

CITY OF EL PASO, TEXAS

AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: El Paso Water Utilities Public Service Board

AGENDA DATE: July 31, 2012 Introduction August 7, 2012 Public Hearing

CONTACT PERSON/PHONE: Marcela Navarrete, Chief Finance Officer (915) 594-5614

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve an Ordinance authorizing the City Manager to sign a Deed Without Warranty to convey 26.020 acres of city land under the jurisdiction of the EPWU to the State of Texas, acting by and through TxDOT for the Spur 276 Project, Loop 375 Expansion of Transmountain Road, located North of Borderland Road to Talbot at IH10, authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date.

(District #1) [El Paso Water Utilities, Jim Shelton, Land Administrator (915) 594-5511]

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

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Background:

The City and the State of Texas are working to accomplish a highway project known as the Spur 276, Expansion of Loop 375, Transmountain Road. The State of Texas, acting by and through the Texas Department of Transportation (TxDOT) and the City of El Paso (City) entered into an agreement May 24, 2011 for the acquisition of right-of-way for the TxDOT Spur 276 Project (Project), Expansion of Loop 375 Transmountain Road. The Project is located north of Borderland Road to Talbot at IH10 in northwest El Paso (see attached agreement and map).

The City contributed its share of funds in the amount of \$420,288.00 for right-of-way acquisition obtaining an Economically Disadvantaged County Adjustment to 8.8% of the total estimated cost of right of way acquisition out of a \$4,776,000.00 estimated cost for the project. TxDOT is now completing right-of-way acquisition and requires a parcel of city land under the jurisdiction of the El Paso Water Utilities Public Service Board being 26.020 acres of land with an appraised value of \$793,398.00.

Department Head's Summary Form  
**Ordinance to Convey Land to TxDOT**  
**Agenda- Introduction – July 31, 2012**  
**Public Hearing-August 7, 2012**

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March 14, 2012, the El Paso Water Utilities Public Service Board in regular meeting passed and adopted a Resolution declaring the requested parcel of land inexpedient to the water and sewer system, authorizing the sale of the land to the State of Texas for its appraised value and requesting the El Paso City Council pass an Ordinance authorizing the City Manager to sign a Deed Without Warranty to convey the land to the State of Texas and authorize the City Manager to sign any and all necessary documentation to complete the conveyance. (copy of Resolution attached)

Please accept the enclosed Ordinance for introduction and public hearing as indicated.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

Yes. The El Paso Water Utilities passed a resolution August 10, 2011 declaring a 10.14 acres parcel of city land under the jurisdiction of the El Paso Water Utilities to be inexpedient to the system, awarding the sale of the land to the sole bidder Jobe Materials, L.P. in the amount of \$1,572,101.00 and requesting the City Council to authorize the City Manager to sign a Special Warranty Deed and any necessary documents to convey the land. The City Council passed an ordinance authorizing the City Manager to sign a Special Warranty Deed to Jobe Materials, L.P. November 29, 2011.

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

N/A

**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**

March 14, 2012, the El Paso Water Utilities Public Service Board in regular meeting passed and adopted a Resolution declaring the requested parcel of land inexpedient to the water and sewer system, authorizing the sale of the land to the State of Texas for its appraised value and requesting the El Paso City Council pass an Ordinance authorizing the City Manager to sign a Deed Without Warranty to convey the land to the State of Texas and authorize the City Manager to sign any and all necessary documentation to complete the conveyance. (copy of Resolution attached)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required)\_\_\_\_\_

**DEPARTMENT HEAD:**

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(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:** \_\_\_\_\_



**TO:** Joyce A. Wilson, City Manager  
El Paso, Texas

**FROM:** Robert D. Andron, General Counsel   
El Paso Water Utilities Public Service Board

**DATE:** June 21, 2012

**SUBJECT:** Request to place Item on City Council Agenda-Ordinance  
City Council, Introduction – July 31, 2012  
City Council Public Hearing – August 7, 2012

An Ordinance authorizing the City Manager to sign a Deed Without Warranty to convey 26.020 acres of city land under the jurisdiction of the EPWU to the State of Texas, acting by and through TxDOT for the Spur 276 Project, Loop 375 expansion of Transmountain Road located North of Borderland Road to Talbot at IH10, authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date.

(District #1) [El Paso Water Utilities, Jim Shelton, Land Administrator (915) 594-5511]

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**Background:**

The City and the State of Texas are working to accomplish a highway project known as the Spur 276, Expansion of Loop 375 Transmountain Road. The State of Texas, acting by and through the Texas Department of Transportation (TxDOT) and the City of El Paso (City) entered into an agreement May 24, 2011 for the acquisition of right-of-way for the TxDOT Spur 276 Project (Project). The Project is located north of Borderland Road to Talbot at IH10 in northwest El Paso(see attached agreement and map) and has a total expected cost of \$4,776,000.00.

The City contributed its share of funds in the amount of \$420,288.00 for right-of-way acquisition obtaining an Economically Disadvantaged County Adjustment to 8.8% of the total estimated cost of right of way acquisition out of a \$4,776,000.00 estimated cost for the project. TxDOT is now completing right-of-way acquisition and requires a parcel of city land under the jurisdiction of the El Paso Water Utilities Public Service Board being 26.020 acres of land with an appraised value of \$793,398.00.

March 14, 2012, the El Paso Water Utilities Public Service Board in regular meeting passed and adopted a Resolution declaring the requested parcel of land inexpedient to the water and sewer system, authorizing the sale of the land to the State of Texas for its appraised value and requesting the El Paso City Council pass an Ordinance authorizing the City Manager to sign a Deed Without Warranty to convey the land to the State of Texas and authorize the City Manager to sign any and all necessary documentation to complete the conveyance. (copy of Resolution attached)

City Manager Joyce A. Wilson  
Request for Council Action  
June 21, 2012  
Page 2.

### **ACTION REQUESTED**

That the City Council pass and adopt an ordinance authorizing the City Manager to sign a Deed Without Warranty to convey 26.020 acres of city land under the jurisdiction of the EPWU to the State of Texas, acting by and through TxDOT for the Spur 276 Project, Expansion of Loop 375, Transmountain Road, located North of Borderland Road to Talbot at IH10, authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date.

### **REQUEST TO PLACE ITEM ON THE CITY COUNCIL AGENDA**

Attached is a copy of the Ordinance. Upon passage and adoption of the Ordinance, it is requested that the City Clerk provide this office an original of the fully executed Ordinance.

Also attached for the City Manager's signature are a Deed Without Warranty and a Drainage Easement document for highway purposes.

Please advise this office of the placement of this item on the City Council Agenda and my Secretary will contact the City Clerk and make arrangements to have document packets hand-delivered to the City Clerk's Office and email backup documents as noted to those listed below. If there are any questions, please call me at 594-5607 or email [bandron@epwu.org](mailto:bandron@epwu.org). El Paso Water Utilities Staff will attend the City Council meeting. Thank you for your kind attention to this matter.

#### Attachments

Cc: The Honorable Mayor John Cook (email)  
City Council Representatives (email)  
Sylvia Firth, City Attorney (email)  
Richarda Duffy-Momsen, City Clerk (hard copies & email)  
Marcela Navarrete, Vice President of Strategic, Financial & Management Services PSB (email)  
John Balliew, P.E., Vice President Operations and Technical Services, PSB (email)

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## RESOLUTION

A RESOLUTION AUTHORIZING THE SALE OF A PARCEL OF LAND TO THE STATE OF TEXAS ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, BEING 26.020 ACRES OF LAND SITUATED IN NELLIE D. MUNDY SURVEY NUMBER 240 AND NELLIE D. MUNDY SURVEY NUMBER 239, BEING A RESIDUE OF THAT TRACT OF LAND KNOWN AS THE NORTH ONE-HALF OF SAID SURVEY NUMBER 240 ALONG WITH OTHER CALLED TRACTS, TOTALING 26.020 ACRES OF LAND IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, LOCATED WEST OF IH-10, FROM DONIPHAN DRIVE SOUTH OF TALBOT (LOOP 375) TO IH-10 IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID REAL PROPERTY BEING UNDER THE JURISDICTION OF THE PUBLIC SERVICE BOARD, TRUSTEES; REQUESTING THE CITY COUNCIL PASS AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the El Paso Water Utilities Public Service Board (PSB), Trustees, has jurisdiction over certain parcels of land in El Paso, El Paso County, Texas; and

WHEREAS, the State of Texas is accomplishing a project in conjunction with the City of El Paso known as the Loop 375 Expansion along IH-10 near Doniphan Drive in West El Paso; and,

WHEREAS, the State of Texas Acting by and through its Texas Department of Transportation has requested to purchase that certain parcel of land under the jurisdiction and control of the El Paso Water Utilities Public Service Board of approximately 26.020 acres of land for its extension of Loop 375 (Transmountain Road) in El Paso, El Paso County, Texas; and,

WHEREAS, the Public Service Board finds the sale of the parcel of land the subject of this resolution to be in the best interest of its customers and the citizens of El Paso, Texas; and,

WHEREAS, the PSB hereby finds that this parcel of land is inexpedient to the water system and it is in the public interest that said land should be sold at its appraised value to the State of Texas acting by and through its Texas Department of Transportation;

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, EL PASO WATER UTILITIES:**

**Section 1.** That the findings and recitations set out in the preamble to this Resolution are true and correct and are hereby adopted by the Public Service Board and made a part of this Resolution for all purposes.

**Section 2.** That the Public Service Board hereby finds the land the subject of this Resolution to be inexpedient to the needs of the water utility system and hereby approves the conveyance of land pursuant to State statute which land is more fully described as follows:

Being 26.020 acres of land situated in the Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas and the Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas, out of 103.584 calculated acres, being the residue of that tract of land known as the North one-half of said Survey Number 240, as described in a deed to the City of El Paso, as recorded in Volume 1272, Page 0554 of the El Paso County Deed Records, being all of a called 7.086 acre tract of land as described in a deed to the City of El Paso, as recorded in Volume 3910, Page 0166 of the Official Public Records of Real Property, El Paso County, being all of a called 5.5211 acre tract of land as described in a deed to the City of El Paso, as recorded in Volume 3910, Page 0171, of said Records and being all of a 16.146 acre tract of land as described in a deed to the City of El Paso, as recorded under Document Number 20090079708 of said Records, said 26.020 acres of land being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**Section 4.** That the Public Service Board hereby requests the City Council authorize the City Manager to sign a Deed Without Warranty and any other necessary documents to convey the property to the State of Texas.

Section 5. That a copy of this Resolution shall be transmitted to the City Attorney's Office.

PASSED AND APPROVED at a regular meeting of the Public Service Board of the City of El Paso, Texas, this 14<sup>th</sup> day of March, 2012, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

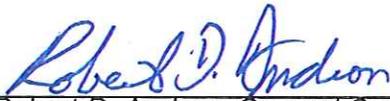
ATTEST:

  
\_\_\_\_\_  
Secretary-Treasurer

EL PASO WATER UTILITIES  
PUBLIC SERVICE BOARD

  
\_\_\_\_\_  
Chair

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Robert D. Andron, General Counsel

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A DEED WITHOUT WARRANTY AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO THE STATE OF TEXAS APPROXIMATELY 26.020 ACRES LOCATED IN NELLIE D. MUNDY SURVEY NUMBER 240 AND NELLIE D. MUNDY SURVEY 239, EL PASO COUNTY, TEXAS, LOCATED WEST OF IH-10 FROM DONIPHAN DRIVE, SOUTH OF TALBOT (LOOP 375) TO IH-10 FOR A HIGHWAY PROJECT KNOWN AS SPUR 276, LOOP 375, TRANSMOUNTAIN ROAD PROJECT.

WHEREAS, the State of Texas, acting through its Texas Department of Transportation (TxDOT), has requested that the City of El Paso convey approximately 26.020 acres located in Nellie D. Mundy Survey Number 240 and Nellie D. Mundy Survey 239, El Paso County, Texas, said parcel to be included in the State Spur 276, Loop 375, Transmountain Road Project;

WHEREAS, the El Paso Water Utilities Public Service Board has been delegated the management and control of the City's water, wastewater, reclaimed and storm water system and as such has the jurisdiction and control over certain lands in El Paso, El Paso County, Texas, including the identified 26.020 acres;

WHEREAS, the El Paso Water Utilities Public Service Board passed a resolution finding the identified 26.020 acres inexpedient to the System, and that the land should be sold at its appraised value to the State of Texas, acting through TxDOT, for use in the State Spur 276, Loop 375, Transmountain Road Project;

WHEREAS, the State of Texas is a governmental entity that has the power of eminent domain;

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision of the state may convey real property interest to a governmental entity that has the power of eminent domain without the statutory required notice and bidding requirements;

WHEREAS, said highway will provide a valuable benefit to the City of El Paso; and

WHEREAS, the El Paso City Council finds that it is in the public interest to convey the identified property to the State of Texas.

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

That the City Manager is hereby authorized to execute (1) a Deed without Warranty, in form and substance approved by the City Attorney or her designee and (2) and any other necessary documents, as required for the transfer of the land, conveying to the State of Texas, acting through its Texas Department of Transportation, the following indentified real property, including the improvements thereon said parcel, to be included in the State Spur 276 Project, Loop 375, Transmountain Road Project:

Parcel 2A: Approximately 26.020 acre of land located in Nellie D. Mundy Survey Number 240 and Nellie D. Mundy Survey 239, El Paso County, Texas and more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:  
*Theresa Cullen*  
\_\_\_\_\_  
Theresa Cullen  
Deputy City Attorney

APPROVED AS TO FORM:  
*Robert D. Andron*  
\_\_\_\_\_  
Robert D. Andron, General Counsel  
El Paso Water Utilities

HIGHWAY: Spur 276  
 LIMITS: From SH 20, 0.168 Miles North of Borderland Rd. To 0.13 Miles West of IH 10  
 COUNTY: El Paso  
 ACCOUNT NO.:  
 ROW CSJ: 0608-01-002  
 OWNER: City of El Paso

**EXHIBIT "A"**

Property Description for Parcel 2A

Being 1,133,426 square feet or 26.020 acres of land, situated in the Nellie D. Mundy Survey Number 240, City of El Paso, El Paso County, Texas, and the Nellie D. Mundy Survey Number 239, City of El Paso, El Paso County, Texas, out of 103.584 calculated acres, being the residue of that tract of land known as the North 1/2 of said Survey Number 240, as described in deed to the City of El Paso, as recorded in Volume 1272, Page 0554 of the El Paso County Deed Records (E.P.C.D.R.), being all of a called 7.086 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0166 of the Official Public Records of Real Property El Paso County (O.P.R.R.P.E.C.), being all of a called 5.5211 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0171, of said O.P.R.R.P.E.C. and being all of a 16.146 acre tract of land as described in deed to the City of El Paso, as recorded under Document Number 20090079708, of said O.P.R.R.P.E.C., said 1,133,426 square feet or 26.020 acres of land being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with plastic cap "Landtech" set for the common easterly corner of the residue of said City of El Paso North 1/2 of said Survey Number 240 and Campus Park Unit One, a subdivision recorded as File Number 20080051315 of the Plat Records of El Paso County, (P.R.E.P.C.) and being on the existing westerly right-of-way line of Interstate Highway 10 (width varies), as recorded in Volume 1320, Page 251 E.P.C.D.R.;

THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to said City of El Paso tract and said Campus Park Unit One, a distance of 1,998.67 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 58+08.99 for the POINT OF BEGINNING of the herein described parcel, from which a found 1/2-inch iron rod with cap bears North 75 degrees East, 1.2 feet;

- 1.) THENCE South 33 degrees 19 minutes 00 seconds West, along the proposed easterly right-of-way line of Spur 276, a distance of 146.39 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for an angle point, at 54.10 feet right of Spur 276 Proposed Baseline Station 56+61.93;
- 2.) THENCE South 32 degrees 36 minutes 05 seconds West, continuing along said proposed easterly right-of-way line of Spur 276, a distance of 2,208.29 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the southerly line of the residue of said City of El Paso North 1/2 of said Survey Number 240 tract and the northwest corner of a called 0.362 acre tract of land described in deed to the City of El Paso, as recorded under Document Number 20110035784, of said O.P.R.R.P.E.C., at 54.85 feet right of Spur 276 Proposed Baseline Station 34+53.64;

- 3.) THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to the residue of said City of El Paso North 1/2 of said Survey Number 240 and the residue of a called 12.040 acre tract of land as described in deed to Philip Gaddy and Glenna Gaddy as recorded in Document Number 20070071445, of said O.P.R.R.P.E.C., a distance of 222.88 feet to a point on the easterly line of a tract of land, designated Parcel No. 3, as described in deed to the State of Texas as recorded in Volume 731, Page 513, of said E.P.C.D.R. and also being the line common to the westerly line of said Survey Number 240 and the easterly line of the El Canutillo Grant, Survey Number 173, from which a found 1/2-inch iron rod with plastic cap "TX2027" bears South 17 degrees West, 0.9 feet;
- 4.) THENCE North 03 degrees 20 minutes 05 seconds East, along the line common to said Survey Number 240, said Survey Number 173 and said Parcel 3, a distance of 113.64 feet to a P-K nail in concrete found on the proposed westerly right-of-way line of Spur 276, at 194.90 feet left of Spur 276 Proposed Baseline Station 34+43.31;
- 5.) THENCE North 32 degrees 30 minutes 02 seconds East, along said proposed westerly right-of-way line of Spur 276, a distance of 150.01 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.21 feet left of Spur 276 Proposed Baseline Station 35+93.31;
- 6.) THENCE North 32 degrees 36 minutes 05 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, a distance of 2,070.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.91 feet left of Spur 276 Proposed Baseline Station 56+63.41;
- 7.) THENCE North 33 degrees 19 minutes 00 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, passing at a distance of 2.97 feet a P-K Nail in rock wall found on the line common to said Survey Number 240 and said Survey Number 239 and also being the common southerly corner of said 7.086 acre City of El Paso tract and that tract of land as described in deed to Tumbleweed ROW, L.P. as recorded under Document Number 20060093256, of said O.P.R.R.P.E.C., passing at a distance of 1,551.93 feet the southeasterly corner of a called 0.916 acre tract of land as described in deed to RRD Properties, L.L.C. as recorded under Document Number 20100084693, of said O.P.R.R.P.E.C., and continuing along the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract for a total distance of 1,736.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 241.89 feet left of Spur 276 Proposed Baseline Station 73+29.98, from which a found 1/2-inch iron rod with cap bears North 66 degrees East, 1.2 feet;
- 8.) THENCE North 68 degrees 12 minutes 15 seconds West, continuing along the proposed westerly right-of-way line of Spur 276 and the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract, a distance of 152.08 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 377.69 feet left of Spur 276 Proposed Baseline Station 72+80.04, from which a found 1/2-inch iron rod with cap bears North 14 degrees East, 1.0 feet;
- 9.) THENCE North 74 degrees 32 minutes 24 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said RRD Properties tract, at a distance of 81.96 passing the common northerly corner of said RRD Properties tract and a called 1.620 acre tract of land as described in deed to Tom Aber as recorded under Document Number 20080056314, of said O.P.R.R.P.E.C., continuing along the line of said 7.086 acre City of El Paso tract and said Tom Aber tract, for a total distance of 277.31 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 621.56 feet left of Spur 276 Proposed Baseline Station 71+97.25, from which a found 1/2-inch iron rod with cap bears North 09 degrees East, 0.9 feet;

- 10.) THENCE North 84 degrees 16 minutes 40 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said Tom Aber tract, a distance of 200.28 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the point of intersection with the existing southerly right-of-way line of Loop 375 (Talbot Avenue [varying width] formerly known as F.M. Road 259) as recorded in Volume 1523, Page 507, of said E.P.C.D.R., at 788.91 feet left of Spur 276 Proposed Baseline Station 71+37.66, from which a found 1/2-inch iron rod with cap bears North 04 degrees West, 2.2 feet;
- 11.) THENCE South 87 degrees 59 minutes 45 seconds East, along said existing southerly right-of-way line of said Loop 375, a distance of 483.02 feet to a point for an angle point;
- 12.) THENCE South 86 degrees 45 minutes 22 seconds East, continuing along the existing southerly right-of-way line of said Loop 375, a distance of 838.56 feet to a point for the common northerly corner of said 5.5211 acre City of EL Paso tract and a tract of land described in deed to Big Diamond, Inc. as recorded under Document Number 20100038159, of said O.P.R.R.P.E.C., for the northeast corner of the herein described parcel;
- 13.) THENCE South 03 degrees 14 minutes 38 seconds West, along the common line of said City of El Paso and Big Diamond, Inc. tracts, a distance of 50.84 feet to a 5/8-inch iron rod with plastic cap "LANDTECH", set on the proposed easterly right-of-way line of Spur 276, being on the line common to said 5.5211 acre City of EL Paso tract and a called 11.853 acre tract of land described in deed to Transmountain Center, L.L.C. and recorded under Document Number 20060102388, of said O.P.R.R.P.E.C., being on a non-tangent curve to the left, at 87.19 feet right of Spur 276 Proposed Baseline Station 79+44.33;
- 14.) THENCE southwesterly, along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said non-tangent curve to the left, having a radius of 830.04 feet, an arc length of 344.05 feet, a central angle of 23 degrees 44 minutes 57 seconds, and a chord which bears South 68 degrees 30 minutes 22 seconds West, 341.59 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the end point of said non-tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 75+81.08;
- 15.) THENCE South 56 degrees 37 minutes 54 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 148.36 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the beginning of a tangent curve to the left, at 55.00 feet right of Spur 276 Proposed Baseline Station 74+32.71;
- 16.) THENCE in a southwesterly direction, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said tangent curve to the left, having a radius of 830.04 feet, an arc length of 337.76 feet, a central angle of 23 degrees 18 minutes 54 seconds, and a chord which bears South 44 degrees 58 minutes 27 seconds West, 335.44 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) for the end point of said tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 70+72.26;

- 17.) THENCE South 33 degrees 19 minutes 00 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 387.78 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for the common corner of said 5.5211 acre City of El Paso and said Transmountain Center tracts, being on the northerly line of a tract of land, designated Parcel 6, as described in deed to Hunt Building Corporation, recorded in Volume 2495, Page 1801, of said O.P.R.R.P.E.C., for southeast corner of the herein described parcel, at 55.00 feet right of Spur 276 Proposed Baseline Station 66+84.47;
- 18.) THENCE South 80 degrees 11 minutes 57 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 161.87 feet to a point for the northwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 19.) THENCE South 29 degrees 29 minutes 16 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 264.31 feet to a point for the southwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 20.) THENCE North 53 degrees 05 minutes 16 seconds East, along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 295.27 feet to a point for an angle point of the herein described parcel, from which a found 5/8-inch iron rod with cap "RPLS 4178" bears South 09 degrees East, 1.3 feet;
- 21.) THENCE North 80 degrees 11 minutes 57 seconds East, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 0.86 feet to a 5/8-inch iron rod with plastic cap "LANDTECH" set for the common corner of said 5.5211 acre City of El Paso tract and a called 23.741 acre tract of land described in deed to Canutillo Heights Estates, L.P. as recorded under Document Number 20060008678, of said O.P.R.R.P.E.C., and being on said proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 65+88.57;
- 22.) THENCE South 33 degrees 19 minutes 00 seconds West, along said proposed easterly right-of-way line of Spur 276, and the common line of said 5.5211 acre City of El Paso tract and said Canutillo Heights Estates tract, a distance of 779.59 feet to the POINT OF BEGINNING and containing 1,133,426 square feet or 26.020 acres of land.

Access will be permitted to the highway facility from the remainder of the property along Spur 276.

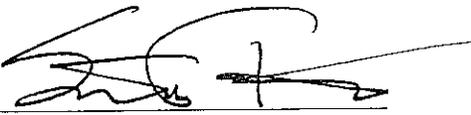
This property description is accompanied by a parcel plat of even date.

Note: All bearings and coordinates are referenced to the Texas State Coordinate System, Central Zone, NAD 83 (NSRS 2007) as supplied by TxDOT and Jacobs Carter Burgess and are referenced to NGS stations and their respective provided coordinates as shown, CHINO (CE0444) X=358,754.59 Y=10,717,710.57 and EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. All distances and coordinates are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00023100.

I, Scott M. Fertak, a Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge and belief, this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.

Date: 28 day of October, 2011



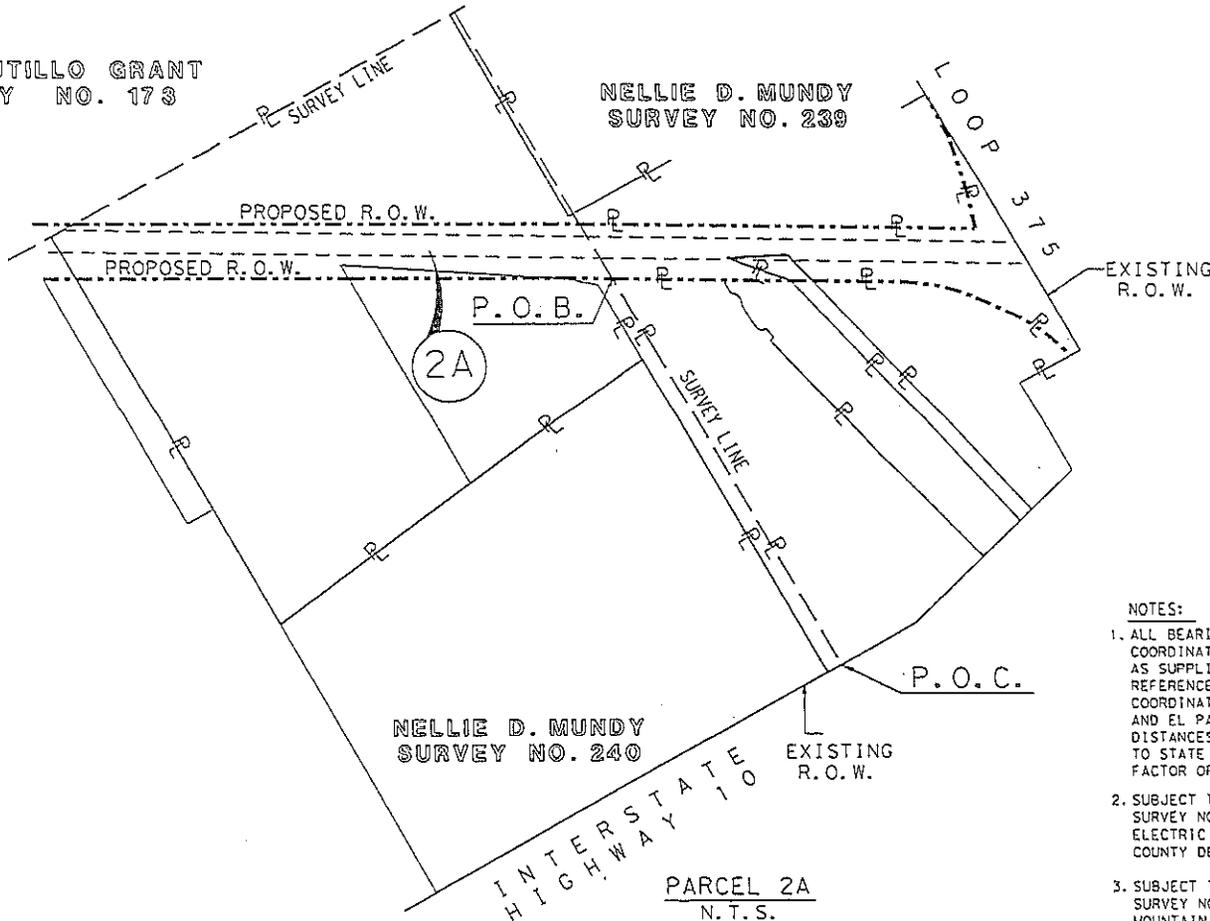
  
\_\_\_\_\_  
Scott M. Fertak  
Registered Professional Land Surveyor  
No. 5257

EL CANUTILLO GRANT  
SURVEY NO. 173

NELLIE D. MUNDY  
SURVEY NO. 239

NELLIE D. MUNDY  
SURVEY NO. 240

PARCEL 2A  
N.T.S.



NOTES:

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NSRS 2007) AS SUPPLIED BY TXDOT AND JACOBS CARTER AND BURGESS AND ARE REFERENCED TO NGS STATIONS AND THEIR RESPECTIVE PROVIDED COORDINATES AS SHOWN, CHINO (CE0444) X=358,754.59, Y=10,717,710.57 AND EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO STATE PLANE (GRID) BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00023100.
2. SUBJECT TO AND UNDEFINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239, 240 AND 241 FROM LEE H. ORNDORFF TO THE EL PASO ELECTRIC COMPANY, RECORDED IN VOL. 533, PAGE 323, EL PASO COUNTY DEED RECORDS, JAN. 6, 1931.
3. SUBJECT TO AND UNDEFINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239, 240 AND 241 FROM LEE H. ORNDORFF TO THE MOUNTAIN STATES TELEGRAPH COMPANY, RECORDED IN VOL. 539, PG. 88, EL PASO COUNTY DEED RECORDS, NOV. 14, 1930.
4. THIS PLAT ACCOMPANIES A PROPERTY DESCRIPTION OF EVEN DATE.

LEGEND

EXIST. ROW LINE	—————
PROP. ROW LINE	-----
PROPERTY LINE	————— P
COUNTY LINE	—————
PROPOSED ACCESS DENIAL LINE	————— III
EXISTING ACCESS DENIAL LINE	————— III
SURVEY LINE	-----
FENCE	—x—x—
CITY LIMITS	—————
E.P.C.P.R. - EL PASO COUNTY PLAT RECORDS	●
E.P.C.D.R. - EL PASO COUNTY DEED RECORDS	○
O.P.R.R.P.E.C. - OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY	⊗
SET 5/8" IRON ROD W/TXDOT ROW ALUMINUM CAP (UNLESS NOTED)	●
PROPERTY CORNER FOUND AS NOTED.	○
PARCEL NUMBER	⊗

AREA TABLE (ACRES)			
EXISTING	ACQUIRE	REMAINDER	
		LEFT	RIGHT
103.584 (CALC'D)	26.020	24.152 (CALC'D)	53.412 (CALC'D)

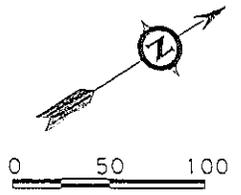
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
SURVEY DATE:

  
SCOTT M. FERTAK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5257



REVISION	DATE
CANCEL PARCEL 2, 3, 4 & 6, CREATE PARCEL 2A	SEPT 2011
<p>PARCEL 2A RIGHT OF WAY PLAT SHOWING PROPERTY OF CITY OF EL PASO</p>	
SPUR 276	EL PASO COUNTY
CSJ 0608-01-002	
LANDTECH CONSULTANTS, INC.	SEPT. 2011
PAGE 6 OF 14	SCALE: 1" = 100'

EL CANUTILLO ACREAGE LOTS  
VOL. 9, PG. 44 E.P.C.P.R.



EL CANUTILLO GRANT SURVEY NO. 173

VOL. 3669, PG. 1401  
O.P.R.R.P.E.C.

VOL. 3752, PG. 1464  
O.P.R.R.P.E.C.

NELLIE D. MUNDY SURVEY NO. 240

CITY OF EL PASO PROPERTIES

CITY OF EL PASO  
DOC#20070006494  
O.P.R.R.P.E.C.

STATE OF TEXAS  
RIGHT-OF-WAY DEED  
PARCEL 3  
VOL. 731 PG. 513  
E.P.C.D.R.  
FEB. 24, 1943

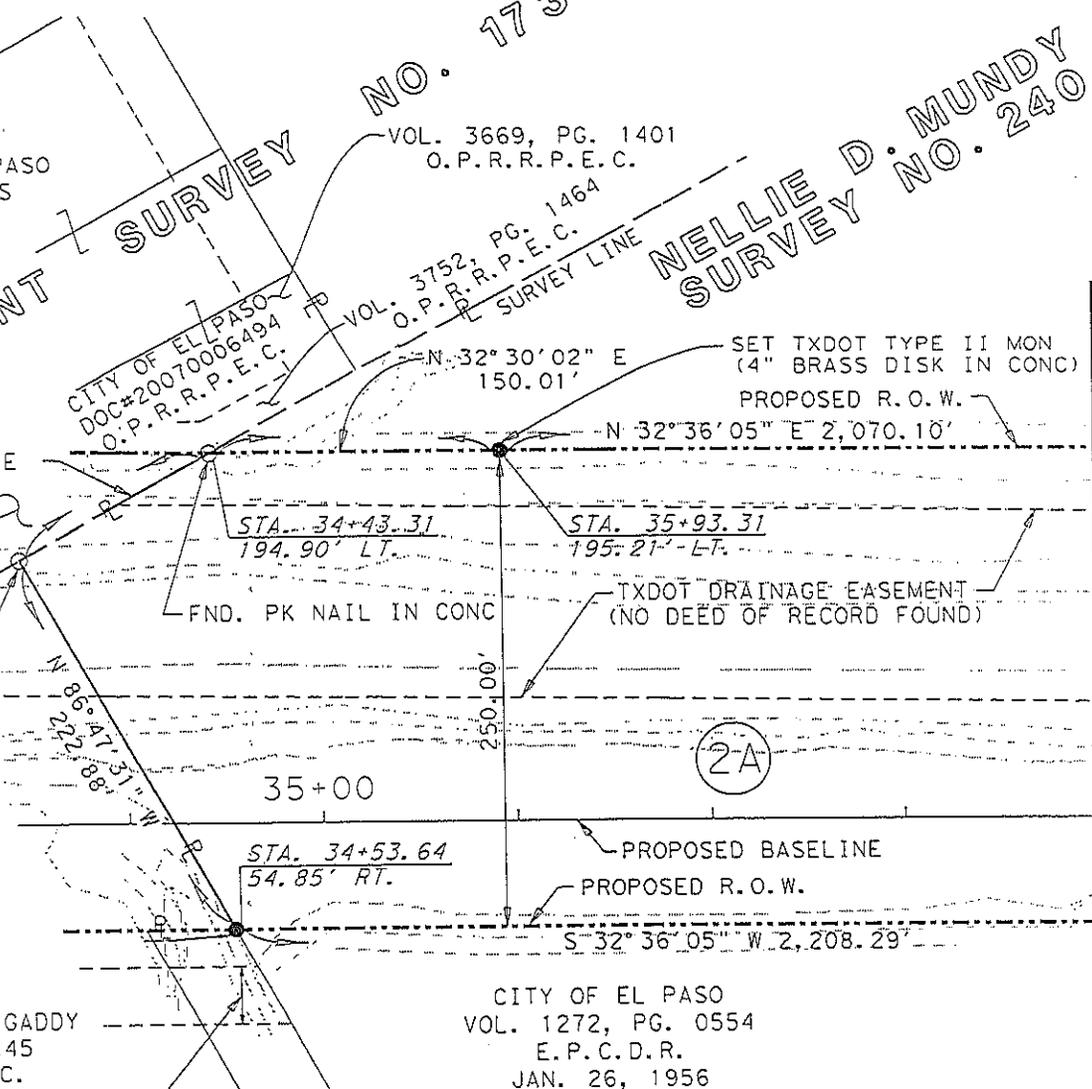
FND 1/2" I.R. W/CAP "TX2027"  
BRS. S 17° W, 0.9'

PHILIP & GLENNA GADDY  
DOC#20070071445  
O.P.R.R.P.E.C.  
JULY 25, 2007  
RESIDUE OF  
CALLED 12.040 AC.

30' UTILITY EASEMENT  
DOC# 20080013918  
O.P.R.R.P.E.C.

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

CITY OF EL PASO  
DOC.# 20110035784  
O.P.R.R.P.E.C.  
MAY 25, 2011  
CALLED 0.362 AC.



MATCH LINE STA. 39+00

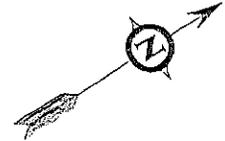
PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 7 OF 14 SCALE: 1" = 100'

# NELLIE D. MUNDY SURVEY NO. 240

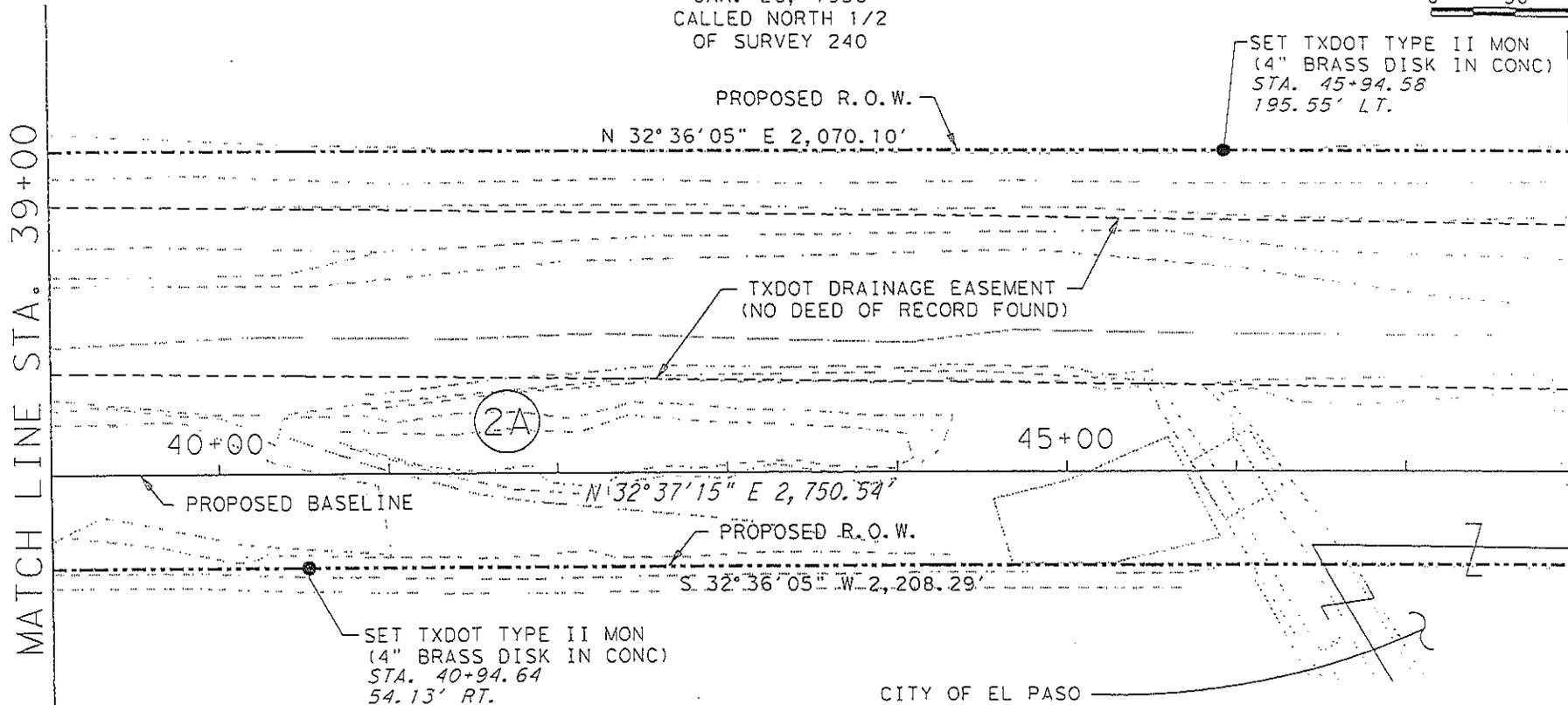
CITY OF EL PASO  
 VOL. 1272, PG. 0554  
 E.P.C.D.R.  
 JAN. 26, 1956  
 CALLED NORTH 1/2  
 OF SURVEY 240



0 50 100

MATCH LINE STA. 39+00

MATCH LINE STA. 48+00



CITY OF EL PASO  
 VOL. 1272, PG. 0554  
 E.P.C.D.R.  
 JAN. 26, 1956  
 CALLED NORTH 1/2  
 OF SURVEY 240

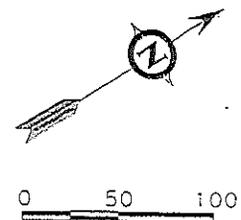
CITY OF EL PASO  
 DOC #20090079708  
 O.P.R.R.P.E.C.  
 NOV. 10, 2009  
 CALLED 16.146 ACRES

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002

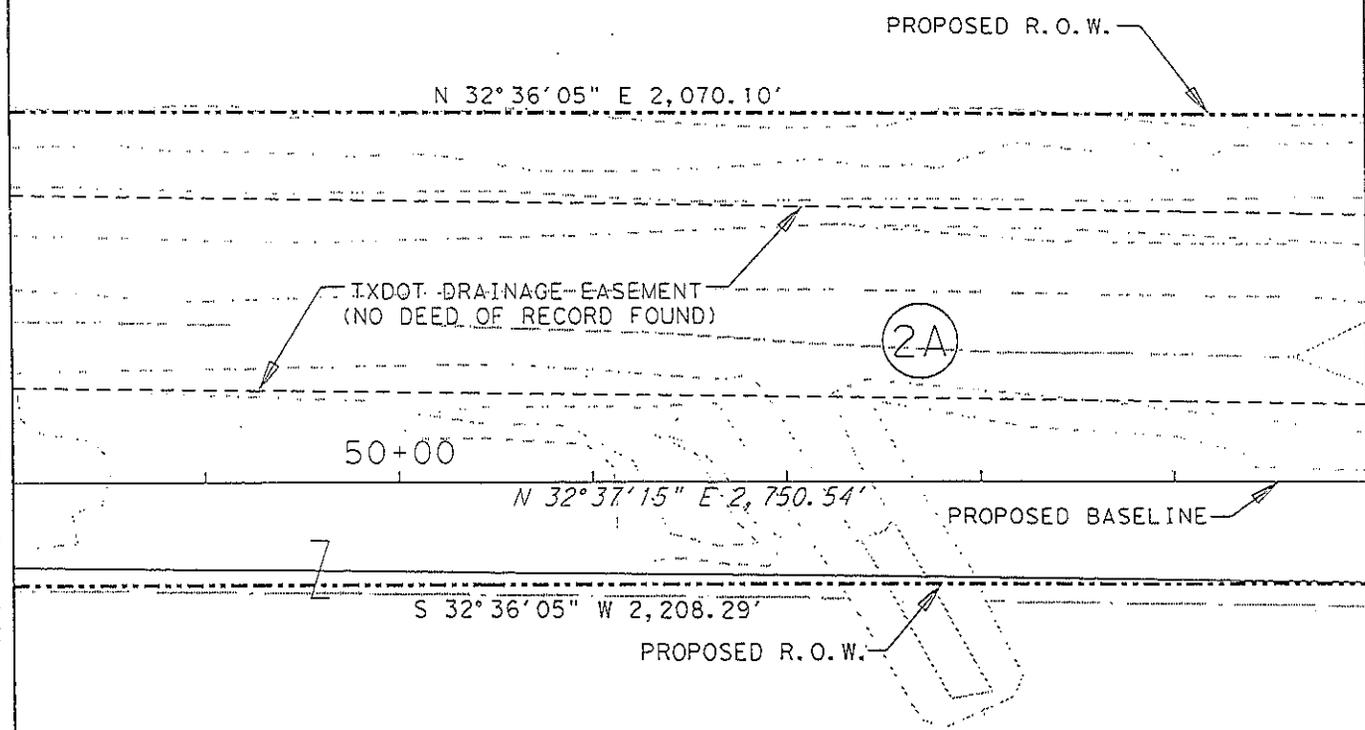
LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 8 OF 14 SCALE: 1" = 100'

CITY OF EL PASO  
 VOL. 1272, PG. 0554  
 E.P.C.D.R.  
 JAN. 26, 1956  
 CALLED NORTH 1/2  
 OF SURVEY 240



MATCH LINE STA. 48+00

MATCH LINE STA. 55+00



CITY OF EL PASO  
 DOC #20090079708  
 O.P.R.R.P.E.C.  
 NOV. 10, 2009  
 CALLED 16.146 ACRES

NELLIE D. MUNDY SURVEY NO. 240

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 9 OF 14 SCALE: 1" = 100'

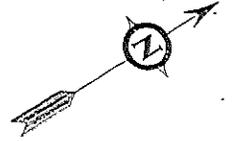
CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

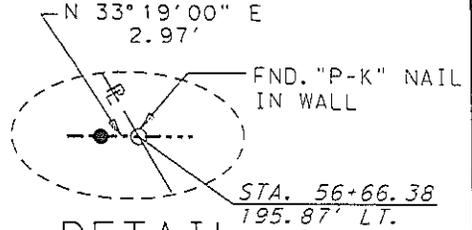
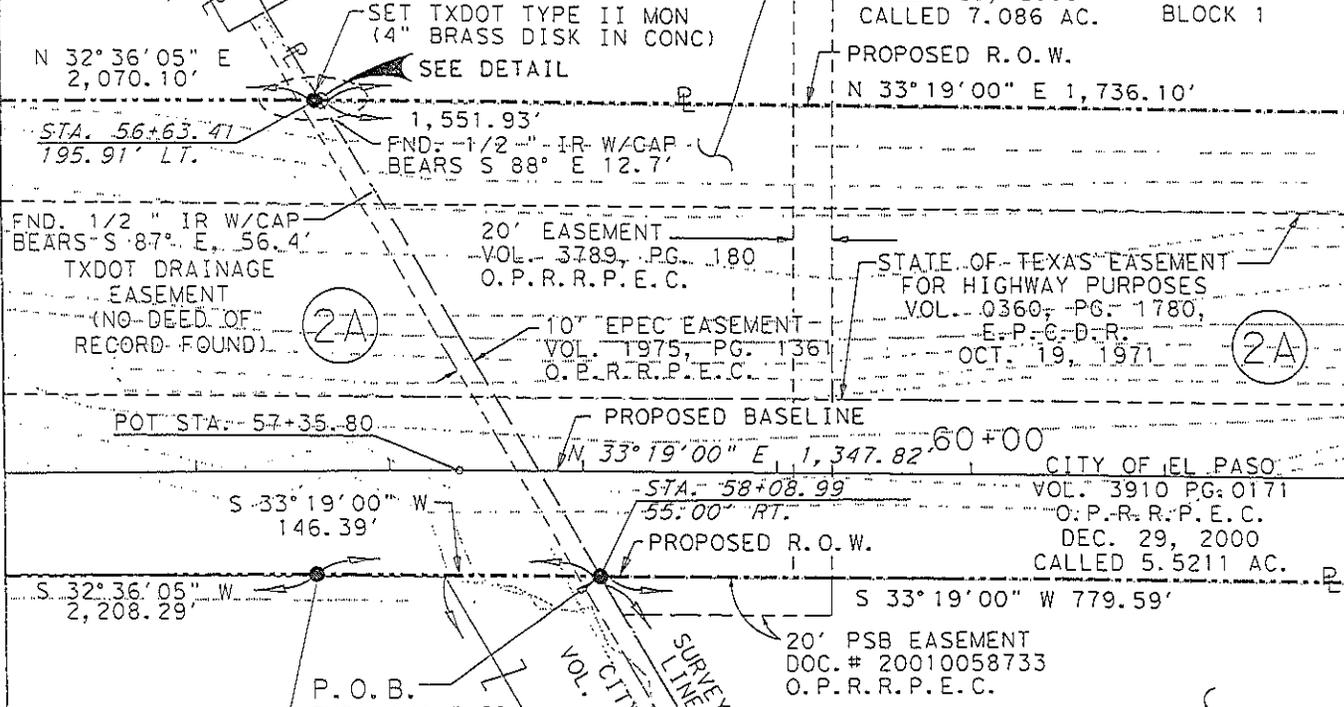
LOT 1  
BLOCK 1



0 50 100

MATCH LINE STA. 55+00

MATCH LINE STA. 62+00



DETAIL  
N.T.S.

CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
CALLED 23.741 AC.

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.

**NELLIE D. MUNDY  
SURVEY NO. 239**

P.O.C.  
SET 5/8" IR  
W/CAP "LANDTECH"

EXISTING R.O.W.  
INTERSTATE  
HIGHWAY 10  
VOL. 1320, PG. 251  
E.P.C.D.R.

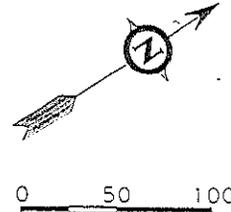
**NELLIE D. MUNDY  
SURVEY NO. 240**

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 10 OF 14 SCALE: 1" = 100'

# NELLIE D. MUNDY SURVEY NO. 239

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

58' EL PASO ELECTRIC CO.  
EASEMENT, VOL. 5331, PG. 323,  
O.P.R.R.P.E.C.



FND. 5/8" IR  
W/CAP "RPLS 4178"  
BEARS S 09° E 1.3'  
N 80° 11' 57" E  
0.86'  
STA. 65+88.57  
55.00' RT.  
PROP. R.O.W.

**DETAIL**  
N.T.S.

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

LOT 1 BLOCK 1

20' STRIP EASEMENT  
DOC. # 20010058733  
O.P.R.R.P.E.C.

20' STRIP EASEMENT  
VOL. 3789, PG. 180  
O.P.R.R.P.E.C.

MATCH LINE STA. 62+00

MATCH LINE STA. 71+00

PROPOSED R.O.W.

N 33° 19' 00" E 1,736.10'  
1,551.93'

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

STATE OF TEXAS  
EASEMENT FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780  
E.P.C.D.R.  
OCT. 19, 1971

PC STA. 70+83.62

R=830.04'  
L=337.76'  
Δ=23° 18' 54"  
CH. = S 44° 58' 27" W  
335.44'

S 29° 29' 16" W P 264.31'

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

N 53° 05' 16" E P 295.27'

PROPOSED BASELINE

STA. 66+84.47  
55.00' RT.

N 33° 19' 00" E 1,347.82'

STA. 70+72.26  
55.00' RT.

S 33° 19' 00" W 779.59'

S 33° 19' 00" W 387.78'

PROPOSED R.O.W.

SET TYPE II MON  
(4" BRASS DISC IN CONC)

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT TWO  
VOL. 76, PG. 01.  
E.P.C.P.R.

SEE DETAIL

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
23.741 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT THREE  
VOL. 76, PG. 02,  
E.P.C.P.R.  
LOT 1 BLOCK 3

LOT 1  
BLOCK 2

58' EL PASO ELECTRIC CO.  
EASEMENT DOC. #20010043193  
O.P.R.R.P.E.C.

HUNT BUILDING CORP. PARCEL 6  
VOL. 2495, PG. 1801, P.E.C.  
O.P.R.R.P.E.C.  
NOV. 3, 1992

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 11 OF 14 SCALE: 1" = 100'

36' WIDE EASEMENT  
 DOC# 20070103761, O.P.R.R.P.E.C.  
 EXHIBIT B

TOM ABER  
 DOC. NO. 20080056314  
 O.P.R.R.P.E.C.  
 JUN. 11, 2008  
 1.620 AC.

TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT ONE  
 VOL. 75, PG. 50,  
 E.P.C.P.R.

RRD PROPERTIES, L.L.C.  
 20100084693  
 O.P.R.R.P.E.C.  
 DEC. 13, 2010  
 0.916 AC.

TUMBLEWEED ROW, LP  
 DOC. #20060093256  
 O.P.R.R.P.E.C.  
 SEPT. 26, 2006  
 2.703 AC.

MATCH LINE STA. 71+00

LOT 1  
 BLOCK 1

N 33°19'00" E 1,736.10'  
 1,551.93'

2A FND: 1/2" I.R. W/CAP  
 BRS. N 66° E, 1.2'

STATE OF TEXAS  
 EASEMENT FOR HIGHWAY PURPOSES

20' STRIP EASEMENT  
 VOL. 3789, PG. 180  
 O.P.R.R.P.E.C.  
 OCT. 19, 1971

PROPOSED  
 BASELINE

R=830.00' L=337.74'  
 $\Delta=23^{\circ}18'53"$   
 CH.=N 44°58'27" E  
 335.42'

(4" BRASS DISK  
 SET TYPE II MON  
 IN CONC)  
 PROPOSED R.O.W.

R=830.04'  
 L=337.76'  
 $\Delta=23^{\circ}18'54"$   
 CH.=S 44°58'27" W  
 335.44'

TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT TWO  
 VOL. 76, PG. 01,  
 E.P.C.P.R.  
 LOT 1  
 BLOCK 2

TRANS MOUNTAIN CENTER L.L.C.  
 DOC. #20060102388  
 O.P.R.R.P.E.C.  
 OCT. 23, 2006  
 11.853 AC.

STA. 74+32.71  
 55.00' RT.  
 S 56°37'54" W  
 148.36'

MATCH LINE 'A'

S 87°59'45" E  
 483.102'

EXISTING R.O.W.

81.95'

PROPOSED R.O.W.

(TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
 L O O P 3 7 5  
 VOL. 1523, PG. 0507  
 E.P.C.D.R. FEB. 12, 1960

SET TYPE II MON  
 14" BRASS DISK  
 IN CONC

S 86°45'22" E 838.56'

PROPOSED R.O.W.

NELLIE D. MUNDY SURVEY NO. 236

CITY OF EL PASO  
 VOL. 3910 PG. 0166  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 7.086 AC.

FND: 1/2" I.R. W/CAP  
 BRS. N 79° W, 8.5'

CITY OF EL PASO  
 VOL. 3910 PG. 0171  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 5.5211 AC.

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276

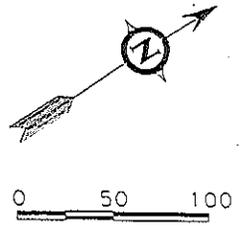
EL PASO COUNTY

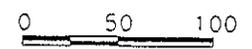
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011

PAGE 12 OF 14

SCALE: 1" = 100'

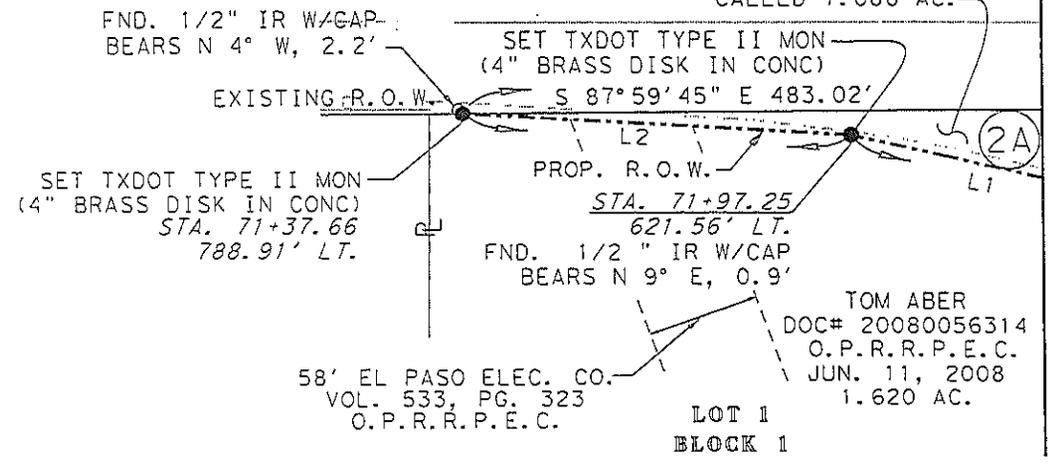




# LOOP 375

(TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
(WIDTH VARIES)  
VOL. 1523, PG. 0507  
E.P.C.D.R.  
FEB. 12, 1960

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.



MATCH LINE 'A'

LINE TABLE		
#	BEARING	DIST.
L1	N 74° 32' 24" W	277.31'
L2	N 84° 16' 40" W	200.28'

## NELLIE D. MUNDY SURVEY NO. 239

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 13 OF 14 SCALE: 1" = 100'



**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 for record in the public records: your Social Security Number or your Driver's License Number.**

  
Texas  
Department  
of Transportation  
Form ROW-N-14  
Rev. 8/2003  
Replaces Forms D-15-11, D-15-14, D-15-141, D-15-142,  
ROW-N-12PT, ROW-N-14, ROW-N-141, and ROW-N-142  
GSD-EPC  
Page 1 of 4

**DEED**

**THE STATE OF TEXAS**

§

§

**COUNTY OF EL PASO**

§

**WHEREAS**, the Texas Transportation Commission has been authorized under the Texas Transportation Code Chapters 203, 224, and 361 to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary and convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project, and including the acquisition of such other property rights deemed necessary for the purposes of operating a designated state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled access facilities, as well as facilitating the construction, maintenance and operation of designated controlled access highways and turnpike projects;

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That, **The City of El Paso (El Paso Water Utilities/Public Service Board) For the El Paso Municipal Drainage Utility**, of the County of El Paso, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Seven Hundred Ninety Three Thousand Three Hundred Ninety Eight and no/100 Dollars (**\$793,398.00**) to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold , and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land lying and being situated in the County of El Paso, State of Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.

**SAVE and EXCEPT, HOWEVER**, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the property described in said Exhibit "A" to wit: **N/A**.

Grantors covenant and agree to remove the above-described improvements from said land by **N/A**, subject, however, to such extensions of time as may be granted by Grantee, its successor and assigns, in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the Grantee, its successors and assigns, forever.

It is further understood and agreed that in the event title to said improvements vests in the State of Texas under the provisions of the paragraph next above, Grantor authorizes the State, its agents or assigns, to enter upon his remaining property for the purpose of removing said bisected improvements, and Grantor expressly waives all

damages or claims that may result to the remaining property of the Grantor as a result of such entry and removal of said improvement.

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Grantors hereby acknowledge that their use of and access to the state highway facilities and/or turnpike project (hereafter called highway facility) to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part, shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility requires that rights of ingress and egress and the right of direct access to and from Grantors' remaining property (if any) to said Highway facility, shall hereafter be governed by the provisions set out in said Exhibit "A", **SAVE AND EXCEPT** in the event access, or access points may be specifically allowed or permitted in said Exhibit "A", such access shall be subject to such regulation as is determined by the Texas Department of Transportation and/or the Texas Turnpike Authority Division to be necessary in the interest of public safety and in compliance with approved engineering principles and practices and subject to compliance with any applicable local municipal or county zoning, platting and/or permit requirements.

**TO HAVE AND TO HOLD** the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; without express or implied warranty; and all warranties that may arise by common law and the warranties in § 5.023 of the Texas Property Code (or its successor) are excluded.

**AFTER THE DATE** of payment of the purchase price the Texas Department of Transportation will be responsible for the costs of recording all instruments conveying title and closing costs incurred in transferring title to the property for use by the Texas Department of Transportation.

**IN WITNESS WHEREOF**, this instrument is executed on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**GRANTOR:**

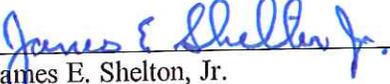
EL PASO WATER UTILITIES  
PUBLIC SERVICE BOARD FOR THE  
EL PASO MUNICIPAL DRAINAGE  
UTILITY

By:   
Edmund G. Archuleta  
President/CEO

CITY OF EL PASO  
A Municipal Corporation

By: \_\_\_\_\_  
Joyce A. Wilson, City Manager

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
James E. Shelton, Jr.  
Utility Land & Water Rights Manager

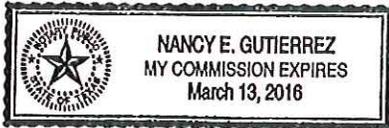
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Robert D. Andron  
General Counsel for PSB

ACKNOWLEDGEMENTS

State of Texas            )  
                                  )  
County of El Paso        )

This instrument was acknowledged before me on the 12th day of March, 2012 by Edmund G. Archuleta, President & CEO El Paso Water Utilities Public Service Board for the City of El Paso.



*Nancy E. Gutierrez*  
Notary Public, State of Texas

My Commission Expires: March 13, 2016

State of Texas            )  
                                  )  
County of El Paso        )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 by Joyce A. Wilson, City Manager of the City of El Paso.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

HIGHWAY: Spur 276  
 LIMITS: From SH 20, 0.168 Miles North of Borderland Rd. To 0.13 Miles West of IH 10  
 COUNTY: El Paso  
 ACCOUNT NO.:  
 ROW CSJ: 0608-01-002  
 OWNER: City of El Paso

**EXHIBIT "A"**

Property Description for Parcel 2A

Being 1,133,426 square feet or 26.020 acres of land, situated in the Nellie D. Mundy Survey Number 240, City of El Paso, El Paso County, Texas, and the Nellie D. Mundy Survey Number 239, City of El Paso, El Paso County, Texas, out of 103.584 calculated acres, being the residue of that tract of land known as the North 1/2 of said Survey Number 240, as described in deed to the City of El Paso, as recorded in Volume 1272, Page 0554 of the El Paso County Deed Records (E.P.C.D.R.), being all of a called 7.086 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0166 of the Official Public Records of Real Property El Paso County (O.P.R.R.P.E.C.), being all of a called 5.5211 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0171, of said O.P.R.R.P.E.C. and being all of a 16.146 acre tract of land as described in deed to the City of El Paso, as recorded under Document Number 20090079708, of said O.P.R.R.P.E.C., said 1,133,426 square feet or 26.020 acres of land being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with plastic cap "Landtech" set for the common easterly corner of the residue of said City of El Paso North 1/2 of said Survey Number 240 and Campus Park Unit One, a subdivision recorded as File Number 20080051315 of the Plat Records of El Paso County, (P.R.E.P.C.) and being on the existing westerly right-of-way line of Interstate Highway 10 (width varies), as recorded in Volume 1320, Page 251 E.P.C.D.R.;

THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to said City of El Paso tract and said Campus Park Unit One, a distance of 1,998.67 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 58+08.99 for the POINT OF BEGINNING of the herein described parcel, from which a found 1/2-inch iron rod with cap bears North 75 degrees East, 1.2 feet;

- 1.) THENCE South 33 degrees 19 minutes 00 seconds West, along the proposed easterly right-of-way line of Spur 276, a distance of 146.39 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for an angle point, at 54.10 feet right of Spur 276 Proposed Baseline Station 56+61.93;
- 2.) THENCE South 32 degrees 36 minutes 05 seconds West, continuing along said proposed easterly right-of-way line of Spur 276, a distance of 2,208.29 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the southerly line of the residue of said City of El Paso North 1/2 of said Survey Number 240 tract and the northwest corner of a called 0.362 acre tract of land described in deed to the City of El Paso, as recorded under Document Number 20110035784, of said O.P.R.R.P.E.C., at 54.85 feet right of Spur 276 Proposed Baseline Station 34+53.64;

- 3.) THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to the residue of said City of El Paso North 1/2 of said Survey Number 240 and the residue of a called 12.040 acre tract of land as described in deed to Philip Gaddy and Glenna Gaddy as recorded in Document Number 20070071445, of said O.P.R.R.P.E.C., a distance of 222.88 feet to a point on the easterly line of a tract of land, designated Parcel No. 3, as described in deed to the State of Texas as recorded in Volume 731, Page 513, of said E.P.C.D.R. and also being the line common to the westerly line of said Survey Number 240 and the easterly line of the El Canutillo Grant, Survey Number 173, from which a found 1/2-inch iron rod with plastic cap "TX2027" bears South 17 degrees West, 0.9 feet;
- 4.) THENCE North 03 degrees 20 minutes 05 seconds East, along the line common to said Survey Number 240, said Survey Number 173 and said Parcel 3, a distance of 113.64 feet to a P-K nail in concrete found on the proposed westerly right-of-way line of Spur 276, at 194.90 feet left of Spur 276 Proposed Baseline Station 34+43.31;
- 5.) THENCE North 32 degrees 30 minutes 02 seconds East, along said proposed westerly right-of-way line of Spur 276, a distance of 150.01 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.21 feet left of Spur 276 Proposed Baseline Station 35+93.31;
- 6.) THENCE North 32 degrees 36 minutes 05 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, a distance of 2,070.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.91 feet left of Spur 276 Proposed Baseline Station 56+63.41;
- 7.) THENCE North 33 degrees 19 minutes 00 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, passing at a distance of 2.97 feet a P-K Nail in rock wall found on the line common to said Survey Number 240 and said Survey Number 239 and also being the common southerly corner of said 7.086 acre City of El Paso tract and that tract of land as described in deed to Tumbleweed ROW, L.P. as recorded under Document Number 20060093256, of said O.P.R.R.P.E.C., passing at a distance of 1,551.93 feet the southeasterly corner of a called 0.916 acre tract of land as described in deed to RRD Properties, L.L.C. as recorded under Document Number 20100084693, of said O.P.R.R.P.E.C., and continuing along the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract for a total distance of 1,736.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 241.89 feet left of Spur 276 Proposed Baseline Station 73+29.98, from which a found 1/2-inch iron rod with cap bears North 66 degrees East, 1.2 feet;
- 8.) THENCE North 68 degrees 12 minutes 15 seconds West, continuing along the proposed westerly right-of-way line of Spur 276 and the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract, a distance of 152.08 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 377.69 feet left of Spur 276 Proposed Baseline Station 72+80.04, from which a found 1/2-inch iron rod with cap bears North 14 degrees East, 1.0 feet;
- 9.) THENCE North 74 degrees 32 minutes 24 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said RRD Properties tract, at a distance of 81.96 passing the common northerly corner of said RRD Properties tract and a called 1.620 acre tract of land as described in deed to Tom Aber as recorded under Document Number 20080056314, of said O.P.R.R.P.E.C., continuing along the line of said 7.086 acre City of El Paso tract and said Tom Aber tract, for a total distance of 277.31 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 621.56 feet left of Spur 276 Proposed Baseline Station 71+97.25, from which a found 1/2-inch iron rod with cap bears North 09 degrees East, 0.9 feet;

- 10.) THENCE North 84 degrees 16 minutes 40 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said Tom Aber tract , a distance of 200.28 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the point of intersection with the existing southerly right-of-way line of Loop 375 (Talbot Avenue [varying width] formerly known as F.M. Road 259) as recorded in Volume 1523, Page 507, of said E.P.C.D.R., at 788.91 feet left of Spur 276 Proposed Baseline Station 71+37.66, from which a found 1/2-inch iron rod with cap bears North 04 degrees West, 2.2 feet;
- 11.) THENCE South 87 degrees 59 minutes 45 seconds East, along said existing southerly right-of-way line of said Loop 375, a distance of 483.02 feet to a point for an angle point;
- 12.) THENCE South 86 degrees 45 minutes 22 seconds East, continuing along the existing southerly right-of-way line of said Loop 375, a distance of 838.56 feet to a point for the common northerly corner of said 5.5211 acre City of EL Paso tract and a tract of land described in deed to Big Diamond, Inc. as recorded under Document Number 20100038159, of said O.P.R.R.P.E.C., for the northeast corner of the herein described parcel;
- 13.) THENCE South 03 degrees 14 minutes 38 seconds West, along the common line of said City of El Paso and Big Diamond, Inc. tracts, a distance of 50.84 feet to a 5/8-inch iron rod with plastic cap "LANDTECH", set on the proposed easterly right-of-way line of Spur 276, being on the line common to said 5.5211 acre City of EL Paso tract and a called 11.853 acre tract of land described in deed to Transmountain Center, L.L.C. and recorded under Document Number 20060102388, of said O.P.R.R.P.E.C., being on a non-tangent curve to the left, at 87.19 feet right of Spur 276 Proposed Baseline Station 79+44.33;
- 14.) THENCE southwesterly, along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said non-tangent curve to the left, having a radius of 830.04 feet, an arc length of 344.05 feet, a central angle of 23 degrees 44 minutes 57 seconds, and a chord which bears South 68 degrees 30 minutes 22 seconds West, 341.59 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the end point of said non-tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 75+81.08;
- 15.) THENCE South 56 degrees 37 minutes 54 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 148.36 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the beginning of a tangent curve to the left, at 55.00 feet right of Spur 276 Proposed Baseline Station 74+32.71;
- 16.) THENCE in a southwesterly direction, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said tangent curve to the left, having a radius of 830.04 feet, an arc length of 337.76 feet, a central angle of 23 degrees 18 minutes 54 seconds, and a chord which bears South 44 degrees 58 minutes 27 seconds West, 335.44 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) for the end point of said tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 70+72.26;

- 17.) THENCE South 33 degrees 19 minutes 00 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 387.78 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for the common corner of said 5.5211 acre City of El Paso and said Transmountain Center tracts, being on the northerly line of a tract of land, designated Parcel 6, as described in deed to Hunt Building Corporation, recorded in Volume 2495, Page 1801, of said O.P.R.R.P.E.C., for southeast corner of the herein described parcel, at 55.00 feet right of Spur 276 Proposed Baseline Station 66+84.47;
- 18.) THENCE South 80 degrees 11 minutes 57 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 161.87 feet to a point for the northwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 19.) THENCE South 29 degrees 29 minutes 16 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 264.31 feet to a point for the southwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 20.) THENCE North 53 degrees 05 minutes 16 seconds East, along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 295.27 feet to a point for an angle point of the herein described parcel, from which a found 5/8-inch iron rod with cap "RPLS 4178" bears South 09 degrees East, 1.3 feet;
- 21.) THENCE North 80 degrees 11 minutes 57 seconds East, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 0.86 feet to a 5/8-inch iron rod with plastic cap "LANDTECH" set for the common corner of said 5.5211 acre City of El Paso tract and a called 23.741 acre tract of land described in deed to Canutillo Heights Estates, L.P. as recorded under Document Number 20060008678, of said O.P.R.R.P.E.C., and being on said proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 65+88.57;
- 22.) THENCE South 33 degrees 19 minutes 00 seconds West, along said proposed easterly right-of-way line of Spur 276, and the common line of said 5.5211 acre City of El Paso tract and said Canutillo Heights Estates tract, a distance of 779.59 feet to the POINT OF BEGINNING and containing 1,133,426 square feet or 26.020 acres of land.

Access will be permitted to the highway facility from the remainder of the property along Spur 276.

This property description is accompanied by a parcel plat of even date.

Note: All bearings and coordinates are referenced to the Texas State Coordinate System, Central Zone, NAD 83 (NSRS 2007) as supplied by TxDOT and Jacobs Carter Burgess and are referenced to NGS stations and their respective provided coordinates as shown, CHINO (CE0444) X=358,754.59 Y=10,717,710.57 and EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. All distances and coordinates are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00023100.

I, Scott M. Fertak, a Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge and belief, this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.

Date: 28 day of October, 2011



A handwritten signature in black ink, appearing to read "Scott M. Fertak", written over a horizontal line.

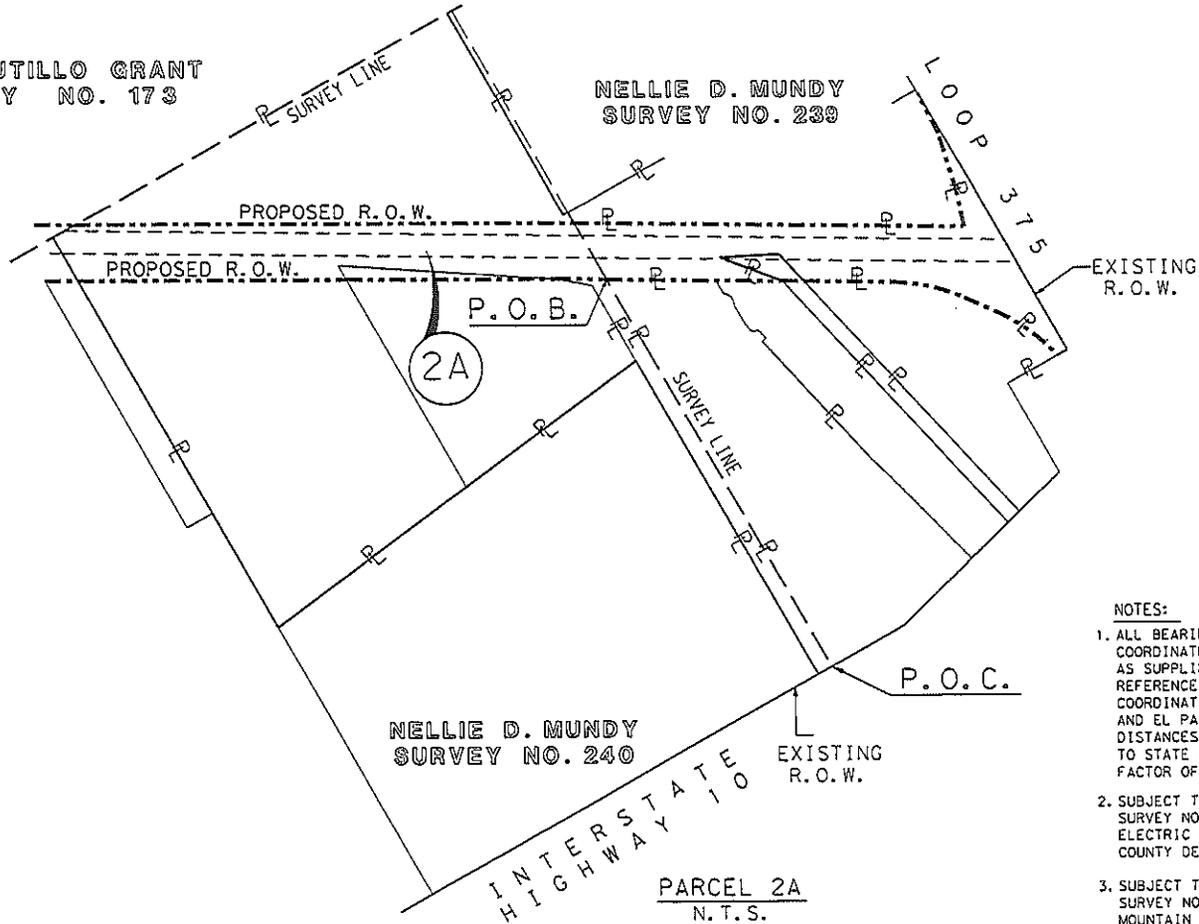
Scott M. Fertak  
Registered Professional Land Surveyor  
No. 5257

EL CANUTILLO GRANT  
SURVEY NO. 173

NELLIE D. MUNDY  
SURVEY NO. 239

NELLIE D. MUNDY  
SURVEY NO. 240

PARCEL 2A  
N.T.S.



NOTES:

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NSRS 2007) AS SUPPLIED BY TXDOT AND JACOBS CARTER AND BURGESS AND ARE REFERENCED TO NGS STATIONS AND THEIR RESPECTIVE PROVIDED COORDINATES AS SHOWN, CHINO (CE0444) X=358,754.59, Y=10,717,710.57 AND EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO STATE PLANE (GRID) BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00023100.
2. SUBJECT TO AND UNDEFINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239 AND 240 FROM LEE H. ORNDORFF TO THE EL PASO ELECTRIC COMPANY, RECORDED IN VOL. 533, PAGE 323, EL PASO COUNTY DEED RECORDS, JAN. 6, 1931.
3. SUBJECT TO AND UNDEFINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239, 240 AND 241 FROM LEE H. ORNDORFF TO THE MOUNTAIN STATES TELEGRAPH COMPANY, RECORDED IN VOL. 539, PG. 88, EL PASO COUNTY DEED RECORDS, NOV. 14, 1930.
4. THIS PLAT ACCOMPANIES A PROPERTY DESCRIPTION OF EVEN DATE.

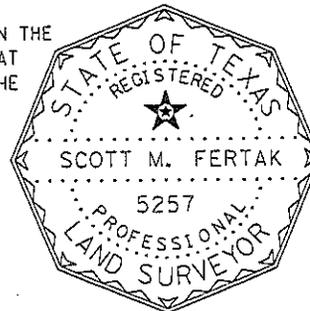
LEGEND

EXIST. ROW LINE	—————
PROP. ROW LINE	- - - - -
PROPERTY LINE	— P —
COUNTY LINE	—————
PROPOSED ACCESS DENIAL LINE	— III —
EXISTING ACCESS DENIAL LINE	— III —
SURVEY LINE	- - - - -
FENCE	— x — x —
CITY LIMITS	—————
E.P.C.P.R. - EL PASO COUNTY PLAT RECORDS	
E.P.C.D.R. - EL PASO COUNTY DEED RECORDS	
O.P.R.R.P.E.C. - OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY	
SET 5/8" IRON ROD W/TXDOT ROW ALUMINUM CAP (UNLESS NOTED)	●
PROPERTY CORNER FOUND AS NOTED.	○
PARCEL NUMBER	⊗

AREA TABLE (ACRES)			
EXISTING	ACQUIRE	REMAINDER	
		LEFT	RIGHT
103.584 (CALC'D)	26.020	24.152 (CALC'D)	53.412 (CALC'D)

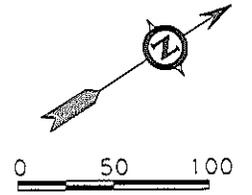
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
SURVEY DATE:

  
SCOTT M. FERTAK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5257



REVISION	DATE
CANCEL PARCEL 2, 3, 4 & 6, CREATE PARCEL 2A	SEPT 2011
<p>PARCEL 2A RIGHT OF WAY PLAT SHOWING PROPERTY OF CITY OF EL PASO</p> <p>SPUR 276 EL PASO COUNTY CSJ 0608-01-002</p> <p>LANDTECH CONSULTANTS, INC. SEPT. 2011 PAGE 6 OF 14 SCALE: 1" = 100'</p>	

EL CANUTILLO ACREAGE LOTS  
VOL. 9, PG. 44 E.P.C.F.R.



EL CANUTILLO GRANT SURVEY NO. 173  
 VOL. 3669, PG. 1401  
 O.P.R.R.P.E.C.

NELLIE D. MUNDY SURVEY NO. 240  
 VOL. 3752, PG. 1464  
 O.P.R.R.P.E.C.

CITY OF EL PASO  
PROPERTIES

CITY OF EL PASO  
DOC#20070006494  
O.P.R.R.P.E.C.

STATE OF TEXAS  
RIGHT-OF-WAY DEED  
PARCEL 3  
VOL. 731 PG. 513  
E.P.C.D.R.  
FEB. 24, 1943  
FND 1/2" I.R. W/CAP"TX2027"  
BRS. S 17° W, 0.9'

PHILIP & GLENN GADDY  
DOC#20070071445  
O.P.R.R.P.E.C.  
JULY 25, 2007  
RESIDUE OF  
CALLED 12.040 AC.

30' UTILITY  
EASEMENT  
DOC# 20080013918  
O.P.R.R.P.E.C.

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

CITY OF EL PASO  
DOC.# 20110035784  
O.P.R.R.P.E.C.  
MAY 25, 2011  
CALLED 0.362 AC.

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 7 OF 14 SCALE: 1" = 100'

N 03° 20' 05" E  
113.64'

STA. 34+43.31  
194.90' LT.

STA. 35+93.31  
195.21' LT.

FND. PK NAIL IN CONC

TXDOT DRAINAGE EASEMENT  
(NO DEED OF RECORD FOUND)

35+00

STA. 34+53.64  
54.85' RT.

PROPOSED BASELINE  
PROPOSED R.O.W.

S 32° 36' 05" W 2,208.29'

VOL. 3669, PG. 1401  
O.P.R.R.P.E.C.

VOL. 3752, PG. 1464  
O.P.R.R.P.E.C.

N 32° 30' 02" E  
150.01'

SET TXDOT TYPE II MON  
(4" BRASS DISK IN CONC)

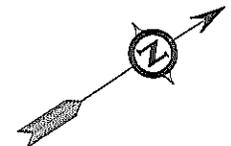
PROPOSED R.O.W.

