

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

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

AGENDA DATE: August 17, 2010

CONTACT PERSONS/PHONE: Carmen I Perez, 545-5481 (office) or 740-8393 (cell)

DISTRICT(S) AFFECTED: ALL DISTRICTS

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 a resolution whereby the City of El Paso requests the Sheriff of El Paso County to sell the "struck off" properties listed in attached Exhibit "A".

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 are referred to as "struck off" because they were bid off to the City at a tax sale when no bids were received. The Sheriff of El Paso County shall sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code. Section 34.05 (c) and (d) allow the City to request the sheriff to sell the properties at a public auction in the manner prescribed by the Texas Rules of Civil Procedure. The purpose of the sale is to try and put the properties back on the tax rolls to generate revenue for the taxing entites.

PRIOR COUNCIL ACTION:

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

Yes, Council has considered other resolutions for other struck off properties to be sold pursuant to Section 34.05 (c) and (d).

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:** _____

RESOLUTION

WHEREAS, the City of El Paso, as trustee, acquired title to the properties described in **Exhibit "A"** by Sheriff's Tax Deed because no bids were received when the properties were offered for sale, and the officer making the sale bid the properties off to the City of El Paso, as trustee for all the taxing entities, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires that the sheriff of El Paso County sell said properties in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code the properties set forth in **EXHIBIT "A"** attached herein and made part hereof;

ADOPTED this _____ day of _____, 2010.

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

EXHIBIT "A"

CITY PROPERTIES

Tract 1-F-1-H (0.074 acre) & Tract 1-E-1-A (0.079 acre), Block 5, Ascarate Grant, in El Paso County, Texas.
PID #A765-999-005E-0132

Lot A, Block 1, Jewell Subdivision, a Subdivision in the City of El Paso, El Paso County, Texas
PID #J272-999-0010-9300

Lot 26 and the West ½ of Lot 27, Block 10, Franklin Heights Addition, City of El Paso, El Paso County, Texas, being more particularly described in Volume 2857, Page 2106, Deed Records of El Paso County, Texas.
PID #F607-999-0100-7100

Back portion of Lot 30, North Valumbrosa Subdivision, being more particularly described in Volume 1059, Page 695, Deed Records of El Paso County, Texas.
PID #N515-999-0010-3400

Tract 22-A, (0.147 acre, more or less), George L Wilson Survey 91, Abstract 2716, being more particularly described by the map or plat thereof recorded in Volume 91, Page 174, map records of El Paso County, Texas.
PID #X091-999-000B-4100

The Southeasterly 27 feet of Tract 31, Block 7, Stiles Gardens, an Addition to the City of El Paso, being more particularly described in Volume 1066, Page 80, Deed Records of El Paso County, Texas.
PID #S658-999-0070-4200

A portion of Lot 1, .901 acre, more or less, beginning 260 feet North of Section, (260.1 feet on the Street, 151 feet on the South, 260.1 feet on the West, and 151 feet on the North), Block 158, Vista Del Sol #31, an Addition to the city of El Paso, being more particularly described as 3.5 acres, more or less, in Volume 1498, Page 251, SAVE AND EXCEPT 2.025 acres conveyed as Parcel 1, described in exhibit "A" in Volume 2165, Page 588, Deed Records, El Paso County, Texas.
PID #V893-999-1580-0200

.07 acre, more or less, Ysleta Town Grant, an Addition to the City of El Paso, being more particularly described in Volume 525, Page 294, Deed Records of El Paso County, Texas.
PID #Y805-999-046C-1901

Tract 6, being 2.6286 acres, more or less, situated in Fruitvale Addition, an Addition to the City of El Paso SAVE AND EXCEPT .6196 acre, more or less, being more particularly described in Volume 1871, Page 361, Deed Records of El Paso County, Texas, leaving herein a residue of 2.009 acres, more or less
PID #F856-999-0010-2600

1 acre, more or less, being a portion of Tract 2-A, nka Tract 2-M-2-A, Block 6, Ascarate Grant, being more particularly described in Volume 1594, Page 1015, Deed Records of El Paso County, Texas; SAVE & EXCEPT that certain .427 acre, described in Volume 532, Page 1210, Official Records of El Paso County, Texas leaving herein a residue of .573 acre, more or less.
PID #A765-999-006H-0220

EXHIBIT "A"

CITY PROPERTIES

0.053 acre, more or less, being a portion of Lots 11, 12, and 13, Block 19, Bassett Addition, an Addition to the City of El Paso, being more particularly described in Volume 899, Page 417, Deed Records of El Paso County, Texas.

