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**El Paso County
Agenda Item Details**

Item Title:	Planning & Development - Property Donation
Submitted By:	Michael McElroy, Director
Department:	Planning and Development
Department Phone Number:	915-273-3330
Subject:	Approve and authorize the County Judge to sign the necessary documents pertaining to donation of real property as follows: 1 Horizon City Estates #3, lot 2 on Amberly Drive. (Contract No. 2025-0287)
Background:	<p>The County of El Paso Public Works Department is charged with the review and handling of real property donations to the County. All prospective donors must submit pertinent details related to the property through the Real Estate Acquisition Data sheet. The request is then reviewed by the Public Works Department Directors for its potential use by all departments: Infrastructure Services, Facilities Management, Planning & Development, and Parks & Recreation. The property must be of extraordinary potential use as defined within the Real Property Donation Policy.</p> <p>The property with an approval recommendation met at least one of the relevant factors for favorable consideration, and it is the determination of the Deputy County Administrator - Public Works that this property be accepted for donation. Under the policy, the department will forward the relevant paperwork to the County Attorney's Office to prepare the transfer paperwork. An item will be placed on the Commissioner's Court consent agenda to authorize the County Judge to sign the acceptance of the transfer.</p>
Fiscal Impact:	<p>Fiscal Impact Historical N/A</p> <p>Fiscal Impact Projected No fiscal impact.</p> <p>Long Account Number: Amount:</p>

Long Account Number: Amount:

Budget or Unbudgeted Match:

Recommendation:

Approve and authorize the County Judge to sign the necessary documents pertaining to donation of real property as follows: 1 Horizon City Estates #3, lot 2 on Amberly Dr. (Contract 2025-0287)

Prior Action:

March 18, 2019 (Item #3G) Approved amendment to the Real Donation Property Policy & Procedures as directed by Commissioners Court on March 11, 2019. The amendment was to present Real Property donations on consent agenda instead of regular agenda.

December 5, 2013 (Motion #12, Item #5) The Public Works Department was tasked with the responsibility of handling and recommending Real Property Donations by Commissioners' Court.

Strategic Plan:

Goal:

null

Objective:

Strategic Plan Information:

**Estimated Time Needed
For This Item:**

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.

GENERAL WARRANTY DEED

Lot 2, Block 1, Horizon City Estates Unit 3, El Paso County, Texas
Property ID# H78400300100020

Date: March 12, 2025

GRANTOR:

Heter Family Revocable Living Trust
Co-Trustee: Kitty Consolo
4401 Cat Run Road
Granville, Ohio 43023

Heter Family Revocable Living Trust
Co-Trustee: Janice M. Heter
10761 Meadow Trail
Strongsville, Ohio 44149

GRANTEE:

The County of El Paso, Texas
a/k/a El Paso County Texas
Attn: County Judge
500 E. San Antonio Suite 305
El Paso, TX 79901

CONSIDERATION:

Sum of one (1) dollar and for the ease of the administration of the Heter Family Revocable Living Trust.

PROPERTY:

Lot 2, Block 1, Horizon City Estates Unit 3, El Paso County, Texas, according to Real Property Records of El Paso County, Texas on file in Volume 4084, Page 896.

RESERVATIONS AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

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; all rights, obligations, and other matters arising from and existing by reason of any El Paso County water or utility district.

Grantor, for the consideration and subject to the reservations from conveyance and exceptions to conveyance and warranty, grants, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, their heirs, beneficiaries, successors and assigns forever; and it does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, their heirs, beneficiaries, 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 conveyance and warranty.

GRANT:

Grantor, for Consideration and subject to the Reservations and Exceptions to Conveyance and Warranty, grants, donates, and conveys to Grantee the Property, together with all and singular rights and appurtenances in anyway belonging, to have and to hold, to Grantee and Grantee's successors and assigns forever. Grantor binds itself and its heirs, personal representatives, agents, successors, and assigns to warrant and forever defend the property against every person lawfully claiming or to claim all or any part of the property when the claim is by, through, or under Grantor but not otherwise, except as to the Exceptions to Conveyance and Warranty.

GRANTOR acknowledges that it is not represented or advised by the El Paso County Attorneys' Office and that GRANTOR has had an opportunity to have this document, and all related documents, examined by an attorney of its choice.

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

Kitty Consolo
Heter Family Revocable Living Trust
Co-Trustee: Kitty Consolo
Date: 3/12/2025

Janice M Heter, Kitty Consolo, POA
Heter Family Revocable Living Trust
Co-Trustee: Janice M. Heter
Date: 3/12/2025

STATE OF OHIO

COUNTY OF LICKING

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared Heter Family Revocable Living Trust Co-Trustee: Kitty Consolo, a person known to me to be the person whose name is subscribed on the foregoing instrument and who acknowledged to me that they executed the instrument for the purposes and considerations expressed in it and further declared under oath the factual declarations contained in it are true and correct for all purposes.



Signature

Maria Molino
Printed Name

Notary Public in and for the State of Ohio

Date: 3/12/2025

My Commission Expires: Feb 27th 2030

Seal:



STATE OF OHIO

COUNTY OF LICKING

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared the Heter Family Revocable Living Trust Co-Trustee Janice M. Heter, a person known to me to be the person whose name is subscribed on the foregoing instrument and who acknowledged to me that they executed the instrument for the purposes and considerations expressed in it and further declared under oath the factual declarations contained in it are true and correct for all purposes.



