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

DEPARTMENT: **Planning and Economic Development**

AGENDA DATE: **Resolution, Public Hearing: 11/30/10**

CONTACT PERSON/PHONE: Mathew S. McElroy (915) 541-4193

DISTRICT(S) AFFECTED: 1

SUBJECT:

That the City Manager be authorized to sign on behalf of the City of El Paso, the Declaration and Restrictive Covenants between the City and owners of various properties located along Transmountain Road, between I-10 and Highway 54, subjecting the properties identified therein to certain restrictive covenants related to the development of such properties and authorizing the City Manager to release restrictive covenants, wholly or partially, when the owner(s) has satisfied the requirements or conditions contained therein.

BACKGROUND / DISCUSSION:
See attached resolution.

PRIOR COUNCIL ACTION:
None

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Planning & Development LRC –N/A
Development Coordinating Committee (DCC) – N/A
City Plan Commission (CPC) – N/A

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

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

That the City Manager be authorized to sign on behalf of the City of El Paso, the Declaration and Restrictive Covenants between the City and owners of various properties located along Transmountain Road, between I-10 and Highway 54, subjecting the properties identified therein to certain restrictive covenants related to the development of such properties and authorizing the City Manager to release restrictive covenants, wholly or partially, when the owner(s) has satisfied the requirements or conditions contained therein.

ADOPTED this _____ day of _____, 2010.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Deputy Director
Planning and Economic Development Department

#60742 v1 - reso/authorizing CM to sign/restrictive covenants
Document Author: LCUE

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

STATE OF TEXAS	)	
	)	**KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF EL PASO	)	

DECLARATION AND RESTRICTIVE COVENANTS

THIS DECLARATION AND RESTRICTIVE COVENANTS ~~(the "Declaration")~~ is made and entered into as of the Effective Date stated herein by **DECLARANTS**, their successors and assigns, and is given as a condition precedent to the release of certain zoning conditions affecting the Property identified herein, to the **CITY OF EL PASO**, a municipal corporation organized and existing under the laws of the State of Texas.

RECITALS

A. Declarants are collectively the Owners of the Property.

B. Declarants or the prior owners of the Property, petitioned the City ~~of El Paso~~ to rezone their properties and as a part of the rezoning, the City placed certain conditions on various portions of the Property which the City believed were necessary and attributable to the change in zoning.

C. Declarants have requested that City release the zoning conditions.

D. Declarants also own Property located in the City of El Paso's Mountain Development Area and have requested that the City remove such Property from the Mountain Development Area.

E. In consideration of the City's release of the existing zoning conditions on the Property, and removal of portions of the Property from the Mountain Development Area, Declarants have agreed to execute this Declaration and to subject the Property to certain restrictive covenants and conditions contained herein.

DECLARATION

Now therefore, in consideration of the release of certain existing zoning conditions placed on the Property by the City, such release approved by the City by Ordinance, Declarants hereby declare, declare for themselves, their heirs, executors, administrators, and assigns, that as of the Effective Date the Property shall be held, transferred, sold, conveyed, occupied and enjoyed by all present and future owners and occupants subject to the terms of the covenants,

conditions, and provisions contained in this Declaration. Nothing in this Declaration shall prohibit or prevent the City from exercising its police power~~ and imposing zoning conditions on any portion of the Property, either in conjunction with the execution of this Declaration or thereafter~~.

ARTICLE 1 - DEFINITIONS

In addition to other capitalized terms defined elsewhere in this Declaration, the following terms, when used herein, shall have the meanings set forth below, unless context clearly requires otherwise:

"City" means the City of El Paso, in the State.

"County" means El Paso County, in the State.

"Declarants" means all the property owners of the Property.

"Declaration" means this Declaration and Restrictive Covenants, as the same may from time to time be modified, amended or supplemented.

"Effective Date" means the date of recordation of this Declaration in the Official Real Property Records of the County.

"Existing Restrictions" means the zoning conditions imposed by Ordinance No. 9364 adopted on April 26, 1988, Ordinance 010052 adopted on April 17, 1990, Ordinance 011540, adopted September 7, 1993 Ordinance 15708, adopted March 2, 2004, Ordinance 16241, adopted December 20, 2005, and imposed by Contract, dated August 9, 1988, and amended on September 13, 1988, which are attached as **Exhibit "A-1 through A-7"** and incorporated herein, to the extent th~~-e~~ same have not been amended or released prior to the Effective Date.

"Existing Restriction Parcels" mean all the property identified in **Exhibit "A-1 through A-7"** ~~and **"Exhibit B".**~~

"Lien Holders" means the holder or holders of a mortgage, deed of trust, judgment or other lien on all or part of the Property.

"Mountain Development Area Standards" shall mean the same standards that are contained in Sections 19.24.030 and 19.24.040 of the City of El Paso City Code, as may be amended. All references to the term Mountain Development Area Standards shall mean the same standards that are contained in the El Paso City Code, as may be amended.

"New Restrictions" means New Restriction 1; New Restriction 2; New Restriction 3; New Restriction 4; New Restriction 5 and New Restriction 6.

"***New Restriction 1"*** means the restriction described on **Exhibit "C-1"**.

"New Restriction 2" means the restriction described on **Exhibit "C-2"**.

"New Restriction 3" means the restriction described on **Exhibit "C-3"**.

"New Restriction 4" means the restriction described on **Exhibit "C-4"**.

"New Restriction 5" means the restriction described on **Exhibit "C-5"**.

"New Restriction 6" means the restriction described on **Exhibit "C-6"**.

"New Restrictions Parcel" means individual New Restrictions Parcels.

"New Restrictions Parcels" means collectively Parcel 1; Parcel 2; Parcel 3; Parcel 4; Parcel 5; Parcel 6a; Parcel 6b; Parcel 7; Parcel 8 and Parcel 9.

"Owner" or ***"Owners"*** shall mean any Party in whom fee simple title to all or any portion of the Property is vested; whether by conveyance, assignment, inheritance, operation of law, deed in lieu of foreclosure, foreclosure, or otherwise, but not including the holder of a mortgage lien, deed of trust or encumbrance on all or any portion of the Property or tenant of all or any portion of the Property. ~~All references herein to Owner are understood to include all successors, assigns, grantees, and all other claimants to the Property, whether or not their claim is through Owner.~~ Notwithstanding the foregoing, the term "Owner" shall refer only to the Party in which fee simple title to the Property is vested.

"Parcel" or ***"Parcel"*** covered under the New Restrictions means each separately identified contiguous area of the Property held by an Owner, as described in a recorded instrument or instruments, regardless of whether acquired at one time, and any future subdivisions thereof.

"Parcel 1" (as referenced in the New Restrictions only), means the real property more particularly described on **Exhibit "D-1"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 2" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-2"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 3" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-3"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 4" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-4"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 5" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-5"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 6a" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-6a"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 6b" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-6b"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 7" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-7"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 8" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "E-8"**, which is attached hereto and made a part hereof for all purposes.

"Parcel 9" (as referenced in the New Restrictions only) means the real property more particularly described on **Exhibit "D-9"**, which is attached hereto and made a part hereof for all purposes.

"Party" means an individual, estate, trust, association, entity or governmental or quasi governmental entity.

"Permittees" means the tenant(s) or occupant(s) of all or a portion of the Property, and the respective employees, agents, contractors, customers, invitees, and licensees of (i) the Owner(s) and/or (ii) tenant(s) or occupant(s), of such Property.

"Property" shall collectively refer to the Parcels and land subject to the Existing Restrictions and Parcels and land subject to the New Restrictions Parcels and shall collectively referred to the real estate described on **Exhibits "A-1 through A-7~~, Exhibit B,~~ and Exhibits "D-1" through "D-9"**.

"Restrictions" means the Existing Restrictions and New Restrictions, as applicable.

"State" shall mean the State of Texas.

"Triggering Event" means the date the Federal Highway Adminstation issues a Finding of No Significant Impact for the expansion of the Loop 375 between Highway I-10 and Highway 54. ~~Texas Department of Transportation awarding the contract for project number _____ and Texas Department of Transportation authorization and notice to proceed on the project.~~

ARTICLE 2 – USE RESTRICTIONS

2.1 Existing Restrictions. ~~Upon~~ Beginning on the Effective Date, only the Existing Restrictions shall apply to the specific Existing Restrictions Parcel~~s~~, as applicable, ~~land or property~~ identified in **Exhibits "A-1 through A-7"~~ and Exhibit "B"~~** shown therein. Further, upon the Effective Date, the Mountain Development Area Standards, as made applicable herein, shall apply to the specific Parcel~~s~~, land or property identified in ~~Exhibit "B"~~**Exhibit D-2.**

2.2 New Restrictions. Commencing upon the occurrence of the Triggering Event, the Existing Restrictions shall have not further force and effect and will be substituted by and replaced with the New Restrictions, ~~which~~and only the New Restrictions will be applicable to the specific New Restrictions Parcels identified in **Exhibits "D-1" through "D-9"**, as applicable. Commencing upon the Triggering Event, restrictions on Property development imposed by the Mountain Development Area Standards will automatically terminate as to the Property identified in Exhibit D-2, save and except for the property identified in Exhibit B.

2.3 Initial Term Expiration Date. In the event the Triggering Event has not taken place on or before the date that is one year~~s~~ after the Effective Date, the New Restrictions will be deleted and the Existing Restrictions will be in place for the duration of this Declaration, unless otherwise amended, modified or released as provided herein.

ARTICLE 3 - REMEDIES AND ENFORCEMENT

3.1 All Legal and Equitable Remedies Available. In the event of a breach of the applicable Restrictions by any Owner, the City shall have the right to exercise all the rights and remedies hereunder, and to maintain any actions at law or suits in equity or other property proceedings to enforce the curing of any breach hereof ~~along with any other relief as may be available~~, to include without limitation, injunctive relief and/or specific performance.

3.2 Limitation on Remedies. In the event of a breach of the applicable Restrictions by one Owner, the City will not be entitled to any remedies against the Owner of a Parcel where the breach did not occur, such that each Owner and Parcel will be liable and responsible for its breach and not for the breach by the Owner of another portion of the Property.

ARTICLE 4 – ESTOPPEL CERTIFICATES

4.1 Estoppel Certificates. Recognizing that any Owner may find it necessary from time to time to establish to potential purchasers, lenders or the like, the current status of performance under this Declaration, the City shall, upon the reasonable written request of any Owner, deliver within 15 ~~city~~ business days, a written statement, or form if so provided, regarding the status of any default or other performance relating to this Declaration, or, to the extent accurate, stating that there are no existing defaults or the status of the occurrence of the Triggering Event. In connection with any such request by Owner, the City hereby delegates authority to the City Manager or other chief administrative officer to execute and deliver the requested estoppel certificate.

ARTICLE 5– DURATION, RELEASE ,AMENDMENT AND REPRESENTATIONS AND WARRANTIES

5.1 Duration. This Declaration shall commence upon the Effective Date and shall remain in effect with respect to the subject Property, unless released, in part or in whole, as provided in ~~Section 5.4 of~~ this Declaration.

5.2 Covenants to Run with Land. Declarants intend, declare, and covenant, on behalf of themselves and all further Owners of the Property that, during the term of this Declaration, all of the covenants, conditions, and restrictions set forth herein regulating and restricting the use, occupancy, and transfer of the Property: (i) shall be and are covenants running with the Property, encumbering the Property, and are binding upon the Declarants' successors in title and all subsequent Owners of the Property; and (ii) ~~are not merely personal covenants of the Declarants; and~~ (iii) shall bind the Declarants and future Owners and Permittees ~~its and their respective successors and assigns, grantees, and permittees, and claimants~~ during the term of this Declaration. Declarants hereby agree that any and all requirements of the laws of the State of Texas to be satisfied in order for the provisions of this Declaration to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full. The City ~~of El Paso, Texas~~ shall be deemed the beneficiary of the covenants, conditions, and restrictions contained herein, and such covenants, conditions, and restrictions shall inure to the benefit of and, unless otherwise substituted, released or amended, shall run in favor of the City ~~of El Paso~~ for the entire term during which such covenants and restrictions shall be in force and effect.

5.3. Grantee's Acceptance. The grantee of any Parcel or any portion thereof, by acceptance of a deed conveying title thereto or the execution of a contract for the purchase thereof, whether from an original party or from a subsequent owner of such Parcel, shall accept such deed or contract upon and subject to this Declaration. By such acceptance, any such grantee shall for himself and his successors, assigns, heirs and personal representatives, covenant, consent, and agree to and with the other party, to keep, observe, comply with, and perform the obligations and agreements set forth herein as applicable to its Parcel or portion thereof acquired.

5.4 Release. The parties agree that the provisions of this Declaration may be released, in whole or in part, only by the written instrument executed by the City and all record Owners of the Parcel or portion of the Parcel that is the subject of the release-and only ~~if the City determines that the Owner has satisfied all the~~ as to portions of the Restrictions applicable to a particular Parcel or portion of a Parcel~~, the Parcel or portion of the Parcel~~that have been satisfied. The City hereby delegates authority to the City Manager or other chief administrative officer to determine whether the Owner has satisfied the provisions contained herein, and to execute and deliver to the Owner, a release instrument duly executed and in recordable form for filing in the Official Real Property Records of the County. No consent or joinder shall be required of any Permittee or Lien Holder, nor shall any Permittee or Lien Holder have any right to enforce any provision of this Declaration or any modification or amendment hereof.

5.5 Amendment. The City, together with Owner of the Parcel or portion of the Parcel that is the subject of the modification or amendment, may execute and record any amendment or modification to this Declaration and such amendment or modification shall be binding. Any

amendment or modification of this Declaration, other than a release provided above, shall be subject to approval by the El Paso City Council. No consent or joinder shall be required of any Permittee or Lien Holder, nor shall any Permittee or Lien Holder have any right to enforce any provision of this Declaration or any modification or amendment hereof.

ARTICLE 6 – NOTICES

6.1 Notices. Any and all notices or other communications required or permitted by this Declaration shall be in writing and shall be deemed properly delivered, given, or served, as the case may be (notwithstanding lack of actual receipt by the addressee): (i) upon actual receipt or refusal by the addressee by hand delivery, or (ii) two business days after having been deposited in the United States mail, certified or registered, return receipt requested, sufficient postage affixed and prepaid; or (iii) one (1) business day after having been deposited with an expedited, overnight courier service (such as by way of example but not limitation, U.S. Express Mail, Federal Express, Airborne Express or UPS), addressed to the party to who notice is intended and to be given at the below addresses for notice or the address of a subsequent Owner on the deed conveying a Parcel to such Owner.

~~**If to Declarants:**~~

_____
~~Attention:~~ _____
_____
_____
_____
~~Telephone:~~ _____
~~Facsimile:~~ _____

Transmountain Developmment Company, LP
Attention: _____
_____
_____
Telephone: _____
Facsimile: _____

Hunt El Paso Investment LTD
Attention: William D. Sanders
4401 N. Mesa
El Paso, TX 79902
Telephone: (915) 533-7900
Facsimile: (915) 298-4343

Westport Improvement Association
Attention: _____
_____
_____
Telephone: _____
Facsimile: _____

Plexxar Capital, LTD
Attention: Brent Harris
123 W. Mills Avenue, Suite 600
El Paso, Texas 79901
Telephone: (915) 877-4300
Facsimile: (915) 877-2200

Hill 262 Partners, LTD
Attention: William D. Sanders
4401 N. Mesa
El Paso, TX 79902
Telephone: (915) 533-7900
Facsimile: (915) 298-4343

Plexxar North, LTD
Attention: Brent Harris
123 W. Mills Avenue, Suite 600
El Paso, Texas 79901
Telephone: (915) 877-4300
Facsimile: (915) 877-2200

RVE Unit 18, LTD
Attention: Randy O'Leary

Telephone: (915) 591-6319
Facsimile: (915) 591-8839

George Duncan
Attention:

Telephone:
Facsimile:

Transmountain Investors, LTD
Attention:

Telephone:

Facsimile: _____

If to City:

Planning & Economic Development
Planning Division
Attn: Planning Director
#2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901
Telephone: (915) 541-4193

With a copy to:

City Attorney's Office
#2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901
Telephone: (915) 541-4550

Any Owner or Declarant or City may change the above notice addresses by notice to the other Owners or City given in the manner as above set forth and recording the same in the Official Real Property Records of the County.

ARTICLE 7 - MISCELLANEOUS

7.1 No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by the other party to take any action with respect to such default.

7.2 No Agency. Nothing in this Declaration shall be deemed or construed by either party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

7.3 Severability. This Declaration is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules, and regulations. Each provision of this Declaration and the application thereof to the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration. In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the parties agree to promptly cause such legal description to be prepared.

7.4 Time of Essence. Time is of the essence of this Declaration.

7.5 Entire Agreement. This Declaration contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.

7.6 Headings. The section or paragraph headings in this Declaration are for convenience only, shall in no way define or limit the scope or content of this Declaration, and shall not be considered in any construction or interpretation of this Declaration or any part hereof.

7.7 Interpretation. Within this Declaration, when required by the context, each number (singular and plural) shall include all numbers and each gender shall include all genders; use of the neuter shall include the feminine or the masculine, as appropriate.

7.8 Successors and Assigns. This Declaration shall be binding upon and inure to the benefit of the Owners from time to time along with the City.

7.9 Governing Law. This Declaration is being executed and delivered, and is intended to be performed, in the State, and the laws of the State shall govern the validity, construction, enforcement and interpretation of this Declaration. This Declaration is performable, and the exclusive venue for any action brought with respect hereto shall lie, in the County.

7.10 Counterparts. This instrument may be executed in multiple counterparts with separate signature pages, and shall be binding on and inure to the benefit of the parties hereto, their heirs, executors, administrators, successors in interest and assigns.

7.11 Force Majeure. In the event any Owner shall be delayed or hindered in or prevented from the performance of any act required to be performed by such party by reason of Acts of God, strikes, lockouts, unavailability of materials, failure of power, prohibitive governmental laws or regulations, riots, insurrections, the act or failure to act of the other party, adverse weather conditions preventing the performance of work as certified to by an architect, war or other reason beyond such party's reasonable control and with respect to which, in each of the aforesaid circumstances, the party is diligently and in good faith and with reasonable dispatch seeking to abate and remove the circumstances causing the delay or hindrance or prevention from performance of the act required to be performed by such party, then the time for performance of such act shall be extended for a period equivalent to the period of such delay. Lack of adequate funds or financial inability to perform or financial or economic losses or hardship resulting from performance shall not be deemed to be a cause beyond the reasonable control of such party.

7.12. The individuals signing this Agreement acknowledge that they are authorized to do so and further warrant that they are the legal property owners for the Property identified and covered under this Agreement.

7.13. Exhibits.

Exhibit "A" – Existing Restrictions and Property covered by such restrictions
Exhibit A-1 – Ordinance No. 9364 adopted on April 26, 1988
Exhibit A-2 – Ordinance No. 010052 adopted on April 17, 1990
Exhibit A-3 – Ordinance No. 011540, adopted September 7, 1993
Exhibit A-4 – Ordinance No. 15708, adopted March 2, 2004
Exhibit A-5 – Ordinance No. 16241, adopted December 20, 2005,
Exhibit A-6 – Contract, dated August 9, 1988
Exhibit A-7 – Contract amendment dated September 13, 1988

Exhibit "B" – Save and except Property subject to the Mountain Development Area Standards.

Exhibit "C" - New Restrictions
Exhibit C-1 - New Restriction 1
Exhibit C-2 – New Restriction 2
Exhibit C-3 – New Restriction 3
Exhibit C-4 – New Restriction 4
Exhibit C-5 – New Restriction 5
Exhibit C-6 – New Restriction 6

Exhibit "D" - New Restriction Parcels Site Plan
Exhibit D-1 – Parcel 1
Exhibit D-2 – Parcel 2
Exhibit D-3 – Parcel 3
Exhibit D-4 – Parcel 4
Exhibit D-5 – Parcel 5
Exhibit D-6a – Parcel 6a
Exhibit D-6b- Parcel 6b
Exhibit D-7 – Parcel 7
Exhibit D-8 – Parcel 8
Exhibit D-9 – Parcel 9

Exhibit "E" – Declarants

No future merger of title in any successors or assigns shall operate to terminate this Declaration.

[SIGNATURES ON THE FOLLOWING PAGE]

Signature Page
To
Declaration and Restrictive Covenants

IN WITNESS WHEREOF, Declarant has executed this instrument as of the dates set forth in their respective acknowledgements below, to be effective for all purposes, however, as of the Effective Date in this instrument.

DECLARANT: _____,
a _____

By: _____
Name: _____
Title: _____

STATE OF _____ §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 20____, by _____, _____, of _____, a _____, the sole general partner of _____, a _____, on behalf of said _____, on behalf of said _____.

_____
Notary Public, State of _____

IN WITNESS WHEREOF, City has executed this instrument as of the dates set forth in their respective acknowledgements below, to be effective for all purposes, however, as of the Effective Date in this instrument.

CITY: _____,
a _____

By: _____
Name: _____
Title: _____

STATE OF _____ §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 20____, by _____, _____, of _____, a _____, the sole general partner of _____, a _____, on behalf of said _____, on behalf of said _____.

_____
Notary Public, State of _____

ACCEPTANCE

CITY OF EL PASO

By:_____
Joyce Wilson, City Manager

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew McElroy, Deputy Director
Development Services – Planning Division

STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me this _____ day of _____2010, by Joyce Wilson, City Manager of the City of El Paso, a municipality, on behalf of said municipality.

