

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 8, 2006
Public Hearing: August 29, 2006

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12 , El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) to C-2/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Zaragoza Road, North of Sun Fire Blvd. Applicant: E P Summit. ZON06-00068 (District 6)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Denial Recommendation
City Plan Commission (CPC) –Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 46, SUN RIDGE SUBDIVISION UNIT 12 , EL PASO, EL PASO COUNTY, TEXAS, FROM A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12, El Paso, El Paso County, Texas, be changed from A-O/sc (Apartment/Office/special contract) to C-2/sc (Commercial/special contract), and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

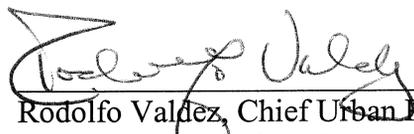
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

Being a portion of Lot 2, Block 46,
Sun Ridge Subdivision Unit 12,
City of El Paso, El Paso County, Texas

July 05, 2002

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being a portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod for corner on the common boundary line of Lot 1 and Lot 2, Block 46, said iron rod lying on the northerly right-of-way line of Sun Country Drive (64' R.O.W.); **THENCE**, leaving said common boundary line and along the northerly right-of-way line of Sun Country Drive, South $42^{\circ} 31' 00''$ West, a distance of 382.12 feet to a set iron rod for corner and the **POINT OF BEGINNING** of the herein described parcel;

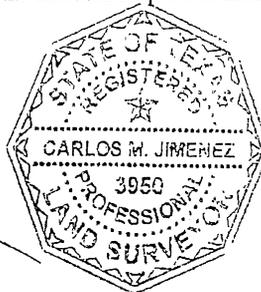
THENCE, continuing along said northerly right-of-way line, South $42^{\circ} 31' 00''$ West, a distance of 90.05 feet to a found iron rod for corner;

THENCE, leaving said right-of-way line, North $89^{\circ} 58' 15''$ West, a distance of 8.14 feet to a found iron rod for corner;

THENCE, North $47^{\circ} 29' 00''$ West, a distance of 450.00 feet to a found iron rod for corner;

THENCE, North $42^{\circ} 31' 00''$ East, a distance of 95.55 feet to a set iron rod for corner;

THENCE, South $47^{\circ} 29' 00''$ East, a distance of 456.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 43,554.45 square feet or 1.00 Acres of land more or less.




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

CAD CONSULTING COMPANY.
1840 Lee Trevino Suite #106
El Paso, Texas 79936
(915) 633-6422
222002A.WPD



CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: July 28, 2006
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Melissa Granado, Planner
SUBJECT: **ZON06-00068**

The City Plan Commission (CPC), on July 20, 2006, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from A-O/sc (Apartment/Office/special contract) to C-2/sc (Commercial/special contract), contrary to Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no opposition to this request.

Attachment: Staff Report, Location Map, Aerial Map, Site Plan, Correction Letter, Special Contract

STAFF REPORT

Rezoning Case: ZON06-00068

Property Owner(s): R.C. Baeza and Associates, Inc.

Applicant(s): E P Summit

Representative(s): ETZOLD & CO, LLC

Legal Description: A portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12

Location: East of Zaragosa Road and North of Sun Fire Boulevard

Representative District: # 6

Area: 0.999 acres

Present Zoning: A-O/sc (Apartment/Office/special contract)

Present Use: Vacant

Proposed Zoning: C-2/sc (Commercial/special contract)

Proposed Use: Retail Chain Store

Recognized Neighborhood Associations Contacted: East Side Civic Association

Surrounding Land Uses:

North -	C-2/sc (Commercial/special contract) / Vacant
South -	C-1/sc (Commercial/special contract) / Vacant
East -	R-3A (Residential) / Single-family Residential, Sal Berroteran Park
West-	A-O/sc/sp (Apartment/Office/special contract/special permit) / Single-family Residential

Year 2025 Designation: **Parks and Open Space** (East Planning Area)

**CITY PLAN COMMISSION HEARING, AUGUST 3, 2006,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00068

GENERAL INFORMATION:

The applicant is requesting a rezoning from A-O/sc (Apartment/Office/special contract) to C-2/sc (Commercial/special contract) in order to permit a retail chain store. The property is 0.999 acres in size and is currently vacant. The proposed site plan shows a 9,029 sq. ft. new retail building to be located on the site. Access is proposed via Zaragoza Road and Sun Country Drive; 36 parking spaces are provided. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has not received any calls or letters in support or opposition to this application.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for rezoning from A-O/sc (Apartment/Office/special contract) to C-2/sc (Commercial/special contract) and **APPROVAL** for rezoning from A-O/sc (Apartment/Office/special contract) to C-1/sc (Commercial/special contract).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.”

The Year 2025 Projected General Land Use Map for the **East** Planning Area designates this property for Parks and Open Space land uses.

C-1 (Commercial) zoning permits retail and **is compatible** with adjacent development.

The Commission must determine the following:

1. Will C-2 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will a retail chain store be compatible with adjacent land uses?
3. What is the relation of the proposed rezoning to the City’s Comprehensive Plan?
4. What effects will the rezoning have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?

Information To The Applicant:

Development Services Department - Building Permits and Inspections Division Comments:

Zoning Review: Retail establishment permitted on proposed C-2 (Commercial) district. Meets minimum set back and parking requirements.

