

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

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

**AGENDA DATE:** Introduction: July 7, 2009 Public Hearing: July 14, 2009

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

**DISTRICT(S) AFFECTED:** East ETJ

**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 conveyance by the City of El Paso to MJ Real Properties, Inc. of Lot 4, Block 1; Lot 1, Block 2, and Lot 3, Block 2, Las Quintas, El Paso County, Texas, and authorizing the City Manager to execute a deed without warranty to effectuate said conveyance, in accordance to Section 253.008, subsections (a) and (b) of the Texas Local Government 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 City acquired title to the identified properties, by Special Warranty Deed filed and recorded in Volume 2772, Page 1163, Deed Records of El Paso County, Texas, from WCL, Inc., pursuant to the Bankruptcy Court Order Confirming Fourth Amended Plan of Reorganization as Modified, filed May 26, 1994, in satisfaction of the \$55,000.00 claim for delinquent taxes allowed in the Chapter 11 proceeding of WCL, Inc. by Order filed June 30, 1994.

**PRIOR COUNCIL ACTION:**

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

On Dec. 18, 2007 by Resolution, Council ordered said properties to be sold at public auction, in accordance to Section 253.008, subsections (a) and (b) of the Texas Local Government Code, and that the City Tax Collector would distribute any proceeds from the public auction, after costs, to the taxing jurisdictions on a *pro rata* basis according to the amount each jurisdiction was owed in taxes at the time the City filed a proof of claim in Case Number 93-31015-LCM.

**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 DEED WITHOUT WARRANTY CONVEYING ALL RIGHT, TITLE AND INTEREST IN LOT 4, BLOCK 1; LOT 1, BLOCK 2, AND LOT 3, BLOCK 2, LAS QUINTAS, EL PASO COUNTY, TEXAS TO MJ REAL PROPERTIES, INC. IN ACCORDANCE WITH SECTION 253.008, SUBSECTIONS (A) AND (B) OF THE TEXAS LOCAL GOVERNMENT CODE.**

**WHEREAS**, the City of El Paso acquired title to Lot 4, Block 1; Lot 1, Block 2, and Lot 3, Block 2, Las Quintas, El Paso County, Texas, by Special Warranty deed filed and recorded in Volume 2772, Page 1163, Instrument No. 94-54451, Deed Records of El Paso County, Texas, from WCL, Inc., pursuant to the Bankruptcy Court Order Confirming Fourth Amended Plan of Reorganization As Modified, filed May 26, 1994, in satisfaction of the \$55,000.00 claim for delinquent taxes allowed in Chapter 11 proceeding of WCL, Inc. by Order filed June 30, 1994 in Case Number 93-31015-LCM, United States Bankruptcy Court Western District of Texas, El Paso Division; and

**WHEREAS**, the total sum of Thirty-Five Thousand, Five Hundred and no/100 Dollars (\$35,500.00) has been tendered by **MJ Real Properties, Inc.** of El Paso County, Texas (“**MJ**”) for the purchase of the three identified properties pursuant to Section 253.008, Subsections (a) and (b) of the Texas Local Government Code.

**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 deed without warranty conveying to **MJ Real Properties, Inc.**, all of the right, title, and interest of the City of El Paso, and all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the following described real properties:

Lot 4, Block 1; Lot 1, Block 2, and Lot 3, Block 2, Las Quintas, El Paso County, Texas, as further described in Volume 2772, Page 1163, Instrument No. 94-54451, Deed Records, 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:

\_\_\_\_\_  
Theresa Cullen  
Deputy City Attorney

\_\_\_\_\_  
Juan Sandoval  
Tax Assessor-Collector

**DEED WITHOUT WARRANTY**

**STATE OF TEXAS**

**X**

**X**

**KNOW ALL MEN BY THESE  
PRESENTS**

**COUNTY OF EL PASO**

**X**

That **City of El Paso**, acting through the presiding officer of its governing body, 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 **\$35,500.00** cash in hand paid by

**MJ Real Properties, Inc.  
8650 Yermoland Dr.  
El Paso, Texas 79907**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, does hereby convey unto said grantee(s) the properties herein described, and acquired through Chapter 11 proceeding In Re: WCL Inc., Case No. 93-31015-LMC, United States Bankruptcy Court, Western District of Texas, El Paso Division, said properties being located in El Paso County, Texas, and described as follows:

**Lot 4, Block 1 Las Quintas, El Paso County, Texas.**

**Lot 1, Block 2 Las Quintas, El Paso County, Texas.**

**Lot 3, Block 2, Las Quintas, El Paso County, Texas.**

together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee(s), and Grantee(s)' successors or assigns forever, without express or implied warranty; and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is subject to the following:

1. All restrictions, reservations, rights-of-way, and easements running with the land, or record, shown on any recorded plat, or visible or apparent on or across the Property, and any zoning ordinances;

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping or improvements;
3. Rights of parties in possession including but not limited to those parties in possession under any unrecorded leases and/or rental agreements, and/or contracts of sale; and
4. Standy fees and taxes for the year 2009 and thereafter, the payment of which is hereby expressly assumed by Grantee.

IN TESTIMONY WHEREOF the City of El Paso has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF EL PASO**

BY: \_\_\_\_\_

Joyce Wilson  
City Manager

**STATE OF TEXAS**

**X**

**COUNTY OF EL PASO**

**X**

Before me, the undersigned authority, on this day personally appeared Joyce Wilson, City Manager of the City of El Paso, El Paso County, Texas known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration, therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

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

Commission Expires:

\_\_\_\_\_

After recording return to:

**MJ Real Properties, Inc.**  
**8650 Yermoland Dr.**  
**El Paso, Texas 79907**