



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

**Case No:** PZCR16-00005  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** August 25, 2016  
**Staff Planner:** Andrew Salloum, 915-212-1643, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 6450 North Desert Boulevard  
**Legal Description:** All of Tract 1B1, S.J. Larkin Survey 266, and a portion of Tracts 60, 61A and all of Tract 62A, W.H. Glenn Survey 241, City of El Paso, El Paso County, Texas

**Acreage:** 63.47 acres

**Rep District:** 1

**Zoning:** C-4/sc (Commercial/special contract)

**Existing Use:** Vacant

**C/SC/SP/ZBA/LNC:** Special Contract: Ordinance No. 7367, dated November 3, 1981  
Special Contract: Ordinance No. 8457, dated September 10, 1985

**Request:** To release all conditions imposed by Ordinance No. 7367 and No. 8457

**Proposed Use:** Commercial development

**Property Owner:** ROP Artcraft, LLC

**Representative:** Steve Howerton

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

**North:** C-4/sc (Commercial/special contract) / Office warehouse

**South:** M-1 (Light Manufacturing) / Vacant

**East:** C-4/sc (Commercial/special contract) / Office warehouse

**West:** C-4/sc (Commercial/special contract) / Interstate 10, restaurants, hotel and vacant

**PLAN EL PASO DESIGNATION:** G-7, Industrial and/or Railyards (Northwest Planning Area)

**NEAREST PARK:** Cimarron Unit 1 Park (2,189 feet)

**NEAREST SCHOOL:** Brown Middle School (2,553 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association

Upper Mesa Hills Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 10, 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 3, 1981, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-4/sc (Commercial/special contract) and imposed by Ordinance No. 7367 (see Attachment 5) as follows:

*First party shall be required to construct the northern right of way of Artcraft Road from the Interstate Highway 10 frontage road to the eastern portion of the property and shall design and construct said improvements to the satisfaction of the State Department of Highways and Public Transportation of the City of El Paso before the City of El Paso will issue certificates of occupancy and compliance for any buildings or other structures to be built on Parcel 2.*

*The applicant is requesting to release the condition referenced in their entirety.*

On September 10, 1985, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-4/sc (Commercial/special contract) and imposed by Ordinance No. 8457 (see Attachment 6) as follows:

- 1. Prior to the issuance of any building permits, a subdivision plat must be filed of record.*
- 2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the Plan Commission and the City Council.*

*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 and Ordinance No. 7367, November 3, 1981, (see Attachment 5) and Ordinance No. 8457, dated September 10, 1985 (see Attachment 6). The conditions imposed by the rezoning special contract are no longer necessary or have been satisfied on existing commercially zoned properties. The commercial development uses shall comply with the all El Paso City Code requirement prior to the issuance of a certificate of occupancy.

### **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-7 Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.

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.

### **Plan El Paso - Goals & Policies**

Goal 2.2: The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.

Policy 2.2.5: The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.

### **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  
PZCR16-00005

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 condition release.

**Planning and Inspections Department - Land Development**

No objections to proposed condition release.

Approval of the site plan 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. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

**TXDOT**

TxDOT had coordinated with the developer and the City of El Paso to get the access and drainage plan approved. TxDOT has already issue the approval for both items.

**Street and Maintenance Department**

No objections to conditions release.

**Fire Department**

Recommended approval.

**Sun Metro**

Sun Metro does not oppose this request.

**El Paso Water Utilities**

1. EPWater does not object to this request

Water

2. Within the westernmost portion of the entire subject Property between Northern Pass Boulevard and Paseo Del Norte Boulevard, there is an existing sixteen (16) inch diameter water transmission main. This main is located within an easement east of the east right-of-way line of IH-10, and follows approximately the alignment of the east right-of-way line of IH-10. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.
3. There is an existing eight (8) inch diameter water main along Northern Pass Boulevard. This main is available for service.
4. There is an existing twelve (12) inch diameter water main along Northwestern Drive. This main is available for service.
5. Previous water pressure readings conducted on fire hydrant number 5775 located at the corner of Northern Pass Boulevard and IH-10 have yielded a static pressure of 132 pounds per square inch (psi), residual pressure of 130 psi, discharge of 919 gallons per minute (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

6. There is an existing 12-inch diameter sanitary sewer main that extends along Paseo del Norte Blvd. then the main extends along an easement along the southern portion of the property's western property line.
7. There is an (inactive) eight (8) inch diameter pressurized sanitary sewer main (force main). This main is located within an easement along the northern portion of the property's western property line.
8. There is an abandoned (inactive) eight (8) inch diameter pressurized sanitary sewer main (force main) that extends along the western portion of the property.
9. There is an existing eight (8) inch diameter sanitary sewer main that extends along Northern Pass Boulevard. At approximately 180 feet east of the intersection of Northwestern Drive and IH-10 the alignment of this main changes direction towards the north. Between the point at which the main changes alignment towards the north and IH-10 along Northwestern Drive there are no existing sanitary

sewer mains fronting the subject Property. The described sanitary sewer main is available for service.