N 32° 36' 05" E 2,070.10'

MATCH LINE STA. 39+00

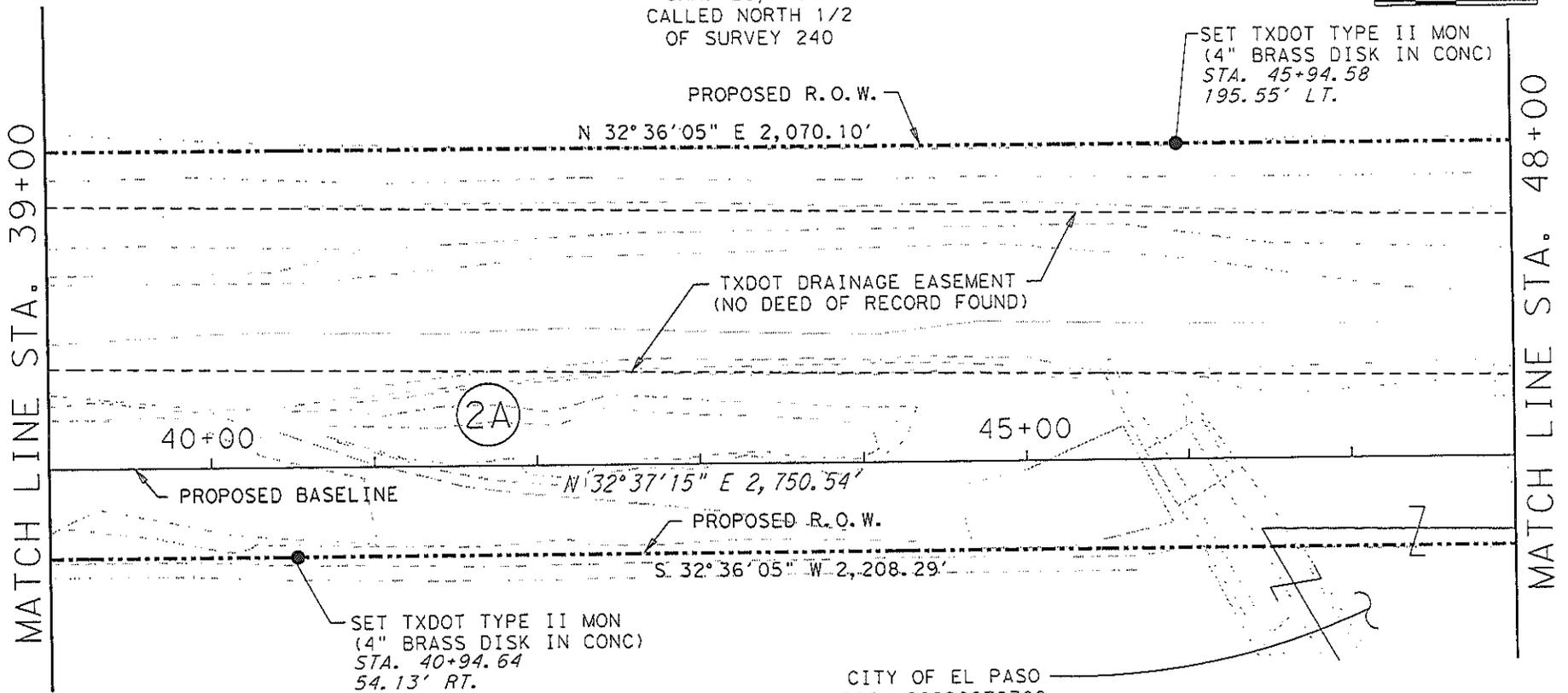
2A

# NELLIE D. MUNDY SURVEY NO. 240



CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

0 50 100



CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

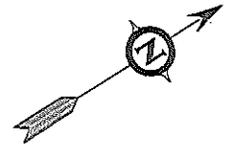
CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

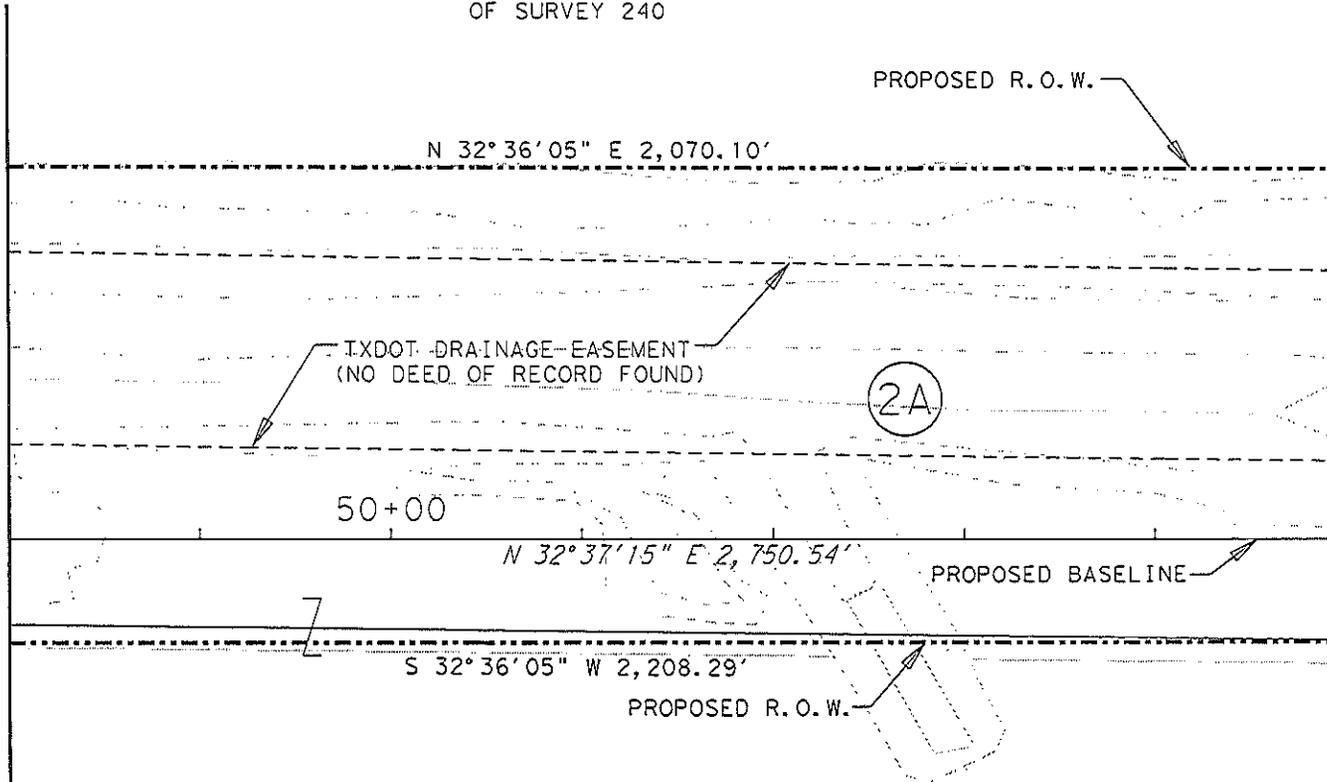
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 8 OF 14 SCALE: 1" = 100'

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240



0 50 100

MATCH LINE STA. 48+00



MATCH LINE STA. 55+00

CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

NELLIE D. MUNDY SURVEY NO. 240

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 9 OF 14 SCALE: 1" = 100'

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

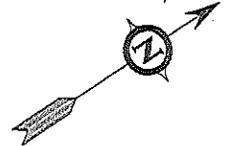
TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

LOT 1  
BLOCK 1

PROPOSED R.O.W.  
N 33°19'00" E 1,736.10'



0 50 100

MATCH LINE STA. 55+00

MATCH LINE STA. 62+00

SET TXDOT TYPE II MON  
(4" BRASS DISK IN CONC)  
SEE DETAIL

N 32°36'05" E  
2,070.10'

STA. 56+63.41  
195.91' LT.

1,551.93'  
FND. 1/2" IR W/CAP  
BEARS S 88° E 12.7'

FND. 1/2" IR W/CAP  
BEARS S 87° E, .56.4'  
TXDOT DRAINAGE  
EASEMENT  
(NO DEED OF  
RECORD FOUND)

2A

20' EASEMENT  
VOL. 3789, PG. 180  
O.P.R.R.P.E.C.

10' EPEC EASEMENT  
VOL. 1975, PG. 136  
O.P.R.R.P.E.C.

STATE OF TEXAS EASEMENT  
FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780,  
E.P.C.D.R.  
OCT. 19, 1971

2A

POT STA. 57+35.80

PROPOSED BASELINE  
N 33°19'00" E, 1,347.82' 60+00

S 33°19'00" W  
146.39'

STA. 58+08.99  
55.00' RT.

PROPOSED R.O.W.

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

S 32°36'05" W  
2,208.29'

20' PSB EASEMENT  
DOC. # 20010058733  
O.P.R.R.P.E.C.

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
CALLED 23.741 AC.

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.

P.O.B.  
FND. 1/2" IR  
W/CAP BEARS  
N 75° E, 1.2'

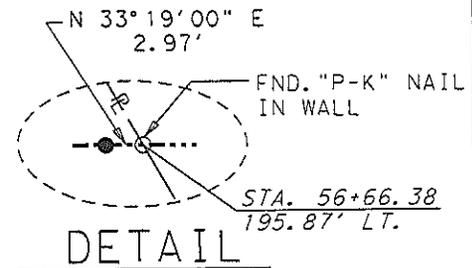
STA. 56+61.93  
54.10' RT.

CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

NELLIE D. MUNDY  
SURVEY NO. 239

P.O.C.  
SET 5/8" IR  
W/CAP "LANDTECH"

EXISTING R.O.W.  
INTERSTATE  
HIGHWAY 10  
VOL. 1320, PG. 251  
E.P.C.D.R.



DETAIL

N.T.S.

NELLIE D. MUNDY  
SURVEY NO. 240

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

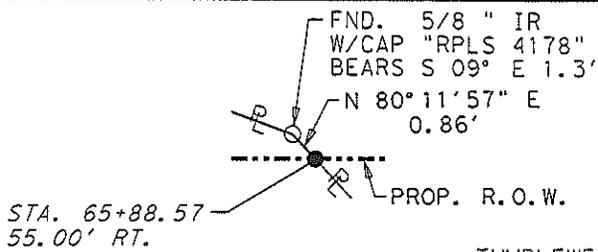
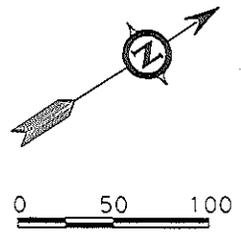
SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 10 OF 14 SCALE: 1" = 100'

# NELLIE D. MUNDY SURVEY NO. 239

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

58' EL PASO ELECTRIC CO. 323,  
EASEMENT, VOL. 533, PG. 533,  
O.P.R.R.P.E.C.



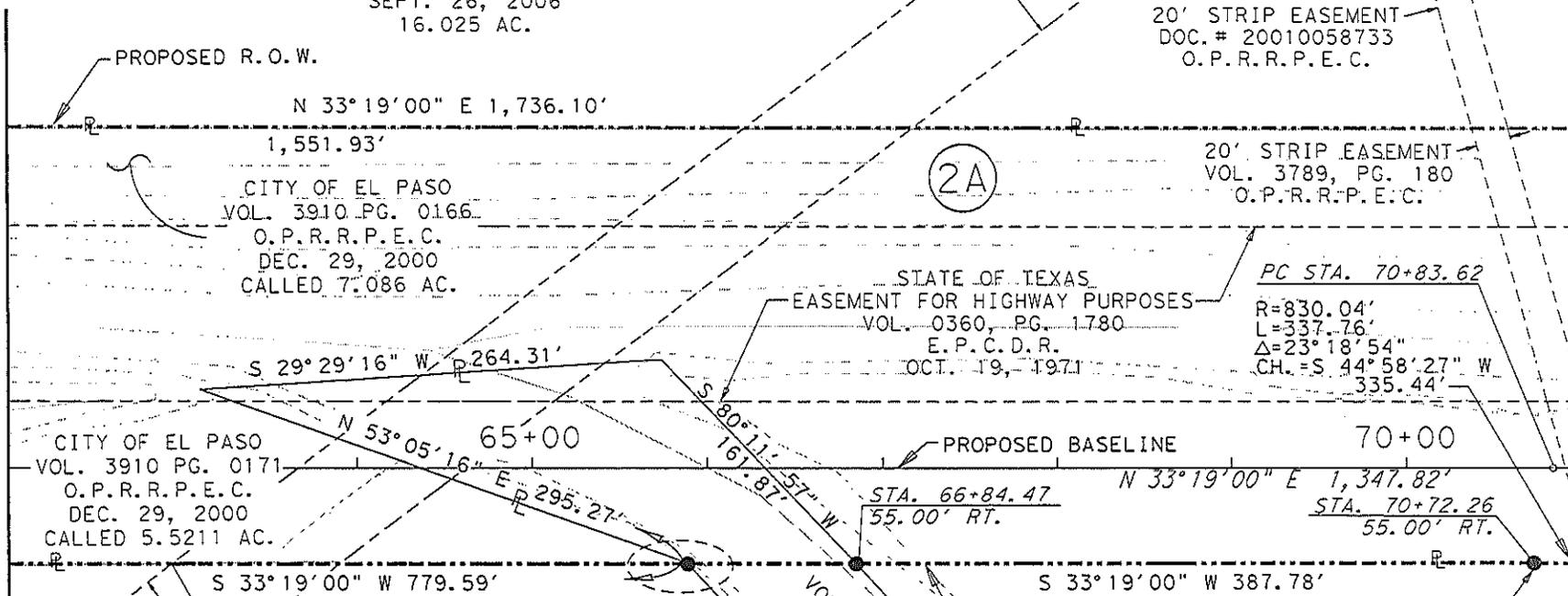
**DETAIL**  
N.T.S.

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

LOT 1 BLOCK 1

MATCH LINE STA. 62+00

MATCH LINE STA. 71+00



CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

STATE OF TEXAS  
EASEMENT FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780  
E.P.C.D.R.  
OCT. 19, 1971

PC STA. 70+83.62  
R=830.04'  
L=337.76'  
Δ=23° 18' 54"  
CH.=S 44° 58' 27\" W  
335.44'

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
23.741 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT THREE  
VOL. 76, PG. 02,  
E.P.C.P.R.

LOT 1 BLOCK 3

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT TWO  
VOL. 76, PG. 01,  
E.P.C.P.R.

**PARCEL 2A**  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 11 OF 14 SCALE: 1" = 100'

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.

58' EL PASO ELECTRIC CO.  
EASEMENT DOC #20010043193  
O.P.R.R.P.E.C.

HUNT BUILDING CORP. PARCEL 6  
VOL. 2495, PG. 1801, P.E.C.  
O.P.R.R.P.E.C.  
NOV. 3, 1992

SEE DETAIL

36' WIDE EASEMENT  
 DOC# 20070103761, O.P.R.R.P.E.C.  
 EXHIBIT B

TOM ABER  
 DOC. NO. 20080056314  
 O.P.R.R.P.E.C.  
 JUN. 11, 2008  
 1.620 AC.

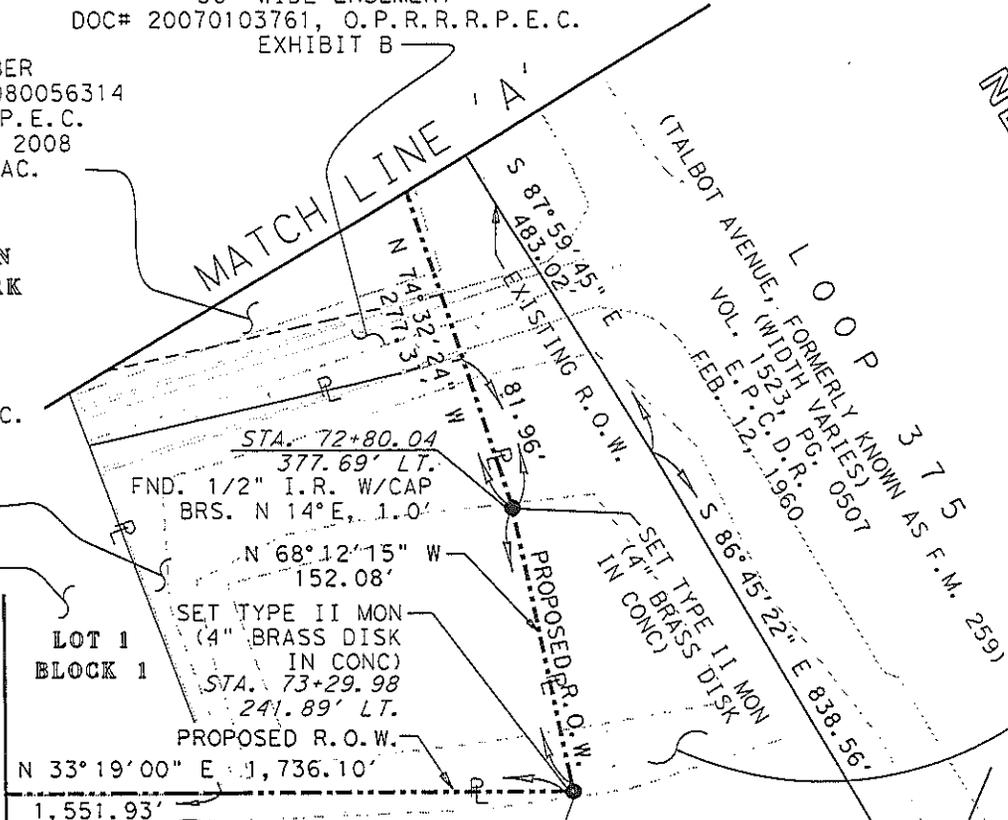
TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT ONE  
 VOL. 75, PG. 50,  
 E.P.C.P.R.

RRD PROPERTIES, L.L.C.  
 20100084693  
 O.P.R.R.P.E.C.  
 DEC. 13, 2010  
 0.916 AC.

TUMBLEWEED ROW, LP  
 DOC. #20060093256  
 O.P.R.R.P.E.C.  
 SEPT. 26, 2006  
 2.703 AC.

LOT 1  
 BLOCK 1

MATCH LINE STA. 71+00



2A FND. 1/2" I.R. W/CAP  
 BRS. N 66° E, 1.2'

STATE OF TEXAS  
 EASEMENT FOR HIGHWAY PURPOSES  
 VOL. 0360, PG. 1780  
 E.P.C.D.R.  
 OCT. 19, 1971

PROPOSED BASELINE  
 R=830.00'  
 L=337.74'  
 Δ=23°18'53"  
 CH.=N 44°58'27" E  
 335.42'

PROPOSED R.O.W.  
 (4" BRASS DISK IN CONC)  
 SET TYPE II MON  
 R=830.04'  
 L=337.76'  
 Δ=23°18'54"  
 CH.=S 44°58'27" W  
 335.44'

TRANS MOUNTAIN CENTER L.L.C.  
 DOC. #20060102388  
 O.P.R.R.P.E.C.  
 OCT. 23, 2006  
 11.853 AC.

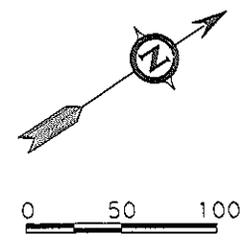
NELLIE D. MUNDY SURVEY NO. 239

LOOP 375  
 (TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
 VOL. 1523, PG. 0507  
 E.P.C.D.R.  
 FEB. 12, 1960

CITY OF EL PASO  
 VOL. 3910 PG. 0166  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 7.086 AC.

FND. 1/2" I.R. W/CAP  
 BRS. N 79° W, 8.5'

CITY OF EL PASO  
 VOL. 3910 PG. 0171  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 5.5211 AC.



TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT TWO  
 VOL. 76, PG. 01,  
 E.P.C.P.R.  
 LOT 1  
 BLOCK 2

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 12 OF 14 SCALE: 1" = 100'

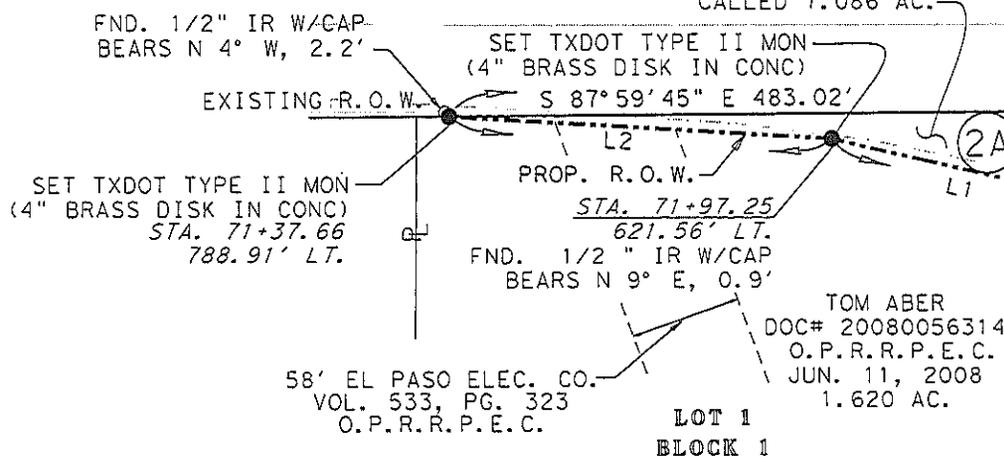


0 50 100

# LOOP 375

(TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
(WIDTH VARIES)  
VOL. 1523, PG. 0507  
E.P.C.D.R.  
FEB. 12, 1960

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.



MATCH LINE 'A'

LINE TABLE		
#	BEARING	DIST.
L1	N 74° 32' 24" W	277.31'
L2	N 84° 16' 40" W	200.28'

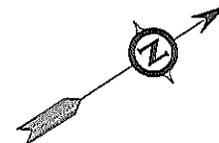
TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

## NELLIE D. MUNDY SURVEY NO. 239

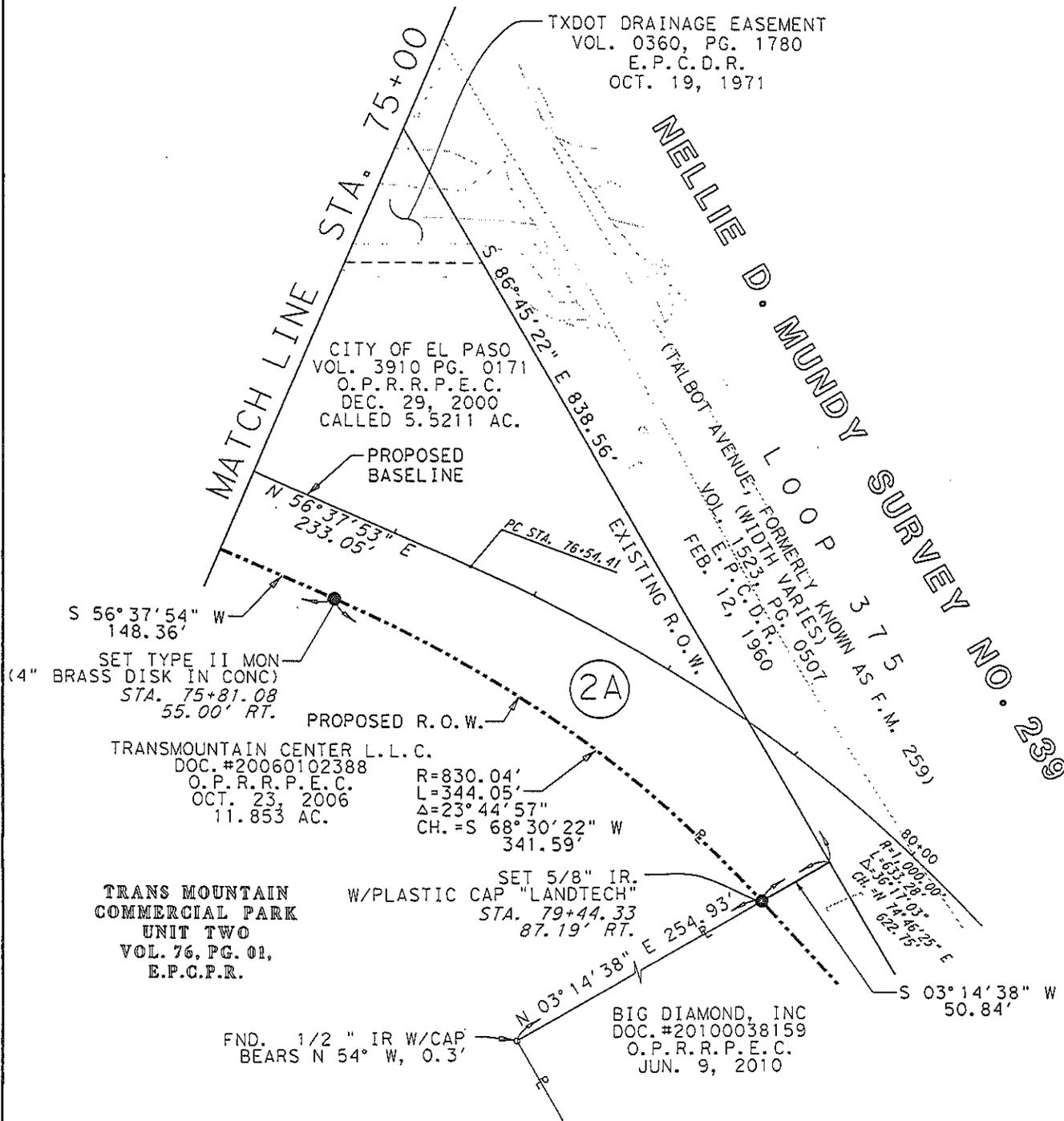
PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 13 OF 14 SCALE: 1" = 100'



0 50 100



PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 14 OF 14

412  
CITY CLERK DEPT.  
2011 MAY 12 PM 5:24

**AGREEMENT TO CONTRIBUTE FUNDS -- LOCAL GOVERNMENT**  
(Economically Disadvantaged County)

County: El Paso  
District: El Paso

Federal Project No:  
Highway: Spur 276

ROW CSJ No: 0608-01-002

This Agreement by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the State, and City of El Paso, Texas, acting by and through its duly authorized officials pursuant to an Ordinance or Order dated the 24<sup>th</sup> day of May, 2011, hereinafter called the Local Government, shall be effective on the date of approval and execution by and on behalf of the State.

WHEREAS, the State and the Local Government hereby agree to enter into a contractual agreement to acquire right of way and adjust utilities for a highway project on Highway No. Spur 276 with the following project limits:

From: SH 20, 0.168 Miles North of Borderland Rd.

To: 0.13 Miles West of IH-10; and

WHEREAS, the Local Government requests that the State assume responsibility for acquisition of all necessary right of way and adjustment of utilities for said highway project; and

WHEREAS, the Local Government desires to voluntarily contribute to the State funding participation as defined in 43TAC, §15.55 for the cost of acquiring said right of way and relocating or adjusting utilities for the proper improvement of the State Highway System; and

WHEREAS, the Local Government requested and has been granted an Economically Disadvantaged County Adjustment from the Texas Transportation Commission on October 28, 2010 by virtue of Minute Order No. 112470 attached hereto and incorporated into this agreement, approving a Fifty Six percent ( 56 %) adjustment to the required Twenty percent ( 20%) local participation for this project, thereby resulting in a Local Government net contribution amount of Eight and Eight Tenths percent ( 8.8%) participation;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived therefrom, the Local Government shall contribute to the State an amount equal to Eight and Eight Tenths percent ( 8.8%) of the cost of the right of way to be acquired by the State and shall transmit to the State with the return of this agreement, duly executed by the Local Government, a warrant or check in the amount of Four Hundred Twenty Thousand and Two Hundred Eighty Eight and No/100 Dollars (\$ 420,288.00), which represents Eight and Eight Tenths percent ( 8.8%) of Four Million Seven Hundred Seventy Six Thousand and No/100 Dollars (\$ 4,776,000.00), the estimated total cost of the right of way. If however, it is found that this amount is insufficient to pay the Local Government's obligation, then the Local Government will within thirty (30) days after receipt of a written request from the State for additional funds, transmit to the State such supplemental amount as is requested. The cost of providing such right of way acquired by the State shall mean the total value of compensation paid, either through negotiations or eminent domain proceedings, to the owners for their property interests, plus costs related to the relocation, removal or adjustment of eligible utilities.

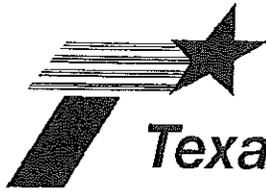
Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a warrant or check made payable to the "Texas Department of Transportation Trust Fund." The warrant or check shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to this highway project. Upon completion of the highway project and in the event the total amount as paid by the Local Government is more than Eight and Eight Tenths percent (8.8%) of the actual cost of the right of way, any excess amount will be returned to the Local Government by the State, or upon written request of the Local Government, the excess amount may be applied to other State highway projects in which the Local Government is participating.

In the event any existing, future, or proposed Local Government ordinance, commissioners court order, rule, policy, or other directive, including but not limited to, outdoor advertising or storm water drainage facility requirements, is more restrictive

Planned TxDOT Right of Way Project  
Spur 276  
(Graphic Illustration Only as furnished by Texas Department of Transportation and Lantech  
Consultants, Inc.)



State of Texas  
Department of Transportation  
Proposed Right of Way Project  
Highway Spur 276  
(Doniphan - North of Borderland to Talbot @ Interstate 10)



# Texas Department of Transportation

13301 GATEWAY BLVD. WEST • EL PASO TX 79928-5410 • (915) 790-4200

January 31, 2012

City of El Paso  
Two Civic Center Plaza, Seventh Floor  
El Paso, Texas 79901

County: County: El Paso  
District: El Paso  
Highway No.: State Spur 276  
Federal Project No.: STP 1102 (539) MM  
ROW CSJ No.: 0608-01-002  
Parcel No.: 2A

Dear Sir or Madam,

Our negotiations for highway right of way across your property have progressed to the point that you have indicated a willingness to sign a Deed in return for payment as agreed to in our previous discussions. It is thought to be in the best interests of both you and the Texas Department of Transportation to confirm this agreement in order to avoid any possible misunderstanding as to the details of the purchase or the process by which the Department will make payment.

Your property consists of 1,133,426 square feet or 26.020 acres of land, situated in the Nellie D. Mundy Survey Number 240, City of El Paso, El Paso County, Texas, and the Nellie D. Mundy Survey Number 239, City of El Paso, El Paso County, Texas, out of 103.584 calculated acres, being the residue of that tract of land known as the North ½ of said Survey Number 240, as described in Deed to the City of El Paso, as recorded in Volume 1272, Page 0554 of the El Paso County Records (E.P.C.D.R.), being all of a called 7.086 acre tract of land described in deed to the City of El Paso, as recorded in Volume 3910, Page 0166 of the Official Public Records of Real Property El Paso County (O.P.R.R.P.E.C.), being all of a called 5.5211 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0171, of said O.P.R.R.P.E.C. and being all of a 16.146 acre tract of land as described in deed to the City of El Paso, as recorded under Document Number 20090079708, of said O.P.R.R.P.E.C., located West of IH-10, South of Talbot (Loop 375), in the City of El Paso, El Paso County, Texas. The right of way being purchased by the Texas Department of Transportation has been thoroughly explained. The payment of the amount of \$793,398.00 as herein agreed to will constitute full payment to be made by the Texas Department of Transportation for the property to be conveyed to the State more particularly described in Exhibit "A". The State and Owners have agreed to the following provisions: N/A

Until payment is made by the State, title and possession of the property to be conveyed remain with you. You shall bear all risk of loss to any and all such property prior to such payment. Either you or the State shall have the right to terminate this agreement.

Additional Clauses: N/A

After the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported



by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department failed to properly determine the eligibility for or the amount of incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the claim must be filed with this office within six months after you are notified of the Department's determination on any claim for reimbursement.

The payment of the amount herein stated and the terms provided constitute the only promises, consideration and conditions of this purchase; and, no other promises, consideration or conditions have been signified or implied, save and except any benefits which may accrue to you under the State's Relocation Assistance Program and the mutual benefits to be derived by you and the Texas Department of Transportation from the signing of this agreement.

The State, without cost to you as the owner, will pay the cost of recording all instruments conveying title to the State.

It is suggested that you carefully review the proposed Deed and satisfy yourselves as to its provisions. With your signing of this agreement and execution of the Deed, the State will proceed with the issuance of a State warrant, which will be made out jointly to you and to LandAmerica Lawyers Title Company of El Paso, Inc. This company has been designated as the State's closing agent and is responsible to see that the Texas Department of Transportation obtains clear title. They will not endorse the warrant and make payment until clear title is secured. At the same time, you have the right not to endorse the warrant and accept payment until you are fully satisfied on all details of the transaction.

Sincerely,



---

John Wallis, RPLS  
Regional Right of Way Manager  
Texas Department of Transportation, West Region

---

I (We) fully understand the Texas Department of Transportation's proposal as contained in this agreement and hereby acknowledge receipt of the brochure entitled "*Relocation Assistance*." I (We) understand that relocation assistance benefits are handled entirely separate from and in addition to this transaction.

---

For the City of El Paso

---

Name

---

Title

---

Date

Approved as to Content: *Form*

*Amesha Cullen*

Name

*Deputy City Attorney*

Title

Approved as to Form:

*Robert D. Anderson*

Name

*EPWU GEN COUNSEL*

Title

HIGHWAY: Spur 276  
 LIMITS: From SH 20, 0.168 Miles North of Borderland Rd. To 0.13 Miles West of IH 10  
 COUNTY: El Paso  
 ACCOUNT NO.:  
 ROW CSJ: 0608-01-002  
 OWNER: City of El Paso

**EXHIBIT "A"**

Property Description for Parcel 2A

Being 1,133,426 square feet or 26.020 acres of land, situated in the Nellie D. Mundy Survey Number 240, City of El Paso, El Paso County, Texas, and the Nellie D. Mundy Survey Number 239, City of El Paso, El Paso County, Texas, out of 103.584 calculated acres, being the residue of that tract of land known as the North 1/2 of said Survey Number 240, as described in deed to the City of El Paso, as recorded in Volume 1272, Page 0554 of the El Paso County Deed Records (E.P.C.D.R.), being all of a called 7.086 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0166 of the Official Public Records of Real Property El Paso County (O.P.R.R.P.E.C.), being all of a called 5.5211 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0171, of said O.P.R.R.P.E.C. and being all of a 16.146 acre tract of land as described in deed to the City of El Paso, as recorded under Document Number 20090079708, of said O.P.R.R.P.E.C., said 1,133,426 square feet or 26.020 acres of land being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with plastic cap "Landtech" set for the common easterly corner of the residue of said City of El Paso North 1/2 of said Survey Number 240 and Campus Park Unit One, a subdivision recorded as File Number 20080051315 of the Plat Records of El Paso County, (P.R.E.P.C.) and being on the existing westerly right-of-way line of Interstate Highway 10 (width varies), as recorded in Volume 1320, Page 251 E.P.C.D.R.;

THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to said City of El Paso tract and said Campus Park Unit One, a distance of 1,998.67 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 58+08.99 for the POINT OF BEGINNING of the herein described parcel, from which a found 1/2-inch iron rod with cap bears North 75 degrees East, 1.2 feet;

- 1.) THENCE South 33 degrees 19 minutes 00 seconds West, along the proposed easterly right-of-way line of Spur 276, a distance of 146.39 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for an angle point, at 54.10 feet right of Spur 276 Proposed Baseline Station 56+61.93;
- 2.) THENCE South 32 degrees 36 minutes 05 seconds West, continuing along said proposed easterly right-of-way line of Spur 276, a distance of 2,208.29 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the southerly line of the residue of said City of El Paso North 1/2 of said Survey Number 240 tract and the northwest corner of a called 0.362 acre tract of land described in deed to the City of El Paso, as recorded under Document Number 20110035784, of said O.P.R.R.P.E.C., at 54.85 feet right of Spur 276 Proposed Baseline Station 34+53.64;

- 3.) THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to the residue of said City of El Paso North 1/2 of said Survey Number 240 and the residue of a called 12.040 acre tract of land as described in deed to Philip Gaddy and Glenna Gaddy as recorded in Document Number 20070071445, of said O.P.R.R.P.E.C., a distance of 222.88 feet to a point on the easterly line of a tract of land, designated Parcel No. 3, as described in deed to the State of Texas as recorded in Volume 731, Page 513, of said E.P.C.D.R. and also being the line common to the westerly line of said Survey Number 240 and the easterly line of the El Canutillo Grant, Survey Number 173, from which a found 1/2-inch iron rod with plastic cap "TX2027" bears South 17 degrees West, 0.9 feet;
- 4.) THENCE North 03 degrees 20 minutes 05 seconds East, along the line common to said Survey Number 240, said Survey Number 173 and said Parcel 3, a distance of 113.64 feet to a P-K nail in concrete found on the proposed westerly right-of-way line of Spur 276, at 194.90 feet left of Spur 276 Proposed Baseline Station 34+43.31;
- 5.) THENCE North 32 degrees 30 minutes 02 seconds East, along said proposed westerly right-of-way line of Spur 276, a distance of 150.01 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.21 feet left of Spur 276 Proposed Baseline Station 35+93.31;
- 6.) THENCE North 32 degrees 36 minutes 05 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, a distance of 2,070.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.91 feet left of Spur 276 Proposed Baseline Station 56+63.41;
- 7.) THENCE North 33 degrees 19 minutes 00 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, passing at a distance of 2.97 feet a P-K Nail in rock wall found on the line common to said Survey Number 240 and said Survey Number 239 and also being the common southerly corner of said 7.086 acre City of El Paso tract and that tract of land as described in deed to Tumbleweed ROW, L.P. as recorded under Document Number 20060093256, of said O.P.R.R.P.E.C., passing at a distance of 1,551.93 feet the southeasterly corner of a called 0.916 acre tract of land as described in deed to RRD Properties, L.L.C. as recorded under Document Number 20100084693, of said O.P.R.R.P.E.C., and continuing along the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract for a total distance of 1,736.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 241.89 feet left of Spur 276 Proposed Baseline Station 73+29.98, from which a found 1/2-inch iron rod with cap bears North 66 degrees East, 1.2 feet;
- 8.) THENCE North 68 degrees 12 minutes 15 seconds West, continuing along the proposed westerly right-of-way line of Spur 276 and the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract, a distance of 152.08 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 377.69 feet left of Spur 276 Proposed Baseline Station 72+80.04, from which a found 1/2-inch iron rod with cap bears North 14 degrees East, 1.0 feet;
- 9.) THENCE North 74 degrees 32 minutes 24 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said RRD Properties tract, at a distance of 81.96 passing the common northerly corner of said RRD Properties tract and a called 1.620 acre tract of land as described in deed to Tom Aber as recorded under Document Number 20080056314, of said O.P.R.R.P.E.C., continuing along the line of said 7.086 acre City of El Paso tract and said Tom Aber tract, for a total distance of 277.31 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 621.56 feet left of Spur 276 Proposed Baseline Station 71+97.25, from which a found 1/2-inch iron rod with cap bears North 09 degrees East, 0.9 feet;

- 10.) THENCE North 84 degrees 16 minutes 40 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said Tom Aber tract , a distance of 200.28 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the point of intersection with the existing southerly right-of-way line of Loop 375 (Talbot Avenue [varying width] formerly known as F.M. Road 259) as recorded in Volume 1523, Page 507, of said E.P.C.D.R., at 788.91 feet left of Spur 276 Proposed Baseline Station 71+37.66, from which a found 1/2-inch iron rod with cap bears North 04 degrees West, 2.2 feet;
- 11.) THENCE South 87 degrees 59 minutes 45 seconds East, along said existing southerly right-of-way line of said Loop 375, a distance of 483.02 feet to a point for an angle point;
- 12.) THENCE South 86 degrees 45 minutes 22 seconds East, continuing along the existing southerly right-of-way line of said Loop 375, a distance of 838.56 feet to a point for the common northerly corner of said 5.5211 acre City of EL Paso tract and a tract of land described in deed to Big Diamond, Inc. as recorded under Document Number 20100038159, of said O.P.R.R.P.E.C., for the northeast corner of the herein described parcel;
- 13.) THENCE South 03 degrees 14 minutes 38 seconds West, along the common line of said City of El Paso and Big Diamond, Inc. tracts, a distance of 50.84 feet to a 5/8-inch iron rod with plastic cap "LANDTECH", set on the proposed easterly right-of-way line of Spur 276, being on the line common to said 5.5211 acre City of EL Paso tract and a called 11.853 acre tract of land described in deed to Transmountain Center, L.L.C. and recorded under Document Number 20060102388, of said O.P.R.R.P.E.C., being on a non-tangent curve to the left, at 87.19 feet right of Spur 276 Proposed Baseline Station 79+44.33;
- 14.) THENCE southwesterly, along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said non-tangent curve to the left, having a radius of 830.04 feet, an arc length of 344.05 feet, a central angle of 23 degrees 44 minutes 57 seconds, and a chord which bears South 68 degrees 30 minutes 22 seconds West, 341.59 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the end point of said non-tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 75+81.08;
- 15.) THENCE South 56 degrees 37 minutes 54 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 148.36 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the beginning of a tangent curve to the left, at 55.00 feet right of Spur 276 Proposed Baseline Station 74+32.71;
- 16.) THENCE in a southwesterly direction, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said tangent curve to the left, having a radius of 830.04 feet, an arc length of 337.76 feet, a central angle of 23 degrees 18 minutes 54 seconds, and a chord which bears South 44 degrees 58 minutes 27 seconds West, 335.44 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) for the end point of said tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 70+72.26;

- 17.) THENCE South 33 degrees 19 minutes 00 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 387.78 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for the common corner of said 5.5211 acre City of El Paso and said Transmountain Center tracts, being on the northerly line of a tract of land, designated Parcel 6, as described in deed to Hunt Building Corporation, recorded in Volume 2495, Page 1801, of said O.P.R.R.P.E.C., for southeast corner of the herein described parcel, at 55.00 feet right of Spur 276 Proposed Baseline Station 66+84.47;
- 18.) THENCE South 80 degrees 11 minutes 57 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 161.87 feet to a point for the northwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 19.) THENCE South 29 degrees 29 minutes 16 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 264.31 feet to a point for the southwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 20.) THENCE North 53 degrees 05 minutes 16 seconds East, along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 295.27 feet to a point for an angle point of the herein described parcel, from which a found 5/8-inch iron rod with cap "RPLS 4178" bears South 09 degrees East, 1.3 feet;
- 21.) THENCE North 80 degrees 11 minutes 57 seconds East, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 0.86 feet to a 5/8-inch iron rod with plastic cap "LANDTECH" set for the common corner of said 5.5211 acre City of El Paso tract and a called 23.741 acre tract of land described in deed to Canutillo Heights Estates, L.P. as recorded under Document Number 20060008678, of said O.P.R.R.P.E.C., and being on said proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 65+88.57;
- 22.) THENCE South 33 degrees 19 minutes 00 seconds West, along said proposed easterly right-of-way line of Spur 276, and the common line of said 5.5211 acre City of El Paso tract and said Canutillo Heights Estates tract, a distance of 779.59 feet to the POINT OF BEGINNING and containing 1,133,426 square feet or 26.020 acres of land.

