

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

DEPARTMENT: Economic & International Development Department

AGENDA DATE: CCA Consent, December 17, 2019

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

DISTRICT(S) AFFECTED: District 6

SUBJECT:

That the City Manager is authorized to sign the Consent to Assignment of the Tax Abatement Agreement between the City of El Paso and Adriana and Felix Vazquez, therein consenting to the assignment of the Tax Abatement Agreement from Adriana and Felix Vazquez to FLRA Properties, LLC. (District 6) [Economic & International Development Department, Jessica Herrera, Director, (915) 212-1624]

BACKGROUND/DISCUSSION:

Applicant built a 2,400 square foot new commercial building at 11940 Vista Del Sol, El Paso, Texas 79936 that houses Diamond Catering, a family owned business. Applicant invested over \$536,000 in the development.

Applicant is now requesting to change the entity name listed on the executed Chapter 312 Tax Abatement Agreement from Adriana & Felix Vasquez to FLRA Properties, 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 March 7, 2017 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*****

For
DEPARTMENT HEAD: 

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 Adriana and Felix Vazquez, therein consenting to the assignment of the Tax Abatement Agreement from Adriana and Felix Vazquez to FLRA Properties, LLC.

PASSED AND APPROVED this ____ day of _____ 2019.


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; ADRIANA AND
FELIX VAZQUEZ; AND FLRA PROPERTIES, LLC**

This Consent to Assignment is executed this ____ day of _____, 2019, between the City of El Paso (“City”); Adriana and Felix Vazquez (“Assignors”); and FLRA Properties, LLC (“Assignee”).

WHEREAS, on March 7, 2017, 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 commercial building for use as a catering business, on the real property located at 11940 Vista Del Sol, 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 January, 2018; 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 January 26, 2016 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.

EXECUTED this the _____ day of _____, 2019

(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

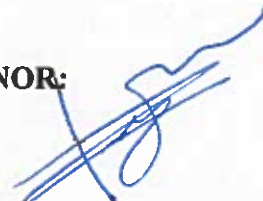
APPROVED AS TO CONTENT:



Jessica Herrera, Director
Economic & Int'l Development

(Signatures Continue on the Next Page)

ASSIGNOR:



Name: Rebeca Adriana Vazquez
Title: Owner

ASSIGNOR:



Name: Felix Vazquez
Title: Owner

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

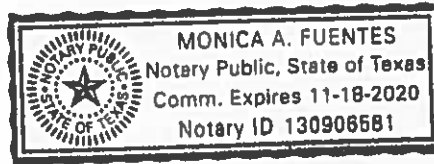
This Instrument was acknowledged before me on the 4th day of December 2019, by Rebeca Adriana Vazquez, Owner of real property and improvements at 11940 Vista Del Sol, El Paso, 79936.



Notary Public, State of Texas

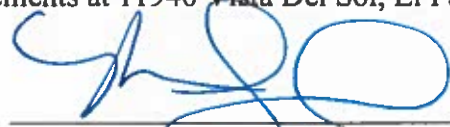
My Commission Expires:

11-18-2020



STATE OF TEXAS §
 §
COUNTY OF EL PASO §

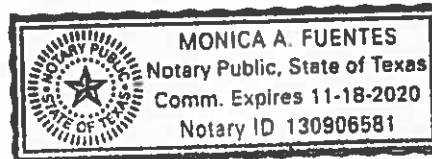
This Instrument was acknowledged before me on the 4th day of December 2019, by Felix Vazquez, Owner of real property and improvements at 11940 Vista Del Sol, El Paso, 79936.



Notary Public, State of Texas

My Commission Expires:

11-18-2020



ASSIGNEE:

FLRA PROPERTIES, LLC

Felix L. Vasquez Jr.
Name: Felix L. Vasquez Jr.
Title: V.P.

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This Instrument was acknowledged before me on the 4th day of December, 2019, by Felix L. Vasquez Jr., Vice President on behalf of FLRA Properties, LLC.

[Signature]
Notary Public, State of Texas

My Commission Expires:
11-18-2020

