

CITY OF KILLEEN, TEXAS

REAL PROPERTY DONATION PROCEDURES

I. Purpose

This document will provide guidelines to members of the public that would like to donate real property to the City of Killeen. This document will identify some of the risks and expenses associated with gifts of real property to the City. This procedure will also ensure that real property gifts comply with state law and City policy objectives.

II. Requirements for Donation

Property must meet the following minimum criteria before it will be considered for donation to the City:

- a. The real property must be conveyed to the City as a gift or donation and without additional payment by the City.
- b. The donor must be able to execute a General Warranty Deed or Special Warranty Deed. Quitclaim deeds will only be accepted in exceptional circumstances.
- c. The property must be free of all encumbrances, including mortgages, leases, liens, or other encumbrances of any kind.
- d. The conveyance must grant fee simple title to the City, without remainders.
- e. All taxes must be paid in full and current through the current calendar year. In addition, the donor will be responsible for any taxes that accrue during the donation period – i.e. that period of time in which the City evaluates the real property for donation and prepares legal documentation and prior to final acceptance by the City Council.
- f. The property must be free from any conditions, commitments, covenants, or restrictions that would affect the City's use or enjoyment of the property if the property were accepted.
- g. Access to the property shall be provided if the City wishes to physically inspect the property.
- h. The donor shall provide a completed donation request packet which shall include:
 - i. A completed and signed Real Estate Acquisition Data Sheet which will provide an overview of the property and include relevant environmental and financial circumstances;
 - ii. A copy of the deed that conveyed title to the donor. If title is not held in fee simple by the person providing the documentation, acceptable documentation of the donor's authority to convey the property – e.g. corporate resolution, family trust agreement, partnership agreement, or power of attorney, must be provided.
- i. To convey the property, the donor must provide a proper legal description (**lot and block OR metes and bounds**) of the property. **If the property has not been platted or is a remainder lot of platted property, the donor must provide a survey at the donor's expense.**

III. Donation Procedures

- a. Parties interested in donating real property to the City should contact the Public Works Department to obtain a copy of the Real Acquisition Data Sheet. The above documentation should be returned to the Public Works Department.
- b. City Staff will evaluate and provide a recommendation on all real property donation requests. Evaluation of the property will include a determination of whether the property is suitable for any public purpose and whether any encumbrances exist.
- c. Once the Public Works Department has determined whether to recommend that City Council accept or decline the donation, the Deputy City Attorney – Public Works should be notified to prepare the legal conveyance documents.
- d. The Public Works Department will request that the item be placed on the City Council's agenda and submit the Department's recommendation to the City Council for disposition.
- e. The legal documents will be submitted to the donor to file with the County Clerk. Filing fees are the responsibility of the donor. The donation is not final until the legal documents are signed by the donor and the City Manager and the donor has filed them with the County Clerk. The donor shall return a copy of the filed documents to the Public Works Department.

IV. Acceptance of Legal Risk, Tax Risk, and Other Consequences by Donor

- a. Donations of real property may have significant legal and tax consequences for donors of such property. Each donor will be required to acknowledge that:
 - i. The donor has not relied on any information provided by the City of Killeen, its officers, employees, or agents with respect to any tax or other legal issue related to the donation; and
 - ii. That the donor understands that the donor has been provided notice of the donor's right to consult with competent tax or legal counsel, at the donor's expense, prior to the execution of any documentation of finalization of the transfer.
- b. The City Attorney does not provide legal advice of any nature to donors.

**REAL ESTATE ACQUISITION DATA SHEET
FOR GIFTS OF REAL ESTATE**

To assist the City of Killeen in determining the potential benefit of proposed donations of real property, please provide the information requested below and sign in the space provided. Please use additional sheet(s) if additional space is required for any response(s).

A. GENERAL PROPERTY INFORMATION

Name of

Donor(s): RSBP Developers, Inc.

