

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

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

AGENDA DATE: August 23, 2016

CONTACT PERSONS/PHONE: Maria O. Pasillas, Tax Assessor-Collector, 212-1737
Carmen Perez, Law Office of Delgado Acosta Spencer Linebarger & Perez, LLP, 533-6637

DISTRICT(S) AFFECTED: 2

SUBJECT:

Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Soluciones Financieras Metro, LLC (SFM), to the following and described parcel:

Lots 25 and 26, Block "D", Grandview Addition, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 894, Page 350, Deed Records of 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:

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 opening bid at the time of sale. If the sale is approved the properties will be put back on the tax rolls to generate revenue.

PRIOR COUNCIL ACTION:

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:

N/A

BOARD / COMMISSION ACTION:

N/A

*****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 LOTS 25 AND 26, BLOCK "D", GRANDVIEW ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AS DESCRIBED IN VOLUME 894, PAGE 350, DEED RECORDS OF EL PASO COUNTY, TEXAS, TO SOLUCIONES FINANCIERAS METRO, LLC (SFM), IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.

WHEREAS, by Sheriff's Sale conducted on June 7, 2016, 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 County Court No.5, El Paso County, Texas and

WHEREAS, the sum of THIRTEEN THOUSAND EIGHT HUNDRED AND SIXTY and 00/xx Dollars (\$13,860.00) has been tendered by Soluciones Financieras Metro, LLC (SFM) of El Paso, Texas ("SFM") 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 Soluciones Financieras Metro, LLC (SFM), 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:

Lots 25 and 26, Block "D", Grandview Addition, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 894, Page 350, Deed Records of El Paso County, Texas.

PASSED AND APPROVED THIS _____ day of _____, 2016.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:

Maria O. Pasillas
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 the governing body of said City, which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of **\$13,860.00** cash in hand paid by

**Soluciones Financieras Metro, LLC (SFM)
258 Chanticleer
El Paso, TX 79915**

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. 2012-DTX04420**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lots 25 and 26, Block "D", Grandview Addition, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 894, Page 350, Deed Records of 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 the 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 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.

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 The City of El Paso, 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:

Soluciones Financieras Metro, LLC (SFM)
258 Chanticleer
El Paso, TX 79915

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: AUGUST 8, 2016
RE: RESALE OF PROPERTIES

Attached is a written offer submitted by Soluciones Financieras Metro, LLC (SFM) for the struck off property listed below. The property was struck off to the City, as Trustee on June 7, 2016. The proposed offer is for the opening bid amount at the time of sale.

Soluciones Financieras Metro, LLC (SFM)
Offer Amount \$13,860.00
Lots 25 and 26, Block "D", Grandview Addition, an Addition to the City of El Paso, El Paso County, Texas, as described in Volume 894, Page 350, Deed Records of El Paso County, Texas.
ACCT. No.: G686-999-000D-8100

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.

Soluciones Financieras Metro, LLC (SFM)

258 Chanticleer

El Paso, TX 79915

Phone: 915.525.0051

Fax: 866.777.9260

Email: Tonyelp@gmail.com or mari7991519@yahoo.com

Issued To: Delgado Acosta Spencer Linebarger, LLP

*7/12/16
ok to present
offer to Council.
MP*

Date: July 12, 2016

By these presents SFM makes a formal offer to purchase the following property which has now been deeded to the City of El Paso, Trustee, To Wit:

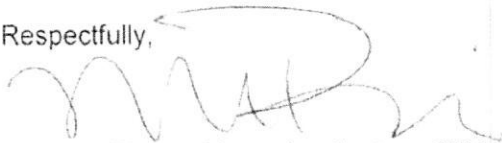
2524 Porter

Suit # 2012-DTX04420 City of El Paso vs Carmen A. Melendez, Et Al

Offer Price : 13,860.00

Please advise at the earliest as to acceptance, mode of payment or other matters at the above numbers.

Respectfully,



Marisela Rivera, Managing Partner SFM

Attachment – Sheriffs Tax Deed