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

DEPARTMENT: Development Services Department

AGENDA DATE: Intro on 6/6/06 and final Public Hearing on 6/20/06

CONTACT PERSON/PHONE: Rudy Valdez/4635

DISTRICT(S) AFFECTED: 5

SUBJECT:
An Ordinance annexing a portion of Tract 1B, Section 26, Tract 11C2, Section 34, Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, El Paso County, Texas to the City of El Paso, Texas.

BACKGROUND / DISCUSSION:
This ordinance proposes to annex 600.03 acres into the El Paso City Limits. The current owners of the property are East Montana Joint Venture, Sasha A. Viramontes and Wholesale Lumber Company. The owners/developers propose a mix-use development that includes residential, parks, commercial, and school uses. The annexation is subject to an Annexation Agreement entered into on February 21, 2006 between the current owners and the City of El Paso that outlines the terms under which the annexation will occur. Also to be part of the ordinance is a Service Plan required by state statute that outlines the public services the City is required to provide to the annexed area.

PRIOR COUNCIL ACTION:

Annexation Development Agreement approved by City Council on February 21, 2006.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission and Development Coordinating Committee recommended approval.

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE ANNEXING ALL OF TRACT 1B, SECTION 26, TRACT 11C2, SECTION 34, TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, AND A PORTION OF MONTANA AVENUE (HIGHWAY 62) RIGHT-OF-WAY, EL PASO COUNTY, TEXAS TO THE CITY OF EL PASO, TEXAS.

WHEREAS, East Montana Joint Venture, Sasha A. Viramontes, and Wholesale Lumber Company ("Owners"), own approximately 600.03 acres, lying in the City of El Paso's East Extraterritorial Jurisdiction, and is contiguous to the current City limits boundary; the property more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference, request that this area be annexed into El Paso's city limits; and,

WHEREAS, the attached Service Plan, described as Exhibit "B", identifies the municipal services to be extended to this annexed area and adopted as part of this ordinance; and,

WHEREAS, the City of El Paso, Texas, and Owners have entered into a Development Agreement, on February 21, 2006, recorded in the Real Property Records of the County of El Paso, Document Number 20060022000, which governs the development of the property prior to and after annexation.

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

That the boundary of the city limits of the *CITY OF EL PASO* is hereby extended so as to annex and include the territory described in Exhibit "A" lying adjacent to the city limits as they are at present established. Further, that the City adopts the Service Plan attached and described as Exhibit "B"; and that the annexation is subject to all terms and conditions of the Development Agreement, entered into on February 21, 2006, recorded in the Real Property Records of the County of El Paso, Document Number 20060022000.

PASSED AND APPROVED THIS _____ day of _____, 2006.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Rodolfo Valdez, Chief Urban Planner
Development Services Department

Doc# 17920
ORDINANCE NO._____

SUB06-00028

Being a portion of Sections 26 and 35, Block 79,
Township 2, Texas and Pacific Railway Company Surveys,
El Paso County, Texas
Prepared for: JNC Land Co.
February 13, 2006

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Sections 26 and 35, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE "TRUE POINT OF BEGINNING" being the corner common to Sections 26, 27 34 and 35, Block 79, Township 2, Texas and Pacific Railway Company Surveys

Thence along the common line of Section 26 and 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys North 00°31'11" West a distance of 560.00 feet to a point;

Thence leaving said line South 89°59'11" East a distance of 593.91 feet to a point;

Thence South 00°31'11" East a distance of 1088.65 feet to a point on the northerly right of way line of Montana Avenue (U.S. Highway 62);

Thence along said right of way line South 81°17'30" West a distance of 600.00 feet to a point on the common line of Sections 34 and 35, Block 79, Township 2, Texas and Pacific Railway Company Surveys;

Thence along said line North 00°31'11" West a distance of 619.64 feet to the "TRUE POINT OF BEGINNING" and containing 15.463 Acres of land more or less.

NOTE: Not a ground survey, Description and Bearings based on warranty deed recorded in volume 2123, Page 538, Real property records of El Paso County, Texas

Ron R. Conde
R.P.L.S. No. 5152
Job# 1205-62 R.C.

