

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

**DEPARTMENT:** City Development Department  
**AGENDA DATE:** Introduction: August 28, 2012  
Public Hearing: September 18, 2012  
**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An ordinance releasing all conditions placed on property by Ordinance No. 7871 and Ordinance No. 9264 which changed the zoning of a portion of Lot 1, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas, and to impose an additional condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5420 Hurd. Property Owner: Avico Family, L.P. PZCR12-00007 (**District 8**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC): Recommend Approval

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
City Development Department Director

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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

**AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 7871 AND ORDINANCE NO. 9264 WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 5, MESA HILLS PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND TO IMPOSE AN ADDITIONAL CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the zoning of the property described as *a portion of Lot 1, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 7871 approved by City Council on October 4, 1983, and Ordinance No. 9264 approved by City Council on January 19, 1988; and,

**WHEREAS**, the rezoning was subject to certain zoning conditions, and

**WHEREAS**, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

**WHEREAS**, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

**WHEREAS**, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

1. That all of the zoning conditions imposed by Ordinance No. 7871 approved by City Council on October 4, 1983, and Ordinance No. 9264 approved by City Council on January 19, 1988, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

*Conditions as follows:*

*Ordinance No. 7871*

- 1) *No building permits will be issued for construction until a subdivision plat is approved and filed for record.*
- 2) *No building permits will be issued for construction on Parcels until a detailed site development plan is approved by the City Plan Commission and the City Council.*

*Ordinance No. 9264*

- 1) *The property shall be used only as a sales office and warehouse engaged in the*

*storage, retailing and wholesaling of products and services.*

- 2) *Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.*
- 3) *The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.*

2. That the following condition be added:

- 1) *That a six foot masonry wall be placed along the north boundary of the subject property.*

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 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

**PREPARED FOR: Avico Family Limited Partnership  
A Portion of Lot 1, Block 5, Mesa Hills Plaza  
City of El Paso, El Paso County, Texas  
June 6, 2012**

**METES AND BOUNDS DESCRIPTION**

Description of a 1.4541 acre parcel of land being A Portion of Lot 1, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas according to the plat thereof recorded in Volume 68, Page 37, of the Plat Records of El Paso, County, Texas, and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located along the centerline at the southern most cul-de-sac of Hurd Place, Thence North 00°50'00" East along the centerline of Hurd Place a distance of 73.04 feet to a point, Thence South 89°10'00" East a distance of 30.00 feet to a set 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C. TX. 2449 lying on the easterly right-of-way line of Hurd Place, said point being the "True Point of Beginning";

Thence North 00°50'00" East along said easterly right-of-way line a distance of 156.96 feet to a found 1/2" diameter rebar;

Thence South 89°10'00" East a distance of 289.58 feet to a set 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C. TX. 2449, lying on the westerly right-of-way of Suncrest Drive;

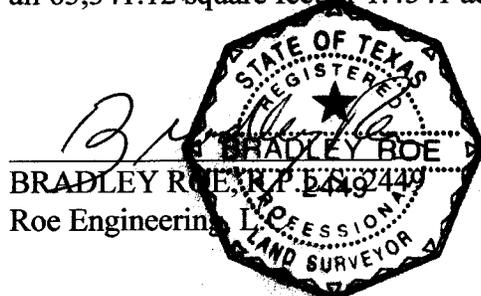
Thence South 00°50'00" West along said westerly right-of-way line a distance of 311.56 feet to a set nail with flagging;

