

RESOLUTION NO. 14-111

**A RESOLUTION APPROVING THE CITY OF PORT
ARTHUR SECTION 4A ECONOMIC DEVELOPMENT
CORPORATION TO REPURCHASE PROPERTY FROM
THE PORT ARTHUR HOUSING AUTHORITY**

WHEREAS, per Resolution 09-584, the City Council approved the sale of property by PAEDC to the Port Arthur Housing Authority for the purpose of constructing a building for its business operations and for the relocation of its employees; and

WHEREAS, on or about November 4, 2013, the PAEDC Board of Directors decided to exercise its reversionary right as set forth in Section 2.12 of the Purchase Agreement; and

WHEREAS, the PAEDC Board of Directors at their Special Board meeting on February 10, 2014, approved the repurchase of the 3.001 acre tract out of and part of Lots 6, 7, 8, 9 and 10, Block 152, Port Arthur, Jefferson County, Texas (the "Property") from the Port Arthur Housing Authority for the purchase price of \$130,000 less the closing costs and charges in the amount of \$1,536.42; and

WHEREAS, the PAEDC will repurchase the property for \$128,463.58.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF PORT ARTHUR, TEXAS:**

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That the City Council of the City of Port Arthur approves PAEDC repurchasing the Property for \$128,463.58.

Section 3. That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 18th day of Feb A.D., 2014, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor Prince; Mayor Pro Tem Williamson

Councilmembers Scott, Albright, Lewis, Greenman and Thomas

NOES: None

Deloris Prince
Deloris "Bobbie" Prince, Mayor

ATTEST:

Sherri Bellard
Sherri Bellard, City Secretary

APPROVED:

Floyd Batista
Floyd Batista, PAEDC CEO

APPROVED AS TO FORM:

Guy N. Goodson
Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

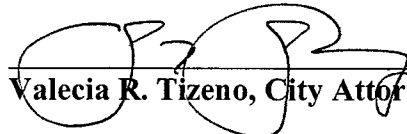

Valecia R. Tizen, City Attorney
on behalf of

Exhibit “A”

C. Lynn Daughrity

Attorney at Law

8700 9th Avenue, Suite 107
Port Arthur, Texas 77642-8069

Phone (409) 722-8883

February 5, 2014

GERMER, P.L.L.C.
Kate Leverett, Esq.
530 Fannin, Suite 400
Beaumont, Texas 77701

Via fax 409/835-2115

Re: City of Port Arthur Section 4A Economic Development
Corporation reversion of realty from Housing Authority of the
City of Port Arthur

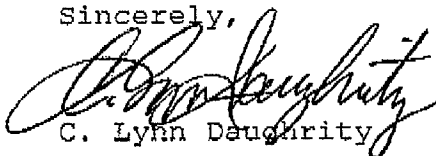
Dear Ms. Leverett:

The Board of Commissioners has approved the reversion of the property to the Port Arthur Economic Development Corp. Attached is a proposed Special Warranty Deed for your review. If it meets with approval, I will have it executed on behalf of the Port Arthur Housing Authority and delivered to you or your designee, at which time will be presented the payment to the housing authority in the amount of \$128,463.58.

If there are any questions, comments or changes regarding any of these matters, please do not hesitate to call me.

Thank you for your cooperation and assistance.

Sincerely,



C. Lynn Daughrity

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.

Special Warranty Deed

Date: _____, 2014

Grantor: Port Arthur Housing Authority, a Texas public corporation

Grantor's Mailing Address:

Port Arthur Housing Authority
P.O. Box 2295
Port Arthur, TX 77643

Grantee: City of Port Arthur Section 4A Economic Development Corporation, a Texas public corporation

Grantee's Mailing Address:

City of Port Arthur Section 4A Economic Development Corporation
4173 9th Street
Port Arthur, Texas 77640

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

The tract of land more fully described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property").

Reservations from Conveyance:

None

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 instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2014, which Grantee assumes and agrees

to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, 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. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

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

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

Port Arthur Housing Authority, a Texas public corporation,

Seledonio Quesada, Executive Director

City of Port Arthur Section 4A Economic Development Corporation, a Texas public corporation,

STATE OF TEXAS)

COUNTY OF JEFFERSON)

This instrument was acknowledged before me on _____, 2014, by Seledonio Quesada, as the Executive Director of Port Arthur Housing Authority, a Texas public corporation, on behalf of said corporation.

