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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 12 Ordinance/Resolution# 12-171

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of April 2, 2012  
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE: A RESOLUTION EXTENDING A COMMITMENT OF A PARCEL OF CITY-OWNED PROPERTY CONTAINING APPROXIMATELY 5.117 ACRES TO MESILLA VALLEY HABITAT FOR HUMANITY FOR DEVELOPMENT OF AFFORDABLE HOUSING, AUTHORIZATION FOR THE PURSUIT OF STATE TAX CREDITS FOR DEVELOPMENT OF THE PROPERTY, AND RIGHT TO OBTAIN AN APPRAISAL OF THE SUBJECT PARCEL.**

**PURPOSE(S) OF ACTION:**

Extend commitment of a City owned parcel of land to Habitat for Humanity (Habitat) for creating affordable housing and other related actions.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Jan Lauterbach	<b><u>Department/Section:</u></b> Community Development/ Neighborhood Services	<b><u>Phone:</u></b> 528-3134
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The City of Las Cruces acquired a parcel of land containing approximately 8.38 acres in January 1973. The parcel is located south of the Pradera Dorada subdivision and directly north of the Las Cruces Outfall Channel off of El Camino Real. The subject property has been vacant since acquisition and Habitat has communicated their desire to develop the property into an affordable housing subdivision. The parcel has been subdivided to exclude a City well and a 100 foot right-of-way for the Las Cruces Outfall Channel leaving the remaining 5.117 acres available for development.

Through Resolution 11-210, City Council approved a one-year commitment, expiring April 18, 2012, of the property to Habitat to undertake the planning and platting process, with additional one-year renewals as may be needed. This resolution also authorized Habitat to pursue State Tax Credits which would provide funding for project infrastructure and allow Habitat to obtain an appraisal of the subject property to determine the current actual value of the property for purposes of donation from the City to Habitat.

Habitat proposes to develop the property, providing infrastructure for the subdivision with plans to construct 18-22 owner-occupied, single family affordable housing units. With the City's commitment and potentially donating the land to Habitat, the overall development cost is reduced, thereby reducing the cost of housing to the potential homeowners. The potential 18-22 residences will be eligible to qualified households on Habitats client waiting list earning less than 80% of area medium income.

In an effort to increase public input opportunities, an initial public input meeting was held on February 9, 2012, to gather information and potentially address concerns on the proposed project with the adjoining neighbors in the Pradera Dorada subdivision, as the proposed primary access to the future subdivision is limited from a City-owned parcel of land off of Aguilera Road. Further meetings are scheduled between the City and Habitat staff and the adjacent property owners.

The proposed Resolution extends the commitment of the property to Habitat for an additional one-year term to enable Habitat to continue with the subdivision planning and design processes, but does not formally convey the property's ownership to Habitat. This commitment extension is for one-year only, with an option for additional one-year renewals, as may be needed. Once Habitat has finalized the subdivision plat, the City staff will then present an Ordinance to the City Council for their consideration to deed the property to Habitat. As part of the deeding consideration, the City will also develop and present an Affordable Housing Grant Agreement to ensure that the property is provided to low-income homebuyers and that both the City and habitat comply with the State's Affordable Housing Act and corresponding City ordinances.

Any subdivision that is proposed and ultimately built will have to comply with the City's Zoning and Subdivision Code requirements.

**SUPPORT INFORMATION:**

1. Resolution.
2. Attachment "A", Preliminary layout.

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below	
	No	<input type="checkbox"/>	If No, then check one below:	
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____	
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)		
			<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?  N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.	
	No	<input type="checkbox"/>	There is no new revenue generated by this action.	

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will extend the commitment, for an additional one-year term, of the property to Mesilla Valley Habitat for Humanity for the development of an affordable housing subdivision, with additional one-year renewals as may be needed.
2. Vote "No"; this will not extend the commitment of the property to Mesilla Valley Habitat for Humanity for development of an affordable housing subdivision and the property will continue as vacant land at this time.
3. Vote to "Amend"; further direction would come from City Council.
4. Vote to "Table"; further direction would come from City Council.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 11-210.

