Mc Rae Boulevard, as more particularly shown in the attached and incorporated Exhibits "C", "D" and "E", hereinafter referred to as the "Premises"."

2. That Subparagraph 3 (Consideration) of Ordinance Nos. 013388 and 013851 shall be and hereby is amended to read as follows:

"3. CONSIDERATION. As consideration for this Special Privilege, Grantee shall pay to the City, pursuant to the fee structures set forth in Ordinance No. 10363, as amended, Section 15.08.120.D., the sum of Two Hundred Twenty Five and No/100 Dollars (\$225.00) per year. This Special Privilege is granted on the condition that Grantee shall pay for all costs associated with the three (3) school signs, as well as all costs for the restoration of the Premises. The first year's payment shall be made within thirty (30) days of the execution of the Special Privilege, and each subsequent year's fees shall be due on the anniversary date.

Grantee's failure to make the payment within thirty (30) days after a payment is due shall constitute a late payment and Grantee shall pay the City a late charge of five (5) percent. The City does have the right to terminate this Special Privilege for nonpayment of the annual fee within a timely manner.

The fee payment shall be exclusive of and in addition to all costs of obtaining required permits, plans and other approvals as necessary to conform with all other applicable ordinances and regulations."

3. That Subparagraph 4 (Use of Property) of Ordinance Nos. 013388 and 013851 shall be and hereby is amended to read as follows:

"4. USE OF PROPERTY. This Special Privilege is granted solely for the encroachment onto public right-of-way with three (3) school signs; one (1) school sign measuring eleven feet-two inches (11'2") by eight feet-seven inches (8'7") for Del Valle High School, and two (2) school signs measuring nine feet-six inches (9'6") by twelve feet-six inches (12'6") for Eastwood High School, hereinafter called "Structures". As express conditions of this Special Privilege, the Grantee shall provide a thirty-five foot (35') minimum setback from the bullet nose of the median to the edge of the sign, and shall maintain a five foot (5') minimum clearance from the bottom of the sign to the ground. Grantee shall not commence construction under this Special Privilege until all plans for the construction of the Structures shall be been approved by the Department of Building Services as appropriate under the applicable City ordinances and the terms of this Special Privilege. This Special Privilege shall not be construed to waive any City permit requirements. Grantee shall be responsible for all maintenance of the Structures.

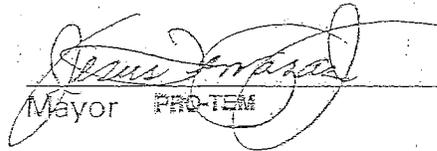
Nothing contained herein shall grant or be construed to grant any real property interest to the Grantee, nor shall it give rise to any vested right in the Grantee, its assigns or successors in interest who shall not have a cause of action for damages upon revocation of this Special Privilege.

Nothing contained herein shall be construed to imply that the City is involved in the design, construction, maintenance or repair of the Structures."

4. Except as herein amended, Ordinance Nos. 013388 and 013851 shall remain in full force and effect.

PASSED AND APPROVED this 2<sup>nd</sup> day of March, 1999.

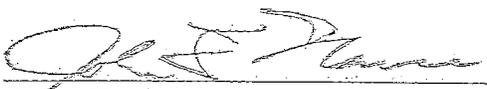
THE CITY OF EL PASO

  
Mayor PRO-TEM

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
John F. Nance, Asst. City Attorney

APPROVED AS TO CONTENT:

  
Patricia D. Adauto, Chief Urban Planner  
Department of Planning, Research & Development



ORDINANCE NO. 16071

AN ORDINANCE PARTIALLY RESCINDING ORDINANCE 13388 AS AMENDED BY ORDINANCES 13851 AND 13958 WHICH GRANTED A SPECIAL PRIVILEGE LICENSE TO YSLETA INDEPENDENT SCHOOL DISTRICT FOR USE OF CERTAIN CITY RIGHT OF WAY.