Landscape Review: Landscape required for this project. No calculations submitted for review.

Development Services Department - Planning Division Comments:

Current Planning: Planning Division recommends denial of the rezoning request for C-2/sc. Planning Division recommends approval of a rezoning to C-1/sc.

Subdivision Review:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required. *
2. Grading plan and permit shall/may be required. *
3. Storm Water Pollution Prevention plan and/or permit shall/may be required. *
4. Drainage plans must be approved by the City Engineer. *
5. Coordination with TXDOT. *
6. Additional Comments: Site location is located within a Special Flood Hazard Area, Flood Zone(s) **X**, Panel(s) **480212 0175 B**.

* This requirement will be applied at the time of development.

Engineering Department - Traffic Division Comments:

No traffic concerns with the proposed rezoning from A-O/sc to C-2/sc.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

Water:

There is an existing 16-inch diameter water main within a 21-foot El Paso Water Utilities – Public Service Board (EPWU-PSB) easement located east of and parallel to Zaragosa Road. No direct service connections are allowed from this main as per the EPWU-PSB Rules and Regulations.

Also, there is an existing 8-inch diameter water main along Sun Country Drive fronting the subject property.

Sanitary sewer:

There are no sanitary sewer mains fronting the subject property. There is an existing 8-inch sanitary sewer main along Sun Country Drive that dead-ends approximately 160-feet north of the subject property. A sanitary sewer main extension is required to serve the property.

General:

The owner shall minimize any grading above or near the existing 16-inch water main within the easement.

No building, reservoir, structure or other improvement, other than asphalt paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB.

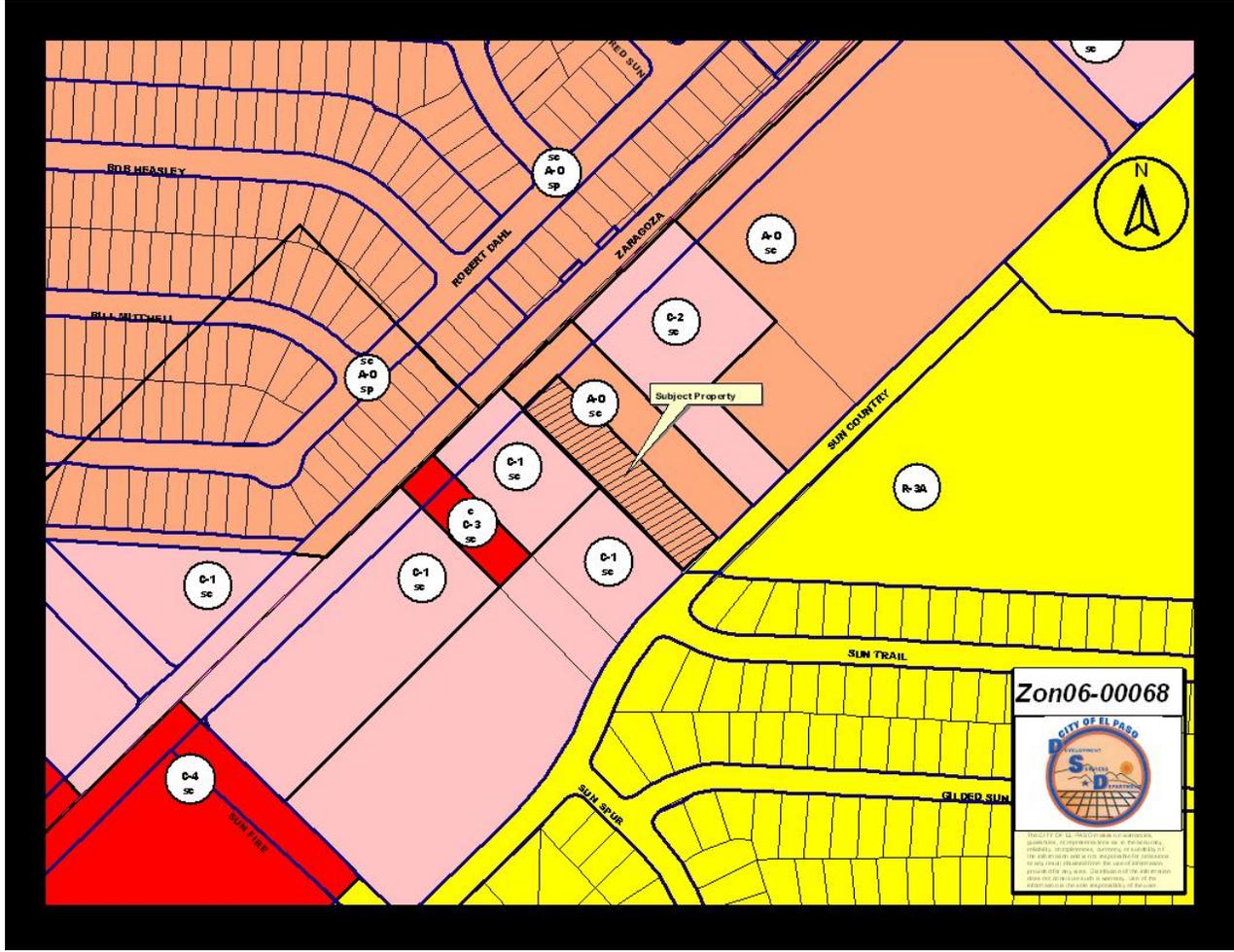
Application for water and sanitary sewer services should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, a utility plan, grading and drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

EPWU does not object to this request.