PID #B202-999-0190-3600

Lot 4 and the East 8 feet of Lot 3, Block 20, Lincoln Park, an Addition to the City of El Paso, being more particularly described in Volume 2716, Page 228, Deed Records of El Paso County, Texas.

PID #L314-999-0200-1100

Lot 19, Block 70, East El Paso, an Addition to the City of El Paso, being more particularly described in Volume 2338, Page 1597, Deed Records of El Paso County, Texas.

PID #E014-999-0700-2100

Lots 7 and 8, Block 5, Castle Heights, an Addition to the City of El Paso, being more particularly described by the map or plat thereof recorded in Volume 4, Page 32, Map Records of El Paso County, Texas.

PID #C230-999-0050-4100

Lot 24, Singh Addition an Addition to the City of El Paso, being more Particularly described in Volume 4596, Page 283, Deed Records of El Paso County, Texas.

PID #S445-999-0010-2400

Lots 1 and 2 and the West ½ of Lot 3, Block 21, Cotton Addition, an Addition to the City of El Paso, being more particularly described in Volume 3066, Page 2138, Deed Records of El Paso County, Texas.

PID #C849-999-021A-0100

The East one-half of Lot 12 and all of Lot 13, Block 19, Government Hill Addition, City of El Paso, El Paso County, Texas as described in Volume 212, Page 1101, Deed Records of El Paso County, Texas, an addition to the City of El Paso, El Paso County, Texas.

PID #G569-999-0190-3600

Lots 7 and 8, Block 47, Highland Park Addition, Amended, an Addition to the City of El Paso, being more particularly described by the map or plat thereof recorded in Volume 1, Page 54, Map Records of El Paso County, Texas.

PID #H453-999-0470-3100

Lots 29 and 30, Block F, Grandview Addition, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 2777, Page 1210, Official Records of El Paso County, Texas.

PID #G686-999-000F-9200

.95 acre, more or less, being a portion of Tract 11 nka Tract 11-B, Block 7, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas, as described in volume 4846, page 894, Official Records of El Paso County, Texas.

PID #Y805-999-0070-1101

EXHIBIT "A"

CITY PROPERTIES

Lots 55, 56, 57, and 58, Wells Park Addition, being more particularly described in Volume 1507, Page 57, Deed Records of El Paso County, Texas.

PID #W123-999-000A-8900

Lot 8, Block 3, Miraflor Addition, an Addition to the City of El Paso, being more particularly described in Volume 1081, Page 385, Deed Records of El Paso County, Texas.

PID #M488-999-0030-2200

The South 40 feet of Lots 23 to 26, Block 77, East El Paso Addition, an Addition to the City of El Paso, being more particularly described in Volume 869, Page 353, Deed Records of El Paso County, Texas.

PID #E014-999-0770-6600

Lots 12 and 13, Block 78, Morningside Heights Addition, an Addition to the City of El Paso, being more particularly described in Volume 131, Page 1710, Deed Records of El Paso County, Texas.

PID #M794-999-0780-3300

Lot 5, Block 98, Sun Valley Addition, an Addition to the City of El Paso being more particularly described in Volume 1178, Page 362, Deed Records of El Paso County, Texas.

PID #S816-999-0980-0900

Lots 3 and 4, Block 74, East El Paso Addition, an Addition to the City of El Paso, being more particularly described in Volume 982, Page 108, Deed Records of El Paso County, Texas.