Address: 2901 E. Stein Schluter Killeen Tx 76542

Telephone: 634-5567

Email: cpurser@purserco.com

1. Legal Description of Property, Geographic/Property ID #s:

Property ID: 453458 ; Purser Crossing Ph 5 B1K 1, Lot A1
Drainage Tract A1

2. Number of parcels and acreage:

3. List any covenants or encumbrances associated with this property :

Cox utility easement

4. List improvements (type of building(s), condition, type and date of construction):

No

5. Utilities:

✓ Water service (List name of Provider _____)

✓ Sewer service (List name of Provider _____)

Registered Septic System (Provide copy of registration)
 Electrical Power
 Telephone

6. Date of last appraisal (attach copy):

N/A

7. Are there any unpaid taxes/attachments on the property? (If yes, please describe), provide copy of current tax status:

Yes ; 2018 Taxes ~~are~~ unpaid

8. Is the property subject to a mortgage? If yes, please list: the current mortgage holder, the current balance, and the loan origination date for each mortgage (including 2nd and 3rd lien-holders).

No

9. Current yearly operating expenses are:

Property Taxes \$ 2017 - \$2.45 ; 2016 - \$2.41

Insurance \$ _____

Utilities \$

Homeowner/

Association Fees \$

Other \$

B. LEGAL STATUS OF PROPERTY

1. Has the property recently been offered for sale? No.

If yes, how long has it been on the market? _____.

2. Any type of easements located on the property. If yes, please list:

3. Potential or pending legal actions or claims:

No

4. Does the property have access to public roads?

No

C. ENVIRONMENTAL CONDITIONS

1. Has the property known or suspected to have been used as a dumping site, either legally or illegally, for disposal of solid or chemical waste? No

If yes, explain:

2. Any evidence or suspicion of asbestos-containing material or lead paint in the building(s)? No

If Yes, please describe:

3. Are you aware of any known or suspected above ground or underground storage tanks on or near the property including fuel oil, heating oil, or gasoline? No

If yes, please describe including distance from property:

4. Other structures and/or improvements on property:

5. Are there any of the following: washes, arroyos, gorges, caves, wells, canals/ditches, or other natural or man-made hazards: No

If yes, please describe:

Earth channel + Detention structure

D. DONOR CERTIFICATION

I/We certify that the information provided in the Real Estate Acquisition Data Sheet is true and correct to the best of my(our) knowledge. I/We further acknowledge that I/we have not relied on any information (written or verbal) provided by the City of Killeen, its officers, employees or agents with respect to any taxation or other legal issues with respect to this donation and that I/we understand and acknowledge that I/we have been given notice of our right to consult competent tax and/or legal counsel and encouraged to seek such advice or consultation prior to execution of any documents or any actions with respect to the donation of the subject real property to the City of Killeen. **I/we understand that I/we will be responsible for all**

taxes which are due, or become due, prior to or during the donation process.



Donor

5-7-18

Date

Please return the completed form along with a copy of the Deed and other pertinent information.

Thank you for your assistance in helping us assess your generous donation offer.

To be completed by Staff only:

Public Purpose for which the property may be used:

Check all that apply:

- ☐ Parks and playgrounds;
- ☐ Hospitals;
- ☐ The extension, improvement, and enlargement of its water system, including riparian rights, water supply reservoirs, standpipes, watersheds, and dams;
- ☐ The laying, building, maintenance, and construction of water mains;
- ☐ The laying, erection, establishment, and maintenance of necessary appurtenances or facilities that will furnish to the inhabitants of the municipality an abundant supply of wholesome water;
- ☐ Sewage plants and systems;
- ☐ Rights of way for water and sewer lines;
- ☐ Airports and landing fields;
- ☐ Incinerators and garbage disposal plants;
- ☐ Streets, boulevards, alleys, or other public ways; or
- ☐ Right of way needed in connection with property used for any of these purposes
- ☐ Other: _____

Staff Recommendation:

- ☐ Accept
- ☐ Decline

Reason for Recommendation:

Completed by: _____

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CERTIFIED COPY OF RESOLUTIONS

I, JO ANN PURSER, Secretary of RSBP DEVELOPERS, INC., a Texas corporation, do hereby certify that the following is a true and exact copy of a Resolution passed by the duly assembled Board of Directors of RSBP DEVELOPERS, INC. on the 30th day of July, 2004, and the same is part of the Minutes of such corporation and has not been repealed:

RESOLVED, that the corporation shall engage in the business of sale of real estate, and the officers of the corporation are authorized to execute such contracts and other documents necessary to conduct corporation business and the officers shall have full authority to manage and operate the business of the corporation; and, it was further

RESOLVED, that the approval and signature of any one of the President OR either of the Vice-Presidents, without joinder of any other officer of any other officer of RSBP DEVELOPERS, INC., and without affixing the corporate seal, is sufficient to execute and deliver in the name of said corporation, Deeds, Releases, Closing Statements, Contracts, Notes, Liens, Equipment Leases, Vehicle Leases, Assignments of Life Insurance Policies, or any other instruments which in his opinion are advisable or necessary in conducting the business of the corporation.

