

#109 Courtesy
(8)

Doc # 20180003371

AFTER RECORDING RETURN TO:

JOSHUA D. BERNSTEIN, ESQ.
NORTON ROSE FULBRIGHT US LLP
98 SAN JACINTO BLVD., SUITE 1100
AUSTIN, TEXAS 78701

MONTECILLO
NOTICE OF ANNEXATION

UNIT 11

Declarant: EPT MESA DEVELOPMENT, LP, a Delaware limited partnership

Cross reference to that certain Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513 in the Official Public Records of El Paso County, Texas.

MONTECILLO – UNIT 11
NOTICE OF ANNEXATION

MONTECILLO

NOTICE OF ANNEXATION

UNIT 11

This Notice of Annexation (this "**Notice of Annexation**") is made and executed by EPT MESA DEVELOPMENT, LP, a Delaware limited partnership ("**Declarant**"), and is as follows:

1. **Applicability of Master Covenant.** This Notice of Annexation is filed with respect to that certain real property described on Exhibit "A", attached hereto and incorporated herein (the "**Development Area**"). Pursuant to that certain Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513 in the Official Public Records of El Paso County, Texas (the "**Master Covenant**"), Declarant served notice that portions of the property described on Exhibit "A" to the Master Covenant, upon the Recording of appropriate Notices of Annexation from time to time, may be made a part of the Development and thereby fully subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Covenant.

Development Area. The Development Area described and identified in *Section 1* will constitute one of the Development Areas which is permitted, contemplated and defined under the Master Covenant.

2. **Property Incorporated Into Development.** The provisions of the Master Covenant shall apply to the Development Area. The Development Area is hereby included within and made a part of the Development, and is hereby subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Covenant.

3. **Miscellaneous.** This Notice of Annexation constitutes a Notice of Annexation under *Section 12.05* of the Master Covenant. Any capitalized terms used and not otherwise defined in this Notice of Annexation shall have the meanings set forth in the Master Covenant.

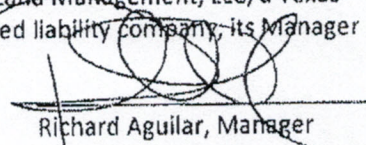
EXECUTED to be effective on the date this instrument is Recorded.

DECLARANT:

EPT MESA DEVELOPMENT, LP, a Delaware limited partnership

By: EPT Mesa Development Management, LLC, a Delaware limited liability company, its General Partner

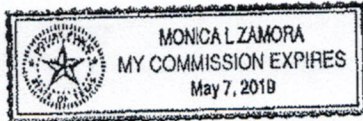
By: ~~EPT Land Management, LLC, a Texas limited liability company, its Manager~~

By: 
Richard Aguilar, Manager

THE STATE OF TEXAS §
 §
COUNTY OF El Paso §

This instrument was acknowledged before me on this 15th day of January, 2018, by Richard Aguilar, the Manager of EPT Land Management, LLC, a Texas limited liability company, Manager of EPT Mesa Development Management, LLC, a Delaware limited liability company, the General Partner of EPT Mesa Development, LP, a Texas limited partnership, on behalf of said limited liability companies and limited partnership.

(seal)



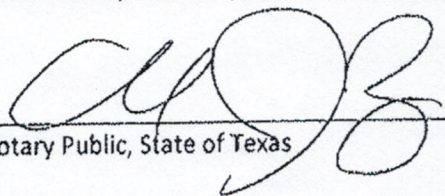

Notary Public, State of Texas

EXHIBIT "A"



DOMAN CASTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
STEVE O. J. ADAMS, P.E.
Vice President - Engineering
ARON ALVARADO, R.P.L.S.
Vice President - Surveying
ISAAC CARRASCO, R.P.L.S.
Survey Manager
1001 Reg. No. 1-133
TDLR Reg. No. 101314-00

