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

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

AGENDA DATE: 8/15/2006

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

DISTRICT(S) AFFECTED: DISTRICT No. 2

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 LOTS 6, 7, AND 8, BLOCK 17, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1637, PAGE 587, DEED RECORDS OF EL PASO COUNTY, TEXAS, to Michael J. Johnson, 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.

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. 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 CONVEYANCE BY THE CITY OF EL PASO TO MICHAEL J. JOHNSON, OF **LOTS 6, 7 AND 8, BLOCK 17, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1637, PAGE 587, DEED RECORDS OF EL PASO COUNTY, TEXAS.**

Whereas, by Sheriff's Sale conducted on March 1, 2005, the property known as LOTS 6, 7, AND 8, BLOCK 17, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1637, PAGE 587, DEED RECORDS OF EL PASO COUNTY, TEXAS, 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 – Tax Docket, El Paso County, Texas, and

Whereas, the sum of Twenty Five Thousand Seventy-Five Dollars ($25,075.00) has been tendered by Michael J. Johnson, ("Johnson") of El Paso County, Texas for the purchase of said property pursuant to Section 34.05, 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 Johnson, all of the right, title, and interest of the City, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

> **LOTS 6, 7 AND 8, BLOCK 17, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1637, PAGE 587, DEED RECORDS OF EL PASO COUNTY, TEXAS.**

PASSED AND APPROVED THIS _____ day of _____, 2006.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Jorge Villegas
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Juan Sandoval
Tax Assessor-Collector

ORDINANCE NO._____

MEMORANDO

DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP

TO: **MAYOR AND COUNCIL OF THE CITY OF EL PASO**

FROM: **CARMEN PEREZ**

DATE: **JULY 31, 2006**

RE: **RESALE OF PROPERTY**

Mr. Michael J. Johnson has made an offer in the amount of $25,075.00 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 $25,056.00. The property was struck off to the City, as Trustee on March 1, 2005.

LOTS 6, 7 AND 8, BLOCK 17, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1637, PAGE 587, DEED RECORDS OF EL PASO COUNTY, TEXAS.
(PID #D361-999-0170-1600)

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.

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument 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 $25,075.00 cash in hand paid by

MICHAEL J. JOHNSON
1669 LOU GRAHAM
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. 2000TX151; City of El Paso vs. M.A. Calabrese, et al** in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

LOTS 6, 7 AND 8, BLOCK 17, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 1637, PAGE 587, 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:_____
Printed Name: _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:

MICHAEL J. JOHNSON
1669 LOU GRAHAM
EL PASO, TEXAS 79907