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of El Paso
Planning & Economic Development
Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901

EXHIBIT "A"
Existing Restrictions

EXHIBIT "A-1"
Ordinance No. 9364 adopted on April 26, 1988

009364

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF NELLIE D. MUNDY SURVEYS NO. 239,
240 AND 243; A PORTION OF TRACTS 61 AND 62, W.H. GLENN
SURVEY NO. 241; A PORTION OF TRACT 1B, S.J. LARKIN
SURVEY NO. 266; A PORTION OF TRACT 6, W.H. LENOX SURVEY
NO. 432; AND PORTIONS OF TRACTS 1 AND 8, S.A. AND
M.G. SURVEY NO. 266.
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 Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W.H. Glenn Survey No. 241; a portion of Tract 1B, S.J. Larkin Survey No. 266; a portion of Tract 6, W.H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S.A. and M.G. Survey No. 266, as more particularly described by metes and bounds in the attached Exhibit "A" (pages 1 - 15), be changed as follows:

Parcel No. 1: from R-3 (Residential) to C-4 (Commercial) - 8.425 acres
Parcel No. 1C: from PMD (Planned Mountain District) to C-4 (Commercial) - 7.581 acres
Parcel No. 2: from R-3 (Residential) to M-1 (Light Manufacturing) - 273.607 acres
Parcel No. 2A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 19.077 acres
Parcel No. 3: from R-3 (Residential) to C-4 (Commercial) - 132.273 acres
Parcel No. 4: from R-3 (Residential) to A-2 (Apartment) - 16.241 acres
Parcel No. 5: from A-2 (Apartment) to C-4 (Commercial) - 4.255 acres
Parcel No. 6: from R-3 (Residential) to M-1 (Light Manufacturing) - 67.329 acres
Parcel No. 6A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 3.397 acres

009364

A-1, B-2, B-3, B-4, C-4, D-5, E-6, F-7, F-8 379 H-K

...ing a portion of Nellie B. Mundy
Survey 243
City of El Paso, El Paso County, Texas
Prepared for: Kasco
February 23, 1988

PARCEL 1C
PMD TO C4

METES AND BOUNDS DESCRIPTION

Beginning at the point of intersection of the South right-of-way line of Woodrow Bean Transmountain Drive and the Easterly boundary line of Nellie B. Mundy Survey 239; Thence South 84°57'30" East a distance of 830.56 feet to the "POINT OF BEGINNING";

Thence South 84°57'30" East a distance of 648.95 feet;

Thence South 80°15'33" East a distance of 202.16 feet;

Thence South 09°32'33" West a distance of 38.96 feet;

Thence 362.92 feet along the arc of a curve to the right, whose interior angle is 10°23'49", whose radius is 2000.00 feet, whose chord bears South 14°44'27" West a distance of 362.42 feet;

Thence North 80°15'33" West a distance of 154.30 feet;

Thence North 84°57'30" West a distance of 632.54 feet;

Thence North 05°02'30" East a distance of 400.00 feet to the "POINT OF BEGINNING" containing in all 330,218.54 square feet or 7.851 acres of land more or less.

Tony C. Conde, P.E.
CONDE, INC.

188-24
J.C.

RECEIVED
PLA

Survey 240, a portion of Nellie
D. Mundy Survey 239, and a portion
of Nellie D. Mundy Survey 243,
and portion of W.H. Glen 241
City of El Paso, El Paso County, Texas
Prepared for: Kasco
March 7, 1988

PARCEL 2
R-3 TO M-1

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Nellie D. Mundy Survey 240, a portion of Nellie D. Mundy Survey 239 and a portion of Nellie D. Mundy Survey 243, and portion of W.H. Glen 241, City of El Paso, El Paso County, Texas being more particularly decribed by metes and bounds as follows to wit:

The point of intersection of the Easterly right-of-way line of U.S. Interstate 10 and the Southerly boundary line of Nellie D. Mundy Survey 240 for the "POINT OF BEGINNING";

Thence North 00°04'33" East a distance of 1857.84 feet;

Thence 45.66 feet along the arc of a curve to the right, whose interior angle is 87°11'42", whose radius is 30.00 feet, whose chord bears North 43°40'24" East a distance of 41.38 feet;

Thence North 87°16'15" East a distance of 371.91 feet;

Thence South 89°55'27" East a distance of 775.00 feet;

Thence 47.12 feet along the arc of a curve to the right, whose interior angle is 90°00'00", whose radius is 30.00 feet, whose chord bears South 44°55'27" East a distance of 42.43 feet;

Thence South 89°55'27" East a distance of 90.00 feet;

Thence North 00°04'33" East a distance of 150.00 feet;

Thence 540.92 feet along the arc of a curve to the right, whose interior angle is 23°56'06", whose radius is 1294.85 feet, whose chord bears North 12 02'36" East a distance of 536.99 feet;

Thence North 24°00'39" East a distance of 677.04 feet;

Thence 454.69 feet along the arc of a curve to the left, whose interior angle is 18°01'45", whose radius is 1445.00 feet, whose chord bears North 14°59'47" East a distance of 452.82 feet;

Thence North 05°58'55" East a distance of 1629.90 feet;

Thence North 08°47'25" East a distance of 0.04 feet;

Thence South 84°04'06" East a distance of 1082.99 feet;

Thence South 85°13'55" East a distance of 178.42 feet;

Thence South 84°57'30" East a distance of 829.60 feet;

Thence South 05°02'30" West a distance of 338.48 feet;

Thence South 47°56'58" East a distance of 578.77 feet;

Thence 648.76 feet along the arc of a curve to the right, whose interior angle is 18°35'09", whose radius is 2000.00 feet, whose chord bears South 50°47'26" West a distance of 645.92 feet;

Thence South 60°45'00" West a distance of 476.73 feet;

Being a portion of Tracts 61 and 62, W.H. Glenn Survey 241, a portion of Tract 1B, S.J. Larkin Survey 266, and a portion of Tract 6, W.H. Lenox Survey 432, and a portion of Nellie D. Mundy Survey 242,
City of El Paso, El Paso County, Texas
Prepared for: Kasco
March 8, 1988

PARCEL 3
From R3 to C4

METES AND BOUNDS DESCRIPTION

Description of a portion of Tracts 61 and 62, W.H. Glenn Survey 241, a portion of Tract 1B, S.J. Larkin Survey 266, and a portion of Tract 6, W.H. Lenox Survey 432 and a portion of Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows to wit:

From a point being the intersection of the easterly right-of-way line of U.S. Interstate 10, and the North line of W.H. Glenn Survey 241; Thence South 00°04'33" West a distance of 367.09 feet to the "POINT OF BEGINNING";

Thence North 82°00'57" East a distance of 1308.29 feet;

Thence 471.26 feet along the arc of a curve to the left, whose interior angle is 15°55'22", whose radius is 1695.75 feet, whose chord bears South 09°04'46" East a distance of 469.74 feet;

Thence South 17°02'27" East a distance of 501.51 feet;

Thence North 82°00'57" East a distance of 1341.99 feet;

Thence South 13°33'03" East a distance of 2319.10 feet;

Thence South 76°26'57" West a distance of 480.00 feet;

Thence North 13°33'03" West a distance of 580.00 feet;

Thence South 61°38'38" West a distance of 386.02 feet;

Thence South 19°33'23" East a distance of 1188.27 feet;

Thence North 73°16'38" East a distance of 730.00 feet;

Thence South 13°33'03" East a distance of 250.00 feet;

Thence 430.89 feet along the arc of a curve to the left, whose interior angle is 12°43'33", whose radius is 1940.00 feet, whose chord bears South 19°54'49" East a distance of 430.00 feet;

Thence South 53°04'32" West a distance of 232.26 feet;

Thence South 67°51'07" West a distance of 640.00 feet;

Thence North 25°40'18" West a distance of 121.21 feet;

Thence North 61°57'04" West a distance of 99.76 feet;

Thence North 76°39'26" West a distance of 481.51 feet;

Thence South 89°45'41" West a distance of 98.97 feet;

Thence South 74°48'45" West a distance of 75.00 feet;

Thence 151.45 feet along the arc of a curve to the right, whose interior angle is 07°08'00", whose radius is 1216.04 feet, whose chord bears North 11°37'11" West a distance of 151.35 feet;

Thence North 08°03'06" West a distance of 1337.73 feet;

Thence 54.98 feet along the arc of a curve to the right, whose interior angle is 90°00'00", whose radius is 35.00 feet, whose chord bears North 36°56'54" East a distance of 49.50 feet;

Being a portion of S.J. Larkin Survey 266
and a portion of W.H. Glen Survey 241
City of El Paso, El Paso County, Texas
Prepared for: Kasco
February 23, 1988

PARCEL 4
R3 TO A2

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of S.J. Larkin Survey 266 and a portion of W.H. Glen Survey 241, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the East right-of-way line of Intersection No. 10 and the South boundary line of Nellie B. Mundy Survey 240; Thence South 00°04'33" West a distance of 611.51 feet; Thence South 00°30'26" East a distance of 101.26 feet; Thence North 82°00'57" East a distance of 2724.98 feet; Thence South 13°33'03" East a distance of 2944.56 feet to the "POINT OF BEGINNING";

Thence South 13°33'03" East a distance of 660.00 feet;

Thence South 73°16'38" West a distance of 730.00 feet;

Thence North 19°33'23" West a distance of 1188.27 feet;

Thence North 61°38'38" East a distance of 386.02 feet;

Thence South 13°33'03" East a distance of 530.00 feet;

Thence North 76°26'57" East a distance of 480.00 feet to the "POINT OF BEGINNING" containing in all 707,449.01 square feet or 16.241 acres of land or less.

Tony G. Conde, P.E.
CONDE, INC.

188-24
J.C.

RECEIVED
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Being a portion of W.H. Lenox
Survey 432 and a portion of S.A.N.G.
Survey 266,
City of El Paso, El Paso County, Texas
Prepared for: Kasco
February 23, 1988

PARCEL 5
A2 TO C4

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of W.H. Lenox Survey 432 and a portion of S.A.N.G. Survey 266, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the East right-of-way of Interstate 10 and the South boundary line of Nellie D. Mundy Survey 240; Thence South 00°04'33" West a distance of 611.51 feet; Thence South 00° 30'26" East a distance of 101.26 feet; Thence North 82 00'57" East a distance of 2724.98 feet; Thence South 13°33'03" East a distance of 3854.56 feet; Thence 430.89 feet along the arc of a curve to the left whose interior angle is 12°43'33", whose radius is 1940.00 feet, whose chord bears South 19° 54'49" East a distance of 430.00 feet; Thence South 53° 04'32" West a distance of 232.26 feet; Thence South 67 51'07" West a distance of 640.00 feet; Thence North 25°40'16" West a distance of 121.21 feet; Thence North 61°57'04" West a distance of 99.76 feet; Thence North 75°39'26" West a distance of 243.51 feet to the "POINT OF BEGINNING";

Thence South 13°20'34" West a distance of 170.00 feet;

Thence North 76°39'26" West a distance of 221.75 feet;

Thence South 11°10'26" East a distance of 351.31 feet;

Thence South 68°40'48" West a distance of 259.25 feet;

Thence 300.14 feet along the arc of a curve to the left, whose interior angle is 05°57'16", whose radius is 2888.00 feet, whose chord bears North 16°50'46" West a distance of 300.00 feet;

Thence North 19°49'24" West a distance of 279.35 feet;

Thence 98.39 feet along the arc of a curve to the right, whose interior angle is 04°38'08", whose radius is 1216.04 feet, whose chord bears North 17°30'20" West a distance of 98.36 feet;

Thence North 74°48'45" East a distance of 75.00 feet;

Thence North 89°45'41" East a distance of 98.97 feet;

Thence South 76°39'26" East a distance of 238.00 feet to the "POINT OF BEGINNING" containing in all 185,364.70 square feet or 4,255 acres of land more or less.

Tony G. Conde, P.E.
CONDE, INC.

188-24
J.C.

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PLANNING

Being a portion of Nellie D.
Hundy Survey 239,
City of El Paso, El Paso County, Texas
Prepared for: Kasco
February 23, 1980

PARCEL 6A
PMD TO M1

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Nellie D. Hundy Survey 239, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the East right-of-way line of U.S. Highway 10 and the Northerly line of Nellie D. Hundy Survey 240; Thence South 00°04'33" West a distance of 291.97 feet; Thence North 84° 35'44" East a distance of 1090.54 feet; Thence North 39°55'00" East a distance of 653.24 feet; Thence North 05°58'55" East a distance of 1331.51 feet to the "POINT OF BEGINNING";

Thence North 84°04'06" West a distance of 230.96 feet;

Thence North 85°59'02" West a distance of 142.31 feet;

Thence North 04°00'58" East a distance of 400.00 feet;

Thence South 85°59'02" East a distance of 149.00 feet;

Thence South 84°04'06" East a distance of 169.79 feet;

Thence 45.68 feet along the arc of a curve to the right, whose interior angle is 87°14'29", whose radius is 30.00 feet, whose chord bears South 40°26'51" East a distance of 41.39 feet;

Thence South 03°10'23" West a distance of 371.84 feet;

Thence South 05°58'55" West a distance of 0.04 feet to the "POINT OF BEGINNING" containing in all 147,958.55 square feet or 3,397 acres of land more or less.

Tony G. Conde, P.E.
CONDE, INC.

188-24
J.C.

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Being a portion of W.H. Lenox
Survey 432 and a portion of S.A. &
M.G. Survey 206,
City of El Paso, El Paso County, Texas
Prepared for: Kasco
February 23, 1983

PARCEL 8
R5 TO A0

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of W.H. Lenox Survey 432 and a portio of S.A. & M.G. Survey 206, City of El Paso, El Paso County, Texas being particularly described by metes and bounds as follows:

Beginning at the point of intersection of the East right-of-way of Interstate 10 and the South boundary line of Nellie B. Mundy Survey 240; Thence South 00°04'33" West a distance of 611.51 feet; Thence South 00° 30'26" East a distance of 101.26 feet; Thence North 82° 00'57" East a distance of 2724.98 feet; Thence South 13°33'03" East a distance of 3854.55 feet; Thence 638.20 feet along the arc of a curve to the left whose interior angle is 18°50'55", whose radiu i 1940.00 feet, whose chord bears South 22°58'30" East a distance of 635.33 feet to the "POINT OF BEGINNING";

Thence 296.68 feet along the arc of a curve to the left, whose interior angle is 08°46'05", whose radius is 1940.00 feet, whose chord bears South 38°47'00" East a distance of 296.60 feet;

Thence South 48°49'57" West a distance of 429.93 feet;

Thence South 72°58'20" West a distance of 150.50 feet;

Thence South 67°51'07" West a distance of 350.03 feet;

Thence South 73°20'21" West a distance of 172.31 feet;

Thence South 73°49'34" West a distance of 373.01 feet;

Thence North 11°10'26" West a distance of 321.46 feet;

Thence North 68°40'48" East a distance of 490.75 feet;

Thence North 51°42'39" East a distance of 590.00 feet;

Thence South 89°57'17" East a distance of 115.19 feet;

Thence South 76°35'20" East a distance of 176.84 feet to the "POINT OF BEGINNING" containing in all 582,930.52 square feet or 13.382 acres of land more or less.

Tony C. Conde, P.E.
CONDE, INC.

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Being a portion of S.A. & M.G. Survey 266,
City of El Paso, El Paso County, Texas
Prepared for: Tasco
February 23, 1988

PARCEL 10
A2 TO A0

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of S.A. & M.G. Survey 266, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the East right-of-way of Interstate 10 and the South boundary line of Nellie B. Mundy Survey 240; Thence South 00°04'33" West a distance of 611.51 feet; Thence South 00° 30'26" East a distance of 101.26 feet; Thence North 82° 00'57" East a distance of 2724.98 feet; Thence South 13°33'03" East a distance of 3054.56 feet; Thence 935.09 feet along the arc of a curve to the left whose interior angle is 27°37'00", whose radius is 1940.00 feet, whose chord bears South 27° 21'33" East a distance of 926.06 feet; Thence South 43° 49'57" West a distance of 429.93 feet to the "POINT OF BEGINNING";

Thence South 48°49'57" West a distance of 731.47 feet;

Thence 655.01 feet along the arc of a curve to the right, whose interior angle is 29°59'37", whose radius is 1252.97 feet, whose chord bears South 63°49'45" West a distance of 648.45 feet;

Thence North 11°10'26" West a distance of 45.00 feet;

Thence 47.12 feet along the arc of a curve to the right, whose interior angle is 90°00'00", whose radius is 30.00 feet, whose chord bears North 56°10'26" West a distance of 42.43 feet;

Thence North 11°10'26" West a distance of 500.00 feet;

Thence 135.84 feet along the arc of a curve to the left, whose interior angle is 02°41'42", whose radius is 2800.00 feet, whose chord bears North 12°31'17" West a distance of 135.83 feet;

Thence North 68°40'48" East a distance of 259.25 feet;

Thence South 11°10'26" East a distance of 321.46 feet;

Thence North 78°49'34" East a distance of 373.01 feet;

Thence North 73°20'21" East a distance of 172.31 feet;

Thence North 67°51'07" East a distance of 350.03 feet;

Thence North 72°53'20" East a distance of 150.50 feet to the "POINT OF BEGINNING" containing in all 410,972.60 square feet or 9.435 acres of land more or less.

Tony G. Conde, P.E.
CONDE, INC.

RECEIVED

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J.C.

Descripti[illegible] of a 12.7260 acre parcel of land being [illegible]rtion of Lot 1, Bloc[illegible] Americas [illegible] City of El Paso, El Paso County, Tex[illegible] being more particularly described by metes and bounds as follows to wit:

Starting at a Proposed City Monument to be located at the centerline intersection of Rojas Drive and Pine Springs Drive, thence North 32° 52'16" East a distance of 648.73 feet to a point, thence 689.32 feet along an arc of a curve to the left along said centerline of Pine Springs Drive, whose interior angle is 29° 41'44", whose radius is 1,330.00 feet, and whose chord bears North 18° 01' 24" East a distance of 681.63 feet to a point, thence South 86° 49'28" East a distance of 45.00 feet to a point lying on the Easterly right-of-way line of Pine Springs Drive said point being the "TRUE POINT OF BEGINNING".

Thence a distance of 1,112.86 feet along an arc of a curve to the left along said Easterly right-of-way line of Pine Springs Drive, whose interior angle is 46° 22'21", whose radius is 1,375.00 feet, and whose chord bears North 20° 00'39" West a distance of 1,082.73 feet to a point;

Thence 28.39 feet along a curve to the right whose interior angle is 81° 20'30", whose radius is 20.00 feet, and whose chord bears North 02° 31'34" West a distance of 26.07 feet to a point lying on the Southeasterly right-of-way line of Southview Drive;

Thence North 38° 08'41" East a distance of 220.00 feet to a point along said Southeasterly right-of-way line of Southview Drive;

Thence South 51° 51'19" East a distance of 50.00 feet to a point;

Thence 291.03 feet along a curve to the left whose interior angle is 16° 44'31", whose radius is 996.00 feet, and whose chord bears South 60° 13'35" East a distance of 996.00 feet to a point;

Thence South 68° 35'50" East a distance of 368.16 feet to a point;

Thence South 00° 33'11" East a distance of 924.61 feet to a point lying on the Southerly right-of-way line of Mercantile Avenue;

Thence South 89° 26'49" West a distance of 386.82 feet to a point along said Southerly right-of-way line of Mercantile Avenue;

Thence 32.72 feet along a curve to the right, whose interior angle is 93 43'43" whose radius is 20.00 feet, and whose chord bears North 4[illegible]° 41'20" West a distance of 29.19 feet to the "TRUE POINT OF BEGINNING" and said parcel containing 554,344.51 square feet or 12.7260 acres of land more or less.

