

**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 Office: 545-5481 Cell: 740-8393

DISTRICT(S) AFFECTED: DISTRICT No. 8

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 located at 1123-1125 Missouri Ave. to **HECTOR DURAN**.

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 property being sold is referred to as a "struck off" property because it was bid off to the City at a tax sale when no bids were received. An offer has been made to purchase the property 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. If the sale is approved the property will be put back on the tax rolls to generate revenue.

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 LOCATED AT 1123-1125 MISSOURI AVE., TO HECTOR DURAN, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.

WHEREAS, by Sheriff's Sale conducted on October 7, 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 **34th Judicial District Court** , El Paso County, Texas and

WHEREAS, the sum of SIXTY FIVE THOUSAND EIGHT HUNDRED EIGHTY SIX and 88/XX DOLLARS (\$65,886.88) has been tendered by **Hector Duran** of El Paso County, Texas ("**Uresti**") for the purchase of said property 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 **Hector Duran**, 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:

The East One-Half of Lot 27, all of Lot 28, Block 10, Franklin Heights Addition, City of El Paso, El Paso County, Texas, being more particularly described in Volume 2857, Page 2108, 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:

APPROVED AS TO CONTENT:

Bertha Ontiveros
Assistant City Attorney

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 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 **\$65,886.88** cash in hand paid by

**Hector Duran
201 N. Copia St.
El Paso, Texas 79905**

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. 2000TX918 and 93-2891** respectively; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

The East One-Half of Lot 27, all of Lot 28, Block 10, Franklin Heights Addition, City of El Paso, El Paso County, Texas, being more particularly described in Volume 2857, Page 2108, 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.

MEMORANDUM

DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP

TO: MAYOR AND COUNCIL OF THE CITY OF EL PASO

FROM: CARMEN PEREZ

DATE: MARCH 11, 2009

RE: RESALE OF PROPERTY

Hector Duran has made an offer in the amount of \$65,886.88 for the following property. His offer is for the full amount due at the time of tax sale. The property was placed for auction on October 7, 2008 at an opening bid of \$47,942.00 which was the adjudged value at the time of Judgment. The property was Struck Off to the City of El Paso, Trustee. The current value of the property is \$79,650.00.

**The East One-Half of Lot 27, all of Lot 28, Block 10, Franklin Heights Addition, City of El Paso, El Paso County, Texas, being more particularly described in Volume 2857, Page 2108, Deed Records of El Paso County, Texas.
(PID #F607-999-0100-7600)**

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.

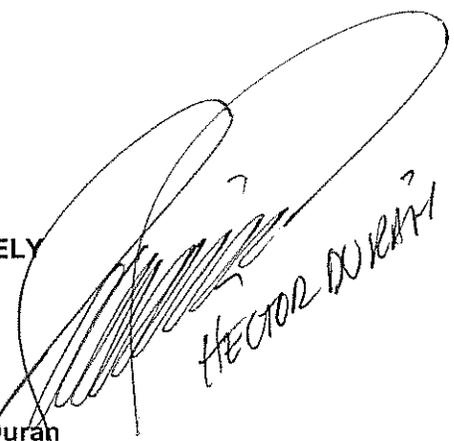
El Paso, Tx February 10, 2009

CARMEN PEREZ
DELGADO, ACOSTA, SPENCER, LINENBERG & PEREZ
221 N. KANSAS SUITE 1400 EL PASO TX. 79901

It is my intention to buy from the City of El Paso the property located on the lots 1123 thru 1125 East Missouri, for this property I am offering the sum of \$65,886.88(SIXTY FIVE THOUSAND EIGHT HUNDRED EIGHTY SIX 88/100) Dollars.

This property will be completely remodeled and be used as a Real Estate Office which will be generating approximately jobs for 5 people in the office plus the Outside Real Estate Agents.

SINCERELY



Héctor Durán
201 N. Copia St. El Paso, Tx. 79905
Phone.- (915) 726 18-11 (915) 222-2411
Email.- hector.duran@libertycorporation.com



1123 thru 1125 Missouri Ave.

Struck Off Date: October 7, 2008

Struck Off Amt: \$47,942.00

Judgment Amt: \$45,626.53

Judgment Value: \$47,942.00

Current Value: \$79,650.00

EPISD