WHEREAS, ordinance 13388 granted Ysleta I.S.D. a special privilege license to use certain City right-of-way (Exhibit "A"); and

WHEREAS, ordinance 13388 was subsequently amended by special privilege license ordinances 13851 and 13958 to ultimately allow the use of certain City of El Paso right-of-way off of Bordeaux Drive and McRae Boulevard (Exhibits "B" and "C" respectively); and

WHEREAS, the City of El Paso will soon be shifting maintenance of the portion of McRae Boulevard wherein the license is provided to the State of Texas; and

WHEREAS, the Texas Department of Transportation has requested that the City of El Paso remove any authorized encroachment from the McRae Boulevard public right-of-way; and

WHEREAS, it has become necessary to rescind special privilege license ordinance 13388 as to those portions covering McRae Boulevard.

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

1. That subparagraph 1 (Description) of Ordinance Nos. 13388, 13851, and 13958 shall be and hereby is amended to read as follows:

1. DESCRIPTION. The City hereby grants a Special Privilege to Grantee to permit one school sign onto Bordeaux Drive, as more particularly described in Exhibit "D," hereinafter referred to as the "Premises."

2. That Subparagraph 3 (Consideration) of Ordinance Nos. 13388, 13851, and 13958 shall be and hereby is amended to read as follows:

3. CONSIDERATION. As consideration for this Special Privilege, Grantee shall pay to the City, pursuant to the fee structure set forth in Section 15.08.120.D, the

sum of Seventy-Five and No/100 Dollars (\$75.00) per year. This special privilege is granted on the condition that Grantee shall pay for all costs associated with the school sign, as well as costs for the restoration of the Premises. The first year's payment shall be made within thirty (30) days of the execution of the Special Privilege, and each subsequent year's fees shall be due on the anniversary date.

Grantee's failure to make the payment within thirty (30) days after a payment is due shall constitute a late payment and Grantee shall pay the City a late charge of five (5) percent. The City has the right to terminate this Special Privilege for nonpayment of the annual fee within a timely manner.

The fee payment shall be exclusive of and in addition to all costs of obtaining the required permits, plans, and other approvals necessary to conform with all other applicable ordinances and regulations."

3. That Subparagraph 4 (Use of Property) of Ordinance Nos. 13388, 13851, and 13958 shall be and hereby is amended to read as follows:

4. USE OF PROPERTY. This Special Privilege is granted solely for the encroachment onto the public right-of-way with one (1) school sign measuring no more than eleven feet-two inches (11'2") by eight feet seven inches (8'7") for Del Valle High School, hereinafter called "Structure". As express conditions of this Special Privilege, the Grantee shall provide a thirty-five foot (35') minimum setback from the bullet nose of the median to the edge of the sign, and shall maintain a five foot (5') minimum clearance from the bottom of the sign to the ground. Grantee shall not commence construction under this Special Privilege until all plans for the construction of the Structure has been approved by the Building Permits and Inspections Department as appropriate under the terms of this Special Privilege License and applicable city ordinances. This special privilege shall not be construed to waive any City permit requirements. Grantee shall be responsible for all maintenance of the Structure.

Nothing contained herein shall grant or be construed to grant any real property interest to the Grantee, nor shall it give rise to any vested right in the Grantee, its assigns or successors in interest who shall not have a cause of action for damages upon revocation of this Special Privilege, for whatever reason.

4. That Ysleta Independent School District shall remove the structures rescinded by this ordinance at no cost to the City no later than April 8, 2005. Should the City of El Paso be required to remove the Structures due to Grantee inaction, Ysleta I.S.D. shall be charged with and become responsible for all amounts arising from such removal.

PASSED AND APPROVED this 14<sup>th</sup> day of June, 2005.

THE CITY OF EL PASO



John F. Cook  
Mayor

ATTEST:



Richarda Duffy Momsen,  
City Clerk

APPROVED AS TO FORM:



Matt Watson  
Assistant City Attorney

Doc No. 9346

APPROVED AS TO CONTENT:



George G. Sarmiento, AICP, Director of  
Planning, Research and Development  
Department