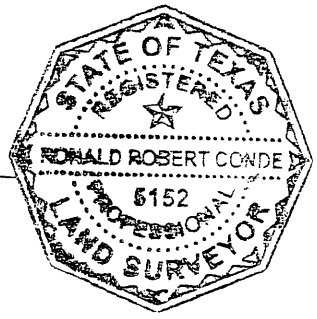


EXHIBIT 'A'

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being Tract 11C2, Section 34 and a
Portion of Section 27, Block 79,
Township 2, Texas and Pacific
Railroad Company Surveys
El Paso County, Texas
Prepared for: J.N.C Land Co.
August 2, 2005

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 11C2, Section 34 and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE TRUE POINT OF BEGINNING" being a set ½" rebar with cap marked TX 5152 on the intersection of the easterly line of a El Paso Electric Company tract of land as described in special warranty deed in volume 1085, page 104, Real property records of El Paso County Texas with the southerly line of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys

Thence along said easterly line North 00°34'35" West (North 00°33'12" West vol. 1085, pg. 104) a distance of 4436.64 feet to a set ½" rebar with cap marked TX 5152 on the line between that parcel of land described in vol. 1675, pg. 347 and vol. 2104, pg. 85, Real Property records of El Paso County, Texas;

Thence along said line North 89°58'37" East (North 90°00'00" East vol. 1675, pg. 347) a distance of 350.00 (350.04 vol. 2104, pg. 85) feet to a set ½" rebar with cap marked TX 5152;

Thence continuing along said line North 00°34'35" West (North 00°33'12" West vol. 1675, pg. 347) a distance of 600.00 feet (600.03 feet vol. 2104, pg. 85) to a set ½" rebar with cap marked TX 5152 on the northerly line of section 27;

Thence along said line North 89°59'35" East (North 89°59'05" East vol. 2104, pg. 85) a distance of 4558.42 feet to a set ½" rebar with cap marked TX 5152 for the northeast corner of a parcel of land described in volume 2857, page 641, Real property records of El Paso County, Texas from which a found 2" pipe with cap marked + bears North 89°59'35" East a distance of 33.18 feet and a brass cap marked 22,23,28,27 1996 bears North 08°47'57" West a distance of 589.92 feet ;

Thence along the easterly line of said parcel of land described in volume 2857, page 641, South 00°33'26" East (South 00°34'34" East vol. 2857, pg. 641) a distance of 5038.10 feet to a set ½" rebar with cap marked TX 5152 on the south line of section 27, block 79, Township 2, Texas and Pacific Railroad Company Surveys from which a found 5/8" rebar bears South 89°59'27" East a distance of 0.17 feet;

Thence along said line North 89°59'27" West (South 89°59'25" West vol. 2857, pg. 641) a distance of 3177.76 feet to a point on the easterly line of a 10 acre parcel of land described in volume 3476, page 1104, Real property records of El Paso County, Texas from which a found 1" rebar bears South 83°43'58" West a distance of 0.91 feet;

Thence along said line North 00°32'39" West (North 00°33'12" West vol. 3476, pg. 1104) a distance of 600.00 feet to a point on the northerly line of said 10 acre parcel of land from which a found ½" rebar with cap marked TX 1976 bears South 38°36'53" East a distance of 0.13 feet;

EXHIBIT
A
PAGE 1 OF 2

Thence along said line North 89°59'27" West (North 90°00'00" West vol. 3476, pg. 1104) a distance of 726.03 feet to a Found ½" rebar with cap marked TX 1976 on the westerly line of said 10 acre parcel of land;

Thence along said line South 00°32'39" East (South 00°33'12" East vol. 3476, pg. 1104) a distance of 600.00 feet to a found ½" rebar;

Thence South 89°59'27" East (South 90°00'00" East vol. 3476, pg. 1104) a distance of 267.52 feet to a set ½" rebar with cap marked TX 5152 for the northeast corner of tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railroad Company Surveys;

Thence along the line between tract 11C2 and 11A, South 00°32'39" East (South 00°34'12" East vol. 2728, pg. 657) a distance of 1176.37 feet (1176.04 vol. 2728, pg. 657) to a set ½" rebar with cap marked TX 5152 on the northerly right of way line of Montana Avenue (U.S. Highway No. 62) from which a found 5/8" rebar bears North 80°10'29" East a distance of 0.90 feet;

Thence along said right of way line South 81°17'02" West (South 81°15'30" West vol. 2728, pg. 657) a distance of 885.45 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said right of way line and along the line between tract 11C2 and 11C, North 00°32'39" West (North 00°34'12" West vol. 2728, pg. 657) a distance of 1310.70 feet (1310.37 feet vol. 2728, pg. 657) to a set ½" rebar with cap marked TX 5152 from which a found ½" rebar bears South 40°52'48" West a distance of 0.14 feet;

Thence North 89°59'27" West a distance of 394.00 feet to the "TRUE POINT OF BEGINNING" and containing 577.70 acres of land more or less.

Notes: Above description prepared from a ground survey performed on July 11 thru July 29, 2005

A plat of even date accompanies this description

Bearings basis is true north for a Transverse Mercator Surface projection as determined by GPS Methods based at a set ½" rebar with cap marked TX 5152 at latitude 31°47'01.296 N, Longitude 106°14'58.705" W, Height = 3928.22sft.

R. R. C.

Ron R. Conde
R.P.L.S. No. 5152
Job#705-34 R.C.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

EXHIBIT "A"
PAGE 2 OF 2

Being portion of Tract 11C-2, Section 34,
Block 79, Township 2, Texas and Pacific
Railway Company Surveys
El Paso County, Texas
Prepared for: JNC Land Co.
October 6, 2005
(Commercial 1)

SAVE & EXCEPT PARCEL

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 11C-2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE "TRUE POINT OF BEGINNING" being a ½" rebar with cap marked TX 5152 on the intersection of the line between tract 11C-2 and tract 11A, Section 34, Block 79, Township 2, Texas and Pacific Railway Company with the northerly right-of-way line of Montana Ave (U.S. Highway 62) Thence along northerly right-of-way line of Montana Ave. South 81°17'02" West a distance of 205.08 feet to a point;

Thence leaving said right-of-way line 39.27 feet along the arc of a curve to the right whose radius is 25.00 feet whose interior angle is 90°00'00" whose chord bears North 53°42'58" West a distance of 35.36 feet to a point;

Thence North 08°42'58" West a distance of 149.87 feet to a point;

Thence 75.16 feet along the arc of a curve to the right whose radius is 1468.00 feet whose interior angle is 02°56'00" whose chord bears North 07°14'57" West a distance of 75.15 feet to a point;

Thence North 81°17'02" East a distance of 264.06 feet to a point on the line between tracts 11C-2 and 11A, Section 34, block 79, Township 2, Texas and Pacific Railroad Surveys;

Thence along said common line South 00°32'39" East a distance of 252.56 feet to the "TRUE POINT OF BEGINNING" and containing 1.419 acres of land more or less.

Note: Not a ground survey

Bearings based on true north for a transverse Mercator projection as determined by RTK GPS methods.

Ron R. Conde
R.P.L.S. No. 5152

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

job #905-09 R.C.

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

EXHIBIT
B

CITY OF EL PASO
ANNEXATION SERVICE PLAN

INTRODUCTION

This Service Plan (Plan) is made by the City of El Paso, Texas (City) pursuant to Chapter 43 of the Texas Local Government Code. This Plan is made specifically for a 600.03-acre property located in the City's East Extraterritorial Jurisdiction (ETJ). The area includes all of Tract 1B, Section 26, Tract 11C2, Section 34, Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. The area is more specifically described by metes and bounds in Exhibit "A" which is attached to the annexation ordinance for which this Plan is a part.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of El Paso that services under this Plan shall provide full municipal services in accordance with State law and the Annexation Agreement entered into by the property owners and the City on February 21, 2006, recorded in the Real Property Records of the County of El Paso, Document Number 20060022000.

The City reserves the right guaranteed to it by Section 43.056(h) Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

This Plan includes three service components: (1) Immediate Services Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities; governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. Immediate Services Program

The following services will be provided in the annexation area immediately upon the effective date of the annexation, unless otherwise noted.

a. Police Protection. The El Paso Police Department will provide protection and law enforcement services in the annexation area on the effective date of annexation. These services include:

EXHIBIT "B"

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppressions, and special weapons and tactics team.

b. Fire Protection. The El Paso Fire Department will provide emergency and fire prevention services in the annexation area, on the effective date of annexation. These services include:

- fire suppression and rescue;
- emergency medical services;
- hazardous materials mitigation and regulation;
- emergency prevention and public education efforts;
- construction plan review;
- inspections.

c. Solid Waste Collection. The El Paso Solid Waste Management Department will provide solid waste collection services in the annexation area on the effective date of annexation. Services currently provided in the City for single-family residences include:

- garbage collection - once a week in accordance with established policies of the City;
- dead animal collection - dead animals are removed from roadways upon request.

