

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

CITY CLERK DEPT.
2013 FEB 18 PM 12:12

DEPARTMENT: El Paso Water Utilities Public Service Board

AGENDA DATE: Introduction – February 26, 2013
Public Hearing – March 5, 2013

CONTACT PERSON/PHONE: Lupe Cuellar, Real Estate Manager and Counsel, 594-5636.

DISTRICT(S) AFFECTED: 1

SUBJECT: APPROVE the following Ordinance

An Ordinance authorizing the City Manager to sign a Fee Simple Determinable Deed Without Warranty to convey approximately 658.2954 acres, located within the City of El Paso, El Paso County Texas, for portions of Nellie D. Mundy Survey No. 246; portions of Tract 1, S.J. Larkin Survey No. 268; portions of Tract 1A, S.J. Larkin Survey No. 269; and all of S.J. Larkin Survey No. 267; generally located on both sides of Transmountain Road west of the Franklin mountains, and east of I-10, and authorizing the City Manager to execute a Contract of Sale, and any other documents necessary to complete the sale to the Texas Parks & Wildlife Department, for inclusion in the Franklin Mountains State Park. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system. (District 1) El Paso Water Utilities, Lupe Cuellar, Real Estate Manager and Counsel. (915) 594-5636

BACKGROUND / DISCUSSION:

On June 13, 2012, the Public Service Board approved the conveyance of land located in the northwest area to the Texas Parks and Wildlife Department (TPWD) as a preferred conservation strategy for land located within the City of El Paso generally located on both sides of Transmountain road west of the Franklin mountains, and east of I-10, and authorized the President/CEO to submit the recommended conservation strategy to the City Council for approval. On July 17, 2012, the El Paso City Council approved the conservation strategy with the condition that the land be used only for park and passive recreational purposes, and water, wastewater and storm water utility systems as part of the Franklin Mountains State Park and that if the condition is violated, that the property reverts back to the City of El Paso, at which time the conditions on the property restricting the use of the property remain until the City places a conservation easement on the property. On January 9, 2013, the El Paso Water Utilities Public Service Board passed and adopted a Resolution which declared the land to be inexpedient to the system and recommended conveyance of the land to the TPWD. The negotiated sale price of the land is similar to the sale of land to the Texas Parks and Wildlife in 2009. The sale price is \$72,037.26 or \$109.43 dollars an acre.

PRIOR COUNCIL ACTION: Has the Council previously considered this item or a closely related one?

Yes, on March 31, 2009, City Council approved the sale of approximately 1,448.9250 acres of land to the State of Texas, acting by and through the Texas Parks & Wildlife Department, for inclusion in the Franklin Mountains State Park.

AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION:

At a regular meeting held January 9, 2013, the El Paso Water Utilities Public Service Board passed a Resolution finding the land inexpedient to the system and recommended that the land be sold.

AFTER EXECUTION OF ALL DOCUMENTS, PLEASE CONTACT LUPE CUELLAR TO PICK UP THE DOCUMENTS. 594-5636. THANK YOU.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A FEE SIMPLE DETERMINABLE DEED WITHOUT WARRANTY TO CONVEY APPROXIMATELY 658.2954 ACRES, LOCATED WITHIN THE CITY OF EL PASO, EL PASO COUNTY TEXAS, FOR PORTIONS OF NELLIE D. MUNDY SURVEY NO. 246; PORTIONS OF TRACT 1, S.J. LARKIN SURVEY NO. 268; PORTIONS OF TRACT 1A, S.J. LARKIN SURVEY NO. 269; AND ALL OF S.J. LARKIN SURVEY NO. 267; GENERALLY LOCATED ON BOTH SIDES OF TRANSMOUNTAIN ROAD WEST OF THE FRANKLIN MOUNTAINS, AND EAST OF I-10, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT OF SALE, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE TO THE TEXAS PARKS & WILDLIFE DEPARTMENT, FOR INCLUSION IN THE FRANKLIN MOUNTAINS STATE PARK. THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD HAS DECLARED THE LAND INEXPEDIENT TO THE SYSTEM

WHEREAS, the El Paso Water Utilities Public Service Board, Trustees (PSB) is a component unit of El Paso City government with jurisdiction and control over certain real properties in El Paso, El Paso County, Texas; and,

WHEREAS, the citizens of El Paso petitioned the City of El Paso to conserve land located within the City of El Paso and controlled and managed by the PSB generally located on both sides of Transmountain Road west of the Franklin Mountains, and east of I-10; and,

WHEREAS, at the June 13, 2012 PSB meeting, the Board approved the conveyance of land located in the northwest area to the Texas Parks and Wildlife Department (TPWD) as a preferred conservation strategy for land located within the City of El Paso, described as portions of Nellie D. Mundy Survey No. 246; portions of Tract 1, S.J. Larkin Survey No. 268; portions of Tract 1A, S.J. Larkin Survey No. 269; and all of S.J. Larkin Survey No. 267; and generally located on both sides of Transmountain Road west of the Franklin Mountains, and east of I-10; and,

WHEREAS, the PSB recommended conservation strategy was presented to the El Paso City Council on July 17, 2012, and was approved subject to the condition that the land be limited or controlled to preserve large areas of undisturbed open space as its primary purpose, while still permitting passive recreational uses and necessary water, wastewater and stormwater utility systems as secondary purposes to the area; and,

WHEREAS, this condition is to be incorporated into any land conveyance to the TPWD for inclusion of the land into the Franklin Mountains State Park, and further that should this condition be violated the land shall be automatically reverted to the City, at which time the conditions on the property restricting the use of the property shall remain until the City places a conservation easement on the property; and,

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WHEREAS, the City and El Paso Water Utilities staff have been coordinating with TPWD to convey the land with these conditions; and,

WHEREAS, at its regular meeting of January 9, 2013, the PSB passed and adopted a Resolution which declared the land to be inexpedient to the system and recommended conveyance of the land to the TPWD, for \$72,037.26 so that the identified real property can be incorporated into the Franklin Mountains State Park; and,

WHEREAS, the PSB and the City Council have determined that the conveyance of the land is in the best interest of the public and the conveyance of the land is pursuant to the Texas Parks and Wildlife Code Section 22.221 and Section 22.222 and the Texas Attorney General Opinion No. JM 997 which allows the sale of the identified property to be at less than fair market value; and,

WHEREAS, there is an exception to the bidding requirements of the Texas Local Government Code being Section 272.001(b)(5) and providing that a sale of land to a governmental entity that has the power of eminent domain is not required to be placed for public bid; and,

WHEREAS, the City Council finds that the transfer of the identified real property to the TPWD, is a benefit to the City of El Paso because the identified real property will be maintained at State expense as part of the Franklin Mountains State Park which is easily accessible to the residents of the city,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS;

That the City Manager is authorized to execute 1) the Contract of Sale, 2) A Fee Simple Determinable Deed without Warranty in the form and substance approved by the City Attorney or her designee, 3) any other necessary documents as required for the sale and conveyance to the Texas Parks & Wildlife Department, the following described real property:

POD 2: Approximately 332.5791 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas; and a portion of Tract 1, S.J. Larkin Survey No. 268; City of El Paso, El Paso County, Texas, and a portion of Tract 1A, S.J. Larkin Survey No. 269, City of El Paso, El Paso County, Texas; and more particularly described in **Exhibit "A"** attached hereto and made a part hereof by this reference for all purposes and the survey attached as **Exhibit "B"** and made a part hereof by this reference for all purposes.

POD 3: Approximately 71.8901 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas, and all of S.J. Larkin Survey No. 267 City of El Paso, El Paso County, Texas; and more particularly described in **Exhibit "A"** attached hereto and made a part hereof by this reference for all purposes and the survey attached as **Exhibit "B"** and made a part hereof by this reference for all purposes.

POD 4: Approximately 38.0311 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas; and more particularly described in **Exhibit "A"** attached hereto and made a part hereof by this reference for all purposes and the survey attached as **Exhibit "B"** and made a part hereof by this reference for all purposes.

POD 5: Approximately 215.7951 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas, and a portion of Tract 1, S.J. Larkin Survey No. 269 City of El Paso, El Paso County, Texas; and more particularly described in **Exhibit "A"** attached hereto and made a part hereof by this reference for all purposes and the survey attached as **Exhibit "B"** and made a part hereof by this reference for all purposes.

PASSED AND APPROVED this _____ day of _____, 2013.

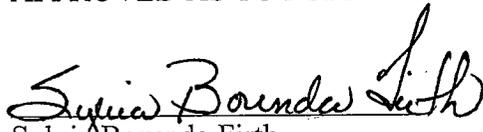
CITY OF EL PASO

John F. Cook, Mayor

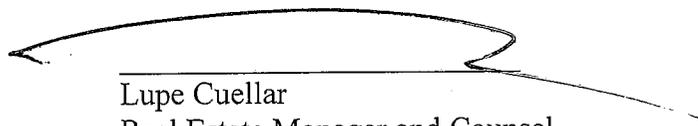
ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM


Sylvia Borunda Firth
City Attorney

APPROVED AS TO CONTENT
AND FORM

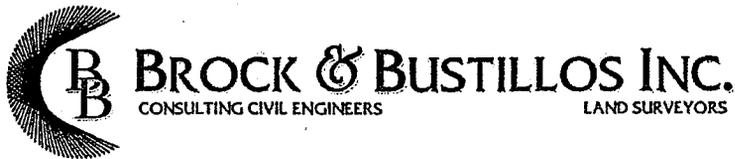

Lupe Cuellar
Real Estate Manager and Counsel

ORDINANCE NO. _____

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EXHIBIT A

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BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

SERGIO J. ADAME, P.E.
Vice President - Engineering

ISAAC CAMACHO, R.P.L.S.
Survey Manager

TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 2"

A 332.5791 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246, a portion of Tract 1, S. J. Larkin Survey No. 268 and a portion of Tract 1A, S. J. Larkin Survey No. 269 and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 242, Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267, whence a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 246, S. J. Larkin Survey No. 267, S. J. Larkin Survey No. 268 and S. J. Larkin Survey No. 269 bears South 86°45'05" East, a distance of 5,215.19 feet; **THENCE**, leaving the corner common to said Surveys 242, 243, 246 and 267 and following the boundary line common to said Survey No. 246 and said Survey No. 267, South 86°45'05" East, a distance of 1,554.02 feet; **THENCE**, leaving the boundary line common to said Survey No. 246 and said Survey No. 267, North 03°14'55" East, a distance of 359.79 feet to the **POINT OF BEGINNING** of the parcel herein described;

THENCE, North 01°30'00" East, a distance of 1,078.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of curvature;

THENCE, following the arc of a curve to the right having a radius of 755.00 feet, a central angle of 07°13'57", an arc length of 95.30 and whose long chord bears North 05°06'58" East, a distance of 95.24 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, North 08°43'57" East, a distance of 344.25 feet to a TXDOT brass cap right-of-way marker found on the south right-of-way line of Transmountain Road for the northwest corner of the parcel herein described;

THENCE, following the south right-of-way line of Transmountain Road, North 55°33'40" East, a distance of 132.38 feet to a 5/8 inch rebar found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 101.14 feet to a 5/8 inch rebar found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 36°16'03" East, a distance of 35.36 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}16'03''$ East, a distance of 100.00 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $68^{\circ}43'57''$ East, a distance of 54.24 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $84^{\circ}35'43''$ East, a distance of 424.54 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}15'55''$ East, a distance of 963.99 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $70^{\circ}02'58''$ East, a distance of 1,541.74 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $79^{\circ}09'57''$ East, at a distance of 457.72 feet pass the boundary line common to said Survey No. 246 and said Survey No. 269 and at a total distance of 1,577.33 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $88^{\circ}20'50''$ East, a distance of 534.70 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the west boundary line of the Franklin Mountain State Park for the northeast corner of the parcel herein described;

THENCE, leaving the south right-of-way line of Transmountain Road and following the west boundary line of the Franklin Mountain State Park, South $04^{\circ}03'38''$ West, a distance of 433.55 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $32^{\circ}20'05''$ West, a distance of 732.48 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $02^{\circ}05'16''$ East, a distance of 1,612.20 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $54^{\circ}16'59''$ East, at a distance of 339.22 feet pass the boundary line common to said Survey No.

