

RESOLUTION NO. 38-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED PROPERTIES LOCATED AT 312 AND 316 WEST COLLEGE STREET, MESQUITE, TEXAS 75149, TO GERTRUDE JOHANNA SHIELDS FOR A COMBINED PURCHASE PRICE OF \$32,160.00 PLUS CLOSING COSTS AND POST-JUDGMENT TAXES; RATIFYING AND APPROVING THE EXECUTION BY THE CITY MANAGER OF A CONTRACT FOR THE SALE OF SUCH PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO CONSUMMATE THE CLOSING AND SALE OF SUCH PROPERTIES.

WHEREAS, the City of Mesquite, Mesquite Independent School District, and Dallas County (“the Parties”), seek to work together in intergovernmental cooperation to return tax delinquent unproductive properties back to productive use and back to producing tax revenue; and

WHEREAS, the Texas Tax Code permits the foreclosure of a tax lien and sale of real property in order to collect delinquent taxes; and

WHEREAS, on or about July 22, 2004, a judgment was entered in Cause No. 04-40632-T-G, *City of Mesquite and Mesquite Independent School District v. Jessie Wilson a/k/a Jessie Edison Wilson*, in favor of the Parties ordering the foreclosure of tax liens against 312 and 316 West College Street, Mesquite, Texas (the “Judgment”); and

WHEREAS, at the tax foreclosure sale of 312 and 316 West College Street, Mesquite, Texas 75149 (collectively the “Properties”), the Properties were “struck off” to the City of Mesquite to be held in trust for the Parties; and

WHEREAS, the existence of many blighted, abandoned or vacant properties negatively impacts the tax revenues of local taxing units by annually adding to each taxing unit's delinquent tax rolls with little or no chance of ever recovering these assessments; and

WHEREAS, a return of these properties to productivity would encourage revitalization of deteriorating neighborhoods, reduce governmental expenditures on these properties and provide an increased tax base that would thus enhance future tax revenues; and

WHEREAS, the Parties have received an offer by Gertrude Johanna Shields to purchase the Properties for the purchase price of \$32,160.00 plus closing costs and post judgment taxes; and

WHEREAS, the market value of 312 West College Street, Mesquite, Texas 75149, specified in the Judgment is \$14,400.00 and the market value of 316 West College Street, Mesquite, Texas 75149, specified in the Judgment is \$17,600.00 for a combined market value of \$32,160.00; and

WHEREAS, pursuant to Texas Tax Code, Section 34.05(h), consent of the taxing units entitled to receive the proceeds of the sale under the Judgment is not required if the purchase price of the Properties is at least equal to the market value specified in the Judgment; and

WHEREAS, pursuant to Texas Tax Code, Section 34.05(h), since the purchase price of the Properties is the market value specified in the Judgment, consent of the Parties to sell the Properties is not required.

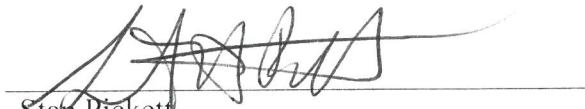
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City of Mesquite, Texas ("City") is hereby authorized to sell the Properties to Gertrude Johanna Shields (the "Purchaser") for a combined purchase price of \$32,160.00 plus closing costs and post-judgment taxes.

SECTION 2. That the City Council hereby ratifies and approves the execution by the City Manager of a contract for the sale of the Properties to the Purchaser for the purchase price set forth in Section 1 above and further hereby authorizes the City Manager to execute any and all other documents necessary or requested to consummate the closing and the sale of the Properties to the Purchaser.

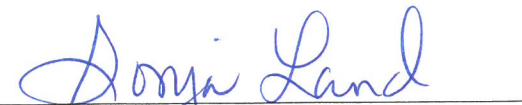
SECTION 3. That the proceeds from the sale of the Properties shall be paid first to the City to reimburse its reasonable costs, if any, pursuant to Texas Tax Code, Section 34.06(c). After retaining the amount authorized by Texas Tax Code, Section 34.06(c), the remaining proceeds of the sale of the Properties, if any, shall be distributed pursuant to Texas Tax Code, Sections 34.06(d) and (e).

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 15th day of August, 2016.



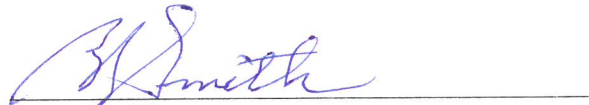
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney