

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

DEPARTMENT: City Development Department

AGENDA DATE: Regular Agenda – August 14, 2012

CONTACT PERSON/PHONE NUMBER: Mathew McElroy, Director, City Development Department, 541-4193

DISTRICT(S) AFFECTED: All Districts

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.

Discussion and action on a resolution appointing the initial Board of Directors for the Monticello Municipal Management District No. 1 and setting the term for each board appointment. This resolution does not constitute the city's consent to the creation of the District. (All Districts) [City Development Department – Mathew McElroy, Director 915-541-4193]

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?

On February 22, 2011, City Council approved a resolution supporting legislation to create Montecillo Municipal Management District No. 1; subsequently The Texas Legislature approved House Bill 3831. As part of the approval of House Bill 3831, a Board of Directors must be appointed no later than September 1, 2012. Please note that the attached resolution does not constitute the City's consent to the creation of the District. Once a Board of Directors is appointed staff will begin working with the developer and the Board of Directors on a consent resolution and a development agreement for the property.

Please note that two alternate Board nominees have been provided in the event that City Council chooses to appoint a Board of Directors that does not include owners of the subject property.

PRIOR COUNCIL ACTION:

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

Yes. City Council approved a resolution supporting legislation to create Montecillo Municipal Management District No.1.

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

N/A

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

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, the 82nd Session of the Texas Legislature passed H.B. 3831, attached hereto and incorporated herein as Exhibit A (the “Act”), creating the Montecillo Municipal Management District No. 1 (the “District”); and,

WHEREAS, EPT Land Communities, L.P. (“the Developer”) intends to develop the land within the District as a master planned mixed-use community known as “Montecillo” (“the Development”); and,

WHEREAS, the City, as a general policy, desires to support Smart Growth development and redevelopment activities within the infill areas of the City and specifically, large-scale redevelopment projects which create complete neighborhoods containing multi-family and single-family detaching housing, active senior living, mixed use commercial, parks, open space, and components of a mass transit system; and,

WHEREAS, the City Council of the City of El Paso (“City Council”) finds that, if developed in accordance with plans presented to the City, the construction of the Development will significantly enhance the quality of life within the City, increase the City’s ad valorem and sales tax base, and be of general benefit to the City; and,

WHEREAS, the City and the Developer have yet to complete negotiations of a variety of issues regarding the Development and the District, which include without limitation, issues related to the public improvements to be constructed, the method of financing of those improvements, and other issues; and,

WHEREAS, the provisions of the Act require the governing body of the City of El Paso to appoint the District’s initial board no later than September 1, 2012; and,

WHEREAS, the City of El Paso has not yet consented to creation of the District, but in order to comply with provisions in the Act concerning appointment of the board, the City Council desires to appoint the District Board of Directors so that if consent is given, the Board may begin to function,

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

Section 1. That this Resolution appointing a Board of Directors for the District does not constitute consent to the creation of this conservation and reclamation district as required by Article XVI, Section 59 of the Texas Constitution, and the City specifically reserves the right to consent to the District and to impose consent conditions on such District.

Section 2. That the City Council hereby appoints the following individuals to the initial Board of Directors for the Monticello Municipal Management District No. 1 for the terms specified. Appointment of the District board does not authorize the District to take any action authorized by the Act or by Local Government Code Chapter 375. Neither the District nor the Board may take any action to exercise the authority granted under the Act or Chapter 375 until consent to the creation of the District is officially given by the City of El Paso.

<u>Name</u>	<u>Qualification</u>	<u>Term</u>
Loretta Akers	Agent	May 31, 2013
KC Griffen	Agent	May 31, 2013
David Bogas	Agent	May 31, 2015
Tony Conde	Owner	May 31, 2015
Melanie Bailey	Agent	May 31, 2015

PASSED AND APPROVED this _____ day of August, 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

1 AN ACT

2 relating to the creation of the Montecillo Municipal Management
3 District No. 1; providing authority to levy an assessment, impose a
4 tax, and issue bonds.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws
7 Code, is amended by adding Chapter 3900 to read as follows:

8 CHAPTER 3900. MONTECILLO MUNICIPAL MANAGEMENT DISTRICT NO. 1

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3900.001. DEFINITIONS. In this chapter:

11 (1) "Board" means the district's board of directors.

12 (2) "City" means the City of El Paso, Texas.

13 (3) "County" means El Paso County, Texas.

14 (4) "Director" means a board member.

15 (5) "District" means the Montecillo Municipal
16 Management District No. 1.

17 Sec. 3900.002. CREATION AND NATURE OF DISTRICT. The
18 district is a special district created under Sections 52 and 52-a,
19 Article III, and Section 59, Article XVI, Texas Constitution.

20 Sec. 3900.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
21 creation of the district is essential to accomplish the purposes of
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
23 Texas Constitution, and other public purposes stated in this
24 chapter. By creating the district and in authorizing the city and

1 other political subdivisions to contract with the district, the
2 legislature has established a program to accomplish the public
3 purposes set out in Section 52-a, Article III, Texas Constitution.

4 (b) The creation of the district is necessary to promote,
5 develop, encourage, and maintain employment, commerce,
6 transportation, housing, tourism, recreation, the arts,
7 entertainment, economic development, safety, and the public
8 welfare in the district.

9 (c) This chapter and the creation of the district may not be
10 interpreted to relieve the city or county from providing the level
11 of services provided to the area in the district as of the effective
12 date of the Act enacting this chapter. The district is created to
13 supplement and not to supplant the city and county services
14 provided in the district.

15 Sec. 3900.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the district
18 will benefit from the improvements and services to be provided by
19 the district under powers conferred by Sections 52 and 52-a,
20 Article III, and Section 59, Article XVI, Texas Constitution, and
21 other powers granted under this chapter.

22 (c) The district is created to accomplish the purposes of a
23 municipal management district as provided by general law and
24 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
25 Texas Constitution.

26 (d) The creation of the district is in the public interest
27 and is essential to:

1 (1) further the public purposes of developing and
2 diversifying the economy of the state;

3 (2) eliminate unemployment and underemployment; and

4 (3) develop or expand transportation and commerce.

5 (e) The district will:

6 (1) promote the health, safety, and general welfare of
7 residents, employers, potential employees, employees, visitors,
8 and consumers in the district, and of the public;

9 (2) provide needed funding for the district to
10 preserve, maintain, and enhance the economic health and vitality of
11 the district territory as a community and business center; and

12 (3) promote the health, safety, welfare, and enjoyment
13 of the public by providing pedestrian ways and by landscaping and
14 developing certain areas in the district, which are necessary for
15 the restoration, preservation, and enhancement of scenic beauty.

16 (f) Pedestrian ways along or across a street, whether at
17 grade or above or below the surface, and street lighting, street
18 landscaping, parking, and street art objects are parts of and
19 necessary components of a street and are considered to be a street
20 or road improvement.

21 (g) The district will not act as the agent or
22 instrumentality of any private interest even though the district
23 will benefit many private interests as well as the public.

