

**CITY OF EL PASO, TEXAS  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City of El Paso Tax Office  
**AGENDA DATE:** Introduction: June 10, 2014  
Public Hearing: June 17, 2014  
**CONTACT PERSONS/PHONE:** David Childs, Ph. D., Tax Assessor Collector  
**DISTRICT(S) AFFECTED:** DISTRICT 7

**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 to **MIGUEL RIVERA** in accordance with Section 34.05 (h) of the Texas Property Tax Code the following described parcel:

**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.**

**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. An offer has been made to purchase the property for more than 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 property 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 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.

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\*\*\*\*\*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 1-F-1-H (0.074 ACRE) & TRACT 1-E-1-A (0.079 ACRE), BLOCK 5 ASCARATE GRANT, IN EL PASO COUNTY, TEXAS TO MIGUEL RIVERA, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

**WHEREAS**, by Sheriff's Sale conducted on January 7, 1969, the below described property was struck off to the City of El Paso, (the "City") Trustee, pursuant to a delinquent tax foreclosure decree of the 41<sup>ST</sup> Judicial District Court, El Paso County, Texas and

**WHEREAS**, the sum of TEN THOUSAND and NO/XX DOLLARS (\$10,000.00), a total that exceeds the amount of the judgment(s) against the property, has been tendered by **MIGUEL RIVERA**, of El Paso County, Texas ("**RIVERA**") 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 **MIGUEL RIVERA**, 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 1-F-1-H (0.074 ACRE) & TRACT 1-E-1-A (0.079 ACRE), BLOCK 5  
ASCARATE GRANT, IN EL PASO COUNTY, TEXAS.**

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014.

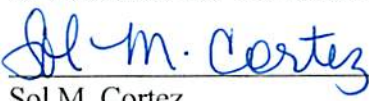
CITY OF EL PASO

\_\_\_\_\_  
Oscar Leoser  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sol M. Cortez  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Dr. David Childs, Ph. D.  
City Tax Assessor-Collector

ORDINANCE NO. \_\_\_\_\_

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from any instrument that transfers an interest in Real Property before it is filed for record in the public records: your social security number or your driver's license number.**

**TAX RESALE DEED**

**STATE OF TEXAS**

**X**

**X**

**KNOW ALL MEN BY THESE  
PRESENTS**

**COUNTY OF EL PASO**

**X**

That **The City of El Paso, Trustee**, acting through its City Manager, hereunto duly authorized by resolution and order of said governing body which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of \$10,000.00 cash in hand paid by

**Miguel Rivera  
12225 Tierra Alamo Dr.  
El Paso, Texas 79938**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Cause No. 128,238**, in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

**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.**

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to 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.

**THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.**

**THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.**

**IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL.**

**\*\*\*\*\***

**ESTA VENTA SE LLEVA ACABO DE CONFORMIDAD CON LOS REQUISITOS JUDICIALES O ESTABLECIDOS POR LA LEY. EL CONDADO DE EL PASO Y EL DEPARTAMENTO DEL SHERIFF SOLO ACTUAN COMO VÍA DE INFORMACIÓN. LOS INTERESADOS HARAN OFERTAS SOBRE LOS DERECHOS, TÍTULO, E INTERESES, SI ES QUE LOS HAY, EN EL INMUEBLE OFRECIDO.**

**LA PROPIEDAD SE VENDE COMO ESTA, DONDE ESTA, Y SIN GARANTÍA ALGUNA, YA SEA EXPRESA O IMPLÍCITA. NI EL CONDADO NI EL DEPARTAMENTO DEL SHERIFF GARANTIZA O HACE ALGUNA REPRESENTACIÓN ACERCA DEL TÍTULO DE LA PROPIEDAD, SU CONDICIÓN, HABITABILIDAD, COMERCIALIZACIÓN, O SU ADECUACIÓN PARA ALGÚN PROPÓSITO EN PARTICULAR. LOS COMPRADORES ASUMEN TODOS LOS RIESGOS.**

**EN ALGUNAS SITUACIONES SE ASUME QUE UN LOTE DE 5 ACRES O MENOS ES PARA USO RESIDENCIAL. SIN EMBARGO, SI LA PROPIEDAD CARECE DE AGUA O SERVICIO DE DESAGÜE, LA PROPIEDAD NO CALIFICA PARA USO RESIDENCIAL. EL POSIBLE COMPRADOR QUE QUIERA MÁS INFORMACIÓN DEBERÁ HACER MÁS INDAGACIONES O CONSULTAR CON UN ABOGADO PRIVADO.**

IN TESTIMONY WHEREOF El Paso County, Trustee has caused these presents to be  
executed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF EL PASO, TRUSTEE**

BY: \_\_\_\_\_  
Sean McGlynn  
Interim City Manager

**STATE OF TEXAS** **X**

**COUNTY OF EL PASO** **X**

This instrument was acknowledged before me on this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_, by Sean McGlynn, Interim City Manager, of the City  
of El Paso.

\_\_\_\_\_  
Notary Public, State of Texas  
Commission Expires: \_\_\_\_\_

After recording return to:

**Miguel Rivera**  
**12225 Tierra Alamo Dr.**  
**El Paso, Texas 79938**