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MEMORANDUM FROM:

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546-2081, EXTENSION 3036

Date: June 4, 2009

To: Honorable Anthony Cobos, County Judge
Honorable Ana Perez, Commissioner, Precinct One
Honorable Veronica Escobar, Commissioner, Precinct Two
Honorable Jaime Gandara, Commissioner, Precinct Three
Honorable Daniel R. Haggerty, Commissioner, Precinct Four

Re: Animal Control facility, 5001 Fred Wilson Road and
211 and 325 Shelter Place

The purpose of this memorandum is to provide a brief background on: 1) the proposed transfer of ownership of the current Animal Control Facility, (5001 Fred Wilson Road), from the County to the City, as well as 2) the proposed sale by the City to the County of two parcels of land and buildings at 211 and 325 Shelter Place which previously housed the El Paso Humane Society and the El Paso City-County Health District Animal Control Facility. It is anticipated that this matter will be brought before and discussed with the Court on Monday June 15, 2009.

1. **Fred Wilson Drive Animal Shelter Property** – The Animal Control Facility, 5001 Fred Wilson Road, was constructed on City-owned property pursuant to a 2001 Interlocal Agreement between the City and the County for the use by the El Paso City-County Health and Environmental District (the "District"). The facility was built on Public Service Board land which was leased to the City and then included as part of the City's share of the construction costs. Pursuant to the interlocal agreement and subsequent amendments, the parties agreed that the City and the County, as tenants-in-common, would jointly own the constructed improvements, and the City and the County agreed on their percentage ownership interests. In the event the District was dissolved, the facility would be transferred to the entity that assumed the animal control operations for the City and County. The property and fixtures would be re-appraised and the transferring entity would be entitled to payment of the value of its ownership interest or as

the parties otherwise agreed. On Dec. 31, 2007, the El Paso City-County Health and Environmental District ceased to exist, and the County transferred the animal control responsibilities to the City. A November 16, 2007 appraisal prepared by Robert Brown for the City of El Paso estimated the value of the property and improvements, at \$4,400,000. Based on the original proportional funding ratio of the facility by the City and the County, including the City's share of land value, the County's proportionate share of the estimated appraised value is \$1,320,000.

2. **211 and 325 Shelter Place** - The City properties located at 211 and 325 Shelter Place include the former Animal Control facility and the property formerly leased by El Paso County Humane Society, Inc. (Humane Society) The County had previously requested that the City sell the two parcels to the County for use by the County Coliseum. Although agreement was previously reached on the general terms for the sale, the El Paso Humane Society remained in the building well past the expected move-out date and County did not want to proceed with the purchase until the City's lease with the Humane Society had been terminated. The City's lease with the Humane Society terminated Aug. 31, 2008, and the Humane Society has moved out. The City and the County now desire to move forward on the sale. The 2007 appraisal prepared by Sellers & Associates valued the two parcels at \$517,000.
3. **Purchase and Sales Payments** – In brief, the City will sell its Shelter Drive properties to the County for the price of \$517,000. The County will in turn sell its share of the Fred Wilson facility to the City for the price of \$1,320,000. The County will pay all closing costs on the purchase of the Shelter Drive properties. The City will pay all closing costs on the Fred Wilson property and prepare the deeds. In order to maximize efficiencies, it has been suggested that both transactions occur simultaneously with a net payment to the County of approximately \$803,000, exclusive of closing costs.