Notary Public, State of Texas

My commission expires: _____

STATE OF TEXAS)

COUNTY OF JEFFERSON)

This instrument was acknowledged before me on _____, 2014, by _____ and _____ of City of Port Arthur Section 4A Economic Development Corporation, a Texas public corporation, on behalf of said corporation.

Notary Public, State of Texas

My commission expires: _____

AFTER RECORDING RETURN TO:

City of Port Arthur Section 4A Economic Development Corporation
4173 9th Street
Port Arthur, Texas 77640

EXHIBIT 'A'

File No.: 1452149-BT89 (AG)
Property: Vacant Land, "[Jefferson] County", TX

LEGAL DESCRIPTION: 3.0001 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF LOTS 6,7,8,9, AND 10, BLOCK 152 MAP OF PORT ARTHUR (ALSO KNOWN AS CITY OF PORT ARTHUR) VOLUME 1, PAGES 7-8 AND VOLUME 1, PAGE 50, MAP RECORDS OUT OF AND PART OF LOTS 1, 2, 3, 4, 5, AND 8 AND A 20 FOOT WIDE ALLEY F.D. MABRY SUBDIVISION VOLUME 3, PAGE 187, MAP RECORDS JOSEPH BUTLER SURVEY, ABSTRACT NO. 9 PORT ARTHUR, JEFFERSON COUNTY, TEXAS.

BEING A 3.0001 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE JOSEPH BUTLER SURVEY, ABSTRACT NO. 9, JEFFERSON COUNTY, TEXAS AND BEING OUT OF AND PART OF LOTS 6,7, 8, 9, AND 10, BLOCK 152, MAP OF PORT ARTHUR (ALSO KNOWN AS CITY OF PORT ARTHUR), A SUBDIVISION OF THE CITY OF PORT ARTHUR, JEFFERSON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGES 7-8 AND VOLUME 1, PAGE 50, MAP RECORDS, JEFFERSON COUNTY, TEXAS AND ALSO BEING OUT OF AND PART OF LOTS 1, 2, 3, 4, 5 AND 8 AND A 20 FOOT WIDE ALLEY, F.D. MABRY SUBDIVISION, A SUBDIVISION OF THE CITY OF PORT ARTHUR, JEFFERSON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3, PAGE 87, MAP RECORDS, JEFFERSON COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN 3 TRACTS OF LAND BEING CALLED A 62,858 SQUARE FOOT TRACT, A 37,513 SQUARE FOOT TRACT AND A 0.674 ACRE TRACT AS DESCRIBED IN A "SPECIAL WARRANTY DEED" FROM PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TO TRES CABALLEROS, LTD. AS RECORDED IN CLERK'S FILE NO. 2002019247, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS AND FURTHERMORE BEING ALL OF THOSE 3 CERTAIN TRACTS OF LAND BEING CALLED A 62,858 SQUARE FOOT TRACT, A 37,513 SQUARE FOOT TRACT AND PART OF LOTS 7 AND 8, BLOCK 152, CITY OF PORT ARTHUR AS DESCRIBED IN A "SPECIAL WARRANTY DEED" FROM TRES CABALLEROS, LTD. TO PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION AS RECORDED IN CLERK'S FILE NO. 2004040959, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY, TEXAS, SAID 3.0001 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: ALL BEARINGS ARE BASED ON THE NORTHEASTERLY LINE OF THE SAID 62,858 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AS SOUTH 48°47' 00" EAST AS RECORDED IN THE ABOVE REFERENCED CLERK'S FILE NO. 2004040959, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, JEFFERSON COUNTY TEXAS. ALL SET 5/8" IRON RODS SET WITH A CAP STAMPED "MW WHITELEY & ASSOCIATES"

BEGINNING AT A 1/2" IRON ROD WITH A CAP STAMPED "A&G" FOUND FOR THE MOST NORTHERLY CORNER OF THE TRACT HEREIN DESCRIBED, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF THE SAID 62,858 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND BEING INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MOBILE AVENUE (BASED ON A WIDTH OF 50 FEET) AND THE SOUTHEASTERLY LINE OF A 20 FOOT WIDE ALLEY IN THE SAID BLOCK 152;

