

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

**DEPARTMENT:** Engineering

**AGENDA DATE:** December 13, 2011

**CONTACT PERSON NAME AND PHONE NUMBER:** R. Alan Shubert, City Engineer, (915) 541-4200  
Nanette Smejkal, Director of Parks (915) 541-4331  
Liza Ramirez-Tobias (915) 541-4074

**DISTRICT(S) AFFECTED:** District 2, Rep. Byrd  
District 1, Rep. Lilly

**SUBJECT:**

Discussion and action regarding a Resolution stating the intent of the City of El Paso and EPISD to enter into leases for properties at Memorial Park and Wainwright; and the future intent to enter into a lease or exchange for property owned by the City of El Paso located adjacent to the El Paso High School.

**BACKGROUND / DISCUSSION:**

The City of El Paso and El Paso Independent School District have been working closely to identify properties on their respective inventory that were underutilized, and opportunities to put those areas identified back to productive use. During the analysis, it was discovered that Crockett School was encroaching on public park and a lease for a portion of the area had expired. EPISD and city staff also identified underutilized school property that could be used as parkland at Wainwright in Northeast El Paso. City staff will also work with EPISD regarding the Schuster property where the lease has expired, and both the City and EPISD will work to resolve the issue in a manner that provides a benefit to the public.

Under the proposed resolution, the Council would further direct City staff to identify appropriate District property which the City may exchange with the District for the Schuster property at El Paso High School and to bring the appropriate real estate documents to consummate such exchange within 120 days. The City Council also directs City staff to prepare the appropriate documents necessary to consummate the proposed exchange of the Memorial/Crockett Site and the Wainwright Site and present such documentation to the City Council for approval within 60 days.

City staff believes that the mutual lease arrangement is desirable and beneficial to both parties and the non-monetary exchange of properties would be adequate consideration for the mutual leases.

**PRIOR COUNCIL ACTION:**

None

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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**BOARD / COMMISSION ACTION:**

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

**DEPARTMENT HEAD:** \_\_\_\_\_

(If Department Head Summary Form is initiated by Purchasing, client department should sign also) Information copy to appropriate Deputy City Manager

## RESOLUTION

**WHEREAS**, the El Paso Independent School District (“District”) and the City of El Paso (“City”) are political subdivisions of the State of Texas, and are authorized to provide recreational and education services;

**WHEREAS**, the District and the City are interested in leasing multiple properties owned by the other party for 99 years in order to develop the properties for such recreation and educational purposes;

**WHEREAS**, the Attorney General of the State of Texas in Opinion No. GA-0558 clarified that a home-rule municipality may lease parkland to an independent school district if the lease will serve a public purpose and if the municipality holds a hearing pursuant to the Texas Parks and Wildlife Code Chapter 26;

**WHEREAS**, the District and the City identified the 42,440 square foot portion of Memorial Park as the best location to construct school facilities in order to address the District’s expansion to serve its growing student population at the adjacent landlocked Crockett Elementary School;

**WHEREAS**, City staff has recommended the use of the identified portion of Memorial Park in conjunction with another 42,960 square feet of adjacent city streets at the intersection of Wheeling and Luna Streets proposed to be vacated for the District’s construction of an elementary school and, in exchange and in consideration of such ground lease, the City will lease from the District a 110,808 square foot property adjacent to Wainwright Elementary School in Northeast El Paso to construct facilities for park and recreational uses in an underserved area; and

**WHEREAS**, City staff has recommended that the proposed plans for the construction of school facilities on a portion of Memorial Park include all reasonable planning to minimize harm to Memorial Park and is offset by the City’s proposed plans for the construction of parks and recreation facilities adjacent to Wainwright School in the underserved Northeast El Paso.

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

1. Wainwright and Memorial/Crockett Exchange. The City proposes to lease a 110,808 square foot property, the boundaries of which are attached as Exhibit "A" ("the Wainwright Site") to construct facilities for park and recreational uses in an underserved area in exchange for District's proposed lease from the City of a 42,440 square foot portion of Memorial Park and the 42,960 square foot city street at Luna and Wheeling proposed to be vacated (collectively, the "Memorial/Crockett Site"), the boundaries of which are attached as Exhibit "B", to construct certain school and related facilities for Crockett Elementary School. The City Council finds that the mutual lease arrangement is desirable and is adequate non-monetary consideration.
2. Future Schuster Street Property Exchange. The City Council further directs City staff to identify appropriate District property which the City may exchange with the District for a vacated street at Schuster and St. Vrain and a portion of City property and parkland previously leased to the District for facilities at El Paso High School ("Schuster Property"); and to prepare any and all documentation necessary to consummate such exchange within 120 days from the date of this Resolution.
3. Document Preparation. The City Council directs City staff to prepare any and all ordinances, leases, street vacations and other documentation as may be necessary to consummate the proposed exchange of the Memorial/Crockett Site and the Wainwright Site and present such documentation to the City Council for approval within 60 days.
4. Chapter 26 of the Texas Parks and Wildlife Code. Following notice and a public hearing, the El Paso City Council is required to find there is no feasible and prudent alternative to said use of the a 42,440 square foot portion of Memorial Park, and that the proposed plans for the construction of the school and related facilities include all

reasonable planning to minimize harm to Memorial Park and in addition, will be required to find that the District and the City identified that portion of Memorial Park is the best location to construct school facilities in order to address the District's expansion to serve its growing student population at the adjacent landlocked Crockett Elementary School and promotes a public purpose in the construction of school and related facilities by El Paso Independent School District.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011

THE CITY OF EL PASO

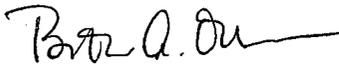
ATTEST:

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

\_\_\_\_\_  
Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



\_\_\_\_\_  
Bertha A. Ontiveros  
Assistant City Attorney

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Nanette Smejkal, Director  
Parks and Recreation Department

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R. Alan Shubert, P.E., City Engineer  
Engineering & Construction Mgmt Dept.

EXHIBIT "A"

WAINWRIGHT SITE



EXHIBIT "B"

MEMORIAL/CROCKETT SITE

