

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

DEPARTMENT: Law office of Delgado Acosta Spencer Linebarger & Perez, LLP

AGENDA DATE: March 24, 2009

CONTACT PERSONS/PHONE: Carmen I Perez or Jose Padilla - 545-5481

DISTRICT(S) AFFECTED: District 2

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 whereby The El Paso Preservation Alliance request to purchase property located at 2731 Portland Avenue in accordance with Section 34.05 (i) of the Texas Property Tax Code.

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 "struck off", because they were bid off to the City at a tax sale when no bids were received. The purpose of the resolution is to consider the offers submitted by El Paso Preservation Alliance for the property described above. The sale of the property at a private sale for an amount less than the opening bid has been approved by all of the other taxing entities.

PRIOR COUNCIL ACTION:

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

Yes. Council has considered other resolutions 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?

N/A

BOARD / COMMISSION ACTION:

N/A

*****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 LOCATED AT 2731 PORTLAND AVENUE, TO THE EL PASO PRESERVATION ALLIANCE, IN ACCORDANCE WITH SECTION 34.05 (I) OF THE TAX CODE.

WHEREAS, by Sheriff's Sale conducted on February 5, 2008, the below described property was struck off to the City of El Paso, (the "**City**") Trustee, pursuant to a delinquent tax foreclosure decree of the **243rd Judicial District Court** , El Paso County, Texas and

WHEREAS, the sum of TEN THOUSAND and 00/XX DOLLARS (\$10,000.00) has been tendered by **The El Paso Preservation Alliance** of El Paso County, Texas ("**Alliance**") for the purchase of said property pursuant to Section 34.05 (i), 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 **The El Paso Preservation Alliance**, 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 property:

Lots 31 and 32, Block 39, Manhattan Heights Addition, an Addition to the City of El Paso, being more particularly described in Volume 1054, Page 39, Deed Records of El Paso County, Texas.

PASSED AND APPROVED THIS _____ day of _____, 2009.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Bertha Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:

Juan Sandoval
Tax Assessor-Collector

ORDINANCE NO. _____

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 each respective governing body of said City, which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of \$7,537.84 cash in hand paid by

**El Paso Preservation Alliance
4621 Pershing Drive
El Paso, Texas 79903**

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. 2007TX605**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lots 31 and 32, Block 39, Manhattan Heights Addition, an Addition to the City of El Paso, being more particularly described in Volume 1054, Page 39, Deed Records of 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 any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any 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 _____, 20_____.

CITY OF EL PASO, TRUSTEE

BY:_____

Joyce Wilson
City Manager

STATE OF TEXAS **X**

COUNTY OF EL PASO **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 Preservation Alliance
4621 Pershing Drive
El Paso, Texas 79903**

**MEMORANDUM
DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP.**

**TO: BERTHA ONTIVEROS
ASSISTANT CITY ATTORNEY**

**FROM: CARMEN I. PEREZ, ATTORNEY AT LAW
DASL&P, LLP**

DATE: MARCH 6, 2009

RE: RESALE OFFER

Enclosed is a letter dated May 22, 2008 from Ricardo D. Gonzalez, Chairman of the Board for the El Paso Preservation Alliance, whereby the organization offers to purchase the property located at 2731 Portland Avenue for the price of \$10,000.00. The property is uninhabitable and subject to a condemnation order. The El Paso Preservation Alliance is interested in restoring the property to keep it from being demolished.

The 2731 Portland Avenue property was struck off at a tax foreclosure sale on February 5, 2008. The opening bid at the tax sale was \$20,276.00. The current value of the property according to the Central Appraisal Records is \$50,429.00.

Because the offer is less than the opening bid amount, Mr. Juan Sandoval, Tax Assessor Collector, requested that we present the offer to each entity. Section 34.05(i) of the Tax Code provides that a struck off property may be sold at a private sale for an amount less than the opening bid with the consent of each taxing unit entitled to receive proceeds of the sale under the judgment. Your entity may consider accepting the El Paso Preservation Alliance's offer of \$10,000.00 for the property. The sale of the property can only be finalized if each taxing entity consents to the sale.

This offer was presented and approved by the following entities:

El Paso Independent School District
El Paso County
El Paso Community College
R.E. Thomason General Hospital

We respectfully request that an item be placed on City Council agenda for consideration and action on the offer pursuant to Section 34.05(i) of the Tax Code. ***Please place this item on your agenda for March 17, 2009.***

Enclosed with the offer, is also a picture of the property, an aerial map which shows the location of the property, and a resolution authorizing the sale should the Council accept the offer. If you need additional information please contact me at 545-5481.



[Search By Street] [Search By PIDN]

TROWBRIDGE M05699903905700

(Search by Legal Description) (Search by Property Address)

2 ALAMEDA 457 ESCALANTE

GIS Predator Program

M05699903905700

School District : IEP

PropType : R

TDC : 34

City District CEP

Xmpt Code 39 MANHATTAN HEIGHTS

Re 31_32 (4765 SQ FT)

CASTILLO, MARCELINO

2731 PORTLAND AVE 799302812

Aerial Display Active 4 Layers in the map, and 1 events in the tracking layer

(OFF) (OFF) (Standby)

CD Map Key GRID B/W

Clear

GRID RGB

Full Map

Copy	Schools	GIS Comments	Off	ALT	TDC	House Number	PIDN	Lots /Trac	Prop Type	Prop Class	City Zone	Tiles	Aerial
0000.00													
<p><----- Feet (Estimate Only) Mile(s)----> 00.0000 Central El Paso</p>												Split Screen on/off	

- Aerials**
- Anthony
 - Canutillo
 - El Paso
 - Central
 - Northwest
 - Northeast
 - East
 - Fabens
 - Socorro
 - San Elizario
 - Clint
 - Tornillo
 - Ysleta





2731 Portland Ave.

Lots 31 and 32, Block 39, Manhattan Heights Addition,
An Addition to the City of El Paso, being more particularly
Described in Volume 1054, Page 39, Deed Records of
El Paso County, Texas.

(PID #M056-999-0390-5700)