



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZCR16-00001  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** April 7, 2016  
**Staff Planner:** Andrew Salloum, 915-212-1613, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 2110 Zaragoza Road  
**Legal Description:** A portion of Lot 3, Block 46, Sun Ridge Subdivision Unit 12, City of El Paso, El Paso County, Texas  
**Acreage:** 0.352 - acre  
**Rep District:** 5  
**Zoning:** C-3/c/sc (Commercial/conditions/special contract)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Conditions: Ordinance No. 15972, dated December 21, 2004  
Special contract: Ordinance No. 8848, dated November 11, 1986  
**Request:** To release all conditions imposed by Ordinance No. 8848 and Ordinance No. 15972  
**Proposed Use:** Motor vehicle repairs  
**Property Owner:** 2109 Investments, LLC  
**Representative:** Ray Mancera

### **SURROUNDING ZONING AND LAND USE**

**North:** A-O/sp (Apartment/Office/special permit) / Single-family dwellings  
**South:** C-1/sc (Commercial/special contract) / Car wash, self-service  
**East:** C-1/sc (Commercial/special contract) / Vacant  
**West:** C-1/sc (Commercial/special contract) / Vacant

**PLAN EL PASO DESIGNATION:** G-4, Suburban (Walkable) (East Planning Area)

**NEAREST PARK:** Sal Berroteran Park (2,321 feet)

**NEAREST SCHOOL:** Lujan Chavez Elementary (3,316 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

Las Tierras Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 24, 2016. The Planning Division has not received any phone calls or letters in support or opposition to the condition release request.

### **CASE HISTORY**

On November 11, 1986, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-1 (Commercial) and imposed Ordinance No. 8848 (see Attachment 4) summarized as follows:

*Condition #1: shall dedicate the required right-of-way, (released Condition #1, dated May 30, 2000).*

*Condition #2: denial of access to owners of property abutting Montwood Extension in Tract 3, Section 7, Block 79, Tsp. 3, T&PRR Co. Surveys, El Paso County.*

*Condition #3: donation of a ten-acre parcel of the City.*

*Condition #4: donation of the City's future fire station site, (released Condition #4, dated May 30, 2000).*

*Condition #5 amended as follows: property owners will be provide a 20'- wide landscaped strip along the eastern boundary of the C-4 portion of Parcel 11.*

*Condition #6 added as follows: property owners will provide a 15'-wide landscaped strip along the eastern boundary of the C-3 portion of Parcel 1.*

*Conditions #2, 3, 5, and 6 are no longer applicable or have been satisfied. The applicant is requesting to release the four conditions referenced in their entirety.*

On December 21, 2004, City Council approved the rezoning request for the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposed Ordinance No. 15972 (see Attachment 5) as follows:

- 1. A six foot high rock wall shall be erected and maintained at the rear of the property line opposite Zaragoza Road.*
- 2. No access shall be permitted from Sun Country Drive.*

*The applicant is also requesting to release the two conditions referenced in their entirety.*

#### **APPLICATION DESCRIPTION**

The applicant is requesting to release all conditions imposed on the property by Ordinance No. 8848, dated November 11, 1986 (see Attachment 4) and Ordinance No. 15972, dated December 21, 2004, (see Attachment 5). The conditions imposed by the rezoning special contract are no longer necessary or have been satisfied on existing commercially zoned properties. The applicant is aware that not all of the C-3 uses are permitted on the C-1/sc (Commercial/special contract) portion of the property. If any C-3 uses are expanded to the C-1 portion of the property the most restrictive use, density and dimensional requirements shall apply.

#### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the condition release request, as the conditions are no longer necessary or have been satisfied on existing commercially zoned properties.

#### **Plan El Paso- Future Land Use Map Designation**

All applications for a condition release review shall demonstrate compliance with the following criteria:

G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

## **COMMENTS:**

### **Planning Division - Transportation**

No objections to the conditions release.

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.

### **Planning and Inspections Department – Building and Development Permitting**

No objections to proposed conceptual plan.

At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS, and local municipal code.

### **Planning and Inspections Department - Land Development**

1. Sidewalk must be continuous across proposed driveway (Section 6-17 DSC).

Label and dimension proposed sidewalk.

2. Show proposed drainage flow patterns within and surrounding the subdivision. Label the proposed private ponding locations, assure capacity, and secure drainage agreement or easement.

3. The retention of the difference between Historic and Developed Storm-water runoff discharge volumes shall be retained within subdivision limits (DSC, 19.19.010A and DDM, 11.1).

4. Rock wall detail/notes do not apply to this project.

5. Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. The applicant may need to seek re-approval of the site plans from CPC if there is a failure to comply.

\*Applicant will need to comply with all requirements of development at the time of permitting on any new development.

### **TXDOT**

Please advise developer/requestor to submit grading and drainage plan and access request to TXDOT for review and approval.

\*Applicant will need to coordinate with TXDOT on any new improvements.

### **Fire Department**

Recommended approval.

### **El Paso Water Utilities**

EPWU does not object to this request.

Water:

- There is an existing 16-inch diameter water main extending along Zaragoza Road. No direct service connections are allowed to this main.
- There is an existing 8-inch diameter water main extending along the north side of Sun Country Dr. This water main is available for service.

Sanitary Sewer:

- There are no sanitary sewer mains along Zaragoza Road.
- There is an existing 8-inch diameter sanitary sewer main extending along the south side of Sun Country Dr. This sanitary sewer main is available for service.

General:

- If the property is not subdivided services can be provided from mains on Sun Country Drive. If the property is subdivided. Each lot required individual/separate water and sewer connection. Sewer and water main extensions will be required.
- 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**

- At the improvement plan stage, provide protection to the subdivision from all offsite stormwater runoff that may have an adverse impact on any improvements.
- Proposed ponding area shown on the site plan shall have enough capacity to hold the developed runoff for a designed 100-yr storm event.

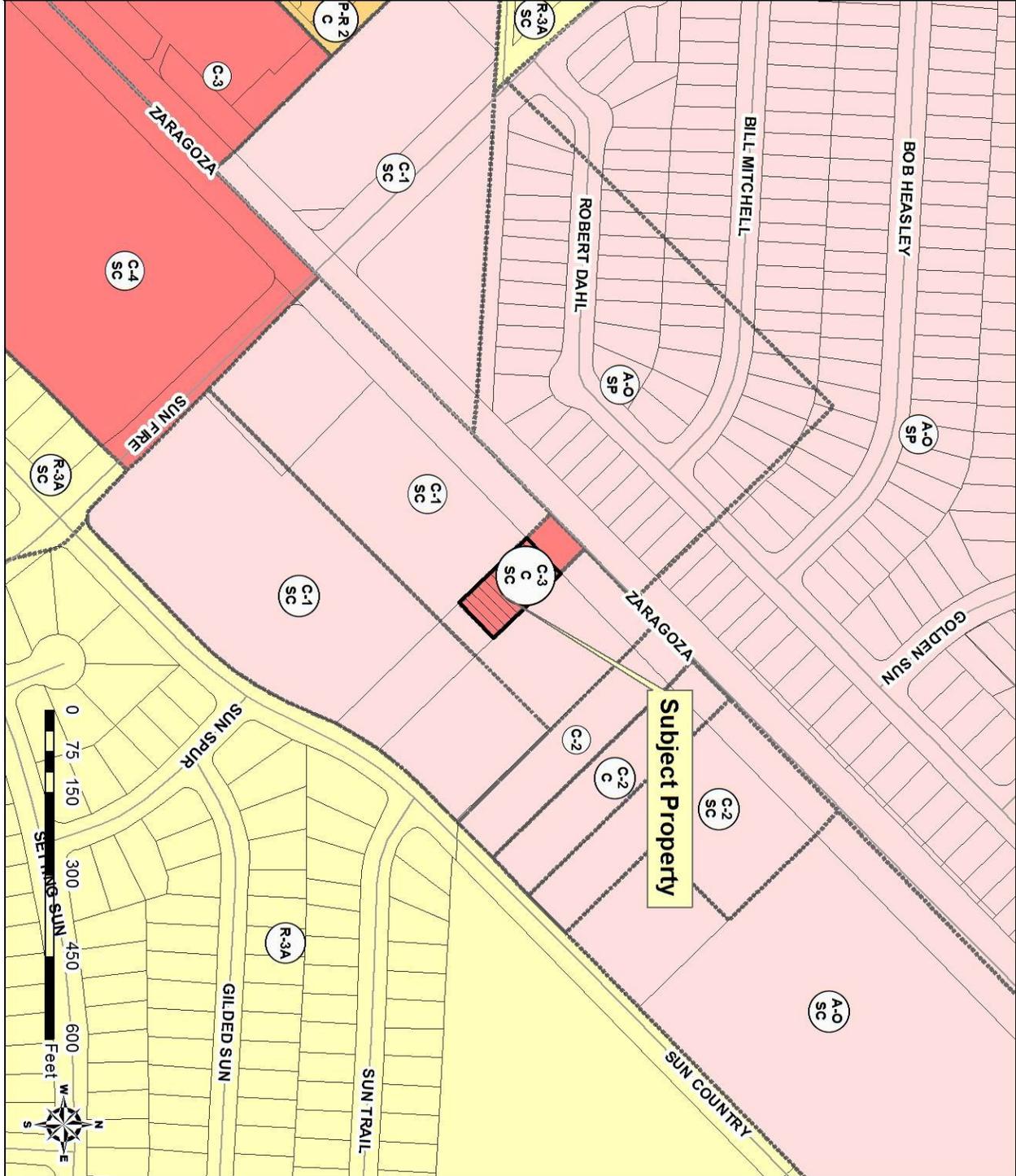
\*Applicant will need to coordinate with El Paso Water Utilities - Stormwater Division on any new development.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 8848, dated November 11, 1986
5. Ordinance No. 15972, dated December 21, 2004