10. Along Northwestern Drive between Northern Pass Boulevard and Paseo Del Norte Boulevard there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

#### General

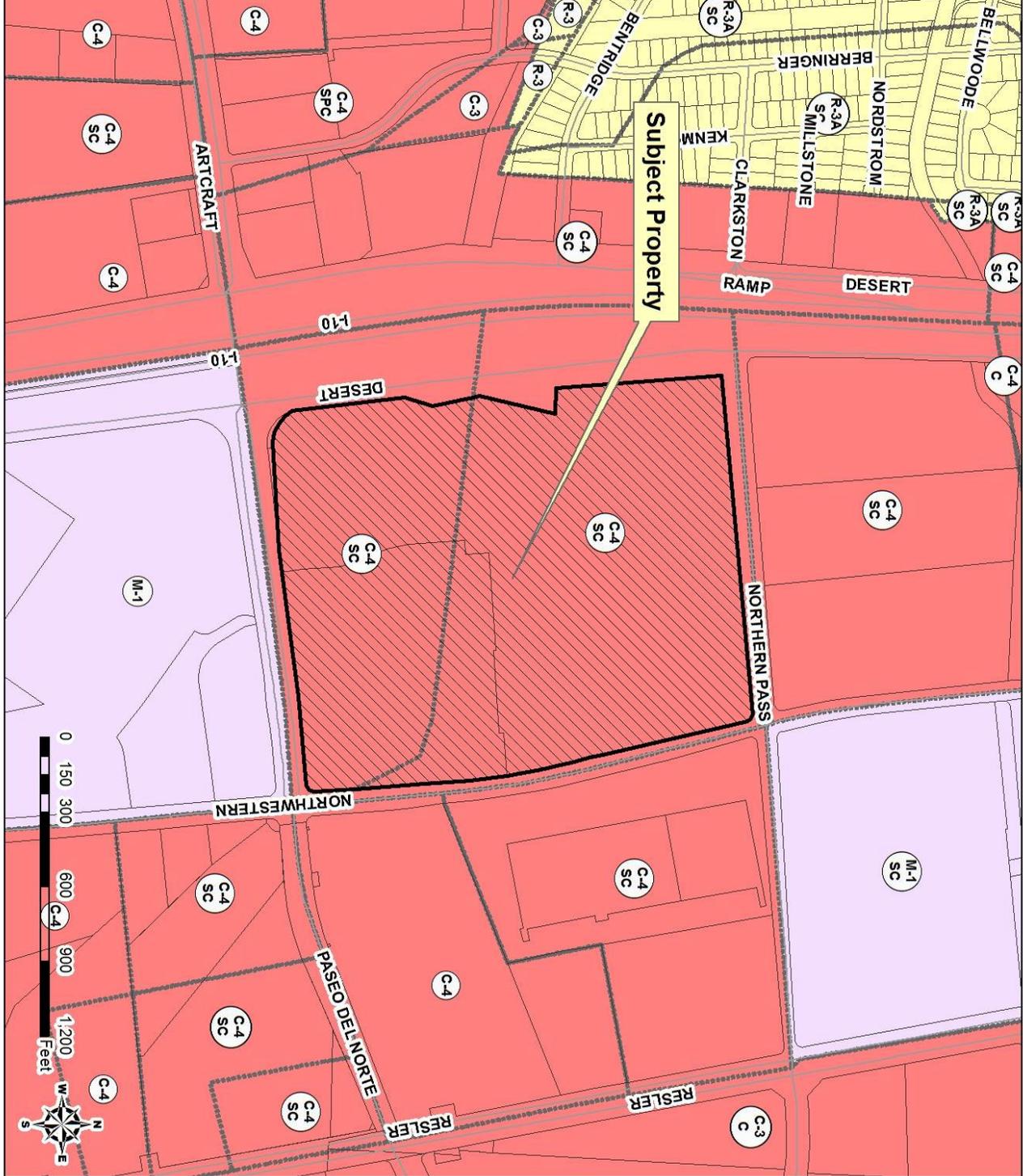
11. The El Paso Water – Public Service Board (EPWATER-PSB) requires a complete set of improvement plans, and grading plans for review and approval prior to any work pertaining to the portion of the Property where the above-described water and sanitary sewer mains are located. This is required in order to ascertain that the proposed improvements and/or grading will not adversely affect the described existing mains.
12. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWATER-PSB Easement Policy.
13. EPWATER-PSB requires access to the existing sanitary sewer mains within the easements 24 hours a day, seven (7) days a week.
14. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water - Public Service Board Easements (EPWATER-PSB easements) without the written consent of EPWATER-PSB.
15. EPWATER requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWATER – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions

#### Attachments

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Conceptual Site Plan
5. Ordinance No. 7367, dated November 3, 1981
6. Ordinance No. 8457, dated September 10, 1985

ATTACHMENT 1: ZONING MAP

PZCR16-00005



PZCR16-00005



**ATTACHMENT 3: FUTURE LAND USE MAP**

PZCR16-00005





ATTACHMENT 5: ORDINANCE NO. 7367, DATED NOVEMBER 3, 1981

15402

CONTRACT

THIS CONTRACT, made this 3rd day of November, 1981, by and between INDIVIDUAL HOMES, INC., First Party, REPUBLIC NATIONAL BANK, Second Party 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 Tracts 60 and 61, Nellie D. Mundy Survey #241, a portion of Tract 1B, S. J. Larkin Survey #266 and a portion of Tracts 1, 8 and 9 and all of Tracts 2 and 7, S.A. & M.G. Railroad Survey #266, and all of Tract 5 and a portion of Tract 6, W. H. Lenox Survey #432, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7367, now pending before the City Council of the City of El Paso, a copy of which is attached hereto and made a part hereof by reference. To remove certain objections to rezoning of Parcel 2 to C-4 (Commercial) District, First Party covenants that if the property is rezoned to C-4 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, such Parcel 2 shall be subject to the following restrictions, conditions and covenants:

First Party shall be required to construct the northern right of way of Artcraft Road from the Interstate Highway 10 frontage road to the eastern portion of the property and shall design and construct said improvements to the satisfaction of the State Department of Highways and Public Transportation and the City Engineer and the Director of Traffic and Transportation of the City of El Paso before the City of El Paso will issue certificates of occupancy and compliance for any buildings or other structures to be built on Parcel 2.

This contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its 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 contract by injunction or any other legal or equitable remedy. The City Council of the City of El Paso

Exhibit "A"  
-1-10/81

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may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seal:

INDIVIDUAL HOMES, INC.

ATTEST:

By George W. Dungan  
George W. Dungan, Vice President

Secretary

REPUBLIC NATIONAL BANK



By John S. Roswell  
Title: Asst. Vice President

Lillian H. ...  
Secretary, BANKING OFFICER

THE CITY OF EL PASO



By [Signature]  
Mayor

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared GEORGE W. DUNGAN, Vice President of INDIVIDUAL HOMES, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12 day of October, 1981.

My Commission Expires: 27 June 85  
Wayne P. ...  
Notary Public, State of Texas

Exhibit "A"  
2047 1220-0812

THE STATE OF TEXAS )  
COUNTY OF DALLAS )

BEFORE ME, the undersigned authority, on this day personally appeared John D. Bassell, President of the REPUBLIC NATIONAL BANK, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2nd day of November, 1981.

My Commission Expires: CHARLOTTE WOODL, Notary Public  
State of Texas  
My Commission Expires 08-25-85

Charlotte Woodl  
Notary Public, State of Texas



THE STATE OF TEXAS )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor 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 SEAL OF OFFICE this 3rd day of November, 1981.