METES AND BOUNDS DESCRIPTION

A 60.0651 acre parcel situate within the City of El Paso, El Paso County, Texas as a portion of Tracts 3 and 3A, John Barker Survey No. 10, all of Tract 6 and a portion of Tract 7, I.F. Harrison Survey No. 54 and a portion of Lots 6 and 7, Block 2, Montecillo Unit Three, Replat "B", as recorded in File No. 20120094929, Plat Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a one inch pipe in concrete found at the intersection of the boundary line common to A. F. Miller Survey No. 215 and John Barker Survey No. 10 and the boundary line common to Tract 3A, John Barker Survey No. 10 and Tract 7, I.F. Harrison Survey No. 54, identical to the northwest corner of said Tract 3A; *WHENCE*, a 1/2 inch rebar with survey cap No. "TX 5152" found for the northeast corner of Lot 3, Block 2, Montecillo Unit Three Replat "B", bears South 89°10'00" East, a distance of 2,563.27 feet; *THENCE*, leaving the boundary line common to said Survey No. 215 and said Survey No. 10 and following the boundary line common to said Tracts 3A and 7, South 00°50'38" West, a distance of 225.25 feet to the *POINT OF BEGINNING* of the parcel herein described;

THENCE, leaving the boundary line common to said Tracts 3A and 7, North 72°01'31" East, a distance of 8.09 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 53°11'14" East, a distance of 199.39 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 01°36'01" West, a distance of 76.30 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 30°11'34" West, a distance of 315.71 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 53°40'20" East, a distance of 458.03 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 36°19'40" West, at a distance of 229.70 feet pass the boundary line common to said Tracts 3A and 3 and continuing for a total distance of 491.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 53°40'20" East, a distance of 530.05 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 37°33'44" East, a distance of 80.77 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 69°44'40" East, a distance of 2.41 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the beginning of a non-tangent curve to the left;

THENCE, following the arc of said non-tangent curve to the left having a radius of 70.00 feet, a central angle of $35^{\circ}18'17''$, an arc length of 43.13 feet and whose long chord bears South $87^{\circ}23'48''$ East, a distance of 42.54 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, North $74^{\circ}57'04''$ East, a distance of 39.31 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of curvature;

THENCE, following the arc of a curve to the right having a radius of 633.00 feet, a central angle of $13^{\circ}27'50''$, an arc length of 148.75 feet and whose long chord bears North $81^{\circ}40'59''$ East, a distance of 148.41 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, North $88^{\circ}24'54''$ East, a distance of 23.78 feet to a 1/2 -inch rebar with survey cap No. "TX 6223" set for a point of curvature;

THENCE, following the arc of a curve to the right having a radius of 333.00 feet, a central angle of $52^{\circ}48'34''$, an arc length of 306.93 feet and whose long chord bears South $65^{\circ}10'49''$ East, a distance of 296.18 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, South $38^{\circ}46'32''$ East, a distance of 104.86 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 147.00 feet, a central angle of $31^{\circ}22'23''$, an arc length of 80.49 feet and whose long chord bears South $54^{\circ}27'44''$ East, a distance of 74.49 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of compound curvature;

THENCE, following the arc of a curve to the left having a radius of 45.00 feet, a central angle of $74^{\circ}29'25''$, an arc length of 58.50 feet and whose long chord bears North $72^{\circ}36'22''$ East, a distance of 54.47 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, North $35^{\circ}21'39''$ East, a distance of 44.69 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South $54^{\circ}38'45''$ East, a distance of 42.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the beginning of a non-tangent curve to the left;

THENCE, following the arc of said non-tangent curve to the left having a radius of 35.00 feet, a central angle of $117^{\circ}47'06''$, an arc length of 71.95 feet and whose long chord bears South $23^{\circ}31'54''$ East, a distance of 59.93 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, South $82^{\circ}25'27''$ East, a distance of 308.69 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 50.00 feet, a central angle of $75^{\circ}26'03''$, an arc length of 65.83 feet and whose long chord bears North $59^{\circ}51'32''$ East, a distance of 61.18 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of reverse curvature;

THENCE, following the arc of a curve to the right having a radius of 205.00 feet, a central angle of $07^{\circ}33'22''$, an arc length of 27.04 feet and whose long chord bears North $25^{\circ}55'11''$ East, a distance of 27.02 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the end of said curve to the right;

THENCE, South $60^{\circ}18'08''$ East, a distance of 50.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the beginning of a non-tangent curve to the left;

THENCE, following the arc of said non-tangent curve to the left having a radius of 155.00 feet, a central angle of $04^{\circ}36'14''$, an arc length of 12.46 feet and whose long chord bears South $27^{\circ}23'45''$ West, a distance of 12.45 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of compound curvature;