**ATTACHMENT 1: ZONING MAP**

**PZCR16-00001**

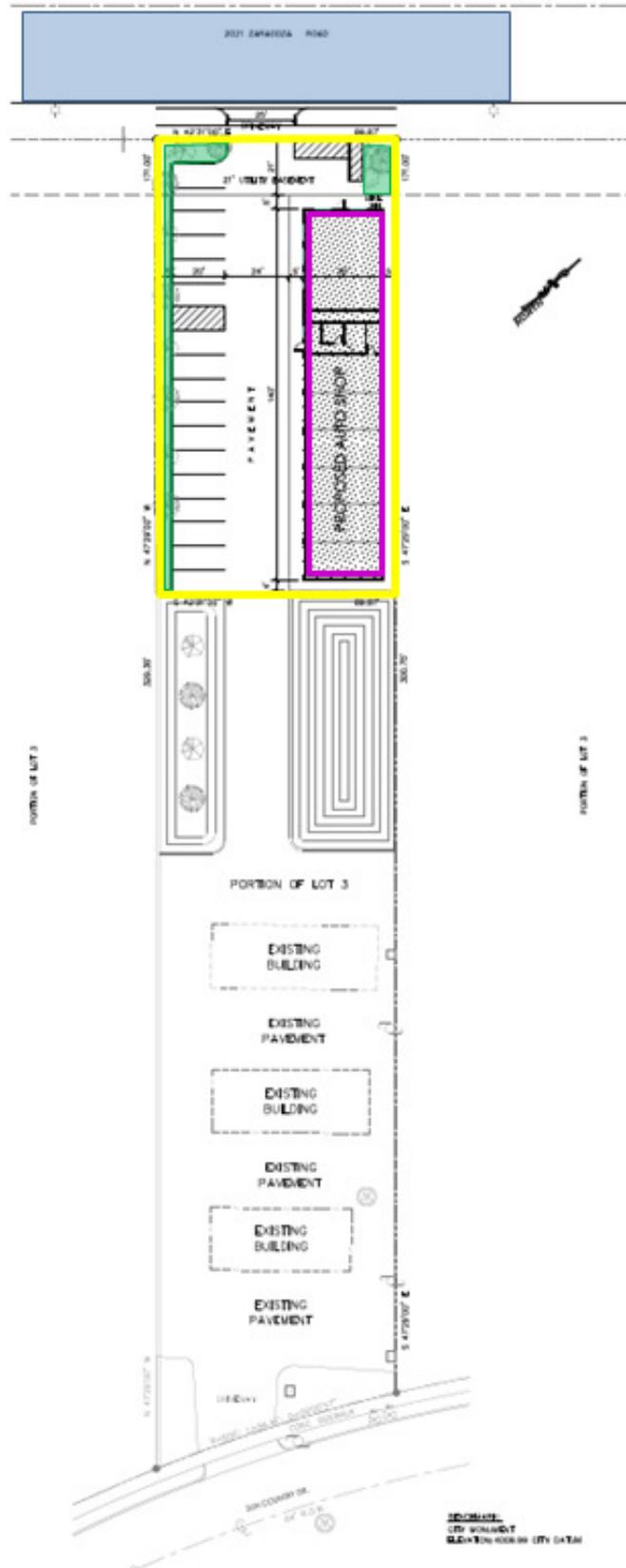


ATTACHMENT 2: AERIAL MAP

PZCR16-00001



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



**ATTACHMENT 4: ORDINANCE NO. 8848, DATED NOVEMBER 11, 1986**

008848

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 4, BLOCK 79, TSP 3, AND A PORTION OF SECTION 45, BLOCK 79, TSP 2, T&PRR CO. SURVEYS, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 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 Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibits "A" through "K," be changed from R-3 (Residential) to the following:

- C-3 (Commercial) - Parcel 1 (48.832 acres)
- A-O (Apartment/Office) - Parcel 2 (45.405 acres)
- C-1 (Commercial) - Parcel 3 (8.781 acres)
- C-1 - Parcel 4 (9.167 acres)
- C-3 - Parcel 5 (37.130 acres)
- C-4 - Parcel 6 (14.733 acres)
- A-O - Parcel 7 (25.815 acres)
- C-1 - Parcel 8 (8.781 acres)
- C-1 - Parcel 9 (5.316 acres)
- C-1 - Parcel 10 (12.801 acres)
- C-4 - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 11<sup>th</sup> day of NOVEMBER, 1986.

Jonathan W. Rojas  
Mayor

ATTEST:  
Carole Hunter  
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.D.  
COUNTER  
ORIGINAL  
CONTROL

6-5-87  
6-8-87  
6-5-87  
Bddy. Inspection  
Shroyley

APPROVED AS TO FORM:  
John Bal  
Assistant City Attorney

APPROVED AS TO CONTENT:  
Ray S. Lyman  
Planning Department

Contract (11/86)

008848

86-5213  
RECEIVED  
JUN 3 - 1987  
PLANNING DEPARTMENT

I certify that the zoning map has been revised to reflect the amendment of ordinance #8848 Date 6-5-87

THE STATE OF TEXAS            )  
                                          )  
COUNTY OF EL PASO            )       **SECOND AMENDMENT TO CONTRACT**

**WHEREAS**, a contract was entered into on 11 November 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL. and GILBERT MALOOLY, Second Parties, and THE CITY OF EL PASO, a home-rule municipal corporation, on certain property in El Paso County, Texas, as more fully described below; and

**WHEREAS**, said Contract was first amended on 26 March 1996, to release certain parcels from the conditions of the Contract; and

**WHEREAS**, application for release of all contract conditions on the property described herein has been made by JAM LAND, L.P., the successor in title and interest to the property; and

**WHEREAS**, a public hearing regarding such release of all contract conditions was held before the City Plan Commission, which has recommended approving the release of all contract conditions, which have been satisfied or are no longer necessary; and

**WHEREAS**, the City Council of the City of El Paso has determined that all conditions contained in said Contract should be released because the provisions thereof are no longer necessary, or the conditions thereof have been fulfilled;

**NOW, THEREFORE, BE IT KNOWN ALL MEN BY THESE PRESENTS:**

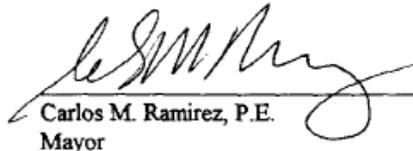
**THAT** the City of El Paso has released, and by these presents does hereby release, all conditions in their entirety, imposed by that **Ordinance No. 8848** dated 11 November 1986, as amended on 26 March 1996, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL. and GILBERT MALOOLY, Second Parties, and THE CITY OF EL PASO, only on the property described as *a portion of Tract 1, Section 4, Block 79, Township 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas*, as further described in Exhibit "A".

Reference is hereby made to the Contract imposed by Ordinance No. 8848, attached as Exhibit "B", and the Contract Amendment dated 26 March 1996, attached as Exhibit "C", and incorporated herein for all purposes for the provisions thereof.

Except as herein provided, all terms and conditions remain in effect as to any other property included in the terms of the Contract and the Contract Amendment. This instrument shall not release the restrictions, conditions and covenants contained in any zoning contract other than specifically listed above.

EXECUTED this 30<sup>th</sup> day of May, 2000.

