

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: [Law office of Delgado Acosta Spencer Linebarger & Perez, LLP](#)

AGENDA DATE: [March 1, 2011](#)

CONTACT PERSONS/PHONE: [Carmen I. Perez Office: 545-5481 Cell: 740-8393](#)

DISTRICT(S) AFFECTED: [DISTRICT No. 1](#)

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

[Approve an Ordinance authorizing the City Manager to execute a quitclaim \(tax resale\) deed conveying all right, title and interest in real property described as Lots 31 & 32, and Lots 37 to 41, Block 102, Morningside Heights, an Addition to the City of El Paso, El Paso County, Texas, to **CITY OF EL PASO \(El Paso Water Utilities System/Public Service Board as Trustee for El Paso Municipal Drainage Utility\)**.](#)

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

[The properties being sold are referred to as a "struck off" properties because they were bid off to the City at a tax sale when no bids were received. An offer has been made to purchase the properties for the full amount of the judgment in accordance with Section 34.05 \(h\) of the Tax Code. Section 34.05 \(h\) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.](#)

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

[Yes, Council has considered this type of offer for struck off properties and approved the same type of ordinance for other struck off properties.](#)

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

[No additional cost to the City.](#)

BOARD / COMMISSION ACTION:

[None at this time.](#)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** _____ n/a _____

DEPARTMENT HEAD: _____

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTY DESCRIBED AS LOTS 31 & 32, AND LOTS 37 TO 41, BLOCK 102, MORNINGSIDE HEIGHTS, TO CITY OF EL PASO, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE

WHEREAS, by Sheriff's Sale conducted on the first Tuesday of July, 1953, the below described properties were struck off to the City of El Paso, (the "**City**") Trustee, pursuant to a delinquent tax foreclosure decree of the 65th Judicial District Court, El Paso County, Texas; and

WHEREAS, the sum of THREE HUNDRED THREE and 62/XX DOLLARS (\$303.62) has been tendered by **CITY OF EL PASO (El Paso Water Utilities System/Public Service Board for the benefit of the El Paso Municipal Drainage Utility)** of El Paso County, Texas for the purchase of said properties pursuant to Section 34.05 (h) (2), Texas Tax Code Ann. (Vernon, 1996).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is hereby authorized to execute a Quitclaim (Tax Resale) Deed conveying to **CITY OF EL PASO (El Paso Water Utilities System/Public Service Board for the benefit of the El Paso Municipal Drainage Utility)**, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real properties:

Lots 31 & 32, Block 102, Morningside Heights, an Addition to the City of El Paso, El Paso County, Texas.

Lots 37 to 41, Block 102, Morningside Heights, an Addition to the City of El Paso, El Paso County, Texas.

PASSED AND APPROVED THIS _____ day of _____, 2011.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:

Juan Sandoval
Tax Assessor-Collector

Notice of confidentiality rights: If you are a natural person, you may remove or strike any 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.

TAX RESALE DEED

STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF EL PASO

X

That **The City of El Paso, Trustee**, acting through its City Manager, hereunto duly authorized by resolution and order of the governing body of said City, which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of **\$303.62** cash in hand paid by

Grantee: City of El Paso, Texas (for the benefit of the El Paso Municipal Drainage Water Utility System)

**Grantee Address: El Paso Municipal Drainage Utility
EPWU/PSB
1154 Hawkins Blvd.
El Paso, Texas 79925**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Cause No. 73338; City of El Paso vs. Martha Barrett, et al**, in the district court of said county, said properties being located in El Paso County, Texas, and described as follows:

**Lots 31 & 32, and Lots 37 to 41, Block 102, Morningside Heights,
an Addition to the City of El Paso, El Paso County, Texas.**

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

IN TESTIMONY WHEREOF The City of El Paso, Trustee has caused these presents to be executed this _____ day of _____, 2011.

CITY OF EL PASO, TRUSTEE

BY: _____

Joyce Wilson
City Manager

STATE OF TEXAS
COUNTY OF EL PASO

X
X

This instrument was acknowledged before me on this _____ day of _____, 20_____, by Joyce Wilson, City Manager, of the City of El Paso.

