

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

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

**AGENDA DATE:** September 6, 2005

**CONTACT PERSONS/PHONE:** Carmen I Perez, Jose Padilla - 545-5481

**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 resolution whereby City of El Paso requests to purchase property in accordance with Section 34.05 (i) of the Texas Property Tax Code for parcel of property described as.

Tract 6-A, being a portion of Section 6, Block 79, Township 3, Texas and Pacific Railroad Surveys, being more particularly described in Volume 1338, Page 814, Deed Records of El Paso County, Texas, being more particularly described as 11510 Cheryl Ladd, El Paso, Texas, (PID #X579-999-306A-2200).

**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 is referred to as "struck off", because it was bid off to the City at a tax sale when no bids were received. The purpose of the resolution is to consider the offer submitted by the City for the property.

**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.

**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?**

N/A

**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** \_\_\_\_\_ n/a \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**RESOLUTION**

**WHEREAS**, by Sheriff's Sale conducted on March 1, 2005, the property described hereinafter was struck-off to City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 34<sup>th</sup> Tax Court, El Paso County, Texas; and

**WHEREAS**, the City of El Paso (the "**City**") has offered the sum of \$1.00 for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982).

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City,

That, pursuant to Section 34.05(i) of the Texas Tax Code, the City as Trustee for the various taxing entities, is hereby authorized to accept the City's offer of \$1.00 for the purchase of the following real property:

**Tract 6-A, being a portion of Section 6, Block 79, Township 3, Texas and Pacific Railroad Surveys, being more particularly described in Volume 1338, Page 814, Deed Records of El Paso County, Texas, being more particularly described as 11510 Cheryl Ladd, El Paso, Texas, (PID #X579-999-306A-2200).**

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2005.

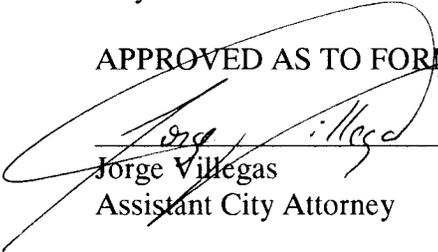
CITY OF EL PASO:

\_\_\_\_\_  
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

# BUILDING & PLANNING SERVICES



August 9, 2005

JOHN COOK  
MAYOR

CITY COUNCIL

ANN MORGAN LILLY,  
DISTRICT 1

SUSANNAH M. BYRD,  
DISTRICT 2

ALEXANDRO LOZANO,  
DISTRICT 3

MELINA CASTRO,  
DISTRICT 4

PRESI ORTEGA, JR.,  
DISTRICT 5

EDDIE HOLGUIN JR.,  
DISTRICT 6

STEVE ORTEGA,  
DISTRICT 7

BETO O'ROURKE,  
DISTRICT 8

JOYCE WILSON  
CITY MANAGER

Carmen I. Perez, Attorney at Law  
Delgado Acosta Spencer Linebarger Heard & Perez, LLP  
Martin Building, 2<sup>nd</sup> Floor  
215 N. Stanton Street  
El Paso, Texas 79901

RE: 11510 Cheryl Ladd

Dear Ms. Perez:

This letter is to formally request that you, on behalf of the City of El Paso, submit an offer to all of the taxing entities to acquire the property located at 11510 Cheryl Ladd. As you may be aware, this property is approximately 6.8 acres in size and was formerly used by the County as a dumpsite. In January of this year the property was auctioned due to the bankruptcy of the former owner and the outstanding taxes due, however no offers were made. Numerous resident complaints have been received over the years due to the environmental concerns in the area. In order to ameliorate this matter, the City is interested in utilizing the site as a park or other open recreational area and is prepared to invest in the remediation of the site. A cleanup of the site would be coordinated through the local office of the Texas Commission on Environmental Quality to ensure that all regulatory issues are addressed.

Due to the fact that the site has significant environmental issues and no appreciable market value, the City is offering a \$1.00 for the purchase of the property. It is my understanding that the property has a significant tax lien filed against it, and the City would request forgiveness of the tax liens in order to designate limited financial resources to the cleanup of the property.

Your prompt attention to this request is greatly appreciated. Should you have any questions or need additional information, please contact Ms. Ellen A. Smyth at (915) 621-6719 or me at (915) 541-4853. Thank you for your consideration.

Sincerely,

*Patricia D. Adauto*

Patricia D. Adauto  
Deputy City Manager

C: Joyce A. Wilson, City Manager  
Ellen A. Smyth, Environmental Services Director  
Charlie McNabb, City Attorney

**MEMORANDUM**  
**DELGADO ACOSTA SPENCER LINEBARGER HEARD & PEREZ, LLP.**

**TO: JUAN SANDOVAL, TAX ASSESSOR/COLLECTOR  
CITY OF EL PASO**

**FROM: CARMEN I. PEREZ, DASLH&P, LLP**

**DATE: AUGUST 30, 2005**

**RE: OFFER FROM THE CITY OF EL PASO FOR STRUCK OFF  
PROPERTIES**

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Enclosed is a letter dated August 9, 2005 from Ms. Patricia D. Adauto, Deputy City Manager, whereby the City offers to purchase property for the price of \$1.00.

The City is interested in utilizing the property as a park.

Because the property is a struck off property the offer was presented to our firm and it was requested that an item be placed on the City Council's agenda for consideration and action on the offer for the struck off property pursuant to Section 34.05(i) of the Tax Code. **Please place this item on City Council's agenda for September 6, 2005.**

Section 34.05 (i). of the Tax Code provides that a struck off property may be sold at a private sale for an amount less than the opening bid with the consent of each taxing unit entitled to receive proceeds of the sale under the judgment. Your entity may consider to accept the offer of \$1.00 made by the City for the struck off property. In order for the sale of the property to be finalized each taxing entity entitled to proceeds must consent to the sale.

The affected taxing entities for these properties are:

Socorro Independent School District  
El Paso County  
El Paso City  
El Paso Community College  
R. E. Thomason General Hospital

The attached exhibits provide information on the property. Please let us know if you need additional information.

Thank you.

cc: Jorge Villegas  
Assistant City Attorney