



COMMISSIONERS COURT
COMMUNICATION

AGENDA DATE: 6/10/13

CONSENT OR REGULAR: _____

CONTRACT REFERENCE NO
(IF APPLICABLE): **KK13-0285**

SUBJECT: Approve and authorize the County Judge to execute the attached "Conveyance of land for Public Use" and accept the described parcel for the expansion of Herring Road and Socorro Road.

BACKGROUND/DISCUSSION OF TOPIC:

Mr. Carlos Martinez (Grantor) is planning to construct a New San Elizario Supermarket and other commercial sites at the southeast corner of Herring Road and Socorro Road. Due to inadequate Right-Of-Way (ROW) widths abutting his property, the Grantor is conveying land to the County of El Paso (Grantee) to expand the ROW widths at no cost to the County of El Paso.

FISCAL IMPACT: NONE

PRIOR COMMISSIONERS COURT ACTION (IF ANY): NONE

RECOMMENDATION: Approval

COUNTY ATTORNEY APPROVAL

COUNTY ATTORNEY:

LEGAL REVIEW:

LEGAL REVIEW NOTES (If Applicable): See Attachment

DATE: 1/17/12

SUBMITTED BY:

Ernesto Carrizal, Public Works Director. Public Works (915) 546-2015

[Handwritten signature and initials]

The County Commissioners Court of El Paso County, Texas sitting as the governing body of the **County of El Paso, Texas**, as **Grantee**, a body politic and political subdivision of the State of Texas, at a regular meeting with a quorum being present, on the 10th day of June 2013 did vote to authorize County Judge Veronica Escobar to **accept** the conveyance of land for public use from **Carlos Martinez**, as **Grantor** as described and further described as

A parcel of land being a portion of Tract 1, Block 36, San Elizario Grant, El Paso Texas and being more specifically described in the attached metes and bounds description contained in the “Warranty Deed – Conveyance of Land for Public Use”.

Executed on this _____ day of June, 2013.

Veronica Escobar
County Judge
El Paso County Texas

STATE OF TEXAS
COUNTY OF EL PASO

§
§
§

CERTIFICATE OF
ACKNOWLEDGEMENT

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 Warranty Deed, dated June 10, 2013 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 _____, 2013.

Notary Public,
in and for the state of Texas.

My Commission expires on _____.

After recording return to:

El Paso County Attorney
500 E. San Antonio, Suite 503
El Paso Texas 79901

WARRANTY DEED - CONVEYANCE OF LAND FOR PUBLIC USE

DATE: May 16, 2013

GRANTOR: Carlos Martinez

GRANTOR'S MAILING ADDRESS:

5501 Woodfield Drive
El Paso, Texas 79932

GRANTEE: COUNTY OF EL PASO, TEXAS
% El Paso County Attorney's Office
500 East San Antonio, Room 203
El Paso, Texas 79901

CONSIDERATION:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the Grantor by Grantee, and the further consideration by Grantee to use the Property for a public use, including but not limited to a vehicular traffic thoroughfare.

PROPERTY (INCLUDING IMPROVEMENTS):

SEE ATTACHMENT

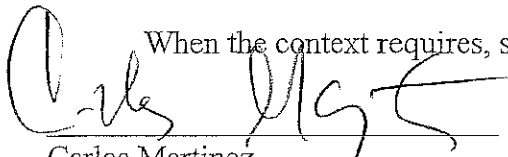
RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, restrictions and reservations of record in the County Clerk's Office of El Paso County, Texas, to the extent they are valid, subsisting and enforceable against a political subdivision of the State of Texas.

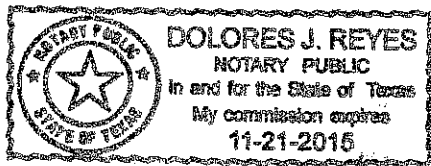
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, conveys to Grantee, a body politic of the State of Texas, the Property, together with all and singular the rights and appurtenances thereto, to have and hold it to Grantee, its successors and assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.


Grantee shall be further vested with the title to and the right to take and use, without additional compensation, any sand, stone, earth, gravel, caliche or any other materials or minerals upon, in and under said Property, for construction and maintenance of the Road System of El Paso County, Texas. Grantor waives all rights of ingress and egress for the purpose of exploring, developing, mining or producing oil, gas and sulphur in and under said Property.