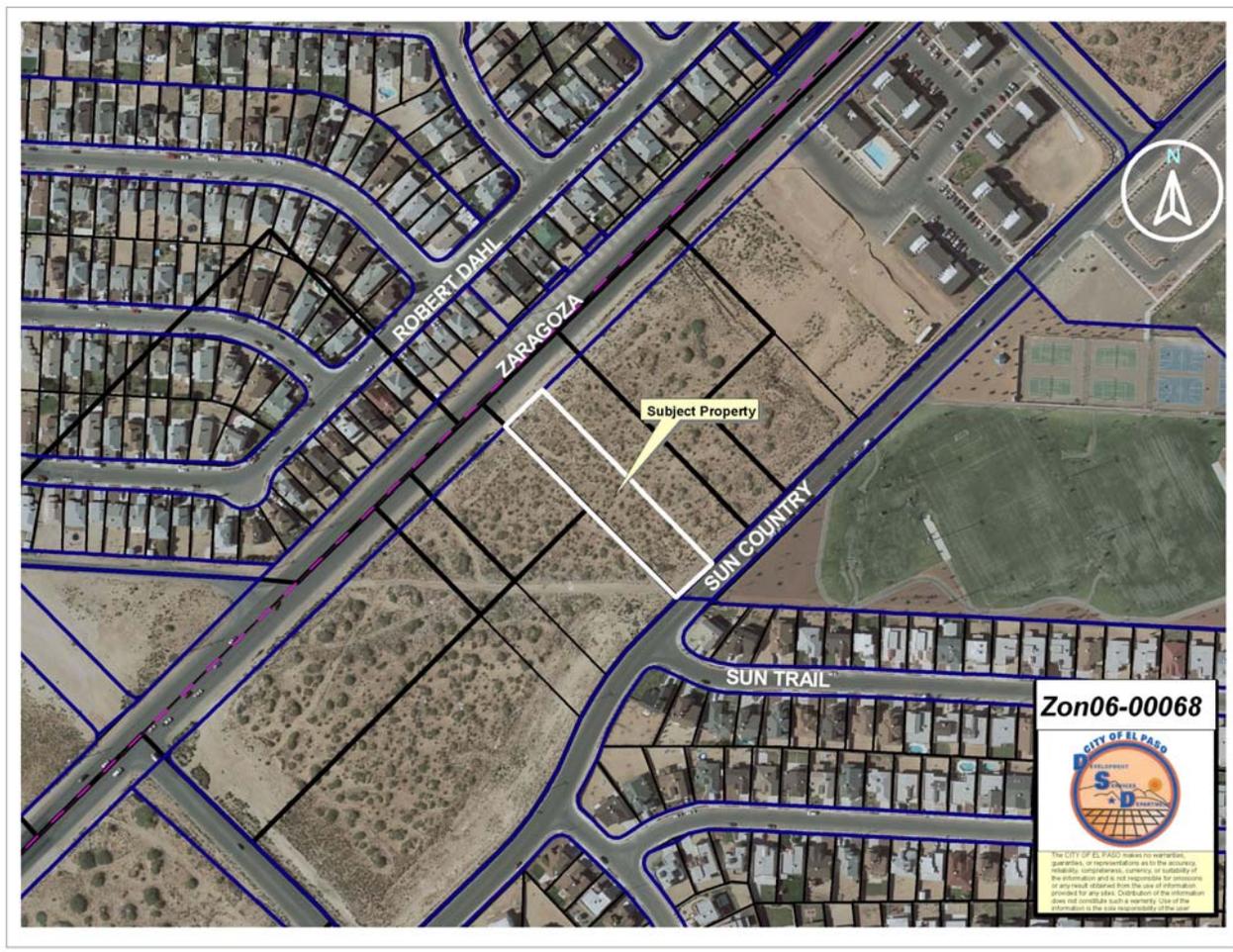
ATTACHMENT: Location Map, Aerial Map, Site Plan, Correction Letter, Special Contract

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION AT (915) 541-4056.

