

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



THE STATE OF TEXAS  
I hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document which is filed in the permanent records of the Commission. Given under my hand and the seal of office on

*Eugenia K. Brumm* 11/07/1997

Eugenia K. Brumm, Chief Clerk  
Texas Natural Resource Conservation Commission

DOCKET NO. 96-183

AN ORDER NUNC PRO TUNC CORRECTING  
THE MARCH 10, 1997 ORDER GRANTING THE PETITION FOR CREATION  
OF EL PASO DOWNTOWN MANAGEMENT DISTRICT OF EL PASO COUNTY  
AND APPOINTING TEMPORARY DIRECTORS

On June 25, 1997, the Texas Natural Resource Conservation Commission (the "Commission") met in regular session at its offices in Austin, Texas, notice of this meeting having been distributed in compliance with the Open Meetings Act, TEX. GOV'T CODE ANN. Title 5, Chapter 551 (Vernon 1994 & Supp. 1997) and the Administrative Procedure Act, TEX. GOV'T CODE ANN. Title 10, Chapter 2001 (Vernon Pamph. 1997), to consider an Order Nunc Pro Tunc correcting the Commission's Order of March 10, 1997, which granted the petition for creation of El Paso Downtown Management District of El Paso County (the "District") and appointed temporary directors.

After considering all the arguments presented at agenda, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On March 10, 1997, the Commission signed an Order, a copy of which is attached hereto as Exhibit "A", which granted the petition for creation of El Paso Downtown Management District of El Paso County and appointed temporary directors.
2. The Order incorrectly stated in Finding of Fact No. 3 that the petition was signed by the owners of a majority of the assessed value of property in the proposed District.
3. The Order should be amended to reflect that the petition was signed by more than fifty record owners of property within the proposed District in accordance with Section 375.022(b)(2) of the Texas Local Government Code.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to issue this Order pursuant to Section 375.025 of the Texas Local Government Code.


NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that the March 10, 1997 Order is amended to state that the

petition for creation of El Paso Downtown Management District of El Paso County was signed by more than fifty record owners of property within the proposed District.

The Chief Clerk of the Commission is directed to forward a copy of this Order to all affected persons.

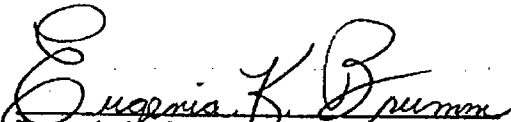
Issued date: **JUL 02 1997**

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION**



\_\_\_\_\_  
Barry R. McBee, Chairman

**ATTEST:**



\_\_\_\_\_  
Eugenia K. Brumm, Chief Clerk

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



DOCKET NO. 96-1831-DIS

AN ORDER GRANTING THE PETITION FOR CREATION OF  
EL PASO DOWNTOWN MANAGEMENT DISTRICT OF EL PASO COUNTY, AND  
APPOINTING TEMPORARY DIRECTORS

On March 5, 1997, the Texas Natural Resource Conservation Commission (the "Commission") met in regular session at its offices in Austin, Texas, notice of this meeting having been distributed in compliance with the Open Meetings Act, TEX. GOV'T CODE ANN. Title 5, Chapter 551 (Vernon 1994 & Supp. 1997) and the Administrative Procedure Act, TEX. GOV'T CODE ANN. Title 10, Chapter 2001 (Vernon-Pamph. 1997), to consider a petition for the creation of El Paso Downtown Management District of El Paso County (the "District").

After considering all the arguments presented at agenda, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On October 29, 1996, a petition for the creation of El Paso Downtown Management District of El Paso County was filed with the Commission.
2. Proper notice of this hearing was given by publishing a copy thereof on December 28, 1996, and January 4, 1997, in the El Paso Times, a newspaper regularly published and generally circulated in El Paso County, Texas, the county in which the proposed District is to be located.
3. The petition was signed by the owners of a majority of the assessed value of property in the proposed District.
4. The appropriate and necessary deposits and fees associated with the filing of the petition for creation of the District have been paid to the Commission.
5. The petition requested that the following persons be considered for the initial board of directors:

Tanny Berg  
Thomas R. Cox  
Gerald D. Darbro  
Mike Dipp, Jr.