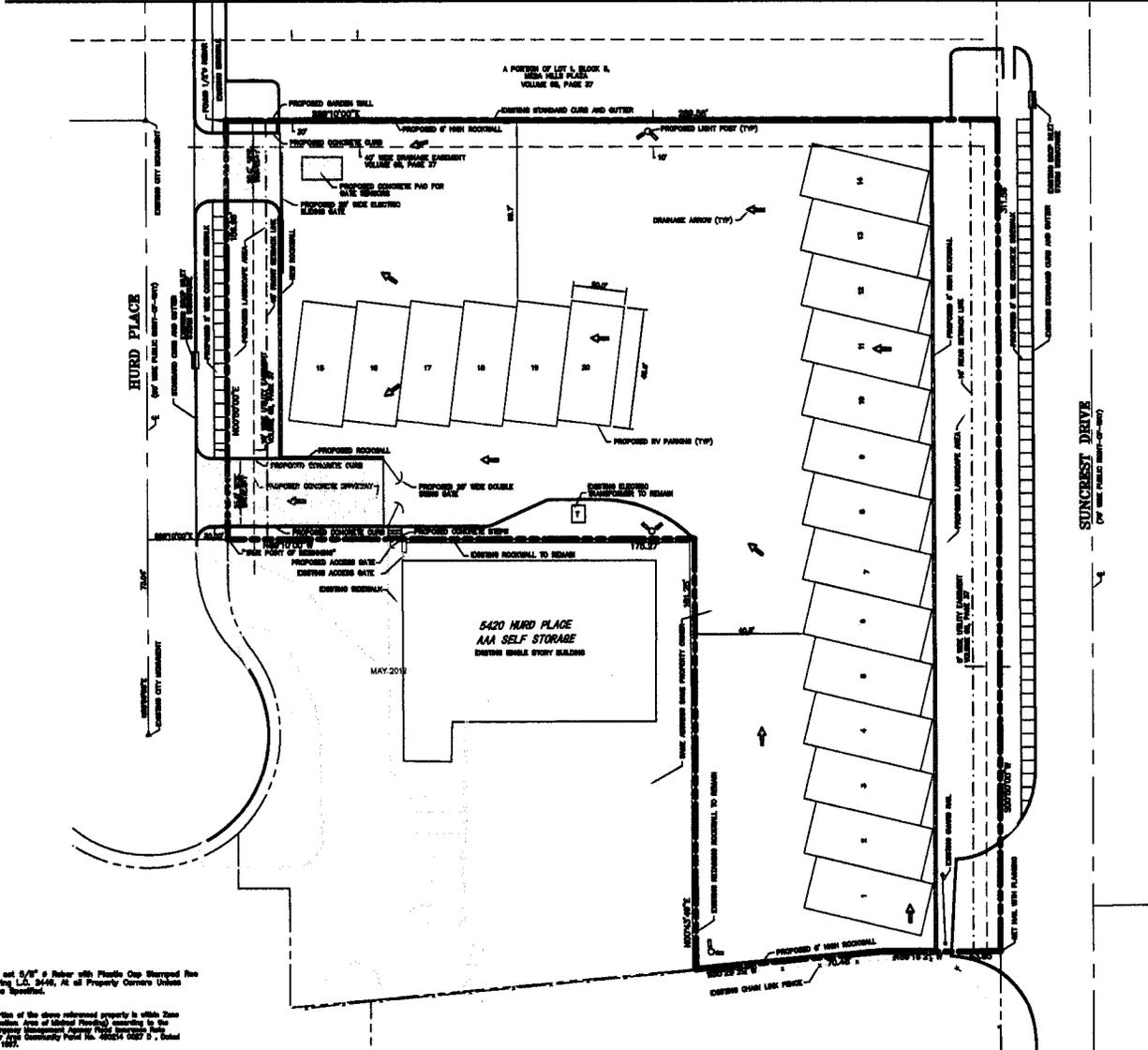
Thence North 89°16'21" West a distance of 43.85 feet to a set 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C. TX. 2449;

Thence South 85°29'20" West a distance of 70.48 feet to a set 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C. TX. 2449;

Thence North 00°43'49" East a distance of 161.25 feet to a set 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C. TX. 2449;

Thence North 89°10'00" West a distance of 175.27 feet to a set 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C. TX. 2449, and back to the "True Point of Beginning"; containing in all 63,341.12 square feet or 1.4541 acres of land more or less.