THENCE, following the arc of a curve to the left having a radius of 25.00 feet, a central angle of $107^{\circ}31'02''$, an arc length of 46.91 feet and whose long chord bears South $28^{\circ}39'55''$ East, a distance of 40.33 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, South $82^{\circ}25'27''$ East, a distance of 268.33 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, North $29^{\circ}47'14''$ East, a distance of 3.24 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described, identical to the southwesterly corner of Lot 5, Block 2, Montecillo Unit Three Replat B;

THENCE, following the southerly boundary line of said Lot 5, South $82^{\circ}25'27''$ East, at a distance of 90.90 feet pass the boundary line common to said Lot 5 and Lot 4, Block 2, Montecillo Unit Three Replat B and continuing along the southerly boundary line of said Lot 4 for a total distance of 196.30 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the most easterly corner of the parcel herein described;

THENCE, leaving the southerly boundary line of said Lot 4, South $07^{\circ}34'33''$ West, a distance of 64.00 feet to a 1/2 inch rebar with survey cap No. "TX 6223" found on the northerly boundary line of "Open Space", Lot 7, Block 2, Montecillo Unit Three Replat "B", said Lot 7 being a 75.00 feet wide El Paso Electric Company Easement as filed in Book 1344, Page 241, El Paso County Deed Records;

THENCE, following the northerly boundary line of said Lot 7, North $82^{\circ}25'27''$ West, a distance of 1,041.38 feet to a 1/2-inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, leaving the northerly boundary line of said Lot 7, South $06^{\circ}52'28''$ West, a distance of 75.01 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set on the southerly boundary line of said Lot 7 for an angle point of the parcel herein described;

THENCE, following the southerly boundary line of said Lot 7, North $82^{\circ}25'27''$ West, a distance of 273.33 feet to an El Paso Electric Company brass cap monument found on the boundary line common to said Lot 7 and Tract 8, John Barker Survey No. 10 for an angle point of the parcel herein described, identical to the southwest corner of said Lot 7;

THENCE, leaving the southerly boundary line of said Lot 7 and following the boundary line common to said Lot 7 and said Tract 8, North 00°49'12" East, a distance of 75.03 feet to a 1/2 inch rebar with survey cap No. "TX 5572" found on the boundary line common to said Tract 8 and Tract 3, John Barker Survey No. 10 for an angle point of the parcel herein described, identical to the northwest corner of said Lot 7;

THENCE, leaving the boundary line common to said Lot 7 and said Tract 8 and following the boundary line common to said Tracts 3 and 8, South 88°41'02" West, a distance of 731.27 feet to a 1/2 inch rebar with survey cap No. "TX 5572" found on the northeasterly right-of-way line of Interstate Highway No. 10 (variable width) for an angle point of the parcel herein described, identical to the northwesterly corner of said Tract 8;

THENCE, leaving the boundary line common to said Tracts 3 and 8 and following the northeasterly right-of-way line of Interstate Highway No. 10, North 37°37'52" West, a distance of 84.61 feet (North 38°39'05" West, 87.29 feet ~ deed) to a TXDOT brass cap right-of-way marker found for an angle point of the parcel herein described;

THENCE, continuing along the northeasterly right-of-way line of Interstate Highway No. 10, North 53°31'31" West, at a distance of 199.52 feet pass the boundary line common to said Tracts 3 and 6 and continuing on for a total distance of 1,033.77 feet (North 53°37'06" West, 1,032.86 feet ~ deed) to a TXDOT brass cap right-of-way marker found for an angle point of the parcel herein described;

THENCE, continuing along the northeasterly right-of-way line of Interstate Highway No. 10, North 73°20'38" West, a distance of 596.04 feet (North 73°24'53" West, 595.93 feet ~ deed) to a TXDOT brass cap right-of-way marker found for an angle point of the parcel herein described;

THENCE, continuing along the northeasterly right-of-way line of Interstate Highway No. 10, North 89°51'09" West, a distance of 1,155.85 feet (North 89°52'24" West, 1,156.61 feet ~ deed) to a 1/2-inch rebar found for the southwesterly corner of Rubin Heights Unit Two Replat "A" Amending Plat, as filed in Book 75, Page 53, El Paso County Plat Records;