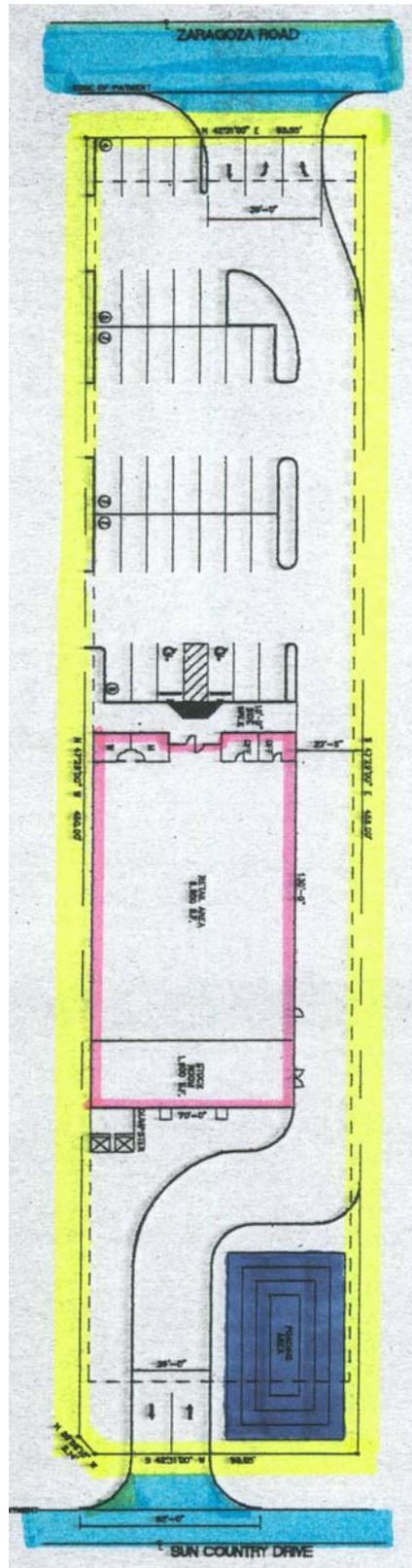
LOCATION MAP



AERIAL MAP



SITE PLAN



CORRECTION LETTER

ETZOLD CO.

C O M M E R C I A L R E A L E S T A T E / C O N S U L T A N T S

July 21, 2006

Mr. Rudy Valdez
Chief Urban Planner
Planning Division
Development Services Department, City of El Paso
#2 Civic Center Plaza
El Paso, TX 79901

Re: Zoning Case #06-0068
R.C. Baeza Site on Zaragoza

Dear Rudy,

In connection with the above referenced zoning case, heard by the City Plan Commission yesterday (July 20, 2006), please accept my apologies for confusion that surfaced in our discussion on the location maps used in the Department's presentation. Let me correct, for the record, the statements that I made on that subject now that you and I have reviewed the maps and legal descriptions related to the site:

1. The Baeza site (the Subject Property) was shown in its correct location.
2. The adjoining 1-acre site to the northeast (that has a similar configuration to the Subject) is owned by an entity (Summit) that is controlled by the Gilbert Malooly family, and was recently re-acquired by them. This is the parcel that caused some confusion in my presentation.
3. Next to the 1-acre "Summit" site is a larger "L-shaped" C-2 zoned parcel, which is also controlled by the Gilbert Malooly family.
4. The Subject Property, now owned by Baeza, will be re-acquired by the Malooly family, as well, just as soon as the rezoning process is completed.
5. We agree that our mistake caused the deferral of this case to the next CPC meeting, and would request you place the item on that agenda for public hearing.
6. No additional or corrective notifications need be sent to property owners within the notification area surrounding the Subject.

Thank you for your personal interest and contact on this matter.

Sincerely,



David F. Etzold
Representative

SPECIAL CONTRACT

008848

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 4, BLOCK 79, TSP 3, AND A PORTION OF SECTION 45, BLOCK 79, TSP 2, T&PRR CO. SURVEYS, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibits "A" through "K," be changed from R-3 (Residential) to the following:

- C-3 (Commercial) - Parcel 1 (48.832 acres)
- A-0 (Apartment/Office) - Parcel 2 (45.405 acres)
- C-1 (Commercial) - Parcel 3 (8.781 acres)
- C-1 - Parcel 4 (9.167 acres)
- C-3 - Parcel 5 (37.130 acres)
- C-4 - Parcel 6 (14.733 acres)
- A-0 - Parcel 7 (25.815 acres)
- C-1 - Parcel 8 (8.781 acres)
- C-1 - Parcel 9 (5.316 acres)
- C-1 - Parcel 10 (12.801 acres)
- C-4 - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 11th day of NOVEMBER, 1986.

Jonathan W. Rogers
Mayor

ATTEST:
Carole Hunter
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: *L.D.*
6-5-87 COUNTER
6-5-87 ORIGINAL
6-8-87 *copy of inspection*
6-5-87 CONTROL *Sproule*

APPROVED AS TO FORM:
John R. Bal
Assistant City Attorney

APPROVED AS TO CONTENT:
Ray S. Lillard
Planning Department

Contract (11/1/86)

008848

I certify that the zoning map has been revised to reflect the amendment of ordinance # 8848



RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with PEBBLE HILLS PARTNERSHIP, TIERRA DE MI PADRE PARTNERSHIP, MAURICE A. WILSON, ET AL, placing certain restrictions, conditions, and covenants on the property being rezoned by Ordinance No. 008848, more particularly described as a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys (northeast intersection of Loop 375 and Zaragosa Road).

ADOPTED this 11th day of NOVEMBER, 1986.

Jonathan W. Pizano
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

John Bal
Assistant City Attorney

86-5213

RECEIVED

JUN 3 - 1987

PLANNING DEPARTMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 17th day of November, 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE WALLS, General Agent for T. & P. Land Trust, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL, and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "A" through "K", which are made a part hereof by reference.

