City of El Paso – City Plan Commission Staff Report

(REVISED)

Case No:	PZDS15-00004
Application Type:	Detailed Site Development Plan Review
CPC Hearing Date:	March 12, 2015
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	5500 Doniphan Drive
Legal Description:	A portion of Lot 4 and all of Lot 5, Block 1, Redd Road Commercial Park, City of El Paso, El Paso County, Texas
Acreage:	4.0961
Rep District:	1
Existing Zoning:	C-4/sc (Commercial/special contract)
Existing Use:	Shopping center
C/SC/SP/ZBA/LNC:	Special Contract, Ordinance No. 5812 dated October 14, 1976
Request:	Detailed Site Development Plan Review per contract conditions, Ordinance No.5812
Proposed Use:	Shopping center expansion
Property Owner:	Barley Square Partners, L.P.
Representative:	SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4/sc (Commercial/special contract) / Convenience store with gas pump, retail, and restaurant
South: C-4/sc (Commercial/special contract) / Veterinary, retail, and material sales (building & construction)
East: C-4/sc (Commercial/special contract) / Retail, office, motor vehicle repair, material sales (building & construction)
West: R-3 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War (Northwest Planning Area)
NEAREST PARK: Ruby Coates Park (3,475 feet)
NEAREST SCHOOL: Lincoln Middle (4,688 feet)

NEIGHBORHOOD ASSOCIATION

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Upper Valley Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, Notice of the El Paso City Code.

CASE HISTORY

On October 14, 1976, the subject property was rezoned from C-3 (Commercial) to C-4/sc (Commercial/special contract) with the following conditions imposed by Ordinance No. 5812 (Attachment #4):

1. No building permits shall be issued for construction on the property until complete and detailed site development plan and architectural plans of the proposed development have been approved by the City Plan Commission of the City of El Paso. Such site development and architectural plans shall substantially conform to those presented to the City Plan Commission at a hearing on July 13,

1976. Such plans are now on file in the records of the Commission under Case No. 76-3991 and are made a part hereof by reference.

Condition #1 will be satisfied by this detailed site development plan application.

2. No building permits shall be issued for construction on the property until first parties have, at no cost to the City, dedicated as a public street the property shown in red on the drawing which is attached hereto, marked Exhibit "B" and made a part hereof by reference. Such property shall be dedicated in accordance with a description to be approved by the City Engineer of the City of El Paso and an appropriate instrument of dedication shall be executed and delivered to the City.

   Condition #2 has been satisfied.

3. No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, done the following:
   a. Constructed a facility or facilities for the on-site ponding of surface waters on the property.
   b. Installed paving, curbs, gutters, and concrete sidewalks on the part of the street dedicated pursuant to paragraph 2 hereof which lies between Doniphan Drive and a point 71 feet north of the intersection of Gus Rallis Drive and Redd Road.
   c. Installed a concrete sidewalk along the boundary of the property adjacent to Doniphan Drive.

   Such improvements shall be constructed and installed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that this paragraph has been complied with before certificates of occupancy and compliance shall be issued.

   Condition #3 has been satisfied.

APPLICATION DESCRIPTION

The request is for a detailed site development plan review as required by Ordinance No. 5812 dated October 14, 1976. The detailed site development plan shows existing 21,920 sq. ft. shopping center, which includes, a nightclub, 2 restaurants, indoor fitness facility and a retail building, and new 8,400 sq. ft. retail building, 3,600 sq. ft. retail building, and 1,800 sq. ft. restaurant building. The development requires a minimum of 225 parking spaces and the applicant is providing 226 parking spaces and 9 bicycle spaces. The development complies with the minimum landscape area requirements of Title 18.46. Access to the subject property is proposed from Doniphan Drive and McCutcheon Lane.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan, and complies with the Plan El Paso land use designation G-3, Post-War in the Northwest Planning Area.

ANALYSIS

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Note: Detailed Site Development Plan review is required due to a condition imposed on the subject property.

20.04.150 Procedure.

C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:
   1. The site is two acres or less in size, and
   2. The site plan contains no more than two buildings, and
   3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
   4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
   5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

      If the zoning administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the city plan commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

Note: the detailed site development plan review is not eligible for administrative approval, due to a condition imposed on the subject property which requires review by City Plan Commission.

D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
   1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
   2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
   3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
   4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
   5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of 20.04.150, Detailed Site Development Plan, and is recommending approval.

