

RESOLUTION NO. 46-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE PURCHASE AND SALE OF MULTIPLE TAX-FORECLOSED PROPERTIES LOCATED IN MESQUITE, TEXAS (THE "PROPERTIES"); AND AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING, PURCHASE AND SALE OF THE PROPERTIES.

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 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, at the tax foreclosure sales of the properties described in Exhibit "A" attached hereto and made a part hereof for all purposes (individually a "Property" and collectively the "Properties"), the Properties were "struck off" to the City to be held on the City's behalf and as trustee for MISD and Dallas County; and

WHEREAS, the Properties are needed by the City for drainage improvements; 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:

- (1) the market value specified in the judgment; or
- (2) the total amount of the judgment; 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:

- (1) the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value; and
- (2) each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount; and

WHEREAS, the Properties sold pursuant to Texas Tax Code §34.05(h) will include the payment of post-judgment taxes, penalties and interest; 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, the City's offers to purchase the Properties for a total of \$76,170.00 are more fully set forth in Exhibit "A"; and

WHEREAS, the proposed sale of each of the Properties meets the conditions of either Texas Tax Code §34.05(h) or §34.05(j) as shown in the Exhibit "A"; and

WHEREAS, the sale of any Property pursuant to Texas Tax Code §34.05(h) does not require the consent of the other taxing units, however, the sale of any of the Properties pursuant to Texas Tax Code §34.05(j) does require the consent of all taxing units entitled to proceeds of the sale of such Properties; and

WHEREAS, on September 11, 2017, MISD's Board of Trustees approved the sale of the Properties to be sold pursuant to Texas Tax Code §34.05(j) by Resolution; and

WHEREAS, on September 19, 2017, the Dallas County Commissioner's Court approved the sale of the Properties to be sold pursuant to Texas Tax Code §34.05(j) by Court Order 2017-1203; and

WHEREAS, it is in the public interest of the citizens of Mesquite that the City Council approve the purchase and sale of the Properties upon the terms and conditions 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 hereby authorizes the City to purchase the Properties listed in Exhibit "A" for the prices set forth in Exhibit "A."

SECTION 2. That the City Council authorizes the sale of 701 Military Parkway, Mesquite, Texas, to the City pursuant to Texas Tax Code §34.05(h) for the purchase price of \$22,970.00, which is the market value specified in the judgment, plus post-judgment taxes, penalties and interest.

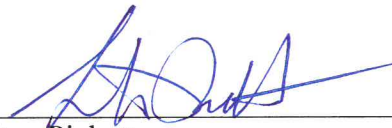
SECTION 3. That the City Council authorizes the sale of the remaining Properties to the City pursuant to Texas Tax Code §34.05(j) for the offer amounts set forth on Exhibit "A" which are the current market values of the remaining Properties according to the Dallas Central Appraisal District.

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

SECTION 5. That all Properties sold pursuant to the authority granted by this resolution shall be sold subject to the prior owners' remaining right of redemption, if any. The sale of any Property pursuant to Texas Tax Code §34.05(h) shall also be subject to post-judgment taxes, penalties and interest.

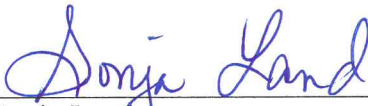
SECTION 6. That the proceeds from the sales of the Properties shall be paid first to the City to reimburse the City's reasonable costs, if any, pursuant to Texas Tax Code §34.06(c). After retaining the amount authorized by Texas Tax Code, §34.06(c), the remaining proceeds of the sale of the Properties, 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 2nd day of October, 2017.



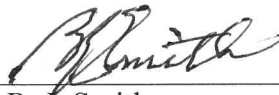
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney

Exhibit "A" - Tax Foreclosure Properties the City of Mesquite is Purchasing for Future Drainage Projects

PROPERTY ADDRESS	CAUSE # / JUDGMENT DATE	TAX YEARS INCLUDED IN JUDGMENT (CO/CITY/SCHOOL)	DATE OF SHERIFF'S SALE	CURRENT DCAD VALUE	MARKET VALUE IN JUDGMENT	OFFER AMOUNT	POST-JUDGMENT TAXES OWED, if applicable, with an October 2017 closing date	OFFER AMOUNT + POST-JUDGMENT TAXES, if applicable	PROPOSED SALE TO BE TAX CODE
100 Clary Drive	TX-14-41526 07/25/2015	County: 1994-2014 City: 1995-2014 MISD: 1995-2014	1/5/2016	\$ 25,200.00	\$ 25,200.00	\$ 25,200.00	\$ -	\$ 25,200.00	34.05(j)
1430 Melton Lane	TX-13-31505 1/5/2015	County: 2000-2013 City: 2000-2013 MISD: 2000-2013	6/2/2015	\$ 13,000.00	\$ 11,980.00	\$ 13,000.00	\$ -	\$ 13,000.00	34.05(j)
701 Military Parkway	TX-12-30118 2/18/2013	County: 1998-2012 City: 1997-2012 MISD: 1997-2012	10/7/2014	\$ 45,940.00	\$ 22,970.00	\$ 22,970.00	\$ 1,999.14	\$ 24,969.14	34.05(h)
1425 Woodcrest Drive	TX-08-40802 2/4/2010	County: 1993-2009 City: 1993-2009 MISD: 1993-2009	7/6/2010	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ -	\$ 15,000.00	34.05(j)

\$ 76,170.00 \$ 1,999.14 \$ 78,169.14