Access will be permitted to the highway facility from the remainder of the property along Spur 276.

This property description is accompanied by a parcel plat of even date.

Note: All bearings and coordinates are referenced to the Texas State Coordinate System, Central Zone, NAD 83 (NSRS 2007) as supplied by TxDOT and Jacobs Carter Burgess and are referenced to NGS stations and their respective provided coordinates as shown, CHINO (CE0444) X=358,754.59 Y=10,717,710.57 and EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. All distances and coordinates are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00023100.

I, Scott M. Fertak, a Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge and belief, this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.

Date: 28 day of October, 2011



A handwritten signature in black ink, appearing to read "Scott M. Fertak", written over a horizontal line.

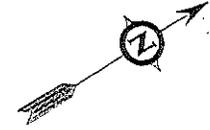
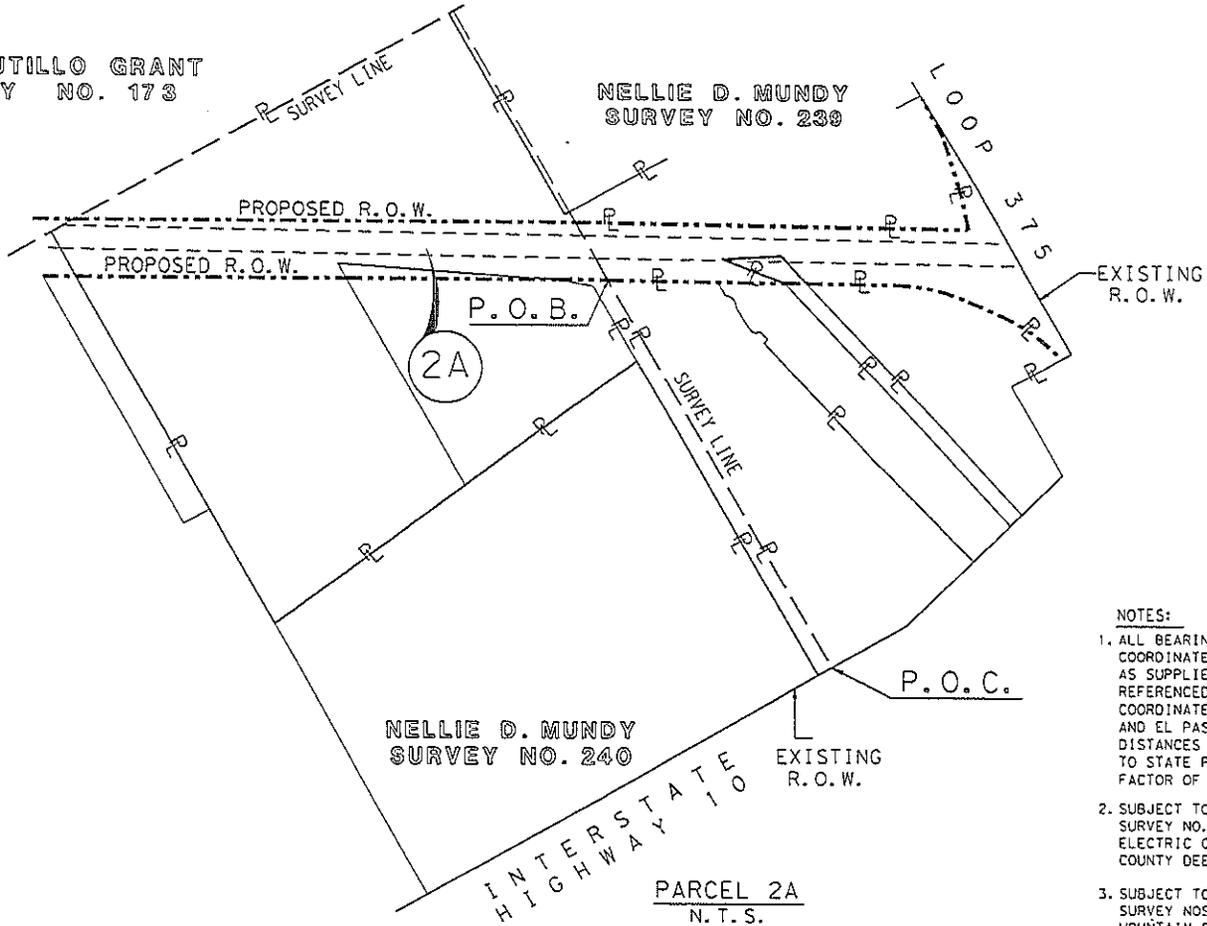
Scott M. Fertak  
Registered Professional Land Surveyor  
No. 5257

EL CANUTILLO GRANT  
SURVEY NO. 173

NELLIE D. MUNDY  
SURVEY NO. 239

NELLIE D. MUNDY  
SURVEY NO. 240

PARCEL 2A  
N. T. S.



**NOTES:**

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NSRS 2007) AS SUPPLIED BY TXDOT AND JACOBS CARTER AND BURGESS AND ARE REFERENCED TO NGS STATIONS AND THEIR RESPECTIVE PROVIDED COORDINATES AS SHOWN, CHINO (CE0444) X=358,754.59, Y=10,717,710.57 AND EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO STATE PLANE (GRID) BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00023100.
2. SUBJECT TO AND UNDEFINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239 AND 240 FROM LEE H. ORNDORFF TO THE EL PASO ELECTRIC COMPANY, RECORDED IN VOL. 533, PAGE 323, EL PASO COUNTY DEED RECORDS, JAN. 6, 1931.
3. SUBJECT TO AND UNDEFINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239, 240 AND 241 FROM LEE H. ORNDORFF TO THE MOUNTAIN STATES TELEGRAPH COMPANY, RECORDED IN VOL. 539, PG. 88, EL PASO COUNTY DEED RECORDS, NOV. 14, 1930.
4. THIS PLAT ACCOMPANIES A PROPERTY DESCRIPTION OF EVEN DATE.

**LEGEND**

EXIST. ROW LINE	—————
PROP. ROW LINE	-----
PROPERTY LINE	———P———
COUNTY LINE	—————
PROPOSED ACCESS DENIAL LINE	———III———
EXISTING ACCESS DENIAL LINE	———III———
SURVEY LINE	———X———
FENCE	———X———
CITY LIMITS	———X———
E.P.C.P.R. - EL PASO COUNTY PLAT RECORDS	○
E.P.C.D.R. - EL PASO COUNTY DEED RECORDS	○
O.P.R.R.P.E.C. - OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY	○
SET 5/8" IRON ROD W/TXDOT ROW ALUMINUM CAP (UNLESS NOTED)	●
PROPERTY CORNER FOUND AS NOTED.	○
PARCEL NUMBER	⊗

AREA TABLE (ACRES)			
EXISTING	ACQUIRE	REMAINDER	
		LEFT	RIGHT
103.584 (CALC'D)	26.020	24.152 (CALC'D)	53.412 (CALC'D)

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
SURVEY DATE:

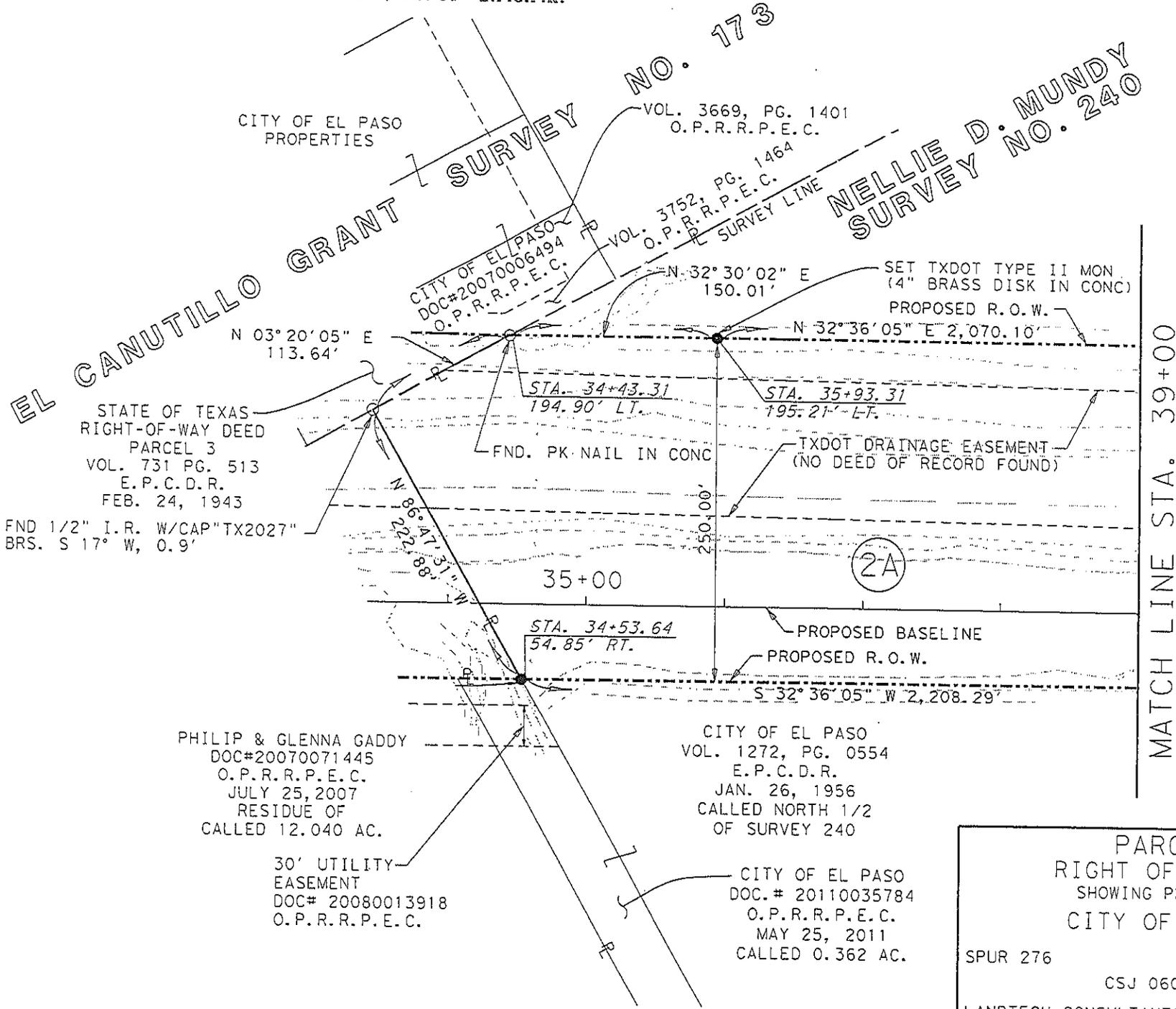
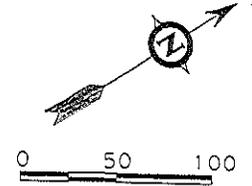
  
SCOTT M. FERTAK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5257



REVISION	DATE
CANCEL PARCEL 2, 3, 4 & 6, CREATE PARCEL 2A	SEPT 2011

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 6 OF 14 SCALE: 1" = 100'

EL CANUTILLO ACREAGE LOTS  
VOL. 9, PG. 44 E.P.C.P.R.



EL CANUTILLO GRANT SURVEY NO. 173

CITY OF EL PASO PROPERTIES

CITY OF EL PASO  
DOC#20070006494  
O.P.R.R.P.E.C.

STATE OF TEXAS  
RIGHT-OF-WAY DEED  
PARCEL 3  
VOL. 731 PG. 513  
E.P.C.D.R.  
FEB. 24, 1943  
FND 1/2" I.R. W/CAP"TX2027"  
BRS. S 17° W, 0.9'

VOL. 3669, PG. 1401  
O.P.R.R.P.E.C.

VOL. 3752, PG. 1464  
O.P.R.R.P.E.C.

N 03° 20' 05" E  
113.64'

N 32° 30' 02" E  
150.01'

N 32° 36' 05" E 2,070.10'

STA. 34+43.31  
194.90' LT.

STA. 35+93.31  
195.21' LT.

FND. PK-NAIL IN CONC

SET TXDOT TYPE II MON  
(4" BRASS DISK IN CONC)  
PROPOSED R.O.W.

NELLIE D. MUNDY SURVEY NO. 240

PHILIP & GLENNA GADDY  
DOC#20070071445  
O.P.R.R.P.E.C.  
JULY 25, 2007  
RESIDUE OF  
CALLED 12.040 AC.

30' UTILITY EASEMENT  
DOC# 20080013918  
O.P.R.R.P.E.C.

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

CITY OF EL PASO  
DOC. # 20110035784  
O.P.R.R.P.E.C.  
MAY 25, 2011  
CALLED 0.362 AC.

MATCH LINE STA. 39+00

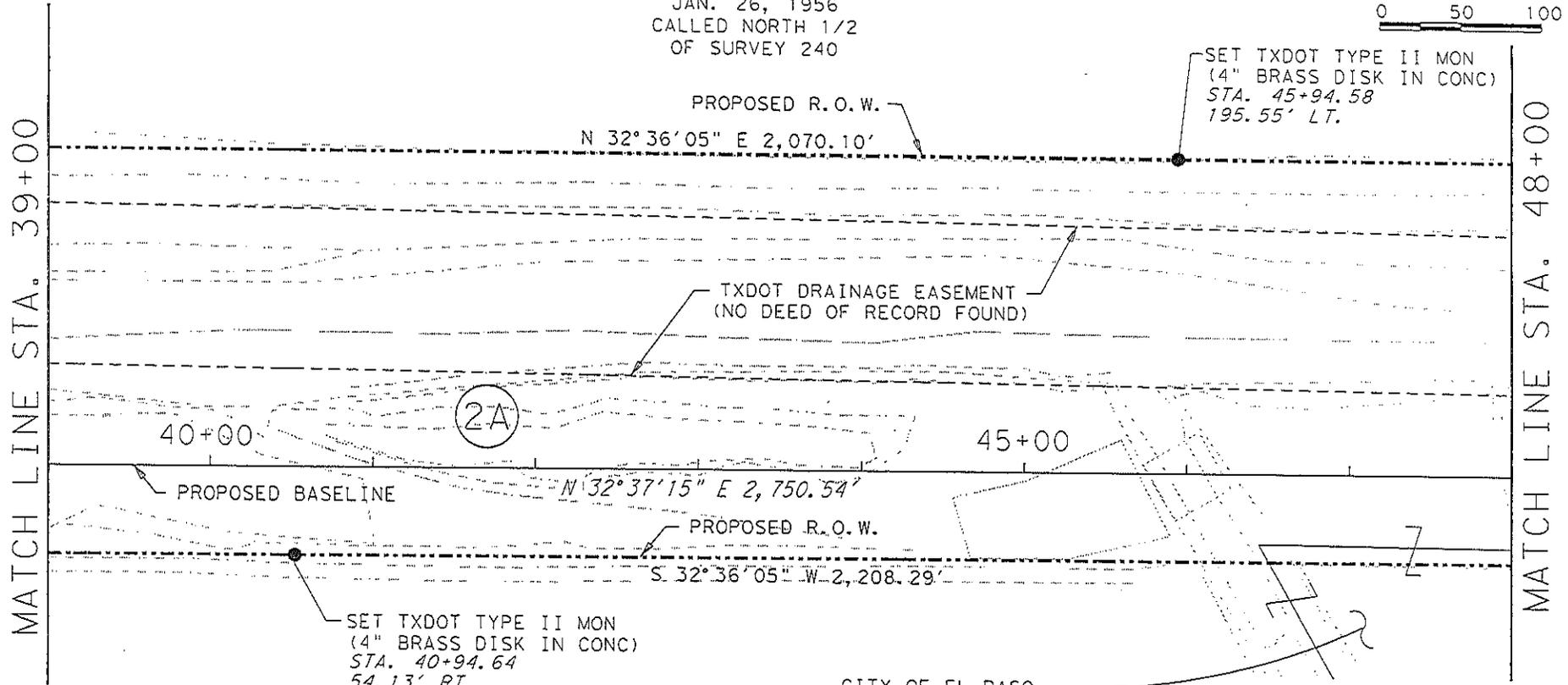
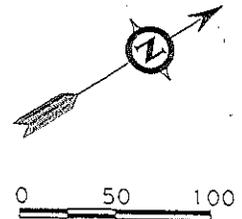
PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 7 OF 14 SCALE: 1" = 100'

# NELLIE D. MUNDY SURVEY NO. 240

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240



CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

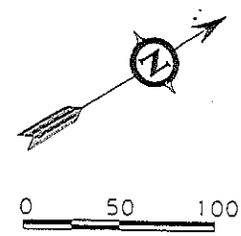
CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

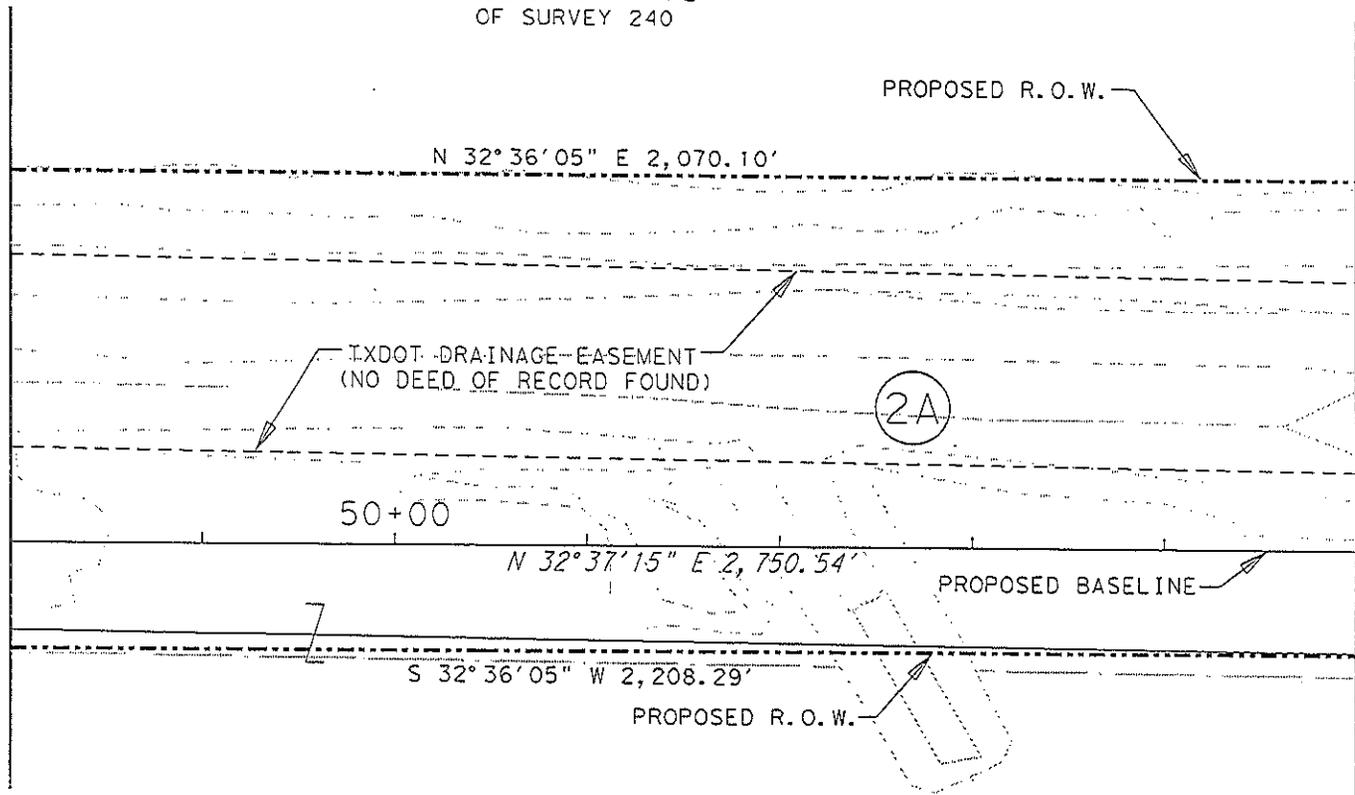
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 8 OF 14 SCALE: 1" = 100'

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240



MATCH LINE STA. 48+00

MATCH LINE STA. 55+00



CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

NELLIE D. MUNDY SURVEY NO. 240

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 9 OF 14 SCALE: 1" = 100'

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

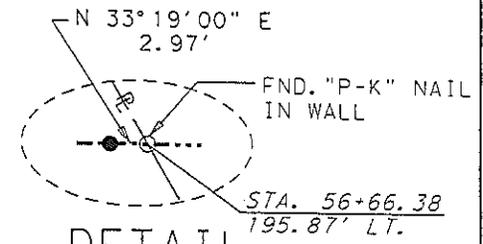
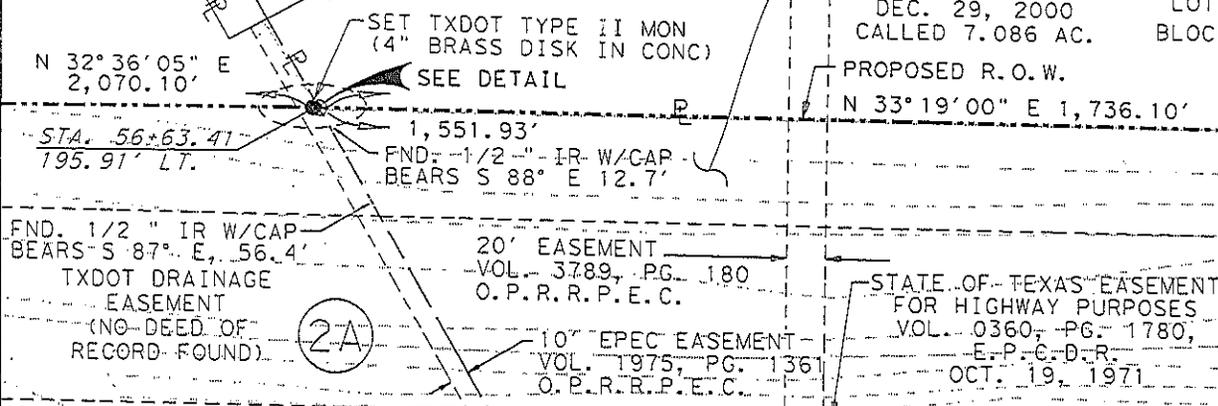
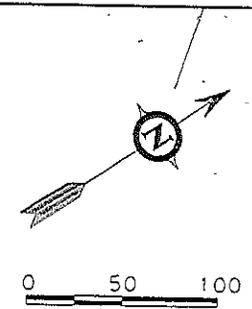
TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

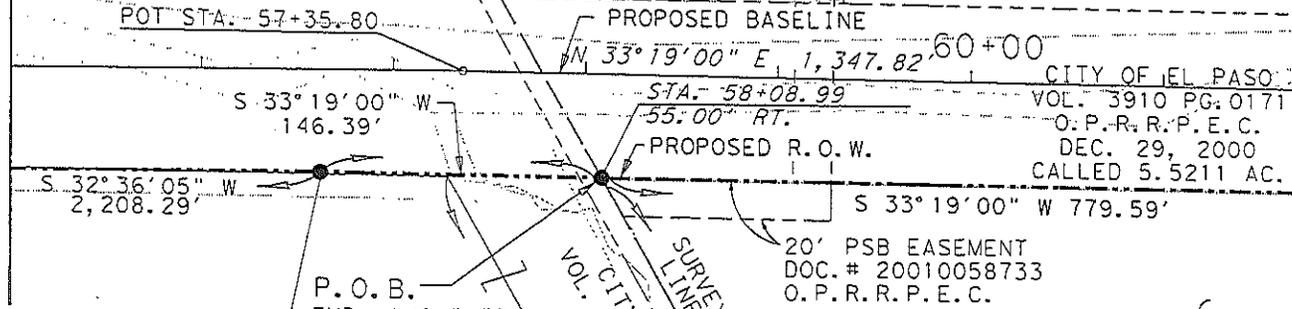
LOT 1  
BLOCK 1

MATCH LINE STA. 55+00

MATCH LINE STA. 62+00



DETAIL  
N.T.S.



P.O.B.  
FND. 1/2" IR  
W/CAP BEARS  
N 75° E, 1.2'  
STA. 56+61.93  
54.10' RT.

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

20' PSB EASEMENT  
DOC. # 20010058733  
O.P.R.R.P.E.C.

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.

CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

NELLIE D. MUNDY  
SURVEY NO. 240

NELLIE D. MUNDY  
SURVEY NO. 239

P.O.C.  
SET 5/8" IR  
W/CAP "LANDTECH"

EXISTING R.O.W.  
INTERSTATE  
HIGHWAY 10  
VOL. 1320, PG. 251  
E.P.C.D.R.

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 10 OF 14 SCALE: 1" = 100'

# NELLIE D. MUNDY SURVEY NO. 239

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.

LOT 1 BLOCK 1

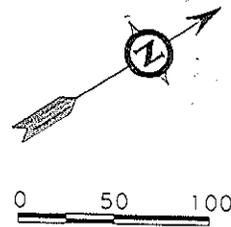
TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

DETAIL  
N.T.S.

STA. 65+88.57  
55.00' RT.

PROP. R.O.W.

58' EL PASO ELECTRIC CO. 323,  
EASEMENT, VOL. 533, PG. 533, P.E.C.



MATCH LINE STA. 62+00

MATCH LINE STA. 71+00

PROPOSED R.O.W.

N 33° 19' 00" E 1,736.10'  
1,551.93'

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

20' STRIP EASEMENT  
DOC. # 20010058733  
O.P.R.R.P.E.C.

20' STRIP EASEMENT  
VOL. 3789, PG. 180  
O.P.R.R.P.E.C.

STATE OF TEXAS  
EASEMENT FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780  
E.P.C.D.R.  
OCT. 19, 1971

PC STA. 70+83.62  
R=830.04'  
L=337.76'  
Δ=23° 18' 54"  
CH.=S 44° 58' 27" W  
335.44'

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

N 53° 05' 16" E 65+00

S 29° 29' 16" W 264.31'

S 33° 19' 00" W 779.59'

STA. 66+84.47  
55.00' RT.

PROPOSED BASELINE  
N 33° 19' 00" E 1,347.82'  
STA. 70+72.26  
55.00' RT.

PROPOSED R.O.W.  
S 33° 19' 00" W 387.78'

SET TYPE II MON  
(4" BRASS DISC IN CONC)

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT TWO  
VOL. 76, PG. 01,  
E.P.C.P.R.

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
23.741 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT THREE  
VOL. 76, PG. 02,  
E.P.C.P.R.  
LOT 1 BLOCK 3

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.

58' EL PASO ELECTRIC CO.  
EASEMENT DOC. #20010043193  
O.P.R.R.P.E.C.

HUNT BUILDING CORP. PARCEL 6  
VOL. 2495, PG. 1801, P.E.C.  
O.P.R.R.P.E.C.  
NOV. 3, 1992

LOT 1  
BLOCK 2

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

36' WIDE EASEMENT  
 DOC# 20070103761, O.P.R.R.P.E.C.  
 EXHIBIT B

TOM ABER  
 DOC. NO. 20080056314  
 O.P.R.R.P.E.C.  
 JUN. 11, 2008.  
 1.620 AC.

TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT ONE  
 VOL. 75, PG. 50,  
 E.P.C.P.R.

RRD PROPERTIES, L.L.C.  
 20100084693  
 O.P.R.R.P.E.C.  
 DEC. 13, 2010  
 0.916 AC.

TUMBLEWEED ROW, LP  
 DOC. #20060093256  
 O.P.R.R.P.E.C.  
 SEPT. 26, 2006  
 2.703 AC.

MATCH LINE STA. 71+00

LOT 1  
 BLOCK 1

STA. 72+80.04  
 377.69' LT.  
 FND. 1/2" I.R. W/CAP  
 BRS. N 14° E, 1.0'

N 68° 12' 15" W  
 152.08'

SET TYPE II MON  
 (4" BRASS DISK  
 IN CONC)  
 STA. 73+29.98  
 241.89' LT.

PROPOSED R.O.W.  
 N 33° 19' 00" E, 1,736.10'

1,551.93'

2A

FND: 1/2" I.R. W/CAP  
 BRS. N 66° E, 1.2'

STATE OF TEXAS  
 EASEMENT FOR HIGHWAY PURPOSES  
 VOL. 0360, PG. 1780  
 E.P.C.D.R.  
 OCT. 19, 1971

20' STRIP EASEMENT  
 VOL. 3789, PG. 180  
 O.P.R.R.P.E.C.

PROPOSED  
 BASELINE

R=830.00'  
 L=337.74'  
 $\Delta=23^{\circ}18'53''$   
 CH.=N 44° 58' 27" E  
 335.42'

PT STA. 74+21.36

(4" BRASS DISK  
 IN CONC)  
 SET TYPE II MON  
 PROPOSED R.O.W.

R=830.04'  
 L=337.76'  
 $\Delta=23^{\circ}18'54''$   
 CH.=S 44° 58' 27" W  
 335.44'

TRANS MOUNTAIN CENTER L.L.C.

DOC. #20060102388 STA. 74+32.71  
 O.P.R.R.P.E.C.  
 OCT. 23, 2006  
 11.853 AC.

55.00' RT.  
 S 56° 37' 54" W  
 148.36'

TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT TWO  
 VOL. 76, PG. 01,  
 E.P.C.P.R.  
 LOT 1  
 BLOCK 2

MATCH LINE 'A'

(TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
 L O O P 3 7 5  
 VOL. 1523, PG. 0507  
 FEB. 12, 1960  
 E.P.C.D.R.

SET TYPE II MON  
 (4" BRASS DISK  
 IN CONC)

S 86° 45' 22" E 838.56'

MELLIE D. MUNDY SURVEY NO. 239

CITY OF EL PASO  
 VOL. 3910 PG. 0166  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 7.086 AC.

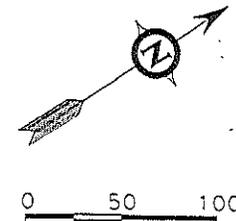
FND. 1/2" I.R. W/CAP  
 BRS. N 79° W, 8.5'

CITY OF EL PASO  
 VOL. 3910 PG. 0171  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 5.5211 AC.

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 12 OF 14 SCALE: 1" = 100'





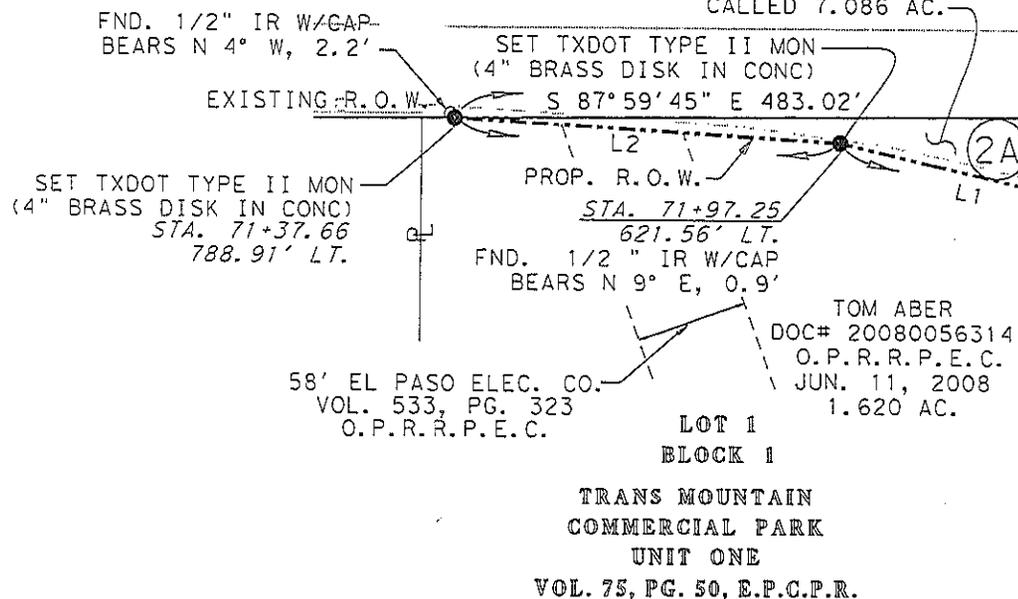
0 50 100

# LOOP 375

(TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
(WIDTH VARIES)

VOL. 1523, PG. 0507  
E.P.C.D.R.  
FEB. 12, 1960

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.



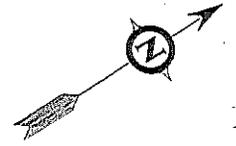
LINE TABLE		
#	BEARING	DIST.
L1	N 74° 32' 24" W	277.31'
L2	N 84° 16' 40" W	200.28'

## NELLIE D. MUNDY SURVEY NO. 239

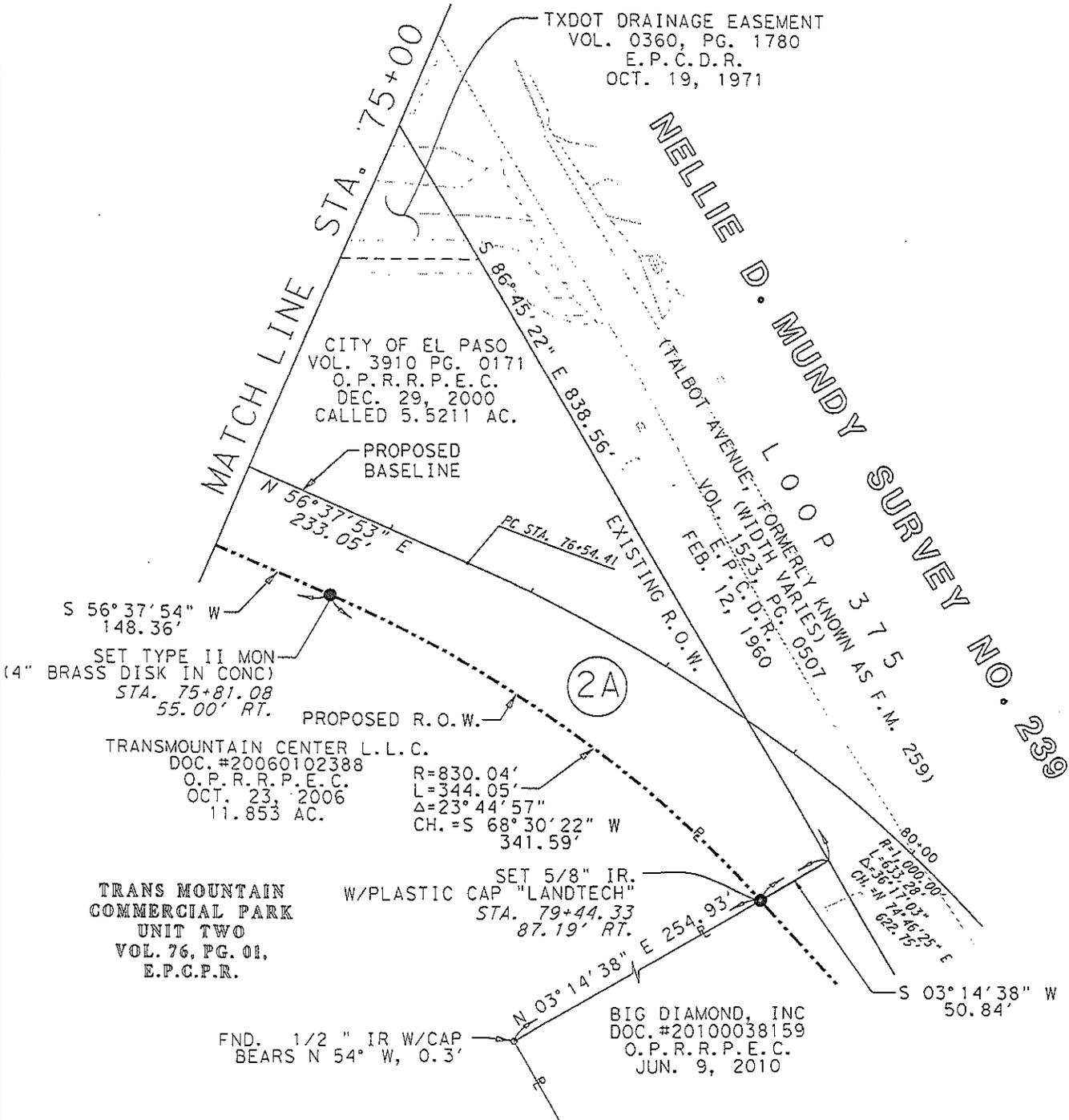
PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002

LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 13 OF 14 SCALE: 1" = 100'



0 50 100



CITY OF EL PASO  
 VOL. 3910 PG. 0171  
 O.P.R.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 5.5211 AC.

S 56°37'54" W  
 148.36'  
 SET TYPE II MON  
 (4" BRASS DISK IN CONC)  
 STA. 75+81.08  
 55.00' RT.

TRANS MOUNTAIN CENTER L.L.C.  
 DOC. #20060102388  
 O.P.R.R.P.E.C.  
 OCT. 23, 2006  
 11.853 AC.

TRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT TWO  
 VOL. 76, PG. 01,  
 E.P.C.P.R.

FND. 1/2" IR W/CAP  
 BEARS N 54° W, 0.3'

BIG DIAMOND, INC  
 DOC. #20100038159  
 O.P.R.R.P.E.C.  
 JUN. 9, 2010

TXDOT DRAINAGE EASEMENT  
 VOL. 0360, PG. 1780  
 E.P.C.D.R.  
 OCT. 19, 1971

NELLIE D. MUNDY SURVEY NO. 239  
 LOOP 375  
 L O O P 3 7 5  
 (FORMERLY KNOWN AS F.M. 259)  
 VOL. (WIDTH VARIES) PG. 0507  
 E.P.C.D.R.  
 FEB. 12, 1960

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002  
 LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 14 OF 14

# COMMITMENT FOR TITLE INSURANCE

Issued by **Fidelity National Title Insurance Company**



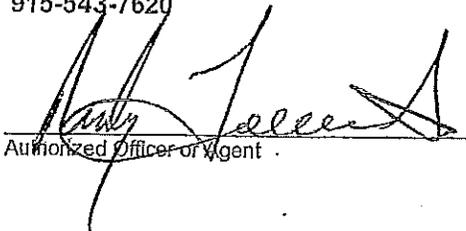
Fidelity National Title Insurance Company  
Attention: Claims Department  
P.O. Box 45023  
Jacksonville, FL 32232-5023

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

We (FIDELITY NATIONAL TITLE INSURANCE COMPANY) will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule B and Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

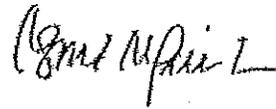
Lawyers Title of El Paso  
301 E. Yandell  
El Paso, TX 79902  
915-543-7620

  
Authorized Officer or Agent

FIDELITY NATIONAL TITLE INSURANCE COMPANY



By:



President

Attest



Secretary

## CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements, or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

## IMPORTANT NOTICE

To obtain information or make a complaint:

You may call Fidelity National Title Insurance Company's toll-free telephone number for information or to make a complaint at:

**1-800-654-7041**

You may also write to Fidelity National Title Insurance Company at:

Attention: Claims Department  
P.O. Box 45023  
Jacksonville, FL 32232-5023

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

**1-800-252-3439**

You may write to the Texas Department of Insurance:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact the company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

## AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis de Fidelity National Title Insurance Company's para informacion o para someter una queja al:

**1-800-654-7041**

Usted tambien puede escribir a Fidelity National Title Insurance Company:

Attention: Claims Department  
P.O. Box 45023  
Jacksonville, FL 32232-5023

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

**1-800-252-3439**

Puede escribir al Departamento de Seguros de Texas:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con la compania primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

## **Fidelity National Financial, Inc. Privacy Statement**

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share Information as described herein.

