

RESOLUTION NO. 24-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE PURCHASE AND SALE OF A TAX-FORECLOSED PROPERTY LOCATED AT 3101 OATES DRIVE, MESQUITE, TEXAS (THE "PROPERTY"); AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING, PURCHASE AND SALE OF THE PROPERTY.

WHEREAS, the City of Mesquite, Texas ("City"), the Mesquite Independent School District ("MISD"), and Dallas County, Texas, on its behalf and on behalf of the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund (collectively "Dallas County"), seek to work together in intergovernmental cooperation to return tax delinquent unproductive properties back to productive use; 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, at the tax foreclosure sale of the property located at 3101 Oates Drive, Mesquite, Texas (the "Property"), the Property was "struck off" to the City to be held on the City's behalf and as trustee for MISD and Dallas County; and

WHEREAS, the Property is needed by the City: (i) for drainage, electric power and communication lines and other utility improvements associated with the Gus Thomasson Road reconstruction project; (ii) to provide the public with rear access to the entire block north of Oates Drive as required by City development codes; (iii) to provide the public with ingress and egress to planned communal parking on 4545 Gus Thomasson Road; and (iv) to provide the public with pedestrian bridge access across the existing drainage channel to 4545 Gus Thomasson Road and dedicated pathways that are part of the Gus Thomasson Road reconstruction project (collectively the "Public Purpose"); and

WHEREAS, pursuant to Texas Tax Code §34.05(h), a tax foreclosed property may be sold at a private sale without the consent of each taxing unit entitled to receive proceeds of the sale if the property is sold for an amount equal to or greater than the lesser of: (i) the market value specified in the judgment, or (ii) the total amount of the judgment; and

WHEREAS, pursuant to Texas Tax Code §34.05(h), the sale of the Property will be subject to: (i) the payment of post-judgment taxes, penalties and interest, if any; and (ii) prorated taxes for the year of closing, if any; and

WHEREAS, Staff recommends the Property be purchased by the City for the market value specified in the judgment of \$57,170.00 plus the post-judgment taxes, penalties and interest of \$2,130.61, for the Public Purpose more fully set forth above; and

WHEREAS, it is in the public interest of the citizens of the City that the City Council approve the purchase and sale of the Property upon the terms more fully set forth herein.

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

SECTION 1. That the City Council authorizes the City to purchase the Property for the purchase price of \$57,170.00, plus post-judgment taxes, penalties and interest in the sum of \$2,130.61.

SECTION 2. That the City Council authorizes the City Manager to execute all drainage, ingress, egress, access, and electric power and communication line and other utility easements and rights of way on the Property and adjacent properties necessary or requested in connection with the Gus Thomasson Road reconstruction project including, without limitation, an easement and right of way to Oncor Electric Delivery Company, LLC, a Delaware limited liability company.

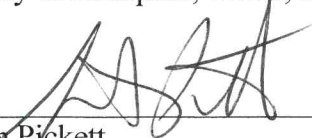
SECTION 3. That the City Council authorizes the sale of the Property to the City pursuant to Tax Code §34.05(h) for the purchase price equal to the market value specified in the judgment of \$57,170.00, plus post-judgment taxes, penalties and interest in the sum of \$2,130.61.

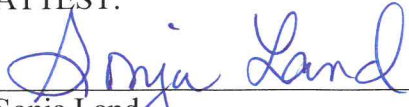
SECTION 4. That the City Manager is hereby authorized to execute a quitclaim deed and all other documents necessary or requested to complete the closing, sale and purchase of the Property.

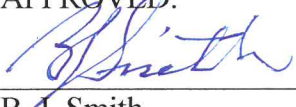
SECTION 5. That the Property sold pursuant to the authority granted by this resolution shall be sold subject to: (i) the prior owners' remaining right of redemption, if any; (ii) prorated taxes for the year of closing, if any, and (iii) post-judgment taxes, penalties and interest, if any.

SECTION 6. That the proceeds from the sale of the Property shall be distributed first to the City to reimburse the City's reasonable costs, if any, permitted 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 Property 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 3rd day of July, 2017.

  
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Stan Pickett  
Mayor

ATTEST:  
  
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Sonja Land  
City Secretary

APPROVED:  
  
\_\_\_\_\_  
B.J. Smith  
City Attorney