Commercial garbage collection service for businesses, multi-family residences, and mobile home parks is available on a subscription basis from the City or private service providers.

d. Maintenance of Water and Wastewater Facilities. The City's Public Service Board/El Paso Water Utilities (EPWU) will maintain water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility and as governed by their Rules and Regulations.

e. Maintenance of Roads and Streets, Including Street Lighting. The City's Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares
- repair maintenance of public streets on as-needed basis and in accordance with established policies of the City.

f. Maintenance of Parks, Playgrounds, and Swimming Pools. There are no public recreation facilities in the annexation area but the City will provide maintenance of such facilities as they become available.

2. Additional Services

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

a. Drainage Services. The City's Street Department will provide drainage maintenance in the annexation area in accordance with established policies of the City. Services include:

- maintenance of existing public ponding areas and retention dams;
- storm sewer maintenance;
- watershed development review and inspection;
- emergency spills and pollution complaints response;
- flood plain office (information relating to flood plains).

b. Library Department. All library services now provided to areas inside the City will be provided to the annexed area on the effective date of annexation in accordance with the City's existing policies and regulations.

c. Development Services Department. All inspection services now provided within the City, including building, electrical, plumbing, gas, engineering, housing, and environmental will be extended to the annexed area on the effective date of annexation.

d. City-County Health Department. All of the City-County Health services codes and regulations will be extended to the annexed area on the effective date of annexation

e. Planning and Zoning. The planning and zoning jurisdiction of the City will be extended to the annexed area on the effective date of annexation. All land annexed shall be classified in the R-3 zoning district pending a public hearing by the City Plan Commission on the appropriate zoning classification and action by the City Council. Such hearing shall be held within sixty days after the effective date of annexation and such action shall be taken by the City Council within thirty days after the last adjournment of the public hearing.

f. Other Services. All other City Departments with jurisdiction in the area will provide services according to established City policies and procedures.

3. Capital Improvements Program

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two years of the effective date of the annexation and shall be substantially completed within 4 1/2 years after that date. Construction of any capital improvement within the annexation area will be done accordance with the established policies of the City.

a. Police Protection. No capital improvements are necessary at this time to provide Police services but may be necessary in the future.

b. Fire Protection. No capital improvements are necessary at this time to provide Fire services but may be necessary in the future.

c. Solid Waste Collection. No capital improvements are necessary at this time to provide collection services but may be necessary in the future.

d. Water and Wastewater Facilities. Water and wastewater service will be provided in accordance with the El Paso Water Utility's Rules and Regulations. Capital improvements will be initiated pursuant to the facilities plan for the annexed area.

Water and Wastewater services to new subdivisions will be provided according to the standard policies and procedures of the El Paso Water Utilities, which may require the developer of a new subdivision to install water and wastewater utility lines. The extension of water and sewer service will be provided in accordance with the adopted Rules and Regulations of the El Paso Water Utilities.

e. Roads and Streets. No road or street related capital improvements are necessary at this time but may be necessary in the future. In general, the City will acquire control and jurisdiction of all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.

f. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services but may be necessary in the future.

g. Drainage Facilities. No capital improvements are necessary at this time to provide services but may be necessary in the future.

h. Street Lighting. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard policies and procedures. In other cases, the City will install public street lighting in the annexation area upon request in accordance with established street lighting policies of the City.

i. Other Publicly Owned Facilities, Building or Services: In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.

j. Capital Improvement Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services in accordance with established policies of the City.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the

public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure.

Being a portion of Tract 11C-2, Section 34,
Block 79, Township 2, Texas and Pacific
Railway Company Surveys
El Paso County, Texas
Prepared for: JNC Land Co.
October 6, 2005
(Commercial 2)

SAVE & EXCEPT PARCEL

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 11C-2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a ½" rebar marked TX 5152 at the intersection of the line between tract 11C-2 and 11A, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys and the northerly right-of-way line of Montana Ave (U.S. Highway 62), Thence along said northerly right-of-way line South 81°17'02" West a distance of 319.08 feet to a point for the "TRUE POINT OF BEGINNING".