### **Personal Information Collected**

We may collect Personal Information about you from the following sources:

Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;

Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;

Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and

Information we receive from consumer or other reporting agencies and publicly recorded documents.

### **Disclosure of Personal Information**

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;

To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;

To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;

To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements; and/or

To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

Disclosure to Affiliated Companies - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

**Confidentiality and Security of Personal Information**

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

**Access to Personal Information/**

**Requests for Correction, Amendment, or Deletion of Personal Information**

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer  
Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, FL 32204

**Changes to this Privacy Statement**

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Effective Date: November 17, 2011

GF. No. 1111008013

Commitment No.: Not Applicable issued: December 1, 2011  
(if applicable)

1. The policy or policies to be issued are:
  - (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)  
(Not applicable for improved one-to-four family residential real estate)  
Policy Amount:  
PROPOSED INSURED: State of Texas
  - (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE - ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)  
Policy Amount:  
PROPOSED INSURED:
  - (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:
  - (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:
  - (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)  
Binder Amount:  
PROPOSED INSURED:  
Proposed Borrower:
  - (f) OTHER  
Policy Amount:  
PROPOSED INSURED:
2. The interest in the land covered by this Commitment is:  
**Fee Simple**
3. Record title to the land on the Effective Date appears to be vested in:  
**The City of El Paso, a Texas municipal corporation**
4. Legal description of land:

**PARCEL 2A:**

A 26.020 acre portion, more or less, out of Tracts 1-A and 1-A-1, NELLIE D. MUNDY SURVEY NO. 240, in the City of El Paso, El Paso County, Texas, according to the resurvey of said NELLIE D. MUNDY SURVEY NO. 240 made by El Paso County, Texas, for tax purposes, and out of Tracts 7G, 7H, 7J and 7K, NELLIE D. MUNDY SURVEY NO. 239, in the City of El Paso, El Paso County, Texas, according to the resurvey of said NELLIE D. MUNDY SURVEY NO. 239 made by El Paso County, Texas for tax purposes, said land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE B**

**EXCEPTIONS FROM COVERAGE**

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

The following restrictive covenants of record itemized below:

Volume 2008, Page 1093, Real Property Records, El Paso County, Texas. (Tracts 7G, 7H, 7J and 7K, Mundy #239); and Volume 2100, Page 328 and Volume 2424, Page 746, Real Property Records, El Paso County, Texas. (Tract 1A1, Mundy #240)

**NOTE:** To the extent that these restrictions violate 42USC3604(c) by indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, such restrictions are hereby omitted.

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any insured. (Applies to the Owner's Policy only).
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
  - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
  - b. to lands beyond the line of harbor or bulkhead lines as established or changed by any government, or
  - c. to filled-in lands, or artificial islands, or
  - d. to statutory water rights, including riparian rights, or
  - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

(Applies to the Owner's Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year 2012, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, *Texas Tax Code*, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2012, and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and

delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)

8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy (T-2R). (Applies to Texas Short Form Residential Loan Policy (T-2R) only. Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy (T-2R).)
10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
  - a. **Rights of parties in possession.**
  - b. Any and all claims of right, title and interest to the land, including but not limited to any right of possession or claim for damages relating to the land which has been asserted or may be asserted, of record or not, by or on behalf of any Indian or Indian Tribe, including but not limited to the Tigua Indian Tribe of El Paso, Texas, also known as Pueblo De La Ysleta del Sur, also known as the Ysleta del Sur Pueblo Indian Tribe, also known as the Tigua Indian Community, including but not limited to claims appearing in Affidavit of Julian Granillo, filed for record April 16, 1993, recorded in Volume 2553, Page 1958, Real Property Records of El Paso County, Texas. Company insures the insured against loss, if any, sustained by the insured under the terms of this Policy by reason of the enforcement of said rights as to the land. Company agrees to provide defense to the insured in accordance with the terms of this Policy if suit is brought against the insured to enforce said rights as to the land.
  - c. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
  - d. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

(NOTE: Upon receipt of a survey acceptable to Company, this exception will be deleted. Company reserves the right to add additional exceptions per its examination of said survey.)

e. **OWNER POLICY**

Any and all liens arising by reason of unpaid bills or claims for work performed or materials furnished in connection with improvements placed, or to be placed, upon the subject land. However, the Company does insure the insured against loss, if any, sustained by the insured under this Policy if such liens have been filed with the Real Property Records of County, Texas, prior to the date hereof.

Liability hereunder at the date hereof is limited to \$ \_\_\_\_\_. Liability shall increase as contemplated improvements are made, so that any loss payable hereunder shall be limited to said sum plus the amount actually expended by the insured in improvements at the time the loss occurs. Any expenditures made for improvements, subsequent to the date of this Policy will be deemed made as of the date of this Policy. In no event shall the liability of the Company hereunder exceed

the face amount of this Policy. Nothing contained in this paragraph shall be construed as limiting any exception or any printed provision of this Policy. (OWNER POLICY ONLY)

(EXCEPTION MAY BE DELETED IF PROPOSED TRANSACTION DOES NOT INCLUDE COST OF CONTEMPLATED IMPROVEMENTS, CONSTRUCTION OR REPAIRS).

f. LOAN POLICY

Any and all liens arising by reason of unpaid bills or claims for work performed or materials furnished in connection with improvements placed, or to be placed, upon the subject land. However, the Company does insure the Insured against loss, if any, sustained by the Insured under this Policy if such liens have been filed with the Real Property Records of County, Texas, prior to the date hereof.

Pending disbursement of the full proceeds of the loan secured by the lien instrument set forth under Schedule A hereof, this Policy insures only to the extent of the amount actually disbursed, but increases as each disbursement is made in good faith and without knowledge of any defects in, or objections to, the title up to the face amount of the Policy. Nothing contained in this paragraph shall be construed as limiting any exception under Schedule B, or any printed provisions of this Policy. (LOAN POLICY ONLY)

(EXCEPTION MAY BE DELETED IF PROPOSED TRANSACTION DOES NOT INCLUDE COST OF CONTEMPLATED IMPROVEMENTS, CONSTRUCTION OR REPAIRS).

- g. Visible and apparent easements for roads and public utilities existing on the ground. (All)
- h. NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof. (All)
- i. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Volume 1272, Page 554, Real Property Records, El Paso County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership of such interest(s). (Tract 1A, Mundy #240)
- j. Easement to MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY in Volume 539, Page 88, Real Property Records, El Paso County, Texas, with with MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY'S interest therein granted, sold and quit claimed to SOUTHWESTERN BELL TELEPHONE COMPANY in Volume 1231, Page 646, Real Property Records, El Paso County, Texas. (Tract 1A, Mundy #240)
- k. Easement to EL PASO ELECTRIC COMPANY in Volume 533, Page 323 and Volume 1975, Page 1361, Real Property Records, El Paso County, Texas. (Tract 1A, Mundy #240)
- l. Easement to EL PASO ELECTRIC COMPANY in Volume 3352, Page 126, Real Property Records, El Paso County, Texas. (Tract 1A, Mundy #240))
- m. Easement to the City of El Paso, Public Service Board in Volume 4054, Page 1255, Real Property Records, El Paso County, Texas. (Tract 1A, Mundy #240)

- n. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Volume 1442, Page 419, Real Property Records, El Paso County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no Representation as to the ownership of such interest(s). (Tracts 7J and 7H, Mundy #239)
- o. Easement to EL PASO ELECTRIC COMPANY in Volume 533, Page 323 and in Volume 2670, Page 628, Real Property Records, El Paso County, Texas. (Tracts 7J and 7H, Mundy #239)
- p. Ordinance changing the zoning, filed in Volume 2008, Page 1093, Real Property Records, El Paso County, Texas. (Tracts 7J and 7H, Mundy #239)
- q. Drainage Easement to THE STATE OF TEXAS, in Volume 360, Page 1780, Real Property Records, El Paso County, Texas. (Tracts 7J and 7H, Mundy #239)
- r. Unrecorded TxDot drainage easement as shown on Right of Way Plat dated September 2009 by Landtech Consultants, Inc. (Tracts 7J and 7H, Mundy #239)
- s. Easements granted to Transmountain Village, L.P. and Transmountain Commercial Park, L.P. in Volume 3789, Page 180, Real Property Records, El Paso County, Texas. (Tracts 7J and 7H, Mundy #239)
- t. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Volume 1272, Page 554, Real Property Records, El Paso County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no Representation as to the ownership of such interest(s). (Tract 1A1, Mundy #240)
- u. Easement to EL PASO ELECTRIC COMPANY in Volume 533, Page 323 and Volume 1975, Page 1361, Real Property Records, El Paso County, Texas. (Tract 1A1, Mundy #240)
- v. Reservation to THE CITY OF EL PASO of all surface and subsurface water as shown, in Volume 2100, Page 328, Real Property Records, El Paso County, Texas. (Tract 1A1, Mundy #240)
- w. Right of re-entry in the UNITED STATES OF AMERICA for condition broken as shown, in Volume 2100, Page 328, Real Property Records, El Paso County, Texas. (Tract 1A1, Mundy #240)
- x. Terms, conditions and provisions in Agreement between EL PASO COMMUNITY COLLEGE AND ECONOMIC DEVELOPMENT ADMINISTRATION, UNITED STATES OF AMERICA, in Volume 2424, Page 746, Real Property Records, El Paso County, Texas. (Tract 1A1, Mundy #240)
- y. Easement to CITY OF EL PASO (FOR ITS PUBLIC SERVICE BOARD) in Volume 3248, Page 2267, Real Property Records, El Paso County, Texas. (Tract 1A1, Mundy #240)
- z. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Volume 1442, Page 419, Real Property Records, El Paso County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no Representation as to the ownership of such interest(s). (Tract 7K, Mundy #239)
- aa. Easement to EL PASO ELECTRIC COMPANY in Volume 533, Page 323 and in Volume 2670, Page 628, Real Property Records, El Paso County, Texas. (Tract 7K, Mundy #239)

- bb. Ordinance changing the zoning, filed in Volume 2008, Page 1093, Real Property Records, El Paso County, Texas. (Tract 7K, Mundy #239)
- cc. Drainage Easement to THE STATE OF TEXAS, in Volume 360, Page 1780, Real Property Records, El Paso County, Texas. (Tract 7K, Mundy #239)
- dd. Unrecorded TxDot drainage easement as shown on Right of Way Plat dated September 2009 by Landtech Consultants, Inc. (Tract 7K, Mundy #239)
- ee. Easements granted to Transmountain Village, L.P. and Transmountain Commercial Park, L.P. in Volume 3789, Page 180, Real Property Records, El Paso County, Texas. (Tract 7K, Mundy #239)
- ff. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in Volume 1442, Page 419, Real Property Records, El Paso County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no Representation as to the ownership of such interest(s). (Tract 7G, Mundy #239)
- gg. Easement to EL PASO ELECTRIC COMPANY in Volume 533, Page 323 and in Volume 2670, Page 628, Real Property Records, El Paso County, Texas. (Tract 7G, Mundy #239)
- hh. Ordinance changing the zoning, filed in Volume 2008, Page 1093, Real Property Records, El Paso County, Texas. (Tract 7G, Mundy #239)
- ii. Drainage Easement to THE STATE OF TEXAS, in Volume 360, Page 1780, Real Property Records, El Paso County, Texas. (Tract 7G, Mundy #239)
- jj. Easements granted to Transmountain Village, L.P. and Transmountain Commercial Park, L.P. in Volume 3789, Page 180, Real Property Records, El Paso County, Texas. (Tract 7G, Mundy #239)

**COMMITMENT FOR TITLE INSURANCE****SCHEDULE C**

Your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is Issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
  - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
  - b. all standby fees, taxes, assessments and charges against the property have been paid,
  - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, subcontractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
  - d. there is legal right of access to and from the land,
  - e. (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. **We must be in receipt of a tax certificate indicating all taxes paid through the year preceding the current year as shown on Schedule B, prior to closing.**
6. **NOTE: Please be advised if a partnership, joint venture, trust, or a corporation is involved in this transaction, either as a seller, purchaser or borrower, we will require for our review prior to closing, copies of the partnership agreement, joint venture agreement, trust agreement, or corporate resolution authorizing the transaction, and evidence that the corporation is in good standing to authorize the insured transaction.**
7. **NOTE: The title policy to be issued to you contains an arbitration provision. To request that the provision be deleted from the title policy, please see the attached Deletion of Arbitration Provision form. (Not applicable to the Texas Residential Owner Policy.)**
8. **NOTE: The Texas Secretary of State indicates that a Texas Notary Public must use an identification card issued by a governmental agency or a passport issued by the United States to identify the signer. Parties to the transaction must be prepared to furnish acceptable picture identification prior to signing closing documents.**
9. **NOTE: Funds deposited by parties to the transaction must comply with Texas Department of Insurance Procedural Rule P-27. To avoid delays in disbursement, Company recommends that deposits in excess of \$100,000 be made by wire transfer. Contact your closing team for wiring instructions.**
10. **Copies of the recorded documents referenced on Schedule B of this commitment are available for view or print on the El Paso County, Texas, website at [www.epcounty.com](http://www.epcounty.com)**

<<http://www.epcounty.com>> under Official Public Records.

## COMMITMENT FOR TITLE INSURANCE

## SCHEDULE D

G.F. No. or File No. 1111008013

Effective Date: November 17, 2011

Pursuant to the requirements of Rule P-21, Basic Manual of Rules, Rates and Forms for the writing of Title Insurance in the State of Texas, the following disclosures are made:

1. The following individuals are directors and/or officers, as indicated, of the Title Insurance Company issuing this Commitment. The following individuals are Directors and/or Officers of Fidelity National Title Insurance Company:

DIRECTORS:

Alan Lynn Stinson  
Raymond Randall Quirk  
Anthony John Park

OFFICERS:

Raymond Randall Quirk	President and Chief Operating Officer
Anthony John Park	Executive Vice President
Daniel K. Murphy	Treasurer
Michael L. Gravelle	Secretary

Fidelity National Financial, Inc. owns 100% of Fidelity National Title Group, Inc. and Fidelity National Title Group, Inc. owns 100% of Chicago Title and Trust Company and Chicago Title and Trust Company owns 100% of Fidelity National Title Insurance Company.

2. The following disclosures are made by the Title Insurance Agent issuing this Commitment: LandAmerica Lawyers Title of El Paso, Inc. d/b/a Lawyers Title of El Paso
- a. The names of each shareholder, owner, partner or other person having, owning or controlling one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium are as follows: Fidelity National Title Insurance Company owns 100% of LandAmerica Lawyers Title of El Paso, Inc. d/b/a Lawyers Title of El Paso.
- b. Each shareholder, owner, partner or other person having, owning or controlling ten percent (10%) or more of an entity that has, owns or controls one percent (1 %) or more of the Title Insurance Agent that will receive a portion of the premium are as follows: Fidelity National Title Insurance Company owns 100% of LandAmerica Lawyers Title of El Paso, Inc. d/b/a Lawyers Title of El Paso.
- c. The following persons are officers and directors of the Title Insurance Agent: LandAmerica Lawyers Title of El Paso, Inc. d/b/a Lawyers Title of El Paso
- Directors: Anthony John Park  
Raymond Randall Quirk
- Officers: Raymond Randall Quirk, President  
Anthony John Park, Executive Vice President and Chief Financial Officer  
Michael Louis Gravelle, Executive Vice President, Legal and Corporate Secretary  
Daniel K. Murphy: Senior Vice President and Treasurer  
Richard Lynn Cox, Senior Vice President and Tax Officer
3. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium\* is:

Owner's Policy	
Loan Policy	
Endorsements	
Other	\$
Total	

Of this total amount: 15% will be paid to the policy issuing Title Insurance Company; 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

<u>Amount</u>	<u>To Whom</u>	<u>For Services</u>
---------------	----------------	---------------------

The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance.

## TEXAS TITLE INSURANCE INFORMATION

<p>Title insurance insures you against loss resulting from certain risks to your title.</p>	<p>El seguro de titulo le asegura en relacion a perdidas resultantes de ciertos riesgos que pueden afectar el titulo de su propiedad.</p>
<p>The Commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The Commitment is a legal document. You should review it carefully to completely understand it before your closing date.</p>	<p>El Compromiso para Seguro de Titulo es la promesa de la compania aseguradora de titulos de emitir la poliza de seguro de titulo. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y entenderlo completamente antes de la fecha para finalizar su transaccion.</p>

Your Commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is Insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the Policy as Exclusions. These risks will not be covered by the Policy. The policy is not an abstract of title nor does a Company have an obligation to determine the ownership of any mineral interest.

- MINERALS AND MINERAL RIGHTS may not be covered by the Policy. The company may be unwilling to insure title unless there is an exclusion or an exception as to Minerals and Mineral Rights in the Policy. Optional endorsements insuring certain risks involving minerals, and the use of improvements (excluding lawns, shrubbery and trees) and permanent buildings may be available for purchase. If the title insurer issues the title policy with an exclusion or exception to the minerals and mineral rights, neither this Policy, nor the optional endorsements, ensure that the purchaser has title to the mineral rights related to the surface estate.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown on Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

- EXCEPTIONS are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also be added if you do not comply with the Conditions section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.

- EXCLUSIONS are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.

- CONDITIONS are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions.

You can get a copy of the policy form approved by the Texas Department of Insurance by calling the Title Insurance Company at \_\_\_\_\_ or by calling the title insurance agent that issued the Commitment. The State Board of Insurance may revise the policy form from time to time.

You can also get a brochure that explains the Policy from the Texas Department of Insurance by calling 1-800-252-3439.

Before the Policy is Issued, you may request changes in the Policy. Some of the changes to consider are:

- Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey or comply with other requirements of the Company. On the Owner's Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company and if the Company's other requirements are met, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy. Whether or not you request amendment of the "area and boundary" exception, you should determine whether you want to purchase and review a survey if a survey is not being provided to you.

- Allow the Company to add an exception to "rights of parties in possession." If you refuse this exception, the Company or the title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Waiver of Inspection form and allow the Company to add this exception to your Policy.

The entire premium for a Policy must be paid when the Policy is Issued. You will not owe any additional premiums unless you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

**DELETION OF ARBITRATION PROVISION**  
(Not Applicable to the Texas Residential Owner's Policy)

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the Closing of your real estate transaction or by writing to the Company.

The Arbitration provision in the Policy is as follows:

"Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured, unless the Insured is an individual person (as distinguished from an Entity). All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction."

I request deletion of the Arbitration provision.

---

Signature

Date

HIGHWAY: Spur 276  
LIMITS: From SH 20, 0.168 Miles North of Borderland Rd. To 0.13 Miles West of IH 10  
COUNTY: El Paso  
ACCOUNT NO.:  
ROW CSJ: 0608-01-002  
OWNER: City of El Paso

Property Description for Parcel 2A

Being 1,133,426 square feet or 26.020 acres of land, situated in the Nellie D. Mundy Survey Number 240, City of El Paso, El Paso County, Texas, and the Nellie D. Mundy Survey Number 239, City of El Paso, El Paso County, Texas, out of 103.584 calculated acres, being the residue of that tract of land known as the North 1/2 of said Survey Number 240, as described in deed to the City of El Paso, as recorded in Volume 1272, Page 0554 of the El Paso County Deed Records (E.P.C.D.R.), being all of a called 7.086 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0166 of the Official Public Records of Real Property El Paso County (O.P.R.R.P.E.C.), being all of a called 5.5211 acre tract of land as described in deed to the City of El Paso, as recorded in Volume 3910, Page 0171, of said O.P.R.R.P.E.C. and being all of a 16.146 acre tract of land as described in deed to the City of El Paso, as recorded under Document Number 20090079708, of said O.P.R.R.P.E.C., said 1,133,426 square feet or 26.020 acres of land being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with plastic cap "Landtech" set for the common easterly corner of the residue of said City of El Paso North 1/2 of said Survey Number 240 and Campus Park Unit One, a subdivision recorded as File Number 20080051315 of the Plat Records of El Paso County, (P.R.E.P.C.) and being on the existing westerly right-of-way line of Interstate Highway 10 (width varies), as recorded in Volume 1320, Page 251 E.P.C.D.R.;

THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to said City of El Paso tract and said Campus Park Unit One, a distance of 1,998.67 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 58+08.99 for the POINT OF BEGINNING of the herein described parcel, from which a found 1/2-inch iron rod with cap bears North 75 degrees East, 1.2 feet;

- 1.) THENCE South 33 degrees 19 minutes 00 seconds West, along the proposed easterly right-of-way line of Spur 276, a distance of 146.39 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for an angle point, at 54.10 feet right of Spur 276 Proposed Baseline Station 56+61.93;
- 2.) THENCE South 32 degrees 36 minutes 05 seconds West, continuing along said proposed easterly right-of-way line of Spur 276, a distance of 2,208.29 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set on the southerly line of the residue of said City of El Paso North 1/2 of said Survey Number 240 tract and the northwest corner of a called 0.362 acre tract of land described in deed to the City of El Paso, as recorded under Document Number 20110035784, of said O.P.R.R.P.E.C., at 54.85 feet right of Spur 276 Proposed Baseline Station 34+53.64;

**Exhibit A**

- 3.) THENCE North 86 degrees 47 minutes 31 seconds West, along the line common to the residue of said City of El Paso North 1/2 of said Survey Number 240 and the residue of a called 12.040 acre tract of land as described in deed to Phillip Gaddy and Glenna Gaddy as recorded in Document Number 20070071445, of said O.P.R.R.P.E.C., a distance of 222.88 feet to a point on the easterly line of a tract of land, designated Parcel No. 3, as described in deed to the State of Texas as recorded in Volume 731, Page 513, of said E.P.C.D.R. and also being the line common to the westerly line of said Survey Number 240 and the easterly line of the El Canutillo Grant, Survey Number 173, from which a found 1/2-inch iron rod with plastic cap "TX2027" bears South 17 degrees West, 0.9 feet;
- 4.) THENCE North 03 degrees 20 minutes 05 seconds East, along the line common to said Survey Number 240, said Survey Number 173 and said Parcel 3, a distance of 113.64 feet to a P-K nail in concrete found on the proposed westerly right-of-way line of Spur 276, at 194.90 feet left of Spur 276 Proposed Baseline Station 34+43.31;
- 5.) THENCE North 32 degrees 30 minutes 02 seconds East, along said proposed westerly right-of-way line of Spur 276, a distance of 150.01 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.21 feet left of Spur 276 Proposed Baseline Station 35+93.31;
- 6.) THENCE North 32 degrees 36 minutes 05 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, a distance of 2,070.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.91 feet left of Spur 276 Proposed Baseline Station 56+63.41;
- 7.) THENCE North 33 degrees 19 minutes 00 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, passing at a distance of 2.97 feet a P-K Nail in rock wall found on the line common to said Survey Number 240 and said Survey Number 239 and also being the common southerly corner of said 7.086 acre City of El Paso tract and that tract of land as described in deed to Tumbleweed ROW, L.P. as recorded under Document Number 20060093256, of said O.P.R.R.P.E.C., passing at a distance of 1,551.93 feet the southeasterly corner of a called 0.916 acre tract of land as described in deed to RRD Properties, L.L.C. as recorded under Document Number 20100084693, of said O.P.R.R.P.E.C., and continuing along the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract for a total distance of 1,736.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 241.89 feet left of Spur 276 Proposed Baseline Station 73+29.98, from which a found 1/2-inch iron rod with cap bears North 66 degrees East, 1.2 feet;
- 8.) THENCE North 68 degrees 12 minutes 15 seconds West, continuing along the proposed westerly right-of-way line of Spur 276 and the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract, a distance of 152.08 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 377.69 feet left of Spur 276 Proposed Baseline Station 72+80.04, from which a found 1/2-inch iron rod with cap bears North 14 degrees East, 1.0 feet;
- 9.) THENCE North 74 degrees 32 minutes 24 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said RRD Properties tract, at a distance of 81.96 passing the common northerly corner of said RRD Properties tract and a called 1.620 acre tract of land as described in deed to Tom Aber as recorded under Document Number 20080056314, of said O.P.R.R.P.E.C., continuing along the line of said 7.086 acre City of El Paso tract and said Tom Aber tract, for a total distance of 277.31 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 621.56 feet left of Spur 276 Proposed Baseline Station 71+97.25, from which a found 1/2-inch iron rod with cap bears North 09 degrees East, 0.9 feet;

**Exhibit A**

- 10.) THENCE North 84 degrees 16 minutes 40 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said Tom Aber tract, a distance of 200.28 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the point of intersection with the existing southerly right-of-way line of Loop 375 (Talbot Avenue [varying width] formerly known as F.M. Road 259) as recorded in Volume 1523, Page 507, of said E.P.C.D.R., at 788.91 feet left of Spur 276 Proposed Baseline Station 71+37.66, from which a found 1/2-inch iron rod with cap bears North 04 degrees West, 2.2 feet;
- 11.) THENCE South 87 degrees 59 minutes 45 seconds East, along said existing southerly right-of-way line of said Loop 375, a distance of 483.02 feet to a point for an angle point;
- 12.) THENCE South 86 degrees 45 minutes 22 seconds East, continuing along the existing southerly right-of-way line of said Loop 375, a distance of 838.56 feet to a point for the common northerly corner of said 5.5211 acre City of EL Paso tract and a tract of land described in deed to Big Diamond, Inc. as recorded under Document Number 20100038159, of said O.P.R.R.P.E.C., for the northeast corner of the herein described parcel;
- 13.) THENCE South 03 degrees 14 minutes 38 seconds West, along the common line of said City of El Paso and Big Diamond, Inc. tracts, a distance of 50.84 feet to a 5/8-inch iron rod with plastic cap "LANDTECH", set on the proposed easterly right-of-way line of Spur 276, being on the line common to said 5.5211 acre City of EL Paso tract and a called 11.853 acre tract of land described in deed to Transmountain Center, L.L.C. and recorded under Document Number 20060102388, of said O.P.R.R.P.E.C., being on a non-tangent curve to the left, at 87.19 feet right of Spur 276 Proposed Baseline Station 79+44.33;
- 14.) THENCE southwesterly, along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said non-tangent curve to the left, having a radius of 830.04 feet, an arc length of 344.05 feet, a central angle of 23 degrees 44 minutes 57 seconds, and a chord which bears South 68 degrees 30 minutes 22 seconds West, 341.59 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the end point of said non-tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 75+81.08;
- 15.) THENCE South 56 degrees 37 minutes 54 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 148.36 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the beginning of a tangent curve to the left, at 55.00 feet right of Spur 276 Proposed Baseline Station 74+32.71;
- 16.) THENCE in a southwesterly direction, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said tangent curve to the left, having a radius of 830.04 feet, an arc length of 337.76 feet, a central angle of 23 degrees 18 minutes 54 seconds, and a chord which bears South 44 degrees 58 minutes 27 seconds West, 335.44 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) for the end point of said tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 70+72.26;

- 17.) THENCE South 33 degrees 19 minutes 00 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 387.78 feet to a 5/8-inch iron rod with TXDOT ROW aluminum cap set for the common corner of said 5.5211 acre City of El Paso and said Transmountain Center tracts, being on the northerly line of a tract of land, designated Parcel 6, as described in deed to Hunt Building Corporation, recorded in Volume 2495, Page 1801, of said O.P.R.R.P.E.C., for southeast corner of the herein described parcel, at 55.00 feet right of Spur 276 Proposed Baseline Station 66+84.47;
- 18.) THENCE South 80 degrees 11 minutes 57 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 161.87 feet to a point for the northwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 19.) THENCE South 29 degrees 29 minutes 16 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 264.31 feet to a point for the southwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 20.) THENCE North 53 degrees 05 minutes 16 seconds East, along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 295.27 feet to a point for an angle point of the herein described parcel, from which a found 5/8-inch iron rod with cap "RPLS 4178" bears South 09 degrees East, 1.3 feet;
- 21.) THENCE North 80 degrees 11 minutes 57 seconds East, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 0.86 feet to a 5/8-inch iron rod with plastic cap "LANDTECH" set for the common corner of said 5.5211 acre City of El Paso tract and a called 23.741 acre tract of land described in deed to Canutillo Heights Estates, L.P. as recorded under Document Number 20060008678, of said O.P.R.R.P.E.C., and being on said proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 65+88.57;
- 22.) THENCE South 33 degrees 19 minutes 00 seconds West, along said proposed easterly right-of-way line of Spur 276, and the common line of said 5.5211 acre City of El Paso tract and said Canutillo Heights Estates tract, a distance of 779.59 feet to the POINT OF BEGINNING and containing 1,133,426 square feet or 26.020 acres of land.

Access will be permitted to the highway facility from the remainder of the property along Spur 276.

This property description is accompanied by a parcel plat of even date.

**Exhibit A**

Note: All bearings and coordinates are referenced to the Texas State Coordinate System, Central Zone, NAD 83 (NSRS 2007) as supplied by TxDOT and Jacobs Carter Burgess and are referenced to NGS stations and their respective provided coordinates as shown, CHINO (CE0444) X=358,754.59 Y=10,717,710.57 and EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. All distances and coordinates are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00023100.

I, Scott M. Fertak, a Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge and belief, this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.



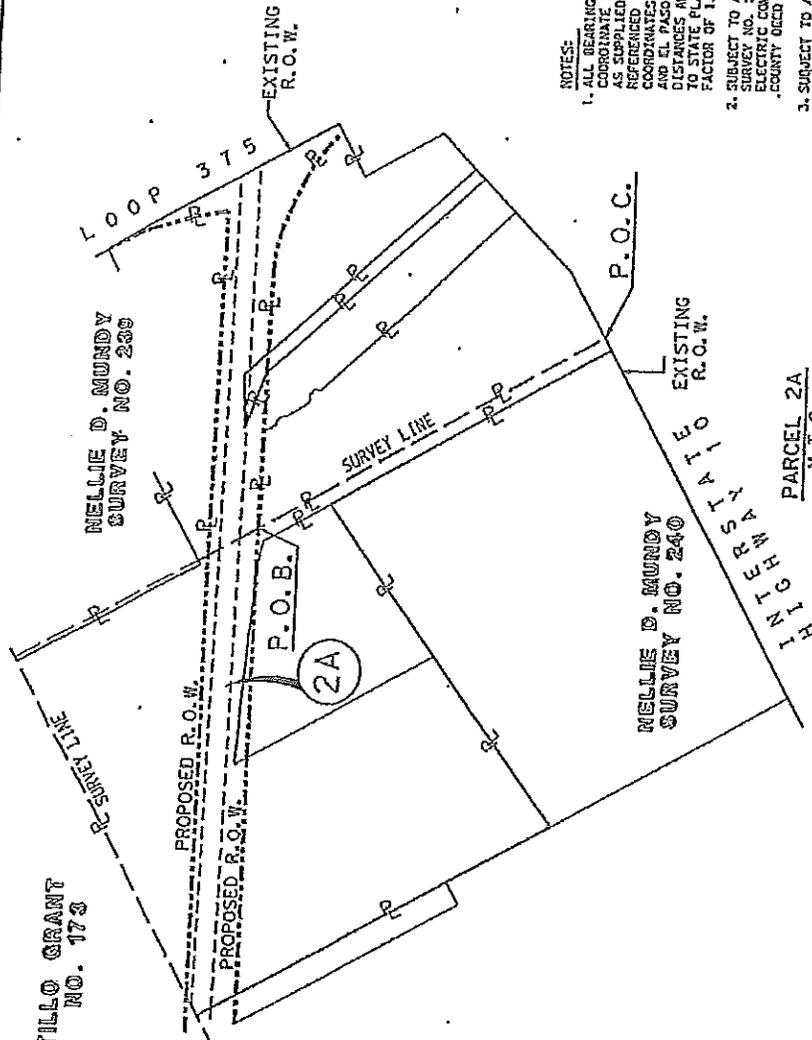
Date: 28 day of October, 2011.

A handwritten signature in black ink, appearing to read "Scott M. Fertak", written over a horizontal line.

Scott M. Fertak  
Registered Professional Land Surveyor  
No. 5257

EL CANUTILLO GRANT  
SURVEY NO. 173

NELLIE D. MUNDY  
SURVEY NO. 239



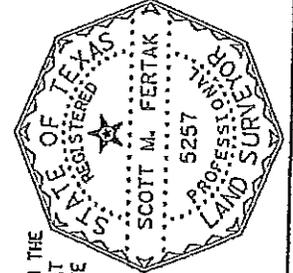
**NOTES:**

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NAD 83) AS COMPILED BY TxDOT AND JACOBS CARTER AND ASSOCIATES INC. REFERENCED TO NGS STATIONS AND THEIR RESPECTIVE PROVIDED COORDINATES AS SHOWN, CHIRO (12504441) X-354, Y-4, 55, Y-10, 57, 710.57 DISTANCE AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO STATE PLANE (HDD) BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00021000.
2. SUBJECT TO AND UNDETERMINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NO. 239 AND 240 FROM LEE H. ORNDORFF TO THE EL PASO ELECTRIC COMPANY, RECORDED IN VOL. 533, PAGE 323, EL PASO COUNTY DEED RECORDS, JAN. 6, 1931.
3. SUBJECT TO AND UNDETERMINED EASEMENT ACROSS NELLIE D. MUNDY SURVEY NOS. 239, 240 AND 241 FROM LEE H. ORNDORFF TO THE MOUNTAIN STATES GEOGRAPHIC COMPANY, RECORDED IN VOL. 439, PG. 89, EL PASO COUNTY DEED RECORDS, NOV. 14, 1930.
4. THIS PLAT ACCOMPANIES A PROPERTY DESCRIPTION OF EVEN DATE.

AREA TABLE (ACRES)		
EXISTING	ACQUIRE	REMAINDER
	LEFT	RIGHT
103.584 (CALC'D)	26.020	24.152 (CALC'D)
		53.412 (CALC'D)

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
SURVEY DATE:

*[Signature]*  
SCOTT M. FERTAK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5257



LEGEND	
EXIST. ROW LINE	---
PROP. ROW LINE	---
PROPERTY LINE	---
COUNTY LINE	---
PROPOSED ACCESS DENIAL LINE	---
EXISTING ACCESS DENIAL LINE	---
SURVEY LINE	---
FENCE	---
CITY LIMITS	---
E.P.C.P.R.	○
E.P.C.D.R.	●
O.P.R.P.E.C.	○
RECORDS OF REAL PROPERTY EL PASO COUNTY	○
SET 5/8" IRON ROD W/TXDOT ROW	○
ALUMINUM CAP (UNLESS NOTED)	○
PROPERTY CORNER FOUND AS NOTED.	○
PARCEL NUMBER	⊕

REVISION	DATE
CANCEL PARCEL 2, 3, 4 & 6, CREATE PARCEL 2A	SEPT 2011

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 6 OF 14 SCALE: 1" = 100'

EL CANTILLO ACRESAGE LOTS  
VOL. 9, PG. 44 E.P.C.P.M.

NO. 173

CITY OF EL PASO  
PROPERTIES

VOL. 3669, PG. 1401  
O.P.R.R.P.E.C.

GRANT SURVEY  
VOL. O.P.R.R.P.E.C. 3752, PG. 1464

SMITHLEY SURVEY NO. 240  
VOL. O.P.R.R.P.E.C. 3752, PG. 1464

EL CANTILLO  
STATE OF TEXAS  
RIGHT-OF-WAY DEED  
PARCEL 3  
VOL. 731 PG. 513  
E.P.C.D.R.  
FEB. 24, 1943

FND 1/2" I.R. W/CAP "TX2027"  
BRS. S 17' W, 0.9'

PHILIP & GLENNA GADDY  
DOC# 20070071445  
O.P.R.R.P.E.C.  
JULY 25, 2007  
RESIDUE OF  
CALLED 12.040 AC.

30' UTILITY  
EASEMENT  
DOC# 20080013918  
O.P.R.R.P.E.C.

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

CITY OF EL PASO  
DOC. # 20110035784  
O.P.R.R.P.E.C.  
MAY 25, 2011  
CALLED 0.362 AC.

CITY OF EL PASO  
VOL. O.P.R.R.P.E.C. 3752, PG. 1464

STA. 34+43.31  
194.90' LT.  
795.27' EA.

STA. 34+53.64  
54.85' RT.

35+00

(2A)

SET: TXDOT TYPE II MON  
(4" BRASS DISK IN CONC)  
PROPOSED R.O.W.  
N 32° 36' 05" E 2,070.10'

N 52° 30' 02" E  
150.01'

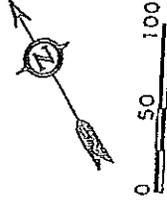
FND. PK NAIL IN CONC

TXDOT DRAINAGE EASEMENT  
(NO DEED OF RECORD FOUND)

PROPOSED BASELINE  
PROPOSED R.O.W.

S 32° 36' 05" W 2,208.29'

MATCH LINE STA. 39+00



PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276  
EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. - SEPT. 2011  
PAGE 7 OF 14  
SCALE: 1" = 100'

# NELLIE D. MUNDY SURVEY NO. 240

CITY OF EL PASO  
 VOL. 1272, PG. 0554  
 E.P.C.D.R.  
 JAN. 26, 1956  
 CALLED NORTH 1/2  
 OF SURVEY 240

PROPOSED R.O.W.  
 N 32° 36' 05" E 2,070.10'

PROPOSED R.O.W.  
 N 32° 37' 15" E 2,750.57'

CITY OF EL PASO  
 VOL. 1272, PG. 0554  
 E.P.C.D.R.  
 JAN. 26, 1956  
 CALLED NORTH 1/2  
 OF SURVEY 240

CITY OF EL PASO  
 DOC #20090079708  
 O.P.R.R.P.E.C.  
 NOV. 10, 2009  
 CALLED 16.146 ACRES



SET TXDOT TYPE II MON  
 (4" BRASS DISK IN CONC)  
 STA. 45+94.58  
 195.55' LT.

SET TXDOT TYPE II MON  
 (4" BRASS DISK IN CONC)  
 STA. 40+94.64  
 54.15' RT.

