



**COMMISSIONERS COURT  
COMMUNICATION**

AGENDA DATE : June 11, 2012

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO  
(IF APPLICABLE): KK-2006-458,460,461,462

**SUBJECT:** Approve and authorize the County Judge to sign the Warranty Deeds for Selva Drive.

**BACKGROUND/DISCUSSION OF TOPIC:** To include statutory requirement, operational impact, or performance goal.

In 2006 the County worked with the residents on Selva Drive to convert a cul-de-sac road to a through road. The prepared deeds were never signed and need to be signed.

**FISCAL IMPACT:**

None

**PRIOR COMMISSIONERS COURT ACTION (IF ANY):**

**RECOMMENDATION:** Approval

**COUNTY ATTORNEY APPROVAL**

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Kevin McCay

LEGAL REVIEW: June 4, 2012

LEGAL REVIEW NOTES (If Applicable):

DATE: June 4, 2012

SUBMITTED BY:

Ernesto Carrizal III, P.E. Public Works Director. Public Works Dept. 915-546-2015

APPROVED 12/19/2011

**COUNTY LEGAL REVIEW FORM**

**KK-2006-458 (Parcel 6); KK-2006-460 (Parcel 7); KK-2006-461 (Parcel 9); KK-2006-462 (Parcel 10).**

**Contract Description: Deeds without Warranty to Convey Certain Parcels of Selva Drive from the County to Certain Adjacent Property Owners.**

**COUNTY ATTORNEY ACTION\*\***

**\*\*Requested Amendments/Clarifications:** We assume you have submitted any questions or comments you have regarding the terms of the contract, as well as any specific provisions to which you object, or which you want to have changed.

- Approved as to Form as Submitted
- Approved as to Form with Amendments/Modifications/Reservations Noted Below\*
- Not Approved

**Public Works/Roads and Bridges should provide copies of these deeds as back-up.**

This document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

**Kevin McCary  
Assistant County Attorney**

Kevin McCary  
Assistant County Attorney  
General Counsel Unit  
Jo Anne Bernal, County Attorney  
500 E. San Antonio, Suite 503  
El Paso, TX 79901  
V: 915-546-2081  
F: 915-546-2133

**DEED WITHOUT WARRANTY**

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.**

Date: \_\_\_\_\_, 2012

The County Commissioners Court of El Paso County, Texas sitting as the governing body of El Paso County, Texas, as Grantor, a body politic and political subdivision of the State of Texas, did at a regular meeting with a quorum being present, on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 20\_\_ vote to authorize the County Judge to grant, sell, and convey the below described property.

Grantor:       County of El Paso

Grantor's Mailing Address:

500 E. San Antonio, Room 301  
El Paso, Texas 79901.

Grantee:       Margarita Herrera

Grantee's Mailing Address:

225 Selva Drive  
El Paso, Texas 79935

Consideration:       Ten Dollars (\$10.00) cash and other good and valuable consideration in hand paid by Margarita Herrera, of the County of El Paso and State of Texas the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

**A parcel of land out of Selva Drive, adjacent to Tract 1E8, R. Morgan Survey No. 409, El Paso County, Texas, more precisely described as:**  
Beginning at the southwesterly corner for Tract 1E8, R. Morgan Survey No. 409 and being the POINT OF BEGINNING:

Thence, 24.49 feet, along the easterly right of way of Selva Drive and along an arc of curve to the right, with a radius of 50.00 feet, a

*RK-2006-458*

delta of 28d04'05" and a chord which bears S 49d45'14" E, 24.25 feet to a point;

Thence, N 88d51'00" W, 18.82 feet to a point;

Thence, N 01d09'00" E, 15.29 feet to the POINT OF BEGINNING,

And said parcel containing 168 square feet or 0.004 acres of land more or less.

Reservations from Conveyance:

This deed is **without warranty**, and is subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property.

All ground water, water rights, mineral rights, or rights to surface water shall be reserved to the County of El Paso and will be subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property. Easements required by the County of El Paso for the purpose of water, sanitary sewer lines, aviation, construction, right of way, and drainage shall be retained by the County of El Paso.

Exceptions to Conveyance:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations form Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, **without any express or implied warranty**. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is intended to include any property interests obtained by after-acquired title.

\_\_\_\_\_  
Veronica Escobar  
County Judge

STATE OF TEXAS §  
COUNTY OF EL PASO §

Before me, the undersigned Notary, on this day personally appeared Veronica Escobar, in her capacity as El Paso County Judge, on behalf of the County of El Paso, Texas and personally known to me to be the person whose name is subscribed to the foregoing Deed Without Warranty, dated \_\_\_\_\_, 20\_\_ and acknowledged to me that she has been duly authorized to execute the foregoing instrument on behalf of the County of El Paso, Texas and that she executed the instrument for the purposes and consideration expressed in it.

