

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

DEPARTMENT: Economic & International Development Department

AGENDA DATE: CCA Consent, November 24, 2020

CONTACT PERSON/PHONE: Jessica Herrera, Director, (915) 212-1624

DISTRICT(S) AFFECTED: District 1

SUBJECT:

That the City Manager is authorized to sign the Consent to Assignment of the Chapter 312 Tax Abatement Agreement between the City of El Paso and MS Property, LLC, therein consenting to the assignment of the Chapter 312 Tax Abatement Agreement from MS Property, LLC to Moderno Village, LLC. (District 1) [Economic & International Development Department, Jessica Herrera, Director, (915) 212-1624]

BACKGROUND/DISCUSSION:

Applicant built an apartment complex located at 410 Thorn Ave., El Paso, Texas 79912.
Applicant invested over \$1,800,000 in the development.

Applicant is now requesting to change the entity name listed on the executed Chapter 312 Tax Abatement Agreement from MS Property, LLC to Moderno Village, 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 20, 2015 El Paso's City Council approved 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: Eduardo Garcia Digitally signed by Eduardo Garcia
Date: 2020.11.16 16:00:05 -07'00'

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 Chapter 312 Tax Abatement Agreement between the City of El Paso and MS Property, LLC, therein consenting to the assignment of the Chapter 312 Tax Abatement Agreement from MS Property, LLC to Moderno Village, LLC.

PASSED AND APPROVED this ____ day of _____ 2020.

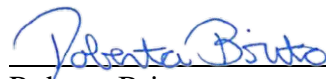
CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



Jessica Herrera, Director
Economic & Int'l Development

**CONSENT TO ASSIGNMENT BETWEEN THE CITY OF EL PASO; MS PROPERTY,
LLC; AND MODERNO VILLAGE, LLC
(CHAPTER 312 AGREEMENT)**

This Consent to Assignment is executed between the City of El Paso (“City”); **MS PROPERTY, LLC** (“Assignor”); and **MODERNO VILLAGE, LLC** (“Assignee”).

WHEREAS, on October 20, 2015, 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 multi-family development, on the real property located at 410 Thorn Avenue, El Paso, TX (“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 2018; and

WHEREAS, Assignor has sold 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 20, 2015 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under the Tax Abatement Agreement.
3. All terms and conditions of the Tax Abatement Agreement shall remain in full force and effect.
4. The Effective Date of this Consent of Assignment is the date approved by El Paso City Council.

(Signature Pages to Follow)

CITY:

THE CITY OF EL PASO

Tomás González
City Manager

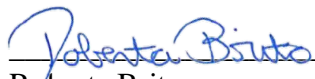
STATE OF TEXAS §
 §
COUNTY OF EL PASO §

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

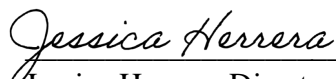
My Commission Expires:

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



Jessica Herrera, Director
Economic & Int'l Development

(Signatures Continue on the Next Page)

ASSIGNEE:

MODERNO VILLAGE, LLC



Signature of Person Authorized to Sign on
Behalf of Assignee

Mustafa Ali

Typed or Printed Name of Person Authorized
to Sign on Behalf of Assignee

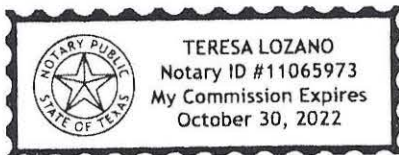
President

Title of Person Authorized to Sign on Behalf
of Assignee

STATE OF TEXAS §

COUNTY OF EL PASO §

This Instrument was acknowledged before me on the 10th day of November, 2020, by
Mustafa Ali, on behalf of Assignee.

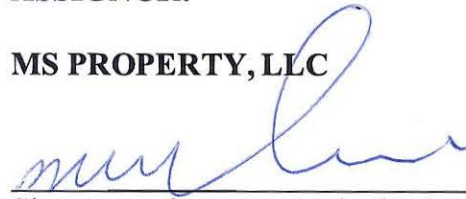

Notary Public, State of Texas

My Commission Expires:

10/30/2022

ASSIGNOR:

MS PROPERTY, LLC



Signature of Person Authorized to Sign on
Behalf of Assignor

Mustafa Ali

Typed or Printed Name of Person Authorized
to Sign on Behalf of Assignor

President

Title of Person Authorized to Sign on Behalf
of Assignor

STATE OF TEXAS

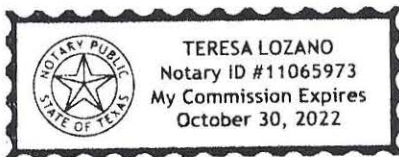
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COUNTY OF EL PASO

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This Instrument was acknowledged before me on the 10th day of November, 2020, by
Mustafa Ali, on behalf of Assignor.


Notary Public, State of Texas

My Commission Expires:

10/30/2022