Plan El Paso- Future Land Use Map Designation

All applications for detailed site plan review shall demonstrate compliance with the following criteria:

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are

located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation
Traffic Impact Analysis (TIA) is not required.

Note:
All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Texas Department of Transportation
The location of the driveway for access was approved.

Planning and Inspections Department – Plan Review
BP & I review no objections to proposed detailed site development plan.

Planning and Inspections Department – Landscaping Division
Landscape review upon submittal for building permits one unit of plan material will be required for expansion.

Planning and Inspections Department – Land Development
No objections.

Fire Department
EPFD recommends approval.

Sun Metro
Sun Metro does not oppose this request. Route 12 provides services along Doniphan with an existing bus stop adjacent to the subject property as well as another on the opposing side of Doniphan.

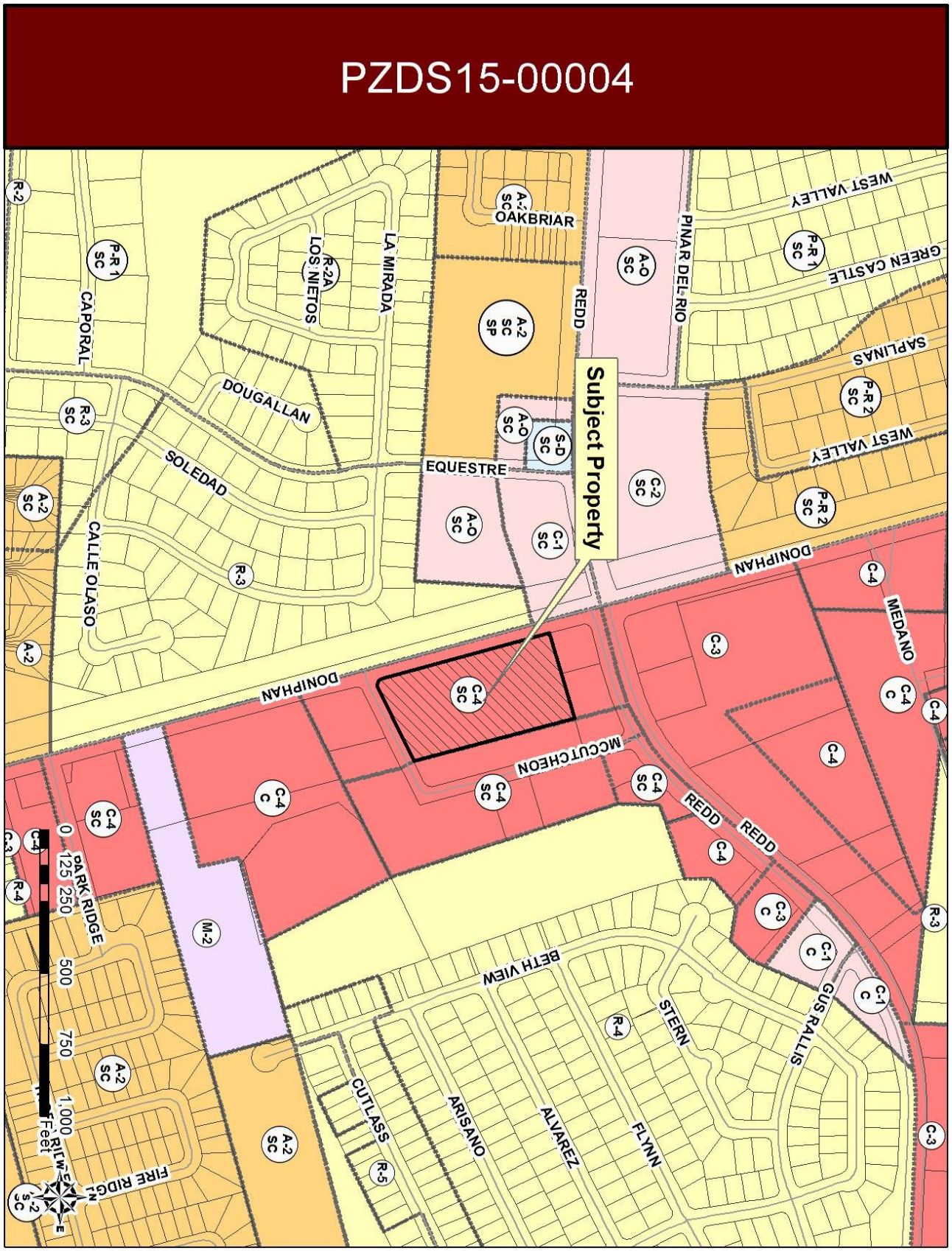
El Paso Water Utilities
1. EPWU does not object to this request.
2. Doniphan Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Doniphan Drive right-of-way requires written permission from TxDOT.
3. EPWU requires the manhole located approximately 250-ft south from the northern subject property line to be inside a traffic island. EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.
Water:
4. There is an existing 8-inch diameter water main extending along McCutcheon Way that is available for service, the water main is located approximately 10 feet north from the center line of the right-of-way.
5. There is an existing 16-inch diameter water main extending along Doniphan Drive, the water main is located approximately 36-feet east from the center line of the right-of-way. No service connections are

