

El Paso Independent Automobile Dealers Association  
2227 Montana  
El Paso, Texas 79903

(915) 588-6264  
(413) 771-8587

**EPIADA**

# Memo

**To:** Ruben Nevarez, Engineering Coordinator  
**From:** R. M. Mac Neil, General Counsel  
**CC:** "Plant Road participants"  
**Date:** 10/10/2001  
**Re:** Drainage ditch rehabilitation adjacent to Plant Road

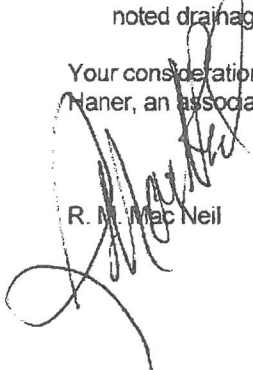
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Please accept the following as confirmation to that which was stated to represent the desired end result of the meeting conducted in your office 10/09/01. As indicated, it is the desire of the property owners and the operators of businesses adjacent to the environmentally destabilized drainage ditch in question to seek an negotiated solution to the rehabilitation of the land in question.

With the foregoing as a basis for the desired solution the following is proposed for your consideration:

1. That a two (2) moratorium be implemented while the land owners are realistically made aware of the problem.
2. During the time span representing the two (2) weeks this office will work with your office and TNRCC to reach a mutually understandable and agreeable solution to the rehabilitation of the noted drainage ditch.

Your consideration is appreciated both in holding the meeting which took place 10/9/01 with Fred Haner, an associate and myself and the evaluation of this proposal.

  
R. M. Mac Neil

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**MEMORANDUM**

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**TO:** EDD FIFER  
**FROM:** LISA M. POWER  
**SUBJECT:** PLANT ROAD – PLAYA INTERCEPTING DRAIN  
**DATE:** 10/22/01  
**CC:** RUBEN NEVAREZ, GREG LANE

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Greg and I met October 18 with Rod McNeill, an attorney representing the property owners along Plant Road. You may remember that the District started piling riprap on the road to block access due to a dumping problem at the Playa Intercepting Drain.

Mr. McNeill provided us a quitclaim deed executed by the IBWC in 1972 to the Department of Transportation that raises a question about the true ownership of the property. The quitclaim does not mean that IBWC ever owned the property. A quitclaim merely releases any claim IBWC had on the property. TxDOT claims it owns Plant Road. We apparently have always believed it was District ROW.

The District has petitions on file suggesting that property owners conveyed land to the Bureau for construction of the drain. Peggy and I will try to pull some of the corresponding deeds tomorrow at the Courthouse.

Because the TNRCC may force an environmental cleanup at the site, it is important for us to determine whether we own this land. We may need Robert Pounds or a title company to get involved. This also may be a topic for the November board meeting because tying down the ownership rights may be costly.

Greg feels that the District doesn't have any need for the property because the drain is not used. Right now it is merely an environmental liability. I think it would be great if TxDOT owned it so that the District can avoid cleanup costs. However, it is too complicated and too risky to guess on this matter, and I think we need to hire some consultants to help us get to the bottom of it. Please let me know how you want to proceed. In the meantime, I would not take any action at the site pending a determination of the rightful owner.



EL PASO COUNTY WATER IMPROVEMENT DISTRICT No. 1  
294 CANDELARIA • EL PASO, TEXAS 79907-5599 • (915) 859-4186 • FAX (915) 858-4183

TAX OFFICE (915) 859-0819 • DISPATCHER (915) 859-9128

December 11, 2001

**Richard Talamantes**  
**Special Investigations**  
**Texas Natural Resource Conservation Commission**  
**401 E. Franklin, Suite 560**  
**El Paso, TX 79901**

**Re: Playa Intercepting Drain Update**

**Dear Mr. Talamantes:**

The El Paso County Water Improvement District #1 (the "District") would prefer to have the illegal dumping at the site resolved immediately, unfortunately the District has no jurisdiction and therefore unable to be involved.