NO.	BEARING	DISTANCE
T1	S51°51'19"E	50.00

88-5366

CHORD	DELTA	RADIUS	LENGTH	TAN
29.19	93°43'43"	20.00	32.72	21.35
26.07	81°20'30"	20.00	28.39	17.19
290.00	16°44'31"	996.00	291.03	146.56

PROPERTY DESCRIPTION

roe and associates

ENGINEERING / LAND DEVELOPEMENT / PLANNING / SURVEYING

1121 WYOMING EL PASO, TEXAS

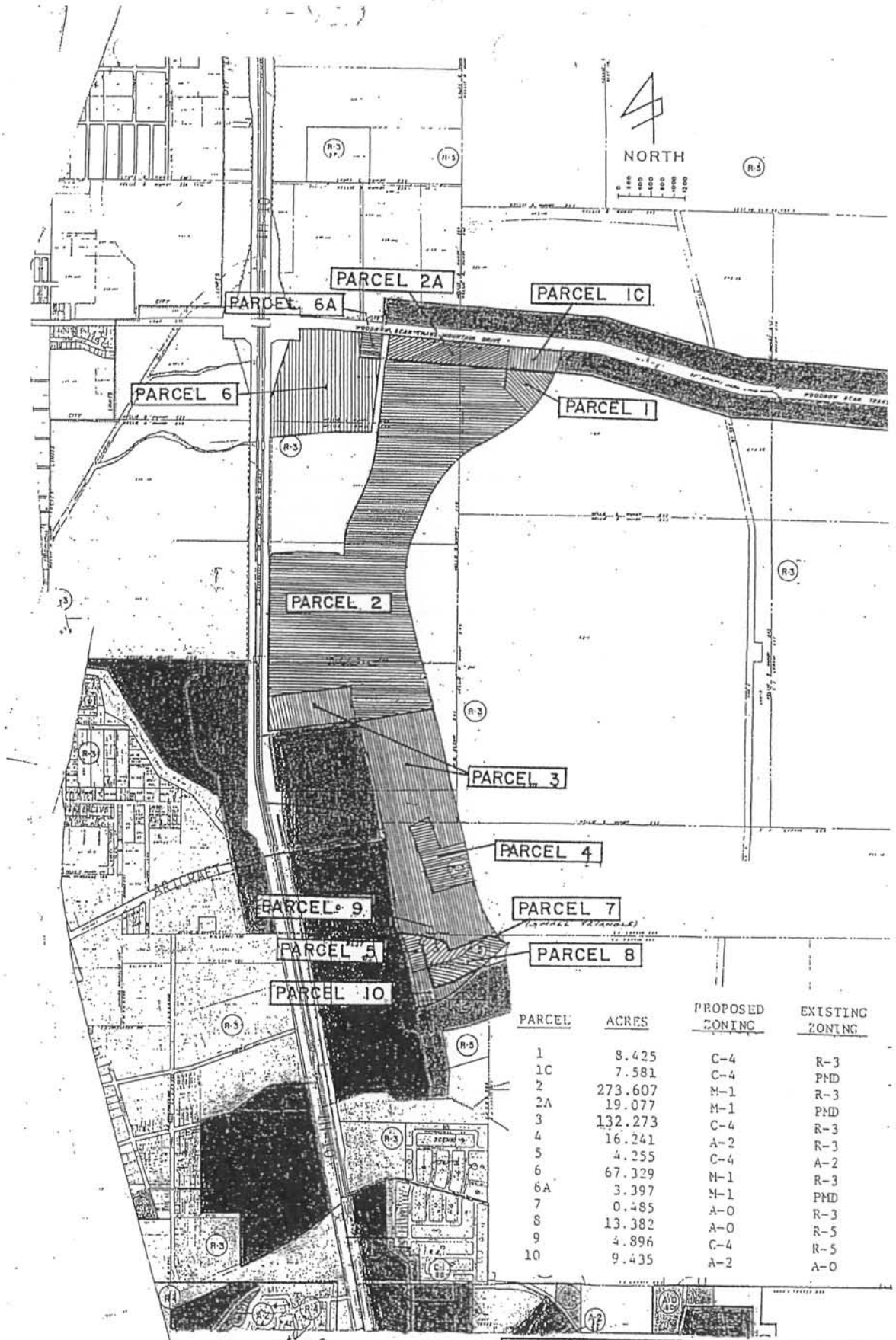
CENSUS TRACT No. 40 DISTRICT LOWER VALLEY

COUNTY PLAT RECORDS BOOK 60 PAGE 63 FIELD ____ OFFICE MA

DATE PREPARED 10-3-86 SCALE 1"=100' WORK ORDER No. KAHLE AREA 26

Parcel 2
EXHIBIT "A"

88-5366



PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
1	8.425	C-4	R-3
1C	7.581	C-4	PMD
2	273.607	M-1	R-3
2A	19.077	M-1	PMD
3	132.273	C-4	R-3
4	16.241	A-2	R-3
5	4.255	C-4	A-2
6	67.329	M-1	R-3
6A	3.397	M-1	PMD
7	0.485	A-O	R-3
8	13.382	A-O	R-5
9	4.896	C-4	R-5
10	9.435	A-2	A-O

Total acreage 360.383

CASE NO. 88-5353
GENERAL LOCATION MAP

Special Contract - Map

EXHIBIT "A-2"

Ordinance No. 010052 adopted on April 17, 1990

010052

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACTS 10E & 12, AND
ALL OF TRACTS 10D, 11, 10C & 9,
NELLIE D. MUNDY SURVEY NO. 239
AND IMPOSING CERTAIN CONDITIONS.
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 Tract 10E & 12, and all of Tracts 10D, 11, 10C & 9, Nellie D. Mundy Survey No. 239, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential) & PMD (Planned Mountain Development) to C-4 (Commercial) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) & PMD (Planned Mountain Development) to C-4 (Commercial), in order to protect the health, safety and welfare of adjacent property owners and the residents of the city:

1. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and by the Mayor and City Council.

2. Prior to the issuance of any building permits, a subdivision plat must be filed of record with the County Clerk. If the property is developed in phases, each phase must be subdivided.

3. Prior to the issuance of any building permits, a traffic impact study of the proposed development must

010052

2/9

be submitted to the City Traffic and Transportation Department. The traffic study must show traffic generation and distribution for the time period covered by each phase of construction.

4. A 75-foot wide special building setback (S.B.S.L.) line shall be established adjacent to Woodrow Bean Trans-Mountain Drive until such time as the property owner dedicates the required right-of-way to the City for the widening of this roadway. This 75-foot wide S.B.S.L. shall not be graded or developed so that the natural vegetation and top soil remain in tact except for necessary driveways and streets.

   In addition, no building or off-premise signs shall be located closer than 75 feet to the proposed 75-foot wide S.B.S.L. except for parking, on-premise signs and necessary walks and drives.

   Within this 75-foot additional setback, a 20-foot wide landscaped area shall be provided adjacent to the S.B.S.L.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 17th day of April, 1990.

THE CITY OF EL PASO

Mayor

010052

318

ATTEST:

Barbara Hunter
City Clerk

APPROVED AS TO FORM:

C. Cattoni
Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Gilyard
Department of Planning,
Research and Development

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23rd day of April, 1990, by SUZANNE S. AZAR, as Mayor of the CITY OF EL PASO.

Billie Jean Branham
Notary Public, State of Texas
Notary's Printed or Typed Name:

BILLIE JEAN BRANHAM
Notary Public
STATE OF TEXAS
My Comm. Exp. 6/30/92

My Commission Expires:

CC6:lcl
90-5550
03.16.90

010052

217

PROPERTY DESCRIPTION
106.966 ACRES
R-3 to C-4

Being a portion of Tracts 10C, 10D, 10E and 12 and all of Tracts 9 and 11, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 4-inch square concrete Highway right-of-way Monument at the intersection of the easterly line of Nellie D. Mundy Survey No. 239 and with the north right-of-way line of Trans Mountain Road (Loop 375);

THENCE, along the north right-of-way line of said Loop 375 the following three courses:

North 85°01'20" West, a distance of 111.50 feet to a point;

North 84°33'50" West, a distance of 90.07 feet to a point;

North 84°06'20" West, a distance of 1,661.08 feet to the POINT OF BEGINNING for the herein described Tract;

THENCE, continuing along said north right-of-way line the following two courses:

North 84°06'20" West, a distance of 310.48 feet to a point;

North 87°57'00" West, a distance of 618.01 feet to the east right-of-way line of Interstate Highway 10;

THENCE, along said east right-of-way line the following six courses:

North 00°03'00" East, a distance of 139.55 feet to a point;

North 89°57'00" West, a distance of 195.00 feet to a point;

North 14°57'00" West, a distance of 560.24 feet to a point;

North 00°03'00" East, a distance of 575.00 feet to a point;

North 14°57'00" West, a distance of 521.60 feet to a point;

North 00°03'00" East, a distance of 519.82 feet to a point in the north line of said Nellie D. Mundy Survey No. 239;

THENCE, leaving said east right-of-way line of Interstate Highway 10 and along the north line of said Nellie D. Mundy Survey No. 239, EAST, a distance of 2,290.73 feet to a point for corner;

THENCE, leaving said north line, SOUTH, a distance of 2,002.03 feet to a point for corner;

THENCE, North 84°06'20" West, a distance of 854.31 feet to a point for corner;

THENCE, South 05°53'40" West, a distance of 400.00 feet to the POINT OF BEGINNING and containing 106.966 acres of land.

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
January 16, 1990
Job No.: 3458-05

Exhibit "C"

90-5550

RECEIVED
FEB 1 - 1990
PLANNING, LAND DEVELOPMENT

PROPERTY DESCRIPTION
8.034 ACRE
PMD to C-4

Being a portion of Tracts 10C, 10D, and 10E Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 4-inch square concrete Highway right-of-way Monument at the intersection of the easterly line of Nellie D. Mundy Survey No. 239 and with the north right-of-way line of Trans Mountain Road (Loop 375);

THENCE, along the north right-of-way line of said Loop 375 the following three courses:

North 85°01'20" West, a distance of 111.50 feet to a point;

North 84°33'50" West, a distance of 90.07 feet to a point;

North 84°06'20" West, a distance of 765.47 feet to the POINT OF BEGINNING for the herein described Tract;

THENCE, continuing along said north right-of-way line, North 84°06'20" West, a distance of 895.61 feet to a point for corner;

THENCE, leaving said right-of-way line, North 05°53'40" East, a distance of 400.00 feet to a point for corner;

THENCE, South 84°06'20" East, a distance of 854.31 feet to a point for corner;

THENCE, SOUTH, a distance of 402.13 feet to the POINT OF BEGINNING and containing 8.034 acres of land.

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
January 16, 1990
Job No.: 3458-05

Exhibit "A"

90-555d

RECEIVED
FEB 1 - 1990
PLANNING DIV. 1.
LAND DEVELOPMENT

EXHIBIT "A-3"

Ordinance No. 011540, adopted September 7, 1993

ORDINANCE NO. 011540

AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 10B AND 10B-3, NELLIE D. MUNDY SURVEY #239; AND ALL OF TRACT 2F, NELLIE D. MUNDY SURVEY #240, AND IMPOSING CERTAIN CONDITIONS. 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 ALL OF TRACTS 10B AND 10B-3, NELLIE D. MUNDY SURVEY #239; AND ALL OF TRACT 2F, NELLIE D. MUNDY SURVEY #240, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from M-1sc (Manufacturing District) to C-4 (Commercial District) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from M-1sc (Manufacturing District) to C-4 (Commercial District) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

> The applicant must submit a site development plan for review and approval by the City Plan Commission and the Mayor and City Council for Parcels 2 and 3, prior to the issuance of any building permits. Parcel 1, however, will be developed in accordance with the site plan (dated July 26, 1993) attached hereto and marked as Exhibit 'B'.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition,

or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 7th day of Sept., 1993.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Kimberley Mickelson,
Assistant City Attorney

APPROVED AS TO CONTENT:

Department of Planning

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 17th day of Sept, 1993, by LARRY FRANCIS, as Mayor of the CITY OF EL PASO.

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

My Commission Expires:

KATHRYN A. MURPHY
NOTARY PUBLIC
State of Texas
Comm. Exp. 02-11-95

C:\KM\Z93-5800.ORD

GG|C:\KM\ZNG-EX2.ORD
Rev. January 28, 1993 (gg)

011540

ORDINANCE NO. _____ PAGE 2 OF 2

340

ZONING DESCRIPTION
70.705 ACRES

Being all of Tracts 10B and 10B3, Nellie D. Mundy Survey No. 239 and all of Tract 2F, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the City Monument at the centerline intersection of Hoover Avenue (70 feet wide) and Northwestern Drive (90 feet wide);

THENCE, along the centerline of said Northwestern Drive, North 05°58'55" East, a distance of 57.40 feet to a point;

THENCE, leaving said centerline, North 84°01'05" West, a distance of 45.00 feet to a point at the intersection of the north right-of-way line of Hoover Avenue with the west right-of-way line of Northwestern Drive;

THENCE, along said north right-of-way line, the following five courses:

Along the arc of a curve to the right (Delta Angle = 83°56'05", Radius = 30.00 feet, Chord = South 47°56'57" West, 40.12 feet) a distance of 43.95 feet to a point;

South 89°55'00" West, a distance of 524.64 feet to a point at the beginning of a curve to the left;

Along the arc of said curve (Delta Angle = 05°19'16", Radius = 2,186.98 feet, Chord = South 87°15'22" West, 203.03 feet) a distance of 203.11 feet to a point;

South 84°35'44" West, a distance of 955.90 feet to a point at the beginning of a curve to the right;

Along the arc of said curve (Delta Angle = 95°28'49", Radius = 30.00 feet, Chord = North 47°39'52" West, 44.41 feet) a distance of 49.99 feet to a point in the east right-of-way line of U.S. Interstate Highway 10;

THENCE, along said east right-of-way line, the following four courses:

North 00°04'33" East, a distance of 633.56 feet to a point;

North 15°04'30" East, a distance of 1,081.91 feet to a point;

South 89°55'30" East, a distance of 195.00 feet to a point;

North 00°04'30" East, a distance of 202.00 feet to a point in the south right-of-way line of Woodrow Bean - Transmountain Road (Loop 375);

THENCE, along said south right-of-way line, the following three courses:

South 89°56'06" East, a distance of 317.56 feet to a point;

South 85°59'12" East, a distance of 889.73 feet to a point;

South 84°04'09" East, a distance of 189.81 feet to a point in the west right-of-way line of said Northwestern Drive;

THENCE, along said west right-of-way line, the following three courses:

Along the arc of a curve to the right (Delta Angle = 87°14'29", Radius = 30.00 feet, Chord = South 40°26'51" East, 41.39 feet) a distance of 45.68 feet to a point;

South 03°10'23" West, a distance of 371.87 feet to a point;

South 05°58'55" West, a distance of 1,304.57 feet to the **POINT OF BEGINNING** and containing 70.705 acres of land.

93-5800

NOT A GROUND SURVEY

EXHIBIT 'A'

PREPARED BY:
Faught & Associates Inc.
El Paso, Texas
June 18, 1993
Job No. 5052.00P

EXHIBIT "A-4"
Ordinance No. 15708, adopted March 2, 2004

30C

ORDINANCE NO. 15708

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Parcels 1 - 9*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

That the properties described as **Parcel 5** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from M-1 (Light Manufacturing) to C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcels 4 and 8** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from PMD (Planned Mountain Development) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

PASSED AND APPROVED this 2nd day of March, 2004.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Zoning Coordinator
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 13th day of April, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Commission Expires

NOTARY PUBLIC STATE OF TEXAS
DORA NAZARIEGA
NOTARY PUBLIC
In and for the State of Texas
My commission expires 10-06-2004

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

ORDINANCE NO._____ Zoning Case No: ZON03-00047

Being a portion of Tract 1A1,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt/Plexxar
January 27, 2004
(PARCEL 1A)

Exhibit "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for Reference at a point being the intersection of the northerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Nellie D. Mundy Surveys No. 239 and 243. Thence along said common boundary line North 00°02'07" East a distance of 401.51 feet to a point for The "TRUE POINT OF BEGINNING".

Thence North 00°02'07" East a distance of 1353.10 feet to a point;

Thence South 85°42'48" East a distance of 106.26 feet to a point;

Thence North 85°51'57" East a distance of 226.65 feet to a point;

Thence South 00°02'51" West a distance of 678.45 feet to a point;

Thence South 89°57'19" East a distance of 693.95 feet to a point;

Thence South 00°02'31" West a distance of 245.91 feet to a point;

Thence South 89°57'19" East a distance of 957.40 feet to a point;

Thence North 00°02'58" East a distance of 331.84 feet to a point;

Thence South 89°56'53" East a distance of 1522.68 feet to a point;

Thence North 00°03'03" East a distance of 574.76 feet to a point;

Thence South 87°17'03" East a distance of 164.98 feet to a point on the westerly right-of-way line of El Paso Natural Gas Company right of way;

Being a portion of Tract 1A1,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt/Plexxar
January 27, 2004
(PARCEL 2A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE "TRUE POINT OF BEGINNING" being a point on the intersection of the northerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Nellie D. Mundy Surveys No. 239 and 243.

Thence North 00°02'07" East a distance of 401.51 feet to a point;

Thence South 84°59'40" East a distance of 2048.21 feet to a point;

Thence South 75°31'28" East a distance of 2178.13 feet to a point on the westerly right-of-way line of El Paso Natural Gas right of way;

Thence along said right-of-way line South 08°01'01" East a distance of 427.90 feet to a point on the northerly right-of way line of Woodrow Bean Transmountain Dr.(Loop 375);

Thence along said right-of-way line the following three courses:

North 80°00'09" West a distance of 59.68 feet to a point;

North 75°31'28" West a distance of 2249.25 feet to a point;

North 84°59'40" West a distance of 1980.24 feet to the "TRUE POINT OF BEGINNING" and containing in all 39.10 acres of land more or less.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

job #1202-78-2A R.C.
LGL-02\120278-2A.LGL

Ron R. Conde
R.P.L.S. No. 5152

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 1D,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt\Plexxar
January 27, 2004
(PARCEL 4A)

METES AND BOUNDS DESCRIPTION

~~Description of a parcel of land being portion of Tract 1D, Nellie D. Mundy Survey No. 243,~~ City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING being a found TXDOT 4"x4" concrete R.O.W. Marker on the intersection of the northerly right-of-way line of Woodrow Bean Transmountain Dr.(Loop 375) with the common boundary line of Nellie D. Mundy Surveys No. 243 and 246

Thence along the right-of-way line of Woodrow Bean Transmountain Dr. (Loop 375) the following two courses:

North 84°25'25" West a distance of 263.68 feet to a point;

North 80°00'09" West a distance of 710.28 feet to a common point on the easterly right-of-way line of El Paso Natural Gas Company right of way;

Thence along said right-of-way line North 08°01'01" West a distance of 419.01 feet to a point;

Thence leaving said right-of-way line South 75°31'28" East a distance of 400.91 feet to a point;

Thence South 84°25'25" East a distance of 635.59 feet to a point;

Thence South 00°03'24" West a distance of 401.87 feet to the "TRUE POINT OF BEGINNING" and containing in all 8.90 Acres of land more or less.

Ron R. Conde
R.P.L.S. No. 5152

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

job #1202-78-4A R.C.
LGL-04\120278-4A.LGL

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Resler Drive and a portion
of Tract 2E, Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt\Plexxar
January 27, 2004
(PARCEL 6A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Resler Drive and portion of Tract 2E, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city monument at the point of curve Resler Drive station 116+66.54, Thence from said monument South 80°27'07" East a distance of 7.50 feet to a point for The "TRUE POINT OF BEGINNING".

Thence North 09°32'33" East a distance of 39.24 feet to a point on the southerly right-of-way line of Woodrow Bean Transmountain Dr. (Loop 375);

Thence continuing along said right-of-way line the following two courses:

South 80°16'04" East a distance of 726.02 feet to a point;

South 75°31'42" East a distance of 1911.39 feet to a point on the westerly right-of-way line of an El Paso Natural Gas Company right of way;

Thence leaving said right-of-way line and along the westerly right-of-way line of an El Paso Natural Gas Company right of way South 08°01'01" East a distance of 433.65 feet to a point;

Thence leaving said right-of-way line North 75°31'42" West a distance of 2061.21 feet to a point;

Thence North 80°13'14" West a distance of 740.37 feet to a point;

Thence 362.65 feet along the arc of a curve to the left whose radius is 2000.00 feet whose interior angle is 10°23'21" whose chord bears North 14°44'13" East a distance of 362.16 feet to the "TRUE POINT OF BEGINNING" and containing in all 24.95 acres of land more or less.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

Ron R. Conde
R.P.L.S. No. 5152

job #1202-78-6A R.C.
LGL-04\120278-6A.LGL

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Resler Drive, and Tracts 2E and 4G,
Nellie D. Mundy Survey No. 240, and a portion
Tract 1B, Nellie D. Mundy Survey No. 242, and
All of Tract 2A and portion of Tract 2E, Nellie D.
Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt\Plexxar
January 27, 2004
(PARCEL 7A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No.242, and all of Tract 2A and a portion of Tract 2E, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a existing city monument at the point of curve Resler Drive station 116+66.54, Thence from said monument South 13°33'12" West a distance of 361.55 feet to a point for The "TRUE POINT OF BEGINNING".