Any of the above-described actions taken by the above Officers or any one of them are fully binding upon the corporation.

I FURTHER CERTIFY that the following are the officers of the corporation with their signatures affixed next to their respective names:

PRESIDENT - GARY W. PURSER, JR.

VICE-PRES - RONALD E. STEPP

VICE-PRES, SECRETARY-

TREASURER - JO ANN PURSER

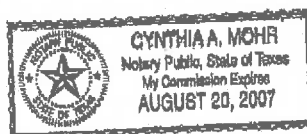
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22 day of July, 2005.

JO ANN PURSER
JO ANN PURSER, Secretary

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JO ANN PURSER, Secretary of RSBP DEVELOPERS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 22 day of July, 2005.



Cynthia A. Mohr
NOTARY PUBLIC, STATE OF TEXAS

VOL 5773 PG 020

32292

FILED FOR RECORD
At 10:00 O'Clock ~~10~~ M.

JUL 25 2005

John S. Smith
COUNTY CLERK BELL COUNTY, TX

①

Bill

mail

Bill to:

Chafin, Purser, Inc
2901 E. Stan Schlueter Loop
Killeen, TX 76542

Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2009-00031575

Recorded On: August 17, 2009

As
Recordings

Parties: BENTINA LTD

To RSBP DEVELOPERS INC

Billable Pages: 5

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	27.00
Total Recording:	27.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2009-00031575

Receipt Number: 58555

Recorded Date/Time: August 17, 2009 01:48:07P

User / Station: A Tammy - Indexing Station 1

Record and Return To:

RSBP DEVELOPERS INC
2901 E STAN SCHLUETER LOOP
KILLEEN TX 76542



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property
Records in Bell County, Texas

Shelley Coston
Bell County Clerk

A handwritten signature in cursive script that reads "Shelley Coston".

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 KNOW ALL MEN BY THESE PRESENTS THAT:
 COUNTY OF BELL §

That BENTINA, LTD., a Texas Limited Partnership (as to a one-half interest); Gary W. Purser, Jr., Trustee of the Gary W. Purser, Jr. 2000 Trust (as to a one-sixth interest); Elizabeth H. Tipton, Trustee of the Elizabeth H. Tipton 1999 Trust (as to a one-sixth interest); and Sue Ellen van Zanten, Trustee of the Sue Ellen van Zanten 1999 Trust (as to a one-sixth interest), (herein called "Grantor" whether one or more), of the County of BELL and State of TEXAS, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto RSBP DEVELOPERS, INC., a Texas Corporation, (herein called "Grantee" whether one or more), of 2901 E. STAN SCHLUETER LOOP, KILLEEN 76542 in the County of BELL and State of TEXAS all of the following described real property in BELL County, Texas, to-wit:

Being a 156.72 acre tract of land, Less and except FIRE STATION #9 as recorded in Cabinet D Slide 219-B of Plat Records of Bell County Texas, out of the W.L. Harris Survey, Abstract Number 1155, and the Joseph G. Furgeson Survey, Abstract Number 326, Bell County, Texas, being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes.

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, easements, maintenance charges and the liens securing said charges, and mineral reservations of whatsoever nature, if any, affecting the premises conveyed herein, now of record in the county wherein the land is located.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

RP 08/17/2009



70 2009 00031575

2700
 PD

Executed the 14 day of August, 2009.