**NOTES AND GENERAL DESCRIPTION**

1. This plan shows the proposed construction of a self-storage facility consisting of a main building and a parking area. The building is to be constructed on a portion of Lot 1, Block A, West Hills Place, Volume 18, Page 27 of the Plat Records of El Paso County, Texas.

2. The building is to be constructed in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

3. The parking area is to be constructed in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

4. The site is to be graded in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

5. The site is to be landscaped in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

6. The site is to be paved in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

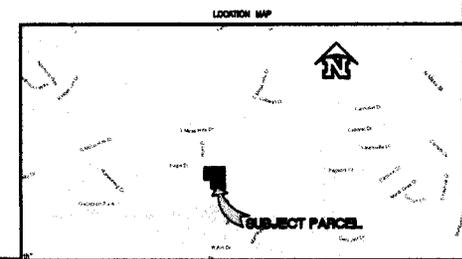
7. The site is to be fenced in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

8. The site is to be illuminated in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

9. The site is to be secured in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

10. The site is to be maintained in accordance with the requirements of the International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

LANDSCAPE CALCULATION	
IMP. BUILDING PER	63,311 X .16 = 10,130 SQ. FT.
IMP. PARKING - 60% SLOPE	
TOTAL IMP. PROJECT	10,130 SQ. FT.



© Drawn on 5/8" x 11" paper with Plastic Overlay. Shaded by Engineer, L.C. 5446, At all Property Corners Unless Otherwise Specified.

NOTE: A portion of the above referenced property is shown on the 2006 International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

NOTE: A portion of the above referenced property is shown on the 2006 International Building Code, 2006 Edition, and the El Paso County Ordinance, Chapter 10, Article 1, Section 10-1-01, et seq.

DATE	REVISIONS	BY	FILED INFORMATION	SCALE
			GENERIC TRACT _____	NON _____
			DISTRICT _____	N.C. _____
			AREA _____	PLD _____
			COUNTY PLAT RECORDS _____	DATE _____
			VOLUME _____	DRAWN BY _____
			PAGE _____	CHECKED BY _____
				APPROVED BY _____



**DETAILED SITE PLAN**  
5420 HURD PLACE  
AAA SELF STORAGE

A PORTION OF LOT 1, BLOCK A, WEST HILLS PLACE, AS SHOWN ON THE PLAT RECORDS OF EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDS OF VOLUME 18, PAGE 27 OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS.

PREPARED FOR:  
WILLIAM AREA, CITY OF EL PASO

**Pro Engineering, L.C.**  
2006 ENGINEER - 000000  
ENGINEERING AND DEVELOPMENT / PLANNING / SURVEYING

SHEET 1 OF 1



**Date:** August 20, 2012  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **PZCR12-00007**

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On August 9, 2012, the City Plan Commission (CPC) voted 8-0 to recommend **approval** of the zoning condition release request with the condition that a six foot (6') masonry wall be placed along the north boundary of the subject property. This recommendation is in agreement with the recommendation from staff.

The CPC found that the zoning condition release is in conformance with review criteria for Plan El Paso. The CPC found that the proposed use is in conformance with the Plan El Paso Projected Land Use Map for the Northwest Planning Area. The CPC also determined that the zoning condition release will protect the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one person present at the meeting in support but with the request that a 6' masonry wall be erected along the northern portion of the subject property because there is a technical high school abutting on the north side.