Thence South 80°13'14" East a distance of 740.37 feet to a point;

Thence South 75°31'42" East a distance of 2061.21 feet to a point on the westerly line of an El Paso Natural Gas Company right of way;

Thence along said right-of-way line South 08°01'01" East a distance of 2047.94 feet to a point;

Thence leaving said right-of-way line North 77°44'17" West a distance of 192.12 feet to a point;

Thence South 85°54'38" West a distance of 479.15 feet to a point;

Thence South 78°29'51" West a distance of 758.12 feet to a point;

Thence North 79°02'30" West a distance of 1502.00 feet to a point;

Thence North 88°47'23" West a distance of 830.80 feet to a point;

Thence South 60°02'38" West a distance of 309.60 feet to a point;

Thence South 05°10'26" West a distance of 386.91 feet to a point;

Being a portion of Tract 2C,
Nellie D. Mundy Survey No. 243
City of El Paso, El Paso County, Texas
Prepared for: Hunt\Plexxar
January 27, 2004
(PARCEL 8A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE "TRUE POINT OF BEGINNING" being a point on the intersection of the southerly right-of-way line of Woodrow Bean Transmountain Drive (Loop 375) with the easterly line of an 100' El Paso Natural Gas Company right of way;

Thence along the southerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) South 75°31'42" East a distance of 201.87 feet to a point;

Thence continuing along said right-of-way line South 84°25'25" East a distance of 737.60 feet to a point;

Thence leaving said right-of-way line South 00°03'24" West a distance of 401.89 feet to a point;

Thence North 84°27'31" West a distance of 808.39 feet to a point;

Thence North 75°31'42" West a distance of 66.19 to a point on the easterly right-of way line of El Paso Natural Gas Company right of way;

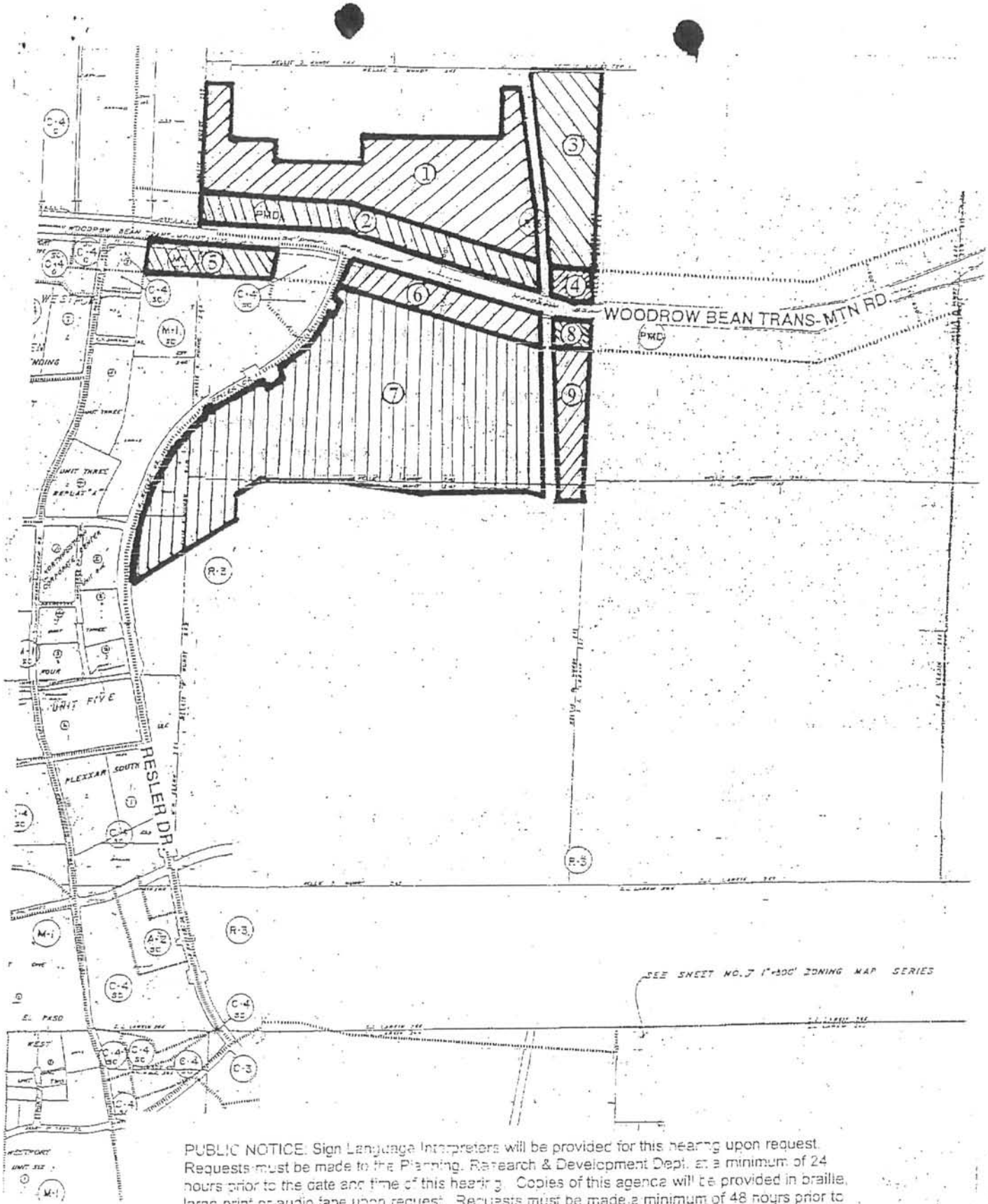
Thence along said right-of-way line North 08°01'01" West a distance of 433.65 feet to the "TRUE POINT OF BEGINNING" and containing in all 8.34 acres of land more or less.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

Ron R. Conde
R.P.L.S. No. 5152

job #1202-78-8A R.C.
LGL-04\120278-8A.LGL

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

↑	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	not to scale		ZON03-00047

EXHIBIT "A-5"

Ordinance No. 16241, adopted December 20, 2005

ORDINANCE NO. 16241

AN ORDINANCE CHANGING THE ZONING OF PARCEL A: A PORTION OF TRACT 10A, 10E, 12 AND 13, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL); PARCEL B: A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE); AND PARCEL C: A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) AND PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3/C (COMMERCIAL/CONDITION). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of ***Parcel A:*** *a portion of Tract 10A, 10E, 12 and 13, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, and more completely described in Exhibit "A", be changed from* ***R-3 (Residential) to R-3A (Residential); Parcel B:*** *a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, and more completely described in Exhibit "A", be changed from* ***R-3 (Residential) to A-O (Apartment-Office);*** *and* ***Parcel C:*** *a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, and more completely described in Exhibit "A", be changed from* ***R-3 (Residential) and PMD (Planned Mountain Development) to C-3/c (Commercial/condition),*** within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described as **Parcel C** be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) and **PMD (Planned Mountain Development) to C-3/c (Commercial/condition)** in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

N18, N19

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer may satisfy the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be constructed prior to the issuance of any certificates of occupancy.

PASSED AND APPROVED this 20th **day of** December **, 2005.**

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:

Christina Valles, Planner II
Development Services Department

APPROVED AS TO CONTENT:

Rodolfo Valdez, Chief Urban Planner
Development Services Department

DOC #17203/PLANNING//ORD/13/ZON05-00080/CCRO

ORDINANCE NO. 16241

Zoning Case No: ZON05-00080

Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION
'PARCEL A'

A 144.3855 ACRE PARCEL OF LAND BEING A PORTION OF TRACTS 10A, 10E, 12 AND 13, NELLIE D. MUNDY SURVEY No. 239 AND A PORTION OF NELLIE D. MUNDY SURVEY No. 244, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an existing 1-inch rebar, lying at the common southerly boundary corner of Section 10, Block 82, Township 1, Texas and Pacific Railroad Surveys and Nellie D. Mundy Survey No. 244, El Paso County, Texas, for a corner of this parcel and the **POINT OF BEGINNING** of this parcel;

THENCE, North 90°00'00" West, with the common boundary line of Nellie D. Mundy Survey Nos. 243 and 244, a distance of 2371.11 feet to an existing 3-inch iron pipe, lying in the common boundary line of Nellie D. Mundy Survey Nos. 239 and 243, El Paso County, Texas, for a corner of this parcel;

THENCE, South 00°00'00" East, with said common boundary line, a distance of 748.28 feet to a point for a corner of this parcel;

THENCE, North 90°00'00" West a distance of 962.17 feet to a point lying in the common boundary line of Tracts 10E and 10E1, Nellie D. Mundy Survey No. 239, El Paso County, Texas, for a corner of this parcel;

THENCE, North 00°00'00" East ,with said common boundary line, a distance of 1233.47 feet to an existing 1/2 inch rebar with cap stamped "Tx2027", lying in the common boundary line of Laura E. Mundy Survey No. 238 and Nellie D. Mundy Survey No. 239, El Paso County, Texas, for a corner of this parcel;

THENCE, North 90°00'00" East, with said common boundary line, a distance of 962.17 feet to an existing 2-inch iron pipe lying in the common boundary corner of said Laura E. Mundy Survey No. 238 and said Nellie D. Mundy Survey No. 244, for a corner of this parcel;

THENCE, North 00°00'00" East, with said common boundary line, a distance of 1666.81 feet to an existing 1-inch iron pipe, for a corner of this parcel;

THENCE, North 90°00'00" East a distance of 2371.11 feet to an existing 1-inch iron pipe, lying in the common boundary line of said Nellie D. Mundy Survey No. 244 and Section 10, Block 82, Township 1, for a corner of this parcel;

1420 Bessemer • El Paso, Texas 79936
Tel. (915) 598-1300 • Fax (915) 598-1221 • E-mail address: lmsurvey@swbell.net

'PARCEL A'
A 144.3855 ACRE PARCEL OF LAND BEING A PORTION OF
TRACTS 10A, 10E, 12 AND 13, NELLIE D. MUNDY SURVEY No. 239
AND A PORTION OF NELLIE D. MUNDY SURVEY No. 244,
EL PASO COUNTY, TEXAS

Page 2 of 2

THENCE, South 00°00'00" East, with said common boundary line, a distance of 2152.00 feet to the **TRUE POINT OF BEGINNING.**

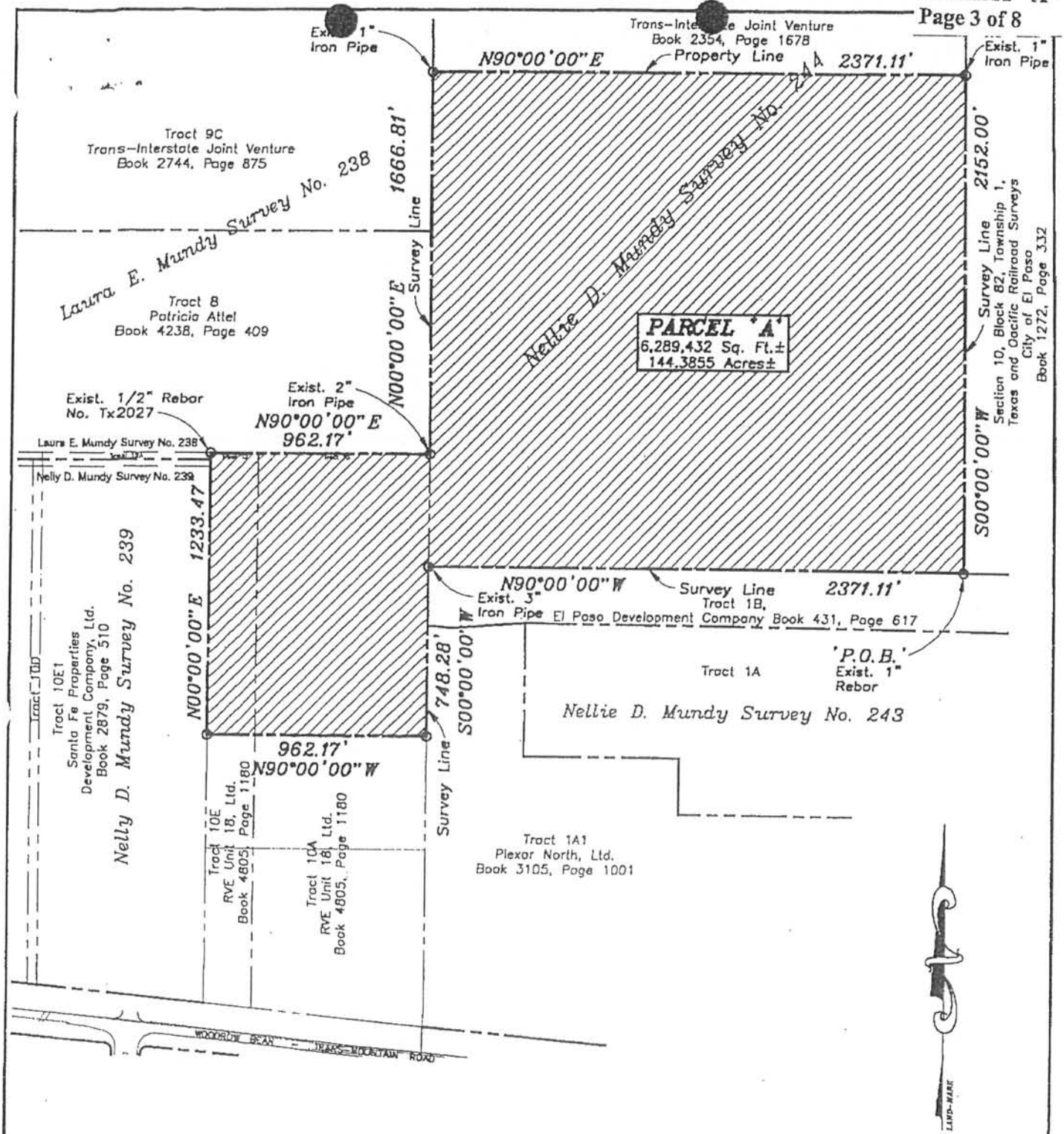
Said parcel contains 144.3855 acres (6,289,432 square feet) more or less.

Note: This metes and bounds description was prepared from record data, said being plat of survey prepared by ~~Cutts Land~~ Surveying, Inc., dated November 20, 1998.

6-20-05

Larry L. Drewes R.P.L.S.
Texas License No. 4869

Date: June 20, 2005
Job No. 05-03-21478A



Note: This plot of survey was prepared from record data, said being plot of survey prepared by Cutts Land Surveying, Inc., dated November 20, 1998.

7-2

7-27-05

I hereby certify that the foregoing plot was made for me or under my supervision.

Barry L. Drewes, R.P.L.S.
Texas 4869 N.M. 11402

16241

Plat of Survey

A PORTION OF TRACTS 10A AND 10E, 12 AND 13, NELLIE D. MUNDY SURVEY No. 239, AND A PORTION OF NELLIE D. MUNDY SURVEY No. 244, EL PASO, EL PASO COUNTY, TEXAS

A METES AND BOUNDS DESCRIPTION WITH THE SAME DATE ACCOMPANIES THIS PLAT.

Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: lmsurvey@swbell.net
"Serving Texas, New Mexico and Arizona"

Job No. 05-03-21478A | Scale: 1" = 600' | Date: JUNE 20, 2005.

Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION
'PARCEL B'

A 10.8675 ACRE PARCEL OF LAND BEING A PORTION OF TRACTS 10A AND 10E NELLIE D. MUNDY SURVEY No. 239, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an existing 2-inch iron pipe, lying at the common easterly boundary corner of Laura E. Mundy Survey No. 238 and Nellie D. Mundy Survey No. 239; **THENCE**, South 00°00'00" East, with the easterly boundary line of said Nellie D. Mundy Survey No. 239, a distance of 1233.47 feet to a point for a corner of this parcel and the **POINT OF BEGINNING** of this parcel;

THENCE, South 00°00'00" East, continuing with said easterly boundary line, a distance of 492.00 feet to a point for a corner of this parcel;

THENCE, North 90°00'00" West a distance of 962.17 feet to a point lying in the common boundary line of Tracts 10E and 10E1, Nellie D. Mundy Survey No. 239, El Paso County, Texas, for a corner of this parcel;

THENCE, North 00°00'00" East ,with said common boundary line, a distance of 492.00 feet to a point for a corner of this parcel;

THENCE, South 90°00'00" East a distance of 962.17 feet to the **TRUE POINT OF BEGINNING**.

Said parcel contains 10.8675 acres (473,386 square feet) more or less.

Note: This metes and bounds description was prepared from record data, said being plat of survey prepared by Cutts Land Surveying, Inc., dated November 20, 1998.

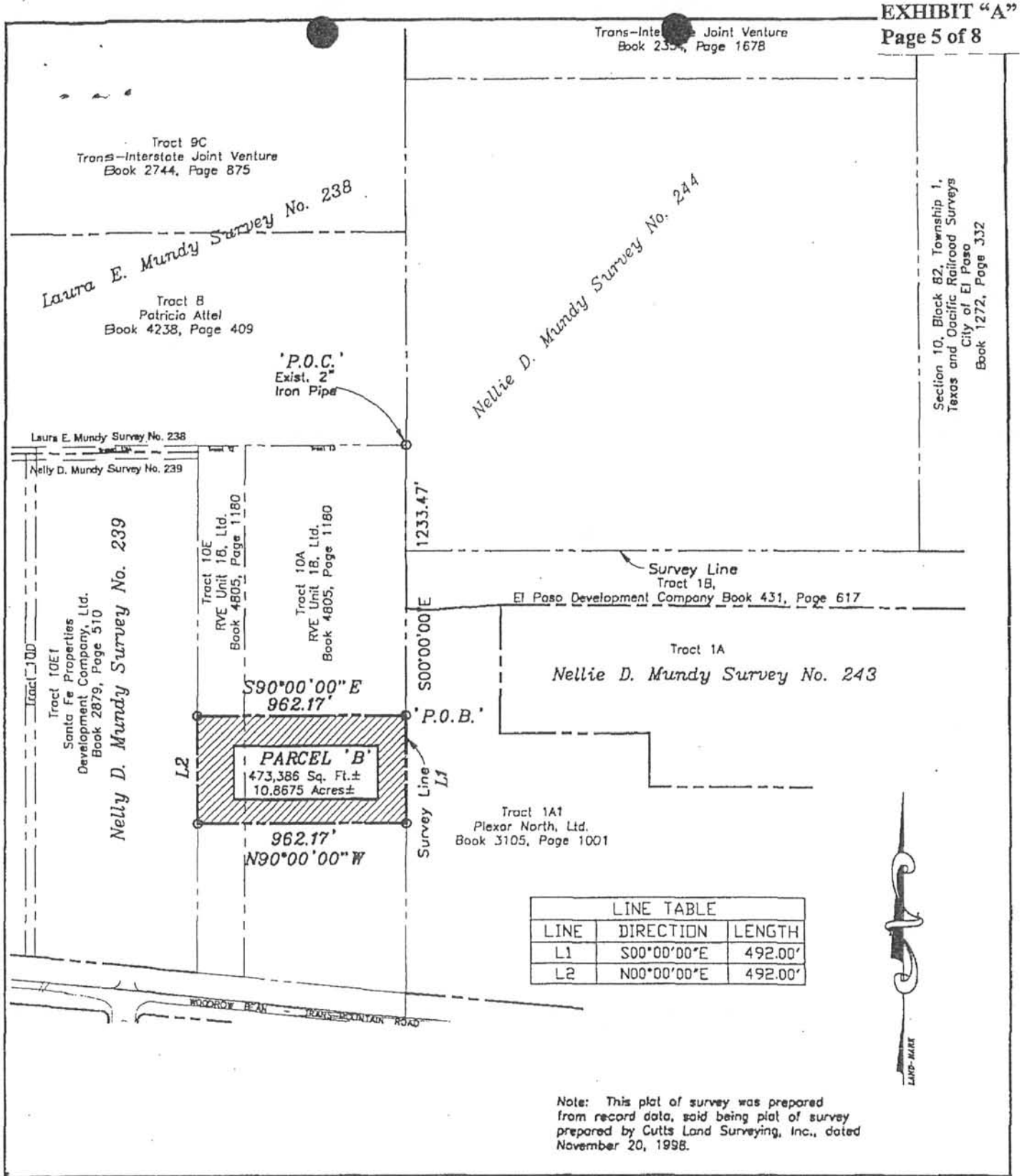
6-20-05

Larry L. Drewes R.P.L.S.
Texas License No. 4869

Date: June 20, 2005
Job No. 05-03-21478B

16241

1420 Bessemer • El Paso, Texas 79936
Tel. (915) 598-1300 • Fax (915) 598-1221 • E-mail address: lmsurvey@swbell.net



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S00°00'00"E	492.00'
L2	N00°00'00"E	492.00'

Note: This plat of survey was prepared from record data, said being plat of survey prepared by Cutts Land Surveying, Inc., dated November 20, 1998.

7-27-05

I hereby certify that the foregoing plat was made for me or under my supervision.

Larry L. Drewes, R.P.L.S.
Texas 4869 N.M. 11402

16241

Plat of Survey

A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY No. 239, EL PASO, EL PASO COUNTY, TEXAS

A METES AND BOUNDS DESCRIPTION WITH THE SAME DATE ACCOMPANIES THIS PLAT.

Job No. 05-03-21478B | Scale: 1" = 600' | Date: JUNE 20, 2005.

Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
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email: lmsurvey@swbell.net
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Land - Mark Professional Surveying Inc.

"Serving Texas, New Mexico and Arizona"

METES AND BOUNDS DESCRIPTION
'PARCEL C'

A 16.0834 ACRE PARCEL OF LAND BEING A PORTION OF TRACTS 10A AND 10E NELLIE D. MUNDY SURVEY No. 239, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an existing 2-inch iron pipe, lying at the easterly common boundary corner of Laura E. Mundy Survey No. 238 and Nellie D. Mundy Survey No. 239; **THENCE**, South 00°00'00" East, with the easterly boundary line of said Nellie D. Mundy Survey No. 239, a distance of 1725.47 feet to a point for a corner of this parcel and the **POINT OF BEGINNING** of this parcel;

THENCE, South 00°00'00" East, continuing with said easterly boundary line, a distance of 775.51 feet to an existing 4-inch square concrete TxDOT right-of-way marker, lying in the northerly right-of-way line of Woodrow Bean - Transmountain Road (200 feet wide), for a corner of this parcel;

THENCE, North 85°01'20" West, with said northerly right-of-way line, a distance of 111.50 feet to an existing brass cap TxDOT right-of-way marker, for a corner of this parcel;

THENCE, North 84°33'50" West, continuing with said northerly right-of-way line, a distance of 90.07 feet to an existing brass cap TxDOT right-of-way marker, for a corner of this parcel;

THENCE, North 84°06'20" West, continuing with said northerly right-of-way line, a distance of 765.47 feet to a an existing 1/2 inch rebar with cap stamped "Tx2027" lying at the southerly common corner of Tracts 10E and 10E1, Nellie D. Mundy Survey No. 239, El Paso County, Texas, for a corner of this parcel;

THENCE, North 00°00'00" East, with the common boundary line of said Tract 10E and 10E1, a distance of 678.69 feet to a point for a corner of this parcel;

THENCE, South 90°00'00" East a distance of 962.17 feet to the **TRUE POINT OF BEGINNING**.

Said parcel contains 16.0834 acres (700,592 square feet) more or less.

Note: This metes and bounds description was prepared from record data, said being plat of survey prepared by Cutts Land Surveying, Inc., dated November 20, 1998.