MATCH LINE STA. 39+00

MATCH LINE STA. 48+00

TXDOT DRAINAGE EASEMENT  
 (NO DEED OF RECORD FOUND)

2A

40+00

PROPOSED BASELINE

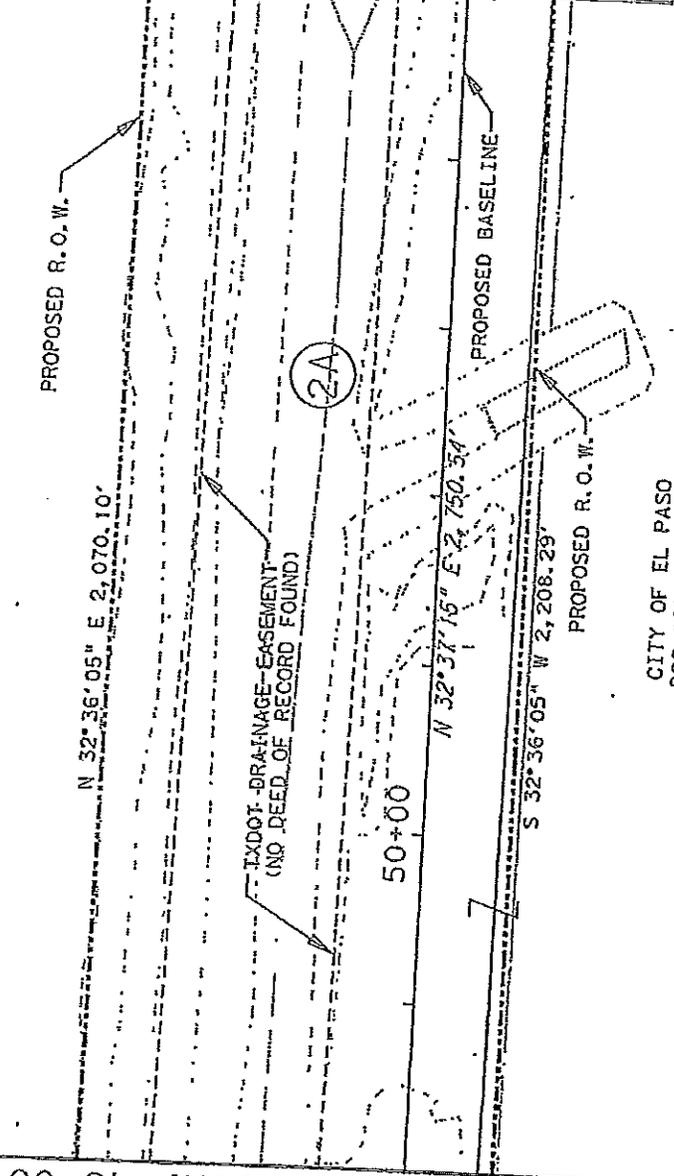
45+00

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPUR 276 EL PASO COUNTY  
 CSJ 0608-01-002  
 LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 8 OF 14 SCALE: 1" = 100'

CITY OF EL PASO  
 VOL. 1272, PG. 0554  
 E.P.C.D.R.  
 JAN. 26, 1956  
 CALLED NORTH 1/2  
 OF SURVEY 240

MATCH LINE STA. 48+00



CITY OF EL PASO  
 DOC #20090079708  
 O.P.R.R.P.E.C.  
 NOV. 10, 2009  
 CALLED 16.146 ACRES

MATCH LINE STA. 55+00

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO  
 SPUR 276  
 EL PASO COUNTY  
 CSJ 0608-01-002  
 LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 9 OF 14  
 SCALE: 1" = 100'

NELLIE D. MUNDY SURVEY NO. 240

Exhibit A

CITY OF EL PASO  
VOL. 1272, PG. 0554  
E.P.C.D.R.  
JAN. 26, 1956  
CALLED NORTH 1/2  
OF SURVEY 240

N 32° 36' 05" E  
2,070.10'  
STA. 56+63.41  
195.97' LT.

END. 1/2" IR W/CAP  
BEARS S 87° E. 56.4'  
TXDOT DRAINAGE  
EASEMENT  
ANG-DEED-OF-  
RECORD-FOUND

PROPOSED R.O.W.  
N 33° 19' 00" E  
146.39'

P.O.B.  
FND. 1/2" IR  
W/CAP BEARS  
N 75° E, 1.2'

CITY OF EL PASO  
DOC #20090079708  
O.P.R.R.P.E.C.  
NOV. 10, 2009  
CALLED 16.146 ACRES

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

SET TXDOT TYPE II MON  
(4" BRASS DISK IN CONC)  
SEE DETAIL  
1,551.93'  
END. 1/2" IR W/CAP  
BEARS S 88° E 12.7'

20' EASEMENT  
VOL. 3789, PG. J-80  
O.P.R.R.P.E.C.

PROPOSED R.O.W.  
N 33° 19' 00" E  
1,347.82+00  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

20' PSB EASEMENT  
DOC. # 20010058733  
O.P.R.R.P.E.C.

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
CALLED 23.741 AC.

EXISTING R.O.W.  
N 86° 47' 31" W  
1,998.67'

HITLER ST  
VOL. E.P.C.D.R. 1350  
PG. 251

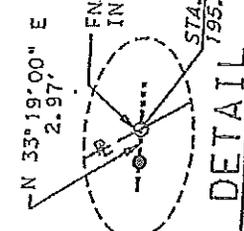
TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50, E.P.C.P.R.  
LOT 1  
BLOCK 1

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

STATE OF TEXAS EASEMENT  
FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780  
E.P.C.P.R.  
OCT. 19, 1971

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

CAMPUS PARK UNIT ONE  
DOC NO. 20080051315  
E.P.C.P.R.



MATCH LINE STA. 62+00

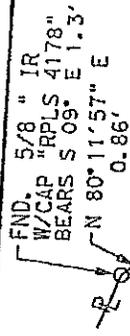
MATCH LINE STA. 55+00

**NELLIE D. MUNDY  
SURVEY NO. 239**

P.O.C.  
SET 5/8" IR  
W/CAP "LANDTECH"

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276  
EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 10 OF 14 SCALE: 1" = 100'

**NELLIE D. MUNDY  
SURVEY NO. 240**



STA. 65+88.57  
55.00' RT.

# NELLIE D. MUNDY SURVEY NO. 239

TRANS MOUNTAIN COMMERCIAL PARK UNIT ONE

VOL. 75, PG. 59, E.F.G.P.R. LOT 1 BLOCK 1

## DETAIL M.T.S.

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
16.025 AC.

PROPOSED R.O.W.

N 33°19'00" E 1,736.10'  
1,551.93'

CITY OF EL PASO  
VOL. 3910, PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

S 29°29'16" W 264.31'  
161.87'

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

S 33°19'00" W 779.59'

SEE DETAIL

CANUTILLO HEIGHTS ESTATES, L.P.  
DOC. #20060008678  
O.P.R.R.P.E.C.  
JAN. 30, 2006  
23.741 AC.

TRANS MOUNTAIN COMMERCIAL PARK UNIT THREE  
VOL. 76, PG. 92, E.F.G.P.R.  
LOT 1 BLOCK 3

CAMPUS PARK UNIT ONE  
DOC NO. 200300515  
E.F.G.P.R.

MATCH LINE STA. 71+00

MATCH LINE STA. 62+00

20' STRIP EASEMENT  
DOC. # 20010058733  
O.P.R.R.P.E.C.

20' STRIP EASEMENT  
VOL. 3789, PG. 180  
O.P.R.R.P.E.C.

STATE OF TEXAS  
EASEMENT FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780  
E.P.C.D.R.  
OCT. 19, 1977

PC STA. 70+83.62  
R=830.04'  
L=337.76'  
Δ=23°18'54"  
CH. BS. 4458.27' W  
335.44'

70+00

PROPOSED BASELINE

N 33°19'00" E 1,347.82'  
STA. 70+72.26  
55.00' RT.

S 33°19'00" W 387.78'

SET TYPE II MON  
(4" BRASS DISC IN CONC)

TRANS MOUNTAIN COMMERCIAL PARK UNIT TWO  
VOL. 76, PG. 01, E.F.G.P.R.

LOT 1  
HUNT BUILDING CORP.  
BLOCK 2  
O.P.R.R.P.E.C.  
NOV. 3, 1992

TRANS MOUNTAIN COMMERCIAL PARK UNIT THREE  
VOL. 76, PG. 92, E.F.G.P.R.  
LOT 1 BLOCK 3

SPUR 276  
EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 11 OF 14 SCALE: 1" = 100'

PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO



# NELLIE D. MUNDY SURVEY NO. 239

36' WIDE EASEMENT  
EXHIBIT B  
DOC# 20070103761, O.P.R.R.P.E.C.

TOM ABER  
DOC. NO. 20080056314  
O.P.R.R.P.E.C.  
JUN, 11, 2008  
1.620 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT ONE  
VOL. 75, PG. 50,  
E.P.C.P.R.

RRD PROPERTIES, L.L.C.  
20100084693  
O.P.R.R.P.E.C.  
DEC. 13, 2010  
0.916 AC.

TUMBLEWEED ROW, LP  
DOC. #20060093256  
O.P.R.R.P.E.C.  
SEPT. 26, 2006  
2.703 AC.

MATCH LINE STA. 71+00

MATCH LINE A

LOOP 375  
ITALBOT AVENUE, FORMERLY KNOWN AS F.M. 2591  
VOL. 1523, PG. 0507  
E.P.C.D.R.  
EEB, 12, 1980.

EXISTING R.O.W.  
PROPOSED R.O.W.

SET TYPE II MON  
(4" BRASS DISK  
IN CONC)  
FND. 1/2" I.R. W/CAP  
BRS. N 14° E, 1.0'  
N 68° 12' 15" W  
152.08'  
SET TYPE II MON  
(4" BRASS DISK  
IN CONC)  
S 74° 17' 39" E  
241.89' LT.  
PROPOSED R.O.W.  
N 33° 19' 00" E, 1.2'  
1,551.93'

CITY OF EL PASO  
VOL. 3910 PG. 0166  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 7.086 AC.

FND. 1/2" I.R. W/CAP  
BRS. N 79° W, 8.5'

CITY OF EL PASO  
VOL. 3910 PG. 0171  
O.P.R.R.P.E.C.  
DEC. 29, 2000  
CALLED 5.5211 AC.

STATE OF TEXAS  
EASEMENT FOR HIGHWAY PURPOSES  
VOL. 0360, PG. 1780  
E.P.C.D.R.  
OCT. 19, 1971

20' STRIP EASEMENT  
VOL. 3789, PG. 180  
O.P.R.R.P.E.C.

PROPOSED  
BASELINE  
R=830.00'  
L=337.76'  
Δ=23° 18' 53"  
CH. N 41° 58' 27" E  
335.423'

PROPOSED R.O.W.  
SET TYPE II MON  
(4" BRASS DISK IN CONC)  
R=830.04'  
L=337.76'  
Δ=23° 18' 54"  
CH. S 44° 58' 27" W  
335.44'

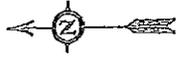
TRANS MOUNTAIN CENTER L.L.C.  
DOC. #20060102388 STA. 74+32.71  
O.P.R.R.P.E.C.  
OCT. 23, 2006  
11.853 AC.

TRANS MOUNTAIN  
COMMERCIAL PARK  
UNIT TWO  
VOL. 76, PG. 01,  
E.P.C.P.R.  
LOT 1  
BLOCK 2

MATCH LINE STA. 75+00

MATCH LINE

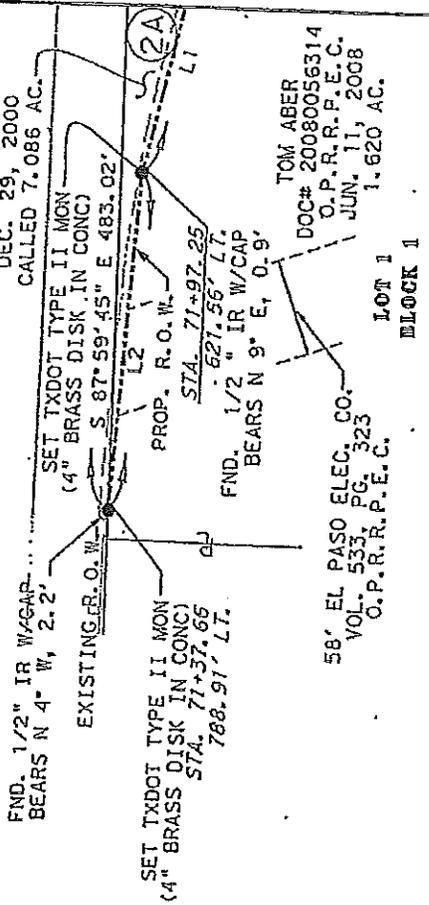
PARCEL 2A  
RIGHT OF WAY PLAT  
SHOWING PROPERTY OF  
CITY OF EL PASO  
SPUR 276, EL PASO COUNTY  
CSJ 0608-01-002  
LANDTECH CONSULTANTS, INC. SEPT. 2011  
PAGE 12 OF 14 SCALE: 1" = 100'



**LOOP 375**

(TALBOT AVENUE, FORMERLY KNOWN AS F.M. 259)  
 (WIDTH VARIES)  
 VOL. 1523, PG. 0507  
 E.P.C.D.R.  
 FEB. 12, 1960

CITY OF EL PASO  
 VOL. 3910 PG. 0166  
 O.P.R.P.E.C.  
 DEC. 29, 2000  
 CALLED 7.086 AC.



LINE TABLE		
#	BEARING	DIST.
L1	N 74° 32' 24" W	277.31'
L2	N 84° 16' 40" W	200.28'

TOM ABER  
 DOC# 20080056314  
 O.P.R.P.E.C.  
 JUN. 11, 2008  
 1.620 AC.

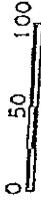
58' EL PASO ELEC. CO.  
 VOL. 533, PG. 323  
 O.P.R.P.E.C.

FRANS MOUNTAIN  
 COMMERCIAL PARK  
 UNIT ONE  
 VOL. 75, PG. 50, E.P.G.P.R.

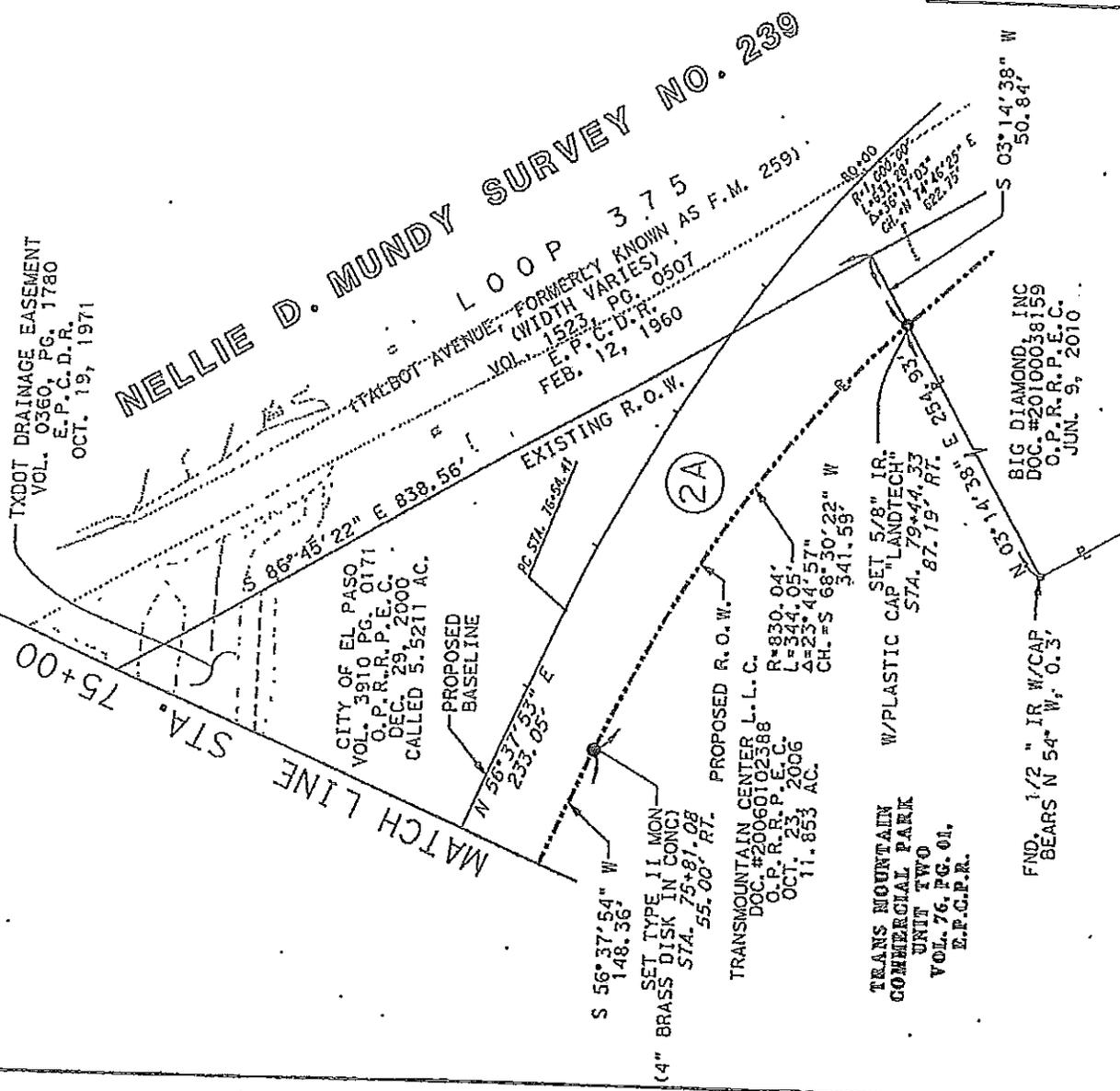
**NELLIE D. MUNDY SURVEY NO. 239**

PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO

SPIUR 276 EL PASO COUNTY  
 CSJ 0608-01-002  
 LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 13 OF 14 SCALE: 1" = 100'



PARCEL 2A  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO  
 SPUR 276  
 EL PASO COUNTY  
 CSJ 0608-01-002  
 LANDTECH CONSULTANTS, INC. SEPT. 2011  
 PAGE 14 OF 14



**Exhibit A**

**PARCEL 2A – SPUR 276  
A 26.020 ACRE TAKING  
WEST OF I-10, SOUTH OF TALBOT  
EL PASO, EL PASO COUNTY, TEXAS  
(The City of El Paso)**

***GAYLE-REID***

***EL PASO, TX  
(915) 587-0982***



***AN APPRAISAL REPORT  
PRESENTED ON TXDOT FORMS***

**PARCEL 2A – SPUR 276  
A 26.020 ACRE TAKING  
WEST OF I-10, SOUTH OF TALBOT  
EL PASO, EL PASO COUNTY, TEXAS  
(The City of El Paso)**

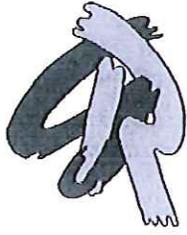
AS OF: SEPTEMBER 28, 2011  
(The Date of Primary Inspection)

PREPARED FOR

Ms. Laura Robles  
Texas Department of Transportation  
13301 Gateway Boulevard West  
El Paso, Texas 79928

PREPARED BY

Martha Gayle Reid, MAI  
Gayle-Reid Appraisal Services, Inc.  
600 Sunland Park Drive, Building #4, Suite #100  
El Paso, Texas 79912



*GAYLE-REID Appraisal Services, Inc.*

November 21, 2011

Ms. Laura Robles  
Texas Department of Transportation  
13301 Gateway Boulevard West  
El Paso, Texas 79928

Re: Parcel 2A, West of I-10 and South of Talbot, El Paso, El Paso County, TX.

Dear Ms. Robles:

In accordance with the instructions outlined in my letter of engagement, I have prepared an Appraisal of the estimated fee simple market value and just compensation for the partial taking of the subject property.

The purpose of the appraisal is to estimate the just compensation due to the partial taking of the subject property as of September 28, 2011. I personally inspected the property on September 28, 2011, October 21, 2011, and November 1, 2011 and various other dates. The estimate reported below is subject to the assumptions, limiting conditions, and certifications which are set forth in the following appraisal report.

All factors believed to be pertinent to the assignment have been investigated and analyzed. Market data researched included sales and listings of sale of similar tracts of land, area analysis, and demand and supply factors. Based upon these investigations and analyses, and my judgment and experience as an appraiser, it is my professional opinion that the Just Compensation due for the partial taking of Parcel 2A as of September 28, 2011, was:

**\$793,398**

**JUST COMPENSATION**

The following appraisal report was prepared for the Texas Department of Transportation. The amount of my fee was in no way contingent upon the value reported. It is my understanding that the appraisal report will be used by the Texas Department of Transportation in connection with the acquisition for Spur 276 project.

---

Letter to Laura Robles

Dated November 21, 2011

Except for certain Jurisdictional Exceptions noted in the following report, it is my opinion the following narrative appraisal report of the subject property was prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Foundation, and the Code of Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. Should you have any questions concerning the value estimate or data in the report, please call. Thank you for the opportunity to provide this service.

Respectfully submitted,

Gayle-Reid Appraisal Services, Inc.

By:



Martha Gayle Reid, MAI

MGR: me  
Attachments

---

***AN APPRAISAL  
PRESENTED ON TXDOT FORMS***



REAL ESTATE APPRAISAL REPORT - TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property: W of I-10, S of Talbot (Lp 375), El Paso County, TX District: El Paso
Property Owner: City of El Paso Parcel: 2A
Address of Property Owner: 2 Civic Center Plaza, 7th Floor, El Paso, TX ROW CSJ: 0608-01-002
Occupant's Name: Vacant Land, Not Applicable Federal Project No: STP 1102 (539) MM
Whole: [ ] Partial: X Acquisition Highway: SS 276 County: El Paso

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and /or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is \$793,398 as of September 28, 2011, based upon my independent appraisal and the exercise of my professional judgment;

That on September 28, 2011 and other dates, I personally inspected in the field the property herein appraised; that I afforded Ms. Ramirez-Tobias, property representative (via written correspondence and telephone) the opportunity to accompany me at the time of the inspection;

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on November 1, 2011 and other dates;

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the proper officials of the Texas Department of Transportation or officials of the Federal Highway Administration until authorized by State officials to do so, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

The appraiser has considered access damages in accordance with Section 21.042(d) of the Texas Property Code, as amended by SB18 of the Texas 82nd Regular Legislative Session and finds as follows:

- 1. Is there a denial of direct access on this parcel? No
2. If so, is the denial of direct access material? Not Applicable
3. The lack of any access denial or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of \$Not Applicable

I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

Handwritten signature of Martha Gayle Reid, MAT

TX1320991G
Certification Number
November 21, 2011
Date

To the best of my knowledge, the value does not include any items which are not compensable under State law.
Handwritten signature of J. M. Robles and date 12-5-11
Reviewing Appraiser: J. M. Robles Date

**PHOTOGRAPHS OF SUBJECT PROPERTY**  
**Include Each Major Improvement**

Parcel No.: 2A

Date Taken: September 28, 2011

1. Point from which taken: Drainage easement.

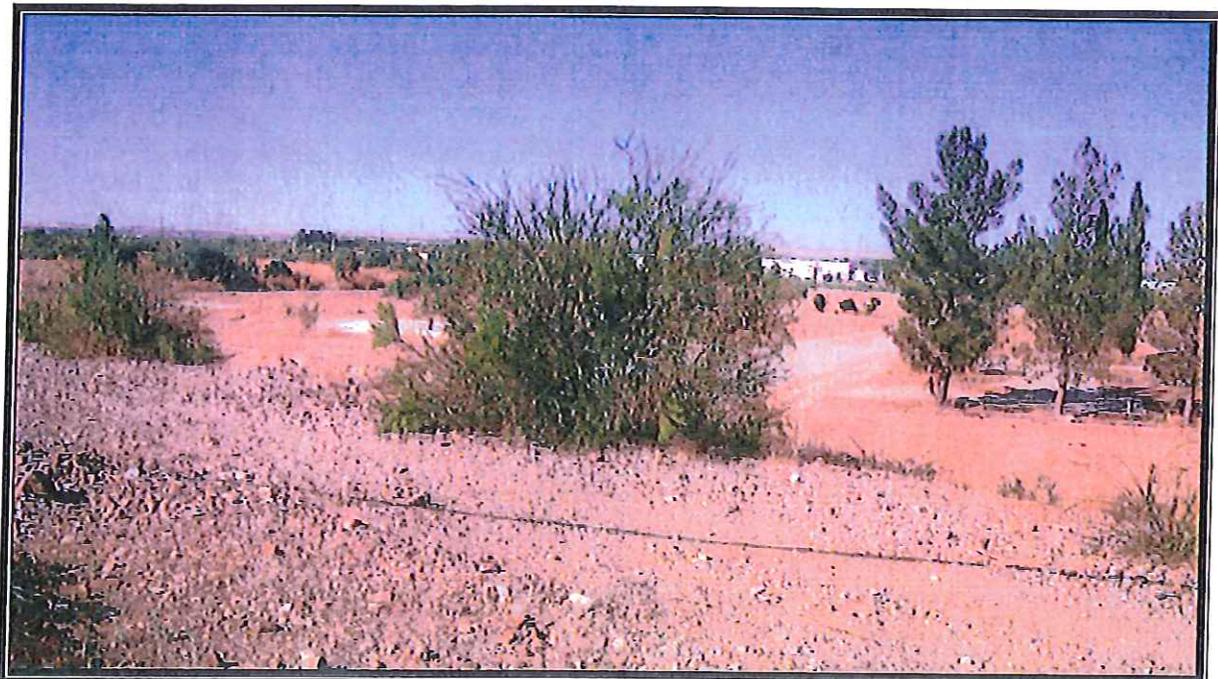
Local Address: W of I-10 & S of Talbot, El Paso, TX

Taken By: Martha Gayle Reid, MAI

Looking: Southeast



2. Point from which taken: Subject near abutting adj. property to the west (note grade separation). Looking: Southwest.



**PHOTOGRAPHS OF SUBJECT PROPERTY**  
**Include Each Major Improvement**

Parcel No.: 2A

Date Taken: September 28, 2011

1. Point from which taken: Subject drainage area.

Local Address: W of I-10 & S of Talbot, El Paso, TX

Taken By: Martha Gayle Reid, MAI

Looking: Northeast (City sports complex to the right).



2. Point from which taken: Subject abutting property to the west. Looking: Southwest.

## PROJECT DESCRIPTION-SPUR 276

Due to the Northwest El Paso growth, the construction and completion of the outlet mall, and related traffic congestion, the Texas Department of Transportation (TXDOT) has plans to connect Doniphan Drive (State Highway 20) with Interstate 10 at the intersection of Talbot Road (aka Trans Mountain Road). The subject of this appraisal is that of a tract of land which a portion will be required for the Spur 276 state highway project. Talbot Road is more importantly known as Loop 375, a major commercial arterial presently looping or connecting various parts of El Paso. The subject project is the continuation of the plan to connect all parts of the City of El Paso within the Loop 375 system and in this case to alleviate traffic congestion in the Canutillo area (small unincorporated area). This project is the next project planned for the subject area by TXDOT is the next phase of the Loop 375 construction. To the east of the subject and at the Interstate 10 and Trans Mountain (Loop 375) road widening and an overpass will occur and be constructed. Right of way is presently being acquired and construction has begun.

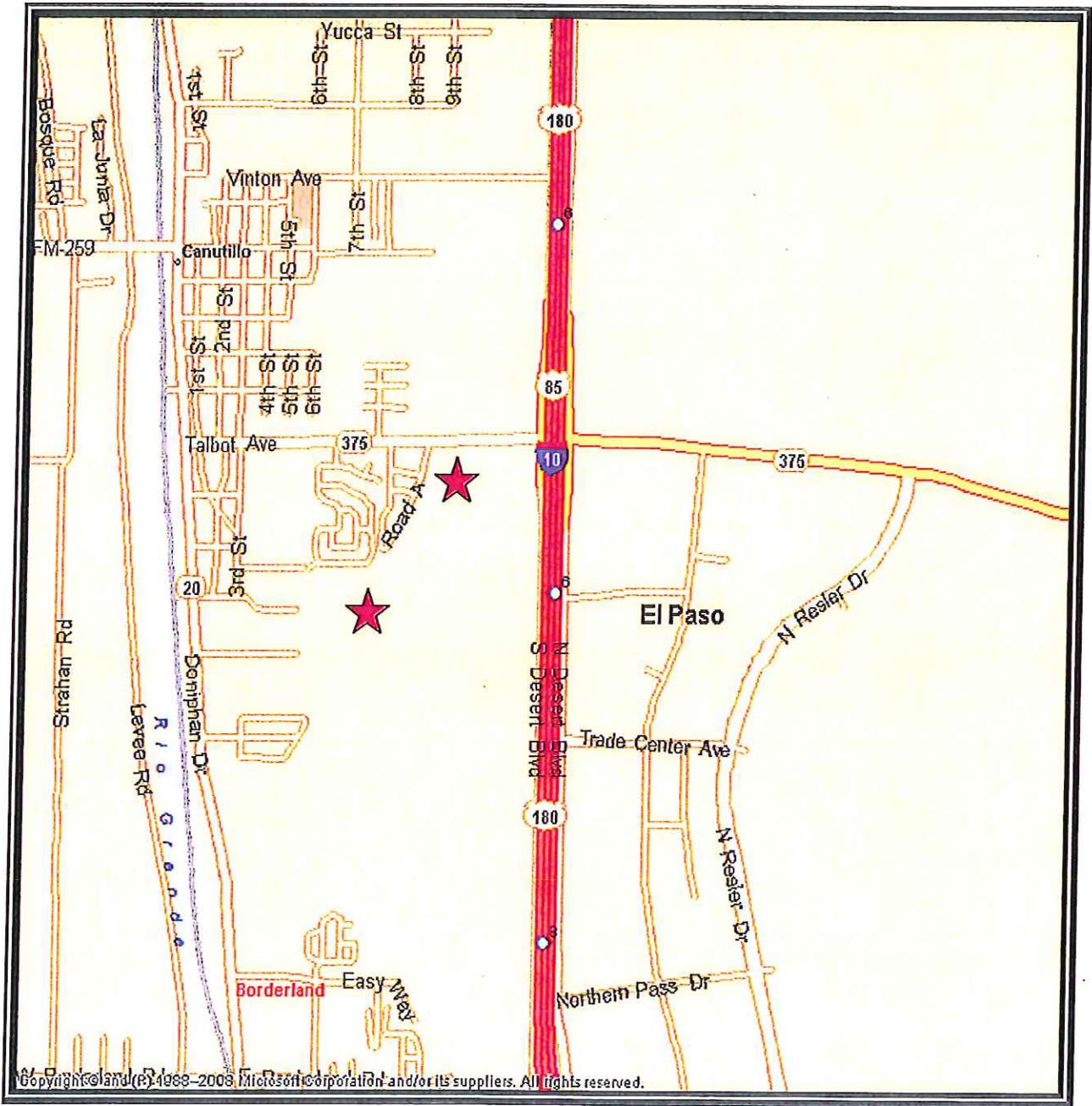
### DESCRIPTION OF PROPERTY, PART TAKEN, & REMAINDER AFTER THE ACQUISITION

**Whole Property:** The subject property consists of a basically un-improved parcel of land (disregarding the sports complex and minor other improvements) containing **103.584 acres** located west of Interstate 10 and Desert Boulevard South, south of Talbot Avenue. The subject property is a highly irregular shaped parcel of land in its natural, unleveled terrain. A portion of the parcel is located in the State of Texas Drainage Easement. The subject is bisected by this drainage easement; having area on both sides. A portion of the site is improved with the City's Westside Sports Complex. As there are no damages to the remainder as a result of the acquisition, the sports complex has not been valued. There are signs on the property however according to the owner no leases exist and no permission has been granted to allow signage on the site. Therefore, the advertisement signage has not been considered in this appraisal. The subject is basically to the west of the El Paso Community College and Canutillo High School. Access is available via dedicated but unpaved roads adjacent to the subject but paved to the east of the subject, Campus Park and Isela Rubalcava (paved to the east both connecting to Desert Boulevard South). The subject can be accessed by and has frontage on Talbot (Loop 375). Additional access (although in many areas there is a significant grade elevation) can be provided by Crystal Marie, Mowad, and other streets from Doniphan Drive and in residential areas from the westerly portion of the site. There appears to be a variety of utility easements onsite (including the TXDOT drainage easement). The site is primarily zoned R-3 Residential District. The purpose of this district is to provide for single family detached residential development at moderately low densities together with such churches, recreational facilities, public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. A portion is zoned C-3 and C-4 (that area that is located adjacent to Talbot). These zonings are high density commercial zonings allowing retail, warehousing, automotive, and office use. The area with frontage on Talbot has a very small usable area and development of this small parcel is doubtful (due to shape and size). All utilities are available to the site or are close by. The subject is in its natural state of vegetation (other than the sports complex and other minor improvements) and the site appears to be located in both Flood Zone X an area of minimal flooding or areas determined to be outside of the 500 year flood-plain and Zone A an area of 100 year floods. Clarification should be made by a licensed surveyor due to the closeness of each zone. The property is in Community Panel Number 480214 0025B dated September 4, 1991. The highest and best use of the subject site is primarily residential (both as a whole and as the remainder) with a small area possibly capable of commercial fronting on Talbot. **Larger Parcel:** The larger parcel is the whole property.

**Part To Be Acquired:** The part being acquired from the subject whole property for the Spur 276 project consists of a **26.020 acre or 1,133,426 square feet**. The part taken is long and narrow (in comparison to the larger parcel) and is situated primarily within the drainage easement. As the whole property is already bisected by the drainage easement there are no damages to the property by the acquisition. In addition due to the size of the whole and the remainder, damages would not be an issue in any case. Due to the topography and shape of the part taken development on its own is not feasible and the highest and best use is as part of the larger parcel. The part to be acquired is vacant land in a natural state and has no improvements other than signage which is not owned by the property owner and has no rights to be on the subject site.

**Remainder:** The remainder after the acquisition will contain **77.564 acres** (defined by TXDOT) and will have basically the same effective shape as the whole parcel. Although the part taken will bisect the property the parcel presently demands separate development (westerly portion versus easterly portion) due to the location of the drainage easement (effectively bisecting property presently). Due to the size of the parcel, the irregular shape and the part taken does not result in a reduction in utility or functionality of the site. Overall, the parcel will not be affected by the acquisition other than to provide better access and visibility due to the tract now having frontage on Spur 276. The highest and best use is unchanged from the whole property. There are no damages to the remainder. Situated in close proximity to the acquisition or proposed right of way line is generally vacant land in a natural state waiting demand for future development. The subject remains to be zoned residential and commercial and will continue to have a primarily residential highest. Commercial development remains to be doubtful. Various maps, photographs and plats are presented.

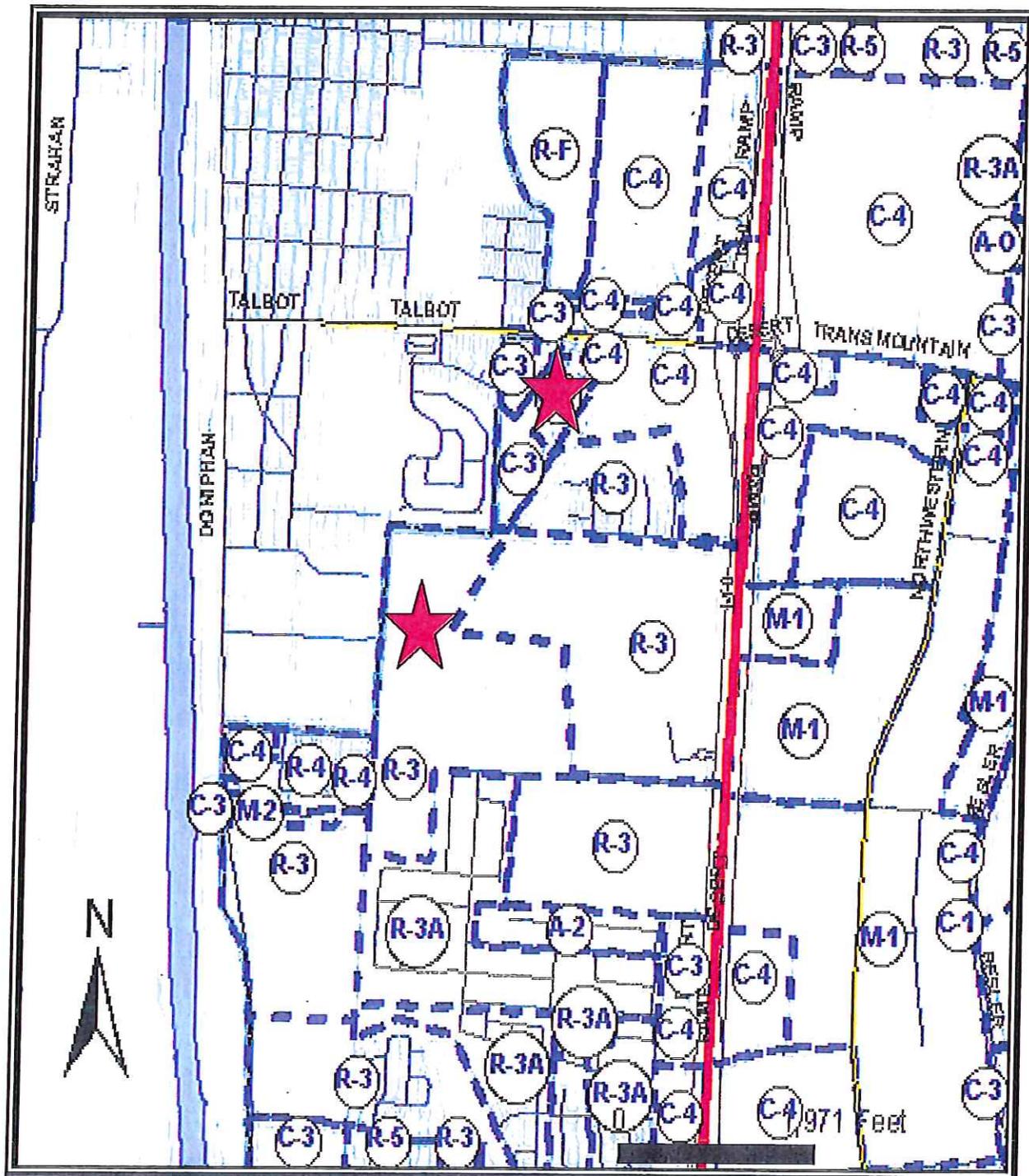
PROPERTY LOCATION MAP







### ZONING MAP



Subject is primarily zoned residential. Area fronting on Talbot is zoned commercial (development potential is doubtful).

## ZONING DEFINITIONS

**PMD, Planned Mountain District:** The purpose of this district is to protect significant natural features of the mountain development area and preserve the city's unique visual setting as part of the comprehensive plan; to provide an alternative approach to conventional flat land development by allowing transfer of residential densities through clustering of dwellings in order to preserve larger areas of open space; to minimize scarring and disturbances of the natural character of the mountain development area through control of grading and cut/fill operations as defined in the grading ordinance; to control water runoff and soil erosions; to provide a safe means of ingress and egress travel (vehicle and pedestrian) to and within the mountain development areas; and to encourage sound engineering practices related to mountain development.

**R-3 and R-3A, Residential District:** *The purpose of this district is to provide for single family detached residential development at moderately low densities together with such churches, recreational facilities, public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.*

**A-O, Apartment Office District:** The purpose of this district is to permit the grouping of offices, institutions, and related service activities in area, which would otherwise be residential, without introducing unrelated commercial uses. This district is usually located along streets, which carry a high volume of traffic, and is to provide for adequate on-site parking. The zoning generally permits single-family, multi-family, and office development.

