

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00065, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACT 4 AND TRACT 5A, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Sal Massoud, Sam Philips, Jorge Herrera, and Victor Herrera have applied for a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

WHEREAS, the City Council of the City of El Paso finds that, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D of the El Paso Municipal Code;

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

1. That the property described as follows is in an **R-2 (Residential)** District:

Tract 4 and Tract 5A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A"; and

2. That a planned residential development is authorized by Special Permit in **R-2 (Residential)** districts under Section 20.12.040 of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Section 20.12.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the **R-2 (Residential)** district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00065** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 13th day of **July, 2004**.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Zoning Coordinator
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Being all of Tracts 4 and 5A, Block 9
Upper Valley Surveys,
City of El Paso, El Paso County, Texas

February 26, 2004

METES AND BOUNDS DESCRIPTION
Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being all of Tracts 4 and 5A, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a point located at the common boundary line of Tract 4 and Tract 5, same being the westerly right-of-way line of Westside Road (50' R.O.W.) and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said common boundary line and along said westerly right-of-way line of Westside Road, South 00°08'00" West, a distance of 266.00 feet to a point;

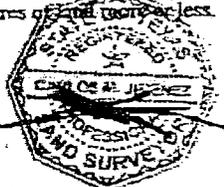
THENCE, leaving said westerly right-of-way line of Westside Road, North 89°35'00" West, a distance of 2085.70 feet to a point;

THENCE, North 12°18'00" West, a distance of 465.15 feet to a point;

THENCE, North 89°50'00" East, a distance of 1120.48 feet to a point;

THENCE, South 00°08'00" West, a distance of 203.80 feet to a point;

THENCE, South 89°50'00" East, a distance of 1065.31 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 772,970.73 square feet or 17.7450 Acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950

CAD CONSULTING COMPANY.
1790 Lee Trevino Suite #309
El Paso, Texas 79936
(915) 633-6422
240458.wpd

Exhibit "A"

AGREEMENT

Sal Massoud, Sam Philips, Jorge Herrera, and Victor Herrera, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the **R-2 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 15th day of June, 2004.

By: *Sal Massoud*
Sal Massoud, President
(name/title)

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15th day of June, 2004, by **Sal Massoud**, as Applicant.

My Commission Expires:

Dora Nazariega
Notary Public, State of Texas
Notary's Printed or Typed Name:
Dora Nazariega

