



JOSÉ R. RODRÍGUEZ
EL PASO COUNTY ATTORNEY
500 EAST SAN ANTONIO
ROOM 503, COUNTY COURTHOUSE
EL PASO, TEXAS 79901

NO. 200745

PRESS RELEASE

FOR IMMEDIATE RELEASE

Wednesday July 25, 2007

Visit the Press Releases Archive at:

<http://www.epcounty/CA/releases.htm>

For More Information Contact:

Elhiu Domínguez

Public Affairs Officer

Phone: (915) 546-2016

Cell: (915) 472-1354

FAX: (915) 546-2133

Elhiu.dominguez@ca.epcounty.com

**COUNTY SUES WESTERN PLAYLAND OWNER TO COLLECT
COSTS OF CLEANING UP ASCARATE PARK**

El Paso County Attorney José R. Rodríguez today filed a civil lawsuit on behalf of El Paso County against Western Playland, Inc. alleging it has failed to perform a costly clean up of its former site at Ascarate Park, including the removal of dangerous asbestos and toxic chemicals.

The suit also seeks to recover hundreds of thousands of dollars El Paso taxpayers have been unjustly deprived of after Western Playland breached its contract by failing to operate an amusement park at Ascarate Park as required under the current agreement. Because Western Playland did not comply with its obligation to restore the property to its former condition, the County has been unable to look for another vendor to operate a similar amusement park at Ascarate. By doing so, Western Playland has taken away from the residents of El Paso the opportunity to enjoy a much-needed family entertainment venue.

Western Playland Inc. executed a written contract with the El Paso County government in 1960 to lease a parcel of land in Ascarate Park for the operation of an amusement park. In the fall of 2005, Western Playland president Pat Thomson made several media statements announcing the transferring of his amusement park operations to Sunland Park, New Mexico, even though the term of the lease did not expire until August 2014.

In January 2006, in response to an inquiry by the County government, Thomson expressed his intention to operate the amusement park at Ascarate in a reduced capacity during the 2006 summer season. The agreement further stated that at the end of the season, Western Playland would vacate the premises within 30 to 90 days, leaving the land in a neat, clean and orderly condition, as required by the original contract. However, Thomson failed to fulfill his end of the agreement and the amusement park remained closed all year.

On June 11, 2007, the County Commissioners found that Western Playland had effectively terminated the contract by failing to operate the amusement park during 2006 and 2007, and by abandoning the premises. The County gave Western Playland Inc. 30 days to remove all of its equipment and property, and leave the land in a neat and clean condition.

As of today, Western Playland has failed to comply with the terms of the contract, leaving behind several partially demolished structures (some of them contaminated with asbestos), piles of debris, trash, barrels containing unknown substances, old tires, pools of murky water, broken furniture and abandoned fuel tanks. The condition of the premises is likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests few yards away from where hundreds of families and kids play and eat every day.

On July 23, 2007, the El Paso Commissioners Court authorized the county purchasing agent to search a company to clean up the site. It is expected that the El Paso County will have to pay several tens of thousands of dollars to the clean up the site.

The lawsuit filed this morning intends to collect damages to compensate for the costs that the County will incur in removing defendant's property, equipment and structures from the site, and in cleaning up the premises to render the land suitable for future use. The suit further intends to collect more than a half million dollars in lost revenues from the lease of the premises for the years 2006 and 2007, plus attorney's fees and court costs.

###