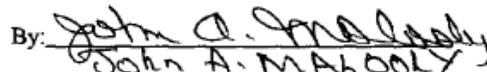
**THE CITY OF EL PASO**

  
\_\_\_\_\_  
Carlos M. Ramirez, P.E.  
Mayor

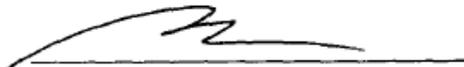
**ATTEST:**

  
\_\_\_\_\_  
Carole Hunter  
City Clerk

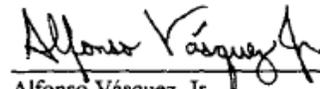
**APPLICANT:** JAM LAND, L. P.

By:   
John A. MAHOOLY  
(printed name/title) **MANAGER**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Guadalupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Alfonso Vázquez, Jr.  
Dept. of Planning, Research & Development

(Acknowledgment on following page)

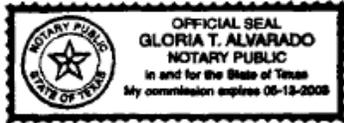
ACKNOWLEDGMENT

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 31<sup>st</sup> day of May, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of THE CITY OF EL PASO, a home-rule corporation.

My Commission Expires: May 13, 2003

Gloria T. Alvarado  
Notary Public, State of Texas  
Notary's Printed or Typed Name:



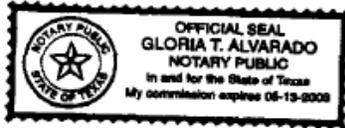
ACKNOWLEDGMENT

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 2<sup>nd</sup> day of May, 2000, by John A. Melody as Manager of JAM LAND, L.P., as Applicant.

My Commission Expires: May 13, 2003

Gloria T. Alvarado  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Gloria T. Alvarado



PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

PARCEL NO. 1  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point, said point being the southwest corner of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys; thence, North 89° 59' 35" East along the southerly boundary line of said Section 79 a distance of 144.76 feet to a point lying on the intersection of said southerly boundary line with the easterly right-of-way line of Loop 375 and said point being the POINT OF BEGINNING:

Thence, North 00° 33' 12" West along said easterly right-of-way line a distance of 1,055.73 feet:

Thence, North 01° 20' 48" East along said easterly right-of-way line a distance of 436.98 feet:

Thence, North 89° 58' 40" East a distance of 1,385.20 feet:

Thence, South 00° 58' 40" West a distance of 852.42 feet:

Thence, 601.34 feet along the arc of a curve to the left whose interior angle is 48° 29' 08", whose radius is 710.61 feet and whose chord bears South 23° 15' 54" East a distance of 583.56 feet:

Thence, South 47° 30' 28" East a distance of 154.65 feet to a point lying on the southerly boundary line of Section 45, Block 79, TSP 2:

Thence, South 89° 59' 35" West along said southerly boundary line a distance of 1,715.27 feet to the POINT OF BEGINNING and containing in all 48.832 acres of land, more or less.



Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986  
Revised October 3, 1986

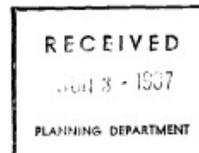


EXHIBIT "A"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

PARCEL NO. 2  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of said Section 45: thence, North 89° 59' 35" East along the southerly boundary line of said Section 45 a distance of 1,880.03; thence, North 47° 30' 28" West a distance of 43.95 feet to the POINT OF BEGINNING:

Thence, North 47° 30' 28" West a distance of 110.70 feet:

Thence, 601.34 feet along the arc of a curve to the right whose interior angle is 48° 29' 08", whose radius is 710.61 feet and whose chord bears North 23° 15' 54" West a distance of 583.56 feet:

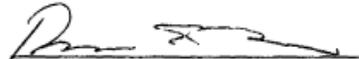
Thence, North 00° 56' 40" East a distance of 852.42 feet:

Thence, North 89° 58' 40" East a distance of 2,249.06 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 1,547.76 feet:

Thence, North 47° 30' 28" West a distance of 450.00 feet:

Thence, South 42° 29' 32" West a distance of 850.00 feet to the POINT OF BEGINNING and containing in all 45.405 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986  
Revised October 3, 1986

EXHIBIT "B"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
and a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-1

PARCEL NO. 3  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, and a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of said Section 45: thence, North 89° 59' 35" East along the southerly boundary line of said Section 45 a distance of 1,880.03 feet to the POINT OF BEGINNING:

Thence, North 47° 30' 28" West a distance of 43.95 feet:

Thence, North 42° 29' 32" East a distance of 850.00 feet:

Thence, South 47° 30' 28" East a distance of 450.00 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 850.00 feet:

Thence, North 47° 30' 28" West a distance of 406.05 feet to the POINT OF BEGINNING and containing in all 8.781 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "C"

PREPARED FOR: Tierra De Mi Padre Partnership  
Being a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

10 (1)

PARCEL NO. 4  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys; thence, North 89° 50' 35" West along the southerly boundary line of said Section 45 a distance of 1,312.81 feet to the POINT OF BEGINNING;

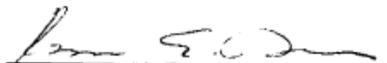
Thence, North 89° 50' 35" East along said southerly boundary line a distance of 402.46 feet;

Thence, South 47° 30' 28" East a distance of 406.05 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road;

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 825.00 feet;

Thence, North 47° 30' 28" West a distance of 195.96 feet;

Thence, North 00° 00' 25" West a distance of 750.19 feet to the POINT OF BEGINNING and containing in all 9.187 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1988

Exhibit "D"  
Ramon E. Lara  
9/12/88

PREPARED FOR: Tierra De Mi Padre Partnership  
Being a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

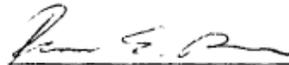
To C-3

PARCEL NO. 5  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of Section 45, Block 78, TSP 3, Texas and Pacific RR Co. Surveys; thence, North 89° 59' 35" East along said northerly boundary line a distance of 144.76 feet to a point lying on the intersection of said northerly boundary line with the easterly right-of-way line of Loop 375 and said point being the POINT OF BEGINNING:

- Thence, North 89° 59' 35" East along said northerly boundary line a distance of 1,312.81 feet;
- Thence, South 00° 00' 25" East a distance of 750.19 feet;
- Thence, South 47° 30' 28" East a distance of 195.96 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road;
- Thence, South 42° 29' 32" West along said northerly right-of-way line a distance of 787.16 feet;
- Thence, North 47° 30' 28" West a distance of 208.71 feet;
- Thence, 539.52 feet along the arc of a curve to the left whose interior angle is 43° 02' 37", whose radius is 718.15 feet and whose chord bears North 89° 01' 46" West a distance of 526.02 feet;
- Thence, South 89° 26' 55" West a distance of 266.85 feet to a point lying on the easterly right-of-way line of Loop 375;
- Thence, North 00° 33' 05" West along said easterly right-of-way line a distance of 1,135.92 feet to the POINT OF BEGINNING and containing in all 37.130 acres of land, more or less.



Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

Exhibit E  
C-3

PREPARED FOR: Tierra De Mi Padre Partnership  
Being a portion of Section 4, Block 70, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-4

PARCEL NO. 8  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 70, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the northwest corner of Section 4, Block 70, TSP 3, Texas and Pacific RR Co. Surveys: thence, North 89° 50' 35" West along the northerly boundary line of said Section 4 a distance of 144.78 feet to a point lying on the easterly right-of-way line of Loop 375; thence, South 00° 33' 05" East along said easterly right-of-way line a distance of 1,135.92 feet to the POINT OF BEGINNING:

Thence, North 89° 26' 55" East a distance of 268.85 feet:

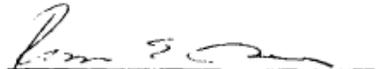
Thence, 530.52 feet along the arc of a curve to the right whose interior angle is 43° 02' 37", whose radius is 718.15 feet and whose chord bears South 89° 01' 46" East a distance of 526.92 feet:

Thence, South 47° 30' 28" East a distance of 208.71 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 1,116.80 feet to a point lying on the easterly right-of-way line of Loop 375:

Thence, North 70° 06' 19" West along said easterly right-of-way line a distance of 114.42 feet:

Thence, North 02° 43' 05" West along said easterly right-of-way line a distance of 1,112.78 feet to the POINT OF BEGINNING and containing in all 14.733 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "F"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
and a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

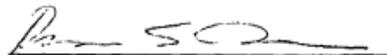
TO A-0  
PARCEL NO. 7  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, and a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southeast corner of Section 45; thence, South 89° 59' 35" West along the southerly boundary line a distance of 300.00 feet; thence, North 00° 33' 07" West along the westerly boundary line of a 300 foot El Paso Electric Company right-of-way a distance of 1,765.54 feet; thence, North 57° 30' 28" West a distance of 161.80 feet to the POINT OF BEGINNING;

