

RESOLUTION NO. 11-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF FIVE TAX-FORECLOSED PROPERTIES LOCATED AT 3545 ANTILLES DRIVE, 4700 HARPER DRIVE, 2717 OATES DRIVE, 4601 SAN MARCOS AVENUE AND 4528 SHERWOOD DRIVE IN MESQUITE, TEXAS (THE "PROPERTIES"), ACCEPTING THE OFFERS FROM THE PURCHASERS TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS EXECUTED BY THE PURCHASERS SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS 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, 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 existence of blighted, abandoned or vacant tax delinquent properties negatively impacts adjacent property values, citizen quality of life and the tax revenues of local taxing units; and

WHEREAS, a return of delinquent tax properties to productivity would encourage revitalization of deteriorating neighborhoods, improve adjacent property values, 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:

- (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, 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, offers to purchase the Properties for the prices more fully set forth in Exhibit “A” have been submitted to the City; and

WHEREAS, the parties submitting the offers more fully set forth in Exhibit “A” (individually, a “Purchaser” and collectively the “Purchasers”) have executed and delivered to the City Offer and Purchase Agreements (individually an “Offer and Purchase Agreement” and collectively the “Offer and Purchase Agreements”) setting forth the terms and provisions of the sale and purchase of the Properties; and

WHEREAS, the proposed sale of each of the Properties meets the conditions of Texas Tax Code §34.05(j) as more fully set forth in Exhibit “A” and require the consent of all taxing entities entitled to proceeds of the sale of such properties; and

WHEREAS, on December 18, 2017, by resolution MISD’s Board of Trustees approved the sales of two properties located at 4700 Harper Drive and 2717 Oates Drive in Mesquite, Texas, to be sold pursuant to Texas Tax Code §34.05(j); and

WHEREAS, on February 12, 2018, by resolution MISD’s Board of Trustees approved the sales of three properties located at 3545 Antilles Drive, 4601 San Marcos Avenue and 4528 Sherwood Drive in Mesquite, Texas, to be sold pursuant to Texas Tax Code §34.05(j); and

WHEREAS, on February 6, 2018, with the passage of Court Order 2018-0164, the Dallas County Commissioners Court approved the sale of the three properties located at 3545 Antilles Drive, 4601 San Marcos Avenue and 4528 Sherwood Drive in Mesquite, Texas, to be sold pursuant to Texas Tax Code §34.05(j); and

WHEREAS, on February 20, 2018, with the passage of the Court Order 2018-0234, the Dallas County Commissioners Court approved the sale of the two properties located at 4700 Harper Drive and 2717 Oates Drive in Mesquite, Texas, to be sold pursuant to Texas Tax Code §34.05(j); and

WHEREAS, it is in the public interest of the citizens of Mesquite that the sales of the Properties are approved by the City Council 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 accepts the offer(s) on the Properties by the Purchaser(s) and for the price(s) set forth in Exhibit “A.”

SECTION 2. That the City Council ratifies and approves the terms and conditions of the Offer and Purchase Agreement(s) executed by the Purchaser(s) of the Properties.

SECTION 3. That the City is hereby authorized to sell the Properties to the Purchaser(s) and for the price(s) set forth in Exhibit "A."

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

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

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 5th day of March, 2018.




Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A" - TAX FORECLOSURE PROPERTY STRUCK OFF TO THE CITY OF MESQUITE AS TRUSTEE FOR MESQUITE INDEPENDENT SCHOOL DISTRICT AND DALLAS COUNTY

PROPERTY ADDRESS	CAUSE # / JUDGMENT DATE	TAX YEARS INCLUDED IN JUDGMENT (CO/CITY/SCHOOL)	DATE OF SHERIFF'S SALE	DCAD TAX ACCOUNT #	"U" or "J"	APPROX LAND SIZE	CURRENT DCAD VALUE	MARKET VALUE IN JUDGMENT	JUDGMENT STRIKE OFF AMOUNT (Total Amount in Judgment including Administrative Fees, Court Fees, Sheriff's Fees & Publication Fees)	OFFER AMOUNT	POST-JUDGMENT TAXES with a February 2018 closing date	OFFER AMOUNT + POST-JUDGMENT TAXES, if applicable	% OF CURRENT DCAD VALUE	PROPOSED SALE TO BE TAX CODE	HIGH BIDDERS
3545 Antilles Drive	TX-13-40387 4/7/2014	County: 1999-2013 City: 2000-2013 MISD: 2000-2013	12/2/2014	38048500130260000	U	7,951 SF	\$ 24,000.00	\$ 16,000.00	\$ 75,338.13	\$ 24,000.00	\$ -	\$ 24,000.00	100%	34.05(j)	Oscar L. Castillo and Jose A. Mendoza Jr.
4601 San Marcos Avenue	TX-15-00298 combined with TX-09-30879, Judgment NUNC PRO TUNC, 9/9/2013 and 4/21/2016, MISD: 1995-1998 respectively (Judgment date prior to Judgment NUNC PRO TUNC IS 8/4/2010)	County: 1991-1993 County: 1997-2015 City: 1988-1993 City: 1995-1998 City: 2000-2015 MISD: 1988-1993 MISD: 1995-1998 MISD: 2000-2015	8/2/2016	38027500150130000	U	9,020 SF	\$ 22,000.00	\$ 15,000.00	\$ 98,324.39	\$ 22,000.00	\$ -	\$ 22,000.00	100%	34.05(j)	Salvador Cuevas and Carmen Cuevas
4528 Sherwood Drive	TX-14-40290 8/14/2015	County: 2010-2014 City: 2010-2014 MISD: 2010-2014	3/1/2016	38027500120130000	U	8,191 SF	\$ 22,000.00	\$ 42,400.00	\$ 28,622.38	\$ 22,000.00	\$ -	\$ 22,000.00	100%	34.05(j)	Jose A. Mendoza Jr. and Oscar L. Castillo
4700 Harper Drive	TX-15-00905 combined with TX-09-31596, 12/30/2015 and 11/8/2010, respectively	County: 2004-2014 City: 1997-2014 MISD: 1997-2014	6/7/2016	38037500060010000	U	9,423 SF	\$ 25,000.00	\$ 16,000.00	\$ 90,314.38	\$ 26,000.00	\$ -	\$ 26,000.00	104%	34.05(j)	Oscar Castillo
2717 Oates Drive	TX-12-30122 4/17/2013	County: 2002-2012 City: 1999-2012 MISD: 1999-2012	5/3/2016	65146125710130000	U	13,515 SF	\$ 30,410.00	\$ 30,410.00	JUDGMENT \$27,280.87 POST JUDGMENT TAXES \$4,851.01 TOTAL \$32,131.88	\$ 30,410.00	\$ -	\$ 30,410.00	100%	34.05(j)	Jose A. Mendoza and Jose A. Mendoza, Jr.