268 and said survey No. 269 and at a total distance of 845.27 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 14°56'05" East, a distance of 167.25 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 30°55'09" West, a distance of 832.74 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°35'46" East, a distance of 1,722.39 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 32°07'07" East, a distance of 750.08 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°41'51" West, a distance of 138.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 33°01'27" West, a distance of 718.44 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for the southeasterly corner of the parcel herein described;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 70°15'20" West, a distance of 1,160.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for the most southerly corner of the parcel herein described;

THENCE, leaving the west boundary line of the Franklin Mountain State Park, North 03°41'39" East, a distance of 1,369.03 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North 37°29'42" West, a distance of 553.44 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the southeasterly boundary line of El Paso Water Utilities Artcraft Tank No. 3 for an angle point;

THENCE, following the southeasterly boundary line of said Tank No. 3, North 39°07'13" East, a distance of 201.94 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the easterly boundary line of said Tank No. 3 for an angle point;

THENCE, leaving the southeasterly boundary line of said Tank No. 3 and following the easterly boundary line of said Tank No. 3, North 00°00'23" East, a distance of 345.15 feet to a 1/2 inch

rebar with survey cap No. TX 5337 set on the northerly boundary line of said Tank No. 3 for an angle point;

THENCE, leaving the easterly boundary line of said Tank No. 3 and following the northerly boundary line of said Tank No. 3, North $89^{\circ}59'11''$ West, a distance of 661.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the boundary line common to said Survey No. 267 and said Survey No. 268;

THENCE, leaving the northerly boundary line of said Tank No. 3 and following the boundary line common to said Survey No. 267 and said Survey No. 268, North $02^{\circ}42'36''$ East, a distance of 1,106.06 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, leaving the boundary line common to said Survey No. 267 and said Survey No. 268, North $37^{\circ}33'14''$ East, a distance of 612.58 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $49^{\circ}50'39''$ East, a distance of 493.62 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $36^{\circ}30'46''$ East, a distance of 320.24 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $14^{\circ}04'36''$ East, a distance of 173.13 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $24^{\circ}47'32''$ West, at a distance of 67.75 feet pass the boundary line common to said Survey No. 268 and said Survey No. 269 and at a total distance of 320.89 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South $70^{\circ}50'06''$ West, a distance of 282.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $22^{\circ}33'29''$ West, a distance of 675.67 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South $84^{\circ}14'30''$ West, a distance of 126.43 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $79^{\circ}44'46''$ West, at a distance of 105.00 feet pass the boundary line common to said Survey No 269 and said Survey No. 246 and a total distance of 738.12 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $75^{\circ}42'25''$ West, a distance of 889.75 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $86^{\circ}18'49''$ West, a distance of 342.69 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 82°16'41" West, a distance of 1,256.12 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

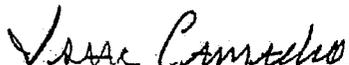
THENCE, South 55°57'25" West, a distance of 438.65 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 01°30'00" West, a distance of 95.89 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North 88°30'00" West, a distance of 227.46 feet to the **POINT OF BEGINNING**;

Said parcel contains 332.5791 acres (14,487,147.5 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.



Isaac Camacho,
TX R. P. L. S. No. 5337
Date: January 15, 2013
06425-110A Pod 2 Desc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 3"

A 71.8901 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267 and being more particularly described by metes and bounds as follows.

BEGINNING at a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 242, Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267, whence a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 246, S. J. Larkin Survey No. 267, S. J. Larkin Survey No. 268 and S. J. Larkin Survey No. 269 bears South 86°45'05" East, a distance of 5,215.19 feet;

THENCE, leaving the corner common to said Surveys 242, 243, 246 and 267 and following the boundary line common to said Survey No. 243 and said Survey No. 246, North 03°14'36" East, a distance of 2,095.98 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the south right-of-way line of Transmountain Road for the northwest corner of the parcel herein described;

THENCE, leaving the boundary line common to said Survey No. 243 and said Survey No. 246 and following the south right-of-way line of Transmountain Road, North 55°23'45" East, a distance of 35.27 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 79°35'55" East, a distance of 71.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 642.73 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 57°02'23" East, a distance of 136.46 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 250.00 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North 82°23'04" East, a distance of 156.32 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 106.38 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 32°28'31" East, a distance of 107.68 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, leaving the south right-of-way line of Transmountain Road, South 08°43'57" West, a distance of 344.25 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 885.00 feet, a central angle of 07°13'57", an arc length of 111.71 feet and whose long chord bears South 05°06'58" West, a distance of 111.64 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, South 01°30'00" West, a distance of 1,078.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, North 88°30'00" West, a distance of 151.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 01°30'00" West, at a distance of 351.38 feet pass the boundary line common to said Survey No. 246 and said Survey No. 267 and at a total distance of 543.07 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southeast corner of the parcel herein described;

THENCE, North 86°17'53" West, a distance of 444.96 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 79°30'09" West, a distance of 399.79 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 86°42'50" West, a distance of 459.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the boundary line common to said Survey No. 267 and said Survey No. 242 for the southwest corner of the parcel herein described;

THENCE, following the boundary line common to said Survey No. 267 and said Survey No. 242, North 03°13'31" East, a distance of 335.33 feet to the **POINT OF BEGINNING**;

Said parcel containing 71.8901 acres (3,131,534.5 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX R. P. L. S. No. 5337
Date: January 15, 2013
06425-110A Pod No. 3 Desc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
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Vice President - Engineering
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 4"

A 38.0311 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a two inch pipe stamped "EPNG EL 4152 GF 1977" found for the corner common to Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246, and Section 10, Block 82, Township 1, Texas and Pacific Railway Company Surveys, whence a two inch pipe found for the corner common to said Survey No. 243, said Survey No. 246, Nellie D. Mundy Survey No. 242 and S. J. Larkin Survey No. 267 bears South $03^{\circ}14'36''$ West, a distance of 5,269.69 feet; **THENCE**, leaving the corner common to said Survey No. 243, said Survey No. 246 and said Section 10 and following the boundary line common to said Survey No. 243 and said Survey No. 246, South $03^{\circ}14'36''$ West, a distance of 1,783.55 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving boundary line common to said Survey No. 243 and said Survey No. 246, South $80^{\circ}59'43''$ East, a distance of 407.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point of the parcel herein described;

THENCE, North $88^{\circ}53'25''$ East, a distance of 702.90 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point of the parcel herein described;

THENCE, South $89^{\circ}28'25''$ East, a distance of 475.98 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northeast corner of the parcel herein described;

THENCE, South $08^{\circ}43'10''$ West, a distance of 1,151.38 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the north right-of-way line of Transmountain Road (Loop 375) for the southeast corner of the parcel herein described;

THENCE, following the north right-of-way line of Transmountain Road, South $78^{\circ}26'40''$ West, a distance of 185.59 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North $80^{\circ}52'51''$ West, a distance of 426.90 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North $34^{\circ}49'03''$ West, a distance of 34.71 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 79°15'23" West, a distance of 161.75 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, South 55°10'57" West, a distance of 32.97 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 358.07 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 36°16'03" West, a distance of 35.36 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 50.00 feet to a 60D nail found for an angle point;

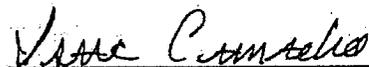
THENCE, continuing along the north right-of-way line of Transmountain Road, South 63°43'57" West, a distance of 43.59 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 193.95 feet to a 5/8 inch rebar found on the boundary line common to said Survey No. 243 and said Survey No. 246 for the southwest corner of the parcel herein described, whence a two inch pipe found for the corner common to said Survey No. 243, said Survey No. 246, Nellie D. Mundy Survey No. 242 and S. J. Larkin Survey No. 267 bears South 03°14'36" West, a distance of 2,462.87 feet

THENCE, leaving the north right-of-way line of Transmountain Road and following the boundary line common to said Survey No. 243 and said Survey No. 246, North 03°14'36" East, a distance of 1,023.57 feet to the **POINT OF BEGINNING**;

Said parcel contains 38.0311 acres (1,656,634.4 square feet), more or less, and being subject to all easements, restrictions or covenants of record.

I hereby certify that this description was prepared by me or under my supervision.


Isaac Camacho,
TX. R. P. L. S. No. 5337
Date: February 6, 2013
06425-110B Pod 4 DescRev1.doc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

SERGIO J. ADAME, P.E.
Vice President - Engineering

ISAAC CAMACHO, R.P.L.S.
Survey Manager

TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 5"

A 215.7951 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and a portion of Tract 1, S. J. Larkin Survey No. 269 and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a two inch pipe found for the corner common to Sections 8 and 9, Block 82, Township 1, Texas and Pacific Railway Company Surveys and S. J. Larkin Survey No. 269, whence a two inch pipe found for the corner common to S. J. Larkin Survey No. 269, S. J. Larkin Survey No. 270 and Section 8, Block 82, Township 1, Texas and Pacific Railway Company Surveys bears South $86^{\circ}39'19''$ East, a distance of 2,848.15 feet; **THENCE**, leaving the corner common to said Sections 8 and 9 and said Survey No. 269 and following the boundary line common to said Section 9 and said Survey No. 269, North $86^{\circ}43'55''$ West, a distance of 1,196.09 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the west boundary line of the Franklin Mountain State Park; **THENCE**, leaving the boundary line common to said Section 9 and said Survey 269 and following the west boundary line of the Franklin Mountain State Park, South $03^{\circ}16'05''$ West, a distance of 110.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $03^{\circ}16'05''$ West, a distance of 1,674.17 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $66^{\circ}53'32''$ East, a distance of 462.40 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $04^{\circ}03'38''$ West, a distance of 281.69 feet to a 1/2 inch rebar with survey cap No. TX 5337 found on the north right-of-way line of Transmountain Drive (Loop 375) for the southeast corner of the parcel herein described;

THENCE, leaving the west boundary line of the Franklin Mountain State Park and following the north right-of-way line of Transmountain Drive, South $88^{\circ}18'42''$ West, a distance of 1,385.51 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, South $70^{\circ}03'51''$ West, at a distance of 266.97 feet pass a TXDOT concrete right-of-way marker found on the boundary line common to said Survey No. 246 and said Survey No. 269 and then continuing along the north right-of-way line of Transmountain Drive for a total distance of 1,590.98 feet to a 60D nail found for the beginning of a non-tangent curve to the right;

THENCE, continuing along the north right-of-way line of Transmountain Drive and following the arc of said non-tangent curve to the right having a radius of 3,928.00 feet, a central angle of $04^{\circ}43'52''$, an arc length of 324.35 feet and whose long chord bears South $77^{\circ}52'56''$ West, a distance of 324.26 feet to a 60D nail found for the end of said non-tangent curve to the right;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $86^{\circ}00'30''$ West, a distance of 921.90 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $84^{\circ}35'43''$ West, a distance of 683.92 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $81^{\circ}16'03''$ West, a distance of 375.21 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $42^{\circ}10'33''$ West, a distance of 83.08 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $81^{\circ}16'50''$ West, a distance of 6.23 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

THENCE, leaving the north right-of-way line of Transmountain Drive, North $08^{\circ}43'10''$ East, a distance of 1,186.40 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northwest corner of the parcel herein described and the beginning of a non-tangent curve to the left;

THENCE, following the arc of said non-tangent curve to the left having a radius of 1,249.78 feet, a central angle of $23^{\circ}50'16''$, an arc length of 519.97 feet and whose long chord bears North $71^{\circ}43'21''$ East, a distance of 516.22 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 1,919.52 feet, a central angle of $11^{\circ}51'44''$, an arc length of 397.41 feet and whose long chord bears North $65^{\circ}44'05''$ East, a distance of 396.70 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the left having a radius of 3,027.82 feet, a central angle of $14^{\circ}07'24''$, an arc length of 746.35 feet and whose long chord bears North $64^{\circ}36'15''$ East, a distance of 744.47 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 2,405.14 feet, a central angle of $27^{\circ}48'53''$, an arc length of 1,167.60 feet and whose long chord bears North $71^{\circ}26'59''$ East, a distance of 1,156.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, North 85°21'26" East, a distance of 786.82 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 87°34'17" East, at a distance of 94.27 feet pass the boundary line common to said Survey No. 269 and said Survey No. 246 and at a total distance of 338.03 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, North 66°01'18" East, a distance of 779.29 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 87°17'18" East, a distance of 287.04 feet to the **POINT OF BEGINNING**;

Said parcel contains 215.7951 acres (9,400,033.8 square feet), more or less, and being subject to all easements, restrictions or covenants of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX R. P. L. S. No. 5337
Date: February 6, 2013
06425-110B Pod 5 DescRev1.doc



EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED OF RECORD IN THE PUBLIC RECORDS: SOCIAL SECURITY NUMBER AND DRIVER'S LICENSE NUMBER.

STATE OF TEXAS § FEE SIMPLE DETERMINABLE DEED
COUNTY OF EL PASO § WITHOUT WARRANTY

KNOW ALL MEN BY THESE PRESENTS:

That the **CITY OF EL PASO**, a municipal corporation of El Paso County, Texas for and in consideration of the sum of TEN DOLLARS (\$10) and other valuable consideration paid by the **TEXAS PARKS AND WILDLIFE DEPARTMENT** to the City of El Paso, the receipt of which is hereby acknowledged, has, subject to the reservations, conditions and covenants set forth below, granted, sold and conveyed and by these presents does grant, sell, and convey, without warranty, expressed or implied, unto the Texas Parks and Wildlife Department as part of the Franklin Mountains State Park, all of the following described real property, located in El Paso County, Texas to-wit:

Being approximately 658.2954 acre portion of land described as:

POD 2: Approximately 332.5791 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas; and a portion of Tract 1, S.J. Larkin Survey No. 268; City of El Paso, El Paso County, Texas, and a portion of Tract 1A, S.J. Larkin Survey No. 269, City of El Paso, El Paso County, Texas; and more particularly described in in the metes and bounds at **Exhibit "A"** and the survey map at **Exhibit "B"** attached hereto and made a part hereof by this reference for all purposes.

POD 3: Approximately 71.8901 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas, and all of S.J. Larkin Survey No. 267 City of El Paso, El Paso County, Texas; and more particularly described in in the metes and bounds at **Exhibit "A"** and the survey map at **Exhibit "B"** attached hereto and made a part hereof by this reference for all purposes.

POD 4: Approximately 38.0311 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas; and more particularly described in in the metes and bounds at **Exhibit "A"** and the survey map at **Exhibit "B"** attached hereto and made a part hereof by this reference for all purposes.

POD 5: Approximately 215.7951 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas, and a portion of Tract 1, S.J. Larkin Survey No. 269 City of El Paso, El Paso County, Texas; and more particularly described in the metes and bounds at **Exhibit “A”** and the survey map at Exhibit **“B”** attached hereto and made a part hereof by this reference for all purposes.

This conveyance is intended to be of a fee simple determinable estate and is conveyed subject to the following:

RESTRICTIVE COVENANT: The Property shall be used only for park and passive recreational purposes, and water, wastewater and storm water utility systems as part of the Franklin Mountains State Park. This use restriction is intended to be a restrictive covenant running with the land so long as the Property is owned by the Texas Parks and Wildlife Department. This restrictive covenant will not terminate unless: (i) the Property reverts back to the City of El Paso under the automatic reverter described below; and (ii) at the time of the reverter, the City places a conservation easement on the Property in favor of a land trust which conservation easement restricts the uses of the Property to park and passive recreational uses and water, wastewater and storm water utility systems and grants enforcement rights in the holder of the conservation easement; and (iii) the conservation easement is recorded in the Real Property Records of El Paso County, Texas so that it is notice to, and binding on, all parties. Passive recreational uses are those types of activities that preserve the wildlife and environment, do not materially alter the natural landscape, nor degrade the environmental quality of the area. Passive recreational uses are activities such as hiking, horseback riding, mountain biking, wildlife viewing and other non-motorized outdoor recreational activities and such structures in support of such activities, such as shelters, picnic tables, directional signs, and bathroom facilities. Parking areas consisting of pervious or permeable surface (gravel, dirt, stones) are allowed.

AUTOMATIC REVERTER: In the event of any violation of the restrictive covenant, that the Property shall only be used for park and passive recreational purposes and water, wastewater and storm water utility systems as part of the Franklin Mountains State Park, all the Property, together with all improvements thereon and appurtenances thereto, shall automatically, without suit or reentry, wholly and absolutely revert to and revest in the City of El Paso to be held as a municipal park with a conservation easement restricting the Property to passive recreational uses and water, wastewater and storm water utility systems.

RESERVATIONS FROM CONVEYANCE:

1. El Paso Water Utilities - reserves the right, but not the obligation, to access and construct no more than twenty sediment structures to control and maintain sediment flow sources generated along existing flow paths located within the conveyed land. Those facilities shall only be located in the flow path area within 500 feet of the Franklin State Parks boundary and the placement and design of such natural pollutant control structures shall be subject to review and approval by Texas Parks and Wildlife Department, such approval shall not be unreasonably denied. Each structure shall be constructed and designed to retain no more than one acre of surface flow.
2. The reservation of all groundwater, but waiving the right to drill, withdraw, capture and otherwise beneficially use the groundwater.
3. The right to capture and otherwise beneficially use the surface water, so long as the capture is done off site. The Texas Parks and Wildlife Department shall not impound or divert surface water within or from any watercourse on the Property.
4. Any and all restrictions, reservations, covenants, conditions, easements, rights-of-way, and encumbrances of record relating to the Land.
5. Any and all mineral reservations of record affecting the land, including (i) the reservations of oil, gas and other minerals to the State of Texas recorded in Volume 1272, Page 323; Volume 1272, Page 324; Volume 1272, Page 325; Volume 1273, Page 349; all in the Deed Records of El Paso County, Texas, and (ii) the reservations of the Deed Records of El Paso County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto the the Texas Parks and Wildlife Department, its successors and assigns forever, subject to the reservations, covenants, terms and conditions hereinabove made.

SIGNATURES ON FOLLOWING PAGE

Executed to be effective the ____ day of _____, 2013.

GRANTOR: THE CITY OF EL PASO

By: _____
Joyce A. Wilson, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT AND FORM

Sylvia Borunda Firth
City Attorney

Lupe Cuellar,
Real Estate Manager and Counsel

GRANTEE: State of Texas

By: _____
As: _____

ACKNOWLEDGEMENT

STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the ____ day of _____, 2013 by Joyce Wilson, City Manager of the City of El Paso.

My commission expires: _____
Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF TRAVIS)

This instrument was acknowledged before me on the ____ day of _____, 2013 by _____, on behalf of the Texas Parks and Wildlife Department.

My commission expires: _____
Notary Public, State of Texas

EXHIBIT A

Exhibit A



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

SERGIO J. ADAME, P.E.
Vice President - Engineering

ISAAC CAMACHO, R.P.L.S.
Survey Manager

TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 2"

A 332.5791 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246, a portion of Tract 1, S. J. Larkin Survey No. 268 and a portion of Tract 1A, S. J. Larkin Survey No. 269 and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 242, Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267, whence a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 246, S. J. Larkin Survey No. 267, S. J. Larkin Survey No. 268 and S. J. Larkin Survey No. 269 bears South 86°45'05" East, a distance of 5,215.19 feet; **THENCE**, leaving the corner common to said Surveys 242, 243, 246 and 267 and following the boundary line common to said Survey No. 246 and said Survey No. 267, South 86°45'05" East, a distance of 1,554.02 feet; **THENCE**, leaving the boundary line common to said Survey No. 246 and said Survey No. 267, North 03°14'55" East, a distance of 359.79 feet to the **POINT OF BEGINNING** of the parcel herein described;

THENCE, North 01°30'00" East, a distance of 1,078.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of curvature;

THENCE, following the arc of a curve to the right having a radius of 755.00 feet, a central angle of 07°13'57", an arc length of 95.30 and whose long chord bears North 05°06'58" East, a distance of 95.24 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, North 08°43'57" East, a distance of 344.25 feet to a TXDOT brass cap right-of-way marker found on the south right-of-way line of Transmountain Road for the northwest corner of the parcel herein described;

THENCE, following the south right-of-way line of Transmountain Road, North 55°33'40" East, a distance of 132.38 feet to a 5/8 inch rebar found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 101.14 feet to a 5/8 inch rebar found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 36°16'03" East, a distance of 35.36 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}16'03''$ East, a distance of 100.00 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $68^{\circ}43'57''$ East, a distance of 54.24 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $84^{\circ}35'43''$ East, a distance of 424.54 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}15'55''$ East, a distance of 963.99 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $70^{\circ}02'58''$ East, a distance of 1,541.74 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $79^{\circ}09'57''$ East, at a distance of 457.72 feet pass the boundary line common to said Survey No. 246 and said Survey No. 269 and at a total distance of 1,577.33 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $88^{\circ}20'50''$ East, a distance of 534.70 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the west boundary line of the Franklin Mountain State Park for the northeast corner of the parcel herein described;

THENCE, leaving the south right-of-way line of Transmountain Road and following the west boundary line of the Franklin Mountain State Park, South $04^{\circ}03'38''$ West, a distance of 433.55 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $32^{\circ}20'05''$ West, a distance of 732.48 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $02^{\circ}05'16''$ East, a distance of 1,612.20 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South $54^{\circ}16'59''$ East, at a distance of 339.22 feet pass the boundary line common to said Survey No.

268 and said survey No. 269 and at a total distance of 845.27 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 14°56'05" East, a distance of 167.25 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 30°55'09" West, a distance of 832.74 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°35'46" East, a distance of 1,722.39 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 32°07'07" East, a distance of 750.08 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°41'51" West, a distance of 138.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 33°01'27" West, a distance of 718.44 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for the southeasterly corner of the parcel herein described;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 70°15'20" West, a distance of 1,160.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for the most southerly corner of the parcel herein described;

THENCE, leaving the west boundary line of the Franklin Mountain State Park, North 03°41'39" East, a distance of 1,369.03 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North 37°29'42" West, a distance of 553.44 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the southeasterly boundary line of El Paso Water Utilities Artcraft Tank No. 3 for an angle point;

THENCE, following the southeasterly boundary line of said Tank No. 3, North 39°07'13" East, a distance of 201.94 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the easterly boundary line of said Tank No. 3 for an angle point;

THENCE, leaving the southeasterly boundary line of said Tank No. 3 and following the easterly boundary line of said Tank No. 3, North 00°00'23" East, a distance of 345.15 feet to a 1/2 inch

rebar with survey cap No. TX 5337 set on the northerly boundary line of said Tank No. 3 for an angle point;

THENCE, leaving the easterly boundary line of said Tank No. 3 and following the northerly boundary line of said Tank No. 3, North $89^{\circ}59'11''$ West, a distance of 661.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the boundary line common to said Survey No. 267 and said Survey No. 268;

THENCE, leaving the northerly boundary line of said Tank No. 3 and following the boundary line common to said Survey No. 267 and said Survey No. 268, North $02^{\circ}42'36''$ East, a distance of 1,106.06 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, leaving the boundary line common to said Survey No. 267 and said Survey No. 268, North $37^{\circ}33'14''$ East, a distance of 612.58 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $49^{\circ}50'39''$ East, a distance of 493.62 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $36^{\circ}30'46''$ East, a distance of 320.24 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $14^{\circ}04'36''$ East, a distance of 173.13 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $24^{\circ}47'32''$ West, at a distance of 67.75 feet pass the boundary line common to said Survey No. 268 and said Survey No. 269 and at a total distance of 320.89 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South $70^{\circ}50'06''$ West, a distance of 282.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $22^{\circ}33'29''$ West, a distance of 675.67 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South $84^{\circ}14'30''$ West, a distance of 126.43 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $79^{\circ}44'46''$ West, at a distance of 105.00 feet pass the boundary line common to said Survey No. 269 and said Survey No. 246 and a total distance of 738.12 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $75^{\circ}42'25''$ West, a distance of 889.75 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $86^{\circ}18'49''$ West, a distance of 342.69 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 82°16'41" West, a distance of 1,256.12 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 55°57'25" West, a distance of 438.65 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 01°30'00" West, a distance of 95.89 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North 88°30'00" West, a distance of 227.46 feet to the **POINT OF BEGINNING**;

Said parcel contains 332.5791 acres (14,487,147.5 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.



Isaac Camacho,
TX R. P. L. S. No. 5337
Date: January 15, 2013
06425-110A Pod 2 Desc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 3"

A 71.8901 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267 and being more particularly described by metes and bounds as follows.

BEGINNING at a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 242, Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267, whence a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 246, S. J. Larkin Survey No. 267, S. J. Larkin Survey No. 268 and S. J. Larkin Survey No. 269 bears South $86^{\circ}45'05''$ East, a distance of 5,215.19 feet;

THENCE, leaving the corner common to said Surveys 242, 243, 246 and 267 and following the boundary line common to said Survey No. 243 and said Survey No. 246, North $03^{\circ}14'36''$ East, a distance of 2,095.98 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the south right-of-way line of Transmountain Road for the northwest corner of the parcel herein described;

THENCE, leaving the boundary line common to said Survey No. 243 and said Survey No. 246 and following the south right-of-way line of Transmountain Road, North $55^{\circ}23'45''$ East, a distance of 35.27 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $79^{\circ}35'55''$ East, a distance of 71.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}16'03''$ East, a distance of 642.73 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $57^{\circ}02'23''$ East, a distance of 136.46 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}16'03''$ East, a distance of 250.00 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North $82^{\circ}23'04''$ East, a distance of 156.32 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 106.38 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 32°28'31" East, a distance of 107.68 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, leaving the south right-of-way line of Transmountain Road, South 08°43'57" West, a distance of 344.25 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 885.00 feet, a central angle of 07°13'57", an arc length of 111.71 feet and whose long chord bears South 05°06'58" West, a distance of 111.64 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, South 01°30'00" West, a distance of 1,078.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, North 88°30'00" West, a distance of 151.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 01°30'00" West, at a distance of 351.38 feet pass the boundary line common to said Survey No. 246 and said Survey No. 267 and at a total distance of 543.07 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southeast corner of the parcel herein described;

THENCE, North 86°17'53" West, a distance of 444.96 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

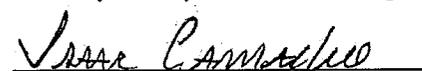
THENCE, South 79°30'09" West, a distance of 399.79 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 86°42'50" West, a distance of 459.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the boundary line common to said Survey No. 267 and said Survey No. 242 for the southwest corner of the parcel herein described;

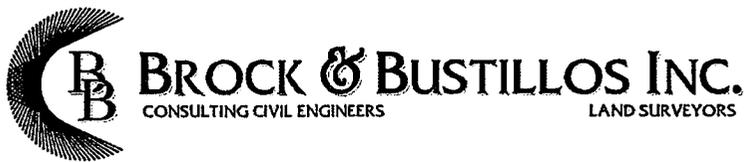
THENCE, following the boundary line common to said Survey No. 267 and said Survey No. 242, North 03°13'31" East, a distance of 335.33 feet to the **POINT OF BEGINNING**;

Said parcel containing 71.8901 acres (3,131,534.5 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.


Isaac Camacho,
TX R. P. L. S. No. 5337
Date: January 15, 2013
06425-110A Pod No. 3 Desc





ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
ISAAC CAMACHO, R.P.L.S.
Survey Manager
TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 4"

A 38.0311 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a two inch pipe stamped "EPNG EL 4152 GF 1977" found for the corner common to Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246, and Section 10, Block 82, Township 1, Texas and Pacific Railway Company Surveys, whence a two inch pipe found for the corner common to said Survey No. 243, said Survey No. 246, Nellie D. Mundy Survey No. 242 and S. J. Larkin Survey No. 267 bears South $03^{\circ}14'36''$ West, a distance of 5,269.69 feet; **THENCE**, leaving the corner common to said Survey No. 243, said Survey No. 246 and said Section 10 and following the boundary line common to said Survey No. 243 and said Survey No. 246, South $03^{\circ}14'36''$ West, a distance of 1,783.55 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving boundary line common to said Survey No. 243 and said Survey No. 246, South $80^{\circ}59'43''$ East, a distance of 407.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point of the parcel herein described;

THENCE, North $88^{\circ}53'25''$ East, a distance of 702.90 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point of the parcel herein described;

THENCE, South $89^{\circ}28'25''$ East, a distance of 475.98 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northeast corner of the parcel herein described;

THENCE, South $08^{\circ}43'10''$ West, a distance of 1,151.38 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the north right-of-way line of Transmountain Road (Loop 375) for the southeast corner of the parcel herein described;

THENCE, following the north right-of-way line of Transmountain Road, South $78^{\circ}26'40''$ West, a distance of 185.59 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North $80^{\circ}52'51''$ West, a distance of 426.90 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North $34^{\circ}49'03''$ West, a distance of 34.71 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 79°15'23" West, a distance of 161.75 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, South 55°10'57" West, a distance of 32.97 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 358.07 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 36°16'03" West, a distance of 35.36 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 50.00 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, South 63°43'57" West, a distance of 43.59 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 193.95 feet to a 5/8 inch rebar found on the boundary line common to said Survey No. 243 and said Survey No. 246 for the southwest corner of the parcel herein described, whence a two inch pipe found for the corner common to said Survey No. 243, said Survey No. 246, Nellie D. Mundy Survey No. 242 and S. J. Larkin Survey No. 267 bears South 03°14'36" West, a distance of 2,462.87 feet

THENCE, leaving the north right-of-way line of Transmountain Road and following the boundary line common to said Survey No. 243 and said Survey No. 246, North 03°14'36" East, a distance of 1,023.57 feet to the **POINT OF BEGINNING**;

Said parcel contains 38.0311 acres (1,656,634.4 square feet), more or less, and being subject to all easements, restrictions or covenants of record.

I hereby certify that this description was prepared by me or under my supervision.


Isaac Camacho,
TX. R. P. L. S. No. 5337
Date: February 6, 2013
06425-110B Pod 4 DescRev1.doc





METES AND BOUNDS DESCRIPTION

"Pod No. 5"

A 215.7951 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and a portion of Tract 1, S. J. Larkin Survey No. 269 and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a two inch pipe found for the corner common to Sections 8 and 9, Block 82, Township 1, Texas and Pacific Railway Company Surveys and S. J. Larkin Survey No. 269, whence a two inch pipe found for the corner common to S. J. Larkin Survey No. 269, S. J. Larkin Survey No. 270 and Section 8, Block 82, Township 1, Texas and Pacific Railway Company Surveys bears South 86°39'19" East, a distance of 2,848.15 feet; ***THENCE***, leaving the corner common to said Sections 8 and 9 and said Survey No. 269 and following the boundary line common to said Section 9 and said Survey No. 269, North 86°43'55" West, a distance of 1,196.09 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the west boundary line of the Franklin Mountain State Park; ***THENCE***, leaving the boundary line common to said Section 9 and said Survey 269 and following the west boundary line of the Franklin Mountain State Park, South 03°16'05" West, a distance of 110.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for the ***POINT OF BEGINNING*** of the parcel herein described;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 03°16'05" West, a distance of 1,674.17 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 66°53'32" East, a distance of 462.40 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 04°03'38" West, a distance of 281.69 feet to a 1/2 inch rebar with survey cap No. TX 5337 found on the north right-of-way line of Transmountain Drive (Loop 375) for the southeast corner of the parcel herein described;

THENCE, leaving the west boundary line of the Franklin Mountain State Park and following the north right-of-way line of Transmountain Drive, South 88°18'42" West, a distance of 1,385.51 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, South 70°03'51" West, at a distance of 266.97 feet pass a TXDOT concrete right-of-way marker found on the boundary line common to said Survey No. 246 and said Survey No. 269 and then continuing along the north right-of-way line of Transmountain Drive for a total distance of 1,590.98 feet to a 60D nail found for the beginning of a non-tangent curve to the right;

THENCE, continuing along the north right-of-way line of Transmountain Drive and following the arc of said non-tangent curve to the right having a radius of 3,928.00 feet, a central angle of $04^{\circ}43'52''$, an arc length of 324.35 feet and whose long chord bears South $77^{\circ}52'56''$ West, a distance of 324.26 feet to a 60D nail found for the end of said non-tangent curve to the right;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $86^{\circ}00'30''$ West, a distance of 921.90 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $84^{\circ}35'43''$ West, a distance of 683.92 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $81^{\circ}16'03''$ West, a distance of 375.21 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $42^{\circ}10'33''$ West, a distance of 83.08 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $81^{\circ}16'50''$ West, a distance of 6.23 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

THENCE, leaving the north right-of-way line of Transmountain Drive, North $08^{\circ}43'10''$ East, a distance of 1,186.40 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northwest corner of the parcel herein described and the beginning of a non-tangent curve to the left;

THENCE, following the arc of said non-tangent curve to the left having a radius of 1,249.78 feet, a central angle of $23^{\circ}50'16''$, an arc length of 519.97 feet and whose long chord bears North $71^{\circ}43'21''$ East, a distance of 516.22 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 1,919.52 feet, a central angle of $11^{\circ}51'44''$, an arc length of 397.41 feet and whose long chord bears North $65^{\circ}44'05''$ East, a distance of 396.70 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the left having a radius of 3,027.82 feet, a central angle of $14^{\circ}07'24''$, an arc length of 746.35 feet and whose long chord bears North $64^{\circ}36'15''$ East, a distance of 744.47 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 2,405.14 feet, a central angle of $27^{\circ}48'53''$, an arc length of 1,167.60 feet and whose long chord bears North $71^{\circ}26'59''$ East, a distance of 1,156.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, North 85°21'26" East, a distance of 786.82 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 87°34'17" East, at a distance of 94.27 feet pass the boundary line common to said Survey No. 269 and said Survey No. 246 and at a total distance of 338.03 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, North 66°01'18" East, a distance of 779.29 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 87°17'18" East, a distance of 287.04 feet to the **POINT OF BEGINNING**;

Said parcel contains 215.7951 acres (9,400,033.8 square feet), more or less, and being subject to all easements, restrictions or covenants of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX R. P. L. S. No. 5337
Date: February 6, 2013
06425-110B Pod 5 DescRev1.doc

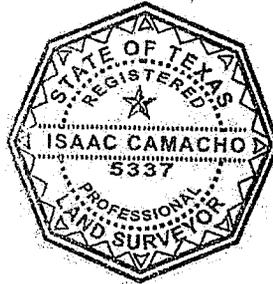
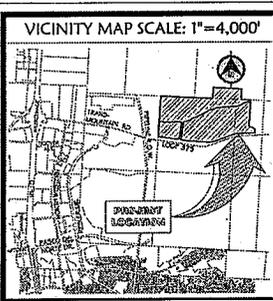


EXHIBIT B



**SECTION 10,
BLOCK 82, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY
COMPANY SURVEYS**

OWNER:
CITY OF EL PASO
BOOK 1873, PAGE 332,
E.P.C.D.R.

Laura E. Mundy No. 233

OWNER:
CITY OF EL PASO
BOOK 1873, PAGE 349,
E.P.C.D.R.

**SECTION 9,
BLOCK 82, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY
COMPANY SURVEYS**

OWNER:
CITY OF EL PASO
BOOK 1873, PAGE 332,
E.P.C.D.R.

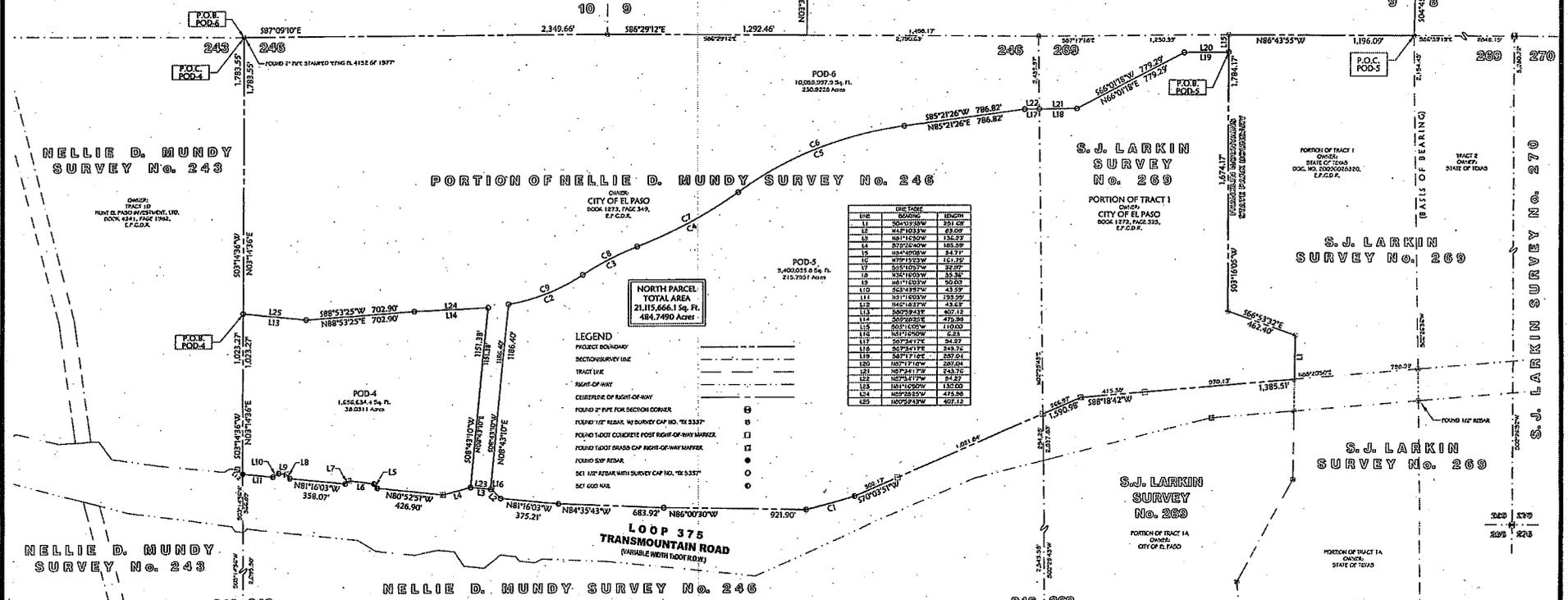


**PORTION OF SECTION 9,
BLOCK 82, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY
COMPANY SURVEYS**

OWNER:
CITY OF EL PASO
BOOK 1873, PAGE 332,
E.P.C.D.R.

**SECTION 6,
BLOCK 82,
TOWNSHIP 1,
TEXAS & PACIFIC
RAILWAY COMPANY
SURVEYS**

OWNER:
STATE OF TEXAS
BOOK NO. 352299 (000010)



LINE	BEARING	LENGTH	AREA
1	S89°12'26"W	766.82'	
2	N85°21'26"E	766.82'	
3	S89°12'26"W	766.82'	
4	N85°21'26"E	766.82'	
5	S89°12'26"W	766.82'	
6	N85°21'26"E	766.82'	
7	S89°12'26"W	766.82'	
8	N85°21'26"E	766.82'	
9	S89°12'26"W	766.82'	
10	N85°21'26"E	766.82'	
11	S89°12'26"W	766.82'	
12	N85°21'26"E	766.82'	
13	S89°12'26"W	766.82'	
14	N85°21'26"E	766.82'	
15	S89°12'26"W	766.82'	
16	N85°21'26"E	766.82'	
17	S89°12'26"W	766.82'	
18	N85°21'26"E	766.82'	
19	S89°12'26"W	766.82'	
20	N85°21'26"E	766.82'	
21	S89°12'26"W	766.82'	
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23	S89°12'26"W	766.82'	
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27	S89°12'26"W	766.82'	
28	N85°21'26"E	766.82'	
29	S89°12'26"W	766.82'	
30	N85°21'26"E	766.82'	
31	S89°12'26"W	766.82'	
32	N85°21'26"E	766.82'	
33	S89°12'26"W	766.82'	
34	N85°21'26"E	766.82'	
35	S89°12'26"W	766.82'	
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45	S89°12'26"W	766.82'	
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50	N85°21'26"E	766.82'	
51	S89°12'26"W	766.82'	
52	N85°21'26"E	766.82'	
53	S89°12'26"W	766.82'	
54	N85°21'26"E	766.82'	
55	S89°12'26"W	766.82'	
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58	N85°21'26"E	766.82'	
59	S89°12'26"W	766.82'	
60	N85°21'26"E	766.82'	
61	S89°12'26"W	766.82'	
62	N85°21'26"E	766.82'	
63	S89°12'26"W	766.82'	
64	N85°21'26"E	766.82'	
65	S89°12'26"W	766.82'	
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67	S89°12'26"W	766.82'	
68	N85°21'26"E	766.82'	
69	S89°12'26"W	766.82'	
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73	S89°12'26"W	766.82'	
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75	S89°12'26"W	766.82'	
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79	S89°12'26"W	766.82'	
80	N85°21'26"E	766.82'	
81	S89°12'26"W	766.82'	
82	N85°21'26"E	766.82'	
83	S89°12'26"W	766.82'	
84	N85°21'26"E	766.82'	
85	S89°12'26"W	766.82'	
86	N85°21'26"E	766.82'	
87	S89°12'26"W	766.82'	
88	N85°21'26"E	766.82'	
89	S89°12'26"W	766.82'	
90	N85°21'26"E	766.82'	
91	S89°12'26"W	766.82'	
92	N85°21'26"E	766.82'	
93	S89°12'26"W	766.82'	
94	N85°21'26"E	766.82'	
95	S89°12'26"W	766.82'	
96	N85°21'26"E	766.82'	
97	S89°12'26"W	766.82'	
98	N85°21'26"E	766.82'	
99	S89°12'26"W	766.82'	
100	N85°21'26"E	766.82'	

LEGEND

PROJECT BOUNDARY

SECTION/BOUNDARY LINE

TRACT LINE

RIGHT-OF-WAY

CENTERLINE OF RIGHT-OF-WAY

FOUND 2" PIPE FOR SECTION CORNER

FOUND 1" PIPE FOR SECTION CORNER

FOUND 1" CONCRETE POST RIGHT-OF-WAY MARKER

FOUND 1" GOLF GRASS CAP RIGHT-OF-WAY MARKER

FOUND 8" PIPE MARKER

1" 1/2" REBAR WITH SURVEY CAP NO. "S-333"

5" GOLF BALL

SUPPLEMENTAL NOTES

1. PART OF RANGE AND TOWNSHIP INFORMATION USING THE LINE COMMON TO S.J. LARKIN SURVEY NO. 269 AND S.J. LARKIN SURVEY NO. 270, 240 BOUNDARY WAS DETERMINED BY G.P.S. COORDINATIONS AT THE 2" HIGH POINT LOCATED AT THE CORNER COMMON TO SAID SURVEYS NO. 269 AND NO. 270 AND PORTION 5, BLOCK 82, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS AND AT THE CORNER COMMON TO SAID SURVEYS NO. 269 AND NO. 270 AND S.J. LARKIN SURVEY NO. 269 AND S.J. LARKIN SURVEY NO. 242.

2. SUBJECT PROPERTY IS LOCATED IN ZONE 14F AREAS OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED ZONE BY ZONE BY THE FEDERAL FLOOD AND SEA LEVEL RISING. ON CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AN ELEVATION OF 10.0 FEET OR HIGHER THE CORRESPONDING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE. AN AREA IS PROTECTED BY DIVERTERS FROM THE 100-YEAR AND ZONE 14F AREAS BY MEANS OF A DRAINAGE CANAL IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. FLOOD PROTECTION RATE MAY VARY. NO. 40021 (1-01) (2), DATED FEBRUARY 5, 1996 AND PARCEL NO. 40021 (1-01) (2), DATED FEBRUARY 5, 1996.

3. SUBJECT PROPERTY IS BOUNDARY SURVEYED AND BOUNDARIES AT THE CITY OF EL PASO O.I.E. SURVEY AND BOUNDARIES ON UNDER INTEREST SUBJECT TO AN AREA THAT HAS DEVELOPMENT VALUE WITH OPEN SPACE DEVELOPMENT. THE LAND MAY NOT BE AVAILABLE FOR DEVELOPMENT SUBJECT TO A LACK OF NECESSARY DEVELOPMENT TO SUPPORT DEVELOPMENT OF THE LAND AS OWNED BY THE CITY. WHEN DEVELOPMENT IS PROPOSED ON LAND UNDER THE LAND SHALL BE DEVELOPED IN ACCORDANCE WITH PROVISIONS OF TITLE 11, CHARTER CODE, TITLE 11, CHAPTER 11 AND PROVISIONS OF THE CITY OF EL PASO, TEXAS.

4. NO TITLE COMMITMENT WAS USED FOR THIS SURVEY. EVIDENCE WARRANTS MAY BE USED IF NONE ARE SHOWN.

REFERENCE DOCUMENTS

1. THE MAP OF S.J. LARKIN SURVEY NO. 269 AND 269, DATED MAY 06, 2004 FILED IN THE MAP ROOM OF THE CITY OF EL PASO COUNTY CLERK APPROVAL DEPARTMENT.

2. CORRECTED FIELD NOTES, CERTIFICATE 7013, OF A RE-SURVEY OF SECTION 9, BLOCK 82, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AS FILED IN BOOK 17, 2, PAGE D IN THE OFFICE OF THE COUNTY CLERK, EL PASO COUNTY, TEXAS AND DATED OCTOBER 08, 1914.

3. CORRECTED FIELD NOTES, CERTIFICATE 7014, OF A RE-SURVEY OF SECTION 9, BLOCK 82, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AS FILED IN BOOK 17, 2, PAGE D IN THE OFFICE OF THE COUNTY CLERK, EL PASO COUNTY, TEXAS AND DATED OCTOBER 08, 1914.

4. ZONING ORDINANCE NO. 0112350 CHANGING THE ZONED FROM R-3 (RESIDENTIAL) TO PLANNED HOUSING DEVELOPMENT TO 140 OPEN SPACE DISTRICTS.

5. TEXAS CERTIFICATE OF TRANSFORMATION RIGHT-OF-WAY CONTROL, STATEMENT SHEET, CONTROL 2652, SECTION 1, 200 NO. 033 FOR LOOP 375, 03/29/2007 THAT 307, 310 AND 311 ARE 200' TO BE ADDED TO THE RIGHT-OF-WAY OF LOOP 375.

6. CORNER SURVEY OF THE PROPOSED TRANSFORMED HOUSING DEVELOPMENT SHALL BE PROPERTY OF A PORTION OF BLOCK 82, S.J. LARKIN SURVEY NO. 269 AND A PORTION OF TRACT 1A, S.J. LARKIN SURVEY NO. 269, CITY OF EL PASO COUNTY, TEXAS, PREPARED BY C.A.M. CHANDLER, L.S. & L.S. NO. 3337, DATED 1/11/2008, BEING A CORNER, L.S. & L.S. NO. 3337.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY PLAN AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF TEXAS, AND THAT I AM A MEMBER AND CERTIFIED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

John C. Brock & Bustillos 02/16/2013

DATE SURVEYED: 02, 15, 2013

PODS 4, 5 & 6 BOUNDARY SURVEY

A PORTION OF SECTION 9, BLOCK 82, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, A PORTION OF TRACT 1, S.J. LARKIN SURVEY NO. 269 AND A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

SCALE: 1"=300'

DATE: 02/02/2013

JOB NO. 08-428-1108

OWNER: CITY OF EL PASO

PROJECT: POB, POD-4, POD-5, POD-6

DATE: 02/02/2013

BY: [Signature]

FOR: [Signature]

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BROCK & BUSTILLOS INC.

417 DECATUR CENTER
EL PASO, TEXAS 79902
WWW.BROCKANDBUSTILLOS.COM
PH 915 242-4500
FAX 915 242-2867

REAL ESTATE SALES CONTRACT

This Contract to buy and sell real property is between Seller and Buyer as identified below and is effective on the date ("Effective Date") of the last of the signatures by Seller and Buyer as parties to this Contract.

Seller:

The **CITY OF EL PASO**, through concurrent approval of its **CITY COUNCIL** and the **EL PASO WATER UTILITIES PUBLIC SERVICE BOARD** of Trustees
1154 Hawkins Blvd.4401 North Mesa
El Paso, Texas 79925
Telephone : (915) 594-5511
Facsimile : (915) 594-5570

Seller's Attorney:

Lupe Cuellar, Real Estate Manager Counsel
El Paso Water Utilities
1154 Hawkins Blvd.
El Paso, Texas 799125
Telephone: Cuellar – (915)594-5636

Buyer:

TEXAS PARKS & WILDLIFE DEPARTMENT
4200 Smith School Rd.
Austin, Texas 78744-3291
Telephone : (512) 389-4800
Facsimile : (512) 389-4960

Buyer's Attorney:

Ann Bright, General Counsel for Texas
Parks & Wildlife Department

Property: Being approximately 658.2954 acre portion of land described as:

POD 2: Approximately 332.5791 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas; and a portion of Tract 1, S.J. Larkin Survey No. 268; City of El Paso, El Paso County, Texas, and a portion of Tract 1A, S.J. Larkin Survey No. 269, City of El Paso, El Paso County, Texas; and more particularly described in in the metes and bounds at **Exhibit "A"** and the survey map at **Exhibit "B"** attached hereto and made a part hereof by this reference for all purposes.

POD 3: Approximately 71.8901 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas, and all of S.J. Larkin Survey No. 267 City of El Paso, El Paso County, Texas; and more particularly described in in the metes and bounds at **Exhibit “A”** and the survey map at Exhibit **“B”** attached hereto and made a part hereof by this reference for all purposes.

POD 4: Approximately 38.0311 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas; and more particularly described in in the metes and bounds at **Exhibit “A”** and the survey map at Exhibit **“B”** attached hereto and made a part hereof by this reference for all purposes.

POD 5: Approximately 215.7951 acre parcel located in a portion of Nellie D. Mundy Survey No. 246, City of El Paso, El Paso County, Texas, and a portion of Tract 1, S.J. Larkin Survey No. 269 City of El Paso, El Paso County, Texas; and more particularly described in the metes and bounds at **Exhibit “A”** and the survey map at Exhibit **“B”** attached hereto and made a part hereof by this reference for all purposes.

Purchase Price: \$72,037.26

Earnest Money: \$ 1.00

Surveyor:

Issac Camacho,
Brock & Bustillos, Inc.
417 Executive Center Blvd.
El Paso, Texas 79902
Telephone : (915) 542-4900

A. Deadlines and Other Dates

All deadlines in this Contract expire at 5:00 p.m. local time where the Property is located. If a deadline falls on a Saturday, Sunday, or national holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or national holiday. A national holiday is a holiday designated by the federal government. Time is of the essence.

1. Delivery of Title Commitment: Not Required
2. Closing Date: _____

B. Closing Documents

1. At closing, Seller will deliver the following items:

Fee Simple Determinable Deed without Warranty

C. Exhibits

The following are attached to and are a part of this Contract:

Exhibit “A”— Legal Description, Metes and Bounds
Exhibit “B” – Maps and Survey

D. Purchase and Sale of Property

Seller agrees to sell and convey the Property to Buyer, and Buyer agrees to buy and pay Seller for the Property. The promises by Buyer and Seller stated in this Contract are the consideration for the formation of this Contract.

E. Title and Survey

1. **Review of Title.** The following statutory notice is provided to Buyer: Buyer is advised that it should either have the abstract covering the Property examined by an Attorney of Buyer’s selection.

2. **Survey.** “Survey” means an on-the-ground, staked plat of survey and metes-and-bounds description of the Land, prepared by Surveyor and certified to comply with the current standards and specifications as published by the Texas Society of Professional Surveyors.

F. Inspection Period

1. **Review of Seller’s Records.** Seller must deliver to Buyer any copies of Seller’s records pertaining to past recording history and ownership of the Property, or otherwise make those records available for Buyer’s review upon request.

2. **Entry onto the Property.** Buyer may enter the Property before closing at any time to inspect it. Buyer must abide by any other reasonable entry rules imposed by Seller.

3. **Buyer’s Indemnity and Release of Seller.**

a. **Indemnity.** Buyer will, to the extent allowed by law, indemnify, defend and hold Seller harmless from any loss, attorney’s fees, expenses, or claims arising out of Buyer’s investigation of the Property, except for repair or remediation of existing conditions discovered by Buyer’s inspection.

b. **Release.** Buyer releases Seller and those persons acting on Seller’s behalf from all claims and causes of action (including claims for attorney’s fees and court and other costs) resulting from Buyer’s investigation of the Property.

G. Representations

The parties' representations stated are true and correct as of the Effective Date and must be true and correct on the Closing Date.

1. **Seller's Representations to Buyer:** Seller represents to Buyer that the following are correct as of the Effective Date and will be true and correct on the Closing Date.

- a. *Authority.* Seller is **The City of El Paso**, through concurrent approval of its **City Council** and the **El Paso Water Utilities Public Service Board** of trustees, validly existing and in good standing under the laws of the State of Texas with authority to convey the Property to Buyer. This contract is, and all documents required by this contract to be executed and delivered to Buyer at closing will be duly authorized, executed, and delivered by Seller.
- b. *Litigation.* There is no litigation pending or threatened against Seller that might affect the Property or Seller's ability to perform its obligations under this contract.
- c. *Violation of Laws.* Seller has not received notice of violation of any law, ordinance, regulation, or requirements affecting the Property or Seller's use of the Property.
- d. *Condemnation; Zoning; Land Use; Hazardous Materials.* Seller has not received notice of any condemnation, zoning, or land use proceedings affecting the Property or any inquiries or notices by any governmental authority or third party with respect to the presence of hazardous materials on the Property or the mitigation of hazardous materials from the Property.
- e. *No Other obligation to Sell the Property or Restriction against Selling the Property.* Seller has not obligated itself to sell the Property to any party other than Buyer. Seller's performance of this contract will not cause a breach of any other agreement or obligation to which Seller is a party or to which it is bound.
- f. *No Liens.* On the Closing Date, the Property will be free and clear of all liens.
- g. *No Other Representations.* Except as stated above.
- h. *No Warranty.* Seller has made no warranty in connection with this Contract.

2. **"AS IS, WHERE IS"**

THIS CONTRACT IS AN ARMS-LENGTH AGREEMENT BETWEEN THE

PARTIES. THE PURCHASE PRICE WAS BARGAINED ON THE BASIS OF AN “AS IS, WHERE IS” TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES STATED IN THE CLOSING DOCUMENTS AND SELLER’S REPRESENTATIONS TO BUYER SET FORTH ABOVE.

THE PROPERTY WILL BE CONVEYED TO BUYER IN AN “AS IS, WHERE IS” CONDITION, WITH ALL FAULTS. (SELLER MAKES NO WARRANTY OF CONDITION, MERCHANTABILITY, OR SUITABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE PROPERTY.)

H. Condition of the Property until Closing; Cooperation; No Recording of Contract

1. ***Maintenance and Operation.*** Until closing, Seller will (a) maintain the Property as it existed on the Effective Date, except for reasonable wear and tear and casualty damage; (b) operate the Property in the same manner as it was operated on the Effective Date; (c) comply with all contracts and governmental regulations affecting the Property. Until the end of the Inspection Period, Seller will not enter into, amend, or terminate any contract that affects the Property other than in the ordinary course of operating the Property and will promptly give notice to Buyer of each new, amended, or terminated contract, including a copy of the contract, in sufficient time so that Buyer may consider the new information before the end of the Inspection Period. If Seller’s notice is given within three (3) days before the end of the Inspection Period, the Inspection Period will be extended for the three (3) days. After the end of the Inspection Period, Buyer may terminate this Contract if Seller enters into, amends, or terminates any contract that affects the Property without first obtaining Buyer’s written consent.

2. ***Claims; Hearings.*** Seller will notify Buyer promptly of any claim or administrative hearing that is threatened, filed, and or initiated before closing that affects the Property.

3. ***Cooperation.*** Seller will cooperate with Buyer (a) before and after closing, to transfer the applications, permits, and licenses held by Seller and used in the operation of the Property and to obtain any consents necessary for Buyer to operate the Property after closing and (b) before closing, with any reasonable evaluation, inspection, audit, or study of the Property prepared by, for, or at the request of Buyer.

4. ***No Recording.*** Buyer may not file this contract or any memorandum or notice of this Contract in the real property records of any county. If however, Buyer records this contract or a memorandum or notice, Seller may terminate this Contract and record a notice of termination.

I. Termination

1. ***Disposition of Earnest Money After Termination***

- a. **To Buyer.** If Buyer terminates this Contract in accordance with any of Buyer's rights to terminate, Seller will, within five (5) days of receipt of Buyer's termination notice deliver the Earnest Money to Buyer, as consideration for the right granted by Seller to Buyer to terminate this Contract.
- b. **To Seller.** If Seller terminates this Contract in accordance with any of Seller's rights to terminate, Buyer will, within five (5) days of receipt of Seller's termination notice pay and deliver the Earnest Money to Seller.

2. **Duties after Termination.** If this Contract is terminated, Buyer will promptly return to Seller all documents relating to the Property that Seller has delivered to Buyer and all copies that Buyer has made of the documents. After return of the documents and copies, neither party will have further duties or obligations to the other under this Contract, except for those obligations that cannot be or were not performed before termination of this Contract.

J. Closing

1. **Closing.** This transaction will close at the Office of Seller's Attorney at the Closing Date and Closing Time. At closing, the following will occur:

- a. **Closing Documents.** The parties will execute and deliver the Closing Documents.
- b. **Payment of Purchase Price.** The purchase price of the property is **Seventy Two Thousand and Thirty Seven Dollars and 26/00 (\$72,037.26)**. Buyer and Seller agree that payment will be made by offsetting the amount Seller owes for leasing property from Buyer for the next six years in accordance with the "Agreement Regarding Public Service Board Water Facilities on Franklin Mountains State Park (TPWD No. 11/12-P124)." In accordance with such Agreement, Buyer will reduce the lease payment of Seller by **Thirteen Thousand Three Hundred and Eighty Two Dollars and 20/00 (\$13,382.20)** for Agreement Year One, commencing on October 2012 and ending October 2013, through Agreement Year 5 and reduce the lease payment for Agreement Year 6 by **Five Thousand One Hundred and Twenty Six Dollars and 26/00 (\$5,126.26)**.
- c. **Disbursement of Funds; Recording; Copies.** Seller's Attorney will be instructed to record the deed and the other Closing Documents directed to be recorded, and distribute documents and copies in accordance with the parties' written instructions.