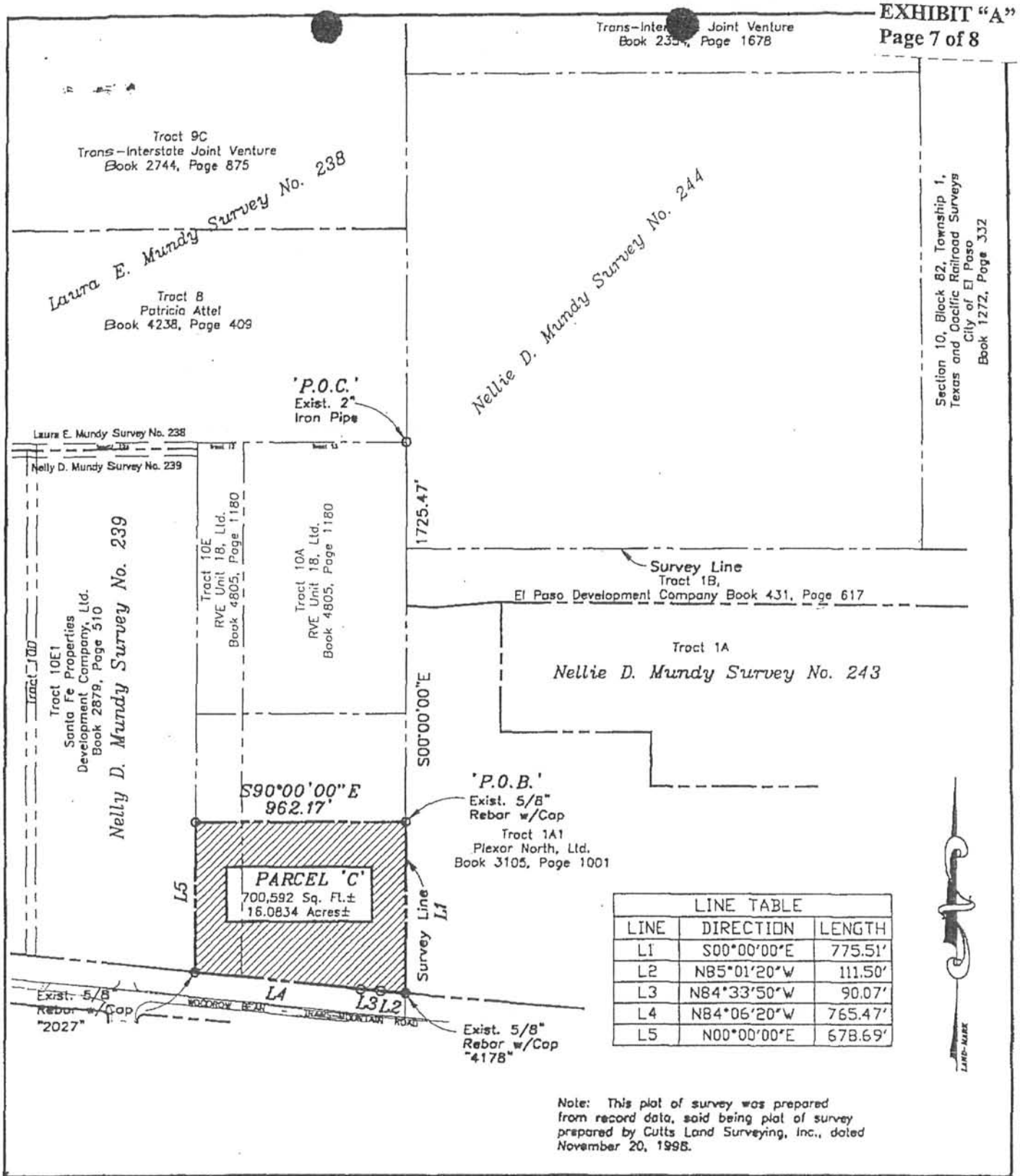
6-20-05

Larry L. Drewes R.P.L.S.
Texas License No. 4869

Date: June 20, 2005
Job No. 05-03-21478C

16241

1420 Bessemer • El Paso, Texas 79936
Tel. (915) 598-1300 • Fax (915) 598-1221 • E-mail address: lmsurvey@swbell.net



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S00°00'00"E	775.51'
L2	N85°01'20"W	111.50'
L3	N84°33'50"W	90.07'
L4	N84°06'20"W	765.47'
L5	N00°00'00"E	678.69'

Note: This plat of survey was prepared from record data, said being plat of survey prepared by Cutts Land Surveying, Inc., dated November 20, 1998.

7-27-05

16241

I hereby certify that the foregoing plat was made for me or under my supervision.

Larry L. Drewes, R.P.L.S.
Texas 4869 N.M. 11402

Plat of Survey

A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY No. 239, EL PASO, EL PASO COUNTY, TEXAS

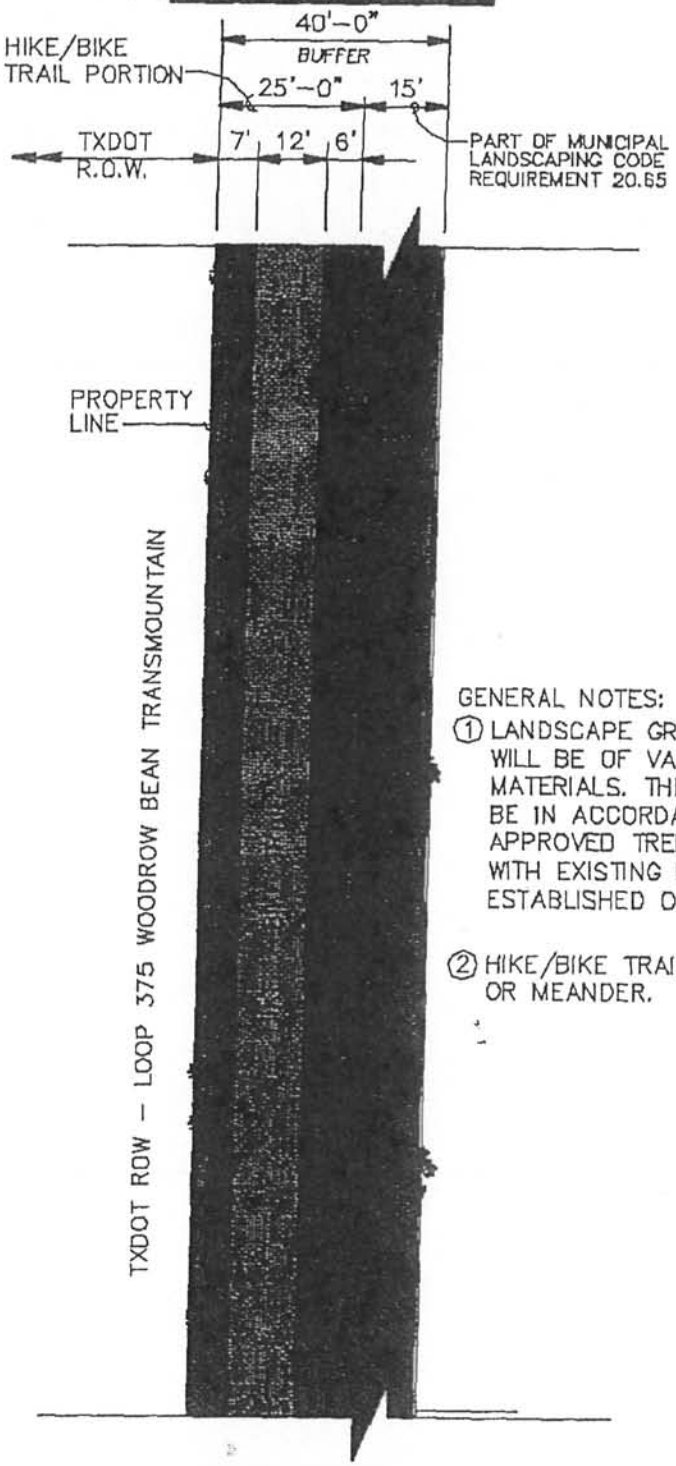
A METES AND BOUNDS DESCRIPTION WITH THE SAME DATE ACCOMPANIES THIS PLAT.

Job No. 05 03-21478C | Scale: 1" = 600' | Date: JUNE 20, 2005.

Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A'
El Paso, Texas 79936
(915) 598-1300
email: lmsurvey@swbell.net
"Serving Texas, New Mexico and Arizona"

EXHIBIT "B"

40' LANDSCAPE BUFFER



GENERAL NOTES:

1. LANDSCAPE GROUND COVER WILL BE OF VARIOUS DUST FREE MATERIALS. THE VEGETATION WILL BE IN ACCORDANCE WITH THE CITY APPROVED TREE/PLANT LIST AND BLEND IN WITH EXISTING LANDSCAPE CONDITIONS AS ESTABLISHED ON RESLER DRIVE.

2. HIKE/BIKE TRAIL MAY BE STRAIGHT OR MEANDER.

TYPICAL PLAN

SCALE: 1" = 30'-0"

18241

EXHIBIT "A-6"
Contract, dated August 9, 1988

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT made this 9th day of August, 1988, by and between WESTSIDE JOINT VENTURE and LAWYER'S TITLE OF EL PASO, INC., as Trustee for Westside Joint Venture, hereinafter referred to collectively as First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for the rezoning of a portion of Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W.H. Glenn Survey No. 241; a portion of Tract 1B, S.J. Larkin Survey No. 266; a portion of Tract 6, W.H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S.A. and M.G. Survey No. 266, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibit "A" (pages 1 - 15) which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned as follows:

Parcel No. 1: from R-3 (Residential) to C-4 (Commercial) - 8.425 acres
Parcel No. 1C: from PMD (Planned Mountain District) to C-4 (Commercial) - 7.581 acres
Parcel No. 2: from R-3 (Residential) to M-1 (Light Manufacturing) - 273.607 acres
Parcel No. 2A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 19.077 acres
Parcel No. 3: from R-3 (Residential) to C-4 (Commercial) - 132.273 acres
Parcel No. 4: from R-3 (Residential) to A-2 (Apartment) - 16.241 acres

Ord. # 9364 (4-26-88)
88-5353

RECEIVED
AUG 18 1988
PLANNING DEPT.
LAND DEVELOPMENT

Parcel No. 5: from A-2 (Apartment) to C-4 (Commercial) - 4.255 acres
Parcel No. 6: from R-3 (Residential) to M-1 (Light Manufacturing) - 67.329 acres
Parcel No. 6A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 3.397 acres
Parcel No. 7: from R-3 (Residential) to A-O (Apartment/Office) - 0.485 acres
Parcel No. 8: from R-5 (Residential) to A-O (Apartment/Office) - 13.382 acres
Parcel No. 9: from R-5 (Residential) to C-4 (Commercial) - 4.896 acres
Parcel No. 10: from A-O (Apartment/Office) to A-2 (Apartment) - 9.435 acres

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

1. Prior to the issuance of a building permit(s) for any parcel, a subdivision plat must be filed of record for said parcel.

2. First Party shall contribute money toward the construction of two (2) entrance/exit ramps at the south side of Artcraft Road and Interstate 10 in El Paso in accordance with the following provisions:

   a. Prior to the City Engineer's final signature on any subdivision plat, First Party shall obtain a proportionate release for each plat by contributing an amount calculated according to the following formula:

$$\frac{\text{Acres of land to be released}}{560.4 \text{ acres}} \times \$500{,}000 \times \text{Artcraft Interchange Cost Index}$$

   The "Artcraft Interchange Cost Index" shall be the most current Construction Cost Index published in the Engineering News Record as of the date the City Engineer signs

a final plat or approves a proportionate release, divided by the same index as of AUGUST 9, 1988 which was 4541.59.

b. Alternatively, First Party may at any time, according to the formula in Paragraph 2a above, pay the remaining contribution due on any or all acreage within the above-referenced parcels for which final plats have not been approved by the City Plan Commission.

c. At the time First Party makes any proportionate contribution, First Party may prepare and submit proportionate release documents which will evidence receipt by the City of that contribution toward the Artcraft Road and Interstate 10 slip ramps. Upon approval of the form of any release document by the City Attorney's Office and the City Engineering Department, First Party shall be proportionately released from the terms of Paragraph 2 of this agreement.

d. All payments made under the terms of this Paragraph 2 shall proportionately release First Party from the requirements of Paragraph 2 of this agreement.

e. The money for the two (2) slip ramps shall be paid by First Party as provided above, or in any event, within thirty (30) days after receipt of a written request for payment from Second Party, to be delivered to First Party immediately prior to advertisement for bids by the State Department of Highways and Public Transportation.

f. All monies paid for proportionate releases, from the requirements of this Paragraph 2, as above provided, shall be deposited in a separate and interest bearing

escrow account controlled by Second Party and earmarked solely for the payment of the cost of the slip ramps. In the event construction is not commenced within five (5) years from the date hereof as above required, all funds in the escrow account shall revert and be paid to the First Party upon written request, and the requirements of this Paragraph 2 shall automatically terminate and cease to be an encumbrance on title.

3. Prior to final approval of any subdivision plats in Parcel 2, the First Party must dedicate a fire station site to Second Party. The fire station site must have one hundred seventy five (175) feet of frontage on the proposed Resler Drive at an intersection with a dedicated side street and a depth of one hundred fifty eight (158) feet. The exact located of the site shall be determined by the El Paso Fire Department and First Party. Unless otherwise agreed by both parties, the dedication of the site shall be by metes and bounds, subject to the approval of this exception by the Planning Commission and City Council. It is understood and agreed that the legal description of the site might shift, depending on the final development of the subdivision of which the site will be a part, thereby requiring an amendment of this Special Contract and such amendment may occur with the approval of the El Paso Fire Department and without any necessity of going back to the Planning Commission and to City Council.

4. A 75-foot wide Special Building Setback Line (S.B.S.L.) shall be established along the north portions of Parcels 1C, 2A, 6 and 6A, adjacent to Woodrow Bean Transmountain Drive. In addition, First Party must landscape the S.B.S.L. area in accordance with the landscaping plan, which is on file with the Department of Planning, Research and Development, prior to the issuance of any building permits for said parcels.

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.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
WESTSIDE JOINT VENTURE
KASCO Ventures, Inc., Manager
By _____
Title President

LAWYER'S TITLE OF EL PASO, INC.,
Trustee for Westside Joint Venture
By Hughes Butterworth Jr
Title President

ATTEST:
Cynthia Bibb
Secretary

SIGNATURES CONTINUED ON NEXT PAGE

SECOND PARTY:
THE CITY OF EL PASO

By _____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Department of Planning,
Research and Development

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 16th day of August, 1988, by William F. Kastrin, President of KASCO Ventures, Inc., Manager of WESTSIDE JOINT VENTURE.

_____
Notary Public, State of Texas
Notary's Printed or Typed Name
SYLVIA ARMENDARIZ

My Commission Expires:

May 2, 1992

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 16th day of August, 1988, by Hughes Butterworth, Jr. as President on behalf of LAWYER'S TITLE OF EL PASO, INC., as Trustee for Westside Joint Venture.

_____
Notary Public, State of Texas
Notary's Printed or Typed Name:
Lori Ann Ray

My Commission Expires:

_____

ACKNOWLEDGEMENTS CONTINUED ON NEXT PAGE

LORI ANN [illegible]
Notary Public
State of Texas
My Commission Expires July 18, 1991.

EXHIBIT "A-7"

Contract amendment dated September 13, 1988

RESOLUTION

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

That the Mayor be authorized to sign a Contract Amendment between the CITY OF EL PASO and WESTSIDE JOINT VENTURES, INC., amending one of the conditions on the property rezoned by Ordinance Number 9364, more particularly described as a portion of Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W.H. Glenn Survey No. 241; a portion of Tract 1B, S.J. Larkin Survey No. 266; a portion of Tract 6, W.H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S.A. and M.G. Survey No. 266, City and County of El Paso, Texas.

ADOPTED THIS 13th day of September, 1988.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Carol Cotsonis by [illegible]
Assistant City Attorney

ZNG7:5353.88
09/07/88

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

THIS Contract Amendment is made this 13th day of September, 1988 by and between WESTSIDE JOINT VENTURE and LAWYER'S TITLE OF EL PASO as Trustee for WESTSIDE JOINT VENTURE, collectively referred to as First Party, and the CITY OF EL PASO, Second Party.

WHEREAS, on August 9, 1988, First Party and the CITY OF EL PASO entered into a contract in connection with Ordinance Number 9364 which rezoned a portion of Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W. H. Glenn Survey No. 241; a portion of Tract 1B, S. J. Larkin Survey No. 266; a portion of Tract 6, W. H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S. A. and M. G. Survey No. 266, City and County of El Paso, Texas; and

WHEREAS, the Parties hereto wish to amend such contract as hereinafter provided;

NOW, THEREFORE, the Parties do mutually agree to amend the contract by deleting condition number four and by adding following condition:

4. A 75-foot Special Building Setback Line (S.B.S.L.) shall be established along the north portions of Parcels 1C, 2A, 6, and 6A adjacent to Woodrow Bean Transmountain Drive. The S.B.S.L. shall only be required until such time as the property owner dedicates 75 feet of right-of-way to the City through a

subdivision plat. The 75-foot S.B.S.L. and the 75 feet dedicated shall not be graded or developed so that the natural vegetation and topsoil remain intact except as is required for driveways and streets.

Except as expressly modified herein, all other terms and provisions of the contract shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
WESTSIDE JOINT VENTURE

By: _____
Title: _____

LAWYER'S TITLE OF EL PASO, INC.,
Trustee for Westside Joint Venture

By: _____
Title: _____

ATTEST:

_____
Secretary

SECOND PARTY:
THE CITY OF EL PASO

By: _____
Mayor

ATTEST:

_____
City Clerk

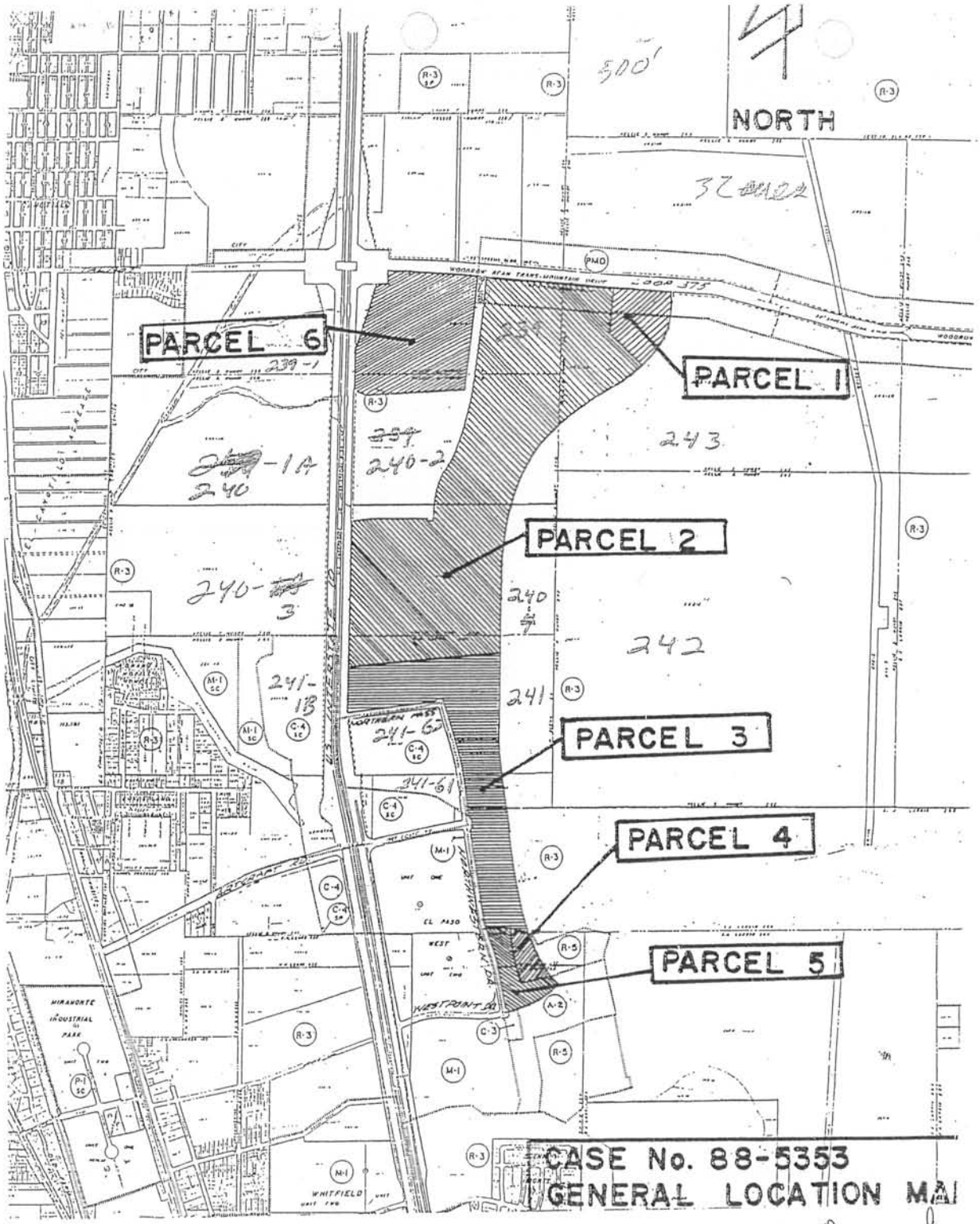
APPROVED AS TO FORM:

Carol Cotsonis by bmm
Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Gilcrand
Department of Planning,
Research and Development

ACKNOWLEDGEMENTS CONTINUE ON NEXT PAGE



DHDCC MEETING February 3, 1988 - FIELD CHECK ZONING CASES

VOID see Revised Sketch

Portions of W. H. Glenn Survey #241 and portions of Nellie Mundy Survey 239 & 240

16.591	acres	(Parcel 1 - from R-3 and PMD to C-4)		
276.93	"	(" 2 - from R-3 and PMD to M-1)		
84.464	"	(" 3 - from R-3 to C-4)		
6.305	"	(" 4 - from R-5 to C-4)	to permit commercial & manufacturing	
12.186	"	(" 5 - from A-2 to C-4)	uses	
71.509	"	(" 6 - from R-3 to M-1)		

DHDCC FINAL REVIEW DATE - February 10, 1988
CPC PUBLIC HEARING DATE - February 25, 1988

066811

(4)
88-3337
106-90

STATE OF TEXAS)
)
COUNTY OF EL PASO)

PARTIAL RELEASE OF LIEN

WHEREAS, WESTSIDE JOINT VENTURE and LAWYERS TITLE, INC., as Trustee for Westside Venture collectively as First Party, and the CITY OF EL PASO as Second Party, entered into a Contract filed of record in Book 1960, Page 1928, County Clerk's Records, El Paso County, Texas; and

WHEREAS, Second Party is the beneficiary of terms and conditions, the right to performance and payment of which is secured by a lien and encumbrance as more particularly stated in Paragraph 2 of said Contract against a larger tract of land that includes the property described as:

> 47.928 acres of land out of Tract 10B, Nellie D. Mundy Survey 239 and Tracts 2 and 4, Nellie D. Mundy Survey 240, El Paso County, Texas, legally described in Exhibit "A", which is attached hereto and incorporated herein by reference; and

WHEREAS, by an agreement embodied in Pargraph 2 of said Contract, the Second Party authorized the undersigned to release portions of the encumbered property upon compliance with the terms and conditions of the said Contract,

NOW, THEREFORE, Second Party, for a good and valuable

2026 0873

consideration, paid pursuant to Paragraph 2 of said Contract, the receipt and sufficiency of which is hereby acknowledged, hereby releases and discharges the above described Property from said liens and encumbrances as set forth in Paragraph 2 of said Contract; provided, however, it is expressly agreed and understood that this is a Partial Release only and that this Partial Release shall in no wise release, affect or impair said lien and encumbrance against any other property that is mentioned in said Contract; and provided further that it is expressly agreed and understood that this Partial Release shall not release the terms and conditions set forth in the remaining paragraphs of said Contract.