Notary Public, State of Texas
Commission Expires:

After recording return to:

El Paso Municipal Drainage Utility
EPWU/PSB
1154 Hawkins Blvd.
El Paso, Texas 79925
Attn: James E. Shelton, Jr.

MEMORANDUM

DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP

TO: MAYOR AND COUNCIL OF THE CITY OF EL PASO

FROM: CARMEN I. PEREZ, ATTORNEY AT LAW

DATE: JANUARY 12, 2011

RE: RESALE OF PROPERTY

James E. Shelton, Jr., Utility Land & Water Rights Manager for the El Paso Water Utilities/Public Service Board has made an offer in the amount of \$303.62 for the following properties. The offer is for the full amount due at the time of tax sale. These properties were placed for auction the first Tuesday in July, 1953 and struck off to the City of El Paso for the sum of \$303.62.

**Lots 31 & 32, Block 102, Morningside Heights, an Addition to the City of El Paso, El Paso County, Texas.
(PID #M794-999-1020-8100)**

**Lots 37 to 41, Block 102, Morningside Heights, an Addition to the City of El Paso, El Paso County, Texas.
(PID #M794-999-1020-7100)**

The City may consider the offer pursuant to Section 34.05(h) of the Tax Code, which allows the City to sell a property for the total amount of the judgment. The sale of the property will not require the consent of each taxing entity entitled to receive proceeds from the sale. Mr. Juan Sandoval, Tax Assessor/Collector, has recommended that the offer be accepted.

Thank you for your attention to this matter.



Prop_id 6201378	Geo_id M79499910207100	Prop_id Number 46236	GEO_id Number M79499910207100	2009	0.1377
[Street] COTTON		102 MORNINGSIDE HEIGHTS 31_32 (6000 SQ FT) 369702			
Cordova Ranch Subdivision		CITY OF EL PASO			
		Z-24		IEP	
		2 CIVIC CENTER PLAZA		EL PASO TX 79901-1153	

Copy	Deed #	PROP ID	GEO ID	P-Type	School District Code	Owner	ACRES	House #	State Code	Tiles	ALT
Residential	Commercial	Farm /Ranch Imprv	Industrial	Gas or Oil	Verify	Y7/Future	Vacant Lot(s)	Utility Properties			
0000.00		Feet (or) Mile(s)--->		00.0000		Display Parcel ID Numbers		Clear / Reset			

- Parcel Layers**
- Arroyos Rims
 - ETJ Bndg
 - Fire Station
 - Floodplains
 - Major Streets
 - Mobile Home Parks
 - Municipals
 - Parcels
 - Parks
 - Police Station
 - Rail Roads
 - School Districts
 - Subdivisions
 - Zoning(City)
 - Zoning(Socorro)
 - Zipcode Bndg
- Total_IMP_Y
- Search/ Measu
- Buffer | Radius
- Aerials
- Parcel Identify





Prop_id: 6201378
 Geo_id: M79499910208100
 (Street)
 COTTON
 Cordova Ranch Subdivision

Prop_id Number: 149501
 GEO_id Number: M79499910208100
 2009
 0.3444
 102 MORNINGSIDE HEIGHTS 37 TO 41
 369702
 CITY OF EL PASO
 Z-24 IEP
 2 CIVIC CENTER PLAZA EL PASO TX 79901-1153

Copy	Deed #	PROP ID	GEO ID	P-Type	School District Code	Owner	ACRES	House #	State Code	Tiles	ALT
Residential	Commercial	Farm /Ranch Imprv	Industrial	Gas or Oil	Verify	Y7/Future	Vacant Lot(s)	Utility Properties			
0000.00		Feet (or) Mile(s)		00.0000		Display Parcel ID Numbers		Clear / Reset			

- Parcel Layers
- Arroyos Rims
 - ETJ Bndy
 - Fire Station
 - Floodplains
 - Major Streets
 - Mobile Home Parks
 - Municipals
 - Parcels
 - Parks
 - Police Station
 - Rail Roads
 - School Districts
 - Subdivisions
 - Zoning(City)
 - Zoning(Socorro)
 - Zipcode Bndy
- Total_IMP_Y
- Search/ Measu
- Buffer Radius
- Aerials
- Parcel Identify