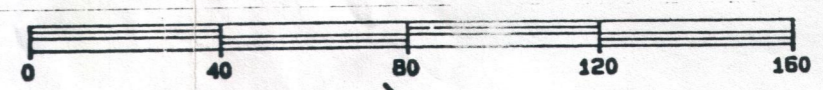
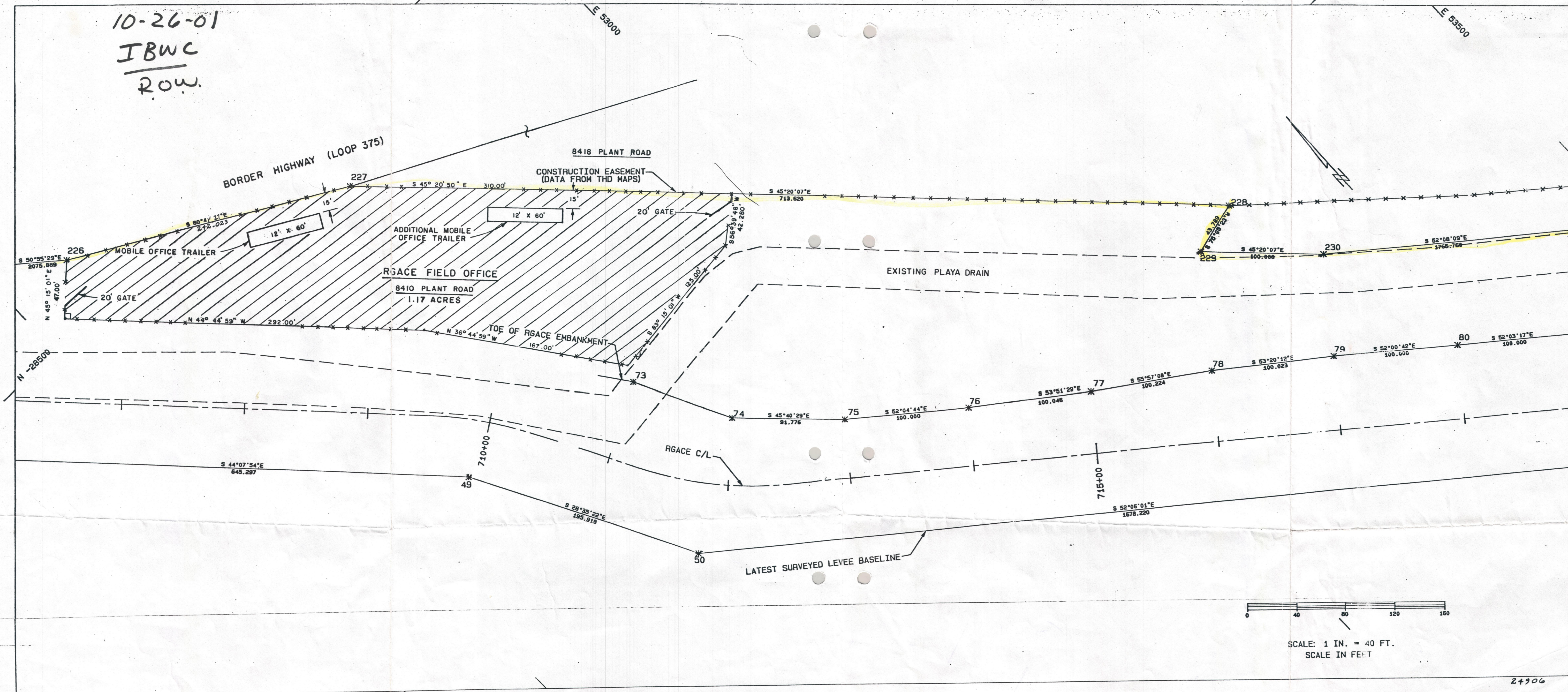
The International Boundary and Water Commission has produced a map which indicates that they have jurisdiction over the property in question and ultimately responsible for the maintenance of the drain. A portion of Plant Road was Quit Claimed to the Texas Department of Transportation which runs parallel to the drain, perhaps they are responsible to a certain extent.

If you have any question regarding this matter, please call me at (915) 859-4186.

Sincerely,

**Ruben Nevarez**  
**Engineering Coordinator**

10-26-01  
IBWC  
ROW.



SCALE: 1 IN. = 40 FT.  
SCALE IN FEET