

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): PSBP Developers Inc.

Address: 2901 E. Stan Schlueter Loop Killeen Tx 76542

Telephone: 254-634-5567

Email: cpurser@purserco.com

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

Property ID: 387509 ; Trimmier Estates Phase one Replat ; Blk Z ,
lot Tract B , Drainage Infrastructure

2. Number of parcels and acreage:

Acres 8.195

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

None

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

None - Building

Constructed - Regional Detention Pond

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 not paid.

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 \$ 2011 - \$2.48 ; 2016 - \$2.50

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:

Yes ; various COX utility easements

3. Potential or pending legal actions or claims:

No

4. Does the property have access to public roads?

Yes (Trimmer + Nicholas Cr)

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:

None ; concrete outlet structure

5. Are there any of the following: washes, arroyos, gorges, caves, wells, canals/ditches, or other natural or man-made hazards: _____

If yes, please describe:

Detention Pond

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

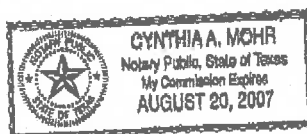
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22 day of July, 2005.

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

JUL. 27. 2005 10:21AM

Bell County Clerk

NO. 2315 P. 3

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32292

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

JUL 25 2005

Debra L. Smith
COUNTY CLERK BELL COUNTY, TX

①

Bill

mail

Bill to:

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

SWAP 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 DRIVERS' LICENSE NUMBER

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL

THAT KINGSBURY HOMES, LTD., of Bell County, Texas, (herein called "Grantor" whether one or more), 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, and for the further consideration of Grantee's herein executing and delivering to Grantor a Warranty Deed to that certain property in Bell County, Texas, being

Lot Twenty-Three (23), in Block Thirteen (13), of WHITE ROCK ESTATES PHASE TWO, Killeen, Bell County, Texas, according to the plat of record in Cabinet D, Slides 35 C & D, Plat Records of Bell County, Texas
has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto RSBP DEVELOPERS, INC., (herein called "Grantee" whether one or more) of 2901 E STAN SCHLUETER LOOP, KILLEEN 76542, in the County of BELL, State of Texas, all of the following described real property in BELL County, Texas, to-wit:

BEING all that certain tract or parcel of land situated in the Azra Webb Survey, Abstract No. 857, Bell County, Texas, and being the 11.16 acre SOUTHERN remainder of the 30.495 acre tract conveyed to Kingsbury Homes, Ltd. as recorded in Volume 5563, Page 388, Official Records of Bell County, Texas; subject tract being more particularly described by metes and bounds 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 successors, heirs and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

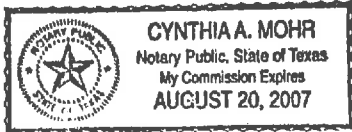
EXECUTED the 3rd day of October, 2005.

KINGSBURY HOMES MANAGEMENT, L.C. As
General Partner of KINGSBURY HOMES,
LTD., a Texas Limited Partnership

BY: [Signature]
DAVID KING, Manager

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on October 3, 2005, by DAVID KING, as Manager of KINGSBURY HOMES MANAGEMENT, L.C., as General Partner of KINGSBURY HOMES, LTD., a Texas Limited Partnership, on behalf of said Partnership.



Cynthia A. Mohr
NOTARY PUBLIC, STATE OF TEXAS

Being all of that certain tract or parcel of land situated in the Azra Webb Survey, Abstract No. 857, Bell County, Texas, and being the 11.16 acre southern remainder out of the 30.495 acre tract conveyed to Kingsbury Homes, Ltd. as recorded in Volume 5563, page 388, said county deed records, said remainder being more particularly described as follows:

BEGINNING at a point in the East margin of Trimmier Road, being the Northwest corner of a tract of land conveyed to Frank A. Fontana and wife, Louise H. Fontana as recorded in Volume 2709, page 273, said county deed records, and being the Southwest corner of said remainder of said Kingsbury Homes tract for the Southwest corner of the herein described tract;

THENCE, N 19° 18' 07" E, 531.04 feet with the East margin of said Trimmier Road, the West line of the remainder of said Kingsbury Homes tract and the West line of the herein described tract to the Southwest corner of a tract of land conveyed to Richard Craig as recorded in Volume 4740, page 718, said county deed records, being the Northwest corner of the remainder of said Kingsbury Homes tract for the Northwest corner of the herein described tract;

THENCE, S 70° 39' 47" E, 372.58 feet departing the East margin of said Trimmier Road, with the South line of said Craig tract, the North line of the remainder of said Kingsbury Homes tract and the North line of the herein described tract to a point in the South line of Kingwood Estates as recorded in Cabinet D, Slide 44-D, said county plat records, for a corner in the North line of the herein described tract;

THENCE, with the South line of said Kingwood Estates, the North line of the remainder of said Kingsbury Homes tract and the North line of the herein described tract the following courses and distances:

1. S 19° 10' 22" W, 55.99 feet,
2. S 87° 36' 49" E, 127.12 feet,
3. on a curve to the left having a radius of 60.00 feet, an arc length of 77.71 feet, and a chord bearing and distance of S 33° 36' 04" E, 72.39 feet,
4. S 70° 42' 08" E, 142.76 feet,
5. S 19° 17' 52" W, 120.00 feet,
6. S 70° 42' 08" E, 831.06 feet, to a point in the West line of a tract of land conveyed to Robert Ellis as recorded in Volume 5184, page 828, said county deed records, being the Southeast corner of said Kingwood Estates and the Northeast corner of the remainder of said Kingsbury Homes tract for the Northeast corner of the herein described tract;

THENCE, S 18° 13' 11" W, 15.19 with the West line of said Ellis tract, the East line of the remainder of said Kingsbury Homes tract and the East line of the herein described tract to a point in the North line of Saegert Ranch Phase I as recorded in Cabinet C, Slide 308 A-D, said county plat records, being the Southwest corner of said Ellis tract and the Southeast corner of the remainder of said Kingsbury Homes tract for the Southeast corner of the herein described tract;

THENCE, S 71° 00' 19" W, 720.27 with the North line of said Saegert Ranch, the North line of the remainder of a tract of land conveyed to Weldon L. Whitis as recorded in Volume 4113, page 25, said county deed records, the South line of the remainder of said Kingsbury Homes tract and the South line of the herein described tract to the Northeast corner of a tract of land conveyed to Andreas W. Lotz as recorded in Volume 3124, page 781, said county deed records, being a corner in the South line of said Kingsbury Homes tract for a corner in the South line of the herein described tract;

THENCE, N 16° 20' 31" W, 236.39 with the North line of said Lotz tract, the South line of the remainder of said Kingsbury Homes tract and the South line of the herein described tract to a corner in the North line of said Lotz tract, being a corner in the South line of the remainder of said Kingsbury Homes tract for a corner in the South line of the herein described tract;

THENCE, N 54° 57' 17" W, 426.32 with the North line of said Lotz tract, the South line of the remainder of said Kingsbury Homes tract and the South line of the herein described tract to the Northeast corner of the above mentioned Fontana tract, being the Northwest corner of said Lotz tract and a corner in the South line of the remainder of said Kingsbury Homes tract for a corner in the South line of the herein described tract;

THENCE, S 84° 04' 56" W, 456.32 with the North line of said Fontana tract, the South line of the remainder of said Kingsbury Homes tract and the South line of the herein described tract to **THE PLACE OF BEGINNING**.

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WRE P12

FILED FOR RECORD

2005 OCT 5 AM 11 17

VIDE BUTTON
ONTY OFFICE TELL ONTY TX
AR DEPUTY

22-
Mail + Bill to:
Chafin, Purser Inc.
2901 E. Stan Schlucker Loop.
Killeen, TX 76542