**Attachment:** CPC Staff Report

**Mayor**

John F. Cook

**City Council**

*District 1*

Ann Morgan Lilly

*District 2*

Susie Byrd

*District 3*

Emma Acosta

*District 4*

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



**City Development Department**



## City of El Paso – City Plan Commission Staff Report

**Case No:** PZCR12-00007  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** August 9, 2012  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)  
**Location:** 5420 Hurd Place  
**Legal Description:** Portion of Lot 1, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas  
**Acreage:** 2.085 acres  
**Rep District:** 8  
**Zoning:** C-4/sc (Commercial/special contract) and C-1/sc (Commercial/special contract)  
**Existing Use:** Vacant  
**Request:** Release all conditions imposed per Ordinance No. 7871 and Ordinance No. 9264 (attached)  
**Property Owner:** Avico Family, L.P.  
**Representative:** Roe Engineering, L.C.

### **SURROUNDING ZONING AND LAND USE**

**North:** C-4/sc (Commercial/special contract) / commercial uses and warehousing  
**South:** C-1/sc (Commercial/special contract), C-4/sc (Commercial/special contract) / self-storage facility  
**East:** C-3/sc (Commercial/special contract) / offices, commercial warehousing  
**West:** C-4/sc (Commercial/special contract) / commercial warehousing

**Plan El Paso Designation:** G-4, Suburban (Northwest Planning Area)

**Nearest Park:** Galatzan Park (397 feet)

**Nearest School:** L.B. Johnson Elementary, Morehead Middle (1,551 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Mesa Hills Neighborhood Association, Save the Valley, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Upper Valley Improvement Association

### **NEIGHBORHOOD INPUT**

Notices of the August 9, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on July 26, 2012. The Planning Division has not received any calls or letters in favor or in opposition to this request.

### **APPLICATION DESCRIPTION**

The request is to release all conditions on the property imposed by Ordinance Nos. 7871 & 9264.

The conceptual site plan shows self-storage units and recreational vehicle parking spaces, with access via Hurd Place and Suncrest Drive.

Ordinance No. 7871 (for the south portion of the subject property zoned C-1/sc):

1. *No building permits will be issued for construction until a subdivision plat is approved and filed for record.*
2. *No building permits will be issued for construction on Parcels until a detailed site development plan is approved by the City Plan Commission and the City Council.*

Ordinance No. 9264 (for the north portion of subject property zoned C-4/sc):

1. *The property shall be used only as a sales office and warehouse engaged in the storage, retailing and wholesaling of products and services.*

2. *Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.*
3. *The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.*

### **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends the release of all conditions imposed per Ordinance Nos. 7871 & 9264. All conditions have either been met or are no longer necessary.

### **Plan El Paso-Future Land Use Map Designation**

All applications for zoning condition releases shall demonstrate compliance with the following criteria:

**G-4 – Suburban:** This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 neighborhood commercial district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

The purpose of the C-4 regional commercial districts is to provide for locations for the most intensive commercial uses intended to serve the entire City. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

### **City Development Department Section Comments**

#### **Planning Section**

No objections to the proposed condition release.

*Note:* All existing/proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and current City of El Paso Design Standards for Construction.

#### **Permits & Inspections**

No comments received.

#### **Land Development**

-Grading plan and permit shall be required.\*

-Storm Water Pollution Prevention Plan and/or permit required.\*

-Drainage plans must be approved by the City Development Department, Land Development Section.\*

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

### **Police Department**

No conflicts with this request.

### **Fire Department**

Recommend approval of "Condition Release" as presented and does not adversely affect fire department at this time.

\*\* Note: a more detailed reviewed will be done by fire plan review during the permitting process.

### **El Paso Water Utilities**

1. EPWU does not object to the release of the zoning conditions.

Water:

2. There is an existing 8-inch diameter water main that extends along Hurd Place fronting the western boundary of the Subject Property (5420 Hurd Place). This water main is available for service.
3. There is an existing 8-inch diameter water main that extends along Suncrest Drive fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This water main is available for service.
4. EPWU records indicate a 1½-inch water meter serving the subject property. The service address for this meter is 5420 Hurd Place.
5. Previous water pressure readings from fire hydrant #6959, located at the northwest corner of Hurd Place and Eagle Drive adjacent to the subject property, have yielded a static pressure of 110 pounds per square inch (psi), a residual pressure of 100 psi and a discharge of 919 gallons per minute (gpm).
6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main that extends along Hurd Place fronting the western boundary of the Subject Property (5420 Hurd Place). This sanitary sewer main is available for service.
8. There is an existing 8-inch diameter sanitary sewer main that extends along Suncrest Drive fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This sanitary sewer main is available for service.