24 Sec. 3900.005. DISTRICT TERRITORY. (a) The district is
25 initially composed of the territory described by Section 2 of the
26 Act enacting this chapter.

27 (b) The boundaries and field notes contained in Section 2 of

1 the Act enacting this chapter form a closure. A mistake in the
2 field notes or in copying the field notes in the legislative process
3 does not affect the district's:

4 (1) organization, existence, or validity;

5 (2) right to contract;

6 (3) authority to borrow money or issue bonds or other
7 obligations described by Section 3900.201 or to pay the principal
8 and interest of the bonds or other obligations;

9 (4) right to impose or collect a tax or an assessment,
10 or collect other revenue; or

11 (5) legality or operation.

12 Sec. 3900.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

13 (a) All or any part of the area of the district is eligible to be
14 included in:

15 (1) a tax increment reinvestment zone created under
16 Chapter 311, Tax Code;

17 (2) a tax abatement reinvestment zone created under
18 Chapter 312, Tax Code;

19 (3) an enterprise zone created under Chapter 2303,
20 Government Code; or

21 (4) an industrial district created under Chapter 42,
22 Local Government Code.

23 (b) If the city creates a tax increment reinvestment zone
24 described by Subsection (a), the city and the board of directors of
25 the zone, by contract with the district, may grant money deposited
26 in the tax increment fund to the district to be used by the district
27 for:

1 (1) the purposes permitted for money granted to a
2 corporation under Section 380.002(b), Local Government Code; and

3 (2) any other district purpose, including the right to
4 pledge the money as security for any bonds or other obligations
5 issued by the district under Section 3900.201.

6 (c) A tax increment reinvestment zone created by the city in
7 the district is not subject to the limitations provided by Section
8 311.006, Tax Code.

9 Sec. 3900.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
10 DISTRICTS LAW. Except as otherwise provided by this chapter,
11 Chapter 375, Local Government Code, applies to the district.

12 Sec. 3900.008. LIBERAL CONSTRUCTION OF CHAPTER. This
13 chapter shall be liberally construed in conformity with the
14 findings and purposes stated in this chapter.

15 [Sections 3900.009-3900.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 3900.051. GOVERNING BODY; TERMS. The district is
18 governed by a board of five directors who serve staggered terms of
19 four years, with two or three directors' terms expiring May 31 of
20 each even-numbered year.

21 Sec. 3900.052. APPOINTMENT OF DIRECTORS. The governing
22 body of the city shall appoint directors.

23 Sec. 3900.053. VACANCY. If there are fewer than three
24 directors, the governing body of the city shall appoint the
25 necessary number of directors to fill all board vacancies.

26 Sec. 3900.054. COMPENSATION; EXPENSES. (a) A director is
27 entitled to receive fees of office of not more than \$150 a day for

1 each day the director spends performing the director's duties.

2 (b) A director is entitled to receive reimbursement for
3 actual expenses reasonably and necessarily incurred while engaging
4 in activities on behalf of the district.

5 Sec. 3900.055. INITIAL DIRECTORS. (a) Not later than
6 September 1, 2012, the governing body of the city shall appoint the
7 initial board.

8 (b) Of the initial directors, the terms of two directors
9 expire May 31, 2013, and the terms of three directors expire May 31,
10 2015.

11 (c) This section expires September 1, 2013.

12 [Sections 3900.056-3900.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 3900.101. GENERAL POWERS AND DUTIES. The district has
15 the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. 3900.102. PUBLIC IMPROVEMENT DISTRICT POWERS:
18 LIMITATION. The district has the powers provided by Chapter 372,
19 Local Government Code, to a municipality. The district may not
20 exercise public improvement district powers in a municipality's
21 extraterritorial jurisdiction.

22 Sec. 3900.103. WATER DISTRICT POWERS. The district has the
23 powers provided by the general laws relating to conservation and
24 reclamation districts created under Section 59, Article XVI, Texas
25 Constitution, including Chapters 49 and 54, Water Code.

26 Sec. 3900.104. ROAD DISTRICT POWERS. The district has the
27 powers provided by the general laws relating to road districts and

1 road utility districts created under Sections 52(b) and 52-a,
2 Article III, Texas Constitution, including Chapters 365 and 441,
3 Transportation Code.

4 Sec. 3900.105. CONTRACT POWERS. The district may contract
5 with a governmental or private entity, on terms determined by the
6 board, to carry out a power or duty authorized by this chapter or to
7 accomplish a purpose for which the district is created.

8 Sec. 3900.106. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE
9 AREA. The district may undertake an improvement project or service
10 that confers a special benefit on a definable area in the district
11 and levy and collect a special assessment on benefited property in
12 the district in accordance with:

13 (1) Chapter 372, Local Government Code; or

14 (2) Chapter 375, Local Government Code.

15 Sec. 3900.107. IMPROVEMENT PROJECTS AND SERVICES IN
16 GENERAL. The district may provide, design, construct, acquire,
17 improve, relocate, operate, maintain, or finance an improvement
18 project or service using money available to the district, or
19 contract with a governmental or private entity to provide, design,
20 construct, acquire, improve, relocate, operate, maintain, or
21 finance an improvement project or service authorized under this
22 chapter or Chapter 375, Local Government Code.

23 Sec. 3900.108. DEVELOPMENT CORPORATION POWERS. The
24 district, using money available to the district, may exercise the
25 powers given to a development corporation under Chapter 505, Local
26 Government Code, including the power to own, operate, acquire,
27 construct, lease, improve, or maintain a project under that

1 chapter.

2 Sec. 3900.109. NONPROFIT CORPORATION. (a) The board by
3 resolution may authorize the creation of a nonprofit corporation to
4 assist and act for the district in implementing a project or
5 providing a service authorized by this chapter.

6 (b) The nonprofit corporation:

7 (1) has each power of and is considered to be a local
8 government corporation created under Subchapter D, Chapter 431,
9 Transportation Code; and

10 (2) may implement any project and provide any service
11 authorized by this chapter.

12 (c) The board shall appoint the board of directors of the
13 nonprofit corporation. The board of directors of the nonprofit
14 corporation shall serve in the same manner as the board of directors
15 of a local government corporation created under Subchapter D,
16 Chapter 431, Transportation Code, except that a board member is not
17 required to reside in the district.

18 Sec. 3900.110. AGREEMENTS; GRANTS. (a) As provided by
19 Chapter 375, Local Government Code, the district may make an
20 agreement with or accept a gift, grant, or loan from any person.

21 (b) The implementation of a project is a governmental
22 function or service for the purposes of Chapter 791, Government
23 Code.

24 Sec. 3900.111. LAW ENFORCEMENT SERVICES. To protect the
25 public interest, the district may contract with a qualified party,
26 including the county or the city, to provide law enforcement
27 services in the district for a fee.

1 Sec. 3900.112. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
2 district may join and pay dues to a charitable or nonprofit
3 organization that performs a service or provides an activity
4 consistent with the furtherance of a district purpose.