Thence continuing said right-of-way line South 81°17'02" West a distance of 165.00 feet to a point;

Thence leaving said right-of-way line 39.27 feet along the arc of a curve to the right whose radius is 25.00 feet whose interior angle is 90°00'00" whose chord bears North 53°42'58" West a distance of 35.36 feet to a point;

Thence North 08°42'58" West a distance of 86.50 feet to a point;

Thence 209.95 feet along the arc of a curve to the right whose radius is 1940.00 feet whose interior angle is 06°12'02" whose chord bears North 05°36'57" West a distance of 209.84 feet to a point;

Thence North 81°17'02" East a distance of 210.64 feet to a point;

Thence 146.38 feet along the arc of a curve to the left whose radius is 1532.00 feet whose interior angle is 05°28'28" whose chord bears South 05°58'43" East a distance of 146.32 feet to a point;

Thence South 08°42'58" East a distance of 149.87 feet to a point;

Thence 39.27 feet along the arc of a curve to the right whose radius is 25.00 feet whose interior angle is 90°00'00" whose chord bears South 36°17'02" West a distance of 35.36 feet to the "TRUE POINT OF BEGINNING" and containing 1.568 acres of land more or less.

Note: Not a ground survey

Bearings based on True North for a Transverse Mercator Projection as determined by RTK GPS Methods

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

Ron R. Conde
R.P.L.S. No. 5152

job #905-09 R.C.

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

EXHIBIT
C

Being portion of Tract 11C-2, Section 34,
Block 79, Township 2, Texas and Pacific
Railway Company Surveys
El Paso County, Texas
Prepared for: JNC Land Co.
October 6, 2005
(Commercial 3)

SAVE & EXCEPT PARCEL

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 11C-2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a ½" rebar with cap marked TX 5152 at the intersection of the line between tracts 11C-2 and 11A, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys with the northerly right-of-way line of Montana Ave (U.S. Highway 62), Thence along said northerly right-of-way line South 81°17'02" West a distance of 654.08 feet to a point for the "TRUE POINT OF BEGINNING".

Thence continuing said right-of-way line South 81°17'02" West a distance of 231.17 feet to a ½" rebar with cap marked TX 5152 on the line between tracts 11C and 11C-2, Section 34, block 79, Township 2, Texas and Pacific Railway Company Surveys;

Thence along said line North 00°32'39" West a distance of 596.50 feet to a point;

Thence leaving said line North 89°27'21" East a distance of 217.00 feet to a point;

Thence South 00°32'39" East a distance of 156.89 feet to a point;

Thence 293.81feet along the arc of a curve to the left whose radius is 2060.00 feet whose interior angle is 08°10'18" whose chord bears South 04°37'48" East a distance of 293.56 feet to a point;

Thence South 08°42'58" East a distance of 86.50 feet to a point;

Thence 39.27 feet along the arc of a curve to the right whose radius is 25.00 feet whose interior angle is 90°00'00" whose chord bears South 36°17'02" West a distance of 35.36 feet to the "TRUE POINT OF BEGINNING" and containing 3.013 acres of land more or less.

Note: Not a ground survey.

Bearings based on True North for a Transverse Mercator Projection as determined by RTK GPS methods.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

job #905-09 R.C.

Ron R. Conde
R.P.L.S. No. 5152

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

EXHIBIT
D

Being a Portion of Section 27, Block 79,
Township 2, Texas and Pacific
Railroad Company Surveys
El Paso County, Texas
Prepared for: J.N.C Land Co.
October 11, 2005

SAVE & EXCEPT PARCEL

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found ½" rebar with cap marked TX 5152 on the intersection of the easterly line of a El Paso Electric Company tract of land as described in special warranty deed in volume 1085, page 104, Real property records of El Paso County Texas with the southerly line of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys Thence along the southerly line of Section 27, block 79, Township 2, Texas and Pacific Railway Company Surveys South 89°59'27" East a distance of 4017.83 feet to a point for "THE TRUE POINT OF BEGINNING"

Thence leaving said line North 00°00'33" East a distance of 170.00 feet to a point;

Thence South 89°59'27" East a distance of 220.00 feet to a point;

Thence South 00°00'33" West a distance of 170.00 feet to a point on the southerly line of Section 27, block 79, township 2, Texas and Pacific Railway Company Surveys;

Thence along said line North 89°59'27" West a distance of 220.00 feet to the "TRUE POINT OF BEGINNING" and containing 0.8586 acres of land more or less.

Notes: Not a ground survey

Bearings basis is true north for a Transverse Mercator Surface projection as determined by GPS Methods based at a set ½" rebar with cap marked TX 5152 at latitude 31°47'01.296 N, Longitude 106°14'58.705" W, Height = 3928.22sft.

