

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Regular Consent Agenda: May 15, 2018

**CONTACT PERSON/PHONE:** Victor Morrison-Vega, (915) 212-1553, [morrison-vegavx@elpasotexas.gov](mailto:morrison-vegavx@elpasotexas.gov)  
Nelson Ortiz, (915) 212-1606, [ortiznx@elpasotexas.gov](mailto:ortiznx@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** N/A (ETJ)

**SUBJECT:**

A Resolution that the City of El Paso consent to the creation of the Butterfield Trail Municipal Utility Districts Nos. 1 and 2 for certain property located within the Extraterritorial Jurisdiction of the City of El Paso, Texas. (ETJ)

Subject Property: North of Montana, adjacent to Loop 375

Applicant: State of Texas through the General Land Office

**BACKGROUND / DISCUSSION:**

See attached staff report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

On May 3, 2018, the City Plan Commission (CPC) recommended a conditional approval of the request.

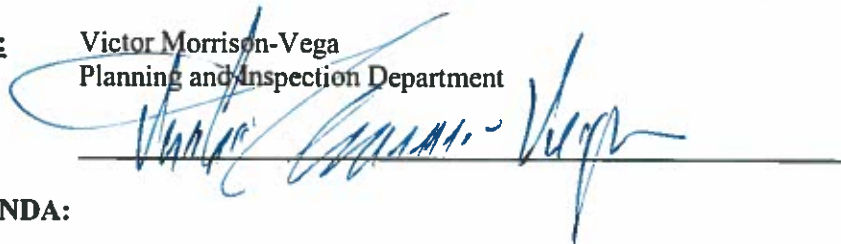
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:**

Victor Morrison-Vega  
Planning and Inspection Department



**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_

## **RESOLUTION**

### **A RESOLUTION THAT THE CITY OF EL PASO CONSENT TO THE CREATION OF THE BUTTERFIELD TRAIL MUNICIPAL UTILITY DISTRICTS NOS. 1 AND 2 FOR CERTAIN PROPERTY LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF EL PASO, TEXAS.**

**WHEREAS**, on March 1, 2018, the State of Texas acting through the Texas General Land Office (“Landowner”) submitted to the City of El Paso (the “City”) two requests (the “Requests”) for the City’s written consent to the inclusion of land in, and the creation of, two municipal utility districts proposed in the Requests to be known as Butterfield Municipal Utility District No. 1 and Butterfield Municipal Utility District No. 2 (the “Districts”) pursuant to Article 16, Section 59 and Article 3, Section 52 of the Texas Constitution, Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code attached hereto as Exhibit A; and

**WHEREAS**, the proposed Districts shall be hereafter referred to in this Resolution as “Butterfield Trail Municipal Utility District No. 1” for an area of approximately 668 acres of land, described in Part 2 of Exhibit B attached hereto; and “Butterfield Trail Municipal Utility District No. 2” for an area of approximately 591 acres of land, described in Part 1 of Exhibit B attached hereto (collectively, the “Property”) as proposed in the Requests to be included in the Districts; and

**WHEREAS**, the Property is located in the Extraterritorial Jurisdiction of the City of El Paso, Texas;

**WHEREAS**, the Districts are being created to finance the construction, acquisition, maintenance, and operation of waterworks and sanitary sewer system, roads, drainage, solid waste, firefighting, park infrastructure and services; and

**WHEREAS**, the Landowner’s request was distributed to various City of El Paso Departments and other local governmental agencies, including El Paso Water, Texas Department of Transportation, El Paso County and various other entities, who have provided comments to the City, some of may be reflected in the conditions to the consent for the creation of the District in this Resolution; and

**WHEREAS**, a pursuant to Chapter 54 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, a resolution authorizing such inclusion of the Property in, and the creation of, the Districts must be passed by the City Council prior to inclusion of such land in, or creation of, the Districts; and

**WHEREAS**, the District’s Requests were presented to the City Plan Commission for its review and the City Plan Commission made unanimous recommendation in favor of the Requests; and

**WHEREAS**, Council is of the determination that it is in the best interests of the citizenry for the City to consent to the Requests for creation of the Districts.

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

Pursuant to the provisions of Chapter 54 of the Texas Water Code and Chapter 42 of the Texas Local Government Code, the City of El Paso, Texas hereby consents to the creation of, the Butterfield Trail Municipal Utility District Nos. 1 and 2 (the "Districts") and the inclusion of the Property in the Districts as described hereinabove, with the following conditions (the "Conditions"):

Landowner/developer shall comply with all City Codes applicable to development within the City's Extraterritorial Jurisdiction ("ETJ") in effect on the date the request for consent was delivered to the City.

- A land study shall be submitted prior to development if required in accordance with Title 19.
- Landowner/developer shall dedicate and improve land for public infrastructure in accordance with Title 19 requirements in the ETJ, including proportionate share of rights-of-way for arterial roads within the Districts as determined by the traffic impact analysis. Such dedication shall not impair the obligation of the Districts to reimburse developers in the Districts for such land or improvements thereon as otherwise permitted by applicable law or TCEQ regulation.
- All subdivision improvements shall be constructed in accordance with the applicable requirements of Title 19 and City-approved subdivision plans and specifications. City shall have the right to inspect such subdivision improvements.

Purposes for which the Districts may issue bonds for the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances is restricted to the following:

- Provide a water supply for municipal uses, domestic uses and commercial purposes
- Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state
- Gather, conduct, divert and control local storm water or other local harmful excesses of water in the Districts and the payment of organization expenses, operation expenses during construction and interest during construction
- Construct and maintain roadways, parks, and public safety facilities

City shall review the Districts' bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the Districts' bonds and notes issued to construct or acquire facilities to provide service to the land so long as the restrictions do not render the Districts' bonds or notes unmarketable.

Landowners shall negotiate in good faith to reach an agreement with the City through El Paso Water (EPW) for wholesale water and wastewater service to the Districts based on cost of service rates. If such an agreement is reached, service shall be provided only to the land in the Districts unless otherwise consented to by the City.

No additional land (other than the right-of-way relocation tract as requested in the petition for City consent) shall be added or annexed to the Districts without it being submitted to the City for its consent and acted upon in accordance with Chapter 54 of the Texas Water Code.

If the Districts are created, the City and Districts shall enter into negotiations for a strategic partnership agreement to allow a Limited Purpose Annexation of the proposed commercial property abutting the City limits, for the sole and exclusive purpose of imposing and collecting sales and use taxes within the Property.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Naranjo  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Victor Morrison-Vega  
Planning & Inspections Department

EXHIBIT "A"

ERRAND REQUEST

Date Requested: 3-1-18 Time Requested: 8:30

Date Required: 3-1-18 Time Needed: ☒ 9:00 ☐ 3:00 ☐ Urgent

Client Number: 9690.1 Requested By: Debbie Reed

HAND DELIVERY ☒ PICK-UP ☐

Address: Ms. Laura Prine  
City Clerk  
City of El Paso  
300 N. Campbell  
El Paso, Texas 79901

Special Instructions: Please obtain the name, date and time package is delivered.

Received By: X Adriana Perez Date/Time: \_\_\_\_\_  
Printed Name: Adriana ROSE



EXHIBIT "A"

ERRAND REQUEST

Date Requested: 3-1-18 Time Requested: 8:30

Date Required: 3-1-18 Time Needed: ☒ 9:00 ☐ 3:00 ☐ Urgent

Client Number: 9690.1 Requested By: Debbie Reed

HAND DELIVERY ☒ PICK-UP ☐

Address: Ms. Sylvia B. Firth  
City Attorney  
City of El Paso  
300 N. Campbell  
El Paso, Texas 79901

Special Instructions: Please obtain the name, date and time package is delivered.

Received By: X AC

Date/Time: 3/1/18 9:58am

Printed Name: April Camacho



EXHIBIT "A"

ERRAND REQUEST

Date Requested: 3-1-18 Time Requested: 8:30

Date Required: 3-1-18 Time Needed: ☒ 9:00 ☐ 3:00 ☐ Urgent

Client Number: 9690.1 Requested By: Debbie Reed

---

HAND DELIVERY ☒ PICK-UP ☐

Address: Mr. Tommy Gonzalez  
City Manager  
City of El Paso  
300 N. Campbell  
El Paso, Texas 79901

---

Special Instructions: Please obtain the name, date and time package is delivered.

---

---

Received By: X Reading Date/Time: 3/1/18 @ 10:00 am  
Printed Name: \_\_\_\_\_

---

**EXHIBIT "A"**  
**Ronald J. Freeman**  
**Attorney-At-Law**

**512-797-6649**  
**rffreeman@freemanoffice.com**  
**102 N. Railroad Ave.**  
**Pflugerville, TX 78660**

March 1, 2018

*Via Hand-Delivery*

Ms. Laura Prine  
City Clerk  
City of El Paso  
300 N. Campbell  
El Paso, TX 79901

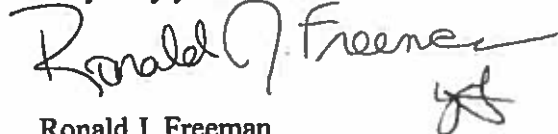
Re: Requests for Consent of the City of El Paso for the inclusion of land in, and creation of, Butterfield Municipal Utility Districts Nos. 1 and 2 (the "Districts")

Dear Ms. Prine:

I represent the State of Texas, the owner of two tracts of land totaling approximately 1,259.20 acres of land, more or less, within El Paso County and within the extraterritorial jurisdiction of the City of El Paso (the "City"). Enclosed with this letter are requests by the State of Texas for consent of the City for the inclusion of the land within, and the creation of, the two Districts identified above. Copies of these two requests are being hand-delivered to the City Manager and City Attorney of the City with whom my client and I have previously met to discuss this matter.

Please acknowledge receipt of these requests on the extra copies of the requests that we have provided to you so that I may retain copies for my files. Thank you for your courtesies.

Very truly yours,



Ronald J. Freeman

cc. Tommy Gonzalez, City Manager  
Sylvia B. Firth, City Attorney  
Burton Minton (Texas General Land Office)  
Yolanda Giner (Gordon, Davis, Johnson & Shane, PC)  
Linda Troncoso (TRE & Associates)

18-1007-2136| 786591

City's Consent to Butterfield Trail Municipal Utility Dist. 1 & 2

**REQUEST FOR CONSENT TO THE  
CREATION OF A MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF EL PASO         §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

The undersigned (herein the "Landowner") holder of title to all of the land within the territory hereinafter described by metes and bounds, constituting a majority in value of the holders of title of the lands therein as indicated by the tax rolls of El Paso County, Texas, and acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code; Section 42.042, Texas Local Government Code (the "Act") respectfully requests the City Council of the City of El Paso, Texas, for its written consent to the inclusion of land in, or the creation of a municipal utility district under either Chapters 49 and 54, Texas Water Code and/or by special act of the Texas Legislature and would respectfully show the following:

I.

The name of the proposed District shall be BUTTERFIELD TRAIL MUNICIPAL UTILITY DISTRICT NO. 1 (the "District").

II.

The land shall be included within the District by creation and organization of the District as provided above. The District shall exist under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, Chapters 49 and 54, Texas Water Code, the Act, and/or under special act of the Texas Legislature.

III.

The District shall contain an area of approximately 668 acres of land, more or less, situated wholly within El Paso County, Texas. All of the area within the District is within the extraterritorial jurisdiction of the City of El Paso, Texas. All of the territory proposed to be included may properly be included in the District. The area proposed to be within the District consists of one tract, which is described in Part 2 of Exhibit "A", which is attached hereto and incorporated herein for all purposes.

The undersigned are owners of title to all land within the District and, therefore, are the owners of a majority in value of the lands therein as indicated by the tax rolls in El Paso County, Texas. There are no lienholders on the land nor are there any residents on the land.

**IV.**

The general nature of the work to be done by the District at the present time is the construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services.

**V.**

There is, for the following reasons, a necessity for the above-described work: There is not now available within the area, which will be developed as a residential subdivision, an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. The health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance, and operation of an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks and sanitary sewer system roads, drainage, firefighting and park facilities and services so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

**VI.**

A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Landowners, from such information as it has at this time, that the ultimate costs of the development contemplated will be approximately \$64,710,000. The project will be financed by the issuance of bonds by the District.

WHEREFORE, the Landowners respectfully pray that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein with the District.

**EXHIBIT "A"**

RESPECTFULLY SUBMITTED, this 31<sup>st</sup> day of February 2018.



STATE OF TEXAS, FOR THE USE AND BENEFIT  
OF THE PERMANENT SCHOOL FUND

By: DocuSigned by: G. P. DL  
GEORGE P. BUSH, Commissioner of the General  
Land Office and Chairman of the School Land  
Board

Date : 2/13/2018

Approved: \_\_\_\_\_  
Contents: OK  
Legal: NO  
Director: el  
General Counsel: SG  
Executive: not

EXHIBIT "A"

# EXHIBIT A



TEXAS GENERAL LAND OFFICE  
GEORGE P. BUSH, COMMISSIONER

**APPROXIMATELY 1259.20 ACRE  
POLITICAL SUBDIVISION DESCRIPTION  
EL PASO COUNTY, TEXAS**

A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 29, ABSTRACT NO. 2136, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS. CONSISTING OF:

**PART 1 - 590.74 ACRES:**

ALL OF THE 14.64 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO. 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN VOLUME 3180, PAGE 1048 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

**PART 2 - 668.46 ACRES:**

ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

SAID 1259.20 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

O:\AIDOC\_Survey\Project\DKVI-El Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dk.doc

**EXHIBIT "A"**

Page 2 of 4

**PART 1:**

**BEGINNING** at a calculated point having coordinates of X=448628.99 feet and Y=10676605.26 feet Texas Coordinate System 1983, Central Zone (4203) for the southeast corner of the said 14.54 acre tract, being also in a northeast right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) according to the State of Texas Department of Highways and Public Transportation map or plat thereof entitled Plans of Proposed Right-of-Way Project El Paso County – City of El Paso, Highway Loop 375 (Control No. 2552-2-02) (right-of-way width varies) on file at the Texas Department of Transportation, El Paso District office and in a northeast line of a 276.943 acre tract described in an Assignment and Assumption Agreement of an Easement for Public Road and Water Utility Pipeline, date executed March 26, 1997 from the City of El Paso, Texas, to the State of Texas acting on behalf of its Texas Department of Transportation, recorded in Volume 3209, Page 927, Deed Records of El Paso County, Texas;

**THENCE** crossing Surveys 30 and 19 in a northwesterly direction along the southwest line of the said 14.54 acre tract, the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract to the southwest corner of the herein described tract;

**THENCE** leaving the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract in a northerly direction crossing Survey 19, along the westerly line of the said 14.54 acre tract to the northwest corner of the said 14.54 acre tract, and being the northwest corner of the herein described tract;