Sam Legate  
James R. McCotter  
Irvin Nadler  
Rachelle Nedow

Robert A. Estrada  
Ruben Guerrero  
Roberto Henriquez  
Sal Holland  
Gary Hughes  
Kenneth W. Johnson  
John P. Kemp, Jr.

Gerald Rubin  
George Salom  
Y.I. Santoscoy  
Bahram Shirazi  
Susanne M. Sickles  
William "Bill" S. Stevens  
Don Wojcik

6. Each of the persons named in Finding of Fact No. 5 is qualified to serve as a temporary director of the proposed District pursuant to Section 375.063 of the Local Government Code as each is over the age of 18 years, and (1) a resident of the District, (2) an owner of property in the District, (3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the District, (4) an owner of a beneficial interest in a trust that owns property in the District, or (5) an agent, employee, or tenant of a person covered by (2), (3), or (4).
7. The 3-page metes and bounds description of the proposed District as described in Exhibit "A", a copy of which is attached hereto, has been examined by Commission staff and found to form an acceptable boundary for the proposed District.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider this petition and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the request for creation of the District.
2. All of the land and property proposed may properly be included within the District.
3. All statutory and regulatory requirements for creation of El Paso Downtown Management District El Paso County, have been fulfilled, in accordance with TEX. LOC. GOV'T CODE ANN. §375.022.

#### NOW THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION THAT:

1. The petition for the creation of El Paso Downtown Management District of El Paso County is hereby granted.
2. The District is created under the terms and conditions of TEX. LOC. GOV'T CODE ANN. §375.022.
3. The District shall have all of the rights, powers, privileges, authority, and functions conferred and shall be subject to all duties imposed by the Texas Natural Resource

Conservation Commission and the general laws of the State of Texas relating to municipal management districts.

4. The following persons are hereby named and appointed as temporary directors of the District, to serve until their successors are elected or have been appointed in accordance with applicable law:

Tanny Berg  
Thomas R. Cox  
Gerald D. Darbro  
Mike Dipp, Jr.  
Robert A. Estrada  
Ruben Guerrero  
Roberto Henriquez  
Sal Holland  
Gary Hughes  
Kenneth W. Johnson  
John P. Kemp, Jr.

Sam Legate  
James R. McCotter  
Irvin Nadler  
Rachelle Nedow  
Gerald Rubin  
George Salom  
Y.I. Santoscoy  
Bahram Shirazi  
Susanne M. Sickles  
William "Bill" S. Stevens  
Don Wojcik


5. The foregoing temporary directors shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oath of office. All such bonds shall be approved by the Board of Directors of the District and each bond and oath shall be filed with the District and retained in its records.
6. This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the creation petition, nor as a commitment or requirement of the Commission in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for Commission consideration.
7. This Order shall not constitute approval or recognition of the validity of any provisions in the City of El Paso Resolution dated September 3, 1996, and any other resolutions or ordinances incorporated therein by reference to the extent that such provisions exceed the authority granted to the City of El Paso by the laws of the State of Texas.
8. The Chief Clerk of the Commission shall forward a copy of this Order to all affected persons.
9. If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issued date: **MAR 10 1997**

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION**

  
\_\_\_\_\_  
John Baker, Commissioner

**ATTEST:**

*for*   
\_\_\_\_\_  
Eugenia K. Brumm, Chief Clerk

PROPERTY DESCRIPTION  
El Paso Downtown Management District

EXHIBIT "A"

Description of a 294 acre parcel of land to be known as the El Paso Downtown Management District and being more particularly described by metes and bounds as follows to wit:

Beginning at the Northwest corner of the El Paso Times Subdivision, said point being the "TRUE POINT OF BEGINNING";

Thence North  $73^{\circ}26'24''$  East a distance of 214.31 feet to a point;

Thence North  $80^{\circ}45'09''$  East a distance of 113.65 feet to a point;

Thence along the arc of a curve to the left a distance of 219.85 feet, whose radius is 645.50 feet, whose central angle is  $19^{\circ}30'52''$  and whose chord bears North  $70^{\circ}59'43''$  East a distance of 218.79 feet to a point;

Thence North  $61^{\circ}14'17''$  East a distance of 178.99 feet to a point;

Thence South  $37^{\circ}37'00''$  East a distance of 183.62 feet to the centerline of Mills Avenue;

Thence South  $52^{\circ}23'00''$  West a distance of 59.20 feet to the centerline of Ochoa Street;

Thence South  $37^{\circ}37'00''$  East a distance of 1240.08 feet to the centerline of San Antonio Street;

Thence South  $74^{\circ}26'15''$  West a distance of 200.65 feet to the centerline of Ochoa Street;

Thence South  $15^{\circ}33'45''$  East a distance of 931.22 feet to the centerline of Paisano Street;

Thence South  $70^{\circ}22'15''$  West a distance of 661.67 feet to the centerline of Campbell Street;

Thence South  $15^{\circ}33'45''$  East a distance of 343.95 feet to the centerline of Third Street;

Thence South  $74^{\circ}26'15''$  West a distance of 495.00 feet to the centerline of an alley in Block 115, Campbell Addition;

Thence South  $15^{\circ}33'45''$  East a distance of 1650.00 feet to the centerline of Eighth Street;

Thence North  $74^{\circ}26'15''$  East a distance of 165.00 feet to the centerline of Kansas Street;

Thence South  $15^{\circ}33'45''$  East a distance of 425.00 feet to a point lying the Northerly right-of-way of Border Highway;

Thence South  $74^{\circ}26'15''$  West a distance of 495.00 feet to the centerline of an alley in Block 33, Campbell Addition;

Thence North  $15^{\circ}33'45''$  West a distance of 1745.00 feet to the centerline of Fourth Street;

Thence South  $74^{\circ}26'15''$  West a distance of 165.00 feet to the centerline of S. Mesa Street;

Thence North  $15^{\circ}33'45''$  West a distance of 330.00 feet to the centerline of Third Street;

Thence South  $74^{\circ}26'15''$  West a distance of 330.00 feet to the centerline of S. Oregon Street;

Thence South  $15^{\circ}33'45''$  East a distance of 330.00 feet to the centerline of Fourth Street;

Thence South  $74^{\circ}26'15''$  West a distance of 165.00 feet to centerline of an alley in Block 101, Campbell Addition;