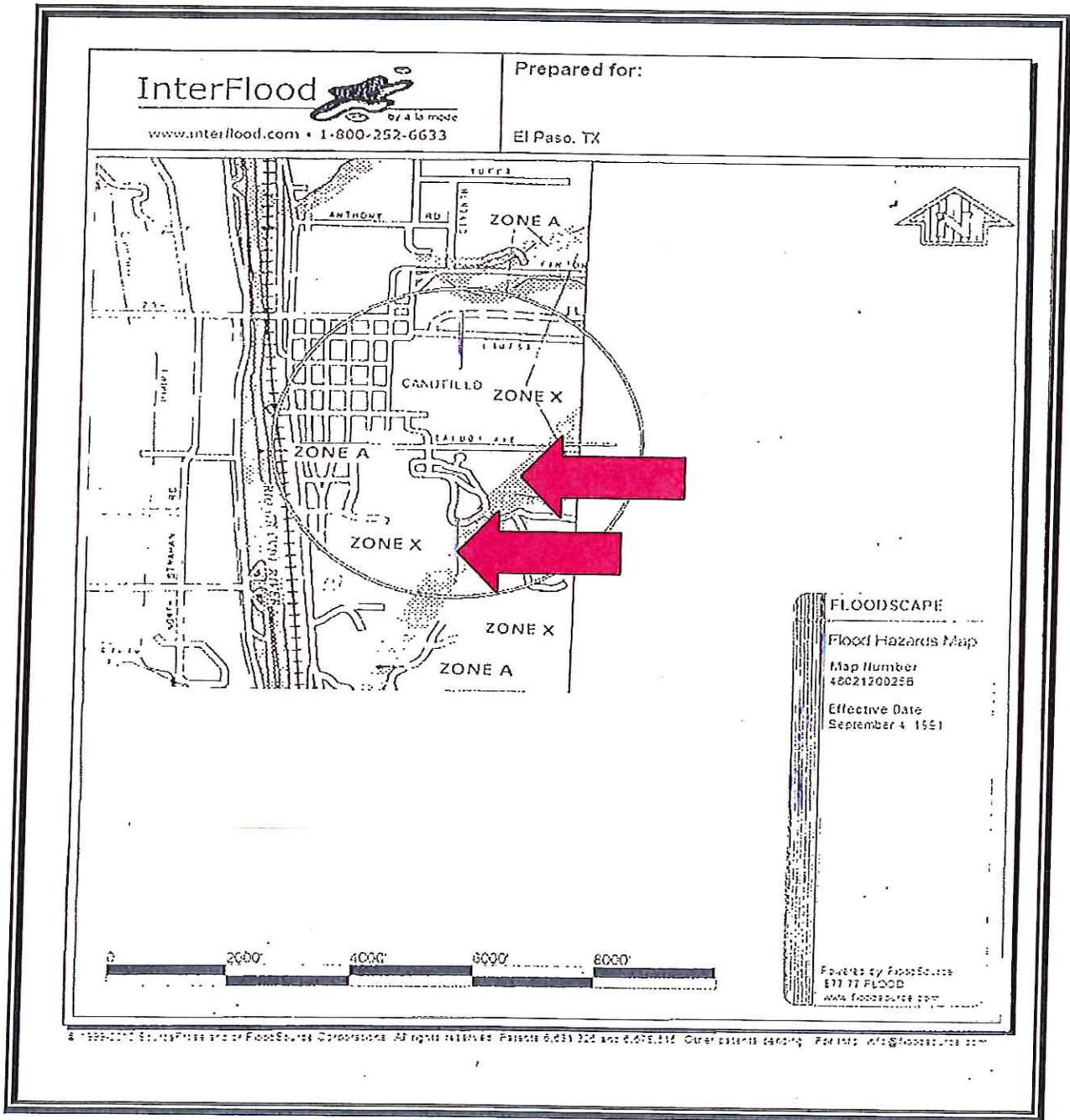
**C-4, Commercial District:** *The purpose of this district is to provide sufficient space in appropriate locations for general commercial, automotive, recreational and service uses and including heavy commercial uses, generally serving a large area of the city and located along major thoroughfares or in business centers.*

**C-3, Commercial District:** *The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial, automotive, and miscellaneous recreational and service activities, generally serving a large area of the city and located along major thoroughfares or in business centers.*

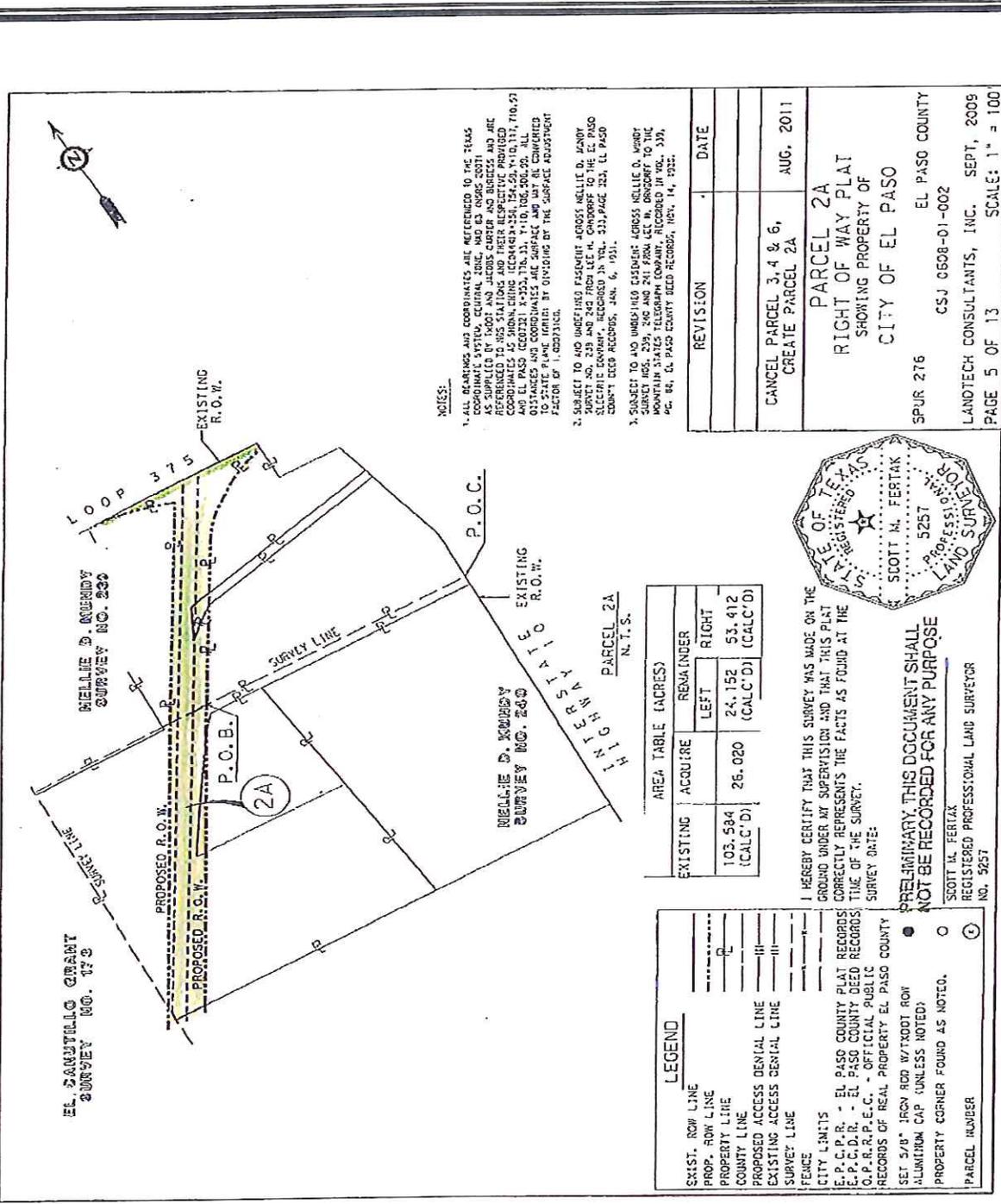
**M-1, Light Manufacturing District:** The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located relative to major transportation facilities.

**Note: Subject is zoned R-3, residential and C-3 & C-4, commercial.**

### FLOOD ZONE MAP



CLIENT PROVIDED SURVEY ILLUSTRATING WHOLE PROPERTY, PART TAKEN, & REMAINDER



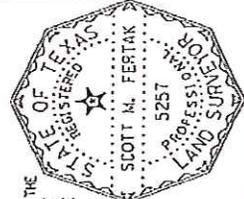
**NOTES:**

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLAT COORDINATE SYSTEM AS SUPPLIED BY LOGO AND LOGOS CARTOGRAPHY AND ARE REFERENCED TO THE STATIONS AND THEIR ALPHABETIC PROVIDED COORDINATES AS SHOWN, CHINA (10N44E23.54, 124.50, Y=10,111,710.57) AND EL PASO (000721 X=252,176.33, Y=10,106,300.59). ALL BEARINGS AND COORDINATES ARE SURFACE AND MAY BE CORRECTED TO SUBSTRATA BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00023358.
2. SUBJECT TO AND UNDETERMINED EASEMENT ACROSS MELLIE D. WARDY SURVEY NOS. 239, 240 AND 241 FROM LET. IN, BRIDGEPORT TO THE MONTGOMERY STATES TELEGRAPH COMPANY, RECORDED IN VOL. 339, PG. 86, EL PASO COUNTY DEED RECORDS, FEB. 14, 1922. COUNTY DEED RECORDS, JAN. 6, 1931.
3. SUBJECT TO AND UNDETERMINED EASEMENT ACROSS MELLIE D. WARDY SURVEY NOS. 239, 240 AND 241 FROM LET. IN, BRIDGEPORT TO THE MONTGOMERY STATES TELEGRAPH COMPANY, RECORDED IN VOL. 339, PG. 86, EL PASO COUNTY DEED RECORDS, FEB. 14, 1922.

REVISION	DATE
CANCEL PARCEL 3, 4 & 6, CREATE PARCEL 2A	AUG. 2011

**PARCEL 2A**  
 RIGHT OF WAY PLAT  
 SHOWING PROPERTY OF  
 CITY OF EL PASO  
 SPUR 276 EL PASO COUNTY  
 CSJ 0508-01-002  
 LANDTECH CONSULTANTS, INC. SEPT, 2009  
 PAGE 5 OF 13 SCALE: 1" = 100'

EXISTING	AREA TABLE (ACRES)	
	ACQUIRE	REMAINDER
103.584 (CALC'D)	26.020	77.564 (CALC'D)
		53.412 (CALC'D)



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
 SURVEY DATE: \_\_\_\_\_

**PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**

SCOTT M. FERTAK  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 No. 5257

**LEGEND**

- EXIST. ROW LINE
- PROP. ROW LINE
- PROPERTY LINE
- COUNTY LINE
- PROPOSED ACCESS DENIAL LINE
- EXISTING ACCESS DENIAL LINE
- SURVEY LINE
- FENCE
- CITY LIMITS
- E.P.C.P.R. - EL PASO COUNTY PLAT RECORDS
- E.P.C.D.R. - EL PASO COUNTY DEED RECORDS
- O.P.R.P.E.C. - OFFICIAL PUBLIC RECORDS OF REAL PROPERTY EL PASO COUNTY
- SET 5/8" IRON ROD WITHOUT ROW
- ALUMINUM CAP (UNLESS NOTED)
- PROPERTY CORNER FOUND AS NOTED.
- PARCEL NUMBER

Colored Area is the Part Taken from the Whole Property outlined in Green

**METHODOLOGY:**

This is an appraisal of a 26 plus acre portion of a whole or larger 103 plus acre parcel. The remainder after the acquisition will be 77 plus acres of land. It will have the same effective shape and highest and best use as the whole property with the same utility. The whole property and the remainder will continue to have frontage on Isela Rubalcava, Campus Park and Talbot but the remainder will not have substantial frontage and access on Spur 276.

The valuation in this report is that of the subject "larger land parcel and in this case the whole property." With the conclusion of a unit or per square foot value of the land the subject's part taken value is estimated. The part to be acquired parcel's shape (long and narrow in comparison to the site size and the topography within the drainage easement) does not lend itself to an independent use from the whole property; therefore, the part taken has been valued as a part of the larger parcel (now defined as a 103 plus acre tract, see above discussion).

The valuation of the part taken is a directly appraised as there are no damages to the remainder associated with the acquisition. First the appraisal is of the 103 plus acre site is estimated and from the reconciled unit value, the value of the part taken is concluded.

It should be noted however that the subject remainder after the acquisition is enhanced by the additional access (now to Spur 276) and the value on a per unit basis is \$0.05 per square foot higher. As per appraisal manual:

ROW Appraisal and Review Manual (TxDOT 08/2011)  
Page 3-9

"Current instructions from the Attorney General specify that appraised enhancements may be used to offset appraised damages to the remainder parcel, **but may not be used to offset the value of the part acquired.**"

Therefore, the just compensation is that of the part taken.

**Summary:** Due to the size and shape of the remainder parcel, and the highest and best use (same for the remainder as that of the whole parcel) it is my opinion no damages are applicable to the remainder after the acquisition.

**Note:** As there will be no damages or reduction in value to the remainder as a result to the acquisition, the sports complex improvements (site improvements) have not been included in this valuation.

**AREA OR NEIGHBORHOOD ANALYSIS:** The subject market area is located in West El Paso approximately 8 miles from the Downtown Central Business District. The market area is bounded by the Franklin Mountains with a 7,500 foot elevation, to the east, McNutt Road to the west, Mesa Street to the south, and Trans Mountain Road a.k.a. Loop 375 to the north. The subject is more specifically located within the northern portion of the market area within the southwest quadrant of Talbot Avenue (Trans Mountain Road to the east) aka Loop 375 and Highway Interstate 10.

Access to the subject market area is good via Resler Drive, Redd Road, Mesa Street, Doniphan Drive, Interstate Highway 10 (hereinafter referred to as I-10) serving as the primary arterials. East-west access is provided by Arcraft Road, Mesa Street, Borderland Road, and Woodrow Bean Trans Mountain Road (hereinafter referred to as Loop 375). Doniphan Drive runs basically parallel with I-10 beginning at Sunland Park Drive and continuing north into New Mexico. Mesa Street is the primary commercial arterial in West El Paso, continuing west through the Upper Valley as Country Club Road, and intersecting with McNutt Road in Santa Teresa. Country Club Road continues west into the Santa Teresa Country Club area. Loop 375 is the link between Northeast El Paso and West El Paso. Additionally, east-west access is provided by secondary streets such as Thorn Drive, Redd Road and Montoya Road.

Historically, the only interchanges available for I-10 access for Upper Valley traffic were Arcraft Road and Loop 375 (Trans Mountain) and Mesa Street. Mesa and Arcraft are south of the subject. In the early 1990's, the City Planning Department and the Steering Committee of the Texas Department of Transportation approved the Northwest Thoroughfare Plan. This plan included the widening of Redd Road and a new interchange at Redd Road and I-10. The Redd Road interchange was completed several years ago and has provided direct access to the far northern portions of the west sector to the east toward the Franklin's and to the west toward Doniphan Drive. The right of way for an overpass and widening of Loop 375 to the east of the subject is presently being acquired and construction has begun. The completion of a new overpass at Loop 375 and Interstate 10 will reduce the traffic congestion at the Mesa Street and Arcraft interchanges as well as the congestion along Loop 375 traveling from Interstate 10 to Northeast El Paso.

Another significant development in the subject market area is the final completion of construction of the 12.5 mile extension of Arcraft Road (Texas side) aka Pete V. Domenici International Highway (New Mexico side) from I-10 in Texas to the Santa Teresa port of entry in New Mexico. The extension included a 9 mile stretch in New Mexico, which was completed in 1997. The remaining 3.5 mile stretch was located in Texas and included a bridge over the Rio Grande River and a massive overpass at Doniphan Drive. The 21 foot clearance overpass extends over Doniphan Drive and the adjacent Southern Pacific Railway. The entire project was designed as a Texas-New Mexico effort to relieve traffic pressure in the area spawned by the Santa Teresa international port of entry and the present growing industry in the area. The entire project took over 9 years for completion at a combined estimated cost of over \$44 million. By 2015, highway officials expect 28,400 to 42,800 vehicles a day to use the new highway. In addition, over 100,000 cars and commercial trucks crossed the Santa Teresa port of entry in 1999, according to the most recent figures available. **The completion of this major arterial has promoted a significant amount of new residential development within the subject market area.**

The Santa Teresa International Crossing, located west of El Paso in Santa Teresa, New Mexico is the newest port of entry on the US/Mexico border. This \$9.28 million Santa Teresa border station opened in April of 1998. The port of entry is influenced by the final completion of construction of the 12.5-mile extension of Arcraft Road from I-10 in Texas to the Santa Teresa port of entry in New Mexico. As of July of 2010, the port of entry will be expanded and upgraded with \$10 million in federal stimulus money. Plans call for expanding passenger vehicle lanes from 2 to 5 lanes, adding a third commercial truck inspection lane, expanding pedestrian inspection areas and making other miscellaneous improvements. The expansion is largely attributable to Foxconn's large facility campus at the Santa Teresa Port of Entry, which opened in January of 2009. The campus is composed of 3 assembly plants, which assemble between 15,000 to 40,000 Dell computer, laptops and servers a day. The value and volume of products going through the port more than tripled last year to \$4.7 billion.

The University of Phoenix located at the intersection of Mc Nutt Road and Country Club Drive, southwest of the subject, has experience significant growth with additional buildings being constructed and leased in the past several years. The University of Phoenix is situated in Santa Teresa, New Mexico.

Over the last several years, the west sector of El Paso (79912) has been a strong development region in the city indicating over 50% in growth from 1990 to 2010. Generally speaking, most of the development, which has occurred, is located within the market area south of Redd Road and north of Mesa Street. The development is characterized by a mixture of retail and commercial located on the primary thoroughfares, Doniphan Drive and Mesa Street, and to a lesser extent, industrial development located on/and or near these thoroughfares. Single and multi-family residential development is primarily located on the secondary streets west of Doniphan Drive and east of I-10. Retail development is generally located along Doniphan Drive west of the subject.

New development is ongoing east of the intersection of Helen of Troy and Resler Drive. Hunt Corporation and Desert View are rapidly constructing and adding units to the Ridgeview Estates and Highlands subdivisions. A new medical/dental complex has been completed north of Redd Road and Resler (Redd Road turns north and south). Resler Drive and East Redd Road intersect. A large apartment complex has also been completed on Resler adding many new multi-family units to the neighborhood. The complex is a luxury project with increased rents from those completed in the past. An additional complex has been completed near the Artcraft and Interstate 10 quadrant.

The Westport Industrial Park (general subject location) is located within the southeast quadrant of Highway Interstate 10 and Trans Mountain Road. This park received a foreign trade zone status, which allows companies who locate in these parks to avoid paying tariffs on goods, which cross U.S. borders until its final delivery into the U.S. The park is comprised of approximately 800 acres and is currently improved with 27 facilities comprising over 4 million square feet of office and industrial space. Park officials have indicated future development to include retail is closely tied to the recent extension of Resler Drive directly east of the subject to Trans Mountain Road (Loop 375). The Westport Industrial Park is largely held by two large investors. There is land available; however the owners are not highly motivated to sell. The subject property is more specifically located at the intersection of Northwestern Drive and Trade Center Avenue (NEC). Areas to the east of the subject are vacant land followed by Resler Drive. Located to the north, south and west of the subject are large concentrations of industrial development generally catering to large industrial users.

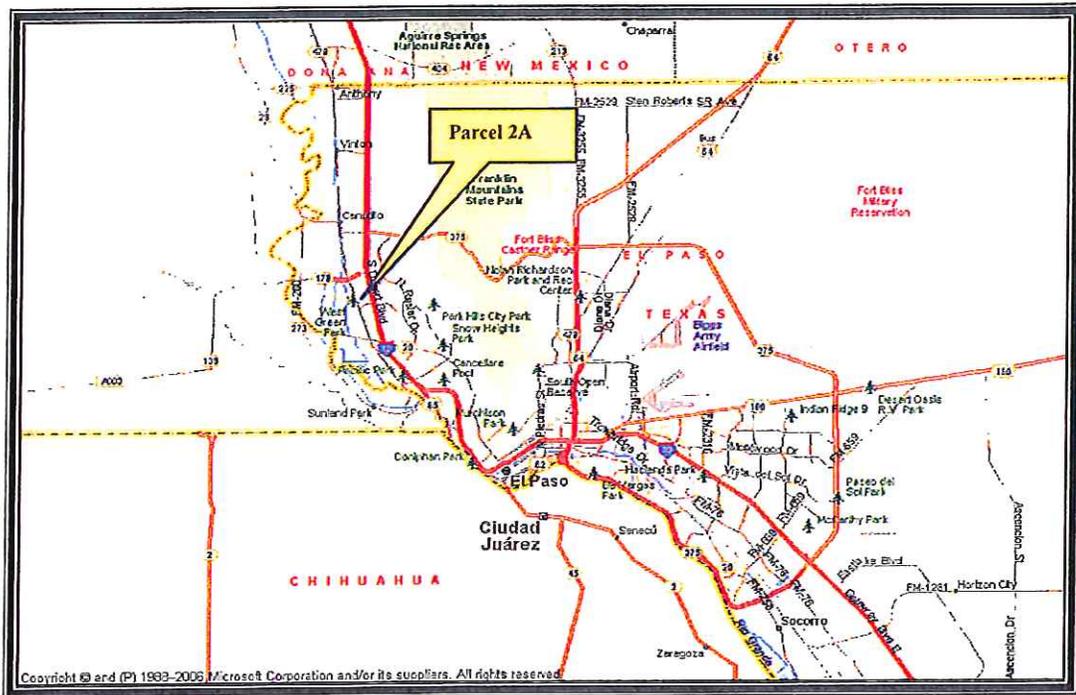
An outlet mall has been constructed at the northwest quadrant of I-10 and Trans Mountain (Loop 375). The development includes a variety of nationally recognized stores as well as out parcels improved with a convenience store/gasoline facility and two fast food restaurants. Additional out parcels have been purchased for retail and restaurant uses and construction is anticipated to begin on these parcels this year. An expansion is also planned for the mall area within the next two years. This development has spurred commercial activity and traffic along this section of the interstate and area north of the Trans Mountain exit. More development in the area is anticipated.

In summary, development interest is expected to progress north towards the subject, where raw land is available. Areas to the east of Interstate 10 and Trans Mountain are believed to develop more rapidly than the area to the south, as is traditionally noted. Trans Mountain Road/Loop 375 is the link between Northeast El Paso and West El Paso. Significant infrastructure development has recently been completed (or is under construction) to include the Artcraft Road extension and the Redd Road interchange as well as extending Artcraft Road east to connect to Resler Drive. In addition, the subject project which is part of the Northwest Thoroughfare Plan shows the proposed thoroughfare connecting Doniphan Drive and Transmountain Road/Loop 375. Overall, real estate values within the subject market area are anticipated to increase over the long term as developable land is absorbed.

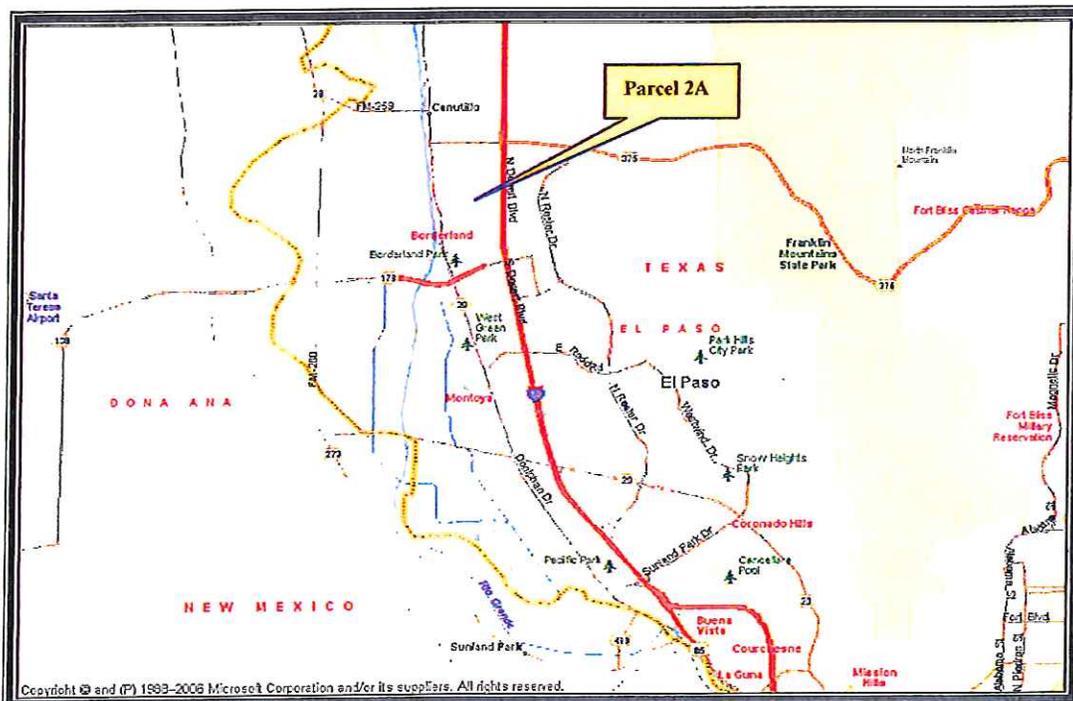
#### **Subject Project – State Spur 276**

The subject project State Spur 276 which basically connects Doniphan Drive to Loop 375 is the cause for this appraisal and the partial acquisition of the subject. The Spur 276 thoroughfare runs southwest from Trans Mountain Road (Talbot Avenue) to Doniphan Drive just west of the I-10 and Trans Mountain interchange. The City of El Paso and the Texas Department of Transportation projections indicate a three to five year time frame for implementation of the Doniphan Drive - Loop 375 connection.

### EL PASO METROPOLITAN AREA MAP



### SUBJECT MARKET AREA MAP



**PROPERTY DATA**

**Five Year Sales History:** The subject property is currently under the ownership of the City of El Paso. It has been in this ownership for over the past five years. I am of the understanding the subject property is currently not listed and or offered for sale.

**Legal Description:** The subject property (part to be acquired) is legally described as a portion of D. Mundy Survey No. 239 and 240, City of El Paso, El Paso County, Texas.

**Improvements:** The subject site is primarily unimproved. There is a sports park on a small portion of the property which is unaffected by the acquisition and has not been included in this valuation. There are advertisement signs owned by others on the site and according to the owner no lease or permission has been granted to the sign holders. These signs have not been included in this valuation.

**SITE ANALYSIS**

- Whole:** 103.584 Acres of an irregular shaped parcel with frontage to be on the extended Isela Rubalcava and Campus Park as well as Mowad, Crystal Marie, and other residential streets to the west although separated by a grade elevation in places. Additional access and frontage is on Talbot Avenue (Loop 375). Signs are located on the subject however according to the owner there are no leases n or legal rights to locate on this site. The signs have been disregarded in this appraisal.
- Part Taken:** 26.020 Acres of a long and narrow shaped parcel bisecting the subject parcel and within much of the TXDOT drainage easement.
- Remainder:** 77.564 Acres of irregular shaped parcel, basically same frontage as before plus frontage on Spur 276, and same highest and best use.

**Tax Information & PID#**

Tax Identification Number: Numerous.  
Owned by the City of El Paso and is neither assessed nor taxed. Discussion is not applicable.

**Listings:** Not Applicable.

**Utilities:** All utilities are provided to the site or nearby. Water and sewer is provided by the City of El Paso, gas by the Texas Gas Company, and electricity by the El Paso Electric Company.

**Surrounding development:** The surrounding development includes park development, residential, vacant land, or school uses. The Talbot frontage is commercial in development.

**Encroachments:** None. **Easements:** An easement survey not provided however typical utility easements are shown along with a T.X.D.O.T. drainage easement bisecting the parcel.

**PROPERTY VALUATION SUMMARY – WHOLE PROPERTY**

Whole: X

Part to be Acquired:

Remainder After:

**HIGHEST AND BEST:** Residential development primarily. Development along the Talbot area is doubtful due to the size and shape. See below and following pages.

**VALUATION APPROACHES – WHOLE PROPERTY (Land Only)**

*Cost Approach* .....Not Applicable, Subject is being valued as vacant land.

*Sales Comparison Approach – Land Value* .....\$3,158,483 (\$0.70 per square foot)

*Sales Comparison Approach* .....Not Applicable, Subject is being valued as vacant land.

*Income Approach* .....Not Applicable, Subject is being valued as vacant land. The subject is unencumbered by any lease agreements.

**Reconciliation of Approaches to Value:** The only applicable approach in this appraisal is that using the sales comparison approach to value the land. The Cost, Sales Comparison Approach with regard to improvements, and Income Approaches were not considered applicable and have not been developed. Only one approach, the Sales Comparison Approach with respect to land value was developed to estimate subject value (vacant land). The approach indication was \$3,158,483, about \$0.70 per square foot.

Contributory Value of Improvements (Itemized)	
<i>As there are no damages to the remainder and no improvements are</i>	\$
<i>in the part taken, this appraisal is that of the land only.</i>	\$
Total Contributory Value of Improvements	None

Easement Value.....Not Applicable.

Land Value ..... 4,512,119 square feet. @ \$0.70 per sq. ft. = \$3,158,483

Reconciled Final Value ..... \$3,158,483

..... **WHOLE PROPERTY VALUE**

Each approach developed follows this page and is sequenced as shown below.

Land Value, 3.2  
pg

Cost Approach,  
pg n/a – 3.5

Sales Comparison Approach,  
pg n/a – 3.6

Income Approach,  
pg n/a – 3.7

## HIGHEST AND BEST USE ANALYSIS

An essential element in the valuation of real estate is the estimating of the highest and best use. Subject to the legal constraints, prevailing market conditions, and the characteristics of the property itself, the highest and best use is the most probable use of the property that yields the highest value or net return to the owner or investor. The Appraisal of Real Estate defines highest and best use as the reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, and financially feasible and that results in the highest value. The highest and best use analysis is first applied to the land, as if vacant. Even if the land has improvements, proper appraisal technique requires that the value of the land should always be based on its highest and best use as though vacant and available for development to its most economic use. If the appraised property is improved or has proposed improvements, the highest and best use analysis is then applied to the whole property as improved. In some cases, the highest and best use of an improved property may differ from the highest and best use of the underlying land. The highest and best use of both land as though vacant and property as improved must satisfy the following four criteria.

**Legally Permissible Uses** -- What uses are legally allowed given the existing (or possible) zoning, deed restrictions, easements, building codes, historic district controls, and/or environmental regulations?

**Physically Possible Uses** -- Among the legally permissible uses, what uses are physically possible given the size, shape, topography, frontage, depth, and accessibility of the property?

**Financially Feasible Uses** -- Among the uses that are legally allowed and physically possible, what uses would result in a reasonable positive net return on invested capital?

**Maximally Productive Use** -- Of the financially feasible uses, what use produces the highest residual land value consistent with the rate of return warranted by the market for that use?

### **Highest and Best Use of the Site As Though Vacant – “Larger Parcel or Whole Property”**

The whole property consists of over 103 acres of land.

**Legally Permissible Uses:** The subject site, as of the effective date of this appraisal, is zoned R-3, a residential district and C-3 and C-4, commercial districts. The purpose of the residential district is to provide for residential uses. The purpose of the commercial districts is to allow a variety of medium and high density commercial development. There are no known covenants or restrictions to the site. It is my opinion that there are no legally limiting conditions affecting the subject whole property.

**Physically Possible Uses:** The whole parcel contains slightly over 103 acres of land and is effectively divided into an area to the west of the TXDOT drainage easement and an area to the east of the easement. The parcel is a highly irregular shaped parcel west of Interstate 10 with frontage and access available to the site. The parcel is surrounded by a park, two schools, residential development and other large tracts of land (most with planned residential development). The tract is fairly level with the exception of the area situated within the drainage easement; however this is not uncommon for many large tracts of land in the immediate area. There are no substantially limiting conditions to the subject whole property. The area fronting on Talbot is a small, highly irregular shape and zoned commercial. Development of this portion is doubtful.

**Financially Feasible Uses:** Each of the physically possible and legally permissible uses of the site has been considered in light of its financial feasibility. The improved surrounding area's uses are primarily school/city/or residential development. The area across Talbot to the north is retail. Other commercial uses are situated along Talbot. The area is growing rapidly and there is a demand for new homes as evidenced by the new and proposed subdivisions. It is my opinion that the only feasible use is residential due to the size, shape, frontage, and access. Although the area fronting on Talbot is zoned commercial, due to the size and shape commercial development is doubtful.

**Maximally Productive Use:** Considering the above, I believe the maximally productive use for the subject is residential use.

**Conclusion:** Residential development, as indicated by other large parcels of land in the immediate area.

**LAND VALUATION (PARCEL 2A) – WHOLE PROPERTY**

**Representative Comparable Sales**

	<b>Subject</b> I. Rubalcava, Campus Park, Talbot 103.584 Ac 4,512,119 sf	<b>Sale #1</b> Mc Arthur E of Doniphan 15.085 657,108 sf	<b>Sale #2</b> I-10, Btwn Artercraft & Trans Mountain 91.823 Ac 3,999,810 sf	<b>Sale #3</b> N of Crazy Cat & N of Rim 202.00 AC 8,799,120 sf
Grantor	N/A	Escobar	Fenebock & Gaddy	Palisades JV
Grantee	N/A	Heidarian	Tropicana	City of EP (PSB)
Date	N/A	5/2008	7/2007	1/2010
<b>Unit Price</b>	N/A	<b>\$0.57 psf</b>	<b>\$0.92 psf</b>	<b>\$0.70 psf</b>
Relative Location	Subject – N/A	Less than 2 Mi, N	Adjacent	10 Miles SE
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Adjusted Sales Price	N/A	\$0.57 psf	\$0.92 psf	\$0.70 psf
Conditions of Sale	N/A	Normal	Normal	Normal
Adjusted Sales Price	N/A	\$0.57 psf	\$0.92 psf	\$0.70 psf
Market Conditions	(None indicated)	0%	0%	0%
<b>Adjusted Sales Price</b>	N/A	<b>\$0.57 psf</b>	<b>\$0.92 psf</b>	<b>\$0.70 psf</b>
<b>Location:</b>	W of I-10	Offsetting	Offsetting	Offsetting
<b>Frontage &amp; Access:</b>	Various	Inferior + 10%	Superior - 10%	Similar
<b>Size:</b>	4,512,119 sf	Smaller - 10%	Similar	Larger + 10%
<b>Topography &amp; Useable:</b>	Avg for area	Similar	Similar	Offsetting
<b>Shape / Utility:</b>	Avg for Size	Similar	Superior - 10%	Similar
<b>Zoning &amp; Use:</b>	R-3 , C-3, C-4 (primarily R-3)	Offsetting	Superior - 10%	Offsetting
<b>Net Adjustment:</b>	N/A	-0%	-30%	+10%
<b>Indicated Value</b>		<b>\$0.57 psf</b>	<b>\$0.64 psf</b>	<b>\$0.77 psf</b>

**RECONCILIATION OF VALUE**

After adjustments, the comparables indicated values ranging from \$0.57 to \$0.77 per square foot. All of the sales have been considered. Comparable #2 is located in the immediate area and south of the interstate between Trans Mountain and Artercraft. Comparable #1 is northwest and east of Doniphan. Comparable #2 has been given least weight due to the larger required adjustment. The sales were similar with respect to topography at the time of sale. I am of the opinion the subject whole property best reflects a unit value of \$0.70 per square foot. Details of each comparable sale and a Comparable Sales Locator Map are presented on the following pages.

<p><b>Land Value Estimate, Whole Property (Parcel 2A)</b>                  4,512,119 S. F. X \$0.70 Per Square Foot =</p>	<p><b>\$3,158,483</b>                  Whole Parcel                  Parcel #2A</p>
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**WHOLE PROPERTY VALUE**  
**\$3,158,483**

## EXPLANATION OF ADJUSTMENTS

I have considered the following adjustments to the comparables. The categories considered include property rights conveyed, financing, sales conditions (motivation), market conditions of sale (time), location, frontage / corner, size, topography and useable land area, depth and shape and zoning.

Adjustments for property rights conveyed, financing terms and sales conditions are generally applied on a dollar basis. All of the other adjustments are generally applied on a percentage basis. After adjustments have been considered and applied, the final value indication will represent a fee simple value of the subject site. Reconciliation of the various value indications results in a market derived estimate of fee simple value for the subject site.

**Property Rights Conveyed:** This adjustment accounts for differences in the legal estates of the subject property and the comparable properties. All of the comparables were reflective of fee simple estates and considered similar to the subject.

**Financing Terms:** This adjustment considers any favorable financing and would convert the transaction price into a cash equivalent sales price. The comparables were not reflective of any favorable financing.

**Sales Conditions (Motivation):** Conditions of sale generally considers whether the transaction was arm's-length (i.e. buyer and or seller motivation). All of the comparables did not reflect any buyer and or seller motivation.

**Market Conditions (Time):** Reflects changes in the prices paid for real property due to changes in market conditions and the purchasing power of money over time. In appreciating markets, the comparable is adjusted upward. In depreciating markets, the comparable is adjusted downward. This adjustment is applied after the above referenced adjustments. Due to the sale category, current economic conditions, and sale trend analysis no adjustments are applicable.

**Location:** Location adjustments are usually expressed as percentages that reflect the increase or decrease in value attributable to the properties location or market area (neighborhood). Comparables with superior locations are adjusted downward and inferior locations are adjusted upward. All of the comparables are located in fairly similar areas or areas with offsetting differences. No adjustment is required.

**Street Frontage and Access:** Considers the amount of lineal feet of frontage and whether or not the comparable is a corner or interior lot location. Superior features are adjusted downward and inferior features are adjusted upward. In some instances the amount of frontage without respect to corner warrants an adjustment and in some cases can even be superior to a corner. Access is also considered in this category. One of the comparables is rated as similar, one as inferior, and one as superior. Adjustments were made accordingly.

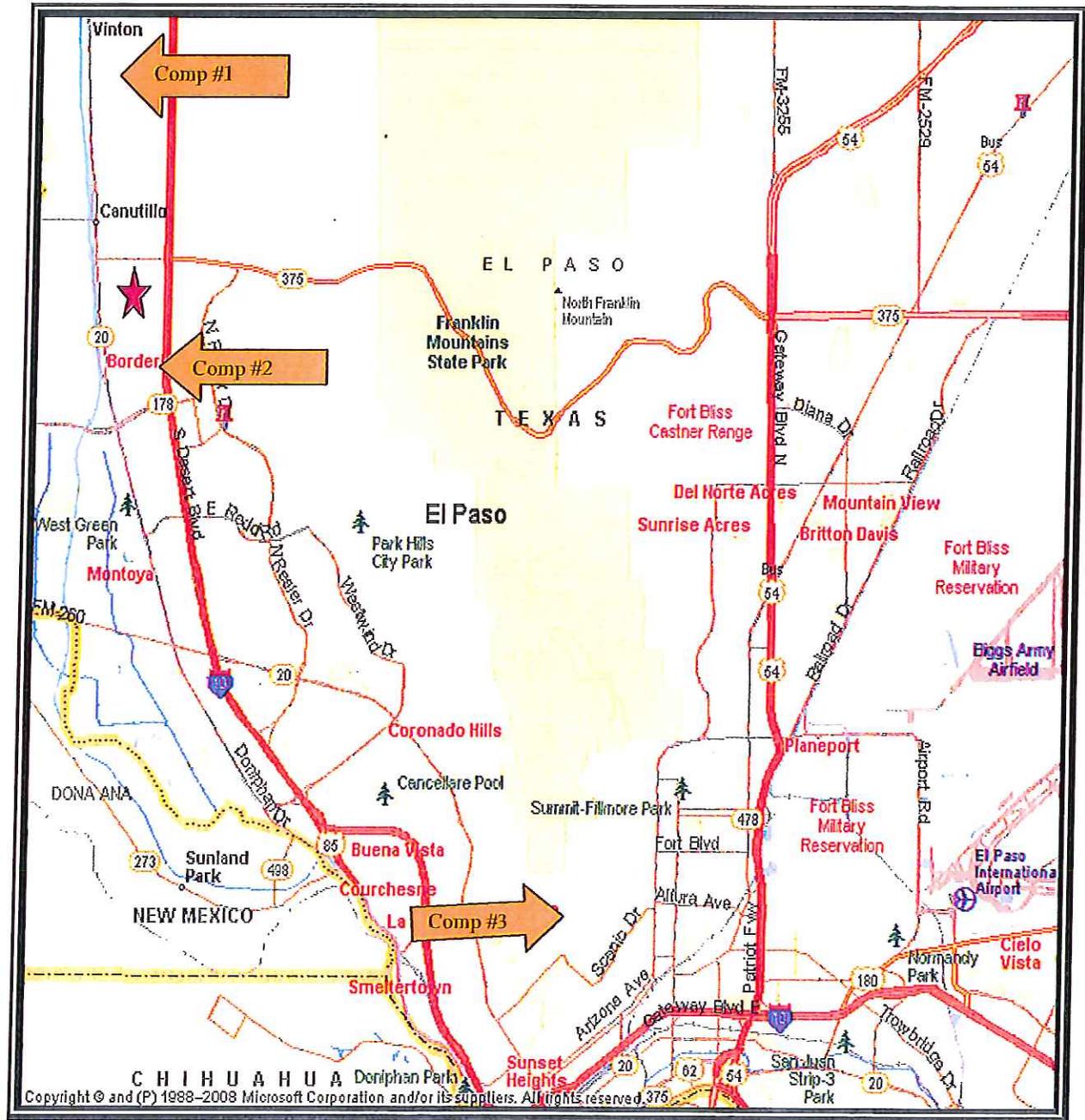
**Size:** Smaller parcels typically command a higher price in comparison to larger parcels. Smaller sales have been adjusted downward and the one larger sale has been adjusted upward.