- Thence, South 42° 29' 32" West a distance of 2,538.56 feet;
- Thence, North 47° 30' 28" West a distance of 450.00 feet to a point lying on the southwesterly right-of-way line of Zeragoza Road;
- Thence, North 42° 29' 32" East along said southeasterly right-of-way line a distance of 2,459.21 feet;

Thence, South 57° 30' 28" East a distance of 456.94 feet to the POINT OF BEGINNING and containing in all 25.815 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "G"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
and a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-1

PARCEL NO. 8  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, and a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

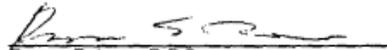
From a point, said point being the southeast corner of said Section 45; thence, South 80° 59' 35" West along the southeasterly boundary line of said Section 45 a distance of 300.00 feet; thence, North 00° 33' 07" West along the westerly boundary line of a 300 foot El Paso Electric Company right-of-way a distance of 1,765.54 feet; thence, North 57° 30' 28" West a distance of 161.90 feet; thence, South 42° 29' 32" West a distance of 2,538.56 feet to the POINT OF BEGINNING:

Thence, South 42° 29' 32" West a distance of 850.00 feet:

Thence, North 47° 30' 28" West a distance of 450.00 feet to a point lying on the southeasterly right-of-way line of Zaragoza Road;

Thence, North 42° 29' 32" East along said southeasterly right-of-way line a distance of 850.00 feet:

Thence, South 47° 30' 28" East a distance of 450.00 feet to the POINT OF BEGINNING and containing in all 8.781 acres of land, more or less.



Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1985

86-5213

Exhibit "H"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-1

PARCEL NO. 9  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southeast corner of said Section 45: thence, South 89° 59' 35" West a distance of 300.00 feet; thence, North 00° 33' 07" West along the westerly boundary line of a 300.00 foot El Paso Electric Company right-of-way a distance of 1,765.54 feet to the POINT OF BEGINNING:

Thence, North 57° 30' 28" West a distance of 818.84 feet to a point lying on the southeasterly right-of-way line of Zaragoza Road:

Thence, North 42° 29' 32" East along said southeasterly right-of-way line a distance of 760.00 feet:

Thence, South 00° 33' 07" East along the westerly boundary line of a 300.00 foot El Paso Electric Company right-of-way a distance of 892.87 feet to the POINT OF BEGINNING and containing in all 5.316 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "J"



PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-4

PARCEL NO. 11  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the northeast corner of said Section 4: thence, South 89° 59' 35" West along the northerly boundary line of said Section 4 a distance of 300.00 feet; thence, South 00° 35' 33" East along the westerly boundary line of a 300 foot El Paso Electric Company right-of-way a distance of 3,084.61 feet; thence, South 89° 22' 38" West a distance of 2,250.00 feet to the POINT OF BEGINNING:

Thence, 89° 22' 38" West a distance of 2,494.72 feet to a point lying on the easterly right-of-way line of Loop 375:

Thence, North 00° 31' 28" West along said easterly right-of-way line a distance of 60.05 feet:

Thence, North 50° 42' 05" West along said easterly right-of-way line a distance of 93.66 feet:

Thence, North 01° 03' 07" West along said easterly right-of-way line a distance of 373.79 feet:

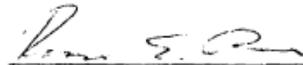
Thence, North 21° 51' 52" East along said easterly right-of-way line a distance of 187.08 feet:

Thence, North 42° 29' 32" East along the southeasterly right-of-way line of Zeragoza Road a distance of 2,884.70 feet:

Thence, South 47° 30' 28" East a distance of 490.69 feet:

Thence, 434.04 feet along the arc of a curve to the right whose interior angle is 48° 53' 06", whose radius is 530.42 feet and whose chord bears South 24° 03' 55" East a distance of 422.03 feet:

Thence, South 00° 37' 22" East a distance of 2,050.00 feet to the POINT OF BEGINNING and containing in all 108.97 acres of land, more or less.



Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "K"

RESOLUTION

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

That the Mayor be authorized to sign a contract with PEBBLE HILLS PARTNERSHIP, TIERRA DE MI PADRE PARTNERSHIP, MAURICE A. WILSON, ET AL, placing certain restrictions, conditions, and covenants on the property being rezoned by Ordinance No. 008848, more particularly described as a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys (northeast intersection of Loop 375 and Zaragosa Road).

ADOPTED this 11<sup>th</sup> day of NOVEMBER, 1986.

Jonathan W. Payne  
Mayor

ATTEST:

Carole Hunter  
City Clerk

APPROVED AS TO FORM:

John Bal  
Assistant City Attorney

86-5213  
RECEIVED  
JUN 3 - 1987  
PLANNING DEPARTMENT

# RESOLUTION

# 8848

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

That the Mayor be authorized to sign a Second Amendment to Contract between JAM LAND, L.P. and THE CITY OF EL PASO, amending the Contract imposed by Ordinance No. 8848 dated 11 November 1986, and first amended on 26 March 1996, to release all conditions on a portion of Tract 1, Section 4, Block 79, Township 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas, as further described in Exhibit "A" to said Amendment.

ADOPTED, this 30<sup>th</sup> day of May, 2000.

THE CITY OF EL PASO

*Carlos M. Ramirez*  
Carlos M. Ramirez, P.E.  
Mayor

ATTEST:  
*Sarale Hunt*  
Clerk

APPROVED AS TO FORM:

*R. Cuellar*  
City Attorney

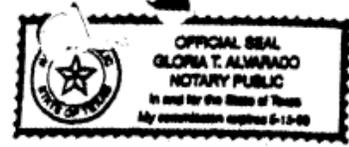
APPROVED AS TO CONTENT:

*Alfonso Vasquez Jr.*  
Alfonso Vasquez, Jr.  
Dept. of Planning, Research & Development

SC-00006  
42500

ACKNOWLEDGMENT

THE STATE OF TEXAS }  
COUNTY OF EL PASO }



This instrument is acknowledged before me on this 15<sup>th</sup> day of April, 1996,  
by LARRY FRANCIS, as Mayor of the City of El Paso, as a municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas

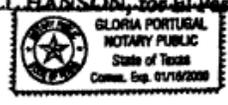
My Commission Expires:  
May 13, 1999

Notary's Printed or Typed Name:  
Gloria T. Alvarado

ACKNOWLEDGMENT

THE STATE OF TEXAS }  
COUNTY OF EL PASO }

This instrument is acknowledged before me on this 11<sup>th</sup> day of April, 1996,  
by RUSSELL HANSON, for El Paso/Sunridge Limited Partnership.



Gloria Portugal  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

Notary's Printed or Typed Name:  
\_\_\_\_\_

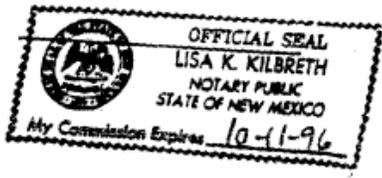
ACKNOWLEDGMENT

THE STATE OF NEW MEXICO }  
COUNTY OF BERNALILLO }

This instrument is acknowledged before me on this 6<sup>th</sup> day of April, 1996,  
by Robert M. Murphy, for Sandia Properties Ltd., Co.

Lisa K. Kilbreth  
Notary Public, State of New Mexico

My Commission Expires:



Notary's Printed or Typed Name:  
Lisa K. Kilbreth

EXHIBIT "C"

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO ) AMENDMENT OF CONTRACT

WHEREAS, a contract was entered into by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL., and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on 11 November, 1986, on certain property in El Paso, Texas, more fully described in Exhibit 'A'; and

WHEREAS, application for amendment of the conditions placed on the property described herein, has been made by Sandia Properties and Sun Ridge Limited Partnership, the successors in title and interest to the property; and

WHEREAS, The City Council of the City of El Paso has determined that the restrictions, conditions and covenants contained in said contract should be amended to adequately protect the public health, safety and welfare; and

NOW, THEREFORE, BE IT KNOWN TO ALL MEN BY THESE PRESENTS:

That the City of El Paso has amended and by these presents does hereby, amend the restrictions, conditions and covenants imposed by that Contract dated 11 November 1986 by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL. and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on the property described as a portion of Section 4, Block 79, TSP 3 and a portion of Section 45, Block 79, TSP 2, T&P RR Survey, in the City of El Paso, County of El Paso, Texas, as follows:

Conditions 1 and 4 are deleted in their entirety.  
Conditions 2 and 3 remain unchanged.

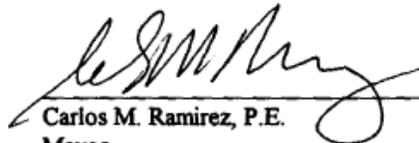
50006

Reference is hereby made to the Contract imposed by Ordinance No. 8848, attached as Exhibit "B", and the Contract Amendment dated 26 March 1996, attached as Exhibit "C", and incorporated herein for all purposes for the provisions thereof.

