

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

DEPARTMENT: Law office of Delgado Acosta Spencer Linebarger & Perez, LLP
AGENDA DATE: July 22, 2008
CONTACT PERSONS/PHONE: Carmen I. Perez Office: 545-5481 Cell: 740-8393
DISTRICT(S) AFFECTED: DISTRICT No. 8

CITY CLERK DEPT.
08 JUL 14 AM 11:34

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 the North Portion of Lot 33, (25 feet on the North, 42.15 feet on the East, 25.32 feet on the South and 39.20 feet on the West), Block 12, Sunset Heights, an Addition to the City of El Paso, El Paso County, Texas to **Juan Antonio Flores, Jr.**

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 DESCRIBED HEREIN, TO JUAN ANTONIO FLORES, JR., IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.

Whereas, by Sheriff's Sale conducted on April 3, 1990, 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 210th Judicial District, El Paso County, Texas and

Whereas, the sum of Five Thousand Dollars (\$5,000.00) has been tendered by **Juan Antonio Flores, Jr.** of El Paso County, Texas ("Flores") 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 **Juan Antonio Flores, Jr.**, 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 North Portion of Lot 33, (25 feet on the North, 42.15 feet on the East, 25.32 feet on the South and 39.20 feet on the West), Block 12, Sunset Heights, an Addition to the City of El Paso, El Paso County, Texas.

PASSED AND APPROVED THIS _____ day of _____, 2008.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Marie Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:



Juan Sandoval
Tax Assessor-Collector

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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 \$5,000.00 cash in hand paid by

**Juan Antonio Flores, Jr.
9147 Texas Red Drive
El Paso, Texas 79907**

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. 88-4534**, in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

The North Portion of Lot 33, (25 feet on the North, 42.15 feet on the East, 25.32 feet on the South and 39.20 feet on the West), Block 12, Sunset 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 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.

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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 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:

Juan Antonio Flores, Jr.
9147 Texas Red Drive
El Paso, Texas 79907

MEMORANDUM

DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP

TO: MAYOR AND COUNCIL OF THE CITY OF EL PASO
FROM: CARMEN PEREZ, ATTORNEY AT LAW
DATE: JUNE 27, 2008
RE: RESALE OF PROPERTY

Juan Antonio Flores, Jr. has made an offer in the amount of \$5,000.00 for the following property. His offer is for more than the full amount of the opening bid at time of sale. The current value of the property is \$8,057.00. The property was struck off to the City, as Trustee on April 3, 1990.

**The North Portion of Lot 33, (25 feet on the North, 42.15 feet on the East, 25.32 feet on the South and 39.20 feet on the West), Block 12, Sunset Heights, an Addition to the City of El Paso, El Paso County, Texas.
PID #S979-999-0120-5500**

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.

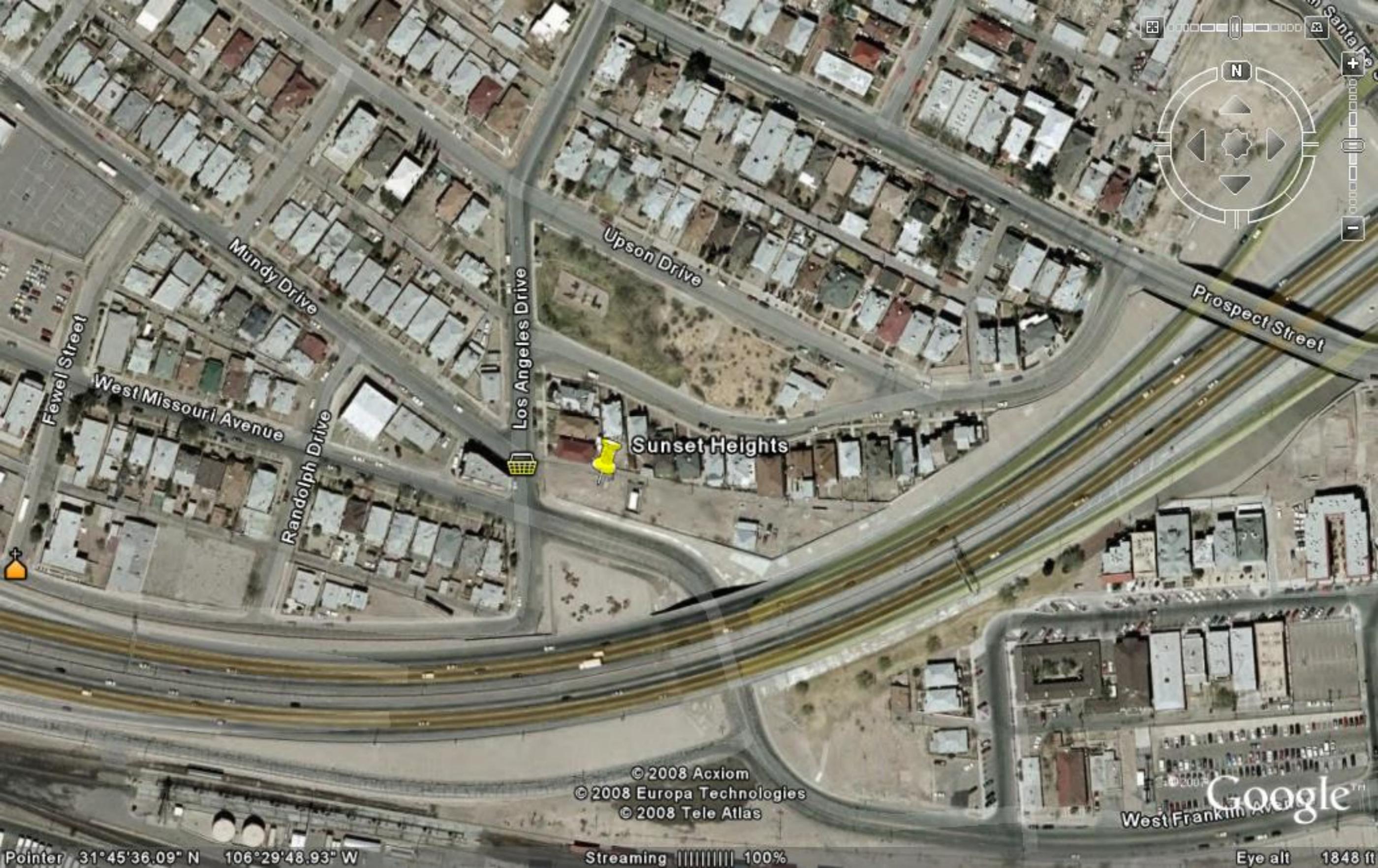
Thank you for your attention to this matter.

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The North portion of Lot 33, (25 feet on
The north, 42.15 feet on the East, 25.32 feet
On the South and 39.20 feet on the West),
Block 12, Sunset Heights, an addition to
The City of El Paso, El Paso County, Texas.
(PID #S979-999-0120-5500)

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Fewel Street
Mundy Drive
West Missouri Avenue
Randolph Drive
Los Angeles Drive
Upson Drive
Prospect Street
Sunset Heights

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Google
West Franklin Ave

Pointer 31°45'36.09" N 106°29'48.93" W

Streaming ||||| 100%

Eye alt 1848 ft