

**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 or 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 a Resolution that the City does not accept title to the real property at 11441 Samalayucca Road, City of Socorro, Texas as recited in Document 20100054830 filed in the official Records of El Paso County Texas, and to disclaim title to that property in favor of the United States of America.

**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 purpose of the resolution is to allow the United States of America to convey the property to the County of El Paso pursuant to a Process Receipt and Return filed in Civil No. 07-CV-626-JPG stating "Property Deeded to the County of El Paso for Back Taxes." This resolution if approved would clear title for subsequent a sale.

**PRIOR COUNCIL ACTION:**

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

No.

**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

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

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

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

**APPROVED FOR AGENDA:**

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

## RESOLUTION

**WHEREAS**, the United States of America filed Civil No. 07-CV-626-JPG on the docket of the United States District Court for the Southern District of Illinois seeking to forfeit to the United States of America real property at 11441 Samalayucca Road, El Paso [sic], El Paso County, Texas;

**WHEREAS**, notice of the filing of that suit was not given to any unit of government in El Paso County which assesses ad valorem taxes on the property;

**WHEREAS**, on October 27, 2009, a Judgment and Decree of Forfeiture was entered in that case, which forfeited title to 11441 Samalayucca Road to the United States of America, but no notice of entry of that judgment was given to any unit of government in El Paso County which assesses ad valorem taxes on that property;

**WHEREAS**, in the Judgment and Decree of Forfeiture, the federal court retained jurisdiction to determine any and all issues regarding any real estate taxes imposed on the 11441 Samalayucca Road prior to the date of the order and ordered that no tax purchaser, tax certificate holder, taxing authority or any other person or entity shall take any steps to collect real estate taxes or enforce tax liens except as specifically authorized by an Order issued by the District Court after prior notice to the United States of America and a hearing;

**WHEREAS**, without an order issued by the District Court, by a Special Warranty Deed with Vendor's Lien (Document 20100054830), recorded in the Official Records of El Paso County, Texas, the United States sought to convey 11441 Samalayucca Road to the City of El Paso, Trustee, "pursuant to Section 34.01 (k) of the Texas Property Code" for the use and benefit of itself; City of Socorro, Texas; El Paso County; Socorro Independent School District; El Paso Community College District; El Paso Emergency Services District #2; University Medical Center of El Paso, and the Lower Valley Water District;

**WHEREAS**, on December 30, 2010 the United States Marshal Service filed a Process Receipt and Return in Civil No. 07-CV-626-JPG stating "Property Deeded to the County of El Paso for Back Taxes" (Document #18);

**WHEREAS**, the City of El Paso has not taken any official action to accept title to 11441 Samalayucca Road for the use and benefit of itself or any of the other taxing entities identified above.

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

**THAT** the City of El Paso does not accept title to the real property at 11441 Samalayucca Road, City of Socorro, Texas, as recited in Document 20100054830 filed in the Official Records of El Paso County Texas, and disclaims title to that property in favor of the United States of America.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011

CITY OF EL PASO:

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John F. Cook  
Mayor

ATTEST

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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Theresa Cullen  
Deputy City Attorney

APPROVED AS TO CONTENT:

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Juan Sandoval  
Tax Assessor-Collector

APPROVED AS TO CONTENT:

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Carmen I. Perez  
Linebarger Goggan Blair & Sampson, LLP  
Delgado Acosta Spencer Linebarger &  
Perez, LLP