My Commission Expires: 6-20-84

Belle Jean Brantner  
Notary Public, State of Texas



Exhibit "A"  
3 of 7  
-3-

1220-0813

7367

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF TRACTS 60 AND 61, NELLIE  
D. MUNDY SURVEY NO. 241, AND A PORTION  
OF TRACT 1B, S.J. LARKIN SURVEY NO. 266,  
AND ALL OF TRACT 5 AND A PORTION OF TRACT  
6, W.H. LENOX SURVEY NO. 432, AND A PORTION  
OF TRACTS 1, 8, AND 9, AND ALL OF TRACTS 2  
AND 7, S.A. & M.G. RAILROAD SURVEY NO. 266,  
EL PASO, EL PASO COUNTY, TEXAS, THE PENALTY  
BEING AS PROVIDED IN SECTION 25-96 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 Tracts 60 and 61, Nellie D. Mundy Survey #241, and a portion of Tract 1B, S. J. Larkin Survey #266, and all of Tract 5 and a portion of Tract 6, W.H. Lenox Survey No. 432, and a portion of Tracts 1, 8, and 9, and all of Tracts 2 and 7, S.A. & M.G. Railroad Survey No. 266, El Paso, El Paso County, Texas, be changed to M-1 (Manufacturing) District and C-4 (Commercial) District, respectively, within the meaning of the zoning ordinance and the zoning map of the City be revised accordingly:

Parcel 1 to M-1 (Manufacturing) District

A portion of Tracts 60 and 61, Nellie D. Mundy Survey No. 241, and a portion of Tract 1B, S. J. Larkin Survey No. 266, and all of Tract 5 and a portion of Tract 6, W. H. Lenox Survey No. 432, and a portion of Tracts 1, 8, and 9, and all of Tracts 2 and 7, S.A. & M.G. Railroad Survey No. 266, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point, said point being a found T.H.D. concrete right of way marker lying on the intersection of the easterly right of way line of Interstate Highway No. 10, and the southerly boundary line of Nellie D. Mundy No. 241; said point being the TRUE POINT OF BEGINNING of this description:

THENCE, north 10°01'07" west, along the easterly right of way line of Interstate Highway No. 10, a distance of 1371.78 feet to a point for a corner;

THENCE, north 78°15'03" east, a distance of 1585.00 feet to a point for a corner;

THENCE, south 08°03'06" east, a distance of 1432.73 feet to a point for a curve;

THENCE, 259.09 feet along the arc of a curve to the left having a radius of 1261.04 feet, a central angle of 11°46'18", and a chord which bears south 13°56'15" east, a distance of 258.63 feet to a point for a tangent;

THENCE, south 19°49'24" east, a distance of 279.85 feet to a point for a curve;

7367

-1- Exhibit "A"  
407 EXHIBIT "A"

THENCE, 429.19 feet along the arc of a curve to the right having a radius of 2843.00 feet, a central angle of  $08^{\circ} 38' 58''$ , and a chord which bears south  $15^{\circ} 29' 55''$  east, a distance of 428.78 feet to a point for a tangent;

THENCE, south  $11^{\circ} 10' 26''$  east, a distance of 1825.00 feet to a point for a curve;

THENCE, 56.31 feet along the arc of a curve to the left having a radius of 75.00 feet, a central angle of  $43^{\circ} 01' 13''$ , and a chord which bears south  $32^{\circ} 41' 02''$  east, a distance of 55.00 feet to a point for a tangent;

THENCE, south  $07^{\circ} 44' 34''$  west, a distance of 275.80 feet to a point for a corner;

THENCE, north  $88^{\circ} 26' 26''$  west, a distance of 567.20 feet to a point for a corner;

THENCE, north  $53^{\circ} 42' 08''$  west, a distance of 186.01 feet to a point for a corner;

THENCE, north  $89^{\circ} 57' 22''$  west, a distance of 357.00 feet to a point for a corner;

THENCE, south  $67^{\circ} 03' 32''$  west, a distance of 502.35 feet to a point for a corner, said point lying on the easterly right of way line of Interstate Highway No. 10;

THENCE, north  $11^{\circ} 47' 17''$  west, along said right of way line a distance of 652.86 feet to a point for a corner, said point lying on the easterly boundary line of Tract 6A, S.A. & M.G. Railroad Survey No. 266;

THENCE, north  $00^{\circ} 00' 53''$  east, along said boundary line, a distance of 1718.79 feet to a point for a corner, said point lying on the easterly boundary line of Tract 4, W.H. Lenox Survey No. 432;

THENCE, north  $00^{\circ} 04' 28''$  east, along said boundary line, a distance of 493.89 feet to a point for a corner, said point lying on the southerly boundary line of Tract 61, Nellie D. Mundy Survey No. 241;

THENCE, north  $89^{\circ} 55' 05''$  west, along said boundary line, a distance of 462.99 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 145.37131 acres (6,332,374.15 sq. ft.) of land, more or less.