PID #E014-999-0740-0600

Lot 6, Block 1, Lydia Dixon Subdivision, an Addition to the City of El Paso, being more particularly described in Volume 769, Page 1191, Deed Record, El Paso County, Texas.

PID #L977-999-0010-3700

Lot 13, Block B, Moeller's Subdivision, an Addition to the City of El Paso, being more particularly described by the map or plat thereof recorded in Volume 14, Page 21, Plat records of El Paso County, Texas.

PID #M627-999-0010-7300

The North 1/2 of Lot 104, North Valumbrosa No. 2, an Addition to the City of El Paso, being more particularly described in Volume 1485, Page 55, Deed Records of El Paso County, Texas.

PID #N525-999-0010-2401

PID #N525-999-0010-2400

The North 60 feet of Lot 4, Najera Subdivision, a subdivision in the City of El Paso, being more particularly described in Volume 1585, Page 142, Deed Records of El Paso County, Texas.

PID #N040-999-0010-1900

Lot 11, Block 2, Heafield Hudspeth Subdivision, a Subdivision in the City of El Paso, being more particularly described by the map or plat thereof, recorded in Volume 5, Page 33, Map Records of El Paso County, Texas.

PID #H211-999-0020-4600

EXHIBIT “A” CITY PROPERTIES

The South 50 feet of Lots 30, 31 and 32, Block 117, East El Paso Addition, an Addition to the City of El Paso, El Paso County, Texas.
PID #E014-999-1170-8600

Lots 7 & 8, Block 117, East El Paso Addition, an Addition to the City of El Paso, El Paso County, Texas.
PID #E014-999-1170-1600

Lots 15 and 16, Block 42, Highland Park Addition, an Addition to the City of El Paso, being more particularly described in Volume 4231, Page 904, Deed Records of El Paso County, Texas.
PID #H453-999-0420-7100

Lot 3, Block 4, Heafield – Hudspeth Subdivision of the Cotton Addition, an Addition to the City of El Paso, being more particularly described in Volume 658, Page 76, Deed Records of El Paso County, Texas.
PID #H211-999-0040-0600

Lot 2071, Block 85 Mountain View Addition, an Addition to the City of El Paso, being more particularly described by the map or plat thereof, in Volume 2, Page 23, Plat Records of El Paso County, Texas.
PID #M851-999-0850-2200

**DELGADO ACOSTA SPENCER
LINEBARGER & PEREZ, LLP**

ATTORNEYS AT LAW
221 NORTH KANSAS, SUITE 1400
EL PASO, TEXAS 79901

Telephone: (915) 545-5481
Facsimile: (915) 532-7085

June 7, 2010

Bertha Ontiveros
Assistant City Attorney
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

RE: Resale of Struck off properties

Dear Ms. Ontiveros:

The Firm would like to place an item on the City Council agenda to seek approval from the City Council to request that the sheriff sell certain struck off properties at a public auction. These properties did not sell the first time they were offered at public auction and were bid off to the City, as Trustee. At this time the properties do not generate revenue for the taxing entities. Section 34.05 (c) and (d) allows a taxing entity to which a property is bid off to request that the sheriff sell the property pursuant to the Texas Rules of Civil Procedure. The desired result is that the properties will sell at public auction and once again generate revenue for the taxing entities.

I am providing you with the following original documents:

1. Request for Council Action form (RCA);
2. Resolution form;
3. Exhibit "A" which lists struck off properties;
4. Memorandum addressed to Joyce Wilson, City Manager

After your review and signature, please forward the documents to the City Clerk's office for posting on the agenda, or if you prefer, I can have a runner pick up the signed originals and deliver them to the City Clerk. I would like for this item to be on your next available agenda. A representative from our firm will be present at City Council to address any questions that may arise. I will be the contact person should you need additional information on this matter. My cell number is 740-8393 and my office number is 545-5481.

Sincerely,

Carmen I. Perez
Partner

CIP/et
Enclosure(s)

cc: Juan Sandoval, Tax Assessor / Collector