5 Sec. 3900.113. ECONOMIC DEVELOPMENT. (a) The district may
6 engage in activities that accomplish the economic development
7 purposes of the district.

8 (b) The district may establish and provide for the
9 administration of one or more programs to promote state or local
10 economic development and to stimulate business and commercial
11 activity in the district, including programs to:

12 (1) make loans and grants of public money; and

13 (2) provide district personnel and services.

14 (c) The district may create economic development programs
15 and exercise the economic development powers that:

16 (1) Chapter 380, Local Government Code, provides to a
17 municipality; and

18 (2) Subchapter A, Chapter 1509, Government Code,
19 provides to a municipality.

20 Sec. 3900.114. PARKING FACILITIES. (a) The district may
21 acquire, lease as lessor or lessee, construct, develop, own,
22 operate, and maintain parking facilities or a system of parking
23 facilities, including lots, garages, parking terminals, or other
24 structures or accommodations for parking motor vehicles off the
25 streets and related appurtenances.

26 (b) The district's parking facilities serve the public
27 purposes of the district and are owned, used, and held for a public

1 purpose even if leased or operated by a private entity for a term of
2 years.

3 (c) The district's parking facilities are necessary
4 components of a street and are considered to be a street or road
5 improvement.

6 (d) The development and operation of the district's parking
7 facilities may be considered an economic development program.

8 Sec. 3900.115. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 Sec. 3900.116. NO TOLL ROADS. The district may not
11 construct, acquire, maintain, or operate a toll road.

12 [Sections 3900.117-3900.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

14 Sec. 3900.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
15 board by resolution shall establish the number of signatures and
16 the procedure required for a disbursement or transfer of the
17 district's money.

18 Sec. 3900.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
19 The district may acquire, construct, finance, operate, or maintain
20 an improvement project or service authorized under this chapter
21 using any money available to the district.

22 Sec. 3900.153. RESIDENTIAL PROPERTY NOT EXEMPT. Section
23 375.161, Local Government Code, does not apply to the district.

24 Sec. 3900.154. TAX AND ASSESSMENT ABATEMENTS. The district
25 may designate reinvestment zones and may grant abatements of a tax
26 or assessment on property in the zones.

27 [Sections 3900.155-3900.200 reserved for expansion]

1 SUBCHAPTER E. TAXES AND BONDS

2 Sec. 3900.201. BONDS AND OTHER OBLIGATIONS. (a) The
3 district may issue bonds or other obligations payable wholly or
4 partly from ad valorem taxes, assessments, impact fees, revenue,
5 grants, or other money of the district, including revenue from a tax
6 increment reinvestment zone created under Chapter 311, Tax Code, or
7 any combination of those sources of money, to pay for any authorized
8 purpose of the district.

9 (b) In exercising the district's borrowing power, the
10 district may issue a bond or other obligation in the form of a bond,
11 note, certificate of participation or other instrument evidencing a
12 proportionate interest in payments to be made by the district, or
13 other type of obligation.

14 Sec. 3900.202. APPROVAL BY CITY; BOND ISSUANCE PLAN. (a)
15 Except as provided by Subsection (c), the district must obtain the
16 approval of the city for:

17 (1) the issuance of bonds for an improvement project;
18 (2) the plans and specifications of an improvement
19 project financed by the bonds; and

20 (3) the plans and specifications of an improvement
21 project related to the use of land owned by the city, an easement
22 granted by the city, or a right-of-way of a street, road, or
23 highway.

24 (b) The district may not issue bonds until the governing
25 body of the city approves a bond issuance plan authorizing and
26 setting forth the limitations on the issuance of the bonds.

27 (c) If the district obtains the approval of the city of a

1 capital improvements budget for a period not to exceed five years,
2 the district may finance the capital improvements and issue bonds
3 specified in the budget without further approval from the city.

4 Sec. 3900.203. ELECTIONS REGARDING TAXES OR BONDS. (a) The
5 district may issue, without an election, bonds and other
6 obligations payable from any source other than ad valorem taxation.

7 (b) The district must hold an election to obtain voter
8 approval before the district may impose an ad valorem tax or issue
9 bonds payable from ad valorem taxes.

10 (c) Section 375.243, Local Government Code, does not apply
11 to the district.

12 (d) The district may not issue bonds payable from ad valorem
13 taxes to finance a road project unless the issuance is approved by a
14 vote of a two-thirds majority of the district voters voting at an
15 election held for that purpose.

16 Sec. 3900.204. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election, the district may impose an operation and
18 maintenance tax in accordance with Section 49.107, Water Code.

19 (b) The board shall determine the tax rate. The rate may not
20 exceed the rate approved at the election.

21 Sec. 3900.205. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may make payments under a
23 contract from taxes other than operation and maintenance taxes
24 after the provisions of the contract have been approved by a
25 majority of the district voters voting at an election held for that
26 purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 Sec. 3900.206. TAXES FOR BONDS. (a) At the time the
4 district issues bonds payable from ad valorem taxes, the board
5 shall impose a continuing direct annual ad valorem tax, without
6 limit as to rate or amount, as required by Section 54.601, Water
7 Code.

8 (b) The board shall annually impose the tax while all or
9 part of the bonds are outstanding. Sections 54.601 and 54.602,
10 Water Code, govern the amount and rate of the tax.

11 Sec. 3900.207. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of bonds or other obligations
13 issued or incurred to finance road projects may not exceed
14 one-fourth of the assessed value of the real property in the
15 district.

16 Sec. 3900.208. PROJECT DEVELOPMENT AGREEMENT REQUIRED TO
17 IMPOSE TAXES OR BORROW MONEY, INCLUDING BONDS. Before the district
18 may issue bonds, impose taxes, impose assessments, or borrow money,
19 the district and the city must negotiate and execute a mutually
20 approved and accepted project development agreement regarding the
21 development plans and rules for:

22 (1) the development and operation of the district; and

23 (2) the financing of improvement projects.

24 SECTION 2. The Montecillo Municipal Management District No.
25 1 initially includes all the territory contained in the following
26 area:

27 TRACT 1

1 THENCE along said right-of-way line 64.94 feet along the arc
2 of a curve to the left which has a radius of 1045.00 feet a central
3 angle of 03°33'29" a chord which bears North 15°30'36" East a
4 distance of 64.93 feet to a point;

5 THENCE along said right-of-way line North 13°43'46" East a
6 distance of 67.75 feet to a point of curve;

7 THENCE along said right-of-way line 450.97 feet along the arc
8 of a curve to the right which has a radius of 860.00 feet a central
9 angle of 30°02'42" a chord which bears North 28°45'07" East a
10 distance of 445.82 feet to a point;

11 THENCE along said right-of-way line North 43°46'28" East a
12 distance of 10.23 feet to a point of curve;

13 THENCE along said right-of-way line 213.50 feet along the arc
14 of a curve to the right which has a radius of 1068.00 feet a central
15 angle of 01°27'14" a chord which bears North 49°30'05" East a
16 distance of 213.15 feet to a point on the intersection of the
17 westerly line of Montecillo Unit Two and the northerly right-of-way
18 line of Montecillo Blvd.;

19 THENCE along the northerly right-of-way line of Montecillo
20 Blvd., 200.54 feet along the arc of a curve to the right which has a
21 radius of 1068.00 feet a central angle of 10°45'30" a chord which
22 bears North 60°36'28" East a distance of 200.24 feet to a point;

23 THENCE along said right-of-way line North 65°59'13" East a
24 distance of 56.37 feet to a point of curve;

25 THENCE 39.27 feet along the arc of a curve to the left which
26 has a radius of 25.00 feet a central angle of 89°59'44" a chord which
27 bears North 20°59'21" East a distance of 35.35 feet to a point on the

1 westerly right-of-way line of Mesa Street (U.S. 80);

2 THENCE along said right-of-way line South 24°00'31" East a
3 distance of 160.00 feet to a point;

4 THENCE leaving said right-of-way line 39.27 feet along the
5 arc of a curve to the left which has a radius of 25.00 feet a central
6 angle of 90°00'16" a chord which bears North 69°00'39" West a
7 distance of 35.36 feet to a point on the southerly right-of-way line
8 of Montecillo Blvd.;

9 THENCE along said right-of-way line South 65°59'13" West a
10 distance of 56.35 feet to a point;

11 THENCE 371.40 feet along the arc of a curve to the left which
12 has a radius of 958.00 feet a central angle of 22°12'45" a chord
13 which bears South 54°52'51" West a distance of 369.08 feet to a point
14 on the westerly line of Montecillo Unit One;

15 THENCE along said line South 28°33'14" East a distance of
16 538.18 feet to a point on the southerly line of Montecillo Unit One;

17 THENCE along said line North 63°20'17" East a distance of
18 269.84 feet to a point on the easterly line of Montecillo Unit
19 Three;

20 THENCE along said line South 00°46'50" West a distance of
21 953.90 feet to a point on the southerly line of Montecillo Unit
22 Three;

23 THENCE along said line North 82°25'27" West a distance of
24 1051.35 feet to a point on the easterly right-of-way line of
25 Montecillo Blvd.;

26 THENCE 152.54 feet along the arc of a curve to the left which
27 has a radius of 2144.12 feet a central angle of 04°04'34" a chord

1 which bears South 17°58'17" West a distance of 152.50 feet to a
2 point;

3 THENCE leaving said right-of-way line North 82°25'27" West a
4 distance of 111.12 feet to a point on the westerly right-of-way line
5 of Montecillo Blvd.;

6 THENCE along said right-of-way line 152.29 feet along the arc
7 of a curve to the right which has a radius of 2254.12 feet a central
8 angle of 03°52'15" a chord which bears North 17°27'29" East a
9 distance of 152.26 feet to a point;

10 THENCE leaving said right-of-way line Montecillo 82°25'27"
11 West a distance of 1452.81 feet to a point on the westerly line of
12 Montecillo Unit Three Amending;

13 THENCE along said line North 00°49'12" East passing the
14 northerly line of Block 6 of Montecillo Unit Three at a distance of
15 1113.33 feet a total distance of 2051.92 feet to a point on the
16 northerly line of John Barker Survey No.10;

17 THENCE along said line South 89°10'00" East a distance of
18 1618.20 feet to the "TRUE POINT OF BEGINNING" and containing 101.97
19 acres of land more or less.

20 TRACT 2

21 A parcel of land being Tracts 6 and 7, I.F. Harrison Survey
22 No. 54, Tracts 3 and 3A, J. Barker Survey No. 10, and Tract 4F2B,
23 A. F. Miller Survey No. 215, City of El Paso, El Paso County, Texas,
24 and being more particularly described by metes and bounds as
25 follows:

26 COMMENCING for reference at a found chiseled "X" at the most
27 easterly corner of Rubin Heights Unit Two Replat "A" Amending Plat

H.B. No. 3831

1 recorded in Volume 75, Page 53 of the El Paso County Plat Records,
2 from which a found city monument disk at the intersection of
3 Suncrest Drive and Rubin Drive bears, North 00°27'58" West a
4 distance of 534.99 feet, said chiseled "X" being the "TRUE POINT OF
5 BEGINNING".

6 THENCE along the westerly right-of-way extension of Suncrest
7 Drive described as northeasterly line of Tract 6, I.F. Harrison
8 Survey No. 54 recorded in Book 3019, Page 1895 with the El Paso
9 County Deed Records, 378.95 feet (379.09 feet, Bk. 3019, Pg. 1895)
10 along the arc of a curve to the left which has a radius of 695.00
11 feet, a central angle of 31°14'25" (31°15'08", Bk. 3019, Pg. 1895),
12 and a chord which bears South 36°00'23" East (South 36°02'41" East,
13 Bk. 3019, Pg. 1895) a distance of 374.27 feet (374.41 feet, Bk.
14 3019, Pg. 1895) to a set 1/2" rebar with cap "5152" at a point of
15 tangency;

16 THENCE along said right-of-way extension, South 51°37'35"
17 East (South 51°40' 15" East, Bk. 3019, Pg. 1895) a distance of 90.00
18 feet to a found 5/8" rebar with cap "2998" at the common line
19 between Tract 7 and Tract 6;

20 THENCE with the westerly line of Tract 7, I.F. Harrison
21 Survey No. 54 described in Book 3019, Page 1895 with the El Paso
22 County Deed Records, North 38°22'25" East (North 38°19'45" East, Bk.
23 3019, Pg. 1895) a distance of 35.00 feet to a found 5/8" rebar with
24 cap "2998" at the centerline extension of Suncrest Drive;

25 THENCE with said centerline extension, North 51°37'35" West
26 (North 51°40'15" West, Bk. 3019, Pg. 1895) a distance of 90.00 feet
27 to a set 1/2" rebar with cap "5152" at a point of curvature;

1 THENCE with said centerline extension, 360.00 feet along the
2 arc of a curve to the right which has a radius of 660.00 feet, a
3 central angle of 31°15'08", and a chord of 355.55 feet that bears
4 North 36°00'01" West (North 36°02'41" West, Bk. 3019, Pg. 1895) to a
5 set 1/2" rebar with cap "5152";

6 THENCE leaving said centerline, North 69°37'36" East (North
7 69°34'53" East, Bk. 3019, Pg. 1895) a distance of 35.00 feet to a set
8 1/2" rebar with cap "5152" at the southwesterly corner of Lot 1,
9 Block 2, Ruben Heights Unit One recorded in Volume 37, Page 8 with
10 the El Paso County Plat Records;

11 THENCE with the southerly line of said lot, North 85°08'41"
12 East (North 85°04'36" East, Bk. 3019, Pg. 1895) a distance of 665.73
13 feet (665.94 feet, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap
14 "5152";