**RESOLUTION NO. 12-171**

**A RESOLUTION EXTENDING A COMMITMENT OF A PARCEL OF CITY-OWNED PROPERTY CONTAINING APPROXIMATELY 5.117 ACRES TO MESILLA VALLEY HABITAT FOR HUMANITY FOR DEVELOPMENT OF AFFORDABLE HOUSING, AUTHORIZATION FOR THE PURSUIT OF STATE TAX CREDITS FOR DEVELOPMENT OF THE PROPERTY, AND RIGHT TO OBTAIN AN APPRAISAL OF THE SUBJECT PARCEL.**

The City Council is informed that:

**WHEREAS**, the City of Las Cruces acquired a parcel of vacant land containing approximately 8.38 acres in January 1973, located south of the Pradera Dorada subdivision and directly north of the Las Cruces Outfall Channel off of El Camino Real; and

**WHEREAS**, the parcel has remained vacant since acquisition, excluding a City water well installation; and

**WHEREAS**, Mesilla Valley Habitat for Humanity (Habitat) has communicated a desire to develop the property into an affordable housing subdivision containing 18-22 owner-occupied, single family housing units; and

**WHEREAS**, through Resolution 11-210, City Council approved a one-year commitment of the property to Habitat, allowing them to undertake the planning and platting process, with additional one-year renewals as may be needed; and

**WHEREAS**, The Resolution also provided Habitat the authorization to pursue State Tax Credits which would provide funding for project infrastructure and will also allow Habitat to obtain an appraisal on the subject property for valuation purposes; and

**WHEREAS**, the parcel has been subdivided to exclude the City well and a 100 foot right-of-way for the Las Cruces Outfall Channel leaving the remaining 5.117 acres available for development; and

**WHEREAS**, in an effort to increase public input opportunities, an initial public

input meeting was held to gather information and address concerns on the proposed project with the adjoining neighbors in the Pradera Dorada subdivision, as primary access to the project will need to come from a City-owned parcel of land off of Aguilera Road within the subdivision. Further meetings are planned between the City and Habitat staff and the adjacent property owners; and

**WHEREAS**, the proposed Resolution will allow the extension of the commitment of the property for an additional one-year term to enable Habitat to continue with the subdivision planning and design processes, with approval for additional one-year renewals, as may be needed.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

**THAT** the City hereby extends the commitment of a City-owned parcel of vacant land containing approximately 5.117 acres to Habitat for the exclusive use of the property for planning and platting purposes, including access for valuation, for one-year as of the effective date of this Resolution, with the option of additional one-year renewals at the request of Habitat and the approval of a Resolution by the Las Cruces City Council.

(II)

**THAT** authorization is extended to Habitat to continue to pursue State Affordable Housing Tax Credits either separately or jointly with the City, whichever is in the City's best interest, and the City Manager and City Attorney in discussion with staff from the Community Development, Public Works, and Finance Departments and Habitat, are authorized to make this determination.

(III)

THAT should Habitat determine that the planning and platting of the parcel is suitable for an affordable housing subdivision, Habitat will request to the City to convey the property to Habitat, which must be done in accordance with established City procedures, and further conditioned upon the approval of an Affordable Housing Grant Agreement between the City and Habitat in accordance with the State Affordable Housing Act and corresponding City ordinances

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

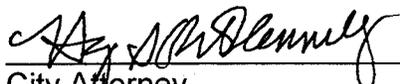
Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

