

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

AGENDA DATE: May 7, 2024
PUBLIC HEARING DATE: May 21, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: District No. 8

STRATEGIC GOAL: Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

SUBJECT:

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to the City of El Paso, to the following and described parcel:

The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, an addition to the City El Paso, El Paso County, Texas, as described as Parcel 2, in Volume 2451, Page 1456, Official Public Records of Real Property of El Paso County, Texas; SAVE & EXCEPT however, that certain 0.138-acre tract described in Volume 1719, Page 299, Deed Records of El Paso County, Texas, leaving herein a residue of 0.1607 acres, more or less.

Offer originated from The El Paso Municipal Drainage Utility, by and through El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation ("EPWater").

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.

PRIOR COUNCIL ACTION:

Council has considered this type of item previously.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Tax Office
SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Maria O. Pasillas

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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 The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, El Paso County, Texas, to the **City of El Paso ("City")**, in accordance with Section 34.05(h) of the Tax Code.

WHEREAS, by Sheriff's Sale conducted on November 1, 2011, the below described property was struck off to the City of El Paso, as Trustee, pursuant to a delinquent tax foreclosure decree of the **County Court at Law No.6**, El Paso County, Texas and

WHEREAS, the sum of TWO THOUSAND SIX HUNDRED FORTY-THREE and 00/00 DOLLARS (\$2,643.00) has been tendered by the **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**, all of the right, title, and interest of the City of El Paso as Trustee, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, an addition to the City El Paso, El Paso County, Texas, as described as Parcel 2, in Volume 2451, Page 1456, Official Public Records of Real Property of El Paso County, Texas; SAVE & EXCEPT however, that certain 0.138-acre tract described in Volume 1719, Page 299, Deed Records of El Paso County, Texas, leaving herein a residue of 0.1607 acres, more or less.

PASSED AND APPROVED THIS _____ **day of** _____, 2024.

CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

Laura Prine
City Clerk

APPROVED AS TO FORM:

Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:

Maria O. Pasillas
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 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 **\$2,643.00** cash in hand paid by

**City of El Paso
P.O. Box 1890
El Paso, TX 79950**

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 as Trustee 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. 2018DTX0480**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

The North 140 ft. of Lot 7, Block 4, Buena Vista Addition, an addition to the City of El Paso, El Paso County, Texas, as described as Parcel 2, in Volume 2451, Page 1456, Official Public Records of Real Property of El Paso County, Texas; SAVE & EXCEPT however, that certain 0.138 acre tract described in Volume 1719, Page 299, Deed Records of El Paso County, Texas, leaving herein a residue of 0.1607 acres, more or less.

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: Cary Westin
Interim City Manager

STATE OF TEXAS **X**

COUNTY OF EL PASO **X**

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

Notary Public, State of Texas
Commission Expires: _____

After recording return to:

City of El Paso
P.O. Box 1890
El Paso, TX 79950