allowed to this water main as per the EPWU-PSB Rules and Regulations.
6. EPWU records indicate an active 2-inch water meter and a vacant water service connection (inactive meter) serving the subject property. The address for this service is 5500 Doniphan Drive.
Sanitary Sewer:
7. There is an existing 8-inch diameter sanitary sewer main extending along McCutcheon Way that is available for service, the sewer main is located approximately 5-ft south from the center line of the right-of-way.
8. There is an existing 8-inch diameter sanitary sewer main extending along a 20-PSB easement that is available for service, the sewer main is located approximately 13.5-ft south from the northern subject property line.
9. There is an existing 12-inch diameter sanitary sewer main extending along a 25-Utility Easement that is available for service, the sewer main is located approximately 12-ft east from the western subject property line.
General:
10. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. EPWU-PSB requires access to the existing/proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.
11. Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.
12. EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.
13. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

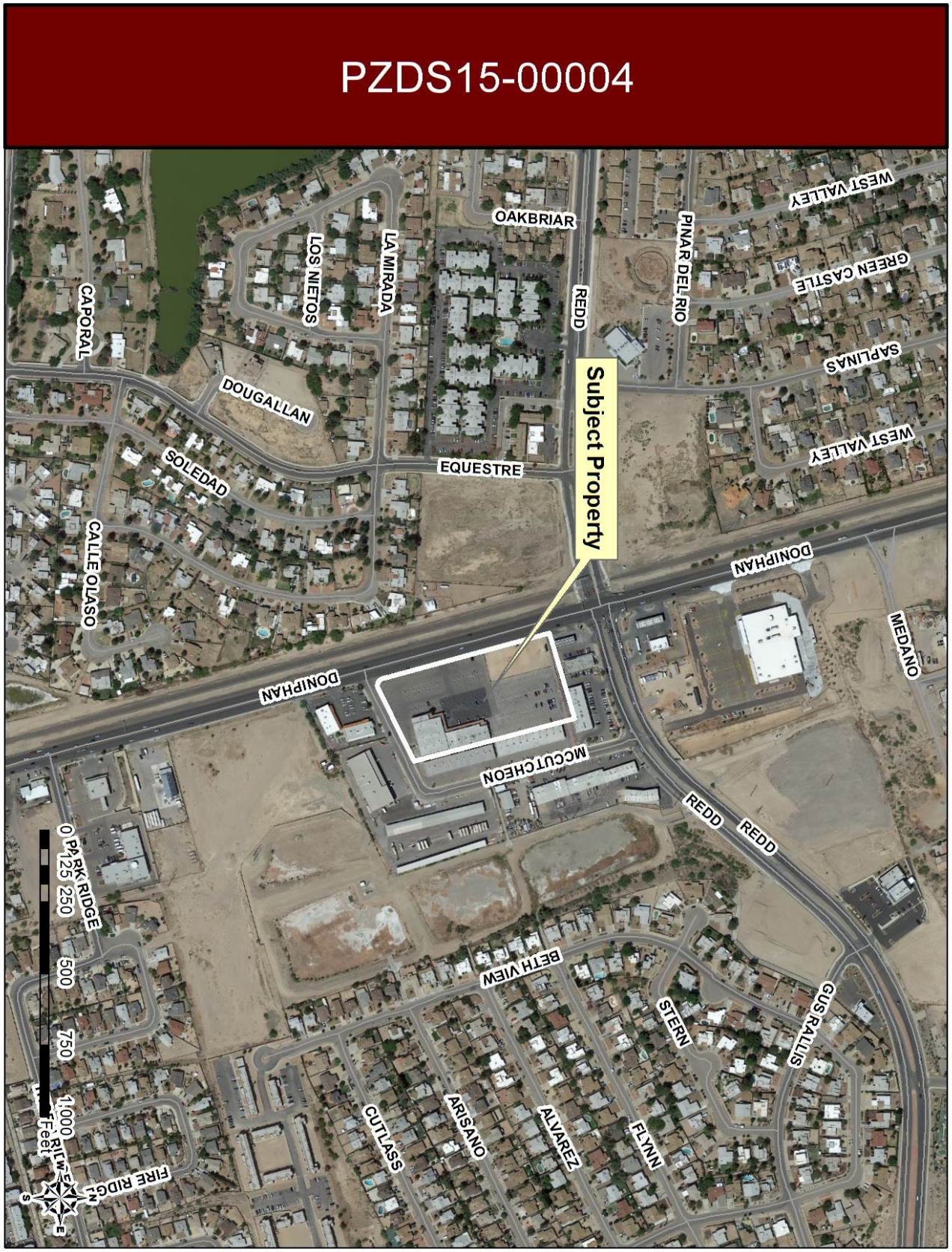
El Paso Water Utilities - Stormwater Division
1. According to the Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 480214 0021 D. This property is in FLOOD ZONE C, Dated January 03, 1997 – Areas of minimal flooding. (No shading).
2. At the improvement plan stage, protect the subject property from stormwater runoff from the adjacent terrain, convey the existing watercourse through the subdivision and show that all downstream stormwater management facilities have sufficient capacity to carry the additional runoff.
3. Stormwater cannot flow into Doniphan Dr.; TXDOT (state) roads are not designed to carry outside stormwater flows.

Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Ordinance No. 5812, special contract

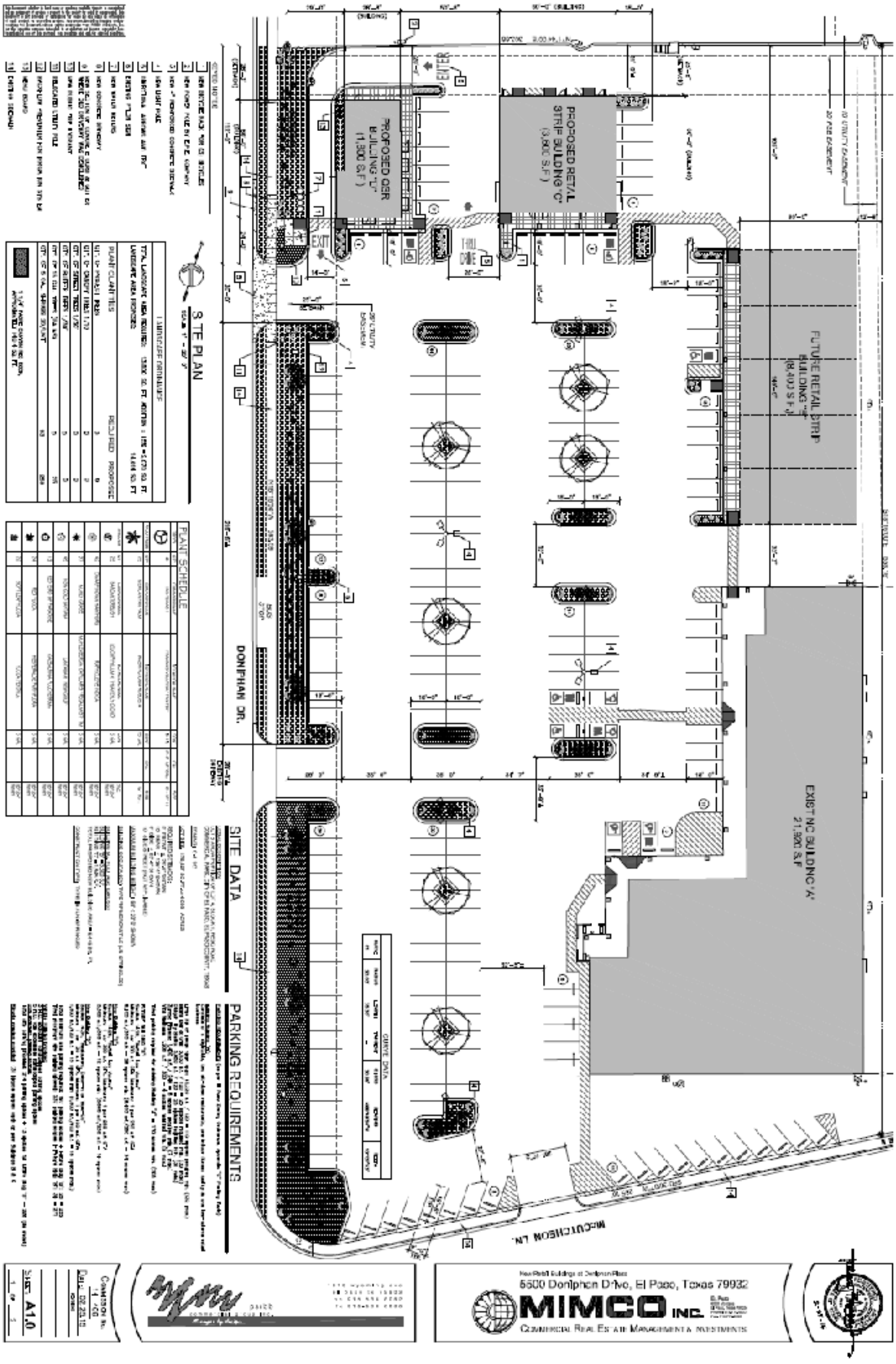
