

RESOLUTION NO. 56-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED PROPERTIES LOCATED AT 124 AND 128 WOODBRIDGE WAY, MESQUITE, TEXAS (THE "PROPERTIES"), FOR A COMBINED PURCHASE PRICE OF \$32,000.00, PLUS PRORATED TAXES FOR THE YEAR OF CLOSING; ACCEPTING THE OFFERS OF ALICIA MARIE CHARLES (THE "PURCHASER") TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS DATED JUNE 17, 2016, EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTIES.

WHEREAS, the City of Mesquite, Texas ("City"), the Mesquite Independent School District ("MISD"), and Dallas County, Texas ("Dallas County") (sometimes collectively 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 the sale of real property in order to collect delinquent taxes; and

WHEREAS, on or about January 23, 2013, a judgment was entered in Cause No. TX-12-40249, *City of Mesquite and Mesquite ISD vs. G. Dean Wright, Jr. aka Gerald Dean Wright, Jr. and Lorie E. Wright*, in favor of the Parties ordering the foreclosure of tax liens against 128 Woodbridge Way, Mesquite, Texas; and

WHEREAS, on or about January 30, 2013, a judgment was entered in Cause No. TX-12-40284, *City of Mesquite and Mesquite ISD vs. G. Dean Wright, Jr., aka Gerald Dean Wright, Jr. and Lori E. Wright*, in favor of the Parties ordering the foreclosure of tax liens against 124 Woodbridge Way, Mesquite, Texas; and

WHEREAS, 124 Woodbridge Way, Mesquite, Texas ("124 Woodbridge Way"), and 128 Woodbridge Way, Mesquite, Texas ("128 Woodbridge Way"), are hereinafter sometimes collectively referred to as the "Properties"; and

WHEREAS, at the tax foreclosure sales of the Properties, the Properties were "struck off" to the City to be held on the City's behalf and as trustee for the other Parties; and

WHEREAS, the existence of blighted, abandoned or vacant tax delinquent properties negatively impacts the tax revenues of local taxing units by annually adding to each taxing unit's delinquent tax rolls; and

WHEREAS, a return of delinquent tax 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, pursuant to Texas Tax Code §34.05(j), a tax foreclosed property may be sold at a private sale for an amount equal to or greater than its market value, as shown by the most recent certified appraisal roll, if: (i) the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value; and (ii) each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount; and

WHEREAS, Alicia Marie Charles (the "Purchaser") has made an offer to purchase 124 Woodbridge Way for the purchase price of \$16,000.00, as more fully set forth in an Offer and Purchase Agreement executed by the Purchaser dated June 17, 2016 (the "124 Woodbridge Way Offer and Purchase Agreement"); and

WHEREAS, the Purchaser has made an offer to purchase 128 Woodbridge Way for the purchase price of \$16,000.00, as more fully set forth in an Offer and Purchase Agreement executed by the Purchaser dated June 17, 2016 (the "128 Woodbridge Way Offer and Purchase Agreement"); and

WHEREAS, the 124 Woodbridge Way Offer and Purchase Agreement and the 128 Woodbridge Way Offer and Purchase Agreement are hereinafter collectively referred to as the "Offer and Purchase Agreements"; and

WHEREAS, 124 Woodbridge Way and 128 Woodbridge Way are each valued at \$15,000.00 on the Dallas Central Appraisal District's most recent certified appraisal roll; and

WHEREAS, the total amount of the judgment relating to 124 Woodbridge Way is \$26,818.16, plus post-judgment taxes, penalties and interest; and the total amount of the judgment relating to 128 Woodbridge Way is \$28,133.25, plus post-judgment taxes, penalties and interest; and

WHEREAS, the offer by the Purchaser to purchase 124 Woodbridge Way for the purchase price of \$16,000.00 is greater than the Dallas Central Appraisal District's market value of 124 Woodbridge Way and the amount of the judgment plus post-judgment taxes, penalties and interest relating to 124 Woodbridge Way exceeds 124 Woodbridge Way's market value; and

WHEREAS, the offer by the Purchaser to purchase 128 Woodbridge Way for the purchase price of \$16,000.00 is greater than the Dallas Central Appraisal District's market value of 128 Woodbridge Way and the amount of the judgment plus post-judgment taxes, penalties and interest relating to 128 Woodbridge Way exceeds 128 Woodbridge Way's market value; and

WHEREAS, the proposed sale of each of the Properties meets the conditions of Texas Tax Code §34.05(j); and

WHEREAS, pursuant to Texas Tax Code §34.05(k), a sale pursuant to §34.05(j) will discharge and extinguish all liens foreclosed by the judgment and all post-judgment taxes, penalties and interest, except for prorated taxes for the year of closing; and

WHEREAS, a sale of the Properties pursuant to Texas Tax Code §34.05(j) requires the consent of all taxing units entitled to proceeds of the sale of the Properties; and

WHEREAS, Dallas County approved the sale of the Properties on December 6, 2016, and the MISD approved the sale of the Properties on December 12, 2016.

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

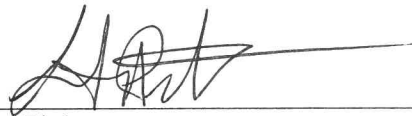
SECTION 1. That the City hereby accepts the Purchaser's offer to purchase 124 Woodbridge Way for the purchase price of \$16,000.00 and accepts the Purchaser's offer to purchase 128 Woodbridge Way for the purchase price of \$16,000.00.

SECTION 2. That the City is hereby authorized to sell the Properties to the Purchaser for a combined purchase price of \$32,000.00, plus prorated taxes for the year of closing.

SECTION 3. That the City Council hereby ratifies and approves the terms and conditions of the Offer and Purchase Agreements and further hereby authorizes the City Manager to execute and deliver to the Purchaser Quitclaim Deeds and all other documents necessary or requested to complete the closing and the sale of the Properties to the Purchaser.

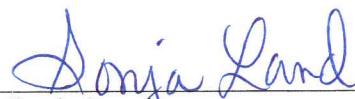
SECTION 4. That the proceeds from the sale of the Properties shall be paid first to the City to reimburse the City's reasonable costs, if any, pursuant to Texas Tax Code §34.06(c). After retaining the amount authorized by Texas Tax Code, §34.06(c), the remaining proceeds of the sale of the Properties, if any, shall be distributed pursuant to Texas Tax Code §§34.06(d) and (e).

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 19th day of December, 2016.



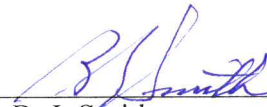
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney