

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

DEPARTMENT: Planning and Economic Development

AGENDA DATE: Introduction: April 24, 2012
Public Hearing: May 15, 2012

CONTACT PERSON/PHONE: Michael McElroy, 541-4238

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance releasing all conditions placed on property by special contract no. 56-005 of the following parcels: Parcel 1: a portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas, and Parcel 2: a portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas, and imposing a condition. The penalty is as provided for in chapter 20.24 of the El Paso city code. Applicant: Bassett Center Real Estate Company, LLC. PZCR12-00001 (District 3)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

Special Contract 56-005, dated February 12, 1956 imposed setback conditions upon the property, among others. Over the years several conditions have been partially released.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (8-0)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DIRECTOR: Mathew McElroy
Deputy Director, Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

PZCR12-00001

05/15/2012

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY SPECIAL CONTRACT NO. 56-005 OF THE FOLLOWING PARCELS:

PARCEL 1: A PORTION OF TRACT 1 AND TRACT 2, BASSETT CENTER SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND

PARCEL 2: A PORTION OF TRACT 1 AND TRACT 2, BASSETT CENTER SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the property described as *Parcel 1: a portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas, and Parcel 2: a portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas*, was subject to certain zoning conditions by Special Contract No. 56-005, approved by City Council on February 12, 1962; and,

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

1. That all of the zoning conditions imposed by Special Contract No. 56-005 dated February 12, 1962, on the portion of land identified in Exhibit "A" be released because over the years several conditions have been partially released.

Original 1962 Conditions:

1. Setbacks are to exist as follows:

- a. On both sides of Magruder Street between Interstate Highway 10 and Montana Avenue – 40 feet; except that no special setback line shall be designated on the east side of Magruder for a distance of 165 feet north from I-10.*

- b. On the south side of Montana between the southwest boundary of the Bassett Center Subdivision and Magruder – 40 feet.
- c. On the south side of Montana Avenue between Magruder and Geronimo – 60 feet.
- d. On the southwest and west side of Geronimo from Montana Avenue to I-10 – 60 feet.
- e. On the east side of Geronimo from the southern boundary of Cresthill Terrace Addition to I-10 – 60 feet
- f. On the north side of I-10, between Geronimo and Magruder – 140 feet; except that at the northeast corner of the intersection of I-10 and Magruder no special setback line shall be designated for a distance of 140 feet east of Magruder.
- g. On the north side of I-10 between Magruder and the southwest boundary of Bassett Center Subdivision – 60 feet.

2. No vehicular access from FM 2233 and Montana Ave. shall be constructed without the prior approval of the Traffic Engineer whose approval shall be based on considerations of the effect of such access on the safety and operating efficiency of said major thoroughfares. (Condition satisfied).

3. All illumination facilities for parking areas, and all illuminated signs shall be so oriented as to prevent the direct illumination of abutting residential properties, and no sign or advertising device designed to attract attention by audible means shall be permitted. (Condition addressed currently by the Dark Sky Ordinance).

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. A Detailed Site Development Plan review will be required in accordance with the El Paso City Code prior to the issuance of any building permits.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Planning and Economic Development
Department

EXHIBIT A

PROPERTY

Being a portion of Tract 1 and Tract 2, Bassett Center Subdivision in the City of El Paso, El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch rebar found in the centerline point of curvature of Montana Avenue (U.S. Hwy. No. 62-180), adjacent to Tract 9F1, Block 2, Ascarate Grant; Thence, South 52 degrees 47 minutes 00 seconds West, a distance of 989.85 feet; Thence, South 37 degrees 13 minutes 00 seconds East, a distance of 51.74 feet to a 5/8-inch rebar found on the South right-of-way of Montana Avenue (U.S. Hwy. No. 62-180); Thence, with said south right-of-way, South 52 degrees 47 minutes 00 seconds West, a distance of 25.35 feet to a 5/8-inch rebar found; Thence, with said south right-of-way, South 54 degrees 38 seconds 30 seconds West, a distance of 189.92 feet to a 5/8-inch rebar found and the POINT OF BEGINNING;

Thence, leaving said south right-of-way, South 33 degrees 29 minutes 01 seconds East, a distance of 65.99 feet to a 5/8-inch rebar found;

Thence, 130.27 feet with the arc of a non-tangent curve to the right, having a radius of 382.76 feet, a central angle of 19 degrees 30 minutes 00 seconds, and a chord bearing of North 88 degrees 15 minutes 00 seconds East, a distance of 129.64 feet to a 5/8-inch rebar found;

Thence, South 82 degrees 00 minutes 00 seconds East, a distance of 115.26 feet to a PK nail in wall found;

Thence, South 77 degrees 0 minutes 00 seconds East, a distance of 44.00 feet to a PK nail and shiner set;

Thence, North 29 degrees 36 minutes 38 seconds East, a distance of 66.06 feet to a chiseled 'X' in concrete found on the west right-of-way of Geronimo Drive;

Thence, with said west right-of-way and a non-tangent curve to the left an arc distance of 194.83 feet to a chiseled 'X' in concrete found, curve having a radius of 448.68 feet, a central angle of 24 degrees 52 minutes 46 seconds and a long chord bearing of South 72 degrees 49 minutes 37 seconds East, a distance of 193.30 feet;

Thence, continuing with said West right-of-way, South 85 degrees 16 minutes 00 seconds East, a distance of 123.89 feet to a chiseled 'X' in concrete found at the P.C. of a curve to the right;

Thence, continuing with said west right-of-way and curve to the right an arc distance of 399.05 feet to a nail and shiner found in an expansion joint, curve having a radius of 2,230.64 feet, a central angle of 10 degrees 15 minutes 00 seconds and a long chord bearing of South 80 minutes 08 minutes 30 seconds East, a distance of 398.52 feet;

Thence, continuing with said west right-of-way, South 75 degrees 01 minutes 00 seconds East, a

distance of 391.99 feet to a chiseled 'X' in concrete found at the P.C. of a curve to the right;

Thence, continuing with said west right-of-way and curve to the right, an arc distance of 640.84 feet to a chiseled 'X' in concrete found, curve having a radius of 560.00 feet, a central angle of 65 degrees 34 minutes 00 seconds and a long chord bearing of South 42 degrees 14 minutes 00 seconds East, a distance of 606.43 feet;

Thence, continuing with said west right-of-way, South 09 degrees 27 minutes 00 seconds East, a distance of 155.17 feet to a chiseled 'X' in concrete set;

Thence, leaving said west right-of-way, South 80 degrees 26 minutes 40 seconds West, a distance of 300.00 feet to a 60d nail found;

Thence, South 09 degrees 27 minutes 00 seconds East, a distance of 300.00 feet to a 1/2-inch rebar found on the north right-of-way of U.S. Interstate Highway Number 10;

Thence, with said north right-of-way, South 80 degrees 26 minutes 40 seconds West, a distance of 10.41 feet to a 1/2-inch rebar found;

Thence, with said north right of way, South 84 degrees 27 minutes 07 seconds West, a distance of 246.01 feet to a 1/2-inch rebar found;

Thence, continuing with said north right-of-way, North 87 degrees 31 minutes 59 seconds West, a distance of 246.01 feet to a 1/2-inch rebar found;

Thence, continuing with said north right-of-way, North 83 degrees 31 minutes 32 seconds West, a distance of 1,008.54 feet to a 5/8-inch rebar found;

Thence, continuing with said north right-of-way, South 80 degrees 52 minutes 55 seconds West, a distance of 564.11 feet to a crow's foot in sidewalk found;

Thence, continuing with said north right-of-way, South 65 degrees 17 minutes 22 seconds West, a distance of 74.17 feet to a chiseled 'X' in concrete found for the P.C. of a curve to the right;

Thence, with said north right-of-way and curve to the right, an arc distance of 28.84 feet to a point on the east right-of-way of Magruder Street, curve having a radius of 20.00 feet, a central angle of 82 degrees 37 minutes 38 seconds and a long chord bearing North 73 degrees 23 minutes 49 seconds West, a distance of 26.41 feet to a 5/8-inch rebar found;

Thence, with said east right-of-way, North 32 degrees 05 minutes 00 seconds West, a distance of 206.08 feet to a 5/8-inch rebar found;

Thence, continuing with said east right-of-way, North 24 degrees 18 minutes 38 seconds West, a distance of 644.91 feet to a chiseled 'X' in concrete found at the P.C. of a curve to the right;

Thence, continuing with said east right-of-way and curve to the right, an arc distance of 32.63

feet to a 5/8-inch rebar found on the south right-of-way of Montana Avenue, curve having a radius of 20.00 feet, a central angle of 93 degrees 28 minutes 38 seconds and a long chord bearing of North 22 degrees 25 minutes 41 seconds East, a distance of 29.13 feet;

Thence, with said south right-of-way, North 69 degrees 10 minutes 00 seconds East, a distance of 166.75 feet to a nail and shiner found;

Thence, continuing with said south right-of-way, North 24 degrees 10 minutes 00 seconds East, a distance of 16.97 feet to a nail and shiner found;

Thence, continuing with said south right-of-way, North 69 degrees 10 minutes 00 seconds East, a distance of 171.83 feet to a 5/8-inch rebar found at the P.C. of a curve to the left;

Thence, continuing with said south right-of-way and curve to the left, an arc distance of 643.60 feet, curve having a radius of 2,915.00 feet, a central angle of 12 degrees 39 minutes 01 seconds and a long chord bearing of North 62 degrees 50 minutes 30 seconds East, a distance of 642.29 feet to the POINT OF BEGINNING containing 57.558 acres or 2,507,235 square feet.

SAVE AND EXCEPT PARCEL:

COMMENCING for reference at the common northerly corner of Tract 1 and Tract 2, Bassett Center, Thence, North 75 degrees 01 minutes 00 seconds West, with the southerly right-of-way line of Geronimo Drive (100 feet wide), a distance of 76.79 feet to an 'X' in concrete found for the POINT OF BEGINNING of this parcel;

Thence, South 08 degrees 15 minutes 47 seconds East, a distance of 82.35 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 09 degrees 02 minutes 53 seconds East, a distance of 367.16 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 81 degrees 50 minutes 00 seconds West, a distance of 9.30 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 08 degrees 10 minutes 00 seconds East, a distance of 56.35 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 08 degrees 50 minutes 00 seconds East, a distance of 84.40 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 81 degrees 10 minutes 00 seconds West, a distance of 360.92 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 08 degrees 19 minutes 23 seconds East, a distance of 113.04 feet to a PK nail and shiner found for a corner of this parcel;

Thence, South 08 degrees 46 minutes 54 seconds East, a distance of 66.42 feet to a PK nail and shiner found for a corner of this parcel;

Thence, southwesterly with the arc of a curve to the right a distance of 69.60 feet to a PK nail and shiner found for a corner of this parcel, said curve having a radius of 110.00 feet, a central angle of 36 degrees 15 minutes 04 seconds and a chord which bears South 09 degrees 20 minutes 38 seconds West, a distance of 68.44 feet;

Thence, southeasterly with the arc of a curve to the left a distance of 54.34 feet to a PK nail found for a corner of this parcel, said curve having a radius of 50.00 feet, a central angle of 62 degrees 16 minutes 23 seconds and a chord which bears South 03 degrees 40 minutes 01 seconds East, a distance of 51.71 feet;

Thence, South 34 degrees 48 minutes 12 seconds East, a distance of 73.44 feet to a PK nail found in the northerly right-of-way of Interstate Highway No. 10 for a corner of this parcel;

Thence, North 83 degrees 31 minutes 32 seconds West, with said northerly right-of-way line a distance of 380.38 feet to a chiseled 'X' in concrete found for a corner of this parcel;

Thence, North 08 degrees 46 minutes 54 seconds West, a distance of 389.02 feet to a PK nail and shiner set for a corner of this parcel;

Thence, North 81 degrees 10 minutes 00 seconds East, a distance of 98.50 feet to a PK nail and shiner set for a corner of this parcel;

Thence, North 08 degrees 46 minutes 54 seconds West, a distance of 138.56 feet to a point for a corner of this parcel;

Thence, South 81 degrees 13 minutes 06 seconds West, a distance of 4.02 feet to a point for a corner of this parcel;

Thence, North 08 degrees 46 minutes 54 seconds West a distance of 160.15 feet to a mark on building found for a corner of this parcel;

Thence, South 81 degrees 13 minutes 06 seconds West, a distance of 0.38 feet to a mark on building found for a corner of this parcel;

Thence, North 08 degrees 46 minutes 54 seconds West, a distance of 247.29 feet to a PK nail and shiner set for a corner of this parcel;

Thence, South 81 degrees 10 minutes 00 seconds West, a distance of 12.23 feet to a PK nail and shiner set for a corner of this parcel;

Thence, North 08 degrees 29 minutes 38 seconds West, a distance of 153.41 feet to a 'X' in concrete found in the southerly right of way line of Geronimo Drive (100 feet wide) for a corner of this parcel;

Thence, South 85 degrees 16 minutes 00 seconds East, with said southerly right-of-way line a distance of 54.62 feet to a 'X' in concrete for a corner of this parcel;

Thence, southeasterly with the arc of a curve to the right and continuing with said southerly right-of-way line a distance of 399.05 feet to an existing nail and shiner found in an expansion joint, for a corner of this parcel, said curve having a radius of 2,230.64 feet, a central angle of 10 degrees 15 minutes 00 seconds and a chord which bears South 80 degrees 08 minutes 30 seconds East, a distance of 398.52 feet;

Thence, South 75 degrees 01 minutes 00 seconds East, continuing with said southerly right-of-way-line a distance of 238.18 feet to the POINT OF BEGINNING.

This parcel contains 13.3242 acres (580,406 sq. ft.), more or less.



PLANNING AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

DATE: 04/17/2012

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager

FROM: Michael McElroy, Planner

SUBJECT: CONDITION RELEASE PZCR12-00001

The City Plan Commission (CPC), on 04/05/2012, voted **8-0** to recommend **APPROVAL** of the condition release with the condition that a detailed site development plan be reviewed before the issuance of future building permits, concurring with Staff's recommendation.

The CPC determined that the release of the zoning conditions on the subject property protects the best interest, health, safety and welfare of the public in general. The CPC also determined that the C-3 (Commercial) zoning district provides adequate setbacks and that the proposed use is in accordance with and in furtherance of comprehensive plan.

There was NO OPPOSITION to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZCR12-00001
Application Type: Condition Release
CPC Hearing Date: April 5, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: North of I-10 and East of Magruder Street
Legal Description: Parcel 1: Portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas
Parcel 2: Portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas
Acreage: 43.32 acres
Rep District: 3
Zoning: C-3/sc (Commercial/special contract)
Existing Use: Shopping Mall
Request: Release all conditions imposed by contract dated February 12, 1962
Proposed Use: Shopping Mall
Property Owner: Bassett Place Real Estate Company, LLC
Representative: Alejandra Contreras

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial), C-1/sc/sp (Commercial/special contract/special permit), C-1/sc (Commercial/special contract) & R-4 (Residential) / Commercial and residential
South: C-3/sc (Commercial/special contract) / Commercial
East: C-3 (Commercial), C-1 (Commercial) & R-4 (Residential) / Commercial and residential
West: C-3 (Commercial) / Commercial & office

Plan El Paso Designation: G-4 – Suburban (Central Planning Area)

Plan for El Paso Designation: Central (Commercial)

Nearest Park: Normandy Park (2,265 ft.)

Nearest School: Hughey Elementary (1,841 ft.)

NEIGHBORHOOD ASSOCIATIONS

Central Business Association

NEIGHBORHOOD INPUT

Notices of the April 5, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on March 7, 2012.

APPLICATION DESCRIPTION

The request is to release all remaining setback requirements and other conditions on the property imposed by contract dated February 12, 1962 (see attachment 4). These conditions were placed on the property due to the construction of the highway. Over the years several conditions have been partially released.

Original 1962 Conditions:

1. Setbacks are to exist as follows:

- a. On both sides of Magruder Street between Interstate Highway 10 and Montana Avenue – 40 feet; except that no special setback line shall be designated on the east side of Magruder for a distance of 165 feet north from I-10.
- b. On the south side of Montana between the southwest boundary of the Bassett Center Subdivision and Magruder – 40 feet.
- c. On the south side of Montana Avenue between Magruder and Geronimo – 60 feet.
- d. On the southwest and west side of Geronimo from Montana Avenue to I-10 – 60 feet.
- e. On the east side of Geronimo from the southern boundary of Cresthill Terrace Addition to I-10 – 60 feet
- f. On the north side of I-10, between Geronimo and Magruder – 140 feet; except that at the northeast corner of the intersection of I-10 and Magruder no special setback line shall be designated for a distance of 140 feet east of Magruder.
- g. On the north side of I-10 between Magruder and the southwest boundary of Bassett Center Subdivision – 60 feet.

2. No vehicular access from FM 2233 and Montana Ave. shall be constructed without the prior approval of the Traffic Engineer whose approval shall be based on considerations of the effect of such access on the safety and operating efficiency of said major thoroughfares. (Condition satisfied).

3. All illumination facilities for parking areas, and all illuminated signs shall be so oriented as to prevent the direct illumination of abutting residential properties, and no sign or advertising device designed to attract attention by audible means shall be permitted. (Condition addressed currently by the Dark Sky Ordinance).

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the zoning condition release request. Present-day zoning regulations are appropriate and applicable. The conditions currently imposed do not make the property a walkable community; if it were a new model it would be built to the street edge.

Plan El Paso-Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-4 – Suburban: This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-3 district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS

Department of Transportation

Department of Transportation objects to the following condition release. Releasing the conditions may impose detrimental impact to the abutting streets due to the streets being at a higher elevation than the property. 1. On the south side of Montana Avenue between Magruder and Geronimo – 60 feet, except construction will be permitted along the south side of Montana between a point 25 feet easterly from the easterly right of way line of Magruder and a point 200 feet easterly from such

first point, but such construction shall not be closer than 25 feet to the southerly right of way line of Montana. 2. On the southwest and west side of Geronimo from Montana Avenue to I-10 – 25 feet. Department of Transportation does not object to the other condition release.

Land Development

No objections.

El Paso Water Utilities

1. EPWU does not object to this request.

Water

2. There are existing water mains that extend along portions of the public rights-of-way fronting the subject parcels and within the subject property along easements.

3. EPWU records indicate active water meters serving the subject commercial development.

Sanitary Sewer:

4. There are existing sanitary sewer mains that extend along portions of the public rights-of-way fronting the subject parcels and within the subject property along easements.

General:

5. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. EPWU-PSB requires access to the proposed water and sanitary sewer facilities and appurtenances within the easements 24 hours a day, seven days a week. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

6. EPWU requires a new service application to provide additional water/sewer services. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release:

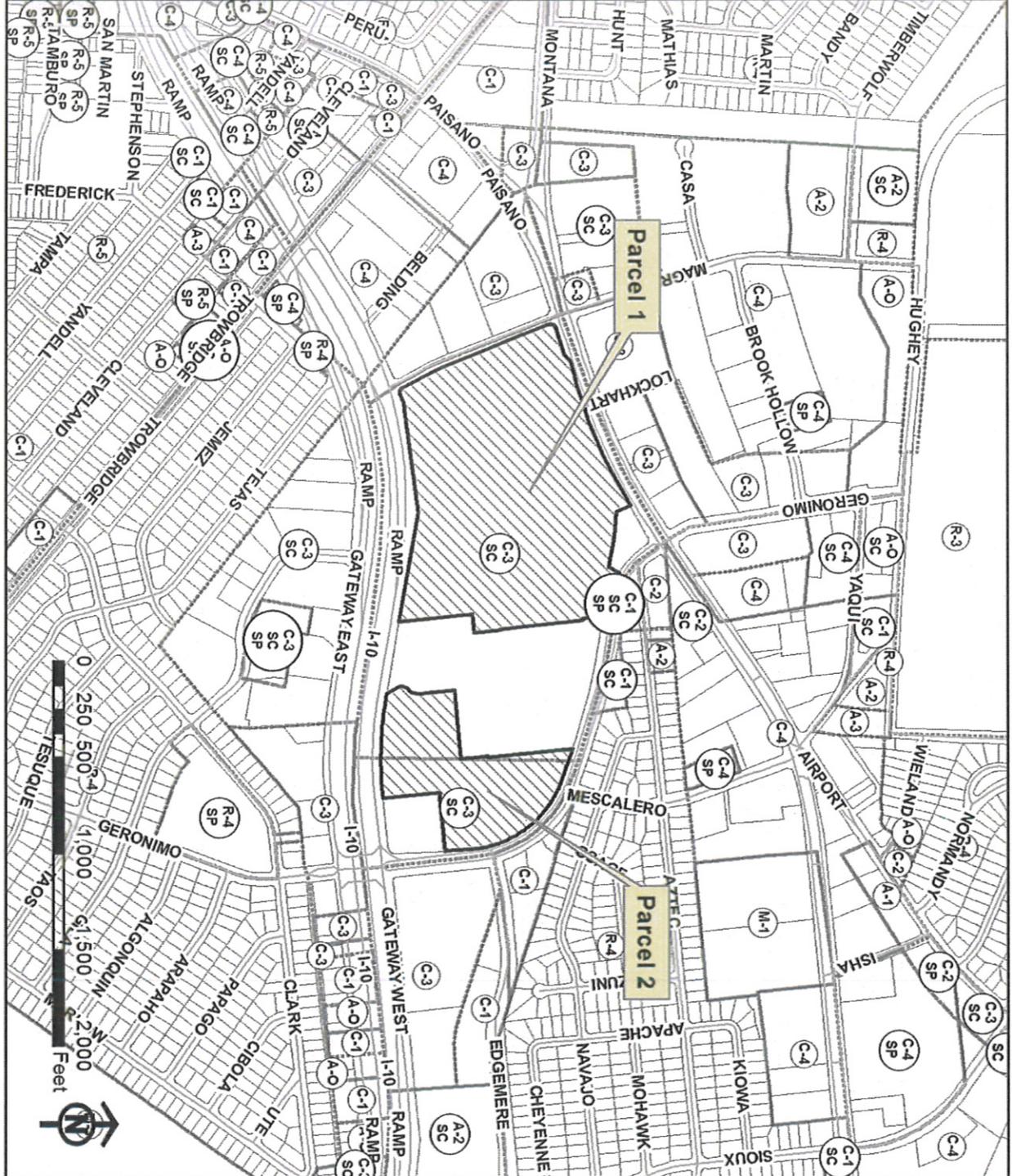
1. Recommend approval of the application finding that the zoning condition amendment is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the zoning condition amendment into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the zoning condition amendment does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

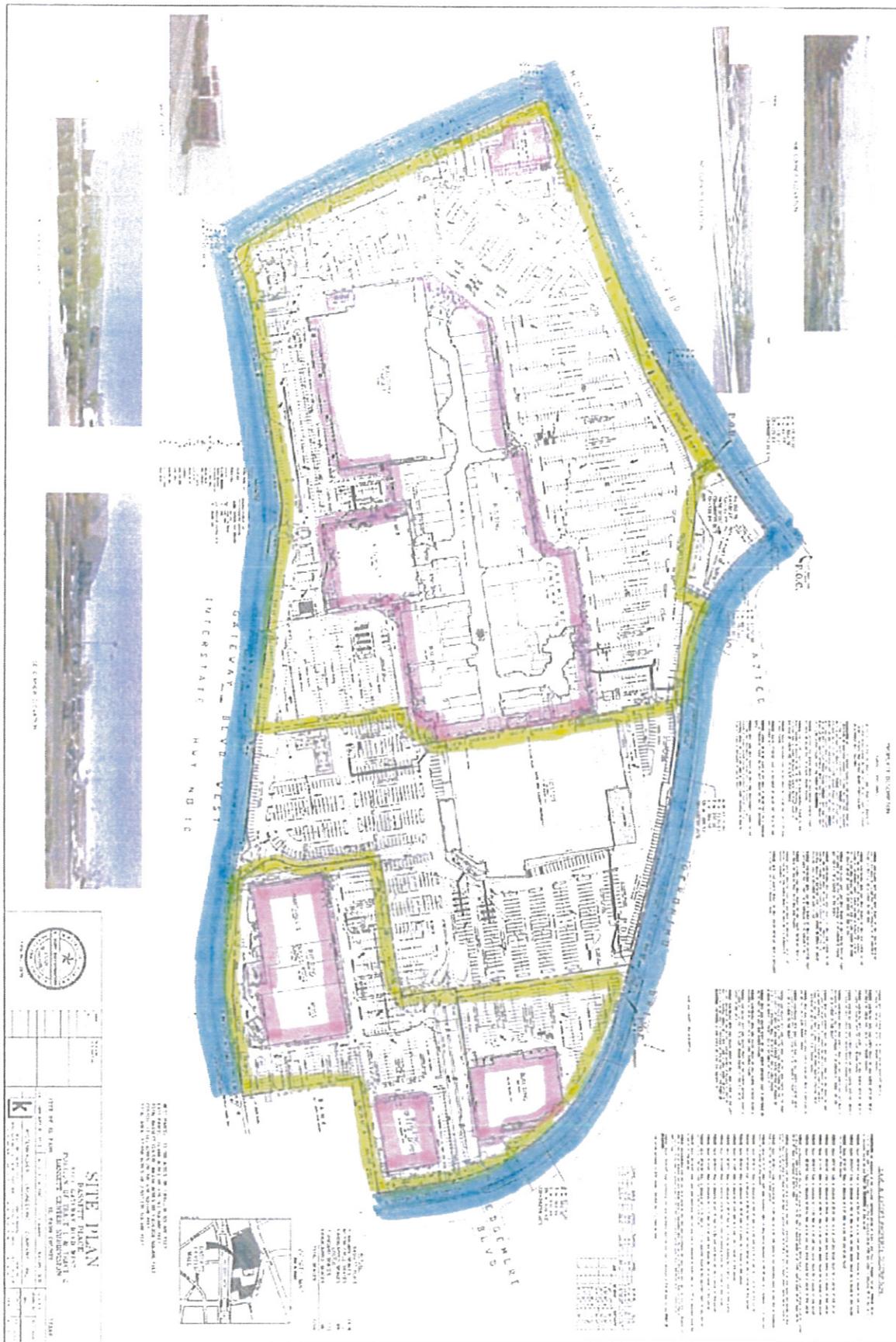
1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Contract dated February 1962

ATTACHMENT 1: ZONING MAP

PZCR12-00001



ATTACHMENT 3: DETAILED SITE PLAN



ATTACHMENT 4: CONTRACT DATED FEBRUARY 12, 1962

32005
CONTRACT

This contract, made this 12 day of February, ¹⁹⁶²~~1964~~ by and between Charles Bassett Center, Inc., and the City of El Paso, witnesseth:
By contract dated August 7, 1957, recorded in Book 1355, page 175 of the Deed Records of El Paso County, the parties made certain agreements with reference to the following described property in El Paso County, Texas:

Tracts 5D, 5D1, 5D2, 7A, 9E, and that part of Tract 9A lying north of the north right of way line of FM 2233 and west of a north-south line which intersects the south line of Cresthill Terrace Addition 140 feet west of the intersection of said south line with Geronimo Drive (which distance is measured along the south line of Cresthill Terrace Addition), all in Block 2, Ascarate Grant.

Said contract was modified by a partial release dated July 6, 1961; and by contract dated June 8, 1961, recorded in Book 1606, page 269, the parties made certain agreements with reference to Block 1 of Bassett Center.

The parties have now agreed to certain modifications of the foregoing contracts, and this contract is to be substituted for the previous contracts above described.

In consideration of the premises the parties agree:

(1) Charles Bassett Center, Inc., will comply with the following setback lines in the property above described, that is to say, no structure shall be constructed within the specified distances of the streets or highways:

(a) On both sides of Magruder Street between Interstate Highway 10 and Montana Avenue—40 feet; except that no special setback line shall be designated on the east side of Magruder Street for a distance of 165 feet north from the Interstate Highway 10.

(b) On the south side of Montana Avenue between the southwest boundary of the Bassett Center Subdivision and Magruder Street—40 feet.

(c) On the south side of Montana Avenue between Magruder Street and Geronimo Drive—60 feet.

(d) On the southwest and west side of Geronimo Drive from Montana Avenue to Interstate Highway 10—60 feet.

(e) On the east side of Geronimo Drive from the south boundary of Cresthill Terrace Addition to the Interstate Highway 10—60 feet.

(f) On the north side of Interstate Highway 10, between Geronimo Drive and Magruder Street—140 feet; except that at the northeast corner of the intersection of Interstate Highway 10 and Magruder no special setback line shall be designated for a distance of 140 feet east of Magruder.

(g) On the north side of Interstate Highway 10 between Magruder Street and the southwest boundary of Bassett Center Subdivision—60 feet.

(2) No vehicular access from FM 2233 and Montana Avenue shall be constructed without the prior approval of the Traffic Engineer whose approval shall be based on considerations of the effect of such access on the safety and operating efficiency of said major thoroughfares.

(3) All illumination facilities for parking areas, and all illuminated signs shall be so oriented as to prevent the direct illumination of abutting residential properties, and no sign or advertising device designed to attract attention by audible means shall be permitted.

(4) The above restrictions shall constitute covenants running with the land, and easements and servitudes thereon and shall be binding on Charles Bassett Center, Inc., and its successors in title, and may be enforced by the City of El Paso by injunction or any other remedy.

The City Council of the City of El Paso may release the above restrictions in its discretion, without the consent of any third person who may be benefited thereby.

Charles Bassett Center, Inc., warrants that it has title to the above described property and has the right to put the above restrictions thereon.

Witness the following signatures and seals:

CHARLES BASSETT CENTER, INC.

by [Signature]
Vice President

ATTEST:

[Signature]
Secretary

THE CITY OF EL PASO

by [Signature]
Mayor

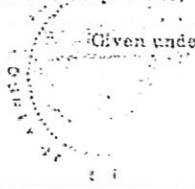
ATTEST:

[Signature]
City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

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

Given under my hand and official seal this 24 day of February, 1962.



[Signature]
Notary Public in and for El Paso County,
Texas.
My commission expires on 1/1/63

122-2462