

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

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

AGENDA DATE: May 31, 2011

CONTACT PERSONS/PHONE: Carmen I. Perez Office: 545-5481 Cell: 740-8393

DISTRICT(S) AFFECTED: DISTRICT No. COUNTY

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 properties described as Lots 1 thru 40, Block 70; Lots 13 thru 18, Block 71; and Lots 28 thru 32, Block 71, Wilco Subdivision Unit No. 2, El Paso County, Texas, to **H. Daniel Pettit and Kimberly Keeton-Pettit.**

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. If the sale is approved the properties 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 PROPERTIES DESCRIBED AS LOTS 1 THRU 40, BLOCK 70; LOTS 13 THRU 18, BLOCK 71; AND LOTS 28 THRU 32, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS, TO H. DANIEL PETTIT AND KIMBERLY KEETON-PETTIT, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.

WHEREAS, by Sheriff's Sale conducted on December 3, 1991, 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 **171st Judicial District Court**, El Paso County, Texas; and

WHEREAS, the sum of FIVE THOUSAND FORTY FOUR and NO/100 DOLLARS (\$5,044.00) has been tendered by **H. Daniel Pettit and Kimberly Keeton-Pettit** of El Paso County, Texas ("**Pettit**") 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, TEXAS:

That the City Manager is hereby authorized to execute a Quitclaim (Tax Resale) Deed conveying to **H. Daniel Pettit and Kimberly Keeton-Pettit**, 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 1 THRU 40, BLOCK 70, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOTS 13 THRU 18, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOTS 28 THRU 32, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

ADOPTED THIS _____ day of _____, 2011

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Bertha A. Ontiveros
Assistant City Attorney

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 said governing body which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of \$5,044.00 cash in hand paid by

**H. Daniel Pettit and Kimberly Keeton-Pettit
674 Golden Eagle Trail
Chaparral, New Mexico 88081**

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. 84-6639**, in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

LOTS 1 THRU 40, BLOCK 70, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOTS 13 THRU 18, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOTS 28 THRU 32, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, 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 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 El Paso County, 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:

**H. Daniel Pettit and Kimberly Keeton-Pettit
674 Golden Eagle Trail
Chaparral, New Mexico 88081**

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: MAY 4, 2011
RE: RESALE OF PROPERTY

H. Daniel Pettit has made an offer for the total amount of \$5,044.00 for the following properties. His offers are for the full amount of the opening bid at time of sale. The properties were struck off to the City, as Trustee on December 3, 1991.

LOTS 1 THRU 40, BLOCK 70, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

PID #W390-003-0700-0100

OPENING BID AT TIME OF SALE: \$3,728.00

LOTS 13 THRU 18, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

PID #W390-002-0710-1300

OPENING BID AT TIME OF SALE: \$693.00

LOTS 28 THRU 32, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

PID #W390-002-0710-2800

OPENING BID AT TIME OF SALE: \$623.00

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 properties 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 184807	Geo_id W39000207000100	Prop_id Number 184807	GEO_id Number W39000207000100	Year 1 TO 40 (29200	Acreage 70 WILCO #2	School City College Water Fire Emergency Municipal				
(Street) COTTON		TXELPA013042Orth		CITY OF EL PASO		ICL	SCC	SF2		
Cordova Ranch Subdivision		2 CIVIC CENTER PLAZA		EL PASO		TX	79901-1153		Clear / Reset	
Future/ Map2011/ J-Date		PROP ID	GEO ID	P- Type	School District Code	Owner	ACRES	House #	State Code	Tiles
Residential		Commercial	Farm /Ranch Imprv	Industrial	Gas or Oil	Verify	New Sub or 2011	Vacant Lot(s)	Utility Properties	
0000.00		<----- Feet (or) Mile(s)----->		00.0000		Display Parcel ID Numbers				

- Parcel Layers**
- Arrogos Rims
 - ETJ Bndg
 - Fire Station
 - Floodplains
 - Major Streets
 - Mobile Home Parks
 - Municipals
 - Parcels
 - Parks
 - Police Station
 - Rail Roads
 - School Districts
 - Subdivisions
 - Master Map Index
 - Zoning(City)
 - Zoning(Socorro)
 - Zoning(Vinton)
 - Water Vags
 - TIRZ 1-7

