

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

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction – October 15, 2019

PUBLIC HEARING DATE: October 29, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip F. Etiwe, 915-212-1553, Etiwepf@elpasotexas.gov

Nelson Ortiz, 915-212-1606, Ortiznx@elpasotexas.gov

DISTRICT(S) AFFECTED: All districts

STRATEGIC GOAL: 3 – Promote the visual image of El Paso

SUBGOAL: 3.1 – Provide business friendly permitting and inspection processes
3.2 – Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 19 (Subdivision and development plats), Article 2 (Subdivision Standards), Chapter 19.20 (Parks and Open Space), Section 19.20.070 (Deed conveyance) of the El Paso City Code, to clarify the requirements for the conveyance instrument and to allow for deferral of delivery of the conveyance instrument in circumstances where the obligation to install public improvements to serve a subdivision or development is deferred until after recordation of the final plat. The penalty is as provided in Chapter 19.42 of the El Paso City Code. **(All Districts).**

BACKGROUND / DISCUSSION:

On March 21, 2019, the City Plan Commission reviewed and recommended approval of the proposed code amendments.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this proposed amendment.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Philip F. Etiwe, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), ARTICLE 2 (SUBDIVISION STANDARDS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.070 (DEED CONVEYANCE) OF THE EL PASO CITY CODE, TO CLARIFY THE REQUIREMENTS FOR THE CONVEYANCE INSTRUMENT AND TO ALLOW FOR DEFERRAL OF DELIVERY OF THE CONVEYANCE INSTRUMENT IN CIRCUMSTANCES WHERE THE OBLIGATION TO INSTALL PUBLIC IMPROVEMENTS TO SERVE A SUBDIVISION OR DEVELOPMENT IS DEFERRED UNTIL AFTER RECORDATION OF THE FINAL PLAT. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE EL PASO CITY CODE.

WHEREAS, Section 19.08.040 allows a person to request a deferral of the obligation to install public improvements to serve a subdivision or development until after recordation of the final plat is met; and

WHEREAS, Section 19.20.070 does not allow for a deferral of the obligation to deliver the conveyance instrument for a dedicated park; and

WHEREAS, it is in the interest of the public that the obligation to deliver a conveyance instrument be provided following the installation of public improvements; and

WHEREAS, Section 19.20.070 does not specify the type of deed required.

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

SECTION 1. That Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.20 (Parks and Open Space), Section 19.20.070 (Deed Conveyance) of the El Paso City Code be amended in its entirety to read as follows:

19.20.070 - Deed conveyance.

Subdivision Dedication. Parkland to be conveyed as part of a residential subdivision application shall be designated as city property on both the preliminary and final plats. At the time the recording plat is submitted, the subdivider shall deliver to the planning official a warranty deed conveying fee simple title of all parkland shown on the final plat approved by the city plan commission. The city shall join as a signatory on the subdivision, but shall have no responsibility to provide any public improvements shown within the approved final plat beyond the general responsibilities the city has to improve and maintain all of its parks. If the subdivider has deferred the obligation to install public improvements to serve a subdivision until after recordation of the final plat under this Title, then the warranty deed as required in this section shall be submitted prior to final inspection of public improvements under this Title. No acceptance of public improvements under this Title shall be provided until the subdivider provides a warranty deed in accordance to this Section. Delivery of a warranty deed does not

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constitute acceptance of any improvements by the City. The planning official will record the warranty deed following acceptance of the public improvements as provided in this Title.

SECTION 2. Except as expressly herein amended, Title 19 Zoning of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2019.

CITY OF EL PASO:

Dee Margo, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe, Director
Planning & Inspections Department

MEMORANDUM

DATE: October 8, 2019

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Nelson Ortiz, Lead Planner

SUBJECT: Section 19.20.070 (Deed conveyance) code amendment

The City Plan Commission (CPC) – recommended approval of this request on March 21, 2019.

The CPC determined that the amendment to Section 19.20.070 (Deed conveyance) protects the best interest, health, safety and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any letters or phone calls in support or opposition of the amendment.