2. Transaction Costs

- a. **Seller's Costs.** Seller will pay for Survey and Recording of Documents.

- b. **Buyer's Costs.** Buyer has no Closing Cost.

K. Default and Remedies

1. **Seller's Default.** If Seller fails to perform any of its obligations under this Contract or if any of Seller's representations is not true and correct as of the Effective Date or on the Closing Date ("Seller's Default"), Buyer may elect either of the following as its sole and exclusive remedy:

- a. **Termination;** Buyer may terminate this Contract by giving notice to Seller on or before the Closing Date and Closing Time and have the Earnest Money, as described above, returned to Buyer. Unless Seller's Default relates to the untruth or incorrectness of Seller's representations for reasons not reasonably within Seller's control, if Seller's Default occurs after Buyer has incurred costs to investigate the Property after the Effective Date and Buyer terminates this Contract in accordance with the previous sentence, Seller will also pay to Buyer as liquidated damages Buyer's actual out-of-pocket expenses incurred to investigate the Property after the Effective Date within ten(10) days of Seller's receipt of an invoice from Buyer stating the amount of Buyer's expenses.

2. **Buyer's Default.** If Buyer fails to perform any of its obligations under this Contract ("Buyer's Default"), Seller may elect either of the following as its sole and exclusive remedy:

- a. **Termination; Liquidated Damages.** Seller may terminate this Contract by giving notice to Buyer on or before the Closing Date and Closing Time and have the Earnest Money paid to Seller. If Buyer's Default occurs after Seller has incurred costs to perform its obligations under this Contract and Seller terminates this Contract in accordance with the previous sentence, Buyer will also reimburse Seller for actual out-of-pocket expenses incurred to perform its obligations under this Contract. within ten (10) days of Buyer's receipt of an invoice from Seller stating the amount of Seller's expenses.

3. **Liquidated Damages.** The parties agree that just compensation for the harm that would be caused by a default by either party cannot be accurately estimated or would be very difficult to accurately estimate and that the Earnest Money and the amounts provided above are reasonable forecasts of just compensation to the non-defaulting party for the harm that would be caused by a default.

4. **Reversionary Clause.** It is expressly provided, agreed and understood that the herein described and conveyed property shall be used exclusively by the Texas Parks & Wildlife Department (Buyer) only for park and passive recreational purposes, and water, wastewater and storm water utility systems as part of the Franklin Mountains State Park. This use restriction is

intended to be a restrictive covenant running with the land so long as the property is owned by the Texas Parks and Wildlife Department. This restrictive covenant will not terminate unless: (i) the property reverts back to the City of El Paso under the automatic reverter described below; and (ii) at the time of the reverter, the City places a conservation easement on the property in favor of a land trust which conservation easement restricts the uses of the property to park and passive recreational uses and water, wastewater and storm water utility systems and grants enforcement rights in the holder of the conservation easement; and (iii) the conservation easement is recorded in the Real Property Records of El Paso County, Texas so that it is notice to, and binding on, all parties. Passive recreational uses are those types of activities that preserve the wildlife and environment, do not materially alter the natural landscape, nor degrade the environmental quality of the area. Passive recreational uses are activities such as hiking, horseback riding, mountain biking, wildlife viewing and other non-motorized outdoor recreational activities and such structures in support of such activities, such as shelters, picnic tables, directional signs, and bathroom facilities. Parking areas consisting of pervious or permeable surface (gravel, dirt, stones) are allowed.

a. ***Automatic Reverter:*** In the event of any violation of the restrictive covenant that the Property shall only be used for park and passive recreational purposes and water, wastewater and storm water utility systems as part of the Franklin Mountains State Park, for more than Ninety (90) days, then title to the herein described property shall, on the ninety-first (91st) day of such violation of the restrictive covenant, revert to and become the property of the Seller, all the Property, together with all improvements thereon and appurtenances thereto, shall automatically, without suit or reentry, wholly and absolutely revert to and revest in the Seller to be held as a municipal park with a conservation easement restricting the Property to passive recreational uses and water, wastewater and storm water utility systems. Buyer agrees to execute such deeds or other instruments as may be necessary or appropriate to evidence such reversion of title and to convey property herein described to Seller, its successors or assigns.

5. ***Attorney's Fees.*** Each party shall bear their own legal costs.

L. Miscellaneous Provisions

1. ***Notices.*** Any notice required by or permitted under this contract must be in writing. Any notice required by this Contract will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested and addressed to the intended recipient at the address shown in this Contract. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein. Copies of each notice must be given by one of these methods to the attorney of the party to whom notice is given.

2. ***Entire Contract.*** This Contract, together with its exhibits, and any Closing

Documents delivered at closing constitute the entire agreement of the parties concerning the sale of the Property by Seller to Buyer. There are no oral representations, warranties, agreements, or promises pertaining to the sale of the Property by Seller to Buyer not incorporated in writing in this Contract.

3. **Amendment.** This Contract may be amended only by an instrument in writing signed by the parties.

4. **Prohibition of Assignment.** Buyer may not assign this Contract or any of Buyer's rights under it without Seller's prior written consent, and any attempted assignment is void. This Contract binds benefits and may be enforced by the parties, successors and permitted assigns.

5. **Survival.** The obligations of this contract that cannot be performed before termination of this Contract or before closing will survive termination of this Contract or closing and the legal doctrine of merger will not apply to these matters. If there is any conflict between the Closing Documents and this contract, the Closing Documents will control.

6. **Choice of Law; Venue; Alternative Dispute Resolution.** This Contract will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the County for Performance, except as otherwise provided by applicable law. Time permitting, the parties will submit in good faith to an alternative dispute resolution process before filing a suit concerning this Contract.

7. **Waiver of Default.** It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays taking any action with respect to the default.

8. **No Third-Party Beneficiaries.** There are no third-party beneficiaries of this Contract.

9. **Severability.** The provisions of this Contract are severable. If a court of competent jurisdiction finds that any provision of this Contract is unenforceable, the remaining provisions will remain in effect without the unenforceable parts.

10. **Ambiguities Not to Be Construed Against Party Who Drafted Contract.** The rule of construction that ambiguities in a document will be construed against the party who drafted it will not be applied in interpreting this Contract.

11. **Counterparts.** If this Contract is executed in multiple counterparts, all counterparts taken together will constitute this Contract.

12. **Confidentiality.** The parties will keep confidential this Contract, this transaction and all information learned in the course of this transaction, except to the extent disclosure is required by law or court order or to enable third parties to advise or assist Buyer to investigate the Property or either party to close this transaction.

EXECUTED the _____ day of _____, **2013 (EFFECTIVE DATE)**.
(Effective date is upon acceptance of this contract by seller and buyer)

SELLER: Authorized and Approved by the
PUBLIC SERVICE BOARD of the City of
EL PASO

By: _____
John E. Balliew
President/CEO

THE CITY OF EL PASO

By: _____
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Sylvia Borunda Firth
City Attorney

APPROVED AS TO FORM AND CONTENT:

Lupe Cuellar, Real Estate Manager and
Counsel

BUYER: TEXAS PARKS & WILDLIFE
DEPARTMENT

By: _____
Carter Smith
Executive Director

APPROVED AS TO FORM:

Ann Bright, General Counsel for Texas
Parks & Wildlife Department

REAL ESTATE SALES CONTRACT

EXHIBIT A



BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS

ROMAN BUSTILLOS, P.E.

President

RANDY P. BROCK, P.E.

Executive Vice President

SERGIO J. ADAME, P.E.

Vice President - Engineering

ISAAC CAMACHO, R.P.L.S.

Survey Manager

TBPE Reg No. F-737

TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 2"

A 332.5791 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246, a portion of Tract 1, S. J. Larkin Survey No. 268 and a portion of Tract 1A, S. J. Larkin Survey No. 269 and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 242, Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267, whence a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 246, S. J. Larkin Survey No. 267, S. J. Larkin Survey No. 268 and S. J. Larkin Survey No. 269 bears South $86^{\circ}45'05''$ East, a distance of 5,215.19 feet; **THENCE**, leaving the corner common to said Surveys 242, 243, 246 and 267 and following the boundary line common to said Survey No. 246 and said Survey No. 267, South $86^{\circ}45'05''$ East, a distance of 1,554.02 feet; **THENCE**, leaving the boundary line common to said Survey No. 246 and said Survey No. 267, North $03^{\circ}14'55''$ East, a distance of 359.79 feet to the **POINT OF BEGINNING** of the parcel herein described;

THENCE, North $01^{\circ}30'00''$ East, a distance of 1,078.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of curvature;

THENCE, following the arc of a curve to the right having a radius of 755.00 feet, a central angle of $07^{\circ}13'57''$, an arc length of 95.30 and whose long chord bears North $05^{\circ}06'58''$ East, a distance of 95.24 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, North $08^{\circ}43'57''$ East, a distance of 344.25 feet to a TXDOT brass cap right-of-way marker found on the south right-of-way line of Transmountain Road for the northwest corner of the parcel herein described;

THENCE, following the south right-of-way line of Transmountain Road, North $55^{\circ}33'40''$ East, a distance of 132.38 feet to a 5/8 inch rebar found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $81^{\circ}16'03''$ East, a distance of 101.14 feet to a 5/8 inch rebar found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South $36^{\circ}16'03''$ East, a distance of 35.36 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 100.00 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North 68°43'57" East, a distance of 54.24 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 84°35'43" East, a distance of 424.54 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°15'55" East, a distance of 963.99 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North 70°02'58" East, a distance of 1,541.74 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North 79°09'57" East, at a distance of 457.72 feet pass the boundary line common to said Survey No. 246 and said Survey No. 269 and at a total distance of 1,577.33 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North 88°20'50" East, a distance of 534.70 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the west boundary line of the Franklin Mountain State Park for the northeast corner of the parcel herein described;

THENCE, leaving the south right-of-way line of Transmountain Road and following the west boundary line of the Franklin Mountain State Park, South 04°03'38" West, a distance of 433.55 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 32°20'05" West, a distance of 732.48 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°05'16" East, a distance of 1,612.20 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 54°16'59" East, at a distance of 339.22 feet pass the boundary line common to said Survey No.

268 and said survey No. 269 and at a total distance of 845.27 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 14°56'05" East, a distance of 167.25 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 30°55'09" West, a distance of 832.74 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°35'46" East, a distance of 1,722.39 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 32°07'07" East, a distance of 750.08 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 02°41'51" West, a distance of 138.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 33°01'27" West, a distance of 718.44 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for the southeasterly corner of the parcel herein described;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 70°15'20" West, a distance of 1,160.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for the most southerly corner of the parcel herein described;

THENCE, leaving the west boundary line of the Franklin Mountain State Park, North 03°41'39" East, a distance of 1,369.03 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North 37°29'42" West, a distance of 553.44 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the southeasterly boundary line of El Paso Water Utilities Artcraft Tank No. 3 for an angle point;

THENCE, following the southeasterly boundary line of said Tank No. 3, North 39°07'13" East, a distance of 201.94 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the easterly boundary line of said Tank No. 3 for an angle point;

THENCE, leaving the southeasterly boundary line of said Tank No. 3 and following the easterly boundary line of said Tank No. 3, North 00°00'23" East, a distance of 345.15 feet to a 1/2 inch

rebar with survey cap No. TX 5337 set on the northerly boundary line of said Tank No. 3 for an angle point;

THENCE, leaving the easterly boundary line of said Tank No. 3 and following the northerly boundary line of said Tank No. 3, North $89^{\circ}59'11''$ West, a distance of 661.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the boundary line common to said Survey No. 267 and said Survey No. 268;

THENCE, leaving the northerly boundary line of said Tank No. 3 and following the boundary line common to said Survey No. 267 and said Survey No. 268, North $02^{\circ}42'36''$ East, a distance of 1,106.06 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, leaving the boundary line common to said Survey No. 267 and said Survey No. 268, North $37^{\circ}33'14''$ East, a distance of 612.58 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $49^{\circ}50'39''$ East, a distance of 493.62 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $36^{\circ}30'46''$ East, a distance of 320.24 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $14^{\circ}04'36''$ East, a distance of 173.13 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $24^{\circ}47'32''$ West, at a distance of 67.75 feet pass the boundary line common to said Survey No. 268 and said Survey No. 269 and at a total distance of 320.89 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South $70^{\circ}50'06''$ West, a distance of 282.19 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $22^{\circ}33'29''$ West, a distance of 675.67 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South $84^{\circ}14'30''$ West, a distance of 126.43 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $79^{\circ}44'46''$ West, at a distance of 105.00 feet pass the boundary line common to said Survey No. 269 and said Survey No. 246 and a total distance of 738.12 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $75^{\circ}42'25''$ West, a distance of 889.75 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North $86^{\circ}18'49''$ West, a distance of 342.69 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 82°16'41" West, a distance of 1,256.12 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 55°57'25" West, a distance of 438.65 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, South 01°30'00" West, a distance of 95.89 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for an angle point;

THENCE, North 88°30'00" West, a distance of 227.46 feet to the **POINT OF BEGINNING**;

Said parcel contains 332.5791 acres (14,487,147.5 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX R. P. L. S. No. 5337
Date: January 15, 2013
06425-110A Pod 2 Desc





METES AND BOUNDS DESCRIPTION

"Pod No. 3"

A 71.8901 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267 and being more particularly described by metes and bounds as follows.