15 THENCE continuing with the southerly line of said lot, North
16 68°51'17" East (North 68°47'14" East, Bk. 3019, Pg. 1895) a distance
17 of 480.17 feet to a set 1/2" rebar with cap "5152" at the common line
18 between I.F. Harrison No. 54 and A.F. Miller Survey No. 215, from
19 which a found 5/8" rebar with cap "2998" bears North 02°08'52" East a
20 distance of 0.64 feet;

21 THENCE with said common line, North 00°50'42" East (North
22 00°48'15" East, Bk. 3019, Pg. 1895) a distance of 23.28 feet to a
23 found 5/8" rebar, from which a found 5/8" rebar with cap "2998"
24 bears South 27°21'08" East a distance of 0.12 feet;

25 THENCE continuing with said common line, North 00°48'05" East
26 (North 00°45'38" East, Bk. 3019, Pg. 1895) a distance of 22.00 feet
27 to a set 1/2" rebar with cap "5152" on the southerly line of Fiesta

1 Hills Addition Unit Three recorded in Volume 19, Page 28 with the El
2 Paso County Plat Records;

3 THENCE along the southerly line of said Fiesta Hills Addition
4 Unit Three, North 77°12'38" East (North 77°10'11" East, Bk. 3019, Pg.
5 1895) a distance of 1463.16 feet (1463.37 feet, Bk. 3019, Pg. 1895)
6 to a point on the westerly line of Fiesta Hills Addition Unit Four
7 recorded in Volume 52, Page 11, of the El Paso County Plat Records,
8 from which a found 5/8" rebar with cap "2998" bears North 57°53'10"
9 East a distance of 0.33 feet, and from which a found city monument
10 disk set for the centerline intersection of Festival Drive and
11 Carousel Drive, bears North 46°02'23" East a distance of 373.89
12 feet;

13 THENCE with said westerly line, South 00°48'00" West (South
14 00°46'56" West, Bk. 3019, Pg. 1895) a distance of 260.73 feet
15 (260.49 feet, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap
16 "5152" at the southwest corner of Lot 36, Block 3, Fiesta Hills
17 Addition Unit Four;

18 THENCE with the south line of said Lot 36, South 89°55'57"
19 East (South 89°57'01" East, Bk. 3019, Pg. 1895) a distance of 153.24
20 feet to a point on the northerly right-of-way of New Orleans Drive,
21 from which a found 5/8" rebar with cap "2998" bears North 37°19'09"
22 East a distance of 0.34 feet;

23 THENCE South 00°04'03" West (South 00°02'59" West, Bk. 3019,
24 Pg. 1895) a distance of 171.00 feet (171.16 feet, Bk. 3019, Pg.
25 1895) to a set 1/2" rebar with cap "5152" at the north line of Tract
26 1, J. Barker Survey No. 10 as described by Book 1177, Page 0599
27 recorded with the El Paso County Deed Records;

1 THENCE along said north line, North 89°10'00" West
2 (Montecillo 89°13'04" West, Bk. 3019, Pg. 1895) a distance of 633.05
3 feet (633.30 feet, Bk. 3019, Pg. 1895) to a found brass cap at the
4 northwesterly corner of said Tract 1;

5 THENCE along the west line of said Tract 1, South 00°49'12"
6 West (South 00°46'16" West, Bk. 3019, Pg. 1895) passing a found nail
7 in rock for the southeasterly corner of Tract 3A, J. Barker Survey
8 No. 10 at 1143.91 feet a total distance of 1976.87 feet to a set 1/2"
9 rebar with cap "5152" at the southeast corner of Tract 3, J. Barker
10 Survey No. 10 recorded in Book 3712, Page 1055 and the northerly
11 line of 175 foot El Paso Electric Company right-of-way as described
12 by Book 1357, Page 385, Book 1324, Page 273, and Book 552, Page 446,
13 recorded with the El Paso County Deed Records, from which a found
14 E.P.E.C. brass cap bears South 00°49' 12" West a distance of 75.05
15 feet;

16 THENCE South 88°42'39" West (South 87°59' West, Bk. 1357, Pg.
17 385) a distance of 731.43 feet to a set 1/2" rebar with cap "5152" at
18 the easterly right-of-way line of Interstate Highway No.10 as per
19 R.O.W. Map Control No. 2121, Sect. 2, Job No. 27, from which a found
20 TX.D.O.T. brass cap bears South 52°28'48" East a distance of 0.50
21 feet;

22 THENCE along said right-of-way line, North 37°37'35" West
23 (North 34°27'12" West, Control No. 2121, Sect. 2, Job No. 27) a
24 distance of 86.51 feet (87.29 feet, Book 3712, Page 1055) to a found
25 TX.D.O.T. brass cap;

26 THENCE along said right-of-way line, North 53°33'34" West
27 (North 50°22'46" West, Control No. 2121, Sect. 2, Job No. 27) a

1 distance of 1031.67 feet (1030.12 feet, Control No. 2121, Sect. 2,
2 Job No. 27) to a found TX.D.O.T. brass cap;

3 THENCE along said right-of-way, North 73°22'05" West (North
4 70°10'33" West, Control No. 2121, Sect. 2, Job No. 27) a distance of
5 596.01 feet (595.93 feet, Control No. 2121, Sect. 2, Job No. 27) to
6 a found TX.D.O.T. brass cap;

7 THENCE along said right-of-way line, North 89°50'45" West
8 (North 86°38'04" West, Control No. 2121, Sect. 2, Job No. 27)
9 passing a found TX.D.O.T. brass cap at 804.85 feet and a total
10 distance of 1156.06 feet (1158.22 feet, Control No. 2121, Sect. 2,
11 Job No. 27) to a set 1/2" rebar with cap "5152" at the intersection
12 of said right-of-way and the southeasterly line of Rubin Heights
13 Unit Two Replat "A" Amending Plat, from which a found 5/8" rebar
14 with cap "2998" bears North 85°05'11" West a distance of 2.31 feet
15 to;

16 THENCE along said southeasterly line, North 57°42'45" East
17 (North 57°42'12" East, Vol. 75, Pg. 53) a distance of 364.55 feet
18 (364.33 feet, Vol. 75, Pg. 53) to a found 5/8" rebar with cap
19 "2998";

20 THENCE along said southeasterly line, South 21°57'44" East
21 (South 21°58'17" East, Vol. 75, Pg. 53) a distance of 51.42 feet
22 (51.56 feet, Book. 3019, Page 1895) to a found 5/8" rebar with cap
23 "2998" at a point of inverse;

24 THENCE along said southeasterly line, North 48°10'04" East
25 (North 48°09'31" East, Vol. 75, Pg. 53) a distance of 949.15 feet
26 (Book 3019, Page 1895) to a set 1/2" rebar with cap "5152";

27 THENCE along said southeasterly line, North 53°40'20" East

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1 (North 53°39'47" East, Vol. 75, Pg. 53) a distance of 265.80 feet
2 (263.78 feet, Vol. 75, Pg. 53) to the "TRUE POINT OF BEGINNING" and
3 containing in all 4,325,020.78 square feet or 99.2888 acres of land
4 more or less.

