



Antonio Araujo
Mayor

Leticia Miranda
Alderson Place 1

David Cantu
Alderson Place 2

Lorenzo E. Leyva Sr.
Alderson Place 3

Maria Covernali
Alderson Place 4

George Almanzar
Alderson Place 5

ORDINANCE NO. 1903.05.01

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1703.05 AND ORDINANCE NO. 1803.05 IN THEIR ENTIRETY AND TO RE-ESTABLISH AND IMPLEMENT A NEW FEE SCHEDULE FOR APPLICATIONS AND OTHER MATTERS COVERED IN THE CITY OF SAN ELIZARIO SUBDIVISION ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

RECITALS

WHEREAS, the City Council ("City Council") of the City of San Elizario ("City") adopted Ordinance No. 1703.05 to provide for reasonable administrative fees in order to recoup the cost of conducting municipal land use and development programs on the public's behalf without imposing an undue burden on its citizenry; and

WHEREAS, the City Council adopted an amendment in Ordinance No. 1803.05, to create a fee and process for the addressing of properties in the City; and

WHEREAS, the City of San Elizario Subdivision Ordinance provides for the imposition of fees related to the review and processing of subdivision applications and related documents; and

WHEREAS, pursuant to Chapter 102 of the Texas Local Government Code, the City has the specific authority to adopt a budget and provide for revenue and expenditures; and

WHEREAS, the fees for addressing created, instituted and authorized by this ordinance are consistent with and in accordance with the City's annual budget; and

WHEREAS, the City has identified the need to increase several of the fees due to the new requirements imposed by H.B. 3167, 86th Texas Legislature, which imposes new and very strict time requirements for the review of plat applications and plats, and it is necessary for the City to utilize additional outside consultants and/or additional services by its City Attorney in the processing of the plat applications and plats in order to meet these deadlines; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that repealing and replacing the first two ordinances with a new ordinance that combines the complete schedule of fees is reasonable, prudent and necessary to provide essential regulatory land use programs for the good and general welfare of our citizens.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. ADOPTION AND ENACTMENT

That Ordinance No. 1703.05, the "City of San Elizario Fee Schedule: Subdivision", and Ordinance No. 1803.05, establishing an additional fee under the Schedule are hereby repealed in their entirety and are replaced by the new "City of San Elizario Fee Schedule: Subdivision", hereby adopted and enacted as contained in *Attachment A*, attached hereto and incorporated fully herein for all intents and purposes.

ARTICLE III. REPEALER AND SEVERABILITY

REPEAL AND REPLACEMENT: Ordinances Nos. 1703.05 and 1803.05 are hereby repealed and replaced by the provisions of this Ordinance simultaneously upon the effective date of this Ordinance.

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or

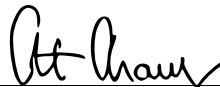
administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective September 1, 2019, upon passage.

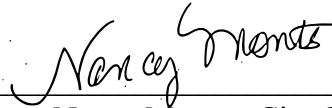
PASSED AND APPROVED this, the 27th day of August 2019, by a vote of 3 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk

**CITY OF SAN ELIZARIO FEE SCHEDULE: SUBDIVISION
REPLACED AND EFFECTIVE SEPTEMBER 1, 2019
[Ordinance No. 1903.05.01]**

<u>Item</u> ¹	<u>Fee</u>
Pre-application meeting ²	\$200
Pre-application meeting, including review of a concept plan	\$300
Stand-alone review of a concept plan ³	\$150
Master Plat Application ⁴	\$300
Preliminary Plat Application ⁵ Without a Traffic Impact Analysis	\$700 plus consultant costs
Preliminary Plat Application With required Traffic Impact Analysis	\$800 plus consultant costs
Preliminary Plat Application ⁶ Petition Waiver	\$100 plus \$200 per each waiver request plus consultant costs
Revised Preliminary Plat Submission ⁷ After Revisions	\$100 for 10 lots plus \$20.00/lot over 10
Simultaneous Submission of a Preliminary Plat and Final Plat, When Permitted ⁸	\$800 plus consultant costs and recording costs
Final Plat Application ⁹	\$350 plus consultant costs and recording costs

¹ Footnote reference is to Section of Subdivision Ordinance authorizing the fee.

² Subdivision Ordinance Section 3.1.3

³ Subdivision Ordinance Section 4.2.1

⁴ Subdivision Ordinance Section 3.15

⁵ Subdivision Ordinance Section 4.4.3.

⁶ Subdivision Ordinance Section 4.4.3.

⁷ Subdivision Ordinance Section 4.4.5.1.

⁸ Subdivision Ordinance Section 4.5.1

⁹ Subdivision Ordinance Section 4.5.2.

<u>Item</u>	<u>Fee</u>
Replat Application ¹⁰	\$650 plus consultant costs and public notice costs when required, and recording costs
Minor Plat Application ¹¹	\$650 plus consultant costs and recording costs
Amending Plat Application ¹²	\$330 plus consultant costs and recording costs
Plat Vacation Application ¹³	\$400 plus consultant costs, public notice costs and recording costs
Plat Vacation and Replat Application Combined	\$750 plus consultant costs, public notice costs and recording costs
Appeal of Stop Work Order ¹⁴	\$200
Construction Improvement Inspection ¹⁵	\$150 per trip to site plus consultant costs, if applicable, and testing, if necessary.
Street Name Change ¹⁶	\$200
Assigning an address or address change ¹⁷ Per each address or change requested. Addressing must be in accordance with County of El Paso processes and procedures, and pursuant to section 9.6.4 of the Subdivision Ordinance, addresses shall not be assigned to landlocked or illegally subdivided properties.	\$50
Exemption Determination ¹⁸	\$75
Mylar Recording and Distribution ¹⁹	\$75 plus recording costs

¹⁰ Subdivision Ordinance Section 4.7.1.

¹¹ Subdivision Ordinance Section 4.6.1.

¹² Subdivision Ordinance Section 4.8.

¹³ Subdivision Ordinance Section 4.9.

¹⁴ Subdivision Ordinance Section 31.2.2.4.

¹⁵ Subdivision Ordinance Section 7.9.9 and Section 5.1.9.

¹⁶ After approval of preliminary plat, Subdivision Ordinance Section 9.1.4.

¹⁷ Subdivision Ordinance Section 9.6.4 and this ordinance.

¹⁸ Subdivision Ordinance Section 1.5.4.

¹⁹ Subdivision Ordinance Section 4.5.14.

Item

Fee

Construction Bond²⁰

An amount equal to the cost of the construction costs and installation expenses; payable prior to construction on improvements and prior to recordation of the final plat.

Maintenance Bond²¹

An amount equal to 50% (fifty percent) of the original construction bond; payable prior to recordation of the final plat.

Consultant Costs

A deposit is required to cover associated costs for outside professional services provided to the City by engineers, attorneys, surveyors, inspectors and others related to review of an application. Required consultant costs will be billed at cost plus 20% to cover the city's additional administrative costs. Unused deposit account balances shall be refunded to the Applicant.

Deposit up to \$5,000

Public Notice Costs

A deposit is required to cover associated costs for public notices and newspaper publication, if required. Unused deposit account balances shall be refunded to the Applicant.

\$500 Deposit

Recording Costs

A deposit is required to cover associated costs for recording fees imposed by El Paso County. Unused deposit account balances shall be refunded to the Applicant.

\$500 Deposit

²⁰ Subdivision Ordinance Section 5.1.5

²¹ Subdivision Ordinance Section 5.2.