

RESOLUTION

WHEREAS, On January 31, 2007, the City purchased from Maria Elena Garcia 6212 Fiesta Drive, El Paso, Texas, more particularly described by metes and bounds in Exhibit "A", attached hereto (the "property"); and

WHEREAS, The deed to the property contained "Grantee's Restrictive Covenants" based upon a mistaken understanding that Federal Emergency Management Agency (FEMA) or other federal funds were used or were going to be used for the acquisition of the property; and

WHEREAS, The sole purpose of placing the Grantee's Restrictive Covenants in the deed was to make the purchase of the property eligible for federal funding, and

WHEREAS, No federal funds of any nature were used for any costs related to the purchase of the property; and

WHEREAS, Maria Elena Garcia has agreed to the removal of the Grantee's Restrictive Covenants in the "Release of Restrictive Covenants", attached as Exhibit "A".

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the City Manager be authorized to sign the "Release of Restrictive Covenants" for property purchased by the City located at 6212 Fiesta Drive, El Paso, Texas.

ADOPTED THIS _____ DAY OF _____ 2010.

THE CITY OF EL PASO:

John F. Cook, Mayor

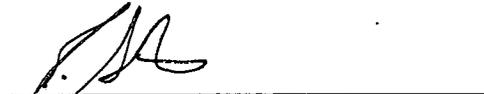
ATTEST:

Richarda Duffy Momsen, City Clerk

Approved as to form:


Mark Shoemith
Assistant City Attorney

Approved as to content:


R. Alan Shubert, P.E.
City Engineer

STATE OF TEXAS)
)
COUNTY OF EL PASO)

RELEASE OF RESTRICTIVE COVENANTS

This Release of Restrictive Covenants is a release of all of the covenants in that General Warranty Deed dated January 31, 2007 from Maria Elena Garcia as Grantor and the City of El Paso as Grantee recorded in Document # 20070011011 (the Deed) conveying the real property municipally known as 6212 Fiesta Drive, El Paso, Texas 79912 and described by metes and bounds on Exhibit "A" attached (the Property).

The Deed recited certain restrictive covenants entitled "Grantee's Restrictive Covenants," which covenants were wrongfully placed in the Deed based upon a mistaken understanding that Federal Emergency Management Agency (FEMA) or other federal funds were used for the acquisition of the real property described in the Deed. As is reflected in the attached Affidavit on behalf of the City of El Paso, no FEMA or other federal funds were used to purchase the Property, and FEMA does not have any interest in the Property.

Maria Elena Garcia as the sole Grantor in the Deed and the City of El Paso as the sole Grantee in the Deed do expressly wave and release all present and future rights to establish or enforce the Restrictive Covenants and any and all other restrictions of any kind in the Deed, and do hereby release the Restrictive Covenants in their entirety. It is the intention and desire of both the Grantor and the Grantee for there to be no restrictive covenants of any kind on the Property.

Executed this ____ day of April 2010.

Grantor:

Grantee: The City of El Paso



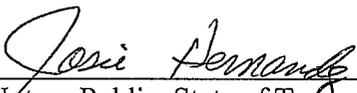
Maria Elena Garcia

By: _____
Joyce Wilson, City Manager

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 17th day of March, 2010 by Maria Elena Garcia.



Notary Public, State of Texas

My commission expires:



ACKNOWLEDGEMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2010
by _____, City Manager of the City of El Paso.

My commission expires:

Notary Public, State of Texas

EXHIBIT "A"

A portion of Lot 365, Block 25, CORONADO HILLS, SECTION TWO, an addition to the City of El Paso, El Paso County, Texas, according to map or plat thereof recorded in Volume 8, Page(s) 40, of the Plat Records of El Paso County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of Lot 365 and also being the Southwest corner of Lot 364 in Block 25;

THENCE Westerly along a curve to the left, said curve has a central angle of $14^{\circ}19'28''$, a radius of 280 feet and a long chord bearing North $51^{\circ}40'58''$ West 69.82 feet to the Southwest corner of Lot 365 and also being the Southeast corner of Lot 366 in Block 25;

THENCE North $31^{\circ}09'18''$ East 118.93 feet to a point on the Northerly line of CORONADO HILLS SUBDIVISION, SECTION #2;

THENCE South $66^{\circ}53'50''$ East 8.12 feet to a pipe;

THENCE South $64^{\circ}45'15''$ East 70.70 feet to a pipe;

THENCE South $38^{\circ}03'00''$ East 25.04 feet to a point on the Westerly line of said Lot 364 in Block 25;

THENCE South $45^{\circ}28'46''$ West 131.27 feet to the PLACE OF BEGINNING.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.