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Aerials

Buffer Radius

Parcel Identify

Deed / Info Full Screen

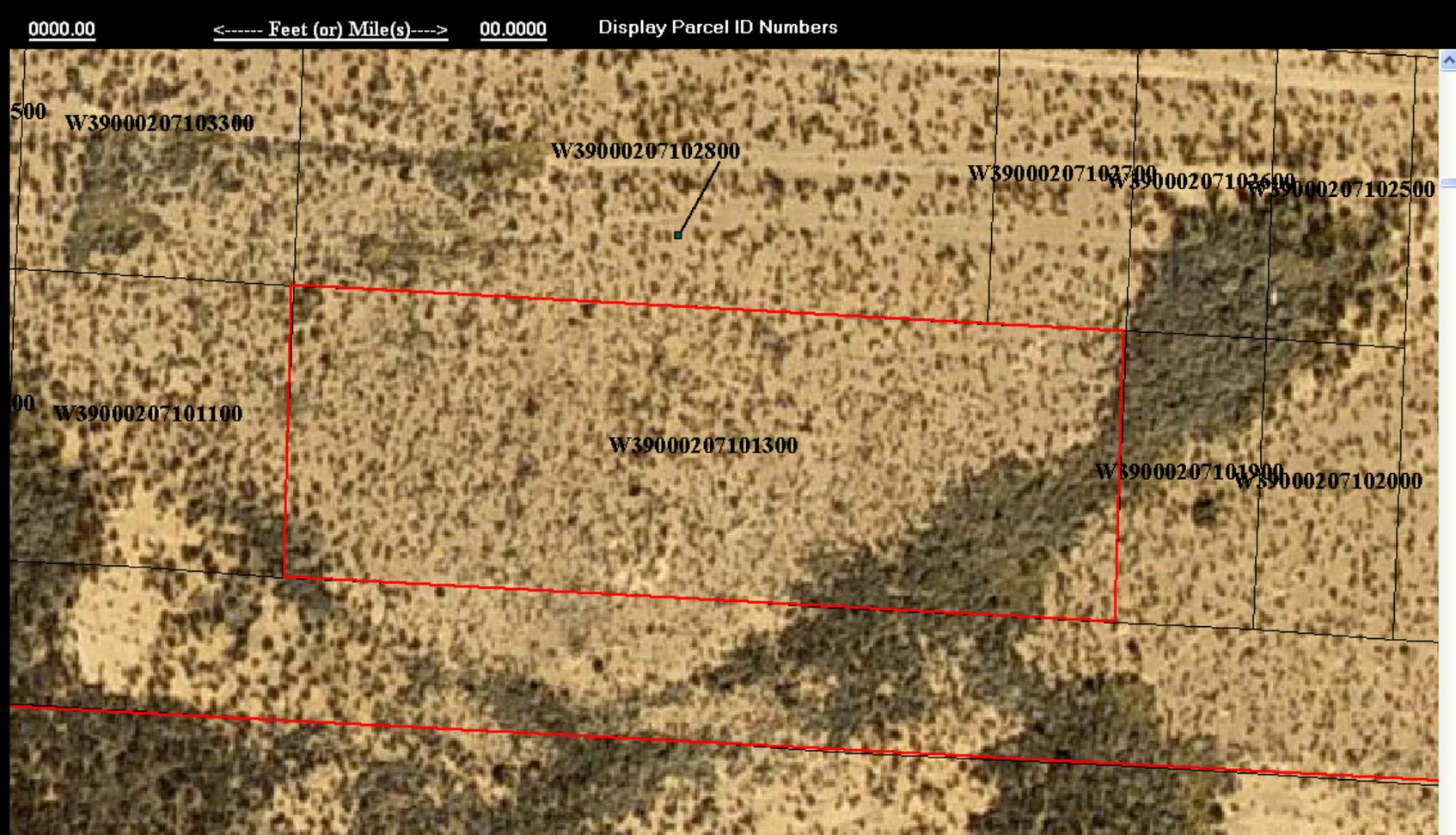




Prop_id 127869	Geo_id W39000207101300	Prop_id Number 127869	GEO_id Number W39000207101300	Year 13 TO 18 (366	Acreage 71 WILCO #2	School City College Water Fire Emergency Municipal			
(Street) COTTON		TXELPA013042Orth		ICL	SCC	SF2			
Cordova Ranch Subdivision		CITY OF EL PASO		NEB28		Clear / Reset			
2 CIVIC CENTER PLAZA			EL PASO		TX		79901-1153		
601 ICL SC									

Future/ Map2011/J-Date	PROP ID	GEO ID	P- Type	School District Code	Owner	ACRES	House #	State Code	Tiles
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Aerials

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Parcel Identify

Deed / Info Full Screen



Prop_id 327199	Geo_id W39000207102800	Prop_id Number 327199	GEO_id Number W39000207102800	Year 28 TO 32 (366)	Acreage 71 WILCO #2	School City College Water Fire Emergency Municipal			
(Street) COTTON		TXELPA013042Orth		ICL	SCC	SF2			
Cordova Ranch Subdivision		CITY OF EL PASO		NEB28		Clear / Reset			
2 CIVIC CENTER PLAZA			EL PASO		TX	79901-1153			
601 ICL SC		ALT							

Future/ Map2011/J-Date	PROP ID	GEO ID	P- Type	School District Code	Owner	ACRES	House #	State Code	Tiles
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