

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

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

AGENDA DATE: September 27, 2011

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 below 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, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the Sheriff of El Paso County to 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 parcels of property described in attached Exhibit "A".

ADOPTED this _____ day of _____, 2011.

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"

Lot 32, Block 35, Tobin Park, Unit 2, an Addition to the City of El Paso, being more particularly described in Volume 282, Page 1695, Deed Records of El Paso County, Texas.

Tract 7-L-1, (0.833 acre) and Tract 7-K-1 (0.325 acre) and Tract 7-L-1-B (0.009 acre), Block 35, Ysleta, an Addition to the City of El Paso, El Paso County, Texas.

Lot 21, Longhorn Park Subdivision, an Addition to the City of El Paso, being more particularly described by the map or plat thereof in Volume 14, Page 6, Map Records of El Paso County, Texas.

Lot 20, Block 22, Latta's Woodlawn Addition, an Addition to the City of El Paso, according to the map or plat thereof recorded in Volume 13, Page 53, Plat Records of El Paso County, Texas.

Lots 31 and 32, Block E, Grandview Addition, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 727, Page 12, Deed Records of El Paso County, Texas.

MEMORANDUM
DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP.

TO: BERTHA A. ONTIVEROS
ASSISTANT CITY ATTORNEY

FROM: CARMEN I. PEREZ, ATTORNEY AT LAW
DASL&P LLP

DATE: JULY 11, 2011

RE: RESOLUTIONS FOR RESALE OF PROPERTY

I am enclosing a proposed resolution for City Council's consideration. The resolution requests that the properties be sold at a Sheriff's sale pursuant to section 34.05 subsection (c) and (d) of the Texas Property Tax Code.

Please let me know when this item will be placed on City Council's agenda.

Thank you for your consideration to this matter.

cc:
Juan Sandoval, Tax Assessor/Collector