

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

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

AGENDA DATE: July 26, 2016

CONTACT PERSONS/PHONE: Sol Cortez, Assistant City Attorney
Maria O. Pasillas, RTA, City Tax Assessor-Collector

DISTRICT(S) AFFECTED: 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 to **Stayce McClain**, to the following and described parcels:

Lot 24, Block 30, Panorama Village #5, El Paso County, Texas.

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.

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 being sold is referred to as a "struck off" property 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 properties for the full amount of the judgment. 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 resolution 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:** _____

2016 JUL 14 PM 2:24

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 LOT 24, BLOCK 30, PANORAMA VILLAGE #5 EL PASO COUNTY, TEXAS, TO STACYE MCCLAIN, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.

Whereas, by Sheriff's Sale conducted on November 2, 1993, 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 **41st Judicial District Court**, El Paso County, Texas and

Whereas, the sum of SEVEN HUNDRED NINETY EIGHT and 00/xx Dollars (\$798.00), the total amount of the judgment(s) against the property, has been tendered by **Stacye McClain** of Kingsport, Tennessee ("McClain") 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 **Stacye McClain**, 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:

Lot 24, Block 30, Panorama Village #5, El Paso County, Texas.

PASSED AND APPROVED THIS _____ day of _____, 2016.


CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez

Assistant City Attorney

ORDINANCE NO. _____

APPROVED AS TO CONTENT:



for Maria O. Pasillas, RTA

Tax Assessor-Collector

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 **\$798.00** cash in hand paid by

**Stacye McClain
1401 Lakeside Lane
Kingsport, TN 37663**

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. 91-12786**, in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lot 24, Block 30, Panorama Village #5, 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 _____, 20_____.

CITY OF EL PASO, TRUSTEE

BY: _____

Printed Name: Tomás González

City Manager

STATE OF TEXAS

X

COUNTY OF EL PASO

X

This instrument was acknowledged before me on this _____ day of
_____, 20_____, by Tomás González, City Manager, of the City of El
Paso.

Notary Public, State of Texas


Commission Expires: _____

After recording return to:

**Stacye McClain
1401 Lakeside Lane
Kingsport, TN 37663**

MEMORANDUM

DELGADO ACOSTA SPENCER LINEBARGER & PEREZ, LLP

TO: MAYOR AND COUNCIL OF THE CITY OF EL PASO
FROM: CARMEN I. PEREZ, ATTORNEY AT LAW 
DATE: JUNE 22, 2016
RE: RESALE OF PROPERTIES

Attached is a written offer submitted by Ms. Stacye McClain for the struck off properties listed below. The properties were struck off to the City, as Trustee on November 2, 1993. The proposed offers are for the opening bid amount at the time of sale.

Stacye McClain
Offer Amount \$798.00
Lot 24, Block 30, Panorama Village #5, El Paso County, Texas.
ACCT. No.: P208-005-0300-0024

Stacye McClain
Offer Amount \$810.00
Lot 25, Block 30, Panorama Village #5, El Paso County, Texas.
ACCT. NO.: P208-005-0300-0025

The City may consider the offer pursuant to Section 34.05(h) of the Tax Code, which allows the City to sell a property for the total amount of the judgment. The sale of the properties will not require the consent of each taxing entity entitled to receive proceeds from the sale. Maria O. Pasillas, RTA, Tax Assessor/Collector, has recommended that the offer be accepted.

Thank you for your attention to this matter.

OT 3/30/16
December 14, 2015

Delgado, Acosta, Spencer
Linebarger & Perez, LLP
221 North Kansas St., Ste 1400
El Paso, TX 79901
ATTN: Ernestine Torres

JP 3/31/16

Ms. Torres:

I am interested in purchasing the following properties which have been foreclosed on by the taxing jurisdictions due to delinquent taxes and struck off to the City of El Paso:

Suit #: 91-12786 Sale Date: 11/2/1993
Legal Description: Block 30 Panorama Village #5 Lot 25
PID: P208-005-0300-0025
Submitting Bid Amount: \$ 810.00

Legal Description: Block 30 Panorama Village #5 Lot 24
PID: P208-005-0300-0024
Submitting Bid Amount: \$ 798.00

The above bids are for 100% of the struck off amount. I understand that this offer must be accepted by the City Council.

I can be reached by mail at 1401 Lakeside Lane, Kingsport, TN 37663; by email at stacye.mcclain@yahoo.com , or by phone at 423-483-1310.

Thank you for your assistance with this matter. I look forward to hearing from you.

Sincerely,


Stacye McClain

RECEIVED DEC 17 2015