Except as herein provided, all terms and conditions remain in effect as to any other property included in the terms of the Contract and the Contract Amendment. This instrument shall not release the restrictions, conditions and covenants contained in any zoning contract other than specifically listed above.

EXECUTED this 30<sup>th</sup> day of May, 2000.

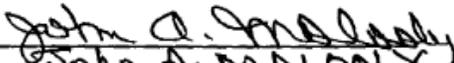
**THE CITY OF EL PASO**

  
\_\_\_\_\_  
Carlos M. Ramirez, P.E.  
Mayor

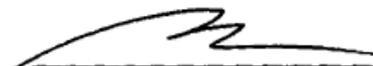
**ATTEST:**

  
\_\_\_\_\_  
Carole Hunter  
City Clerk

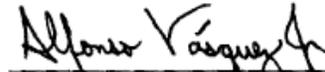
**APPLICANT:** JAM LAND, L. P.

By:   
\_\_\_\_\_  
John A. MALOOLY  
(printed name/title) MANAGER

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Guadalupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Alfonso Vasquez, Jr.  
Dept. of Planning, Research & Development

(Acknowledgment on following page)

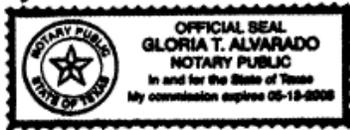
ACKNOWLEDGMENT

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 31<sup>st</sup> day of May, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of THE CITY OF EL PASO, a home-rule corporation .

My Commission Expires: May 13, 2003

Gloria T. Alvarado  
Notary Public, State of Texas  
Notary's Printed or Typed Name: \_\_\_\_\_



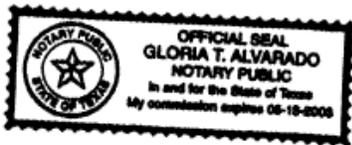
ACKNOWLEDGMENT

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 2<sup>nd</sup> day of May, 2000, by John A. Melody as Manager of JAM LAND, L.P., as Applicant.

My Commission Expires: May 13, 2003

Gloria T. Alvarado  
Notary Public, State of Texas  
Notary's Printed or Typed Name: Gloria T. Alvarado



CUELLAR.pmo#70509

SC-00006  
4/23/00



THE STATE OF TEXAS )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 17<sup>th</sup> day of November, 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE WALLS, General Agent for T. & P. Land Trust, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL, and GILBERT MALOOLY, 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 Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "A" through "K", which are made a part hereof by reference.

To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-3 (Residential) to the following:

- C-3 (Commercial) - Parcel 1 (48.832 acres)
- A-O (Apartment/Office) - Parcel 2 (45.405 acres)
- C-1 (Commercial) - Parcel 3 (8.781 acres)
- C-1 (Commercial) - Parcel 4 (9.167 acres)
- C-3 (Commercial) - Parcel 5 (37.130 acres)
- C-4 (Commercial) - Parcel 6 (14.733 acres)
- A-O (Apartment/Office) - Parcel 7 (25.815 acres)
- C-1 (Commercial) - Parcel 8 (8.781 acres)
- C-1 (Commercial) - Parcel 9 (5.316 acres)
- C-1 (Commercial) - Parcel 10 (12.801 acres)
- C-4 (Commercial) - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Pebble Hills or its successors in interest, shall dedicate the required right-of-way and shall improve the entire 120-foot width of Montwood extension from its property line east of Loop 375 to the western boundary of El Paso Electric Company right-of-way and shall pay the cost of construction of the installation of public utilities within the Montwood Drive right-of-way whenever development of Pebble Hills' property, where it abuts Montwood or its proposed extension, takes place. Pebble Hills or its successors in interest shall dedicate and build the entire width of Montwood where it abuts its property, as required by the subdivision ordinance unless the property described as Tract 3, Section 4, Block 79, T&PRR Co. Survey, El Paso County, to the south of the proposed Montwood extension be annexed or platted prior to platting of its property by Pebble Hills. In such event, both Parties shall be required to provide right-of-way and improvements as required by ordinance.

*Ord. 8848  
(11-11-86)*

RECEIVED  
96-5-213  
11/11/86  
PLANNING DEPARTMENT

2. City agrees that it shall enforce existing ordinances regarding denial of access to owners of property abutting Montwood Extension in Tract 3, Section 7, Block 79, Tsp. 3, T&PRR Co. Surveys, El Paso County, unless and until Pebble Hills and the City consent to the release of such access restriction, based on those property owners providing their proportionate share, based on frontage to Montwood extension, of the right-of-way and the cost of construction and improvements as required by ordinance.

3. Pebble Hills agrees to donate to the City a ten-acre parcel of land within the land to be annexed for park usage purposes. The exact location of the parcel shall be determined at the subdivision platting stage of development.

4. Pebble Hills also agrees to donate to the City a 150' x 150' parcel of property within the land to be annexed for a future fire station site. The exact location of the parcel shall be determined at the subdivision platting stage of development.

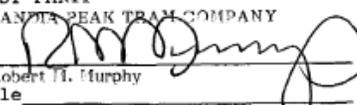
5. Pebble Hills agrees to provide twenty (20) feet of landscaping along the entire length of the easterly property line of Parcel 11, between Parcel 8 and Parcel 10 of the subject property.

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 amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

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

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

PEBBLE HILLS PARTNERSHIP  
FIRST PARTY  
By SANDIA PEAK TRAM COMPANY  
By   
Robert H. Murphy  
Title President & Chairman, Sandia Peak Tram Company

ATTEST:

Secretary  
86-5213

TIERRA DE MI PADRE PARTNERSHIP  
FIRST PARTY

By [Signature]  
Title managing partner

ATTEST:

\_\_\_\_\_  
Secretary

SECOND PARTIES

~~\_\_\_\_\_  
MAURICE A. WILSON~~

~~\_\_\_\_\_  
GEORGE C. FRASER, III~~

~~\_\_\_\_\_  
GEORGE A. WILSON~~

[Signature]  
MERTON D. GOLDMAN, TRUSTEE

[Signature]  
DONALD A. MALOOLY, ET AL

[Signature]  
GILBERT MALOOLY  
[Signature]

THE CITY OF EL PASO  
THIRD PARTY

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

NEW MEXICO<sup>lc</sup>  
THE STATE OF TEXAS )  
BERNALILLO<sup>lc</sup> )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 14<sup>th</sup> day of November, 1986, by Robert M. Murphy, on behalf of PEBBLE HILLS PARTNERSHIP.

My Commission Expires:  
10-11-88

Lisa K. Cornwell  
Notary Public, State of Texas  
OFFICIAL SEAL  
LISA K. CORNWELL  
NOTARY PUBLIC STATE OF NEW MEXICO  
Notary Bond Filed with Secretary of State  
My Commission Expires 10-11-88

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 11<sup>th</sup> day of September, 1986, by Gilbert Massey Sr., on behalf of TIERRA DE MI PADRE PARTNERSHIP.

My Commission Expires:  
7/31/89

Natalie Gomez  
Notary Public, State of Texas  
NATALIE GOMEZ, Notary Public  
in and for the State of Texas  
My Commission Expires July 31, 1989

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 1986, by MAURICE A. WILSON.

My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 1986, by GEORGE C. FRASER, III.

My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

~~THE STATE OF TEXAS )  
COUNTY OF EL PASO )~~

~~This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 1986, by GEORGE A. WILSON.~~

~~My Commission Expires: \_\_\_\_\_  
Notary Public, State of Texas~~

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 20th day of March, 1988, by MERTON D. GOLDMAN, TRUSTEE.

My Commission Expires: \_\_\_\_\_  
Lynne K. Mottley  
Notary Public, State of Texas

10-17-90

THE STATE OF TEXAS )  
COUNTY OF EL PASO )



This instrument was acknowledged before me on this 1st day of December, 1986, by DONALD A. MALOOLY.

My Commission Expires: \_\_\_\_\_  
Natalie Gomez  
Notary Public, State of Texas

7/31/89

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 11th day of September, 1986, BY GILBERT MALOOLY.

My Commission Expires: \_\_\_\_\_  
Natalie Gomez  
Notary Public, State of Texas

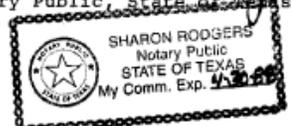
7/31/89

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 23rd day of December, 1986, BY JONATHAN W. ROGERS, as Mayor of the City of El Paso.