**Bentina Management, L.C., as General
Partner of Bentina, Ltd., a Texas Limited
Partnership**

BY: [Signature]
GARY W. PURSER, JR., President

Gary W. Purser, Jr. 2000 Trust

BY: [Signature]
GARY W. PURSER, JR., Trustee

Elizabeth H. Tipton 1999 Trust

BY: [Signature] - POA for
ELIZABETH H. TIPTON, Trustee EHT 1999
Trust

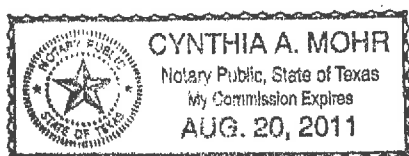
Sue Ellen van Zanten 1999 Trust

BY: [Signature] - Trustee
SUE ELLEN VAN ZANTEN, Trustee

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF BELL §

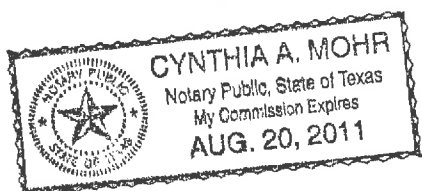
This instrument was acknowledged before me this 14 day of August, 2009, by
GARY W. PURSER, JR., as President of BENTINA MANAGEMENT, L.C., as General
Partner of Bentina, Ltd., a Texas Limited Partnership, on behalf of said Partnership.



Cynthia A Mohr
Notary Public, State of Texas
Printed Name: Cynthia A Mohr
My Commission Expires: 8-20-11

STATE OF TEXAS §
COUNTY OF BELL §

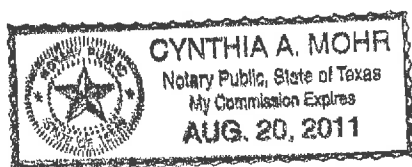
This instrument was acknowledged before me this 14 day of August, 2009, by
GARY W. PURSER, JR., as Trustee of GARY W. PURSER, JR. 2000 TRUST.



Cynthia A Mohr
Notary Public, State of Texas
Printed Name: Cynthia A Mohr
My Commission Expires: 8-20-11

STATE OF TEXAS §
COUNTY OF BELL §

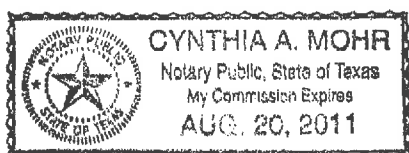
This instrument was acknowledged before me this 14 day of August, 2009, by
ELIZABETH H. TIPTON, as Trustee of ELIZABETH H. TIPTON 1999 TRUST.



Cynthia A Mohr
Notary Public, State of Texas
Printed Name: Cynthia A Mohr
My Commission Expires: 8-20-11

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me this 14 day of August, 2009, by
SUE ELLEN VAN ZANTEN, as Trustee of SUE ELLEN VAN ZANTEN 1999 TRUST.



Cynthia A Mohr
Notary Public, State of Texas
Printed Name: Cynthia A Mohr
My Commission Expires: 8-20-11

EXHIBIT "A"

Being a 156.72 acre tract of land out of the W. L. Harris Survey, Abstract 1155 and the Joseph G. Furgeson Survey, Abstract 326, Bell County, Texas and being part of a 193.63 acre tract of land described in deed from Joy R. McCallum, Independent Executrix of the Estate of Linnie Garrett, Deceased, to Neimac, LC, dated August 30, 2006 as recorded in Volume 6189, Page 447, Deed Records, Bell County, Texas and being described by metes and bounds as follows:

BEGINNING at a mag nail set in the top of a 9" wood post for the Southwest corner of said 193.63 acre tract; said mag nail bears N 73°05'27" W, 1.18 feet to a 1/2" Maples iron reinforcing rod found (all found Maples rods having a yellow cap marked Maples RPLS 5043); said mag nail bears S 17°04'13" W, 11.65 feet to a 1/2" iron reinforcing rod found in the East right of way line of Bunny Trail;

THENCE N 17°04'13" E, 971.57 feet along the East right of way line of Bunny Trail and the West line of said 193.63 acre tract to a 1/2" iron reinforcing rod found at an angle point in Bunny Trail and the West line of said 193.63 acre tract;

THENCE N 17°44'47" E, 218.94 feet along the East right of way line of Bunny Trail and the West line of said 193.63 acre tract to a point; said point bears S 72°14'40" E, 0.05 feet to a 1/2" Maples iron reinforcing rod found; said point bears N 17°44'47" E, 1,399.23 feet to a 1/2" iron reinforcing rod found for an angle point in the East right of way line of Bunny Trail and the West line of said 193.63 acre tract;