General:

9. Applications for additional services should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. 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.

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

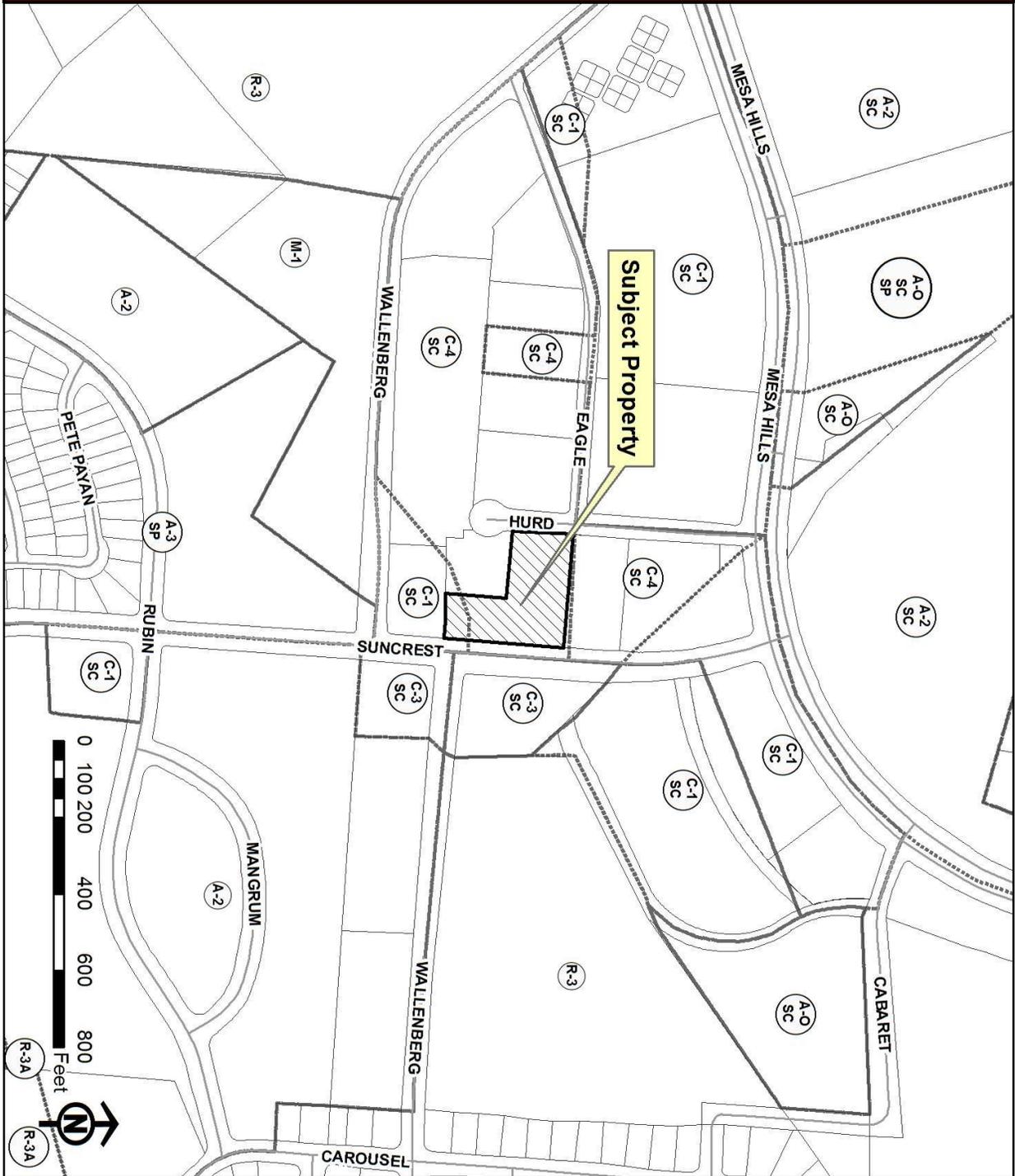
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 7871
5. Ordinance No. 9264