ATTACHMENT 1: ZONING MAP



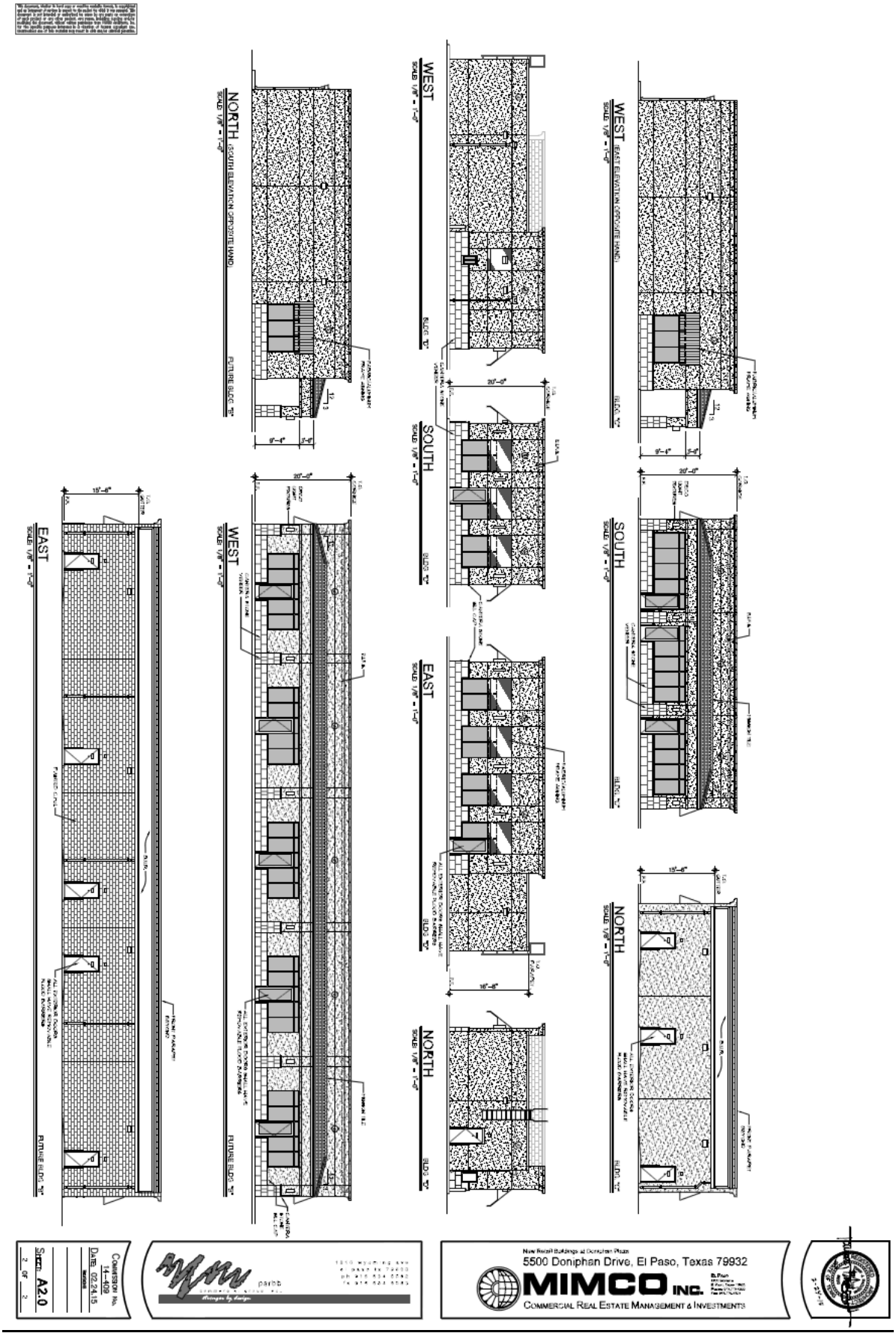
ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS



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AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 97A, S.A. & M.G.R.R. COMPANY SURVEY #267, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Tract 97A, S.A. & M.G. RR Company Survey #267, as more particularly described below by metes and bounds, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel I: from A-2 (Apartment) to I-D (Industrial-Districts)

Description of a 12.6527 acre parcel out of Tract 97A, S.A. & M.G. RR Company Survey #267, El Paso County, Texas, more particularly described by metes and bounds as follows:

Starting at an existing concrete monument marking the northwest corner of Survey 267 and the southeast corner of Survey 266, El Paso County, Texas;

Thence South 449.65 feet along the west line of Survey 267 and the east line of Survey 265 to a point marking the southwest corner of Tract 97B and the northwest corner of Tract 97A, and the point of beginning of subject parcel;

Thence North 66° 44' 00" East, 1138.32 feet to a point on the north line of Survey 267;

Thence east 426.05 feet along the south line of Survey 266, and the north line of Survey 267, to a point;

Thence 623.69 feet along the arc of a curve to the left; whose interior angle is 33° 23' 55"; whose radius is 1069.95 feet; and whose chord bears South 54° 01' 19" West, 614.90 feet to a point, said arc also being the northerly line of Redd Road;

Thence South 37° 19' 21" West, 590.37 feet to a point;

Thence 183.28 feet along the arc of a curve to the right; whose interior angle is 15° 22' 51"; whose radius is 682.76 feet; and whose chord bears South 45° 00' 46.5" West, 182.73 feet to a point; said arc being the northerly line of Redd Road;

Thence North 21° 23' 30" West, 263.08 feet to a point;

Thence South 71° 44' 00" West, 411.81 feet to a point on the west line of Tract 97A and the west line of Survey 267;

Thence North 394.88 feet along the line common to Survey 265 and 267 to the point of beginning, containing 55,153.74 square feet or 12.6527 acres of land, more or less.

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Parcel II: from C-3 (commercial) to C-4 (commercial)

Description of a 7.7413 acre parcel out of Tract 97A, S.A. & M.G. RR Company Survey 267, El Paso County, Texas, more particularly described by metes and bounds as follows:

Beginning at a point on the easterly line of Doniphan Drive (U. S.Highway 80A), said point being the southwest corner of Traact 97A, and the northwest corner of Tract 98, Survey 267, El Paso County, Texas;

Thence North 18° 16' 00" West, 998.96 feet along the line common to Doniphan Drive (U.S.Highway 80A) and Tract 97A, Survey 267, to a point;

Thence 47.12 feet along the arc of a curve to the right; whose interior angle is 90°, whose radius is 30.00 feet; and whose chord bears North 26° 44' 00" East, 42.43 feet to a point on the southerly line of Redd Road;

Thence North 71° 44' 00" East, 188.17 feet along the southerly line of Redd Road to a point;

Thence 120.80 feet along the arc of a curve to the left; whose interior angle is 08° 37' 18"; whose radius is 802.76 feet; and whose chord bears North 67° 25' 21" East, 120.68 feet to a point;

Thence South 18° 16' 00" East, 971.42 feet to a point on the line common to Tract 97A and Tract 98;

Thence along said common line, South 60° 36' 07" West, 345.00 feet to the point of beginning; containing 337,208.96 square feet or 7.7413 acres of land, more or less.

