

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 14

Ordinance/Resolution# 13-088

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

For Meeting of December 17, 2012  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

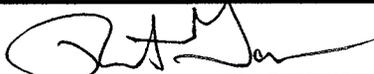
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE A PROPERTY CONVEYANCE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND ARMSTRONG DEVELOPMENT PROPERTIES, INC., FOR A PARCEL OF CITY-OWNED PROPERTY LOCATED AT MAIN STREET AND PICACHO AVENUE.

**PURPOSE(S) OF ACTION:**

To authorize agreement.

<b>COUNCIL DISTRICT:</b> 1		
<b>Drafter/Staff Contact:</b> Eric Martin 	<b>Department/Section:</b> Public Works/Facilities Management	<b>Phone:</b> 541-2502
<b>City Manager Signature:</b>		

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

City staff has been approached by Armstrong Development Properties, Inc., (Armstrong) on behalf of CVS Pharmacy/Armstrong Development Properties, Inc., with a proposal to utilize a vacant portion of City-owned property for incorporation into the new development of a pharmacy/retail business. The property is adjacent to Fire Station No.1, situated along the north side of Picacho Avenue, east of North Main Street. The property has been utilized primarily for overflow parking.

In exchange for the City providing the land to Armstrong for incorporation into the new development at the corner of Picacho/Spruce and Main Street, Armstrong will construct a new parking lot to replace the overflow parking currently served by City-owned land. Upon all conditions being met, the City will deed the City-owned property to Armstrong and Armstrong will deed the completed parking lot to the City. The proposed conditions, as set forth herein, appear to be agreeable to Armstrong.

The following is a list of general conditions that would have to be met prior to consideration of transferring the City-owned land for incorporation into the project. Upon council approval, the developer will proceed with the understanding that when all these conditions are addressed, the land will be transferred to Armstrong for development.



**BUDGET NARRATIVE**

No budget impact is expected at this time.

**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 approve authorization for the City Manager to negotiate a Property Conveyance and Development Agreement between the City and Armstrong Development Properties, Inc., for the development of the City-owned property adjacent to Fire Station No. 1.
2. Vote "No"; this will not approve authorization for the City Manager to negotiate a Property Conveyance and Development Agreement between the City and Armstrong Development Properties, Inc., for the development of the City-owned property adjacent to Fire Station No. 1.
3. Vote to "Amend"; this could allow Council to modify the conditions of the Property Conveyance and Development Agreement authorization as it deems appropriate.
4. Vote to "Table"; this could allow Council to postpone consideration of the Resolution to authorize the City Manager to negotiate the Property Conveyance and Development Agreement and direct staff accordingly.

**REFERENCE INFORMATION:**

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

N/A

**RESOLUTION NO. 13-088**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE A PROPERTY CONVEYANCE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND ARMSTRONG DEVELOPMENT PROPERTIES, INC., FOR A PARCEL OF CITY-OWNED PROPERTY LOCATED AT MAIN STREET AND PICACHO AVENUE.**

The City Council is informed that:

**WHEREAS**, City staff has been approached by Armstrong Development Properties, Inc., (Armstrong) on behalf of CVS Pharmacy/Armstrong Development Properties, Inc., with a proposal to utilize a vacant portion of City-owned property for incorporation into the new development of a pharmacy/retail business. The property is adjacent to Fire Station No.1, situated along the north side of Picacho Avenue, east of North Main Street; and

**WHEREAS**, the property has been utilized primarily for overflow parking; and

**WHEREAS**, in exchange for the City providing the land to Armstrong for incorporation into the new development at the corner of Picacho/Spruce and Main Street, Armstrong will construct a new parking lot to replace the overflow parking currently served by City-owned land; and

**WHEREAS**, upon all conditions being met, the City will deed the City-owned property to Armstrong and Armstrong will deed the completed parking lot to the City; and

**WHEREAS**, the proposed conditions, as set forth herein, appear to be agreeable to Armstrong.

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

**(I)**

**THAT** authorization for the City Manager to negotiate a Property Conveyance and Development Agreement between the City of Las Cruces and Armstrong Development Properties, Inc., for a parcel of City-owned property located at Main Street and Picacho Avenue, is hereby approved.

**(II)**

**THAT** the list of general conditions that would have to be met prior to consideration of transferring the City-owned land for incorporation into the project and made part of this Resolution is:

- 1) Engineering and design plans will be submitted to the Army Corps of Engineers for review, comment and approval. City staff will also review and approve.
- 2) The new fire station parking lot will be built to the City's satisfaction and standards, at grade with existing fire station.
- 3) Direction on steps/approvals necessary to obtain approval for any applicable permits will be coordinated with EBID.
- 4) The City will approve plans on addressing the stormwater infrastructure that traverses the City property.
- 5) Retaining walls or cross-slope infrastructures will be constructed adjacent to the newly established lot boundaries between the pharmacy site and the Fire Station No. 1 site. The extent of EBID right-of-way will be retained entirely on City property.
- 6) Land title status will be researched by the title company and any issues will be resolved.