Ron R. Conde
R.P.L.S. No. 5152
Job#905-09 R.C.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
LAND SURVEYOR

EXHIBIT
Tabbies
E

EXHIBIT "F"

SURVEYOR'S DESCRIPTION

A parcel of land within the SW 1/4 of Section 26, and the NW 1/4 of Section 35, all within Block 79, Township 2, T. & P. R.R. Surveys, EL PASO COUNTY, TEXAS, and being more particularly described by metes and bounds as follows:

BEGINNING at a #4 rebar marking the NW corner of Section 35 also being the SW corner of Section 26, and Point of Beginning of this parcel.

THENCE North 00 deg. 31 min. 11 sec. West along the W'ly line of Section 26 for a distance of 560.00 feet to a #4 rebar in the NW corner of this parcel on the S'ly ROW of Round Dance Drive.

THENCE South 89 deg. 59 min. 11 sec. East along said ROW for a distance of 593.91 feet to a #4 rebar in the NE corner of this parcel.

THENCE South 00 deg. 31 min. 11 sec. East for a distance of 1088.65 to a #4 rebar in the SE corner of this parcel on the N'ly ROW of Montana Avenue.

THENCE South 81 deg. 17 min. 30 sec. West along said ROW for a distance of 600.00 feet to a #4 rebar in the SW corner of this parcel.

THENCE North 00 deg. 31 min. 11 sec. West along the W'ly line Section 35 for a distance of 619.64 feet to a #4 rebar and Point of Beginning of this parcel.

Said parcel contains 15.463 acres more or less.

John C. Drissel, PE & LS
Reg. Pub. Surveyor No. 2759 Texas

09-24-86

AZ26&35

1

2123 0540

1722-0246

02/23/2006 Lone Star Title Co.

STAFF REPORT

File #:	SUB06-00028
Type Request:	Annexation
Property Owners:	East Montana Joint Venture, Wholesale Lumber, Inc., Sasha A. Viramontes
Legal Description:	Being all of Tract 1B, Section 26; Tract 11C2, Section 34; Tract 4, Section 35; and a portion of Section 27; Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas
Surveyor:	Conde, Inc.
Representative:	Conde, Inc.
Acres:	593.16
Location:	North of Montana Avenue and East of Joe Battle Blvd.
Planning Area:	East ETJ

EAST MONTANA JOINT VENTURE, VIRAMONTES, WHOLESALE LUMBER ANNEXATION STAFF REPORT

The property to be annexed currently owned by East Montana Joint Venture, Wholesale Lumber, Inc. and Sasha A. Viramontes contains approximately 593.16 acres in size and is located north of Montana Avenue and east of Loop 375. The property owners are proposing a mix use development with single-family residential, commercial and apartment development. The owners are also proposing 19.11 acres of parkland to be dedicated to the City as part of the development. Also attached is copy of the Service Plan required by State Law that outlines the services to be provided to the annexed area and copy of an annexation agreement that has been approved by the Mayor and City Council for the property. Listed below are the development plan details for the proposed annexed area.

DEVELOPMENT PLAN DETAILS

PARCEL	PROPOSED LAND USE	ACRES	UNITS
1	Residential PR-1	446.824	1,278
2	Commercial C-4	15.04	n/a
3	Commercial C-2, C-3	30.581	n/a
4	School	56.702	n/a
5	Pond	19.854	n/a
6	Park	19.113	n/a
7	Water Tank	5.071	n/a
	TOTALS	593.19	1,278

RECOMMENDATIONS:

The Development Coordinating Committee (DCC) on April 19, 2006 recommended approval of annexing the East Montana Joint Venture, Viramontes and Wholesale Lumber property.

The DCC's recommendation was made subject to the following conditions and considerations:

1. That the East Montana Joint Venture, Viramontes and Wholesale Lumber annexation be subject to the agreement entered into by the owner and the City of El Paso on February 21, 2006.