Given under my hand and seal of office on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public,  
In and for the State of Texas  
Printed Name: \_\_\_\_\_

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

AFTER FILING, PLEASE RETURN TO:

Margarita Herrera  
225 Selva Dr.  
Canutillo, Texas 79835

**DEED WITHOUT WARRANTY**

STATE OF TEXAS    §  
                                  §  
COUNTY OF EL PASO   §

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.**

Date: \_\_\_\_\_, 2012

The County Commissioners Court of El Paso County, Texas sitting as the governing body of El Paso County, Texas, as Grantor, a body politic and political subdivision of the State of Texas, did at a regular meeting with a quorum being present, on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 20\_\_ vote to authorize the County Judge to grant, sell, and convey the below described property.

Grantor:       County of El Paso

Grantor's Mailing Address:

500 E. San Antonio, Room 301  
El Paso, Texas 79901.

Grantee:       Matilde V. Rodriguez

Grantee's Mailing Address:

219 Selva Drive  
Canutillo, Texas 79835

Consideration:

Ten Dollars (\$10.00) cash and other good and valuable consideration in hand paid by Matilde V. Rodriguez, of the County of El Paso and State of Texas the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

**Parcel of land out of Selva Drive, adjacent to Tract 1E7, R. Morgan Survey No. 409, El Paso County, Texas, more precisely described as:**

Beginning at the southeasterly corner for Tract 1E7, R. Morgan Survey No. 409 and being the POINT OF BEGINNING:

Thence, S 01d09'00" W, 15.29 feet to a point;

*KK-2006-460*

Thence, N 88d51'00" W, 74.10 feet to a point;

Thence, 21.68 feet, along the northerly right of way of Selva Drive and along an arc of curve to the left, with a radius of 30.00 feet, a delta of 41d24'35" and a chord which bears N 70d26'43" E, 21.21 feet to a point;

Thence, 58.01 feet, along the northerly right of way of Selva Drive and along an arc of curve to the right, with a radius of 50.00 feet, a delta of 66d28'18" and a chord which bears N 82d58'34" E, 54.81 feet to the POINT OF BEGINNING,

And said parcel containing 969 square feet or 0.022 acres of land more or less.

#### Reservations from Conveyance:

This deed is **without warranty**, and is subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property.

All ground water, water rights, mineral rights or rights to surface water shall be reserved to the County of El Paso and will be subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property. Easements required by the County of El Paso for the purpose of water, sanitary sewer lines, aviation, construction, right of way, and drainage shall be retained by the County of El Paso.

#### Exceptions to Conveyance:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations form Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, **without any express or implied warranty**. All warranties that might

Grantor, for the Consideration and subject to the Reservations form Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way

belonging, to have and to hold it to Grantee and grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded:

This conveyance is intended to include any property interests obtained by after-acquired title.

\_\_\_\_\_  
Veronica Escobar

STATE OF TEXAS       §  
COUNTY OF EL PASO   §

Before me, the undersigned Notary, on this day personally appeared Veronica Escobar, in her capacity as El Paso County Judge, on behalf of the County of El Paso, Texas and personally known to me to be the person whose name is subscribed to the foregoing Deed Without Warranty, dated \_\_\_\_\_, 20\_\_ and acknowledged to me that she has been duly authorized to execute the foregoing instrument on behalf of the County of El Paso, Texas and that she executed the instrument for the purposes and consideration expressed in it.

Given under my hand and seal of office on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public in and for the State of Texas  
My Commission Expires: \_\_\_\_\_.

AFTER FILING, PLEASE RETURN TO:

Matilde V. Rodriguez  
219 Selva Drive  
Canutillo, Texas 79835

DEED WITHOUT WARRANTY

STATE OF TEXAS       §  
                                  §  
COUNTY OF EL PASO   §

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.**

Date: \_\_\_\_\_, 2012

The County Commissioners Court of El Paso County, Texas sitting as the governing body of El Paso County, Texas, as Grantor, a body politic and political subdivision of the State of Texas, did at a regular meeting with a quorum being present, on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2012 vote to authorize the County Judge to grant, sell, and convey the below described property.

Grantor:       County of El Paso

Grantor's Mailing Address:

500 E. San Antonio, Room 301  
El Paso, Texas 79901.

Grantee:       Maria del Carmen Balderama

Grantee's Mailing Address:

P. O. Box 74  
Canutillo, Texas 79835

Consideration:       Ten Dollars (\$10.00) cash and other good and valuable consideration in hand paid by Maria D.C. Balderama, of the County of El Paso and State of Texas the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

Parcel of land out of Selva Drive adjacent to Lot 6, Block 3, Mayfair Subdivision Unit 4, El Paso County, Texas, more precisely described as:

Beginning at the northerly common corner for Lots 5 and 6, Block 3, Mayfair Subdivision Unit 4 and being the POINT OF BEGINNING:

Thence, N 09d02'45" W, 19.52 feet to a point;

*KK-2006-461*

Thence, S 88d51'00" E, 34.47 feet to a point;

Thence, S 51d53'21" E, 0.11 feet to a point;

Thence, 37.39 feet, along the southerly right of way of Selva Drive and along an arc of curve to the right, with a radius of 50.00 feet, a delta of 42d50'36" and a chord which bears S 59d31'57" W, 36.52 feet to the POINT OF BEGINNING,

And said parcel containing 418 square feet or 0.010 acres of land more or less.