Signature

Maria Molino

Printed Name

Notary Public in and for the State of Ohio

Date: 03/12/2025

My Commission Expires: Feb 27th 2030

Seal:



ACCEPTANCE OF CONVEYANCE

The County Commissioners Court of El Paso County Texas, sitting as the governing body of the County of El Paso, a body politic and political subdivision of the State of Texas, did at a regular meeting with a quorum being present on the _____ day of March 2025 vote to accept the property described above on behalf of the County of El Paso Texas.

THE COUNTY OF EL PASO, TEXAS

Ricardo Samaniego
El Paso County Judge
Date: _____

STATE OF TEXAS

COUNTY OF EL PASO

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared Ricardo Samaniego, the El Paso County Judge, a person known to me to be the person whose name is subscribed on the foregoing instrument and who acknowledged to me that he executed the instrument for the purposes and considerations expressed in it, doing so in his capacity as the chief executive officer of the County of El Paso, Texas. Given under my hand and seal of office on _____, 2025.

Signature

Printed Name
Notary Public in and for the State of Texas

My Commission Expires: _____

Seal:

STATE OF TEXAS

COUNTY OF EL PASO

AGREEMENT FOR CONVEYANCE OF PROPERTY

I. RECITALS

WHEREAS, the Heter Family Revocable Living Trust, is the Owner (the "Owner"), of real property described as Lot 2, Block 1, Horizon City Estates Unit 3, El Paso County, Texas, Property ID# H78400300100020 (the "Property"), conveyed to Owner in Warranty Deed dated September 14, 2001, Volume 4084, Page 896; and

WHEREAS, the Owner now wishes to convey the Property to the County of El Paso (the "County") by General Warranty Deed; and

WHEREAS, the County is in agreement to accept the Owner's donation of the Property;

NOW THEREFORE, the Parties declare and agree as follows:

II. TERMS

1. Parties agree this Agreement for Conveyance of Property takes effect once signed by all parties (the "Effective Date") and any liabilities incurred by Owner of the Property before the Effective Date will remain the responsibility of the Owner.
2. Owner declares, under oath, that they are the lawful owner of the Property with full authority to dispose of the Property. They further declare that they have read and reviewed the foregoing recitals and find them to be true and accurate and adopt them as their own for all purposes.
3. Owner agrees to convey the Property to the County for the sum of one (1) dollar and for the ease of the administration of the Heter Family Revocable Living Trust.
4. The Owner shall convey the Property to the County free of any liens, or other encumbrances. Owner further agrees to cooperate with the County, including providing any information necessary to complete the transaction and fulfill the goals and objectives of this Agreement.
5. Owner agrees that they remain responsible for all taxes due on the Property currently and any time preceding the date of grant, donation, and conveyance via General Warranty Deed.
6. Owner acknowledges that they are not represented or advised by the El Paso County Attorneys' Office and that Owner has had an opportunity to have this document, and all related documents, examined by an attorney of their choice.

Executed on the date the last party signed:

Kitty Consolo
The Heter Family Revocable Living Trust
Co-Trustee Kitty Consolo

Date: 3/12/2025

Janice M. Heter
The Heter Family Revocable Living Trust
Co-Trustee Janice M. Heter

Kitty Consolo, POA

Date: 3/12/2025

STATE OF OHIO

COUNTY OF LICKING

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared the Heter Family Revocable Living Trust Co-Trustee Kitty Consolo, a person known to me to be the person whose name is subscribed on the foregoing instrument and who acknowledged to me that they executed the instrument for the purposes and considerations expressed in it and further declared under oath the factual declarations contained in it are true and correct for all purposes.



Signature

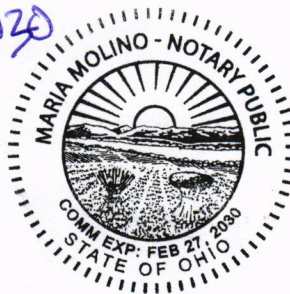
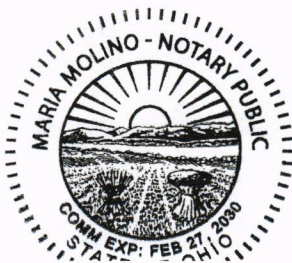
Maria Molino
Printed Name

Notary Public in and for the State of Ohio

Date: 3/12/2025

My Commission Expires: Feb 27th 2030

Seal:



STATE OF OHIO

COUNTY OF LICKING

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared Heter Family Revocable Living Trust Co-Trustee: Janice M. Heter, a person known to me to be the person whose name is subscribed on the foregoing instrument and who acknowledged to me that they executed the instrument for the purposes and considerations expressed in it and further declared under oath the factual declarations contained in it are true and correct for all purposes.



Signature

Maria Molino

Printed Name

Notary Public in and for the State of Ohio

Date: 3/12/2025

My Commission Expires: Feb 27th 2030

Seal:



THE COUNTY OF EL PASO, TEXAS

Ricardo Samaniego
El Paso County Judge
Date: _____

STATE OF TEXAS

COUNTY OF EL PASO

VERIFICATION

Before me, the undersigned Notary Public, on this day personally appeared Ricardo Samaniego, the El Paso County Judge, a person known to me to be the person whose name is subscribed on the foregoing instrument and who acknowledged to me that he executed the instrument for the purposes and considerations expressed in it, doing so in his capacity as the chief executive officer of the County of El Paso, Texas. Given under my hand and seal of office on _____, 2025.

Signature

Printed Name
Notary Public in and for the State of Texas

My Commission Expires: _____

Seal:



Property Donation - Heter Property 1 Horizon City Estates #3, lot 2 on Amberly Dr.