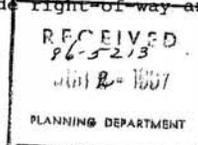
To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-3 (Residential) to the following:

- C-3 (Commercial) - Parcel 1 (48.832 acres)
- A-0 (Apartment/Office) - Parcel 2 (45.405 acres)
- C-1 (Commercial) - Parcel 3 (8.781 acres)
- C-1 (Commercial) - Parcel 4 (9.167 acres)
- C-3 (Commercial) - Parcel 5 (37.130 acres)
- C-4 (Commercial) - Parcel 6 (14.733 acres)
- A-0 (Apartment/Office) - Parcel 7 (25.815 acres)
- C-1 (Commercial) - Parcel 8 (8.781 acres)
- C-1 (Commercial) - Parcel 9 (5.316 acres)
- C-1 (Commercial) - Parcel 10 (12.801 acres)
- C-4 (Commercial) - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Pebble Hills or its successors in interest, shall dedicate the required right-of-way and shall improve the entire 120-foot width of Montwood extension from its property line east of Loop 375 to the western boundary of El Paso Electric Company right-of-way and shall pay the cost of construction of the installation of public utilities within the Montwood Drive right-of-way whenever development of Pebble Hills' property, where it abuts Montwood or its proposed extension, takes place. Pebble Hills or its successors in interest shall dedicate and build the entire width of Montwood where it abuts its property, as required by the subdivision ordinance unless the property described as Tract 3, Section 4, Block 79, T&PRR Co. Survey, El Paso County, to the south of the proposed Montwood extension be annexed or platted prior to platting of its property by Pebble Hills. In such event, both Parties shall be required to provide right-of-way and improvements as required by ordinance.

*Ord. 8848
(11-11-86)*



2. City agrees that it shall enforce existing ordinances regarding denial of access to owners of property abutting Montwood Extension in Tract 3, Section 7, Block 79, Tsp. 3, T&PRR Co. Surveys, El Paso County, unless and until Pebble Hills and the City consent to the release of such access restriction, based on those property owners providing their proportionate share, based on frontage to Montwood extension, of the right-of-way and the cost of construction and improvements as required by ordinance.

3. Pebble Hills agrees to donate to the City a ten-acre parcel of land within the land to be annexed for park usage purposes. The exact location of the parcel shall be determined at the subdivision platting stage of development.

4. Pebble Hills also agrees to donate to the City a 150' x 150' parcel of property within the land to be annexed for a future fire station site. The exact location of the parcel shall be determined at the subdivision platting stage of development.

5. Pebble Hills agrees to provide twenty (20) feet of landscaping along the entire length of the easterly property line of Parcel 11, between Parcel 8 and Parcel 10 of the subject property.

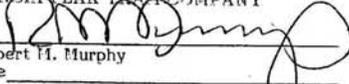
This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

PEBBLE HILLS PARTNERSHIP
FIRST PARTY
By SANDIA PEAK TRAM COMPANY

By 
Robert H. Murphy

Title
President & Chairman, Sandia Peak
Tram Company

ATTEST:

Secretary

86-5213

TIERRA DE MI PADRE PARTNERSHIP
FIRST PARTY

By [Signature]
Title [Signature]

ATTEST:

Secretary _____

SECOND PARTIES

~~MAURICE A. WILSON~~

~~GEORGE C. FRASER, III~~

~~GEORGE A. WILSON~~

[Signature]
MERTON D. GOLDMAN, TRUSTEE

[Signature]
DONALD A. MALOOLY, ET AL

[Signature]
GILBERT MALOOLY
[Signature]

THE CITY OF EL PASO
THIRD PARTY

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO CONTENT:

[Signature]
Planning Department

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

NEW MEXICO^{llc}
THE STATE OF TEXAS)
BERNALILLO^{llc}
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of November, 1986, by Robert M. Murphy, on behalf of PEBBLE HILLS PARTNERSHIP.

My Commission Expires:

10-1-88

Lisa K. Cornwell
Notary Public, State of Texas
OFFICIAL SEAL
LISA K. CORNWELL
NOTARY PUBLIC STATE OF NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 10-1-88



THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of November, 1986, by Gilbert Moseley Sr., on behalf of TIERRA DE MI PADRE PARTNERSHIP.

NATALIE GOMEZ, Notary Public
In and for the State of Texas
My Commission Expires July 31, 1989

Natalie Gomez
Notary Public, State of Texas

My Commission Expires:

7/31/89

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 1986, by MAURICE A. WILSON.

Notary Public, State of Texas

My Commission Expires:

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 1986, by GEORGE C. FRASER, III.

Notary Public, State of Texas

My Commission Expires:

~~THE STATE OF TEXAS)
)
COUNTY OF EL PASO)~~

~~This instrument was acknowledged before me on this _____ day of _____, 1986, by GEORGE A. WILSON.~~

~~My Commission Expires:~~

~~Notary Public, State of Texas~~

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 20th day of March, 1986, by MERTON D. GOLDMAN, TRUSTEE.

My Commission Expires:

10-17-90

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of January, 1986, by DONALD A. MALOOLY.

My Commission Expires:

7/31/89

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of November, 1986, BY GILBERT MALOOLY.

My Commission Expires:

7/31/89

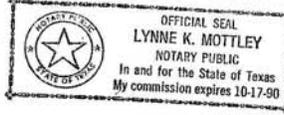
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23rd day of December, 1986, BY JONATHAN W. ROGERS, as Mayor of the City of El Paso.

My Commission Expires

ZNG3:025

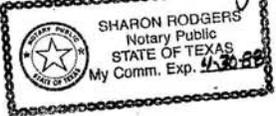
Lynne K. Mottley
Notary Public, State of Texas



Natalie Gomez
Notary Public, State of Texas
My Commission Expires July 31, 1989

Natalie Gomez
Notary Public, State of Texas
My Commission Expires July 31, 1989

Sharon Rodgers
Notary Public, State of Texas



SECOND PARTY

Maurice Walls
MAURICE WALLS

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 26th day of May, 1987, by MAURICE WALLS, General Agent for T. & P. Land Trust.

Sandra Branum
Notary Public, State of Texas

My Commission Expires:

3/29/89

ZNG3:025



SANDRA BRANUM
Notary Public, State of Texas
My Commission expires March 29, 1989

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to Contract between JAM LAND, L.P. and THE CITY OF EL PASO, amending the Contract imposed by Ordinance No. 8848 dated 11 November 1986, and first amended on 26 March 1996, to release all conditions on a portion of Tract 1, Section 4, Block 79, Township 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas, as further described in Exhibit "A" to said Amendment.

ADOPTED, this 30th day of May, 2000.

THE CITY OF EL PASO



Carlos M. Ramirez, P.E.
Mayor

ATTEST:

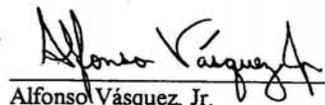


City Clerk

APPROVED AS TO FORM:


Guadalupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:


Alfonso Vásquez, Jr.
Dept. of Planning, Research & Development

ACKNOWLEDGMENT

THE STATE OF TEXAS }
COUNTY OF EL PASO }



This instrument is acknowledged before me on this 15th day of April, 1996,
by LARRY FRANCIS, as Mayor of the City of El Paso, as a municipal corporation.

Notary Public, State of Texas

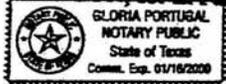
My Commission Expires:
May 13, 1999

Notary's Printed or Typed Name:
Gloria T. Alvarado

ACKNOWLEDGMENT

THE STATE OF TEXAS }
COUNTY OF EL PASO }

This instrument is acknowledged before me on this 11th day of April, 1996,
by RUSSELL HANSON, for El Paso/Sunridge Limited Partnership.



Gloria Portugal
Notary Public, State of Texas

My Commission Expires:

Notary's Printed or Typed Name:

ACKNOWLEDGMENT

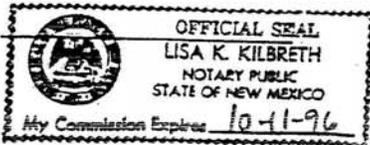
THE STATE OF NEW MEXICO }
COUNTY OF BERNALILLO }

This instrument is acknowledged before me on this 9th day of April, 1996,
by Robert M. Murphy, for Sandia Properties Ltd., Co.

Lise K. Kilbreth
Notary Public, State of New Mexico

My Commission Expires:

Notary's Printed or Typed Name:
Lise K. Kilbreth



SC0006

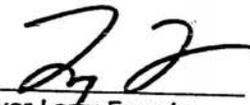
Condition 5 to be amended as follows: "Property owners will provide a 20'-wide landscaped strip along the eastern boundary of the C-4 portion of Parcel 11 to form a buffer between the C-4 and R-3A portions of Parcel 11 prior to the issuance of any Certificates of Occupancy".

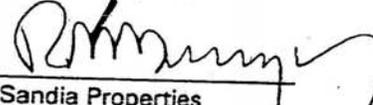
Condition 6 to be added as follows: "Property owners will provide a 15'-wide landscaped strip along the eastern boundary of the C-3 portion of Parcel 1 to form a buffer between the C-3 and R-3A portion of Parcel 1 prior to the issuance of any Certificates of Occupancy".

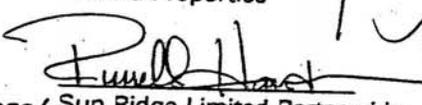
Reference is hereby made to the Contract, attached as Exhibit 'B' and incorporated herein, for all purposes, for the provisions thereof.

Except as herein provided, all terms and conditions remain in effect as to any other property included in the terms of the Contract. This instrument shall not release the restrictions, conditions and covenants contained in any zoning contract other than specifically, listed above.

PASSED AND APPROVED THIS 26th DAY OF March 1996.


Mayor Larry Francis


Sandia Properties

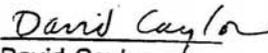

Sun Ridge Limited Partnership

ATTEST:

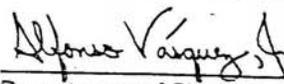
El Paso/ Sun Ridge Limited Partnership


City Clerk

APPROVED AS TO FORM:


David Caylor
City Attorney

APPROVED AS TO CONTENT:


Department of Planning,
Research & Development

SC0006

EXHIBIT "C"

THE STATE OF TEXAS)
)
 COUNTY OF EL PASO) **AMENDMENT OF CONTRACT**

WHEREAS, a contract was entered into by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL., and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on 11 November, 1986, on certain property in El Paso, Texas, more fully described in Exhibit 'A'; and

WHEREAS, application for amendment of the conditions placed on the property described herein, has been made by Sandia Properties and ^{El Paso/} Sun Ridge Limited Partnership, the successors in title and interest to the property; and

WHEREAS, The City Council of the City of El Paso has determined that the restrictions, conditions and covenants contained in said contract should be amended to adequately protect the public health, safety and welfare; and

NOW, THEREFORE, BE IT KNOWN TO ALL MEN BY THESE PRESENTS:

That the City of El Paso has amended and by these presents does hereby, amend the restrictions, conditions and covenants imposed by that Contract dated 11 November 1986 by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A. WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET. AL. and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, on the property described as a portion of Section 4, Block 79, TSP 3 and a portion of Section 45, Block 79, TSP 2, T&P RR Survey, in the City of El Paso, County of El Paso, Texas, as follows:

- Conditions 1 and 4 are deleted in their entirety.
- Conditions 2 and 3 remain unchanged.