**THENCE** continuing over and across Surveys 19 and 30 in a southeasterly direction along the northeast line of the said 14.54 acre tract to the northeast corner of the said 14.54 acre tract, in the common line of Surveys 29 and 30, and being an interior ell corner of the herein described tract;

**THENCE** northerly along the common line of Surveys 29 and 30 to a common corner of Surveys 19, 29 and 30, the southwest corner of Survey 20, Block 79, Township 2, Texas and Pacific Railway Co., and the southwest corner of a 2205.28 acre tract of land conveyed to the United States of America, in a Deed from the State of Texas, date recorded May 21, 2014, recorded in Document Number 20140032136, Official Public Records Of Real Property, El Paso County, Texas and being a northwest corner of the herein described tract;

**THENCE** leaving the common corner of Surveys 19, 20, 29 and 30 along the north line of Surveys 28 and 29, the south line of Survey 20, the south line of Survey 21 Block 79, Township 2, Texas and Pacific Railway Co., and the south line of the 2205.26 acre tract to the common corner of Surveys 21 and 28, the southwest corner of Survey 22, the northwest corner of Survey 27, both in Block 79, Township 2, Texas and Pacific Railway Co., the southwest corner of a 0.46 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, the northwest corner of a 46.80 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective

O:\A\IDOC\Survey\Project\ADK\El-Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dlc.doc

**EXHIBIT "A"**

Page 3 of 4

May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, and being the northeast corner of the herein described tract;

THENCE leaving the common corner of Surveys 21, 22, 27 and 28, and the south line of the said 2205.26 acre tract along the common line of Surveys 27 and 28 and the west line of the said 46.60 acre tract to the northeast corner of a 117.37 acre tract conveyed to Valero Partners EP, LLC in a Special Warranty Deed, date effective December 1, 2013, recorded in Documents Number 20130090337, Official Public Records Of Real Property, El Paso County, Texas and being the most northeasterly southeast corner of the herein described tract;

THENCE leaving the west line of the said 46.60 acre tract in a northwest direction along a south line of the remainder of Survey 28, the north line of the said 117.37 acre tract and the north line of a 49.170 acre tract (Tract 3) conveyed to J.C. Vramontes, in a Land Award and Recept, date witnessed, March 18, 1997, recorded in Volume 3216, Page 1820 (Document No. 97037511), Official Public Records Of Real Property, El Paso County, Texas to the northwest corner of the said 49.170 acre tract and being an interior ell corner of the herein described tract;

THENCE in a southerly direction along the common line of the remainder of Survey 28 and the said 49.170 acre tract to a point in the north line of Survey 33, Block 79, Township 2, Texas and Pacific Railway Co., and in the north line of a 100.411 acre tract conveyed to Justice Road Exchange, LLC in a Special Warranty Deed with Vendor's Lien, date executed December 15, 2013, recorded in Document Number 20130091911, Official Public Records of Real Property, El Paso County, Texas and being the southwest corner of the said 49.170 acre tract and the most southerly southeast corner of the herein described tract;

THENCE in a northwesterly direction along the common line of the remainder of Survey 28 and 33 and the said 100.411 acre tract to a point in the east right-of-way line of said Highway Loop 375 (Purple Heart Memorial Highway) and in the east line of the said 276.943 acre tract for the most southerly southwest corner of the herein described tract;

THENCE crossing Surveys 28 and 29 in a northerly and northwesterly direction with the common line of the east and northeast right-of-way line of Highway Loop 375 and the east and northeast line of the said 276.943 acre tract to the POINT OF BEGINNING, containing approximately 590.74 acres of land, more or less.

**PART 2:**

**BEGINNING** at a brass disk found stamped "Texas State Department of Highways and Public Transportation" having coordinates of X=453352.99 feet and Y=10669997.96 feet Texas Coordinate System 1983, Central Zone (4203) in the north right-of-way line of U. S. Highway 62 and 180 (Montana Avenue) (200' right-of-way width) according to the map or plat dated 1955 and entitled Texas Highway Dept., El Paso County Right of Way Map, U.S. Highway 62 & 180, from El Paso City Limits, Sta. 246+79.39 to Hueco Mts. Sta. 1106+20.00 (Control No. 374-2-12) on file in the Texas Department of

O:\AIDOC\_Survey\Projects\ADK\El-Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dk.doc

**EXHIBIT "A"**

Page 4 of 4

Transportation, El Paso District, and being in the north line of a 12.5 acre tract conveyed to El Paso County, Texas, in a Deed, date recorded September 18, 1928, recorded in Volume 501, Page 146, Deed Records of El Paso County, Texas, and the southernmost southeast corner of the said 668.46 acre tract and the herein described tract,

**THENCE** in a southwesterly direction with the north right-of-way line of said U. S. Highway 62 and 180, the north line of said 12.5 acre tract, and the south line of said 668.46 acre tract to the southwest corner of the said 668.46 acre tract and the herein described tract,

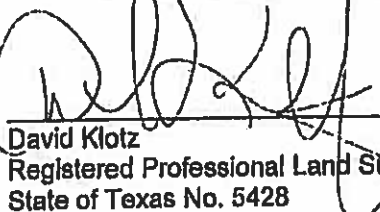
**THENCE** leaving the north right-of-way line of U. S. Highway 62 and 180 and the north line of said 12.5 acre tract, crossing Surveys 32, 29 and 30 in a northerly, northwesterly and westerly direction along the southerly and westerly line of the said 668.46 acre tract to a point in the southwest right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) and being in a southwest line of the said 276.943 acre tract, and being the northwest corner of the said 668.46 acre tract and the northwest corner of the herein described tract;

**THENCE** crossing Surveys 30, 29 and 32 in a southeasterly and southerly direction with the common line of the southwest and west right-of-way line of Highway Loop 375, in part the southwest and west line of the said 276.943 acre tract, and the northeast and east line of the said 668.46 acre tract to the **POINT OF BEGINNING**, containing approximately 668.46 acres of land, more or less.

This Document was prepared under 22 TAC §663.21, does not reflect the results of an on-the-ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Note: Acreages were based solely on the acreages called for in the recorded instruments recited herein.

Attachment: Drawing No. EL PASO CO. MUD-POL.DWG (five sheets)

  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

Date

10/11/2016



O:\AIDOC1\_Survey\Projects\DK\El-Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dk.doc

**EXHIBIT "A"**

SKETCH TO ACCOMPANY A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 28, ABSTRACT NO. 2136, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS.

**CONSISTING OF:****PART 1 - 590.74 ACRES:**


ALL OF THE 14.54 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO. 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN, VOLUME 3180, PAGE 1048 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

**PART 2 - 668.46 ACRES:**

ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

<b>LEGEND</b>	
P.O.B.	POINT OF BEGINNING
D.R.E.P.C.Tx	DEED RECORDS EL PASO COUNTY, TEXAS
O.P.R.R.P.E.P.C.Tx	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS
	SUBJECT TRACT

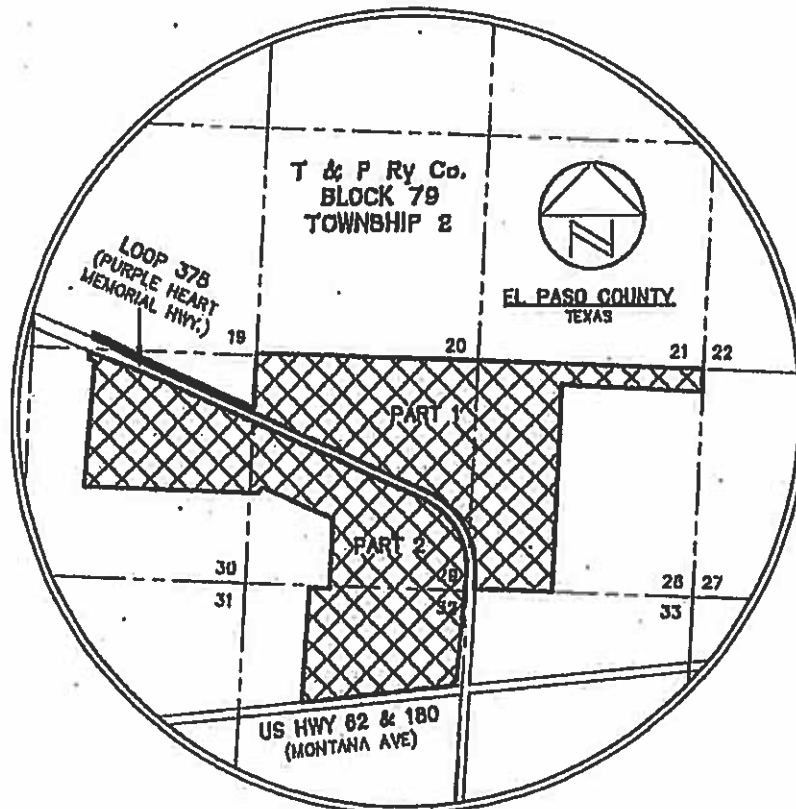


ATTACHMENTS: METES AND BOUNDS  
DESCRIPTION EL PASO CO. MUD-POL.DOCX



PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2016  
SHEET: 1 OF 5

EXHIBIT "A"



VICINITY MAP  
NOT TO SCALE

SKETCH  
SCALE IN FEET

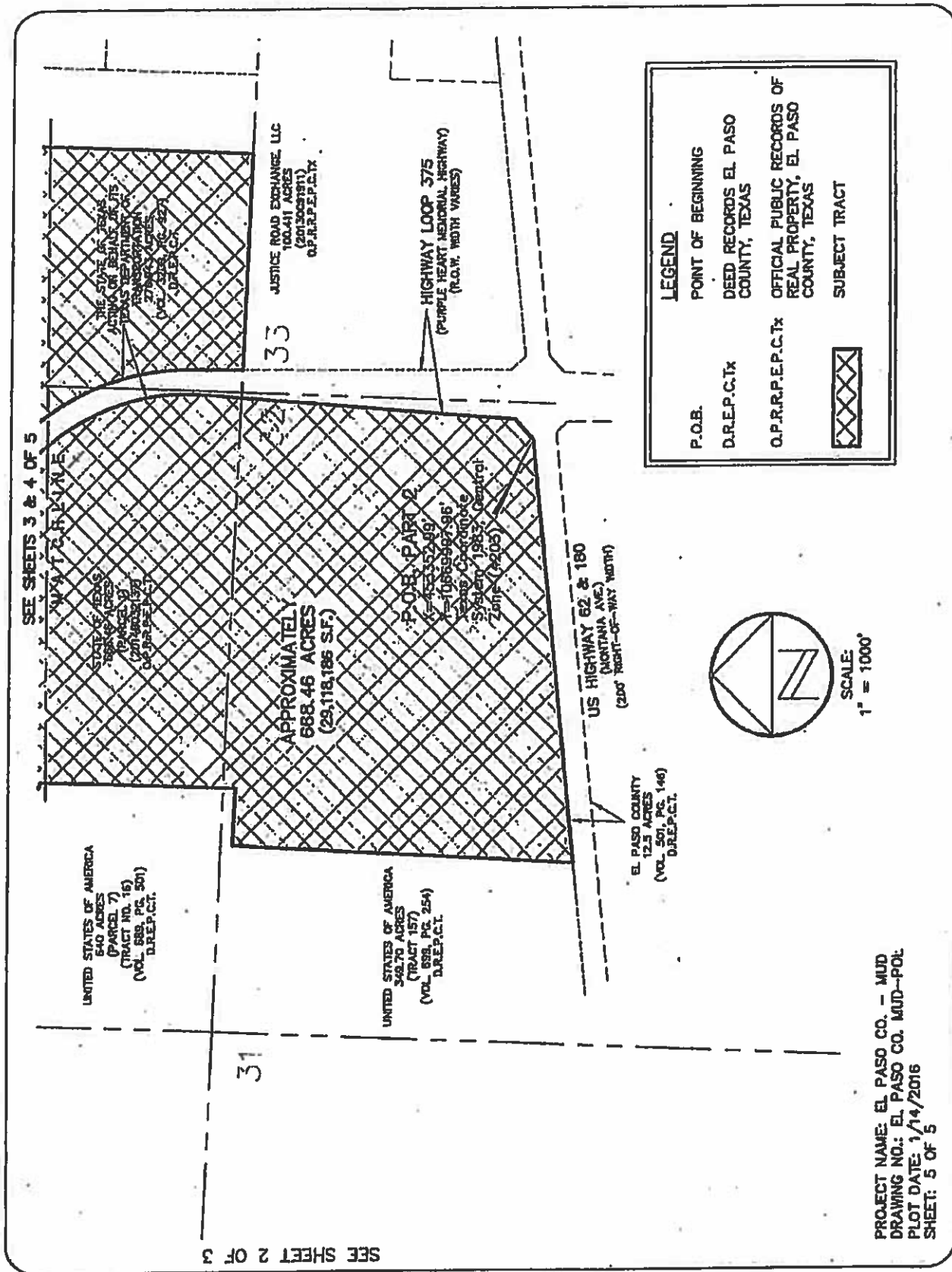
1000 500 0 1000

1" = 1000 FEET

PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2016  
SHEET: 2 OF 5







**EXHIBIT "A"**

**REQUEST FOR CONSENT TO THE  
CREATION OF A MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF EL PASO           §

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

The undersigned (herein the "Landowner") holder of title to all of the land within the territory hereinafter described by metes and bounds, constituting a majority in value of the holders of title of the lands therein as indicated by the tax rolls of El Paso County, Texas, and acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code; Section 42.042, Texas Local Government Code (the "Act") respectfully requests the City Council of the City of El Paso, Texas, for its written consent to the inclusion of land in, or the creation of a municipal utility district under either Chapters 49 and 54, Texas Water Code and/or by special act of the Texas Legislature and would respectfully show the following:

**I.**

The name of the proposed District shall be BUTTERFIELD TRAIL MUNICIPAL UTILITY DISTRICT NO. 2 (the "District").

**II.**

The land shall be included within the District by creation and organization of the District as provided above. The District shall exist under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, Chapters 49 and 54, Texas Water Code, the Act, and/or under special act of the Texas Legislature.

**III.**

The District shall contain an area of approximately 591 acres of land, more or less, situated wholly within El Paso County, Texas. All of the area within the District is within the extraterritorial jurisdiction of the City of El Paso, Texas. All of the territory proposed to be included may properly be included in the District. The area proposed to be within the District consists of one tract, which is described in Part 1 of Exhibit "A", which is attached hereto and incorporated herein for all purposes.

**EXHIBIT "A"**

The undersigned are owners of title to all land within the District and, therefore, are the owners of a majority in value of the lands therein as indicated by the tax rolls in El Paso County, Texas. There are no lienholders on the land nor are there any residents on the land.

**IV.**

In addition, Landowner is currently cooperating with the Texas Department of Transportation ("TXDOT") in connection with the realignment of Loop 375 to trade a small portion of the tract to TXDOT in exchange for TXDOT transferring to owner a small tract currently within the boundaries of the existing right-of-way for Loop 375, all as shown on Exhibit "B" which is attached hereto and incorporated herein for all purposes. Landowner further requests that any such land acquired from TXDOT also be included within the boundaries of the District.