Parcel 2 to C-4 (Commercial) District

A portion of Tracts 60 and 61, Nellie D. Mundy Survey No. 241, and a portion of Tract 18, S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point, said point being a found T.H.D. concrete right of way marker lying on the intersection of the easterly right of way line of Interstate Highway 10, and the southerly boundary line of Nellie D. Mundy No. 241; thence, north  $10^{\circ} 01' 07''$  west, along the easterly right of way line of Interstate Highway No. 10, a distance of 1371.78 feet to the TRUE POINT OF BEGINNING of this description;

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Exhibit "A"  
5 of 7

1220-0815

THENCE, along said right of way line the following courses:

North 10°01'07" west, a distance of 543.64 feet to a point for a corner;

North 16°11'12" east, a distance of 134.72 feet to a point for a corner;

North 11°39'34" west, a distance of 135.00 feet to a point for a corner;

THENCE, south 86°34'29" east, a distance of 225.45 feet to a point for a curve;

THENCE, 480.87 feet along the arc of a curve to the right having a radius of 712.27 feet, a central angle of 38°40'53", and a chord which bears south 67°14'03" east, a distance of 471.78 feet to a point for a corner;

THENCE, south 47°53'36" east, a distance of 309.29 feet to a point for a corner;

THENCE, north 81°56'54" east, a distance of 45.00 feet to a point for a corner;

THENCE, south 08°03'06" east, a distance of 85.34 feet to a point for a corner;

THENCE, south 78°15'03" west, a distance of 1585.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 21.43889 acres (933,882.39 sq. ft.) of land more or less.

PASSED AND APPROVED this 3<sup>rd</sup> day of November, 1981.



*Jonathan W. Pappas*  
Mayor

APPROVED AS TO FORM:

*Lincoln*  
Assistant City Attorney

APPROVED AS TO CONTENT:

*Raul Formally*  
Planning Department

Exhibit "A"  
6 of 7

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15402

7/15/1 - 1300

FILED FOR RECORD  
IN MY OFFICE

'81 NOV 19 PM 1:49

*James R. ...*  
DEPUTY

STATE OF TEXAS  
COUNTY OF EL PASO  
I hereby certify that this instrument was filed  
on the date and time stamped hereon by me and  
is duly recorded in the volume and page of the  
Official Public Records of Real Property, El Paso  
County, Texas.

NOV 19 1981



*H. S. ...*

COUNTY CLERK, El Paso County, Texas

Exhibit "A"  
797

1220-0817

County: El Paso  
Highway: SH 178 (Arctcraft Road)  
Limits: From New Mexico State Line to 1000' East of IH-10  
Control: 3592-01-001  
Project:  
Account:  
Owner: Northwestern Partners, LTD.  
Date: April 10, 1995

#### FIELD NOTES

##### Parcel No. 31

Being 6,305 sq. ft. of land, more or less, out of and part of Tracts 60, 61A and 62A, a 63.64 acre tract in Nellie D. Mundy Survey No. 241 and out of and part of Tract 1B, S.J. Larkin Survey No. 266, El Paso, El Paso County, Texas, said 63.64 acre tract being the same land described in a deed from Crawford S. Kerr, Jr. as trustee to Northwestern Partners, LTD., dated July 2, 1991, recorded in Volume 2321, Page 543, Deed Records of El Paso County, Texas, said 6,305 sq. ft. of land being more particularly described by metes and bounds as follows, to-wit:

Commencing at an existing city monument lying on the intersection of the centerline of Arctcraft Road and the easterly right-of-way line of Interstate Highway No. 10; Thence, North  $06^{\circ} 47' 03''$  West, along said right-of-way line, a distance of 199.50 feet to a point for corner, said point being a set 1/2-inch iron with aluminum cap, said point also being the TRUE POINT OF BEGINNING of this description;

(1)

THENCE, North  $06^{\circ} 47' 03''$  West, continuing along said right-of-way line, a distance of 23.81 feet to a point for curve, said point being a set 1/2-inch iron with aluminum cap, whence the northwest corner of Tract 60, bears North  $06^{\circ} 47' 03''$  West, a distance of 347.03 feet; Thence, North  $20^{\circ} 26' 41''$  East, a distance of 134.62 feet; Thence, North  $08^{\circ} 25' 15''$  West, a distance of 184.61 feet; Thence, North  $03^{\circ} 21' 19''$  East, a distance of 306.24 feet;

(2)