EXECUTED THIS 24th day of February, 1989.

ON BEHALF OF THE CITY OF EL PASO

APPROVED AS TO FORM:

C. Cotsonis

Assistant City Attorney

APPROVED AS TO CONTENT:

David H. Harned

David Harned, P.E., Director
Department of Public Works

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 24th day of February, 1989, by CAROL COTSONIS, as Assistant City Attorney, on behalf of the CITY OF EL PASO.

Hermelinda Chavarria

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

HERMELINDA CHAVARRIA,
Notary Public
In and for the State of Texas
My commission expires
January 4, 1992

My Commission Expires:

1-4-92

2026 0874

ACKNOWLEDGEMENTS CONTINUE ON NEXT PAGE

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 24 day of February, 1989, by DAVID HARNED, as Director, Department of Public Works, on behalf of the CITY OF EL PASO.

Hermelinda Chavarria
Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

1-4-92

HERMELINDA CHAVARRIA,
Notary Public
In and for the State of Texas
My commission expires
January 4, 1992

ZNG7:039
2/24/89

2026 0875

TO BE KNOWN AS WESTPORT UNIT THREE
RELEASE PARCEL # 6

Being a portion of Tract 10B,
Nellie D. Mundy Survey 239 and
a portion of Tracts 2 & 4 of
Nellie D. Mundy Survey 240
City of El Paso, El Paso County, Texas
Prepared for: Kasco
November 18, 1988

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 10B, Nellie D. Mundy Survey 239 and a portion of Tracts 2 & 4 of Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the East right-of-way line of U.S. Interstate 10 and the Northerly line of Nellie D. Mundy Survey 240; Thence North 00°04'37" East a distance of 375.53 feet; Thence North 15° 03'09" East a distance of 1081.28 feet; Thence South 89°58'41" East a distance of 195.12 feet; Thence North 00°03'42" East a distance of 201.43 feet; Thence South 89°55'58" East a distance of 318.05 feet; Thence South 85° 59'02" East a distance of 889.75 feet; Thence South 84°04'06" East a distance of 376.16 feet to the "POINT OF BEGINNING";

Thence South 84°04'06" East a distance of 521.48 feet;

Thence South 08°47'25" West a distance of 401.02 feet;

Thence South 05°58'55" West a distance of 1629.90 feet;

Thence South 10°29'25" West a distance of 313.64 feet;

Thence South 19°30'17" West a distance of 313.48 feet;

Thence South 24°00'39" West a distance of 677.04 feet;

Thence South 12°02'36" West a distance of 308.90 feet;

Thence South 00°04'33" West a distance of 120.00 feet;

Thence North 89°55'27" West a distance of 520.00 feet;

Thence 47.12 feet along the arc of a curve to the left whose interior angle is 90°00'00", whose radius is 30.00 feet, whose chord bears South 45 04'33" West a distance of 42.43 feet;

Thence North 00°04'33" East a distance of 150.00 feet;

Thence 540.92 feet along the arc of a curve to the right whose interior angle is 23°56'06", whose radius is 1294.85 feet, whose chord bears North 12°02'36' East a distance of 536.99 feet;

Thence North 24°00'39" East a distance of 677.04 feet;

Thence 454.69 feet along the arc of a curve to the left whose interior angle is 18°01'45", whose radius is 1445.00 feet, whose chord bears North 14°59'47" East a distance of 452.82 feet;

Thence North 05°58'55" East a distance of 1629.90 feet;

Thence North 08°47'25" East a distance of 372.00 feet;

Thence 45.63 feet along the arc of a curve to the right whose interior angle is 87°08'29" whose radius is 30.00 feet, whose chord bears North 52° 21'40" East a distance of 41.35 feet to the "POINT OF BEGINNING" containing in all 2,087,758.09 square feet or 47.928 acres of land more or less.

Tony G. Conde, P.E.
CONDE, INC.

1188-33
J.C.

EXHIBIT A

2026 0876

066811

FILED RECORD
IN OFFICE

89 FEB 28 P 3: 38

COUNTY CLERK
EL PASO COUNTY, TEXAS

THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW

STATE OF TEXAS
COUNTY OF EL PASO

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public Records of El Paso County, Texas.

FEB 28 1989

COUNTY CLERK, El Paso County, Texas

2026 0877

Please return to:
Mr. David Elgold
Kasa Ventures, Inc.
P.O. Box 64
El Paso, Tx 79942

007058

89-1796
10a-7w

STATE OF TEXAS)
COUNTY OF EL PASO)

PARTIAL RELEASE OF LEIN

WHEREAS, WESTSIDE JOINT VENTURE and LAWYERS TITLE, INC., as Trustee for Westside Venture collectively as First Party, and the CITY OF EL PASO as Second Party, entered into a Contract filed of record in Book 1960, Page 1928, County Clerk's Records, El Paso County, Texas; and

WHEREAS, Second Party is the beneficiary of terms and conditions, the right to performance and payment of which is secured by a lien and encumbrance as more particularly stated in Paragraph 2 of said Contract against a larger tract of land that includes the property described as:

> 3.047 acres of land out of Tracts 2 and 4, Nellie D. Mundy Survey 240, El Paso County, Texas, legally described in Exhibit "A", which is attached hereto and incorporated herein by reference; and

WHEREAS, by an agreement embodied in Paragraph 2 of said Contract, the Second Party authorized the undersigned to release portions of the encumbered property upon compliance with the terms and conditions of the said contract,

NOW, THEREFOR, Second Party, for a good and valuable consideration, paid pursuant to Paragraph 2 of said Contract, the receipt and sufficiency of which is hereby acknowledged, hereby releases and discharges the above described Property from said liens and encumbrances as set forth in Paragraph 2 of said Contract; provided, however, it is expressly agreed and understood that this is a Partial Release only and that this Partial Release shall in no wise release, affect or impair said lien and encumbrance against any other property that is mentioned in said Contract; and provided further that is is expressly agreed and understood that this Partial Release shall not release the terms and conditions set forth in the remaining paragraphs of said Contract.

EXECUTED THIS 7th day of September, 1989

ON BEHALF OF THE CITY OF EL PASO

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

David Harned, P.E., Director
Department of Public Works

ACKNOWLEDGEMENT CONTINUES ON NEXT PAGE

2100-0981

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This Instrument is acknowledged before me on this 7th day of September, 1989, by Carol Cotsonis, as Assistant City Attorney, on behalf of the CITY OF EL PASO.

Kathy Driscoll
Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:
4/1/93

OFFICIAL SEAL
KATHY DRISCOLL
NOTARY PUBLIC
In and for the State of Texas
My commission expires 4-1-

ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This Instrument is acknowledged before me on this 7th day of September, 1989, by David Harned, as Director, Department of Public Works, on behalf of the CITY OF EL PASO.

Kathy Driscoll
Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:
4/1/93

OFFICIAL SEAL
KATHY DRISCOLL
NOTARY PUBLIC
In and for the State of Texas
My commission expires 4-1-

2100-0982

Being a portion of Tracts 2 and 4,
Nellie D. Mundy Survey 240,
City of El Paso, El Paso County, Texas
Prepared for: KASCO
June 22, 1989

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 2 and 4, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the center line of Northwestern Drive and Trade Center Avenue; Thence South 89°55'27" East a distance of 595.00 feet to the "POINT OF BEGINNING";

Thence North 00°04'33" East a distance of 75.00 feet;

Thence North 12°02'36" East a distance of 308.90 feet;

Thence North 24°00'39" East a distance of 507.26 feet;

Thence South 65°59'21" East a distance of 150.00 feet;

Thence South 24°00'39" West a distance of 507.26 feet;

Thence 248.49 feet along the arc of a curve to the left whose interior angle is 23°56'06", whose radius is 594.85 feet, whose chord bears South 12°02'36" West a distance of 246.69 feet;

Thence South 00°04'33" West a distance of 120.00 feet;

Thence North 89°55'27" West a distance of 150.00 feet;

Thence North 00°04'33" East a distance of 45.00 feet to the "POINT OF BEGINNING" and containing in all 132,721.68 square feet or 3.047 acres of land more or less.

NOT A SURVEY.

CONDE, INC.
1790 Lee Trevino, Suite 400
El Paso, Texas 79936
915/592-0283

689-45
J.C.

2100-0983

007058

FILED FOR RECORD
IN MY OFFICE

89 SEP 25 A 9: 15

COUNTY CLERK
EL PASO COUNTY, TEXAS
BY

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW

STATE OF TEXAS COUNTY OF EL PASO

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public Records of Real Property, El Paso County, Texas.

SEP 25 1989

COUNTY CLERK, El Paso County, Texas

2100-0984

After Recording
Return to:
WESTSIDE TITLE
Ventura
P. O. Box 64
El Paso
TEXAS
79940
Attention
Fred Kastein

031451

11.00
cb 50594

PARTIAL RELEASE OF LIEN

2337-1387

STATE OF TEXAS)
COUNTY OF EL PASO)

WHEREAS, WESTSIDE JOINT VENTURE and LAWYERS TITLE OF EL PASO, INC., as Trustee for Westside Joint Venture, on the one hand, and the CITY OF EL PASO, on the other hand, entered into that certain Contract (the "Contract") dated August 9, 1988, recorded in Book 1960, Page 1298, County Clerk's Records, El Paso County, Texas; and

WHEREAS, the CITY OF EL PASO (the "City") is the beneficiary of certain terms and conditions which constitute a restriction, condition and covenant running with the land described in said Contract, which land includes the property more particularly described on Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, by an agreement embodied in Paragraph 2 of said Contract, the City authorized the undersigned to release portions of the property subject to the Contract upon compliance with the terms and conditions of said Contract.

NOW, THEREFORE, the City, for good and valuable consideration paid pursuant to Paragraph 2 of said Contract, the receipt and sufficiency of which is hereby acknowledged, hereby releases and discharges the property described on Exhibit "A" attached hereto and incorporated herein from all liens, encumbrances, restrictions, conditions and covenants contained in the Contract; provided, however, it is expressly agreed and understood that

2337/1387

2337-1388

this is a partial release only and that this partial release shall in no wise release, affect or impair said liens, encumbrances, restrictions, conditions and covenants against any other property that is mentioned in said Contract.

EXECUTED this 13th day of August, 1991.

ON BEHALF OF THE CITY OF EL PASO

APPROVED AS TO FORM:

C. Cottonis

Assistant City Attorney

APPROVED AS TO CONSENT:

David W. Harned

David Harned, P.E., Director
Department of Public Works

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 7th day of August, 1991, by ~~Kathy L. Turner~~ CAROL COTTONIS as Assistant City Attorney, on behalf of the CITY OF EL PASO.

Notary's Official Seal:

KATHY L. TURNER NOTARY PUBLIC STATE OF TEXAS 7-18-92

Kathy L. Turner

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

OFFICIAL SEAL
KATHY L. TURNER
NOTARY PUBLIC
In and for the State of Texas
My commission expires 7-18-92

2337-1389

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 13th day of August, 1991, by David Harned, as Director, Department of Public Works, on behalf of the CITY OF EL PASO.

Notary's Official Seal:

Kathy L. Turner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

OFFICIAL SEAL
KATHY L. TURNER
NOTARY PUBLIC
In and for the State of Texas
My commission expires 7-15-92

07319101

AFTER RECORDING RETURN TO:

W. David Bernard
Scott & Hulse, P.C.
11th Floor
Texas Commerce Bank Bldg.
El Paso, Texas 79901

2337-1390

Property Description: A portion of Tract 4, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 4, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Trade Center Avenue and Northwestern Drive; Thence, South 89° 55' 27" East, along the centerline of Trade Center Avenue, a distance of 75.00 feet; Thence, South 00° 04' 33" West, a distance of 45.00 feet to a point lying on the southerly right-of-way line of Trade Center Avenue, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, South 89° 55' 27" East, along said right-of-way line, a distance of 670.00 feet;

THENCE, North 00° 04' 33" East, a distance of 90.00 feet to a point lying on the northerly right-of-way line of Trade Center Avenue;

THENCE, 435.40 feet along the arc of a curve to the right, having a radius of 1647.51 feet, a central angle of 15° 08' 31" and a chord which bears South 82° 21' 12" East, a distance of 434.13 feet;

THENCE, 1025.49 feet along the arc of a curve to the left, having a radius of 2000.00 feet, a central angle of 29° 22' 42" and a chord which bears South 01° 48' 01" West, a distance of 1014.30 feet;

THENCE, South 77° 06' 40" West, a distance of 65.00 feet;

THENCE, South 86° 16' 48" West, a distance of 456.37 feet;

THENCE, 35.91 feet along the arc of a curve to the left, having a radius of 42.50 feet, a central angle of 48° 25' 01" and a chord which bears South 62° 04' 17" West, a distance of 34.85 feet;

THENCE, South 07° 14' 10" East, a distance of 20.22 feet;

THENCE, South 82° 45' 50" West, a distance of 70.00 feet;

THENCE, 43.44 feet along the arc of a curve to the left, having a radius of 30.00 feet, a central angle of 82° 57' 50" and a chord which bears North 48° 43' 05" West, a distance of 39.74 feet;

THENCE, 9.80 feet along the arc of a curve to the right, having a radius of 2035.00 feet, a central angle of 00° 16' 33" and a chord which bears South 89° 56' 17" West, a distance of 9.80 feet;

THENCE, North 89° 55' 27" West, a distance of 413.78 feet;

THENCE, 47.12 feet along the arc of a curve to the left, having a radius of 30.00 feet, a central angle of 90° 00' 00" and a chord which bears South 45° 04' 33" West, a distance of 42.43 feet;

THENCE, North 89° 55' 27" West, a distance of 90.00 feet;

THENCE, North 00° 04' 33" East, a distance of 1045.00 feet;

THENCE, South 89° 55' 27" East, a distance of 90.00 feet;

THENCE, 47.12 feet along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of 90° 00' 00" and a chord which bears North 45° 04' 33" East, a distance of 42.43 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 28.148 acres (1,226,123 sq. ft.) of land more or less.

SLI ENGINEERING, INC.
Consulting Engineers--Land Surveyors

Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998

July 31, 1991
Job Number 01-90-8009

8334A

031451

FILED FOR RECORD
IN MY OFFICE

'91 AUG 19 AM 10 26

COUNTY CLERK
EL PASO COUNTY, TEX.

DEPUTY

2337-1392

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

COUNTY OF EL PASO

I hereby certify that this instrument was filed on the date and at the time stamped hereon by me and was duly recorded in the volume and page of the official records of Real Property, El Paso County, Texas.

AUG 19 1991

COUNTY CLERK
EL PASO COUNTY, TEXAS

2337-1391

AFTER RECORDING RETURN TO:

W. David Bernard
Scott & Hulse, P.C.
11th Floor
Texas Commerce Bank Bldg.
El Paso, Texas 79901

Exhibit "B"

Save and Except Property subject to the Mountain Development Area Standards.

Property description: An 8.904-acre portion of Tract 1D, Nellie D. Mundy Survey 243, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is an 8.904-acre portion of Tract 1D, Nellie D. Mundy Survey 243 (September 10, 1949, Book 945, Page 412, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the common boundary between Tract 1D, Nellie D. Mundy Survey 243 and Nellie D. Mundy Survey 246 (February 1, 1956, Book 727, Page 353, Deed Records, El Paso County, Texas) and the northerly right-of-way of Woodrow Bean Trans-Mountain Drive (right-of-way width varies, July 13, 1964, Book 78, Page 625, Deed Records, El Paso County, Texas), said intersection being the **POINT OF BEGINNING** of this description;

THENCE, North 84°25'25" West, along said right-of-way, a distance of 263.23 feet;

THENCE, North 80°00'09" West, continuing along said right-of-way, a distance of 710.84 feet to the easterly boundary of Tract 1C, Nellie D. Mundy Survey 243 (January 23, 1973, Book 431, Page 617, Deed Records, El Paso County, Texas);

THENCE, North 08°01'01" West, along said boundary, a distance of 418.95 feet to the northerly boundary of that certain parcel of land described March 2, 2004, in Book 4881, Page 1194 (Parcel 4A), Deed Records, El Paso County, Texas;

THENCE, South 75°31'28" East, along said boundary, a distance of 400.91 feet;

THENCE, South 84°25'29" East, continuing along said boundary, a distance of 635.67 feet to the common boundary between Tract 1D, Nellie D. Mundy Survey 243 and Nellie D. Mundy Survey 246;

THENCE, South 00°03'16" West, along said boundary, a distance of 401.87 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 8.904 acres (387,856 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors

Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0039A
August 26, 2010

10-0039A.doc

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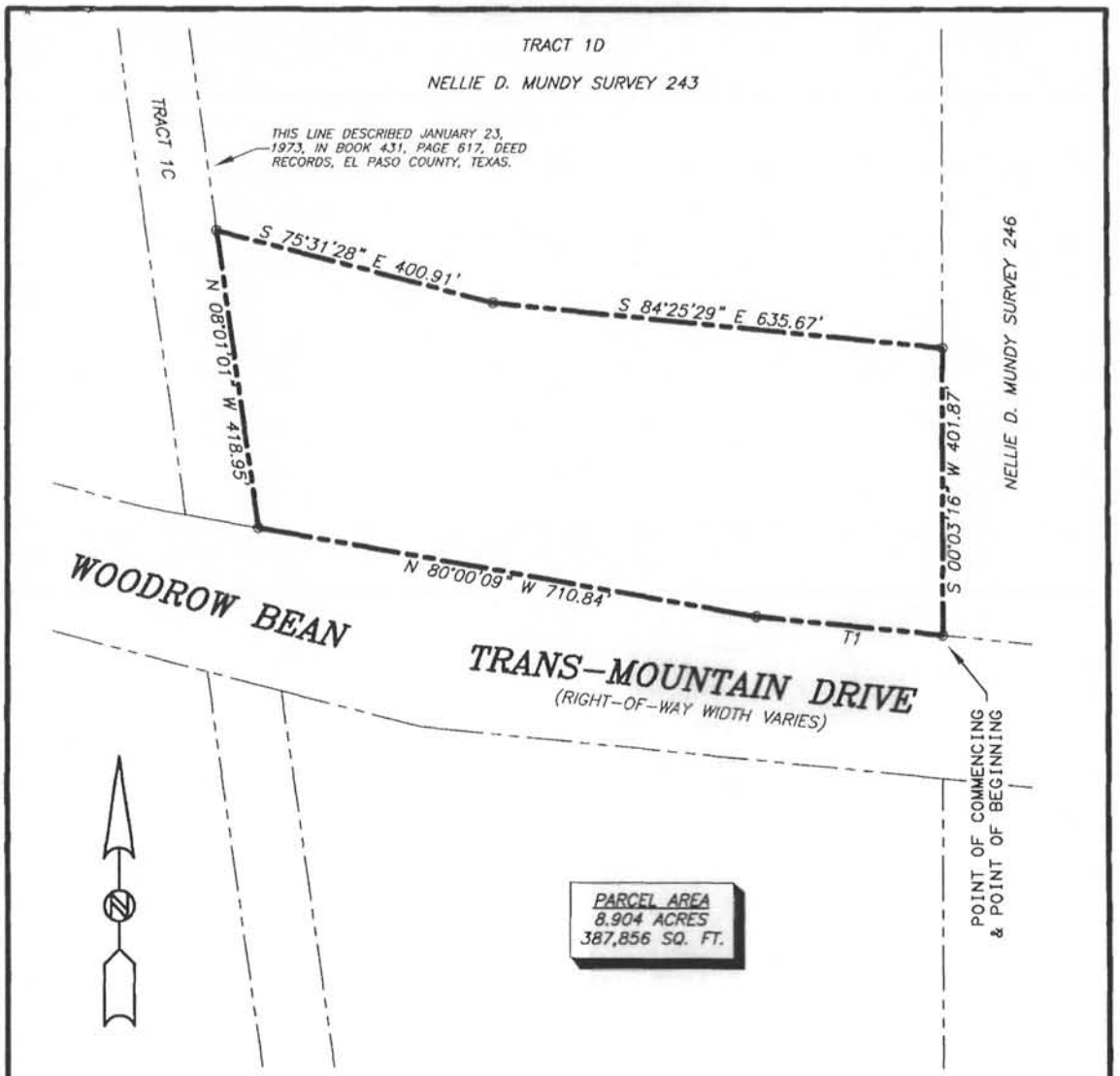

NOTES:

1. THIS PLAT IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.

2. THE SUBJECT PARCEL WAS ORIGINALLY DESCRIBED MARCH 2, 2004, IN BOOK 4881, PAGE 1194 (PARCEL 4A), DEED RECORDS, EL PASO COUNTY, TEXAS.

3. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.

4. THE RIGHT-OF-WAY OF WOODROW BEAN TRANS-MOUNTAIN ROAD IN NELLIE D. MUNDY SURVEY 243 WAS DESCRIBED JULY 13, 1964, IN BOOK 78, PAGE 625, DEED RECORDS, EL PASO COUNTY, TEXAS.