**V.**

The general nature of the work to be done by the District at the present time is the construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services.

**VI.**

There is, for the following reasons, a necessity for the above-described work: There is not now available within the area, which will be developed as a residential subdivision, an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. The health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance, and operation of an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

**VII.**

A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Landowners, from such information as it has at this time, that the

ultimate costs of the development contemplated will be approximately \$64,830,000. The project will be financed by the issuance of bonds by the District.

**WHEREFORE**, the Landowners respectfully pray that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein with the District.

EXHIBIT "A"

RESPECTFULLY SUBMITTED, this 13<sup>th</sup> day of February, 2018.



STATE OF TEXAS, FOR THE USE AND BENEFIT  
OF THE PERMANENT SCHOOL FUND

By: DocuSigned by: G. P. DL  
GEORGE P. BUSH, Commissioner of the General  
Land Office and Chairman of the School Land  
Board

Date : 2/13/2018

Approved: \_\_\_\_\_  
Contents: RM  
Legal: MO  
Director: EL  
General Counsel: JG  
Executive: MT

EXHIBIT "A"

# EXHIBIT A



TEXAS GENERAL LAND OFFICE  
GEORGE P. BUSH, COMMISSIONER

**APPROXIMATELY 1259.20 ACRE  
POLITICAL SUBDIVISION DESCRIPTION  
EL PASO COUNTY, TEXAS**

A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 29, ABSTRACT NO. 2138, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS. CONSISTING OF:

**PART 1 - 590.74 ACRES:**

ALL OF THE 14.54 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO: 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN VOLUME 3180, PAGE 1046 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

**PART 2 - 668.46 ACRES:**

ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

SAID 1259.20 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

O:\AIDOC\_Survey\Projects\DK\El-Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dk.doc

**EXHIBIT "A"**

Page 2 of 4

**PART 1:**

**BEGINNING** at a calculated point having coordinates of X=448628.99 feet and Y=10676805.28 feet Texas Coordinate System 1983, Central Zone (4203) for the southeast corner of the said 14.54 acre tract, being also in a northeast right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) according to the State of Texas Department of Highways and Public Transportation map or plat thereof entitled Plans of Proposed Right-of-Way Project El Paso County – City of El Paso, Highway Loop 375 (Control No. 2552-2-02) (right-of-way width varies) on file at the Texas Department of Transportation, El Paso District office and in a northeast line of a 276.943 acre tract described in an Assignment and Assumption Agreement of an Easement for Public Road and Water Utility Pipeline, date executed March 28, 1997 from the City of El Paso, Texas, to the State of Texas acting on behalf of its Texas Department of Transportation, recorded in Volume 3209, Page 927, Deed Records of El Paso County, Texas;

**THENCE** crossing Surveys 30 and 19 in a northwesterly direction along the southwest line of the said 14.54 acre tract, the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract to the southwest corner of the herein described tract;

**THENCE** leaving the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract in a northerly direction crossing Survey 19, along the westerly line of the said 14.54 acre tract to the northwest corner of the said 14.54 acre tract, and being the northwest corner of the herein described tract;

**THENCE** continuing over and across Surveys 19 and 30 in a southeasterly direction along the northeast line of the said 14.54 acre tract to the northeast corner of the said 14.54 acre tract, in the common line of Surveys 29 and 30, and being an interior ell corner of the herein described tract;

**THENCE** northerly along the common line of Surveys 29 and 30 to a common corner of Surveys 19, 29 and 30, the southwest corner of Survey 20, Block 79, Township 2, Texas and Pacific Railway Co., and the southwest corner of a 2205.26 acre tract of land conveyed to the United States of America, in a Deed from the State of Texas, date recorded May 21, 2014, recorded in Document Number 20140032136, Official Public Records Of Real Property, El Paso County, Texas and being a northwest corner of the herein described tract;

**THENCE** leaving the common corner of Surveys 19, 20, 29 and 30 along the north line of Surveys 28 and 29, the south line of Survey 20, the south line of Survey 21 Block 79, Township 2, Texas and Pacific Railway Co., and the south line of the 2205.26 acre tract to the common corner of Surveys 21 and 28, the southwest corner of Survey 22, the northwest corner of Survey 27, both in Block 79, Township 2, Texas and Pacific Railway Co., the southwest corner of a 0.46 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective May 14, 1980, recorded in Volume 1086, Page 104, Deed Records of El Paso County, Texas, the northwest corner of a 46.80 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective

O:\AIDOC\_Survey\Projects\DK\El-Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dlc.doc

**EXHIBIT "A"**

Page 3 of 4

May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, and being the northeast corner of the herein described tract;

THENCE leaving the common corner of Surveys 21, 22, 27 and 28, and the south line of the said 2205.26 acre tract along the common line of Surveys 27 and 28 and the west line of the said 46.60 acre tract to the northeast corner of a 117.37 acre tract conveyed to Valero Partners EP, LLC in a Special Warranty Deed, date effective December 1, 2013, recorded in Documents Number 20130090337, Official Public Records Of Real Property, El Paso County, Texas and being the most northeasterly southeast corner of the herein described tract;

THENCE leaving the west line of the said 46.60 acre tract in a northwest direction along a south line of the remainder of Survey 28, the north line of the said 117.37 acre tract and the north line of a 49.170 acre tract (Tract 3) conveyed to J.C. Vramontes, in a Land Award and Receipt, date witnessed, March 18, 1997, recorded in Volume 3215, Page 1820 (Document No. 97037511), Official Public Records Of Real Property, El Paso County, Texas to the northwest corner of the said 49.170 acre tract and being an interior ell corner of the herein described tract;

THENCE in a southerly direction along the common line of the remainder of Survey 28 and the said 49.170 acre tract to a point in the north line of Survey 33, Block 79, Township 2, Texas and Pacific Railway Co., and in the north line of a 100.411 acre tract conveyed to Justice Road Exchange, LLC in a Special Warranty Deed with Vendor's Lien, date executed December 16, 2013, recorded in Document Number 20130091911, Official Public Records of Real Property, El Paso County, Texas and being the southwest corner of the said 49.170 acre tract and the most southerly southeast corner of the herein described tract;

THENCE in a northwesterly direction along the common line of the remainder of Survey 28 and 33 and the said 100.411 acre tract to a point in the east right-of-way line of said Highway Loop 375 (Purple Heart Memorial Highway) and in the east line of the said 276.943 acre tract for the most southerly southwest corner of the herein described tract;

THENCE crossing Surveys 28 and 29 in a northerly and northwesterly direction with the common line of the east and northeast right-of-way line of Highway Loop 375 and the east and northeast line of the said 276.943 acre tract to the POINT OF BEGINNING, containing approximately 590.74 acres of land, more or less.

**PART 2:**

BEGINNING at a brass disk found stamped "Texas State Department of Highways and Public Transportation" having coordinates of X=453352.99 feet and Y=10669997.96 feet Texas Coordinate System 1983, Central Zone (4203) in the north right-of-way line of U. S. Highway 62 and 180 (Montana Avenue) (200' right-of-way width) according to the map or plat dated 1955 and entitled Texas Highway Dept., El Paso County Right of Way Map, U.S. Highway 62 & 180, from El Paso City Limits, Sta. 246+79.39 to Hueco Mts. Sta. 1106+20.00 (Control No. 374-2-12) on file in the Texas Department of

O:\AIDOC\_Survey\Projects\DKB\El Paso County - MUD\Documents\El Paso County MUD - Final 10-11-2016 dk.dwg

**EXHIBIT "A"**

Page 4 of 4

Transportation, El Paso District, and being in the north line of a 12.5 acre tract conveyed to El Paso County, Texas, in a Deed, date recorded September 18, 1928, recorded in Volume 501, Page 146, Deed Records of El Paso County, Texas, and the southernmost southeast corner of the said 668.46 acre tract and the herein described tract,

**THENCE** in a southwesterly direction with the north right-of-way line of said U. S. Highway 82 and 180, the north line of said 12.5 acre tract, and the south line of said 668.46 acre tract to the southwest corner of the said 668.46 acre tract and the herein described tract,

**THENCE** leaving the north right-of-way line of U. S. Highway 62 and 180 and the north line of said 12.5 acre tract, crossing Surveys 32, 29 and 30 in a northerly, northwesterly and westerly direction along the southerly and westerly line of the said 668.46 acre tract to a point in the southwest right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) and being in a southwest line of the said 276.943 acre tract, and being the northwest corner of the said 668.46 acre tract and the northwest corner of the herein described tract;

**THENCE** crossing Surveys 30, 29 and 32 in a southeasterly and southerly direction with the common line of the southwest and west right-of-way line of Highway Loop 375, in part the southwest and west line of the said 276.943 acre tract, and the northeast and east line of the said 668.46 acre tract to the **POINT OF BEGINNING**, containing approximately 668.46 acres of land, more or less.

This Document was prepared under 22 TAC §863.21, does not reflect the results of an on-the-ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

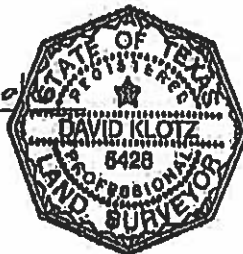
Note: Acreages were based solely on the acreages called for in the recorded instruments recited herein.

Attachment: Drawing No. EL PASO CO. MUD-POL.DWG (five sheets)

  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

Date

10/11/2016



**EXHIBIT "A"**

SKETCH TO ACCOMPANY A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 29, ABSTRACT NO. 2136, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS.

**CONSISTING OF:****PART 1 - 590.74 ACRES:**


ALL OF THE 14.54 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO. 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 78, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN, VOLUME 3180, PAGE 1046 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

**PART 2 - 668.46 ACRES:**

ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

<b>LEGEND</b>	
P.O.B.	POINT OF BEGINNING
D.R.E.P.C.Tx	DEED RECORDS EL PASO COUNTY, TEXAS
O.P.R.R.P.E.P.C.Tx	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS
	SUBJECT TRACT



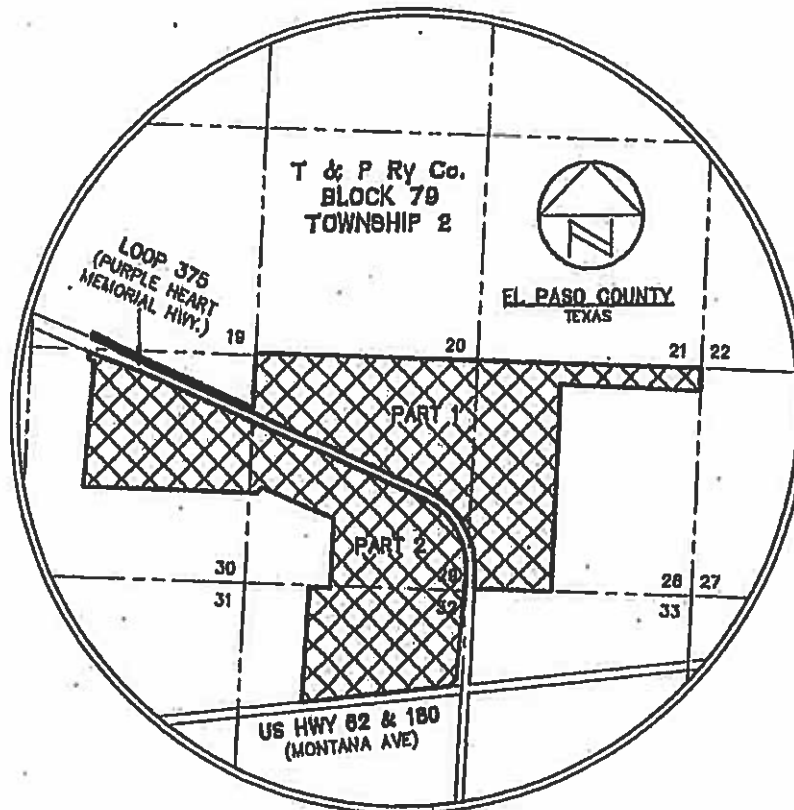
ATTACHMENTS: METES AND BOUNDS  
DESCRIPTION EL PASO CO. MUD-POL.DOCX



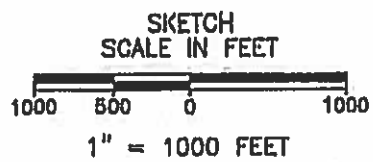
PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2018  
SHEET: 1 OF 5

# EXHIBIT "A"

DocuSign Envelope ID: 9107FB6C-D8E9-4FB8-A9EE-0FB5D86B5979



VICINITY MAP  
NOT TO SCALE



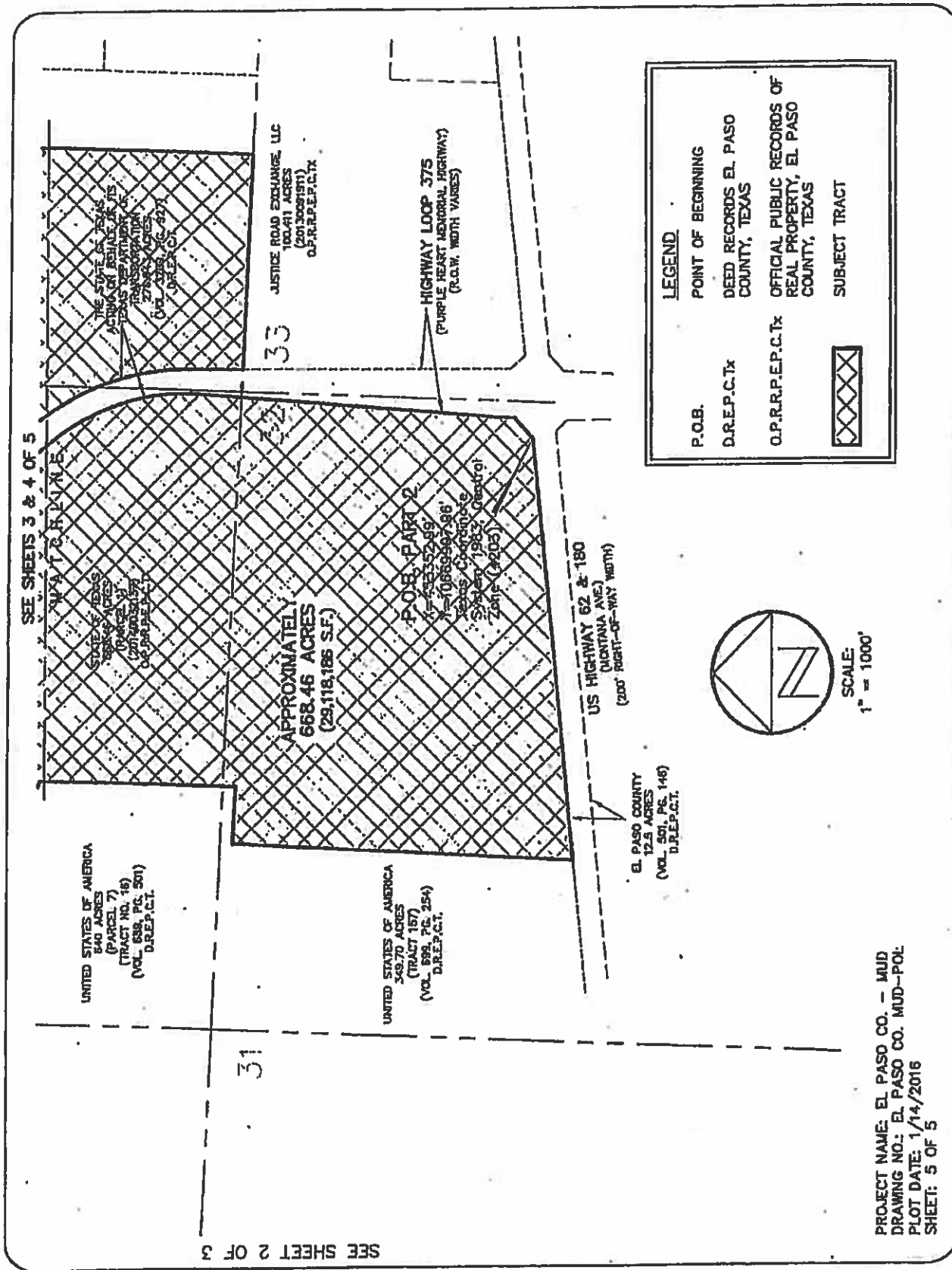
PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2018  
SHEET: 2 OF 5