THENCE, in the southeasterly direction 176.86 feet along the arc of a curve to the left, having a radius of 140.00 feet, a central angle of  $72^{\circ} 22' 56''$  and a chord which bears South  $42^{\circ} 25' 15''$  East, a distance of 165.33 feet to a point for curve, said point lying on the common boundary line between Tracts 60 and 61A, Nellie D. Mundy Survey No. 241, said point also being a set 1/2-inch iron with aluminum cap;

(3)

THENCE, in the southeasterly direction 44.41 feet along the arc of a curve to the left, having a radius of 140.00 feet, a central angle of  $18^{\circ} 10' 32''$  and a chord which bears South  $87^{\circ} 41' 17''$  East, a distance of 44.23 feet to a point for corner, said point being a set 1/2-inch iron with aluminum cap;

(4)

THENCE, North  $83^{\circ} 46' 17''$  East, a distance of 410.99 feet to a point for corner, said point being a set 1/2-inch iron with aluminum cap lying on the northerly right-of-way line of Arctcraft Road;

(5)

THENCE, South  $81^{\circ} 21' 07''$  West, along said right-of-way line, a distance of 411.80 feet to a point for curve, said point being a set 1/2-inch iron;

Attachment No 1  
of 3

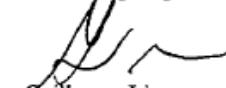
(6)

THENCE, continuing along said right-of-way line in a northwesterly direction 46.96 feet along the arc of a curve to the right, having a radius of 135.00 feet, a central angle of  $19^{\circ} 55' 44''$  and a chord which bears North  $88^{\circ} 41' 01''$  West, a distance of 46.72 feet to a point for curve, said point being a set 1/2-inch iron lying on the common boundary line between Tracts 60 and 61A, Nellie D. Mundy Survey No. 241;

(7)

THENCE, continuing along said right-of-way line in a northwesterly direction 169.49 feet along the arc of a curve to the right, having a radius of 135.00 feet, a central angle of  $71^{\circ} 56' 06''$  and a chord which bears North  $42^{\circ} 45' 06''$  West, a distance of 158.58 feet to the TRUE POINT OF BEGINNING containing 6,305 sq. ft. of land more or less.