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


Carlos Martinez

ON this day, May 17th, 2013, the foregoing and attached instrument was
SUBSCRIBED & ACKNOWLEDGED to before me by Dolores Reyes
[NOTARY SEAL]



Notary Public, State of
Notary's Name Printed: _____

My commission expires: 11-21-2015

Return to: El Paso County Attorney's Office
500 East San Antonio, Room 203
El Paso, Texas 79901

VERIFICATION BY OWNER DEEDING RIGHT OF WAY TO COUNTY

I/we, Carlos Martinez verify under oath the following about the Property, described in attached Exhibit A, that I am deeding to the County of El Paso for proposed public roadway:

- 1) I am the true and correct sole owner of the Property. If I am not the sole owner, I have made full disclosure about the names, addresses and respective rights of every co-owner.
- 2) I know of no, nor have created any, adverse claim, lien, lease or demand that does or would affect the Property.
- 3) All taxes are current on the Property and/or will be by the effective date of the conveyance. I understand the county is barred by law from assuming any tax debt on Property it acquires. I understand that I am responsible for prorated taxes up until the day of final acceptance and approval by both the Commissioners Court and County Attorney of El Paso County, Texas, unless otherwise waived in writing.
- 4) If this Deed only conveys part of a parcel, I herein give the County express permission to egress, ingress, cross and remain upon such other of my Property as may be reasonably necessary for any construction, use or maintenance of the roadway.
- 5) I agree to hold the County harmless against action on a claim, lien, lease or demand resulting from an error or omission, intentional or otherwise, on this verification.

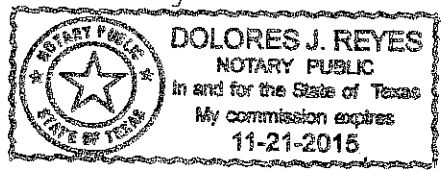
Carlos Martinez
Carlos Martinez

The foregoing and attached instrument was SUBSCRIBED, ACKNOWLEDGED AND SWORN to before me on May 17, 2013 by Dolores Reyes

Dolores Reyes
Notary Public, State of Texas

Notary's Name Printed:

[NOTARY SEAL]



11-21-2015

Commission expires:

Return to: El Paso County Attorney's Office
500 East San Antonio
Room 203, County Courthouse
El Paso, Texas 79901

Avelardo Ponce

8416 Waterfall Drive,
El Paso, Texas 79907
Ph. (915) 867-3805

METES AND BOUNDS DESCRIPTION (Proposed Roadway R.O.W. Dedication)

Description of a parcel of land being a portion of Tract 1, Block 36, San Elizario Grant, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at an existing county marker at the centerline intersection of Herring Road and Socorro Road (FM-258); from **whence** an existing county marker at the centerline intersection of Socorro Road (FM-258) and Hole In The Wall Road bears S 54°26'00" E, a distance of 8046.25 feet; **THENCE**, S 21°39'30" W, a distance of 30.91 feet to a found ½" rebar at the southerly right-of-way of Socorro Road (FM-258) and also being the **POINT OF BEGINNING** of this description:

THENCE, S 54°26'00" E, continuing along said Southwesterly right-of-way line of Socorro Road, a distance of 770.59 feet to a found ½" rebar for a corner of this parcel;

THENCE, S 42°46'09" W, leaving said right-of-way line, a distance of 20.16 feet to a set 5/8" rebar for a corner of this parcel;

THENCE, N 54°26'00" W, parallel to Socorro Road right-of-way, a distance of 748.24 feet to a set 5/8" rebar for a corner of this parcel;

THENCE, 33.29 feet along the arc of a curve to the left, with a radius of 30.00 feet, an interior angle of 63°35'00", and a chord which bears N 86°13'30" W, a distance of 31.61 feet to a set 5/8" rebar for a corner of this parcel;


THENCE, S 61°59'00" W, parallel to Herring Road right-of-way, a distance of 781.53 feet to a set 5/8" rebar for a corner of this parcel;

THENCE, N 52°59'33" W, a distance of 11.03 feet to a set 5/8" rebar at the southerly right-of-way line of Herring Road for a corner of this parcel;

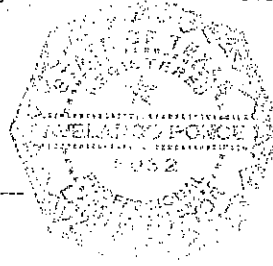
THENCE, N 61°59'00" E, along said Southeasterly right-of-way line of Herring Road, a distance of 822.15 feet to the **POINT OF BEGINNING** of this parcel, containing in all 23,544 sq. ft. or 0.54 acres of land more or less.