5 TRACT 3

6 A parcel of land being Tract 4, J. Barker Survey No. 10, City
7 of El Paso, El Paso County, Texas, and being more particularly
8 described by metes and bounds as follows:

9 COMMENCING for reference at a found brass disk marking the
10 northeast corner of Tract 3A, John Barker Survey No. 10, thence
11 along the line between Tracts 1 and 3, John Barker Survey No. 10,
12 South 00°49'08" West a distance of 2252.05 feet to a set 1/2" rebar
13 with cap "5152" set for the northeasterly corner of Tract 4 as
14 described in Book 3712, Page 1055, from which a found E.P.E.C. brass
15 cap bears North 00°48'24" East a distance of 200.13 feet;

16 THENCE along the easterly line of said Tract 4, South
17 00°48'24" West (South 00°01'45" West, Bk. 3712, Pg. 1055) a distance
18 of 1283.08 feet (1283.47 feet, Bk. 3712, Pg. 1055) to a found
19 TX.D.O.T. sheared concrete monument at the easterly right-of-way
20 line of Interstate 10 as per R.O.W. Map Control No. 2121, Sect. 2,
21 Job No. 27;

22 THENCE with said right-of-way line, North 21°16'42" West
23 (North 18°07'32" West, Control No. 2121, Sect. 2, Job No. 27) a
24 distance of 663.74 feet (661.79 feet, Control No. 2121, Sect. 2, Job
25 No. 27) to a found TX.D.O.T. brass cap;

26 THENCE with said right-of-way line, North 71°39'13" East
27 (North 71°52'28" East, Control No. 2121, Sect. 2, Job No. 27) a

1 distance of 49.73 feet (50.00 feet, Control No. 2121, Sect. 2, Job
2 No. 27) to a found TX.D.O.T. brass cap;

3 THENCE with said right-of-way line, North 21°53'42" West
4 (North 18°39'33" West, Control No. 2121, Sect. 2, Job No. 27) a
5 distance of 537.26 feet (536.77 feet, Control No. 2121, Sect. 2, Job
6 No. 27) to a found TX.D.O.T. brass cap;

7 THENCE with said right-of-way line, North 37°37'35" West
8 (North 34°27'12" West, Control No. 2121, Sect. 2, Job No. 27) a
9 distance of 175.03 feet (175.26 feet, Control No. 2121, Sect. 2, Job
10 No. 27) to a point the southerly line of 175 foot El Paso Electric
11 Company right-of-way as described by Book 1357, Page 385, Book
12 1324, Page 273, and Book 552, Page 446, recorded with the El Paso
13 County Deed Records, from which a found 1/2" rebar bears North
14 30°35'53" West a distance of 0.23 feet;

15 THENCE leaving said right-of-way line, North 88°42'39" East
16 (North 87°59'00" East, Bk. 1324, Pg. 273) a distance of 519.06 feet
17 to the "TRUE POINT OF BEGINNING" and containing in all 300,801.16
18 square feet or 6.9054 acres of land, more or less.

19 TRACT 4

20 Description of a parcel of land being a Tract 21, John Barker
21 Survey No. 10 and Tract 4A and a portion of Tract 6A, A.F. Miller
22 Survey No. 216, City of El Paso, El Paso County, Texas and being
23 more particularly described by metes and bounds as follows:

24 COMMENCING for reference at a found city monument at the
25 centerline intersection of Argonaut Drive and Kingspoint Drive;
26 thence North 89°09'56" East a distance of 51.83 feet to a point on
27 the westerly boundary line of a 75 feet El Paso Electric Company

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1 right-of-way; thence along said right-of-way line North 00°50'04"
2 West a distance of 620.02 feet to a set 1/2" rebar with cap marked TX
3 5152 for the northeasterly corner of Tract 6G, A.F. Miller Survey
4 No. 216 as described in Volume 2482, Page 1056, Real Property
5 Records of El Paso County, Texas for The "TRUE POINT OF BEGINNING";

6 THENCE along the northerly boundary line of said Tract 6G the
7 following three courses: South 89°09'56" West a distance of 676.83
8 feet to a set 1/2" rebar with cap marked TX 5152; 209.44 feet along
9 the arc of a curve to the left whose radius is 400.00 feet whose
10 interior angle is 30°00'00" whose chord bears North 75°50'04" West a
11 distance of 207.06 feet to a set 1/2" rebar with cap marked TX 5152;
12 North 60°50'04" West a distance of 33.13 feet to a set 1/2" rebar
13 with cap marked TX 5152 on the westerly boundary line of Tract 6G,
14 A.F. Miller Survey No. 216;

15 THENCE along said boundary line South 29°09'56" West a
16 distance of 204.43 feet to a set 1/2" rebar with cap marked TX 5152;

17 THENCE continuing along said boundary line South 18°01'00"
18 East a distance of 575.39 feet to a set 1/2" rebar with cap marked TX
19 5152 on the common boundary line of Tracts 6A and 6F, A.F. Miller
20 Survey No. 216;

21 THENCE along the common boundary line of Tracts 6A and 6F,
22 A.F. Miller Survey No. 216 the following seven courses: South
23 60°09'56" West a distance of 427.00 feet to a set 1/2" rebar with cap
24 marked TX 5152 from this point a found 1/2" rebar with cap marked TX
25 2027 bears N 07°20'58" E a distance of 0.52 feet; South 58°48'50"
26 West a distance of 114.48 feet to a set 1/2" rebar with cap marked TX
27 5152 from this point a found 1/2" rebar with cap marked TX 2027

1 bears N 06°27'21" E a distance of 0.76 feet; South 41°09'56" West a
2 distance of 115.13 feet to a set 1/2" rebar with cap marked TX 5152
3 from this point a found 1/2" rebar with cap marked TX 2027 bears N
4 15°03'01" W a distance of 0.61 feet; South 28°29'56" West a distance
5 of 115.13 feet to a set 1/2" with cap marked TX 5152 from this point
6 a found 1/2" rebar with cap marked TX 2027 bears N 04°41'02" W a
7 distance of 0.71 feet; South 22°09'56" West a distance of 153.07
8 feet to a set 1/2" rebar with cap marked TX 5152 from this point a
9 found 1/2" rebar with cap marked TX 2027 bears N 22°17'52" W a
10 distance of 0.54 feet; South 12°00'00" East a distance of 130.00
11 feet to a set 1/2" rebar with cap marked TX 5152 from this point a
12 found 1/2" rebar with cap marked TX 2027 bears N 07°22'45" W a
13 distance of 0.78 feet; South 35°50'16" East a distance of 120.36
14 feet to a set 1/2" rebar with cap marked TX 5152 on the common
15 boundary line of Tract 6A and Lot 11, Block 1, Kings Hills;