My Commission Expires: \_\_\_\_\_  
Sharon Rodgers  
Notary Public, State of Texas

ZNG3:025



SECOND PARTY

Maurice Walls  
MAURICE WALLS

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 26th day of May, 1987, by MAURICE WALLS, General Agent for T. & P. Land Trust.

Sandra Branum  
Notary Public, State of Texas

My Commission Expires:  
3/29/89

ZNG3:025



SANDRA BRANUM  
Notary Public, State of Texas  
My Commission expires March 29, 1989

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas

PARCEL NO. 1  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point, said point being the southwest corner of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys; thence, North 89° 59' 35" East along the southerly boundary line of said Section 79 a distance of 144.76 feet to a point lying on the intersection of said southerly boundary line with the easterly right-of-way line of Loop 375 and said point being the POINT OF BEGINNING:

Thence, North 00° 33' 12" West along said easterly right-of-way line a distance of 1,055.73 feet:

Thence, North 01° 20' 48" East along said easterly right-of-way line a distance of 436.73 feet:

Thence, South 89° 58' 40" East a distance of 1,385.20 feet:

Thence, South 00° 58' 40" West a distance of 828.42 feet:

Thence, 601.34 feet along the arc of a curve to the left whose interior angle is 48° 29' 08", whose radius is 710.61 feet and whose chord bears South 23° 15' 54" East a distance of 583.56 feet:

Thence, South 47° 30' 28" West a distance of 154.65 feet to a point lying on the southerly boundary line of Section 45, Block 79, TSP 2:

Thence, South 89° 59' 35" West along said southerly boundary line a distance of 1,715.27 feet to the POINT OF BEGINNING and containing in all 48.832 acres of land, more or less.

  
\_\_\_\_\_  
Ramon E. Lera, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986  
Revised October 3, 1986

C-3

Exhibit "A"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

PARCEL NO. 2  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of said Section 45: thence, North  $89^{\circ} 59' 35''$  East along the southerly boundary line of said Section 45 a distance of 1,860.03; thence, North  $47^{\circ} 30' 28''$  West a distance of 43.95 feet to the POINT OF BEGINNING:

Thence, North  $47^{\circ} 30' 28''$  West a distance of 110.70 feet:

Thence, 601.34 feet along the arc of a curve to the right whose interior angle is  $48^{\circ} 29' 08''$ , whose radius is 710.61 feet and whose chord bears North  $23^{\circ} 15' 54''$  West a distance of 583.56 feet:

Thence, North  $00^{\circ} 58' 40''$  East a distance of 828.42 feet:

Thence, South  $89^{\circ} 01' 20''$  East a distance of 2,240.05 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South  $42^{\circ} 29' 32''$  West along said northwesterly right-of-way line a distance of 1,547.76 feet:

Thence, North  $47^{\circ} 30' 28''$  West a distance of 450.00 feet:

Thence, South  $42^{\circ} 27' 32''$  West a distance of 850.00 feet to the POINT OF BEGINNING and containing in all 45.405 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986  
Revised October 3, 1986

A-0  
86-5213

Exhibit "B"

REVISED

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
and a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-1

PARCEL NO. 3  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, and a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of said Section 45: thence, North 89° 59' 35" East along the southerly boundary line of said Section 45 a distance of 1,880.03 feet to the POINT OF BEGINNING:

Thence, North 47° 30' 28" West a distance of 43.95 feet:

Thence, North 42° 29' 32" East a distance of 850.00 feet:

Thence, South 47° 30' 28" East a distance of 450.00 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 850.00 feet:

Thence, North 47° 30' 28" West a distance of 406.05 feet to the POINT OF BEGINNING and containing in all 8.781 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "C"

PREPARED FOR: Tierra De Mi Padre Partnership  
Being a portion of Section 4, Block 70, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

10 C-1

PARCEL NO. 4  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 70, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of Section 45, Block 70, TSP 2, Texas and Pacific RR Co. Surveys: thence, North 89° 59' 35" West along the southerly boundary line of said Section 45 a distance of 1,312.81 feet to the POINT OF BEGINNING:

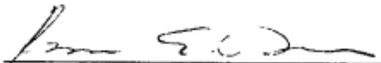
Thence, North 89° 59' 35" East along said southerly boundary line a distance of 402.46 feet:

Thence, South 47° 30' 28" East a distance of 406.05 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 825.00 feet:

Thence, North 47° 30' 28" West a distance of 195.96 feet:

Thence, North 00° 00' 25" West a distance of 750.19 feet to the POINT OF BEGINNING and containing in all 9.167 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

Exhibit "D"

*Handwritten initials and date*

PREPARED FOR: Tierra De Mi Padre Partnership  
Being a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

To C-3

PARCEL NO. 5  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the southwest corner of Section 45, Block 79, TSP 3, Texas and Pacific RR Co. Surveys: thence, North 89° 59' 35" East along said northerly boundary line a distance of 144.76 feet to a point lying on the intersection of said northerly boundary line with the easterly right-of-way line of Loop 375 and said point being the POINT OF BEGINNING:

Thence, North 89° 59' 35" East along said northerly boundary line a distance of 1,312.81 feet:

Thence, South 00° 00' 26" East a distance of 750.19 feet:

Thence, South 47° 30' 28" East a distance of 195.06 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northerly right-of-way line a distance of 787.16 feet:

Thence, North 47° 30' 28" West a distance of 208.71 feet:

Thence, 539.52 feet along the arc of a curve to the left whose interior angle is 43° 02' 37", whose radius is 718.15 feet and whose chord bears North 69° 01' 46" West a distance of 526.92 feet:

Thence, South 89° 26' 55" West a distance of 268.65 feet to a point lying on the easterly right-of-way line of Loop 375:

Thence, North 00° 33' 05" West along said easterly right-of-way line a distance of 1,135.92 feet to the POINT OF BEGINNING and containing in all 37.130 acres of land, more or less.

  
\_\_\_\_\_  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

Exhibit E  
Cancel

PREPARED FOR: Tierra De Mi Padre Partnership  
Being a portion of Section 4, Block 70, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-4

PARCEL NO. 8  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 70, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the northwest corner of Section 4, Block 70, TSP 3, Texas and Pacific RR Co. Surveys: thence, North 89° 59' 35" West along the northerly boundary line of said Section 4 a distance of 144.70 feet to a point lying on the easterly right-of-way line of Loop 375; thence, South 00° 33' 05" East along said easterly right-of-way line a distance of 1,135.92 feet to the POINT OF BEGINNING:

Thence, North 89° 26' 55" East a distance of 268.85 feet:

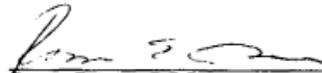
Thence, 539.52 feet along the arc of a curve to the right whose interior angle is 43° 02' 37", whose radius is 718.15 feet and whose chord bears South 89° 01' 46" East a distance of 528.92 feet:

Thence, South 47° 30' 28" East a distance of 208.71 feet to a point lying on the northwesterly right-of-way line of Zaragoza Road:

Thence, South 42° 29' 32" West along said northwesterly right-of-way line a distance of 1,116.80 feet to a point lying on the easterly right-of-way line of Loop 375:

Thence, North 70° 06' 19" West along said easterly right-of-way line a distance of 114.42 feet:

Thence, North 02° 43' 05" West along said easterly right-of-way line a distance of 1,112.78 feet to the POINT OF BEGINNING and containing in all 14,733 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1985

86-5213

Exhibit "F"



PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 45, Block 79, TSP 2,  
and a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-1

PARCEL NO. 8  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 45, Block 79, TSP 2, and a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

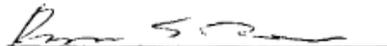
From a point, said point being the southeast corner of said Section 45: thence, South 89° 59' 35" West along the southeasterly boundary line of said Section 45 a distance of 300.00 feet; thence, North 00° 33' 07" West along the westerly boundary line of a 300 foot El Paso Electric Company right-of-way a distance of 1,765.54 feet; thence, North 57° 30' 28" West a distance of 161.90 feet; thence, South 42° 29' 32" West a distance of 2,538.56 feet to the POINT OF BEGINNING:

Thence, South 42° 29' 32" West a distance of 850.00 feet:

Thence, North 47° 30' 28" West a distance of 450.00 feet to a point lying on the southeasterly right-of-way line of Zaragoza Road:

Thence, North 42° 29' 32" East along said southeasterly right-of-way line a distance of 850.00 feet:

Thence, South 47° 30' 28" East a distance of 450.00 feet to the POINT OF BEGINNING and containing in all 8.781 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "H"



PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-1

PARCEL NO. 10  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

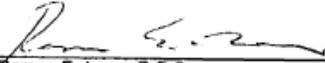
From a point, said point being the northeast corner of said Section 4; thence, South 89° 59' 35" West along the northerly boundary line of said Section 4 a distance of 300.00 feet; thence, South 00° 35' 33" East along the westerly boundary line of a 300 foot El Paso Electric Company right-of-way a distance of 3,084.61 feet; thence, South 89° 22' 37" West a distance of 1,430.00 feet to the POINT OF BEGINNING;

Thence, South 89° 22' 37" West a distance of 820.00 feet;

Thence, North 00° 37' 22" West a distance of 680.00 feet;

Thence, North 89° 22' 38" East a distance of 820.00 feet;

Thence, South 00° 37' 22" East a distance of 680.00 feet to the POINT OF BEGINNING and containing in all 12.801 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "J"

PREPARED FOR: Pebble Hills Partnership  
Being a portion of Section 4, Block 79, TSP 3,  
Texas and Pacific RR Co. Surveys, El Paso  
County, Texas.