BEGINNING at a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 242, Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246 and S. J. Larkin Survey No. 267, whence a two inch pipe found for the corner common to Nellie D. Mundy Survey No. 246, S. J. Larkin Survey No. 267, S. J. Larkin Survey No. 268 and S. J. Larkin Survey No. 269 bears South 86°45'05" East, a distance of 5,215.19 feet;

THENCE, leaving the corner common to said Surveys 242, 243, 246 and 267 and following the boundary line common to said Survey No. 243 and said Survey No. 246, North 03°14'36" East, a distance of 2,095.98 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the south right-of-way line of Transmountain Road for the northwest corner of the parcel herein described;

THENCE, leaving the boundary line common to said Survey No. 243 and said Survey No. 246 and following the south right-of-way line of Transmountain Road, North 55°23'45" East, a distance of 35.27 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 79°35'55" East, a distance of 71.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 642.73 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 57°02'23" East, a distance of 136.46 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 250.00 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, North 82°23'04" East, a distance of 156.32 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 81°16'03" East, a distance of 106.38 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, continuing along the south right-of-way line of Transmountain Road, South 32°28'31" East, a distance of 107.68 feet to a TXDOT brass cap right-of-way marker found for an angle point;

THENCE, leaving the south right-of-way line of Transmountain Road, South 08°43'57" West, a distance of 344.25 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 885.00 feet, a central angle of 07°13'57", an arc length of 111.71 feet and whose long chord bears South 05°06'58" West, a distance of 111.64 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, South 01°30'00" West, a distance of 1,078.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, North 88°30'00" West, a distance of 151.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 01°30'00" West, at a distance of 351.38 feet pass the boundary line common to said Survey No. 246 and said Survey No. 267 and at a total distance of 543.07 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southeast corner of the parcel herein described;

THENCE, North 86°17'53" West, a distance of 444.96 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 79°30'09" West, a distance of 399.79 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 86°42'50" West, a distance of 459.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the boundary line common to said Survey No. 267 and said Survey No. 242 for the southwest corner of the parcel herein described:

THENCE, following the boundary line common to said Survey No. 267 and said Survey No. 242, North 03°13'31" East, a distance of 335.33 feet to the **POINT OF BEGINNING**;

Said parcel containing 71.8901 acres (3,131,534.5 square feet), more or less, and being subject to all easements of record.

I hereby certify that this description was prepared by me or under my supervision.


Isaac Camacho,
TX R. P. L. S. No. 5337
Date: January 15, 2013
06425-110A Pod No. 3 Desc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

SERGIO J. ADAME, P.E.
Vice President - Engineering

ISAAC CAMACHO, R.P.L.S.
Survey Manager

TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 4"

A 38.0311 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and being more particularly described by metes and bounds as follows.

COMMENCING for reference at a two inch pipe stamped "EPNG EL 4152 GF 1977" found for the corner common to Nellie D. Mundy Survey No. 243, Nellie D. Mundy Survey No. 246, and Section 10, Block 82, Township 1, Texas and Pacific Railway Company Surveys, whence a two inch pipe found for the corner common to said Survey No. 243, said Survey No. 246, Nellie D. Mundy Survey No. 242 and S. J. Larkin Survey No. 267 bears South 03°14'36" West, a distance of 5,269.69 feet; **THENCE**, leaving the corner common to said Survey No. 243, said Survey No. 246 and said Section 10 and following the boundary line common to said Survey No. 243 and said Survey No. 246, South 03°14'36" West, a distance of 1,783.55 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving boundary line common to said Survey No. 243 and said Survey No. 246, South 80°59'43" East, a distance of 407.12 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point of the parcel herein described;

THENCE, North 88°53'25" East, a distance of 702.90 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point of the parcel herein described;

THENCE, South 89°28'25" East, a distance of 475.98 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northeast corner of the parcel herein described;

THENCE, South 08°43'10" West, a distance of 1,151.38 feet to a 1/2 inch rebar with survey cap No. TX 5337 set on the north right-of-way line of Transmountain Road (Loop 375) for the southeast corner of the parcel herein described;

THENCE, following the north right-of-way line of Transmountain Road, South 78°26'40" West, a distance of 185.59 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 80°52'51" West, a distance of 426.90 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 34°49'03" West, a distance of 34.71 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 79°15'23" West, a distance of 161.75 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, South 55°10'57" West, a distance of 32.97 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 358.07 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 36°16'03" West, a distance of 35.36 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 50.00 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, South 63°43'57" West, a distance of 43.59 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Road, North 81°16'03" West, a distance of 193.95 feet to a 5/8 inch rebar found on the boundary line common to said Survey No. 243 and said Survey No. 246 for the southwest corner of the parcel herein described, whence a two inch pipe found for the corner common to said Survey No. 243, said Survey No. 246, Nellie D. Mundy Survey No. 242 and S. J. Larkin Survey No. 267 bears South 03°14'36" West, a distance of 2,462.87 feet

THENCE, leaving the north right-of-way line of Transmountain Road and following the boundary line common to said Survey No. 243 and said Survey No. 246, North 03°14'36" East, a distance of 1,023.57 feet to the **POINT OF BEGINNING**;

Said parcel contains 38.0311 acres (1,656,634.4 square feet), more or less, and being subject to all easements, restrictions or covenants of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX. R. P. L. S. No. 5337
Date: February 6, 2013
06425-110B Pod 4 DescRev1.doc





BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.
President

RANDY P. BROCK, P.E.
Executive Vice President

SERGIO J. ADAME, P.E.
Vice President - Engineering

ISAAC CAMACHO, R.P.L.S.
Survey Manager

TBPE Reg No. F-737
TBPS Reg No. 101314-00

METES AND BOUNDS DESCRIPTION

"Pod No. 5"

A 215.7951 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of Nellie D. Mundy Survey No. 246 and a portion of Tract 1, S. J. Larkin Survey No. 269 and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a two inch pipe found for the corner common to Sections 8 and 9, Block 82, Township 1, Texas and Pacific Railway Company Surveys and S. J. Larkin Survey No. 269, whence a two inch pipe found for the corner common to S. J. Larkin Survey No. 269, S. J. Larkin Survey No. 270 and Section 8, Block 82, Township 1, Texas and Pacific Railway Company Surveys bears South 86°39'19" East, a distance of 2,848.15 feet; **THENCE**, leaving the corner common to said Sections 8 and 9 and said Survey No. 269 and following the boundary line common to said Section 9 and said Survey No. 269, North 86°43'55" West, a distance of 1,196.09 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found on the west boundary line of the Franklin Mountain State Park; **THENCE**, leaving the boundary line common to said Section 9 and said Survey 269 and following the west boundary line of the Franklin Mountain State Park, South 03°16'05" West, a distance of 110.00 feet to a 1/2 inch rebar with survey cap No. TX 5337 set for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 03°16'05" West, a distance of 1,674.17 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 66°53'32" East, a distance of 462.40 feet to a 1/2 inch rebar with survey cap No. TX 5337 found for an angle point;

THENCE, continuing along the west boundary line of the Franklin Mountain State Park, South 04°03'38" West, a distance of 281.69 feet to a 1/2 inch rebar with survey cap No. TX 5337 found on the north right-of-way line of Transmountain Drive (Loop 375) for the southeast corner of the parcel herein described;

THENCE, leaving the west boundary line of the Franklin Mountain State Park and following the north right-of-way line of Transmountain Drive, South 88°18'42" West, a distance of 1,385.51 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, South 70°03'51" West, at a distance of 266.97 feet pass a TXDOT concrete right-of-way marker found on the boundary line common to said Survey No. 246 and said Survey No. 269 and then continuing along the north right-of-way line of Transmountain Drive for a total distance of 1,590.98 feet to a 60D nail found for the beginning of a non-tangent curve to the right;

THENCE, continuing along the north right-of-way line of Transmountain Drive and following the arc of said non-tangent curve to the right having a radius of 3,928.00 feet, a central angle of $04^{\circ}43'52''$, an arc length of 324.35 feet and whose long chord bears South $77^{\circ}52'56''$ West, a distance of 324.26 feet to a 60D nail found for the end of said non-tangent curve to the right;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $86^{\circ}00'30''$ West, a distance of 921.90 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $84^{\circ}35'43''$ West, a distance of 683.92 feet to a 60D nail found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $81^{\circ}16'03''$ West, a distance of 375.21 feet to a 1/2 inch rebar with survey cap No. "TX 5337" found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $42^{\circ}10'33''$ West, a distance of 83.08 feet to a TXDOT brass cap right-of-way monument found for an angle point;

THENCE, continuing along the north right-of-way line of Transmountain Drive, North $81^{\circ}16'50''$ West, a distance of 6.23 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

THENCE, leaving the north right-of-way line of Transmountain Drive, North $08^{\circ}43'10''$ East, a distance of 1,186.40 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northwest corner of the parcel herein described and the beginning of a non-tangent curve to the left;

THENCE, following the arc of said non-tangent curve to the left having a radius of 1,249.78 feet, a central angle of $23^{\circ}50'16''$, an arc length of 519.97 feet and whose long chord bears North $71^{\circ}43'21''$ East, a distance of 516.22 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 1,919.52 feet, a central angle of $11^{\circ}51'44''$, an arc length of 397.41 feet and whose long chord bears North $65^{\circ}44'05''$ East, a distance of 396.70 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the left having a radius of 3,027.82 feet, a central angle of $14^{\circ}07'24''$, an arc length of 746.35 feet and whose long chord bears North $64^{\circ}36'15''$ East, a distance of 744.47 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 2,405.14 feet, a central angle of $27^{\circ}48'53''$, an arc length of 1,167.60 feet and whose long chord bears North $71^{\circ}26'59''$ East, a distance of 1,156.16 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for a point of tangency;

THENCE, North 85°21'26" East, a distance of 786.82 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 87°34'17" East, at a distance of 94.27 feet pass the boundary line common to said Survey No. 269 and said Survey No. 246 and at a total distance of 338.03 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, North 66°01'18" East, a distance of 779.29 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for an angle point;

THENCE, South 87°17'18" East, a distance of 287.04 feet to the **POINT OF BEGINNING**;

Said parcel contains 215.7951 acres (9,400,033.8 square feet), more or less, and being subject to all easements, restrictions or covenants of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho
Isaac Camacho,
TX R. P. L. S. No. 5337
Date: February 6, 2013
06425-110B Pod 5 DescRev1.doc



EXHIBIT B