500006

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) **SECOND AMENDMENT TO CONTRACT**

WHEREAS, a contract was entered into on 11 November 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL. and GILBERT MALOOLY, Second Parties, and THE CITY OF EL PASO, a home-rule municipal corporation, on certain property in El Paso County, Texas, as more fully described below; and

WHEREAS, said Contract was first amended on 26 March 1996, to release certain parcels from the conditions of the Contract; and

WHEREAS, application for release of all contract conditions on the property described herein has been made by JAM LAND, L.P., the successor in title and interest to the property; and

WHEREAS, a public hearing regarding such release of all contract conditions was held before the City Plan Commission, which has recommended approving the release of all contract conditions, which have been satisfied or are no longer necessary; and

WHEREAS, the City Council of the City of El Paso has determined that all conditions contained in said Contract should be released because the provisions thereof are no longer necessary, or the conditions thereof have been fulfilled;

NOW, THEREFORE, BE IT KNOWN ALL MEN BY THESE PRESENTS:

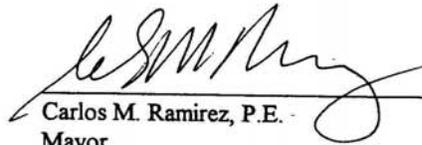
THAT the City of El Paso has released, and by these presents does hereby release, all conditions in their entirety, imposed by that **Ordinance No. 8848** dated 11 November 1986, as amended on 26 March 1996, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE A. WILSON, GEORGE C. FRASER, III, GEORGE A WILSON, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL. and GILBERT MALOOLY, Second Parties, and THE CITY OF EL PASO, only on the property described as *a portion of Tract 1, Section 4, Block 79, Township 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas*, as further described in Exhibit "A".

Reference is hereby made to the Contract imposed by Ordinance No. 8848, attached as Exhibit "B", and the Contract Amendment dated 26 March 1996, attached as Exhibit "C", and incorporated herein for all purposes for the provisions thereof.

Except as herein provided, all terms and conditions remain in effect as to any other property included in the terms of the Contract and the Contract Amendment. This instrument shall not release the restrictions, conditions and covenants contained in any zoning contract other than specifically listed above.

EXECUTED this 30th day of May, 2000.

THE CITY OF EL PASO



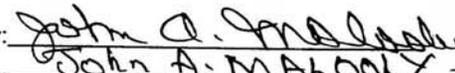
Carlos M. Ramirez, P.E.
Mayor

ATTEST:



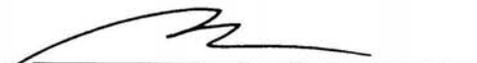
Carole Hunter
City Clerk

APPLICANT: JAM LAND, L. P.

By: 

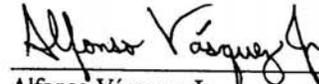
John A. MAHOOLY
(printed name/title) MANAGER

APPROVED AS TO FORM:



Guadalupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Alfonso Vasquez, Jr.
Dept. of Planning, Research & Development

(Acknowledgment on following page)

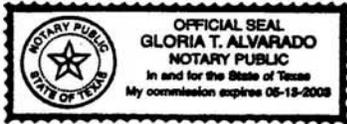
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 31st day of May, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of THE CITY OF EL PASO, a home-rule corporation.

My Commission Expires: May 13, 2003

Gloria T. Alvarado
Notary Public, State of Texas
Notary's Printed or Typed Name: _____



ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 2nd day of May, 2000, by John A. Melody as Manager of JAM LAND, L.P., as Applicant.

My Commission Expires: May 13, 2003

Gloria T. Alvarado
Notary Public, State of Texas
Notary's Printed or Typed Name: Gloria T. Alvarado

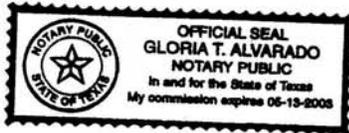


EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
FEBRUARY 18, 2000

LEGAL DESCRIPTION OF A PORTION OUT OF TRACT 1, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CONTAINING 254,941 SQUARE FEET OR 5.8526 ACRES OF LAND, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A T.H.D. MONUMENT LOCATED AT THE EASTERN RIGHT-OF-WAY LINE OF JOE BATTLE BLVD., SAID MONUMENT LIES SOUTH 89 DEGREES 58 MINUTES 15 SECONDS EAST, A DISTANCE OF 5162.66 FEET FROM A FOUND 2-INCH PIPE IN CONCRETE PAD MARKED 45,46,4 AND 3 (THE BASIS OF BEARING); THENCE ALONG THE SECTION LINE, SOUTH 89 DEGREES 58 MINUTES 15 SECONDS EAST, A DISTANCE OF 1314.38 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE, CONTINUING ALONG THE SECTION LINE, SOUTH 89 DEGREES 58 MINUTES 15 SECONDS EAST, A DISTANCE OF 47.77 FEET TO A POINT FOR CORNER;

