

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

**DEPARTMENT:** Parks and Recreation Department

**AGENDA DATE:** October 29, 2013

**CONTACT PERSON/PHONE:** Liza Ramirez-Tobias (541-4599)

**DISTRICT AFFECTED:** District 4

**SUBJECT:**

Approve a resolution to accept a donation from Jobe Materials who owns approximately 1.51 acres of unimproved real property to be used as parkland, valued at FORTY THOUSAND FIVE HUNDRED and NO/00 DOLLARS (\$40,500.00), in the City of El Paso more particularly described as:

Lots 17 and 18, Block 1, Futureland Unit I an addition to the City of El Paso, El Paso County Texas, according to the map thereof on file in Book I, Page 40, Plat Records of El Paso County, Texas, commonly known as 12175 & 12171 O'Donnell.

And the City Manager or designee be authorized to sign any necessary documents or budget transfers to accomplish the intent of the resolution.

**BACKGROUND / DISCUSSION:**

Jobe Materials is donating approximately 1.51 acres on 12175 and 12171 O'Donnell, for use as a neighborhood park in the Futureland Unit 1 subdivision. Jobe will pay their prorated portion of the taxes at closing, City will pay the remaining closing costs. The site may require removal of a septic tank at an estimated cost of \$5000-\$7000.

Dedication of the parcels will allow the site to be eligible for parkland dedication funds and provides guidance for its use.

**PRIOR COUNCIL ACTION:**

City Council occasionally approves similar requests.

**AMOUNT AND SOURCE OF FUNDING:**

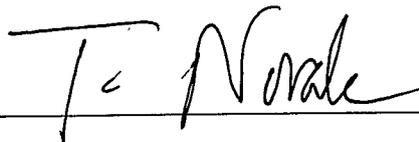
P5116, 51280,1000, 522150  
Parks and Recreation- Capital Assets Management

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:** \_\_\_\_\_



*Information copy to appropriate Deputy City Manager*

## RESOLUTION

**WHEREAS**, Jobe Materials owns approximately 1.51 acres of unimproved real property, valued at FORTY THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$40,500.00), in the City of El Paso more particularly described as:

Lots 17 and 18, Block 1, Futureland Unit 1 an addition to the City of El Paso, El Paso County Texas, according to the map thereof on file in Book 1, Page 40, Plat Records of El Paso County, Texas.

hereinafter referred to as "Property." The Special Warranty Deed is attached hereto as Exhibit "A"; and

**WHEREAS**, there are no known restrictive covenants, liens, recognized environmental conditions or other encumbrances on the Property; and

**WHEREAS**, Jobe Materials desires to donate its full interest in the Property to the City of El Paso to be used as City Parkland; and

**WHEREAS**, in accepting this donation of Property the City fulfills goals to increase available public park acreage and determines that the entire Property be dedicated as Parkland.

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

1. **THAT** the City of El Paso accepts the donation of the Property, valued at FORTY THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$40,500.00) from Jobe Materials; and
2. **THAT** the City of El Paso dedicates the approximately 1.51 acres of Property described in Exhibit "A" as parkland.
3. **THAT** the City Manager is authorized to sign any necessary documents or budget transfers to accomplish the intent of this resolution.

*(signatures follow on next page)*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

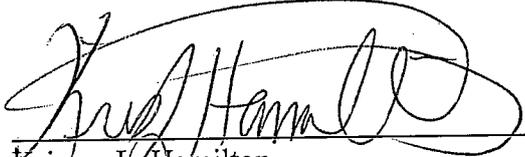
CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

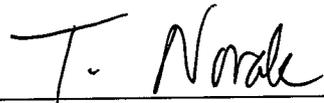
ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Hamilton  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Tracy Novak, Interim Director  
Parks and Recreation Department

# exhibit A

## SPECIAL WARRANTY DEED

**Date:** \_\_\_\_\_, 2013

**Grantor:** Jobe Materials, L.P.

**Grantors' Mailing Address (including county):**

1150 Southview  
El Paso, Texas 79928

**Grantee:** City of El Paso

**Grantee's Mailing Address (including county):**

300 N. Campbell  
El Paso, Texas 79901

### **Consideration:**

Grantee's recognition of Grantor's donation of the Property as a charitable donation and Grantee's assumption of all responsibility for the Property, the sufficiency and receipt of which are hereby acknowledged by Grantor.

### **Property:**

Lots 17 and 18, Block 1, Futureland Unit 1 an addition to the City of El Paso, El Paso County Texas, according to the map thereof on file in Book 1, Page 40, Plat Records of El Paso County, Texas.

### **Reservations from and Exceptions to Conveyance and Warranty:**

This conveyance and warranty are made and accepted subject to:

1. Restrictive covenants, if any, of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Standby fees, taxes and assessments by any taxing authority for the year 2013, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.

4. Claims of parties in possession of the Property, if any, as well as claims by any third party or governing authority for easements, rights of way or other encumbrances, both visible, subterranean or of record in the Real Property Records of El Paso, El Paso County, Texas.

5. The Property shall be used as public parkland. If the City of El Paso or any successor to it should ever offer to sell or convey such lots to be used for residential or non-public purposes, the title to such lots will revert to Jobe Materials, L.P.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee, Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend and singular the Property to Grantee and Grantee's heirs, administrators and executors against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

EXCEPT FOR THE WARRANTY OF TITLE SET FORTH ABOVE, GRANTOR EXPRESSLY DISCLAIMS ALL WARRANTIES OF ANY NATURE, KIND OR CHARACTER WHATSOEVER, EXPRESS OR IMPLIED, REGARDING THE PHYSICAL AND ENVIRONMENTAL CONDITION OF THE PROPERTY OR THE IMPROVEMENTS ON THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND GRANTEE ACCEPTS SUCH PROPERTY AND IMPROVEMENTS IN AN "AS IS—WHERE IS" CONDITION, WITH ALL FAULTS.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED the date herein first stated.

*(signatures follow on next page)*

**GRANTOR:**

Jobe Materials, L.P.

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**AGREED AND ACCEPTED:**

**GRANTEE:**

City of El Paso

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENTS**

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

This instrument was acknowledged and executed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_ in capacity as a \_\_\_\_\_ of Jobe Materials, L.P.

\_\_\_\_\_  
Notary Public in and for the State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

This instrument was acknowledged and executed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_ in capacity as \_\_\_\_\_ of the City of El Paso.

\_\_\_\_\_  
Notary Public in and for the State of Texas

# 12175 & 12171 O'Donnell