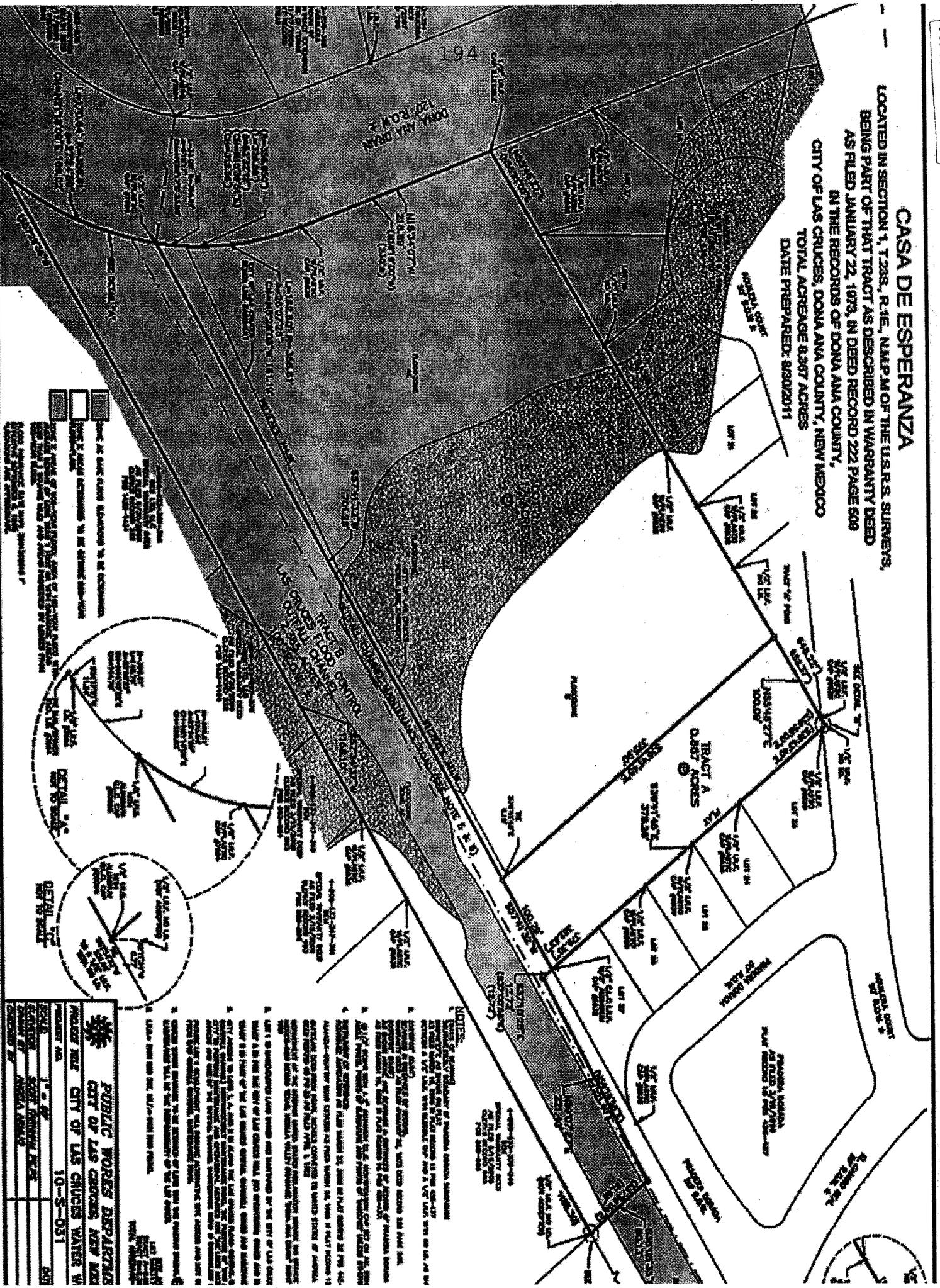
- Mayor Miyagishima: \_\_\_\_\_
- Councillor Silva: \_\_\_\_\_
- Councillor Smith: \_\_\_\_\_
- Councillor Pedroza: \_\_\_\_\_
- Councillor Small: \_\_\_\_\_
- Councillor Sorg: \_\_\_\_\_
- Councillor Thomas: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

# CASA DE ESPERANZA

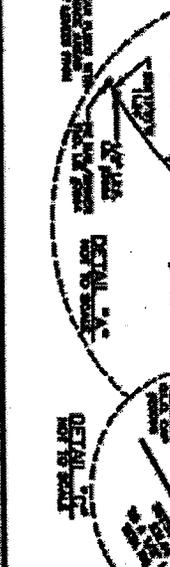
LOCATED IN SECTION 4, T.29S, R.1E, MAP.M OF THE U.S.R.S. SURVEYS,  
 BEING PART OF THAT TRACT AS DESCRIBED IN WARRANTY DEED  
 AS FILED JANUARY 22, 1973, IN DEED RECORD 222 PAGE 509  
 IN THE RECORDS OF DONA ANA COUNTY,  
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO  
 TOTAL ACREAGE 8.367 ACRES  
 DATE PREPARED: 8/30/2011



1. THIS PLAT IS A REVISION OF THE PLAT OF THE TRACT OF LAND DESCRIBED IN THE WARRANTY DEED AS FILED JANUARY 22, 1973, IN DEED RECORD 222 PAGE 509 IN THE RECORDS OF DONA ANA COUNTY, NEW MEXICO.