THENCE, LEAVING SAID SECTION LINE, SOUTH 47 DEGREES 23 MINUTES 49 SECONDS EAST, A DISTANCE OF 666.60 FEET TO A POINT FOR CORNER;

THENCE, ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF ZARAGOZA ROAD, SOUTH 42 DEGREES 31 MINUTES 00 SECONDS WEST, A DISTANCE OF 518.37 FEET TO A POINT FOR CORNER;

THENCE, LEAVING SAID LINE, NORTH 47 DEGREES 29 MINUTES 00 SECONDS WEST, A DISTANCE OF 255.66 FEET TO A POINT FOR CORNER;

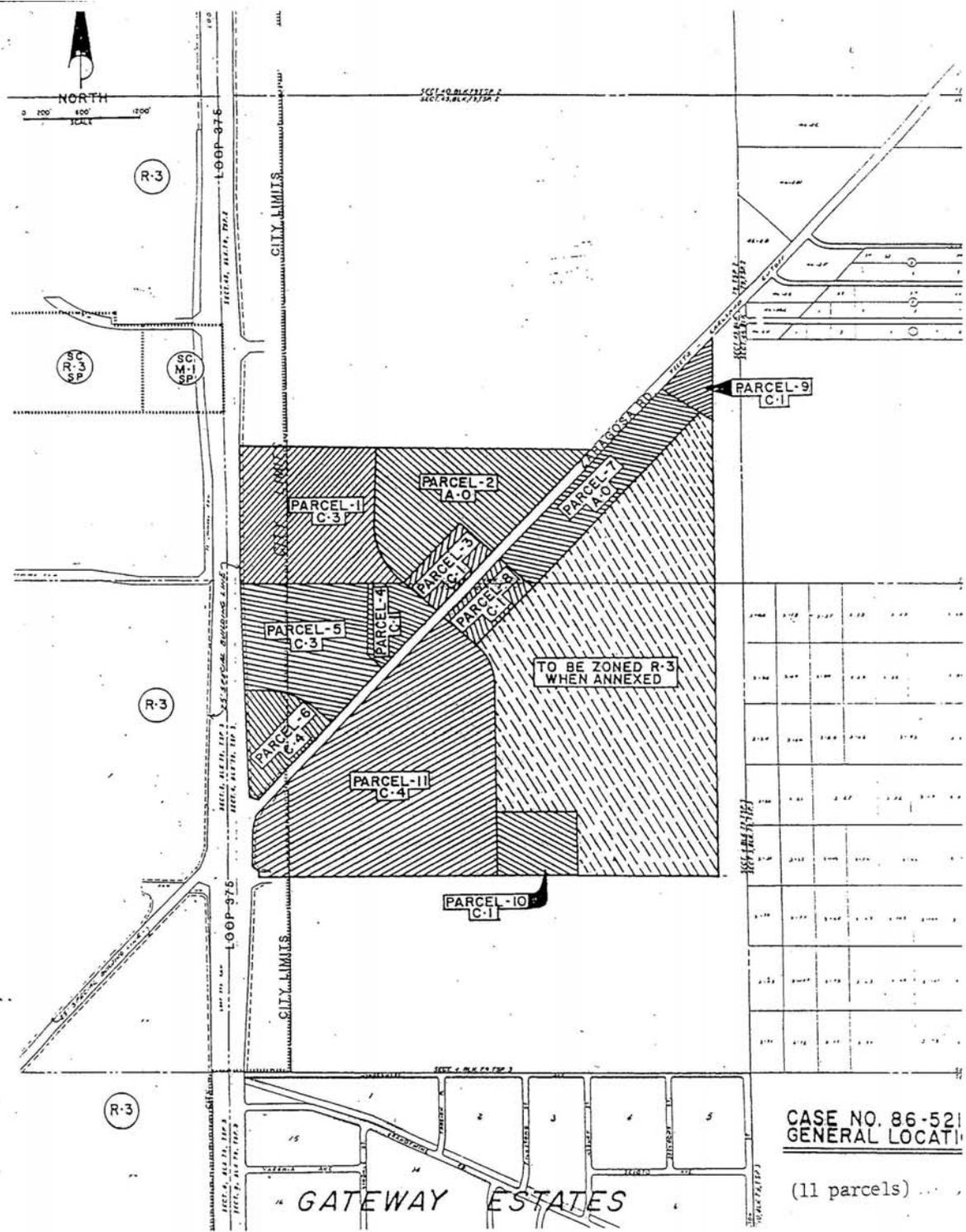
THENCE, NORTH 00 DEGREES 01 MINUTES 45 SECONDS EAST, A DISTANCE OF 750.51 FEET TO THE **TRUE POINT OF BEGINNING** CONTAINING 254,941 SQUARE FEET OR 5.8526 ACRES OF LAND, MORE OR LESS.

PREPARED BY:
FAUGHT & ASSOCIATES INC.
433 Executive Center Blvd.
El Paso, Texas 79902
(915)542-4900
Job No. E6332-01 ZONE C-3
February 18, 2000

Jessie Stearns Jr.
3-10-00

Not a Certified Survey
\\FAUGHT\WP\project\desc\E6332-01 ZONE C-3\ZARAGOZA LOOP 3756.132-01 ZONE C-3.dwg

2000016 | 500006



CASE NO. 86-521
 GENERAL LOCATI

(11 parcels)