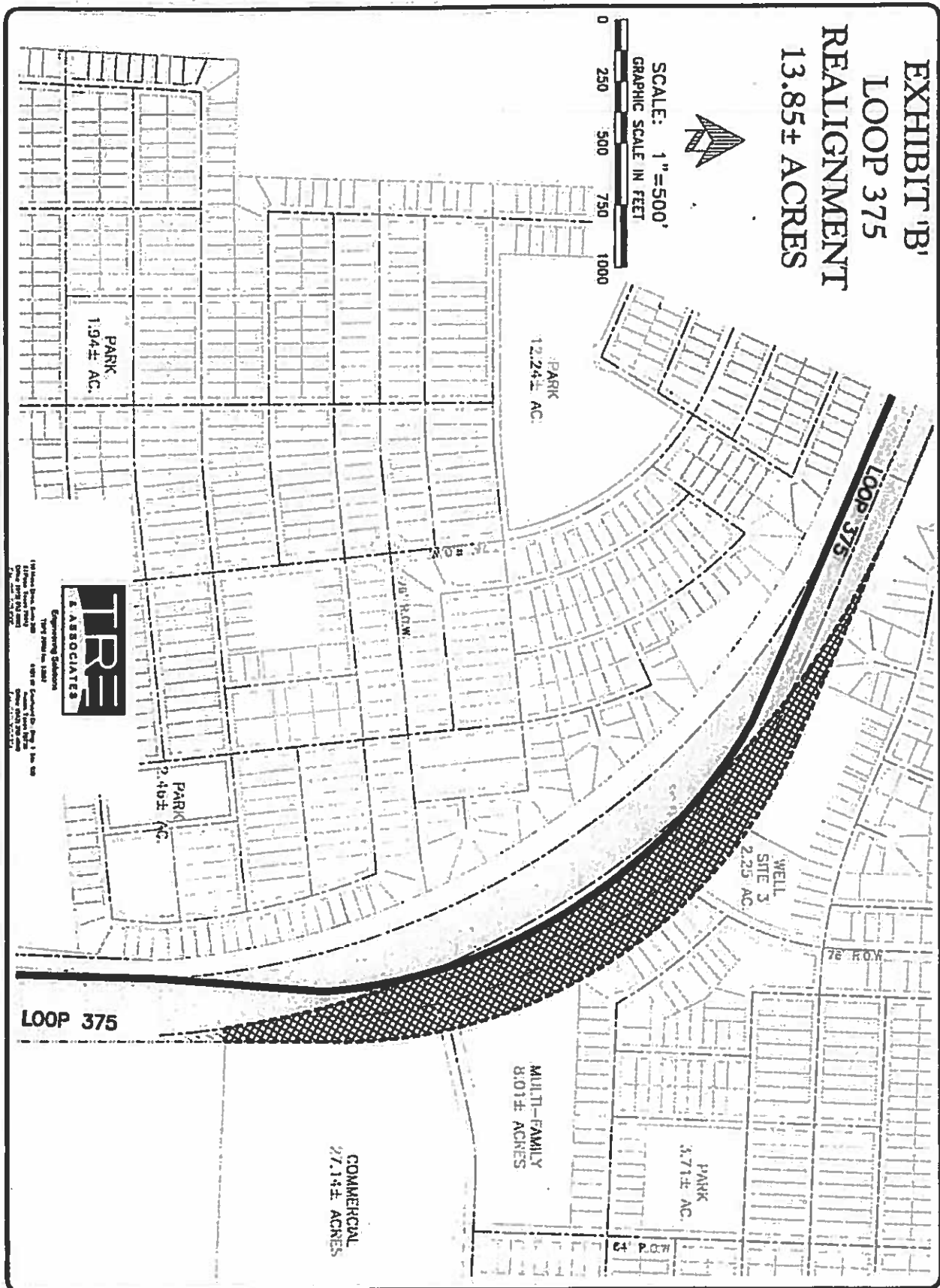
18-1007-2136| 786591

City's Consent to Butterfield Trail Municipal Utility Dist. 1 & 2









## EXHIBIT B



### TEXAS GENERAL LAND OFFICE GEORGE P. BUSH, COMMISSIONER

#### **APPROXIMATELY 1259.20 ACRE POLITICAL SUBDIVISION DESCRIPTION EL PASO COUNTY, TEXAS**

A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 29, ABSTRACT NO. 2136, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS. CONSISTING OF:

#### **PART 1 - 590.74 ACRES:**

ALL OF THE 14.54 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO. 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN VOLUME 3180, PAGE 1046 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

#### **PART 2 – 668.46 ACRES:**

ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

SAID 1259.20 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PART 1:**

**BEGINNING** at a calculated point having coordinates of X=448628.99 feet and Y=10676605.26 feet Texas Coordinate System 1983, Central Zone (4203) for the southeast corner of the said 14.54 acre tract, being also in a northeast right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) according to the State of Texas Department of Highways and Public Transportation map or plat thereof entitled Plans of Proposed Right-of-Way Project El Paso County – City of El Paso, Highway Loop 375 (Control No. 2552-2-02) (right-of-way width varies) on file at the Texas Department of Transportation, El Paso District office and in a northeast line of a 276.943 acre tract described in an Assignment and Assumption Agreement of an Easement for Public Road and Water Utility Pipeline, date executed March 26, 1997 from the City of El Paso, Texas, to the State of Texas acting on behalf of its Texas Department of Transportation, recorded in Volume 3209, Page 927, Deed Records of El Paso County, Texas;

**THENCE** crossing Surveys 30 and 19 in a northwesterly direction along the southwest line of the said 14.54 acre tract, the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract to the southwest corner of the herein described tract;

**THENCE** leaving the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract in a northerly direction crossing Survey 19, along the westerly line of the said 14.54 acre tract to the northwest corner of the said 14.54 acre tract, and being the northwest corner of the herein described tract;

**THENCE** continuing over and across Surveys 19 and 30 in a southeasterly direction along the northeast line of the said 14.54 acre tract to the northeast corner of the said 14.54 acre tract, in the common line of Surveys 29 and 30, and being an interior ell corner of the herein described tract;

**THENCE** northerly along the common line of Surveys 29 and 30 to a common corner of Surveys 19, 29 and 30, the southwest corner of Survey 20, Block 79, Township 2, Texas and Pacific Railway Co., and the southwest corner of a 2205.26 acre tract of land conveyed to the United States of America, in a Deed from the State of Texas, date recorded May 21, 2014, recorded In Document Number 20140032136, Official Public Records Of Real Property, El Paso County, Texas and being a northwest corner of the herein described tract;

**THENCE** leaving the common corner of Surveys 19, 20, 29 and 30 along the north line of Surveys 28 and 29, the south line of Survey 20, the south line of Survey 21 Block 79, Township 2, Texas and Pacific Railway Co., and the south line of the 2205.26 acre tract to the common corner of Surveys 21 and 28, the southwest corner of Survey 22, the northwest corner of Survey 27, both in Block 79, Township 2, Texas and Pacific Railway Co., the southwest corner of a 0.46 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, the northwest corner of a 46.60 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective

May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, and being the northeast corner of the herein described tract;

**THENCE** leaving the common corner of Surveys 21, 22, 27 and 28, and the south line of the said 2205.26 acre tract along the common line of Surveys 27 and 28 and the west line of the said 46.60 acre tract to the northeast corner of a 117.37 acre tract conveyed to Valero Partners EP, LLC in a Special Warranty Deed, date effective December 1, 2013, recorded in Documents Number 20130090337, Official Public Records Of Real Property, El Paso County, Texas and being the most northeasterly southeast corner of the herein described tract;

**THENCE** leaving the west line of the said 46.60 acre tract in a northwest direction along a south line of the remainder of Survey 28, the north line of the said 117.37 acre tract and the north line of a 49.170 acre tract (Tract 3) conveyed to J.C. Viramontes, in a Land Award and Receipt, date witnessed, March 18, 1997, recorded in Volume 3215, Page 1820 (Document No. 97037511), Official Public Records Of Real Property, El Paso County, Texas to the northwest corner of the said 49.170 acre tract and being an interior ell corner of the herein described tract;

**THENCE** in a southerly direction along the common line of the remainder of Survey 28 and the said 49.170 acre tract to a point in the north line of Survey 33, Block 79, Township 2, Texas and Pacific Railway Co., and in the north line of a 100.411 acre tract conveyed to Justice Road Exchange, LLC in a Special Warranty Deed with Vendor's Lien, date executed December 15, 2013, recorded in Document Number 20130091911, Official Public Records of Real Property, El Paso County, Texas and being the southwest corner of the said 49.170 acre tract and the most southerly southeast corner of the herein described tract;

**THENCE** in a northwesterly direction along the common line of the remainder of Survey 28 and 33 and the said 100.411 acre tract to a point in the east right-of-way line of said Highway Loop 375 (Purple Heart Memorial Highway) and in the east line of the said 276.943 acre tract for the most southerly southwest corner of the herein described tract;

**THENCE** crossing Surveys 28 and 29 in a northerly and northwesterly direction with the common line of the east and northeast right-of-way line of Highway Loop 375 and the east and northeast line of the said 276.943 acre tract to the **POINT OF BEGINNING**, containing approximately 590.74 acres of land, more or less.

## **PART 2:**

**BEGINNING** at a brass disk found stamped "Texas State Department of Highways and Public Transportation" having coordinates of X=453352.99 feet and Y=10669997.96 feet Texas Coordinate System 1983, Central Zone (4203) in the north right-of-way line of U. S. Highway 62 and 180 (Montana Avenue) (200' right-of-way width) according to the map or plat dated 1955 and entitled Texas Highway Dept., El Paso County Right of Way Map, U.S. Highway 62 & 180, from El Paso City Limits, Sta. 246+79.39 to Hueco Mts. Sta. 1106+20.00 (Control No. 374-2-12) on file in the Texas Department of

Transportation, El Paso District, and being in the north line of a 12.5 acre tract conveyed to El Paso County, Texas, in a Deed, date recorded September 18, 1928, recorded in Volume 501, Page 146, Deed Records of El Paso County, Texas, and the southernmost southeast corner of the said 668.46 acre tract and the herein described tract,

**THENCE** in a southwesterly direction with the north right-of-way line of said U. S. Highway 62 and 180, the north line of said 12.5 acre tract, and the south line of said 668.46 acre tract to the southwest corner of the said 668.46 acre tract and the herein described tract,

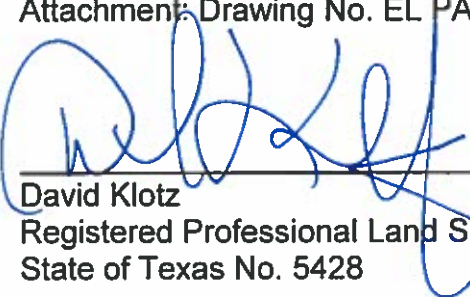
**THENCE** leaving the north right-of-way line of U. S. Highway 62 and 180 and the north line of said 12.5 acre tract, crossing Surveys 32, 29 and 30 in a northerly, northwesterly and westerly direction along the southerly and westerly line of the said 668.46 acre tract to a point in the southwest right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) and being in a southwest line of the said 276.943 acre tract, and being the northwest corner of the said 668.46 acre tract and the northwest corner of the herein described tract;

**THENCE** crossing Surveys 30, 29 and 32 in a southeasterly and southerly direction with the common line of the southwest and west right-of-way line of Highway Loop 375, in part the southwest and west line of the said 276.943 acre tract, and the northeast and east line of the said 668.46 acre tract to the **POINT OF BEGINNING**, containing approximately 668.46 acres of land, more or less.

This Document was prepared under 22 TAC §663.21, does not reflect the results of an on-the-ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Note: Acreages were based solely on the acreages called for in the recorded instruments recited herein.

Attachment: Drawing No. EL PASO CO. MUD-POL.DWG (five sheets)

  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

Date

10/11/2016



SKETCH TO ACCOMPANY A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 29, ABSTRACT NO. 2136, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS.

CONSISTING OF:

PART 1 – 590.74 ACRES:


ALL OF THE 14.54 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO. 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

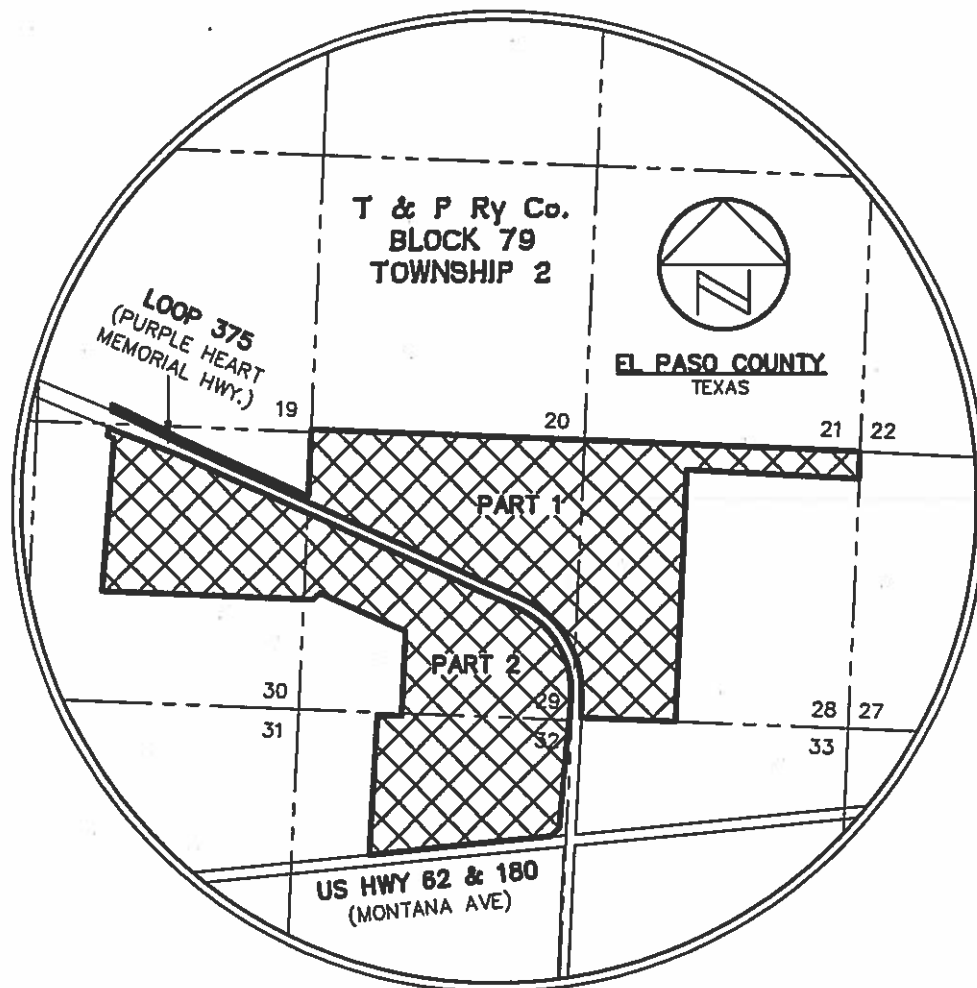
ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN, VOLUME 3180, PAGE 1046 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

PART 2 – 668.46 ACRES:

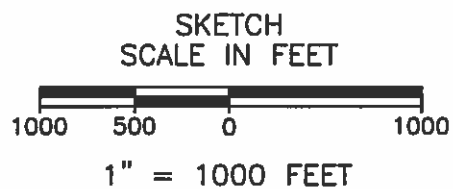
ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

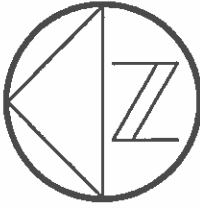
LEGEND	
P.O.B.	POINT OF BEGINNING
D.R.E.P.C.Tx	DEED RECORDS EL PASO COUNTY, TEXAS
O.P.R.R.P.E.P.C.Tx	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS
	SUBJECT TRACT





VICINITY MAP  
NOT TO SCALE





SCALE:  
1" = 1000'

UNITED STATES OF AMERICA  
640 ACRES  
(PARCEL 6)  
(VOL. 689, PG. 501)  
D.R.E.P.C.T.

T & P RY CO.  
BLOCK 79  
TOWNSHIP 2

UNITED STATES OF AMERICA  
2205.26 ACRES  
(20140032136)  
O.P.R.R.P.E.P.C.T.X

STATE OF TEXAS  
14.54 ACRES  
(PARCEL 2)  
(20140032137)  
O.P.R.R.P.E.P.C.T.X

THE STATE OF TEXAS  
ACTING ON BEHALF OF ITS  
TEXAS DEPARTMENT OF  
TRANSPORTATION  
276.943 ACRES  
(VOL. 5209, PG. 927)  
D.R.E.P.C.T.

P.O.B. PART 1

X=448628.99  
Y=10676605.26  
Texas Coordinate  
System 1983, Central  
Zone (4203)

STATE OF TEXAS  
289.584 ACRES  
(N. PART OF SECTION 28)  
(97816082)  
D.R.E.P.C.T.X

APPROXIMATELY  
590.74 ACRES  
(25,732,681 S.F.)

HIGHWAY LOOP 375  
(PURPLE HEART MEMORIAL HIGHWAY)  
(R.O.W. WIDTH VARIES)

STATE OF TEXAS  
668.46 ACRES  
(PARCEL 1)  
(20140032137)  
O.P.R.R.P.E.P.C.T.X

APPROXIMATELY  
668.46 ACRES  
(29,118,186 S.F.)

UNITED STATES OF AMERICA  
640 ACRES  
(PARCEL 7)  
(TRACT 37)  
(VOL. 687, PG. 90)  
D.R.E.P.C.T.

UNITED STATES OF AMERICA  
640 ACRES  
(PARCEL 7)  
(TRACT NO. 16)  
(VOL. 689, PG. 501)  
D.R.E.P.C.T.

STATE OF TEXAS  
668.46 ACRES  
(PARCEL 1)  
(20140032137)  
O.P.R.R.P.E.P.C.T.X

MATCH LINE  
SEE SHEET 5 OF 5

MATCH LINE  
SEE SHEET 4 OF 5

PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2016  
SHEET: 3 OF 5

UNITED STATES OF AMERICA  
2205.26 ACRES  
(20140032136)  
O.P.R.R.P.E.P.C.TX

EL PASO ELECTRIC CO  
0.46 ACRES  
(VOL 1085, PAGE 104)  
D.R.E.P.C.TX

EL PASO ELECTRIC CO  
46.80 ACRES  
(VOL 1085, PG. 104)  
D.R.E.P.C.TX

VALERO PARTNERS EP, LLC  
117.37 ACRES  
(20130090337)  
O.P.R.R.P.E.P.C.TX

J.C. VILAMONTES  
49.170 ACRES  
(TRACT 3)  
(VOL 3215, PG 18020  
(DOC # 97037511)  
O.P.R.R.P.E.P.C.TX

APPROXIMATELY  
590.74 ACRES  
(25,732,681 S.F.)

STATE OF TEXAS  
299.584 ACRES  
(N PART OF SEC. 29)  
(97018082)  
D.R.E.P.C.TX

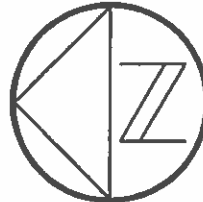
GLO SCHOOL FILE NO.  
1044183  
(RECORD CALLS IN  
GLO BEAR'S SCRIP FILE NO.  
29279)  
SURVEYED/UNSOLD SCHOOL  
LAND

THE STATE OF TEXAS,  
ACTING ON BEHALF OF ITS  
TRANSPORTATION  
276.943 ACRES  
(VOL 3209, PG. 927)  
D.R.E.P.C.TX

STATE OF TEXAS  
668.46 ACRES  
(PARCEL 1)  
(20140032137)  
O.P.R.R.P.E.P.C.TX

JUSTICE ROAD EXCHANGE, LLC  
100.411 ACRES  
(20130091911)  
O.P.R.R.P.E.P.C.TX

MATCH LINE  
SEE SHEET 5 OF 5



SCALE:  
1" = 1000'

PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2016  
SHEET: 4 OF 5

BLOCK 79  
TOWNSHIP 2

20

21 22

23 27

53

SEE SHEET 3 OF 5  
MATCH LINE

SEE SHEETS 3 & 4 OF 5

W A T C H L I N E

UNITED STATES OF AMERICA  
640 ACRES  
(PARCEL 7)  
(TRACT NO. 16)  
(VOL. 689, PG. 501)  
D.R.E.P.C.T.

STATE OF TEXAS  
668.46 ACRES  
(PARCEL 1)  
(20140032137)  
O.P.R.R.P.E.P.C.T.

APPROXIMATELY  
668.46 ACRES  
(29,118,186 S.F.)

UNITED STATES OF AMERICA  
349.70 ACRES  
(TRACT 157)  
(VOL. 699, PG. 254)  
D.R.E.P.C.T.

P.O.B. PART 2

X=453352.99'

Y=10669997.96'

Texas Coordinate  
System 1983, Central  
Zone (4203)

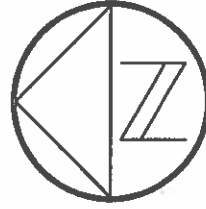
THE STATE OF TEXAS  
ACTING ON BEHALF OF ITS  
TRANSPORTATION  
DEPARTMENT OF  
276.943 ACRES  
(VOL. 3289, PG. 927)  
D.R.E.P.C.T.

JUSTICE ROAD EXCHANGE, LLC  
100.411 ACRES  
(20130091911)  
O.P.R.R.P.E.P.C.T.

HIGHWAY LOOP 375  
(PURPLE HEART MEMORIAL HIGHWAY)  
(R.O.W. WIDTH VARIES)


US HIGHWAY 62 & 180  
(MONTANA AVE.)  
(200' RIGHT-OF-WAY WIDTH)

EL PASO COUNTY  
12.5 ACRES  
(VOL. 501, PG. 146)  
D.R.E.P.C.T.



SCALE:  
1" = 1000'

LEGEND

P.O.B.	POINT OF BEGINNING
D.R.E.P.C.T.x	DEED RECORDS EL PASO COUNTY, TEXAS
O.P.R.R.P.E.P.C.T.x	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS
	SUBJECT TRACT

PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2016  
SHEET: 5 OF 5

SEE SHEET 2 OF 3

## **MEMORANDUM**

**DATE:** May 8, 2018

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Nelson Ortiz, Lead Planner

**SUBJECT:** Request to create two municipal utility districts located in the City of El Paso ETJ

---

The State of Texas owns two tracts of land, totaling approximately 1,259.2 acres, within the City of El Paso's Extraterritorial Jurisdiction.

On March 1, 2018, the City of El Paso received a request from the State of Texas seeking the City of El Paso's consent for the inclusion of said land within, and the creation of two municipal utility districts, Butterfield Trail Municipal Utility District No. 1 and No. 2.

On May 3, 2018, the City Plan Commission (CPC), voted to recommend approval of the request subject to the following conditions:

1. Property owner/developer shall comply with all City Codes relating to development within the City's Extraterritorial Jurisdiction in effect on the date the request for consent was delivered to the City.
  - A land study shall be submitted prior to development if required in accordance with Title 19.
  - Property owner/developer shall dedicate and improve land for public infrastructure in accordance with Title 19 requirements in the ETJ, including proportionate share of rights-of-way for arterial roads within the District as determined by the traffic impact analysis. Such dedication shall not impair the obligation of the District to reimburse developers in the District for such land or improvements thereon as otherwise permitted by applicable law or TCEQ regulation.
  - All subdivision improvements shall be constructed in accordance with the applicable requirements of Title 19 and City-approved subdivision plans and specifications. City shall have the right to inspect such subdivision improvements.
2. Purposes for which the district may issue bonds to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances is restricted to the following:
  - Provide a water supply for municipal uses, domestic uses and commercial purposes
  - Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state
  - Gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction
  - Construct and maintain roadways, parks, and public safety facilities
3. City shall review the district's bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the district's bonds and notes issued to provide service to the land so long as the restrictions do not render the District's bonds or notes unmarketable.
4. Landowners shall negotiate in good faith to reach an agreement with the City through El Paso Water (EPW) for wholesale water and wastewater service to the districts based on cost of service rates. If such

an agreement is reached, service shall be provided only to the land in the districts unless otherwise consented to by the City.

5. No additional land (other than the right-of-way relocation tract as requested in the petition for City consent) shall be added or annexed to the district without it being submitted to the City for its consent and acted upon in accordance with Chapter 54 of the Texas Water Code.
6. If the districts are created, the City and District shall enter into negotiations for a strategic partnership agreement to allow a Limited Purpose Annexation of the proposed commercial property along Montana, for the sole and exclusive purpose of imposing and collecting sales and use taxes within this property.

The CPC determined that the request, subject to the conditions, protects the best interest, health, safety and welfare of the public in general.

**Applicant:** State of Texas through the General Land Office  
**Representative:** TRE & Associates, LLC

**Attachments:**  
Staff Report



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

(2<sup>nd</sup> REVISED)

### **Request to create Butterfield Trail Municipal Utility District No. 1 and No. 2**

The owners of the subject property, have requested written consent from the City to create and include the subject property within the proposed Butterfield Trail Municipal Utility Districts No. 1 and 2. Butterfield Trail MUD No. 1 is approximately 668 acres, while No. 2 is approximately 591 acres.

Once created, the MUDs will provide for the construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services.

Staff recommends **approval** of the request with the following conditions:

1. Property owner/developer shall comply with all City Codes relating to development within the City's Extraterritorial Jurisdiction in effect on the date the request for consent was delivered to the City.
  - A land study shall be submitted prior to development if required in accordance with Title 19.
  - Property owner/developer shall dedicate and improve land for public infrastructure in accordance with Title 19 requirements in the ETJ, including proportionate share of rights-of-way for arterial roads within the District as determined by the traffic impact analysis. Such dedication shall not impair the obligation of the District to reimburse developers in the District for such land or improvements thereon as otherwise permitted by applicable law or TCEQ regulation.
  - All subdivision improvements shall be constructed in accordance with the applicable requirements of Title 19 and City-approved subdivision plans and specifications. City shall have the right to inspect such subdivision improvements.
2. Purposes for which the district may issue bonds to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances is restricted to the following:
  - Provide a water supply for municipal uses, domestic uses and commercial purposes
  - Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state
  - Gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during

May 3, 2018

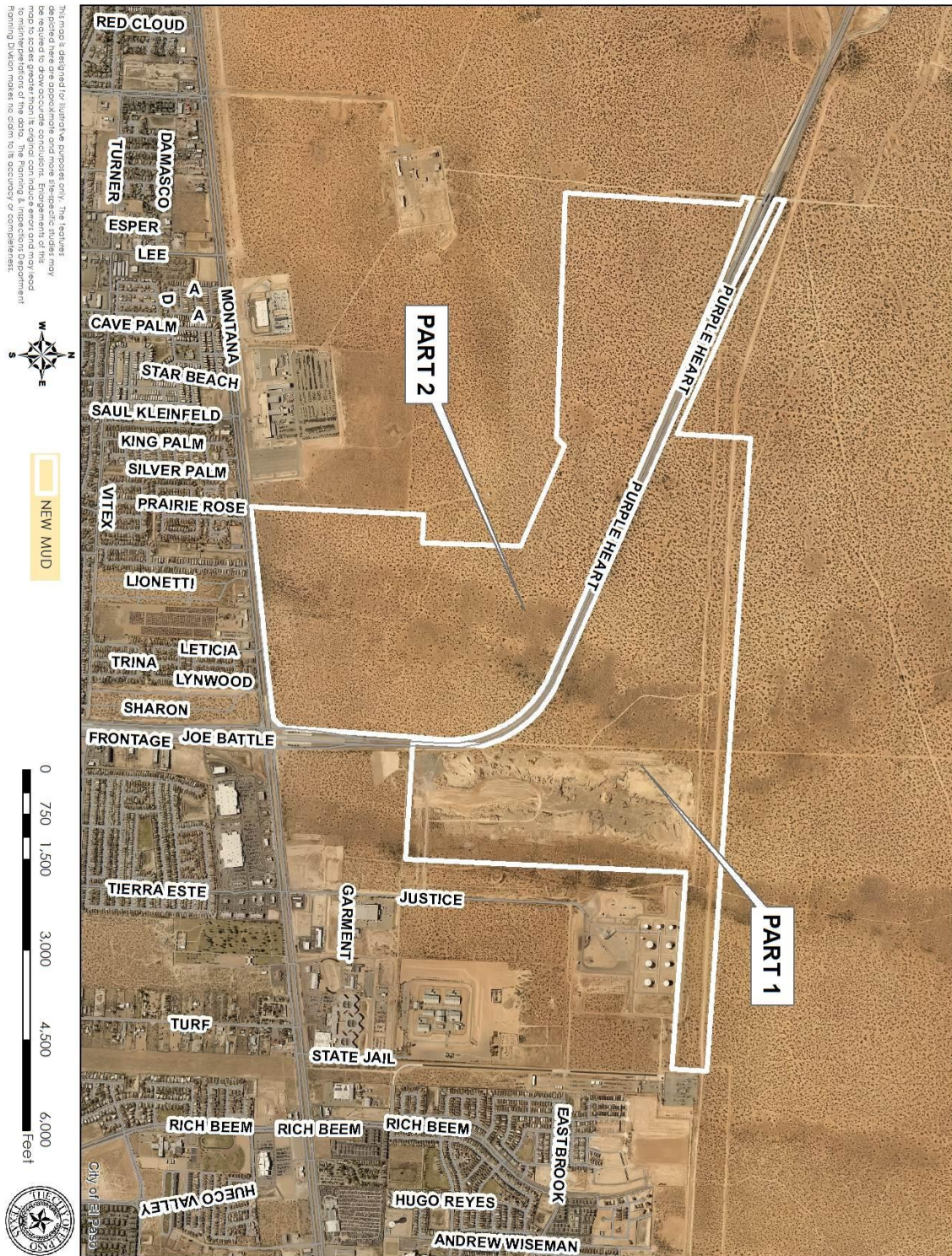
- construction and interest during construction
  - Construct and maintain roadways, parks, and public safety facilities
3. City shall review the district's bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the district's bonds and notes issued to provide service to the land so long as the restrictions do not render the District's bonds or notes unmarketable.
  4. Landowners shall negotiate in good faith to reach an agreement with the City through El Paso Water (EPW) for wholesale water and wastewater service to the districts based on cost of service rates. If such an agreement is reached, service shall be provided only to the land in the districts unless otherwise consented to by the City.
  5. No additional land (other than the right-of-way relocation tract as requested in the petition for City consent) shall be added or annexed to the district without it being submitted to the City for its consent and acted upon in accordance with Chapter 54 of the Texas Water Code.
  6. If the districts are created, the City and District shall enter into negotiations for a strategic partnership agreement to allow a Limited Purpose Annexation of the proposed commercial property along Montana, for the sole and exclusive purpose of imposing and collecting sales and use taxes within this property.
- ~~1. Property owner/developer shall comply with all City Codes relating to development within the City's Extraterritorial Jurisdiction in effect on the date the request for consent was delivered to the City.~~
    - ~~• Prior to any development, a land study is required in accordance with Chapter 19.02.~~
    - ~~• Property owner/developer shall dedicate land for public facilities in accordance with the land study recommendations and findings, including proportionate share of arterial roads throughout the property as determined by the traffic impact analysis.~~
    - ~~• All subdivision improvements shall be constructed in accordance with the applicable requirements of Title 19. All improvements to serve the district shall be constructed in accordance with City approved plans and specifications.~~
    - ~~• City shall have the right to inspect all subdivision improvements by district.~~
  - ~~2. Purposes for which the district may issue bonds to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances is restricted to the following:~~
    - ~~• Provide a water supply for municipal uses, domestic uses and commercial purposes~~
    - ~~• Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state~~
    - ~~• Gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction~~
    - ~~• Construct and maintain roadways, parks, and public safety facilities~~

3. ~~City shall review the district's bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the district's bonds and notes issued to provide service to the land.~~
4. ~~Landowners shall negotiate in good faith to reach an agreement with the City through El Paso Water (EPW) for wholesale water and wastewater service to the districts based on cost of service rates. If such an agreement is reached, service shall be provided only to the land in the districts unless otherwise consented to by the City.~~
5. ~~No additional land shall be added or annexed to the district without it being submitted to the City for its consent and acted upon in accordance with Chapter 54 of the Texas Water Code.~~
6. ~~If approved and the districts are created, the City and District shall enter negotiations for a strategic partnership agreement to allow a Limited Purpose Annexation of the proposed commercial property along Montana, for the sole and exclusive purpose of imposing and collecting sales and use taxes within this property.~~

**Attachment:**

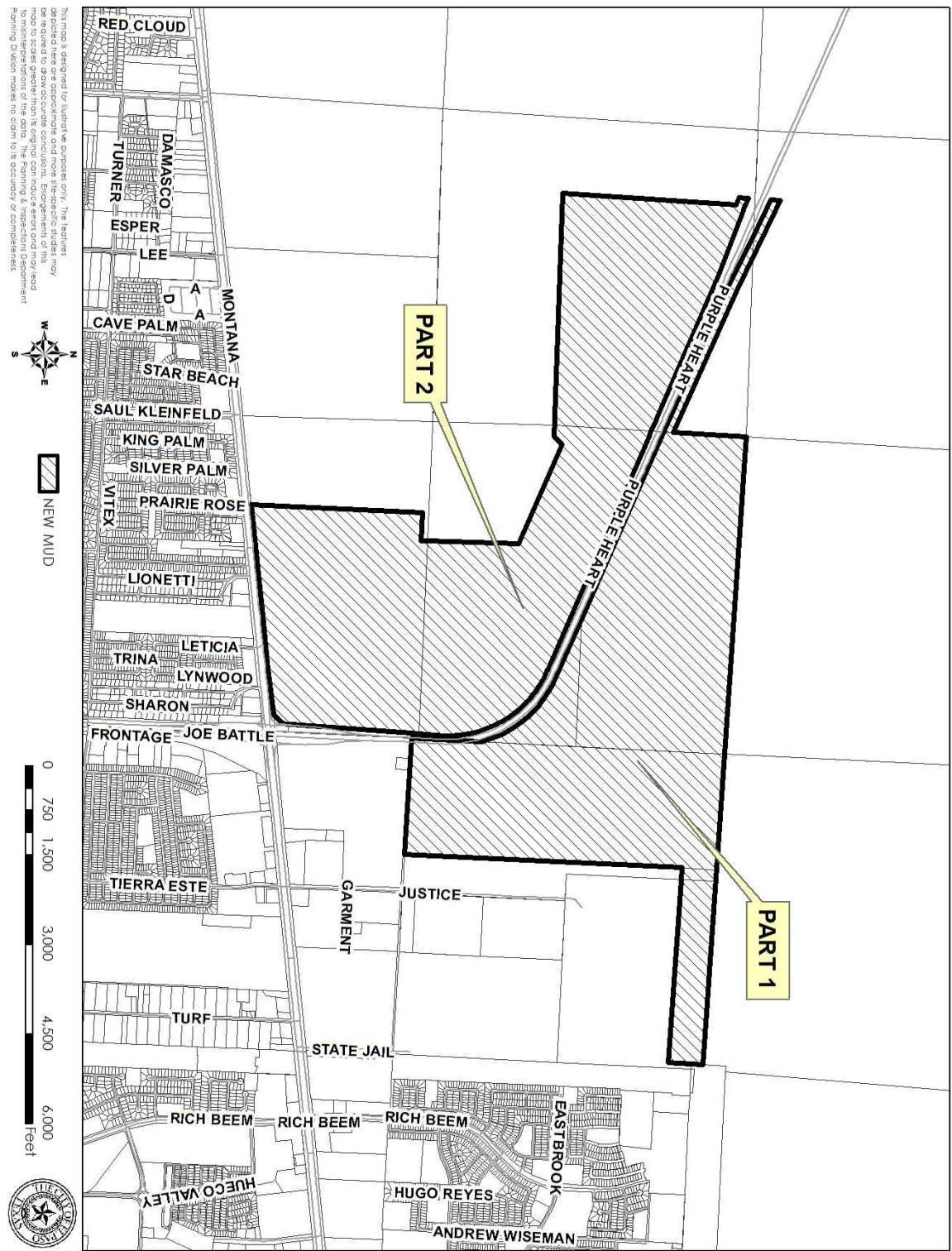
1. Aerial map
2. Location map
3. Survey
4. Metes and Bound
5. Comments
6. Applicant's request

# Attachment 1

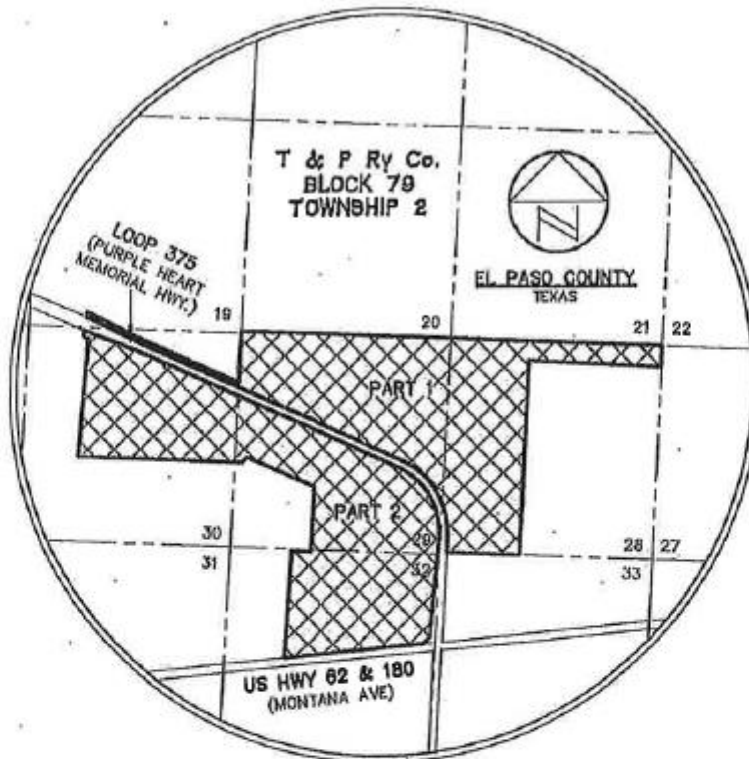


May 3, 2018

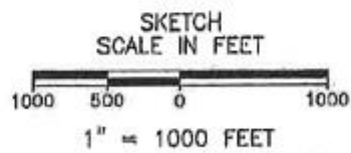
Attachment 2



Attachment 3



VICINITY MAP  
NOT TO SCALE



PROJECT NAME: EL PASO CO. - MUD  
DRAWING NO.: EL PASO CO. MUD-POL  
PLOT DATE: 1/14/2016  
SHEET: 2 OF 5

May 3, 2018

Attachment 4

# EXHIBIT A



TEXAS GENERAL LAND OFFICE  
GEORGE P. BUSH, COMMISSIONER

**APPROXIMATELY 1259.20 ACRE  
POLITICAL SUBDIVISION DESCRIPTION  
EL PASO COUNTY, TEXAS**

A DESCRIPTION OF APPROXIMATELY 1259.20 ACRES OF LAND IN SURVEY NO. 19, ABSTRACT NO. 2131, SURVEY NO. 28, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND), SURVEY NO. 29, ABSTRACT NO. 2136, SURVEY NO. 30, ABSTRACT NO. 3755, AND SURVEY NO. 32, ABSTRACT 2131, ALL IN BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS. CONSISTING OF:

**PART 1 - 590.74 ACRES:**

ALL OF THE 14.54 ACRE TRACT (PARCEL 2) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS;

ALL OF THE REMAINDER OF SURVEY NO. 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., EL PASO COUNTY, TEXAS, FILED IN GLO SCHOOL FILE NO. 104403 (SURVEYED UNSOLD SCHOOL LAND); AND

ALL OF THE 299.584 ACRE TRACT, NORTH PART OF SURVEY NO. 29, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO., CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED FROM THE UNITED STATES OF AMERICA, DATE EXECUTED FEBRUARY 7, 1997, RECORDED IN VOLUME 3180, PAGE 1046 (DOCUMENT NUMBER 97016082), DEED RECORDS OF EL PASO COUNTY, TEXAS;

**PART 2 - 668.46 ACRES:**

ALL OF THE 668.46 ACRE TRACT (PARCEL 1) CONVEYED TO THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PERMANENT SCHOOL FUND, IN A DEED WITHOUT WARRANTY, DATE EXECUTED APRIL 19, 2014, RECORDED IN DOCUMENT NUMBER 20140032137, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, EL PASO COUNTY, TEXAS.

SAID 1259.20 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PART 1:**

**BEGINNING** at a calculated point having coordinates of X=448628.99 feet and Y=10876605.26 feet Texas Coordinate System 1983, Central Zone (4203) for the southeast corner of the said 14.54 acre tract, being also in a northeast right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) according to the State of Texas Department of Highways and Public Transportation map or plat thereof entitled Plans of Proposed Right-of-Way Project El Paso County – City of El Paso, Highway Loop 375 (Control No. 2552-2-02) (right-of-way width varies) on file at the Texas Department of Transportation, El Paso District office and in a northeast line of a 276.943 acre tract described in an Assignment and Assumption Agreement of an Easement for Public Road and Water Utility Pipeline, date executed March 26, 1997 from the City of El Paso, Texas, to the State of Texas acting on behalf of its Texas Department of Transportation, recorded in Volume 3209, Page 927, Deed Records of El Paso County, Texas;

**THENCE** crossing Surveys 30 and 19 in a northwesterly direction along the southwest line of the said 14.54 acre tract, the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract to the southwest corner of the herein described tract;

**THENCE** leaving the northeast right-of-way line of Highway Loop 375 and the northeast line of the said 276.943 acre tract in a northerly direction crossing Survey 19, along the westerly line of the said 14.54 acre tract to the northwest corner of the said 14.54 acre tract, and being the northwest corner of the herein described tract;

**THENCE** continuing over and across Surveys 19 and 30 in a southeasterly direction along the northeast line of the said 14.54 acre tract to the northeast corner of the said 14.54 acre tract, in the common line of Surveys 29 and 30, and being an interior ell corner of the herein described tract;

**THENCE** northerly along the common line of Surveys 29 and 30 to a common corner of Surveys 19, 29 and 30, the southwest corner of Survey 20, Block 79, Township 2, Texas and Pacific Railway Co., and the southwest corner of a 2205.26 acre tract of land conveyed to the United States of America, in a Deed from the State of Texas, date recorded May 21, 2014, recorded in Document Number 20140032136, Official Public Records Of Real Property, El Paso County, Texas and being a northwest corner of the herein described tract;

**THENCE** leaving the common corner of Surveys 19, 20, 29 and 30 along the north line of Surveys 28 and 29, the south line of Survey 20, the south line of Survey 21 Block 79, Township 2, Texas and Pacific Railway Co., and the south line of the 2205.26 acre tract to the common corner of Surveys 21 and 28, the southwest corner of Survey 22, the northwest corner of Survey 27, both in Block 79, Township 2, Texas and Pacific Railway Co., the southwest corner of a 0.46 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, the northwest corner of a 46.60 acre tract conveyed to El Paso Electric Company in Special Warranty Deed, date effective

May 14, 1980, recorded in Volume 1085, Page 104, Deed Records of El Paso County, Texas, and being the northeast corner of the herein described tract;

**THENCE** leaving the common corner of Surveys 21, 22, 27 and 28, and the south line of the said 2205.26 acre tract along the common line of Surveys 27 and 28 and the west line of the said 46.60 acre tract to the northeast corner of a 117.37 acre tract conveyed to Valero Partners EP, LLC in a Special Warranty Deed, date effective December 1, 2013, recorded in Documents Number 20130090337, Official Public Records Of Real Property, El Paso County, Texas and being the most northeasterly southeast corner of the herein described tract;

**THENCE** leaving the west line of the said 46.60 acre tract in a northwest direction along a south line of the remainder of Survey 28, the north line of the said 117.37 acre tract and the north line of a 49.170 acre tract (Tract 3) conveyed to J.C. Vramontes, in a Land Award and Recept, date witnessed, March 18, 1997, recorded in Volume 3215, Page 1820 (Document No. 97037511), Official Public Records Of Real Property, El Paso County, Texas to the northwest corner of the said 49.170 acre tract and being an interior ell corner of the herein described tract;

**THENCE** in a southerly direction along the common line of the remainder of Survey 28 and the said 49.170 acre tract to a point in the north line of Survey 33, Block 79, Township 2, Texas and Pacific Railway Co., and in the north line of a 100.411 acre tract conveyed to Justice Road Exchange, LLC in a Special Warranty Deed with Vendor's Lien, date executed December 15, 2013, recorded in Document Number 20130091911, Official Public Records of Real Property, El Paso County, Texas and being the southwest corner of the said 49.170 acre tract and the most southerly southeast corner of the herein described tract;

**THENCE** in a northwesterly direction along the common line of the remainder of Survey 28 and 33 and the said 100.411 acre tract to a point in the east right-of-way line of said Highway Loop 375 (Purple Heart Memorial Highway) and in the east line of the said 276.943 acre tract for the most southerly southwest corner of the herein described tract;

**THENCE** crossing Surveys 28 and 29 in a northerly and northwesterly direction with the common line of the east and northeast right-of-way line of Highway Loop 375 and the east and northeast line of the said 276.943 acre tract to the **POINT OF BEGINNING**, containing approximately 590.74 acres of land, more or less.

## **PART 2:**

**BEGINNING** at a brass disk found stamped "Texas State Department of Highways and Public Transportation" having coordinates of X=453352.99 feet and Y=10669997.96 feet Texas Coordinate System 1983, Central Zone (4203) in the north right-of-way line of U. S. Highway 62 and 180 (Montana Avenue) (200' right-of-way width) according to the map or plat dated 1955 and entitled Texas Highway Dept., El Paso County Right of Way Map, U.S. Highway 62 & 180, from El Paso City Limits, Sta. 246+79.39 to Hueco Mts. Sta. 1106+20.00 (Control No. 374-2-12) on file in the Texas Department of

Transportation, El Paso District, and being in the north line of a 12.5 acre tract conveyed to El Paso County, Texas, in a Deed, date recorded September 18, 1928, recorded in Volume 501, Page 146, Deed Records of El Paso County, Texas, and the southernmost southeast corner of the said 668.46 acre tract and the herein described tract,

**THENCE** in a southwesterly direction with the north right-of-way line of said U. S. Highway 62 and 180, the north line of said 12.5 acre tract, and the south line of said 668.46 acre tract to the southwest corner of the said 668.46 acre tract and the herein described tract,


**THENCE** leaving the north right-of-way line of U. S. Highway 62 and 180 and the north line of said 12.5 acre tract, crossing Surveys 32, 29 and 30 in a northerly, northwesterly and westerly direction along the southerly and westerly line of the said 668.46 acre tract to a point in the southwest right-of-way line of Highway Loop 375 (Purple Heart Memorial Highway) and being in a southwest line of the said 276.943 acre tract, and being the northwest corner of the said 668.46 acre tract and the northwest corner of the herein described tract;

**THENCE** crossing Surveys 30, 29 and 32 in a southeasterly and southerly direction with the common line of the southwest and west right-of-way line of Highway Loop 375, in part the southwest and west line of the said 276.943 acre tract, and the northeast and east line of the said 668.46 acre tract to the **POINT OF BEGINNING**, containing approximately 668.46 acres of land, more or less.

This Document was prepared under 22 TAC §663.21, does not reflect the results of an on-the-ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Note: Acreages were based solely on the acreages called for in the recorded instruments recited herein.

Attachment: Drawing No. EL PASO CO. MUD-POL.DWG (five sheets)

  
\_\_\_\_\_  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

Date

10/11/2016



## **Attachment 5**

### **Planning:**

Property owner/developer shall comply with all City Codes relating to development within the City's ETJ.

- Prior to any development, a land study is required in accordance with Chapter 19.02 to determine compliance with the City's comprehensive plan and the availability and capacity of public improvements needed to serve the development.
- Property owner/developer shall dedicate land for public facilities in accordance with the land study recommendations and findings, including extension and construction of arterial roads through the property.
- All subdivision improvements shall be built by developer in accordance with the City's codes. All facilities to serve the district shall be constructed in accordance with plans and specifications which have been approved by the city.
- City shall have the right to inspect construction of facilities by district

Purposes for which the district may issue bonds to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances is restricted to the following

- Provide a water supply for municipal uses, domestic uses and commercial purposes
- Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state
- Gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction
- Construct and maintain roadways, parks, and public safety facilities.

City shall review the district's bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the district's bonds and notes issued to provide service to the land

### **El Paso Water:**

EPWater has reviewed the request for the consent to create the Butterfield Municipal Utility Districts (MUDs) and provide the following comments: EPWater could provide water and sewer service under a wholesale basis thru a Water and Sewer Wholesale Contract as mutually agreed to between El Paso Water and the MUDs, in accordance with PSB Rules and Regulations No. 11 and TCEQ regulations, and addressing capacity buy-in terms for raw water supply, potable water treatment and wastewater treatment capacity.

Water and sewer service can be provided at mutually agreed delivery points (master meters) located at the boundaries of the proposed MUDs. EPWater will agree to provide service at the delivery points complying with all state and federal regulations regarding water quality and pressure. All water and wastewater facilities within the boundaries of the MUDs that are required to provide adequate service to their customers including storage, transportation, pumping, distribution and collection facilities will be constructed, owned, operated and maintained by the MUDs.

May 3, 2018

**Land Development:**

We have reviewed subject plats and recommend **Approval**.

The Developer/Engineer shall address the following comments.

1. Ensuring that new development does not cause increased flooding elsewhere.
2. Coordinate closely with TXDOT since the property is along a natural arroyo stream that is near state highway structures such as bridges or culverts, the state highway department may have done or be in need of a flood study to properly size the structure(s).
3. All stormwater runoff discharge volumes shall be retained within this subdivision's limits in compliance with provisions of (DSC, 19.19.010A and DDM, 11.1). Comply with section Code 19.08.010, general provisions.
4. Provide a master drainage and flood study at time of subdivision improvement plans proposals.
5. At the improvement plan stage, protect the subject and surrounding property from all stormwater runoff through the use of drainage easements or ROW's.

**Attachment 6**

**Ronald J. Freeman  
Attorney-At-Law**

**512-797-6649  
rfreeman@freemanoffice.com  
102 N. Railroad Ave.  
Pflugerville, TX 78660**

March 1, 2018

*Via Hand-Delivery*

Ms. Laura Prine  
City Clerk  
City of El Paso  
300 N. Campbell  
El Paso, TX 79901

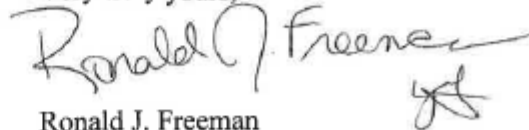
Re: Requests for Consent of the City of El Paso for the inclusion of land in, and creation of, Butterfield Municipal Utility Districts Nos. 1 and 2 (the "Districts")

Dear Ms. Prine:

I represent the State of Texas, the owner of two tracts of land totaling approximately 1,259.20 acres of land, more or less, within El Paso County and within the extraterritorial jurisdiction of the City of El Paso (the "City"). Enclosed with this letter are requests by the State of Texas for consent of the City for the inclusion of the land within, and the creation of, the two Districts identified above. Copies of these two requests are being hand-delivered to the City Manager and City Attorney of the City with whom my client and I have previously met to discuss this matter.

Please acknowledge receipt of these requests on the extra copies of the requests that we have provided to you so that I may retain copies for my files. Thank you for your courtesies.

Very truly yours,

  
Ronald J. Freeman

cc, Tommy Gonzalez, City Manager  
Sylvia B. Firth, City Attorney  
Burton Minton (Texas General Land Office)  
Yolanda Giner (Gordon, Davis, Johnson & Shane, PC)  
Linda Troncoso (TRE & Associates)

May 3, 2018

REQUEST FOR CONSENT TO THE  
CREATION OF A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS                   §  
   §  
COUNTY OF EL PASO               §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

The undersigned (herein the "Landowner") holder of title to all of the land within the territory hereinafter described by metes and bounds, constituting a majority in value of the holders of title of the lands therein as indicated by the tax rolls of El Paso County, Texas, and acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code; Section 42.042, Texas Local Government Code (the "Act") respectfully requests the City Council of the City of El Paso, Texas, for its written consent to the inclusion of land in, or the creation of a municipal utility district under either Chapters 49 and 54, Texas Water Code and/or by special act of the Texas Legislature and would respectfully show the following:

I.

The name of the proposed District shall be BUTTERFIELD TRAIL MUNICIPAL UTILITY DISTRICT NO. 1 (the "District").

II.

The land shall be included within the District by creation and organization of the District as provided above. The District shall exist under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, Chapters 49 and 54, Texas Water Code, the Act, and/or under special act of the Texas Legislature.

III.

The District shall contain an area of approximately 668 acres of land, more or less, situated wholly within El Paso County, Texas. All of the area within the District is within the extraterritorial jurisdiction of the City of El Paso, Texas. All of the territory proposed to be included may properly be included in the District. The area proposed to be within the District consists of one tract, which is described in Part 2 of Exhibit "A", which is attached hereto and incorporated herein for all purposes.

The undersigned are owners of title to all land within the District and, therefore, are the owners of a majority in value of the lands therein as indicated by the tax rolls in El Paso County, Texas. There are no lienholders on the land nor are there any residents on the land.

IV.

The general nature of the work to be done by the District at the present time is the construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services.

V.

There is, for the following reasons, a necessity for the above-described work: There is not now available within the area, which will be developed as a residential subdivision, an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. The health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance, and operation of an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks and sanitary sewer system roads, drainage, firefighting and park facilities and services so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Landowners, from such information as it has at this time, that the ultimate costs of the development contemplated will be approximately \$64,710,000. The project will be financed by the issuance of bonds by the District.

WHEREFORE, the Landowners respectfully pray that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein with the District.

RESPECTFULLY SUBMITTED, this 13 day of February 2018.



STATE OF TEXAS, FOR THE USE AND BENEFIT  
OF THE PERMANENT SCHOOL FUND

By: George P. Bush  
GEORGE P. BUSH, Commissioner of the General  
Land Office and Chairman of the School Land  
Board

Date : 2/13/2018

Approved: \_\_\_\_\_  
Contents: [Signature]  
Legal: [Signature]  
Director: [Signature]  
General Counsel: [Signature]  
Executive: [Signature]

REQUEST FOR CONSENT TO THE  
CREATION OF A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS                   §  
  §  
COUNTY OF EL PASO               §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

The undersigned (herein the "Landowner") holder of title to all of the land within the territory hereinafter described by metes and bounds, constituting a majority in value of the holders of title of the lands therein as indicated by the tax rolls of El Paso County, Texas, and acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code; Section 42.042, Texas Local Government Code (the "Act") respectfully requests the City Council of the City of El Paso, Texas, for its written consent to the inclusion of land in, or the creation of a municipal utility district under either Chapters 49 and 54, Texas Water Code and/or by special act of the Texas Legislature and would respectfully show the following:

I.

The name of the proposed District shall be BUTTERFIELD TRAIL MUNICIPAL UTILITY DISTRICT NO. 2 (the "District").

II.

The land shall be included within the District by creation and organization of the District as provided above. The District shall exist under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, Chapters 49 and 54, Texas Water Code, the Act, and/or under special act of the Texas Legislature.

III.

The District shall contain an area of approximately 591 acres of land, more or less, situated wholly within El Paso County, Texas. All of the area within the District is within the extraterritorial jurisdiction of the City of El Paso, Texas. All of the territory proposed to be included may properly be included in the District. The area proposed to be within the District consists of one tract, which is described in Part 1 of Exhibit "A", which is attached hereto and incorporated herein for all purposes.

May 3, 2018

The undersigned are owners of title to all land within the District and, therefore, are the owners of a majority in value of the lands therein as indicated by the tax rolls in El Paso County, Texas. There are no lienholders on the land nor are there any residents on the land.

#### IV.

In addition, Landowner is currently cooperating with the Texas Department of Transportation ("TXDOT") in connection with the realignment of Loop 375 to trade a small portion of the tract to TXDOT in exchange for TXDOT transferring to owner a small tract currently within the boundaries of the existing right-of-way for Loop 375, all as shown on Exhibit "B" which is attached hereto and incorporated herein for all purposes. Landowner further requests that any such land acquired from TXDOT also be included within the boundaries of the District.

#### V.

The general nature of the work to be done by the District at the present time is the construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services.

#### VI.

There is, for the following reasons, a necessity for the above-described work: There is not now available within the area, which will be developed as a residential subdivision, an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. The health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance, and operation of an adequate waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

#### VII.

A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Landowners, from such information as it has at this time, that the

ultimate costs of the development contemplated will be approximately \$64,830,000. The project will be financed by the issuance of bonds by the District.

WHEREFORE, the Landowners respectfully pray that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein with the District.