SLI ENGINEERING, INC.  
Consulting Engineers—Land Surveyors



Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998

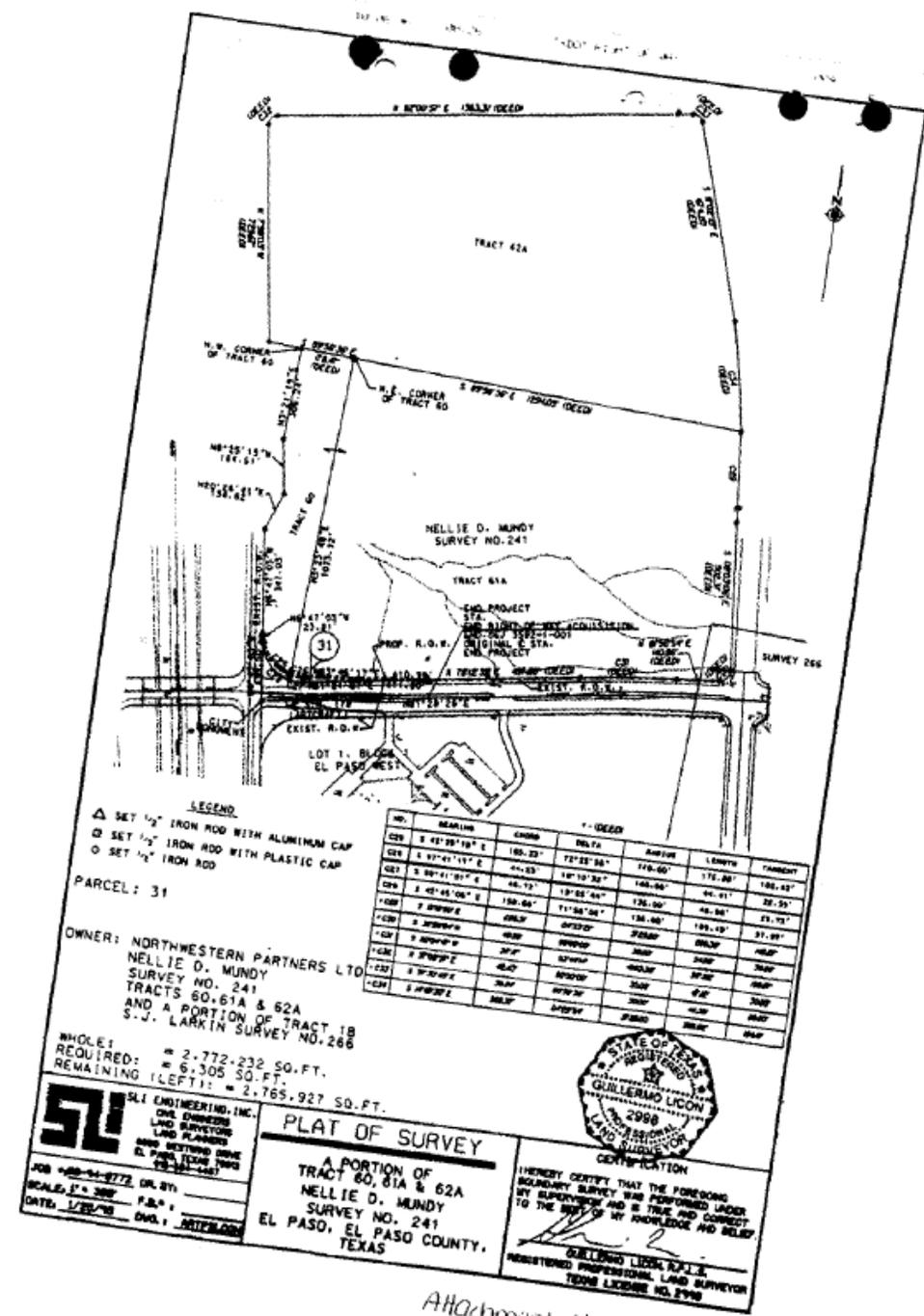


April 10, 1995  
Job Number 06-94-0772

M&B\0380  
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Attachment No. 1  
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Attachment No. 1  
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ATTACHMENT 6: ORDINANCE NO. 8457, DATED SEPTEMBER 10, 1985

8457

AN ORDINANCE CHANGING THE ZONING  
OF A PORTION OF TRACTS 60, 61 AND 62,  
W.H. GLENN SURVEY #241 AND A  
PORTION OF S.J. LARKIN SURVEY #266,  
THE PENALTY BEING AS PROVIDED IN  
SECTION 25-96 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 Tracts 60, 61 and 62, W.H. Glenn Survey #241 and a portion of S.J. Larkin Survey #266, as more particularly described by metes and bounds below, be changed from R-3 (Residential) to C-4 (Commercial) District 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.

Beginning at a Texas Highway Department (THD) Concrete Monument at the intersection of S.J. Larkin 266 survey line and the east right-of-way line of Interstate 10:

THENCE North 10°01'07" West, a distance of 1,965.42 feet to a point;

THENCE North 16°11'12" East, a distance of 134.72 feet to a point;

THENCE North 11°39'34" East, a distance of 135.00 feet to the TRUE POINT OF BEGINNING of the parcel herein described;

THENCE North 11°39'34" West, a distance of 50.01 feet to a point;

THENCE North 00°01'42" East, a distance of 308.55 feet to a point;

THENCE South 89°59'36" West, a distance of 105.89 feet to a point;

THENCE North 07°59'03" West, a distance of 759.68 feet to a point;

THENCE North 82°00'57" East, a distance of 1,418.90 feet to a point;

THENCE South 17°02'27" East, a distance of 699.80 feet to a point;

THENCE 584.42 feet along the arc of a curve to the right which has a central angle of 08°59'21", a radius of 3,725.00 feet, and a chord which bears South 12°32'47" East, a distance of 583.82 feet to a point;

THENCE South 08°03'06" East, a distance of 508.65 feet to a point;

THENCE 8.5 feet along the arc of a curve to the right which has a central angle of 13°54'51", a radius of 35.00 feet, and a chord which bears South 01°05'40" East, a distance of 8.48 feet to a point;

8457  
Contract 9/10/85



THENCE North 47°53'36" West, a distance of 307.67 feet to a point;

THENCE 480.87 feet along the arc of a curve to the left, which has a central angle of 38°40'53", a radius of 712.27, and a chord which bears North 67°14'02" West, a distance of 471.79 feet to a point;

THENCE North 86°34'29" West, a distance of 925.45 feet to the TRUE POINT OF BEGINNING and containing 45.2785 acres of land.

PASSED AND APPROVED this 10<sup>th</sup> day of Sept, 1985.