Parcel III: from C-3 (commercial) to I-D (industrial-districts)

Description of a 6.5547 acre parcel out of Tract 97A, S.A. & M.G. RR Company survey 267, El Paso County, Texas, more particularly described by metes and bounds as follows:

Starting at a point on the easterly line of Doniphan Drive (U.S. Highway 80A), said point being the southwest corner of Tract 97A, and the northwest corner of Tract 98, Survey 267, El Paso County, Texas;

Thence North 60° 36' 07" East, 345.00 feet along the line common to Tract 97A and Tract 98, to the point of beginning of subject parcel;

Thence North 18° 16' 00" West, 971.42 feet to a point on the southerly line of Redd Road;

Thence 111.83 feet along the arc of a curve to the left; whose interior angle is 07° 58' 54"; whose radius is 802.76 feet; and whose chord bears North 59° 07' 15" East, 111.74 feet to a point on the southerly line of said Redd Road;

Thence South 21° 23' 30" East, 90.35 feet to a point;

Thence North 68° 36' 30" East, 178.47 feet to a point;

Thence South 21° 23' 30" East, 850.00 feet to a point on the line common to said Tracts 97A and 98;

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Thence South 60° 36' 07" West, 345.00 feet along the line common to Tract 97A and Tract 98, to the point of beginning; containing 285,522.90 square feet or 6.5547 acres of land, more or less.

Parcel IV: from A-2 (apartment) to I-D (industrial-district)

Description of a 0.6890 acre parcel out of Tract 97A, S.A. & M.G. RR Company Survey 267, El Paso County, Texas, more particularly described by metes and bounds as follows:

Starting at a point on the easterly line of Doniphan Drive (U.S. Highway 80A), said point being the southwest corner of Tract 97A, and the northwest corner of Tract 98, Survey 267, El Paso County, Texas;

Thence North 60° 36' 07" East, 690.00 feet along the line common to Tracts 97A and 98 to a point;

Thence North 21° 23' 30" West, 850.00 feet along the westerly line of La Paz Estates, to the true point of beinning of subject parcel;

Thence South 68° 36' 30" West, 178.47 feet to a point;

Thence North 21° 23' 30" West, 90.35 feet to a point on the southerly line of Redd Road;

Thence 249.50 feet along the arc of a curve to the left; whose interior angle is 17° 48' 27"; whose radius is 802.76 feet; and whose chord bears NOrth 46° 13' 34.5" East, 248.49 feet to a point;

Thence North 37° 19' 21" East, 44.95 feet along the southerly line of Redd Road to a point;

Thence South 23° 30' 00" East, 84.72 feet to a point;

Thence South 66° 30' 00" West, 39.01 feet to a point;

Thence South 02° 23' 06" West, 133.55 feet along a westerly line of La Paz Estates, to the point of beginning, containing 30,013.71 square feet or 0.6890 acres of land, more or less.

Parcel V: from A-2 (apartment) to C-3 (commercial)

Description of a 2.42 acre parcel out of Tract 97A, S.A. & M.G. RR Company Survey 267, El Paso County, Texas, more particularly described by metes and bounds as follows:

Starting at a concrete monument marking the southwest corner of Survey 266, and the northwest corner of Survey 267, El Paso County, Texas;

Thence South 844.03 feet along the line common to Survey 267 and Survey 265 to the point of beinning of subject parcel;

Thence North 71° 44' 00" East, 411.81 feet to a point;

Thence South 21° 23' 30" East, 228.99 feet to a point;

Thence South 67° 44' 00" West, 440.00 feet to a point in the east right of way line of Doniphan Drive (U.S.Highway 80A);

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Thence North 18° 16' 00" West 215.00 feet along the said easterly line of Doniphan Drive to a point;

Thence North 46.69 feet to the point of beginning, containing 105,348.31 square feet or 2.42 acres of land, more or less.