2. THE TOTAL ACREAGE OF THE TRACT IS 8.367 ACRES.

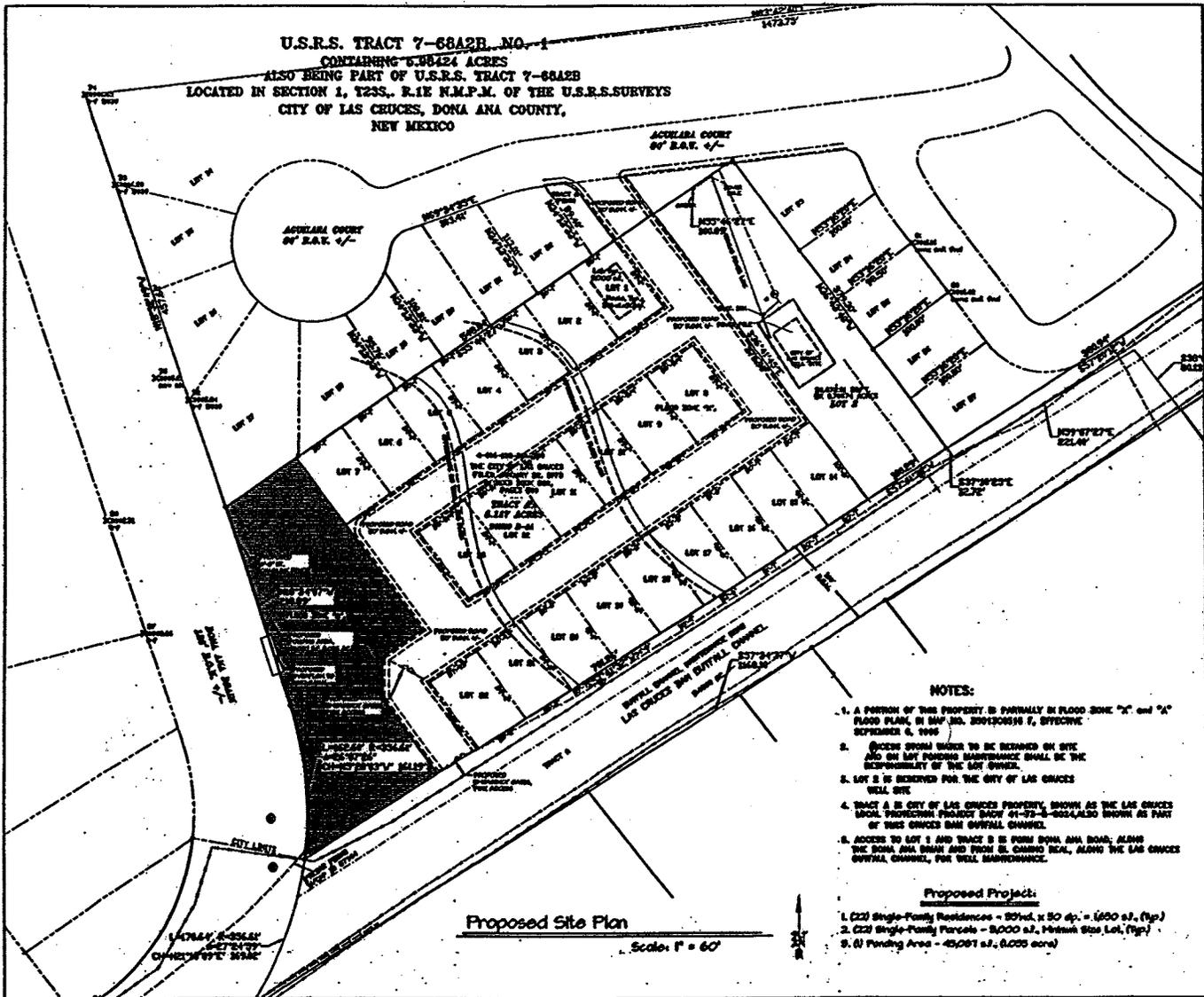
3. THE DATE PREPARED IS 8/30/2011.



<b>PUBLIC WORKS DEPARTMENT</b> <b>CITY OF LAS CRUCES, NEW MEXICO</b>	
PROJECT NO.	10-S-031
DATE	8/30/2011
BY	ANGELA ARANDA
CHECKED BY	ANGELA ARANDA

**NOTES:**

1. THE CITY OF LAS CRUCES HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES.
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10. THE CITY OF LAS CRUCES HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES.



DATE: 08/11  
 DRAWN: [blank]  
 CHECKED: [blank]

REVISIONS:  
 NO. DATE: [blank]

**SR Designs**  
 Planning - Design - Drafting  
 2700 Howe Lane, Las Cruces, NM 88805  
 Phone/Fax: 575/528-7441

Client: Habitat For Humanity - Casa De Esperanza  
 Proposed Site Plan - Subdivision  
 U.S.R.S. Tract 7-68A2B NO.1  
 Las Cruces, NM

**SHEET**  
**A-1**