Patrik B. Haggerty  
Mayor  
PRO-TEM

ATTEST:  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

John R. Bond  
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray Silvers  
Planning Department

I certify that the zoning map has been revised to reflect the amendment of ordinance #8457  
R. Bond Date 10-22-85

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.P.  
10-25-85 COUNTER  
10-22-85 ORIGINAL  
10-28-85 Blk Inspection  
10-30-85 CONTROL  
R. Bond

8457

85-5069  
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OCT 8 - 1985  
PLANNING DEPARTMENT

RESOLUTION

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

That the Mayor be authorized to sign a contract with EL PASO WESTSIDE LIMITED PARTNERSHIP - MYERS CAPITAL CORPORATION, MANAGING GENERAL PARTNER and INDIVIDUAL HOMES, INC. placing certain restrictions, conditions, and covenants on the property being rezoned by Ordinance No. 8457 and more particularly described as a portion of Tracts 60, 61 and 62, W.H. GLENN SURVEY #241 and a portion of S.J. LARKIN SURVEY #266 (IH-10 and Artcraft Road)

ADOPTED this 10<sup>th</sup> day of Sept, 1985.

Patrick B. Haggerty  
Mayor

ATTEST:

Carole Hunter  
City Clerk

APPROVED AS TO FORM:

Michael  
Assistant City Attorney



*Ordinance 8457*

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

THIS CONTRACT, made this 10<sup>th</sup> day of Sept, 1985, by and between EL PASO WESTSIDE LIMITED PARTNERSHIP - MYERS CAPITAL CORPORATION, MANAGING GENERAL PARTNER, First Party, INDIVIDUAL HOMES, INC. Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning a portion of Tracts 60, 61 and 62, W.H. GLENN SURVEY #241 and a portion of S.J. LARKIN SURVEY #266, City and County of El Paso, Texas, which are more particularly described by metes and bounds below.

Beginning at a Texas Highway Department (THD) Concrete Monument at the intersection of S.J. Larkin 266 survey line and the east right-of-way line of Interstate 10:

THENCE North 10°01'07" West, a distance of 1,965.42 feet to a point;

THENCE North 16°11'12" East, a distance of 134.72 feet to a point;

THENCE North 11°39'34" East, a distance of 135.00 feet to the TRUE POINT OF BEGINNING of the parcel herein described;

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*Ord 8457 (9/10/85)*

85-5069  
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THENCE 480.87 feet along the arc of a curve to the left, which has a central angle of 38°40'53", a radius of 712.27, and a chord which bears North 67°14'02" West, a distance of 471.79 feet to a point;

THENCE North 86°34'29" West, a distance of 925.45 feet to the TRUE POINT OF BEGINNING and containing 45.2785 acres of land.

To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-3 (Residential) to C-4 (Commercial) District 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. Prior to the issuance of any building permits, a subdivision plat must be filed of record.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the Plan Commission and the City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its 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 Party is the owner and holder of a recorded lien on the property and consents to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

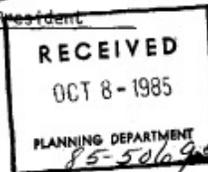
EL PASO WESTSIDE LIMITED PARTNERSHIP -  
MYERS CAPITAL CORPORATION, MANAGING  
GENERAL PARTNER  
First Party

By *Jerald Walker*

Title Executive Vice President

ATTEST:

*Robert B. [Signature]*  
Secretary



INDIVIDUAL HOMES, INC.  
Second Party

By [Signature]  
Title Vice-President

ATTEST:  
Kathy Conway  
Secretary

THE CITY OF EL PASO  
Third Party

By [Signature]  
Mayor

ATTEST:  
Carole Hunter  
City Clerk

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

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

This instrument was acknowledged before me on this 19th day of September, 1985, by Gerald Walker, representative for EL PASO WESTSIDE LIMITED PARTNERSHIP - MYERS CAPITAL CORPORATION, MANAGING GENERAL PARTNER.

My Commission Expires:

5-9-89

[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 24th day of September, 1985, by Robert Garibay, Vice President &, representative for Individual Homes, Inc.

My Commission Expires:

[Signature]

[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS )  
GLORIA RENTERIA, Notary Public )  
City of El Paso, EL PASO )  
My Commission Expires May 7, 1989

This instrument was acknowledged before me on this 16th day of September, 1985, by JONATHAN W. ROGERS as Mayor of the City of El Paso.

My Commission Expires:

6/30/88

[Signature]  
Notary Public, State of Texas

85-5069  
RECEIVED  
OCT 8 - 1985  
PLANNING DEPARTMENT