5. NELLIE D. MUNDY SURVEY 243 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 412, DEED RECORDS, EL PASO COUNTY, TEXAS.

6. NELLIE D. MUNDY SURVEY 246 IS DESCRIBED FEBRUARY 1, 1956, IN BOOK 727, PAGE 353, DEED RECORDS, EL PASO COUNTY, TEXAS.

7. ANY DISCREPANCIES IN BEARINGS AND DISTANCES FROM THE ORIGINAL PARCEL DESCRIPTION RESULT FROM DIFFERENCES IN SURVEY MEASUREMENTS BETWEEN EXISTING MONUMENTS.

NUMBER	BEARING	DISTANCE
T1	N 84°25'25" W	263.23'

SCALE: 1" = 200'

0 100 200 400

ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

EXHIBIT

AN 8.904-ACRE PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY 243, EL PASO, EL PASO COUNTY, TEXAS.

DATE: 08-26-10
SCALE: 1" = 200'
DRAWN BY: RRS
CHK'D BY: RRS
FB: ~
FILE #: 10-0039A

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ALL RIGHTS RESERVED

Property description: An 8.340-acre portion of Tract 2C, Nellie D. Mundy Survey 243, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is an 8.340-acre portion of Tract 2C, Nellie D. Mundy Survey 243 (September 10, 1949, Book 945, Page 412, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the common boundary between Tract 2C, Nellie D. Mundy Survey 243 and Nellie D. Mundy Survey 246 (February 1, 1956, Book 727, Page 353, Deed Records, El Paso County, Texas) and the southerly right-of-way of Woodrow Bean Trans-Mountain Drive (right-of-way width varies, July 13, 1964, Book 78, Page 625, Deed Records, El Paso County, Texas), said intersection being the **POINT OF BEGINNING** of this description;

THENCE, South 00°03'16" West, along said common boundary, a distance of 402.22 feet to the southerly boundary of that certain parcel of land described March 2, 2004, in Book 4881, Page 1194 (Parcel 8A), Deed Records, El Paso County, Texas);

THENCE, North 84°27'31" West, along said boundary, a distance of 808.53 feet;

THENCE, North 75°31'42" West, continuing along said boundary, a distance of 66.20 feet to the easterly boundary of Tract 2B, Nellie D. Mundy Survey 243 (January 23, 1973, Book 431, Page 617, Deed Records, El Paso County, Texas);

THENCE, North 08°01'01" West, along said boundary, a distance of 433.65 feet to the southerly right-of-way of Woodrow Bean Trans-Mountain Drive;

THENCE, South 75°31'42" East, along said right-of-way, a distance of 201.88 feet;

THENCE, South 84°26'57" East, continuing along said boundary, a distance of 737.70 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 8.340 acres (363,287 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors

Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0039C
August 26, 2010

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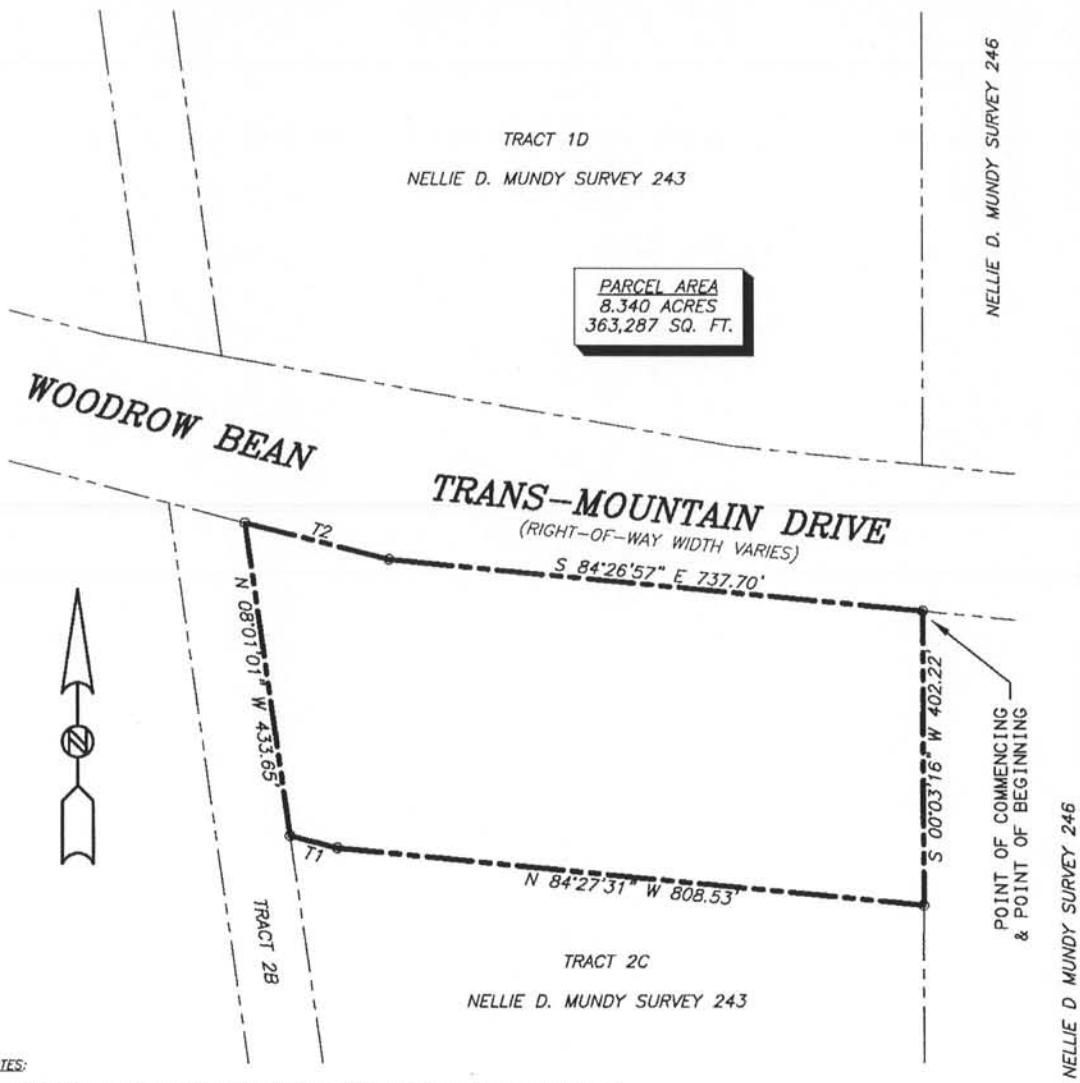

NOTES:

1. THIS PLAT IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.

2. THE SUBJECT PARCEL WAS ORIGINALLY DESCRIBED MARCH 2, 2004, IN BOOK 4881, PAGE 1194 (PARCEL 8A), DEED RECORDS, EL PASO COUNTY, TEXAS.

3. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.

4. THE RIGHT-OF-WAY OF WOODROW BEAN TRANS-MOUNTAIN ROAD IN NELLIE D. MUNDY SURVEY 243 WAS DESCRIBED JULY 13, 1964, IN BOOK 78, PAGE 625, DEED RECORDS, EL PASO COUNTY, TEXAS.

5. NELLIE D. MUNDY SURVEY 243 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 412, DEED RECORDS, EL PASO COUNTY, TEXAS.

6. NELLIE D. MUNDY SURVEY 246 IS DESCRIBED FEBRUARY 1, 1956, IN BOOK 727, PAGE 353, DEED RECORDS, EL PASO COUNTY, TEXAS.

7. TRACT 2B IS DESCRIBED JANUARY 23, 1973, IN BOOK 431, PAGE 617, DEED RECORDS, EL PASO COUNTY, TEXAS.

8. ANY DISCREPANCIES IN BEARINGS AND DISTANCES FROM THE ORIGINAL PARCEL DESCRIPTION RESULT FROM DIFFERENCES IN SURVEY MEASUREMENTS BETWEEN EXISTING MONUMENTS.

NUMBER	BEARING	DISTANCE
T1	N 75°31'42" W	66.20'
T2	S 75°31'42" E	201.88'

SCALE: 1" = 200'

0 100 200 400

ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

EXHIBIT

AN 8.340-ACRE PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY 243, EL PASO, EL PASO COUNTY, TEXAS.

DATE: 08-26-10
SCALE: 1" = 200'
DRAWN BY: RRS
CHK'D BY: RRS
FB: ~
FILE #: 10-0039C

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ALL RIGHTS RESERVED

EXHIBIT C

New Restrictions
EXHIBIT "C-1"
New Restriction 1

That Parcel 1, approximately 10.07 acres, described as *A portion of Lot 1, Block 2, Transwest Subdivision, Unit One, and a Portion of Tract 10C, Nellie D. Mundy Survey No. 239; El Paso County,* and more particularly described in the metes and bounds attached in Exhibit B; Parcel 2, described *as A portion of the Nellie D. Mundy Survey No. 239 and Nellie D. Mundy Survey No.243, City of El Paso, County of El Paso*, and more particularly described in the metes and bounds attached in Exhibit C; and Parcel 3, described as *All of Lot 1, Block 6, Westport Unit Five,(All of Westport Unit Five) El Paso City, County of El Paso, Texas* and more particularly described in the metes and bounds attached in Exhibit D; and Parcel 4 described as *A portion of Tract 10B, Nellie D. Mundy Survey No. 239*, and more particularly described in the metes and bounds attached in Exhibit E; be subject to the following condition:

That the following signage standards, in addition to those standards in the City Code, shall also apply to all property within 100 feet of the Transmountain right-of-way line, except that for Parcel 3 the standards shall only apply 50 feet from the Transmountain right-of-way line and not where abutting the Interstate 10 right-of-way

(1) Lots larger than six acres.

(a) Only monument signs shall be permitted and signs shall have a 100 percent width base constructed of unpainted brick or stone or other natural material e.g. adobe or rammed earth.

(b) No more than 2 (two) monument signs will be permitted per lot, except that 1 (one) monument sign in addition shall be permitted at each driveway entrance permitted by TXDOT provided that driveways are spaced at least 300 feet apart but in no case shall the number of signs exceed 4 (four).

(d) No digital (LED or other technology) signs are permitted except that digital price signs may be permitted at gasoline stations.

(e) Signs, excluding the base, shall not exceed 250 square feet in area. Signs shall not exceed 20 feet in height.

(f) All pole and outparcel signs are prohibited.

(2) Lots equal to or less than 6 acres.

(a) Only monument signs shall be permitted and signs shall have a 100 percent width base constructed of unpainted brick or stone or other natural material e.g. adobe or rammed earth.

(b) No more than 1 monument sign will be permitted per lot, except that 1 (one) additional monument sign shall be permitted at each driveway entrance permitted by TXDOT provided that driveways are spaced at least 300 feet apart. In no case shall the number of signs exceed 2 (two).

(c) No digital (LED or other technology) signs are permitted except that digital price signs may be permitted at gasoline stations.

(d) Signs, excluding the base, shall not exceed 250 square feet in area. Signs shall not exceed 20 feet in height.

(e) All pole and outparcel signs are prohibited.

EXHIBIT "C-2"
New Restriction 2

That Parcels, 1, 2, and 4, described above are subject to the following additional conditions:

(1) A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

(2) Prior to the issuance of a certificate of occupancy, the applicant shall install a 15 foot landscape buffer along the Right of Way (ROW) line. The 15 foot landscape buffer shall include the following tree species: Raywood Ash, Arizona Ash, Chinquapin Oak, and Bonita Ash, spaced 30 feet on center in a symmetrical pattern as approved by the Planning Official and staggered from those installed by the Texas Department of Transportation. After the tree branches have reached a minimum height of seven feet, the branching structure shall be maintained at a minimum height of seven feet (7') above the sidewalk area ground, three feet from the trunk. Such trees shall be healthy and vigorous at time of planting. The landscape buffer shall also include drought tolerant plants spaced at intervals approximating the Resler hike and bike trail and as detailed in the approved Detailed Site Development Plan. The landscape buffer shall be irrigated per Title 18 of the city code. The landscape buffer shall be included in the calculation for required commercial landscaping under the landscape standards of Title 18, but in no event shall the landscape buffer be reduced below the 15 feet.

EXHIBIT "C-3"
New Restriction 3

That Parcel 2, described above, is subject to the following additional condition:

(1). Vegetation and Revegetation shall apply for any improvements on site requiring any City building permit as follows.

(a) Vegetation and revegetation shall be required on all disturbed areas and shall be irrigated if necessary. If in the course of construction of buildable areas (buildable area is an area which is planned to become a parking facility, building, street drainage facility, park, or other built structure), non-buildable areas are disturbed areas, the developer shall restore the formally undisturbed non-buildable area through the replanting of appropriate native, adaptive and drought tolerant revegetation to mitigate soil erosion.

(b) Existing natural vegetation on the property shall be retained in its natural state, except where necessary for the construction of subdivision improvements and buildings or to replace or improve undesirable vegetation.

(c) To ensure proper vegetation, a Vegetation Preservation and Protection Report shall be required containing all of the following information:

(i) General description of existing vegetation and proposed use of new vegetation;

(ii) The vegetation to be removed and method of disposal;

(iii) The vegetation to be planted;

(iv) Slope stabilization measures to be installed.

(d) Revegetation and approval of all submitted reports shall be completed prior to the issuance of any certificates of occupancy.

(e) In no case shall the revegetation requirement apply to required landscaping or reduce the required landscape buffer in condition 2 above.

EXHIBIT "C-4"
New Restriction 4

That the Parcel 5, described *as Tracts 9, 10-C, 10-D, 10-E-1, 11 and 12-A Nellie D Mundy Survey No. 239 and Lot 1, Block 2, Transwest Subdivision Unit One, City of El Paso, El Paso County , Texas*, and more particularly described in the metes and bounds attached in Exhibit F, be subject to the following condition:

A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

EXHIBIT "C-5"
New Restriction 5

That Parcel 6a, described as *3.97 acres, being a portion of Tract 10B and all of Tract* 10B3 , *Nellie D Mundy Survey No. 239, El Paso County , Texas* and Parcel 6b a 32.659 *acre portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, and Westport Unit Five, El Paso, El Paso County, Texas* and more particularly described in the metes and bounds attached in Exhibit G be subject to the conditions as defined below:

A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

EXHIBIT "C-6"
New Restriction 6

That Parcels 7,8 and 9 described as *a parcel of land being a portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, A portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No. 242, and all of Tract 2A and a portion of Tract 2E Nellie D. Mundy Survey No. 243 City of El Paso, El Paso County Texas and a portion of Tract 3B, Nellie D. Mundy Survey No. 242, City of El Paso, El Paso County Texas, A portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas* and more particularly described in the metes and bounds attached in Exhibit H be subject to the following condition:

A ten foot landscape buffer shall be placed between any commercial district and residential or apartment district.

EXHIBIT D

~~New Restriction Parcels~~

Property Parcel Site Map for New Restrictions

EXHIBIT D

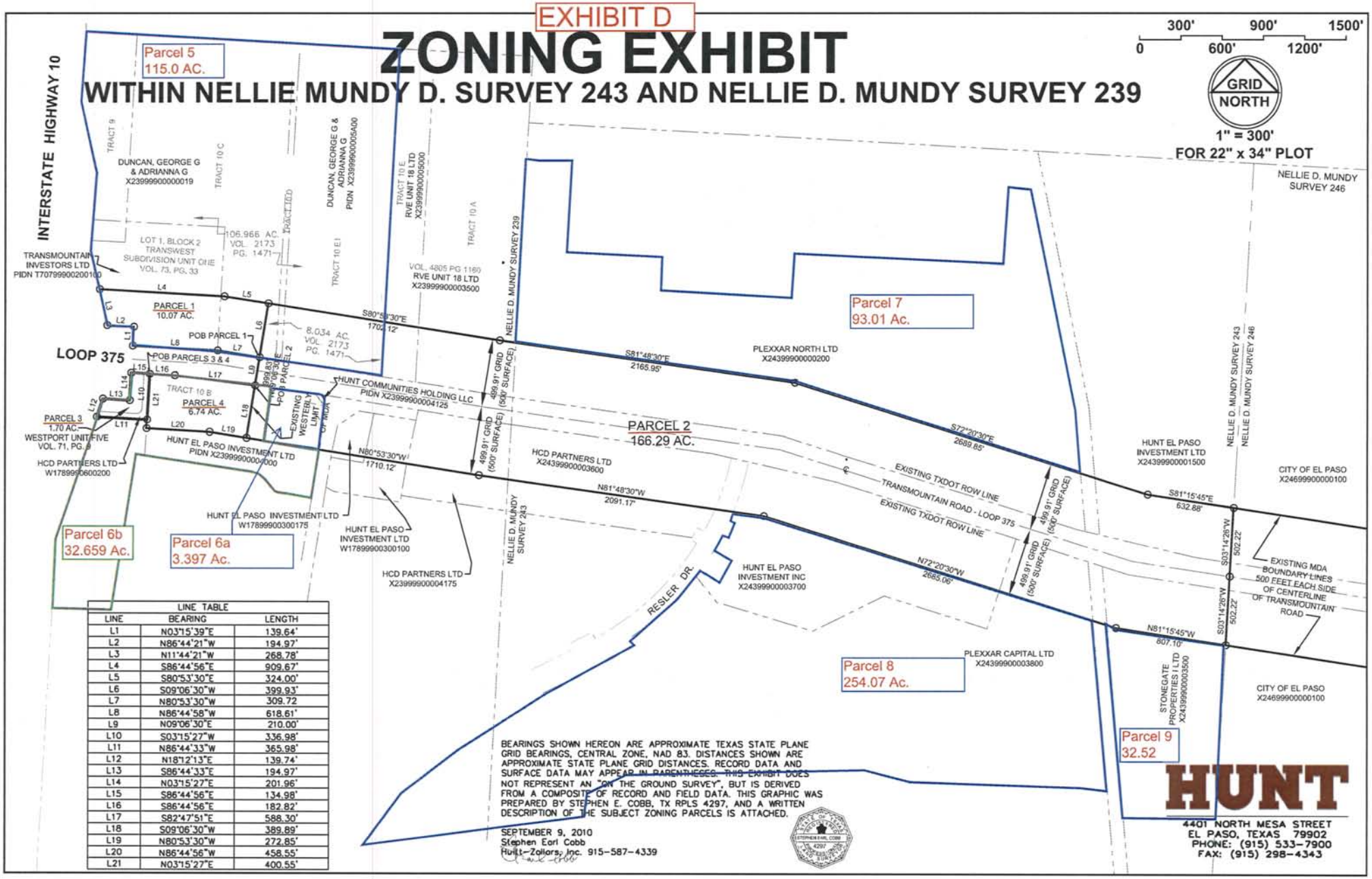
ZONING EXHIBIT

WITHIN NELLIE MUNDY D. SURVEY 243 AND NELLIE D. MUNDY SURVEY 239

300' 900' 1500'
0 600' 1200'

GRID NORTH

1" = 300'
FOR 22" x 34" PLOT



LINE TABLE		
LINE	BEARING	LENGTH
L1	N03°15'39"E	139.64'
L2	N86°44'21"W	194.97'
L3	N11°44'21"W	268.78'
L4	S86°44'56"E	909.67'
L5	S80°53'30"E	324.00'
L6	S09°06'30"W	399.93'
L7	N80°53'30"W	309.72
L8	N86°44'58"W	618.61'
L9	N09°06'30"E	210.00'
L10	S03°15'27"W	336.98'
L11	N86°44'33"W	365.98'
L12	N18°12'13"E	139.74'
L13	S86°44'33"E	194.97'
L14	N03°15'27"E	201.96'
L15	S86°44'56"E	134.98'
L16	S86°44'56"E	182.82'
L17	S82°47'51"E	588.30'
L18	S09°06'30"W	389.89'
L19	N80°53'30"W	272.85'
L20	N86°44'56"W	458.55'
L21	N03°15'27"E	400.55'

BEARINGS SHOWN HEREON ARE APPROXIMATE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE, NAD 83. DISTANCES SHOWN ARE APPROXIMATE STATE PLANE GRID DISTANCES. RECORD DATA AND SURFACE DATA MAY APPEAR IN PARENTHESES. THIS EXHIBIT DOES NOT REPRESENT AN "ON THE GROUND SURVEY", BUT IS DERIVED FROM A COMPOSITE OF RECORD AND FIELD DATA. THIS GRAPHIC WAS PREPARED BY STEPHEN E. COBB, TX RPLS 4297, AND A WRITTEN DESCRIPTION OF THE SUBJECT ZONING PARCELS IS ATTACHED.

SEPTEMBER 9, 2010
Stephen Earl Cobb
Hunt-Zollars, Inc. 915-587-4339

HUNT
4401 NORTH MESA STREET
EL PASO, TEXAS 79902
PHONE: (915) 533-7900
FAX: (915) 298-4343

EXHIBIT "D-1"
Parcel 1

HUITT-ZOLLARS
5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427
(915) 587-4339 Phone
(915) 587-5247 Fax

Zoning Parcel 1

The parcel of land herein described comprises a portion of Lot 1, Block 2, Transwest Subdivision Unit One, a subdivision in the City of El Paso of record in Vol. 73 at Pg. 33, Plat Records, El Paso County, Texas, and a portion of Tract 10C, Nellie D. Mundy Survey No. 239, and is more particularly described by metes and bounds as follows [State Plane Bearings and Distances are used herein]:

Commencing for reference at the northeast corner of Lot 1, Block 6, Westport Unit Five, a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas; Thence, with the south right-of-way line of Loop 375 (Transmountain Road), South 86°44'56" East 182.82 feet; Thence, continuing with the south right-of-way line of Loop 375 (Transmountain Road), South 82°47'51" East 588.30 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area; Thence, crossing said Transmountain Road, N09°06'30"E 210.00 feet to the north right-of-way line of Transmountain Road, being the southwest corner of that certain 8.034 acre zoning parcel described in Vol. 2173 at Page 1471, Deed Records of said County, and being the POINT OF BEGINNING of the parcel herein described;

Thence, with the north right-of-way line of Transmountain Road, North 80°53'30" West, 309.72 feet;

Thence, continuing with the north right-of-way line of Transmountain Road North 86°44'58" West, 618.61 feet;

Thence, with the right-of-way transition from Transmountain Road to Interstate Highway 10, the following two courses:

1) North 03°15'39" East, 139.64 feet; and,
2) North 86°44'21" West, 194.97 feet;

Thence, with the east right-of-way line of said Interstate Highway 10, North 11°44'21" West, 268.78 feet;

Thence, with a line that is 499.91 feet north of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following two courses:

1) South 86°44'56" East, 909.67 feet; and,
2) South 80°53'30" East, 324.00 feet to the northwest corner of said 8.034 acre zoning parcel and at the westerly limit of the westerly tongue of the existing Mountain Development Area;

Thence, with the west boundary of said 8.034 acre parcel, South 09°06'30" West, 399.93 feet; to the POINT OF BEGINNING and containing 10.071 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived

HUITT-ZOLLARS
5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427
(915) 587-4339 Phone
(915) 587-5247 Fax

from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.

