

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

DEPARTMENT: Economic & International Development Department

AGENDA DATE: CCA Consent, January 21, 2020

CONTACT PERSON/PHONE No: Jessica Herrera, Director, (915) 212-1624

DISTRICT(S) AFFECTED: District 8

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.

That the City Manager is authorized to sign the Consent to Assignment of the Tax Abatement Agreement between the City of El Paso and George E. Hermann, therein consenting to the assignment of the Tax Abatement Agreement from George E. Hermann to MedVen, LLC. (District 8) [Economic & International Development Department, Jessica Herrera, Director, (915) 212-1624]

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?

Applicant built an 8,064 sq. ft. medical office located at 1211 E. Cliff Dr., El Paso, Texas 79902.

Applicant invested over \$2,700,000 in the development.

Applicant is now requesting to change the entity name listed on the executed Chapter 312 Tax Abatement Agreement from George E. Hermann to MedVen, LLC. There will be no changes to the grant term or dollar amount approved on the incentive package, all other terms will remain the same.

PRIOR COUNCIL ACTION:

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

Yes, on October 18, 2016 El Paso's City Council approved a Chapter 380 Economic Development Program Agreement and a Chapter 312 Tax Abatement Agreement.

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?

General fund

BOARD/COMMISSION ACTION:

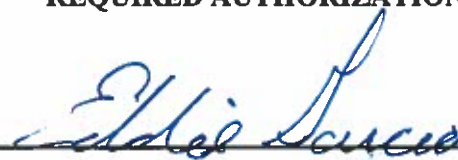
Enter appropriate comments or N/A.

N/A

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

DEPARTMENT HEAD:

For



RESOLUTION

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

THAT the City Manager is authorized to sign the Consent to Assignment of the Tax Abatement Agreement between the City of El Paso and George E. Hermann, therein consenting to the assignment of the Tax Abatement Agreement from George E. Hermann to MedVen, LLC.

PASSED AND APPROVED this ____ day of _____ 2020.

CITY OF EL PASO

Dee Margo
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



Adv. Jessica Herrera, Director
Economic & Int'l Development

**CONSENT TO ASSIGNMENT BETWEEN THE CITY OF EL PASO; GEORGE E.
HERMANN; AND MEDVEN, LLC**

This Consent to Assignment is executed this ____ day of _____, 2020, between the City of El Paso ("City"); George E. Hermann, Trustee for the George E. Hermann Living Trust, a Florida trust ("Assignor"); and MedVen, LLC ("Assignee").

WHEREAS, on October 18, 2016, the City approved a Tax Abatement Agreement ("Agreement") with Assignor pursuant to Chapter 312 of the Texas Tax Code; and

WHEREAS, through the Agreement, Assignor agreed to construct a medical office, on the real property located at 1211 E. Cliff Drive, El Paso, Texas ("Real Property"); and

WHEREAS, upon Assignor meeting minimum investment amounts and obtaining a Certificate of Occupancy for the Real Property, the City agreed to abate a portion of ad valorem real taxes from the improvements on the Real Property; and

WHEREAS, the tax abatement period is five years, and with the first year of the tax abatement beginning on _____, 20__; and

WHEREAS, Assignor is selling the Real Property to Assignee; and

WHEREAS, Assignor has requested that the City consent to the assignment of the Agreement to Assignee; and

WHEREAS, Assignee agrees to be responsible for all duties and obligations under the Agreement; and

WHEREAS, the Agreement requires the City's consent to assignment; and

WHEREAS, the City agrees to the assignment of all rights, duties and obligations encompassed in the Agreement to Assignee.

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

1. The City consents to the assignment of the rights, duties and obligations under the Tax Abatement Agreement approved by Council on October 18, 2016 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under the Tax Abatement Agreement.

16-1007-1773/ 946886

George E. Herman Living Trust - Consent to Assignment

3. All terms and conditions of the Tax Abatement Agreement shall remain in full force and effect.

EXECUTED this the _____ day of _____, 2020

(Signature Pages to Follow)

CITY:

THE CITY OF EL PASO

Tomás González
City Manager

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This Instrument was acknowledged before me on the ____ day of _____, 20____, by Tomás González, City Manager of the City of El Paso, Texas, on behalf of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



For: Jessica Herrera, Director
Economic & Int'l Development

(Signatures Continue on the Next Page)

ASSIGNOR:

George E. Hermann
Living Trust


Name: George L. Hermann
Title: Trustee

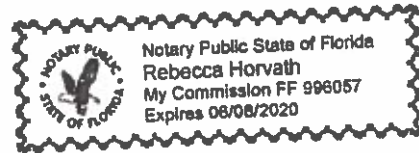
Florida
STATE OF TEXAS §
STANBORD §
COUNTY OF EL PASO §

This Instrument was acknowledged before me on the 3 day of December, 2019, by
self, George Hermann, on behalf of George E. Hermann.


Notary Public, State of Texas Florida

My Commission Expires:

06/08/2020



ASSIGNEE:

MedVen, LLC



Name: George Herman

Title: Member

Florida
STATE OF ~~TEXAS~~ §
SAN ANTONIO §
COUNTY OF ~~EL PASO~~ §

This Instrument was acknowledged before me on the 3 day of December, 2019, by
Member: George Herman, on behalf of MedVen, LLC.

Rebecca Horvath
Notary Public, State of Texas Florida

My Commission Expires:

06/08/2020