Reservations from Conveyance:

This deed is **without warranty**, and is subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property.

All ground water, water rights, mineral rights, or rights to surface water shall be reserved to the County of El Paso and will be subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property. Easements required by the County of El Paso for the purpose of water, sanitary sewer lines, aviation, construction, right of way, and drainage shall be retained by the County of El Paso.

Exceptions to Conveyance:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations form Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and grantee's heirs, successors, and assigns forever, **without express or implied warranty**. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is intended to include any property interests obtained by after-acquired title.

\_\_\_\_\_  
Veronica Escobar, El Paso County Judge  
for El Paso County, Grantor

STATE OF TEXAS §  
COUNTY OF EL PASO §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Veronica Escobar for and on behalf of the County of El Paso, Texas.

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

My Commission expires:

\_\_\_\_\_

AFTER FILING, PLEASE RETURN TO:

Maria del Carmen Balderama  
P. O. Box 74  
Canutillo, Texas 79835

**DEED WITHOUT WARRANTY**

STATE OF TEXAS       §  
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Grantor:       County of El Paso

Grantor's Mailing Address:

500 E. San Antonio, Room 301  
El Paso, Texas 79901.

Grantee:       Carlos P. Mena and Paula R. Mena

Grantee's Mailing Address:

P. O. Box 325  
Canutillo, Texas 79835

Consideration:       Ten Dollars (\$10.00) cash and other good and valuable consideration in hand paid by Carlos P. Mena and Paula R. Mena, of the County of El Paso and State of Texas the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

**Parcel of land out of Selva Drive adjacent to Lot 5, Block 3, Mayfair Subdivision Unit 4, El Paso County, Texas, and more precisely described by Metes and Bounds as:**

Beginning at the northerly common corner for Lots 5 and 6, Block 3, Mayfair Subdivision Unit 4 and being the POINT OF BEGINNING:

Thence, 45.03 feet, along the southerly right of way of Selva Drive and along an arc of curve to the right, with a radius of 50.00 feet, a

*KK-2006-462*

delta of 51d36'20" and a chord which bears N 73d14'35" W, 43.53 feet to a point;

Thence, 21.68 feet, along the southerly right of way of Selva Drive and along an arc of curve to the left, with a radius of 30.00 feet, a delta of 41d24'35" and a chord which bears N 68d08'43" W, 21.21 feet to a point;

Thence, S 88d51'00" E, 58.31 feet to a point;

Thence, S 09d02'45" E, 19.52 feet to the POINT OF BEGINNING,

And said parcel containing 720 square feet or 0.017 acres of land more or less.

Note: A Parcel Plan of the same date accompanies this Metes and Bounds.

#### Reservations from Conveyance:

This deed is **without warranty**, and is subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property.

All ground water, water rights, mineral rights, or rights to surface water shall be reserved to the County of El Paso and will be subject to all easements, restrictions, reservations, rights-of-way, dedications, and other encumbrances, of record or apparent upon the Property. Easements required by the County of El Paso for the purpose of water, sanitary sewer lines, aviation, construction, right of way, and drainage shall be retained by the County of El Paso.

#### Exceptions to Conveyance:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations form Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, **without any express or implied warranty**. All warranties that might

arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is intended to include any property interests obtained by after-acquired title.

\_\_\_\_\_  
Veronica Escobar  
County Judge

**STATE OF TEXAS**       §  
  §  
**COUNTY OF EL PASO** §

Before me, the undersigned Notary, on this day personally appeared Veronica Escobar, in her capacity as El Paso County Judge, on behalf of the County of El Paso, Texas and personally known to me to be the person whose name is subscribed to the foregoing Deed Without Warranty, dated \_\_\_\_\_, 20\_\_ and acknowledged to me that she has been duly authorized to execute the foregoing instrument on behalf of the County of El Paso, Texas and that she executed the instrument for the purposes and consideration expressed in it.

Given under my hand and seal of office on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public,  
In and for the State of Texas

Printed Name: \_\_\_\_\_

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

**AFTER FILING, PLEASE RETURN TO:**

Carlos P. Mena and Paula R. Mena  
PO Box 325  
Canutillo, Texas 79835