THENCE, leaving the northeasterly right-of-way line of Interstate Highway No. 10 and following the southeasterly boundary line of Rubin Heights Unit Two Replat "A" Amending Plat, North 57°42'12" East, a distance of 364.33 feet (North 57°43'32" East, 364.33 feet ~ deed) to a 1/2-inch rebar with survey cap No. "TX2998" found for an angle point of the parcel herein described;

THENCE, continuing along the southeasterly boundary line of Rubin Heights Unit Two Replat "A" Amending Plat, South 21°58'17" East, a distance of 51.42 feet (South 22°02'40" East, 51.56 feet ~ deed) to a 1/2-inch rebar with survey cap No. "TX2998" found for an angle point of the parcel herein described;

THENCE, continuing along the southeasterly boundary line of Rubin Heights Unit Two Replat "A" Amending Plat, North 48°09'31" East, a distance of 949.15 feet (North 48°06'58" East, 949.11 feet ~ deed) to a 1/2-inch rebar with survey cap No. "TX6223" set for an angle point of the parcel herein described;

THENCE, continuing along the southeasterly boundary line of Rubin Heights Unit Two Replat "A" Amending Plat, North 53°39'47" East, a distance of 265.78 feet (North 53°39'58" East, 265.72 feet ~ deed) to a chiseled "X" in concrete found on the westerly right-of-way line of Suncrest Drive (60 feet wide) for the southeasterly corner of Rubin Heights Unit Two Replat "A" Amending Plat, identical to the

southwesterly corner of Rubin Heights Unit One, as filed in Book 37, Page 8, Plat Records of El Paso County, Texas;

THENCE, leaving the westerly right-of-way line of said Suncrest Drive and following the southerly boundary line of Rubin Heights Unit One, North 69°34'53" East, a distance of 70.00 feet (North 69°34'53" East, 70.00 feet ~ deed) to a chiseled "X" in concrete found on the easterly right-of-way line of Suncrest Drive, identical to the southwesterly corner of Lot 1, Block 1, Rubin Heights Unit One;

THENCE, leaving the easterly right-of-way line of Suncrest Drive and following the southerly boundary line of said Lot 1, North 85°04'36" East, a distance of 453.51 feet to a 1/2-inch rebar with survey cap No. "TX6223" set for an angle point of the parcel herein described;

THENCE, leaving the southerly boundary line of said Lot 1, South 33°36'03" East, a distance of 314.79 feet to a 1/2-inch rebar with survey cap No. "TX6223" set for a point of curvature;

THENCE, following the arc of a curve to the left having a radius of 172.06 feet, a central angle of 11°27'34", an arc length of 34.41 feet and whose long chord bears South 39°19'50" East, a distance of 34.36 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for a point of tangency;

THENCE, South 45°03'37" East, a distance of 72.34 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, South 70°11'32" East, a distance of 18.02 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

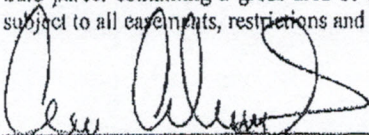
THENCE, South 46°36'35" East, a distance of 48.79 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for an angle point of the parcel herein described;

THENCE, North 43°35'22" East, a distance of 346.67 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the beginning of a non-tangent curve to the right;

THENCE, following the arc of said non-tangent curve to the right having a radius of 270.00 feet, a central angle of 07°48'39", an arc length of 36.81 feet and whose long chord bears North 47°17'44" East, a distance of 36.78 feet to a 1/2 inch rebar with survey cap No. "TX 6223" set for the end of said curve;

THENCE, North 72°01'31" East, a distance of 94.34 feet to the *POINT OF BEGINNING*;

Said parcel containing a gross area of 60.0651 acres (2,616,435.1 square feet, more or less, and being subject to all easements, restrictions and covenants of record.



Aaron Alvarado, TX R. P. L. S. No. 6223
Date: December 21, 2017
07004-014B Unit 11 Desc.doc



Doc # 20180003371
#Pages 8 #NFPages 1
1/16/2018 8:43 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$54.00

eRecorded

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



EL PASO COUNTY, TEXAS

Delia Briones