

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

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

AGENDA DATE: December 20 2011

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

DISTRICT(S) AFFECTED: DISTRICT No. COUNTY

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 real properties described as Tract 7-1, (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 to **City of El Paso**.

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 being sold are referred to as a "struck off" properties because they were bid off to the City at a tax sale when no bids were received. An offer has been made to purchase the properties for the full amount of the judgment 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. If the sale is approved the properties 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 CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTY DESCRIBED AS TRACT 7-1 (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, TO CITY OF EL PASO, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE

WHEREAS, by Sheriff's Sale conducted on May 3, 2011, the below described properties were struck off to the City of El Paso as Trustee, (the "Trustee") pursuant to a delinquent tax foreclosure decree of the **327th Judicial District Court** , El Paso County, Texas; and

WHEREAS, the sum of TWENTY TWO THOUSAND NINETY FIVE and NO/XX DOLLARS (\$22,095.00) has been tendered by **City of El Paso**, of El Paso County, Texas ("City") for the purchase of said property pursuant to Section 34.05 (h) (2), 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 **City of El Paso**, all of the right, title, and interest of the City of El Paso and all other taxing units interested in the tax foreclosure judgment in the following described real property:

TRACT 7-1 (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

PASSED AND APPROVED 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
Consolidated Tax Office

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 El Paso County, Trustee has caused these presents to be executed this ____ day of _____, 20____.

CITY OF EL PASO, TRUSTEE

BY: _____

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:

**CITY OF EL PASO
#2 CIVIC CENTER PLAZA, 8TH FLOOR
EL PASO, TEXAS 79901**



MEMORANDUM

To: Mayor and City Council

From: Art Gloria
Senior Grant Planner

Date: December 19, 2011

Re: 6A. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real properties described as Tract 7-1, (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 to City of El Paso.

THE NEIGHBORHOOD STABILIZATION PROGRAM IS PROPOSING TO REDEVELOP THE TAX FORCLOSED PARCEL lot PID# Y805-999-035D-0778 TO ADD 15-20 UNITS OF RENTAL HOUSING for the elderly (62 years and older).

There is currently a shortage of quality affordable rental units for very low and low income families in the City of El Paso. Market demands of military families living near Fort Bliss have pushed up rental rates and have contributed to rental shortages in the area. The Housing Authority of the City of El Paso currently has a waiting list of 14,642, 66% of whom are in need of 1 and 2 bedroom rental units.

It is estimated that a minimum of \$1,846,918 or 60.90% of the total NSP allocation will be used for housing individuals and families whose income do not exceed 50 percent of area median income. The City of El Paso will review and certify the income for all applicants to insure that the income targeting is met.

Cc: Joyce Wilson, City Manager
Deborah G. Hamlyn, DCM of Quality of Life Services
Bill Lilly, Community Development Director

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Courtney Carlisle Niland

City Manager
Joyce A. Wilson

ART GLORIA

SENIOR GRANT PLANNER

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