



**MEETING DATE:** April 28, 2025

**PRESENTED BY:** Xavier Cervantes, Director of Planning

**AGENDA ITEM:** Tabled 04/14/2025: Approval of Resolution No. \_\_\_\_ for a license to encroach into a City of Mission owned 24 feet by 40 feet strip of land for the property located at 1020 Los Ebanos Road bearing a legal description of a 0.02 acre tract of land, more or less, being a portion of a 40-foot by 640-foot strip of land adjacent to Mission Jaycees Park out of Lot 21-3, West Addition to Sharyland Subdivision. Applicant: Dr. Marisol Rocha, Vanguard Superintendent of Schools - Cervantes

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**NATURE OF REQUEST:**

Project Timeline:

- February 6, 2025 – First meeting with Vanguard staff and Subdivision Review Committee to discuss the proposed installation of portable buildings within the El Divino Redentor property.
- February 20, 2025 – Applicant submitted specifications to the proposed portable buildings to be placed within the site.
- March 4, 2025 – Applicant forwarded optional positioning of portables for review.
- March 13, 2025 – Formal request to encroach on city property submitted to the City.
- April 14, 2025 – TABLED - Consideration and possible action to execute License Agreement by the City

Summary:

- Dr. Marisol Rocha, the applicant, is requesting a license to encroach 24'x40', more or less, onto a 40'x640' City owned strip of land north of the El Divino Redentor property to allow for a driveway as emergency egress as required by the Fire Department for the installation of two proposed portable buildings to be used by Vanguard Academy.
- The City owned land measures approximately 40'x640' and is currently vacant primarily used for utilities.
- Based on the site plan, the applicant will need to pave the driveway which will connect to the existing Jaycees Park parking lot and will be required to overlay the alley along the east side of Jaycee Park to Barnes Street.
- The request has been reviewed by the Staff Review Committee. There is no objection to the requested license to encroach with conditions.
- A previous similar request was granted to the El Divino Church resulting in a driveway connection from the church parking lot to the City park.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request subject to:

1. Ownership of the property shall remain accessible to the city at all times

2. The City reserves the right at any time now or in the future to remove the proposed improvements within the property for any reason, and shall not be required to provide reimbursement for the improvements
3. The proposed improvements shall conform to City standards and shall not be constructed in such a manner as to cause a nuisance or storm water runoff onto adjacent properties
4. That Vanguard School at El Divino Redentor, its representatives, heirs, administrators, successors and assigns shall indemnify and hold the CITY OF MISSION harmless from any claim, suit, demand, or judgement arising from the encroachment of said items as described in this Revocable License To Encroach regardless of whether or not such claim, suit demand, or judgement results from injuries, death or property damage caused by the sole, joint or concurrent negligence or gross negligence of the CITY OF MISSION.
5. The Licensee must obtain all necessary permits and approvals prior to the use of the property.
6. The Licensee shall provide an overlay of asphalt over the existing alley along the east side of Jaycee Park to Barnes Street.
7. The Licensee must maintain the said property area in a safe and clean condition.
8. The granting of the license agreement does not guarantee the conditional use permit for the two portable buildings

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**Departmental Approval:** Approval

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**Advisory Board Recommendation:** N/A

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**City Manager's Recommendation:** Approval *MRP*

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**RECORD OF VOTE:**

**APPROVED:** \_\_\_\_\_

**DISAPPROVED:** \_\_\_\_\_

**TABLED:** \_\_\_\_\_

\_\_\_\_\_ AYES

\_\_\_\_\_ NAYS

\_\_\_\_\_ DISSENTING \_\_\_\_\_