

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

AGENDA DATE: June 7, 2022

PUBLIC HEARING DATE: June 22, 2022

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

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

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 property described as Lots Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to Figueroa Holdings, LLC (Figueroa), in accordance with Section 34.05 (h) of the Tax Code. This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in ordinance number 0188480, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property's legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018 for the following described real property: Lot Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, 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?

By Sheriff's Sale conducted on June 6, 1945, 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. On September, 18, 2018 the sum of THIRTEEN THOUSAND and 00/00 Dollars (\$13,000.00) was been tendered by **Figueroa Holdings, LLC** of El Paso, Texas ("**Figueroa**") for the purchase of said property pursuant to Section 34.05 (h)(2), Texas Tax Code Ann. (Vernon, 1996).

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has previously considered closely related items.


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? N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Tax Office
SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD: 

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

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 Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to **Figueroa Holdings, LLC (Figueroa)**, in accordance with Section 34.05 (h) of the Tax Code.

Whereas, by Sheriff's Sale conducted on June 6, 1945, 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, on September, 18, 2018 the sum of THIRTEEN THOUSAND and 00/00 Dollars (\$13,000.00) was been tendered by **Figueroa Holdings, LLC** of El Paso, Texas (“**Figueroa**”) for the purchase of said property pursuant to Section 34.05 (h)(2), Texas Tax Code Ann. (Vernon, 1996); and

Whereas, This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in ordinance number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property’s legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018; and

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 Corrected Quitclaim (Tax Resale) Deed conveying to **Figueroa Holdings, LLC**, 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 Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

(Signatures Begin on Following Page)

PASSED AND APPROVED THIS ____ day of _____, 20 ____.

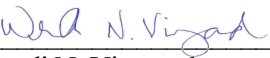
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
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.

CORRECTED 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 **\$13,000.00** cash in hand paid by

**Figueroa Holdings, LLC
708 Dulce Tierra Dr.
El Paso, TX 79912**

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. 56046**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lot Twenty-nine (29) and a portion of Lot Thirty (30) (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, 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 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.

This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC., so named in that instrument, dated September 14, 2018, and recorded in ordinance number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property's legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018.

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

Title: 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:

**Figueroa Holdings, LLC
708 Dulce Tierra Dr.
El Paso, TX 79912**