

RESOLUTION

WHEREAS, the City Council of the City of El Paso fully recognizes that discussions regarding the proposed plan to revitalize downtown El Paso have raised citizen concerns regarding the potential use of the power of eminent domain by the City of El Paso;

WHEREAS, no decisions have been made regarding the use of the power of eminent domain by the City of El Paso in order to implement a plan to revitalize downtown El Paso;

WHEREAS, the City Council of the City of El Paso is sensitive to and has respect for the private property rights of the citizens of the City of El Paso; and

WHEREAS, the City Council wishes to allay the concerns of the citizens of El Paso regarding the issue of eminent domain.

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

The City Council of the City of El Paso recognizes that the use of eminent domain for economic development purposes has always been very limited under Texas law and has been recently further limited by Chapter 2206.001 of the Texas Government Code which provides as follows:

“A governmental or private entity may not take private property through the use of eminent domain if the taking:

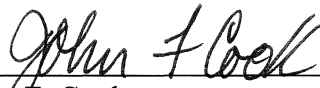
- (1) confers a private benefit on a particular private party through the use of the property;
- (2) is for a public use that is merely a pretext to confer a private benefit on a particular private party; or
- (3) is for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:
 - (A) Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or
 - (B) Section 311.005(a)(1)(I), Tax Code;”

and further, that the City Council of the City of El Paso resolves that eminent domain shall only be considered as a last resort and only when all negotiation efforts have failed. If eminent domain is considered for a particular property, City Council will comply with Chapter 2206 of the Texas Government Code and any other statutory requirements.

Finally, the City Council resolves not to consider the use of eminent domain as an implementation strategy within the study area for any project other than for public purposes for a twelve (12) month time period following the date of formal adoption of the plan for the revitalization of downtown.

PASSED and APPROVED this 10th day of July 2006.

THE CITY OF EL PASO



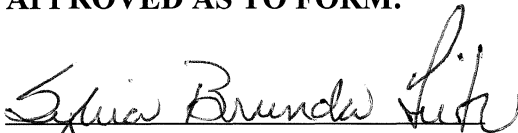
John F. Cook
Mayor

ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Aauto
Deputy City Manager, Development
and Infrastructure Services