- 7) The City will not spend any funds on this project, transaction, or any other activity germane to selling or transferring the land. Should the expense to address these conditions meet or exceed the value of City-owned land, the City would transfer the land in exchange of these conditions being met; conversely, if the value of the City-owned land is greater than the expense to address these conditions, then purchase of City-owned land at the differential price will be paid by Armstrong to the City.
- 8) The City will approve the "preliminary" site and building plans to ensure all requirements can be met.
- 9) The property will be replatted into one parcel with the acknowledgment that any zoning issues will be the developer's responsibility and are not associated with the land sale.
- 10) Direction relative to a traffic impact analysis will be coordinated with NMDOT. City staff will also need to review and approve.

**(III)**

**THAT** the City Manager is hereby authorized to execute the Property Conveyance and Development Agreement with Armstrong on the City's behalf.

**(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:

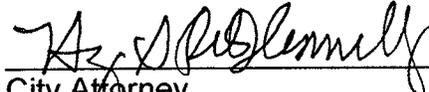
\_\_\_\_\_  
City Clerk

(SEAL)

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

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

APPROVED AS TO FORM:

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

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

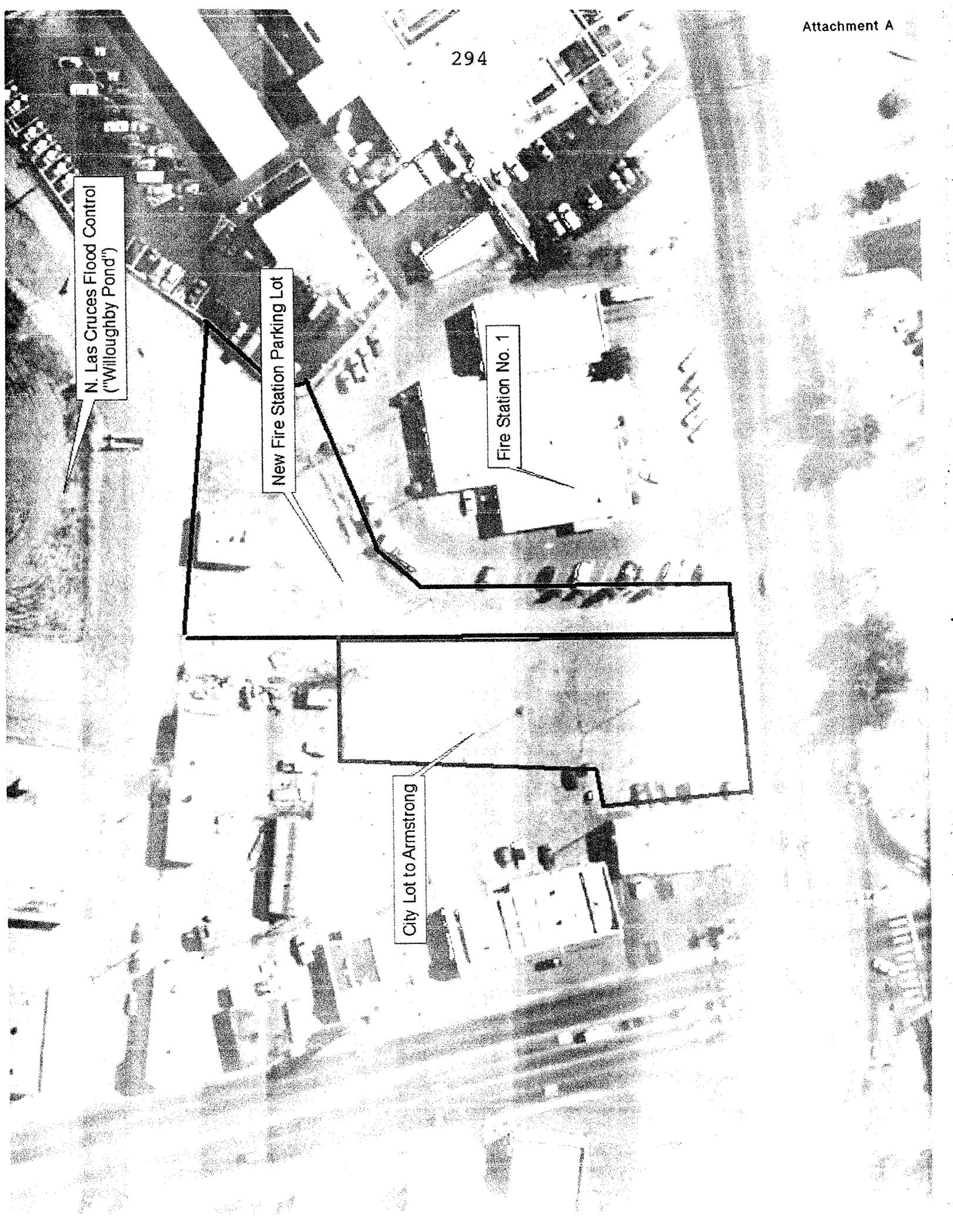
Councillor Thomas: \_\_\_\_\_

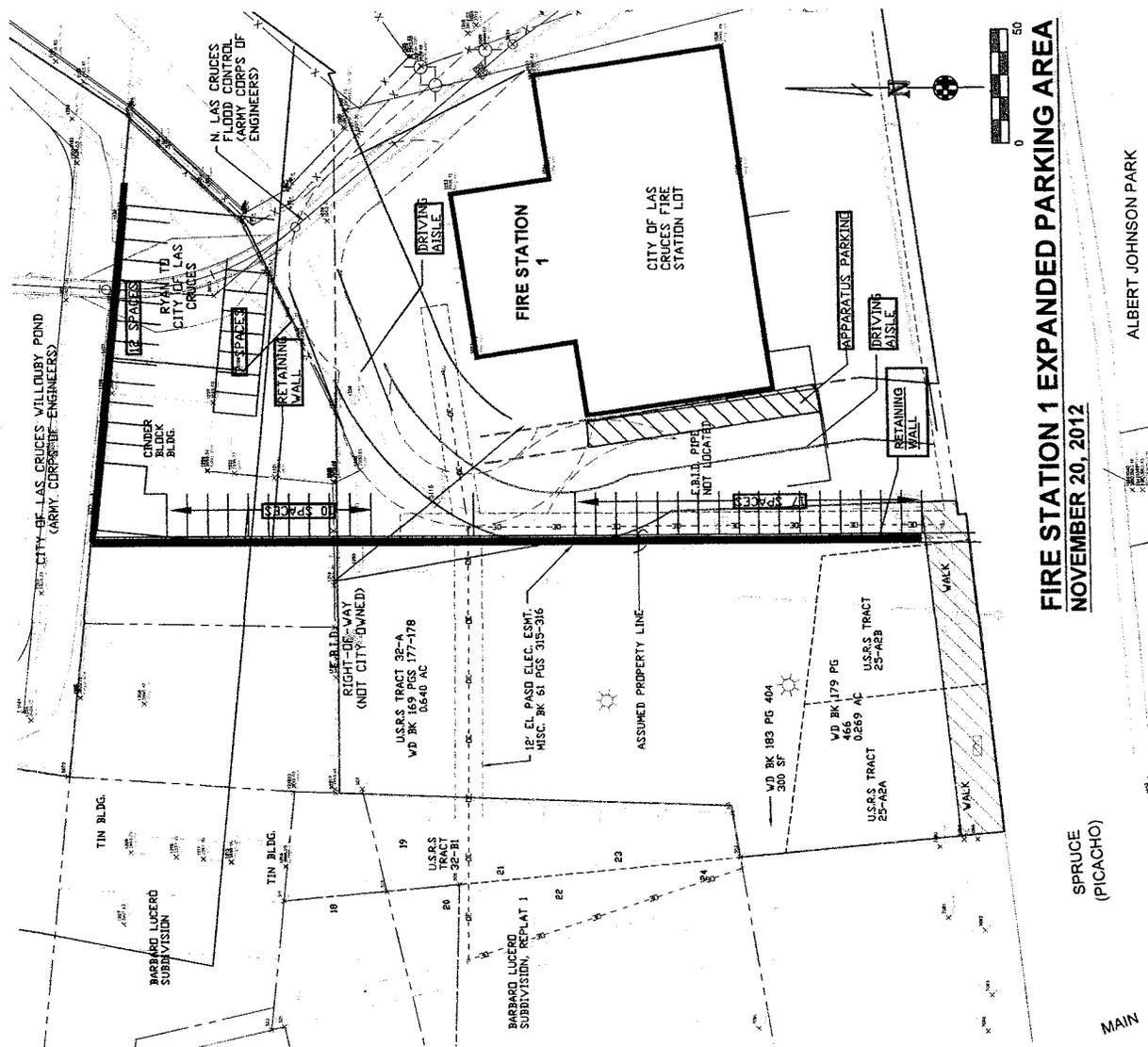
N. Las Cruces Flood Control  
("Willoughby Pond")

New Fire Station Parking Lot

Fire Station No. 1

City Lot to Armstrong





**FIRE STATION 1 EXPANDED PARKING AREA**  
**NOVEMBER 20, 2012**

ALBERT JOHNSON PARK

SPRUCE (PICACHO)

MAIN