POOR QUALITY COPY  
BEST AVAILABLE FILM

- Thence South  $15^{\circ}33'45''$  East a distance of 660.00 feet to the centerline of Sixth Street;
- Thence North  $74^{\circ}26'15''$  East a distance of 165.00 feet to the centerline of S. Oregon Street;
- Thence South  $15^{\circ}33'45''$  East a distance of 1085.00 feet to a point lying on the Northerly right-of-way of Border Highway;
- Thence South  $74^{\circ}26'15''$  West a distance of 686.00 feet to the centerline of Santa Fe Street;
- Thence North  $15^{\circ}33'45''$  West a distance of 1392.33 feet to a point lying on the Northerly right-of-way line of the A. T. and S. F. Railroad;
- Thence North  $58^{\circ}19'15''$  West a distance of 1379.24 feet to the centerline of Paisano Drive;
- Thence South  $74^{\circ}26'15''$  West a distance of 47.67 feet to a point;
- Thence North  $58^{\circ}19'15''$  West a distance of 433.80 feet to a point;
- Thence North  $39^{\circ}53'00''$  West a distance of 899.48 feet to the centerline of Crosby Avenue;
- Thence North  $15^{\circ}33'45''$  West a distance of 266.30 feet to the centerline of San Francisco Street;
- Thence North  $80^{\circ}29'15''$  East a distance of 715.76 feet to the centerline of the Durango Street Overpass;
- Thence North  $11^{\circ}33'00''$  West a distance of 278.02 feet to a point;
- Thence North  $05^{\circ}07'05''$  West a distance of 282.53 feet to the centerline of Missouri Street;
- Thence North  $52^{\circ}23'00''$  East a distance of 484.59 feet to the centerline of Santa Fe Street;
- Thence North  $37^{\circ}37'00''$  West a distance of 130.70 feet to the centerline of Prospect Avenue;
- Thence South  $84^{\circ}53'00''$  West a distance of 183.77 feet to a point;
- Thence North  $37^{\circ}37'00''$  West a distance of 55.85 feet to the Southern right-of-way line of Interstate Highway 10;
- Thence North  $52^{\circ}23'00''$  East a distance of 188.67 feet to the Eastern right-of-way of Santa Fe Street;
- Thence North  $37^{\circ}37'00''$  West a distance of 16.82 feet to the Southern right-of-way of Interstate Highway 10;
- Thence North  $52^{\circ}23'00''$  East a distance of 1443.13 feet to the Western right-of-way of an alley in Block 246, Campbell Addition;
- Thence North  $58^{\circ}42'49''$  East a distance of 210.90 feet to the Eastern right-of-way of Kansas Street;
- Thence South  $37^{\circ}37'00''$  East a distance of 32.50 feet to a point;
- Thence North  $52^{\circ}23'00''$  East a distance of 60.00 feet to a point;
- Thence North  $76^{\circ}50'14''$  East a distance of 65.39 feet to the Western right-of-way of an alley in Block 245, Campbell Addition;
- Thence South  $37^{\circ}37'00''$  East a distance of 52.00 feet to a point;

POOR QUALITY COPY  
BEST AVAILABLE FILM



Thence North  $52^{\circ}23'00''$  East a distance of 95.00 feet to a point;

Thence North  $83^{\circ}25'36''$  East a distance of 51.97 feet to the Western right-of-way of Campbell Street;