**ATTACHMENT 1: LOCATION MAP**

**PZCR12-00007**

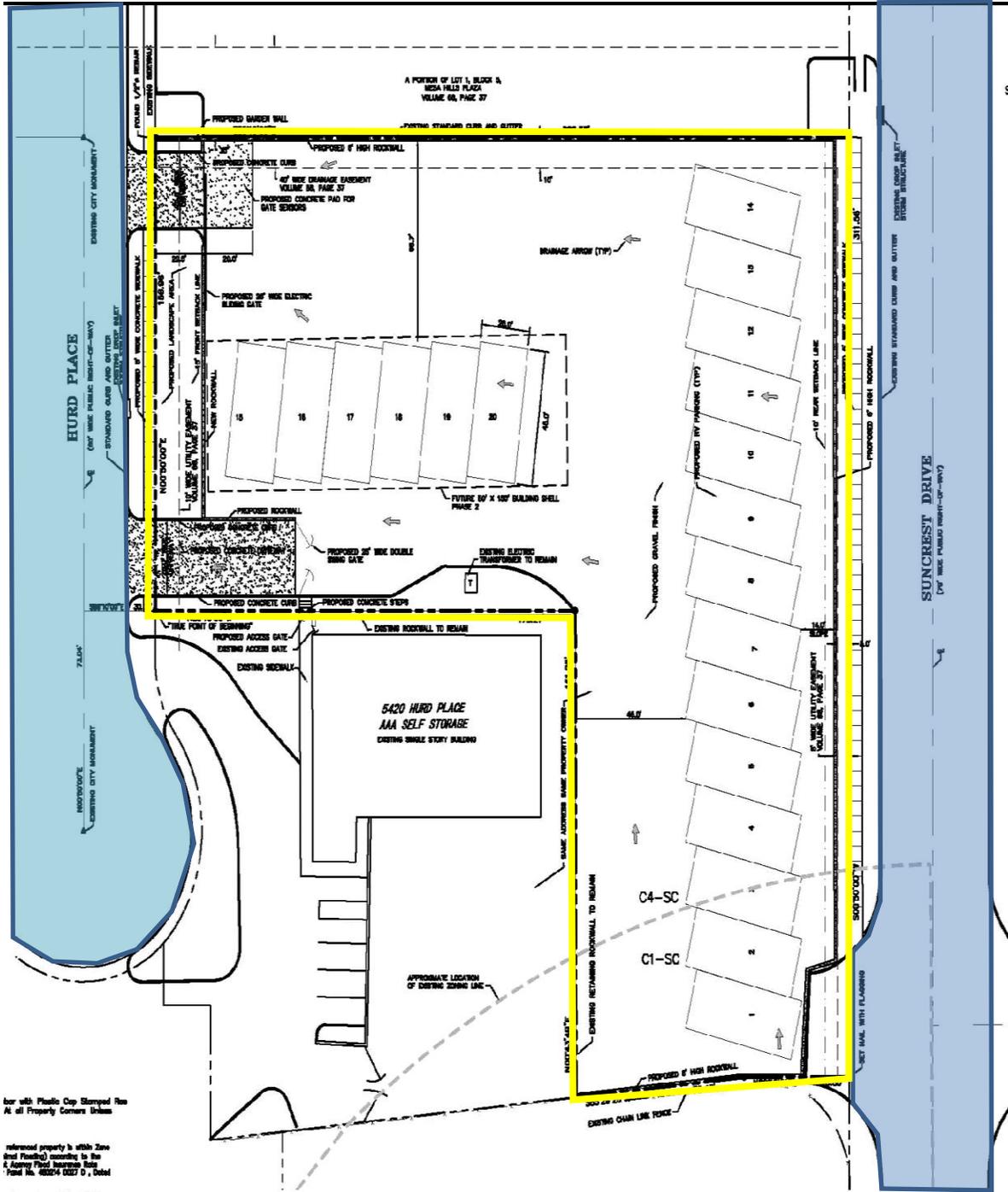


ATTACHMENT 2: AERIAL MAP

PZCR12-00007



# ATTACHMENT 3: CONCEPTUAL SITE PLAN



for with Plastic Cap Stamped Per  
 At all Property Corners Unless  
  
 referenced property is within Zone  
 and (Florida) according to the  
 Agency Flood Insurance Rate  
 Panel No. 45504-0227 D, Detail  
  
 referenced property is within Zone  
 as limits of the 100 year flood and

**ATTACHMENT 4: ORDINANCE NO. 7871**

7871  
07871

AN ORDINANCE CHANGING THE ZONING OF A. F. MILLER SURVEY #214 (PORTION OF E. H. CANTRELL SURVEY #214) THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of a A. F. Miller Survey #214 (portion of E. H. Cantrell Survey #214), as more particularly described in the attached metes and bounds identified as Exhibits "A, B, C, D, E, and F," and made a part hereof by reference, be changed from R-3 (Residential) District to A-2 (Apartment) District (Parcel 1 - 29.096 ac.); C-OP (Office Park) District (Parcel 2 - 15.807 ac.); A-O (Apartment/Office) District (Parcel 3 - 13.534 ac.); R-5 (Residential) District (Parcel 4 - 0.781 ac.); C-1 (Commercial) District (Parcel 5 - 0.949 ac.); and R-5 (Residential) District (Parcel 6 - 1.157 ac.) within the meaning of the zoning ordinance and the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 4<sup>th</sup> day of October, 1983.

Jonathan W. Ryznar  
Mayor

ATTEST:  
Ann Rieck  
City Clerk

APPROVED AS TO FORM:  
[Signature]  
Assistant City Attorney

APPROVED AS TO CONTENT:  
Raul Romo  
Planning Research and Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: C.D.  