**Topography & Usable Area:** Generally level sites are preferred over sites with rough topography, which are typically more expensive to develop. Also considered within this category is usable area. Losses in usable area can result from slopes, on-site ponding areas, easements and other factors. No adjustments are considered necessary even though the subject suffers from area loss due to the TXDOT drainage. Most large tracts of land, prior to development are often similar.

**Shape / Utility:** Properties with square and or rectangular shapes are generally more desirable than parcels with highly irregular shapes. The subject is considered similar with respect to shape and utility however a downward adjustment was made to Comparable #2 as it sold with a more regular shape and was considered to have superior utility in comparison.

**Zoning & Use:** Typically specifies how a parcel can be or will be developed. Zoning differences can affect the use potential and allowable development of a site. Less restrictive zonings are typically adjusted downward and more restrictive zonings are typically adjusted upward. Surrounding development is also considered as to the development trend of the area. The subject is primarily residential with a very small portion that has frontage on Talbot and a commercial zoning. Comparable #2 had a substantial amount of frontage on the interstate and is considered superior with this respect and has been adjusted downward. No other adjustment is warranted to the other two sales.

### COMPARABLE SALE LOCATION MAP



**WHOLE PROPERTY VALUATION**

**COST APPROACH**

Whole:  X

Part to be Acquired:

Remainder After:

Estimated Replacement/ Reproduction Cost					
Improvement	Number of sq ft	\$ per sq ft	Cost New	<Depreciation	Value
Main Building					\$
Other					\$
Contributory Value of the Buildings					\$
Accessory Improvements					
					\$
					\$
					\$
Contributory Value of the Accessory Improvements					\$
Site Improvements					
Paving					\$
Fencing (l.f.)					\$
Landscaping					\$
Other					\$
					\$
					\$
					\$
					\$
					\$
					\$
Contributory Value of the Site Improvements					\$
Contributory Value of all Improvements					\$
Land Value					\$
Estimated Value by Cost Approach					\$

*The subject parcel is being valued as vacant land; therefore, this approach is not applicable in this valuation.*

**WHOLE PROPERTY VALUATION**

**SALES COMPARISON APPROACH**    Whole:     Part to be Acquired:    Remainder After:   
 Land:     Improved:

**VALUATION GRID**

**Representative Comparable Sales**

	Subject	Comp. No.	Comp. No.	Comp. No.
Grantor				
Grantee				
Date of Sale				
Unit Price				
Relative Location				
Financing				
Conditions of Sale				
Market Conditions				
Physical Characteristics				
	Indicated Unit Value	\$	\$	\$
Estimated Unit Value				\$

Estimated Value by Sales Comparison Approach .....\$

*The subject parcel is being valued as vacant; therefore this approach is not applicable in this valuation.*

**WHOLE PROPERTY VALUATION**

**INCOME APPROACH**

Whole:

Part to be Acquired:

Remainder After:

Potential Gross Income	.....	\$			
Vacancy	%	\$			
Effective Gross Income	.....				\$
Expenses:					
Fixed Taxes	.....	\$			
Insurance	.....	\$			
Variable Management	.....	\$			
Other		\$			
		\$			
		\$			
Total Expenses	.....				\$
Net Operating Income	.....				\$
Income Capitalized @		%	.....	\$	
Plus: Value of Excess Land (if any)			.....	\$	
				\$	
<b>Estimated Value <i>The subject parcel is</i></b>	.....				\$

*The subject parcel is being valued as vacant land; therefore, this approach is not applicable in this valuation.*



Whole:  Part to be Acquired:  Remainder After: X

**Remainder:** The remainder after the acquisition will contain approximately 77.564 acres of land. The remainder after will have the same irregular shape, same utility, and but better access than the whole (access and frontage on Spur 276). The remainder is sufficient in size and shape to continue the whole property's highest and best use of being a residential use, unchanged from the whole property.

**HIGHEST AND BEST USE ANALYSIS:** Conclusion: Residential development. See Highest and Best Use of the whole property earlier presented in the report.

**VALUATION APPROACHES**

Cost Approach.....\$ Not Applicable  
 Sales Comparison Approach.....\$2,534,020 (\$0.75 per square foot X 3,378,693 square feet)  
 Income Approach.....\$ Not Applicable

**Reconciliation of Approaches to Value:** The remainder after the acquisition portion of the subject property is primarily vacant, unimproved land. The only applicable approach in this appraisal is that using the sales comparison approach to value the land. The Cost, Sales Comparison Approach with regard to improvements, and Income Approaches were not considered applicable and have not been developed. The land value analyzed using the sales comparison approach indicated a remainder after the acquisition of \$2,534,020, about \$0.75 per square foot, \$0.05 per square foot more than the whole property unit land value. The remainder after is enhanced due to the superior access now created by Spur 276. The adjustment grid differs for the whole property valuation by the one adjustment changed by 5%. See the valuation of the whole property and the following pages for detailed information.

Contributory Value of Improvements (Itemized)	
The subject is primarily vacant land without improvements.	\$ 0
Total Contributory Value of Improvements	\$ 0

Easement Value.                                  acres/sq. ft. @ \$                                  = \$  
 Land Value ..... 3,378,693 sq. ft. @ \$0.75 psf                                  = \$2,534,020

Reconciled Final Value ..... \$2,534,020  
 ..... REMAINDER AFTER VALUE

Each approach developed follows this page and is sequenced as shown below.

Land Value, pg 5.1	Cost Approach, pg 5.2 - n/a	Sales Comparison Approach, Pg - 5.3	Income Approach, pg 5.4
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**LAND VALUATION (PARCEL 2A) – REMAINDER AFTER THE ACQUISITION**

**Representative Comparable Sales**

	<b>Subject</b> I. Rubalcava, Campus Park, Talbot 77.564 Ac 3,378,693 sf	<b>Sale #1</b> Mc Arthur E of Doniphan 15.085 Ac 657,108 sf	<b>Sale #2</b> I-10, btwn Artcraft & Trans Mountain 91.823 Ac 3,999,810 sf	<b>Sale #3</b> N of Crazy Cat N Rim & N Arroyo State Pk 202.00 AC 8,799,120 sf
Grantor	N/A	Escobar	Fenebock & Gaddy	Palisades JV
Grantee	N/A	Heidarian	Tropicana	City of EP (PSB)
Date	N/A	5/2008	7/2007	1/2010
Unit Price	N/A	\$0.57 psf	\$0.92 psf	\$0.70 psf
Relative Location	Subject – N/A	Southwest, Nearby	Adjacent	Southeast
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Adjusted Sales Price	N/A	\$0.57 psf	\$0.92 psf	\$0.70 psf
Conditions of Sale	N/A	Normal	Normal	Normal
Adjusted Sales Price	N/A	\$0.57 psf	\$0.92 psf	\$0.70 psf
Market Conditions	(None indicated)	0%	0%	0%
Adjusted Sales Price	N/A	\$0.57 psf	\$0.92 psf	\$0.70 psf
<b>Location:</b>	W of I-10	Offsetting	Offsetting	Offsetting
<b>Frontage &amp; Access:</b>	Various	Inferior + 20%	Similar	Inferior + 10%
<b>Size:</b>	3,378,693 sf	Smaller - 10%	Similar	Larger + 10%
<b>Topography &amp; Useable:</b>	Avg for area	Similar	Similar	Offsetting
<b>Shape / Utility:</b>	Avg for Size	Similar	Superior - 10%	Similar
<b>Zoning &amp; Use:</b>	R-3 , C-3, C-4 (primarily R-3)	Offsetting	Superior - 10%	Offsetting
<b>Net Adjustment:</b>	N/A	+10%	-20%	+20%
<b>Indicated Value</b>		\$0.63 psf	\$0.74 psf	\$0.84 psf

**RECONCILIATION OF VALUE**

After adjustments, the comparables indicated values ranging from \$0.63 to \$0.84 per square foot. All of the sales have been considered. The only adjustment that differs from the analysis of the whole property is that of frontage and access. The subject's remainder has a much improved access and frontage on a commercial arterial (Spur 276) as a result of the acquisition. I am of the opinion the subject remainder after property best reflects a unit value of \$0.75 per square foot (\$0.05 per square foot higher than the Whole). Details of each comparable sale and a Comparable Sales Locator Map are presented in the Addenda section of the report and within the Whole Property Valuation (map and adjustment explanation).

Land Value Estimate, Whole Property (Parcel 1) 3,378,693 S. F. X \$0.75 Per Square Foot =	\$2,534,020 Remainder After Parcel Parcel #2A
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REMAINDER AFTER THE ACQUISITION VALUE  
**\$2,534,020**

**REMAINDER AFTER VALUATION**

**COST APPROACH**

Whole:

Part to be Acquired:

Remainder After: X

Estimated Replacement/ Reproduction Cost					
Improvement	Number of sq ft	\$ per sq ft	Cost New	<Depreciation	Value
Main Building					\$
Other					\$
Contributory Value of the Buildings					\$
Accessory Improvements					
					\$
					\$
					\$
Contributory Value of the Accessory Improvements					\$
Site Improvements					
Paving					\$
Fencing (I.f.)					\$
Landscaping					\$
Other					\$
					\$
					\$
					\$
					\$
					\$
Contributory Value of the Site Improvements					\$
Contributory Value of all Improvements					\$
Land Value					\$
Estimated Value by Cost Approach					\$

*The subject parcel is being appraised as vacant land; therefore, this approach is not applicable in this valuation.*

**REMAINDER AFTER VALUATION**

**SALES COMPARISON APPROACH**    Whole:    Part to be Acquired:    Remainder After: X  
 Land:                                  Improved:

**VALUATION GRID**

**Representative Comparable Sales**

	Subject	Comp. No.	Comp. No.	Comp. No.
Grantor				
Grantee				
Date of Sale				
Unit Price				
Relative Location				
Financing				
Conditions of Sale				
Market Conditions				
Physical Characteristics				
	Indicated Unit Value	\$	\$	\$
Estimated Unit Value				\$

Estimated Value by Sales Comparison Approach .....\$

*The subject parcel is being appraised as vacant; therefore this approach is not applicable in this valuation.*

**REMAINDER AFTER VALUATION**

**INCOME APPROACH**

Whole:

Part to be Acquired:

Remainder After: X

Potential Gross Income	.....	\$			
Vacancy	%	\$			
Effective Gross Income	.....				\$
Expenses:					
Fixed Taxes	.....	\$			
Insurance	.....	\$			
Variable Management	.....	\$			
Other		\$			
		\$			
		\$			
Total Expenses	.....				\$
Net Operating Income	.....				\$
Income Capitalized @		%	.....		\$
Plus: Value of Excess Land (if any)			.....		\$
					\$
<b>Estimated Value The subject parcel is</b>			.....		\$

*The subject parcel is being appraised as vacant land; therefore, this approach is not applicable in this valuation.*

**EXPLANATION OF DAMAGES (if any) & Discussion of the Enhancement:** No damages as the highest and best use is unchanged from that of the whole. Actually, the taking results in an enhancement to the remainder (better access). However the just compensation remains the same, the value of the part taken. Per appraisal manual:

ROW Appraisal and Review Manual (TxDOT 08/2011)  
Pages 3-9

"Current instructions from the Attorney General specify that appraised enhancements may be used to offset appraised damages to the remainder parcel, but may not be used to offset the value of the part acquired."

### COMPENSATION SUMMARY

**WHOLE PROPERTY:**

The market value of the whole property is.....\$3,158,483

**PART TO BE ACQUIRED:**

Considered as severed land, the fee simple title to the part being acquired for highway purposes (less oil, gas and sulphur and subject to existing easements, if any, which are not to be extinguished) is.....\$793,398

**REMAINING PROPERTY:**

The value of the remainder immediately before the taking is.....\$2,365,085  
Considering the uses to which the part taken is to be subjected to, the market value of the remainder immediately after the acquisition is.....\$2,534,020

**NET DAMAGES OR ENHANCEMENTS, if any..... - \$168,935**

**ACCESS:**

The lack of any access denial or the material impairment of direct access on or off the remaining property affects the market value of the remaining property in the sum of.....\$0

**TOTAL**

**COMPENSATION.....\$793,398**  
(value of part taken)

## CERTIFICATION OF VALUE

The undersigned appraiser hereby certifies, except as otherwise noted within this appraisal report, the following:

*To the best of my knowledge and belief, the statements of fact contained in this report are true and correct.*

*The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, unbiased professional analyses, opinions, and conclusions.*

*I have no present or prospective interest in the property that is the subject of this report, and no personal interest or bias with respect to the parties involved.*

*My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.*

*The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Uniform Standards of Professional Appraisal Practice (except for noted Jurisdictional Exceptions), and the laws of the State of Texas.*

*The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.*

*As of the date of this report, I have completed the requirements of the continuing education program of the Appraisal Institute.*

*I have made personal inspections of the property that is the subject of this appraisal report, and all the comparable sales used in the valuation.*

*No one other than the undersigned prepared the analyses, opinions, and conclusions concerning real estate values that are set forth in this appraisal report.*

Based upon the data and analyses contained in this report and upon my judgment and experience as an appraiser, it is my opinion that the Just Compensation due as the result of the Partial Taking of Parcel 2A located the west of I-10 with access from Talbot, Campus Park (future), and Isela Rubalcava (future) and others in El Paso, El Paso County, Texas, as of September 28, 2011 was:

**\$793,938**

## JUST COMPENSATION

Dated: November 21, 2011

  
Martha Gayle Reid, MAI

## ASSUMPTIONS AND LIMITING CONDITIONS

### **General Assumptions:**

The value estimates and conclusions developed in this appraisal report are subject to the following general assumptions. If any of the assumptions are subsequently proved to be incorrect, the appraised value of the property could change.

- *No responsibility is assumed for the legal descriptions provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.*
- *The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated in this report.*
- *Responsible ownership and competent property management are assumed.*
- *Information furnished by others is believed to be reliable, but no warranty is given for its accuracy.*
- *Any engineering studies, soil reports, environmental studies, or other such studies prepared by third parties and referenced in this report are assumed to be correct.*
- *No responsibility is assumed for the accuracy of diagrams, sketches, and/or maps included in this report. These are provided solely for the purpose of assisting the reader to visualize the property being appraised.*
- *It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures (if any) that render them more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.*
- *It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in this report.*
- *It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described, and considered in this report.*
- *It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.*
- *It is assumed that the use of the land and improvements (if any) is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.*

### ***Specific Assumptions:***

The value estimates and conclusions developed in this appraisal report are subject to the following specific assumptions. If any of the assumptions are subsequently proved to be incorrect, the appraised value of the property could change.

- *The land area of the Whole Property, the Part Taken, and the Remainder (if applicable) was provided by Landtech Consultants, Inc. I have used these areas in my analysis and assume these areas to be correct.*
- *Unless otherwise stated in the report, the existence of hazardous materials, which may or may not be present on the property, was not called to our attention and was not observed by us during our inspection. The presence of substances such as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials could affect the value of the property. I have no knowledge of the existence of such materials on or in the subject property; however, I am not qualified to detect such substances.*
- *The Americans with Disabilities Act ("ADA") became effective January 26, 1992. I have not made a specific compliance survey and analysis of the appraised property to determine whether or not it is not in conformity with the various detailed requirements of the ADA, nor am I qualified to make such a determination. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect on the value of the property. The value estimates developed in this report are predicated upon the assumption that there are no violations of the ADA that would cause a loss in value.*

### ***Limiting Conditions:***

Use of this appraisal report and the value estimates and conclusions developed herein are subject to the following limiting conditions.

- *The appraisal of any interest less than the whole fee simple estate relates only to the fractional interest defined. The value of such a fractional interest plus the value of all other fractional interests may or may not equal the value of the entire fee simple estate considered as a whole.*
- *The author of this appraisal report is not required to give further consultation, testimony, or be in attendance in court with reference to the appraised property, unless arrangements have been previously made.*
- *Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.*

- *Neither all, nor any part of the contents of this report (especially any value conclusions, the identity of the appraiser, or reference to the MAI designation) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraisers.*
- *This report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice (USPAP), except for the following JURISDICTIONAL EXCEPTIONS.*
- *EXCEPTION #1: The appraisal of the Whole Property considered all factors willing, knowledgeable buyers and sellers would consider in negotiating the purchase price of the property EXCEPT the influence of the proposed road project. This exception is permitted under the Jurisdictional Exception provision of USPAP.*
- *EXCEPTION #2: The appraisal of the Remainder considered all factors willing, knowledgeable buyers and sellers would consider in negotiating the purchase price of the property, including the use to which the part taken is to be put and the effects of the condemnation, but EXCLUDED the effects of all non-compensable elements. Such exclusion is permitted under the Jurisdictional Exception provision of USPAP.*
- *Discussions of the data, reasoning, and analyses that were used in the appraisal process to develop my opinion of value are presented on modified versions of Appraisal Forms designed by the State of Texas, specifically for use in condemnation appraising. Supplemental forms designed have also been used. Additional supporting documentation concerning the data, reasoning, and analyses are retained in my files. The depth of discussion contained in this report is specific to the client's needs and for the intended use stated in the report. I am not responsible for unauthorized use of the report.*

***ADDENDA***

***COMPARABLE SALE DATA SHEETS***

**COMPARABLE DATA SUPPLEMENT – COMP #1**

District: El Paso (24) Parcel No. 2A Highway: SS 276 County: El Paso ROW 0608-01-002  
Land Sale X Improved Sale Rental Data



**Grantor/Lessor:** Enrique Escobar

**Grantee/Lessee:** N. Heidarian

**Date:** May 2008

**Recording Information:** 20080036540

**Key Map:** NWC – CT 102.05

**Address:** Mc Arthur & small frontage on Doniphan, Canutillo, TX

**Zip Code:** 79835

**Legal Description:** Lots 1, 2, and 13, Block 4, Nu-way Addition to Canutillo and a portion of Tract 6 Robert Morgan Survey #409, El Paso County, El Paso, Texas

**Confirmed Price:** \$375,000

**Verified with:** Contract by MGR

**Terms and Conditions of Sale:** Cash to Seller

**Rental Data:** N/A

**Land Size:** 657,108 square feet

**Unit Price as Vacant:** \$0.57 per square foot

**Type Street:** Dead end of paved arterial

**Utilities:** All

**Improvement(s) Description:** Purchased for residential development.

**Improvement(s) Size:** N/A (GBA) N/A(NRA)

**Unit Price as Improved:** N/A

**Condition and Functional Design:** N/A

**Current Use:** Vacant Land.

**Highest & Best Use:** Residential

**Date of Inspection:** November 2011

**Zoning:** n/a-out of city limits **Flood Plain:** yes

**Attach Additional Information:** PID N821-000-0400-0100.

**Appraiser:** Martha Gayle Reid, MAI

**Date:** November 2011

## COMPARABLE DATA SUPPLEMENT – COMP #2

District: El Paso (24) Parcel No. 2A Highway: SS 276 County: El Paso ROW 0608-01-002  
Land Sale X Improved Sale Rental Data



Grantor/Lessor: Fenebock et al (Bernard, Glenna, Jeanette) Grantee/Lessee: Tropicana Development Inc.

Date: July 2007

Recording Information: 20070072034

Key Map: NW I-10

Address: I-10, between Aircraft & Trans Mtn, El Paso County, El Paso, Texas

Zip Code: 79932

Legal Description: A portion of Tract 3A and all of Tract 3BG, Nellie D. Mundy Survey #240, City of El Paso, El Paso County, TX

Confirmed Price: \$3,672,920

Verified with: B. Bowling, Tropicana

Terms and Conditions of Sale: Cash to Seller, Financed with City Bank

Rental Data: N/A

Land Size: 3,999,810 sf or 91.823 acres

Unit Price as Vacant: \$0.92 per square foot

Type Street: Interstate Hwy 10, paved commercial

Utilities: All

Improvement(s) Description: Purchased for proposed residential subdivisions – vacant raw land at time of sale.

Improvement(s) Size: N/A (GBA) N/A (NRA)

Unit Price as Improved: N/A

Condition and Functional Design: N/A

Current Use: School

Highest & Best Use: Residential with potential for commercial development along Interstate frontage.

Date of Inspection: December 2009 & September 2011

Zoning: C-4 & R-3

Flood Plain: Combination.

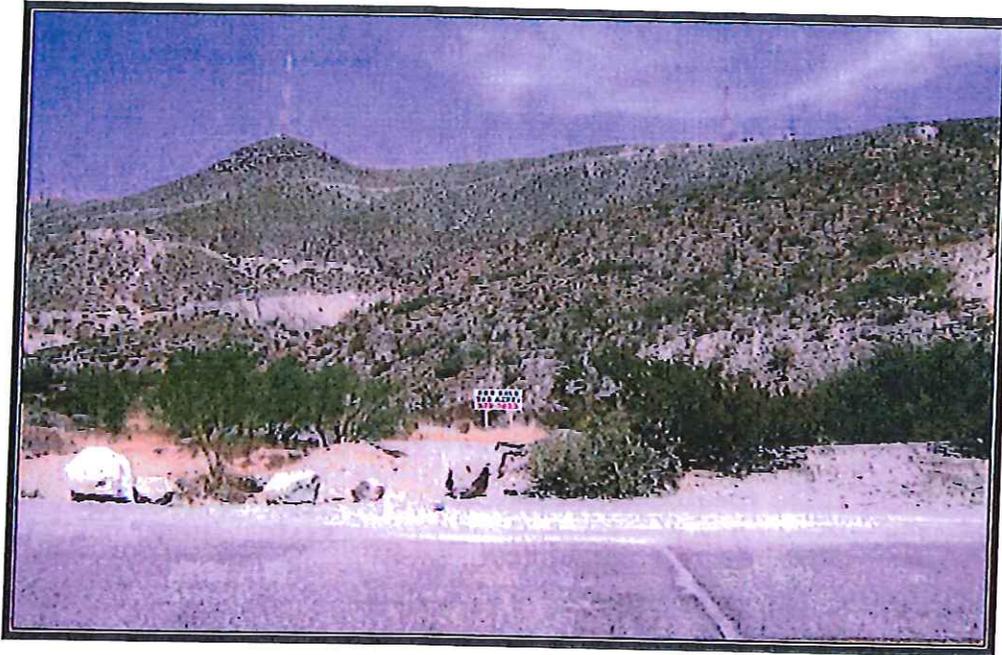
Attach Additional Information: Various, Canutillo ISD

Appraiser: Martha Gayle Reid, MAI

Date: November 2011

### COMPARABLE DATA SUPPLEMENT – COMP #3

District: El Paso (24) Parcel No. 2A Highway: SS 276 County: El Paso ROW 0608-01-002  
Land Sale X Improved Sale Rental Data



**Grantor/Lessor:** Palisades JV  
**Date:** January 2010  
**Address:** N of Crazy Cat, Rim Road, & adjacent to Arroyo St Park, El Paso, Texas  
**Legal Description:** A portion of Tr. 1 and 1A, MJ McKelligon Survey #270, abstract 2680 & a portion of George Stiles, Survey 299, Abst. 173, City of El Paso, County of El Paso, Tx.  
**Confirmed Price:** \$2,465,000  
**Terms and Conditions of Sale:** Cash  
**Rental Data:** N/A  
**Land Size:** 202 acres, approx 40% usable. View.  
**Type Street:** Asphalt Paved, connector arterial  
**Improvement(s) Description:** None  
**Improvement(s) Size:** N/A (GBA) N/A(NRA)  
**Condition and Functional Design:** N/A  
**Current Use:** vacant land  
**Date of Inspection:** September 2011  
**Attach Additional Information:** X279-999-M000-1900 & 1800  
**Appraiser:** Martha Gayle Reid, MAI

**Grantee/Lessee:** City of El Paso (PSB)  
**Recording Information:**  
**Key Map:** NW  
**Zip Code:** 79902  
**Verified with:** Buyer, PSB Jim Shelton  
**Unit Price as Vacant:** \$0.70 per square foot usable.  
**Utilities:** All  
**Unit Price as Improved:** N/A  
**Highest & Best Use:** open area, residential uses  
**Zoning:** R-1  
**Flood Plain:** Combination.  
**Date:** November 2001

***PROPERTY DESCRIPTION***



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30 degrees 47 minutes 31 seconds West, along the line common to the residue of  
 Survey Number 240 and the residue of a called 12.040 acre  
 City of El Paso tract and said RRD Properties tract, a distance of 222.88 feet to a point on the easterly  
 line of a tract of land, designated Parcel No. 3, as described in deed to the State of Texas as recorded  
 in Volume 731, Page 513, of said E.P.C.D.R. and also being the line common to the westerly line of  
 said Survey Number 240 and the easterly line of the El Camutillo Grant, Survey Number 173, from  
 which a found 1/2-inch iron rod with plastic cap "TX2027" bears South 17 degrees West. 0.9 feet;

- 4.) THENCE North 03 degrees 20 minutes 05 seconds East, along the line common to said Survey Number 240, said Survey Number 173 and said Parcel 3, a distance of 113.64 feet to a P-K nail in concrete found on the proposed westerly right-of-way line of Spur 276, at 194.90 feet left of Spur 276 Proposed Baseline Station 34+43.31;
- 5.) THENCE North 32 degrees 30 minutes 02 seconds East, along said proposed westerly right-of-way line of Spur 276, a distance of 150.01 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.21 feet left of Spur 276 Proposed Baseline Station 35+93.31;
- 6.) THENCE North 32 degrees 36 minutes 05 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, a distance of 2,070.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 195.91 feet left of Spur 276 Proposed Baseline Station 56+63.41;
- 7.) THENCE North 33 degrees 19 minutes 00 seconds East, continuing along said proposed westerly right-of-way line of Spur 276, passing at a distance of 2.97 feet a P-K Nail in rock wall found on the line common to said Survey Number 240 and said Survey Number 239 and also being the common southerly corner of said 7.086 acre City of El Paso tract and that tract of land as described in deed to Tumbleweed ROW, L.P. as recorded under Document Number 20060093256, of said O.P.R.R.P.E.C., passing at a distance of 1,551.93 feet the southwesterly corner of a called 0.916 acre tract of land as described in deed to RRD Properties, L.L.C. as recorded under Document Number 20100084693, of said O.P.R.R.P.E.C., and continuing along the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract for a total distance of 1,736.10 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 241.89 feet left of Spur 276 Proposed Baseline Station 73+29.98, from which a found 1/2-inch iron rod with cap bears North 66 degrees East, 1.2 feet;
- 8.) THENCE North 68 degrees 12 minutes 15 seconds West, continuing along the proposed westerly right-of-way line of Spur 276 and the line common to said 7.086 acre City of El Paso tract and said RRD Properties tract, a distance of 152.08 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 377.69 feet left of Spur 276 Proposed Baseline Station 72+80.04, from which a found 1/2-inch iron rod with cap bears North 14 degrees East, 1.0 feet;
- 9.) THENCE North 74 degrees 32 minutes 24 seconds West, continuing along said proposed westerly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said RRD Properties tract, at a distance of 81.96 passing the common northerly corner of said RRD Properties tract and a called 1.620 acre tract of land as described in deed to Tom Aber as recorded under Document Number 20080056314, of said O.P.R.R.P.E.C., continuing along the line of said 7.086 acre City of El Paso tract and said Tom Aber tract, for a total distance of 277.31 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for an angle point, at 621.36 feet left of Spur 276 Proposed Baseline Station 71+97.25, from which a found 1/2-inch iron rod with cap bears North 09 degrees East, 0.9 feet;

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Parcel 2A, Page 3 of 14

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16.) THENCE in a southwesterly direction, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 7.086 acre City of El Paso tract and said 5.5211 acre City of El Paso tract, a distance of 200.28 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the point of intersection with the existing southerly right-of-way line of Loop 375 (Talbot Avenue [varying width] formerly known as F.M. Road 259) as recorded in Volume 1523, Page 507, of said E.P.C.D.R., at 788.91 feet left of Spur 276 Proposed Baseline Station 71+37.66, from which a found 1/2-inch iron rod with cap bears North 04 degrees West, 2.2 feet;

- 11.) THENCE South 87 degrees 59 minutes 45 seconds East, along said existing southerly right-of-way line of said Loop 375, a distance of 483.02 feet to a point for an angle point;
- 12.) THENCE South 86 degrees 45 minutes 22 seconds East, continuing along the existing southerly right-of-way line of said Loop 375, a distance of 838.56 feet to a point for the common northerly corner of said 5.5211 acre City of EL Paso tract and a tract of land described in deed to Big Diamond, Inc. as recorded under Document Number 20100038159, of said O.P.R.R.P.E.C., for the northeast corner of the herein described parcel;
- 13.) THENCE South 03 degrees 14 minutes 38 seconds West, along the common line of said City of El Paso and Big Diamond, Inc. tracts, a distance of 50.84 feet to a 5/8-inch iron rod with plastic cap "LANDTECH", set on the proposed easterly right-of-way line of Spur 276, being on the line common to said 5.5211 acre City of EL Paso tract and a called 11.853 acre tract of land described in deed to Transmountain Center, L.L.C. and recorded under Document Number 20060102388, of said O.P.R.R.P.E.C., being on a non-tangent curve to the left, at 87.19 feet right of Spur 276 Proposed Baseline Station 79+44.33;
- 14.) THENCE southwesterly, along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said non-tangent curve to the left, having a radius of 830.04 feet, an arc length of 344.05 feet, a central angle of 23 degrees 44 minutes 57 seconds, and a chord which bears South 68 degrees 30 minutes 22 seconds West, 341.59 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the end point of said non-tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 75+81.08;
- 15.) THENCE South 56 degrees 37 minutes 54 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 148.36 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) set for the beginning of a tangent curve to the left, at 55.00 feet right of Spur 276 Proposed Baseline Station 74+32.71;
- 16.) THENCE in a southwesterly direction, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, with said tangent curve to the left, having a radius of 830.04 feet, an arc length of 337.76 feet, a central angle of 23 degrees 18 minutes 54 seconds, and a chord which bears South 44 degrees 58 minutes 27 seconds West, 335.44 feet to a TxDOT Type II monument (4-inch brass disk set in concrete) for the end point of said tangent curve, at 55.00 feet right of Spur 276 Proposed Baseline Station 70+72.26;

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85 degrees 19 minutes 00 seconds West, continuing along the proposed easterly right-of-way line of Spur 276 and the common line of said 5.5211 acre City of El Paso and said Transmountain Center tracts, a distance of 387.78 feet to a 5/8-inch iron rod with TXDOT ROW monument cap set for the common corner of said 5.5211 acre City of El Paso and said Transmountain Center tracts, being on the northerly line of a tract of land, designated Parcel 6, as described in deed to Hunt Building Corporation, recorded in Volume 2495, Page 1801, of said O.P.R.R.P.E.C., for southeast corner of the herein described parcel, at 55.00 feet right of Spur 276 Proposed Baseline Station 66+84.47;

- 18.) THENCE South 80 degrees 11 minutes 57 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 161.87 feet to a point for the northwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 19.) THENCE South 29 degrees 29 minutes 16 seconds West, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 264.31 feet to a point for the southwest corner of said Hunt Building Corporation tract and an angle point of the herein described parcel;
- 20.) THENCE North 53 degrees 05 minutes 16 seconds East, along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 295.27 feet to a point for an angle point of the herein described parcel, from which a found 5/8-inch iron rod with cap "RPLS 4178" bears South 09 degrees East, 1.3 feet;
- 21.) THENCE North 80 degrees 11 minutes 57 seconds East, continuing along the line common to said 5.5211 acre City of El Paso and said Hunt Building Corporation tracts, a distance of 0.86 feet to a 5/8-inch iron rod with plastic cap "LANDTECH" set for the common corner of said 5.5211 acre City of El Paso tract and a called 23.741 acre tract of land described in deed to Canutillo Heights Estates, L.P. as recorded under Document Number 20060008678, of said O.P.R.R.P.E.C., and being on said proposed easterly right-of-way line of Spur 276, at 55.00 feet right of Spur 276 Proposed Baseline Station 65+88.57;
- 22.) THENCE South 33 degrees 19 minutes 00 seconds West, along said proposed easterly right-of-way line of Spur 276, and the common line of said 5.5211 acre City of El Paso tract and said Canutillo Heights Estates tract, a distance of 779.59 feet to the POINT OF BEGINNING and containing 1,133,426 square feet or 26.020 acres of land.

This property description is accompanied by a parcel plat of even date.

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Note: All bearings and coordinates are referenced to the Texas State Coordinate System, Central Zone, NAD 83 (2007) as supplied by TxDOT and Jacobs Carter Burgess and are referenced to NGS stations and to their respective provided coordinates as shown, CHINO (CE0444) X=358,754.59 Y=10,717,710.57 and EL PASO (CE0732) X=353,776.33, Y=10,706,506.99. All distances and coordinates are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00023100.

I, Scott M. Fertak, a Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge and belief, this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.

Date: \_\_\_\_\_ day of October, 2011



**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**

Scott M. Fertak  
Registered Professional Land Surveyor  
No. 5257

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***QUALIFICATIONS OF THE APPRAISER***

**PROFESSIONAL QUALIFICATIONS**  
of  
**MARTHA GAYLE REID, MAI**

*Appraisal Experience and Employment*

- 06/98 to Present:** President of Gayle-Reid Appraisal Services, Inc. an independent firm offering narrative appraisal reports, feasibility studies, and consultation services. Specializing in apartments, offices, shopping centers, industrial properties, hotels, and subdivision development. Currently available for fee assignments in the El Paso and Southern New Mexico areas.
- 09/94 to 05/98:** Associated with Appraisal Associates of El Paso, an independent firm offering narrative appraisal reports and consultation services. Specializing in apartments, offices, shopping centers, industrial properties, hotels, and subdivision development.
- 05/85 to 08/94:** Associated with David Toner Associated Appraisers, Inc. as an independent fee appraiser. Specializing in commercial, industrial, apartment, and office property appraisals and consultation.

*Professional Affiliations and Memberships*

- MAI Member of Appraisal Institute:** Certificate #10,617, issued in December 1994.
- Appraisal Institute Rio Grande Chapter:** Regional Representative, 2001-2003; President, 2002; Vice President & Membership Chair, 2001; Secretary & Candidate Guidance Chair, 2000-2006; Treasurer 1999.
- CCIM Candidate & Associate Member:** Certified Commercial Investment Member.
- City of El Paso Building & Zoning Advisory Committee:** Member, 2000-2003. Appointed.
- State Certified Appraiser:** General certification in State of Texas, Certificate #TX-1320991-G.  
General certification in State of New Mexico, Certificate #000960-G.
- Licensed Real Estate Broker:** Texas Brokers License #0364986.
- State Organization of Women in Communications:** member.

*Civic Organizations*

- Court Appointed Special Advocate (CASA).**
- El Paso Rotary Club:** Board of Directors, 2002-2005.
- El Paso Chamber of Commerce.**
- Junior League of El Paso,** Sustaining Member and Senior Advisor.
- El Paso Symphony Guild,** Past Member.
- Leadership El Paso (Class XVIII).**

*General Education*

Real Estate program at University of Texas at Austin. Bachelor of Business Administration (BBA) conferred by The University of Texas at El Paso. Major field of study was marketing. Courses completed included Appraisal Techniques 1 & 2, Real Estate Fundamentals, Real Estate Marketing, Real Estate Finance, and Real Estate Investment.

### Specialized Appraisal Education

Successfully completed the following study courses & examinations relating to real estate appraising.

- "Real Estate Principles." Passed examination. June 1990.
- "Basic Valuation." Passed examination. September 1990.
- "Standard of Professional Practice, Part A & B." -- Passed course examination. February 1991.
- "Capitalization Theory & Techniques, Part A & B." -- Passed course examination. September 1991.
- "Case Studies in Real Evaluation." -- Passed course examination. March 1992.
- "Report Writing and Valuation Analysis." Passed course examination. June 1992.
- Demonstration Appraisal Report. March 1993.
- Comprehensive Examination. August 1993.

Additional Week Long Classes Sponsored by CCIM completed & exams successfully passed (2001-2004).

### Appraisal Seminars

- "Uniform Standards of Professional Appraisal Practice," February 2011, Chicago, IL.
- "Appraisal Review," January 2011, Albuquerque, NM.
- "Business Practices and Ethics," December 2009, Chicago, IL-online.
- "Appraising in 2009," October 2009, Ruidoso, NM.
- "Appraisal Tools Time-Up," October 2009, Ruidoso, NM.
- "Distressed Real Estate, Here We Go Again," June 2009, Phoenix, AZ.
- "Uniform Standards of Professional Appraisal Practice," March 2009, Chicago, IL.
- "The Constitutionality, Ethics/Economics of Gov. Bailouts," March 2009, El Paso, TX.
- "Appraising Distressed Real Estate Here We Go Again," November 2008, Online Education.
- "Attacking & Defending an Appraisal in Litigation Seminar," October 2008, El Paso, TX.
- "Cool Tools" October 2007, Albuquerque, NM.
- "Forecasting Reversions," June 2007, El Paso, TX.
- "Uniform Appraisal Standards for Federal Land Acquisitions: Practical Applications for Fee Appraisers," March 2007.
- "7 Hour 2006 National USPAP Update Course," February 2007, San Antonio, TX.
- "Liability Management for Residential Appraisers," February 2007, Albuquerque, NM.
- "Subdivision Valuation," April 2006, Albuquerque, NM.
- "What Clients Would Like Their Appraisers to Know: How to Meet Their Expectations," October 2005, Albuquerque, NM.
- "7 Hour 2005 National USPAP," April 2005, Phoenix, AZ.
- "Appraising Agricultural Land in Transition," April 2005, Ruidoso, NM.
- "Mathematically Modeling Real Estate Data," April 2004, El Paso, TX.
- "Contamination Appraising: Advanced Topics and Applications," October 2003, Ruidoso, NM.
- "Standards of Professional Appraisal Practice, Part A" March 2003, Albuquerque, NM.
- "Standards of Professional Appraisal Practice, Part B" April 2003, Albuquerque, TX.
- "Analyzing Commercial Lease Clauses," January 2003, El Paso, TX.
- "Appraising Natural Resources," June 2002, Santa Fe, NM.
- "Feasibility Analysis, Market Value & Investment Timing: Introducing the Impact of Option Value" Jan. 2002 El Paso, TX.
- "The Road Less Traveled. Special Purpose Properties," October 2001, Ruidoso, NM.
- "Standards of Professional Practice, Part C," May 2001, Dallas, TX.
- "The Appraisers Responsibilities & Liabilities," January 2001, Albuquerque, NM.
- "Plans and Specifications" January 2000, Albuquerque, NM.
- "Standards of Professional Appraisal Practice, Part B" June 1999, Albuquerque, NM.
- "Standards of Professional Appraisal Practice, Part A" April 1999, El Paso, TX.
- "Internet Search Strategies" January 1999, Albuquerque, NM.
- "Hotel/Motel Valuation" September 1998, Ruidoso, NM.
- "Appraisal Management" April 1998, Las Cruces, NM.
- "The Internet and Appraising" January 1998, Albuquerque, NM.
- "Marshall & Swift's Non-Residential Handbook Cost Estimating Workshop," April 1997, El Paso, TX.
- "Valuation of Leased Fee Interests," January 1997, Albuquerque, NM.
- "Data Confirmation and Verification Methods," October 1996, Ruidoso, NM.
- "The Appraiser as Expert Witness," April 1996, El Paso, TX.
- "Understanding Limited Appraisals," June 1996, Denver, CO.
- "Appraisal Practices for Litigation," May 1994, Houston, TX.
- "Subdivision Analysis," January 1994, El Paso, TX.
- "Rates, Ratios, Reasonableness," June 1992.
- "Appraising Troubled Properties," January 1992.
- "Accrued Depreciation," January 1991.
- "Valuation of Leasehold Interests," January 1990.
- "How to Inspect Commercial Property."
- "Affordable Housing Seminar."
- "Understanding Environmental Contamination in Real Estate."

**Texas Appraiser Licensing and Certification Board**  
P.O. Box 12188 Austin, Texas 78711-2188  
**Certified General Real Estate Appraiser**

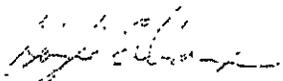
Number: TX 1320991 G

Issued: 06/15/2011

Expires: 06/30/2013

Appraiser: MARTHA GAYLE REID

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

  
Douglas E. Oldmixon  
Commissioner