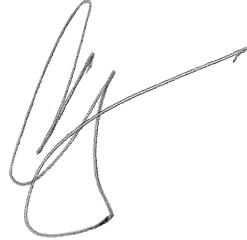


**CITY OF EL PASO, TEXAS  
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Financial Services  
**AGENDA DATE:** May 29, 2007  
**CONTACT PERSON/PHONE:** Gonzalo Cedillos, P.E., 541-4074  
**DISTRICT(S) AFFECTED:** 16



CITY CLERK DEPT.  
07 MAY 17 PM 4:43

**SUBJECT:**

An Ordinance authorizing the City of El Paso to Quitclaim a 1.6529 Acre parcel, more or less, being a portion of the O.A. Danielson Survey No. 315, El Paso County, Texas to Crinco Lands, Ltd.

**BACKGROUND / DISCUSSION:**

In 1974, the City of El Paso received a parcel of land as a gift from Crinco Lands, LTD., a limited partnership. The land was conveyed to the City with certain deed restrictions which included that the property shall be used only as a site for a public museum. If the City were to no longer use the site as a museum, then the title would revert back to the limited partnership. This is the property known as the Old History Museum (a.k.a. The Calvary Museum) and is located at 12910 Gateway West. The City invested funds in the approximate amount of \$293,000 in order to build the museum on the donated land.

Since a new facility for the Museum of History was built downtown in Cleveland Square, the Old History Museum was vacated in March 2007. This item was reviewed by the Capital Assets Real Estate Committee ("CARE") and determined that the Old History Museum no longer served a municipal purpose and therefore recommended the reversion back to Crinco Lands, LTD. as called for in the original deed.

**PRIOR COUNCIL ACTION:**

Yes, conveyance of real property.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

CARE reviewed several options to reuse the property but the deed restriction prohibited another use than a museum. CARE recommended that the property be reverted to the grantor.

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** Carmen Quiroga Andelaria  
(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:** \_\_\_\_\_

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO QUITCLAIM A 1.6529 ACRE PARCEL, MORE OR LESS, BEING A PORTION OF THE O.A. DANIELSON SURVEY NO. 315, EL PASO COUNTY, TEXAS TO CRINCO LANDS, LTD.**

**WHEREAS**, on Jan. 14, 1974, Crinco Lands, LTD., a limited partnership, conveyed a 1.6529 acre parcel of land, more or less, being a portion of the O.A. Danielson Survey No. 315, El Paso County, Texas to the City of El Paso (the City); and

**WHEREAS**, a restriction, condition, covenant and reservation of the conveyance was that the City shall use the property only as a site for a public museum, and if the property is not used for this purpose, the premises and improvements shall revert to the Grantor; and

**WHEREAS**, the City had used the property at 12901 Gateway West as the Museum of History; and

**WHEREAS**, the City has built a new Museum of History in Cleveland Square, and it will no longer be using the facility at 12901 Gateway West for museum purposes; and

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

That the City Manager is hereby authorized to execute a Quitclaim Deed conveying a 1.6529 acre parcel of land, more or less, being a portion of the O.A. Danielson Survey No. 315, El Paso County, Texas, being more particularly described in a Warranty Deed recorded in Book 499, Page 427 of the Real Property Records of El Paso County, Texas, to Crinco Lands, LTD.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

*Theresa Cullen-Garney*  
\_\_\_\_\_  
Theresa Cullen-Garney  
Deputy City Attorney

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**APPROVED AS TO CONTENT:**

*Carmen Arrieta-Candelaria*  
\_\_\_\_\_  
Carmen Arrieta-Candelaria  
Chief Financial Officer



LIMITED TO THOSE REGARDING: (A) THE CONDITION OF THE PROPERTY; (B) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; (C) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; AND (D) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT, HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY BROKER, AGENT, ATTORNEY, EMPLOYEE OR OTHER PERSON. IT IS UNDERSTOOD AND AGREED THAT THE PROPERTY IS BEING CONVEYED BY GRANTOR AND ACCEPTED BY GRANTEE SUBJECT TO THE FOREGOING.

AFTER THE RECORDING OF THIS DOCUMENT, BETWEEN THE GRANTOR AND THE GRANTEE, THE RISK OF LIABILITY OR EXPENSE FOR ENVIRONMENTAL PROBLEMS, EVEN IF ARISING FROM EVENTS BEFORE CLOSING, WILL BE THE SOLE RESPONSIBILITY OF THE GRANTEE, REGARDLESS OF WHETHER THE ENVIRONMENTAL PROBLEMS WERE KNOWN OR UNKNOWN AT THE TIME THE DEED WAS RECORDED, THE GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES THE GRANTOR FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE. **THE GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES THE GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THE GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF THE GRANTOR'S REPRESENTATIVES.** THE GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES THE GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THEORIES OF PRODUCTS LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE THAT WOULD OTHERWISE IMPOSE ON THE GRANTOR IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

07 MAY 17 PM 4:43

CITY CLERK DEPT.

In addition, J.A. "Jack" Cardwell, hereby declares that G.R. "Rip" Russell conveyed, sold or transferred all his partnership interest in and to CRINCO LANDS, LTD, a limited partnership, and that he will indemnify, hold harmless, and defend and represent the Grantor, its officers, agents, and employees should G. R. "Rip" Russell or any of his heirs, assigns, or transferees claim any interest in the property hereby transferred to CRINCO LANDS, LTD.

WITNESS the following signatures and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**THE CITY OF EL PASO**

ATTEST:

\_\_\_\_\_  
Joyce Wilson  
City Manager

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

*Theresa Cullen-Garney*  
\_\_\_\_\_  
Theresa Cullen-Garney  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

*Carmen Arrieta-Candelaria*  
\_\_\_\_\_  
Carmen Arrieta-Candelaria  
Chief Financial Officer

**APPROVED AS TO CONTENT:**

*Jennifer E. Nielsen*  
\_\_\_\_\_  
Jennifer E. Nielsen  
Deputy Director, El Paso Museum of History

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by Joyce Wilson, as City Manager of the CITY OF EL PASO.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:

My Commission Expires:  
\_\_\_\_\_

07 MAY 17 PM 4:43  
CITY CLERK DEPT.

**ACCEPTANCE**

**CRINCO LANDS, LTD.**, a limited partnership, acting by and through J.A. "Jack" CARDWELL, General Partner (owning, occupying and claiming other property as his homestead), GRANTEE, accepts the terms and conditions of this deed.

**GRANTEE:**

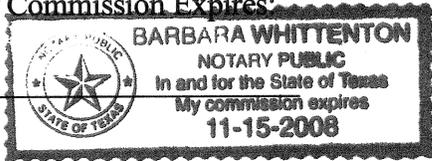
J.A. Cardwell  
J.A. "Jack" Cardwell  
Date: 5/11/07

**ACKNOWLEDGMENT**

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the 11th day of MAY, 2007, by J.A. "Jack" Cardwell, general partner of **CRINCO LANDS, LTD.**, a limited partnership,

My Commission Expires:



Barbara Whittenton  
Notary Public, State of Texas  
Notary's name printed:  
\_\_\_\_\_

**AFTER RECORDING RETURN TO:**

CRINCO LANDS, LTD.  
C/O J. A. Cardwell  
P.O. Box 26808  
El Paso, TX 79926

07 MAY 17 PM 4:43  
CITY CLERK DEPT.