12-20-83 COUNTER  
12-19-83 ORIGINAL  
12-20-83 Inspection  
12-20-83 CONTROL  
R. Romo

I certify that the zoning map has been revised to reflect the amendment of ordinance # 7871  
R. Romo Date: 12-19-83

07871  
7871  
Contract (10/4/83)

83-1875  
OCT 5 1983  
DEPARTMENT OF PLANNING

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO

CONTRACT

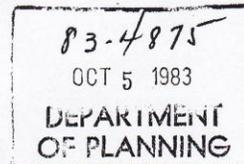
THIS CONTRACT, made this 4<sup>th</sup> day of October,  
1983, by and between PUNTO ALEGRE JOINT VENTURE, First Party, and the  
CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for  
rezoning of A. F. Miller Survey #214 (portion of E. H. Cantrell Survey  
#214), City and County of El Paso, Texas which are more particularly  
described by metes and bounds in the attached Exhibits "A, B, C, D, E  
and F," which are made a part hereof by reference. To remove certain  
objections to such rezoning, First Party covenants that if the  
property is rezoned to A-2 (Apartment) District (Parcel 1 - 29.096 ac.);  
C-OP (Office Park) District (Parcel 2 - 15.807 ac.); A-0  
(Apartment/Office) District (Parcel 3 - 13.543 ac.); R-5 (Residential)  
District (Parcel 4 - 0.781 ac.); C-1 (Commercial) District (Parcel 5 -  
0.949 ac.); R-5 (Residential) District (Parcel 6 - 1.157 ac.) 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. No building permits will be issued for construction  
until a subdivision plat is approved and filed for record.
2. No building permits will be issued for construction  
on Parcels 1, 3 and 5 until a detailed site development  
plan is approved by the City Plan Commission and the  
City Council.