THENCE SOUTH 48°47'00" EAST, ALONG AND WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MOBILE AVENUE, FOR A DISTANCE OF 270.15 FEET TO A 1/2" IRON ROD WITH A CAP STAMPED "A&G" FOUND FOR CORNER, SAID CORNER BEING THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MOBILE AVENUE AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET (BASED ON A WIDTH OF 80 FEET), SAID CORNER ALSO BEING THE MOST EASTERLY CORNER OF THE SAID 62,858 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND ALSO BEING THE BEGINNING OF A CURVE TURNING TO THE RIGHT HAVING A RADIUS OF 1105.92 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 52°38'05" WEST HAVING A CHORD LENGTH OF 275.47 FEET;

THENCE SOUTHWESTERLY, ALONG AND WITH SAID CURVE AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET, PASSING AT AN ARC LENGTH OF 261.58 FEET A 1/2" IRON ROD IN CONCRETE FOUND FOR THE MOST SOUTHERLY CORNER OF THE SAID 62,858 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND CONTINUING FOR A TOTAL ARC LENGTH OF 276.19 FEET TO A "PK" NAIL SET FOR CORNER;

THENCE SOUTH 59°49'09" WEST, CONTINUING ALONG AND WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET FOR A DISTANCE OF 73.17 FEET TO A SCRIBED "X" SET IN CONCRETE FOR CORNER, SAID CORNER ALSO BEING THE BEGINNING OF A CURVE TURNING TO THE LEFT HAVING A RADIUS OF 994.92 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 50°18'29" WEST HAVING A CHORD LENGTH OF 320.61 FEET;

THENCE SOUTHWESTERLY, ALONG AND WITH SAID CURVE AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET, PASSING AT AN ARC LENGTH OF 69.73 FEET A COOPERWELD MONUMENT FOUND FOR THE MOST EASTERLY CORNER OF THE SAID 37,513 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND CONTINUING FOR A TOTAL AN ARC LENGTH OF 322.02 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAID CORNER BEING THE MOST SOUTHERLY CORNER OF THE SAID 37,513 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND BEING THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOURTH STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SHREVEPORT AVENUE (BASED ON A WIDTH OF 70 FEET);

THENCE NORTH 48°47'00" WEST, ALONG AND WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SHREVEPORT AVENUE, FOR A DISTANCE OF 139.50 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID CORNER BEING THE MOST WESTERLY CORNER OF THE SAID 37,513 SQUARE FOOT PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION TRACT AND THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SHREVEPORT AVENUE AND THE SOUTHEASTERLY LINE OF A 20 FOOT WIDE ALLEY IN THE SAID BLOCK 152 AND FROM SAID CORNER A FOUND 1/2" IRON ROD WITH A CAP STAMPED "A&G" BEARS SOUTH 52°07'02" WEST A DISTANCE OF 0.34 FEET;

THENCE NORTH 41°01'53" EAST, ALONG AND WITH THE SOUTHEASTERLY LINE OF A 20 FOOT WIDE ALLEY IN THE SAID BLOCK 152, FOR A DISTANCE OF 655.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.0001 ACRES, MORE OR LESS.

A.P.N.

C. LYNN DAUGHRITY

Attorney at Law

8700 9th Avenue, Suite 107
Port Arthur, TX 77642-8069

Phone: (409) 722-8883

FACSIMILE TRANSMISSION COVER SHEET

DATE: FEB 05 2014 NO. OF PGS (including cover sheet): 7
TO: Kate Leverett COMPANY NAME: GERMER, PLLC.
FAX NO: 409/835-2115 RE: Reversion prop. PAEDC
Sender's name: Lynn Sender's fax #: 409/721-9231

SPECIAL NOTE: _____

NOTE: This facsimile contains PRIVILEGED and CONFIDENTIAL information intended only for the specific individual or entity named above. If you or your employer are not the intended recipient of this facsimile or an employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any unauthorized dissemination or copying of this facsimile or the information contained in it is strictly prohibited. If you have received this facsimile in error, please immediately notify the sender named above by telephone and return the original facsimile to us at the address on the letter head above via the U.S. Postal Service. Thank you.