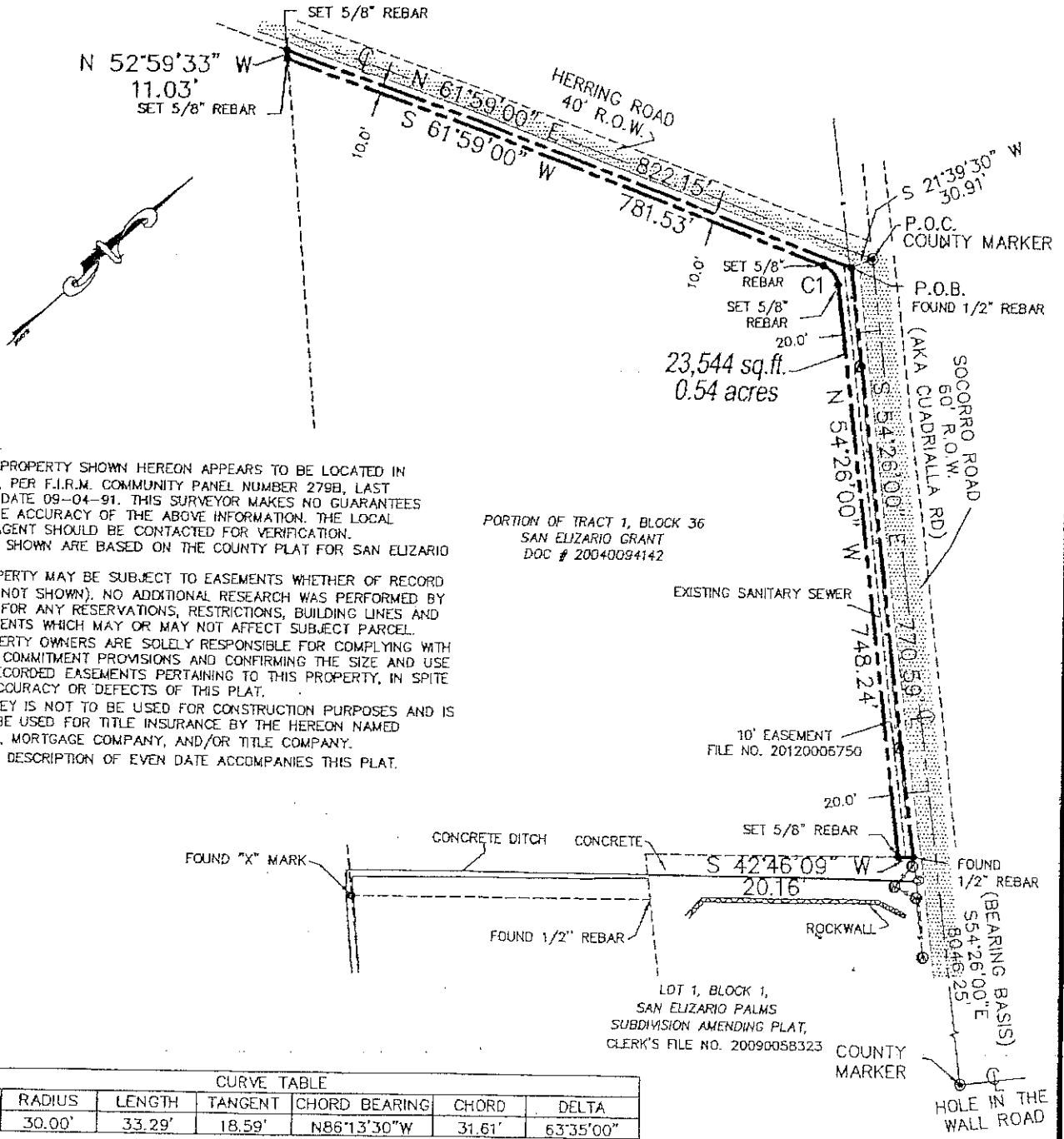
NOTES:

1. A Plat of Survey of even date accompanies this Description.
2. This property may be subject to easements whether of record or not.
3. Bearings recited herein are based on the County Plat for San Elizario Grant.



Avelardo Ponce TX R.P.L.S. 6032, March 12, 2013
San eli-super-m&b





NOTE:

1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X", PER F.I.R.M. COMMUNITY PANEL NUMBER 279B, LAST REVISION DATE 09-04-91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON THE COUNTY PLAT FOR SAN ELIZARIO GRANT.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT, (NOT SHOWN). NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATIONS, RESTRICTIONS, BUILDING LINES AND OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
6. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	30.00'	33.29'	18.59'	N86°13'30"W	31.61'	63°35'00"

Plat of Survey

BEING A PORTION OF TRACT 1,
 BLOCK 36, SAN ELIZARIO GRANT
 EL PASO COUNTY, TEXAS.
 AREA 0.54 ACRES ±

AVELARDO PONCE
 8416 Waterfall Drive
 El Paso, Tx 79907
 Phone (915) 867-3805

I hereby certify that this survey was prepared by me, or under my direction and supervision and that this map correctly shows hereon the facts found on the ground at the time of the survey to the best of my knowledge and belief



Plat Reference Vol/Bk NA Pages NA
 Scale: 1"=200' Date: 03-12-2013 Drawn By: DB

Avelardo Ponce TX, R.P.L.S. No. 6032
 Field JM Book NA Pg. NA

SAN ELIZARIO SUPERMARKET