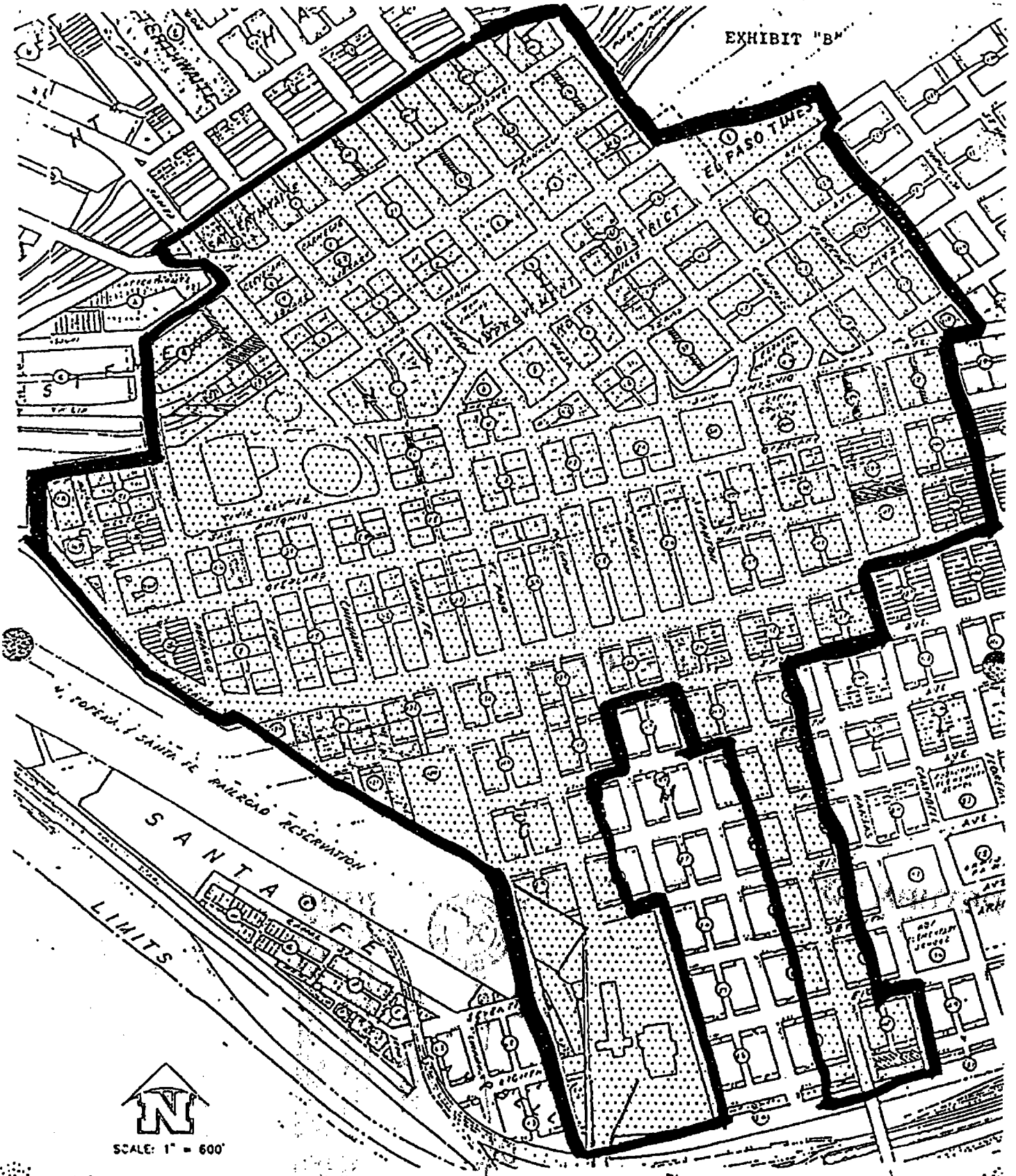
Thence North  $52^{\circ}23'00''$  East a distance of 70.00 feet to the Eastern right-of-way of Campbell Street;

Thence South  $37^{\circ}37'00''$  East a distance of 717.00 feet to the "TRUE POINT OF BEGINNING", containing in all 294 acres of land, more or less.

NOT A GROUND SURVEY

POOR QUALITY COPY  
BEST AVAILABLE FILM

EXHIBIT "B"



N  
SCALE: 1" = 600'

SITE MAP  
EL PASO DOWNTOWN MANAGEMENT DISTRICT

1997 3228 1147-8

**Roe Engineering, L.L.C.**  
601 N. Cotton St. Suite 408 El Paso, Tx. 799  
1912 333-1110 FAX: (915) 333-4110  
ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

**END OF INSTRUMENT**

**RETURN TO:**

*Fannie Jamison  
Deeds & Records*



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*[Signature]*

**JUL 10 1997**

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY DECLARED UNLAWFUL UNDER FEDERAL LAW AND STATE OF TEXAS  
I hereby certify that this instrument was filed on the date and time stamped hereon. By me and my duly authorized assistants in the presence and view of the Public Record of said Property El Paso County.

Doc# 97042236  
# Pages: 10  
Date : 07-10-1997  
Time : 04:35:52 P.M.  
Filed & Recorded in  
Official Records  
of El Paso County, TX.  
HONORABLE HECTOR ENRIQUEZ, JR.  
COUNTY CLERK  
Rec. .00

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