TO C-4

PARCEL NO. 11  
PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Section 4, Block 79, TSP 3, Texas and Pacific RR Co. Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the northeast corner of said Section 4; thence, South 89° 59' 35" West along the northerly boundary line of said Section 4 a distance of 300.00 feet; thence, South 00° 35' 33" East along the westerly boundary line of a 300 foot El Paso Electric Company right-of-way a distance of 3,084.61 feet; thence, South 89° 22' 38" West a distance of 2,250.00 feet to the POINT OF BEGINNING:

Thence, 89° 22' 38" West a distance of 2,494.72 feet to a point lying on the easterly right-of-way line of Loop 375:

Thence, North 00° 31' 28" West along said easterly right-of-way line a distance of 60.05 feet:

Thence, North 50° 42' 05" West along said easterly right-of-way line a distance of 93.66 feet:

Thence, North 01° 03' 07" West along said easterly right-of-way line a distance of 373.78 feet:

Thence, North 21° 51' 52" East along said easterly right-of-way line a distance of 187.08 feet:

Thence, North 42° 29' 32" East along the southeasterly right-of-way line of Zaragoza Road a distance of 2,884.70 feet:

Thence, South 47° 30' 28" East a distance of 490.69 feet:

Thence, 434.04 feet along the arc of a curve to the right whose interior angle is 48° 53' 06", whose radius is 530.42 feet and whose chord bears South 24° 03' 55" East a distance of 422.03 feet:

Thence, South 00° 37' 22" East a distance of 2,050.00 feet to the POINT OF BEGINNING and containing in all 108.97 acres of land, more or less.

  
\_\_\_\_\_  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

September 12, 1986

86-5213

Exhibit "K"

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 17<sup>th</sup> day of November, 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE WALLS, General Agent for T. & P. Land Trust, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL, and GILBERT MALOOLY, 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 Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "A" through "K", which are made a part hereof by reference.

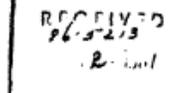
To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-3 (Residential) to the following:

- C-3 (Commercial) - Parcel 1 (48.832 acres)
- A-O (Apartment/Office) - Parcel 2 (45.405 acres)
- C-1 (Commercial) - Parcel 3 (8.781 acres)
- C-1 (Commercial) - Parcel 4 (9.167 acres)
- C-3 (Commercial) - Parcel 5 (37.130 acres)
- C-4 (Commercial) - Parcel 6 (14.733 acres)
- A-O (Apartment/Office) - Parcel 7 (25.815 acres)
- C-1 (Commercial) - Parcel 8 (8.781 acres)
- C-1 (Commercial) - Parcel 9 (5.316 acres)
- C-1 (Commercial) - Parcel 10 (12.801 acres)
- C-4 (Commercial) - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Pebble Hills or its successors in interest, shall dedicate the required right-of-way and shall improve the entire 120-foot width of Montwood extension from its property line east of Loop 375 to the western boundary of El Paso Electric Company right-of-way and shall pay the cost of construction of the installation of public utilities within the Montwood Drive right-of-way whenever development of Pebble Hills' property, where it abuts Montwood or its proposed extension, takes place. Pebble Hills or its successors in interest shall dedicate and build the entire width of Montwood where it abuts its property, as required by the subdivision ordinance unless the property described as Tract 3, Section 4, Block 79, T&PRR Co. Survey, El Paso County, to the south of the proposed Montwood extension be annexed or platted prior to platting of its property by Pebble Hills. In such event, both Parties shall be required to provide ~~right-of-way and~~ improvements as required by ordinance.

*Ord. 8848  
(11-11-86)*



2. City agrees that it shall enforce existing ordinances regarding denial of access to owners of property abutting Montwood Extension in Tract 3, Section 7, Block 79, Tsp. 3, T&PRR Co. Surveys, El Paso County, unless and until Pebble Hills and the City consent to the release of such access restriction, based on those property owners providing their proportionate share, based on frontage to Montwood extension, of the right-of-way and the cost of construction and improvements as required by ordinance.

3. Pebble Hills agrees to donate to the City a ten-acre parcel of land within the land to be annexed for park usage purposes. The exact location of the parcel shall be determined at the subdivision platting stage of development.

4. Pebble Hills also agrees to donate to the City a 150' x 150' parcel of property within the land to be annexed for a future fire station site. The exact location of the parcel shall be determined at the subdivision platting stage of development.

5. Pebble Hills agrees to provide twenty (20) feet of landscaping along the entire length of the easterly property line of Parcel 11, between Parcel 8 and Parcel 10 of the subject property.

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 amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

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

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

PEBBLE HILLS PARTNERSHIP  
FIRST PARTY  
By SANDIA PEAK TRAM COMPANY

By   
Robert M. Murphy  
Title  
President & Chairman, Sandia Peak  
Tram Company

ATTEST:

Secretary

86-5213

TIERRA DE MI PADRE PARTNERSHIP  
FIRST PARTY

By [Signature]  
Title [Signature]

ATTEST:

Secretary \_\_\_\_\_

SECOND PARTIES

~~MAURICE A. WILSON~~

~~GEORGE C. FRASER, III~~

~~GEORGE A. WILSON~~

[Signature]  
MERTON D. GOLDMAN, TRUSTEE

[Signature]  
DONALD A. MALOOLY, ET AL

[Signature]  
GILBERT MALOOLY

THE CITY OF EL PASO  
THIRD PARTY

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

EXHIBIT "C"

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )                    AMENDMENT OF CONTRACT

WHEREAS, a contract was entered into by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL., and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on 11 November, 1986, on certain property in El Paso, Texas, more fully described in Exhibit 'A'; and

WHEREAS, application for amendment of the conditions placed on the property described herein, has been made by Sandia Properties and <sup>El Paso/</sup> Sun Ridge Limited Partnership, the successors in title and interest to the property; and

WHEREAS, The City Council of the City of El Paso has determined that the restrictions, conditions and covenants contained in said contract should be amended to adequately protect the public health, safety and welfare; and

NOW, THEREFORE, BE IT KNOWN TO ALL MEN BY THESE PRESENTS:

That the City of El Paso has amended and by these presents does hereby, amend the restrictions, conditions and covenants imposed by that Contract dated 11 November 1986 by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL. and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on the property described as a portion of Section 4, Block 79, TSP 3 and a portion of Section 45, Block 79, TSP 2, T&P RR Survey, in the City of El Paso, County of El Paso, Texas, as follows:

Conditions 1 and 4 are deleted in their entirety.  
Conditions 2 and 3 remain unchanged.

50006

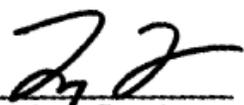
Condition 5 to be amended as follows: "Property owners will provide a 20'-wide landscaped strip along the eastern boundary of the C-4 portion of Parcel 11 to form a buffer between the C-4 and R-3A portions of Parcel 11 prior to the issuance of any Certificates of Occupancy".

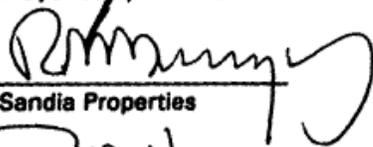
Condition 6 to be added as follows: "Property owners will provide a 15'-wide landscaped strip along the eastern boundary of the C-3 portion of Parcel 1 to form a buffer between the C-3 and R-3A portion of Parcel 1 prior to the issuance of any Certificates of Occupancy".

Reference is hereby made to the Contract, attached as Exhibit 'B' and incorporated herein, for all purposes, for the provisions thereof.

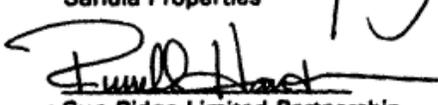
Except as herein provided, all terms and conditions remain in effect as to any other property included in the terms of the Contract. This instrument shall not release the restrictions, conditions and covenants contained in any zoning contract other than specifically, listed above.

PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF March 1996.

  
\_\_\_\_\_  
Mayor Larry Francis

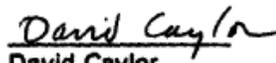
  
\_\_\_\_\_  
Sandia Properties

ATTEST:

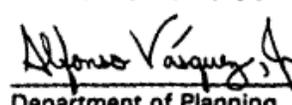
  
\_\_\_\_\_  
El Paso/ Sun Ridge Limited Partnership

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Caylor  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Department of Planning,  
Research & Development

SC0006

ACKNOWLEDGMENT

THE STATE OF TEXAS )  
COUNTY OF EL PASO )



This instrument is acknowledged before me on this 15<sup>th</sup> day of April, 1996,  
by LARRY FRANCIS, as Mayor of the City of El Paso, as a municipal corporation.

Notary Public, State of Texas

My Commission Expires:

May 13, 1999

Notary's Printed or Typed Name:

Gloria T. Alvarado

ACKNOWLEDGMENT

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 11<sup>th</sup> day of April, 1996,  
by RUSSELL HANSON, for El Paso/Sunridge Limited Partnership.



Gloria Portugal  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

Notary's Printed or Typed Name:

\_\_\_\_\_

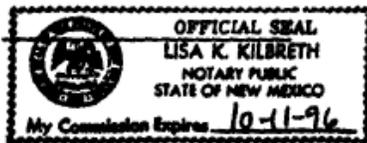
ACKNOWLEDGMENT

THE STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )

This instrument is acknowledged before me on this 5<sup>th</sup> day of April, 1996,  
by Robert M. Murphy, for Sandia Properties Ltd., Co.

Lisa K. Kilbreth  
Notary Public, State of New Mexico

My Commission Expires:



Notary's Printed or Typed Name:

Lisa K. Kilbreth

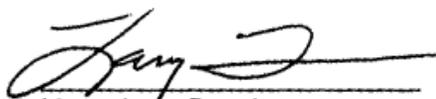
SC0006

RESOLUTION

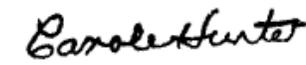
THAT the Mayor be authorized to sign a Contract Amendment by and between the City of El Paso and Sandia Properties, amending the conditions imposed by the Contract dated 11 November 1986 on certain property described as a portion of Section 4, Block 79, TSP 3 and a portion of Section 45, Block 79, TSP 2, T & P RR Survey, in the City of El Paso, County of El Paso, Texas.

PASSED AND APPROVED THIS 20th DAY OF March, 1996.

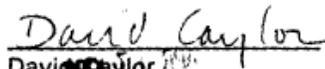
CITY OF EL PASO

  
\_\_\_\_\_  
Mayor Larry Francis

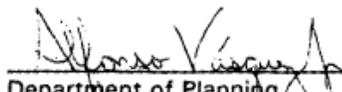
ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Taylor  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Department of Planning,  
Research & Development

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

**AMENDMENT OF CONTRACT**

WHEREAS, a contract was entered into by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL., and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on 11 November, 1986, on certain property in El Paso, Texas, more fully described in Exhibit 'A'; and

WHEREAS, application for amendment of the conditions placed on the property described herein, has been made by Sandia Properties and <sup>El Paso/</sup> Sun Ridge Limited Partnership, the successors

in title and interest to the property; and

WHEREAS, The City Council of the City of El Paso has determined that the restrictions, conditions and covenants contained in said contract should be amended to adequately protect the public health, safety and welfare; and

**NOW, THEREFORE, BE IT KNOWN TO ALL MEN BY THESE PRESENTS:**

That the City of El Paso has amended and by these presents does hereby, amend the restrictions, conditions and covenants imposed by that Contract dated 11 November 1986 by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL. and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on the property described as a portion of Section 4, Block 79, TSP 3 and a portion of Section 45, Block 79, TSP 2, T&P RR Survey, in the City of El Paso, County of El Paso, Texas, as follows:

- Conditions 1 and 4 are deleted in their entirety.
- Conditions 2 and 3 remain unchanged.

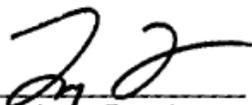
Condition 5 to be amended as follows: "Property owners will provide a 20'-wide landscaped strip along the eastern boundary of the C-4 portion of Parcel 11 to form a buffer between the C-4 and R-3A portions of Parcel 11 prior to the issuance of any Certificates of Occupancy".

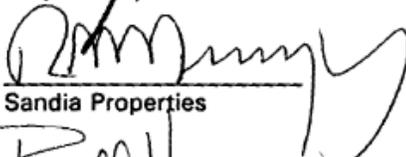
Condition 6 to be added as follows: "Property owners will provide a 15'-wide landscaped strip along the eastern boundary of the C-3 portion of Parcel 1 to form a buffer between the C-3 and R-3A portion of Parcel 1 prior to the issuance of any Certificates of Occupancy".

Reference is hereby made to the Contract, attached as Exhibit 'B' and incorporated herein, for all purposes, for the provisions thereof.

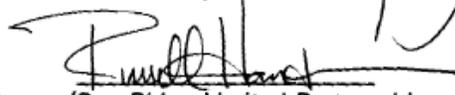
Except as herein provided, all terms and conditions remain in effect as to any other property included in the terms of the Contract. This instrument shall not release the restrictions, conditions and covenants contained in any zoning contract other than specifically, listed above.

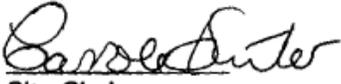
PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF March, 1996.

  
\_\_\_\_\_  
Mayor Larry Francis

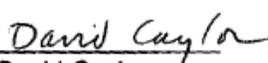
  
\_\_\_\_\_  
Sandia Properties

ATTEST:

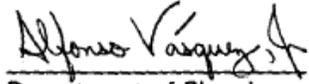
  
\_\_\_\_\_  
El Paso / Sun Ridge Limited Partnership

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Caylor  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Alfonso Vasquez  
Department of Planning,  
Research & Development

ORDINANCE NO. 15972

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 3, BLOCK 46, SUN RIDGE UNIT 12, EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

That the zoning of a portion of Lot 3, Block 46, Sun Ridge Unit 12, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract), in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. A six foot high rock wall shall be erected and maintained at the rear of the property line opposite Zaragosa Road.
2. No access shall be permitted from Sun Country Drive.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

**PASSED AND APPROVED** this 21<sup>st</sup> day of December, 2004.

*(signatures on following page)*

DOC: 5898 - Planning /7/ORD - Zoning Change MW

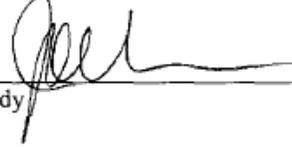
12/21/2004

ORDINANCE NO. 15972

**Zoning Case No. ZON04-00126**

THE CITY OF EL PASO

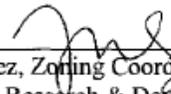
Joe Wardy  
Mayor

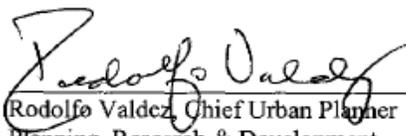


ATTEST:

*for* Diana Nunez - Deputy City Clerk  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

APPROVED AS TO FORM:

  
Matt Watson, Assistant City Attorney

DOC: 5898 - Planning /7/ORD - Zoning Change MW  
15972  
ORDINANCE NO. \_\_\_\_\_

12/21/2004

Zoning Case No. ZON04-00126

**PORTION OF LOT 3, BLOCK 46  
SUN RIDGE SUBDIVISION, UNIT 12  
CITY OF EL PASO, TEXAS  
COUNTY OF EL PASO, TEXAS**

Legal description of a portion of Lot 3, Block 46, Sun Ridge Subdivision, Unit 12, being described by metes and bounds as follows;

Beginning at the centerline intersection of Zaragoza Road (F.M. 659) and Sun Fire Blvd., thence South 47°23'49" East, along the centerline of Sun Fire Blvd., a distance of 50.00 feet, thence North 42°31'00" East, along the Southerly R.O.W. line of Zaragoza Road, a distance of 596.19 feet to the POINT OF BEGINNING for this legal description:

Beginning at said point, thence North 42°31'00" East, along said Southerly R.O.W. line of Zaragoza Road, a distance of 89.87 feet;

Thence, South 47°29'00" East, a distance of 171.00 feet;

Thence, South 42°31'00" West, a distance of 89.87 feet;

Thence, North 47°29'00" West, a distance of 171.00 feet to the point of beginning for this Legal Description.

Said parcel of land containing 15,367.77 square feet or 0.3528 acre more or less.



Exhibit "A"