September 30, 2010

STATE OF TEXAS
REGISTERED
STEPHEN EARL COBB
4297
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "D-2"
Parcel 2

HUITT-ZOLLARS
5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427
(915) 587-4339 Phone
(915) 587-5247 Fax

Zoning Parcel 2

The parcel of land herein described is a portion of the Mountain Development Area (MDA) defined in Appendix 111 to Title 19 (Subdivisions), City of El Paso, Texas, said Appendix 111 having been filed with the City Clerk on May 15, 2008, and made effective on June 1, 2008; and is portion of the Nellie D. Mundy Survey No. 239, and Nellie D. Mundy Survey No. 243, in the City of El Paso, El Paso County, Texas; and is more particularly described by metes and bounds as follows:

Commencing for reference at the northeast corner of Lot 1, Block 6, Westport Unit Five, a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas; Thence, with the south right-of-way line of Loop 375 (Transmountain Road), South 86°44'56" East 182.82 feet; Thence, continuing with the south right-of-way line of Loop 375 (Transmountain Road), South 82°47'51" East 588.30 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area, for the POINT OF BEGINNING of the parcel herein described;

Thence, crossing said Transmountain Road, N09°06'30"E 210.00 feet to the north right-of-way line of Transmountain Road, being the southwest corner of that certain 8.034 acre zoning parcel described in Vol. 2173 at Page 1471, Deed Records of said County

Thence, North 09°06'30" East, with the west boundary of said 8.034 acre parcel, 399.93 feet;

Thence, with a line that is 499.91 feet north of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following four courses:

1) South 80°53'30" East, 1,702.12 feet;
2) South 81°48'30" East, 2,165.95 feet;
3) South 72°20'30" East, 2,689.85 feet; and,
4) South 81°15'45" East, 632.88 feet to the east boundary line of said Nellie D. Mundy Survey No. 243;

Thence, with the east boundary line of said Nellie D. Mundy Survey No. 243, South 03°14'26" West, 502.22 feet to the centerline of Transmountain Road;

Thence, with the east boundary line of said Nellie D. Mundy Survey No. 243, South 03°14'26" West, 502.22 feet;

Thence, with a line that is 499.91 feet south of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following four courses:

1) North 81°15'45" West, 807.10 feet;
2) North 72°20'30" West, 2,685.06 feet;
3) North 81°48'30" West, 2,091.17 feet; and,
4) North 80°53'30" West, 1,710.12 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area;

Thence, North 09°06'30" East, 389.89 feet to the POINT OF BEGINNING and containing 166.29 acres.

HUITT-ZOLLARS
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El Paso, Texas 79912-5427
(915) 587-4339 Phone
(915) 587-5247 Fax

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.

September 30, 2010

STATE OF TEXAS
REGISTERED
STEPHEN EARL COBB
4297
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "D-3"
Parcel 3

HUITT-ZOLLARS
5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427
(915) 587-4339 Phone
(915) 587-5247 Fax

Zoning Parcel 3

The parcel of land herein described is all of Lot 1, Block 6, Westport Unit Five (all of Westport Unit Five), a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

The **POINT OF BEGINNING** being the northeast corner of said Lot 1, Block 6, Westport Unit Five;

Thence, with the perimeter of said Westport Unit Five, the following six courses:

1) South 03°15'27" West, 336.98 feet;
2) North 86°44'33" West, 365.98 feet;
3) North 18°12'13" East, 139.74 feet;
4) South 86°44'33" East, 194.97 feet;
5) North 03°15'27" East, 201.96 feet; and,
6) South 86°44'56" East, 134.98 feet to the POINT OF BEGINNING and containing 1.70 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.

September 30, 2010

STATE OF TEXAS
REGISTERED
STEPHEN EARL COBB
4297
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "D-4"
Parcel 4

HUITT-ZOLLARS
5822 Cromo Drive, Ste. 211
El Paso, Texas 79912-5427
(915) 587-4339 Phone
(915) 587-5247 Fax

Zoning Parcel 4

The parcel of land herein described is a portion of Tract 10B, Nellie D. Mundy Survey No. 239, in the City of El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

The **POINT OF BEGINNING** being the northeast corner of Lot 1, Block 6, Westport Unit Five (the northeast corner of Westport Unit Five), a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas;

Thence, with the south right-of-way line of Loop 375 (Transmountain Road), South 86°44'56" East 182.82 feet;

Thence, continuing with the south right-of-way line of Loop 375 (Transmountain Road), South 82°47'51" East 588.30 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area

Thence, with the westerly limit of said Mountain Development Area, South 09°06'30" West, 389.89 feet;

Thence, with a line that is 499.91 feet south of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following two courses:

1) North 80°53'30" West, 272.85 feet; and,
2) North 86°44'56" West, 458.55 feet;

Thence, North 03°15'27" East, at 63.57 feet joining the east boundary line of said Westport Unit Five, a total distance of 400.55 feet to the POINT OF BEGINNING and containing 6.74 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.

September 30, 2010

STATE OF TEXAS
REGISTERED
STEPHEN EARL COBB
4297
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "D-5"
Parcel 5

Exh. F 1/4
PARCEL 5
Pg. 1/4

Being a portion of Tracts 10C, 10D,
10E1 and 12A and all of Tracts 9 and 11
Nellie D. Mundy Survey No. 239,
And all of lot 1, Block 2, Transwest
Subdivision Unit One
City of El Paso, El Paso County, Texas
Prepared for: Santa Fe Properties
August 30, 2010

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 10C, 10D, 10E1 and 12A and all of Tracts 9 and 11, Nellie D. Mundy Survey No. 239, and all of Lot 1, Block 2, Transwest Subdivision Unit One recorded in Volume 73, Page 33, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found Texas Department of Transportation concrete Right-of-Way Marker, at the intersection of the Easterly line of the Nellie D. Mundy Survey No. 239 with the northerly Right-of-Way line of Woodrow Bean Trans Mountain Road (Loop 375):

Thence, along the northerly Right-of-Way line of said Loop 375 the following three courses:

North 85°01'20" West a distance of 111.50 feet to a point;

North 84°33'50" West a distance of 90.07 feet to a point;

North 84°06'20" West a distance of 1,661.08 feet to a point for "THE TRUE POINT OF BEGINNING" for the herein described tract;

Thence, continuing along the northerly Right-of-Way line of said Woodrow Bean Trans Mountain Road the following two courses:

North 84°06'20" West, a distance of 310.48 feet to a point;

North 89°57'00" West a distance of 618.01 feet to a point;

Thence along the easterly Right-of-Way line of Interstate Highway 10, the following six courses:

North 00°03'00" East a distance of 139.55 feet to a point;

North 89°57'00" West a distance of 195.00 feet to a point;

North 14°57'00" West a distance of 560.24 feet to a point;

North 00°03'00" East a distance of 575.00 feet to a point;

Exh. F 2/4

parcel 5

pg. 2/4

North 14°57'00" West a distance of 521.60 feet to a point;

North 00°03'00" East a distance of 519.82 to a point on the intersection of the northerly line of the Nellie D. Mundy Survey No. 239 & the Easterly Right-of-Way of Interstate Highway No. 10;

Thence leaving said easterly Right-of-Way line of Interstate Highway 10 and along the north line of the Nellie D. Mundy Survey No. 239, South 90°00'00" East a distance of 2,290.73 feet to a point;

Thence leaving said north line of the Nellie D. Mundy Survey No. 239, South 00°00'00" East a distance of 2,002.03 feet to a point;

Thence North 84°06'20" West a distance of 854.31 feet to a point;

Thence South 05°53'40" West a distance of 400.00 feet to a point for **"THE TRUE POINT OF BEGINNING"** and containing 106.966 acres of land more or less.

Not a ground survey.

Bearings based on Warranty deed in Volume 2133, Page 925, Real property records of El Paso County, Texas

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

6-30-10

Job No. 810-89

Ron R. Conde
R.P.L.S. No. 5152

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

Exh. F 3/4

Parcel 5
pg. 3/4

Being a portion of Tracts 10C, 10D and 10E1,
Nellie D. Mundy Survey No. 239,
City of El Paso, El Paso County, Texas
Prepared for: Phase One Realty
August 30, 2010

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 10C, 10D and 10E1, Nellie D. Mundy Survey No. 239, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found Texas Department of Transportation concrete right of way marker at the intersection of the easterly line of Nellie D. Mundy Survey No. 239 with the northerly right of way line of Woodrow Beam Trans Mountain Road (Loop 375)

Thence along the northerly right of way line of Woodrow Beam Trans Mountain Road (Loop 375) the following three courses

North 85°01'20" West a distance of 111.50 feet to a point;

North 84°33'50" West a distance of 90.07 feet to a point;

North 84°06'20" West a distance of 765.47 feet to a point for The "TRUE POINT OF BEGINNING";

Thence continuing along said right of way line, North 84°06'20" West a distance of 895.61 to a point;

Thence leaving said right of way line, North 05°53'40" East a distance of 400.00 feet to a point;

Thence South 84°06'20" East a distance of 854.31 feet to a point;

Thence South 00°00'00" East a distance of 402.13 feet to the "TRUE POINT OF BEGINNING" and containing 8.034 acres of land more or less.

NOTE: Not a ground survey.

Bearings based on warranty deed in Volume 2133, Page 925, Real property records of El Paso County, Texas.

Ron R. Conde
R.P.L.S. No. 5152
Job# 810-89 R.C.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

8-30-10

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

EXHIBIT "D-6a"
Parcel 6a

Property description: 3.397 acres, being a portion of Tract 10B and all of Tract 10B3, Nellie D. Mundy Survey 239, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is 3.397 acres, being a portion of Tract 10B and all of Tract 10B3, Nellie D. Mundy Survey 239 (June 20, 1913, Abstract #8419, Texas General Land Office records), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the easterly boundary of Westport Unit Five (Book 71, Page 9, Plat Records, El Paso County, Texas) and the southerly right-of-way of Woodrow Bean Trans-Mountain Drive (width varies, July 17, 1964, Book 78, Page 636, Deed Records, El Paso County, Texas); Thence, South 89°56'26" East, along the southerly right-of-way of Woodrow Bean Trans-Mountain Drive, a distance of 182.85 feet; Thence, South 85°59'08" East, continuing along said right-of-way, a distance of 740.75 feet to westerly boundary of that certain parcel of land described August 9, 1988, in Book 1960, Page 1298 (Parcel 6A), Deed Records, El Paso County, Texas, and the **POINT OF BEGINNING** of this description;

THENCE, South 85°59'08" East, continuing along said right-of-way, a distance of 148.98 feet;

THENCE, South 84°04'10" East, continuing along said right-of-way, a distance of 189.83 feet;

THENCE, 45.68 feet along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of 87°14'33", and a chord which bears South 40°26'54" East, a distance of 41.39 feet to the westerly right-of-way of Northwestern Drive (right-of-way width varies, Westport Unit One, Book 63, Page 23, Plat Records, El Paso County, Texas);

THENCE, South 03°10'23" West, along said right-of-way, a distance of 371.87 feet;

THENCE, South 05°58'55" West, continuing along said right-of-way, a distance of 0.02 feet to the southerly boundary of that certain parcel of land described August 9, 1988, in Book 1960, Page 1298 (Parcel 6A), Deed Records, El Paso County, Texas ;

THENCE, North 84°04'06" West, along said boundary, a distance of 230.99 feet;

THENCE, North 85°59'02" West, continuing along said boundary, a distance of 142.31 feet to the westerly boundary of said parcel;

THENCE, North 04°00'58" East, along said boundary, a distance of 400.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 3.397 acres (147,971 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors

Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0039J
August 27, 2010

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EXHIBIT "D-6b"
Parcel 6b

Property description: A 32.659-acre portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, and Westport Unit Five, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 32.659-acre portion of Tract 10B, Nellie D. Mundy Survey 239 (June 20, 1913, Abstract #8419, Texas General Land Office records), Tract 2, Nellie D. Mundy Survey 240 (north ½, January 26, 1956, Book 1272, Page 554, Deed Records, El Paso County, Texas), and Westport Unit Five (Book 71, Page 9, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the easterly right-of-way of U.S. Interstate Highway No. 10 (width varies, July 17, 1964, Book 78, Page 595, Deed Records, El Paso County, Texas) and the southerly right-of-way of Woodrow Bean Trans-Mountain Drive (width varies, July 17, 1964, Book 78, Page 636, Deed Records, El Paso County, Texas), said intersection also being the northwest corner of Westport Unit Five and the **POINT OF BEGINNING** of this description;

THENCE, South 89°56'03" East, along the southerly right-of-way of Woodrow Bean Trans-Mountain Drive, a distance of 317.85 feet;

THENCE, South 85°59'08" East, continuing along said right-of-way, a distance of 740.75 feet to the easterly boundary of that certain parcel of land described August 9, 1988, in Book 1960, Page 1298 (Parcel 6), Deed Records, El Paso County, Texas;

THENCE, South 04°00'58" West, along said boundary, a distance of 400.00 feet to the southerly boundary of said parcel;

THENCE, South 85°59'02" East, along said boundary, a distance of 142.31 feet;

THENCE, South 84°04'06" East, continuing along said boundary, a distance of 230.99 feet to the westerly right-of-way of Northwestern Drive (right-of-way width varies, Westport Unit One, Book 63, Page 23, Plat Records, El Paso County, Texas);

THENCE, South 05°58'55" West, along said right-of-way, a distance of 354.08 feet to the northerly boundary of Westport Unit Seven Amending Subdivision (Book 76, Page 36, Plat Records, El Paso County, Texas);

THENCE, North 84°10'06" West, along said boundary, a distance of 223.72 feet;

THENCE, 89.29 feet continuing along said boundary and along the arc of a curve to the right, having a radius of 120.00 feet, a central angle of 42°37'53", and a chord which bears North 62°51'10" West, a distance of 87.24 feet;

THENCE, North 41°32'13" West, continuing along said boundary, a distance of 74.62 feet;

THENCE, 104.17 feet continuing along said boundary and along the arc of a curve to the left, having a radius of 140.00 feet, a central angle of 42°37'53", and a chord which bears North 62°51'10" West, a distance of 101.78 feet;

THENCE, North 84°10'06" West, continuing along said boundary, a distance of 859.08 feet to the westerly boundary of Westport Unit Seven Amending Subdivision;

THENCE, South 05°49'54" West, along said boundary, a distance of 1295.30 feet to the northerly right-of-way of Hoover Avenue (70-foot right-of-way, Westport Unit One);

THENCE, South 84°35'44" West, along said right-of-way, a distance of 416.28 feet to the easterly right-of-way of U.S. Interstate Highway No. 10;

THENCE, North 00°04'19" East, along said right-of-way, a distance of 662.60 feet;

THENCE, North 15°00'53" East, continuing along said right-of-way, a distance of 1085.61 feet;

THENCE, South 89°55'53" East, continuing along said right-of-way, a distance of 195.00 feet;

THENCE, North 00°04'07" East, continuing along said right-of-way, a distance of 202.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 32.659 acres (1,422,644 square feet) of land more or less.

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NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors

Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0039I
September 7, 2010

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EXHIBIT "D-7"
Parcel 7

Exh. M. 1/4
PARCEL 1

Being a portion of Tract 1A1,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt/Plexxar
January 27, 2004
~~(PARCEL 1A)~~ — 93.01 Acres

~~Exhibit "A"~~

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for Reference at a point being the intersection of the northerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Nellie D Mundy Surveys No. 239 and 243. Thence along said common boundary line North 00°02 07" East a distance of 401.51 feet to a point for The "TRUE POINT OF BEGINNING".

Thence North 00°02'07" East a distance of 1353.10 feet to a point;

Thence South 85°42'48" East a distance of 106.26 feet to a point;

Thence North 85°51'57" East a distance of 226.65 feet to a point;

Thence South 00°02'51" West a distance of 678.45 feet to a point;

Thence South 89°57'19" East a distance of 693.95 feet to a point;

Thence South 00°02'31" West a distance of 245.91 feet to a point;

Thence South 89°57'19" East a distance of 957.40 feet to a point;

Thence North 00°02'58" East a distance of 331.84 feet to a point;

Thence South 89°56'53" East a distance of 1522.68 feet to a point;

Thence North 00°03'03" East a distance of 574.76 feet to a point;

Thence South 87°17'03" East a distance of 164.98 feet to a point on the westerly right-of-way line of El Paso Natural Gas Company right of way;

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592 0283

EXHIBIT "D-8"
Parcel 8

Exh. H. 2/4
Parcel 8
pg. 1/2

Being a portion of Resler Drive, and Tracts 2E and 4G,
Nellie D. Mundy Survey No. 240, and a portion
Tract 1B, Nellie D. Mundy Survey No. 242, and
All of Tract 2A and portion of Tract 2E, Nellie D.
Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt\Plexxar
January 27, 2004
(PARCEL 7A)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No.242, and all of Tract 2A and a portion of Tract 2E, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a existing city monument at the point of curve Resler Drive station 116+66.54, Thence from said monument South 13°33'12" West a distance of 361.55 feet to a point for The "TRUE POINT OF BEGINNING".

Thence South 80°13'14" East a distance of 740.37 feet to a point;

Thence South 75°31'42" East a distance of 2061.21 feet to a point on the westerly line of an El Paso Natural Gas Company right of way;

Thence along said right-of-way line South 08°01'01" East a distance of 2047.94 feet to a point;

Thence leaving said right-of-way line North 77°44'17" West a distance of 192.12 feet to a point;

Thence South 85°54'38" West a distance of 479.15 feet to a point;

Thence South 78°29'51" West a distance of 758.12 feet to a point;

Thence North 79°02'30" West a distance of 1502.00 feet to a point;

Thence North 88°47'23" West a distance of 830.80 feet to a point;

Thence South 60°02'38" West a distance of 309.60 feet to a point;

Thence South 05°10'26" West a distance of 386.91 feet to a point;

EXH. II. 3/4

Parcel 8
pg. 2/2

Thence South 60°08'16" West a distance of 1683.53 feet to a point;

Thence 978.43 feet along the arc of a curve to the right whose radius is 2000.00 feet whose interior angle is 28°01'47" whose chord bears North 05°04'01" East a distance of 968.70 feet to a point;

Thence North 19°04'55" East a distance of 586.62 feet to a point;

Thence 1431.22 feet along the arc of a curve to the right whose radius is 2000.00 feet whose interior angle is 41°00'05" whose chord bears North 39°34'57" East a distance of 1400.87 feet to a point;

Thence North 60°05'00" East a distance of 476.73 feet to a point;

Thence 1401.55 feet along the arc of a curve to the left whose radius is 2000.00 feet whose interior angle is 40°09'06" whose chord bears North 40°00'27" East a distance of 1373.05 feet to the "TRUE POINT OF BEGINNING" and containing in all 254.07 acres of land more or less.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

Ron R. Conde
R.P.L.S. No. 5152

job #1202-78-7A R.C.
LGL-04\120278-7A.LGL

15708

CONDE, INC.
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EXHIBIT "D-9"
Parcel 9

Exh. H. 4/4
Parcel 9

Being a portion of Tract 3B, Nellie D. Mundy
Survey No. 242, and a portion of Tract 2C,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt\Plexxar
January 27, 2004
(PARCEL 9A) = 32.52 AC.

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 3B, Nellie D. Mundy Survey No. 242, and a portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a point on the intersection of the southerly right of way line of Woodrow Bean Transmountain Drive (Loop 375), with the easterly line of an 100' El Paso Natural Gas Company right of way, Thence along the easterly right-of-way line of El Paso Natural Gas Company right of way South 08°01'01" West a distance of 433.65 feet to a point for The "TRUE POINT OF BEGINNING".

Thence leaving said right-of-way line South 75°31'42" East a distance of 66.19 feet to a point;

Thence South 84°27'31" East a distance of 808.39 feet to a point;

Thence South 00°03'24" West a distance of 1740.44 feet to a point;

Thence South 00°02'20" West a distance of 178.82 feet to a point;

Thence North 89°57'46" West a distance of 583.27 to a point on the easterly line of an El Paso Natural Gas Company right of way;

Thence along said right-of-way line North 08°01'01" West a distance of 2033.35 feet to the TRUE POINT OF BEGINNING" and containing in all 32.52 acres of land more or less.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

Ron R. Conde
R.P.L.S. No. 5152

job #1202-78-9A.R.C.
LGL-04\120278-9A.LGL

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EXHIBIT "E"
Declarants

Transmountain Development Company, LP

Hunt El Paso Investment LTD

Westport Improvement Association

Plexxar Capital, LTD

Hill 262 Partners, LTD

Plexxar North, LTD

RVE Unit 18, LTD

George Duncan

Transmountain Investors, LTD