2. That the Service Plan be approved as part of the ordinance approving annexation of the subject property.

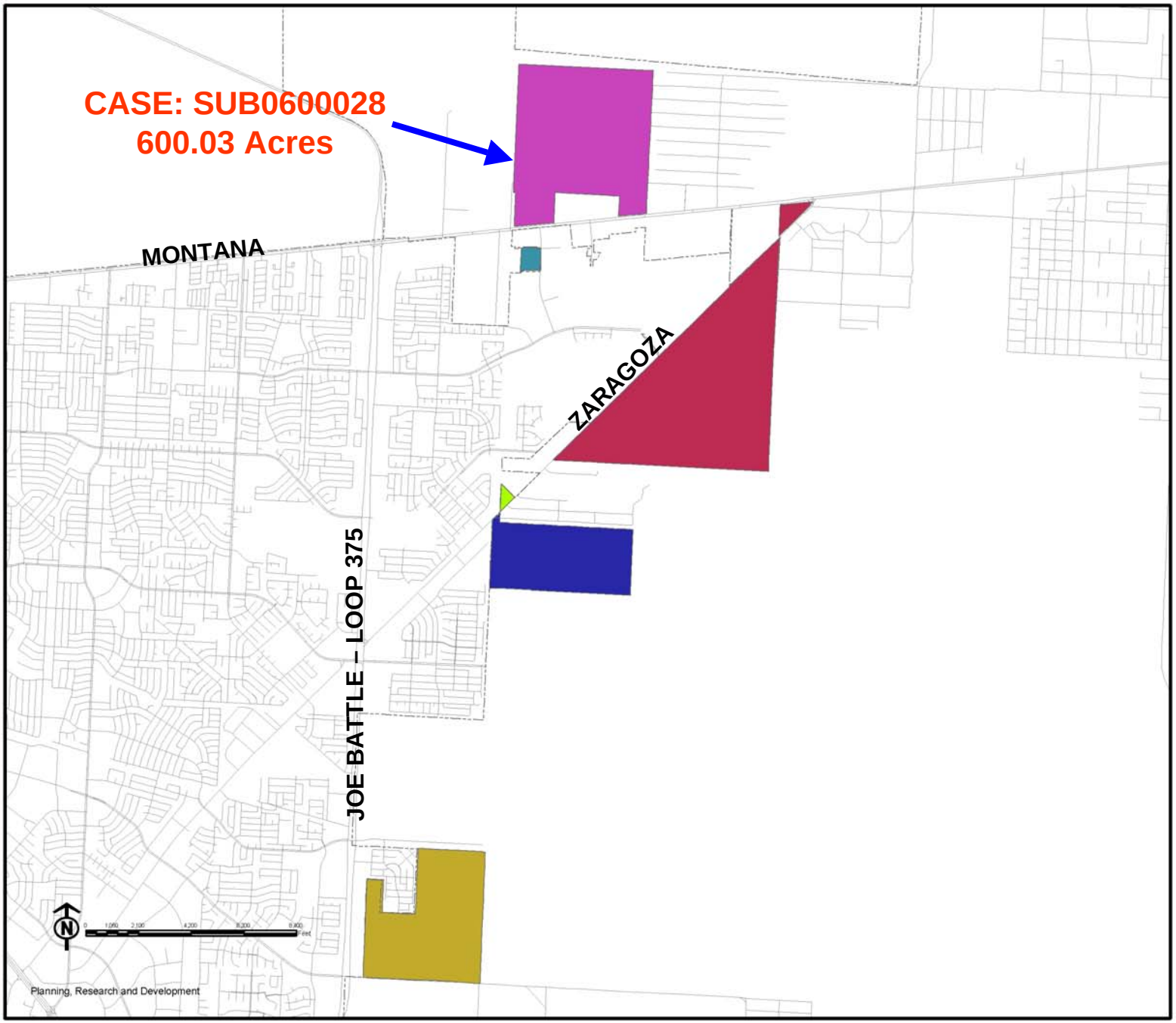
The DCC's recommendation for approval of annexation was based on the overall long-term benefits to the City versus the short-term impacts. The DCC felt that the City should weigh growth management and extension of regulatory authority in these areas to protect the

