

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

**DEPARTMENT:** City Development Department

**AGENDA DATE:** Introduction: 06/10/14  
Public Hearing: 06/17/14

**CONTACT PERSON/PHONE:** Kimberly Forsyth, (915) 541-4668, [forsythkl@elpasotexas.gov](mailto:forsythkl@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** City-wide

**SUBJECT:**

An Ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.050 (Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities) of the El Paso City Code to amend Subparagraph A, to allow for the waiver of the dedication or improvements of adjacent substandard roads when specific criteria are met. The Penalty is as provided in Chapter 19.42 of the City of El Paso City Code. (All Districts)

**BACKGROUND / DISCUSSION:**

See attached.

**PRIOR COUNCIL ACTION:**

On April 3, 2012, City Council unanimously approved this amendment to provide a waiver of roadway dedication and improvements for subdivisions meeting certain criteria. The language was inadvertently deleted during a subsequent code amendment and is being reinstated.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

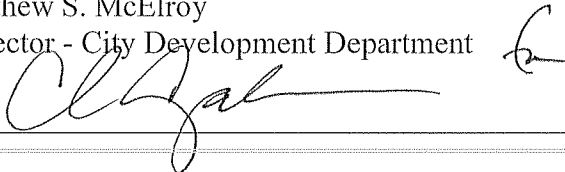
The amendment was reviewed by the City Plan Commission on March 22, 2012 and approval was unanimously recommended.

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Director - City Development Department



**APPROVED FOR AGENDA:**

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

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

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION), SECTION 19.10.050 (ROADWAY PARTICIPATION POLICIES-IMPROVEMENT OF ADJACENT PERIMETER ROADS AND UTILITIES) OF THE EL PASO CITY CODE TO AMEND SUBPARAGRAPH A, TO ALLOW FOR THE WAIVER OF THE DEDICATION AND IMPROVEMENTS OF ADJACENT SUBSTANDARD ROADS WHEN SPECIFIC CRITERIA ARE MET. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

**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; 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 resubdivision of land in order to further the orderly layout and use of land; and,

**WHEREAS**, Subparagraph A of Section 19.10.050 of the El Paso City Code was inadvertently removed, and the City Council finds that it is necessary to reinsert to allow for the waiver of dedication and improvements of adjacent substandard roads that meet specific criteria; and,

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

**WHEREAS**, the El Paso City Council finds that the amendment proposed herein will further provide for the public health, safety, morals and general welfare of the community.

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

**Section 1.** That Title 19, Subdivisions, Chapter 19.10, Dedication, Construction Requirements and City Participation, Section 19.10.050, Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities, Subparagraph A, Improvement of the Proportional Share of an Adjacent Substandard Road of the El Paso City Code is amended as follows:

**19.10.050 - Roadway participation policies—Improvement of roads and utilities within and or abutting the subdivision.**

A. Improvement of the proportional share of a substandard road within or abutting the subdivision. When an area within a proposed plat, whether residential or nonresidential,

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

abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road, drainage or utility facility as shown on the city's thoroughfare plan and/or adopted plans related to water and wastewater, the developer shall be required to improve the development's proportional share of the road (including appurtenant sidewalks, bike lanes, barrier-free ramps, storm drainage facilities, screening and landscaping, medians and landscaping where required, median openings, left turn lanes, and water quality or erosion controls), the traffic mitigation (including signalization, medians, access and deceleration lanes) and utility facilities, to bring the facilities to city standards, or to replace them with standard city road, traffic mitigation or utility facilities as determined by a traffic or other public facilities impact study. The study, if required, shall be at no cost to the city unless it is used to determine rough proportionality in accordance with this title, in which case the study will be provided by the city.

1. The City Plan Commission may waive such requirements to provide rights-of-way or street improvements to adjacent substandard roads based on any of the following factors:

a. Fifty per cent of the lots within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood; or,

b. The plat is located within the City of El Paso's Extraterritorial Jurisdiction area, is not within the city's annexation path and written documentation from the County of El Paso has been received stating that the substandard road meets all County requirements and the County is willing to accept the dedication of the substandard road;

c. For all plats located in the City of El Paso's Extraterritorial Jurisdiction area, written concurrence from the County of El Paso is required prior to the waiver of any dedication and/or improvements.

**Section 2.** Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2014

THE CITY OF EL PASO

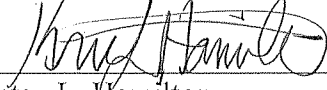
\_\_\_\_\_  
Oscar Leeser, Mayor

ATTEST:

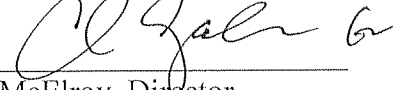
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Hamilton  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mathew McElroy, Director  
City Development Department

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

#267483\_2/14-1007-999/Amending Title 19, Section 19.10.050  
KLH



## **Title 19, Roadway Participation Policies**

### Section 19.10.050.A

#### **(reinstated provisions for waiver of requirements)**

1. If the property is not subject to a previously-approved development agreement, annexation agreement or land study, the City Plan Commission may waive such requirements to provide rights-of-way or street improvements to adjacent substandard roads based on any of the following factors:
  - a. Fifty percent of the lots within a quarter mile of the proposed development have already been developed, and the existing street improvements are in character with the neighborhood and have the capacity to handle the increase in traffic to be generated by the proposed development; or,



## **Title 19, Roadway Participation Policies**

b. The plat is located within the City of El Paso's Extraterritorial Jurisdiction area, is not within the city's annexation path and written documentation from the County of El Paso has been received stating that the substandard road meets all County requirements and the County is willing to accept the dedication of the substandard road;

c. For all plats located in the City of El Paso's Extraterritorial Jurisdiction area, written concurrence from the County of El Paso is required prior to the waiver of any dedication and/or improvements.

## **Questions?**



FESTIVA HILLS ADDITION REPLAT "A"





# Homestead Meadows South Unit 2 Replat D

