

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Aviation

**AGENDA DATE:** January 5, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Samuel Rodriguez, P.E. Aviation Director (915) 212-7301

**DISTRICT(S) AFFECTED:** 2

**CITY STRATEGIC GOAL 1:** Create an Environment Conducive to Strong, Sustainable Economic Development.

**SUBJECT:**

This Resolution is to authorize the City Manager to sign an Affidavit of Debts, Liens and Possession by the City of El Paso ("Lessor") for the ground lease with Circle K (Lessee).

Circle K's Title Company requires the affidavit which certifies the property is free of any liens or claims.

The ground lease is for portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

**BACKGROUND / DISCUSSION:**

Circle K Stores, Inc. is constructing a freestanding convenience store with fuel sales.

**PRIOR COUNCIL ACTION:**

October 15, 2019 – Lease Agreement

**AMOUNT AND SOURCE OF FUNDING:**

N/A This is a revenue – generating item.

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**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Aviation Director

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign an Affidavit of Debts, Liens and Possession by the City of El Paso ("Lessor") regarding the following described property:

Portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, generally depicted as Exhibit "A", attached hereto and incorporated herein by reference, and commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2021.


**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen Hamilton-Karam  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Director of Aviation

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

**AFFIDAVIT OF DEBTS, LIENS AND POSSESSION**

DATE: January \_\_, 2021

PROPERTY: SEE EXHIBIT "A" ATTACHED HERETO

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, authorized by the City Council for the City of El Paso, ("Lessor"), personally known to me to be the person whose name is subscribed hereto and upon oath represents to the title insurer in this transaction that to his ACTUAL knowledge, WITHOUT INVESTIGATION, there are:

- I. No unpaid debts for plumbing fixtures, water heaters, floor furnaces, air conditioners, radio or television antennae, carpeting, rugs, lawn sprinkling systems, venetian blinds, window shades, draperies, electric appliances, fences, street paving, or any personal property or fixtures that are located on the subject property described in Exhibit "A", and there are no security interests on such property secured by financing statement, security agreement or otherwise incurred by the Lessor.
- II. No loans or liens (including Federal or State Liens and Judgment Liens, Property taxes or Special Assessments) of any kind on said property incurred by Lessor.
- III. Lessor had no improvements constructed on the Property and there are no unpaid labor or material claims against the property incurred by Lessor.
- IV. The Property in subject to the Southern Industrial Park Site Lease between the Lessor and Circle K Stores, Inc., Dated October 15, 2019.
- V. Lessor is not a non-resident alien, foreign corporation, foreign partnership, foreign trust, foreign estate or other foreign entity (as defined in the Internal Revenue Code and Income Tax Regulations). Lessor is a Texas Municipality, established under the laws of the State of Texas.
- VI. There are no outstanding Contracts of Sale related to the Property, and further no other Title Company has refused to issue title insurance on the above described property during the affiant's ownership.

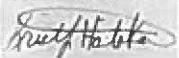
VII. Affiant agrees that, solely to the extent that Lessor has actual knowledge as of the date hereof, Lessor will pay all amounts secured by any and all claims or rights not shown above, together with all costs, that were created by Lessor as related to the Property.

VIII. Affiant affirms that he has authority to sign on behalf of Seller.


**LESSOR:  
CITY OF EL PASO**

\_\_\_\_\_  
Tomás González  
City Manager

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen Hamilton-Karam  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Samuel Rodriguez, P.E.  
Director of Aviation

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_ 2021, by Tomás González as City Manager of the City of El Paso (Lessor).

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

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