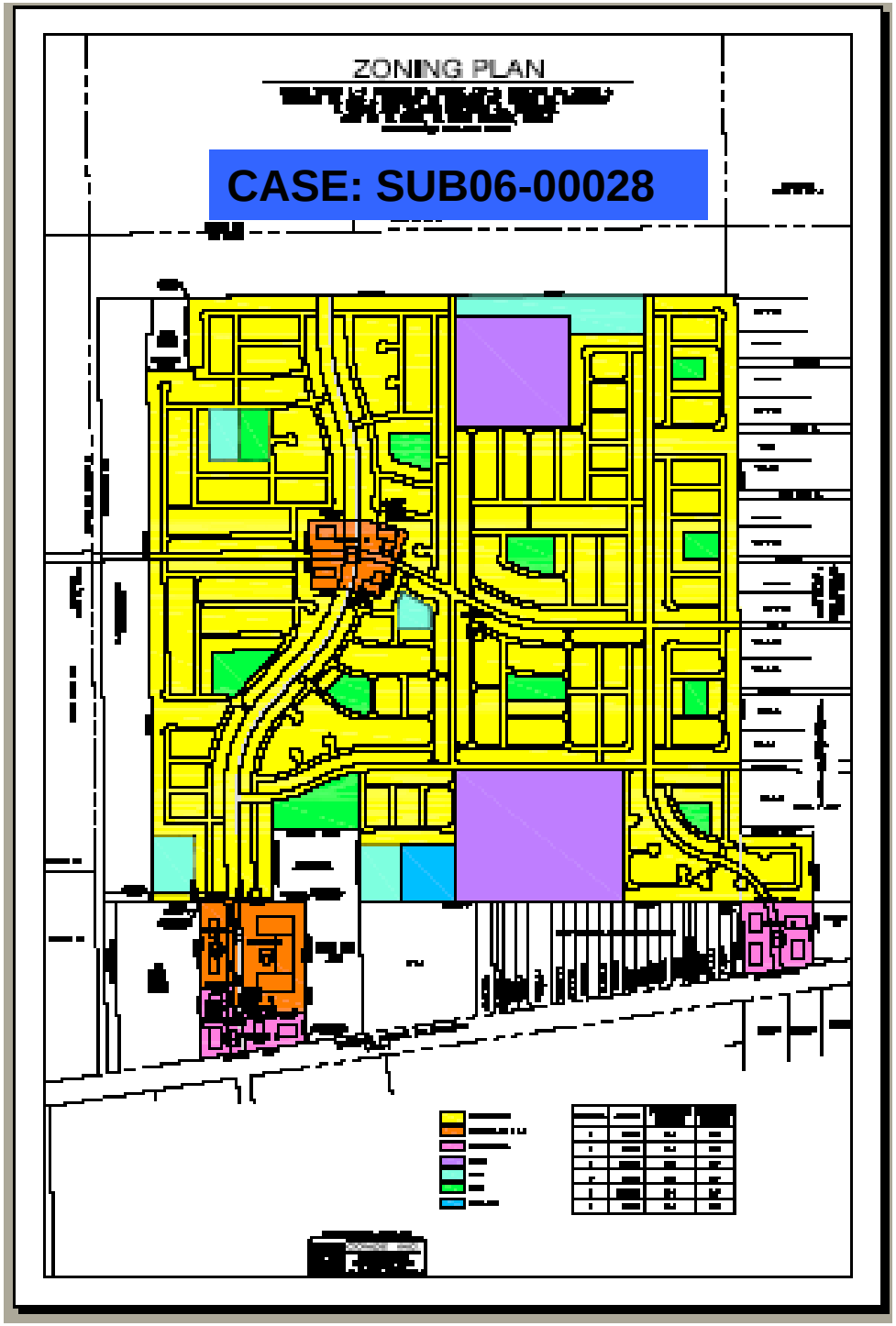
public, health and safety in addition to the costs of extending municipal services. An annexation cost/benefit analysis was conducted that determined that the benefits of annexation outweighed the costs to accomplish the following:

- ensure proper land use relationships with high standards of construction through zoning and building codes;
- avert costly future problems for the City after development takes place (assuming maintenance responsibilities for substandard infrastructure);
- protect the City's growth ability in the East ETJ (limiting the creation of other special districts (water districts and municipal utility districts, and satellite incorporated communities which could impede future annexations by the City;
- implement the long range goals of the City's Comprehensive Plan; and,
- require applicants to share in the City's hard and soft infrastructure costs to serve the property (not otherwise allowed under the Impact Fee Statute for properties within the City Limits for off-site systems).

Finally, it was determined that the costs to the City and its taxpayers would be substantially higher if annexation was delayed and development of these areas proceeded without governmental control.

Annexation


CASE: SUB0600028
600.03 Acres
MONTANA
ZARAGOZA
JOE BATTLE – LOOP 375
Planning, Research and Development


ZONING PLAN
CASE: SUB06-00028