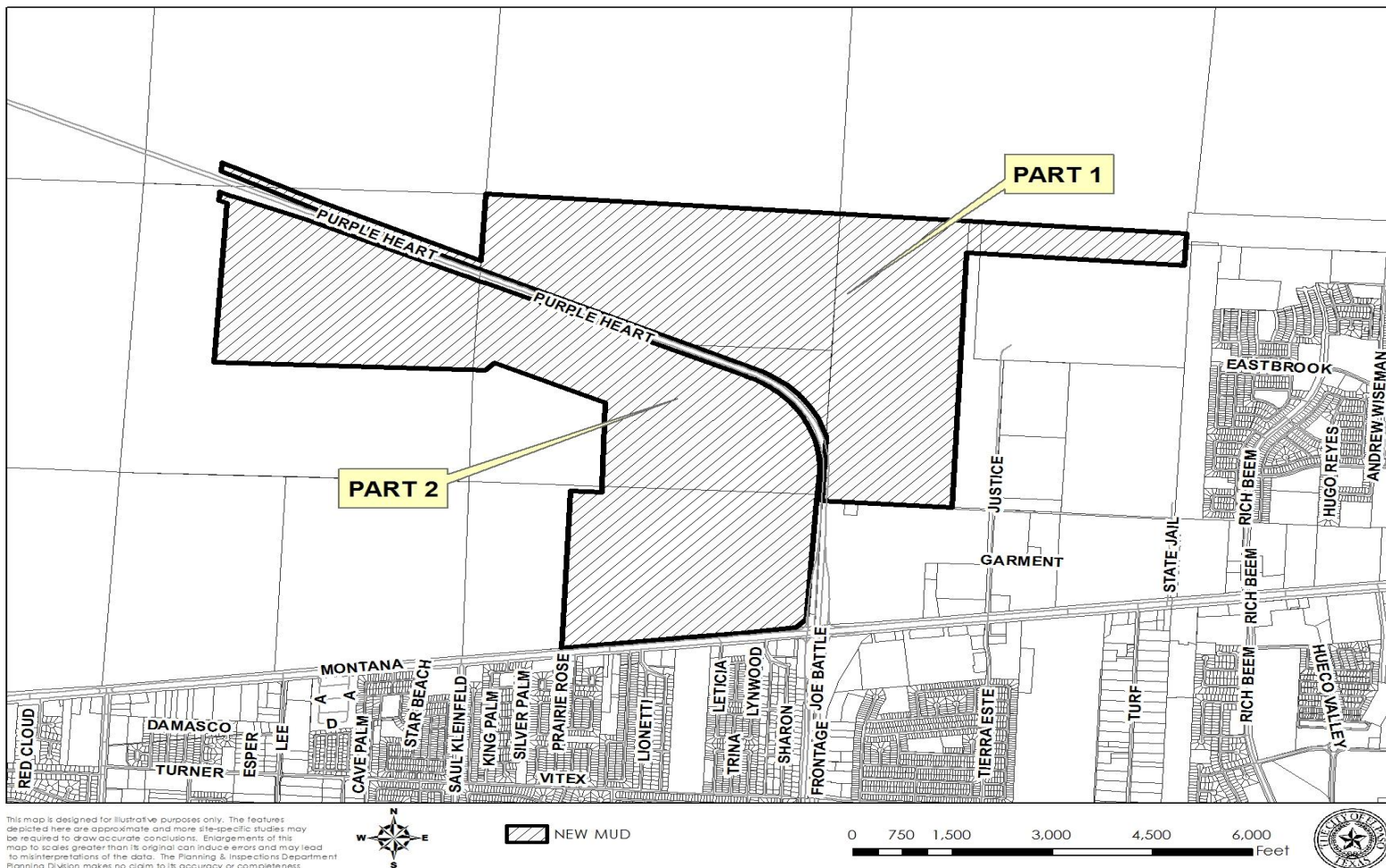


# Recommendation/Public Input

- **Planning & Inspections Recommendation:** Approval w/ conditions
- **CPC Vote:** Unanimous approval

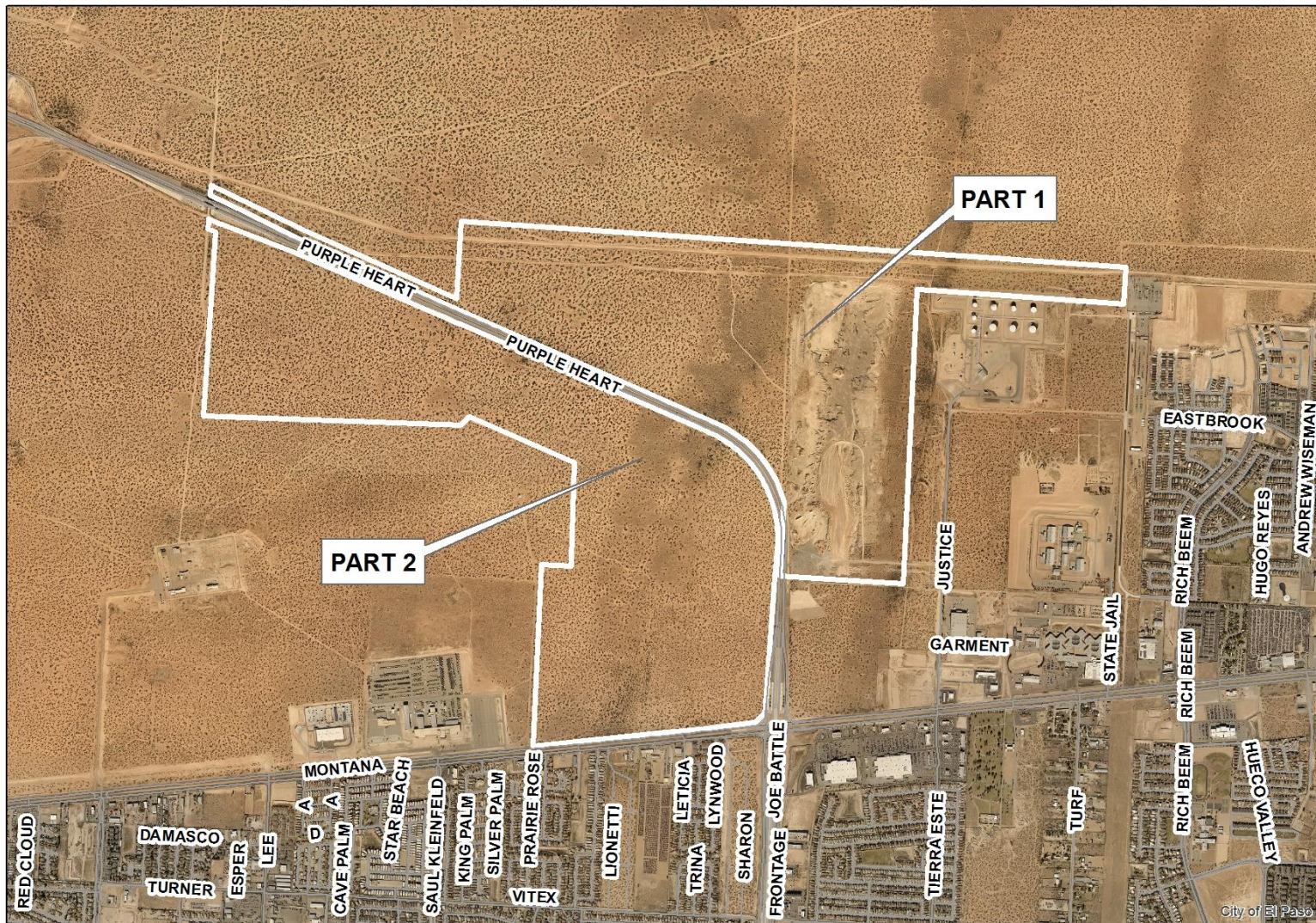
## **Strategic Goal #3-Promote the Visual Image of El Paso**

- 3.1 Provide business-friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community.



Butterfield No. 1: 668 ac. (part 2)  
Butterfield No. 2: 591 ac. (part 1)  
**Total: 1,259.20 ac.**

*"Delivering Outstanding Services"*



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



NEW MUD

0 750 1,500 3,000 4,500 6,000 Feet



*"Delivering Outstanding Services"*





## **Texas Water Code – Chapters 49 and 54:**

- Provide procedures for creation of MUDs.
- Stipulate consent must be requested from the City of El Paso because the land is in its ETJ.



## Request:

City's written consent to allow the creation of Butterfield Trail No. 1 and Butterfield Trail No. 2 Municipal Utility Districts.

## Proposed development:

Residential and Commercial

## Work to be performed:

Construction, acquisition, maintenance, and operation of a waterworks and sanitary sewer system, roads, drainage, firefighting and park facilities and services.

## Financing method:

Bonds

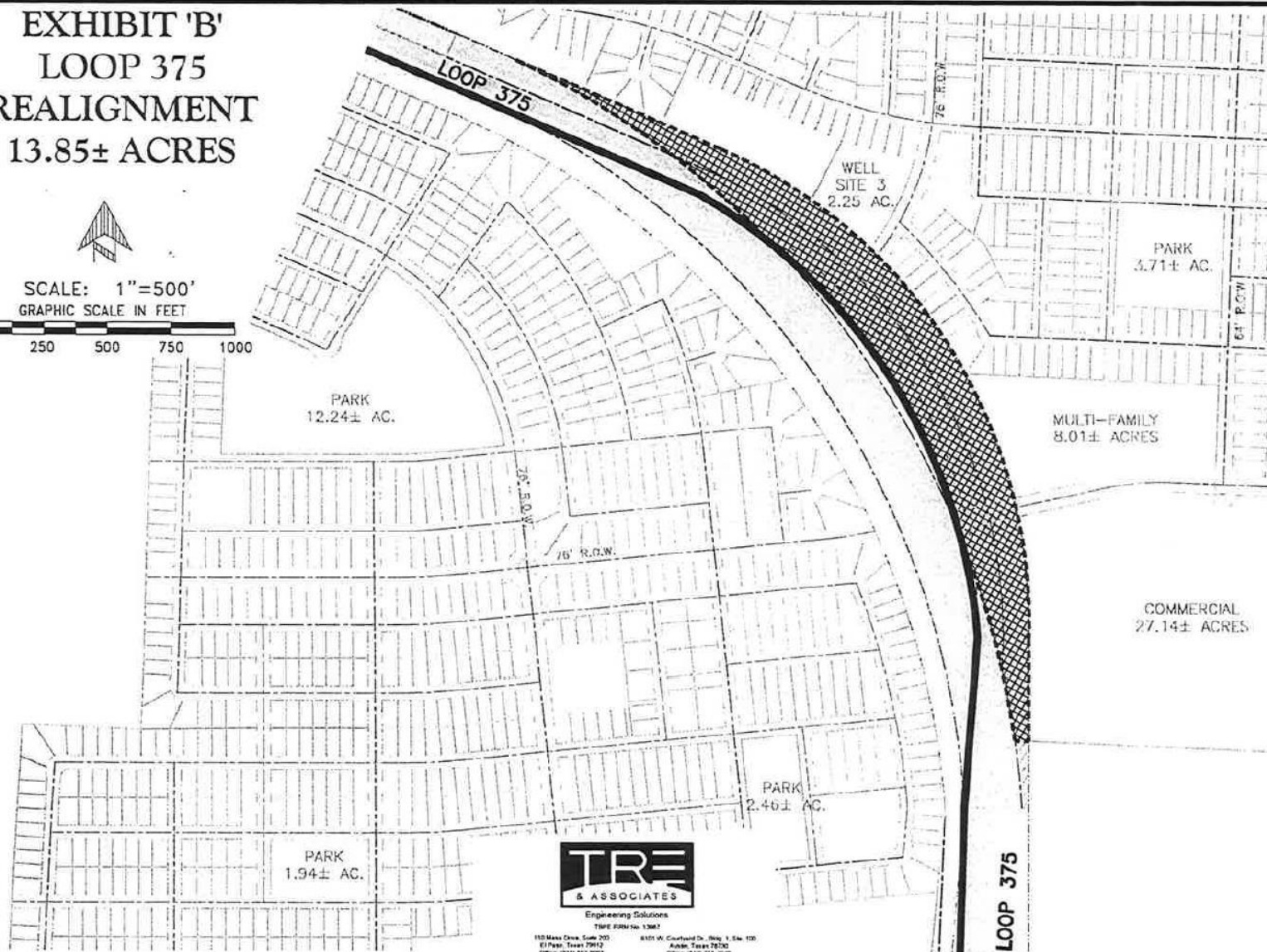
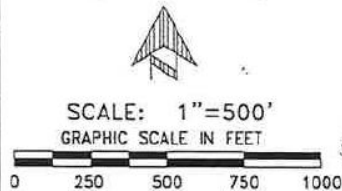
## Estimated cost of development:

Butterfield No. 1: \$64,710,000.00

Butterfield No. 2: \$64,830,000.00



# EXHIBIT 'B' LOOP 375 REALIGNMENT 13.85± ACRES



1100 Main Street, Suite 200  
El Paso, Texas 79912  
Office (915) 832-1993  
Fax (915) 832-8706

8101 W. Cumberland Dr., 3rd Fl., Ste. 110  
Austin, Texas 78732  
Office (512) 336-4049  
Fax (512) 336-4050

*"Delivering Outstanding Services"*



## Approval with conditions:

1. Property owner/developer shall comply with all City Codes relating to development within the City's Extraterritorial Jurisdiction in effect on the date the request for consent was delivered to the City.
  - A land study shall be submitted prior to development if required in accordance with Title 19.
  - Property owner/developer shall dedicate and improve land for public infrastructure in accordance with Title 19 requirements in the ETJ, including proportionate share of rights-of-way for arterial roads within the District as determined by the traffic impact analysis. Such dedication shall not impair the obligation of the District to reimburse developers in the District for such land or improvements thereon as otherwise permitted by applicable law or TCEQ regulation.
  - All subdivision improvements shall be constructed in accordance with the applicable requirements of Title 19 and City-approved subdivision plans and specifications. City shall have the right to inspect such subdivision improvements.
2. Purposes for which the district may issue bonds to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances is restricted to the following:
  - Provide a water supply for municipal uses, domestic uses and commercial purposes
  - Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state
  - Gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction
  - Construct and maintain roadways, parks, and public safety facilities



## Approval with conditions (cont'd.):

3. City shall review the district's bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the district's bonds and notes issued to provide service to the land so long as the restrictions do not render the District's bonds or notes unmarketable.
4. Landowners shall negotiate in good faith to reach an agreement with the City through El Paso Water (EPW) for wholesale water and wastewater service to the districts based on cost of service rates. If such an agreement is reached, service shall be provided only to the land in the districts unless otherwise consented to by the City.
5. No additional land (other than the right-of-way relocation tract as requested in the petition for City consent) shall be added or annexed to the district without it being submitted to the City for its consent and acted upon in accordance with Chapter 54 of the Texas Water Code.
6. If the districts are created, the City and District shall enter into negotiations for a strategic partnership agreement to allow a Limited Purpose Annexation of the proposed commercial property along Montana, for the sole and exclusive purpose of imposing and collecting sales and use taxes within this property.