THENCE S 72°14'40" E, 0.05 feet pass a 1/2" Maples iron reinforcing rod found and continuing on the same course in all 726.07 feet to a 1/2" Maples iron reinforcing rod found;

THENCE N 17°44'33" E, 600.05 feet pass a 1/2" Maples iron reinforcing rod found and continuing on the same course in all 1,143.48 feet to a 3/8" KES iron reinforcing rod set (all set rods having Killeen E&S orange cap);

THENCE S 72°57'02" E, 1443.87 feet to a 3/8" KES iron reinforcing rod set on the West line of a 3.50 acre tract of land described in deed from Alton Lee Garrett, Jr. to Linda L. Garrett, dated March 1, 1993 as recorded in Volume 2949, Page 318, Deed Records, Bell County, Texas; said 3/8" rod bears N 15°35'07" E, 300.25 feet to a 5/8" iron rod found at the intersection of the South right of way line of said Stan Schlueter Loop and the West line of said 3.50 acre tract;

THENCE S 15°35'07" W, 272.00 feet along the West line of said 3.50 acre tract to a 1/2" iron rod found for the Southwest corner of said 3.50 acre tract;

THENCE S 73°10'41" E, 255.60 feet along the South line of said 3.50 acre tract to a 3/8" iron rod found for the Southeast corner of said 3.50 acre tract;

THENCE N 15°23'56" E, 271.01 feet along the East line of said 3.50 acre tract to a 3/8" KES iron reinforcing rod set; said 3/8" rod bears N 15°23'56" E, 300.31 feet to a 5/8" iron rod found at the intersection of the South right of way line of said Stan Schlueter Loop and the East line of said 3.50 acre tract;

THENCE S 72°57'02" E, 922.14 feet to a 3/8" KES iron reinforcing rod set on the East line of said 193.63 acre tract and being in the center line of a private road described as a 60 foot passage easement filed for record December 16, 1987 as recorded in Volume 2363, Page 367, Deed Records, Bell County, Texas; said 3/8" rod bears N 16°52'51" E, 265.22 feet to a cotton spindle found in the center line of said easement and being the Northeast corner of said 193.63 acre tract;

THENCE S 16°52'51" W, 2,059.37 feet along the center line of said 60 foot easement and the East line of said 193.63 acre tract to a 1/2" Maples iron reinforcing rod found;

THENCE N 76°18'00" W, 25.56 feet along the South line of said 193.63 acre tract to a 1/2" Maples iron reinforcing rod found;

THENCE S 17°53'33" W, 223.31 feet along the East line of said 193.63 acre tract to a 1/2" Maples iron reinforcing rod found for the Southeast corner of said 193.63 acre tract;

THENCE N 73°33'12" W, 1,498.73 feet along the South line of said 193.63 acre tract to a 1/2" Maples iron reinforcing rod found;

THENCE N 16°43'43" E, 40.01 feet along said 193.63 acre tract boundary to a 1/2" Maples iron reinforcing rod found;

THENCE N 73°17'54" W, 119.20 feet along the South line of said 193.63 acre tract to a 5/8" All County iron reinforcing rod found (all found All County rods having an orange cap);

THENCE N 28°32'19" W, 63.27 feet along the South line of said 193.63 acre tract to a 5/8" All County iron reinforcing rod found;

THENCE N 73°23'08" W, 156.75 feet along the South line of said 193.63 acre tract to a 3/8" iron reinforcing rod found;

THENCE S 61°33'22" W, 69.93 feet along the South line of said 193.63 acre tract to a 60d nail found;

THENCE S 16°50'30" W, 36.34 feet along said 193.63 acre tract boundary to a 1/2" Maples iron reinforcing rod found;

THENCE N 78°53'16" W, 174.07 feet along the South line of said 193.63 acre tract to a cotton spindle found;

THENCE N 73°05'27" W, 1,298.85 feet along the South line of said 193.63 acre tract to the **PLACE of BEGINNING** and containing 156.72 acres of land, more or less.

The right of way markers at 65.00 feet left of F.M. 3470 Highway Station 283+75.00 and 65.00 feet left of F.M. 3470 Highway Station 303+00.00 were used as the basis of directional control with a bearing of N 72°57'02" W.