16 THENCE along said boundary line South 42°56'56" East a
17 distance of 297.80 feet to a set 1/2" rebar with cap marked TX 5152;

18 THENCE continuing along said boundary line South 60°31'49"
19 East a distance of 150.09 feet to a set 1/2" rebar with cap marked TX
20 5152 on the westerly right-of-way line of Argonaut Drive;

21 THENCE along said right-of-way line South 31°26'17" West a
22 distance of 43.20 feet to a set 1/2" rebar with cap marked TX 5152 on
23 the southerly boundary line of Tract 6A, A.F. Miller Survey No. 216;

24 THENCE along said boundary line North 89°28'41" West a
25 distance of 551.99 feet to a set 1/2" rebar with cap marked TX 5152
26 on the easterly right-of-way line of Mesa Street;

27 THENCE along said right-of-way line the following three

1 courses: North 33°51'53" West a distance of 483.84 feet to a set 1/2"
2 rebar with cap marked TX 5152; North 22°47'47" West a distance of
3 127.04 feet to a set 1/2" rebar with cap marked TX 5152; North
4 15°17'53" West (N 14°43'47" W Vol. 1426, Pg. 1380) a distance of
5 923.26 feet to a set nail with cap marked TX 5152 on face of rock
6 wall;

7 THENCE 31.42 feet along the arc of a curve to the left whose
8 interior angle is 90°00'00" whose radius is 20.00 feet whose chord
9 bears South 60°17'53" East a distance of 28.28 feet to a set nail
10 with cap marked TX 5152 on face of rock wall on the common boundary
11 line of Tract 4A, A.F. Miller Survey No. 216 and Mesa Hills Unit 15
12 recorded in Volume 61, Page 66, Plat records of El Paso County,
13 Texas;

14 THENCE along said boundary line North 74°42'07" East (N
15 75°16'56" E Vol. 61, Pg. 66) a distance of 97.77 feet to a set 1/2"
16 rebar with cap marked TX 5152 on the easterly boundary line of Mesa
17 Hills Unit 15;

18 THENCE along the easterly boundary line of Mesa Hills Unit 15
19 the following six courses: North 00°15'38" East (N 00°50'27" E Vol.
20 61, Pg. 66) a distance of 747.02 feet to a set 1/2" rebar with cap
21 marked TX 5152; 68.76 feet along the arc of a curve to the left whose
22 interior angle is 13°07'54" whose radius is 300.00 feet whose chord
23 bears North 27°11'01" East a distance of 68.61 feet to a set 1/2"
24 rebar with cap marked TX 5152; North 20°37'09" East (N 21°11'58" E
25 Vol. 61, Pg. 66) a distance of 33.96 feet to a found 1/2" rebar with
26 cap marked TX 2027; 101.08 feet along the arc of a curve to the right
27 whose interior angle is 18°14'24" whose radius is 317.50 feet whose

1 chord bears North 29°44'21" East a distance of 100.65 feet to a set
2 1/2" rebar with cap marked TX 5152;

3 North 38°51'30" East (N 39°26' 19" E Vol. 61, Pg. 66) a
4 distance of 334.47 feet to a set 1/2" rebar with cap marked TX 5152;
5 39.51 feet along the arc of a curve to the left whose interior angle
6 is 07°32'47" whose radius is 300.00 feet whose chord bears North
7 35°05'07" East a distance of 39.48 feet to a set 1/2" rebar with cap
8 marked TX 5152;

9 THENCE South 89°43'19" East (S 89°08'30" W Vol. 76, Pg. 48) a
10 distance of 1730.88 feet to a set 1/2" rebar with cap marked TX 5152
11 on the westerly boundary line of a 75 foot El Paso Electric Company
12 right-of-way;

13 THENCE along said right-of-way line South 00°50'04" East a
14 distance of 814.44 feet to the "TRUE POINT OF BEGINNING" and
15 containing 72.28 acres of land more or less.

16 TRACT 5

17 A parcel of land being of Tract 6A, NKA Tract 6G, A.F. Miller
18 Survey No. 216 and Lot 1, Block 36, Kings Hill Replat, City of El
19 Paso, El Paso County, Texas and being more particularly described
20 by metes and bounds as follows:

21 COMMENCING for reference at a found city monument at the
22 centerline intersection of Argonaut Drive and Kingspoint Drive
23 thence along the centerline of Kingspoint Dr., South 89°09'56" West
24 a distance of 150.00 feet to a point; thence leaving said centerline
25 North 00°50'04" West a distance of 30.00 feet to a point on the
26 northerly right-of-way line of Kingspoint Dr. for The "TRUE POINT
27 OF BEGINNING";

1 THENCE leaving said right-of-way line North 00°50'04" West a
2 distance of 151.58 feet to a point on the line between Tracts 6F and
3 6G;

4 THENCE along said line South 89°09'56" West a distance of
5 242.35 feet to a point;

6 THENCE along said line South 60°09'56" West a distance of
7 450.00 feet to a point on the line between Tracts 6A and 6G, A.F.
8 Miller Survey No. 216;

9 THENCE along said line North 18°01'00" West a distance of
10 575.39 feet to a point;

11 THENCE along said line North 29°09'56" East a distance of
12 204.43 feet to a point;

13 THENCE along said line South 60°50'04" East a distance of
14 33.13 feet to a point;

15 THENCE along said line 209.44 feet along the arc of a curve to
16 the left whose interior angle is 30°00'00" whose radius is 400.00
17 feet whose chord bears South 75°50'04" East a distance of 207.06
18 feet;

19 THENCE along said line North 89°09'56" East a distance of
20 676.83 feet to a point;

21 THENCE leaving said line South 00°50'04" East a distance of
22 68.61 feet to a point;

23 THENCE South 89°02'02" West a distance of 1.83 feet to a point
24 on the easterly line of Lot 1, Block 9, Kings Hill Replat;

25 THENCE along said line South 00°50'04" East a distance of
26 501.39 feet to a point on the northerly right-of-way line of
27 Kingspoint Dr.;

1 THENCE along said right-of-way line South 89°09'56" West a
2 distance of 80.00 feet to a point;

3 THENCE along said right-of-way line 31.42 feet along the arc
4 of a curve to the left whose interior angle is 90°00'00" whose radius
5 is 20.00 feet whose chord bears South 44°09'56" West a distance of
6 28.28 feet;

7 THENCE along said right-of-way line South 89°09'56" West a
8 distance of 100.00 feet to the "TRUE POINT OF BEGINNING" and
9 containing 11.626 acres of land more or less.

10 SECTION 3. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

17 (b) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act have been
20 fulfilled and accomplished.