Parcel VI: from R-4-I (residential-interim) to R-4 (residential)

Legal description of a parcel of land being Tract 7 of S.A. & M.G. RR Company Survey 265 and Tracts 97B, 97B1A, 97B1B, 97B1C of S.A. & M.G. RR Company Survey 267, and more particularly described by metes and bounds as follows:

From the intersection of the south right of way line of Coates Drive and the east right of way line of Doniphan Drive; thence South 17° 54' East a distance of 1,449.08 feet to a point, said point being the common west corner of Tracts 6 and 7, Survey 265, and the point of beginning;

Thence east along the common line of Tracts 6 and 7, a distance of 287.69 feet to a concrete monument, said monument being a common west corner of Surveys 266 and 267;

Thence east along the common line of Surveys 266 and 267, a distance of 1045.75 feet to a point, said point being the northeast corner of Tract 97B, Survey 267;

Thence South 66° 44' West along the common line of Tracts 97A and 97B, a distance of 1138.32 feet to a point, said point being on the east line of Tract 7, Survey 265;

Thence south along the common line of Surveys 265 and 267, a distance of 441.07 feet to a point on the east right of way line of Doniphan Drive, said point being the south corner of Tract 7;

Thence North 17° 54' West along the east right of way line of Doniphan Drive and the west line of Tract 7, a distance of 936.03 feet to a point, said point being the northwest corner of Tract 7, and the point of beginning, containing 363,237.048 square feet or 8.339 acres of land, more or less.

PASSED AND APPROVED this 14 day of October, 1976.

Mayor

ATTEST:

City Clerk City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L. D.
11-18-74 COUNTER
11-18-74 ORIGINAL
11-18-74 Rolds. Insp.
11-18-76 CONTROL
Albert Olivas

I certify that the zoning map has been revised to reflect the amendment of ordinance 5812
By Albert Olivas Date 11-18-74

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with GUS RALLIS, et al., placing certain restrictions on property re-zoned by Ordinance No. 5812

ADOPTED this 14 day of October, 1976.

Mayor

ATTEST:

City Clerk

City Clerk

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CONTRACT

This contract, made this 2nd day of September 1976, by and between GUS RALLIS, a single man, MIGUEL A. ALVAREZ and HERBERT L. HAESECKE (not joined by their wives because the hereinafter described property has never been part of their homestead), co-partners doing business under the assumed name of LA PAZ ESTATES JOINT VENTURE, First Parties; GARY I. MANN and HARVEY L. FALK, Trustees, Second Parties; and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Tract 97A, S.A. & M.G. RR Company Survey #267 in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5812 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits shall be issued for construction on the property until complete and detailed site development and architectural plans of the proposed development have been approved by the City Plan Commission of the City of El Paso. Such site development and architectural plans shall substantially conform to those presented to the City Plan Commission at a hearing on July 13, 1976. Such plans are now on file in the records of the Commission under Case No. 76-3991 and are made a part hereof by reference.

2. No building permits shall be issued for construction on the property until First Parties have, at no cost to the City, dedicated as a public street the property shown in red on the drawing which is attached hereto, marked Exhibit "B" and made a part hereof by reference. Such property shall be dedicated in accordance with a description to be approved by the City Engineer of the City of El Paso and an appropriate instrument of dedication shall be executed and delivered to the City.

3. No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to

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the City, done the following:

(a) Constructed a facility or facilities for the on-site ponding of surface waters on the property.

(b) Installed paving, curbs, gutters, and concrete sidewalks on the part of the street dedicated pursuant to paragraph 2 hereof which lies between Doniphan Drive and a point 71 feet north of the intersection of Gus Rallis Drive and Redd Road.

(c) Installed a concrete sidewalk along the boundary of the property adjacent to Doniphan Drive.

Such improvements shall be constructed and installed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that this paragraph has been complied with before certificates of occupancy and compliance shall be issued.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS the following signatures and seal:

GUS RALLIS

MIGUEL A. ALVAREZ

HERBERT L. HAESECKE

731 748

Gary I. Mann, Trustee

Harvey L. Falk, Trustee

THE CITY OF EL PASO

By _____
Mayor Pro-Tem

ATTEST:

_____
City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared GUS RALLIS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 24th day of September, 1976.

_____
Notary Public, El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared MIGUEL A. ALVAREZ, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 28th day of September, 1976.

_____
Notary Public, El Paso County, Texas.

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THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared HERBERT L. HAESECKE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 2ND day of SEPTEMBER, 1976.

Notary Public, El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared GARY I. MANN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 30th day of September, 1976.

Notary Public, El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared HARVEY L. FALK, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 30th day of September., 1976.

Notary Public, El Paso County, Texas.

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THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared E. H. Baeza, Mayor Pro-Tem, of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 14 day of October 1976.

Angela C. Guillen
Notary Public, El Paso County, Texas.

ANGELA C. GUILLEN, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

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