This agreement is a restriction, condition and covenant running  
with the land and a charge and servitude thereon, and shall bind First  
Party and its 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 release the above restrictions, conditions and  
covenants in its discretion without the consent of any third  
person who may be benefited thereby.



*Ord. 7871 (10/4/83)*

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

PUNTO ALEGRE JOINT VENTURE  
First Party

By *[Signature]*  
Title *Mayor*

ATTEST:  
*n/a*  
Secretary

THE CITY OF EL PASO  
Second Party

By *[Signature]*  
Mayor

ATTEST:  
*[Signature]*  
City Clerk

APPROVED AS TO CONTENT:  
*[Signature]*  
Planning, Research and  
Development

APPROVED AS TO FORM:  
*[Signature]*  
Assistant City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this *29<sup>th</sup>* day  
of *Sept*, 1983, by *Ronald B. Fink*  
representative for PUNTO ALEGRE JOINT VENTURE.

*[Signature]*  
Notary Public, State of Texas

My Commission Expires:  
*6/30/84*

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this *4<sup>th</sup>* day  
of *October*, 1983, by JONATHAN W. ROGERS, as Mayor  
of the City of El Paso.

*[Signature]*  
Notary Public, State of Texas

My Commission Expires:  
*6/30/84*



*Ord. 7871*

ATTACHMENT 5: ORDINANCE NO. 9264

009264

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF LOTS 1 AND 2, BLOCK 2, PUNTO  
ALEGRE SUBDIVISION,  
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 Lots 1 and 2, Block 2, Punto Alegre Subdivision, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C-1 (Commercial) and A-O (Apartment/Office) to C-4 (Commercial) 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 14<sup>th</sup> day of January,  
1988.

[Signature]  
Mayor

ATTEST:  
[Signature]  
City Clerk

APPROVED AS TO FORM:  
[Signature]  
Assistant City Attorney

APPROVED AS TO CONTENT:  
[Signature]  
Department of Planning,  
Research and Development

Contract 4-26-88

ZNG5:5333.87

009264

RECEIVED  
MAY 17 988  
PLA

RESOLUTION

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

That the Mayor be authorized to sign a contract between THE CITY OF EL PASO, GUNNISON INVESTMENT COMPANY, INC., MBANK OF EL PASO, and AMERICAN BANK OF COMMERCE, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 009264, more particularly described as a portion of Lots 1 and 2, Block 2, Punto Alegre Subdivision.

ADOPTED this 19<sup>th</sup> day of January, 1988.

[Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

ZNG5:5333.87

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MAY 17 1988

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THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT made this 26<sup>th</sup> day of April, 1988, by and between GUNNISON INVESTMENT COMPANY, INC., First Party, MBANK OF EL PASO and AMERICAN BANK OF COMMERCE, Second Parties, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for the rezoning of a portion of Lots 1 and 2, Block 2, Punto Alegre Subdivision, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from C-1 (Commercial) and A-O (Apartment/Office) to C-4 (Commercial) 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. The property shall be used only as a sales office and warehouse engaged in the storage, retailing and wholesaling of products and services.
2. Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.
3. The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.

This agreement is a restriction, condition and covenant

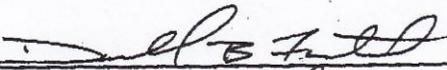
running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

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:

FIRST PARTY:  
GUNNISON INVESTMENT COMPANY, INC.

By   
Title President

ATTEST:

  
Secretary

SIGNATURES CONTINUED ON NEXT PAGE