21 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 3831 was passed by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3831 on May 25, 2011, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3831 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

1 A parcel of land being a portion of Tract 1, John Barker
2 Survey No. 10 and a portion of Montecillo Unit Three Amending Plat
3 as recorded in clerks file no. 20090065237, City of El Paso, El Paso
4 County, Texas, and being more particularly described by metes and
5 bounds as follows:

6 COMMENCING for reference at a found 1" pipe in concrete
7 marked "NE 10" for the northeast corner of John Barker Survey No.
8 10; from which a found pipe for the northwest corner of John Baker
9 Survey No. 10 bears North 89°10'00" West a distance of 2,596.86
10 feet; thence from said northeast corner of John Baker No. 10, North
11 89°10'00" West a distance of 978.66 feet to a point on the westerly
12 line of Lot 2, Block 2, Montecillo Unit Three Amending for the "TRUE
13 POINT OF BEGINNING";

14 THENCE along the westerly line of Lot 2, Block 2, Montecillo
15 Unit Three Amending Plat the following courses; South 05°24'34" West
16 a distance of 178.31 feet to a point; South 18°45'13" West a distance
17 of 133.53 feet to a point; South 09°53'25" West a distance of 133.88
18 feet to a point; South 10°01'41" West a distance of 124.87 feet to a
19 point; South 05°56'36" West a distance of 54.88 feet to a point;
20 South 10°14'52" East a distance of 95.04 feet to a point; South
21 01°18'09" West a distance of 49.46 feet to a point; South 11°35'01"
22 West a distance of 71.13 feet to a point; South 15°50'34" East a
23 distance of 206.33 feet to a point; South 06°49'19" East a distance
24 of 46.74 feet to a point; South 01°32'51" West a distance of 152.97
25 feet to a point; South 06°11'09" East a distance of 156.42 feet to a
26 point; South 49°10'11" East a distance of 212.37 feet to a point on
27 the northwesterly right-of-way line of Montecillo Blvd.;



MEMORANDUM

DATE: August 14, 2012

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

FROM: Mathew McElroy, Director, City Development

SUBJECT: Montecillo Municipal Management District No. 1

EPT Land Communities, L.P. (the Developer) owns approximately 306.20 acres of undeveloped land within the limits of the City of El Paso, which the developer intends to develop as a master planned mixed-use community known as "Montecillo". On February 22, 2011, City Council approved a resolution supporting legislation to create Montecillo Municipal Management District No. 1. The Texas Legislature approved House Bill 3831 essentially creating Montecillo Municipal Management District No. 1, which became effective on September 1, 2011.

The next step in the formation of the Municipal Management District (MMD) is the appointment of a Board of Directors. Per House Bill 3831, a Board of Directors must be appointed no later than September 1, 2012. Following the appointment of a Board of Directors staff will begin working with the developer on conditions for a consent resolution and terms for a development agreement. The development agreement is required per House Bill 3831 and the consent resolution is required per Texas State law. Thus, staff is recommending that the candidates be appointed in order to begin drafting a consent resolution and a development agreement for City Council's consideration.

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City Council

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Emma Acosta

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Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



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El Paso, TX 79901
(915) 541-0000

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S E R V I C E S O L U T I O N S S U C C E S S



Please note that two alternate Board nominees have been provided in the event that City Council chooses to appoint a Board of Directors that does not include owners of the subject property.

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El Paso



2010

Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

Ann Herkenhoff
714 Westlake Court
El Paso, TX 79912
(915) 760-8801

Experience:

City Bank Texas, El Paso, TX. **Executive Vice President** – Manage \$85 million commercial and real estate loan portfolio. Responsible for due diligence, business development and regulatory compliance of loan portfolio. Chief Credit Officer of El Paso lending operations. **August 2003 to Present.**

State National Bank, El Paso, TX. **Senior Vice President** – Managed \$40 million commercial and real estate loan portfolio. Responsible for due diligence, business development and regulatory compliance of loan portfolio. **January 2000 to July 2003.**

Bank of America, N.A. El Paso, TX. **Vice President, Relationship Manager** – Managed commercial and real estate loan portfolio. **March 1997 to January 2000.** **Credit Analyst** - Responsible for due diligence of commercial real estate loans. Analyzed financial statements, reviewed credit quality, loan compliance and loan structure. **December 1995 to December 1999.**

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Century Bank, Santa Fe, NM. **Credit Officer** - Responsible for the quantitative analysis of prospective commercial borrowers' creditworthiness. Ensured proposed loans comply with bank lending policies and sound lending principles. Assessed credit risk for corporate clients on the basis of asset quality, liquidity, capital adequacy, profitability and market conditions. **September 1993 to May 1995.**

The Federal Reserve Bank of New York, New York, NY. **Bank Examiner** - Examined state member banks and bank holding companies to assess financial condition and compliance with federal and state regulations. Reviewed loan and investment portfolios. Completed two-year bank training program. Member of the Policy Studies Group. **July 1991 to April 1993.**

American Express Bank Ltd., Athens, Greece. **Intern** - Completed a rotational training program in the Credit, Corporate Banking and Foreign Currency Accounting departments. Trained in the mechanics of short to medium term commercial lending. Responsible for Deutsche Mark and Italian Lira account reconciliation. **Summer 1990.**

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Office of Senator Pete V. Domenici, Washington D.C. **Press Aid** - Designed and implemented an extensive press analysis system. Recorded and edited congressional hearings for radio use. Researched and wrote legislative correspondence and press releases. **Spring 1987.**

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Masters of International Affairs, specialization in Banking and Finance. International Business Research Fellowship; Chairperson, International Business and Finance Association. **May 1991.**

Relevant course work: Accounting, Corporate Financial Reporting, Business Finance, Corporate Finance, Statistics, Money Markets Domestic and International, Money and Financial Markets, International Monetary Theory, Country Risk Analysis, International Competitiveness

University of Colorado, Boulder, CO. Bachelor of Arts, International Relations. Regional specialization in Western Europe. Golden Key National Honor Society, Deans List. Study abroad: Salzburg, Austria (1988) and Kassel, Germany (1986). **December 1988.**

Community Involvement:

Present:

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MATTHEW PEPE

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PROFILE

Commercial real estate, retail leasing, and real estate investments

President and Publisher

Rent Now Magazine

February 2009 – Present (3 years 7 months)

Free apartment resource publication distributed in El Paso, Texas

Agent Majestic Realtors

May 2008 – Present (4 years 4 months)

Commercial/Industrial, Investment, Multi-Family

Account Executive

Fort Worth Star-Telegram

January 2007 – May 2008 (1 year 5 months)

General Manager-Site Selection--WEDA

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Assisted corporations with site selection needs

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January 2000 – January 2006 (6 years 1 month)

EDUCATION

SOUTHERN METHODIST UNIVERSITY-COX SCHOOL OF BUSINESS

MASTERS-BUSINESS ADMINISTRATION

UNIVERSITY OF ARIZONA

BA, JOURNALISM/BUSINESS

BAYLOR UNIVERSITY

BACHELOR OF BUSINESS ADMINISTRATION (B.B.A.)



MEMORANDUM

DATE: August 14, 2012

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

FROM: Mathew McElroy, Director, City Development

SUBJECT: Montecillo Municipal Management District No. 1

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